

# **Perry Estate Special Committee Report**

**Hancock Neighborhood Association**

**Table of Contents**

**Page**

- **Introduction & History of the Perry Estate Special Committee**
  - o Formation of the Perry Estate Special Committee.....4
  - o Perry Committee Members.....4
  - o Perry Committee Charge.....4
  - o Extension of the Committee's Charge to March 20<sup>th</sup>, 2013.....4
  - o Please Pay Your Association Dues So Your Vote Will Count.....4
  - o What to Expect at the Special Called Meeting of the Perry Estate Committee to be held on February 20<sup>th</sup>, 2013.....5
  - o History of Special Committee Meetings.....5
  - o How We Collected Neighborhood Feedback to Present to the Developer.....6
  
- **Existing Zoning & Use Entitlements for the Commodore Perry Estate**
  - o Defining the Current Zoning Classification for the Perry Estate Property: SF-3-CO-NP.....7
  - o What is a Neighborhood Plan Combining District.....7
  - o What are the Existing Conditional Overlays for the Perry Estate Property.....8
  - o What are the Permitted Residential Uses under the Current Zoning classification for the Perry Estate Property.....9
  - o What is the One Conditionally Permitted Commercial Use under the Current Zoning classification for the Perry Estate Property.....9
  - o What are the Permitted Agricultural Uses under the Current Zoning Classification for the Perry Estate property.....10
  - o What are the Permitted Civic Uses under the Current Zoning Classification for the Perry Estate Property.....11
  - o What are the Conditionally Permitted Civic Uses under the Current Zoning Classification for the Perry Estate Property.....12
  
- **Clark Lyda's Development Narrative.....14**
  
- **What is the Developer Proposing:**
  - o The Developer's Zoning and Development Standards Document for the Change of Use and Re-zoning of the Commodore Perry Estate.....16
  - o Land Use Definitions for the Developer's Proposed Uses.....25
  
- **Other Related, Attached Documents:**
  - o From the City of Austin's Zoning Guide:
    - Zoning Principles.....30
    - Zoning Process.....31
    - Challenging a Zoning Request.....33

**...Table of Contents**

**Page**

- Environmental Noise Study – Summary Report of Environmental Noise Criteria and Recommendations.....36
- Traffic Analysis performed by HDR Engineering, Inc.....48
- Bird's Eye View of Possible Development Plan.....50
- Bird's Eye View of Residential Buffer Zone along Northern Property Boundary.....53
- Summary of Perry Estate Survey Results.....54

## **1 - Introduction and History of the Perry Estate Special Committee**

### **Formation of the Perry Estate Special Committee:**

The Perry Estate Special Committee, or Ad Hoc Committee, was formed on January 18<sup>th</sup>, 2012. The Committee is comprised of the 5 existing members on the Zoning Committee for the neighborhood association plus three (3) additional Hancock Neighbors who live within 200' of the border of the Perry Estate. These three "200' neighbors" on the Perry Estate Special Committee were approved by a vote of those in attendance at the January 18<sup>th</sup>, 2012 meeting of the Hancock Neighborhood Association.

### **Perry Committee Members:**

Reed Henderson (Chair & 200' neighbor), Holly Noelke (200' neighbor), Bruce Fairchild (200' neighbor), Rafi Anuar (Zoning Committee), Bart Whatley (Zoning Committee), Carolyn Palaima (Zoning Committee), Gay Ratliff (Zoning Committee), Linda Guerrero (Zoning Committee), Cody Coe (Zoning Committee).

### **Perry Committee Charge:** (from Jan 2012 HNA Meeting)

The charge to the Committee is to negotiate with the Owner for the development and zoning of the Commodore Perry Estate. The Committee shall make recommendations for the satisfactory agreements and safeguards on land use, and shall address the concerns and requirements identified by HNA members. Final adoption of the plan will be voted on by the general membership at a future meeting. The ad hoc Committee will be dissolved the earlier of an affirmative vote on the plan by the general members of the HNA at a regular or special meeting or the third Wednesday of January 2013.

### **Extension of the Committee's Charge to March 20<sup>th</sup>, 2013:**

At the January 16<sup>th</sup> meeting of the full membership of the Hancock Neighborhood Association, the Perry Estate Special Committee's charge was extended to **March 20<sup>th</sup>, 2013**, by majority vote of those in attendance. At the March 20<sup>th</sup>, 2013 meeting of the full membership of the Hancock Neighborhood Association, which will be held at the Hancock Recreation Center, a vote will be taken on whether or not to approve the Developer's proposed Development and Zoning Standards for the rezoning and redevelopment of the Commodore Perry Estate.

### **Please Pay Your Association Dues So Your Vote Will Count:**

You must be a paying member of the Hancock Neighborhood Association to vote. Dues are \$5 per household and are effective for each calendar year. Dues must be renewed each year on or after January 1<sup>st</sup> and will be effective until December 31<sup>st</sup> of the year for which they were paid. You can pay your dues online by clicking on the "Join" link on the Neighborhood's website.

<https://www.hancockna.org/www/node/6>

### **What to Expect at the Special Called Meeting of the Perry Estate Committee to be held on February 20<sup>th</sup>, 2013:**

It is important to note that one month prior to the March 20<sup>th</sup>, 2013 meeting, there will be a Special Called Meeting of the Perry Estate Special Committee to be held at the Hancock Recreation Center on **February 20<sup>th</sup>, 2013**. No vote will be taken at the February 20<sup>th</sup> meeting. This meeting will be for informative purposes only.

At this meeting on February 20<sup>th</sup>, 2013, the owner and proposed developer for the Commodore Perry Estate, Mr. Clark Lyda, will present to those in attendance his proposed Development and Zoning Standards for the rezoning and redevelopment of the Commodore Perry Estate. Mr. Lyda's presentation will be a roughly 15 minute summary of his rezoning and redevelopment proposal. Mr. Chad Himmel, the sound engineer for JE Acoustics, whom was procured by Mr. Lyda to analyze both the existing and projected future sound qualities and levels for the Estate, will also be in attendance to provide an executive summary of his report and recommendation for mitigating projected future sound levels on the property. After Mr. Lyda and Mr. Himmel present and answer questions of those in attendance, Mr. Lyda and his team will leave the room and those neighbors in attendance will have the opportunity for a question and answer session with the Committee members in attendance.

### **History of Special Committee Meetings:**

The committee met either amongst themselves, with City of Austin officials, or with the Owner/Developer, Mr. Clark Lyda, and his attorney, Mr. David Hartman, twenty one (21) times between January 15<sup>th</sup>, 2012 and February 5<sup>th</sup>, 2013.

The early meetings consisted of Mr. Lyda and Mr. Hartman presenting to the committee their initial, proposed re-zoning and re-development guidelines for the Commodore Perry Estate. The committee also spent time in these early months learning the City Processes by which a Change of Use/Zoning for the estate could possibly come to fruition.

More information on a rezoning application and the rezoning process can be found in another section of this report (see Table of Contents). The process for challenging a rezoning application was also studied by the Committee as it may be pertinent for those neighbors in opposition to the developer's plan. The City's guidelines for challenging a re-zoning application can also be found in a later section of this report (see Table of Contents).

Upon gaining a general understanding of Mr. Lyda's proposed re-zoning and re-development guidelines for the Commodore Perry Estate as well as for the City of Austin's method for processing such a request, and/or the City of Austin's method for processing a challenge to such a request, the Committee decided it was time to compile our fellow Hancock Neighbors' feedback as it related to Mr. Lyda's proposed re-zoning and re-development for the Commodore Perry Estate.

### **How We Collected Neighborhood Feedback to Present to the Developer:**

The committee collected feedback from the Hancock neighbors through a variety of media, including the following:

- Oral Statements made by concerned neighbors at open Neighborhood and Special Committee Meetings
- Oral statements provided at private meetings by concerned neighbors to various committee members
- Hand written letters from concerned neighbors which were given to various committee members
- Email Statements made by concerned neighbors to various committee members
- Written, Signed Position Statements given to the Committee by concerned neighbors living within 200' of the border of the Perry Estate
- A Survey that the committee published to gather feedback from neighbors in October, 2012. The purpose of the survey was to of course present information about the proposed development at the Commodore Perry Estate as well as to provide information on various possible land uses and existing zoning categories as they pertain to the proposed development of the Perry Estate Property. (See Table of Contents for survey results posted in another section of this report).

All feedback which the Committee received from neighbors was clearly presented to Mr. Lyda and/or Mr. David Hartman at our meetings. Any restrictions on the proposed zoning and use of the property which the Committee was able to negotiate with Mr. Lyda were developed as a result of the feedback that the Committee received from the neighbors and which we diligently presented to Mr. Lyda. Ultimately, the neighbors will decide by vote on March 20<sup>th</sup>, 2013, whether or not Mr. Lyda's Development and Zoning Standards for the rezoning and redevelopment of the Commodore Perry Estate go far enough in protecting the established values and future goals of the Hancock neighborhood.

## **2 – Existing Zoning and Use Entitlements for the Commodore Perry Estate**

When a neighbor casts his or her vote on March 20<sup>th</sup>, 2013, on whether or not to endorse the proposed Development and Zoning Standards for the re-zoning and re-development of the Commodore Perry Estate, each neighbor should be weighing the proposed changes against the existing zoning and use entitlements for the property. It is important to understand what can be done to the property under its existing zoning and use entitlements so one can make an informed decision on March 20<sup>th</sup>, 2013.

**The Existing Zoning and Use Entitlements for the Commodore Perry Estate are as follows:**

- **Current City of Austin Zoning Classification is SF-3-CO-NP**
  - **SF-3:** Family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.
    - *Source: Section 13-2-45; Ord. 990225-70; Ord. 031211-11*
  - **CO:** The purpose of a conditional overlay (CO) combining district is to modify use and site development regulations to address the specific circumstances presented by a site.
    - **A CO combining district may be used to:**
      - Promote compatibility between competing or potentially incompatible uses
      - Ease the transition from one base district to another
      - Address land uses or sites with special requirements
      - Guide development in unique circumstances
      - *Source: Section 13-2-120; Ord. 990225-70; Ord. 031211-11.*
    - Use and site development regulations imposed by a CO combining district must be more restrictive than the restrictions otherwise applicable to the property.
    - A regulation imposed by a CO combining district may:
      - Prohibit permitted, conditional, and accessory uses otherwise authorized in the base district or make a permitted use a conditional use
      - For a mixed use (MU) combining district, prohibit or make conditional a use that is otherwise permitted by Chapter 25-2, Subchapter E, Section 4.2.1 (Mixed Use Zoning Districts);
      - Decrease the number or average density of dwelling units that may be constructed on the property
      - Increase minimum lot size or minimum lot width requirements
      - Decrease maximum floor to area ratio
      - Decrease maximum height
      - Increase minimum yard and setback requirements

- Decrease maximum building or impervious coverage
  - Restrict access to abutting and nearby roadways and impose specific design features to ameliorate potentially adverse traffic impacts
  - Restrict any other specific site development regulation required or authorized by this title.
  - *Source: Section 13-2-121; Ord. 990225-70; Ord. 031211-11; Ord. 20060518-059.*
- **NP:** Neighborhood planning provides an opportunity for citizens to take a proactive role in the planning process and decide how their neighborhoods will move into the future while addressing land use, zoning, transportation and urban design issues. The purpose of a neighborhood plan (NP) combining district is to allow infill development by implementing a neighborhood plan that has been adopted by the council as an amendment to the comprehensive plan.
- *Source: Ord. 000406-81; Ord. 990225-70; Ord. 031211-11.*
  - The Hancock Neighborhood currently has a Neighborhood Plan Combining District in place. Please reference City of Austin Ordinance #040826-59 to see the Neighborhood Plan Combining District for the Hancock Neighborhood Area.
    - You can find this ordinance on the City's Website: <http://www.cityofaustin.org/edims/document.cfm?id=82818>
  - **The Conditional Overlays that are currently affecting the Perry Estate property can be found in the aforementioned Ordinance #040826-59, and are as follows:**
    - Part 2, on page 7 of the Ordinance shows the Tract which applies to the Perry Estate Property: **Tract #2058** for the address of record at the City, which is 710 E. 41<sup>st</sup> St.
    - Part 7, on page 9 of the Ordinance shows the CO's, or Conditional Overlays, that currently exist for Tract #2058, which are as follows:
      - *The maximum height of a building or structure is 30 feet from the ground level*
      - *A building or structure may not exceed a height of two (2) stories*
- **What are the Allowed Uses under the Current Zoning classification for the Perry Estate Property:**
- The Permitted Residential Uses that fall under the Current Zoning for the Perry Estate Property are as follows:

