

**PRAIRIE TOWNSHIP ZONING COMMISSION
MINUTES OF MAY 18, 2010 SPECIAL MEETING
PUBLIC HEARING - 7:00 P.M.**

Members Present: Howard Balzer, Christopher Finn, Glen Hymer, Hulda Moffitt, Judy Stalter

Members Absent: None

Others Present: Connie Swisher, zoning inspector; Tracy Hatmaker, administrator;
Ron Ball, trustee; Pam Williams, alternate BZA; Guests (see attached list)

Meeting Minutes:

Mr. Balzer asked for a motion to approve the April 27, 2010, Prairie Township Zoning Commission Meeting Minutes.

Mr. Finn made a motion to approve the April 27, 2010, Prairie Township Zoning Commission Meeting Minutes as written. Mr. Hymer seconded the motion.

Roll call as follows:

1. Glen Hymer Aye
2. Hulda Moffitt Aye
3. Judy Stalter Aye
4. Christopher Finn Aye
5. Howard Balzer Aye

The motion was approved unanimously.

Old Business: None

New Business: Public Hearing on Application for Zoning Amendment

Mr. Balzer stated that the business before the Zoning Commission this evening was a hearing on the rezoning of 42 Pasadena Avenue, application number RZ-177-10.

Swearing In Oath Administered

Mr. Balzer asked all persons who wished to speak "for" or "against" rezoning of 42 Pasadena Avenue, application number RZ-177-10, to stand, raise their right hand, and be sworn in. He stated that lawyers present were not required to do so.

Persons desiring to speak stood, raised their right hand and repeated the oath administered by Mr. Balzer. They swore “to tell the truth, the whole truth, and nothing but the truth, so help you God.”

PRESENTATION OF REZONING APPLICATION

CONNIE SWISHER, TOWNSHIP ZONING INSPECTOR

Mr. Balzer asked Connie Swisher to present the rezoning application for 42 Pasadena Avenue. With an accompanying slideshow presentation, Ms. Swisher showed a series of pictures and explained in detail facts about the property and the rezoning application.

Zoning Request 177-RZ-10

Application Number:	177-RZ-10
Owner/Applicant:	The Fergus Company LLC John C. Fergus II, Manager
Street Address:	42 Pasadena Avenue Columbus, Ohio 43228
Existing Use:	Vacant Land
Property Location:	Prairie Township / Franklin County
Present Zoning District:	R-6: Medium Density Residential
Proposed Use:	Parking Lot
Proposed Zoning District:	EU: Exceptional Use

The applicant is requesting to amend the zoning district for 42 Pasadena Avenue from the Medium Density Residential (R-6) District to the Exceptional Use (EU) District.

The tract of land to be rezoned is located at the northeast corner of Pasadena Avenue and Elm Alley, running parallel to and north of West Broad Street. The site is 0.7 acres in size. It is to be utilized for vehicle parking to service a proposed medical office building to be constructed south of Elm Alley and along West Broad Street. The parking lot will contain 54 parking spaces.

Surrounding Zoning and Uses

The property and all houses north and west of 42 Pasadena Avenue are all zoned R-6, single-family homes. There are four single-family homes on Pasadena Avenue west of the property. St. Paul Lutheran Church is located to the north at 55 Pasadena Avenue. The Township Hall, 23 Maple Drive, is located east of the property. There is a mix of commercial uses along West Broad Street.

The Prairie Township Comprehensive Plan encourages quality in-fill development within the eastern urbanized area of the Township and recognizes the high-density uses along West Broad Street.

The Prairie Township Fire Department and Road Department have both reviewed the proposal. As a result of concerns raised by the Fire Chief, the applicant agreed to provide a parking lot

access on Pasadena Avenue on the south parcel. The Road Superintendent reviewed the revised plan and had no issues with the location of the new access. On the revised plan there are two accesses—one on Pasadena Avenue, the other on Elm Alley.

Franklin County Action on Application for Zoning Amendment
Planning Commission – May 12, 2010 – Case PRAIR-10-04

At the May 12, 2010, meeting of the Franklin County Planning Commission, staff recommended **conditional approval** of the rezoning from R-6 to EU with the following conditions.

