

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
SEPTEMBER 10, 2020

Case Number 151-2020

A request by Cochran Engineering (agent) on behalf of Midwest Petroleum Company (owner) for approval of a two-lot final plat on property zoned M-DT (Mixed Use-Downtown), constituting a replat to be known as MPC Station #94. This request also includes three associated design adjustments from the UDC which are (1) Section 29-5.1(c)(4) and Appendix A.3 (Street Widths) to allow right of way dedication less than the required 53', (2) Section 29-5.1(f)(3) to allow a new lot line through a structure, and (3) Appendix A.6(b)(Intersections) to waive the required lot corner radius at the site's Cherry Street and Providence Road corner. The 0.77-acre property is currently improved with a ZX Gas Station and is located at the northeast corner of Providence Road and Locust Street, and includes the addresses 104 and 126 South Providence Road.

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. The following staff recommendations are provided:

1. Denial of the design adjustment to Section 29-5.1(c)(4) and Appendix A.3 (Street Widths) to reduce the right of way dedication of Providence Road;
2. Approval of the design adjustment from Section 29-5.1(f)(3) (Lot Lines over Structures) relating to the platting of a property line through an existing parking lot;
3. Approval of the design adjustment from Appendix A.6(b) (Intersections) relating to lot corner truncation at the northwest corner of the property;
4. Denial of the proposed final plat given it is not in compliance with the provisions of the UDC. Alternatively, if the Commission supports the requested design adjustments, the plat could be recommended for approval, subject to making technical corrections.

MS. LOE: Thank you, Mr. Smith. Before we move on to questions for staff, I would like to ask any Commissioner who has had any ex parte related to this case prior to this meeting to please disclose that now so all Commissioners have the same information to consider on behalf of the case in front of us. Ms. Burns?

MS. BURNS: Yes. I just want to disclose that I serve on the Park Committee that is for the past years has been working on a sculpture that is to be placed on the corner of Providence and Broadway, as well as discussions about the Flat Branch Park expansion.

MS. LOE: Thank you. Anyone else? Seeing none. Are there any questions for staff?
Ms. Russell?

MS. RUSSELL: Are you -- I'm assuming you're going to want four separate motions on this?

MR. SMITH: I would recommend at the least to vote on the right-of-way design adjustment separate. And since you're at it, it might be best to vote separately on each design adjustment and then ultimately vote on the plat itself.

MS. RUSSELL: Okay.

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Smith, and maybe Mr. Zenner might recall this. If I recall correctly, in regards to this specific property, we, as a body, changed the UDC; don't you guys recall that, where we didn't allow them -- it wasn't required for gas stations to front? You remember that? You guys remember that? Okay. I was just -- I was just trying to clear my memory on that. The second question is a general question, now that you've brought it up. I've noticed that as things are redeveloped downtown, a lot of people don't like corner truncations and are asking for waivers. It's kind of like sidewalks on the Business Loop. They want sidewalks but nobody wants a sidewalk, and we want truncations, but no one wants a truncation. I'm just bringing that up to saying because it's an issue here, I have a problem with this particular truncation being eliminated because I'm aware of the City plans and I'm aware of what the folks at the Parks are doing. I just think we need to be kind of cognizant that everyone wants to have exceptions to our rules. That's all for now. Thank you, Planner Smith.

MS. LOE: Mr. Stanton?

MR. STANTON: I have a technical question. Okay. So even if we approve some of these adjustments -- design adjustments, it's still not going to be in compliance.

MR. SMITH: Correct.

MS. RUSHING: Approve all of them.

MR. STANTON: We would have to improve all of them or fail the final plat?

MR. SMITH: Yes. That's a great observation and I might have clarified that. All three of these design adjustments affect the layout of the plat.

MR. STANTON: Right.

MR. SMITH: So if any of them fail, if you --

MR. STANTON: The plat fails.

MR. SMITH: One option is then you would probably need to fail the plat. There is an alternative where you would recommend approval with conditions that certain design adjustments be -- be addressed, so that would be the other method of -- of approaching it.

