

PLANNING COMMISSION MEETING MINUTES SEPTEMBER 22, 2025

I. OPENING OF MEETING

Chairman Foley opened the Clayton Planning Commission meeting, convening at 7:00 p.m. on Monday, September 22, 2025.

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

Mr. Muncy joined the meeting at 7:12 p.m.

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. OLD BUSINESS

None

IV. NEW BUSINESS

Planning Commission to consider the issue of residential zoning districts within the City of Clayton

Ellen Snyder, Zoning and GIS Manager, advised City Council directed Planning Commission to consider the restoration of residential zoning districts and make a report back to City Council. Our Consultant, McBride Dale Clarion (MDC) asked Planning staff to discuss the topic with MDC to see what information would be necessary to present to Planning Commission. MDC agreed to the preparation of a memo reviewing Plan Clayton, summarizing the latest planning and zoning code updates, and presenting options for how to proceed with residential district revisions. Plan Clayton Overview: why was Plan Clayton necessary, timeline and engagement, and primary land use changes. The Planning and Zoning Code Update Summary which residential districts were changed, map comparison, and high-level changes. Options to proceed which could include reintroduce old zoning districts, keep it the same, or make minor changes. MDC recommends looking at not only how a reintroduction of the old districts would work, but also other options. Planning Commission members are encouraged to ask questions, request clarification, and give input on the information presented. MDC will deliver the residential zoning memo for Planning Commission review. Discussion and feedback will help the Planning Commission recommend a preferred path forward to Council.

Mr. Foley asked, to restate the memo that you outlined would be worked on so that by the time we come back in October we could use that as a discussion guide. Mr. Snyder stated, correct, we're looking for guidance on what option you would want to take moving forward. MDC put together three vague options, reintroduce old zoning districts, keep the same, or make minor changes.

Mr. Muncy stated, to tell you how this was started. There were some council meetings and me, speaking as a resident, making a comment that if you're not happy with the way the property is zoned then we should change the district. That prompted a question from another resident, we had all these other lower density residential districts, what happened to them. I said, I think my first vote on the Planning Commission was a blanket approval of new zoning regulations. I think that might have included that change from R1, R2, R3 to just RSD, and RSD being the 60-foot lot frontage and density requirements that are in the current zoning code. There has been a lot of discussion and only two or three things have come to mind. One would be something that is way outside of our hands and control especially as a city or the Planning Commission that would be land trusts and things like that, that is one way to preserve ground. The other way would be changing the zoning districts to require higher density zoning. Given my background, what I want to be able to do is to prevent referendums and lawsuits when somebody purchases a property and they think they're going to be able to use it as they purchased it, it comes in front of planning and gets approved and it goes to City Council and there's a big war over it and ballot initiatives. If there is a way to give a developer or property owner legitimate expectations when they purchase that property or they don't purchase the property because they know it's not going to get rezoned, that would be my goal. One thing to talk about is why would it be changed from the one, two, three to the RSD and I think that's probably more of a simplification tool so that we're not giving developers three different plans or hoops to jump through. I think that's probably a trend in most cities, to simplify the zoning code. If we want tools on how we talk to a developer when they come in and say, we want to put x number of houses with 50-foot lot frontage that is already zoned RSD, why can't we do that. We need to put something in the zoning code that says why we can't do that, so they don't come to us in the first place. I do think that the interests have to be balanced. I think what is more important is designating certain areas to say, here is a missing tooth, there are development all around here, it makes sense to put it here. It makes sense to put it here because one of the topics that I think a developer brought up is the urban sprawl issue or the clustered developments. I don't think anybody wants that, I think that is a bad plan. Those two elements would probably be things I would like to include. One would be reducing urban sprawl and identifying missing teeth gaps in development and then maybe a new option based on the R2 and R3 prior zoning classifications. So, two instead of three or four because we just have one residential now.

Ms. Williams stated, if I'm understanding this correctly, this memo that we have outlined is what MDC is going to provide us with, is that correct. Ms. Snyder stated correct, once we have a clearer path forward about what we're thinking, what can we do to help with Council's directive, that's when MDC would dive into either reintroducing old zoning districts or starting down one of these paths to see where the discussion leads us. Obviously, you don't have to be tied to a decision once you make it. So if you decide we want to do something new and then we start exploring that option and it becomes not something that we intended to do or something you can always change that discussion. This is a matter that is in your hands so you can table it, vote on it, move forward with it for as long as you need.

