

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

OCTOBER 22, 2015

Case Nos. 15-216

A request by Jerry D. Kelly (owner) for a three-lot preliminary plat to be known as "Bear Creek Vistas." The 5.02-acre subject site is located on the east side of Creasy Springs Road, approximately 200 feet north of West Prairie Lane, and includes a home addressed as 3628 North Creasy Springs Road.

Case No. 15-217

A request by Jerry D. Kelly (owner) for approval of a one-lot final plat to be known as "Bear Creek Vistas," and a sidewalk variance. The 0.98-acre subject site is located on the east side of Creasy Springs Road, approximately 400 feet north of West Prairie Lane, and contains a home that is addressed 3628 North Creasy Springs Road.

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

MR. MACINTYRE: Yes. And just to clarify, I'm going to be reporting on these as one presentation since they're related to the same site. I've actually got a preliminary plat and a final plat here for the first lot of that same preliminary plat. So when we get to the recommendation section, I'll just ask that you handle each item separately for voting purposes.

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department.

Staff recommends:

Case 15-216 - Approval of the requested preliminary plat.

Case 15-217 - Approval of the requested plat subject to the condition that a public sewer line shall be extended to Lot 1 and the existing home on Lot 1 shall be connected to public sewer prior to plat being forwarded to Council for introduction.

Denial of the requested variance from Section 25-48.1 to allow no sidewalk to be constructed along the site's Creasy Springs Road frontage.

MR. REICHLIN: Any questions of staff? Ms. Loe?

MS. LOE: During phase two, when Lot 2 is developed, where will the City require the sidewalks to be installed?

MR. MACINTYRE: With phase two, there would be a requirement for sidewalks along both sides of the new residential street.

MS. LOE: Can you go back to the other map to show -- yes.

MR. MACINTYRE: Absolutely. So there would be sidewalks along both sides of the residential street, including the east side of Lot 1.

MS. LOE: But you would not require Lot 2 to install a sidewalk along Creasy Springs?

MR. MACINTYRE: We would if it's still there, and I believe it would be, but I don't know the timing

of phase two or Creasy Springs Road. So if there were still frontage on Creasy Springs Road right-of-way, I believe that there would be a requirement for a sidewalk to be constructed down. And then at some future point, we had -- we had a discussion about a long-term benefit of having sidewalk that's offset or separated from the future Creasy Springs alignment since it will be, you know, probably over to the west from where it's shown currently, and we believe there would be some benefit to having that sidewalk tying into or to provide a full loop sidewalk connectivity around the -- the property.

MS. LOE: Well, that sort of segues to my second question, which there's a pretty significant drainage ditch. It's more significant as you head down the hill, but there's a drainage ditch to the east side of Creasy Springs. Are you anticipating that the sidewalk be located between the road and the ditch or to the east of the ditch toward the applicant's house?

MR. MACINTYRE: On proposed Lot 2 or proposed Lot 1?

MS. LOE: Both.

MR. MACINTYRE: On both. On Lot 2, I'm really not sure what the situation would be as far as the grades go. The sidewalk on Lot 1 would be pretty much at grade on the east side of the ditch between -- so it would not be between the ditch and the road. It would be --

MS. LOE: But someone would have to cross the ditch to get to the sidewalk?

MR. MACINTYRE: Yes, ma'am.

MS. LOE: Thank you.

MR. MACINTYRE: That's the City standard.

MR. REICHLIN: Anybody else? I have -- I have a couple of questions. One of them is procedural. Going forward, do I need to read 15-217 into the record? Okay. All right. Thank you. The other question I have is you're -- the mention has been made of this parcel being for sale. Do we anticipate that the platting we're looking at now is going to remain in place upon transfer or is that something we can't really be sure of?

MR. MACINTYRE: No. The -- the plat is -- the plat runs with the land, so --

MR. REICHLIN: But a plat can be altered, too. So is -- so if it is for sale potentially to somebody who is going to do something else with it, I mean, do you foresee that as possibility?

MR. MACINTYRE: I don't believe, but I can't be certain that any future owner wouldn't request further platting or a change to the -- to the lot layout to support some unknown scheme of development.

MR. REICHLIN: And then -- and that goes hand -- it's kind of hand-in-hand, but do we anticipate that the structure on the property at this time is going to remain even with a transfer? Is that an assumption we should be operating under?

