



CITY COUNCIL REGULAR MEETING AGENDA

Monday, June 24, 2024 at 7:00 PM

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

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF THE MINUTES**
5. **MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
6. **CITIZEN COMMENTS**
7. **CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS**
8. **PUBLIC HEARING OF PROPOSED ORDINANCES**
9. **INTRODUCTIONS OF ORDINANCES**
 - A. Ordinance 2024-O-10 TO APPROVE A REZONING FROM CENTRAL BUSINESS DISTRICT (B-4) TO PLANNED MIXED-USE DEVELOPMENT (PD-4) FOR THE PROPERTY LOCATED AT 12 WEST FRANKLIN STREET FURTHER IDENTIFIED AS PARCEL L35000100020004200 ON THE GREENE COUNTY AUDITOR'S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD (ZONING CASE PB 24-01) (Havens)
10. **ADOPTION OF RESOLUTIONS**
 - A. Resolution 2024-R-16 IMPOSING A TEMPORARY MORATORIUM OF ONE HUNDRED AND EIGHTY (180) DAYS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING ADULT USE CANNABIS OPERATORS WITHIN THE CITY OF BELLBROOK (Cyphers)
 - B. Resolution 2024-R-17 DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY (Ashley)
11. **OLD BUSINESS**
12. **NEW BUSINESS**
13. **CITY MANAGER'S REPORT**
14. **COMMITTEE REPORTS**
 - A. Safety Committee
 - B. Service Committee
 - C. Finance/Audit Committee
 - D. Community Affairs Committee
15. **CITY OFFICIAL COMMENTS**
16. **EXECUTIVE SESSION**
17. **ADJOURNMENT**

File Attachments for Item:

A. Ordinance 2024-O-10 TO APPROVE A REZONING FROM CENTRAL BUSINESS DISTRICT (B-4) TO PLANNED MIXED-USE DEVELOPMENT (PD-4) FOR THE PROPERTY LOCATED AT 12 WEST FRANKLIN STREET FURTHER IDENTIFIED AS PARCEL L35000100020004200 ON THE GREENE COUNTY AUDITOR'S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD (ZONING CASE PB 24-01) (Havens)

RECORD OF ORDINANCES

Item A. Section 9, Item

Ordinance No. 2024-O-10

July 8, 2024

City of Bellbrook State of Ohio

Ordinance No. 2024-O-10

TO APPROVE A REZONING FROM CENTRAL BUSINESS DISTRICT (B-4) TO PLANNED MIXED-USE DEVELOPMENT (PD-4) FOR THE PROPERTY LOCATED AT 12 WEST FRANKLIN STREET FURTHER IDENTIFIED AS PARCEL L35000100020004200 ON THE GREENE COUNTY AUDITOR'S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD (ZONING CASE PB 24-01)

WHEREAS, the citizens of Bellbrook require the efficient and orderly planning of land uses within the City; and

WHEREAS, the Bellbrook Planning Board has reviewed Case PB 24-01 and on June 20, 2024 recommended approval by a vote of 3-0 for the Re-zoning; and

WHEREAS, the Bellbrook City Council has reviewed and considered the issue.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. The application requesting approval of a Re-zoning (Case PB 24-01) for the property located at 12 West Franklin Street in the City of Bellbrook from Central Business District (B-4) to Planned Mixed-Use Development (PD-4) is hereby approved in accordance with the Planning Board's recommendation.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED BY City Council this ___ day of June 2024.

___ Yeas; ___ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

APPROVED AS TO FORM:
Stephen McHugh, Law Director

PLANNING BOARD DECISION RECORD

Item A. Section 9, Item

Decision No. PB 24-04

June 20, 2024

City of Bellbrook State of Ohio

Planning Board Decision Record PB 24-04

WHEREAS, on May 21, 2024, the applicant, the City of Bellbrook requested approval of the re-zoning of 12 W. Franklin Street; and

WHEREAS, the requesting application indicates the property at 12 W. Franklin Street is currently zoned B-4, Central Business District and the proposed zoning district of PD-4, Planned Mixed-Use Development; and

WHEREAS, Article 18 of the Bellbrook Zoning Code gives the Planning Board authority to make a recommendation of the proposed zoning change to City Council

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 the proposed re-zoning of 12 W. Franklin Street from B-4, Central Business District to PD-4, Planned Mixed-Use Development in accordance to the Staff Report and attachments hereto dated May 30, 2024.

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: Mr. Tuttle and SECONDED BY: Mr. Boehmer

Roll call vote showed 3 Yeas; 0 Nays.

