

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
March 5, 2026

Case Number 82-2026

A request by A Civil Group (agent), on behalf of Southside Development, LLC, THM Construction, LLC, and the Woodrow J. Simmons & Donna S. Simmons Trust (owners), for approval of a PD Plan amendment to the Woodrail Terrace PD Plan that would transfer approximately 30 feet from existing Lot 13A of Woodrail Plat 13 to Lot 104 of Woodrail Terrace, Plat 1, to be known as the "Woodrail Terrace Plat 2, Lots 201 and 202 PD Plan." The 0.48-acre subject site includes 3405 and 3407 Woodrail Terrace.

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

MR. ZENNER: Yes, you may, Madam Chair.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the proposed "Woodrail Terrace Plat 2, Lots 201 and 202 PD plan" and the modernized statement of intent, pursuant to minor technical corrections.

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. Other questions for staff? Commissioner Darr?

MR. DARR: I understand there's a few moving parts here, and it's a little bit complicated. But it seems like this -- is there no way this could have been a minor amendment?

MR. ZENNER: No. You're expanding the boundary of a plat. You're expanding the boundary of the 2023 PD Plan.

MR. DARR: But just because additional land is included?

MR. ZENNER: Additional land is being added into a former PD. That constitutes an automatic major amendment.

MR. DARR: Okay. Thank you.

MS. GEUEA JONES: Any other questions for staff? Seeing none. We will go to public comment.

PUBLIC HEARING OPENED

MS. GEUEA JONES: If any members of the public are here to speak on this case, please come forward. State your name and address for the record. Go ahead.

MR. SWISHER: My name is Clark Swisher. We live at 3403 Woodrail Terrace, which is the house that's right north of this particular part that's attempting to be added to the two lots to the south. Our covenants -- this is a green piece, green space of the -- of the 3403 and 3405. And in our covenants, it says that that green piece -- green space cannot be sold by the owner. The green space is all -- is

everybody's. And in our covenants, it says that you can't sell part of your green space. And I'm just wondering how protected, if that part gets sold by the developer from the owner of 3405, then is the rest of the green space in the entire Woodrail Terrace or the inside of the Woodrail -- Woodrail Terrace Road - street, is that being protected? Is there some way -- I mean, can we sell or can somebody sell it if the covenants say you can't? That's the first question.

MS. GEUEA JONES: So we don't deal with the private covenants. We are dealing only with the land use. So you would have to talk to your HOA, and potentially, an attorney about that part, but the City has no control over your private covenants.

MR. SWISHER: Okay. Then a second question -- can I have another question?

MS. GEUEA JONES: Please.

MR. SWISHER: Who -- who is responsible for these -- these are huge homes that are being built, and the -- the concrete trucks that are moving up and down Woodrail Terrace, that's Woodrail Terrace Road is not built for concrete, and it's being beat up pretty badly. Who is responsible for the repair of that -- of the road that these concrete trucks are chewing up?

MS. GEUEA JONES: I'm not sure if it's a public or a private street. I assume it's a public street.

MR. ZENNER: Both Woodrail -- Woodrail itself is a public road, as well as is Woodrail Terrace. That would be an issue and a question to be asking Public Works as it relates to maintenance of the streets post-construction. And so we do charge a development fee associated with the square footage of construction that may or may not be utilized to offset infrastructure improvements to streets that are impacted by construction. I don't have a direct answer for that because that is not an area that we deal with out of the community development department. Best directed probably to Jake Ray, who is our City's traffic engineer, and he probably can get you an answer for that.

MR. SWISHER: Who was that?

MR. ZENNER: Jake Ray, our public -- our City's traffic engineer.

MS. GEUEA JONES: And he's in Public Works?

MR. ZENNER: Public Works, yes, he is.

MS. GEUEA JONES: So if you call the City Hall and ask for Public Works, they would be able to tell you who is going to be responsible for that.

MR. ZENNER: And that would be Mr. Ray.

MS. GEUEA JONES: Right.

