

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**February 10, 2022**

**Case 70-2022**

**A request by McKenzie Daly (owner) for a design adjustment from Section 29-5.1(d) of the UDC relating to waiving sidewalk construction. The 12.7-acre property is located on the north side of North Oakland Gravel Road, approximately one-half mile northeast of the US 63 and Prathersville Road interchange.**

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends denial of the requested design adjustment in Section 29-5.1 pertaining to the construction of sidewalks on arterial and collector streets. Alternatively, a fee-in-lieu could be recommended instead.

MS. LOE: Thank you, Mr. Kelley. Before we move on to questions of staff, I would like to ask any Commissioner who has had any ex parte related to this case to please share that with the Commission so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for staff? Commissioner Geuea Jones?

MS. GEUEA JONES: I -- I know this isn't a platting action, but I'm wondering, do you know approximately where the floodplain begins and ends? I'm asking because it sounds like currently, the plan is -- thank you. That's the graphic I wanted. It sounds like currently the plan is a single home, but it's almost 13 acres, and we just voted to zone it R-1 if it's annexed, so there could feasibly be a lot more homes.

MR. KELLEY: Yes. So if you can see these two lines, this is the county subdivision. The floodplain overlay would apply generally in this area, and a small portion would apply on this southeast area, as well.

MS. GEUEA JONES: So a third of it? So there would still be eight acres that were buildable?

MR. KELLEY: Something along those lines, yeah.

MS. GEUEA JONES: Approximately? Yeah.

MR. KELLEY: Uh-huh. Yes.

MS. GEUEA JONES: Yeah. So that's, if I'm remembering correctly, nine homes?

MR. MACMANN: It depends on what you want to do.

MS. GEUEA JONES: Yeah. In R-1. Yeah. I'm just trying to think, like, for the future, because we're not -- we're not just deciding how this is going to work out for the next five years, so I'm kind of trying to play out what -- what would be allowable under R-1 with the floodplain to be built.

MR. KELLEY: With it being in the floodplain overlay, they would be required to get a floodplain

permit, as well, with a PE -- professional engineer -- signing off on that.

MS. GEUEA JONES: Okay. Thank you. I know it's speculative, so thank you for -- for helping me with my mental exercise.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yeah. In your cost estimate for sidewalk, you said Public Works estimates the sidewalk at \$104,000. Is that for sidewalk to actually be constructed, or is that fee-in-lieu? Do you have an idea of what fee-in-lieu would be?

MR. KELLEY: That number is fee-in-lieu. I don't have a number for specifically this location.

MR. ZENNER: The construction cost estimate that was given is based on a two-year average of the construction -- the cost to construct public sidewalks within the City of Columbia.

MS. CARROLL: Okay.

MS. LOE: Commissioner MacMann?

MR. MACMANN: A note. The sort of walks in front of my house, one side cost \$80 a foot, the other cost \$120. So you're talking \$120 and \$80 depending -- this looks to be straightforward, but it's every bit of \$100K.

MS. LOE: Commissioner Burns?

MS. BURNS: Thank you. Mr. Kelley, could you put up the image that shows where the elementary school and the Atkins Park. So I'm looking -- I'm trying to figure out who is going to be walking on this sidewalk, and was there any study done about pedestrian traffic currently?

MR. KELLEY: No. When I stopped by the construction site, this actually was one person walking out there, but they generally felt that automobile traffic was rather limited. That's all I can really offer for that end.

MS. BURNS: Okay. Thank you.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Could you on this map or any overview, I was wondering if you could point out -- you mentioned there was one to the south that we denied the sidewalk waiver a year ago. Approximately, where was that in relation to this?

MR. KELLEY: So if you can see the -- the City limits here, it was for this plat here. It was about 1,200 linear feet.

MS. CARROLL: Can you show me on the over -- the satellite image again so I can get a perspective in relation to the school and the park, as well?

MR. KELLEY: Sure. Basically imagine this portion of North Oakland Gravel Road.

