



Planning Board Meeting
September 19, 2019, 6:00 pm
Agenda

1. Call to Order
2. Roll call
3. Approval of prior minutes of August 22, 2019
4. Old Business:
5. New Business:
 - Proposed Use 41 W Franklin St - Tattoo and Micro blading shop
 - Amendment to Section 3 Phase 1 of approved Highview Terrace Dev. Plan
 - Prioritize Code Updates
6. Open Discussion
7. Adjournment

September 13, 2019



Memorandum for the Planning Board

Subject: Public Meeting on September 19, 2019

City of Bellbrook
15 East Franklin Street
Bellbrook, Ohio 45305

T (937) 848-4666
F (937) 848-5190

www.cityofbellbrook.org

This is to confirm that the Planning Board will conduct a public meeting on **September 19, 2019** at **6:00 PM** to review two cases and prioritize upcoming reviews of the code for potential changes. Please find enclosed an agenda for the meeting, the minutes to approve from August 22, 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
August 22, 2019

PRESENT: Mr. Mitchell Thompson
Mr. Ed Stangel
Mr. Brady Harding
Mr. Denny Bennett
Chairman Van Veldhuizen

CALL TO ORDER

Chairman Van Veldhuizen called the meeting of the Planning Board to order at 6:00 PM.

FORMAL APPROVAL OF MINUTES

Chairman Van Veldhuizen requested a motion regarding the prior minutes of July 11, 2019. Mr. Bennett made a motion to approve the prior minutes; Mr. Stangel seconded the motion. Roll was called. Mr. Bennett, yes; Mr. Stangel, yes; Mr. Thompson, abstain; Mr. Harding, yes; Chairman Van Veldhuizen, yes. The motion carried 4-0; the minutes stand approved.

OLD BUSINESS

NEW BUSINESS

- **Resignation**

Chairman Van Veldhuizen submitted his resignation from the Planning Board. He announced that he had been appointed to City Council. The members of the Board congratulated him and thanked him for his service to the Planning Board.

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

Jeff Green, Planning and Zoning Administrative Assistant, explained that this request was made by James and Catherine Cyphers. The Cyphers propose that the walking path easement between Lots 50 and 51 be removed from the Highview Terrace Development plan. The plan calls for the after the developer builds the path, the liability and maintenance be the responsibility of the HOA. When the plan was approved by City Council in 2016 it included the condition that any changes to the plan would also need to be approved by Council. The purpose for the Planning Board is to decide how to proceed with the request. If the Board deems it appropriate, the request will be heard by the Council. The Cyphers own Lots 49 and 50 which abut Dot's Market and downtown. The Comprehensive Plan identifies links to create a walkable community of which this path is one. Mr. Green included the approved plan, pictures, and emails from interested residents.

The Board asked for the Cyphers to speak about their request.

James Cyphers, is the property owner requesting this change. He owns the property along which the walking path will follow. The topography cannot be changed. He invited the board to walk the proposed path. A service worker was looking for a water access which was under about 2 foot of silt because the terrain is steep. He opined that it is fine for the city to say they want a path but doesn't have any cost or liability for it. Agree with access to downtown. They haven't stopped any of their neighbors from cutting through their yard, but they have had others including groups of boys who have come up close to the house. They are willing to let their neighbors pass through but don't want anyone else to. They opined that even if the path was built people would still cut through their yard because it is less steep.

Mr. Bennett asked if Mr. Cyphers had an alternative. Mr. Cyphers doesn't have one but would prefer one along Little Sugarcreek street to Magee Park. He claims the City is forcing this on the neighborhood. The land has been changed over time from the original development plan. Mr. Bennett agreed that the City wants a safe way for people to access town.

Council has required that the path be chip sealed or paved in some way.

Mr. Harding asked about the percent of the grade. Mr. Cyphers did not know, but asked the Board to walk the property. Mr. Harding asked which was the Cyphers' biggest concern: the slope or being paved. Mr. Cyphers said it was both.

Mr. Cyphers reported that their lawyer advised them to put up the "No trespassing" signs.

Ryan Kramer, 1911 Sugar Maple Place, said they bought their property in 2018. They understand that part of the planned path is in a 100-year flood plain but they have never seen it actually flood. He believes that a lot of the silt and runoff is due to the construction going on. The developer, Mr. Clemens sold them on the idea of connectivity with the rest of town. All the property owners were made aware of the planned walking easement. He agrees that everyone wants it to be safe. The grade and pavement will have to be maintained. He recounted that the owners of lots 51 and 52 are also in favor of the walkway. The opening at Dot's Market creates a natural path anyway.

Bill Dahling, 1839 Sugar Maple Place, has watched the development since it started. The city wanted access through the development on Upper Bellbrook Road to Little Sugarcreek Road. The owners wanted to keep the gravel driveway that used to extend from the old farmhouse. It was determined that the driveway was too steep for emergency vehicles. The new location of the path is even steeper. Gravel is treacherous when it is wet or frozen. He added that he no longer walks to work. He wants the path to go along the creek. Mr. Dahling asked if the easement was private property or who owns it? Mr. Green explained that the easement is owned by the property owner but is useable by utilities and the public.

Mr. Bennett compared people using a path through a neighborhood to the public using a sidewalk in his front yard. He might not like dogs peeing on his lawn, but that is part of living in a community.

Alana Harman, 1885 Sugar Maple Place, echoed the idea that everyone needs and wants a good walking path. Currently people are using it so building an actual path doesn't get rid of the liability. She added that walking along Little Sugarcreek Road is not safe.

James Cyphers replied that there is no way to fix the grading because of the utilities along the path. The Board asked if an engineer has looked at this.

Sean Antosh, 1911 Sugar Maple Place, asked about making the path ADA compliant or adding stairs. Mr. Antosh explained that his property has a steep grade also and understands the difficulty, but it can be done. He opined that he is not in agreement with the idea that only Highview Terrace people can use it. He believes that it is a community and would not want Highview Terrace to be a gated community.

Brian Wentrell, Lots 53 and 54, explained that they own a lot and they are also proxy for their in-laws who own Lot 53. They want to express their desire to have access and a path is better than just a cut through. They do not want this path removed from the plan.

Michelle Cutting, 1877 Sugar Maple Place, reiterated what Brian said about being in favor of a path. She stated that there was always an understanding that there would be community access.

James Cyphers, also pointed out that he and his wife have had to pick up a lot of garbage from the ground. A lot of people go through their yard. They feel the neighbors should help. He also added that they are paying taxes on 50' of easement and have the liability. He explained that their attorney advised them to put their concerns on record.

Katherine Cyphers, wanted to add that the path is in the flood zone which limits what they can do. She explained that they are mostly concerned with people in their yard by their house.

Mr. Green reported that Mr. Clemens and his engineer never said the path had to be ADA compliant. Walking paths are not the same as public sidewalks.

Mr. Thompson closed the discussion.

Mr. Green reiterated the city staff's recommendation that this proposal be denied. The original intent of the development plans included a path connecting neighborhoods with the downtown. The path does not have to be complete until the entire development is finished which will be a while.

Mr. Stangel asked if the board could meet with Mr. Clemens and look at proposals and safety concerns. Mr. Bennett asked if the City's Service Director Ryan Pasley could look at the proposed site. Mr. Harding added that he would like to hear from the civil engineer who was hired by Mr. Clemens to design the development. Is the path as it is proposed now within the industry design standards? Does it meet all applicable codes? What are the engineer's recommendation on a sub base and pavement details? He is looking for more than just the developer's idea. Mr. Green answered that there are no stipulations to how Mr. Clemens goes about building this path.

