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**Sent:** Monday, June 1, 2020 9:42 AM  
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**Subject:** Request to Rescind ZAP Action - C14-2019-0129 – 10801 Wayne Riddell Loop

Good Morning, Andrew,

Please distribute the following backup material for item C-1 on the agenda for the Zoning and Platting Commission (ZAP) meeting on June 2, 2020. Item C-1 is discussion and possible action to rescind ZAP action from May 19, 2020, regarding C14-2019-0129 – 10801 Wayne Riddell Loop, located at 10801 Wayne Riddell Loop.

ZAP bylaws indicate that two or more commissioners may request that a case be rescinded or amended within fourteen days of the date on which the action to be rescinded or amended was taken by the Commission.

ZAP experienced significant technical issues that prevented Commissioners from hearing some public comments during the public hearing on the Wayne Riddle Loop case at the ZAP meeting on May 19, 2020.

Here's a brief list of the more impactful tissues during the meeting:

1. Rebecca Howe (0:42:48 on video recording of meeting) about one-third of her comments were unintelligible due to poor sound quality. (Commissioners expressed concern and the ZAP Chair asked for her comments by email.)
2. Kevin Chaney & Jim Dew (0:48:00 on video) - Their comments were disrupted by crosstalk in the phone queue.
3. Sam Prichard (0:57:30 on video) - The first one-third of his comments were unintelligible due to crosstalk in the phone queue.
4. Mike Smuts (1:58:50)- About half of his comments were unintelligible due to crosstalk in the phone queue - (Commissioners pointed this out and ZAP chair asked for his comments by email.)
5. Rick Anderson (2:34:00 to 2:47:00 on video) - Speaker signed up for item B6 but it was passed on consent - He was apparently inadvertently signed up for item B1 instead. (It took 13 minutes to resolve during the hearing! Mr. Anderson indicated that he had emailed his handout for his comments on item B6 to Andrew at 1:00 pm earlier that afternoon.)

6. Daniel Kirkaby - (3:19:30 on video) - About one-third of his comments were unintelligible due to crosstalk in the phone queue.

In addition to the significant issues above, there were a multitude of less disruptive technical issues with sound delays, crosstalk, poor sound quality, and cumbersome document sharing that impacted other public speakers and Commission deliberations.

Public comments started at 6:19 PM and ended at 9:49 PM for a total of 3 hours and 30 minutes. The Commission closed the public hearing and started deliberations at 9:50 PM and ended deliberations at 10:42 PM for a total of 52 minutes.

The public hearing for this case had almost 80 public speakers and a multitude of technical issues that disrupted and delayed public comments. ZAP had insufficient time, just 52 minutes, to discuss this important case and address serious neighborhood concerns.

Technical issues prevented ZAP from receiving some information from the public and effectively denied several members of the public the right to provide public comments to ZAP. Since ZAP did not receive information from some members of the public during the public hearing, that information is essentially "new" information to ZAP because ZAP never received it during the public hearing and never considered it during deliberations.

Since some members of the public were effectively denied the right to provide public comments during the public hearing, this case should be reconsidered, and the public hearing should be reopened to allow those members of the public to provide input.

Additionally, during this pandemic, City land use commissions are working to resolve issues on controversial zoning and land development cases before they get to Council so Council can focus on the pandemic.

Respectfully,  
David

David King  
Zoning and Platting Commission - District 5

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David King  
Boards and Commissions

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