

## EXCERPTS

### PLANNING AND ZONING COMMISSION MEETING

JANUARY 5, 2017

#### IV) 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", and a variance to Section 2547 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 is addressed as 5420 Heath Court. (City Council has remanded this item to the Planning Commission for reconsideration.)**

MR. STRODTMAN: Mr. Zenner or staff?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff's position on this request remains unchanged from its September 22 presentation for the reasons stated within its staff report. Staff recommends denial of the variance to Section 2547 and denial of the preliminary plat for "Creek Ridge Plat No. 2".

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, questions for staff? I see none. It's not a public hearing, but as in past practices, we will open the floor up to anyone that has information that would be relevant for us to consider. We would just ask that you give us your name and address and then feel free to speak.

MR. CROCKETT: Commissioners, Tim Crockett, Crockett Engineering, 1000 West Nifong. With me tonight is Fred Overton, the applicant for the -- for the proposal. Again, quick overview. It is currently zoned R-1, roughly 22-and-a-half acres in size. We're going to say there's 23 residential lots on this piece of property. There is Lot 24 that's in question. That is the tract of land that we say is going to be conveyed to the park if this approved. In Tract 1, there are 75 buildable residential lots. There are a couple of common lots, as well. So the whole issue with over 100 lots, we are under 100 lots. When the entire development is built out, we're going to have less than 100 single-family residential lots on this piece of property. That is the intent. We're going to commit to that, so I think there may be some confusion, some questions about what is a common lot. Even though it may not have been noted as a common lot, it's still buildable, but it's in floodplain. It was intended to be common space. It is common space, so it's -- we're not going to build on it. The fact is we're going to be less than 100 lots for this -- for this development should this preliminary plat be approved, so I just wanted to clarify that as that was a point that Mr. Zenner brought up. And, of course, then the potential Parks & Rec acquisition. Again, you've seen the preliminary plat. Lot 24 is off on the left-hand side. That is the park piece that's in question. Mr. Zenner brought up an alternative situation with regards to we can acquire a piece of property for the park. All we have to do is take Lot 27B and then come off the end of the cul-de-sac and

acquire the rest of the property. The fact of the matter is the property has been discounted in price to the Parks & Recreation Department based on the fact that this development takes place. This development helps to offset the cost that he -- that the developer can further reduce the price to the Parks & Recreation. It was noted as Lot 24 because the original intent was for it to be a large single-family residential lot. However, when the preliminary plat went through the process itself, Parks & Recreation reached out to my client to see if they could acquire a piece of property, this property as well as some adjacent property, for the park system. This was not something that we took to the Parks, tried to get them to buy the ground that we weren't using. It was something that they came to us, came to my client to see if they could purchase the property. That's why it's Lot 24. That's what it was originally labeled, and that's the reason why it was noted as being a residential lot. Again, Parks & Recreation reached out to us to ask for that. Again, the variance request is for a full length of cul-de-sac. We're not adjacent to any other roads. We tried to have access to Waltz Lane. We're barely cut off from that. We tried to have access to Ridgewood Road to the south, however, there's a grudge strip between us and that piece of property. We don't have access. While there's no road built, there's a portion of a right-of-way down there. We don't have access to that right-of-way, so it's a little grudge strip. It does create future connectivity. The idea that this is a permanent situation, this is a permanent cul-de-sac bulb is not accurate. If we were to develop this piece of property in full conformance with the Subdivision Regulations, meaning that we didn't have to ask for a variance to the cul-de-sac length, we would still be required to stub to the property to the south -- exactly what we're doing here with this -- with this proposal. So I believe the last time the project came through, there was some -- some neighbors to the south that said we don't -- we'll never develop our property. We don't want the stub street. The fact of the matter is the Subdivision Regulations require us to stub to the properties -- to our adjacent properties on the undeveloped portions. That's exactly what we're proposing to do here and that's what's going to take place. It does not create an unsafe situation. I know Mr. Zenner has talked about, well, it's -- it's up to -- it's the maximum grade that we have for -- for City streets, and he's correct. We design 10-percent grade streets all over Columbia on a routine basis. We never have any issues with them. I specifically talked to the fire department with regards to this project, and they have no concerns as long as the 10-percent grade is not through a cul-de-sac. Well, again, our subdivision -- or, excuse me -- our street standards don't allow for that. So this is in the middle portion of the development, and they didn't have any problem with that. I personally live at the bottom of two 10-percent streets on both sides. We never have any problems with emergency vehicles, so I do not believe it creates an unsafe situation in this case. And, again, at the very end, we have two locations in which to turn around; the eyebrow that's a permanent street, as well as a temporary turn-around that would be extended in the future should the piece of property to the south ever be extended. Again, here is just a quick little overview. Park acquisition. The ultimate park acquisition is what's shown in green, not just Lot 24, but a substantially larger piece of property is identified in green. The darker green is a section that's adjacent to our lots. It's going to be in common space. That's going to contain some of storm-water features for the development itself, but,

