

**APPEAL TO  
PLANNING COMMISSION  
PARKLAND REQUIREMENT  
REVIEW SHEET**

**CASE NUMBER:** SP-2019-0600C      **Parks Board:** January 26, 2021  
**CASE NAME:** Wilder      **Planning Commission:** February 9, 2021

**DISTRICT:** 3

**ADDRESS:** 4802 South Congress Avenue

**ZONING:** CS-MU-CO-NP

**APPELLANT:** Mike McHone  
**APPLICANT:** Rivera Engineering (Michael Rivera)  
**OWNER:** 4802 LLC (Mitch Ely)

**NEIGHBOR-  
HOOD  
PLAN:** South Congress Combined (West Congress Neighborhood)

**PARKS AND RECREATION BOARD ACTION:**

January 26, 2021: Board Member Mason-Murphy made a motion to recommend to the Planning Commission to deny the applicant's request to pay fee in lieu of land dedication for 4802 S. Congress (SP-2019-0600C) and uphold staff's recommendation for the dedication of parkland; Board Morgan seconded the motion. The motion passed on a vote of 9-1 with Board Member Luca voting nay and Vice Chair Farasat absent.

**PLANNING COMMISSION ACTION:**

To be heard on February 9, 2021

**PROPOSED DEVELOPMENT:**

The applicant is proposing to construct 125 multifamily units in a multi-story building with an underground multi-level parking garage, driveway to South Congress Avenue, on-site storm water quality and detention pond, and site utilities.

**APPEAL REQUEST:**

The Appellant filed an appeal of the Parks and Recreation Department (PARD) decision to require land for this site plan, and requested to pay fee in lieu. This action is described in Land Development Code 25-1-605 (F); the appeal is to the Planning Commission, who will make the final decision. The case has already been heard by Park and Recreation Board, and a recommendation made (see above).

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends upholding PARD's original requirement to dedicate land as part of this site plan; and denial of the applicant's request to pay fee in lieu.

The criteria for the decision of whether to require land vs. fee in lieu are listed in 25-1-605.

(B). In determining whether to require dedication of land under Section 25-1-602 (Dedication of Parkland) or allow payment of a fee in-lieu of dedication under this section, the director shall consider whether the subdivision or site plan:

- (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.

These criteria are applied, and responded to below:

- (1) is located within the Deficient Park Area Map.

True - The great majority of the site is located with the Deficient Park Area map, particularly the area that PARD is requiring for dedication. This map is used to indicate the areas where the City is actively trying to acquire parkland, and is public on the City's Property Profile site.

- (2) is adjacent to existing parkland;

True – The site is adjacent to the Williamson Creek Greenbelt. The intent of the criterion is so that existing parkland may be built upon, and additional access provided.

- (3) has sufficient acreage to meet the standards for dedicated parkland under the Parkland Dedication Operating Procedures;

True – the standard in the Parkland Dedication Operating Procedures is ¼ acre, and the standard can be met on this site.

- (4) is needed to address a critical need for parkland or to remedy a deficiency identified by the Deficient Park Area Map;

True – The parkland would address a critical need for a planned greenbelt in this location, would provide access to the public, and would also remedy the deficiency identified in the map.

- (5) would provide increased connectivity with existing or planned parks or recreational amenities.

True – This parkland would increase connectivity and accessibility (on this section) for the long-planned Williamson Creek Greenbelt, which has recently been added to in the Central section; the long term vision is to provide a greenbelt connection from Oak Hill to Dove Springs and beyond.

Further, the applicant has stated that their primary motivation in making the appeal is that they do not want to allow for public access to the parkland through their site. Public access is an integral aspect of parkland, and is highlighted in several Code sections:

25-1-603 (A)

(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.

14.3.7. (A)

(5) Parkland should be accessible to those in the neighborhood, either by walking or by the provision of parking.

Per Code, public access to the greenbelt is required as part of the site plan. The site at 4802 S. Congress provides the only feasible entry and exit point to this section of the Central Williamson Creek Greenbelt, and will help fulfill the Council goal that a park be within walking distance (1/4 mile) of all residents of Austin. Adjacent sites have steep topography and would not be able to provide accessible entry points to the trail.

In other cases, PARD has required trail access as part of parkland dedication. This access, typically, would be exclusively parkland, dedicated by deed, and would provide pedestrian and maintenance access. Although a separate trail facility, deeded as parkland is seen as ideal, this design would have a large impact on the proposed project, reducing units and parking. In an effort to not impact the development, PARD instead required a public access easement, which achieves the purpose of allowing the public to reach the parkland, and also overlaps and fulfills other City requirements.

## **SUMMARY COMMENTS ON SITE PLAN:**

The 5.5 acre subject property is located along South Congress Avenue and backs up to a bend of Williamson Creek, approximately 0.8 miles south of U.S. Highway 290. The property is the site of a former car lot that is now vacant. The site plan proposes a building towards the front of the property, and the large area to the rear is proposed as open space with private amenities. This section will be fenced off from the parkland that is under discussion in this appeal.

A decision from Planning Commission will allow the applicant to move forward with either dedication of parkland or payment of fee in lieu, following PARD's process for whichever is decided. A decision for parkland dedication will allow the applicant to proceed with an

Environmental Site Assessment, survey, and getting assistance from the City's Real Estate group. A decision for fee in lieu will direct PARD to invoice the applicant for the calculated amount.

## PROJECT INFORMATION

<b>TOTAL SITE AREA</b>	239,406 square feet	5.496 acres	
<b>EXISTING ZONING</b>	CS-MU-CO-NP		
<b>WATERSHED</b>	Williamson Creek Watershed		
<b>TRAFFIC IMPACT ANALYSIS</b>	Not required		
<b>CAPITOL VIEW CORRIDOR</b>	None		
<b>PROPOSED ACCESS</b>	South Congress Avenue		
	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>
<b>FLOOR-AREA RATIO</b>	1:1	0.01:1	0.14:1
<b>BUILDING COVERAGE</b>	80%	1%	14%
<b>HEIGHT</b>	60'	25'	60'
<b>NUMBER OF UNITS</b>	-	0	125

## SURROUNDING CONDITIONS (ZONING/ LAND USE)

North: CS-MU-CO-NP / Veterinary Office, Pawn Shop

South: CS-MU-CO-NP / Auto Repair Shop

East: South Congress Ave, then CS-MU-CO-NP / Multifamily

West: P-NP / Williamson Creek Greenbelt

## NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Austin Neighborhoods Council

Austin Independent School District

Go Austin! Vamos Austin!

