



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Jeffrey L. Kittle c/o Kittle Properties Group, LLC
Street Address	310 E 96 th St, Ste 400
City State ZIP Code	Indianapolis, IN 46240
Work Phone	985-290-1843
E-Mail Address	entitlements@kittleproperties.com

Variance Case Information

Case Name	Northwind Apartments
Case Number	_____ [Ref SP Case #: SP-2021-0384C.SH]
Address or Location	<p>Approximately 11216 Cameron Road, Austin, TX (4 tracts for a total 28.028 acres)</p> <p>Tract 1: Kim N. Nguyen and Njoan Nguyen, Called 14.02 Acres, (Instrument No. 5438841 O.P.R.T.C.)</p> <p>Tract 2: Esther P. Schroeder, (Called) 3 Acres, 2.696 Acres, (Vol. 12227, PG. 493 O.P.R.T.C.)</p> <p>Tract 3: Esther P. Schroeder and Vicki Lynn Schroeder Miertschin, Trustees of the Schroeder Family Trust, Called 2.696 Acres, (Instrument No. 2015185436 O.P.R.T.C.)</p> <p>Tract 4: DADMK, INC, (TRACT 1) Called 8.587 Acres, (Tract 2) Called 0.018 Acre, (Instrument No. 2018048840 O.P.R.T.C.)</p>

Environmental Reviewer Name	Pamela Abee-Taulli
Environmental Resource Management Reviewer Name	
Applicable Ordinance	Watershed Protection Ordinance - Current Code
Watershed Name	Walnut Creek
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone
Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	The waterway located onsite is considered a minor waterway.
Water and Waste Water service to be provided by	Austin Water – SER submittal / review complete
Request	<p>The variance request is as follows (Cite code references):</p> <p><i>Code of Ordinances, updated 2022-09-22, effective 2022-08-08, Supplement No. 158</i></p> <p><i>TITLE 25. – LAND DEVELOPMENT</i></p> <p><i>CHAPTER 25-8. – ENVIRONMENT</i></p> <p><i>SUBCHAPTER A. – WATER QUALITY</i></p> <p><i>ARTICLE 7. – REQUIREMENTS IN ALL WATERSHEDS</i></p> <p><i>Division 5. – Cut, Fill, and Spoil.</i></p> <p><i>Section 25-8-341 CUT REQUIREMENTS</i></p> <p><i>[reference only: Section 25-8-343]</i></p> <p><u>Proposal is to allow cut over 4 feet to 11.6 feet to develop this tract as shown.</u></p>

Impervious cover	Existing	Proposed
square footage:	0	506,556
acreage:	0	11.63
percentage:	0%	41.49%
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<ul style="list-style-type: none"> • <u>General Description</u> – 28.028 acres from 4 tracts • <u>Slope Range</u> – See attached Existing Slope Exhibit. • <u>Elevation Range</u> – Waterway centerline: 596.2 ft to 607.4 ft Overall Site: 643.2 ft to 596.2 ft • <u>Summary of Vegetation / Trees</u> – The site is slightly vegetated with sparse locations of trees. Majority of the trees on site are hackberry trees, but there is also a small section of juniper trees, and a few cottonwood, cedar elm, mesquite and willow trees spread throughout. • <u>Summary of The Geology</u> – See attached ERI report. • <u>CWQZ</u> – A CWQZ is present throughout the approximate middle of the site from the northern to southern property boundaries as well as a tributary that intersects from the western property boundary. • <u>WQTZ</u> – N/A • <u>CEFs</u> - N/A • <u>Floodplain</u> – A floodplain travels through the center of the site. • <u>Heritage Trees</u> – There are no heritage trees on site. • <u>Any Other Notable or Outstanding Characteristics of The Property</u> - See 2A response below. 	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The proposed site development includes cut greater than 4 feet (max cut is 11.60').
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FINDINGS OF FACT

As required in **LDC Section 25-8-41**, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: Austin Northwind Apartments (11216 Cameron Road)

Ordinance:

A. Land Use Commission variance determinations from **Chapter 25-8-41** of the City Code:

1. The requirement will deprive the applicant of a **privilege** available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes / No

To the south, east, and west of the subject properties are residential developments either existing or currently being constructed. This variance will allow the subject property to be developed similarly. The project is challenged by the existing topography. By this we mean, that the grade falls steeply from Cameron Road down to an existing drainage channel that bisects the tracts then rises again on the opposite side to an existing single-family residential development. Approximately 37% of the property is on the opposite side of the existing drainage ditch. This topographical condition creates a situation which functionally limits the developability of the property without crossing the drainage channel. The reason for this is that any development requires two points of access, per fire code. To place both access points on Cameron Road would require extensive fill along with the associated retaining system to allow a roadway to extend into the property and loop around and back out again. The cost for the material import coupled with the retaining system would be extreme. Additionally, the unit yield would be limited as only half of the property would be developable due to the jurisdictionality of the existing drainage channel (heavily limiting disturbance, fill, and/or rerouting). Eliminating the crossing would reduce 60 units (25%) of the proposed units within this project where density is a key element of making Affordable Housing a viable development. While fill is the solution to these difficulties, it is then necessary to cut in other parts of the site to get the appropriate fall to drain to the floodplain, to balance the earthwork, and to get the needed detention in the biofiltration and sedimentation pond.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes / No [provide summary of justification for determination]

