

Minutes

Central CEDA Regional Planning Commission

Regular Meeting ~ 4:00 p.m.
Thursday, February 7, 2013

Springview Government Center
3130 East Main Street
Springfield, OH 45505

Mr. Max Cordle, Chairperson of the Central CEDA Regional Planning Commission of Clark County Ohio, calls the meeting to order at 4:00 p.m.

Present: Mr. Max Cordle, Mrs. Kim Marshall, Mr. Mike Hanlon, Mr. Dan Kelly,
Mr. Michael Spradlin, and Mr. James Smith.

Absent: Mr. Gene Barnett.

Minutes

Chairperson Cordle asks if there are any comments regarding the minutes. Hearing none, he asks for a motion to approve the minutes.

RPC: 1-1-2013: Minutes ~ July 5, 2012 (Regular Meeting)

Motion by Mr. Spradlin, seconded by Mr. Hanlon to approve the minutes as presented.

VOTE: Motion carried unanimously.

S-2013-1: Rezoning Case ~ Edwin Ridenour ~ 3.67 Acres ~ Located at 2525 Rebert Pike ~ Springfield Township ~ A to R-1

Mr. Neimayer, Senior Planner, presents several maps and exhibits of this case and states that the subject property is currently zoned "A" (Agricultural District). The request is to rezone the property to R-1 (Single Family Residential District). The surrounding land use and zoning is "A" (Agricultural District) to the north, south, east and west.

As part of the original zoning map (December 1964) for Springfield Township, the subject property, and surrounding area, has been zoned "A" (Agricultural District). The Applicant would like to split off part of the existing parcel to create a new buildable lot.

The subject property currently consists of 3.67 acres. The R-1 development standards are:

Min. Lot Size	Min. Frontage	Min. Setbacks (in ft.)			Rear
		Front	Side	Sum of Both	
1 acre *	150 ft.	40	20	40	40

* no public water or sanitary sewer available.

Under the "A" Zoning District, the minimum lot frontage is 300 feet. The subject property only has ±405 feet of frontage. Therefore, in order to create a new parcel, one of the following is required: (1) rezoning the property from A to R-1, or (2) getting a variance to the minimum frontage requirement under the "A" Zoning District.

The existing right-of-way of at this segment of Rebert Pike is 40 feet (20 feet from centerline) Per the adopted County Thoroughfare Plan, the future ROW of Rebert Pike for this segment is 60 feet (30 feet from centerline). This additional ROW will be addressed as part of the lotsplit review/ approval process via. a ROW/highway easement. The setbacks of future development on the new parcel or on the remaining/parent parcel should be based on this future ROW.

The CROSSROADS Land Use Plan identifies this area of Springfield Township as Rural Residential, which reads in part:

"Rural residential development (1 dwelling per acre or less – gross density) should be directed to portions of Moorefield and Springfield townships. These specific areas are north of Moorefield Road, east of Buck Creek State Park and south of I-70. A clustered, open-space design to residential subdivisions should be stressed, with significant open space components permanently set aside to minimize visual and environment impact. Alternative technologies for wastewater treatment and disposal should be considered where sanitary sewer is unavailable."

The Combined Health District has indicated the proposed split is doable. However, before the proposed lotsplit can be approved, the owner or buyer will have to submit a lot review application to the Health District for approval of the well, septic and leach field locations.

Staff recommends the Applicant's request to rezone the subject property from A to R-1 be approved as presented subject to:

1. The proposed new residential lot is approved by the Combined Health District for on-site utilities.
2. Setbacks of future development on the proposed new parcel or on the remaining/parent parcel shall be based on the most current adopted County Thoroughfare Plan.

Mr. Neimayer asks if there are any questions. There are none.

Hearing no further questions, Chairperson Cordle asks for a motion.

RPC: 1-2-2013: S-2013-1 Rezoning Case ~ Edwin Ridenour ~ 3.67 Acres ~ Located at 2525 Rebert Pike ~ Springfield Township ~ A (Agricultural District) to R-1 (Single Family Residential District)

Motion by Mr. Hanlon, seconded by Mrs. Marshall to recommend **Approval** of rezoning case S-2013-1 as presented to the Springfield Township Zoning Commission.

