

PLANNING COMMISSION MEETING MINUTES JUNE 28, 2021

I. OPENING OF MEETING

President Bills opened the Clayton Planning Commission meeting, convening at 7:00 pm on Monday, June 28, 2021.

Call to Order: Present were Mr. Bills, Mr. Robinson, Mr. Garner, and Ms. Pritchett. Mr. Powless was not in attendance.

Mr. Bills advised he will be reviewing the meeting procedures for tonight, but first wanted to advise that the hearing for the Redwood project has been tabled until next month. The applicant requested that due to a family issue they had to deal with, they were not able to be here tonight.

II. MEETING PROCEDURE AND OATH

Mr. Bills explained the meeting procedure for tonight's cases and administered the Oath to those in attendance who wished to speak this evening.

III. MINUTES OF THE PREVIOUS MEETINGS

Mr. Bills asked for a motion to approve the minutes of April 26, 2021. Mr. Robinson made a motion to approve the minutes of April 26, 2021, motion was second by Mr. Garner. Voting - Mr. Bills-yes, Mr. Robinson-yes, Mr. Garner-yes, and Ms. Pritchett-yes. Approved 4-0.

IV. OLD BUSINESS

None

V. NEW BUSINESS

Case #PC21-04: Northwest Corner of Westbrook & Union Rd, DDC Management, LLC

Request is for a Zoning Change and Preliminary Subdivision Plan for 39 acres at the northwest corner of Westbrook Road and Union Road, Parcel M60 03207 0022. The Zoning Change would be from R-3, Suburban Residential District, to PD-1, Planned District Residential. The applicant intends to build a new single family residential development, called Hunter's Path, that will have 125 lots, new infrastructure, and neighborhood amenities. The request was made by DDC Management, LLC (applicant).

Seth Dorman, City Planner, stated DDC Management has submitted a two-part application, a proposed Zoning District Change from R-3 to PD-1 and a proposed Preliminary Development plan for a single-family residential subdivision. The Zoning District Change is for 39.47 acres and they are asking for a PD-1 classification that permits residential and/or recreational uses. The Preliminary Development Plan for the proposed Hunter's Path subdivision is to construct 125 single family homes. There will be a 30' buffer proposed for the property that will be surrounded by the proposed subdivision. The primary access will come from a new access point on Westbrook Road

and there will be a proposed connection via Fallgold to the Bayberry Trail subdivision (Summersweet plat). Utilities are at or near the site of the proposed subdivision so they will be able to tie into existing public infrastructure. Sanitary sewer will need to be extended from the west approximately 710'. New infrastructure will include streets, sidewalks, and a multi-use path along the Westbrook Road frontage. Neighborhood amenities include a centrally located neighborhood park, and four stormwater retention ponds that will have passive open space around them. If the Planning Commission makes a recommendation to City Council, Council will then hold a public hearing and make a final determination on the Zoning District Change and Preliminary Subdivision Plan. If Council approves both, DDC would then be able to submit for their Final Subdivision Plan approval and this application would require public hearings with both the Planning Commission and City Council. The Final Subdivision Plan requires a traffic study and details on utilities, grading, stormwater, and drainage, building architecture and landscaping. The Final Plat would also need to be submitted for Planning Commission and City Council review and approval prior to plans being submitted for individual homes for both a Zoning Certificate and Building Permit. After evaluating the applicant's request, we recommend the Planning Commission make a motion to recommend approval of the Zoning District Change and the Preliminary Subdivision Plan as submitted. We have identified 23 items that need to be addressed by the applicant, and DDC have agreed to all of them.

Mr. Bills asked the applicant if they have anything to add.

Ryan Reed of DDC Management, LLC advised he did not have a formal presentation tonight and Mr. Dorman did an outstanding job summarizing our development. We are really proud of this development and the collaboration we've had with the city to date. We think we've incorporated a lot of the things the city is looking for that are outlined in the PLAN Clayton, and we feel this proposed development addresses all of the key features outlined there. To the 23 items that Mr. Dorman mentioned in his staff recommendations, we have reviewed them and are in agreement, those items will be updated in our next step of the process.

Mr. Bills asked the Commission members if they had any questions for staff or the applicant.

Mr. Robinson questioned the 23 items; it would be nice to hear what we're talking about.

Mr. Bills asked are the 23 items required as part of the preliminary submission or are they required in the final submission.

Mr. Dorman stated they are items we would like addressed in the final plan.

Mr. Reed read each of the 23 items and advised DDC has agreed to each of them.

Mr. Bills then asked each Commission member if they had any further questions, none heard.

Mr. Bills asked for a motion to open the floor to public comment. Motion by Mr. Robinson to open the floor for public comment, motion was second by Mr. Garner. Voting - Mr. Bills-yes, Mr. Robinson-yes, Mr. Garner-yes, and Ms. Pritchett-yes. Approved 4-0.

Mr. Bills explained the public comment rules.

Mr. Bills then asked for public comments in favor or opposition of the application.

