

LIBERTY PLANNING AND ZONING COMMISSION

May 10, 2022

Meeting Summary

7:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, May 10, 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; and Joshua Martinez, Capital Projects Engineer. 19 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 April 12, 2022 meeting.

Commissioner Dilts moved to approve the regular session minutes from the April 12, 2022 meeting and Commissioner Summers seconded the motion. The minutes were approved 9-0-0.

IV. Public Hearing Cases

A. **22-19R&PDP: Rezoning and Preliminary Development Plan to Rezone 6.68 ac from R-1C to PD for Fulkerson Cottages to allow the construction of a 40-unit age restricted community at the SW corner of Liberty Dr. & Fulkerson Circle.**

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Personett asked if any street improvements were proposed.

Mr. Martinez stated that the submitted traffic review did not call for any improvements to W. Liberty Dr.

Commissioner Reinier asked if there were guarantees that this project would stay a senior restricted community in the future.

Ms. Sharp stated that the city code does not restrict tenants by age. She said staff does not verify age of tenants and all age restrictions would come from the Convents and Restrictions in the Home Owners Association and be verified by the site manager. She said that this sort of restriction is not enforceable by the city and if the HOA chose to not enforce their own rules, the city would not step in to enforce them.

Chairman Rosekrans asked what changes in the project would require it to come back through the PD planning process.

Ms. Sharp said that the changes such as layout, change in number of units, and design of the structures would require the project to be reviewed and considered by the Planning and Zoning

Commission and the City Council.

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

Spencer Thomson, Patriot Properties, 1207 Campbell, Liberty, the applicant, stated the at the age restriction will be enforced by the association documents. They will be private restrictions that will run with the land. The bank financing will also be dependent on this project being a senior restricted project. His company has developed a similar product in Blue Springs, North Ridge Cottages. He also stated that senior independent living is in high demand.

Chairman Rosekrans opened the public hearing. He asked if there was anyone else in the audience that would like to speak for or against the case.

Joseph Frey, 40 Fulkerson Circle, stated he was concerned with the entrance on W. Liberty Dr. He stated that have the one entrance to the neighborhood and no connection to Fulkerson circle was best option for this development.

Paula Vanderstel, 70 Fulkerson Circle, stated she was apprehensive about future of the property if it is sold and is no longer an age restricted project. She also noted that currently the property needs maintenance and mowing.

Troy McKinney, 1133 W. Liberty Dr., stated that while he is in favor of the project, he is concerned with traffic flow on W. Liberty Dr. The road narrows and there is a hill that he foresees as a problem for those entering and exiting from the development. He also noted that the brush along the property line is overgrown and needs to be addressed as part of the landscaping as part of this project.

Michael Brown, 813 Lindenwood, stated that there are storm drainage problems related to this current site. There are lots of animals that will be displaced with this development. He also stated that traffic problems exist on W. Liberty Dr. and that sometimes it is backed up to Westboro.

Ralph Boots, 72 Fulkerson Circle stated that he is in favor of the project but only as an age restricted project.

Sue Koerner, 15 Fulkerson Circle stated that she believes that traffic is a problem on W. Liberty Dr. and that she thinks that entrance to the site may have a site distance issue. She hopes that the emergency only entrance stays a s emergency use only. She also stated that the setbacks along Fulkerson Circle should be larger than 30 feet. She agrees that she thinks that the project should be required to stay age restricted.

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

Ms. Sharp stated that she would recommend that the applicant work with the City attorney to find a path that would guarantee the age restriction stays in place.

Mr. Martinez stated that the site grading plans show that the applicant intends for the site to drain toward the detention area on the north and away from the neighbors' homes.

Ms. Sharp stated that they will request additional site distance information from the applicant, and that site distance will be discussed by staff and have a response by the time this goes to the City Council.

Chairman Rosekrans asked if staff could address the western property line landscaping.

Ms. Sharp stated that the large trees will remain in the area and that the applicant would likely clear the underbrush to create a pleasing landscaping design.

