

## LIBERTY PLANNING AND ZONING COMMISSION

October 13, 2015

Meeting Summary

7:00 p.m.

### **I. Call to Order**

The Liberty Planning and Zoning Commission met on Tuesday, October 13, 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, Dee Rosekrans, Tom Reinier, Ann Waterman and Larry Wepler. Commissioner Gary Armstrong was absent. Representing staff were Katherine Sharp, Planning and Zoning Manager; David Jones, Planner; Karan Johnson, Economic and Business Development Manager and Andy Noll, Assistant Public Works Director/ City Engineer. Kellie Houx with the Liberty Tribune, Mark Strombaugh with Liberty Economic Development Corporation, and 15 members of the public were in attendance.

### **III. Approval of Minutes**

Commissioner Waterman moved to approve the minutes from the August 11, 2015 meeting and Commissioner Personett seconded the motion. The minutes were approved 6-0-1 (Commissioner Walt Holt abstained.)

### **IV. Case 15-39FP: Final Plat for Liberty Healthy Living Center**

Commissioner Reinier, an employee of Liberty Hospital, said that he would recuse himself.

Ms. Sharp presented the Final Plat application as described in the staff report. She explained that the plat would be slightly amended between now and City Council and showed a sketch of the amended plat on the screen.

Chairman Rosekrans asked if there were any questions of staff.

Hearing no questions from Commissioners, Chairman Rosekrans asked if the applicant had comments.

Mr. Chris Cole of Action Pact Design (applicant's representative) had no additional comments but said he was available for questions.

Chairman Rosekrans asked if Commissioners had any other questions for the applicant.

Hearing no other questions he asked for a motion.

Commissioner Holt made a motion to approve the application including staff recommendation. Commissioner Howard seconded the motion.

The motion carried 6-0-1 (Commissioner Reinier abstained).

Chairman Rosekrans informed the audience this case will be heard by City Council on Monday,

October 26, 2015, at 7:00 p.m. in the Council Chambers.

**V. Case 15-40FDP: Final Development Plan for Phase I of Liberty Healthy Living Center [Public Hearing]**

Ms. Sharp presented the Final Development Plan application as described in the staff report. She pointed out the variances requested for smaller drive aisles and smaller parking stalls on the private portions of the property, stating that the public roads and parking on public roads would meet City standards.

Chairman Rosekrans asked if there were any questions of staff.

Commissioner Personett asked who would pay for road improvements if future analysis projected a need for additional lanes at Glenn Hendren and Lightburne.

Mr. Noll said the City or future developments would pay for the additional capacity.

Commissioner Personett asked who would pay if a traffic study is done after the completion of the development, specifically in regard to geometric changes at the intersection.

Mr. Noll said if geometric changes are necessary, the city would pay for the improvements.

Commissioner Holt asked if the 48 month timeline for the bridge construction was determined with the rezoning in June or with the current application.

Ms. Sharp said that was determined by City Council when evaluating the rezoning that if phase 2 did not occur, 48 months would be the trigger for bridge construction. Ms. Sharp said staff is working on a development agreement to cover construction of both the intersection improvements and the bridge.

Commissioner Holt asked what assurances would be given that the bridge and improvements would be completed.

Ms. Sharp said the City can levy an assessment or require a bond for construction; the mechanism would be determined by legal counsel and the Public Works Director and written into the Development Agreement.

Commissioner Holt asked staff to give its opinion on the narrower lane widths proposed by the applicant.

Ms. Sharp said the variances applied to facilities on private property, and that there is adequate precedent for narrower drive lanes in other developments.

Commissioner Personett asked for clarification on "Time-Saver Standards."

Ms. Sharp said Time-Saver Standards is an industry document used by the applicant to justify the variances for parking stall and drive aisle width.

Commissioner Personett noted that the applicant claimed angled parking was situated in an area where car use would not be predominant, but he said the area appeared to make as many allowances for cars as for pedestrians.

Ms. Sharp said the green was intended for pedestrian uses.

Commissioner Holt observed that the metal panel variance is not addressed in the staff report.

Ms. Sharp said that metal is not shown on the buildings proposed, and that the prohibition against metal panels doesn't apply to decorative details. The most recent elevation submittals showed decorative metal such as wrought iron- but that would not require the variance.

