

LIBERTY PLANNING AND ZONING COMMISSION

October 11, 2022

Meeting Summary

7:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, October 11, 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, Walt Holt, Amy Howard, Ken Personett, Tom Reinier, Dee Rosekrans, Donald Summers and Ann Waterman. Commissioner Patricia Evans was absent. Representing staff were Katherine Sharp, Director of Planning and Development; Michael Peterman, City Planner; John Findlay, City Engineer; and Joshua Martinez, Capital Projects Engineer. 26 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 September 13, 2022 meeting.

Commissioner Summers moved to approve the regular session minutes from the September 13, 2022 meeting and Commissioner Waterman seconded the motion. The minutes were approved 6-0-2 (Commissioners Dilts and Holt abstained).

IV. Public Hearing Cases

A. **22-40SUP:** Special Use Permit for 825 Route B to allow Special Events for up to 30 people on 5+/- acres. **(Continued from September 13)**

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Dilts asked if there was a site distance concern pulling out of the driveway from this property.

Ms. Sharp stated that they could have engineering staff inspect the property entrance and look for a site distance issue with the existing hedges.

Chairman Rosekrans asked the applicant if they wish to speak.

Tania and Mike Williams, 825 B HWY, the applicant said they were unable to attend the meeting in September and are available to answer any questions by the commission and neighbors.

Chairman Rosekrans said the public hearing is still open. He asked if there was anyone in the audience that would like to speak for or against the case.

Gerald Muck, 1105 B HWY, said this is a quiet peaceful neighborhood. He said that this application is not meeting the standards of a Home-Based Business. He pointed out the differences between this application and other home-based businesses. He is concerned that the permit stays with the property and that they may not have the same considerations as the current owners. Does not think

that anyone zoned single family residential would feel comfortable with an event center next door. He asked if they need to have a liquor license.

Holly Barnett, 925 B HWY, built a new home on family property and is concerned about safety for herself and her daughter as there is nothing keeping the event goers from seeing into or coming onto her property. She said 10pm is too late for her family to have events next door. She said her property values are a worry. She moved from the city to the country for safety and privacy. She said she is concerned about safety, privacy, and property values and asks that this remain a residential zoning area.

Chairman Rosekrans asked if anyone else would like to speak, seeing none he closed the public hearing.

Chairman Rosekrans asked the commissioners if they had any other questions

Commissioner Personett asked staff to explain why this is different than other home based businesses.

Ms. Sharp stated that this application for an event center is before the commission because this requested use does not meet the standards for a home based business and is therefore required by code to seek the Special Use Permit approval from the Planning & Zoning Commission and the City Council. She also stated that any special event use larger than the requested 30 person limit would require a full development plan and a host of public utility and street upgrades that would be very costly.

Commissioner Personett asked what is the process if the Special Use permit is not followed.

Ms. Sharp stated that the owners would be notified of the violation and asked to rectify the situation. If the violation continues to exist they are required to come before P&Z and Council and reevaluate their SUP.

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

Commissioner Personett said this feels like this is a different scenario than the previous small event cases that have been approved recently because this is in the country. He has concerns with the hours of operation.

Commissioner Holt said he is torn on this application because the home improvements are on the south side of the home, away from the neighbors, and so feels that the railroad does serve as a buffer. He said he recommends that the hours of operation are made earlier.

Commissioner Reinier said he will vote for this because it meets the requirements but hopes that the applicant will be in contact with the neighbors to let them know that the events will occur so they can plan accordingly.

Commissioner Dilts said she would like to have the site distance around the existing bushes verified. She said she was concerned that the event guests may have difficulty seeing around them.

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

Vote: Motion passed 6-2-0

Yes: Dilts, Holt, Howard, Reinier, Rosekrans, and Waterman
No: Summers and Personett
Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, October 24, 2022.

B. 22-42R&PP: Rezoning and Preliminary Plat for Whitehorse single family subdivision. 326 lots on 153 +/- acres generally at the NE corner of Ruth Ewing Rd and Birmingham Rd with three variances

Ms. Sharp presented the case with variance requests as described in the staff report.

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Personett asked where the lift station was located.

Mr. Findlay showed on the screen the location of the lift station south of the existing railroad and on the east side of Birmingham.

Commissioner Personett asked what the negatives of lift station. Will these be contained or will there be odor.

Mr. Findlay stated that maintenance costs are one issue. The city utilities department would be in charge of the required maintenance. It is a system that pumps sewage from a low point to where it can gravity flow into the rest of the public system. The city does not typically support these.

Commissioner Personett asked why the sewer would have to go to 28 feet in depth.

Mr. Findlay stated the 28 ft depth may be because of topography but repairs on something that deep as well as constructability are an issue.

Commissioner Holt asked for clarity on the road improvements as it relates to the bridge.

Mr. Findlay stated the bridge will remove the at grade crossing, improving safety for public crossing, and removing the need for the loud train horns. The realignment will tie into Melissa at the north and Bridgeway at the south.

