

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
April 4, 2024

Case Number 114-2024

A request by Ahmad Zafar for approval to rename Nick Court to Nick Street. The street name change would affect all residents of the 18 units on Nick Court. This change would affect approximately 400 feet of roadway.

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

Staff report was given by Mr. David Kunz of the Planning and Development Department. Staff recommends approval of renaming Nick Court to Nick Street as contemplated and indicated within the preliminary plat approval of Martaora Subdivision Plat 4.

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

MS. PLACIER: This may be irrelevant. It's just a matter of curiosity. What's going to happen to Hector Place then?

MR. KUNZ: Hector --

MS. PLACIER: Is it going to join up with Nick Street somehow or --

MR. KUNZ: It's being vacated, I believe.

MS. PLACIER: No it hasn't. The fire station --

MR. ZENNER: No. Hector -- so Hector Place, Ms. Placier, is to the south of Ria. What you see on the aerial is former Ballenger Lane. That was the right-of-way and the pavement for Ballenger that was deeded and ceded to the City of Columbia by MoDOT at the time that Ballenger was relocated further to the east. Hector then was named -- Hector is the name of the entire alignment today, but Hector north of Rea has been absorbed into the proposed Martaora Subdivision Plat 4. The right-of-way was vacated at the same time that the City transferred the property to Mr. Zafar. So all of that occurred. We transferred lock, stock, and barrel all of our land received, the excess land for Fire Station Number 5, as well as the right-of-way from MoDOT. Mr. Zafar, as part of the development of the Martaora, will be required to remove the improvements for former Ballenger, Hector, and then will be able to do his 12- or 13-lot development that is proposed.

MS. PLACIER: Right. Thank you. It just looks strange.

MS. GEUEA JONES: Any other questions for staff? I have one. Just for the record and any

future questions, the naming is irrelevant to whether or not the street goes through. The street is going to go through. The naming is a consequence of the going through if -- whether or not the name is approved is irrelevant.

MR. ZENNER: I would not be so quick to make that statement.

MS. GEUEA JONES: Oh, okay.

MR. ZENNER: The final plat has not been approved. And so as a condition of the final plat's approval, we need to have a consistent street name from McKee all the way to Ballenger. Council still holds authority to deny the plat, the final, even though they have approved the preliminary, which shows the street connection. There has been no indication at this point that that is the direction being pursued. However, in order to ensure that all of the i's are dotted and t's are crossed, the street renaming needs to be completed, and I would assume, depending on the outcome of the street name change with Council, which will precede the final plat, we will determine if we will have a connected roadway or not.

MS. GEUEA JONES: Okay. Well, I stand corrected. I made a bad assumption. Thank you. Any other questions for staff? Seeing none. We will open the floor to public hearing.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Any members of the public here to speak on this case, please come forward. And just as a reminder, your name and address for the record, and then six minutes for a group, three minutes for individuals.

MS. WILSON: Hi, everybody. My name is Tammy Wilson; I live at 4606 Nick Court right now. I do apologize that I don't have a PowerPoint presentation for you guys. I have been in communication with the developer, Eddie, and the City engineer, Phil Teeple. You may have heard of me through different communication lines. As it is, the current plat that's going to be going through when the street goes and connects through, what's going to end up happening is that -- sorry. What's going to end up happening is that there's going to end up being a right-of-way created directly in front of my -- my home, which is going to end up being the center point of the street itself, which is actually wider than the road itself, so that will end up just being there. And I had communications with them, too, maybe try and figure out a way to straighten the road, and, unfortunately, talking to the city engineer and then I also spoke to an OSHA engineer, as well, there would have to be regrading of the road and it's really not possible right now without putting a ton of money into it to straighten the road. So that is going to be a consequence of the road going through. Also speaking with the OSHA engineer, he did kind of open my eyes to some other maybe consequences that could be happening. I had him write me a letter just to try and get it down. I'm just going to read you the first sentence. "After review of the proposed stormwater drainage system, the concern of puddling and possibly flooding may occur at the existing storm drain in the turnabout portion in front of resident 4606 Nick Court," and this has to do with the fact that the elevation from Ballenger coming down to Nick Court is actually quite steep, perhaps maybe causing the pooling to happen in this right-of-way because the low point is right at my driveway, and it goes directly into a culvert. The design that they have to have their drainage boxes on the road goes directly into a center

plant right here, which would cause a slowing of the drainage, also for some of it to seep into the ground as well before it gets to the culvert, so it doesn't overwhelm the culvert. The problem is any sort of fast running rain will cause a bypass of that, and it'll -- the easiest way would be going to the low point in the road, which would be Nick Court, and that culvert specifically already takes on water from Allen Lane, McKee Street, and Perkins Road. But there's also another drainage point that hasn't been considered, and it's not in the plans either, and that would be the existing properties. These are the existing properties right here. There's seven properties. When the rain water comes into here, they drain towards the center line, and they go directly into the culvert themselves. Here's a picture of what happens. You can see in the photo -- I can pass this around if you want.

MS. GEUEA JONES: And could you give us those other diagrams that you have, as well, if you're --

MS. WILSON: Absolutely. Absolutely. And I can even give you the letter written by the OSHA engineer, and quite a few questions. It's majority questions for the City, not from me. He's also my brother, so he got a lot of joy in telling me how wrong I was, but anyways. Yes. So that shows it does have a history of flooding in that area, and as you see, it's not actually raining in the moment of when I took the photo. That was just like one of those, like, fast quick rains, and then it causes this. There has been some work done afterwards, so it doesn't cause such a bad thing, but when it does get overwhelmed, I do have flooding in my backyard, but I have healthy grass, so erosion is at a minimum. So to ensure the water flow flows into the correct drains that the developer designed, it might be a better idea not to join the road, rather create a cul-de-sac ending to ensure proper drainage, to slow the water down from that street to make sure it doesn't overwhelm the existing culvert. Keeping the cul-de-sac will also not cause a rerouting of trash collection and mail routes. I went and had a conversation with the firefighters at the one that's actually on Phyllis right there. I spoke to Mr. Pete Walden, who has over 20 years of service, and asked him if creating a cul-de-sac to cul-de-sac would inhibit his ability to be a first responder. His answer was no. They have access to Ballenger and to McKee Street. The idea is that this would give us better access from McKee Street to Ballenger. McKee Street is 0.6 miles long, and it has four connections to Ballenger. So it's not going to create -- connecting that isn't going to improve the community's ability to get to Ballenger Lane at all. It -- in that half a mile stretch, you don't need five connections to the major road. And -- but anyways -- but, however, if you do allow the connection, you could be jeopardizing the safety of those who live on the street, as well as creating a possible drainage issue. The current streetlight plans follow the City ordinance, which also means that there is not going to be a light at that area that's being created -- the public right-of-way. Eddie, the developer, also confirmed that none of these houses are going to be sold. So in a 100-percent low-income rental area, the developer is creating a dark public parking lot directly in front of my house and at the midway of the newly combined road. This could be a high foot traffic area and surrounding houses can become a target for theft. The new dark parking lot could also attract other possibilities for crime, like, drug dealers. Not only is this creating a potential location for crime, but this could raise the risk of our children having access to

drugs. This could become an unsafe place to live, and, God forbid, stray bullets can become an area in a street where 90 percent of the houses have children. This is a safety issue for the entire community. Our street is a safe haven amidst an area with a bad reputation. We are a small quiet street made of hard-working families. I am a ten-year Navy veteran, now working as a biologist at the Columbia Environmental Research Center. I have lived and owned this house since 2020. We have become a small community. We are teachers, firefighters, single mothers, landscapers, statisticians. Our children are active-duty members. The high school aged boy down the street mows my lawn when I'm out of town. The single man across the street mows the lawn and scoops the snow for the older elderly lady that can't do it herself. We are a street where kids trick-or-treat every single year because we're known as a safe spot in this area. When I fell down the stairs a few years ago, it was my neighbor that took me to the hospital. And when my neighbor had surgery on her knee and there was issues with the bus, I ended up driving her kids to school. We are a small and safe street. It is a street where multiple properties are owner occupied and live in a surrounding where it's majority rentals. We are a good influence on our neighborhood. Please do not reduce the safety that we have built in our neighborhood. Please do not bring down a neighborhood with good, hard-working people. We've created a safe area, and we do not deserve to have it stripped away from us. Please consider our safety when this zoning vote comes to pass.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. I'm going to ask you some questions. I don't mean to sound flippant; I just want to go through the process. The issue before us is to change the name of the street. Okay? It seems to me, and tell me if I'm wrong, that you don't want us to change the name of the street so the plat doesn't happen, so we don't mess up the stormwater?

