

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0101

BOA DATE: December 13th, 2021

ADDRESS: 403 & 201 E. Koenig
and 5613 Avenue F

COUNCIL DISTRICT: 4

OWNER: 201 E. Koenig Ln, LTD.
(Donald J. Reese)

AGENT: Michael J. Whellan

ZONING: CS-MU-V-CO-NP (North Loop)

LEGAL DESCRIPTION: ABS 789 SUR 57 WALLACE J P ACR 7.202

VARIANCE REQUEST: **a)** (C) (2) to increase height limit from three (3) stories and 40 feet (maximum allowed) to 60 feet (requested); **b)** (C) (3) to increase allowed height from 40 feet plus one foot for each 10 feet of distance in excess of 100 feet

SUMMARY: vertical mixed-use project with on-site affordable units and on-site parkland

ISSUES: protected trees, public utility, electrical, & telecom easements lot shape to the east, etc.

	ZONING	LAND USES
<i>Site</i>	CS-MU-V-CO-NP	General Commercial Services-Mixed Use, Vertical Mixed Use
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	CS-MU-V-CO-NP	General Commercial Services-Mixed Use, Vertical Mixed Use
<i>West</i>	CS-MU-V-CO-NP	General Commercial Services-Mixed Use, Vertical Mixed Use

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 North Austin Neighborhood Alliance
 North Loop Neighborhood Association
 North Loop Neighborhood Plan Contact Team
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group

D-2/2



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0101

LOCATION: 403 & 201 E KOENIG LN AND
5613 AVENUE F



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.

1" = 292'



Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

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: 201 E. Koenig Ln., 403 E. Koenig Ln., 5613 Avenue F.

Subdivision Legal Description:

ABS 789 SUR 57 WALLACE J P ACR 7.202

Lot(s): -- Block(s): --

Outlot: -- Division: --

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

I/We Michael J. Whellan on behalf of myself/ourselves as
authorized agent for 201 E. Koenig Lane LTD affirm that on
Month October, Day 19, Year 2021, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: Vertical mixed-use project, with on-site affordable units and on-site parkland

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

We request a variance from Sections 25-2-1063(C)(2) and 25-2-1063(C)(3). See "Additional Space" below for more information.

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 City has designated this site as within an Imagine Austin Center, on the Transit Priority Network, and with VMU zoning – marking it as an appropriate location for achieving affordable housing and parkland. However, this reasonable use is undermined by a number of physical and geographic constraints, including on-site protected trees, geographical proximity to the railroad crossing (to the east) and the intersection of Avenue F and Koenig Lane (to the west), a water line (to the north), public utility and electrical and telecom easements (to the east), a power line (to the south), and by the shape of the eastern portion of the site, due to the diagonal angle at which the railroad travels along it. These constraints uniquely impact the site from all sides, undermining the reasonable use envisioned by the City. (See Cover Letter.)

Hardship

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

The constraints described above uniquely impact the site from all sides, undermining the reasonable use envisioned by the City and reducing the Project's ability to help meet the City's goals. The requested variance would allow the site to achieve the base height of 60 ft. across the site. This relief directly addresses the constraints identified above and would allow a project that features a high level of on-site affordable units and a full acre of on-site parkland. (See Cover Letter.)

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

Other railroad-adjacent lots on the neighborhood side of the tracks (west of the railroad) are single-family lots and lots accessing local roadways. In contrast, the site is uniquely situated on the neighborhood side of the rail as a mixed-use lot fronting both a Texas Department of Transportation ("TXDOT") roadway and the railroad – and, accordingly, is the only such lot experiencing this confluence of constraints on all sides. The requested variance would help ensure a project with a high level of affordable housing and a full acre of quality, on-site parkland. (See Cover Letter.)

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:

The variance will allow the project to deliver on the City's vision for development in an Imagine Austin Center (Highland Mall Station), on three Transit Priority Network roadways (Koenig Lane, Avenue F, and East 56th Street), and in a Parkland Deficient Area. It will ensure that the project provides both a high level of affordable housing and maximizes on-site parkland. The project will further complement area character with a pedestrian- and bicycle-friendly streetscape and midblock paseo as well as with neighborhood-serving commercial space. (See Cover Letter.)

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:

--

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:

--

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

--

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

--

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: Michael J Whellan Digitally signed by Michael J. Whellan
DN: cn=US, o="Armbrust & Brown, PLLC", cn=Michael J. Whellan, email=ermewhelan@austintx.com
Reason: I am the author of this document
Location: your signing location here
Date: 2021.10.19 12:39:06
Foxit Reader version: 9.7.3 Date: 10/19/2021

Applicant Name (typed or printed): Michael J. Whellan

Applicant Mailing Address: 100 Congress Ave., Suite 1300

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 435-2300

Email (optional – will be public information): [REDACTED]

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: [Signature] Date: 10/19/2021

Owner Name (typed or printed): 201 E. Koenig Lane, LTD. (Donald J. Reese)

Owner Mailing Address: 100 Congress Ave., Ste 1450

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 200-3480

Email (optional – will be public information): [REDACTED]

Section 5: Agent Information

Agent Name: Michael J. Whellan

Agent Mailing Address: 100 Congress Ave., Suite 1300

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 435-2300

Email (optional – will be public information): [REDACTED]

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).

(See next page)

Additional Space (continued)

The applicant is request a variance to increase the maximum allowable height requirements of Article 10, Compatibility Standards, Division 2 – Development Standards, Section 25-2-1063 (Height Limitations and Setbacks for Large Sites)

- (C)(2) to increase the height limit from “three stories and 40 feet” (maximum allowed) to 60 feet (requested)
- (C)(3) to increase the height limit from “40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 of more restrictive” to 60 feet (requested)

in order to erect a Vertical Mixed-Use project with on-site affordable units and one acre of on-site, developed parkland within a “CS-MU-V-CO-NP”, General Commercial Services – Mixed Use – Vertical Mixed Use – Conditional Overlay – Neighborhood Plan zoning district.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

MICHAEL J. WHELLAN

(512) 435-2320



October 19, 2021

Via email

Board of Adjustment
301 W. 2nd St.
Austin, TX 78701

Subject: Variance Request for TCAD Parcel No. 0226100701, locally known as 403 E. Koenig Ln. ("the Property")

Dear Members:

Please accept this letter on behalf of 201 E. Koenig Lane LTD (the "Applicant"). The Applicant is requesting a variance from the compatibility standards for maximum height in order to provide a Vertical Mixed-Use ("VMU") project featuring on-site affordable housing and a full acre of on-site parkland (the "Project").

