

LIBERTY PLANNING AND ZONING COMMISSION

July 8, 2025

Meeting Summary

7:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, July 8, 2025. A quorum being present, Chairman Rosekrans called the meeting to order at 7:00 p.m.

II. Roll Call

Commission members in attendance were: Josh Crawford; Judy Dilts; Walter Holt; Amy Howard; Douglass F. Noland; Tom Reinier; Dee Rosekrans; and Ann Waterman. Commissioner Summers was absent.

Representing staff were: Katherine Sharp, Director of Planning & Development; Mike Peterman, Assistant Director of Planning & Development; Kyle McGinnis, City Planner; and Joshua Martinez, Capital Projects Engineer. Eight 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 June 10, 2025 meeting. Seeing none, Chairman Rosekrans asked for a motion.

Commissioner Waterman moved to approve the regular session minutes from the June 10, 2025 meeting and Commissioner Dilts seconded the motion. The minutes were approved 7-0-1. Commissioner Noland abstained.

IV. Public Hearing Cases

A. PZ Case 25-33A: Amendments to the Unified Development Ordinance (UDO) Section 30-25.5, Special Uses; 30-17, Definitions; and the creation of Article XVII, regarding Virtual Currency Kiosks.

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

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

Commissioner Noland asked if the proposed Ordinance is similarly written to those enforced by other municipalities. Ms. Sharp stated that the proposed Ordinance was written by the City's legal counsel and that the language proposed is similar to what has been adopted by other governing bodies, though not all of them have been municipalities.

Commissioner Noland asked if the proposed Ordinance includes a provision stating the amount of the bond be required of these kiosks to operate within the City. Ms. Sharp responded that specifics regarding the bond are included in the licensing portion of the Code amendment outside of the purview of the Unified Development Ordinance (UDO) and the amendment being reviewed by the Planning & Zoning Commission, which is specific to the Special Use Permit (SUP) section of the UDO. She said this ordinance will regulate where these kiosks can be located within the City, and will specify what uses they are considered compatible with. The SUP provisions will prohibit these kiosks in establishments that serve alcohol by the drink while requiring a minimum buffer distance between these kiosks and certain incompatible uses like schools, residences, and churches. The licensing portion of the overall amendment to Code, including specifics regarding the bond, will be

brought forward to the City Council at their July 28, 2025 meeting by the Clerk's office, though the same attorney wrote both portions of the proposed amendment to ensure continuity between all proposed amendments.

Commissioner Noland asked for clarification that the qualifications of a business license application are not within the purview of the proposed amendment to the SUP section of the UDO. Ms. Sharp confirmed that those qualifications are managed as part of the Business License Code.

Commissioner Dilts asked whether the proposed amendment is intended to provide safeguards for individuals who use cryptocurrency. Ms. Sharp stated that the proposed amendment regulates these kiosks such that should they be used to defraud the victims of scams, said victims will have a mechanism to refund some of the money they may have lost.

Commissioner Dilts asked for staff to clarify that the proposed amendment would limit where the kiosks can locate within the City. Ms. Sharp verified that the proposed amendment would limit where these kiosks can be located; for example, prohibiting the kiosks at establishments that serve alcohol by the drink.

Commissioner Reinier asked whether there are certain businesses that tend to host these kiosks, and whether those businesses bear any responsibility for these kiosks should they be used to defraud individuals. Ms. Sharp stated that the proposed amendments place the responsibility to manage and secure these kiosks on the kiosk owner or the businesses within which they locate.

Commissioner Noland noted that the proposed amendment to the SUP section of the UDO requires proof of a valid bond and asked what the bond amount would be. Ms. Sharp stated that all of that information is contained with the licensing portion of the proposed amendments, which will be brought forward to the City Council at their July 28, 2025 meeting. Ms. Sharp specified that she was not certain what the bond total would be but that she could provide this information to the Commission following the meeting.

