

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

Case 98-2022

A request by A Civil Group on behalf of Finley and Rebecca Gibbs for design adjustment from section 29-5.1(d) of the UDC relating to waiving sidewalk construction. The .88-acre subject site is zoned R-1 (one family dwelling) and is located on the south side of Rollins Road, approximately 950 feet east of South Greenwood Avenue.

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

MR. KELLEY: Yes. Thank you, Madam Chair. Again for the record, this is Brad Kelley speaking. Public notice for this request was given via post card on February 11th and advertised in the paper on February 22nd.

Have received several phone calls about this request, probably 15 or 16 in the last couple of weeks and before you -- you guys have a couple of letters of correspondence that came in this week, then there were additional letters included in the staff report as well. Generally, the phone calls related -- were largely general inquiries and just confirming that this was specifically about the sidewalk and many of the calls noted there are no other sidewalks in the area, then one of the calls was from a property owner to the west who didn't have a comment specifically about the sidewalk, but more concerned with -- not concerned, just inquiring about the recent plat for this that I'll get into in a moment.

The site is located on Rollins Road, and Greenwood has some frontage on Red Bud as well. It's a largely wooded area and residential area completely surrounded -- surrounded by single-family dwellings in R-1 zoning. The site was recently platted as one lot under Quarry Heights, plat 7, I believe that's approved in January. Again, it is zoned R-1. The applicant's desire generally is to build a single-family structure with that current subdivision regulations require that sidewalks are constructed with new development. Waiver for such a request is done via design adjustment. On unapproved streets, we would look at Policy Resolution 48-06A which discusses fee waivers. This doesn't apply since the street is improved with curb and gutter.

On the graphic you see on your screen, I've shown where the sidewalk would generally be required, so you can see approximate length and scale for the street frontage. They would be required to construct approximately 390 feet of sidewalk which would be constructed within the public right-of-way. Reviewing design adjustments, we look at the criteria in Section 5.2 of the UDC. Getting to those staff

notes, there are no sidewalks within the neighborhood. Sidewalk construction at this time may not significantly benefit the owner or neighbors at this time, given it wouldn't connect to any other sidewalks; however, a waiver of sidewalk construction may hamper future sidewalk proposals in the area.

We do note that while there's no sidewalk area, sidewalk gaps, and filling the sidewalks start somewhere. Looking through the additional criteria for design adjustments, we look at the comprehensive plan objectives. In this case, we know livable and sustainable communities and goals of connectivity, accessibility, and safety and note that in general sidewalks or rather, the lack of sidewalks do present a danger to pedestrians and note that this particular street frontage is located downhill on a curve.

Looking at generally around the context as well, it's within a residential neighborhood, and the site is located within a quarter mile generally walking distance of the MKT Trail. There are no unique site conditions to the site. Looking -- looking around at the site, conditions are typical for what you'd find in a neighborhood street or on a vacant lot.

Several calls and the design adjustment request by the applicant notes that the site is wooded. Staff looked at the site and noted that construction of sidewalk would not result in the elimination of any significant trees noting that the sidewalk would be constructed within the right-of-way.

Just to kind of give some images of the site so we can have some context, this is beginning on the northern portion of the site, and then going downhill and around the curve. You can see the street there and moving to the next one again just so we can have some visuals of the street frontage that we're discussing.

While there are no sidewalks in the area, its construction on the frontage is practical would improve safety and is consistent with the comprehensive plan. Waiving sidewalk construction in the future may discourage future sidewalk projects in the area. With that, we recommend denial of the design adjustment to section 29-5.1(d) requiring sidewalk, and I'm happy to answer any questions you may have.

MS. LOE: Thank you, Mr. Kelley. Before we move onto questions for staff, I'd like to ask if there's any commissioners who wish to recuse themselves on this case? Commissioner MacMann.

MR. MACMANN: Thank you, Madam Chair.

MS. LOE: Anyone else? Before we ask questions, I'd like to ask any commissioners who have had any ex parte related to this case to please share that with the commission now so all commissioners have benefit of the same information on the case in front of us. Seeing none, are there any questions for staff? Seeing none, we will open up the floor to the public hearing.

PUBLIC HEARING

MS. LOE: Please give your name and address for the record.