Ms. Williams stated, since PLAN Clayton was just put in place a few short years ago, is it safe to say that we are now seeing the evidence of that plan that was put into place and maybe some fallout from it. Ms. Snyder replied, it is possible, it's definitely a good indicator when Council gives you directive to re-evaluate residential zoning districts. If you interpret it that way, that's what it is.

Ms. Williams stated, we have had several developers come wanting to put new housing developments in Clayton. For the maps that we have would it make sense for us to identify those locations where it makes sense to put new developments as opposed to waiting for a developer to come and say we want to develop here.

Mr. Muncy stated, one thought that I had is it's my understanding that the City spent a lot of time and effort in collecting data and every time we bring that issue up, residents will say, Oh, no, no, no, or folks will say, no one talked to me. There is tons of data and there's plenty of property identified as this should be a city center, this should be that. I'm wondering if there's a way that MDC can use that data to say, we hear you. Maybe we want to use that data that we already have so we don't have to do that again, another survey and say this area we should maybe consider an R2, 3, 1.5, however we want to call it. Designation with slightly larger lot sizes or slightly more frontage requirements or more acreage something we already have. We already have a good sample of that information because I think some of the things that were relevant during our discussions for the implementation committee were things like filling in the gaps, rural preservation was definitely on there, but also meeting the needs of the community. I think MDC will know what type of stresses a small city is going to have in developing. If they come back and say, based on all that data we had from the PLAN Clayton and based on what we're hearing you say, here are a few spots where we think we want higher density, here are a few spots where we think we might want lower density. Do we want an even higher density zoning than the RSD allows, to actually say this place can do everything RSD can do plus it could have apartments or something like that. I don't think our zoning code really points that out, and to give another option or another tool in our toolbox to say they bought the property knowing the zoning, they can do what they want.

Mr. Foley stated, on that note I think of that north main corridor and some of the ownership of those parcels are not easy, for example Montgomery County has a big footprint in front of the Stillwater Center and I know in past years city staff has looked at that to see if there was an opportunity to work with them to redevelop that. If Montgomery County and the City could ever work out a deal where there could be a development there if Montgomery County doesn't need all those acres, could we make an effort to make that more dense because it's on a bus line, close to the grocery, it's for all the right reasons. The theory is City is not interested in throwing out all the work they did with PLAN Clayton. The intent of this request is to try to add value to the work that happened. Ms. Snyder replied, unfortunately I can't interpret Council's request to you, I can just present it to you, I can't give you a directive. Council gives you the directive.

Mr. Foley stated it would be helpful if MCD would spend some time doing a PLAN Clayton 101. To Kim's point, that was only done three years ago and that was not insignificant in terms of the money that was spent on it, the amount of people, city staff, people like the three of us who spent time on it. I have to admit, it would help me to go back and look at it again.

Ms. Williams stated, I think we do need new housing in this area because it's been so long since there has been new housing. As a real estate agent, I know that this area is highly sought after. People always mention the Clayton and Englewood area when I'm working with people who want to purchase homes. Bringing a new good product is a great thing for the City and it helps us as maybe our taxes can go down.

Mr. Foley stated, we did note in PLAN Clayton that we believe more housing is a good thing because it could lower the spending for everybody and also the City needs to grow. I think we need to grow in the right way, but we need to grow.

Mr. Muncy stated, I do want to say it is very important we don't throw the baby out with the bath water on PLAN Clayton. We spent a lot of time on it, and I think it is helpful. It's a good reference point. I've seen people talk out of both sides of their mouth whether they like it or not. I'll hear them say, this is what PLAN Clayton says, we should do what PLAN Clayton says, and then if it's not what they want, Oh wait a minute, that's just advisory. I lean a little more to the advisory side, but it would be incorrect to say that there wasn't a lot of research done with PLAN Clayton.

Mr. Bills asked, how does what we're talking about affect a project like the site up at Sweet Potato Ridge Road. Mr. Muncy replied, it might not affect that particular property because that might stay RSD zoned, but I think it gives us the opportunity to say we might develop this property, but we've designated this other property over here as higher density. So, when you come in and we hear an argument, when is it going to stop or how much is too much or, we can't support this, XYZ. We have to be clear, no, this is where the development goes, this is where the lower density development goes, and it gives us a rational basis for our decision to say we approve the development at Sweet Potato Ridge Road. There is a saying in mediations that when both parties leave unhappy that means you made the right decision, you have to give and take a little. If we give up some land for development, we can avoid further turmoil.

