

C1  
1

**RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET**

**CASE:** C14-04-0181.SH(RCA) – Shire's Court

**P.C. DATE:** February 14, 2012  
February 28, 2012  
March 13, 2012  
April 10, 2012  
May 8, 2012  
June 26, 2012  
July 24, 2012  
September 11, 2012  
October 9, 2012  
November 13, 2012

**ADDRESS:** 1910 ½ Wickshire Lane

**OWNERS & APPLICANTS:** Shire's Court G.P., Inc.;  
the Owners of Edgewick (David Mahn);

**AGENT:** Myra Goepp

**AREA:** 26.024 acres

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of an amendment to the restrictive covenant to make Carlson Drive a private access roadway.

**PLANNING COMMISSION RECOMMENDATION:**

February 14, 2012: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO  
FEBRUARY 28, 2012, BY CONSENT*  
[M. DEALEY; D. CHIMENTI – 2ND] (6-0) D. ANDERSON, J. STEVENS, D.  
TIEMANN – ABSENT

February 28, 2012: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO MARCH  
13, 2012*  
[S. KIRK; R. HATFIELD – 2ND] (9-0)

March 13, 2012: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO APRIL 10,  
2012, BY CONSENT*  
[J. STEVENS; R. HATFIELD – 2<sup>ND</sup>] (7-0) D. ANDERSON; D. CHIMENTI –  
ABSENT

April 10, 2012: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO MAY 8, 2012,  
BY CONSENT*  
[M. DEALEY; J. STEVENS – 2ND] (8-0) D. ANDERSON – ABSENT

May 8, 2012: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO JUNE 26, 2012, BY CONSENT*

*[D. ANDERSON; S. KIRK – 2<sup>ND</sup>] (9-0)*

June 26, 2012: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO JULY 24, 2012, BY CONSENT*

*[M. DEALEY; R. HATFIELD – 2<sup>ND</sup>] (7-0) A. HERNANDEZ; J. STEVENS – ABSENT*

July 24, 2012: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO AUGUST 24, 2012, BY CONSENT*

*[S. KIRK; J. STEVENS – 2<sup>ND</sup>] (8-0) R. HATFIELD – ABSENT*

September 11, 2012: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO OCTOBER 9, 2012*

*[D. CHIMENTI; R. HATFIELD – 2<sup>ND</sup>] (8-0) A. HERNANDEZ – ABSENT*

October 9, 2012: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO NOVEMBER 13, 2012*

*[J. NORTEY; J. STEVENS – 2<sup>ND</sup>] (9-0)*

November 13, 2012:

**ISSUES:**

Staff considered three options in evaluating the Applicant's request: 1) gating during restricted hours, but maintaining free flow pedestrian access; 2) converting Carlson Drive from a private street to a public street; and 3) providing a multi-modal trail and "safe school route" along the north side of the property and working with adjacent property owners to extend the trail across a City water/wastewater easement to Metcalfe Road.

Regarding the first option of gating the Edgewick community during the late-evening to early-morning hours, the Applicant maintains there will be five measures to ensure that the gate works as intended: a) a telephone line will be connected to the homeowner association's on-call service which can override the gate's mechanical controls; b) a backup battery will be included with the gate's mechanical controls and to ensure that the gate controls continue to operate in the interim; c) resident volunteers will be on site to monitor the gates between Monday and Friday; d) a mechanical way to manually operate the gate; and e) posting a map showing an alternate route to Metcalfe Road.

Regarding the second option of converting Carlson Drive to a public street in order to address maintenance issues raised by members of the Edgewick community, the City requested that the Applicant provide pavement studies to evaluate whether its characteristics met its criteria for public streets. However, if Carlson Drive becomes a public street, then the residences that front on Carlson Drive become a non-complying structure in terms of applying a 25-foot wide front yard setback. However, since a site plan permit has already been issued this would not be an issue, but further encroachments would not be permitted

(SP-06-0095C.SH). In conjunction with this alternative, the Staff and the Applicant have also discussed the addition of traffic calming devices to Carlson Drive, to include neckdowns, a splitter island and entry medians to address traffic flow issues.

In general, residents within the Edgewick community are opposed to converting Carlson Drive to a public street, while adjacent residents are opposed to gating Carlson Drive. All correspondence received is attached at the back of the Staff packet.

The City of Austin Transportation Department and Public Works Connectivity Division staff have recommended against the rezoning request. The transportation comments are below, and a memo from Public Works is attached.

**DEPARTMENT COMMENTS:**

This subject lot is zoned SF-6-CO-NP and approximately one-third developed with condominium residences, known as Edgewick. The tract was rezoned in 2004 as a SMART Housing development, and the conditional overlay on the property limits development to 300 residential units, 11.538 units per acre and one residential unit per building (C14-04-0181.SH). A public restrictive covenant was filed in conjunction with the rezoning case that added requirements to the property, including a provision which states: "Owner shall provide for public vehicular access through the Property by way of a street extending between the terminus of Carlson Drive and Metcalfe Road."

The subdivision plat was recorded in October 2006 and included an Easement Agreement whose expressed purpose is "For providing free and uninterrupted pedestrian and vehicular ingress and egress including fire and police protection, solid and other waste material pickup, on a roadway to be built across the Easement Property by Grantor and named "Carlson Drive, and for drainage and water and wastewater utilities and related facilities across the Easement Property."

The Applicant seeks to amend the zoning restrictive covenant to remove the provision regarding public vehicular access on Carlson Drive through the property. Staff recommends denial of the amendment request as requested by the Applicant.

As of September 23, 2009, the Shire's Court project had been de-certified of its S.M.A.R.T. Housing (.SH) designation.

***Transportation Review Comments:***

The Transportation Review Section has reviewed the owner's request to amend the restrictive covenant that accompanied the 2004 rezoning case to install a gate system for the existing roadway connection a/k/a Carlson Drive between Parker Lane and Metcalfe Road, and staff recommendation is to not recommend the restrictive covenant amendment.

Currently, this roadway from Carlson Drive to Metcalfe Road is privately maintained. However, this roadway provides access and connectivity between the existing neighborhood

for vehicular and pedestrian traffic, including bicycle travel and access to transit stops on Parker Lane.

Both the Austin Transportation Department and Austin Fire Department have been consulted on the owner's request to amend the restrictive covenant and install a gate system. Both ATD and AFD staff agree that access and connectivity should be maintained for the benefit of the public.

If the restrictive covenant amendment is approved, the owner may also be required to vacate the existing subdivision and re-plat the property in order to install a gate system. A variance was previously granted with the subdivision to not extend Carlson Drive as a public street with the condition that the privately maintained roadway be dedicated as a "Community Access Easement" to provide for fire and emergency access, but also limited access to the public.

***Public Works Comments:***

Guided by the core principle of the Imagine Austin Plan, which is to "Grow as a compact, connected city", the Neighborhood Connectivity Division (NCD) of the Public Works Department improves opportunities for safe multi-modal transportation. Therefore, NCD does not support the applicant's request to amend the restrictive covenant of Zoning Case No. C14-04-0181.SH to allow for the installation of gates at the property line on the private drive, Carlson. Additionally, the Child Safety Program of NCD has identified Carlson Drive as a Safe Route to School for Linder Elementary School.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-6-CO-NP	Condominium development, approximately 1/3 built-out
<i>North</i>	SF-3-NP	Duplexes
<i>South</i>	MF-3, P-NP	Apartments; Mabel Davis Park
<i>East</i>	SF-3-NP, P-NP	Single family residences, Elementary School
<i>West</i>	MF-2; PUD-NP; SF-3-NP	Four-plexes, Condominiums, Duplexes

**NEIGHBORHOOD PLANNING AREA:** East Riverside/Oltorf Combined (Parker Lane)

**TIA:** Is not required

**WATERSHED:** Country Club East

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

189 – Southeast Austin Neighborhood Alliance

C1/5

299 – The Crossing Gardenhome Owners Association  
 498 – South Central Coalition      694 – Burleson Parker Neighborhood Association  
 511 – Austin Neighborhoods Council  
 739 – East Riverside / Oltorf Neighborhood Plan - COA Liaison  
 742 – Austin Independent School District  
 763 – East Riverside / Oltorf Neighborhood Plan Contact Team  
 781 – Southeast Coalition      786 – Home Builders Association of Greater Austin  
 972 – PODER      1153 – Timber Ridge Home Owners Association  
 1037 – Homeless Neighborhood Association      1075 – League of Bicycling Voters  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1224 – Austin Monorail Project      1228 – Sierra Club, Austin Regional Group  
 1236 – The Real Estate Council of Austin, Inc.      1258 – Del Valle Community Coalition  
 1308 – Greenbriar Neighborhood Association      1340 – Austin Heritage Tree Foundation  
 1363 – SEL Texas

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0181.SH – Shire's Court – 2610, 2626 2700 & 2902 Metcalf Road; 1910 & 1916 Wickshire Lane	SF-3 and LO to SF-6-CO	To Grant SF-6-CO with the CO for a max. of 300 d.u. (11.358 u.p.a.). Public RC establishes that a building may not contain more than 1 unit, prohibit gating of the residential community, provide bike/ped access to the hike & bike trail along the north property line where adjacent to Country Club Creek, provide ped. access along east property line where adjacent to Linder Elementary School	Approved SF-6-CO with the RC addressing access to the elementary school to the east and to the potential park land to the north, and an additional Restrictive Covenant item which provides for public vehicular access through the Property by way of a street extending between the terminus of Carlson Dr. and Metcalfe Rd. (2/17/2005).

**CITY COUNCIL DATE:** March 8, 2012**ACTION:** Approved a Postponement  
request by Staff to March 22, 2012 (7-0).

March 22, 2012

Approved a Postponement request by  
Staff to April 26, 2012 (6-0, Council  
Member Morrison was absent).

April 26, 2012

Approved a Postponement request by  
Staff to May 24, 2012 (7-0).

May 24, 2012      Approved a Postponement request by Staff to June 28, 2012 (7-0).

June 28, 2012      Approved a Postponement request by Staff to August 16, 2012 (7-0).

August 16, 2012      Approved a Postponement request by Staff to September 27, 2012 (6-0, Council Member Spelman was off the dais).

September 27, 2012      Approved a Postponement request by Staff to November 1, 2012 (7-0).




November 1, 2012      Approved a Postponement request by Staff to December 13, 2012 (7-0).

December 13, 2012

**CASE MANAGER:** Wendy Rhoades  
email: wendy.rhoades@austintexas.gov

**PHONE:** 974-7719



 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







C/9

**ORDINANCE NO. 050217-45**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2610, 2626, 2700, AND 2902 METCALFE ROAD AND 1910 AND 1916 WICKSHIRE LANE FROM FAMILY RESIDENCE (SF-3) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO TOWNHOUSE AND CONDOMINIUM. RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district and limited office (LO) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-04-0181.SH, on file at the Neighborhood Planning and Zoning Department, as follows:

A 26.056 acre tract of land, more or less, out of the Santiago del Valle Grant Abstract 24, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 2610, 2626, 2700 and 2902 Metcalfe Road, and 1910 and 1916 Wickshire Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Development of the Property may not exceed 300 residential units.
2. Development of the Property may not exceed 11.538 residential units per acre.
3. A building may contain only one residential unit.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the townhouse and condominium residence (SF-6) base district and other applicable requirements of the City Code.


PART 3. This ordinance takes effect on February 28, 2005.

C1  
10

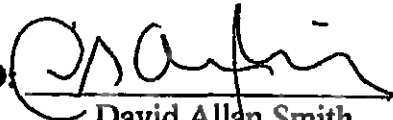
PASSED AND APPROVED

February 17, 2005


§  
§  
§  
§

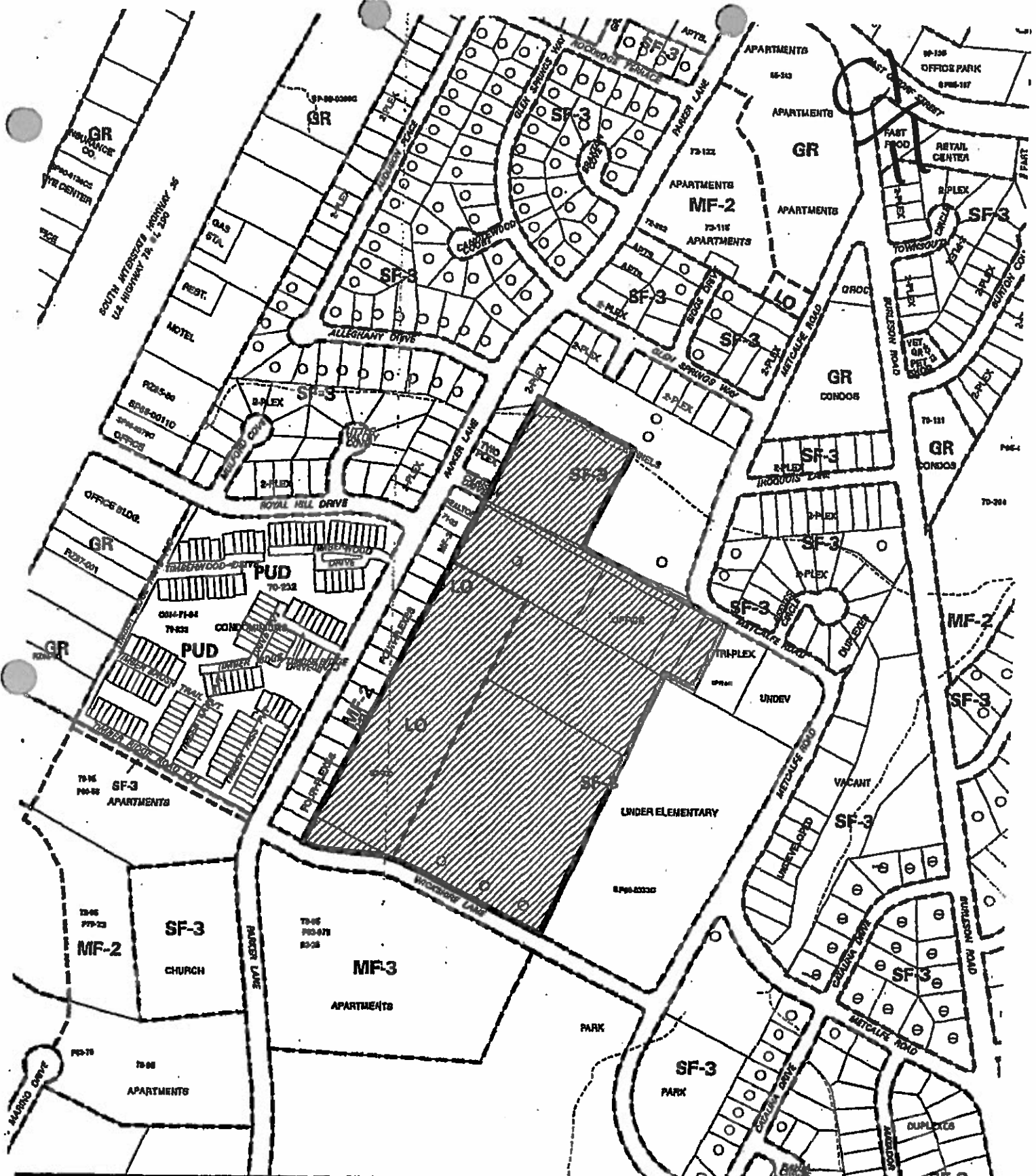
  
Will Wynn  
Mayor

APPROVED:

