

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
December 9, 2021

Case 27-2022

A request by Crockett Engineering on behalf of West Rock II, LLC for a 1.45-acre preliminary plat containing six single-family residential lots and two common lots. The subject site is zoned R-1 (One-family dwelling) and is located on the north side of Green Meadows Road at Green Meadows Circle.

MS. LOE: May we have a staff report, please?

MR. PALMER: Yes, you may. Thank you, Madam Chair. So this will be -- the proposed preliminary plat is an eight-lot plat. As you said, the property is 1.45 acres. The public info notice was sent again on November 9th. In this instance, there were 26 postcards. Again, here's a little broader aerial view. As you can see, Providence Road prominently there on the right and Green Meadows kind of snaking through the area to the west of that. We're pretty familiar with this property, I think. Next to the Rock Bridge Christian Church there right at the corner of Green Meadows Road and Green Meadows Circle. So moving on, so as you can see here from the plat, there are six single-family lots, two common lots being the prominent corner there at the intersection and then also the corner of this lot closest to Rock Bridge Christian Church. The property is zoned R-1 and, therefore, it requires no zoning action because these are proposed single-family homes -- or single-family lots. In this instance, access is shared via an irrevocable access easement. It takes access from Green Meadows Circle on the north end there. You can kind of make out hopefully the "T" arrangement here. It kind of touches each lot. That would provide a private driveway that would access the rear of each of those properties. Let's see. It's -- the easement arrangement is something that the code does permit with the approval of the Community Development director, which this has gained. As a matter that has been brought up many times when this property has come before us in the past, neighbors are more favorable of an entrance off of Green Meadows Circle and I believe -- so there's another aspect too that Green Meadows Road is -- is not accessible, but that is actually not the case now because it was accepted for single-family homes. So they could take access, but again, that was a major point of contention for the neighboring property owners, was access to the Green Meadows Road was a big

negative for them. So yeah, that's the first item on here. So one thing about the shared access, a lot of times people will want their driveways on the front of their homes or -- just the arrangement. There's no aspect in the code that requires that the properties face outward to the streets. However, that, again, was something that was a major point of concern for neighboring property owners in terms of aesthetics and also just general function of the property. One thing that could be done to fix that issue, I guess, would be to ask the property owner to add a restriction to the plat that would say the properties would face outward to the street frontage on both Green Meadows Road and Green Meadows Circle. Another aspect that the access easement would impact is the rear lot setbacks on each of the lots. As there would be a 20-foot access drive within that, the remaining rear lot, if it were 25 feet, would not be deep enough for a 20-foot parking area in the driveway, which is typically required. And so another restriction that could be added would be the requirement of a minimum rear yard setback of 30 feet, which would offer the extra space needed for a 20-foot parking spot in their driveway outside of the easement. I believe that is it. So our recommendation would be for approval of the preliminary plat as it is because it is code compliant. However, alternatively, you could seek the addition of those restrictions on the plat. With that, I'd be happy to answer any questions.

MS. LOE: Thank you, Mr. Palmer. Before I ask for staff questions or questions of staff, I'd like to ask any commissioner who has had any ex parte related to this case to please share that with the Commission so all commissioners have the benefit of the same knowledge, information on the case in front of us. Seeing none, Commissioner Geuea Jones, did you have a question for staff?

MS. GEUEA JONES: I do. With these two conditions, I'm worried they're not necessarily -- we have to either do both or neither. Because if we say -- if we just do the 30-foot rear yard setback, that could theoretically be the Green Meadows and Green Meadows Circle side of the properties if they decide to face them all inward; is that right?

MR. PALMER: Yeah.

MS. GEUEA JONES: And so if we do both of them, that 30-foot rear yard setback solves your easement problem, but if we don't do both of them, it doesn't. Am I understanding that right?

MR. PALMER: Yes. It kind of all hems on the second one technically where it -- we want the homes to face outward.

MS. GEUEA JONES: Right. We want them to face the sidewalk.

MR. PALMER: The -- yeah. The parking space is a technicality kind of that we would also like met, but it is not technically required as it's presented as -- as the design is presented, if that makes any sense.

MS. GEUEA JONES: I'm just making sure I understand your recommendation correctly, which is either do both of these or if we're worried about the setback, we need to reword that.

MR. PALMER: Yes. I think you're right.

MS. GEUEA JONES: Thank you.

MS. LOE: Commissioner Rushing?