1. Screening that complies with the Prairie Township Zoning Resolution must be installed along the eastern property line adjacent to the residential use.
2. Landscaping must be provided along the southern and eastern property line.
 - Consideration should be given to using rain gardens along the southern property line. The Franklin Soil and Water Conservation District must be contacted to review the feasibility of using rain gardens.
3. Parking spaces provided in excess of the number that would be required by zoning for the overall development of the two sites must be of pervious surface such as pervious asphalt or pervious concrete.
4. Sidewalks 5 feet in width must be installed long Pasadena Avenue. Prairie Township must approve of the sidewalk installation.
5. Drainage calculations and plans must be developed that address storm water runoff.
 - Rain gardens, pervious pavement and bio-swales must be considered as means to meet drainage requirements. Prairie Township, the Franklin County Engineer's Office, and the Franklin Soil & Water Conservation District must be consulted during the development of the drainage plans.
6. The applicant must install warning signage to make motorists aware of the crosswalk located between the parking lot and proposed medical office building.

Ms. Swisher showed several slides that depicted aerial and ground views of the vacant land where the parking lot and medical building are to be constructed as well as homes, other properties, and streets in the immediate vicinity of 42 Pasadena Avenue.

COMMENTS FROM APPLICANT

JOHN C. FERGUS, THE FERGUS COMPANY LLC

Mr. Fergus stated that the proposed medical office building will be a two story facility consisting of 18,000 square feet. It will be built on the parcel west of Advanced Auto Parts. It is important for a business use of this type and size to have sufficient off-street parking for clients, tenants, and staff. Although there will be some parking spaces provided on the building parcel, it is not enough to service the facility. Therefore, 42 Pasadena Avenue is needed for an additional 54 parking spaces.

We do not consider the proposed 90 parking spaces¹ to be excessive, considering the use and size of the building, the nature of the clientele, and the lack of parking spaces on Broad Street. We want to prevent the situation in which some clients have to park in other commercial lots or on residential streets.

Our proposal was presented to the Franklin County Technical Review Committee on April 27 and to the Planning Commission on May 12, 2010. As just explained by Ms. Swisher, a conditional approval of the rezoning with comments was issued by the Planning Commission.

Mr. Fergus said that he'd like to review briefly some of the comments in the staff report.

- The County did notice something we unintentionally missed. There is no screening on the eastern property line. So, we will provide the same type of six foot fence and landscaping as shown on the plan on the northern property line along the eastern property line.
- With regard to the southern detention area next to the alley, a drainage plan is being prepared for the site.
- With regard to sidewalks on Pasadena Avenue, our position is that we need to do what the Township decides. There have been some conversations about sidewalks, which have not been concluded. However, we recognize that this is a requirement that should be properly coordinated with the Township.
- Since the initial presentation to Franklin County Technical Review, it is apparent that there are a number of questions about drainage that I was unable to respond to—as this is not my area of expertise. Subsequent to the meeting with the County, a full drainage plan has been prepared. It has been forwarded, but I don't know what the status is at this time. It eventually will be reviewed by the Township's consultant.²
- Finally, on the point about installing warning signs to make motorists aware of the crosswalk across the alley between the parking lot and proposed medical office building, we think it is a wise recommendation and one that we support.

Mr. Fergus said that he had the opportunity to meet with Mary Flickinger³ across the street. She was fine with the development plans. Apparently, she was unable to attend the meeting this evening.

Mr. Fergus also met with Matt Cox, the pastor of St. Paul Lutheran Church⁴, and discussed the plans with him.

¹ Proposed for the north parcel, 54 parking spaces; proposed for the south parcel & building site, 36 parking spaces.

² Reference is to Stantec Consulting.

³ Homeowner Mary L. Flickinger lives at 29 Pasadena Avenue.

⁴ St. Paul Lutheran Church is located at 55 Pasadena Avenue.

He attempted to contact the Weldys⁵ but was unable to reach them. He called, but their voice mailbox was full; therefore, he sent them a letter.

