

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**April 6, 2023**

**Case Number 125-2023**

**A request by A Civil Group (agent), on behalf of Gary and Brenda Lewis (owners), seeking to rezone Lot 7 of Corporate Lake Plat 14, from PD (Planned Development) to M-C (Mixed-Use Corridor). The 1.26-acre subject lot is located northwest of the intersection of North Cedar Lake Drive and Santana Circle.**

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends as follows:

Denial of the M-C zoning map amendment.

Alternatively, if believed appropriate and supported by the applicant, the Planning Commission could recommend approval to rezone the parcel to M-N, which is consistent with the adjacent zoning, land use patterns, and restrictions of the existing PD zoning entitlement.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had outside communications with the applicants or other interested parties on this case, please tell us now. Seeing none. Are there any questions for staff? Commissioner -- I'm going to go to Commissioner Burns first this time.

MS. BURNS: Thanks. The Mike show is over. I'm sorry.

MR. MACMANN: Thank you.

MS. BURNS: You know. And, Mr. Palmer, this might be a better question for the applicant, but do you know who owns the property just to the west of the property we're discussing right now, or --

MR. PALMER: It's actually the applicant. He owns a number of properties in the area.

MS. BURNS: Okay. Thank you.

MS. GEUEA JONES: And Mr. -- Commissioner MacMann, anything?

MR. MACMANN: Thank you, Madam Chair. Jill will be glad for what I'm about to say. I don't see a problem with the M-C here with the following caveats. Right now -- I know it's the same property owner. If we could maintain that M-N barrier is fine. My concern, and I was just down here this weekend twice, to describe the traffic flow as problematic or having deficiencies down there might be generous. I think for everyone except the people across Santana, this would be okay. That's my only hangup on this. If it's M-C, particularly if it turns into light automotive, you know, something like that. Do -- in staff's opinion, would

M-N provide that -- those residential units there with more protection?

MR. PALMER: It definitely limits the intensity. You know, hotels, indoor recreation, entertainment, those sorts of uses wouldn't be permitted. Those are the types of uses that we'll see the high vehicular traffic.

MR. MACMANN: One of the reasons I would -- thank you. And one of the reasons I would support M-C is I don't see a problem with those things down here. I kind of see that M-N thing is in the wrong place, but there's nothing we can do about it right now. But I do have a problem. The traffic is deficient is an interesting, applicable way to describe the traffic down there. Thank you very much. Madam Chair.

MS. GEUEA JONES: Thank you. Do any of the other fellow Commissioners -- Mr. Stanton?

MR. STANTON: I think M-N is a win-win. M-N is a win-win because it decreases the intensity. The surrounding areas are kind of more in that line of intensity, plus it's already zoned M-N up top. And I think, just my opinion, this is a chess move. We give him M-C, he goes back and gets the M-C for the other piece, and we make this all M-C, and then he -- there we go. So I think M-N is a win-win.

MS. GEUEA JONES: Yeah. Question for legal then. They don't have to change the case number? I've never done it this way before, and I understand the applicant would have to consent. If the trend -- yeah. Sorry. Sometimes I forget we have the internet listening. I promise we'll get to you, Jay.

MS. THOMPSON: We don't need to change the case number. You can -- you can consider a different zoning, a down zoning to M-N versus the M-C that was originally requested. I would recommend that you check with the applicant as to what their desires are.

MS. GEUEA JONES: Obviously. Yes. Yes. Thank you. Any other -- oh, sorry. Commissioner Stanton, go ahead.

MR. STANTON: So in hearing our legal advice, are we to vote this up or down, or ask the applicant if he's cool with the win-win?

MS. GEUEA JONES: First, you have to actually do the public hearing. So, Yeah. Yeah. Yeah.

MR. STANTON: Well, I'm just -- I'm getting the scenario up.

MS. GEUEA JONES: Yeah. Yeah. Yeah. Yeah. Yeah. Yeah. Yeah.

MR. STANTON: Okay.

MS. GEUEA JONES: Yeah. That's right. If -- if the applicant is cool with it, we'll vote it up-down as M-N. Yeah. Anyone else, questions for staff?

