

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
March 9, 2023

Case Number 94-2023

A request by Simon & Struempf Engineering (agent), on behalf of JR2 Development, LLC (owners), for a revised preliminary plat expanding the approved Fox Creek Subdivision to 121 lots, and a design adjustment to Section 29-5.1 of the UDC pertaining to the maximum permitted block length. A concurrent request seeks the annexation of the property and permanent R-1 (One-Family Zoning) on the subject tract.

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

MR. PALMER: Yeah. Sorry. Hopefully, I can clarify some things for you. Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the Fox Creek Subdivision Preliminary Plat No. 2, and the requested design adjustment for Section 29-5.1 of the UDC pertaining to the maximum block length, pursuant to minor technical corrections.

MS. LOE: Thank you, Mr. Palmer. Does that conclude the report? Okay.

MR. PALMER: I just wanted to get you to the right slide there.

MS. LOE: All right. Before we move on to questions of staff, I would like to ask any Commissioners who have 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. Any questions for staff?

MR. MACMANN: I want you to ask your question.

MS. LOE: First question I have, Mr. Palmer, is simply a note for the record since we seem to be dancing around this annexation issue. In the second paragraph of the report, it states that concurrent request, Case 97-2023, proposes to permanently zone and annex an additional 16.52 acres. I would just like for the record to note that that should be permanently zoned upon annexation.

MR. PALMER: Correct. Yeah.

MS. LOE: All right. Can you go back to the slide showing the distance of the street lengths between the intersections? That one. Yep. So in the report, it had identified that the block lengths were 635 feet and 690 feet, and this slide shows --

MR. PALMER: Yeah. It is focused on the one that's to the west, that 700 was the 690 in the report. It's -- it's -- it's right around there. Being that it's a curve on the south end there, it just measured out differently when I did the measurement today on this slide. But, again, it's roughly six -- 700 feet, is

what I would say.

MS. LOE: But do we also have a 750-foot and 820-foot lengths?

MR. PALMER: Yes. And the 820 is -- is what was approved previously. The southern half of this is what is new information, basically, so --

MS. LOE: That was approved in 2016, I believe.

MR. PALMER: Correct.

MS. LOE: Prior to the UDC?

MR. PALMER: I believe -- yes. I don't know what the requirement was at the time, but --

MS. LOE: Okay. Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. A couple of things. We keep the -- I don't mean to ask this rhetorically, but I am. We keep the block lengths short for what reason?

MR. PALMER: There's a -- there's the long straight-away roadway safety concern where it leads to more speeding traffic. Then there's also just the accessibility aspect of it in terms of emergency services. A lot of that is in --

MR. MACMANN: That's where I was going.

MR. PALMER: A lot of that would be affected by a dead-end street where this connects in multiple directions.

MR. MACMANN: But the fire department is totally okay with that?

MR. PALMER: Absolutely, yeah. They -- they --

MR. MACMANN: I'm going to ask that one more time. The fire department is totally okay with this?

MR. PALMER: Yes.

MR. MACMANN: Okay. You brought up something and then we said we didn't need to pay attention to it. I'm going to go back to it for a moment to the inter-lot connectivity.

MR. PALMER: Uh-huh.

MR. MACMANN: What you say doesn't matter. Why are we even -- you confused me when you brought it up.

MR. PALMER: I'm confused now, too, so --

MR. MACMANN: Well, we're not getting anywhere here, Mr. Palmer. Could you return to the slide that demonstrates the inter-lot connectivity, the ingress and egress?

MR. PALMER: That one there?

MR. MACMANN: That one right there. While you were presenting this, you talked about something that didn't matter. What are you talking about?

MR. PALMER: I'm not sure I remember that aspect.

MR. MACMANN: Just --

MR. ZENNER: I can answer the question for Mr. Palmer because it was actually my observation, as I was reviewing the staff report, and forgot to change the design annexation component that Ms. Loe

brought up, and that is my error. I'll vouch for that. The issue that Mr. Palmer was talking about, about the second design adjustment that was requested, or that was identified and that the applicant requested for was the interconnectivity of providing stub streets to the adjoining properties to the north and to the southeast -- or to the southwest. The Code, as Mr. Palmer pointed out, and as I went back and reread the Code section, specifically prohibits the City from being able to require stub street connections to be made to developed or previously platted parcels.