MS. LOE: Sorry. Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Kelley, do you recall, because I do not, what the owners due south plan to do with that property?

MR. KELLEY: I believe they were intending on developing a farmette, so hobby farms, zoned Ag, so they're limited into how many homes they can construct on the property. I believe it's two lots, so, by

right, without any other zoning action, they could have two -- a single-family home on each.

MR. MACMANN: Thank you. I have no further questions.

MS. LOE: Thank you for that clarification, Mr. MacMann. Commissioner Placier?

MS. PLACIER: So the portion of Oakland Gravel just to the west is County. Correct?

MR. KELLEY: I don't -- along this frontage, as well, this is County maintained.

MS. PLACIER: Yeah. And so the County, at this point, does not require sidewalks even along the developed --

MR. KELLEY: No, not to my knowledge. There are generally three subdivisions that in the County to the west. One of them, if you can see this one right here, that's more central. It has sidewalks in the interior of the subdivision. As Pat is mentioning, that was built according to City standards.

MS. LOE: When are sidewalks required to be built by the owner?

MR. KELLEY: At the -- they're required to show them on their building permitting plans. Through the building -- basically, through the building permitting process. Typically, in the City, we would have a performance contract that guarantees that, and they would need to be constructed within three years. But it's when they're developing the property and getting the building permit, so when they're constructing the home.

MR. ZENNER: It's tied to the CO and the permit for the residential structure for anything other than a common lot fronting a public road right-of-way, at which point the three-year provisions within the performance contract apply.

MS. LOE: So I have admit, this gave me a bit of pause simply because of the scale of the lot to the scale of the proposed development, and I was wondering if there is any way to phase some of the construction of the sidewalks such that can -- can we build -- build it proportionately with the amount of construction being done so it's such that can we require some in relationship to the area being developed or put some conditions such -- I mean, and back to Commissioner Burns' point, that should the site be developed or subdivided in the future, that would trip the requirement for the rest of the sidewalk to be completed. Have we ever explored an option? I'm thinking this is -- will not be the only site where the construction and the scale of the site aren't -- have some disproportion.

MR. KELLEY: I think part of the issue is that it's a 12.7-acre lot --

MS. LOE: With a large perimeter for the sidewalk.

MR. KELLEY: Yes. Just trying to think of options. Potentially, they could replat so that the lot that they are trying to develop does have a more, you know, limited frontage. The minimum building with a lot line for R-1 is 60 feet. So if they replatted this into a smaller lot, multiple lots on this with a replat, and then just developed a smaller lot, then they would be required to build less sidewalk. And then should another replat come forward for the larger part of the property, that redeveloped tract would, you know, go through a similar process, being a resubdivision within the City.

MS. LOE: Okay. I saw some hands. Commissioner Carroll?

MS. CARROLL: Yeah. That same idea occurred to me. She should -- she could replat and

subdivide so that she's building -- she's only looking at building a portion of that, that could also solve some of this contiguous boundary problem, if I'm looking at the map correctly, which is not something that we discuss here. But that may be a route.

MR. KELLEY: If I may add one more thing real quick. The City sewer that goes to the property is on the southeast portion of the site. I do not know where the applicant intends to construct their home or develop, but that developed lot would need to have connection to City sewer.

