

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
SEPTEMBER 9, 2004**

- 3. APPLICATION: Z04-029**
- Location:** **5605 BOWEN ROAD (43110)**, being 17.98± acres located on the west side of Bowen Road, 125± feet north of Canal Highlands Boulevard (490-190833).
- Existing Zoning:** R, Rural District.
- Request:** L-R-2, Limited Residential District.
- Proposed Use:** Single-family residential development.
- Applicant(s):** Sovereign Development Corporation; c/o Dave Perry, Agent; The Dave Perry Company; 145 East Rich Street; Columbus, Ohio 43215.
- Property Owner(s):** Grant L. Lynd, Tr.; c/o Dave Perry, Agent; The Dave Perry Company; 145 East Rich Street; Columbus, Ohio 43215.
- Planner:** Shannon Pine, 645-2208; spine@columbus.gov

BACKGROUND:

- This application was tabled at the June 10 and August 12 Development Commission meetings to allow the applicant more time to resolve design and traffic issues. The 17.98± acre site is developed with a single-family dwelling and horse barn. The applicant requests the L-R-2, Limited Residential District to develop a single-family subdivision consisting of 89 lots.
- The site is surrounded by vacant parkland to the north and a single-family subdivision to the south and west within the L-S-R, Limited Suburban Residential District, and by large-lot single-family dwellings and agricultural uses to the east across Bowen Road within Violet Township in Fairfield County.
- The site is located within the boundaries of the *Southeast Area Plan (2000)*, which recommends the site be used as a park. A deviation from the Plan for the recommended land use is acceptable given the adjacent single-family developments and the compliance with the other Plan standards. Several Plan recommendations should be considered for this site:
 - The site falls within the Pickerington Ponds Buffer and should comply with the specified standards regarding lighting controls, storm water control basins, utility lines, and basement construction. As proposed, the applicant has addressed these standards within the limitation text;
 - This portion of Bowen Road is considered a collector street, and the Plan recommends a 200' setback from the centerline of the right-of-way to aid in keeping the aesthetic character of a rural road. The proposed plan has been adjusted to have houses fronting on Bowen Road instead of backing on to it, and the resulting setback is approximately 185' from the centerline of the

