

LIBERTY PLANNING AND ZONING COMMISSION

February 14, 2023

Meeting Summary

3:00 p.m.

I. **Call to Order**

The Liberty Planning and Zoning Commission met on Tuesday, February 14, 2023 via Zoom. 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, Patricia Evans, Walt Holt, Amy Howard, Ken Personett, Tom Reinier, Dee Rosekrans, and Donald Summers. Commissioner Ann Waterman 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. 20 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 December 13, 2022 meeting.

Commissioner Holt moved to approve the regular session minutes from the December 13, 2022 meeting and Commissioner Evans seconded the motion. The minutes were approved 5-0-3 (Commissioner Rosekrans, Summers, and Personett abstained).

IV. **Election of Officers for 2023**

Commissioner Dilts nominated Dee Rosekrans as chairman of the Planning & Zoning Commission. Commissioner Howard seconded the motion. The motion was approved 6-0-1 (Rosekrans abstained).

Commissioner Holt nominated Tom Reinier as vice-chairman of the Planning & Zoning Commission. Commissioner Summers seconded the motion. The motion was approved 7-0-1 (Reinier abstained).

V. **Public Hearing Cases**

A. P&Z Case 23-02A: Land Use Amendment from Commercial to Business for 24 acres north of Garrison Rd between Hughes and Withers, south of SLP (781 Logistics)

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 this request is consistent with the recommendations for the forthcoming Comprehensive Plan.

Ms. Sharp stated that yes, this proposal will be consistent but the applicant is on a time crunch to go through the process now as opposed to wait for the final approval of the Comprehensive Plan.

Chairman Rosekrans asked the applicant if they wish to speak.

John Davis, Foresight Realty, 2089 Red Oak Lane, owner, stated that if this is approved they would be coming forward with applications to continue the development process on this site. He and his development team are available for questions.

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 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, Evans, Holt, Howard, Personett, Reinier, Rosekrans, Summers

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, February 27, 2023.

B. P&Z Case 23-03PDP: Preliminary Development Plan for Tru by Hilton a 92 room, 48,000 sq. ft hotel at Rogers Plaza, with variance 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.

Chairman Rosekrans asked the applicant if they wish to speak.

Art Akin, AGC Engineers, 405 S. Leonard, representing the applicant, stated this is the same developer of Home 2 Suites on 291 Hwy. The request for the variance to allow 4 stories is based on the standard footprint for hotels of this size.

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

Vote: Motion passed 8-0-0

Yes: Dilts, Evans, Holt, Howard, Personett, Reinier, Rosekrans, Summers

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, February 27, 2023.

C. P&Z Case 22-59R&PDP: Rezoning and Preliminary Development Plan for Liberty Parkway Apartments. Rezoning to PD for 328 units and 16,000 sf of commercial space on 17.3 acres at the NE corner of South Liberty Parkway and Flintlock.

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Dilts asked why this application did not require a variance for the height.

Ms. Sharp stated that in a request to rezone to PD "Planned Development" the developer can request specific zoning requirements such as height and setbacks based on the criteria for that specific development.

Commissioner Dilts asked if she was a developer could she submit a request for a height of 10 stories for example.

Ms. Sharp said that each situation is evaluated separately and that such an extreme case likely wouldn't fit in Liberty at this time. If that were the case, Staff would not recommend approval of that request.

Commissioner Dilts asked about specific requirements to alleviate light from this project affecting neighbors.

Ms. Sharp stated that there are very specific codes in the UDO that address lighting and minimizing the effects to surrounding properties.

Chairman Rosekrans asked the applicant if they wish to speak.

Curtis Petersen, Polsinelli, representing the owner, stated the Land Use amendment was approved in September of 2022 to allow multifamily development on this site. GFI, the owner is a National builder with many projects around the KC area including Copper Ridge in Liberty. He hopes that this project will help to activate South Liberty Parkway.

