



Planning Board Meeting
September 17, 2020, 6:00 pm
Agenda

REMOTE TELECONFERENCE MEETING**

Due to COVID-19, this meeting will be held via Zoom teleconferencing. Live streaming of the meeting is available on the City's YouTube channel (Bellbrook City Hall).

Should any member of the public wishing to submit comments and/or questions for the Board's consideration may do so by emailing the Clerk of Council at p.timmons@cityofbellbrook.org by 3 p.m. on 9/17/2020.***

** Note: The September 17, 2020 meeting of the Bellbrook Planning Board will be conducted as a remote meeting, pursuant to H.B. #197.

1. Call to Order
2. Roll call
3. Approval of prior minutes of August 25, 2020
4. Old Business:
 - Review of Zoning Code Chapter 1454.01 Registration of Abandoned Properties
5. New Business:
 - Replat 20-01 Highview Terrace Sec. 1 and 2
 - Lot Split 20-02 Highview Terrace Sec. 4, Lot 26B & 27A
6. Open Discussion
7. Adjournment

Zoom Webinar ID: 854 4915 1023

Passcode: 904985



BELLBROOK PLANNING BOARD

PUBLIC MEETING MINUTES

August 20, 2020

PRESENT: Mr. Tim Tuttle
Mr. Ed Stangel
Mr. Brady Harding
Mr. Denny Bennett
Chairman Mitchell Thompson

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. Harding, 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 June 18, 2020. Mr. Bennet made a motion to approve the minutes and it was seconded by Mr. Tuttle. All were in favor. The minutes are approved as written.

OLD BUSINESS - none

ZONING CODE UPDATES

- **Updates to Article 18.20(b)**

The Board reviewed the updates made by staff to Article 18.20 b Permitted Signs (Active Downtown District).

Mr. Bennet made a motion to recommend the update of Article 18.20 B to City Council. Mr. Stangel seconded the motion. The Clerk called the roll. Mr. Bennett, yes; Mr. Stangel, yes; Mr. Tuttle, yes; Mr. Harding, yes; Chairman Thompson, yes. The motion passed 5-0.

NEW BUSINESS

Mrs. Hansen reported that Miami Valley Regional Planning Commission (MVRPC) had been in contact regarding a grant program to place electric charging stations on public property. These

are used to charge electric vehicles. This would be a great feature for our downtown because it could bring people downtown. They are considering the library or the city administration building as possible locations. This is the initial stage. How the electricity is paid for is an issue to be decided later.

OPEN DISCUSSION

Mr. Stangel asked about concerns about a crowd in the Bellbrook Plaza. It had been an outside dance recital. Everyone did say having it outside was a good idea.

Mr. Thompson asked about the status of the N. Belleview Drive culvert project. Staff explained that the money is now available through the OPWC grant and the construction company is preparing to start work.

Mrs. Hansen informed the board that the update for the vacant property code would be discussed at the next meeting.

ADJOURNMENT

Mr. Thompson adjourned the meeting at 6:30 PM.

Mitchell Thompson, Chairman

Date

Pamela Timmons, Secretary

Date

CHAPTER 1454. - REGISTRATION OF ABANDONED PROPERTIES

Sec. 1454.01. - Purpose.

The purpose of this chapter is to establish an abandoned properties program as a tool to protect and preserve our neighborhoods from becoming blighted through the lack of adequate maintenance and security concerns at abandoned structures. The City believes the presence of abandoned properties can lead to neighborhood decline, create public nuisances, contribute to lower property values, and discourage potential buyers from purchasing a home in neighborhoods with abandoned properties. This will be done through a registration, inspection, and monitoring process. Vacant buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impeded private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not otherwise present a public hazard so that the health, safety and welfare of the public is served by these regulations.

(1) Obligations

a) No owner or person in control of a vacant commercial, residential, or industrial building shall fail to do any of the following:

(1) Register the vacant commercial, residential, or industrial building with the Planning and Zoning Department in accordance with the requirements of this chapter.

(2) Designate an authorized agent if the owner or person in control of the vacant commercial, residential, or industrial building does not reside within Greene County, Ohio or a contiguous county.

(3) Submit a Vacant Building Plan which shall be approved by the Code Enforcement Officer in accordance with chapter 1453.10 of this chapter.

(4) Maintain the property at all times in accordance with the City of Bellbrook Property Maintenance, Zoning Ordinance, and this ordinance.

(5) Acquire or otherwise maintain general liability insurance covering the vacant commercial or industrial building and property in an amount of not less than one million dollars (\$1,000,000). The insurance policy shall provide for written notice to the Code Enforcement Officer within 30 days of any lapse, cancellation, or change in coverage. Residential properties shall maintain homeownershomeowner's insurance.

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.02. - Definitions.

For the purpose of this chapter, certain words and phrases used in this chapter are defined as follows:

Abandoned means a property that is vacant ([see Vacant](#)) or is under a current notice of default with any foreclosing entity and/or notice of trustee's sale, is subject to a current foreclosing action, a finding of foreclosure has been issued relative to the property, properties that have been subject of a foreclosure where the title was retained by the beneficiary of a deed of trust involved in the foreclosure, is pending tax assessor's lien sale, has been sold at a sheriff sale, is owned by a foreclosing entity, has been transferred via a deed in lieu of foreclosure, or does not currently and has not for sixty (60) days housed people despite being currently owned by an individual unless the property is currently being sold.

Accessible property means a property that is accessible through a compromised or breached gate, fence, wall, or other opening providing access.

Accessible structure means a house, building or other structure that is unsecured or breached in such a way as to allow access to the interior space by unauthorized persons.

Approved means to be approved by the code official or by the Property Review Commission.

Boarding means a method of securing an opening to prevent entry.

Buyer means any person, partnership, co-partnership, association, corporation, fiduciary or other entity that agrees to transfer anything of value in consideration for property.

Deed in lieu of foreclosure means a recorded document that transfers ownership of a property from the mortgagor to the mortgagee.

Default means the failure to fulfill a contractual obligation, whether monetary or conditional.

Distressed means a property that is the subject of a pending foreclosure suit, has been foreclosed upon by the foreclosing entity, is set for sheriff's sale, has been sold at a sheriff's sale or has been conveyed to the mortgagee via a deed in lieu of foreclosure.

Evidence of vacancy means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices, disconnection of utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishing or personal items, statements based on observations by neighbors, passers-by, delivery agents or government employees that the property is vacant.