MS. RUSHING: Do you know whether that private drive is going to connect with the church's driveway?

MR. PALMER: It is not intended to. There's a gap in the easement to kind of restrict that actually.

MS. RUSHING: Okay.

MS. LOE: Any additional questions for staff? Seeing none, I'm going to open up the floor for public comment. If you can give your name and address for the record. While we're waiting, just generally we do limit you for three minutes for comments, six minutes if you're speaking for a group.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I think Mr. Palmer did a thorough job explaining the -- the plat that's before you tonight. I'll go over a few -- a few items though. Again, it is about 1.45 acres in size. It is currently zoned R-1. We intend to develop it under that R-1 zoning. It has been -- this piece of property has been before you numerous times in the past for rezoning for various types, from commercial to multi-family, and we do want and intend to develop the property as the R-1 zoning that's on it. We are going to -- or asking -- seeking to develop the property with a shared common driveway. This is a copy of the plat that's before you. You've seen that before. The common driveway would be a configuration such as this. Access to the lots would be something similar to that. Potentially lots two and three could come off of the north/south section as well, but this kind of gives you just an idea of where the access for the lots would come from. So we'd only have one point of access that goes out to Green Meadows Circle, none which go out to Green Meadows Drive. And Ms. Rushing, no, we are not going to tie into the church. Actually the City asked us to pull the parking lot -- or driveway back as much as we can. We want to do that. The church is a separate stand-alone piece of property. We don't have access to that property. We don't have an easement across their property, so that's nothing that we can -- you know, we can -- we can just simply do.

We do have a couple common lots as designated here. One or -- one or two of them will be used. The purpose of this is for stormwater management. That's the reason for this. If we don't need the second lot, it will go into the lot that's adjacent to it. With regards to the rear yard setback -- and -- and Rusty and Pat can correct me if I'm

wrong. The front yard is going to be determined by the section of the lot that is adjacent to the right-of-way. And then by definition, the rear yard is opposite the front yard. So Ms. Geuea Jones, to answer your question, with regards to are they both -- can we do both of them, we have to do both or none. And I don't think that's the case. I think we can do one or the other or both. We are willing to increase the rear yard setback because we think in order to get that to achieve the driveway, if they do have -- you know, the garage in the rear, we want to make sure we have 20 foot for that driveway before you get to the house. So we're -- we're fine with that. The other one certainly as - - as noted in staff report, we've gone on record as saying it's our intent to face these outward. That's certainly the developer's intent, that's what he wants to do. By putting the note on there is we don't like to have another restriction on the plat. So we'd rather not have that restriction on there. We are fine with the additional setback along the rear yard because that would allow us to have the driveway. And again, Mr. Zenner, correct me if I'm wrong, but I believe the front yard would be adjacent to the right-of-way, the rear yard is opposite the front yard. So by putting that condition on there, that would say that the rear yard of all of those, regardless of how the house is oriented, would be 30 feet. Again, the proposed development matches the surrounding development and land uses. I think that that's a point that has been argued several times before in the past. It is -- complies with the UDC. So it's before you tonight as a fully performing plat and R-1 district and then, of course, it comes to you with staff support. So with that, I'm happy to answer any questions that the Commission may have.

MS. LOE: Thank you, Mr. Crockett. Are there any questions for the speaker? Commissioner Placier?

MS. PLACIER: Yeah. Thank you for the graphic with the arrows, because that helped. I couldn't figure out how -- where the access to lot six would be.

MR. CROCKETT: Uh-huh.

MS. PLACIER: So as I'm imagining it, there's going to be a longer driveway going back to six?

MR. CROCKETT: Yes. It will have a longer driveway that goes to that portion of the lot, yes.

MS. PLACIER: Okay. So the lot is just sort of curving?

MR. CROCKETT: Yeah. It's kind of a --

MS. PLACIER: Yeah, okay.

MR. CROCKETT: -- modified lot, if you will. Not completely rectangular. It will have a little dog leg to it there.

MS. PLACIER: Okay. That helps.

MS. LOE: Any additional questions for Mr. Crockett? Commissioner Carroll?

MS. CARROLL: So your intention is to have the front doors oriented to the street?

MR. CROCKETT: My client's have -- he's stated that's his intention.

MS. CARROLL: Can you tell me how you plan to treat the front doors? Will there be a sidewalk to the street, a pathway?

MR. CROCKETT: Yeah. I believe there will be a -- if the front doors face out, there will be a sidewalk that go from the front doors to the adjacent sidewalk adjacent to the street.

