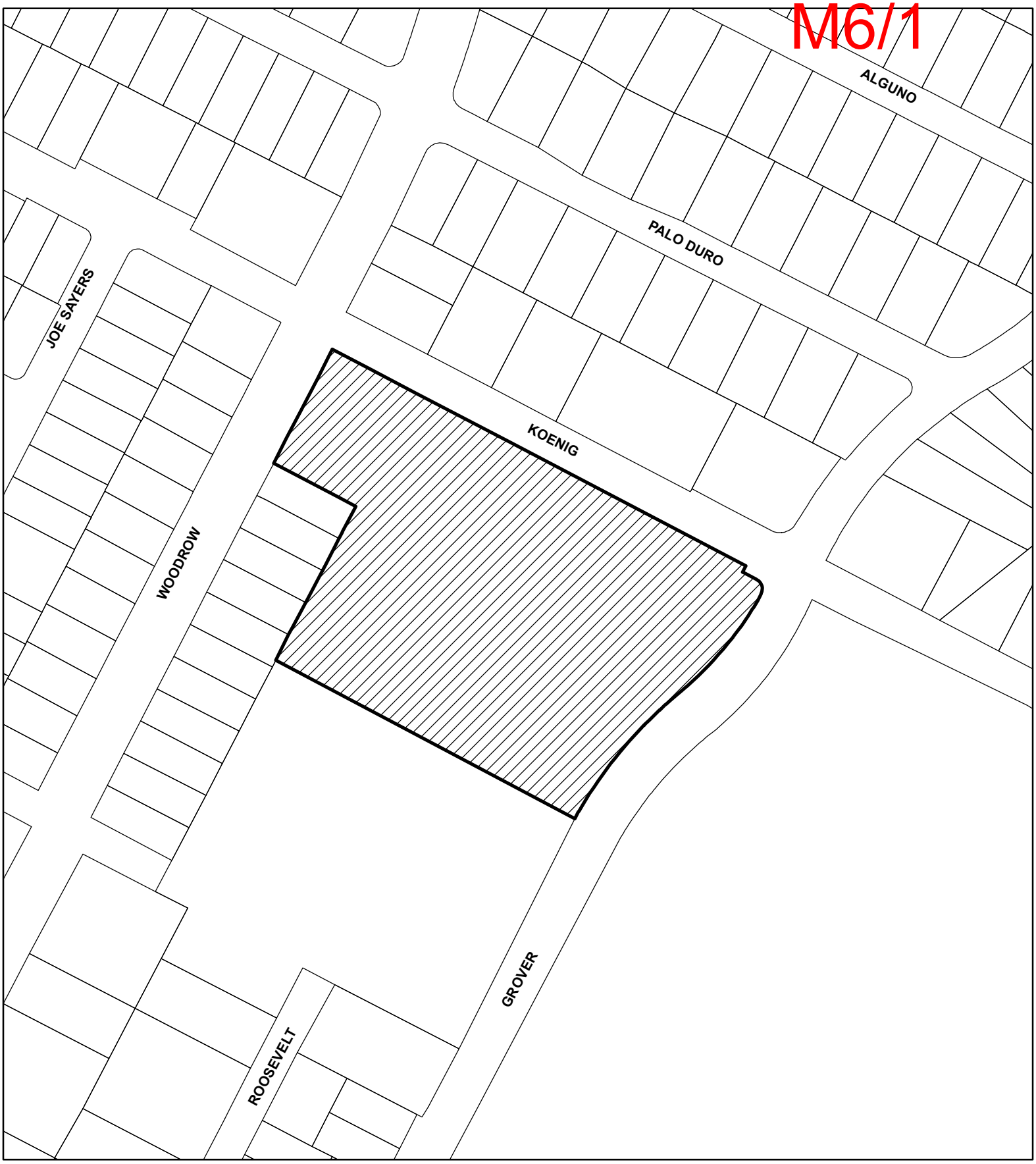
M6/1



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 175 '

NOTIFICATIONS

CASE#: C15-2017-0018

LOCATION: 1301 W Koenig Lane

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

M6/2

SMITH|ROBERTSON
Attorneys at Law

David Hartman
PARTNER

Direct Line 512.225.1704 • Direct Fax 512.225.1714
Email: dhartman@smith-robertson.com

March 27, 2017

Leane Heldenfels
Board of Adjustment Liaison
City of Austin
1st Floor – Development Assistance Center
505 Barton Springs Road
Austin, TX 78704

Re: 1301 Koenig Lane, comprising approximately 5.416 acres (the "Property") – Board of Adjustment General Variance Application (Case C15-2017-0018, the "Variance Application)

Dear Ms. Heldenfels:

On behalf of the applicant, owner of the Property in the above-referenced matter, we submitted the Variance Application.

The Property is located on the south side of West Koenig Lane, between Woodrow Avenue and Grover Avenue, and was previously occupied by an automotive sales and repair use. Property zoned SF-3 adjacent to the subject tract -- McCallum High School to the east, and SF-lots to the west – trigger Article 10 (Compatibility Standards) of Subchapter A, Chapter 25-2, of the Austin Land Development Code with respect to the subject tract. (See Exhibits 6-8 of the Variance Application).

The Property is currently zoned CS-MU-CO-NP, and a conditional overlay to the Brentwood Neighborhood Plan approved May 2004 limits height of the Property to 40 feet and 3 stories. The applicant filed a zoning application Case C14-2016-0071 to rezone the 5.04 Tract 1 MF-6 for proposed apartments, and contemplated Tract 2 (0.37 acres) as proposed retail use per existing zoning. The zoning application also requested modifying the existing CO to authorize a maximum of 4 stories on the Property (the zoning application otherwise did not propose to modify the 40' maximum height limitation per the existing CO). The Planning Commission unanimously approved the rezoning request, with conditions, on December 14, 2016, and it is scheduled for first reading by the City Council on 4-20-17.

In early 2017, City floodplain staff informed the Property project team of City staff's interpretation of City Code provisions that required raising the proposed apartment buildings slightly higher than initially contemplated. This recent floodplain staff interpretation necessitates a slight increase of the proposed maximum height for the proposed apartment buildings from 40' as initially contemplated, to a maximum 45'. This height increase required by City floodplain staff's interpretation requires (1) the requested variances, as described in more detail in the Variance Application, and (2) modifying the rezoning case to authorize a maximum height of 45'. The project team continues discussions with the Brentwood Neighborhood Association regarding the variances requested in the Variance Application, and we are optimistic based on discussions to date that BNA will support these requests.

We look forward to providing additional detail to Board of Adjustment Commissioners at their April 10, 2017, meeting.

Regards,

David Hartman

{002.00186009.1}

M6/3

CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment
General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, click here to Save the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: **1301 W. Koenig Lane, Austin, Texas 78756**

Subdivision Legal Description:

Lot 1, Wilder Addition Section 2, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 85, Page 138D in the Plat Records of Travis County, Texas and Lots 13, 14, and 15, Wilder Addition Section 1, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 5, Page 19 in the Plat Records of Travis County, Texas

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: **CS-MU-CO-NP**

I/We **David Hartman (Smith Robertson, LLP)** on behalf of myself/ourselves as authorized agent for **Hardeman Family Joint Venture, Ltd.** affirm that on **MARCH** 14, **2017**, I/we hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

X Erect Attach Complete Remodel Maintain Other: _____

Type of Structure: **Apartment – Max. 4 stories and 45 ft.**

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

1. **Section 25-2-1063(B) to decrease the distance that a structure can be constructed from property on which a use permitted in an SF-5 or more restrictive zoning district is located from 25 feet (required) to 5 feet (requested) to allow for an 8' wide concrete sidewalk and 12' wide easement for a public Sidewalk, Recreational, and Trail Easement pursuant to Onsite Parkland Dedication Requirements required by PARD**

2. **Section 25-2-1063(C)(2) to increase the allowed height of a structure more than 50 feet but not more than 100 feet from property in an SF-5 or more restrictive zoning district or on which a use permitted in an SF-5 or more restrictive zoning is located, from 3 stories and 40 feet (required/permitted) to 4 stories and 45 feet (requested). [Note: Applicant is limiting development to maximum 4 stories and 45 feet height in connection with this variance application, and related rezoning case.]; and**

3. **Section 25-2-1063(C)(3) to increase the allowed height of a structure more than 100 feet but not more than 300 feet from property in an SF-5 or more restrictive zoning district, from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive (required/permitted by LDC), to a maximum 45 feet (requested). [Note: Applicant is limiting development to maximum 4 stories and 45 feet height in connection with this variance application, and related rezoning case.]**

4. **Section 25-2-899(D)&(E)(Fences as Accessory Uses) to increase the fence height permitted from an average of 6 feet or a maximum of 7 feet (required/permitted) to 8 feet average height (requested).**

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use
The zoning regulations applicable to the property do not allow for a reasonable use because:

The property is located along primary arterial (Koenig Lane, a 4 lane undivided arterial) that is bounded by single-family uses to the west/southwest part of the property, and McCallum High sport field zoned SF-3 to the east which triggers compatibility limitations thereby hindering redevelopment of the property. A rezoning of the Property to allow for modification to the zoning height/story limit is currently on file. The Brentwood Neighborhood Association supports the zoning application including the proposed height/story modification, with conditions.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

Existing topography, Heritage Trees, easements, and floodplain constraints uniquely encumber the property and reduce the geometric footprint for the proposed apartment development. Multiple easements exist along the southern property line, including an approx. 16,760 s.f. (0.4 acre) drainage easement. These multiple site constraints are not common to other properties, and limit the ability for an alternative configuration of the proposed apartment building. The variance request results from recent City floodplain staff interpretation requiring slightly elevating the proposed apartment building.

b) The hardship is not general to the area in which the property is located because:

Some existing tracts in the vicinity are zoned multifamily with frontage on Koenig Lane, a principal arterial road (as well as Lamar Blvd., and Burnet Rd., which are both also principal arterial roads), but are not affected by McCallum High zoned SF-3 to the east, and the immediately adjacent existing residential to the west. The property is uniquely constrained by floodplain, easements, Heritage Trees, and other on-site constraints not general to the area. Shifting the proposed building footprint could result in the undesirable removal of Heritage Tree(s).