Hearing no questions from Commissioners, Chairman Rosekrans asked if the applicant had comments.

Mr. Chris Cole of Action Pact Design (applicant's representative) said Time-Saver Standards is a traffic engineering manual that establishes efficiency standards and design guidelines which is used by ITE to calculate the most efficient and practical traffic management strategies. He said that the urban design standards in the TSS manual were applied to the Healthy Living Center to create narrow streets and offset intersections. Mr. Cole said these features slow traffic and make navigating the LHLC more safe and predictable.

Mr. Cole said the proposed diagonal parking is amenity-based with consideration to the Green and the building uses. He said the Green is massive but was scaled down to create a usable, human-scale outdoor room (ref *Death and Life* of Great American Cities). He added that the area uses a zero grade design with material transitions to accommodate ADA considerations.

Commissioner Personett said that the proposed pedestrian accommodations seemed at odds with the number of parking stalls in the area.

Mr. Cole said the design team was trying to meet UDO standards for parking count and operate within shared parking allowances. He said that the variance granted for parking count in the rezoning phase helped the development reduce parking by around 20% versus what's required in UDO. He added that the project still has to accommodate for disabled persons which often requires parking in close proximity and that the retail tenants require parking. He said the vast majority of parking will sit behind the scenes, and added that on-street parking also works with a slow and safe streets principal.

Commissioner Personett asked if the reason for diagonal parking was to reduce overall coverage while maximizing number of spaces.

Mr. Cole said the goal was to put more spaces where they needed to be, while minimizing lane width and stall width for the benefit of pedestrian spaces. He added that the zero grade design would allow a car to pull in further even if a space is shallower, and that 18 feet is deep enough for the vast majority of vehicles. He said that taking parking further from the buildings would not serve the interests of the planned first floor retail space. Mr. Cole concluded by saying the proposed layout was similar to the layout of the Square.

Hearing no other questions from Commissioners, Chairman Rosekrans opened the public hearing.

Seeing that no one else wished to speak, Chairman Rosekrans closed the public hearing.

Chairman Rosekrans asked if there were any questions for the applicant or staff. Hearing no other questions he asked for a motion.

Commissioner Wepler made a motion to approve the application with the proposed variances for parking stall width and drive aisle width reduction. Commissioner Holt seconded the motion.

The motion carried 6-0-1 (Commissioner Reinier abstained).

Chairman Rosekrans informed the audience this case will be heard by City Council on Monday, October 26, 2015, at 7:00 p.m. in the Council Chambers.

Commissioner Reinier returned to the meeting.

#### **VI. Case 15-35FP: Final Plat for Liberty Commons**

Mr. Jones presented the Final Plat application as described in the staff report.

Chairman Rosekrans asked if there were any questions for staff. Seeing none, he asked if the applicant had comments.

Scott Carghill, Lutjen (applicant's representative) said he did not have a formal presentation but was available for questions.

Chairman Rosekrans asked if there were any questions for the applicant or staff. Hearing none he asked for a motion.

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

The motion carried 7-0.

Chairman Rosekrans informed the audience this case will be heard by City Council on Monday, October 26, 2015, at 7:00 p.m. in the Council Chambers.

#### **VII. Case 15-36FDP: Final Development Plan for Phase I of Liberty Commons**

Mr. Jones presented the Final Development Plan application as described in the staff report.

Chairman Rosekrans asked if there were any questions of staff.

Chairman Rosekrans asked if there was as ADA ramp between the development and the Conistor Street crossing.

Mr. Jones said at the ramp was placed at the northeast corner of the property near the Stewart Road intersection, and that those in need of a ramp would go down to the public sidewalk there and make their way down to the Conistor Street crossing.

Ms. Sharp said the grade was too steep along Conistor to install a ramp at the B&B crossing.

Hearing no other questions from Commissioners, Chairman Rosekrans asked if the applicant had comments.

Keaton Knott, Legacy Development VI (applicant's representative) added that users would also be able to cross at the Stewart Road intersection if they didn't want to go down to the midblock crossing. He said the group was present to answer any other questions.

Chairman Rosekrans asked if Commissioners had any other questions for the applicant.