KEVIN MURPHY: Kevin Murphy with A Civil Group, office at 3401 Broadway Business Park. Good evening, Madam Chair and commissioners. I've enjoyed this neighborhood through friends and their families for 40-plus years. It is probably one of the most walkable neighborhoods in the city. If you've ever spent any time in this neighborhood, the MKT Trail is to the south. They also have a lovely quarry and park area that this neighborhood in particular is able to enjoy, and there's constantly families, children, pets walking throughout this neighborhood. I live probably half mile away, and I walk my dog from there down to this neighborhood.

Some -- against contrary belief sidewalks aren't a necessity everywhere. This has been a very safe situation. There are -- this area is completely built out. This is an anomaly. This lot here and for thousands of feet around, there are no sidewalks in these subdivisions. 1,200 feet to Stewart Road is the closest one where Stewart is a busy street and getting pedestrians off of a street like that is the idea that I think we need to be looking at.

There's talk about this being an improved street; although, it has curbs and gutters in it. That's not the only way to look at it, a street being improved. The right-of-way should be graded and adequate for putting in sidewalks. There should be adequate storm sewers, and in this particular case, there's a core of years, intermittent stream that runs directly across the street, directly behind the curb, along Greenwood there and crosses Red Bud, and then follows, eventually crosses Lakeshore to the -- further to the south and again, follows all along the back of the curb. I had -- I apologize. I had a bunch of handouts with pictures and such to show to you, but it seems like somebody mistakenly picked it up and took it from me, so I got the boss's copy here.

Besides that, this lot in particular -- again, kind of the southeast corner, there's roughly an acre and a half again. This comes down to the -- it drains down to this and undersized inlet there that picks up the water right at the back of the curb. That would need to be addressed. Again, when we ask folks to build sidewalks, they should be building them in improved right-of-ways where you shouldn't have to go out and -- and do this extensive storm sewer work and grading and -- and things of that nature just to put in a sidewalk.

The sidewalk, per city standards, the right-of-way should be presentable and buildable for a sidewalk that is not a case -- the case here again with the stream on either sides of the street. There are rock bluffs just down the street that would make it nearly impossible to -- to construct a sidewalk next to -- there are other options for building sidewalks. The city seems to forget that they have the power to tax bill Section 2296, I believe it is, if the city through public hearings and through this neighborhoods' input and whatnot decided that sidewalks needed to be in here, they can have that, and then each individual owner, the whole city wouldn't have to pay for it. The people benefitting from it could --

could pay through the tax bill process for their adjacent properties to put this in.

Another option would be to put a multiuse path in the street. Typically, we call them bike paths. Many other communities call them multiuse paths. Bikes anywhere but downtown are able to share the sidewalk with pedestrians. Typically, it's a -- yeah, anywhere -- in older neighborhoods, most of the neighborhoods in town are four-foot sidewalk. Nowadays, for the last 20 years or so, it's a five-foot sidewalk. A typical bike lane that's painted in the street is a six-foot lane that gives adequate room for pedestrians and bicyclists to use, that if it's safe enough for a bicyclist to use that path, why wouldn't it be safe enough for pedestrian to use that path?

I'm sure that -- I think that's about all I had. It's a wooded lot. The owner does not plan to create a yard in it. They're basically going to have a spot for the house and a driveway. They want to leave -- if you've seen this lot and drove by, it's -- has -- wood cover with beautiful trees up to the right-of-way. The previous owners have done eclectic rock and wood sculptures in the area that would need to be relocated or -- or destroyed in putting in the sidewalk, and it's something that the neighborhood would enjoy. If you have any questions, I'd be happy to answer them.

MS. LOE: Thank you, Mr. Murphy. Any questions for this speaker? I see none. Thank you. Any additional speakers on this case?

FINLEY GIBBS: Good evening. I'm Finley Gibbs. I'm the owner of this piece of property. My home address is 106 South Greenwood Avenue which is actually right up the street. And part of the reason why I wanted to come here today was to talk about, you know, perhaps less engineering-based issues and more practical issues about the neighborhood.

What Mr. Murphy said is absolutely right. There is -- the closest sidewalk is up north of the property on Stewart. If you go west, you have to go to Manner Drive which is on the other side of West Boulevard before you hit a sidewalk. If you go east -- well, there really isn't one to the east because Edgewood, then curves back up to Stewart. That is part of our walking route. And I ride my mountain bike down onto the Katie trail or the MKT, excuse me, and I ride through that area quite a bit. It is a very, very low traffic area.

