

1 BEFORE THE BIG DARBY ACCORD ADVISORY PANEL

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3 TRANSCRIPT OF PROCEEDINGS

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5
6 Tuesday, December 11, 2018
7 1:30 p.m.
8 373 South High Street
9 25th floor
10 Meeting Room B
11 Columbus, Ohio 43215

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13 SUSAN L. COOTS, RPR
14 REGISTERED PROFESSIONAL REPORTER

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1 APPEARANCES:

2 Ashley Hoye, Chairperson

3 John Bryner

4 Steve Gordon

5 Sheree Gossett-Johnson

6 Anthony Sasson

7 John Tetzloff

8 Vincent Tremante

9 Matthew Brown, Planning Administrator
10 Development and Planning Department

11 Luis Teba, Senior Planner, City of Columbus Department
12 of Development

13 Marc Rostan, Senior Planner, City of Columbus
14 Department of Development

15 Belkis Schoenhals, Senior Planner, City of Columbus
16 Department of Development

17 John Talentino, City of Hilliard

18 Elizabeth Clark, City of Hilliard

19 - - -

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1 TUESDAY AFTERNOON SESSION
2 December 11, 2018
3 1:30 p.m.

4 - - -

5 P R O C E E D I N G S

6 - - -

7 BE IT REMEMBERED THAT, on the 11th day of
8 December, 2018, this cause came on for hearing, before
9 the Big Darby Accord Advisory Panel; and the parties
10 appearing in person and or by counsel, as herein set
11 forth, the following proceedings were had:

12 CHAIRPERSON HOYE: We are going to bring the
13 December 11th, 2018, Big Darby Accord Advisory Panel
14 meeting to order.

15 Please call the roll.

16 MR. TEBA: Sure. Anthony Sasson.

17 MR. SASSON: Here.

18 MR. TEBA: Greg Hart.

19 (No response.)

20 MR. TEBA: Sheree Gossett-Johnson.

21 MS. GOSSETT-JOHNSON: Here.

22 MR. TEBA: Ashley Hoye.

23 CHAIRPERSON HOYE: Here.

24 MR. TEBA: John Tetzloff.

MR. TETZLOFF: Here.

1 MR. TEBA: Margaret Malone.

2 (No response.)

3 MR. TEBA: Vincent Tremante.

4 MR. TREMANTE: Here.

5 MR. TEBA: Steve Gordon.

6 DR. GORDON: Here.

7 MR. TEBA: John Bryner.

8 (No response.)

9 We have a quorum.

10 CHAIRPERSON HOYE: Great. Would you please
11 introduce Staff.

12 MR. TEBA: I'm Luis Teba with the City of
13 Columbus Planning Division.

14 MR. TALENTINO: John Talentino, City of
15 Hilliard.

16 MR. BROWN: Matt Brown, Franklin County.

17 CHAIRPERSON HOYE: If there's anybody here
18 that wishes to speak in front of the Panel today,
19 please stand and raise your right hand.

20 MR. BROWN: Anyone wishing to provide
21 testimony today, please stand and raise your right
22 hand.

23 (Witnesses sworn.)

24 MR. BROWN: Thank you.

1 CHAIRPERSON HOYE: Thank you. All right.

2 The next order of business is the approval
3 of the minutes from the November 13th meeting.

4 If everyone's read it over, and if there are
5 any changes, let me know. If not, we need a motion to
6 approve.

7 MR. GORDON: I so move.

8 CHAIRPERSON HOYE: I need a second.

9 MS. GOSSETT-JOHNSON: I second.

10 MR. TEBA: Motion to approve the November
11 13, 2018, minutes.

12 Anthony Sasson.

13 MR. SASSON: Yes.

14 MR. TEBA: Sheree Gossett-Johnson.

15 MS. GOSSETT-JOHNSON: Yes.

16 MR. TEBA: Ashley Hoyer.

17 CHAIRPERSON HOYE: Yes.

18 MR. TEBA: John Tetzloff.

19 MR. TETZLOFF: Yes.

20 MR. TEBA: Steve Gordon.

21 DR. GORDON: Yes.

22 The motion has passed.

23 (Mr. Tremante joined the proceedings.)

24 CHAIRPERSON HOYE: Okay. Thank you.

1 We'll go straight into Old Business. Take
2 it away.

3 MR. TEBA: Sure.

4 MR. BROWN: Just for the record,
5 Mr. Tremante has arrived and was here at the beginning
6 of the first item of Old Business.

7 MR. TEBA: The first item today before the
8 Panel is 1980 Alton Darby Creek Road. They came in in
9 October for an informal review. They're coming back
10 for a formal review of a potential Columbus rezoning.

11 So the site is located within the Special
12 Pilot LEED Residential Area land use category. It
13 contains Tier 1, Tier 3, and protected land. It also
14 borders the Clover Groff Run and contains wetlands,
15 woodlands, and a pond. Priority Stream Restoration
16 Zone -- it's also in the Priority Stream Restoration
17 Zone.

18 The plan recommends development of around
19 1,400 units in the LEED area, consisting of mixed-use
20 development with a density of three dwelling units per
21 acre. It also recommends that sanitary sewer be
22 provided and suggests that LEED Neighborhood
23 Development principles be applied.

24 So this is the site. It's comprised of one

1 parcel, 369 acres. The current zoning for the site is
2 R, Rural District. It's R-2 Limited Suburban
3 Residential, one dwelling unit, 5,000 square feet.
4 The site has been used for agricultural purposes since
5 at least 1940.

6 CHAIRPERSON HOYE: Is it one parcel?

7 MR. TEBA: I apologize. It's several
8 parcels.

9 MR. TETZLOFF: Luis, where do you get the
10 1,400 number?

11 MR. TEBA: That's from the plan. It
12 recommends the number of units for the Special Pilot
13 LEED Designated Area.

14 MR. TETZLOFF: Is it in the text for the
15 plan?

16 MR. TEBA: Yes.

17 So here we have the location of the tiered
18 lands. There are 40 acres of Tier 3 land; 48 acres of
19 Tier 1 land; 50 acres of stream corridor protection
20 zone along Clover Groff Run; 1.8-acre of freshwater
21 forested/shrub wetland, and 2.9 acres of wetland.

22 The site is divided into nine subareas. You
23 can see them here (indicating). The northern areas,
24 subarea A, will be developed by Pulte Homes. Subarea

1 B will be developed by Harmony Development. Subareas
2 A-2, B-2, and B-4 are protected as open space
3 conservation areas in the plan.

4 Total development is 1,108 units. It's
5 going to be a mix of single-family and multi-family.
6 663 single-family units; 445 multi-family units. It's
7 got a gross density of three dwelling units per acre.

8 Improvements since the last time they
9 appeared before the Accord:

10 Trail connectivity. They will increase
11 trail connectivity. They added extra points. They put
12 a cut-through right here which creates kind of a vista
13 to the open space. And they have greater details on
14 tree plantings in the open space.

15 The greatest changes to the proposal since
16 their last presentation will be their adoption of Best
17 Management Practices for stormwater and LID
18 techniques.

19 So this is the open space breakdown. They
20 have 40 acres of managed urban grasses, 77 acres of
21 meadow, 2.6 acres of wetlands, 38 acres of wooded
22 areas, and 33.2 acres of proposed ponds. This totals
23 192 acres of open space, 52 percent. And 117.6 acres
24 will be natural open space, or 32 percent of the

1 project.

2 So a brief discussion about open space. The
3 plan does call for conservation development to have
4 50 percent natural open space. The Panel did adopt
5 the definition of conservation natural open space, and
6 the definition is that conservation open space in the
7 Big Darby Accord area is land preserved and/or
8 maintained in a natural state to protect and maintain
9 natural processes and the waters of the Big Darby
10 Creek Watershed.

11 Now, this definition was created for
12 conservation development proposals. 1980 Alton Darby
13 Creek Road is not a conservation development, so the
14 50 percent required natural open space requirement is
15 not applicable.

16 Now, Chapter 4.0 does give us open space
17 categories. We have Permitted Uses, Conditional Uses,
18 and Prohibited Uses. And it's Staff's analysis that
19 the applicant proposes 52 percent open space, as
20 mentioned earlier, and that 32 percent natural open
21 space. Their 32 percent of natural open space would
22 meet the definition for open space by the conservation
23 development definition, and their 52 percent of open
24 space are all permitted uses and conditional uses.

1 So our stream and wetland assessment.
2 They're going to protect all existing wetlands. Based
3 off of feedback from the Panel, they have increased
4 their buffers to 50 feet from 25 feet. They are
5 planning on putting 3,202 herbaceous plugs into the
6 existing wetlands. And 4.4 acres of wetland shelving
7 will be incorporated into the retention ponds.

8 They are still undergoing coordination with
9 Rec and Parks on stream restoration and realignment.
10 That is part of the proposal, and you'll see it on the
11 site plan along the eastern edge for the Clover Groff
12 Run. They are proposing 140-foot width for the stream
13 restoration.

14 The stormwater will be handled through a mix
15 of stormwater BMPs. Part of their LID proposals,
16 there's a more extensive list in the packet provided
17 to you, but they have curb removal, pavement width
18 reductions, and they estimate a 36 percent reduction
19 in impervious surfaces. In their BMP, they're
20 including bioswales, bioretention areas, enhanced
21 wetland shelves, 35-foot filter strips on the curbless
22 sides of the street, vegetative swales transferring
23 water between ponds and the Clover Groff in trying to
24 address the water temperature. The post-development

1 recharge will represent a 27 percent increase over the
2 predevelopment rate.

3 The LEED Neighborhood Development. At our
4 previous meeting, we discussed that certain locational
5 characteristics do not allow for certification. But
6 the developer has worked with Staff to complete a
7 checklist, and they would score enough points to
8 attain certification, if not for that locational
9 restriction.

10 The revenue assessment. The developer
11 contributions. They are going to take part in
12 developer contributions of a new community authority.
13 They are estimating \$2,770,000 in developer
14 contributions based off the revenue program adopted by
15 the Accord. And 75 percent of that would be dedicated
16 to Accord purposes.

17 The new community authority, it's going to
18 have charges set between 5 and 10 mills over 30 years.
19 The 5 millage would be dedicated to Accord purposes as
20 well.

21 The City's overall assessment. We recommend
22 conditional approval. The applicant did do an
23 internal review of -- environmental review. We would
24 like them to do an additional environmental review

1 through the Ohio Department of Natural Resources.

2 That concludes Staff's presentation. I'd be
3 happy to answer any questions on the basic outline, if
4 you'd like. The applicant does have a presentation
5 that they are ready to present that goes more in depth
6 as well.

7 (Mr. Bryner joined the proceedings.)

8 MR. BRYNER: Sorry I'm late.

9 CHAIRPERSON HOYE: Does the Panel want to
10 listen to the presentation first or have discussion
11 now?

12 MR. TETZLOFF: Presentation now.

13 CHAIRPERSON HOYE: All right. We're ready
14 for you, sir.

15 - - -

16 TOM HART,

17 being first duly sworn, testified as follows:

18 DIRECT TESTIMONY

19 MR. HART: Good afternoon. I'm Tom Hart.
20 I'm the attorney for the applicant, Harmony
21 Development and Pulte Homes.

22 With me today is our project team from
23 Pulte, Matt Callahan, and Tony Lococo from Harmony
24 Development. Also we have Karl Billisits and

1 Greg Comfort, Brad Holland, Doug Turney are here from
2 EMH&T. Rob Milligan who is an environmental
3 scientist, Director of Environmental Services at EMH&T
4 is also here. Also we have Steve Campbell from North
5 Star Consultants on the project.

6 My job is to give a brief roadmap of our
7 presentation and overview. We have made significant
8 changes from what you saw in October.

9 We would like to get through the
10 presentation and all its detail to get kind of
11 everybody with the same amount of information before
12 Q&A. This will just help with the clearest picture of
13 what we're proposing.

14 Luis, maybe go to the -- I think it's the
15 third slide. There you go. Thank you.

16 In terms of an overview of what we're trying
17 to accomplish with our plan, Pulte and Harmony have
18 continued to evolve and improve the plan for Sugar
19 Farms, which is the northern -- the land north of
20 Renner Road and the Renner South Development south of
21 Renner Road that accomplishes the following:

22 First, that we meet the Accord Guidelines
23 for open space, density, natural area restoration and
24 preservation, and the provision of central sewer to

1 the site.

2 Next, we're allowing for future stream
3 restoration and permanent protection, as the Accord
4 calls for, of sensitive areas.

5 Next, that we are expanding the regional
6 trail system connecting with the existing system and
7 providing safe recreation and play areas for children
8 and families.

9 Next, that we are enhancing water quality
10 from the site, not only compared to the existing
11 agricultural condition, but also beyond the minimum
12 regulatory requirements.

13 Next, we are providing a mix of housing that
14 meets today's market demand for families and working
15 people.

16 And, finally, we fulfill the funding of
17 Darby purposes with our funding mechanisms that we'll
18 touch on.

19 Again, we're accomplishing these goals while
20 staying relevant to the housing market, relevant to a
21 growth economy that the region is blessed with, that
22 continues to create jobs and demand for housing,
23 especially for working families.

24 In terms of our -- we have three real main

1 updates that we want to outline for you today from
2 October.

3 First, Matt Callahan and Karl Billisits are
4 going to walk through the site plan changes that we
5 have for you.

6 Next, we'll have some commentary on the
7 LEED -- the aspects of LEED that we've incorporated
8 into the site with our checklist.

9 And, then, finally the EMH&T guys will cover
10 the low-impact design strategies that we've been able
11 to incorporate on site.

12 We feel real strongly that we'll demonstrate
13 that we listened to the feedback we got in October,
14 and also from Staff along the way over the last two
15 months, both especially on LEED implementation and on
16 the low-impact design strategies. This is all in
17 recognition -- our recognition that development on the
18 site should be different. We're very close to the
19 Darby tributary -- on a Darby tributary, and we
20 understand and recognize the site calls for a
21 different approach than a standard development.

22 In terms of LEED Neighborhood Design and the
23 elements included in the plan, we have -- there is a
24 context that we have to cite, and the fact that we've

1 been able to take what fits in the Accord area from
2 LEED and incorporate it, but with an understanding
3 that LEED is really a LEED ND -- LEED Neighborhood
4 Design is really a program that was developed to cover
5 a brownfield site or a much higher intensity,
6 high-density urban site, as compared to a site in the
7 Big Darby Accord area. Matt Callahan is going to walk
8 through those LEED ND details that can work in this
9 area.

10 In addition, we are proposing low-impact
11 design strategies that will further enhance water
12 quality and stream protection beyond the Ohio EPA
13 regulatory minimums and kind of the standard
14 requirements that everybody who develops in this area
15 must take. We'll demonstrate that.

16 We believe the inclusion of these LID
17 strategies going beyond the regulatory minimums is the
18 most significant set of changes from the plan you saw
19 in October, and we'll detail that.

20 It's important to note that we are working
21 with several of the LID items and with the City
22 department Staff at this time. We've had ongoing
23 meetings with the City department Staff and their
24 technical staff because some of the low-impact design

1 proposals we have, we are committed to, do call for
2 changes or variances in Columbus' kind of standard
3 design on regulatory approaches. So we have ongoing
4 discussions with those folks. We are confident,
5 though, that we're going to implement plenty of our
6 LID proposals that will take us beyond the regulatory
7 minimums.

8 Overall, this plan meets the intent and
9 promise of the Accord in finding a balance between
10 watershed protection enhancements and also meeting
11 market demands that we have today for housing. The
12 plan is based on the recognition, again, that this
13 area should develop differently.

14 With that, we believe we've raised the bar
15 in terms of going beyond any development that's
16 happened in the Darby so far in terms of these
17 low-impact design elements and water-quality
18 enhancements, and that's what we hope to demonstrate
19 right now.

20 With that, I'm going to turn it over to Karl
21 and Matt.

22 - - -

1 MATTHEW CALLAHAN,

2 being first duly sworn, as hereinafter certified,
3 testified as follows:

4 DIRECT TESTIMONY

5 MR. CALLAHAN: Good afternoon. My name is
6 Matt Callahan, and I'm with Pulte Homes.

7 What I wanted to do, starting out today, was
8 walk through some of the updates and commitments, some
9 of the changes from the plan that we presented in
10 October to the materials that you have before you now.

11 The short version would be most of what Luis
12 said, but he covered a lot them. I'll run through the
13 list somewhat quickly.

14 Luis, if you could hit the next slide,
15 please.

16 One of the things we talked about last time
17 was having adequate protection and buffers around the
18 wetlands. So you'll see the 50-foot minimum buffer
19 area put around all of the wetland areas. As Luis
20 said, there's also some increased connectivity in the
21 pathway system. Some of these items we'll point out
22 when we have the site plan actually up on the screen,
23 but I'll just run through the list now.

24 We talked about the stream restoration area

1 and the continuance of the stream restoration that
2 started on the northern end of the overall site where
3 the site is adjacent to Spindler Park, and we've
4 depicted on the plan where there's area to continue
5 that stream restoration.

6 We've also increased the area where we'd
7 have the meadow grass plantings, the Mesic Short Grass
8 Mix from Ohio Prairie Nursery. We expanded those
9 areas where we have the low-maintenance, meadow-type
10 grass, as opposed to larger areas of turf --
11 maintained turf lawn areas. So that's -- that area
12 has been increased.

13 The groundwater recharge rate, as mentioned,
14 we are -- as it's proposed and designed, this site
15 exceeds the minimum regulatory requirement by
16 27 percent. Part of how we are reaching that is the
17 inclusion of these larger meadows and low-maintenance
18 areas.

19 The engineers will talk a little more about
20 this. But we've also had conversation here the last
21 time about trying to lower the water temperature from
22 the stormwater discharge through some of the
23 techniques that we've used with the LID techniques,
24 the bioswales, and vegetative filter strips, and also

1 a reduced outlet -- a lower outlet, I should say, not
2 reduced; a lower outlet from stormwater basins. We're
3 able to achieve what should be a lowering of the water
4 which is going through and passes through the
5 stormwater system. Again, the engineers will
6 elaborate on that a little bit further.

7 As Tom said, we have introduced many
8 LID techniques throughout the site. We have been
9 meeting with the City on how best to adopt those
10 techniques and incorporate them into the plan as it
11 gets developed.

12 Next, please.

13 Backing up, of course, you know, the basis,
14 as we started out, you know, we understand we're in
15 the Big Darby Watershed; specifically, the area that
16 was designated as the LEAD ND Pilot project. So that
17 really formed the basis for a lot of our thinking as
18 we started to put together this plan.

19 Next slide, Luis.

20 One of the opportunities, I think, and
21 benefits of this proposal and this plan, the way it's
22 been put together is it offers for the protection,
23 preservation, and really enhancement of several Tier 1
24 areas within the watershed. Specifically, we've

1 talked about this before, and Karl might mention this
2 more because the Harmony site is south of Renner Road,
3 but we've got this wooded area that I think is 27 or
4 28 acres.

5 MR. BILLISITS: 27.

6 MR. CALLAHAN: Somewhere between 27 and 28.
7 I'm hearing a different number. But on the west side
8 of Renner Road.

9 Then, of course, we've got the area that
10 is -- that bounds the eastern portion of the overall
11 site which is Clover Groff Run. The plan, as it's set
12 forth -- go to the next slide, Luis. Sorry. Go back.
13 Sorry.

