

LIBERTY PLANNING AND ZONING COMMISSION

February 10, 2015

Meeting Summary

7:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, February 10, 2015 in the Council Chambers, City Hall, 101 East Kansas Street. A quorum being present, Chairman Rosekrans called the meeting to order at 7:00 p.m.

II. Roll Call

Commission members answering roll call were: Walt Holt, Amy Howard, Ken Personett, Tom Reinier, Dee Rosekrans, and Ann Waterman. Commissioners Gary Armstrong and Larry Wepler was absent. Representing staff were Katherine Sharp, Planning and Zoning Manager; David Jones, Planner; and John Findlay, Development Review Engineer. 7 members of the public were in attendance.

III. Approval of Minutes

Commissioner Holt moved to approve the minutes from the January 13, 2014 meeting and Commissioner Reinier seconded the motion. The minutes were approved 5-0.

Commissioner Waterman entered the meeting after approval of the minutes.

IV. Case 15-01A: Amendment to the Future Land Use map for 8.3 acres at 1010 N Lightburne Street from Conservation and Rural Residential to Low-Density Residential [Public Hearing]

Chairman Rosekrans said the case would require a Public Hearing.

Ms. Sharp presented the case as described in the staff report.

Chairman Rosekrans asked if there were any questions of staff.

Commissioner Holt asked for an explanation of the conservation area.

Ms. Sharp said the designation was overlaid on the existing creek bed and trees. She said a riparian corridor must drain at least 40 acres to qualify for riparian buffer protection under the Unified Development Ordinance and that this creek did not meet that. She said staff encourages the future developer to keep the trees and creek, but remains neutral on recommendation because it is not large enough to qualify as a riparian corridor.

Mr. Findlay said that the 40 acres included the entire tributary area of the waterway. He said that the tributary area for the creek on the property amounted to just less than that, or around 35 acres.

Chairman Rosekrans asked if there were any additional questions of staff. Seeing none, he asked the applicant to speak.

Holly Larrison Mills, 427 E Mississippi St, Liberty, (applicant's representative) said her client lives next door to the property on Lightburne and is considering the market for residential development. She said that her client owns many properties along or near the Lightburne corridor, and that his desire is to dispose of the land for single-family development. She said that the plan takes into consideration the proposed healthy living project at Liberty Hospital.

Ms. Mills said that the Lightburne corridor is likely to be revitalized in the future. She added that city controls within the development process will ensure the development is appropriate for the area. She said she receives 4-5 calls per day looking for a property with existing access to city sewer and that she thinks the property will move quickly once zoned, since homeowners want to downsize and looking for single-story homes.

Chairman Rosekrans asked if the Cosby Street terminus affects the proposed property.

Ms. Mills confirmed it does not.

Chairman Rosekrans asked if there were any questions for staff or the applicant. Hearing none, he opened the public hearing.

Laura Mackenzie, 917 Cosby Street, Liberty, said neither supports nor opposes the proposal. She said the concerns of the neighbors in Ashley Acres include preserving the existing tree line, and mitigating or address existing drainage and sewer problems within Ashley Acres. She asked that the trees be kept and the sewers and any proposed extensions or modifications be carefully reviewed.

Ms. Mackenzie added that the existing dead end street (Cosby St) is a benefit to Ashley Acres, and that the preference of the neighbors would be that Cosby Street not go through or be extended in the future.

Mr. Findlay said that storm water ordinance would be in enforced on the project to maintain or lessen additional storm water impact to pre-developed rates. He said that sewers are existing on the site and follow the creek bed. He said that sewers would most likely be relocated as part of new development, and result in new sewer on the project. He said the age of the existing sewer is unknown and its condition is unknown.

Mr. Findlay said the dead end street is currently stubbed and future proposed development will determine what need for connectivity, if any, exists. He said the city appreciates concerns about existing or established street conditions and the impact this can have on neighborhoods, along with the need for additional connectivity.

Chairman Rosekrans asked if the tree line could be preserved.

Mr. Findlay said there are incentives for maintaining trees even without the riparian requirement.

Chairman Rosekrans asked if there are future steps if the FLU amendment is approved.

Ms. Sharp said the existing zoning is single-family residential, with minimum 3 acre lot size. She said anything other than a conforming proposal would require a rezone application and a process similar to a FLU amendment. She said the requested FLU designation is low-density residential.

Ms. Sharp added that another possibility is a Special Use Permit for something like senior apartments. She said that a final additional step is a plat application for land division, which would not require public notice.

Chairman Rosekrans asked if any other members of the public wished to speak. Seeing none, he closed the public hearing.

Commissioner Holt said the residential task force identified the area north of Doniphan Street along Lightburne as most the most prime area in Liberty for development. He added that one concern from the task force concerned the variety of ownership along the corridor. Mr. Holt said his concern was that proposals such as this might create a fractured development pattern rather than a master planned community within the city.

Chairman Rosekrans added that the community is past due for comprehensive plan update.

Commissioner Personett said that if a coalition of the owners identified by task force could be established, it would be ideal rather than piecemeal.

Chairman Rosekrans asked for a motion.

Commissioner Holt made a motion to approve the application. Commissioner Waterman seconded the motion.

The motion carried 6-0.

Chairman Rosekrans informed the audience this case will be heard by City Council on Monday, February 23, 2015 at 7:00 p.m. in the Council Chambers.

V. Case 15-02SUP: Special Use Permit to allow retail sale of fireworks from an undeveloped commercial parcel at S Stewart Road and Wilshire Boulevard [Public Hearing]

Chairman Rosekrans said the case would require a Public Hearing and reiterated procedures for those wishing to speak.