MS. CARROLL: Thanks.

MR. CROCKETT: You know, Solid Waste has come online saying that they want to have curbside pickup and no Dumpster on this location so obviously we'll have curbside pickup adjacent to the street, like you do in a normal residential subdivision. That's how Solid Waste would like to handle that so obviously we will have a pathway for that as well.

MS. CARROLL: I ask that question in particular because there is a development that I can think of, quite likely pre-UDC, that has driveways and access to the duplexes, in this case in the back, and it has front doors facing the street and yet there's no sidewalk and it has somewhat of an enclosed porch, which makes it useless to the residents.

MR. CROCKETT: I understand.

MS. CARROLL: And it's been an issue for that neighborhood.

MR. CROCKETT: I understand.

MS. LOE: Any additional questions for this speaker? I see none. Thank you.

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case? If there are none, we'll close public comment. Commissioner comment? Commissioner Geuea Jones?

MS. GEUEA JONES: I would like to check with staff on the definition of rear yard, because I don't see where it's defined the way you describe, which I -- I don't think you're necessarily wrong. I just want to have clarity on that before we vote.

MR. ZENNER: Rear yard is as Mr. Crockett has described it. It -- it now -- what I will tell you is, is if the applicant is consenting and assuring those that it's their intention to build to the -- to face outward, the addition of the additional condition should not be any concern. It further legitimizes what they have said is their intention and ensures community compatibility. That is why the recommendation of that note is there. From an addressing perspective, a front door is often what determines where you're being addressed from. So these properties are going to have addresses off of Green Meadows Circle, as well as Green Meadows. From a 911 perspective, most likely in the

system -- in the CAD system for dispatch, there will be a specific note that the driveway access is from Green Meadows Circle. However, based on what the fire service tells us often, they won't pull down a private driveway in this instance. They'll just deploy outside on Green Meadows to fight a fire. They're not going to get themselves hemmed in. But it is -- as I said, front is opposite of -- or rear is opposite of front. Front is normally driven by where the parcel is addressed from. So to Mr. Crockett's point the front, if addressed from Green Meadows Circle -- or Green Meadows, is going to then result on the rear being on the shared driveway. It's our take that if the applicant's saying what he's going to do is face them out, we just need to ensure that that's happening for the benefit of the neighborhood and for clarity for us as we apply all of our other dimensional requirements.

MS. GEUEA JONES: Yeah. My -- my only concern would be that if we don't do the conditions, we end up with a row of privacy fences down Green Meadows, because people generally want to fence in their backyard if they fence in something. Whereas, if their front door is on Green Meadows, the likelihood of that is lessened. It's not necessarily eliminated, but I -- I think that will allow this to still have a residential neighborhood feel, which I know it's sort of mixed, but I -- I think that the conditions are definitely something that's necessary given the sensitivity of the neighborhood to this particular parcel.

MS. LOE: I'm not as concerned about the homes facing Green Meadows Road as I am the address on Green Meadows Circle. To me, the streets are very different. And as long as there is a front door for the group, I'm -- I'm not as concerned about maintaining those -- and if two -- I believe it's two lots facing Green Meadows Road. In fact, I think by turning them toward Green Meadows Road, in some way you're sort of isolating those two because they would be the only homes facing Green Meadows Road. The homes along Crescent Green Drive to the south of Green Meadows Road at that location all face the internal drives-- internal road. And a little to the west just off the screen here, all the homes just north of Green Meadows Road along Belinda Alley have their backyards with a fence along Green Meadows Road. So -- and then just east of Bethel, you have the church. So there's not a strong neighbor -- single family neighborhood presence for those two homes. I feel like they're a little bit out of the water really.

MS. RUSHING: But then they would be facing the back of the other houses.

MS. LOE: But yeah, if I can finish. And
then --

MS. RUSHING: Yeah.

MS. LOE: I see the -- what we're calling the drive as really a internal street to some extent in that it's serving six houses. And to some extent, that -- they could -- that

is where that -- those six houses are going to congregate or communicate. And I would encourage the developer to develop good entrances on to that drive to encourage the neighborhood feel of that grouping. I don't think those front doors facing Green Meadows Road -- you can't park on Green Meadows Road, they're going to receive no visitors from that direction. I'm less concerned about those doors. Commissioner Rushing, you had a question?

MS. RUSHING: No.

MS. LOE: No?