MS. WILSON: Well, I'm -- I'm okay with -- I mean, of course, people should develop. Columbia is in need of housing in general. I heard you here when you walked in, you said when was the last time a low-income housing was actually built.

MR. MACMANN: Oh, yeah.

MS. WILSON: Affordable homing.

MR. MACMANN: Oh, yeah.

MS. WILSON: So 100 percent. I -- I do believe that there should be their homes built. I looked into reasons of why I -- I don't think that this road should be connected. The reason that the developer gave was to have better access to Ballenger. I feel like I've negated that. I do believe, after speaking with -- with Mr. Wilson, that because of the elevation coming from Ballenger down the Nick Court, the flood drainage will come into that area, and the -- the storm drain that's in this area, there's no stopping or seeping happen between the storm drain to the actual culvert. It's a metal tube that's a straight shot. And as the photo shows, it already does kind of get overwhelmed during some times. So adding an area and then adding -- without having it go through the appropriate drainage stops could cause flooding damages

to my home, to the home behind me, anybody in the area of the culvert.

MR. MACMANN: Madam Chair, can I follow up?

MS. WILSON: And then also for safety reasons, not just for the water.

MR. MACMANN: Oh, okay. I don't think you answered my question.

MS. WILSON: I do apologize.

MR. MACMANN: But I'm going to ask it again. Okay? The issue before us currently -- hang on. I'm going to hold that for a second. Stormwater, it can't be any worse now, it can't be worse in the future than it is right now. I agree with you 100 percent on the problems of stormwater. I've kind of made my "political career" off of stormwater. The issue before us now is to change the name of the street. There's a chance, and we're not sure, if we don't approve the name of the street, the plat doesn't go through. Is that what you're asking us to do is to not change the name of the street, so the plat doesn't go through?

MS. WILSON: There is -- they can just -- they can have the exact same plat but make it a cul-de-sac. I've had this conversation with the developer, as well. I've the conversation with a few people that it won't affect the building, that it'll just cause them to have to create a cul-de-sac, and then they can still continue and go to the City Council meeting that's up prior, and it would just be a cul-de-sac versus a connected street.

MR. MACMANN: Madam Chair, I'm going to stop asking questions. I stand confused.

MS. GEUEA JONES: Thank you.

MS. WILSON: But the plat should still go through.

MS. GEUEA JONES: Okay. Are there any other questions for this speaker? I have a question. Do you currently have an issue with people parking in front of your house?

MS. WILSON: So they're parking at the end of the street, not necessarily directly in front of my house. There is always at least two cars right there --

MS. GEUEA JONES: But the --

MS. WILSON: -- but that's also because this house doesn't have that much parking, either. But yes, people park at the end of the cul-de-sac even though, yes, it is directly in front of my house. I don't know how to explain it, but they're aimed towards the cul-de-sac end. They wouldn't be aimed directly into my house.

MS. GEUEA JONES: Okay. And there is currently no street lighting there?

MS. WILSON: Yeah. So the street lighting is, I think, this corner right here. It's not -- I don't know if it's on the other map or not. I don't think it is.

MS. GEUEA JONES: Right. But that won't --

MS. WILSON: But if they were to do a cul-de-sac, from what I understand, for street lighting is there would be one put in right here, but if this was a cul-de-sac, it would -- I could be wrong. I don't know the regulations, but I think that they would actually have to add another streetlight, so it would also kind of create a safe haven in that area too where they would actually have double the light.

MS. GEUEA JONES: What I'm trying to get at is it seems to me that the conditions that would

cause problems already exist, and so I'm trying to -- to parse out what continuing that street on past the cul-de-sac, how that will make your situation worse than what it currently is.

MS. WILSON: Right. So the cars that park are right -- let me just --

MS. GEUEA JONES: Oh, you need to -- I'll look. You've got to -- sorry -- speak into the microphone.

MS. WILSON: Okay. So the -- the cars that park there are the house that's directly across from mine. You see that the driveway is on that curve. When they go straight, the street will end up going straight in that area, as well. But they belong to that house right there, so they're --

MS. GEUEA JONES: So the people parking there now are your neighbors?

MS. WILSON: It's in the cul-de-sac, but it's -- right. Yeah, they're right there, so it's their house.

MS. GEUEA JONES: So the people that are parking there now are your neighbors?

MS. WILSON: I hear what you're saying.

MS. GEUEA JONES: Yeah.

MS. WILSON: But they're also not in this public right-of-way that's going to be created. They're on the other side, they're next to their house.

MS. GEUEA JONES: Got it.

MS. WILSON: So when the street goes straight, they'll end up having parking on that side of the road.

MS. GEUEA JONES: Got it.

MS. WILSON: Because they don't have parking next to their house other than just right there.

MS. GEUEA JONES: So last question, and this is kind of, I think, what Commissioner MacMann was trying to get at. Your -- your ask of this commission is that we have them change the design of their plat?

MS. WILSON: I guess it is.

MS. GEUEA JONES: Okay.

MS. WILSON: This -- once the -- the first notice I got of this was the changing of the street name, which has kind of spurred me into doing the research, and that's how I found out about this.

MS. GEUEA JONES: So you didn't get the original platting notice, or didn't -- it didn't register?

MS. WILSON: Maybe it didn't register. I also am a fish biologist, so I do tend to travel for work.

MS. GEUEA JONES: To be gone, yeah.

MS. WILSON: I do a lot of work in the Great Lakes.

MS. GEUEA JONES: I think that's all I have. Commissioner Dunn?

MR. DUNN: Yeah. Do we have the letter from the engineer?

MS. GEUEA JONES: Yeah. If you could pass that to Commissioner Dunn.

MR. DUNN: And you said that this OSHA engineer is your brother?

MS. WILSON: Yeah.

MR. DUNN: And just -- the other kind of question that I have for you is I know we have some

property owners here, as well as some just units. Are you a property owner where you're residing now or are you a tenant?

MS. WILSON: Yes. Yes, I am.

MR. DUNN: Okay. Thank you.

MS. WILSON: So I live at 4606 Nick Court.

MR. DUNN: Awesome. Thank you.

MS. GEUEA JONES: Any other questions? Commissioner Stanton?

MR. STANTON: I get in trouble for being direct, but I think this is the only way we're going to get this resolved. What is your remedy coming to speak to us tonight relating to the renaming of this street? What do you want us to do? What do you want the end game to be?

