

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
July 6, 2023

Case Number 182-2023

A request by SSE, Simon & Struempf Engineering (agent), on behalf of Jeremy Spillman and Brooks Chandler (owners), seeking approval to rezone 2.22 acres of property from the R-MF (Multiple-family Dwelling) district to the R-2 (Two-family Dwelling) district to facilitate cottage-style development. The subject site is located southwest of the intersection of Old Plank Road and Bethel Church Road, and includes the address 200 West Old Plank Road.

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the rezoning to R-2.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, did any of my fellow Commissioners have any outside contact with parties to this case? If so, please disclose so now. Any recusals? Seeing none. Any questions for staff? Commissioner Carroll?

MS. CARROLL: I think I heard in your staff report you mentioned that there were environmental constraints?

MR. ZENNER: We have some slope, not -- not that aren't overcomeable, but we do have some slopes on the property that will have to be addressed. That's probably the primary environmental constraint associated with the land. That, however, can be incorporated, of course, in with the development lots themselves.

MS. CARROLL: Thanks.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Just a note on the map. I was noticing on the locator maps that storm -- storm water, there's a spot of storm water for the City just off this property. Is there any difficulty connecting this to any storm-water issues or services?

MR. ZENNER: There has been nothing that was offered as a part of the actual plan review for the preliminary plat that I am aware of or that came up in the record.

MR. MACMANN: All right. I'll readdress this. Thank you.

MS. GEUEA JONES: Any other questions for staff? Seeing none. I will open public hearing on this case.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Anyone here from the public to speak on this case? Come on up. Don't be shy. Please state your name and address for the record.

MR. POEHLMAN: Michael Poehlman; I live at 1101 Park Ridge Drive.

MS. GEUEA JONES: Sorry. Could you pull up the microphone a little bit?

MR. POEHLMAN: Yeah.

MS. GEUEA JONES: Thank you.

MR. POEHLMAN: Michael Poehlman.

MS. GEUEA JONES: Thank you very much.

MR. POEHLMAN: I live at 1101 Park Ridge Drive, and I'm part owner of the land north of there, and also, I own a house just north and west of there. Okay? So my big concern is Old Plank Road and the traffic. Okay? So has anybody done a traffic study on this? Did you do a traffic study, Pat?

MR. ZENNER: I'll answer questions, Mr. Poehlman, once we've closed the public hearing.

MS. GEUEA JONES: Sure.

MR. POEHLMAN: Okay. All right.

MS. GEUEA JONES: So your concern is traffic?

MR. POEHLMAN: Okay. So I'd like to know if a traffic study was done. All right? I -- and -- or has -- has even -- has anybody gone out there and measured the traffic on Old Plank Road. Okay? I did that this spring before school was out. I counted, like, 4:00 in the afternoon, I counted 500 cars in an hour. Five hundred. Okay? And I -- and I set up a trail camera, too. And in a 24-hour period, 2,700 cars. Okay? It's a ton of traffic, and it's a ton of traffic on a road that really hasn't changed much in 150, 175 years. Okay? It hasn't changed much. It's been paved, but that's it. The width hasn't changed any. Okay? And the -- the warning sign, like, in front of, you know, south of us between here and that other property, it's, like, knocked down. Never -- nobody ever repaired it. Okay? And the other thing is the traffic enforcement. Okay? I never ever, ever see a Columbia police car out there enforcing traffic. I've never seen it. I see them go up and down the road a lot, but I've never seen them enforcing traffic. But I do see the Boone County Sheriff, they station themselves up at Bethel Church, and they will try and catch, you know, people running the four-way stop. In fact, I was there this afternoon for about an hour on our property just doing some work. Well, first of all, I went up to get my tractor at the neighbor's house, and I was walking on Old Plank Road, and when one car is coming and there's another one coming, there's no room. I had to jump in the ditch twice. Okay? And I see a lot of students out there doing the same thing, trying to jog, trying to ride their bike, and they are in the ditch. And it's just a matter of time before something bad happens. Okay? But the -- the sheriff, they showed up out there today, and they were enforcing the traffic out there on a City street. Okay? I mean, what would Boone County taxpayers think if they knew that their sheriff was -- and their deputies were patrolling City streets for traffic. Okay? And I have a picture on my phone that I took of a deputy pulling over a speeder, and that was today. I mean, all this -- it's a ton of traffic, and it's not managed. Okay? It's not enforced. So I don't even know how you can be here tonight considering even adding one more car to that road.