VOTE: Motion carried unanimously.

2013-ZA-1: Zoning Code Amendments ~ City of Springfield ~ Chapter 1171 ~ Nonconformities

Mr. Bryan Heck, Planning & Zoning Administrator for the City of Springfield, presents proposed amendments to the City Zoning Code text concerning Chapter 1171– Nonconforming Structures. He states that staff has spoken with several property owners who are having difficulty in refinancing or selling their homes due to Chapter 1171.04 (c), which states, “Except for buildings in a Historic Preservation District, a nonconforming structure that has been damaged by fire, act of God, or by a public enemy to the extent of 100% or more of the structure’s appraised value, as determined by the County Auditor, shall not be restored except in compliance with the provisions of this code.” Staff has spoken with representatives from several financial institutions and loan due diligence companies and they verified that since the mortgage crisis it is extremely difficult to qualify for refinancing of a mortgage or a new mortgage on a home. The mortgage lenders look at many factors when determining whether a home qualifies for refinancing and or a new mortgage and nonconforming status is one such factor. The lenders view this as the 99% rule, in that the property can only be rebuilt if destroyed up to 99%. Given the housing crisis, lenders will not make loans on a property that cannot be rebuilt as is if destroyed 100% or more of the appraised value. A good example of this is the property located at 201 E. McCreight Avenue that is currently a four unit dwelling that is in a RS-8 District (Medium Density Single-Family Residential District). In the RS-8 zoning district the maximum density would be a two unit dwelling. Should the four unit every be destroyed 100% or more of the Auditor’s appraised value then it cannot be rebuilt as a four unit even though it has stood there on that site since the late 1800’s. The property owner was trying to sell this property and had a buyer lined up but the lender did not approve the buyer’s loan because of this current provision in their Zoning Code.

Chapter 1171.04 (c) is also in conflict with another section within Chapter 1171. 1171.02 (b) states “Regardless of any other provision of this code, a nonconforming use shall be treated as a conforming use for as long as the use is in existence. Accordingly, the following rights shall be granted: (1) If a nonconforming use is damaged by fire, explosion, act of God, or by public enemy, it may be restored; (2) If a structure or structures for a nonconforming use is destroyed or damaged by fire, explosion, act of God, or by a public enemy, they may be reconstructed; (3) A nonconforming use shall be permitted to have the same amount and type of signage as would be allowed for such use in the most restrictive district in which such nonconforming use is allowed; (4) A nonconforming use may be converted to another nonconforming use first permitted in the same or more restrictive district as the existing use, provided it is not converted to a use permitted in a more restrictive district than the district in which the nonconforming use is located.”

Staff proposes removing Chapter 1171.04 (c) from the code, which will provide individual property owners with the ability to rebuild a nonconforming structure that has been damaged by fire, act of God, or by public enemy to the extent of 100% or more of its appraised value.

Mr. Heck asks if there are any questions.

Mrs. Marshall asks if this amendment will help the properties on Oak Street that are located just around the corner from Frisch's as well. They are built on commercial zoned property and if their houses burn down they will not be able to rebuild the residential houses.

Mr. Heck responds that it will help to some extent but there are other provisions in the code that lenders may still try to kick out. If it is a commercial property, then it is a use issue and not a structure issue. There is a provision in the code that if it is a nonconforming use then it can be re-established as a conditional use in that district. The property located at 205 E. Madison Avenue just went through the Zoning Board because in 2001 it was zoned CO-1 (Commercial/Office District) and under this zoning single-family residential is not a permitted use under this district. The provision in their code allows the property owner to re-establish as a conditional use that single-family dwelling or whatever type of use it was pre-existing.

Mrs. Marshall comments that what Mr. Heck is talking about is actually happening in Springfield. The lenders and underwriters are more difficult now and the two properties on Oak Street cannot be sold because the lenders will not lend on them.

