

Austin Parks and Recreation Department

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

Parks and Recreation Board
January 2021

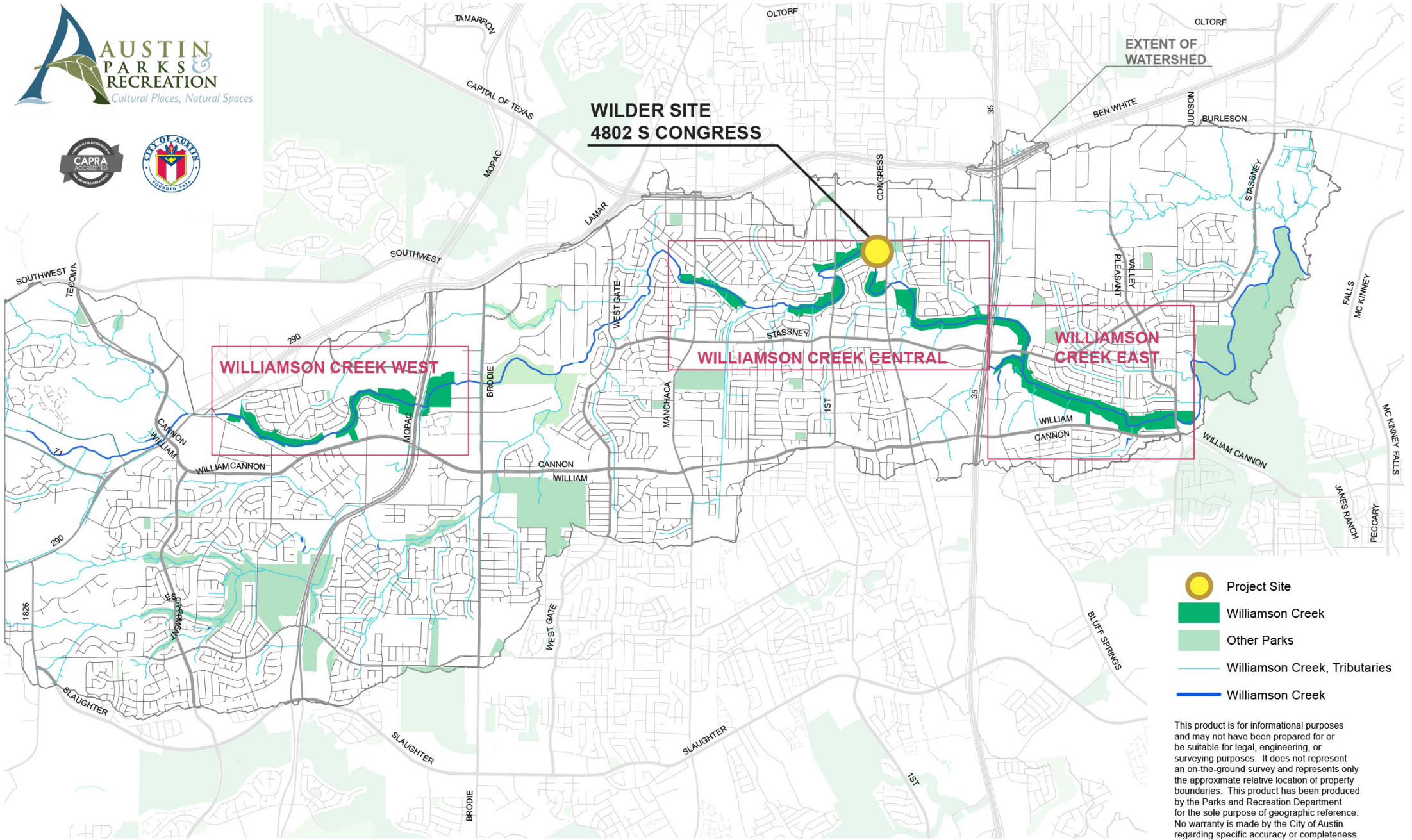
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Overview

