



## PLANNING COMMISSION MEETING MINUTES JANUARY 25, 2021

*Due to the Governor's orders on limited size of meetings Clayton's Planning Commission conducted its scheduled meeting on Monday January 25, 2021 via the Zoom meeting format*

### I. OPENING OF MEETING

The Clayton Planning Commission meeting convened at 7:00 pm on Monday, January 25, 2021 virtually on the Zoom platform

Mr. Robinson welcomed the Commission's new member, Sabrina Pritchett.

Call to Order: Present were Mr. Robinson, Mr. Bills, Mr. Garner, Mr. Powless, and Ms. Pritchett. Seth Dorman, City Planner/Zoning Administrator

### II. MEETING PROCEDURE AND OATH

Mr. Robinson explained the meeting procedures and administered the Oath to members of the public who wished to speak this evening.

### III. MINUTES OF THE PREVIOUS MEETINGS

Mr. Robinson asked for a motion to approve the minutes of December 21, 2020. Mr. Bills made a motion to approve the minutes of December 21, 2020, motion was second by Mr. Powless. Voting - Mr. Robinson-yes, Mr. Bills-yes, Mr. Garner-abstain, Mr. Powless-yes, and Ms. Pritchett-abstain. Approved 3-0.

### IV. ORGANIZATIONAL ITEMS

Mr. Robinson asked if everyone acknowledges receipt and understanding of the Rules of Procedure of the City of Clayton Planning Commission. All members indicated yes.

Mr. Robinson asked for approval of the 2021 Planning Commission meeting schedule that was included in their packets. Motion by Garner to approve the 2021 Planning Commission meeting schedule as proposed, motion was second by Powless. Voting: Mr. Robinson-yes, Mr. Bills-yes, Mr. Garner-yes, Mr. Powless-yes, and Ms. Pritchett-yes. Motion was approved 5-0.

Mr. Robinson stated we need to appoint a President for 2021 and asked for nominations. Mr. Garner stated he would like to hear the credentials from anyone that is interested in the position. Mr. Bills stated he would be interested and stated his background and credentials. Mr. Robinson stated he would also be interested in continuing in his current position and stated his background and credentials. Hearing from on one else, Mr. Garner made a motion to appoint Mr. Bills as President for 2021, motion was second by Mr. Powless. Voting: Mr. Robinson-no, Mr. Bills-yes, Mr. Garner-yes, Mr. Powless-yes, and Ms. Pritchett-yes. Motion was approved 4-0 to appoint Mr. Bills as President for 2021.

Mr. Bills stated we also need to appoint a Vice-President for 2021 and asked for nominations. Mr. Powless made a motion to appoint Mr. Robinson as Vice-President for 2021, motion was second by Mr. Garner. Voting: Mr. Robinson-yes, Mr. Bills-yes, Mr. Garner-yes, Mr. Powless-yes, and Ms. Pritchett-yes. Motion was approved 5-0.

Mr. Bills stated we then need to appoint a Commission Secretary. Mr. Robinson made a motion to appoint Barbara Seim as Commission Secretary, motion was second by Mr. Garner. Voting: Mr. Robinson-yes, Mr. Bills-yes, Mr. Garner-yes, Mr. Powless-yes, and Ms. Pritchett-yes. Motion was approved 5-0.

## **V. OLD BUSINESS**

Case# PC20-02: Northwest Corner of National and Haber Roads, Redwood USA, LLC

Request is for a Zoning Change for properties at 4679 National Road and 440 Fox Road, (Portion of) Parcels M60 03012 0022 and M60 03102 0002, and M60 03102 0105, from R-1, Open Space Residential District, to PD-3, Planned Business District. The applicant intends to build a mixed-use neighborhood with multi-family residential and commercial uses. The request was made by Redwood USA, LLC (applicant).

Mr. Bills advised the composition of the Planning Commission has changed since the last meeting as Mr. Litvin's term has expired and Ms. Pritchett has joined the Commission. Ms. Pritchett has watched the video from the Dec. 21<sup>st</sup> meeting and can participate in this hearing. Also, because of technical issues at the last meeting, Mr. Bills and Mr. Garner have both watched the video from the Dec. 21<sup>st</sup> meeting and can both participate in the hearing.

Mr. Bills asked for a motion to remove Case #PC20-02 from the table. Mr. Robinson made a motion to remove Case PC20-02 from the table, motion was second by Powless. Voting: Mr. Robinson-yes, Mr. Bills-yes, Mr. Garner-yes, Mr. Powless-yes, and Ms. Pritchett-yes. Motion was approved 5-0.

Mr. Dorman advised this case was tabled at the December 21, 2020 meeting so the City's Law Director could provide an opinion on whether a traffic study could be considered as part of the decision on the Zoning District Change.

Ms. Dillon, City's Law Director, stated she watched the entire video of the Planning Commission meeting of December 21, 2020. During the public comment portion of the December 21<sup>st</sup> meeting several residents expressed traffic concerns relative to this possible project, and during the member discussion portion it was asked about the possibility of attaching a condition requiring the applicant provide a traffic study for the approval of the re-zoning request was considered. Based on case law, I agree with Mr. Kuntz and Mr. Thurman when they indicated it would not be appropriate for the Planning Commission to attach a condition requiring the applicant to obtain and provide a traffic study in order to obtain approval of the re-zoning requested. I believe Mr. Kuntz and Mr. Dorman were further correct in their statements that from a procedural perspective, a traffic study at this stage in the procedure is not proper because a traffic study will be required during the development plan phase of this procedure.

Mr. Dorman then recognized Jack Kuntz, Director of Development, who will give a presentation on the PLAN Clayton process and how it is applicable to the application tonight.

