

Notice of Appeal of Administrative Decision of "payment of Fee-in-Lieu of Parkland for 4802 S. Congress Ave; SP-2019-0600C as notified by letter dated 1/8/2021 from Parks and Recreation Dept. (PARC)

Per Land Development Code (LDC) 25-1-183:

I (Michael R. McHone) am the authorized representative for the above referenced project also known as (Wilder). The required information for this appeal of this administrative decision is as follows:

1. Michael R. McHone (mike McHone Real Estate)

P. O. Box 8142

Austin, TX 78713-8142

Phone: 512-554-8440

2. Wilder (project name)

4802 S. Congress

3. Denial of Fee-in-Lieu of Parkland (LDC 25-1-605)

4. Administrative letter of 1/8/2021

5. Consultant retained to negotiate PARC issues.

6. Reasons appellant (McHone) believes the decision does not comply with the requirement of this title:
a) A Deficient Park Area Map was not provided; however, the attached Tax map (TCAD) was submitted with the application indicating park land near the site. (See exhibit 1)

b) Additional dedication of land is not the issue as much of the site is in the critical water quality zone of Williamson Creek. The project cannot reasonable comply with the Public Access Easement (LDC 25-1-603 (A) (1), (2)). The site is very irregular the buildable area is too limited in size, shape, and street frontage to be an acceptable Public Access easement.

PARC has stated that the easement maintenance will be a project expense and responsibility. PARC has not been able to provide and liability insurance indemnifying Wilder from any accident or claim arising from an "incident" that might occur in the Public Access Easement that PARC is proposing. PARC proposes to use the narrow driveway to the required off street parking garage which is also the require Fire Lane for the Public Access Easement: Wilder believes such a Public Access Easement places an unacceptable liability on the project and the subsequent condominium owners.

c) The site has sufficient acreage for partial dedication which PARC will accept along with a cash payment for the balance. As stated in (b) the disagreement is the Public Access Easement. Historically the Wilder site donated 2.4 acres of land in exchange for rezoning the property. These 2.4 acres established an original segment of the Williamson Creek Greenbelt.

d) As stated in (a) the applicant has not seen any "official" PARC map identifying this area as "Parkland Deficient".

e) The connectivity will not be increased as the proposed dedication will simply add width to the previously gifted 2.4 acres. (See exhibit 2) Connectivity currently exists along Williamson Creek to the north and west all the way to South First Street. An additional 9 acres was dedicated by anew project to the south which extend all the way to S. Congress and Ramble Lane.

This letter shall serve as our request to appear at a public hearing of the City of Austin Parks Board on January 26, 2021.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael R. McHone". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael R. McHone, Authorized agent



This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claim, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

Travis Central Appraisal District
8314 Cross Park Drive
Austin, Texas 78754
P.O. Box 149012
Austin, Texas 78714
Internet Address: www.traviscad.org
Main Telephone Number (512)-834-9317
Appraisal Information (512)-834-9318
TDD (512) 834-9328

