



## PLANNING COMMISSION MEETING MINUTES JANUARY 22, 2024

### I. OPENING OF MEETING

Chairman Bills opened the Clayton Planning Commission meeting, convening at 7:18 pm on Tuesday, January 22, 2024.

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

### II. OATH OF OFFICE

Chairman Bills administered the Oath of Office to Derek Muncy who was re-appointed to the Planning Commission for another five year term by Clayton's City Council at their January 4, 2024 meeting.

### III. MEETING PROCEDURE AND OATH

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

### IV. MINUTES OF THE PREVIOUS MEETINGS

Mr. Bills asked for a motion to approve the minutes of March 27, 2023. Mr. Muncy made a motion to approve the minutes of March 27, 2023 as presented, motion was second by Ms. Pritchett. Voting: Mr. Bills-yes, Mr. Muncy-yes, Ms. Pritchett-yes, and Ms. Williams-yes. Motion passed 4-0.

Mr. Bills then asked for a motion to approve the minutes of November 27, 2023. Mr. Muncy made a motion to approve the minutes of November 27, 2023 as presented, motion was second by Ms. Williams. Voting: Mr. Bills-abstain, Mr. Muncy-yes, Ms. Pritchett-yes, and Ms. Williams-yes. Motion passed 3-0, with one abstention.

### V. OLD BUSINESS

None

### VI. ANNUAL ORGANIZATIONAL ITEMS

Mr. Bills advised Commission members received in their packets the Rules of Procedure of the City of Clayton Planning Commission and asked if everyone acknowledges receipt and understanding. Motion by Ms. Williams to approve the Rules of Procedure of the City of Clayton Planning Commission, motion was second by Ms. Pritchett. Voting: Mr. Bills-yes, Mr. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion was approved 4-0.

Mr. Bills asked for approval of the 2024 Planning Commission meeting schedule that was included in their packets. Motion by Ms. Pritchett to approve the 2024 Planning Commission meeting schedule as presented, motion was second by Mr. Muncy. Voting: Mr. Bills-yes, Mr. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion was approved 4-0.

Mr. Bills stated we need to appoint a Chair for 2024 and asked for nominations. Mr. Muncy made a motion to re-appoint Mr. Bills as Chair for 2024, motion was second by Ms. Pritchett.

Voting: Mr. Bills-yes, Mr. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion was approved 4-0.

Mr. Bills stated we also need to appoint a Vice-Chair for 2024 and asked for nominations. Mr. Muncy made a motion to re-appoint Mr. Foley as Vice-Chair for 2024, motion was second by Mr. Williams. Voting: Mr. Bills-yes, Mr. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion was approved 4-0.

Mr. Bills stated we then need to appoint a Commission Secretary. Ms. Williams made a motion to re-appoint Barbara Seim as Commission Secretary, motion was second by Mr. Muncy. Voting: Mr. Bills-yes, Mr. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion was approved 4-0.

## **VII. NEW BUSINESS**

Case PC23-05 A request for a plan modification of an existing approved Final Development Plan for a Planned Development District, specifically the Village of North Clayton PDD. The request was made by Kurt and Kathy Crim, applicants.