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

(i) Will not alter character of area adjacent to the property: The proposed development is similar to other "peer" proposed apartments in the area that are also located adjacent to single family.

(ii) Will not impair the use of adjacent conforming property: The proposed development incorporates screening per agreement with Brentwood Neighborhood Association, and buffering per LDC compatibility requirements. The proposed variance to increase height of fence along the property line of single family residences adjacent to Woodrow Ave. provides additional buffering/screening.

(iii) Will not impair the purpose of the regulations of the zoning district in which the property is located: The maximum height of both the existing CS and proposed MF-6 zoning district are higher than under the proposed development as authorized pursuant the variance. The proposed development, with the approved variance, would be far less intense than allowed pursuant to development intensity authorized pursuant to development standards under the existing or proposed zoning category.

The character of the area will be preserved and strengthened by adequate screening, and other requirements set forth in the zoning case as requested by Brentwood Neighborhood Association.

Parking (additional criteria for parking variances only)
Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

M6/7

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: _____ Date: **March 14, 2017**

Applicant Name (typed or printed): **David Hartman**

Applicant Mailing Address: **221 West 6th Street, Suite 1100**

City: **Austin** State: **TX** Zip: **78701**

Phone (will be public information): **(512) 225-5800**

Email (optional – will be public information): **dhartman@smith-robertson.com**

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: _____ Date: **March ___, 2017**

Owner Name (typed or printed): **Hardeman Family Joint Venture, Ltd.**

Owner Mailing Address: **6757 Airport Blvd.**

City: **Austin** State: **TX** Zip: **78752**

Phone (will be public information): **(512) 454-6821**

Email (optional – will be public information):

Section 5: Agent Information

Agent Name: **David Hartman**

Agent Mailing Address: **221 West 6th Street, Suite 1100**

City: **Austin** State: **TX** Zip: **78701**

Phone (will be public information): **(512) 225-5800**

Email (optional – will be public information): **dhartman@smith-robertson.com**

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Additional Space (continued)

M6/9

June 29, 2016

City of Austin
Development Review and Inspection Department
Post Office Box 1088
Austin, Texas 78767

Dear Ladies and Gentleman:

The undersigned, owner of land located at 1301 West Koenig Lane, in Austin, Texas, 78756 as more particularly described in Exhibit A attached hereto and made a part hereof (the "Property"), hereby authorize Smith, Robertson, Elliott & Douglas, L.L.P., to act as my agent in connection with any application to zone, subdivide, amend public restrictive covenants or neighborhood plans, and/or develop all or any portion of the Property, and any related matters.

HARDEMAN FAMILY JOINT VENTURE, LTD.,
a Texas limited partnership

By: Bryan Hardeman
Bryan Hardeman, its General Partner

EXHIBIT A

Legal Description

Lot 1, Wilder Addition Section 2, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 85, Page 138D in the Plat Records of Travis County, Texas, and Lots 13, 14 and 15, Wilder Addition Section 1, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 5, Page 19 in the Plat Records of Travis County, Texas.

M6/11

LIST OF EXHIBITS

1301 Koenig Lane – Board of Adjustment Variance Application

EXHIBIT PAGE

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        ii. 3 Story Maximum
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        i. 45' Maximum Height Envelope (w/ Variance)
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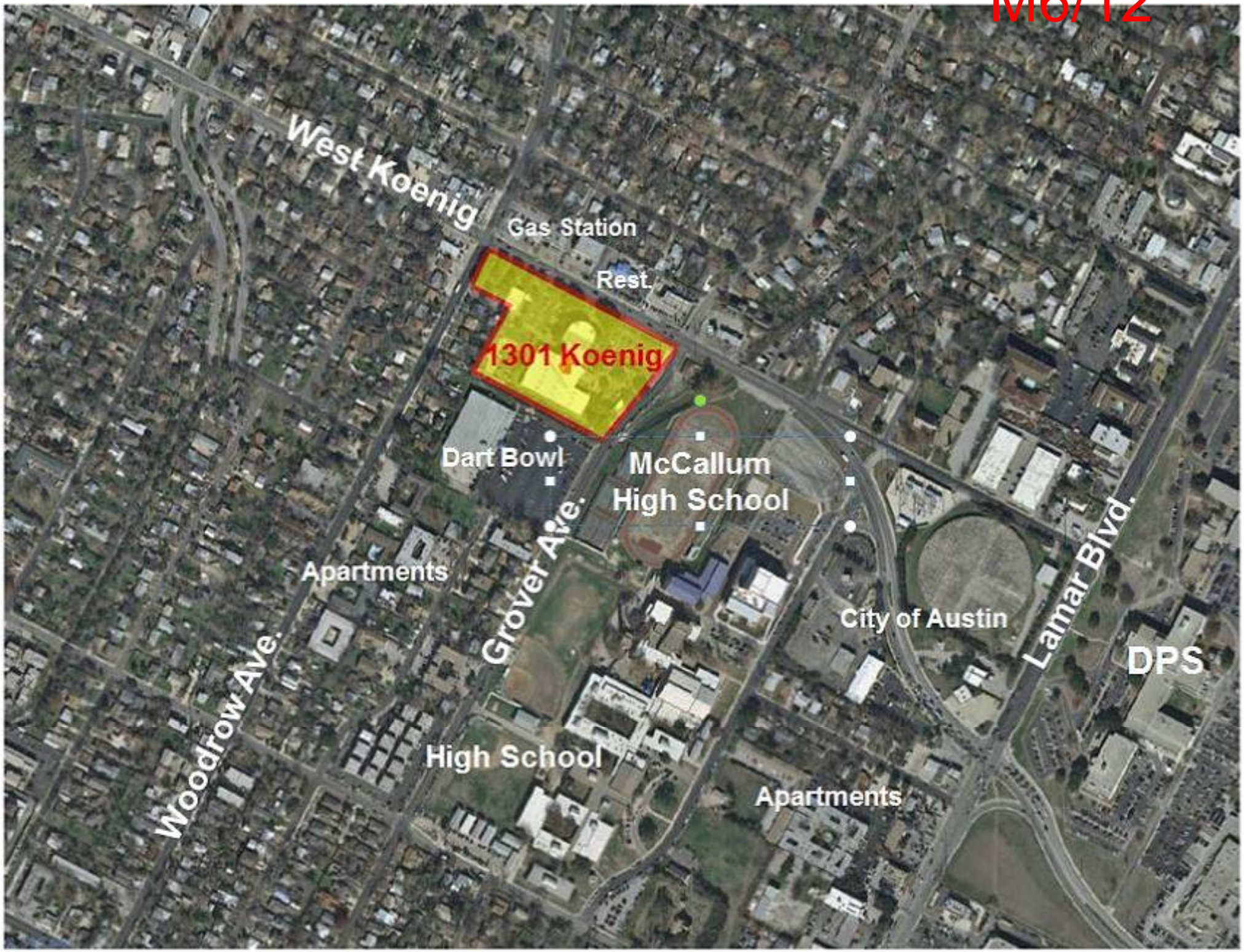
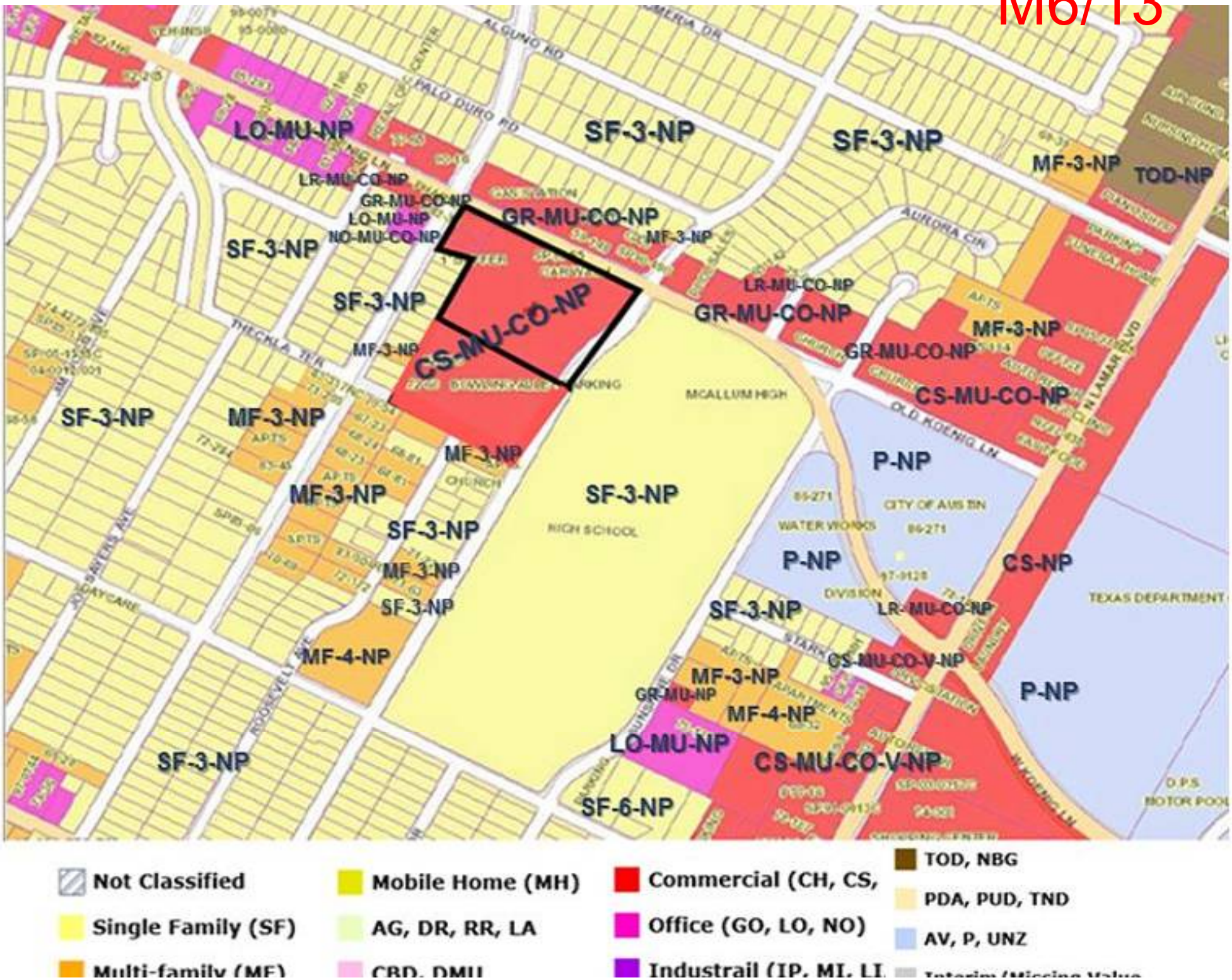
    d. Existing Compatibility Woodrow Ave. 22
        i. 40' Maximum Height Compatibility Envelope
        ii. 3 Story Maximum
    e. Proposed Compatibility Woodrow Ave. 23
        i. 45' Maximum Height Envelope (w/ Variance)
        ii. 4 Story Maximum (w/ Variance)
14. Other Adjacent Area Peer Apartments (fronting Koenig Lane, Lamar Blvd., Burnet Rd.).....24-25