MR. MACINTYRE: If you wish. I think it's -- it's zoned R-1, so there wouldn't be any option for an increased development density or intensity of development. As to whether or not that particular stretch remains in place, I'm uncertain.

MR. REICHLIN: Okay. I guess that's all I've got.

MR. MACINTYRE: I think the intent is there, though. My understanding is that they have a buyer lined up to purchase the home and live in it.

MR. REICHLIN: Okay. That helps to flesh that out for me. Thank you. Okay. Given that there are no more questions of staff, as I've stated previously, if there's anybody in the audience who cares to help us with fleshing this out, we would be happy to have them come forward.

MS. KIRKPATRICK: My name is Judi Kirkpatrick, and I live right on that curve.

MR. REICHLIN: Could you give us your –

MS. KIRKPATRICK: -- can you point back to -- my question is why --

MR. REICHLIN: Excuse me, ma'am.

MS. KIRKPATRICK: Yes.

MR. REICHLIN: Could you -- could I trouble you to give us your address?

MS. KIRKPATRICK: Yes. 3532 North Creasy Springs Road.

MR. REICHLIN: Thank you.

MS. KIRKPATRICK: My question is why the connector is being connected to Creasy Springs right on that curve that has so many dangerous -- I see lots of accidents there -- lots of accidents. It's a very dangerous curve. And so why are you putting a connector down to that dangerous area rather than making them go up to Blue Ridge, which is a much -- going to be a much safer place for people to enter Creasy Springs?

MR. REICHLIN: Would anyone on the staff care to –

MR. MACINTYRE: Yes. The connector residential street that would come with phase two would be connecting to Creasy Springs at a point where Creasy Springs is no longer connecting here, so this portion of Creasy Springs would be possibly even renamed and it would be serving as a residential connector at that point. So the final connection of the street through the site would be probably not opened until such time as it's safe to do so, so it may actually be delayed. I'm not sure about that, but -- until Creasy Springs is realigned. Another hinging element is having the future or assuring the future connection of -- to Blue Ridge Road here, and the timing of developments, final plats, which seem to be heading westward from the existing Vanderveen Subdivision and neighborhood would be the ultimate determining factor for that. I think we -- we could probably see one or two more phases of Vanderveen or Willow Falls, as they're calling it, in the latest final plat before they reach the point to where this stub to the north that will be necessary to connect to Blue Ridge Road would enter into potential completion.

MS. KIRKPATRICK: You said that the new straightening of the Creasy Springs is not -- there is no funding for that. It's way off in the future. So if somebody is coming from Columbia and they're going north on Creasy Springs, are they going to have to through that connector up to Blue Ridge and then north on Creasy Springs?

MR. MACINTYRE: No. Creasy Springs would remain in -- in its current state until such time as the alignment is –

MS. KIRKPATRICK: Well, then I'm back to my original questions. Why would you have that connector come out to such a dangerous spot on Creasy Springs?

MR. MACINTYRE: The connector street doesn't -- wouldn't connect to Creasy Springs in its current alignment, so it's -- the cul-de-sac here would be cut off from Creasy Springs in its new alignment.

MS. KIRKPATRICK: So how would traffic go north on Creasy Springs on that map?

MR. MACINTYRE: Oh. Okay. So Creasy Springs -- I think I understand what you're getting at. Creasy Springs would be straightened here.

MS. KIRKPATRICK: But you said that's way in the future.

MR. MACINTYRE: Right. Right. Right. Right.

MS. KIRKPATRICK: I'm talking more -- more about right now, because you said the connector could be more recent.

MR. MACINTYRE: Okay. Okay.

MS. KIRKPATRICK: I mean, did I misunderstand?

MR. MACINTYRE: All right. I see what you mean. Yeah. So you're saying if Creasy Springs is still going through this way and we add this connector, what's going to --

MS. KIRKPATRICK: It seems like an awful dangerous spot.

MR. MACINTYRE: Kind of safety considerations.

MS. KIRKPATRICK: It would make more sense to go up to Blue Ridge and out, and that would be a much better spot for traffic to enter Creasy Springs.

MR. MACINTYRE: So you think traffic will come off of Creasy Springs and --

MS. KIRKPATRICK: No. I'm just saying why would you even connect right there on that hill. The traffic from the new subdivision phase two should go up to Blue Ridge Road and over to a much safer spot.

MR. MACINTYRE: Okay. I think I've got it now.