MR. STANTON: Okay.

MR. SMITH: You could say we recommend denial of, you know, for instance, the corner truncation, but we recommend approval on the condition that they change the plat to make it compliant with them.

MR. STANTON: Okay. Okay. I was going to say because it's still not going to be compliant. Okay.

MS. LOE: Ms. Geuea Jones?

MS. GEUEA JONES: The truncation can only ever be used for street construction. Correct? It -- it would not affect the City's Park Plan to remove that right-of-way?

MR. SMITH: No. I don't see an avenue where that -- that would be needed, because usually that's where you're going to round the sidewalk off or curve on pavement. So this -- this is just going to transition directly into probably the park redevelopment, so I don't think an extra corner would be --

MS. GEUEA JONES: Yeah. I -- I just didn't know if they were going to eventually put a sidewalk or access or something there that they would want that.

MR. SMITH: Not that's going to be used in that truncated part. It would still be within the standard right-of-way area, I think.

MS. GEUEA JONES: Okay.

MS. LOE: Mr. Smith, I believe the report identified that reductions in right-of-ways have been requested previously. I think we've had some come through since 2013. Can you remind me if any reductions have been approved along Providence in this area?

MR. SMITH: Yes. I can tell you we've had -- off the top of my head, and I hesitated to go off the top of my head because I don't want to miss any or mislead. But I know we recently had the one for the CHA property to the north. They requested a certain amount and I think they were granted some relief, but not full relief. And to the west of this site, I think there was a plat, but it's been several years ago, and they were granted relief from right-of-way, but that was prior to a change of policy where City and Public Works staff is not recommending approval of design adjustments for right-of-way. And at that point, we were recommending it, you know, depending on if they were MoDOT projects, but at that point, we were directed that if the MRP states that that is a minimum right-of-way, we need to be securing that right-of-way unless there is some clear reason that we wouldn't. So we've been left in that position where we did not get the right-of-way that was required to be dedicated and, in the future, a project did come along and it put us in a position that we did not necessarily want to be in.

MR. ZENNER: That is actually -- the parcel he's referring to is the Lucky's site. It was directly to the southwest. That is the remaining remnant of what is currently to be developed with the Raising Cane's property. The third one that I can think of off the top of my head is further to the south on Providence, and that is where the fraternity house is being reconstructed. If I recall correctly that particular request was denied by the Planning Commission, and then ultimately, if I recall correctly, approved by Council. Due to other issues that were unknown to us at the time, applicant expressed late knowledge of the necessity of having to have the dedication. So, you know, this is an issue that's been evolving for quite some time as it relates to our corridors. Unfortunately, we are the conveyors of information and the desires of our Public Works staff at this point. I would suggest that in certain instances, we may all realize from a practical perspective there are limitations to the expansion of corridors given the existing developed corridor, however, in instances where you are platting, which is a request of accommodation, it is not a given. This is the process that we must go through until we develop a better mousetrap and, unfortunately, it is placed on the doorstep of the Planning Commission to make a

recommendation as to what is considered acceptable or not acceptable and Council to determine under their purview of the approval of the plat if that's the recommendation that's being moved forward, if they should accept the reduced right-of-way or not.

MS. LOE: Any additional questions for staff? Mr. MacMann?

MR. MACMANN: If I may have a second bite at the apple. Thank you. Mr. Zenner, thank you for bringing those up because that reminded me of something. Council did waive right at the corner there by the fraternity a portion of that. Going back to the Lucky's lot and the TKG property directly south of it, if you all recall, this may have been about three years ago, TKG had one of their many plans for that property, and they wanted us, kind of like now, to waive MoDOT's right-of-way. And I made the point then, and I'll probably make this point again as we go forward, that it's MoDOT's right-of-way. You know, we could release our claims to it, but that doesn't have any bearing on what MoDOT needs or does not need. So -- because I remember this very issue came up across the street.