MS. GEUEA JONES: Thank you very much.

MR. POEHLMAN: There's no -- but there's no plan, is there, to improve it?

MS. GEUEA JONES: I'm not sure about that, but thank you --

MR. POEHLMAN: But shouldn't that be considered? Shouldn't that be discussed tonight if there was plans to improve the road?

MS. GEUEA JONES: I promise you we'll get to Commissioner comments, and you'll hear a lot of them.

MR. POEHLMAN: And the other thing is --

MS. GEUEA JONES: Hang on just a moment.

MR. POEHLMAN: -- what about the school bus? Where's the school bus going to stop?

MS. GEUEA JONES: Sure. I'm going to have to ask you to wrap up, and would you take some questions from the Commissioners?

MR. POEHLMAN: Yeah.

MS. GEUEA JONES: Okay. Thank you. Commissioner Carroll?

MS. CARROLL: Can I ask how you would feel about a multi-family building on that lot?

MR. POEHLMAN: It doesn't matter. It's the traffic, it's the added traffic.

MS. CARROLL: I understand. It's presently zoned multi-family --

MR. POEHLMAN: I know.

MS. CARROLL: -- so that they could build a multi-family building by right on that lot.

MR. POEHLMAN: But right now, there's nothing.

MS. CARROLL: Right. There's not going to continue to be nothing. If they built a multi-family, how would you feel about that?

MR. POEHLMAN: I don't have any control over that. It's the traffic.

MS. CARROLL: I understand.

MR. POEHLMAN: The road is maxed out, and to say simply, oh, 30 more cars, that a -- ah, that's okay, it's no problem. People have been saying that, Commissioners have been saying that for 50, 100 years. Ah, what's a few more cars.

MS. CARROLL: I think our concern is that there could be a lot more cars, and this is considerably less than what is possible.

MR. POEHLMAN: That's not the right answer. That's not a good answer. The road can't take any more cars. It's maxed out.

MS. CARROLL: But this is in our power, and that's not.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: I'll save Mike -- I'll save Mike that for later.

MS. GEUEA JONES: Oh. Okay. Thank you. Any other members of the public to speak on this case, please come forward. Name and address for the record.

MR. VEACH: Kelly Veach; my residence is at 2620 East Highway 163, Columbia, Missouri, and I

do own property downtown that I pay taxes on. I am friends of the family of the Nancy Gore Trust. This is her daughter, Martha. So her tract is just to the west. Mr. Zenner, can you put up that postcard?

MR. ZENNER: I don't have the postcard, sir.

MR. VEACH: Well, the one that you had earlier that looked like a postcard where it showed -- there you go.

MS. THOMPSON: Can you pull the microphone down, please?

