

## Planning Board Meeting February 20, 2020, 6:00 pm Agenda

- 1. Call to Order
- 2. Roll call
- 3. Approval of prior minutes of January 16, 2020
- 4. Old Business:
  - Zoning Code Update Discussion
    - o Article 18.20(b) progress
    - Article 14 progress
- 1. New Business:
  - 20-011-PB-119 E Franklin conditional use
- 2. Open Discussion
- 3. Adjournment



# PUBLIC MEETING MINUTES January 16, 2020

**PRESENT:** Mr. Tim Tuttle

Mr. Ed Stangel

Mr. Denny Bennett

Chairman Mitchell Thompson

**ABSENT**: Mr. Brady Harding

Jessica Hansen Planning and Zoning Administrative Assistant was also in attendance.

#### **CALL TO ORDER**

Chairman Thompson called the meeting of the Planning Board to order at 6:00 PM. The Clerk called the roll. Mr. Tuttle, yes; Mr. Stangel, yes; Mr. Bennett, yes; Chairman Thompson, yes.

Mr. Bennett made a motion to excuse Mr. Harding from the meeting. Mr. Stangel seconded the motion. All in favor. Motion passed 4-0

#### **FORMAL APPROVAL OF MINUTES**

Chairman Thompson asked if there were any corrections or additions to the minutes of October 10, 2019. Being no changes, the minutes are approved as written.

#### SELECTION OF CHAIR AND VICE-CHAIR

Mr. Stangel nominated Mitchell Thompson as Chairman. This was seconded by Mr. Bennett. The Clerk called the Roll. Mr. Stangel, yes; Mr. Bennett, yes; Mr. Tuttle, yes. Mr. Thompson was elected as Chairman.

Mr. Stangel nominated Mr. Bennett as Vice Chair. Mr. Tuttle seconded the motion. The Clerk called the roll. Mr. Stangel, yes; Mr. Tuttle, yes; Mr. Thompson, yes. Mr. Bennett was elected as Vice Chairman.

Planning and Zoning Administrator Jessica Hansen introduced herself to the board and gave a synopsis of her education and work experience.

#### **OLD BUSINESS**

Update on 2019 Cases.

The owners of the Microblading business is no longer moving into the downtown office space.

#### **ZONING CODE UPDATES**

The board members discussed the list of prioritized zoning code updates. With the information provided by Mrs. Hansen, the list was reordered to facilitate progress.

- Triggers for subdivision regulations. Bellbrook's Code is almost exactly from the Ohio Revised Code until 711.133. Bellbrook's code but needs to add "as amended."
   Mrs. Hansen explained that subdivision regulations are needed when land is prepared for a subdivision including planning roads and utilities. Although there are no current plans or available land around Bellbrook, future annexation would need these codes in place.
  - a. Lot Consolidation
- 2. Habitual Offenders.

This also led to a discussion about the process for reporting property complaints. The online form doesn't require the reporter to identify themselves. The board would like to ensure the option to submit a complaint anonymously.

Mrs. Hansen supplied an example from the Kettering Property Maintenance Code that is better defined that the present Bellbrook code.

There are offenders of other code violations other than property maintenance such as permitted use violations.

Mrs. Hansen added that the board needs to look at the amount of the fines and make decisions on an agreed upon amount.

3. Fee Analysis – Mrs. Hansen presented a fee analysis spreadsheet she created that compared Bellbrook's residential permit fees with other similar municipalities including Yellow Springs, Xenia, Sugarcreek Township, and Beavercreek. As she spoke with other Zoning administrators, they realized that some of the fees are inadequate for the amount of work required. The spreadsheet showed similarities and differences in amounts. Mrs. Hansen added a recommendation on whether to keep or change each kind of permit fee.

The board appreciated the work put into the spreadsheet. They asked if comparisons with areas with similar demographics to Bellbrook such as Brookeville and Germantown but in different counties.

Mrs. Hansen presented an example of the work and cost involved in approving a sign permit in downtown. The current sign permit fee is \$50.00. Her calculations found the cost equals \$76.83 for a simple request. The purpose was to provide information to balance against the idea that permit costs should not be a burden to business owners.

4. Sign Code – Mrs. Hansen explained the process required for a business to put up a new or changed sign. If the business is in the B4 Village District, it must first submit a request for a Certificate of Appropriateness (COA) from the Village Review Board. This requirement is regardless if the sign meets all the existing codes and even if it is temporary.

