

LIBERTY PLANNING AND ZONING COMMISSION

June 11, 2024

Meeting Summary

7:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, June 11, 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: Judy Dilts; Amy Howard; Ken Personett; Tom Reinier; Dee Rosekrans; Don Summers; and Ann Waterman. Commissioner Walt Holt was absent. Representing staff were Katherine Sharp, Director of Planning and Development; Kyle McGinnis, Planner; and Joshua Martinez, Capital Projects Engineer. 10 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 May 14, 2024 meeting.

Commissioner Reinier noted that Commissioner Summers was missing from the list of Commissioners present for the May meeting and should be added. Staff stated they would update the minutes to reflect Commissioner Summers' attendance.

Commissioner Reinier moved to approve the regular session minutes from the May 14, 2024 meeting and Commissioner Dilts seconded the motion. The minutes were approved 5-0-2 (Reinier, Waterman abstaining).

IV. Public Hearing Cases

A. PZ CASE 24-16A: Land Use Amendment near H Highway & B Highway from Single-Family Residential to Flex/Industrial.

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

Chairman Rosekrans asked if the commission had any questions.

Chairman Rosekrans asked what other land use designations, if any, would be less intense than the requested Flex/Industrial designation. Ms. Sharp explained that the Commercial designation would be associated with zoning districts that are less intense than the industrial districts associated with the Flex/Industrial land use designation. The Commercial designation is not strictly retail uses, but would also allow for other non-retail business uses such as commercial offices which she felt would better suit this site, given its close proximity to residential to the west. Chairman Rosekrans asked if this option had been discussed with the applicant prior to the submission of their application. Ms. Sharp stated that the applicant came forward with a specific user in mind which would require that the property be zoned for industrial purposes, leading to the proposed land use amendment to Flex/Industrial.

Chairman Rosekrans asked if the commission had any other questions. Seeing none, he invited the applicant forward to speak.

Kenn Blurton of 309 Belmont Street, Liberty, MO introduced himself as the owner of the property. Mr. Blurton explained that he has received commercial offers for the property in the past, but that due to the site's varying constraints on its developable area – notably the stream buffer which bisects the property, the location of utilities on site, and changes in topography – no commercial proposals had moved beyond the preliminary stages. Per their application narrative, only four to six acres of the 11-acre site is likely available for development due to these constraints. Mr. Blurton stated that the proposed use of the site would include RV storage, and noted that there is a mix of uses present in the area surrounding the property, including the recent approval of a Special Use Permit for RV storage at 1300 H Highway. Mr. Blurton provided the commission with a set of photos of the property depicting the visibility of nearby properties, and the subject property from a neighbor to the west, during the summer and winter months. Mr. Blurton stated that he believes the property owners in Ella's Crossing would have limited visibility of the site, particularly when the trees have full foliage. Mr. Blurton thanked the commission for their consideration.

Chairman Rosekrans asked if the commission had any questions for the applicant. The Commission did not have any questions for Mr. Blurton.

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 requested Land Use Amendment.

Greg Lammers of 516 Ella's Crossing, Liberty, MO introduced himself. Mr. Lammers stated that he agrees with the staff report and applicant that residential development is not suitable on the subject site, but added that he maintains concerns with the future use of the property and the impact it may have on the quality of life for those residences which neighbor it, including what odors, noises, and lighting may emanate from a future development, and what its hours of operations may be. Mr. Lammers also requested clarification as to the difference between a Commercial land use designation and Flex/Industrial.

Chairman Rosekrans asked if any other members of the audience would like to speak regarding this matter. Seeing none, he closed the public hearing.

Chairman Rosekrans requested a response from staff regarding Mr. Lammers' comments. Ms. Sharp noted that the Special Use Permit application for 1300 H Highway RV Storage has not yet been approved by City Council as it has been postponed to further consider the concerns of the neighbors which came out in opposition to the request. Ms. Sharp stated that staff had been told the proposed use of the subject site would be a tow yard, and that the potential for storage on this site would be limited by its proximity to residentially zoned property. Ms. Sharp explained the difference between the Commercial and Flex/Industrial land use designations. Ms. Sharp concluded by stating that this application only involves the consideration of industrial uses broadly, and is not specific to a particular use or site plan at this time. Details pertaining to noise, odor, lighting, hours of operation, and more will be reviewed with a future rezoning and development plan applications.

Chairman Rosekrans asked if the commission had any further questions.

Commissioner Personett asked for staff's opinion on the suitability of this site for residential development. Ms. Sharp replied that the site's developable area is fairly narrow due to the stream buffer and significant change in topography, which would make it difficult to provide a public roadway for residential lots to front on. Though the site may be suitable for mixed residential development, the width of the developable area would remain an obstacle. For these reasons, staff is open to a potential change in land use designation at this location. She said she believed this land would be better suited for a small commercial office versus an industrial use which could be up to 50 feet in height.

Commissioner Dilts asked what difference in impact there may be between maintaining the current Single-Family Residential designation and the Commercial or Flex/Industrial designations, particularly what difference there may be between a Commercial and Flex/Industrial designation. Ms. Sharp stated that the impact depends on the use of the property; though the Commercial designation is generally considered less intense than the Flex/Industrial designation, there are uses allowed within commercial zoning districts could also be intense. As an example, gas stations are permitted in commercial zones, and a user like QuikTrip is capable of generating a significant number of daily trips.

Chairman Rosekrans asked for final comments from the commission.

Commissioner Personett stated that there seems to be shared skepticism amongst staff, the property owner, and the neighbors regarding the site's capacity to be developed for residential purposes. As a result, he intends to vote in favor of the land use amendment to Flex/Industrial, noting that a more thorough review will come with the submission of rezoning and development plan applications.