Mr. Bills stated, I've seen some emails from Ellen that have come through about what the Council's decision has been made on some of our recent cases and I'm extremely confused about where some of them stand. Some of these have been approved, tabled, and then disapproved, tabled, and brought back up again and approved. Ellen, where does the property on Sweet Potato Ridge Road stand. Ms. Snyder advised, it was ultimately approved by Council and then Council revoked that approval, it's like it didn't get approved, that's where it stands today. They ultimately approved that preliminary plan and rezoning and then revoked that approval. Mr. Bills asked, do you have any idea why they revoked it. Ms. Snyder stated, I think there was some back and forth about it being approved and then reconsidered and then disapproved and then the referendum. I don't know, I hear the same meetings that you hear from City Council. I can interpret them maybe a little bit differently than you would, but all I have is the words that they had at the City Council meetings. There wasn't a separate work session where they discussed this or came up to a unanimous conclusion about what they were going to do moving forward.

Mr. Bills asked, has anything that we've approved in the last 12 to 18 months been approved by Council. Mr. Snyder replied, yes, there was a rezoning over on Wenger and Hoke from RSD to CMX. Mr. Bills asked, how about any residential projects that we desperately need. Ms. Snyder replied, Hunter's Path Phase Three or the extension of Hunter Path. The 37 acres to the west of the existing Hunter Path Phase One and Two. They approved that preliminary plan and DDC Management is now going for the final plan approval.

Mr. Foley stated the process of going through PLAN Clayton, in terms of residential zoning district request to the Council, could MCD take a look at how that's used in other communities as well. Ms. Snyder replied, they can evaluate whatever you would like them to evaluate.

Mr. Muncy stated, I would like to identify higher density options to add into the zoning code and potential locations, and then to identify potential lower density options or tools with the specific goal of preserving rural districts or preserving rural character feel. Ms. Snyder advised, we do have higher densities in an RMX district which would have the residential multi-unit mixed use density. So that would obviously be higher density there and then districts like the suburban conservation district that has a higher acreage minimum for a lower density as well.

Mr. Bills stated, I'm trying to think where in Clayton other than the county project which they may not let go of in front of Stillwater, where else can you do good sized development that's not taking up farmland. I know there's the one on Westbrook and Taywood, I don't know what the status of that one is right now either. Ms. Snyder replied, Council rejected the Planning Commission's recommendation for that Westbrook Estates project. Mr. Bills stated we were split on that if I'm not mistaken, there was some hesitation in approving it with the smaller size lots. Ms. Snyder advised, correct, it was not a unanimous vote for your recommendation. Mr. Bills stated, back to my question, where is there land that can be developed for a sizable housing development that's not existing farmland. Ms. Snyder replied, when you say existing farmland, do you mean rural conservation district or large properties that are already zoned as RSD or residential single-unit district. Mr. Bill asked what was Sweet Potato Ridge. Ms. Snyder advised, it was zoned RSD, and it also had the Clayton Improvement District Number One Overlay on top of it which required it to go to a Planned Development District. Planning Commission's recommendation was for approval, the condition was that they meet those RSD standards, and they did.

Mr. Bills stated, I struggled to see where else things will happen here for any housing at all, and it needs to happen. The people that want to keep it rural have a big voice and they're heard at Council meetings and Planning Commission meetings. Clayton needs more residential development for sure, I'm just struggling to see how it's ever going to happen. If it doesn't happen, like you're saying, if there's not new housing and new tax base, then Clayton will be an old city that goes nowhere and won't be a great place to live and or who knows what will happen with Northmont schools and their tax, the taxes will probably go up.

Ms. Williams stated, in this plan we did consider schools. The student teacher ratio was that broken down. Ms. Snyder replied, for PLAN Clayton, when that was considered, yes, all aspects were considered. So anywhere from school districts to jurisdictional boundaries and then even beyond. All of Northmont City school district was considered not just those portions which are within the City of Clayton.

Ms. Williams stated the argument when these new developments come is, it is going to put stress on the schools in particular the teacher-student ratio. So, you're saying that was included. Ms. Snyder replied, I don't know that those discussions verbatim were had during PLAN Clayton, but I know that PLAN Clayton when they hired the consulting firm they looked at all aspects from a civil engineering aspect. They considered all aspects of the property and how it would affect every person's life.

