

July 10, 2015

Carolyn Mixon
4616 Chiappero Trail
Austin, Texas 78731

RE: The Grove at Shoal Creek; City File No. C814-2015-0074;
Initial Response to Letter from Certain Shoalmont Property Owners dated June 26, 2015

Dear Ms. Mixon:

Thank you for your letter dated June 26, 2015. We want you and your neighbors to know that we greatly respect the concerns and priorities referenced in your letter, and we would be very happy and grateful for the chance to meet with you all further to discuss the issues you raise. Please know that we will carefully consider each of the items you mention.

While we can certainly discuss the contents of your letter further in such a meeting, I would like to clarify and respond to a few comments made in your letter now for the record, especially since some in the community have made some similar comments.

1. You mention in your letter that our plan is similar to or more intensive than the Mueller development in its retail and office component, and is similar to the Triangle development with respect to residential. With all due respect, that is not factually correct for several reasons. Although, the Mueller and Triangle Projects are also mixed-use, urban infill projects, they actually have entitlements for a lot more intensity than The Grove at Shoal Creek, while The Grove will have comparable amounts of park space as a percentage of site area (actually more than Mueller) and will have better quality park space than the Triangle (much of which is not useable and was not donated but bought by the City for \$3.2 million). Mueller is entitled for more than 5.3 million square feet of non-residential uses. It is also entitled for 6,450 residential units. It is nearly 700 acres and is a regional power center that is appropriately located on major arterials adjacent to I-35. Mueller is unlikely to use those entitlements, as they entitle more building area than Mueller will be able to fit within the project, much like the case will be at The Grove. The table below is based on the entitlements approved for Mueller and the Triangle according to City records and the entitlements proposed for The Grove at Shoal Creek:

	<u>Mueller</u>	<u>The Triangle</u>	<u>The Grove</u>
Commercial and Non-Residential Development (Office/ Retail/ Hospital, etc.)	5,300,000 sf/ 7,728 sf per acre	170,000 sf/ 7,343 sf per acre	375,000 sf/ 4,951 sf per acre (35.5% <i>less</i> than Mueller and 32.5% <i>less</i> than the Triangle)
Residential Development	6,450 units/ 9.35 units per acre	859 units/ 37.11 units per acre	1515/ 20 units per acre (46.1% <i>less</i> than the Triangle)
Park Space	140 acres/ 20.2%	6.02 acres/ 26% (but only limited usability and paid for by the City)	17.00 acres/ 22.45%

As you can see, The Grove at Shoal Creek will have entitlements for *far less* commercial development per acre than Mueller and *far less* residential units per acre than the Triangle.

Incidentally, both the Triangle and Mueller were heavily subsidized by the City of Austin. Mueller is being developed with City owned land that has been *contributed* to that project, and has had 100% of the taxes generated from the site to date (and for the immediate future) being used to fund infrastructure for the project that a developer usually pays. The Triangle received \$6,683,957.00 in fee waivers (without providing *any* affordable housing on-site or fees in lieu thereof), cost re-imbursement for *on-site* utility facilities (as opposed to off-site), City funded improvements, fund transfers from the City, and City general fund transfers for the streets in the Triangle and the park space provided by the Triangle. The Grove proposes less intensity with a comparable amount of high quality park space, *without* these City subsidies. In fact, the City paid \$3,200,000.00 just for the Triangle's park space, whereas The Grove proposes its park space to be fully public space at no cost to the City.

2. We do feel that the amount and quality of the park space that will be provided in the project is very, very substantial, especially (1) when compared to the heavily City subsidized projects described above, (2) when compared to the size of other area parks, (3) considering the fact that most new central city developments (because of size) simply pay a parkland fee instead of actually providing parkland, and (4) considering the fact that high quality park improvements here will be fully funded and maintained by the project and not the City. We also feel that we have planned excellent access to the park space through the green streets program detailed in our public presentations and through the future connection to the Shoal Creek Trail to the Ridglea Neighborhood. Having said that, we are *very* willing to work with the community to improve our park space plan and we look forward to doing so.

I do disagree with you, however, on the analogy to the Mueller Greenways buffer. We feel that buffer is not at all comparable. The Mueller buffer was provided in a highly City subsidized project and was relatively easy to provide and plan for when you consider that Mueller is 700 acres in size (the buffer is relatively insignificant given the size of the tract). The Grove does not have the benefit of massive City subsidies and is smaller and is proportionately less able to set aside such a large buffer. More importantly, the Mueller buffer buffered existing single-family homes from very intense regional, commercial development and large, dense 4 and 5 story apartment buildings – uses that are not generally considered to be compatible adjacent to single-family. Since our site is smaller, we chose instead to develop the area along the northern boundary with *compatible* uses instead of incompatible uses. Our plan is to provide compatible townhome or detached single-family units along our northern property line. In fact, we would actually *exceed* City compatibility standards in the first 200 feet for townhomes. Such compatible uses and developments do not need large buffers as evidenced in neighborhoods throughout the City and in the City's Code. As to this buffer providing accessibility to the park space, again we believe that we have provided excellent accessibility, but we are always willing to discuss further how to improve accessibility in an economically viable way that is of benefit to the broader neighborhood and not just a select few.

3. Please know that we understand your concerns with respect to the proposed vehicular access to 45th Street and we are willing to discuss this further with you all. This access came to be included because we sought a way to get pedestrians and bicyclists across 45th Street safely as near to Shoal Creek as we could and in response to community input that we had received, especially from Rosedale and their desire to have better access to the project. In order to do so, we had to acquire a home which was never part of our original plans. That home was very expensive. In order to justify this new land

cost which was not planned for, we need the access to provide more utility to the project than just serving pedestrians and bicyclists. We believe that we can improve circulation and develop a design that is sensitive to the existing neighborhood. We were hoping that we were doing a good thing for the community in response to input we received by acquiring that land, which we did not own and was not part of our original plans. If the vehicular access is objectionable and cannot be made acceptable, then we are willing to consider abandoning our plans to use this lot for any form of access (including bike and pedestrian) and simply allow the lot to continue to be used as a home. In that case, we will continue to work with the community on other ways to maximize and enhance pedestrian and bicycle access to the project. We would, however, like to discuss this further with you and your neighbors before ultimately concluding to eliminate this access point.

4. As to the corner parcel, please know that we are willing to discuss this further with you all. Our intention was not necessarily to use this site as restaurant but more as a high quality, architecturally interesting building that really introduces the public to the project. We are happy to entertain suggestions of uses on this parcel that would be viable from a market perspective and less intensive from a neighborhood perspective.

We remain excited about The Grove at Shoal Creek because it represents a chance to fulfill the community expressed vision for the property and meet the goals of Imagine Austin by providing compact and connected development that increases both the supply and diversity of housing options in the central city. We know there are still important details to be addressed and we hope that these can be addressed through collaboration. In that regard, we very much appreciate both your comments and your willingness to meet and work on the issues you have raised.

We will be contacting you soon to set up a meeting. Thank you for your thoughtful attention to and consideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. H.', with a stylized flourish extending from the end.

Garrett Martin, Manager/ Member
ARG Bull Creek, LTD

cc: Mayor and Council Members, City of Austin
Greg Guernsey, Jerry Rusthoven and Sherri Sirwaitis, City of Austin Planning & Zoning
Department
Bull Creek Road Coalition

June 26, 2015

To: Jerry Rusthoven, COA Department of Planning and Zoning

From: Shoalmont Property Owners (includes all houses on the following streets which are owner-occupied)

2600-2607 LaRonde

4500-4713 Chiappero

4500-4707 Oakmont

4500-4807 Finley

2600-2615 W. 48th

Neighborhood Contact: Carolyn Mixon

4616 Chiappero Trl

Austin, TX 78731

[REDACTED] 512-423-0650

Re: Milestone Community Builders Proposed Development "The Grove at Shoal Creek"

COA Case # CD-2015-0009

PUD Application # C814-2015-0074

We are sending you a copy of our neighborhood letter outlining our concerns and priorities regarding the proposed Milestone project at 45th and Bull Creek. We would greatly appreciate it if you would take these into consideration as you make decisions regarding the development plans submitted by Milestone. We are not opposed to the development of the property, but the scope of the development is too large for the streets serving it and does not fit with the character of the surrounding neighborhoods.

Of 107 owner-occupied houses on the surveyed streets, owners (1-2) of 50 houses have signed this letter in support of greatly reducing the density of Milestone's project and increasing greenspace and buffer zone. Prior to signing, all owners received information about the development compared to other similar central Austin developments and copy of letter. Most of those who wished to sign contacted me (Carolyn Mixon) while others were obtained by knocking on doors. Due to time constraints, approximately 57 doors were not approached for signing, and it cannot be assumed that they are not in favor of the letter's content. On the contrary, those approached who had not previously contacted me were overwhelmingly in favor of a reduction of this project.

Thank you for your time and consideration.

June 26, 2015

To: Sherri Sirwaitis, COA Department of Planning and Zoning

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2600-2607 LaRonde

4500-4713 Chiappero

4500-4707 Oakmont

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Austin, TX 78731

pcmom54@yahoo.com 512-423-0650

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Thank you for your time and consideration.

June 26, 2015

ATTN: Garrett Martin, President and CEO
Milestone Community Builders, LLC
ARG Bull Creek, LTD
9111 Jollyville Road, Suite 111
Austin, Texas 78759

RE: Milestone Community Builders Proposed Development "The Grove at Shoal Creek"
COA Case Number CD-2015-0009, PUD Application # C814-2015-0074

Mr. Martin,

As homeowners in the Shoalmont neighborhood and specifically as homeowners on Chiappero, W. 48th, Oakmont, Finley, and La Ronde, we are contacting you about our priorities regarding Milestone's proposed multi-use development "The Grove at Shoal Creek". Many of us have attended your public meetings and provided input via your surveys. We appreciated your attendance at our neighborhood meeting at NW Recreation Center but would like to more clearly outline our concerns and priorities as residents of the aforementioned streets which connect to W. 45th.

We have similar concerns and priorities as the W. 45th St. homeowners who have been in communication with you, and we would appreciate your careful consideration of these:

1. While your conclusion from the collected surveys is that 67% of residents prefer high-density and more open space, we oppose your plan to put 150,000 SF of retail (more than 1.5x Mueller), 225,000 SF of offices (roughly equivalent to Mueller), and 1010 apartments/condos (similar to Triangle) in addition to a hotel, hospital, and single-family housing in the middle of our neighborhoods. Mueller and the Triangle are not surrounded by single-family neighborhoods immediately adjacent to the properties (with the exception of Delwood) as is The Grove. They are served by major, multi-lane arterial streets which have long handled commercial, delivery and office traffic. Your proposal to widen the 45th/Bull Creek intersection at the expense of trees and residents' yards/homes will do little to help the extraordinary amount of car and delivery truck traffic that your project will generate both day and night on our residential part of W. 45th between Burnet Rd. and Bull Creek. We believe that the proposed office and retail density should be cut at least in half.

2. Regarding open space, it is clear that you believe the 12-acre signature park together with plazas and curbside beds is more than adequate compensation for the commercialization of our neighborhoods and the traffic problems that we will experience. We strongly support a greenbelt buffer of similar scope as that of the Mueller Greenways which separate the Delwood neighborhood from the development. This would also make the open space more accessible to our neighborhood as the currently proposed "signature" park is buried behind the whole project. This is not unprecedented or unacceptable in the urban core as the Mueller Greenways are a prime example of how quiet, long-time neighborhoods can be buffered from a larger, high-density development with positive effects for all.

3. We strongly oppose any access other than walking/biking to The Grove from midpoints on W. 45th and in particular, a street through the 2627 W. 45th property that your company has purchased for that purpose. This property would best be suited for pedestrian and bicycle connectivity between the previously-described greenway, Rosedale and our neighborhood to the north. Any car access/exit at midpoints of W.45th between the Shoal Creek bridge and Bull Creek together with the increased volume of traffic that your development will produce will exacerbate the already dangerous situation that we have at peak rush hours in attempting to exit our neighborhood onto W. 45th and entering our streets from W. 45th.

4. We understand from your presentations that you envision a restaurant or other commercial establishment at the corner of Bull Creek and W. 45th. We would urge you to reconsider this plan as it will only increase the traffic congestion at the intersection and increase noise levels for neighbors. Again, the previously discussed greenway buffer would be a better choice for this section as it would also provide neighborhood access to the open space without having to navigate through the proposed residential and commercial development.

In the public meetings, you have spoken frequently of the need for compromise. We believe that your company could compromise with us to make our priorities a reality while still realizing an economically-viable project for your company. We would appreciate your genuine consideration of our priorities and look forward to constructive communication. We would like to request a meeting with you in the near future to discuss these topics further.