Mr. Fergus concluded by saying that he would be glad to answers questions.

COMMENTS & QUESTIONS FROM ZONING COMMISSION

Ms. Stalter said that she wanted clarification about the engineering study related to storm water drainage that Mr. Fergus referred to. She expressed surprise that the applicant did not provide a storm water drainage plan as requested at the Technical Review Committee meeting on April 27.

Mr. Fergus responded that a 105-page engineering study had been prepared by Kleingers & Associates and submitted to Stantec Consulting.

Ms. Stalter asked when the Zoning Commission could expect to receive a recommendation from Stantec—this being information that the Commission would want to review before making its recommendation to the Trustees.

Nicholas McCullough, P.E., LEED AP⁶, Project Manager
Kleingers & Associates

Mr. McCullough said that Kleingers & Associates, a surveying and civil engineering company, did prepare a storm water study for both the northern and southern parcels of land. He said that Prairie Township recognizes MORPC (Mid-Ohio Regional Planning Commission) design guidelines. We, therefore, followed MORPC guidelines in preparing the study.

We looked at pre-existing conditions, which are mostly grass with some gravel on the west side. We calculated storm runoffs for 1-year storm and 100-year storm. We determined that there are several tributary areas for both the north and south sides of the development. Our study focused primarily on the north and south sides. There is a small piece on the west along Pasadena Avenue that will stay the same post-development as pre-development.

Our general drainage strategy for this site is to move the water as it is now to the east and keeping to the same watershed—but also taking the water down into the bio-retention area, which is also referred to as a rain garden. This bio-retention area is comprised of a two-foot layer of gravel underneath the basin and then 30 inches of very permeable soil mixture—sand, topsoil, and compost. This mixture allows the water to get through and down into to the gravel and ultimately into the groundwater. The bio-retention area will be planted with various types of native grasses and other vegetation that will root deeply into the clay and break up the clay, thus, increasing its permeability.

⁵ Homeowner Leigh A. Weldy lives at 48 Pasadena Avenue.

⁶ PE - Professional Engineer; LEED AP - Leadership in Energy and Environmental Design Accredited Professional.

We looked at the Franklin County soil survey. Based on this survey, the urban clay soil in the development area has a percolation rate of about 1.3 inches per hour. Our strategy is to take this water into the bio-retention area and allow it to percolate down into the subsurface soils. However, not all the water may percolate into the subsurface soils. After a rain event, any water that exceeds the capacity of the bio-retention area will pond and drain into the alley as it does now.

This will not be a zero discharge site. However, our drainage plan reduces the peak flow by about 50 percent, which not only meets but also exceeds the requirements of MORPC.

These are a few of the details in our complete report that has been submitted to Stantec.

Ms. Stalter responded by saying that rainwater water currently flows east down the alley and often into the Township Hall. She conjectured that the proposed development with additional impermeable surfaces would contribute to an increase in the eastward flow of water.

Mr. McCullough said that the development would not contribute more rainwater because the bio-retention area would hold the water on site and meter it over time. Only peak flow will result in additional water runoff. Peak flow is different than volume rate of water flow; peak flow is cubic foot per second. The bio-retention area will prevent the surge of water. In addition, it is against MORPC regulations to release a higher flow of water than is already on a site.

Ms. Stalter asked if there was a way to use the drainage system that goes to Broad Street as opposed to running it east.

Mr. McCullough said that the southwestern portion of the southern parcel, where the building will be, would use the Broad Street storm water system.

Ms. Stalter said that her primary concern was the rainwater that comes into the alley. It flows into the front door of Township Hall, which is lower than the alley. Also, the front door probably will be lower than the elevation of the proposed office building.

Mr. McCullough stated that there was also a bio-retention area proposed for the southeastern portion of the southern parcel. It is possible to route that water to the Broad Street storm sewer.

He explained that if you divert storm water to a system that is not designed to handle the water or goes to a different tributary, the effect is you frequently compromise the system. Thus, you create flooding problems for people downstream who never previously had them. That is why it is a good idea to keep to the same tributary area.

