

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
February 6, 2025

CASE NUMBER 63-2025

A request by A Civil Group (Agent), on behalf of Drew Properties, LLC (owner), for approval of a design adjustment from Section 29.5.1(f)(iv)(D) of the UDC relating to individual driveway placement on newly created non-residential lots with less than 300-feet of roadway frontage along arterial or collector roadways and approval of a six-lot final plat to be known as "Arcadia Plat 10" which contains a survey tract and previously platted lot shown on Arcadia Plat 8. The 13.66-acre subject site is zoned IG (Industrial) and M-C (Mixed-use Corridor) and is commonly addressed as 2205 Brown School Road.

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:

- Approval of the requested design adjustment from the provisions of Section 29-5.1(f)(iv)(D) requiring a minimum of 300 feet of roadway frontage be provided along arterial and collector roadways to permit newly created non-residential lots to have individual driveway access.
- Approve the final plat entitled "Arcadia Plat 10," pursuant to minor technical corporations.

MS. GEUEA JONES: Thank you, Before we go to questions for staff, do any of my fellow Commissioners need to recuse themselves from this case?

MR. WALTERS: I do.

MS. GEUEA JONES: Commissioner Walters, you are excused.

MR. WALTERS: Thank you.

MR. CRAIG: Oh. And, Commissioner, before you go, just as a matter for the record, you are a member of Drew Properties, LLC. Right?

MR. WALTERS: I am.

MR. CRAIG: And Drew Properties is the owner of the subject property of this -- of this hearing?

MR. WALTERS: Yes.

MR. CRAIG: Okay. Thank you.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my other fellow Commissioners have had contact with parties to this case outside of a public hearing, please disclose so now. Seeing none. Questions? Commissioner Brodsky, yes?

MR. BRODSKY: I have a couple of questions. The -- the southwest parcel, I guess the tip of the

hook or the tip of the foot, depending on what -- how you want to see it, access to that will be gained from Brown School or from Roger Wilson?

MR. PALMER: From Brown School, and that's shared driveway location on the map if you saw it and go back here, it'll actually be between these two lots along the property line.

MR. BRODSKY: Okay. And then my next question, I was looking at the -- you know, the list of items that were the five items that we're, you know, supposed to be using on -- or using to evaluate whether or not we want to support these, and this might be more of a legal question. But when you look at 29-5.2(b)(9), it says that staff and the Commission, all five of those has to be met for an approval, but Council only has to -- you know, they use those things as considerations when making a decision. So just curious that difference there, and again, I'm still getting used to the Code.

MR. ZENNER: The actual provision is a "may" consider for the Planning and Zoning Commission, and I believe it is a "shall" consider for Council. So they are considerations, but they are not mandates.

MR. BRODSKY: What it says is if a design adjustment is requested, the director or Commission may recommend approval of the design adjustment if it determines that the following criteria have been met. And then the next part, it says, and the Council shall consider these criteria in making a decision." It just seemed -- seemed like we had different -- different instructions than Council might have with that language.

MR. ZENNER: So typically when we evaluate design adjustments, we are utilizing general criteria that a design adjustment has to be evaluated based on the impacts that that design adjustment, if granted, will create. Is the design adjustment, if granted, creating an equivalent or a superior outcome as if the actual regulation written within the UDC were to be applied. And so part of our analysis, we have to go and we look at the Comprehensive Plan, and the Comprehensive Plan, in and of itself, provides broad general guidance for the community as a whole. However, when we look at the specific conditions associated with a particular location where a design adjustment is being proposed, and we look at the outcome that would be generated if that design adjustment were granted against all of our other regulatory requirements such as the minimum design requirements for spacing driveways, we have to do a balancing test. And so what Mr. Palmer described was a balancing test that we operated against as it related to those conditions. And that is how we typically will approach a design adjustment is fully within the purview, as I have stated before to this Commission, as it relates to design adjustments. If you are not satisfied that the criteria here is met based upon the testimony that's been given by both staff and by the applicant, it is fully within your purview to default to what the code requires and require the applicant to share driveways as in this specific instance.

MS. GEUEA JONES: Commissioner Brodsky, the way I have always read it is that it doesn't say all of the following or each of the following or anything like that, so I always read it as a more of them are met than not is kind of how I've always read it, and I think that's how we've always behaved, applied it for sure, but, I mean, I'm willing to defer to legal if that's not how we should be reading it.