again, it's going to be in conjunction with the parks as a piece of green space. It does go out to -- out to Old Plank Road, as Mr. Zenner indicated. However, Parks & Recreation has indicated to us that they do not want to have access, their primary access from this park from Old Plank Road. They want it internal to the development, thus the reason -- the importance for this roadway connection. The price of the property has been -- has been basically on the fact that the property can be developed and there's some additional income that can be brought in that helps offset the reduction in cost for this piece of property that has been substantially reduced in price. Again, here's another just overview with -- with the aerial -- with the aerial shot. Developments like this I don't believe are uncommon. The last time I was before this Commission, I gave several examples, and I won't go through those again tonight, but there -- this is not uncommon, I don't believe, where a development takes place, you extend to the back of the development, and it's asked, you know, for it to be extended in the future. With that, like I say, if you -- in your staff report, Mr. Councilman Trapp, after the Council denied this, he reached out to Mr. Griggs to ask Mr. Griggs opinion on it. Mr. Griggs said it was an important factor in this park -- in acquiring the park. Mr. Griggs asked for -- for the street. He wanted the street. It's important to them. Mr. Trapp believes that, as well. That's the reason why he asked for the remand for this project to come back through the process. So with that, I'm happy to answer any questions the Commission may have.

MR. STRODTMAN: Commissioners, any questions for this speaker? Ms. Loe?

MS. LOE: Mr. Crockett, I believe last time we spent a lot of time discussing the problems connecting to Waltz.

MR. CROCKETT: Yes, ma'am.

MS. LOE: I'm wondering why you haven't stubbed out closer to where the 50-foot road easement is shown for -- is it Ridgeway?

MR. CROCKETT: For -- for Ridgewood?

MS. LOE: Ridgewood. Thank you.

MR. CROCKETT: If you see here, Ms. Loe, and I apologize, the pointer doesn't work on the -- on the monitors. The -- there is right-of-way all the way through there. The intent is for the right-of-way for Waltz to connect to Ridgewood at some point. I believe it may have done it in the past. We don't know. There's a lot of questions on how that ever took place. The fact is is we don't have access to Ridgewood at any point through this entire piece of -- this piece -- entire piece of property. However, there is right-of-way on the property to the south of us. So the thought there is is, at some point, Ridgewood would tie to Waltz, would tie to this street, as well. All of them would basically happen under probably a single or two-step process. So whether we stubbed at the location we have shown here or further to -- to the west, it would still take place in the future.

MS. LOE: My understanding was there was additional complications with the Waltz -- is it Street or Drive -- that it would stop short. There wasn't clarification. You had reached out to the County.

MR. CROCKETT: Right.

MS. LOE: You hadn't gotten that clarification.

MR. CROCKETT: Correct. That is correct.

MS. LOE: It looks to me like the Ridgewood one does butt up against the property line, whereas Waltz does not.

MR. CROCKETT: Ridgewood, there is a gap. There is a grudge strip.

MS. LOE: A gap on that side, as well.

MR. CROCKETT: There is -- there is a -- correct. There is a -- and it's a -- I don't want to say purpose built gap, but there is a very clear gap between the right-of-way and the property line. Furthermore, there is a substantial section of road that goes across someone else's property that we don't -- that we don't own. Now, the right-of-way may or may not be there. It's still kind of questionable. But the fact is, even though the right-of-way is there, we couldn't build the road within the right-of-way itself due to grading and storm water. We'd have to get onto the private property, which, I think, indicated no desire for that. So, at some point, I think that will be extended. It's just something that will have to do with another -- in connection with another project, and we simply don't have -- we have no connectivity to that right-of-way.

MS. LOE: Right. I think we went through that in pretty good detail last time.

MR. CROCKETT: Yes, ma'am. Yes, ma'am.

MS. LOE: It's just -- I was wondering if we had explored it more on the Waltz side than the Ridgewood side.

