

***Request for a Type III Variance from the City of Columbus
Stormwater Drainage Manual***

Sancus Apartments Development Site
Westerville, OH

prepared for

**City of Columbus
Administrator, DOSD**
Mr. Greg Fedner
910 Dublin Road
Columbus, OH 43215

prepared by



*Specialists in
Ecological & Wetland
Consulting*



October 31, 2018

City of Columbus
c/o Greg Fedner, Administrator, DOSD
910 Dublin Road
Columbus, OH 43215

Subject: Request for a Type III Variance from the City Columbus Stormwater Drainage Manual for the Proposed Sancus Apartments Development Site, Columbus, Ohio

Dear Mr. Fedner:

On behalf of Akidel Investment Co., LLC (Applicant), MAD Scientist Associates, LLC (MAD) presents The City of Columbus (the City) with this Request for a Type III Variance from the City of Columbus Stormwater Drainage Manual (the Manual) for proposed impacts to the Stream Corridor Protection Zone (SCPZ) associated with the Sancus Apartments Development Site in Columbus, Franklin County, Ohio (henceforth referred to as the Site; see Figures 1 and 2).

MAD completed a wetland and stream delineation at the Site on December 20, 2017. Three wetlands, identified as A, B, and C, were delineated at the Site (see Figure 3). The total wetland area is 0.21 acres. Wetland A, located on the western side of the Site, is a forested wetland consisting of a shallow depression and is dominated by young second growth eastern cottonwood. Wetland B is a complex of riverine wetlands abutting an unnamed tributary which bisects the Site. Vegetation is dominated by shrub/scrub species, and an emergent understory is also present. Wetland C, located on the eastern side of the project area, is an emergent wetland consisting of shallow depressions with a row of older second growth cottonwood trees along the southern border.

Two streams were also identified onsite. Stream 1 (a perennial stream) bisects the site, running from north to south. Stream 2 is a small gully/ephemeral stream forming as Wetland C grades into a small channel, eventually eroding into the eastern bank of Stream 1. See Figure 4 for a map depicting the streams and stream sample reaches.

On May 8, 2018, a Nationwide Permit (NWP) 39 for Residential Developments (LRH - 2018-227-SCR-UNT Alum Creek) was issued by the U.S. Army Corps of Engineers (USACE) for the proposed project. A copy of this permit is included as Attachment A. The proposed development (the Preferred Alternative), permitted under NWP 39, will consist of 36 units with associated parking spaces. As a result of the development, Wetlands A and C will be impacted in their entirety (0.18 acres total of wetland impacts). In addition to these wetland impacts, there will be a temporary Stream 1 impact for a water line crossing, however, no direct permanent impacts to the stream will occur. A three-sided box culvert

will be used to cross Stream 1 and avoid any permanent stream impacts; and Stream 2 will also be avoided.

Under the Preferred Alternative, approximately 0.11-acres of permanent permitted impacts (*i.e.*, the road crossing) and 0.17-acres of permanent non-permitted impacts (*i.e.*, buildings, parking, and storm water management features) will occur within the SCPZ (see Figure 5 and the table below). This includes impacts to approximately 0.13 acres of Wetland C (which is adjacent to the SCPZ and therefore included within it) and approximately 0.15 acres of the SCPZ surrounding Streams 1 and 2 to allow for the road crossing (permitted, 0.11 acres), and a storm detention basin (non-permitted, 0.04 acres). Although parking extends to the edge of the SCPZ, the owner is committed to keeping this area natural and will not mow or otherwise maintain the SCPZ, with the exception of trimming up limbs that extend into parking spaces or removing trees that present a safety hazard to the residents or their property.

Table summary of site acreage for variance application.

Existing SCPZ	1.2 acres
Temp SCPZ impacts*	0.06 acres
Permanent permitted SCPZ impacts	0.11 acres
Perm. non-permitted SCPZ impacts	0.17 acres
Proposed new SCPZ**	0.17 acres
SCPZ to be enhanced and protected with conservation easement	0.87 acres
Wetland impacts ***	0.18 acres
In-lieu-fee (ILF) wetland mitigation ****	0.30 acres

* site grading and water line crossing (Note: water line will be extended under Stream 1 by directional boring).

** 1:1 onsite mitigation for permanent, non-permitted SCPZ impacts

*** Permit issued by U.S. Army Corps of Engineers (05/08/18)

**** 1.5:1 offsite mitigation for jurisdictional wetland impacts purchased through Ohio Stream + Wetlands ILF program

Please refer to Section 1 for a more detailed description of the wetland and stream features, as well as an overview of the substantial hardship that may result if a variance is not granted to allow impacts within the SCPZ. Please note that Section 2 provides a narrative description of the three development plans for the Site (Preferred Alternative Plan, Minimal Alternative, No Disturbance Alternative) and Attachment B includes the three proposed Site Plans.

As mitigation for the wetland impacts, 0.30 acres of in-lieu fee credits were reserved through the Stream + Wetlands Foundation (See Attachment C for a copy of the Mitigation Agreement). The permanent, non-permitted impacts to the SCPZ will be mitigated at a 1:1 ratio onsite, through the incorporation of additional adjacent areas into the SCPZ. In addition to this mitigation, the Applicant also proposes to remove litter, debris, and invasive species such as Amur honeysuckle (*Lonicera maackii*) and Callery pear (*Pyrus calleryana*) throughout the Site, and plant native trees and shrubs to enhance the entire SCPZ on site.

To offset the loss of trees and shrubs associated with temporary and permanent disturbance within the SCPZ - which includes the area of Wetland C and the proposed

new SCPZ – a total of 231 woody plants (150 willow stakes and 81 container shrubs and trees) will be planted throughout the remainder of the SCPZ (approx. 0.87 acres on Site, including the 1:1 mitigation additions; see Figure 6) to supplement the sparse natural buffer and help provide habitat, bank stabilization and, as the riparian zone matures, shade for the stream. Plantings will be more concentrated north of the proposed road crossing, as trees and native shrubs are sparser in this portion of the SCPZ. These plantings will more than offset the required tree removal within the SCPZ, which will require the removal of only 15 trees, including two invasive Callery pears (see Figure 7).

Per the 2015 City of Columbus Tree Protection and Mitigation Policy, this removal would require that 21 trees of 2.5" caliper be planted. To provide for a more extensive planting, the Applicant proposes to plant a mixture of 3- and 5-gallon container trees and shrubs. Shrubs and faster-growing trees will be ordered in the 3-gallon container size and slower growing trees will be ordered in the 5-gallon containers. In all, 44 trees, 37 shrubs, and 150 willow stakes will be ordered and installed with calipers ranging from at least ¼" up to 1". Though smaller in caliper, these quantities will far exceed the required replacement tree numbers, and even if viewed from a total caliper inches perspective based on the minimum caliper container tree, will surpass the City's mitigation requirement ($231 \times 0.25" = 57.75"$, as compared to $21 \times 2.5" = 52.5"$). The advantages of container trees and willow stakes over balled and burlapped trees are two fold: 1) the Applicant can re-vegetate a higher percentage of the SCPZ with desirable natural vegetation; and 2) the plant material can be more easily handled by a volunteer work force. On behalf of the Applicant, we have initiated a discussion with Friends of Alum Creek and Tributaries about involving their organization in the planting of this riparian zone within their watershed. The organization will be discussing this opportunity at an upcoming meeting, and we anticipate their involvement. Our firm has a strong history of effective collaboration with FACT.

As an improvement to the appearance and stability of the eroded/incised Stream 2, some bank shaping and biostabilization (with a native slope seed mix and willow stakes) will also be performed. This should serve to reduce erosion and the resulting sedimentation that may be adversely affecting Stream 1. All SCPZ area outside of the identified permanent impacts will be allowed to develop naturally; no maintenance or mowing will be performed in these areas. Section 3 provides a detailed description of the proposed on-site mitigation.

Feel free to contact me with any questions. I can be reached at 440-213-1830 or via email at mary@madscientistassociates.net, or you may contact Mark Dilley, MAD's Chief Scientist, at 614-818-9156 (mark@madscientistassociates.net).

Best Regards,



Mary B. Skapof
Environmental Scientist II, Permitting Specialist

Attachments

cc: Yaw Agyekum, Akidel Investment Co., LLC
Ed Snodgrass, PND Builders, LTD
Jae Billiter, King Thomas

SECTION 1-REASON VARIANCE IS REQUESTED

Part A: Overview of Existing Conditions and Resource Impact Proposal

As a result of the proposed Preferred Alternative Plan, Wetlands A and C will be impacted in their entirety (0.18 acres; see Figure 6). MAD assessed the wetlands using the ORAM (Ohio Rapid Assessment Method), and assigned Wetlands A, B, and C scores of 28, 28, and 16, respectively, which identifies them as Category 1 wetlands. These types of wetlands are defined as “limited quality waters” which have low functionality and limited potential for restoration; therefore, we believe (as does the USACE), that the off-site mitigation proposed for impacts to Wetlands A and C is appropriate.