Sincerely,

The Undersigned Shoalmont Property Owners of Chiappero, W. 48th, Oakmont, Finley, and La Ronde

Shoalmont Property Owners (includes all houses on the following streets which are owner-occupied)

2600-2607 LaRonde
4500-4713 Chiappero
4500-4707 Oakmont
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2600-2615 W. 48th

Neighborhood Contact: Carolyn Mixon

4616 Chiappero Trl
Austin, TX 78731
pcmom54@yahoo.com 512-423-0650

NOTE:

Of 107 owner-occupied houses on the surveyed streets, owners (1-2) of 50 houses have signed this letter in support of greatly reducing the density of Milestone's project and increasing greenspace and buffer zone. Prior to signing, all owners received information about the development compared to other similar central Austin developments and copy of letter. Most of those who wished to sign contacted me (Carolyn Mixon) while others were obtained by knocking on doors. Due to time

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cc: Sheri Gallo, Council Member, City of Austin District 10
Leslie Pool, Council Member, City of Austin District 7
Steve Adler, Mayor, City of Austin
Kathie Tovo, Mayor Pro-tem and Council Member, City of Austin District 9
Ora Houston, Council Member, City of Austin District 1
Delia Garza, Council Member, City of Austin District 2
Sabino "Pio" Renteria, Council Member, City of Austin District 3
Gregorio Casar, Council Member, City of Austin District 4
Ann Kitchen, Council Member, City of Austin District 5
Don Zimmerman, Council Member, City of Austin District 6
Ellen Troxclair, Council Member, City of Austin District 8
Sherri Sirwaitis, Case Manager, City of Austin Department of Planning and Zoning
Jerry Rusthoven, Case Manager, City of Austin Department of Planning and Zoning
Kathleen Fox, City of Austin Comprehensive Planning
Marilyn Shashoua, City of Austin PARD Planning and Design Review
Bryan Golden, City of Austin Transportation
Bull Creek Road Coalition (via listserv email distribution)

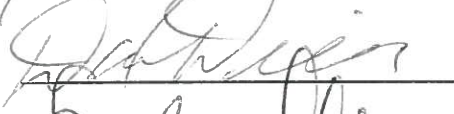
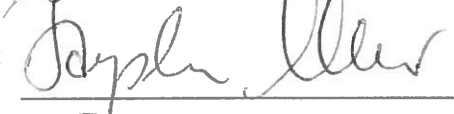
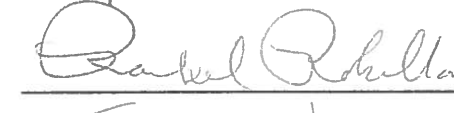
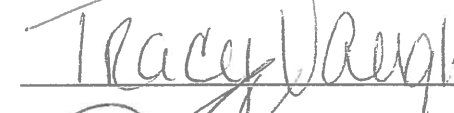
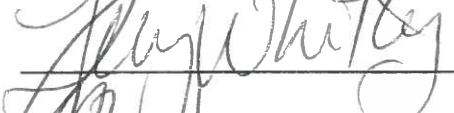
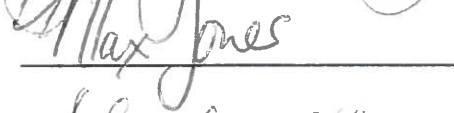
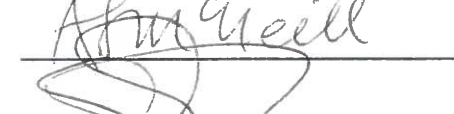
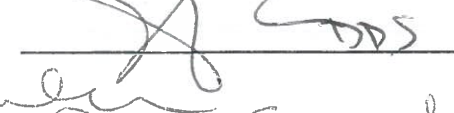
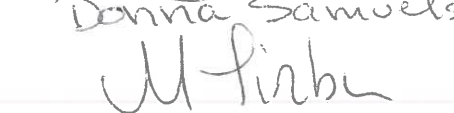
June 26, 2015

ATTN: Garrett Martin, President and CEO
Milestone Community Builders, LLC
ARG Bull Creek, LTD
9111 Jollyville Road, Suite 111
Austin, Texas 78759

RE: Milestone Community Builders Proposed Development "The Grove at Shoal Creek"
COA Case Number CD-2015-0009
PUD # C 814-2015-0074

Sincerely,

The Undersigned Shoalmont Property Owners of Chiappero Trl and W. 48th, 78731

PRINT NAME	SIGNATURE	ADDRESS
Jan Triplett		4605 Chiappero Tr
Dor Dixon		4603 Chiappero Tr
STEPHAN HILCHES		4702 - 4 -
R. Robillard		4703
Tracey Vaught		4707 Chiappero
Jimmy Vaught		//
Tracey Whitley		4502 Chiappero Trail
Max Jones		4502 Chiappero Trail
A.S. McNEILL		4504 CHIAPPERO 4506 - rental owned by
Scott A. Samuelson		4615 Chiappero
Donna Samuelson		" "
MILAI SIRBU		4711 CHIAPPER TRL

June 26, 2015

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Milestone Community Builders, LLC
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9111 Jollyville Road, Suite 111
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PUD # C 814-2015-0074

Sincerely,

The Undersigned Shoalmont Property Owners of Chiappero Trl and W. 48th, 78731

PRINT NAME

SIGNATURE

ADDRESS

Carolyn Nixon

Carolyn Nixon

4616 Chiappero Trl.

Eddie Nixon

Eddie Nixon

4616 Chiappero Trl

Susan Jarrett

Susan Jarrett

4101 Chiappero Trl.

Mary Holman

Mary Holman

2604 West 48th St

Jim Lyons

Jim Lyons

2604 W. 48th St

Julia O. Wilhoite

Julia O. Wilhoite

4601 Chiappero^{Trail}

Mary Blackstock

Mary Blackstock

2607 La Ronda

Todd Thompson

Todd

2602 La Ronda St.

Ashley Thompson

Ashley Thompson

2602 La Ronda St

Inga Overstreet

Inga Overstreet

2603 La Ronda St

ATTN: Garrett Martin, President and CEO
Milestone Community Builders, LLC
ARG Bull Creek, LTD
9111 Jollyville Road, Suite 111
Austin, Texas 78759

COA Case Number CD-2015-0009
PUD # C814-2015-0074

The Undersigned Shoalmont Property Owners of La Ronde, 78731

2605 LA RANCHO

COA Case Number CD-2015-0009

PUD # C814-2015-0074

Sincerely,

The Undersigned Shoalmont Property Owners of Chiappero Trl and W. 48th, 78731

PRINT NAME

SIGNATURE

ADDRESS

JAI RAM KALYANA-
-SUNDARAM

Jai Ram

NANDINI JAIRAM

Nandini Jaaram

4508 CHIAPPERO
TRAIL, AUSTIN, TX
78731

4508 CHIAPPERO TRL
AUSTIN, TX 78731

June 26, 2015

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Milestone Community Builders, LLC
ARG Bull Creek, LTD
9111 Jollyville Road, Suite 111

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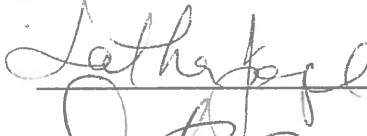
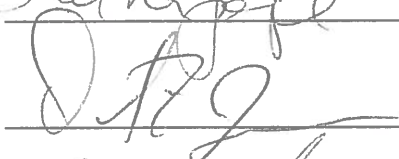
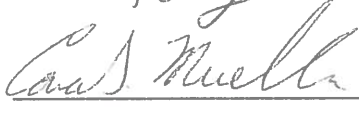
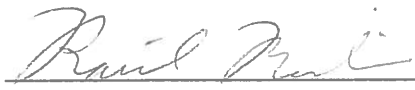
RE: Milestone Community Builders Proposed Development "The Grove at Shoal Creek"

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PUD # C814-2015-0074

Sincerely,

The Undersigned Shoalmont Property Owners of **Chiappero Trl and W. 48th, 78731**

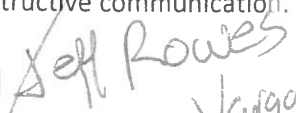
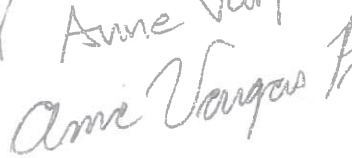
PRINT NAME	SIGNATURE	ADDRESS
DAVID NOARIS		78731 2606 W 48TH AUSTIN TX
Latha Joyce		2612 W 48th St, 787
Don Joyce		2612 W. 48th St. 78
Cara Mueller		2615 W. 48th St 787
Raúl Madrid		4704 Chiappero Tr. 73

In the public meetings, you have spoken frequently of the need for compromise. We believe that your company could compromise with us to make our priorities a reality while still realizing an economically-viable project for your company. We would appreciate your genuine consideration of our priorities and look forward to constructive communication. We would like to request a meeting with you in the near future to discuss these topics further.

Sincerely,

The Undersigned Shoalmont Property Owners of Chiappero, Oakmont, Finley, and La Ronde

2601 W. 48th
78731

June 26, 2015

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Milestone Community Builders, LLC
ARG Bull Creek, LTD
9111 Jollyville Road, Suite 111
Austin, Texas 78759

RE: Milestone Community Builders Proposed Development "The Grove at Shoal Creek"

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PUD # C814-2015-0074

Sincerely,

The Undersigned Shoalmont Property Owners of **Oakmont, 78731**

PRINT NAME

SIGNATURE

ADDRESS

MEUSSA MONROE

Meussa

4613 OAKMONT BLV

Kathryn Wahlers

KWahlers

4702 Oakmont Blv

JOHANNA WATERS

JWaters

4704 OAKMONT DR

Suzanna Barber

S Barber

4500 Oakmont

Lea Sandoz

LEA SANDOZ

4616 OAKMONT

Tim Sorrells

Tim Sorrells

4707 Oakmont

Jeff Richard

Jeff Richard

4504 Oakmont

Molly Birrell

Molly Birrell

4509 Oakmont

Laurie Kertz

LKertz

4601 Oakmont

Brendon Greer

B Greer

4602 OAKMONT

June 26, 2015

ATTN: Garrett Martin, President and CEO
Milestone Community Builders, LLC
ARG Bull Creek, LTD
9111 Jollyville Road, Suite 111
Austin, Texas 78759

RE: Milestone Community Builders Proposed Development "The Grove at Shoal Creek"
COA Case Number CD-2015-0009
PUD #C814 - 2015-0074

Sincerely,

The Undersigned Shoalmont Property Owners of **Oakmont, 78731**

PRINT NAME	SIGNATURE	ADDRESS
<u>Sarah Angulo</u>	<u>Sarah K. Angulo</u>	<u>4703 Oakmont</u>
<u>Jorge Angulo</u>	<u>[Signature]</u>	<u>4703 Oakmont</u>
<u>Holly Atlas</u>	<u>Holly Atlas</u>	<u>4705 Oakmont</u>
<u>Mary Cone</u>	<u>Mary Cone</u>	<u>4605 Oakmont</u>
<u>Bill Cone</u>	<u>Bill Cone</u>	<u>" "</u>
<u>Leila Thomas Osgood</u>	<u>Leila Thomas Osgood</u>	<u>4607 Oakmont</u>
<u>Damon Osgood</u>	<u>D. Osgood</u>	<u>4607 Oakmont</u>
<u>Malin Lindelow</u>	<u>Malin Lindelow</u>	<u>4508 Oakmont</u>
<u>JAYSON COOK</u>	<u>[Signature]</u>	<u>4508 OAKMONT</u>
<u>Susan Hillman</u>	<u>[Signature]</u>	<u>4706 Oakmont Bl</u>

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Milestone Community Builders, LLC
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Sincerely,

The Undersigned Shoalmont Property Owners of Finley, 78731

PRINT NAME

SIGNATURE

ADDRESS

Lillian Kay Cavan

Lillian Kay Cavan

4611 Finley Drive

Erin Friedman

Erin Friedman

4806 Finley Dr.

Craig Friedman

Craig Friedman

4806 Finley Dr.

KAREN GATTO

Karen Gatto

4503 Finley Dr.

James Gatto

James Gatto

4503 Finley Dr.

GERI MALDONADO

Geri Maldonado

4707 Finley Dr.

Eddie Russ

Eddie Russ

4703 Finley Dr.

Jessica Glorieux

Jessica Glorieux

4700 Finley Dr.

Jessica Stathos

Jessica Stathos

4610 Finley Dr.

Ryan Stathos

Ryan Stathos

4610 Finley Dr.

June 26, 2015

ATTN: Garrett Martin, President and CEO
Milestone Community Builders, LLC
ARG Bull Creek, LTD
9111 Jollyville Road, Suite 111
Austin, Texas 78759

RE: Milestone Community Builders Proposed Development "The Grove at Shoal Creek"

COA Case Number CD-2015-0009-

PUD # C814-2015-0074

Sincerely,

The Undersigned Shoalmont Property Owners of Finley, 78731

PRINT NAME	SIGNATURE	ADDRESS
Ryann Rathbone		4510 Finley Drive
ANDREY SOKOLOV		4510 FINLEY DRIV
Barbara Selgers		4504 4504 Finley Drive
CHRISTOPHER KIRK		4710 Finley Dr
Tracey Kirk		4710 Finley Dr.
Joe Retoff		4505 Finley Dr.



Allandale Neighborhood Association ▪ Bryker Woods Neighborhood Association
Highland Park West / Balcones Area Neighborhood Association
Oakmont Heights Neighborhood Association ▪ Ridgelea Neighborhood Association
Rosedale Neighborhood Association ▪ Westminster Manor Association

TO: Mayor and Council
Mr. Rodney Gonzales, Director, Development Services Department
Mr. Rob Spillar, Director, Austin Transportation Department

RE: The Grove PUD Traffic Impact Analysis

The Bull Creek Road Coalition ("BCRC") sincerely appreciates the work of all City staff reviewing The Grove at Shoal Creek PUD zoning application ("Grove PUD"). Mr. Gonzales and Mr. Spillar provided a memo update on the traffic review to the Mayor and Council on May 9, 2016. This memo appears to be intended to address questions and concerns regarding the traffic review from the BCRC and residents surrounding the proposed development. However, we believe this memo fails to address the substance of these various concerns.

First and foremost, The Grove PUD is unprecedented in its traffic impacts and, therefore, deserves an unprecedented level of review. These traffic impacts include an unprecedented amount of traffic on Bull Creek Road. This 2-lane neighborhood street currently has about 7,000 trips per day, and with The Grove PUD it will have to handle over 26,000 vehicle trips per day. This congested residential street has a maximum desirable operating level of 4,000 trips per day per the City Code.

The Grove PUD proposes over **600%** of the maximum traffic level prescribed in City Code for residential collector streets like Bull Creek Road, and over **400%** of the maximum operating level per City Code on Jackson Avenue.

