

Austin Parks and Recreation Department

# Appeal of the Parkland Dedication Requirements for 4802 S. Congress (SP-2019-0600C)

Parks and Recreation Board

January 2021

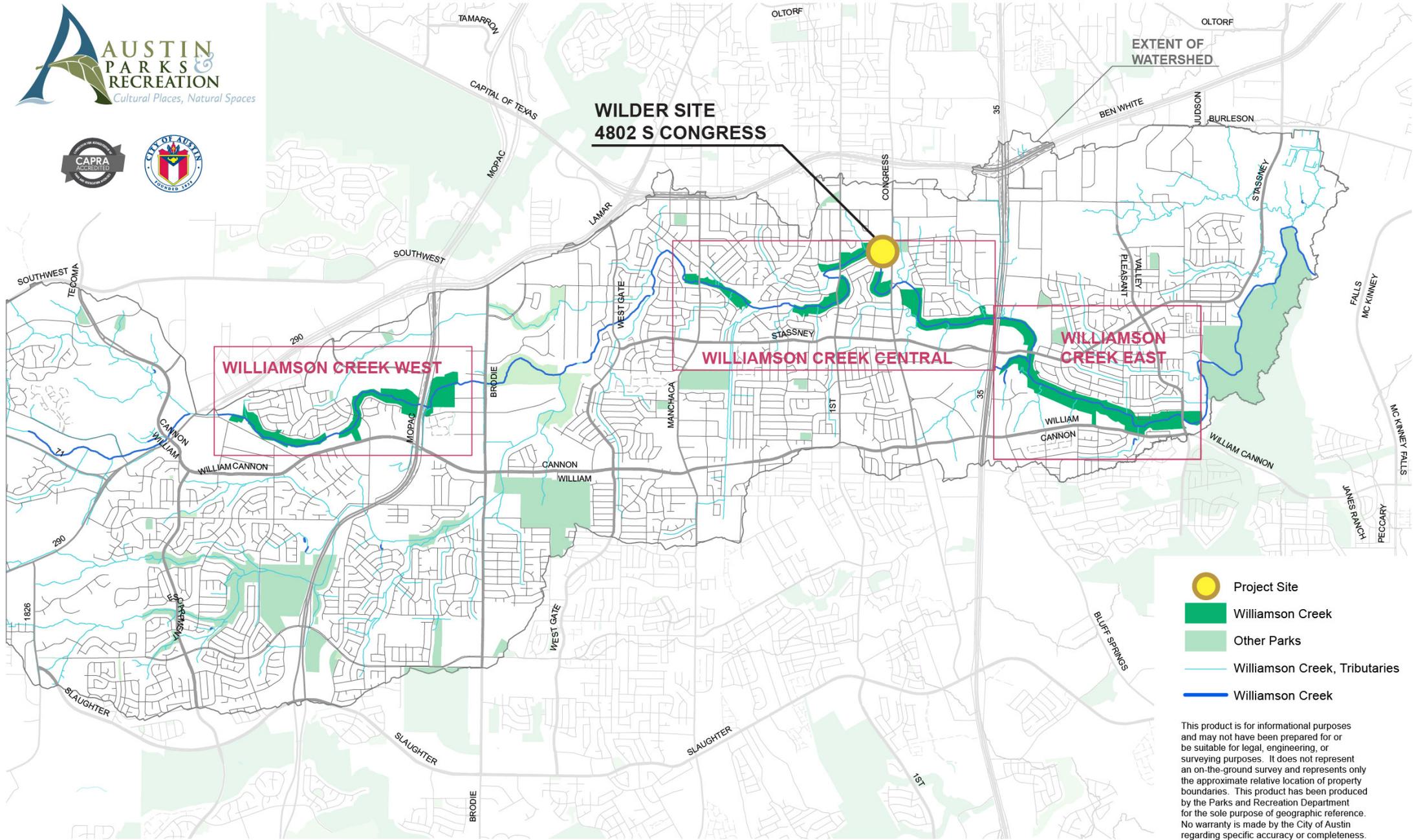
Scott Grantham Principal Planner Parks and Recreation Department