MR. CRAIG: Well, I'm hesitant to decree City policy on the fly. If you want to revisit that, I'll defer to Mr. Zenner. If you -- if you don't think the criteria has been met, don't vote for it, but I -- I know this is how it has been done. If that's an invitation and I said to -- to commit the City to an interpretation policy that on the fly, I'll politely decline that invitation, but we can -- we can visit that certainly.

MR. BRODSKY: Yeah. Just, again, I'm getting familiar with this new UDC and kind of seeing differences in language, so I wanted to just ask that question. And I guess my -- my last question, obviously, on, you know, that southernmost driveway that's along Roger Wilson Drive, obviously, that meets MOCAN -- or MOCAN -- MODOT distances from that intersection. Would that -- would that right-of-way access be further north if -- if we weren't trying to create the spacing to allow for multiple drives?

MR. PALMER: That's a potential outcome, yeah. So it's pushed, I think, about as far south as it can be because we're trying to make up the spacing for all the other lots along Roger Wilson. I think one thing to consider though, so all of these lots, when development comes to us, there are provisions that would require traffic study and maybe some further evaluation of those entrances if they are a producer of heavy traffic. So we're looking at it just as, you know, lines on a -- on a map, without really knowing what might go on those lots. And so those MODOT standards are kind of our only guide for, you know, the spacing itself, and so that's what they're trying to address up front, but again, if it's a heavy traffic producer, we may have to revisit it, and I don't know what a recommendation would look like if that's the case, but that would probably involve, you know, rethinking where those are located and how to address them. They might be right-in/right-out only. We've done that before. But, yeah. There's -- there's a couple different outcomes still beyond what's on the plat, so --

MR. BRODSKY: That's all I had. Thank you.

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

MS. PLACIER: Yeah. You had mentioned heavy traffic, and that was one of my questions because we are cramming three IG lots in here, and thereby giving certain by-right uses to those. Are there any of those potential uses that could generate heavy traffic? I mean, we're making some kind of assumption that they wouldn't, but --

MR. PALMER: Well, yeah. Again, the fact is we don't know what they are. the M-C is probably going to product more traffic than IG, but IG produces heavier traffic, like, you know, physically heavier traffic. So right now we just don't know. Again, when they come in with, you know, development plans, that's reevaluated, and based on, you know, the -- our traffic division's standards, certain users produce more than 100 daily trips, and those would require a traffic study, and that's on a lot-by-lot basis, typically, unless they all come in together for development. But each one of those would then carry with it some type of -- potentially some type of improvement along the roadway that would offset whatever they're impact is, so --

MR. ZENNER: And I think to add to that, Ms. Placier, the lots themselves do not have to be a minimum of 300 feet. There is no minimum lot frontage in the IG or the M-C zoning district, so these lots are compliant. It is -- obviously, the differentiation here is in order to actuate or facilitate the ability to

have -- each to have their own driveway, which is what the request is to permit, they'd have to be 300 feet. So again, if you're not satisfied that the testimony that has been provided by staff or maybe provided by the applicant is sufficient, you can deny the request. These lots still would be considered legal in their zoning districts. The driveways, however, would then have to become shared.

MS. PLACIER: Yeah. Understood. It's just the extra driveway has the potential to create more traffic hazard, so got to consider that.

MS. GEUEA JONES: Any other questions for staff? Commissioner Loe?

MS. LOE: It's one additional question on the criteria -- criteria number four, design adjustment is being requested to address the unique feature of the site or to achieve a unique design character. And this is identified as being supported. Mr. Palmer, can you just -- I mean, as you said, the site doesn't appear to have any unique characters, it's straight and flat. Is that a point of view?

MR. PALMER: Well, so the -- the unique character, one aspect of it is -- is the lot size. Being smaller lots, it's not as feasible to have those shared drives. You're basically putting a -- almost like a frontage road along the front of those in order to get driveway access to both unless it's, you know, just a shared drive along the lot line like the one to the south, which, you know, has minimal impact to what's going on. But the other aspect, too, is it's the applicant's desire to have individual driveways, and that's from her personal experience from what I understand. I'll let Mr. Gebhardt kind of expand on that if he has more information. But, you know, it's -- it is doing both, in our evaluation. It's -- it's addressing kind of a limited lot size when it comes to those IG zoned lots that are a little smaller in size than what we would typically see, and then they're also trying to maintain those as a -- you know, the unique design feature or the unique design characters that they are pursuing that individual drive, so --

MS. LOE: Just for my clarification, currently, the parcel is -- has one or two lots?