And one of the things that I thought about when we're looking at this was that the addition of a sidewalk there, because there are no other sidewalks nearby. Yes, you would be taking pedestrians off of the roadway in that particular 390-foot section, but in order to do so, you would be forcing pedestrians to ingress onto the sidewalk, and then leave the sidewalk in locations that are not controlled by any kind of light or crosswalk or anything of that nature, and I submit to you I don't think that helps pedestrian safety to -- to have zero sidewalks, and then you come -- you know, you've got to step onto a sidewalk, and then get back onto the street because you've got more interaction coming in and off the street, and since bicyclists wouldn't be allowed on that sidewalk in general, it won't help us with bicycle traffic.

People are used to seeing people on the streets and that means that, you know, one of the big

concerns is visibility, because that is a hill there is addressed because there's so few cars going through there, and they're so used to seeing everybody out walking their dogs and things of that nature.

Also -- and this goes to what Mr. Murphy said, I don't want to put 18 or 1,900 square feet of impermeable surface out there. That's what we're talking about, a 390 feet in length with 5 to 6 feet in width. You're talking about -- you know, if my math is right, close to 2,000 square feet of impermeable surface. I actually intend to try to put a permeable surface driveway in, if possible, because the way this lot is laid out and the way the water flows. I don't want to be doing anything to collect water, if at all possible. I want it to stay within the wooded lot, and he was right. I don't intend to put a yard in. I think that it's -- it's important to remember that this neighborhood -- yes, it is wooded, and it doesn't make this property unique that there are trees on it, but what's unique about it is there are a lot of trees there. I think you saw the overhead shot, and it is really thick. We would love the philosophy of having a little, say, 2,000-square foot house right in the middle of that lot, basically invisible in the summertime and, you know, in the winter when the leaves are off, it would be visible.

Final point, this piece of property -- right where it says Rollins Road at the top of the lot there which is on the north side, that is a really substantial slope. If you put a straight sidewalk in there, you're going to have to take on -- I'm going to have to take on measures to deal with ice and snow, because the slope there is steep enough that traditional sidewalks are likely to not function at all when weather is bad, and I think it would be a great challenge to -- you know, for safety reasons to keep all that clear.

So far as far as I know five of the 22 people that received cards have sent something in to the city indicating their acceptance of this. The property due north right above the S in Rollins, that's Brian (phonetic) house. I believe he sent an e-mail tonight. I think that the house due west of there has also sent in an e-mail and two houses on Red Bud due south of my property have also sent e-mails or I think it was Tracy Rice (phonetic) has come in when we were trying to merge the plots together and said this doesn't make any sense to put a sidewalk in here, and then Clair -- I'm not sure how to pronounce her last name. I don't want to mess it up, but there right due south right about where the D on Red Bud is, has also sent an e-mail in to the city. And there's an Andy Overman (phonetic) who I don't know, who apparently has sent in an e-mail. It's going to be my goal before the city council reviews this to make sure that you hear from more neighbors. I think weather kind of suppressed things tonight. Thank you for your time. I really appreciate it. And if you have any questions, I'm happy to answer them.

MS. LOE: Thank you, Mr. Gibbs. Any questions for this speaker? Commissioner Geuea Jones.

MS. JONES: We get this kind of request all the time and the justifications are almost always identical. Is there something that is truly unique about this property other than there aren't sidewalks on either side? Because for us to approve this, we need something more than just, I'll be the first one on the block because that -- that justification is given to us repeatedly. So I'm looking for something more than that here.

FINLEY GIBBS: I think this would be an extreme example of that. As far as something more, that

slope where it says Rollins is pretty severe. I think the paperwork says 8 to 10 percent. I dispute that. It's -- I'm sure it's more than that. And that does matter. With regard to construction and also the way the water would come down on the north edge of the property, on the sidewalk, unimpeded down to where that little ditch was that you saw in the photographs, that's going to be an issue. There's going to have to be a lot of structure built up to support that. And, you know, there's going to be a cut-off point where the utility of having a sidewalk -- and I'm a believer in sidewalks. I grew up out in Rothwell Heights, and I've lived here on North Greenwood or South Greenwood for -- I don't know -- about ten years.

I've been here since 1982. Big fan of our infrastructure, but sometimes it just doesn't make sense, and in this case, this is an extreme example of it not making sense, because there isn't a sidewalk anywhere in that photograph. And the question about whether if we added -- you know, if you gave me permission to not put a sidewalk in, would that suppress other people's ability to get sidewalks? You know, absolutely not.

