Memorandum for the Planning Board

Subject: Public Meeting on August 21, 2018

This is to confirm that the Planning Board will conduct a public meeting on August 21, 2018 at 6:00 PM to review one lot combination request. Please find enclosed an agenda for the meeting, the minutes to approve from June 7, 2018 and case materials.

Lot Combination – Lots 61 & 62 in Highview Terrace (Spangler/O’Malley)

The engineer representing the builder and the property owners have submitted a request to combine Lots 61 and 62 of Highview Terrace Section 3 Phase 2. The property addresses are 3626 and 3622 River Birch Drive respectively. This action is a replat of Section 3 Phase 2 which was originally approved in February 2018. The action being presented before you is to either approve or deny the lot combination request.

Please find enclosed the staff report and replat document.

Please let me know if you have any questions on this material.

Sincerely,

Don Buczek
Assistant to the City Manager
Bellbrook Planning Board
Public Meeting
August 21, 2018  6:00 PM
Agenda

1. Call to Order
2. Roll Call
3. Approval of Prior Minutes of June 7, 2018
4. Old Business:
5. New Business:
   A. Lot Combination-Lots 61 & 62 in Highview Terrace (Spangler/O’Malley)
6. Open Discussion
7. Adjournment
CALL TO ORDER

Chairman Van Veldhuizen called the meeting of the Planning Board to order at 6:03 PM and requested a motion regarding the prior minutes of February 6, 2018. Mr. Bennett moved to approve the prior minutes; Mr. Thompson seconded the motion. Roll was called. Mr. Bennett, yes; Mr. Thompson, yes; Mr. Harding, yes; Mr. Stangel, yes; Chairman Van Veldhuizen abstain. The motion carried 4-0 with one abstention; the minutes stand approved.

NEW BUSINESS:

Mr. Don Buczek, Assistant to the City Manager presented the two cases to the Board this evening.

Replat lot combination for 3638 River Birch Drive, Lots 58-59, Highview Terrace

Mr. Buczek said the engineer representing the builder has submitted a request to combine Lots 58 and 59 of Highview Terrace Section 3 Phase 2. The property addresses are 3634 and 3638 River Birch Drive respectively. This action is a replat of Section 3 Phase 2 which was originally approved in February 2018.

Mr. Buczek said in 2011, when the last combination was approved there was no discussion on the impact of that decision. Mr. Buczek said the staff would ask the Board to
consider the impact of the loss of property taxes which is approximately $3,000 a year and also the precedent that this may set for the remaining lots.

Mr. Bennett said it is unfortunate for the city with the loss of taxes but ultimately the Board is here to serve the people.

Mr. Buczek said there are utility easements that border each lot. Approval from the Utility Companies is needed to vacate the easements. He is still waiting on approval from Vectren and Dayton Power and Light. Mr. Buczek said the City Engineer approves the record plan and requested the utility providers to approve vacating the utility easement.

Mr. Stangel and Mr. Bennett said let’s move to approve this.

Mr. Thompson asked if anyone was concerned with the tax base and also the precedent this may set.

Mr. Bennett said the lots in Highview Terrace are not cheap. He said if the lots are combined, it’s possible the one house might cost the same as two houses.

Chairman Van Veldhuizen said if every remaining lot would combine, it could be $45,000 to $60,000 less income coming into the city in the future. He said probably not everyone purchasing a lot would want to combine lots and he doesn’t know if the decision tonight would set a precedent. Chairman Van Veldhuizen said this was worth discussing tonight.

Chairman Van Veldhuizen opened the meeting up for public comments.

Ms. Heather Juhascik, 4183 Tareyton Dr.-She suggested that a surcharge be added for any lot combinations. She said that way the City may recoup some of the lost tax base. Ms. Juhascik is here tonight to review the survey results and is interested in connecting our neighborhoods.

Mr. Stangel made a motion to approve the Replat lot combination for 3638 River Birch Drive., Lots 58 & 59 in High View Terrace, upon approval to vacate all utility easements. Mr. Bennett seconded the motion. Roll was called. Mr. Stangel, yes; Mr. Bennett, yes; Mr. Harding, yes; Mr. Thompson, no; Chairman Van Veldhuizen, yes. The motion carried 4-1.

To approve the Replat and vacate drainage access for 3760 Terrace Creek Rd., Lot 1D in Highview Terrace.

