

Andy stated at the hearing dated May 11 that residents would just call police on trespassers or anyone perceived to be trespassing. On 7/31/19, 2 weeks prior to the questionable park vote, Austin police officer Kevin Kelly badge #4877 explained to the board (Andy, Gabe, Ryan, Sherry, Alissa) that the proposed park was considered PUBLIC and not private since we are not a gated community and that there was nothing Austin Police could do to remove trespassers due to our neighborhood not being gated. This was never conveyed to the neighborhood by Andy Creel.

If someone is in our park who does not belong there and residents call Austin police to have them removed, this is not only dangerous for all parties but a waste of city resources. If anything you should make this park PUBLIC for the entire East Austin Community to use. Please vote against this permit. SEE EMAIL FROM APD BELOW

Kelly, Kevin <Kevin.Kelly@austintexas.gov>
To: Kitty Madeline <kittymadeline@gmail.com>

Mon, Aug 5, 2019 at 6:44 PM

Good Evening Kitty,

First off, let me offer my apologies to Andy (I'm sorry I don't know his last name). The person with whom I spoke about the park during my phone conversation a few weeks ago is Antonio Bigger, one of your HOA board members. During my meeting with you, I could not recall his name from the phone conversation that I had with him way back on July 24th. If you can please have the minutes changed or amended to reflect this fact, I believe that would be the right thing to do.

As of this time, I am unable to view your post on Nextdoor, so I am not fully aware of what was written regarding the park. However, please let me offer some clarification on the subject. Today I spoke to the Assistant City Attorney at length regarding the situation of what our enforcement action in the park might be. Here are some of the issues that came up as to our authority as a Police Department to take enforcement action within the park. The first issue was who would actually have the authority to speak on behalf of the park property itself. From my conversations with both you and Antonio, it is my understanding that this is going to be a "private-property park," but that the property will be owned by your HOA and maintained by the HOA of the new development. This brings up the question as to who has the governing authority to decide as to who may be in and utilize the park.

The next issue was that the park is going to be an open park -- meaning that there will not be a fence around the park and that people can come and go as they please. What I had explained to Antonio was that because the current neighborhood (as well as the new build) are not going to be gated communities, people will have the ability and free will to travel on the city streets through your neighborhood. Another words, the restriction of the use of streets to get to the park, is not the same as that of a gated community.

Third, a responding police officer would have no way of knowing to whom authority has been bestowed, granted, or denied, in terms of being able to utilize the park. There would have to be visible park rules clearly posted that articulates who has the right to be in and use the park, and in what manner. An authorized representative of the HOA would likely need to be present to offer guidance to the officer, if any enforcement action was to occur.

Given the current climate with camping and trespassing in Austin, with the City Council's recent changes of the ordinances, it is completely understandable that residents are apprehensive about what is to come regarding the future park and what that might look like. Our goal is to work with the residents and the HOA's to keep your neighborhood a safe and livable. We just all have to be on the same page in order to get there. I will be speaking to the Assistant City Attorney again tomorrow and hopefully we can come up with a more definitive approach in moving forward. I will let you know what I find out. In the meantime, please know that we at the Austin Police Department are committed to enforcing all Federal, State, and Local laws, to include Austin City Ordinances, and taking action in the event there is a breach of the peace or any other violation of the law where applicable.

Please forward this to Andy and disseminate to your residents. In the meantime, should there be any questions I can answer please feel free to email or call at any time.

Respectfully,

Kevin Kelly #4877

Senior Police Officer

Region III District Representative

Austin Police Department

(512)974-8581

Kevin.kelly@austintexas.gov

From: jwilliams
Sent: Monday, May 24, 2021 1:02 PM
To: Avila, Rosemary <Rosemary.Avila@austintexas.gov>
Cc: 'naja2183@gmail.com' <
Subject: Case Number SPC-2020-0217C
Importance: High

*** External Email - Exercise Caution ***

Hello, All Members of Planning Commission

VOTE NO PRIVATE PARK

My name is Jacqueline Williams, native Austin, lived according to the City of Austin March 22, 2018 Master Plan my entire life. Member, Neighbor, and Former Officer in PECANSPRINGS-SPRINGDALE HILLS neighborhood which Senate Hills is included in these boundaries. PSSNA is one of the largest neighborhood associations in Austin, we have embraced and supported all neighbors.

Senate Hills Homes are "Tucked Away" and has excluded the neighbors, Homes, Additions Membership from the PSSNA Neighborhood since arrival. All request for Flood and environmental impacts to SPRINGDALE HILLS have been Ignored despite CITY OF AUSTIN Development Dept.

