

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

Case 99-2022

A request by A Civil Group on behalf of John and Sarah Maddock for a design adjustment from section 29-5.1(d) of theUDC relating a construction of sidewalks along Old Highway 63 and Stadium Boulevard frontages of propertyaddressed as 1600 Old Highway 63.

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

MR. PALMER: Yes, you may. Thank you, Madam Chair. Real quick, public notice was sent on February 16th in the form of eight postcards and advertised on the 22nd and letters sent to the property owners shortly thereafter on the 22nd or so. It would be the -- I think it was the 24th on that.

We like to do these contextual aerial maps. This one is a little different. I was trying to make it a little clearer that the -- the road cut on Stadium is -- is rather deep, and of course, the rock wall resulting is tall there, but that doesn't really quite do it justice, but as you can see, the Old 63 corridor kind of snakes towards the top of the page. You can see Grindstone nature area denoted there which will come up later. It's really all that's important here.

So you might remember this property came through for a plat back in August. The original request included this design adjustment. Staff review, staff indicated not much support for that design adjustment at the time. And as such, the applicant withdrew the design adjustment aspect of the request. They're now submitting that design adjustment separately, and there's any number of reasons that they've done this, this way, and they can do that.

So anyway, like I said, relief from any section of the code requires evaluation based on the five criteria that you discussed in the last case. I'll reiterate them again. So the design adjustment should be considered -- consistent with the comp plan. Second, it shouldn't create adverse impacts for adjacent land or the landowners or occupants. Also, it shouldn't significantly impact safety in terms of pedestrians and traffic, bicyclists, and so on.

The design adjustment would address unique feature of the site and wouldn't decrease improvements compared to other developments, other similar developments, and lastly, it shouldn't create adverse impacts on the general public health, safety, and welfare.

So the applicant in their design adjustment worksheet pointed to a number of reasons why they believe the waiver should be granted. We generally agree with most of their stances. There is an exception I'll get to in a minute. The applicant does point to previous waivers that were granted when construction was unfeasible due to topo or other site constraints. That's often a primary reason why we do grant the waiver for sidewalk construction; however, the area does lack connectivity with adjacent neighborhoods, and this is kind of a major corridor that lacks any type of the lower level pedestrian and bicycle connections. There's a bicycle trail or path on the south side of Stadium here, and you'll see that in a moment. You can also kind of see it in the vignette photo I added there just begins -- this is the subject site in the lower right-hand corner, and this -- this is actually a sidewalk, slash, bike lane here. It's, really, the shoulder of the roadway in that location. There's a sidewalk constructed adjacent to the shoulder, I think, there. We'll see it in a photo here, so we can verify that, I think.

This is the last remaining parcel on the intersection without sidewalks. There were major improvements done to this intersection in the last two to three years, and that's why I put this vignette in. You can see the sidewalks on these other four corner -- or other three corners, and actually, this property had to do some pretty major design work in order to get a sidewalk that works there, and it's also part of our trail system. In that location that comes -- it cuts under the roadway and goes north and also has the sidewalk -- or the crosswalk connection across Stadium in that location. Kind of that aerial shows a conscious effort that we've been making in recent years to add -- add to the connectivity in this area.

The traffic division also noted need for connection from this site to the south along Old 63 that would connect to the Hinkson Creek and Grindstone Creek Trails. Again, that's the Grindstone nature area. In this image, you can see the parking lot for Grindstone, and then the trails go to the east and west away from there, and there is currently no connection along the western side -- or I'm sorry, eastern side of the roadway there. There is, however, connection on the -- on the western side. I'm getting my directions mixed up tonight.

Let's see. So I did mention that we do have extreme topography on Stadium. The area grade at the -- the building space at grade is narrow. It is within MoDOT right-of-way which is where we would have the sidewalk anyway, but there's really not enough room to construct a sidewalk with the existing shoulder and bike lane in that location, at least not as much as we would normally have for construction equipment and so on. MoDOT has also indicated that they would not support a right of use permit for work to be done in their right-of-way in that location, and they would not accept the -- the sidewalk for maintenance purposes after it is dedicated because of concerns about pedestrian safety with potential falling rock hazards, and also the -- the proximity to the roadways and other uses in that location. Again, the area there that they would have to build the sidewalk is immediately adjacent to the shoulder, and that's fairly typical, but MoDOT -- the kind of conglomeration of factors, they would not be supportive of a sidewalk in that location.