Planning and Land Use Context

The Property is currently zoned for CS-MU-V-CO-NP and has been used for Texas Gas Service's offices for more than six decades.

It is located on East Koenig Lane, just west of the rail line and Airport Boulevard. It is surrounded by roadways to the north (Koenig Lane), west (Avenue F), and south (East 56th Street), and by the rail line to the east. Beyond those boundaries, the lots to the east and west are both zoned for CS-MU-V-CO-NP and used for multifamily and auto sales, respectively, while the lots across the streets to the north and south are zoned for SF-3-NP and used for single-family.

City of Austin ("City") policies designate this site as an appropriate location for directing growth and obtaining affordable housing.

For context, the City has a goal of 135,000 new housing units citywide and 3,105 new affordable housing units in District 4 by 2028. However, the City is not on track to meet these goals. Over just the first three years of tracking progress toward the goals, the City has already fallen over 14,500 units short on its citywide housing goal and nearly 400 units short on its District 4 affordable housing goal.

The City has adopted a number of planning policies to better enable it to meet these housing needs, including directing new growth toward Imagine Austin Centers and along Transit Priority Network roadways and zoning certain properties with the VMU overlay, which allows projects to increase their unit count and floor area in order to achieve on-site affordable housing.

These policies set a clear vision for this Property: the City has designated it within an Imagine Austin Center (Highland Mall Station), has designated its three surrounding streets (Koenig Lane, Avenue F, and East 56th Street) as Transit Priority Network roadways, and has zoned it with the VMU overlay.

At the same time, City policies also designate the Property as within a ‘parkland deficient’ area, marking it as a location that the City of Austin Parks and Recreation Department (“PAR”) has prioritized for new, on-site parks space.

Variance Request

The Applicant is seeking a variance in order to allow for a reasonable use of the Property as the type of development that City plans call for here: a mixed-use project with on-site affordable housing *and* a full acre of on-site parkland.

This variance would relieve the Project from compatibility standards for height. Currently, Section 25-2-1063 of the Land Development Code limits Project height to 40 ft. or three stories within 50 ft. to 100 ft. from a triggering lot, and limits Project height to 40 ft. plus one foot of height for each 10 ft. of distance beyond 100 ft. from a triggering lot.

The requested variance would instead allow the Project to achieve the full 60 ft. allowed in its base zoning across the entire site. This relief will allow the Applicant to shrink the building footprint and provide a full acre of consolidated on-site parkland.

The variance is necessary due to a number of physical and geographic constraints, including on-site protected trees, geographical proximity to the railroad crossing (to the east) and the intersection of Avenue F and Koenig Lane (to the west), a water line (to the north), public utility and electrical and telecom easements (to the east), a power line (to the south), and by the shape of the eastern portion of the site, due to the diagonal angle at which the railroad travels along it (See Figure 1 for discussion of constraints).

Figure 1. Constraints Summary

Constraint	Impact	Site Area Impacted
On-Site Protected Trees	Ensure protected tree preservation	1.04%
Geographic Proximity to Railroad Crossing (East) and Avenue F/Koenig Lane Intersection (West)	TXDOT mandates driveways be set back 425 ft. from railroad crossing and intersection	Site Layout Impact
Water Line (North)	The water line easement creates a 20-ft. setback running along much of the Koenig frontage	7.53%
Public Utility Easement and Electrical and Telecoms Easement (East)	Together, both easements yield a 20-ft. setback on the eastern property line	2.41%
Power Line (South)	Occupational Safety and Health Administration (“OSHA”) mandates 15-ft. setback from center pole	5.54%
Site Shape (East)	The rail cuts across the site’s eastern boundary diagonally, further limiting usable area.	Site Layout Impact

Together, these constraints impact over 16 percent of the Property from all sides, undermining the reasonable use envisioned by the City and reducing the Project’s ability to help meet the City’s affordability and parkland needs, as discussed above. For context, accomplishing the City’s vision for parkland would further reduce buildable area by an estimated 15 percent – producing a combined impact

to the site area of over 30 percent. The requested variance would recognize this impact and provide the relief needed to accomplish the reasonable use of full parkland and a high level of affordable housing.

Furthermore, the constraints described above impact the Property uniquely and in a manner that is *not* general to the area. The railroad serves as a boundary line between neighborhood areas (to the west of the rail line) and busier, highway-adjacent commercial areas (to the east). All of the other railroad-adjacent lots in the neighborhood area (west of the rail line) are either small single-family lots and/or smaller lots accessing local roadways.

In contrast, the Property is uniquely situated on the neighborhood side of the rail as a mixed-use lot fronting both a Texas Department of Transportation (“TXDOT”) roadway and the railroad – and, accordingly, is the only such lot experiencing this confluence of constraints on all sides.

Project History

The Applicant submitted a site plan in late November 2020 for a Project with 434 units, with 44 income-restricted affordable units and an acre of on-site parkland. However, to date, constraints have dictated a layout for the parks space with which PARD disagreed. Specifically, these constraints dictated a layout that split the parkland into two different locations and included area that PARD determined they would not include in their parkland calculations.

Initially, the Applicant appealed this disagreement to the Parks and Recreation Board (“PARB”) and to the Planning Commission (“PC”). During discussions over that appeal, members of both PARB and PC independently inquired as to whether the Applicant had sought a Board of Adjustment (“BOA”) variance to compatibility standards for height as a venue for relief.