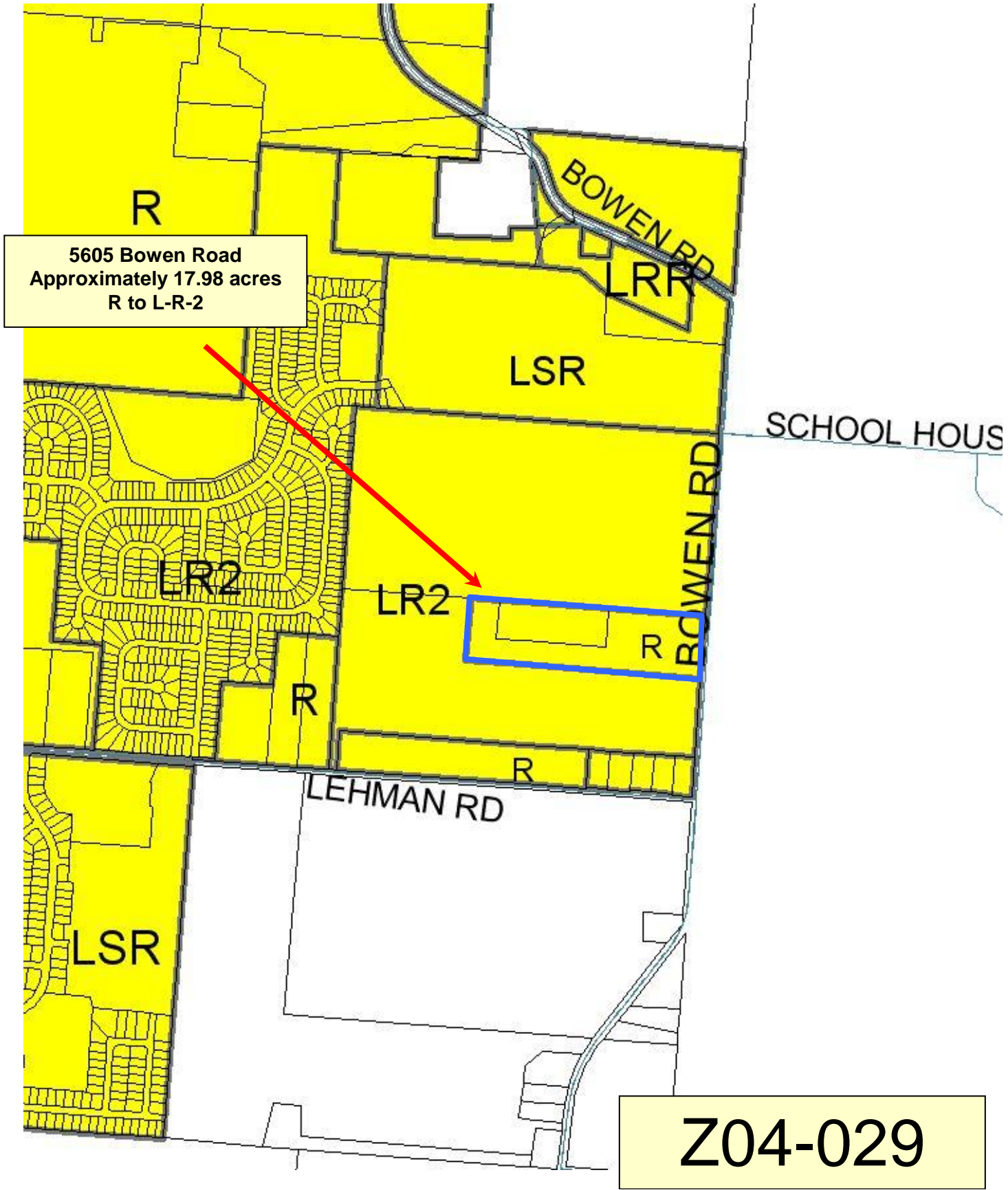
right-of-way of Bowen Road, with the exception of one lot at the immediate southeast corner of the site. Staff would like this lot to be omitted, but is not conditioning the approval recommendation on its removal;

- As illustrated on the attached site plan, the proposed development consists of 89 single-family lots on 17.98± acres with a 185' setback for lots fronting Bowen Road, and a 22' open space strip along the northern property line to act as a buffer to the parkland. The limitation text includes standards for minimum net floor area, landscaping, storm water control basins, utility lines, and basement construction.
- The site will be accessed from Bowen Road by a single public street access point. City Staff and the applicant are currently negotiating commitments for an economic development plan and/or a finance plan for public improvements and City services.

CITY DEPARTMENTS RECOMMENDATION: **Approval.

The applicant requests the L-R-2, Limited Residential District to develop an 89-lot single-family subdivision. Because of the adjacent single-family developments, a deviation from the recommendation of the *Southeast Area Plan (2000)* is acceptable considering the development complies with the standards of the Plan with regard to lighting controls, storm water control basins, utility lines, and basement construction, and meets the intent of the plan with homes fronting on Bowen Road with a 185-foot setback from the centerline of the right-of-way. The proposed development is consistent with surrounding single-family residential development. As of the preparation of this report, the applicant and Staff continue to negotiate funding commitments for public improvements and city services. Staff will not recommend approval until the necessary commitments are finalized.