For these reasons alone, the TIA should be rejected by the Austin Transportation Department as City Code requires. Per the Land Development Code §25-6-141, "the council or director SHALL deny an application if the traffic impact analysis or neighborhood traffic analysis demonstrates that: (1) the projected traffic generated by the project, combined with existing traffic, exceeds the desirable operating level established in Section 25-6-116 (*Desirable Operating Levels for Certain Streets*)..."

However, after the March 22nd meeting between the applicant and department managers, the traffic review was apparently ended and the TIA was approved in contradiction with City Code requirements and with unresolved City traffic comments. This approval violates City Code, which specifically states that only the City Council has authority to override the Code limits, and even then only under specific circumstances.

Extension of Jackson Avenue Thru 2627 W 45th

The most significant outcome of the March 22nd meeting was the recommendation by City staff to demolish a single family home at 2627 W 45th for the extension of a new street. This extension of Jackson Avenue to 45th was unexpected to neighbors since, only a month earlier, City staff claimed "there is no direct vehicular connection planned or proposed at 2627 W 45th Street."



This street extension was also described by City staff as having “profound implications for the site’s traffic,” and “any proposal for this direct access would need to be proposed by the applicant and analyzed in the Traffic Impact Analysis in order to be approved with the PUD zoning application.” To this date, The Grove PUD’s TIA has not evaluated the impacts and implications of constructing this new street between 35th/Mopac and 45th.

The May 9th memo states that the “applicant provided an analysis of the 45th Street connection, and staff was able to determine this provided measurable improvement for traffic circulation.” The May 9th memo also compares the proposed street extension to “other local streets in the area.” We don’t believe this explanation is entirely accurate for the following reasons:

- The applicant’s TIA data – the basis of a traffic network analysis – indicates that the extension of Jackson Ave to 45th has not been properly studied for full network impacts.

City staff characterized the traffic model as “incomplete” the *same day* as the meeting between the applicant and department managers that resulted in the end of the traffic review and approval of the TIA.

- The cursory analysis provided in the applicant’s TIA shows that the only measurable benefit to the 45th Street connection is to the developer’s private driveways. In fact, the priority intersection of 45th Street and Bull Creek Road sees a *13% increase in vehicle delays* with the addition of the 45th Street connection.
- This street extension is anticipated to carry thousands of vehicles per day from a 3 million square foot mixed-use development. Surrounding local streets carry only hundreds of vehicles per day and serve mostly single-family homes, so the comparison of right-of-way requirements in the May 9th memo is not appropriate.

If the applicant’s cursory analysis indicates possible negative effects of the 45th Street extension and the TIA data file shows an incomplete network study, why would The Grove PUD’s TIA be approved and the traffic review ended based simply on the March 22nd meeting between the applicant and department managers?

The feasibility, safety, and geometric considerations of the street connection to 45th through the 2627 W 45th property has also been a significant concern of neighbors around The Grove PUD. City staff has recommended a “right-in/right-out” only approach to the new intersection with 45th. However, the proper due diligence has not been performed to ensure the feasibility and safety of such an intersection approach.

Industry guidance on right-in/right-out intersection approaches discourages this design when proper channelization cannot be achieved. City staff stated that the “preliminary design still needs to be submitted by the Applicant and reviewed by the City,” and they are “awaiting a response from the Applicant regarding these issues.” How can City staff approve the TIA and recommend this street extension through an existing home when nearly all aspects and consequences of this proposal remain unknown? We believe continued review and due diligence is absolutely warranted.



45th & Bull Creek Road Improvements

Most of City staff's review focused on the intersection of 45th and Bull Creek Road. Although traffic going to and from The Grove will need to drive through other neighborhood streets to get to Mopac, Burnet, or other activity corridors, the 45th and Bull Creek Road intersection is viewed as the most critical component of the traffic network surrounding the future development.

The following concerns remain regarding The Grove PUD's impact to this intersection:

- As recently as March 9th, City staff stated they "still have some significant issues to work through." However, after the March 22nd meeting between the applicant and department managers, and without any new proposals for this intersection, these concerns were apparently ignored and the TIA was approved.
- The applicant has yet to show they have the right-of-way or easements required to complete the proposed improvements. City staff echoed this concern when they stated "if the concept cannot accommodate all the intended transportation facility, the City might be left with an approved PUD with no ROW to build the road to accommodate the development."
- Both neighbors and City staff have expressed concerns about the applicant's proposed 45th and Bull Creek Road improvements relating to feasibility and safety. City staff previously described the proposed intersection improvements as a "non-standard design" and expressed concern about the ability of a "single-unit" truck to safely traverse the dual left-turn lanes. How will large trucks and buses get to and from The Grove PUD if they cannot safely travel through the expanded 45th and Bull Creek Road intersection?

These are only a few of the many significant concerns the BCRC and residents around The Grove at Shoal Creek have regarding the traffic impacts of the proposed PUD. For the City, having an incomplete traffic and transportation review of this PUD could lead to decades of avoidable and expensive traffic problems surrounding this development. For neighbors, having an incomplete traffic and transportation review of this PUD will impact the safety of our families' daily commutes to and from our homes and neighborhoods.

We implore City staff and Council to complete and enforce a comprehensive traffic review of this unprecedented PUD proposal and hold the applicant to the highest standards of superiority for recommendation and approval. Please keep in mind that once granted, the proposed PUD entitlements will be irrevocable; it does not make sense to grant this privilege *prior* to reviewing the intersections for compliance with the City's standards. The leverage to ensure that this gets done correctly only exists before the zoning is approved.

The Grove PUD includes over 2,100 residential units, 225,000 square feet of office, and 158,000 square feet of retail totaling to 3 million square feet of development on this former State tract surrounded by single-family home neighborhoods and 2-lane residential streets. The BCRC strongly believes that this level of development with limited connectivity, inadequate park space, and insufficient flood controls is

Mayor, Council, Gonzales, Spillar
RE: The Grove PUD Traffic Impact Analysis
May 19, 2016
Page 4 of 4



not compliant with Imagine Austin and needs to be scaled appropriately by City staff and Council in order to gain a superiority ranking and ultimate approval.

Please visit bcrcATX.org or contact bcrc_communications@googlegroups.com for more information.

We appreciate your consideration on this important matter,

/s/Sara Speights, President
/s/Grayson Cox, Vice President
Bull Creek Road Coalition

cc: Marc Ott, City Manager
Sue Edwards, Assistant City Manager
Robert Goode, Assistant City Manager

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

Frederick Zeiner

Your Name (please print)

1819 W 38th 78731

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone:

Comments:

Seconding Roads Infrastructure cannot

support the ARG MEGA development

ARG refuse to release Synchro file for traffic assessment

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

Helen C Arnold

Your Name (please print)

2704 LaRonde

Your address(es) affected by this application

Helen Arnold

Signature

Daytime Telephone: 512-499-8411

Date

10/ may/16

Comments: WHY DO YOU SEND THIS NOW?

YOU HAVE ALREADY APPROVED THIS MONDROCTY!

YOU HAVE NOT THOUGHT / DON'T CARE ABOUT THE TRAFFIC THIS WILL PRESENT.

AUSTIN HAS TURNED INTO A "GIRL" FOR SALE TO THE HIGHEST BIDDER.

I HOPE THIS PROJECT FAILS AND SHAME ON THOSE WHO SOLD THE PROPERTY TO THE BOTTOM FEEDER!

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City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: June 7, 2016, Zoning and Platting Commission
June 16, 2016, City Council

David A. Coffman
Your Name (please print)

4209 Shoal Creek 78756

Your address(es) affected by this application

Alond A. Coffman 5-30-16
Signature Date

Daytime Telephone: 512-371-9632

Comments: I have trouble getting out
of my driveway now between 5-6
PM due bumper to bumper traffic.
The Grove will dump an additional
19 thousand cars a day onto surround-
ing streets never designed for
that volume. Don't build the Grove
here! They are destroying a beautiful
inner city park & natural area for money

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: June 7, 2016, Zoning and Platting Commission

June 16, 2016, City Council

Michael Wilson
Your Name (please print)

4111 Idlewild Rd 78731
Your address(es) affected by this application

☒ I am in favor
☐ I object

Michael Wilson
Signature

1 Jun 2016
Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

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Planning & Zoning Department

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P. O. Box 1088

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: June 7, 2016, Zoning and Platting Commission
June 16, 2016, City Council

MARGARET D. MANLEY
Your Name (please print)

3820 RIDGEVIEW DR. UNIT A

Your address(es) affected by this application

☒ I am in favor
☐ I object

Signature

Date

Daytime Telephone: 512-497-0377

Comments:

If you use this form to comment, it may be returned to:

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Planning & Zoning Department
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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

**Public Hearing: June 7, 2016, Zoning and Platting Commission
June 16, 2016, City Council**

Barbara Nichols

Your Name (please print)

4500 Erin Lane 78756

Your address(es) affected by this application

Barbara Nichols

Signature

6/2/16

Date

Daytime Telephone: (512) 657 7428

Comments: There are many issues I have

concern w/ the said development.

Namely increased & unmanaged traffic

congestion that will be created. ②

Too little open parkspace & the preservation

of the heritage oaks on said site. ③

Flooding & run-off issues likely to

be created/caused by development.

and overall negative impact to adjoining

neighborhood.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor

☒ I object

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

**Public Hearing: June 7, 2016, Zoning and Platting Commission
June 16, 2016, City Council**

Michelle Byron
Your Name (please print)

☐ I am in favor ☒ I object
--

4509 Finley Dr 78731

Your address(es) affected by this application

Michelle Byron
Signature

6/5/2016
Date

Daytime Telephone: 512 581 2142

Comments: My major concern is traffic density which affects the residents on Finley Dr in this main way. 1) access to old homes is more difficult because cars block the street entry on 45th. (especially left turns) 2) not importantly we have no sidewalks and speeding traffic that is part of the overflow from 45th, short-cut across Finley Dr. If we are walking or walking the dog, we are constantly threatened. If you use this form to comment it may be returned to:

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

**Public Hearing: June 7, 2016, Zoning and Platting Commission
June 16, 2016, City Council**

Bonnie Rudel
Your Name (please print)
4601 Finley Dr.

☐ I am in favor
☐ I object

Your address(es) affected by this application

Bonnie A. Rudel
Signature

Date

June 13, 2016

Daytime Telephone: 512-921-7740

Comments: See reverse back
side →

If you use this form to comment, it may be returned to:

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: June 7, 2016, Zoning and Platting Commission
June 16, 2016, City Council

Melissa A. Potts
Your Name (please print)

☐ I am in favor
☒ I object

4601 Finley Dr.

Your address(es) affected by this application

Melissa A. Potts
Signature

June 14, 2016
Date

Daytime Telephone: (512) 300-4861

Comments: There is no need for this area to be commercial - that will only increase traffic and density. I believe to maintain the value of this neighborhood (Hlandale) the land in question should only be zoned for residential uses. I have lived in this area all my life and do not want to see it degraded. Please seriously consider this request.

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

DICK KATHGEBER

Your Name (please print)

39th + Bull Creek Rd

Your address(es) affected by this application

Dick Kathgeber *May 17, 2016*

Signature Date

Daytime Telephone: *512 917 9510*

Comments:

They people really know what they are doing. They will definitely build a quality product.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-9743057 Planning

Public Hearing: May 17, 2016, Zoning and Planning Commission

A. Gernaat

Your Name (please print)

4330 Bull Creek Rd #4113

Your address(es) affected by this application

A. Gernaat

Signature

5/10/16

Date

Daytime Telephone:

Comments: Austin needs denser development to help keep our housing crisis from spiraling out of control. Let's end up like San Francisco - a great city only the wealthiest can actually live in. This rezoning gives a unique opportunity to increase density in Central Austin and should be approved.

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City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

LOKI HANSEN

Your Name (please print)

2603 GREAT OAKS PKWY

Your address(es) affected by this application

Roni G. Hansen

Signature

5/13/16

Date

Daytime Telephone: 512-454-8826

Comments: The new development they want to put up at 45th & Bull Creek will be horrible for our neighborhood. Our traffic will increase on 45th St. and its already terrible, our taxes will increase on our homeowners insurance and they are already sky high and it will be a terrible eye sore.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

DOUGLAS HANSEN

Your Name (please print)

2603 GREAT OAKS PKWY

Your address(es) affected by this application

AUSTIN, TX 78756

Douglas Hansen

Signature

Date

5-13-16

Daytime Telephone: 512-589-8972

Comments:

The construction of this PUD will create horrendous traffic issues in the Bull Creek / Shoal Creek / 45th St neighborhoods. We are ready have times where getting out of our neighborhood is very difficult, and this PUD will make it MUCH WORSE!

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

Nona Gold

Your Name (please print)

4507 Bull Creek Rd

Your address(es) affected by this application

Nona Gold

Signature

5-9-16

Date

Daytime Telephone: *512-343-1930*

Comments:

*City of Austin
Planning & Zoning
P.O. Box 1088
Austin TX 78767*

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

Ryan Rathbone
Your Name (please print)

☐ I am in favor
☒ I object

4510 Finley Drive

Your address(es) affected by this application

5/11/15
Date

Signature

Daytime Telephone: 512 534 1145

Comments:

I object to the large size of the requested development. Too much traffic already @ bullcreek + 45th. + Finley + 45th. Dangerous intersection that won't be fixed as is with a turn lane. Not enough park space. too much office space. Worried about safety, flooding, traffic. What the developer has proposed is ridiculous in terms of what that space can comfortably fit + fit it with surrounding neighborhood. If you use this form to comment, it may be returned to:

City of Austin

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P. O. Box 1088

Austin, TX 78767-8810

being brought to a much smaller scale version

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Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

Daisy Wanda Garcia
Your Name (please print)

4505 Fidler Dr

Your address(es) affected by this application

Daisy Wanda Garcia
Signature

5-10-16
Date

Daytime Telephone: 512 478 7612

Comments: I am against any develop
ment that will increase
the population density
and reduce important
ground cover

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

Till Griffith
Your Name (please print)

3818-A R. de la Cruz Dr
Your address(es) affected by this application

78731
City

Till Griffith
Signature

Date

5/10/16
Daytime Telephone: *512 576 9094*

☐ I am in favor
☒ I object

Comments:

Too much density!