MR. MACMANN: Can I stop you just right there?

MR. ZENNER: Uh-huh.

MR. MACMANN: I do understand you. Okay? Now I understand why it was brought up. Because of that, although Mr. Simon made this request, we do not need to address that issue at all; is that correct?

MR. ZENNER: No. That is correct. So the staff report makes a -- makes a connection to the fact that there was a second request, that we do believe that it would be -- it would have been appropriate to provide the connections, but because the Code prohibits the requirement, that -- that design adjustment wasn't needed. It was advertised, but it was, as we were finalizing the report, not needed to be considered by the Commission because the Code automatically exempted it.

MR. MACMANN: With that in mind, I might have a question for legal. Do we need to delete it? I mean, what -- I just want to make sure we have our i's and our t's all straightened up here, because it was advertised.

MR. PALMER: So that request won't be for -- I mean, it will be laid out in this report, and then there's an explanation as to why it's been, basically, withdrawn.

MR. MACMANN: I'm trying to make this -- I'm trying to make this as clear for Council as we can when they get it, and we've already got five things. Number one, we're deleting the extra ingress-egress. Number two, we must address, and I'm sure legal is going to want a separate motion for the design adjustment for the long streets.

MR. ZENNER: That is correct.

MS. THOMPSON: Yes.

MR. MACMANN: Yeah. Okay. And then the notes at the end there about the sewer and the other things also.

MR. ZENNER: There is notes already. They're plat notes that are on the plat that were applied by the applicant, and through the preliminary platting provisions, a developer can self-impose restrictions, so there is no need for a vote on those.

MR. MACMANN: Okay. How could I address that, just subject to technical corrections? Will that get everyone?

MS. THOMPSON: That's sufficient.

MR. MACMANN: Thank you. Just want to make sure. It was getting a little ragged there. That's all. I just want to make it a little tighter. Thank you very much. Madam Chair?

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

PUBLIC HEARING OPENED

MS. LOE: If anyone has any comments that they would like share on this case, please feel free to come up to the podium. We need your name and address for the record.

MR. SIMON: Keenan Simon, 210 Park Avenue. I am the -- I am representing the applicant, JR2 Development. All right. So I'm going to try and just touch base on a few things here to support -- I'll try not to watch the news. One second.

MR. PALMER: I think if you just move the mouse off of it, it'll go away. Maybe not.

MR. ZENNER: Go ahead and start.

MR. SIMON: I'll try and be short and sweet here and just note a couple of items to support Rusty's report to you guys. Previously -- previously approved plat from 2016 is very similar in nature to what we have. Aside from the expansion to the north and to the south, in general, the design adjustment that we're requesting, what we have is Webster Grove Drive on the west had side of the property. There is Forester Avenue on the east hand side of the property has approximately 24 foot of elevation difference between those two streets. If we were to make a direct connection like noted in Rusty's report that would allow for cut-through traffic, it also would require a very steep roadway. With the loop design, it allows for a very gradual slope to connect these two streets, so that is the basis behind the design adjustment. It really has to do with the grade difference between those two existing streets and making sure that we can provide that connection in a -- in a manner that would allow for emergency services to -- to access that without a steep -- a steep drive, if that kind of makes sense. Looking at this display, whenever we were kind of talking about the stub roads and, I guess, provide a little bit additional support on why we were not wanting -- or why we felt like it was not reasonable to provide a stub to the west, the definition, number one, the lots are developed and they are platted. Number two, there's no sewer capacity within this rectangle block of 11 lots that are developed here. Furthermore, there's no additional connectivity to where a development could, I guess, have a second means of access to allow for higher density development behind this without removing a house. I just wanted to kind of touch base on why we went back and had the discussion about these -- essentially a stub road to that -- to that area. And it's a very similar condition to the north. There's two nice developed estate lots directly -- directly to the north of us. And, once again, it's the same scenario. There's no sewer capacity to develop this area now. We are -- Fox Creek -- the Fox Creek development is pumping about a mile away down on Wyatt Lane west of -- west -- if you follow Mexico Gravel Road west. So with that, if you have any questions, I'm here to answer.

MS. LOE: Thank you, Mr. Simon. Any questions for this speaker. I see none. Thank you.

MR. SIMON: Thank you.

MS. LOE: Any additional speakers on this case? If there are none, we will close public hearing.