West Koenig
Gas Station
Rest.
1301 Koenig
Dart Bowl
McCallum
High School
Grover Ave.
Apartments
City of Austin
Lamar Blvd.
DPS
Woodrow Ave.
High School
Apartments

M6/13



LO-MU-NP
SF-3-NP
SF-3-NP
MF-3-NP
TOD-NP
LR-MU-CO-NP
GR-MU-CO-NP
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GR-MU-CO-NP
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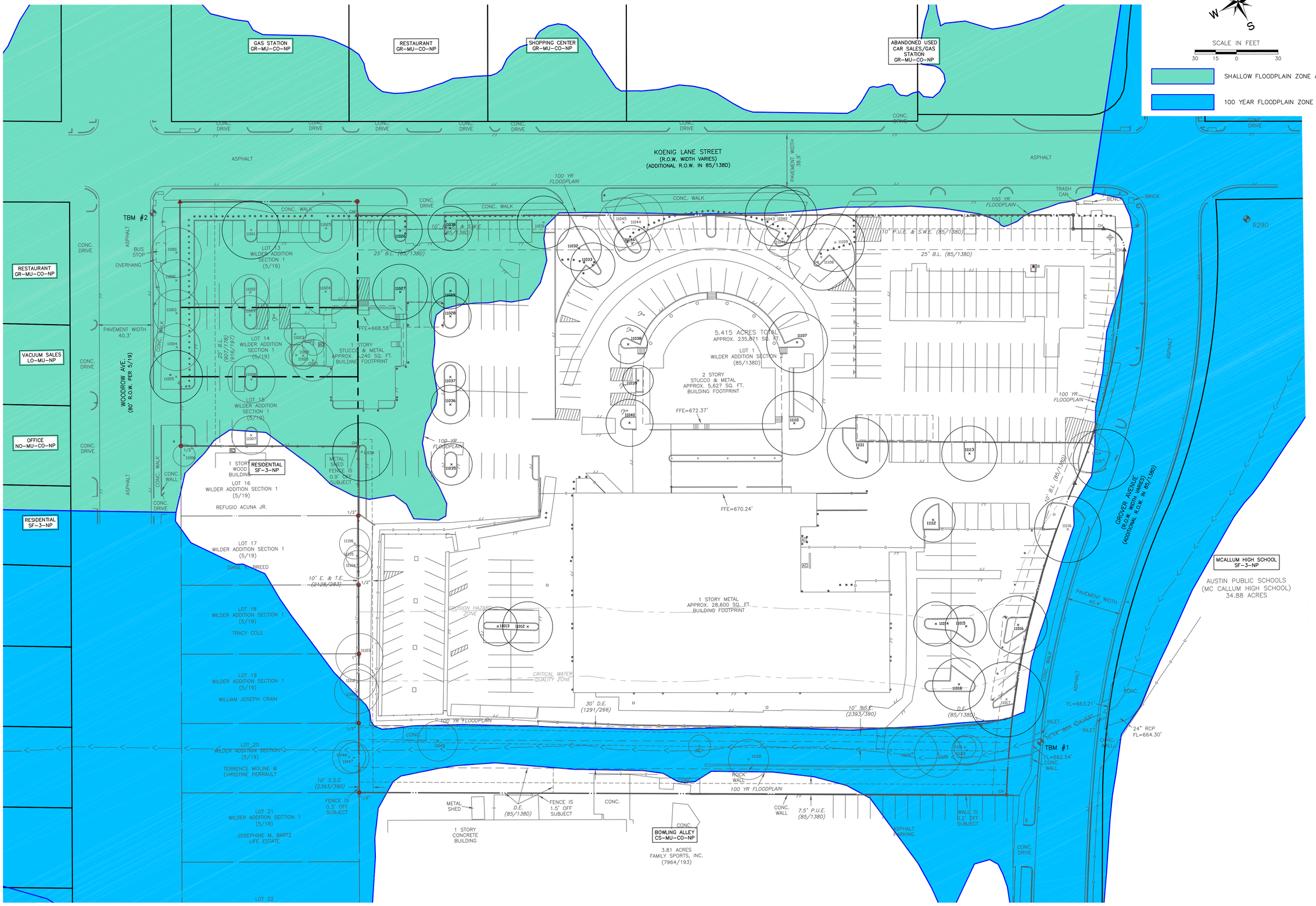
CS-MU-CO-V-NP
SF-3-NP
SF-6-NP
MCALLUM HIGH
HIGH SCHOOL
CITY OF AUSTIN
WATER WORKS
DIVISION
TEXAS DEPARTMENT
D.P.S
MOTOR POOL
ALGUNO RD
PALO DURO RD
AURORA CIR
THECKLA TER
OLD KOENIG LN
N LAMAR BLVD
ROOSEVELT AVE
JOSEPHINE AVE
Not Classified
Single Family (SF)
Multi-family (MF)
Mobile Home (MH)
AG, DR, RR, LA
CBD, DMU
Commercial (CH, CS,
Office (GO, LO, NO)
Industrail (IP, MI, LI
TOD, NBG
PDA, PUD, TND
AV, P, UNZ



TEXAS REGISTRATION F4932
P.O. BOX 3639
CEDAR PARK, TEXAS 78630
PHONE (512) 900-7862
FAX (512) 900-7862

360 PROFESSIONAL SERVICES, INC.

1303 W KOENIG LANE
AUSTIN, TEXAS

EXISTING CONDITIONS EXHIBIT

Scale: AS SHOWN
Designed by:
Drawn by:
Checked by:
Date: MARCH 2017
Project No.

