

LIBERTY PLANNING AND ZONING COMMISSION

November 10, 2020

Meeting Summary

3:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, November 10, 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, Amy Howard, Ken Personett, Tom Reinier, Dee Rosekrans, Donald Summers and Ann Waterman. Walt Holt was absent. Representing staff were Katherine Sharp, Director of Planning and Development; Michael Peterman, City Planner; John Findlay, Project Engineer; and Karan Johnson, Economic and Business Development Manager. 3 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 October meeting.

Commissioner Summers moved to approve the regular session minutes from the October 13, 2020 meeting and Commissioner Waterman seconded the motion. The minutes were approved 8-0-0.

IV. **20-17R&PDP: Rezoning & Preliminary Development Plan for Liberty Tradeport. 8 industrial /warehousing buildings, 3,311,000 sq. ft. on 339+/- acres. [Public Hearing]**

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

Chairman Rosekrans asked the commissioners if they had any questions

Commissioner Dilts asked about the increase of traffic on South Liberty Parkway and the types of vehicles that would be using this facility.

Mr. Findlay stated that in review of the traffic study he found that Hughes Road will be the main entrance for all traffic to the site and this will require full intersection improvements. Hughes road will be designed and improved to a Major collector/Minor arterial roadway. It is anticipated that there will be increase of truck traffic that will service this project. Future growth of the project anticipates that a connection to the project from S. Withers Road will be required and that mostly car traffic will utilize this intersection. Campbell Road and Garrison Road will only be used for local traffic and if needed, emergency vehicles.

Commissioner Dilts asked if the traffic is to come from the I-35/69Hwy interchange and travel on South Liberty Parkway.

Mr. Findlay stated that the study looked at current conditions and the additional traffic generated by this project. He also stated that there are other anticipated improvements and roadways not within the City limits that will affect the traffic patterns of this project.

Commissioner Dilts stated that she is concerned with the bigger picture for South Liberty Parkway and that the commission should consider the amount of traffic that is being generated on South Liberty Parkway.

Ms. Johnson stated that a connection to 210 Highway from an extension of Hughes road to the south, outside

of the city limits, is anticipated in the future. It is also anticipated that this project will be an ideal location for suppliers to Ford and will use a direct connection to the Ford property via a private drive.

Commissioner Personett asked if South Liberty Parkway will act as a conduit from I-35 to 291 to 210.

Ms. Johnson stated that semi-truck traffic is not allowed east of S. Withers Rd on South Liberty Parkway. Truck traffic from I-35 will access the property from South Liberty Parkway at Hughes Rd.

Commissioner Personett asked about the portion of the proposed project that states “others” to build road connections.

Ms. Johnson said that the southern portion of the project is at the city limit line. Any development in that area will be out of the City’s jurisdiction. The extension of Hughes Road to the south of this project or any other connections would be outside the city.

The northern location would connect to S. Withers Road. This would be developed with a project on that property or in an agreement with the owner of that property. Per the development agreement, that connection is to be made prior to the ultimate build out of this project. The details would be finalized with the property owners of this project and the owner of that property to the north.

Commissioner Personett asked who the owner of the northern property is.

Ms. Johnson stated that it is a company owned by John Ferguson.

Chris Chancellor, Northpoint Development, 4825 NW 41st St., Riverside, MO Presented the project on behalf of the applicant, Northpoint Development. He stated that the company mostly owns all the properties it develops. This project is proposed for 8 buildings with each building being developed as its own phase. The layout and building sizes are setup to be flexible to combine or split buildings as needed by specific tenants. He explained how the layout of the project moved the buildings away from roads and residential areas. Each lot will come through as a separate development plan and specific details such as landscaping, parking and stormwater control can be looked at for each building/phase.

Commissioner Summers asked how many truck bays overall in the completed project.

Mr. Chancellor said that he would estimate 360 if every possible space was utilized for a bay door. It’s possible that individual users could utilize less in the space they occupy.

Commissioner Summers asked what the timeline for the full buildout is.

Mr. Chancellor said that he would estimate 1 building per year, but it is based on the demand in the market for this type of space.

Commissioner Dilts asked about final landscaping design and buffers.

Mr. Chancellor stated that at each phase a detailed final level landscaping plan would be part of the submittal. He also stated that the current layout of the building that are adjacent to the residential area are well above the setback requirement and they intend to provide berms and substantial landscaping in that area.

Chairman Rosekrans asked if the Development Agreement had been discussed by the City Council.

Ms. Sharp stated that the Development Agreement had been to the City Council on November 9, but there was not any discussion regarding the elements of this application for rezoning.

Chairman Rosekrans opened the public hearing.

John Roe, Roe Law, 4444 N Belleview Ave., Ste. 208, Kansas City, MO representing the property owner to the North, Huntington Ridge.

Mr. Roe presented a list of questions.