MS. WILSON: I want you to deny it. I want you to deny the street claim -- the street change of the name so that the -- honestly, I haven't -- I've talked a lot with the developer. Unfortunately, I was very dismissed. I even have e-mails from him dismissing me. I did have them come meet and it -- maybe this all could have happened in a better way. But my end goal is to just have them change their design for a cul-de-sac at the end, not to reduce the amount of housings or not to reduce anything, if anything, so they'll create two cul-de-sacs, they'll have double the light, they'll have -- cul-de-sacs are known for safety. I mean, it's not -- this -- we're not safe because we just happen to be that way, we're safe because the community comes together and, like, when -- if there is a house that's going to be turned over for rentals, we help each other get a rental -- a renter.

MR. STANTON: Thank you.

MS. GEUEA JONES: Thank you. Any final questions for this speaker? Thank you very much, ma'am.

MS. WILSON: Thank you for listening to me. I appreciate your time.

MS. GEUEA JONES: Thank you for being here. We appreciate people who show up. Anyone else to speak, please come forward. Oh, it's a race.

MR. SIMON: Keenan Simon, 1516 Business Loop 70 West. I'm the agent acting on behalf of the developer. I just simply want to restate the fact that what you're voting on this evening is a name change for emergency services in order to know the designation of the street. We previously had approval of the preliminary plat, which is shown as above. This has been a pretty long process as the sale contract for the property with the developer has been occurring with the City for the last couple of years. We have submitted a draft of the final plat along with construction documents from a stormwater standpoint. We are adding some additional inlets at the end of the street before it connects to the cul-de-sac because we do have to detain and collect the stormwater on our property, just to kind of give you a little bit of a -- I guess, an idea of what that approach is with this property. With that said, if you have any other questions, you know, related to the name change or anything of that nature, I can answer that at this time.

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

MR. DUNN: Can you just articulate to me why the through street -- or the connecting street

rather than the roundabout has --

MR. SIMON: Yeah. So with -- the City standard is to promote connectivity. When you look at backing upon a cul-de-sac to a cul-de-sac, it didn't really leave us a lot of room. It made more sense to bring the street through, provide the connection that allows you to stack lots on both sides. We did look at some renditions of cul-de-sacs. We thought about extending that cul-de-sac itself a little bit further. There are -- there are also some, I guess, some length requirements that were -- that we weren't meeting per the UDC for adding an extension to another cul-de-sac. There's also been some changes with the size of the cul-de-sac that makes the cul-de-sac quite large, almost a third of the size larger than what was typical for the city of Columbia based off of some fire -- National Fire Code changes, which then eats up a lot of space that would allow you to develop lots. That's actually probably one of the bigger handicaps than -- than most anything else. But with the connectivity being promoted, that was probably the main reason why we decided to do a through street at the time.

MR. DUNN: And so in those renditions, how many lots are you losing by trying to add a roundabout?

MR. SIMON: Well, like I said, all of this stuff was done a year and a half or so ago. I'd have to look at some of the older displays, but I think there was one or two lots that were -- I think there was maybe a lot that was lost. There was also some depth -- the lots weren't as deep with the cul-de-sac because the cul-de-sac was so large with the right-of-way eating up the area, if that kind of makes sense.

MR. DUNN: Thank you.

MS. GEUEA JONES: Commissioner Placier?

MS. PLACIER: Oh, yeah. I think you've answered my question. It was just that the net loss of lots as a result of adding another cul-de-sac?

MR. SIMON: Yes.

MS. PLACIER: It sounds like you think there would be a net loss there.

MR. SIMON: I -- if I recall, I believe it was one lot. I don't know if -- Pat, do you remember that from -- okay. I'm just -- sorry, I'm going off the top of my head here, but yes. The biggest driving factor, I believe, was -- no, sorry -- was the number of lots.

MS. PLACIER: And I don't think this is going to be your bailiwick, but in terms of safety of -- if the street is extended, would there be a requirement, and I guess that's a question really for staff -- or more lighting?

MR. SIMON: For street lighting and such? Yeah. I believe that is -- that's not a requirement -- or the developer does not install the street lighting, the City does. So I believe whenever the street is built, and the lighting is installed, they're -- most likely, they're placed at intersections. I can see their -- the potential to have one near the cul-de-sac, as well. But I would have to default to Water and Light on how they determine exactly where those -- those street lights go. It's not something that I design or lay out, if that makes sense. Yeah.

MS. PLACIER: Right.

MR. SIMON: But there's a typical spacing and then they typically try and hit intersections.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: We usually talk about this at the initial platting, and not at a street rename. And I completely understand that. I wonder if you could tell me if you recall any of the stormwater requirements, any water features that you put to control stormwater in the initial plat?

MR. SIMON: Well, we have submitted a draft of the construction documents for building this, so I can kind of give you a rendition of what we propose which has preliminarily been approved, but we have to get through the rename, the plat approval, and then the construction documents can get approved. But essentially, we have a pair of type M inlets at the -- near the intersection of the cul-de-sac. We also have a storm pipe extending north towards the property line between the existing lot to the west and what is shown as Lot Number 3 on the preliminary plat. That is collecting the stormwater that is running off from the northern half of the property that is not -- that we don't own, so the property to the north we're collecting through an area inlet and some drainage swells, so that should relieve some of the stormwater that is actually coming down to the cul-de-sac in itself. And it goes to a pair of type M area inlets which are going to be located right before it -- you enter the cul-de-sac. Then those are going to follow the property line of what's shown as Lot 4 to the south, and then it is being taken down in between lots 4 and 11. There is a detention basin that -- it discharges directly into the detention basin, and that's where we were able to meet our stormwater quality and detention, which then drains to an existing culvert that's kind of near that southwest corner of the property. So like I said, we -- the construction documents have already gone through a couple comments of -- you know, review comments, and we have addressed to make sure that we're not adding any additional stormwater to -- to what's out there currently.

MS. CARROLL: Thanks.

MR. SIMON: Yeah.

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

MR. STANTON: I want address the 800-pound gorilla in the room, but I'm going to need staff's help. I know we're discussing the name change. Eight-hundred-pound gorilla in the room is what the previous speaker spoke about, and you haven't touched that with a ten-foot pole. So now I'm really, like, wondering what's going on. So what I need to know is, staff, does the name change trigger anything, or was our previous speaker in the wrong battle at the wrong time? I mean, I don't want to give you the name change to trigger something that negates everything the previous speaker spoke about, because you ain't talked about it. You ain't said nothing about storm drainage. You have not addressed anything that lady has said at all. You haven't even touched -- you haven't even tiptoed that direction. So now I'm really --

MR. SIMON: Maybe I'm confused --

MR. STANTON: Okay.

MR. SIMON: -- as far as addressing the stormwater.

MR. STANTON: Well, that's why I'm asking staff first. So, staff, the name change, does it trigger

the -- the pull of the -- of the plat, the final plat? If the name changes or not, does that have any gravity on the next step?