The Board discussed and agreed that this code should be amended to remove the requirement for signs that meet all of the code or are temporary be approved by the Zoning Administrator without requiring a hearing even if the business is in the B4 Village District. Mr. Thompson proposed that this item will provide an immediate benefit and should be completed within the next four months as other pertinent codes are being updated. Mrs. Hansen answered that she could have this completed within four months. She cautioned that at a previous time it was proposed to remove temporary signs from the responsibility of the Village Review Board hearing, but the Village Review Board wanted to retain that requirement.

Mr. Bennett expressed his opinion that maybe the Village Review Board should be removed as they are a hindrance to downtown development.

Mr. Tuttle asked about the process to make code changes. Mrs. Hansen explained that the Planning Board can vote to make recommendations for Zoning Code changes to City Council since they were the board who created the Village Review Board. It is then Council's final decision to make.

#### **NEW BUSINESS**

Lot 176 Winter Haven Block F

The owner, Dan Devol, Devol Builders is requesting initial feedback from the Planning Board concerning a proposed site plan. This is a revised plan for an office for his business and is 1438 square feet and meets all of the setback requirements for the O-1 Office Building District.

Mr. Bennett submitted a letter from Brady Harding listing his concerns which are:

- 1. Was is the percentage of lot coverage versus green space?
- 2. The board needs to see the official plan for parking spaces.
- 3. How many customers per day are projected to visit the office?
- 4. It looks as if the floor plans submitted are flipped.
- 5. What are the details of the curb cut?
- 6. Parking questions
- 7. Are there plans for landscape screening?

Mrs. Hansen added that she does not anticipate that the location will be used for anything other than an office. The lot is at a busy intersection however both the Sheriff and the Service Director believe this proposed use with not cause any issue. The site is on a lot smaller than the other residential lots near it.

The board requested that their questions be delivered to the property owner.

#### COMPREHENSIVE PLAN GANTT CHART REVIEW

The board looked at the chart and the items that have been started. They then discussed which items could be prioritized.

#### Goals discussed:

- 1.2 Create a Special Active Downtown Overlay Mrs. Hansen stated that she could complete this goal in a short amount of time. It outlines the main business section of town.
- 1.3b Amend zoning code to reflect short term recommendations the zoning code updates being started by the board would be included in this goal.
- 2.1 Become a Certified Local Government The City Manager is the person responsible for meeting this goal.
- 2.2 Develop a Historic Site Inventory Mrs. Hansen explained that she had been in contact with Greene County about the regulations required to develop a historic site inventory. This will aid in making the building codes more defined and easier to work with.
- 5.1 Implement the pedestrian, bike, and multiuse path plan. The City Manager has attended meetings with Greene County to discuss the Master Trails Plan.

#### **OPEN DISCUSSION**

- Mr. Bennet welcomed Mr. Tuttle to the Planning Board. He also introduced himself explaining that he worked for Xerox for 42 years and served on City Council for 16 years.
- Mr. Tuttle introduced himself to the Board. He worked for Clark County Auditor's Office for 12 years in several areas. He has a degree in finance. After moving out of state for a few years he, his wife and their boys moved back to Ohio and his is staying home taking care of the kids.
- Mr. Stangel welcomed Mr. Tuttle and stated that he retired in 2012 after being a high school teacher for 35 years.
- Mr. Thompson introduced himself stating he retired after 22 years in the Air Force, was in Civil Service for 5 years, and now on staff at Riverside Research County.

#### <u>ADJOURNMENT</u>

Mr. Bennett moved to adjourn the meeting at 7:25 PM and was seconded by Mr. Harding.		
Mitchell Thompson, Acting Chairman	Date	
Pamela Timmons, Secretary	Date	



To: Planning Board

From: Jessica Hansen, City Planner

Date: February 18, 2020

Subject: 119 E Franklin St, Bellbrook Ohio 45305

#### Summary

The request is to operate a kitten rescue as well as distribute the remains of animals that have been cremated (offsite) from what was **Bellbrook Animal Hospital** at **119 E Franklin Street** in Bellbrook Ohio. The building will primarily be used for administrative services. Business hours will be from **8 a.m. – 5 p.m. Monday thru Friday**. One employee would work the office, and one for maintenance and cleaning. The applicant has filed for a conditional use/special use for the kitten rescue (kennels) and for the distribution of cremated remains.