MR. ZENNER: You cannot take a lateral -- you cannot cross a property line with a lateral to connect to the public sewer. Therefore, the subdivision of the property may not even be possible without resulting in construction of additional sewer main in order to provide service. And I think to Ms. Carroll's point, you still -- you end up with either an annexation agreement if you were to divide this property in the County versus a direct annexation, but you still potentially will have the issue of a sewer main extension because of the way that the policies exist to not allow a lateral line, not allowing private common collectors to be created. So the cost -- you're going to start to -- you're juggling costs at that point. A 12-acre tract of land versus two smaller parcels and having to do an extension of public sewer. And the public sewer requirement is because they are within -- they are directly impacted by public sewer, and that is why there is no option. If the sewer was a distance and the cost associated with getting to that sewer met the criteria of the Health Department, there may have been other options available, but because the sewer is directly on the property, it is required to be utilized. There was a lagoon shown on the site plan that was included with this presentation. It was an error in the -- an error in accepting -- the County accepting a permit application and a misunderstanding of where the public sewer line was on this property. So there was no permit issued. The Health Department did indicate to the County's permitting staff that that request would have to be withdrawn and, at that point, that is where the process entered the City's annexation cycle.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I kind of see where we're going here. No one wants to make them build the sidewalk. I do not want to make you build the sidewalk either primarily because -- and the reason I asked about the property to the south of. She's got a note for \$150K. She's going to get another note for at least \$100,000 to build a sidewalk? I think I find that onerous. And you guys know, and just so you know, I am usually very much you got the property, you build the sidewalk. I plan to move in that fashion unless, when we get there, we haven't even done public comment yet, unless someone gets some kind of wonderful Solomon idea between here and there.

MS. GEUEA JONES: Madam Chair?

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: My question is this. If this, instead of being one County lot, were two County lots, a north County Lot and a south County lot, the south County lot would be the only one that would require annexation because that's the only one that the sewer touches. Am I understanding that correctly?

MR. ZENNER: That's -- that's where the house is to be constructed. And if I'm not incorrect, the parcels cannot -- the parcels would have to have -- since it's not a 20-acre tract of land, which, if I'm -- the County's regulations, which I'm not familiar with, I believe has a ten-acre minimum for agriculturally zoned land, it could not be subdivided, and the County will require for the subdivision the ability to have access to sewer before they will allow it to be subdivided. So it's a Catch-22. We have run between both the City's planning staff and the County's planning staff, we looked at every option under the sun by which to allow this applicant to build their home short of having to go through this annexation process and every option that we presented and we discussed between our comparables that the County indicated that the only way that they would issue a permit, and so there was a direct assurance that they would have sanitary sewer available to this property, and we cannot speak on behalf of Council. Therefore, we're processing the application as is required by the Health Department because the Health Department will not issue the on-site system permit.

MS. GEUEA JONES: Sure. I'm just trying to understand because it seems that this property owner is put in a very awkward and tenuous position because the sanitary sewer line crossed Oakland Gravel Road and touches their property. And I'm just trying to make sure that I understand that is what is happening because that makes our decision more rational to the specifics of this case as opposed to being a larger policy statement.

MR. ZENNER: So to divide the property in the County and then to divide a property in the County --

MS. GEUEA JONES: No. I'm not saying that. I'm just saying -- I'm just saying, hypothetically, if that sewer line didn't touch this property, we wouldn't have this problem.

MR. ZENNER: Very possibly, but it would depend on what the proximity of the sewer line is and what the cost of getting to that sewer line would be. If it were not on the property, but within 300 feet of the property, a cost-benefit analysis would be required to have been performed, and if it didn't show that that cost-benefit analysis was -- it was more expensive to make the connection to the public sewer than it was to operate long-term the on-site system, they would still be required to connect, but it would be through an annexation agreement.

MS. GEUEA JONES: Thank you. That -- that --

MR. ZENNER: Well, actually, I apologize. It would not be through an annexation agreement; it would actually be through an agreement because they are contiguous. It's the continuity of the property to the City's municipal limits which draws the distinction between an annexation agreement or a direct annexation. The mere fact that the sewer is on the property is -- is the requirements of the Health Department and the City's annexation policy because you're wanting to connect a City sewer, you have to go through -- and you're contiguous, you have to go through the annexation.

MS. GEUEA JONES: One -- one more question that I hope is quick. Can we put conditions on the waiver such as I think maybe Commissioner MacMann or Commissioner Loe was talking about where if it is subdivided in the future, that removes the waiver?