MR. ZENNER: And the general position and the tenor that has been expressed within our organization at this point, and the reason that the recommendation comes forward is that many road rights-of-way that are MoDOT controlled today may ultimately be turned over to the City, and the City does not necessarily want to be left in a position of where a road construction or expansion project is needed to facilitate other City purposes, accommodating increased flows of traffic, be it vehicular, pedestrian, or other modes without having the opportunity to have the sufficient amount of right-of-way. And therefore, the position that has been expressed here more recently is that we obtain the maximum amount that we can at the time of platting, which is our opportunity to take a second bite of the apple from the original platting action that created the lot in question. So it is a -- it's a challenge when you have MoDOT, which controls the roadway, controls, ultimately, the expansions upon that roadway, and they have no plans. The City may not have any plans immediately, but we don't know what the future may hold. And therefore, the direction that we've been asked to follow is to obtain the right-of-way necessary to meet the MRP plan specifications. And in the absence of anything different, that's why we are making the recommendation the way we are.

MS. LOE: Thank you. Any additional questions for staff? Seeing none, we will open the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: We do limit comment to three minutes per person. You may have six minutes if you're speaking for the group. Please give your name and address for the public record.

MS. LAMAR: Good evening. Phebe Lamar here on behalf of the applicant. My address is 111 South Ninth Street. Can I take off my mask, or do I need to wear it?

MS. LOE: You can take it off.

MS. LAMAR: It just muffles and makes it hard to communicate, so -- I'm here on behalf of the applicant. The replat that we're talking about this evening is actually a replat of what were three tracts trying to combine them into two tracts -- two lots, which will be the tracts on which the strip shopping

center is located and then the strip -- and then the location of the -- of the current gas station that they're seeking to expand. The primary impetus and cause for looking at what we're doing this evening was actually because when the City decided to expand Flat Branch Park, my client lost access for one of those three tracts, and as a result, needed to figure out how to reconfigure the property so that they would have access for both -- for both lots -- what will be two lots, hopefully. As a result, when they started looking at that and trying to figure out a plan for the lot, they ended up looking at this -- at the gas station lot in particular, and just determined that it would probably make sense to expand that into more of a modern convenience store and provide additional amenities as a result of doing it. So what we're talking about specifically this evening is the plan for the southern lot, although, at the end of the day, it will replat those tracts into two lots. What you saw on the site, particularly on the location where the gas station is located, is it's very narrow, and that's part of what the -- part of what Mr. Smith was talking about, which makes the options for placement of a building on that tract pretty limited. My client is looking to upgrade and update the entire lot, both inside and out. In fact, I believe they'll be constructing an entire new building in order to try to do this project. As a result, and in order to do what they're talking about, what you can see there is a picture of a similar building that was constructed somewhere else to what they're trying to construct. And these are some pictures of what would be inside the actual building, because they want to offer additional services, et cetera. Those will include additional -- the other thing that will -- that will occur in the process in this is we'll actually be increasing the landscaping because there's essentially none at this point. As you can see, there would be landscaping with this project, and the only way to make this project work is by getting the design adjustments that have been requested. So if we don't do -- if we don't do something with regard to the right-of-way as an adjustment, which I think is the only one that's really at issue, if we don't do something with that, then none of this project works and none of what we're trying to do will -- will be able to take place. So what we'll doing in the -- in the context of this is we'll be expanding the services that are provided inside the store. We'll be offering additional dispensed beverages. We'll actually offer a brew as you go, coffee and cappuccinos, brew on demand, being in a cup where you can actually brew your own cup of coffee in the store. We'll also be expanding the grocery and general merchandise. We'll be expanding the amount of beverages that can be sold out of the -- out of the refrigerator by three times. We'll be offering additional take-home beverages so that if you need to grab a gallon of milk, you can stop here rather than having to go across town or to wherever in order to get that, all way to the back of the -- of the grocery store across the street. We're expanding the PPE offerings. We're expanding the automotive selection. We're trying to be a service for the people who are either downtown for work or they live there, or they just come downtown. So at this -- and, finally, we'll also be expanding the to-go offerings of food that people can get, which seems to be pretty needed by a lot of people at this point in time. In looking through the information that's in the staff report and listening to the report that was given this evening, truly the only thing that appears to be at issue is whether or not we are going to be permitted to reduce the amount of right-of-way that will be granted with this plat. So in looking at this, I'd like to keep in mind that my client is granting additional right-of-way.