# Overview

- Consider an Appeal by an Applicant of Director's Denial of Request to Pay Fee in Lieu
- **PARD is requiring land dedication. The developer prefers to pay fee in lieu.**
- **PARD Recommendation to Parks and Recreation Board and Planning Commission: Support PARD's request for land dedication and deny the applicant's request, to pay fee in lieu (of land dedication) for this site plan.**
  - Code Context
  - Site Plan Context
  - Application of Code Criteria
  - Other Factors
  - Recommendation to Planning Commission

# Code Context

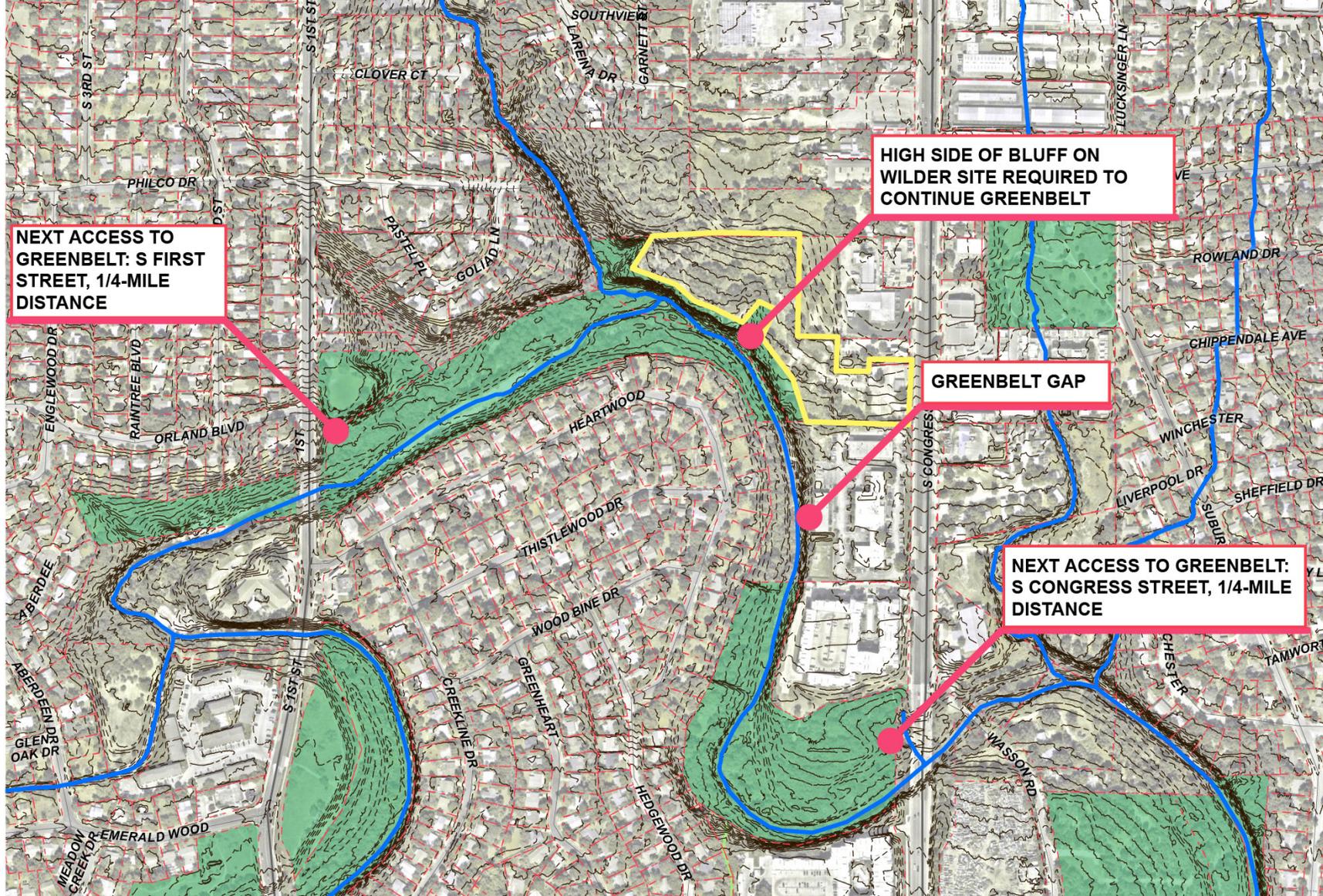
- City Code 25-1-605 (B) lists **criteria** for PARD's requirement to dedicate parkland vs. pay fee in lieu.
- City Code 25-1-605 (F) indicates that PARD's decision may be **appealed** to the Land Use Commission, and that PARD shall first present the case to the Parks and Recreation Board for a recommendation.
- Applicant has appealed the decision.