  
David Allan Smith  
City Attorney

ATTEST:

  
Shirley A. Brown  
City Clerk



 1" = 400'	SUBJECT TRACT		ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER J18
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-04-0181.SH		
	CASE MGR: W. WALSH	ADDRESS: 2610, 2626, 2700 & 2902 METCALFE RD & 1910 & 1916 WICKSHIRE LANE	DATE: 04-12		
		SUBJECT AREA (acres): 26	INTLS: SM		



Zoning Case No. C14-04-0181.SH

C1  
12RESTRICTIVE COVENANT

OWNER: Henry W. Ault and June Oliver Ault  
The Estate of Opal Ault  
Herby's Joint Venture  
George Washington Sanders, Jr.  
Stephen G. Jackson

ADDRESS: 6001 West William Cannon Drive, Suite 201, Austin, Texas 78749

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 26.056 acre tract of land out of the Santiago del Valle Grant, Abstract No. 24, in Travis County, said tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner, whether one or more, of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. One pedestrian access shall be provided at a designated point along the east property line adjacent to the elementary school.
2. In the event property adjacent to the north property line is developed as a public park, Owner shall provide pedestrian and bicycle access to the park from the Property.
3. Owner shall provide for public vehicular access through the Property by way of a street extending between the terminus of Carlson Drive and Metcalfe Road.
4. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
5. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
6. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

2-17-05

#45

7. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 10 day of FEBRUARY, 2005.

C1  
13

OWNER:

**Benchmark Land Development, Inc.,  
a Texas corporation,  
Attorney-in-fact for the Owner:**

Henry W. Ault and June Oliver Ault  
The Estate of Opal Ault  
Herby's Joint Venture  
George Washington Sanders, Jr.  
Stephen G. Jackson

By:   
David C. Mahn,  
Vice President,  
Benchmark Land Development, Inc.

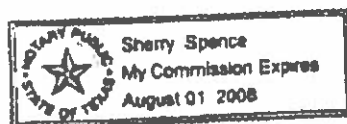
APPROVED AS TO FORM:


  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 10 day of February, 2005, by David C. Mahn, Vice President of Benchmark Land Development, Inc., a Texas corporation, on behalf of the corporation, and the corporation acknowledged this instrument as attorney-in-fact on behalf of Henry W. Ault and June Oliver Ault; The Estate of Opal Ault; Herby's Joint Venture; George Washington Sanders, Jr.; and Stephen G. Jackson.



  
Notary Public, State of Texas

**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: Diana Minter, Legal Assistant**

CL  
14

## EXHIBIT A

## FIELD NOTES

C/LB

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HENRY W. AULT IN VOLUME 8000, PAGE 270 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HENRY W. AULT IN VOLUME 5916, PAGE 60 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO H. L. AULT IN VOLUME 719, PAGE 458 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO HERBY'S JOINT VENTURE IN VOLUME 11934, PAGE 2259 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO STEVEN JACKSON IN VOLUME 10007, PAGE 738 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO GEORGE W. SANDERS, JR. IN DOCUMENT NO. 2004017583 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO GEORGE W. SANDERS, JR. IN DOCUMENT NO. 2002249520 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 26.056 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at an iron rod found at the southwest corner of said Ault tract recorded in Volume 8000, Page 270, being also at the southeast corner of the Resubdivision of Blocks E and F of Greenbriar Section Two, a subdivision recorded in Volume 55, Page 61 of the Plat Records of Travis County, Texas, and being in the north right-of-way line of Wickshire Lane, a 60-foot wide right-of-way dedicated to the public by the plat The Knoll III, recorded in Volume 83, Page 150D of the Plat Records of Travis County, Texas, for the southwest corner and the **POINT OF BEGINNING** of the herein described 26.056 acre tract of land,

**THENCE**, departing the north right-of-way line of said Wickshire Lane, with the east line of said Resubdivision of Blocks E and F of Greenbriar Section Two, the following three (3) courses and distances, numbered 1 through 3,

1. N30°12'52"E, a distance of 80.06 feet to a concrete monument found,
2. N61°26'03"W, a distance of 5.55 feet to an iron rod found, and
3. N30°22'32"E, a distance of 965.12 feet to an iron pipe found at the northwest corner of said Ault tract recorded in Volume 5916, Page 60, being also the southwest corner of said Jackson tract,

**THENCE**, with the west line of said Jackson tract, being also the east line of said Greenbriar Section Two, N30°23'54"E, a distance of 231.40 feet to a calculated point, for the northwest corner of said Jackson tract, being also the southwest corner of said Sanders tract recorded in Document No. 2004017583,

**THENCE**, with the west line of said Sanders tract and the west line of said Sanders tract recorded in Document No. 2002249520, N30°01'27"E, a distance of 365.82 feet to a calculated

C1/16

point in the east line of Lot 4 of Greenbriar Section Three, a subdivision recorded in Volume 57, Page 53 of the Plat Records of Travis County, Texas,

**THENCE**, crossing said Sanders tract, S58°44'22"E, a distance of 360.05 feet to a calculated point at an interior corner of said Sanders tract,

**THENCE**, with an east line of said Sanders tract, S30°01'38"W, a distance of 359.69 feet to a calculated point in the north line of said Jackson tract at the southwest corner of that certain tract of land described in a deed to Marlon O. Metcalfe, recorded in Document No. 2004020393 of the Official Public Records of Travis County, Texas,

**THENCE**, with the north line of said Jackson tract, being also the south line of said Metcalfe tract, the following two (2) courses and distances, numbered 1 and 2,

1. S59°42'48"E, a distance of 86.43 feet to a calculated point, and
2. S59°49'01"E, a distance of 290.21 feet to a calculated point at the southeast corner of said Metcalfe tract, being also in the south right-of-way line of Metcalfe Road,

**THENCE**, continuing with the north line of said Jackson tract, being also the south right-of-way line of said Metcalfe Road, the following three (3) courses and distances, numbered 1 through 3,

1. S59°26'46"E, a distance of 55.67 feet to a calculated point,
2. with a curve to the left having a radius of 129.99 feet, an arc length of 42.89 feet and whose chord bears, S49°59'36"E, a distance of 42.70 feet to a calculated point, and
3. S59°26'46"E, a distance of 57.16 feet to a calculated point at the northeast corner of said Jackson tract, being also the northwest corner of that certain tract of land described in a deed to Alicia Lown, recorded in Document No. 2004100347 of the Official Public Records of Travis County, Texas,

**THENCE**, with the east line of said Jackson tract, being also the west line of said Lown tract, S27°41'24"W, a distance of 226.64 feet to a calculated point at the southeast corner of said Jackson tract, being also in the north line of that certain tract of land described in a deed to the Austin Independent School District, recorded in Volume 2870, Page 47 of the Deed Records of Travis County, Texas,

**THENCE**, with the south line of said Jackson tract, being also the north line of said Austin Independent School District tract, N60°48'01"W, a distance of 104.27 feet to an iron pipe found at the northwest corner of said Austin Independent School District tract, being also the northeast corner of said Herby's Joint Venture tract,

**THENCE**, with the west line of said Austin Independent School District tract, being also the east line of said Herby's Joint Venture tract, S27°46'19"W, a distance of 318.42 feet to an iron rod found at the southeast corner of said Herby's Joint Venture tract, being also the northeast corner of said Ault tract recorded in Volume 719, Page 458,

**THENCE**, continuing with the west line of said Austin Independent School District tract, being also the east line of said Ault tract, S27°46'19"W, a distance of 630.99 feet to an iron rod found at the southeast corner of said Ault tract, being also in the north right-of-way line of said Wickshire Lane,

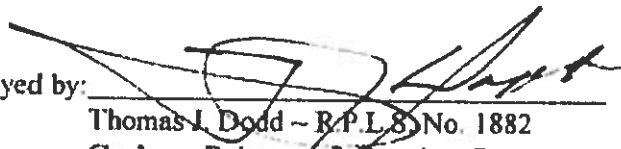


C1  
17

**THENCE**, with the south line of said Ault tracts, being also the north right-of-way line of said Wickshire Lane, the following four (4) courses and distances, numbered 1 through 4,

1. N59°45'13"W, a distance of 494.61 feet to an iron rod found at a point of curvature to the left,
2. with said curve to the left having a radius of 270.00 feet, an arc length of 110.35 feet and whose chord bears, N71°31'13"W, a distance of 109.58 feet to an iron rod found at a point of tangency,
3. N82°07'13"W, a distance of 110.48 feet to an iron rod found at a point of curvature to the right, and
4. with said curve to the right having a radius of 330.00 feet, an arc length of 135.25 feet and whose chord bears, N71°30'13"W, a distance of 134.31 feet to the **POINT OF BEGINNING** and containing 26.056 Acres of Land.

Surveyed by:

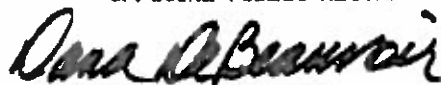
  
Thomas J. Dodd - R.P.L.S. No. 1882  
Carlson, Brigrance & Doering, Inc.  
3401 Slaughter Lane West  
Austin, TX 78748 (512) 280-5160



BEARING BASIS IS FROM AULT TRACT  
G:\docs\3992-007\in-composite.doc

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



2005 Feb 18 02:39 PM 2005027809

FERGUSONL \$24.00

DANA DEBEAUVOIR COUNTY CLERK  
TRAVIS COUNTY TEXAS

### LEGEND

ACREAGE: 26.024 ACRES  
SURVEY: SUNDING DOL WALL CADD  
NO. OF LOTS: 1  
NO. OF BLOCKS: 1  
FEMA MAP NO. 48431E-0170C DATED: JAN-10-2000  
TARRANT COUNTY, TEXAS

SCALE: 1" = 100'

**26.024 ACRES**

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING	DELTA
C105	270.00'	110.30'	55.00'	108.50'	N71.31°E	22.13°
C106	330.00'	130.26'	65.00'	130.31'	N71.30°E	23.20°
C107	130.00'	42.41'	21.20'	42.42'	S59.34°E	18.66°

NOT TO SCALE

**SHEET 1 OF 3**



**Carlson, Brigrance & Doering, Inc.**

Civil Engineering • Surveying  
3601 Shagbark Lane West • Austin, Texas 78748  
PH: (512) 280-6148 • FAX: (512) 280-6165

C8-06-0070.0A.SH

PATH-G:\PROJ\3992\007\Plot.DWG JOB NO. 3992-007

52.00  
10CL  
19**EASEMENT AGREEMENT****Date:** October 6, 2006**Grantor:** Shire's Court, Ltd.**Grantor's Mailing Address:** 6001 West William Cannon, Bldg 2, Suite 201, Austin, TX 78749**Grantee:** City of Austin, Texas, for the benefit of the public**Grantee's Mailing Address:** City of Austin  
Water shed Protection & Development Review Dept.  
P.O. Box 1088  
Austin, TX 78767**Easement Property:** The real property described on Exhibit A attached hereto.**Easement Purpose:** For providing free and uninterrupted pedestrian and vehicular ingress and egress, including fire and police protection, solid and other waste material pickup, on a roadway to be built across the Easement Property by Grantor and named "Carlson Drive," and for drainage and water and wastewater utilities and related facilities across the Easement Property.**Reservations from and Exceptions to Conveyance and Warranty:** Easements, rights of way and prescriptive rights, whether of record or not; and presently recorded and valid instruments that affect the Property.

Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and subject to the reservations from and exceptions to conveyance, grants to Grantee an easement for the Easement Purpose over, upon, under and across the Easement Property and portions thereof, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee, Grantee's successors or assigns forever. Grantor binds Grantor and Grantor's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservation from and exceptions to conveyance and warranty. The following terms and conditions shall apply to the easement:

1. **Duration of Easement:** The easement shall be perpetual.

2. **Improvement, Construction and Maintenance of Easement Property.** Grantor, at its sole cost and expense, shall be solely responsible for the construction of a roadway across the Easement Property with a curb and gutter cross section that meets the City of Austin pavement design criteria, twelve parallel parking spaces in the cross section, and a traffic calming measure (i.e. traffic circle). Such roadway shall be repaired and maintained at the sole expense of Shire's Court Condominiums HOA, Inc. (the "Association") or other then current owner of the Easement Property.

