

August 14, 2018



Memorandum for the Planning Board

City of Bellbrook

15 East Franklin Street
Bellbrook, Ohio 45305

T (937) 848-4666

F (937) 848-5190

www.cityofbellbrook.org

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



BELLBROOK PLANNING BOARD

PUBLIC MEETING MINUTES

JUNE 7, 2018

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

GUEST: Ms. Chris Ewing
Mr. Forrest Greenwood
Ms. Heather Juhascik
Mr. Ken LeBlanc

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.

OLD BUSINESS: None

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

Date

Jami Kinion, Secretary

Date



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)

Summary of the Request

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.

Applicant Information

Owners:

James Spangler & Bridget Katherine O'Malley
1842 Sugar Maple Pl
Bellbrook, Ohio 45305

Engineer:

John Brumbaugh PE, PS
Brumbaugh Engineering and Surveying
2270 South Miami Street
West Milton, Ohio 45383

Current Zoning District

PD-1: Planned Development

Parcel Identification

Lot 61: Parcel ID #L35000100030016200, 0.441 Acres

Lot 62: Parcel ID #L35000100030016300, 0.449 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. 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

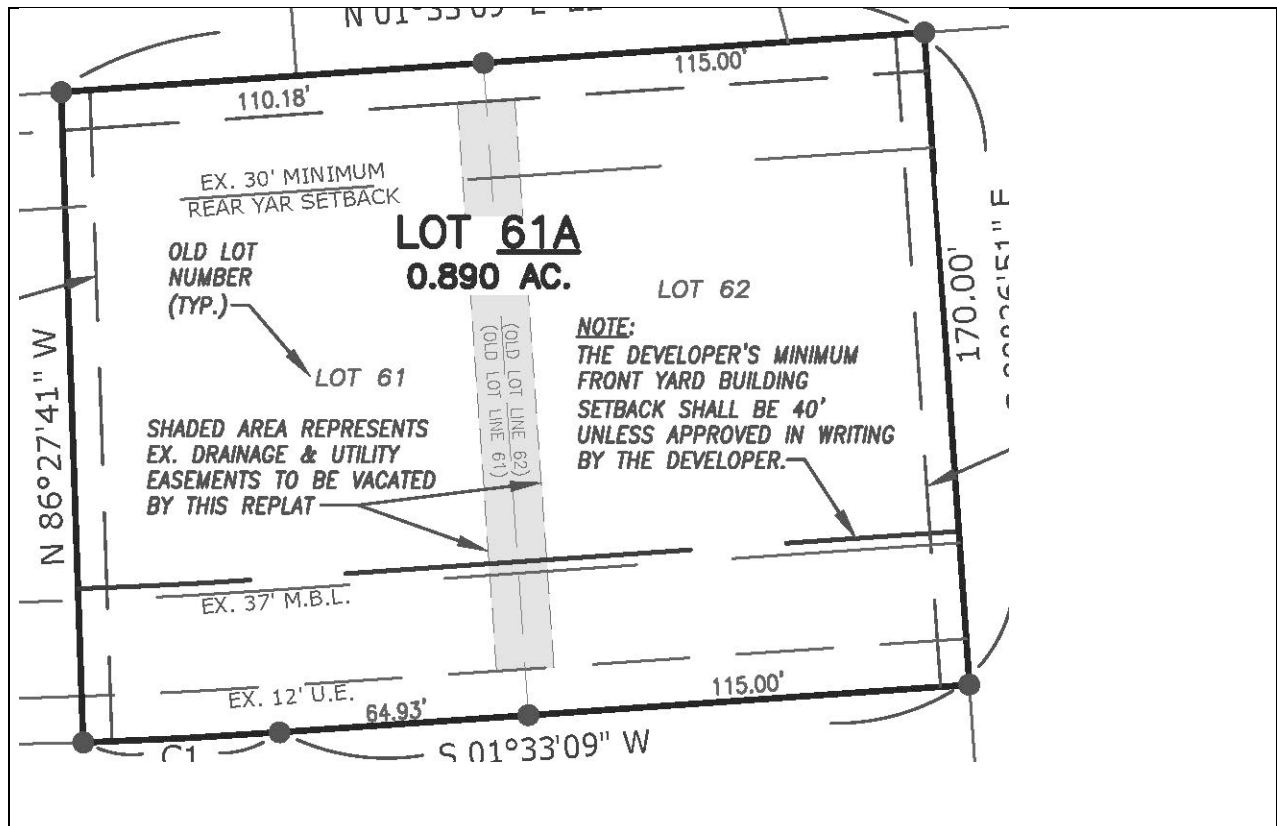
City Engineer: The City Engineer approves of the record plan and requested the utility providers to approve vacating the utility easement.