After deliberation, the Applicant determined that such a variance request would be both legitimate and appropriate, considering the physical and geographic hardships facing the Property. The Applicant then approached PARD and, based on positive feedback, proceeded with preparing this variance application.

The relief provided by the requested variance would directly resolve the constraints-driven layout issues, allowing the Applicant to shrink the building footprint and consolidate the smaller, disparate parks spaces into a larger one-acre park – a plan that better reflects PARD’s parkland vision while also ensuring on-site affordable housing.

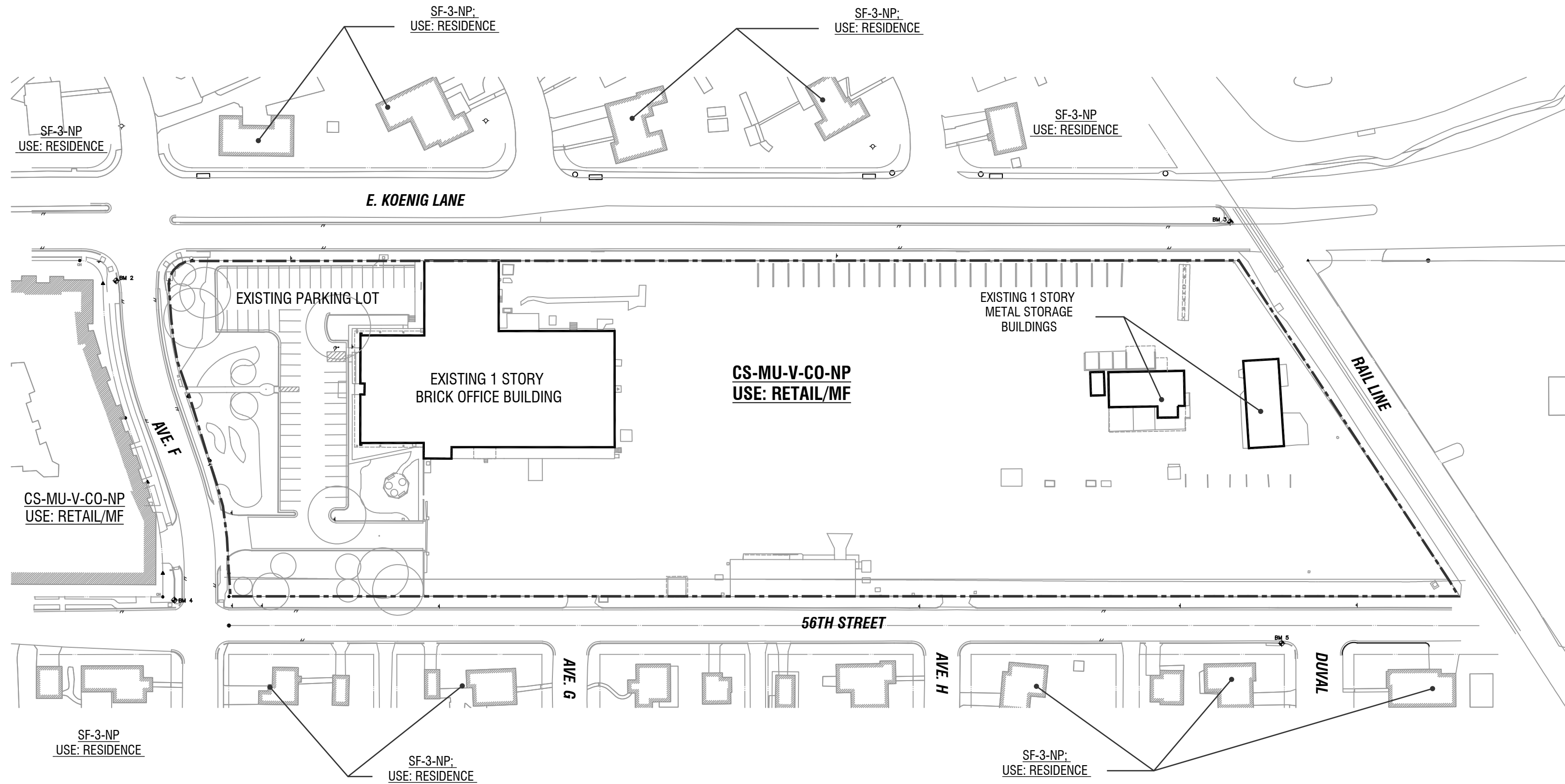
Conclusion

I believe our application demonstrates that the Property faces a number of site-specific hardships that impact it from all sides, undermining the reasonable use that the City envisions here. Accordingly, the Applicant is requesting a variance from compatibility standards for maximum height that would allow the Project to achieve the full 60 ft. provided in the base zoning across the Property. This requested relief will allow the Applicant to achieve a reasonable use and provide a mixed-use Project with on-site affordable housing and a full acre of quality, on-site parkland.

