

LIBERTY PLANNING AND ZONING COMMISSION

September 13, 2022

Meeting Summary

7:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, September 13, 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: Patricia Evans, Amy Howard, Ken Personett, Tom Reinier, Dee Rosekrans, Donald Summers and Ann Waterman. Commissioners Judy Dilts and Walt Holt were absent. Representing staff were Katherine Sharp, Director of Planning and Development; Michael Peterman, City Planner 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 August 9, 2022 meeting.

Commissioner Summers moved to approve the regular session minutes from the August 9, 2022 meeting and Commissioner Evans seconded the motion. The minutes were approved 7-0-0.

IV. Public Hearing Cases

A. 22-38FDP-A: Amended Final Development Plan for Liberty Heartland Logistics Center to consider a variance to allow an 8 ft. tall fence at 1551 Shepherd Rd.

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

Chairman Rosekrans asked the commissioners if they had any questions.

Chairman Rosekrans asked the applicant if they wish to speak.

Erin Brower, Hallmark Senior Director, Government Affairs, 6821 Rockhill Road, Kansas City MO, and Anita Ranhotra, Hallmark representative, 8210 Deer Run St, Lenexa KS provided a PowerPoint presentation detailing the future of Hallmark in Liberty and why they need to have an 8' fence to conform to Federal program guidelines.

Chairman Rosekrans asked if this would be just for Building A or others.

Ms. Ranhotra stated this would only apply to Building A which will be occupied by Hallmark. The other buildings will be occupied by other tenants.

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 other questions, seeing none he asked for a motion.

Action: Commissioner Howard moved to approve the case as presented in the staff report.

Commissioner Reiner seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, September 26, 2022.

B. 22-40SUP: Special Use Permit for 825 Route B to allow Special Events for up to 30 people on 5+/- acres.

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Personett asked are there any ADA requirements required.

Mrs. Sharp clarified that there are no ADA requirements since it is still classified as residential per Fire and Building code and the maximum attendees will be at 30 or below.

Chairman Rosekrans asked the applicant if they wish to speak.

Ms. Sharp said the applicant was unable to attend the meeting.

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.

Gerald Muck, 1105 Route B, Liberty MO. It is my understanding that it is residential property. My concern is that if it is privately owned will the owners will be there or if it is owned by a corporation. He also asked if there will be events every weekend and who will be enforcing the 30 people limit. Further, he shared his concern about the number of guests at the location so late at night.

Ms. Sharp read a letter from a neighbor into the record who was unable to attend and asked that the letter be shared with the Commission. Holley Barnett, 925 Route B, sent a letter to the Commission via staff stating concerns about the proposal, she stated concerns about noise, safety from potentially wandering guests and the effect of this business on her property values.

Chairman Rosekrans asked if anyone else wished to speak, and asked staff if they could reply to the neighbor concerns.

Ms. Sharp stated that if there is an issue it is the neighbor's complaint that alert staff to the possibility of Special Use Permit violations. She said that we have not historically had issues with home event spaces like this, however it is the neighbors that are the reporters and then the City enforces accordingly. This is a privately-owned residence, and the home must remain owner occupied, meaning the owners are required to live on the property to have this event space.

Chairman Rosekrans asked what causes a SUP to have to come back before P&Z and Council

Ms. Sharp stated that if they are found in violation they are required to come before P&Z and Council and reevaluate their SUP. If the use does not exist for 12 months then the SUP goes away. It is not transferable to other properties and all regulations must be met.

Commissioner Summers asked if the SUP is applicable to the whole property or a specific area.

Ms. Sharp said the applicant called out event space in the addition but did mention tents may be used on the property. The applicant is not allowed to add structures outside of the addition they are requesting. They could not add a new building, but they could have tents anywhere on the property.

Commissioner Waterman asked if the SUP is attached to property or owner.

Ms. Sharp stated that it is part of the property. A new owner of the property could run the event space but would still be bound by the conditions approved in this SUP. Any changes would require a new application to be heard by the Planning Commission and City Council.

Commissioner Personett stated that he would propose this case be postponed so applicant can be here and address concerns by neighbors. If we do vote on this I lean toward voting no. He stated that the Sunday-Thursday usage that is being proposed is not appropriate.

Commissioner Evans stated that she agrees with Commissioner Personett.

Commissioner Reiner said that he agrees with Commissioner Personett. He has empathy for neighbor with child. Without owners at the meeting, he cannot vote for it.

Chairman Rosekrans stated he will vote in favor of tabling along with Commissioner Personett based on the same reasons.

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

Action: Commissioner Personett Motioned to table the case and continue the Public Hearing to October 11, 2022 so that the applicant can be in attendance to address questions and concerns by neighbors and commissioners. The motion was seconded by Commissioner Summers.

Vote: Motion passed 7-0-0

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

No: None

Recusal: None

Chairman Rosekrans said this case would be heard on October 11, 2022 at the next Planning & Zoning Commission meeting.

C. 22-41A: Future Land Use Map Amendment to allow multi-family and commercial development at the NE corner of Flintlock and South Liberty Parkway.

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 there are any developments proposed just east of this property.

Ms. Sharp stated Yes. An apartment project was approved this summer.

Chairman Rosekrans asked if the project to the east was a similar use just different scale.

Ms. Sharp stated that the approved project to the east is a High-Density Residential apartments, reserving commercial along the frontage.

Chairman Rosekrans asked if this change in the Future Land Use Map represents a logical transition to properties to the north.

Ms. Sharp said that Commercial is such a wide designation, and can be so many things. A high impact commercial use such as a Costco, could have a big impact on the area, whereas a coffee shop or smaller business may have less impact than apartments. Typically, a transition or transect would be Commercial to High Density Residential to Medium Density Residential to Low Density Residential.