14 The plan, as it's set forth, provides for
15 those areas to be protected and preserved. Okay.

16 We mentioned LEED ND. The Accord
17 recommended the adoption of LEED ND principles for
18 this site. So, again, as we set forth with our
19 planning, our proposals for the site, part of
20 incorporating those LEED techniques have been adopted
21 within our plan. A couple of the areas where we're
22 hitting some of the real high points and really
23 incorporating those LEED ND techniques are the compact
24 site design, the inner-connected system of roadways,

1 the access and connectivity to open space and parks
2 with -- you know, we've got a real benefit with
3 Spindler Park being to the east where we can connect
4 into the path system that comes out of Spindler Park.

5 And then, again, just the ability to meet
6 all of the rain and stormwater requirements. And not
7 just meet the requirements, but exceed the
8 requirements, going above and beyond what those
9 minimum requirements are.

10 The pathway system, as I mentioned, will
11 include bicycle stations, both venues will work with
12 Rec and Parks for the City of Columbus to incorporate
13 those in the park areas. We're also going to
14 specifically designate some bicycle stations for those
15 to be provided within the multi-family subareas of the
16 site. We think we're doing a good job hitting the
17 mark on embracing and adopting those LEED ND
18 principles.

19 Next one, Luis.

20 As we talked about, half of the land here
21 will be open space. And primary elements of the open
22 space and the open space protection include the
23 ability to set aside and protect the floodplain, as
24 well as the stream corridor protection zone.

1 We have also planned for -- if you look
2 through the materials, I'm sure you'd see that there
3 have been wetland -- not only wetland enhancements, I
4 think Luis referred to, with wetland enhancements and
5 plantings around the exiting wetlands, but also all of
6 the ponds on the site are planned to have wetland
7 shelves added around those ponds.

8 In total, I think the number is about
9 21,000 -- in excess of 21,000 herbaceous plugs planted
10 on those wetland shelves that surround all of the
11 basins on the site. So, within that 50 percent open
12 space, we're enhancing that and treating a lot of it
13 as natural open space areas and wetland-type areas.

14 Based on the site plan itself -- I'll talk
15 about the part north of Renner Road. The site plan
16 itself, we talked about the pathway connections. As
17 Luis said, we added this connection which has a really
18 nice vista as you come into this subarea across this
19 screen, and then into that green where the pathway
20 connection would be and into the larger open space
21 with the regional connections.

22 Again, we talked about the floodplain and
23 stream corridor protection zone. We've had large
24 setbacks from the Clover Groff Run to protect those

1 areas. And then you can see here, here is where the
2 area has been added. Here's the existing stream
3 location or stream restoration on the northern portion
4 of this site within Spindler Park. Really, what we've
5 done is mimicked that stream relocation/restoration
6 going further to the south to demonstrate and pick
7 that there will be enough area within this area to --
8 along the ditch or stream to do a further restoration
9 or relocation of the stream.

10 Karl, do you want to talk a little bit about
11 the area south of Renner.

12 - - -

13 KARL BILLISITS,

14 being first duly sworn, testified as follows:

15 DIRECT TESTIMONY

16 MR. BILLISITS: I'm Karl Billisits with
17 Harmony Development Group.

18 Our changes on the south side of the project
19 or the south side of Renner Road from the last time we
20 met, we did have a meeting with the Westland Task
21 Force one evening I think about two weeks ago, I
22 believe. So we took away some feedback from them
23 also, in addition to the feedback here. What we're
24 able to do is we did establish the stream setback

1 protection area along here. Just to note to
2 everybody, these residents here, many of them were in
3 the audience, and the current Clover Groff Ditch is
4 currently on their property. Anything we do in this
5 area is going to have to incorporate some work and
6 coordination with these folks in terms of being able
7 to relocate the stream onto the area that's within our
8 property just to the west where the ditch currently
9 exists.

10 In addition to that, we were able to go back
11 through and meet with many of these folks along here
12 (indicating). All of these lots that back up along
13 Renner and Alton Darby run from somewhere around about
14 150 feet deep to about 270 feet deep as you get into
15 this corner. It was done by design. And in
16 conversations with them with regard to -- you can see
17 the houses sit pretty far back. All of the septic
18 and leach fields on these homes are in the front.
19 We're trying to preserve the treeline along the rear,
20 plus provide some additional space in the back.

21 Some of these changes were made there in
22 conjunction with the comments that were received from
23 those folks.

24 There are several other best practices and

1 low-impact design features that have been incorporated
2 on both sides. I'll leave those to the engineers when
3 they get up here and give their part of the
4 presentation.

5 I'm going to kick it back to Matt.

6 MR. CALLAHAN: Go to the next slide.

7 Again, when you talked about this last
8 month, one of the real unique feature and real key
9 features, we think, of this proposal is the ability to
10 expand and connect to the regional path system.

11 Again, we will connect to the pathways in
12 Spindler Park. The path system will run all the way
13 along the eastern borders of both of these sites
14 adjacent to the Clover Groff stream, and it will
15 continue north where this existing path runs all the
16 way to the north; heads north of Roberts Road to the
17 Clover Groff natural area; keeps going up into areas
18 of Hilliard where there's Frank's Park. Ultimately,
19 you could wind around and get to the Hilliard
20 Municipal Park. And from there, northward up to the
21 Heritage Rail Trail.

22 It's a real benefit, I think, not just for
23 this community -- these communities, this proposal,
24 but for the region in general to be able to expand

1 that pathway system.

2 While we do provide a lot of natural, open,
3 passive-type recreation areas, particularly, again,
4 along the eastern area, we do feel it's important that
5 this is a neighborhood. This is where people will
6 live. There will be families. So we are providing --
7 this is an example of one of the center greens within
8 the park or within the site's design. We anticipate
9 incorporating, you know, typical playground, tot
10 lot-type play structures within those areas, including
11 what we've done in some other areas that are also
12 within the watershed is provide some unique -- a
13 little bit different type structures that kind of play
14 on the natural features and the open space type
15 concepts of the overall plan.

16 The last thing I have -- before we kick it
17 over to the engineers to talk about some of the
18 stormwater management and the stormwater management
19 system -- are the housing opportunities that will be
20 provided here.

21 Currently, there are two different types of
22 conventional single-family housing proposed. One we
23 would classify as a move up-type housing. The other
24 we'd probably classify as second type move up.

1 Both of those are more conventional, single-family,
2 two-story homes, generally appealing to families.

3 We'll also have an area -- and here's an
4 example of one of the homes here -- where we have
5 homes that are designed for and intended to appeal to
6 what we commonly call the empty nesters or active
7 adult-type buyer market. These are homes that have
8 first-floor owner's suites, as well as a second
9 bedroom on the first floor. You can have an optional
10 second floor space. But we feel it's important to
11 offer a mix of housing here, so we're going to provide
12 this empty nester or active adult-type element within
13 the plan.

14 And then, finally, market rate, multi-family
15 rental options are within subareas both north and
16 south of Renner. The one south of Renner is on the
17 far south side of the site up against 70 and buffers
18 the site from the freeway.

19 The one north of Renner is right on the
20 corner of Alton Darby and Renner, and, again, acts as
21 somewhat of a buffer from the more high-intensity
22 intersection there.

23 So that's all I had on the site plan and
24 changes since we were last here. I'm going to turn it

1 over to Brad Holland with EMH&T to talk about some of
2 the stormwater and drainage.

3 - - -

4 BRAD HOLLAND,

5 being first duly sworn, testified as follows:

6 DIRECT TESTIMONY

7 MR. HOLLAND: Thank you. I'm Brad Holland.
8 As Matt and Tom just said a minute ago, myself,
9 Doug Turney, and Rob Milligan are part of the
10 engineering and environmental portion of the project.

11 We are here to discuss the LID items
12 proposed with this project, and we're going to kind of
13 do that in three separate steps.

14 Luis, can you go to the next slide, please.
15 Thank you.

16 So the first part is we're going to present
17 you with some data. The second part, we're going to
18 provide some exhibits to assist with explaining the
19 data that we are presenting on the slide. Third,
20 we're going to wrap it up with some site stats that
21 kind of highlight this project.

22 First, water quality. Pursuant to the
23 Accord, the project will improve water quality based
24 on the following estimates:

1 No. 1. Groundwater Recharge.

2 We know that groundwater recharge is a big
3 component of the Master Plan, and we want to highlight
4 that. Like Matt said earlier, and I think Tom even
5 stated that there is a 27 percent increase from the
6 required groundwater recharge, and that's a big item.

7 Second. Runoff Reduction.

8 The low-impact design items proposed will
9 provide a 36 percent reduction in the disconnected
10 impervious areas on this project. We'll get into that
11 a little bit later in some of the slides. But in a
12 nutshell, what that 36 percent decrease in impervious
13 area -- that area is going to enhance this 27 percent
14 increase in groundwater recharge. So that 36 percent
15 reduction, it doesn't make it to a basin; it either
16 infiltrates into the ground, groundwater recharge, or
17 it evaporates, so it never reaches the basin; never
18 gets to the Clover Groff.

19 Next slide, please.

20 Stormwater BMPs.

21 Pursuant to the Accord, innovative
22 stormwater management techniques are proposed to
23 manage stormwater. This is where we start to explain
24 the runoff reduction figures presented on the previous

1 slide.

2 First, we're going to discuss the stormwater
3 circuit. We're going to compare impervious areas to
4 disconnected impervious areas.

5 Second, we're going to talk about the BMPs;
6 how they are utilized; how they provide disconnected
7 impervious areas.

8 And third, we're going to come back into the
9 benefits again and show you how those proposed -- some
10 of those proposed BMPs and disconnected impervious
11 areas and the runoff reduction.

12 So what we have here is a typical,
13 conventional stormwater circuit. This is what you see
14 in your average, everyday subdivision. You have a
15 roof. When it starts to rain that stormwater hits the
16 roof, gets into the drain, goes down to the road, goes
17 along the road gets into a storm sewer system, gets
18 into a pond, and goes to the outlet. That's a fast
19 process. What we want to do is -- can you hit the
20 next slide for me, please.

21 So what this slide right here does, and
22 that's a red area. I don't know if it looks red to
23 you guys. But the red area, that represents the
24 impervious areas on this project. All of that area,

1 minus the ponds, that does not touch one single blade
2 of grass. It's a fast process. Hits the roof, gets
3 into the storm sewer -- goes down the road, gets into
4 the storm sewer, gets into the pond, and bam, right
5 out the outlet. So that's a fast process.

6 What we want to do is we want to change
7 that.

8 Next slide, please.

9 What we've done is we've taken that first
10 flowchart, which was all of the blue ones you see on
11 here; the roof, the stormwater, the basin, the outlet.
12 What we've done is we put roadblocks in there. We've
13 slowed it down. Speed bumps.

14 So it starts to rain, hits the roof, and
15 what we do is we modify a typical section with curbs
16 on one side, you have continuous cross-slope across
17 the road. And then what it does is it goes across the
18 road and it gets into a vegetative filter. That's one
19 of our speed bumps right there. We slow that water
20 down and give it an opportunity to -- a pretreatment
21 as it goes through the grass. We give it an
22 opportunity to infiltrate, give it an opportunity to
23 evaporate.

24 Then we move along to the vegetative swale.

1 That's doing the same thing, which is collecting more
2 water, but what it's doing is slowing it down. We've
3 got grass and it's stopping that water.

4 Then it has an opportunity to actually get
5 into a storm sewer, or it has an opportunity to bypass
6 the storm sewer and go straight to a basin. And then,
7 we have a vegetative swale at the outlets of some of
8 the basins. We're going to do the same thing. We're
9 going to slow it down. We're going to give it an
10 opportunity to evaporate and infiltrate. And then, at
11 the end of the day, it's going to go to its outlet.
12 It's going to go to the Clover Groff. It's going to
13 go home.

14 Next slide, please.

15 So what this slide represents here is all of
16 the green cells in the previous slide. What we've
17 done here is the green areas on this slide, those
18 represent the speed bumps where we slow it down. We
19 have stormwater run through the grass. We do all of
20 those things to promote these things I keep saying:
21 Slowing the water down, providing pretreatment,
22 providing opportunity for infiltration and
23 evaporation.

24 Next slide, please.

1 So here we have -- this is the BMP map.
2 Now, this scale it's a little difficult to see. This
3 area right here (indicating), there is actually --
4 there's an orange line, there's a green line, and
5 there's a blue line. It's a little difficult to see
6 on this slide.

7 The orange line represents where we are
8 removing the curb. We're modifying that typical
9 section. We're allowing the stormwater that hits the
10 roof -- it's going to go across the road, go across
11 the curb, get into that filter strip, and then there's
12 a blue line where there is a swale. That stormwater
13 goes all the way across, gets in the swale, then it
14 will gets to one of these basins right here. It will
15 get out of this basin and go into another swale where
16 it slows it down again.

17 One thing I want to emphasize on this is
18 these basins, all of the water quality and the
19 quantity provided in these basins meet the Ohio EPA's
20 requirements and meet the City of Columbus'
21 requirements. And all of additional BMPs that we're
22 providing in here are just extra to what the City of
23 Columbus and the EPA require. So that 27 percent
24 increase in -- help me out here --

1 MR. LOCOCO: Recharge.

2 MR. HOLLAND: -- recharge, that's above and
3 beyond all of this.

4 The additional runoff reduction, that's
5 above and beyond any of the treatment you have within
6 these BMPs.

7 Next slide, please.

8 All right. So this is a typical section
9 that we are proposing. Some of the items -- let me
10 turn the page here. Sorry.

11 So this side of the typical section over
12 here, this would be the house side of the road.
13 Everything is the same in this section. It's all
14 typical. You have a 12-foot green space. The house
15 is on this side, roof over here, comes across, the
16 runoff from the roof goes through the curb, comes
17 across the street.

18 You have a one-and-a-half-percent slope
19 across the street. This is a 35-foot vegetated
20 buffer, right there (indicating), and it has an
21 opportunity to go down to a swale. That's what the
22 typical section would look like going across the
23 roadway.

24 Next slide, please, Luis.

1 This is just a detail that I pulled out of
2 the City of Columbus' Stormwater Drainage Manual,
3 which shows that this is a preferred BMP that they
4 use.

5 Next one for me, Luis, please.

6 MR. TREMANTE: Do you have that level spread
7 around there?

8 MR. HOLLAND: It depends. We may or may
9 not. We haven't gotten that far yet. The grass --
10 because we have such a small area getting to it, we
11 don't know whether or not we'll need that. It's
12 basically going to be sheet flow across the road.

13 MR. TREMANTE: 35 feet, that's pretty big.

14 MR. HOLLAND: These are just pictures of
15 some vegetative filter strips. You can see both of
16 these roads on both slides. There's cross-slope on
17 the road. It just gets into the grass and slows it
18 down. That theme we've been talking about; slowing
19 everything down, allowing it to infiltrate, allowing
20 it to evaporate before it gets into a storm sewer or
21 basin.

22 Next slide, please. Sorry, Luis. I'm going
23 through these kind of fast.

24 These are just some of the benefits of the

1 vegetative filter strips. You know, they're flat
2 areas. They're next to impervious areas. You're
3 probably going to have a cross-slope of about
4 2 percent. We don't want to get too much greater than
5 that. When you start getting greater than that, the
6 water speeds up and you don't get as much
7 pretreatment. I'm slowing the water down and
8 promoting infiltration.

9 These are some pictures of some vegetative
10 swales around the area, kind of the same thing. They
11 just look like a regular old swale. You have some of
12 the swales on the site, and they have steeper slopes.
13 Some of them may be reduced. We're keeping them as
14 flat as we can wherever we can, but, you know,
15 topography position and the grading, that will dictate
16 what we are doing on those.

17 Next slide, please.

18 Some of the benefits of the vegetative
19 swales. Same scenarios; slowing the water down and
20 providing pretreatment. You know, we think they look
21 nice. Some of that looks a little bigger than the
22 curb sometimes. It has more of a natural feel to it.

23 Next, Luis.

24 Bioretention. We have several -- actually

1 three, four spots on the site where we're going to
2 utilize bioretention instead of the typical wet pond.
3 We kind of like how they look. They provide good
4 groundwater recharge, clean the water, take out some
5 of the contaminants. We think it's going to be a big
6 benefit to the site.

7 Next, please.

8 So as we move through and start to talk
9 about disconnected impervious areas, we kind of had
10 the scenario, first-degree and second-degree
11 disconnected impervious areas.

12 First degree is what we showed, what was the
13 green area on what we called the Christmas slide.
14 What we're calling the second-degree disconnected
15 areas are -- it's a combination of the green areas on
16 the Christmas slide and the remainder of the light
17 gray on this slide. So what we're saying is this
18 second-degree disconnection is where you may have a
19 swale in a rear yard and that swale may not be
20 connected to a storm sewer; it may be connected to one
21 inlet that gets to a pipe, which is a short section of
22 pipe, which gets to a stormwater basin.

23 So what we want to do there is -- what
24 that's doing is it's still slowing the water down,

1 allowing for pretreatment, allowing for infiltration,
2 allowing for evaporation. That's the big theme with
3 all of this stuff right here.

4 (Mr. Schimmer joined the proceedings.)

5 Then, the dark gray areas on the northern --
6 that's the eastern side, and then the entire wooded
7 area, we call that the existing disconnected area
8 because that's draining as it normally would. It's
9 slow. It's taking its time.

10 The light gray areas, that accounts for
11 62 percent of the entire site. It's 195 acres. The
12 dark gray, that's 12 percent of the site. If you look
13 at it from a first-degree and second-degree
14 perspective of disconnected areas, that is a total of
15 74 percent of the site. That doesn't happen in your
16 typical subdivisions. There are storm sewers
17 everywhere; speeds it up, gets it to a basin, releases
18 it with its typical drawdown time. We're reducing all
19 of that.

20 One of the other items that we're talking
21 about, we want to decrease the impervious area. You
22 may see a mixed incident on a singular lot scale.
23 What we'll do is, if we take the garage -- you can see
24 here that this is either a porch or front room,

1 something like that on one of the buildings, and it
2 sits in front of the garage. So what we do is we take
3 the garage and move it up to the setback line.

4 Basically, that removes a portion of the driveway. So
5 if you have 1,100 lots on the project, you take five
6 times 16, whatever that comes out to be, square
7 footage, reduce all of that from the site, you get
8 about 2 to 3 acres of impervious area to reduce right
9 there. All of those little things, when you add them
10 up, that turns out to be a lot.

11 Next slide, please.

12 Thermal Impact Mitigation.

13 One of the items that we're talking about on
14 this site is reducing the water temperature as it
15 releases from the basin. So the City of Columbus will
16 allows us to have a 12-foot deep basin. The deeper
17 the water, the cooler the water is.

18 So what we've proposed here is we take our
19 outlet structure from our basin. This is the basin
20 area over here. Say this is the normal pool. You go
21 down basically 12 feet. This is where your water
22 comes in, goes up, and then goes out towards the swale
23 that leads to the Clover Groff. So as the water comes
24 into the basin, it pushes the water from the bottom

1 out, up through the outlet, and then out to its home.
2 So you don't have the hot water on top that's
3 releasing into the swale that goes to the Clover
4 Groff. You have the cold water on the bottom that
5 gets released to the swale which keeps the temperature
6 down.