There will be an addition of six feet to the -- to the right-of-way that's currently there. And if we don't go forward with this, none of that will be granted because my client won't be doing the project at all. The long and the short of the request is that there is no logistical or realistic in order to do this project and still make the upgrades and updates that will allow for the business if we -- if we try to expand the right-of-way by the 18 feet that were requested. The lot is too narrow and doesn't permit doing what we need to do with it if we -- if we have to grant that 18 feet. It's also important to note that part of what was discussed earlier is there have been requests to reduce the right-of-way that's been granted, that's -- that's required under the ordinance, and those have been granted at least two or three times in the past few years. And so it's not without precedent that something like this would occur and there are other locations in which it has -- in which it has occurred. The analysis requires you to look at five -- five items. First of all, yes, we're granting additional right-of-way. If we -- if we do what's been requested, we won't be able to do any improvements including granting that additional six feet of right-of-way. It's also important to note that MoDOT recently made a substantial investment in the sidewalks in this area. And so, therefore, it's -- it's reasonable to assume that they don't have any intentions to expand that road any time in the near future. Also --

MS. LOE: Ms. Lamar, are you open to taking questions from the Commission?

MS. LAMAR: Sure. I'd be happy to.

MS. LOE: Are there any questions for this speaker? Ms. Geuea Jones?

MS. GEUEA JONES: Hi, how are you?

MS. LAMAR: Sorry. I can't see behind --

MS. GEUEA JONES: Oh, it's fine. It's fine. My -- my only question is, I'm looking at this is why are you subdividing? Why aren't you using that whole space, because it seems like that would give you some of the flexibility that you need without taking away the right-of-way.

MS. LAMAR: Because in order to do that, we would have to lose an entire building, and the reality is in order to make the -- in order to make the property cash flow, you can't lose that entire building.

MS. GEUEA JONES: I see. So you're planning to sell off the northern --

MS. LAMAR: I don't know if they're intending to sell it or just rent it out.

MS. GEUEA JONES: Okay.

MS. LAMAR: But one way or the other, in order to cash flow, and James McNutt is here. He can actually answer that.

MS. LOE: Mr. McNutt, you can't speak except at the podium. Sorry.

MS. GEUEA JONES: You'll get a chance.

MS. LOE: Actually, Ms. Lamar used the group's time, but --

MS. LAMAR: Well, they're -- they're here to answer questions.

MS. LOE: Okay.

MS. LAMAR: They're not here -- they're not here to give a presentation.

MS. LOE: Okay.

MS. LAMAR: But can I just respond briefly to the other portions of the -- of the analysis, because it's important to note that there are different ways to analyze the -- the five -- the five things that are on that design adjustment worksheet.

MS. LOE: We all got copies of the analysis, so we saw your group's answers to that. Were there any questions about how the analysis was performed? Actually, I had one because it said that you are meeting the intentions of the plan by providing additional right-of-way.

MS. LAMAR: (Inaudible)

MS. LOE: And I agree. So would providing one additional foot of right-of-way be meeting the plan's intentions?

A. The reality is we've provided substantially more than one feet, six times that amount, and we've provided as much as we can possibly provide and still provide the services that we think are necessary for this location.

MS. LOE: Okay.

MS. LAMAR: We're not trying to cheat anybody and we're not trying to prevent the road from -- from expanding. We're not trying to keep them from having sidewalks. We're not trying to prevent anything from occurring that needs to happen. We are trying to provide for that and to operate the business that actually works in that location, so --

MS. LOE: But what do you see since not providing the full right-of-way means eliminating some of the features that would be identified in a major arterial, what do you think Providence doesn't need?