MR. CROCKETT: We have explored the Waltz -- we have explored the Waltz access --

MS. LOE: It sounds like you did more --

MR. CROCKETT: -- every which way. We have explored that with the County many times, and we spent many hours with the County representatives, and it's simply just -- I believe it's a matter of feet is how short it is.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you. Mr. Crockett, you had spoken at this evening's presentation that the situation on this proposed replat is not permanent and connectivity could most likely happen; is that --

MR. CROCKETT: That is correct.

MR. MACMANN: All right. And to follow up on Commissioner Loe's point, it sounds as if there are a variety of property issues involved to the south, and whether we approve this plat or not, those problems will still exist or do exist.

MR. CROCKETT: When you say property issues --

MR. MACMANN: Well, you just spoke of there's a -- a section of private property from the terminus of your -- the property in question to the proposed or the potential right-of-way to Ridgewood. And then you said there is a matter of the short bit of distance, and we went over this last time, with Waltz. It would seem as if, whether this is approved or not, you're still going to have, whoever develops this property will still have connectivity issues to the south either on Ridgewood or Waltz that are not rectified. And it sounds like there's -- there seems to be some problems there.

MR. CROCKETT: Well --

MR. MACMANN: I don't want to fill this up with what those problems are.

MR. CROCKETT: But the -- once the piece of property to the south -- and I don't want to say south of the entire development, but to the southeast of this property, which is the large undeveloped piece of property. When that piece of property, if and when that piece of property would develop, that would rectify a lot of the issues because then they would have access to Waltz and they would have access to this proposed development, and then they would also be required to -- to grant additional right-of-way similar to what we have done here for the extension of Waltz, as well.

MR. MACMANN: Well, let me -- may I follow up on that?

MR. CROCKETT: Sure.

MR. MACMANN: To your knowledge, and Mr. Zenner or anyone else, is that in the works?

MR. CROCKETT: I have no -- I have no knowledge of anything on that piece of property in the -- development on that piece of property in the works.

MR. MACMANN: All right. That -- those -- that's -- I just wanted to clarify the situation here.

MR. CROCKETT: Right.

MR. MACMANN: Thank you very much, Mr. Chairman.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Crockett, just to clarify one other point. Did you state that Parks & Recreation were interested in having the access to the park off Heath Court and not off Old Plank?

MR. CROCKETT: That is correct. And Mr. -- Mr. Snyder can -- can talk more intelligently on that, but it's desire -- it's my understanding it's their desire to have the access off -- from the park off of Heath Court and not off of Old Plank Road.

MS. LOE: Thank you.

MR. STRODTMAN: Commissioners, any additional questions? Mr. Crockett, do you know where that access would be proposed to the park?

MR. CROCKETT: Toward -- toward the bottom of the hill. You can see in the green section where it ties out -- goes out close to Heath Court.

MR. STRODTMAN: To the road with the --

MR. CROCKETT: That is the lot stop. That is correct. We also -- they would also have access across the southern portion where we are granting -- where we would grant half of the additional right-of-way for Waltz Lane. That would also have access through that undeveloped portion of right-of-way from the southern terminus of -- of Heath Court all the way back to the park ground, as well.

MR. STRODTMAN: Thank you. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Any additional speakers like to come up and speak on this case? I see none. Commissioners? Mr. MacMann?

MR. MACMANN: I have a question for Mr. Snyder, if I may.

MR. STRODTMAN: Sure. Mr. Snyder, would you please come up here and give us your name and address, please.

MR. SNYDER: Mike Snyder, Park Development Superintendent.

MR. MACMANN: Thank you, Mr. Snyder. Could you explain to me a little bit why Parks & Rec doesn't want to have access off of Old Plank?

MR. SNYDER: Well, we are definitely interested in future access of Old Plank Road. When Old Plank is developed further in the future, there will be sidewalks that have lots of connectivity to other neighborhoods. Currently, it's a -- it's a very --

MR. MACMANN: Undeveloped.

MR. SNYDER: -- undeveloped road. But this land that we're looking at here, we envision it to be a neighborhood park. There is no neighborhood parks that serve this part of town currently. Neighborhood parks basically design -- are designed to serve those within walking distance of -- of the park. We have neighborhood parks all over Columbia, and if you don't live near them, you don't even know they exist because if you're going to get the car and drive to a park, you'll go to Albert Oakland Park or Cosmo Bethel Park or Stephens Lake Park, one of the larger parks that has parking lots and more amenities. But neighborhood parks are just designed to serve those within about a quarter-mile walking distance. And so we like to have as much access to them as we possibly can to serve as many people as we possibly can. Just looking at the current development in this area, it looks like the best access right now is off of Heath Court. In the future, certainly when Old Plank is improved and there's pedways up and down Old Plank, this will definitely be a connection to other parts of town as they develop. You know, the south of this is -- is county. Eventually it'll be City some day and have neighborhoods that will also utilize this -- this park -- or future park.