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

KIM ZIPFEL

Your Name (please print)

4116 Idlewild Rd Austin TX 78734

Your address(es) affected by this application

K. Zipfel

Signature

9 May 2016

Date

Daytime Telephone: *512-739-4560*

Comments: *As the PUD application stands, we are all for a mixed use development but we would like to see much less office space and density, particularly because of its impact on traffic. We are also very concerned about drainage. We support a well-designed superior development.*

If you use this form to comment, it may be returned to:

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Planning & Zoning Department

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Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

ELC ZIPPEL
Your Name (please print)

4116 Lakewood Rd. #118 78737
Your address (as affected by this application)

☐ I am in favor
☒ I object

9 May 2016
Date

Signature

Daytime Telephone: 512-529-9728

Comments:

Pro development, just don't think
current design is superior.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

Michael Varoz

Your Name (please print)

4000 Edgewild Rd 78731

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 512 820 5203

Comments: I do not believe that the roads, schools and infrastructure in the area can support that type of development

5/10/16
Date

☐ I am in favor
☒ I object

case C814-2015-0074
Attn: Sherri Sirwaitis

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Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

Patty Colman
Your Name (please print)

4209 Shoal Creek

Your address(es) affected by this application

Patty Colman
Signature

6-9-16
Date

Daytime Telephone: (512) 371-9632

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

David A. Coffman

Your Name (please print)

4209 Shoal Creek Blvd

Your address(es) affected by this application

David A. Coffman

Signature

6-8-16

Date

Daytime Telephone: 512-371-9632

Comments:

This development will generate too much traffic. I cannot exit my driveway now with spillover from Metrac between 5 & 6 PM. The "Lane" is a bad idea from the start. You can bet that the developer will not be living there.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

ELAINE R. PUSTING

Your Name (please print)

2579 W. 45TH ST.

Your address(es) affected by this application

Elaine Pusting

Signature

☐	I am in favor
☒	I object

9 MAY 2016

Date

Daytime Telephone: 512-454-9412

Comments: I OBJECT TO THIS ZONING REQUEST
DUE TO MY CONCERNS REGARDING THE
AFFECT TO MY PROPERTY'S VALUE, TO
THE SENSITIVE CREEK & WATERSHED
ENVIRONMENT, & TO MY PHYSICAL &
MENTAL WELL BEING DUE TO
CONSTRUCTION NOISE & INCONVENIENCE.
I AM ALSO CONCERNED ABOUT MY SAFETY
& PRIVACY DUE TO THE PROXIMITY OF
THE PROPOSED DEVELOPMENT TO MY

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

PROPERTY.

PUBLIC HEARING INFORMATION

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: May 17, 2016, Zoning and Platting Commission

Barbara Nichols

Your Name (please print)

4500 Erin Lane 78756

Your address(es) affected by this application

Barbara Nichols

Signature

5-9-16

Date

Daytime Telephone: (512) 657 7428 (cell)

Comments:

I am opposed to said development @ 45th + Bull Creek. The density of this development is not in-line with the neighborhood, nor is the ~~road~~ road adequate to deal with the traffic-congestion that will be produced. The land, in my opinion, did not receive the "super-majority" vote from City Council + the zoning did not go through processing that allowed neighbors affected to give input. There are far better city-wide uses

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec 1, 2015, Zoning and Platting Commission

ROBERTA N.A.
Your Name (please print) (CHARIS AULEN)

☐ I am in favor
☐ I object

1400 W. 39 1/2 ST.

Your address(es) affected by this application

Signature

Daytime Telephone: 512-467-2880

Date

Comments: RNA OPPOSES THE CURRENT
MUESTOWE PROPOSAL, AND SUPPORTS
THE BORC'S EFFORTS TO NEGOTIATE
A BETTER OUTCOME FOR THIS UNIQUE
SITE.

THANK YOU!

CHARIS AULEN

CO-CHAIR, RNA ZONING COMM.

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Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec 1, 2015, Zoning and Platting Commission

EDWARD R. KATHGEBER

Your Name (please print)

BY THE BULL CREEK

☒ I am in favor
☐ I object

Your address(es) affected by this application

SAME AS ABOVE (3 lots)

Signature

Date

Daytime Telephone: 512-917-9510

Comments:

AN EXCELLENT PROJECT
 BEING DONE BY EXCELLENT
 PEOPLE.

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec 1, 2015, Zoning and Platting Commission

Lori Hansen
Your Name (please print)

2603 Great Oaks Pkwy - 78756

Your address(es) affected by this application

Lori Hansen

Signature

Date

Daytime Telephone: 512-589-8972

Comments:

This New Development will
cause Tremendous TRAFFIC Issues
on Shoal Creek and on 45th St. It
is UNSAFE ALREADY During Heavy traffic,
to Exit off of Great Oaks to go north
on Shoal Creek. Also, Increased traffic
may cause people to "cut through" on
Great Oaks Hwy between Shoal Creek
and 45th St (Both ways) !!

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P. O. Box 1088

Austin, TX 78767-8810

H. Arnold

2417 WOOLDRIDGE DRIVE
AUSTIN, TEXAS 78703

Planning & Zoning Department
Sherri Sirwait's
PO Box 1088
Austin, TX 78767-8810

CASE: C814-2015-0074

Why do bother to send an announcement
for a public hearing.

You have already made up your mind
to go ahead with this awful
project.

Have you considered the traffic that
will be on 45th and Shoal Creek.

Multiplying the number of homes by
3 for example. That will give you an
estimate of how many people and vehicles
extra that will be on the roads.

Austin has become so greedy that it
will sell anything to the highest bidder.

Helen G. Arnold

OBJECT

PUBLIC HEARING INFORMATION

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec 1, 2015, Zoning and Platting Commission

Valerie L. Wenger
Your Name (please print)

2804 W 45th St

Your address(es) affected by this application

Valerie Wenger
Signature

11/25/15
Date

Daytime Telephone: 512-916-5315

Comments: The proposed development contains too much commercial development for a residential neighborhood. The development is too dense for a residential neighborhood. The neighborhood can't handle the increased traffic

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec 1, 2015, Zoning and Platting Commission

Mike Varozza

Your Name (please print)

4000 Edgewild Rd Austin TX

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 512 249 8004

Date

11/24/15

Comments: I do not believe the infrastructure around the PUD is sufficient to handle the increase in residences. For example sewer, roads, schools, etc.

☐ I am in favor
☒ I object

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec 1, 2015, Zoning and Platting Commission

Charlotte Cooper
Your Name (please print)

4003 Ridgely
Your address(es) affected by this application

Charlotte Cooper
Signature

Daytime Telephone: 512 454 0663

11-28-15
Date

☐ I am in favor
☒ I object

Comments: Developer must work in
good faith with the adjacent
neighborhoods - Not
other special interests

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec 1, 2015, Zoning and Platting Commission

Cary Cooper
Your Name (please print)

4003 Ridgester
Your address(es) affected by this application

☐ I am in favor ☒ I object
--

[Signature] Date 11-28-15

Daytime Telephone: 512 4540663

Comments: Failure to work as good land with a decent neighborhood

If you use this form to comment, it may be returned to:

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec 1, 2015, Zoning and Platting Commission

Barbara Nichols

Your Name (please print)

4500 Erin Lane 78756

Your address(es) affected by this application

Barbara Nichols

Signature

11-23-15

Date

Daytime Telephone: (512) 6577428

Comments: I feel the density particularly of businesses designated as Ldrs, is not conducive to the adjacent neighborhood's safety. I also feel the traffic from this development is too great for 45th and other roads to manage. A lesser-dense project, or park, would be a better fit for maintaining our neighborhood's integrity.

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Dec 1, 2015, Zoning and Platting Commission

David & Patty Coffman
Your Name (please print)

4209 Shoal Creek Blvd
Your address(es) affected by this application

☐ I am in favor
☒ I object

David Coffman Patty Coffman 11-24-15
Signature Date

Daytime Telephone: 512-7371-9632

Comments:

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Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Peter T. Flawn
4100 Jackson Avenue #463
Austin, Texas 78731

June 7, 2016

The Honorable Steve Adler
Mayor
City of Austin
P. O. Box 1088
Austin, TX 78767-8810

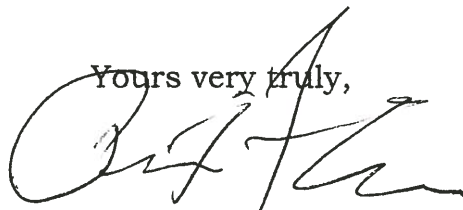
Dear Mayor Adler and Members of the City Council:

I have been a resident of the City of Austin since 1949 and rarely have been moved to write in support of an issue before the Council. However, I believe it is in the best interest of the City and its residents to approve The Grove at Shoal Creek Planned Unit Development, Case Number C814-2015-0074 and I ask that you include this letter as part of the official back-up file for this zoning case.

As a resident of Westminster Retirement Community it is very much in the interest of resident that The Grove at Shoal Creek be developed to provide access to amenities not now available to residents of Westminster who have restricted mobility and do not drive. I have followed the planning process closely and I believe that the plan that will come to the Council is fair and balanced.

Thanking you for your consideration, I am

Yours very truly,

A handwritten signature in black ink, appearing to read 'P. Flawn', written over the typed name.

Peter T. Flawn

PTF/hho

cc: Members of the Austin City Council
Ms. Sherri Sirwaitis, Planning & Zoning Department ✓

Sirwaitis, Sherri

From: Ryan Nill [REDACTED]
Sent: Monday, November 30, 2015 5:02 PM
To: Rojas, Gabriel - BC; Breithaupt, Dustin - BC; Denkler, Ann - BC; Evans, Bruce - BC; Flores, Yvette - BC; Goodman, Jackie - BC; Harris, Susan - BC; Kiolbassa, Jolene - BC; Lavani, Sunil - BC; Weber, Thomas - BC
Cc: Sirwaitis, Sherri
Subject: In support of The Grove

Dear Commissioners,

I hope you support extending the Planned Unit Development (PUD) application deadline for the The Grove at Shoal Creek, located near 45th and Bull Creek. This site is an opportunity to develop high-quality affordable housing in a location with unprecedented opportunity and access to amenities.

The development group ARG Bull Creek plans to offer 180 affordable units. These units will be located in a high opportunity area where no affordable housing currently exists. Locating affordable housing in areas where all income levels are represented greatly increases social mobility. Residents have access to better jobs and amenities such as parks and transit that improve their quality of life. According to the landmark 1994 Moving to Opportunity study sponsored by HUD, social and academic outcomes of low-income children located in high-income neighborhoods are markedly better than those of similar-income children raised in areas of concentrated poverty.

The mixed use nature of this development offers many opportunities that I would like to see distributed across class lines. They include:

- A walkable, bikeable neighborhood near transit. Recent studies show that the average total cost of ownership of a car is \$9000 annually, which is beyond the means of many of Austin's residents.

- Access to a 17-acre park. Quality park space has been shown to have a positive effect on physical and mental health.

- A forward-looking, mixed used development that takes to heart the "complete communities" envisioned in the Imagine Austin comprehensive plan.

While I am certainly appreciative of being able to attend and provide input at community meetings, residential design charrettes, transit charrettes, neighborhood meetings, and park block parties; all these meeting and events are not cheap. Obligating city staff; the developer; and the many neighborhood, park, transit, and housing advocates to go through this process again by not extending the application deadline will be a waste of time and community resources. Additionally, this will contribute to the ultimate costs of development, which will inevitably be passed on to residents. If we burden ARG Bull Creek with significant additional costs, it will eliminate the feasibility of providing affordable housing in this development. If we instead facilitate the creation of affordable units we can create a high-opportunity environment for 180 households whose options are otherwise very limited in our current climate of de facto economic segregation.

Sincerely,

Ryan Nill

Friends of the Grove

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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

**Public Hearing: June 7, 2016, Zoning and Platting Commission
June 16, 2016, City Council**

Elizabeth Santos

Your Name (please print)

3901 Ridgelea Dr.

Your address(es) affected by this application

E. Santos

Signature

Date

Daytime Telephone: *(512) 470 0483*

Comments:

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: June 3, 2016, Zoning and Platting Commission
 June 16, 2016, City Council

Tam Whalley
 Your Name (please print)

☐ I am in favor
☒ I object

1916 W. 40th St., Austin, TX 78731
 Your address(es) affected by this application

[Signature] 6-8-16
 Signature Date

Daytime Telephone: 512-323-5051

Comments: A PUD is a special land-use privilege that the city should grant only if the applicant proves that it would result in a superior development. This applicant thus far has refused to meet that standard. But ZAP and Council could get there by requiring certain changes: reduce the commercial density (especially office) substantially to lessen the massive traffic increase; add more effective measures to mitigate the traffic impact on nearby neighborhood streets; increase the usable recreational open space in the "Signature Park" without threatening environmentally sensitive areas and heritage trees; increase affordable and "missing middle" housing beyond the bare minimum; improve overall compatibility with nearby existing residences.