MS. LAMAR: I think that if MoDOT thought that Providence needed anything in that, that during the extensive conversations that occurred -- because they were extensive, because the original proposal had different entrance configurations, different -- different aspects that have since changed because of extensive discussions with MoDOT, if MoDOT had any concerns with the right-of-way that was being provided, because it's their right-of-way, not the City's. If MoDOT had concerns about that, they would have expressed those in the extensive discussions that have been -- that have taken place, and they've never expressed a single concern about the amount of right-of-way that's being proposed to be granted in this proposal.

MS. LOE: Mr. Stanton?

MR. STANTON: So how would you address the concerns that Mr. Zenner brought up that this may be -- custody of Providence may be given to the City, and then we'll be in pickle if we need that right-of-way like we've needed the right-of-way down the street?

MS. LAMAR: I think that should have been addressed in prior requests if that was, in fact, the case, which it wasn't, and I think that it's important to look at the history. And there's a lot of -- there's a lot of possibilities and, in reality, MoDOT has owned this road for a long, long time, and anything is possible, but probably not likely --

MR. STANTON: Have custody of it?

MS. LAMAR: -- that the City is every going to own that road.

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

MS. LAMAR: Thank you. James McNutt, who owns the property, and Joe Feldmann, who is the engineer on the project, are happy to answer any additional questions that you have.

MS. LOE: Thank you. Are there any additional speakers on this project? Were there any additional questions for the team -- the engineer, or the owner? I see --

MS. GEUEA JONES: I think I got the answer to my question. Thank you.

MS. LOE: Seeing none, we'll close public comment period.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Mr. MacMann?

MR. MACMANN: An issue that comes to mind is an issue that came before us not that long ago when we approved the Raising Cane -- I believe that's what that's called. We spoke at great length fairly -- Council didn't agree with this, but that doesn't mean the issues are not there. We all know that this is a dangerous intersection. We all know that the current pedestrian, bicycle, and automobile intersection do not function as safely and as clearly as they can. If there is any area of Providence that is prime for another turn lane, an accelerated or expanded bicycle or pedestrian safety, it's this particular intersection. And to minimize the amount of area needed to facilitate that safety I think is problematic particularly when the Raising Cane's has already been approved. I would submit that that Kroenke property will move forward more quickly now, now that it has something that's going to happen there. I think we really need to keep that in mind when we ponder that, whether we're going to surrender MoDOT's property or not, which I still have great problems with. Thank you.

MS. LOE: Ms. Geuea Jones?

MS. GEUEA JONES: Something that wasn't addressed right tonight in the staff report that causes me a lot of concern to Commissioner MacMann's point is the narrowing of the entrance that's on Locust. I use this gas station a lot. That is a very narrow entrance already. There are already near misses there all the time. I can't imagine that if they do that and now you've got, you know, another property to the north that doesn't have its own entrance off of Providence, now we're creating more congestion in an already busy intersection. I mean, I -- I know that in the next five years, it's not likely that Providence will be widened, but whatever is there, in fact, the building that's there now is going to be there for a lot longer than five years, and the right-of-way never comes back. It just seems like we've got a chance to -- to just do it right, and we should take that seriously.

MS. LOE: Mr. Stanton?

MR. STANTON: I'm not a PE engineer, but I'm just looking at the -- at the proposed changes and I'm just perplexed that you can't work with the existing footprint. Why isn't that an option? I guess where the Nine Rounds building is -- will exist. Maybe I need one of you guys to come up here and --

MS. LOE: Do we have to open public comments again? So --

MR. STANTON: Oh, did we -- did you close them?

MS. LOE: I did.

MR. STANTON: I'm sorry. I'm sorry.

MS. LOE: No. That's all right. We're going to reopen public comment period.

PUBLIC HEARING REOPENED

MS. LOE: And if we could have your name and address for the record, please?

