

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

**Case 33-2022**

**A request by Crockett Engineering Consultants on behalf of JQB Construction, Inc. for the assignment of permanent zoning of three parcels to R-1 (One-family Dwelling District) upon annexation. The approximately 2.35-acre property is located on the west side of Scott Boulevard, approximately 900 feet south of Sawgrass Drive, including the address 5025 Scott Boulevard.**

**Also, Case 31-2022**

**A request by Crockett Engineering Consultants on behalf of JQB Construction, Inc. for approval of a preliminary plat of four residential lots and one common lot to be known as Sawgrass Estates, Plat 1 and an associated design adjustment from 29-5.1 of the UDC related to access. The approximately 2.35-acre property is located on the west side of Scott Boulevard, approximately 900 feet south of Sawgrass Drive and includes the address 5025 Scott Boulevard.**

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

MS. SMITH: Yes, Madam Chair. So we'll start first with the assignment of permanent zoning upon annexation public hearing. So procedurally the City Council will take up the question of annexation of the property. Your role this evening is to consider the assignment of the requested R-1 zoning upon annexation. And then we also have a twofer this evening with the preliminary plat that then would further subdivide the property into five lots for single family under the R-1 zoning into one common lot. The three existing lots are presently in the county, as shown on your screen here. They include the address 5025 Scott Boulevard, but all three properties are currently vacant. In terms of public notice for both the preliminary plat and the assignment of permanent zoning, we provided postcards and property owner letters to eight adjacent property owners, as well as two neighborhood associations, and placed a advertisement in The Columbia Tribune. I got lots of calls once the sign went out, but folks did not generally have concerns with the request; they just wanted to know what was going on. To orient

yourselves to the site, we've got the Thornbrook neighborhood right here, Beulah Ralph Elementary School is here, and then John Wayne, our middle school, is kind of off your screen here to the far east. As I mentioned in the staff report, the predominant development pattern of the area for property within Boone County and then within the city limits is generally residential. Most of it is single-family, typically smaller lots in the county under our R-1 zoning and then a little bit larger lots in the county areas. It's presently County A-2, which is agriculture, but at this size .75 or so acre lots, it's pretty consistent with the City's R-1 zoning of single-family. The property is within the urban services area. That means that it is serviceable generally by city utilities. The future land use designation is neighborhood, which is generally consistent with residential zoning. So the R-1 request this evening is considered consistent with the comprehensive plan. And as we've discussed in the overview and then briefly but we'll dive in a little bit more, we do have a concurrent preliminary plat and design adjustment request to permit these three existing county lots, once annexed into the city and zoned R-1, to be split into four single-family lots for single-family homes and then one common lot on the northern portion of the property. All five lots will meet the dimensional requirements of the R-1 zone and all UDC development requirements will apply. Because the R-1 zoning is believed to be consistent with the surrounding character of the area, as well as the comprehensive plan and because those lots are believed to be compliant with the dimensional requirements of the R-1 zone, we are recommending approval of R-1 zoning as permanent city zoning upon annexation. At this point I'd like to continue with my presentation and then we'll come back and do votes if that's okay. Okay. And we will ask for three separate votes; one each on the assignment of zoning, the preliminary plat, and the design adjustment. Okay. So we've generally talked about this. The same public notice went out for the preliminary plat because it had that design adjustment request. Eight property owner postcards and letters, a Tribune ad. Lots of calls, but no real concerns. Same area. So this property is contiguous to the city boundary. They would like to have connection to city sewer. And so the city's policies require that any contiguous property be directly annexed into the city should it be contiguous. Specifically this property is contiguous on its far western side. That's the Creek's Edge subdivision, which is zoned R-1. As I mentioned, it is serviceable by all city utilities and is within the urban services area. We do believe that this preliminary plat is compliant with all subdivision requirements except for one design adjustment request, which I'll go into detail here in a moment. I do want to note though that in the staff report, I don't have a note in the recommendation to make the preliminary plat approval subject to technical correction. Yesterday we discovered that there was a very small amount of type two stream buffer that was missing on the preliminary plat. Generally, it's just this very far