Motion to approve is PASSED this 20th day of June 2024

AUTHENTICATION:



Denny Bennett, Planning Board Chair



Rob Schommer, Clerk/Secretary



CITY OF BELLBROOK

APPLICATION FOR ZONING AMENDMENT

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

DATE RECEIVED 5 / 21 / 23 STAFF USE APPLICATION # 2024-PB-01

APPLICANT INFORMATION

PROPERTY OWNER CITY OF BELLBROOK PHONE NUMBER 937 848 4622
OWNER ADDRESS 15 E FRANKLIN STREET
APPLICANT NAME CITY OF BELLBROOK PHONE NUMBER 937 848 4622
APPLICANT ADDRESS 15 E FRANKLIN STREET BELLBROOK, OHIO 45305
APPLICANT EMAIL jfoster@cityofbellbrook.org

REQUEST INFORMATION

PROPERTY ADDRESS TO BE REZONED 12 W FRANKLIN STREET
SUBDIVISION OLD VILLAGE DISTRICT LOT NUMBER 53 PARCEL ID L35000100020004200
PRESENT ZONING DISTRICT B-4 PROPOSED ZONING DISTRICT PD-4 (MIXED USE)
PRESENT USE VACANT
PROPOSED USE SERVICE INDUSTRY
OTHER COMMENTS THE APPLICATION FOR RE-ZONING WILL SERVE AS THE FIRST STEP IN REDEVELOPMENT OF THE PROPERTY.

SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH AN APPLICATION FOR ZONING AMENDMENT.

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

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

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

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

APPLICANT SIGNATURE J Foster DATE 5 / 21 / 24

OFFICE USE ONLY	
<p>WAVED</p> <p>APPLICATION FEE</p> <p>\$ <u>0</u></p>	<p>PAYMENT TYPE</p> <p>CASH <input type="checkbox"/> CHECK <input type="checkbox"/> #</p>
<p>PLANNING BOARD</p> <p>CITY COUNCIL</p>	<p>REVIEW AUTHORITY</p> <p>ADMINISTRATIVE, PLANNING BOARD, CITY COUNCIL</p> <p>MEETING DATE <u>6 / 20 / 24</u> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/></p> <p>MEETING DATE <u>6 / 24 / 24</u> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/></p>



To: Planning Board
 From: Jason Foster, Community Development Administrator
 Date: May 30, 2024
 Subject: Staff Report for 2024-PB-01

Summary of the Request

The applicant, The City of Bellbrook, is proposing the property located at 12 W. Franklin Street to be re-zoned from its current B-4, Central Business District zoning district to PD-4, Planned Mixed Use Development.

The building is City-owned and was formerly used as the City’s sign shop. The building has been vacated in preparation for future redevelopment.

The PD-4, Planned Mixed Use Development zoning district is desirable because it, like all Planned Districts, allows Planning Board to make recommendations on any plan proposed to the City and City Council to ultimately approve any plan and use for the building.

Applicant Information

City of Bellbrook

Current Zoning District

B-4, Central Business District

Parcel Identification

L35000100020004200

Additional Actions or Next Steps to be taken by the City

Staff will take the recommendation of Planning Board to City Council for introduction and public hearing.

Applicant’s Reason for the Request

Development of the property
Surrounding Land Use within 1,000 Feet
Business and Residential
Previous Related Development Decisions in the Immediate Area (3-5 Years)
N/A
Comprehensive Plan Applied to the Geographical Area
The Comprehensive Plan asks for the development and redevelopment of properties within Downtown to more desired uses and aesthetics.
Existing Public Utilities
All utilities are at the site
Soil Survey Data
N/A
Classification of Streets, Traffic Volumes & Direction, Planned Improvements
N/A
Flood Plain Information
The property is not within the flood plain.
Comments from City and County Agencies
N/A
Supporting Maps & Graphics
Attached to the packet.
Staff Recommendation
Staff recommends a positive recommendation to City Council.



**The Bellbrook Planning Board
will conduct a Public Hearing
on June 20, 2024 at 6:00 PM
in the City Council Chambers (2nd Floor)
15 East Franklin Street, Bellbrook, Ohio 45305**

Planning Board Case PB 24-01: 12 W Franklin Street (City of Bellbrook)

The Bellbrook Planning Board will hold a public hearing on a re-zoning request for 12 W Franklin Street. The request to re-zone from B-4, Central Business District to PD-4, Planned Mixed Use, in accordance with Article 17.05 (D)(1) of the Bellbrook Zoning Code.