The variance is not necessitated by a design decision. The variance is necessitated to:

1. provide basic pedestrian and vehicular access into the site from the public right of way frontage on Cameron Road;
2. provide basic pedestrian and vehicular access through the site across the waterway, CWQZ, and EHZ;
3. provide reasonable use of the site area for developed facilities allowed by right

Access serviceability to and safety for pedestrian and vehicular traffic driveway slopes into and through the site necessitates much of the cut/fill to service pedestrian and vehicular access to the proposed facilities. The proposed impervious area only comprises 40% of the total site area, a very minimal figure for any comparable and contemporaneous developments.

The location for the crossing was chosen for multiple reasons. Primarily because the location is the narrowest point of the creek within the property. This reduces the fill needed and thereby the disturbance area. Also, placing the crossing and culvert here allows the opportunity to provide additional erosion control measures within the channel to reduce or prevent scour and erosion which has historically been traveling upstream. To further mitigate risk, the development proposes to provide both armoring (as required by drainage review) and long rooted vegetation to protect the banks of the channel.

The location for the access to Cameron Road was identified as it provides adequate spacing from other existing access points and allows a route long enough to provide ADA accessibility into the project and to each building per TAS and FHA requirements. The traffic engineer and Travis County confirmed that this access location provides the best visibility due to hills along Cameron Road that could block sight lines. Additionally, this access point was chosen for the added reason that it would not require the removal of any large mature trees, which would have been a challenge for other locations along the roadway frontage.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes / No [provide summary justification for determination]

As previously stated, the existing topography and waterway limit the developable area on the 28.028-acre property. Eliminating the crossing, and therefore the cut and fill, would reduce 60 units (25%) of the proposed units within this project where density is a key element of making Affordable Housing a viable development. The project's main entrance connecting to Cameron Road requires fill over 4'. This access location was chosen based on spacing, sight distance, and ADA accessibility. Without this entrance, and therefore the cut and fill, the entire property would be unable to be developed.

- c) Does not create a significant probability of harmful environmental consequences.

Yes / No [provide summary justification for determination]

The location for the crossing was chosen specifically to reduce the probability of environmental consequences. This crossing is placed at the narrowest point of the creek within the property. This reduces the fill needed and thereby the disturbance area. Also, placing the crossing and culvert here allows the opportunity to provide additional erosion control measures within the channel to reduce or prevent scour and erosion which has historically been traveling upstream. To further mitigate risk, the development proposes to provide both armoring (as required by drainage review) and long rooted vegetation to protect the banks of the channel.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes / No [provide summary justification for determination]

Development with the variance will not have any foreseeable effects on water quality. All water being outlet to the floodplain will be treated by passing through stormwater quality measures (rain gardens, biofiltration and sedimentation pond, and vegetated level spreader).

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

Yes / No [provide summary of justification for determination]

As stated above, the development meets all criteria for granting a variance as listed in subsection A. Without the variance, it would not be possible to develop as neighboring properties have. The variance is not due to a design decision, is required to allow a reasonable use of the property, and will not cause environmental harm or affect water quality.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes / No [provide summary of justification for determination]

In order to provide a reasonable, economic use as a SMART housing qualified Affordable Housing project, a creek crossing, and Cameron Road entrance will be required. Eliminating the crossing would reduce 60 units (25%) of the proposed units within this project where density is a key element of making Affordable Housing a viable development. These difficulties make the cut required for the project to be viable.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes / No [provide summary of justification for determination]

As previously stated, the existing topography and waterway limit the developable area on the 28.028-acre property. Eliminating the crossing, and therefore the fill, would reduce 60 units (25%) of the proposed units within this project where density is a key element of making Affordable Housing a viable development. The project's main entrance connecting to Cameron Road requires fill over 4'. This access location was chosen based on spacing, sight distance, and ADA accessibility. Without this entrance, and therefore the cut and fill, the entire property would be unable to be developed.

**Variance approval requires all above affirmative findings.

Exhibits for Commission Variance

- Aerial photos of the site Attached
- Site photos Attached
- Aerial photos of the vicinity Attached
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways Attached
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties. Attached
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. N/A
- Site plan showing existing conditions if development exists currently on the property N/A
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan Attached
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. See proposed site plan.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (*if required by 25-8-121*) Submitted February 2022.
- Applicant's variance request letter Attached