MS. RUSHING: I butted in to state -- I thought you were through. I'm sorry.

MS. LOE: Any other comments?

MS. CARROLL: Yes. They may walk from Green Meadows Road and desire that connectivity to the community at large. Part of the reason why I would have supported the conditions, if I recall, that was a feature that on previous applications the neighborhood asked for. And I would like to honor that, given the history of the property.

MS. LOE: And I am supportive of the homes facing Green Meadows Circle, which I do feel has a more residential feel.

MS. CARROLL: I see.

MS. LOE: Again, I'm just saying I'm not in favor of these conditions if they require the homes face Green Meadow Road because I feel that's a different condition. So I will not support the conditions if it requires all six houses face the road. That's not because I don't believe the homes should face it, but I believe this site is not equal on all sides and that it can have a presence on the street without each home facing the street. Commissioner Kimbell?

MS. KIMBELL: So you're saying that you're comfortable if the lots five and six face inside?

MS. LOE: I am.

MS. KIMBELL: Versus facing outside?

MS. LOE: Yep.

MS. KIMBELL: And your reason is again?

MS. LOE: That Green Meadows Road is not a residential street. And there's no other homes within a -- at least a one- or two-block area facing the street. So I don't think those were the residents asking that the -- I think the residents asking for homes to face the street were the ones north of Green Meadows Road.

MS. KIMBELL: Can we get some clarity on that?

MR. PALMER: I believe what she just stated is correct, that the neighbors -- the -- the more engaged neighborhoods were north of Green Meadows Circle on our previous designs, so.

MS. CARROLL: And yet the applicant has suggested a desire to make them face outward.

MS. LOE: He's expressed -- he's stated his intent, but he's -- they've also asked that it not be included and I'm supporting that. Commissioner Geuea Jones?

MS. GEUEA JONES: I would suggest then that we do this in three steps. One, with a requirement that lots one, two, three and four face -- or I guess we could say -- well, yeah, lots one, two, three and four face Green Meadows Circle; a second condition that lots five and six face Green Meadows Road; and a third condition with the 30-year -- 30-foot rear yard setback so that we can vote as a Commission on those ideas separately. Because it sounds like there's a division of opinion, but we may be in accord on the Green Meadows Circle question. So if -- if we divide it up like that instead of just the two, we may have more clarity to send to Council.

MS. LOE: Commissioner Burns?

MS. BURNS: I guess I'm just a bit concerned about -- we have the applicant here. They have a plan -- a development plan. We have no opposition from the neighborhood or correspondence from the neighborhood. I just -- I'm concerned about going in and changing what the applicant has come to us with and what seems reasonable and apparently is reasonable to the neighborhoods who, in the past, have been very vocal and concerned about the development of this. So I don't have a strong feeling about the conditions, but I -- I -- I'm concerned about us coming in and trying to change the plan that's been presented to us.

MS. LOE: Commissioner Rushing?

MS. RUSHING: And I'll just reiterate what I said before. If you're requiring the four on Green Meadows Circle to face Green Meadows Circle and you -- and what I heard you say, Commissioner Geuea Jones, is then we could require the other two to face inside. I don't think that's what you meant.

MS. GEUEA JONES: No, I meant outside.

MS. RUSHING: I think you meant allow them.

MS. GEUEA JONES: Yeah. Allow them, yes.

MS. RUSHING: But I think it's -- you know, I wouldn't want my house facing the rear of four other houses. And then you have the setback issues to deal with. I think it's just cleaner to stay with what's been presented to us.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Here's the direction that I propose, that I think is along the lines with what I'm hearing from both Ms. Geuea Jones and Ms. Rushing and Commissioner Loe. There's the four. We can make the recommendation that those face the Green Meadows Circle. The two that we are open to not facing Green Meadows

Circle, instead of making the condition that they face inwards, I would rather just say condition that the four face outward -- or face Green Meadows Circle and then not place a condition onto the two that we're open to placing either way.

MS. LOE: Commissioner Stanton?

MR. STANTON: This project has come before us three times. It looks like it's changed engineering firms, it's -- look -- and each time the engineers and architects have bent over backwards to help us figure out this piece of land. Let's roll with how it is. The -- the community -- the community involvement through all the other process was very strong. I see no opposition, we didn't get any correspondence, which means they must be happy because if they weren't, this whole place would be full and it would be on again like it was the last two or three times this property was in front of us. I move to -- I -- I plan to support it as-is.