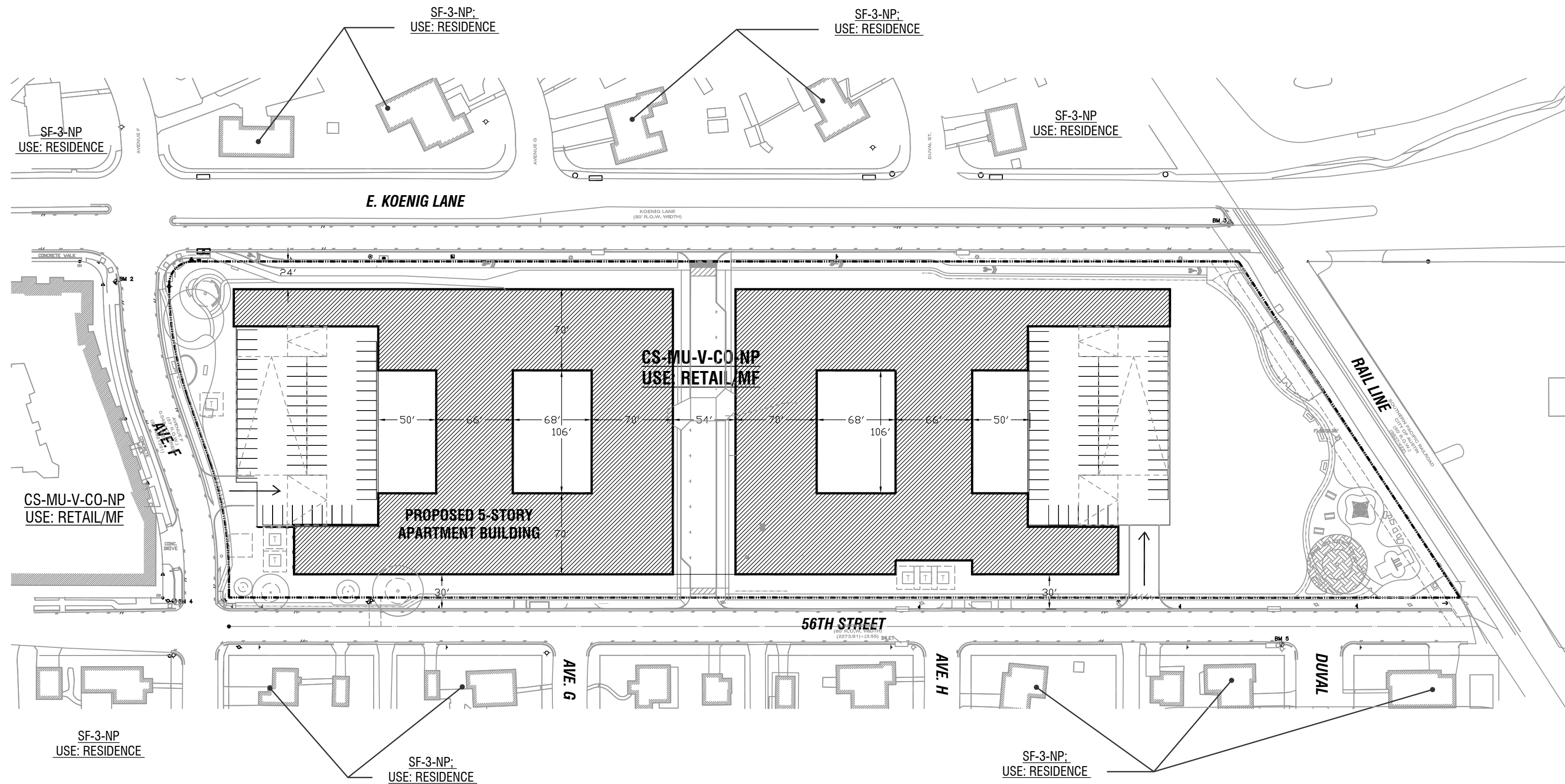
Sincerely,



Michael J. Whellan

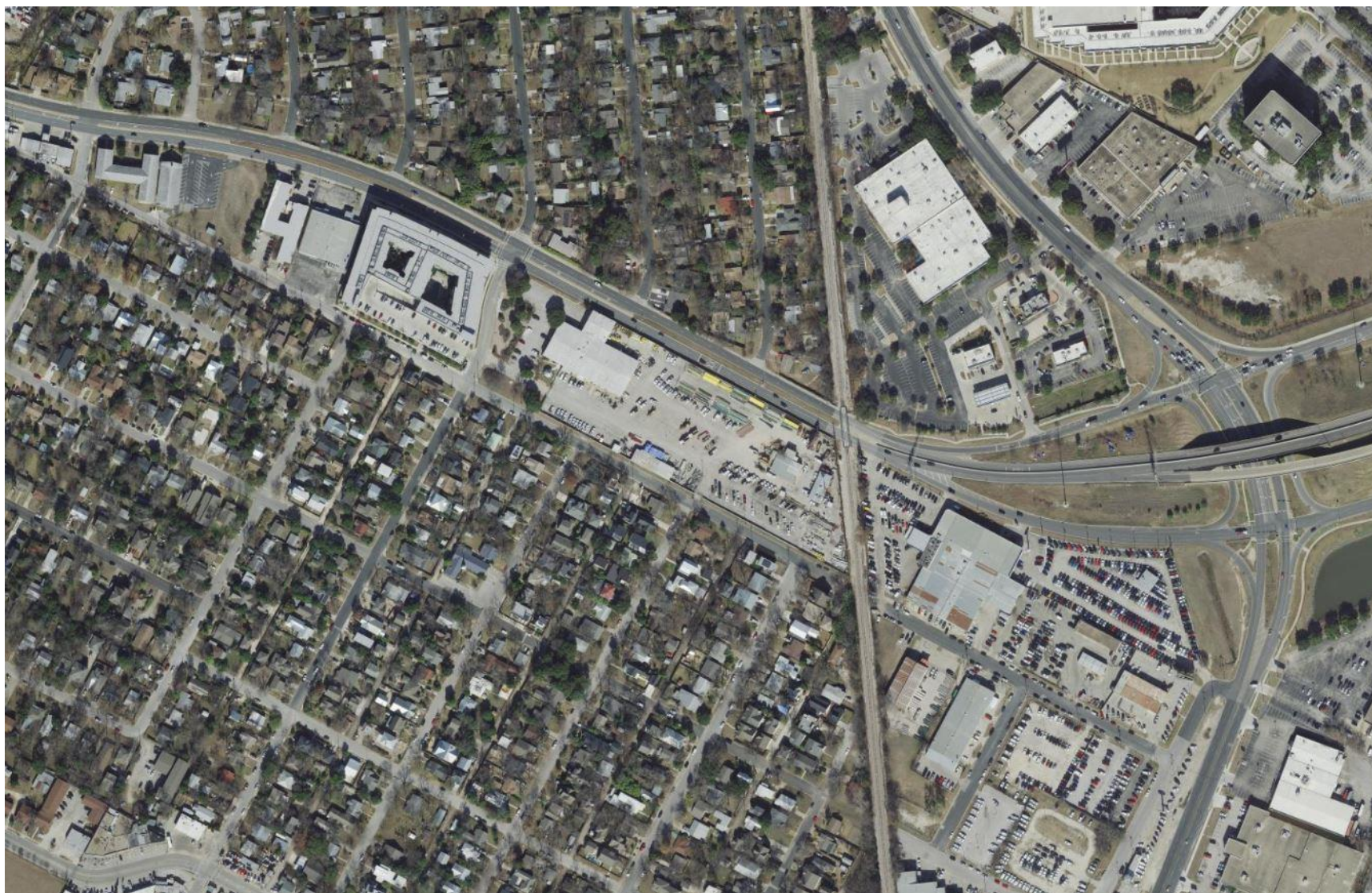


403 E KOENIG SITE
EXISTING ZONING AND USE DIAGRAM
2021.10.19



403 E KOENIG SITE
PROPOSED SITE DIAGRAM
2021.10.19

Site Aerial



Koenig Lane Parkland Case – Compatibility Variance

- Page 2 One-Page Variance Summary
- Page 3 Parks and Recreation Department Letter of Support
- Pages 4-5 North Loop Neighborhood Association Letter of Support
- Page 6 Site Plan Exhibit (with Variance)
- Page 7 Parks Plan Layout (with Variance)
- Page 8 Parks Plan Layout (without Variance)
- Pages 9-10 Project Elevations and Compatibility Section Cut

Koenig Parkland – Variance Summary

City policies establish a clear vision for 403 E. Koenig as an appropriate site for directing new growth with a mix of uses, affordable housing, and quality parkland. The site is:

- Within an Imagine Austin Center (Highland Mall Station);
- Surrounded by three Transit Priority Network roads (Koenig, Avenue F, and East 56th);
- Identified by the Parks and Recreation Department (PARD) as parkland deficient; and
- Zoned for the Vertical Mixed Use (VMU) affordable housing bonus program.

However, the site faces unique constraints that impact its ability to achieve this reasonable use.

- The variance is necessary due to a number of physical and geographic constraints that are unique to the site and together impact over 16 percent of the site from all sides (Figure 1).
- Meeting parkland mandates further reduces buildable area, producing a combined site area impact of **over 30 percent** – dictating layout and massing that sub-optimally splits parkland into two smaller areas while cutting housing, including affordable units, by 10 to 12 percent.
- The site is uniquely situated in the neighborhood (west of the rail) as a mixed-use lot fronting both a TXDOT roadway and the rail, whereas all of the other rail-adjacent properties in the neighborhood area are either single-family and/or smaller lots accessing local roadways.

To account for these constraints, the applicant requests a compatibility variance allowing 60 ft. of height across the site – supported by the Parks and Recreation Department and the neighborhood.

- Approval allows the project to achieve zoning height (60 ft.) after 50 ft. from a triggering lot, increasing affordability (10 additional units) and providing a larger, consolidated park (Figure 2).
- PARD and the North Loop Neighborhood Association both support the variance.

Figure 1. Constraints Summary

Constraint	Impact	Site Area Impacted
On-Site Protected Trees	Ensure protected tree preservation	1.04%
Geographic Proximity to Railroad Crossing (East) and Avenue F/Koenig Lane Intersection (West)	TXDOT mandates driveways be set back 425 ft. from railroad crossing and intersection	Site Layout Impact