MR. ZENNER: I -- I think that you can. What I would suggest is the way that the -- the way that the policy resolution functions, so the Planning Commission has to review the design adjustment criteria of the UDC, we apply in this unique instance, because it's unimproved, the design criteria -- or the criteria for the policy resolution. The policy resolution allows the option for a payment in lieu of, our regular design adjustment criteria does not. So -- and that is a -- that's an option that the Planning Commission can utilize to recommend to the Council instead of construction. We have the money in hand, and it would be used in the future. The other option is, as you -- the other way that the performance -- the policy resolution functions is if a waiver is granted, if a full waiver is granted, that does not reduce the City's right or ability to, in the future, if sidewalk were construction in this particular -- in this particular location to be tax billed to the property owner to recoup what would have been required to have been paid in the fee -- the payment in lieu of. So I think one thing to keep in mind is the City of Columbia and reconstructing streets has a complete street policy. We would build or reconstruct this roadway to be fully incorporative of a sidewalk and a pedway at that time that that construction came along. So the question potentially is, do you -- pursuant to how you have handled similar situations, recommend a payment in lieu of and let Council, at that point, potentially override that recommendation and leave their option to tax bill at some point in the future, or do you just grant based on the hardship that exists and the impracticality if you see it that way for this property owner to be obligated to construct. I wouldn't apply conditions. I think it becomes far more challenging for us to probably deal with in the future.

MS. GEUEA JONES: Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: On that point, it's very difficult to say what's going to be -- Mr. Kelley, it's not on a ten-year CIP. CATSO has no plans?

MR. KELLEY: It is on the major roadway plan as a neighborhood collector, but there are no plans in the CIP, to my knowledge.

MR. MACMANN: Okay. Capital improvement plan, for those of you who are here, anything that's not planned for the next two or three years, it's not funded, and it's just an aspiration. It's not a plan. Again, I -- I believe we should grant the design adjustment, and if Council thinks we're wrong, they can certainly tell us we're wrong. Normally, I would not do this. If this person chooses to replat to develop this property, then it will become a definitive issue. And at that time, even if we waive -- if we grant the design adjustment, at that time, this individual comes back and decides to develop this property, and to answer your question, probably six to nine per acre, so that's a lot of houses, the City can address it at that time.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Again, I'm struggling with this one, actually, and I didn't expect to. I'm not looking at what will be some day or what we predict will be. I'm looking at what is even right now, and I see a neighborhood development just to the west. I see another development just to the north with quite a few houses. I see already existing plans for a trail extension in the area, extension of Bear Creek Trail.

And I -- I feel you and I understand the hardship it -- there is a real hardship here, and I don't deny that at all. I -- I'm also concerned, you know, about the fairness, how I would rule in another situation, how I ruled just last year, and the community at large and how it affects more people and more properties. I believe in being fair and consistent, and, yeah. I don't know if I feel comfortable changing how I would typically vote in this situation.

MS. LOE: Any additional questions for staff? If not, we're going to open up the floor to public comment.

### **PUBLIC HEARING OPENED**

MS. LOE: If anyone has any public comment on this case, please come forward. Again, we need your name and address for the record.

MS. DALY: My name is McKenzie Daly. My current address is 1710 Gypsy Moth Drive, which is Columbia, Missouri. I'm going to backtrack just a little bit. I believe you asked about what the floodplain looks like, and I have a visual of that if you would like to see it. I printed out the map. I -- I apologize. I didn't know how many of you there were, so I only printed five.

MS. GEUEA JONES: We can share.