If you use this form to comment, it may be returned to:

City of Austin
 Planning & Zoning Department
 Sherri Sirwaitis
 P. O. Box 1088
 Austin, TX 78767-8810

**CYNTHIA ANN LEACH
4200 JACKSON AVE., #4009
AUSTIN, TX 78731**

June, 7, 2016

City of Austin
Planning & Zoning Department
% Sherri Sirwaitis
P.O. Box 1088
Austin, TX 78767-8810

Subject: The Grove at Shoal Creek PUD, Case C814-2015-0074

Dear Sir,

I was born in Austin, Texas on October 13, 1948 at the original Brackenridge Hospital and delivered by Dr. Bud Dryden, a well-known physician and former city council member. I have lived in Austin all of my life and last September moved into Westminster Retirement Community at 4200 Jackson Ave.

My husband and I FULLY SUPPORT the planned Grove at Shoal Creek, and hope you will do the same. My husband is an architect and has studied the plans for this new development and we believe it will be a tremendous asset for the city and that the developer has gone above and beyond to make it a success for everyone.

We and about 25 other Westminster residents attended the Environmental Commission meeting last week and were extremely disappointed in that hearing. We were shocked at how the meeting was run and that the Chair would arbitrarily decide the opposition would speak first at the public hearing. The supporters of the Grove were finally allowed to speak after 11:30 p.m. that evening and as you can imagine, many of us had given up and gone home by then. It was evident to us that this was done intentionally to us, to drive us away, and it worked that night. Our hopes for future City of Austin commission hearings is that there will be a semblance of fairness in the process. That was my very first such attendance at a City of Austin hearing in my 67 years on earth and believe me, it was a real turn-off!

We at Westminster are excited about the restaurants, shops and possible doctors' office space planned for the Grove and look forward to being able to walk across the street to enjoy such amenities. We are also looking forward to the great trails, walking paths and benches, accessible to all and to be used by many.

Again, we urge you to support The Grove at Shoal Creek so that construction may begin on this wonderful development and hopefully it will be completed for everyone to enjoy while I am still on earth!

Please include this letter as part of the official backup for this zoning case.

Thank you.

Cynthia Ann Leach

PUBLIC HEARING INFORMATION

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: June 7, 2016, Zoning and Platting Commission
June 16, 2016, City Council

PATY L. COFFMAN

Your Name (please print)

4209 SHOAL CREEK BLVD. AUSTIN, TX

Your address(es) affected by this application

78746

Paty L. Coffman

Signature

Date

6-8-

Daytime Telephone: 512-471-8610

Comments: THE CITY STREETS - 45th ST, SHOAL CREEK BLVD, BULL CREEK & 38th ST. IN THE SURROUNDING ARE ALREADY BACKED UP WITH TRAFFIC. THE ADDITIONAL 19K CARS A DAY WILL GRIDLOCK THE STREETS. AS IT IS NOW, I HAVE TROUBLE GETTING IN AND OUT OF MY DRIVEWAY.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C814-2015-0074

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: June 7, 2016, Zoning and Platting Commission
June 16, 2016, City Council

Sulin Oliphant Willhoite

Your Name (please print)

☐ I am in favor
☒ I object

4601 Chiappow Trail 78731

Your address(es) affected by this application

Julin Oliphant Willhoite 6-01-2016

Signature

Date

Daytime Telephone: *512-459-6345*

Comments: *I object to the plan -*

increase of traffic

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Sirwaitis, Sherri

From: Martha Frede <marthafrede@sboglobal.net>
Sent: Monday, June 13, 2016 11:34 AM
To: Martha Frede
Cc: Martha Frede
Subject: The Grove at Shoal Creek Planned Unit Development, Case Number C814-2015-0074

Dear Mayor and Council and Planning and Zoning Department,

I first moved to Austin in 1938 and have seen it grow and change over the years. I graduated from Austin High School and the University of Texas and met and married my husband here. The first three of our 5 daughters were born here. We had to go and wander in the wilderness (mostly Houston) for 40 years before we got to come back to the "promised land". Both of us were of retirement age by that time, but I continued my practice of Clinical Psychology on a part time basis, and my husband worked as a fund raising consultant for the Blood and Tissue Center, the Children's Museum, Planned Parenthood and other worthy organizations. We were active members of St. David's Episcopal Church where he again helped with fund raising and I served on the Vestry. (Now I am a member of St. James' Episcopal Church, where Ora Houston is a mover and shaker!)

Now my husband is no longer with us but three of my daughters and sons-in-law and three grandchildren and their families live here. We all love Austin and appreciate its natural beauty, great food, cultural opportunities and its enlightened government.

I moved to the Westminster Retirement Community four and one-half years ago. I serve on the resident Board of Directors. I have followed the plans for developing the TxDOT land across the street with great interest. It would have been great if the city had purchased the Bull Creek property. That did not happen, and we are all fortunate that a company as responsible as Milestone did buy it.

They have had innumerable meetings with neighbors and have sought our input on all phases of the project. They have made changes based on our suggestions. As they have made revisions, they have kept us informed about their new plans.

It will be a great addition to the neighborhood to have a small grocery store and several restaurants nearby. I hope they will be able to get started soon, so that these enhancements will happen in my lifetime! (I will turn 90 in a few days.)

Thank you for your service to our community!

Martha Frede

Sirwaitis, Sherri

From: Ryder Jeanes [redacted]
Sent: Monday, June 20, 2016 8:41 AM
To: Sirwaitis, Sherri
Subject: FW: Legal issues concerning discrepancies on The Grove PUD - Item C-01
Attachments: Grove PUD discrepancies.pdf

Sherri,

Could I ask you to please add this letter/PDF attached as back-up to the Grove PUD case for this upcoming ZAP meeting? I think it is highly pertinent as no one really seems to be asking about these issues I've raised, and they have VERY big implications for our city going forward.

Thank you so much.
-Ryder

Ryder Jeanes
Senior Vice President | Austin

512-485-0888 | main
512-485-0830 | fax
512-485-0792 | direct
221 W. 6th Street
Suite 1030
Austin, TX 78701



ryder@theretailconnection.net
www.theretailconnection.net

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From: Ryder Jeanes
Sent: Sunday, June 19, 2016 6:18 PM
To: bc-Thomas.Weber@austintexas.gov; bc-Ann.Denkler@austintexas.gov; bc-Jolene.Kiolbassa@austintexas.gov; bc-gabriel.rojas@austintexas.gov; bc-ana.aguirre@austintexas.gov; bc-Dustin.Breithaupt@austintexas.gov; bc-Bruce.Evans@austintexas.gov; bc-Yvette.Flores@austintexas.gov; bc-betsy.greenberg@austintexas.gov; bc-Susan.Harris@austintexas.gov; bc-Sunil.Lavani@austintexas.gov
Cc: Catherine Jeanes (catcaroom@gmail.com)
Subject: FW: Legal issues concerning discrepancies on The Grove PUD - Item C-01

Dear Commissioners:

I have written many of you previously, spoken with you on the phone, or know you through the real estate business. There are major implications at stake because of the current structure of the Grove PUD and your commission is charged with thoroughly vetting and openly debating these things.

I hope you will take the time to read through the attached PDF and ask yourselves the same questions I find I'm asking myself... How can the Grove PUD possibly change land uses outside the scope of the site the PUD is being written for?

My family & I happen to live at 2629 W. 45th Street, next to this property, but first and foremost I am in the real estate business and intensely pro-development. That said, I am pro-development first & foremost assuming that it proceeds according to the rule of law and doesn't violate private property rights without due process... This Grove PUD as written has major flaws that I hope your commission takes the time to address before you can recommend it in good conscience.

I hope you will consider adding this attached PDF to your official Backup for Item C-01. My cell phone is (512) 623-9545 should you have any further questions for me with regard to the issues I've highlighted. I will be signing up to discuss some of these issues I've pointed out at the upcoming ZAP meeting on Tuesday.

Thank you for your time,

Ryder & Cat Jeanes
2629 W. 45th Street
Austin, TX 78731s

Ryder Jeanes
Senior Vice President | Austin

512-485-0888 | main
512-485-0830 | fax
512-485-0792 | direct
221 W. 6th Street
Suite 1030
Austin, TX 78701
rjeanes@theretailconnection.net
www.theretailconnection.net



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From: Ryder Jeanes

Sent: Sunday, June 19, 2016 5:05 PM

To: steve.adler@austintexas.gov; sheri.gallo@austintexas.gov; leslie.pool@austintexas.gov; don.zimmerman@austintexas.gov; ellen.troxclair@austintexas.gov; ora.houston@austintexas.gov; sabino.renteria@austintexas.gov; delia.garza@austintexas.gov; ann.kitchen@austintexas.gov; Greg.Casar@austintexas.gov; kathie.tovo@austintexas.gov; Lloyd, Brent (brent.lloyd@atxad.org); 'anne.morgan@atxad.org'

Cc: 'marc.ott@austintexas.gov'; 'robert.goode@austintexas.gov'; 'sue.edwards@austintexas.gov'; rob.spillar@austintexas.gov; Rodney.Gonzales@austintexas.gov; Greg.Guernsey@austintexas.gov;

Jerry.Rusthoven@austintexas.gov; Sirwaitis, Sherri (Sherri.Sirwaitis@austintexas.gov); Catherine Jeanes

Subject: Legal issues concerning discrepancies on The Grove PUD

Dear Mayor, City Council, & Legal Department:

With the Grove PUD slated to go before Zoning & Platting Commission this Tuesday, time is of the essence to urge YOU ALL to seriously consider some major discrepancies contained within the PUD which show why it isn't yet ready to be considered as possible ordinance. These discrepancies will have serious consequences, not only as they relate to the Grove PUD, but to all future PUDs or other zoning cases that will follow.

Chief among these discrepancies is the fact that the Grove PUD is trying to impose legal changes on land use and code variances for a single family residence next to my own, located at 2627 W. 45th Street, which is outside the defined scope of the PUD. You can find more detail on this in the PDF attached (Grove PUD discrepancies).

I don't want to be writing this e-mail to you on Father's Day, but as a father, it is even more crucial that I set a good example to my own kids and show them how the democratic process works in our City. I hope you will take the time to read into all of these issues more completely. I hope that it will help change things for the better in our City and provide you all insight into some issues you may not be aware of. There are major implications at stake.

Thank you and Happy Father's Day to you all and your families.

Ryder & Cat Jeanes
2629 W. 45th Street
Austin, TX 78731

Ryder Jeanes
Senior Vice President | Austin

512-485-0888 | main
512-485-0830 | fax
512-485-0792 | direct
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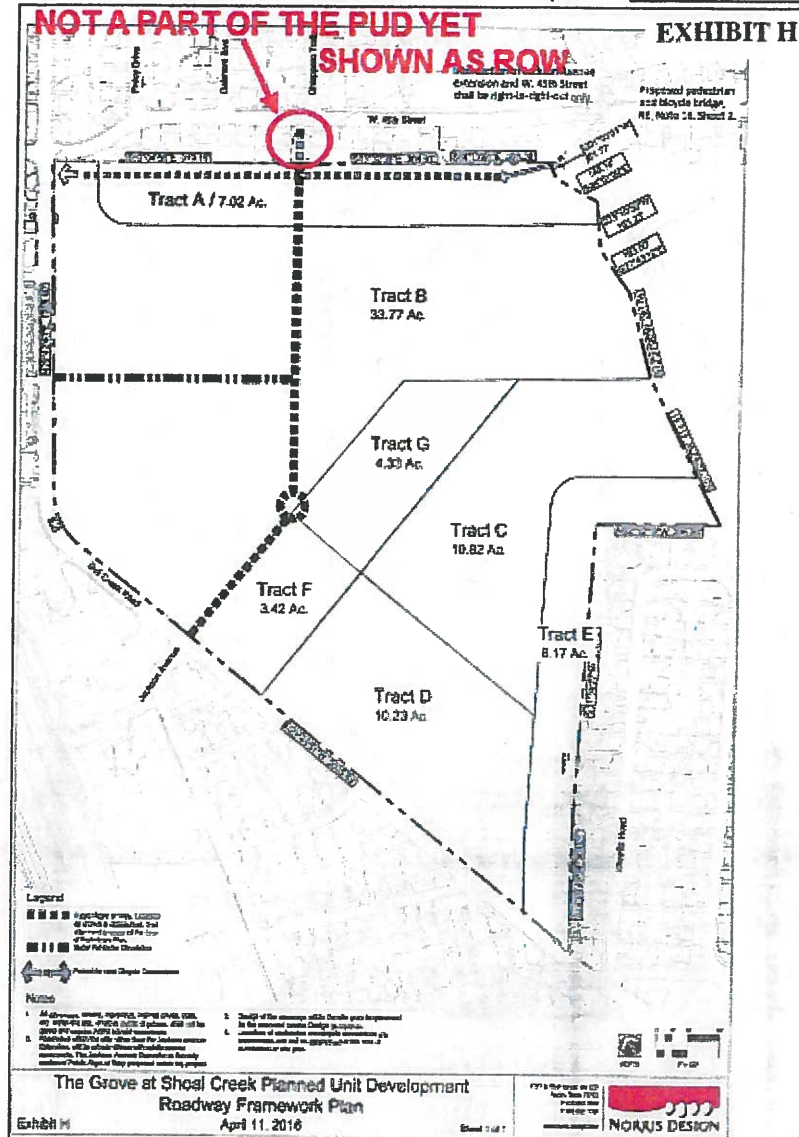
Grove PUD discrepancies:

1. The Grove PUD address is 4205 Bull Creek Road. The legally defined the scope of the PUD, as shown in Exhibit "A" of the Zoning Change Review Sheet, are those 75.74 acres of the "Subject Tract" only. Understanding this boundary, how then can certain variances the PUD is requesting through Proposed Code Modifications purport to change legal code for property located outside this Subject Tract, such as the 2627 W. 45th Street property?

