

LIBERTY PLANNING AND ZONING COMMISSION

June 8, 2021

Meeting Summary

3:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, June 8, 2021, 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, Ken Personett, Tom Reinier, Dee Rosekrans, Donald Summers and Ann Waterman. Patricia Evans and Amy Howard were absent. Representing staff were Katherine Sharp, Director of Planning and Development; Michael Peterman, City Planner; John Findlay, City Engineer; and Brandon Smith, Economic and Business Development 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 May meeting.

Commissioner Summers moved to approve the regular session minutes from the May 11, 2021 meeting and Commissioner Personett seconded the motion. The minutes were approved 7-0-0.

IV. **21-26R&PP: Rezoning and Preliminary Plat for Tapp Farm. 149 single family lots on 90 ac at the NW corner of SLP & Birmingham [PUBLIC HEARING].**

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Dilts asked for clarification on language on the plan, dotted lines around the stream and improvements to Birmingham Road.

Ms. Sharp stated that the language about monuments is related to survey markers, the lines by the creek are distances from the creek that correspond to City buffer requirements from riparian corridors.

Mr. Findlay stated that Birmingham Road is currently a fully upgraded city street according to the Natural Route street standard found in the city manuals. He said that this project would add sidewalks on Birmingham along the project frontage.

Commissioner Personett asked for clarification on the City's street classification system.

Mr. Findlay explained the different types of street classifications and stated that when the City received former MODOT roads the Natural Route section was created to accommodate this type of road.

Commissioner Personett stated that he thought there was a code that regulated how many lots there were from an intersection and asked what that distance or number of lots is.

Ms. Sharp stated that she didn't know which specific code he was referencing, but there is a distance requirement for cul-de-sacs and that this didn't meet that specification because there were intersections on the road that provided alternate routes for entering and exiting the subdivision. She said there was also a code

that limited the number of lots from one access.

Commissioner Dilts asked if there were any other landscaping plans required for this project.

Mr. Peterman stated that only the buffer on South Liberty Parkway requires a landscaping plan. All other landscaping in a single family subdivision is on a lot by lot basis. Those requirements are met when each individual house is built.

Art Akin, AGC Engineers, 405 S. Leonard, is representing the applicant. Mr. Akin stated that the word "monuments" on the plan document are survey markers and that the applicant does intend to put sidewalks on both sides of Birmingham in front of the project. Mr. Akin also stated that there are 86 lots between the end of the cul-de-sac and the intersection of Skyview Lane and Brooke St. This is well under the EMS requirements of 120 lots for and additional point of access.

Chairman Rosekrans opened the public hearing. He asked if there was anyone in the audience that would like to speak for or against the case. Seeing none he closed the public hearing.

Commissioner Dilts asked about the heavily wooded area along the creek.

Mr. Akin stated that it was the intent to stay out of that area and preserve the natural setting. The red dotted line mostly followed the large tree line.

Commissioner Holt asked if the price range of the homes has been established.

Robert de la Fuente, Star Development, stated that at this time they are projecting \$375-\$550 thousand dollar range. This all depends on the housing market and material costs at the time of construction.

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

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

Vote: Motion passed 7-0-0

Yes: Dilts, Holt, Personett, Reinier, Rosekrans, Summers, Waterman

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, June 28, 2021.

V. 21-27A: Future Land Use Map Amendment for Vintage Estates. A change to Low Density Residential for development of an age restricted senior patio homes subdivision at Old Withers and S. Withers Roads [PUBLIC HEARING]

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Reinier asked how much of the land area of the proposed project was in the floodplain and how high was it going to be raised.

Mr. Peterman stated the roughly half of the project area was in the floodplain.

Mr. Findlay stated that at this time for this Land Use Amendment case, city staff does not require that type of

information regarding the exact details of the floodplain fill. As a standard rule, all finished floor elevations of any building that is built would have to be at least 1 ft. above the flood elevation.

Commissioner Dilts asked what affects this project would have downstream.