Mr. Buczek said this is a technical correction. The engineer representing the builder has submitted a request to replat and vacate the drainage and access easement on Lot 1D of Highview Terrace Section 1 and replace it with an adjusted easement on Lot 1F. This will ensure the new residence will be out of the easement. He said part of this parcel is in
the flood plain. Mr. Buczek said the engineer applied to FEMA to update the flood plain boundary and an approval letter was received.

Chairman Van Veldhuizen opened the meeting up for public comments. Hearing none, he requested a motion.

Mr. Stangel made a motion to approve the Replat and vacate drainage access for 3760 Terrace Creek Rd. Lot 1D in Highview Terrace. Mr. Thompson seconded the motion. Roll was called. Mr. Stangel, yes; Mr. Thompson, yes; Mr. Bennett, yes; Mr. Harding, yes; Chairman Van Veldhuizen, yes. The motion carried 5-0.

COMPREHENSIVE PLAN DISCUSSION-SURVEY RESULTS

Next, Mr. Ken LeBlanc-from Greene County Regional Planning was in attendance tonight to review the results of the survey.

OPEN DISCUSSION:  None

ADJOURNMENT:

Mr. Bennett moved to adjourn the meeting at 7:56 PM.

Dave Van Veldhuizen, Chairman

Jami Kinion, Secretary
To: Planning Board
From: Don Buczek, Assistant to the City Manager
Date: August 14, 2018
Subject: Staff Report for Lot Combination (Lots 61 & 62 – Highview Terrace)

<table>
<thead>
<tr>
<th>Summary of the Request</th>
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<tbody>
<tr>
<td>The engineer representing the builder and the property owners have submitted a request to combine Lots 61 and 62 of Highview Terrace Section 3 Phase 2. The property addresses are 3626 and 3622 River Birch Drive respectively. This action is a replat of Section 3 Phase 2 which was originally approved in February 2018. The action being presented before you is to either approve or deny the lot combination request.</td>
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<tr>
<th>Applicant Information</th>
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<tr>
<td>Owners: James Spangler &amp; Bridget Katherine O’Malley 1842 Sugar Maple Pl Bellbrook, Ohio 45305</td>
</tr>
<tr>
<td>Engineer: John Brumbaugh PE, PS Brumbaugh Engineering and Surveying 2270 South Miami Street West Milton, Ohio 45383</td>
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<tr>
<th>Current Zoning District</th>
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<tr>
<td>PD-1: Planned Development</td>
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<tr>
<th>Parcel Identification</th>
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<tbody>
<tr>
<td>Lot 61: Parcel ID #L35000100030016200, 0.441 Acres</td>
</tr>
<tr>
<td>Lot 62: Parcel ID #L35000100030016300, 0.449 Acres</td>
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### Additional Actions or Next Steps to be taken by the City

If a replat is approved by the Planning Board, the next step would be for City Council to either approve or deny the Planning Board’s recommendation.

If a replat is denied, the property owners can submit revisions to the Planning Board to be considered at another meeting. The Municipal Code does not provide any appeal procedure.

### Applicant’s Reason for the Request

The owners bought both parcels and would like to put one residence on the newly formed parcel.

### Surrounding Land Use within 1,000 Feet

The surrounding land use is mostly residential with two parcels of A-1 Agricultural land. One of those parcels is Magee Park and the other is a single family residence.
### Previous Related Development Decisions in the Immediate Area (3-5 Years)

In 2011, the Planning Board approved the combination of Lots 30 and 31 in Highview Terrace Section 2 into Lot 31A. The owners wanted to combine the lots so they could build a garage on the neighboring lot. They had already completed their primary residence at the time. After reviewing documents from the replat, the Planning Board approved the lot combination, but did not discuss the impacts of the decision.

In June 2018, the Planning Board approved the combination of Lots 58 and 59 in Highview Terrace Section 3 into Lot 58A. This combination request was similar to the current request.

### Comprehensive Plan Applied to the Geographical Area

NA

### Existing Public Utilities

- **City of Bellbrook – Water** – Approved vacation of easement and removal of lateral at owner’s expense
- **Greene County – Sewer** – Approved vacation of easement and removal of lateral at owner’s expense
- **Vectren – Gas** – Approved vacation of easement and removal of lateral at owner’s expense
- **Dayton Power & Light – Electric** – Response not yet received
- **AT&T – Telephone** – Approved vacation of easement – telephone boxes are to remain in street right of way
- **Spectrum Charter – Cable** – do not need permission

### Soil Survey Data

NA

### Classification of Streets, Traffic Volumes & Direction, Planned Improvements

Minor Street with a 50’ Right of Way

### Flood Plain Information

These parcels are not in the flood plain.