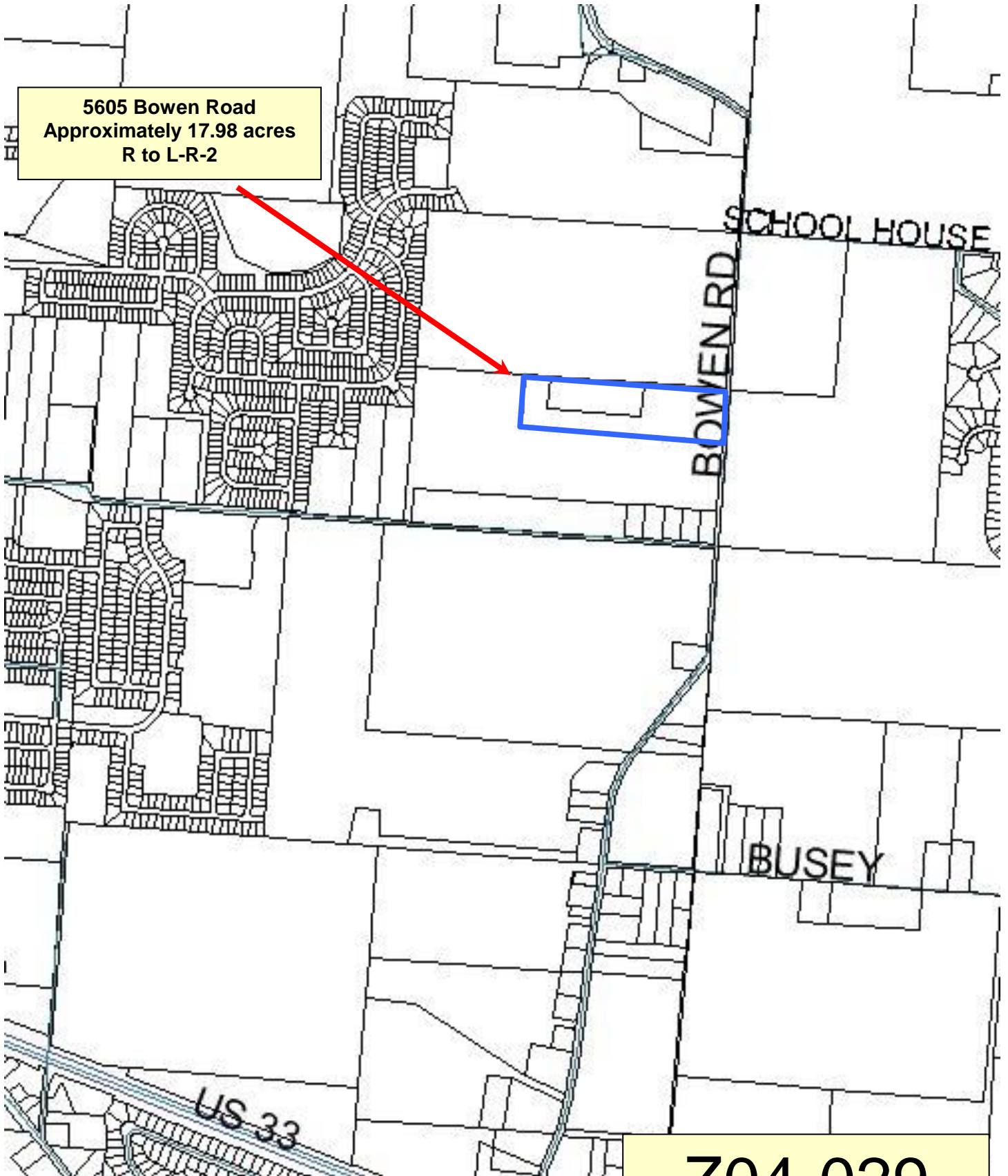
**General funding commitments have been placed in the limitation text.



