

## PLANNING COMMISSION MEETING MINUTES NOVEMBER 22, 2021

### I. OPENING OF MEETING

President Bills opened the Clayton Planning Commission meeting, convening at 7:00 pm on Monday, November 22, 2021.

Call to Order: Present were Mr. Bills, Mr. Muncy, and Ms. Pritchett

### 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 on a case this evening.

### III. MINUTES OF THE PREVIOUS MEETINGS

Mr. Bills advised we do not have quorum this evening to approve the minutes of the July 26, 2021 meeting. They will be added to the next meeting's agenda.

### IV. OLD BUSINESS

None

### V. NEW BUSINESS

#### **Case # PC21-06: Hunter's Path Final Development Plan and Section 1 Plat**

Request is for approval of a Final Development Plan & Section 1 Plat for Hunter's Path at the NWC of Westbrook Road & Union Road. The request was made by DDC Management, LLC. Planning Commission will make a recommendation to City Council for their final action.

Seth Dorman, City Planner, advised we received the Final Development Plan and Section I Plat for a new subdivision to be called Hunter's Path. The applicant is DDC Management, LLC. The property owner is Clayton Land Company who signed the application affidavit stating they are aware of and consent to the application. Public notice was printed in the Dayton Daily News on November 10, 2021 and letters were mailed on November 9, 2021 to property owners within 300 feet of the site. The location of the proposed subdivision is at the northwest corner of Westbrook and Union Roads. The parcel ID is M60 03207 0022 and has an overall area of 39.47 acres. The current zoning is PDD (Planned Development District) which was approved per Ordinance O-ZC-21-04. Staff has reviewed and provided copies to members of the Planning Commission the following documents: application, final development plan (engineering plans), landscape and hardscape plan for entry to the development, Section 1 plat plan, renderings of proposed home styles (Arbor Homes will be the builder), traffic impact study, drainage report, and geotechnical exploration report. Dorman then showed aerial images of the site. After analysis the plan is substantially like the previously approved Preliminary Development Plan. There will be 125 single-family lots. There will be five retention ponds for stormwater management. The main pond along Westbrook Road will have a fountain feature. The remaining retention ponds will have aerators to prevent stagnation. There will be five new roads and the extension of Fallgold Drive from the Bayberry Trail subdivision. The plan shows approximately 1,350 lineal feet of a ten foot wide multi-use path along Westbrook Road. The plan also shows a 0.9 acre centrally located neighborhood park.

After hearing from the residents of Bayberry Trail during the Preliminary Development Plan, the Planning Commission included a condition of approval for the applicant to preserve some of the existing trees along the northern property line. The trees that are identified to be saved are shown on the Tree Preservation Exhibit. Site access to the new subdivision will come from two locations. There will be a new access point on Westbrook Road, and a connection to Bayberry Trail/Sterling Woods subdivision via extension of Fallgold Drive. Landscaping and hardscaping are proposed at the main entrance off Westbrook Road, including an entry sign that is incorporated into a large stone and brick base, a section of wood rail fencing, and extensive landscaping. As part of the applicant's planning and design for Hunter's Path, three engineering studies were completed to determine the viability of the site for residential development and the impact of the development on the surrounding roadways. A geotechnical study showed that this site is viable for the proposed residential development. A drainage study was used to determine how many retention ponds were needed, their location, size, and volume. It also determined what outlet structure types are required for each pond so that stormwater runoff is being released in a manner that is not detrimental to the system or surrounding properties. A traffic impact study was completed which concluded that no roadway improvements are warranted or feasible. Section 1 Plat includes approximately half of the total land area and will utilize 66 of the 125 lots. There will be two retention ponds and the 0.9 acre neighborhood park. The extension of Fallgold Drive will be built, along with construction of new roads including parts of Willow Road and Falls Road and all of Redwood Road. After review and consideration of the Final Development Plan and Section 1 Plat for Hunter's Path, staff recommends that the Planning Commission make a recommendation of approval with the following condition: The applicant must address all the comments resulting from the staff review dated November 18, 2021 and emailed to the applicant on November 19, 2021. Those comments must be addressed for the submission of the construction plans that will accompany the Zoning Certificate application prior to construction starting.

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

Clayton Sears of DDC advised nothing has really changed from the Preliminary Plan but was available for any questions.

Mr. Bills asked for a motion to open the floor to public comment. Motion by Mr. Muncy to open the floor for public comment, motion was second by Ms. Pritchett. Voting - Mr. Bills-yes, Mr. Muncy-yes, and Ms. Pritchett-yes. Motion approved 3-0.