MR. ZENNER: From a technical perspective, yes. From a policy perspective, the Council can decide whatever they would like to decide. If they want to ignore the Boone County addressing standards that we follow as a part of our addressing process, they can have a court end and a street begin. That is poor addressing practice, it is completely contrary to the way that we do business. It is entirely left up to the Council to determine the outcome of the street name change. You can recommend denial of it. Council can override that denial based on the value of the subdivision that is being proposed to be created, the lack of additional paving that would be installed as a result of the installation of a cul-de-sac, and the disconnection of a public street network and the loss of lots. It is entirely in Council's prerogative to decide how they want to effectuate or affect the final plat that is pending approval. When the preliminary plat was presented, it was made very clear that the street name would need to be changed. As Mr. Simon has indicated, the sale contract for this property between the City and Mr. Zafar took almost two years to complete. The connection of this roadway was always indicated as a happened -- as a determined outcome in order to ensure that we had connected streets. We -- we do not support as a City staff -- I'm not going to say that I -- I won't go as far as to say Council does not support this because we have a couple of examples. We do not support not connecting stub streets or street that basically allows for the connection, a through connection. We do not have policy that suggests that leftover remnants of a cul-de-sac through which a through street has now been created be eliminated. So there is -- we are in -- we are in a significantly gray area. We have had a number of cul-de-sacs extended as through streets, and we have had instances in where streets have been connected and gated. We have had scenarios in where streets have been stopped short of a property line. That does nothing to facilitate public transportation or efficiency in the delivery of services. Hence, that's the reason why we do not support those outcomes. This is an outcome that was understood as a part of the preliminary platting process. This is a technical aspect associated with that, but it is entirely in Council's prerogative to determine what they do with whatever action you give them this evening.

MR. STANTON: So to follow up, Madam Chair, if I may?

MS. GEUEA JONES: Please.

MR. STANTON: So the previous speaker still has a chance to plead her case to City Council after this action. Correct?

MR. ZENNER: That's correct. There is a second public hearing that is held at Council pursuant to the provisions of street renaming and the street name changes. And so Council will hear again the -- the last speaker's testimony as it relates to the concerns. I -- to answer a question that was raised by Ms. Placier and Mr. Simon is again correct, our electric utility designs our electric network. They design the street lighting network. These street light -- the street lights in the existing portion of Nick Court are not our contemporary, our newer street lighting. That is a possibility of lighting levels are insufficient to create safety that that may be able to be addressed. There may be the addition of a street light if the concern is

expressed and the direction is provided by either this body and/or by City Council. So in addressing part of the concerns, I think there is some level of advice or guidance you may be able to offer Council in order to try to mitigate the concerns that the last speaker has brought up. The stormwater related issues to this particular project will be required to be addressed as a part of the development process. We have talked about this at many different meetings, that our stormwater regulations will be enforced as a part of the development. And I think what Mr. Simon was trying to explain earlier is the attempts and the efforts that he has made up to this point in getting his plans for the construction of this development completed that would address those. Ultimately, I think our last speaker's comments have been made to our building and engineering division supervisor and manager who is a PE. He has evaluated the situation, and what was originally proposed was not really a viable option given the way that the current cul-de-sac is designed and was constructed without significant rework as the last speaker spoke. So I think Mr. Simon is well aware of that, and I think what they are attempting to do is address, to the best of their capability and under the regulations in place, how to address that so those issues are mitigated. Lighting, on the other hand, is outside of this applicant's purview, and I think that that is guidance that this Commission may be able to offer Council along with the recommendation on the street name change.

MR. SIMON: And to follow up, I guess one of the other reasons why we ended up going with a through street is there is underground three-phase electric that kind of runs at a diagonal across the site. And whenever we were looking at fitting a cul-de-sac and talking through with Water and Light, that service line powers the northern third of Columbia, and they wanted to minimize the amount of pavement that would be over the top of that line from a serviceability standpoint because it is -- because moving it was, like, \$300,000, so that was not an option.

MR. STANTON: Okay.

MR. SIMON: That was one of the major driving factors, now that I've had some time to think about it, so, anyhow --

MR. STANTON: I think staff addressed my concern, so I'll get off you now.

MR. SIMON: No problem.

MS. GEUEA JONES: I -- I have a concern. It sounds like the neighbors to what you are developing here have reached out to you and not felt that you worked with them at all. And I guess my question is, yeah, maybe you don't have to in the strict sense, but that is concerning to me that you haven't tried to find any solutions and left them feeling dismissed and unheard, and you're starting a neighbor relationship very poorly, if that is the case. And you didn't -- as Commissioner Stanton said, and this is where I thought he was going, you came up here and didn't even address the fact that you had a neighbor here who was very concerned. So what's your view of that?

MR. SIMON: Yeah. So the developer wanted to handle the neighbor relations, so I allowed him to meet with them. He is the one that would be doing the construction. He's also the friend of the owner of the property, and he is handling, I guess -- well, he will be handling the construction of the subdivision. He has met with -- my apology -- is it Tammy -- I believe a few times at her property. He has also

developed a cost estimate to look at removing a portion of the cul-de-sac and he has also met out there with the City staff and her, I believe a few times, to discuss where the development of our construction documents are. We altered where we were grading to make sure that we'd stay out of the corner of her property which is a utility easement on the west side of the development. So the fact that we have our -- or the developer has met with her more than once, more than twice, and he has even looked into cost options if she wanted to make some of those changes. So I believe some of that effort has been there since it was brought up, and she had reached out to the City about this project when it was renaming.

MS. GEUEA JONES: There's a difference between showing up and listening, and it sounds like this was not well done. Just -- I understand it wasn't you doing it, but you should let your clients know that they messed up.

MR. SIMON: Yeah. I can definitely relay that to them. I think that, from my understanding, which I have not been a part of it, they have been available to the neighbor and they have discussed specifically what the design intent is, and where we were going to have some issues being close to the property. They even offered up, I believe, planting some trees on her property line near where the work was going to be done. I've just been able -- like I said, they -- they asked me not to be involved with the neighborhood discussions and they wanted to handle it themselves, so --

MS. GEUEA JONES: I understand that. You should --

MR. SIMON: I don't think it was very well represented previously on how much time that he has spent meeting with her.

MS. GEUEA JONES: Again, time does not equal consideration, and the fact that she was upset enough that she came here tonight indicates to me that those interactions did not go well. And I -- I'm not sure why. It sounds like part of her concern is the -- the portion of the cul-de-sac that will be left in place creates a parking lot, and none of the things that you've suggested include removing any of that pavement or breaking it up so that people can't park there or any of that. And again, you weren't the one doing the neighbor relations. I get that. It is always concerning to me, as someone who is here to represent the public --

MR. SIMON: Uh-huh.

MS. GEUEA JONES: -- that when members of the public come in and say they weren't listening to me, they weren't working with me.

MR. SIMON: Yeah. Well, essentially, my understanding is she was asking the developer to spend \$60,000, \$70,000 to remove the pavement and restore the yard. He created a cost estimate to do the work for her on her property, and I don't believe she was -- I mean, obviously, it was a fair amount of money to complete that work, and she wasn't really interested in paying that. She wanted the developer to pay that when this is, you know, a common condition, kind of like what Pat mentioned, with extending off the end of cul-de-sacs. So I believe she was asking for more than what is within the realm of what's fair, to be honest. I understand that she bought a property next to a vacant area that is set up for infill development. I -- I -- you know, I -- I feel bad that she's not able to maintain the end of her roadway the

exact way that she wants, but as a city, we're looking to grow. We're looking to provide affordable housing, and this is one of the prime areas that my client has been looking at doing this with the City for over two, two and a half years now.

MS. GEUEA JONES: I don't think she's asking you not to develop. I think she's asking you to give her some respect.

MR. SIMON: Oh, no. I -- okay. I completely understand that and what I've done to try to be less intrusive is worked at redesigning the portion that could affect her property that's within a utility easement where we are going to be doing work. We've redesigned that so that we are trying to stay solely on that Lot Number 4, and not enter into any of the area that is her backyard there. So --

MS. GEUEA JONES: You're going to be building directly on her property line -- not you, but whoever does the building is going to be doing that directly on her property line. I would strongly suggest they repair that relationship before they break ground.