For example:

- a. Chapter 25-10 (SIGN REGULATIONS), Section 25-01-1 (Applicability) – Adding a condition under this section to state, "(D) To the extent they are in conflict, the signage standards set forth in the project Design Guidelines for the Grove at Shoal Creek shall supersede this chapter."
 - i. Furthermore, the Design Guidelines in Section 5.5 "Signage" state signage as anything consisting of:
 1. Community Identity Signs – for each major entry to The Grove – two permanent identification signs not more than 128 square feet and height not exceeding 6 feet are permitted... i.e. read as two 10' wide by 6' tall signs
 2. Commercial Multi-tenant Signs - i.e. pylon signs – up to two multi-tenant signs are allowed for The Grove at Shoal Creek development. These signs are subject to a maximum of 250 square feet, and a maximum height of 20'.
 3. Because of how "signage" is defined, this means that these signs (either or both together in the same location) can be located anywhere (such as on 45th Street, right up on the road) specifically suggested as follows in b., c., and d.
- b. Chapter 25-10 (SIGN REGULATIONS), Section 25-10-103 (*Signs Prohibited in the Public Right-of-Way*) – To state that this section shall not apply to the public Right-of-Way dedicated for the Jackson Avenue extension within the boundaries of the PUD as identified on the Roadway Framework Plan.
- c. Chapter 25-10 (SIGN REGULATIONS), Section 25-10-191 (*Sign Setback Requirements*) – To state that this section shall not apply for setbacks from the public Right-of-Way dedicated for the Jackson Avenue extension within the boundaries of (the) PUD as identified on the Roadway Framework Plan.

d. The Grove at Shoal Creek Planned Unit Development Roadway Framework Plan:



- This Exhibit H – Roadway Framework Plan – shows Public Right of Way through the 2627 W. 45th Street property, clearly still a single family home (as it is deed restricted to be), and clearly NOT a part of the PUD application nor defined within the Subject Tract boundary the ordinance is being written for. If the 2627 W.45th Street property is not part of the PUD application, then how can legal law be written reflecting changes in its use?
- In Section 2.5 of the Design Guidelines the “Planned Unit Development Land Use Plan” - which will be the one “as adopted in the City’s zoning ordinance”- defines the area subject to the PUD’s Land Use changes (as Public Right-of-Way dedications) as one that includes the 2627 W.45th Street property. How can land use changes be granted by a PUD for property contained outside of its legally defined boundary?

The Land Use Plan, shown here for reference, as adopted in the City's zoning ordinance, provides the land use regulations for the project and asserts the site's development regulations for each tract, including height, FAR, setbacks, and impervious cover limitations for each parcel.

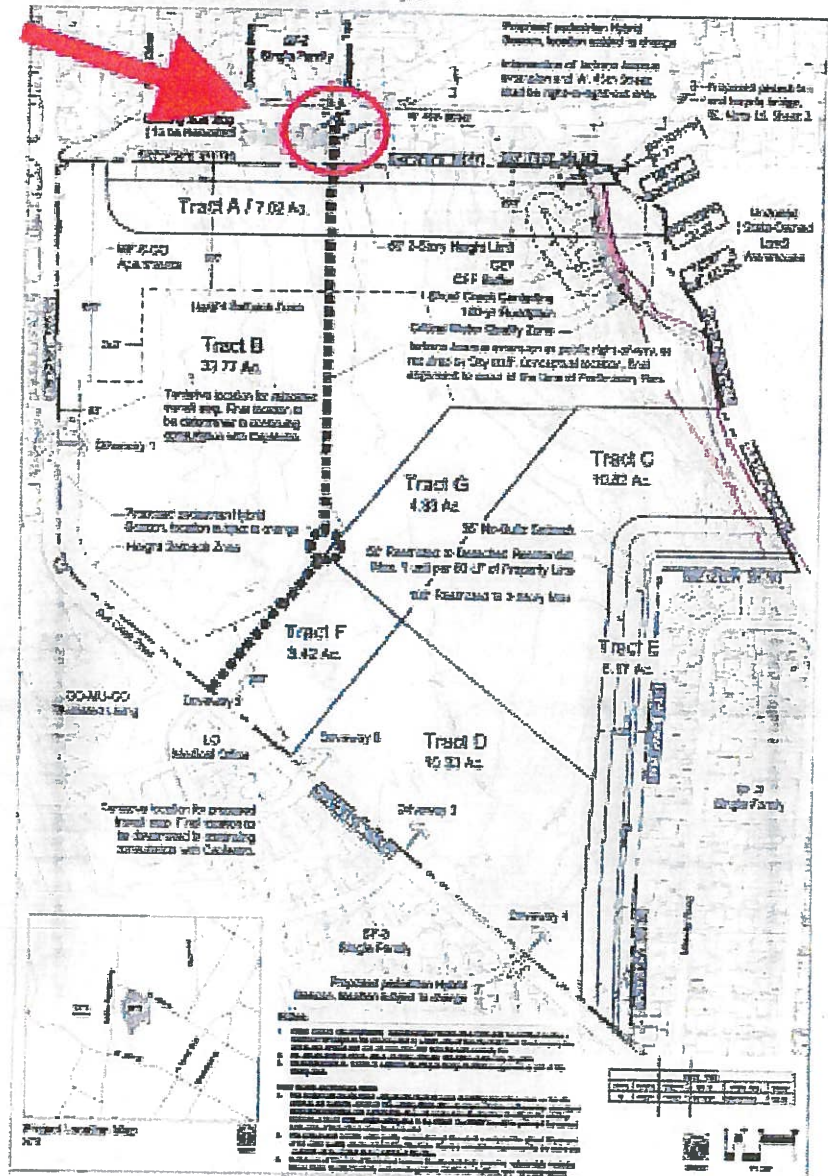


Figure 2.5: Planned Unit Development Land Use Plan

- iii. This same conflicted blurring of boundaries is also contained in the Design Guidelines in Section 3.3 "Master Framework Plan."

3.3 Master Framework Plan

The Master Framework Plan provides an overview of the possible layout of streets and other framework elements. Certain elements of the Master Framework Plan are considered Primary Framework Elements. The general location and orientation of these Primary Framework Elements should be followed only minor variations as appropriate to improve alignments or traffic performance and optimize building parcels. By contrast final alignment and orientation of the Secondary Framework Elements is flexible and may vary from the Master Framework Plan so long as the final arrangement still creates a well-connected framework consistent with the intent of this Section.

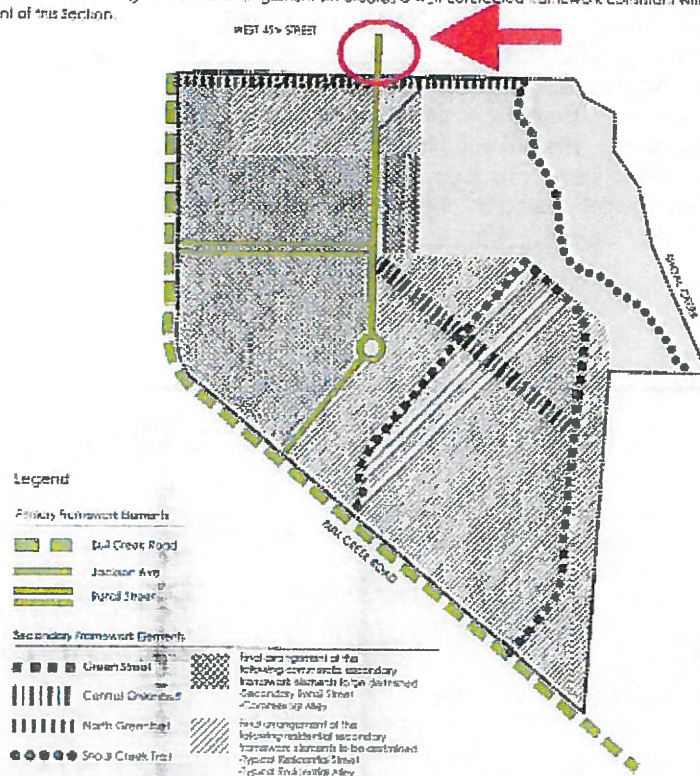


Figure 3.3: Master Framework Plan

- e. Transportation Criteria Manual, Section 1.3.2.B.2 (*Classification Design Criteria*) – To modify this provision to state that the extension of Jackson Avenue in the PUD as identified on the Roadway Framework Plan shall be considered a Neighborhood Collector and shall be designed per The Grove at Shoal Creek Design Guidelines. The cross section and any other design information contained in those design guidelines shall supersede any requirements of the Transportation Criteria Manual.
- i. Ordinance defines a Neighborhood Collector as:

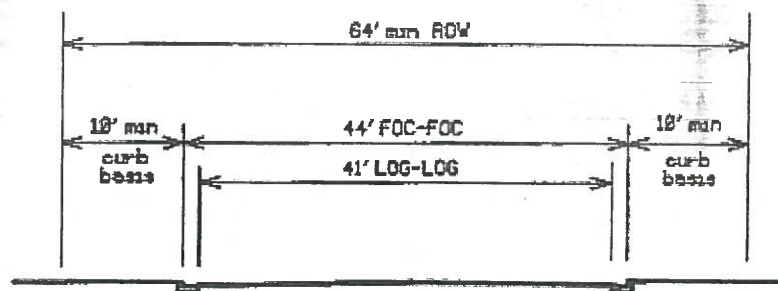
Collector, Neighborhood.

A neighborhood collector street is characterized by serving several districts or subdivisions. Neighborhood collector streets provide limited access to abutting property and may provide on-street parking, except where bus routes can be expected. Typically multifamily developments, schools, local retail developments and public facilities are located adjacent to neighborhood collectors. Direct driveway access for detached houses should be discouraged (see Figure 1-28 in Appendix H of this manual for design criteria).

Figure 1-28 Design Criteria for Neighborhood Collector Streets

Typical ADT Range, <u>from 2000 to 6000</u>
Design Speed, <u>35 mph</u>
General Length, <u>1-2 miles</u>
Typical Spacing Between Intersections, <u>500'</u>
Typical Spacing Between Neighborhood Collectors, <u>1/2 mile</u>
Minimum Centerline Radius, <u>See Page 1-8</u>
Minimum Tangent Length Between Horizontal Curves, <u>100'</u>
Minimum Curb Basis, <u>10'</u>

TYPICAL CROSS-SECTION



- ii. In the Grove at Shoal Creek Design Guidelines, Jackson Ave, is uniquely called out again, as being the only publicly dedicated street:

This Section provides a Master Framework Plan indicating the overall layout of streets and other circulation patterns on the site. Each street, alley, or trail indicated on the Master Framework Plan is keyed to a specific cross section defining its dimensions, characteristics, and features.

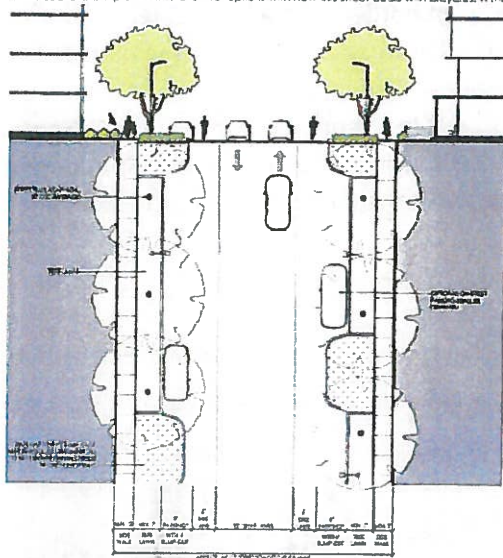
Jackson Avenue will be a publicly dedicated street within The Grove at Shoal Creek. All other streets in The Grove at Shoal Creek will be privately owned and maintained but permanently accessible to the public. This means there is no public right-of-way, except for Bull Creek Road and Jackson Avenue. Instead, this

- iii. The Design Guidelines State in Section 3.4.3 Jackson Avenue Extension that Jackson Ave is the site's primary collector road and the intent is to accommodate a larger volume of vehicular traffic than the site's other roadways:

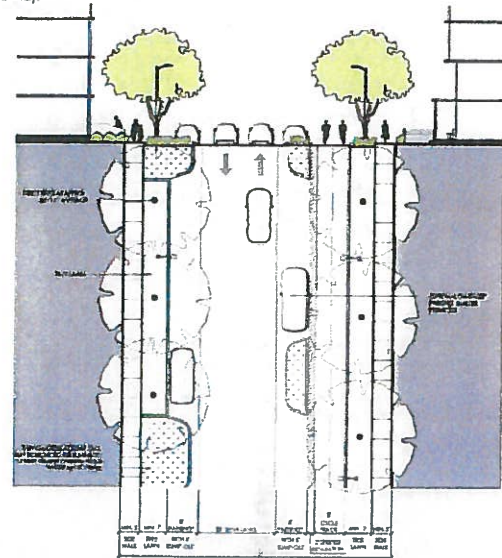
3.4.3 Jackson Avenue Extension

The Jackson Avenue Extension is the site's primary collector road. The intent is to accommodate a larger volume of vehicular traffic than the site's other roadways while still promoting a high-quality pedestrian environment. Two potential sections are provided to allow for options with how this street deals with bicycles. A minimum of

62' of right-of-way shall be dedicated for Jackson Avenue. If the total Roadway Zone exceeds 62' of width, the applicant may choose to dedicate additional right-of-way or to dedicate public access easements for the remainder of the street zone. All roadway paving and bike lane / cycle track paving must be contained within the right-of-way.



