

LIBERTY PLANNING AND ZONING COMMISSION

September 8, 2020

Meeting Summary

3:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, September 8, 2020, via Zoom Video conference. A quorum being present, Chairman Rosekrans called the meeting to order at 3:00 p.m.

II. Roll Call

Commission members in attendance were: Judy Dilts, Walt Holt, Amy Howard, Tom Reinier, Dee Rosekrans, and Ann Waterman. Commissioners Patricia Evans, Ken Personett, and Donald Summers were absent. Representing staff were Katherine Sharp, Director of Planning and Development; Michael Peterman, City Planner; John Findlay, City Engineer; and Karan Johnson, Economic Development and Business Manager. 10 members of the public were in attendance.

III. Approval of Minutes

Chairman Rosekrans asked if there were any questions or comments related to the minutes from the August meeting.

Commissioner Waterman moved to approve the regular session minutes from the August 11, 2020 meeting and Commissioner Dilts seconded the motion. The minutes were approved 6-0-1 (Holt abstained due to absence).

IV. **20-19R&FDP: Rezoning & Final Development Plan for Park Place at Liberty Square – 7 multi-family buildings with 38 total units at the SW corner of Mississippi & Prairie [Public Hearing]**

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

Chairman Rosekrans asked the commissioners if they had any questions of staff.

Commissioner Dilts asked about the protest petition from the previous case in 2017-18 regarding this property.

Ms. Sharp stated that the protest petition was filed against the project in general, but she believes the neighbors opposed the density of the project.

Commissioner Dilts asked if the protest petition then requires the City council to approve the project by a super Majority.

Ms. Sharp stated that is correct.

Commissioner Dilts asked if the 12 on-street parking stalls were on the subject property.

Ms. Sharp said that the on-street parking stalls being created were in the public right-of-way, and will be new spaces that do not currently exist.

Commissioner Dilts asked about the scale of the buildings in this project and how they compare to the surrounding area.

Ms. Sharp said that the applicant's presentation will provide visuals that can answer that question.

Commissioner Dilts asked if this is the final design of the project.

Ms. Sharp stated that this is a request to approve the Final Development Plan. This is the final design that the applicant will be held to when constructing the project.

Commissioner Dilts stated that in the staff report, it is stated that the density is not in alignment with the land use plan.

Ms. Sharp said that in the review of this project, staff looked at the Blueprint for Liberty Comprehensive Plan, the Future Land Use Map, and the Downtown Master Plan and determined that inconsistencies existed between the two plans regarding this area. While the 1999 Land Use Map showed the area as developing as Traditional Residential, the 2006 Downtown Master Plan had identified this area with multifamily and higher density uses as well as a police station. In general, rezoning requests and new projects should be aligned with the existing land use map. In this case, it does not align with the 1999 land use map, but does align with the recommendations of the 2006 downtown plan and comp plan.

Chairman Rosekrans asked if the applicant would like to speak.

Brandi Atwell, A3G Architects, 110 N. Main St., Liberty, MO., representing the applicant, presented a Power Point presentation.

Chairman Rosekrans opened the public hearing portion for this case.

Steven Anderson, 127 N. Morse, is a nearby resident. He stated that he appreciated the work that the applicant and architects have put into this project. He is not opposed to the development, the design or multifamily. He stated that he believes that this development has too much density for this location. He stated that the project does not conform to the Comprehensive plan or the Downtown Master Plan. He said that the approval of a rezoning would require that the proposed rezoning application match the land use plan and that this application should be denied because it does not. He believes that the project will have adverse effects on the neighboring properties. He asks that the City follow the published plans and deny this application.

Chairman Rosekrans if anyone else in the audience wished to speak seeing none, he closed the public hearing. He asked staff for comment.

Ms. Sharp stated that the city code outlines review criteria for all applications. Some applications, such as a SUP, require that all criteria be met in order for the application to be approved. She read from the City Code: "Sec. 30-25.3. - Special use permit, approval criteria. An application for a special use permit *shall not be approved unless the following criteria are met.*" She said that in the case of a rezoning the language is different. She again read from the City Code, "Sec. 30-24.3. - Rezoning, review criteria. In considering any rezoning application, the following criteria *shall be utilized to evaluate the application*". She said that staff did utilize the Comprehensive Plan and other planning documents such as the FLU map and Downtown Plan, and ultimately determined that this project would serve as a good transition from the commercial and civic uses along Mississippi and the square and the historic homes along Franklin Street and North Morse.

Chairman Rosekrans asked the commissioners if they had any further questions, seeing none he asked for a motion.

Commissioner Holt stated he would vote for the application. He believes that this location is appropriate for a transition from single family areas to business areas with the use of a multi-family project. He has been to other historic downtown areas such as Lees Summit in the past year and believe that we need to have more of this type of density to have a thriving downtown,

Commissioner Dilts stated that she is continually concerned with the lack of a current comprehensive plan.

She will vote against the application. She believes the issue of density is a concern but also wants to commend the applicant for fitting this into the neighborhood. She said she believes that the opinion of the people nearby who are most affected by a project should be considered most.

Action: Commissioner Holt moved to approve the case as presented in the staff report. Commissioner Howard seconded the motion.

Vote: Motion passed 5-1-0
Yes: Holt, Howard, Reinier, Rosekrans, and Waterman
No: Dilts
Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, September 28, 2020.

V. 20-25FP: Final Plat for Park Place at Liberty Square – 1 Lot, 1.74 acres at the SW corner of Mississippi & Prairie

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

Chairman Rosekrans asked the commissioners if they had any questions of staff.