Foreclosing entity means an entity holding a note secured by a mortgage, an entity holding a lien recorded with Greene County Recorder's Office, a non-government entity that holds an interest in delinquent property taxes, an entity that takes property via a deed in lieu of foreclosure, an entity that has purchased a property from a sheriff's sale, a government entity that accepts property as a result of a government insured mortgage or loan.

Foreclosure means the process by which a foreclosing entity seeks a decree of foreclosure from the Greene County Common Pleas Court.

Imminent Danger means a condition which could cause serious or life-threatening injury or death at any time.

Mortgage means an agreement between a mortgagor and a mortgagee by which a mortgagee retains an interest in real estate title as collateral for a loan. This definition applies to any and all subsequent mortgages, i.e., second mortgage, third mortgage, etc.

Mortgagee means the person, partnership, co-partnership, association, corporation, lender, fiduciary or any other entity holding a mortgage on a property.

Mortgagor means a borrower under a mortgage.

Owner any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Property means any unimproved or improved real property or portion thereof, situated in the City, including any house, building or other structures that may be located on the property regardless of condition.

Securing means such measures as may be directed by the City Building Inspection Division that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining or padlocking of gates, the repair or replacement of doors, windows, or other openings.

Vacant means a house, building or other structure shall be deemed to be vacant if no person or persons actually or currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s).

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.03. - Registration requirements.

For any abandoned real property located within the City, any foreclosing entity that files a foreclosure action, accepts a deed in lieu of foreclosure, buys real property at a Sheriff Sale, or accepts property as result of a government insured mortgage or loan, within ten days after property becoming vacant, the foreclosing entity shall register the

abandoned property with the Code Official. In addition, any property that meets the definition of abandoned properties in 1454.02 shall register the abandoned property with the code official.

(a) Registration and renewal deadlines. All buildings located within the city that are vacant commercial, residential or industrial buildings shall be registered by the owner or person in control thereof with the Planning and Zoning Department within 60 days after the effective date of this chapter and renewed not later than January 15 of every year thereafter. Every commercial, residential or industrial building that subsequently becomes vacant shall be registered by the owner or person in control thereof with the Planning and Zoning Department within 30 days from the date of the last occupancy, or within 30 days of being notified by the Planning and Zoning Department of the requirement to register based on evidence of vacancy.

(b) Forms. Registration shall be made on forms provided by the Code Enforcement Officer and verified by the owner or person in control of the vacant commercial or industrial building and shall contain all of the following:

(1) The name, address and telephone number of the owner or person in control;

(2) The name, address and telephone number of the authorized agent, if required;

(3) The names, addresses, and telephone numbers of all known lien holders and all other parties with any legal interest in the vacant commercial or industrial building and property;

(4) If the vacant commercial, residential or industrial building is for sale, the name, address and telephone number of the company and the realtor or agent responsible for marketing the property;

(5) The address of the vacant commercial, residential or industrial building and the permanent parcel tax identification number of the land on which the vacant commercial or industrial building is located;

(6) The date on which the building became vacant or will become vacant;

(7) The reason for the vacancy and the estimated length of time the building is expected to remain vacant;

(8) A certificate of general liability insurance in the amount required by City of Bellbrook. Or in the case of residential properties proof of homeowner's insurance.

(9) A Vacant Building Plan in accordance with 1453.10.]

Commented [MD1]: This needs finished – a section of code is reference previously in this chapter related to building plans

(c) False information. No person shall furnish false information to the Planning and Zoning Department in the Registration Form.

(d) Period of validity. Registration and renewal shall be valid for one year and will expire on ~~until~~ December 31 of each year, unless a transfer of title to the vacant commercial or industrial building has been completed.

(e) Transfer of property. No person, including but not limited to, an owner, person in control, purchaser, escrow agent, real estate agent, or realtor, shall participate in a transfer of title to, or disburse proceeds from a transfer of title to, a vacant commercial, residential or industrial building without having in escrow with the escrow agent handling the transfer of title to the property, a copy of a registration form completed by the purchaser of the property and the annual registration or renewal fee, if due, in an amount based on the duration of time the building has been vacant. The escrowed documents and the annual registration fee shall be forwarded to the Code Enforcement Officer upon the transfer of title. The annual registration fee shall not be prorated. In the event that the transfer of title is completed within 90 days from the end of the calendar year, the annual registration fee shall be applied to the following calendar year.

(f) Change in registration information. No owner or person in control of a vacant commercial or industrial building shall fail to notify the Planning and Zoning Department and file an amended registration form within seven days of any change in the registration information required by this section.

(g) Exemptions.

(1) A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner or person in control submits a request for exemption in writing to the Planning and Zoning Department.

(2) If a vacant building is under active construction/renovation and has a valid building permit(s) at the time of initial registration, the building shall be exempt from registration until the expiration of the longest running, currently active building permit. Such permits shall be provided to the city upon request.

(3) Government agencies shall be exempt from the registration requirements of this chapter; however they are not exempt in maintenance and upkeep of their buildings and are held to the same standards of this ordinances as those of private individuals.

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.04. - Inspection requirements.

At the time of registration an exterior property maintenance inspection shall be scheduled with a Code Official to be conducted within 20 business days from date of registration. Orders to correct shall be issued for any found property maintenance violations.

(a) If the owner or person in control fails or refuses to consent to and arrange for an inspection, the Code Enforcement Officer the Code Enforcement officer will place the property in violation of this ordinance and the owner will be fined in accordance with 1454.08 of this ordinance.

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.05. - Maintenance requirements for foreclosing entities.

~~While abandoned properties are required to be registered with the City pursuant to this chapter, such properties are required to be maintained in accordance with the City of Bellbrook Codified Ordinances, including but not limited to:~~

- ~~(a) Being kept free of grass and weeds in excess of eight inches in height, trash, junk, debris, building materials, any accumulation of newspapers, discarded personal items, indoor furniture, appliances or any other items that give the appearance that the property is abandoned.~~
- ~~(b) Maintained free of graffiti, tagging or similar markings by removing or painting over.~~
- ~~(c) Pools, spas and decorative ponds shall be maintained in a sanitary condition.~~

Maintenance Standards

(a) Exterior openings, except those prohibited by 1453.10(a)(2)E which cannot be secured by locking an existing door or window shall be boarded, secured, and protected from intrusion by birds, vermin and trespassers. This shall only be used in extreme cases where windows or doors cannot easily be replaced. Windows and doors shall be maintained and kept locked, and a notice of vacancy placed on the front entrance.

(b) A vacant commercial, residential or industrial building shall be maintained, protected from deterioration and kept clean, safe, sanitary and free from public nuisance in accordance with the Property Maintenance Code, Zoning Code, Greene County Building Code and Fire Code.