CL  
20

3. **Rights Reserved.** Grantor reserves for Grantor and Grantor's successors and assigns the right to continue to use and enjoy the surface of the Easement Property for all purposes which do not interfere with or interrupt the use or enjoyment of the easement.

4. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, representatives, successors and assigns.

5. **Choice of Law.** This Agreement shall be subject to and governed by the laws of the State of Texas. Each party hereby submits to the jurisdiction of the state and federal courts in the State of Texas and to venue in the county or counties in which the Easement Property is situated.

6. **Counterparts.** This Agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts shall be construed together and shall constitute one and the same instrument.

7. **Effect of Waiver or Consent.** No waiver or consent, express or implied, by any party to or of any breach or default by any party in performance by such party of its obligation hereunder shall be deemed or construed to be a consent or waiver respecting any other breach or default in the performance by such party of the same or any other obligations of such party hereunder. Failure on the part of a party to complain of any act of any party or to declare any party in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights hereunder until the applicable statute of limitation period has run.

8. **Further Assurances.** In connection with this Agreement, as well as all transactions contemplated by this Agreement, each signatory party hereto agrees to execute and deliver such additional documents and instruments and to perform such additional acts as may be necessary or appropriate to effectuate, carry out and perform all of the terms, provisions and conditions of this Agreement and all such transactions.

9. **No Liability.** Neither the City of Austin nor any government entity, their agents or employees, shall be responsible to Grantor, its successors or assigns, for any damage occurring to the surface of the Easement Property as a result of any governmental vehicles traversing same.

10. **Integration.** This Agreement contains the complete agreement between the parties with respect to the subject matter hereof and cannot be varied except by the written agreement of the parties. The parties agree that there are no oral agreements, understandings, representations or warranties concerning the subject matter hereof which are not expressly set forth herein.

11. **Legal Construction.** In case any one or more of the provisions contained in this Agreement shall for any reason be invalid, illegal or unenforceable in any respect, to the extent such invalidity or unenforceability does not destroy the basis of the bargain among the parties, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never

CL  
21

been contained herein. Whenever required by the context as used in this Agreement, the singular number shall include the plural and neuter shall include the masculine or feminine gender, and vice versa. Article and Section headings appearing in this Agreement are for convenient reference only and are not intended, to any extent or for any purpose, to restrict or define the text of any Article or Section. This Agreement shall not be construed more or less favorably between the parties by reason of authorship or origin of language.

12. **Notices.** Any notice of communication required or permitted hereunder shall be deemed to be delivered, whether actually received or not, when deposited in the United States mail, postage fully prepaid, registered or certified mail and addressed to the intended recipient at the address shown herein, and if not so shown then at the last known address according to the records of the party delivering the notice. Notice given in any other manner shall be effective if and when received by the addressee. Any address for notice may be changed by written notice delivered as provided herein.

13. **Recitals.** Any recitals in this Agreement are represented by parties hereto to be accurate and constitute a part of the substantive agreement.

EXECUTED on the date first appearing above.

GRANTOR:

SHIRE'S COURT, LTD.

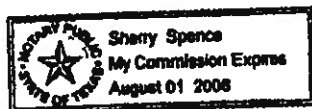
BY: SHIRE'S COURT G.P., INC.,  
a Texas corporation

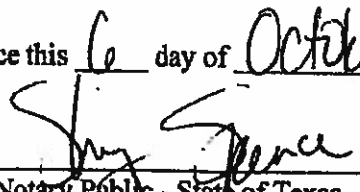
By:   
David C. Mahn, President

STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

Before me, the undersigned authority, on this day personally appeared David C. Mahn, President of Shire's Court G.P., Inc., the general partner of Shire's Court, Ltd., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the capacity and for the purposes and consideration therein expressed.

Given under my hand and seal of office this 6 day of October, 2006.



  
Notary Public - State of Texas

C:\Benchmark\1050533-Wickshire\DOCS\Access Easement Agreement.doc

CY 22

been contained herein. Whenever required by the context as used in this Agreement, the singular number shall include the plural and neuter shall include the masculine or feminine gender, and vice versa. Article and Section headings appearing in this Agreement are for convenient reference only and are not intended, to any extent or for any purpose, to restrict or define the text of any Article or Section. This Agreement shall not be construed more or less favorably between the parties by reason of authorship or origin of language.

12. **Notices.** Any notice of communication required or permitted hereunder shall be deemed to be delivered, whether actually received or not, when deposited in the United States mail, postage fully prepaid, registered or certified mail and addressed to the intended recipient at the address shown herein, and if not so shown then at the last known address according to the records of the party delivering the notice. Notice given in any other manner shall be effective if and when received by the addressee. Any address for notice may be changed by written notice delivered as provided herein.

13. **Recitals.** Any recitals in this Agreement are represented by parties hereto to be accurate and constitute a part of the substantive agreement.

EXECUTED on the date first appearing above.

GRANTOR:

SHIRE'S COURT, LTD.

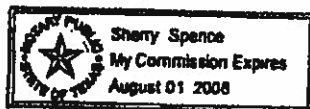
BY: SHIRE'S COURT G.P., INC.,  
a Texas corporation

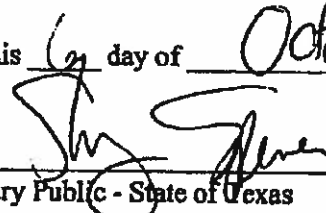
By:   
David C. Mahn, President

STATE OF TEXAS     §  
                                  §  
COUNTY OF TRAVIS   §

Before me, the undersigned authority, on this day personally appeared David C. Mahn, President of Shire's Court G.P., Inc., the general partner of Shire's Court, Ltd., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the capacity and for the purposes and consideration therein expressed.

Given under my hand and seal of office this 6 day of October, 2006.



  
Notary Public - State of Texas

ACCEPTED BY GRANTEE:

CITY OF AUSTIN

CL  
23

By: Javier V. Delgado  
Name: JAVIER V. DELGADO  
Title: Development Services Process Coordination

APPROVED AS TO FORM:

Deborah Thomas

AFTER RECORDING, RETURN TO:

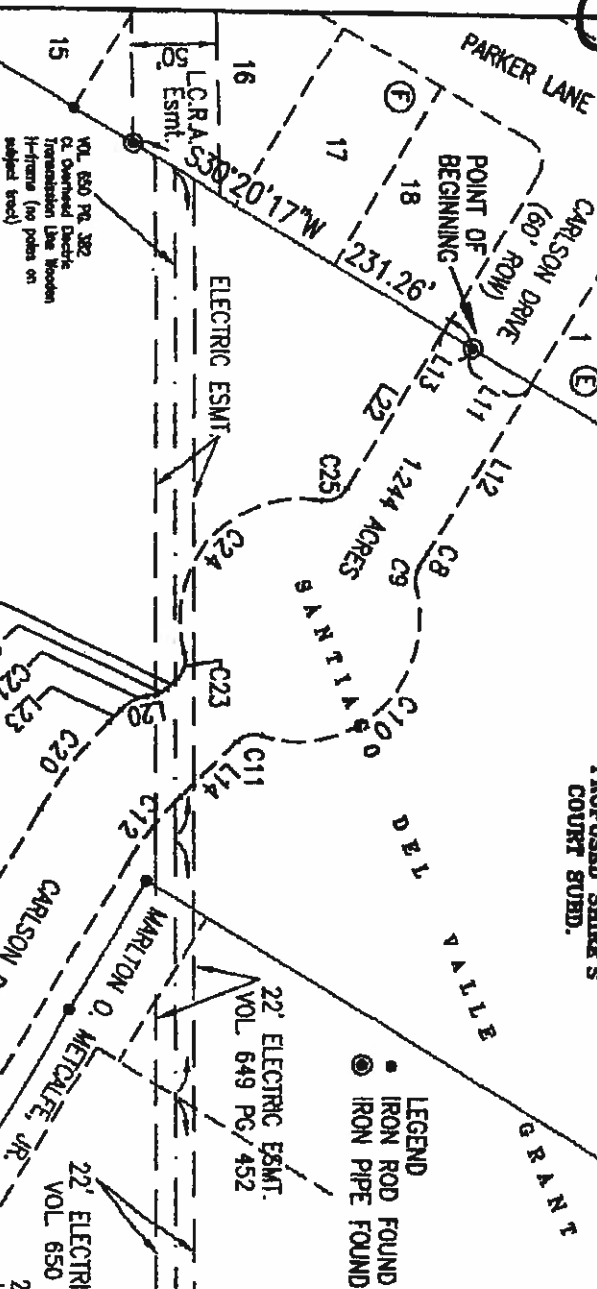
Mitchell D. Savrick  
Savrick Schumann Johnson McGarr  
Kaminski & Shirley, L.L.P.  
4330 S. Mopac, Suite 150  
Austin, TX 78735

1724

GREENBRIAR SECTION TWO  
RESUB OF BLOCKS E AND F  
VOL. 55 PG. 61

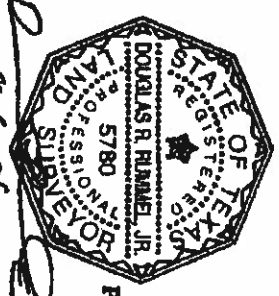
LOT 1  
PROPOSED SHIRE'S  
COURT SUBD.

LINE	LENGTH	BEARING
L11	40.89'	N30°10'00"E
L12	115.52'	S59°29'20"E
L13	19.75'	N30°20'17"E
L14	45.68'	S45°05'47"E
L15	344.82'	S59°44'48"E
L16	22.88'	S86°21'20"E
L17	15.05'	N79°39'38"W
L18	9.58'	N89°44'48"W
L19	313.99'	N59°44'48"W
L20	6.29'	N11°50'37"W
L21	8.80'	N45°05'47"W
L22	107.46'	N59°42'52"W
L23	9.69'	N45°05'47"W



EASEMENT CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DIST.
C8	8.72'	180.39'	2°46'15"	S58°12'38"E	8.72'
C9	12.49'	14.50'	49°21'33"	S81°30'17"E	12.11'
C10	150.54'	70.00'	123°13'07"	S44°34'30"E	123.16'
C11	15.72'	14.50'	62°07'51"	S14°01'51"E	14.96'
C12	48.58'	190.00'	14°39'01"	S52°25'17"E	48.45'
C13	18.52'	25.58'	41°28'27"	N72°32'35"E	18.12'
C14	15.17'	39.50'	22°00'16"	S89°20'13"W	15.08'
C15	28.94'	80.50'	27°24'19"	N87°57'45"W	28.66'
C16	15.81'	39.50'	22°55'42"	N85°43'27"W	15.70'
C17	75.78'	125.00'	34°44'11"	N78°49'13"W	74.63'
C18	4.53'	9.50'	27°17'41"	N76°06'57"W	4.48'
C19	15.97'	30.50'	30°00'00"	N74°44'48"W	15.78'
C20	63.92'	250.00'	14°39'01"	N52°25'17"W	63.75'
C21	17.70'	30.50'	33°15'10"	N28°28'12"W	17.45'
C22	5.51'	9.50'	33°15'10"	N28°28'12"W	5.44'
C23	15.72'	14.50'	82°07'51"	N76°09'42"W	14.96'
C24	141.94'	70.00'	116°10'36"	N49°08'19"W	118.84'
C25	17.38'	14.50'	88°39'51"	N25°22'56"W	18.36'
C26	42.61'	130.00'	18°46'42"	S50°34'22"E	42.42'



LOT 1  
PROPOSED SHIRE'S  
COURT SUBD.



Carlson, Brigrance & Doering, Inc.  
CMB Engineering • Surveying  
5501 West Wilshire Canyon Drive • Austin, Texas 78749  
Ph: (512) 280-5160 • FAX: (512) 280-5165

PATH - G:\PROJ\3992\007\FN-ACCESS.DWG



**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2006 Oct 11 12:03 PM 2006197892

ESPINOZAC \$52.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

CL  
25

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.



01/27

Formatted: Top: 0

EASE  
10 PGS  
20061  
97892

### AMENDED AND RESTATED EASEMENT AGREEMENT

**Date:** June XX, 2012 ~~October 6, 2006~~

**Grantor:** Shire's Court, Ltd.

**Grantor's Mailing Address:** 200 Congress ~~6001 West William Cannon, Bldg 2, Suite 9A204~~, Austin, TX  
78711-44

**Grantee:** City of Austin, Texas, for the benefit of the public  
Grantee's Mailing Address: City of Austin  
Water shed Protection & Development Review Dept.  
P.O. Box 1088  
Austin, TX 78767

**Easement Property:** The real property described on Exhibit A attached hereto.

**Easement Purpose:** For providing free and uninterrupted ~~pedestrian and vehicular~~ ingress and egress, including fire and police protection, solid and other waste material pickup, on roadway to be built across the Easement Property by Grantor and named "Carlson Drive," and for drainage and water and wastewater utilities and related facilities across the Easement Property. Public pedestrian and vehicular ingress and egress shall be limited from dusk to dawn by means of a locking gate located on and across the roadway and pedestrian sidewalk access and ingress points.

**Reservations from and Exceptions to Conveyance and Warranty:** Easements, rights of way and prescriptive rights, whether of record or not; and presently recorded and valid instruments that affect the Property.

Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and subject to the reservations from and exceptions to conveyance, grants to Grantee an easement for the Easement Purpose over, upon, under and across the Easement Property and portions thereof, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee, Grantee's successors or assigns forever. Grantor binds Grantor and Grantor's successors and assigns against every person whomsuever lawfully claiming or to claim the same or any part thereof, except as to the reservation from and exceptions to conveyance and warranty. The following terms and conditions shall apply to the easement:

1. **Duration of Easement:** The easement shall be perpetual.

2. **Improvement, Construction and Maintenance of Easement Property.**

Grantor, at its sole cost and expense, ~~has constructed~~ shall be solely responsible for the construction of a roadway across the Easement Property with a curb and gutter cross section that meets the City of Austin pavement design criteria, twelve parallel parking spaces in the cross section, and a traffic calming measure (i.e. traffic circle). Such roadway and gates shall be repaired and maintained at the sole expense of Shire's Court Condominiums HOA, Inc. (the "Association") or other then current owner of the Easement Property.

