



## **PLANNING BOARD MEETING AGENDA**

### **Thursday, November 16, 2023 at 6:00 PM**

15 East Franklin Street Bellbrook, Ohio 45305  
T (937) 848-4666 | [www.cityofbellbrook.org](http://www.cityofbellbrook.org)

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- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF THE MINUTES**
  - A. Approval of Minutes from the July 20, 2023, Planning Board Meeting
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
  - A. 2023-PB-06 Proposed Zoning Code Addition 18.31 "Light & Glare"
  - B. 2023-PB-07 91 W Franklin Street-Proposed Development Plan and other use, for the Construction of a New Storage Facility
- 6. OPEN DISCUSSION**
- 7. ADJOURNMENT**

# RECORD OF PROCEEDINGS

Bellbrook Planning Board

July 20, 2023

Item A. Section 3, Item

## CALL THE MEETING ORDER:

Mr. Bennett called the meeting of the Bellbrook Planning Board to order at 6:30pm

## ROLL CALL:

Mr. Denny Bennett

Ms. Sarabeth Haase

Mr. Ed Stangel

Mr. Tim Tuttle

Dr. Dave Van Veldhuizen

## ALSO PRESENT:

Jason Foster, Community Development Administrator

Rob Schommer, City Manager

## APPROVAL OF MINUTES:

Mr. Bennett asked if any member had comments or corrections to the minutes of the March 16, 2023, meeting. Hearing none, the minutes were declared approved.

Mr. Bennett made a Motion to approve the March 16, 2023, minutes.

Motion made by: Dr. Van Veldhuizen, Seconded by Mr. Tuttle.

Voting Yea: Mr. Bennett, Ms. Haase, Mr. Stangel, Mr. Tuttle, Dr. Van Veldhuizen

Motion Carries

## OLD BUSINESS:

None

## NEW BUSINESS:

### **PB 23-02:** Proposed Re-Plat of lots 34 and 35 in High View Terrace

Mr. Foster spoke about the applicant, Clemens & Company, requesting approval of a proposed re-plat.

Staff recommends the approval of the re- plat.

Mr. Bennett asked for a Motion to approve the Re-Plat of lots 34 and 35 in High View Terrace.

Motion made by Mr. Stangel, Seconded by Ms. Haase

Voting Yea: Mr. Bennett, Ms. Haase, Mr. Stangel, Mr. Tuttle, Dr. Van Veldhuizen

Motion Carries

# RECORD OF PROCEEDINGS

Bellbrook Planning Board

July 20, 2023

Item A. Section 3, Item

## **PB 23-03:** Proposed Re-Plat of lots 64 and 65 in High View Terrace

Mr. Foster spoke about the applicant, Clemens & Company, requesting approval of a proposed re-plat of lot 64 and 65.

Staff recommends the approval of the re- plat.

Mr. Bennett asked for a Motion to approve the Re-Plat of lots 64 and 65 in High View Terrace.

Motion made by Mr. Van Veldhuizen, Seconded by Mr. Tuttle

Voting Yea: Mr. Bennett, Ms. Haase, Mr. Stangel, Mr. Tuttle, Dr. Van Veldhuizen

Motion Carries

## **PB 23-04:** Proposed Ground Sign at 7171 Wilmington Pike

Mr. Foster spoke about the applicant, Select Signs on behalf of Heritage Christian Church. Provided details on the sign being proposed.

Mr. Bennett asked for a Motion to approve the Ground Sign at 7171 Wilmington Pike.

Motion made by Mr. Tuttle, Seconded by Mr. Stangel.

Voting Yea: Mr. Bennett, Ms. Haase, Mr. Stangel, Mr. Tuttle, Dr. Van Veldhuizen

Motion Carries

## **PB 23-05:** Proposed change to Article 18.20, Permitted Signs, of the Bellbrook Zoning Code

Mr. Foster mentioned after hearing from several members of the community. Staff felt it necessary that an alteration to 18.20 be made for the purpose of window signage, particularly lighted window signage.

The council discussed the verbiage of Article 18.20, the size of signs, and numbers of signs. Asked for more time to review this proposal.

## **OPEN DISCUSSION:**

Mr. Schommer discussed the bridge work in front of Dots Market.