MR. PALMER: It's currently all one lot except for the -- the hook to the southwest.

MS. LOE: So the six lots is proposed?

MR. PALMER: Right.

MS. LOE: It's not an existing unique feature, it's a proposed feature that they're creating the hardship by proposing six lots?

MR. PALMER: In a way, yeah.

MS. LOE: All right. Thank you.

MS. GEUEA JONES: Anyone else? Seeing none. We will open the public hearing.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Please come forward. State your name and address for the record. The applicant and groups get six minutes, everyone else gets three. Whenever you're ready.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt; I'm a civil engineer with A Civil Group, here tonight representing Drew Properties and also the contract purchaser's representative is here also. The contract purchaser has the north three lots under contract, and they -- they would like to -- or desire this to be a medical office area, and that's what the -- her -- her intended use for one of the lots is

and trying to encourage others to come up there and build their offices. The 300 foot is -- I believe meets even the intent of the Comprehensive Plan because the Comprehensive Plan in a very simple way is, you know, we want to have safe entrances. And we -- I believe by meeting the minimum access management standards that are adopted by the City and by MODOT, we're meeting that requirement. And also one of the, you know, other reasons I think this would make sense, again, it's low traffic now, but it is a frontage road, so one side of the road won't have any driveways, you know, so for most of the length of that. So the conflicts that we have won't necessarily be as -- as if it was a road that served lots on each side. If you have any questions, I would be glad to answer them directly instead of just talking.

MS. GEUEA JONES: Any questions for this speaker? Commissioner Brodsky?

MR. BRODSKY: Mr. Gebhardt, I think that was actually a great answer to the unique feature that might allow this, the fact that it's a frontage road and half the road is never going to be developed. My concern is not so much -- you know, I get it. You don't want to create another frontage road on a frontage road, just to serve these three lots. But my concern is how far south it pushes the access for the southern two lots there. Would it be something that you could work with where maybe Lot six has its own drive, but maybe four and five share a drive on that parcel line, and that would allow those southern access points to come further north and away from that intersection?

MR. GEBHARDT: Well, the -- the owner of the property is actually sacrificing quite a bit by allowing the spacing for the northern tier by pushing that driveway to -- toward the intersection, it's more and more likely to be a right-in and right-out only, and that's -- I don't think that we need to be answered today, but if a large amount of traffic -- (inaudible).

MR. ZENNER: Jay, can you speak into the mic?

MR. GEBHARDT: Oh, sorry. I could very well see that happening. But, yeah. Two hundred and twenty feet is -- is the minimum requirement, and by putting it there, the owner is accepting that that may not be able to function as a full access easement or driveway in the future.

MR. BRODSKY: That's all I have. Thank you.

MS. GEUEA JONES: Any other questions for this speaker? I have one, and it may -- maybe I should have asked staff. There is one other lot, the M-C lot to the north. Will placing driveways all along those northern three lots create a problem with that lot?

MR. GEBHARDT: No. We maintained the 220 feet for the existing driveway for the soccer club.

MS. GEUEA JONES: Okay.

MR. GEBHARDT: Is this that driveway you're talking about?]

MS. GEUEA JONES: Yeah. Just that little, like, parking or whatever that is? Yeah.

MR. GEBHARDT: Well, we've met that requirement for that, too.

MS. GEUEA JONES: Okay. I just wanted to make sure we didn't inadvertently make that -- that owner's lot much more difficult should they ever need to do something different with that in the future. Anyone else? Commissioner Williams, did you have something? Commissioner Williams, go ahead.

MR. WILLIAMS: Can you just address the traffic situation as you're aware of it, at different times

of day, different days of the week, and how that might interface with the intended use of the --

MR. GEBHARDT: The County owns 80 percent of that land that is used by Roger I. Wilson, the 911 center, the sheriff's jail. There is a fire training center out there. Those types of uses generally don't generate, and I don't see the County selling this for -- you know, to a developer to develop into a shopping area or anything like that. So I think the traffic is -- I mean, it's labeled as a major collector. It's not an arterial street. I think that's appropriate because the types of uses that are going to occur here are -- are not going to be that great to the north of us. The five acres to the south is zoned M-C. It could have a small shopping-type area in it, but we don't know at this point. The purpose of this right now is to create the three lots for the contract purchaser who wants to build a medical office.