Al Humble asked is there going to be a buffer between Summersweet and this new development? I have been maintaining the buffer between my property and the new development for the last 30 years, the 26 feet. I've been mowing it and paying for the fertilizer; I've been trimming the shrubs. I can't get an answer from anyone on if I can buy this land or is it going to be in the buffer or what's going to happen with it.

Bill Seiter stated he has concerns with the tree and underbrush buffer between his property and the new development, will the trees be stripped away? I also have concerns with runoff with the additional hard surfaces. We have a detention pond that is an ongoing concern for us, it is functional, but at some time it's going to need maintenance. We are just concerned it won't be affected by what is being proposed here. I like that you will be putting fountains and aeration in the ponds since they are going to retain water. Lastly, it looks like Fallgold is going to be a pathway, throughway all the way to Westbrook and all the concerns with extra traffic. Will Hunter's Path have a homeowner's association? And, who will maintain the ponds?

Hearing no further comments, Mr. Bills asked for a motion to close the floor for public comment. Motion by Mr. Robinson to close the floor for public comment, motion was second by Mr. Garner. Voting - Mr. Bills-yes, Mr. Robinson-yes, Mr. Garner-yes, and Ms. Pritchett-yes. Approved 4-0.

Mr. Bills asked the applicant if they would like to respond to any of the public comments.

Mr. Reed advised they will have a Homeowners Association and they will be in charge of the HOA. That HOA will be in charge of maintaining all the ponds, greenspace and caring for the monuments and landscaping at the entrances. He addressed Mr. Humble's concern and advised that the area behind his home will be maintained by the HOA. Then to address Mr. Seiter's concerns about the trees, we know there is an existing tree line there and we want to maintain that. Our plan is to keep as many of the existing trees as possible. As for run off and traffic, our design will be better than the current situation.

A resident wished to speak so Mr. Bills asked for a motion to re-open the floor to public comment. Motion by Mr. Robinson to re-open the floor for public comment, motion was second by Ms. Pritchett. Voting - Mr. Bills-yes, Mr. Robinson-yes, Mr. Garner-yes, and Ms. Pritchett-yes. Approved 4-0.

Paul Kooch stated when the Summersweet plat was developed we were promised by the developer to maintain the retention ponds, but they defaulted. We want some type of assurance the retention ponds and green space will be maintained.

Hearing no further comments, Mr. Bills asked for a motion to close the floor for public comment. Motion by Mr. Robinson to close the floor for public comment, motion was second by Mr. Garner. Voting - Mr. Bills-yes, Mr. Robinson-yes, Mr. Garner-yes, and Ms. Pritchett-yes. Approved 4-0.

Mr. Reed replied that they will front load the HOA until the development is fully built out. At that time, the HOA will be turned over to the homeowners within the development. As for the trees, we will work with the city and will impact the tree line as minimal as possible.

Mr. Bills asked if there were any questions from the Commission members.

Mr. Robinson stated when developers come in and make promises, and no fault of their own, leadership changes happen. So, my question is how can we make sure that these items will be maintained for an indefinite period. The other thing is, mature trees, they are hard to come by. I have seen developments where the tree lines have been tampered with. So, I believe the foreman that will be working there needs to have a conversation and a walk-through to identify trees to keep.

Mr. Reed replied that the maintenance of the open spaces and the utilities, while we are in there as the developer, we are in charge of the HOA. It is in our best interest to make sure that it is maintained properly in order to keep a consistency across the neighborhood, to keep the residents happy, and to make sure the homes are selling there. There is a point at which we exit the property once all the properties are sold, and that HOA is then turned over to the residents, the residents are then running the HOA. Their annual dues go into a fund that the residents will use to maintain those improvements. As the developer we fund that HOA in order to keep the community looking nice until it is turned over to the residents. That final board is voted on by the residents. As far as the trees we would be open to working with the city to find a way to identify mature trees and to make sure the impact to that tree line would be as minimal as possible.

Mr. Bills asked for a motion to recommend approval, approval with conditions or disapproval of the applicant's request. Motion by Mr. Robinson to approve the zoning change and preliminary development plan with the condition that the tree line be maintained as much as possible and the 23 items be included as a condition; motion was second by Ms. Pritchett. Voting: Mr. Bills-yes, Mr. Robinson-yes, Mr. Garner-yes, and Ms. Pritchett-yes. Approved 4-0.

VI. NEXT MEETING

Mr. Dorman advised our next schedule meeting date is July 26, 2021 and we anticipate receiving the Final Development Plan for the Grand Traditions project off Hoke Road. The Planning Commission and Council approved the Preliminary Development Plan earlier this year.

VII. END OF MEETING

Having no further business Mr. Bills asked for a motion to adjourn the meeting. Motion by Mr. Robinson to adjourn the meeting; motion was seconded by Mr. Garner. Voting: Mr. Bills-yes, Mr. Robinson-Yes, Mr. Garner-Yes, Mr. and Ms. Pritchett-yes. Motion passed 4-0. The meeting adjourned at 7:40 PM.

Mr. Dave Bills, *President*

Ms. Barbara Seim, *Secretary*

Date

Date