Mr. Thompson asked if it would be possible for the Board to go out to the location with a city engineer and the Service Director. Mr. Green replied that he will ask the City Manager about it plus the city does not have an engineer on staff.

Mr. Bennett made a motion to table the amendment request to Section 3 Phase 1 of Highview Terrace until the Board can view the location. This was seconded by Mr. Harding. The Clerk called the roll. Mr. Bennett, yes; Mr. Harding, yes; Mr. Stangel, yes; Mr. Thompson, yes. This item was tabled 4-0.

- **Amendment to Article 18 in regard to demolition standards**

Mr. Green explained that this request is to add section 18.41 to the city's zoning code. There have been cases where demolition of a structure was started but due to a contractor leaving, or lack of funds it was not completed leaving the property in an unusable state. These standards would hold the property owner responsible for completing demolition to a point where the property is a clean slate park-like setting ready for future development. This new code requires a bond to ensure that the work is done to the correct standards. The County has demolition standards that are mainly concerned with the type of demolition needed such as asbestos remediation or hazardous waste cleanup. The city's code is mainly focused on bringing the piece of land to a clear empty space.

Mr. Harding asked about what constitutes a structure that requires a bond. Mr. Green answered that there are exemptions for sheds and accessory structures.

The Board members suggested adding a specific square foot requirements to define the size of accessory structures as less than 250 square feet.

Mr. Cyphers agreed that these standards are a good idea. The property they purchased had some issues from the demolition of the original structure.

Mr. Bennet made a motion to recommend to Council the addition to Article 18.41 of demolition standards with the addition of a definition of a storage shed not to exceed 250-square-foot. The motion was seconded by Mr. Harding. The Clerk called the roll. Mr. Bennett, yes; Mr. Harding, yes; Mr. Stangel, yes; Mr. Thompson, yes. The motion passed 4-0.

OPEN DISCUSSION

Mr. Green gave an update on 2088 Dane Lane. The case was turned over to the prosecutor who contacted Mr. Green that they were moving forward with the charges. An arraignment date should be scheduled soon. The \$1,000 fine has not been paid. They have paid the charges for the city to mow the grass.

ADJOURNMENT

Mr. Stangel moved to adjourn the meeting at 7:20 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: September 13, 2019
Subject: Staff Report for Changes to the Zoning Code

Summary of the Request

The request is to open a tattoo and micro blading business at 41 W Franklin Street.

Applicant Information

Amanda Haydon
41 W Franklin St, Bellbrook OH

Current Zoning District

B-4; Central Business District

Parcel Identification

L35000100020008800

Additional Actions or Next Steps to be taken by the City

After the Planning Board makes a decision on the request, staff will issue a zoning permit.

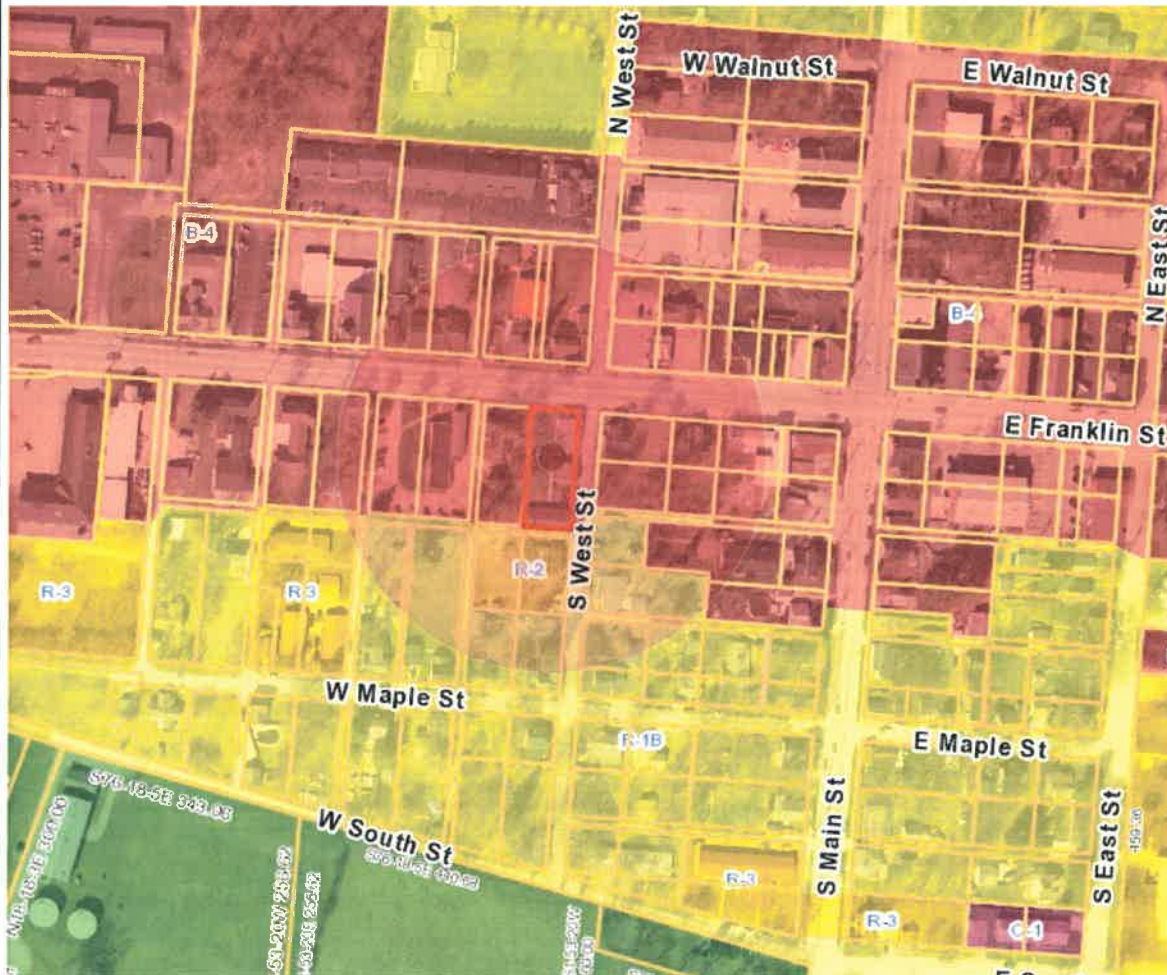
Additional Information

This request, in staff's opinion, is similar to service shops such as a barber which is an approved use in the B-4 Zoning District. While a service shop is not defined in the zoning code, the code does list acceptable service shop uses as barbers, beauty and laundry as acceptable types of service shops.

Per section 12.02(3) of the Bellbrook Zoning Code, "Other uses, which in the opinion of the Planning Board are similar to the above uses indicated as being permitted. The Planning Board shall receive a written recommendation from the Village Review Board when considering other or additional uses in the Old Village District."

As per section 12.02(3), the Village Review Board met on 9/12/19 and recommended that the request be approved. Please see enclosed zoning code for a full list of approved uses for the B-4 Zoning District.

Surrounding Land Use within 1,000 Feet



W Franklin street is principally zoned as B-4 Central Business District. Going south from the subject property, becomes principally single family residential with some multifamily shown.