- Project Site
- Williamson Creek
- Other Parks
- Williamson Creek, Tributaries
- Williamson Creek

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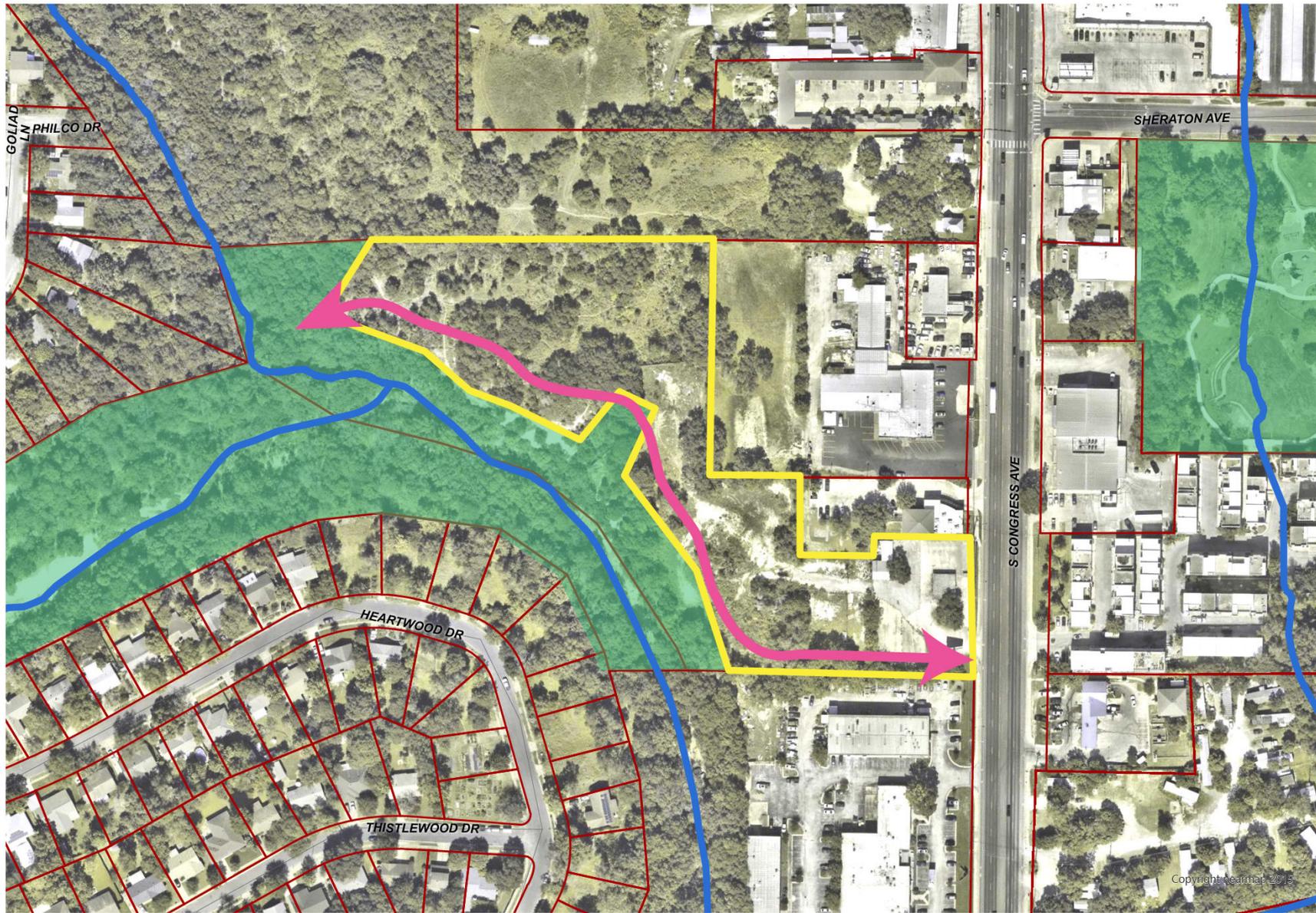
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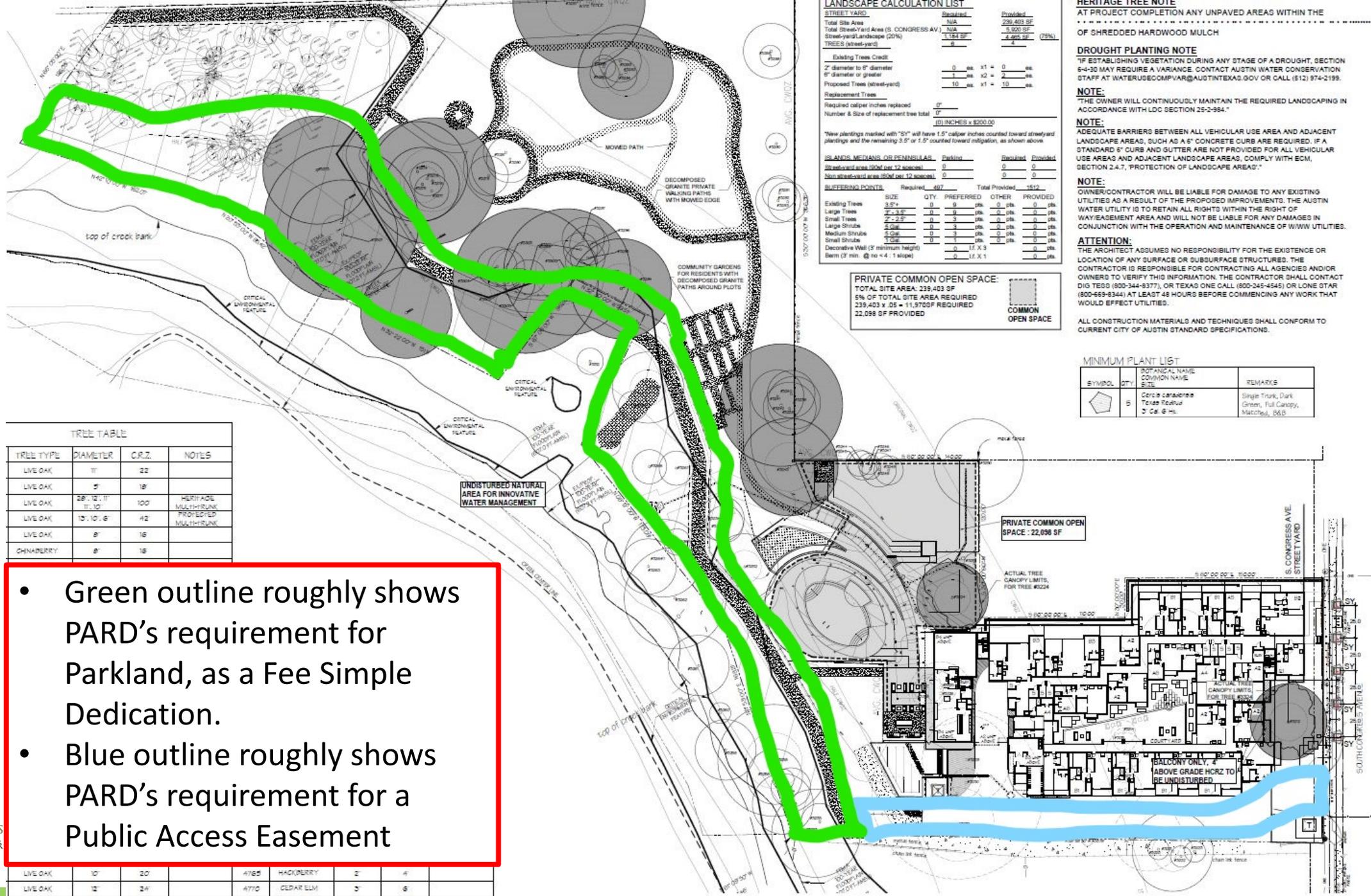
**WILDER DEVELOPMENT  
Parkland Context**