### Comments from City and County Agencies

**City Engineer:** The City Engineer approves of the record plan and requested the utility providers to approve vacating the utility easement.
Other Agencies:
NA

Supporting Maps & Graphics

Replat - Enclosed
Staff Recommendation

Based on the Planning Board’s decision in June to allow a lot combination in the same subdivision, staff recommends the approval of this request. Approval should be conditioned on receiving the final utility approval from Dayton Power & Light.
HIGHVIEW TERRACE
SECTION THREE PHASE TWO
RE-PLAT OF LOTS 61 AND 62 INTO LOT 61A

URVEYING, LLC
ENGINEERING & SURVEYING
BELLBROOK, OHIO

SIGNATURES AND ACKNOWLEDGEMENTS

OWNERS: LOTS 61 & 62
JAMES SPANGLER
JUNIOR KATHERINE O'MALLEY

WITNESS
JAMES SPANGLER
JUNIOR KATHERINE O'MALLEY

STATE OF OHIO, SS:
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

[Signature]
[Printed Name]

[Date]

RECORDING PUBLIC

[Signature]
[Printed Name]

[Date]

COVENANTS, CONDITIONS AND RESTRICTIONS:
The lots of the herein re-plat are governed by the declaration of covenants, conditions, restrictions, assessments, articles of incorporation and by-laws of the HOA, THE HIGHVIEW TERRACE, HOMEBUYERS ASSOCIATION, all of which are recorded on HIGHVIEW TERRACE SECTION ONE, G.R. Vol. 2799, Pages 456-462 & G.R. Vol. 2799, Pages 419-437 of the deed records of Greene County, Ohio and shall be in effect for HIGHVIEW TERRACE, SECTION THREE and 61A as re-platted.
HIGHVIEW TERRACE
SECTION THREE PHASE TWO
RE-PLAT OF LOTS 61 AND 62
INTO LOT 61A
LOCATED IN
SECTION 2, TOWN 8, RANGE 6 M.R.'S.,
CITY OF BELLEBROOK, GREENE COUNTY, OHIO
0.890 ACRES
AUGUST 9, 2018

NOTES:
1. ALL LOTS IN THIS SUBDIVISION SHALL BE KNOWN OR DESCRIBED AS RESIDENTIAL LOTS.
2. MAINTENANCE OF ALL AREAS DESIGNATED AS DRAINAGE EASEMENTS AND/OR COMMON USE AREAS shall BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION. MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE COLLECTIVE HOMEOWNERS IF SAID ASSOCIATION BE DISCONTINUED.
3. ANY LOT AREA REQUIRED FOR DRAINAGE PURPOSES, SHALL AT ALL TIMES BE LEFT OPEN AND UNDISTURBED. NO ADDITION OF EMBANKMENT, STRUCTURE OR MODIFICATIONS WITHIN THE IDENTIFIED DRAINAGE AREA WILL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF BELLEBROOK'S ENGINEER. MAINTENANCE OF THE DRAINAGE EASEMENT, STORMWATER MANAGEMENT CONTROL FACILITIES, AND DRAINAGE AREAS SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL OWNER(S) OF THE LOT ON WHICH THESE FACILITIES AND/OR DRAINAGE AREAS ARE LOCATED.

P活委INENT DOCUMENTS:
THE ADDITION OF DECKS OR STRUCTURES SHALL BE LOCATED IN "DRAINAGE EASEMENT" maintains. THE SURFACE EASEMENT:" IN THE "DRAINAGE EASMENT" IS THE RESPONSIBILITY OF THE PROPERTY OWNER. SEE THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR FURTHER BUILDING RESTRICTIONS.

RUMBAUGH ENGINEERING & SURVEYING, LLC
7270 TOWN MILL ROAD
WEST MILTON, OHIO 45170
PHONE: (937) 696-5300
FAX: (937) 696-5256

PREPARED BY: RUMBAUGH P.E. (OH)
AND LAWLER ARCH DIV.

PREPARED FOR: SENGER, INC.
AND LAWLER ARCH DIV.