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

Chad Hawkins, a Sergeant with the Liberty Police Department's Investigations Unit, introduced himself to the Commission. Sergeant Hawkins explained that as of January 2024, the Liberty Police Department had received 16 reports of scams involving these kiosks with losses totaling approximately \$180,000. The average loss per individual is approximately \$11,000, and the average age of the victims is 68 years old, ranging from individuals in their 20s up through their 80s. Sergeant Hawkins stated that these scammers prey on the emotions of their victims and build a sense of urgency to encourage swift action taken by victims. The Police Department would like to limit the availability of these kiosks within the City in order to protect residents from these scams.

Zach Thompson, Prosecutor for Clay County, introduced himself to the Commission. Mr. Thompson stated that these scams are not limited to the City of Liberty and are occurring throughout the greater Kansas City region. Since 2023, the Kansas City Police Department has worked on 125 cases of scams relating to these kiosks with losses totaling approximately \$2.3 million. Other municipalities reporting cases involving these scams include: Smithville, with two cases and losses totaling \$20,000; Gladstone, with seven cases and losses totaling \$100,000; and North Kansas City, with five cases, one of which involved a loss of over \$40,000. Mr. Thompson explained that some scam victims do not report their situation to the police, oftentimes due to embarrassment or issues with memory, so these statistics likely do not capture the number of scams occurring or the total loss of money involved. In addition, because these scammers tend to be based overseas,

there has been no successful prosecution of these scammers in Clay County thus far. Mr. Thompson concluded by stating that both education and prevention will be critical to reduce the success of these scams.

Vince Pernice, a Detective with the City of Liberty's Police Department who specializes in financial crimes, introduced himself to the Commission. Detective Pernice stated that these kiosks are challenging to investigate because they rely on a fully digital network and are not a physical building like a bank. Subpoenas are required to obtain information and subsequently follow the trail of money, most often leading outside of Liberty and the country, beyond his purview as a local detective. Detective Pernice concluded by stating that these kiosks make it challenging to recover the money lost by the victims of these scams.

Chairman Rosekrans asked if there were any other persons in the audience that would like to speak for or against the proposal. Seeing none, Chairman Rosekrans closed the public hearing.

Commissioner Reinier asked whether these kiosks are something the City even wants within its limits, as so much of the information being shared with the Commission seems negative. Ms. Sharp stated that the SUP review process allows for the City to decide their appropriateness on a case-by-case basis.

Chairman Rosekrans asked whether the SUP review and licensing processes are strong enough to ensure that these kiosks will not be used to defraud individuals. Ms. Sharp responded that she understands those concerns. Chairman Rosekrans asked if any governing bodies had outright banned these kiosks. Ms. Sharp stated that she believes Spokane, Washington has banned these kiosks entirely, but that at this point in time, the City intends to follow the advice of its legal counsel with these amendments to the City Code.

Commissioner Howard asked if the City has to accept these kiosks at all. Ms. Sharp stated that once a SUP application is submitted, it is taken through the public hearing process for review and scrutiny.

Commissioner Dilts asked if there are already kiosks located within the City of Liberty. Ms. Sharp confirmed that there are already a small number of these kiosks located within the City, and that they are currently unregulated. The proposed amendments to the City Code would enable the City to enforce regulations upon any additional kiosks which hope to locate within Liberty, and they would be subject to an annual business license renewal to ensure ongoing compliance.

Commissioner Reinier asked for clarification whether these regulations would apply to those kiosks already located within the City. Ms. Sharp stated that the SUP regulations would not likely apply to those few kiosks already located within Liberty, but that they would regulate future additional kiosks and protect the victims of scams from financial loss with the licensing component of which everyone will need to comply. Ms. Sharp added that all of the Commission's comments and concerns will be made available to the City Council as part of their review of these proposed City Code amendments, including the Commission's comments regarding potentially restricting these kiosks further.

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

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

Vote: Motion approved 8-0-0

Yes: All
No: None
Abstain: None

Chairman Rosekrans said the case would be heard in front of the City Council on Monday, July 28, 2025 at 7:00 p.m.

B. PZ Case 25-28FDP: Final Development Plan for Water Street Lofts, a new two-story building with 23,116 sq. ft. at 1 N. Water with a variance for a projecting blade sign.