I request it be recorded in the CITY RECORDS that an endorsement of a PRIVATE park and the inclusion of New Austin Residents into this process of EXCLUSION further shapes Austin's future.

Vote PUBLIC.

Sincerely

Jacqueline Williams

Good afternoon Commissioners,

First, I wanted to make sure y'all are aware that staff moved the Senate Hills Park case up to the Planning Commission meeting this Tuesday, May 25th due to a code requirement that the land use commission act on a site plan within 14 days of closing the public hearing. We'll be attending that meeting and will be prepared to answer any questions y'all have.

I also wanted to take this opportunity to provide you with an update on your request for us to consider changing the use from private to public. Since the last planning commission meeting, we have had a flurry of conversations with Taylor Morrison Homes, our insurance company, our attorney, and most importantly the community. We heard your concerns loud and clear, and wanted to make every effort to fully evaluate the request. Unfortunately, after all of these conversations, we're unable to accommodate the letter of this request to change the use to public for one overarching reason: being 3.5 years into this effort with thousands of hours spent in negotiation and discussion, the community is not willing to amend the agreement because it would require us to go back through the rigorous public discussion and voting process (60% homeowner quorum with 2/3 approval). This would pose a significant risk to the entire agreement falling through, and we wouldn't be able to live with ourselves if we lost out on this sizable community benefit.

The decision to move forward with private use was made over 2 years ago in response to PARD opting out of pursuing a public park on this tract. In addition, we want you to know that we understand your concerns about the general public's safety and awareness (or lack thereof) of the private nature of the park. In consideration of these concerns, we would be willing to consider a planning commission condition that we make use of fences and lockable gates to control access to the park through pre-designated locations where well-lit, dual-language rules signs are posted in an exceptionally obvious manner. These additional safeguards would ensure that (similar to entering an AISD school property) a member of the public remains safe and informed.

It is our hope that you see that we're trying our best to address your concerns in a manner that does not jeopardize the whole agreement. We look forward to bringing this case to you again on Tuesday.

Sincerely,
Andy Creel
President
Senate Hills HOA
512-300-1312
Dear Commissioner,

I am in favor of building the Senate Hills Park in the city of Austin. It would mean a lot to me to be able to have a place close enough to walk to for exercise and fresh air and take my grandchildren to play and enjoy the outdoors. This is VERY important to our family and community. Please allow us this community benefit.

Thank you for your service.

Jean Chiriboga
5332 Krueger Lane
Austin, Tx 77433

To Whom It May Concern:

As a City of Austin resident for the last 15 years, an East Side homeowner for the past 9 years, and clinical social worker for the past 20 years, I am writing to encourage this Commission to support the Senate Hills park. It is important to the area of this city which has historically been underutilized for its natural beauty, with an amazing potential for enhancing the local community's ability to gather, exercise, and enjoy being alive in this fine city. Please support our ongoing endeavor to enhance our community's wellbeing.

Respectfully,

Courtney Caudill

Utilization Review Coordinator

UR/Case Management Ascension Seton Shoal Creek Hospital

3501 Mills Ave | Austin, TX 78731

t: 512-324-9999 x 11448 | f: 512-380-7422

Dear Commissioners,

I'm writing to you today in support of the Senate Hills park. The agreement to build the park was the volunteer work of many people, including many homeowners and multiple sets of elected HOA board members. The approval for the new subdivision to use the HOA's retention ponds can't be retracted now - and it would not have been approved by our neighborhood without the inclusion of this park, which replaces a long, empty lot that the HOA must pay to mow with usable green space for families to walk and play.

If you deny our neighborhood the right to use our land for this park, you will have given the developer of the new subdivision a gift at the expense of the existing Senate Hills HOA by saving them the cost of the park - and harmed their buyers, since this park is planned as the only common space for our two neighborhoods to share.

I'd also like to point out that requiring this to become a public park makes no sense for several reasons.

1. There is minimal parking in the area already, since the developer of the new subdivision made the roads so narrow that they are painted red as a fire lane on both sides, so any guests to the new subdivision will already need to spill over into Senate Hills.
2. Senate Hills has recently added a lighted, crushed granite walking trail beside the retention ponds which is open to the public, and thus has already made a contribution to the common good.
3. There is a large public park (Little Walnut Creek) on the other side of 51st street, so no new public park is needed in the area.

Please look at the long record of discussion and consensus in our neighborhood to find a good use for this strip of land that will support our community, and do not make a last minute decision that deprives us of a place to gather and socialize safely outdoors.

