



Planning Board Meeting
October 10, 2019, 6:00 pm
Agenda

1. Call to Order
2. Roll call
3. Approval of prior minutes of September 19, 2019
4. Old Business:
5. New Business:
ZA19-06 Lot Combination Highview Terrace
Request to combine two parcels (lot 51 and 52) in the Highview Terrace Subdivision.
6. Open Discussion
7. Adjournment

October 4, 2019



Memorandum for the Planning Board

Subject: Public Meeting on October 10, 2019

City of Bellbrook
15 East Franklin Street
Bellbrook, Ohio 45305

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F (937) 848-5190

www.cityofbellbrook.org

This is to confirm that the Planning Board will conduct a public meeting on **October 10, 2019 at 6:00 PM** to review one case. Please find enclosed an agenda for the meeting, the minutes to approve from September 19, 2019, and case materials.

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

Sincerely,

Jeff Green
Planning and Zoning Assistant



BELLBROOK PLANNING BOARD
PUBLIC MEETING MINUTES
September 19, 2019

PRESENT: Mr. Ed Stangel
Mr. Denny Bennett
Acting Chairman Mitchell Thompson

Jeff Green Planning and Zoning Administrative Assistant was also in attendance.

Members and the public met in Dot's Market parking lot at 6:00 PM and walked the land for the proposed walking path through Highview Terrace.

CALL TO ORDER

Chairman Thompson called the meeting of the Planning Board to order at 6:45 PM. The Clerk called the roll. Mr. Stangel, yes; Mr. Bennett, yes; Chairman Thompson, yes.

FORMAL APPROVAL OF MINUTES

Chairman Thompson asked if there were any corrections or additions to the minutes of August 22, 2019. Being no changes, the minutes are approved as written.

OLD BUSINESS

NEW BUSINESS

- **Proposed Use 41 W. Franklin St**

Planning and Zoning Administrative Assistant Jeff Green presented the zoning permit for a new business looking to move into a property in Bellbrook. Present was the business owner Amanda Haydon of Luminary Microblading and Tattoo Design. The property is at 41 W Franklin Street. The Village Review Board has already approved this permit.

Mr. Bennett opined that the Planning Board is pro-business. He made a motion to approve the proposed use of 41 W. Franklin Street. Mr. Stangel seconded the motion. The Clerk called the roll. Mr. Bennett, yes; Mr. Stangel, yes; Mr. Thompson, yes. The motion passed 3-0.

- **Amendment to Section 3 Phase 1 of approved Highview Terrace Development Plan**

Mr. Green explained that this is a continuation of the discussion from the last Planning Board meeting. He explained that the Planning Board and interested citizens walked the land for the walking path. Mr. Clemens is allowing the property owners, James and Katherine Cyphers, to

bring this request to the board. The Planning Board's responsibility in this case is to make their recommendation to City Council. Council is where any legal decision is made.

Mr. Bennett recounted that Bellbrook citizens came out to City Council meetings when Highview Terrace and the Vineyards were proposed, and they were furious about these neighborhoods being built this close to town. He opined that the City cannot please everyone, and someone will end up being disappointed.

Mark Raslich, 1904 Sugar Maple Place, stated that he uses the pathway several times a week. Since the old driveway was removed, he has cut through to Catalpa Way. It has been inconvenient to go around.

James Cyphers, said that he has new information pertinent to the request to remove the path. He relayed that the board has asked him for an alternative to the path, but he opined that it is not his responsibility but that of an engineer. Mr. Cyphers asked why another easement that runs along the creek has been in existence since 1970. The Cyphers spoke with a worker from Greene County Sanitation who was on the property with an excavator to relocate a pipe 3 feet higher due to the amount of silt that has accumulated. Mr. Cyphers recounted that he asked the director of Greene County Sanitation contact the City of Bellbrook. He also asked about the plan that the City approved for Little Sugarcreek Road that includes a sidewalk. Mr. Green stated that he had not gotten a call from Greene County Sanitation yet. As for the Little Sugarcreek Road project, Mr. Green explained that the plan is many years in the future.

Dave Elliot, 3662 River Birch Court, explained that when they were looking to buy a house access was an important consideration. He added that he is older but has no problem traversing the hill the path will be on.

