

LIBERTY PLANNING AND ZONING COMMISSION

March 14, 2017

Meeting Summary

7:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, March 14, 2017, in the Council Chambers, City Hall, 101 East Kansas Street. A quorum being present, Chairman Rosekrans called the meeting to order at 7:00 p.m.

II. Roll Call

Commission members answering roll call were: Gary Armstrong, Rick Boswell, Amy Howard, Walt Holt, Ken Personett, Tom Reinier, Dee Rosekrans and Ann Waterman. Representing staff were Katherine Sharp, Assistant Director of Planning and Development; Michael Peterman, City Planner; and Ben McCabe, Assistant Public Works Director. 14 members of the public were in attendance.

III. Approval of Minutes

Commissioner Holt moved to approve the minutes from the February 15, 2017 meeting and Commissioner Personett seconded the motion. The minutes were approved 6-0-1 (Commissioner Armstrong abstained due to absence).

IV. 17-07SUP Special Use Permit to construct attached single-family housing located west of the Clayview Drive and Guinevere Drive intersection, Westover Commons [POSTPONED].

Chairman Rosekrans said that staff and the applicant were requesting this item be postponed to allow more time to gather the necessary storm water information. He said the item is tentatively placed on the agenda for the next meeting, April 11. The case will be re-noticed in the paper and to the neighbors.

Commissioner Waterman entered the meeting at 7:05.

Action: Commissioner Personett moved to postpone PZ Case 17-07SUP to the next meeting and Commissioner Reinier seconded the motion.

Vote: Motion passed 7-0-1

Yes: Commissioners: Commissioners Armstrong, Boswell, Holt, Howard, Personett, Reinier, and Rosekrans

No: None

Abstain: Commissioner Waterman abstained because she came in to the meeting at the end of this discussion.

Chairman Rosekrans said this case would be heard in front of the Planning Commission on April 11, 2017 at 7:00 p.m. in the Council Chambers.

V. 17-09FP: A Final Plat for Havens Place. A replat combining portions of two lots into 1 commercial lot at 1015 Route H.

Mr. Peterman presented the information for the Final Plat as described in the staff report.

Commissioner Personett asked if there would be a new drive or would the existing drive allow access to the existing storage yard.

Mr. Peterman said they would use the exiting drive approach and that there was a dedicated access easement

shown on the plat to provide access to the existing storage area.

Chairman Rosekrans asked if the applicant wished to speak.

Ron Cowger, AGC Engineering, 405 S Leonard, Liberty, MO, said he was available for questions.

Chairman Rosekrans asked if Commissioners had any other questions for staff or the applicant. Hearing none, he asked for a motion.

Action: Commissioner Holt moved to approve as recommended by staff.
Commissioner Waterman seconded the motion.

Vote: Motion passed 8-0-0

Yes: Commissioners: Commissioners Armstrong Boswell, Holt, Howard, Personett, Reinier, Rosekrans and Waterman

No: None

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on March 27, 2017 at 7:00 p.m. in the Council Chambers.

VI. 17-04PP: A Preliminary Plat for Timber Ridge. 12 single family lots on 12.3+/- acres North of Nashua at Linden Rd. & N. Forest Ave. and the associated variance. [Public Hearing]

Commissioners Personett and Holt recused themselves and Commissioner Personett left the room.

Chairman Rosekrans said this application would require a public hearing and went over the rules for public hearings.

Mr. Peterman presented the information for the Preliminary Plat and variance for cul-de-sac length as described in the staff report.

Chairman Rosekrans asked if the applicant wished to speak.

Ron Cowger, AGC Engineering, 405 S Leonard, Liberty, MO, said this was a challenging property to develop. He said they had looked at making a loop connection rather than the long cul-de-sac; the loop gave them 14 lots while the cul-de-sac has 12, but the steep topography and rock on the property prohibit that connection. He went on to show on the site plan where the 2.7 acres of conservation easement would be dedicated on the plat.

Chairman Rosekrans asked if there were any further questions for staff or the applicant. Seeing none, he opened the public hearing.

John Rosenbaum, 1229 Linden Road, said he had concerns about the road being too narrow. He said the trash trucks already have a difficult time getting down the street with cars parked and he did not know how the snow plows were going to make it to clear down the long cul-de-sac because they have a hard time clearing his street at present.

Kelly Kays, 1501 Lake, said she has concerns about public safety being able to get through, as the street is already crowded with cars, and has concerns about only having one entrance into the subdivision.

Tom Riggs, 1035 Jackson, said he also owns 3 lots at the end of Forrest. He said he was concerned about storm water because water already pours off the hill and he is concerned about drainage.

Marianne Phifer, 432 N Missouri, owns a home adjacent to the property. She said she is excited about $\frac{3}{4}$ acres lots instead of something with more density. She said another development could try to put 30 homes or more on this property. She said she is excited about the potential quality of the homes.

Chairman Rosekrans asked if any other members of the public wished to speak. Seeing none, he closed the public hearing and asked staff to comment.

Ms. Sharp said the difficulty with Linden currently exists because the road is stubbed but not a cul-de-sac, making plowing and maneuvering trash trucks difficult. She said staff would verify if the street were more narrow than usual, and have that information for City Council. She said sometimes streets feel narrow if cars park on both sides and it may be alleviated by having one side designated no parking. She said public safety staff did not voice concern about this cu-de-sac length.