MS. CARROLL: Yeah.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: You talked a bit about the concern of zoning creep. Just for the -- I guess the benefit of the hearing and those listening, I wonder if you could talk about the consideration surrounding that concern, and what sort of path would have to be taken that could lead to zoning creep for some of the adjacent properties?

MR. PALMER: Yeah. Just in looking at the zoning map, when you cross a barrier such as a

roadway, so you see here M-C. I think my zoning map may be a little more -- so south of North Cedar Lake Drive, you have the darker red. That's M-C. When this -- if this were rezoned M-C, it would jump across the roadway there, which acts as a barrier of some kind. And, you know, there's -- there's, like, a back and forth here because you might also consider that to be a traffic corridor, which is kind of where you would like to see those types of uses. But, you know, that might be true for the property also to the west. But then the property to the north, which is not clearly delineated here, but there is a lot line here. And so this property, which is also zoned M-N, M-C is probably not appropriate at all there given its lack of, you know, vehicular traffic and frontage on a major roadway, Right? So -- however, though, if the other two lots are zoned M-C, it becomes more kind of expected that the other lot would also be M-C. And so then there's just this kind of ripple effect or domino effect of, you know, where does it end and, you know, how did it get started is kind of where we're at now. It's, like, do we really want to jump that barrier of North Cedar Lake Drive and then start that kind of chain reaction because it will take place on down the road potentially along that -- along the rest of the corridor as you move west.

MS. CARROLL: And I'm seeing a lot of M-N at the very far west along that corridor. I am seeing some M-C and some perhaps C-P around there. I'm wondering if the City View map is accurate here when I look at the zoning layers. It looks like there's a strange split zoning scenario.

MR. PALMER: Okay. There's --

MS. CARROLL: Does it default to the M-N on that parcel directly to the east or is that split zoned? Because the map that I'm looking at didn't match.

MR. PALMER: I'm not sure.

MS. CARROLL: I looked to see the broader context and --

MR. PALMER: I will tell you that everything west of here --

MS. CARROLL: -- and this map isn't --

MR. PALMER: -- west of the subject site was owned by the applicant.

MS. CARROLL: Uh-huh.

MR. PALMER: That -- we did a multi-parcel kind of rezoning on that. Like I said, it was at least a year ago, maybe two. And a lot of that, at that time, especially right here at Southampton and Executive, there was a request for M-C there, as well. And that was the one where there were a lot of concerns about having the potential gas station next to the high school and the traffic, and kind of the products they were selling, things of that nature.

MS. CARROLL: Right.

MR. PALMER: And in that instance, a lot of those -- most of those M-C requests were downgraded to M-N. And so if you look at the zoning map, you'll see that much of this parcel that's undeveloped to the west here around the lake is zoned M-C now, except for the clubhouse for the residential, and that's an R-MF lot.

MS. CARROLL: So the requests along South --

MR. PALMER: It's M-N. I'm sorry.

MS. CARROLL: So the requests along Southampton -- yeah. I am seeing M-N there -- generally were requested for M-C and ended up going M-N instead?

MR. PALMER: Right.

MS. CARROLL: Okay. And ultimately as we discussed, you talked about, I guess, a mechanism that might be concerning for a zoning creep, as you say -- just for the benefit of the hearing, ultimately, if another parcel wanted to rezone, it would have to come back through this process, through this Board, have a hearing with the same questions?

MR. ZENNER: I think what we -- when we refer to zoning creep and it is the -- once you begin a process, it becomes very difficult because the argument could be presented that Executive Drive then acts as the boundary for the expansion of M-C. So the parcels of the west to the subject site becomes M-C. Well, Executive Drive then is the arguing point that that's the barrier. And then the parcel to the north of that which fronts on Executive is suggested to be M-C or sought to be rezoned M-C, and there becomes less and less ability, typically, to defend not zoning to that at not maybe this level, but at the Council level, because what's a little bit of extra M-C. And so when you look at what the intensity is within the block to the south of North Cedar, that is an established commercial block. It has been an established M-C commercial block for years, for more than a decade. And this particular northern area was not envisioned that way. Most of the planned districts that surround the northern edge of the lake, which is where the restaurant is, the eye wear, there's some multi-family up there. Those were all planned zoned districts that were sought to be rezoned, if I am not incorrect, with the original request to M-C. And we said no, the land uses that are there are capable to be accommodated in M-N, and hence the reason why there was that back and forth during those original -- the original rezoning action, the more comprehensive rezonings out here. This was a parcel, interestingly enough, that was just not addressed when we did the comprehensive rezoning because, probably at that point, it wasn't seen as an obstacle or an impediment maybe to a user. And at this point now, we have that.