PUBLIC HEARING CLOSED.

MS. LOE: Commissioner comments? I'll jump in. Regarding the long streets, we've had some

other proposals come in that have exceeded the 600-foot minimum. And, Mr. Palmer, if you can go back to the screen that shows the road lengths? When I read the report, I thought we were talking more in the 635 up to 690, but then seeing this, I'm beginning to feel like we're talking longer lengths. Regardless, in previous cases when we've exceeded the length, and I've gone back to the text in the UDC, which identifies local streets shall be designed to provide convenient and safe access for all modes of transportation, including bicycles and pedestrians, to all properties and to permit efficient drainage and utility systems. So we've heard tonight that the fire department has signed off on this layout allowing emergency vehicle access. However, I'm still concerned about promoting pedestrian and other modes of access through this community. In those other situations, we've included a pedestrian path through the block, through the long block to help, and I have to admit that is what I'm contemplating might make me more amenable to approve -- or supporting the long blocks here. Additional comments? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair, for reminding us of that. I do remember two others that we had where -- as we're looking at it lateral or horizontal connectivity. I will say this one in particular, and not to disparage his name, but to use him as a good example. Mr. Crockett had one and he had somewhere to go with his walkway. Where could these folks go with their cross-cut walkway? There is a developed subdivision to their west. Correct? I -- I get your point completely. I totally do, but I do remember that case. I think we had this a couple of times where we've added horizontal or vertical -- excuse me -- cut through, but there was some place for them to go. I mean, number one, I would get out of here. Can you imagine walking out. It's a -- it's a third of a mile to get -- to walk out, you know, if you want to go one way or the other, and you happen to be far enough away.

MS. LOE: I'm not sure a destination is required. I'm thinking it's more to promote connectivity at a pedestrian scale within the community. Even within my own neighborhood where what -- you might have block lengths about this -- but we definitely have cul-de-sacs and the neighborhood children cut through my backyard to avoid having to go around along the full length. It's that type of connectivity to allow neighbors to walk and meet.

MR. MACMANN: I'm with you. I live downtown, as you know, and we -- it's a lot of short blocks. When you contemplate, if we may go back and forth here a little bit. If you contemplate those type of cut-throughs, would be you would be thinking about dividing this central area; is that what you're thinking? Just to make it easier to move from point A to point B?

MS. LOE: I would. We've heard that there's some elevation change. I think for pedestrians, that may not be such a challenge and some people might welcome having a bit of a variation. My mother complains that the Katy Trail is too flat, so she -- she likes the fact that I live on College Park Hill.

MR. MACMANN: This would not be too flat.

MS. LOE: And I see the same people going up and down the hill. So, yes. Some people welcome that, but I also think that it could be adjusted depending on the terrain. It doesn't necessarily have to fall right at one spot, just break it up.

MR. MACMANN: Madam Chair, may I redirect you?

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you. We have two options, is that -- well, three options. We could ignore what you said. We could vote the design adjustment down and, in that case, we would have to vote the plat down, or we can do something that always make me a little uncomfortable, and that's legislate from the dais. Do any of these plats options intrigue you?

MS. LOE: I guess I would like to know what the Commission -- I don't -- I don't want to dictate.

MR. MACMANN: I understand. You and I have been discussing, but we have other Commissioners here.

MS. LOE: Commissioner Stanton?

MR. STANTON: I see the design. They've got the first variances approved in their first time. I just did the math. They looked at it and said, hey, they got away with it on the first one, let's go ahead and double it because the distance is 1,455 on the top that they got approved, and 1,450 on the second part. So they were, like, hey, we got it approved the first run. Let's go for it and ask for a variance on the second one. They gave me a first one, they're going to give me the second one, and I don't have to put a walkway in.

MS. LOE: Mr. Palmer, was the requirement or was the 600-foot maximum extant when this came through the first time?

MR. PALMER: I believe it was. I don't know the answer to that, off the top of my head, though.

MS. LOE: I thought it was 750.