Water Line (North)	The water line easement creates a 20-ft. setback running along much of the Koenig frontage	7.53%
Public Utility Easement and Electrical and Telecoms Easement (East)	Together, both easements yield a 20-ft. setback on the eastern property line	2.41%
Power Line (South)	Occupational Safety and Health Administration (“OSHA”) mandates 15-ft. setback from center of pole	5.54%
Site Shape (East)	The rail cuts across the site’s eastern boundary diagonally, further limiting usable area.	Site Layout Impact
<i>Key Consideration: Ensuring Quality Parkland</i>	<i>The combined constraints force a split parks layout.</i>	<i>15%</i>
Total Impacted Area		Over 30%

Figure 2. Site Outcomes

Area	Constrained Site	Site with Variance Relief
Parkland	2 divided, smaller parks	1 large park (total: 1 full acre)
Affordability	42 affordable units	52 affordable units
Height	<ul style="list-style-type: none"> • 40 ft. / 3 stories within 50 ft. to 100 ft. from triggering lot • 40 ft. + 1 ft. of height per 10 ft. of setback beyond 100 ft. 	60 ft. (base zoning height)



City of Austin

Austin Parks and Recreation Department
200 South Lamar Boulevard, Austin, Texas 78704

November 18, 2021

Board of Adjustment
301 W. 2nd St.
Austin, TX 78701

Subject: PARD Support for Applicant Variance Request in Case No. C15-2021-0101

Dear Members:

The Parks and Recreation Department, PARD, supports the applicant's request in Case No. C15-2021-0101 for a variance of compatibility standards.

One of Council and PARD's goals is to ensure that all Austin residents are within a 5-10 minute walk of quality parkland, especially as our city continues to grow. This project is strategically positioned to help PARD deliver on that goal in a way that could benefit the surrounding community in perpetuity.

PARD has engaged extensively with the applicant and neighborhood for over a year on this project and have been firm in our requirement for on-site parkland. Due to various site constraints, however, the plan for this on-site parkland currently divides it up into two smaller areas on either end of the property, while the applicant reports a reduction in units, including affordable units.

While splitting on-site parkland into two smaller areas is permissible per code it is intended for large subdivisions to better serve the residents of that subdivision. A consolidated park would provide much greater value, with more contiguous parkland serving more people and offering a greater opportunity to fully develop quality on-site parks amenities. The neighborhood communicated to PARD that it supports a consolidated park on the east side of the development.

If the Board of Adjustment grants a variance and provides relief from the site's hardships as requested, the applicant will be able to reconfigure their site plan to densify the development and consolidate the on-site parkland into a full, 1-acre park on the eastern side of the site.