PLOT DATE: 3/10/2017 12:36pm PLOTTED BY: Meredith
LAYOUT: Exist IMAGES: SJF Sign01 3097-43_1_c_2.tif 3097-43_1_c_4.tif
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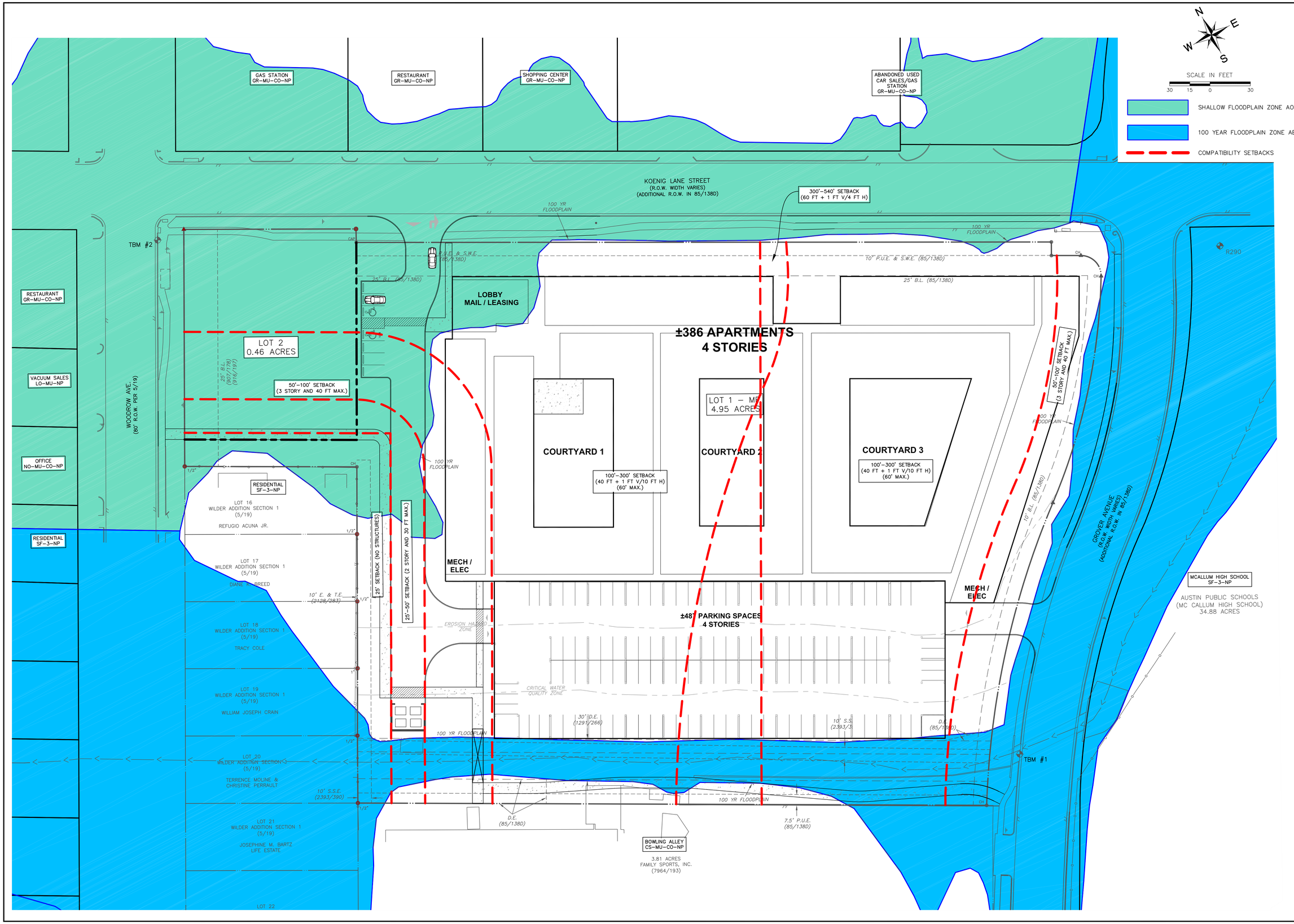
M6/15



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P.O. BOX 3639
CEDAR PARK, TEXAS 78630
PHONE (512) 354-4682
FAX (512) 900-7962

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1303 W KOENIG LANE
AUSTIN, TEXAS

PROPOSED CONDITIONS CONSTRAINTS EXHIBIT

Scale: AS SHOWN
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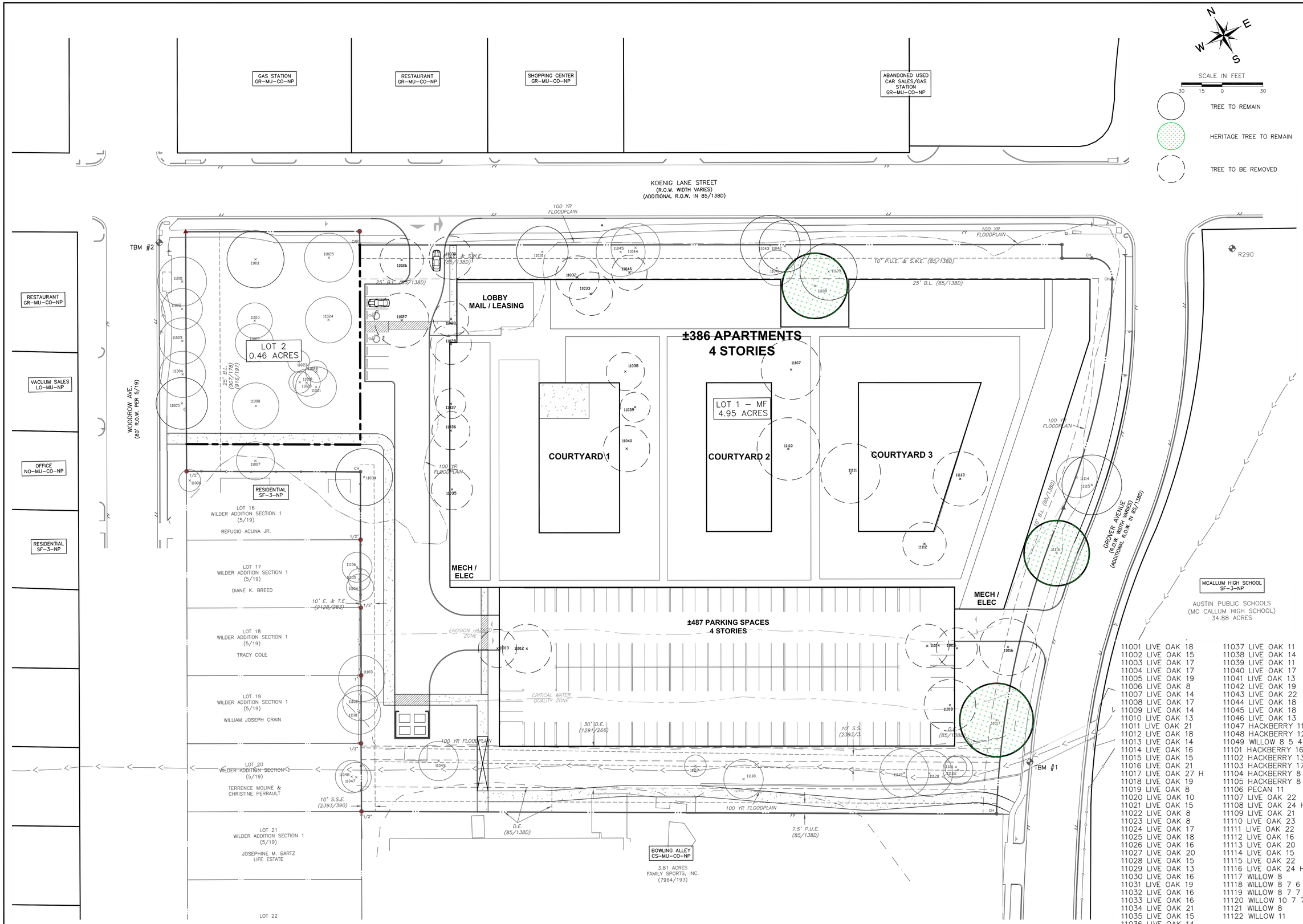
Date: MARCH 2017
Project No.



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11002 LIVE OAK 15	11038 LIVE OAK 14
11003 LIVE OAK 17	11039 LIVE OAK 11
11004 LIVE OAK 17	11040 LIVE OAK 17
11005 LIVE OAK 19	11041 LIVE OAK 13
11006 LIVE OAK 8	11042 LIVE OAK 19
11007 LIVE OAK 14	11043 LIVE OAK 22
11008 LIVE OAK 17	11044 LIVE OAK 18
11009 LIVE OAK 14	11045 LIVE OAK 18
11010 LIVE OAK 13	11046 LIVE OAK 13
11011 LIVE OAK 21	11047 HACKBERRY 11
11012 LIVE OAK 18	11048 HACKBERRY 12
11013 LIVE OAK 14	11049 WILLOW 8 5 4 4
11014 LIVE OAK 16	11101 HACKBERRY 16
11015 LIVE OAK 15	11102 HACKBERRY 13
11016 LIVE OAK 21	11103 HACKBERRY 17
11017 LIVE OAK 27 H	11104 HACKBERRY 8 4
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11019 LIVE OAK 8	11106 PECAN 11
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11034 LIVE OAK 21	11121 WILLOW 8
11035 LIVE OAK 15	11122 WILLOW 11
11036 LIVE OAK 14	

TEXAS REGISTRATION F4932
P.O. BOX 3639
CEDAR PARK, TEXAS 78630
PHONE (512) 340-9482
FAX (512) 900-7962
360 PROFESSIONAL SERVICES, INC.