MR. ZENNER: I believe it was 750. We did not have a -- we had a -- terminal dead end streets were at 750-foot maximum, and I cannot remember what block length maximum was in the pre-2017 code. This is the design that was approved with this original plat. At that time, there was no contemplation of completing the loop that you see shown here with the property that has been acquired to the south. Had the property to the south been acquired at the time that this plat was originally approved, the design adjustment likely would have been considered for the entire loop street that was there given the exact same conditions exist today as it relates to topography. So the question is, is what was approved in 2016 with this plat, which did not have any different topographical related issues, is that not a reasonable extension of the approval? Yes, we may have more options and more definition within our current UDC as it relates to block length. But had all things been considered equal with the additional 11-plus acres to the south having been acquired and incorporated in this, would it have been likely at that point that we would not have approved the same design adjustment that is now being sought. I completely understand the approach that you're taking with mid-block breaking in order to allow for pedestrian access, but if we were trying to create pedestrian accesses that are usable by all classes of citizens regardless of their handicap, creating a steep grade access to cut through that block does nothing potentially to support those particular individuals when, in fact, the loop street does create the option for people to be able to circulate safely through the neighborhood, maybe not through a cut-

through, but it does allow for that type of access. We have not evaluated, nor has the applicant evaluated, putting a cross-cut-through sidewalk system in this neighborhood. You know, you have an option to request that the applicant give consideration to that, and bring this back in a month or when we have our next Planning Commission meeting for further evaluation, or, as Mr. MacMann as pointed out, you could deny the design adjustment straight up. With that, you, in essence, then deny the plat, as well. But, I mean, there -- what's being asked for at this point was not something that was explored by staff given its belief that the circulation pattern was supported by our fire service and, in essence, was not creating any less desirable an outcome as it related to circulation. Now, no -- no offense taken in regards to the observation and the desire for pedestrian cross-connectivity, but all these roads will be built with sidewalks for pedestrians to traverse the development on already as well.

MR. PALMER: And I can add, too, that that vehicular connection at least with the associated sidewalks was contemplated during the concept review phase of this project, and at that time, staff and the applicant were in agreement that that grade was just more of a negative impact given its -- it's 20 feet. I'm not sure of the depth of the lots, but, you know, it's ten plus percent slope, which I believe falls outside of our standard street desired range, you know. And then also just -- again, there is a connection provided to the property to the southeast, and if that property were developed, there is essentially another route through all of the development here, which was seen as a benefit and also as a requirement because that lot is not developed as of yet. So in looking at the grand scheme of things, this is kind of localized. The loop is obviously kind of a speed bump in the design, but hopefully in the future, at least that other connection that's provided to the south will provide almost a bypass around the loop, around that south edge of the loop, so --

MS. LOE: Any additional questions or comments -- sorry? Commissioner Placier?

MS. PLACIER: Just to follow up on that, is that grade the same for the entire length of the loop, or just where it was --

MR. PALMER: It varies. Mainly, though, in its direction. You can kind of make out topo lines on this map. Basically, at the north end, it's straight. I believe, west to east, I think it slopes downhill. And then on the south end, it gets back to straight, but in the middle, it's kind of a drainage channel. So there's kind of a two -- two whole sides facing each other. And in the middle where the drainage is is where that roadway connection appears to be logical, but it's also probably the worst place for -- in terms of slopes.

MS. PLACIER: Yeah. I just don't want to -- I'm agreeing somewhat with Commissioner Loe that I don't want us to get into a position down the road where everybody is wondering there's no way to get to that other part of this place except going all the way around. You know, I can't walk over there. It doesn't seem that there is an easy remedy at this point, given the topography, but it -- it does seem to be a missed opportunity.

MS. LOE: Additional comments? Commissioner MacMann?

MR. MACMANN: Just a logistical point. Planner Palmer, could you put the road lengths back up

for me, please?

MS. PLACIER: Oh, I understood what it was --

MR. MACMANN: Okay. All right.

MS. PLACIER: Yeah. You don't have to -- yeah.

MR. MACMANN: Well, I wasn't for sure until I started going through it myself.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Request for legal. As that one is critical, we should do the design adjustment first?

MS. THOMPSON: Design adjustment first, yes.

MR. MACMANN: Could you put that up for me, please? In the matter of Case 94-2023, approval of a design adjustment to 69 -- to Section 29-5.1(c)(ii) approving block lengths over 600 feet, and subject to minor technical corrections, I move to approve said design adjustment.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Stanton. We have a motion on the floor. Any comments on this motion? Any discussion on this motion? Commissioner MacMann?

MR. MACMANN: Just for our audience, all motions must be made in the affirmative, just so you know that. Thank you. I'm done.