Traffic division also noted that what little pedestrian traffic we have along that corridor is usually bike

traffic. Some pedestrians in the existing shoulder and bike lane were put in that for that reason, and they seem to be operating well and are sufficient for the traffic loads that that corridor sees. Again, this is the bike lane and the sidewalk, quote/unquote, that I had mentioned. The bike lane actually goes up onto the sidewalk here and exits back onto the roadway and shoulder up here. This is the subject site to the right. This is, basically, just east of the intersection looking back to the east. I went the wrong way.

This is kind of the other end of the property looking back west. You can see a major gradechange here, very little space to add a sidewalk outside of the existing shoulder. And that's -- I think that pretty much does it on that picture.

So our recommendation, actually, would be for approval of the design adjustment on the Stadium frontage and denial of the design adjustment for Old 63. And I would be happy to answer any questions.

MS. LOE: Thank you for that. Before we move onto questions of staff, I would like to ask any commissioners who have had any ex parte related to this case to please share that with the commission so all commissioners have the benefit of the same information on the case in front of us. Commissioner MacMann, ex parte?

MR. MACMANN: I'd like to get your opinion and Mr. Murphy's. About four months ago, I ran into Mr. Murphy waiting for a movie, and this sidewalk came up and this exact project came up. I expressed opinions similar to what Ms. Geuea Jones expressed earlier, because this is an issue we get a lot, and Mr. Murphy repeated what we often hear and what we'll probably hear in just a bit. So I am going to toss it to the group. If you all or if Mr. Murphy feel I should recuse on this, I will do so and without hard feelings; however, if not, I will stay. If any of you or Mr. Murphy or Mr. Gebhardt think --

MS. RUSHING: Well, the issue is whether you can hear the case.

MS. LOE: Commissioner Rushing. Can you -- you need to be recognized --

MS. RUSHING: I'm sorry, Joy Rushing.

MS. LOE: -- before speaking, but --

MS. RUSHING: I'm sorry.

MS. LOE: -- also just to clarify with Mr. MacMann, we're asking for ex parte. You're asking to be recused, because you spoke to someone about the case?

MR. MACMANN: I -- here's what I'm saying is, if any -- after given what I've just told you, if any of you or if Mr. Murphy feel that I cannot be for the sake of absolute transparency and fairness to everyone, I will recuse.

MS. LOE: I think you need to make a decision about recusal. We cannot make that for you. So are

you asking to be recused?

MR. MACMANN: Well, I don't want to give anyone course for appeal. I'm going to ask Mr. Murphy his view of this. Given that there are no objections, I will continue.

MS. LOE: I'm going to take that as you having shared your ex parte with us. Does anyone else have any ex parte? All right. Any questions for staff? Commissioner Rushing.

MS. RUSHING: I agree with your recommendation on the Stadium frontage because that bluff there is a pretty good statement about a sidewalk. On the Highway 63 frontage, there's a ditch along there. How -- how would they build the sidewalk to one side of that ditch or --

MR. PALMER: The right-of-way in that location is fairly wide, so. My initial thought is it could be moved probably far enough away from the roadway in that location to get away from a ditch, if it's right there on the edge or vice versa. It could be moved closer, if the ditch is on the other side. I'm not picturing it in my head at the moment, but -- yeah, I didn't put a picture of that side up. But yeah, I think the right-of-way exists there, that they can maneuver a sidewalk for at least everything -- well, it's pretty wide on the south side, too, until they get to the very south end of the property there. I don't think they'll have any issue with that. And if not, it'll just -- you know, they'll -- they'll grade and -- and mitigate whatever kind of impacts they're creating, so it may -- you know, probably worse case scenario they're looking at putting a storm drain in under the sidewalk.

MS. LOE: Additional questions, commissioner Rushing?

MS. RUSHING: No.

MS. LOE: Commissioner Geuea Jones?

MS. JONES: Where does Stadium end and Old

63 begin? But that big deep cut curve because --

MR. PALMER: Something I mentioned in the staff report but didn't get on here, the crosswalk improvements that happened on the other three corners, actually connect to this property. This is a -- an accessible, what I would call an apron, like a driveway apron. You know, you see them on sidewalks everywhere. They've connected that crosswalk to this site, and I would say that that is the logical demarcation of where the sidewalk would connect from the south, and then would not then travel around the corner to the -- to the east.