7 Next slide, please.

8 So we're going to wrap it up with the
9 Low-Impact Design Stats. I'm not going to read
10 through all of these. But I would like to highlight
11 right here (indicating), the disconnected impervious
12 area reduction; 36 percent. That's a big number right
13 there.

14 The total disconnected area -- I lost
15 my areas -- the total disconnected area is 74 percent.
16 That's the gray slide I talked about, the light gray
17 and the dark gray. And then, as you come down here,
18 the groundwater recharge increases 27 percent. That
19 doesn't include any of the recharge that is -- that
20 could potentially happen with the vegetated buffers
21 and vegetated swales.

22 And then there is one more, which is the
23 runoff reduction. That's another 36 percent of the
24 disconnected impervious area. So those are some site

1 stats that we think really highlight the project and
2 we think it's highly innovative.

3 Next is Steve Campbell. He's going to talk
4 about some money stuff.

5 Steve, take it away.

6 - - -

7 STEVE CAMPBELL,

8 being first duly sworn, testified as follows:

9 DIRECT TESTIMONY

10 MR. CAMPBELL: Thank you.

11 The Darby Accord contemplated that the
12 development that would occur in this area would help
13 contribute to the financing of the protection of the
14 watershed, and this is really the first project that's
15 come through the City of Columbus that will make a
16 contribution to that project.

17 About ten years ago, the City of Columbus
18 adopted a funding resolution to basically lay out the
19 types of programming and projects that these funds
20 would be used for. It included things like -- I'm
21 sorry. Next slide, please. -- land acquisition,
22 stream restoration, preservation of wetlands, and then
23 maintenance efforts for those activities.

24 It identified a few streams of revenue that

1 that development could help fund. One would be Tax
2 Increment Financing, a new community authority, and
3 development fee contributions. We plan to -- we are
4 working with the City of Columbus right now to define
5 this program and participate in it. It will have all
6 three of these elements. And as the final engineering
7 and final work with the City departments comes to
8 fruition, we'll have a better idea of what those
9 funding sources will be used for.

10 Next slide.

11 I want to go back to a few things just to
12 summarize some of the changes that have occurred since
13 October.

14 First of all, we listened to you, and we
15 increased the minimum buffers around the wetland areas
16 50 feet. We've improved path connectivity. We laid
17 out where the stream restoration should occur. We've
18 increased meadow plantings. Brad just walked through
19 a number of our water-quality enhancements to help us
20 with ground recharge and reducing water temperature.

21 He also walked through a number of LID
22 elements that we're working with the City of Columbus
23 on right now to see if we can further improve the
24 performance of our site.

1 Next slide.

2 In conclusion, I just want to hit a few
3 highlights. In this project, we're protecting
4 priority lands forever. Half of our land is open
5 space, and we're enhancing the open spaces with
6 natural plantings. We've improved stormwater
7 management and water quality. We've adhered to
8 density requirements. We've provided housing choices.
9 And we're serving this area with central sewer and
10 water. We're expanding the regional trail system and
11 also providing safe neighborhood play areas for the
12 children.

13 We are promoting LEED ND and LID concepts.
14 What we are most excited about is we're also beginning
15 this process of funding some Darby improvements with
16 some of the development that's occurring there.

17 With that, that is our presentation.
18 Tom is going to quarterback questions and answers.

19 MR. HART: Mr. Chairman, we'll take your
20 comments, questions, however you see fit.

21 MR. TEBA: They may want to do the public
22 comments now.

23 CHAIRPERSON HOYE: Okay. Do you want to --
24 anybody who wants to speak today can stand up and

1 state your name. Come over to this corner maybe and
2 state your name. Three minutes is your allocated
3 time.

4 State your name to the stenographer so she
5 can write down your name.

6 - - -

7 KELLEY ARNOLD,
8 being first duly sworn, testified as follows:

9 DIRECT TESTIMONY

10 MS. ARNOLD: Kelly Arnold, K-E-L-L-E-Y,
11 A-R-N-O-L-D.

12 I'm a Columbus resident within the Hilliard
13 City Schools, and I have several reservations
14 regarding the proposed Sugar Farm development. With
15 limited time, I will focus on three key points within
16 the plan that should be addressed with the particular
17 development.

18 Firstly, the plan discourages conventional
19 subdivisions. This development is nearly
20 indistinguishable from any other subdivision in our
21 area. It could be cut and pasted over any other
22 subdivision on the map and the residents would be
23 unable to determine anything had changed.

24 This is important as the plan also specifies

1 this particular area should serve as a model. Nothing
2 new and innovative is shown here worthy of emulation
3 by other neighborhoods or communities. There is
4 nothing that addresses environmental concerns with
5 respect to not only water health of the streams beyond
6 the obvious, not building in the floodplain, but
7 environmental pressures of climate change. The
8 development text only encourages some conservation
9 practices, but does not wholly incorporate, nor
10 require them.

11 Additionally, the plan calls for compact,
12 complete, and connected neighborhoods. This
13 development, as proposed, is not connected in
14 meaningful ways to existing neighbors, schools that
15 are not already over capacity, public transportation,
16 shopping, or employment. What is complete about this
17 neighborhood?

18 I say that these are all key points as we
19 want residents both in those and surrounding
20 neighborhoods living there now and future residents to
21 be fully invested and connected to a new model for
22 development and housing.

23 Environmental pressures faced by the Clover
24 Groff and Hamilton Runs, and ultimately, the Darby,

1 and the overall climate health of our one earth cannot
2 be solved without people being connected to their
3 community and working together to preserve, protect,
4 and improve its health.

5 The Big Darby Accord's allocation of
6 increased density in the specific areas is based on
7 the concept of the LEED Neighborhood Design. Based on
8 the checklist now provided, this would barely achieve
9 LEED certification at all.

10 Additionally, to achieve points within the
11 LEED community outreach and involvement section, true
12 engagement with community and the predesign,
13 preliminary design phases is necessary. It calls for
14 the development team to work directly with community
15 associations and their local government to advertise
16 community meetings or workshops, collect and summarize
17 comments generated at meetings and modify the plan's
18 preliminary design as a direct result of community
19 input, or if modifications are not made, explain why
20 community input did not generate design modifications.
21 This has not occurred.

22 Further, with an additional large
23 development proposed just a third of a mile to the
24 north, we need to ensure a comprehensive and

1 collaborative approach is taken as the Alton Darby
2 Creek Road Corridor is developed, both within the
3 City of Columbus and the City of Hilliard.

4 We cannot build healthy communities invested
5 in their environment when planning breaks down between
6 green street signs and blue street signs. We have one
7 opportunity to get this right.

8 Is this the model development we can look to
9 in 20, 50, 100 years and say that we did the best to
10 ensure a healthy environment for our future? I do not
11 believe it is.

12 Thank you for your time.

13 - - -

14 PAUL LAMBERT,

15 being first duly sworn, testified as follows:

16 DIRECT TESTIMONY

17 MR. LAMBERT: Good afternoon.

18 My name is Paul Lambert. I live at
19 4697 Prestige Lane, about 100 feet from Mr. Bryner.

20 I currently serve as Vice President of the
21 Board of Education of Hilliard City Schools, which is
22 the school district that would serve both of the
23 developments that you'll be hearing today.

24 I've been a resident of the Hilliard

1 community for 40 years, and while I currently live in
2 the city of Hilliard, I lived in Brown Township from
3 1988 until just recently and was a member of the 2005
4 update -- a member of the committee that did the 2005
5 update to the Brown Township Comprehensive Plan, and,
6 subsequently, participated in the development of the
7 Big Darby Accord Watershed Master Plan. You'll find
8 my name on the acknowledgment page of the plan.

9 I'm here to give you some information about
10 the potential economic impact of these two
11 developments on Hilliard Schools.

12 Hilliard Schools currently serve 16,576
13 student, as of this week, making us the third largest
14 school district in Franklin County and the tenth
15 largest in Ohio.

16 The cost of running our school district is
17 directly tied to the number of students enrolled, and
18 that's because 86 percent of our \$200 million annual
19 budget goes to paying the compensation and benefits of
20 our 1,800 teachers, staff, and administrators. The
21 size of that team grows proportionally with the number
22 of students.

23 We engage cooperative strategies to help us
24 forecast enrollment growth within our district. One

1 of the numbers they estate is the student yield from
2 new housing. Their estimate is that single-family
3 housing of the kind which makes up Hilliard Preserve,
4 for example, generates approximately .65 new students
5 per dwelling. That suggests that these two cases you
6 will hear today will generate on the order of 800 to
7 900 new students for Hilliard Schools, which is just
8 under the capacity of our new Memorial Middle School
9 which cost \$35 million to build. These developments
10 will drive us to construct one or more new buildings
11 almost certainly, and most likely to be elementary
12 schools.

13 But building costs are only a part of our
14 total cost. Our current operating cost is \$12,000 per
15 student, per year, which is about average for the
16 region. Multiply that by the number of new students
17 projected here and our cost would increase on the
18 order of \$10 million per year. However, at the
19 current effective property tax rates in our district,
20 we would expect that the new property tax revenue
21 generated by these developments would be less than
22 half of that.

23 And I'm disappointed, by the way, to hear
24 that Columbus would consider applying a TIF to this

1 development, diverting some of the school tax revenue
2 to the development itself.

3 The current State school funding
4 formula caps the funding to districts like Hilliard,
5 making it insensitive to student growth.
6 Consequently, the bulk of this funding shortfall will
7 be subsidized by the current property owners in the
8 district, a district with already one of the highest
9 tax rates in the region. I wish the state law would
10 allow school districts to impose impact fees, as
11 municipalities can, and certainly conversations are
12 beginning with Senator Kunze.

13 The reality is that Penick vs. The Columbus
14 Board of Education desegregation ruling in the '70s
15 permanently fractured the economic structure of
16 Central Ohio, separating the high-value commercial
17 real estate in the county from the school districts
18 growing the most.

19 If you want to understand this better, I
20 recommend the book Getting Around Brown, by Gregory
21 Jacobs, published by the Ohio State University Press.

22 I recognize that the assignment of this
23 Panel is to evaluate development applications
24 presented in the context of policies meant to protect

1 the Big Darby Watershed. I present this information
2 to you so that, as you consider the impact of these
3 development densities will have on the natural
4 ecology, you also have in mind the impact on the
5 ecology of the community.

6 CHAIRPERSON HOYE: Is there anybody else who
7 would like to speak today?

8 (No response.)

9 Hearing none, I'll open it up to the Panel.
10 Anybody want to start?

11 MR. SASSON: Maybe it was Brad, I'm not sure
12 which of his -- appropriate for the stream restoration
13 part.

14 MR. HOLLAND: The stream restoration slide?

15 MR. SASSON: Yeah. Either -- that would be
16 a good map.

17 MR. HOLLAND: Yeah. That's a good one right
18 there.

19 MR. SASSON: One of the points I made in the
20 past has to do with moving it away from the property
21 owners' property line or the owners to the east, and
22 that's because of potential encroachment. And at
23 Frank's Park, there was a lot of encroachment from the
24 neighboring property owners in the past. Basically,

1 they removed the vegetation down to what was the
2 stream, and, at the time, that created a lot of
3 interaction with the City, eventually, who got it
4 corrected, I believe, mostly at least. But the point
5 would be to move it far enough away to avoid that
6 permanently.

7 The problems with what I see right here now
8 are that the stormwater ponds and the paths are going
9 to -- would restrict that so that it couldn't be moved
10 very much at all to the west. It's at least a
11 couple -- maybe three ponds that are near the stream.
12 Could it be moved to the west? I'd like to see that.
13 And that, I think, could alleviate the potential for
14 encroachment for the long-term. I mean, it's possible
15 many years from now that someone would decide to do
16 that. It's happened in the past in other places. It
17 happens with DNR sites, et cetera, and it's just
18 something that is hard to control.

19 The second thing that concerned me, and I'm
20 not sure who said this. Maybe it was Karl for
21 Harmony. On the south end on Clover Groff, it talks
22 about the neighbors still owning a side, or maybe the
23 middle of the Clover Groff Run there. And if they
24 are, that could stop a stream restoration pretty

1 easily.

2 Just to give an example, the county engineer
3 proposed it on Hayden Run about ten years ago, and one
4 of the property owners, they completely stopped the
5 project. It only takes one or two to do that. I'm
6 concerned about if there's any overlap with the
7 ownership on the stream and enabling the stream
8 restoration to be done at all.

9 Also, on the south side, again, the trail
10 comes really close right now as drawn. I understand
11 this is maybe just conceptual at this point. But if
12 it could be moved further west, it would move it away
13 from those property owners, more of that encroachment.
14 And with a trail there, you've got mowing along the
15 trail. You've got clearing along the trail. You need
16 the shade of the trees along the stream. I think
17 somebody turned up the temperature in this room today
18 to emphasize the thermal impacts. But the point is
19 here we need a lot of shade. Especially in the
20 future, if it's going to get a few degrees warmer,
21 that's going to be felt by this, if any sunlight hits
22 the stream.

23 So I'm concerned about whatever this is
24 called here, a meadow or managed grasses. If they are

1 close to the stream, it really needs to be trees to
2 get that shade. That's really important. You're sort
3 of undoing part of the stream restoration if you don't
4 have trees along the stream. You're doing a
5 restoration of the channel, but the riparian area in a
6 relatively natural condition is important, and that's
7 probably trees.

8 As far as I can find, the maps don't show
9 prairie in this area. It's not natural in this
10 immediate area. You have to go a few miles away to
11 find the grasses that naturally grew here before
12 settlement.

13 So that's a couple of comments about the
14 stream restoration. I don't want to occupy too much
15 time on that. But if it can be pulled west, shaded
16 with trees as much as possible, minimize the meadow or
17 grasses that are managed to enable more forest to grow
18 there, and trees planted instead of grasses, that
19 would be good. Move the stormwater ponds further away
20 because they're going to restrict the distance the
21 stream could meander, or it could be pulled to the
22 west.

23 And, also, if they're further away, they
24 could -- I don't know if those are discharging to

1 the -- are those discharging to the stream right
2 there?

3 MR. HOLLAND: The basins on the -- that's
4 the east side of the project where the restoration is.
5 Those basins will discharge into a vegetated swale.
6 That vegetated swale will then run south, along
7 essentially the west side of what we're calling the
8 stream location and have one discharge point.

9 MR. SASSON: Which one is that?

10 MR. HOLLAND: It's essentially right there
11 closer to the corner of Renner and the property.

12 MR. BILLISITS: To address your comment with
13 regard -- the stream leaves -- it meanders along the
14 property in the rear of these homes. It goes to the
15 east, and the bridge is further to the east across
16 Renner in this location. It comes back, and then
17 meanders along the property line, right up against
18 where the rear of these folks' lots are.

19 Now, in our meeting with the task force,
20 they talked about -- at least some of the folks after
21 the meeting talked about flooding and stuff in this
22 area, because a lot of this stuff on the east side of
23 our property line, the floodplain line over here is
24 the same way it is over here. It incorporates a lot

1 of floodplain within the houses that are over here.

2 To the extent that we can -- this is a
3 140-foot strip. We're just showing it as designed
4 here. This entire area here is a little over 30 acres
5 or 32 acres. To accommodate some additional area for
6 it to meander, and to move the bike path/trail system
7 -- walking trail system, we can move that. This area
8 is going to be planned out as we work with the City of
9 Columbus Parks and Rec about what this looks like and
10 where the stream restoration occurs.

11 But you are correct, there is some work to
12 be done with the adjoining property owners, which I
13 think they would be -- I'm not sure if everybody is
14 always going to be cooperative; however, this will
15 help some of the flooding issues on this side of the
16 creek for the folks that live over here.

17 So there is some work that needs to be done.
18 I think we have the same situation on Pulte's in terms
19 of what's there on the north side of the road where
20 the stream actually meanders. But, again, we've got
21 the room to do it; it's just a matter of being able to
22 put the programming together to allow it to occur with
23 the adjoining property owners.

24 MR. SASSON: Why can't the stream be moved

1 further west --

2 MR. BILLISITS: It can be.

3 MR. SASSON: -- 100 feet or --

4 MR. BILLISITS: It can be. What we tried to
5 do is mimic what was done over here; not that that was
6 the best plan. It shows about a 140-foot distance
7 here. So we just tried to give an example of what
8 that would look like, if this graphic was continued --
9 this is already built. If we build it the same way,
10 it would look like this. If we want to meander it
11 further than this area, or within this area here, we
12 can. But this is just a graphic to show how it would
13 look if we just continued the same program that was
14 done to the north.

15 CHAIRPERSON HOYE: And planting of trees?

16 MR. BILLISITS: Yeah. We've got how many?
17 I don't remember the number of trees we've got planted
18 within this area, in terms of the shading and things
19 that you were talking about of replanting trees within
20 this strip, as well as the prairie grass that was
21 there. I don't recall the total.

22 MR. HART: Total is 2,300.

23 But I guess the point -- one thing we should
24 make clear is this is likely a future stream

1 restoration coordinated with us and Parks and Recs.
2 So we're not going to plant trees up front until the
3 stream restoration is completed. There would be no
4 reason to.

5 MR. SASSON: Okay. Would the land be handed
6 over to the City; is that the idea?

7 MR. HART: Yes.

8 MR. SASSON: Okay. And then they would
9 manage the stream restoration?

10 MR. HART: Probably, yes.

11 MR. SASSON: Would this restrict -- because
12 of the trail system -- and I don't know when the trail
13 system would go in, but would it restrict the
14 distance? The things you put in before they do that
15 might restrict it; the stormwater ponds certainly and
16 then the trail may be also.

17 MR. TEBA: I don't want to speak out of
18 turn, but the last conversation we had with Parks and
19 Rec was that they would want an outside engineering
20 company to engineer the stream restoration, someone
21 they've worked with in the past, and try and get at
22 least the plans to the developer before they start
23 putting in pathways and stuff, so that's already taken
24 care of.

1 MR. SASSON: Okay. If you can get that in
2 writing, that would be good, because it's my concern
3 about the construction.

4 MR. BROWN: I think that's an item that's
5 very appropriate for the Panel to, you know, recommend
6 in any recommendations made that the coordination be
7 completed between the City and Rec and Parks and the
8 developer to ensure that the stream restoration design
9 is considered as the design of the subdivision is
10 completed.

11 MR. HART: We are conveying that property.
12 We are, you know, passing that property to the City,
13 you know, prior to the -- with our taxes committed
14 to -- the taxes, the City gets that area.

15 MR. SASSON: The stormwater ponds do the
16 same constriction, have the same limits. And so that,
17 you know -- you have to put it right between that and
18 the property line, and that really shuts down a lot of
19 the space you have available.

20 So moving the stormwater ponds so they do
21 not restrict the -- or constrict the stream
22 restoration is important. They shouldn't even be
23 right next to the stream because the eventual
24 meandering could compromise the integrity of the

1 stormwater pond. I hope it would never do that, but
2 it may move over time.