Previous Related Development Decisions in the Immediate Area (3 Years)

There has been no similar case in the immediate area.

Comprehensive Plan Applied to the Geographical Area

The 2019 Comprehensive Plan does not detail use breakdown.

Existing Public Utilities

The Central Business District has full access to all utilities, including City of Bellbrook water.

Soil Survey Data

Not Applicable

Classification of Streets, Traffic Volumes & Direction, Planned Improvements

The property is abutting W Franklin St (a major thoroughfare) to the north and S West Street to east.

Flood Plain Information

Not Applicable

Comments from City and County Agencies

Not Applicable

Supporting Documents, Maps & Graphics





CITY OF BELLBROOK

ZONING PERMIT - COMPLIANCE

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305
(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

APPLICANT INFORMATION

DATE RECEIVED 8/22/2019 PERMIT # _____
PROPERTY ADDRESS 41 W Franklin St. Bellbrook, OH ZONING DISTRICT R-1A
PROPERTY OWNER Joe Meyers PHONE NUMBER 937-673-1315
APPLICANT NAME Amanda Haydon PHONE NUMBER 937-623-6982

REQUEST INFORMATION

BUSINESS NAME Luminary Microblading and Tattoo Design
BUSINESS MAILING ADDRESS 41 W Franklin St. Bellbrook, OH
EXISTING USE Vacant space PROPOSED USE Permanent Art
DESCRIPTION - INCLUDE SPECIFIC TYPE OF USE, HOURS OF OPERATION NUMBER OF EMPLOYEES AND OTHER PERTINENT INFORMATION
Permanent Makeup, art / hours: 9am-6pm /
3 employees / shop will be ran on single and disposable
use / tools.

PLEASE PROVIDE A FLOOR PLAN SHOWING INSIDE WALLS/DOORS AND EXTERIOR WINDOWS/DOORS AND ANY OTHER PERTINENT SITE CHARACTERISTICS. ADDITIONALLY, OTHER INFORMATION MAY BE REQUIRED FOR OCCUPANCY PERMIT REVIEW THROUGH THE GREENE COUNTY DEPARTMENT OF BUILDING REGULATION.

I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL FOR ANY ADMINISTRATIVE REVIEW, CONDITIONAL USE PERMIT, VARIANCE, OR EXCEPTION FROM ANY OTHER CITY REGULATIONS WHICH ARE NOT SPECIFICALLY THE SUBJECT OF THIS APPLICATION. I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A BUILDING OCCUPANCY PERMIT. I UNDERSTAND FURTHER THAT I REMAIN RESPONSIBLE FOR SATISFYING REQUIREMENTS OF ANY PRIVATE RESTRICTIONS OR COVENANTS APPURTENANT TO THE PROPERTY.

I CERTIFY THAT I AM THE APPLICANT AND THAT THE INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT THE CITY IS NOT RESPONSIBLE FOR INACCURACIES IN INFORMATION PRESENTED, AND THAT INACCURACIES MAY RESULT IN THE REVOCATION OF THIS ZONING CERTIFICATE AS DETERMINED BY THE CITY. I FURTHER CERTIFY THAT I AM THE OWNER OR PURCHASER (OR OPTION HOLDER) OF THE PROPERTY INVOLVED IN THIS APPLICATION, OR THE LESSEE OR AGENT FULLY AUTHORIZED BY THE OWNER TO MAKE THIS SUBMISSION.

I CERTIFY THAT STATEMENTS MADE TO ME ABOUT THE TIME IT TAKES TO REVIEW AND PROCESS THIS APPLICATION ARE GENERAL. I AM AWARE THAT THE CITY HAS ATTEMPTED TO REQUEST EVERYTHING NECESSARY FOR AN ACCURATE AND COMPLETE REVIEW OF MY PROPOSAL; HOWEVER, AFTER MY APPLICATION HAS BEEN SUBMITTED AND REVIEWED BY CITY STAFF, I UNDERSTAND IT MAY BE NECESSARY FOR THE CITY TO REQUEST ADDITIONAL INFORMATION AND CLARIFICATION.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

APPLICANT SIGNATURE Amanda Haydon DATE 8/22/2019

OFFICE USE ONLY		
PERMIT FEE <u>\$20.00</u>	PAYMENT TYPE CASH <input type="checkbox"/> CHECK <input type="checkbox"/> II	REVIEW AUTHORITY ADMINISTRATIVE <input type="checkbox"/> BZA <input type="checkbox"/> VRB <input type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	DATE <u> </u> / <u> </u> / <u> </u>	
APPROVED-CONDITIONS <input type="checkbox"/>	STAFF SIGNATURE _____	

ZONING PERMIT - COMPLIANCE

OCTOBER 2017

Staff Recommendation

Staff would recommend approval as the proposed use was approved by the VRB and does not seem to significantly differ from other, approved, service shop uses.

ARTICLE 12

B-4 CENTRAL BUSINESS DISTRICT

12.01

INTENT:

This district is designed to provide for a restricted variety of retail stores and related activities and for office buildings and service establishments which occupy the prime retail frontage in the Central Business District, and which serve the comparison, convenience and service needs of a consumer population well beyond the corporate boundaries of the Municipality. The district regulations are also designed to provide for a centrally located major shopping complex which will be serviced with conveniently located off-street parking compounds and safe pedestrian movement, but to exclude non-retail uses which generate a large volume of truck traffic.

12.02

PERMITTED PRINCIPAL USES:

(1) Any generally recognized retail business, service establishments or processing uses as follows:

(a) Those uses permitted in all residential districts.

(b) Apparel shops, including specialty shops of all sorts, shoe stores and similar uses.

(c) Shops selling automobile parts and accessories exclusively.

(d) Banks, loan offices, stock exchange office and other financial institutions.

(e) Commercial recreation facilities such as bowling alleys or movie theaters.

(f) Department Stores.

(g) Drug Stores.

(h) Eating and drinking-restaurants or other places serving food and/or beverages.

(i) Food stores including supermarkets and all types of specialty food stores such as bakeries, candy stores and similar uses.

Article # 12, B-4, Central Business District

- (j) Furniture and appliances, including rugs, floor coverings, drapery, sewing machine shops used furniture, office equipment, supplies and similar uses.
- (k) Gift shops, camera shops, record shops and similar uses.
- (l) Hardware and related stores as paint, wallpaper and similar uses.
- (m) Hotels and motels.
- (n) Professional and other offices drawing a large number of clients and/or customers such as, but as not restricted to:
 - (1) Chamber of Commerce, Automobile Clubs.
 - (2) Doctors, dentists, lawyers, architects.
 - (3) Insurance, realtors, unions.
 - (4) Post office.
 - (5) Utility Office.
- (o) Publishing and printing.
- (p) Repair shops such as shoe and watch repair.
- (q) Service shops as barber, beauty, laundry, cleaner and similar uses.
- (r) Travel agencies.
- (s) Variety Stores.
- (2) Public and semi-public buildings and privately-owned schools such as but not restricted to:
 - (a) Churches.
 - (b) Fraternal organizations.
 - (c) Library.
 - (d) Municipal Offices.

Article # 12, B-4, Central Business District

(e) Parking garages.

(f) Nursery school, provided that there is compliance with State requirements regarding space for play area per child either on-site or in a public play area no more than one (1) block from the facility.

