

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
SEPTEMBER 22, 2016

I) SUBDIVISIONS

Case No. 16-145

A request by Crockett Engineering Consultants (agent) on behalf of Fred Overton Development, Inc. (owner) for approval of a 29-lot preliminary plat on R-1 (One-family Dwelling District) zoned land, to be known as "Creek Ridge, Plat No. 2", with an associated variance to Section 25-47 regarding street length. The 21.04-acre subject site is located west of the western terminus of Waltz Drive, south of the southern terminus of Heath Court, and addressed as 5420 Heath Court.

MR. STRODTMAN: May we have a staff report, please?

Staff report was given Mr. Clint Smith of the Planning and Development Department. Staff recommends:

- Denial of the variance to Section 25-47
- Denial of the preliminary plat for "Creek Ridge, Plat No. 2".

MR. STRODTMAN: Are there any questions of staff, Commissioners? I see none. Even though this isn't a part of the public hearing portion of our meeting, if there is anyone in the audience that would like to speak on this matter that would give us more information, we would welcome that. Just please give us your name and address and please step forward.

MR. CROCKETT: Mr. Vice Chair and members of the Commission, Tim Crockett, Crockett Engineering, 2608 North Stadium. I'm glad -- I appreciate the opportunity to have one of my projects here tonight anyway. With me tonight is Fred Overton, who is the applicant and the developer of the property in question. And, again, I would like to just do a brief overview of some of the items that I think several items Clint has already talked about, but I would like to cover them again. Current zoning is R-1, it's 22.6 acres in size, and we're proposing 24 additional single-family lots. Within that, one of those lots, we are working with the Parks & Recreation Department to acquire that as a City park, so that will push down to

23. And there is some confusion with regards to some replats that had previously taken place, not related to this development -- or, excuse me -- to this plat whether or not they're buildable lots or not buildable lots. I'm here to -- to reiterate and to commit that we're not going to have any more than 100 lots within the development, so all that matter can get cleaned up, we can work that out however it needs to be worked out. We can talk about that a little bit more with regards to the Park Department. Now, when this project started going through the approval process, again, one of the -- one of the departments that gets a copy of the preliminary plat is the Parks & Recreation Department. They saw the plat and they liked the plat. They contacted us about acquiring about 20, 21 acres of property within this development for a City park. We did not reach out to them, we did not go to them, and say, hey, this is a great place for a park, would you come and please buy it from us. They approached us and said, hey, we would like to -- like to talk to you about that. So I think that's kind of important. We don't want to have the impression that we're trying to use the parks as a sugarcoating for this development. It's something that they approached us on. Again, I believe

Mr. Smith had a copy of the preliminary plat that you have looked at. I would like to -- it's -- one thing I would like to say is that Waltz Drive that's along the east side of the development, it is a public street. I think Mr. Smith called it a private drive, but it is a public street. It is owned and maintained, snow plowed and maintenance and everything else by the county, so that is a county street. However, we don't have access to Waltz Drive. We worked really hard with the county trying to acquire that access, trying to see if we could have that access. We simply can't get that access. It actually falls short of our property line. We had an arrangement with the property owner to the south to acquire an easement to come around to have connectivity so we could tie into it. We would do something like emergency access or something along those lines. She initially agreed and then she decided not to pursue that option with us, so we don't have direct access to that -- to that road. And again there is also another street, I -- Ridgewood -- excuse me -- Ridgewood to the south that also comes up that's adjacent to this property. So there's roads to the south that aren't built that are fairly close to the development. And again I think we're going to focus around mainly the variance request that's before you tonight. It's obviously a request for a cul-de-sac length. We -- the purpose of that is that we don't have access to adjacent roads. If we did, we would not be seeking this -- this variance. And what I really want to reiterate tonight, really want to show tonight and

