

990709 Verbatim Motion:

Motion:

JB: Madam Mayor I was relatively comfortable with making a motion if we could include, I mean, the TCA thing looked at comprehensively or development wide, but apparently we can't exactly do that, again my preference would be to approach this as a phased larger development, not these little bits and pieces, and I still don't see the real advantage to carving out 30 units and leaving those and making that conservation and totally,

PH Let me ask another question.

JB I guess to finish my thought out, so why not go with the concessions the developer is already making to effectively downzone what they're proposing before.

Mayor: Put a motion on the floor C/Barrow

PH: Well the other question I was going to ask, it seemed as though, the issue with regard to the legal machinations that have gone on before, I think we were told were specifically related to the commercial.

MR that's correct.

PH The other option could be to put straight zoning on the commercial and.....

Mayor: Back to the plan board recommendations? PD and Conservation?

PH: Well, I'm perfectly comfortable with the Plan Board recommendation, except that I frankly think that it wasn't run by the legal staff, which is...

JB: Well, I guess that's why I'm kinda hesitant for your earlier proposal of that, has some similar concerns about going with Conservation on that strip. I mean looking at the surrounding land use zonings, so I guess I'm ready to make a motion to approve, well how do we do this, because what the petitioner conceded to earlier isn't Plan Board or staff's

MR: I'd like for purposes of this motion, to ask the petitioner to voluntarily amend their petition, in a manner that they have to have to have profit for purposes of this motion.

So done.

Mayor OK, so that would be

JB I think I wrote it all down, make that part of the motion then?

MR: That is correct.

JB: I would move that we approve the amended petition, which to state for the record would be:

Block 29 - Conservation

Parcel 1 - BUS

Parcel 2 - RMF-6

Parcel 3 - RSF-1

Parcel 4 - RMF-6

Parcel 5 - RMF-5

EJ Second.

Mayor: I have a motion and second. I'm not going to read that back into the record, did you follow that Mr. Clerk??? It follows the map at the request of the Petitioner.

BD: As part of that motion, the petitioner also agrees to move on Section 3.

JB: I'm glad C/Delaney pointed that out because that was sort of a question where I would make as part of my motion at this point to adjust that boundary between Parcel 2 and 3.

Pet: Madam Mayor, I think that mechanically how you'll need to do that Mr. Barrow is to instruct your staff to move the comprehensive plan line north of, to first locate the pond, because you can't zone what's different from the comprehensive plan, so we can't move the line north until the comprehensive plan line moves north, we need to locate the pond, we are willing for you to do that.

JB: So that means it should be a follow-up motion to this motion.

Mayor: So we have a motion on the floor, are there any other questions or comments?

BD: I'm in the same bind I was in before, I would really like to vote for this motion, simply because the petitioner's have had to deal with a moving target for so long, but I'm not gonna, and the reason I'm not gonna is that the area 3 is once again a wet area that hasn't been developed in the past, perhaps for environmental reasons, or legal reasons, but I really think, and I don't expect the petitioner to agree with this, I mean I have a lot of sympathy for what they've been through, so what I'm saying is that the City is yet again developing another standard, the standard being an environmental overlay and if it's done as staff has discussed with me, it's not to be just a compilation of existing regulations, but they're to re-visit each of those regulations the City, the creek ordinance actually affords protection and should protect the flood plain the way it should, and so we might be looking at once that's completed, hopefully we'll be looking at different zoning restraints and standards for some of those environmental areas, I would just much prefer, as I would have preferred to see other areas developed under somewhat more stringent environmental standards, because of their sensitivity and their impact on significant water resources, so.

Mayor: Well I'd like to ask a question.

JB: I would like some clarification on that, I would like to see Mr. Jones' maps again, because I don't remember all or most of even Parcel 3 having those.

Mayor: And I have question as for moving towards that and that is this overlay is going over property all over the City that has current zoning and land use.

PH Potentially,

Mayor: But it's got something on it, whether it's right.

PH It definitely has zoning and land use, whether the overlay is really going to be adopted.

Mayor: And I guess my question would be, if this local government chooses to implement tougher development regulations, whether through an environmental overlay or just through some discussion that we had, I remember when I was new Commissioner we were just at that time changing some of the Creek requirements and the setbacks. I presume that that is an ongoing process, just like OSHA updates it's safety regulations for businesses and they comply over time. What would be the difference if we overlay tougher regulations for environmentally sensitive areas in the future, this would come under that at the time of development.

TS: Comments

Mike Drummond: Comments.

2nd MOTION:

JB: Ask Staff to look at re-drawing the boundary between Parcels 2 & 3, to locate the pond.

Petitioner: And to move the comprehensive plan designation north, so that's what's at the pond and south becomes part of the RSF-1 area.

Mayor: So we want to move to initiate a petition through the staff to move the area in Parcel # 2 into area Parcel #3, where the pond is. To change that boundary.

It's to move the line that is now at the southern boundary of Parcel 3 and move it farther north.

Yes: Move it north to encompass the pond area and the area below. OK
I know that's perfectly clear Mr. Clerk.

PH Second

We have a motion and Second

EJ (5-0)