SEE NOTE 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



SEE NOTE 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Figure 3.4.3.b: Jackson Avenue Extension

- iv. The Grove's own Design Guidelines further state that a minimum of 62' of right-of-way shall be dedicated for Jackson Avenue.
1. There are further conflicting issues in the notes of Figure 3.4.3.a: Jackson Avenue Extension where it states dedicated right-of-way shall be a minimum of 64'.
 2. In either event, the 2627 W. 45th lot the home currently sits on is platted at 60' & measures only 59.8' wide, certainly short of either minimum number.
- v. This begs other questions outside of, but related to, the legality and the supposition of attempting to assign legal code & land use changes to deed restricted property lying outside the boundaries of the PUD ordinance -- as proposed with 2627 W. 45th Street:
- a. Why is Jackson Ave the only publically dedicated street? Even the City Utility doesn't like this idea, albeit for other reasons. So, why is it specifically the case that this road must be Public Right-of-Way? What bearing does this have on private deed restrictions that enure to the other 43 property owners in the original sub-division that contains 2627 W. 45th Street?
 - b. Why is Jackson Ave being called out specifically as a Neighborhood Collector? Neighborhood Collectors have an ADT

of 2,000-6,000 cars per day. City Staff has given projected numbers in that same range. Shouldn't that trip count range automatically trigger code mandated study for that road in the TIA, not just for an assigned road, but a fully modeled one? A fully engineered and modeled road would seem even more critical when attempting to assign that right-of-way through a 60' wide single family lot bordered by a home 5 feet on either side of that lot. This is basic common sense, even outside from the questionable legality of the whole road idea.

- f. Transportation Criteria Manual, Section 1.3.2.F (*Classification Design Criteria*) – To state that the Jackson Avenue extension shall not be considered a Single Outlet Street upon the connection of any public access that is open to the public and connects Jackson Avenue to Bull Creek Road.

- i. Ordinance says this about Single Outlet Streets:

F. Single Outlet Streets.

Traffic issues pertaining to single outlet streets are partially mitigated by: (1) providing mid-block turnarounds (or cross-streets/loop streets), (2) increased pavement widths and (3) utilization of divided roadways, as noted in Table 1-6.

The criteria pertaining to single outlet streets are applicable to new developments whether the single outlet is temporary or permanent. When future extensions to the street system are anticipated, which will provide additional outlets, a temporary restriction may be placed on the amount of development allowed, until an additional outlet becomes available.

**TABLE 1-6
SINGLE OUTLET STREETS****

ADT	Street Width (FOC - FOC)
Less than 300	30'
300 - 1000	36'
1000 - 2500	40' or 44'
2500 - 4000	2 @ 24' w/16' min. median width
Greater than 4000	TIA Required

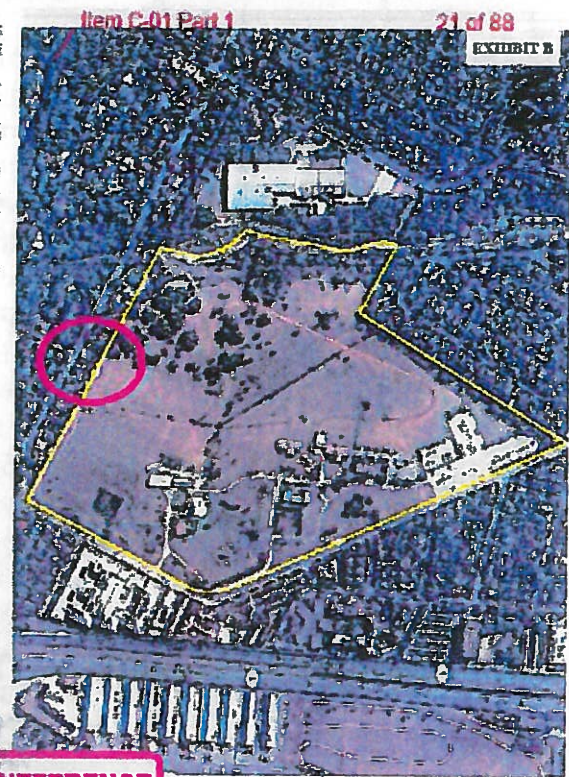
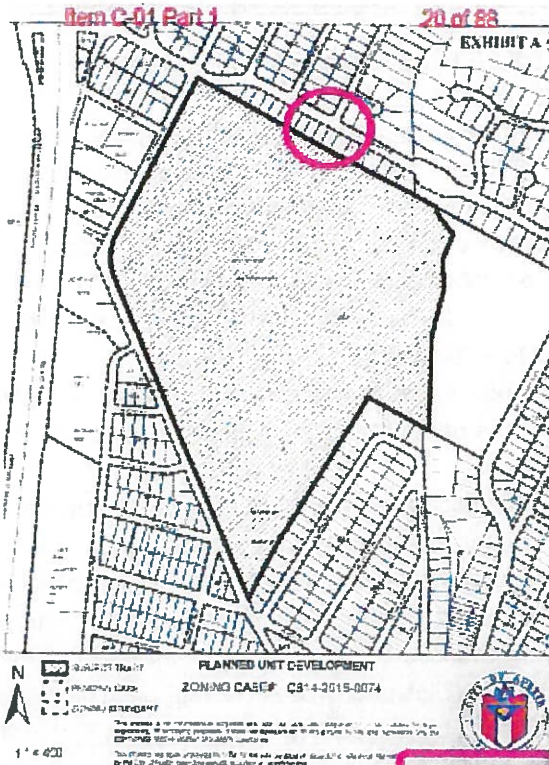
** If the distance from the SOP to the STP exceeds 2000', then the single outlet street must be designed with 2 @ 24' w/16' minimum median width.

Source: City of Austin, Department of Public Works and Transportation

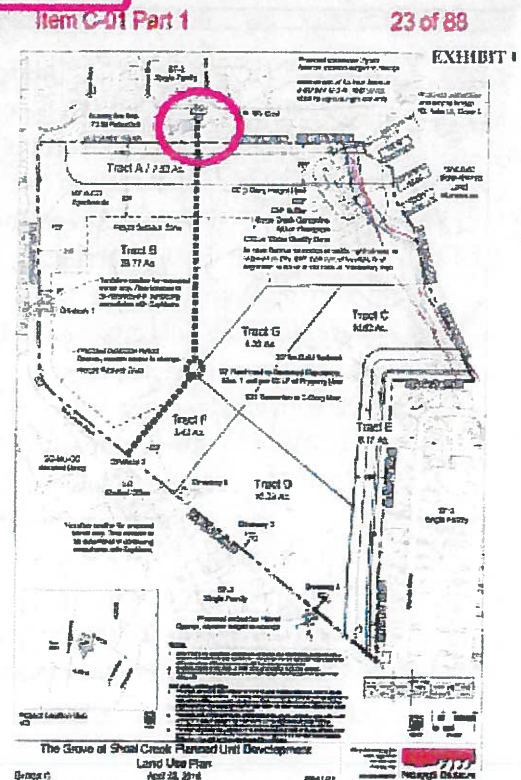
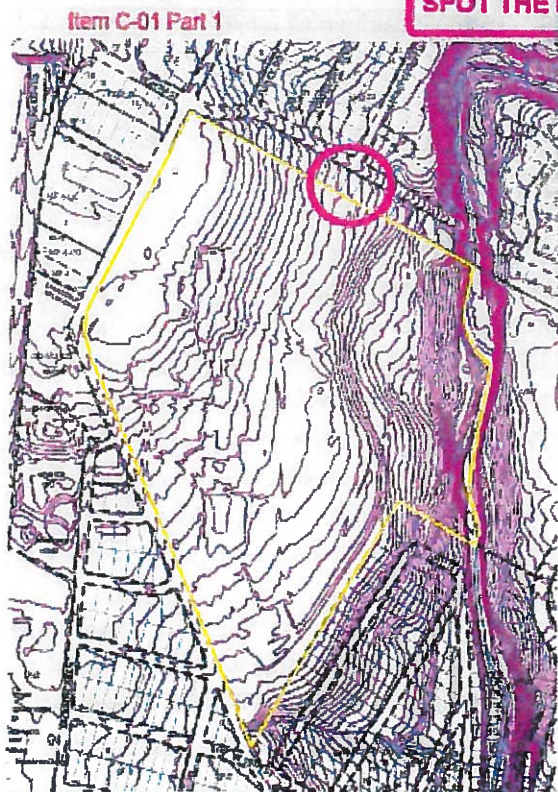
- ii. Is this variance being requested because the legality of the 2627 W. 45th Street property as roadway, or even being referenced as part of the ordinance itself, is being questioned? I can certainly see how the applicant is concerned this might place a temporary cap on development or trigger a TIA study of the Jackson Ave extension to begin with, but those would seem like things addressed by existing ordinance for very important reasons. What is the rationale behind asking for this variance?

1. It would seem, per ordinance, that a TIA is required if an ADT is over 4,000 trips. That number is a very realistic expectation for Jackson Avenue per City Staff comments. Where is the TIA for this?
 2. Is 2627 W. 45th Street home part of the Grove PUD ordinance or not? The 2627 home certainly seems to be suggested as part of the PUD - - - but only when it comes to project signage variances, roadway framework, right-of-way, project access, design variances, and Transportation ordinance variance requests. The rest of the time, it definitely isn't part of the PUD ordinance, especially when it comes to the main exhibits, like Exhibit "A" below in the top

left which shows the actual defined "Subject Tract" the PUD ordinance will reference when passed into law. How is law supposed to be written governing land outside the Subject Tract?:



SPOT THE DIFFERENCE



3. There are a host of issues implied with the Grove PUD having such ambiguous and gray territory when it comes to how it references project right-of-way and the 2627 W. 45th Street property. There are only two true legal solutions:
- a. Legally attach the 2627 W. 45th Street property to the PUD ordinance and make it part of the Subject Tract the PUD ordinance governs. City staff has reiterated that the 2627 W. 45th Street property is not part of the PUD again and again. If the applicant desires the 2627 property to be part of the PUD and subject to the ordinance, then they should amend the PUD with that property included in the zoning change application. Would that change then create a default baseline zoning of SF-2 across the 75.74 (plus .15 acre) "Subject Tract" since the 2627 home would be joining it as part of the PUD ordinance?
 - i. The 2627 home, zoned SF-2, would require that notification be sent of this proposed change from SF-2 to PUD zoning.
 - ii. If the SF-2 zoned home were up for a re-zoning, then it would also comply with state property law, including the right of the surrounding property owners to have a valid petition recognized.
 1. This is a property right which every property owner in Austin, TX enjoys when it comes to their individual private properties. The people surrounding any zoning change pay the same property taxes as everyone else, and as such they should be afforded the same property rights. Unfortunately, this is not the case with the property owners who currently surround the UNZ labeled Grove PUD "Subject Tract" site.
 - b. Remove all reference to the 2627 W. 45th Street property in the PUD completely. If the applicant truly desires to keep the 2627 W. 45th Street property separate and apart from the Grove PUD application, then it should remove all references to the proposed Jackson Avenue extension roadway and any stated or visual references to the 2627 property from the PUD. This is a given since the PUD ordinance cannot dictate land-use changes, code modifications, or violate private deed restrictions on a property located outside of the subject tract the PUD ordinance governs.
4. What is the City of Austin's role in this? If the City of Austin is truly requiring the PUD applicant to dedicate this 2627 W. 45th Street home as Public Right-of-Way, then the City should do so fully knowing what it will be accepting. If the City of Austin is requesting this right-of-way, then that ROW dedication, including the land, private deed restrictions, and other encumbrances it is subject to, should be fully attached to the PUD ordinance and legally defined in the PUD's scope. Knowing the City of Austin's role in this is extremely important as there is currently an open and unresolved private deed restriction lawsuit in place to enforce the private restrictive covenant on the 2627 W. 45th Street property (which 43 others in the sub-division are also subject to). ARG Bull Creek's response to this deed restriction suit was a blanket denial and went something like there was no road being planned at this time. Obviously, plans were certainly in the works and are still on-going.
- a. Media has reported that the Jackson road as Public Right-of-Way was the developer's idea. Clearly the idea of the roadway through the 2627 home was generated by the developer far before the idea of dedicating 2627 as ROW was floated. What is important to know is why was the idea of this Jackson Avenue extension as public ROW

through a privately deed restricted property only floated after the deed restriction lawsuit was filed?

- b. Is the City of Austin ready to set the legal precedent of getting involved in removing private restrictive covenants on properties for the sake of an unrelated development?

Is the City of Austin ready to set the precedent that any developer of any site can buy adjacent property to that site and simply deed it over to the City of Austin if their access plans are hampered by important private restrictive covenants?

- i. When anyone purchases or sells a property, they do so fully understanding exactly what they are getting. What they are investing in is a basket of physical land, improvements, and rights. These include the dirt, the buildings, the ingress, & egress, land-use & zoning, and any restrictive covenants or rights as primary examples. These are rights I expected to be in place when I purchased my home.

1. These cannot be separated from the property by force without a condemnation or negotiation. These are basic property rights, governed by law.
2. The City of Austin should understand all unintended consequences the precedent the Grove PUD purports to set, beyond running over basic private property rights. These would include many future deed restriction suits and exposure of taxpayer dollars to fighting legal battles on any inverse condemnation suits similar circumstances may bring.

In conclusion, I hope you can clearly see all the major discrepancies and the clear issues these discrepancies can and will cause. There is far too much legal ambiguity surrounding this PUD at this point. I hope that these issues are clearly resolved and mitigated before this PUD proceeds into law. This isn't just a problem with the Grove PUD, this is a problem for all future land-use changes in our City.

An RNA survey was conducted in early May 2016 in order to quantify what, if any, are the most important changes our neighborhood believes should be made to the current Grove at Shoal Creek plan in order to make it a "superior" development. These results do not replace the 2015 RNA position statement listing our top general concerns with the Grove development. These results refine our previous position with updated and more specific information.

The survey participation was very good, with 88 neighbors (from 61 different addresses) responding.

The Ridgilea neighborhood remains in support of a neighborhood scale mixed-use development at the Grove which follows the Imagine Austin design principles. However, the survey results show that a strong majority of the neighborhood recommends the current Grove development plan be modified to improve it. For example, only 2 of the 88 respondents recommended the current Grove plan be ratified by the city as is.