South Congress Combined Neighborhood Plan

Battle Bend Springs Homeowners Association

Onion Creek Homeowners Assoc

Preservation Austin

South Austin Neighborhood Alliance (SANA)

Sierra Club, Austin Regional Group

Bike Austin

Friends Of Austin Neighborhoods



**CASE MANAGER:** Randall Rouda  
Senior Planner  
Randall.Rouda@austintexas.gov

**PARKS AND RECREATION DEPARTMENT STAFF:**

Scott Grantham  
Principal Planner  
Scott.Grantham@austintexas.gov

**EXHIBITS:**

- A. Slide Presentation
- B. Correspondence with Applicant
- C. Correspondence with Interested Parties

Austin Parks and Recreation Department

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

Planning Commission  
February 2021

Scott Grantham Principal Planner Parks and Recreation Department

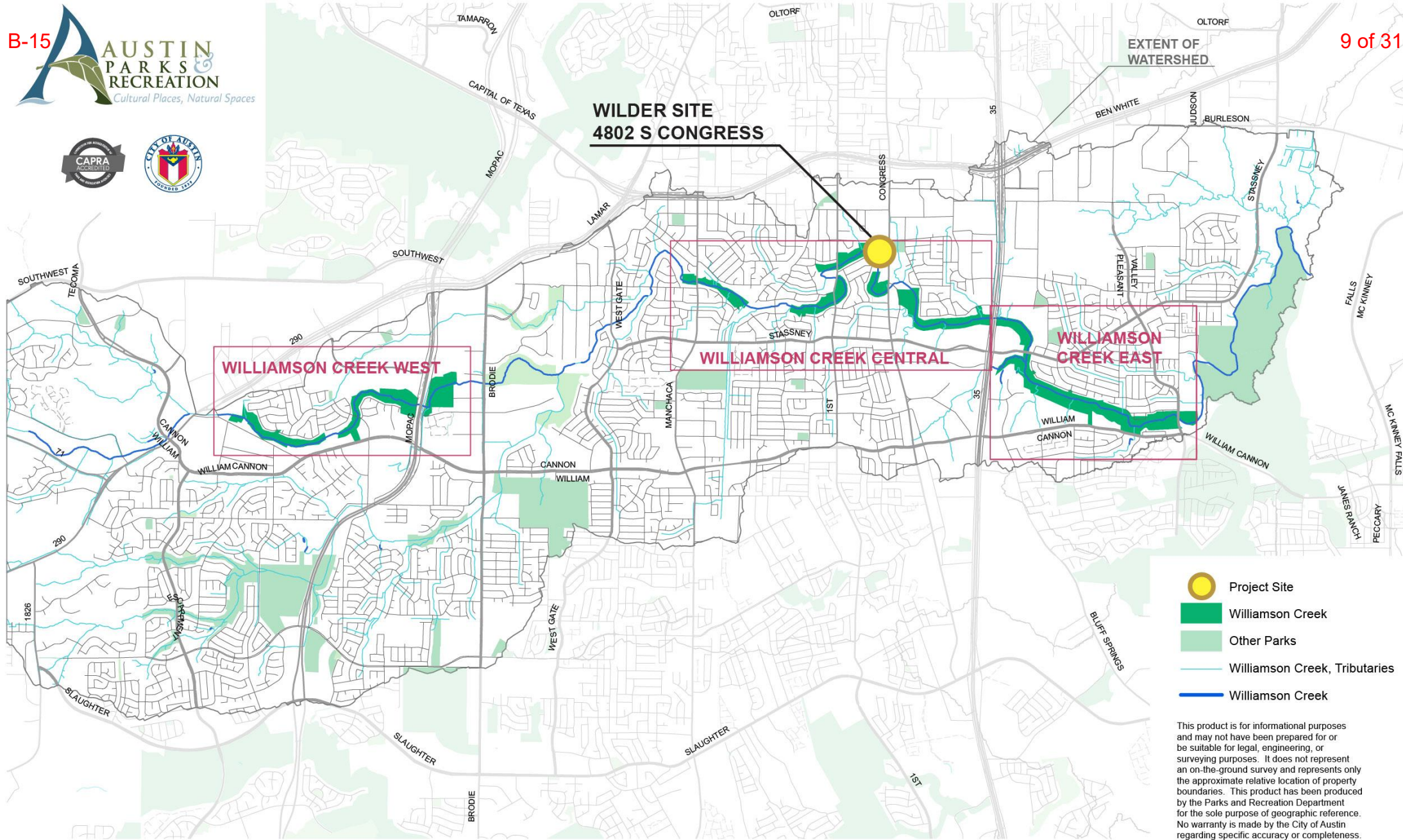
# Overview

- Consider an Appeal by an Applicant. **PARD is requiring land dedication. The developer is asking to pay fee in lieu.**
- On Jan 26, 2021, Parks Board heard the item and voted to support PARD's request for land dedication and deny the applicant's request to pay fee in lieu.
- **PARD Recommendation to Planning Commission: Support PARD's request for land dedication and deny the applicant's request, to pay fee in lieu for this site plan.**
  - Code Context
  - Site Plan Context
  - Application of Code Criteria
  - Other Factors
  - Recommendation

# 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 Planning Commission, and that PARD shall first present the case to the Parks Board for a recommendation. Applicant has appealed the decision.
- On Jan 26, Parks Board voted to support PARD's requirement and to deny the applicant's request to pay fee in lieu.
- Planning Commission makes the final decision.