try to pass on is that this is not the typical variance that you typically see for a cul-de-sac. It's not a permanent situation. We're setting it up for future connectivity. We're setting it up for future extension. The property to the south will have access to this street, so we're not going to install a cul-de-sac that's 1,500 feet in length that's going to have lots all the way around it and never be able to be extended. That's not the case. It's not permanent; it's a -- it's a temporary situation until property to the south develops adjacent to our site. It does not create an unsafe situation. When this was submitted to the fire department, the Assistant Fire Chief -- or, excuse me -- the fire marshal called me and wanted to discuss this project a little bit. He had concerns over the 10-percent grade. Where are they located? Are they at the cul-de-sac? I said, no, they're not at the cul-de-sac, they're in the middle of the length itself. Oh, well, 10 percent is our maximum grade. Absolutely. Will you have adequate vertical curves located along that stretch of road? Absolutely. That's a requirement by Public Works. He said okay. If it's not at the cul-de-sac, we're fine with it. As long as you meet all subdivision regulations, we don't have an unsafe situation. Fire and safety won't have a problem with it and we're fine. So he -- he personally told me that, so I don't see that that creates a -- any health and safety issue with regard to emergency response. Secondly, we have two locations to turn around at the end of the plat. And if you notice the plat, we have a temporary turn-around at the very end that stubs to the property to the south, and we also have an eyebrow located on the property, as well, and think that's somewhat important, as well. It allows for multiple locations to turn around. Again, here's the overview. And again the pointer never works on the screen, and I apologize for that. But you can see the development that's developed to the south. They have a street that stubs up to our -- close to our development that's not built. We have Waltz Lane that's -- or Waltz Drive that's on the east side that almost stubs into our property, and then you have a relatively large piece of property to the south that's undeveloped that will develop in the near future. You know, we have been asked here recently to develop within the urban service area. You know, let's not extend and keep on going out. This is an infill development if you look at it being inside the urban service area. So we have been asked to look at locations and look at properties that are -- you know, think outside the box a little bit and try to locate -- develop properties that already have the infrastructure in place. I want to show you something that has similar developments. When I say similar, it's not exact. They're all just a little bit different. But here's a

development in the north part of Columbia that's called Lakeshire Estates that has a length -- it could be said that has a long, lengthy cul-de-sac. It's about 1,800 feet in length, and it serves 54 lots. Again, stub on the far south is stubbed to the property for future extension. So that's not going to be a permanent situation at that location. Here's another one that's not too far from our subject site. This was in the Highlands. It's about 1,700 feet in length. It serves about nine lots. And, again, you can see the two developments there that there's a piece of property that's undeveloped between the two that don't have a road between them. So it's going to be connected at some point in the future, but it wasn't cul-de-sac'd, it wasn't held back. It was allowed to be extended for that purpose. Here's another one out in Bluff Creek. Again, this is -- you know, it doesn't cross the creek. It falls short. It has varied to 10-percent grade. This one is hard to see. This was Bellwood. Again, very similar situation. Twenty-six hundred foot in length, but there's a stub to the south for future development. So the length of cul-de-sacs will be greatly minimized once that property to the south develops. Again, property to the south is going to be very difficult to develop, but, again, I think Planning staff at the time thought that it would -- it was achievable and it could be done, so a similar type of situation. And then I think this is the last one. This is East Pointe. Now, I'm not promoting this one as what we are doing. This is what we're not doing. This is a cul-de-sac length and about 1,600 feet in length, and it's a permanent cul-de-sac bowl. It goes down there and stops. It will never be extended. This is not what we want. We want the other -- the other situations that I presented before you. Of course, there's other ones. Lynnwood Drive in Woodrail, Cimarron Drive in Woodrail, Stonehaven Drive in The Highlands. Stonehaven Drive is a good example because, not only was it a lengthy cul-de-sac, but it was also one that got extended in the future. So now then it was built with a lengthy cul-de-sac, but it was extended finally to have a point of connection. That will bring us to the park acquisition. This is about the 21, 21 and a half acres of land that the Parks Department is asking for. I believe that there's some verbal agreements in place right now. They've approached us about buying that. They're buying it at a steeply discounted rate. With their current situation, we agreed to work with them on that. One item that they are really wanting, they really want connection to our future street that we are building through there. They want that connection adjacent to a public street. That's one thing that they've asked for. That's what we're trying to provide them with. Here's a little overview with an aerial. You can kind of see the park and the surrounding area. The