MR. SIMON: I mean, I will definitely, you know, follow up with them and let them know. I don't believe it's broken. I think that they've been working with her, or at least been reaching out to make sure that they can satisfy her.

MS. GEUEA JONES: Thank you. Anyone else? Commissioner Placier?

MS. PLACIER: Yeah. If this should be held off for the general discussion, please let me know, but I wanted to just clarify with staff that this cul-de-sac was never meant to be permanent. Were the people who bought on that first section of Nick informed that this -- because the assumption has built up that the cul-de-sac is kind of a permanent feature of the neighborhood and should be preserved. But if that was never the intention, were they just uninformed of that?

MR. ZENNER: So the platting history behind this, and, David, correct me if I'm wrong here -- the lots that at one point fronted along Ballenger, so start with the first question, was Nick Court, was the cul-de-sac on Nick Court intended to be there permanently? When most cul-de-sacs are created, yes, that is the intention, and in this design associated with the former right-of-way of Ballenger and the lots that you can see on the aerial graphic in front of you which represent the old lots, that cul-de-sac would have been there. That would have been a permanent cul-de-sac because the lots that front onto former Ballenger, then renamed once Ballenger was relocated, to Hector Place, would have served as its frontage. And so what you have in the process of the City selling excess First Station 5 property to the north, along with deeded road right-of-way that they received back from MoDOT, we didn't need a road. Therefore, we acknowledged from a sales perspective that Mr. Zafar was going to be purchasing not only our excess property of Fire Station Number 5, he was purchasing the excess right-of-way of Ballenger. He had acquired ownership of the lots on Hector-Ballenger, the old, with the intent of redeveloping. And the whole beginning of the sale contract process to acquire the property from the City began with a series of sketches that showed, as Mr. Simon pointed out, an extension of Nick Court being extended into the property which, at the time, Mr. Smith, my senior planner, had indicated that that was going to trigger a design adjustment process because it was going to be too long. So there were other alternatives

providing a curled street that came back down to Ria. And as Mr. Simon pointed out, that was impacting the utility staff with our major utility three-phase line. So there were multiple iterations up to the point of the final plat. The final -- or, I'm sorry, the preliminary plat. The preliminary plat didn't actually get presented until after the property had been transferred. And so the concept associated with this particular street being able to be extended existed at the time of the transfer. And then as we typically will do with preliminary platting, and actually prior to the preliminary plat even being submitted, there was a concept review on this property. I can't tell you when that concept review was handled, but with concept reviews, we notify every property owner within 185 feet of the property boundary and every homeowners' association within 1,000 feet. So prior to the preliminary plat ever being presented, there was an earlier postcard sent out saying this is being proposed for redevelopment. Then when we did the preliminary plat, we will typically also send out notification within 15 days of the application being received, and that is the particular notice that Ms. Tammy may not have gotten or just did not see in her mail, but that was also -- she was on the applicable mailing list. So we have verified that. You know, the postal service either didn't deliver it or she just didn't see it. We -- we, you know, try our best. We do not post properties for preliminary plat review like we do with public hearings because there is not a public hearing on it. There was no design adjustment asked for this particular parcel. And therefore, we processed it as we would any other subdivision development, again, in accordance to what Council was -- was aware was going to be forthcoming. And as I've said, our policies are to carry streets forward and create connectivity. We really were not looking at creating dead-end cul-de-sacs backing up to each other.

MS. GEUEA JONES: Thank you. Any further questions for Mr. Simon? Thank you.

MR. SIMON: Thank you.

MS. GEUEA JONES: Any further members of the public to come forward?

MS. LEWIS: My name is Sarah Lewis, and I reside at 4510 Nick Court. I do not own the property, but I am a tenant there. I have been there for six, going on seven years, me, my husband, and two children, children that are almost 12 and 10. They are very young, and I stand here today deeply concerned about the proposal to turn our peaceful court into a through street. As a parent, my utmost priority is the safety of my children. Converting the court into a through street brings not only the risk of speeding cars, but also the frightening possibility of drive-by shootings. I feel like that is the big elephant in the room here. I'm not too sure on the drainage of anything, but if you guys are aware of Columbia, Nick is surrounded by Rice Road. It's surrounded by McKee, and it's surrounded by Ria. There are tons of drive-by shootings that happen. Nick Court is the safe haven for these children. At the bottom of the court, kind of by Tammy's house, there is a basketball goal that has been there since before I moved there. Someone put there, and they left it there for our children to play. So all of the neighborhood -- neighborhood kids from surrounding that are younger come over, they ride their bikes. It's not like it was when I was younger. We can't say, oh, come in when the street lights come on. You can't do that these days, unfortunately. They have a beautiful park in the neighborhood that my children do not go to because it is closer to Rice Road. If we extend that street, that is giving more through traffic for those

ones that are doing the drive-by shootings, the ones that are speeding through the streets, not seeing kids that are getting hit with their bicycles. That is creating a big safety concern. And as one of the other people brought out that there is already five connections to Ballenger. Why create another connection to Ballenger when either you can put another court beside it or just leave it? It is a field. It's not going to house a whole lot of housing, maybe three houses, so why not leave it? There's deer, there's tons of animals and wildlife that surround that field, as well, and personally, we all love to see that. I do suggest maybe putting another streetlight down there. I know you guys said that, you know, you can't -- aren't in control of that, but there -- the cars, that -- they don't block the children, they don't speed down that street. It's very safe on that street. That's one of the reasons why I have not left, honestly, is because they are safe by that area. The developers do not live there. Even the owners do not live there. Some do, but not all. The developers only care about money. They do not care about the well-being of children and the safety of them. Some may. I'm not just, you know, discrediting all of them, but they want more income. They aren't necessarily processing what they can ruin through all of this. So I just want to prioritize the well-being of our community's youngest members and preserve the peace and security of our neighborhood by keeping our court as it is.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Seeing none. Thank you for being here tonight.

MS. LEWIS: You're welcome. Thank you.

MS. GEUEA JONES: Any further members of the public, please come forward. You may have to pull that down towards you. Thank you.

MS. RYAKHMYATULLOV: Hello. My name is Nadia Ryakhmyatullova; my residence is 4503 Nick Court. I also own that property, so I have 4501, as well. I have lived there for eight years. I'm a single mom with young daughters. I bought the property in 2016, and as the previous neighbor stated, it's a very quiet street and a lot of kids do come and play. When my kids do have friends in the neighborhood, Nick Court is where they all go. Some of my concerns with the court, as mentioned before, is it becoming a shortcut for Ballenger to McKee. I live on the corner there, so the -- the cars zooming shake my home sometimes, and I'm concerned for the same thing that's going to happen right in front of our homes. The other thing I want to mention is the developer. I was surprised to get the postcard to know that this was an option to come and speak, because when he sent me the petition to sign, I asked him what if I didn't sign it, and he said it doesn't matter, the City is with this and you can say whatever you want, but it's already approved. He told me multiple times that this was a done deal, and it was approved. It wasn't until Tammy reached out to me and said, hey, can we talk about this, and then I was, like, well, he told me it was a done deal, why does it matter, and she said no, not at all, and so now I'm learning this. When I talked to him, he, like, made not nice comments about Tammy, and then only come to find out Tammy said that he was saying things about me, too, to her. So it's kind of been rough, and I was there when they met with the developer and the City to talk about the drainage. Never once did Tammy say -- Tammy was even offering her labor of breaking down the concrete to help them. She brought up what

she does for a living. She said she's tough. She would even help them build it -- build it down. So at no point did I experience Tammy being unreasonable. The whole time, the developer actually didn't have anything to say. It was a Councilman there and someone from zoning that was having -- that was leading the conversation. So this whole kind of a situation has been just weird. He -- the staff mentioned that there was things that went out a couple of years ago. I don't recall any of that. This would be high on my radar. I'm a landlord. I've been a businesswoman here in Columbia. So I was just kind of surprised with some of the comments, and I'm just asking for a chance for us not to get that street approval so we can keep it the way it is. I totally understand development and connection and things like that. I don't think -- I'm not opposed to that, nor is my neighbors. However, I just -- I don't feel like if we don't make it to court, there will be much loss. The developer also mentioned to me that this is the owner's retirement plan, so that kind of goes back to just thinking about it. It is more -- it's a money thing for them and a living situation for us. So, thank you.