MR. WILLIAMS: And as far as the soccer club, are you aware of traffic patterns on that?

MR. GEBHARDT: It's evenings and weekends, so it's not -- you know, it's not the a.m. peak or the p.m. peak where we would be worried about it. I also have worked with the soccer club and the remainder of their property to the west of that, they -- they don't plan on adding any more fields or expanding. They believe they have enough fields to meet their needs the way that is now.

MR. WILLIAMS: I have a question for the City staff, if I may? The driveway in the south that's close to -- well, let me back up. I was trying to understand. Are we approving the -- the plot that would -- is the part of the plot we're approving just the northern three, or is it the entire six?

MR. PALMER: The plat will be all six lots. The design adjustment that would have to be approved before the plat is approved is just for the three lots on the north.

MR. WILLIAMS: Okay.

MR. PALMER: They are providing spacing for all driveway access points, but the design adjustment applies to those northern three lots. Those are the only three that don't meet the 300 foot requirement for frontage.

MR. WILLIAMS: And so what part of the -- I hear -- I hear Commissioner Brodsky's concern about this Lot 2 and where it -- the driveway, just the proximity to the intersection. And I'm curious, again, for City staff, what the process is for evaluating that since it's not part of -- I don't think it's -- it's not really part of what we do. Correct? That's a separate City department.

MR. PALMER: I mean, sure, you get to consider it, but our traffic division is included in our review of these. It meets, again, the MODOT standard which they have adopted, as well. I'm sure there was discussions about, you know, potential uses and traffic generations here. Like Mr. Gebhardt mentioned, it may become right-in/right-out. That's one of the things we would do to limit the impacts that might be created. But it meets our standards, the traffic division reviewed this and approved that location along with all the others, so, yeah. Again, it falls back on the MODOT standards which we've adopted in the city of Columbia, as well, so --

MR. WILLIAMS: Great. Thank you.

MR. GEBHARDT: If I may, the -- you know, when -- when Lot 2 is brought in for development, it will be looked at, and if it creates more than 100 trips in the a.m. peak or 100 trips in the p.m. peak, then a

traffic impact study will have to be made. And if left turn needs to be put in or whatever, what needs to do to, you know, mitigate those impacts of that traffic, then they would have to do those offsite improvements.

MR. WILLIAMS: And how far is the driveway as proposed from the intersection?

MR. GEBHARDT: It's a minimum of 220 feet. I don't know the exact distance, but we put stationing on the drives based on center line and so it can be calculated, but I don't -- it's greater than 220 feet.

MR. WILLIAMS: Okay. All right. Thank you.

MS. GEUEA JONES: Anyone else? Commissioner Loe?

MS. LOE: Mr. Gebhardt, you've characterized Roger Wilson being a frontage road at that location, but Drew Properties owns a lot, a 2.4 acre lot across the east side.

MR. GEBHARDT: They do.

MS. LOE: Across from lots 2 and 3. Do you know what their planned -- any plans for the use of that lot is at this time?

MR. GEBHARDT: No. I do know several C stores have looked at it, but declined that location due to the MODOT will not allow any access on Brown School Road from that -- that lot.

MS. LOE: So that lot --

MR. GEBHARDT: -- and that pretty much killed the C-store.

MS. LOE: But -- so -- which was going to be my next question. Access to that lot will be from Roger Wilson?

MR. GEBHARDT: Correct.

MS. LOE: Thank you.

MR. GEBHARDT: MODOT has limited access on that section of Brown School Road, so there is no access allowed.

MS. GEUEA JONES: Anyone else? Commissioner Placier?

MS. PLACIER: I'm glad you mentioned left turns because I'm not sure everybody realizes that the narrow two-lane without space for creating a left-turn lane at this point. And that concerns me about the lots closer to the intersection because we already have this situation at Rangeline and Vandiver where people are turning left into the Starbuck's and this other stuff that's right there near the -- near the intersection, and it's created a little bit of a problem. I'm not sure this is going to have the draw of Starbuck's, but I think it's going to have to be a consideration.

