

**LIBERTY PLANNING AND ZONING COMMISSION**

April 12, 2022

Meeting Summary

7:00 p.m.

**I. Call to Order**

The Liberty Planning and Zoning Commission met on Tuesday, April 12, 2022. A quorum being present, Chairman Rosekrans called the meeting to order at 7:00 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; Michael Peterman, City Planner; John Findlay, City Engineer; and Joshua Martinez, Capital Projects Engineer. 17 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 March 8, 2022 meeting.

Commissioner Evans moved to approve the regular session minutes from the March 8, 2022 meeting and Commissioner Dilts seconded the motion. The minutes were approved 5-0-4 (Commissioners Holt, Personett, Summers and Waterman abstained).

**IV. Public Hearing Cases**

**A. 22-08A: Future Land Use Map Amendment for 520 S 291 Hwy. A change in the land use designation on 0.62 ac from Low Density Residential to Commercial.**

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

Chairman Rosekrans asked the commissioners if they had any questions, seeing none he asked if the applicant would like to speak.

Cole Henzlik, Elevate Properties, 7121 W. 79<sup>th</sup> St., Overland Park, KS, the applicant. Mr. Henzlik stated that he thinks this would be a good fit for the property and is happy to answer any questions.

Commissioner Personett asked if the property to the north had been contacted regarding access to their parking and driveway.

Mr. Henzlik said that the commercial center has been contacted and agree to allow access to their property.

Chairman Rosekrans asked about the X's on the exhibit.

Mr. Peterman stated it was a proposed access from 291 Hwy but has since been removed and is not part of the future plans.

Chairman Rosekrans opened the public hearing.

Gordon Hubbs, 433 Mack St. ,asked if any housing value studies had been done concerning how

this development would affect housing values. He also asked if there had been a traffic study, what the proposed use is and how many employees would be at this location. Mr. Hubbs said he was told when he moved in that the church would have to have all of the neighbor's signed approval to develop the property.

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

Chairman Rosekrans asked staff if they could address any of Mr. Hubbs questions.

Ms. Sharp stated that this application was only considering the Land Use Change and that a plan had not been submitted. If this application is approved, then Plat, Rezoning and Final Development plans would all have to be submitted and approved. In those applications is where the specific details regarding use, employees, and traffic would be analyzed. The city does not require a property valuation study, but does consider the effect of the request on the surrounding properties. Regarding the comment about the requirement for the Church to have the neighbors sign off on any development, here is not a City process that would allow one neighbor to have to ability to cancel a proposed project on the church property. That could have been an agreement or document between the church and the neighbors or other entity that spoke for the neighbors.

Chairman Rosekrans asked what responsibility the developer has to the adjacent properties.

Ms. Sharp said that the development code requires screening and buffers adjacent to residential properties.

Commissioner Personett asked if there was a city process that required signatures.

Ms. Sharp stated that there is no process that requires signatures, but during the rezoning phase a Protest Petition against the project could be submitted that contains signatures of those neighbors against the project and that she could be contacted regarding the requirement to submit that petition.

Commissioner Holt asked if the property to the west of the site is being considered.

Ms. Sharp stated that the Church owns all of the property surrounding this property. There are platted residential lots adjacent to Mack but they are not being utilized for residential purposes. It is open space that the church owns. She said the site plan has not been reviewed in any capacity at this Land Use Plan amendment phase, and that this application is merely to evaluate if Commercial is a more appropriate use along 291 at this location than the Low Density Residential designation that currently exists. She said that the Preliminary Development Plan would need to meet the standards in the UDO or be granted variances, but that is in future applications.

Chairman Rosekrans asked the commissioners if they had any 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 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, April 25, 2022

**B. 22-09SUP: Special Use Permit for Commerce Bank – Temporary Bank, 1 Liberty Bell Circle.**

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

Chairman Rosekrans asked the commissioners if they had any questions, seeing none he asked the applicant if they would like to speak.

Clay Gish, Perspective Arch & Design, 2000 Shawnee Mission Pkwy, Mission Woods, KS, the applicant, stated that this project for the temporary bank building was to keep providing existing customers with convenient service during demolition of the existing bank and construction of a new building.

Commissioner Personett asked about signage on the site.

Mr. Gish stated that they will utilize construction signage on the site and signs on the building for the bank.

Chairman Rosekrans opened the public hearing.

Chairman Rosekrans 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.

**Action: Commissioner Summers moved to approve the case as presented in the staff report Commissioner Waterman 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, April 25, 2022

**C. 22-11R&PDP: Rezoning and Preliminary Development Plan for Vintage Estates. 25 age restricted patio homes on 16+/- acres at Old Withers and S. Withers (with variance).**

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

Mr. Findlay presented about development in and around the floodplain and common practices and requirements to do so.

Chairman Rosekrans asked the commissioners if they had any questions.

Chairman Rosekrans asked the applicant if they would like to speak.

Ray Bisbee, Harvest Investments, 2521 Washington, Pella, IA, the applicant, stated that the development will be a Cooperative and that the residents will be co-owners of the entire property buy purchasing shares of the co-op. There are examples of this in North KC and Iowa. He also stated that the amount of fill for this project will be a small percentage as compared to the floodplain in that immediate area.

Commissioner Personett asked what the qualifications were to own a share in the co-op.