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Environmental Resource Management Reviewer Name	
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Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone
Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	The waterway located onsite is considered a minor waterway.
Water and Waste Water service to be provided by	Austin Water – SER submittal / review complete
Request	<p>The variance request is as follows (Cite code references):</p> <p><i>Code of Ordinances, updated 2022-09-22, effective 2022-08-08, Supplement No. 158</i></p> <p><i>TITLE 25. – LAND DEVELOPMENT</i></p> <p><i>CHAPTER 25-8. – ENVIRONMENT</i></p> <p><i>SUBCHAPTER A. – WATER QUALITY</i></p> <p><i>ARTICLE 7. – REQUIREMENTS IN ALL WATERSHEDS</i></p> <p><i>Division 5. – Cut, Fill, and Spoil.</i></p> <p><i>Section 25-8-342 FILL REQUIREMENTS</i></p> <p><i>[reference only: Section 25-8-343]</i></p> <p><u>Proposal is to allow fill over 4 feet to 17.3 feet to develop this tract as shown.</u></p>

Impervious cover	Existing	Proposed
square footage:	0	506,556
acreage:	0	11.63
percentage:	0%	41.49%
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<ul style="list-style-type: none"> • <u>General Description</u> – 28.028 acres from 4 tracts • <u>Slope Range</u> – See attached Existing Slope Exhibit. • <u>Elevation Range</u> – Waterway centerline: 596.2 ft to 607.4 ft Overall Site: 643.2 ft to 596.2 ft • <u>Summary of Vegetation / Trees</u> – The site is slightly vegetated with sparse locations of trees. Majority of the trees on site are hackberry trees, but there is also a small section of juniper trees, and a few cottonwood, cedar elm, mesquite and willow trees spread throughout. • <u>Summary of The Geology</u> – See attached ERI report. • <u>CWQZ</u> – A CWQZ is present throughout the approximate middle of the site from the northern to southern property boundaries as well as a tributary that intersects from the western property boundary. • <u>WQTZ</u> – N/A • <u>CEFs</u> - N/A • <u>Floodplain</u> – A floodplain travels through the center of the site. • <u>Heritage Trees</u> – There are no heritage trees on site. • <u>Any Other Notable or Outstanding Characteristics of The Property</u> - See 2A response below. 	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The proposed site development includes fill greater than 4 feet (max fill is 17.31').
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FINDINGS OF FACT

As required in **LDC Section 25-8-41**, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: Austin Northwind Apartments (11216 Cameron Road)

Ordinance:

A. Land Use Commission variance determinations from **Chapter 25-8-41** of the City Code:

1. The requirement will deprive the applicant of a **privilege** available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes / No

To the south, east, and west of the subject properties are residential developments either existing or currently being constructed. This variance will allow the subject property to be developed similarly. The project is challenged by the existing topography. By this we mean, that the grade falls steeply from Cameron Road down to an existing drainage channel that bisects the tracts then rises again on the opposite side to an existing single-family residential development. Approximately 37% of the property is on the opposite side of the existing drainage ditch. This topographical condition creates a situation which functionally limits the developability of the property without crossing the drainage channel. The reason for this is that any development requires two points of access, per fire code. To place both access points on Cameron Road would require extensive fill along with the associated retaining system to allow a roadway to extend into the property and loop around and back out again. The cost for the material import coupled with the retaining system would be extreme. Additionally, the unit yield would be limited as only half of the property would be developable due to the jurisdictionality of the existing drainage channel (heavily limiting disturbance, fill, and/or rerouting). Eliminating the crossing would reduce 60 units (25%) of the proposed units within this project where density is a key element of making Affordable Housing a viable development. These difficulties make the fill required for the project to be viable.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes / No [provide summary of justification for determination]

The variance is not necessitated by a design decision. The variance is necessitated to:

1. provide basic pedestrian and vehicular access into the site from the public right of way frontage on Cameron Road;
2. provide basic pedestrian and vehicular access through the site across the waterway, CWQZ, and EHZ;
3. provide reasonable use of the site area for developed facilities allowed by right

Access serviceability to and safety for pedestrian and vehicular traffic driveway slopes into and through the site necessitates much of the cut/fill to service pedestrian and vehicular access to the proposed facilities. The proposed impervious area only comprises 40% of the total site area, a very minimal figure for any comparable and contemporaneous developments.

The location for the crossing was chosen for multiple reasons. Primarily because the location is the narrowest point of the creek within the property. This reduces the fill needed and thereby the disturbance area. Also, placing the crossing and culvert here allows the opportunity to provide additional erosion control measures within the channel to reduce or prevent scour and erosion which has historically been traveling upstream. To further mitigate risk, the development proposes to provide both armoring (as required by drainage review) and long rooted vegetation to protect the banks of the channel.

The location for the access to Cameron Road was identified as it provides adequate spacing from other existing access points and allows a route long enough to provide ADA accessibility into the project and to each building per TAS and FHA requirements. The traffic engineer and Travis County confirmed that this access location provides the best visibility due to hills along Cameron Road that could block sight lines. Additionally, this access point was chosen for the added reason that it would not require the removal of any large mature trees, which would have been a challenge for other locations along the roadway frontage.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes / No [provide summary justification for determination]

As previously stated, the existing topography and waterway limit the developable area on the 28.028-acre property. Eliminating the crossing, and therefore the fill, would reduce 60 units (25%) of the proposed units within this project where density is a key element of making Affordable Housing a viable development. The project's main entrance connecting to Cameron Road requires fill over 4'. This access location was chosen based on spacing, sight distance, and ADA accessibility. Without this entrance, and therefore the fill, the entire property would be unable to be developed.