MR. MACMANN: That's it for right now, Mr. Snyder. Thank you.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: I have a question. The applicant has indicated an inability to connect with Ridgewood, but you would be proposing a roadway going basically along that same line to Heath Court?

MR. SNYDER: Well, we're not proposing a roadway.

MS. RUSHING: Okay.

MR. SNYDER: Pedestrian access. So very similar to Oakwood Hills Neighborhood Park or I'm trying to think of some other examples. We have similar examples where you have -- Rollins.

MS. RUSHING: So a trail?

MR. SNYDER: Yes. Just walkways that -- that connect into the park from -- from multiple points. Kind of into an internal trail system. It's hard to say exactly what would occur in this park. I would envision it to be more of a natural park with natural trails very similar to Oakwood Hills Park if any of you are familiar with that. But we don't have development money for this park at this -- at this time. When we do have development money, we always have a public input process, and we go and ask the neighbors

that live in the immediate area what they want the park to be, and so we would go through that process when we have development funds in the future.

MR. STRODTMAN: Ms. Rushing, are you done? Ms. Rushing, are you good? Mr. Toohey?

MR. TOOHEY: So what made the Parks & Rec Department reach out to the owner to -- to use his land for a park?

MR. SNYDER: We have a Council approved neighborhood park master plan, and in that plan, we indicate all the parts of Columbia that are not currently served by neighborhood parks. And whenever a development comes through -- I do reviews of all proposed developments and whenever one comes through where there's a large chunk of land suitable for a neighborhood park, I make the recommendation that we would like to talk with the developer to see if we can acquire some land. There is not a lot of available land in this part of Columbia, and certainly not at -- you know, this much acreage for the -- the amount of money that the developer is asking. And that's why this is a really, you know, important parcel for Columbia Parks & Recreation.

MR. TOOHEY: And another question. So if we were to go ahead and approve this, I know you don't have the money for it now, but would this --

MR. SNYDER: Money for acquisition. We don't have the money for development.

MR. TOOHEY: But if we went ahead and -- and approved this, would that speed that process up?

MR. SNYDER: For development?

MR. TOOHEY: Yes.

MR. SNYDER: Likely, what it would do is that -- and this is just based on, you know, past experience. Usually we acquire with one park sales tax ballot issue, and then the following one, we set aside or we ask the public to vote on and support development money in the following ballot issue.

MR. TOOHEY: Okay.

MR. SNYDER: That's the likely situation.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Snyder, who owns Lot 77A currently?

MR. SNYDER: I believe it's a communal -- it's a part of a community space for the --

MR. ZENNER: It's a common lot. It's a common lot to the subdivision at this point still, Ms. Loe.

MS. LOE: Would that be transferred to Parks & Rec?

MR. ZENNER: It would have to be part of an authorization for acquisition or donation by City Council. That would be -- I believe Mr. Snyder can speak to that, but that is part of what conversations with Mr. Overton have included is 77A plus this approximate nine-acre tract of land here in Creek Ridge 2.

MR. SNYDER: The end goal is for about 20 acres of parkland.

MS. LOE: Mr. Zenner, when are improvements along Old Plank Road proposed in the schedule; any idea?