MS. DALY: It's the 100-year floodplain map that I was able to find public on Google. I -- it references -- hang on just a second. I can tell you. Flood insurance rate maps of unincorporated Boone County is what you're looking at, and I zoomed in closer to the property. It gives you about 20 acres to the west and I don't know how many acres to the east, and a little bit to the south, just to give you some reference. So to circle back to what Mr. Kelley said, it's about 70 percent of our budget that we're looking at if we are required to put in these sidewalks. If that happens, that will completely halt and probably finish the construction of the single-family home that we're seeking to put on the property due to the fact that we're a young couple and that's just -- that's what we've got. So that's the first thing. Second thing is the fence. I don't know if could see it in the picture, the roadway pictures, by chance. Yeah. Any of those should work. That fence that you see and those trees right there is continuous to the rest of the Horse Fair plots because they were all, at one point, all one big about 60-something acres parcel. So those are all continuous, so not only will removal of that cause us to -- to pay some things, there will be maintenance and repair costs to Deborah Booker, who owns both the Plat 2, the 20 acres to the west and direct north property. It's about five or six acres, I believe. Let's see here. Going back to the floodplain map that I gave you, this corner here that you see in these pictures floods almost completely. And so, at that point, there's been natural drainage that has happened. The roadway has obviously survived that at this point, but that floodplain in the next picture of the corner going south. Yeah. There you go. You can see the mud across the road. This is almost every time it rains kind of thing because the creek floods across at both points of this corner and usually goes down within a few hours. So it's been brought to my attention not only by myself, but by the neighbors around us that sidewalks being added to this area will affect this drainage which affects three driveways here in this corner, and then, obviously, traffic to either direction. Let's see here. That's mostly my comments that I came prepared with. To put a little bit of the

area into perspective, the entire west fence line and the north fence line and the three parcels that connect there, I'm actually set to inherit, so I can tell you a little bit of just what our plans are for that. This, in the plan now, which I'm 24 years old, to put into perspective, is that this is not going to be subdivided. We plan to leave it as much the way it is now as possible, and that comes to be 60 acres or 12, the five to the north, there's an eight-acre parcel, and then 22, and I want to say, and like 12. My math may be really bad there, but that's kind of my general grouping. My grandmother was unable to make it tonight. She owns the property directly to the west, and like I said, directly to the north, and she wanted me to make sure that I brought up that that corner floods, to speak on her behalf, just due to circumstances. Does anybody have any questions before -- yes, sir?

MS. LOE: Commissioner Stanton?

MR. STANTON: What are your intentions for real with this property?

MS. DALY: We'll live on it forever.

MR. STANTON: Single family?

MS. DALY: Single family. My mom grew up on the property. My family has owned it since 1967. My grandmother would haunt me from the dead.

MR. STANTON: This is why I'm asking, because what -- as you see, the Commission is feeling both sides, but I'd be real ticked off if we gave you this, and all of a sudden you threw up, like, 20 --

MS. DALY: I cross my heart and hope to die.

MR. STANTON: Became a billionaire and --

MS. DALY: I better be in the ground before that happens.

MR. STANTON: Then we make you make this sidewalk, and you're, like -- and then --

MS. DALY: No, never. I wouldn't do it, I swear. I swear. I do.

MS. LOE: Commissioner Carroll?

MS. CARROLL: I'm trying really hard to be convinced. I really am. Okay. So you were talking about other plats surrounding it.

MS. DALY: Yes, ma'am. All Horse Fair plots are with my family.

MS. CARROLL: Get a map.

MS. DALY: If you do back to the aerial map. I'm sorry. I made you change it. So there's a very long driveway to the west there, and then open pasture land next to it. Those are two parcels, and I can't tell you what Horse Fair lot they are just because I know them by what my family calls them. The horseshoe shape back there where your mouse just was is another parcel, eight acres.

MS. CARROLL: Okay.

MS. DALY: I think the backfield is another. I think there's, like, five pieces. I'm set to inherit all of those. I'm the only kid, the only granddaughter left, and that's -- yeah. That's what I know, so, yeah. I don't know if that answered your question. I'm sorry.

MS. CARROLL: It does, because there will be fewer walkers from the -- fewer pedestrians from the adjoining subdivisions.

MS. DALY: I've also lived in the area for 24 years. I know he said that there was only one walker on the road, and there's maybe two sets of people that have walked on the road my whole life. And all but, like, the last two years, I've lived in about a mile radius of that area, so --

MS. CARROLL: Do you know where the Bear Creek planned extension is on this map, like, very approximate is fine?