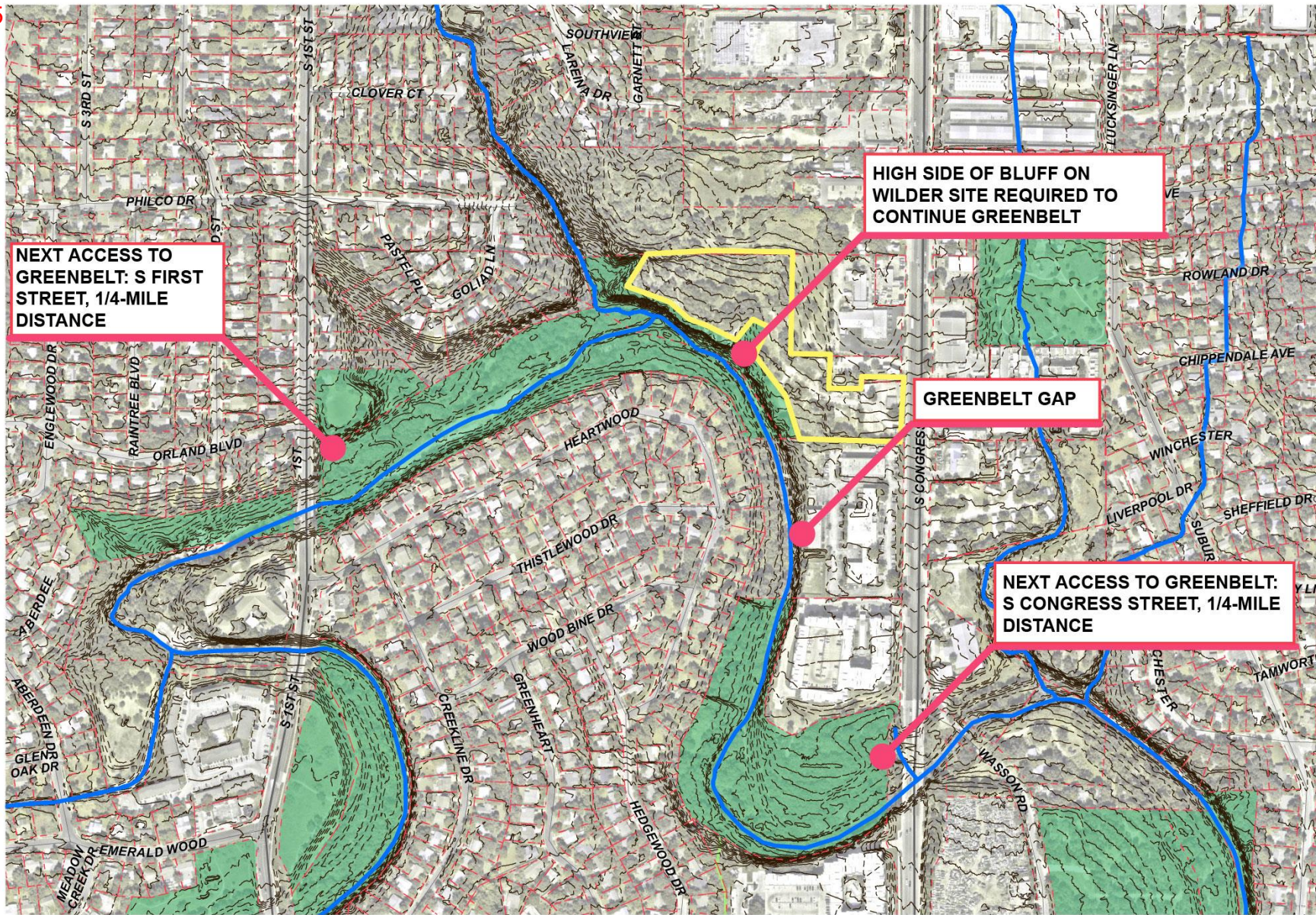




- Project Site
- Williamson Creek
- Other Parks
- Williamson Creek, Tributaries
- Williamson Creek

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the Parks and Recreation Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





-  WILDER SITE DEVELOPMENT
-  CITY PARKLAND
-  CREEK
-  2-ft ELEVATION

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# 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.