3 MR. BILLISITS: One point to kind of address
4 that. The stream needs to stay within the floodplain
5 area in order to pass the water flow. The floodplain
6 gets really wide down in through here (indicating).
7 All of the ponds you see are outside the floodplain.
8 So at a minimum, the stream relocation has to continue
9 to occur within the floodplain area that's there for
10 appropriate flood protection for everybody within the
11 area so it can continue to pass.

12 So down in this area, it can widen out quite
13 a bit. We still need to get back to this point, which
14 is where the bridge is under I-70. So it could widen
15 out into this area, the bike path can be moved, but it
16 has to remain somewhere within the floodplain area.
17 It gets wider down here than it is up here on the
18 northern part (indicating).

19 MR. SASSON: The other thing is -- and you
20 guys might realize this, of course -- but if the bike
21 path is in the floodplain, then you lose a lot of time
22 that it can be used, especially in a year like this
23 when it's been so wet.

24 MR. TETZLOFF: My overall feeling about this

1 property is this was intended to be a Pilot that
2 piloted outstanding development features that could be
3 used elsewhere in the watershed, and I don't see that.

4 It was supposed to be LEED, and I understand
5 the argument that it can't get certification. But I
6 would take issue with the City Staff's conclusion that
7 this could get a good score on LEED. I see at least
8 three prerequisites that it doesn't meet. The primary
9 one being compact development.

10 In terms of compact development and trying
11 to protect a watershed, I think the most important
12 thing is cluster development and maximization of open
13 space.

14 I understand, Luis, that, technically, there
15 is a requirement on this for 50 percent open space,
16 but I think that falls under compact development; that
17 that would be the natural thing to expect on this, and
18 that the Accord plan and other -- when it talks about
19 density bonuses, it talks about density bonuses for
20 clustering developments and increasing open space,
21 which is what I would expect on this.

22 They've taken a different tact here. I
23 mean, I think there's some good things that have been
24 done in this plan. But for the most part, this is

1 sprawling over a big area. I don't think it's
2 50 percent open space at all. I think things are
3 being counted as open space that aren't.

4 And I also am kind of very surprised that
5 the City is allowing them to put in their calculations
6 that 27 acres that's not in the LEED Pilot area. I
7 can't see a justification for doing that. That
8 essentially allows them to pack in a bunch more houses
9 because it ups their open space number and ups their
10 infiltration number. And so that seems like a
11 no-brainer. That's not in the Pilot area; that
12 shouldn't count.

13 And if you do that, then the -- even with
14 3 percent density, that lowers the number of houses
15 you would be permitted in there. I don't know where
16 that 1,400 number comes from. I know you said it's in
17 the plan, but I don't see it.

18 MR. TEBA: It's in Chapter 2 on Page 25.

19 They say -- you're talking about sanitary
20 sewer. They say the system could also provide
21 capacity for approximately 1,400 equivalent dwelling
22 units in what has been referred to as the LEED area
23 east of Alton Darby Creek Road and south of Roberts.

24 MR. TETZLOFF: That's a capacity number?

1 MR. TEBA: They're saying the capacity
2 number for sewage would provide 1,400 units.

3 MR. TETZLOFF: If you do three units per
4 acre, multiplied by the acreage, I think you get about
5 1,050. So that's one thing.

6 MR. TEBA: Right. Well, what the City is --
7 we view that 27 acres to the east of Alton Darby Creek
8 Road. You know, it doesn't have any protections on it
9 right now. It would have to come before the board if
10 it was going to be rezoned. But, you know, it could
11 be logged. There are a number of things that could be
12 done to it. And we felt that it was an adequate
13 tradeoff because it was Tier 1 land to provide them
14 the equivalent in density to purchase this property
15 and preserve it in perpetuity in a conservation
16 easement. That was our reason behind that.

17 MR. TETZLOFF: I think if you do it that
18 way, you're essentially taking 27 acres of open space
19 out of the plan because it allows them to pack more
20 development in there because it counts towards their
21 open space.

22 MR. TEBA: The other option would be, if it
23 hadn't been included at all, yes, it would be -- I
24 think it's a difference of 80 units or something like

1 that. But it would not be included, but then there's
2 nothing protecting that. I don't know that anyone is
3 just going to purchase it to protect it. Maybe
4 there's somebody out there, but that was the City's
5 rationale.

6 For the open space, the City Staff believes
7 that 50 percent -- 52 percent is open space with the
8 permitted and conditional uses. There is no mention
9 of mowed grass not counting as open space. I agree
10 with you that it's not all natural open space, and
11 Staff agrees that 32 percent is natural open space.
12 But our interpretation, our reading of the plan is
13 that this area doesn't call for a 50 percent natural
14 open space. We felt that with the recharge rate and
15 the improvement of the water quality that those were
16 trade-offs that we felt were appropriate.

17 MR. HART: I would just like to respond as
18 well. As we looked at LEED, we saw some very
19 significant differences in the LEED ND program, you
20 know, and the Accord, and so we had to compare those.
21 And there are locational or contextual differences.
22 The biggest one is the LEED really calls for mixed-use
23 development, calls for Commercial and Residential.

24 It doesn't get to anywhere near 50 percent

1 open space. It's way more intense. It's like a
2 Jeffrey Mining Site or Timken redevelopment.
3 It's mixed urban core development. It's transit node
4 development, great intensity of development.
5 LEED ND assumes seven units to the acre, not the three
6 that the Accord does. So, you know, these guys would
7 love to take a shot at seven units to the acre, but
8 it's not the right context. It's not the same thing,
9 and we know we need to follow the Accord.

10 The Accord essentially is a water-quality
11 document. It's a water-quality enhancement. It's a
12 conservation enhancement guideline for development.
13 LEED ND is really an urban brownfield redevelopment
14 program. It's a different context.

15 So, I mean, we felt that we could meet a lot
16 of the LEED ND principles, but we can't take the site
17 and put it, you know, on Cleveland Avenue or near
18 downtown. That was the challenge. You know, we think
19 our checklist and our good-faith effort speaks for
20 itself.

21 In terms of the open space, you know, before
22 we have the debate on the definition and so forth, we
23 think it's real important to set the stage in terms of
24 the filtration and groundwater recharge differences

1 between different types of grass, different types of
2 open space. Maybe Doug can address that and kind of
3 compare.

4 You do get significant benefit from going
5 from agriculture to even turf grass, and the
6 differences between that and longer grasses and other
7 natural areas is not that great.

8 Go ahead, Doug.

9 DOUG TURNEY,

10 being first duly sworn, testified as follows:

11 DIRECT TESTIMONY

12 MR. TURNEY: I'm Doug Turney, EMH&T.

13 The EPA tables for groundwater recharge in
14 different land uses, meadow, wood, urban grasses;
15 meadows have got a pretty high value, so does grass.
16 Both get pretty good annual recharge on an annual
17 basis. I don't know if that answers your question or
18 not.

19 MR. TETZLOFF: I didn't have that question.

20 MS. GOSSETT-JOHNSON: Are you counting the
21 ponds in the open space?

22 MR. HART: Yeah. The Columbus Zoning Code
23 does count ponds as part of open space. One of the
24 things we try to do in terms of listening, coming back

1 from October, is you can see every one of the ponds.
2 We've added a vegetative buffer. Or I'm sorry,
3 wetland shelving around each one of those ponds so
4 they do more than just function as a typical
5 stormwater pond. There's filtration, and there's an
6 added aesthetic.

7 We also think the ponds are a nice feature
8 to the open space. So, yeah, they are part of open
9 space under the Columbus Zoning Code.

10 MS. GOSSETT-JOHNSON: Do you have a slide
11 showing us everything you considered as open space?

12 MR. HART: It's probably that slide, but
13 it's hard to -- if you have --

14 MR. TEBA: I have it on a slide.

15 MS. GOSSETT-JOHNSON: Is it in the packet?

16 MR. HART: Your packet --

17 MR. TEBA: It's in the Staff report.

18 MS. GOSSETT-JOHNSON: I have that. I meant
19 like pointed -- bullet points, that kind of --

20 MR. HART: Luis did give -- in his report,
21 he did give a breakdown. It's basically --

22 MR. TEBA: It's right there (indicating).

23 MS. GOSSETT-JOHNSON: Open space breakdown.

24 MR. HART: There you go.

1 MS. GOSSETT-JOHNSON: Do you have the ponds
2 on there?

3 MR. TEBA: Yeah. So without the ponds,
4 they're at 43 percent open space. Still 32 percent
5 natural open space. I didn't see anything in the
6 Accord that mentioned retention ponds not counting as
7 open space. I looked a lot and I couldn't find
8 anything in there.

9 MS. GOSSETT-JOHNSON: I don't know that it
10 says it didn't. I don't know. I don't see that at
11 all. But I guess I never contemplated a pond that may
12 maintain itself or not be open space. Yeah. I didn't
13 see that as an item in our guidelines, so it surprised
14 me.

15 MR. TURNEY: One thing about the ponds, we
16 are a little heavy on pond area. We haven't gone
17 through our final detention counts to meet the City of
18 Columbus' policies. We think our ponds are probably
19 maybe 10 or 20 percent heavy on what we have shown
20 right now. We're going to try to reduce those, if we
21 can, once we get to final redesign.

22 MR. TREMANTE: Are the ponds just detention,
23 or are you getting water quality from those?

24 MR. TURNEY: Both water quality and

1 detention.

2 MR. TREMANTE: Have you thought about --
3 you've got your deeper pipe to get the cooler water.
4 If you're trying to settle stuff out, as opposed to
5 having that kind of come across the top and letting
6 the finds and whatever settle down, are you
7 potentially picking that up?

8 MR. TURNEY: We're trying to keep it off the
9 bottom of the pond 2 to 3 feet. We don't want it to
10 be at the bottom of -- collect the construction runoff
11 that would settle there during construction. We're
12 trying get a balance there, you know; not too deep,
13 but not too high in the system.

14 Some of these ponds will have different
15 wetland shelves to them. We've got the perimeter
16 shelf we have to do for Columbus, but we could get a
17 little more aggressive with that. We did that in
18 Hilliard in Tarlton. We've got some bigger wetland
19 areas in the ponds. You get a little more volume
20 reduction potentially on the cooling.

21 MR. TREMANTE: I've got a couple questions
22 on the wetland areas. So you're basically defining
23 the existing wetlands based on NWI mapping currently;
24 is that correct?

1 MR. HART: Above my pay grade. Rob, do you
2 want to address that?

3 - - -

4 ROB MILLIGAN,
5 being first duly sworn, testified as follows:

6 DIRECT TESTIMONY

7 MR. MILLIGAN: Yes, I can. Rob Milligan,
8 EMH&T.

9 So what is shown right now are preliminary
10 wetland areas based off of NWI mapping. We are going
11 to be performing a full wetland delineation on all the
12 sites to be reviewed by the Army Corps of Engineers.
13 That is scheduled for the early portion of the growing
14 season of 2019.

15 MR. HART: Well, we wouldn't be doing that
16 unless we -- the project keeps moving forward is why
17 we don't do final engineering until we know we have a
18 project.

19 MR. TREMANTE: Well, there's at least three
20 areas in Kokomo soils. And in the figures you're
21 showing, you can see standing water in the field.
22 Those are two of the criteria. It's farm, so that's a
23 disturbed condition. The Corps would consider those
24 farmed wetlands. And I think there was a fourth, if I

1 look at one of the other figures.

2 I guess my question is: How -- are you just
3 going to go through permitting and mitigate those as
4 a --

5 MR. MILLIGAN: We are going to address all
6 of those areas in the delineation. We are going to
7 have the Army Corps of Engineers out on the property.
8 They're going to review any suspect farmed wetland
9 spots. We'll be working with them on the
10 verification. If there are any surprises that come
11 up, then we have two choices. It's either, you know,
12 attempt to avoid and minimize impact, or we will go
13 down the permit route. But we won't know that until
14 we have full verification and all of that coordination
15 is complete with the Army Corps.

16 MR. CALLAHAN: If I could -- Matt Callahan
17 with Pulte.

18 What Rob's referring to is a final
19 delineation. We have performed a preliminary
20 delineation actually by a different firm. It wasn't
21 Rob's firm. But the preliminary delineation performed
22 by our other consultant is what identified those three
23 wetland areas.

24 MR. TREMANTE: Well, I'm saying I'm seeing

1 three that aren't included that are pretty obvious on,
2 you know, the materials that you all provided. So
3 that's -- one of the objective is to preserve existing
4 wetlands. And even on a high-level desktop review, my
5 opinion is these should have been picked up as areas
6 of concern at a minimum.

7 MR. HART: We are in a preliminary filing
8 stage in terms of what's required to file the
9 applications going through the process.

10 MR. TETZLOFF: Sheree and Luis, you were
11 asking about ponds. Stormwater BMPs are a Conditional
12 Use in open space in the 208 Plan. I called Mike
13 Galloway of EPA, as we've been having this discussion
14 repeatedly at these meetings. In his opinion,
15 retention ponds are not open space. Things like
16 basins -- or swales, bioretention areas, rain gardens
17 should be counted as open space.

18 MR. TEBA: That's not delineated in the
19 plan, correct?

20 MR. TETZLOFF: In the plan?

21 MR. TEBA: Yeah.

22 MR. TETZLOFF: Well, the plan talks about
23 how we need to keep taking into consideration EPA
24 regulations and the complementary -- the 208 and the

1 Darby Accord Plan complement each other. There are
2 situations where they are not identical. There are
3 situations where the Accord adds things to the
4 208 Plan, but the 208 is a minimum.

5 MS. GOSSETT-JOHNSON: That's sort of why I
6 was surprised. I used to work for EPA, and we never
7 counted ponds as open space.

8 CHAIRPERSON HOYE: Does anybody else have
9 any comments?

10 MR. TREMANTE: Yeah. I've got one.

11 The vegetated swales, will those be in
12 stormwater easements? Will they be -- who will be
13 maintaining them? They're part of the stormwater
14 system. Are they protected as such, so that, you
15 know, someone's not fertilizing it and taking it and
16 doing that?

17 MR. TURNEY: Some of those will be in the
18 land we give to the City of Columbus, I believe.

19 That's a good question. Maybe Matt can
20 answer. Will it be in the HOA or is it going to be
21 maintained by the City? I don't know if we have a --

22 MR. CALLAHAN: We anticipate that any of the
23 swales, and, you know, drainage features would be
24 covered by easements -- stormwater easements. That's

1 something that would be covered with final engineering
2 at the time of engineering and platting.

3 Typically, you know, I think you often see
4 those treated just like any other stormwater facility.
5 If there was a storm pipe buried under the ground, it
6 would be within an easement. This just happens to be
7 over ground so it would still be covered by an
8 easement is what we would anticipate and expect.

9 MR. TREMANTE: Would you expect there to be
10 any language in there about, you know, fertilizer use
11 or pesticide use or how it's to be maintained?

12 MR. CALLAHAN: I don't know if that's been
13 done, typically, with the City on these types of
14 swales. But I think that's a good recommendation.

15 MR. TREMANTE: It's more Darby-ish. That's
16 the only reason I would bring it up. You're right.
17 If it was a swale somewhere, it probably just -- may
18 not even be in an easement. But given its function
19 and the importance of the watershed, that might be
20 something to.

21 MR. TURNEY: I don't know if they go into
22 that level of detail and contemplate that at this
23 point. I don't think they have an issue either way
24 with that.

1 CHAIRPERSON HOYE: Anybody else?

2 MR. TETZLOFF: Mr. Hart's comments about
3 LEED. What I'm hearing from both the applicant and
4 the City is this -- this is -- we are no longer going
5 for LEED here.

6 So to me, the issue is, if we're not going
7 for LEED, why is this property getting extra density?
8 What is the density bonus achieving here? Because
9 they're getting two more units per acre, and I don't
10 see what good that's doing anything.

11 MR. TEBA: Well, LEED was never a
12 requirement of this property. I mean, if LEED was a
13 requirement for the bonus density, that would be a
14 different conversation at this point.

15 All the plan does is it, you know,
16 strongly -- it recommends or it strongly suggests that
17 LEED certification could be attained, but mostly it
18 focuses on the fact of adopting LEED principles. It's
19 not saying it has to be LEED-certified. It doesn't
20 say that it has to be, but it just says that it should
21 adopt LEED principles.

22 In our mind, the applicant has satisfied
23 that. They've done enough that if they could make it
24 through some of the prerequisites, such as

1 agricultural farmland not being included in the
2 project, they would score enough points to attain a
3 LEED certification. It wouldn't be platinum or silver
4 or bronze or the other levels, but it would be enough
5 for LEED certification.

6 So we're not trying to do something where
7 we're holding them to an unattainable thing. I mean,
8 this is a -- what I would consider to be an error in
9 the Accord where they were told to adopt LEED
10 principles for this area that can't be attained.

11 In other words, the whole thing is moot. You know,
12 you can't develop three dwelling units per acre.

13 MR. TETZLOFF: I understand that. I mean, I
14 understand that argument. But then why are they still
15 getting the benefits of this being a LEED Pilot area?
16 Extra density. You're arguing that there's no
17 requirement for open space like there is in
18 conservation development. That could not have been
19 the intent of the writers of the Accord.

20 MR. TEBA: I don't know what the intent was.
21 I can only evaluate the proposals based off what the
22 plan says.

23 MR. TETZLOFF: I mean, if you read the
24 language, it says they wanted to make this a Pilot

1 area. They wanted something special here. They
2 wanted this to be something that could be used
3 elsewhere in the watershed.

4 MR. TEBA: Well, it's still 50 percent open
5 space.

6 MR. TETZLOFF: No, it isn't.

7 MR. HART: John, I just -- we read the
8 Accord as we are required to adopt LEED principles,
9 LEED ND. LEED ND was being written at the same time
10 the Accord, I think, was being finalized. So,
11 you know, it turned out to be much more of an urban
12 core, high-density situation. That's the context we
13 don't fit. But I think our scorecard, in good faith,
14 we tried to do what we can, and there's a lot of
15 really good things on there that we do need and we
16 incorporated. So our scorecard speaks for itself.

17 MR. TETZLOFF: Speaking of the scorecard.
18 One of the prerequisites on the scorecard is
19 preservation of rare and endangered species. In the
20 document provided by EMH&T, I believe it is, it
21 doesn't deal with the aquatic species at the whole --
22 that is at the heart of the Accord.

23 I understand that mussels and fish that are
24 rare and endangered don't actually live on this

1 property. But the whole purpose of the Accord is to
2 protect downstream communities. It wouldn't be an
3 Accord if it weren't for those rare and endangered
4 species. And, in fact, there's probably not any
5 developable property in the Accord area that actually
6 has those species living in it.

7 So, in my mind, that needs to be studied and
8 reviewed before you can claim a checkmark in that
9 prerequisite. I would say the same thing with the
10 protection of a water body, which is another
11 prerequisite. The water body that needs to be
12 protected here isn't just a wetland on this site or a
13 pond on this site; it's the whole watershed and the
14 downstream areas. So why would we check that off?

15 MR. HART: Could I address those two points?

16 First, I think we have -- I think the City's
17 asked us to go back to ODNR, and, you know, with
18 EMH&T's finding, to just check that with the agency;
19 is that that the status of that? So we are going
20 through that process.

21 In terms of water quality -- could you,
22 Luis, maybe go back to the -- I call it the green and
23 black slide. It's the one where EMH&T lays out the
24 LID elements in their scores.