Commissioner Holt asked about the grant process.

Mr. Findlay stated that the city is pursuing grant funding from federal rail funds. Staff is utilizing a consultant that will assist with the grant application, so we have the best chance of getting the grant. The project will have contributions from the City, the Railroad, and the Developer.

Commissioner Holt asked if this development will expedite the process to build the bridge.

Mr. Findlay said that yes, this project did move the bridge project forward.

Commissioner Holt asked what in the development will trigger the construction of the bridge and what binds the developer to the construction.

Mr. Findlay stated there will be a Development Agreement in place that will be considered by the City Council.

Commissioner Holt asked if any trails are proposed in this development.

Ms. Sharp stated that staff would verify if the current Trail Master Plan identified any trail connection on this property.

Commissioner Dilts asked if any city parkland is identified in this development.

Ms. Sharp stated that the requirements for city parks has changed over time and that the Parks Department has very specific criteria for accepting land and creating parks. There is also a Parks Master Plan update currently taking place that may also change what is acceptable or needed. At this time no parkland is identified.

Chairman Rosekrans asked if the applicant would like to speak.

Art Aiken, AGC Engineers, 405 S Leonard, introduced Robert de la Fuente of Star Development. He clarified the three variance requests. He said the developer is providing the ROW and losing lots to allow the bridge. He explained the road and bridge alignment.

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.

Aaron Blanch, 504 Melissa, at the corner of Melissa and Birmingham. He was concerned that the bridge is supposed to merge into the current Birmingham at his house. He wants to know if this means the bridge will be built over his house. He is concerned about what affect it will have for his property and storm drainage issues.

Mike Phipps, 1850 Birmingham, asked where the sanitary sewer will be located. He is also concerned about storm water that comes from the Cedars and floods along the south property line.

Charles Small, 1331 Wildbriar, represents the out of state sellers of the property where the project is located. He is here in their absence and he is in support of the application on their behalf.

Chairman Rosekrans closed public hearing and asked staff to address the questions.

Mr. Findlay stated he is not aware of current stormwater issues at Melissa, but they can be addressed with the design of this project. Stormwater issues will be further identified as the project progresses with further engineering. He said that there are no bridges being built over anyone's house, the bridge will be in the open space. He said the proposed grade is close to the existing grade. He identified the locations of the sewer line for Phase 1 as asked by Mr. Phipps.

Chairman Rosekrans asked the commissioners if they had any other questions.

Commissioner Holt asked how the existing roads such as Holt and Melissa will tie into the new alignment.

Mr. Findlay showed the new alignment on the screen.

Chairman Rosekrans asked how long this bridge will be when complete.

Mr. Findlay said the entirety is about half a mile and the bridge is about 200 feet.

Chairman Rosekrans asked the commissioners if they had any other questions, seeing none he

asked for a motion.

Commissioner Personett stated that he will be interested to see the plan for the next phase of this development. And he hopes that the unanswered questions will be presented and he believes there should be a trigger where the development should stop until the bridge is completed.

Action: Commissioner Holt moved to approve the case with three variances as presented in the staff report. Commissioner Reinier seconded the motion.

Vote: Motion passed 8-0-0

Yes:, Dilts, Holt, 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, October 24, 2022.

C. 22-47PDP: Preliminary Development Plan for Atwell Suites, a 96 room hotel on 2.3 acres at NE corner of Stewart Rd. & Wilshire Blvd. with a variance request to allow 4 stories.

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Holt asked if other hotels were approved at four stories.

Ms. Sharp said yes.

Commissioner Dilts asked if a traffic study had been prepared.

Mr. Peterman stated that a preliminary study was presented but a full study would be required before the Final Development plan. At that time any street improvements would be identified and required to be detailed in the public improvement plans.

Chairman Rosekrans asked if the applicant would like to speak.

Ray Patel, 401 N. 291 Hwy., the applicant is available for questions.

Commissioner Holt asked about the brand/ flag

Mr. Patel stated that it is IHG Intercontinental Hotel Group, new concept for Intercontinental and a step above the Holiday Inn Express.

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

Vote: Motion passed 8-0-0

Yes:, Dilts, Holt, 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, October 24, 2022.

- D. 22-54R&MP:** Rezoning and Master Plan for 1075 acres generally located at N Church Road bound by I-35, 104th Street, and portions extending to 116th Street, including 385 acres to be annexed into the City of Liberty, to PD-Flex for Montage

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Holt asked about MoDOT approval for the flyover and when will that be triggered.

Ms. Sharp the applicant is working with MODOT and the Development Agreement shows the phases of improvements for the entire development.

Commissioner Holt asked if a traffic study for the project also looked at the intersection of Lightburne and 69 Hwy.

Mr. Findlay stated that the traffic study looked at the site as well as the surrounding sites. It took future growth modeled into the analysis. There were a number of recommended improvements brought into the traffic study and will be implemented in the plans as the project develops.

Chairman Rosekrans asked the applicant if they wish to speak.