MR. ZENNER: Ms. Kirkpatrick, I believe -- I understand your question and I believe Steve does, too, but we're having -- just a disconnect. The segment that would be required as part of the construction of phase two will require the City's traffic engineers to approve that connection to the existing alignment of Creasy Springs. If, at that point, it is determined that sight distances and traffic safety cannot be -- cannot be assured, our traffic engineers potentially could have the applicant that would be developing the remaining portion of this property not make that connection, thereby Lot 2 and Lot 3, which are in phase two, would have to go north to Blue Ridge until such time that we could complete the connection of the connector roadway to the capped existing Creasy Springs once the new alignment is constructed. But until we know the pattern and the approach of the development coming from the east out of Willow Falls, it's very difficult for us to say what will or what will not happen. What our traffic engineers, however, will have to verify at the time that this comes in is can that intersection be adequately constructed to meet sight visibility and safety standards. If that can't be done because of what is happening here along the southwest corner of the property, it is possible that we, as a city, may take action to not have the road connected. But, ultimately, when the road is capped as it's shown in this diagram and the new alignment is built, the flow of traffic between this small connector is basic to allow folks that are either in the Prairie Lane Subdivision or property that's to the south to be able to circulate back up to Blue Ridge without having to come all the way back over to Creasy. There's factors that are in play that we can't speak to as to will this connection be made when phase two is developed. It may or it may not be. If it's developed as

a single-family home with no development up on Blue Ridge at that point, the connection you see north of where the blue box is that says phase one, that connection will not be made. It will serve no useful purpose for people to come from the north south. You'll have two residential lots accessing this driveway, which is no different than just a residential driveway accessing the dangerous curve right now. Not best practice, but our traffic engineers are going to have to evaluate that at the time that the development is actually proposed and the roadway construction condition is actually kicked in. So I think your point -- I understand your point, and I believe our Commission does, that this is a dangerous intersection or a dangerous curve. This is the whole reason why we're realigning Creasy Springs. We're not going to probably want to open liability by having the public travel on public streets to a dangerous street.

MS. KIRKPATRICK: So why is that a condition of phase two that they would have to make that road?

MR. ZENNER: And I'll let Steve respond to that because he's been working with the project, but our traffic engineers have -- they have a great deal of latitude to ensure that the safety of that intersection is maintained, so hopefully that at least addresses one aspect of your question. The rest I can have Steve answer for you as to why we want it built at this point.

MS. KIRKPATRICK: But let me -- but I just don't understand why you would make it a requirement if the City would have to go back and see if it's needed later.

MR. MACINTYRE: Well, I think long-term, it is needed. It's desired for connectivity, as I mentioned, through the residential neighborhoods or between the residential neighborhoods. As Pat mentioned, the -- the safety concerns, and I apologize for being dense when it came to your initial question there, but I think I understand what you're getting at now, is as it relates to the existing conditions of Creasy Springs Road, if this were to open, you're saying that it would be a potential cut-through, and a safety concern to have a new street enter in on that dangerous curve where -- where it serves as a through major thoroughfare currently. And so Pat mentioned, of course, that the requirement or conditions of opening that segment and the timing of opening that segment would be dependent on safety assessments by our traffic engineers. The reason that we want the entire section of this street to be built with phase two and we want phase two to be -- to complete out the development that we're discussing tonight is to ensure that it -- that the street is constructed on the property. What we see in many subdivisions is a phasing of development that goes one lot at a time or completes all of the lots up to a point where one or two lots remain at the far end where it would be connecting -- you know, where it shows a connection that perhaps the developer isn't interested in making, and then they leave that and it never, ever gets connected because they don't ever finish out the plat. So in this case, we want to ensure that the potential exists for that street to become usable at such time that it's appropriate and safe to do so. So your point about timing is -- is well taken. I acknowledge that. I'm sorry it took so long for me to understand what you were saying, but -- but that would be certainly something that our traffic engineers would assess the safety of if the timing worked out so that the street was in place prior to Creasy Springs being relocated and cut off.

MS. KIRKPATRICK: I just don't understand why you're making it a condition, and yet you're

saying, well, we'll have to look at it. That kind of doesn't make sense.

MR. MACINTYRE: Well, we -- we want the street in the end. Once all of these improvements are inevitably made, we want that street to be in place so that we don't have to pay for the construction of it, essentially, and to ensure that the -- the onus is on the developer of these future lots to construct the improvements to the streets that will serve them.