- c) Does not create a significant probability of harmful environmental consequences.

Yes / No [provide summary justification for determination]

The location for the crossing was chosen specifically to reduce the probability of environmental consequences. This crossing is placed at the narrowest point of the creek within the property. This reduces the fill needed and thereby the disturbance area. Also, placing the crossing and culvert here allows the opportunity to provide additional erosion control measures within the channel to reduce or prevent scour and erosion which has historically been traveling upstream. To further mitigate risk, the development proposes to provide both armoring (as required by drainage review) and long rooted vegetation to protect the banks of the channel.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes / No [provide summary justification for determination]

Development with the variance will not have any foreseeable affects on water quality. All water being outlet to the floodplain will be treated by passing through stormwater quality measures (rain gardens, biofiltration and sedimentation pond, and vegetated level spreader).

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1. The criteria for granting a variance in Subsection (A) are met;

Yes / No [provide summary of justification for determination]

As stated above, the development meets all criteria for granting a variance as listed in subsection A. Without the variance, it would not be possible to develop as neighboring properties have. The variance is not due to a design decision, is required to allow a reasonable use of the property, and will not cause environmental harm or effect water quality.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes / No [provide summary of justification for determination]

In order to provide a reasonable, economic use as a SMART housing qualified Affordable Housing project, a creek crossing, and Cameron Road entrance will be required. Eliminating the crossing would reduce 60 units (25%) of the proposed units within this

project where density is a key element of making Affordable Housing a viable development. These difficulties make the fill required for the project to be viable.

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****Variance approval requires all above affirmative findings.**

Exhibits for Commission Variance

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- Site plan showing existing conditions if development exists currently on the property N/A
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan Attached
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. See proposed site plan.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (*if required by 25-8-121*) Submitted February 2022.
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Environmental Resource Management Reviewer Name	
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Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	The waterway located onsite is considered a minor waterway.
Water and Waste Water service to be provided by	Austin Water – SER submittal / review complete
Request	<p>The variance request is as follows (Cite code references):</p> <p><i>Code of Ordinances, updated 2022-09-22, effective 2022-08-08, Supplement No. 158</i></p> <p><i>TITLE 25. – LAND DEVELOPMENT</i></p> <p><i>CHAPTER 25-8. – ENVIRONMENT</i></p> <p><i>SUBCHAPTER A. – WATER QUALITY</i></p> <p><i>ARTICLE 7. – REQUIREMENTS IN ALL WATERSHEDS</i></p> <p><i>Section 25-8-261 Critical Water Quality Zone Development</i></p> <p><i>[reference only: Section 1.4.0 and Standard Specification 609S]</i></p> <p><u>Proposal is to allow a driveway to cross the critical water quality zone.</u></p>

Impervious cover	Existing	Proposed
square footage:	0	506,556
acreage:	0	11.63
percentage:	0%	41.49%
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<ul style="list-style-type: none"> • <u>General Description</u> – 28.028 acres from 4 tracts • <u>Slope Range</u> – See attached Existing Slope Exhibit. • <u>Elevation Range</u> – Waterway centerline: 596.2 ft to 607.4 ft Overall Site: 643.2 ft to 596.2 ft • <u>Summary of Vegetation / Trees</u> – The site is slightly vegetated with sparse locations of trees. Majority of the trees on site are hackberry trees, but there is also a small section of juniper trees, and a few cottonwood, cedar elm, mesquite and willow trees spread throughout. • <u>Summary of The Geology</u> – See attached ERI report. • <u>CWQZ</u> – A CWQZ is present throughout the approximate middle of the site from the northern to southern property boundaries as well as a tributary that intersects from the western property boundary. • <u>WQTZ</u> – N/A • <u>CEFs</u> - N/A • <u>Floodplain</u> – A floodplain travels through the center of the site. • <u>Heritage Trees</u> – There are no heritage trees on site. • <u>Any Other Notable or Outstanding Characteristics of The Property</u> - See 2A response below. 	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The proposed site development includes a stream crossing within the Critical Water Quality Zone (CWQZ).
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FINDINGS OF FACT

As required in **LDC Section 25-8-41**, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

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1. The requirement will deprive the applicant of a **privilege** available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes / No

To the south, east, and west of the subject properties are residential developments either existing or currently being constructed. This variance will allow the subject property to be developed similarly. The project is challenged by the existing topography. By this we mean, that the grade falls steeply from Cameron Road down to an existing drainage channel that bisects the tracts then rises again on the opposite side to an existing single-family residential development. Approximately 37% of the property is on the opposite side of the existing drainage ditch. This topographical condition creates a situation which functionally limits the developability of the property without crossing the drainage channel. The reason for this is that any development requires two points of access, per fire code. To place both access points on Cameron Road would require extensive fill along with the associated retaining system to allow a roadway to extend into the property and loop around and back out again. The cost for the material import coupled with the retaining system would be extreme. Additionally, the unit yield would be limited as only half of the property would be developable due to the jurisdictionality of the existing drainage channel (heavily limiting disturbance, fill, and/or rerouting). Eliminating the crossing would reduce 60 units (25%) of the proposed units within this project where density is a key element of making Affordable Housing a viable development. These difficulties make the CWQZ crossing necessary for the project to be viable.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes / No [provide summary of justification for determination]