Commissioner Dilts stated she agreed with Commissioner Personett.

Chairman Rosekrans stated that the current application is a more general consideration of land use, and that the finer details of a proposed development will be scrutinized as part of a rezoning and development plan submission. He intends to vote in favor of the requested land use amendment.

Seeing no additional comments, Chairman Rosekrans asked for a motion.

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

Vote: Motion passed 7-0-0

Yes: All

No: None

Abstain: None

Chairman Rosekrans said the case would be heard in front of the City Council on Monday, June 24, 2024.

B. PZ CASE 24-19SUP: Special Use Permit for temporary firework sales at 530 N. Church Rd.

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

Chairman Rosekrans asked if the commission had any questions. Seeing none, he invited the applicant forward to speak.

Doug Carter of 8619 NE 115th Street, Kansas City, MO 64157 introduced himself as the applicant. Mr. Carter explained that their operation would follow all of the local and state regulations pertaining to the sale of fireworks, as well as Liberty's regulations for lighting and signage. Security will be on-site 24 hours a day, seven days a week. With each sale, they will dispense approved information from the City detailing where and when fireworks may be used. The proposal is for the business to operate within the existing building from June 25th through the night of July 4th.

Chairman Rosekrans asked if the commission had any questions for the applicant. None were presented. 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 requested Special Use Permit. Seeing none,

Chairman Rosekrans closed the public hearing.

Chairman Rosekrans called for final questions or comments from the commission. Seeing none, he asked for a motion.

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

Vote: Motion passed 7-0-0

Yes: All

No: None

Abstain: None

Chairman Rosekrans said the case would be heard in front of the City Council on Monday, June 24, 2024.

V. CASES

A. PZ CASE 24-08FDP: Final Development Plan for a Tru by Hilton 4 story, 93 room hotel at 1820 N. Church Rd.

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

Chairman Rosekrans asked if the commission had any questions.

Commissioner Summers asked if the landscape plan included plantings along the site's north property line, which it shares with Warren Hills Elementary School. Mr. McGinnis stated that no plantings had been proposed along this property line.

Commissioner Personett asked if there was an existing fence along this property, or if the applicant had proposed one in lieu of plantings. Mr. McGinnis stated that the plans did not denote a proposed fence along this property line, but that staff would verify if there was an existing fence.

Chairman Rosekrans noted that the building area for this proposal is significantly larger than that listed for the hotel proposed as part of PZ CASE 24-069FDP, which is the same height and provides the same number of rooms. Chairman Rosekrans asked for clarification if this was a mistake within the staff report, or if other amenities were being proposed. Mr. McGinnis stated that staff would look into the matter and update the staff reports accordingly.

Chairman Rosekrans asked for the applicant to step forward.

Chet Patel of 4908 Carmel Place, Colleyville, TX 76034 introduced himself as the applicant for both PZ CASES 24-08FDP and 24-09FDP. Mr. Patel noted that the building area listed in the staff report for 24-08FDP is a misprint, as both hotels have similar footprints. Mr. Patel also added that there is an existing fence on the north property line of the site, between the proposed hotel and Warren Hills Elementary School.

Chairman Rosekrans asked if the commission had any additional questions for the applicant or staff. Seeing none, he asked for a motion.

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

Vote: Motion passed 7-0-0
Yes: All
No: None
Abstain: None

Chairman Rosekrans said the case would be heard in front of the City Council on Monday, June 24, 2024.

B. PZ CASE 24-09FDP: Final Development Plan for an Atwell by IHG 4 story, 93 room hotel at Wilshire and S. Stewart Road.

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

Chairman Rosekrans asked if the commission had any questions.

Commissioner Dilts asked who would maintain the nearby pond. Mr. McGinnis stated that the pond is not located on this property and is not the responsibility of the applicant.

Chairman Rosekrans invited the applicant forward for additional comments. Mr. Patel stated he did not have any additional information to provide.

Chairman Rosekrans asked the commission for final questions or comments. 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 7-0-0
Yes: All
No: None
Abstain: None

Chairman Rosekrans said the case would be heard in front of the City Council on Monday, June 24, 2024.

C. PZ CASE 24-17PP-A: Amended Preliminary Plat for Clay Meadows, 12th Plat off of La Frenz Road.

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

Chairman Rosekrans asked if the commission had any questions. Seeing none, he called the applicant forward.

Jim Robertson of 1215 Goldenrain Tree Court, Liberty, MO introduced himself as the applicant. Mr. Robertson reiterated Ms. Sharp's presentation regarding the amendments proposed as part of this preliminary plat.

Chairman Rosekrans asked if the commission had any questions for the applicant or staff. Seeing none, he asked for a motion.

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

Vote: Motion passed 7-0-0
Yes: All
No: None
Abstain: None

Chairman Rosekrans said the case would be heard in front of the City Council on Monday, June 24, 2024.

VI. Public Comments

There were no members of the public present who wished to make public comments.

VII. Other Business

Chairman Rosekrans asked for updates from staff regarding recent administrative approvals or other ongoing projects.

Ms. Sharp informed the commission the work on the Downtown Infill Concept Plan continues, and that the plan will come before the commission for their review following a review by the Historic District Review Commission.

Commissioner Personett asked for an update on a building in the downtown area. Ms. Sharp stated that a nuisance letter had been sent to the property owner notifying them of violations of the City's regulations and added that the building may not currently contain a permitted use.

VIII. Future Meeting Schedule

- a. Regular Session – Tuesday, July 9, 2024 at 7:00 p.m.
- b. Regular Session – Tuesday, August 13, 2024 at 7:00 p.m.

IX. Adjournment

Commissioner Dilts moved to adjourn, Commissioner Summers seconded. Chairman Rosekrans adjourned the meeting at 7:54pm.