corner of the common lot. And so that does need to be shown on the preliminary plat and the applicant has been made aware of that and has made the correction. So we are asking for the motion to recommend approval of the preliminary plat this evening, have subject to technical correction so that what was advertised on your agenda can be corrected before going to Council. And so that revises line work, the legend and Note 11 very slightly. It's not a major change. In terms of the design adjustment -- and I will take a step back and note that I am taking a very strict constructivist interpretation that this needs a design adjustment. Given the language of the code, I'm not 100 percent sure that is really necessary, but I do like a good clean record. So the design adjustment process allows a clear record that the applicant -- and I'll go into this in a moment -- is going to request two driveways rather than four, which would otherwise be required by the code. So 29-5.1(f)(2)(i) of the UDC says that each lot shall have access. And then it goes on to talk about there is an alternative, which the applicant is pursuing in this case, that there would be an irrevocable access easement, as -- in the addition, as an alternate option. So that's generally what they're pursuing this evening. So instead of having four direct driveways for the residential lots on to Scott Boulevard, which is an arterial -- and that's important and I'm going to talk about that here in a moment -- they've worked with city staff, so Planning and Public Works Traffic Engineering to reduce to two driveways so each of these two lots would share a driveway with a privately dedicated shared access agreement between the two properties. And I'll talk about why here in a moment. So in general, private residential driveways on collectors and arterials is just not a good practice for a variety of safety reasons. You've got higher speeds, you've got visibility issues, et cetera. So we really don't want to see a lot of residential driveways on these types of roadways. And in fact, the code actually prohibits them unless the director approves them, because there is no feasible or practicable options available. As you look at this site, it is relatively small in constraint. The existing three lots all have direct access presently on to Scott Boulevard. So if they were developed in the county, conceivably they could ask for driveway permits from the county and have three driveways presently. Under the scenario of the preliminary plat, we go to four residential lots, but we actually reduce the driveways from three to four. We did meet with the applicant, as mentioned, and Public Works. We spent a lot of time pouring pen over paper to look at different design alternatives, including a shared access roadway as well. Given the constraints of the site both in terms of size and the topography issues and visibility, ultimately it was determined that the safest and most practicable option was as presented here. So these two driveway locations have been reviewed and approved by Public Works Traffic Engineering for safety, sighting, those kinds of considerations and are supported. Therefore, under the authority of 29-5.1(2)(iii), the director has approved

these two, and only two driveways, in this location as shown are permitted on Scott Boulevard as an arterial. Definitely wanted to get that into the record. And as I mentioned, the shared access easements will be dedicated between the lots. That will happen more along the lines at the final plating stage. And because they're private access agreements, so the city counselor will review them, but they're actually done by separate document and then recorded with the county. They can't be dedicated via the plat because they are between two private properties. They're not being dedicated to the city. And so typically plats dedicate right-of-ways, utilities, things to the public good. And so those are not actually going to be dedicated to the city. For educational purposes. I kind of nerd out on these things. So we do believe the design adjustment criteria in 29-5.2(b)(9) are met here, specifically this is believed to be the best option in terms of safety. That's one of the five criteria for design adjustment. Additionally, we don't believe that it is in -- that it has any other issues with those criteria. As with regard to the zoning action, all UDC development and environmental requirements will apply to this property should it be annexed into the city by the City Council, including that stream buffer that I -- that we noted that will be right here. The preliminary plat shows -- and the final plat, which will be the next step -- will dedicate all required right-of-way and easements. So the final plat, consistent with the preliminary plat, will have to be filed with the City Council prior to the issuance of building permits. That is the third and final step of the process. This evening we're asking for you to consider and have a public hearing on the assignment of permanent zoning and then the design adjustment and preliminary plat. In terms of motions, I would request that you do the request for zoning first and then do the design adjustment and then do the preliminary plat. I and the applicant are here to answer any questions that you might have.

