

February 24, 2022

Matthew Lilie, PE
The Kleingers Group
350 Worthington Rd., Suite B
Westerville, OH 43082

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Directions for Youth and Family Services, 3840 Kimberly Parkway North PID# 010-009460

Mr. Lilie:

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 redevelopment of the subject 2.5-acre site originally developed in the 1970's which will include a new building, an outdoor recreation area and an outdoor amphitheater and associated amenities. The proposed redevelopment project will require an SCPZ encroachment for the new building and amphitheater.

The request was submitted to the City on November 22, 2021. As part of the Variance review process, the subject Variance request was posted on the City website on November 22, 2021 to solicit public comments. Public comments from Ms. Laura Fay were received on November 28, 2021. The Variance Review Committee met and reviewed the subject Variance Request and public comments on December 8, 2021. Comments were sent to the consultant on 12/08/2021, and the revised variance was submitted to the City on January 28, 2022. The revised Variance was posted on the City Website on January 31, 2022. No additional public comments were received by the City by the February 23, 2022 deadline.

The submitted revised Variance Request was found by the Variance Review Committee at its meeting on February 9, 2022 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 –Existing building and asphalt basketball court encroaching into the SCPZ will be demolished/removed. As 33% of the parcel are within the existing SCPZ, its redevelopment options would be severely impacted. New building maintenance along the SCPZ will be impacted to



the point of becoming unfeasible. Therefore, the building size would have to be reduced, or the building shifted away from the SCPZ. Additionally, there would be no room available for the outdoor amphitheater. Neither option would retain the desired functionality of the site, making the project unviable.

- Minimal Impact Alternative – This alternative will alleviate the building maintenance issue under the Full Compliance Alternative by providing the space along the west face of the building for maintenance, partially encroaching into the SCPZ. However, the proposed outdoor amphitheater would not be built. The amphitheater will provide a community center with an outdoor venue to host community events and concerts, and also to allow families to gather outside to watch their children’s performances. Absence of the amphitheater will negatively impact the children’s learning experience and their families’ ability to host community events. The Applicant’s inability to provide the amphitheater at this site would force them to abandon their redevelopment plans, negatively impacting families they serve.
- Preferred Alternative – This Alternative would provide all amenities the owner, a 501(c)(3) non-profit organization, is looking for to fulfill their mission of inspiring hope, strengthening families and transforming communities by improving both individual and family well-being through counseling and educational programming. The Preferred Alternative will work towards fulfilling their mission by providing a new building with a gymnasium facility, music rooms and an outdoor basketball court. Additionally, an outdoor amphitheater will be provided enabling learning, concert and recreational activities as described under the Minimal Impact Alternative.

The applicant proposes to mitigate the proposed under the Preferred Alternative impact by mitigating 19,137 sf of the on-site SCPZ which is currently is impacted by the existing facilities and maintained lawn area. The proposed work is evaluated to be sufficient to mitigate the proposed post-redevelopment 4,774 sf of SCPZ impact. In accordance with the guidance provided by the Army Corps of Engineers/Ohio EPA’s “The Guidelines for Stream Mitigation Banking and In-Lieu Fee Programs in Ohio” (March 2016), re-establishment of SCPZ extra buffer could provide equivalent mitigation for SCPZ impact with a ratio 4:1. The proposed mitigation activities will include replacement of the trees proposed to be removed in accordance with the City Tree Replacement Policy requirements. The trees will be planted along the eastern stream bank’s SCPZ. The rest of the mitigation area will be planted with the Ohio native prairie grass seed mix. Invasive species within the existing SCPZ along the east stream bank within the site limits will be removed. Additionally, the owner is planning to plant native tree species in this area as part of a project with the students at a later date.

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 team’s good faith effort to comply with the SWDM stream protection requirements to the maximum practical extent. The Committee further agreed with the applicant’s argument that both the Full Compliance and the Minimal Impact Alternatives would impact functional viability of the proposed redevelopment project to a point of making it infeasible.

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

- Storm CC-Plan and Stormwater Management Report must be submitted and approved by the City of Columbus. The plans shall include an SCPZ mitigation plan as conceptually described above, in the variance application and the applicant's response to the Variance Committee comments.
- The remaining SCPZ within the limits of the site will require a conservation easement to protect this area in perpetuity.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "John G. Newsome", written over a faint blue circular stamp.

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

pc: Variance Review Committee
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