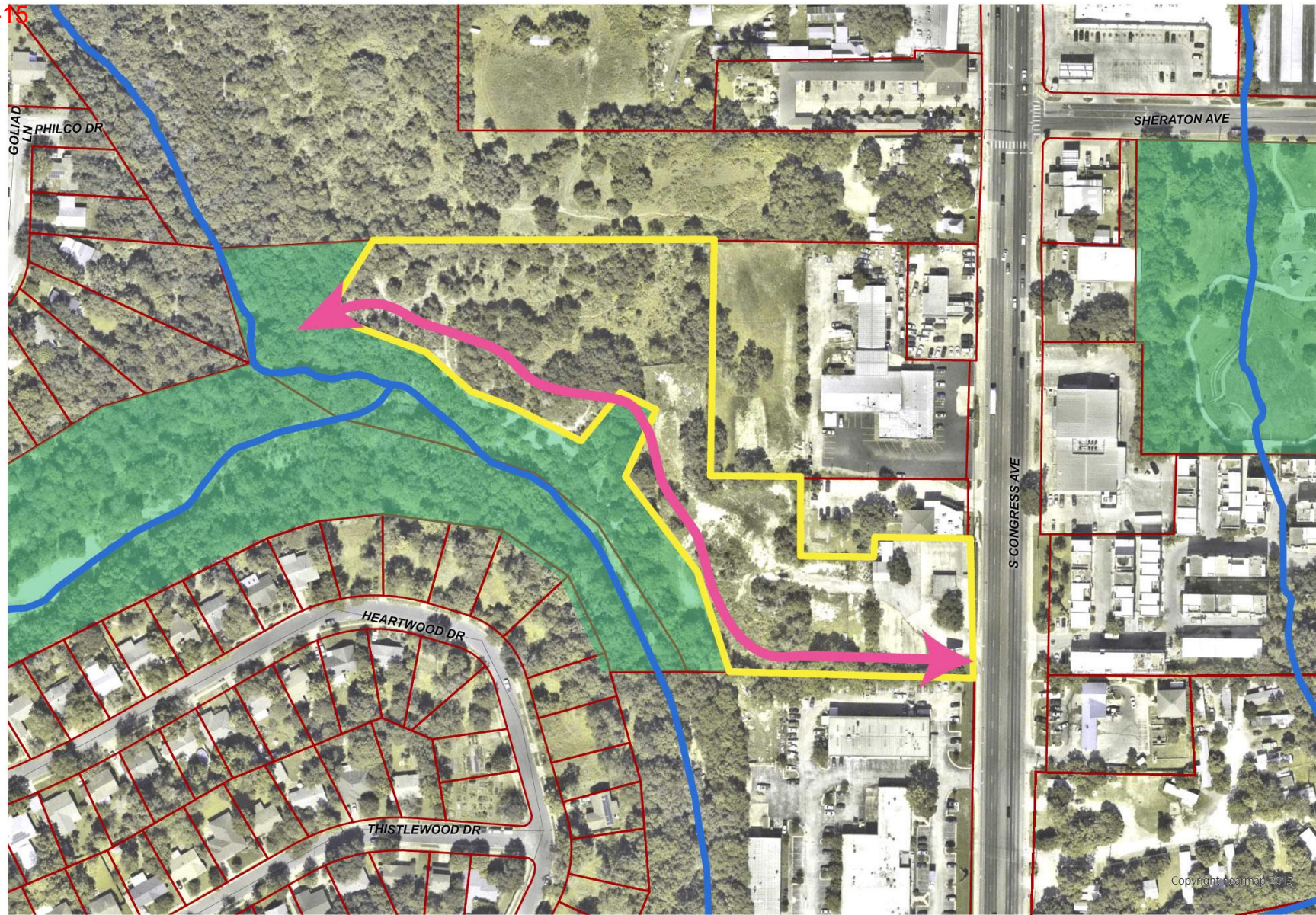
# Application of Code Criteria

## 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.**





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

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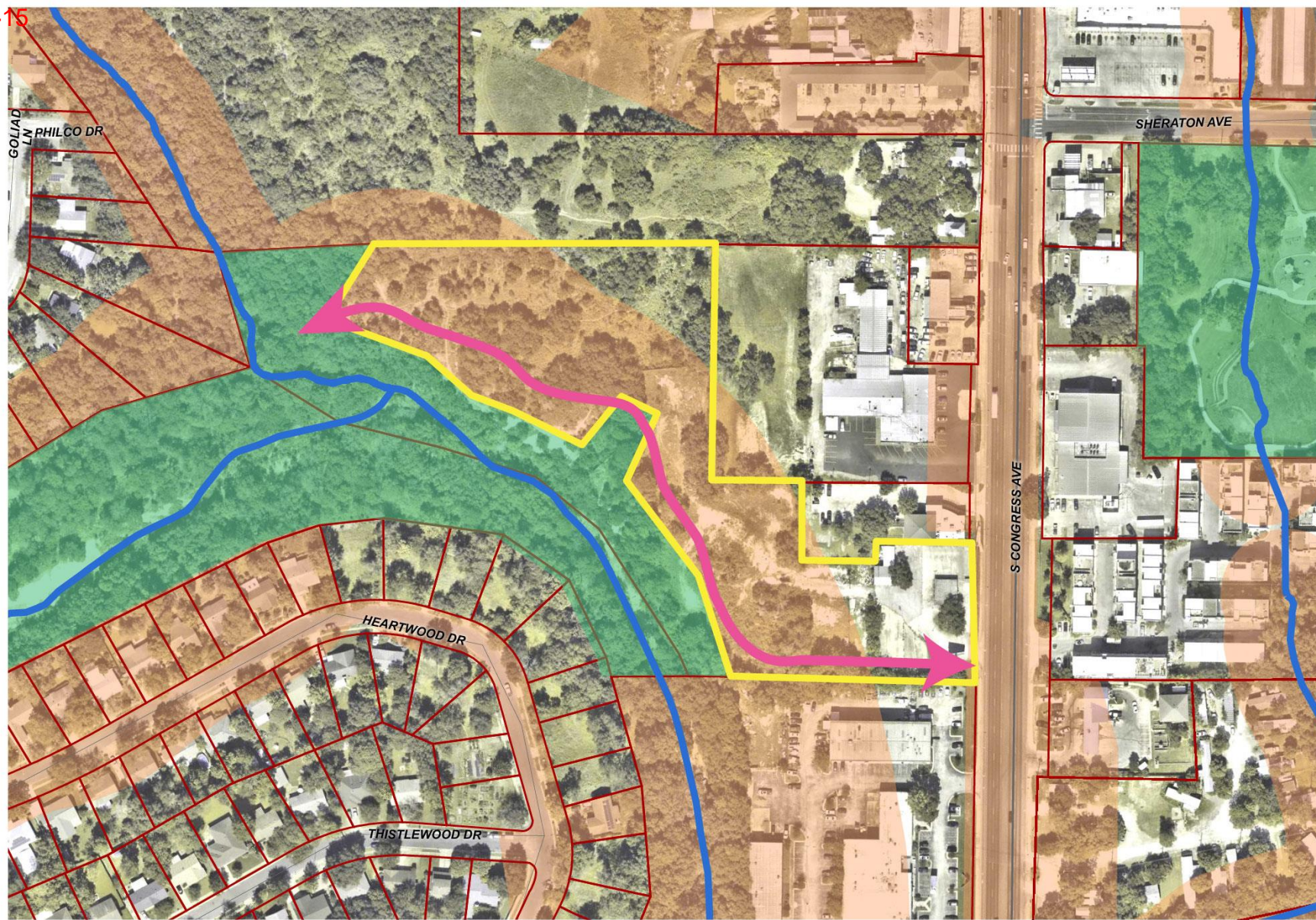
- PROPOSED TRAIL
- WILDER SITE DEVELOPMENT
- CITY PARKLAND
- PARK DEFICIENCY
- CREEK