MS. KIRKPATRICK: Why couldn't it go up to Blue Ridge Road extension? That's what I don't understand.

MR. MACINTYRE: Because we have a mission to encourage and support connectivity.

MS. KIRKPATRICK: What activity?

MR. MACINTYRE: Connectivity, so connections --

MS. KIRKPATRICK: Okay. Got you.

MR. MACINTYRE: -- between neighborhoods are part of that mission. It moves people in various ways between like uses that are consistent and compatible and supported by our comprehensive plan's mission to encourage this type of connection between compatible uses.

MS. KIRKPATRICK: Thank you for your time. I thank you for listening. I just think that needs reworked a little bit.

MR. REICHLIN: Thank you. Do you have any questions of this speaker? Seeing none.

MS. KIRKPATRICK: I'm sorry.

MR. REICHLIN: That's okay. Is there anybody else who would care to comment on this for our --

MR. LUECK: I'm Ron Lueck; I'm Lueck Surveying. I'm the one doing the plats for these. And what started out in August as a -- what I proposed was just a tract split and worry about all this other stuff later on didn't fly by City staff. So what we have here is the result of a lot of working with it. The first preliminary plat I turned in was from a newer preliminary road plan that would have went right through Ms. Kirkpatrick's house. And Pat and I had agreed upon this kind of a location, just sketching it in his office, back on August 24th -- this kind of configuration for a preliminary plat. Trying to organize my thoughts on all this. The process from there, a few days later, found out that there was supposed to be a straight-through shot for the new road cutting through there, right through Lot 1, which is the Kirkpatrick house, and taking out the house. The right-of-way department and Public Works didn't like that idea at all, and they're back to the older 2006 version that I was shown for the -- this configuration of a new roadway through the -- through the lot -- through the five acres. Mr. Kelly bought this in 2010, purchased it from the Reed tract, the Reed family, the Reed heirs. And at that time, there was a house, a shack, and a mobile home on this. Three driveway entrances had been installed in 2010, shortly about the time he had bought it when they did -- the County did a road improvement. They asphalted the road, current location for Creasy Springs, and put in three new driveway culverts for this place, 40-foot long for all three of the drives. The reason the access for the middle driveway that's shown up there is given as an easement to get to this piece of property is because that north driveway just really isn't a safe one. It's a right turn in, right turn out. It really shouldn't be used to go to the southbound lane. So then we got to the easement offsite, so that's -- that's the reason that came about on this thing. The City, at that time back in 2010, was

very appreciative, as I understand it, of Mr. Kelly cleaning up this. They took out the mobile home, rehabbed the house, got rid of the shack and just-- well, pulled some junk automobiles out of there and just graded it, filled it -- filled the big draw to be a little bit nicer of a yard area there south of the house. The desire is to sell off that house. He's rehabbed it. It's a 1970 construction -- rehabbed it in 2010 and then some time. The desire was to sell off an acre 90 feet wide. We ultimately made it 100 feet wide. Realized it will be -- whenever the cut-through road there, Salamander Driver or Salamander Lane will go through, the access for that house is already in place for a driveway off of that new road. There's plenty of rock out there at the place. And that brings me to the sidewalk variance. The variance request for a sidewalk -- for not doing a sidewalk is because of Blue Ridge Road extension is currently not on a five-year plan, as I understand. They're -- they're going to build out east of there and not get out here to Creasy Springs with Blue Ridge to make any kind of connection on the current Creasy Springs location. The new location, as you can see on the preliminary plat, is going to be well west of the current location. Maybe a little bit of right-of-way will be on this five-acre piece or this -- yeah -- the whole five-acre piece for Creasy Springs. The sidewalk location, when all that program -- that project for the Creasy Springs relocation is done, the sidewalk will be west of the west road ditch and a good 60 feet from where it's being proposed to be put in right now, 60 feet farther west. The location where the sidewalk would have to go, according to City standards, would be directly through a place that Mr. Kelly has landscaped to provide a little buffer for the house. There are stabilization rocks in there and that's where the trees are. Couldn't put it over by the -- any closer to the road because of the unimproved road ditch. That road ditch is about two-and-a-half-feet deep. What else? When the new Creasy Springs -- and I've seen two plans on it and they both are indicating it to be farther west of this piece of property. Maybe the right-of-way catches a couple feet of the west end of it. The new -- the old Creasy Springs pavement is to be taken out. I imagine it'll be grassed over and be added to this property for lawn maintenance. There is no funding for that thing and it's not on the ten-year plan. There's no funding for the complete road program for relocating Creasy Springs. As I understand, it's a \$9 million project and they aren't even on the ten-year agenda, so I don't know. I'm thinking -- I think you should support the variance for the sidewalk request. If you've got any questions for me on the rest of it?