Commissioner Armstrong asked if there was a section of analysis in the staff report for public safety.

Ms. Sharp said the staff reports take criteria directly from the pertinent section of the UDO, but public safety weighs in on all planning applications. She said a fire marshal and a police captain are present at the staff plan review meetings and there was no concern mentioned from public safety regarding this application. She said she would check with the police and fire department chiefs to see if there is concern.

Chairman Rosekrans asked if Commissioners had any other questions for staff or the applicant. Hearing none, he asked for a motion.

Action: Commissioner Armstrong moved to approve with the variance for cul-de-sac length. Commissioner Waterman seconded the motion.

Vote: Motion passed 6-0-2

Yes: Commissioners : Commissioners Armstrong Boswell, Howard, Reinier, Rosekrans and Waterman

No: None

Recusals: Holt and Personett

Chairman Rosekrans said this case would be heard in front of the City Council on March 27, 2017 at 7:00 p.m. in the Council Chambers.

Commissioners Personett and Holt returned to the dais.

VII. 17-10PDP: A Preliminary Development Plan for B&B Theaters. Plan for construction of commercial development including a theater/bar & lounge/office/retail and the associated variances. [Public Hearing]

Chairman Rosekrans said he was going to recuse himself from this case due to a perceived conflict of interest considering his job with the school district and the proximity of this project to the school.

Vice- Chair Reinier said this application would require a public hearing and went over the rules for public hearings.

Ms. Sharp presented the information for the Preliminary Development Plan and the variances requested by the applicant as described in the staff report.

Vice- Chair Reinier asked if there were any questions of staff.

Commissioner Boswell asked staff if they knew who parks in the existing gravel field.

Ms. Sharp replied that it is believed to be students at the High School and employees of surrounding businesses.

Vice- Chair Reinier asked if the applicant wished to speak.

Dennis McIntire, 912 Forrest Lane, the applicant and representative of B&B, presented the project and focused on the parking variance request. He presented the matrix of staggered movie times as a reason that not all spaces will be utilized at once. People will be coming and leaving at all different times, not all at once. Mr. McIntire presented the parking tabulation chart and explained how they came up with the number of spaces they are requesting.

Commissioner Armstrong asked for clarification on the variance to reduce the number of ADA stalls from 15 to 8.

Mr. McIntire stated that from experience at the other B&B theaters that 8, which is the federal ADA requirement, are sufficient for this type of business.

Commissioner Boswell asked Mr. McIntire where he thought that overflow traffic will end up.

Mr. McIntire stated people will park where they park but he is confident that what he has proposed will be adequate to handle all of the proposed traffic.

Commissioner Holt asked if the theater has considered the conflict with Friday night football.

Mr. McIntire stated that there is not a cross access agreement with the school district for parking. The plans that he has seen from the school district seems to provide adequate parking on the school property to handle the Friday night football crowd.

Commissioner Holt stated that the proposed building is very close to Blue Jay Drive and that it should not be treated as the rear of the building due to the visibility from the street. He also requested that B&B theaters provide information about the parking at the other theaters that B&B owns.

Commissioner Holt said he was concerned that, even with a staggering of parking, that all the theaters would be showing movies at certain times, like 8:30 pm. He referenced the movie scheduler exhibit.

Mr. McIntire said that even if all the theaters are going, they will never all be full to capacity, more like 75% capacity and also people get dropped off.

Vice- Chair Reinier asked if there were any further questions for staff or the applicant. Seeing none, he opened the public hearing.

Dr. John Dorsch, 113 Blue Jay Dr., said he wanted to express a list of concerns that include: the watershed; overflow parking in his lot; have the employees been accounted for in the parking calculations; amount of proposed ADA compliant stalls; the calculation methods for parking; the amount of trash this project will create; unsupervised adolescents looking for other forms of entertainment; storm water concerns; and vertical visual obstruction of his building.

Vice- Chair Reinier asked if any other members of the public wished to speak. Seeing none, he closed the public hearing.

Commissioner Waterman stated that she thinks handicap access is very important.

Commissioner Personett stated he was concerned with the number of variances that are being requested. He

is in support of the B&B Theater coming to Liberty, but feels that the site may have too much packed into the current site. He was concerned about congestion.

Commissioner Armstrong stated that he was concerned about the number of ADA spaces proposed.

Vice- Chair Reinier asked if Commissioners had any other questions for staff or the applicant. Hearing none, he asked for a motion.

Action: Commissioner Waterman moved to approve the case and variances except the variance from the City's ADA requirements. Commissioner Boswell seconded the motion.

Vote: Motion passed 6-1-1

Yes: Commissioners: Commissioners Armstrong, Boswell, Holt, Howard, Reinier, and Waterman

No: Personett

Recusal: Rosekrans

Vice- Chair Reinier said this case would be heard in front of the City Council on March 27, 2017 at 7:00 p.m. in the Council Chambers.

VIII. Public Comments

There was no public comment.

IX. Other Business

Mr. McCabe went over current public improvement projects including South Liberty Parkway Phase II, Downtown Reconstruction, and the upcoming Kansas Street Corridor project.

X. Future Meeting Schedule

The next regular session is scheduled for Tuesday, April 11, at 7:00 p.m.

XI. Adjournment

Commissioner Holt moved to adjourn, Commissioner Personett seconded.

Chairman Rosekrans adjourned the meeting at 8:45 pm.