

**CITY OF SAN ANTONIO
PARKS AND RECREATION DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Malcolm Matthews, Director, Parks and Recreation Department

SUBJECT: Unified Development Code Related to Parks/Open Space Standards

DATE: May 12, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance will approve an amendment to Section 35-503 of the Unified Development Code related to Parks/Open Space Standards to modify specifications for park land dedication and for the fee in-lieu-of park land dedication and to Section 35-344 related to Planned Unit Development District to require a minimum amount of parks/open space.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

San Antonio's Master Plan, adopted in 1997, recommended to "develop a requirement that subdividers of land provide recreational opportunities for City residents through the dedication of park land, or fees in-lieu-of dedication." The intent of subdivision park dedication is to address neighborhood park needs, not large urban or regional parks. The Unified Development Code (UDC), adopted in May 2001, included the City's first park requirement for residential development. With the desire to adopt the UDC in May 2001, it was agreed that certain issues regarding parks would be reevaluated at a later date.

In 2004, City Council directed staff to recommend changes to the UDC in order to increase the park dedication ratio and create a more workable document. Staff met with numerous representatives of neighborhoods, the development community, and Council Committees to address the issues. Staff recommended and the City Council approved several amendments on December 9, 2004, to include changing the residential dwelling unit-to-park acreage ratio, eliminating park categories as a requirement, setting minimum City park dedication size at three (3) acres or more, and increasing flexibility for private park development/size.

The one issue that was not resolved in December 2004 was the fee in-lieu-of park land calculation which was to be further discussed with the development community. The negotiated changes to Section 35-503, (g) Fee in Lieu of Land Dedication, have occurred with the Real Estate Council and have been approved by the Planning Commission's Technical Advisory Committee, the Planning Commission and the Parks and Recreation Advisory Board. The recommended amendment includes allowance for private property off site to satisfy the park

requirement, encourages more flexibility in joint school/park properties, sets fee in-lieu-of land percentages based on subdivision size, and sets a fair market value and cap in the fee in-lieu calculation (see Attachment I).

At the time of City Council postponement of the fee-in-lieu of park land provision on December 9, 2004, other language in the UDC in Section 35-344 Planned Unit Development District, (g) Parks/Open Space, was also postponed pertaining to the fee in-lieu-of park land. The Planning Commission previously adopted that Residential PUDs may not use a fee in-lieu for meeting parks/open space requirements. This amendment adopts the Planning Commission's recommendation on Section 35-344 Planned Unit Development District, (g) Parks/Open Space (see Attachment II).

POLICY ANALYSIS

The development of this plan is consistent with the City's policy of planning for the development of capital resources and services.

FINANCIAL IMPACT


This action will increase the amount of fee in-lieu-of land paid to the City (Park Dedication Fund) above the current requirement. In turn, the City will expend this increased funding for park property and/or improvements which will increase General Fund operation and maintenance costs by a corresponding amount. The annual estimated amount of \$300,000.00 in fees in-lieu collected should rise approximately 10%, or \$30,000.00, paid into the Park Dedication Fund.

COORDINATION

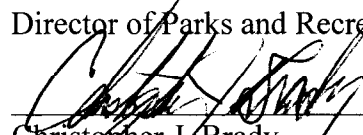
This amendment has been coordinated with the development community through the Real Estate Council, the Planning Commission, the Zoning Commission and the Parks and Recreation Advisory Board.

SUPPLEMENTARY COMMENTS

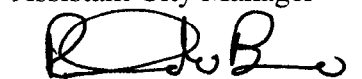
A copy of the amendment language is attached.



Malcolm Matthews
Director of Parks and Recreation



Christopher J. Brady
Assistant City Manager



J. Rolando Bono
Interim City Manager

ATTACHMENT I

(b) Required Parkland

(7) Alternate Location for Dedication (Off-Site Dedication)

In lieu of dedicating and improving park or open space within the subdivision or project boundaries as required by this section, the applicant may dedicate the amount of land required for dedication as determined in subsections (b), (c), (d), (e) and (h) of this Section on any site within one (1) mile of the subdivision or project, provided that the offsite park or open space shall have frontage on a street accessible to the public being served by the park or open space. The Alternate Location must be approved by the Director of Parks and Recreation, provided however such approval shall not be unreasonably withheld. Identification of any use of this subsection must be placed on plat for recordation, to include legal description of property satisfying the park requirement.

(c) Parkland Characteristics

(5) School Site Locations

Park sites shall be located, whenever possible, adjacent to and contiguous with school sites in order to make maximum use of common facilities and grounds. Land area dedicated to a school district shall be credited toward the minimum requirements of subsection (b) of this Section if there is a joint use agreement between the City and the school district.