Hearing no other questions from Commissioners, Chairman Rosekrans asked for a motion.

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

The motion carried 7-0.

Chairman Rosekrans informed the audience this case will be heard by City Council on Monday, October 26, 2015, at 7:00 p.m. in the Council Chambers.

**VIII. Case 15-29R&PDP: Rezone and Preliminary Development Plan for single-family residential development on 6.84 acre parcel south of EPiC Elementary School [Public Hearing]**

Ms. Sharp presented the Rezone to PD and Preliminary Development Plan application as described in the staff report, along with requested variances.

Commissioner Rosekrans asked how variance affected the site

Ms. Sharp said the variances pertained to sidewalks on both side and not building the trail component. She said that staff believes trail construction should be completed with the development.

Chairman Rosekrans clarified that the proposed parkland would run to the west.

Ms. Sharp said yes, it would link to a larger connection of City owned property to the west.

Chairman Rosekrans asked if the land was City property.

Ms. Sharp said yes, for the most part, and that a trail through the property was shown on the Parks and Trails Master Plan, with a connector from Conistor Street shown on the applicant's property.

Chairman Rosekrans asked if any variances or exceptions had been granted for other trail connections.

Ms. Sharp said no, that the Hospital trail was an alternative to the fee-in-lieu for park dedication, and proposed a bridge as a connector to the existing trail but no trail was shown on Trails Master Plan.

Chairman Rosekrans said variances are considered on a case by case basis, but that he wondered if a precedent would be set in granting this variance from trail construction as required in the UDO.

Ms. Sharp replied that granting variances often results in more variance requests. However, she said, each case should be looked at on its own merit.

Commissioner Personett clarified where the trail was shown on the Master Plan.

Ms. Sharp said that the Trails and Open Spaces Plan was adopted roughly concurrent with a UDO change to require that trails be built with other public infrastructure where shown on the plan. She added that the UDO contains a credit for trail construction which reduces the amount for park dedication, but in this case constructing the trail would be more expensive than the park dedication.

She said staff believes granting the variance to allow sidewalks on one side of the street benefits the applicant and balances the requirement to build a trail.

Chairman Rosekrans asked if the city-owned property sat directly west of the subject property, or kitty corner to northwest corner of the property.

Ms. Sharp said the City property lay within a linear corridor running along the stream to the west of EPiC school, the corridor was then interrupted to the south by private property directly west of the subject property, and then resumed south of Kings Hwy running to Doniphan Elementary.

Commissioner Personett asked if the applicant would have to take the trail through private property.

Ms. Sharp said staff is working on procurement of easements or property for the parts of the trail that are on private property. She said this process (of land/easement procurement and trail construction) would take time and may appear piecemeal at times.

Chairman Rosekrans said that if variance is allowed, the developer is off the hook in the future if and when a trail connection presents itself.

Commissioner Wepler asked whether the developer or the City would maintain the trail.

Ms. Sharp said ownership and dedication of the trail is determined at the plat phase. She said the City would maintain the trail if it is part of the public system. She added that the vote tonight would concern approval of the PD zoning application, which wasn't contingent upon ownership of the trail.

Commissioner Wepler asked what would keep the developer from being required to install the trail in the future, if the variance is granted.

Ms. Sharp said the variance will be called out in future staff reports and will run with the PD if approved.

Hearing no other questions from Commissioners, Chairman Rosekrans asked if the applicant had comments.

Chris Chancellor, Lutjen (applicant's representative) noted basic reasons for requesting the trail variance, including the uncertainty of a future trail connection to the west, and that the scale of the development is wrong for requiring a trail (about \$15,000) verses a park exaction for 22 single-family homes (about \$7,000).

Hearing no further questions, Chairman Rosekrans opened the public hearing.

Patricia Knauss, 304 N Lightburne, said she grew up on Manchester Road, and currently commutes by bicycle. She said trails are not often convenient to build and not financially compelling, but that she would often see young people out riding and worried about them riding in the streets. She said that Liberty has no bike lanes or even sidewalks in some areas, and needed more trails even if spending the money didn't seem viable at present.

Seeing that no one else wished to speak, Chairman Rosekrans closed the public hearing.