Mr. McCullough said that he was confident that planned bio-retention areas will significantly reduce the gushing water coming down the alley during a rain event.

Ms. Stalter asked if the engineers based their drainage study on a parking lot with impervious or pervious surface. Mr. McCullough said it was based on impervious surface only. He added that, in general, using pervious pavement increases initial cost for projects, and creates additional ongoing maintenance expense. He stated that he was not a “big fan” of pervious surfaces in the central Ohio area.

Mr. Hymer said that he questioned the proposed parking spaces being 9 feet wide by 18 feet long, rather than 10 feet by 20 feet in accordance with the design standards in the zoning code.⁷ He observed that the smaller spaces would be a tight fit for pickup trucks, which are driven by a lot of people in this area.

Mr. Fergus agreed that Mr. Hymer had a point about large vehicles but countered that with the increased production of smaller, more fuel efficient vehicles, many jurisdictions now require smaller parking spaces. The city of Columbus’ standard is 9 feet by 18 feet.

In determining the size of parking spaces, the type of business should be a consideration. The Advanced Auto Parts lot next door has 10 feet by 20 feet parking spaces—probably because some people who frequent that type of business may have large vehicles. However, based on long-term experience, Dr. Guinn’s⁸ clients are more likely to drive passenger cars than pickup trucks.

Mr. Hymer said that even so he would like to have larger parking spaces on the site.

Ms. Stalter remarked that surely some of Dr. Guinn’s patients would drive vans because they are handicapped, or they are parents with children who have to be taken in and out of car or booster seats. Ms. Stalter said that she concurred with Mr. Hymer that the parking spaces should be larger.

Mr. Fergus responded that if parking spaces get bigger, the building gets smaller. Dr. Guinn is insistent upon five parking spaces for every 1,000 square feet of building. The size of the building is an economic decision for Dr. Guinn and is related to the viability of the project. Dr. Guinn will not be amenable to reducing its size.

Dr. Guinn is a cardiologist who has been in practice for two decades. He has a very good sense of his patients. In this instance, I think that we need to defer to his judgment and business experience.

Mr. Finn said that he had a question regarding the alley. There is entrance from the south lot, and there is an entrance from the north lot. If a car was to make a left turn from the south lot

⁷ *Prairie Township Zoning Resolution: “Section 1110, Off Street Parking Space Design Standards.”*

⁸ The proposed medical office building will house the practice of Vincent L. Guinn, M.D. and other tenants to whom Dr. Guinn leases space.

and another car make a left turn from the north lot, they could not safely pass each other in the alley, which is only 20 feet wide.

Mr. Fergus explained that after meeting with the Township Fire Chief, there has been a change to the original plan. There are no longer two entrances from the south lot onto the alley. The main entrance is now off Pasadena Avenue.

Mr. Finn said that even with the change the left turn problem remains, as there still is a northeast entrance from the south lot and a southwest entrance from the north lot—both opening onto the alley. Therefore, he suggested right turns only from both accesses.

Henry P. Wickham, Jr., Attorney at Law
Luper Neidenthal & Logan

Mr. Wickham said that he represented Dr. Vincent Guinn and wanted to say a few words about the medical office building.

The front of the building will be facing north; the rear, West Broad Street. The architects and Dr. Guinn plan on making the back of the building just as decorous as the front, so that people going down Broad Street will not see the rear of a featureless unattractive building.

Dr. Guinn will be occupying a large portion but not all of the space, so he wants to attract tenants. A good-looking building will help him achieve this goal.

There have been some issues and good points raised about this project. It is almost impossible to create the perfect project. Cost is always a factor, and Dr. Guinn does have a budget. My suggestion is, "Don't let perfect be the enemy of good."

Chairman Balzer asked if Zoning Commission members had any other questions.

Ms. Stalter asked if the lighting fixtures to be used on the parking lot would be the type that does not reflect into nearby residential property, and would they turn off at a certain time.