Mr. Muncy stated we talk about schools in every single development, and I think that it was a survey, or some research was done on that during PLAN Clayton. One common theme that continuously gets repeated is no development north of 40, which I think is arbitrary. When we look at how Union has developed and how Englewood has developed and the obvious gaps in development north of 40, there's plenty of gaps south of 40. My goal in proposing this was to try to find a compromise between these two or I guess anyone who wants development, which seems to be us, some of the Councilmen, some of the people I talk to, and then the Keep it Rural group. If we can find a way to bring people to the table to say, we might put some in and it might yield absolutely nothing, but at least we can say, we tried everything to get some resolution. If you want to fight every single development that comes through, you say you don't, but I think you do. Now we might have another tool in our toolbox to say, no, we're done here, this property gets developed, this property doesn't get developed, something like that. Or it's going to be developed how you want it. I first proposed it in a long-winded Council remark back when it was at the vote for the Sweet Potato development. I was pretty vocal and

outspoken about why we needed that one in particular and that is where this idea started. I think the remarks from that developer really started to change my mind or put some ideas in my head as to why, even additional ideas as to why we need development. The taxes for the schools, but we need to develop in a way that doesn't burden the utilities. If we keep going further out and doing these smaller clusters in areas where there's not enough people or enough opposition to challenge it, that might not be the best thing for us because now we have to run additional sewer line and water line, electric line, and that adds maybe a hot bed for more activity somewhere else. Now, police and fire have to go further. If we can find ways to concentrate development if you want to preserve rural ground, we'll let the experts tell us how to do it. What tools does a city have to preserve, what consideration should be put into whether or not a development is a good thing. Then we have that criteria when there are 90 people here saying we don't want this, this is not good for the schools, it's not good for this, not good for this. Well wait a minute everyone agrees it's good for XYZ, or we can say we were told by professionals who do this, is this a good area to preserve. Ms. Snyder advised, Council does have the ability to form a special committee or a special group to do functions like that if the Commission's pleasure is to include that in the report to Council.

Ms. Williams stated you're suggesting maybe small focus groups. Ms. Snyder advised, I'm just saying that the City of Clayton's City Council has the ability to create small groups like for the PLAN Clayton they were in charge of directing that group to be formed and so they could form another group, full of experts or call on a specific firm to create a report for City Council to be presented to them.

Mr. Foley stated, I remember when Derek spoke at the Council meeting about the Sweet Potato Ridge project where you talked about some numbers on revenue for property taxes to the City. For example if we add 1,500 new homes, and you estimated the value of the taxable income. Here's the revenue that's going to come, so to Kim's point, we don't have to go back for an income tax levy. Have we ever done that. Ms. Snyder advised, I think Kevin would be in charge of that, our Finance Director, and he would probably lean heavily on the auditor's office to come up with those assumptions.

V. MINUTES OF THE PREVIOUS MEETINGS

Mr. Foley asked for a motion to approve the minutes of August 25, 2025. Mr. Muncy made a motion to approve the minutes of August 22, 2025, as presented, motion was second by Ms. Williams. Voting: Mr. Foley-yes, Mr. Muncy-yes, Mr. Bills-abstain and Ms. Williams-yes. Motion passed 3-0 with 1 abstention.

Motion to open the floor for public comment was made by Mr. Muncy, motion as seconded by Mr. Bills. All yeas, motion carried.

LeeAnn Bustos shared her concerns with developers asking for TIFs, density, traffic and water/flooding issues.

Mr. Muncy stated I would like to respond to just a couple of points. I think TIFs don't affect the income tax. Ms. Snyder replied, from my understanding, it's the developer who is out and the developer who is made whole from some of those property taxes. Mr. Muncy asked, but just the property taxes, not the income tax the City receives. That money goes straight into the City's pocket regardless of whether there's a TIF or not. Ms. Snyder replied, correct, they have to have a developer's agreement to get that money out of that fund. Mr. Muncy stated, it's been

clarified at Council meetings repeatedly that the school district gets paid before the developer gets paid from the property taxes. Ms. Snyder replied, correct. Mr. Muncy asked, do you know what percentage of our property taxes actually go to the City. Ms. Snyder replied very little. Mr. Muncy stated, so the city is actually losing out of very little money when a TIF is approved, the county is losing out money. Ms. Snyder replied, yes.

Mr. Muncy stated we talked about traffic, the County engineer has to approve any entrances, exits, roads, where the road can be located. Every single plan gets approval or has to be sent to the county engineer before it comes to us. Ms. Snyder replied, correct, it's evaluated by the developers engineer. They decide if this is a good place for an entrance on a road. We would have to make these sort of modifications to the road to handle this development here. Then the city has its own engineer who looks at it as well. The city has engineering standards as it relates to traffic, turns, entrances and exits, and then it depends on who owns the road.