Al Humble stated he owns the property at the corner of Summersweet and Union Roads. My house is the only house that has no protection from this construction. There is a tree line going down the rest of the plat. What is going to keep their construction from his property. Also, speeding on Union Road needs to be looked at because it's supposed to be 35 mph and people are doing better than 50 and 60 mph and if there's not a stop light or something to slow these people down there's going to be more accidents. So, my two main areas of concern are the speeding on Union Road and some kind of privacy fence to block my land from the development. And as close as that retention pond is to my property, I wonder about the geese population. Also, there are two dutchman structures that currently drain that field that are not being maintained.

Mr. Dorman stated the new development will have five retention ponds and the stormwater runoff has been redesigned with the new development that will replace the dutchman structures.

Mr. Humble stated his neighbors all have some type of brush and trees so they have sort of a buffer zone and that's the reason I'm requesting some type of privacy fence that could separate my property from the development.

Mr. Sears stated we definitely appreciate you voicing your concerns and letting us know. We try to be good neighbors with all of our subdivisions. We really want everybody to be on board with us. As you talk about construction going over your property, we will have fence around this whole property and possibly even construction fencing in this area. If anything does go over your property, we just ask that you contact us and we will be sure to correct the issue. The speeding we really don't have anything to do with speeding so I can't really speak to that. As far as you are trimming the property and keeping up with the rainwater all of the pond area behind your property will be managed by the HOA so it will be mowed on a regular schedule so you'll never need to maintain anything anymore. The development will have five retention ponds so the overall drainage from the site will be substantially better.

Mr. Bills stated I believe his comment was about some kind of physical barrier.

Mr. Sears advised that is something different. I can't think of any time we've ever done something like that. As far as a privacy fence I can take it back and see if we can do something like that in this case.

Mr. Humber stated my biggest problem is not with the construction per se. My biggest problem is after everything is done what is going to separate my property from all these families coming in. I believe I have some rights. All my neighbors have some kind of wood line, I have nothing. What is my right compared to theirs?

Mr. Bills advised we will take that into consideration.

Mr. Sears stated just to clarify, that landscape buffer will still be down there as far as an easement goes, so if you do wish to do any plantings or let it grow you can do that as well. But, like I said about the privacy fence, that's something we've never really done. Usually, the homeowners put up their own fence or whatever they wish, but I can go back and see what we can do.

Mr. Muncy asked if the developer would consider installing additional vegetation as a barrier.

Mr. Sears advised he will look into that option.

Mr. Dorman advised the plans were reviewed by Police and Fire Chiefs, and they had no issues. However, he will talk to the Police Chief about the speed on Union Road, in that it has nothing to do with the development. I might suggest a potential condition to suggest that the developer work with the neighbor on possible additional screening for his property. Maybe not a condition, maybe make a recommendation.

Ms. Pritchett advised typically a property owner if they want to separate their property from another property, they may erect a privacy fence or install some plants, some trees to give you that privacy. That may be something, but I'm not sure if that would be appropriate to make that a condition.

Mr. Dorman stated that Mr. Humble as a property owner could put up a fence and landscaping on his own property, absolutely. I think what he's suggesting is that the development itself is creating something that he believes is a visual thing for him. He's not going to be abutting lots, he's going to be abutting a retention pond. I think that the request is would they consider, although not required, a landscape buffer on his rear property or near his rear property line.

Hearing no further comments, Mr. Bills asked for a motion to close the floor for public comment. Motion by Mr. Muncy to close the floor for public comment, motion was second by Ms. Pritchett. Voting - Mr. Bills-yes, Mr. Muncy-yes, and Ms. Pritchett-yes. Motion approved 3-0.

Mr. Bills asked the Commission members if they have any response to these comments, none were heard.


Mr. Bills asked for a motion to recommend approval, approval with conditions or disapproval of the applicant's request. Motion by Ms. Pritchett to recommend City Council approve this request with the conditions as outlined in staff's comments dated November 18, 2021 and to recommend a solution to the landscaping along the north boundary. Motion was second by Mr. Muncy. Voting - Mr. Bills-yes, Mr. Muncy-yes, and Ms. Pritchett-yes. Motion approved 3-0.

**VI. NEXT MEETING**

Mr. Dorman advised our next schedule meeting date is to be determined.

**VII. END OF MEETING**

Having no further business Mr. Bills asked for a motion to adjourn the meeting. Motion by Ms. Pritchett to adjourn the meeting; motion was seconded by Mr. Muncy. Voting - Mr. Bills-yes, Mr. Muncy-yes, an Ms. Pritchett-yes. Motion approved 3-0. The meeting adjourned at 7:41 PM.

  
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Mr. Dave Bills, *President*

1/24/2022  
Date

  
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Ms. Barbara Seim, *Secretary*

January 24, 2022  
Date