MS. CARROLL: And this parcel that's directly to the east from the parcel that we're looking at, that is residential. That's zoned -- split zoned by the City View map, see M-C and M-N.

MR. ZENNER: The map that was here, I'd have to see the actual City View map.

MS. CARROLL: Okay. Okay.

MR. ZENNER: The map that is here came directly out of our GIS. We're having horrible issues with our City View at this point, accuracy issues. This is the map that is coming directly from our data -- our data sources that we are using. And this, the -- the pink, the pale red, is M-N zoning. The hatched area that's the gray is PD. That is the actual designation. Now what you see on the aerial here, that is the current aerial background with the existing zoning.

MS. CARROLL: And it is residential in the M-N; right?

MR. ZENNER: Yes. It -- yes. It originally began, so in the Villa Madera plan, it was originally R-2, PUD and CP, and then that was converted to the M-N. So it is possible. M-N does allow mixed use residential uses, so you can have the office with the residential, which is that M-N designation is

consistent with what would be found on the ground today.

MR. PALMER: And just for clarity sake, the -- there are residential units facing west with driveways onto Santana Circle. And then there are parking lots and office, generally some commercial, facing to the east out on the outer road frontage. So it is a true mixed-use development and, yeah, it is zoned M-N, so --

MS. CARROLL: Okay. Yeah. I have to confess that when we were discussing the older rezoning applications north of that towards Rock Bridge High School, I viewed Corporate Plaza Drive as, I guess, kind of the barrier, and proximity to the high school as being a major consideration. And as we move south, I see more -- more commercial zoning.

MS. GEUEA JONES: If no one else has a question, I just have a quick one. Are they prohibited from having an entrance on North Cedar Lake Drive?

MR. PALMER: No. That road is not classified on the CATSO map, so --

MS. GEUEA JONES: Okay.

MR. PALMER: -- it wouldn't be restricted.

MS. GEUEA JONES: Okay. So they don't necessarily and may not desire to have their entrances on Santana Circle?

MR. PALMER: No. And that is actually one of the considerations is, you know, looking at the road classification, it acts as kind of a collector at least for everything within this Corporate Lake kind of block of development, but it's -- it doesn't rise to that level on a broader scale. It really only serves this area, even though it does serve a fairly large area.

MS. GEUEA JONES: Thank you. Commissioner Carroll, go ahead.

MS. CARROLL: And you didn't hear back from any -- I know it's in the staff report. You didn't hear back from any adjoining --

MR. PALMER: The -- there were only four postcards sent out. That's because the applicant owns the bulk of the property adjacent, and there was one neighborhood association, I believe. And the rest are people, I believe, who are owners of those condo units.

MS. CARROLL: The neighborhood association is farther back.

MR. PALMER: Yeah.

MR. ZENNER: North Cedar Lake, I believe.

MR. PALMER: North Cedar Lake --

MS. CARROLL: Cedar Lake neighborhood, yeah. Okay. Thanks.

MS. GEUEA JONES: Seeing no other questions for staff, we will open the public hearing.

#### **PUBLIC HEARING OPENED**

MS. GEUEA JONES: Please come forward, state your name, all the good stuff.

MR. GEBHARDT: Thank you, Sharon. This is Jay Gebhardt. I'm a civil engineer and a land surveyor with A Civil Group. And I'm working tonight for Mr. Lewis who purchased this property, all 80 acres of Corporate Lake, back in about 1987. He is the owner of all the vacant properties except that