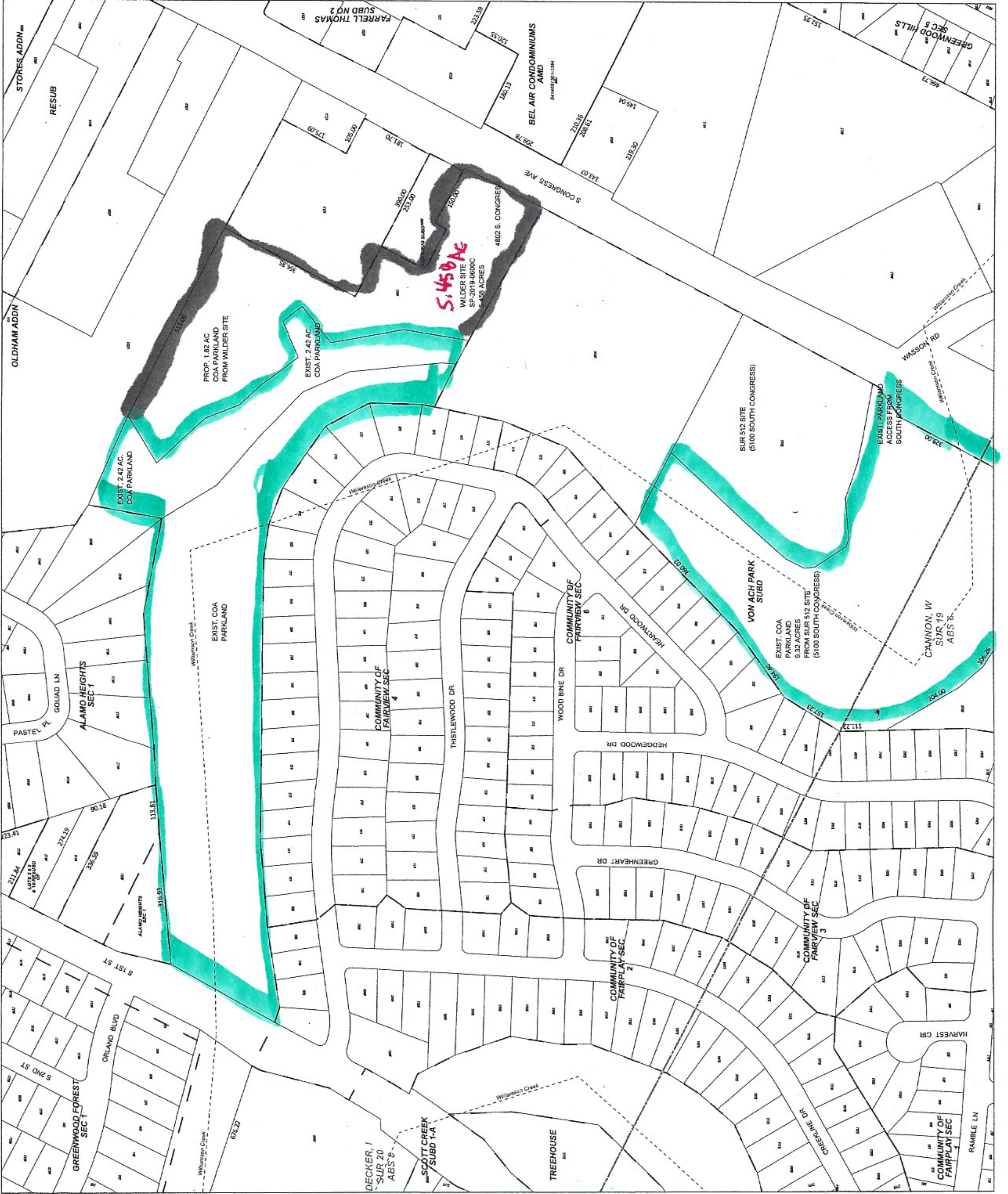
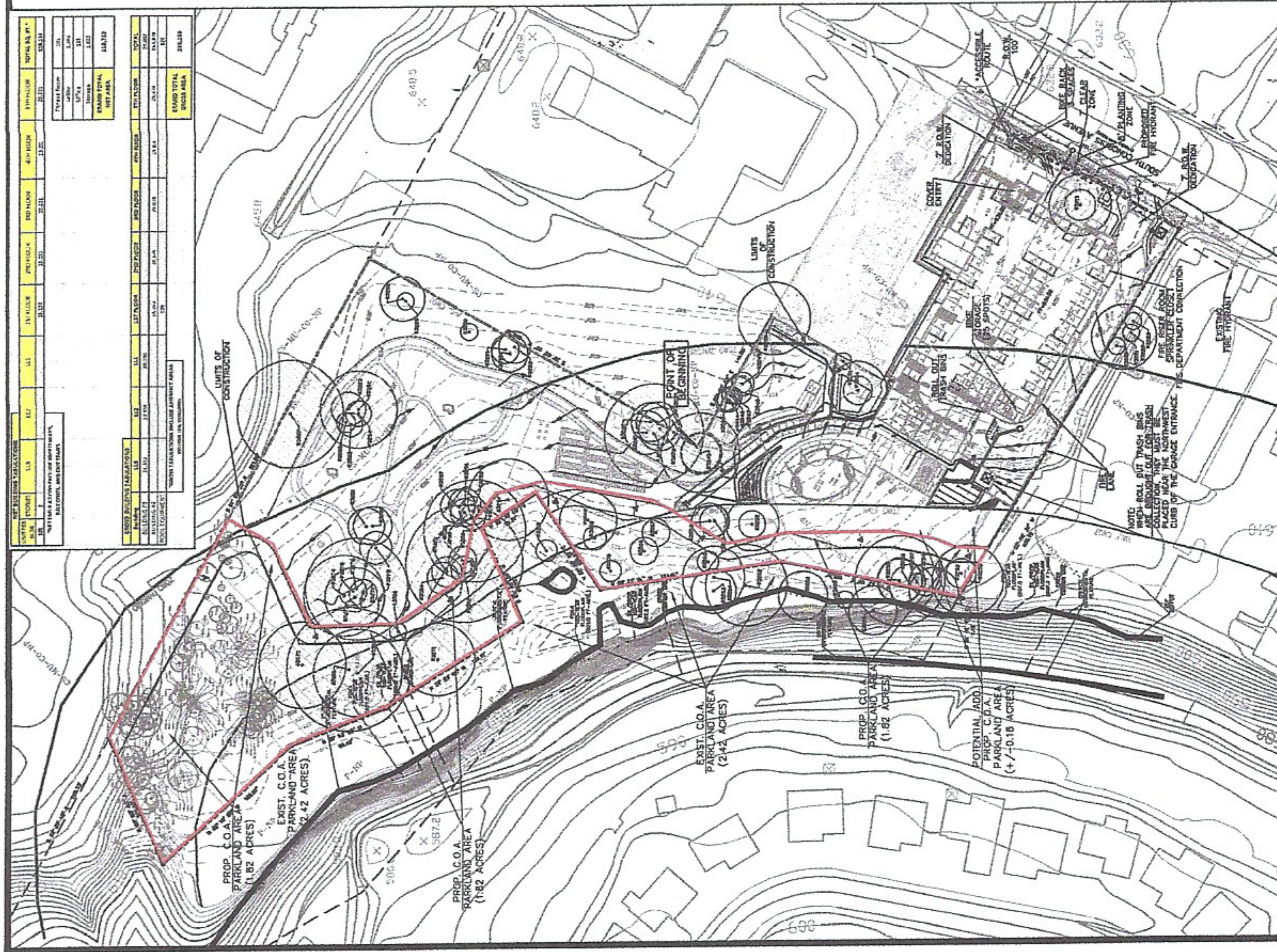