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25 January 2021 RowlinsonT

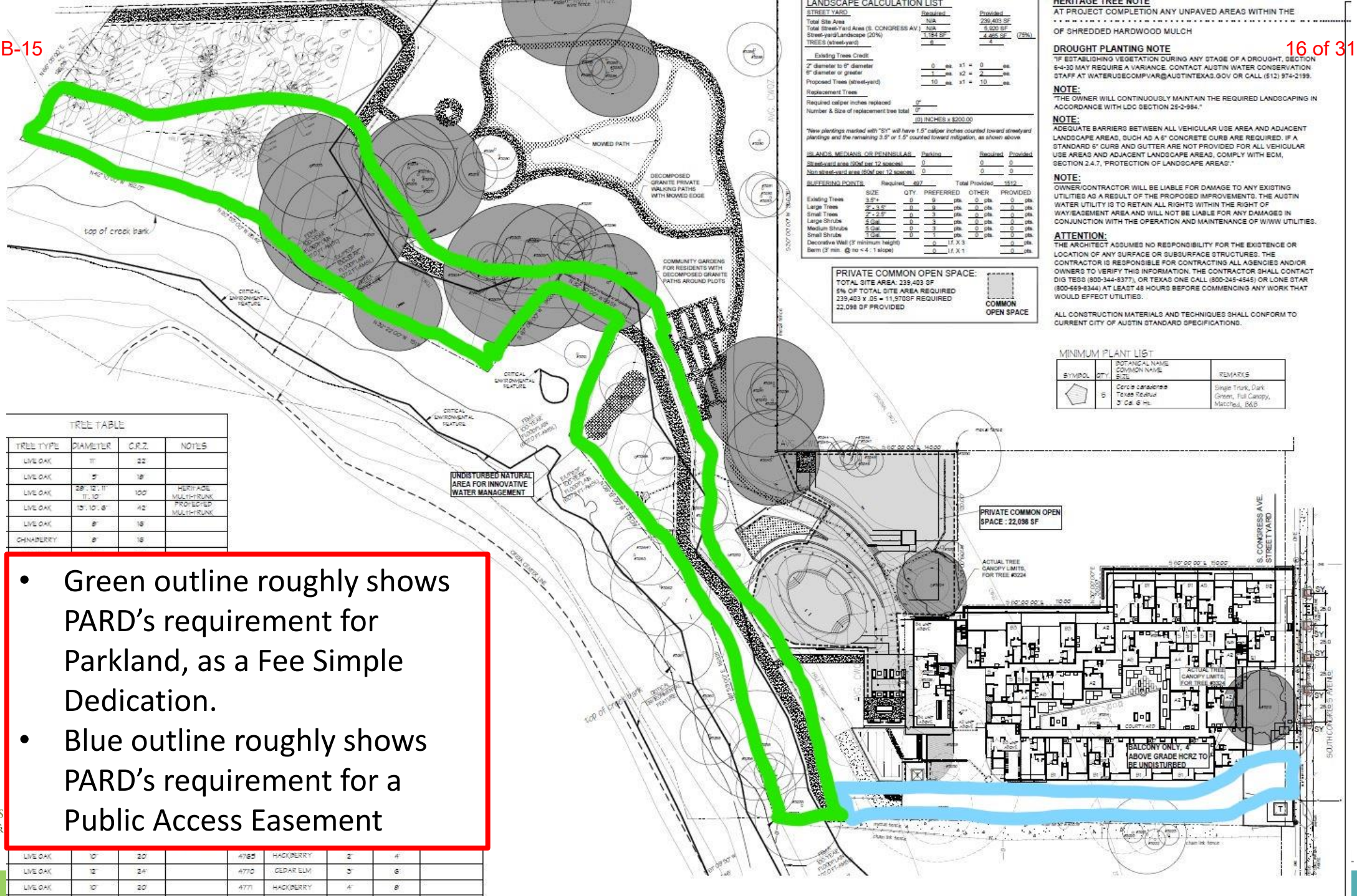
B-15



## WILDER DEVELOPMENT Parkland Concept







- 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

## 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, and unrelated to this residential site plan.

# 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.



## PARD Recommendation

- Recommend to support PARD's request for land dedication and deny the applicant's request to pay fee in lieu of land dedication for 4802 S. Congress (SP-2019-0600C).

**Grantham, Scott**

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**From:** Mike McHone <mchone1234@sbcglobal.net>  
**Sent:** Thursday, December 3, 2020 10:47 AM  
**To:** Grantham, Scott  
**Cc:** Scott, Randy; 'Mike McHone'  
**Subject:** 4802 S Congress; SP 2019-0600 C

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

\*\*\* External Email - Exercise Caution \*\*\*

Dear Mr. Grantham,

This email shall serve as the required notification of the above project's request for the payment of a "Fee-in-Lieu" payment as compliance with the Parkland Dedication requirement. This site is very irregular with most of the property located behind existing lots on Congress Ave. and adjacent to the existing Williamson Creek Greenbelt. This project's frontage on Congress is limited and this is the only buildable area.

LDC 25-1-603 (A) (1) & (2) requires public accessibility and public view; and on and off street connections between residential neighborhoods to be provided whenever possible to provide reasonable access.

This project cannot meet these requirements and is therefore requesting the fee-in-lieu option as provided by the LDC.

Best regards,

Mike McHone, authorized agent

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).





# City of Austin

Parks and Recreation Department  
200 South Lamar Blvd, Austin, TX 78704

January 8, 2021

Michael McHone  
Authorized Agent  
[mchone1234@sbcglobal.net](mailto:mchone1234@sbcglobal.net)

Dear Mr. McHone:

The Parks and Recreation Department (PARD) is in receipt of your December 3, 2020 request to pay a fee in lieu of dedicating parkland in connection with the pending site plan for the property located at 4802 S. Congress Avenue (Wilder SP-2019-0600C) (the "Site Plan") This letter serves as a denial of your request.

City Code § 25-1-605 governs the Parks and Recreation Department's (PARD) determination of whether to allow payment in fee in lieu of the dedication of parkland. Specifically,

(A) The director [of PARD] may require or allow a subdivision or site plan applicant to deposit with the City a fee in-lieu of parkland dedication under Section 25-1-605 (*Dedication of Parkland*) if:

(1) the director determines that payment of a fee in-lieu of dedication is justified under the criteria in Subsection (B) of this section; and

(2) the following additional requirements are met:

(a) less than six acres is required to be dedicated under Section 25-1-602 (*Dedication of Parkland*); or

(b) the land available for dedication does not comply with the standards for dedication under Section 25-1-603 (*Standards for Dedicated Parkland*).

Because the land to be dedicated is less than six acres, the Site Plan satisfies the requirements of § 25-1-605(A). Therefore, the question is whether it also satisfies the requirements of § 25-1-605(B):

(B) In determining whether to require dedication of land under Section 25-1-602 (*Dedication of Parkland*) or allow payment of a fee in-lieu of dedication under this section, the director shall consider whether the subdivision or site plan:

(1) is located within the Deficient Park Area Map;



# City of Austin

Parks and Recreation Department  
200 South Lamar Blvd, Austin, TX 78704

- (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.

With regard to the Site Plan, the answer to each of these criteria is “yes”: the Site Plan is located within the Deficient Park Area Map; is adjacent to existing parkland; has sufficient acreage to meet the standards for dedicated parkland under the Parkland Dedication Operating Procedures; is needed to address a critical need for parkland or to remedy a deficiency; and would provide increased connectivity with existing or planned parks or recreational amenities. In sum, none of the criteria justifies a decision by PARD to allow payment of a fee in lieu as to this Site Plan, and PARD thus does not have the authority to allow such payment. Rather, the only thing that the Code authorizes PARD to do is to require the dedication of parkland.

Please be advised that you are entitled to appeal PARD’s decision deny your request to pay a fee in lieu:

If the director rejects a request to pay a fee in-lieu of dedication under Subsection (B) of this section, the applicant may appeal the director's decision to the Land Use Commission consistent with the procedures in Article 7, Division 1 (*Appeals*) of this chapter. Before the Land Use Commission considers the appeal, the director shall present the case to the Parks Board for a recommendation, but failure by the Parks Board to act shall not prohibit the Land Use Commission from considering the appeal.

City Code § 25-1-605(f). The appeals procedure that both parties must follow is set forth in §§ 25-1-181 through 25-1-192. Please note that § 25-1-182 provides that you have 20 days from the date of this letter to initiate an appeal and § 25-1-183 describes the information you must include in your appeal.

Best regards,

Scott Grantham, PARD, Principal Planner  
Cc: Randal Scott, PARD, Program Manager



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.