MS. GEUEA JONES: Thank you. Any question for this speaker? Commissioner Carroll, go ahead.

MS. CARROLL: Sorry. Did you say -- how long did you say you've lived in your home?

MS. RYAKHMYATULLOV: I bought it in 2016.

MS. CARROLL: Okay. Thanks.

MS. GEUEA JONES: Anyone else? Commissioner Dunn?

MR. DUNN: Can you reiterate, who -- who was present at this meeting.

MS. RYAKHMYATULLOV: Maybe he's the general contractor. I believe the other gentleman, which I've never seen him or met him, mentioned he was the guy that was friends with the owner and has -- is his general contractor.

MR. DUNN: And you said that there were people from the City, as well, that were present at this meeting?

MS. RYAKHMYATULLOV: Yes. There was a Councilman, and someone from the -- from the staff of zoning, I believe. They had a City of Columbia truck there.

MR. DUNN: Thank you.

MR. ZENNER: It's the building inspector. One of our site inspectors was there. Mr. Roy Lovelady, Council member for Ward 3, was there. Mr. Berendzen, who is the owner-developer or developer, if I'm not incorrect, Eddie Berendzen, and then Ms. Tammy. And those are the individuals that were at that meeting, as we understand it.

MR. DUNN: Did you have any conversations with Councilman Lovelady following that meeting?

MS. RYAKHMYATULLOV: Following that meeting, no.

MR. DUNN: Or at the meeting?

MS. RYAKHMYATULLOV: To be honest, personally me, I was just there more listening. It was my first-time kind of hearing about the concerns with the drain situation and learning all about that. That kind of added on to things I didn't even think about because that drainage is right in front of our house and

I remember thinking, like, that really sucks. But I was kind of more just listening and hearing it out, and that's when another surprise came to me that it wasn't approved as Eddie had mentioned to me when he first reached out -- well, actually, I reached out to him. I got his number from Tammy.

MR. DUNN: Thank you.

MS. GEUEA JONES: Any other questions? Seeing none. Thank you for being here tonight.

MS. RYAKHMYATULLOV: Thank you.

MS. GEUEA JONES: I believe that's everyone we have, so we'll close the public hearing and go to Commissioner comments.

PUBLIC HEARING CLOSED.

MS. GEUEA JONES: Any comments from my Commissioners -- fellow Commissioners?
Commissioner MacMann?

MR. MACMANN: I was just -- Mr. Stanton was raising his hand.

MS. GEUEA JONES: Oh, sorry. Commissioner Stanton, go ahead.

MR. STANTON: Technically, a straight through street, I'm going to get on a social soapbox. Bodie Lane, McKee, Rice have a lot of rental property. Crime is associated with the care of the property, it's not the street. The people that own those places and rent those places rent to those who may be less desirable. It's not the street, it's the people that live in those places that the landlords allow to live there. I know very -- a lot of good people, blue collar guys and girls that work that live on Rice. So the reason Nick Court doesn't have drive-bys is because you guys don't have a beef with anybody in the neighborhood because that don't stop anybody from doing a drive-by. If you guys had a beef and somebody lived in that neighborhood that you guys have -- it seems you have good tenants, and that's why you don't have drive-bys, because you have good tenants, you have a good neighborhood, you have good policing, you look after each other's kids, that's the formula. A through street isn't going to stop that. What's going to stop it is you guys have good neighbors. That's that, so that's my social part of that. I hate to say it, technically, it's a go. I will say, you know, Mr. Simons, you took the arrows because the owner is not here. He wanted you to take the arrows. So you took the arrows from all of us, and he's not here to address these issues of the people that live on Nick Court has a lot of weight to me. And I'm saying this so it's on the record, and I do encourage the previous speakers to follow this closely and address your concerns with City Council because, ultimately, they make the final decision on the plat. I would do that in writing, I would do that in person, I would do that in this form, as well. It may not stop the through street, but maybe you will have leverage to address the issues as long as they're realistic to both you and the developer. I think there's still room to play. But I am deeply discouraged that the owner is not here, which kind of reinforces the attitude that you guys have testified to, and he let his engineer take all the heat and the arrows. But, technically, and in the bigger picture, the through street does achieve the bigger picture of connectivity for the City. But I say that to say keep fighting and play chess.

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

MR. MACMANN: I will second everything that Commissioner Stanton said, and especially to you

folks, get in touch with your Council people, come and testify, and write those e-mails. My thinking is I'm going to move, just to let you guys know what's going on. I'm going to make a motion on this, and I move to approve because -- when it's my turn. Everyone else needs to talk. I'm going to move to approve because we have to make the motions in the affirmative. I will be voting no because I kind of think there's a lot of subtext in here. While this may technically be correct, as Commissioner Stanton said, I think they have some issues that Council needs to hear at a minimum so they can make that final call. Thank you for time, Madam Chair.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: Yeah. I have some new things to process here. Here's what I'll say. I -- like Commissioner Geuea Jones, I am frustrated by the communications here. Making nice with your neighbors is a lot cheaper than building a second cul-de-sac. I wish there was more that could have been done. We're at a street rename right now. I feel like these conversations should of been taking place at the plat. I am very concerned at the reports that neither of these two neighbors, who have lived here years, recall getting a postcard. I don't know what took place here because I don't recall these conversations taking place when we saw this previously, and that would have been the right time for us to address them. Also, I'm mystified that a street rename, potentially, we're not necessarily sure, has the power to reject the final plat. And I'm interested to see how that would go to Council, and what we even decide there -- what they decide there. I'm -- I'm not sure, you know, I don't necessarily feel comfortable saying -- I'm not sure that I have the yes or no information if I don't understand how it goes forward and why. This -- this is unprecedented to me. I fall back on these conversations needed to happen at the -- at the plat when it came to us the first time. I think that I would have to vote yes because I think that the street with the plat that we have makes sense going through. That said, what I would suggest giving your comments and my feelings about this, and the uncertainty with this case is that we make a follow-up motion to remove this from the consent agenda, because I do think it needs to be talked about at Council. There's just too much uncertainty.

MS. GEUEA JONES: Staff, what is the case number and status of the Martaora Subdivision plat case? I thought I saw something about resubmittal?

MR. KUNZ: Yeah. It is Case 84-2024, I believe. If it's not 84, it's 85, and they have gone through one round of comment. They have received substantial comment from various staff departments. They are waiting to resubmit contingent on this decision as well as the vacation decision, which just passed through the second read at Council.

MS. GEUEA JONES: Resubmittal to this body, or resubmittal to City Council?

MR. ZENNER: No. It would be resubmittal to staff. A final plat -- the final plat is in substantial compliance with the approved preliminary by this body, and the approved preliminary by Council. The street name informance is a technical requirement of the subdivision regulation.

MS. GEUEA JONES: I understand.

