

PLANNING COMMISSION MEETING MINUTES AUGUST 25, 2025

I. OPENING OF MEETING

Chairman Foley opened the Clayton Planning Commission meeting, convening at 7:00 p.m. on Monday, August 25, 2025.

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

II. MEETING PROCEDURE AND OATH

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

III. MINUTES OF THE PREVIOUS MEETINGS

Mr. Foley asked for a motion to approve the minutes of June 23, 2025. Mr. Muncy made a motion to approve the minutes of June 23, 2025, as presented, motion was second by Ms. Williams. Voting: Mr. Foley-yes, Mr. Muncy-yes, and Ms. Williams-yes. Motion passed 3-0.

IV. OLD BUSINESS

None

VII. NEW BUSINESS

PC25-05 A request for a Preliminary and Final Subdivision Plan for the Northwood Estates Section 1 Subdivision, a proposed residential subdivision. The request was made by Northwood Estates, LLC (property owner).

Ellen Snyder, Planning and GIS Manager, advised this preliminary and final subdivision application was received on July 8, 2025. There is no proposed zoning district change from PDD. This is a proposed preliminary and final development plan for a single-family residential subdivision, Northwood Estates Section One. The applicant is Lance Oakes, on behalf of Northwood Estates LLC and the property owner is Northwood Estates LLC. The property contains 33.7313 acres and there are no structures present. The location of subject property is at the northwest intersection of National Road and Haber Road. Ms. Snyder then shared images of the general location, surrounding area, specific location, preliminary development plan, preliminary and final development plan, and different elevations of the proposed homes. Current zoning of the subject property is PDD, Planned Development District. PDD zoning classification was unanimously approved by both the Planning Commission and City Council in July of 2022 with Ordinance O-06-22-17. The accompanying preliminary plan for the development expired in August of 2023 since the first section was not filed for final approval. Proposed zoning of the subject property is to remain PDD. This proposed subdivision is within the Clayton Improvement District #1 Overlay, CID-1, and the proposed subdivision is partially within the Special Area 1 Overlay. Northwood Estates Section One is proposed as 17.135-acre residential subdivision and proposes construction of 55 single-family homes. Section One proposes one access point with a new road connection to existing Haber Road. The developer proposes water and sewer service tie-ins from existing facilities. New infrastructure will include streets, sidewalks, lighting, and a multi-use path along Haber Road. Neighborhood

amenities include open space, retention pond, neighborhood park, street trees, and a pathway from the neighborhood park to the multi-use path along Haber Road. This plan follows the previously approved preliminary plan for 52' wide lots with the following setbacks: 25-foot front yard setback, 5-foot side yard setbacks, and 30-foot rear yard setback. A traffic study is underway, which could see a recommendation for a traffic signal at the intersection of National Road and Haber Road, and the City will continue to engage with the applicant to identify possible public-private funding collaborations for a possible traffic-signal. After the Planning Commission makes a recommendation to City Council, City Council will hold a public hearing and make a final determination on the request. If approved by City Council, the applicant will then be able to fully address any remaining engineering consultant comments, record the plat, schedule pre-construction meetings, and begin to break ground for Section One. After Staff and the consulting department review of the Preliminary and Final Development Plan, the request appears to generally meet or have the ability to meet the Design Standards, Area Requirements, and Planning Requirements of Chapters 1111.21, 1111.22, and 1161. Staff recommends the Planning Commission make a motion to recommend approval of the preliminary and final subdivision plan with the following three conditions: Any future plans for active open space amenities (e.g., playgrounds or trails) shall be coordinated for City Staff for review and approval, all outstanding engineering consultant comments shall be fully addressed prior to construction, and all infrastructure shall be installed according to the approved plans and in coordination with the Montgomery County Environmental Services and other utility providers.

Mr. Muncy asked what is the average minimum square foot on each lot. Ms. Snyder advised I think it would be 52 feet by 125.

Mr. Muncy stated there's a section in the vehicular pedestrian subsection of the overlay district that says something to the effect of a maximum of 25% of lots in the development may front on a street that ends in a cul-de-sac or dead end unless otherwise approved by the Planning Commission due to unique topography or hardship. Are we going to have more than 25% ending on a cul-de-sac or having frontage on the street, this one is definitely more than 25%. Ms. Snyder asked 25% of the total within this proposed subdivision. Mr. Muncy stated for this first 55 houses. Ms. Snyder replied, I don't know how many we're looking at the, but it is 113 total lots overall, with three open space parcels.