A waiver by itself is a singular instance of changing something. And, so if you grant me a waiver, it doesn't suppress other people's abilities to either argue about whether we're going to put a sidewalk in or add them, but the other thing you can see from that picture, there aren't any buildable lots near there that would require a sidewalk. There's -- there's nothing else around it. So it -- the lot that's across the street, they're zoned by the city. I -- I don't see a location where this issue would come up again and again. I think, as Mr. Murphy said, if the city decided that the whole street should be sidewalked, well, that's another issue, and we'd have to address it at that time. But for right now, it just -- it seems like it would be a sidewalk to nowhere.

MS. LOE: Any additional questions for this speaker? Commissioner Rushing?

MS. RUSHING: When I went out to look at this and I came around the curve, there were people walking in the street, and they were walking on the wrong side of the street. How would you protect pedestrians -- how would you get them off the street if they're not -- if we're not going to build sidewalks?

FINLEY GIBBS: That's a great point, because the nature of that turn going from the south and up the hill on Rollins means that a lot of times people walk on the north side of the street on the right side of the street which is where you're supposed to be on a bicycle, but if you're -- you know, if you're on foot, it's much safer to be on that side of Rollins, because you can see up the hill, cars can see you sooner, and it's not quite as steep on the outside as it is on the inside.

MS. RUSHING: They were coming down the hill, so they --

FINLEY GIBBS: Oh, they were coming down the hill?

MS. RUSHING: So they wouldn't be able to see someone coming from the top down.

FINLEY GIBBS: Oh, so they were on the right-hand side of the road coming down the hill?

MS. RUSHING: Well, I'm going up. FINLEY GIBBS: Okay. Gotcha.

MS. RUSHING: So they are on the left-hand side. My left-hand side. Their right-hand side.

FINLEY GIBBS: I think I got it figured out now. So they would have been on the south side of the roadway. And you're coming west up the hill. Okay. Gotcha. You know, if we put a sidewalk in, that would mean that those people would have to cross the road.

MS. RUSHING: Or they would have already crossed the road.

FINLEY GIBBS: Well, but if they're -- if they're going the proper direction, if they were going on the left side of the road to get to the sidewalk that's -- that's proposed, they would have to cross over the right side of the road, get on the sidewalk, walk down it, and when they got down to Red Bud, they'd have to cut back over from the sidewalk and that -- that was my concern that I stated before which is that it doesn't make sense to make people, you know, leave the roadway, and then come back on the roadway all within 400 feet.

MS. RUSHING: Oh. I done a lot of walking. And I can tell you it never bothered me to step onto a sidewalk and --

FINLEY GIBBS: No. And it shouldn't. I totally agree with that point. The thing, though, is for safety purposes, if you've got little kids running around, things like that, bringing them off the road and then back onto the road, to me -- and I'm not an engineer. I'm just -- you know, I'm a -- a lawyer. That means I don't know much about a lot of things. But with that said, to me, that seems like less of a safety factor especially given how wide open things are when you get further down Rollins right about where that says subject site there. When you get to the bottom of that hill and you start -- oops. You start to head down towards the MKT -- and I don't think you can build sidewalks anywhere south of Red Bud, because I think that's a flood zone down there, and I think that there's also -- I know there's also bluffs on either side, because that's an area I walk in, too, with my wife and my dogs. It's less than a half mile from our house up in Greenwood. It is a concern, but that could also be handled by, you know, putting a multiuse path on the street itself. Frankly, the best spot for a sidewalk would be on the other side of the road, but I'm not going to say that because I have absolutely no authority.

MS. RUSHING: You just did, so.

FINLEY GIBBS: Yeah. It just means that on that side of the road the people would be on the outside of the curve, and you can see them from a further distance.

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

FINLEY GIBBS: Thank you very much.

JAY GEBHARDT: Good evening. My name is Jay Gebhardt, civil engineer with A Civil Group. What makes this property unique is -- what makes this request unique -- I think Ms. Geuea Jones was getting to that, for one, we have a singular lot in an established neighborhood that's been there forever and the

patterns of pedestrian walkways have been established, so just the fact that this is a vacant lot in this neighborhood is something that's unique. It's also unique that we have so much support from the neighborhood and neighbors that adjoin this because they're the ones that walk it. They're the ones whose children are using this street to go see their friends, ride their bikes, and all that. So to me, that's a unique thing, and we can talk about engineering things and, you know, when this street was built, a sidewalk wasn't contemplated as part of the construction.