## **ADJOURNMENT:**

With no further business coming before the Board, Mr. Bennett declared the meeting adjourned at \_\_\_\_ pm.

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Denny Bennett, Chair Person

# RECORD OF PROCEEDINGS

Bellbrook Planning Board

July 20, 2023

*Item A. Section 3, Item*

Rob Schommer, Clerk of Council

18.31

**Light & Glare:****(1) Purpose and Intent**

These provisions are intended to control the use of artificial illuminating emitting rays into the night sky and to provide a level of illumination necessary for adequate, safe, and efficient movement of vehicles and persons. It is the intention of this section to accomplish the following:

- a. Encourage lighting systems that are designed to conserve energy;
- b. Minimize glare;
- c. Protect the use and enjoyment of surrounding property; and
- d. Increase nighttime safety, security, and productivity.

**(2) Conformance and Applicable Codes**

All outdoor, artificial illuminating devices shall be installed and maintained in conformance with the provisions of this section and the Ohio Building Code.

**(3) Nonconforming Lighting – New Uses, Buildings & Major Additions, or Modifications**

This section shall apply to all lots of proposed new land uses, developments, buildings, and structures that require a permit.

All building additions or modifications of 25 percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single approval or with cumulative approvals shall invoke the requirements of this sections for the entire property, including previously installed and any new exterior lighting.

Similarly, cumulative modification or replacement of the exterior lighting constituting 25 percent or more of the total exterior light output found on the site, measured in initial lamp lumens, shall invoke the requirements of this section for the entire property, including previously installed and any new exterior lighting.

**(4) Nonconforming Lighting – Minor Additions**

Additions or modifications of less than 25 percent, as described in 18.31 (3), and that require any type of permit, shall require the submission of a complete inventory and site plan detailing all existing and any proposed new exterior lighting. Any new lighting on the site shall meet the requirements of this Code with regard to shielding and lamp type.

#### (5) Nonconforming Lighting – Resumption of Use after Abandonment

If a property or use with nonconforming lighting is abandoned for 6 months or more, then all exterior lighting shall be reviewed and brought into compliance with this Code prior to the property's reuse.

#### (6) Exceptions

The following shall be exempt from the standards of this Section:

- a. Public street luminaries;
- b. Emergency lighting: All temporary emergency lighting needed by the police, fire departments, or other emergency services, as well as all vehicular luminaries;
- c. Lighting used for construction crews making improvements of the public right-of-way.

#### (7) Shielding Standards

All exterior luminaries shall not be aimed, directed, or focused to cause direct light from the luminaire toward residential property or to persons operating motor vehicles on public ways; the luminaire shall be redirected, or its light output controlled as necessary to eliminate such conditions.

In addition, all exterior luminaires having an initial output greater than 2,000 lumens and that are mounted on a pole, building, structure, or tree, shall be full cutoff type luminaires. Such pole, building, structure, or tree mounted luminaires shall not ~~not~~ be equipped with adjustable mounting devices permitting alteration of the luminaire's aim in the field.

#### (8) Light Trespass

All luminaires shall be located, aimed, or shielded to prevent light from trespassing across property boundaries. Light originating on a site shall not exceed the following foot-candles at any property line of said site for the following adjacent uses:

- |                              |                  |
|------------------------------|------------------|
| a. Single Family Residential | 0.1 foot-candles |
| b. Multi-Family Residential  | 0.3 foot-candles |
| c. Civic                     | 0.5 foot-candles |
| d. Office                    | 0.5 foot-candles |
| e. Commercial                | 1.0 foot-candles |
| f. Industrial                | 1.0 foot-candles |
| g. Street Rights-of-Way      | 1.0 foot-candles |



To: Planning Board  
 From: Jason Foster, Community Development Administrator  
 Date: November 2, 2023  
 Subject: Staff Report for 2023-PB-06 Zoning Code Section 18.31

### Summary of the Request

A request from City Council to make additions to the City's lighting code is the basis of the proposed new code, 18.31. The intention of this proposed code is to encourage lighting systems that are designed to conserve energy, minimize glare, protect the use and enjoyment of surrounding property, and increase nighttime safety, security, and productivity. This proposed code also addresses light trespass, requiring all luminaries to be located, aimed, or shielded to prevent light from trespassing across property boundaries.