MR. ZENNER: So to Ms. Carroll's concern, that is a technical requirement of the subdivision

regulations. Technical requirements can be -- Council can take action on those as they see. I think the bigger issue is obviously if they don't want to approve the street name change, are they going to direct that we have two separate street segments to assure compliance with the addressing program. I can't answer that for you. I don't think any of us can. So that's where the uncertainty lies. But it is a technical requirement street name and addressing standards would typically be followed. This is a new one for us, as well. We don't normally have streets that are being opposed that are continuations, because we have not had many cul-de-sacs, at least in my time that I've been here, the back end of a cul-de-sac blown out and the street being driven through it. So that's -- again, it -- I think it's new ground for me, as well, as a senior member here. But we do have examples of them in the City. So with that being said, you will not see anything again.

MS. GEUEA JONES: Got you.

MR. ZENNER: And, hence, the reason why my recommendation was if we want to offer guidance to Council as it relates to potentially being able to split the baby as it relates to particular aspects that we have heard in public testimony tonight. I think that this is probably your best option and opportunity to offer that for lighting and safety related issues, and that may need to be as a supplemental motion or something else that you add, but I would strongly suggest an up or down vote on the street name change, so that is very clean in the public record, and then whatever additional direction be given in a separate motion.

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

MS. LOE: I just wanted to concur with Commissioner Carroll's statement that I feel as if we have been asked for a recommendation on one question, which is based on a certain set of information, and we've been presented with new information on a different question that has actually already been determined by a different body. Therefore, I don't feel like we're -- we're in a position where we can re-determine that initial question and Mr. Zenner's offer of providing suggestions perhaps, but, in this instance, I plan to vote on the question that was put forward based on the information that was presented in the case as determined. But, yes, it does feel as if new information has been brought forward on the previous. Thank you.

MS. GEUEA JONES: Anyone else? Commissioner Dunn?

MR. DUNN: Thank you, Madam Chair. I just want to say I live in the third ward, so, you know, very kind of understanding of the area. I appreciate you guys for coming out. I think one of the struggles with Planning and Zoning on some of these departments within the City is, you know, normal working people truly don't understand the functions of these departments and when is the appropriate time to come and testify. You know, we're too busy living our lives, putting food on the table, just living. And so for us to have an understanding of when is the appropriate time to bring concerns, you know, that a lot of times that's not very clear to people. And, you know, even as a Planning and Zoning Commissioner who works in the construction industry, like, it's not even always clear to me all of the steps all the time. Right? And so when we look to some of the issues that were brought forward today, I was really

disappointed to hear how the developer treated these neighbors. I was very disappointed to hear that, you know, it felt like -- that they felt like they were disregarded, and that is something that I want to make clear, hopefully, to the developer that this message will get back, but I hope that they can be more intentional in that relationship moving forward as our -- as our Chair kind of echoed. With that said, you know, when we look to the project that we had approved prior, you know, this kind of -- this comes to some of our goals of infill, you know, housing, trying to just create more housing opportunities for people, especially in the third ward, I think is important. And when we look to -- you know, when we approved this design, we knew that that road was coming through. And so, like, we didn't have an issue with the initial function of the road. We have concerns now with some of the points that these neighbors have brought forward. Given that this is a little late in the stage for us to directly impact some of those concerns brought forward, I think it is appropriate for us to approve the naming of the road, but I -- I would agree that we should take this off the consent agenda so that way my -- my fellow third ward neighbors can take this to City Council and further share their comments where they'll have a more impactful opportunity to weigh in. And so I'll be voting yes today. Thank you.

MS. GEUEA JONES: I've got a comment. Okay. I, sometimes to the great frustration of my fellow Commissioners, tend to be creative with solutions and expanding -- not expanding, but using our power to its fullest. I cannot see a way that we can give the neighbors what they want here. We are unfortunately past that point, and had we heard from them during the initial plat, that case would have come out differently, I feel, given some of the comments that we've had and the way in which we like to try to find a win-win for folks. I don't see a creative way out of that tonight. That said, I cannot find the words to express how insulting it sounds like the owner and developers' behavior was around this case. The fact that we've got three people all saying that they had interactions that did not go well with the developers and the owner, the fact that there has been, in my opinion, at least, no legitimate attempt to find a solution. Telling someone we'll not mess up your yard is bad if you give us \$17,000 is not offering a solution. This relationship is about to get a lot worse would be my guess, because we're about to do construction, and construction is always disruptive, and that is one of the reasons why we and the City staff strongly encourage developers to develop good relationships before they develop property. Yeah. So I don't see a way to do what I want to do, so I'm going to do what the ordinances and the facts that are actually relevant to the case before us require me to do, and I am speaking on the record in a transcript that will be given to our City Council people to say that this case has not been well handled, and that they should give strong consideration to the neighbors' concerns before they approve the plat in its final form. And at that -- yeah. I'm done, but that's -- this is concerning to me, and I -- I'm not sure exactly where things went off the rails. I know that our City department does a very good job of getting those postcards and letters out. I think some of the houses on Nick Court may be just a little bit too far. They may be outside of the postcard range, but still. I'm sorry that we're in this situation, but I am hopeful that City Council, who has the final say on all of this and still has a chance to make changes to that plat, listen and listen to you and listen to us. With that, if anybody else -- Commissioner Placier?

MS. PLACIER: Yeah. Just briefly, I think it is tremendously frustrating that we had an earlier decision that gave the owner and developer the impression that this is a done deal. You're just -- no matter what you think, this is a done deal. The Commission voted on it and this is just a pro forma thing to change the name of the street. So as it turned out, this was a much more complicated thing than we ever had anticipated, and I'm very regretful that that intervention at that time did not happen.

MS. GEUEA JONES: We've got a Commissioner who stepped out for a minute. Are there any other commissioners who have comments. I am hesitant to call for a vote before he returns. Go ahead, Commissioner Stanton.

MR. STANTON: I'm just going to bring it all in in reality. Reality is a lot of money has been spent, a lot of time has been spent, selling this land, reallocating easements, all that stuff. So it is in the best interest for the City to make that worthwhile, so the through street is a go. You know, I have an ounce of faith, but not really. Just me looking at it, I could see some simple cheaper solutions to deal with stormwater for this neighbor, and it would not cost that much. The concrete, done deal. I wouldn't spend that money on that, either. I wouldn't do it, but stormwater issues could be addressed here. Good neighbors -- and I'm talking -- we're not talking thousands to make this lady happy, but the neighbors have to be realistic. I'm not spending \$300,000. I wouldn't do it. I'm just being real. That's -- that's not realistic from my economic perspective, but, you know, there could be a win-win. There can be. And I think the pressure and the crying that we've done up here tonight and my colleague over here is getting ready to jump out of his chair because he's ready to go home, but, oh, well, because we need to put this on the record and make sure that City Council hears this loud and clear our discontent with the developer and then put my buddy, Mr. Simons, on the -- in the firing squad and took all these arrows, and was not here himself to take these arrows makes me upset. But the through street is a good move. It does have the connectivity that we need. I don't like the affordable housing pitch because I just don't like people saying that, that they're not real about it, but this is a go. This is a go for the City, and hopefully City Council who has the ultimate power hears all this crying and moaning that we're doing and all this stuff and leaves a place for a win-win to happy and put some pressure on this man that left my buddy, Mr. Simons, out here on the vine to fend for himself.

MS. GEUEA JONES: Any final comments before we go to Commissioner MacMann?
Commissioner MacMann?