- **Bed and Breakfast (Group 1):** use of a residential structure to provide rooms for temporary lodging for overnight guests on a paying basis.
  - **Duplex Residential:** use of a site for two dwelling units within a single building, other than a mobile home
  - **Retirement Housing (Small Site):** use of a site for 3 to 12 dwelling units designed and marketed specifically for the elderly, the physically handicapped, or both.
  - **Single Family Attached Residential:** use of a site for two dwelling units, each located on a separate lot, that are constructed with common or abutting walls or connected by a carport, garage, or other structural element.
  - **Single Family Residential:** use of a site for only one dwelling unit, other than a mobile home.
  - **Two Family Residential:** use of a lot for two dwelling units, each in a separate building, other than a mobile home.
  - *Source: All above definitions of Residential Use were provided via the City of Austin's Land Development Code, 25-2-3, which can be found at the following web link:  
[http://www.amlegal.com/nxt/gateway.dll/Texas/austin/the\\_code\\_of\\_the\\_city\\_of\\_austin\\_texas?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin\\_tx\\$anc](http://www.amlegal.com/nxt/gateway.dll/Texas/austin/the_code_of_the_city_of_austin_texas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc)*
- The one Commercial Use that is CONDITIONALLY Allowed under the Current Zoning for the Perry Estate Property is as follows:
    - **Special Use Historic:** use that complies with the requirements of Section 25-2-807 (*Special Use In Historic Districts*)
      - Section 25-2-807 states: This section applies to a site **if**:
        - the structure and land are zoned as a historic landmark (H) or historic area (HD) combining district;
          - **NOTE: The Perry Estate Property is not currently zoned H or HD.**
        - the property is owned and operated by a non-profit entity
        - the property is directly accessible from a street with at least 40 feet of paving

- the site has at least one acre of contiguous land area
  - at least 80 percent of the required parking is on site
  - a single commercial use does not occupy more than 25 percent of the gross floor area
  - civic uses occupy at least 50 percent of the gross floor area
  - the property owner does not discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, age, or physical disability in leasing the property.
  - *Source: All above definitions of Commercial Use were provided via the City of Austin's Land Development Code, 25-2-3, which can be found at the following web link:  
[http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin tx\\$anc=](http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates$fn=default.htm$3.0$vid=amlegal:austin tx$anc=)*
- If not otherwise permitted in the base district, the following are conditional uses on a site described in the immediately preceding section:
- administrative and business offices;
  - general retail sales (convenience);
  - indoor entertainment;
  - restaurant (limited) without drive-in service; and
  - cultural services
  - *Source: Sections 13-2-1 and 13-2-234; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. 031211-41; Ord. 041202-16.*
- The Agricultural Uses that are Allowed under the Current Zoning for the Perry Estate Property are as follows:
    - **Community Garden:** use of a site for growing or harvesting food crops or ornamental crops on an agricultural basis, by a group of individuals for personal or group use, consumption or donation.

- **Urban Farm:** use of an urban site for the production and sale of organic agricultural products.
  - *Source: All above definitions of Agricultural Use were provided via the City of Austin's Land Development Code, 25-2-3, which can be found at the following web link:*  
[http://www.amlegal.com/nxt/gateway.dll/Texas/austin/the\\_code\\_of\\_the\\_city\\_of\\_austin\\_texas?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin\\_tx\\$anc](http://www.amlegal.com/nxt/gateway.dll/Texas/austin/the_code_of_the_city_of_austin_texas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc)
- The Civic Uses that are Allowed under the Current Zoning for the Perry Estate Property are as follows:
- **Communication Service Facilities:** use of a site for the transmission, transfer, or distribution of telephone service and related activities.
  - **Day Care Services (Limited):** use of a site for the provision of daytime care for six persons or less. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.
  - **Family Home:** use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more than six residents who are suffering from orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.
  - **Group Home Class 1 (Limited):** use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for not more than 6 residents and 2 supervisory personnel. This use includes foster homes, congregate living facilities for persons 60 years of age or older, maternity homes, and homes for persons with physical or mental impairments not listed in the description of family home use. Persons with physical or mental impairments are persons whose impairments substantially limit one or more of the persons' major life activities, who have a record of the impairment, or who are regarded as having the impairment, as defined in the Americans with Disabilities Act.

- **Public Primary Education Facilities:** use of a site for a public school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state.
  - **Public Secondary Education Facilities:** use of a site for a public school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state.
  - **Religious Assembly:** use is regular organized religious worship or religious education in a permanent or temporary building. The use excludes private primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities. A property tax exemption is prima facie evidence of religious assembly use.
  - *Source: All above definitions of Civic Use were provided via the City of Austin's Land Development Code, 25-2-3, which can be found at the following web link:  
[http://www.amlegal.com/nxt/gateway.dll/Texas/austin/the\\_code\\_of\\_the\\_city\\_of\\_austin\\_texas?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin\\_tx\\$anc=](http://www.amlegal.com/nxt/gateway.dll/Texas/austin/the_code_of_the_city_of_austin_texas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc=)*
- The Civic Uses that are CONDITIONALLY Allowed under the Current Zoning for the Perry Estate Property are as follows:
- **Club or Lodge:** use of a site for provision of meeting, recreational, or social facilities by a private or nonprofit association, primarily for use by members and guests. This use includes private social clubs and fraternal organizations.
  - **College and University Facilities:** use of a site as an educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree in accordance with the Texas Education Code.
  - **Community Events:** use described in Local Government Code Chapter 334 as permitted for an "approved venue project", except for a hotel, zoological park, museum, or aquarium. The use includes the sale of alcoholic beverages.
  - **Community Recreation (Public):** use of a site for the provision of an indoor or outdoor recreational facility

for use by the general public, but not for economic gain.

- **Community Recreation (Private):** use of a site for the provision of an indoor or outdoor recreational facility for use by residents or guests of a residential development, planned unit development, church, private primary or secondary educational facility, club or lodge, or non-profit organization.
- **Cultural Services:** use of a site for a library, museum, or similar facility.
- **Day Services (General):** use of a site for the provision of daytime care for more than 6 but not more than 20 persons. This use includes nursery schools, pre-schools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.
- **Day Services (Limited):** use of a site for the provision of daytime care for six persons or less. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.
- **Group Home Class 1 (General):** use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for more than 6 but not more than 15 residents and not more than 3 supervisory personnel. This use includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age or older, maternity homes, emergency shelters for victims of crime, abuse, or neglect, and residential rehabilitation facilities for alcohol and chemical dependence.
- **Local Utility Services:** use of a site for the provision of services that are necessary to support the development in the area and involve only minor structures including lines and poles.
- **Private Primary Education Facilities:** use of a site for a private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state.
- **Private Secondary Education Facilities:** use of a site for a private or parochial school offering instruction at the junior and senior high school levels

in the branches of learning and study required to be taught in the public schools of the state.

- **Safety Services:** use of a site for provision of public safety and emergency services, and includes police and fire protection services and emergency medical and ambulance services.
- **Telecommunications Tower:** use of a site for provision of a structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communications.
- **Source:** All above definitions of Civic Use were provided via the City of Austin's Land Development Code, 25-2-3, which can be found at the following web link:  
[http://www.amlegal.com/nxt/gateway.dll/Texas/austin/the\\_code\\_of\\_the\\_city\\_of\\_austin\\_texas?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin\\_tx\\$anc=](http://www.amlegal.com/nxt/gateway.dll/Texas/austin/the_code_of_the_city_of_austin_texas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc=)

### 3 – Clark Lyda's Development Narrative for the Commodore Perry Estate

Perry Estate, LLC  
P.O. Box 161148  
Austin, Texas 78716

February 10, 2013

Dear Neighbors:

As you know, the Perry Estate is one of the few remaining grand estates in Austin. In addition to being the home of "Commodore" Edgar Perry and his family, it was also a second home to many Austin children, including me, during its many lives as a private school, and is remembered fondly by many guests as the home to many weddings and special events since 1928. For these reasons and more, it is one of the centerpieces of Austin's oldest and most vibrant neighborhoods. We believe that the attached development standards for the Estate, which were negotiated and created in conjunction with the HNA Perry Estate Committee, both preserve and honor this history.

When planning the future of the Estate, our main considerations were:

- compatibility with the adjacent neighbors and the larger neighborhood
- preservation of the historic character of the Estate
- sustainability - environmental, economic, and social

The following provisions are common to all proposed uses of site:

- historic zoning of 1928-era structures and sunken garden
- new 8' stone wall and landscape buffer along north and west property lines

- 25' setback from north and west property lines
- residential use only within 100' of north property line
- residential use only west of Waller Creek
- maximum height of 30'/two stories

We have intentionally preserved some flexibility in our zoning proposal so that our ultimate development can be responsive to the market within the confines of the attached development standards, but in every case our proposed development of the Estate includes use of the upper grounds (including the mansion, chapel, and formal gardens) for special events such as weddings, social and charitable events, meetings, retreats, and conferences. The plan also includes a destination farm-to-table fine dining restaurant that will use produce from the urban farm located on the Estate along Waller Creek. We hope you will find that the development standards both minimize and mitigate any perceived negative effects of these uses, for both our adjacent neighbors and the neighborhood as a whole, through a variety of restrictive measures, including the most-advanced and restrictive sound abatement in use in the City of Austin.

Four additional uses are permitted by our zoning proposal, either as standalone uses or in combination: urban village residential, small luxury lodging, senior housing, and educational. Any of these uses would be designed to completely screen themselves from the existing neighbors to the north and west – both visually and aurally – through a combination of walls, landscaped buffers, transitional uses, and sound.

One possible development plan would include approximately 25 single-family residences clustered around the northern and western perimeter of the Estate surrounding approximately 50 small luxury hotel bungalows – individual buildings clustered around courtyards, fountains, and gardens. Both the residential and hotel units would have access to all hotel facilities and services including the special event spaces, restaurant, grounds, room service, and housekeeping. The goal of this plan would be to create a private and lush enclave – a 10-acre urban oasis for residents and guests – in the center of Austin.

Other possible developments would include senior housing and/or educational components, but in any event the resulting development would be residential in scale and appearance and designed to be unobtrusive and compatible with the existing neighborhood.

We look forward to the opportunity to present and discuss the detailed development standards negotiated with your HNA.

Respectfully,

Perry Estate, LLC

By: Clark Lyda

#### **4 - The Developer's Zoning and Development Standards Document for the Change of Use and Re-zoning of the Commodore Perry Estate:**

The committee has seen multiple revisions of this Zoning and Development Standards Document throughout our more than a year's worth of meetings with Mr. Clark Lyda and his attorney, Mr. David Hartman. The committee has sought to negotiate restrictions for the satisfactory agreements and safeguards on land use for the Commodore Perry Estate, and in doing so, the committee has worked diligently to present to Mr. Lyda and Mr. Hartman the feedback which we have been provided by our fellow neighbors. It is that feedback which has helped to shape this document.

The following Zoning and Development Standards Document is representative of Mr. Lyda's proposal for the re-zoning and re-development of the Perry Estate Property.

#### **COMMODORE PERRY ESTATE – ZONING AND DEVELOPMENT STANDARDS**

**Tract 1:** from east property line to middle wall

**Tract 2:** from middle wall to centerline of Waller Creek

**Tract 3:** from centerline of Waller Creek to west property line

#### **Existing Zoning:**

SF-3-CO-NP

#### **Proposed Zoning:**

Tract 1: GR-CO-MU-H-NP

- COs and Restrictive Covenants specific to Tract 1
- Historic zoning for mansion, carriage house, and sunken garden

Tract 2: GR-CO-MU-H-NP

- COs and Restrictive Covenants specific to Tract 2
- Historic zoning for cottage, bowling alley, and bridge

Tract 3: SF-6-CO-MU-NP

- COs and Restrictive Covenants specific to Tract 3

#### **Existing FLUM:**

Civic

#### **Proposed FLUM:**

Tract 1: Mixed Use

Tract 2: Mixed Use

Tract 3: Higher Density Single Family

**Uses:**

The following chart sets forth permitted uses in each tract pursuant to CO to the rezoning ordinance; all other uses will be prohibited.