- PROPOSED TRAIL
- WILDER SITE DEVELOPMENT
- CITY PARKLAND
- CREEK



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### LANDSCAPE CALCULATION LIST

STREET YARD	Required	Provided
Total Site Area	N/A	239,403 SF
Total Street-Yard Area (S. CONGRESS AV.)	N/A	4,000 SF
Street-Yard/Landscape (20%)	1,184 SF	4,000 SF (75%)
TREES (street-yard)	6	4

Existing Trees Credit	2" diameter to 6" diameter	6" diameter or greater
Proposed Trees (street-yard)	10	10

Replacement Trees	Required	Provided
Required caliper inches replaced	0"	0"
Number & Size of replacement tree total	10 (INCHES x \$200.00)	0

ISLANDS, MEDIANS OR PENINSULAS	Parking	Required	Provided
Street-adjacent area (50sf per 17 spaces)	0	0	0
Non-street-adjacent area (50sf per 17 spaces)	0	0	0

MULCHING POINTS	Required	Total Provided
Existing Trees	0	0
Large Trees	0	0
Small Trees	0	0
Large Shrubs	0	0
Medium Shrubs	0	0
Small Shrubs	0	0
Decorative Wall (3' minimum height)	0	0
Berm (2' min. @ no < 4:1 slope)	0	0

**HERITAGE TREE NOTE**  
 AT PROJECT COMPLETION ANY UNPAVED AREAS WITHIN THE OF SHREDDED HARDWOOD MULCH

**DROUGHT PLANTING NOTE**  
 IF ESTABLISHING VEGETATION DURING ANY STAGE OF A DROUGHT, SECTION 5-4-30 MAY REQUIRE A VARIANCE. CONTACT AUSTIN WATER CONSERVATION STAFF AT WATERUSECOMPIVAR@AUSTINTEXAS.GOV OR CALL (512) 974-2159.

**NOTE:**  
 THE OWNER WILL CONTINUOUSLY MAINTAIN THE REQUIRED LANDSCAPING IN ACCORDANCE WITH LDC SECTION 25-2-884."

**NOTE:**  
 ADEQUATE BARRIERS BETWEEN ALL VEHICULAR USE AREA AND ADJACENT LANDSCAPE AREAS, SUCH AS A 6" CONCRETE CURB ARE REQUIRED. IF A STANDARD 6" CURB AND GUTTER ARE NOT PROVIDED FOR ALL VEHICULAR USE AREAS AND ADJACENT LANDSCAPE AREAS, COMPLY WITH ECM, SECTION 2.4.7, "PROTECTION OF LANDSCAPE AREAS."

**NOTE:**  
 OWNER/CONTRACTOR WILL BE LIABLE FOR DAMAGE TO ANY EXISTING UTILITIES AS A RESULT OF THE PROPOSED IMPROVEMENTS. THE AUSTIN WATER UTILITY IS TO RETAIN ALL RIGHTS WITHIN THE RIGHT OF WAY/EASEMENT AREA AND WILL NOT BE LIABLE FOR ANY DAMAGES IN CONJUNCTION WITH THE OPERATION AND MAINTENANCE OF WWWW UTILITIES.

**ATTENTION:**  
 THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE EXISTENCE OR LOCATION OF ANY SURFACE OR SUBSURFACE STRUCTURES. THE CONTRACTOR IS RESPONSIBLE FOR CONTRACTING ALL AGENCIES AND/OR OWNERS TO VERIFY THIS INFORMATION. THE CONTRACTOR SHALL CONTACT DIS TESS (800-344-8377), OR TEXAS ONE CALL (800-345-4545) OR LONE STAR (800-669-9244) AT LEAST 48 HOURS BEFORE COMMENCING ANY WORK THAT WOULD EFFECT UTILITIES.

ALL CONSTRUCTION MATERIALS AND TECHNIQUES SHALL CONFORM TO CURRENT CITY OF AUSTIN STANDARD SPECIFICATIONS.