### Applicant Information

The City of Bellbrook

### Current Zoning District

N/A

### Parcel Identification

N/A

### Additional Actions or Next Steps to be taken by the City

City Council Review and Approval

### Applicant's Reason for the Request

Additional and Updated Lighting Code

### Surrounding Land Use within 1,000 Feet

N/A
<b>Previous Related Development Decisions in the Immediate Area (3-5 Years)</b>
N/A
<b>Comprehensive Plan Applied to the Geographical Area</b>
N/A
<b>Existing Public Utilities</b>
N/A
<b>Soil Survey Data</b>
N/A
<b>Classification of Streets, Traffic Volumes &amp; Direction, Planned Improvements</b>
N/A
<b>Flood Plain Information</b>
N/A
<b>Comments from City and County Agencies</b>
No comments
<b>Supporting Maps &amp; Graphics</b>
N/A
<b>Staff Recommendation</b>
Upon review of the code language by the City Attorney, Staff requests a positive recommendation to City Council

# PLANNING BOARD DECISION RECORD

Item A. Section 5, Item

Decision No. PB 23-06

November 16, 2023

## City of Bellbrook State of Ohio

### Planning Board Decision Record PB 23-06

WHEREAS, the City of Bellbrook has a need to update and make amendments to the Bellbrook Zoning Code in order to improve efficiencies and make improvements for planning and zoning of the City; and

WHEREAS, The Bellbrook Planning Board has reviewed and recommends certain amendments to the Bellbrook Zoning Code

**NOW, THEREFORE, BE IT RESOLVED** by the City of Bellbrook Planning Board that:

Section 1. There was a valid motion placed on the floor to approve a recommendation to Bellbrook City Council for certain amendments to the Bellbrook Zoning Code in accordance to the Staff Report and attachments hereto dated November 2, 2023.

Section 2. That it is found and determined that all formal actions of the Planning Board relating to the adoption of this Decision Record Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

MOTION STATED BY: \_\_\_\_\_ and SECONDED BY: \_\_\_\_\_

Roll call vote showed \_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Motion to approve is \_\_\_\_\_ this 16<sup>th</sup> day of November, 2023

AUTHENTICATION:

\_\_\_\_\_  
Denny Bennett, Planning Board Chair

\_\_\_\_\_  
Rob Schommer, Clerk/Secretary



To: Planning Board  
 From: Jason Foster, Community Development Administrator  
 Date: November 2, 2023  
 Subject: Staff Report for 2023-PB-06 91: W Franklin Street

### Summary of the Request

The applicant, Douglas Short, is requesting approval of a development plan and use for the property located at 91 W. Franklin Street. The request consists of the construction of a new 6,976 square foot building used for the purpose of commercial storage units. The proposed structure is stick built with an exterior finish of vinyl siding. 14 exterior units with “residential style” garage doors and 16 interior units are proposed. An office area is proposed along the frontage. The Village Review Board met on June 6, 2023, to discuss this submittal and several conditions. During that meeting, staff also recommended that a split of the lot be a condition. The result of that meeting is as follows:

Village Review Board met on June 6, 2023 to discuss the property located at 91 W Franklin Street. At that meeting, VRB had a very in-depth discussion regarding the property and proposed building. At the conclusion of the June 6, 2023, meeting, VRB moved a positive recommendation forward to the Planning Board with several conditions. Those conditions included:

1. The overall size of the proposed building shall be equal to or lesser than the square footage of the existing structure on the lot.
2. The setback of the proposed building, both from the right-of-way and the rear property line shall be equal to the existing structure on the lot.
3. The proposed building shall have appropriate screening from the existing building.
4. The proposed building shall have landscaping along the Franklin Street frontage.
5. The proposed building shall meet lighting requirements per code.

The plans submitted for this case show:

1. The overall size of the proposed building is equal to the existing building.
2. The setback of the proposed building is equal to the existing building.
3. The proposed plans show a 6’ privacy fence screening the proposed structure from the existing residence.

4. The proposed plans show adequate landscaping along the Franklin Street frontage and additional landscaping in the rear of the property.
5. The proposed plans show adequate lighting on the proposed building, meeting code requirements.

In addition to the physical characteristics of the proposed building and lot, the Planning Board is also tasked with considering the use of the property. The principal permitted uses in Article 12, B-4 Central Business District are attached to this staff report. A commercial storage facility would fall under “other uses” that can be considered by the Planning Board. It is not a principal permitted use.