Chairman Rosekrans asked if the Commissioners had further questions of staff.

Commissioner Wepler said he didn't see a clear path forward and suggested that the Commission could vote to continue until questions about the trail could be answered. He said he was hesitant

about a trail that might sit for 25 years if no connection is made, and then have to be rebuilt by the City or someone else. He said that if those questions could be answered, and the overall need for a trail at this location could be established, he would vote in favor of staff's recommendation.

Ms. Sharp said she did not believe the Commission should vote to continue the application, since the questions of where the trail could connect wouldn't be determined for at least a few months.

Commissioner Wepler asked for staff's recommendation.

Ms. Sharp responded that staff believes a fair compromise in this situation is sidewalks on one side of the street, and that the trail be installed in with the development. She added that the cost difference between the fee-in-lieu and the trail construction would be mitigated by building sidewalks on one side of the street only.

Commissioner Wepler said the trail construction costs constitute \$500 per lot. He said this was not a concern compared to the problem of a trail sitting idle for years.

Commissioner Personett said that trail construction is inherently piecemeal, with the full system taking years to build. He pointed out that whether or not a trail makes sense at present, the Master Plan shows a trail on the property, and to eliminate the requirement piecemeal would kill the system and the trails plan eventually.

Commissioner Waterman made a motion to approve the application with the variance for sidewalks but to reject the variance to substitute park dedication fees for trail construction. Commissioner Wepler seconded the motion.

DR invited commissioners to indicate how they will vote.

Commissioner Wepler said he agreed with Commissioner Personett about maintaining the Master Plan, but that he didn't see a trail at this location connecting any time soon. He said he would support staff's recommendation.

The motion carried 6-0-1 (Commissioner Holt abstain due to a potential conflict of interest).

Chairman Rosekrans informed the audience this case will be heard by City Council on Monday, October 26, 2015, at 7:00 p.m. in the Council Chambers.

#### **IX. Case 15-41PP: Preliminary Plat of Duffey Homestead single-family residential development on 52.4 acre parcel west of Withers Road**

Mr. Jones presented the Preliminary Plat application as described in the staff report.

Commissioner Wepler asked what constitutes an acceptable rate of stormwater release.

Mr. Noll said that established regulations do not require stormwater detention for a single family development, but that measures will be put in place to slow down the water at certain points, including the point of discharge into the creek.

Commissioner Wepler said he believed the City was going to be in trouble with the stormwater issue in the future as more trees fall and erosion occurs within Little Shoal Creek.

Ms. Sharp said staff is looking to amend the detention requirement in the subdivision guidelines

changes that staff hopes to bring forward soon.

Chairman Rosekrans asked if there were any questions for staff. Seeing none, he asked if the applicant had comments.

Art Aiken, AGC Engineering, 405 S Leonard St, (applicant representative) said there would be some small changes in Phase I with medians and access. He said stormwater will be minimized by catching it in pipes, with the energy taken out by various methods such as piping and rip rap to minimize the speed. He said he was available for questions.

Commissioner Howard asked if homes in the 100 year floodplain would be required to have flood insurance.

Mr. Akin said the lender would most likely require insurance or a flood certificate.

Chairman Rosekrans asked if there were any questions for the applicant or staff. Hearing none he asked for a motion.

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

Commissioner Wepler said he will be voting against this- as he is very concerned about the water. Thinks staff is handicapped in that they do not have the necessary code requirements because these problems will not go away.

The motion carried 5-1-1 (Commissioner Holt abstained)

Chairman Rosekrans informed the audience this case will be heard by City Council on Monday, October 26, 2015, at 7:00 p.m. in the Council Chambers.

**X. Public Comments**

There were no public comments.

**XI. Other Business**

Ms. Sharp said staff continues to stay busy meeting with developers and property owners around town. She said there are a lot of exciting things happening in Liberty and encouraged the Commission to attend the public meeting for the Downtown renovation project and to look at the City website to see the Utility Waste Water Treatment Plant under construction. Mr. Noll updated the Commission on the South Liberty Drive Phase II project.

**XII. Adjournment**

Chairman Rosekrans adjourned the meeting at 8:58 pm.

**XIII. Future Meeting Schedule**

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