MR. GEBHARDT: Yeah. The M-C portion of this, and Rusty had an aerial view of the road and it showed a curb and gutter, and that pretty much goes across the M-C portion of this property. But there is right-of-way being dedicated, so if a left-turn lane is needed, there's room to -- to build one. Now existing pavement isn't necessarily wide enough --

MS. PLACIER: Uh-huh.

MR. GEBHARDT: -- but you can see that taper in that drawing. It's coming down from the left

turn that goes onto to Brown School to get on to 63. (Inaudible). I believe that's a 38-foot section of road right there where there's curb and gutter, and then it narrows down to the -- but if the buyer wants to put a driveway in -- and their clients, or I've been told, are more elderly, so she's concerned about their entrance and exit to this, so I'm sure they'll consider putting something like that in to -- to make it safer for their -- her patients.

MS. GEUEA JONES: Any other questions for this speaker? Seeing none. Thank you very much, Mr. Gebhardt.

MR. GEBHARDT: Thank you.

MS. GEUEA JONES: Next member of the public to speak on this case, if any, please come forward. Seeing none. We will close public hearing on this case, and go to Commissioner comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Are there any Commissioner comments in this case? Anyone like to make a motion? I believe -- do we need two votes, one on the design adjustment and one on the plat, or just one vote?

MR. CRAIG: I think it would be preferable to do -- to break it up into two motions, first for the design adjustment --

MS. GEUEA JONES: Design adjustment first?

MR. CRAIG: -- and the second the plat itself.

MS. GEUEA JONES: Very good. Commissioner Stanton?

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

MS. GEUEA JONES: Please.

MR. STANTON: The first one would be on the design adjustment. I move to approve the requested design adjustments from provisions of Section 29-5.1 (f)(iv)(D) requiring the minimum of 300 feet for roadway frontage to be provided along arterial or collective roadways to -- to permit newly created non-residential lots to the individual driveway access.

MS. GEUEA JONES: Is there a second?

MS. WILSON: Second.

MS. GEUEA JONES: Motion made by Commissioner Stanton, seconded by Commissioner Wilson. Is there any discussion on the motion? Seeing none. Oh, sorry. Commissioner Loe, go ahead.

MS. LOE: I just wanted to, for the record, identify that I'm going to not support the motion based on I'm going to concur with Commissioner Brodsky's interpretation of the ordinance, and that it does not say some of the criteria, it says the following criteria, which I do not believe all have been met. Thank you.

MS. GEUEA JONES: Thank you. Any other discussion on the motion? Commissioner Brodsky?

MR. BRODSKY: This is more for the benefit of City Council if they're reading our minutes. I do think that might be something we want to look at again if we -- if we ever do come back and make changes to the UDC. But I think I'm going to support this, and a big part of my reason is Mr. Gebhardt's

response to the uniqueness, you know, the fact that we will not see development along the east side of this road was compelling to me, so --

MS. GEUEA JONES: Anyone else?

MR. CRAIG: And I might chime in before you go to vote.

MS. GEUEA JONES: Please go ahead.

MR. CRAIG: I think the fact that the ordinance, the section says it's discretionary on the part of the Commission, it doesn't say shall approve if all those. It would create a situation which would be of much higher threshold at the Commission level than there would be at Council level. So the fact that it is discretionary, I think, it lends -- I agree that it is not very clearly written, but I -- my -- I think it, as it is discretionary, it's weighted factors, I will -- I will put my two cents in on that, so, thank you.

MS. GEUEA JONES: Thank you very much. Commissioner Stanton?

MR. STANTON: I'll jump in this discussion. Yeah. If we held the standard that all -- all the criteria had to be met, we would be creating a heck of a precedent because there's a lot of cases where it looks good, everything is lined up, but it'll cost a million dollars to happen, which would be an economic -- and if that criteria was not met, it would be a whole bunch of cases that we would have to review, so most or more or most important, you know, it's our discretion. This is why it comes before us. We're kind of the jump ball in basketball, and this is kind of a jump ball situation.

MS. GEUEA JONES: Anyone else? Commissioner Williams?