The Board asked about the kind of material to be used to create the path. Mr. Green explained that the Council had required only that it needs to be chip sealed. The Board also reiterated that the Comprehensive Plan is a critical part of any discussion concerning walkability.

After the public was allowed an opportunity to speak Mr. Thompson closed the public hearing. Mr. Bennett made a motion to deny the request to amend Section 3 Phase 1 of the approved Highview Terrace Development Plan. The motion was seconded by Mr. Stangel. The Clerk called the roll. Mr. Bennett, yes; Mr. Stangel, yes; Mr. Thompson, yes. The motion was denied 3-0.

- Prioritize Code Updates

Mr. Green outlined suggestions for Codes to be reviewed and possibly updated. He asked the Board to choose the order to proceed.

The Board chose the following topics to begin:

- Accessory Structure/Uses
- Lot Consolidation
- Triggers for subdivision regulations

- Repeat Offenders (fines/punishments)
- Fee Analysis
- Sign Code

OPEN DISCUSSION

Katherine Cyphers, asked which takes precedence when making decisions, the Comprehensive Plan or the Zoning Code. Mr. Green explained that the Zoning Code is the law. The Comprehensive Plan is a goal for the City.

ADJOURNMENT

Mr. Stangel moved to adjourn the meeting at 7:40 PM and was seconded by Mr. Bennett.

Mitchell Thompson, Acting Chairman

Date

Pamela Timmons, Secretary

Date



To: Planning Board
From: Jeff Green, Planning and Zoning Assistant
Date: October 4, 2019
Subject: Staff Report for Lot Combination (Lots 51 & 52 – Highview Terrace)

Summary of the Request

The developer has submitted a request to combine Lots 51 and 52 of Section 3 Phase 1 of the Highview Terrace Subdivision. The subject properties have the following address numbers associated with them: 1939 and 1931 Sugar Maple Pl. This action is a Section 1 Phase 3 of the Highview Terrace Subdivision which was originally approved in 2017. The action being presented before you is to either approve or deny the lot combination request.

Applicant Information

Engineer: John Brumbaugh
Brumbaugh Engineering & Surveying, LLC
2270 S Miami St.
West Milton, OH 45383

Owner: Clemens Development Co
3889 Indian Ripple Rd Ste G
Dayton, Ohio 45440

Current Zoning District

PD-1, Planned Residential Development

Parcel Identification

Parcel ID # L35000100030015200, (1939 Sugar Maple) 0.885 Acres

Parcel ID # L35000200130008500, (1931 Sugar Maple) 0.57 Acres

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.

Applicant's Reason for the Request

The applicant would like to consolidate the properties so that one home site remains instead of two. If approved, only one home would be permitted to be built on the site.

Surrounding Land Use within 1,000 Feet

The land surrounding the subject property is mostly single family residential (planned residential); however further to the east is the Old Village which is zoned as B-4 for a wide range of commercial and office/service uses.



Previous Related Development Decisions in the Immediate Area

This development has gone through several re-plats and major/minor changes in the recent past.

Comprehensive Plan Applied to the Geographical Area

The 2019 Comprehensive Plan addresses residential housing in relation to this property. Specifically, the Plan wants this (and the surrounding area) to be "neighborhood residential."

Per the Plan, Bellbrook should seek to preserve single-family residential subdivisions when possible:

"Bellbrook should protect its single-family residential platted lands or town lots (subdivisions) for that purpose and consider multi-family units on unplatted lands. Single-family Development, multi-family, and duplexes should all be considered on vacant lands but not part of a subdivision. During the public input phase it was clear that the citizens of Bellbrook want to remain small and retain and maintain its suburban residential neighborhoods."

In summary, the request would seem to fit the goal of the Comprehensive Plan, to protect the area and keep it as neighborhood residential.

Existing Public Utilities

N/A

Soil Survey Data

N/A

Classification of Streets, Traffic Volumes & Direction, Planned Improvements

Minor streets with 50' or more of right-of-way on each side

Flood Plain Information

A small portion of the property is located in the floodplain. However, it should be noted that there is 50' Landscape Drainage easement that would prohibit buildings to be placed with the easement.

Comments from City and County Agencies

Other Agencies: NA

Supporting Maps & Graphics

Proposed Replat and Aerial Enclosed

Staff Recommendation

Staff recommends the proposed lot consolidation be approved as submitted.

WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LEASEHOLDERS OF THE LANDS HEREIN PLATED, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AS SHOWN HEREON, AND DO DENOTE EASEMENTS AS SHOWN HEREON TO THE PUBLIC USE FOREVER, AND DO GRANT TO THE WITHIN PLAT AS RESERVED FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, SHOWN ON THE PLAT, OF WATER, GAS, SEWER, ELECTRIC, TELEPHONE OR OTHER UTILITIES, AND OF THE RIGHT OF REMOVAL OF WATER, GAS, SEWER, ELECTRIC, TELEPHONE AND ALL KINDS OF LINES OR OTHER UTILITIES, FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER OBJECTS IN THE WAY OF SAID UTILITIES, AND FOR THE PROVIDING OF INGRESS AND EGRESS TO THE PROPERTY FOR SAID UTILITIES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

OWNER LOTS 51 & 52:
CLEMENS DEVELOPMENT CO., INC

BY: RICHARD M. CLEMENS
PRESIDENT, CLEMENS DEVELOPMENT CO., INC

STATE OF OHIO, S.S.:
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS 20 DAY OF NOVEMBER 2010 BY CLEMENS DEVELOPMENT CO., INC.
BY RICHARD M. CLEMENS, ITS PRESIDENT, AS OWNER.

NOTARY PUBLIC _____

SIGNED AND ACKNOWLEDGED _____

IN THE PRESENCE OF: _____

LIENHOLDER: _____

ITS: _____

(PRINTED TITLE)

STATE OF OHIO, S.S.:
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 20____.

BY
AS LIENHOLDER.

NOTARY PUBLIC

THE WITHIN RE-PLAT IS A SUBDIVISION CONTAINING 1.455 ACRES AND BEING ALL OF THE CLEMENS DEVELOPMENT COMPANY, INC. LOTS 51 AND 52 AS RECORDED IN HIGHVIEW TERRACE SECTION THREE PHASE ONE, PLAT CABINET VOL. 38 PG'S 235A-236B AS ACQUIRED BY CLEMENS DEVELOPMENT COMPANY THROUGH INSTRUMENTS RECORDED IN R. 2512, PG. 512 OF THE OFFICIAL RECORDS OF GREENE COUNTY, OHIO.

STATE OF OHIO, U.S.S.: CLEMENS DEVELOPMENT CO., INC, BY RICHARD M. CLEMENS, ITS PRESIDENT, BEING DULY SWORN, SAYS THAT ALL PERSONS AND CORPORATIONS TO THE BEST OF HIS KNOWLEDGE INTERESTED IN THIS DEDICATION, EITHER AS OWNERS OR LIENHOLDERS, HAVE UNITED IN ITS EXECUTION.

RICHARD M. CLEMENS

SWORN TO AND SIGNED IN MY PRESENCE ON

THIS _____ DAY OF _____, 20____

NOTARY PUBLIC

THE LOTS OF EIGHT WITHIN RE-PLAT ARE GOVERNED BY THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, ASSESSMENTS, ARTICLES OF INCORPORATION AND BY-LAWS OF THE "HIGHVIEW TERRACE SUBDIVISION HOMEOWNERS ASSOCIATION". ALL OF WHICH ARE RECORDED ON HIGHVIEW TERRACE SECTION ONE, O.R. VOL. 2782, PGS 450-483 & O.R. VOL. 2295, PGS 619-637 OF THE DEED RECORDS OF GREENE COUNTY, OHIO AND SHALL BE IN EFFECT FOR HIGHVIEW TERRACE LOT 51A OF THIS PLAT.

CLEMENTS DEVELOPMENT COMPANY, INC.
LOCATED IN
CITY OF BELLEBROOK
SECTION 2, TOWN 2, RANGE 6 M.R.'s
GREENE COUNTY, OHIO
1.465 ACRES
SEPTEMBER 26, 2019

CHAIRPERSON

SECRETARY

BELLBROOK COUNCIL:

WAVES

CLERK OF COUNCIL

GREENE COUNTY AUDITOR:

WE HEREBY APPROVE AND ACCEPT THIS PLAN AND RECOMMEND THAT THE SAME BE RECORDED SUBJECT TO THE INCLUDED AGREEMENTS.