C/28

Order: -wds25 Comment:

Page 1

**3. Rights Reserved.** Grantor reserves for Grantor and Grantor's successors and assigns the right to continue to use and enjoy the surface of the Easement Property for all purposes which do not interfere with or interrupt the use or enjoyment of the easement.

**4. Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, representatives, successors and assigns.

**5. Choice of Law.** This Agreement shall be subject to and governed by the laws of the State of Texas. Each party hereby submits to the jurisdiction of the state and federal courts in the State of Texas and to venue in the county or counties in which the Easement Property is situated.

**6. Counterparts.** This Agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts shall be construed together and shall constitute one and the same instrument.

**7. Effect of Waiver or Consent.** No waiver or consent, express or implied, by any party to or of any breach or default by any party in performance by such party of its obligation hereunder shall be deemed or construed to be a consent or waiver respecting any other breach or default in the performance by such party of the same or any other obligations of such party hereunder. Failure on the part of a party to complain of any act of any party or to declare any party in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights hereunder until the applicable statute of limitation period has run.

**8. Further Assurances.** In connection with this Agreement, as well as all transactions contemplated by this Agreement, each signatory party hereto agrees to execute and deliver such additional documents and instruments and to perform such additional acts as may be necessary or appropriate to effectuate, carry out and perform all of the terms, provisions and conditions of this Agreement and all such transactions.

**9. No Liability.** Neither the City of Austin nor any government entity, their agents or employees, shall be responsible to Grantor, its successors or assigns, for any damage occurring to the surface of the Easement Property as a result of any governmental vehicles traversing same.

**10. Integration.** This Agreement contains the complete agreement between the parties with respect to the subject matter hereof and cannot be varied except by the written agreement of the parties. The parties agree that there are no oral agreements, understandings, representations or warranties concerning the subject matter hereof which are not expressly set forth herein.

**11. Legal Construction.** In case anyone or more of the provisions contained in this Agreement shall for any reason be invalid, illegal or unenforceable in any respect, to the extent such invalidity or unenforceability does not destroy the basis of the bargain among the parties, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein. Whenever required by the context as used in this Agreement, the singular number shall include the plural and neuter shall include the masculine or feminine gender, and vice versa. Article and Section headings appearing in this Agreement are for convenient reference only and are not intended, to any extent or for any purpose, to restrict or define the text of any Article or Section. This Agreement shall not be construed more or less favorably between the parties by reason of authorship or origin or language.

C:\Documents and Settings\lfrd\Local Settings\Temporary Internet Files\SQLSERVER\Access\Excel\Don't Agree\ment\3.doc  
Description: Travis,XX 99- Present Year, DocID: 2006197892 Page: 2 of 10  
Order: -wds25 Comment:

Page 2

Cl  
29

**12. Notices.** Any notice of communication required or permitted hereunder shall be deemed to be delivered, whether actually received or not, when deposited in the United States mail, postage fully prepaid, registered or certified mail and addressed to the intended recipient at the address shown herein, and if not so shown then at the last known address according to the records of the party delivering the notice. Notice given in any other manner shall be effective if and when received by the addressee. Any address for notice may be changed by written notice delivered as provided herein.

**13. Recitals.** Any recitals in this Agreement are represented by parties hereto to be accurate and constitute a part of the substantive agreement

EXECUTED on the date first appearing above.

GRANTOR:

SHIRE'S COURT, LTD.

BY: SHIRE'S COURT (L.P., INC. . .  
a Texas corporation

By:  
David C. Mahn, President

STATE OF TEXAS     §  
                              §  
COUNTY OF TRAVIS   §

Before me, the undersigned authority, on this day personally appeared David C. Mahn, President of Shire's Court G.P., Inc., the general partner of Shire's Court, Ltd., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the capacity and for the purposes and consideration therein expressed.

Given under my hand and seal of office this 6 day of October, 2006.

Page 3

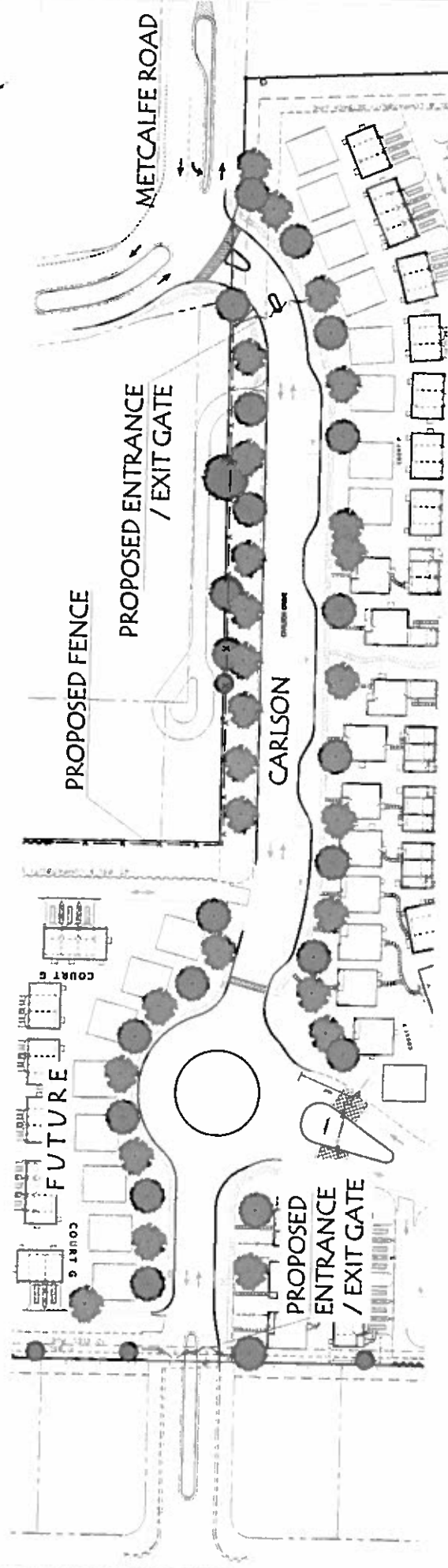
Formatted: Underline

C:\Benchmark\050533- Wchaboo\DOCS-18 E-served Agrulient.d\Qc  
Description: Travis.TX 99-Present Year.DoolD 2006:197892 Page: 3 of 10  
Order: linda25 Comment:

ACCEPTED BY GRANTEE:  
CITY OF AUSTIN  
APPROVED AS TO FORM:

AFTER RECORDING, RETURN TO:  
Mitchell D. Savrick  
Savrick Schumann Johnson McGarr  
Kaminski & Shirley, L.L.P.  
4330 S. Mopac, Suite 150  
Austin, TX 78735

C:\Docum\Jls and Settng\Thoma,DeV\Local Settings\Temporary Internet Files\JLKFSA\Access Easement Agreement (3).doc  
Description: Travis.TX 99-Present Year.DoolD 2006:197892 Page: 5 of 10  
Order: -linda25 Comment:  
Page 4



# PROPOSED CARLSON ENTRY

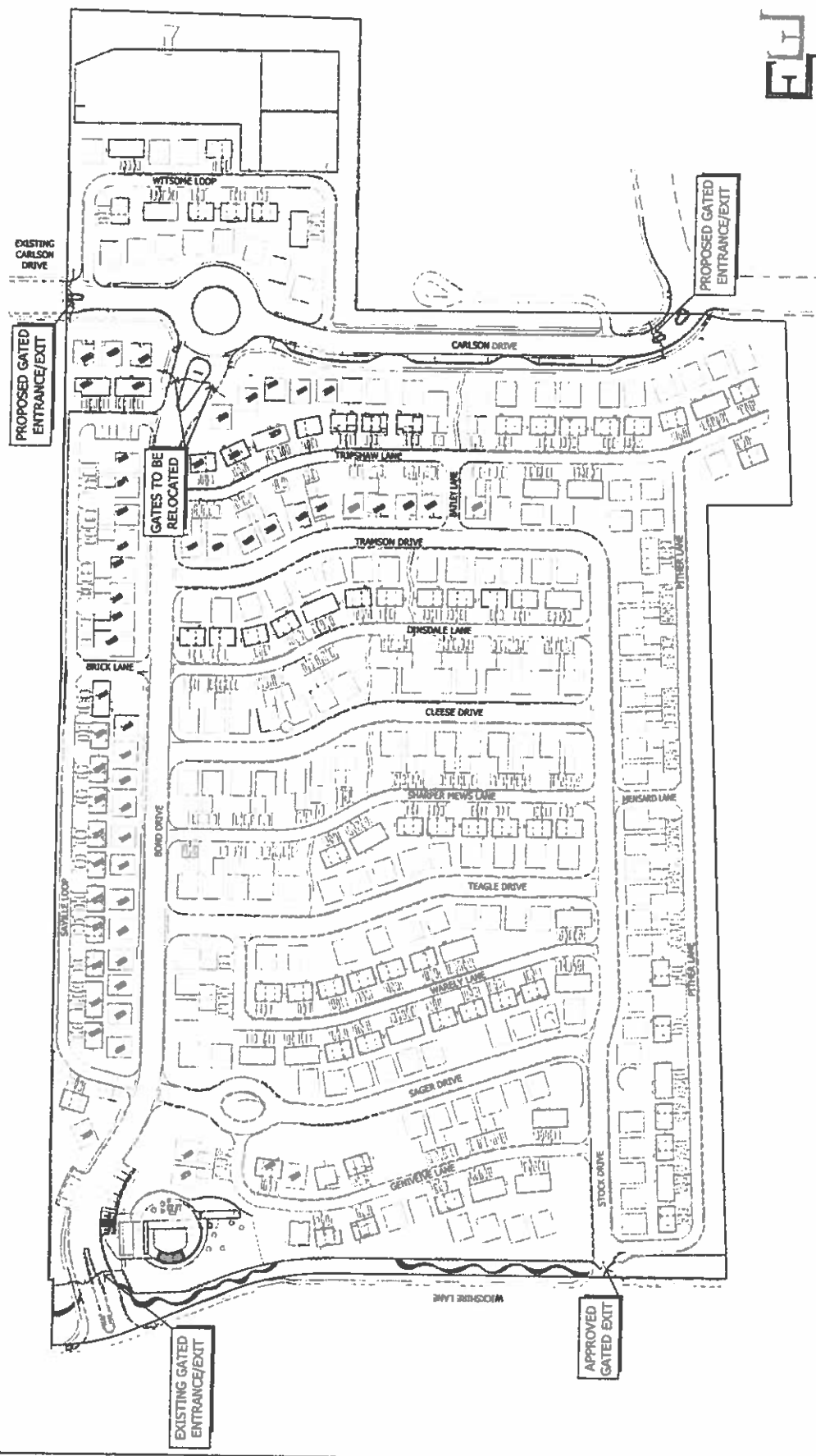
draft



edgewick

30

C1/31



**REQUEST FOR AN AMENDMENT TO RESTRICTIVE COVENANT OF  
ZONING CASE 3 C14-04-1081**

C/32

Edgewick is located at 1910 Wickshire Lane and is development as a condominium regime. The Edgewick community provides reasonably priced home ownership minutes from downtown, reducing traffic on major highways, and providing quality, close-in housing for citizens who could not otherwise afford to live close to downtown Austin. Currently, infrastructure improvements are completed for 120 units of which 60 units are owner-occupied. The balance of units are under development and owned by Shire's Court Ltd. The current home owners have experienced several problems with crime and vandalism including dog theft, breaking and entering, speeding, tagging, broken windows and damage to the amenities, etc.

In an effort to address the crime the community has taken efforts to improve the overall safety by adding watch cameras, a daily security service and the HOA provides community awareness and safety tips in its monthly newsletter, yet the community still is victimized. Most of these events have occurred on or through the northern privately maintained (but open to the public) street, Carlson Drive. While the residents understand the reasons for public access, they believe the continuing vandalism can be curtailed by gating Carlson Drive. It is important to note, that within 1.5 blocks there are several either condo or apartment projects that are fully-gated to avoid this particular issue. In cases where apartment or condo projects do not have fencing, none of them are split by a public road, which invites people outside the community to enter at any time

To preserve safety and value of the community the residents/owners are requesting an amendment to restrictive covenant #3 which reads "Owners shall provide for public access through the property by way of a street extending between the terminus of Carlson Drive and Metcalfe Road. The revision would allow for installation of vehicular gates on the private street Carlson between Parker Lane and Metcalfe thus, limiting access to those seeking to damage the community. Please know that all residents unanimously signed the application and desire to gate their community.

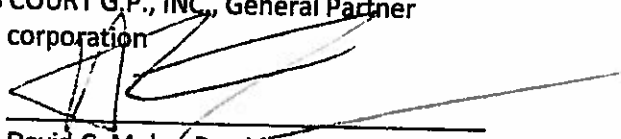
Thus, we are requesting to amend the restrictive covenant to allow for the installation of gates at the property line on the private drive, Carlson.

The attached exhibits provide a site location map, a general layout of the community and a detail of Carlson drive and the proposed gate plan.

We respectfully request approval of the amendment to the restrictive covenant to delete item 3.

Sincerely,  
SHIRE'S COURT, LTD.,  
a Texas limited partnership

By: SHIRE'S COURT G.P., INC., General Partner  
a Texas corporation

By:   
David C. Mahn, President

Applicant Agent: Myra Goepp





CL  
33

## MEMORANDUM

**TO:** Stephen Rye, Senior Planner, Planning & Development Review Department  
**FROM:** Eric Dusza, Senior Planner, Public Works Department  
**DATE:** February 22, 2012  
**SUBJECT:** 2012-001677 ZC / Shire's Court (AKA Edgewick)  
**CC:** Annick Beaudet, Program Consultant – Planning, Public Works Department

---

Guided by the core principal of the Imagine Austin Plan, which is to "Grow as a compact, connected city", the Neighborhood Connectivity Division (NCD) of the Public Works Department improves opportunities for safe multimodal transportation. Therefore, NCD does not support the applicants request to amend the restrictive covenant of Zoning Case 3 C14-04-1081 to allow for the installation of gates at the property line on the private drive, Carlson. Additionally, the Child Safety Program of NCD has identified Carlson Dr as a Safe Route to School for Linder Elementary School.