reason why they came to us and asked for that is they've been looking for a park planned in this area for quite some time and they think that this is a great location. It's a great piece of property, and I think they're looking more of the park, and more of a nature preserve, a nature setting, and that's what they want to do at this location. We think that adding that is a great amenity. I do argue a little bit with staff -- not argue -- I disagree with staff respectfully with regard to Section 25-47 and terminal streets. I don't believe this a permanent terminal street. This is a temporary terminal street. We think that it will get extended in the future and, therefore, it's not going to be a long-term situation with a permanent cul-de-sac bulb. We believe it's going to provide connectivity. You know, Mr. Smith talked about Section 25-42 that talks about avoiding cul-de-sacs. Well, the City regulations also talk about trying to provide connectivity. And this is a situation that we can provide a whole lot of connectivity to the south area down here by providing this connection and have an access to a park, have an access -- a more direct access to Forum Boulevard and other portions of town. So does it go across a steeper slope? It does -- the slope is a little steeper through there. Certainly, it's something no steeper than we've ever done before. It's nowhere even remotely close to that actually. A 10-percent grade street, we do them all over town. They are numerous. They are -- we design them on a regular basis. There's never any issues with them. I think there are some concerns -- I think you'll hear concerns over steepness of grade. Certainly, there are many streets in the City of Columbia that are far in excess of 10 percent. These are the older streets, typically; they're not the newer ones that -- with the regulations. So, again, we -- we respectfully request your favorable consideration of this request. It's -- we believe that it's a temporary situation. It's going to allow for long-term connectivity and a better environment for the whole area. So with that, I would be happy to answer any questions that the Commission may have.

MR. STRODTMAN: Commissioners, are there any questions for this speaker?

MR. TOOHEY: Do you know why some of those property owners changed their minds when they had agreed to allow you to have that easement on that -- is it the south side?

MR. CROCKETT: Yes. It was the south side. I mean, she -- I think she didn't want to encumber an easement across her property was the only reason. She is the owner of the larger piece, the larger tract of land to the south that will develop at some point in the future, I believe. I just don't that she -- she didn't -- she's an older lady. I don't think she wanted to be bothered. I don't think she quite understood

the situation, didn't understand the easements. You know, folks like that sometimes just prefer not to be -
- you know, not to be bothered with it.

MR. STRODTMAN: Yes, ma'am. Ms. Burns?

MS. BURNS: Mr. Crockett, so my understanding is that in talking with that property owner, you recognized the better situation in having connectivity or having -- but now that that's not available, here we are?

MR. CROCKETT: Correct. That is correct. We talked to that neighbor. She agreed. Some of the neighbors on Waltz Drive don't want a connection of any sort, of any type. We understand their concern. We -- actually, we were saying, okay, well, maybe we just do an emergency only access so we don't put traffic on Waltz Drive. We're completely fine with that if we could have just a secondary access for emergency services. But given that the road doesn't go all the way, they were not agreeable to that situation and we have no way to force it, nor do we desire to.

MS. BURNS: Thank you.

MR. CROCKETT: Thank you. And I would like to state also that was one thing that Parks & Rec really would like to try to desire, try to work with is an access coming from Waltz Drive. Most likely, a pedestrian access that would have access to the park if they can get it, but they feel that that connectivity through there is relatively important.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Crockett, you mentioned you were working with the county on getting access?

MR. CROCKETT: Yes.

MS. LOE: Because it looks like through Lot 12, you're actually within a few feet.

MR. CROCKETT: No. It was actually we were working -- we were working with the county to see if we actually had -- if Waltz Drive actually was contiguous to our development.

MS. LOE: Right. And it looks like not -- you're not quite, but you're within a couple feet at Lot 12?

MR. CROCKETT: Let's go back here.

MS. RUSHING: It looks like there's a lot -- undeveloped lot between here?

MR. CROCKETT: Yes. Lot 12. You are correct. Lot 12 is the -- originally, what we had was, we had -- instead of coming down and stubbing to a property to the south, we were sweeping it to the east

and tying directly at the end of Waltz Drive. However, we don't have access, so we cannot do that. So what we have done at the City's request is to provide additional right-of-way so that should Waltz Drive ever be extended, should the property or when the property to the south develops, they can grant half the right-of-way, we grant half the right-of-way, and then Waltz Drive could be connected if that little -- that little section that we don't have access to, if that was ever granted, then this plat would allow that we would have access to Waltz Drive at that time. So it's not completely cutting Waltz Drive off forever, it's just until that actual little section at the end that's currently there that we don't have access to, if it's ever obtained by the county or the City.

MS. LOE: So there is no current right-of-way beyond the existing stub-out?

MR. CROCKETT: That is correct.

MS. LOE: And if you provided the right-of-way, the county -- this is a county road?