From a parkland perspective, this outcome is meaningfully better and will provide improved parkland service for the entire surrounding community. It will also result in an increase in additional land dedication fees, to be paid to PARD for land acquisition and improvement projects, due to the increase in units.

We believe that the applicant's requested variance is consistent with the Parks and Recreation Department's mission and policy goals. We also believe that the variance would provide relief from the site's hardships and allow for a reasonable use with quality on-site parkland and affordable housing, accomplishing the goals of the City of Austin, the community, and the applicant.

As a result, we support their application. Thank you for your consideration.

Sincerely,

Randall R. Scott
Program Manager III
Parks and Recreation Planning Department



North Loop Neighborhood Association

Board of Adjustment
301 W. 2nd St.
Austin, TX 78701

Subject: North Loop Support for Applicant Variance Request in Case No. C15-2021-0101

To the Members of the Board of Adjustments this evening, the 18th of November.

My name is Brian Bedrosian and I am currently serving as the Vice President of the North Loop Neighborhood Association (NLNA), a post I have held since 2019.

I am writing this letter on behalf of the NLNA to provide support in favor of the compatibility variance to allow for the full 60ft height allowable by current zoning on the new development proposed by SECO Ventures at 403 E. Koenig Lane, which lies within our neighborhood, along the northern boundary.

We have been engaged extensively with both SECO and PARD over the last several months and have met many times with both parties.

We believe this project represents an opportunity to achieve two long standing goals within our neighborhood: a formal park within walking distance of all neighbors and increased affordable and family-oriented housing, which would help to maintain the diverse neighborhood that we have tried to foster with our Neighborhood Plan. As this is one of the last available commercially zoned sites of this scale within our boundaries, many of us see this as a once in a generation opportunity to provide a needed improvement to the livability of our neighborhood. However, height limitations resulting from the current residential compatibility overlay, as well as other site constraints, result in a significant reduction to the available entitlements on the site and limits the ability for these two goals to be achieved on this lot.

On September 6th our Neighborhood Association met with SECO and PARD to discuss the possibility of the neighborhood supporting a variance to the property, which would allow for a large single park as preferred by many neighbors as well as PARD. At this meeting, neighbors, including those who live directly on 56th street adjacent to this project, expressed that they would support the variance for the project, provided a new plan be drafted that addressed the following primary concerns:

1. More and better parkland

2. Increased affordable and family-oriented units
3. Reducing the traffic impact to the neighborhood
4. Addressing noise and privacy concerns
5. Relocating the parking garages off of 56th Street.

During our following regular meeting, on November 3rd, SECO returned to present to us a revised site plan based on our requests. This new plan proposed a radical redesign of the project that provided 1 acre of dedicated public parkland on the eastern side of the site, an increased mix of affordable and 2-bedroom units, relocation of the parking garages to the eastern and western sides of the building (to avoid facing the neighbors on both 56th and Koenig) and a meaningful attempt at addressing all of the concerns neighbors had regarding parking, trash pick-up, privacy, noise, and traffic. Following a long discussion, **a motion was raised and those members in attendance voted unanimously to support the variance requested by SECO**, contingent upon their delivery of the project as described in their revised site plan.

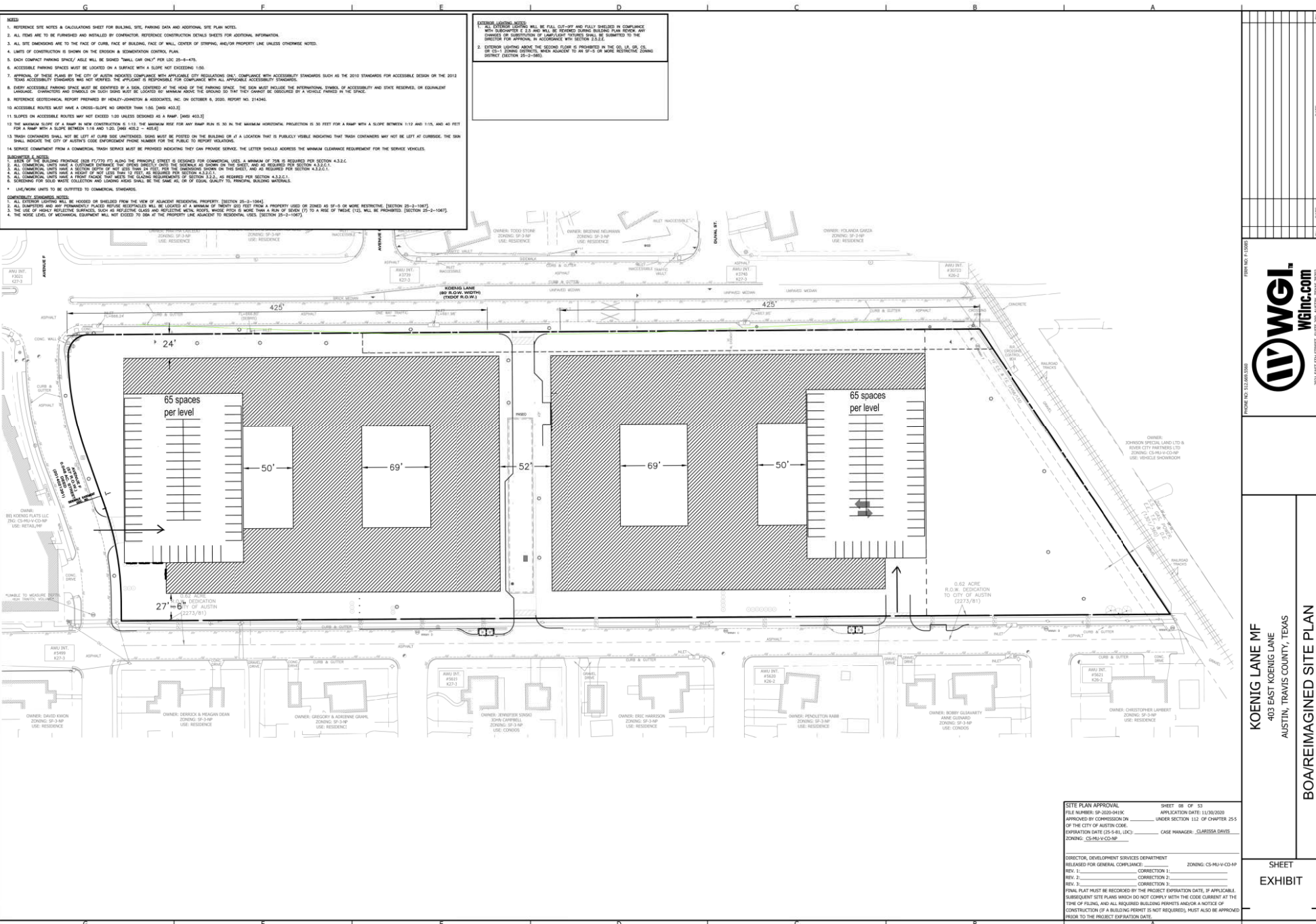
This process has proven to those of us involved to be a model of how cooperation between a neighborhood, a developer, and representatives of the city can result in a solution that reaches beyond the guidance of code or local ordinances to satisfy the aspirations of both public and private interests.