Amanda Zimmerlin, City Manager, advised the application for Case PC23-05 was received on November 22, 2023, for a Plan Modification to a previously approved Final Development Plan, specifically for Phase II of the Village of North Clayton. The applicants and property owners are Kurt and Kathy Crim. A public notice was printed in the Eaton Register Herald on December 6, 2023, and letters to property owners within 300 feet of the site were postmarked and mailed on November 30, 2023. The property is located on lots 6 and 7 on Steineman Street in the Village of North Clayton, parcel numbers M60 16323 0006 and M60 16323 0007 with a total land size of approximately .24 acres. The current zoning of the parcels is PDD, Planned Development District, Staff reviewed and provided to each Planning Commission member the following documents: Application, Site Plan and Elevations, and Phase II Village of North Clayton approved site plan. The applicants desire to build a new single-family home in the Village of North Clayton. The applicants have purchased lots 6 and 7 on Steineman Street, which is located in an area included with the originally approved Phase II of the Village of North Clayton Planned Development District, which was approved by Clayton City Council on November 17, 2005. The Phase II Final Development plan was approved with a mixture of residential types and parcels with varying lot sizes, ranging from lot widths of 40'-49', 50'-59', 60'-69' and 90'+. Specifically, on Steineman Street, there were townhome and single-family lots approved, with four townhome lots identified at the corner of Steineman Street and Anneliese Way and the remainder of the seven lots identified and approved as single family lots in the 40'-49' lot width series. Zimmerlin then shared images of the proposed location and surrounding area. Since the time of the original Phase II approval, four single family homes have been built on the single-family lots. Three remaining lots have not been built on, including lots 6 and 7. The applicant has purchased the lots in question and desires to combine the lots to build their new single-family home. Lot 7 has a lot width of 46.92 feet and Lot 6 has a lot width of 45.44 feet. Combined, the newly created lot would have a width of 92.36 feet. If this property were not located in a Planned Development District (PDD), staff would be able to approve this request administratively because it meets all the requirements of a minor lot combination because the newly created lot will continue to meet all the required development standards of the zoning district. However, since the property is located in a PDD and the proposal differs from what was originally approved by Clayton City Council, it must come before the Planning Commission and City Council for approval. The applicants will be

required to build a home to the standards of the Village of North Clayton community, as regulated by the Village of North Clayton architectural guidelines. This includes having a rear entry garage, accessed from the alleyway, sidewalks and building materials consistent with those standards. Setbacks and other development standards would be required to be maintained as well. Clayton staff has reviewed the application and have no comments. The application request decreases the original density approved by case ZC-05-11 and will have zero negative impact to the community in terms of traffic, storm water and life safety factors. Zimmerlin then shared images of the approved final development plan and the project plans. Staff used the Planning and Zoning Code Guidance, specifically, Section 1111.21.P that details the steps and process for a plan modification for a PDD. Subsection 1 states: "Because of the difficulty in being able to supply precise data at the time of approval of the Final Development Plan, it may be necessary to make certain modifications to the Final Development Plan at a later date." Subsection 2 states: "Modification to the Final Development Plan shall not deter from the general intent and purpose as originally approved by the City Council. No modifications, unless approved by the City Council, shall be approved that will increase density or intensity, decrease parking and loading areas, and reduce useable open space or reduce distance between structures and the perimeter property lines." Based on this, staff recommends the application be approved as submitted. The proposed plan modification reduces the overall density of the Village of North Clayton Planned Development community and has zero negative impact on the overall safety, traffic and storm water functions of the overall neighborhood. The proposed use meets all the requirements of a Planned Development modification, found in Section 1111.21.P.2, specifically: 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 lot combination will decrease the density and intensity of the land included with the request. The proposed use will not decrease public parking and/or loading areas of the overall development. There are still the same public parking and loading areas available in the Village of North Clayton community included in the originally approved plan. The proposal also does not reduce space between buildings or community open space. The proposed lot combo will increase the distance between homes and has zero impact on the community's open green space.

Mr. Bills asked if there were any questions for the Commission, hearing none, Mr. Bills asked the applicant if they have any comments.

Kurt Crim, applicant, approached the podium and Ms. Williams asked what is the square footage of the proposed home. Mr. Crim stated this is not the finalized plan, there will be changes made to this plan. Everything will obviously be within the requirements of the Villages. One thing I'm looking to do is, when I looked at the houses to the left and right, they are very long and straight, and this current plan is pretty wide, and I thought that may be problematic for the whole aesthetics of the area. So, my plan is to try to take the garage and tuck it around back. Mr. Bills asked if that change would have to come back in front of the Board. Ms. Zimmerlin stated no, the only thing we are approving tonight is the lot combination. Mr. Crim stated we couldn't move forward until we knew the lots could be combined.

