



Recommendation for Action

File #: 22-1805, Agenda Item #: 40.

5/5/2022

Posting Language

Set a public hearing to be conducted in accordance with Texas Parks and Wildlife Code Chapter 26 to consider a resolution authorizing a change in use of dedicated parkland, known as Govalle Neighborhood Park, for the Watershed Protection Department to use, maintain, and repair approximately 156 linear feet of 60-inch reinforced concrete storm pipe to be constructed by the developers of the Flats on Shady Lane multi-family development (SP-2020-0368C). (Suggested date and location: June 9, 2022, Austin City Hall, 301 W. Second Street, Austin, Texas).

Lead Department

Parks and Recreation Department, Office of Real Estate Services.

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

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For More Information:

Lead Department - Parks and Recreation Department, Ricardo Soliz, Division Manager, (512) 974-9452; Gregory Montes, Program Manager, (512) 974-9458

Lead Department - Office of Real Estate Services, Michael Gates, Interim Officer, (512) 974-5639

Sponsoring Department - Watershed Protection Department, Karl McArthur, Supervising Engineer, (512) 974-9126.

Council Committee, Boards and Commission Action:

Recommended by the Parks and Recreation Board on March 28, 2022.

Additional Backup Information:

Chapter 26 of the Texas Parks and Wildlife Code provides that the use of parkland for non-park purposes may be approved upon findings that there is no feasible and prudent alternative to the use of the parkland and that all reasonable planning has been undertaken to minimize harm to such land.

The City of Austin Land Development Code and Drainage Criteria Manual require new developments to maintain natural drainage patterns to the extent possible. In this case, both the existing land and the proposed project drain into Boggy Creek through park land and there are not practical solutions to route flow to other existing storm drain systems. As required by code and criteria, runoff from the impervious cover associated with the proposed site will be captured and treated in a stormwater quality control pond. The detention requirements for the development will be satisfied through participation in the Regional Stormwater Management Program. This participation is warranted given the location of the site within the lower portion of the Boggy Creek watershed and the fact that detaining flows on site would cause increased flows in Boggy Creek. Given the slope of the site and its proximity to Boggy Creek, drainage of the water quality volume and

excess runoff from the site through parkland is the only practical solution. It is these requirements that confirm that providing stormwater conveyance from the proposed development cannot be facilitated but through the use of parkland. The Watershed Protection Department (WPD) and Parks and Recreation Department are both in agreement that providing stormwater conveyance from the proposed development should be facilitated through the installation of the storm pipe through parkland. WPD is in the process of approving the design of the storm line and its outfall into Boggy Creek. Once constructed, the Watershed Protection Department has agreed to assume maintenance and operations after construction. The estimated duration of Temporary Use is two months (60 calendar days), with estimated construction start and end dates of August to October 2022. The installation of the storm line outfall to Boggy Creek has been approved by the U.S. Army Corps of Engineers (USACE) under Nationwide #SWF-2021-00244 on October 10, 2021, which is also agreeable to Watershed Protection Department staff.

There is no feasible and prudent alternative to the use of the dedicated parkland, which includes all reasonable planning to minimize harm to such lands. Approval of the use of parkland is made on the condition that all restoration will be completed in accordance with the Standard Specifications and Construction Standards of the City of Austin and the Parks and Recreation Department's "Construction in Parks Specifications."

Upon approval of this item, the Office of Real Estate Services will collect the appraised value, as determined by a third-party appraiser, for the permanent drainage line in the amount \$67,014 and the temporary construction work area in the amount of \$804 from the applicant for Site Plan No. SP-2020-0368C. In addition, the applicant will pay the City the cost of the appraisal and the cost of the notices of the public hearing.

The dates of public notification in the Austin American-Statesman are May 8th, 15th, and 22nd, 2022.

Strategic Outcome(s):

Health and Environment, Government that Works for All.