

## PLANNING COMMISSION MEETING MINUTES

### MARCH 24, 2025

#### I. OPENING OF MEETING

Board Member Muncy opened the Clayton Planning Commission meeting, convening at 7:00 p.m. on Monday, March 24, 2025.

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

#### II. MEETING PROCEDURE AND OATH

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

#### III. MINUTES OF THE PREVIOUS MEETINGS

Mr. Muncy asked for a motion to approve the minutes of December 16, 2024. Ms. Williams made a motion to approve the minutes of December 16, 2024, as presented, motion was second by Ms. Pritchett. Voting: Mr. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion passed 3-0.

#### IV. ANNUAL ORGANIZATIONAL ITEMS

Mr. Muncy 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. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion passed 3-0.

Mr. Muncy asked for approval of the 2025 Planning Commission meeting schedule that was included in their packets. Motion by Ms. Pritchett to approve the 2025 Planning Commission meeting schedule as presented, motion was second by Ms. Williams. Voting: Mr. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion passed 3-0.

Mr. Muncy stated we need to appoint a Chair for 2025 and asked for nominations. Mr. Muncy made a motion to appoint Dan Foley as Chair for 2025; motion was second by Ms. Williams. Voting: Mr. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion passed 3-0.

Mr. Muncy stated we also need to appoint a Vice Chair for 2025 and asked for nominations. Ms. Williams made a motion to appoint Derek Muncy as Vice-Chair for 2025, motion was second by Ms. Pritchett. Voting: Mr. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion passed 3-0.

Mr. Muncy 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. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion passed 3-0.

**V. OLD BUSINESS**

None

**VII. NEW BUSINESS**

PC25-01 A request for a Preliminary Subdivision Plan for the Extension of Hunter's Path Subdivision, a proposed residential subdivision. The request was made by DDC Management, LLC the applicant.

Ellen Snyder advised the preliminary subdivision application was received on February 28, 2025. The applicant does not propose a zoning district change from RSD, this is a proposed Preliminary Development Plan for a single-family residential subdivision. The applicant is Ross Behnfeldt, on behalf of DDC Management LLC, and the property owner is Lagos Properties. The property contains 37.098 acres and there are currently no structures present. A public notice was mailed to property owners within 300 feet of the subject property on March 10, 2025, and a public notice was printed in the Eaton Register Herald on March 12, 2025. The location of this property is near the intersection of Westbrook and Union Roads. Ms. Snyder then shared and explained images of the general location, surrounding zoning, specific location and preliminary development plans. The current zoning of the subject property is RSD, Residential Single Unit District. RSD outright permits eleven certain uses and conditionally permits fourteen other certain uses. The developer proposes construction of 97 single-family homes and proposes leaving 11.06 acres of open space. They propose two access points, one entrance on Westbrook Road and the other on an extension off Falls Road. They propose water and sewer service tie-ins from existing facilities. New infrastructure will include streets, sidewalks, lighting, and a multi-use path along Westbrook Road. Neighborhood amenities will include open space and two basins that have passive open space around them. If the Planning Commission makes a recommendation to City Council, City Council will hold a public hearing and make a final determination on the proposed Preliminary Development Plan. If approved by City Council, the applicant will then be able to submit Final Development Plans. Each Final Development Plan requires public hearings with both Planning Commission and City Council. Final Development Plan and Plat submission requires additional information not included with the Preliminary Plan. A completed traffic study is required that will consider the impact of the proposed development on area roads and will make recommendations on road improvements to address such impacts. A development plan set is required that will include details on utilities, grading, stormwater and drainage, building architecture and landscaping. After evaluating the applicant's request, staff recommends the Planning Commission make a motion to recommend approval of the Preliminary Subdivision Plan with the following to be provided with the Final Subdivision Plan in addition to all the requirements specified in the Planning and Zoning Code; all comments from Clayton Staff, Clayton Planning Department, and Clayton Engineering Department are addressed to Clayton Planning Commission's satisfaction.

Mr. Muncy asked if there were any questions for staff. Hearing none, Mr. Muncy asked the applicant to speak.

Ross Benfeldt advised we are the developer of the original Hunter Path next door, and this would be an extension of that existing subdivision. Arbor Homes was our building partner in

that project, and they would be following with this additional third and fourth phase if approved.