(3) Other uses, which in the opinion of the Planning Board are similar to the above uses indicated as being permitted. The Planning Board shall receive a written recommendation from the Village Review Board when considering other or additional uses in the Old Village District. The following uses are expressly prohibited:

(a) Adult Entertainment Facilities,
(See Article #18, Section 18.30);

(b) Auto service stations;

(c) Mechanized car wash facilities; and

(d) New or used auto sales lots or showrooms.

(4) Off-street parking facilities provided according to the provision of Section 18.16 excluding multi-story parking garages.

12.03

ACCESSORY USES:

Accessory structures and uses customarily incidental to the above permitted uses.

12.04

YARD REQUIREMENTS:

In a Central Business District Zone, the following yard areas shall be provided:

(1) Front Yards: No front yard shall be required except where the frontage on one (1) side of a block is divided between a Central Business District and a residential district, or across the street from a residential district, the front yard requirement of the residential zone shall apply to the area in the Central Business District.



To: Planning Board
From: Jeff Green, Planning and Zoning Assistant
Date: September 18, 2019
Subject: Staff Report for Amendment to Section 3 Phase 1 HT Final Dev. Plan

Summary of the Request

A proposal by Katherine and James Cyphers to amend the approved final development plan for the Highview Terrace Subdivision. The proposal would seek to amend the approved walking path easement located within the development.

Applicant Information

Applicant: Katherine & James Cyphers

Developer: Clemens Development Co
3899 Indian Ripple Rd STE G
Dayton OH 45440

Current Zoning District

PD-1 (Planned Development Residential)

Parcel Identification

Additional Actions or Next Steps to be taken by the City

The Planning Board would make a recommendation to City Council. Council would have the final authority to approve or deny the request. Council approved the plan in 2017 with a condition that any change to the walking path would require council approval.

Applicant's Reason for the Request

Per the narrative submitted, the applicant is requesting that a minor amendment be made to the approved final development plan to remove the walking path easement between lot 50 and 51. The applicant gives the reasons of: hazardous terrain, steep elevation, and dangerous location as the reason for the request. Per the applicant, there have been a few accidents located along the easement given its elevation. The applicants advise that they are concerned regarding the liability of the existing walking path easement. It should be noted that per Ordinance 2016-5, the pedestrian access (walking path) is to be owned and maintained by the HOA.

The Planning Board heard this case on 8/22/19 and tabled for the Planning Board to tour where the proposed walking path will go from the entrance at Dot's Parking lot up to Lots 50 and 51. At the meeting several residents of Highview Terrace spoke for and against the request, please find those people that spoke and their points summarized below:

Oppose Walking Path

- 1) James and Katherine Cpyhers : Steep topography, groups of people have come up close to their house, located within a flood plain, would prefer a path along Little Sugarcreek (street). Biggest concern was the slope of the path and it being paved. Does not believe the hill can be regraded.
- 2) Bill Dahling (1839 Sugar Maple Pl): Old path before the lots were developed was to step for emergency vehicles, new path is even steeper. Existing gravel is dangers when wet or frozen and will no longer use the path to walk.

For Walking Path

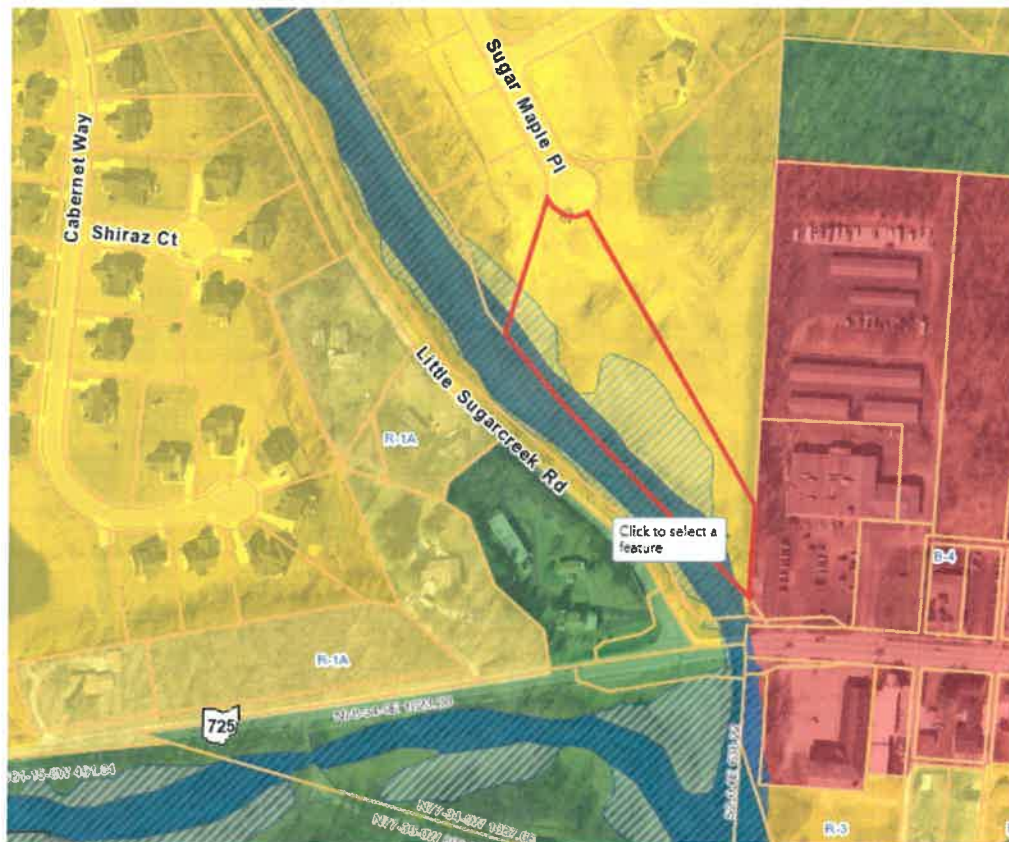
- 1) Ryan Kramer and Sean Antosh (1911 Sugar Mapl Pl): They have never seen the path actually flood, believes silt/runoff is mostly due to construction; stated owners of lots 51 and 52 were in favor of the walkway. Not in of the thinking that only Highview Terrace residents should be able utilize the path, does not want Highview Terrace to be a gated community. Believes the property can be regraded
- 2) Alan Harman (1885 Sugar Maple): echoes the idea that everyone wants/needs a good path. Currently people are using it so building an actual path doesn't get rid of liability. Echoes Little Sugarcreek Road is not a safe walking path.
- 3) Brian Wentrell (Lots 53 and 54): Wished to express their desire to keep the path
- 4) Michelle Cutting (1877 Sugar Maple): echoed want to keep the path. Stated it was always an understanding that there would be community access.
- 5) Mark and Ruth Weller (Email): Support the walking path and believe it to be "priceless" amenity to the community and those who live in Highview Terrace.
- 6) Ron and Cindy Widerholt (3654 River Birch Dr.) - Email received 9/16/19. Supports the walking path in its current form and would like it to remain open to the public.

I have spoken to Ryan Pasley, Bellbrook Service Director, regarding the request. Mr. Pasley advised that regrading of the existing hill should not happen due to utilities placed within the easement. Mr. Pasley further explained that by

placing more dirt (to even the grade) should not be done as it would serve to further bury the utilities placed there and make it more difficult for them to be serviced.

Please find the attached narrative for the applicant's full reasoning.