Other Agencies:
NA

Supporting Maps & Graphics

Replat - Enclosed



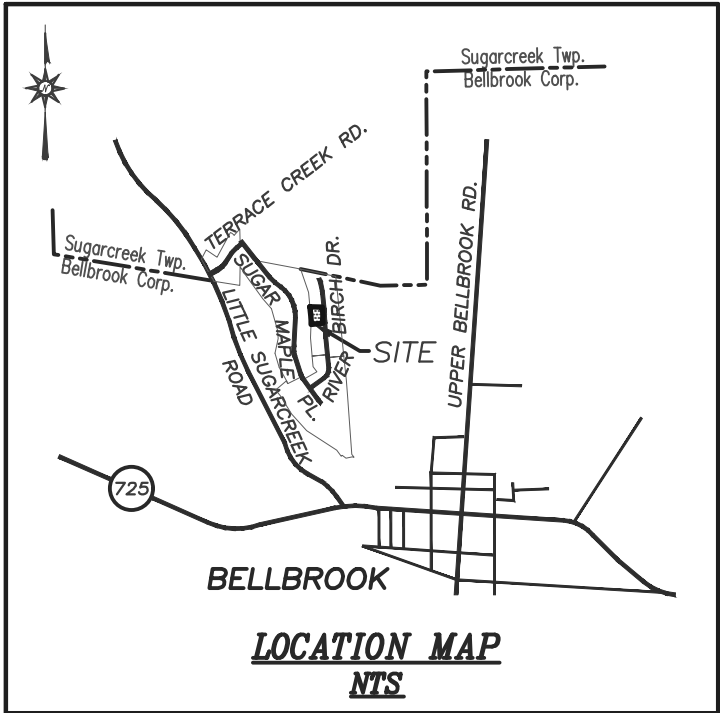


Staff Recommendation

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**

LOCATED IN
SECTION 2, TOWN 2, RANGE 6 M.R's.,
CITY OF BELLBROOK, GREENE COUNTY, OHIO
0.890 ACRES
AUGUST 9, 2018



DESCRIPTION

THE WITHIN RE-PLAT IS A SUBDIVISION CONTAINING 0.890 ACRES AND BEING ALL OF JAMES SPANGLER AND BRIDGET KATHERINE O'MALLEY LOTS 61 & 62 AS RECORDED IN RECORD PLAN HIGHVIEW TERRACE SECTION THREE, PHASE TWO, PLAT CABINET VOL. 38, PG's 269B-270B, ACQUIRED THROUGH INSTRUMENTS RECORDED IN INSTRUMENT # 2018002397 OF THE DEED RECORDS OF GREENE COUNTY OHIO.

STATE OF OHIO, S.S.: JAMES SPANGLER, 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.

JAMES SPANGLER
SWORN TO AND SIGNED IN MY PRESENCE ON
THIS _____ DAY OF _____, 20__.

NOTARY PUBLIC

BELLBROOK PLANNING BOARD:

CHAIRMAN _____

SECRETARY _____

BELLBROOK COUNCIL:

MAYOR _____

CLERK OF COUNCIL _____

GREENE COUNTY AUDITOR:

WE HEREBY APPROVE AND ACCEPT THIS PLAT 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 _____

_____, 20__ AT _____ M.

RECORDED THIS _____ DAY OF _____, 20__.