MR. MACMANN: I have a comment and then I'm going to make a motion. We have -- and this is for my fellow Commissioners. We have before us a vote. We have a choice. We are not legally obligated to vote yes. If we feel the welfare, health and safety of the community are in any way impinged, we do not have to vote yes. If there was a prior wrong and we know that voting yes, it will forward a prior wrong, that may not be a legal issue, but my goodness, look at your personal ethics. That said, Madam Chair, I have a motion. In the matter of Case 114-2024, Nick Court street name change, I move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Approval has been moved by Commissioner MacMann and seconded by Commissioner Stanton. Is there any discussion on that motion? Seeing none. Staff, just as an FYI after we finish this motion, we may need confirmation on the plat's case number, if that's something you can look up. Thank you. Seeing no discussion on the street name change motion, Commissioner Carroll, may we have a roll call?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Mr. Ford, Ms. Loe, Mr. Stanton, Mr. Dunn. Voting No: Ms. Placier, Mr. MacMann, Ms. Carroll,
Motion carries 5-3.

MS. CARROLL: We have five yeses and three nos.

MS. GEUEA JONES: That recommendation will be forwarded to City Council. Are there any other motions to be made on this case?

MR. MACMANN: Madam Chair, I have a motion.

MS. GEUEA JONES: Please.

MR. MACMANN: In the matter of Case 114-2024, Nick Court Street name change, I move that this item be removed from Council's consent agenda.

MR. STANTON: Second.

MS. GEUEA JONES: The motion has been made to remove this from the consent agenda. Is there any discussion on the motion? Seeing none. We don't need a roll call for this. We can just do it by a thumbs up. Thumbs up approval to remove.

(Unanimous vote for approval.)

MS. GEUEA JONES: Unanimous. Are there any other motions? Commissioner Carroll?

MS. CARROLL: Can we confirm the case number for the plat?

MR. KUNZ: For the final plat from out -- yes. I'm just confirming on my phone, Subdivision 84-2024 is the case.

MS. CARROLL: All right. I'll make a motion.

MS. GEUEA JONES: Go ahead.

MS. CARROLL: In the matter of Subdivision 84-2024, I move to remove this from the consent agenda.

MR. STANTON: Second.

MS. GEUEA JONES: Is that clear for our transcript and legal teams, what we're doing here? We are moving the Martaora Plat Number 4 case from the consent agenda when it appears in front of City Council.

MR. KRAUS: Can you hear me?

MS. GEUEA JONES: Yes.

MR. KRAUS: You're moving the item that's not on your agenda?

MS. GEUEA JONES: Correct. We are asking that the Martaora Plat 4, which in our agenda was Case Number 84-2024, when it goes before City Council, not be included in the consent agenda.

MR. KRAUS: So just to be clear, you're asking that 114-2024 be removed from the consent or 84-2024 be removed from the --

MR. MACMANN: Both.

MS. GEUEA JONES: The associated plat to the case that was before us tonight also be removed from consent agenda.

MR. ZENNER: Ms. Geuea Jones, Earl, if I can. The provisions that are existing in the UDC as it relates to the Commission's ability to make a motion to remove an item from the consent agenda apply to items that are the purview of the Planning Commission. So what I would suggest is instead of making a motion, make a recommendation that that item be removed, because you have no authority over a final plat. That's going directly to City Council.

MS. GEUEA JONES: I see. Commissioner Carroll, would you like to restate your motion?

MS. CARROLL: I will make a recommendation --

MS. GEUEA JONES: Commissioner Carroll is moving to recommend to City Council that they not put Case Number 84-2024 on their consent agenda.

MS. CARROLL: Do we vote on a recommendation?

MS. GEUEA JONES: I believe we need to at least do a thumbs up in this case.

MS. CARROLL: Agreed.

MR. ZENNER: A voice vote will be fine.

MS. CARROLL: Okay.

MS. GEUEA JONES: Okay. I've gotten a thumbs up from staff and legal, so thumbs up on this recommendation.

(Unanimous vote for approval.)

MS. GEUEA JONES: Unanimous. Correct, Commissioner Stanton? Good. Unanimous. Thank you. Any other business on this case before we move to our final case for the evening. Commissioner Loe?

MS. LOE: Yes. As Mr. Zenner identified, I would like to add some conditions perhaps for City Council to consider when they do review the final plat. The street lighting on the existing Nick Court does seem to be substandard, rather residential in grade, as in residential yard type lighting. And the proposed plat isn't showing us what is -- where the lighting is proposed on the street. So I think considering, I'm not saying improve the lighting on the existing street, but working to -- with the understanding that it needs lighting, it's substandard, so that would be definitely one condition I would ask for that the lighting at the west end of the street be improved to the extent possible. Any other conditions from anyone else?

MS. GEUEA JONES: I believe the stormwater will be taken care of by building code. Commissioner Dunn, do you have a --

MR. DUNN: No. I was -- I was just going --

MS. GEUEA JONES: Yeah.

MS. LOE: The sidewalks are being put in, so, yeah. That was the only one that, based on the

comments that were made tonight and looking at the street. All right.

MS. GEUEA JONES: So we have another motion to recommend to City Council that they look at the upgraded lighting on the west end of the plat.

MR. ZENNER: Plus the whole -- it would be the entire -- the entire length --

MS. GEUEA JONES: The entire stretch on --

MR. ZENNER: -- from McKee to Ballenger.

MS. LOE: All right. I'm game for that if we can do that.

MR. ZENNER: What I can tell you is the City standard -- it is my understanding that the City standard, as Mr. Simon had pointed out, we focus on intersections, so that would be Ballenger and McKee Street or Nick Street. Then from that point, you're normally spacing at approximate 300-foot intervals, and I think that's what you don't see on the plans, and that's what we have not seen. So as you get into the older portion of Nick Court --

MS. LOE: Uh-huh.

MR. ZENNER: Nick Court may not be compliant, hence Ms. Loe's motion. So I think what we want to make sure of is that the entire street segment -- I think that's what your intent is -- the entire street segment is evaluated for subdivision compliance.

MS. LOE: Yes. Since it's being brought up, so to speak, from a cul-de-sac to a through street, yes. That would be a safety, I believe.

MR. ZENNER: Exactly.

MS. LOE: Okay. So I'm going to let Mr. Zenner describe the --

MR. ZENNER: It would be a recommendation -- a recommendation of -- a condition of approval of the final plat to examine and require installation of compliant residential street lighting along Nick Street from McKee to Ballenger.

MS. LOE: Moved -- I make a motion with language as stated by Mr. Zenner.

MR. MACMANN: I'll second that.

MS. GEUEA JONES: There has been a recommendation motion made by Commissioner Loe, seconded by Commissioner MacMann. Do we have thumbs up approval on this recommendation?

(Unanimous vote for approval.)

MS. GEUEA JONES: We speak with one voice; we are unanimous. Okay.

MR. STANTON: I have another recommendation, Madam Chair.

MS. GEUEA JONES: Please, Commissioner Stanton?

MR. STANTON: I recommend that we recommend traffic calming down McKee --

MS. GEUEA JONES: There is a --

MR. STANTON: -- or down -- down Nick.

MS. GEUEA JONES: Nick Street. There is a motion to recommend to City Council that as a condition of the final plat, they add traffic-calming measures on the length of Nick Street from McKee to Ballenger.

MR. STANTON: Yes.

MS. GEUEA JONES: Yes. Is there a second on this recommendation?

MR. DUNN: I can second.

MS. GEUEA JONES: Seconded by Commissioner Dunn. Thumbs up approval?

(Unanimous vote for approval.)

MS. GEUEA JONES: Again, we are unanimous. Anything else on this case? Seeing none.

Thank you all for your patience. I believe we are done and we'll move on to the next case. Okay. Last case of the evening.