

LIBERTY PLANNING AND ZONING COMMISSION

March 14, 2023

Meeting Summary

7:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, March 14, 2023. 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. 8 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 February 14, 2023 meeting.

Commissioner Summers moved to approve the regular session minutes from the February 14, 2023 meeting and Commissioner Dilts seconded the motion. The minutes were approved 7-0-1 (Commissioner Waterman abstained).

IV. Public Hearing Cases

A. **P&Z Case 23-07R&PDP: Rezoning and Preliminary Development Plan for 781 Logistics. Rezoning to M-1 for 264,100 sf of industrial space on 24.69 acres north of Garrison Rd between Hughes and Withers, south of SLP**

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

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Personett asked for clarification on future use of the abutting streets.

Mr. Peterman stated that the applicant is requesting that Garrison and Old Hughes Road abutting the property be vacated. He said that access to the other properties would be maintained and that a cul-de-sac would be installed by the developer for a turn around.

Commissioner Holt asked if the variance request was approved would it be null if the US Army Corps of Engineers denied the applicant permits.

Mr. Findlay stated that the request for the variance is from the City's Unified Development Ordinance. The Determination from the US Army Corps of Engineers would be a separate review of subject matter.

Commissioner Dilts said that both the current comp plan (Blueprint) and the proposed comp plan (Leading Liberty Forward) stated that development should not occur in these corridors. She asked if the ecological concerns surrounding this location being thoroughly considered.

Mr. Findlay stated that the City Code regarding stream buffers are a tool used to protect streams and maintain the natural area around them. He continued to say that many of the practices and codes regarding natural areas, stormwater management and stream corridors are safeguarded by established mechanisms found in codes such as the KC APWA codes, MARC BMP manual and Corps of Engineers. He believes that the ecological concerns are being substantially addressed.

Chairman Rosekrans asked the applicant if they wish to speak.

John Davis, 781 Logistics, 2089 Red Oak Lane, owner, stated that he had his business partner, Mike Yeates, and Engineer, Dan Finn, in the audience also to help answer questions if needed. He stated that the elimination of Garrison Road at this location would be a benefit to the City because of the amount of maintenance that it requires and the very limited amount of usage that receives. 781 Logistics is under contract with the 4 acres on the northwest corner of the project and will be incorporated into the project when the sale is final.

He said there has not been a formal application the US Army Corps of Engineers at this time. The standard procedure from his experience is to submit an application when zoning and a preliminary plan are in place. This assures a higher priority for the US Army Corps of Engineers in the review process and can make the process move along quicker. They do expect comments from the application and will adjust the preliminary plan accordingly and incorporate any changes into a the final plan.

With respect to the City Codes regarding the water shed area that drains to this property, he stated that the project to the south, Liberty Commerce Center, increased the drainage area by 56% but actually reduced the flow of water by 70% when the engineered detention and other mechanisms were installed. This project proposes to do the same by reducing the amount of unmanaged flow and improving downstream conditions when water leaves this property.

Dan Finn, 1204 Wellington, Phelps Engineering, engineer for the applicant stated that they are not proposing to shift the watershed, all the water from the property will be directed to the detention basin before it leaves the property. The treatment of the stormwater will follow all the MARC BMP standards. 7 acres of the property will be planted with native species that will also help with water quality. There will be a 100 foot long native planting channel from the detention basin to the release point that will serve to further slow and natural treat the water before it leaves the site.

Mr. Davis stated that this project could be a great economic development for the City and she agrees with the stipulation regarding receiving the permits from US Army Corps of Engineers.

Commissioner Personett asked if anyone downstream will state that this project will increase stormwater flow on their property.

Mr. Davis said that that will not be an issue. There should not be any downstream impact and that they will adhere to all the stormwater regulations. He believes that the strict application of the city's streamside and riparian buffers do not take into account the unique situation on this property.

Chairman Rosekrans asked when the applicant will submit to the US Army Corps of Engineers.