A three-sided box culvert will be installed for the road crossing connecting the two sides of the development to avoid impacting Stream 1. Stream 2 will be avoided. Stream 1 was identified as a Modified Class II Primary Headwater Habitat (PHWH) with an HHEI score of 67. Stream 2 was identified as a Class I PHWH with an HHEI score of 40 (see Figure 4 for an overview of the stream sample reaches). Although direct impacts to these streams are not proposed, approximately 0.28 acres of the SCPZ will be permanently impacted. Note that this includes the majority of Wetland C, ~0.13 acres, since it is contiguous with the SCPZ (therefore, all of it must be included in the SCPZ as per the Manual) and a portion of the SCPZ surrounding Stream 2.

Much of the area adjacent to the streams contain invasive species such as Amur honeysuckle (*Lonicera maackii*) and Callery pear (*Pyrus calleryana*). These will be removed and, within the SCPZ, replaced with native tree and shrub species. Therefore, despite the proposed impacts to the SCPZ, we believe that the proposed mitigation (outlined in Section 3), will result in an overall improvement to the health of these streams, as the more dense, higher quality native vegetated buffer will help alleviate bank erosion, provide more shade to the stream, and improve the stream-adjacent wildlife habitat.

Part B: Overview of Technical and Economic Implications

There is a high demand for apartment units in this region (the Polaris area, north of Columbus) due to expanding employment opportunities associated with large businesses that have located in the Westerville, Worthington, north Columbus, and Powell communities. According to Columbus REALTORS, Central Ohio has witnessed an overall decrease in new housing and condo listings, resulting in an increase in demand for rental properties. This apartment complex will provide housing within convenient driving distance of all of these communities.

The return that can be generated from developing only the western side of the property (Phase 1, or the No Disturbance Alternative) is cost prohibitive. As such, if the Applicant were to derive income from only 50% of the allowable density, there would be an overall cash flow struggle for the project. It is imperative that both sides of the property be available for development prior to breaking ground on Phase 1 (the western side). The spreadsheet below shows the impact of the project as a 36-unit, 2-phase project (the

Preferred Alternative); a 30-unit, 2-phase project (Minimal Alternative); and a single, 18-unit project (No Disturbance Alternative).

Please note the significant reduction in cash flow and income that would result under the No Disturbance Alternative, or Phase 1. In addition, if only developing Phase I, there may be a need for a more expensive underground stormwater detention option. By developing the eastern side of the property, standard above-ground retention may be used.

SECTION 2-DEVELOPMENT ALTERNATIVES

Please refer to Attachment B to reference the Site Plans for all three alternatives.

The proposed development (the Preferred Development Plan) will consist of a total of 36 units; with associated parking and an above-ground stormwater retention area. Under this design plan, approximately 0.28 acres of the SCPZ will be impacted. This includes 0.13 acre of Wetland C and approximately 0.15 acre of the SCPZ surrounding Stream 2 including a 10-foot buffer around the buildings and paved areas to account for grading. Note that the Applicant intends to employ directional drilling for extending the water line beneath the stream in order to avoid an open-cut crossing through the stream. The Preferred Alternative offers the most efficient, cost-effective use of space on the property, allowing for ease of construction and the most amount of return on investment, as described in Section 1.

Due to the layout of the parcel (split by Stream 1), it is extremely difficult to reduce impacts to the SCPZ under a Minimal Alternative. Under this development plan, the overall impact to the SCPZ would be 0.11 acres and only 12 additional units would be developed on the eastern side of the property (refer to Table 1); however, due to the cost of land and infrastructure development, a return on investment would not be anticipated unless more units were constructed. In addition, the layout of this area of the parcel would make it extremely difficult to position a feasible roadway allowing access to the units, creating a dead-end.

The proposed No Disturbance Alternative (NDA) (just Phase I of the proposed project) eliminates all of the proposed structures to the east of Stream 1, only one six-unit building and three four-unit buildings. However, as noted in Section 1 Part B, this would result in a significant reduction in cash flow and income.

SECTION 3-PROPOSED MITIGATION

As stated in the cover letter, as mitigation for the proposed impacts to jurisdictional wetlands, 0.30 acre of in-lieu fee credits have been reserved with the Stream + Wetlands Foundation. An initial deposit has already been approved by this bank to secure credits, and a copy of the Mitigation Agreement is provided in Attachment C.

In addition to this wetland mitigation, the Applicant also proposes to mitigate for all permanent impacts to the SCPZ (including the impacted area of Wetland C, which is technically part of the SCPZ). This will be accomplished by enhancing approximately 0.87 acres within the riparian corridor of the Site, including 0.17 acres of newly-established SCPZ. This enhancement will include invasive species removal, native plantings, and litter removal. The anticipated proposed plant distribution is shown in Figure 6. Note that the additional 0.17 acre SCPZ area provides the 1:1 onsite mitigation required for the non-permitted permanent impacts.

Table 1- Cost and Cash Flow Analysis (Estimate)

	Phase 1-No Disturbance Alternative (18 units total on western side of the property)	Phase 2-Minimal Alternative Plan (12 additional units on western side)* *Calculations in addition to developing western side of the property.	Phase 2-Preferred Alternative Plan (18 additional units)* *Calculations in addition to developing western side of the property.
Project Planning and Construction			
Land	\$253,800		-
Legal Fees	\$85,000	\$5,000	\$5,000
Engineering-Professional Services	\$107,500	\$35,000	\$35,000
Site Improvements (note more utility expense up-front)	\$450,000	\$350,000	\$350,000
Structures-Buildings	\$1,980,000	1,320,000	\$1,980,000
Subtotal	\$2,876,300	\$1,710,000	\$2,370,000
Financing and Soft Costs (8%)	\$230,104	\$136,800	\$189,600
Total Project Estimated Costs	\$3,106,404	\$1,846,400	\$2,559,600
Income and Cash Flow			
Monthly debt service at 75% LTV-6.0%	\$11,649	\$6,926	\$9,599
Property Taxes	\$7,794	\$4,634	\$6,422
Utilities	\$900	\$765	\$900
Monthly Cash Outlay	\$20,343	\$12,324	\$16,920
Rental Income (assuming at \$1,350/unit and 80% occupancy)	\$19,440	\$12,960	\$19,440
Net Monthly Cash Flow	-\$903	\$636	\$2,520
Combined Cash Flow (Phases 1 & 2)	N/A	\$267	\$1,617

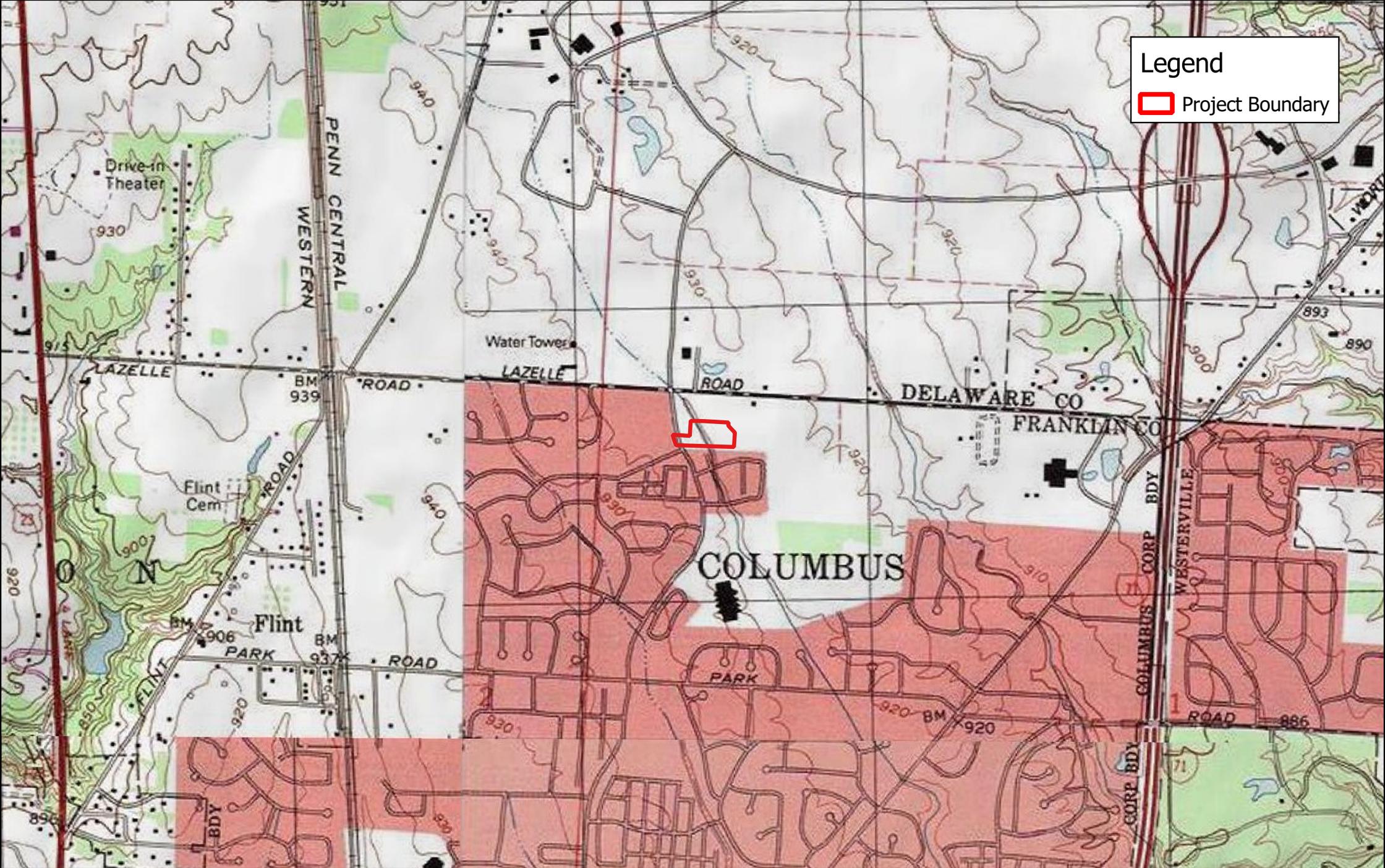
Prior to planting, litter and inorganic debris first be removed from the site using light- weight equipment to prevent soil compaction. This will ensure that soil structure remains intact to minimize erosion and plant mortality. Next, the woody invasive species, primarily Callery pear (*Pyrus calleryana*) and Amur honeysuckle (*Lonicera maackii*), will be manually removed and their stumps treated with herbicide. To minimize the potential for resprouts, stump grinding of larger trunks is recommended. The list of woody plants in Table 2, below, includes suitable native species and recommended quantities that would be appropriate for approximately 0.87 acres. These quantities account for incidental loss of up to 20% after planting. There are approximately equal amounts of tree and shrubs, which will add diversity and provide foraging opportunities and shelter for local wildlife.