MS. LOE: I have a comment. So I understand that this block length may have maybe preceded by an earlier plat. However, I do believe that it is being replatted. I do believe the layout is different. And while the route -- a route between east-west route may not be accessible, not all routes are required to be accessible. And the accessible route is often the longest route given the grade restrictions on -- for accessibility. So I'm not ready to dismiss a pedestrian route simply because it's not accessible, especially if another route is. So I also feel we're being inconsistent in asking for provisions of the Code to accommodate other modes of circulation as stated in some cases, but not others. So I am -- I just can't support this as it is. Commissioner Stanton?

MR. STANTON: Commissioner Loe, you're completely correct, but the previous plat, they got the green light. So they used that as precedent to get the second, so they -- you know, we --

MS. LOE: Mr. Stanton, I'm simply explaining my -- my --

MR. STANTON: I'm saying I approve, but --

MS. LOE: You are free to vote any way you want. Commissioner Placier?

MS. PLACIER: I think we also understand that a developer is going to develop the maximum number of lots and this design is designed to do that. We only can see one design. You can -- only can see one plat. And, again, I -- I -- it has been pointed out to me that the practicality of this, but I do still argue that it's a missed opportunity not to allow more pedestrian or bike or other kinds of circulation that we have in -- in many other neighborhoods closer to the -- the center of Columbia where people can get around much more easily without a car.

MS. LOE: Any additional discussion before we call the roll call? Seeing none. Mr. Zenner, may we have a roll call, please.

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

MR. ZENNER: Split vote, three-three. That is a recommendation -- there is a no recommendation, but it is a vote, so that's what happens when we only have six Planning Commission members. Applicant is not out of the woods yet. You still have your second motion. Since we have a no recommendation, Ms. Thompson, that is not a negative, so therefore, action on the preliminary plat is appropriate; is that correct?

MS. THOMPSON: They can still take action and -- and make a motion on the preliminary plat, yes.

MR. ZENNER: And both recommendations, the no recommendation and what your recommendation is on the preliminary plat would be forwarded to City Council. I guess the point I am making is that no recommendation is not a recommendation that requires a denial. If I may, before we have discussion and make a motion, let me ask the applicant something.

MR. MACMANN: Can I ask a legal question?

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Ms. Thompson?

MS. THOMPSON: Yes.

MR. MACMANN: Three-three is a no. It's a negative vote. Right?

MS. THOMPSON: I'm trying to pull up your rules and procedures here now. Just give me one moment.

MR. MACMANN: Okay. I was -- I'll -- I'm under the understanding, and that's why I'm talking to our attorney, that unless it's a majority vote, it's a no vote. We have two option, yes or no.

MS. LOE: I thought it was a no recommendation.

MR. MACMANN: If we voted three to three, it is no. That's why I want -- I'd love Ms. Thompson to clarify that point for us. If we didn't vote -- we don't have a majority, Mr. Stanton. It's a no. So I just want to make sure before we go on any further.

MR. ZENNER: Ms. Thompson, if you were to go to the City's community development page, go to the Planning and Zoning Commission, the Planning and Development and the Planning and Zoning Commission, their rules of procedure are there. I believe what we have previously in past incidences where you have had a tie vote, that vote, and if you recall correctly, the first vote on the short-term rental ordinance was a six -- a three-three split, that was a no recommendation. It was a recommendation that there was no recommendation because you do not have a prevailing side, and that is why it's considered -- it's a vote, but it doesn't have an up or down. If I may, while Ms. Thompson is looking for this, since we -- I can convey to you things and not have to open up the public hearing. In conversing with the applicant, the capability of being able to address the issue of pedestrian connectivity that would not be

fully accessible can be incorporated into the design. It would require a redesign or it would require a modification to the design. So there are possibly two ways this could be addressed. This can be addressed through reconsideration of your previous vote to specifically allow -- to allow the design adjustment with the proviso that upon the approval or consideration of the preliminary plat, an additional condition is added that a connection be provided between the two loop streets, to which point then we would require that that adjustment be made, reviewed, and approved prior to forwarding to City Council for the document. And that would be tied, I would probably suggest that we will hold both the permanent zoning, as well as the preliminary plat, if necessary in order to do so. The public hearing request to set the public hearing for the first meeting in April of Council has been forwarded, so that is already in the queue. However, we have the opportunity to potentially push that public hearing date back at this point. So it is entirely in your hands as to how you would like to handle this, but the applicant has communicated that they would be willing to consider that modification to the plat.