MS. LOE: Thank you, Planner Smith. First, we have to do the zoning.

Correct?

MS. SMITH: Yes, please.

MS. LOE: All right. The -- I like those recommendations. It's just the first recommendation needs to be the zoning.

MS. SMITH: Yes. I can stay there.

MS. LOE: Before we move on to other questions for 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 now so all commissioners have the benefit of the same information on the case in front of us. Seeing none, are there any questions for Planner Smith?  
Commissioner Placier.

MS. PLACIER: Yes. This double case has concerned me because of the precedent that it sets of having these strips along a major arterial and then claiming that

there is no way to gain access other than the driveway on to the arterial. Doesn't the approval of this set a precedent that, yeah, other strips along Scott Boulevard or other arterials could be purchased and then we would feel obliged to approve driveway access on to that arterial? I'm just worried about precedent.

MS. SMITH: Sure. So a request would have to be made in every instance.

MS. PLACIER: True.

MS. SMITH: Certainly every case has its own context and its own merits and its own thorough evaluation process. And also the director does have the authority to permit driveways on collectors and arterials. That authority is taken very seriously. And that is also why the staff spent a lot with the applicant and with Traffic Engineering. We do note that it's not best practice and we don't generally approve this sort of situation but for situations that are "but for." So I think your point is well taken. We don't want to see this. We did spitball a whole bunch of options, including, like I said, a drive access, but that would also still have two points of access. So I think your point is well taken. I don't necessarily think it sets precedence, but if -- as things are granted, folks do pay attention. That is certainly true.

MS. PLACIER: Yes, they do.

MR. ZENNER: I think to the point, Ms. Placier, that you're making, these are existing survey tracts. That has a significant bearing here. These parcels exist. So when we've seen development along our major corridors, the Sawgrass development specifically which is to the west of this, was a bulk subdivision. It was a brand-new subdivision sought to be developed as a unified whole. We would not have allowed individual lots in Sawgrass development, for example, to front to the arterial. We -- that would have been denied outrightly. They would have had to have put in a public street and created a frontage road scenario in where we had public street accesses coming back to that arterial. The code's very specific. Private residential driveways are prohibited in most instances. So that in and of itself, whether you have previously platted lots or new development that's looking at making a subdivision out of it, normally takes care of that problem. But when you have situations like this where we have existing lots that don't meet our legal lot definition and require plating in order to be able to obtain a building permit, relief has to be created somehow to allow the land use in title of having that tract that was purchased under a process that existed illegally before our current regulations were adopted, to be developed. And that's why we see these very, very odd scenarios where you have these remnant tracks that maybe can't be brought back into the rest of the development that's adjoining it or obtain access. I think Mr. Crockett can speak to some of the environmental issues that are associated with coming from the rear as to why this is the only solution to this particular unique problem. And that's part of

what Ms. Smith was referring to that we really -- our Traffic Engineering Department is as concerned as you are as a commissioner that we're clogging up our arterials which are meant to move traffic at a high rate of speed and we open up the opportunity to create more conflict points. We are not at all for that generally, but sometimes we've got to deal with the cards we've been dealt.

MS. PLACIER: Well, with all due respect, this is created first through annexation, which has not happened. And then once annexation occurs, we are obligated to assign a zoning code and then we are obligated to look at the plat. So we've been -- I guess we've been driven down this railroad and now we're here and being told this is what you have to do. I just want to make sure that this is what we have to do.