Table 2. Recommended species for riparian enhancement

Species	Common Name	Form	Size	Quantity
<i>Acer saccharum</i>	Sugar maple	Tree	3-Gallon	14
<i>Celtis occidentalis</i>	Hackberry	Tree	3-Gallon	10
<i>Cercis canadensis</i>	Redbud	Tree	3-Gallon	6
<i>Cornus racemosa</i>	Gray dogwood	Shrub	3-Gallon	14
<i>Lindera benzoin</i>	Spicebush	Shrub	3-Gallon	14
<i>Platanus occidentalis</i>	Sycamore	Tree	3-Gallon	14
<i>Salix lucida</i>	Shining willow	Small tree	Bareroot or Stake	150
<i>Sambucus canadensis</i>	Elderberry	Shrub	3-Gallon	9
			Total Shrubs	37
			Willow Stakes	150
			Total Trees	44
			TOTAL:	231

Plants will be installed in September or early October or between April and early June to minimize transplant stress and encourage root development. After the planting has been completed, the Applicant will maintain this improved SCPZ as an undisturbed natural area, and no maintenance activities (with the possible exception of trash cleanup, invasive species or hazardous tree removal, or replacement plantings) will occur in the future.

When all work has been completed (site construction, SCPZ enhancement), the Applicant will have a metes and bounds survey of the SCPZ, including the additional areas, and a Conservation Easement will be completed and filed with the Franklin County Auditor.



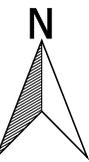
Legend

Project Boundary

Figure 1. Site Location Map

Akidel Investment Co., LLC - Sancus Apartments Development Site
Columbus, OH

Sources: USGS Topomaps (Accessed December, 2017)



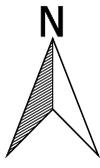


Legend
Project Boundary

Figure 2. Site Aerial Map

Akidel Investment Co., LLC - Sancus Apartments Development Site
Columbus, OH

Sources: USGS Orthoimagery (2013)



Date: December 11, 2017

0 100 200 300 400 ft

Created By: Daniel DeBruler



Legend

- Parcel boundary
- Wetland
- Perennial stream
- Ephemeral stream

Sample plot

- Upland determination
- Wetland determination

Figure 3. Wetland Delineation Summary Map

Akidel Investment Co., LLC - Sancus Apartments Development Site
Columbus, OH

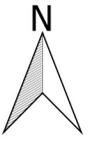
Sources: USGS Orthoimagery (2013); MAD Scientist Associates Field Data (Dec, 2017)



Date: January 03, 2018

0 100 200 300 ft

Created By: Daniel DeBruler





Legend

- Project Boundary
- HHEI Sample Reach

Figure 4. Stream and Stream Sample Reach Location Map
 Akidel Investment Co., LLC - Sancus Apartments Development Site
 Columbus, OH

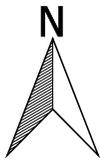
Sources: USGS Orthoimagery (2013); MAD Scientist Associates Field Data (Dec, 2017)

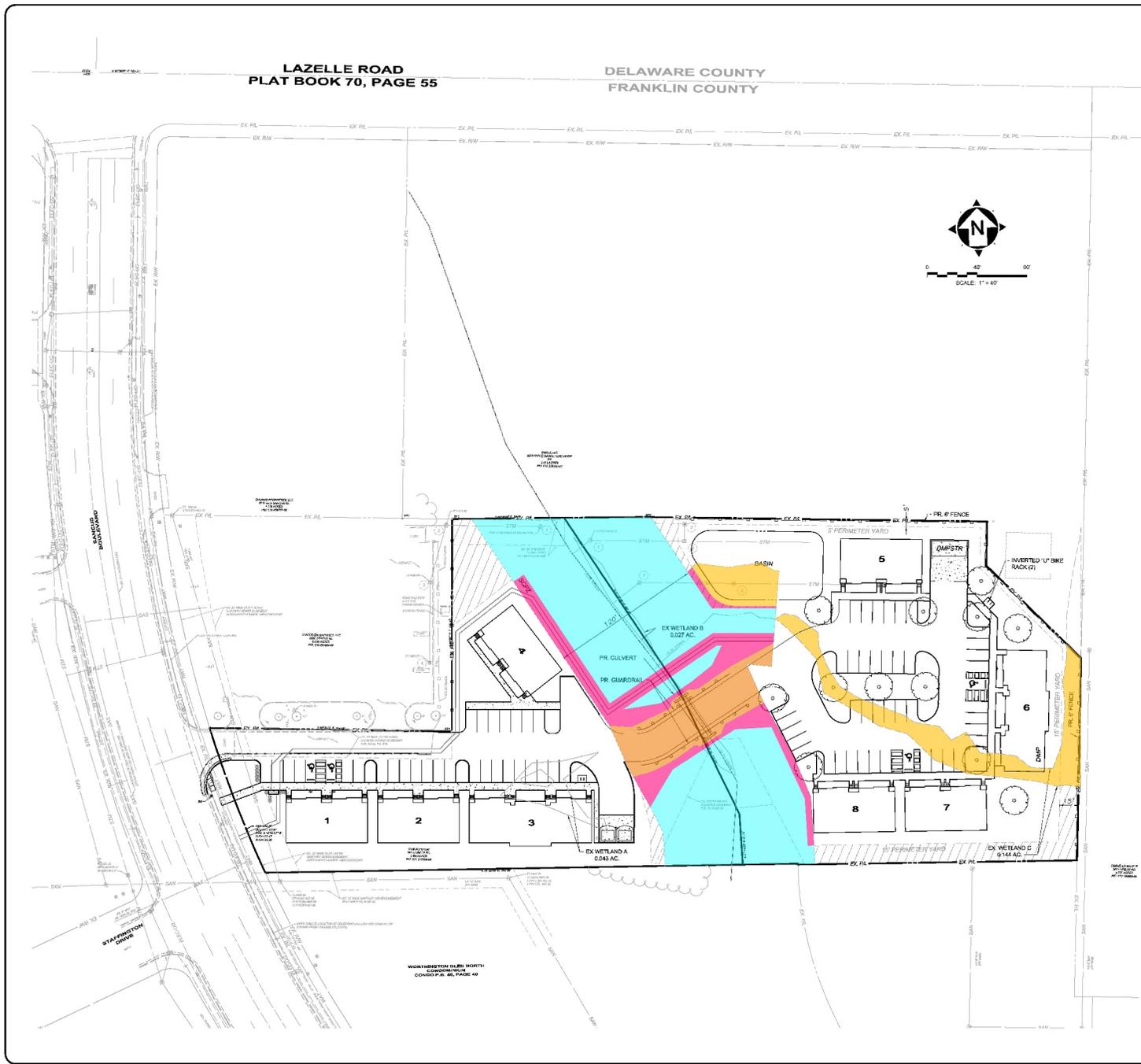


Date: January 03, 2018

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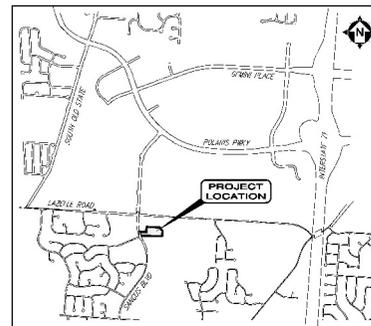
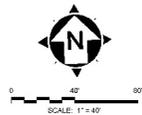
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LAZELLE ROAD
PLAT BOOK 70, PAGE 55

DELAWARE COUNTY
FRANKLIN COUNTY



LOCATION MAP
SCALE: 1"=2000'

DEVELOPER:

PAD BUILDERS LTD
ATTN: ED SINCORAGAS
51 GREIF PARKWAY, SUITE 100
COLUMBUS, OH 43015
PH: 614-585-0700
EMAIL: ESINCORAGAS@PADBUILDERSLTD.COM

ENGINEER:

CT CONSULTANTS, INC
ATTN: MARK MANN, P.E.
7366 N. HIGH STREET, SUITE 340
COLUMBUS, OH 43235
PH: 614-885-1700
FAX: 614-885-1701
EMAIL: MMANN@CTCONSULTANTS.COM

LEGEND

- PERMANENT IMPACT AREA (PERMITTED)
(4,983 S.F.)
- PERMANENT IMPACT AREA (NON-PERMITTED)
(7,392 S.F.)
- PROPOSED ADDITIONAL SCPZ AREA
(7,408 S.F.)
- TEMPORARY IMPACT AREA (NO MOW)
(5,112 S.F.)
- UNDISTURBED SCPZ AREA
(28,519 S.F.)