(c) All pools, ponds or water features shall be kept in a sanitary condition.

1454.06. - Security requirements for foreclosing entities.

A vacant commercial or industrial building shall display the following signs in a manner which is readily visible and legible from normal access points of the building:

(1) A vacant building placard consistent with Fire Code requirements for identifying unsafe vacant buildings (OAC 1301:7-7-03(K)(5)(311.5)).

(2) A sign which indicates the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process. The name, address and telephone number of a person responsible for day-to-day supervision and management of the building, if such person is different from the owner or authorized agent, shall be indicated on the sign as well.

(d) A key box shall be installed on each vacant commercial, residential or industrial building in the city in case immediate access to the interior of the building by Fire Division personnel is necessary for life-saving or firefighting purposes. Each key box shall be of a type that is approved by the Fire Chief or designee. The key box shall be installed in a location approved by the Fire Chief or designee. The cost of purchase and installation of each key box shall be paid by the owner. Each key box shall contain keys to gain access to all areas of the building including the roof and basement. The person in control of the building shall immediately notify the Fire Chief or designee and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

(Ord. 2012-7, passed 8-13-12)

~~Sec. 1454.06.— Security requirements for foreclosing entities.~~

~~While abandoned properties are required to be registered with the City pursuant to this chapter, such properties are required to be maintained in a secure manner so as not to be accessible to any unauthorized persons. "Secure manner" includes but is not limited to:~~

~~(a) Closure and locking of windows, doors, gates and any other opening that may allow access to the interior of the property and/or structure(s).~~

~~(b) In the case of damaged or broken windows, doors and other openings, they must be repaired or properly boarded to meet the boarding specifications of this chapter, to prevent entry by unauthorized persons.~~

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.07. - Appeals.

Any person directly affected by a decision of the Code Official, notice or order issued under this Code shall have the right to appeal to the Property Review Commission, provided that a written application for appeal is filed within twenty (20) days after the notice or orders issued to the Code Official.

(Ord. 2012-7, passed 8-13-12)

Sec. 1454.08. - Violation; penalties and notices.

- (a) Whoever violates any provision of this Code has committed a civil offense and is subject to civil penalties.
- (b) When a civil offense has occurred, the following amounts are hereby assessed upon the violator:
 - (1) A first offense shall be twenty-five dollars (\$50.00) per day, per offense, or five hundred ~~dollars~~ (\$500.00) per offense total.
 - (2) A second offense shall be fifty dollars (\$75.00) per day, per offense, or seven hundred and fifty dollars (\$750.00) per offense total.
 - (3) A third offense shall be one hundred dollars per day (\$100.00) per day, per offense, or one thousand dollars (\$1000.00) per offense total.

(c) Notice of Violation

Content. Whenever the Code Enforcement Officer determines that there is a violation of the provisions of this chapter, he or she shall give notice of such violation to the person or persons responsible therefor and order compliance, as herein provided. Such notice and order shall:

- (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Include a statement of the violation or violations and why the notice is being issued;
 - (4) Include a correction order allowing a reasonable time to bring the property into compliance with the provisions of this chapter;
 - (5) Inform the property owner of the right to appeal; and
 - (6) Include a statement that any action taken by the city on such property shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (b) Service. A notice of violation shall be deemed to be properly served if one or more of the following methods are used:
- (1) By personal delivery to the owner or occupant of the property or by leaving the notice at the property with a person of suitable age and discretion; or

(2) If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or on the property found in violation.

(d) The city will make its best effort in contacting the property owner for payment of fines for violation. The city will attempt three (3) times to contact the property owner using the any address on record from the Greene County Auditor, as well as the property address, and any address that may have been given to our utility billing department. If the owner cannot be located or contacted the city will then access these charges upon the property owner's property taxes.

(Ord. 2012-7, passed 8-13-12; Ord. No. [2017-11](#), § 1, 11-27-2017)

1454.09 REGISTRATION FEES.

(a) Fee required with registration. The owner or person in control of a vacant commercial, residential or industrial building shall pay an initial registration fee and annual renewal fees for consecutive, subsequent years of vacancy as specified in these Codified Ordinances. Fees shall be due at the time of registration and renewal as specified in 1454.03. The first renewal fee shall be prorated if the initial registration due date occurs after June 30. The fee shall be based on the level of maintenance and duration of time the building has been vacant regardless of a change in ownership.

(b) Prerequisite for building permits. The registration shall be paid in full prior to the issuance of any building permits.

(c) Fee rationale. Registration fees shall be reasonably related to the administrative costs of the vacant commercial, residential and industrial building registration process and for the costs incurred by the city in monitoring vacant residential, commercial or industrial properties. Increases in annual registration fee amounts shall be reasonably related to the city's continued administrative costs as well as enforcement and abatement costs associated with vacant buildings that have Property Maintenance, Building or Fire Code violations.

(d) Fee reductions and waivers. The Code Enforcement Officer may reduce or waive registration or renewal fees as follows:

(1) The renewal fee may be reduced by 50% if, at the time of renewal, the building has no outstanding notices or orders regarding violation of Property Maintenance, Building or Fire Codes; and has been placarded as having normal structural conditions per 1454.05.

(2) The Code Enforcement Officer shall refund the registration or renewal fee paid if the subject building is brought into compliance with standards of the Building Code

and reoccupied within one year of payment of the registration or renewal fee. The refund shall be for the amount of the registration or renewal fee paid during the year in which the building was approved for re-occupancy. Registration or renewal fees paid in previous years shall not be refunded.

(3) The initial registration fee may be waived for up to twelve months from the time a building is required to be registered if a building is being actively marketed for sale or lease, based upon proof submitted by the owner or person in control. Actively marketing shall be defined as placement of a "for sale" or "for lease" sign on the property with accurate contact information, which is also provided to the Planning and Zoning Department, as well as at least one of the following activities:

A. Listing of the building with a licensed State of Ohio Realtor in the Multiple Listing Service (MLS) with the name, address, and telephone number of the realtor provided to the Planning and Zoning Department.

B. Placement of weekly advertisements in a newspaper or online listing.

(e) Delinquent fees. If a registration or renewal fee is not paid by the due date specified in 1454.03 the fee shall be increased by 50% or \$1,000, whichever is less. The Code Enforcement Officer shall pursue collection of delinquent fees pursuant # All delinquent registration or renewal fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant commercial or industrial building.

(f) The property must be maintained according to the City of Bellbrook Property Maintenance and Zoning Ordinances.