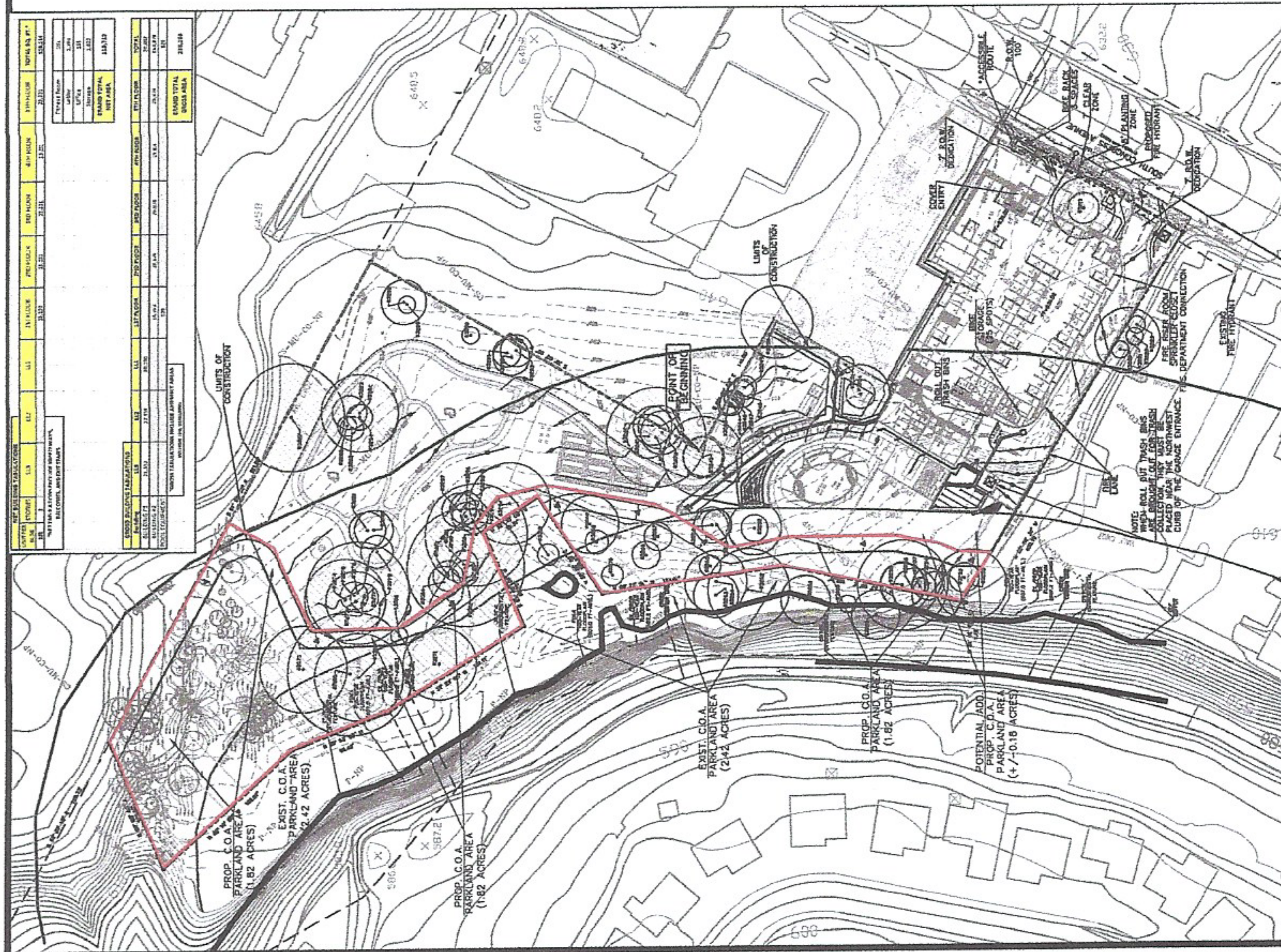
Michael R. McHone, Authorized agent







Area in Red Proposed Parkland From 4802<sup>5</sup> Congress

[illegible]

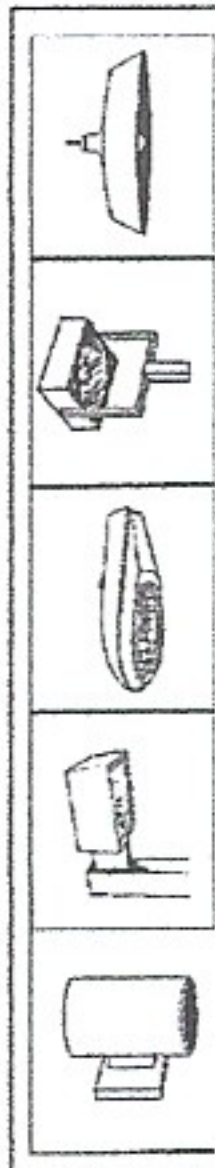
BUILDING SUMMARY				
EXISTING USE	EXISTING	VACANT OR LOT TO BE DISCLOSED	PROPOSED	
PROPOSED USE	ONE	ONE	N/A	
NUMBER OF STORES	GARAGE (3 LEVELS)	GARAGE (3 LEVELS)	MULTI-FAMILY	
FIRST FLOOR	N/A	2,150 S.F. (881 S.F.)	EDH	FTE 603.87
SECOND FLOOR	N/A	N/A		FTE 635.00
THIRD FLOOR	N/A	N/A		FTE 649.78
FOURTH FLOOR	N/A	28,974 S.F.		FTE 826.50
FIFTH FLOOR	N/A	28,974 S.F.		FTE 827.25
POOL EQUIPMENT	N/A	2,928.74 S.F.		FTE 678.00
GROSS FLOOR AREA*	N/A	129 S.F.		FTE 822.00
FAR	0.01 : 1	233,160 S.F.		1 DOZ OF BLDGS (1 BLDG)
BUILDING COVERAGE	2.15% S.F. (1%)	34,383 S.F. (14%)		
BUILDING HEIGHT	25'	60' (3 STORES)		
MAX. BUILDING HEIGHT	UNKNOWN	60'		
BUILDING MATERIAL	UNKNOWN	FLUOR & MASONRY		
BUILDING TYPE	BUILDING 1 (GARAGE)	79,037 SF. BUILDING 2 (APARTMENTS) IS CONSTRUCTION TYPE 1A.		
	POOL EQUIPMENT	BUILDING IS CONSTRUCTION TYPE 1B.		
TOTAL SITE AREA: 5.48 AC	239,400 SF	"NET SITE AREA: 5.486 AC	239,400 SF	
INFERNOUS COVER: 51,500 SF (22%)				
ZONED: CS-MA-CO-UP (SOUTH CONGRESS COMBINED NEIGHBORHOOD PLANNING AREA)				
BUILDING COVERAGE ALLOWED: 60%				
F.A.R. PERMITTED: 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 FORETOWAYS, BALCONIES AND EXIT STAIRS