Mr. Petersen stated in response to Commissioner Dilts questions regarding height of the buildings, the 4/5 split is due to grade changes on the site and that Copper Ridge has the same type and height of buildings. There is a preliminary traffic study that states that a traffic signal is not warranted at Plummer and South Liberty Parkway, but the developer is pursuing options for installation based on city's desire to have a signal at that location. He also stated that while the plans are not in the Final form yet, they intend to follow all city standards regarding lighting and understand Commissioner Dilts concern about light spillage onto other properties.

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.

John Davis, Foresight Realty, 2089 Red Oak Lane, neighbor to the east stated that he is in general support of the project. His concern is that there is not commercial proposed along South Liberty Parkway. It will be detrimental to his commercial project to the east of Plummer Road if there is not a continuity of commercial along South Liberty Parkway. He asked that the plan be reworked to have commercial along the Parkway.

Chairman Rosekrans asked if anyone else 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.

Chairman Rosekrans asked if staff had comments on the statement raised by Mr. Davis.

Ms. Sharp stated that the change to the Land Use map was approved in September of 2022. Staff evaluates applications based on current codes and policies and evaluated this application based on the most current Land Use map. Because the Land Use map now shows High Density Residential at this location, and met all other requirements of the code, staff is recommending approval of the rezoning application.

Commissioner Holt asked if commercial continuity is important.

Ms. Sharp stated that staff is not in a position to make a comment about that question. She said that she is not a commercial developer and so can not speak to the importance or existence of commercial continuity in the commercial development sector.

Chairman Rosekrans stated that before the City Council meeting Mr. Davis should sharpen his definition of Commercial Continuity so that the City Council can have a better understanding about what that statement means and the statistics and theories behind it.

Commissioner Holt agreed.

Commissioner Personett stated that all commercial areas have a beginning and an end. Mr. Davis should also look into how that occurs.

Commissioner Dilts stated that she was unsure how the should go forward with the question regarding the commercial area outstanding.

Chairman Rosekrans stated that the Planning & Zoning Commission reviews applications based on current codes and the current Land Use Plan. Political questions should be left up to the City Council.

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 Reinier seconded the motion.

Vote: Motion passed 8-0-0

Yes: Dilts, Evans, Holt, Howard, Personett, Reinier, Rosekrans, Summers

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, February 27, 2023.

VI. CASES

A. **P&Z Case 22-60PP:** Preliminary Plat for Liberty Parkway Apartments, 2 lots on 17.3 acres.

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Summers asked if Lot 2 was to the North of the apartment project.

Mr. Peterman pointed out the lot locations on the map (on the northern portion of the property)

Chairman Rosekrans asked the applicant if they wish to speak.

Curtis Petersen, Polsinelli, representing the owner, stated he was available for questions.

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, Evans, Holt, Howard, Personett, Reinier, Rosekrans, Summers

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, February 27, 2023.

B. P&Z Case 23-04FDP: Major Final Development Plan for Fulkerson Cottages, 40 units of age restricted duplex, triplex, and four-plexes at Liberty Dr, west of Fulkerson Circle.

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.

Spencer Thomson, 1207 Campbell Drive, owner, stated that the engineer, Steve Warger, is also in attendance and they are available for questions.

Commissioner Personett asked about the design of the stormwater area.

Mr. Warger stated that it is designed as an underground pipe detention in a depressed basin. It will be grass covered and should be dry most of the time. It will only hold water in large events.

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 Dilts seconded the motion.

Vote: Motion passed 8-0-0

Yes: Dilts, Evans, Holt, Howard, Personett, Reinier, Rosekrans, Summers

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, February 27, 2023.

C. P&Z Case 23-05FP: Final Plat for Fulkerson Cottages, 1 lot on 7+/- acres

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

Vote: Motion passed 8-0-0

Yes: Dilts, Evans, Holt, Howard, Personett, Reinier, Rosekrans, Summers

No: None

Recusal: None

Chairman Rosekrans said this case would be heard in front of the City Council on Monday, February 27, 2023.

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

Study Session for Comp Plan – Tuesday, February 21, 7pm City Hall

Regular Session – Tuesday, March 14, 2023 at 7:00 p.m.

IX. Adjournment

Commissioner Summers moved to adjourn, Commissioner Reinier seconded. Chairman Rosekrans adjourned the meeting at 4:25pm.