<u>City of Bellbrook</u>	<u>Registration of Vacant Commercial, Residential and Industrial Buildings</u>	<u>Fee</u>
<u>(A)</u>	<u>Initial registration fee</u>	<u>\$200, subject to 50% increase if delinquent</u>
<u>(B)</u>	<u>Annual registration renewal fee</u>	<u>\$400 for first renewal; \$800 for second renewal; \$1600 for third renewal; \$3600 for fourth and all subsequent, consecutive renewals; subject to 50% increase if delinquent; may be reduced or waived pursuant to the City of Bellbrook Vacant Property Registration Ordinance.</u>

1453.10 Vacant Building Plan

The owner or person in control of the vacant commercial, residential or industrial

building shall submit a Vacant Building Plan that shall be reviewed for acceptance by the Code Enforcement Officer. The Vacant Building Plan shall be selected from and include the minimum requirements from one of the following three categories:

(1) **Demolition.** If the vacant commercial, residential or industrial building is to be demolished, the Vacant Building Plan shall include a proposed time frame for demolition which shall include a commencement date within 30 days of approval of the proposed demolition time frame and shall not exceed one year in duration and shall conform to ordinance 2019-15.

(2) **Secured structure.** If the vacant commercial or industrial building is to remain vacant, the Vacant Building Plan shall contain all of the following:

A. A plan for fire alarm and fire protection as required by the Fire Chief.

B. A plan of action to remedy any public nuisance existing in the building or on the property.

C. A lighting plan for the exterior of the building and property, walkways adjacent thereto, parking or loading areas and nighttime illumination of areas and walkways of the building and property which may be vulnerable to vandalism and vagrancy as determined by the Police Chief.

D. A regular maintenance plan for all exterior lighting and illumination fixtures.

E. A plan for the maintenance of all structural openings, such as windows, doors, areaways and other openings to avoid the necessity of boarding up. Windows, doors, areaways and other openings that are located on the first floor and facing the street shall not be papered, soaped, blacked out or boarded up, and to avoid the appearance of vacancy, a form of display shall be set up that shall be approved by the Code Enforcement Officer.

F. A plan of action to maintain the vacant commercial, residential, or industrial building and property in compliance with the Vacant Building Maintenance Standards set forth in # of this chapter.

(3) **Rehabilitation.** If the vacant commercial, residential, or industrial building is to be returned to lawful occupancy or use, the Vacant Building Plan shall include a rehabilitation time frame for the building and property. The rehabilitation time frame shall not exceed 12 months. The Code Enforcement Officer may grant an extension of time upon receipt of a written statement from the owner detailing the reasons for the extension. All applicable laws shall be complied with and all required permits shall be obtained. The building shall be kept secured and in compliance with the Vacant Building Maintenance Standards as provided in 1454.05 of this chapter at all times during rehabilitation.

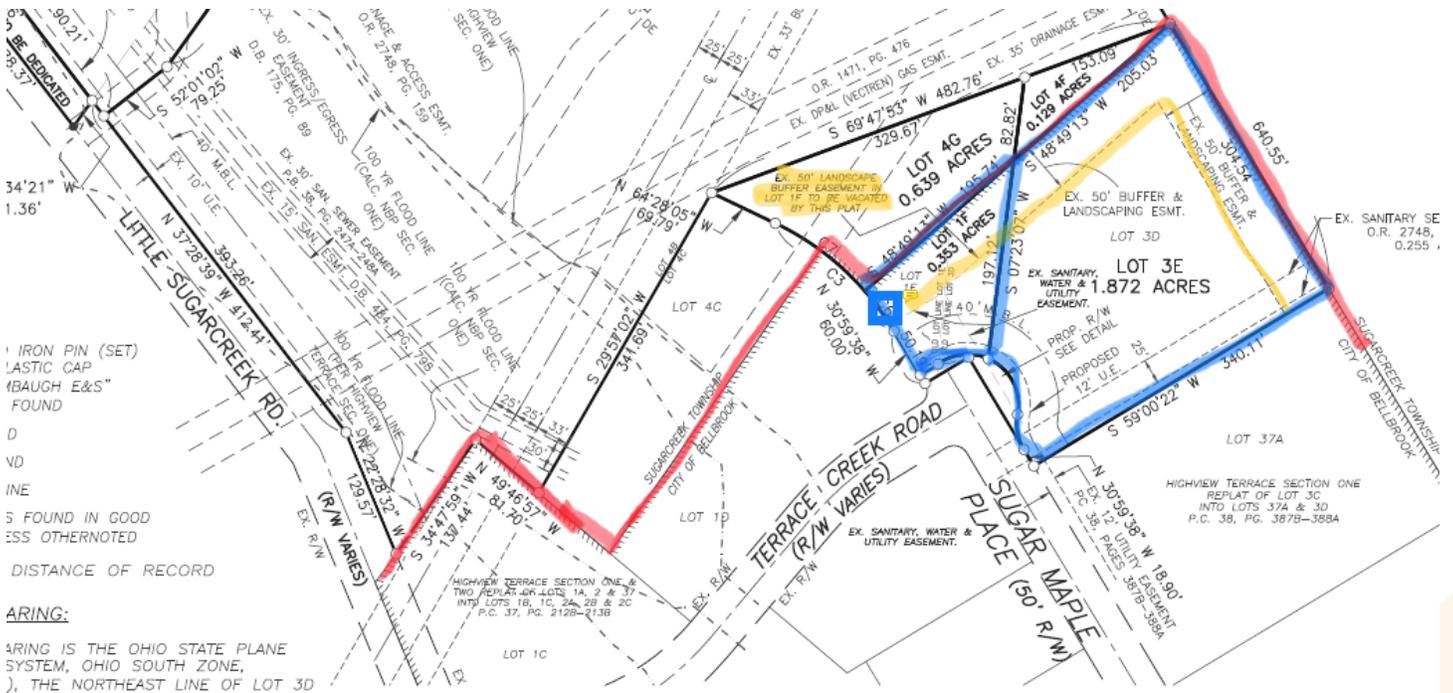
To: Planning Board
 From: Jessica Hansen, Planning & Zoning Assistant
 Date: September 16, 2020
 Subject: Staff Report Replat- Highview Terrace Sec. One and Two Replat

Summary

Lots 4D, 4E, 4F, and 4G are located in Sugarcreek Township. Lot 1F and Lot 3E are located in the City of Bellbrook (**Blue Highlighted Area**). Lots 4G and 4F are to be transferred only with adjoining parcels (4G to 1F and 4F to 3E). This creates one additional development site in the subdivision.

Additionally the replat proposes to dedicate right of way along Little Sugarcreek and Sugar Maple Place.