If the parkland or open space required to be dedicated by this section is included within the boundaries of a public school site, the Director of Parks and Recreation may waive any of the provisions of this section other than subsection (b)(1) and Table 503-1, *Required Parkland*.

(g) Fee in Lieu of Land Dedication (Optional)

The intent of the park dedication requirement is to provide parks in neighborhoods. However, circumstances may arise that do not allow parkland dedication.

- (1) In lieu of the dedication of required parkland, an applicant may deposit with the City a cash payment in lieu of land:

 - a. Applicants may meet up to 100% of the parkland dedication requirement through the payment of a fee in lieu of dedication when:
 - i. The proposed subdivision contains less than 210 dwelling units; or
 - ii. The proposed subdivision is zoned multi-family and lies within Loop 410.
 - b. Applicants may meet up to 50% of their dedication requirement through the payment of a fee in lieu when:
 - i. The proposed subdivision contains 210 or more dwelling units, but less than 350.
 - c. Proposed subdivisions exceeding 350 dwelling units may not pay a fee in lieu of the required parkland dedication.

- (2) The Director of Parks and Recreation shall determine the amount to be deposited, based on the following formula:

$$(A \times V) + D = M$$

- A = The amount of land required for dedication as determined in subsection (3)(b) of this section.
V = The fair market value (per acre) of the property to be subdivided, as established by an approved method.
D = The average development cost as calculated in subsection (5) of this section.
M = The number of dollars to be paid in lieu of dedication of land.

- (3) For purposes of computing the fair market value of property, variable V in equation above, the applicant may select one of the following:
- The current fair market value of the land as determined by a MAI certified real estate appraiser at the applicant's expense.
 - The actual purchase price of the property as evidenced by the applicant's most recent purchase money contract or closing statement dated within two years of the date of application.
- (4) The fair market value, variable V, shall not exceed thirty thousand dollars (\$30,000) per acre. The fair market value cap may be revised annually during the City's budget adoption process beginning with the adoption of the fiscal year 2007 budget. The annual revision shall be based upon the Consumer Price Index. Beginning in 2010, and once every fifth (5th) year thereafter, the fair market value cap may be adjusted based on the evaluation and recommendation of a consultant selected and engaged by the City.
- (5) For purposes of computing the additional amount for development cost of street and pedestrian access and utilities of the site, variable D in the equation above shall equal the total number of dwelling units multiplied by \$250.00. The amount established in this subsection may be revised annually during the City's budget adoption process beginning with the adoption of the fiscal year 2007 budget. The annual revision shall be based upon the Consumer Price Index. Beginning in 2010, and once every fifth (5th) year thereafter, the fair market value cap may be adjusted based on the evaluation and recommendation of a consultant selected and engaged by the City.
- (6) For fees collected that do not exceed fifteen thousand dollars (\$15,000), and there are no available properties within two miles, then areas within (4) miles of the periphery of the proposed subdivision may be considered for the acquisition and development of neighborhood park land and/or construction of improvements to existing park land within such periphery.

ATTACHMENT II

35-344 *Planned Unit Development District ("PUD")*

(g) Parks/Open space

Each residential PUD plan shall provide for a minimum amount of parks/open space as required by the Parks/Open Space Standards (35-503) of this Chapter. Residential PUDs may not use a fee in lieu for meeting Parks/Open Space requirements.

All commercial and industrial PUDs will contain a minimum of 20% of Parks/Open Space.

Mixed-use developments shall be divided into separate residential and commercial areas which must separately meet the requirements of this paragraph and 35-344(c)(2)

~~subsection (1) below. Parks/Open Space shall include yards, as well as any Parks/Open Space areas which conform to the Parks/Open Space Standards (§ 35-503) of the Chapter. Up to twenty (20) percent of the total open space requirement may be met by including one-half of any accessible and contiguous parkland, unimproved floodplain, cemetery, or other beneficial open area which has a reasonable expectancy of perpetuity.~~

~~(1) Parks/Open space percentages.~~

~~The minimum open space percentage requirements are as indicated in the table below. They are calculated by dividing the total open space within a PUD by the gross site area. The land use category shall be determined by the base zoning district. For PUDs which include both residential and nonresidential uses, the required open space shall be calculated by multiplying the open space percentage times the area of each use and adding the products thus obtained.~~

<i>Land Use Category</i>	<i>Required Parks/Open Space (in percent)</i>
Residential	35%
Non-Residential	20%

(21) Reduction in parks/open space.

At its discretion, the planning commission may approve a decrease in the amount of required parks/open space when the PUD plan includes unique design features or amenities which achieve an especially attractive and desirable development such as, but not limited to, terraces, sculpture, water features, preservation and enhancement of unusual natural features, or landscape sculpture (areas which are intensely landscaped).