### **Applicant Information**

Douglas Short, Owner

### **Current Zoning District**

B-4

### **Parcel Identification**

L35000100020008200

### **Additional Actions or Next Steps to be taken by the City**

Planning Board Review

### **Applicant’s Reason for the Request**

Development in Downtown

### **Surrounding Land Use within 1,000 Feet**

Commercial, Multi-Family Residential, Single-Family Residential

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

Village Review Board met on June 6, 2023 to discuss the property located at 91 W Franklin Street. At that meeting, VRB had a very in-depth discussion regarding the property and proposed building. At the conclusion of the June 6, 2023, meeting, VRB moved a positive recommendation forward to the Planning Board with several conditions. Those conditions included:

6. The overall size of the proposed building shall be equal to or lesser than the square footage of the existing structure on the lot.

7. The setback of the proposed building, both from the right-of-way and the rear property line shall be equal to the existing structure on the lot.
8. The proposed building shall have appropriate screening from the existing building.
9. The proposed building shall have landscaping along the Franklin Street frontage.
10. The proposed building shall meet lighting requirements per code.

### Comprehensive Plan Applied to the Geographical Area

The Comprehensive Plan addresses this geographical area many times. It also addresses land use multiple times throughout the plan. Within the Executive Summary, the Comprehensive Plan speaks to the community identity of downtown. The Plan mentions apartments, shops, and restaurants as preferred uses downtown. Within the future land use portion of the Comprehensive Plan, the primary goal is to promote retail and food establishments within the Old Village District.

### Existing Public Utilities

Water, Sewer, Electric Gas

### Soil Survey Data

N/A

### Classification of Streets, Traffic Volumes & Direction, Planned Improvements

New Construction

### Flood Plain Information

This property does not fall within the flood plain

### Comments from City and County Agencies

The City has a concern with the west side of the proposed lot. The plan shows a 6' 9" concrete pad for purposes of loading and unloading. This pad shall be wide enough for any vehicle to completely exit the public alley to the west for loading and unloading. While 6' 9" may be wide enough for a non-commercial truck, the City is concerned about larger, commercial vehicles, like box trucks, blocking a portion of the alley.

### Supporting Maps & Graphics

Attached

### **Staff Recommendation**

Upon review of the application and supporting documents, staff recommends the Planning Board require a lot split, a 10' wide concrete pad and the other conditions set forth by the Village Review Board IF approval is considered.

Article # 12, B-4, Central 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.
- (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.
- (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 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.



# PLANNING BOARD DECISION RECORD

Item B. Section 5, Item

Decision No. PB 23-07

November 16, 2023

## City of Bellbrook State of Ohio

### Planning Board Decision Record PB 23-07

WHEREAS, on November 1, 2023, the applicant, Douglas Short, requested approval of a development plan and use at 91 W Franklin Street; and

WHEREAS, the requested development plan indicates the construction of a approximately 6,976 square foot building used for the purposes of commercial storage; and

WHEREAS, the Bellbrook Village Review Board moved forward a positive recommendation with conditions on June 6, 2023; and

WHEREAS, Article 12 of the Bellbrook Zoning Code gives the Planning Board authority to approve the development plan and use; and

WHEREAS, on November 16, 2023 the City of Bellbrook Planning Board did meet in an open, public forum and fully discuss the details of the request of the applicant.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Bellbrook Planning Board that:

Section 1. There was a valid motion placed on the floor to approve the request made by the applicant, Douglas Short for approval of a development plan and use at 91 W Franklin Street (Planning Board Case PB 23-07) in accordance to the Staff Report dated November 2, 2023.

Section 2. That it is found and determined that all formal actions of the Planning Board relating to the adoption of this Decision Record Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

MOTION STATED BY: \_\_\_\_\_ and SECONDED BY: \_\_\_\_\_

Roll call vote showed \_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Motion to approve is \_\_\_\_\_ this 16<sup>th</sup> day of November, 2023

AUTHENTICATION:

\_\_\_\_\_  
Denny Bennett, Planning Board Chair

# PLANNING BOARD DECISION RECORD

*Item B. Section 5, Item*

Decision No. PB 23-07

November 16, 2023

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Rob Schommer, Clerk/Secretary