

May 16, 2022

Robert Booher
Owner
Ottawa Landscapes LLC

Sent Via email to: rb@ottawascapesc.com

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Ottawa Landscapes, Scioto Pkwy,
Parcel No. 560-208239

Mr. Booher:

This letter is in response to the subject variance request to the SWDM Sections 1.3.2 *Permanent Protection of the Stream Corridor* and 1.3.3 *Prohibited Uses in the Stream Corridor Protection Zone*. More specifically, SWDM Section 1.3.2 provides for permanent protection of the Stream Corridor Protection Zone (SCPZ), and Section 1.3.3 lists specific activities and facilities prohibited within the SCPZ, which include commercial business activities, filling, excavation and other changes in topography within the SCPZ. A variance is requested to allow construction of the applicant's landscaping company operational headquarters required due to the company's planned expansion. The proposed project will require impacts to the existing streams.

The request was submitted to the City on April 3, 2024. As part of the Variance review process, the subject Variance request was posted on the City website on April 4, 2024 to solicit public comments. No public comments were received by the posted due date. The Variance Review Committee reviewed the subject Variance Request on April 23, 2024. Comments and questions resulting from the meeting were forwarded to the applicant the same day, resulting in a resubmittal received on April 25, and posted on April 30, 2024. As with the initial submittal, no public comments were received by the posted due date. The Variance Review Committee reviewed the revised Variance Request on May 15, 2024.

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

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

- Full Compliance Alternative – No impact is proposed for the streams/SCPZ on the site. Avoiding the existing SCPZ's and with the existing zoning setback requirements, the available usable space is too small to accommodate the required new office building, staff/visitor parking lot and the laydown area. Additionally, the proposed layout would create functional issues due to separation of the parking lot from the building. Due to these reasons, this Alternative was found to be unfeasible.



- Minimal Impact Alternative – The old remaining section of Roberts Millikin Ditch would be removed, leaving the eastern channel and the relocated Roberts Millikin Ditch unimpacted. This Alternative, while addressing some of the issues with the Full Compliance Alternative, still creates functional limitations for the proposed layout. Specifically, the size of the laydown area would still be too small to fulfill the operational needs of the owner. For this reason, this Alternative was also viewed as undesirable.
- Preferred Alternative – Both the old Roberts Millikin Ditch and the channel along the east property line would be removed, while the relocated Roberts Millikin Ditch and its SCPZ would remain unimpacted. This Alternative results in the optimized utilization of the available space, fulfilling the proposed project’s functional needs.

To mitigate for the proposed SCPZ/Stream impacts, the applicant proposes to remove invasive species, and plant 39 native trees and shrubs in the relocated Roberts Millikin Ditch SCPZ within the parcel.

Upon reviewing and discussing the application submitted by the applicant, the Variance Review Committee agreed with the applicant that the Preferred Alternative with the proposed SCPZ mitigation plan represents the owner’s good faith effort to comply with the SWDM stream protection requirements to the maximum practical extent. The Committee further agreed with the applicant’s argument that both the Full Compliance and the Minimal Impact Alternatives would negatively impact functional viability of the proposed improvements as well as result in a financial hardship for the owner.

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

- Storm CC-Plan and Stormwater Management Report must be submitted and approved by the City of Columbus. The plans shall include an SCPZ mitigation plan as conceptually described in the variance application.
- The relocated Roberts Millikin Ditch and its SCPZ will be permanently protected by a conservation easement granted to the City, and SCPZ signage installed per SWDM 1.3.6.

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

Sincerely,



Robert S. Priestas, P.E., Administrator
Division of Sewerage and Drainage

pc: Variance Review Committee
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