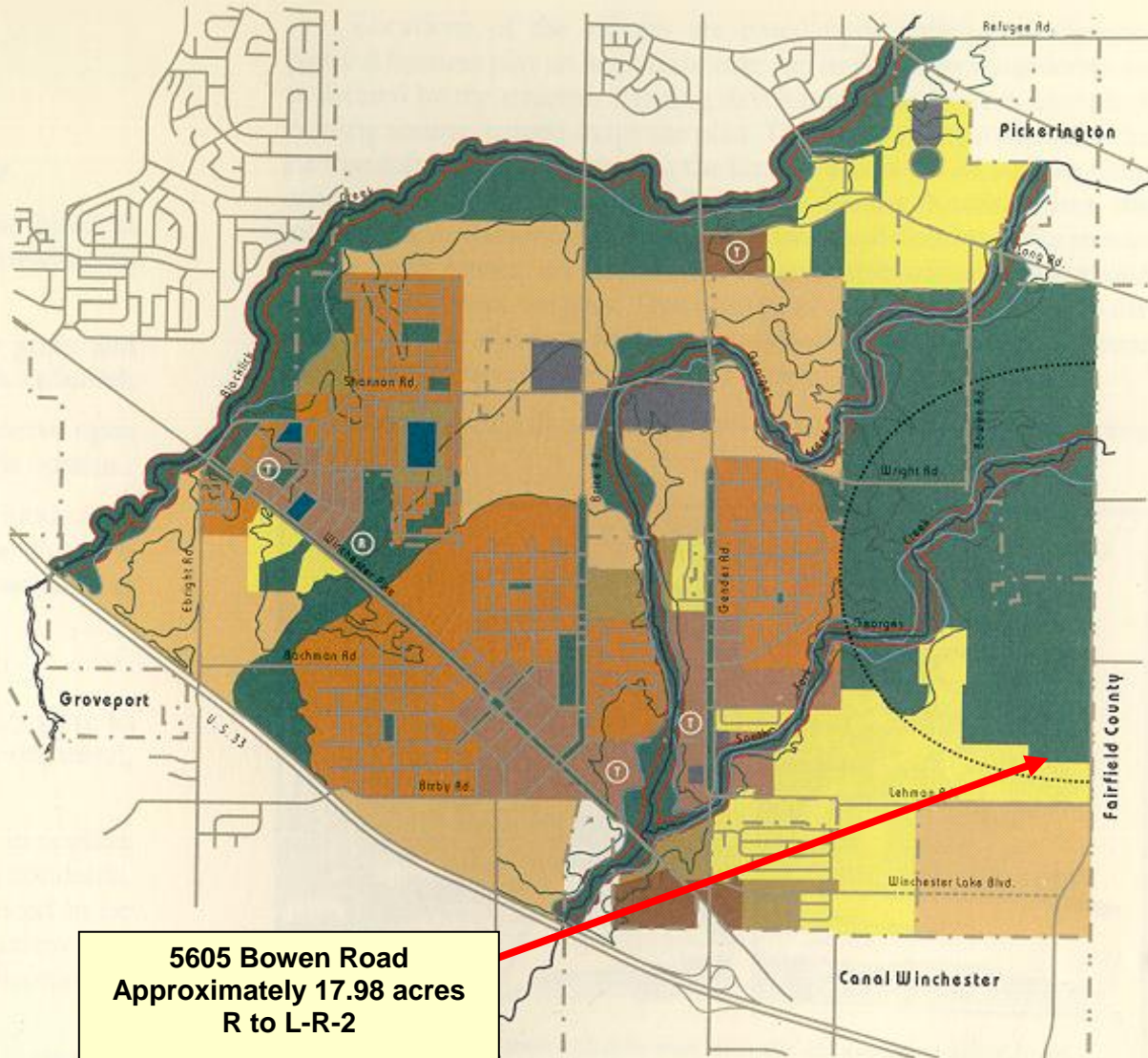
5605 Bowen Road
Approximately 17.98 acres
R to L-R-2

Z04-029

5605 Bowen Road
Approximately 17.98 acres
R to L-R-2



Z04-029



5605 Bowen Road
Approximately 17.98 acres
R to L-R-2

Southeast Area

Proposed Land Use

Map 10
 12-00

	Neotraditional Village/Neighborhood Center
	Neotraditional Village/Neighborhood
	Hamlet/Open Space Subdivision
	Residential
	Multi-Family Residential
	Institutional
	Parks
	Commercial
	Floodway
	150' Protective Buffer
	Floodplain
	Buffer for Pickerington Ponds

- Rec Center
- Transit Stops



Department of
 Trade and Development
 Planning Office

created along the Blacklick Creek and both branches of Georges Creek. The no-disturb zone should consist of the floodway or 150 feet from each side of the centerline of the stream whichever is greater. Secondary waterways in the Southeast area should have a no-disturb zone consisting of the floodway or 50 feet from each side of the centerline of the stream, whichever is greater. With the exception of environmentally sensitive utility and road crossings or construction of bikeways and other public and open space amenities, no construction should occur in the no-disturb zone or the stream. Every effort should be made to protect the 100-year floodplain.

The aesthetic character of the rural roads should be maintained. Outside the village/neighborhood districts, Winchester Pike, Brite, and Gender roads should have a building setback of 250 feet from the centerline of the right-of-way. Outside of the village/neighborhood district, all collector roads should have a building setback of 200 feet from the centerline of the right-of-way. For the area within these setbacks, the land would be preserved in woodlots or natural vegetation, depending upon existing conditions and abutting uses.