The replat also proposes to vacate the existing 50' Landscape buffer easement in Lot 1F. (**Yellow**)



Red= Corp Boundary, Blue= Lots in Bellbrook, Yellow = easement vacation

Applicant Information:

- **Applicant Name:** Haley-Dusa Group
- **Owner:** Gregory Coons
- **Property Owner Address:** 1852 Sugar Maple Pl.

Location:



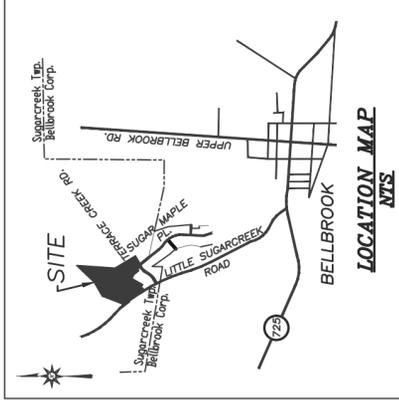
The property is located where Terrace Creek Road intersects Sugar Maple Place in Highview Terrace in the most northern part of the subdivision along the boundary of Sugarcreek Township and The City of Bellbrook.

Zoning:

Planned Unit Residential: *Planned Development zoning is of a substantially different character than other types of zoning.*

(2) To recognize to the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, while maintaining control through application of defined policies and procedures.

Recorded Easements: 25' sanitary easement along the southern side of Lot 3D and a 12' Utility Easement in the front of the lot.



**HIGHVIEW TERRACE
SECTION ONE & TWO
RE-PLAT OF
LOT 1E, 3D, 4B & 11.672 ACRES
OF UNPLATTED LANDS
INTO LOTS 1F, 4D, 4E, 4F & 4G**

LOCATED IN
SUGARCREEK TOWNSHIP & CITY OF BELLBROOK
SECTION 2, TOWN 2, RANGE 6 M.R.'s.
GREENE COUNTY, OHIO
27.546 ACRES

FOR
CLEMENS DEVELOPMENT COMPANY, INC. & R.M. CLEMENS CO.
AUGUST 10, 2020

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
OWNER LOTS 1E & 3D,
CLEMENS DEVELOPMENT CO., INC.

IN THE PRESENCE OF:
BY: RICHARD M. CLEMENS
PRESIDENT, CLEMENS DEVELOPMENT CO., INC.

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

NOTARY PUBLIC
SIGNED AND ACKNOWLEDGED
OWNER LOT 4B & 11.672 ACRES
R.M. CLEMENS CO.
BY: RICHARD M. CLEMENS
PRESIDENT, R.M. CLEMENS CO.

WITNESS
STATE OF OHIO, S.S.:
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 20____, BY R.M. CLEMENS CO.,
BY RICHARD M. CLEMENS, ITS PRESIDENT, AS OWNER.

- NOTARY PUBLIC
- NOTES:**
- DRAINAGE EASEMENTS SHALL BE SUBJECT TO PERIODIC STORM WATER FLOWS ON THE SURFACE AND WITHIN UNDERGROUND PIPING IN SOME LOCATIONS.
 - NO BUILDING OR OTHER STRUCTURES SHALL BE LOCATED IN "DRAINAGE EASEMENT"
 - MAINTENANCE OF ALL AREAS DESIGNATED AS DRAINAGE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION EXCEPT FOR SURFACE EROSION WHICH SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNER. MAINTENANCE SHALL BECOME THE RESPONSIBILITY OF THE COLLECTIVE HOMEOWNERS IF SAID ASSOCIATION BE DISSOLVED.
 - ANY LOT TRANSFERRED WILL HAVE A MINIMUM WIDTH AND AREA SUBSTANTIALLY THE SAME AS THOSE SHOWN ON THE PLAT AND THAT ONLY ONE PRINCIPAL BUILDING WILL BE PERMITTED ON ANY SUCH LOT.
 - LOTS 4F & 4G ARE TO BE TRANSFERRED BETWEEN ADJOINING/ADJACENT PROPERTY OWNERS. NO NEW BUILDING SITES ARE TO BE CREATED.
 - LOTS 1F & 4G SHALL REMAIN UNDER SAME OWNERSHIP AFTER TRANSFER.
 - LOTS 3E & 4F SHALL REMAIN UNDER SAME OWNERSHIP AFTER TRANSFER.

CERTIFICATE OF REGISTRATION:
THIS IS TO CERTIFY THAT PLANNING COMMISSION APPROVAL OF THIS CONVEYANCE IS NOT REQUIRED, AS BEING EXEMPT UNDER OHIO REVISED CODE 711.001.

NOTICE IS GIVEN TO ALL PARTIES THAT NO ADDITIONAL BUILDING SITE IS CREATED BY THIS CONVEYANCE; NO STRUCTURE MAY BE ERRECTED OR MAINTAINED ON THE PREMISES HEREIN CONVEYED WITHOUT FURTHER COMPLIANCE WITH ALL ZONING, BUILDING AND PLANNING REGULATIONS OF THE COUNTY AND TOWNSHIP.

DESCRIPTION

THE WITHIN RE-PLAT IS A SUBDIVISION CONTAINING 27.546 ACRES AND BEING ALL OF CLEMENS DEVELOPMENT CO., INC. LOT 1E AS RECORDED IN HIGHVIEW TERRACE SECTION ONE AND TWO REPLAT, PLAT CABINET VOL. 38, PG'S 247A-248A AND ALL OF THE CLEMENS DEVELOPMENT CO., INC. LOT 3D AS RECORDED IN HIGHVIEW TERRACE SECTION 1 REPLAT OF LOT 3C IN PLAT CABINET VOL. 38, PG'S 387B-388A AS ACQUIRED BY CLEMENS DEVELOPMENT'S CO., INC. THROUGH INSTRUMENTS RECORDED IN O.R. 3741, PG. 200 AND O.R. 2372, PG. 672 OF THE DEED RECORDS OF GREENE COUNTY, OHIO.

ALSO BEING ALL OF R.M. CLEMENS CO. LOT 4B AS RECORDED IN RECORD PLAN HIGHVIEW TERRACE SECTION ONE RE-PLAT OF LOT 4A AS RECORDED IN PLAT CABINET VOL. 38, PG'S 274A-248A AND PART OF THE R.M. CLEMENS CO. UNPLATTED LANDS AS ACQUIRED THROUGH INSTRUMENTS RECORDED IN DEED 2018-000874 OF THE DEED RECORDS OF GREENE COUNTY OHIO.