#### **Applicant Information:**

Applicant Name: Stephen Grech (Francis Kennels)
 Applicant Address: 1984 Lower Bellbrook Road,

• Property Owner: Dr. Ann Bowers

Property Owner Address: 119 E Franklin Street, Bellbrook, Ohio 45305



#### **Property information:**

- Parcel Number: <u>L35000200050007600</u>
- Land Use: Greene County Auditors Land Use Code: 442 Medical Clinics and Offices
- **Bellbrook Comprehensive Plan:** Historic Mixed-Use Downtown-Area that represents traditional downtown Bellbrook area with a mixture of uses and historic structures.
- Current Zoning: B-4 Central Business District.
- Flood Plain: In 100 year Flood Plain District. 82 % of parcel is in the 100 year Flood Plain.



Highlighted amount of parcel in Flood Plain

- WO/WP: In Wellhead Protection District.
- Acres: .71
- OdB Ockley-Urban Land Complex, Undulating Soils

#### Available Water Storage 0 - 150 cm

#### 19.83 cm

Available Water Storage is the volume of water available to plants that the top 150 cm of soil can store. Values are the weighted average of soil components in this map unit.

#### Soil Loss Tolerance Factor

#### 4 tons/acre/year

Soil Loss Tolerance Factor is the rate at which soil can be lost to erosion without reducing plant productivity. The Soil Loss Tolerance Factor of the dominant soil component ranges from 1 to 5 and has a mean value of 3.94.

#### Frost Free Period

#### 155 days

Median length of the frost free season based on the period from 1961-1990. Values rounded to the nearest 5 days.

#### Fields with No Data

Annual Minimum Water Table Depth Minimum Depth to Bedrock Total Subsidence Crop Productivity Index Range Forage Annual Potential

#### • Number of Properties within 300 feet: 18



#### **Other Veterinary Clinics in Bellbrook**



#### **Relevant Code Information:**

Below is how the zoning ordinance defines a kennel.

#### Kennel:

(a) any lot or premises used for the sale, boarding or breeding of dogs, cats or other animals for commercial purposes;

(b) or any lot or premises upon which are kept more than four (4) animals which are over the age of four (4) months and which are either dogs or cats. Kennels are not included as permitted principal or accessory uses in any Residential Zoning Districts and so are not allowed in those Districts; (1) an excess number of dogs and/or cats on premises that exist as of the effective date of this ordinance (May 26, 2010) may remain without penalty until the permitted number of dogs and/or cats is achieved on the premises. No additional dogs and/or cats may be added to any such lot or premises until the number of dogs and cats is reduced to three (3) or less. (Page 23, Article 3 of the Bellbrook Zoning Ordinance)

#### Kennel References in other parts of the code:

Listed as a permitted principal use per section 16.02 (4) in the Agricultural District:

16.02 PERMITTED PRINCIPAL USES:

(1) Municipal wells and water supply facilities;

- (2) Agriculture and gardening including the sale of produce and plants raised on the premises;
- (3) Animal shelters;

(4) Kennels.

Listed as a permitted use in the Planned Industrial Development-

Veterinary clinic or kennels, animal hospital, provided that all animals are housed in buildings or enclosures which are at least five hundred (500) feet from any "R" district. Per Section 17.07 (1)(00)

Listed in the definition of "Farm": Farm:

All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided, further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries; but establishments keeping furbearing animals, or operate riding or boarding stables, commercial dog kennels, non commercial stone quarries or gravel or sand pits, shall not be considered farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than twenty (20) acres. (Article 3 Page 19)

#### Permitted Principal Uses in the B-4 Business District

#### 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.
  - 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.
  - I) 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.
- a) Service shops as barber, beauty, laundry, cleaner and similar uses. r)
- 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.
  - (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.

#### **Accessory Uses**

Accessory structures and uses customarily incidental to the above permitted uses. (Article 12.03)

#### **Discussion:**

The distribution of cremated remains while not listed in the zoning code as a permitted use in the zoning ordinance seems to be of no consequence to the surrounding businesses and should cause no detriment to the neighbors, the flood plain or the Well-Head Protection District.