Exhibit 1

[illegible]

BUILDING SUMMARY				
EXISTING USE	EXISTING	VACANT CAR LOT	PROPOSED	
PROPOSED USE	TO BE DEMOLISHED		N/A	
NUMBER OF STORIES	ONE		MULTI-FAMILY	
CARAGE (3 LEVELS)		2156 S.F. (884 S.F.)	EDHIT	
FIRST FLOOR	N/A	78,097 S.F.	PTE	603.87
SECOND FLOOR	N/A	34,303 S.F.	PTE	635.00
THIRD FLOOR	N/A	28,874 S.F.	PTE	649.75
FOURTH FLOOR	N/A	28,874 S.F.	PTE	608.50
FIFTH FLOOR	N/A	28,874 S.F.	PTE	627.25
POOL EQUIPMENT	N/A	28,874 S.F.	PTE	678.00
GROSS FLOOR AREA ¹	2156 SF. (888 S.F.)	333,102 S.F.	PTE	822.00
FAR	0.01 : 1	0.14 : 1		100% OF BLOCS (1 BLOD)
BUILDING COVERAGE	2,156 SF (1%)	34,303 S.F. (14%)		
BUILDING HEIGHT	25'	60' (3 STORIES)		
MAX. BUILDING HEIGHT	UNKNOWN	60'		
BUILDING MATERIAL	UNKNOWN	FLATIRON & MASONRY		
BUILDING TYPE	BUILDING 1 (GARAGE)	78,097 SF. BUILDING 2 (APARTMENTS) IS CONSTRUCTION TYPE 1A.		
	POOL EQUIPMENT BUILDING IS CONSTRUCTION TYPE VB			
TOTAL SITE AREA	5,488 AC. (233,400 SF)	NET SITE AREA 3,486 AC. (236,400 SF)		
IMPERVIOUS COVER:	53,500 SF (22%)			
NOTED: CS-141-CO-UP (SOUTH CONCRESS COMBINED NEIGHBORHOOD PLANNING AREA)				
BUILDING COVERAGE ALLOWED: 80%				
FAR: REMITTED: 111				

*GROSS FLOOR AREA AND TOTAL GROSS FLOOR AREA ARE THE SAME AS THERE IS ONLY ONE BUILDING.
NET FLOOR AREA IN PARENTHESES. NET FLOOR AREA EXCLUDES BREZZEWAYS, BALCONIES AND EXIT STAIRS.