The recommendations of MORPC's Pickerington Ponds Wetland and Wildlife Refuge Study should be adopted and implemented. In order to protect the Pickerington Ponds Wetland and Wildlife Refuge, the study recommends the vacation of portions of Bowen and Wright Roads, and the improvement of Long and Lehman Roads. A study should be implemented to explore the possibility of extending Winchester Lakes Boulevard to Bowen in addition to upgrading Lehman Road. These improvements will reroute traffic around the edge of the refuge.

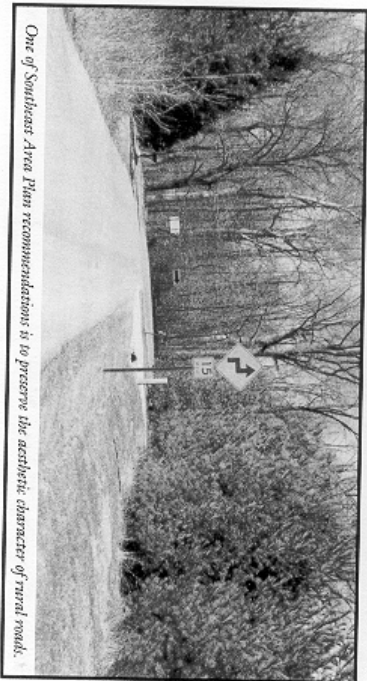
A protective buffer should be placed around Pickerington Ponds Wetland and Wildlife Refuge. A protective buffer should extend out 2000 feet from the ponds of Pickerington Ponds Wetland and Wildlife Refuge to protect this environmentally sensitive area from the impacts of development. The buffer will establish standards for: the installation of underground utilities, exterior lighting, the construction of basements and the installation of sump pumps, limit the temporary dewatering during the construction of underground utilities, and require the installation of monitoring wells.

Southwest Area Plan (2000)

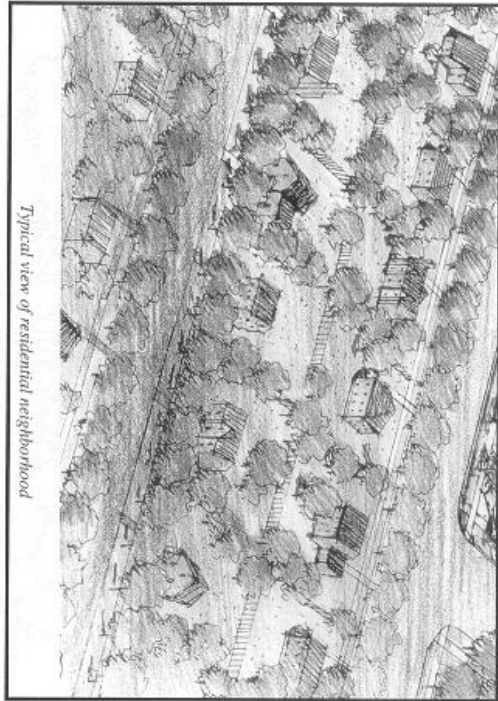
A watershed management system should be developed for the area to accommodate the effects of continued development within the Southeast. The large areas of floodway and floodplain in the study area indicates that traditional methods of dealing with stormwater management may prove inadequate as development continues. A regional approach designed by all relevant jurisdictions would utilize floodway and floodplain corridors for water storage.

Prior to obtaining final zoning approval, all developments in the Southeast Planning Area will be required to obtain development plan approval from the Development Commission. All requests for zoning approval in the Southeast Planning Area shall require the submission of a development plan which will require the approval of the Development Commission. The development plan application shall comply with the application requirements of the planned unit zoning application.

In addition to the Southeast Area Plan's close relationship to the Columbus Comprehensive Plan, it also echoes several of the recommendations made in the Priorities '95 final report. Priorities '95 was initiated in 1994 by the city of Columbus as a community-based environmental risk assessment and strategic planning project. The Final Report and Strategic Recommendations were presented to Mayor Lasharka and to the Columbus Board of Health in January 1996. It includes recommendations on many environmental issues. Recommendations which are related to initiatives in the Southeast Plan are all identified in the Priorities '95 report as green space issues.