The variance is not necessitated by a design decision. The variance is necessitated to:

1. provide basic pedestrian and vehicular access through the site across the waterway, CWQZ, and EHZ;
2. provide reasonable use of the site area for developed facilities allowed by right

The location for the crossing was chosen for multiple reasons. Primarily because the location is the narrowest point of the creek within the property. This reduces the fill needed and thereby the disturbance area. Also, placing the crossing and culvert here allows the opportunity to provide additional erosion control measures within the channel to reduce or prevent scour and erosion which has historically been traveling upstream. To further mitigate risk, the development proposes to provide both armoring (as required by drainage review) and long rooted vegetation to protect the banks of the channel.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes / No [provide summary justification for determination]

As previously stated, the existing topography and waterway limit the developable area on the 28.028-acre property. Eliminating the crossing would reduce 60 units (25%) of the proposed units within this project where density is a key element of making Affordable Housing a viable development.

- c) Does not create a significant probability of harmful environmental consequences.

Yes / No [provide summary justification for determination]

The location for the crossing was chosen specifically to reduce the probability of environmental consequences. This crossing is placed at the narrowest point of the creek within the property. This reduces the fill needed and thereby the disturbance area. Also, placing the crossing and culvert here allows the opportunity to provide additional erosion control measures within the channel to reduce or prevent scour and erosion which has historically been traveling upstream. To further mitigate risk, the development proposes to provide both armoring (as required by drainage review) and long rooted vegetation to protect the banks of the channel.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes / No [provide summary justification for determination]

Development with the variance will not have any foreseeable affects on water quality. All water being outlet to the floodplain will be treated by passing through stormwater quality measures (rain gardens, biofiltration and sedimentation pond, and vegetated level spreader).

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

Yes / No [provide summary of justification for determination]

As stated above, the development meets all criteria for granting a variance as listed in subsection A. Without the variance, it would not be possible to develop as neighboring properties have. The variance is not due to a design decision, is required to allow a reasonable use of the property and will not cause environmental harm or effect water quality.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

Yes / No [provide summary of justification for determination]

In order to provide a reasonable, economic use as a SMART housing qualified Affordable Housing project a creek crossing will be required. Eliminating the crossing would reduce 60 units (25%) of the proposed units within this project where density is a key element of making Affordable Housing a viable development.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes / No [provide summary of justification for determination]

As previously stated, the existing topography and waterway limit the developable area on the 28.028-acre property. Eliminating the crossing, and therefore the fill, would reduce 60 units (25%) of the proposed units within this project where density is a key element of making Affordable Housing a viable development.

****Variance approval requires all above affirmative findings.**

Exhibits for Commission Variance

- Aerial photos of the site Attached
- Site photos Attached
- Aerial photos of the vicinity Attached
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways Attached
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties. Attached
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. N/A
- Site plan showing existing conditions if development exists currently on the property N/A
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan Attached
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. See proposed site plan.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (*if required by 25-8-121*) Submitted February 2022.
- Applicant's variance request letter Attached



LOCATION MAP
SCALE: N.T.S.

LEGEND	
	PROPERTY BOUNDARY
	ADJACENT PROPERTY BOUNDARY
	EX. OVERHEAD UTILITY LINE
	EX. WATER LINE
	EX. WATER LINE TO BE REMOVED
	EX. TELEPHONE PEDESTAL
	EX. FIRE HYDRANT
	EX. POWER POLE
	EX. SANITARY SEWER MANHOLE
	EX. SANITARY SEWER LINE
	EX. FENCE
TBA	TO BE ABANDONED
TR	TO REMAIN
TBR	TO BE REMOVED
	CONCRETE PAVEMENT TO BE REMOVED
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED

GENERAL DEMOLITION NOTES:

1. SEE SHEET 2 FOR GENERAL NOTES.
2. REFERENCE THE ALTAINPS LAND TITLE SURVEY BY PACHECO KOCH, DATED 06/28/20, FOR MORE INFORMATION ON EXISTING CONDITIONS.
3. CONTRACTOR SHALL PERFORM ALL WORK IN ACCORDANCE WITH THE REQUIREMENTS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, (29 U.S.C. 651 et seq.), AS AMENDED AND ANY MODIFICATIONS, AMENDMENTS OR REVISIONS TO SAME.
4. BOHLER ENGINEERING HAS NO CONTRACTUAL, LEGAL, OR OTHER RESPONSIBILITY FOR THE JOB SITE SAFETY OR JOB SITE SUPERVISION, OR ANYTHING RELATED TO SAME.
5. THE DEMOLITION PLAN IS INTENDED TO PROVIDE GENERAL INFORMATION, ONLY. REGARDING ITEMS TO BE DEMOLISHED AND/OR REMOVED. THE CONTRACTOR MUST ALSO REVIEW THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, (29 U.S.C. 651 et seq.), AS AMENDED AND ANY MODIFICATIONS, AMENDMENTS OR REVISIONS TO SAME. THE CONTRACTOR SHALL PROVIDE THE NECESSARY FIELD SURVEYING AND SURVEYING DATA TO BE USED BY BOHLER, IN WRITING, PRIOR TO THE INITIATION OF ANY SITE ACTIVITY AND ANY DEMOLITION ACTIVITY. ALL DEMOLITION ACTIVITIES MUST BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THESE PLANS AND SPECIFICATIONS AND ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS, RULES, REQUIREMENTS, STATUTES, ORDINANCES AND CODES.
6. PRIOR TO STARTING ANY DEMOLITION, CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS AND MAINTAINING THE SAME ON SITE FOR REVIEW BY THE ENGINEER AND OTHER PUBLIC AGENCIES HAVING JURISDICTION THROUGHOUT THE DURATION OF THE PROJECT, SITE WORK AND DEMOLITION WORK.
7. REFERENCE TREE DISPOSITION PLAN PREPARED BY EVERGREEN FOR DETAILED TREE REMOVAL INFORMATION.
8. A PRECONSTRUCTION MEETING WITH THE ENVIRONMENTAL INSPECTOR IS REQUIRED PRIOR TO ANY SITE DISTURBANCE.



ENGINEER: BOHLER ENGINEERING 2600 NETWORK BLVD FRISCO, TX 75034 PHONE:(469) 458-7300 CONTACT:AMERISH HAUBERT	OWNER: NORTHWIND APARTMENTS, LP 500 EAST 96TH STREET, SUITE 300 INDIANAPOLIS, INDIANA 46240 PHONE: 317-846-3111 CONTACT: JEFF KITTLE	APPLICANT/DEVELOPER: KITTLE PROPERTY GROUP, INC 500 EAST 96TH STREET, STE 300 INDIANAPOLIS, IN 46240 PHONE: 713-344-7055 CONTACT: JESSICA MULLINS
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[illegible]

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AGENCY REVIEW & APPROVAL

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REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION
DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	TD202030
DRAWN BY:	AAA/SEL
CHECKED BY:	RDW/MJH
DATE:	09/20/2023
CAD I.D.:	

PROJECT:

DESIGN DOCUMENTS

— FOR



NORTHWIND APARTMENTS

APPROX. 11216 CAMERON RD
AUSTIN, TX 78754
TRAVIS COUNTY
A PORTION OF THE LUCAS MUNDO
SURVEY ABSTRACT NO. 513

BOHLER//

2600 NETWORK BLVD, SUITE 310
FRISCO, TX 75034
Phone: (469) 458-7300
TX@BohlerEng.com
TBPE No. 18065 | TBPLS No. 10194413

PLANS PREPARED BY
BOHLER //
FOR REVIEW PURPOSES ONLY
MATHIAS HAUBERT
LICENSE NUMBER: 126306

SHEET TITLE:

OVERALL DEMOLITION PLAN

SHEET NUMBER

6

10/21/2021



CONTEXT MAP

NOT TO SCALE



EXISTING SLOPES LEGEND

PROPOSED CUT/FILL LEGEND

NOTE:

CITY OF AUSTIN REVISION TABLE

It's fast. It's free. It's the

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DESIGN DOCUMENTS



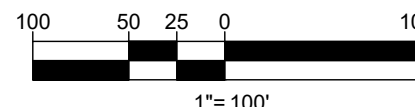
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TRAVIS COUNTY
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2600 NETWORK BLVD, SUITE 310
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Phone: (469) 458-7300
TX@BohlerEng.com
TBPE No. 18065 | TBPLS No. 10194413

MATHIAS HALBERT
LICENSE NUMBER: 138326

GRADING & SLOPES EXHIBIT

21



ENGINEER: BOHLER ENGINEERING 6017 MAIN STREET FRISCO, TX 75034 PHONE: (469) 458-7300 CONTACT: MATHIAS HAUBERT	OWNER: NORTHWIND APARTMENTS, LP 500 EAST 96TH STREET, SUITE 300 INDIANAPOLIS, INDIANA 46240 PHONE: 317-846-3111 CONTACT: JEFF KITTLE	APPLICANT/DEVELOPER: KITTLE PROPERTY GROUP, INC 500 EAST 96TH STREET, STE 300 INDIANAPOLIS, IN 46240 PHONE: 713-344-7055 CONTACT: JESSICA MULLINS
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Environmental Resource Inventory

For the City of Austin
 Related to LDC 25-8-121, City Code 30-5-121, ECM 1.3.0 & 1.10.0

The ERI is required for projects that meet one or more of the criteria listed in LDC 25-8-121(A), City Code 30-5-121(A).