SITE NOTES:

- [illegible]

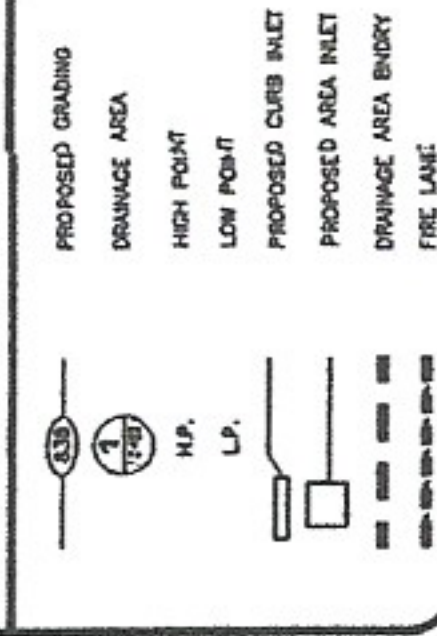
Figure 34:
Examples of full-width notes for bars



* Ground surfaces along accessible routes must be stable, firm, and slip resistant. [ANSI 302.1]. Provide a colliout of the type or surface or indicate the surface texture as a symbol within the legend.

MINIMUM SITE AREA TABLE			
MINIMUM SITE AREA (1,000 SF 1BR/1BA) x 65	85,000 SF	1.49 ACRES	
MINIMUM SITE AREA (1,200 SF 2BR/2BA) x 60	72,000 SF	1.65 ACRES	
MINIMUM SITE AREA TOTAL			
	137,000 SF	3.14 ACRES	
TOTAL SITE AREA OF PROPERTY	219,400 SF	5.50 ACRES	

LEGEND



NOTE:

ORIGINAL PROPERTY AND TREE SURVEY PREPARED ON
FEBRUARY 23, 2012, BY PRECISE LAND SURVEYING, INC.
PROPERTY BOUNDARY, TOPOGRAPHIC & TREE SURVEY
UPDATED ON JUNE 1, 2020 BY EAGLE EYE CONSTRUCTION
LAYOUT, LLC, AND REPRODUCED HEREON. CONTOUR
INFORMATION SUPPLEMENTED BY CITY OF AUSTIN
TOPOGRAPHIC DATA.

NOTE: APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. APPROVAL BY OTHER GOVERNMENTAL ENTITIES MAY BE REQUIRED PRIOR TO THE START OF CONSTRUCTION. THE APPLICANT IS RESPONSIBLE FOR DETERMINING WHAT ADDITIONAL APPROVALS MAY BE NECESSARY.

SITE PLAN RELEASE NOTES:

- a) A DEVELOPMENT PERMIT MUST BE ISSUED PRIOR TO AN APPLICATION FOR BUILDING PERMIT FOR NON-CONSOLIDATED BUILDING PERMIT OR PLANNING COMMISSION APPROVED SITE PLANS.
- b) THE REQUIRED VEGETATIVE BUFFER YARD ADJACENT TO THE MULTIFAMILY RESIDENTIAL IS REQUIRED TO BE BUILT AT THE TIME OF ANY EXPANSION TO THE SITE.
- c) EACH COMPACT PARKING SPACE/ANGLE WILL BE SIGNED "COMPACT ONLY." LDC 23-6-472.
- d) EVERY ACCESSIBLE PARKING SPACE MUST BE IDENTIFIED BY A SIGN CENTERED AT THE HEAD OF THE PARKING SPACE. THE SIGN MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND THE SPACE RESERVED, OR EQUIVALENT LANGUAGE, CHARACTERS AND SYMBOLS ON SUCH SIGNS MUST BE IDENTICAL TO THE SIGNAGE REQUIRED BY THE TEXAS TRAFFIC CODE. THE SIGN MUST BE PARKED IN THE SPACE. [LDC 1110.1, 11.0 AND 302.7].
- e) NO CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR THE PROPOSED RESIDENTIAL CONDOMINIUM PROJECT UNTIL THE COMPLETION OF THE CONSTRUCTION OF THE PROJECT COMPLETED WITH CHAPTER 61 OF THE PROPERTY CODE OF THE STATE OF TEXAS OR ANY OTHER STATUTES ENACTED BY THE STATE CONCERNING CONDOMINIUMS.
- f) A CONDITIONAL LETTER OF APPROVAL IS REQUIRED BY JUSTIN ENERGY GREEN BUILDING PROGRAM PRIOR TO BUILDING PERMIT.
- g) THE FIRE LANE MARKING SHALL READ FIRE LANE/NO PARK ZONE.