**PERRY ESTATE -- ZONING USE SUMMARY TABLE**

P = Permitted Use C = Conditional Use Permit X = Not Permitted				
	TRACT 1	TRACT 2	TRACT 3	
Art Gallery	P	P	X	
Art Workshop	P	P	X	
Bed and Breakfast, Group I & II	P	X	X	
Single Family Residential	P	P	P	
Condominium Residential	P	P	P	
Urban Farm	X	P	C*	
Private Primary Educational Facilities	P	P	P	
Private Secondary Educational Facilities	P	P	P	
Hotel-Motel	P	P	X	
Indoor Entertainment	P	X	X	
Restaurant (General)	P	X	X	
Congregate Living	P**	P**	P**	
Group Home, Class I & II	P***	P***	P***	
Religious Assembly	P	P	P	
Conditional Use Permit for Outdoor Entertainment	C	C	X	
Subterranean and Above-Ground Parking	P	P	P	
* Code provides that Urban Farm in SF zoning is conditional use.				
** Required for senior housing uses.				
*** City staff indicates that due to federal law this cannot be restricted via ordinance or public restrictive covenant. Regardless, we will eliminate this use via private restrictive covenant.				

**The following uses otherwise permitted in GR pursuant to City Code shall be prohibited:**

Administrative and Business Offices;; Automotive Rentals; Automotive Repair Services; Automotive Sales; Automotive Washing (of any type); Bail Bond Services; Business or Trade School; Business Support Services; Commercial Off-Street Parking; Communications Services; Consumer Convenience Services; Consumer Repair Services; Drop-Off Recycling Collection Facility; Exterminating Services; Financial Services; Food Preparation; Food Sales; Funeral Services; General Retail Sales (Convenience); General Retail Sales (General); Indoor Sports and Recreation; Medical Offices (exceeding 5k sq. ft. gross floor area); Medical Offices (not exceeding 5k sq. ft. gross floor area); Off-Site Accessory Parking; Outdoor Sports and Recreation; Pawn Shop Services; Pet Services; Printing and Publishing; Professional Office; Research Services; Restaurant (Limited); Service Station; Software Development; Theater; College and University Facilities; Communication Service Facilities; Community Events; Community Recreation (Private); Community Recreation (Public); Counseling Services; Cultural Services; Day Care Services (Commercial); Day Care Services (General); Day Care Services (Limited); Family Home; Guidance Services; Hospital Services. (Limited); Local Utility Services; Public Primary Educational Facilities; Public Secondary

Educational Facilities; Residential Treatment; Safety Services; Telecommunication Tower.

**Development Standards:**

**A. Tracts 1, 2 and 3:**

**1. Height, number/size, impervious cover.**

- a. Maximum building height of a new building or structure is generally 30 feet from finished grade and two stories (except for existing structures on Tract 1, and except for residential structures similar to those depicted on the Ross Chapin residential concept plan on Tract 2), measured in accordance with typical City of Austin methodology. Subterranean parking is not counted as a story in connection with the foregoing two-story height limit.
- b. Maximum impervious cover of total project shall not exceed 45% of gross site area.
- c. Maximum number of units on Tracts 1 and 2 combined shall be 75, and no more than 55 of those may be hotel units. No more than 40 of those hotel units may be located on Tract 2. (*Applicable to Tracts 1 and 2, only*)
- d. Only residential uses are allowed within 100 feet of the north property line of Tracts 1 and 2, except for the easternmost 250' of Tract 1.
- e. Massing of residential buildings within 100' of the north property line:
  - i. Buildings shall be maximum of 2 stories, and shall not exceed 30 feet high from finished grade, measured in accordance with typical City methodology.
  - ii. Buildings shall maintain single-family detached, rowhouse or townhouse massing and scale; units may share common walls.
  - iii. Buildings shall avoid use of continuous or unbroken wall plane along northern building faces.
  - iv. First tier of buildings along north property line must be not more than 80 feet wide, as measured along the side of the buildings that are most parallel to the north property line. Residential buildings within 100' of the northern property line shall not exceed a maximum building size of 10,000 square feet per building and individual buildings shall not contain more than four residential units (*Applicable to Tracts 1 and 2 only*). See Setbacks Exhibit.
- f. Hotel units shall each contain a minimum of 400 sq. ft. of conditioned space per unit. (*Applicable to Tracts 1 and 2, only*)
- g. Residential units shall contain a maximum of 4,500 square feet of conditioned space per unit. Duplexes and triplexes (defined as two or three units sharing a common wall(s) and intended to be occupied by an owner and one or more tenants) shall be prohibited.

**2. Buffering and screening.**

- a. A 25 foot setback shall be established along the north and west property line, regardless of use or zoning of the subject tract. See Setbacks Exhibit.
- b. Existing perimeter stone wall will be restored and preserved.

- c. Following issuance of City permits for construction of residential and/or hotel units, a new 8' high stone wall will be constructed along north and west property lines except in the floodplain. A similar wall or fence will be constructed along the portion of the north and west property line that is in the floodplain to the extent allowed by City regulations.
- d. Construction of new wall/vegetative buffer will be completed as a construction first phase priority within 180 days following commencement of construction of new hotel and/or residential units.
- e. All non-residential mechanical equipment shall be located a minimum of 50' from any off-site single-family lot and ground level mechanical equipment shall be screened by a solid wall at least as tall as the equipment or placed on the opposite side of a building from an adjacent single-family lot. All non-residential roof-mounted/elevated mechanical equipment will be screened from view from any adjacent off-site single-family property.
- f. Any roof deck will be oriented so that occupants do not have views to residences along Park Blvd. and Peck.

**3. Noise.**

- a. Primary demolition and excavation work for new construction will be conducted on an accelerated schedule and completed within 120 days following commencement of construction of new hotel and/or residential units to reduce the period of time that such noise will be generated.
- b. All trash will be picked up during daytime, between the hours of 8:00 a.m. to 8:00 p.m.

**4. Signage.**

- a. Signs proposed for the areas of the site zoned Historic are subject to review by the Historic Landmark Commission. Subject to further review/modification by that Commission where applicable, signs visible from Red River and/or 41<sup>st</sup> Street shall be subject to the following limitations and design standards:
  - i. The site will be entitled to signs visible from the public streets at the following locations with the corresponding restrictions set forth below:
    - 1. Red River service entrance – wall sign mounted flush or projecting from wall or pole
    - 2. Red River main entrance – two wall signs mounted flush or projecting from wall or pole
    - 3. Corner of 41<sup>st</sup> Street and Red River – existing pole sign
    - 4. 41<sup>st</sup> Street mansion sidewalk entrance – wall sign mounted flush or projecting from wall
    - 5. 41<sup>st</sup> Street entrances – two wall signs mounted flush or projecting from wall
  - ii. With the exception of the existing pole sign at the corner of 41<sup>st</sup> Street and Red River, all signs along 41<sup>st</sup> Street shall be mounted flush or projecting from the wall (i.e., no pole signs). With the exception of the existing pole sign at the corner of 41<sup>st</sup> Street and

Red River, no signs along 41st Street shall be illuminated except for the wall sign at the 41st Street mansion pedestrian entrance, which may be illuminated with landscape and/or indirect lighting.

- iii. Wall signs shall not exceed 20 square feet each. Projecting signs shall not exceed 16 square feet each. The maximum letter height shall be 20 inches. The top of any pole or wall sign shall not exceed 14 feet above street grade. The bottom of any projecting sign shall be at least 8 feet above the ground and the top of any projecting sign shall not exceed 14 feet above the ground.
- iv. Sign color and design shall be moderate and in keeping with the architectural character of the property and the residential neighborhood.
- v. Signs shall be constructed of wood, metal, and/or glass – no plastic shall be allowed. No sign shall blink, flash, revolve, move, vary in intensity, or appear to be in motion. Sign illumination shall be evenly distributed and, with the exception of neon tubing, shall be concealed from view.

**5. Other.**

- a. Total vehicle trips shall not exceed 2,000 vehicle trips/day.
- b. Developer to provide letter of credit (LOC) in the amount of \$50,000.00 for the benefit of HNA providing for HNA enforcement costs of private restrictive covenant, and will provide HNA evidence of annual renewal of LOC.
- c. Developer will install a sidewalk, street trees, and landscaping along the west side of Red River St. from 41<sup>st</sup> Street to the north property line, subject to City approval, prior to issuance of certificate of occupancy for new hotel or residential units. (*Applicable to Tract 1 only*).
- d. Developer will install a sidewalk, street trees, and landscaping along the north side of 41<sup>st</sup> Street from Red River St. to the west property line of the site, subject to City approval, prior to issuance of certificate of occupancy of new hotel or residential units. Parallel parking may be incorporated along this same area of 41<sup>st</sup> Street if available public right-of-way will accommodate it, subject to City approval.
- e. Any street trees installed shall be a minimum of 5 caliper inches in diameter measured 4 ½ feet above natural grade, and shall be watered for a minimum two years following installation. Any tree that dies within two years of initial installation will be replaced by tree of minimum 5 caliper inches in diameter measured 4 ½ feet above natural grade.
- f. Developer will seek a license from the City of Austin to allow to irrigate, landscape, and maintain the public right-of-way adjacent to the property on 41<sup>st</sup> Street and Red River Street.
- g. No pole-mounted parking lot or site lights will be used, and no service lights that project onto adjacent property will be used.

**6. Compatibility Restrictions per Land Development Code.**

- a. All development will comply with the Compatibility Provisions set forth in Article 10, City of Austin Land Development Code along north and

west property lines adjacent to single family residences, including without limitation:

- i. No structure may be built within 25 feet of the SF property line.
- ii. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- iii. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent SF property.
- iv. The noise level of mechanical equipment may not exceed 70 db at the property line.
- v. Refuse receptacles, including a dumpster, may not be located 20 feet or less from SF property.
- vi. The location of and access to a permanently placed refuse receptacle, including a dumpster, must comply with guidelines published by the City. The City shall review and must approve the location of and access to each refuse receptacle on the property.
- vii. A highly reflective surface, including reflective glass and a reflective metal roof with a pitch that exceeds a run of seven to a rise of 12, may not be used, unless the reflective surface is a solar panel or copper or painted metal roof.
- viii. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF property.
- ix. No parking or driveways are allowed within 25 feet of SF property line.

**B. Tract 1:**

**1. Height, number/size, impervious cover.**

- a. Maximum indoor seating capacity of restaurant shall be 200.
- b. Maximum number of attendees at an event held at the property will not exceed 350 (including event participants, guests, and employees). Space sufficient for on-site queuing of at least ten vehicles must be provided on site. Adequate on-site parking must be provided to accommodate, or agreements for sufficient overflow off-site parking spaces must be entered into, or other arrangements must be provided (e.g. shuttle van/bus/carpool) to accommodate maximum projected attendees.

**2. Buffering and screening.**

- a. Please see Section A. above for applicable development standards.

**3. Wedding and related outdoor activities, noise.** Outdoor amplified sound and outdoor non-amplified music sound shall be allowed subject to the conditions and restrictions provided below:

- a. Applicant will undertake detailed sound monitoring by a qualified acoustical engineer of all events for a six month period beginning upon issuance of the first certificate of occupancy on Tract 1. Following the initial six month period, the results of the monitoring will be shared with HNA and applicant's use of outdoor amplified sound and outdoor non-amplified music sound shall be reviewed for compliance with standards established hereinbelow, and shall be adjusted and modified if necessary

to achieve the standards. Applicant and HNA will meet every six months thereafter to review performance during the previous six months for compliance with agreed standards.