1303 W KOENIG LANE
AUSTIN, TEXAS

PROPOSED CONDITIONS TREE EXHIBIT

Scale: AS SHOWN
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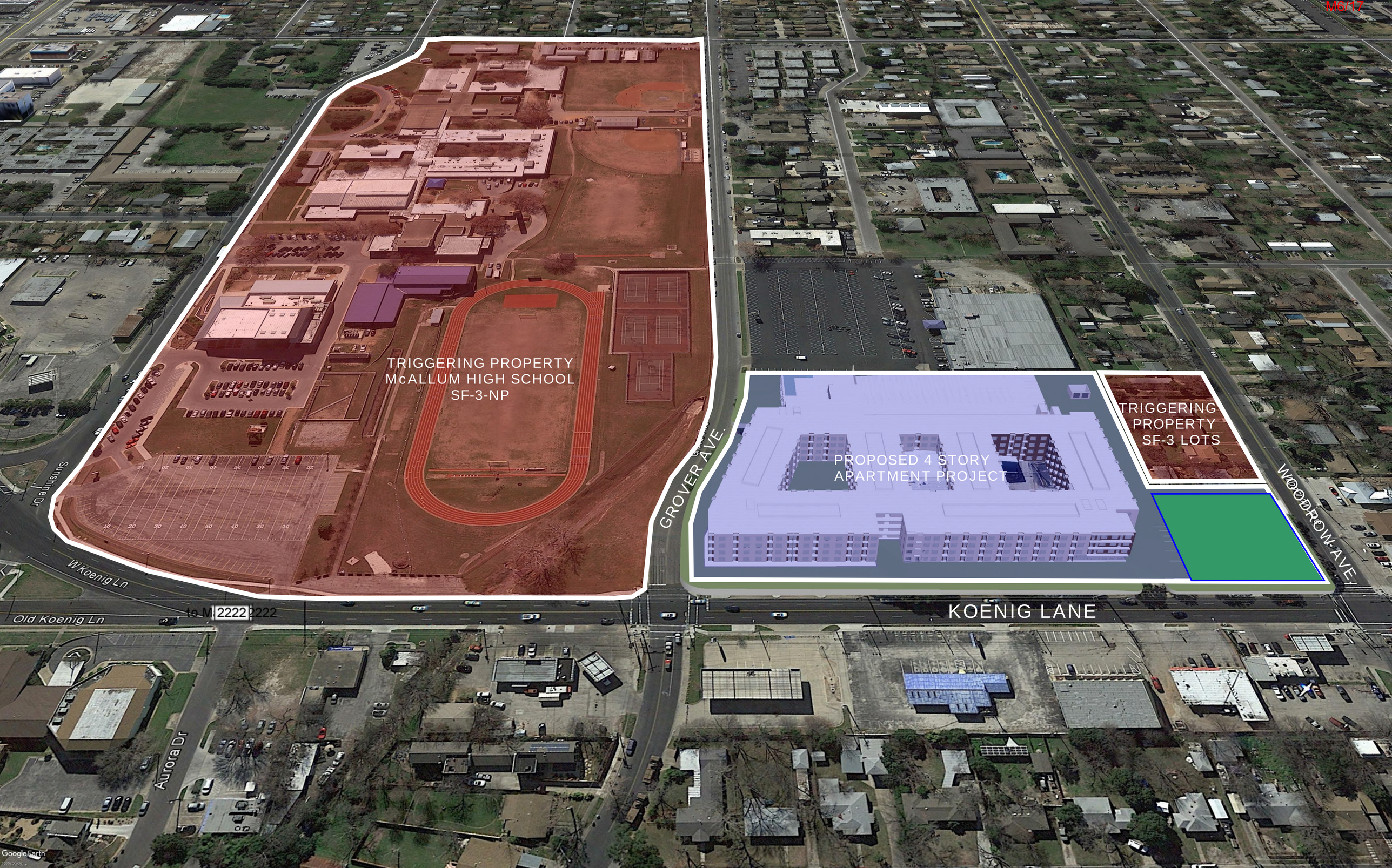
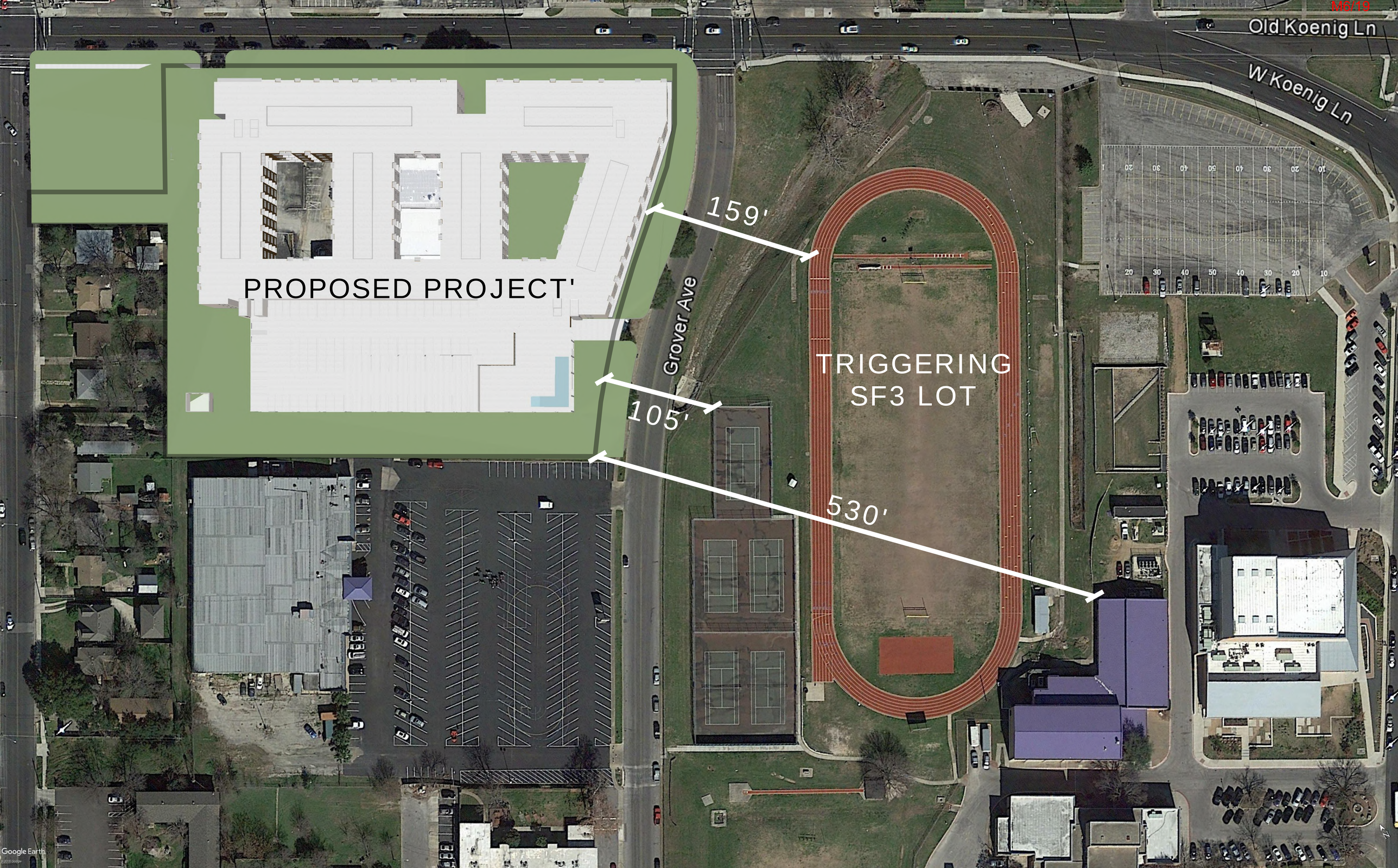
Drawn by:
Checked by:
Date: MARCH 2017
Project No.

PLOTTED BY: Meredith


TRIGGERING PROPERTY
McALLUM HIGH SCHOOL
SF-3-NP
PROPOSED 4 STORY
APARTMENT PROJECT
TRIGGERING
PROPERTY
SF-3 LOTS
GROVER AVE.
WOODROW AVE.
KOENIG LANE
Sunshine Dr
W Koenig Ln
Old Koenig Ln
Aurora Dr
Google Earth

W Koenig Ln
2222
Woodrow Ave
PROPOSED PROJECT
65'
SF-3 LOTS
Grover Ave
Google Earth


Old Koenig Ln
W Koenig Ln
PROPOSED PROJECT'
159'
105'
530'
Grover Ave
TRIGGERING
SF3 LOT
Google Earth

GROVER AVE. LOOKING TOWARDS KOENIG LANE

GROVER AVE. LOOKING AWAY FROM KOENIG LANE

GROVER AVE.
KOENIG LANE
Google Earth

GROVER AVE.
Biggs Plumbing Company
Plumbing Services
KOENIG LANE
Google Earth
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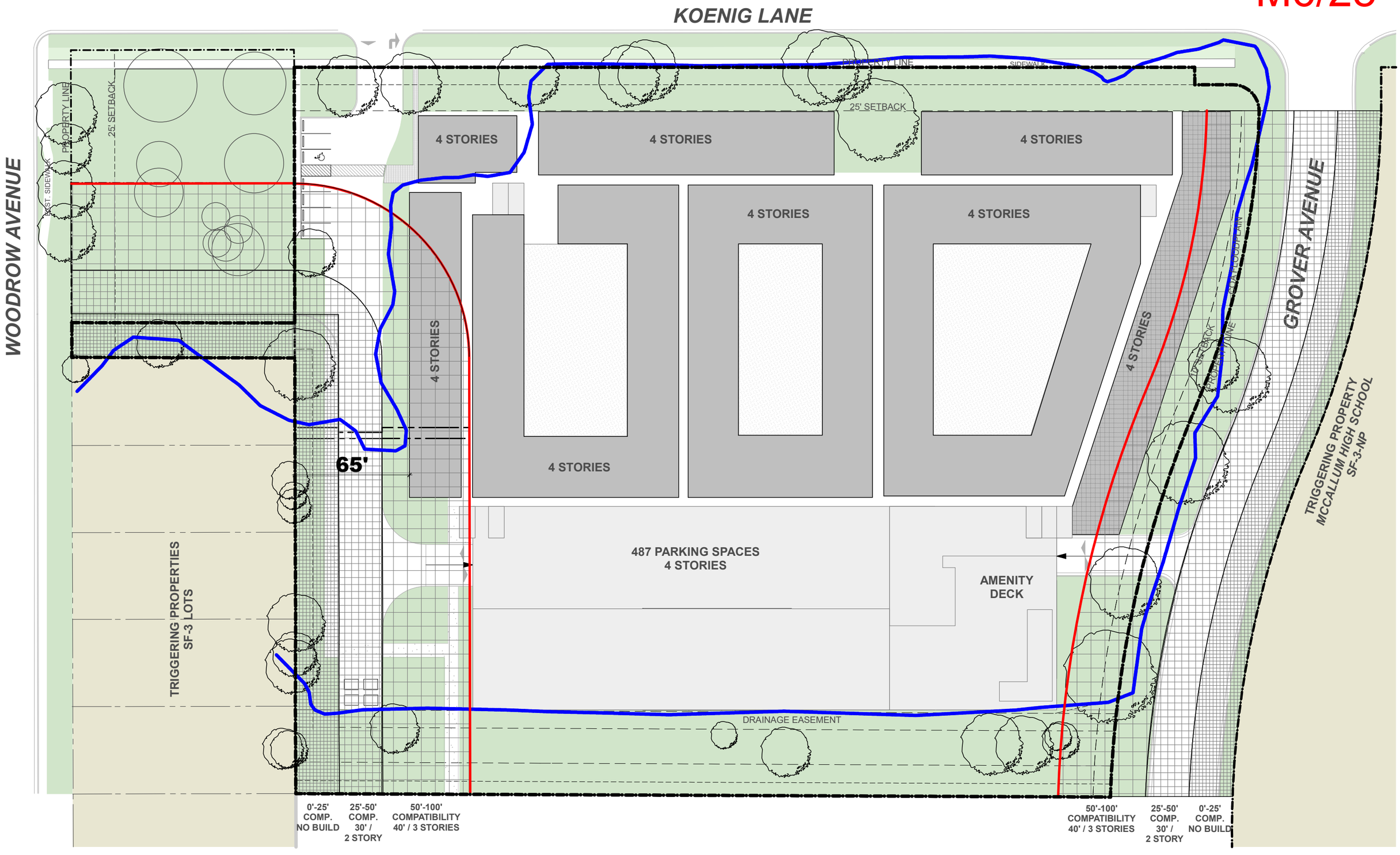
KOENIG LANE
GROVER AVE.
Google Earth