MR. ZENNER: They are not within the ten-year window, if I am correct. And I'd like to point out, and the reason I brought the aerial up, Mr. Crockett asked that we at least clarify that Ridgewood, which is the road that is ending here, is not constructed along this southern portion of the property line as it showed on the -- so if any of you had not been out there, it does not exist. It physically does not exist as an improved road. It may be a trail today, but that's about it. And then if you look here on the aerial photograph, this is the extension of Stonehaven. That is what we have taken up at our last Planning Commission meeting with the alternative, instead of bringing Stonehaven south, having a pedestrian connection with the sidewalk construction along Old Plank Road which may, as Mr. Snyder and I were talking today, bring sidewalks to this particular area along Old Plank sooner than later. Again, there is no money associated with that at this point in any capital budget, but as we start the ball rolling, you may end up identifying funding sources that may allow us to create connectivity to come back here to Forum and to the -- to the pedestrian -- to the pedway that exists here and then that actually is a requirement to be brought into the first phase of Creek Ridge as part of its original approval. So, I mean, there's some -- there's some activity that may be precipitated due to some other improvements within this particular area. Ultimately, however, the combination of the nine acres to the acreage that is in the front, which would be about 11 or so, would obviously make that 20-acre park that Mr. Snyder is referring to. If it was a platted lot today -- if the subject site were a platted lot today, you could convey through an administrative platting action, because we're creating no more residential lots, the Old Plank frontage plus the piece that's the park property. It would require a replat if you were to only take the nine acres. This particular southern portion of this project again, as we have pointed out, is extremely challenging to get to due to the fact that you have to come down the slope. You have no southern access into this developable pocket that is down there. And that really is where we, from a staff, believe that subdividing it to create the additional lots, and we do not want to stand in the way of an acquisition that may be favorable from a -- from an acquisition perspective. We just believe that it is inappropriate to create the additional lots with such a limited access infrastructure and an infrastructure, in our opinion, that is -- is contrary to a lot of our other principles within our -- our -- our comprehensive plan and the Subdivision Regulations, for that matter. The reason for the remand is to have this discussion, and you -- you may or you may not be struggling with that discussion. We do not have any dog in this fight as a staff. Whatever you choose based on the new information that's being presented from the folks that are here this evening is your choice. We're just providing you our objective perspective and what the Code would require.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Mr. Zenner, just to quickly clarify and to make sure I have this correct in my point -- in my head. Mr. Snyder, you can help me, too. Currently, there is no money till at least 2021 to develop this property, though there is money to acquire it. Currently, there is nothing in the CIP to do the requisite improvements despite what we've done at Stonehaven along Old Plank.

MR. SNYDER: Correct.



MR. MACMANN: All right. So we're looking at four years to ten years. To follow up on Mr. Toohey's point, this may kick start the process somewhat, but we still end up -- and I want to make sure I'm correct here. We still end up with an access issue. Even if it is all acquired, there's still a problem with -- we still have a 1,500 foot stub and no good clear way to get there other than the 1,500 foot stub. Am I -- is that -- is that the situation as I've portrayed it?

MR. ZENNER: That would be the situation, and I think you have pretty well summarized it. You have a 1,500-foot-long street segment and no further southerly connection.

MR. MACMANN: All right. Let me clarify one extra point. If we look at the subject site to its west and immediately west-northwest, we see what appears to be a -- a valley that's has a serpentine creek going through it and marshlands and is somewhat -- Mr. Snyder, that's a sensitive area, and that's one of the reasons why no one can really build on it. It would be a park. So that's not necessarily a viable access option without bridges and a lot of dirt work and money?

MR. ZENNER: That would be correct. And it's -- the area that is Lot 77A is the most severely impacted property of this collection at this point. That is one reason why it was identified as a common lot as part of Creek Ridge 1. It was not a viable development lot, so -- due to the creek and the other environmental features with it. Yeah, you are correct in that respect. Running northwest out of this particular segment of the development really is not viable. Short of the ability to connect to Waltz, which is really what we -- this project was delayed significantly in coming to the Commission originally because we were looking at which way to Sunday to be able to figure out how to resolve the Waltz Lane connection or the Waltz Drive connection, and that just was not possible. And that is the most viable possibility to create the secondary extension short of the property immediately to the south developing, which, as Mr. Crockett has indicated, he has no knowledge of any development activity on it, nor do we. And it is County property at this point, if I recall correctly, as well.

MR. MACMANN: This -- and one last point, and thank you for your forbearance, Mr. Chairman. And you all can help me remember that I seem to recall that the individuals who live on Waltz Lane were opposed to this development because of the excessive -- Waltz Lane is not -- I have been there. It's really not much of a road at all. Without extension and widening, it would be a problem. Okay. I'm just trying to resolve these connectivity issues in my head and getting them all on the record. Thank you, Mr. Snyder. Thank you, Mr. Chairman.

MR. STRODTMAN: Any additional questions, Commissioners, for this speaker? Thank you, Mr. Snyder.

MR. ZENNER: If I may, Mr. Chairman, just while Mr. Snyder is up there, and it's a question, I think, of clarity. Mike, is it correct to indicate that you're wanting as a neighborhood park pedestrian connectivity. Is it -- is it a correct statement to indicate that if Lot 24 -- if this were only created into two lots, each of which would have frontage on Heath Court, a pedestrian connection from Heath Court would still meet Mr. Griggs' desire to connectivity to the property. You weren't looking for vehicular connectivity or vehicular frontage. Correct?