1 I guess the point is, John, we make a strong
2 case -- strong case that we are not only improving
3 water quality beyond what the site currently does
4 today in terms of the agricultural use, but we're
5 going beyond EPA standards and the standards that
6 would apply generally across the watershed and any
7 other site that's come through this Panel. And I
8 think this slide is the tale of the tape in terms of
9 we are overachieving on water quality because you
10 asked us to. Particularly, Mr. Sasson made a very
11 strong point last time to show us what you're doing
12 beyond the minimal requirements.

13 So we're kind of proud of that. We feel
14 strongly about it. We think we're doing a real
15 quality job on a site like this that is supposed to be
16 different because of its proximity to the creek. We
17 think we're setting a standard here with the
18 27 percent, 36 percent. Those are water quality
19 measures going right to the heart of the document. So
20 that's where we think we're doing better. And we did
21 try to listen, and, in good faith, come back with some
22 creativity.

23 Mr. Chairman, anything else for us?

24 CHAIRPERSON HOYE: Panel, do you have

1 anything else to bring up at this point?

2 MR. HART: Thank you very much.

3 MR. SASSON: Yeah. I'm still concerned
4 about the stream restoration and the proximity of the
5 stormwater ponds to the potentially restored stream
6 area.

7 The bike path and neighbors' potential
8 restrictions on being able to do the stream
9 restoration. Those are important to me, among other
10 things.

11 The use of the ponds as open space is a --
12 they don't really provide the same function.

13 And then I did bring up the need to have
14 trees, forest along the riparian area greater than is
15 shown here. Some of the riparian areas are very
16 narrow. Certainly less than you might see -- should
17 see. So those are some concerns.

18 CHAIRPERSON HOYE: So part of this Panel is
19 to add our recommendations to this case. So if
20 somebody would like to put those down, we can vote on
21 it and have those recommendations.

22 Does someone want to start that?

23 DR. GORDON: Based on what Anthony said
24 earlier, I put these words together. I don't know if

1 this meets all of his needs, but one provision could
2 be to ask them to complete plans for stream
3 restoration with the City of Columbus to assure
4 the proposed development will allow for the
5 appropriate restoration of the stream. We could add
6 including -- I suppose, we could add including tree
7 shade for the stream. Something like that okay?

8 MR. SASSON: Tree shade a little bit further
9 west. Have greater -- significantly greater distance
10 between ponds and the stream restoration. Some of
11 these look like they are only a very limited distance.

12 And the other -- I lost my place. Well, you
13 mentioned the woods or the forest. I think the
14 biologists, ecologists in the area know that the
15 riparian areas in the Big Darby Watershed are going to
16 be wooded; so that's undoubtedly what it should be to
17 provide shade, concern about future temperature
18 increases that are -- have been recorded already in
19 the last few decades. They're going to be more in the
20 future. They need that shade.

21 DR. GORDON: All right. So here's what I
22 have now.

23 Complete plans for stream restoration with
24 the City of Columbus to ensure that the proposed

1 development will allow for the appropriate restoration
2 of the stream, including tree shade for the stream,
3 moving the stream west and away from the stormwater
4 ponds.

5 MR. SASSON: A greater distance from the
6 stormwater ponds.

7 MR. HART: We don't have any problems with
8 the points. We do want some recognition that we, in
9 all likelihood, aren't actually doing the stream
10 restoration. So we would like to say "cooperate,
11 coordinate with City of Columbus" or whoever else, you
12 know, ends up doing it.

13 CHAIRPERSON HOYE: Thank you.

14 DR. GORDON: That's reasonable.

15 MR. SASSON: I would like to note, though,
16 that the designers, the consultants hired by the
17 developers here, the consultant do design the
18 stormwater ponds and where they are, where they would
19 be, and those can restrict the future stream
20 restoration, so you -- it has to be coordinated. It
21 has to be ahead of -- it has to be ahead of anything
22 else so that they can be moved back farther.

23 MR. HART: We would agree with that.

24 DR. GORDON: Are there any other conditions

1 that anyone else would like to add?

2 CHAIRPERSON HOYE: John, anything?

3 MR. TETZLOFF: I would like to clean up the
4 calculations on the open space and would recommend
5 that we let this development have 50 percent open
6 space as defined under the Accord.

7 DR. GORDON: Does that -- the only
8 reservation I have about that is I'm not sure that
9 that's really required in this area of the Accord.

10 MS. GOSSETT-JOHNSON: I think that using
11 ponds as an open space needs to be addressed by us so
12 that that does not continue to occur.

13 THE REPORTER: I'm sorry. I couldn't hear
14 you.

15 MS. GOSSETT-JOHNSON: In my experience,
16 ponds wouldn't be considered open space. So I believe
17 that we should internally figure a way to keep that
18 from continuing to come up.

19 CHAIRPERSON HOYE: Go ahead.

20 MR. HART: I would just say that we're not
21 going to agree to something that -- a condition that
22 the Columbus Zoning Code -- the Columbus Zoning Code
23 does allow ponds to be treated as open space. We are
24 zoned in the city.

1 I think, you know, the Staff report cites
2 the line in the Accord that also allows active
3 recreation and other -- the reality is we have to
4 supply park and recreation space for our homebuyers,
5 and that is something that's a policy of the City and
6 it's in the zoning code. So we see those two items as
7 valid open space. We think the Accord is consistent
8 with that.

9 MR. TREMANTE: Is there a requirement for a
10 percentage of open space in this?

11 MR. TETZLOFF: It's unclear because this is
12 supposed to be LEED.

13 MR. TEBA: LEED doesn't have a requirement
14 for open space. In fact, it's supposed to be denser.

15 CHAIRPERSON HOYE: Seven per acre.

16 MR. TEBA: Seven dwelling units per acre.

17 Of course, I'm sure they want open space as
18 part of that. I just -- I don't know what the -- so
19 without the ponds, it's 43 percent open space.

20 MS. GOSSETT-JOHNSON: Okay.

21 MR. TEBA: That's where they are right now
22 without the ponds.

23 MR. TETZLOFF: Then that -- you have to -- I
24 believe you have to subtract out mowed grass and you

1 have to subtract out the 27 acres that's not in the
2 Pilot area.

3 MR. TEBA: What's the incentive to protect?

4 MR. TETZLOFF: It's identified on the plan
5 as something -- as a target for future purchase.
6 That's the kind of thing that would be purchased by
7 revenues generated by the Accord.

8 MR. SASSON: Or there's free money right now
9 from the Clean Ohio Fund or WRSP that could be spent.
10 In fact, there is more money in the Clean Ohio Fund
11 now than the local jurisdictions are spending on
12 natural area or open space.

13 MR. TREMANTE: I'd like to see a condition
14 that delineated and verified that wetlands are
15 preserved on site.

16 DR. GORDON: Say that again. Delineated and
17 what?

18 MR. TREMANTE: Verified. And maybe
19 including farmed wetlands.

20 MR. HART: We wouldn't have a problem with
21 that condition, except we would like to add that, you
22 know, that should be per the federal law, per the
23 regulatory requirements that go with delineation. But
24 we agree.

1 MR. TREMANTE: And, as this is City of
2 Columbus, I would like to have it confirmed that the
3 vegetated swales are included as part of the
4 stormwater management system, and, as such, have a
5 stormwater easement, and that easement has appropriate
6 maintenance guidelines with regard for the Darby
7 Watershed.

8 DR. GORDON: Okay.

9 MR. HART: We would agree.

10 CHAIRPERSON HOYE: Okay. Thank you.

11 DR. GORDON: I agree with these conditions.

12 I still have reservations about saying
13 something about the land use calculations because our
14 current code doesn't -- that doesn't really apply in
15 the current code.

16 Now, we could, as a separate matter urge the
17 City to think about changing the regulations for
18 future developments within the Big Darby, if we feel
19 strongly about it. But I don't think we can -- in my
20 opinion, I don't think we can do anything about it as
21 it's not part of the -- since it is part of the
22 current code.

23 MR. TETZLOFF: Our job isn't to judge
24 whether or not it follows the code; it's whether it

1 follows the plan. I hear what you're saying that
2 there's no specific requirement here for the amount of
3 open space, but we do have a definition of open space,
4 which is kind of what I think Sheree was getting at,
5 that some of us may feel that this doesn't -- that
6 some of the calculated open space doesn't necessarily
7 qualify as open space under the Accord plan.

8 MS. GOSSETT-JOHNSON: Right. I'm not
9 talking about codes and things. I'm talking about
10 what we're supposed to look at, and that's the
11 Accord's plan. And I'm sorry, but ponds just don't
12 fit as open space. I don't know how to make that
13 clearer. Maybe we should do so in our plan, but I
14 thought it was.

15 MR. TREMANTE: I guess my point, though, is
16 that -- let's say, okay, fine, we take that out. It's
17 not affecting their density allocation or anything. I
18 mean, it's more almost semantic.

19 MS. GOSSETT-JOHNSON: Well, if it wasn't a
20 LEED -- if it's not a LEED project, why is it being
21 treated that way? I'm totally confused about that
22 because you're saying you don't have to have open
23 space because it's a LEED project. I'm, like, I'm
24 confused.

1 MR. TEBA: Would you like me to address
2 that?

3 MS. GOSSETT-JOHNSON: Sure.

4 MR. TEBA: I mean, to us, the plan never
5 says it has to be LEED-certified; it just says that it
6 should adopt LEED principles. And so when we reviewed
7 this, in our opinion, it adopted LEED principles to a
8 degree. We pushed the applicant in that direction,
9 and we felt that, after a lot of discussions, they
10 were at a point that we felt was acceptable.

11 MS. GOSSETT-JOHNSON: But you didn't certify
12 it.

13 MR. TEBA: It doesn't have to be certified.

14 MR. TETZLOFF: Who put the checkmarks in the
15 boxes?

16 MR. TEBA: That was -- they presented us a
17 draft and we responded. They came back to the draft
18 and we responded. That's how it was determined what
19 was applicable or not and what was appropriate. We
20 reviewed it. This is their checklist with us having
21 given them feedback during the process.

22 MR. HART: I don't believe there is anything
23 in the Accord that says you don't count storm ponds as
24 open space. I don't -- that's a personal opinion;

1 that's not something that's in the document.

2 I also have to bring up the fact that when
3 this body voted to change the definition of open
4 space, remember, the Accord itself, as originally
5 constituted, was passed by the legislative bodies of
6 the member jurisdictions: Hilliard City Council,
7 Columbus City Council, the township trustees, the
8 county, they voted to adopt the Accord.

9 The new definition of open space that is
10 more recent has not gone through that process. I
11 think it's going to be a major problem and a major
12 challenge to change the definition of open space at
13 the Accord level, but have the zoning codes of all of
14 those jurisdictions have a different definition.

15 I will say I've been doing this for over
16 20 years. There's not a zoning code I've ever seen
17 that doesn't count recreation and park areas as open
18 space. That would operate as a severe penalty to any
19 property owner, anybody trying to develop property, if
20 you can't have recreation and parks in that count
21 because you have to have that. It's reasonable.
22 People expect it. We need safe play areas.

23 And one thing about turf grass is it has a
24 filtration and recharge rate that's pretty close and

1 not really demonstrably different from a scientific
2 standpoint, than prairie or woodlands is the best.
3 It's close to prairie grass. It's not like you're
4 losing -- in the end, considering the site's being
5 transformed from agriculture, and the water quality
6 issue that the Accord has us focus on is being met and
7 over met, and that's what we're doing here.

8 MR. TETZLOFF: A couple of things to
9 clarify.

10 This body didn't create that. We just came
11 to the realization that it had been created and we
12 adopted it or clarified that that's what the
13 definition was. The definition came from the Open
14 Space Advisory Group, which was -- I wasn't part of
15 that. I don't know who was on that. My impression
16 was BDAWG was on that or represented and agreed to
17 this.

18 Matt, maybe you know.

19 MR. BROWN: The Open Space Advisory
20 Committee or Council did develop the definition for
21 conservation natural open space at the request of the
22 Big Darby Accord Working Group. I believe there was
23 representation on the Open Space Advisory Committee
24 from BDAWG, but I think the key piece was to develop a

1 definition for conservation natural open space.

2 There are other types of open space. Not
3 all open space meets the definition of conservation
4 open space. But that definition was developed in
5 order to allow for the evaluation of conservation
6 development subdivision proposals.

7 MR. TEBA: Right.

8 MR. TETZLOFF: And this is not one of those.
9 That's true. But we didn't invent this out of whole
10 cloth.

11 MR. HART: Understood.

12 MR. TETZLOFF: It was actually done in 2010?

13 MR. BROWN: I don't have the history with me
14 here. But it has -- it's been a while since that was
15 developed, and then the Panel adopted it just -- I
16 think it was this past January.

17 MR. TETZLOFF: I think the jurisdictions
18 realized that this was an issue they needed to take a
19 look at.

20 MR. HART: My point, John, is there's a
21 definition of open space in the Accord document --
22 original document that Luis cited; it's in
23 Section 4.3, Page 46. It includes passive recreation,
24 active recreation uses, including multi-purpose fields

1 and playgrounds. That is the definition -- that is
2 included in the definition of open space that the
3 legislative bodies who voted to enact the Accord
4 passed because that's consistent with all of their
5 zoning codes.

6 Again, there's not a zoning code in Central
7 Ohio that doesn't say parks, playground, soccer fields
8 are not open space.

9 I guess my point is, I'm not sure how the
10 new definition came about, but I don't believe it was
11 adopted by the legislative bodies that, in the end,
12 you know, the definitions in the Accord have to have
13 some relationship and some matching to the zoning
14 codes, or what are we doing? Are we -- you know, you
15 guys don't zone us.

16 MS. GOSSETT-JOHNSON: What we're doing is
17 trying to protect the Big Darby Watershed which --

18 MR. HART: That's exactly what we've done.

19 MS. GOSSETT-JOHNSON: -- doesn't necessarily
20 fit into all of the zoning codes. Zoning codes are
21 for the general. So what this was supposed to do is
22 allow us to ask questions to get the developer -- not
23 you -- to look at the actual location of things and
24 what it really represents.

1 And we don't -- I don't see ponds as that.
2 And, again, I find some of this a moot point because,
3 at one point, I was -- I am being told they don't have
4 to have open space. So I'm confused about what the
5 requirements are.

6 MR. HART: Well, just in response, this is
7 what protects water quality above and beyond zoning
8 codes and EPA requirements. This is what we brought
9 to the table that's different than any other site
10 you'll hear or have you heard. This -- the document
11 is about water quality. And having recreation for
12 kids where they're out of, you know, tall tick grass
13 doesn't hurt the water quality program we put
14 together.

15 MS. GOSSETT-JOHNSON: I was responding to
16 your comment about the codes.

17 MR. HART: I understand.

18 MS. GOSSETT-JOHNSON: Are there any
19 requirements for open space on this project?

20 MR. TEBA: As our analysis is, there is no
21 requirement for open space in the LEED checklist.

22 MS. GOSSETT-JOHNSON: But it's not a LEED
23 project?

24 MR. TEBA: It's not a LEED project, no. But

1 there's not a -- there's no -- it doesn't have to be
2 certified. This is a LEED area that is recommended to
3 adopt LEED principles. It doesn't have to be
4 certified to be a LEED area to get that density. At
5 no point in the document does it say, "If you do not
6 get certification, you lose density."

7 MS. GOSSETT-JOHNSON: See, it's confusing.
8 I come from a regulatory agency. I'm retired. But
9 that's why I am confused. I'm very -- you're saying
10 one thing, but you're not certifying them. I just --

11 MR. BROWN: The City can't certify LEED.
12 That's a separate entity that handles LEED
13 certification.

14 MS. GOSSETT-JOHNSON: And if you're going to
15 give them the ability to be called a -- to say they're
16 following LEED principles, shouldn't they then go and
17 get that certification?

18 MR. TEBA: We're not saying that they're a
19 LEED development. We're just saying they are meeting
20 the requirements of the Accord to adopt the LEED
21 principles. And since the Accord says, if you adopt
22 LEED principles, you get the density bonus. We're
23 saying they get the density bonus. That's what we're
24 saying. We can't -- there's nothing that says they

1 have to be certified.

2 And then as for open space, there's nothing
3 that says they have to have 50 percent open space in
4 the Accord plan. So we're saying, even if you take
5 out retention ponds --

6 MS. GOSSETT-JOHNSON: It's 43 percent.

7 MR. TEBA: -- they're at 43 percent. Are we
8 saying they have to have 50 percent no matter what?

9 MS. GOSSETT-JOHNSON: I think we're all
10 still really reeling about this density issue, and
11 some of that has to do with open space. That's sort
12 of where we're coming from.

13 DR. GORDON: Mr. Chairman, I'd like to move
14 that this project be approved, subject to the
15 conditions of Staff and the following three
16 conditions:

17 Coordinate plans for stream restoration with
18 the City of Columbus to ensure that the proposed
19 development will allow for the appropriate restoration
20 of the stream, including tree shading for the stream,
21 moving the stream west a greater distance from the
22 stormwater ponds.

23 Second. Delineated and verified wetlands
24 are preserved, including farm wetlands per the

1 required federal regulations.

2 Third. Vegetated swales are included as
3 part of the stormwater management system with
4 appropriate easement and maintenance.

5 MR. TREMANTE: I'll second.

6 MR. TETZLOFF: I'd like to add one -- or at
7 least propose one for consideration.

8 We could make a statement that says --
9 basically expresses our confusion about this, and say,
10 in our judgment, the plan is unclear what's required.
11 We think there should be similar requirements on this
12 property as other properties in the area, or something
13 to an effect, particularly with respect to open space.

14 It's just a recommendation. It's not a
15 finding of whether or not it follows or doesn't follow
16 the plan because we would be acknowledging that we
17 think the plan is unclear.

18 MR. BROWN: Mr. Gordon, do you incorporate
19 that?

20 DR. GORDON: I'm not quite sure about the
21 wording, when you say "something like that." So it
22 has to be clear.

23 MR. TREMANTE: I guess my question would be,
24 and let me see if I can just talk through the

1 logistics of it. The Accord says this is a Pilot
2 area; you need to follow LEED principles. If you
3 follow LEED principles, you get a density bonus. You
4 can do three units per acre.

5 MR. TEBA: No, it says you adopt LEED -- you
6 adopt LEED principles.

7 MR. TREMANTE: Okay. What did I say?

8 MR. TEBA: Follow LEED. There's no
9 requirement is all I'm trying to point out.

10 MR. TREMANTE: Right. You're not hamstrung
11 by it, but you're trying to follow these -- you follow
12 these guidelines in LEED, you develop, you know, your
13 site according to the principles that are outlined for
14 LEED new development, and we'll give you a density
15 bonus of three units per acre.

16 MR. HART: I'm sorry. I just have to
17 object. There's nothing in the document that ties
18 LEED -- consideration of LEED principle to density.
19 It does not make that tie, that connection.

20 MR. TREMANTE: So what -- okay. Well,
21 that's a good point. What is the three density --
22 what's the -- all right. If we're not following LEED,
23 let's get rid of the whole thing. What is the driving
24 factor to open space or density units? The Accord

1 should address that irrespective of LEED.