MS. JONES: Is there a way we can require them to build a sidewalk on Stadium up to where the bike lane goes up onto -- I guess it's a shoulder, not technically a sidewalk? I don't know.

MR. PALMER: Yeah, I believe you can condition your approval based on that.

MS. JONES: Because the -- the cliff part makes sense to me, but this flat part that leads up to there does -- it makes no sense to me that they couldn't build something there, and I think MoDOT would

probably give them what they need there, especially given we've already got stuff coming in.

That's -- maybe that's for legal and/or Mr. Zenner to contemplate while we listen to further testimony.

MR. ZENNER: What I would suggest is, you'll notice where the crosswalk comes eastward into the corner of the subject site and immediately you can see in the lift out the ramp area for the sidewalk that's built just to the east of the radius where the radius ties back in, that's where the ramp is. I think the -- the connection of the sidewalk apron where the crosswalk comes in over to where the ramp is, it is possible how that ties back into the right-of-way of Stadium because the ramp obviously comes -- it's not in the intersection. It's beyond the intersection to get them back off where there was room to put the sidewalk in, in that particular location. It's a MoDOT issue. It's technically capable of being done. That's all part of their property's frontage, and therefore, how the MoDOT permit would basically be issued to work within that right-of-way, because there's likely a dual right-of-way situation here, state right-of-way, and then city right-of-way on Old 63. I'm not quite sure our condition is necessary.

If the condition is, is you want a -- a sidewalk built around the radius of the intersection to connect the Stadium frontage sidewalk back to Old 63, that may be the motion. How technically that occurs, I'm not sure -- I'm looking at this, and I'm more concerned about the fact that you take a bicyclist, and they've got to make this weird south diagonal, then they've got to go back up, and if you're following the flow of traffic on Stadium, riding a bike on Stadium like a vehicle, you're going to stay out in the travel lane. You're not going to come all the way back to this sidewalk, but for the purposes of being able to get a pedestrian to take the sidewalk all the way around to walk up Old 63, should they choose to do that, I think the point you're making is very valid, and I -- technically, it can be done. It's just going to require some coordination on the permitting end.

MS. JONES: Thank you.

MS. LOE: Any additional questions for staff? Seeing none, we're going to open up the floor to public hearing.

OPEN PUBLIC HEARING

KEVIN MURPHY: I'm Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park. I would like to hand out some information here. Just briefly, the connection Ms. Geuea Jones was talking about, we have a site plan in -- being reviewed current -- currently and that connection is being made from that apron into the crosswalk around the corner to the east to connect in there. Actually, we would be building a sidewalk at the back of the road. It does not have a curve in there, and it will come in on the back side, and then WILL jog over to the -- the path that way. We're also proposing heading south from that to our driveway further to the south at the back of the curve on our parking lot. The problem comes in from that point further south.

As I said before, contrary to popular belief, sidewalks are not required everywhere, and they're not possible necessarily everywhere, and I think historically the City of Columbia has agreed, specifically in this location on Old 63. Old 63 was reconstructed from Stadium south back in the late '90s. The city did not -- well, once again, see on the second page here, this is a minor arterial street. If you look at those design options, sidewalks are required on both sides of the street are ped way or sidewalk. The city itself did not follow their own design adjustment or design standards to -- to provide this sidewalk on this east side of Old 63. As a matter of fact, it's noted on here there's 2.6 miles of road from Broadway to Bearfield which is quite a bit south of this site in that stretch on the east side of the road. There's only point six miles of sidewalk. They're directly at the corner of Broadway and Old 63, at the Simmons Bank, and then further south of the site to where some of these housing units have gone in, in recent years, where -- where it's feasible to put it.

Actually, if you can see in this first photo here, the first large development, it only put in partial sidewalk along their frontage. There's many reasons for this, all along this side. Again, immediately south of her driveway, there's no curb and gutter there, and there's roughly 18 to 20-something foot drop-off, basically eight feet from the edge of the pavement there is sitting in there is a 12-foot tall by eight-foot wide box culvert, and again, this right-of-way was not constructed to put sidewalks in it on this east side of the road, and that is -- that -- there's certain things that developers or builders aren't - - shouldn't be required to do and technically aren't.