One of Southwest Area Plan recommendations is to preserve the aesthetic character of rural roads.



Typical view of residential neighborhood

Recommendations and Guidelines for Neotraditional Development

The primary factor in successfully creating the proposed neotraditional village/neighborhood districts will be the ability to control the village edges and internal land uses. Open space and natural areas will be used as an organizational element to define district edges. Development in the Southeast Planning Area should introduce public amenities through well-designed streets, squares, and open space. Particular consideration should be given to preservation of the floodway fringe, thus preserving the waterways, their floodways, and the area's other natural amenities forming a clear separation of concentrated areas of development.

New development outside the village/neighborhood districts illustrated in the plan should be of a very different character and density. These infill areas will be developed as low density clustered hamlet/open space residential subdivisions. These areas will be more rural in character and distinct from the urban standards of the village/neighborhood districts.

- Residential density for neotraditional village/neighborhood districts should be a maximum of ten dwelling units per net acre. Floodway area of a site should not be included when calculating density. In

Source

Southwest Area Plan (2000)

- order to encourage commercial/residential mix, residential units which are located on upper floors of commercial buildings will not be included in calculating density of a site. However, buildings should be limited to three stories in height.
- Neighborhood squares, green space, or public spaces should be developed within a 1/4 mile radius of all village/neighborhood residences. These greens do not have to be a minimum size, but should be centrally located, easily located, easily accessible to the public, and within an easy walk of all residential units.
- Buildings should not back onto any public streets or parks. Exceptions should be considered if structures are adequately buffered.
- Each village/neighborhood should accommodate a range of household types and land uses. Architectural themes are encouraged to be used in designing new developments.
- The role of the automobile in development should be kept in balance with needs of the pedestrian. Traffic flow should be only one of many considerations in designing neighborhoods.
- Street profiles are recommended narrower than current standards. The profiles should provide for on street parking and for a planned median on arterial roads. These standards will act to slow and calm traffic while providing pedestrian character to the street environment. Street standards will be provided by the neotraditional neighborhood development zoning code section which is currently being developed by the firm of Duany Plater-Zyberk & Company. Special parking situations should be considered such as angled/or, on street parking for neighborhood commercial uses.
- The overall village/neighborhood plan should be designed so as to direct the most traffic possible towards the village/neighborhood center, thus minimizing through traffic within the village's edges. Simultaneously, providing basic commercial services within walking distance of all village centers can minimize utilization of automobiles.
- The village/neighborhood centers should serve as transit centers or transit-oriented developments (TOD). The village/neighborhood center will serve as a population focus for mass transit and the ridership will create additional customers for businesses located within the village/neighborhood centers.

more public access along the creek would be an asset to the area, especially if recreational trails were developed.

The preservation of greenways is closely related to many recommendations of the Southeast Plan and to at least two the benefits of floodplains--they are one and the same--and include the screening of pollutants, increased property values, and lower property loss due to flooding. Additionally, greenways can be used as recreational corridors. Greenways are essentially floodplains, or more specifically, the floodways. Both the city of Columbus and the Federal government regulate floodways. Uses allowed in Columbus floodways are limited to such things as marinas, bikeways, pedestrian trails, and agriculture.

Recommendation: Encourage the preservation of continuous greenway corridors along Blacklick Creek and Georges Creek. Scenic conservation easements, parkland dedication, and outright purchase of the land are among the mechanisms by which to accomplish this.

Pickerington Ponds, at the intersection of Bowen and Wright roads, is a 908 acre wetlands refuge dedicated to conservation for wildlife and especially to provide habitat for migratory waterfowl. The site includes viewing areas on Wright and Bowen roads and a park office near the Wright Road viewing area. The Bowen Road area has restroom facilities, a viewing shelter, drinking water, and a unique tiled mural wall near the main pond. The tiles depict scenes from the refuge as interpreted by a group of Pickerington Elementary School students.