Mr. Muncy asked what's the status of the first phase or the original Hunter's Path development are we 100% over there or how many lots are still available. Mr. Benfeldt advised Arbor's had a lot of success building and selling homes and that's part of the reason we're looking to add on to that subdivision. The original plan was to see how things went with the first phase and then try this second phase. We didn't have contact with the current property owner, Logos Properties; however, things have changed in the last few years and in talking to Logos properties they were in a different position where they're willing to sell.

Ms. Williams asked, I noticed in our information that Englewood was not on board with the street continuation. Mr. Benfeldt stated that's correct. We have a singular access coming out to Westbrook for the lots to the west side of the project and the lots on the eastern side of the project would connect via Fall Road into the existing Hunter Path subdivision, so the street would just end back there instead of extending.

Ms. Williams stated we do need new development, there is a development on the left, a development on the right and then you're putting in the nearly 100 homes in between. I feel we meet that RSD zoning requirement. We do have a significant amount of open space in between what you refer to as the east and the west portions of the project, I feel it fits the use well for what it's already zoned to be. What percentage of this lot that's being developed is open space. Mr. Benfeldt advised the open space area is around 29% of this existing parcel, approximately 11 acres, so almost a third.

Mr. Muncy stated hearing no further questions, he asked for a motion to open the floor to public comment. Motion by Ms. Williams to open the floor for public comment, motion was second by Ms. Pritchett. Voting: Mr. Muncy-yes, Ms. Williams-yes and Ms. Pritchett-yes. Motion passed 3-0.

William Seiter asked that water runoff be handled properly, and the creek be cleared of debris. I recommend detention ponds not retention ponds because of capacity. I would like them to leave the tree line but clear out all the dead trees and the debris and keep streetlights to a minimum.

Ralph Evans stressed his concern with water issues. He has been maintaining the tree line behind his property and would like to talk with developers about obtaining a small sliver of property abutting his property.

Jo Seiter stated the retention pond on the plan is very close to the back of the houses and feels that it should be a detention pond. The trees and debris in both the tree line and the creek need to be removed. Will there be playgrounds in the open space, and who will be maintaining the retention ponds.

Anthony Mahone advised he backs up to the subject property, and I want to ensure that we were promised when we came that the tree line was going to stay, but there are a number of dead trees from the tornado damage, will this be cleaned up. He also has serious issues with drainage on this property.

Tonya Seitz stated when we bought, we were told by Arbor Homes that the land beside us would not be developed, we paid a lot premium for the end of a dead-end street and feel we are getting screwed. We have drainage issues, and I ask that you keep the trees. The trash in the

area from the builders has been horrible, trash in the ponds, trash in the neighboring fields, trash on the streets.

Debi Koch advised my concern is the drain on schools, and we have no good restaurants in our area. I'm worried about the children's education with the number of children in classrooms and transportation. Traffic is also a concern.

Bonnie Kay, I live on Mount Royal next to a detention pond and have been mowing it for over 20 years since the HOA is no longer active, and one of my major concerns is the drainage in this new development.

Tianna Strickland stressed her concern with trash and debris from the current construction, and access for residents with the contractor's vehicles and equipment. She does not think that they graded the property line by the trees right, it doesn't look very good. Shared her concern with accessing Westbrook Road and the need for a traffic light, and there is more traffic congested now going back through the Mount Royal neighborhood.

Hearing no comments for or against this case, Mr. Muncy 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 Mr. Muncy. Voting: Mr. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion passed 3-0.

Mr. Muncy asked if there were any additional comments from the Commission members.

Mr. Muncy asked, can you explain the detention versus retention pond and why you chose what you have so far. Mr. Benfeldt stated I cannot speak to the subdivision to the north of us why it was designed as a detention pond versus what we have designed as a retention pond, but they are correct in that their detention pond does outlet into the creek that splits our project down the middle. One of the questions was about how our ponds are going to outlet and you are correct they are going to outlet into that existing creek. It's a protected waterway so doing something like that wouldn't be allowed. To speak to the amount of water that will be going into that creek, it's going to be less. The water from our subdivision streets is going to route through the storm drains, it's going to collect inside of these retention basins, and then it gets released at a much-reduced rate.

Mr. Muncy asked, there was a discussion about the tree lines, there was one resident who raised some issues with the existing tree line and wanting to make sure the trees are replaced is that something that the developer would consider, to clear out dead trees and maybe plant in new trees. Mr. Benfeldt advised we can certainly look at dead tree stock as we're working along the edges of these tree lines on the boundaries. I know the north property line was mentioned in particular as we're doing our clearing efforts there will be some amount of clearing that occurs inside of our site project and we could certainly take that into consideration as we're working along those northern property lines.