GREENE COUNTY RECORDER _____

CERTIFICATION

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, THAT THIS PLAT REPRESENTS A FIELD SURVEY OF MARCH, 2018 PERFORMED UNDER THE DIRECT SUPERVISION OF PHILIP C. BRUMBAUGH AND THE MONUMENTS, THEIR LOCATION, SIZE & MATERIAL SHOWN HEREON EXIST AS LOCATED OR WILL BE SET AS INDICATED, ALL DIMENSIONAL DETAILS ARE BELIEVED CORRECT AND THAT THE SUBDIVISION RULES FOR THE CITY OF BELLBROOK, OHIO HAVE BEEN COMPLIED WITH.

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

DEDICATION

WE, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LANDS HEREIN PLATTED, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AS SHOWN HEREON, AND DO DEDICATE EASEMENTS AS SHOWN HEREON TO THE PUBLIC USE FOREVER. EASEMENTS SHOWN ON THE WITHIN PLAT ARE RESERVED FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, GAS, SEWER, ELECTRIC, TELEPHONE OR OTHER UTILITIES OR SERVICES, AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES AND FOR THE PROVIDING OF INGRESS AND EGRESS TO THE PROPERTY FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

SIGNED AND ACKNOWLEDGED OWNERS LOTS 61 - 62:
JAMES SPANGLER AND
IN THE PRESENCE OF: BRIDGET KATHERINE O'MALLEY

WITNESS _____ BY: JAMES SPANGLER

WITNESS _____ BY: BRIDGET KATHERINE O'MALLEY

STATE OF OHIO, S.S.:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 20__, BY JAMES SPANGLER AND
BRIDGET KATHERINE O'MALLEY AS OWNERS.

NOTARY PUBLIC

SIGNED AND ACKNOWLEDGED LIENHOLDER:
IN THE PRESENCE OF: _____

WITNESS _____

BY: _____
(PRINTED NAME)

ITS: _____
(PRINTED TITLE)

STATE OF OHIO, S.S.:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 20__, BY _____

BY _____, IT'S _____
AS LIENHOLDER.

NOTARY PUBLIC

COVENANTS, CONDITIONS AND RESTRICTIONS:

THE LOTS OF THE 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, PG'S 450-483 & O.R. VOL. 2795, PG'S 619-637 OF THE DEED RECORDS OF GREENE COUNTY, OHIO AND SHALL BE IN EFFECT FOR HIGHVIEW TERRACE, SECTION THREE AND INCLUDING THIS RE-PLAT.

HIGHVIEW TERRACE SECTION THREE PHASE TWO RE-PLAT OF LOTS 61 & 62
LOCATED IN CITY OF BELLBROOK, GREENE COUNTY, OH.