Surrounding Land Use within 1,000 Feet



Highview Terrace is zoned as PD-1, with lot 50 abutting Dot's Supermarket and Little Sugar Creek. Lot 50 is partially located within the floodplain/way as can be seen above

Previous Related Development Decisions in the Immediate Area (3-5 Years)

Highview Terrace Section 3 Phase 1 was recorded in September 2017. A copy has been included in the packet titled "Approved Final Development Plan"

Comprehensive Plan Applied to the Geographical Area

The 2019 Comprehensive Plan does identify the need the lack of pedestrian connections to downtown at the "Walkable Community Workshop." The plan further states that connection from Magee Park to downtown could create a linkage to the subdivisions along Little Sugarcreek Road.

Existing Public Utilities

N/A

Soil Survey Data

Not Applicable

Classification of Streets, Traffic Volumes & Direction, Planned Improvements

Not Applicable

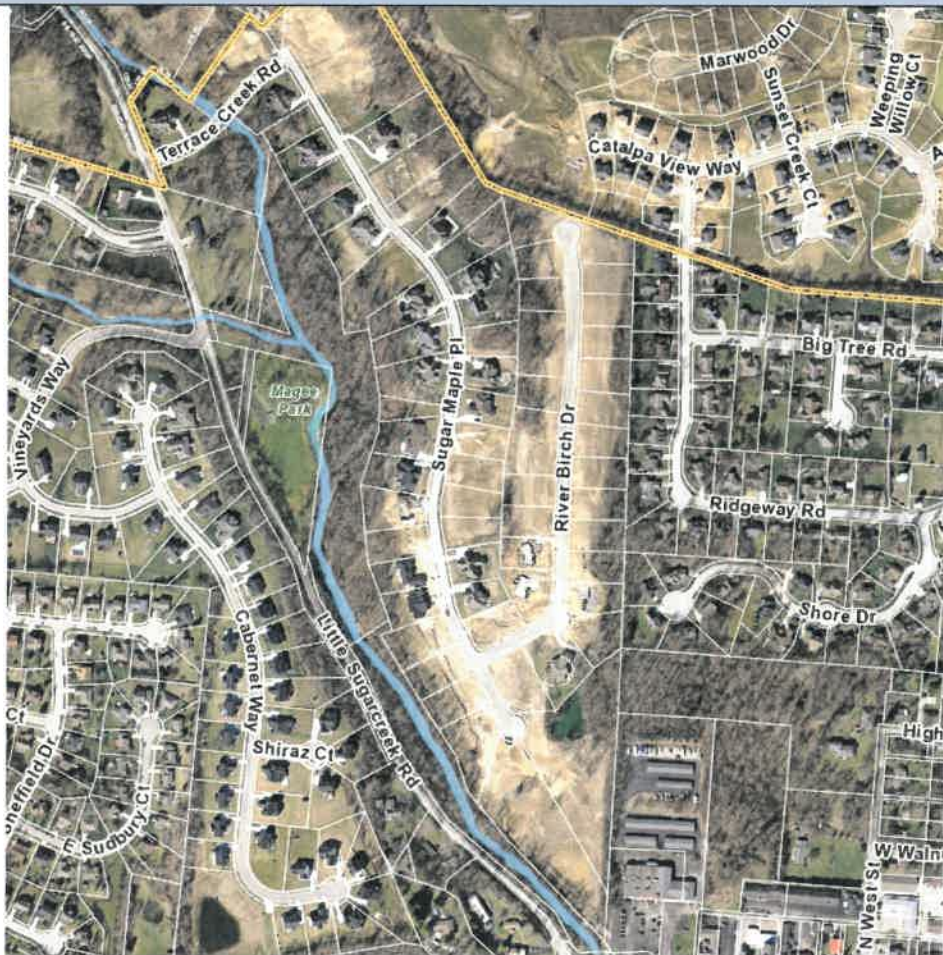
Flood Plain Information

Partially located within the flood plain.

Comments from City and County Agencies

Not Applicable

Supporting Documents, Maps & Graphics











James and Katherine Cyphers

To: Bellbrook Planning Board

Subject: Request minor change to walking path easement on lot 50/51

We are requesting a minor change to lot 50 in Highview Terrace to amend pedestrian access path in lot 50/51 due to the extremely hazardous terrain, steep elevation and dangerous location to ensure the safety and general welfare of residents and citizens. It is not acceptable to have someone fall down a hill and get injured again.

The Record plan has a pedestrian access path outlined in lot 50/51 traversing down a steep hill, over five open storm drains and manhole covers, into a drainage & detention basin pond, and into major flood zone area along Little Sugar Creek.

The pedestrian access path was added to Record Plan map in Resolution 2017-K PRIOR to development of the lots/houses and without knowing the topography or location of existing storm and sewer drains and flood zone. Now that our home is built and lot 50 has been graded, we see the impact of the location. Not only is the location dangerous to the safety of the citizens, it does not adhere to flood damage prevention because it is in a designated special flood zone area.

This is a very dangerous situation. Within the first weeks of living in our home (June 3), we had already witnessed one injury from a girl falling off her bike and then trying to walk up the hill with one shoe. She had to walk her bike up another hill because it was too steep, just to get to the top and make it to the roadway.

On another occasion (June 10), a young man slipped down the hill when it was wet and continued along the flooded area along the retention pond basin.

We have also witnessed Little Sugar Creek flooding over the bank and into lot 50. In July, we noticed four people walking with no shoes and looking into the flooded creek. They had been washed into the flood zone when a flash flood hit the creek following a storm. They were pushed down the creek from wading in Magee Park.

Just as recently as August 15th, we saw an accident along lot 50. A live power line was down. DP&L was working to install a new underground line, but until that could be completed, there was a live power line on the ground across the path lines. Thankfully we discovered this when the company was on site for repair, but I shudder to think what would have happened had anyone been walking along the path and did not notice it.

There will certainly be more severe accidents if this path exists in the current intended location. We recommend implications of future liability be considered because the City Staff required the path be added to this location and imposed on

the HOA. The Highview residents did not request a path be added down a steep hill.

Staff listed condition 4 of Ordinance 2016-5: The pedestrian access path will be located between lot #51 and lot#74. If path needs to be relocated in the future, it will require Council Approval.

Since then, lot #74 has become lot#50. Lot sizes and topography has changed, stormwater and sewer drains have been installed, detention pond installed, and flood zone issues are present.

It is imperative this path be removed from lot 50/51 entirely, or at minimum, revert to original location in lot 55 to ensure the safety and welfare of the residents and citizens of Bellbrook. The preliminary plan had walkway easement along safe flat ground and natural path with easement in Vol 524 PG 278. There are no steep hills, no sewer drains, no open manhole covers, and flat terrain.

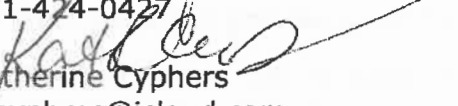
We believe a mistake was made in the location as the lots have changed significantly from 2016 to current. The topography was unknown; sewer drains, manhole covers, and detention ponds were unknown and not indicated; nor was the flood zone designated on the map when the revision was considered in 2016. Unfortunately, this has created a very dangerous location and liability issues.

We have attached three maps for consideration. 2016 revised preliminary plan reflecting previous walkway, 2017 record plan with added walkway on hill in flood zones, and new proposed plan.

We appreciate the opportunity to address the issue and look forward to working together to ensure the safety and welfare of the citizens as well as prevent hazardous floodplain use.