MR. CROCKETT: That is a county road. We can provide the -- we can provide the right-of-way on our property, we cannot provide the right-of-way off of our property. There is no -- it is -- it is -- the road is there by -- on prescriptive purposes, meaning that it's a county road. They own and maintain the road itself. There is no officially dedicated right-of-way. At some point, I'm sure there will be. But because the road itself stops and falls short of our property line, we don't have access to it.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional questions for this speaker? I see none, so thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Yes?

MR. SMITH: I just want to clarify real quick what Mr. Crockett had said to -- as far as that Waltz Drive. And that was -- was our understanding with our conversations with the county is that there is a road there that is maintained, but there is not public right-of-way. So because the physical street, the pavement ends before it reaches the subject property, there is no manner in which, with public right-of-way in place, you could go on and actually build roadway. So there is no manner for us to actually make a physical connection between the two roads. So with that in

mind, that was part of our evaluation as to whether or not this should connect directly to Waltz. We saw a lot of value in making that connection to Waltz. We did -- I did specifically talk with several residents out there during our public information meeting, and I can verify what Mr. Crockett had said. They do not wish to have connection, but I did explain what the purpose of that would be and what the goals of the City would be as far as making a connection through Waltz Drive. But at this point, we're under the impression that that could not happen -- at this point.

MR. STRODTMAN: I'll just kind of follow up with a question then, Mr. Smith. Is then -- what is the City and the county's plan?

MR. SMITH: I don't think there is a plan right now. I think there's -- if the property owners ever seek to do anything additional with property or if the property to the south of -- this is a generally a road that is on the south side of several county lots which are on the north side. So if the property owner on the south side of where Waltz is possibly redevelop that site, then you could see requiring them to dedicate right-of-way to make a public road through there. So -- but that's not necessarily the cleanest method either, so it's -- I don't know if there's a perfect way to obtain that.

MR. STRODTMAN: So the Ridgewood Road is a City street?

MR. ZENNER: County.

MR. SMITH: That's county.

MR. STRODTMAN: So both of the streets that we're talking about on the south side are both county controlled?

MR. SMITH: Currently located in the county, yes.

MR. STRODTMAN: And they don't have a plan as to what and where those roads are going?

MR. SMITH: Not that I'm aware of. I don't think they have any type of capital improvement projects right now. It would all be development driven.

MR. ZENNER: And if I'm correct, Mr. Smith, what you are seeing on the graph that is in front of you does not accurately or adequately depict from where the dark red line is that runs north-south and then runs west. There is actually a spite strip between what is shown as a right-of-way and the property line of the subject tract of land. So the roadbed that is shown there actually is not at the property line.

MR. SMITH: For a small portion of it.

MR. ZENNER: For a small portion of it.

MR. SMITH: Or from the western -- approximately this location here.

MR. ZENNER: I mean, there was -- there has been some extensive conversation with the county's planning staff and planning director as it relates to Waltz, as it relates to the extension of Ridgefield or whichever road that is -- Ridge whatever --

MR. CROCKETT: Ridgewood.

MR. ZENNER: Ridgewood. So it at one point had travelable surface. You could drive from Ridgefield to Waltz. You can't anymore. The county has, yes, been maintaining and because of that maintenance has the -- has the prescriptive responsibilities for that. Expansion of the road right-of-way and its capacity to carry any additional development traffic on it was brought up at the very beginning of the project, which this has not been a recent submission. This has been quite some time in our -- you know, in our queue. So there's been a lot of discussion as it relates to the inability for Waltz to serve adequately as an access that would meet any public street standards whatsoever, and that was causing great concern of the county's planning staff as it related to their responsibility for the maintenance of the road since it is still in their jurisdiction.

MR. STRODTMAN: Thank you. Any -- is there any additional speakers in the group or anybody that would like to speak on this matter? None? Did you have a question right there?

MR. CROCKETT: I just have one point.

MR. STRODTMAN: Will you come back up and state and name and address, and make it quick, Mr. Crockett.