NO.	REVISION	DATE

ISSUED FOR:	REVIEW:	DATE:	DESIGNED BY:	CHECKED BY:

**LAZELLE CROSSINGS
SECTION/PHASES
- LOCATION -**

**SCPZ AREAS OF IMPACT
PREFERRED ALTERNATIVE - C**

PROJECT NO.	150316
DISCIPLINE	CIVIL
SHEET NAME	SCPZ-IMPCT
SHEET OF	3 3

your trusted advisor
CT CONSULTANTS
engineers
architects
planners

Figure 5. SCPZ Impact Areas provided by CT Consultants
Akidel Investment Co., LLC - Sancus Apartments Development Site
Columbus, OH

Sources: USGS Orthoimagery (2013); MAD Scientist Associates Field Data (2017);
Franklin County Parcel Data (2018); CT Consultants Site Drawings (2018)



Date: October 31, 2018

Scale: As Shown

Created By: Jim Palus



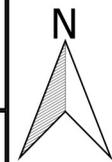
Legend

- Project boundary
- Existing SCPZ
- Permanent SCPZ impact area (0.28 ac)
- Unimpacted SCPZ (~0.7 ac)
- Proposed New SCPZ (0.17 ac)
To include invasive species control, trash removal, and supplemental woody plantings
- Development plan footprint
- Anticipated planting areas



Figure 6. Proposed Mitigation Planting and Management Map
 Akidel Investment Co., LLC - Sancus Apartments Development Site
 Columbus, OH

Sources: USGS Orthoimagery (2013); MAD Scientist Associates Field Data (2017); Franklin County Parcel Data (2018); CT Consultants Site Drawings (2018)



Date: October 30, 2018

50 0 50 100 150 200 250 ft

Created By: Jim Palus

ID	Scientific Name	Common Name	Size (in.)
1	<i>Fraxinus pennsylvanica</i>	Green ash	6.5
2	<i>Fraxinus pennsylvanica</i>	Green ash	6.0
3	<i>Pyrus calleryana</i> *	Callery pear*	7.1
4	<i>Pyrus calleryana</i> *	Callery pear*	6.3
5	<i>Populus deltoides</i>	Eastern cottonwood	15.4
6	<i>Populus deltoides</i>	Eastern cottonwood	11.0
7	<i>Populus deltoides</i>	Eastern cottonwood	9.8
8	<i>Populus deltoides</i>	Eastern cottonwood	18.5
9	<i>Populus deltoides</i>	Eastern cottonwood	6.7
10	<i>Populus deltoides</i>	Eastern cottonwood	11.0
11	<i>Populus deltoides</i>	Eastern cottonwood	15.7
12	<i>Salix nigra</i>	Black willow	13.8
13	<i>Salix nigra</i>	Black willow	11.8
14	<i>Salix nigra</i>	Black willow	11.8
15	<i>Salix nigra</i>	Black willow	15.7

*Nonnative invasive species

Legend

- Project boundary
- Existing SCPZ
- Permanent SCPZ impact area (0.28 ac)
- Trees to be Removed

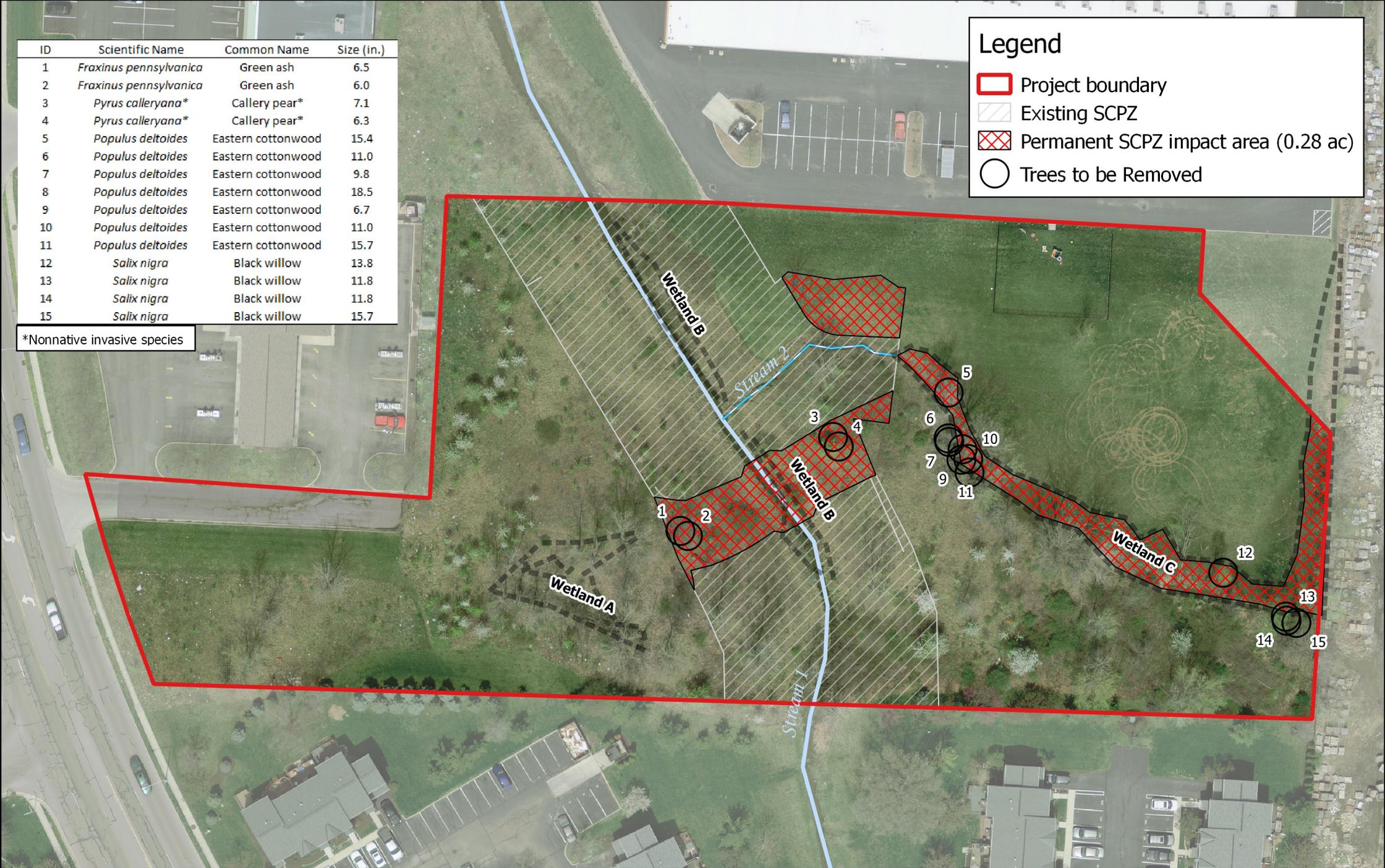
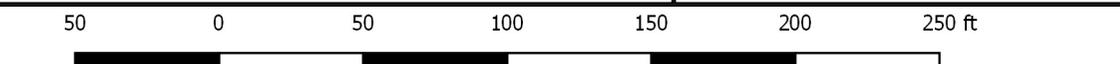


Figure 7. Tree Removal Summary within SCPZ
 Akidel Investment Co., LLC - Sancus Apartments Development Site
 Columbus, OH

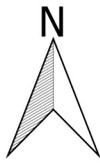
Sources: USGS Orthoimagery (2013); MAD Scientist Associates Field Data (2017 & 2018); Franklin County Parcel Data (2018); CT Consultants Site Drawings (2018)



Date: October 30, 2018



Created By: Jim Palus



Attachment A

Nationwide Permit 39



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

May 8, 2018

Regulatory Division
North Branch
LRH-2018-227-SCR-UNT Alum Creek

NATIONWIDE PERMIT 29 VERIFICATION

Mr. Yaw Agyekum
Akidel Investment Company, LLC
6031 Cleveland Avenue
Columbus, Ohio 43231

Dear Mr. Agyekum:

I refer to the pre-construction notification (PCN), submitted on your behalf by MAD Scientist Associates, LLC, and received in this office on March 9, 2018, with additional information received on April 10, 2018, concerning the Sancus Apartment Development Project. You have requested a Department of the Army (DA) authorization for the discharges of dredged and/or fill material into waters of the United States associated with the construction of a 3.5-acre multi-family residential development. The project site is located south of Lazelle Road and west of Sancus Boulevard at approximately 40.134418 latitude, -82.990219 longitude in Westerville, Franklin County, Ohio. On-site waters flow to an unnamed tributary to Alum Creek, an indirect tributary of the Scioto River, a traditional navigable water of the United States. We have assigned the following file number to your PCN: LRH-2018-227-SCR-UNT Alum Creek. Please reference this file number on all future correspondence related to this subject proposal.