GROVER AVE
KOENIG LANE
Google Earth

KOENIG LANE
WOODROW AVE.
ONLY
Google Earth

KOENIG LANE
KOENIG LANE
WOODROW AVE.
Woodrow Ave
Google Earth



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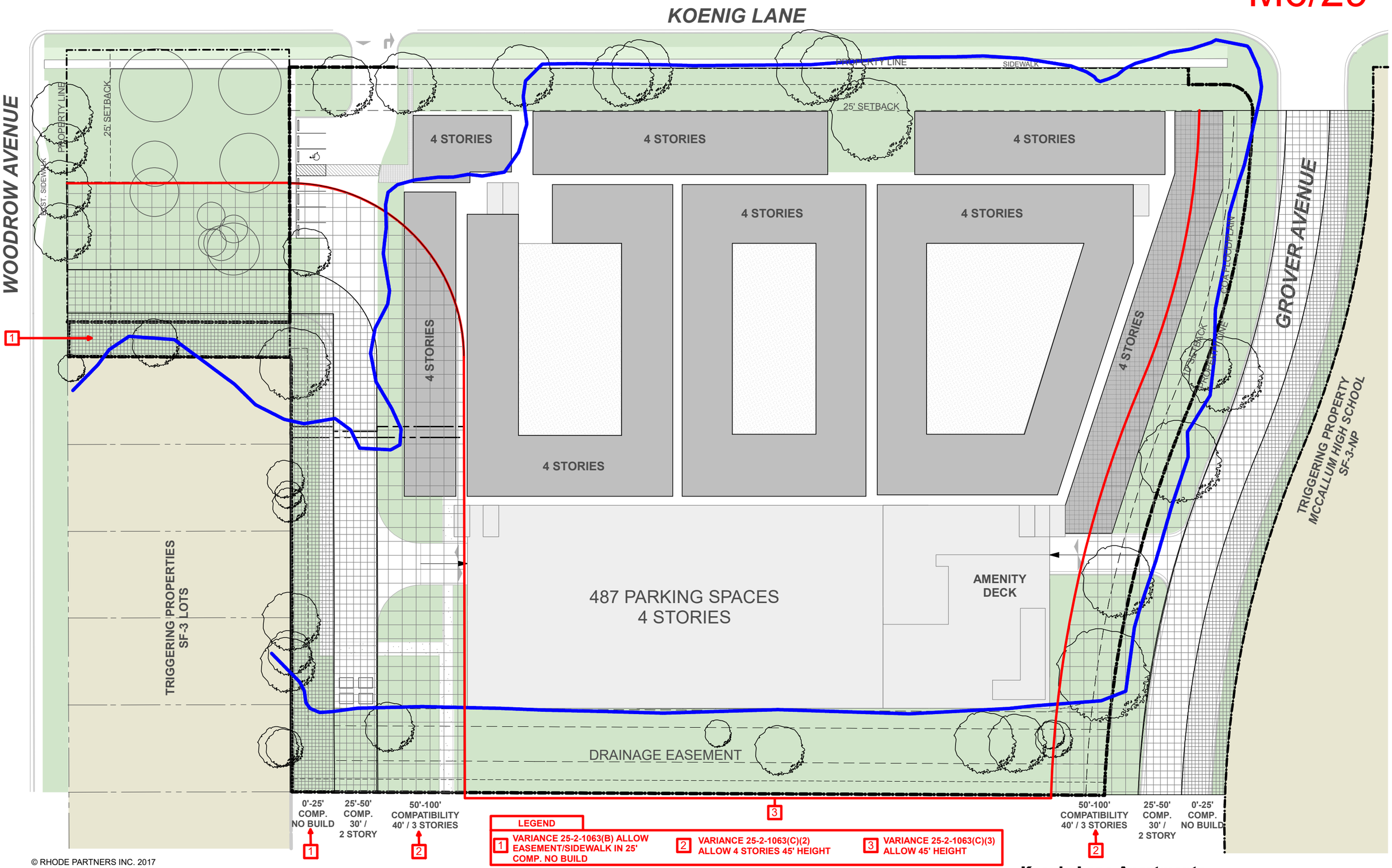
Koenig Lane Apartments
Austin, TX

RHODE : PARTNERS
515 Congress Suite 1600 Austin Tx 78701
www.rhodepartners.com
512.473.0923
512.473.0177



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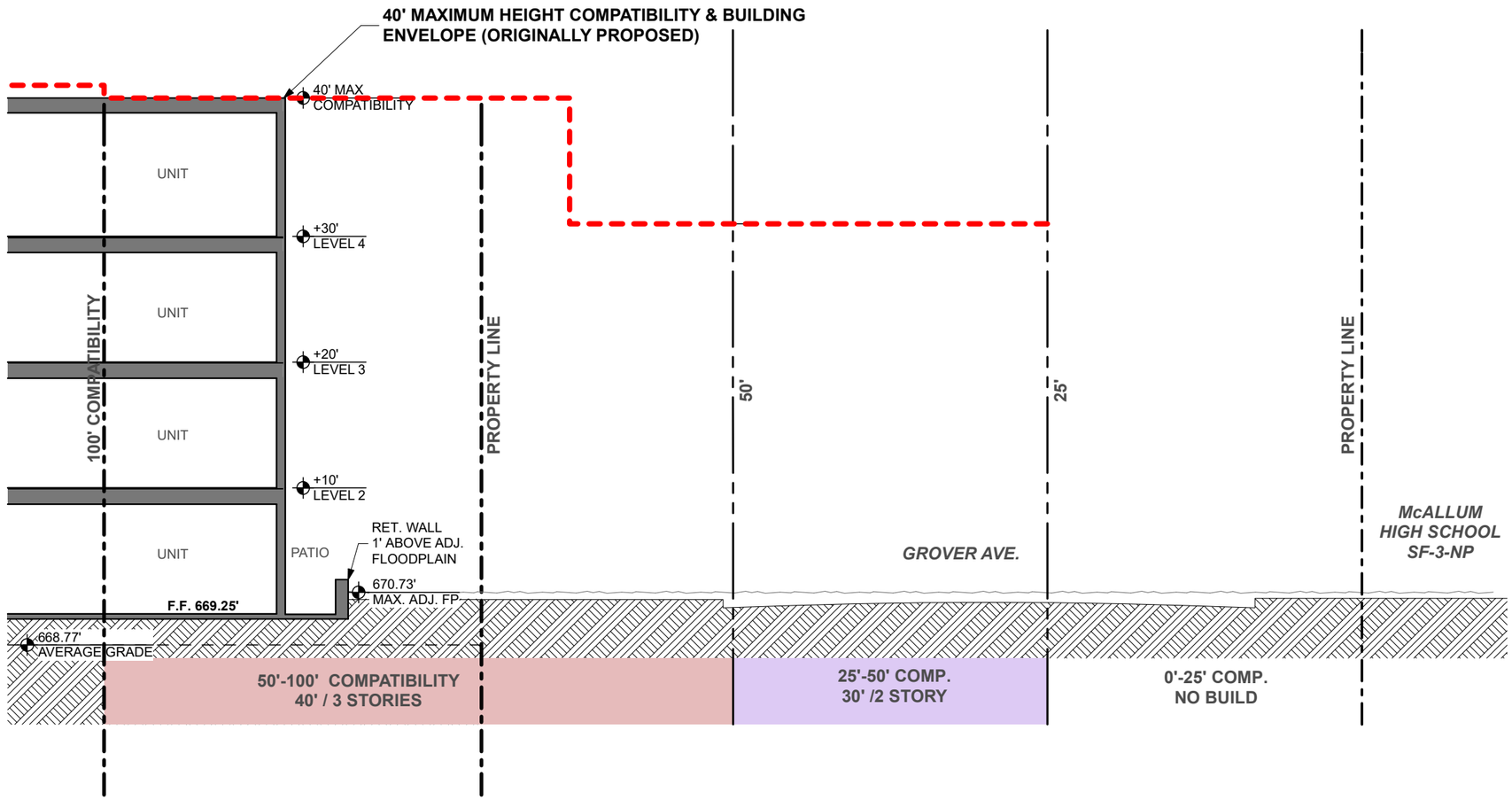

