

LIBERTY PLANNING AND ZONING COMMISSION

November 13, 2024

Meeting Summary

7:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Wednesday, November 13, 2024. A quorum being present, Chairman Rosekrans called the meeting to order at 7:01 p.m.

II. Roll Call

Commission members in attendance were: Judy Dilts, Amy Howard, Ken Personett, Tom Reinier, Dee Rosekrans, Donald Summers, and Ann Waterman. Commissioner Walt Holt was not present. Representing staff were: Katherine Sharp, Director of Planning & Development; Mike Peterman, Assistant Director of Planning & Development; Kyle McGinnis, Planner; and John Findlay, Assistant Director of Public Works. Five 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 October 8, 2024 meeting.

Commissioner Summers moved to approve the regular session minutes from the October 8, 2024 meeting and Commissioner Waterman seconded the motion. The minutes were approved 7-0-0.

IV. Public Hearing Cases

A. PZ Case 24-42A: Amendments to the Unified Development Ordinance (UDO) to allow metal siding on Barndominiums on large, unplatted lots in certain zoning districts.

M. Sharp presented the proposed UDO amendment to the commission as described in the staff report.

Chairman Rosekrans asked if the commission had any questions of staff.

Commissioner Personett asked whether the 50% limitation for the non-residential use area was based on the footprint of the structure or on square footage of useable space. For instance, if a home is two stories tall, does that calculation take into consideration the second story of the building? Ms. Sharp stated that the intent was to limit the non-residential use area based on the building’s footprint, and that the proposed definition should include that distinction. Chairman Rosekrans noted that this change could be made as part of the Commission’s motion to be considered by City Council.

Commissioner Dilts asked whether the proposed amendment would regulate the use of the non-residential space. Ms. Sharp stated that this code change would only change the exterior materials on the building not the use. She added that the state’s recent changes to home-based business regulations makes it difficult to limit home-based businesses, and that such a business must become a formal nuisance as identified in the Nuisance Code for action to be taken.

Chairman Rosekrans asked if the commission had any further questions for staff. Seeing none, he opened the public hearing and asked if there were any persons in the audience that would like to speak for or against the proposed plan.

Doug Walker, 17403 Route H, Liberty, MO, introduced himself to the Commission. Mr. Walker applied for a building permit for a barndominium some months ago and was initially denied based on the proposed use of metal siding. Mr. Walker was in favor of the proposed amendments to the Code noting the cost effectiveness of the materials, the maintenance associated, and the improved quality of such materials from years prior. Mr. Walker agrees that the definition of a barndominium should specify that the non-residential space is limited to 50% of the structure's footprint, but felt that the minimum lot size of 15 acres may be too large. Mr. Walker noted that his barndominium's non-residential space would be used to store a number of personal vehicles and equipment to be used on his large property.

Chairman Rosekrans called for any other persons who wished to speak regarding the proposed plan. Seeing none, he closed the public hearing.

Commissioner Dilts asked why barndominiums with metal siding would be limited to properties greater than 15 acres in area. Ms. Sharp stated that lots greater than 15 acres are exempt from the City's typical platting requirements. This limitation is intended to prohibit barndominiums with metal siding in residential subdivisions. She said people could still build the barn-style of home on smaller properties, they would just be limited to residential siding instead of metal.

Chairman Rosekrans asked if the commission had any further questions for staff. Seeing no additional questions, Chairman Rosekrans asked for a motion.

Action: Commissioner Personett moved to approve the case as presented in the staff report with an amendment to add, "of the total building footprint as" after "50 percent" within the proposed definition for Barndominium, 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, November 25, 2024.

V. Cases

A. PZ Case 24-41FP: Final Plat for Water Street Lofts. 1 lot on .44 acres at the NE corner of E Kansas and N Water Streets.

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

Chairman Rosekrans asked if the commission had any questions for the applicant or staff.