Together with PARD and SECO, we are requesting that you consider their request for a variance to the residential overlay and allow the developer to realize the full entitlement, related to the maximum 60ft of buildable height, allowable by current zoning on the property.

Thank you in advance for your time and consideration of this request.

Brian Bedrosian
Vice President of the North Loop Neighborhood Association



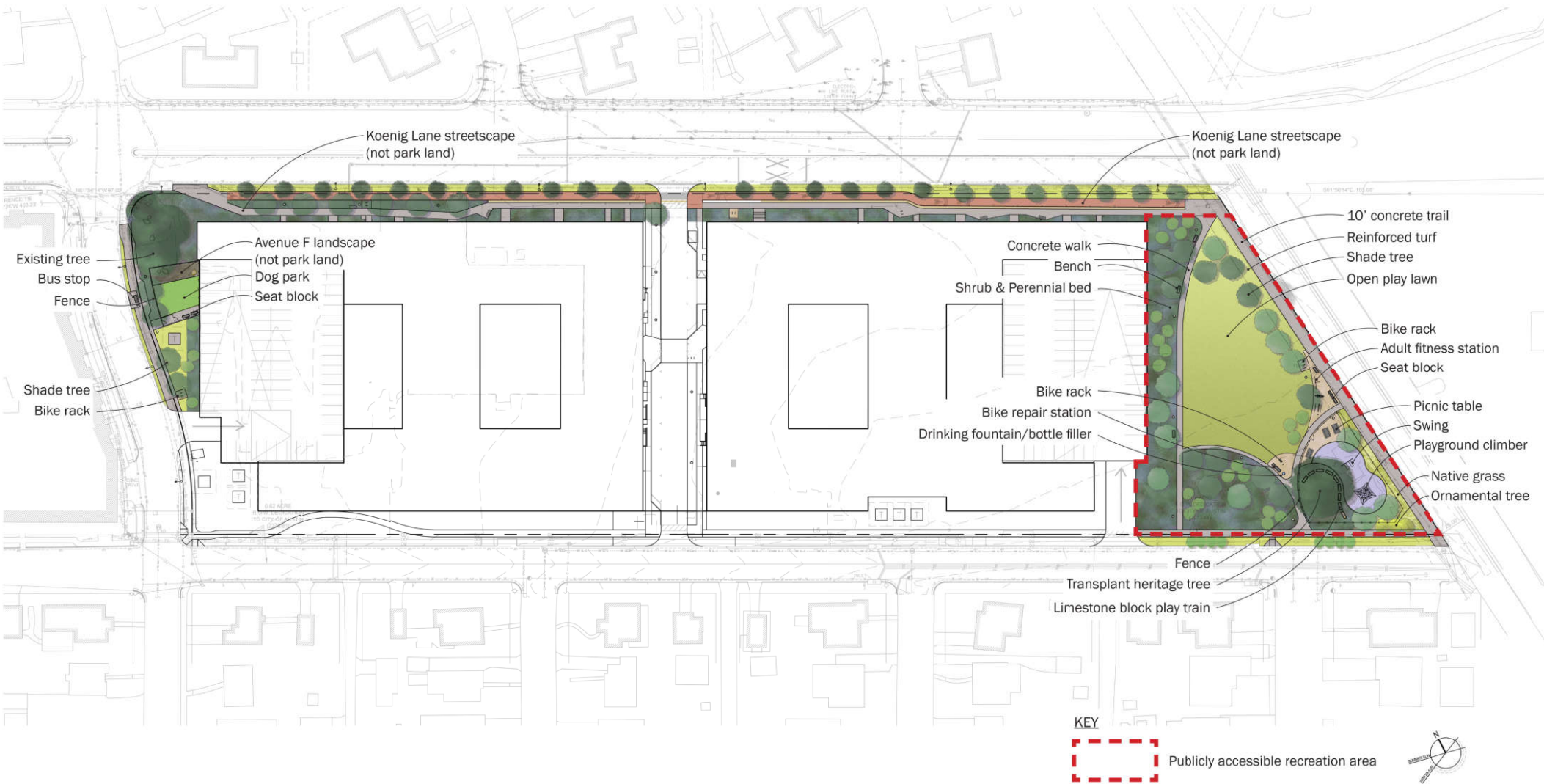