MR. REICHLIN: Any questions for this speaker? Seeing none, thank you for your time.

MR. LUECK: Thank you.

MR. REICHLIN: With those comments, we'll go forward with turning this over to the Commission for their input. Ms. Burns?

MS. BURNS: One question for Mr. MacIntyre. I'm looking at the staff report, and it might not have been required, but was there notification to existing homeowners? How -- how was information provided to those that might be impacted by this?

MR. MACINTYRE: Well, as with all preliminary plats, we did a notification for the public information meeting and that was how these folks here learned about the proposal and were able to raise their concerns -- know to come up and share them tonight, so --

MS. BURNS: Thank you.

MR. REICHLIN: Anybody else? I'd like to just make a mention of the fact that when we look at -- and mostly for the record, I would have to say. When we look at something like this, we're looking at the potential for what can happen in an area out ten years, twenty years, thirty years. And so with that -- those kind of thoughts in mind, when we look at connectivity issues and such, we're planning ahead. Now whether or not any of these -- any of these items actually come into play within the time frame that affects us in the near future, that's questionable. But without this kind of looking ahead, you -- you don't have the accommodation for what the goals are for the community as a whole. So that -- if -- if in some way helps with anybody's understanding of what they see in front of us tonight, I think that's my take on it. With that, I would like to suggest that we are discussing at this time just the three-lot preliminary plan for Bear Creek Vistas. So if somebody would care to make a motion with regard to that plan, it would be appreciated.

Mr. Stanton?

MR. STANTON: As it relates to Case 15-216, I move to approve the preliminary plat.

MR. STRODTMAN: Second.

MS. RUSHING: And does that include the sidewalk variance or are we handling --

MR. STANTON: That's not part of the --

MS. RUSHING: That's not part of this one. Okay.

MR. REICHLIN: Take a roll call, please.

MS. LOE: Yes, sir. In case of 15-216.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. Reichlin, Mr. Stanton, Mr. Strodtman. Motion carries 8-0.

MS. LOE: The motion carries. Recommendation for approval will be forwarded City Council for their review.

MR. REICHLIN: Okay. I'm going to preface this mentioning of 15-217 with that it appears as though that we've had a pretty good sense of what the issues are with that and have gone over them, so I'm forego any additional public comment. And with that, Case No.15-217, A request by Jerry D. Kelly (owner) for approval of a one-lot final plat to be known as "Bear Creek Vistas," and a sidewalk variance. The 0.98-acre subject site is located on the east side of Creasy Springs Road, approximately 400 feet north of West Prairie Lane, and contains a home that is addressed 3628 North Creasy Springs Road. If staff has anything more to share with us, I kind of suspect not, but go right ahead.

MR. MACINTYRE: No, I don't have anything to add at this point.

MR. REICHLIN: Now that we have it in the record and we've taken comments on both items, given the previous 15-216, throw it open to the Commission for comments regarding this matter.

Ms. Burns?

MS. BURNS: I guess what I would say is -- is we move forward with this and with the final plat and the preliminary plat and the dedication of the roadway that could connect. That's still up for discussion in the future for anyone that has an interest in that issue, would be my understanding. So I

would encourage those that are interested in it to continue the discussion.

MR. REICHLIN: Mr. Stanton?

MR. STANTON: After hearing the public comments, I really understand where, you know, both parties are coming from. But like the Chairman said, we've got to think of the future and if we don't plant these seeds now, then the future plans for this area can't -- can't come to fruition. If we don't hold the developer responsible for that connector, we've got plenty of examples where, you know, we end up with roads to nowhere, and the City and the taxpayer are held liable for the bill. And because neighborhood connectivity is very important in urban development, urban planning -- city planning and all that, it helps with emergency response, all of these things. So it's essential that we think ahead of time and we -- we plan for this stuff in the future. So Ms. Burns brought up a good point. When this comes more realistic, this will come up again and you'll have time to discuss -- discuss that. I also would like to say that, you know, have faith in the engineers to make a safe pass. However that street, you know, we're just kind of preliminary where they think the street might work out, they have to do traffic studies, they have to do a lot of other stuff, and these guys go to school for a long time and put a lot of hours in to be experts at this kind of stuff, so, you know, take that in consideration. I think that you'll be -- you might not be tickled pink, but I think you'll be happy with the results they'll come up with when this comes up. So I plan to support it myself.