From: [Andy Creel](#)
To: [Hempel, Claire - BC](#); [Shaw, Todd - BC](#); [Schneider, Robert - BC](#); bc-carmen.lanes@austintexas.gov; [Thompson, Jeffrey - BC](#); [Shieh, James - BC](#); [Mushtaler, Jennifer - BC](#); [Praxis, Solveij - BC](#); [Cox, Grayson - BC](#); [Connolly, Joao - BC](#); [Howard, Patrick - BC](#); [Azhar, Awais - BC](#); [Flores, Yvette - BC](#); [Rivera, Andrew](#); [Avila, Rosemary](#); [Chris Blackburn](#); [Walter Duke](#); [Sherry Statman](#); kristen.hattaway@; [Ryan Miller](#); [Veronica Chidester](#) Senate Hills
Subject: Park -- Update for Planning Commission (May 25th)
Date: Sunday, May 23, 2021 3:23:11 PM

*** External Email - Exercise Caution ***

Good afternoon Commissioners,

First, I wanted to make sure y'all are aware that staff moved the Senate Hills Park case up to the Planning Commission meeting this Tuesday, May 25th due to a code requirement that the land use commission act on a site plan within 14 days of closing the public hearing. We'll be attending that meeting and will be prepared to answer any questions y'all have.

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Sincerely,
Andy Creel
President
Senate Hills HOA
512-300-1312

I would like to speak at the hearing on May 25, 2021

1. Roslyn Williams
2. SPC-2020-0217C - Senate Hills Park
3. Against
4. 5232 Tower Trail Austin, Texas 78723
5. Telephone number: 512-576-9294

My submission of evidence is contained within this email.



Yvonne Feinleib
Homeowner, 5321 Tower Trail
Former board member, Senate Hills HOA
Dear Commissioners,

My husband and I have lived on Rayburn Lane in Senate Hills since 2014 and support the development of a small park on the 0.972 tract of land owned by our HOA.

Over the years, dozens of neighbors in our diverse, 153-home community have spent hundreds of volunteer hours working together to negotiate an unprecedented agreement with a developer (now Taylor Morrison) to make capital improvements to our East Austin neighborhood. The agreement, which includes developing a small park of less than one acre, was overwhelmingly supported by the community and passed with ease. Without this one-time investment from Taylor Morrison to develop our 0.972 tract of land into a small recreational park space, the land will continue to remain vacant, largely overgrown, and to no one's benefit.

I ask that you approve the Conditional Use Permit so that our community can see this land turned into something useful and beneficial.

Sincerely,
Stephanie LaMarca and Chris Floyd
Hello Commissioners,

I am writing to express my strong support for the Senate Hills Park. I own two homes in the Senate Hills neighborhood, and this park will be a substantial benefit to the 250+ households surrounding the park. Please approve this case so that we can wrap up with an arduous 3.5 year effort, and begin enjoying the park our community has worked so hard for.

I appreciate everything you do,

Yann Curtis
512-203-5445

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SPA Skateparks

www.SPAskateparks.com My name is Sandy Navarro and I am an original homeowner in the Senate Hills subdivision. I built my home in 2007 and I have raised my two children in the same house. I am writing because I understand a public hearing will be held Tuesday, May 25th at 6pm and the planning commission will be voting on agenda item B-15 that pertains to the proposed park between Senate Hills and a new subdivision being built by William Lions Homes.

My biggest concern is that many of those who are in opposition to the proposed park are residents of Senate hills, but not homeowners. Our Home Owners Association approved the adoption of the park in an election by those who own homes in this subdivision; residences that are not homeowners do not vote.

In the previous hearing, the planning commission voted to postpone the vote approving the park because some committee members preferred that the park become a public park, and not a private park.

I am in favor of the park as my children and I would like to walk and kick a ball in a larger area than our back yard. I also feel this would be a great area for our elderly homeowners to commune with one another and exercise, keeping them healthy. As we all age, having a place for older adults or seniors to be social is increasingly important to combat social isolation.

I am in favor of privatizing the park for several reasons:

1. Across from our subdivision, there is the very large park called the Little Walnut Creek Greenbelt that is part of the National Park System.
2. The land that the proposed park is to be located is privately owned and private funds will be used to maintain the park; without contributions from national, state or city dollars and therefore the proposed park should remain a private park.
3. Privatization of the park is a superior choice because it preserves certain freedoms and flexibility of the landowner and the adjacent subdivision without city involvement.
4. The Senate Hills Home Owners Association voted in favor of a private park. In order to change the proposed park to a public park, the Senate Hills Home Owners Association would have to vote again to accept the change of the park from a private to public.
5. If the park were to be a public park, then the Senate Hills HOA and the incoming HOA would not be able to gate the area restricting access during certain hours.
6. If the two HOA's decided to hold an event on the land that is privately owned, where admission was charged, then those freedoms would become limited due to the city's involvement.