MR. ZENNER: Ask for Jake Ray in Public Works when you call to the City.

MR. SWISHER: Is -- how we -- how can we get a map of the continuation? That map in there is the -- is a little bit incorrect in that the top line of that particular map goes through the middle -- 3403 and 3405 are a single lot line duplex, and that -- that map goes right through our south border of our home. I live at 3403, and that line goes right through. So I -- we're concerned that -- most of the people adjacent to these lots are concerned what's going to happen to 3405.

MS. GEUEA JONES: Sure.

MR. SWISHER: Any idea?

MS. GEUEA JONES: No. We -- we don't control what happens, we only control what they're allowed to do on it with the land use itself. I believe Recorder of Deeds would be the place to get the most accurate plat map, other than a surveying?

MR. ZENNER: Correct. And where the line is shown, sir, where the red line is shown, that is what we have in -- per our assessors related parcel view or information, that's actually where the property line is mapped. It may not be exactly accurate, based on a survey grade accuracy, and that's where you would have to probably, if you're wanting to establish the property line --

MR. SWISHER: It's a lot farther than the --

MS. GEUEA JONES: Can you speak into the microphone, sir? Sir, can you speak into the microphone?

MR. SWISHER: Oh, excuse me.

MS. GEUEA JONES: That's okay.

MR. SWISHER: Got caught up in it.

MS. GEUEA JONES: Oh, sure.

MR. SWISHER: The -- that -- that map, it looks like --

MS. GEUEA JONES: And --

MR. SWISHER: -- it's a lot farther than the 30 feet.

MS. GEUEA JONES: Sure. And I would just point out that this isn't what is getting platted, this is just for the purposes of demonstrating generally where it is. So this isn't a legal document, the picture that we're looking at now on the screen.

MR. SWISHER: Okay.

MR. ZENNER: Sir, the piece -- let me just explain. The piece that is where this orange line is that you can see on the graphic in front of you, that orange line is the northern boundary line of the -- the piece that was transferred to the southerly parcel. So the upper portion of what is in the red outlined area with the hatching that's north of where my cursor is right here, all of that is what is being retained in the existing southerly half of the building that you share a common wall with. That is their lot, and that is -- that lot will be restricted to a single family attached dwelling unit per the plan approval, if it is approved. Ostensibly, what is happening is is what your original concern was, is that this green space here, which is by your covenants, not capable of being transferred to somebody else, that is --

MR. SWISHER: Sold?

MR. ZENNER: Sold and transferred are the same in our world.

MR. SWISHER: Okay.

MR. ZENNER: So they sold the southerly 30 feet of their lot, of the south portion of your building, to the adjacent owner. And so resolving that is a private covenant matter, which the City would not be involved in, and we would not have had any knowledge that your covenants said that it couldn't occur. So it is a matter then that you need to -- as the Chair has suggested, you need to consult with your

homeowner's association and possibly legal counsel as to what actions you all may want to take to the owner of the home to the south of you, and the buyer of that parcel.

MR. SWISHER: Thanks.

MR. ZENNER: And from what we are aware of, based on this application, the applicant's intent is to still build a paired home on the southerly lot, the two lots that were originally platted here and here, and they would like to use the upper portion as green space, as their private green space for a garden and potentially fencing that in so they have a place for a dog run for their own personal pet. And that is why they acquired it. That is what we understand. No development, because this PD plan also restricts how much development can go on the area that's hatched. It's only two dwelling units, so it's the dwelling unit there and the dwelling unit to the very southerly side of the hatched-in area. That is all.

MR. SWISHER: So the additional 30 feet, 20,000 square feet --

MR. ZENNER: Yes.

MR. SWISHER: -- and what is -- what -- does -- do we have to ask what's going to happen to that? I mean, how is it going to be developed?

MR. ZENNER: What we are aware, based on what we have been told thorough the review of this process, is its open space for the home that will be built on the existing platted lot.

MR. SWISHER: It sounds like it's going to take further information. Well, thank you very much. I think I've got enough to go on.