If you have questions, please contact The City of Bellbrook Community Development Department at (937)310-3235 or jfoster@cityofbellbrook.org

This publication was mailed May 31, 2024

File Attachments for Item:

A. Resolution 2024-R-16 IMPOSING A TEMPORARY MORATORIUM OF ONE HUNDRED AND EIGHTY (180) DAYS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING ADULT USE CANNABIS OPERATORS WITHIN THE CITY OF BELLBROOK (Cyphers)

RECORD OF RESOLUTIONS

Item A. Section 10, Item

Resolution No. 2024-R-16

June 24, 2024

City of Bellbrook State of Ohio

Resolution No. 2024-R-16

IMPOSING A TEMPORARY MORATORIUM OF ONE HUNDRED AND EIGHTY (180) DAYS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING ADULT USE CANNABIS OPERATORS WITHIN THE CITY OF BELLBROOK

WHEREAS, Chapter 3780 “Adult Use Cannabis Control” of the Ohio Revised Code, which legalizes recreational marijuana usage, cultivation, processing, and sales in the State of Ohio, was adopted by initiative petition on November 7, 2023; and

WHEREAS, Chapter 3780 of the Ohio Revised Code will become effective December 7, 2023; and

WHEREAS, for the purposes of this Resolution, “adult use cannabis operators” are given the same definition as is found in Chapter 3780 of the Ohio Revised Code; and

WHEREAS, the Home Rule Amendment of the Ohio Constitution allows municipalities to legislate on issues of concern through the adoption of its Charter to exercise local self-government powers; and

WHEREAS, Ohio Revised Code Section 3780.25 authorizes a municipality to limit the number of, or entirely prohibit, adult use cannabis operators in the City of Bellbrook; and

WHEREAS, City Council seeks additional time to study whether it should entirely prohibit the adult use cannabis operators in the City of Bellbrook or, alternatively, develop and implement regulations concerning adult use cannabis operators operating in the City; and

WHEREAS, City Staff will review and make recommendations on zoning, prohibition and/or limitations of adult use cannabis operators so that any necessary regulations conform to goals of the City of Bellbrook and help ensure the public peace, health, safety, and welfare of its citizens; and

WHEREAS, a moratorium of six months on the issuance and processing of permits allowing adult use cannabis operators in the City of Bellbrook will likely allow Council time to accomplish the City’s goals and help ensure the public peace, health, safety, and welfare of its citizens and to take quick action to review the potential issues and is regulation or laws are made public prior to the expiration of the moratorium, the City may take legislative action to rescind or replace the moratorium, provided however, Council reserves the right to take legislative action to extend the moratorium if regulations are not made public within the 180 days.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. City Council hereby imposes a moratorium of six months, one hundred eight days (180) on the issuance and processing of permits for adult use cannabis operators in the City of Bellbrook. The purpose of this moratorium is so that City Staff and City Council may study the law and the related

RECORD OF RESOLUTIONS

Item A. Section 10, Item

Resolution No. 2024-R-16

June 24, 2024

issues and then determine whether to limit or entirely prohibit adult use cannabis operators in the City of Bellbrook and to prepare any necessary, related regulations.

Section 2. The duration of this moratorium shall commence with the passage of this Resolution and shall end, unless extended by City Council for the reasons set forth above, 180 days after the passage of this Resolution and is limited to allow for the review of the law and related issues then make a determination as needed regarding whether to permit adult use cannabis operators in the City of Bellbrook.

Section 3. It is hereby found and determined through authority of this moratorium Council hereby directs and orders that there shall be no issuance or processing of permits for adult use cannabis operators by or within the City of Bellbrook during the duration of this moratorium.

Section 4. That it is found and determined that all formal actions of the City Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council 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.

Section 5. That this resolution shall take effect and be in force forthwith.

PASSED BY City Council this 24th day of June, 2024.

_____ Yeas; _____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

B. Resolution 2024-R-17 DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY (Ashley)

RECORD OF RESOLUTIONS

Item B, Section 10, Item

Resolution No. 2024-R-17

June 24, 2024

City of Bellbrook State of Ohio

Resolution No. 2024-R-17

DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY

WHEREAS, the City of Bellbrook is in possession of certain property at an estimated value over \$2,500 that is no longer needed for municipal purposes; and

WHEREAS, the property is desired to be sold via an internet-based auction process or otherwise discarded or salvaged.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. Consistent with the provisions of the Ohio Revised Code Section 721.15 and Section 230.06 of the Bellbrook Code of Ordinances and purchasing procedures, the following equipment is declared surplus, no longer needed for municipal purposes, and authorization is hereby granted to dispose of the property consistent with the provisions of Bellbrook Ordinances by means of an internet-based auction or if having no value may be discarded or salvaged by the City Manager:

ITEM-----	SERIAL NO.-----	ASSET ID
2018 Ford Explorer	1FM5K8ARXJGB34630	PD77
2016 Ford Explorer	1FM5K8AR1GGC92963	PD78

Section 2. That it is found and determined that all formal actions of the City Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council 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.

Section 3. That this resolution shall take effect and be in force forthwith.

PASSED BY City Council this 24th day of June, 2024.

____ Yeas; ____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council