piece where -- it would be the north or southeast corner of Executive and Southampton. And we have -- it's interesting. The staff has kind of made a lot of my arguments for me why this should be M-C. And I ask you to, you know, take some faith in your -- in your Uniform Development Code. The -- the uses that are scary or -- or causing concern for this, we would have to do a traffic impact study. And I can tell you, we would never get a C-store here. The closest we're going to get to a C-store would be the corner of Corporate Lake and the outer road, and I still don't think we could get the traffic thing, because MoDOT is limiting that entrance to a right-in and right-out only. It's just -- and as Mike said, the traffic down here is -- is questionable as it is. So that is going to be a self-limiting issue with this. We also asked, you know, an owner for the last 30 years who has been slowly developing this in his own vision, and he just hasn't allowed those types of uses to occur. The M-C property across the street, you know -- is why aren't we using that? Authority Gymnastics is going to build their facility -- a new facility, so a lot of that M-C is going to be used for that. We really don't want to go to M-N because we want to preserve the rights for our drive-through facilities. After Covid, it's just amazing. Everyone wants a drive-through. And so having to go back through the conditional use process is -- is cumbersome, and it adds -- a similar situation is doing a PD plan, so we might as well keep the PD if we're going to lose the drive-throughs. And, you know, the -- the one -- you know, there's a lot of uses put out here like a car wash and stuff, but, you know, veterinary hospital, a bakery, there's -- there are some uses in the M-C that would fit in with this with a drive-through, and I think it would be good. And so I'm -- I'm not going to be able to consent to going to M-N tonight, and we could just live with what we have if that's what -- (inaudible). The reason this wasn't included in the --

MR. ZENNER: Pull the mike back towards you and speak into it.

MR. GEBHARDT: Oh, I'm sorry. The reason we didn't include this in the first time, it was actually a mistake on my part. Gary and Brenda Lewis are the owners of all the other parcels, and this was added under an LLC called Villa Madera, and I didn't think that was Gary, and so I didn't include it. Otherwise, we would have included it in that big rezoning we did about 18 months ago. So -- and that's another point is this zoning creep issue is we just rezoned this from PD to M-N. We don't -- Gary doesn't have any intention of -- of -- you know, asking for M-C on those M-N parcels. But that's -- that's our logic on this. You know, a lot of the M-C that we have is being used up. We like to make sure that we could have those type of uses. And the really high intense vehicle ones are going to be self-limiting by the UDC's requirement for a traffic impact study. So that's what I -- but I'd be glad to answer questions or --

MS. GEUEA JONES: Thanks, Jay. Any questions? Commissioner Burns?

MS. BURNS: So just to clarify, Mr. Gebhardt, you would prefer to stay with the PD versus -- you won't consent to going to the M-N. So if we decline your request, you're happy with the PD right now?

MR. GEBHARDT: We're not happy with it, but we prefer, and we don't see the need for a PD, but we don't want to give up the entitlements that we have now.

MS. BURNS: Thank you.

MS. GEUEA JONES: Any other questions for this speaker? Okay. Thank you.

MR. GEBHARDT: Thank you.

MS. GEUEA JONES: Okay. Is there anyone else from the public who wants to speak on this case? Anyone else on the case out at Corporate Lake? Seeing none.

**PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Commissioner discussion? Who wants to start? Commissioner Burns?

MS. BURNS: Yeah. I'll start. I mean, I think I understand the desire to increase opportunities by moving to the M-C, and staff had offered M-N as an alternative, and that's not acceptable, so I guess if we're talking about kind of meeting in the middle, I would say we stay with the PD and see where we go, because I see moving to the M-C is opening the door.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Just real quick, a philosophical point for in the future. This is kind of counter to where I normally sit. But I think this frontage on the outer road should probably be M-C anyway, but it's blocked by that M-N, and the traffic is horrible down -- it's -- it's really bad. It's just the flow is all wrong. I respect Mr. Gebhardt and -- and Commissioner Stanton's view, and I think I'll go along with Commissioner Burns here. I just -- we need to think about this area doesn't have zoning flow or traffic flow. Anything we can do to avoid that in the future, I guess, is what I'm -- that's what I'm saying.

MS. GEUEA JONES: Any other comments? Commissioner Placier?

MS. PLACIER: Yeah. I liked the M-N possibility because of both the idea of zoning creep and the -- the nearness to some residential on Santana. The -- I am very leery of this idea that go ahead -- because we've had another case like this recently. Go ahead and rezone, and it'll be self-limiting, or we aren't going to do a certain thing that would be allowed there. And I'm very, very cautious about that, and would rather go with M-N as being more consistent with the surrounding part of that particular area. But if M-N is not agreeable, I guess we have to accept that and go with the status quo.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Along with the zoning around the site generally being zoned lower in the M-N, the uses on the site have been developed at the lower end of the scale, if the zoning maps on City View can be believed. So we're seeing residential in the office zones and the M-N zones. So wanting to go to a higher zone seems to be contradictory to how this whole area has been developed. And I concur with Commissioner Burns that it seems speculative to up-zone that piece at this point.