ORIGINALLY PROPOSED COMPATIBILITY - GROVER AVE

SCALE : 1" = 25'

1

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Koenig Lane Apartments
Austin, TX

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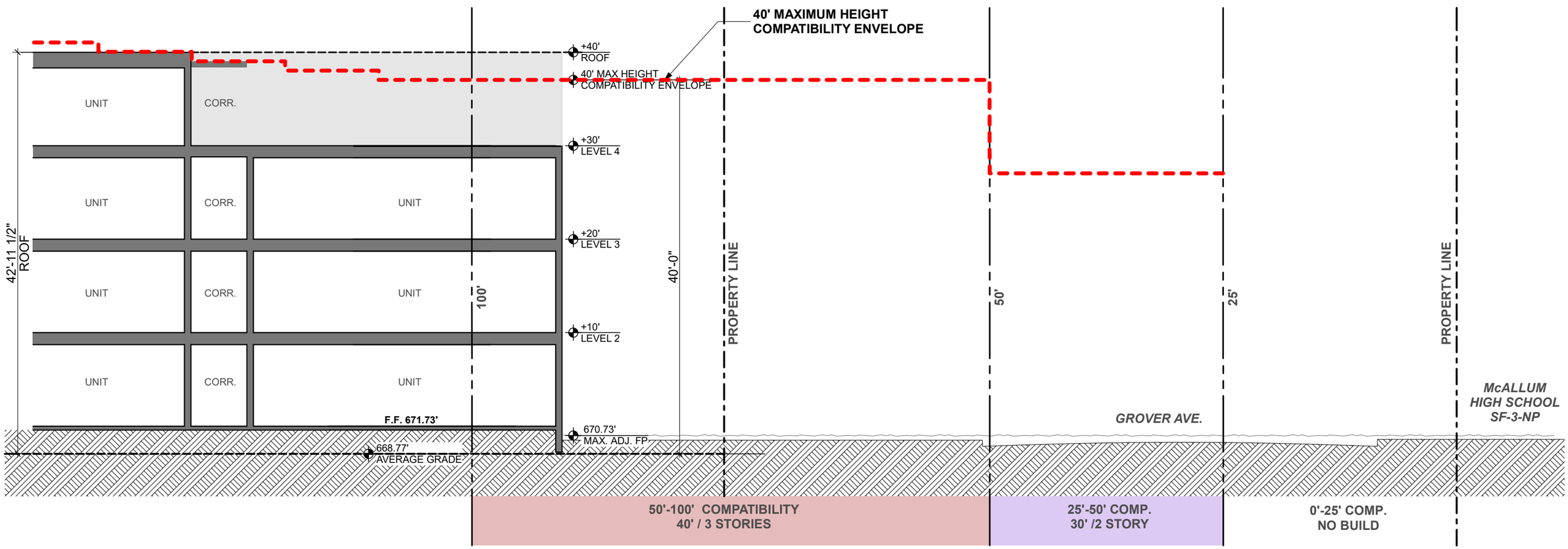

EXISTING COMPATIBILITY - GROVER AVE

SCALE : 1" = 25'

1

RHODE : PARTNERS
515 Congress Suite 1600 Austin Tx 78701
www.rhodepartners.com
512.473.0923
512.473.0177

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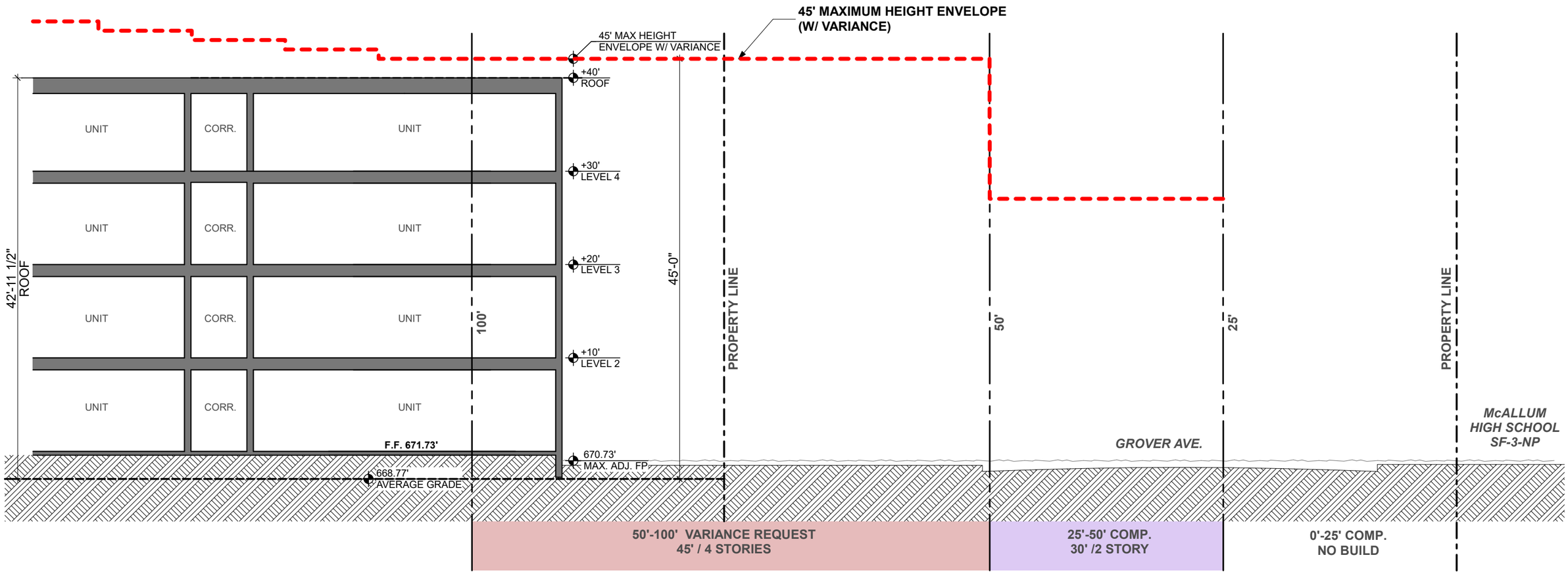
IF THIS DOCUMENT IS NOT SIGNED, SEALED, AND DATED, IT MAY NOT BE USED FOR REGULATORY APPROVAL, PERMIT OR CONSTRUCTION

Koenig Lane Apartments
Austin, TX



PROPOSED COMPATIBILITY - GROVER AVE

SCALE : 1" = 25'

1

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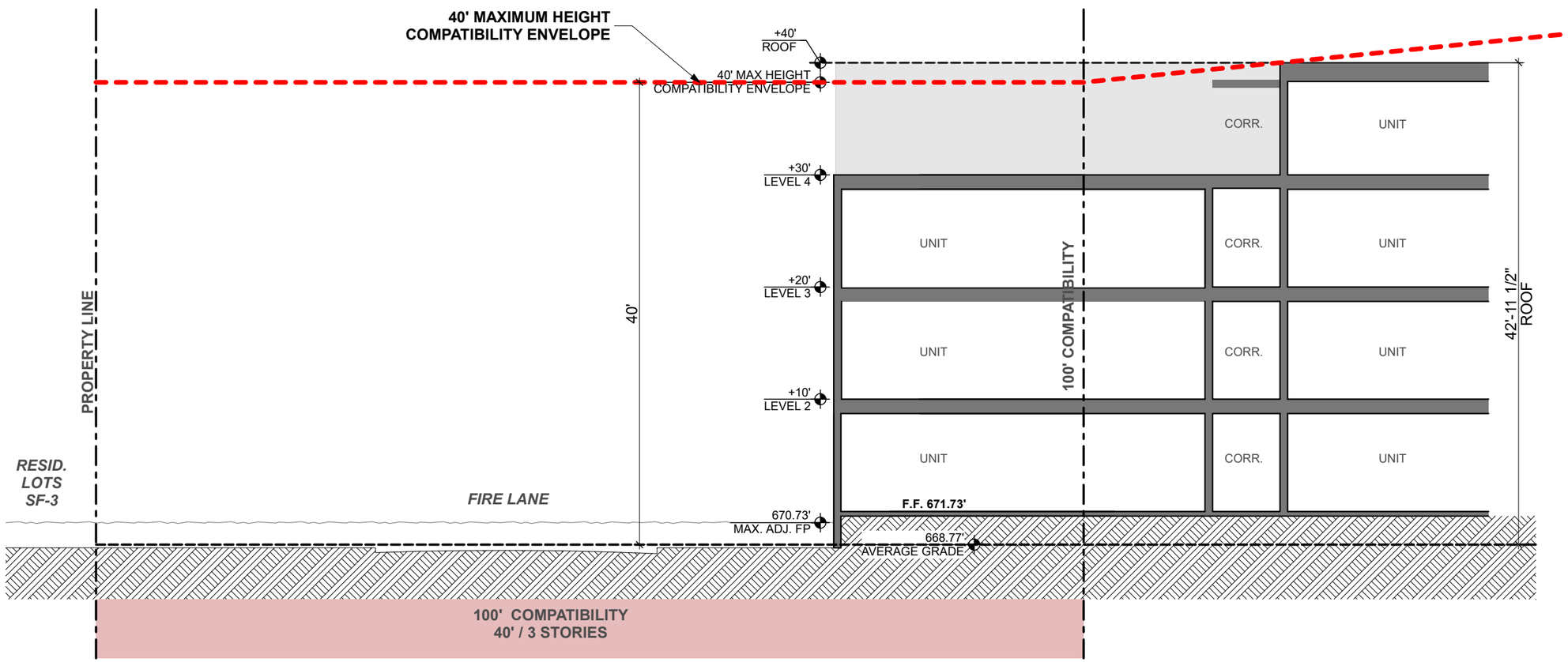

