

## LIBERTY PLANNING AND ZONING COMMISSION

February 13, 2024

Meeting Summary

7:00 p.m.

### I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, February 13, 2024. A quorum being present, Chairman Rosekrans called the meeting to order at 7:00 p.m.

### II. Roll Call

Commission members in attendance were: Walter Holt, Amy Howard, Ken Personett, Dee Rosekrans, Donald Summers, and Judy Dilts. Commissioners Tom Reinier and Ann Waterman were absent. Representing staff were Katherine Sharp, Director of Planning and Development; Michael Peterman, City Planner; Joshua Martinez, Projects Engineer; and Kyle McGinnis, Planner. Four 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 November 14, 2023 meeting.

Commissioner Summers moved to approve the regular session minutes from the November 14, 2023 meeting and Commissioner Holt seconded the motion. The minutes were approved 6-0-0.

### IV. ELECTION OF OFFICERS FOR 2024

Commissioner Summers nominated Dee Rosekrans as chairman of the Planning & Zoning Commission. Commissioner Holt seconded the motion. The motion was approved 5-0-1 (Rosekrans abstained).

Commissioner Dilts nominated Tom Reinier as vice-chairman of the Planning & Zoning Commission. Commissioner Howard seconded the motion. The motion was approved 6-0-0.

### V. Public Hearing Cases

#### **A. PZ CASE 24-05FDP: Final development plan for new 1,947 sq. ft office building on a 1 acre lot at 1351 Route H with a variance for reduced buffer adjacent to a residential use.**

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

Chairman Rosekrans asked the commissioners if they had any questions for staff.

Commissioner Holt asked if the subject property were a residential lot then no buffer would be required.

Mr. Peterman stated that is correct.

Commissioner Holt asked what happens if the east residential property is split and a home built closer.

Mr. Peterman said that would not impact the proposed business as it would be an existing structure at that point.

Commissioner Holt asked why the city does not want plantings in the easements.

Mr. Peterman stated that roots can harm utilities.

Commissioner Personett stated that if the sewer is deep enough to be untouched by roots, then why not install landscaping.

Ms. Sharp said that the Utility Director requested no plantings in the easement area.

Chairman Rosekrans asked if the residence to the east is inhabited.

Ms. Sharp stated yes, it is currently occupied.

Chairman Rosekrans asked if the east neighbor was notified.

Ms. Sharp said that letters were sent to all property owners with 185 feet of the property with information regarding the proposal and the meeting date/time, that a legal notice was posted in the newspaper, and that an information sign was posted on the subject property.

Chairman Rosekrans invited the applicant forward.

Scott Cuba, 2121 Red Bridge Terr, Kansas City, MO introduced himself as the general contractor for project. Mr. Cuba designed the site/building with the nearby residential use in mind, acting as transition between residential to the east and industrial to the west. He also stated the cistern was proposed to be used to collect rainwater for irrigation on the property but that the building size required eight parking stalls, so the cistern has to be filled in to accommodate the additional parking. Mr. Cuba also said that they will disconnect from the existing shared drive to the west and will construct a new access to Route H on site. The existing shared drive will remain. The stormwater runoff will be directed southward toward the creek. They are not opposed to installing trees to the east, and would also be willing to install a fence in that area if required. The lighting on site will be limited to two downlit lights to diminish their impact on neighbors.

Chairman Rosekrans asked if the Commissioners had any questions.

Commissioner Personett asked about the sanitary sewer easement under the proposed parking lot.

Mr. Cuba stated that the site was designed to limit encroachment into the easement area to the greatest extent feasible..

Commissioner Personett stated that any work on the sanitary line could require that pavement be taken out.

Mr. Cuba said the applicant is aware of this.

Chairman Rosekrans opened the public hearing and asked if there were any persons in the audience that would like to speak for or against the proposed text amendments.

