

LIBERTY PLANNING AND ZONING COMMISSION

October 13, 2020

Meeting Summary

3:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, October 13, 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, Patricia Evans, Walt Holt, Amy Howard, Ken Personett, Tom Reinier, Dee Rosekrans, Donald Summers and Ann Waterman. Representing staff were Katherine Sharp, Director of Planning and Development and Michael Peterman, City Planner; Elizabeth Watson was in attendance to present the Historic Preservation Plan.

III. Approval of Minutes

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

Commissioner Holt moved to approve the regular session minutes from the September 8, 2020 meeting and Commissioner Reinier seconded the motion. The minutes were approved 6-0-3 (Commissioners Evans, Personett and Summers abstained due to absence).

IV. Presentation by Elizabeth Watson on the proposed Historic Preservation Plan

Ms. Sharp presented the background of the Historic Preservation Plan process and then introduced Elizabeth Watson, preservation consultant for Heritage Strategies, which produced the plan.

Ms. Watson discussed the process and the final document and took questions from the Commission.

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

Commissioner Personett stated that there should be some clarification regarding state tax credits in the plan.

Ms. Watson said she would verify the data.

Commissioner Holt asked if we knew how underutilized the upper stories of commercial buildings are at present.

Ms. Watson stated that it had not been studied but is recommended to be part of the upcoming Comprehensive Plan Update.

Commissioner Holt asked if the upper stories should be office or residential.

Ms. Watson stated that it could be both types.

Chairman Rosekrans asked when writing the chapter on African American history, what outreach was performed.

Ms. Watson stated that she reached out to Sheldon Ponder, Cecilia Robertson, and the Clay County African American Legacy. It is a wonderful program to be proud of.

Chairman Rosekrans asked about the date of the photo on page 1. He believes it is much later than identified based on features in the photo.

Ms. Watson said she would verify the date and correct the caption.

Commissioner Dilts asked for clarification on surveys and mid-century homes.

Ms. Watson explained the homes from the pre-1960's should all be surveyed and encourage the residents to consider preservation of what is good from the time period. She also stated that citizens should consider the concepts of aging in place and that MARC has a program regarding this concept.

Chairman Rosekrans asked what the top things that should be done first according to the plan.

Ms. Watson stated that getting the city wide comprehensive plan should be a priority and then addressing surveys of areas that are outside of the downtown for preservation. There should be public outreach for the historic commission regarding the benefits of historic districts in hopes to expand or add new districts.

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

Action: Commissioner Dilts moved to recommend adoption of the Historic Preservation Plan. Commissioner Summers seconded the motion.

Vote: Motion passed 9-0-0

Yes: Dilts, Evans, Holt, Howard, Personett, Reinier, Rosekrans, Summers and Waterman

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council for review and adoption.

V. 20-26A: Amendments to the Unified Development Ordinance (UDO) [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.

Rear Yard Exceptions for Decks

Commissioner Dilts asked what the difference was between a roofed deck and an enclosed room.

Ms. Sharp stated that we are also bringing forward a refined definition of the deck, but in general a deck is an attachment to the rear of the home as opposed to a room that is built as part of the home. A deck is open and a room is enclosed.

Commissioner Personett asked if this is a named style of home.

Ms. Sharp stated that staff doesn't know if this has a specific name other than deck, but it is very common in new homes.

Commissioner Summers asked if a deck is considered any raised platform.

Ms. Sharp stated that yes, in the definition it is a raised platform, but not specifically how high.

Commissioner Reinier asked if the setback exception would apply to a gazebo.

Ms. Sharp stated that a gazebo would be considered an accessory structure because it is not attached to the home and is regulated by another section of code.

Commissioner Dilts asked if currently an enclosed deck can encroach into the rear setback.

Ms. Sharp said that no deck can encroach into the rear yard setback currently. And the code change would allow a deck to encroach but not if it is enclosed.

Commissioner Holt asked if this is a standard exception for other cities.

Ms. Sharp stated that this is allowed in different forms in other cities. Staff provided a small sample table in the exhibit.

Commissioner Holt asked if a standard deck is allowed to encroach now.

Ms. Sharp said that no deck can encroach into the rear yard setback currently.

Chairman Rosekrans asked what are the pros and cons of allowing decks to encroach into the rear setback.

Ms. Sharp stated that the outdoor living spaces are popular on new homes and that there is a benefit to new homeowners to have this amenity. She said there are also many homes that have small existing decks that need to be replaced, and these citizens would like to expand the deck into a size that makes them more useable. This code change would benefit those homeowners as well.

Commissioner Personett stated that he believes that larger houses are being built on standard lots and there ends up not being enough room left for the decks.

Commissioner Dilts asked how close a deck would be to the rear property line if this is allowed.

Ms. Sharp stated that in a standard single family zoning district that there would be 22 feet to the rear property line if the deck encroached the maximum 8 feet as the code is proposed.

Commissioner Holt asked if a patio could also encroach.

Ms. Sharp said that a patio is considered more like a hardscape and that it does not have to meet setback requirements but must remain off easements and at least 5 feet off the property line.

Fences

Commissioner Reinier asked why this didn't move forward the last time we considered it.

Ms. Sharp said stated that it was complicated with other issues at the time.

Wireless Communications

Chairman Rosekrans asked if staff had the proper guidance in the code to make the determinations discussed in the code.

Ms. Sharp stated that the applications are mostly technical and can be verified and approved by staff. It is a

better approval process than currently exists.

Chairman Rosekrans opened the public hearing for the code changes.

Chairman Rosekrans if anyone else in the audience wished to speak seeing none, he closed the public hearing.

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 Summers seconded the motion.

Vote: Motion passed 9-0-0

Yes: Dilts, Evans, Holt, Howard, Personett, Reinier, Rosekrans, Summers and Waterman

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, October 26, 2020.

VI. Public Comments

There was no public comment.

VII. Other Business

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

VIII. Future Meeting Schedule

The next regular session is scheduled for Tuesday, November 10, 2020. Due to the ongoing pandemic, this meeting will most likely be held as a virtual meeting at 3pm.

IX. Adjournment

Commissioner Holt moved to adjourn, Commissioner Summers seconded. Chairman Rosekrans adjourned the meeting at 4:28 p.m.