- b. No outdoor amplified sound or outdoor non-amplified music sound will occur on the property except in the following locations: (1) on the south patio of the Mansion, and (2) in the sunken garden. See outdoor amplified sound location exhibit.
- c. All outdoor amplified sound shall be played through a "house" sound system equipped with programmable, automated noise limiting or sound level management capability that monitors and limits A-weighted noise (dBA) and C-weighted noise (dBC) to the levels listed in Table 1.
- d. All outdoor non-amplified music sound shall be monitored by a "house" sound monitoring system equipped with sound logging capability that monitors A-weighted noise (dBA) and C-weighted noise (dBC) for comparison with the levels listed in Table 1.
- e. Outdoor amplified sound and non-amplified music sound levels shall be measured at two or more different locations, each at a fixed distance from the amplified source(s) and non-amplified stage equaling one or more of the distance values listed in Table 1. Periodic sound data shall be continuously logged over the duration of events to indicate A-weighted noise (dBA) and C-weighted noise (dBC) levels comply with the levels in Table 1. The logging period used for sampling data during continuous monitoring shall be no less than 30 seconds and no greater than 3 minutes. Logged data shall include the recorded levels of LeqA, LmaxA, LeqC and LmaxC, the time of day, the logging period, the averaging time constant (fast/slow), a description of the microphone location, and the distance from microphone to the nearest amplified sound or music sound source. Logged data shall be stored and kept for a minimum of 365 days after it is recorded.
- f. Outdoor noise from indoor amplified sound and non-amplified music sound shall be monitored similarly for comparison with outdoor noise limits.
- g. Non-amplified music instruments that shall be disallowed include the following: brass instruments (trumpet, trombone, french horn, etc.), drums of all types, cymbals, bagpipes, and other instruments that exceed an average level of 85 dBA or 95 dBC measured at a distance of 3 feet during loud (fortissimo) play.
- h. Non-amplified music instruments that are allowed include the following: piano, acoustic guitar, symphonic strings (violin, viola, cello, upright bass), harp, drums played with brushes, woodwinds and brass instruments played with mutes, and other instruments achieving an average noise level of 85 dBA and 95 dBC at a distance of 3 feet during loud (fortissimo) play.
- i. The size of ensembles or groups performing non-amplified music shall be no more than five performers at the same time.

- j. Amplified outdoor sound, including voice, and outdoor non-amplified music sound shall not exceed the following noise levels:

**Table 1:** Allowable Average (Leq) Noise Levels

Distance from loudspeaker or performance source/stage	Day (10:00am-7:00pm)		Evening (7:00pm-10:00pm)	
	LeqA (dBA)	LeqC (dBC)	LeqA (dBA)	LeqC (dBC)
7'	75	85	70	82
17'	70	80	65	77
30'	65	75	60	72
50'	60	70	55	67
100'	55	65	50	62
250'	50	60	45	57

- k. Noise levels in Table 1 are intended to be measured as an equivalent average (Leq) with a ANSI Type 1 or Type 2 sound level meter set to "Fast" averaging (a 1/8-second time constant) for a duration of at least 30 seconds, or up to three (3) minutes, as needed to measure sound that accurately represents continuous and recurring event noise in excess of background sounds that may come from off-site. Peak noise levels (Lmax) may be allowed to exceed the Leq levels in Table 1 by no more than 10 dB. If the sound level meter or monitoring device to be used does not have a "Fast" averaging setting and can only be set to "Slow" averaging (a 1-second time constant) the allowable values shall be reduced by 3 dB.
- l. Hours for outdoor amplified sound shall be no earlier than 10:00am and no later than the following: 8:00 pm Sunday through Thursday, 10:00 pm on Friday and Saturday.
- m. No waivers on restrictions regarding indoor and outdoor amplified sound will be allowed during any music or film festivals held in Travis County, Texas.

**4. Signage.**

- a. Please see Section A. above for applicable development standards.

**5. Other.**

- a. Service vehicles will enter/exit exclusively on Red River.
- b. All service functions will occur inside a gated service court and service building that will be located no more than 50' west of Red River Street.
- c. All deliveries and removals will occur inside the gated service court during daytime hours using bob-tail or smaller vehicles and trash containers will be "swapped" rather than dumped.
- d. All trash will be stored inside the air-conditioned service building.
- e. Access to 41<sup>st</sup> street from Tract 1 shall be limited to a crash gate for secondary emergency access as required by City Code.

**C. Tract 2:**

**1. Height, number/size, impervious cover.**

- a. Please see Section A. above for applicable development standards.

**2. Buffering and screening.**

- a. Please see Section A. above for applicable development standards.
- 3. **Noise.**
  - a. Outdoor amplified sound will be prohibited on Tract 2.
- 4. **Signage.**
  - a. Please see Section A. above for applicable development standards.
- 5. **Other.**
  - a. Service vehicles for hotel uses will enter/exit exclusively on Red River; service vehicles for residential uses will enter/exit from 41<sup>st</sup> Street.
  - b. All service functions for hotel uses will occur inside a gated service court and service building that will be located no more than 50' west of Red River Street.
  - c. All deliveries and removals for hotel uses will occur inside the gated service court during daytime hours using bob-tail or smaller vehicles and trash containers will be "swapped" rather than dumped.
  - d. All trash for hotel uses will be stored inside the air-conditioned service building.
  - e. Access to 41<sup>st</sup> street from Tract 2 for hotel uses shall be limited to a crash gate for secondary emergency access as required by City Code; access to 41<sup>st</sup> Street from Tract 2 for residential uses is permitted.
- 6. **Compatibility Restrictions per Land Development Code.**
  - a. Please see Section A. above for applicable development standards.
- D. **Tract 3:**
  - 1. **Height, number/size, impervious cover.**
    - a. Maximum number of units on Tract 3 shall be nine (9).
    - b. No units may share a common wall.
    - c. Massing of buildings along western property line:
      - i. Buildings shall be maximum of 2 stories, and shall not exceed 30 feet high from finished grade, measured in accordance with typical City methodology.
      - ii. Buildings shall maintain single-family massing and scale along west property line comparable to adjacent residences and surrounding neighborhood.
      - iii. Buildings shall maintain multiple sight lines from west property line to the east; and shall avoid use of continuous or unbroken wall plane along westernmost building faces.
      - iv. First tier of buildings along west property line must be not more than 50 feet wide, as measured along the side of the buildings that are most parallel to the western property line.
      - v. Buildings along west property line must be at least 10 feet apart from another building, as measured from wall face to wall face, and shall face easterly.
  - 2. **Buffering and screening.**
    - a. Please see Section A. above for applicable development standards.
  - 3. **Noise.**
    - a. Outdoor amplified sound will be prohibited on Tract 3.
  - 4. **Signage.**

- a. Please see Section A. above for applicable development standards.
- 5. **Other.**
  - a. Service vehicles will enter/exit from 41<sup>st</sup> Street.

## **This Marks the End of the Developer's Zoning and Development Standards Document**

---

- **City of Austin Land Use Definitions for the PROPOSED, to-be Permitted Residential Uses on the Perry Estate Property:**
  - o **Bed and Breakfast (Groups 1 & 2):** use of a residential structure to provide rooms for temporary lodging for overnight guests on a paying basis.
    - **Note:** Bed and Breakfast Group 1 is currently a permitted use under the property's existing zoning designation. Bed and Breakfast Group 2 is NOT currently permitted under the property's existing zoning classification.
    - **Note:** This use to be permitted on Tract 1 only
  - o **Condominium Residential:** use of a site for attached or detached condominiums, as defined in the Texas Property Code.
    - **Note:** Condominium Residential is NOT currently a permitted use under the property's existing zoning designation.
    - **Note:** This use is to be permitted on all 3 tracts
  - o **Single Family Residential:** use of a site for only one dwelling unit, other than a mobile home
    - **Note:** Single Family Residential is currently a permitted use under the property's existing zoning designation.
    - **Note:** This use to be permitted on all 3 tracts
- **City of Austin Land Use Definitions for the PROPOSED, to-be Permitted Commercial Uses on the Perry Estate Property. Please see the developer's chart regarding permitted uses for each of the three proposed, distinct tracts :**
  - o **Art Gallery:** use of a site for the display or sale of art
    - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
    - **Note:** This use to be permitted on Tracts 1 and 2
  - o **Art Workshop:** use of a site for the production of art or handcrafted goods, and it includes the incidental sale of the art produced.

- **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
    - **Note:** This use to be permitted on Tracts 1 and 2
  - **Hotel-Motel:** use of a site for the provision of rooms for temporary lodging. This use includes hotels, motels, and transient boarding houses.
    - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
    - **Note:** This use to be permitted on Tracts 1 and 2
  - **Indoor Entertainment:** use is a predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.
    - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
    - **Note:** This use to be permitted on Tract 1 only
  - **Outdoor Entertainment:** use is a predominantly spectator use conducted in open, partially enclosed, or screened facilities. This use includes sports arenas, racing facilities, and amusement parks.
    - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
    - **Note:** This is a CONDITIONAL use permit to be applied for on Tracts 1 and 2 only, and that is to be renewed with the City on an annual basis.
    - **Note:** You will find the following restriction in the developer's hand out titled Zoning and Development Standards Document, elsewhere in this report:
      - "No outdoor amplified sound or outdoor non-amplified music sound will occur on the property except in the following locations: (1) on the south patio of the Mansion, and (2) in the sunken garden. See outdoor amplified sound location exhibit."
  - **Restaurant (General):** use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages as an accessory use.
    - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
    - **Note:** This will only be applied to Tract 1
- **City of Austin Land Use Definitions for the PROPOSED, to-be Permitted Agricultural Uses on the Perry Estate Property. Please see the developer's chart regarding permitted uses for each of the three proposed, distinct tracts :**

- **Urban Farm:** use of an urban site for the production and sale of organic agricultural products.
  - **Note:** This use is conditionally permitted under the property's existing zoning designation.
  - **Note:** This use will be Permitted on Tract 2 and will be Conditionally permitted on Tract 3
  
- **City of Austin Land Use Definitions for the PROPOSED, to-be Permitted Civic Uses on the Perry Estate Property. Please see the developer's chart regarding permitted uses for each of the three proposed, distinct tracts :**
  - **Congregate Living:** use of a site for the provision of 24 hour supervision and assisted living for more than 15 residents not needing regular medical attention. This use includes personal care homes for the physically impaired, mentally retarded, developmentally disabled, or persons 60 years of age or older, basic child care homes, maternity homes, and emergency shelters for victims of crime, abuse, or neglect.
    - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
    - **Note:** This use will be permitted on all 3 tracts
  
  - **Group Home Class I (General):** use is the use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for more than 6 but not more than 15 residents and not more than 3 supervisory personnel. This use includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregare living facilities for persons 60 years of age or older, maternity homes, emergency shelters for victims of crime, abuse, or neglect, and residential rehabilitation facilities for alcohol and chemical dependence.
    - **Note:** This use is conditionally permitted under the property's existing zoning designation.
    - **Note: This use will be prohibited via Private Restrictive Covenant...**\*\*\* "City staff indicates that due to federal law this cannot be restricted via ordinance or public restrictive covenant. Regardless, the developer will eliminate this use via private restrictive covenant."
  
  - **Group Home Class I (Limited):** use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for not more than 6 residents and 2 supervisory personnel. This use includes foster homes, congregare living facilities for persons 60 years of age or older, maternity homes, and homes for persons with physical or mental impairments not listed in the description of family home use. Persons with physical or

mental impairments are persons whose impairments substantially limit one or more of the persons' major life activities, who have a record of the impairment, or who are regarded as having the impairment, as defined in the Americans with Disabilities Act.