Mr. Fergus replied that cut-off fixtures will be used. A cut-off fixture has a box around the light source, the light bulb, so that it is barely discernible, and it directs the light downward, not out. The height of the pole is only 20 feet. There will be three light poles, each with a single head, on the lot.

Relative to having the lights turn off automatically at night; if that is desired by the Township, he did not foresee it being a problem to implement.

SPEAKING IN FAVOR OF THE REZONING

Mr. Balzer said that the Commission would now hear from those in favor of the rezoning.

Paul Kramer, 33 Maple Drive

Mr. Kramer said that generally he was in favor of the rezoning, but he did have concerns regarding the drainage. He could foresee the parking lot and medical building placing a heavier storm water burden on homes north of the Township Hall. The rainwater that does not percolate into the bio-retention areas has to go somewhere. As it is now, during a heavy rain event, water often floods the basement of our property. Our washer and dryer are already up on blocks because of frequent flooding.

Mr. Balzer asked Mr. Kramer if it was storm water that was filling his basement or sewage. Mr. Kramer replied that it was storm water.

Mr. McCullough stated that water from the north parcel, the parking lot, is going to be directed with the help of a six-inch curve toward the south and into the bio-retention area. So, most of the water will not flow to Maple Drive. However, if storm water volume exceeds the bio-retention area's capacity, there will be some flow into the alley.

Mr. Balzer asked if there were other comments "for" the zoning change. There was none.

Mr. Balzer asked if there was anyone who wanted to speak "against" the zoning change.

Pam Williams, Alternate BZA

Ms. Williams said that she noticed in reading the staff report, dated May 12, 2010, prepared by the Franklin County Planning Commission, it was repeatedly stated that there was no drainage plan for the development provided at the Technical Review Committee meeting in April. She remarked that the project had been in the planning stage for a long time, and it appeared that there would have been time to have the drainage study performed.

Ms. Williams said that the proposed parking lot is almost one acre in size. According to the NOAA⁹ weather website when one acre is paved during a one-inch rain, 16 inches of runoff water is generated.

Because Prairie Township's drainage problems, particularly in the nearby zoning office and Township Hall, are well-known and persistently troublesome, she was dismayed that this subject received only cursory attention from the applicant.

Mr. Fergus stated that the Township zoning code does not require that a full drainage plan be provided with a rezoning application. He said that earlier in the process they did have a letter prepared by an engineer which stated only that the project's drainage requirements were understood. It was at the Technical Review meeting when it became apparent that the concerns were significant and much more detailed information was needed to address them.

⁹ NOAA – National Oceanic and Atmospheric Administration

Therefore, the day after the review, we engaged the engineer to work on the report immediately.

ZONING COMMISSION ACTION

Ms. Stalter told Mr. Fergus that a drainage plan was required with a rezoning application. She suggested that the hearing be continued to a date certain when the drainage plan was completed by Kleingers and reviewed by Stantec.

Ms. Stalter said that she thought the Zoning Commission should be in receipt of Stantec's recommendation before voting to approve or disapprove the rezoning.

Comments from Elie Sabbagh, Senior Principal
Stantec Consulting

Mr. Sabbagh asked to speak on the subject. He said that one of his firm's engineers had done a preliminary review of the drainage plan. There are outstanding questions, and we need to gather additional information. Be assured that we will make a recommendation only after we have received a detailed drainage plan, which is responsive to all our questions, and have reviewed it in-depth. As is the usual practice, we will send our recommendation to Connie Swisher.

Mr. Fergus inquired if it was possible for the Zoning Commission to grant a conditional approval pending the outcome of the drainage plan review.

Commission members discussed holding a special meeting before the next regular meeting in July. Ms. Stalter suggested that this meeting not be adjourned and continued to next week.

Ms. Swisher said she fully understood the Commission's reluctance to vote on the rezoning without the drainage plan and Stantec's recommendation. Even so, she reminded the Commission that permits, zoning or commercial, are never issued until draining plans are approved. As standard practice, the Township acts in accordance with Stantec's recommendation.