MR. MCNUTT: Sure. I'm James McNutt, President of Midwest Petroleum. My address is 220 Old Merimac Station Road, St. Louis, Missouri.

MR. STANTON: So existing structure, go south. What prompted you to maybe change it to an east-west configuration? I mean, the proposed --

MR. MCNUTT: It'll be -- the C-store itself, there is no -- I mean, it's already a very, very narrow footprint. I think it's only 1,200 square foot, like, the C-store itself, so there's no good way to make it a long expanded -- I mean, the property itself, there's a creek behind it.

MR. STANTON: Right.

MR. MCNUTT: So it's -- it's basically stopped on that side, too. So it's -- it's just -- there's no -- we played with the configuration probably 20 or 30 different ways, and the only way to get a, you know, modern sized C-store, which this one is, like, 3,400 square foot, was to turn it that way and then keep the property behind it, which is Nine Rounds, which we -- we wanted to keep it, to kind of answer your question, as either a leased property or we could sell off that parcel once we are able to complete our C-store and then it could be developed for something else and we've had offers by the Grind Coffee Shop to make it into a coffee -- there's a patio on the back and stuff like that, but we don't have any -- nothing has been approved or agreed to because we have to figure out what we're going to do with our property first, because, right now, there's currently not an entrance to that secondary property, because they have to come into our property and then come around.

MR. STANTON: Yeah. Right. So your proposed building will basically have its back towards Nine Rounds, or that building. I'm sorry I have to call it that. That's how I'm referencing it.

MR. MCNUTT: Yeah. No. That -- yeah. Yeah.

MR. STANTON: But the Nine Rounds facility, so then yours will have your back towards that. Correct?

MR. MCNUTT: Correct.

MR. STANTON: And you need us to give you the entrance -- the second entrance off Providence to make Nine Rounds feasible as a building?

MR. MCNUTT: Correct. Because if not, it's basically that whole -- that whole plat currently does not have an entrance. So part of the agreement on the Flat Branch Council meeting was that they would allow us -- they would agree to putting another entrance on that property.

MR. STANTON: Well, you own that whole thing?

MR. MCNUTT: Correct.

MR. STANTON: But the entrepreneur in you is like I'm trying to have two lots so I can squeeze more money out of the back one and --

MR. MCNUTT: Well, I mean, even if we put the C-store in the back where the current existing building is, it really -- there's no gain there other than a little bit more space on the front. So -- but we still -- that lot still -- it has the same logistical issues being the narrow lot and having the creek behind it, there is no good way to -- to design it that way either. We tried splitting the canopy, we tried lots of other things, but the way the front lot is, if by giving that extra 12 foot, we would only -- we would have the same amount of dispensers, which is four, rather than getting six by having -- by only allowing to go six. So it's not just the building that's a logistical challenge, because I think we would lose about 300 square foot on the building, but we would lose two more dispensers, which it already is hard -- if you've ever been there, the fueling -- there's always cars and it's always packed and we do need two additional dispensers.

MR. STANTON: Thank you, sir.

MS. LOE: Any additional speakers? If not, we'll close public comment again.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Ms. Burns?

MS. BURNS: Again, just -- after Ms. Geuea Jones pointed out how getting into this facility where I, too, have gotten gas, I'm thinking about the 12-foot dedication of a street length -- or a street width is 15 feet, I believe, and so you're talking about almost a lane in an already very narrow situation. I guess it is a difficult lot and I feel for the applicant on that, but I feel like we're trying to squeeze a square peg into a round hole here.

MS. LOE: Mr. Stanton?

MR. STANTON: Yeah. I was trying to work a win-win. I can't see it, and I really -- I really support the City's position on getting as much right-of-way as possible when we have it because we don't know what the future is going to hold, and, yeah, we've learned our lesson down the street. And then, you know, then we're stuck.

MS. LOE: Mr. MacMann?

MR. MACMANN: If I may, on this topic, I have a motion. You wanted at least two of these, Mr. Smith; is that correct?

