



## Recommendation for Action

**File #: 22-2325, Agenda Item #: 115.**

7/28/2022

### **Posting Language**

Conduct a public hearing in accordance with Texas Parks and Wildlife Code Chapter 26 and consider a resolution authorizing a change in use of Govalle Neighborhood Park for the Watershed Protection Department to use, maintain, and repair 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 to convey stormwater from the residential portion of the development. (Austin City Hall, 301 W. Second Street, Austin, TX).

### **Lead Department**

Parks and Recreation Department, Office of Real Estate Services.

### **Fiscal Note**

This item has no fiscal impact.

### **Prior Council Action:**

May 5, 2022 - Council set the public hearing for June 9, 2022.

### **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 the Criteria Manual, 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 to Boggy Creek. Given the slope of the site and its proximity to Boggy Creek, there is no feasible and prudent alternative to draining the water quality volume and excess runoff from the site through parkland. WPD and the Parks and Recreation Department agree that providing stormwater conveyance from the proposed development should

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be facilitated through the installation of a storm pipe through parkland. WPD is in the process of approving the design of the pipe and its outfall into Boggy Creek, and will assume maintenance and operations after construction. The anticipated duration of the temporary use is two months, with construction estimated to in August 2022 and be complete in October 2022. The installation of the storm pipe outfall to Boggy Creek was approved by the U.S. Army Corps of Engineers under Nationwide Permit #SWF-2021-00244 on October 10, 2021.

Upon approval of this item, the Office of Real Estate Services will collect the appraised value, as determined by a third-party appraiser, of the permanent drainage line in the amount \$67,014 and the temporary 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 application fee, the cost of the appraisal and the cost of publication of the notices of the public hearing.

There is no feasible and prudent alternative to the use of the dedicated parkland and all reasonable planning has been and will be taken to minimize harm to such land. The dates of public notification in the Austin American-Statesman were May 8, 15, and 22, 2022.

**Strategic Outcome(s):**

Health and Environment, Government that Works for All.