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

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

Commissioner Noland asked whether the ground floor will be for commercial uses. Ms. Sharp confirmed that the ground floor is entirely commercial. The corner unit is intended to be a restaurant with a street side patio. While the original concept provided an entrance to the underground parking facilities on the E. Kansas Street elevation, that space will now be a commercial storefront as the underground parking element has been eliminated from this updated proposal. There will no longer be stairs within the sidewalk of the E. Kansas Street frontage either, the sidewalk will simply follow the slope of the street.

Chairman Rosekrans asked whether the slope of the sidewalk along E. Kansas Street must be ADA compliant. Ms. Sharp stated that ADA allows the sidewalk to follow the slope of the adjacent street and a railing will be installed to provide stability for those who may need it when navigating the area.

Commissioner Reinier asked whether the rear of the building cantilevers out over the proposed parking stalls in that area. Ms. Sharp deferred to the project designer to provide the details but noted that the building would cantilever out above these parking stalls. Ms. Sharp added that these parking stalls can stack two cars in tandem per stall, allowing for the storage of eight personal vehicles across the four spaces proposed.

Commissioner Reinier asked whether there would be any parking provided for employees of the proposed commercial units. Ms. Sharp stated that the Central Business District (CBD), the zoning of the property, does not require that a minimum number of parking stalls be provided with development as is typical in other auto-oriented development throughout the City.

Chairman Rosekrans asked if the commission had any further questions of staff. Seeing none, Chairman Rosekrans called for the applicant or their representative to come forward.

Patrick Reuter of Klover Architects, 8813 Primrose Lane #400, Lenexa, KS, introduced himself to the Commission as the design representative for this project. Mr. Reuter explained that the underground parking facilities originally proposed were difficult to finance and they also removed the third/top story of the original concept. The removal of the underground parking facilities allowed for the addition of usable commercial space along E. Kansas Street; that space totals just over 1,000 square feet in area. The design of the building itself is largely the same. Mr. Reuter confirmed that the rear of the building does partially cantilever out over the proposed parking stalls, and that the stacked, tandem parking of vehicles would allow for the storage of eight vehicles across the four spaces shown. Mr. Reuter also noted that the final naming and design for the proposed projecting blade sign have yet to be finalized, but that the larger square foot area of the sign has been requested via variance to account for the fact that the sign will be located higher on the façade than what is typical for projecting signs, which are often located just above pedestrians on the sidewalk.

Chairman Rosekrans asked if the commission had any further questions for the applicant or 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 proposal. Seeing none, Chairman Rosekrans closed the public hearing.

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

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

Vote: Motion approved 8-0-0

Yes: All

No: None

Abstain: None

Chairman Rosekrans said the case would be heard in front of the City Council on Monday, July 28, 2025 at 7:00 p.m.

V. Cases

A. PZ Case 25-29FDP: Final Development Plan for US Motor Works, a 102,000 sq. ft. industrial building on 11.5 acres at 3101 NE 69 HWY.

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

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

Commissioner Noland stated that the Commission recently reviewed a development plan application for North Liberty Logistics Park just north of NE 69 Highway from this location, that the proposal included a traffic signal on NE 69 Highway, and asked where that traffic signal would be located in relation to this project. Mr. Peterman stated that one traffic signal is already in place on NE 69 Highway at Heartland Drive, but that the intersection would be improved to accommodate the extension of Heartland Drive northward, and that a new traffic signal would be installed along NE 69 Highway to the southwest of this location.

Commissioner Dilts asked how long it would take emergency services to arrive on the subject property given its limited accessibility, and asked how long it would take individuals within the building to exit in the event of an emergency. Ms. Sharp responded that the Fire Code has specific requirements for points of egress out of large buildings such as this, and that compliance with the Fire Code is confirmed as part of the review of a building permit.

Commissioner Reinier asked where the proposed detention ponds flow in the event that they fill beyond their capacity. Mr. Martinez responded that both stormwater facilities have defined spillways that often go towards the natural drainage areas in the event of an extreme rain event, and that he believes that natural drainage area in this instance does lead to the creek to the west which flows southward into a neighboring property.