MS. GEUEA JONES: I think I might have been unclear. What I'm saying is that we take a separate vote on the facing the right-of-way for the ones on Green Meadows Circle versus the ones on Green Meadows Road. Not that I want to say they have to face one way or the other, but I want us to be able to vote on those two questions separately. Because the way it's written now, we vote on them all at once and they're all either facing out or have no requirement. And I want to be able to -- I want to give us the flexibility to follow the recommendation of staff to put that requirement on Green Meadows Circle without having to also put it on Green Meadows Road. So I'm just suggesting divide the question in parliamentary terms, but.

MS. LOE: I -- I understand. I -- I think we make a motion for as-is. Because I do think we have a split decision on this. And let's see if there's support for as-is. And then if there isn't, we'll start pulling it apart. Mr. Stanton?

MR. STANTON: If there's not any more questions, I'd like to make a motion.

MR. ZENNER: If I may.

MS. LOE: Yes.

MR. ZENNER: If you're going to make a motion, technically, the plat is compliant as it is presented. However, practically speaking as defined within our parking requirements of the code, without the first condition, which the applicant has indicated -- which the engineer has indicated the applicant is willing to adhere to, you jeopardize fire access requirements as it relates to the shared private driveway by having vehicles parking in that shared access. At a minimum, in staff's opinion to ensure that the project is fully compliant from a fire protection perspective, not an aesthetic one, the first condition is critical. The second condition, I think -- which is what you all are wrestling with -- is how do we want to dictate how these structures are actually placed on the lot. That is something that you don't have to take up. It -- again, it is something that is

offered as an option. I will strongly suggest that you take each of the conditions, if you choose to do either, or as Ms. Geuea Jones has suggested, to separate the second condition, those be voted on individually so it is very clear, very transparent to the Council with the recommendation for the approval of the plat, which I believe you all are ready to move so Council can see that. The plat again is compliant with the technical requirements of the code; therefore, it can be moved forward just by a simple majority vote. The Commission, again, has four possible options with the approval of a subdivision plat; approve, deny, approve with conditions -- and those would be recommended conditions because the applicant would have to consent to the conditions - or table. Obviously we've spent enough time with this project, the fourth condition is out. Hopefully the denial is not there either. So wrestle with approve as-is or approve with recommended conditions for Council to consider.

MS. LOE: Mr. Zenner, a point of clarification, the required minimum 30-foot setback, it's -- right now it's described as being a rear yard setback, but given that there's some discussion about front and rear yard, what we really intend is that it's a 30-foot setback off the private drive

MR. ZENNER: That would be correct. And that would probably be a better way of stating it in your motion then it is irrespective of how these homes get placed. So hopefully that would maybe eliminate then the second condition entirely. Because that opens up -- we have a 30-foot setback, we maintain an adequate depth for the driveway.

MS. CARROLL: I prefer to vote on conditions first and if they fail, do a straight --

MS. GEUEA JONES: Yeah, we have to do that anyway. Yeah. Conditions have to come first before we vote on the approval.

MR. ZENNER: From a procedural perspective, Ms. Geuea Jones is correct. You'd have to do motions. And really again, you're only offering -- it's the Commission's call. And Mr. Palmer just pointed out to me that probably the motion, as it relates to the setback, needs -- it does need to be clarified that it is from the common property line sub- - that is split -- that the shared driveway is actually split by. So it is the -- it's the centerline of the easement.

MR. PALMER: Right. It would be 30 feet from the centerline of the easement, not the edge of the easement. Because the -- the setback is actually from the property line. So 30 feet allows a 10-foot drive lane for the driveway, plus a 20-foot driveway for parking.

MR. STANTON: Twenty feet from the setback?

MR. ZENNER: From the property line.

MS. CARROLL: From the shared property line.

MR. ZENNER: From the shared property line.

MS. LOE: So 60 feet total?

MR. ZENNER: Total, 30 feet on either side of the shared property line. Staff report probably does a better job of explaining. Ten feet of each individual lot that abuts the shared private driveway is occupied by the shared driveway, which only leaves 15 feet outside of the easement -- or 15 feet of the 25-foot setback to be for a driveway unless you set the house further back. And what we're trying to ensure is that they can build to their maximum building envelope.

MS. LOE: All right. So let's do each condition separately, including the drive setback.

MR. STANTON: Okay. Can I make a motion with the plat first and we go from there?