She counseled that the Commission had several options; it could:

- Table the matter until a date and time certain; or
- Grant conditional approval for all, or some, or modify County Planning Commission conditions, and include Township Zoning Commission conditions; or
- It could deny the rezoning.

Regarding the first option, Ms. Swisher remarked that it was problematical that both the drainage plan and Stantec's recommendation would be forthcoming in a time frame as short as one, or even two, weeks.

She also stated that the wording of a location zoned an EU district must be exactly what is on the approved development plan. In turn, the development plan must agree with exactly what has been approved. Any modification thereafter would have to come back to the Trustees for another public meeting.

Ms. Swisher repeated that zoning staff will not issue any permit until the drainage plan is approved.

Mr. Hymer asked Mr. Fergus if the plants in the bio-retention area would be well maintained so that it did not become an unsightly weed patch on the corner. Mr. Fergus said the plants would be taken care of, as he was sure that Dr. Guinn wants his property to be attractive.

Zoning Commission Action on
Franklin County Planning Commission’s Conditions of Approval

Commission members engaged in a brief discussion about their options and by consensus made a decision on what action to take.

Motion:

Mr. Balzer made a motion to recommend to the Township Trustees that Rezoning Application No. 177-RZ-10, from Medium Density Residential (R-6) district to Exceptional Use (EU) district, be approved with Franklin County’s conditions being accepted, omitted, or modified by the Prairie Township Zoning Commission as follows:

Staff Report – Planning Commission – May 12, 2010
Case PRAIR-10-04

- | | |
|----------------------------------|---|
| Accepted as Modified | 1. Screening that complies with the Prairie Township Zoning Resolution must be installed along the eastern property line adjacent to the residential area.
<i>White vinyl fencing that matches the Township’s existing fence along the northern property line will be used along the eastern property line.</i> |
| Omitted
Omitted | 2. Landscaping must be provided along the southern and eastern property line.
3. Parking spaces provided in excess of the number that would be required by zoning for the overall development of the two sites must be of a pervious surface such as pervious asphalt or pervious concrete. |
| Accepted | 4. Sidewalks at least 5 feet in width must be installed along Pasadena Avenue. Prairie Township must approve of the sidewalk installation. |
| Accepted as Modified
Accepted | 5. Drainage calculations and plans must be developed that address storm water runoff. <i>Drainage plans must be approved before Prairie Township will issue any zoning or commercial permits.</i>
6. The applicant must install warning signage to make motorists aware of the crosswalk located between the parking lot and proposed medical building. |

Mr. Hymer seconded the motion.

Mr. Balzer summarized that two of Franklin County's conditions were accepted as written (4 & 6); two were omitted (2 & 3); and two were accepted as modified (1 & 5). He asked if there was any further discussion. There was none.

Roll call as follows:

- | | | |
|----|------------------|-----|
| 1. | Glen Hymer | Aye |
| 2. | Hulda Moffitt | Aye |
| 3. | Judy Stalter | Aye |
| 4. | Christopher Finn | Aye |
| 5. | Howard Balzer | Aye |

The motion as stated was passed unanimously.

Next Meeting:

Mr. Balzer announced that the next meeting of the Prairie Township Zoning Commission will be Tuesday, June 22, 2010, at 3:00 p.m. at the Township Hall, 23 Maple Drive.

There being no further business before the Prairie Township Zoning Commission, Mr. Balzer adjourned the meeting at 9:00 p.m.

Respectfully submitted,
Hulda Moffitt, Secretary

ATTACHMENT

Sign-in Sheet

	First Name	Last Name	Organization
1	Marian	Hymer	Township Resident
2	Elaine	Kramer	Township Resident
3	Paul	Kramer	Township Resident
4	Ron	Ball	Prairie Twp Trustee
5	Pam	Williams	Prairie Twp BZA Alternate
6	Nicholas	McCullough	Kleingers & Associates
7	Mike	(illegible)	Kleingers & Associates
8	Corey	Fergus	
9	John C.	Fergus	The Fergus Company LLC
10	Elie	Sabbagh	Stantec Consulting
11	Henry	Wickham	Attorney, Luper Neidenthal & Logan