The United States Army Corps of Engineers' (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a DA permit be obtained prior to discharging dredged and/or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water.

The proposed project, as described in the submitted information, has been reviewed in accordance with Section 404 and Section 10. Based on your description of the proposed work, and other information available to us, it has been determined that this project will not involve activities subject to the requirements of Section 10. However, this project will include the discharge of fill material into waters of the United States subject to the requirements of Section 404.

In the submitted PCN materials received in this office on March 9, 2018, with additional information received on April 10, 2018, you have requested a DA authorization for the discharges of 3,000 cubic yards of permanent dredged and/or fill material into 0.18 acre of two (2) wetlands and 15 linear feet (0.002 acre) of one (1) stream as described in the enclosed Table 1 in conjunction with the construction of the Sancus Apartment Development Project. The Sancus Apartment Development Project will include the construction of 42 apartment units, including five (5) buildings with six (6) units each, three (3) buildings with four (4) units each, and 90 parking spaces. In order to compensate for the unavoidable loss of 0.18 acre of two (2) wetlands associated with the Sancus Apartment Development Project, you have agreed to purchase 0.2 forested wetland credit and 0.1 non-forested wetland credit from the Stream + Wetland Foundation In-Lieu Fee Program. The project will be completed as proposed in the enclosed "*Lazelle Crossings Preferred Site Plan Option*", submitted with the PCN materials on March 9, 2018. We have determined your compensatory mitigation proposal is acceptable to offset the loss of wetlands.

Based on the provided information, it has been determined the proposed discharges of dredged and/or fill material into waters of the United States in conjunction with the construction of the proposed Sancus Apartment Development Project meets the criteria for NWP No. 29, Residential Developments (enclosed) under the January 6, 2017 Federal Register, Issuance and Reissuance of NWPs (82 FR 1860) provided you comply with all terms and conditions of the enclosed material, the enclosed special conditions, and the 401 Water Quality Certification issued by the Ohio Environmental Protection Agency (Ohio EPA) on March 17, 2017.

This verification is valid until the expiration date of the NWPs, unless the NWP authorization is modified, suspended, or revoked. The verification will remain valid if the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization. All of the existing NWPs are scheduled to be modified, reissued, or revoked on March 18, 2022. Prior to this date, it is not necessary to contact this office for re-verification of your project unless the plans for the proposed activity are modified. Furthermore, if you commence or under contract to commence this activity before March 18, 2022, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

A copy of the NWPs and this verification letter must be kept at the site during construction. Upon completion of the activities authorized by these NWP verifications, the enclosed certification must be signed and returned to this office. If you have any questions concerning the above, please contact Kayla Adkins of the North Branch at 304-399-5850, by mail at the above address, or by email at kayla.n.adkins@usace.army.mil.

Sincerely,

SPAGNA.T

ERESA.D.1

229740519

Digitally signed by
SPAGNA.TERESA.D.1229740519
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USA,
cn=SPAGNA.TERESA.D.1229740
519
Date: 2018.05.08 13:08:07
-0400

Teresa D. Spagna
Chief, North Branch

Enclosures

cc:

Ms. Mary Skapof

MAD Scientist Associates, LLC

253 North State Street, Suite 101

Westerville, Ohio 43081

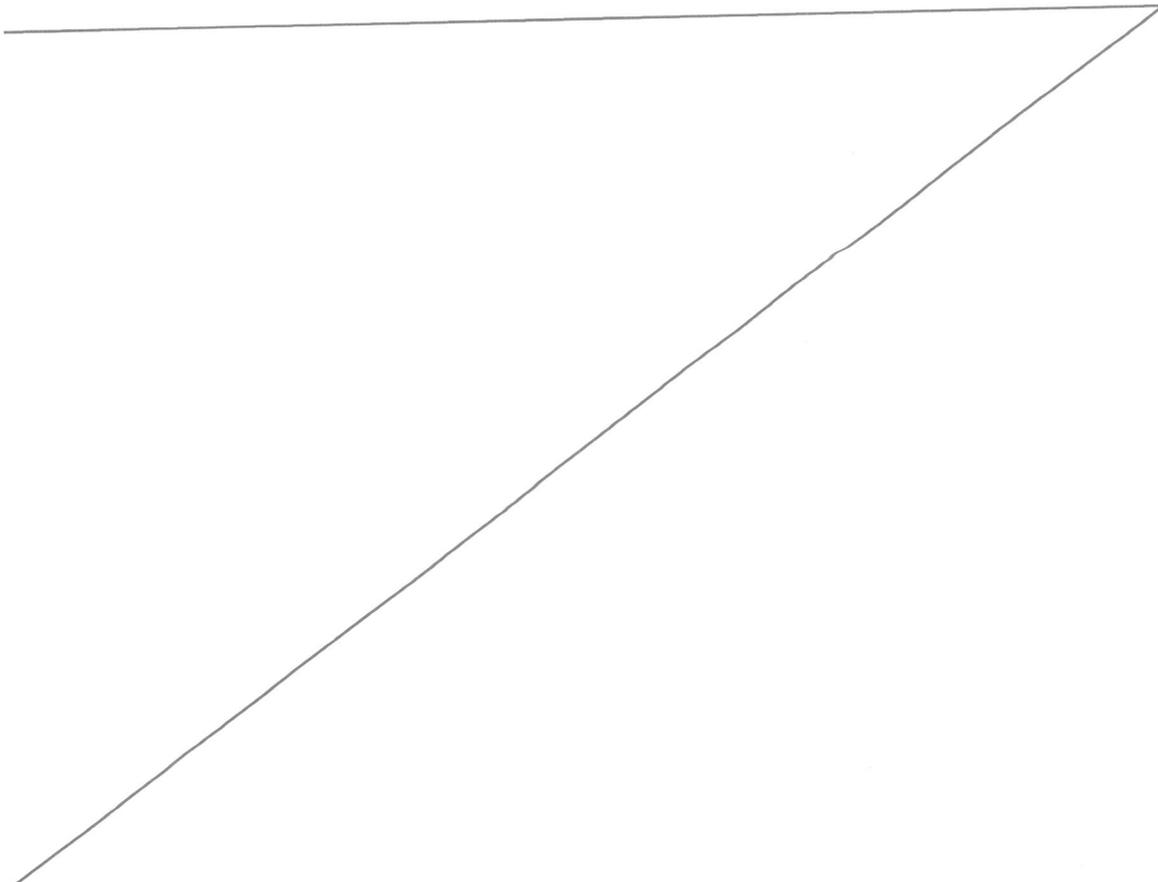
**Table 1. Authorized discharges of dredged and/or fill material within waters of the United States associated with the Sancus Apartment Development Project
LRH-2018-227-SCR-UNT Alum Creek**

Aquatic Resource	Latitude & Longitude (°N) (°W)		Flow Regime or Cowardin Class	Length (lf) and/or Acres (ac) of Fill	Other Pertinent Information
Wetland A	40.13424	-82.99043	Forested	0.04 ac	Site Grading
Wetland C	40.13436	-82.98991	Emergent	0.14 ac	Site Grading
Stream 1	40.13464	-82.99047	Perennial	15 lf 0.002 ac	Box Culvert
Total				15 lf 0.182 ac	

Special Conditions for Nationwide Permit 29 Verification
Sancus Apartment Development Project
LRH-2018-227-SCR-UNT Alum Creek
Page 2 of 2

northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. The permittee will preserve wooded/forested habitats exhibiting any of the characteristics listed above wherever possible. Should suitable habitat be present that cannot be saved during construction activities, any trees ≥ 3 inches dbh will only be cut between October 1 – March 31.

8. Section 7 obligations under Endangered Species Act must be reconsidered if new information reveals impacts of the project that may affect federally listed species or critical habitat in a manner not previously considered, the proposed project is subsequently modified to include activities which were not considered during Section 7 consultation with the United States Fish and Wildlife Service, or new species are listed or critical habitat designated that might be affected by the subject project.