The refuge occupies an important position on the South Fork of Georges Creek. The pond areas are part of an important natural drainage system. The value of this type of water resource is evident through the abundance of wildlife in the area. Projects that protect and enhance water resources in a similar fashion will provide immense value in the overall development and quality of life in the Southeast area.

The value of Pickerington Ponds as a natural area was noted in the Priorities '95 report, with a recommendation to buffer the park from encroaching developments. Options suggested by Priorities '95 to achieve this goal were land acquisition or the use of conservation easements.

Recommendation: Pickerington Ponds Wetland and Wildlife Refuge should be buffered and protected from all area development. The recommendations of the Mid Ohio Regional Planning Commission's traffic report should be adopted along with the implementation of necessary road improvements and vacations to protect the refuge from traffic impacts. A study should be implemented to explore the use Winchester Lakes Boulevard as an east-west connector in addition to Lehman Road.

Recommendation: The property, known as the Lamp Farm, which is located on the west side of Bowen Road, north of Wright Road, is shown on the proposed land use map as park area. The city of Columbus and the Columbus and Franklin County Metropolitan Park District should explore the purchase of this property for parkland. This acquisition, which the current owner has expressed a willingness to consider, will provide an additional layer of protection to the Pickerington Ponds Wetland and Wildlife Refuge. An alternate use for the site would be for use as a wetlands mitigation bank. Under this scenario, private developers would purchase the site in order to mitigate wetlands that are impacted elsewhere in the Southeast planning area or elsewhere in the state. A partnership of government agencies, private conservation agencies, and the development community could be used to establish the mitigation bank. Should fair market purchase of this site for use as either parkland or wetland mitigation bank not prove achievable, the site should be considered for development as hamlet/open space subdivisions.

Recommendation: A protective buffer should be placed around Pickerington Ponds Wetland and Wildlife Refuge. The buffer should extend 2000 feet from the ponds of Pickerington Ponds Wetland and Wildlife Refuge to protect this environmentally sensitive area from the impacts of development.

The following standards shall exist within the buffer area:

★ Lighting - Lighting should be downcast using full cut-off light fixtures.

★ All stormwater control basins shall be constructed such that there is 2 feet of low permeability cohesive material between the bottom and sides of these impounds and permeable sand and gravel. Compliance with this requirement shall be demonstrated by submission of engineering plans and inspections by and the review and approval of the city of Columbus.

★ All sanitary sewer pipes within one mile of Pickerington Ponds Wetland and Wildlife Refuge shall be SDR 35 PVC, or other approved equivalent, installed with rubber gasket joints and compacted clay trenchdams every 150 feet and tested after installation. Compliance with this requirement shall be demonstrated by submission of engineering plans to Metro Parks and inspections by and the review and approval of the city of Columbus.

★ Temporary dewatering for construction of utilities shall be limited to 800 foot segments at any one time.

★ All water lines and storm sewers shall be constructed above the top of the sand and gravel aquifer.

★ Basements and sump pump units shall be constructed above the top of the sand and gravel aquifer.

★ The floodplain of the Blacklick Creek and the north branch of Georges Creek almost completely cover the area bounded by Brice, Gender, and Shannon roads. This environmentally sensitive area is currently being farmed.

Recommendation: The city of Columbus Recreation and Parks Department should explore the purchase of this property and properties along the creeks in this area to help protect the floodplain and to provide a site for a regional park for the Southeast planning area. This location could provide open space recreation facilities that could include baseball, soccer, and football fields, as well as picnic and nature areas.

Z04-029

SOUTHEAST COMMUNITY COALITION

P.O. BOX16

BRICE, OH 43109

This letter concerns Application Z04-029, for 5605 Bowen Road. The applicant's representative met with SECC in April, May, and June. At the June 21 meeting (actually the July meeting which had to be held early to insure a quorum), the Southeast Community Coalition voted unanimously to oppose this application. While the proposed use is compatible with the R-2 subdivision adjacent to the south and west and would possibly have been acceptable as R-2 under some circumstances, the Southeast area plan's land use recommendation is for parkland. Unfortunately, Metro parks apparently does not wish to acquire the site at a price the owner will accept. While SECC understands the argument that the owner cannot be forced to create a park, the more reasonable use would seem to be hamlet/open space. Hamlet/openspace would be more appropriate, provide a better transition to the Pickerington Ponds parkland to the north, and reduce the amount of stormwater detention required on site, as well as allowing adequate setbacks from Bowen Road. Area residents have indicated that stormwater from the subdivision to the south of the site is running onto their lots, so the stormwater detention does need careful attention. SECC recognizes that the applicant has devoted attention to the problem, but a less densely developed site would be a better solution. Hamlet/open space would also seem more consistent with the attempt to apply higher standards in the southeast area, rather than allowing the leap from park to R-2 standards.