SIGNED THIS _____ DAY OF _____ 20____

TRANSFERRED THIS _____ DAY OF _____ 20____

GREENE COUNTY AUDITOR

GREENE COUNTY RECORDER:

FILE NO. _____ PLAT CABINET VOL. _____, PAGES _____

FEE: _____ RECEIVED FOR RECORD THIS _____ DAY OF _____

RECORDED THIS _____ DAY OF _____, 20__ AT _____ M.

GREENE COUNTY RECORDER:

PHILIP C. BRUMBAUGH, P.S. DATE
OHIO LICENSE NO. 5057

DEVELOPER
CLEMENS DEVELOPMENT CO., INC.
6730 LITTLE SUGARCREEK RD.
DAYTON, OHIO 45440
PHONE: (937) 545-3232

BES JOB NO. 575.18

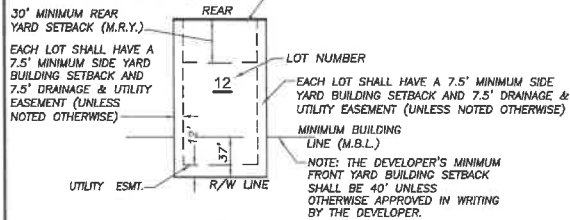
**BRUMBAUGH
ENGINEERING &
SURVEYING, LLC**

2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE: (937) 698-3000
FAX: (937) 698-3928

HIGHVIEW TERRACE SECTION ONE RE-PLAT OF LOTS 51 AND 52 INTO LOT 51A

FOR
CLEMENS DEVELOPMENT COMPANY, INC.
LOCATED IN
CITY OF BELLBROOK
SECTION 2, TOWN 2, RANGE 6 M.R.'s.
GREENE COUNTY, OHIO
1.455 ACRES
SEPTEMBER 25, 2019

"D.E." INDICATES "DRAINAGE EASEMENT" DRAINAGE EASEMENT SHALL BE SUBJECT TO PERIODIC STORM WATER FLOWS ON THE SURFACE AND WITHIN UNDERGROUND PIPING IN SOME LOCATIONS.



TYPICAL LOT

NOTES:

1. LOT 51A SHALL BE KNOWN OR DESCRIBED AS RESIDENTIAL LOTS.
2. MAINTENANCE OF ALL AREAS DESIGNATED AS DRAINAGE EASEMENTS, WALKING PATH EASEMENTS, AND LANDSCAPE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION. MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE COLLECTIVE HOMEOWNERS IF SAID ASSOCIATION BE DISSOLVED.
3. ANY LOT AREA RESERVED FOR DRAINAGE PURPOSES, SHALL AT ALL TIMES BE KEPT FREE OF ANY OBSTRUCTIONS TO THE FLOW OF WATER. NO IMPROVEMENTS, STRUCTURES OR MODIFICATIONS WITHIN THE IDENTIFIED DRAINAGE EASEMENT ARE WILL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY OF BELLBROOK'S ENGINEER. MAINTENANCE OF THE DRAINAGE EASEMENT AREA, STORMWATER MANAGEMENT CONTROL FACILITY(IES), AND DRAINAGE AREAS SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL OWNER(S) OF THE LOT OR LAND/HOMEOWNERS ASSOCIATION, WHICHEVER IS APPLICABLE, ON WHICH THESE FACILITIES AND/OR DRAINAGE AREAS ARE LOCATED.

FLOOD PLAIN NOTE

PARTS OF LOT #51A LIE WITHIN THE 100 YEAR FLOODPLAIN AS SHOWN ON FEMA MAP PANEL 39037C001140. DEVELOPMENT OR MODIFICATION OF ANY LOT WITHIN THE 100 YEAR FLOODPLAIN SHALL REQUIRE COMPLIANCE WITH THE FLOOD DAMAGE PROTECTION ORDINANCE. ANY AREA DESIGNATED FOR THE NATURAL FLOW OF SURFACE WATER SHALL BE AT ALL TIMES BE KEPT FREE AND CLEAR FROM ANY OBSTRUCTION TO SUCH NATURAL FLOW. IN NO CASE SHALL ANY IMPROVEMENT, ALTERATION OR CONSTRUCTION UPON SUCH DESIGNATED AREA BE MADE WITHOUT THE APPROVAL OF THE CITY OF BELLBROOK.