Mr. Davis stated that it is customary to have an approved zoning and preliminary plan when an application is made to the US Army Corps of Engineers. This is considered a small project for the US Army Corps of Engineers and they will require a full design of the stormwater system for their submittal. Without an approved zoning and preliminary plan it is not feasible to complete those plans prior to receiving approval from the city for the zoning.

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.

Commissioner Dilts stated that she has ecological concerns about removing the buffers but will support the project and variance in this unique situation based on the discussion by the applicant and engineer, the and the requirement for approvals from the US Army Corps of Engineers.

Commissioner Personett stated the he will support the request and he thinks it will be a good project and the applicant presented a well-planned presentation.

Commissioner Holt stated the he will support the project and he thinks the approvals from US Army Corps of Engineers is an appropriate stipulation.

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 with the Variance to allow encroachment into the stream and riparian corridor and the Stipulation that the permit from the Army Corp of Engineers be obtained prior to the submission of any future applications. Commissioner Holt seconded the motion.

Vote: Motion passed 8-0-0

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

No: None

Recusal: None

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

Agenda item V. A. P&Z Case 23-08PP: Preliminary Plat for 781 Logistics. 1 lot on 24.69 acres north of Garrison Rd between Hughes and Withers, south of SLP

(Not public hearing case, heard immediately following the rezoning)

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

Vote: Motion passed 8-0-0

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

Recusal: None

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

B. P&Z Case 23-09A: Leading Liberty Forward, Comprehensive Plan

Ms. Sharp presented the Plan as described in the staff report. She thanked the Commission and Consultant, Olsson Studio, for their hard work on the Plan over the last year.

Chairman Rosekrans asked the commissioners if they had any questions.

Commissioner Holt asked if the plan created any new programs in the revitalization areas.

Ms. Sharp stated the Comprehensive Plan has goals, strategies, and implementation recommendations but it is up to the elected body to establish specific policies. The Plan is a guide to create new policies.

Commissioner Holt stated he believes that is an important step in revitalization.

Commissioner Dilts stated that in the public input process Inclusion, Diversity and Equity were topics repeatedly brought up. She said the Word Cloud in the Public Input in the appendix showed those were important to the community. She said she did not see them in the plan and hopes that those topics are not lost in the creation of this plan.

Ms. Sharp stated this Comprehensive Plan is about Land Use. Those topics are not able to be addressed specifically in this Land Use plan. The Plan does address issues such as housing affordability and safety in land use decisions which are components that relate to topics such as Equity.

Chairman Rosekrans stated that he believes that those topics are addressed by opening doors for discussion when looking at Goal 4-Housing, Goal 7-Neighborhood Health, and Goal 8-Accessibility. He stated that it is important to not let the elected officials forget that those topics were important to the citizens.

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.

Shelby Ferguson, Olsson Studios, the consultant on the Comprehensive Plan, stated that the final draft of the plan was sent to over 425 individuals and that the website link for the final draft was clicked over 350 unique times.

Ms. Sharp stated that staff had also sent the final draft to all of the members of the boards and commissions and to developers we had contact information for that have done business in the City over the last ten years.

Commissioner Summers stated that he had heard from citizens that they were impressed with the Comprehensive Plan.

Chairman Rosekrans stated that he hoped staff would review the plan periodically as stated in the plan.

Commissioner Personett asked if the Commission should expect Land Use Amendments to come before them in the future.

Ms. Sharp stated that this is a document that can be changed. And when a case is presented seems to be appropriate.

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

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

Vote: Motion passed 8-0-0

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

No: None

Recusal: None

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

VI. Public Comments

There was no public comment.

VII. Other Business

Mr. Peterman updated the Commission on recent administrative approvals.

VIII. Future Meeting Schedule

City Council for Comp Plan – Monday, March 27, 7pm City Hall

Regular Session – Tuesday, April 11, 2023 at 7:00 p.m.

IX. Adjournment

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