The most important changes believe needed by the Ridgilea neighborhood are summarized below.

1. Traffic and safety

- Implement traffic Mitigation/Calming for Bull Creek Road, Oakmont, Allandale and Ridgilea to slow traffic and improve safety.
- Reduce allowable office space to reduce peak traffic.
- Require a comprehensive and permanent Transportation Demand Management (TDM) program that encourages residents and visitors to reduce vehicular trips.
- Complete the planned upgrades to Bull Creek & 45th intersection by Jan. 2019 instead of the proposed 2024 date.
- Limit any single retail/restaurant/commercial tenant to a maximum of 30,000 sf and focus commercial spaces on local serving scale businesses that do not generate significant amounts of non-local traffic.

2. Drainage from the Grove property

- Install and maintain an effective drainage berm(s) and swale(s) in the no build zone behind Idlewild to prevent flooding and drainage problems in the neighborhood.

3. Noise control

- Implement a Noise Mitigation Plan to minimize impact to surrounding neighbors during and after construction. The plan should address known high noise generators such as construction staging areas, construction and long-term loading/delivery areas. There should also be reasonable limits on days/hours for outdoor amplified music.

4. Parkland improvements (to address known parkland deficiencies in the surrounding neighborhoods)

- Increase usable public space at the development by adding a community pool to increase community benefits and reduce vehicle trips by providing full range of park amenities within walking and biking distance.
- Increase usable public space by approximately two (2) additional acres to accommodate an unlit level, open playing field area.

Respectfully yours,

The Ridgilea Neighborhood Association Executive Committee

Sirwaitis, Sherri

From: [REDACTED] on behalf of Todd Shaw [REDACTED]
Sent: Friday, June 17, 2016 1:45 AM
To: Sirwaitis, Sherri
Subject: Backup Material for June 21st Zoning and Platting Commission - Grove at Shoal Creek PUD Hearing

Ms. Sirwaitis,

A Zoning and Platting Commission Member ask me to forward this to you to include as backup for the Commissioners at the June 21st Meeting where the Commission will hear the Grove at Shoal Creek PUD application. I would greatly appreciate your assistance again in following through with this request.

Thank you very much!

Todd Shaw

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My name is Todd Shaw and I live near the proposed Grove at Shoal Creek PUD. I ask your assistance in recommending that the Grove at Shoal Creek Developer, ARG Bull Creek LTC, return to the table and negotiate with its neighbors to create a shared vision for a great mixed use development for Central Austin. Garrett Martin, Grove at Shoal Creek CEO, made a statement at the Environmental Commission meeting last month that summed up what the neighbors knew all along. He said he did not approach this development as a negotiation. The neighborhoods around the development have met time and time again, but the developer has not made any concessions to address the community concerns especially as it relates to inappropriate density, unsafe traffic, inadequate quantity of quality parkland, the minimum level of affordable and "missing middle housing", local flooding, Heritage Tree protection, and stream bank erosion impacts on design and cost of proposed bridge. Please vote that the Grove at Shoal Creek is not yet superior to send a message to the developer that although it has been a year, they have need to finally sit down and listen to its neighbors. Below I make the case that the Grove at Shoal Creek does not yet comply with Imagine Austin. I did send this to Kathleen Fox, but never received a response.

Imagine Austin Background

The Imagine Austin (IA) is a comprehensive plan for Austin's future, describing the community's vision for the City to 2039. IA includes the following: Vision Statement accompanied by a series of principles that address the social and physical evolution of the City. One of the most important outcomes of IA was the Growth Concept Map which was created through an exhaustive public process and analysis by consultants, and Citizen Advisory Task Force. This map illustrates the desired manner to accommodate new residents, jobs, open spaces, and transportation infrastructure over the next 30 years. Activity corridors indicate the preferred areas for additional growth and connect hubs called activity centers of the following densities.

- Regional Center - range in size between approximately 25,000-45,000 people and 5,000- 25,000 jobs.

- Town Center - range in size between approximately 10,000-30,000 people and 5,000-20,000 jobs.
- Neighborhood Center –range in size between approximately 5,000-10,000 people and 2,500-7,000 jobs.

In addition to the Growth Map, the plan details a series of 8 building blocks also derived from public input. The building blocks are related back to the principles. Each building block includes a summary of key issues and challenges for the future, policies to address those challenges as well as best practices. There are 231 policy actions related to the building blocks.

The last section, again arrived at through public input, defines the priorities for IA. The priorities are:

1. Invest in compact and connected City.
2. Sustainably manage our water resources.
3. Continue to grow Austin's economy by investing in our workforce, education systems, entrepreneurs, and local businesses.
4. Use Green infrastructure to protect environmentally sensitive areas and integrate nature into the City.
5. Grow and maintain Austin's creative economy.
6. Develop and maintain household affordability throughout Austin.
7. Create a Healthy Austin Program.
8. Revise Austin's development regulations and processes to promote a compact and connected city.

The Grove at Shoal Creek Compared to Imagine Austin Plan

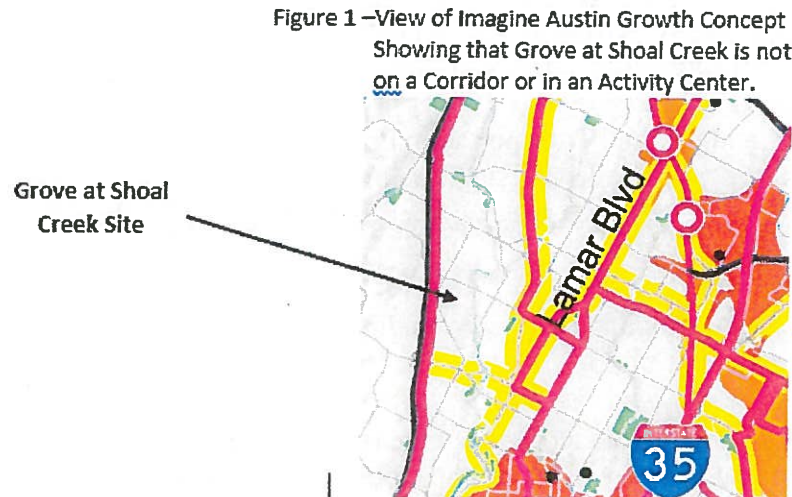
ARG's latest PUD development plans includes the following densities:

From most recent March 28th Land Use Plan

- 1515 dwelling units (includes affordable housing units, does not include congregate living)
- 300,000 SF Assisted Living (600 Congregate Living Beds)
- Multi-family residential units (exclude condo units) capped at 650 dwelling units. Congregate Living and first 250 affordable housing units do not count towards 650 unit cap.
- 225,000 SF Office
- 158,000 SF Retail (Includes 15,000 SF of liquor sale uses)

Comparing the site for The Grove at Shoal Creek (Grove) to the Growth Concept Map in Figure 1, the property is **not** located on an activity corridor and not identified as a regional, town and neighborhood center. However, IA on page 107 recognizes mixed use development will happen in other areas including infill on vacant lands such as the Grove, but emphasizes that the design of new development should be sensitive to and complement its context. Kathleen Fox from the City's Comprehensive Planning Review Department evaluated the Grove at

Shoal Creek on Tuesday, July 21, 2015 stating that the development appeared to be supported by the IA Comprehensive Plan based on the development meeting several IA Policies.



However, Ms. Fox's evaluation did not assess the development in relationship to the surrounding neighborhoods. This importance of context and compatibility with neighborhoods is found throughout IA.

- p. 31. "Infill development and redevelopment in centers and along major roadways will be needed to meet the growing demand for higher-density, closer-in affordable housing. Creating harmonious transitions between adjacent neighborhoods is an important component of the development process."
- p. 118. Land Use Transportation Policy 4 – "Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities."
- • p. 138. Housing and Neighborhood Policy 11 – "Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites."
- p. 117. Section 4 also provides best practices for development. The Best Practices for Compatibility and Neighborhood Transitions can be found, which demonstrates how ... "Transitions between commercial areas and adjacent neighborhoods received special consideration through moderate-intensity uses and design standards intended to step down intensity."
- p. 207. "Continued protection and preservation of existing neighborhoods and the natural environment must be considered top priorities of comprehensive revisions to the City Code. The consequences and

impact of additional density and infill in existing neighborhoods must be carefully identified and analyzed to avoid endangering the existing character of neighborhoods and exacerbating community health and safety issues, such as flooding.”

- p. 207. “Impacts on sustainability and livability by increased infill and density of units, including associated infrastructure costs and impacts on affordability, should be identified prior to adoption of a new city code. Modifications to the City code and building code should be measured with regard to their ability to preserve neighborhood character, consistency with adopted neighborhood and area plans, impact on affordability, and the ability of existing families to continue to reside in their homes.”
- p. 228. Land Use and Transportation Priority Action 2 - “Promote diverse infill housing such as small-scale apartments, smaller-lot single-family houses, town and row houses, and garage apartments that complement and enhance the character of existing neighborhoods.”

The Grove does not compliment the surrounding neighborhoods for the following reasons:

- ARG has still not incorporated the commitments made to Oakmont NA the 2/12/2016 meeting which provided for improved compatibility with homes across Bull Creek by limiting heights and increasing setbacks. These are not reflected in Land Use Plan.
- For three homes along Bull Creek closest to 45th, the new layout for the property does not show the 240’ setback from Bull Creek per Land Use Plan. The plan shows taller apartments within 60’ of the right of way.
- Although developer has placed a Greenbelt along the back of the homes on 45th St., the homes will have 40’ townhomes along their backyards. There should be a more gradual increase in height for structures similar to ARG commitment for homes along Bull Creek Rd.
- The commercial and retail density of the Grove is incompatible with the neighboring community. The densities are greater and alternative transportation options less for the Grove than the Triangle and Crestview Station. The development planned for the Grove is for 2-lane residential street surrounded by single family homes.
- Even with the improvements that ARG proposes at the intersection of 45th and Bull Creek Rd., the grid lock during peak traffic times caused by the Grove will increase “cut-through” traffic on surrounding neighborhood streets.
- ARG Land Use Plan includes 15,000 of cocktail bars. This is not compatible for a development surrounded by single family homes.
- The final traffic plan agreed to by the Grove and City Staff without any public input included the demolition of a home on 45th St. to provide for an additional street connection onto 45th St. The character of the homes adjacent to this significant thoroughfare will altered. This exit will make it even more difficult for neighbors along 45th St. to exit their properties.

IA includes many other goals besides making Austin more “compact and connected.” IA includes the vision statement principle “Austin is Natural and Sustainable” as well as policies and best practices for the sustainable

design of future development. It should be noted that many of these practices are embodied in the Austin Energy Green Building (AEGB) Program, which rates development for their level of sustainable design. ARG's plans and design guidelines for the Grove fail to address several key IA principles and policy areas related to greenhouse gases, energy and water conservation, air pollution, and noise. Consequently, The Grove only meets the minimum AEGB 2-Star Level for PUD's.

- p. 85. IA Vision Principle "Austin is Natural and Sustainable – 1) "We conserve water, energy, soil and other valuable resources, 2) "Austin is a leader in reducing greenhouse gas emissions", and 3) "We use and inspire new technologies that create more sustainable communities, while reducing our dependence on environmentally costly practices."
- p. 120. Land Use and Transportation Priority Action 26 – "Reduce noise pollution from transportation, construction, and other sources."
- p. 138. Housing and Neighborhood Priority Action 8 - "Encourage green practices in housing construction and rehabilitation that support durable, healthy, and energy-efficient homes."
- p. 139. Best Practice: "THE WORLD'S GREENEST NEIGHBORHOOD": SUSTAINABLE DESIGN AT DOCKSIDE GREEN, VICTORIA, BRITISH COLUMBIA." Example demonstrates a 1.3 million square foot mixed use development project that embodies best practices in sustainable design.
- p. 152. Conservation and Environment Priority Action 9 – "Reduce the carbon footprint of the city and its residents by implementing Austin's Climate Protection Plan and developing strategies to adapt to the projected impacts of climate change."
- p. 152. Conservation and Environment Priority Action 10- "Improve the air quality and reduce greenhouse gas emissions resulting from motor vehicle use, traffic and congestion, industrial sources, and waste."
- p. 191. Priority Program – "Sustainably manage our water resources."
- p. 201. Priority Program - "Develop and maintain household affordability throughout Austin." "High utility bills can be addressed by how we use water, electricity and natural gas."
- p. 187. Invest in compact and connected Austin priority specifies that development should occur in activity corridors and centers identified on the Growth Concept Map so that the City can focus on directing its resources.

Conclusion

The Grove at Shoal Creek is not located on an activity corridor or center identified in the Imagine Austin Plan. Imagine Austin does recognize infill of undeveloped properties in the urban core as an essential part of meeting the plan's 20 year vision. However, when City leaders decide on the size and scope of these infill projects, the priority for "compact" development must be balanced with the context of the surrounding uses, especially neighborhoods, as well as ensuring that the development will be sustainable. Furthermore, infill

projects like the Grove PUD must be sensitive the capacity for the surrounding neighborhoods to handle the increased density. Specific to this case, ARG and City staff must make absolutely sure that the development will not create traffic gridlock or make flood prone areas nearby even worse. Although the Grove at Shoal Creek does include some elements contained within Imagine Austin, ARG's latest plan is still not compatible with the surrounding neighborhoods and has not adequately addressed greenhouse gases, energy and water conservation, air pollution, and noise. The Grove at Shoal Creek has the potential to be a truly model development, but to date, the developer's "No Compromise" position has not yielded a development meeting the standards of Imagine Austin.

Thank you so much for your service and support for Austin neighborhoods!

Todd Shaw

District 7

Neighbor of the Grove

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