Please contact me at 974-6504 should you need further clarification or information.

Rye, Stephen

From: Kay Arnold ([REDACTED])  
Sent: Friday, February 10, 2012 9:10 AM  
To: Rye, Stephen  
Subject: Case No. C14-04-0181.SH(RCA)

C1  
34

Dear Stephen,

I am a resident of Burleson Heights, 2705 Ware Road. I use Carlson Drive. I am joining my neighbors in asking that the City keep the street open against the wishes of the Edgewick management. I agree with the reasons set out below:

Thousands of law-abiding area residents rely on Carlson Road for access to the school, public park, their homes and businesses. That's why the City of Austin puts such great emphasis on the need for connectivity between neighborhoods. Access is necessary for pedestrians, cyclists and drivers — as well as for emergency vehicles. If Carlson were closed, for example, a fire truck or police car coming from the south would have to travel more than half a mile out of its way via Glen Springs before continuing to its destination.

Here's my blatant editorializing: It doesn't matter how affluent, educated or isolated you are — anyone who lives in an inner-city neighborhood will have to deal with certain issues. Surrounding neighborhoods don't deal with crime or vandalism by walling themselves off. Instead, they address problems with Neighborhood Watch programs, group clean-ups, frequent contact with city officials, park projects that provide activities for bored teens, and other efforts to improve the quality of life for *all* residents. Getting involved, supporting schools and patronizing businesses that give people an honest way to make living are more effective ways to prevent crime. Blocking a street used by thousands of people is short-sighted, and sacrifices the needs of the many for the fears of a few.

I am unable to attend the hearing on February 14, but would appreciate you expressing my voice AGAINST the closure.

Best wishes,

Kay Arnold  
[REDACTED]

2/10/2012

**Rye, Stephen**

**From:** John Mckiernan-Gonzalez [redacted]  
**Sent:** Tuesday, February 07, 2012 8:04 AM  
**To:** Rye, Stephen  
**Subject:** case no. C14-04-0181.SH(RCA)

C1  
35

**Attachments:** Tlahualilo 837.JPG



Tlahualilo 837.JPG  
(2 MB)

Dear Mr. Rye:

I hope this note finds you well.

Recently our neighborhood association just got note that Edgewick Condominiums is asking to block and gate Carlson road because of property damage and vandalism. Although I do not understand how an already gated condominium needs to build another gate (and more property) to prevent theft and vandalism as this does seem like more goading of the vandalizers, I do think this means that we need additional vigilance by the police in our general neighborhood.

What we do not need is a blocked passageway from Burleson to Parker.  
In my case, from my house on 3000 matador Drive to Parker Lane and from there to I-35.

The Carlson entrance on to Parker is the safest left turn onto Parker, because it is the only one that gives you adequate view of traffic coming down both hills. The Wickshire is blind, since you cannot really see the cars screaming north on Parker. The Glen Springs left is also blind, as cars accelerate south on Parker from Oltorff and that view is blocked by the bus stop. As the father of a two year old child who needs to get to I-35 to bring him to day care, I blessed the day Carlson was paved all the way through with a traffic circle (to slow people down). This has made life in our neighborhood much more amenable, aesthetic, convenient and safe.

Moreover, by handing the road to Shire Properties, you will also be blocking our dog walking path, cutting off more precious green space and green views for my son, for me, for my wife, and for our dog Dora.  
After the city made our neighborhood more attractive by extending Carlson, I do not see the reason why you should hand this space over to a private corporation. Really! This is appalling.

I am including a picture of our dog Dora and my family so that you can understand the profit-driven attack on the cuteness and livability of our neighborhood. :)

With all respect,

John Mckiernan-Gonzalez

p.s. Edgewick has taken over the hill overseeing Linder. Do we have to give them the road too?

--

John Mckiernan-Gonzalez

"Es como cruzar el niagara en bicicleta"- Juan Luis Guerra

**Rye, Stephen**

**From:** cherry red ([REDACTED])  
**Sent:** Tuesday, March 06, 2012 11:57 AM  
**To:** Rye, Stephen  
**Subject:** case # C14-04-0181.SH(RCA) Shire's Court

C1  
36

Mr. Rye: I spoke with you about 2 weeks ago... thank you for you Time.  
 If I as a resident on Parker Lane... would prefer Shire Court NOT to turn itself into a gated community...by installing Gates on Carlson Street.

### **Must I show up at the Council Chambers?**

Here are my objections:

They have already 'gated' the only finished street in the complex.

You indicated they are claiming they need to do this to prevent crime? How so?  
 If you have a Criminal living in the project and they very well may have... that owner or resident will just give out the gate codes to their criminal associates so they will continue to have access. Also, some service people have criminal friends that they will give the code to- for a fee... so putting up a gate is not going to be a deterrent in that respect.  
 The Skate kids... if they want to break in... they will just climb over the gate. No problem.

Plus, gating Carlson will only slow down police or Emergency response to the Shire Court Community.

May I suggest requesting the Police to drive down Carlson on occasion as they do Parker Lane. Also when building units.. have them prewired for an Alarm System as part of the package.

The already built Condos, they can get Alarm Systems... **INSTALLED for Free** with only a two year contract. It is my understanding that an Alarm is a better deterrent than a gate especially in the city.

The second is a dog. Neither would cost the community anything to install or maintain and be more effective. And what about a Community Watch?

That is why I don't believe Crime is the **real** reason. Are they actually trying for Snob appeal and think turning Shire Court into a 'gated community' will have a larger appeal to people who are fearful of living in a mixed neighborhood???? really? Really!!! If you want to have snob appeal... build in Westlake. This was promoted as to be "affordable condos", \$150,000 for people to be able to purchase and live in the inner city.

A lot of people walk with their kids in strollers or their dogs on that street now, in the early evening, because it is currently a quiet though fare and the Sidewalks on Parker are

treacherous. Especially at night or dusk-- easy to break your neck stepping in a crack.

As a long time resident Owner on Parker.. I like to use Carlson to access Metcalf? to cut to Burleson up to Oltorf and avoid the light at Oltorf and Parker. I don't do it often... just when I go to Chiropractor.. and don't feel like dealing with busy traffic. Don't laugh.

Plus. opening up Carlson which once was a dead end... seems to have cut down on the criminal activity in the duplex on NE corner at Carlson & Parker. The dead end seemed to give 'them' some sort of illusion of privacy "that no one would notice all the traffic 24/7" ??? But, it made a difference. That Criminal activity has visibly cut down... (or) it isn't as blatant or bold as it once was.

Thank you again for your time & assistance in this matter.

Cherry A. Rains

[REDACTED]  
[REDACTED]

CL 37

**Rye, Stephen**

**From:** Marla Akin [REDACTED]  
**Sent:** Monday, February 27, 2012 2:13 PM  
**To:** Rye, Stephen  
**Subject:** C14-04-0181.SH(RCA) Carlson Rd Closure

cl  
38

Marla Akin & John McAlpin

2708 Ware Rd

Austin, TX 78741

RE: Case number C14-04-0181.SH(RCA)

For the record, we wish to object to the closure of Carlson Rd, a street which gives our Burleson Heights neighborhood a much-needed means of east-west transit. The Edgewick community's assumption that Carlson traffic is responsible for crime in their "gated" neighborhood is simplistic and not supported by the facts. The rest of our area isn't able to gate itself from the vagaries of living in an economically mixed neighborhood, and we depend on Carlson Rd for convenient access. Thank you.

2/27/2012

**Rye, Stephen****From:** Gayle Goff [REDACTED]@gmail.com**Sent:** Monday, March 12, 2012 5:07 PM**To:** PC-Dave Sullivan; PC-Mandy Dealey; PC--Saundra Kirk; PC-Dave Anderson; PC-Danette Chimenti; Richard -- planning comm Hatfield; Alfonso -- planning comm Hernandez; Planning Comm--D Tiemann; Planning Comm--J Stevens**Cc:** Rye, Stephen**Subject:** Item 11--C14-04-0181.SH(RCA)--Shire's Court

C1/39

Commissioners--

&lt;!--[if !supportEmptyParas]--&gt; &lt;!--[endif]--&gt;

The EROC NPCT voted to oppose the closing/privatizing of Carlson Rd and urges you to do the same.

&lt;!--[if !supportEmptyParas]--&gt; &lt;!--[endif]--&gt;

Throughout the planning process, "connectivity" was continuously cited by City staff as a key element necessary for a walkable community. Goal #5 of the EROC NPA is to "Enhance the transportation network..." The 3300-acre EROC planning area is well acquainted with large-acre multi-family developments -- they dominate the area, creating huge sections that are gated and impassable. The extension of Carlson plays a vital role in increasing neighborhood connectivity in this part of the area. It is especially important as a connection to the elementary school.

&lt;!--[if !supportEmptyParas]--&gt; &lt;!--[endif]--&gt;

Applicant has stated that the reason for the request to close the street is increased crime.

However, according to APD District Rep Ray Lopez, there is no increase in crime at this location, it is not considered a "hot spot" and "there is no more crime here than anywhere else in the area".

&lt;!--[if !supportEmptyParas]--&gt; &lt;!--[endif]--&gt;

There is simply no logical reason to close this roadway.

&lt;!--[if !supportEmptyParas]--&gt; &lt;!--[endif]--&gt;

Thanks,

&lt;!--[if !supportEmptyParas]--&gt; &lt;!--[endif]--&gt;

Gayle Goff

Chair

EROC NPCT

Rhoades, Wendy

From: Jeannette Heindel [mailto:jeannette@thebrainfield.com]  
Sent: Thursday, May 03, 2012 3:30 PM  
To: Rhoades, Wendy  
Subject: Carlson closure - No. C14-04-0181.SH(RCA)

CL/HO

Dear Ms. Rhoades:

I am opposed to closing Carlson Road to thru traffic. Edgewick is already a gated community and I would prefer that they make an effort to become a part of the neighborhood rather than further section themselves off and inconvenience the other members of the community. If you close Carlson Rd, you force traffic through Mission Hill or Glen Springs Way. The former is unsafe and the latter is a heavily populated residential street with a lot of cars parked on either side of it.

Carlson is one of only three east-west neighborhood streets east of Parker Lane, and one of only two that are two-way streets. It is also one of the safer options when traveling by bike.

I respectfully implore you to deny their request.

Thank you,

Jeannette Heindel  
3005 Catalina Drive  
Austin, TX 78741  
512-417-7545

Brainfield  
PRODUCTIONS

Jeannette E. Heindel  
512.417.7545

**DISCLAIMER:** This message may contain confidential or proprietary information and is intended only for the use of the individual or group named above. If you are not the intended recipient, you should not read, print, retain, copy or disseminate this e-mail or any part of it. If you received this e-mail in error, please notify the sender immediately by reply e-mail and delete it and any attachments from your mailbox.

5/4/2012



**Rhoades, Wendy**

---

**From:** Tim Trentham <trentham@gmail.com>  
**Sent:** Wednesday, September 12, 2012 5:01 PM  
**To:** Rhoades, Wendy  
**Subject:** Citizen Input on Carlson Drive - Case C14-04-0181.SH(RCA)

CH1

Ms. Wendy Rhoades,

I am a home owner at 3303 Laguna Drive. I have owned the home and lived in the neighborhood for 14 years. I am writing to you about case number, C14-04-0181.SH(RCA), the request by the developers of Edgewick to close Carlson Drive to public traffic.

I oppose closing Carlson Drive and would like it to remain a public street.

There is only one other good two way street to access into our neighborhood from Parker Lane, Glen Springs. Carlson Drive is superior because it only has homes on the one side. If I am coming from Woodward across I-35 to our neighborhood, taking Parker and then crossing at either Carlson or Glen Springs is the only way in. Wickshire is one way by the school and is not really a proper road all the way through. I think our neighbors at Edgewick should remain a part of the community. I myself have called in code compliance issues on Carlson just as I do on other streets in the neighborhood. Carlson adds a route for emergency vehicles into the neighborhood as well as pedestrians and bikes trying to access the bus stops on Parker near Mabel Davis. Edgewick itself already has gates for entrance into the roads connecting Wickshire and Carlson which is fine. It's not a throughway that can be beneficial to the rest of the neighborhood. However, Carlson is and should remain open as it is now.

Thank you for your time and consideration,

Tim Trentham

Cell: 512.968.2932

Address: 3303 Laguna Drive, Austin TX 78741

Rhoades, Wendy

From: Christine Forrest <[REDACTED]>  
Sent: Thursday, September 06, 2012 6:53 PM  
To: Rhoades, Wendy  
Subject: restricting access to Carlson Drive (oppose) 2012-001677 ZC

CL  
HR

Hi, Wendy. Tom Wald of League of Bicycling Voters gave me permission to forward his statement to you to include in the folder for Shire's Court's request. He initially had sent it just to Dave Sullivan of the Planning Commission.