- **Note:** This use is permitted under the property's existing zoning designation.
  - **Note:** This use will be prohibited via Private Restrictive Covenant...\*\*\* "City staff indicates that due to federal law this cannot be restricted via ordinance or public restrictive covenant. Regardless, the developer will eliminate this use via private restrictive covenant."
- **Group Home Class II:** use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for not more than 15 residents and not more than 3 supervisory personnel. This use includes homes for juvenile delinquents, halfway houses providing residence instead of institutional sentencing, and halfway houses providing residence to those needing correctional and mental institutionalization.
- **Note:** This use is not permitted under the property's existing zoning designation.
  - **Note: This use will be prohibited via Private Restrictive Covenant...**\*\*\* "City staff indicates that due to federal law this cannot be restricted via ordinance or public restrictive covenant. Regardless, the developer will eliminate this use via private restrictive covenant."
- **Private Primary Education Facilities:** use of a site for a private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state.
- **Note:** This use is conditionally permitted under the property's existing zoning designation.
  - **Note:** This use will be permitted on all 3 tracts
- **Private Secondary Education Facilities:** use of a site for a private or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state.
- **Note:** This use is conditionally permitted under the property's existing zoning designation.
  - **Note:** This use will be permitted on all 3 tracts
- **Religious Assembly:** use is regular organized religious worship or religious education in a permanent or temporary building. The use excludes private primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities. A property tax exemption is prima facie evidence of religious assembly use.

- **Note:** This use is permitted under the property's existing zoning designation.
- **Note:** This use will be permitted on all 3 tracts

---

## II. ZONING PRINCIPLES

---

The City of Austin has established twelve Zoning Principles as a guide to preserve the compatibility of land uses. City Staff, stakeholders and property owners should use the following principles to evaluate all zoning requests.

- ❖ Zoning should be consistent with the Future Land Use Map (FLUM) or adopted neighborhood plan.
- ❖ Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning.
- ❖ Granting a request for zoning should result in an equal treatment of similarly situated properties.
- ❖ Granting the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.
- ❖ Zoning should allow for a reasonable use of the property.
- ❖ Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.
- ❖ Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.
- ❖ Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.
- ❖ The request should serve to protect and preserve places and areas of historical and cultural significance.
- ❖ Zoning should promote clearly identified community goals such as creating employment opportunities or providing for affordable housing.
- ❖ A change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/or development restrictions for the property.
- ❖ The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

### **III. ZONING PROCESS**

#### **Who can request a rezoning?**

A rezoning may be requested by:

- Property owner
- City Council
- Planning Commission/Zoning and Platting Commission
- Historic Landmark Commission—if the property is proposed to be designated as a historic landmark (H) combining district, or a historic area (HD) combining district.
- A petition of at least 60% of the owners of land in a proposed historic district.

#### **What is the rezoning process?**

An application for rezoning is reviewed by City staff, and then scheduled before the Land Use Commission. All requests that fall within the boundaries of an adopted neighborhood planning area, or an area with a resolution from City Council to move forward with a plan, are scheduled for a public hearing before the Planning Commission. All other zoning requests are scheduled before the Zoning and Platting Commission. Following a public hearing from one of these Commissions, an additional public hearing is scheduled for City Council. City Council will approve or deny the rezoning request.

#### **What happens if my property is rezoned—can I continue my use?**

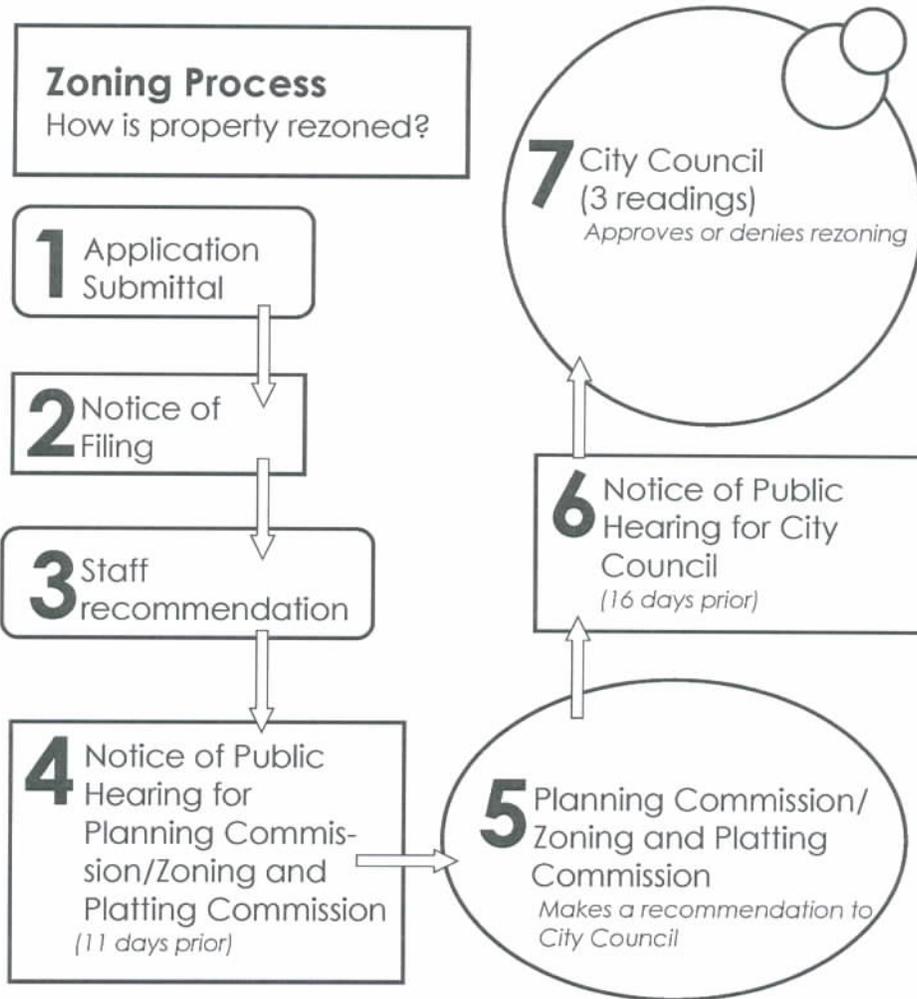
There are cases when a rezoning can result in a nonconforming use. A nonconforming use is the use of any land, building, or structure that does not conform with current applicable regulations, but complied or was not under requirements to comply with regulations at the time the use was established. There are specific code requirements, relating to the discontinuance of a nonconforming use as well as the ability to make any changes to a nonconforming use.

#### **How do I get a copy of an approved zoning ordinance?**

Once City Council approves a zoning request, a copy of the approved ordinance can be obtained through the City Clerk's Office. You can either call and request a copy, or you can perform an online Public Records search.

If a property is rezoned with a conditional overlay (CO) attached to the zoning, you can find the specifics of the CO in the zoning ordinance.

Public records can be accessed through the City Clerk's webpage:  
<http://www.ci.austin.tx.us/cityclerk/default.htm> .



Notices (steps 2, 4 and 6) are sent to property owners, registered community associations, and utility account holders within 500 feet of a property that is being rezoned.

## IV. CHALLENGING A ZONING REQUEST

When a property owner requests a zoning change, nearby neighbors are considered to have a stake in the zoning as well and have the opportunity to challenge the zoning request before City Council. Doing so requires that City Council approve the zoning change by a supermajority, which is a vote of at least 6 out of 7 councilmembers. Please note that petition rights do not apply to interim-zoned property.

### Steps involved in challenging a zoning request:

- a. Work with the property owner or neighborhood to try to reach a compromise, or work through the neighborhood plan process.
- b. Send a letter stating opposition to staff, Planning Commission, and City Council.
- c. Appear at the public hearings at Planning Commission and City Council.
- d. File a zoning petition.

### What is a zoning petition?

A petition is one way a person may oppose a proposed rezoning. A petition may be filed (1) by a property owner opposed to a rezoning of his or her own property or (2) by property owners within 200 feet of the proposed change. In order for a petition by nearby property owners to be considered valid, property owners of 20% or more of the land within 200 feet of the proposed rezoning must sign the petition.



### What is the effect of a petition?

A supermajority vote by City Council (at least 6 out of 7) is required to overturn a valid petition. Without a valid petition, only four votes are required to approve a zoning on one reading, or five votes if more than one reading is considered at the same meeting.

### How to file a petition

A petition should be dated and addressed to the City Council. In order to be legally binding, the first paragraph should read as follows:

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than

\_\_\_\_\_.

After this initial statement, briefly state the reasons for the protest.

This statement should be followed by the signatures of the protesters and their addresses. If a protester signs for other than the owner of record, a Power of Attorney should accompany the petition. Signatures should be in black ink to facilitate reproduction.

Property owner information is obtained from the Travis Central Appraisal District. If there has been a recent sale of the property, the current owners may not be shown. A copy of the deed or closing statement must be furnished with the petition to establish ownership.

Please furnish the name and phone number of a contact person in case there are questions about the petition.

File number and zoning information may be obtained from the Neighborhood Planning and Zoning Department, 505 Barton Springs Rd, Fifth Floor. Although not required, it is also suggested that a numeric printout of the property owners and a copy of that portion of the tax plat showing 200 feet around the area proposed for rezoning be obtained.

The nine-digit parcel number for each property within a 200-foot radius must be determined, as follows:

- The first five digits of the parcel number is the tax plat number.
- The next two digits is the block number. This is the large underlined number shown on each block.
- The last two digits is the lot number. This is the small underlined number on each lot.

This parcel number corresponds to the numbers shown on the property owner printout.

### **Calculating 20% of the property within 200 feet of a rezoning request**

A brief description of the process for determining the validity of a petition is as follows:

- A. Figure square footage of area within 200-foot radius of property being rezoned, excluding property being considered.
- B. Figure each petitioner's area. These areas should include one-half of right-of-way adjacent to the petitioner's property.
- C. Figure percentage: Total of petitioners' area (B) divided by Total area within 200' radius (A).

If (C) is greater than or equal to 20%, the petition is valid.

Condominium projects may protest the rezoning if the petition is signed by the appropriate officer of the governing body of the condominium. An individual condominium owner shall not be included when calculating the petition unless the documents governing the condominium clearly establish the right of an individual owner to act with respect to his or her respective undivided interest in the common elements of the condominium.

**What is the deadline to file a petition?**

The zoning petition shall be filed no later than noon on the Wednesday prior to the 3<sup>rd</sup> Reading of the scheduled item at City Council. However, the petition should be furnished to the Neighborhood Planning and Zoning Department as early as possible prior to the Council hearing so the validity may be determined prior to the bearing.

Perry Estate

Austin, Texas

## Environmental Noise Study – Summary Report of Environmental Noise Criteria and Recommendations

Report No. 12048-02

February 05, 2013

Perry Estate

Austin, Texas

## Environmental Noise Study – Summary Report of Environmental Noise Criteria and Recommendations

Report No. 12048-02

February 05, 2013

Prepared for

Perry Estate, LLC

Submitted by



Chad N. Himmel, PE  
Associate, JEAoustics  
TxBPE Reg. No. 90175

Perry Estate, Austin, Texas

# Environmental Noise Study – Summary Report of Environmental Noise Criteria and Recommendations

February 05, 2013

Chad N. Himmel, PE  
JEAcoustics  
Austin, Texas 78756

Prepared for:  
Perry Estate, LLC

Perry Estate, LLC, retained JEAcoustics (JEA) to provide environmental noise analysis and consultation services for The Perry Estate redevelopment in Austin, Texas. Proposed events at Perry Estate are to include acoustic and amplified music and speech announcements. If event noises are loud enough, they have the potential to disturb sensitive receivers, such as residential areas beyond the property boundaries and residential areas planned for the project site. JEA's scope of services includes a noise study to develop design criteria for outdoor music noise, to determine conditions affecting residential uses on and adjacent to the proposed project, plus development of design recommendations for environmental acoustics and noise control. The primary intents of this study are to determine and recommend noise control measures necessary to (a) conform with existing city ordinance and code noise restrictions, (b) prevent unreasonable interior noise intrusions for residential structures on the property and (c) prevent noise annoyance due to sound transmissions across property boundaries from events held on the site.

In this study, JEA reviewed various indoor and outdoor noise limits and noise assessment procedures,<sup>1,2,3,4,5,6,7,8</sup> and low frequency noise criteria<sup>9,10,11</sup> and information<sup>12,13</sup> available from published references. In addition, JEA conducted a series of ambient noise measurements in the vicinity of Perry Estate to be used as a basis for developing allowable outdoor noise criteria for proposed events and music sounds, in order to prevent disturbance of residents with event sounds. JEA found that typical amplified event music and noise may easily achieve existing city ordinance and code noise restrictions, but that event noises must be managed and limited in order to achieve the suggested noise criteria to prevent disturbances. In other words, city code does not provide a reliable basis for preventing disturbance; much stricter limits are needed and recommended for this project. Noise management and limiting methods must also include methods for limiting low-frequency noise to achieve suggested goals. Limits in terms of A-weighted (dBA) and C-weighted (dBC) sound levels were established for the project in **Table 1**.