Judy Whites
zoning chair

Metro Parks

August 3, 2004



1069 West Main Street
Westerville, OH 43081

Tel: 614.891.0700

TTY: 614.895.6240

Fax: 614.895.6208

Web site:

www.metroparks.net

Park Commissioners:

Kenneth F. Danter

Robert H. Jeffrey

Ellen L. Tripp

Director:

John R. O'Meara

Your Metro Parks:

Battelle-Darby Creek

Blacklick Woods and
Golf Courses

Blendon Woods

Chestnut Ridge

Clear Creek

Glacier Ridge

Heritage Trail

Highbanks

Inniswood Metro
Gardens

Pickerington Ponds

Prairie Oaks

Sharon Woods

Slate Run Farm
and Park

Three Creeks

Shannon Pine
Department of Development
City of Columbus
757 Carolyn Avenue
Columbus, OH 43224

RE: Application Z04-029 – Lynd Property

Ms. Pine:

Metro Parks would like to take an additional opportunity to comment on the above referenced development, which is adjacent to lands owned by Metro Parks and associated with Pickerington Ponds Metro Park.

In our initial letter to you dated June 23, 2004, we had requested that the developer either install fencing and landscaping along the northern boundary or provide funding to Metro Parks to do so. We have since met with the developer and are presently exploring usage of an existing fence and payment from the developer to Metro Parks for the purchase and installation of landscaping materials. We anticipate that we will be able to reach agreement with the developer and would ask that you continue to encourage the developer to work with us on this issue.

Our prior letter also asked that the developer ensure that no stormwater will be released onto our property as we will be conducting wetland restoration efforts on this site and it is vital that water from the development not enter our property. The developer has stated they will meet this request, and per the draft limitation text attached to my June 23, 2004 letter, Metro Parks will receive copies of the engineering plans after they are prepared.

Third, we had requested that the developer ensure that sub-surface (tile) drainage on the southern boundary of Metro Parks' property be maintained. We have obtained updated information that further supports this request. To the best of our knowledge there is a ten-inch tile that enters the development property from the north. This tile not only drains the southern portion of our property but also the farm to the east of Bowen Road. If this tile is not maintained as a functioning unit, substantial water could pond across Bowen Road as well as in the southeast corner of our property. While we will be restoring wetland areas on the northern portion of the property, we do not want water ponding along the southern property boundary, outside of our wetland berm.

Again, thank you for the opportunity to comment on this development. Please do not hesitate to contact either myself at 614.895.6247 or Steve Studenmund, at 614.895.6231.

Sincerely,

Cindy L. Lynch
Land Acquisition and Real Estate Specialist

CC: Dave Perry
Ted Uritus



PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # 204-029

Being first duly cautioned and sworn (NAME) Donald Plank, Esq.
of (COMPLETE ADDRESS) Plank & Brahm 145 E. Rich Street, Columbus, Ohio 43215
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following
is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the
subject of this application and their mailing addresses:

NAME	COMPLETE MAILING ADDRESS
<u>Grant L. Lynd, Tr.</u>	<u>5595 Bowen Road Columbus, Ohio 43110</u>
<u>Sovereign Homes c/o Ted Uritus</u>	<u>1631 Northwest Professional Plaza Columbus, Ohio 43220</u>

SIGNATURE OF AFFIANT Donald Plank

Subscribed to me in my presence and before me this 21st day of October, in the year 2004

SIGNATURE OF NOTARY PUBLIC Stacey L. Danza

My Commission Expires: 11-5-08

This Project Disclosure Statement expires six months after date of notarization.

Notary Seal Here



STACEY L. DANZA
Notary Public, State of Ohio
My Commission Expires 11-05-08