Mr. Muncy asked what is the percentage of open space. Ms. Snyder stated I believe there is three acres in the middle and then there's 0.2 two acres on one of the open space lots along the streets, the area to the south is also open space. I don't remember that acreage, but it looks comparable to the three acres in the central area.

Ms. Williams stated I'm concerned with just one way in and one way out, will there be another entrance or exit in the future section. Ms. Snyder advised there would be another entrance along Haber, although Section One only proposes the first entrance for now.

Mr. Foley stated, I noticed the name of the street in this phase is Stillwater Way, and there is a Stillwater Lane in Dayton, is that an issue. Ms. Snyder replied. I don't believe it is an issue. We have several Willows, and this would only be the second Stillwater Way, but you are welcome at your pleasure to require a different street name if you so desire.

Hearing no further questions, Mr. Foley asked the Developer if he would like to address the Commission.

Lance Oaks with Oak Tree Development and Northwoods Estates. Mr. Oaks shared an image of the preliminary overall plan that was previously approved, that may help when you're looking at the two entrances that are coming out onto Haber and the next phase as this will be a

two-phase development. We're here for the final engineering plan approvals for the current first phase. We're excited to get started hopefully this winter and pave the first phase about the June timeframe.

Ms. Williams asked, what type of houses will they be, I saw some that said slabs, but will any have basements, will they be two stories or one story. Mr. Oaks stated the majority will have basements. The builder will sell slabs; this will be family buyers. The average price point on these homes is probably around \$400 to \$500.

Mr. Muncy asked, is there any reason we can't exit one of those cul-de-sacs on the Fox Road, do another curb cut on the Fox Road. Mr. Oaks advised, I have my engineer with me. I don't think that would be the best, I don't think you would want it to come out onto Fox Road. I worked with the neighbors back in 2022 when I was getting this approved and they were pretty adamant they didn't want anything to go out to Fox Road. Mr. Muncy stated, I only asked that based on that cul-de-sac issue. Section 1111.22(D)(3)(i) I think here we're going to have more than 25% of the houses with frontage on the cul-de-sac streets. Mr. Oaks stated, I'm not trying to be combative, this plan was already approved, I'm not understanding. Mr. Muncy stated, I'm trying to figure out the reason as to why we can't do that. And if we were told we can't do it or if there's a reason we don't want to exit out of Fox, I'm almost positive the county wouldn't let us put another, we already have two exits on to Haber from this development. I'm sure they won't let us put another one out on Haber to address that issue. So, I'm just trying to make sure we cover that and sufficiently demonstrate that there's some hardship here as to why we can't have less than half the houses on a cul-de-sac street.

Ms. Williams asked, am I correct that you have six different elevations for this. Mr. Oaks replied, that was just a representation of the types of homes. The builder has many elevations that they would offer. Ms. Williams then asked, has the builder been selected. Mr. Oaks replied, I've been working on it, I don't have it finalized or a formal contract with them, but the builder I've been working with for the last couple of years on this site is Ryan Homes. At the time this was approved; the reason we hadn't moved forward was I developed a couple of the other sites in town and didn't want to compete against myself. So now that those have been worked through, it makes sense that this would be the next one to bring on.

Mr. Muncy asked, I believe the traffic impact study requires a right turn lane or is that not correct. Mr. Oaks replied, no, I don't think the traffic impact study with just these amount of homes required any improvements if I'm not mistaken, no right turn lanes are required.

Ms. Williams asked, there are no changes from what was approved previously to now. Mr. Oaks replied, there were some slight changes on the cul-de-sacs. I think we lost a couple of lots due to that change as we got into the final engineering based on the detention base, it needed to be larger and other things like that. But nothing of any material change from what was the existing layout and where we are at today other than a couple lots lost.

Mr. Muncy asked, where is the public space like the playground or community center. Mr. Oaks advised, you can see it in the middle there on the right-hand side. It will have a playground and park benches, trash cans and the dog stations, and then there will be a 10-foot walking trail throughout the community.