Luana Compton Paulsen, 1319 Route H, neighbor to the west, stated that she sold the property to the applicant. She also stated that she was representing the neighbor to the east who could not attend. Ms. Compton Paulsen stated that the Cistern is actually a live well connected to the water table. She would like to see more safety measures be imposed around the cistern/well until it is decommissioned. She also stated that the neighbor to the east is concerned about privacy. She asked if they could install a berm along the east property line. She is also concerned about the closure of their shared driveway as well as privacy.

Chairman Rosekrans asked if the Commissioners had any questions. Seeing none he closed the public hearing.

Chairman Rosekrans requested staff input to address Ms. Compton Paulsen's concerns.

Ms. Sharp stated that any fencing would have to meet standards applicable to industrial properties. There is not any City Code requirements for a fence between the two zoning districts.

Mr. Martinez stated that the City doesn't regulate wells. Abandonment of the well/cistern has to go to Clay County Health and/or Missouri Department of Natural Resources. The applicant has this called out on the site plans. Mr. Martinez said that pavement can encroach upon easements but can/will be removed if access to utilities is necessary. He also said that Public Works and the Utility Departments prefer no plantings within the easements as they can obstruct efficient work should the need arise. Planting in easement areas is at the owner's risk.

Chairman Rosekrans asked about installing a berm.

Mr. Martinez stated that it is not preferable to add additional depth to the sewer line by adding a berm on top of the existing topography. The easement language likely also bars this from occurring.

Commissioner Personett asked about the drive access closure.

Mr. Peterman stated that the new project will not be blocking or closing access for the neighbors. The lots currently share the drive and the connection to the new lot will be severed, and a new drive will be installed on the subject property.

Commissioner Holt stated that this is a small lot that would not likely see any new development because of its size. He believes that this type of use would generate a low amount of traffic and that the property owners should discuss the fencing questions.

Commissioner Personett asked about the open well.

Mr. Cuba stated that there is currently a lid on the top but he would look into any safety concerns regarding people or animals that could possibly fall into it.

Chairman Rosekrans asked the commissioners if they had any further questions. He encouraged the audience to attend the City Council meeting on February 26, 2024 to express any remaining concerns there. Seeing no additional questions, he asked for a motion.

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

Vote: Motion passed 6-0-0

Yes: All

No: None

Abstain: None

Chairman Rosekrans said the case would be heard in front of the City Council on Monday, February 26, 2024.

## **VI. CASES**

### **A. PZ CASE 24-02FP: A Final Plat for 1 lot at 1351 Route H. Platting of a 1 acre lot to be developed with one building.**

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

Chairman Rosekrans asked if the commission had any questions for staff regarding the proposed plat. None were presented.

Chairman Rosekrans asked if the commission had any questions for the applicant. None were presented.

Chairman Rosekrans explained that this case would not require a public hearing and requested a motion.

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

Vote: Motion passed 6-0-0

Yes: All

No: None

Abstain: None

Chairman Rosekrans said the case would be heard in front of the City Council on Monday, February 26, 2024.

#### **VI. Public Comments**

Ms. Paulsen asked if the plat shows the correct property lines.

Ms. Sharp said that the plat is provided by a professional land surveyor and she explained the approval/recording process.

#### **VII. Other Business**

Ms. Sharp stated the annual report will be sent via email.

Mr. Peterman stated that staff is working on two lot splits. There are no other administrative approvals occurring at this time.

Commissioner Holt requested an update on the work happening on the Square.

Ms. Sharp gave an update regarding the declaration of 7 and 9 N. Water Street as dangerous buildings and their demolition, as well as the process for approval of any proposals for the vacant lot at the corner of E. Kansas and N. Water.

Chairman Rosekrans asked for an update on the vacancy on the Planning Commission.

Ms. Sharp stated that there were two people that reached out about it. There is a link available online if others are interested.

#### **VIII. Future Meeting Schedule**

a. Regular Session – Tuesday, March 12, 2024 at 7:00 p.m.

b. Regular Session – Tuesday, April 9, 2024 at 7:00 p.m.

#### **IX. Adjournment**

Commissioner Holt moved to adjourn, Commissioner Summers seconded. Chairman Rosekrans adjourned the meeting at 8:12 p.m.