MR. ZENNER: It is. I mean I think the position that you would be suggesting is that we deny the ability for the property to be appropriately developed as it's entitled to in the county at this point. And that all drives -- so you're, in essence -- the position that you're taking -- and with all due respect as well -- is to strip these property -- this property owner or these three property owners, if they were individual, of their development rights by denying them the ability to connect to public sanitary sewer, which is what's required, which requires annexation for the city's policies. We won't allow you to put an onsite system on these lots. So you have to comply with the city's requirements, which is to annex; otherwise, we basically are taking these people's lands from them with giving them no option possibly. That -- and that is why it's a unique site-by-site evaluation. If there was a way to have connected this into the subdivision, we probably would have looked at that. But that wasn't the case. And it's very possible that this property was not even available to JQB Development at the time that Sawgrass was developed; otherwise, they may have acquired it at that point and considered developing more lots if they could. But environmentally, they're -- all this area that's behind these lots is actually the tree preservation -- the majority of the tree preservation for Sawgrass. So I mean a lot of different factors come into play and all of it normally happens -- a lot of our situations that we walk ourselves into like this weren't created by our making. Everything here was in the county and the county -- you know, no disrespect to the county's regulations, which can be a little bit lawless in the county and they -- you know, development wasn't here at the time when all of these lots were created off of what was probably a two-lane dirt road. And now we've created a five-lane cross section. We've really seen a lot of development occur.

MS. PLACIER: Yeah.

MR. ZENNER: But I -- to Ms. Smith's point -- and I don't want to belabor it -- the Planning Commission does not -- like all of our boards and commissions -- set precedent. Everything that is presented to you is presented and reviewed on its own

merits individually. Yes, people will take notice of it. But that does not mean that you are required to follow the same decision that you made on a different project that may have had certain similar characteristics when the next one comes forward. Each is reviewed independently. And we try to make sure that we also are consistent when we present recommendations to you. This is not best practice, but it's the cards we've been dealt.

MS. PLACIER: Okey-doke.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yes. I feel like I have to ask. Would a unanimous vote on the zoning serve as criteria to place the concurrent annexation request on the consent agenda?

MR. ZENNER: So there's a public hearing that's required for the annexation, which will be advertised separately by the city clerk, which is a requirement of the state statutes. The process that exists within the -- within the city's procedural standards as it relates to permanent zoning and annexation -- so permanent zoning is a recommendation made by the Commission that is completed by Council, but only after a public hearing on the annexation is held. And the annexation component, after the public hearing is held, the two -- the annexation request and the permanent zoning, are merged together from an ordinance perspective. So if it -- if this item is placed on consent, which if it was voted more than 75 percent, it would be -- the permanent zoning would be. Historically the annexation, because it gets attached, is then brought together. The code specifically allows the Planning Commission to recommend that an item be placed under old business. Being placed under old business results in the item being open for public discussion as part of a public hearing. And that is in the full prerogative of the Planning Commission as we wrap up these cases. If you would like all three cases -- or all three components, permanent zoning, the subdivision and the design adjustment under old business, you just need to tell us that's where you want it and have that captured in the public record and we will make sure that that happens.

MS. CARROLL: So once they're merged after the public hearing, the merge case --

MR. ZENNER: Uh-huh.

MS. CARROLL: -- if it's voted on more than 75 percent here, goes to consent agenda together?

MR. ZENNER: Yes. Council will merge the two items, the annexation petition and the zoning action, together into a single ordinance for consideration. So our annexation -- our permanent zoning and annexation ordinance actually has multiple sections in it. One section deals with the application of the zoning and then the other

section deals with the expansion of the city's corporate limits and to whose ward the property actually is placed in. That's how that ordinance is prepared by our legal department.

MS. CARROLL: Thanks for explaining that, Pat. Now, I'm concerned about the clarity that Council has on what we've voted on and viewed and what we have not voted on and reviewed. I would like it to be made clear in the report that annexation was not reviewed by Planning and Zoning.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I similarly am a little bit concerned about our vote on this being taken as a statement other than what it is. So I'd like to take just a couple of minutes and build a little bit of a record, Planner Smith, if that's okay with you. If you were to try to do a private road on the rear of this, you would be in tree preservation floodplain territory. Is that your analysis?