STATE OF OHIO, S.S.: CLEMENS DEVELOPMENT CO., INC. & R.M. CLEMENS CO. BY RICHARD M. CLEMENS, PRESIDENT OF BOTH, 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

**OPERATION AND MAINTENANCE AGREEMENT FOR
LITTLE SUGAR CREEK STREAM BED**

THE LITTLE SUGAR CREEK STREAM BED ELEVATION SHALL BE MAINTAINED AS DESCRIBED IN THE MAINTENANCE AGREEMENT AS RECORDED IN O.R. 2782, PAGE 443

FLOOD PLAIN NOTES:

- PART OF LOTS 4D & 4E OF THIS PLAT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON HIGHVIEW TERRACE SECTION ONE.
- DEVELOPMENT OR MODIFICATION OF LOT 4D & 4E WITHIN THE 100 YEAR FLOOD PLAIN SHALL REQUIRE COMPLIANCE WITH THE GREENE COUNTY FLOOD DAMAGE PREVENTION ORDINANCE.
- ANY AREA DESIGNATED FOR THE NATURAL FLOW OF SURFACE WATER SHALL BE AT ALL TIMES 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.
- FLOOD PLAIN PERMITS ARE REQUIRED FOR STRUCTURES PROPOSED IN THE 100-YEAR FLOOD PLAIN IN SUGARCREEK TOWNSHIP JURISDICTION.

OCCUPATION STATEMENT:

OCCUPATION IN GENERAL FITS THE SURVEYED LINES UNLESS OTHERWISE NOTED.

TITLE COMMITMENT DOCUMENTS

NO TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY. EASEMENTS ARE SHOWN ACCORDING TO HIGHVIEW TERRACE SECTION 1, PLAT CABINET 36 PAGE 388

PERTINENT DOCUMENTS:

IN ADDITION TO THE REFERENCES SHOWN ON FACE OF THIS PLAT THE FOLLOWING DOCUMENTS WERE USED:

RECORD PLATS:

- PLAT CABINET 36, PAGES 387B-388A
- PLAT CABINET 38, PAGES 247A-248A
- PLAT CABINET 37, PAGES 212B-213B
- PLAT CABINET 37, PAGES 27B-29B

SURVEYS:

VOLUME 38, PAGE 20

APPROVALS

REGIONAL PLANNING AND COORDINATING COMMISSION:

WE HEREBY APPROVE AND ACCEPT THIS PLAT AND RECOMMEND THAT THE SAME BE RECORDED
THIS _____ DAY OF _____, 2020
PRESIDENT EXECUTIVE DIRECTOR

BOARD OF GREENE COUNTY COMMISSIONERS:

COMMISSIONER
COMMISSIONER
COMMISSIONER

WE HEREBY APPROVE AND ACCEPT THIS PLAT AND RECOMMEND THAT THE SAME BE RECORDED

THIS _____ DAY OF _____, 2020

BELLBROOK PLANNING BOARD:

CHAIRMAN SECRETARY
MAYOR CLERK OF COUNCIL

BELLBROOK 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 _____, 2020
TRANSFERRED THIS _____ DAY OF _____, 2020
GREENE COUNTY AUDITOR

GREENE COUNTY RECORDER:

FILE NO. _____ PLAT CABINET VOL. _____, PAGES _____
FEE: _____ RECEIVED FOR RECORD THIS _____ DAY OF _____, 2020 AT _____ M.
RECORDED THIS _____ DAY OF _____, 2020.
GREENE COUNTY RECORDER

CERTIFICATION

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, THAT THIS PLAT REPRESENTS A FIELD SURVEY OF APRIL, 2020 PERFORMED UNDER THE DIRECT SUPERVISION OF JOHN BRUMBAUGH AND THE MONUMENTS, THEIR LOCATION, SIZE AND 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

RE-PLAT FOR CLEMENS DEVELOPMENT COMPANY
AUGUST 10, 2020 SHEET 1/2

**BRUMBAUGH
ENGINEERING &
SURVEYING, LLC**

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

BES JOB #245.20 DRAWN BY: SES CHECKED BY: JJB

To: Planning Board
From: Jessica Hansen, Planning & Zoning Assistant
Date: September 16, 2020
Subject: Staff Report Replat- Highview Terrace Sec. 4 Lot 26B & 27A

Summary

The request is to replat what is currently lot 27A and lot 26B to accommodate for the drive that crosses into lot 26B from lot 27A.

Applicant Information:

- **Applicant Name:** Haley-Dusa Group
- **Owner:** Gregory Coons
- **Property Owner Address:** 1852 Sugar Maple Pl.

Location:



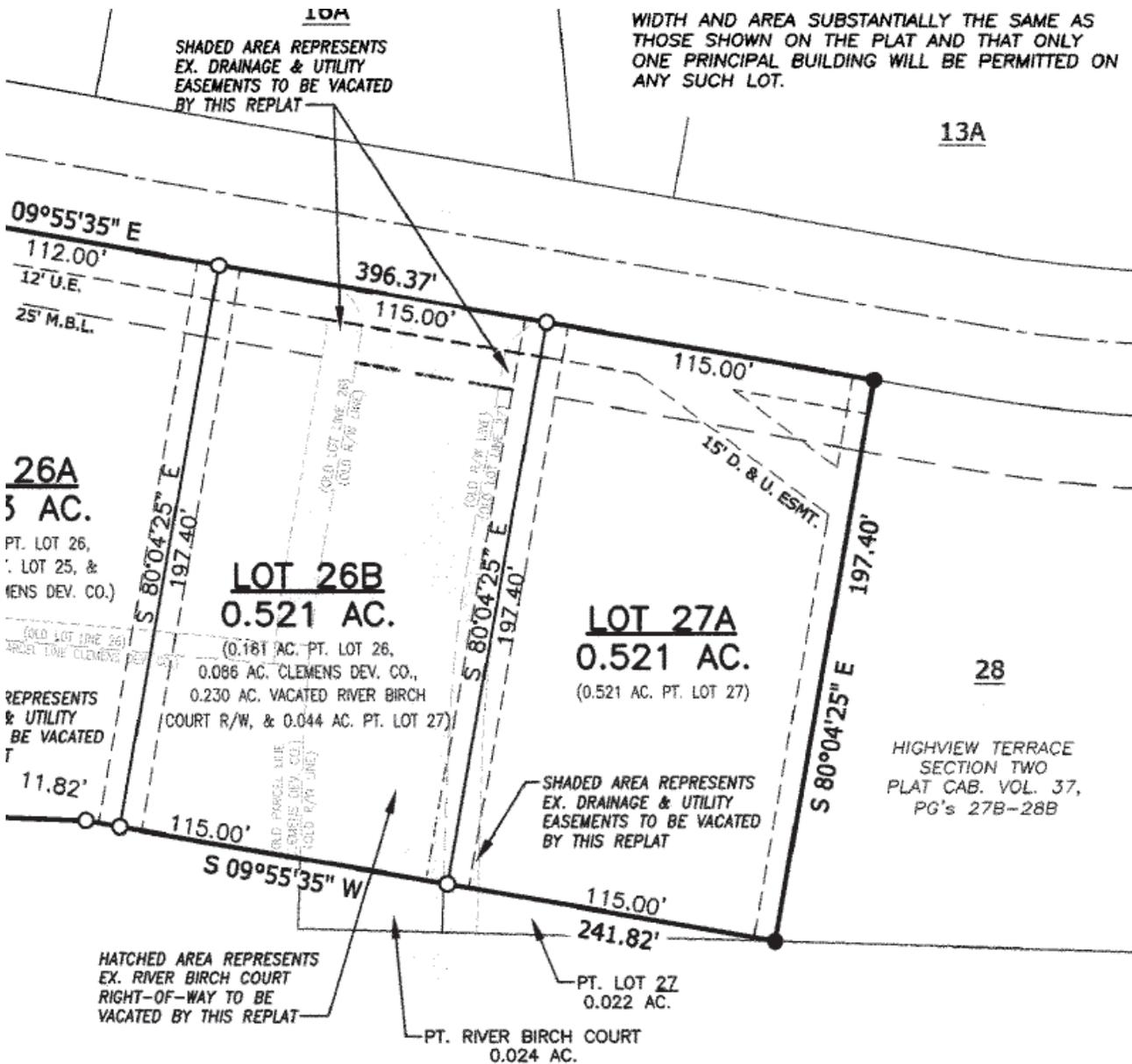
The property is located approximately 860 feet north of the intersection of Sugar Maple Place and River Birch Drive.