Hearing no questions, Chairperson Cordle asks for a motion.

RPC: 1-3-2013: 2013-ZA-1~ Zoning Code Amendments ~ City of Springfield ~ Chapter 1171 ~ Nonconformities

Motion by Mr. Hanlon, seconded by Mr. Smith to recommend **Approval** to the Springfield City Commission the amendments to the City Zoning Code as presented.

VOTE: Motion carried unanimously.

Election of Vice-Chairperson for 2013

Mr. Neimayer reviewed the Rules of Procedure on when the Vice-Chairperson is to be elected. Commission members then discussed whether to elect a Vice-Chairperson for 2013 at this meeting or wait until the next meeting.

To proceed with Election of the Vice Chairperson for 2013

RPC: 1-4-2013 ~ To proceed with Election of the Vice Chairperson

Motion by Mr. Hanlon, seconded by Mr. Smith to proceed with the election of the Vice-Chairperson for 2013 of the CEDA Regional Planning Commission.

**VOTE: Yes – Mr. Hanlon, Mr. Smith, Mrs. Marshall and Mr. Kelly.
No – Mr. Spradlin.**

Motion to approve passes.

Mrs. Marshall stated she does not want a second term serving as Vice Chairperson. Mr. Spradlin was asked if he would be interested in being Vice Chairperson. Mr. Spradlin said he would accept as long as no one else was interested. Hearing no one else interested, Mr. Cordell asked for a motion to elect a Vice Chairperson for 2013.

Election of Vice Chairperson for 2013

RPC: 1-5-2013 ~ Election of Vice Chairperson for 2013

Motion by Mrs. Marshall, seconded by Mr. Smith to elect Mike Hanlon as Vice-Chairperson of the CEDA Regional Planning Commission for 2013.

**VOTE: Yes – Mrs. Marshall, Mr. Smith, Mr. Kelly and Mr. Spradlin.
No – None.
Abstain – Mr. Hanlon.**

Motion to approve passes.

Resignation of Max Cordell as Chairman

Chairperson Cordell read an e-mail he had sent to Mr. Neimayer earlier in the week stating he is advising the board members that he is resigning from the CEDA Board effective after this meeting (2-7-2013). "It has been a great run and he has met wonderful people along the way. Thanks for allowing me to serve."

Staff Comments

Mr. Neimayer states under the CEDA Establishment Agreement creating the CEDA Board there are two appointments from the City of Springfield, two from Springfield Township and two from Clark County. Those six appointments then elect the 7th member of the Board for a three year term who also serves as the Chairperson.

The Board asked Mr. Neimayer whether the 7th member could come from the remaining six members and, if so, how does that vacancy get filled. Mr. Neimayer said there are no rules as far as the 7th member needing to be from the City, Township or County nor prohibiting the 7th member coming from the remaining six members. Should the later happen, that vacancy will be handled by the respective appointing authority. The Board will need to consider how they want to proceed. He recommends that they have a meeting next month to address this matter case there are items that would come up and he would need to work with the Chairperson on how to proceed.

Mr. Kelly states that it would make sense to have a veteran member be the Chairperson and then bring in a rookie appointed by the respective appointing authority.

Mrs. Marshall asks if there is a member that would like to take the Chairperson's seat.

There are no volunteers.

Mr. Kelly states that Mr. Barnett would fit into that position and he should be asked since he was not present. Mr. Kelly strongly suggests that the position be filled from one of the existing members.

Mrs. Marshall states that she will contact Mr. Barnett to see if he is interested in moving into the Chairperson position.

Mr. Neimayer states that next month's meeting is scheduled for Thursday, March 7th, 2013.

Adjournment

RPC: 1-6-2013: Adjournment

Motion by Mr. Hanlon, seconded by Mr. Spradlin, to adjourn the meeting.

VOTE: Motion carried unanimously.

The meeting was adjourned at 4:28 p.m.

Mr. Max Cordle, Chairperson

Mr. Thomas A. Hale, Secretary