Commissioner Personett asked how and why the rear alley crosses adjacent lots. Ron Cowger, of AGC Engineers at 405 S. Leonard Street, approached the podium to answer Commissioner Personett's question. Mr. Cowger noted that their title research did not show a formal alleyway in this area, and that the rear of the property is privately owned. Because it is a one-way flow of traffic – entering the "alley" off of Franklin to the north and exiting onto Missouri to the east – all properties involved rely on the "alley" continuing to be used as it always has been.

Commissioner Summers asked what would happen should one of the property owners change their mind, or should a change of ownership occur. Mr. Cowger noted that both are a possibility. Commissioner Summers voiced his discomfort with this setup. Mr. Cowger noted that going through

a formal process to create a cross-access easement would present an opportunity for one of the parties involved to decline. Mr. Cowger added that case law discusses “easements by prescription,” providing an inalienable right to continue to use the “alley” as has historically occurred.

Chairman Rosekrans asked if the parking in the “alley” would be angled. Mr. Cowger confirmed that the parking would be angled, as the “alley” is one-way only. Chairman Rosekrans noted that should the entrance on Franklin be closed for whatever reason, a driver could enter the “alley” off of Missouri but that it would make parking more difficult.

Chairman Rosekrans asked if the Burnett building has parking interior to their building. Mr. Cowger stated that he believes there is a garage, but he was not sure if it is used for parking or not.

Commissioner Personett asked if the applicant had contacted the adjacent property owners about creating an easement or vice versa. Mr. Cowger stated that he was not aware of any such conversations. Commissioner Personett noted his agreement with Commissioner Summers in reference to the uncertainty of this setup, adding that now would be a good time to address this issue. Mr. Cowger stated that this situation is likely somewhat common in historic downtowns, and that he was not sure to what degree this would be a City matter versus a civil matter to be worked out between property owners.

Ms. Sharp added that plats are evaluated using specific criteria; while the private access concerns are valid, they are not part of the approval criteria for the plat being considered at this time. Mr. Personett noted that he believes he asked this question during their review of the project’s Final Development Plan, and would like for this concern to be communicated to City Council for their consideration.

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

Action: Commissioner Personett 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, December 9, 2024.

B. PZ Case 24-43PP: Preliminary Plat for Enclave at Montage. A 52-acre, 93-lot subdivision on 104th St., east of Liberty North HS.

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

Dan Foster, of Schlagel & Associates at 14920 W. 107th Street in Lenexa, KS, approached the podium and introduced himself as a representative for GaleHart Communities. Mr. Foster explained that the proposed subdivision would be constructed in two phases based on the two drainage areas within these 44 acres. The proposed sewer extension would only be capable of serving the western portion of the subdivision, which is why this portion would be Phase I of the project. The proposed Creek Drive, to the east of the subdivision, would be constructed in Phase II. The proposed street network in this subdivision was impacted by the topography of the site, which would make connections difficult and resulted in the cul-de-sacs proposed at this time. Between 104th Street and

the future Montage Street bordering the southern edge of the subdivision there is a 60-foot change in grade.

Chairman Rosekrans asked if the commission had any questions for the applicant or staff. 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 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, November 25, 2024.

VI. Public Comments

There were no other 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.

Mr. Peterman stated that there were no administrative approvals in the past month. Ms. Sharp added that, as of this meeting, no applications had been submitted for the Commission's December meeting; however, staff is aware of an application that may necessitate a December meeting should it be submitted prior to the deadline for legal postings. Staff is anticipating a full docket for the Commission's meeting in January.

Chairman Rosekrans asked if staff had any updates on filling the Commission's vacancy. Ms. Sharp stated that no updates were available.

VIII. Future Meeting Schedule

- a. Regular Session – Tuesday, December 10, 2024 at 7:00 p.m.
- b. Regular Session – Tuesday, January 14, 2025 at 7:00 p.m.

IX. Adjournment

Commissioner Summers moved to adjourn, Commissioner Reinier seconded. Chairman Rosekrans adjourned the meeting at 7:53 p.m.