**BRUMBAUGH
ENGINEERING &
SURVEYING, LLC**

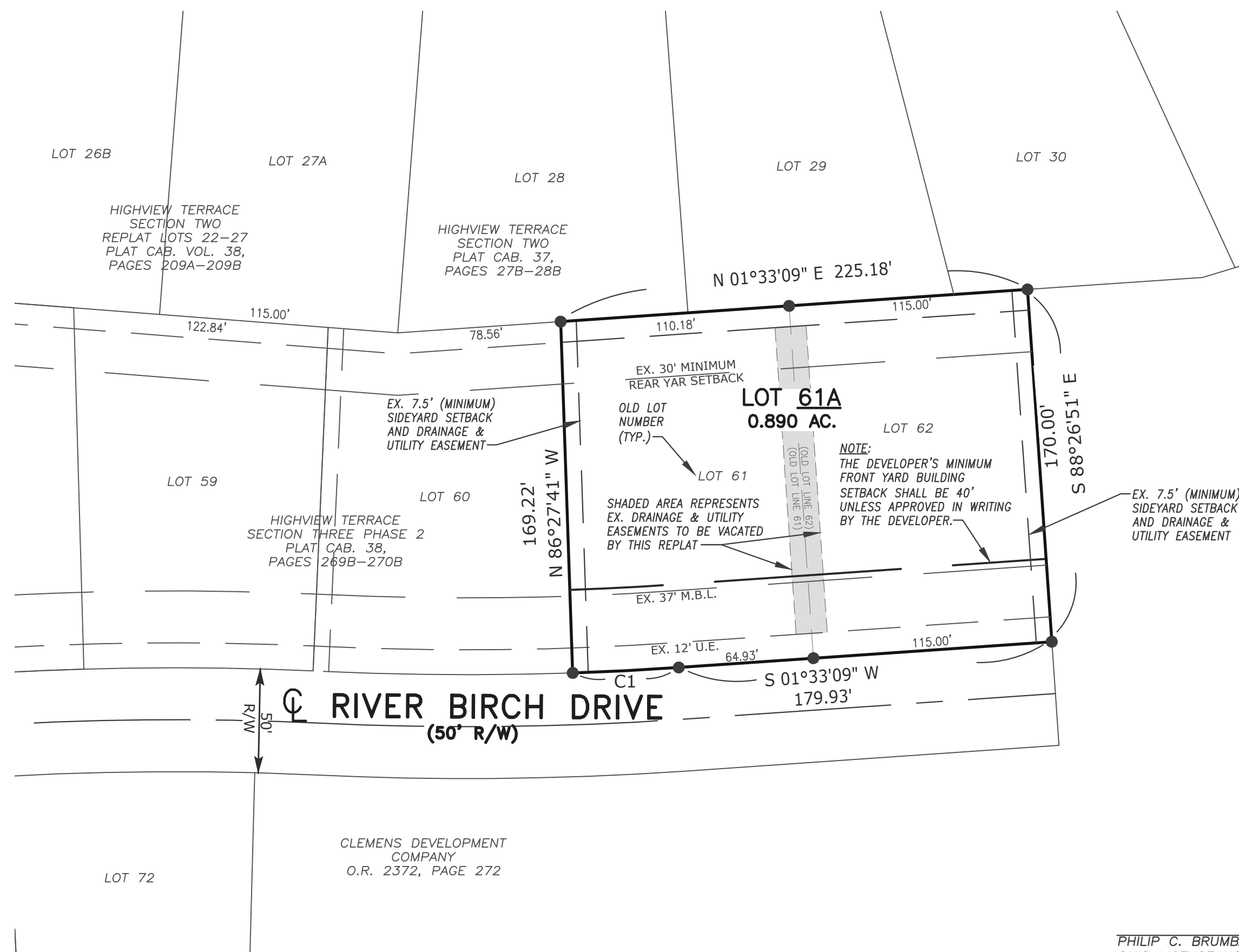
2270 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PHONE: (937) 698-3000
FAX: (937) 698-3928
JOB No. 394.18 SHEET 1 OF 2

- 5/8" IRON PIN FOUND

ALL MONUMENTS FOUND ARE IN GOOD CONDITION
UNLESS OTHERWISE NOTED.

LOCATED IN
SECTION 2, TOWN 2, RANGE 6 M.R.'s.,
CITY OF BELLBROOK, GREENE COUNTY, OHIO
0.890 ACRES
AUGUST 9, 2018

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	51.13'	1475.00'	1°59'10"	S 02°32'44" W	51.12'



NO BUILDING OR OTHER STRUCTURE SHALL BE LOCATED IN "DRAINAGE EASEMENT". MAINTENANCE OF SURFACE EROSION IN THE DRAINAGE EASEMENT IS THE RESPONSIBILITY OF THE PROPERTY OWNER. SEE THE "DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS" FOR FURTHER BUILDING RESTRICTIONS.



BEARING OF BASIS:
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

HORIZONTAL SCALE 1"=50'



NOTES:

1. ALL LOTS IN THIS SUBDIVISION 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 HOMEOWNERS' 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 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.

PERTINENT DOCUMENTS:

REFERENCE 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 IS IN GOOD
 CONDITION UNLESS OTHERWISE SHOWN.

HIGHVIEW TERRACE SECTION THREE PHASE TWO RE-PLAT OF LOTS 61 & 62
LOCATED IN CITY OF BELLBROOK, GREENE COUNTY, OH.



BRUMBAUGH
ENGINEERING &
SURVEYING, LLC

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

JOB No. 394.18

SHEET 2 OF 2

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

DATE _____