And, so the storm drainage that Mr. Murphy talked about is a significant issue. There's -- basically, if you guys have seen the stack rock statutes down there, they're basically in a dry streambed, and that's going to have to be filled in to be able to build a sidewalk to city standards, and that's going to be pretty disruptive to that lot, and I think that's why the neighbors want to see that. And forget about this lot. How do you get from here to the trail on this side of the road? It's pretty -- I mean, it would be a major construction project to -- to construct a sidewalk down there.

So, you know, we always hear you got to start somewhere. Well, this neighborhood started a long time ago. And, so I think, you know, I -- I, like Finley, grew up in Rothwell Heights. I -- I grew up without sidewalks, and I'm still here. You know, it's not something that I don't think has to be done because the neighbors and the people drive through the neighborhood are accustomed to people walking in the street, and it's frequent here. So, but, anyway, I'll let you -- I'll answer any questions, and if you have any, I'll be glad to answer them.

MS. LOE: Thank you, Mr. Gebhardt. Any questions for this speaker? I see none. Thank you. Any additional speakers on this case?

ROBERT FLETCHER: Hi. My name is Robert Fletcher, and I live at 702 West Rollins. So the one directly to the west of this plat -- and we have a -- we have a sewer line that runs west to east through this plat with an easement and that sewer line ends about halfway down the -- the shaded area, which I presume would be underneath any new sidewalk that was constructed, so we would just like to know (inaudible) shows that if you were to construct a sidewalk wouldn't affect the functioning negatively of our sewer line.

MS. LOE: Thank you. You're on city sewer or this is a private -- yeah.

ROBERT FLETCHER: This is a private sewer

MS. LOE: A private sewer line. I'm going to let staff address this one.

MR. KELLEY: Yeah. So this came up today, so I discussed a little bit with our building site staff and our sewer engineer as well. It is a private common collector that runs through this site. There is an easement through the property that's not well defined, so it's noted on the plat. Talking about building permitting, so not necessarily the sidewalk, but for building permitting that would come in and be reviewed by staff that wouldn't be any damage to the sewer line. In the case of damaging the line, construction of a home or any heavy equipment that would go over may damage it. I don't know that

that would be the same case for constructing a sidewalk given it would be less intense work to build a sidewalk than a home, but I can't confirm that based on the limited info that I have.

MS. LOE: Thank you, Mr. Kelley. Is the easement shown on the plat we received as part of the report or no?

MR. KELLEY: It's noted, but it's -- the actual width and location is not because it's not defined where it's recorded at the county recorder, but it's presumed to be over the line that runs horizontally through the site.

MS. LOE: All right. So we don't know the -- you know, the exact location.

ROBERT FLETCHER: Yeah, we do. It was at one point flagged, but I don't think it currently is at the moment, but it's -- it's slightly to the north of the center of the line, slightly to the north of the center, running from west to east.

MR. KELLEY: Yeah. We know the location of the line. I think it's the easement that's not well --

ROBERT FLETCHER: Oh, sorry.

MR. KELLEY: -- that's not located on the plat. So there's the actual physical line -- okay.

MS. LOE: I'm not sure that answers your question very -- but thank you for bringing it up.

ROBERT FLETCHER: I don't know how you construct a sidewalk, so. That was my concern.

CHRISTINE BOILS: Sorry. Christine Boils, 702 West Rollins Road. It wasn't just the sewage line that we're concerned about, but also the water drainage coming down that hill and everything, and Mr. Murphy did mention that, you know, drainage might be a problem if a sidewalk was put in, so I just wanted consideration to be given to that.

MS. LOE: Thank you. Any questions for these speakers? I see no extra questions. Thank you. Any additional speakers on this case? If we're not, we're going to close public comment.

CLOSE PUBLIC HEARING

MS. LOE: Commission comment. Commissioner Placier?

MS. PLACIER: Well, I do have a lot of knowledge of this lot. I don't live in this direct neighborhood, but I do walk to it to get to the trail. And probably three or four times a week, go down that hill, walking on the side of the road that my parents taught me to walk on, and never having felt any danger at all. If there were a sidewalk there, I would not use it probably because I would fear ice. I would rather be on the road where it's been plowed and/or treated because sometimes I walk down there in -- in winter.