I hope that the planning commission votes in favor of agenda item B-15, and approves the Senate Hills Park as it was originally proposed and voted upon by the Home Owners Association.

Thank you for your time and attention.

Regards,
Sandy Navarro
512-497-2586

Hello, All Members of Planning Commission
VOTE NO PRIVATE PARK

My name is Jacqueline Williams, native Austin, lived according to the City of Austin March 22, 2018 Master Plan my entire life. Member, Neighbor, and Former Officer in PECANSPRINGS-SPRINGDALE HILLS neighborhood which Senate Hills is included in these boundaries. PSSNA is one of the largest neighborhood associations in Austin, we have embraced and supported all neighbors. Senate Hills Homes are "Tucked Away" and has excluded the neighbors, Homes, Additions Membership from the PSSNA Neighborhood since arrival. All request for Flood and environmental impacts to SPRINGDALE HILLS have been Ignored despite CITY OF AUSTIN Development Dept.

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Vote PUBLIC.

Sincerely

Jacqueline Williams

512-699-2959

Dear Commissioner,

First, thank you for your work in our beautiful and challenged city of Austin.
I am a homeowner in the Senate Hills subdivision in the City of Austin.

I urge you to vote in favor of our proposed park as a private park.

This will benefit our community by establishing a meeting place between our neighborhood residents and the new neighborhood being built. as well.

This is vital to help us continue to improve the diverse social fabric that is so core to our Austin city.

Thank you and kind regards,

David Chiriboga
5332 Krueger Lane
Austin, Tx 77433

512-589-8925

Dear Commissioners,

I'm writing to you today in support of the Senate Hills park. The agreement to build the park was the volunteer work of many people, including many homeowners and multiple sets of elected HOA board members. The approval for the new subdivision to use the HOA's retention ponds can't be retracted now - and it would not have been approved by our neighborhood without the inclusion of this park, which replaces a long, empty lot that the HOA must pay to mow with usable green space for families to walk and play.

If you deny our neighborhood the right to use our land for this park, you will have given the developer of the new subdivision a gift at the expense of the existing Senate Hills HOA by saving them the cost of the park - and harmed their buyers, since this park is planned as the only common space for our two neighborhoods to share.

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2. Senate Hills has recently added a lighted, crushed granite walking trail beside the retention ponds which is open to the public, and thus has already made a contribution to the common good.
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Please look at the long record of discussion and consensus in our neighborhood to find a good use for this strip of land that will support our community, and do not make a last minute decision that deprives us of a place to gather and socialize safely outdoors.

Yvonne Feinleib
Homeowner, 5321 Tower Trail
Former board member, Senate Hills HOA

I think the park is a good idea; please approve our park. I've been living in this community for over 10yrs and a Private Park is something we all want.

--

Austin Express Permits
Michael Kane
512-921-4299
austinexpresspermits.com

Dear Commissioner,

I am in favor of building the Senate Hills Park in the city of Austin. It would mean a lot to me to be able to have a place close enough to walk to for exercise and fresh air and take my grandchildren to play and enjoy the outdoors. This is VERY important to our family and community. Please allow us this community benefit.

Thank you for your service.

Jean Chiriboga
5332 Krueger Lane
Austin, Tx 77433

512-699-2959

Hello Commissioner,

This is in regards to agenda item B-15. I am **for** the park. Please approve our private park. It would be so nice to have a private park to enjoy our dogs and feel safe in our community.

Please approve our park.

Thank you so much!
Kimi Vu

RE: planning commission hearing for our Senate Hills Park Tuesday, May 25th at 6:00 PM agenda item B-15 public comment

I am FOR the senate hills item B-15 agenda item application, as voted for, 76 to 29, by Our Community, benefiting same; and I am AGAINST all conditions and/or amendments not germane to the purpose of the application (including but not limited to public use

conditions) as such conditions/amendments being harmful to the best interests of the applicants and Our Community.

Brad Hodges
5309 Tower Trail
Austin TX 78723

Hello!

My name is Hilary and I live at 5400 Rayburn Lane, directly across from the location where the park is planned to be. I am in favor, and want to make sure that you know there is more support for this new private park than there is opposition.

I want all of you to know how excited I am for the private Senate Hills park to start development. The vast majority of my neighborhood voted in favor of the park over a year ago (more than 2/3rds in favor). We look forward to this area becoming a purposeful space, as the current vacant lot draws crime and other shenanigans. I am so hopeful that we can continue with our plans to turn this into an engaged community space.

Other HOAs with private parks in Austin include:

West oak hill
Parkside on Airport Blvd
Meadows at Double Creek
Summit at West Rim

Thanks,
Hilary Bentley
5400 Rayburn Lane