If there's a bridge to be built somewhere, we're not required to do that. Major drainage structures, we're not required to do that, and that's what's going to be required to do in this location or some kind of major -- major work to -- to get past that ditch immediately south of our -- our driveway.

So we are intending in putting sidewalk again from the north side of our driveway around the corner to connect to the crosswalk and further around to connect to the multiuse path along Stadium Boulevard. I will note that there's a bike way, multiuse path, again, I will call it, on both sides of Highway 63 along this entire length. Again, the city has constructed sidewalks along the entire length on the west side of Old 63, and again, when this was reconstructed, they only built it on one side.

Here, just four years ago, when they did this intersection improvement, they decided to build additional sidewalk on the west side of Old 63, but all they did was put that little intersection pad on the corner of this property. They built a big storm water feature adjacent to our right-of-way that you were just speaking of, that large ditch that contemplates matters using the right-of-way to where, you know, the sidewalk's gone for other storm water -- water quality purposes that could have been done elsewhere, I imagine, but, additionally along this stretch from Broadway to Bearfield, there were two bridges across Hinkson Creek and Grindstone Creek where the bridges were constructed with a pedestrian path on the west side, a sidewalk on the west side, and there's no room on the east side for those bridges to do that. Bridges would have to be added onto or -- or improved to provide that.

There -- again, there is that bike path, six-foot wide on both sides of the road through this entire

two and a half mile -- 2.6-mile stretch. There's many other extreme topographic reasons up and down this, why -- again, why the city, when they rebuilt this road, did not build the sidewalks on that east side.

You can see 10 to 15-foot elevation rises, 50-foot elevation drops further to the south. They have constructed drainage structures, again, in the right-of-way adjacent to the back of the curve where when you have extreme topography that's -- instead of putting the sidewalk at the property line or right-of-way line, you can bring it in and put it in the back of the curb. Well, that's impossible with the way this road is designed.

MS. LOE: Mr. Murphy?

KEVIN MURPHY: Yes.

MS. LOE: Can I ask a question?

KEVIN MURPHY: Certainly.

MS. LOE: This proposal on the last page of the thicker packet, is this what you're proposing to do?

KEVIN MURPHY: Yes.

MS. LOE: All right.

KEVIN MURPHY: So as you see, that comes around to the existing on Stadium Boulevard to the existing pathway, and what we're proposing is to bring it down and provide a crosswalk to the pedestrian way that the city has designated as the pedestrian path up and down this corridor from Broadway to Bearfield.

MS. LOE: And that's right before the bridge on the -- one of the bridges; correct?

KEVIN MURPHY: No. No. This is on our site.

MS. LOE: I'm just looking at where Old 63 bridges over, Bay wash area. I guess it's where that ditch -- you're saying it's where the major ditch is to the south of your driveway.

KEVIN MURPHY: If I can come up there and point to you real quick --

MS. LOE: Right.

KEVIN MURPHY: -- right here next to (inaudible).

MS. LOE: We can't hear you, if you're not on the microphone -- or the record can't hear you. Right. I'm just trying to describe the situation -- or the conditions for why you're crossing at that location.

KEVIN MURPHY: Certainly. And that's -- that's making a connection from Stadium Boulevard from the crosswalk and getting it back to a usable pedestrian pathway. Again -- again, we would stripe a crosswalk across there, and there's a four-foot or so -- four-foot or five-foot island there to use as a --

a pedestrian haven. Somebody can get halfway across the street safely. If traffic is going, rest and pause and continue on.

Again, continuing it to the south is a major engineering feat to get that sidewalk in there, and again, the city, you know -- well, you can even -- well, I feel if the city wanted sidewalks in here, as they were putting this sidewalk in adjacent to Old Highway 63 from this -- this is allbrand new sidewalk that the city just put in. If theyfelt that was necessary -- because they previously had a path along here that went, if they felt that was necessary, why wouldn't they not feel that was necessary?

MS. LOE: Well, we can speculate until the cows come home, so.

KEVIN MURPHY: It's a nightmare is what it is. issues.

MS. LOE: It does look like there may be

KEVIN MURPHY: Uh-huh.

MS. LOE: Are there any additional questions for Mr. Murphy? I think you've covered the bases.

KEVIN MURPHY: Sorry to keep --

MS. LOE: No. I appreciate getting this exhibit. This is very useful in describing what you're --

KEVIN MURPHY: We're willing to do what we can --

MS. LOE: -- planning on doing.