MS. SMITH: There are topographical challenges. I'll just say that. There's also required rear yard and front yard concerns that arise. So when we look at the front - - the option of putting a roadway in the front and basically having a driveway on the front of the lots. Well, then that also brought up issues of too much pavement in the front yard, which is also prohibited under the code. So it seemed like every door we went to try and open, then there was another issue; either environmental or other code issues.

MS. GEUEA JONES: And same if you tried to approach from the rear? You'd have to build a road across county from Thornbrook to the south, which I'm sure creates a whole bunch of ownership, annexation, easement issues.

MS. SMITH: It would be some issues. We were specifically looking at -- Pat called this Sawgrass. It's actually Creek's Edge. So the property owner owned and developed this development as well. And as Pat mentioned, these properties became available later. Otherwise, it would have been great to do a package deal. So this is all common lot right here and tree preservation area. There's a level two stream that kind of goes right through here. That's where we're picking up that little bit of stream buffer right on this part of it. So there's a lot going on from an environmental perspective. And we did talk to Mr. Crockett about that with engineering. We looked at that as an option. It didn't seem to be a very good option.

MS. GEUEA JONES: Thank you. Yeah. I -- I just wanted to make it clear the only reason these driveways are even remotely acceptable to staff is because you examined every other possible driveway option.

MS. SMITH: Correct.

MS. GEUEA JONES: And those would not work because of the uniqueness of this property.

MS. SMITH: Correct. And also just this constraint size. Also too, I do want to mention, so these are legally described and surveyed. And so that gets a little bit interesting. So if they could solve the sewer issue without city sewer, which I don't think they can, they could -- if they could solve the sewer issue -- develop in the county as three legal lots and have three driveways. Well, okay. Two driveways is better than three. So let's say they came in just as R-1, didn't do the preliminary plat, just tried to develop with these three lots. Those are legal lots under R-1 in the city. And so then that puts us in a pickle too because they're not supposed to have driveway access, but they've got three lots with frontage. So then well, that's not so great either. So it just puts us in an interesting conundrum. I do think it's better to have two over three. I do like the common lot because it's going to provide stormwater, P and P, it's going to have some preservation opportunities on that -- that lot. And we do see then the ability to go from three driveways down to two.

MS. GEUEA JONES: Thank you. I just wanted to make it very, very clear on the record that this is an extremely unique circumstance and we're not going start doing this all the time. And then, Mr. Zenner, did I understand you correctly that we do not have to vote to put it on old business? We can just request it? Or do we have to request it and vote?

MR. ZENNER: The procedure I believe is you just have to request. It does not require a vote. I probably -- just for best practice -- thumb's up would be acceptable to me in the minutes. I just want to make sure that when Council reads it, if they question why it's on old business with possibly eight-zero vote, they know -- we can point to the minutes that they unanimously passed that it be there. And I believe that's how the regulation is specifically written, the provision's written. I was reviewing it earlier today for something entirely different than tonight's meeting and I believe it does not require a vote. It is just a request.

MS. GEUEA JONES: Thank you.

MS. LOE: Commissioner Rushing?

MS. RUSHING: Well, I'm pretty much just going to add to the discussion. I also had the same concerns about the driveways off of Scott Boulevard until I looked at the property. And there is a significant drainage issue across the rear of these lots that, you know, I was thinking well, couldn't you bring a private drive in along the back of the lots? And that did not seem to be possible. So I do believe that staff and the developer have -- the engineer have looked at the particular issues that are attached to these properties and this seems to be about as good as you could do without just telling the property owner sorry, you can't do anything with that property. And I don't think any of us want that result. So it's unfortunate that Scott Boulevard went right through where it went

right through and -- but that's what we're dealing with.