- 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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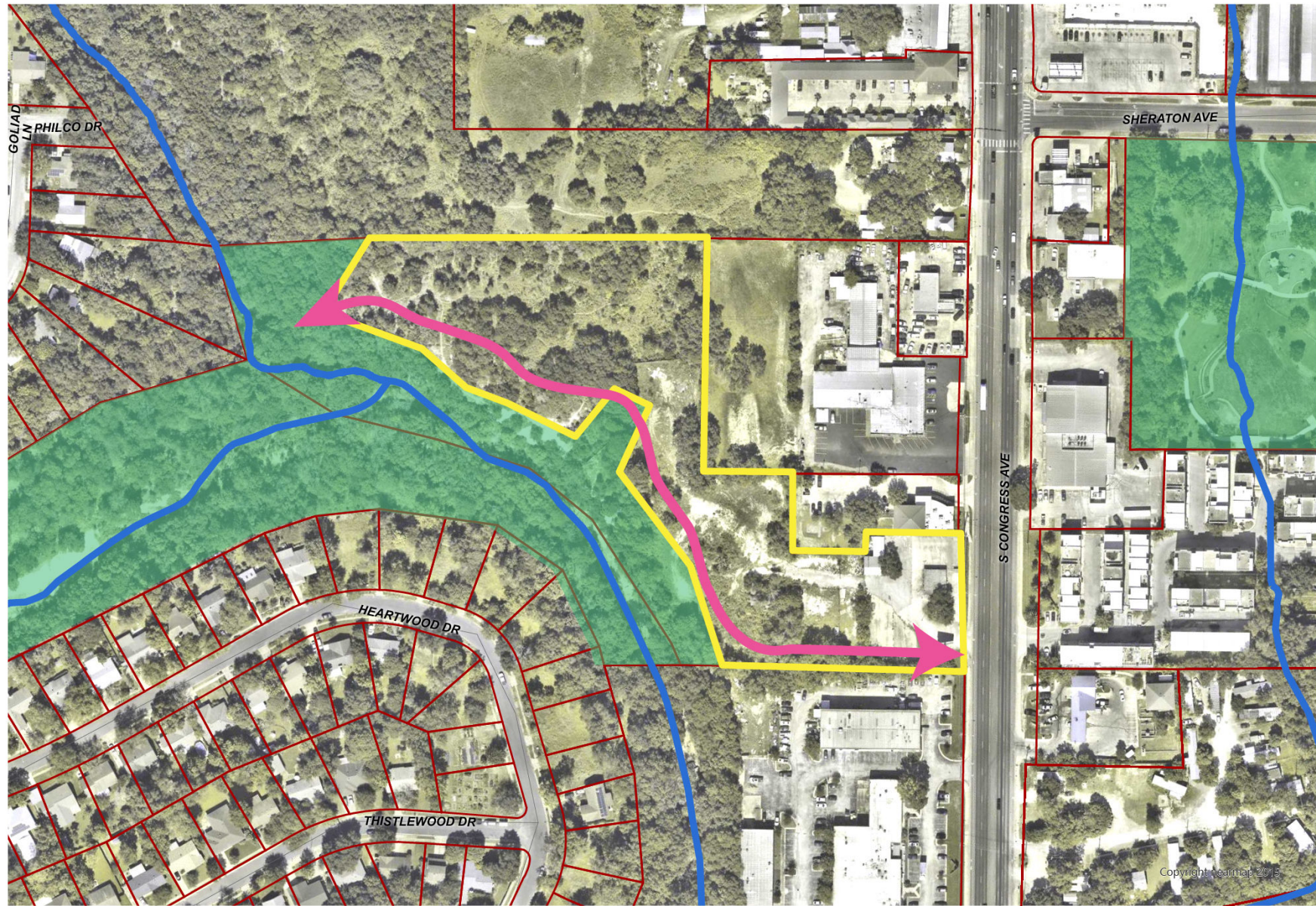