EXISTING COMPATIBILITY - WOODROW AVE

SCALE : 1" = 25'

1

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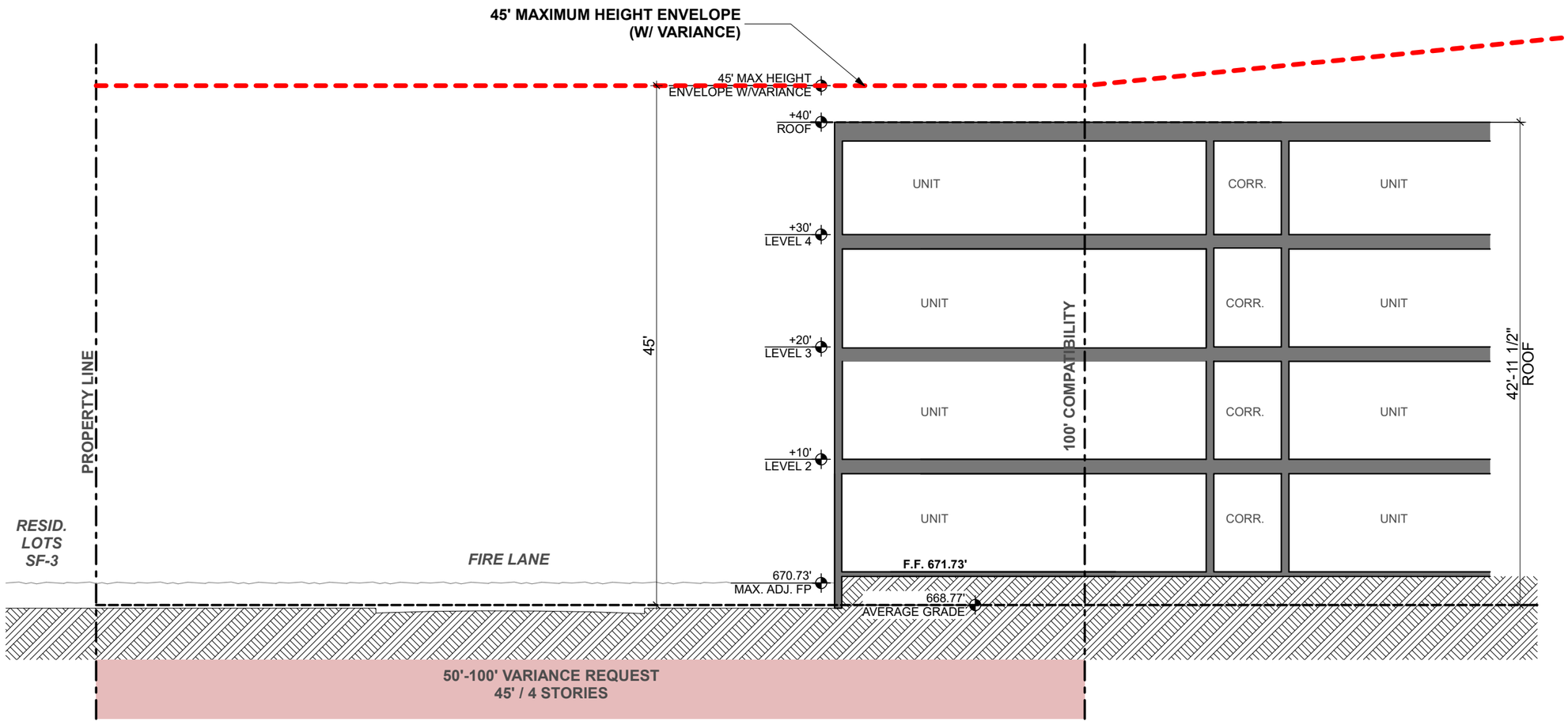

PROPOSED COMPATIBILITY - WOODROW AVE

SCALE : 1" = 25'

1

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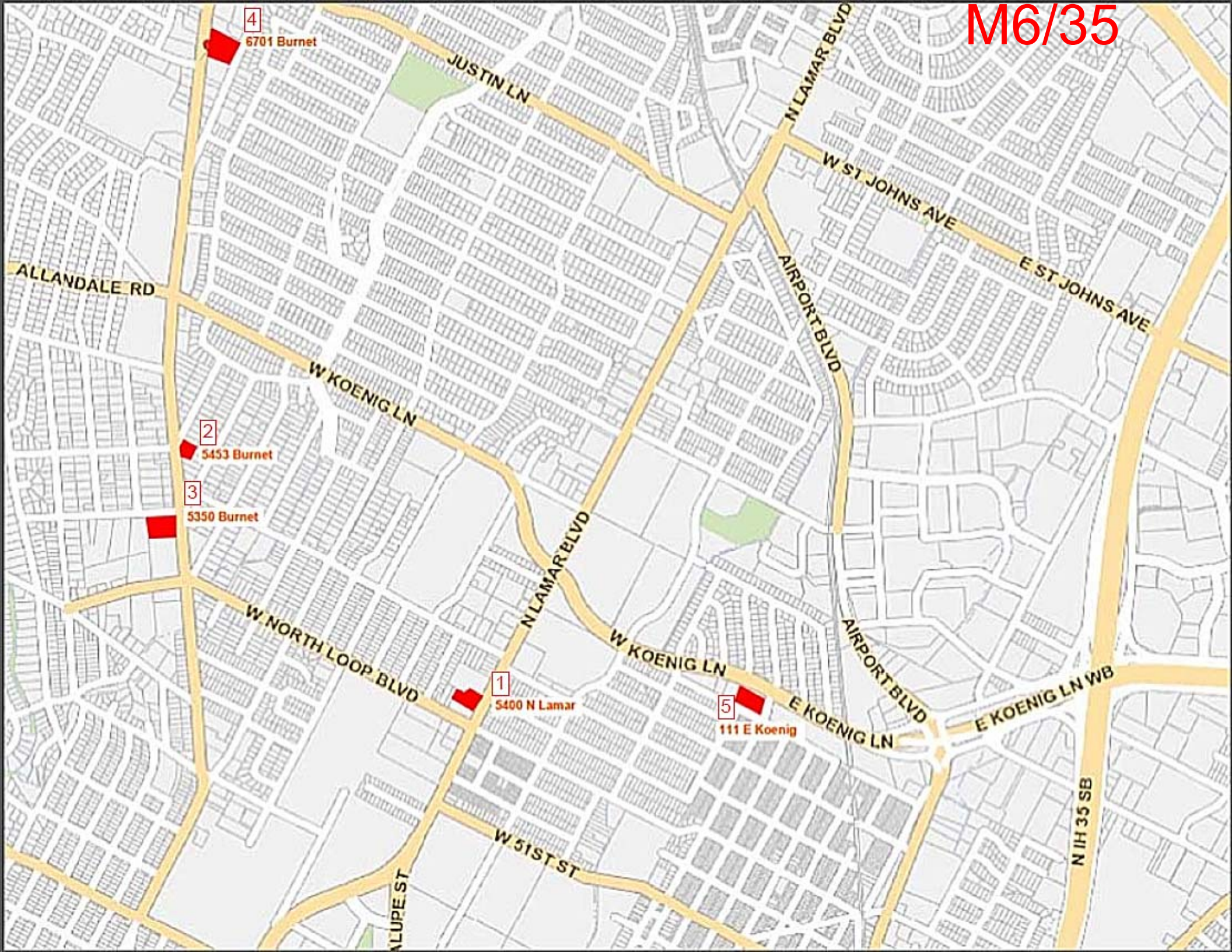
M6/35
4
6701 Burnet
JUSTIN LN
N LAMAR BLVD
W ST JOHNS AVE
E ST JOHNS AVE
ALLANDALE RD
AIRPORT BLVD
W KOENIG LN
2
5453 Burnet
3
5350 Burnet
N LAMAR BLVD
W NORTH LOOP BLVD
W KOENIG LN
AIRPORT BLVD
1
5400 N Lamar
5
111 E Koenig
E KOENIG LN
E KOENIG LN WB
W 51ST ST
N IH 35 SB

Development Standards Peer Apartments (Koenig Lane, North Lamar, Burnet Road)

		Address	Total Units	Acreage	Density (u/ac)	Height	Stories
1.	Camden Lamar Heights	5400 North Lamar	314	4.65	68	60’ (mostly 40’)	3, 4 & 5 (mostly 4)
2.	Burnet Flats	5453 Burnet Road	179	2.31	77	30’/40’/50’	3, 4 & 5
3.	AMLI 5350	5350 Burnet Road	175	2.38	74	37’/47’	3 & 4 (mostly 4)
4.	Burnet Marketplace	6701 Burnet Road	343	3.9	88	50’/60’	4 & 5 (mostly 5)
5.	West Koenig Flats	111 E Koenig Lane	210	2.37	89	40’/40+’	3 & 4

AVG	79

Development Standards – Proposed Apartments 1301 Koenig Lane

	Property	**Address**	**Total Units**	**Acreage**	**Density (u/ac)**	**Height**	**Stories**
	1301 Koenig	1301 Koenig Lane	391	5.415	72	40’	4