MS. GEUEA JONES: Yes. And you might see if you can't get Mr. Gebhardt's information, because he might be able to answer more of the details.

MR. SWISHER: Okay.

MS. GEUEA JONES: He's right here behind you with the hat on. Yes.

MR. SWISHER: Sneaked up behind me.

MS. GEUEA JONES: I know. Right?

MR. SWISHER: Thank you.

MS. GEUEA JONES: Thank you very much, sir. Next speaker on this case?

MR. GEBHARDT: Good evening. Jay Gebhardt with A Civil Group. Just kind of going to dive into this. So the house to the south is a villa, and the north portion of that villa is not changing. The footprint is not any different than what's proposed originally. The owner or the future owner of that would like to have -- and acquire this, because the neighbor had this large side yard, and they said, hey, would you sell us part of that side yard, we would like to have, basically, a flower garden. They want to put in a handicap entrance to that side of their home, and they also have a dog, and they would kind of like to have a place for the dog -- a little bit of yard. So it's green space now; it's going to be green space later. As far as the lot to the north of this that it's coming off of, that is a true zero lot line lot, and that -- that line divides the two units on the north has not changed. We found the irons for that line. We -- we established the line in the exact same place that it's always been, so we -- nothing changing on the north side of this parcel that divides those two units. I'm not aware of this being any kind of common area. It's

not shown as common area on the final plat. Doesn't mean the covenants don't say that it's green space, but I was unaware of that being an issue, but, if it is, it's still a green space, it's just owned by someone else is all that's happened. This guy on the north sold it to the guy in the south, it's still going to be green space. We're not expanding the home. We're not expanding that. We just basically -- we're doing this all so the -- their dog can have a place to go outside, so --

MS. GEUEA JONES: Thank you. Any questions for this speaker? Commissioner Walters?

MR. WALTERS: I have a comment. It's for Jay and for the previous speaker. If -- if you have -- and you answer -- you can't talk to me when you're seated, so I'm -- but I'm just going to talk out loud. So if you have an active homes association and you have a management for that association, one thing I would recommend to you regarding this future fence is that you become proactive and direct your concerns to the management regarding the appearance and location of that fence.

MR. GEBHARDT: I would like to say, Bob, the fence is new to me.

MR. WALTERS: The fence is new to you?

MR. GEBHARDT: Yeah. I don't --

MR. WALTERS: Well, I was just --

MR. GEBHARDT: I don't know if there is going to be one or not, but I've never -- no one has ever mentioned a fence to me.

MR. WALTERS: Well, I should have commented regarding his talk rather than you, but, anyway, now is an opportunity. I have managed several homes associations in the past, and -- which I don't enjoy, -- didn't enjoy. But one of the things is, you need to be proactive about this, and you need to enforce it. Like Jay said, if it was labeled a common area, they can't buy -- they can't legally sell a lot or buy a lot, but apparently, it's not labeled that way. Just for your information, so --

MS. GEUEA JONES: Thank you. Anyone else? Thank you very much.

MR. GEBHARDT: Thank you.

MS. GEUEA JONES: Anyone else to speak on this case tonight? Seeing none. We will close public comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comment. Any Commissioner comments on this case? Anyone like to make a motion?

MR. WALTERS: I would.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: Regarding Case 82-2026, I would recommend approval of the Woodrail Terrace Plat 2, Lots 201 and 202 PD plan, and the proposed Statement of Intent subject to the following technical corrections: Requirement/restrictions in the SOI are reflective of only the subject lots shown upon the PD Plan.

DR. GRAY: Second.

MS. GEUEA JONES: Motion made by Commissioner Walters, seconded by Commissioner Gray.

Is there any discussion on the motion? Seeing none. Commissioner Stanton, may we have a roll call?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Darr, Ms. Geuea Jones, Dr. Gray, Ms. Ortiz, Mr. Stanton, Ms. Stockton, Mr. Walters, Ms. Wilson. The motion carries 8-0.

MR. STANTON: Eight yeses, Madam Chair.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council.