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

MR. CROCKETT: Chair members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I have a presentation tonight, but I believe that Ms. Smith did a good job -- thorough presentation with her staff report that covers most of the points I would cover. So I just want to cover some of the comments that you have had, kind of give some clarification. Ms. Placier, Commissioner Placier, with regards to not want to set precedent here. First of all, let me say that these three parcels -- and they were one acre at one time -- were created decades ago. Many, many -- 50, 60 years ago. They were a part of the overall 160 acres and they were subdivided legally in the county for whatever reason. I think that she wanted to transfer -- had an idea of transferring some to her kids, maybe it happened to get transferred through the way, I think there may have possibly been a divorce involved. For some reason, those three parcels were created in the county many, many years ago. So when my client purchased the development for Creek's Edge, the neighboring development, these weren't available to be part of the overall development. They were under different ownership. So that's where they came about. So with regards to we don't like -- we don't want to set ourselves up for this in the future, I wholeheartedly agree with you. I think Planning wholeheartedly agrees with you. Traffic Engineers wholeheartedly agree with you. And I think how we can prevent this from happening -- we can't necessarily prevent situations like this from happening, but we wouldn't be -- the development community wouldn't be allowed to create a situation here. Planning Department wouldn't allow us to create a situation in the city that would -- that would allow for this. County regulations wouldn't allow for that either now. So we've come a long way in 40, 50, 60 years that would prevent this from taking place. That's the biggest obstacle that we have to overcome is making sure this situation doesn't happen again. And I think that's happened. And so to hopefully address some of your concerns is by not allowing these to be created legally is going to prevent that from happening in most cases. So that's -- that's kind of where that comes from. Again, Ms. Carroll, yes, you know, we looked at all options. We looked at a lot of options. You know, we had an original submittal that had a different routing through the development. We met with -- with the Planning Department to discuss some issues and pros and cons and then we formulated the two driveway access after talking to Public Works and the Traffic Engineers. And so -- I'm sorry. I thought you had a question. And so there's been quite a bit of conversation with the city with regards to the routing through -- for this piece of property. And as was stated, the three tracts of land technically, I believe, would have

three access points. And so we are wanting to reduce that down to two and we want to share a driveway arrangement. And Commissioner Rushing, I appreciate you looking at the site. Thank you very much for looking. I'm sure most Commissions, if not all do, but stating that you did is -- is -- makes us very happy, knowing that you're looking at the properties in person and getting a better feel for that knowing what we're up against. So again, I'll forego my presentation. I'm happy to answer any questions that the Commission may have.

MS. LOE: Thank you. Are there any questions for Mr. Crockett? Not at this time. Thank you.

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case?

MS. DOKKEN: Dee Dokken, 804 Again Street. I'm just -- Mr. Zenner made a statement that I have to annex these properties and give them city sewer or it's a taking. And I -- I think maybe that's -- it's a fine solution for these, but that statement, I wonder if -- if it has a legal backing. I'd be interested to know.

MS. LOE: Thank you, Ms. Dokken. Any additional comments? Seeing none, we will close public comment. Commission comment?

MS. CARROLL: I wonder if --

MS. LOE: Commissioner Carroll?

MS. CARROLL: I wonder if our legal has a -- would like to weigh in on Ms. Dokken's question. I'm curious about the same thing.

MS. THOMPSON: Sure. I'm not going to state an opinion at this point from a legal perspective, what would constitute a taking of an individual's property. That's a fairly complicated and factually based weighing and it wouldn't be appropriate for me at this time to make a comment as to what would constitute taking in that circumstance.

MS. LOE: Thank you. Commissioner Geuea Jones?

MS. GEUEA JONES: If nobody else has any comment or questions or discussion, I'd like to make a motion. In the -- 33 is -- which one is zoning?

MR. ZENNER: 33 is the zoning.

MS. GEUEA JONES: 33 is zoning. Okay.

MS. SMITH: No.

MS. GEUEA JONES: 31 is zoning?

MR. ZENNER: 33 is the zoning.

MS. GEUEA JONES: 31 is zoning.

MS. SMITH: Maybe I messed up my setting.

MR. ZENNER: No, 33 is the zoning.

MS. SMITH: Okay. 33 is zoning, 31 is the prelim.

MS. GEUEA JONES: Okay. I just wanted to make sure I was saying the right case number.