MR. WILLIAMS: To me, I think, you know, when you look at the fact that the driveways are going to be spaced out consistent with the MODOT standards, a visual review of this is, you know, 225 feet is 75 yards, which is a sizable distance with the level of traffic and the contour of the road, so I don't think it's going to create the problems that the 300 feet was intended to avoid.

MS. GEUEA JONES: Anyone else? I appreciate the comments of Commissioners Brodsky and Loe and that's a discussion I think that we probably need to have as we continue to refine the UDC that we worked so hard to put into place. I am defaulting to you have to meet the criteria of the UDC on this one, and a big part of that is actually the fact that it is a long straight stretch of road. I think that you're going to -- if presumably we now have five driveways in a straight line for these relatively small commercial lots, I think you're going to end up with a lot of people pulling into the wrong one, pulling out and having to go to the next one if you don't have that internal flow. And I think that that is another -- when the UDC talks about traffic flow and that sort of thing, I think that that is one of the considerations, not merely is it hilly, can you see from one to the other. It's not just visibility, it's also traffic flow. And I think this is asking for traffic flow problems especially when, you know, we're not talking about residential drives, so we're definitely not talking about people backing out, but that also means that we're talking about a lot more traffic and a lot more ability to create internal circulation because you don't have things like front yards. So I -- I just don't find a compelling reason to create five separate entrances along a stretch of road where people are likely to be going at a pretty good clip, where there's not a lot of other traffic which will also tend to be -- or there's not a lot of other reasons to stop other than those five, which

means I -- I just don't see a compelling reason to give the exception, and I think that it is likely to create future problems if we do grant the exception. So for those reasons, I won't be supporting it, which is I think a little different than what other folks have been talking about so I wanted to get that on the record, as well. With that, any other discussion? Last call. Commissioner Williams, when you're ready, this is on the design adjustment only.

MR. WILLIAMS: I'm up first this meeting.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. William, Ms. Wilson, Mr. Brodsky, Mr. Stanton. Voting No: Ms. Loe, Ms. Ortiz, Ms. Placier, Ms. Geuea Jones. Abstention: Mr. Walters.

MR. WILLIAMS: It is a four-four split yes and no. I defer to the Chair as to what that means.

MS. GEUEA JONES: So that is a no recommendation vote, or is that a recommend denial vote?

MR. ZENNER: No recommendation pursuant to your rules of procedure.

MS. GEUEA JONES: That's what I thought, yes.

MR. ZENNER: And that is what will be forwarded to City Council.

MS. GEUEA JONES: So that lack of recommendation will be sent to City Council. Thank you very much. Oh, sorry. The other thing before we move on to the next case. Do we still need to vote -- yeah, yeah, yeah. We still need to vote on the plat. Can we approve the plat without the design adjustment, and make the motion as such?

MR. CRAIG: Yes. Yeah.

MS. GEUEA JONES: Okay. So it will be subject to corrections?

MR. CRAIG: Yeah. Yeah.

MR. STANTON: Subject to the approval of -- or does it still go through -- no. It can't go through as it's currently presented without the adjustments?

MS. LOE: The plat shows driveways.

MS. GEUEA JONES: Yeah.

MR. CRAIG: Oh, subject to correction, removing the --

MR. STANTON: Approval. Right?

MR. CRAIG: Yeah. Yeah. Or, yeah, pending approval by Council. Mr. Zenner?

MR. ZENNER: Yeah. I -- that's -- I mean, the recommendation on the plat is it can be recommended for approval. If Council chooses to deny the design adjustment --

MR. STANTON: The plat dies.

MR. ZENNER: -- the plat would then die. This is the reason why on design adjustment and platting actions, we take two separate votes because they will appear as two separate pieces of legislation. And so Council will have to act on the no recommendation of the Planning Commission because it's a tie vote. So at this point, not wanting to count our chickens before they hatch, if the plat is recommended for approval and it is not -- the design adjustment isn't approved, the plat would be remanded for revision most likely before action to approve it by Council because it would not otherwise be

compliant is taken. But the Planning Commission's action, you've made your motion on the design adjustment. You do not -- there is no -- there is no affirmative yes or a no, and therefore, if you are satisfied that the plat would otherwise meet all of our technical requirements, the plat can be recommended for approval with the understanding that the design adjustment is still needing to be decided and that decision is at Council. And I would, at that point, Ms. Geuea Jones, include that within whatever motion you make, but it is subject to Council's actions on the design adjustment.