MR. KELLEY: Yeah. As -- would you mind if I take the mouse? So if you kind of follow this general wooded area, Bear Creek kind of swerves through here. There's across the road, the property about this location, but generally follows the wooded area southward along here.

MS. CARROLL: Okay.

MR. KELLEY: I'm only aware of the trail easement, specifically in this area, being dedicated right here. I'm not aware of the easements on -- or potential easements along any other section.

MS. DALY: To the east are all current single-family homes that have been there my whole 24 years, if that's helpful.

MS. LOE: Commissioner Stanton?

MR. STANTON: That's a lot of land. I'm looking at the -- you're trying to tell me that you're not going to get paid and make big bucks subdividing that? You're just really trying to tell me that, seriously?

MS. DALY: I'm telling you, if you knew my grandmother, she would haunt me from the grave.

MR. STANTON: There will be a lot of money on the table.

MS. DALY: No.

MR. STANTON: And there's going to be people on the side say you're only 24, you know, you might want some money.

MS. DALY: I know what I've got. I swear I do.

MR. STANTON: Okay. Thank you.

MS. DALY: You're welcome.

MS. LOE: Commissioner MacMann?

MR. MACMANN: A couple of things. Planner Kelley, could you return to the southbound photograph at the curve? There we go. Ms. Daly, I guess it is.

MS. DALY: You're fine.

MR. MACMANN: How far is it from, like, the edge of the road to those trees? Like eight feet?

MS. DALY: Oh, I could probably lay down there.

MR. MACMANN: Okay. That's kind of what I --

MS. DALY: It's -- at most, it's eight feet.

MR. MACMANN: So, and you're saying, also, this entire area floods when that creek comes up?

MS. DALY: Yes, sir. That -- the tree with the leaves on it that you can see there, like, on the trunk, right behind that, you see that tall grass. That's, like, actually more or less marshland than grassland, like, to the point where we can't mow it.

MR. MACMANN: I can see it. So in the floodplain, if this map is correct, this is a --

MS. DALY: I don't -- that's the one I was able to find last night to print off. I was hoping that it would be useful.

MR. MACMANN: If this map is correct, and I think it is, the bottom -- well, the middle third of this entire property that requires a sidewalk is in a floodplain?

MS. DALY: It would be all but --

MR. MACMANN: So -- plus more, because of where the creek would actually cross, where that feeder creek actually crosses. So that area would have to be constantly repaired or have a culvert under it to be effective. Also, we would be putting a pervious surface that will make the water worse. Also, Mr. Kelley, could you look back up north on our photographs? The trees to the south and then those trees to the north, they're gone. The trees are gone and we're putting more pervious surface in. Mr. Stanton -- Ms. Daly, I'm using your time; is that okay?

MS. DALY: Yeah. Go for it. It's fine.

MR. MACMANN: The City -- we give them the waiver; the City will retain the right to tax bill them. If they come back in to plat this -- I know it's 60 acres. She's going to inherit it. It's a horse farm. It was probably a whole section at one time, 160 acres. We still maintain control. I think -- and normally I would be on the other side of this. She's not here. If she could afford to replat, she would have someone other than herself up here. She would. We would be speaking with a gentleman that we see all the time.

MR. STANTON: Might be hoodwinked.

MR. MACMANN: So if we are hoodwinked, if we grant the waiver and we are hoodwinked, the City can tax bill when they get to that point.

MR. STANTON: Okay.

MS. LOE: Also, I mean, if I understood correctly, but just following normal procedures. Should this be subdivided in the future --

MR. MACMANN: It would come back --

MS. LOE: -- would that trip the sidewalk requirements again? So this is not a --

MR. ZENNER: It's not a done deal.

MS. LOE: -- permanent waiver.

MS. DALY: Okay.

MR. MACMANN: Ms. Daly, I apologize for using your time.

MS. DALY: That's okay.