MS. SMITH: I put the wrong case number on the screen. I apologize.

MR. ZENNER: So 33 is your zoning.

MS. GEUEA JONES: Okay. In the matter of Case Number 31-- 33-2022 relating to Sawgrass Estates, Plat 1, I approve the R-1 zoning.

MS. KIMBELL: Second that. I second that.

MS. LOE: Seconded by Ms. Kimball. Question. Do we have to say upon annexation?

MS. GEUEA JONES: R-1 zoning upon annexation. That's an acceptable amendment?

MS. SMITH: Yes.

MS. LOE: All right. As amended. All right. We have a motion on the floor for R-1 zoning upon annexation. Any discussion on this motion?

MR. ZENNER: Ms. Loe?

MS. LOE: Yes.

MR. ZENNER: And I think this may be an opportunity for the Commission to further clarify its discussion as it relates to the annexation of this property at this point as part of the discussion. So you are making a recommendation to approve R-1 as permanent zoning upon annexation. The following statement may be something you may be interested in making in relationship to future requests of this nature: The Commission has not considered the annexation component. That is a Council policy decision and will need to be rendered following the required public hearing, as stated by state statute.

MS. GEUEA JONES: That's what I was going to say.

MR. ZENNER: I'm glad I can read minds.

MS. KIMBELL: I'll second it.

MS. LOE: All right. We have an amended-amended motion on the floor. Any discussion on -- Commissioner Carroll?

MS. CARROLL: Because it was brought up and I'm curious how this would -- I don't know -- play out if the Commission desires to request that this is moved to old business, can we still do that after this vote? Is -- is there still interest in that?

MS. LOE: I agree with the thumb's up vote after we -- after a motion is --

MS. CARROLL: Okay.

MS. LOE: -- voted on.

MS. CARROLL: Let's proceed with the motion on the table then.

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

MS. CARROLL: Did we have a second? I will second if we did not.

MS. LOE: Yes. Commissioner Kimbell was our  
second.

MS. CARROLL: Sorry, I got sidetracked. 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: Madam Chair.

MS. LOE: Commissioner Geuea Jones.

MS. GEUEA JONES: With the consensus of my fellow commissioners, I would like to place this on old business under City Council since it is an annexation mo-- an annexation issue as well and is a sensitive piece of property. All right

MS. LOE: All right. I vote we take a -- or let's have a thumb's up approval for the request for old business.

MS. THOMPSON: And I would -- I would just chime in and ask that it be treated like any other motion. That that was a motion and that there be a second and then a thumb's up.

MS. LOE: Good point. All right.

MS. KIMBELL: I'll second that.

MS. LOE: Seconded by Kim-- Mis-- Commissioner Kimbell. Are we okay with a thumb's up?

MS. THOMPSON: Yeah. I think that's fine in this situation.

MS. LOE: All right. So thumb's up on this or thumb's down. So we have seven for and one no. All right. Two more votes to go. Commissioner Geuea Jones.

MS. GEUEA JONES: Unless we need to do more discussion on the next case number, I'd like to make a motion. In the matter of Case Number 31-2022, I move to

approve the design adjustment from Section 29-5.1(f)(2)(i) related to lot access.

MS. KIMBELL: I'll second that.

MS. LOE: Seconded by Commissioner Kimbell. We have a motion on the floor. Any discussion on this motion? Seeing none, Ms. 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: No.

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 yes and one no. The motion carries.

MS. LOE: Should be seven yes.

MS. CARROLL: Seven yes because we have one absent.

MS. LOE: Commissioner Geuea Jones.

MS. GEUEA JONES: I'd like to make a motion in the matter of Case Number 33-2022, Sawgrass Estates, Plat 1. I move to approve the preliminary plat subject to minor technical corrections.

MR. STANTON: Second.

MS. LOE: Seconded by Stanton. 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: 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. LOE: Thank you. Those recommendations will be forwarded to City Council.