Mr. Findlay stated that at the time a project with a plan comes forward the developer would have to provide professionally certified documentation regarding that type of information. It would also have to go through the approval process of the Federal Emergency Management Agency (FEMA) regarding floodplain development. They would also have to apply for floodplain development permits from the City.

Ray Bisbee, Harvest Investments, 2521 Washington St., Pella, IA, the applicant, stated he was available for questions along with the project engineer.

Chairman Rosekrans opened the public hearing. He asked if there was anyone in the audience that would like to speak for or against the case. Seeing none he closed the public hearing.

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

Commissioner Reinier stated that he has lived near a floodplain for over 30 years and he is always leery of development in or near a floodplain and does not feel comfortable changing the area of the floodplain. He will be voting against the application.

Commissioner Dilts stated the City should be very cautious around floodplains. She is against changing the Future Land Use map without an updated Comprehensive Plan. She will be voting against the project.

Commissioner Holt asked to clarify that this application was to only change the Future Land Use Map at this area, and that we would be able to address floodplain and other concerns when and if a plan came forward.

Ms. Sharp stated yes, this only changes the Land use Plan map. Any development on this site will require platting and development plans to be approved by the Planning Commission and City Council.

Commissioner Dilts stated that the Comprehensive Plan establishes the City's vision for future growth in the city. These decisions are based on an outdated plan and she believes that we should not be making piecemeal decisions based on what a developer desires instead of an overall comprehensive look at what the community wants.

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

Vote: Motion passed 5-2-0

Yes: Holt, Personett, Rosekrans, Summers, Waterman

No: Dilts and Reinier

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, June 28, 2021.

VI. 21-28PDP-A: An Amended Preliminary Development Plan for Liberty Commerce Center, S of South Liberty Pkwy & E of Hughes Rd.

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

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

Commissioner Personett asked why S. Withers Road in this development is a public road. It appears to only serve this development and not provide a public benefit.

Mr. Findlay stated that on the north end it crosses another property and is required to be public at that point to the site. The amended plan that is being considered with this application shortens the road. The traffic proposed for this road is vehicular traffic of employees and others and not large truck traffic. All large truck traffic is to be routed to Hughes Road and the intersection with South Liberty Parkway and Hughes.

Chairman Rosekrans asked about the timing of construction of Hughes and S. Withers.

Mr. Findlay stated that the plans have been approved and that construction is expected to start as soon as possible.

Commissioner Reinier asked if the changed detention areas are still adequate.

Mr. Findlay stated that while there are fewer stormwater detention areas, the remaining areas are bigger and still function properly and are adequate for the project.

Chris Chancellor, North Point Development, the applicant stated that the change being requested for this project is being requested because the tenants of the buildings are clear and their requirements and needs necessitated some adjustments to the layout of the buildings and lots. The need for S. Withers Road to be a public street also is based on tenants requirements to be adjacent to public right-of-way as part of their business model.

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

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

Vote: Motion passed 7-0-0

Yes: Dilts, Holt, Personett, Reinier, Rosekrans, Summers, Waterman

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, June 28, 2021.

VII. 21-29PP-A: An Amended Preliminary Plat for Liberty Commerce Center, S of South Liberty Pkwy & E of Hughes Rd.

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

Chairman Rosekrans asked the commissioners if they had any questions of staff or the applicant, 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 7-0-0

Yes: Dilts, Holt, Personett, Reinier, Rosekrans, Summers, Waterman

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, June 28, 2021.

X. Public Comments

There was no public comment.

XI. Other Business

Mr. Peterman went over the administrative approvals since the last meeting. Ms. Sharp updated the commission on current development activity in the city.

XII. Future Meeting Schedule

The next regular session is scheduled for Tuesday, July 13 at Liberty City Hall in the City Council Chambers at 7pm.

XIII. Adjournment

Commissioner Summers moved to adjourn, Commissioner Holt seconded. Chairman Rosekrans adjourned the meeting at 4:05pm.