Regards,


James Cyphers
Jamescyphers@ymail.com
571-424-0427


Katherine Cyphers
krcyphers@icloud.com
571-232-5214



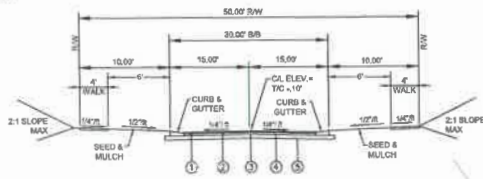
CONTROL POINTS			
DESCRIPTION	NORTHING	EASTING	ELEVATION
RES #119 'MAG NAIL SET	462905.41	1521374.40	826.76
RES #111 'MAG NAIL SET	461272.76	1524244.84	826.99
RES #112 'MAG NAIL SET	461191.01	1524121.47	—

KEY NOTE LEGEND

- EX. 8" WATER LINE TO BE CUT & CAPPED AT R/W LINE & REMOVED EAST OF R/W LINE.
- PLUG EX. 8" R/W. EAST AT EX. MANHOLE. CUT EX. 8" SANITARY AT R/W. REMOVE ALL SANITARY FROM R/W TO THE EAST, INCLUDING MANHOLE. FILL EX. 8" SANITARY LINE FROM EX. 40" & 50" MARKS PLACED TO R/W WITH GROUT.
- REMOVE EX. CATCH BASIN TO AREA DRAIN AND REVISE TO GRADE.

LINE TABLE

LINE	BEARING	LENGTH	ELEVATION
1	N 77°40'26" W	29.93	826.76
2	N 85°28'58" E	86.66	826.76
3	S 45°58'42" E	28.79	826.76
4	S 28°26'14" E	133.87	826.76
5	S 49°51'14" E	501.72	826.76
6	S 34°58'41" E	301.90	826.76
7	S 24°20'17" E	299.49	826.76
8	S 33°03'15" E	1101.30	826.76
9	N 56°56'45" E	1112.68	826.76
10	N 30°13'21" W	803.27	826.76
11	N 37°33'31" W	276.32	826.76
12	N 44°13'29" W	569.31	826.76
13	N 35°57'54" W	419.02	826.76

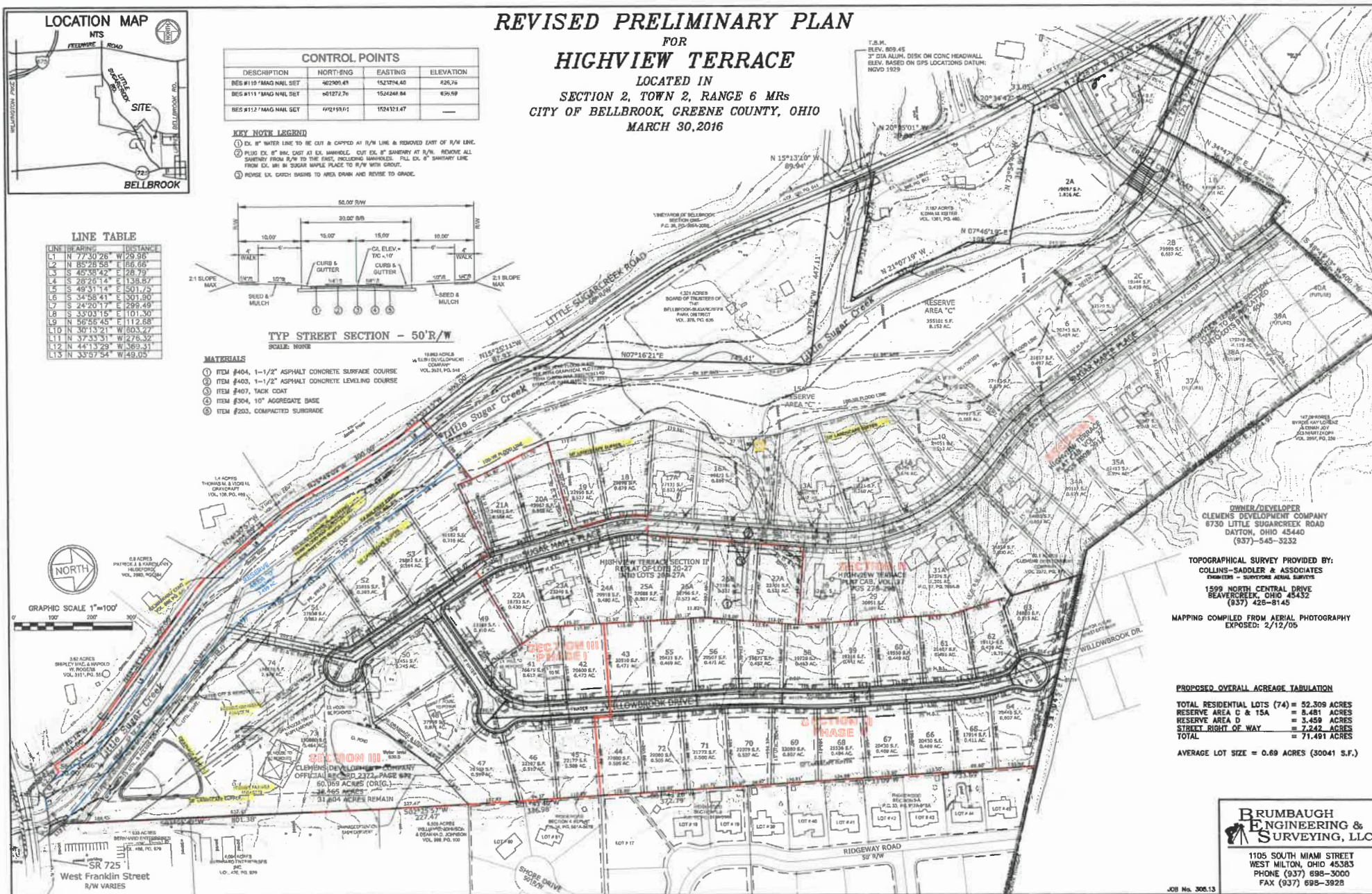


TYP STREET SECTION - 50' R/W

MATERIALS

- ITEM #404, 1-1/2" ASPHALT CONCRETE SURFACE COURSE
- ITEM #403, 1-1/2" ASPHALT CONCRETE LEVELING COURSE
- ITEM #407, TACK COAT
- ITEM #304, 10" AGGREGATE BASE
- ITEM #203, COMPACTED SUBGRADE

REVISED PRELIMINARY PLAN FOR HIGHVIEW TERRACE LOCATED IN SECTION 2, TOWN 2, RANGE 6 MRS CITY OF BELLBROOK, GREENE COUNTY, OHIO MARCH 30, 2016



OWNER/DEVELOPER
CLEMENS DEVELOPMENT COMPANY
6730 LITTLE SUGARCREEK ROAD
DAYTON, OHIO 45440
(937) 545-3232

TOPOGRAPHICAL SURVEY PROVIDED BY:
COLLINS-SADDLER & ASSOCIATES
THEIRTY-THREE SUMMIT AVENUE
1599 NORTH CENTRAL DRIVE
BEAVERCREEK, OHIO 45432
(937) 426-8145

MAPPING COMPILED FROM AERIAL PHOTOGRAPHY
EXPPOSED: 2/12/05

PROPOSED OVERALL ACREAGE TABULATION

TOTAL RESIDENTIAL LOTS (74) = 52,309 ACRES
RESERVE AREA C & 15A = 3,481 ACRES
RESERVE AREA D = 3,459 ACRES
STREET RIGHT OF WAY = 7,242 ACRES
TOTAL = 71,491 ACRES
AVERAGE LOT SIZE = 0.69 ACRES (30041 S.F.)