MR. SNYDER: No. Just -- just pedestrian access. And, you know, like I said, typical of all neighborhood parks, you know, there is no parking provided. There's usually no electricity. There's no -- you know, no amenities. They're much less developed, so just pedestrian access is what we're looking for.

MR. STRODTMAN: Thank you, Mr. Snyder. Commissioners, any additional?

MS. RUSSELL: Just a question for Mr. Crockett.

MR. CROCKETT: Yes, ma'am.

MS. RUSSELL: The alternative plan that the City staff came up with, is the owner in agreement with that or were you guys involved in that?

MR. CROCKETT: We have not been involved with that. That was something that staff had put together. The concern that we have is what I previously -- previously indicated --

MS. RUSSELL: Okay.

MR. CROCKETT: -- was we would have to renegotiate with the Parks & Recreation Department for the purchase price of the piece of property. What it -- what this development allows us to do is to give that steep discount for the main portion.

MS. RUSSELL: Okay.

MR. CROCKETT: If it was left in large pieces of property, we have two options here. First of all, we can sell larger pieces of property for a substantially higher value, which we had been approached with a couple of times back there. And, secondly, it becomes a situation where the piece of property may be better suited if -- if it were to be denied, my client may hang onto it for future development and, therefore, not go the parks route. Without that income of the development, then they'd have to negotiate with a much higher price for the park ground.

MS. RUSSELL: Okay. All right.

MR. CROCKETT: And so that's -- that's where we're at with that.

MS. RUSSELL: Thank you.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Commissioners? Ms. Burns?

MS. BURNS: As much -- I like parks, everybody likes parks, I just feel like the connectivity issues and the lack of connection at the Waltz Drive issue makes this very difficult for me to support.

MR. STRODTMAN: Thank you, Ms. Burns.

MR. MACMANN: Clarification. Have we closed -- are we discussing amongst ourselves?

MR. STRODTMAN: We are. There was no -- it's not a public hearing matter, but we did close it for the portion that we were opening it up. So we'd be looking for a recommendation, for a motion or further discussion.

MR. MACMANN: I just wanted to comment on -- and I -- sorry, Mr. Crockett, I don't need you. I'm just thinking aloud here. I appreciate his situation that he's been approached or they have been approached for Lot 24 for development. But it seems as if whoever purchases Lot 24 for development is

going to have at least as many connectivity problems as Mr. Overton has right now, if not more, if they're not in cooperation with Mr. Overton and the County.

MR. TOOHEY: I supported this when it -- when it came through last time. And to me, I -- I think it makes sense to have a park there and, you know, it's not the current owner's fault that -- with the connectivity problems. I mean, that's something that will be worked out in the future, I think. And then also with the way that we required the property owners with those two lots off Stonehaven last time to actually have a pedestrian walkway there. That pedestrian walkway is going to lead to this -- to this new park. So there are more -- more people who will be able to enjoy this park based upon that connectivity that -- that we required those property owners to provide at our last P & Z meeting.

MR. STRODTMAN: Would you like to make a motion to that?

MR. TOOHEY: Sure.

MR. STRODTMAN: Thank you.

MR. TOOHEY: In the case of 16-145A -- or 145, a request by Crockett Engineering Consultants on behalf of Fred Overton Development, I make a motion that we approve -- do we need to make two motions for this?

MR. ZENNER: You can approve them as one motion.

MR. TOOHEY: Okay.

MR. ZENNER: But you will need to note the variance if you're going to approve it, as well.

MR. TOOHEY: Okay. On behalf of Fred Overton Development for approval of a 29-lot preliminary plat on R-1 zoned land to be known Creek Ridge Plat No. 2, and a variance to section 2547 regarding street length.

MR. STRODTMAN: Thank you, Mr. Toohey. Do we have a second?

MS. RUSSELL: Second.

MR. STRODTMAN: Ms. Russell, thank you. Commissioners, we have a motion and a second. Is there any discussion on this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Harder, Mr. Strodtman, Ms. Russell, Mr. Toohey. Voting No: Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Rushing. Motion denied 5-4.**

MS. BURNS: Five to four, motion is denied.

MR. STRODTMAN: Thank you, Ms. Burns. Any additional discussion, Commissioners, on that? Okay. That recommendation will be forwarded to City Council. Moving on. At this time, I would ask any Commissioners who have had any ex parte communications prior to this meeting related to Case 17-27, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Is there any Commissioner? I see none.