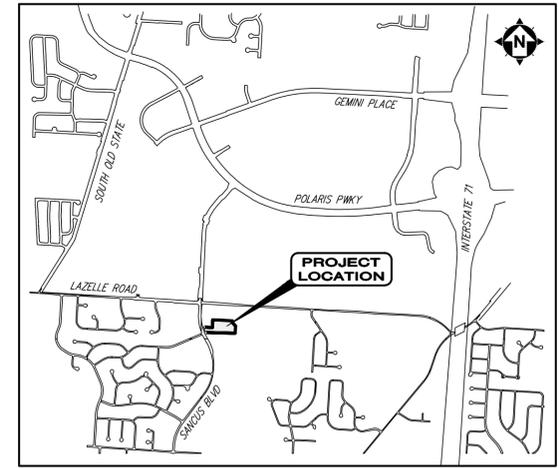
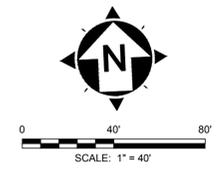
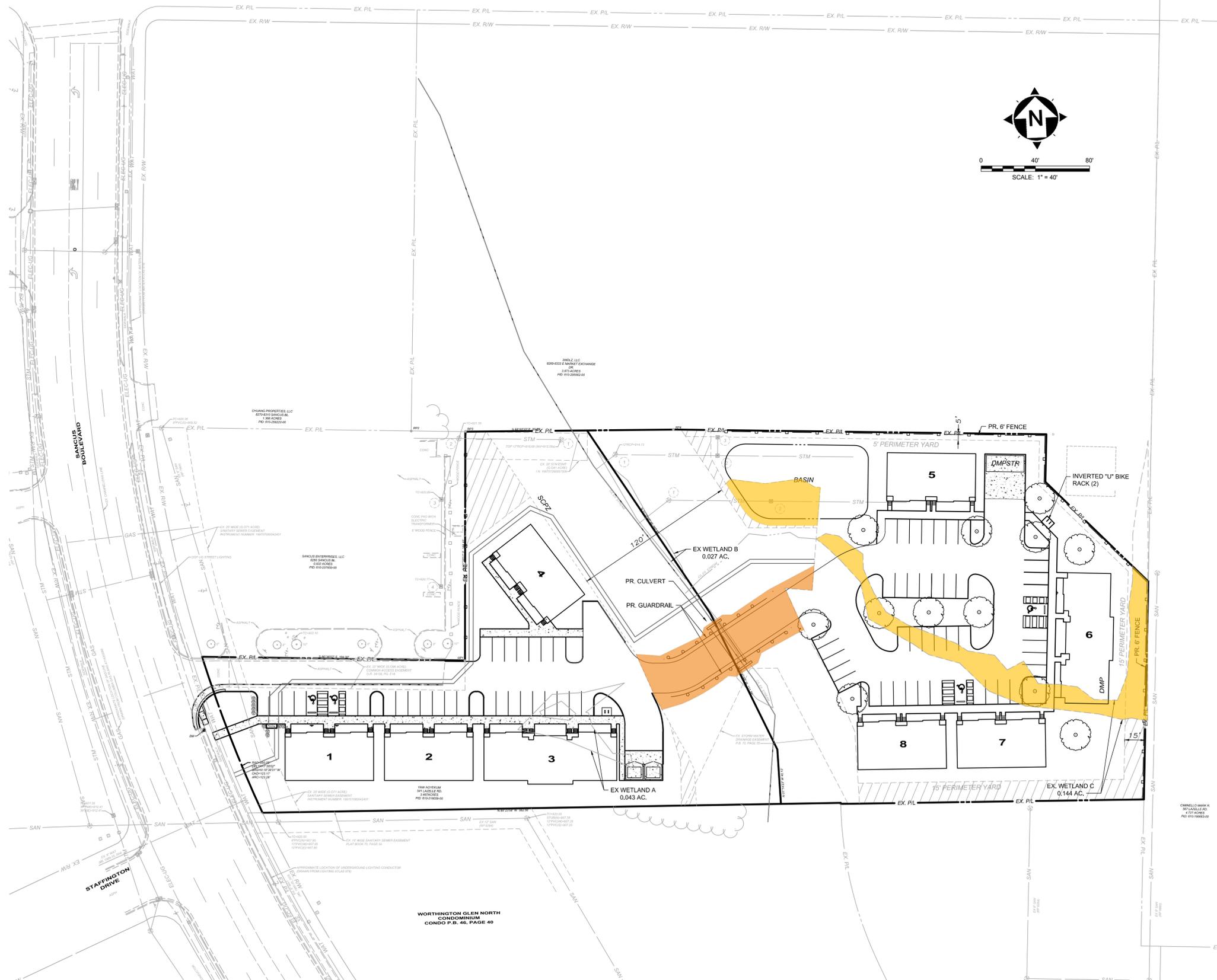


Attachment B

Alternative Site Plans (Preferred, Minimal, No Disturbance)

**LAZELLE ROAD
PLAT BOOK 70, PAGE 55**

**DELAWARE COUNTY
FRANKLIN COUNTY**



LOCATION MAP
SCALE: 1"=2000'

DEVELOPER:

P&D BUILDERS LTD.
ATTN: ED SNODGRASS
59 GREIF PARKWAY, SUITE 100
DELAWARE, OH, 43015
PH: 614-885-1705
EMAIL: ESNODGRASS@PNDBUILDERSLTD.COM

ENGINEER:

CT CONSULTANTS, INC
ATTN: MARK MANN, P.E.
7965 N. HIGH STREET, SUITE 340
COLUMBUS, OHIO 43235
PH: 614-885-1700
FAX: 614-885-1701
EMAIL: MMANN@CTCONSULTANTS.COM

LEGEND

- PERMANENT IMPACT AREA (PERMITTED)
(4,983 S.F.)
- PERMANENT IMPACT AREA (NON-PERMITTED)
(7,392 S.F.)
- PROPOSED ADDITIONAL SCPZ AREA
(7,409 S.F.)

ISSUED FOR:	REVIEW	NO	REVISION	DATE
10/30/2018	AS SHOWN			
SCALE:	DESIGNED BY:	DKP		
	DRAWN BY:	DKP		
	CHECKED BY:	DDP		

**LAZELLE CROSSINGS
SECTION/PHASES
- LOCATION -**

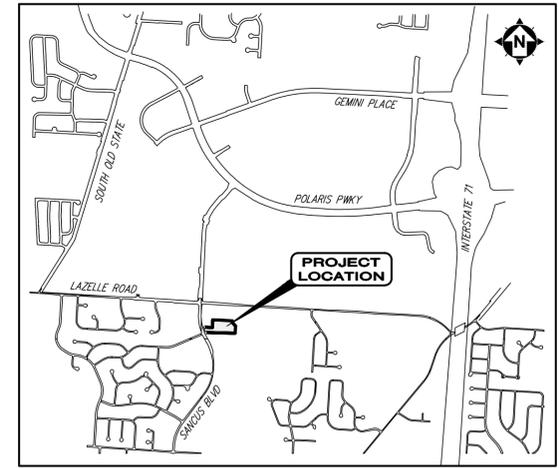
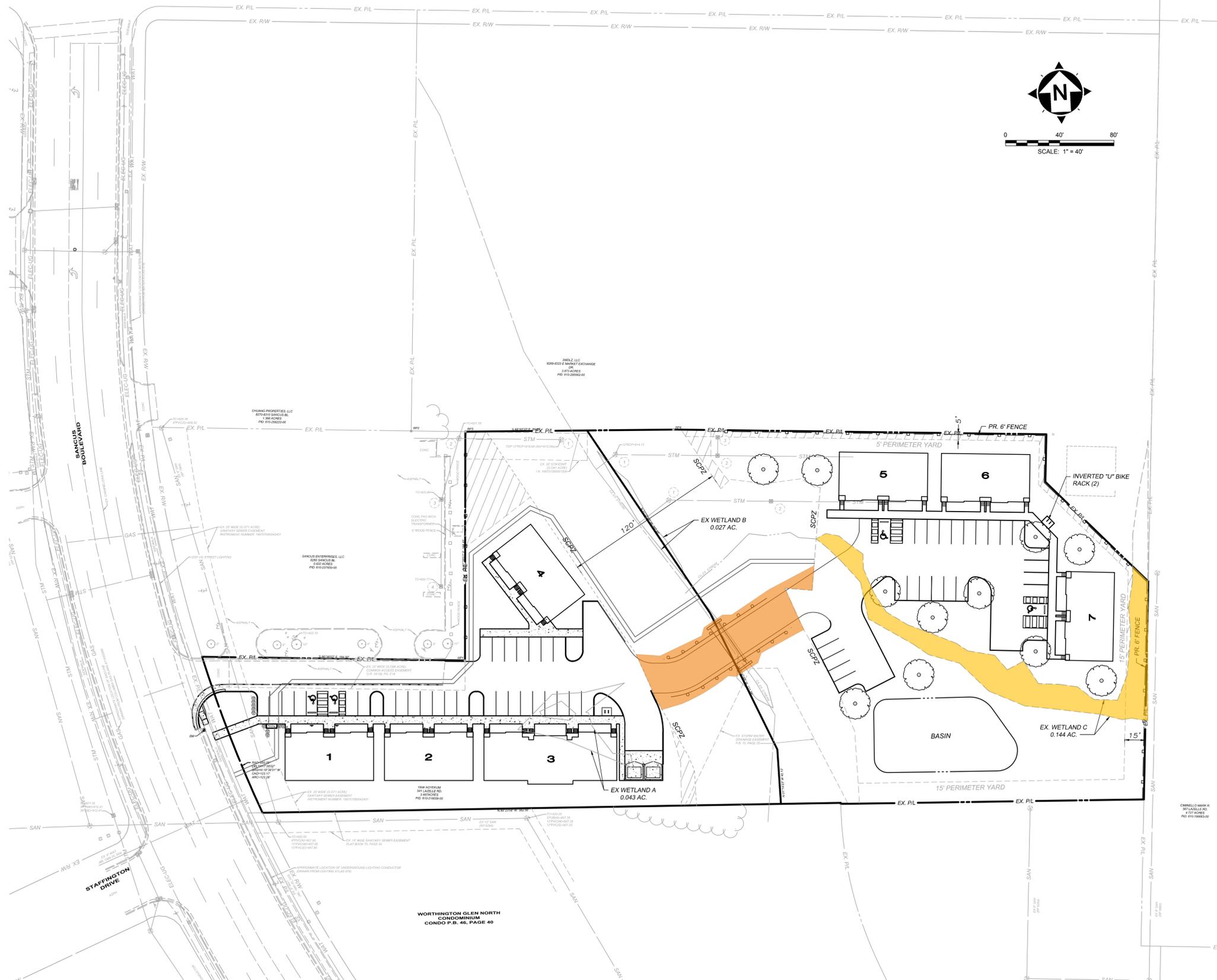
**SCPZ AREAS OF IMPACT
PREFERRED ALTERNATIVE - A**