**Table 1:** Allowable Average (Leq) Outdoor Event Noise Levels Received at Dwellings

Condition to be prevented most of the time at a dwelling	Day (7am-7pm)		Evening-Night (7pm-7am)	
	LeqA (dBA)	LeqC (dBC)	LeqA (dBA)	LeqC (dBC)
Severe Disturbance	55	65	50	62
Disturbance	50	60	45	57
Audible	40	50	35	47

A detailed sound propagation model of the Perry Estate site and vicinity was constructed to analyze, develop and validate various noise sources and noise limiting solutions. Preliminary noise limiting solutions have been recommended, including the following, which may be used partially or altogether to achieve project goals. Further evaluation and design will be needed by the owner, planners, architects, engineers, and/or sound system designers to determine how the following measures will be implemented to achieve the goals.

- Limit the scheduled hours to daytime only, or strictly limit evening hours and limit the frequency and duration of events.
- Use an electronic sound level management system to limit amplified noise produced by sound systems to levels indicated in **Table 2**. In the evening (7pm-10pm), achieve the equivalent of 55 dBA / 67 dBC or less at a distance of 50 feet from the amplified sound sources; in the daytime (7am-7pm), 60 dBA / 70 dBC.
- Restrict the use of louder non-amplified musical instruments. Establish a detailed list of approved and disallowed instruments based on typical loudness, such as a limit of 85 dBA / 95 dBC at a distance of 3 feet.
- Limit the size of the performing non-amplified ensembles or groups, for example, no more than five performers at the same time.

**Table 2:** Allowable Average (Leq) Outdoor Amplified Sound and Non-Amplified Music Noise Levels

Distance from loudspeaker or performance source/stage	Day (7am-7pm)		Evening (7pm-10pm)	
	LeqA (dBA)	LeqC (dBC)	LeqA (dBA)	LeqC (dBC)
7'	75	85	70	82
17'	70	80	65	77
30'	65	75	60	72
50'	60	70	55	67
100'	55	65	50	62
250'	50	60	45	57

Noise levels are intended to be measured as an equivalent average (Leq) with a sound level meter set to "Fast" averaging (a 1/8-second time constant) for a duration of at least 30 seconds, or up to 3 minutes, as needed to measure sound that accurately represents continuous and recurring Perry Estate event noise in excess of background sounds that may come from off-site. Peak noise levels (Lmax) may be allowed to exceed the Leq levels by no more than 10 dB. If the sound level meter or monitoring device to be used does not have a "Fast" averaging setting and can only be set to "Slow" averaging (a 1-second time constant) the allowable values should be reduced by 3 dB.

- Confirm with practice that sound limiting works, that the amplified and non-amplified noise levels can be monitored without interference from off-site noises from traffic, flyovers, etc., that event participants can enjoy the events with limited sound levels, and that noise levels achieve the intended goals. Conduct listening or sound measurement tests on site to validate results with event music presentation, and engage the community to solicit or gauge their reaction. Adjust event schedules, allowed instruments lists, shielding/enclosure, and sound management system settings if necessary.

Other optional noise mitigation solutions recommended in this report include the following, which could be added to the measures listed above, if needed to achieve goals.

- Design the sound system to have minimal wattage, low volume displacement speakers, and other measures to ensure the system is not capable of producing very loud levels of low-frequency (bass) noise.
- Use shielding structures, lightweight shells, or partial enclosures to direct event sounds away from residential receivers, and arrange speaker orientations facing away from residents.

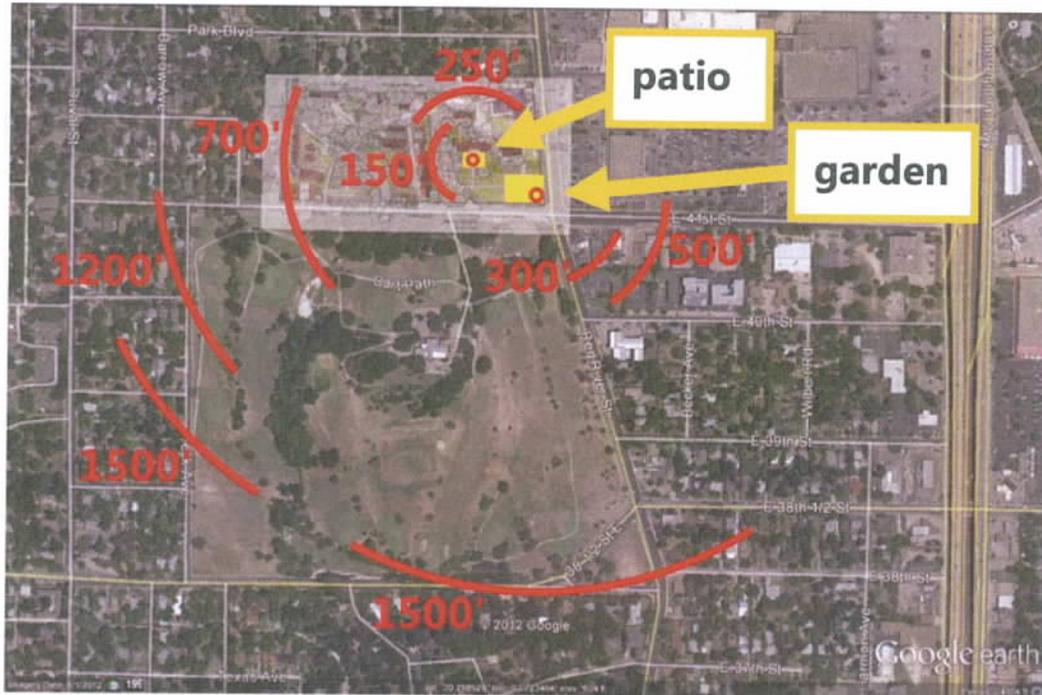
Details regarding this noise study, criteria, analyses, and preliminary recommendations are presented in JEA report 12048-01, December 19, 2012.



Figure 1: Perry Estate Site Plan



Figure 2: Perry Estate and Vicinity

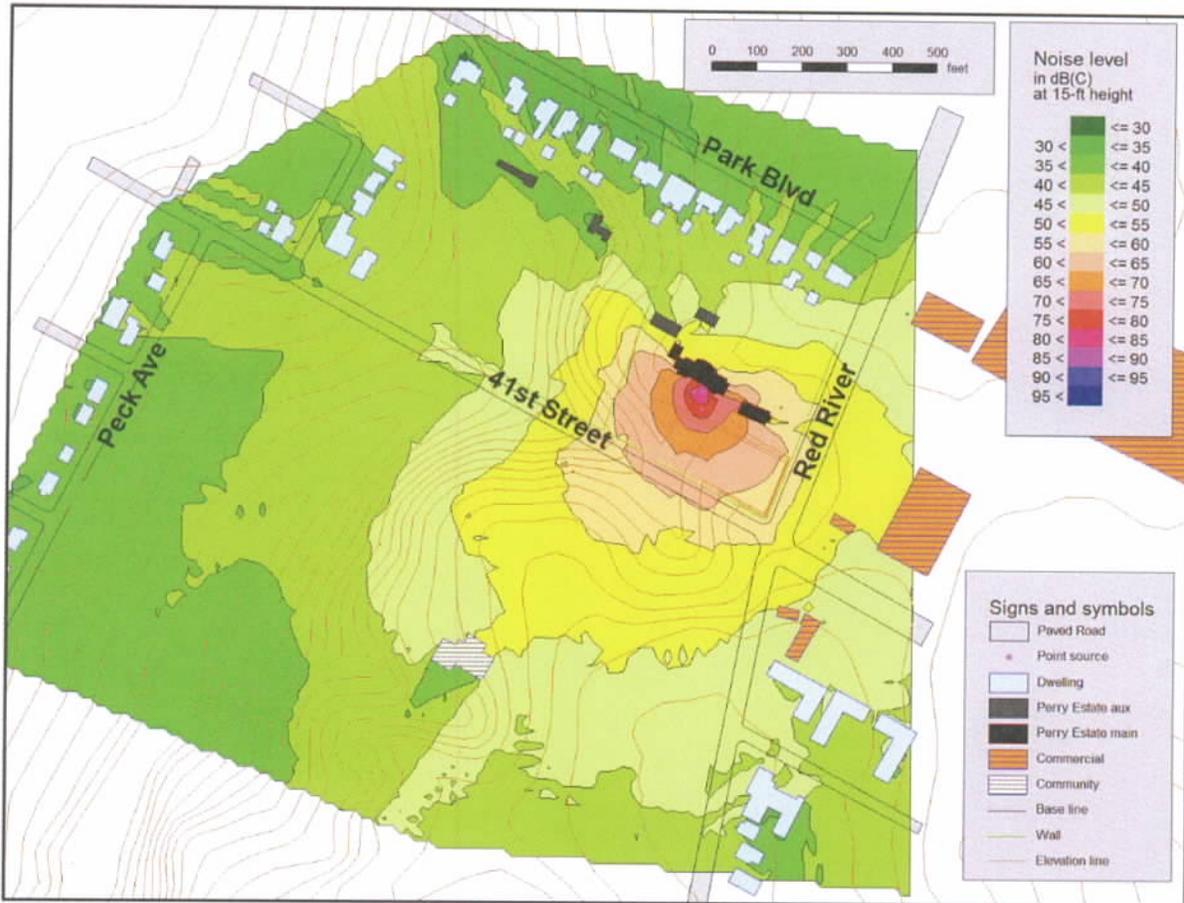


**Figure 3: Event Areas and Distances to Nearest Dwellings**

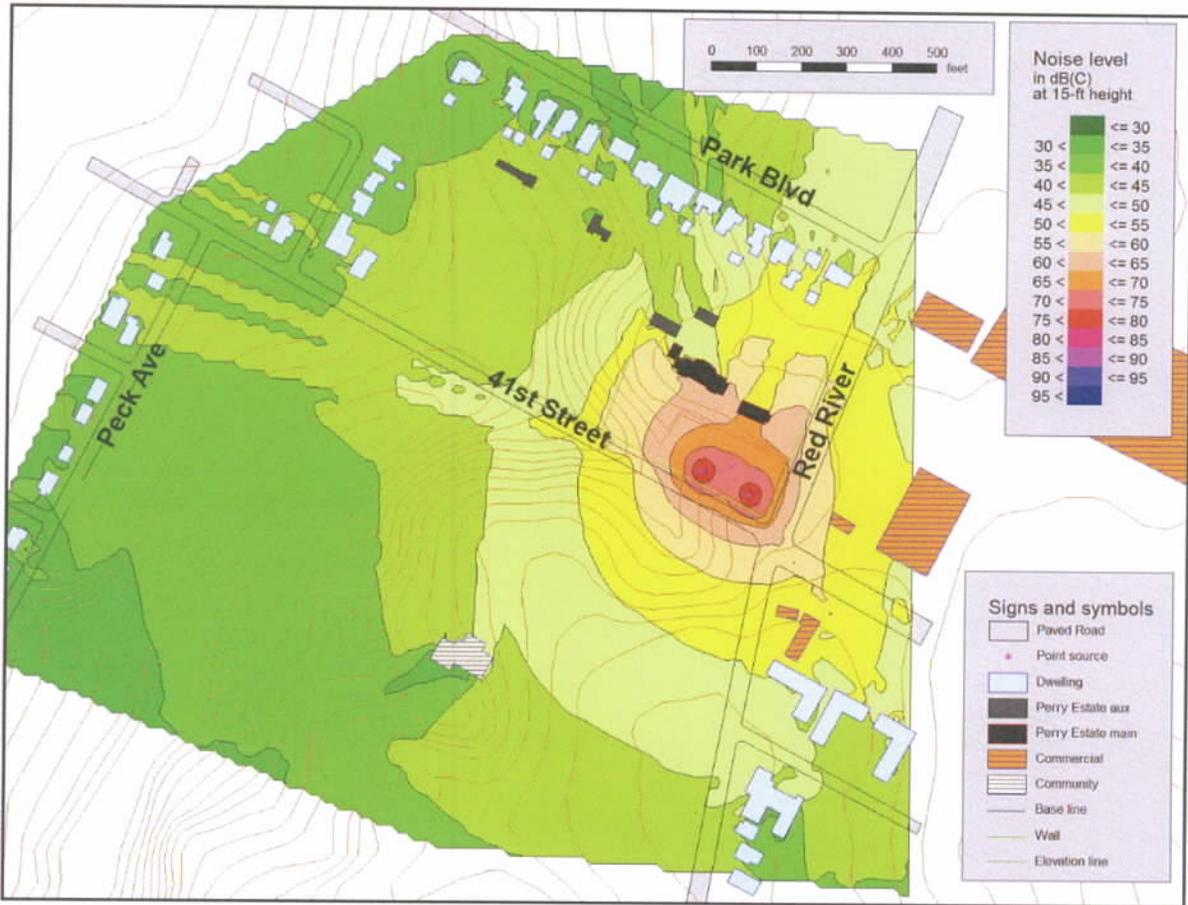


**Figure 4: SoundPLAN Model Configuration**

C-weighted noise contour results (dBC) received at the 2nd floor level for representative amplified and non-amplified events with sound levels limited are shown in the illustrations below. A-weighted (dBA) results exhibit similar propagation, with lower dB values as expected.



