

## LIBERTY PLANNING AND ZONING COMMISSION

May 9, 2017

Meeting Summary

7:00 p.m.

### I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, May 9, 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, and Dee Rosekrans. Commissioner Ann Waterman was absent. Representing staff were Katherine Sharp, Assistant Director of Planning and Development; Michael Peterman, City Planner; Ben McCabe, Assistant Public Works Director and Karan Johnson, Economic Development Manager. Kellie Houx and 26 members of the public were in attendance.

### III. Approval of Minutes

Commissioner Personett moved to approve the minutes from the April 11, 2017 meeting and Commissioner Howard seconded the motion. The minutes were approved 6-0-1. Commissioner Boswell abstained.

### IV. 17-21R&PDP: Rezone and PDP for Senior Living Development Holdings for 38 unit, 7 building apartments at the SW corner of Mississippi & Prairie [Public Hearing]

Chairman Rosekrans asked for a show of hand for Commissioner who received and read a letter from Steve and Heather Anderson. He said it is considered ex-parte contact and should be noted as such. All seven commissioners acknowledged receipt of the letter. He said the case would require a Public Hearing and reiterated procedures for those wishing to speak.

Ms. Sharp presented the information for the Rezoning as described in the staff report.

Commissioner Boswell asked if the street parking was private, designated for the apartment use only.

Ms. Sharp said street parking is always public.

Commissioner Personett asked for clarification regarding the addition of street parking.

Ms. Sharp said Mississippi and Prairie adjacent to the property would be marked for an additional 15 on street stalls.

Commissioner Personett asked if there were any other zoning designations that would be fitting for this project.

Ms. Sharp said that many of the multi-family zonings are not available to rezone to, that they are kept on the books for areas which are already zoned with those designations. She said staff felt the PD was appropriate in this transitional area.

Commissioner Armstrong asked for clarification in that the applicant is Senior Living Development, but this is not being proposed as strictly senior housing.

Ms. Sharp said that Senior Living Development is the company's LLC. She said they had discussed the opportunity for senior and disabled to rent the bottom levels because they are ADA accessible.

Commissioner Armstrong asked if the term "senior" meant anything to the city, if it required additional considerations such as transportation, storm shelter or provided meals.

Ms. Sharp said that there is a wide range of what might be considered senior housing (age restricted, independent living, assisted living, nursing care, etc.) the city code defines "elderly apartments" as 65 and over but does not speak to requirements for transportation or meals. The storm shelter requirements will be addressed with the building code.

Commissioner Personett said considering the applicant it touting the lower level as ADA, shouldn't we require more ADA stalls.

Ms. Sharp said the site plan meets the requirement set by the Federal ADA and the City Code for accessible parking, but staff could work with the applicant for more ADA parking stalls if directed so by the Commission.

Chairman Rosekrans asked the applicant if they wished to speak.

Aimee Gray, A3G Architects, 15 South Main St. Liberty, MO (applicant's representative), went over the proposal in a power point presentation. She said the PD zoning was the one suggested by staff, and that the tallest building (on the corner) is only one foot taller than the residential height limit and is shorter than several of the homes in the neighborhood. She said they met with the neighbors to try to satisfy concerns and the end result was seven smaller buildings with lower density than previously proposed. She said the density of 22 units per acre feels appropriate. She said the style was a reflection of comments from the neighborhood and the HDRC and the site will have over the required open space.

Chairman Rosekrans asked if the Commission had questions for the applicant.

Commissioner Boswell asked if the lighting would be architectural.

Ms. Gray said they were not at that phase of design yet, but architectural lighting would be preferred.

Commissioner Reinier asked what the expected occupancy rate would be.

Robert Hill, 5796 S Route K, Columbia, MO (applicant), said they expect 90% occupancy.

Commissioner Armstrong asked why they chose not to have a pool or club house.

Ms. Gray said they felt it would go unused and so removed it.

Commissioner Armstrong said there were few options for senior housing in town and asked why these were not exclusively senior apartments.

Ms. Gray said the first floor units would be suited for that because they had not steps, but the top floors would have steps.

Commissioner Personett said the HDRC suggested a mix of styles, but he did not feel this was a mix of styles.

Ms. Gray said the HDRC and neighbors were shown two different styles, one which was more traditional with a pitched roof and one which was slightly more contemporary with a flat roof. She said economies of scale would require that they all have the same roof style but the exteriors can vary more and still have a ways to go in design.

Commissioner Armstrong asked for clarification on the site plan, the yellow box shown on C.