PROJECT NO. 150316	
DISCIPLINE CIVIL	
SHEET NAME SCPZ-IMPCT	
SHEET 1	OF 3

your trusted advisor
CONSULTANTS
engineers
architects
planners

**LAZELLE ROAD
PLAT BOOK 70, PAGE 55**

**DELAWARE COUNTY
FRANKLIN COUNTY**



LOCATION MAP
SCALE: 1"=2000'

DEVELOPER:

P&D BUILDERS LTD.
ATTN: ED SNODGRASS
59 GREIF PARKWAY, SUITE 100
DELAWARE, OH: 43015
PH: 614-885-1705
EMAIL: ESNODGRASS@PNDBUILDERSLTD.COM

ENGINEER:

CT CONSULTANTS, INC
ATTN: MARK MANN, P.E.
7965 N. HIGH STREET, SUITE 340
COLUMBUS, OHIO 43235
PH: 614-885-1700
FAX: 614-885-1701
EMAIL: MMANN@CTCONSULTANTS.COM

LEGEND

- PERMANENT IMPACT AREA (PERMITTED)
(4,983 S.F.)
- PERMANENT IMPACT AREA (NON-PERMITTED)
(5,532 S.F.)
- PROPOSED ADDITIONAL SCPZ AREA
(5,341 S.F.)

ISSUED FOR:	REVIEW	NO	DATE
10/30/2018	AS SHOWN		

DESIGNED BY:	BKUN	BKUN	EPB
AS SHOWN			

SCALE:	DRAWN BY:	CHECKED BY:
AS SHOWN	BKUN	EPB

**LAZELLE CROSSINGS
SECTION/PHASES
- LOCATION -**

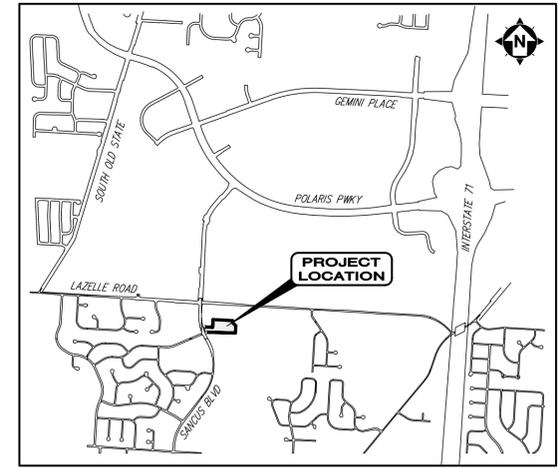
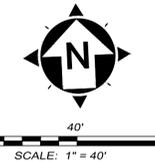
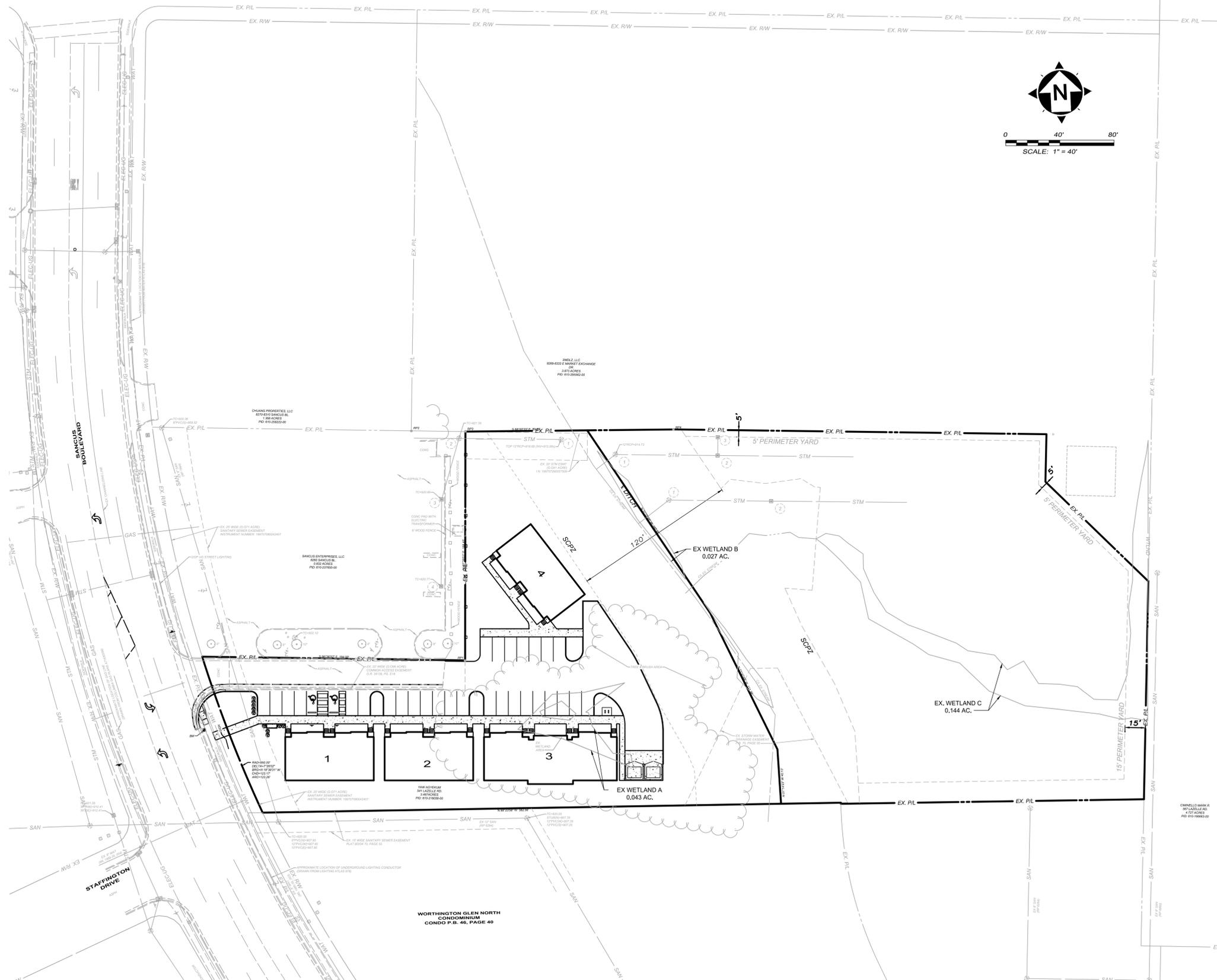
**SCPZ AREAS OF IMPACT
MINIMAL ALTERNATIVE - A**

PROJECT NO. 150316	
DISCIPLINE CIVIL	
SHEET NAME SCPZ-IMPCT	
SHEET 1	OF 3

your trusted advisor
CONSULTANTS
engineers
architects
planners

**LAZELLE ROAD
PLAT BOOK 70, PAGE 55**

**DELAWARE COUNTY
FRANKLIN COUNTY**



LOCATION MAP
SCALE: 1"=2000'

DEVELOPER:

P&D BUILDERS LTD.
ATTN: ED SNODGRASS
59 GREIF PARKWAY, SUITE 100
DELAWARE, OH. 43015
PH: 614-885-1705
EMAIL: ESNODGRASS@PNDBUILDERSLTD.COM

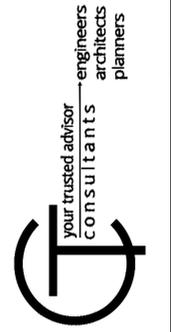
ENGINEER:

CT CONSULTANTS, INC
ATTN: MARK MANN, P.E.
7965 N. HIGH STREET, SUITE 340
COLUMBUS, OHIO 43235
PH: 614-885-1700
FAX: 614-885-1701
EMAIL: MMANN@CTCONSULTANTS.COM

NOTE:

NO DISTURBANCE OPTION REFERS TO NO DISTURBANCE TO THE STREAM CORRIDOR PROTECTION ZONE.