MS. GEUEA JONES: So approve pursuant to minor technical corrections and subject to action on the design adjustment?

MR. ZENNER: Yeah.

MR. CRAIG: By Council, yeah. That sounds good.

MS. GEUEA JONES: All right. With that, I will open the floor to --

MR. STANTON: I will make that motion first.

MS. GEUEA JONES: Well, you need to. Yeah. I was going to open the floor to you to do that.

MR. STANTON: Oh, okay.

MS. GEUEA JONES: Go ahead.

MR. STANTON: As it relates to Case 63-2024, I move to approve the final plat entitled Arcadia Plat 10 pursuant to minor technical corrections and approval of design adjustments by City Council.

MS. GEUEA JONES: Is there a second?

MS. WILSON: Second.

MS. GEUEA JONES: Moved by Commissioner Stanton, seconded by Commissioner Wilson. Is there any discussion on the motion? Commissioner Williams?

MR. WILLIAMS: Notwithstanding my vote on the prior motion, I will say that the one thing that concerns me about this is, as Commissioner Loe pointed out, the -- on the plot itself, the issues with the design adjustment are a direct result of the plot that's been chosen by the petitioner, so I'm -- it makes me uncomfortable from a -- and I don't like to use the word -- and we don't usually use the word precedent up here. But it makes me uncomfortable to have someone bring a plot that knowingly requires a design adjustment without a very significant reason why the plot has to be designed that way, because then it sort of invites us to be constantly making adjustments to what the Code, the UDC said the standards are. Perhaps those with more seniority here would explain to me why that's an incorrect way of thinking, but that's my -- that's my concern with what -- with this plot.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: My esteemed colleague, my vast experience as the senior Commissioner on this body here, a plot can't live unless the adjustment lives. So I'm going to assume they'll talk about the adjustment first. If it lives, then the vote, if we approve this plot, would then live. If the adjustment dies, the plot dies -- the plat dies. They're symbiotic. So you have no worries. If it dies, then it has to go back for adjustment; right, Mr. Zenner?

MR. ZENNER: The Council could delay action to allow for the access arrangement to be

corrected to be compliant.

MR. STANTON: Okay.

MR. ZENNER: So the issue here is are six lots on this acreage that would otherwise comply objectionable, or are six lots with the design adjustment is what your objection is. It should not -- the acreage is capable of being divided as it is proposed, and if that's not your problem, you don't have a problem with creating six marketably sized lots for individual businesses, make a recommendation to approve the plat because the access issue will be corrected with Council's action. And if Council chooses to approve the design adjustment, that may be an indication that Council does not see the same concerns that you see with its non-compliance, and that triggers a different discussion of maybe we, as a City staff, with this Commission need to discuss and reevaluate why do we have that provision within the UDC. And that is -- so as I think Mr. Stanton eloquently put it, you all are the arbitrator of these types of actions for relief. It's the jump shot that the applicant is asking for. We've -- we've assessed this request from our perspective. The applicant has made theirs, and you make the decision. And you made a recommendation at this point to not make a formal recommendation of approval or denial, and so now we let Council speak.

MR. STANTON: Mr. Zenner, that's a jump ball.

MR. ZENNER: I'm sorry.

MS. GEUEA JONES: Thank you, Mr. Zenner.

MR. ZENNER: I'll get the sports analogies correct on another meeting.

MR. WILLIAMS: Thank you, Mr. Zenner. No. That makes -- that makes sense to me, and I -- I appreciate the distinction. Yes. I mean, these six -- the plot would be fine as it is with no design adjustment required if there was a common driveway, or enter your frontage road, as we've been calling it.

MS. GEUEA JONES: Right. Yeah.

MR. WILLIAMS: As presented with the driveways in place, that's what requires the design adjustment. So I --

MS. GEUEA JONES: Any other discussion on the motion? Seeing none. Commissioner Williams, when you're ready.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Williams, Ms. Loe, Ms. Wilson, Mr. Brodsky, Ms. Ortiz, Ms. Placier, Mr. Stanton, Ms. Geuea Jones. Abstention: Mr. Walters.

MR. WILLIAMS: It's eight to zero. The motion carries.

MS. GEUEA JONES: Thank you. That set of recommendations will be sent to City Council. Moving on to our next case for evening.