David Gale, 400 SW Longview, Lee's Summit, the applicant stated he has also brought his team and they were all available to answer questions. The team included; Tom Hart; Mike Walstadt, Transystems; Dave Rinne & Dan Foster of Schalgel. The developers are working with MODOT about new intersection at I-35 and the Flyover. The flyover began as a pedestrian trail and evolved into a vehicle traffic flyover and MODOT has given support. The flyover will give a connection to the historic downtown. He pointed out the roundabouts in the development. He said the project is many years coming.

Commissioner Dilts asked about the Guiding Principles in the Design Guideline document. She asked about #2 in regards to design for nature and sustainability.

Mr. Gale stated that Winterset has won more environmental awards than any project in the four-state area. He sits on the chair of Deep Roots, a local environmental group. Have applied for 2.2 miles of area adjacent to I-35 to become a monarch butterfly migration station.

Commissioner Dilts asked if any LEED buildings are planned.

Mr. Gale said the LEED process is evolving, but Montage is looking for environmental in a different way.

Commissioner Dilts, referencing the Guiding Principles, asked how they plan to bring in diversity.

Mr. Gale stated that inclusion is very important, and saying so helps all feel welcome.

Commissioner Dilts said if inclusion is important, then she would recommend they change the language from “Churches” to “Houses of Worship” on page 3, to be more inclusionary.

Commissioner Personett asked how many residents did they foresee in this development.

Mr. Gale said they estimated 10,000 residents at full build out.

Commissioner Personett asked if there is a guideline that is given that lets you know how much land to set aside for things such as the school, fire station, places of worship, etc.

Mr. Gale said that they attempted to use the best numbers to see how much land would need to be set aside. They consulted with groups on housing studies, commercial area needs, and land for the school district. They spoke with the school district to see what their needs are.

Commissioner Personett said that in KC we do not have the big National builders. He asked how do you anticipate having enough builders for this many acres.

Mr. Gale said this project is on the edge of KC and so it makes it easier to connect to the infrastructure. Expecting quality regional and local builders.

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.

Michelle Montgomery, 10115 Hedges, KC, MO stated that she and the neighbors back up to the Westhill village in Kansas City and that they have signed a petition to keep the tree line behind their homes. She also asked about the specific timelines for road improvements on Church Road and when the subdivision that abuts hers would be developed.

William Lee, 10200 N Hedges, KC MO noticed five lift stations and concerned about the one close to the Amber Meadows. Would like more of an explanation about the lift station. Would the trails be open for LNHS track club.

Chairman Rosekrans closed public hearing and asked staff to address the questions.

Mr. Findlay answered the question about the N Church improvements, stating that it will be improved to city standards.

Dave Rinne, engineer for the applicant, stated that there will no longer be a pump station or force main those locations, they will be metering stations.

Mr. Gale said that the tree line was full of invasive trees such as Honeysuckle and callery pear trees are being removed. When the leaves fall off the trees and then they will be able to have a better idea of how many trees can remain.

Ms. Sharp said there is a preliminary plat for Westhill being reviewed by staff for the November meetings and then there would need to be additional engineering for a final plat and public improvement plans. Shae said the trails will be open to the general public.

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 Summers seconded the motion.

Vote: Motion passed 8-0-0

Yes: Dilts, Holt, 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, October 24, 2022.

E. 22-49R&PDP: Rezoning and Preliminary Development Plan for North Liberty Commercial, 223,000 sq. ft. of commercial development on 50.47 acres.

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

Chairman Rosekrans asked the commissioners if they had any questions.

Chairman Rosekrans asked if the applicant would like to speak.

Grant Polley, Northpointe Development, the applicant, stated that this was envisioned as commercial with the Industrial development approved last year. The location of Edgar Petty has been approved by MoDOT and that the Traffic Study for the previous development contemplated this development as part of that study.

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 if all the building would be the same size and materials.

Mr. Polley stated that they presented a representation of the expected occupants, but each would have their own design and that would be shown in the individual development plans for each lot.

Ms. Sharp said final detail on materials and style would be reviewed at the Final Development Plan phase of development.

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 Dilts seconded the motion.

Vote: Motion passed 8-0-0

Yes: Dilts, Holt, 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, October 24, 2022.

CASES

A. 22-50PP: Preliminary Plat for North Liberty Commercial, 9 lots on 50.47 ac for commercial development.

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

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 Summers seconded the motion.

Vote: Motion passed 8-0-0

Yes: Dilts, Holt, 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, October 24, 2022.

VI. Public Comments

There was no public comment.

VII. Other Business

Ms. Sharp provided an update to the comprehensive plan process.

Mr. Peterman updated the Commission on recent administrative approvals.

VIII. Future Meeting Schedule

The next regular session is scheduled for Tuesday, November 8, 2022. This meeting will be held in person at Liberty City Hall in the Council Chambers at 7pm.

IX. Adjournment

Commissioner Dilts moved to adjourn, Commissioner Summers seconded. Chairman Rosekrans adjourned the meeting at 9:34pm.