0 180 360 720 Feet

WILDER DEVELOPMENT

Parkland Context



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

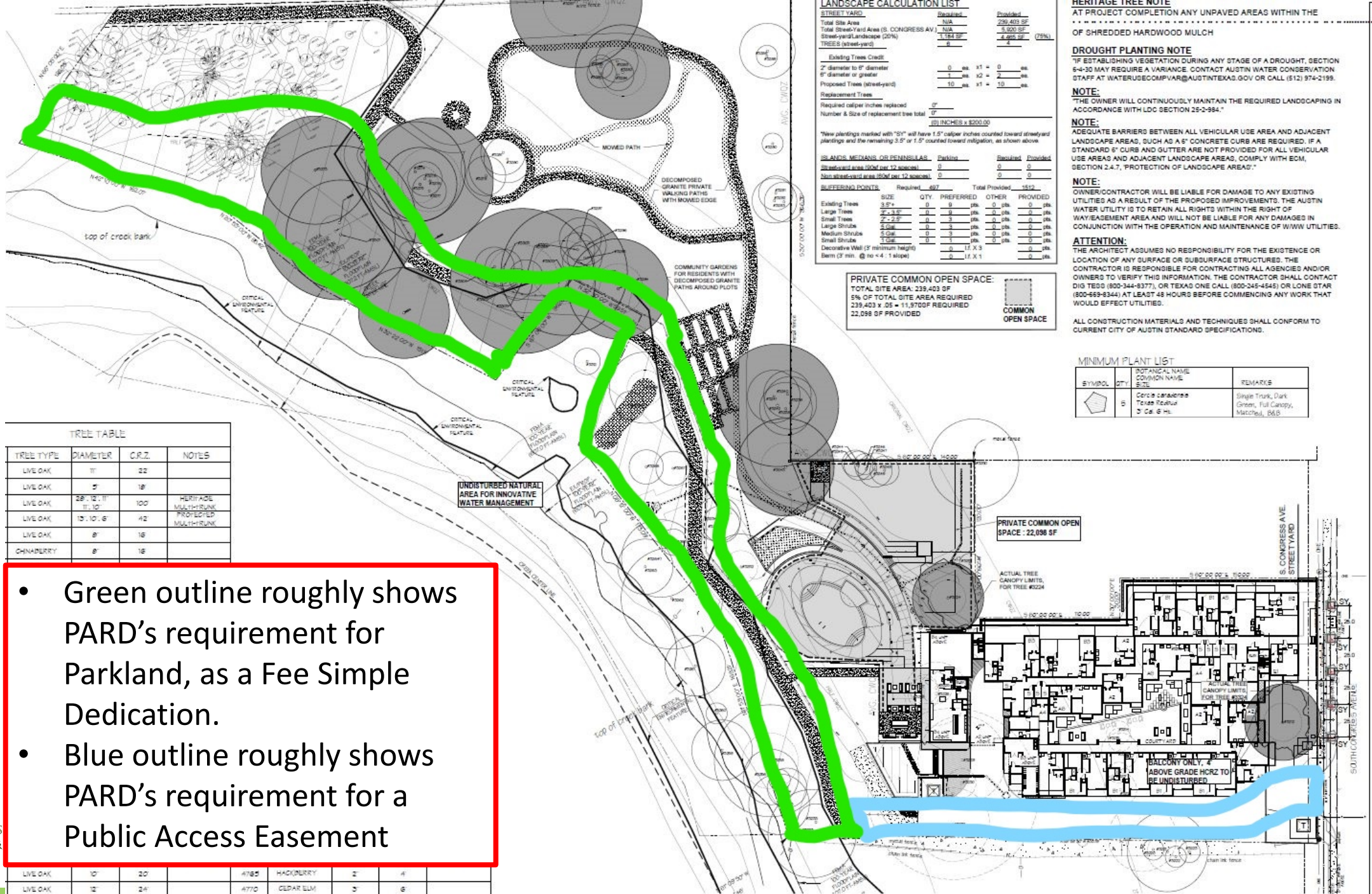
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WILDER DEVELOPMENT **Parkland Concept**

- | TREE TYPE | DIAMETER | C.R.Z. | NOTES |
|-------------|---------------------------|--------|-------------------------|
| LIVE OAK | 11" | 22' | |
| LIVE OAK | 5" | 18' | |
| LIVE OAK | 28", 12", 11"
11", 10" | 100' | HERITAGE
MULTI-STEM |
| LIVE OAK | 13", 10", 6" | 42' | PROTECTED
MULTI-STEM |
| LIVE OAK | 8" | 16' | |
| CHINA BERRY | 8" | 18' | |

LIVE OAK	10'	20'	4785	HACKBERRY	2'	4'	
LIVE OAK	12'	24'	4770	CEDAR 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).**