Tom also told me that League of Bicycling Voters is in the process of changing its name to Bike Austin, and he's also transitioning to a new e-mail address: tom@bikeaustin.org

Thank you,  
Christine Forrest

----- Forwarded message -----

From: **Tom Wald**  
Date: Monday, February 20, 2012  
Subject: restricting access to Carlson Drive (oppose) 2012-001677 ZC  
To: Dave Sullivan <sully.jumpnet@sbcglobal.net>  
Cc: Christine Forrest <[REDACTED]>

Dave,

It has been brought to my attention that a property owner is requesting to close off access to an important east-west bike/ped street in southeast Austin:

[https://www.ci.austin.tx.us/devreview/b\\_showpublicpermitfolderdetails.jsp?FolderRSN=10702232](https://www.ci.austin.tx.us/devreview/b_showpublicpermitfolderdetails.jsp?FolderRSN=10702232)

Since there are few good east-west streets for bike/ped access in this part of Austin, it is important that public bike/ped access be maintained on Carlson Drive. **The League of Bicycling Voters opposes the closure of Carlson Drive.**

You can read more about this issue on Ms. Forrest's blog:

<http://burlesonheights.com/2012/02/10/edgewick-condos-want-to-gate-off-important-east-west-road/>

This is on the agenda for the Feb. 28th Planning Commission meeting.

-Tom

Tom Wald  
Executive Director  
League of Bicycling Voters  
<http://lobv.org>  
[tom@lobv.org](mailto:tom@lobv.org)  
512-203-7626

Rhoades, Wendy

CL 13

**From:** [REDACTED]  
**Sent:** Thursday, September 06, 2012 10:52 PM  
**To:** Rhoades, Wendy; burlesonheights@googlegroups.com; burleson-parker-neighborhood-association@googlegroups.com; theWatch@googlegroups.com  
**Subject:** C14-04-0181.SH(RCA): Edgewick, Carlson Drive : Attn Planning Commission  
**Attachments:** 2010.01.12\_edgewick\_web\_plat\_pdf\_full\_view (1).pdf

Dear Ms. Wendy Rhoades,

I apologize if I have not emailed my thoughts and protests to the appropriate party(s) before today, I cannot find a email trail but I thought I had emailed someone in the past.

So for the record...As a member of the Burleson Heights/Parker Neighborhood and we have lived at and owned our duplex at 3017 Burleson Road since October of 1997 I hereby officially protest the closing of Carlson Drive to the public. While in general I do not like to "cut through" the neighborhood I do often use Carlson Drive to go to Mabel Davis Park to pick up/drop off my son and friends to use the skate park and to access the Shell station on the I-35 frontage road at Royal Hill Drive and to get to one of the on-ramps for I-35. Additionally, since Carlson Drive opened I no longer go the "wrong" way on Wickshire Lane when going through that area and in fact I typically use Carlson Drive more than Wickshire Lane to go west through the area as well as east.

Another issue as pointed out in emails between our neighbors is the lack of sidewalks on Wickshire and the difficulty that causes to wheel chair and people using walkers. I have always been surprised at the number people using wheel chairs and walkers getting around in our area especially given the lack of sidewalks. Additionally a lot of people walk or ride bikes in this area and what makes neighborhoods useable is connectivity not a bunch of disconnects.

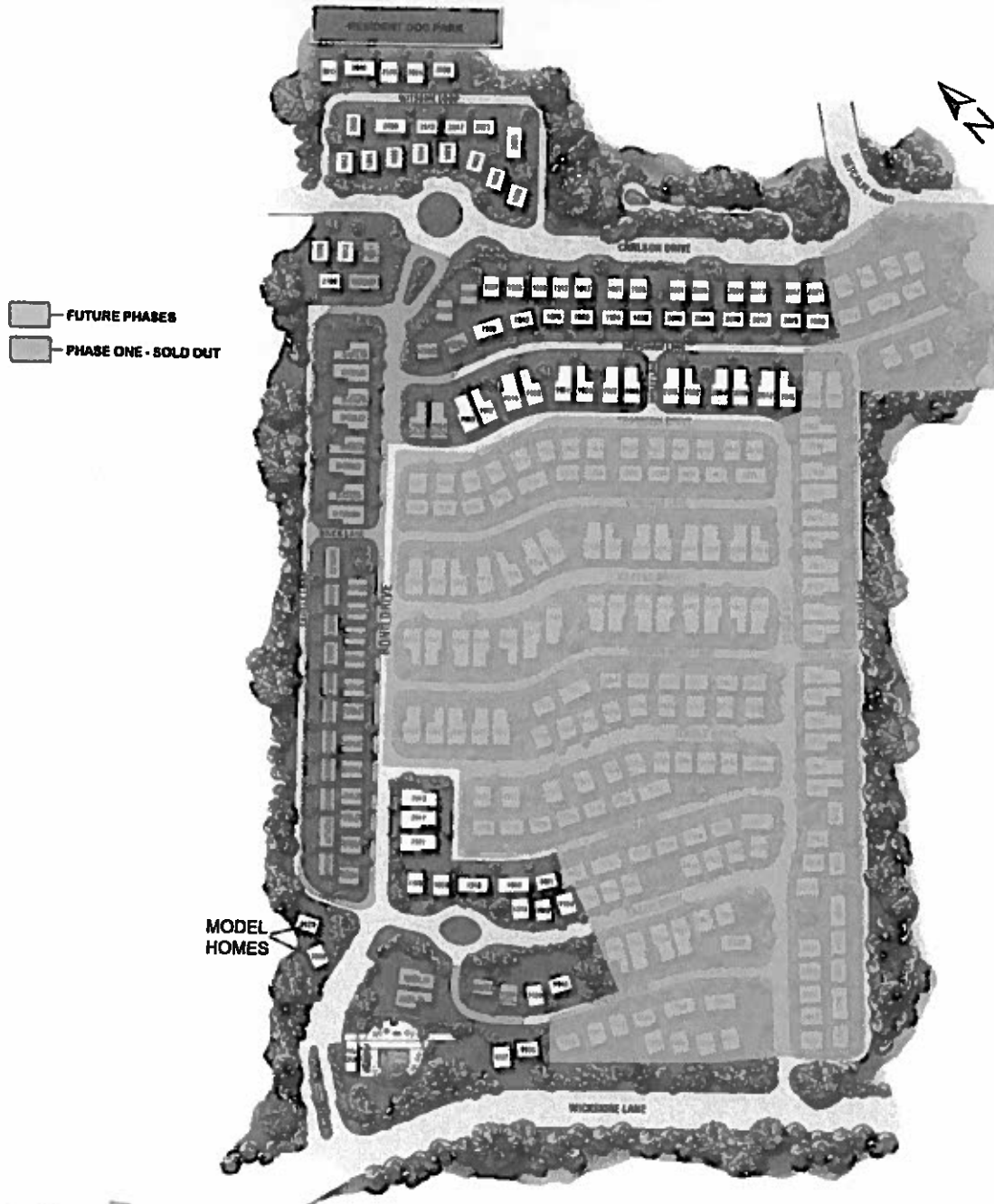
I have attached the Edgewick Plan for reference to roads/connections. Edgewick came here and instead of pretending they live in an exclusive community somewhere else they should try to help make the entire Neighborhood area a better more connective, enjoyable and desirable place to live which in the end will benefit their property value more than being an exclusive area in an area they wish they were not.

Thank you for considering our opinion.

Camala and Javier Jones  
3017 Burleson Road #A  
Austin, Texas 78741

# EDGEWICK

C1/44



This site plan represents the plans and guidelines as currently proposed and as such are subject to change without notice at the sole discretion of TOWSA Homes. Illustrations are artist's depictions only and may differ from completed improvements. Views vary significantly by location and may be affected by future development. Perimeter properties are not identified. 3/07



**Rhoades, Wendy**

---

**From:** Landry, Lee Anne <[REDACTED]>  
**Sent:** Monday, September 10, 2012 10:25 AM  
**To:** Rhoades, Wendy  
**Subject:** Edgewick, Carlson Drive

CL  
45

Regarding: C14-04-0181.SH(RCA).

Attention Planning Commission,

I live in close proximity to Carlson drive and use this road daily for access to Parker Lane and I35. I am not in favor of it being closed. The traffic and lack of access ramifications to the entire neighborhood I feel clearly outweighs the needs of the Edgewick owners.

Lee Anne Landry  
2706 Ware Rd.  
Austin Texas 78741

---

Lee Anne Landry | Senior Project Manager, Global Supply Chain, Specialized Curriculum Group  
Houghton Mifflin Harcourt Publishing Co. | Ph. 512.795.3227 | Email. [leeanne.landry@hmhpub.com](mailto:leeanne.landry@hmhpub.com)

**Rhodes, Wendy**

---

**From:** julietthomas@gmail.com on behalf of Julie Thomas  
**Sent:** Monday, September 10, 2012 9:21 AM  
**To:** Rhodes, Wendy  
**Subject:** Carlson Drive

CL/46

Dear Ms. Rhodes and the Planning Commission:


I am writing you about Case Number C14-04-0181.SH(RCA). I am an area resident (Santa Monica Park) and I am against closing off Carlson Drive with gates. This is an important thoroughfare between Parker Ln. and Burlison Road and serves a lot of people in my neighborhood who need to get to the bus stops on Parker, as well as other businesses on that street. In fact, I have a friend who comes over at least once a week and lives in a town home on Parker who uses Carlson Drive to reach my house. Often, accidents or other traffic problems snarl or even close up the area around Ben White Blvd, which causes a lot of traffic to spill over to Oltorf. As Oltorf and Ben White are pretty much the only ways out of my neighborhood, Carlson Drive provides an important access point to our neighborhood.

My other concern is that gating off the road sends a clear message to our neighborhood: the residents of Edgewick want to enjoy all the benefits of our area (access to freeways, Mabel Davis Park, proximity to downtown), while appearing hostile to us, seeing the residents of our neighborhood as "the other." This is deeply disturbing and should not be sanctioned by the city. They already have the rest of their neighborhood "safely" cocooned, please keep this important right of way open for the surrounding areas.

Thank you for your time and consideration.

Sincerely,

Julie Thomas

  
3403 Santa Monica Dr.  
512-916-9856

**Rhoades, Wendy**

cl  
4/1

**From:** Laura Lopez  
**Sent:** Saturday, September 08, 2012 10:51 AM  
**To:** Rhoades, Wendy  
**Subject:** Attn: Planning Commission- Carlson Drive

Good Morning,

My name is Laura Lopez, owner and occupier of the house located at 2705 Princeton Dr. I was recently informed of a proposal to gate Carlson Drive (Case #C14-04-0181.SH(RCA) ) and I would like to express my opposition to this plan. We use Carlson Dr. frequently as it allows good access between our neighborhoods and it would be terribly inconvenient to have this road gated or with limited access.

On behalf of the residents at this address, please accept my comments on this matter.

Respectfully submitted,

--  
Laura A. Lopez  
Pre Dental Student  
The University of Texas at Austin  
B.A. Asian Studies

Rhoades, Wendy

cl 48

From: Sandy Rice <[REDACTED]>  
Sent: Monday, September 10, 2012 3:33 PM  
To: Rhoades, Wendy  
Subject: Edgewick, Carlson Drive

Dear Ms. Rhoades,

I understand that the Edgewick community in Southeast Austin wants to gate Carlson Drive. (Case number C14-04-0181.SH(RCA)).

It's my sincere hope that the Planning Commission denies this request. This is one of a very few ways for cars to get from Parker Lane to the Linder Elementary School area, and unfortunately, many drivers drive the wrong way down Wickshire Lane, which is a one-way street right next to the school.

I walk my dogs regularly in the early morning in this neighborhood, and have noticed that since Carlson has been open, there have been far fewer wrong-way drivers. This is a safety issue, and I hope that Carlson Drive remains open. The distance from Woodward Street to Glen Springs Way (the next street from Parker to Metcalfe) is prohibitively far for human nature to tolerate! This also increases the distance for fire, ambulance, and police cars, who unfortunately spend a good deal of time in our neighborhood.

Thanks for your consideration,

Sandy Rice, M.Ed.  
Vice President  
Cardea — Austin, TX  
p: (512) 474-2166 f: (512) 476-0326  
[REDACTED]  
[www.cardeaservices.org](http://www.cardeaservices.org)

Home address:  
2804 Ware Road  
Austin, TX 78741



**Rhoades, Wendy**

01/49

**From:** [REDACTED]  
**Sent:** Sunday, September 16, 2012 3:21 PM  
**To:** Rhoades, Wendy  
**Subject:** Carlson Drive C14-04-0181.SH(RCA)

I live at 2605 Princeton Drive. I and my roommate use Carlson Drive on a daily basis. It is the only straight route between our neighborhood and that area of Parker Drive and points beyond.

Carlson is the best route for emergency vehicles in the event of an emergency at Linder Elementary and to reach persons in the neighborhoods on either side of Carlson. If Carlson is closed, emergency vehicles would have to travel an extra half mile out of their way to reach the several hundred homes on either side which are currently served by the Carlson through-way, that journey further slowed by the congestion on Glen Springs Way or the dangerousness of Wickshire.

It is also the safest route when heading due west from our neighborhood, and vice versa. The only other routes are (a) the one-way Wickshire which runs right along the elementary school and involves a hairpin curve and a steep hill, and (b) Glen Springs Way which is usually parked full on both sides, narrowing the lane of travel, limiting vision, and involving several intersections.

Traveling Carlson helps drivers avoid long delays at traffic lights and it also avoids the high-accident intersection at Oltorf and Burleson. Even though we must drive slower, we can chop a great deal of time off our trips than is wasted sitting at lights. Not sitting at lights helps the environment by limiting idling exhaust. Despite traveling past an elementary school, it is still safer driving this way as it is easier to see children. Going the alternate routes of Ben White and Oltorf puts more pedestrians in our pathway at much greater speed, and with the high incidence of pedestrian accidents in Austin, I am glad to find this safer route.

I appreciate that Edgewick thinks this fence will prevent crime, but crime statistics for the area just don't bear up. Plus, they normally leave the entrance gate to the complex open, an open invitation to persons with vehicles intent of burglary. If Edgewick thinks the compromise is to open the gate briefly each day for schoolchildren, this will not prevent crime and negates their argument. In addition, crime statistics for other fenced complexes do not bear out Edgewick's contention that the gate will prevent crime.