KEVIN MURPHY: -- reasonably, and I'm happy to answer any questions, if you have any.

MS. LOE: Commissioner Geuea Jones.

MS. JONES: I assumed that in addition to all of this, part of what you're doing, which I think we had a case not too long ago is you're rebuilding that site; right?

KEVIN MURPHY: They're gutting the inside of that building and redoing it. They're not tearing it down. We're improve -- some of the pavement is broken, and we're improving that, and we're extending some pavement to the north, yes.

MS. JONES: So does that mean that this driveway, which right now is not fabulous, you're going to be redoing that driveway as well as all of these sidewalks?

KEVIN MURPHY: Yes.

MS. JONES: Okay. Thank you.

KEVIN MURPHY: A portion of that driveway. Some of it is in decent shape and --

MS. JONES: Sure.

KEVIN MURPHY: -- as you get up.

MS. JONES: It needs some repair.

KEVIN MURPHY: Yes. Yes. We're repairing that as well.

MS. JONES: Thank you.

MS. LOE: Any additional questions for Mr. Murphy. I see none at this time. Thank you, Mr. Murphy.

JAY GEBHARDT: Good evening. My name is Jay Gebhardt, A Civil Group, 3401 Broadway Business Park. I have a unique perspective of this, because I was in the public works in the early '90s when this was designed from a highway to what's out there now, and a lot of discussion was given about sidewalks. You have to remember this was a 24-foot highway. This was Highway 63, and then when they built new 63, it became old 63, and the city came in and widened it, put curb and gutters on it, and there was a lot of discussion about sidewalks and where they would benefit the most and where -- what they could afford to do. And because of the park, Grindstone Park, they've decided that the -- that side of the road should have the sidewalks on it. And, so the bridge was built that way over Grindstone Creek and the culvert on our property wasn't extended on the north side because of that, and that is truly the big issue.

We're compliant, and we believe the pedestrian way on Stadium is adequate. We're building a sidewalk all the way down to the north side of our driveway. We're providing access across to the west, and then that last section is the section where it's just a deep hole that the city left when they designed the road. And it would be, you know, looking for a unique situation, and this is -- you were probably looking at a couple hundred-thousand dollars just to extend that and fill that and -- and build a sidewalk on that last section.

So it's really not feasible for this property owner, and it's really not feasible for the city, so I -- I'm glad to answer any questions. One other thing, if you look on the other side of the road, the conservation department owns most of that land, and it's all conservation department. There's a piece owned by the city, and then it's conservation land again, and it goes all the way up to those apartments.

So there's really -- would be no reason that the conservation department ever have to build a sidewalk on that -- that side. So that's just another example of why we don't believe having a sidewalk continue on that side of the road is -- is necessary.

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

JAY GEBHARDT: Thank you.

MS. LOE: Thank you.

MR. MARROW: -- Morrow, 2001 Mob Hill. We're the only adjacent (inaudible). We agree with the -- with what he said about (inaudible) in addition to that, the ditch that everyone keeps mentioning, we

walked that area, because we live there. There's not -- let it to build a sidewalk, there's not enough space to even walk on the shoulder there or safely.

The city -- actually, the conservation land was actually a land swap lease with the City of Columbia for the parks and rec department who recently developed waters and moss there, and when that -- that's just been in the past 20 years. They're still working on that, but they didn't at that time re -- at the time of redevelopment didn't install sidewalks on that side of the road either. We already have a problem with our private drive being like a de facto city park trail, and if that terminated there, that's where it would terminate, because the city is not going to continue it.

So south of that -- where he's -- the ditch south of their drive to our drive would be that section. That would be our concern. It's more of a safety issue with us because we already get peculiar traffic through our yard.

DONNA MORROW: Donna Morrow, 2001 Mob Hill (inaudible) ditch it would be (inaudible) for them to be requested (inaudible).

(Silence in audio.)

DONNA MORROW: -- bridge. And yes, I agree.

MS. LOE: Can you -- we need you in the microphone.

DONNA MORROW: Oh, sorry about that.

MR. ZENNER: Pull it down towards you.

DONNA MORROW: Sorry about that. I was just concurring with Mr. Murphy's assessment that it would require engineering feat for the south of his driveway to extend the sewer and/or a bridge -- bridge would need to be created, and the proposal of extending from Stadium to Mob Hill would lead directly and end at our driveway, so -- because it wouldn't extend any further. So that would be our safety concern.

