

TRACIE R. DAVIES  
Director

THE CITY OF  
**COLUMBUS**  
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF  
PUBLIC UTILITIES

December 13, 2018

Mary B. Skapof  
Environmental Scientist II, Permitting Specialist  
MAD Scientist Associates, LLC  
253 North State Street, Suite 101  
Westerville, OH 43081

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Sancus Apartments  
Development Site, Akindel Investment Co., LLC

Ms. Skapof:

This letter is in response to the subject variance request to SWDM Section 1.3 Stream Corridor Protection Zone. An estimated 0.28 acres of two unnamed streams Stream Corridor Protection Zone (SCPZ) crossing the site will be impacted by the proposed work. More specifically, under the Preferred Alternative an estimated 0.17 acres of the unnamed streams' SCPZ will be impacted by non-permitted SCPZ activities (building, parking and stormwater management). This acreage includes 0.13 acres of wetland impacts. The existing wetland is contiguous with the SCPZ, and, as such, is part of the SCPZ. Additionally, 0.11 acres of the proposed permanent impact are associated with the proposed roadway crossing, which is a permitted activity within the SCPZ, requiring mitigation. No direct impact to the existing streams is proposed as part of this development.

The SWDM Variance Type III Request was submitted to the City on October 31, 2018. The Variance Review Committee met and reviewed the subject Variance Request on November 14, 2018.

As part of the Variance review process, the subject Variance request was posted on the City website on November 6, 2018 to solicit public comments. No public comments were received by the published deadline.

The submitted Variance Request was found to be in compliance with the SWDM Stream Protection Type III Variance Application requirements. Three alternatives were considered within the application: Full Compliance (“No Impact”), “Minimal Impact”, and “Preferred” alternatives.



Full Compliance (“No Impact”) would require reducing the size of the proposed development from a 2-phase, 36-unit project to a single phase, 18-unit project. Only the western half of the site would be developed, leaving the existing wetlands and streams’ SCPZ unimpacted. The applicant makes an argument that this alternative is not feasible; based on the cash flow analysis submitted, it would result in a negative cash flow for the proposed development.

Under the “Minimal Impact”, the extent of the SCPZ impact is reduced by locating only 12 units on the eastern half of the site, vs. 18 under the “Preferred” alternative, resulting in 0.22 ac. of the permanent SCPZ impact vs. 0.28 ac. This “Minimal Impact” alternative would require a dead-end access to the eastern units, creating potential future access issues for the eastern part of the development. Additionally, this would result in a substantially reduced monthly cash flow vs. the “Preferred” alternative. Due to these considerations, the applicant makes an argument that this alternative would cause an undue hardship to the developer, depriving him of reasonable use of his land.

The “Preferred” alternative will result in a two-phase development, with 18 units on the western half of the parcel (Phase 1), and 18 units on the parcel’s eastern half (Phase 2). As noted above, the total anticipated permanent SCPZ impact is 0.28 ac., including 0.11 ac. for the proposed roadway crossing.

The applicant has also submitted a proposed mitigation plan within the Variance request. All proposed riparian SCPZ impacts would be mitigated on-site. Additionally, as part of the US Army Corps of Engineers (USACE) permitting process, the applicant reserved 0.30 acres of in-lieu credits through the Stream + Wetlands Foundation as mitigation for the wetland impacts. The permanent, non-permitted SCPZ impacts are proposed to be mitigated on site by creating an additional SCPZ contiguous with the existing, at a rate close to, but slightly lower than 1:1 required by the SWDM. To address this minor shortcoming, the applicant proposes to enhance approximately 0.85 acres within the existing and proposed SCPZ by removing invasive species, planting native vegetation, and removing litter. According to the Tree Survey, 15 trees are to be removed from the existing SCPZ. Per City’s Tree Policy, 21 trees of 2.5 in. caliper would be required to mitigate the tree removal impact. A total of 231 plantings is proposed to be used, including 44 trees, 150 willow stakes, and 37 shrubs, ranging in caliper from ¼ in. to 1 in. These plantings represent an effort significantly above and beyond the required revegetation to account for the trees lost.

Additionally, to improve appearance and stability of the eroded/incised existing stream, the applicant proposes to perform bank shaping and biostabilization, including planting native slope seed mix and willow stakes.

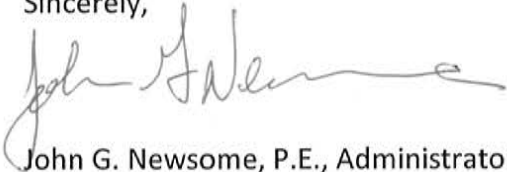
Upon reviewing and discussing the application and other supportive documentation submitted by the applicant’s consultant, the Variance Review Committee concluded that the applicant made a good faith effort to comply with the SWDM requirements. The Committee also accepted the applicant’s argument that “No Impact” and “Minimal Impact” alternatives would cause an undue hardship to the developer.

In light of the above, the Variance Request (Preferred Alternative) is conditionally approved contingent on the following:

- Mitigation measures as proposed under the Preferred Alternative will need to be submitted to the City within the proposed development storm CC-Plans
- The proposed development will be required to perform all utility crossings under the SCPZ by trenchless methods
- The developer agrees to conduct no maintenance activities outside the limits of the paved parking areas abutting the SCPZ
- A conservation easement must be prepared and recorded to include the newly established and existing SCPZ
- Storm CC-Plans and Stormwater Management Report to be submitted and approved by the City

No approval contained herein relieves or absolves the applicant of any provisions of applicable state or federal laws. Please contact Private Development Section Manager - Greg Fedner, P.E. at 614-645-8072 with any questions.

Sincerely,



John G. Newsome, P.E., Administrator  
Division of Sewerage and Drainage

pc: Variance Review Committee  
File