After Cap Metro did away with the Burleson Rd buses, the only north-south buses in the area are on Parker. Probably 75-80% of the housing units along this route lie east of Parker, and closing Carlson will make an already long and difficult trip to the bus stop even more difficult. Either the pedestrians (and probably wheelchair bound riders) and children will have to travel out of their way to go up the steep and narrow Wickshire, or they will need to travel the dangerous and congested Glen Springs Way.

There is also a great deal of bicycle traffic through the Carlson area of neighborhood, and Carlson is the only straight, level street available for this purpose.

I hope you will consider the importance of Carlson to the neighborhood and deny Edgewick neighborhood's request to close it to public asset.

Julie Boyea  
512-743-7527

**Rhoades, Wendy**

---

**From:** [REDACTED]  
**Sent:** Monday, September 17, 2012 2:28 PM  
**To:** Rhoades, Wendy  
**Subject:** Edgewick Case No. C14-04-0181.SH(RCA)

CL  
50

Planning Commission,

Carlson Drive should not be closed to the public:

School children use this street to walk to school  
Neighborhood citizens use this street to access their neighborhoods  
I use this street for the access to my house  
Edgewick development cannot and should not open a street to the public and then deny access later because they think  
the neighborhood should be segregated  
Edgewick residents should not be treated with preference over the general public  
The Carlson Street signs are an indication to the public that this right of way is in fact publicly owned  
Edgewick development routinely leaves their security/community gate open, which negates the segregation argument

I strongly urge the City to keep Carlson Drive open to the general public on safety and civil grounds.

Sincerely,

John McAlpin  
2708 Ware Road  
Austin, TX 78741  
tel: 512.441.6354

**Rhoades, Wendy**

---

**From:** [REDACTED]  
**Sent:** Friday, September 21, 2012 8:00 PM  
**To:** Rhoades, Wendy  
**Subject:** Edgewick, Carlson Drive

01/51

Case number, C14-04-0181.SH(RCA)

We are writing in support of keeping Carlson Drive open to the public.  
We live on Ware Road and given that Metro busses do not stop along Burleson any more, my family and I walk across Carlson and then Metcalf to get to Ware Road.

Similarly when we bike home from the West, in most cases Carlson is the most direct Route to Ware road.

Both Wickshire Lane and Glen Springs Way are much harder and more dangerous to navigate by bike, especially for the kids.

We appreciate your consideration for our concern.

Sincerely,  
Iris Geisler & Jeff Diamond

**Rhoades, Wendy**

---

**From:** Whiterose [REDACTED]  
**Sent:** Tuesday, July 31, 2012 8:34 AM  
**To:** Rhoades, Wendy  
**Subject:** Opposition to making Carlson Drive a public street

CL/52

Hi, Wendy,

I live at 1809 Carlson Drive, and I understand that you are considering making Carlson Drive, currently a private drive, into a public street. This is not in my best interest, it's not in the interest of my neighbors, and it's not in the best interest of the City of Austin.

The Edgewick proposal to keep the property as a private drive and to allow Carlson to be gated is my preferred option and I support the compromise that requires Edgewick to keep the gate open during the day.

Please consider my interests as a property-owner along Carlson Drive in making this decision. Please feel free to contact me if you have further questions.

Regards,  
Michael Croft  
1809 Carlson Drive  
512-632-2914

Sent from my iPad

**Rhoades, Wendy**

---

**From:** Ginger Stampley [REDACTED]  
**Sent:** Tuesday, July 31, 2012 8:45 AM  
**To:** Rhoades, Wendy  
**Subject:** Carlson Drive, Austin, 78741 - Gate request - Opposing public right of way

cl/53

Dear Ms. Rhoades,

I live on Carlson Drive in the Edgewick development in southeast Austin. I regularly see traffic from Parker Road cutting through to Metcalfe at unsafe speeds for a residential street (not slowed down by the roundabout on Carlson Drive), despite the fact that many people, including my husband and I, walk down the road or cross it to visit the dog park. The current conditions aren't safe for pedestrians, particularly at night. It's only a matter of time until someone whips around the corner from Parker at speed and hits a pedestrian crossing Carlson Drive.

I strongly oppose making Carlson Drive a public right of way. Gating the street and closing the gate overnight would prevent accidents at night when visibility is low. As one of the people who will be calling 911 when the inevitable accident happens, I would be much happier with the road closed overnight. My neighbors and I would also be much safer when we walk our dogs at in the evening.

Thank you for your consideration.

Yours sincerely,  
Ginger Stampley  
1809 Carlson Drive  
Austin, Texas, 78741

**Rhoades, Wendy**

---

**From:** Brendan Morris [REDACTED]  
**Sent:** Tuesday, July 31, 2012 9:02 AM  
**To:** Rhoades, Wendy  
**Subject:** Edgewick- Carlson Drive

CLB

Wendy,

It has been brought to my attention that the City of Austin is considering accepting Carlson Drive as a public right of way. Living just off of Carlson Drive for over a year now, this provides a big concern for me. Carlson Drive currently acts only as a short cut to those who use it. People drive way too fast through this area and provide a hazard to the residents of Edgewick who choose to use the dog park or walk around the community. Frequently late at night, people who drive through will blast music as the drive by. The reason people chose Edgewick to live at is because of the security and peace that they get while living close to downtown. Carlson Drive being a public right of way takes away from this. I believe by being able to move the gates of Edgewick to both ends of Carlson will help make Edgewick a booming community which will only help the City of Austin. Please take these points into consideration. Carlson is a misused street that should be only for the private use of the community it was intended for.

Thank you,

Brendan Morris

**Rhoades, Wendy**

---

**From:** Polly Clendenin [REDACTED]  
**Sent:** Tuesday, July 31, 2012 9:16 AM  
**To:** Rhoades, Wendy  
**Subject:** Edgewick Gate request

cl/55

Hello Wendy, my husband and I live at Edgewick, we live at the top of the hill near the pool. I still feel very strongly about the request to gate in Carlson (during the overnight hours) because my husband and I on numerous occasions have seen loiterers who quick frankly look like they are "scouting" out the place for robbery. What I can explain is a strong overall sense of unsafety. Please reconsider the gate closure to simply overnight hours such as 11:00pm to 5:00am. This is a reasonable request, we feel. Thank you!! Polly Clendenin McDonald and Tyler McDonald 3005 Bond Drive and 512 560-9744 cell. Thank you again! Polly

Sent from my iPhone

This transmission is not a digital or electronic signature and cannot be used to form, document, or authenticate a contract. Hilton and its affiliates accept no liability arising in connection with this transmission. Copyright 2012 Hilton Worldwide Proprietary and Confidential

**Rhoades, Wendy**

---

**From:** [REDACTED]  
**Sent:** Tuesday, July 31, 2012 9:56 AM  
**To:** Rhoades, Wendy  
**Subject:** Edgewick

cl/gle

I live at 2904 Bond in the Edgewick community. If you have examined the area, the surroundings are not very safe....drug sales, prostitution etc. We need our gate!!!!!!

Sincerely

Randall Breedlove



**Rhoades, Wendy**

---

**From:** Ricardo Turullols-Bonilla [REDACTED]  
**Sent:** Tuesday, July 31, 2012 10:13 AM  
**To:** Rhoades, Wendy  
**Subject:** Carlson Drive dialogue

C/57

Hi Wendy:

I am writing about the matter of Carlson Drive. I am in favor of giving it a dialogue solution, that is, of keeping it open during the day and gated during the night.

Best wishes, Ricardo Turullols-Bonilla

**Rhoades, Wendy**

---

**From:** cara williams [REDACTED]  
**Sent:** Tuesday, July 31, 2012 12:39 PM  
**To:** Rhoades, Wendy  
**Subject:** edgewick gate

CL  
58

Hi Wendy,

I just wanted to voice my opinion on the Carlson drive being a public right away. I am one of the oldest owners in the Edgewick area, and I have had a few instances in the past few years, specifically in the last year. I had my bike stolen a few years back- from my garage.

Just in the past few months I had 2 gnomes that have been on my porch for at least 3 years, stolen. I also had my car broken into in the past few months, My wallet and a couple pair of sunglasses were stolen.

I realize that these incidents may or may not be related to Carlson Drive being public or private, but the added measure of putting a gate even if it is only closed some of the time, would make me feel a little safer about my belongings.

I appreciate you taking my opinion into consideration.

Thanks,  
Cara Williams

**Rhoades, Wendy**

---

**From:** Campau, Todd CW2 RES [REDACTED]  
**Sent:** Tuesday, July 31, 2012 11:08 PM  
**To:** Rhoades, Wendy  
**Cc:** grondin.tim@gmail.com  
**Subject:** Regarding Carlson Drive

CL  
59

Wendy,

I find it unacceptable that the City of Austin is considering making Carlson Drive a public right of way. I purchased a home in the Edgewick community with the understanding Carlson Drive would be gated to enclose and complete the community in it's entirety. As it stands now, some of the homes in the community as well as the dog park are not connected to the rest of the community.

What is worse is the noise from cars passing through on Carlson Drive. My house is on Tramson and I often hear the base of car speakers as vehicles pass through. Will the city enforce a noise ordinance for Carlson Drive? Furthermore, Carlson Drive has become a "parking lot" for various vehicles including school buses, large trucks and yes, even municipal vehicles.

The Edgewick community will suffer, properties will not sell and the City of Austin tax revenues will decline due to lower housing values for the existing properties at Edgewick. It is in the best financial interest of the City of Austin and peace of mind for the residents of Edgewick for Carlson Drive to be gated as proposed.

If the city truly wants to grow and extend the East Austin Redevelopment corridor to other areas of the neighborhood, gating Carlson Drive is one of your first steps.

Respectfully,

Todd Campau  
Resident of Edgewick community

**Rhoades, Wendy**

---

**From:** Sumeet [REDACTED]  
**Sent:** Tuesday, July 31, 2012 11:56 PM  
**To:** Rhoades, Wendy  
**Subject:** Opposing Carlson Drive as public right of way

cl/60

Wendy:

As an owner in the Edgewick community I am opposed to the full opening of Carlson Drive as a public right of way. While I am a fan for ease of access and ease of flow, I am more of a supporter of redevelopment and making city areas great areas to live. The traditional arguments such as less traffic and better safety for the residents are normal but we have to merit what is better for the public good but in context to changes being made.

The one change was the Edgewick community. If Edgewick had not come along then the area would not have been settled by many people seeking great housing to the nearby downtown area. With that in mind I would support more urban projects like Edgewick, but at the same time making the projects a benefit for those who took the risk to move into such areas.

To me it is not understood how the Carlson Street would benefit the general public. The traffic can be routed along the other perimeters of the property. As it is there is not much traffic on that road, so the need to close it or curtail its use will not hinder other people. For the local neighborhood, it means less traffic and noise.

Again, to be concise and very short, I am in favor of keeping the street closed. This will allow more residents to come into the area as well - in the long run improving all of these pockets in the South Austin area.

Thanks for reading this email.

Sincerely,

Sumeet Maniar  
owner of 2909 Saville Loop

- Sumeet

--

Sumeet Maniar

skype: sumeet.maniar

**Rhoades, Wendy**

---

**From:** Pinky Bhandari [REDACTED]  
**Sent:** Wednesday, August 01, 2012 5:43 PM  
**To:** Rhoades, Wendy  
**Subject:** Carlson drive public way

cl  
61

Dear Wendy,

I am an owner of property 2909 saville loop in the edgewick community, and strongly believe that making carlson drive a public way will reduce the sense of community that edgewick is known to have. I also believe it will not add much value in terms of the broader community and hence would request you to reconsider this decision.

Thanks in anticipation of this favourable outcome.

With regards

Pinky Bhandari.

Sent from my iPad

**Rhoades, Wendy**

---

**From:** Lisa McLaughlin [REDACTED]  
**Sent:** Thursday, August 02, 2012 4:47 PM  
**To:** Rhoades, Wendy  
**Subject:** Carlson Dr.

C/62

I am writing to let you know that as a homeowner and taxpayer I am opposed to opening up Carlson Dr. as a public right of way. This should not cause any undue nuisance to the people in the neighborhood and would allow the Edgewick subdivision to maintain some security and peace of mind.

Lisa A. McLaughlin  
2701 Bond Dr.  
Austin, TX 78741  
(512) 663-8485

**Rhoades, Wendy**

---

**From:** Hoke Jenkins [REDACTED]  
**Sent:** Wednesday, August 15, 2012 10:22 PM  
**To:** Rhoades, Wendy  
**Subject:** Carlson Gate at Edgewick Homes

CHB

The city of Austin for some inexplicable reason continues making things difficult for investors and taxpayers. You all seem more interested in collecting taxes, spending money like drunken pirates, punishing investors and tax payers than acting for the public good. I have also notice a contradictory attitude and laziness that prevails in my city employees. Yes, you work for me because my taxes pay your salary. I think you all are on power trip and think you are invincible. Well, I'm from Florida and we learned in the 2000 Presidential election one vote really matters, mine in this case. I will vote against every bond initiative and every incumbent politician in every election, if I'm penalize by the opening of Carlson to all traffic. I bought and invested in a less than desirable part of Austin that had potential because its proximity to the river, town and the park. I though I was investing in a safe gated community not a partially gated community. I like to feel safe from the dirt bags and gang bangers that smear graffiti over the surrounding neighborhood and hang like a poisonous cloud over Mabel Davis Park while they committ robberies, fight, destroy property, peddle and use drugs. And you all want to give them open access to our community. I have a very negative opinion of people or groups that lie and break their word. If I find that you are a pivotal person in diminishing my investment in Austin, I will write thousands of letters to the Statesman, Chamber of Commerce, politicians, and make donations to every opposing political campaign and include a letter demanding your removal from office as soon as possible. I think I'll start writing letters tonight. I hope I've made myself clear.