Ms. Gray said those are one bedroom units.

Commissioner Personett asked if these were going to be market rate.

Ms. Gray said they would rent for between \$900 and \$1200.

Chairman Rosekrans asked if there were any further questions for staff or the applicant. Seeing none, he opened the public hearing reminding the audience that any questions would be answered by staff or the applicant after the public hearing was closed.

Carl Rinker, 210 W Franklin, said he had lived at his home for the last 38 years. He said the property had been many things in that time but he feels this proposal is too much impact and will become the dominant feature of the neighborhood. He said this project will take up 1/3 of the block but will have 3x the impact. He said the Council denied an application at the Fulkerson property with lower density than this. He said they already have a mixed use neighborhood with multifamily and group homes and they think this project is too big for this 1.7 acre site.

Eric Schmidt, 222 Franklin, said the developer has tried but the density is too high and too much. He asked for clarification on the density scale.

Doug Day, 131 N Morse Ave, said he has had good dialog with Mr. Hill but still this project is too big, tall, dense, and close. He read the letter from Steve and Heather Anderson which had been sent to the Commission prior to the meeting and which was referenced as ex-parte contact at the beginning of the meeting. The letter stated that the plan was too dense, that the Fulkerson plan was a precedent for why this plan should be defeated, the single family lots should remain as buffer for the homes on Morse, that the proposed buffer is insufficient, that the PD zoning is not appropriate, that the plan is not for seniors and does not have enough parking, that tax incentives should not be used, and this is a 100 year decision.

Gordon Haddon, 1613 Hampshire Ct, said he has lived in Liberty for the last 40 years, many in the historic downtown area. Mr. Haddon said that there is a missed opportunity for residential in the downtown, that there have only been 12-14 new units in the downtown in the last 20 years, and that this property is underutilized. He said he thinks this project will set the table for continued growth and investment in downtown.

Holly Mills, 427 E Mississippi Street, asked if staff could go over some of the uses that could be on the site with the existing commercial zoning.

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

Staff responded to the questions from the public. Ms. Sharp said (in response to Mr. Schmidt's question) the densities on the *Future Land Use Map* are low density (0-6) and high density (7 or more), she said if the comprehensive plan gets updated that may get a more specific range but those are the current options. In response to Ms. Mill's question, that the CBS is the Central Business Service District and is the area used for service around the Central Business District or square. She said it allows vehicle repair and service centers, and businesses with drive-thru service, but requires the loading docks, gas pumps or drive-thrus to be at the rear of the property. She said it also allows a business with residential loft space above.

Commissioner Holt asked if there will be a FDP or other application if this is approved.

Ms. Sharp said, yes. Approval of this would facilitate a final plat and final development plan which would require final level engineering, building elevations, lighting, landscaping and other detailed specifics.

Commissioner Armstrong asked if staff felt comfortable with this variance for parking.

Ms. Sharp said staff was comfortable with the proposed parking, she said they felt there was enough parking provided and there was also a public lot south west of the proposal.

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

Commissioner Holt stated that he will vote yes. He is a little concerned about the density but likes the plan, the buffer, and the lower buildings in smaller size. He recommends the applicant show what this density looks like to City Council.

Commissioner Armstrong stated that he is concerned about parking but he thinks this project is better in appearance, scale and density.

**Action:** Commissioner Holt moved to approve with the variance. Commissioner Reinier seconded the motion.

Vote: Motion passed 6-1-0

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

No: Boswell

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on May 22, 2017 at 7:00 p.m. in the Council Chambers.

**V. 17-07SUP: A Special Use Permit for Westover Commons. 11 single family attached units on 3.4 acres at Clayview & Guinevere. [Public Hearing]**

Ms. Sharp presented the information for the Special Use Permit as described in the staff report.

Chairman Rosekrans asked the applicant if they wished to speak.

Rick Westmoreland, 4 Corners KC, LLC, (applicant), said he lived in the neighborhood and that the property has changed hands many times. He said he and Mr. Dennis Rice (engineer) are available for questions.

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

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.

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

**Action:** Commissioner Boswell moved to approve as recommended by staff.

Commissioner Holt seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on May 22, 2017 at 7:00 p.m. in the Council Chambers.

**VI. 17-17FDP: Final Development Plan for B&B Theater, a 68,000 sq. ft. theater complex in Blue Jay Crossing**

Chairman Rosekrans said he would not recuse himself this time since the school district (his employer) no longer had a parking agreement with the applicant.