Mr. Jones presented the proposed Special Use Permit request as described in the staff report.

Chairman Rosekrans asked if there were any questions for staff. Hearing none, he invited or the applicant to speak.

Gus Giammalva and Vito Brancato of B&G Fireworks, dba as Liberty Discount Fireworks (hereinafter LDF) 7335 N Crystal Ave, Kansas City, (the applicants) said they were available for questions.

Chairman Rosekrans asked if there were any questions for the applicant or staff. Seeing none, he opened the public hearing.

Rick Frawley, Ferrell Gas, 1 Liberty Plaza, Liberty, said that the company opposes the fireworks operation on the neighboring property. He said there is a serious fire safety concern considering the Corporate campus is stick framed construction approximately 50 feet from the property line. He said Ferrell Gas is concerned about an unintended explosion from the fireworks site.

Mr. Frawley said that traffic from the fireworks stand is another concern, and that he did not believe that the site and street infrastructure would support the additional traffic. He said Ferrell is concerned about trash generation and additional nuisance such as vandalism, theft, and customers attempting to park in the company's lot. He pointed to the picture on the screen as evidence that

Ferrell's lot is typically full and that additional traffic would be an undue conflict.

Mr. Frawley continued by saying that a propane company and a fireworks tent do not make good neighbors, and that the situation was exacerbated by inspectors and insurance representatives visiting the Ferrell property and potentially seeing the fireworks tent. He added that, although propane is typically not stored on-site, the company conducts occasional training which would involve trucks at the campus. He said the company is concerned about the appearance of a gravel lot and fireworks stand next door to their property. He said that the company believes there are better locations for fireworks in Liberty. He concluded by saying that Ferrell Gas will look to file a protest petition before the next scheduled meeting.

Mr. Brancato said that LDF had operated on a site near the High School for 4 years in an area with higher traffic. He said LDF has never had issues and has always received back the clean-up deposit. He said that, per state statute, fireworks are required to maintain a minimum 50 foot separation from gasoline and propane facilities, and that LDF will operate a minimum of 300 feet from the Ferrell Gas property.

Chairman Rosekrans asked if any other members of the public wished to speak. Seeing none, he closed the public hearing.

Chairman Rosekrans asked who is involved in the staff plan review process.

Mr. Jones said staff review includes the Fire Department and also takes into account state regulations. He said that the City Fire Marshall is familiar with these regulations and is also involved in the process.

Mr. Jones added that staff reviewed and amended fireworks regulations a few years ago. He said this process included review of state regulations for retail fireworks sales, and that the existing City regulations go far beyond those required by the State, including a mandatory 300 foot buffer. He said this buffer was designed to account for any conceivable scenario in which a fireworks tent might catch fire or cause an explosion.

Commissioner Holt asked what could be done to prevent parking in the Ferrell Gas parking lot.

Mr. Jones said that normal trespassing laws would apply but that the City could not otherwise regulate use of a private parking facility.

Commissioner Reinier asked if there was a fire hydrant near the proposed fireworks site.

Mr. Findlay said there is a hydrant on Wilshire Boulevard approximately 250 feet from the site.

Mr. Jones said the site plan will be amended prior to the Council meeting to show the fire hydrant and clarify parking on the site plan.

Chairman Rosekrans asked for a motion.

Commissioner Waterman made a motion to approve the application. Commissioner Reinier seconded the motion.

Commissioner Waterman said that if "Waterman Gas Company" were in the position that Ferrell Gas is in, she would be very unhappy about a fireworks stand nearby. She said she is voting to approve because the proposal does meet all the applicable standards.

Commissioner Holt said he would abstain because of business dealings with the property owner.

Commissioner Reinier said he would vote in favor of the application.

Commissioner Personett said he would reluctantly vote in favor of the application because it meets the requirements, but that he did not like the location.

Commissioner Rosekrans said he also was not happy about the location but that safety was the primary consideration and that because the application met the standards, he would support the request.

The motion carried 5-0-1

Chairman Rosekrans informed the audience this case will be heard by City Council on Monday, February 23, 2015 at 7:00 p.m. in the Council Chambers.

VII. Public Comments

There were no public comments.

VIII. Other Business

Ms. Sharp went over upcoming planning cases which may come forward for the next meeting, which include an amended development plan and preliminary plat on N 291 HWY; a PD amendment and plat in the Whitehall neighborhood; Rezone and PDP at WJC, and a SUP for the Old St James Church on Water Street.

Ms. Sharp said the Heritage Club application has been postponed while the neighbors and land owners revise the plan. The B&B Theater is also being revised and a joint presentation with Planning Commission and City Council will be scheduled to go over the changes. Staff will be in touch when that is scheduled.

Chairman Rosekrans asked if the Heritage Club amendment could go back through the Planning Commission.

Ms. Sharp said that if the changes were not substantial, they would go forward to Council.

Chairman Rosekrans asked if the determination of "substantial" was a subjective judgment.

Ms. Sharp said that substantial changes are defined as major revisions or amendments that significantly alter the character, size, density or use of the plan. In addition, staff will also consider subjective factors such as level of comfort in bringing forward the changes.

IX. Adjournment

Commissioner Holt made a motion to adjourn the meeting and Commissioner Reinier seconded the motion. The motion carried unanimously and the meeting was adjourned at 7:52pm.

X. Future Meeting Schedule

The next regular session is scheduled for Tuesday, March 10, 2015 at 7:00 p.m.