MR. MACMANN: But I did intend to further your cause.

MS. DALY: I appreciate that.

MR. STANTON: No. I really appreciate you came back up here.

MS. DALY: My goal is to not do this.

MS. LOE: You're doing a great job.

MS. CARROLL: I've cried at that podium before, too.

MS. DALY: That makes me feel better.

MS. LOE: Any additional questions for this speaker? You're off the hook.

MS. DALY: Thank you.

MS. LOE: Thank you. Any additional speakers on this case?

MR. DALY: Mark Daly, 9230 Highway HH, Hallsville. Son and daughter-in-law heard several times that wanted to be tapped in. They don't -- they don't have an option. We looked at replotting, and they said it didn't matter. They would still be forced in. I would say 75 percent of your sidewalk will be under water. I also heard major roadway. Not true. This is a back road. Everybody goes around alfalfa. The subdivision to the west has interior sidewalks, which one of you mentioned, not a roadway. These kids are on a budget, trying to get their first house. They're being forced to be annexed. And I like how you think, I just want to say that, but --

MR. MACMANN: You probably wouldn't all the time.

MR. DALY: You know, this -- give these kids a chance, and trust me, her grandmother, she scares the -- she scares me. She's a very strong woman. I believe her word, but just the same, deal with it when the time comes. Give these kids a chance. That's all I ask.

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

MR. DALY: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, I'm going to close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission comment?

MR. MACMANN: Ms. Carroll had something to say.

MS. LOE: Well, Commissioner Geuea Jones? You haven't spoken.

MS. GEUEA JONES: I -- I want to make a clean record and whether -- if Commissioner MacMann is going to lay out the rationale, I will yield. But I want to make sure we have a clean record of the rationale for this. So I -- I would state it as the following: There are serious environmental problems with putting a sidewalk on this lot. That is a unique feature to this lot. We talk over and over again about floodplain protection, tree protection, things like that. And I think that there are some serious things that you would have to do -- tree removal, interfering with the floodplain, interfering with potentially wildlife on the marsh -- we haven't done any of those kinds of studies. That, combined with the fact that this is a single lot that we will only allow one home, one single-family home to be built on, despite its size, I feel that the cost of putting in a sidewalk would be an undue burden for that land use. Finally, I would point out that any subdivision of this lot would bring the owner back before us, and future building permits would require sidewalks in that case. So if, at some point, 40 years in the future, your retirement plan -- the owner's retirement plan ends up being build a subdivision, we will, at that time, be able to require sidewalks. So that -- for all those reasons, I do not think it is an arbitrary decision to go against what has been our normal course to allow for a waiver in this case.

MS. KIMBELL: You could make that a motion, and that would work.

MS. LOE: Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners have no other comments, and in homage to Commissioner Geuea Jones' reasoning, I'm going to make a motion. In the matter of Case 70-2020 [sic] Horse Fair Lot 3 design adjustment, I move to approve.

MS. RUSHING: 2022.

MR. MACMANN: Did I misspeak?

MS. RUSHING: I believe you said 2020.

MR. MACMANN: Restating the case number, Case 70-2022. Thank you.

MR. STANTON: What was your motion? To --

MS. LOE: To approve.

MR. MACMANN: To approve the design adjustment.

MR. STANTON: Okay. Okay.

MS. LOE: Seconded by Commissioner Kimbell. We have a motion on the floor. Any discussion on this motion? This motion is to approve the --

MR. MACMANN: The sidewalk waiver.

MS. LOE: The sidewalk waiver.

MR. MACMANN: The design adjustment.

MS. LOE: Seeing no discussion. Commissioner Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Mr. MacMann. Motion carries 9-0.**

MS. CARROLL: We have nine votes to approve; the motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council. Commissioner MacMann?

MR. MACMANN: Thank you. Just a minor point of order. To the Daly family, you still have to go before Council. Bring your A game. Okay? Thanks.

MS. LOE: All right. That brings us to our last case for the evening.