Chairman Rosekrans asked if the commission had any further questions of staff. Seeing none, he called for the applicant or their representative to answer any questions the commission may have.

Luke McIntosh with Davidson Architecture & Engineering, 4301 Indian Creek Parkway, Overland Park, KS, introduced himself to the Commission as the civil engineer for this project. Mr. McIntosh stated the Mr. Martinez explained the stormwater situation well and confirmed that the natural drainage area for this project does lead to the creek to the west of the development.

Commissioner Noland asked why the plan includes two smaller detention ponds. Mr. McIntosh explained that due to site constraints there is not enough space for a single, large detention pond on the property and so they designed two smaller detention ponds instead.

Commissioner Dilts asked how long it would take for individuals within the building to exit during an emergency. Brianna McKenzie with Davidson Architecture & Engineering introduced herself as the architect for this project. Ms. McKenzie stated that per the Fire Code the building is required to have multiple exits, with exterior doors located between 100 and 150 feet from each other around the perimeter of the structure. Ms. McKenzie added that access onto NE 69 Highway was deemed not feasible by the results of a traffic study, limiting access to the property to the private access easement with the property to the east, which shares ownership with this site. Ms. McKenzie noted that there are at least six fire hydrants proposed around the perimeter of the building as well.

Chairman Rosekrans asked if the commission had any further 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 Holt seconded the motion.

Vote: Motion approved 8-0-0

Yes: All

No: None

Abstain: None

Chairman Rosekrans said the case would be heard in front of the City Council on Monday, July 28, 2025 at 7:00 p.m.

B. PZ Case 25-30FP: Final Plat for Heartland Meadows, 15th Plat, 1 Lot on 11.5 acres at 3101 NE 69 HWY.

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

Chairman Rosekrans asked if the commission had any questions of staff or the applicant. Seeing none, 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 approved 8-0-0

Yes: All

No: None

Abstain: None

Chairman Rosekrans said the case would be heard in front of the City Council on Monday, July 28, 2025 at 7:00 p.m.

VI. Public Comments

None.

VII. Other Business

Mr. Peterman stated that there were no administrative approvals during the month of June, but that staff had recently received multiple new applications that are anticipated to come before the Commission in August.

Ms. Sharp stated that a Task Force is being formed for the next phase of the Downtown Revitalization Plan and asked Chairman Rosekrans if he would be interested in joining to provide input on the zoning aspect of the plan. Chairman Rosekrans accepted the invitation.

Chairman Rosekrans asked if public participation was still ongoing for the two corridor studies occurring currently. Mr. Martinez responded that the public participation window closes in the last week of July. There will be a second advisory meeting for the Glenn Hendren Committee on July 24, 2025, and that staff is still working on finalizing the date and time to host a second public open house for both studies.

Commissioner Holt asked what feedback had been provided regarding these studies thus far. Mr. Martinez stated that they have not yet analyzed the responses received thus far, but that approximately 40 responses have been received. Mr. Martinez added that there was good public participation and feedback provided at the last open house hosted in June.

Commissioner Holt asked what new projects staff had received applications for. Ms. Sharp stated that staff has received applications for: another addition to the Ford Stamping Plant on Plummer Road; Prominence Townhomes, a 264-unit townhome development north of South Liberty Parkway and east of Prominence Apartments; a resubmission of the Rush Creek Parkway Future Land Use Amendment from Neighborhood Commercial to Multi-Family; a 25-lot Final Plat for Clay Meadows; and a minor Final Development Plan for Culver's at 1905 W. Kansas Street, involving the removal of parking stalls to provide a second drive-thru lane.

VIII. Future Meeting Schedule

- a. Regular Session – Tuesday, August 12, 2025 at 7:00 p.m.
- b. Regular Session – Tuesday, September 9, 2025 at 7:00 p.m.

IX. Adjournment

Commissioner Holt moved to adjourn, Commissioner Dilts seconded. Chairman Rosekrans adjourned the meeting at 8:03 p.m.