**Rhoades, Wendy**

---

**From:** Kate the great [REDACTED]  
**Sent:** Wednesday, August 15, 2012 9:50 PM  
**To:** Rhoades, Wendy  
**Subject:** Edgewick Carlson Gate

CL  
64

Hi Wendy,

I understand that you are my contact for the issue with the Edgewick community Carlson Dr gate. We have been working very hard on having a gate put in for months. Unfortunately, we have not made any progress. It would not only increase the value of my home but it is also a matter of privacy and safety.

I have lived on Carlson for 2 years and had hoped to be able to enclose my street as a part of a private gated residential area. I am a young single woman. I live home alone and this is my first home. It is discouraging to think that some kind of compromise cannot be achieved with an alternate route or cut through.

The traffic through Carlson is constant, both cars and people. It does not make for the quiet peaceful neighborhood feel that I was promised when purchasing a home here. People speed down Carlson at all times of the day and night with no regard for the people that live here. I have almost gotten run over numerous times walking my dogs on Carlson Dr. Unfortunately it is used as a cut through to avoid traffic and the flow of traffic is pretty constant. There are other streets that could be used to cut through and access east Oltoft as well as the school around the corner.

In addition to that, I have had my car hit and run right in front of my home and one of my dogs stolen right out of my yard. Additionally both of my next door neighbors have had their cars broken into and we are no longer able to park in front of our homes.

If that weren't bad enough, there are drug dealers that do business in the empty lot and circle drive by the park all the time. Unfortunately it does not feel safe and I live in fear on a daily basis. Carlson Dr and the area in general have a reputation for not being safe and that is why I am reaching out to you.

Please let me know if there is anything you can do to help. I appreciate any suggestions and advice you have on how to proceed with this issue.

Thank you,

kate anderson  
512.496.8401



**Rhoades, Wendy**

**From:** Buddy Shively  
**Sent:** Wednesday, August 15, 2012 2:37 PM  
**To:** Rhoades, Wendy  
**Subject:** Carlson Drive ROW

C/S

Dear Ms. Rhoades:

This message is in regards to the City of Austin discussions about making Carlson Drive a public street. As a resident of Edgewick, I oppose making Carlson Drive a public right of way. Over the last 4 years of living in this neighborhood, there have been many instances of property damage, automobile burglary and vandalism to the areas of our neighborhood that lie adjacent to Carlson Drive. Specifically, our homeowners association has had to repair or replace damaged plumbing infrastructure, signage and permanent landscaping due to vehicles driving through the area too fast and colliding with private property. Our dog park walls have been graffiti tagged numerous times despite the posting of no trespassing signs and installing a locked access to the park. Aside from the risk of property damage, the speeding of motor vehicles cutting through from Parker Lane to Metcalfe Road via Carlson and vice versa poses an unnecessary safety risk--the Carlson/Metcalfe intersection is only 300 yards from Linder Elementary School and our pets, residents and guests walk through this area daily.

I implore the City of Austin to allow the Edgewick community to be the only through-way users of Carlson Drive to reduce the occurrence of property damage and the risk of auto-pedestrian accidents. We respect the desires of our surrounding community and hope to come to a solution that best suits everyone, but please consider the current configuration of Carlson Drive that has put an undue burden onto our homeowners association and the residents of the Edgewick community. This burden is financial as well as human. We hope to maintain a safe environment as well as expect a level of safe behavior from our surrounding community. This safe behavior has only been marginally displayed over the last four years. Please allow Edgewick to take care of its property as intended by only allowing access to Edgewick by its residents and guests.

Thank you for your consideration.

Highest regards,

Joseph "Buddy" Shively

**Rhoades, Wendy**

---

**From:** Michelle Johnson <[REDACTED]>  
**Sent:** Thursday, August 23, 2012 10:16 AM  
**To:** Rhoades, Wendy  
**Cc:** [REDACTED]; Johnson, Philip (Pensacola)  
**Subject:** Carlson Drive Gate

cl  
66

August 23, 2012

WENDY RHOADES  
City of Austin  
512.974.7719

RE: Carlson Drive Gate

Dear Ms. Rhoades:

I live on the very north end of the Edgewick complex on Bond Drive, right next to the outside gate and I do not feel secure. Questionable people are always walking on the other side of the gate, sometimes looking over as well as scooting under the gate. As a single woman living alone, I feel very unsafe. There are also cars driving through at all times of the day and night, playing their loud bass and speeding through. A few months ago I woke up at 4:00am to a car that was going through the circle just outside the gate at full speed. He was going so fast that he hit two poles and almost crashed into the concrete wall. He did this for at least 30 minutes, so I called 911. The car left as soon as the police showed up but then came back when the police left and started it all over again. It was really upsetting and terrifying as they showed a blatant disregard of the law.

About two months ago, my bike was stolen out of my garage and just prior to that, a strange man pounded my front door and demanded that I open it. I feel VERY unsafe living right on the edge of the gate and hope and pray we will be able to have the gate pushed back. It was my understanding when we purchased this home that the gate would eventually be placed in its planned location near Parker. I cannot begin to tell you how better I would feel if this happened. I also walk my dog on the outside of the gate to get to the dog park. We have to wait for cars to speed through just to cross the street and if it is dark when I get home, I just don't go out there. The gate being pushed back would help me feel safe in my own home.

I appreciate your attention to this matter.

Sincerely,

Michelle Johnson  
2705 Bond Dr.  
Edgewick Resident

Michelle Johnson | Manager, Economic Development

.....  
512.322.5685 | mjohnson@austinchamber.com

**Austin Chamber of Commerce**  
535 East 5th Street, Austin, Texas 78701  
Fax: 512.478.9615 | austinchamber.com

**Rhoades, Wendy**

---

**From:** Catherine Blaufarb [REDACTED]  
**Sent:** Monday, August 27, 2012 9:31 AM  
**To:** Rhoades, Wendy  
**Subject:** Carlson drive

chx

I am opposed to making Carlson drive a public accessed street. It will depreciate the value of the home and increase theft and vandalism in the area .In addition many of the homes in the area will no longer be in a gated areas as intended. There is no reason to make this a cut through street when other roads are available for traffic. Thank you . Catherine Blaufarb 2904 bond dr.

**Rhoades, Wendy**

---

**From:** Dan Mateer  
**Sent:** Tuesday, September 11, 2012 5:41 PM  
**To:** Rhoades, Wendy  
**Subject:** 78741 Carlson Drive Gates

C/68

Hello Wendy,

I'm a homeowner in the Edgewick community in Southwest Austin. It's come to my attention that the city is considering accepting Carlson Drive as a public right of way.

I live off Carlson Drive I believe the street needs to remain in the hands of the developer - both for the good of the Edgewick neighborhood and the surrounding community. There have been many residential and auto thefts along Carlson Drive in the past year. And because the street is a strait away shielded from view of side streets, cars very often speed through at night. On about 5 occasions I've almost been hit in the round-a-bout in front of the neighborhood entrance by speeding cars traveling the wrong way. While my home was being constructed I found evidence of criminal trespassing at night - broken beer bottles, condom wrappers, and drug paraphernalia. I also see suspicious people walking down the street and driving slowly in the very late hours of the night (midnight and later). Our dog park is exposed on the North side of Carlson Drive and is used by residents of the surrounding neighborhood nearly every day. The dog park has a coded gate, but the lock is constantly vandalized.

Unfortunately I do not feel safe where I live.

I would feel much safer if the street were to remain in the hands of the developer so that gates could be constructed on either side. I absolutely see the benefit in allowing city vehicles to have access to the road (such as school buses, utility vehicles, police, etc.) during the day. However, I would feel much safer and I think it would be most beneficial if the neighborhood were to be blocked off by gates on Carlson Drive after dark. Edgewick homes will likely be under construction for the next 4 years - allowing non-residents to enter the neighborhood after dark will lead to more criminal mischief in construction areas, auto and residential thefts.

While I see there is a benefit in allowing city vehicles to pass through the neighborhood during the day, I cannot see a benefit in keeping the road open to the public at night. I only see more invitations for crime. Thank you for to your time.

Daniel Mateer



edgewick

200 Congress Ave., Ste 9A  
Austin, Texas 78701  
(512) 472 - 7455  
FAX: (512) 472 - 7499

October 3, 2012

Planning Commission  
City Council  
City of Austin  
311 West Sixth  
Austin, Texas 78701

CI  
6/9

**RE: *Edgewick Community Request to Close One Block Road -- Carlson Drive***

Ladies and Gentlemen:

We have requested a one month extension in order to continue working with City staff on exploring options to install traffic calming measures and for City acceptance of the Carlson private right-of way as public. The proposed layout for Carlson is attached.

This proposal is being considered in lieu of the current residents' request to amend the restrictive covenant to allow for gates with limited hours of operation. We still contend that installing gates with the limited hours of operation would better address the crime issues yet allow for the daily commute.

We are a community of approximately 70+ homes, which will eventually become 290 to 300 homes. We live in urban Austin which allows us to be sustainable by lowering water usage, lessening the burden on major highways and arterials, and reducing our electricity demand. Our neighborhood has been designed to share life in the City, to create a strong sense of community all while lowering the impact on City resources.

We are unfortunately bearing the burden of some of the issues that urban dwellers face:

- Our community has been vandalized, on several occasions, requiring repairs and cleanup.
- Our landscaping and irrigation systems have needed repairs as non-residents have driven over landscaped areas.
- We have experienced several burglaries.
- We have loitering by non-residents within our community.
- We have vehicles abandoned
- We have had damage and use by non-residents of the Edgewick private open space and park areas.

All of these occurrences have resulted from the fact that our community is open to the public on the north side and sustains cut through traffic from I-35.

The road is a private street maintained by our community at our cost. We have expended approximately \$14,000+ on repairs caused by vandalism or reckless driving onto landscaped areas. Moreover, we will spend over \$16,000 in additional security measures and, ongoing, we anticipate we will be expending approximately \$8,000 each year to address this issue.



edgewick

200 Congress Ave., Ste 9A  
Austin, Texas 78701  
(512) 472 - 7455  
FAX: (512) 472 - 7499

We want our community to continue to grow and provide a wonderful urban place for Austinites. For us to continue to grow and provide a wonderful place to live, we are asking that the City allow the community to gate this road and to be allowed to install traffic calming measure that will deter cut through traffic. We already pay for the maintenance and we are paying for additional security. By making the street private, we can control the open space, maintain the area and we believe we can reduce the issues we have in our community.

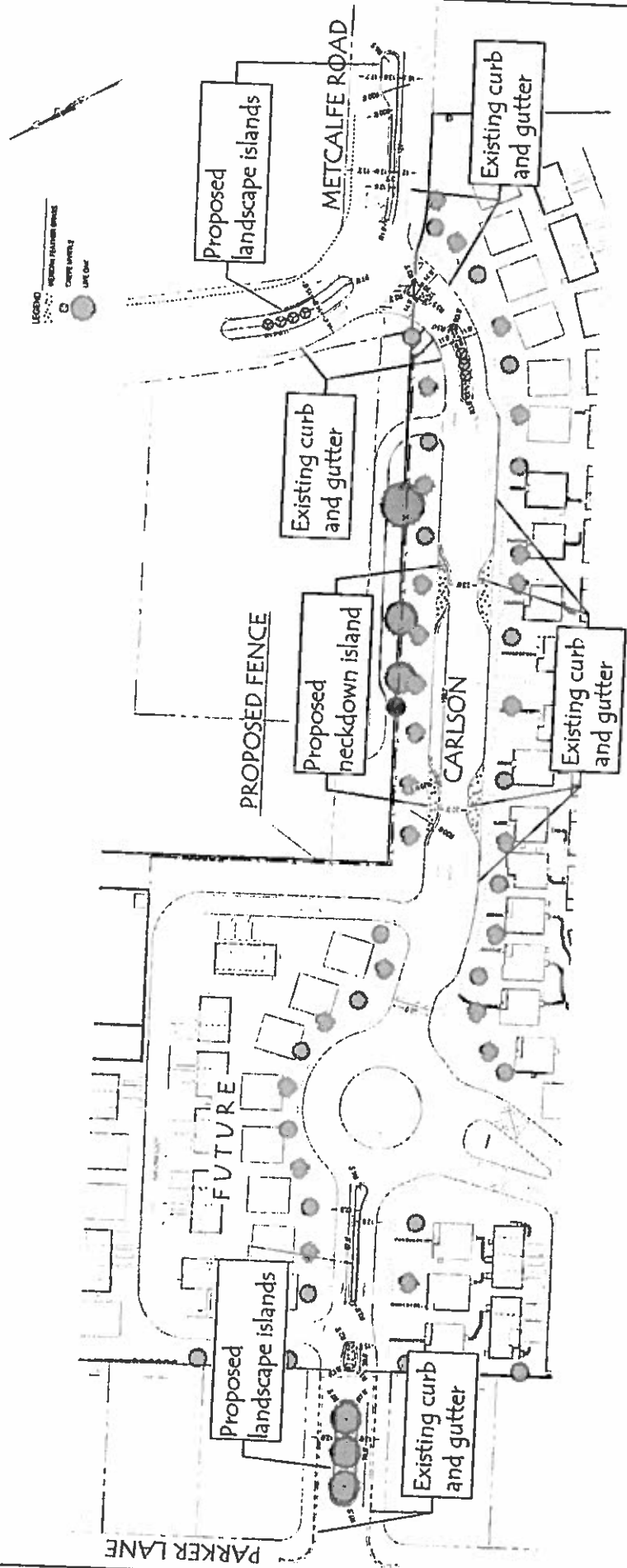
We understand the assertion that "connectivity" is needed within our City. We agree. We are not asking to close a long road that carries a lot of people. Our road is approximately one block long. There are additional roads to the north and the south to reach Linder Elementary that have designated school zone crossings.

We ask for this one month postponement to continue to work with City staff to seek a unified request of the Commission.

Sincerely  
Edgewick Home Owners Association

Myra J. Goepp  
Board Member

cl  
10



# PROPOSED CARLSON TRAFFIC CALMING



edgewick