MS. LOE: Ms. Morrow, can you just restate your name and address for the record?

DONNA MORROW: Donna Morrow, 2001 Mob Hill.

MS. LOE: Thank you. Thank you for those comments. Any questions for these speakers? I was wondering about your driveway myself, when I was checking out the site.

DONNA MORROW: It is very private. Yeah.

MS. LOE: And yeah, you're sandwiched in there between the park, like you say. Thank you. If there's no additional public comments, we'll close public hearing and move onto commission comments.

CLOSE PUBLIC HEARING

MS. LOE: Commissioner Geuea Jones.

MS. JONES: I have been thinking about how to word this, and I want to check in with legal about whether or not my thoughts with correct. I think we can state the motion if -- if it is the consensus of how we want to do it to state the motion to go from the existing headway on Stadium to the driveway and proposed crosswalk of this property as shown on the exhibit provided to us and attach the exhibit to the record, question mark?

MS. THOMPSON: Yeah. I mean -- this is Becky Thompson. I think the wording is sufficient if Pat and -- and Rusty agree. As far as attaching that document as an exhibit to go to council, at least for a visual, I think that would be helpful. I imagine that they will also get those documents at that level admitted, but I think it can come from you all as well.

MS. JONES: My thought is that often -- or I've noticed that sometimes what we see and what gets shown to counsel can sometimes change. So I'm thinking is there a way to say this is what we looked at tonight, since it is not in a staff report or anything?

MS. THOMPSON: Mr. Zenner, do you have any thoughts on that as far as how you all upload documents?

MR. ZENNER: I would suggest that the way that we would approach this is if the motion is made such that the design adjustment is being granted, pursuant to the exhibit presented by the applicant, along the Old 63 frontage, we will attach this to provide clarity for that as sidewalk exhibit. Proposed sidewalk construction exhibit on 63 -- on Old Highway 63. I think that's how we would handle it and attach.

And I think it's a simpler way of approaching the request is to -- if it is the desire of the commission to approve the requested waiver for the construction of sidewalk along the Stadium boulevard frontage as requested by the applicant and approve a partial design adjustment of sidewalk construction along the South Old 63 frontage subject to the applicant installing sidewalk as shown on the exhibit presented this evening.

MS. JONES: I think this is a --

MS. RUSHING: What he said.

MS. LOE: Commissioner MacMann.

MR. MACMANN: I would just say, for clarity sake, if we can recall in both the situation, and then logbook (sic) situation, we made direct reference to the applicants how they send those along. So we're not, you know, breaking any new ground here.

MR. ZENNER: I would suggest that the exhibit is the most relevant component of the packet

provided to you this evening. I'd also like to express that this is the first time we were aware that there was a construction plan had been submitted, so this is the first time we, as a staff, has seen this document as well. Given had we been provided this information in advance of this meeting, this evening's discussion may have been streamlined. So whatever action the commission desires to take (inaudible).

MS. LOE: I think we're deliberating who is going to make the motion.

MR. MACMANN: We are deliberating who is going to make the motion. I just -- I -- for the record sake, this is Commissioner MacMann. I do agree with Ms. -- with Commissioner Geuea Jones; however, it's her motion or it's her idea. I was thinking that it would be better if she made it so she encapsulated all of her ideas, and I didn't skip anything. I will gladly provide a second, Commissioner Geuea Jones.

MS. LOE: Commissioner Geuea Jones.

MS. JONES: If none of the other commissioners have comments, I would move partial approval of the design adjustment for section 29-5.1(d) on both the Stadium frontage and the Old 63 frontage in the matter of case 99-2022, so that a sidewalk will run from the existing ped way on Stadium around the corner to the driveway of the existing property as shown on the exhibit provided by the applicant and included in the staff report to council.

MR. MACMANN: Second.

MS. LOE: Seconded by Commissioner MacMann. We have a motion on the floor.

Any discussion on this motion? We are talked out. All right. 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: Yes.

MS. JONES: Commissioner MacMann?

MR. MACMANN: Aye.

MS. JONES: My vote is yes. Commissioner Placier?

MS. PLACIER: Yes.

MS. JONES: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. JONES: Commissioner Carroll is absent. By our vote of eight, with one absent, the motion carries.

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