KOENIG LANE MF
403 EAST KOENIG LANE
AUSTIN, TRAVIS COUNTY, TEXAS

BOA/REIMAGINED SITE PLAN

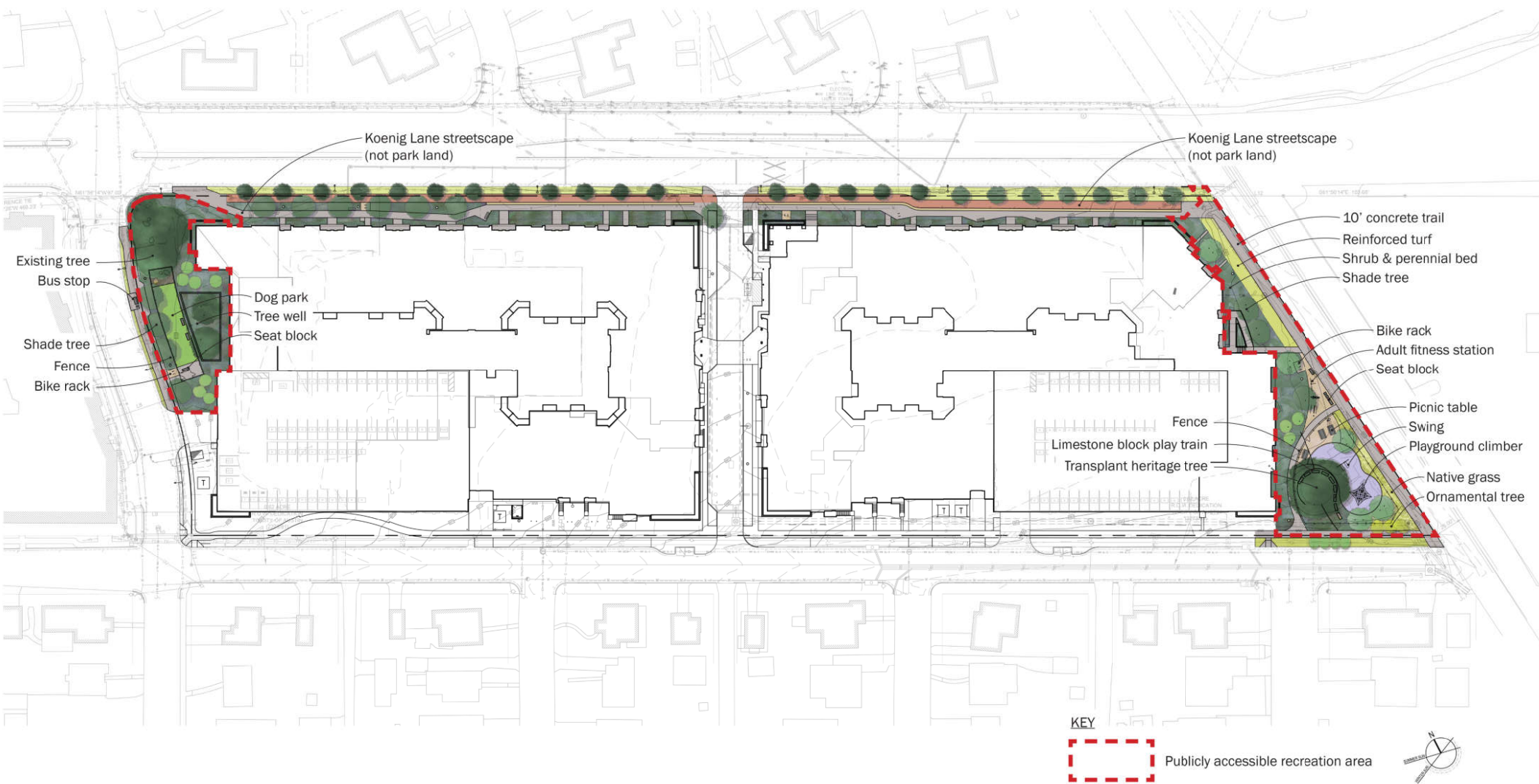
SHEET
EXHIBIT

BOARD OF ADJUSTMENT - WAIVER APPROVAL



Note: Rendering for illustrative purposes only

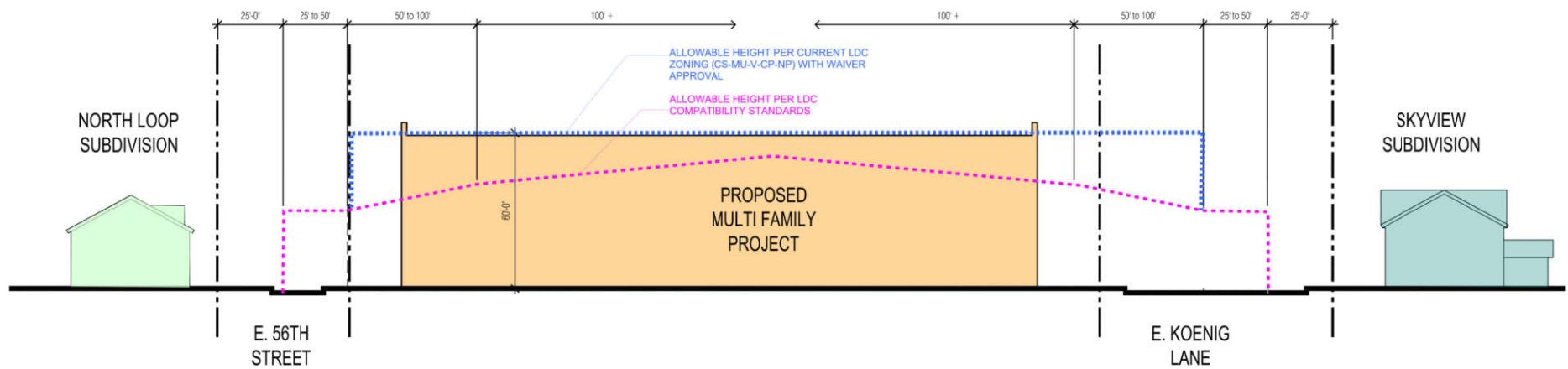
BOARD OF ADJUSTMENT - WAIVER REJECTION



Note: Rendering for illustrative purposes only

BOA Waiver Plan
East 56th - Phase II





NORTH - SOUTH SITE SECTION