1. SITE/PROJECT NAME: _____
2. COUNTY APPRAISAL DISTRICT PROPERTY ID (#'s): _____
3. ADDRESS/LOCATION OF PROJECT: _____
4. WATERSHED: _____
5. THIS SITE IS WITHIN THE *(Check all that apply)*
 - Edwards Aquifer Recharge Zone* *(See note below)* ☐ YES ☐ No
 - Edwards Aquifer Contributing Zone* ☐ YES ☐ No
 - Edwards Aquifer 1500 ft Verification Zone* ☐ YES ☐ No
 - Barton Spring Zone* ☐ YES ☐ No

*(as defined by the City of Austin – LDC 25-8-2 or City Code 30-5-2)

Note: If the property is over the Edwards Aquifer Recharge zone, the Hydrogeologic Report and karst surveys must be completed and signed by a Professional Geoscientist Licensed in the State of Texas.

6. DOES THIS PROJECT PROPOSE FLOODPLAIN MODIFICATION?..... ☐ YES** ☐ NO
 If yes, then check all that apply:
 - ☐ (1) The floodplain modifications proposed are necessary to protect the public health and safety;
 - ☐ (2) The floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a **functional assessment** of floodplain health as prescribed by the *Environmental Criteria Manual (ECM)*, or
 - ☐ (3) The floodplain modifications proposed are necessary for development allowed in the critical water **quality zone under LDC 25-8-261 or 25-8-262, City Code 30-5-261 or 30-5-262.**
 - ☐ (4) The floodplain modifications proposed are outside of the Critical Water Quality Zone in an area determined to be in poor or fair condition by a **functional assessment** of floodplain health.

**** If yes, then a functional assessment must be completed and attached to the ERI (see ECM 1.7 and Appendix X for forms and guidance) unless conditions 1 or 3 above apply.**

7. IF THE SITE IS WITHIN AN URBAN OR SUBURBAN WATERSHED, DOES THIS PROJECT PROPOSE A UTILITY LINE PARALLEL TO AND WITHIN THE CRITICAL WATER QUALITY ZONE? ☐ YES*** ☐ NO

*****If yes, then riparian restoration is required by LDC 25-8-261(E) or City Code 30-5-261(E) and a functional assessment must be completed and attached to the ERI (see ECM1.5 and Appendix X for forms and guidance).**

8. There is a total of _____ (#s) Critical Environmental Feature(s)(CEFs) on or within 150 feet of the project site. If CEF(s) are present, attach a detailed **DESCRIPTION** of the CEF(s), color **PHOTOGRAPHS**, the **CEF WORKSHEET** and provide **DESCRIPTIONS** of the proposed CEF buffer(s) and/or wetland mitigation. Provide the number of each type of CEFs on or within 150 feet of the site *(Please provide the number of CEFs)*:

_____ (#'s) Spring(s)/Seep(s) _____ (#'s) Point Recharge Feature(s) _____ (#'s) Bluff(s)
 _____ (#'s) Canyon Rimrock(s) _____ (#'s) Wetland(s)

Note: Standard buffers for CEFs are 150 feet, with a maximum of 300 feet for point recharge features. Except for wetlands, if the standard buffer is not provided, you must provide a written request for an administrative variance from LDC 25-8-281(C)(1) and provide written findings of fact to support your request. Request forms for administrative variances from requirements stated in LDC 25-8-281 are available from Watershed Protection Department.

9. The following site maps are attached at the end of this report (Check all that apply and provide):

All ERI reports must include:

- ☐ **Site Specific Geologic Map with 2-ft Topography**
- ☐ **Historic Aerial Photo of the Site**
- ☐ **Site Soil Map**
- ☐ **Critical Environmental Features and Well Location Map on current Aerial Photo with 2-ft Topography**

Only if present on site (Maps can be combined):

- ☐ **Edwards Aquifer Recharge Zone with the 1500-ft Verification Zone**
(Only if site is over or within 1500 feet the recharge zone)
- ☐ **Edwards Aquifer Contributing Zone**
- ☐ **Water Quality Transition Zone (WQTZ)**
- ☐ **Critical Water Quality Zone (CWQZ)**
- ☐ **City of Austin Fully Developed Floodplains for all water courses with up to 64-acres of drainage**

10. **HYDROGEOLOGIC REPORT** – Provide a description of site soils, topography, and site specific geology below (Attach additional sheets if needed):

Surface Soils on the project site is summarized in the table below and uses the SCS Hydrologic Soil Groups*. If there is more than one soil unit on the project site, show each soil unit on the site soils map.

Soil Series Unit Names, Infiltration Characteristics & Thickness		
Soil Series Unit Name & Subgroup**	Group*	Thickness (feet)

***Soil Hydrologic Groups Definitions (Abbreviated)**

- A. Soils having a high infiltration rate when thoroughly wetted.
- B. Soils having a moderate infiltration rate when thoroughly wetted.
- C. Soils having a slow infiltration rate when thoroughly wetted.
- D. Soils having a very slow infiltration rate when thoroughly wetted.