**BRUMBAUGH
ENGINEERING &
SURVEYING, LLC**

1105 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE (937) 698-3000
FAX (937) 698-3928

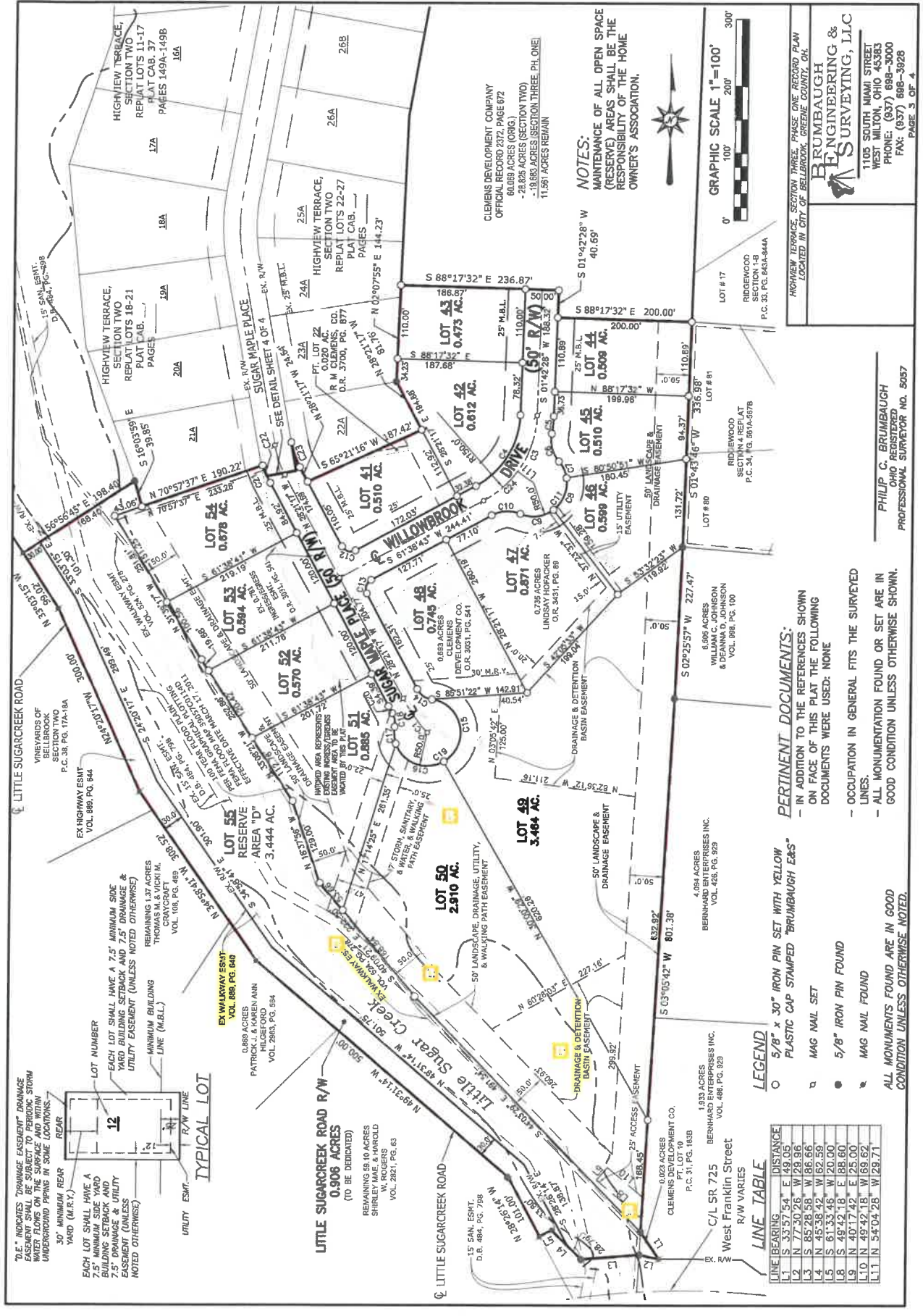
JOB No. 308.13

Ordinance 2016-5

Highview Terrace – Major Change to the Preliminary Plan

Conditions Approved by City Council May 9, 2016:

1. Transfer parkland to City of Bellbrook no later than December 31, 2016.
2. Require connection of water main to W. Franklin Street to loop the public water system.
3. Provide pedestrian access from Sugar Maple Place to remaining portion of existing driveway. This pedestrian access is to be owned and maintained by the Home Owners Association.
4. The pedestrian access path will be located between lot #51 and lot #74. If the path needs to be relocated in the future, it will require Council approval.
5. Ensure remaining portion of existing driveway is acceptable for pedestrian and public works vehicle access. Driveway is to be repaired/rehabbed to a smooth hard surface.
6. No parking signs on Sugar Maple Place from south side of lot #52 to end of cul-de-sac.
7. That all engineering conditions shall meet the approval of IBI Group.
8. Specifications for a gated emergency access:
 - a. Gate constructed by the developer on private property
 - b. Gate and structure maintained by the Homeowners Association
 - c. Gate should be equipped with a Knox Box to hold the key. Additional keys will be provided to the Bellbrook Police, Fire and Service Departments, as needed.
 - d. Gate opening width a minimum of 15' to accommodate fire and service vehicles.
9. Area on both sides of gate should be constructed with a roadway base to support fire and service vehicles. Minimum width for grass pavers in 15'. Access easement granted to the City for the width of the pavers.
10. Willowbrook Drive cul-de-sac considerations:
 - a. Varying from the revised preliminary plan approved by the Planning Board, the cul-de-sac will be shifted to the south to accommodate the gate
 - b. Location of fire hydrant – no water services beyond the location of the last fire hydrant.
 - c. No parking signs on Willowbrook Drive from north side of Lot #66 to end of cul-de-sac.
11. Coordinate final design of the gate, sidewalks, water main and other features with the City of Bellbrook, the IBI Group (the City's contract engineer), the developer of the Landings at Sugarcreek and Sugarcreek Township.



7.5" INDICATES "DRAINAGE EASEMENT" DRAINAGE EASEMENT SHALL BE LOCATED TO ALLOW STORM WATER FLOW ON THE SURFACE AND NOT THROUGH UNDERGROUND PIPING IN SOME LOCATIONS.

30' MINIMUM REAR YARD (M.R.Y.)

EACH LOT SHALL HAVE A 7.5' MINIMUM SIDE YARD BUILDING SETBACK AND 7.5' DRAINAGE & UTILITY EASEMENT (UNLESS NOTED OTHERWISE)

MINIMUM BUILDING LINE (M.B.L.)

REMAINING 1.37 ACRES THOMAS M. & VICKI M. VOL. 108, PG. 469

0.880 ACRES PATRICK A. & KAREN ANN HILGEBORD VOL. 288, PG. 594

EX WALKWAY ESENT VOL. 889, PG. 640

REMAINING 8.10 ACRES SHIRLEY ANN W. ROGERS VOL. 282, PG. 63

LOT 12

TYPICAL LOT

UTILITY ESENT.