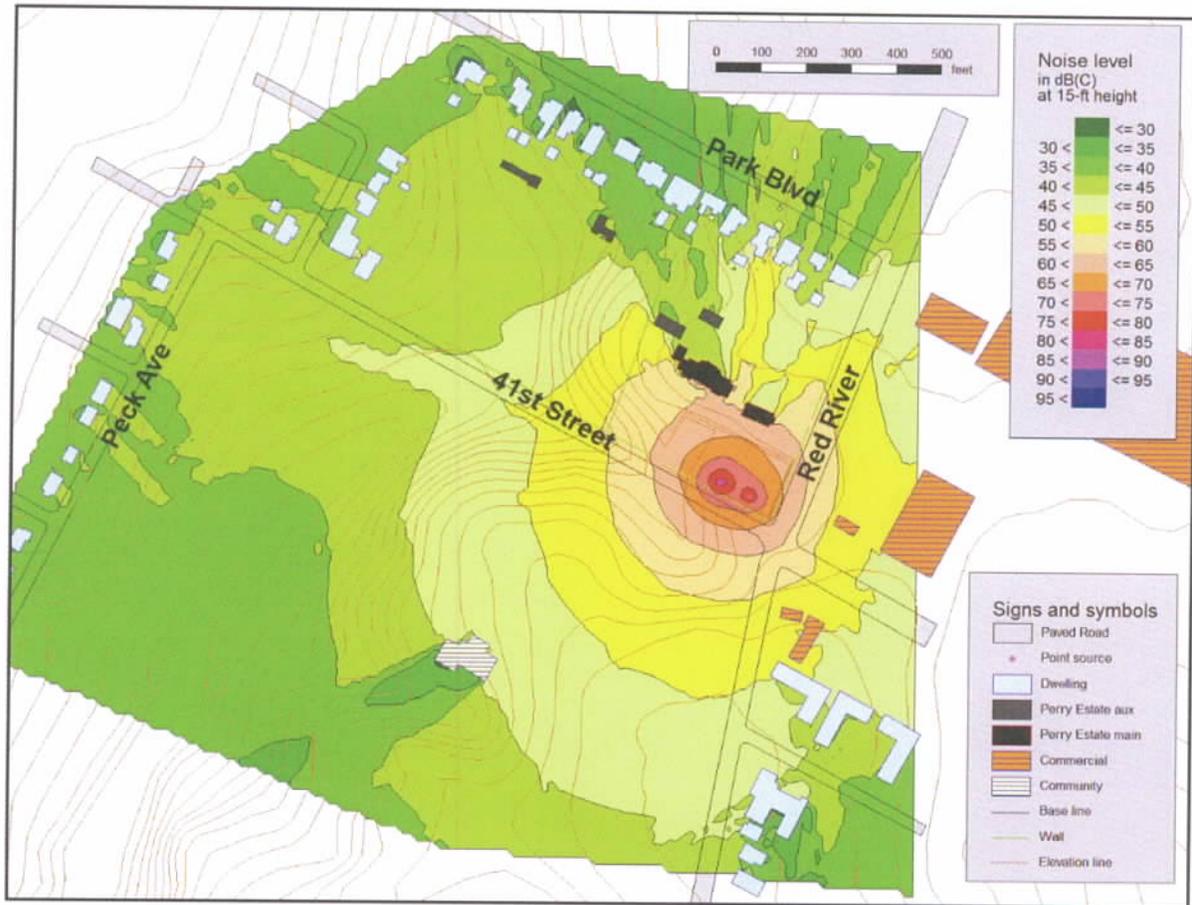
**Figure 5: SoundPLAN Model Results with Limited Amplified Music and Average Crowd Noise at Mansion Patio**



**Figure 6:** SoundPLAN Model Results with Limited Amplified Music and Average Crowd Noise at Sunken Garden



**Figure 7: SoundPLAN Model Results with Non-Amplified Music and Average Crowd Noise at Mansion Patio**



**Figure 8:** SoundPLAN Model Results with Non-Amplified Music and Average Crowd Noise at Sunken Garden

**Audio System Noise Limiters  
or Sound Level Management Systems**

**Supplier Contact Info.**

ACO Pacific, Inc.  
2604 Read Avenue  
Belmont, CA 94002  
650.595.8588  
[www.acopacific.com](http://www.acopacific.com)

Grozier Technical Systems, Inc.  
157 Salisbury Road  
Brookline MA 02445  
617.277.1133  
[www.grozier.com/AutomaticSPLcontrol.shtml](http://www.grozier.com/AutomaticSPLcontrol.shtml)

Scantek, Inc.  
6430 #C, Dobbin Rd  
Columbia, MD 21045  
410.290.7726  
[www.scantekinc.com](http://www.scantekinc.com)

Lime Technologies\*  
209 Great Preston Road, Ryde, PO33 1AY, UK  
08712 233127  
[www.noiselimitters.co.uk](http://www.noiselimitters.co.uk)

Sound Limiters\*  
404 Clipsley Lane  
Haydock, St Helens, WA11 0SX, UK  
01744 29621  
[www.soundlimiters.com](http://www.soundlimiters.com)

\*Can configure for 120V and ship to the US

## REFERENCES

- <sup>1</sup> *Geneva Guidelines For Community Noise*. World Health Organization, Ed. Birgitta Berglund, Thomas Lindvall, Dietrich H Schwela. 1999
- <sup>2</sup> Geoff Leventhall, Peter Pelmeare and Dr Stephen Benton. *A Review of Published Research on Low Frequency Noise and its Effects*. Department for Environment, Food and Rural Affairs, London. 2003
- <sup>3</sup> George F. Hessler, Jr. *Proposed criteria in residential communities for low-frequency noise emissions from industrial sources*. J. Noise Control Eng. 52 (4), 2004
- <sup>4</sup> N. Broner, Sinclair Knight Merz, *A Simple Outdoor Criterion for Assessment of Low Frequency Noise Emission*. Acoustics Australia, Melbourne. Vol. 39 No. 1-7. 2011
- <sup>5</sup> Broner, N., and Leventhall, H. G. *Low frequency noise annoyance assessment by Low Frequency Noise Rating (LFNR) Curves*. Journal of Low Frequency Noise and Vibration 2, 20–28. 1983
- <sup>6</sup> Title 24, Part 51 – *Environmental Criteria and Standards* (24 CFR Subtitle A 4-1-04 Edition 51.101). U.S. Department of Housing and Urban Development, Washington, DC.
- <sup>7</sup> *The Noise Guidebook*. U.S. Department of Housing and Urban Development, U.S. Government Printing Office, Washington, DC. 1991
- <sup>8</sup> EPA 550/9-81-423 – *Guidelines for Considering Noise in Land Use Planning and Control*. U.S. Environmental Protection Agency – Federal Interagency Committee on Urban Noise, Washington, DC. 1980
- <sup>9</sup> Din 45680 – “*Messung und Bewertung tieffrequenter Geräuschmissionen in der Nachbarschaft*” (*Measurement and assessment of low-frequency noise emissions in the neighborhood*). Deutsches Institut Für Normung, Berlin. 1997
- <sup>10</sup> P. McCullough1 and J. O. Hetherington, *A Practical Evaluation of Objective Noise Criteria used for the Assessment of Disturbance due to Entertainment Music*. The Chartered Institute of Environmental Health, Volume:4 Issue:2. 2005
- <sup>11</sup> Ian Rushforth, Andy Moorhouse, Peter Styles. *A Case Study of Low Frequency Noise Assessed using DIN 45680 Criteria*. Low Frequency Noise, Vibration and Active Control, Multi Science Brentwood, Essex. Vol. 21, No. 4. 2002
- <sup>12</sup> Joseph Keefe. *Noise exposure in marching bands*. J. Acoustical Society of America, Volume 118, Issue 3. 2005
- <sup>13</sup> *An Engineering Approach to the Acoustic Design of Contemporary Entertainment Venues*. Ken Marriott Industrial Commercial & Technical Consultants (ICTC), Croydon, Surrey. Proceedings of the Institute of Acoustics. 2002

October 17, 2012

Mr. Clark Lyda  
 Manager  
 Commodore Perry Estate, LLC  
 P.O. Box 1757  
 Georgetown, Texas 78627

Mr. Lyda:

The purpose of this letter is to document traffic data collection completed by HDR Engineering, Inc. with regards to the Commodore Perry Estate redevelopment. The following summarizes roadway classification and traffic volume information for 41st Street and Red River Street in Austin, Texas.

- The City of Austin classifies 41st Street as a collector between Duval Street and Red River Street.
- According to HDR counts collected on September 5, 2012, 41st Street has a daily volume of 2,150 vehicles between Duval Street and Red River Street.
- The City of Austin classifies Red River Street as a major arterial.
- According to 2004 City of Austin counts, Red River Street has a daily volume of 17,100 vehicles north of 38½ Street.

Additional details on these traffic volumes are provided in Tables 1-3.

**Table 1.**  
 41st Street, East of Duval Street  
 Source: HDR Counts 9/5/2012

	Daily (vehicles)	AM Peak (vehicles)	PM Peak (vehicles)
Eastbound	810	56	85
Westbound	1,336	75	130
<b>Total</b>	<b>2,146</b>	131	215

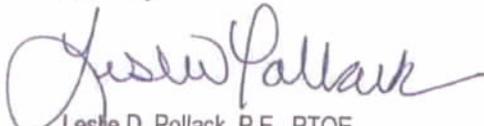
**Table 2.**  
41st Street, West of Red River Street  
Source: HDR Counts 9/5/2012

	Daily (vehicles)	AM Peak (vehicles)	PM Peak (vehicles)
Eastbound	679	51	78
Westbound	1,335	75	122
<b>Total</b>	<b>1,336</b>	<b>126</b>	<b>200</b>

**Table 3.**  
Red River Street, North of 38½ Street  
Source: 2006 HDR Counts (Peak), 2004 City of Austin (Daily)

	Daily (vehicles)	AM Peak (vehicles)	PM Peak (vehicles)
Eastbound	8,484	233	878
Westbound	8,626	494	745
<b>Total</b>	<b>17,110</b>	<b>727</b>	<b>1,623</b>

Please feel free to contact me if you have any questions.