Mr. Muncy stated this has become a very important issue for me and these issues are repeated every single development. It's not the ones that get a lot of flak; it's every single development. It's water, density, traffic. I've built here, I've dug here, I know there's a water problem. You're going to get a water problem no matter what you do, whether you develop or you don't develop. In my opinion, more development will spawn one, more resources to deal with the water, but two, also disturbing the clay helps the water flow. The developers come in with a plan. I just want to put that out there because we're volunteers. We sit up here and hear the same arguments over and over and over. No one's ever presented a plan as it relates to the water. It's just I got water in my backyard, what are we going to do about it. I'm curious because we got a development plan that tells us exactly where the water's going to go. If it doesn't go there, we can sue them or somebody can sue them. Same thing with the traffic. If the county engineers are wrong, there is a negligence issue on our hands. But the density, it is not 5 feet between the houses, it's 5 feet setbacks. Five feet side yard setbacks, that means 10 feet between the houses. We can go with a measuring stick and walk around some of these older neighborhoods in Clayton and you'll find that there is 10 feet between the houses. Here is another point on the Sweet Potato Road property in particular, I pushed the issue for the developer to meet RSD standards, and it was rejected by City Council ultimately because it would have lost at a referendum. Why the procedure took place I don't know but it would either lost at the referendum or City Council would have rejected it even meeting the RSD requirements. I'm glad Mr. Farmer recommended that we do this because for what he and I disagree on, as it relates to what development should and shouldn't be approved, I think we agree we don't want to keep fighting over it. At the same time, we have had these arguments since my first vote on Planning Commission since before because it started with Redwood and it's every single argument every single time, something has to give. I think one of the big things is educating people on what the standards are, what we're allowed to do, where the money goes, and ultimately it might even be litigation that starts to push people one way or the other. That is what I would like to prevent because I am surprised we haven't been sued. That's just my opinion.

Mr. Bills stated, one of the things that comes to mind in reviewing where the zoning areas are have to do with roads. I don't know if Clayton has a master plan for road development or not. Ms. Snyder advised, they do. We use the Montgomery County's Thoroughfare Plan, and it has a projection on what they want to do out into the future 10, 15, 20, 25, 50 years out. Clayton just approved their own Thoroughfare Plan to add to that and benefit Clayton specifically instead of just a master county plan that benefits the county as a whole, it is more specific to Clayton.

Mr. Bills asked, do those plans help with traffic concerns. Ms. Snyder stated, yes, they have to meet the Thoroughfare Plans. Those future indicators or future desires that Council approved that they wanted, walkability in this area or travel in this area, they have to meet those standards. When a developer comes in, they know about those standards, and they have to meet them. So they put sidewalks in the right spots, they put walking paths in the right spots, they widen in the right spots. They do what they're supposed to do to help facilitate that Thoroughfare Plan.

Mr. Bills asked, that sounds like that is within the development, but if it is emptying out on Hoke Road or Sweet Potato Ridge, who is making improvements on those roads. Ms. Snyder advised, for some developments like the Northwood Estates, they put in the multi-use path and then they dedicate that right-of-way to the City, ultimately it belongs to the City. They make those improvements before they dedicate it. If they don't own a right-of-way parcel, if they don't own the center line there, they can't dedicate it to the City, but they can certainly help with areas that are outside of their site. Westbrook Estates, they were willing to help with some water that was offsite of their property, and then the Northwood Estates one of the conditions for approval was to put forth that amount of money in the same percentage as they would increase trips at the intersection there. So, they would help with any sort of problem offsite.

Mr. Bills asked, do you know if the City Engineers ever talked about working with the TID board. Ms. Snyder stated I'm not familiar with the TID board. Mr. Bills stated, the Transportation Improvement District, they are the ones that work directly with the City of Union, and all the development around the airport, helping them get those roads built, the utilities in a very timely manner, faster than what typically the County Engineer or the City Engineers do.

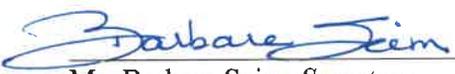
VII. END OF MEETING

Being no further business Mr. Foley asked for a motion to close the meeting. Motion by Mr. Bills to adjourn the meeting, motion was seconded by Mr. Muncy. All yeas, motion carried. The meeting was adjourned at 8:13 PM.



Mr. Dan Foley, *Chairman*
2/23/26

Date



Ms. Barbara Seim, *Secretary*
February 23, 2026

Date