R/W LINE

LOT NUMBER

EACH LOT SHALL HAVE A 7.5' MINIMUM SIDE YARD BUILDING SETBACK AND 7.5' DRAINAGE & UTILITY EASEMENT (UNLESS NOTED OTHERWISE)

MINIMUM BUILDING LINE (M.B.L.)

REMAINING 1.37 ACRES THOMAS M. & VICKI M. VOL. 108, PG. 469

0.880 ACRES PATRICK A. & KAREN ANN HILGEBORD VOL. 288, PG. 594

EX WALKWAY ESENT VOL. 889, PG. 640

REMAINING 8.10 ACRES SHIRLEY ANN W. ROGERS VOL. 282, PG. 63

LITTLE SUGARCREEK ROAD R/W
0.908 ACRES
(TO BE DEDICATED)

LEGEND

- 5/8" x 30" IRON PIN SET WITH YELLOW PLASTIC CAP STAMPED "BRUMBAUGH E&S"
- MAG NAIL SET
- 5/8" IRON PIN FOUND
- MAG NAIL FOUND

ALL MONUMENTS FOUND ARE IN GOOD CONDITION UNLESS OTHERWISE NOTED.

LINE	BEARING	DISTANCE
L1	S 33°57'54" E	49.05
L2	N 77°30'26" W	29.96
L3	S 85°28'58" W	86.66
L4	N 45°38'42" W	62.59
L5	S 61°33'45" W	20.00
L6	S 49°42'18" E	88.60
L7	N 40°17'42" E	25.00
L8	N 49°42'18" W	69.62
L9	N 54°04'28" W	29.71

PERTINENT DOCUMENTS:

- IN ADDITION TO THE REFERENCES SHOWN ON FACE OF THIS PLAT THE FOLLOWING DOCUMENTS WERE USED: NONE
- OCCUPATION IN GENERAL FITS THE SURVEYED LINES.
- ALL MONUMENTATION FOUND OR SET ARE IN GOOD CONDITION UNLESS OTHERWISE SHOWN.

HIGHVIEW TERRACE, SECTION THREE, PHASE ONE RECORD PLAN LOCATED IN CITY OF BRUMBAUGH, GREENE COUNTY, OH.

BRUMBAUGH ENGINEERING & SURVEYING, LLC

1105 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE: (937) 688-3000
FAX: (937) 688-3928

PAGE 3 OF 4

PHILIP C. BRUMBAUGH
OHIO REGISTERED
PROFESSIONAL SURVEYOR NO. 5057

NOTES:

MAINTENANCE OF ALL OPEN SPACE (RESERVE) AREAS SHALL BE THE RESPONSIBILITY OF THE HOME OWNER'S ASSOCIATION.

CLEMENS DEVELOPMENT COMPANY
OFFICIAL RECORD 2372, PAGE 872
60.853 ACRES (ORIG.)
- 28.828 ACRES (SECTION TWO)
- 18.883 ACRES (SECTION THREE, PH ONE)
11.881 ACRES REMAIN



OWNER / DEVELOPER
 CLEMENS DEVELOPMENT CO.
 6730 LITTLE SUGARCREEK RD.
 DAYTON, OHIO 45440
 PHONE: 937-545-3232
 ACQUIRED IN
 O.R. VOLUME 2372, PAGE 672

AREA SUMMARY

SITE ACREAGE: 19.883 ACRES
 LOTS: 13,929 ACRES
 STREETS & RIGHT OF WAY: 2,310 ACRES
 RESERVE AREA "D": 3.444 ACRES

**RECORD PLAN
 HIGHVIEW TERRACE
 SECTION THREE
 PHASE ONE**
 CONTAINING 19.883 ACRES
 LOCATED IN SECTION 2, TOWN 2, RANGE 6 MRs
 CITY OF BELLBROOK, GREENE COUNTY, OHIO
 SEPTEMBER 30, 2016



LINE DATA
 L1- S 33°57'54" E 49.05'
 L2- N 77°30'28" W 29.99'
 L3- S 85°28'58" W 86.66'
 L4- N 45°38'42" W 62.59'
 L5- S 61°33'46" W 20.00'

STATE OF OHIO
 VOL. 501, PG. 157
 0.291 ACRES

STATE OF OHIO
 VOL. 506, PG. 850
 0.176 ACRES

SHIRLEY MAE A
 HAROLD W. ROGERS
 VOL. 2621, PG. 43
 REMAINING 59.10 ACRES

PATRICK J. K. KAPEN ANN
 HALGET-ORD
 VOL. 2993, PG. 564
 0.869 ACRES

THOMAS M. GRAYCRAFT
 VICKI M. GRAYCRAFT
 VOL. 108, PG. 460
 REMAINING 1.37 ACRES

HIGHVIEW TERRACE
 SECTION THREE
 PHASE ONE
 (19.883 ACRES)

BERNHARD ENTERPRISES, INC.
 VOL. 499, PG. 1079
 1.933 ACRES

BERNHARD ENTERPRISES, INC.
 VOL. 499, PG. 525
 4.094 ACRES

STATE OF OHIO
 VOL. 698, PG. 110
 0.051 ACRES

WILLIAM C. JOHNSON &
 DIANNA D. JOHNSON
 VOL. 108, PG. 100
 6.509 ACRES

RIDGEWOOD
 SECTION 1 REPLAT
 P.C. 31, PG. 551A-557B

RIDGEWOOD
 SECTION 1-8
 P.C. 33, PG. 843A-844A

RIDGEWOOD
 SECTION 3-A
 P.C. 33, PG. 917A-918A

VINEYARDS OF
 BELLBROOK
 SECTION ONE
 P.C. 36, PG. 305A-306B

BOARD OF TRUSTEES OF THE
 BELLBROOK-SUGARCREEK
 PARK DISTRICT
 VOL. 375, PG. 636
 REMAINING 5.115 ACRES

EDNA M. KEITER
 VOL. 1861, PG. 490
 REMAINING 2.89 ACRES

HIGHVIEW TERRACE
 SECTION TWO
 (28.825 ACRES)
 PLAT C&B, 37, PAGES 278-288

HIGHVIEW TERRACE
 SECTION TWO
 PLAT C&B, 37, PAGES 278-288

HIGHVIEW TERRACE
 SECTION TWO
 REPLAT LOTS 3-36
 PLAT C&B, VOL. 7, PAGES 288A-289

HIGHVIEW TERRACE
 SECTION TWO
 REPLAT LOT 18
 PLAT C&B, VOL. 37, PAGES 290B-291A

INVERNESS GROUP, INC.
 VOL. 3566, PG. 931
 REMAINING 147.09 ACRES

BASIS OF BEARING

THE NORTH LINE OF CLEMENS
 DEVELOPMENT COMPANY, INC.
 60.069 ACRE TRACT AS
 RECORDED IN O.R. 2372 PAGE
 672 BEING N 71°00'45" W

PHILIP C. BRUMBAUGH
 OHIO REGISTERED
 PROFESSIONAL SURVEYOR NO. 5057

HIGHVIEW TERRACE, SECTION THREE, PHASE ONE RECORD PLAN
 LOCATED IN CITY OF BELLBROOK, GREENE COUNTY, OH.

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 PAGE 1 OF 4

2 WORKING DAYS
BEFORE YOU DIG
 CALL TOLL FREE 800-362-2764
 OHIO UTILITIES PROTECTION SERVICE

SUPERIMPOSITION MAP
 SCALE: 1"= 200'