



PLANNING COMMISSION MEETING MINUTES APRIL 22, 2024

I. OPENING OF MEETING

Vice-Chairman Foley opened the Clayton Planning Commission meeting, convening at 7:00 pm on Tuesday, April 22, 2024.

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

II. MEETING PROCEDURE AND OATH

Mr. Foley explained the meeting procedure for tonight's case and administered the Oath to those in attendance who wish to speak on this case.

III. OLD BUSINESS

None

VII. NEW BUSINESS

Case PC24-01 A request for a plan modification of an existing approved Final Development Plan for a Planned Development District, specifically the Village of North Clayton Planned Development District. The request was made by Ferguson Construction, applicant. The Planning Commission will make a recommendation to City Council to approve or disapprove the request.

Ellen Snyder, Zoning/GIS Manager, advised application PC 24-01 is a Plan Modification to a previously approved Final Development Plan, specifically Phase II of the Village of North Clayton, received on April 4, 2024. The applicant is Ferguson Construction, on behalf of Kate's Pizza Place LLC also known as Bella Sorella. The property owners are Kate's Pizza Place, LLC, the subject parcel, and Ohio SPV LLC, the parcel to the South. A public notice was printed in the Eaton Register Herald on April 10, 2024, and letters to property owners within 300' of the subject property were postmarked and mailed on April 8, 2024. The property is located at 1405 Esther Price Way in the Village of North Clayton, parcel numbers M60 03102 0112 and one to be determined with a total acreage of 4.8715. The current zoning of this project is PDD, Planned Development District. The applicant desires to purchase 1.0831 acres from parcel M60 03102 0108 and then combine it with M60 03102 0112 for a total of 4.8715 acres. The applicant is working with Kate's Pizza LLC to build a restaurant which is in the originally approved Phase II portion of the Village of North Clayton Planned Development District. Phase II portion of the Village of North Clayton Planned Development District was approved by Clayton City Council November 17, 2005. Snyder then shared images of the surrounding area and the specific location. In analyzing this case, the most recent Modification to the Final Development Plan for Phase II, PC 23-04, saw an approved Restaurant use instead of a SportsPlex use at the location. The applicant will still be required to address all comments provided by City staff and the City's contracted Engineering Department provided in PC 23-04. The new restaurant, Bella Sorella, planned to use this area to expand their business in the future. They are now moving forward with purchasing this extra acreage to have the ability to expand their business in the future. Clayton staff has reviewed the application and have no comments. Clayton's contracted Engineering

Department, The Kleingers Group, has reviewed the plans and have no comments on the property line change; Kleingers Group will still review the project as whole as part of PC 23-04 before building begins. The modification request will have no negative impact on the community in terms of traffic, storm water, or life safety factors. If the property were located outside of a Planned Development District, staff would be able to approve the application administratively. The request meets all the requirements of a minor subdivision. The newly configured parcel will continue to meet all the required development standards of the zoning district. Since the property is located within a PDD, and the proposed parcel configuration differs from what was originally approved by Clayton City Council, it must come before the Planning Commission and City Council for approval. Snyder then shared images of the approved final development plan, the project plan-split, and the project plan-combination. Staff recommends the proposed request meets all the requirements of a Planned Development Modification, as the proposed use will not increase density or intensity of the community when compared to the originally approved plan. In comparison to the originally approved plan, the proposed use will decrease the density and intensity of the land as a result of the request. The proposed use will not decrease parking and/or loading areas of the overall development. In comparison to the originally approved plan, the proposed parking and loading areas will neither increase nor decrease as a result of the request. The applicant will be required to submit storm water plans, which will be reviewed and approved by the City's contracted Engineering Department. The applicant has already submitted a first round of storm water plans and received comments from the City's contracted Engineering Department. The applicant is continuing to work with the Engineering Department on the storm water plans. The applicant will be required to conform with all applicable landscape requirements found in the Village of North Clayton's Development Standards notebook. Staff recommends the plan modification application be approved as submitted. The proposed Plan Modification of the Village of North Clayton Planned Development District included with Ferguson Construction's application will have no impact on the most recent Modification Approval, and has no impact on the overall safety, traffic, and storm water functions of the neighborhood.

Mr. Foley asked if there were any questions for the Commission.

Mr. Muncy asked just to be clear, we're voting essentially on the expansion of the project from 3.8 acres to 4.8 acres, not the merger in the division, that's an administrative minor subdivision plan correct. Exact same application, but on four acres instead of three. Ms. Snyder stated yes.

Hearing no further questions, Mr. Foley asked the applicant if they have any comments.

Jeff King of Ferguson Construction advised they have been working with them for about a year and a half and have had a fabulous time and frankly one of our favorite customers. Our survey crew and design team went out there, and let's just say there was a miscommunication where the property line was. We've worked with them on their dreams, aspirations and expansion. It was determined that our property line location that we thought we had was not correct. So, in order to not modify what we've done for a year and a half, and to allow them to cost effectively expand their business, we unbeknownst to them reached out and purchased the property. We want them to succeed, we told them a couple of weeks later that we went ahead acquired the property. We're going to gift it to them and we are excited for their success.

Mr. Muncy asked, this expansion was talked about at the initial application, right. Mr. Ferguson stated yes, and if we wouldn't have acquired the property, they would have had to

have additional parking to the north which would have made them go across the creek area. It would have been very expensive to provide additional parking.

Ms. Williams asked, did you just buy that strip. Mr. Ferguson stated they weren't interested in selling, but we pulled in some favors. They just wanted to sell us an acre, we really wanted a little bit more but we were able to meet their needs with just acquiring an acre. So once the lot split is approved, we can then close on the land and go forward.

Mr. Foley stated hearing no further questions, he 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. Foley-yes, Mr. Muncy-yes, Ms. Pritchett-yes, and Ms. Williams-yes. Motion was approved 4-0.

Hearing no comments, Mr. Foley asked for a motion to close the floor for public comment. Motion by Ms. Williams to close the floor for public comment, motion was second by Ms. Pritchett. Voting: Mr. Foley-yes, Mr. Muncy-yes, Ms. Pritchett-yes, and Ms. Williams-yes. Motion was approved 4-0.

Mr. Foley asked if there were any additional comments from the Commission members. None heard. Mr. Foley then asked for a motion to recommend approval, approval with conditions or disapproval of the applicant's request. Mr. Muncy made a motion to approve the proposed subdivision plan development submitted by Ferguson Construction. Motion was second by Ms. Pritchett. Voting: Mr. Foley-yes, Mr. Muncy-yes, Ms. Pritchett-yes, and Ms. Williams-yes. Motion was approved 4-0.

VIII. END OF MEETING

Motion by Ms. Williams to adjourn the meeting, motion was seconded by Mr. Muncy. Voting: Mr. Foley-yes, Mr. Muncy-yes, Ms. Pritchett-yes, and Ms. Williams-yes. Motion was approved 4-0. The meeting adjourned at 7:16 PM.



Mr. Dave Foley, *Vice-Chairman*
8/26/24
Date



Ms. Barbara Seim, *Secretary*
Aug. 26, 2024
Date