Chairman Rosekrans asked the applicant if they wish to speak.

Curt Peterson, Polsinelli, PC, 900 W 48th Place, KCMO, representing the applicant, GFI Capitol, The applicant is also the developer of Copper Ridge Apartments.

Mr. Peterson said the applicant would like to develop something similar to Copper Ridge.

He pointed out that the 2006 the South Liberty Parkway study designated this location as commercial. In 2016 a mixed-use project of apartments and commercial was approved on the site.

In this proposal the developer is advocating to replace the commercial along Flintlock. The justification for this land use change include;

- 1) Market has shown there is no interest in putting commercial in that site, developers do not want commercial in that site.
- 2) Access is an issue. Right in and Right Out at best on Flintlock. SLP does not want breaks, so again Right In and Right Out, Plummer would be primary this is not ideal.
- 3) Demand for more diverse housing type, demand is extraordinary. Copper Ridge is full. Great financial benefits of having residents that live in those types of places, disposable incomes. New Multifamily unit will help bring and keep residents
- 4) To have all amenities, it takes unit count. The previous project did not have unit count. With Flintlock frontage it provides sufficient space for the project
- 5) Traffic volume and interaction with trucks is a topic. I have confirmed with large manufacturer that this is not an issue, worked with Brandon and Mayor.
- 6) Fraction of traffic on SLP in comparison to placing commercial. Traffic studies from 2016 showed this.

The City is losing residents because we do not have what the room we need.

Mr. Peterson said that Chairman Rosekrans brought up transition. He said that in his career the hardest hierarchy into single family, Industrial is the hardest to transition. The next hardest is commercial. The next is some sort of multifamily.

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.

Ms. Sharp read a letter from the Diocese of Catholic Church of Kansas City who asked that the Commission keep the Commercial designation along the Parkway frontage as was required of their property to the east.

Chairman Rosekrans asked if there was anyone else in the audience that would like to speak,

seeing none he closed the public hearing.

Commissioner Personett stated that he agrees- we did look at high density at the location before, and we did lean towards high density previously. He said he tends to disagree with the letter read to the Commission and is in favor of voting yes for this application.

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

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

Vote: Motion passed 7-0-0

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

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, September 26, 2022.

D. 22-45FDP: Final Development Plan for Ashton Court for a 7,467sf addition at 1200 W College St. with a use variance.

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Personett asked what impact this may have for stormwater runoff.

Mr. Martinez stated that they are meeting the City requirements and providing elements to address any extra runoff from the property.

Chairman Rosekrans asked the applicant if they wish to speak.

Mick Slutter, RIC, 400 E 17th St. KCMO, representing the applicant stated they access drives will still function the same as they currently do. Emergency vehicles can still access the drives as usual. The facade will match a refresh of the existing buildings.

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.

Cindy Dunlap 523 Nottingham Place, Liberty, part of Camelot Villas to the north, said as residents of Camelot Villas we have a concern about the addition. The villas are a mere 100 ft from parking lot on the north side of the building which they use for trash trucks and food trucks. We understand addition is on south portion, but we are concerned that increased patients will increase trash removal and food delivery. Sometimes the trash pickups are between 2am and 5pm. Food delivery semi-trucks continue to deliver between 5:30 and 6 am. These trucks are extremely noisy. As a sign of good faith, we ask the applicant to formally agree in writing the 1) Trash trucks and recycling will not service between 10:00 PM and 7:00 AM Mon-Fri and not on weekends, and that they, 2) Move trash containers to far east portion of parking lot. If this is agreed to, it would remove our concerns.

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 did receive a copy of letter and will provide to applicant.

Chairman Rosekrans asked if the letters are going to be included in City Councils packet.

Ms. Sharp stated she will ask the entities to reach out to Council themselves if they want to provide letters in support or opposition. She said that we do not place that type of information (neighbor letters) into the packet. She said the concerns shared via letters will be summarized in the minutes, just as they are summarized for those who come to speak at the meeting.

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

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

Commissioner Personett stated the requests from citizen seems appropriate. And he said he feels the guidance from Ms. Sharp for the neighbors also seems right.

Vote: Motion passed 7-0-0

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

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, September 26, 2022.

V. CASES

A. **22-39FDP-A: Amended Final Development Plan for Vintage Estates to add 1 unit to the approved development plan at S. Withers Rd and Old Withers Rd.**

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

Chairman Rosekrans asked the commissioners if they had any questions.

Chairman Rosekrans asked the applicant if they wish to speak.

Theresa Gustafson, Maryville MO, Regional Director for Ewing Properties, the owner, stated she was available for questions.

Commissioner Personett stated most developers are trying to squeeze everything they can in where they can. What was thought of adding new unit at last minute.

Ms. Gustafson stated that the applicant looked at city guidelines and constructability, demand, and they were able to maximize the available area. There will also be a little less financial burden to the Vintage Estates community as a whole by adding one extra unit.

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

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

Vote: Motion passed 7-0-0

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

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, September 26, 2022.

VI. Public Comments

There was no public comment.

VII. Other Business

Ms. Sharp provided an update to the comprehensive plan process, reminding the Commission about the upcoming work session with the City Council on October 3 at 6:30pm.

Mr. Peterman updated the Commission on recent administrative approvals.

VIII. Future Meeting Schedule

The next regular session is scheduled for Tuesday, October 11, 2022. This meeting will be held in person at Liberty City Hall in the Council Chambers at 7pm.

IX. Adjournment

Commissioner Personett moved to adjourn, Commissioner Howard seconded. Chairman Rosekrans adjourned the meeting at 8:51pm.