MR. CROCKETT: Tim Crockett, Crockett Engineering, 2608 -- I'll make it very brief. Mr. -- Mr. Zenner is correct with regards to Waltz Drive and Ridgewood Road. But, Mr. Smith, if you would go back a couple of slides. Really, the point of stubbing the property to the south is not to really necessarily to provide connectivity to two county streets, it's really to provide it to that section that's already in the county right below immediately south of this -- that whole area right there. I believe if -- I'm going off memory here -- it's 60, 70 acres in size. Eventually, we believe that that has city utilities and that that property will probably develop, and it will develop inside the City of Columbia. So that's what the piece of property that we're really trying to stub to and provide connectivity to. Not necessarily two county roads that may or

may never extend. It's a large piece of developable property that will probably, you know, have a connection at some point in the future. So I just wanted to clarify that.

MR. STRODTMAN: And, Mr. Crockett, since you've come forward.

MR. CROCKETT: Yes, sir.

MR. STRODTMAN: On Route K, there is no access currently -- there's no road coming off that Route K that would service that 60-some acres that you're referencing?

MR. CROCKETT: There is not right now. There are locations that could have access.

MR. STRODTMAN: But none today?

MR. CROCKETT: There are none right now. Right. So when that develops, they would have roads that would come back at that point.

MR. STRODTMAN: Okay. Thank you.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Thank you, Mr. Crockett. Okay. Commissioners, any discussion on this matter? Any thoughts, comments, motions? Yes, Ms. Burns?

MS. BURNS: There seems to be a lot of uncertainty with this project about what would happen moving forward and that's what concerns me. And I understand the desire to develop this property, but it seems like there are too many -- there's too much reliance on what will happen in the future that we have no guarantee of what will happen.

MR. TOOHEY: But at the same time, I feel like they've done all they could to try to avoid that. And if the other property owners aren't willing, you know, they're letting this property owner not have full enjoyment of their property.

MS. BURNS: Well, there may be the need for no variance to be raised, coming back with a different project.

MR. STRODTMAN: Ms. Loe?

MS. LOE: You raised a few examples, Mr. Crockett, including East Pointe. But in counting the houses that are along East Pointe, I'm seeing there's only about 50. So there seem to be some

discrepancies.

MR. CROCKETT: On my calculations on East Pointe, I've got 25.

MS. LOE: Okay. So even fewer?

MR. CROCKETT: And East Pointe -- yeah. We have -- we have 23 in this -- well, 23 --

MS. LOE: You said 100. I mean --

MR. CROCKETT: Well, no. This is for the entire development. East Pointe is just the -- just that cul-de-sac portion. So if we wanted to look at somewhere that links a cul-de-sac, like I said, Lakeshire has 54 being served by the -- the --

MS. LOE: I was counting the whole length versus the 100 along the whole length.

MR. CROCKETT: Well, we -- if we look at the entire development, other developments are well in excess of the numbers that were presented. They're not just that many. The 100 is for the entire development that's already -- you know, the vast majority of it, the other 74 or 73, 74, 77 lots have already developed. And so, you know, if we look at the entire development of these other ones, you know, East Pointe had much more than just 25 lots. It was --

MS. LOE: Fifty. Correct.

MR. CROCKETT: -- closer to 50. Right. And so --

MS. LOE: So half the size of what you're proposing?

MR. CROCKETT: That's correct.

MS. LOE: Right.

MR. CROCKETT: And what it -- but it has no future connection where this one would, so I think that was kind of my point.

MS. LOE: I understand.

MR. CROCKETT: Sure.

MS. LOE: But it's also half the size?

MR. CROCKETT: Right.

MS. LOE: Yeah. So I appreciate and I -- your bringing up those examples, but they do -- there do appear to be differences. And I have to agree with Ms. Burns that I am uncomfortable that -- I agree you've explored opportunities for making a connection probably because that connection is so vital. And

the fact that we don't have a very positive outlook at this time does not put me in a position to be supportive of the variance.

MR. STRODTMAN: Other Commissioners? No one? I've got a question for Mr. Smith. Mr. Smith, would the City be in any way agreeable to grant a portion of the lots to be developed, but not the entire 23 lots until connectivity to the south was had, or is that not even an option of consideration?

MR. SMITH: I think our main points of concern with granting the variance is really accessing down the slopes and then back through the creek. It seems to be kind of in contrast to how you should be using a cul-de-sac link. So at this point, no. I don't think we would consider kind of a phasing plan if it meant needing to access through that area. I think that's kind of the main point of contention.

MR. STRODTMAN: But if you would -- if they were able to get access to either one of those road -- county-controlled roadways, you would still not be in agreement to it because you would still have the same access?