MS. LOE: No. No. We're going to start with the conditions. So let's start with the 30-foot setback from the centerline of the shared property line. Common --

MR. ZENNER: Shared easement. Shared access easement.

MS. LOE: Shared access easement.

MR. ZENNER: And it's --

MR. STANTON: I'm confused now.

MR. ZENNER: From the property line. Property line -- centerline of --

MS. LOE: Ms. Carroll.

MS. CARROLL: I'd like to make a motion --

MR. ZENNER: Just make one.

MS. LOE: We're going to start with that.

MS. CARROLL: I'd like to make a motion to require a 30-foot minimum setback from the shared property line at the private drive.

MR. STANTON: Second.

MS. LOE: Seconded by Commissioner Stanton. We have a motion on the floor. Any discussion on this motion? This is the internal 30-foot shared property line setback. Seeing none, Commissioner Carroll, may we have roll call, please.

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: We have eight votes to approve. The motion carries.

MS. GEUEA JONES: I'd like to make a motion.

MS. LOE: Commissioner Geuea Jones.

MS. GEUEA JONES: I move that in the matter of Case Number 27-2022, we approve a condition that the homes on -- are we --

MS. LOE: One.

MS. GEUEA JONES: Okay. That the homes on lots one, two, three and four as described on the plat have front functioning entry doors facing the Green Meadows Circle.

MS. RUSHING: Second.

MS. LOE: Seconded by Commissioner Rushing. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Okay. Commissioner Burns?

MS. BURNS: No.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: No.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: No.

MS. CARROLL: We have five votes to approve and three to reject the condition.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I'd like to make a motion. I move that the homes on lots five and six have front functioning entry doors facing Green Meadows Road.

MS. RUSHING: Second.

MS. LOE: Seconded by Commissioner Rushing. We have a motion on the floor. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Commissioner Burns?

MS. BURNS: No.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is no. Commissioner Loe?

MS. LOE: No.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: No.

MS. CARROLL: We have four yes and four no. One, two, three, four. Yep.

MS. LOE: All right. Commissioner Geuea Jones?

MS. GEUEA JONES: I would like to make a final motion. In the matter of Case Number 27-20, Greenville [sic] Subdivision, Plat 1 preliminary plat, I move that we approve the preliminary plat with the recommendations of conditions as having been voted.

MS. RUSHING: Second.

MS. LOE: We have a motion on the floor. Any discussion on this motion? I have a question. Since the second -- third condition was a tie, so it wasn't recommended, is it included? Mr. Zenner is scratching his head.

MS. GEUEA JONES: Included in the report.

MR. ZENNER: It's a no recommendation. Again, it's a recommendation. The applicant is only consenting at this point to the condition that has a unanimous vote of 8-0. It's -- it's official, it's a tie. You took action and Council needs to now listen to the applicant and review your recommendation or lack thereof because you couldn't arrive at a consensus, but yeah. So it's -- it is valid as a recommendation, as a condition. How it plays out at Council, we'll see.

MS. LOE: Okay. So the answer is it's left up to Council to --

MR. ZENNER: It's -- well, all of these conditions with the -- with the exception

of the 30-foot setback from the shared property line within the shared driveway, which was an 8-0 vote.

MS. LOE: Oh, right.

MR. ZENNER: That's the only thing out of -- we -- we've -- we've got a less than 75 percent on the second motion and you have a tie vote on the third. At this point you've created -- it's created a little bit more confusion for us in how we'll write the staff report at this point. I'll have to sort that out. Again, I think the way the staff will handle this is the plat, depending on what your vote is, is fully compliant. The Commission is recommending the following conditions for Council's consideration. And we will reference the fact that the 30-foot setback was agreed to by the applicant.

MS. LOE: Okay.

MR. ZENNER: So you have -- I don't believe -- do you have a motion on the floor for approval of the second?

MS. LOE: We do. We do.

MR. ZENNER: So let's finish with --

MS. LOE: Any further discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: Yes. We have eight votes to approve. The motion carries.

MS. LOE: All right. That will all be sent to Council for them to deal with as they see fit. Commissioner Stanton.

MR. STANTON: Fellow Commissioners, I had the floor on making that motion. I do not want to be -- the mic taken away from me again. I was asking for a point of clarification, I was trying to make the motion. It seemed like you guys just took the mic.

I was asking for clarification on how to formulate the motion. Don't do that again.

MS. LOE: I apologize, Mr. Stanton.

MS. CARROLL: I'm sorry.