SITE NOTES:

1. THE USE OF HIGHLY REFLECTIVE SURFACES, SUCH AS REFLECTIVE GLASS AND REFLECTIVE METAL ROOFS, WHOSE PITCH IS MORE THAN A HALF OF SEVEN (7) TO 1, OR A RATIO OF TWELVE (12), WILL BE PROHIBITED.
2. THE USE OF MECHANICAL EQUIPMENT MUST NOT EXCEED 70 DBA AT THE PROPERTY LINE ADJACENT TO RESIDENTIAL ZONING. [SECTION 25-2-1087]
3. EXISTING ACCESSIBLE PARKING SPACES MUST BE IDENTIFIED BY THE SIGN "ACCESSIBLE PARKING" AND ONE OF THE FOLLOWING: "INTERNATIONAL SYMBOL OF ACCESSIBILITY" OR "INTERNATIONAL SYMBOL OF ACCESSIBILITY" OR "INTERNATIONAL SYMBOL OF ACCESSIBILITY".
4. SIGNAGE MUST BE LOCATED ON THE SIDE OF THE ROAD OR ABOVE GROUND, SO THAT THEY CANNOT BE OCCUPIED BY A VEHICLE PARKED IN THE SPACE.
5. PARKING SPACES SHALL BE PAINTED RED AND LABELED "THE LANE" "NO PARKING ZONE".
6. ALL LANDSCAPED AREAS TO BE PROTECTED BY SIX-INCH WHEEL CUPS OR WHEELS TO PROTECT THE PLANTS AND TREES.
7. EXISTING CONCRETE AND ASPHALT DRIVEWAYS MUST BE MAINTAINED AND REPAIRED AS NECESSARY.
8. VEGETATION COVER MUST BE RETAINED TO THE MAXIMUM EXTENT PRACTICABLE. CONSTRUCTION IS PROHIBITED, AND WASTEWATER DISPOSAL IS PROHIBITED.
9. NO SWIMMING POOL, TENSILE COURT, BALL COURT, OR PLAYGROUND, SHALL BE CONSTRUCTED WITHIN 50 FEET OR LESS FROM ADJOINING PROPERTY.
10. EXISTING TREES SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.
11. EXISTING TREES SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.
12. EXISTING TREES SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.
13. EXISTING TREES SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.
14. EXISTING TREES SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.
15. EXISTING TREES SHALL BE MAINTAINED AND REPAIRED AS NECESSARY.

**Figure 34:**  
Examples of fully-shielded light fixtures.



\* Ground surfaces along accessible routes must be stable, firm, and slip resistant. [ANSI 302.1]. Provide a colliout of the type of 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	65,000 SF 1.49 ACRES
MINIMUM SITE AREA (1,200 SF 2BR/2BA) x 60	72,000 SF 1.65 ACRES
MINIMUM SITE AREA TOTAL	172,000 SF 3.14 ACRES
TOTAL SITE AREA OF PROPERTY	239,400 SF 5.50 ACRES

PARKING SUMMARY				SPACES REQUIRED
MULTY-FAMILY	# BEDROOMS PER UNIT	PARKING SPACES REQ'D PER UNIT	# OF UNITS	
MULTY-FAMILY	0	1	1	1
MULTY-FAMILY	1	1.5	64	96
MULTY-FAMILY	2	2	60	120
SUBTOTAL			125	217
TOTAL REQUIRED WITH REDUCTIONS (10% REDUCTION FOR TREE PRESERVATION)				195.3
ACCESSIBLE SPACES REQUIRED				4
ACCESSIBLE SPACES PROVIDED				4
REGULAR SPACES PROVIDED				197
COMPACT SPACES PROVIDED				6
TOTAL PARKING SPACES PROVIDED				207
BICYCLE PARKING REQUIRED (5% OR 3 MINIMUM)				11
BICYCLE PARKING PROVIDED				35

**BICYCLE PARKING LOCATED IN PARKING GARAGE WITH 3 SPACES NEAR SOUTH CONGRESS ENTRY.**

**CONTRACTOR WARNING:**

THE CONTRACTOR IS HEREBY ADVISED THAT THE LOCATION AND DEPTH OF ALL UTILITIES SHOWN ON THE PLANS AND SPECIFICATIONS IS BASED PRIMARILY ON RECORDS OF THE CITY OF ALBERTA. WHERE POSSIBLE, MEASUREMENTS WERE TAKEN IN THE FIELD TO VERIFY LOCATIONS OF WATER, WASTEWATER AND STORM SEWER LINES. THE INFORMATION IS NOT SPECIFICALLY ACCURATE. THE CONTRACTOR MAKES ANY CONNECTION TO EXISTING UTILITIES AT HIS OWN RISK AND WITHOUT ANY GUARANTEE TO THE SUFFICIENCY OF THE RECORDS. THE CONTRACTOR, AS REQUIRED, SHALL BE RESPONSIBLE FOR THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHEN IN CONFLICT WITH THE LOCATION OF PROPOSED UTILITIES AS SHOWN ON THE PLANS. IF THE CONTRACTOR'S RESPONSIBILITY TO ADJUST THE LOCATION OF EXISTING UTILITIES TO ACCOMMODATE THE PROPOSED CONSTRUCTION, THE CONTRACTOR SHALL SIGNIFY HIS ACCEPTANCE OF THE CONSTRUCTION BY SIGNATURE OF THE CONTRACTOR.

**SITE PLAN RELEASE**

FILE NUMBER: **SP-2019-0600C** EXPIRATION DATE: **12/23/19**  
CASE MANAGER: **RANDALL ROUDA**

APPROVED ADMINISTRATIVELY ON: \_\_\_\_\_ N/A  
APPROVED BY PLANNING COMMISSION ON: \_\_\_\_\_ N/A

APPROVED BY CITY COUNCIL ON: 17A  
under Section 112 of Chapter 25-5 of the Austin City Code.

DATE OF RELEASE \_\_\_\_\_

Rev. 1 \_\_\_\_\_ Correction 1 \_\_\_\_\_  
 Rev. 2 \_\_\_\_\_ Correction 2 \_\_\_\_\_  
 Rev. 3 \_\_\_\_\_ Correction 3 \_\_\_\_\_

RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA. INFORMATION AND CALCULATIONS SUPPLY BY THE APPLICANT, THE ENGINEER OR RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY AND ADEQUACY OF HIS/HER SUBMITTAL. WHETHER OR NOT THE

APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY CITY ENGINEERS.