Mr. Muncy asked how many total phases is this project. Mr. Oaks advised, it will be completed in two phases. Mr. Muncy then asked, do you have an idea when the second one will start. Mr. Oaks advised, if everything goes well, it will be the following year. I would start this one this winter and then look at probably 2027 for that final phase for construction and then probably another 12-month build out from there.

Mr. Foley stated, I know there's a pedestrian path on the south side of National Road next to the high school, are you talking about putting one on the north side. Mr. Oaks replied, we have a path that goes all the way along Haber, and then it also winds into the amenities area and then comes back out and meets the sidewalk network. Mr. Foley asked, does that mean connectivity for kids who are walking to the high school. Mr. Oaks replied, it is there to connect into eventually when work goes on at that intersection, if it ever goes forward. Otherwise there's really just no place for them to cross safely.

Mr. Foley asked, is there talk about trying to make that pedestrian connection. Ms. Snyder advised there was talk back in 2022. Essentially, this is an intersection that could possibly warrant updates even before the development. It would be more of a city project, and we would again collaborate with the developer on paying different portions of improvements to National and Haber as more of a collaborative effort.

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. Williams. Voting: Mr. Foley-yes, Mr. Muncy-yes, and Ms. Williams-yes. Motion passed 3-0.

LeeAnne Bustos shared her concerns with developments within the city and traffic along Haber Road.

Rose Plummer asked about basements and does the developer plan on blasting bedrock, concerns with people crossing SR40 to the school without a traffic light, and this was talked about this being PDD and it's identified as the Clayton Commercial Center, and this development does not match that.

Jerry King shared his concern with traffic and water issues along Haber Road, in addition to needing a traffic light and crosswalk for kids needing to cross SR40.

Paulette Farmer asked to clarify if all the various plans have actually been submitted before the final plan has been voted on, she also had questions about the public space requirements.

Gloria Von Fahnstak shared her concerns with traffic along Haber, especially during school hours, and her opposition to a TIF for this project.

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

Lance Oaks stated, I can answer that last question as it relates to the TIF. I did ask for a TIF when this was approved. It's not your traditional TIF in that I'm not asking the City to put up any funds. I put up the funds and if the project goes well then I get paid back through those tax dollars, the City is not asked to put up anything. At the time I got the Wenger TIF approved, it was noted in the Ordinance that when I brought this one back it was a tentative approval. We'll see if City Council honors what they already have in the Ordinance or not. Right now there is not a TIF formally, but tentatively one was expected and approved with the Wenger TIF back when this was originally approved. We are meeting the open space requirement, but they are not seeing the full site plan that was approved. We're just here tonight for the final of phase one. A lot of the traffic concerns were the same ones that we heard in 2022. That problem has been there, it's there today. I worked with the residents at that time, had multiple meetings with them, got them on board, and got their support at the original approval.

Mr. Muncy asked, there is going to be an HOA. Mr. Oaks replied, yes. Mr. Muncy then asked, is the HOA is going to maintain the entire site. Mr. Oaks replied, yes.

Ms. Williams stated, the traffic study does not require a light to go in there, is that what you're saying. Mr. Oaks replied, that is my understanding, and my engineer can speak to that, but at the time we had a memorandum of understanding on what we were required from the city's engineer and that is what we looked at.

Nick Selhorst, Choice Engineering, stated we did not do the original traffic study back in 2022, but what the findings were is that a traffic signal at the intersection of Haber and National Road is warranted today, without any development at all. That is why Ms. Snyder referred to it being a collaboration of city project and a portion of the development since it's already warranted whether the development happens or not. On people asking about the crossing, our crossing on that path stops short of the intersection because we do not encourage it until that signal were to be put in. If you look at our plans, our path stops just short of National Road.

Mr. Muncy asked, is the intention to do another traffic impact study or are we going to rely on the CESO impact study. Mr. Selhorst replied, yes.

Mr. Muncy stated, I am confused as it says that a left turn lane is not warranted at any study location, a right turn lane is warranted at National Road and Haber Road intersection under all traffic scenarios with the existing unsignalized condition. It then goes on to say that a right turn lane is not warranted. Mr. Selhorst advised, ODOT has a chart based on the number of turners and the people coming from the other direction which they probably plotted just above the line and then they ran a capacity analysis for what the delay would be whether there was a right turn lane or whether there wasn't and that did not meet the warrant. So that's why they recommended no right turn lane. So I agree that sentence is incredibly confusing.