Mr. Bisbee stated that the applicants to the co-op must meet financial qualifications, meet a minimum income level and be aged 55 and over.

Jason Ledden, Snyder & Assoc., 2727 SW Snyder Blvd., Ankeny, IA, engineer for the applicant, thanked Mr. Findlay for the thorough floodplain review. He stated that they will bring in and place quality fill dirt for use in the project area. Before construction starts the ground will be surveyed to meet all FEMA requirements and all FEMA documents will be filed.

Commissioner Summers asked how much fill will be put on the site.

Mr. Ledden stated that it will vary across the site, but the largest amount would be about 5 feet deep.

Commissioner Personett asked if the homes would be on a slab foundation or a basement.

Mr. Ledden stated that both types would be available for construction.

Commissioner Personett asked if the fill will be stable and how that is measured.

Mr. Ledden said that the contractors would perform that testing before beginning any construction.

Chairman Rosekrans opened the public hearing.

Ms. Sharp submitted a letter for the Record.

*I'm writing to comment on Cases 22-11R&PDP which is being heard April 12, 2022.*

*For the most part, we are comfortable with a single family housing development on the site. The concept is interesting ...*

*We do have concerns about traffic calming as it will be a long straight away on Buckingham Dr. off Withers Road and that usually means increased speed. We hope that some sort of off-road parking can be built into the plan which can be used when the trail is developed. Lastly, we continue to be concerned about storm water management and hope some sort of detention arrangement has been provided for.*

*One last question ... if an owner wants to sell their home, what is the procedure for that? Do they sell it to the cooperative or can they list it on the open market?*

*Thank You,*

*Larry Wepler*

Chairman Rosekrans 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.

Mr. Bisbee stated that the co-op maintains a wait list for people that want to buy into the co-op and one for current owners that want to move around within it. When an owner wants to sell they put there shares on the list and a match is made from there. In circumstances that a match from the list is not found, then a realtor can be involved and a sale can be made that way. A person in the co-op sells their share of the co-op, not the home.

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

**Action: Commissioner Personett moved to approve the case as presented in the staff report with the variance as submitted Commissioner Holt 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, April 25, 2022

## V. Cases

**A. 22-12PP:** Preliminary Plat for one lot on 16 +/- ac at Old Withers and S. Withers for Vintage Estates.

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Personett asked what are the Pros and Cons of a private drive.

Ms. Sharp stated that the developer wanted a gated community and that public right of way cannot be gated. Privates drives do not receive city services such as maintenance and plowing. Private drives can restrict access with a gate and do not have to meet all right of way standards.

Commissioner Personett asked if there were other examples in Liberty.

Ms. Sharp stated that there are private drives in the City and gated communities such as Holly Lakes.

Chairman Rosekrans asked the commissioners if they had any other, 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 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, April 25, 2022

- B. 22-13FP:** Final Plat for a Replat of Homestead of Liberty 1st Plat. Replatting Lots 10-16 (7 Lots) to create 5 lots.

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

Chairman Rosekrans asked the commissioners if they had any questions.

Art Akin, AGC Engineers, representing the applicant stated that they were creating wider lots for the home types requested by builders.

**Action: Commissioner Personett moved to approve the case as presented in the staff report  
Commissioner Dilts 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, April 25, 2022

- C. 22-14FP:** Final Plat for North Liberty Logistics Park, Lots 1-3 & Tracts A, B, C on 118 +/- ac. North of US 69 Hwy and west of I-35.

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

Chairman Rosekrans asked the commissioners if they had any questions.

**Action: Commissioner Dilts moved to approve the case as presented in the staff report  
Commissioner Evans 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, April 25, 2022

- D. 22-15FDP:** Final Development Plan for North Liberty Logistics Park, Lot 1. A 386,619 sq. ft. industrial/warehouse building on 24.3 ac. North of US 69 Hwy and east of I-35.

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

Chairman Rosekrans asked the commissioners if they had any questions.

**Action: Commissioner Howard moved to approve the case as presented in the staff report  
Commissioner Waterman 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, April 25, 2022

**E. 22-16FDP:** Final Development Plan for North Liberty Logistics Park, Lot 2. A 480,050 sq. ft. industrial/warehouse building on 29.2 ac. North of US 69 Hwy and east of I-35.

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

Chairman Rosekrans asked the commissioners if they had any questions.

**Action: Commissioner Holt moved to approve the case as presented in the staff report  
Commissioner Dilts 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, April 25, 2022

**VI. Public Comments**

There was no public comment.

**VII. Other Business**

Ms. Sharp recognized Commissioner Personett for receiving a preservation award from the State.

Ms. Sharp stated that staff was reviewing proposals from consulting firms for the Comprehensive Plan.

Commissioner Personett wanted to thank staff for anticipating the questions that could come up in the meeting and being prepared to answer.

Commissioner Holt stated that he had seen a camp in the woods near Clayview & W. College

Commissioner Holt asked if their was still sewage testing for Covid still being performed.

**VIII. Future Meeting Schedule**

The next regular session is scheduled for Tuesday, May 10, 2022. This meeting will be held in person at Liberty City Hall in the Council Chambers at 7pm.

**IX. Adjournment**

Commissioner Holt moved to adjourn, Commissioner Personett seconded. Chairman Rosekrans adjourned the meeting at 8:45pm.