**LEGEND**

- PROPOSED GRADING
- DRAINAGE AREA
- HIGH POINT
- LOW POINT
- PROPOSED CURB INLET
- PROPOSED AREA INLET
- DRAINAGE AREA BOUNDARY
- FIRE LANE

4.1. *Results*

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.

- b) THE REQUIRED VEGETATIVE BUFFER YARD ADJACENT TO THE MULTIFAMILY RESIDENTIAL IS REQUIRED TO BE DULY AT THE TIME OF ANY EXPANSION TO THE SITE.
- c) EACH COMPACT PARKING SPACE/ALSE WILL BE SIGNED "COMPACT ONLY." LDC 28-6-472.
- d) EVERY ACCESSIBLE PARKING SPACE WILL BE CONTROLLED BY THE SIGN, CONTROLLED AT THE MOUTH OF THE PARKING SPACE, THE SIGN MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND STATE RESERVED, OR EQUIVALENT LANGUAGE, CHARACTERS AND SYMBOLS ON SUCH SIGNS MUST BE PARALLEL TO THE DRIVEWAY AND NOT BE LOCATED IN THE DRIVEWAY.
- e) NO CONCENTRATES OF COOLING TOWER MAY BE RELEASED FROM THE IDENTIFIED PERSONAL CONDOMINIUM PROJECT UNTIL THE OWNER OR OWNERS OF THE PROPERTY HAVE COMPLIED WITH CHAPTER 61 AND 62 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 AUSTIN ENERGY GREEN BUILDING PROGRAM PRIOR TO BUILDING PERMIT.
- g) THE FIRE LANE MARKING SHALL READ THE LANE/TOWN HWY. ZONE.

COMPATIBILITY STANDARDS NOTES:

- All exterior lighting will be full cut-off and fully shielded in compliance with Subchapter E.2.5 and will be reviewed during building plan review. Any change or substitution of lamps/light fixtures shall be submitted to the Director for review and approval with Section 4.5.2.1.
- All dumpsters and other refuse receptacles will be located at a minimum of twenty (20) feet from a property used or zoned as SF-5 or more restrictive.
- 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.
- The noise level of mechanical equipment will not exceed 70 dba at the property line adjacent to residential uses; this noise level shall be prohibited.
- Extending lighting above the second floor is prohibited.
- Signage for advertising, identification and location signs shall be the same as, or of less visibility, than the signage for the property.
- Supply to, or removal of, principal building materials

**WILDER**  
4802 SOUTH CONGRESS  
AUSTIN, TEXAS 78745

ALL RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAINS WITH THE ENGINEER WHO PREPARED THEM. IN REVIEWING THESE PLANS, THE CITY OF AUSTIN MUST RELY UPON THE ADEQUACY OF THE WORK OF THE DESIGN ENGINEER.

STATE OF TEXAS  
MICHAEL A. RIVERA  
60198  
PROFESSIONAL ENGINEER  
12/31/2012

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SECRET 3 OF 28  
SP-2019-0600C

**SP-2019-0600C**



## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

B-15

Case Number: SP-2019-0600C

Contact: Scott Grantham, (512) 974-9457

Public Hearing: Planning Commission, February 9, 2021

Norman L Rice's Katherine R Dittmore

Your Name (please print)

4801 Congress Avenue #24

Your address(es) affected by this application

Katherine R Dittmore

Signature

Daytime Telephone: 512 707 0455

Date

2/1/2021

Comments: Appeal denied

We must dedicate parkland

No fee in lieu.

We need parkland in this area of town

If you use this form to comment, it may be returned to:

City of Austin

Scott Grantham

P. O. Box 1088

Austin, TX 78767-1088

**Grantham, Scott**

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**From:** Katerina Dittmore <>  
**Sent:** Monday, February 1, 2021 11:06 AM  
**To:** Grantham, Scott  
**Cc:** Norman Rice; 'Faye Beck'  
**Subject:** Case SP-2019-0600C Appeal denied  
**Attachments:** Appeal denied 4802.pdf

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

\*\*\* External Email - Exercise Caution \*\*\*

Good morning Mr Grantham

I am responding to the Notice of Public Hearing Site Plan Appeal Case SP-2019-0600C  
Please record in the official public hearing comments that I object to the appeal.  
Specifically, I agree with the recommendation of the Parks Commission to dedicate parkland as part of this development project. We badly need more greenspace in this area of town.

Please contact me with any questions. 512/707-0455

Thank you  
Katerina R Dittmore  
4081 S Congress Ave Unit R-4  
Austin, TX 78745

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**Grantham, Scott**

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**From:** Pam Lynn <>  
**Sent:** Monday, February 1, 2021 1:03 PM  
**To:** Grantham, Scott  
**Subject:** Exemption Case #SP-2019-0600C OBJECTION

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

\*\*\* External Email - Exercise Caution \*\*\*

Mr. Grantham,

In the matter of Exemption Case #SP-2019-0600C, I wish to let you know that I **OBJECT** to the exemption.

I live opposite (across the greenbelt) of the proposed development at 4802 South Congress. As the Congress corridor continues to grow in density, I think park land near the development is necessary to the health and wellbeing of nearby citizens.

Thank You,  
Pamela Lynn  
4605 Goliad Ln.  
Austin TX

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**Grantham, Scott**

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**From:** Jacob Noack <>  
**Sent:** Monday, February 1, 2021 7:30 PM  
**To:** Grantham, Scott  
**Subject:** 4802 Congress Ave Objection

\*\*\* External Email - Exercise Caution \*\*\*

Hi Scott,

I object to the exemption application for 4802 Congress Ave (case # SP-2019-0600C). As a homeowner in the West Congress (Fairview) neighborhood and a native Austinite, I strongly believe the greenbelts should be open and inclusive of everyone.

Jacob Noack  
jacobnoack@me.com  
830-385-6863

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**Grantham, Scott**

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**From:** James Millard <>  
**Sent:** Monday, February 1, 2021 9:13 PM  
**To:** Grantham, Scott  
**Subject:** Objection to Exemption, Case SP-2019-0600C

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

\*\*\* External Email - Exercise Caution \*\*\*

Hi Scott,

I object to the developer's application for an exemption on case # SP-2019-0600C. Green space is not only vital to the neighborhood, but to maintaining the surrounding Williamson Creek area and green belt, especially with further development on the horizon.

Please let me know if you need anything else from me.

James Millard

Sent from my iPhone

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