1. The agenda shows an application for a Rezoning & Preliminary Development Plan and then a Preliminary Plat for Liberty Tradeport. What other approvals is the applicant required to get before the project is ready to obtain a building permit? What is the expected timeframe on those other applications?
2. The staff report shows a file date of July 2, 2020. Why is this application just now coming before the planning commission? In other words, what changes or supplements to the application occurred between the file date and the publication date of Oct. 22nd occurred particularly as those may relate to the Withers Road extension?
3. The staff report says "Access to the site from South Liberty Parkway is proposed from S. Withers Road and Hughes Road. The Site Plan in reference to the S. Withers Road extension says "Future Extension by Others". Is the applicant responsible for the construction of the S. Withers Road extension? If not, and the extension is for its project, why isn't the applicant responsible for the construction of the S. Withers Road extension? If the applicant is not the one to construct the S. Withers Road extension, who is "others"? Is the City of Liberty, Missouri going to construct the S. Withers Road extension? When?
4. The staff report says "There are two proposed entrances to the site: full access at Hughes Road and a future access at S. Withers Road. The S. Withers Road construction would be based on future phases as defined by an approved traffic study". What exactly does that mean? Who does the traffic study? When is the traffic study done? And if the traffic study shows S. Withers Road is necessary based on traffic, who builds the road? And if the traffic study should show the road isn't necessary, what happens to the right of way that is acquired for the road? And if the traffic study shows the road is necessary but more right of way is needed than what is shown on the site plan, who is responsible for acquiring that right of way and paying for the additional right of way?
5. The staff report says "Until that portion of S. Withers Road is completed, Campbell Road will remain open and only be utilized for emergency access to the site at a controlled point." What happens to Campbell Road when S. Withers Road is constructed? If the answer is "it gets closed", why would Campbell Road be closed when S. Withers Road is constructed when Campbell Road serves as an existing access to Huntington Ridge property?
6. The staff report says "There will be 2 main entrances to the site. Hughes Road and South Liberty Parkway will serve as the primary entrance. The second entrance will be from S. Withers Road. This will be part of the eventual build out of the site." How does the city approve a site plan for Liberty Tradeport that contemplates an off site extension of S. Withers Road as the second main entrance to the project when the closing of the sale of the right of way necessary for that road has not yet taken place? What document, or what condition of approval, obligates the applicant to acquire the right of way and other necessary property interests for the S. Withers Road extension so that the city is assured that the necessary right of way is acquired and can be conveyed to the city for this road extension? Has that document been signed by the applicant (or has that condition been imposed on the applicant and the applicant has agreed to that condition as a condition of approval of the project)?
7. The staff report says "The developer will be required to install traffic signals, left turn lanes and right turn lanes at each intersection as needed based on an approved traffic study...the S. Withers Road connection at South Liberty Parkway will require full intersection improvements at a future phase as needed based on an approved traffic study." If the developer is required to install the improvements, as stated in the staff report, why does the applicant's site plan refer to the S. Withers Road extension "by others"?

8. There are 8 buildings on the site plan. Is this a single phase project? If not, how many phases are there and what buildings are in each phase. What phase triggers the traffic study that will determine when S. Withers Road gets extended and who does that traffic study?
9. When does the city expect the S. Withers Road extension to be constructed and by whom?
10. Is the City negotiating, or has the city already negotiated, a document called a Public Improvement Plan, with the applicant? If so, please explain what the Public Improvement Plan is and how it relates to this project. What is the status of the Public Improvement Plan...executed or not yet? If not executed yet, when will it be executed. What does the Public Improvement Plan require of the applicant in terms of the S. Withers Road extension and the acquisition of the right of way for the extension and/or construction of the extension?

Ralph Boots, Liberty Economic Development, 5 Victory Lane, Ste. 103, Liberty, MO stated that the City is having successes with the recent industrial developments all over the city. He stated that he believes this will be a good project and continue the current success of industrial type projects.

Chairman Rosekrans if anyone else in the audience wished to speak seeing none, he closed the public hearing. He asked if staff would like to provide any information regarding the questions raised by Mr. Roe.

Ms. Sharp stated that each lot/building would have to go through a Final Plat and Final Development Plan approval. She said development applications typically take two months from submittal to staff to approval by City Council. She also said that the time period between the submittal date and the public hearing was extended because the City Council was considering the development agreement prior to the Rezoning application.

Ms. Johnson stated that this is a multi-phase project; the connection to S. Withers Rd will be required before a final phase will be approved. The connection will be based on the need as determined by a traffic study that will be required of the developer as part of the future phases of the project. S. Withers Road, when completed, will be for car traffic while the Hughes Road intersection will be the main entrance for all truck traffic. If the property to the north develops, prior to this project completing the S. Withers connection, it may be required of that project. All negotiations regarding acquiring and building the road will be between the two property owners. The phases of the project will be determined by the use requirements of the future users. As of now, the phases are one lot/building per year.

Mr. Findlay stated that in his review of the traffic study submitted by the applicant's engineers, it studied multiple scenarios for the traffic. The finding stated that the Hughes Road intersection, with improvements, could handle all of the proposed traffic. A second scenario added a connection to S. Withers Rd and surmised that this connection would increase the level of service to the project.

Commissioner Personett stated that he very interested at those findings. He asked what would be the tipping point that would require the S. Withers Road connection.

Mr. Findlay said that the reduction of the level of service would have to fall below a certain threshold. He does not have that exact number at this time.

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

Commissioner Dilts said she would vote for the project because it does meet the standards. She would like the applicant to pay special attention to the environment impacts of this large project.

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

Vote: Motion passed 8-0-0

Yes: Dilts, Evans, 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, November 23, 2020.

V. 20-32PP Preliminary Plat for Liberty Tradeport. 8 lots on 339+/- acres.

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

Commissioner Personett stated that he does not think it is appropriate to approve a case that requires offsite improvements that have not been finalized.

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 Evans seconded the motion.

Vote: Motion passed 7-1-0

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

No: Personett

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, November 23, 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, December 8, 2020. Due to the ongoing pandemic, this meeting will most likely be held as a virtual meeting at 3pm.

IX. Adjournment

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