Mr. Thomson, the applicant, stated that they will retain the mature trees and remove the scrub and dead trees on the western property line. He also agreed with staff regarding the stormwater drainage will travel to the north away from Fulkerson Circle. He also said that the emergency entrance will be gated for use only by emergency services. He said that the buffer on Fulkerson Circle is as large as it can be with out losing units by shrinking the site. The entrance onto W. Liberty drive was designed to keep it as far from S. Withers and the traffic issues at that intersection. The type of traffic generated by this development should be very little.

Ms. Sharp stated that the 30 ft setbacks along Fulkerson Circle are typical setbacks in a single-family neighborhood.

Commissioner Personett asked how high the wall will be at the southeast corner.

Mr. Thomson stated that at the corner it will be 11 feet and decrease in height from that point both directions.

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 Personett seconded the motion.

Commissioner Holt stated that he will vote in favor. The proposal meets City requirements. He stated that the project feels too dense.

Commissioner Personett stated that he will vote in favor and that he appreciated all the input from the neighbors. The neighbors concern for traffic issues should be investigated more.

Commissioner Dilts stated that the traffic is a concern and should be looked at again.

Commissioner Evans stated she feels traffic is a concern.

Chairman Rosekrans stated that ability to require age restriction should be pursued.

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, May 23, 2022

Mr. Thomson requested that this application be moved to a future City Council meeting because he has a scheduling conflict with the May 23rd date.

Ms. Sharp said the item would be moved to the June 13 City Council meeting, and that any

changes to this date would be posted on the Planning & Zoning page of the City website.

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.

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

**Action: Commissioner Howard 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, May 23, 2022

Mr. Thomson requested that this application be moved to a future City Council meeting because he has a scheduling conflict with the May 23rd date. This case was moved to the June 13 City Council meeting.

B. 22-21FP: Final Plat for a replat of lot 61, Brookview Gardens & Lot 13, Middlemarch Estates at 1500 Wynbrick.

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

Chairman Rosekrans asked the commissioners if they had any questions.

**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, May 23, 2022

C. 22-24PDP: Preliminary Development Plan for Liberty Bell Circle. 2 commercial lots on 2.8 acres at 1 Liberty Bell Circle.

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Summers asked for a clarification on the restaurant drive thru.

Mr. Peterman stated that the drive thru on the west side would function like a dual lane drive thru. On the east side is a pick-up lane for online and call in orders.

Commissioner Dilts asked about the location of the order boards.

Mr. Peterman stated that it is on the west of the building, but since this is a preliminary plan we don't have that detail yet.

Ms. Sharp stated that this drive thru as shown has more capacity for queuing than most drive thru lanes.

**Action: Commissioner Holt 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, May 23, 2022

D. 22-05FP: Final Plat for Tapp Farms. 149 single family lots on 90 acres at NW corner of South Liberty Parkway and Birmingham Road.

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

Chairman Rosekrans asked the commissioners if they had any questions.

Ron Cowger, AGC Engineers, representing the applicant stated that he is happy to answer any questions and the applicant is excited to begin this project.

**Action: Commissioner Holt 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, May 23, 2022

VI. Public Comments

There was no public comment.

VII. Other Business

Ms. Sharp presented a brief overview of the comprehensive plan consultants' proposal for creating the comprehensive plan.

Commissioner Summers asked what the timeframe for the document to be completed.

Ms. Sharp stated that it is scheduled to be done before April 2023.

Commissioner Dilts asked if representatives of William Jewell will be part of the process.

Ms. Sharp said that they would be invited as well as many of the stakeholders in Liberty. Chairman Rosekrans encouraged all the commissioners to take part in the process.

Commissioner Dilts said she was excited to see the involvement of youth in the city.

Chairman Rosekrans wanted to send a thank you to the City council for moving this forward.

Action: Commissioner Summers moved to recommend acceptance of the consultant for the Comprehensive Plan, Commissioner Dilts seconded the motion.

VIII. Future Meeting Schedule

The next regular session is scheduled for Tuesday, June 14, 2022. This meeting will be held in person at Liberty City Hall in the Council Chambers at 7pm.

IX. Adjournment

Commissioner Summers moved to adjourn, Commissioner Reinier seconded. Chairman Rosekrans adjourned the meeting at 8:34pm.