Mr. Muncy asked in the original development plan what was the widest lot. Ms. Zimmerlin stated there are lots out there that are plus 90 feet wide. Mr. Muncy stated I wanted to clarify the way our code is written we don't have a problem getting less dense, bigger lots, we have a problem if we get smaller, more density. Ms. Zimmerlin stated that is correct.

Mr. Bills 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. Bills-yes, Mr. Muncy-yes, Ms. Pritchett-yes, and Ms. Williams-yes. Motion was approved 4-0.

Scott Frazier I will be living next door to applicant and I am the past President of the North Clayton HOA. The HOA was aware that the original plans were fairly restrictive in terms that you couldn't combine the lots, but that was 16-18 years ago. We discussed that we really wanted to give people a chance if they wanted to combine lots to go ahead and do so. We've discussed it through our Board and discussed it with the whole community, and everyone was very much on the side of doing that. This is the first opportunity to have that happen. Mr. Grim has worked very closely with us, getting the architectural guidelines, the specifications, and linking with a builder who had built in the area.

Maria Brubaker stated I am the current HOA President. The neighborhood is very supportive of this request, supporting merging lots, especially people that have children they like to have a little bit more yard, and this could be a very positive thing for continuing development. We're also hoping to see more commercial development come that could stimulate building in the Villages.

Mr. Muncy asked if the residents have made an indication as to if the mergers are fine, if one merger fine, two mergers fine, not three? Has there been any discussion like that, just to make sure we don't start moving in the wrong direction. Ms. Brubaker stated we haven't discussed three. Two is something we definitely support, and that's something I'm willing to discuss the merger of three lots, especially if the development committee would be supportive of as well. Mr. Muncy clarified; I meant number of cases for merging two lots. Ms. Brubaker stated I thought you were questioning merging three lots. I don't know if that's a concern of anyone out there, up to this point it hasn't been a concern but it is something we could discuss. We're hoping that more people would continue to build and we would like to make it attractive for people to build in the future.

William Benjamin stated the City planned the North Clayton development back in 2005, how does this play out in taxes. You project how much property tax you will receive, so when you combine two lots how does this affect the property taxes. Ms. Pritchett stated taxes are based on the value of the home which also includes the size of the property.

Mr. Muncy asked concerning the HOA, I think the code mentioned something about keeping the character and maintaining it at some point, not now maybe not after one, two or three applications, but at some point, I would anticipate us saying no more lot mergers or you need to submit a new plan. Ms. Zimmerlin stated the question is whether we would require them or would no longer allow lot combinations and at what point would we require a new plan development, I don't know. I believe that would be a decision for this body to make and then we would make a recommendation to Council to change the plan. Now, do I think one lot combination is doing that, no, and do I anticipate others, probably. There is one developer who owns all of those other lots and I think they're looking to build individual homes on those individual lots.

Mr. Frazier stated when you're talking about would there potentially be other mergers of lots, I've talked a lot with the principles of Windsor Corporation and they are advertising the option of merging lots.

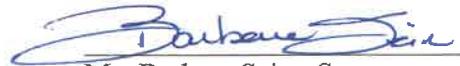
Hearing no further comments, Mr. Bills asked for a motion to close the floor for public comment. Motion by Mr. Muncy to close the floor for public comment, motion was second by Ms. Pritchett. Voting: Mr. Bills-yes, Mr. Muncy-yes, Ms. Pritchett-yes, and Ms. Williams-yes. Motion was approved 4-0.

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

**VIII. END OF MEETING**

Motion by Mr. Muncy to adjourn the meeting, motion was seconded by Ms. Pritchett. Voting: Mr. Bills-yes, Mr. Muncy-yes, Ms. Pritchett-yes, and Ms. Williams-yes. Motion was approved 4-0. The meeting adjourned at 7:53 PM.

  
\_\_\_\_\_  
Mr. Dave Bills, *Chairman*

  
\_\_\_\_\_  
Ms. Barbara Seim, *Secretary*

4.24.24  
\_\_\_\_\_  
Date

April 22, 2024  
\_\_\_\_\_  
Date