MS. GEUEA JONES: Anyone else? I'll go. I hate to be the contrarian, but I guess that's what I am tonight. I love the idea of getting rid of a PD plan that's not being used. I truly, truly do. And I think that between the traffic study requirement that could trigger improvement of the roadway for everyone around, which would be nice, between the fact that if -- if they did consent to M-N and we did that, they'd just have to spend the money to come back to us again to request a CUP for the drive-through, and the fact that a business owner is going to put something in that spot that is going to be used -- that is going to be a similar use because they are looking to use the same consumer group. Right? So, like, we're not talking about complete greenfield, not in a real way. There's tons of business that is well established that

is already out there. I feel fairly comfortable giving them the M-C given all of the other things around it and given the fact that any study, if they do want to put in a drive-through and they do get the larger traffic study, we could be looking at an improvement that helps every other business around them, as well. So, I mean, I -- I'm not trying to -- to -- I'm just trying to tell you what my mind is thinking, which is I think that the way I view zoning, I would much rather have a straight zoning than have this PD sitting out there again for who knows how long until they come back. Or, you know, then they -- they go to City Council and City Council gives them the M-C anyway, I guess would be the other option. But it's been sitting there undeveloped zoned for decades. If giving them straight zoning gets the thing built out, I'm happy with that. Commissioner MacMann and then Commissioner Carroll.

MR. MACMANN: Just real quick. I want to second what you said why I went against my normal, most logical take on this is before these folks owned it, I looked at this property and it was empty. It has been empty, empty, empty. I'm with you, Sharon. If it kick-starts this 80 acres that's been sitting there, I think it will be okay. Traffic is an issue. Anybody who does anything of size or flow here is going to have to pay to improve the roads or help pay to improve the roads because you just can't -- it doesn't flow. And the designation of Corporate Lake Drive, North Cedar Lake needs to -- that -- that -- CATSO needs to switch that. There's an issue down there because they cut that road off, which I think was a mistake for the whole area. But I -- I'm leaning this way just to move it -- move the whole thing along, honestly.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: Yeah. I struggled with this case when I was reviewing it because I do see quite a bit of commercial that's adjacent to this. We have M-N adjacent; we have an M-N used as residential. Adjacent or mixed use. It's -- I was leaning towards granting M-C as I reviewed this because the surrounding M-C, because the nodal development, because of the location on the corridor, and because I do support the -- I do have faith in our Code and the requirement of the traffic study. I do think that a lot of the -- the more intense uses should be hard to have with a traffic study, although I'm not sure how comfortable I am with a drive-through at that location. We need improvements to that street. The traffic is horrible. I don't know that improvements to that street can help the overall traffic flow with a drive-through present. I do see the contextual use as you move towards North Cedar Lake to be more similar to commercial.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: Oh. Mr. Gebhardt can sell water to a fish. The arguments are sound. Logic is sound. I'm just on a not trusting anybody further than I can throw them mode right now with the current situation and developments going on. Arguments are great, but there's a lot of what ifs, could, won't, have no intentions of, don't plan to, than it has legally binding. And the way I looked at this neighborhood or this area is that, as Ms. Loe said, it's been developed on the lower end of the -- of the zoning scale. And I don't know the argument why M-N wouldn't work with some of the things that Mr. Gebhardt wants to do. I don't know. He made the position that M-N is not an option, so I'm not going to go down that road. The win-win to me would be an M-N. It would keep a neighborhood feel. That is kind of where I'm at. I'm



looking at everything that's developed there. Yeah. Maybe Corporate Lake didn't work like proposed. I get it. But M-N would be the win-win for me. It's not an option, but I'm sure not comfortable with the would of, could of, possibilities [sic], hope not to kind of thing, because once we get that door open, it's not legally binding anything that came out of his mouth. And I'm not -- and Mr. Gebhardt can sell water to a fish. I'm not doubting his integrity or his logic at all. But better that it's legally binding.