Mr. Muncy stated it does state that one of the suggestions or recommendations is a three-phase traffic signal, a pro rata share percentage calculated based on the generated traffic volume from the new residential development and the total traffic based on the prior numbers before development. Is that something that the developer is willing to do. Mr. Oaks replied, when I talked to the previous zoning administrator, this development is a drop in the ocean compared to the traffic that is going along National. I told them I would happily contribute to the improvement of that intersection, with what my development is contributing proportionately.

Mr. Muncy stated, just to clarify, we are only going to make you pay for what you cause there. Mr. Oaks stated, correct, because to think that a development of this size could take on the whole brunt or weight of the cost of that is not economically feasible or reasonably expected.

Mr. Muncy asked, there is not going to be an architectural review board for this development. Mr. Oaks replied, right, there was no intention. Mr. Muncy then asked, just the HOA. Mr. Oaks replied correct.

Ms. Williams stated, I have a question for staff, are there plans to put a traffic light there by the City. Ms. Snyder replied, the City has explored options since 2022 for improving Haber and National, we have applied for several grants, but they were not given to us because there wasn't injury traffic there. We're continuing to explore those options even to this day.

Mr. Foley asked, from a recommendation standpoint, could the Planning Commission encourage a light, in terms of when that could be funded. Ms. Snyder advised it could be a condition of the final subdivision plan if that is your pleasure. I would warn against it since it is already warranted even without the development being there. You can put any sort of conditions that you wish on a development, it may be something you want to explore. Mr.

Foley stated, if it could be strongly encouraged that the city prioritize improving the safety of the traffic corridor there and when we get the money is that something that could be placed in there without jeopardizing the development. Ms. Snyder replied, yes, essentially any sort of conditions that you put on this development is tied to the developer. So it wouldn't be incorporated with staff. That is something that staff is looking at and they're hoping to prioritize. They are looking at 2026 to improve Main Street and National Road, this may be something that comes up again. It's always something that is brought up when we talk about improvements to streets within Clayton.

Mr. Muncy stated I have a question for staff; it's more of a logistical problem since we have busted this into two phases as it relates to the final development plan. Is it staff's opinion that if phase two doesn't take place, we are still going to meet all of the open space, special area requirements, and density requirements. Ms. Snyder advised it would be if it is meeting the 17.135 acres. So, if you compare it to the overall 33 acres, it definitely would not meet that.

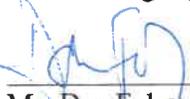
Mr. Muncy asked to ensure compliance with building material requirements of Clayton Improvement District 1, are there any other building requirements that aren't building material requirements. For example, I know in our RSD it's 30% of the facade has to be natural look material, is there anything that we're missing. Ms. Snyder replied, not that I'm aware of. You have those differences and if you want to put a condition on there that, 50% of the facade has to be a natural material, you're more than welcome to do those things.

Mr. Muncy stated, the buyer of the individual lot under the anti-monotony subsection if you build, let's say option one, option one can't be built right next to it or on either side. That's something that the buyers are going to have to deal with when they get there but there is going to be it's almost like a covenant. Ms. Snyder replied, it is very similar to that and that is something that the developers already know ahead of time. When they're looking at houses to sell, they know what can be placed where. When they have a buyer who is interested in a particular home, they tell them what lots are available for that particular home is what I've seen for other developments. Mr. Oaks advised, if I'm not mistaken, that's a zoning requirement, that is a lot bigger than a covenant restriction.

Mr. Foley asked if there were any additional comments from the Commission members. Hearing none, 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 application with the three staff recommendations and the developer, Northwood Estates LLC, shall be monetarily responsible for National Road and Haber Road intersection improvements at a percentage pro rata (equal) to the percentage of increased trips at said intersection as a result of the subdivision as indicated in the final, approved traffic study, motion was second by Ms. Williams. Voting: Mr. Foley-yes. Mr. Muncy-yes, and Ms. Williams-yes. Motion passed 3-0.

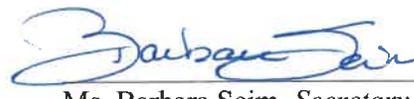
VIII. END OF MEETING

The meeting adjourned at 8:13 PM.



Mr. Dan Foley, *Chairman*
9-22-2025

Date



Ms. Barbara Seim, *Secretary*
September 22, 2025

Date