MR. REICHLIN: Anybody have any comments regarding the sidewalk variance? Ms. Loe?

MS. LOE: After hearing the discussion about the proposed roadways, all of them, it does sound like there's still quite a bit up in the air. And after driving the site, I did have some concerns about connectivity and how the sidewalk would extend south of site one. It does to me -- appear to me with the proposed new connection road that there is a much better opportunity for sidewalks to be put in there planned with the road and that a greater degree of connection and pedestrian activity could be achieved there. So I guess I really don't have a strong sense that that 100-foot sidewalk along Creasy Springs is really going to get us very far in this proposal. I guess I see that pedestrian activity shifting to the inside street. So it makes more sense to me that we are including it in that package and that it would be supported and provided there, which it appears to be accounted for in this plan. So because of that, I would actually be in support of approving the waiver for sidewalks.

MR. REICHLIN: Ready to make a motion? Anybody else who has a comment?

MS. LOE: I'll make a motion.

MR. REICHLIN: Thank you.

MS. LOE: In the case of 15-217, a request for approval of the one-lot final plat to be known as Bear Creasy Vistas and in support of the sidewalk variance. Does that work as stated?

MR. MACINTYRE: The only --

MS. LOE: Bear Creek Vistas, if I misstated that.

MR. MACINTYRE: The only thing I would ask if you intend to include the condition that the sewer connection be made prior to forwarding to Council.

MS. LOE: Oh. I think I'm still in the report for the last -- can you phrase that?

MR. MACINTYRE: There was a recommendation on 217 –

MS. LOE: Including approval of final plat subject to sewer connection.

MR. REICHLIN: There you go.

MS. RUSSELL: I'll second that.

MR. REICHLIN: Thank you, Ms. Russell. May we have a roll call, please.

MS. LOE: Is everyone clear what we're voting on?

MR. REICHLIN: Everybody? Anybody else?

MR. ZENNER: Mr. Chairman?

MR. REICHLIN: Yes, sir.

MR. ZENNER: Given the fact that this is a variance, we would like to have the aspect of the sidewalk handled as a separate motion and the final plat being handled as the other half. So the final plat motion would need to be approval of the final -- of the one-lot final plat subject to the sanitary sewer connection being made prior to forwarding to Council, and then a recommendation to approve the requested variance to sidewalk construction as your second action.

MR. REICHLIN: Thank you, sir. Okay. We'll –

MS. LOE: All right. So new motion to approve the preliminary plat to be known as Bear Creek Vistas.

MR. REICHLIN: No. It's approval of one-lot final plat.

MS. LOE: I'm reading off of this.

MR. REICHLIN: Approval of the final plat subject to sewer connection.

MR. STANTON: It's --

MS. LOE: An approval of final plat subject to sewer connection.

MR. STANTON: I second.

MS. BURNS: Second.

MR. REICHLIN: Is that good? Are we all right there and will it work?

MR. ZENNER: It'll work.

MR. REICHLIN: I'll take a roll call, please.

MS. LOE: Quick, before we change it again.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. Reichlin, Mr. Stanton, Mr. Strodman. Motion carries 8-0.

MS. LOE: The motion carries. The recommendation for approval on the final plat will be forwarded to City Council for their review. And I'll go ahead and do the second part of the motion. So second motion is for approval of the sidewalk variance.

MS. BURNS: Second.

MR. REICHLIN: Ms. Burns.

MS. LOE: Okay.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. Reichlin, Mr. Stanton, Mr. Strodman. Motion carries 8-0.

MS. LOE: The motion carries. The recommendation for approval will be forwarded to City Council for their review.

MR. REICHLIN: Yes, sir.

MR. ZENNER: It is time for a ten-minute break if the Commission would like to break.

MR. REICHLIN: That sounds like a plan. We're going to take a ten-minute recess.

(Off the record)

MR. REICHLIN: Let's try and get things going again, please.