

TRACIE DAVIES
Director

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF
PUBLIC UTILITIES

July 19, 2021

Jonathan Demarest, PE
Project Manager
Civil & Environmental Consultants, Inc.
250 Old Wilson Bridge Road, Suite 250
Worthington, Ohio 43085

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Talbott Property, Western Portion, London-Groveport Rd. PID 495-232641-00.

Mr. Demarest:

This letter is in response to the subject variance request to the SWDM Sections 1.3.2 *Permanent Protection of the Stream Corridor* and 1.3.3 *Prohibited Uses in the Stream Corridor Protection Zone*. More specifically, SWDM Section 1.3.2 provides for permanent protection of the Stream Corridor Protection Zone (SCPZ), and Section 1.3.3 lists specific activities and facilities prohibited within the SCPZ, which include commercial business activities, filling, excavation and other changes in topography within the SCPZ. A variance is requested to allow construction of a 530,291 sf distribution warehouse center and associated features including roads, parking, landscaping, utilities and stormwater management which requires relocation of the existing stream, Stimmel Ditch, crossing the site.

The request was submitted to the City on June 15, 2021. The Variance Review Committee met and reviewed the subject Variance Request on July 12, 2021. As part of the Variance review process, the subject Variance request was posted on the City website on June 18, 2021 to solicit public comments. No public comments were received by the due date of July 2nd.

The submitted Variance Request was found by the Variance Review Committee to be in compliance with the SWDM Stream Protection Type III Variance application requirements.

Three alternatives were considered within the application for the requested Section 1.3 variance - Full Compliance, Minimal Impact and the Preferred Alternative.

Under the Full Compliance Alternative, no work will be performed within the stream or its SCPZ. Two smaller-footprint warehouse buildings would be built on the site. No improvements would be performed to improve the flooding conditions north of London-Groveport Rd., as the existing 15-inch tile will continue flowing into Stimmel Ditch in its present condition and location. No improvements in stream stability, floodplain, and SCPZ environmental quality will be achieved as the stream will not be relocated and restored. The desirable operational business model would not be achievable, creating a development not viewed as viable and resulting in financial hardship and deprivation of the applicant of reasonable use of the land.



Under the Minimal Impact Alternative, approximately 840 lf of Stimmel Ditch would be relocated in the NW portion of the site. The 15" tile will remain unchanged, thus not improving flooding conditions north of London-Groveport Rd. The single building size will be about 50% of the one proposed under the Preferred Alternative. Building configuration will make it less marketable for the future end users. This Alternative is also viewed as not feasible.

Under the Preferred Alternative, 2,471 LF of Stimmel Ditch will be relocated along the north and west margins of the property, and 469 LF in the SW portion of the site will be restored. The 15" tile will be replaced with an upsized storm sewer to relieve flooding conditions upstream. Cross-docked bulk industrial facility, doubling the capacity and efficiency of a single-dock configuration is only possible with this option. This option results in a site layout which meets the desired business model.

The applicant proposes to mitigate the proposed under the Preferred Alternative impact by relocating and restoring the stream using the natural channel design principles creating a sinuous, stable stream with pools and riffles which will result in vast improvements in water quality when compared with the existing straightened, channelized and silted channel. The reestablished SCPZ on the 2,940 lf of the relocated and/or restored stream will be approximately 8.3 acres, an increase of 1.4 acres vs. the existing conditions. Native tree and shrub species will be planted in the reestablished and restored SCPZ, replacing currently pre-dominant invasive, low quality, fast-growing and short-lived tree species along the stream corridor. The ACOE/OEPA Section 401/404 Permit will also require a 5-year monitoring period allowing the implemented environmental measures/plantings to stabilize and establish themselves. The mitigation proposal will comply with and exceed the SWDM requirement of creating/restoring the stream and its SCPZ which will be equivalent to the existing stream/SCPZ in its ecological quality, also exceeding the required on-site 1:1 stream length/SCPZ acreage ratio.

Upon reviewing and discussing the application submitted by the applicant, the Variance Review Committee agreed with the applicant that the Preferred Alternative with the proposed SCPZ mitigation plan represents the development team's good faith effort to comply with the SWDM stream protection requirements to the maximum practical extent. The Committee further agreed with the applicant's argument that both the Full Compliance and the Minimal Impact Alternatives would impact business viability of the proposed development to a point of making it infeasible.

In light of the above, the subject Variance Request (Type III SWDM Section 1.3), Preferred Alternative is conditionally approved contingent upon the following stipulations:

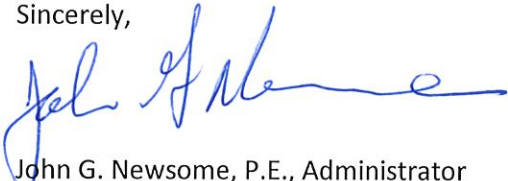
- Storm CC-Plan and Stormwater Management Report must be submitted and approved by the City of Columbus. The plans shall include an SCPZ mitigation plan as conceptually described above and in the variance application.
- The relocated and restored stream and its SCPZ within the limits of the site will require a conservation easement or environmental covenant to protect these areas in perpetuity. The

developer will work with the City and the Ohio EPA to develop an environmental protection document which will satisfy all three parties.

- The proposed detention basin will be privately owned and maintained. An emergency maintenance easement will be provided to the City to be able to conduct emergency maintenance of the detention basin and its appurtenances, as the basin is proposed to accept public Right-Of-Way runoff through the existing 36-inch culvert under London-Groveport Road. The easement will indemnify the City and its agents from liability while conducting this emergency work, if and as needed. The basin will need to be designed to make sure it is not creating backwater conditions for the City storm sewer emptying into it. Alternatively, the City sewer would need to be extended to empty into the relocated Stimmel Ditch bypassing the basin.

No approval contained herein relieves or absolves the applicant of any provisions of applicable state or federal laws. Please contact Plan Review 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
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