However, Planning Board must consider when making a recommendation to the BZA the specifics of the Kennel. Mr. Grech wishes to use these temporarily, as they already exist in the current business, so no more so than currently. All veterinary clinics in the City of Bellbrook are currently either in the B-4 District or in the Planned-Business District. In our code Planned Industrial and Agricultural are the only two Zoning Districts where kennels are permitted yet none of our Veterinary Clinics exist in these districts that staff are aware of. Also, it should be noted that the closest residentially ZONED parcel is approximately 434 feet away. Yet the closest residence is 234 feet away. Planning Board should decide if this use is in accordance with the zoning district and if they wish to forward a recommendation to BZA for approval (with or without conditions) or disapproval.



## **CITY OF BELLBROOK**

## **ZONING PERMIT – CONDITIONAL USE**

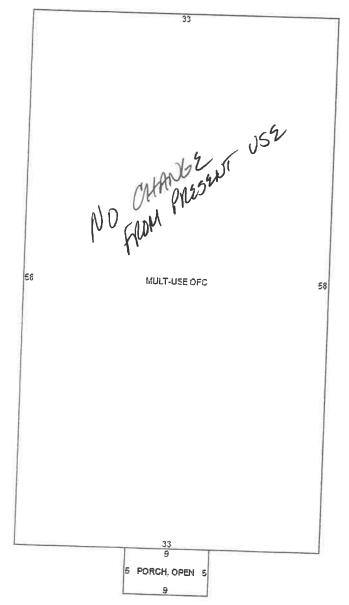
15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305 (937) 848-4666 WWW.CITYOFBELLBROOK.ORG

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	FIHEN GREEK	Рном	IE NUMBER <u>937-6</u>	104-2958
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L35000200050007600 04/20/2018

## Building Sketch(s) for BOWERS ANN (L35000200050007600)



	Jur: 000 Parcet: L35003200050007600 Taxyr: 2019 Card: 1	
	Code Description	Are
	082 MULTI-USE OFFICE	191
Ш	PR1 PORCH, OPEN	4
-	PA1 PAVING ASPHALT PARKING	3000



### **CITY OF BELLBROOK**

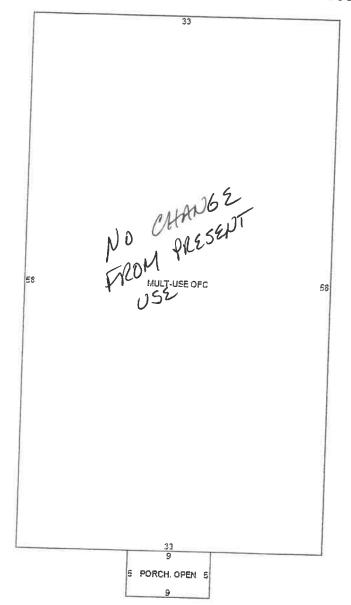
#### **ZONING PERMIT - COMPLIANCE**

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

APPLICANT INFORMATIO	N	
DATE RECEIVED / 30 1 2	20	PERMIT #
PROPERTY ADDRESS 1/19 2.	MAIN ST	ZONING DISTRICT R-1A
PROPERTY OWNER DR. A	IN BOWERS	PHONE NUMBER 848-8111
APPLICANT NAME STEPHEN	O GRECH	PHONE NUMBER 937-604-2958
REQUEST INFORMATION		
BUSINESS NAME FRANCIS	KENNELS	
Business Mailing Address	84 LOWER BE	U BLOOK RD.
EXISTING USE VETERINARY	CUNIC	PROPOSED USE OFFICE
DESCRIPTION — INCLUDE SPECIFIC TY	PE OF USE, HOURS OF OPERA	ATION NUMBER OF EMPLOYEES AND OTHER PERTINENT INFORMATION
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PERMIT FEE \$20.00 CASH	OFFICE PAYMENT TYPE	PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.  DATE DATE

# Print Sketch

## Building Sketch(s) for BOWERS ANN (L35000200050007600)



Jun: 000
Parcel: L35000200050007600
Taxyr: 2019
Card: 1

Code Description Area
982 MULTI-USE OFFICE 1916
PR1 PORCH, OPEN 45
RA1 PAYING ASPHALT RARKING 3000\*



L35000200050007600 04/20/2018