MR. VEACH: You bet. Is that better? Okay. All right. So, just to the left is that white tract of land; that is in the County. The -- so as far as the preliminary plat, I don't know how all this works, but the way it's designed right now, there's a stub -- stub street that points over towards the Gore property, and it goes at a right angle. I -- this is all pretty rushed. I wasn't able to download anything until Friday after 5:00. We did meet with the owners for about a half hour yesterday, and they were not opposed to changing the angle of that stub street so that if the Gore property, being a sister developed lot, the stub street would run parallel to the bottom property line and that would make a better-looking layout for lots on the south edge of that. I've got -- you know, I made some photocopies. There are ten of them here I can share with you guys to explain what I'm talking about. I'd be happy to share those with you. Another question, and again, I don't know when to ask this. If the County sewer would be -- if the developer would extend that to the west to the property line where the Gore property starts, so with that -- when that property was developed, they could tie into that. And the -- do you have the one with the preliminary plat you could put up, please? So this one here you'll see on the -- on the west side, there's -- it looks like six lots. I believe the developer felt that first lot would have to be sacrificed for sidewalk and some other setbacks. So there would be five properties, and these are going to be, he felt, three-bedroom homes. The driveways only allow for two cars, and if you have that diagram, the second car has to be parked cock-eyed, so it's not even -- you can't pull in parallel. And then on the street, there's only room for one parking space in between each of the aprons that go to each of the property. I mean, so it is an interesting development, but what I see happening is a three-bedroom unit, unless there's going to be some sort of -- you know, they have to be owner occupied, they'll probably be possibly, you know, three non-related people. I believe that's still legal to have up to three non-related people in a household. That gives you three cars. At 18 properties, we're looking at -- what is that, 54 cars? I don't know how that would compare to a multi-family development. Still quite a few cars. And if we ended up developing the sister property, it would be more cars dumping onto Bethel. So I've got pros and cons for that, but I just want to make sure the Gore property is protected for future development where that stub street could be extended, and then it would have to be, you know, dealt with leading back up to Bethel -- I'm sorry -- up to Old Plank in some manner. The five lots that you see bordering on the northern side of his property, the Gore house was built in 1880. Very, very mature trees along that fence line. About 30 -- 20, 30 feet from that fence line is a most beautiful Silver Maple. It's just huge, and I don't know how that works when developers, when they disrupt the roots, what happens there. I don't know whether we could put ten grand into escrow and then wait two or three years to see what dies and have an adjustment for any kind

of damage done to the trees.

MS. GEUEA JONES: Thank you, Mr. Veach.

MR. VEACH: I don't know if --

MS. GEUEA JONES: I'm going to have to ask you to wrap up.

MR. VEACH: Okay. And the next thing is if he will put any fencing for privacy along that west side.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Seeing none. Thank you very much. Anyone else from the public to speak? Please come forward. Name and address for the record.

MS. GORE: I'm Martha Gore; I live at 254 West Old Plank, so my property is the property line. So when he puts his sewer lines in, he is going to destroy about 30 of my trees because this is backfilled property. He has the option, because I was speaking with him yesterday, to put his sewer lines in the middle of his street. He does not want to do that. I don't know what his reasons are. He would rather put them on the fence line or close to the fence line which, as he was saying, is going to kill all my trees. So that is a big concern to me because that is a huge part of my property value. And I will say, as far as traffic goes, when I pull out of my driveway from 8:00 or I should say about 7:30 in the morning until about 15 minutes before 9:00 in the morning, the traffic is backed up and I cannot get out of my driveway. It's back up from the intersection of Bethel Church to my driveway. So if this development has three cars per cottage, I have no idea how that's going to work. So I'm not opposed to a development, maybe not 18 -- something like that. I mean, I do want to develop at some point, not next week. So that is something to be taken into consideration, and we're not even talking about kids. The other thing that I worry about are kids and buses. The other thing that I worry about is when you have high-density developments like this, and he cannot guarantee me that they're going to be owner occupied, how do I know that's not going to turn into Demaret or is it Citadel or Bodie Drive. I mean, this is a recipe for Section 8. There's no way that he can tell me it's not going to be, and that's all I have to say.

MS. GEUEA JONES: Any questions for this speaker? Seeing none. Any other members of the public who wish to speak on this case? Last -- oh. Please come forward.

MR. HAZLETT: Good evening, ladies and gentlemen. My name is Andrew Hazlett; I live at 555 West Hickman Drive. And my concern is about the school buses. I have two children who attend Rock Bridge Elementary, and during the 2022-2023 school year, nearly every day, shy of about maybe seven to ten days, the bus was at least 30 minutes late picking up and dropping off, and we were forced to drive the kids to school, which it's not a far drive, but it seems rather silly to me to increase the population density along a bus route that failed in over 90 percent of days to get the kids to school. One of the mantras of Rock Bridge Elementary is being a safe, respectful learner, but that's difficult when the kids can't get to the school or get home in a timely manner. Thank you.