**PRIVATE COMMON OPEN SPACE:**  
 TOTAL SITE AREA: 239,403 SF  
 5% OF TOTAL SITE AREA REQUIRED  
 239,403 x .05 = 11,970 SF REQUIRED  
 22,098 SF PROVIDED

**MINIMUM PLANT LIST**

SYMBOL	QTY	SPECIFIC NAME COMMON NAME SIZE	REMARKS
	5	Corkc casahuate Texas Redbud 3" Cal. 6 Ht.	Single Trunk, Dark Green, Full Canopy, Matched, P&S

**TREE TABLE**

TREE TYPE	DIAMETER	CR.Z.	NOTES
LIVE OAK	11"	22	
LIVE OAK	5"	18	
LIVE OAK	28" 12" 11" 11" 12"	100	HERITAGE MULTITRUNK PROTECTED MULTITRUNK
LIVE OAK	12" 10" 6"	42	
LIVE OAK	8"	16	
CHINA BERRY	8"	16	

- Green outline roughly shows PARD's requirement for Parkland, as a Fee Simple Dedication.
- Blue outline roughly shows PARD's requirement for a Public Access Easement

LIVE OAK	10"	20	4765	HACKBERRY	2"	4
LIVE OAK	12"	24	4770	CELPAR ELM	3"	6
LIVE OAK	10"	20	4771	HACKBERRY	4"	8

# Application of Code Criteria

City Code 25-1-605 (B)

1. is located within the Deficient Park Area Map;
2. is adjacent to existing parkland;
3. has sufficient acreage to meet the standards for dedicated parkland under the Parkland Dedication Operating Procedures;
4. is needed to address a critical need for parkland or to remedy a deficiency identified by the Deficient Park Area Map; or
5. would provide increased connectivity with existing or planned parks or recreational amenities.

**Based on these criteria, PARD must require land, and does not have the authority to accept fee in lieu.**

# Application of Code Criteria

## City Code 25-1-603 (A) Standards for Dedicated Parkland

“...land to be dedicated must meet the requirements of this subsection.”

(1) Parkland must be **easily accessible to the public** and open to public view so as to benefit area residents, enhance the visual character of the City, protect public safety, and minimize conflicts with adjacent land uses.

(2) **On-street and off-street connections** between residential neighborhoods shall be provided, **wherever possible**, to provide reasonable access to parks and open space areas.

# Application of Code Criteria

PDOP Supplemental Park Design Standards 14.3.7.A:

- (1) The interior of a park should be visible from an existing or proposed public right-of-way. Exceptions to the recommended frontage may be acceptable to accommodate ...; **a park that serves mainly as a greenbelt;....**
- (5) Parkland should be accessible to those in the neighborhood, either by walking or by the provision of parking.

**Parkland should be accessible to the public. In order to achieve that, it must be connected to the ROW.**

# Other aspects

- Fire Lane: “This easement is acceptable to AFD, provided that one sentence be changed to indicate that there shall be no modifications to the fire lane in the future.” – Constantino Mendoza, Austin Fire Department
- Urban Trails Master Plan – Identified as a Tier II Trail; emphasizes connections to public sidewalks. Sidewalks + Urban Trails = Complete Pedestrian Network.
- Central Williamson Creek Greenway Plan – community engagement resulting in recommendations for accessibility and connectivity.
- Previous parkland donation occurred in 1977 prior to any Parkland Dedication Ordinances.

# Similar Cases

- **1515 S. Lamar (SP-2018-0595C)** – Code requires safe access to a trail to the rear of the site, achieved with a Public Access easement that runs along an existing sidewalk. Access doesn't have to be wide or change appearance; ensures that the trail is not alienated from the public in this location.
- **1311 S. Lamar – (SP-2018-0296C)** – Similar to above. Access to primary trail along Union Pacific railroad via a Public Access Easement to South Lamar; access from ROW also serves as a pedestrianized driveway. Varied surfacing serves as traffic calming for pedestrians. Code applied to site plan review individually, not dependent on other sites.
- **Tech Ridge (SP-2019-0262C – 12217 N. IH 35)** – Parkland dedication satisfied by deeded land and a park easement that will provide the community with a needed connection between ROW and a Park.
- **Cameron Rd Park – (SP-2019-0416C – 5900 Cameron Rd)** – Site configuration will involve two separate parks, and a Public Access easement. Applicant has agreed to the easement and project is moving forward.

## Recommendation

- **Make a recommendation to Planning Commission to deny the applicant's request to pay fee in lieu of land dedication for 4802 S. Congress (SP-2019-0600C).**