Another aspect of the lot in addition to the quarry sculptures, which we have enjoyed for over 30 years walking by there, the previous owner of the lot who built the sculptures also cleared the lot completely of invasive honeysuckle and planted native wild flowers all along the road. And that is not evident in any, you know, photos that we have, but in the spring, it's a beautiful thing. Those would all go if the sidewalk were installed. So this is something that -- that, you know, I don't have any personal connection to the owner or stake in this, but it is something I experience multiple times a week and have been dreading what might happen, so.

MS. LOE: Thank you. Commissioner Burns.

MS. BURNS: I appreciate the thorough discussion on sidewalks, because we seem to get this, as Commissioner Geuea Jones says frequently, but in this particular case, I think a fully developed neighborhood I think of the walking patterns that are established. I live in a neighborhood without many sidewalks and walk with a group three times a week. We don't walk on the sidewalks. We walk on the road. It's just what we're used to. It's a newer sidewalk that was installed, and we don't utilize it, and again, because of the ice, I agree with that. I know that we gave a variance up on Greenwood about six years ago because, again, it was a sidewalk to nowhere, and with the -- the fully developed neighborhood and the neighborhood support that we don't usually see that people have taken the time to either come or communicate to us their desire not to have a sidewalk built leads me to accept a design adjustment and not require the sidewalk be constructed.

MS. LOE: Commissioner Geuea Jones.

MS. JONES: I worry about two things, and first, I'm worried about the way that how we decide on these sidewalk cases. I think we have to be very careful about we have a set of criteria. Whatever rationale we use has to fit within that criteria. And -- and, so I just -- I want to make sure we get on the record rationale that makes sense given -- given our constraints.

The second thing is I'm going to tell on myself a little bit here. I cut through here when things are busy on Stadium and Broadway. I cut through here from Stadium to get to -- west to get to my house. And much like Commissioner Rushing, I have to be very, very careful on this curve, because people act like that road is a sidewalk, and they are not cautious on it, and I am surprised there hasn't been more injuries around that corner, and I -- I think the fact that that specific blind curve is where we're talking about, the sidewalk means that pedestrians' safety is a little bit different than if we were doing it, you know, two lots up where we're in the straightaway where you can see coming both directions.

So, I mean, I -- I fully recognize that I will probably be in the minority here, but I don't really like the precedent of starting to grant sidewalk waivers in R-1, and I particularly don't think this is a good curve to allow people to continue walking on the roadway without any other safety improvements. That's my two cents.

MS. LOE: Additional comments? Commissioner Kimbell.

MS. KIMBELL: Just for clarification, new development regarding with the UDC, any type of new development, residential -- technically, residential in this one. We're considering it a new development in a fully developed area of housing; right?

MR. KELLEY: I think the particular thing here is that it's -- it's a new plat; right? There's some criteria for old plats and whether subdivisions were built out, et cetera. In this case, this is a new plat under the UDC, so there's that aspect. There's also the portion of -- there is a -- basically a built-in waiver for large lots in R-1 where they don't have to build sidewalk. This lot is not that size. It doesn't meet that threshold for being, like, in an estate lot, basically. So because it's under that, it's required to build sidewalk.

MS. KIMBELL: Okay. Thank you. Thank you.

MS. LOE: Commissioner Burns?

MS. BURNS: If there is no other conversation, I'd be happy to make a motion. I'm going to make it in the affirmative in the matter of Quarry Heights plot 7 design adjustment the sidewalk, I'm going to recommend to approve the design adjustment to section 29-5.1(d) and not require a sidewalk.

MR. STANTON: Second.

MS. LOE: Seconded by Commissioner Stanton. We have a motion on the floor to approve the design adjustment. Any discussion on that motion? I saw one or two confused looks. I just want to make sure we all understand.

MS. BURNS: My motion indicates that there does not need to -- sidewalk construction will not be required.

MS. LOE: It's approving the waiver.

MS. BURNS: Yes.

MS. LOE: All right. Any discussion? If not, Commissioner Geuea Jones, may we have roll call, please?

MS. JONES: Chairperson Loe?

MS. LOE: Yes.

MS. JONES: Commissioner Stanton?

MR. STANTON: Yes.

MS. JONES: Commissioner Burns?

MS. BURNS: Yes.

MS. JONES: Commissioner Rushing?

MS. RUSHING: No.

MS. JONES: Commissioner MacMann abstains. My vote is no.

Commissioner Placier?

MS. PLACIER: Yes.

MS. JONES: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. JONES: Commissioner Carroll is absent. By our vote of five yes, two no, one absence, one absent, the motion carries.

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

MR. ZENNER: Old business.

MS. LOE: All right.