**Subgroup Classification – See Classification of Soil Series Table in County Soil Survey.

Description of Site Topography and Drainage *(Attach additional sheets if needed):*

List surface geologic units below:

Geologic Units Exposed at Surface		
Group	Formation	Member

Brief description of site geology *(Attach additional sheets if needed):*

Wells – Identify all recorded and unrecorded wells on site (test holes, monitoring, water, oil, unplugged, capped and/or abandoned wells, etc.):

There are ____(#) wells present on the project site and the locations are shown and labeled

____(#'s)The wells are not in use and have been properly abandoned.

____(#'s)The wells are not in use and will be properly abandoned.

____(#'s)The wells are in use and comply with 16 TAC Chapter 76.

There are ____(#'s) wells that are off-site and within 150 feet of this site.

11. **THE VEGETATION REPORT** – Provide the information requested below:

Brief description of site plant communities *(Attach additional sheets if needed):*

There is woodland community on site ☐ YES ☐ NO *(Check one).*

If yes, list the dominant species below:

Woodland species	
Common Name	Scientific Name

There is grassland/prairie/savanna on site..... ☐ YES ☐ NO *(Check one).*

If yes, list the dominant species below:

Grassland/prairie/savanna species	
Common Name	Scientific Name

There is hydrophytic vegetation on site ☐ YES ☐ NO *(Check one).*

If yes, list the dominant species in table below *(next page):*

Hydrophytic plant species		
Common Name	Scientific Name	Wetland Indicator Status

A tree survey of all trees with a diameter of at least eight inches measured four and one-half feet above natural grade level has been completed on the site.

☐ YES ☐ NO (Check one).

12. WASTEWATER REPORT – Provide the information requested below.

Wastewater for the site will be treated by (Check of that Apply):

- ☐ On-site system(s)
☐ City of Austin Centralized sewage collection system
☐ Other Centralized collection system

Note: All sites that receive water or wastewater service from the Austin Water Utility must comply with City Code Chapter 15-12 and wells must be registered with the City of Austin

The site sewage collection system is designed and will be constructed to in accordance to all State, County and City standard specifications.

☐ YES ☐ NO (Check one).

Calculations of the size of the drainfield or wastewater irrigation area(s) are attached at the end of this report or shown on the site plan.

☐ YES ☐ NO ☐ Not Applicable (Check one).

Wastewater lines are proposed within the Critical Water Quality Zone?

☐ YES ☐ NO (Check one). If yes, then provide justification below:

Is the project site is over the Edwards Aquifer?

☐ YES ☐ NO (Check one).

If yes, then describe the wastewater disposal systems proposed for the site, its treatment level and effects on receiving watercourses or the Edwards Aquifer.

13. One (1) hard copy and one (1) electronic copy of the completed assessment have been provided.

Date(s) ERI Field Assessment was performed: _____
Date(s)

My signature certifies that to the best of my knowledge, the responses on this form accurately reflect all information requested.

Print Name

Telephone

Signature

Email Address

Name of Company

Date

For project sites within the Edwards Aquifer Recharge Zone, my signature and seal also certifies that I am a licensed Professional Geoscientist in the State of Texas as defined by ECM 1.12.3(A).

P.G.
Seal

City of Austin Environmental Resource Inventory - Critical Environmental Feature Worksheet

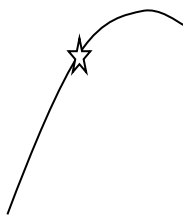
1	Project Name:	
2	Project Address:	
3	Site Visit Date:	
4	Environmental Resource Inventory Date:	

5	Primary Contact Name:	
6	Phone Number:	
7	Prepared By:	
8	Email Address:	


9	FEATURE TYPE {Wetland,Rimrock, Bluffs,Recharge Feature,Spring}	FEATURE ID (eg S-1)	FEATURE LONGITUDE (WGS 1984 in Meters)		FEATURE LATITUDE (WGS 1984 in Meters)		WETLAND DIMENSIONS (ft)		RIMROCK/BLUFF DIMENSIONS (ft)		RECHARGE FEATURE DIMENSIONS				Springs Est. Discharge cfs
			<i>coordinate</i>	<i>notation</i>	<i>coordinate</i>	<i>notation</i>	X	Y	Length	Avg Height	X	Y	Z	Trend	

City of Austin Use Only CASE NUMBER:	
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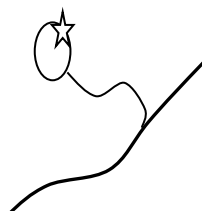
For rimrock, locate the midpoint of the segment that describes the feature.



For wetlands, locate the approximate centroid of the feature and the estimated area.



For a spring or seep, locate the source of groundwater that feeds a pool or stream.



Please state the method of coordinate data collection and the approximate precision and accuracy of the points and the unit of measurement.

<u>Method</u>	<u>Accuracy</u>
GPS <input type="checkbox"/>	sub-meter <input type="checkbox"/>
Surveyed <input type="checkbox"/>	meter <input type="checkbox"/>
Other <input type="checkbox"/>	> 1 meter <input type="checkbox"/>

Professional Geologists apply seal below