Zoning:

Planned Unit Residential: *Planned Development zoning is of a substantially different character than other types of zoning.*

(2) To recognize to the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, while maintaining control through application of defined policies and procedures.

Recorded Easements: 12' easement in the front of the properties as well as a 10' easement along the side yards of the lots however the most current plat doesn't make it clear if those are utility easements or drainage easements or both. (Lot 27A & 26B)



Request Information: The applicant wishes to replat the lot to accommodate for the drive that crosses into the adjacent lot.

Highview Sec. 4 Lot 26B & 27A Replat



Discussion

Staff sees no issues with the proposed replat. The Planning Board should decide whether or not to approve or deny this replat and forward it to Council.



RECORD PLAN

HIGHVIEW TERRACE, SECTION 4
BEING A REPLAT OF LOT NUMBERS 26B & 27A OF
HIGHVIEW TERRACE, SECTION TWO RE-PLAT
LOCATED IN SECTION 2, TOWN 2, RANGE 6 M.R.S.

CITY OF BELLBROOK
GREENE COUNTY, OHIO
CONTAINING 1.0423 ACRES

DESCRIPTION:
Situating in Section 2, Town 2, Range 6 M.R.S., City of Bellbrook, County of Greene, State of Ohio and being all of Lots Numbers 26B and 27A of Highview Terrace, Section Two Re-Plat, recorded in Plat Cabinet 38, Page 209A-B and conveyed to Gregory A. and Rebecca J. Coons by deed recorded in Instrument Number 2018009398 in the Deed Records of Greene County, Ohio.

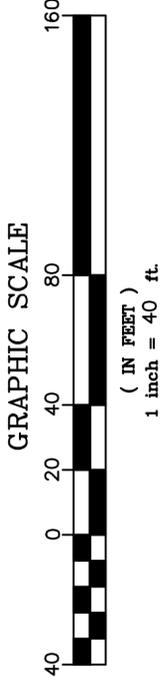
BASIS OF BEARINGS:
• EAST LINE OF LOT NUMBERS 26B & 27A - HIGHVIEW TERRACE, SEC. 2 RE-PLAT - P.C. 38, PAGES 209A-B - S09°55'35"W

SURVEY REFERENCES:
• ALL DEEDS, PLATS AND SURVEY RECORDS SHOWN ON THE FACE OF THIS SURVEY.

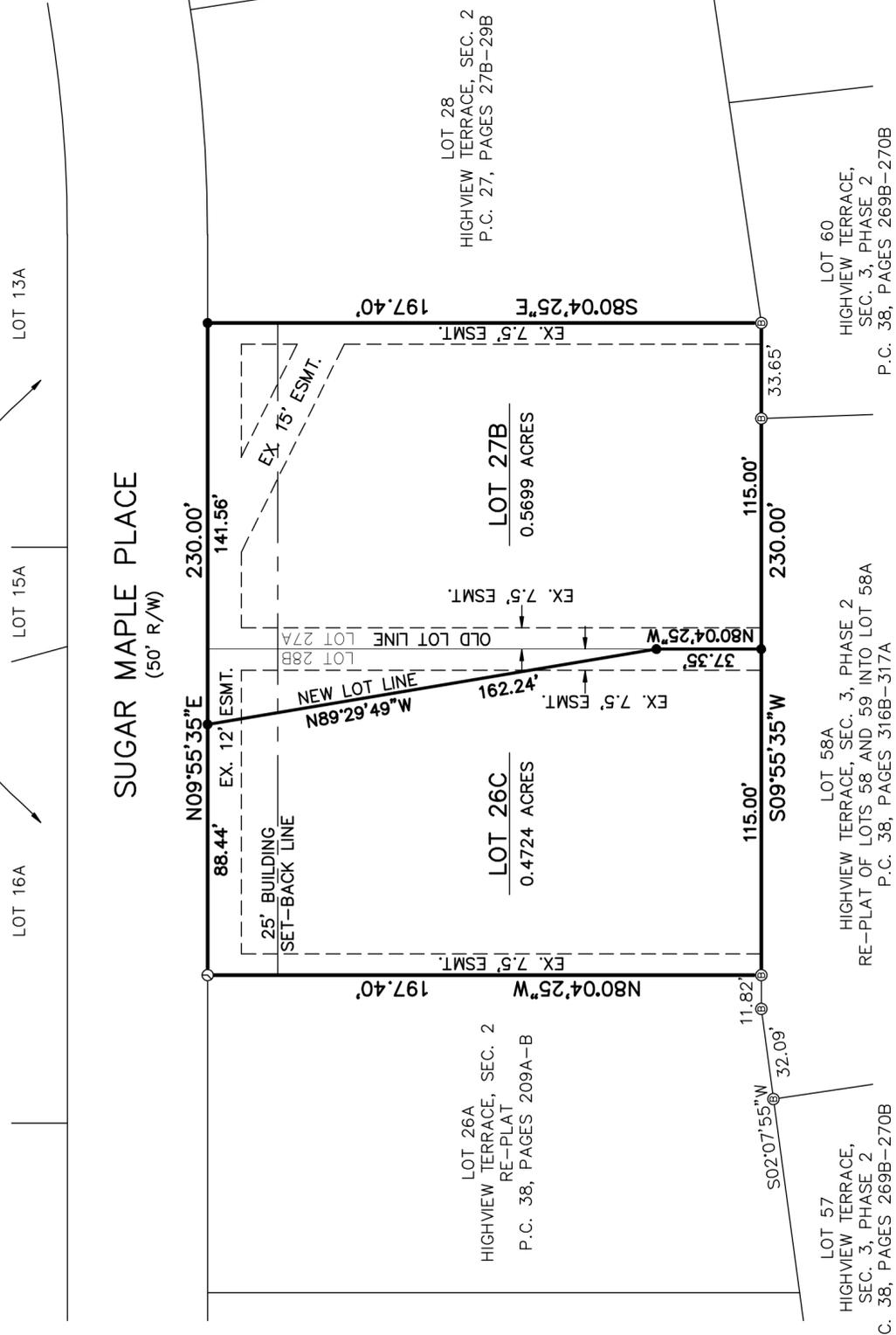
GENERAL NOTES:
• OCCUPATION, IN GENERAL, FITS THE SURVEY.
• ALL MONUMENTS WERE FOUND OR SET IN GOOD CONDITION.