2 MR. TEBA: The City was never willing to
3 just abandon LEED. That's not our position. Our
4 position is that we work with the applicant to adopt
5 as many policies and principles that they could
6 reasonably adopt in this area to get to what would be
7 a point system that would get you certified,
8 theoretically. I don't know that I'm explaining that
9 well. But it's not our intention to adopt that. We
10 never came and we said, "Ignore the LEED document."

11 MR. TREMANTE: Is there any added bonus for
12 doing that? Or is it three -- whether they did it or
13 not, they still get three units per acre?

14 MR. TEBA: Staff's opinion is that the
15 reason -- reading the document, is that there is a
16 connection between trying to adopt LEED principles and
17 the density bonus. It's our opinion that that has
18 happened. That's what we're saying.

19 MR. TREMANTE: Right. So given that, I'm
20 not sure -- I mean, I guess the question is: Is that
21 the panel's interpretation of the Accord?

22 If it isn't, I think it's a little hard to
23 come in and say, "Well, we want it to look like other
24 areas." It needs to say whatever the Accord says from

1 a development point.

2 MR. TEBA: Let me add real quick, nowhere
3 does the Accord call this a density bonus. It's just
4 the density.

5 DR. GORDON: It's already in the plan as a
6 higher density area; isn't that correct?

7 MR. TEBA: Right. With the recommendations.

8 DR. GORDON: It's not a density bonus for
9 open space or anything like that.

10 MR. TETZLOFF: But it wouldn't be there.
11 It's a density bonus for LEED in some sense.

12 MR. TEBA: It's a density bonus for adopting
13 LEED principles.

14 Well, no. No. It's the density -- no, no.
15 The density is three dwelling units per acre, and you
16 should adopt and incorporate LEED principles into your
17 design, which we feel the applicant has done that.

18 DR. GORDON: Yes.

19 MR. TETZLOFF: It's not pure chance that
20 those two things are happening at the same time.

21 DR. GORDON: Then the disagreement is just
22 whether they adopt -- use LEED principles or not.

23 MS. GOSSETT-JOHNSON: That's probably --

24 DR. GORDON: I believe they did.

1 MS. GOSSETT-JOHNSON: -- what we're arguing
2 about.

3 MR. TETZLOFF: I think that's a piece of it,
4 but I think -- I have doubts whether it's protective;
5 whether this project is protective. And I don't think
6 the plan is clear on this point.

7 MR. TEBA: What do you mean?

8 MR. TETZLOFF: What I'm saying is I would
9 like to see us communicate to the people who will vote
10 on this that we were not able to make a clear
11 conclusion of whether this follows the plan.

12 MS. GOSSETT-JOHNSON: Or that this is the
13 Pilot we want to follow.

14 MR. TETZLOFF: This isn't that -- maybe a
15 better way to put it would be that this achieves what
16 the goal of the plan was, whatever that was, because I
17 think, clearly, the plan wanted this to be a
18 demonstration site, and what it would be demonstrating
19 was something that was protective. What I see is
20 something that's less protective than what we've
21 done -- what's been done in Hilliard, what's been done
22 in other places in Columbus.

23 DR. GORDON: I guess I don't see that.

24 MR. TREMANTE: In what capacity? How is it

1 less protective?

2 MR. BROWN: Mr. Chairman, we did have a
3 motion that was made and seconded. If Mr. Gordon
4 wants to incorporate some provision of what
5 Mr. Tetzloff has brought up here to express to the
6 City of Columbus the Panel's, kind of, lack of
7 information or not being able to fully understand the
8 applicability of the LEED principles to the site, that
9 could be incorporated in, if you want to. If not,
10 again, it was moved and seconded.

11 CHAIRPERSON HOYE: Would you like to put
12 that in, what you said?

13 MS. GOSSETT-JOHNSON: I think the
14 reservation -- we had reservations that this is
15 not protective.

16 DR. GORDON: I just don't know how to word
17 it so that -- you know, so --

18 MR. TETZLOFF: You're our wordsmith.

19 DR. GORDON: I guess I disagree with you.
20 If you want to word something, I'll write it down and
21 see if I everyone agrees. But right now, I don't
22 think there is a consensus.

23 MR. HART: Mr. Chairman, I'm just asking for
24 a real clear condition. The other three are fine. I

1 guess, you know, depending on how that condition's
2 worded, we may ask for a separate vote on that as
3 opposed to the three which we agree with.

4 MR. BROWN: We have -- the Panel, in the
5 past, has, I think, sent letters to member
6 jurisdictions when there were issues or problems that
7 arose, so maybe that could be a second type of motion.
8 Because I guess I'm looking at this: How does that
9 concern or hesitation making this motion really impact
10 the recommendation to the City? It doesn't change
11 what the proposal is.

12 DR. GORDON: It may be an issue, but I think
13 it's a separate issue separate of this proposal.
14 That's why I'm reticent to put it in.

15 MR. BROWN: There are three staff members
16 from the City of Columbus sitting here at the table
17 today, and I'm sure they've heard this conversation
18 and can relay that back to their department if there's
19 not a formal actual motion.

20 MR. TREMANTE: I would be more in favor of
21 not putting it in, but then doing a separate
22 communication to give us a lot more room to detail the
23 complexity of it.

24 DR. GORDON: I think we may not want to do

1 that today. We may want to spend a little time
2 thinking about how to word it because there's not a
3 real consensus about what we're asking. So I'm a
4 little -- I would be very worried about putting it in
5 here relative to this development. But I share
6 people's concern, though. We need a bit of a
7 discussion and definition of this, but I think doing
8 it as a separate thing would maybe be better. Maybe
9 not today. We'll see if we have time since there's
10 another case as well.

11 CHAIRPERSON HOYE: So there's second.

12 MR. BROWN: Yeah. There is a motion by
13 Mr. Gordon, a second by Mr. Tremante to recommend
14 approval of the case with Staff's recommended
15 condition, and the three additional conditions related
16 to coordination with the City Recreation and Parks
17 Department on the stream restoration project to
18 maximize the distance between the stream and the
19 adjacent property lines; the stormwater ponds, and the
20 multi-use paths; and to also include tree plantings
21 along the stream.

22 MR. SASSON: No.

23 DR. GORDON: I can read this back, if you
24 like.

1 MR. SASSON: You're okay until the last
2 part.

3 MR. BROWN: The multi-use paths?

4 MR. SASSON: No. The tree plantings is to
5 allow woods, forest, trees to the maximum extent
6 possible.

7 DR. GORDON: I think you have the correct
8 wording.

9 MR. BROWN: Can you read it one more time.

10 MR. SASSON: I was waiting until you got
11 through this other discussion.

12 DR. GORDON: Do you want me to read back the
13 conditions?

14 MR. SASSON: Yes.

15 DR. GORDON: Coordinate plans for stream
16 restoration with the City of Columbus to ensure that
17 the proposed development will allow for the
18 appropriate restoration of the stream, including tree
19 shading for the stream, moving the stream west and a
20 greater distance from stormwater ponds.

21 Second. Delineated and verified wetland are
22 preserved, including farm wetlands per the required
23 title regulations.

24 Third. Vegetative swales are included as

1 part of the stormwater management system for the
2 appropriate easement and maintenance.

3 MR. SASSON: Okay. My concern on the stream
4 restoration part, tree shading; yes, you can have a
5 very narrow row of trees and call that tree shading.
6 My concern is being able to get the appropriate
7 distance that would make it a high-quality stream
8 restoration, not the very limited distance it appears
9 on the map.

10 DR. GORDON: That's why I put appropriate
11 restoration of the stream.

12 MR. SASSON: I'm not sure exactly what it
13 will mean, but it's kind of squishy. I'll put it that
14 way.

15 MR. BROWN: So Gordon made that motion
16 previously, re-read the recommended conditions of
17 approval. That was seconded by Mr. Tremante.
18 Correct?

19 DR. GORDON: Yes.

20 MR. BROWN: All right.

21 Voting, Mr. Hoyer.

22 CHAIRPERSON HOYE: Yes. I think we're just
23 in a little bit of a bug-a-boo. But I vote yes for
24 this.

1 MR. BROWN: Mr. Tetzloff.
2 MR. TETZLOFF: No.
3 MR. BROWN: Mr. Tremante.
4 MR. TREMANTE: Yes.
5 MR. BROWN: Mr. Gordon.
6 DR. GORDON: Yes.
7 MR. BROWN: Ms. Gossett-Johnson.
8 MS. GOSSETT-JOHNSON: No.
9 MR. BROWN: Mr. Sasson.
10 MR. SASSON: No.
11 MR. BROWN: Mr. Bryner.
12 MR. BRYNER: Yes.
13 MR. BROWN: That motion carries with a vote
14 of 4 to 3.
15 CHAIRPERSON HOYE: Okay. Thank you.
16 The second order of business is
17 Case AP-1804.
18 John, are you ready for that?
19 MR. BROWN: Mr. Chairman, we may want to
20 pause just for a moment as I believe the
21 representatives from the first case are probably going
22 to be packing up.
23 DR. GORDON: I could use a comfort break.
24 (Recess taken.)

1 CHAIRPERSON HOYE: We're going to bring
2 Case AP-1804. And, John, you want to get started?

3 - - -

4 JOHN TALENTINO,
5 being first duly sworn, testified as follows:

6 DIRECT TESTIMONY

7 MR. TALENTINO: Certainly.

8 So you've seen most of these, if not all of
9 these slides before, so I'll go quickly through them.
10 If you need to stop, just say something.

11 This is the site. This is looking at the
12 site from the corner of Alton Darby and Roberts. Here
13 it is identified in the aerial.

14 The zoning. This shows the site on the Land
15 Use Plan Map for the Hilliard Comprehensive Plan. You
16 can see at the very corner there is a pink area that
17 is Neighborhood Retail. The rest of it is in the
18 Conservation Development District. This is the detail
19 on this focus area in the Comprehensive Plan.

20 This shows the general Land Use Plan for the
21 Darby Accord Plan. That's a close-up of that. This
22 is the proposed plan.

23 I'm going to run through these. You've seen
24 them. This shows the phasing; shows the path system,

1 the different types of uses, nature areas and the
2 details on those.

3 This is the development plan. So this is
4 the Site Detail Table. There have been some minor
5 adjustments to this on the acreages, but it's
6 generally consistent with this 50 percent open space.
7 The actual acreage number changed, and instead of
8 173.71, it's actually 176.53 acres of open space.

9 CHAIRPERSON HOYE: Is that in the packet,
10 John?

11 MR. TALENTINO: No. This one's new. This
12 one just got changed. I just got this.

13 CHAIRPERSON HOYE: Can I just read that for
14 a quick second, please.

15 MR. TALENTINO: Yeah. It's similar.

16 CHAIRPERSON HOYE: Just repeat what you just
17 said, please.

18 MR. TALENTINO: So it's still 352.95 acres,
19 but the open space total has changed. This shows
20 173.71; that has been changed to 176.53 acres of open
21 space.

22 There are some additional details. About
23 80 percent of the open space is in natural areas,
24 including the existing trees and the restoration. I

1 think most of that is the same. So there might --
2 yes. So the density is still the same; 1.3 units per
3 acre for the overall site.

4 These are the existing conditions. We'll
5 just run through the soils plan. This shows the
6 wetlands and the stream restoration area. This is the
7 zoning on the site and what's around it.

8 Utilities. This is the proposed plan.

9 So the light green areas are single-family
10 or the open space area there at the north end. The
11 purple is the commercial area. The red in the middle
12 is the stream restoration area. The kind of tan-ish
13 area are attached residential products. They are not
14 single-family detached; they're attached. I don't
15 know whether those are apartments or townhouses.
16 Those are similar.

17 And, then, this shows the open space. These
18 are the areas shown in the Darby document as
19 protected. I should mention this is prior to the
20 area -- well, the area was subject to a fill permit
21 which is part of the stream restoration area, so some
22 of these areas on the eastern side of that stream,
23 which were previously floodplain, are not in the
24 floodplain any longer. There's a plan that shows

1 that.

2 This shows the site, and then the 5-mile
3 radius; parks and bikeways in the vicinity. Some
4 details on the proposed uses and activities for the
5 proposed development.

6 This shows in the stream area -- stream
7 restoration area some of the existing wetland areas.
8 You can see the areas that shows filled -- it was part
9 of a fill plan as part of that permit. That's why
10 the -- I think, as part of a letter of map revision,
11 you will not have the same floodplain areas as shown
12 in the original document.

13 Some of the existing conditions showing
14 woodlands, Tier 1 areas. This is according to the
15 Darby Plan. And then the actual tiered areas, if you
16 account for the stream restoration and taking things
17 out of the floodplain.

18 This is the Master Plan, so this is the
19 document. 148 single-family lots, 297 attached
20 residential units, approximately 60 acres of
21 commercial. Within that commercial area there might
22 be some residential uses. It's still subject to the
23 number of sewer taps that we can get through Columbus.

24 When this site was annexed, it was -- I

1 think we were anticipating 439 units for the -- this
2 overall site was two separate property owners at the
3 time, so that has not changed. We're still limited to
4 that.

5 This is the developer's best estimate for
6 this. Things we like about this is it keeps the
7 natural areas. It is also creating some lakes. And
8 each of the lots will either back up to one of the new
9 lake areas, the stream restoration area, or an open
10 space area. We have never seen a development like
11 that in Hilliard.

12 The Hilliard Comprehensive Plan recommends
13 having neighborhood-serving retail and services in
14 close proximity to all neighborhoods. This would help
15 provide that, for not only this development, but also
16 along the east side of Alton Darby Road, areas that
17 are in Hilliard and some in Columbus, but don't really
18 have close access to those types of services.

19 I'll just say Staff recommended approval
20 with conditions. There are three conditions listed.
21 One relates to path connections. One relates to
22 parkland dedication, and the other is providing open
23 space consistent with the Big Darby Accord Watershed
24 Master Plan. We still hold to those, but we're

1 interested in hearing from the Panel members how to
2 improve on this.

3 I think the developer has done a good job of
4 trying to create a place that is different than any
5 place we have. And it is, if we look at the
6 waterfronts being created and the commercial area, and
7 the residential areas, which would be great amenities.
8 And with open space and close proximity to Bradley
9 High School, the new middle school, the path
10 connections, we recommend they make those as well.

11 They are showing it in the one part of it,
12 but the other ones we're going to recommend that they
13 do that when they come through for rezoning. This is
14 going through a -- hasn't gone through Hilliard's
15 process yet. There's some additional information we
16 need, but it needs to go here first. So we anticipate
17 this in the next coming months to go through rezoning
18 through our system.

19 If you have questions about any of that.

20 CHAIRPERSON HOYE: Is that it, John?

21 MR. TALENTINO: Yeah, that's it.

22 CHAIRPERSON HOYE: Before we open to the
23 Panel, is there anyone in the audience that would like
24 to speak on this case?

1 (No response.)

2 Hearing none, I'll open it up to the Panel
3 for discussion.

4 MR. BROWN: Mr. Hoyer, I believe the
5 applicant does have a presentation they would like to
6 give to the Panel.

7 CHAIRPERSON HOYE: Okay. Go ahead.

8 - - -

9 DWIGHT McCABE,
10 being first duly sworn, testified as follows:

11 DIRECT TESTIMONY

12 MR. McCABE: Thank you.

13 Are we on a hard stop as we were last time?
14 Hopefully, that won't be difficult.

15 DR. GORDON: I think the electricity was
16 off.

17 CHAIRPERSON HOYE: The generator shut down.

18 MR. McCABE: Would that warm us up or cool
19 us down? That's a good thing. We'll take it.

20 MR. TREMANTE: I do need to get out of here
21 at 4:30, so I don't know if it would be possible to
22 focus on the modifications from last time.

23 MR. McCABE: We can certainly do that. We
24 have, hopefully, a quick way to get through that.

1 That's what we are here for. We heard you
2 last time. There's a whole series of questions. What
3 I'd like to do is run through the exhibits that we've
4 prepared because they answer a lot of those questions.

5 I want to restate the questions for you and
6 make certain that they answer that to your fullest
7 concern.

8 Was everybody here last time? Two Panel
9 members were missing last time.

10 MR. SASSON: I wasn't here.

11 MR. McCABE: So there may be other things
12 that they want to hear.

13 So, anyway, what I want to do is run
14 through, and really redress -- I'll flip through
15 these. Everyone knows where the site is.

16 I want to go back through what the existing
17 conditions are because there were certainly questions
18 about that the last time based upon two things. One
19 is about half the document we submitted that you all
20 didn't get. I apologize for that again. This time,
21 hopefully, you did get everything we resubmitted.

22 And the big question was the seeming
23 disconnect between the nature of the site as we know
24 it today and the site as it may exist at the time when

1 the Darby Accord was first drafted. What we want to
2 get to is an understanding of what we really have
3 today.

4 Backing up real quick. 1938, that's the
5 earliest picture we could find of this site to give
6 you an idea of what was out there. Farmland, pretty
7 much, with the north-south ditch, the Alton Ditch.
8 Not much of anything else.

9 We don't know exactly when this property was
10 tiled, but it was tiled, and we're going to speed
11 through that in a little bit.

12 So here we have the -- all of the kind of
13 existing conditions. The last time we showed you kind
14 of a walk-around of what those look like visually.
15 Let me revisit that. But the good news is the stream
16 restoration that was done a number of years ago is
17 spectacular. If there's any questions about stream
18 restoration actually working or not, if you haven't
19 walked this one, you should walk it because it really
20 has worked essentially very well. The beavers love it
21 and lots of other things going on.

22 This is going to build on all the attributes
23 that exist on the site today. Just want some clarity
24 about what's there.

1 Currently, there is the stream land reserve
2 that runs all of the way through both properties.
3 There is -- also we recognize the stream setback. We
4 talked about that the last time and we have included
5 those this time.

6 And then, from a soils point of view, there
7 was a bit of a drifting conversation about soils, and
8 we wanted to clarify what's out there. And what's out
9 there is this list of soil types. And what you see
10 over here is all of those soil types plotted on this
11 kind of standard industry, how they view different
12 soil types.

13 What you find on this site is it's pretty
14 much clay. Doesn't grow beans really well. It's
15 highly -- it's got a high runoff coefficient. It
16 doesn't absorb water real well. Some of it gets into
17 a little more loamy soil, but that diagram there shows
18 you the filtration rates. As you can see, most of it
19 is in this zone which is the lesser rate. A little
20 edge of it gets a little better rate, but not -- none
21 of it gets anywhere to the hydric rate except for two
22 isolated spots, and these are under and around those
23 two ponds you saw in those last photographs. It's got
24 the duck pond up here, beaver pond down here, and

1 there is actually some peat that exists around in
2 those locations. So we recognize those from a soils
3 point of view as being of particular note.

4 Then we have all the various wetlands.
5 We've done an overview wetland analysis. We have very
6 fine detail. For the most part, we wanted to
7 understand where they were relative to the reserve
8 area. So when the reserve was done, the stream
9 restoration was done, all of those were taken into
10 account. All of the setbacks were built into the
11 easement itself. So the stream setback, wetland
12 setbacks, those were all incorporated. And there was
13 this wetland down here that was added to the reserve.
14 In our last map, I don't think that actually showed
15 because it's a document that actually came to us just
16 really in the last 30 days. And so this area is --
17 all of that wetland was created, and it's already
18 included in the reserve. So that's what we understand
19 we have today.