Ms. Williams asked about the trees, are you intending on keeping them, you're not intending on removing more trees. Mr. Benfeldt stated no, we're only going to remove what we would need for storm water install or drainage swell installation. In talking about the northwest corner there were some questions in regards to a gentleman's property and what would happen. Near his property, a rear yard catch basin is currently being planned to collect storm water in that back corner. More importantly as you get streets and things installed that water is going to get collected in curb catch basins and there is absolutely going to be less water going to the

northwest of this project, it's going to be routed towards our storm basins and make its way out from there.

Mr. Muncy stated, I'm not here to broker any deals, but would there be a consideration to get rid of that sliver up in I think it's lot 61. Mr. Benfeldt advised, yes that's something that if we don't have an intended use and we don't need it for any of our infrastructure we could certainly talk to the resident about that.

Mr. Muncy asked, if you want to hang on to it would you be interested in at least discussing what you can do for that sliver of property that might help with the water and the trees. Mr. Benfeldt stated, I think our development should improve the way the water behaves around his property entirely but in regards to who would maintain or accept ownership of that piece of property in the future we can certainly have that private discussion if it doesn't benefit us or if it isn't needed infrastructure-wise.

Ms. Williams asked will there be an HOA for this community. Mr. Benfeldt advised there will be, and I can appreciate what the residents have said about the HOA that they live in to the north of our project, and that it was not maintained or kept alive and that it went defunct. I can tell you in the HOAs that I work inside of and manage when I get to talk to people and someone expresses that in the future when the developer leaves, we can eliminate it, my immediate reaction to that is no and I explained to them why. It's because there are infrastructure responsibilities like the detention basin, they've mentioned that all the residents need to maintain because all their storm water goes to those.

Mr. Muncy asked if there has been any discussion about adding restrictive covenants to deeds to not terminate the HOA. Mr. Benfeldt stated I would have to see how ours currently read but that certainly is everyone's intent going in, that it's a long lasting entity that lasts forever and for the duration to take care of the common open spaces and it's in everyone's best interest as a resident of that particular subdivision wherever, to maintain your open spaces whether it has an entry monument or one pond, two ponds, no ponds, keeping the grass mowed, keeping the infrastructure healthy. It promotes property values.

Ms. Williams asked the HOA in phase one they're still active, have you turned it over to the residents yet. Mr. Benfeldt advised no.

Ms. Williams, I wanted to ask about the trash in the neighborhood. Mr. Benfeldt advised we need to be good neighbors and that's important. The plan to clean up what's there and then moving forward making sure the neighborhood doesn't get trashy. I understand windblown trash is a problem and it's a challenge especially during residential home construction. I have received feedback from city staff that I've passed that along to the Arbor Homes team, they have a representative here tonight who has received an ear full as well so I think they can be appreciative of the feedback that we've both received and the concerted effort that we need to make moving forward.

Mr. Muncy stated one issue that was raised was about the existing construction traffic, has there been any discussion or is there a possibility to designate a staging area on this second phase extension to alleviate that. Mr. Benfeldt advised it would certainly be our intent, to not have people parking inside of the existing subdivision that's there.

Ms. Williams asked, I understand about the area for children, will this subdivision have a playground area. Mr. Benfeldt stated we aren't planning for one now but there's no reason we can't put one in.

Mr. Muncy stated this might be a question for both you and Ellen but is the street light requirement a city requirement or is that a development plan. Mr. Benfeldt stated it's my understanding the city requires that.

Hearing no further discussion, Mr. Muncy 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 this application with the condition that all Clayton Staff, Clayton Planning Department, and Clayton Engineering Department comments are addressed to Planning Commission's satisfaction; and for the Final Development Plan, plans to remove dead trees and replace them to the North, West and East property lines shall be included. Motion was second by Ms. Williams. Voting: Mr. Muncy-yes, Ms. Williams-yes, and Ms. Pritchett-yes. Motion passed 3-0.

**VIII. END OF MEETING**

The meeting adjourned at 8:11 PM.

  
Mr. Derek Muncy, *Vice-Chairman*

6/23/25  
Date

  
Ms. Barbara Seim, *Secretary*

6-23-2025  
Date