MS. LOE: Thank you, Mr. Zenner. Commissioner MacMann?

MR. MACMANN: I am deeply uncomfortable with revoting on something we just voted for, number one. Number two, an option, as I see it, is that an applicant in this situation does not want to have a vote in the negative on their plat. That plat could be withdrawn at any time, and reapply to this body. If it's a no, there's months ahead. So far, the design adjustment has been not forwarded.

MR. ZENNER: The jeopardy clause does not -- if I am not incorrect as to the procedure to the Code -- does not apply to technical items such as subdivision plats or design adjustments. It applies to land use changes. So, i.e., rezoning requests. The recommendation on the rezoning request was to recommend approval of the permanent zoning subject to annexation. So, yes. You could deny the preliminary plat. Mr. Simon could come back on behalf of the applicant and resubmit at the next application deadline a brand-new plat. However, what I understand and I believe what's been discussed here this evening is what I would believe as a -- as the administrator of the subdivision code and the technical requirement, something that is a technical change, that we easily can accommodate, based upon any direction that you give us. Hence, the reason why I offer the opportunity for you to reconsider your motion, which is permissible, to be able to just maintain moving forward with this particular project and not necessarily inconveniencing the applicant unreasonably.

MS. LOE: Commissioner Wilson?

MS. WILSON: I would entertain reconsidering it simply because we didn't have the information before we voted, so the vote wasn't really informative. So it seems to me that voting again would be appropriate.

MS. LOE: Thank you. Commissioner Stanton?

MR. STANTON: I would like to make a motion.

MS. LOE: Well, Commissioner Thompson, or sorry -- Ms. Thompson?

MS. THOMPSON: A couple of things. What Mr. Zenner informed you all regarding a tie vote is correct. Section 21 of your Rules and Procedures states that in the event of a tie vote, the motion shall

be sent forward to the City Council without recommendation, but with indication of the tie vote. So there would be no recommendation as -- as said by Mr. Zenner. You all may reconsider the motion. You can make an alterative motion if it is to approve the design adjustment with an additional condition. That would be then a different motion.

MS. LOE: Do we need to withdraw the first motion or --

MS. THOMPSON: No. If -- if you're making a different motion to --

MS. LOE: It's a different motion.

MS. THOMPSON: A different motion would be to approve the requested design adjustment with a stated condition, that would be then a separate motion.

MS. LOE: All right. Thank you. Commissioner Stanton?

MR. STANTON: That's how I see it, Madam Chair. As it relates to Case 94-2023, I move to approve the requested design adjustment from Section 29-5.1(c)(ii) permitted block over 600 feet in length with the provisions of a pedestrian connection between the loop, the two streets in the loop.

MS. LOE: Is that enough, Mr. Zenner, for you to --

MR. ZENNER: That's enough guidance. We'll work with the applicant to facilitate.

MR. STANTON: Per technical corrections and staff approval.

MS. LOE: We have a motion. Is there a second for that motion?

MS. KIMBELL: I'll second.

MS. LOE: Second by Commissioner Kimbell. We have a motion on the floor. Any discussion on this motion? Seeing none. Mr. Zenner, may we have a roll call, please.

MR. ZENNER: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Ms. Placier, Ms. Kimbell, Ms. Wilson. Voting No: Mr. MacMann. Motion carries 5-1.

MR. ZENNER: Amended motion to the design adjustment approved five votes to one.

MS. LOE: Thank you. We're going to move on to the preliminary plat. Commissioner Stanton?

MR. STANTON: I would like to make a motion, Madam Chair.

MS. LOE: Yes, please.

MR. STANTON: As it relates to Case 94-2023, I move to approve the Fox Creek Plat 2 preliminary plat pursuant to minor technical corrections.

MS. KIMBELL: I'll second it.

MS. LOE: We have a second by Commissioner Kimbell, moved by Commissioner Stanton. Motion on the floor. Any discussion on this motion? Seeing none. Mr. Zenner, may we have a roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Ms. Placier, Ms. Kimbell, Ms. Wilson. Voting No: Mr. MacMann. Motion carries 5-1.

MR. ZENNER: The motion passes five to one.

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