SUPERIMPOSED NOTE:
• ALL OF THE LANDS OF THE DEDICATORS, OF WHICH THIS PLAT IS DRAWN, ARE SHOWN HEREON.

Containing 1.023 acres, more or less.



HIGHVIEW TERRACE, SEC. 2
RE-PLAT OF LOTS 11 THRU 17
INTO LOTS 11A, 12A, 13A, 15A, 16A & 17A
P.C. 37, PAGES 149A-B



SYMBOL LEGEND

●	SET 5/8" IRON PIN W/"HALEY-DUSA" CAP
⊙	FOUND 5/8" IRON PIN
⊗	FOUND 5/8" IRON PIN W/"BRUMBAUGH" CAP

CERTIFICATION:
I CERTIFY THAT THIS BOUNDARY SURVEY WAS PREPARED IN ACCORDANCE WITH OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 STANDARDS FOR BOUNDARY SURVEYS. ALL MONUMENTATION IS FOUND OR SET OR TO BE SET AS SHOWN HEREON.



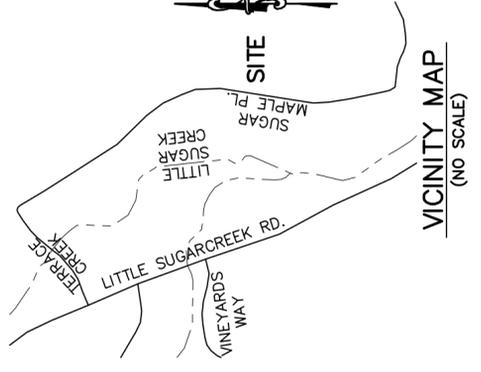
Thomas E. Dusa
Registered Surveyor
Ohio License Number S-7143
Field Survey Date: 08-12-2020

Prepared by: **Haley-Dusa Engineering & Surveying Group, LLC**
270 Regency Ridge Drive, Suite 203
Dayton, Ohio 45459
Phone: (937) 439-4300 Fax: (937) 439-2005

Scale: 1"=40' Drawn: SBM Checked: TED
Date: 09-02-2020 Job No. S4682

RECORD PLAN

HIGHVIEW TERRACE, SECTION 4
BEING A REPLAT OF LOT NUMBERS 26B & 27A OF
HIGHVIEW TERRACE, SECTION TWO RE-PLAT
LOCATED IN SECTION 2, TOWN 2, RANGE 6 M.R.S.
CITY OF BELLBROOK
GREENE COUNTY, OHIO
CONTAINING 1.0423 ACRES



DEDICATION:
We, the undersigned, being all the owners and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of said plat and dedicate the street, sanitary sewers and water mains to the City of Bellbrook for the public use forever.
Easements shown on the plat are for the construction, operation, maintenance, repair, replacement, or removal of water, gas, sewers, electric, telephone or other utility mains, lines, services, publicly or privately owned, to the free use of said utilities, and for providing of ingress and egress to the property for said purposes, and are to be maintained as such forever.

OWNERS:
Witnesses: _____
Print: _____
Gregory A. Coons
Rebecca J. Coons
Print: _____
Rebecca J. Coons

STATE OF OHIO, SS:
Be it remembered that on this _____ day of _____, 20____, before me a notary public in and for said State of Ohio, personally came Gregory A. and Rebecca J. Coons, Owners, who acknowledged the signing and execution of the within plat to be their voluntary act and deed.

In testimony whereof, I hereunto set my hand and notary seal on the day and date above written.

Notary Public
My commission expires _____

STATE OF OHIO, SS:
Be it remembered that on this _____ day of _____, 20____, before me a notary public in and for said State of Ohio, personally came _____, by _____, its _____, who acknowledged the signing and execution of the within plat to be their voluntary act and deed.
In testimony whereof, I hereunto set my hand and notary seal on the day and date above written.

Notary Public
My commission expires _____

LIENHOLDERS:
Witnesses: _____
Print Name: _____
Title: _____
Print: _____
Print: _____

CITY PLANNING BOARD
Accepted by the Bellbrook City Planning Board on the _____ day of _____, 20____.

Chairman

Secretary
CITY COUNCIL
Approved and accepted by the Bellbrook City Council this _____ day of _____, 20____.

RECORDED:
File Number _____
Received _____
Recorded _____
Plat Book _____ Pages _____

Mayor

Clerk

FEE: _____
TRANSFERRED:
Transferred _____, 20____

Recorder, Greene County, Ohio

Auditor, Greene County, Ohio

Prepared by: _____ Sheet 2 of 2
HAD **Haley-Dusa**
Engineering & Surveying Group, LLC
270 Regency Ridge Drive, Suite 203
Dayton, Ohio 45459
Phone: (937) 439-4300 Fax: (937) 439-2005
Scale: N/A Drawn: SBM Checked: TED
Date: 09-02-2020 Job No. S4682