20 The next thing then is we do the
21 jurisdictional streams. They exist over here. The
22 stream on this side actually does come up partially;
23 it doesn't come all of the way across. There is that
24 restoration piece. This section wasn't -- the

1 undulations weren't put into it because there are two
2 really high-quality wetlands, and they didn't want to
3 destroy the existing wetland.

4 This area was also done, and it was a part
5 of the restoration, there were actually new wetlands
6 created. That's restoration. The red lines is where
7 the ditch used to be, so you can see it was completely
8 offset, reconstructed, and then the ditches were
9 blockaded so the water doesn't flow along the ditches.

10 I want to speak to that and I'd like to have
11 Ben come up just explain.

12 - - -

13 BEN MILLER,

14 being first duly sworn, testified as follows:

15 DIRECT TESTIMONY

16 MR. MILLER: I'm Ben Miller. I'm the civil
17 engineer on the project.

18 I wanted to speak a little bit about the
19 stream restoration. If you look at this graphic, this
20 is actually the plans taken from the stream
21 restoration documents.

22 The red down here at the bottom are
23 cross-sections that were taken through that plan. The
24 red area is what the existing stream used to be, and

1 the blue area is what it was transformed into. So you
2 can see that the volume has increased significantly
3 through there. And, in fact, that volume was around
4 112,000 cubic yards. Of that volume that was cut out,
5 this mostly blue area that was there, that was cut out
6 and placed on the east side of the stream restoration.

7 So there are a lot of questions about the
8 Tiered 1 lands on that side and us doing development
9 in there. In fact, that stream restoration displaced
10 all of that volume that they pulled out and placed
11 those in a fill area east of the stream restoration
12 plan.

13 Next slide.

14 So everything that was taken out of this
15 conservation area was placed in all of these mass fill
16 areas.

17 MR. McCABE: Yeah.

18 MR. MILLER: Once we take the Big Darby Land
19 Use Plan and lay it over this, it actually gets
20 revised. There are three main pieces. The Tier 1
21 lands are the 100-year floodplains and the existing
22 wetlands, any groundwater recharge and pollution
23 protection zones.

24 So what we have done is actually modified

1 that 100-year plan with the LOMAR John spoke about a
2 little bit earlier. That sucks that Tiered 1 land
3 closer into the conservation area as a result of all
4 of the dirt that we pulled out to increase that volume
5 directly into that stream.

6 MR. McCABE: Okay. So we actually -- this
7 is the condition that we now have, the property on our
8 hands.

9 I did want to go back here again just as a
10 reminder. As part of the stream restoration, this
11 wetland, this wetland, and this wetland actually
12 occurred as an adjunct to the realignment of Roberts
13 Road. So what happened right here (indicating), is
14 there's actually a storm outlet that ties -- it
15 collects up this ditch water and ties over here. This
16 area was kind of a result of that reworked roadway.

17 And then, you know -- again, speaking of the
18 significant environmental elements, there are
19 woodlands and sections of trees between different
20 fields.

21 This is the overlay of the -- kind of the
22 analytics plan in the Darby Accord documents. When
23 those were done, they were done at a high level and at
24 that time, particularly over 50-some thousand acres.

1 That's the presumption that that plan made. And you
2 know, again, you can see it's analytic. It doesn't
3 necessarily follow the old floodplain. It doesn't
4 even properly isolate where the woodland actually
5 exists.

6 So this more accurately reflects, if you
7 look at all of the conditions that are endemic in a
8 Tier 1 designation, this becomes what that plan
9 actually looks like today. Okay.

10 CHAIRPERSON HOYE: Can you go back to that
11 one?

12 MR. McCABE: Yeah, I'm sorry.

13 You go back here and you see things like --
14 you see this is out of alignment. You see some of the
15 alignment of the edges is different here. This has
16 now become tiered land because of the restoration.
17 This has come out of the floodplain because of the
18 construction of the road. All of these areas have
19 come out because of the mill operations that were done
20 previously, and the LOMAR exists today.

21 So when we had our -- when we had our
22 disconnecting discussion last time, our heads knew
23 this is what was out there, and maybe our
24 illustrations didn't reflect that sufficiently. So

1 that's what we want to make sure of is we're starting
2 at the same place today.

3 Any questions about that? I think that's a
4 key matter that we kind of understand.

5 MR. TREMANTE: So there is a submission of a
6 Letter of Map Revision for that new 100-year
7 floodplain?

8 MR. McCABE: All of this, and it was in the
9 packet that was sent out. There is a LOMAR for all of
10 this. There's also -- there were permits that were
11 issued through Franklin County and through Hilliard
12 that are signed off to do this work in association
13 with the granting of the stream restoration and the
14 execution of it.

15 There's also a permit in place as there's a
16 little bit of filling operations in that northern
17 property that is, again, already permitted. There are
18 two separate ownerships, so this owner hasn't yet
19 accomplished that last piece of filling operation.
20 That's already permitted, and we anticipate that's
21 going to be a part of what we're doing. It's built
22 into the -- again, the stream restoration project has
23 built that filling operation into it.

24 MR. TREMANTE: Thank you.

1 MR. McCABE: Shawn, do you want to speak to
2 this.

3 - - -

4 SHAWN GOODWIN,
5 being first duly sworn, testified as follows:

6 DIRECT TESTIMONY

7 MR. GOODWIN: Shawn Goodwin, also with
8 Structurepoint Civil Engineering. I won't go through
9 the details of the stormwater. I think Brad Holland
10 of EMH&T on the last property covered that really
11 well.

12 We're using the same Low-Impact Development
13 techniques, or LID. This is pretty much what Brad had
14 up there, just showing a little bit more boxy, a
15 little bit more -- I don't know, a little more art to
16 it and graphics to it.

17 We're going to be doing the same thing.
18 We're disconnecting the stormwater. Anything that
19 hits the developed area is going to go through a
20 series of ditches, which will then go into a storm
21 sewer, through bioretention basins, and then
22 ultimately into the basins, which gets to the outlet,
23 and then through some sort of filter strip back into
24 Hamilton Ditch. So very, very similar as the last one

1 you saw.

2 One thing I would add that is different and
3 a little above and beyond on this one is on the west
4 side of the project, west of Hamilton, that's going to
5 be treated more rural than what you would typically
6 see in most subdivisions.

7 There is no curb on the west side of the
8 project. It's all going to be through ditches,
9 bioswales and disconnected storm. And that will all
10 flow into those amenity spaces we've created in the
11 middle, that then ultimately tie into Hamilton Ditch.

12 So a very similar application. With this
13 effort, water quality has improved. And then, with
14 the groundwater recharge, we've already surpassed the
15 minimum requirements and that will only go up as we
16 get into the detailed calculations and actually
17 include what we're infiltrating in those basins.

18 MS. GOSSETT-JOHNSON: Are they also going to
19 be as deep as the ones EMH&T was talking about?

20 MR. GOODWIN: Yes. Typically, they have to
21 be an 8-foot minimum. A lot of times when they make
22 them 12-foot with similar outlet structures, that's a
23 very common way to outlet to the storm so you're
24 drawing from the bottom and also helps with freezing,

1 if you're going from the top. It's very similar.

2 MR. TETZLOFF: Do those drain down to the
3 submerged drain? Like, if it's a drought period, are
4 they going to evaporate down to the submerged outlet?

5 MR. GOODWIN: No.

6 MR. TETZLOFF: How is that avoided?

7 MR. GOODWIN: Just your normal rainfall
8 events are going to fill it. Right? And then you've
9 got the evaporation that's going to take some of that
10 away, and then you've got just a natural drawdown
11 that's going to occur through the infiltration,
12 through the designed outlet. The clay liner of the
13 basin will keep everything kind of above -- you're not
14 going to draw that pond all the way down. The liner
15 is going to keep it in, but the idea will be to
16 promote as much infiltration prior to that.

17 MR. McCABE: Can I add a little finer point
18 to this? Let's kind of work backwards. If we're
19 starting out here, say on a roadbed, and that goes
20 into the ditches, your homes actually will be
21 elevated. This area out there is all kind of low,
22 and, you know, the water table is -- it's not -- in
23 certain areas, it is very shallow. We are staying out
24 of those areas. In other areas it's just cumbersome

1 from a construction point of view. So the intent is
2 if as we dig basements, we're digging half depth,
3 bringing it up. As you bring it up, what happens here
4 is we are able to shed water to the rear of the site
5 as opposed to the front of the site.

6 Typically, in subdivisions you've seen
7 before, it comes off the roofs and it works to the
8 stream, moves out from the street, goes where it goes.

9 In our case, it's coming off of the roofs,
10 onto the surface, drains to the rear. So what John
11 mentioned before, that's a real important thing not
12 just from an amenity point of view that all of these
13 homes backup to natural conditions, but it's also a
14 very basic tenet about how we are looking to improve
15 the drainage system and improve quality of water as it
16 moves from the house outward.

17 Then what happens is these houses that
18 surround these kind of connector ways -- you asked the
19 question about whether they go dry or not. The intent
20 is that there is a -- you know, it's essentially a
21 naturalized ditch. It's a manmade ditch that is at a
22 depth, and our intention is that there will be a weir
23 that comes off the end of it. We'll build it like a
24 dam. As the water gets higher, it actually will go

1 into -- it's hard to say at this scale, but the
2 intention is, at intervals all the way around that
3 ditch are actually bioswales. So when that water
4 level does come up, it feeds out into those areas and
5 gets those wet. As it starts to recede, it will get
6 to the edges of the ditch, and that ditch will remain
7 full of water intentionally.

8 And then, as these get overfilled in a
9 bigger storm event, that weir will release out into
10 the lakes themselves. The lakes themselves are big
11 enough that the balance in the surface water is going
12 to be really limited, but this much water is a huge
13 amount of water.

14 So the intention is really to have a very
15 robust first flush condition before it moves into the
16 bigger bodies of water.

17 MR. GOODWIN: To hit on that. There are two
18 ways we're going to be infiltrating. So we have the
19 first flush which will have to infiltrate due to the
20 Ohio EPA's permits. That's going to go through all of
21 the bioretention basins, thorough water quality in the
22 basin.

23 Once we go past water quality storm, and you
24 start getting volume in the basin and you're hitting

1 the 50-, 100-year storm, they're going to overflow
2 back into the same bioretention basins that we've
3 created along the edges and further infiltrate.

4 So it's a lot like what you see in the
5 Olentangy River restoration by Ohio State where
6 they've got the wetland fringes. They fill up as it
7 goes up or down; it's very similar to that. We're
8 going to be recharging really twice the required water
9 quality and then past whatever -- we haven't designed
10 that storm event yet, but whatever storm event tops
11 out those wetland shelves.

12 MR. McCABE: The other features that will
13 come of that is it's back to creating places where
14 people that actually really are much more linked into
15 the natural landscaping.

16 If you think about the lot, the back of a
17 lot in a typical subdivision they back up to each
18 other. What we're looking for is your view is
19 strictly out the back is of some natural condition and
20 some kind of water feature that is then between the
21 lots coming off of that water feature, every lot.
22 There's actually that bioswale that over time will
23 grow up and become woodlands and whatever it wants to
24 be. So you actually do have divisions between every

1 lot over time. You don't have to force it.

2 It doesn't have to be, you know, designed landscaping.

3 It's nature coming into your yard.

4 So we felt very strongly about those kind of
5 attributes happening here, including around the big
6 lake itself. What we're asking the builders, when
7 they come on board, we've actually got text in the
8 development agreement that says they've got to plant
9 trees in the backyard, which is never in the
10 development text. Where we'd like to see those is
11 kind of at those same division points. So, you know,
12 you've got your view, your lake, and the next person
13 has their view; yet, when you look across, you also
14 have that same kind of division.

15 Just for what it's worth, this document
16 actually pulls off of the Darby Town Center Plan, so
17 that chain of water quality is exactly what the
18 water -- or the Darby Town Center Plan even included,
19 plus the added feature here of having some larger
20 surface.

21 When we met with the Ohio EPA -- and they
22 actually are very supportive of what we're doing
23 here -- they made the note that the best water quality
24 device is actually evaporation, so adding that feature

1 set in here is literally taking some of that water
2 back up to the atmosphere without any pollutants.
3 They feel strongly about that.

4 So here is the other condition that exists.
5 We've been out there to investigate where the field
6 tiling actually occurs, and we've spoken with the
7 farmer out there. We've spoken with the folks at
8 SATCO (phonetic) who did the reconstruction here.
9 We've identified -- we haven't identified every single
10 outlet, but once we understand the pattern and
11 understand where it's going, like we have identified
12 these outlets down here, one over here, another one up
13 in here (indicating). And they are certainly all
14 running north/south, and they tend to flow from the
15 north to the south, so they are following the flow of
16 the creek. They come down and they get collected up,
17 and they stop where the old ditch used to be.

18 When the stream restoration was done, we
19 know that they cut off a bunch of those tiles. We
20 don't know exactly what they did. We found some of
21 them that continue to blow out. That's the pattern
22 that exists.

23 Part of our approach here will be to
24 disconnect these when we start constructing large

1 water beds, we're knocking a lot of them out just to
2 get them.

3 So this is really what you have there today.
4 We've got a conservation easement that's a little over
5 50 acres. There is a wooded lot that's about
6 15 acres, and there's 277 acres of tiled farmland.
7 That's our existing condition.

8 This is what we are doing. So that's
9 actually grown a bit, so we're at maybe 176 acres. We
10 look at this green space quite differently than the
11 discussion you just had. This green space is actually
12 green space that all of it can go back to nature. We
13 don't have a program for it. It all goes back to
14 nature.

15 One thing we did from our last discussion
16 that we showed you, we took -- there was a row of
17 houses here and we just took them out. There's
18 floodplain down there. There's some other things
19 there. We eliminated that argument. And what that
20 also does is creates Roberts Road in perpetuity to be
21 a country drive. You would have a hard time once this
22 starts to mature out -- this is all matured woods.
23 This is a little wetland here. This is now matured
24 woods. You will have a hard time seeing any of these

1 houses at some point in time from Roberts Road.

2 We have also left -- you'll see it on that
3 plan -- a pretty significant area here and along these
4 fronts that is not part of the green space right now.
5 350 acres is a lot of room. When you get down to the
6 nuance, we may have to use some of that when we're all
7 done to get the green space right. Now we are keeping
8 the development also off of Alton Darby for the most
9 part.

10 You've already seen this plan. One thing I
11 did want to point out in that plan we talked about the
12 last time is the Darby plan shows this mixed use
13 village center sitting here (indicating). What's
14 happened is, since this plan, there's actually an
15 extension on the other side. We mentioned that last
16 time.

17 We met with Norwich Township. We've had
18 some discussions with Franklin County about this, and
19 they understand that circumstances change over time.
20 They don't have an issue with this adjustment. They
21 looked at it and said, as we did, this intersection,
22 the crossroads of two thoroughfares, is kind of a
23 guiding point of where is the right location for that
24 kind of an element.

1 So once that shift was done, and in the plan
2 it speaks to the idea of there being a road that goes
3 through it, not just roads on the edges of it. You go
4 through it, and you double face on the commercial
5 uses, make it more approachable and walkable and all
6 of those kind of attributes. So that shift took
7 place.

8 As John showed you before, this was -- we
9 think it was about the same time as the Darby Accord
10 Plan came together. They already understood that it
11 was a high unlikelihood of making an extension on the
12 other side of the road.

13 The Anderson family is not -- they are not
14 folks that are in the development business; they're in
15 the farming business. Mr. Anderson is 100 -- just
16 turned 100. Chuck Buck from Norwich Township made a
17 comment that they have no interest in really anything
18 that looks like development on their property.

19 So Hilliard always thought something should
20 happen there, and in their current Comprehensive Plan
21 and you've seen this before, they also show that kind
22 of a future happening there.

23 And on the thoroughfare plan, it also
24 includes -- and what we're picking up -- is this --

1 these legs of infrastructure, this piece of the
2 structure is already in place and we are also
3 extending a sewer from here out. That takes care of
4 not only our development, but anticipates whatever
5 other regional development would have to take place in
6 that sector. All of this would be the same kind of
7 density configuration that we are at.

8 While that's loading there, what I did want
9 to comment about is we've had a couple of meetings
10 with Metro Parks. Tim Moloney is really excited about
11 what's happening here. His interest is that the --
12 let me get back to green space.

13 So this kind of shows you a different way of
14 looking at what you've already seen. But when we get
15 to all of these green space layers, what Metro Parks
16 is excited about is to look at the reserve itself.
17 These grasslands we've created and this woodlands and
18 this linkage, so they actually have in their
19 Comprehensive Plan an intent to inject natural parks
20 back into community settings. And so this builds on
21 that, and so what they see is this, this (indicating),
22 that streambed and this streambed and that grasslands.
23 Then they look over here and say, as development
24 ultimately progresses to the north, they would like to

1 incorporate this. So now they've got a big enough
2 footprint, and they would like it to be around
3 300 acres.

4 What they'd like to do is get positioned
5 where they can kind of take charge of that so that
6 when that next move happens, now they have a big
7 regional kind of urbanized, linked-in park that has
8 these connectivity features of the pathways and all
9 those things that work together.

10 So anyhow, there's -- again, the other
11 things that we have here is to plant lots and lots of
12 trees. From a naturalistic point of view, that's a
13 pretty good picture of going from natural farmland to
14 that.

15 Maybe given our time, that probably gets to
16 most of what was asked. So if you don't mind, I'll
17 just re-read your questions. If we've answered them,
18 great. If we haven't, let me know.

19 We'd like more information on the FEMA
20 floodplain located within the limits of the proposed
21 site. We have shown you that, and you have the LOMAR,
22 you should in your packet.

23 How much of the area is being disturbed?
24 There's a drawing that illustrates all of that.

1 What are the limits of fill? The permit for
2 fill and the LOMAR are slightly different around the
3 edges. It's simply that, once you get done with
4 construction, somebody does an as-built and it may
5 look little different than what the plan did on the
6 edges. But the permit still provides for the
7 continuation. There probably was a difference in
8 balance.

9 So as we go about looking at development
10 plans for each of the areas, these guys will get real
11 specific as we go through the phases of the real
12 development about how those are treated.

13 The limits of fill and how much fill.
14 That's all been addressed in those drawings.

15 The proposed change in flood map. You have
16 the LOMAR that shows you that. There was some
17 discussion about -- let me go back to a better slide
18 for us.

19 That might take a minute. How much fill
20 was -- okay. Show and include the limits of the
21 small -- or I'm sorry. We're talking about the
22 southeast corner. I may have blown my memory there.

23 Let's do it over here. There was some
24 discussion about, I think, this southeast corner,

1 because, again, it looked like all of this was in
2 Tier 1. The construction of the road alone took all
3 of that out of the floodplain. So the LOMAR shifts
4 all of that back. And, really, none of this -- I
5 mean, it's just a bean field out there, here, and
6 today, and out of floodplain.

7 Show and include the limits of the small
8 tributary creek that runs from High School Ditch. Is
9 this jurisdictional?

10 It's this line here. This is actually the
11 plan you saw the last time.

12 John, you had questions about being too
13 close to that. We've put the 100 year or 100 foot
14 both sides back in.

15 Interestingly, I would say, having done that
16 and moved this from here up to here, we actually think
17 we have a better plan. So thank you for that. In a
18 lot of ways it's a better plan. We're not so
19 segregated here. We don't have to run sewer and
20 water, and it makes it easier to do things up here,
21 frankly. It puts a little more housing closer to the
22 school.