PRELIMINARY



ISSUED FOR:	REVIEW	NO	REVISION	DATE
7/18/18	AS SHOWN			
SCALE:	AS SHOWN			
DESIGNED BY:	BKU			
DRAWN BY:	BKU			
CHECKED BY:	EPB			

**LAZELLE CROSSINGS
SECTION/PHASES
- LOCATION -
SITE PLAN - NO DISTURB**

PROJECT NO.	150316
DISCIPLINE	CIVIL
SHEET NAME	SITE-ND
SHEET	OF
1	3

Attachment C

Mitigation Agreement

APPLICANT INFORMATION + IMPACT SUMMARY

PERMIT APPLICANT'S/CLIENT'S INFORMATION	
Applicant Name: Akidel Investment Co., LLC	
Address: 6031 Cleveland Ave. Columbus, OH 43231	Contact Name: Yaw Agyekum E-mail: ^{YA} ymillennium2005@yahoo.com Phone: 614-841-4458 614-882-7782

ENVIRONMENTAL CONSULTANT INFORMATION	
Consultant Firm: MAD Scientist Associates, LLC	
Address: 253 North State St. Suite 101 Westerville, OH 43081	Contact Name: Mary Skapof E-mail: mary@madscientistassociates.net Phone: 440-213-1830

PROJECT INFORMATION	
Project Name: The Sancus Apartments Development Site	
Project Type (commercial, industrial, residential, utility, roadway, etc.): Residential	
Location (street address, city/twp., county):	E. of Sancus Blvd, N. of Syracuse St., and S. of Lazelle Rd, Columbus, Franklin County, Ohio
Latitude: N 40° 8' 3.7"	8-Digit USGS Watershed:
Longitude: W 82° 59' 23.9"	05060001 Upper Scioto
USACE Application No. (if available):	Ohio EPA SWIMS No. if available):

ANTICIPATED IMPACTS					
Wetland Impacts (acres)		Category 1	Category 2	Category 3	Total (acres)
Jurisdictional Wetlands:	Forested				0.000
	Non-forested	0.180			0.180
Isolated Wetlands:	Forested				0.000
	Non-forested				0.000
Wetlands Total (acres)					0.180
Streams (linear feet)		Perennial	Intermittent	Ephemeral	Total (linear feet)
		125	105		230

TERMS OF PAYMENT			
Wetland Mitigation Credits	Forested Credits:	0.002	(round up to 1/10 acre)
	Non-Forested Credits:	0.301	(round up to 1/10 acre)
	Total Wetland Credits:	0.3	
Total Cost of Wetland ILFP Credits @ \$45,000 per credit:		\$13,500.00	
Stream Mitigation Credits	Total Stream Credits:	0	(round up to 1-foot)
Total Cost of Stream ILFP Credits @ \$230 per credit:		\$0.00	
Total Cost of Purchase of ILFP Credits:		\$13,500.00	
Initial Deposit (10% of Total Cost):		\$1,350.00	

VM 2/25/18

**IN-LIEU FEE PROGRAM
CREDIT PURCHASE AGREEMENT
HUNTINGTON & PITTSBURGH CORPS DISTRICTS**

WHEREAS, the discharge of dredged or fill material into waters of the United States and waters of the State of Ohio, including streams and wetlands, is regulated pursuant to Section 404 of the Clean Water Act, 33 U.S.C. §1344, and/or Ohio Revised Code Chapter 6111;

WHEREAS, entities planning to place dredged or fill material into waters of the United States or waters of the State of Ohio, including streams and wetlands, must comply with standards and conditions imposed by the Army Corps of Engineers (the "Corps") and/or the Ohio Environmental Protection Agency (the "Ohio EPA") including, in many cases, the mitigation of impacts;

WHEREAS, the Stream + Wetlands Foundation ("S+W") has established an In-Lieu Fee Program ("ILFP") in the Huntington and Pittsburgh Corps Districts that has been approved by the IRT and is authorized to provide ILFP credits to entities required to provide compensatory mitigation for stream and wetland impacts; and

THEREFORE, Akidel Investment Co., LLC ("Client") and S+W agree they will comply with the following guidelines and procedures by which Client will purchase ILFP wetland mitigation credits from S+W to provide compensatory mitigation for stream and/or wetland impacts permitted under Sections 404 and 401 of the Clean Water Act and/or Ohio Revised Code Chapter 6111.

A. Initial Reservation Period

This Agreement shall become effective on upon the date this Agreement is signed by both S+W and Client. Upon receipt of a complete, signed copy of this Agreement and the Initial Deposit, S+W will reserve the ILFP mitigation credits designated above for a period of six (6) months (the "Initial Reservation Period"). In the event that Client withdraws its stream and/or wetland fill permit application or the application is denied, the deposit will be refunded upon the written request of Client confirming permit withdrawal or denial, provided such request is received by S+W within six (6) months from the Effective Date.

B. Extension of Reservation Period

Client may extend the Initial Reservation Period for additional six (6) month periods (not to exceed 24 months from the Effective Date) by delivering payment(s) to S+W of 10% of the total ILFP credit purchase price for each six (6) month extension period and timely providing S+W with written notice requesting such extension. All deposit payments are non-refundable upon expiration of the Initial Reservation Period. Full payment is due no later than two years after the Effective Date of this Agreement. If S+W does not receive full payment within two years of the Effective Date, all deposit payments will be retained by S+W and the previously reserved ILFP credits will be immediately available for sale to third parties.

C. Within thirty (30) days of issuance of the Clean Water Act Section 404 permit and, if necessary, the Section 401 Certification and/or Ohio Isolated Wetland Permit, whichever is later received (the "Permit Issue Date"), Client will tender in full the outstanding balance of the cost of the ILFP credits. Client will concurrently provide S+W with a copy of the Section 404 permit and, if applicable, the Section 401 Certification and/or the Ohio Isolated Wetland Permit or other approval to impact wetlands on the project. If payment is not received by S+W within thirty (30) days of the Permit Issue Date, the Client will be considered to be in Default of Payment and a late payment penalty of \$500 or 2.0% interest on outstanding balance, whichever is greater, shall be immediately applied for each month or portion thereof until payment is received in full, including all late payment penalties.

D. If the Client is in Default of Payment for greater than ninety (90) days, S+W may, at its sole discretion, notify the Client that this Agreement is terminated and elect to market and sell the Client's reserved ILFP credits to a third party. The Corps and/or Ohio EPA shall be notified by S+W that this Agreement has been terminated and the ILFP credits are no longer held in reserve for the Client. The Client's deposit payment(s) will be forfeited to S+W; provided, however, that S+W may, in its sole discretion, and written request of the Client apply the amount of the deposit payment or any portion thereof against the cost of future ILFP credit purchases by the Client from S+W.

E. The Client shall have no obligation other than the payments set forth in this Agreement for the completion of compensatory mitigation represented by the purchase of the ILFP credits. S+W is solely responsible for the successful implementation of all compensatory mitigation represented by the purchase of the ILFP credits consistent with the ILFP Final Instrument. This Agreement does not constitute a permit or other authority to proceed with the proposed stream and/or wetland impacts and the Client is solely responsible for obtaining all necessary permits and other approvals required for the project.

I. OBLIGATIONS OF STREAM + WETLANDS

A. S+W has established the Huntington and Pittsburgh Corps District ILFP and the IRT has confirmed that S+W is authorized to sell ILFP credits to entities required to provide compensatory mitigation for stream and wetland impacts.

B. In consideration for the payment by Client of \$13,500.00 (plus any subsequently accrued late payment penalties), S+W hereby agrees to provide 0.3 approved wetland ILFP credits and n/a approved stream ILFP credits established in the Huntington and Pittsburgh Corps District ILFP for the benefit of Client consistent with the terms of the Agreement. S+W shall be solely responsible for completing the compensatory mitigation requirements consistent the purchase of ILFP credits and the terms of the Huntington and Pittsburgh Corps Districts ILFP Instrument, including applying wetland mitigation credits purchased by Client and ensuring the quality and performance of wetland ecosystems serving as mitigation for Client. S+W shall indemnify Client from any damages or liabilities which may arise out of any act or omission of S+W.

C. S+W will promptly provide written confirmation to the Client that full payment has been received for the purchase of ILFP credits specified in paragraphs II of this Agreement.

II. GENERAL PROVISIONS

A. This Agreement shall be governed and construed in accordance with the laws of the State of Ohio. Venue for the resolution of any dispute shall be in the Court of Common Pleas of Franklin County, Ohio or in the federal court in the Southern District of Ohio in Columbus, Ohio.

B. The signatories hereto represent and covenant that they are authorized to execute this Agreement and to bind the respective parties to this Agreement.

C. This Agreement is the entire agreement between S+W and Client and supersedes any prior agreements of communications relating thereto. No modification hereof or subsequent agreement related to the sale of ILFP credits described herein shall be binding on either party unless reduced to writing and signed by both parties hereof.

STREAM + WETLANDS FOUNDATION

Signed By: _____

Vincent E. Messerly, President

Date: February 26, 2018

CLIENT: AKidel Investment Company, LLC

Signed By: _____

Printed Name: YAW AGYEKUM

Title: PRESIDENT

Date: 02-20-2018

FOR STREAM + WETLANDS FOUNDATION USE ONLY

Assigned to In-Lieu Fee Project HUC No.	
ILFP Project Name	
Date of Permit Issuance by OEPA/USACE (as applicable)	