MS. GEUEA JONES: Thank you. Any questions for this speaker? Seeing none. Any other members of the public who wish to speak on this case? Last call. All right. We'll close public hearing.

and go to Commissioner comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Any Commissioner comments? Commissioner MacMann?

MR. MACMANN: A couple of things, as we've been going through this, and I had some of these same questions, and I used to live down here on Old Plank, so I'm more than familiar with the road. I have done some numbers. By right, right now, if he was to max it out, he could have 152 beds. Average population density in Columbia, we have about 39 to 41 human beings, vis-a-vis, 152. Some of these issues are beyond our purview. I don't -- yeah. Some of these issues are beyond our -- we do nothing, and he can do whatever he wants with it. And I think some of these issues, it would be my hope that adjoining property owners would enter into negotiations with each other because they're just really like the placement of the storm lines and the sewer lines. That -- that is not us. I'm going to hold the rest of my water for the moment. Thank you.

MS. GEUEA JONES: Any other Commissioner comments? Commissioner Placier?

MS. PLACIER: Yeah. I had a question. Now this -- part of the complexity here is the combination of City and County zoning. Am I correct in that the R-M, the County zoned property just to the west of there is also multi-family? That's what R-M stands for in County speak?

MR. ZENNER: That is correct.

MS. PLACIER: Okay. So this whole block there has been designated for multi-family, which would be very dense. Even one of -- oh, what's the name -- Ms. Gore said that your plan was to develop eventually someday. Maybe I misheard that, but I thought that's what you said. So this is -- it's -- it's a tough area because of that combination of zoning types and City-County. And well, it isn't our job to look at traffic or road improvements or that kind of thing. It is evident from the comments that that is going to be coming up and it's going to be a concern for the residents. Our job is to decide if it could change from R-MF to something less dense, less impactful than R-MF. That's not going to prevent the R-M, because that's County, so we'll have nothing to do with that.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: Yeah. You got towards what I was going to comment on towards the end there. I think it's important for us to keep in mind that we have an action here for rezoning and a separate action for the plat. This is a down-zoning. This is down-zoning an R-MF to R-2. The plat is in the next action. Aside from that, I can relate to you. I also live on a major collector and I have traffic problems and I can't get out of my driveway, and I've spoken to City Council on more than one occasion because of that. It's hard. Down-zoning this is safer for you than leaving it R-MF. It is. And -- and I feel like, you know, it looks like this is adding density because there's a plat here with 19 plats on it, but it is a down-zoning, and it has the possibility of having a lot -- a lot more density. I view this as a compromise, and perhaps more favorable in the long run. And I do acknowledge the substandard conditions of Old Plank Road.

MS. GEUEA JONES: Any other Commissioner comments? Would anyone like -- oh, sorry. Commissioner Placier?

MS. PLACIER: Well, just about to go over that again. I hope that the commenters realize that in both the R-MF indicated there with the -- for the City, and the R-M, those right now, by right, because they've already been approved, you could have gotten up tomorrow and seeing them breaking ground for large multi-family apartments. We would have nothing to do with that. We've already rezoned it, already ready to go. So the only thing we're doing is trying to make it less dense.

MS. GEUEA JONES: Thank you. Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners have no more comments or concerns, I have a comment and then I have a motion.

MS. GEUEA JONES: Go ahead.

MR. MACMANN: Just so our -- an audience knows here, all of our motions must be made in the affirmative. I will move to approve this. That doesn't reflect my or anyone else's views. We just have to say we approve this and -- so I'm going to make -- I'm going to make this motion in the positive. In the matter of Case 182-2023, 200 West Old Plank, rezoning from R-MF to R-2, I move to approve.

MS. LOE: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann, seconded by Commissioner Loe. Is there any discussion on the motion? Seeing none, Commissioner Carroll, may we have a roll call when you are ready.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Dunn, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Mr. Ford, Ms. Loe. Motion carries 7-0.

MS. CARROLL: We have seven votes to approve. The motion carries.

MS. GEUEA JONES: Thank you. Are there any other motions on this case? Seeing none. That recommendation will be forwarded to City Council. Moving on to our next case. This is the platting action on the same property.