MR. SMITH: No. If they were able to access to the south through Waltz or through some other manner, obviously, we wouldn't have the variance, so we wouldn't necessarily have a method to object to that. So it kind of solves the problem on their point, it's not necessarily still a best practice as far as developing a street on steep slopes, but I think they wouldn't necessarily need to seek a variance to do that. They could -- they could move forward with that, so --

MR. STRODTMAN: Thank you. Commissioners? Mr. Harder?

MR. HARDER: I live in the East Pointe Subdivision, and we really don't ever have any problems with the length of the cul-de-sac. It kind of keeps those -- it keeps us a little bit more close-knit. I also like that Parks & Rec noticed this site for a park, as well, too. I know some areas of Columbia, they have a hard time tracking down a certain location. And so for them to have a spot for a park I think would be beneficial, as well, too. It doesn't look like it's going to permanent. It may be a while until they connect to it, but I don't think any -- any problems. I tend to feel like I would probably support it.

MR. STRODTMAN: Thank you, Mr. Harder.

MR. TOOHEY: I've got a question for staff. So if -- if it's even approved, are the chances of this becoming a park going to released?

MR. SMITH: I can't speak to that. I would leave that to the Parks Department and the property

owner. So we're not necessarily involved in the negotiation of that.

MR. ZENNER: From a technical perspective, Mr. Toohey, however, the F1 lot that is shown here on this graphic and the additional acreage that was shown on Mr. Crockett's graphic that the Parks Department has asked for would have roadway frontage. Does it have accessible roadway frontage given the fact that that is Old Plank Road, potentially not -- not to serve their purposes, but it does not -- a denial of this plat does not eliminate the ability of the Parks Department through a platting action to acquire the acreage that is shown in the red-lined area and combine it with the F1 property that has adequate roadway frontage to meet our subdivision standards.

MR. SMITH: Yeah. I should point out, this area here is actually a -- a current lot, so this -- this is part of that discussion, and that could be transferred now with no issue. That would be the additional acreage that's within this subject site. And I think as we touched on, as Mr. Zenner touched on, I think there's manners in which to accomplish the sale of the property without having to approve the preliminary plat and the variance.

MR. ZENNER: And to the points that have been raised by the Commissioners and the concern of the accessibility of the lots that would be created for building purposes, again, it is a timing matter as to how the property to the south does develop which would then obviously address connectivity issues. Not all property is developable at the time that it is wanting to be developed, that it wants to develop. Sometimes it has to wait for the infrastructure to get to it in order to make it a more developable parcel. The mere fact that the Parks Department would like to be able to purchase a portion of it and they desire internal subdivision access, I would suggest it is not limited. They can have pedestrian access off the end of the existing cul-de-sac of Heath Court in the interim period of time and then have the ability to be able to have street access at a point when it is platted in the future. That is something that the Parks Department and the property owner would need to negotiate as to how that easement may be created if it's not part of the transferred property.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, would someone like to move forward with a motion? Okay. Can't all do it once. It's hard for her to keep track of it that way. No?

MS. BURNS: No. I'm waiting.

MR. STRODTMAN: Ms. Loe, yes, ma'am?

MS. LOE: Mr. Smith, can you bring up the other slide actually that this includes the other recommendation, the denial -- thank you. Case 16-145, I'd like to move for denial of the variance to Section 25-47 for Heath Court. Do we need -- are we doing these as two separate votes or --

MR. SMITH: If you deny the variance, then I don't think you could approve the preliminary plat at this time. So you can -- you can still take a vote on it, but you would vote on the variance first.

CITY COUNSELOR: You can take up both of these in one motion. That would be appropriate.

MS. LOE: All right. Okay. -- and denial of the preliminary plat for Creek Ridge Plat No. 2.

MS. BURNS: Second.

MR. STRODTMAN: Ms. Loe made a motion for denial, and Ms. Burns seconded. Is there any discussion on this motion? I see none. May we have a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "Yes" is to recommend denial.) Voting Yes: Ms. Loe, Mr. MacMann, Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Ms. Burns. Voting No: Mr. Harder, Mr. Toohey. Motion carries 7-2.

MS. BURNS: That is seven votes in the affirmative, two votes negative.

MR. STRODTMAN: Thank you, Ms. Burns. That motion -- that motion has been approved for denial of Case 16-145.