Commissioner Dilts asked how this plat complies with the Comprehensive Plan and the Case before, the Final Development Plan, did not.

Ms. Sharp stated that a plat has a different set of parameters to be evaluated by, such as locating where public utilities are available and meeting current stormwater regulations. This Plat complies with the comp plan goals for development in general.

Chairman Rosekrans asked the commissioners if they had any further questions, seeing none he asked for a motion.

Action: Commissioner Holt moved to approve the case as presented in the staff report. Commissioner Reinier seconded the motion.

Vote: Motion passed 6-0-0
Yes: Dilts, Holt, Howard, Reinier, Rosekrans, and Waterman
No: None
Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, September 28, 2020.

VI. 20-23A: Future Land Use Plan Amendment at the NE corner of South Liberty Pkwy and Plummer on 62 acres. Requesting change from Commercial & Multi-Family to Business [Public Hearing]

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

Chairman Rosekrans asked the commissioners if they had any questions of staff.

Ms. Sharp read a statement from Commissioner Personett who could not attend the meeting. *"I concur with*

the recommendation by the task force during the 2016 update and staff's opinion that the proposed change to the FLU is not in agreement with the task force's recommendation".

Chairman Rosekrans asked if the applicant would like to speak.

Robert de la Fuente, Star Development, 244 W. Mill St., Liberty, MO., representing the applicant. Mr. de la Fuente stated that the applicant believes that this request is representative of the realistic market of the area. He stated that he believes that the future market will not support retail/commercial uses in that area and that the recent industrial type projects are the best use of this property. He also stated that the prices of nearby properties will not support the development of residential projects.

Chairman Rosekrans opened the public hearing portion for this case. He asked if anyone in the audience wished to speak seeing none, he closed the public hearing.

Commissioner Dilts asked if the applicant purchased the property.

Mr. de la Fuente stated that his company has a purchase contract, but the current owner still owns the property.

Chairman Rosekrans stated that in the 2016 update of the South Liberty Parkway plan they envisioned a transition from south to north of decreasing intensity. He asked if this vision had changed.

Ms. Sharp stated that the industrial development has been on the south side of South Liberty Parkway. There has not been any other development.

Chairman Rosekrans asked the commissioners if they had any further questions, seeing none he asked for a motion.

Action: Commissioner Dilts moved to approve the case as presented in the staff report. Commissioner Waterman seconded the motion.

Commissioner Dilts said she would be voting against this application as she thinks the 2016 plan is appropriate with its tiered approach.

Chairman Rosekrans said he was on the 2016 Task Force and that the transitions from commercial along the Parkway to multifamily to the north is more appropriate than having the industrial adjacent to the senior living to the north. He said he would be voting against the application for that reason.

Vote: Motion failed 0-5-1

Yes: None

No: Dilts, Howard, Reinier, Rosekrans, and Waterman

Recusal: Holt

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, September 28, 2020.

VII. 20-20FDP: Final Development Plan for OPUS Development Company for a 180,000sf industrial bldg. at NW corner of Shepherd Rd. and Heartland Dr. in Heartland Meadows

Mr. Peterman presented the proposal as described in the staff report.

Chairman Rosekrans asked the commissioners if they had any questions of staff.

Commissioner Reinier asked about the storm drainage.

Mr. Findlay stated that it would be collected on the southern portion of the site and eventually released to the west into the creek.

Commissioner Reinier asked about the historic cemetery on the site.

Ms. Johnson stated that it is located in Tract A. The boundaries of the tract have been located a large distance from the actual plots in the cemetery for their protection. The Heartland Meadows business association will continue to maintain the site.

Dan Finn, 1204 Wellington Way, Liberty, from Phelps Engineering, representing the applicant, stated that the building is 250 plus feet away from the west property line and there will remain an existing tree line to buffer this project from the Ernest Shepherd property. He also stated that every precaution will be taken to maintain and preserve the cemetery tract. He said a representative from the development company, OPUS, and the articture firm were also present if the commission had questions.

Chairman Rosekrans asked the commissioners if they had any further questions, seeing none he asked for a motion.

Action: Commissioner Holt moved to approve the case as presented in the staff report. Commissioner Reinier seconded the motion.

Vote: Motion passed 6-0-0
Yes: Dilts, Holt, Howard, Reinier, Rosekrans, and Waterman
No: None
Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, September 28, 2020.

VIII. 20-21FP: Final Plat for Heartland Meadows Technology Park, Lot 1 & Tract A, 1 lot on 15.26 acres at NW corner of Shepherd Rd. and Heartland Dr. in Heartland Meadows

Mr. Peterman presented the proposal as described in the staff report.

Chairman Rosekrans asked the commissioners if they had any further questions, seeing none he asked for a motion.

Action: Commissioner Reinier moved to approve the case as presented in the staff report. Commissioner Dilts seconded the motion.

Vote: Motion passed 6-0-0
Yes: Dilts, Holt, Howard, Reinier, Rosekrans, and Waterman
No: None
Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, September 28, 2020.

X. Public Comments

There was no public comment.

XI. Other Business

Ms. Sharp updated the commission on current activity in the city.

XII. Future Meeting Schedule

The next regular session is scheduled for Tuesday, October 13, 2020. Due to the ongoing pandemic, this meeting will most likely be held as a virtual meeting at 3pm.

XIII. Adjournment

Commissioner Holt moved to adjourn, Commissioner Reinier seconded. Chairman Rosekrans adjourned the meeting at 4:40 p.m.