Mr. Kuntz gave a shortened version of the PLAN Clayton presentation he gave at the December 21, 2020 Planning Commission meeting, summarized why it is an important piece of this decision, and why it needs to be considered in the overall growth pattern of the surrounding areas.

Mr. Dorman advised this is a proposed zoning district change at the northwest corner of National and Haber Roads from R-1 to PD-3, with an overall area of 33.73 acres. The applicant is planning a mixed-use development with multi-family residential and commercial uses. The proposal includes approximately 27.3 acres for apartment home development and 6 acres for future commercial development along National Road. The current zoning permits single-family dwellings, adult family homes and care facilities. The proposed zoning (PD-3) permits retail and service establishments, residential and recreational uses, and farmer's markets. Staff recommends that the Planning Commission make a motion to recommend approval of the Zoning District change from R-1 to PD-3 with the following condition: That the applicant, if approved for the Zoning Change and subsequent Preliminary and Final Development Plan, combine the lots involved in the development into one primary parcel for the residential development and establish lot lines for the future commercial properties. This does not need to occur immediately but should occur prior to submitting for the Zoning Certificate and Building Permits for the initial phase of residential construction and prior to permit submittals on the first commercial out lot.

Mr. Bills introduced the applicant, Greg Thurman. Mr. Thurman gave his presentation on Redwood, their standards, and the types of units they build and the types of renters they cater to; he also advised they currently have six communities in the Dayton area.

Mr. Bills asks if any of the Commissioners have any questions for either staff or the applicant. Mr. Robinson asked about the maintenance of the property, will it impact the city? Mr. Thurman stated no, all maintenance will be handled by Redwood. Mr. Robinson asked what is the square footage of the units? Mr. Thurman stated there are four configurations with the average being 1,300 square feet of living space and 400 square feet for the garage.

Mr. Bills asked for a motion to open the floor to public comments. Motion by Mr. Robinson to open the floor for public comments, motion was second by Mr. Powless. Voting: Mr. Robinson-yes, Mr. Bills-yes, Mr. Garner-yes, Mr. Powless-yes, and Ms. Pritchett-yes. Motion was approved 5-0. Mr. Bills reminded residents they have a 3-minute limit and asked that they not repeat comments already presented by another resident.

Dana York stated he is in the process of purchasing a property on Haber Road. He has a concern with the commercial property, if Redwood does not develop the property will it be sold? He also has a concern with the sewer line, would tax dollars be used to move the sewer line to the development.

Jeremy Blanford stated since the last meeting he has read the PLAN Clayton document. He is not necessarily opposed to building in Clayton, but this is not the best location for this proposed development. In reviewing Redwood developments in the region, they are primarily tucked in between existing developments. I don't see where this development fits in with the PLAN Clayton.

Mike Greer stated he agreed with Mr. Blanford. Regarding the City Centre, a massive apartment complex does not meet the intent of the City Centre. Mr. Greer asked if the members of the zoning board and staff have driven through some of the Redwood

developments, they don't look like us, in my opinion they look cheap. They do not fit in Clayton.

Christina Crawford stated she is building a home on National Road and she also agrees with the last two gentlemen who spoke. At the last meeting it was stated over 500 people worked on and approved the PLAN Clayton document, we currently have 507 people who say no this development on a petition. The city needs to listen to the people who live here.

Greg Childers stated he lives on Haber Road and currently to the northeast of where we live there is a gravel/concrete plant, further down on SR49 we have another gravel plant. At the last meeting it was stated this is a two-year project with Haber Road being the main location. Will we see large dump trucks and concrete trucks going down Haber? We're not looking forward to it.

Mr. Bills hearing no further residents who wish to speak on this case, I ask for a motion and a second to close the floor to public comment at this time. Motion by Mr. Powless to close the public comment portion of this meeting, motion was second by Mr. Robinson. Voting: Mr. Robinson-yes, Mr. Bills-yes, Mr. Garner-yes, Mr. Powless-yes, and Ms. Pritchett-yes. Motion was approved 5-0.

Mr. Bills asked Mr. Thurman if he would like to respond to any of the comments we received from the public.

Mr. Thurman stated the commercial parcel was brought up. The commercial parcel would have to go through the same processes he is going through now, with public input. As for the cost of utilities, we know that utilities are available we have not gotten into that scope yet it will be part of the next phase. The financing of the project will determine the viability.

Mr. Bills asked if any of the Commissioners have any more questions of staff or the applicant before we proceed to make a motion on this application. None heard.

Mr. Bills asked for a motion and a second to make a recommendation of approval, approval with conditions or to disapprove the Zoning District Change. Motion by Mr. Garner to approve the request with the following condition, "The applicant combine the lots involved in the development into one primary parcel for the residential development and establish lot lines for the future commercial properties. This does not need to occur immediately but should occur prior to submitting for the Zoning Certificate and Building Permits for the initial phase of residential construction and prior to permit submittals on the first commercial out lot." Motion was second by Mr. Robinson. Voting: Mr. Robinson-yes, Mr. Bills-yes, Mr. Garner-yes, Mr. Powless-yes, and Ms. Pritchett-yes. Motion was approved 5-0.

## **VI. NEW BUSINESS**

None

## **VII. NEXT MEETING**

Mr. Bills advised the next scheduled Planning Commission meeting will be February 22<sup>nd</sup>.

**VIII. END OF MEETING**

Having no further business Mr. Bills asked for a motion to adjourn the meeting. Motion by Robinson to adjourn the meeting, motion was second by Powless. Voting- Mr. Robinson-yes, Mr. Bills-yes, Mr. Garner-yes, Mr. Powless-yes, and Ms. Pritchett-yes. Motion passed 5-0. The meeting adjourned at 8:14 PM.

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Mr. Dave Bills, *President*

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Ms. Barbara Seim, *Secretary*

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Date

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