Sincerely,  
  
Leslie D. Pollack, P.E., PTOE  
Project Manager

BG



Site Plan

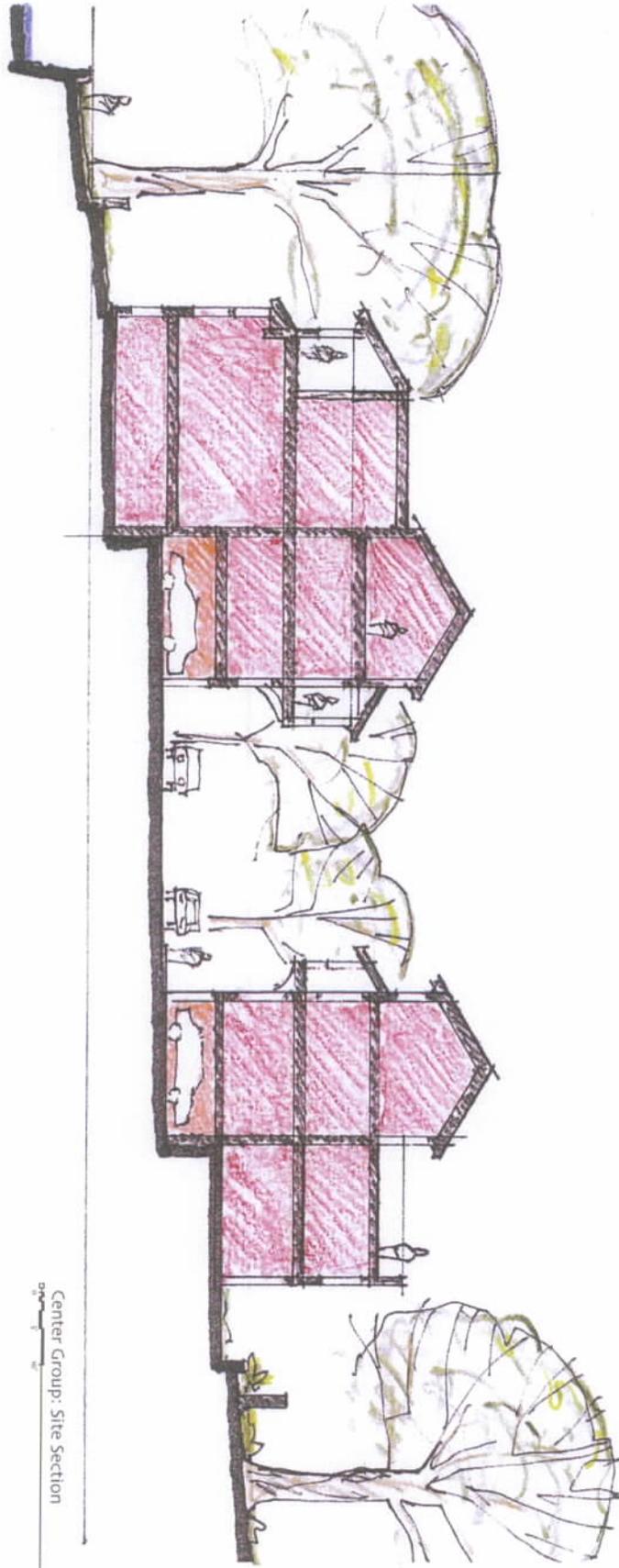


18 June 2012





Center Group: Section/Elevation



Center Group: Site Section

18 June 2012

**V1.0**  
SITE SECTION

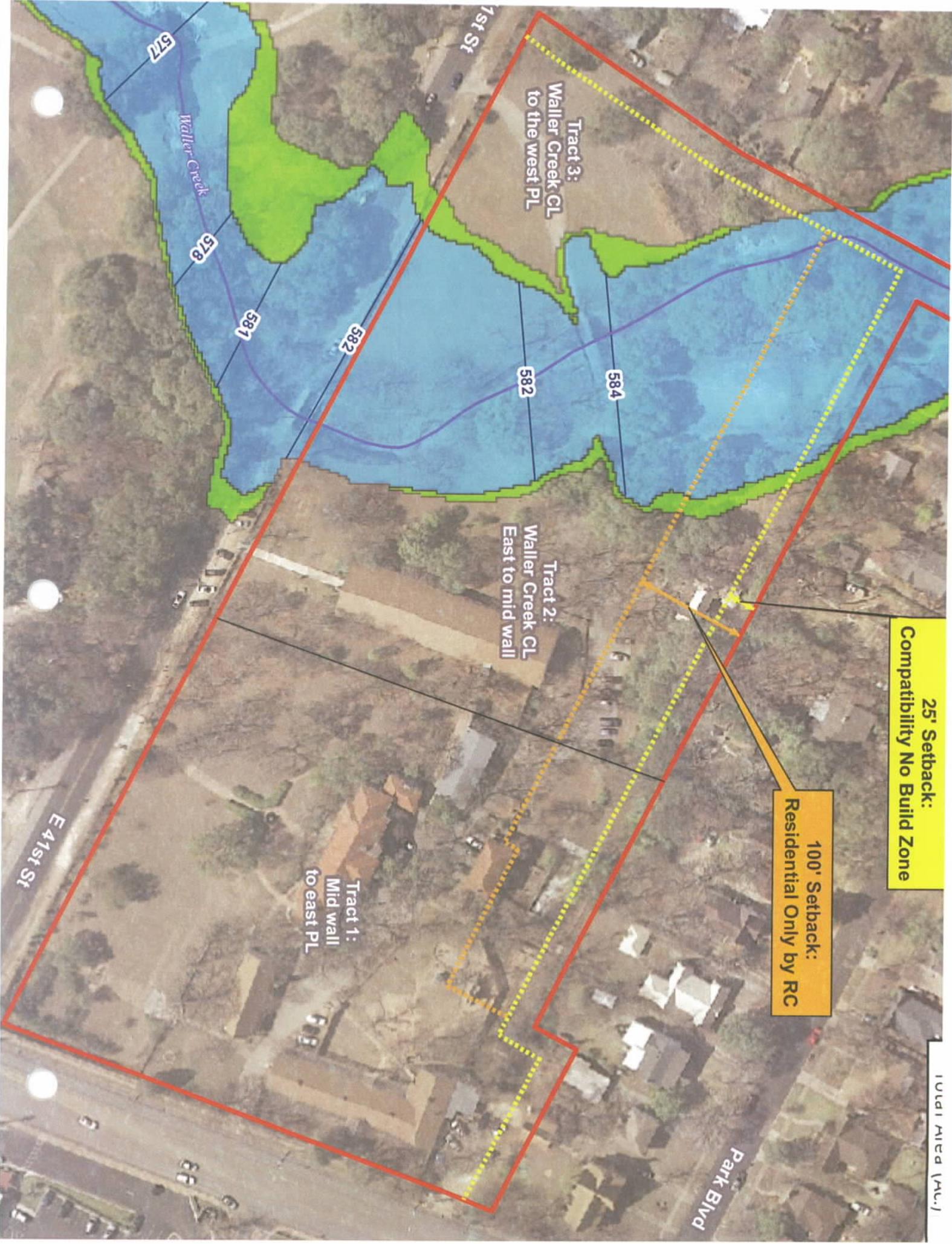
Perry Estate  
Austin, Texas



**ROSS CHAPIN ARCHITECTS**  
 Post Office Box 1401 • 105 Second Street • Langley, Washington 98026  
 PH: (206) 221-5275 • E-MAIL: inquiry@rosschapin.com • WEB: rosschapin.com

**25' Setback:**  
Compatibility No Build Zone

**100' Setback:**  
Residential Only by RC



Tract 3:  
Waller Creek CL  
to the west PL

Tract 2:  
Waller Creek CL  
East to mid wall

Tract 1:  
Mid wall  
to east PL

## Perry Estate Survey Results Summary

- These are the **COMMERCIAL USES** which the majority of area residents (more than 50% of those surveyed) said they would allow:
  - Art Gallery (Commercial) = 55.3% would allow
  - Art Workshop (Commercial) = 50.5% would allow
  
  - **Other Notable Results on Commercial Uses Include:**
    - Restaurant (Commercial) = 40.8 % would allow
    - Specific Historic Use (Commercial) = 37.9% would allow
    - Plant Nursery (Commercial) = 31.1% would allow
    - Hotel-Motel (Commercial) = 30.1% would allow
    - Indoor Entertainment (Commercial) = 30.1% would allow
    - Outdoor Entertainment (Commercial) = 12.6% would allow
  
- These are the **CIVIC USES** which the majority of area residents (more than 50% of those surveyed) said they would allow:
  - Private Primary Educational Facilities = 79.6% would allow
  - Private Secondary Educational Facilities = 73.8% would allow
  - Community Events = 69.9% would allow
  - Religious Assembly = 55.3% would allow
  - Community Recreation (Public) = 55.3% would allow
  - Community Recreation (Private) = 51.5% would allow
  - Family Home = 50.5% would allow
  
  - **Other Notable Results on Commercial Uses Include:**
    - Public Primary Education Facilities = 46.6% would allow
    - Public Secondary Education Facilities = 41.7% would allow
    - Club or Lodge = 44.7% would allow
    - Cultural Services (Commercial) = 40.8% would allow
    - Day Care Services (Limited) = 38.8% would allow
    - Day Care Services (General) = 31.1% would allow

## Other Areas of Concern Noted in the Survey Results

- **Impact on Property Values:**
  - 43.7% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will DECREASE the values of residential properties on or near the border of the Perry Estate.
  - 9.7% think the change will increase said property values
  - 16.5% think the change will have no effect on said property values
  - 30.1% are undecided or don't know what the effect will be on the said property values

- **Impact on Traffic:**
  - 89.3% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will lead to INCREASED traffic in and around the Perry Estate Property
    - 66% of these people feel that the increased traffic will adversely affect the quality of life for Hancock Neighborhood Residents.
  - 2.9% think the change will not increase said traffic
  - 7.8% are undecided or don't know what the effect will be on said traffic
  
- **Impact on Parking:**
  - 76.7% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will lead to INCREASED parking on neighborhood streets near the Perry Estate Property.
    - 77.4% of these people feel that the increased parking on neighborhood streets will adversely affect the quality of life for residents living on or near the border of the Perry Estate.
  - 14.6% think the change will not increase said parking
  - 8.7% are undecided or don't know what the effect will be on said parking
  
- **Impact on Noise:**
  - 75.7% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will lead to INCREASED Noise in the Hancock Neighborhood.
    - 67% feel that the increased noise will adversely effect the quality of life for Hancock Neighborhood Residents.
  - 12.6% do not think the change will lead to increased noise.
  - 11.7% are undecided or don't know
  
- **Impact on Trees, Creek, and Wildlife:**
  - 51.5% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will adversely affect the trees, creek, and wildlife in and around the Perry Estate.
  - 30.1% feel that the change of zoning will not adversely effect said trees, creek, and wildlife
  - 18.4% are undecided or don't know
  
- **Impact on Historic Preservation of the Mansion:**
  - 34% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will have a positive impact on the Historic Preservation of the Mansion on the Perry Estate.
  - 31.1% feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will have a negative impact on the Historic Preservation of the Mansion on the Perry Estate.
  - 13.6% feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will have NO impact on the Historic Preservation of the Mansion on the Perry Estate.

- 21.4% are undecided or don't know what the impact will be on the Mansion
  
- **Privacy of Residents on or Near the Border of the Perry Estate Property:**
  - 63.1% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will affect the privacy of residents living on or near the border of the Perry Estate.
  - 22.3% feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will NOT adversely affect the privacy of residents living on or near the border of the Perry Estate.
  - 14.6% are Undecided or don't know what the affect will be on the privacy of those residents living on or near the border of the Perry Estate.
  
- **Quality of Life for Residents Living on or near the Border of the Perry Estate Property:**
  - 59.2% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will adversely affect the quality of life for those residents living on or near the border of the Perry Estate property.
  - 22.3% do NOT think the change will adversely affect the quality of life for those residents living on or near the border of the Perry Estate.
  - 18.4% are undecided or don't know
  
- **Neighborhood Support for a FLUM Amendment**
  - 24.3% of those who took the survey think that HNA SHOULD support the developer's application for an out of cycle filing for an amendment to the FLUM.
  - 53.4% think that HNA SHOULD NOT support the developer's application for an out of cycle filing for an amendment to the FLUM.
  - 22.3% are undecided or don't know whether to support this out of cycle filing for an amendment to the FLUM.