MS. LOE: Four.

MR. SMITH: I think you could -- you could probably vote, you know, on the two design adjustments that are fairly straightforward together, but have probably at least three votes here, but four may just be the best way.

MR. MACMANN: Would it be acceptable if I just addressed the design adjustment at this time, because that's going to be our sticking point?

MR. SMITH: Yeah. We can start there, yeah.

MR. MACMANN: All right. And, fellow Commissioners, I don't want to cut anybody off if they have anything else to say.

MR. STANTON: I do.

MR. MACMANN: Mr. Stanton, please?

MR. STANTON: If any of these don't go, this plat will have to fail, so I'm, like, let's go for the jugular off the top and just vote it up or down, let them find.

MS. LOE: I think that Mr. MacMann's point.

MR. MACMANN: Mr. Stanton, that's my point.

MR. STANTON: Okay.

MR. MACMANN: I would like to -- this will move forward to Council. They need to clearly see if we have an issue, where that issue lies without -- and I did want to add the other two design adjustments to this, because I didn't want to muddy that issue.

MR. STANTON: You're just going to go up and down on each one.

MR. MACMANN: I was just going to go to the design adjustment for the right-of-way dedication first, take that vote, stop, and see where we're at, and then proceed from there. That was my procedural flow.

MR. STANTON: Got it.

MR. MACMANN: Questions, concerns? In the matter of the design adjustment to dedicate -- I'm going to put this in a positive manner. I move that we allow the design adjustment for MPC Station #94, final plat, the only design adjustment that is being addressed is this, is the dedication of the additional right-of-way. Is there enough clarity there for --

MS. LOE: Or do you need the reference, the 29 --

MS. RUSSELL: The case number.

MS. RUSHING: So when we vote against it, we're voting to --

MR. MACMANN: 29-5.1(c)(4).

MR. STANTON: Okay. Got it.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor to approve the design adjustment for the right-of-way. Any discussion on that motion? Mr. MacMann?

MR. MACMANN: Just for clarity sake, I will be voting no.

MS. LOE: Any additional discussion? Seeing none. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting No: Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns. Motion fails 9-0.

MS. BURNS: Nine to zero, motion fails.

MS. LOE: Which motion would you like next?

MR. ZENNER: You will need to take --

MS. RUSHING: We just denied the adjustment.

MR. ZENNER: You will -- you will need to take each of the motions. You can consolidate the next two design adjustments to a single motion, if you would like.

MS. LOE: Okay.

MR. ZENNER: To Mr. MacMann's point, Council needs to clearly understand where your issue was with the request. And therefore, if you make a motion in the affirmative to approve the next two design adjustments, that is an indication to Council that you have no issue with those. And then as you make your motion on the final plat for what would likely be denial, you would be expressing the denial due to the fact that it does not comply with the UDC.

MS. LOE: Mr. MacMann?

MR. MACMANN: I have a motion. In the matter of Case 151-2020, design adjustments 2 and 3, number 1, whereby 29-5.1(f)(3), building a lot line over a structure, approve, and in number 3, in the matter of the design adjustment to Appendix A.6(b)(Intersections), I move to approve the corner truncation to allow for the deletion of the corner truncation of the northwest corner.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on that motion? Seeing none. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Rushing, Ms. Russell, Mr. Toohey. Voting No: Ms. Geuea Jones, Ms. Burns. Motion carries 7-2.

MS. BURNS: Seven to two, motion carries.

MS. LOE: Mr. MacMann?

MR. MACMANN: If I may, I have a motion. In the matter of the final replat -- I'm going to put this in the positive. In the matter of the final replat of Case 151-2020, MPC Station #94, I move to approve.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor to approve the final plat in Case 151-2020. Any discussion on that motion? I see none. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting No: Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns. Motion fails 9-0.

MS. BURNS: Nine to zero, motion is denied.

MS. LOE: Thank you, Ms. Burns. That concludes 151-2020.