23 Now, you know, at some point, there may be
24 some discussion with the school about what might

1 happen. Let's see.

2 Is it jurisdictional? Yes, we believe that
3 section of it is.

4 More information regarding Tier 1 land. I
5 think we've shown all of that.

6 The total groundwater infiltration
7 improvement. There's a plan and a map that's in your
8 packet.

9 What is the statistical increase in that?

10 MR. MILLER: We're approximately 10 percent
11 greater than the minimum requirement.

12 MR. GOODWIN: That's now. We haven't gotten
13 into the detailed calculations for what we actually
14 get out of bioretention basins. That's just based on
15 planned use.

16 MR. McCABE: More information on the large
17 lakes and ponds. Are those part of the stormwater
18 control? We explained that. Just aesthetic or both.

19 We talked about the use of stormwater. That
20 was all of the questions.

21 MR. TETZLOFF: You said you supplied the
22 floodplain delineations. We're not seeing that.

23 MR. McCABE: Well, what you have -- you
24 should have the LOMAR package. We sent that over at

1 the end of last week.

2 MR. TETZLOFF: Oh, last week.

3 MR. McCABE: We sent that maybe Thursday or
4 something last week.

5 MR. MILLER: B-9 and 10. It's the actual
6 LOMAR document that was approved by FEMA back in
7 October of this year. It shows the four tracks that
8 were removed, and indicates its non-indication areas.
9 It's what was filled from the stream restoration.

10 MR. McCABE: I can tell you my heart stopped
11 a bit when he started talking about this the last
12 time. I went right back to my office and pulled up
13 the FEMA map online, and they actually have two.
14 There's a quick one and then a more detailed one. The
15 quick one still shows it as being floodplain. The
16 detailed one shows that it's not.

17 CHAIRPERSON HOYE: Does the Panel have any
18 questions?

19 MR. SASSON: Yeah. I wasn't here last time
20 so I missed a lot of this. It seems that the layout
21 really misses the opportunity to maximize the
22 protection of the stream by putting a lot of open
23 space on the north side and not maximizing the
24 distance from the stream in the development. So

1 you've got development limiting the amount of recharge
2 that would go directly from what could have been green
3 space there, open space, whatever definition you're
4 giving it -- that natural area that would protect the
5 stream would be closer to it. Instead, it's all of
6 the way at the north end of the property.

7 MR. McCABE: I don't --

8 MR. SASSON: Yes, it might go through some
9 stormwater ponds, et cetera. I didn't even have a
10 chance last time to talk about the flow regime that
11 would be off -- would have been altered quite a bit.
12 But it just doesn't seem to appear to make sense to
13 put a bunch of apparently green space on the north end
14 and have a development almost on top of the stream
15 restoration area.

16 MR. McCABE: Yeah. There are factors that
17 drive this site. It's got a lot of unique
18 constraints, one of which is this power line that runs
19 through here (indicating).

20 The City of Hilliard's thoroughfare plan
21 requires this through road. As soon as you do that --
22 and you're already not being advantaged by being
23 allowed to put drives out onto that road. As soon as
24 you do that, and now you have to create these kind of

1 areas, secondary roads that actually have drives to
2 them, you have to somehow address the financial
3 constraint of that. And if you don't put any kind of
4 development adjacent to that and just go up here, now
5 you don't have -- you don't have the leverage of the
6 fact that you've had to build that road.

7 So we looked at a lot of different ways to
8 go at this. And one of our -- you know, we look at
9 this as it's kind of a road from a road to a road
10 through what's actually a rather small neighborhood in
11 terms of count. There's only like 140-some houses on
12 70 acres over there.

13 And so what we had in our original plan,
14 this road would come in and work its way through the
15 housing that actually had driveways onto the roadway.
16 If you did that, all of this space here in the middle
17 could have been moved to a different edge. But as it
18 exists today, there isn't a way to do that. If you
19 tried to move it further over here, the whole
20 principle of the design of this, the lake features
21 disappear because as soon as you move that over, there
22 is no more lake.

23 We looked at a lot of different
24 alternatives. And then you get back to what you're

1 referring to, when you look at the soil condition,
2 this was a surface flow. So whether it's grasslands,
3 tall grass, whatever it may be, it's just terrible
4 soil. So it's a hard-packed clay soil. So as that
5 water moves across that to get to this point, it's not
6 doing a lot in terms of water quality creation.

7 Up here, it's going to take a lot longer for
8 that water to find its way somewhere than it would be
9 if you created that here. So, you know, there's gives
10 and takes and crossovers about what's the reality
11 here. But when this restoration was done, and it's in
12 the restoration documents, it speaks to the setbacks
13 and the distances and the appropriateness. It was all
14 in there. As this was done, all of that in those
15 terms was taken into account. Franklin Soil and
16 Water, all the participants in that, they feel like
17 this accomplishes the aim of keeping that stream
18 itself clean.

19 And then, anything that's coming off of
20 these roofs, as you've seen, we're addressing that in
21 our stormwater management clean water condition. So
22 that's why we've got that where we are.

23 MR. SASSON: Where are the stormwater
24 discharge points on the ponds?

1 MR. McCABE: They're kind of all over the
2 place.

3 MR. SASSON: To the stream. Yeah.

4 MR. McCABE: There will be some that come
5 off of this area, some that come off of either side of
6 here. There will be some that come off of here
7 (indicating).

8 MR. TREMANTE: But they'll go to swales
9 first?

10 MR. McCABE: It all runs through layers.

11 MR. MILLER: It's not a head wall that's
12 leading up to it. It's a swale.

13 CHAIRPERSON HOYE: Anybody else?

14 MR. TETZLOFF: Two observations I have, I
15 think -- well, three.

16 One. I think you've done some really
17 creative stuff here. Good job.

18 MR. McCABE: Thank you.

19 MR. TETZLOFF: I don't want to make light of
20 this.

21 MR. McCABE: Appreciate that.

22 MR. TETZLOFF: You've put a lot of work into
23 this.

24 In terms of thinking about what's in the

1 plan and what's here, two issues: One is the greater
2 density. And this is more of an issue with Hilliard
3 than it is with you. The density bonuses are granted
4 for things that are not talked about in here. That is
5 what it is. One of them is for stream restoration
6 that happened quite a few years ago, paid for, I
7 believe, by Franklin County. And I think you get a
8 benefit because it eliminated a lot of floodplain. So
9 I don't see that as justified. Again, nothing against
10 you. This is something that Hilliard decided to do.

11 Giving density bonus for infrastructure is
12 not something the plan talks about, and giving a
13 density bonus for -- I forget the other one. I wrote
14 it down.

15 MR. TALENTINO: Conservation design.

16 MR. TETZLOFF: Conservation design, which
17 that's required here. So that would be the problem I
18 have.

19 The other question I have is you've already
20 touched on it and it's the facts. I don't have a
21 problem with this, that you're basically taking
22 commercial from one spot and putting it somewhere
23 else. That theoretically is a wash.

24 But my concern is Franklin County or

1 Columbus could enable more commercial at the old spot.
2 There's nothing saying that, because you feel that
3 you're taking it and putting it over here that it's
4 not going to happen over here. That's a real concern
5 because that could, when all is said and done,
6 conceivably add a big chunk of highly impervious
7 development to the watershed.

8 MR. SASSON: Just so the rest of the Panel
9 is understanding, I don't know that everybody else was
10 around the time, but the Franklin County engineer was
11 the one that did stream restoration, correct?

12 MR. McCABE: They administered it. I think
13 everybody was signed onto the original core. It was
14 Franklin County and Soil and Water and the City of
15 Hilliard, the townships and everybody was signed on.

16 MR. SASSON: They got the money and they
17 oversaw it.

18 MS. GOSSETT-JOHNSON: Right.

19 MR. SASSON: Okay. So I just wanted to make
20 that clear that it was paid for by public funds.

21 MR. McCABE: Just to clarify, though, the
22 contribution of the landowner was the land and was a
23 plan of work, and that was a lot. As it's written in
24 the deal, that was only going to happen provided the

1 provisions for developing the entirety of the site
2 went along with it. So the idea that that happened
3 previously is just a timing issue. It's not an issue
4 of whether this development property earned the right
5 to be developed.

6 MR. SASSON: Right.

7 MR. McCABE: Those are hand-in-hand in all
8 of documentation.

9 MR. TETZLOFF: I'm not saying that. I'm
10 just saying there's already a bonus worked in there.
11 You're getting an awful lot of extra development --
12 developable land. To tack on a density bonus -- I
13 mean, the plan was pretty clear: The density bonus in
14 the plan is for additional open space. That's all it
15 talks about.

16 I understand this is a Hilliard decision to
17 offer those to you, so it doesn't have anything to do
18 with you.

19 MR. McCABE: Right. I appreciate that.

20 MR. SASSON: I have a question for Hilliard.
21 Are you still allowing floodplain fill? Does the City
22 of Hilliard still allow floodplain fill?

23 MR. TALENTINO: Allowed to fill the
24 floodplain? Well, you see it right there.

1 MR. SASSON: Yes, here. Beyond this one,
2 are you still allowing more? Is that still an option
3 for somebody who has land in the floodplain? Are you
4 including the Big Darby Watershed fill?

5 MR. TALENTINO: You could do something like
6 they did here, I would imagine. Yes.

7 MR. SASSON: So yes.

8 MR. GOODWIN: I can help answer that too.
9 There's always a requirement for a compensatory cut.
10 You can't just displace the volume we have. So if
11 your whole property is in the floodplain and you can't
12 find anywhere else to cut, you kind of can't do much.

13 Having been stuck with that many times
14 before, it's very strict. You can't -- Hilliard
15 follows -- I think you've essentially adopted
16 Columbus' plan with some tweaks. And Columbus' plan
17 is pretty strict on that as well. You cannot fill in
18 the 100-year floodplain without offsetting that.

19 - - -

20 GLEN DUGGER,
21 being first duly sworn, testified as follows:

22 DIRECT TESTIMONY

23 MR. DUGGER: Let's understand what the goal
24 was. The goal was to put the creek back. It wasn't

1 to create -- there was the collateral benefit -- I'm
2 sorry. I'm Glen Dugger.

3 The collateral benefit was that that's where
4 you had to put it in order to recreate the meandering
5 creek.

6 MR. SASSON: What's the IBI score of the
7 stream now? You talked about how good it was. You
8 must know what the result was.

9 MR. MILLER: It said in the checklist it's a
10 warm-water habitat is what it is. It talks about the
11 aquatic life, and it was listed as essentially none in
12 that area.

13 Of course, that was done prior to the stream
14 restoration, and the stream restoration is growing up
15 to what it is today.

16 MR. SASSON: Okay. I believe -- and Sheree
17 can correct me, but I believe this is a modified
18 warm-water habitat stream right now. We ought to be
19 shooting for warm-water habitat, which is a
20 significant improvement. That is measured by the IBI
21 scores, fish scores in the stream. That would be good
22 to know. If we are not meeting that, we are not -- we
23 are not succeeding.

24 MS. GOSSETT-JOHNSON: I would like to say

1 something to that, though. In that area, there's no
2 development. But there's no sewer. It's really
3 inactive. There are portions that do not have the --
4 not the same velocity of getting some things out with
5 failing septic and leach, which there are. It's
6 causing problems. I just want to put that in there as
7 far as attaining a better score. That's what we
8 found.

9 MR. SASSON: I'm not aware of it.

10 MR. McCABE: We're actually having to
11 connect about -- what is it -- a mile up to the --
12 almost a mile to extend a main line. Well, it's
13 actually a forced main to kind of a pump station that
14 takes care of all of this. And then the new
15 infrastructure will accommodate future extensions. So
16 that's part of our contribution, kind of regional.

17 (Mr. Brown left the proceedings.)

18 MS. GOSSETT-JOHNSON: I'm sorry. I cut you
19 off.

20 MR. TETZLOFF: We were getting off on a
21 tangent a little bit.

22 You know, the EPA's gone through and taken
23 new data points in there.

24 MS. GOSSETT-JOHNSON: Uh-huh.

1 MR. TETZLOFF: So there is probably
2 something more recent available.

3 MR. MILLER: There are three existing water
4 quality monitoring plants in the stream as well.

5 CHAIRPERSON HOYE: Okay. Is there anything
6 else?

7 MR. TREMANTE: Well, I'm going through our
8 minutes. There were two comments related to
9 trade-offs for Tier 1 land being removed, and I'm
10 just -- is that related to the floodplain? Is that
11 the question?

12 MR. McCABE: Yeah. There is a -- it
13 happens -- that's a little right here, and a very
14 little right here (indicating). And it happens
15 because that's the same problem; as soon as you try to
16 squeeze this down, we lose the whole ability to do the
17 right thing. You squeeze the stormwater system, and
18 you just run out of room because you've got a
19 constraint here where this comes together at the point
20 of the reserves and overhead power lines. And because
21 of this -- you don't see it on this plan, but it's the
22 200 feet here (indicating).

23 So when we looked at that again, when we
24 added the 100-foot setback on the site, and you

1 just -- it's too tight of a space and it actually --
2 totally walk away from it. Now we're back to that
3 issue. As we said before, we've still got to run
4 sewer, water, and everything down there, and we don't
5 have homes to pay for those extensions. So to just
6 run the sewer out here instead of running sewer over
7 here that actually services people, it's -- you know,
8 you're talking about in excess of \$1 million worth of
9 more sewer and water costs that you're now putting
10 more sewer and water in the ground, doesn't service
11 anybody adjacent to it. It doesn't make a lot of
12 sense. That's why we do that.

13 Again, I guess I should repeat, because of
14 what we're doing, the type of green space that
15 ultimately we are setting aside, it's not ball fields,
16 it's not playgrounds, it's not anything. All of that,
17 hopefully, by the time our kids are our age, or maybe
18 before, actually, will become Tier 1 lands. It's a
19 big difference from what you saw and looked at
20 previously today.

21 The other factor here is all of the green
22 space in those calculations you saw is outside of sold
23 property footprint. So it's not on a particular home
24 lot, where it appears the other plan actually used

1 yard space in that calculation. If we use yard space
2 in the calculation, then we're extraordinarily over
3 the 50 percent. It's not even close 50 percent.

4 MR. DUGGER: Did that answer your question?

5 MR. TREMANTE: It wasn't my question from
6 before. I'm looking at the notes.

7 DR. GORDON: I think that was my question as
8 well.

9 MR. SASSON: I definitely give you credit
10 for the green space not being part of the lawn or any
11 managed grass, or something like that, which I'm very
12 concerned about as the long-term ability to be
13 relatively natural, a lot of invasive species will
14 come in and stuff like that. It's a management pain.
15 A long-term management pain.

16 But if this goes to Metro Parks where,
17 you know, they still have plenty of problems, where
18 they could manage it to reduce things like invasive
19 species, and that's good. You don't have nearly as
20 much of an encroachment issue.

21 MR. McCABE: Right. One comment I did want
22 to make that Tim Moloney brought up was we have now
23 seen it -- and I didn't know what it was until it was
24 brought to our attention. There's actually some

1 invasive honeysuckle in that woods that's pretty
2 extensive, and Tim likes to get rid of that stuff, so
3 that will be an improvement.

4 CHAIRPERSON HOYE: Okay. If there's nothing
5 else of the Panel, I need a motion to approve.

6 MR. TETZLOFF: I'll move to approve with
7 conditions.

8 CHAIRPERSON HOYE: Okay.

9 MR. TETZLOFF: One condition I think we're
10 obligated to -- I feel obligated to note that it
11 departs from the purpose of the density bonus in the
12 plan. Density bonuses are being given for reasons
13 that aren't in the plan.

14 CHAIRPERSON HOYE: Say that a little bit
15 louder. Did you hear that?

16 MR. GORDON: I got it.

17 CHAIRPERSON HOYE: With Staff's conditions
18 and recommendations?

19 MR. TREMANTE: Yes.

20 DR. GORDON: I'll second.

21 MR. SASSON: What is the statement now. Can
22 you state it?

23 CHAIRPERSON HOYE: I don't know. Can you
24 read back our recommendation?

1 MR. TALENTINO: Well, it was approval, but
2 with --

3 MR. TETZLOFF: With conditions.

4 MR. TALENTINO: I think it was Staff's
5 conditions, but John's was the density basically is
6 too high and does not follow the provisions of the
7 Big Darby Plan concerning density bonuses; is that
8 correct?

9 MR. TREMANTE: Yeah. I would say density
10 bonuses are given for reasons that are not consistent
11 with the plan.

12 Does that go in -- I mean, that's not more
13 of a Panel opinion as opposed to a --

14 DR. GORDON: Yeah.

15 MR. TEBA: Not a condition.

16 CHAIRPERSON HOYE: Not a condition.

17 MS. GOSSETT-JOHNSON: Assessment. An
18 assessment?

19 MR. DUGGER: We were willing to consent to
20 the one John had. I'm not so sure we agree to
21 Mr. Tetzloff for the purposes of -- what we're trying
22 to do is follow the City's plan. So, apparently, you
23 and the City have some difference of opinion, but we
24 still think it's in compliance with the plan. So I

1 don't know whether it's a discussion point. I guess
2 that's --

3 MR. TETZLOFF: I would say it's not me; it's
4 what's written here. There is a section on density
5 bonuses.

6 MS. GOSSETT-JOHNSON: Right.

7 MR. DUGGER: We've been through all of that.
8 We see it just a little bit differently. We think
9 we're compliant.

10 MR. TETZLOFF: My colleagues feel
11 differently, but that's what I'm proposing.

12 MR. TEBA: Okay. So we have a motion and a
13 second with the conditions that were stated.

14 Mr. Hoyer.

15 CHAIRPERSON HOYE: I'd like what you did
16 with the presentation. We are all thinking about the
17 Big Darby Creek and different tributaries and all of
18 that. I appreciate that.

19 I'll vote yes.

20 MR. TEBA: Mr. Tetzloff.

21 MR. TETZLOFF: Yes.

22 MR. TEBA: Mr. Tremante.

23 MR. TREMANTE: Yes.

24 MR. TEBA: Mr. Gordon.

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DR. GORDON: Yes.

MR. TEBA: Mr. Bryner.

MR. BRYNER: Yes.

Mr. Sasson.

MR. SASSON: I guess I'll say yes.

MR. TEBA: Ms. Gossett-Johnson.

MS. GOSSETT-JOHNSON: Yes.

I can't believe we all agree.

MR. TEBA: Motion passes 7 to 0.

CHAIRPERSON HOYE: Thank you.

I'm going to adjourn until the January 8th,
2019, meeting.

Thank you.

- - -

And, thereupon, the proceedings were
concluded at 4:54 p.m.

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C-E-R-T-I-F-I-C-A-T-E

I do hereby certify that the foregoing is a true, correct and complete written transcript of the proceedings in this matter, taken by me on the 11th day of December, 2018, and transcribed from my stenographic notes.

Susan L. Coats

SUSAN L. COOTS
Notary Public in and for the State of
Ohio and Registered Professional Reporter

My Commission Expires January 10, 2020.



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