COMPATIBILITY STANDARDS NOTES:

- a) All exterior lighting will be full cut-off and fully shielded in compliance with Subchapter E 2.3 and will be reviewed during plan review. Any change or replacement of lamp/high pressure sodium will be submitted to the Director for approval.
- b) All dumpsters and any permanently placed refuse receptacles will be located at a minimum of twenty (20) feet from a property used or zoned as SF-5 or more restrictive.
- c) The use of highly reflective surfaces, such as reflective glass and reflective metal roofs, whose pitch is more than a run of seven (7) to a rise of twelve (12), will be prohibited.
- d) The noise level of mechanical equipment will not exceed 70 dba at the property boundary.
- e) Exterior lighting above the second floor is prohibited.
- f) Screening for solid waste collection and loading areas shall be the same as, or of equal quality to, principal building materials.

PARKING SUMMARY

		# BEDROOMS PER UNIT	PROPOSED SPACES PER UNIT	# OF UNITS	SPACES REQUIRED
MULTY-FAMILY					
MULTY-FAMILY	D	1	1	1	1
MULTY-FAMILY	1	1.5	84		
MULTY-FAMILY	2	2	60		120
SUBTOTAL				125	217
TOTAL REQUIRED WITH REDUCTIONS (10% REDUCTION FOR THREE PRESERVATION)					
ACCESSIBLE SPACES REQUIRED					184.3
ACCESSIBLE SPACES PROVIDED					4
REDUNDANT SPACES PROVIDED					4
COMPACT SPACES PROVIDED					187
TOTAL PARKING SPACES PROVIDED					6
TOTAL PARKING SPACES PROVIDED					207
BICYCLE PARKING REQUIRED (5% OR 5 MINIMUM)					11
BICYCLE PARKING PROVIDED*					38

- BICYCLE PARKING LOCATED IN PARKING GARAGE WITH 3 SPACES NEAR SOUTH CONCOURSE ENTRY

SITE PLAN RELEASE

I NUMBER **SP-2019-0600C** EXPIRATION DATE: _____
 ISSUED BY: MANAGER, RANDALL ROUDA APPLICATION DATE: **12/23/19**
 PROVIDED AUTHORITY ON: _____
 APPROVED BY PLANNING COMMISSION ON: **N/A**
 REQUESTED BY CITY COUNCIL ON: **N/A**
 ORDER SECTION: **112** of Chapter **22-3** of the Austin City Code
 Officer, Supplemental Services Department

DATE OF RELEASE _____ Zoning **CS-MU-1-CO-AP**
 1. _____ Correction 1
 2. _____ Correction 2
 3. _____ Correction 3

ALL OF THIS APPLICATION WAS NOT CONTAINING A VIOLATION OF
 ANY CITY ORDINANCE OR ANY OTHER APPLICABLE LAW. THE APPLICANT
 WARRANTS THAT THE INFORMATION PROVIDED IS TRUTHFUL AND
 COMPLETE. THE APPLICANT IS FULLY RESPONSIBLE FOR THE COMPLIANCE
 OF THE PROJECT WITH ALL CITY ORDINANCES AND ANY OTHER APPLICABLE
 LAWS. THE APPLICANT AGREES TO COMPLY WITH ALL CITY ORDINANCES
 AND ANY OTHER APPLICABLE LAWS. THE APPLICANT AGREES TO
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 AND ANY OTHER APPLICABLE LAWS.

CONTRACTOR WARNING:

THE CONTRACTOR IS HEREBY ADVISED THAT THE LOCATIONS OF ALL EXISTING UTILITIES SHALL BE SHOWN ON THE PLANS BY POSSIBLE PROVISIONS ON RECORDS OF THE CITY OF AUSTIN. WHERE NO RECORDS ARE AVAILABLE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF AUSTIN AND THE UTILITY COMPANIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF AUSTIN AND THE UTILITY COMPANIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF AUSTIN AND THE UTILITY COMPANIES.