MS. GEUEA JONES: Commissioner Placier?

MS. PLACIER: I agree with Commissioner Stanton. I do not want to give -- to assign a zoning that by right allows so many uses that could be detrimental to the area, and -- and have no recourse. I could be driving down there and think, oh, that's going in. You know, I -- I just think there is no self-limitation. There is none. It's wide open to any use we've listed. So why would we think any other statement would have any binding power?

MS. GEUEA JONES: Well, for me, it's not -- I mean, look, this is not a slam dunk case either way in my mind. But for me, it's not like Mr. Gebhardt or the owner say they intend to do, it's what our Code tells them they are allowed to do. And while, yes, M-C generally permits all kinds of things, the use specific standards do not. And so, to me, those use specific standards that we have worked very hard on and are continually refining, are there for a purpose. Although it's true that they will be able to do more with M-C than they will with M-N, I don't know -- like, for example, I don't see them ever being able to meet the use specific standards for a hotel. Right? Like, that's what I'm thinking of, is what would the Code allow them to do between building, traffic, and use specific standards, regardless of what they may want to do.

MS. PLACIER: Would you give me some examples of what would be possible?

MS. GEUEA JONES: I mean, most retail would definitely be possible, especially lower use retail. Personal services would be. I think, you know, the -- the -- anything that is, frankly, also allowed in M-N would fit on there under the use specific standards for M-C. And the stuff that's now allowed in M-N, I think they're going to have a very hard time meeting. Commissioner MacMann?

MR. MACMANN: In looking at the property, and I'm sure the Lewis' are -- perhaps they've looked at this. If I have this piece of property and I am a block away from the high school, and this is to be, like, make this real, not just, you know -- a green store or a drive-through restaurant, that's what I'd want to put there if I just wanted to make a buck off this. It's really problematic for a drive-through. It's not problematic for a C-store, except everyone hates C-stores, you know. And you get the neighbors out. You know, putting a McDonald's there, and no one is going to say anything, but, you know, four gas pumps in there, and we'll have 200 people in line. That's what this -- that's kind of what this area needs. I agree with you. I -- they'd have a hard time with the standards getting a hotel in there. A drive-through, maybe. Because the roads are messed up, it's a hard time -- but that's either -- that's an either/or, as Mr. Stanton said. A convenience store, if they want to fix the road, you know, widen it mostly and help that flow. This is a CATSO area, and that mostly because of what it developed. But it's -- this property sat here for 40 years as the property around it developed. It sat. So I'm done. I'm ready to -- I'm ready to

vote whenever you guys are.

MS. GEUEA JONES: Fair enough. Seeing no other comments, Commissioner MacMann, would you do us the favor of a motion?

MR. MACMANN: Thank you, Madam Chair. In the matter of Case 125-2023, (and because I must do this in the affirmative), I move to approve the rezoning from PD to MC.

MR. STANTON: Second.

MS. BURNS: Can I question? We have a recommendation for denial. So --

MS. GEUEA JONES: But we have to state in the affirmative.

MR. MACMANN: I have to make it -- I have to state the motion in the positive, do I not, Legal?

MS. GEUEA JONES: You do.

MS. THOMPSON: We typically state them in the affirmative.

MS. BURNS: Okay. Thank you.

MS. THOMPSON: Yeah.

MR. MACMANN: Are we still good there, Mr. Stanton?

MR. STANTON: Yes.

MS. GEUEA JONES: Moved by Commissioner MacMann, seconded by Commissioner Stanton. Commissioner Carroll -- or, I'm sorry. Any discussion on the motion? Commissioner Carroll, may we have a roll call.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones. Voting No: Mr. MacMann, Ms. Carroll, Ms. Placier, Ms. Kimbell, Ms. Loe, Mr. Stanton, Ms. Burns.**

MS. CARROLL: We have seven no votes and one yes. The motion carries.

MS. GEUEA JONES: The motion fails.

MS. CARROLL: It -- oh, my goodness. Yes, it failed.

MS. GEUEA JONES: Thank you, Commissioner Carroll. By our vote of one yes and seven no, we have recommended denial of the rezoning in Case Number 125-2023. Oh, what do we do next? Oh. That recommendation will be forwarded to City Council.