Ms. Sharp presented the information for the Final Development Plan as described in the staff report.

Chairman Rosekrans asked the applicant if they wished to speak.

Dennis McIntire, B&B Movie Theaters, PO Box 129, Liberty, MO, was available for questions.

Chairman Rosekrans asked if this plan contained the ADA stalls or the narrow stalls requested last time.

Ms. Sharp said that had been removed by the applicant prior to Council determination.

Chairman Rosekrans asked if there were any further questions for staff or the applicant. Seeing none, he asked for a motion.

**Action:** Commissioner Armstrong moved to approve as recommended by staff.  
Commissioner Howard seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on May 22, 2017 at 7:00 p.m. in the Council Chambers.

**VII. 17-18PDP: Amended Preliminary Dev Plan for North Haven Center and variance for height and parking. [Public Hearing]**

Commissioner Holt recused himself from the case.

Ms. Sharp presented the information for the Preliminary Development Plan with variances for height and parking as described in the staff report.

Commissioner Boswell asked if there were concerns about the street and traffic.

Mr. McCabe said the traffic study shows that the hotel is a less intensive use than the previous retail use and the development had been required by MoDOT to install a turn lane.

Chairman Rosekrans asked if the fire truck would be able to make it through the site.

Ms. Sharp said the engineers run the fire truck dimensions through a program called Autoturn which shows that the fire truck can make it through the site.

Chairman Rosekrans asked the applicant if they wished to speak.

Art Akin – AGC Engineers, Inc. – 405 S Leonard Street, Suite D – Liberty, (applicant representative), said they were available for questions.

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

Holly Mills, 427 E Mississippi, provided some information from the Clay County Assessor's office showing the value of a multi-story hotel exceeding the value of a one story retail building.

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

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

**Action:** Commissioner Personett moved to approve as recommended by staff.  
Commissioner Reinier seconded the motion.

Vote: Motion passed 6-0-1

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

No: None

Abstain: Holt

Chairman Rosekrans said this case would be heard in front of the City Council on May 22, 2017 at 7:00 p.m. in the Council Chambers.

**VIII. 17-20FDP: Final Development Plan for Withers Farm Senior Apartments, 191 unit, 3 buildings lot at S Withers north of South Liberty Parkway**

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

Chairman Rosekrans asked if the applicant wished to speak.

Dan Foster representing Schlagel & Associates, 14920 W. 107th Street, Lenexa, KS, was available for questions.

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

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on May 22, 2017 at 7:00 p.m. in the Council Chambers.

**IX. 17-19FP: Final Plat Wither's Farm, one 16.8 acre lot at S Withers north of South Liberty Parkway**

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

Chairman Rosekrans asked if the applicant wished to speak.

Dan Foster representing Schlagel & Associates, 14920 W. 107th Street, Lenexa, KS, 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 Howard moved to approve as recommended by staff.  
Commissioner Boswell seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on May 22, 2017 at 7:00 p.m. in the Council Chambers.

**X. 17-15SUP: Special Use Permit for Fireworks sales tent in Oakwood Business Park, 800 Haines Dr. [Public Hearing]**

Mr. Peterman presented the Special Use Permit application as described in the staff report.

Commissioner Armstrong requested that the flyer be adjusted to clarify the fireworks could only be discharged certain days, not necessarily illegal to have.

Chairman Rosekrans asked if there were any questions for staff. Seeing none, Chairman Rosekrans asked if the applicant had comments.

Mr. John Belfonte, 4308 N. 75<sup>th</sup> St, KC, MO (the applicant), said he was available for questions.

Chairman Rosekrans asked if there were any further questions. Seeing none, he opened the public hearing. Chairman Rosekrans asked if any members of the public wished to speak. Seeing none, he closed the public hearing.

Chairman Rosekrans asked if there were any further questions. Hearing none, he asked for a motion.

**Action:** Commissioner Boswell moved to approve as recommended by staff.  
Commissioner Personett seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on May 22, 2017 at 7:00 p.m. in the Council Chambers.

**XI. 17-22SUP: SUP for a Shaved Hawaiian Ice stand in the empty lot at the NW corner of N Church and W College. [Public Hearing]**

Mr. Peterman presented the Special Use Permit application as described in the staff report.

Chairman Rosekrans asked if there were any questions for staff. Seeing none, Chairman Rosekrans asked if the applicant had comments.

Mr. Josh Revnew, Hawaiian Ice, LLC, 9403 N. Laurel Ave., KC, MO (the applicant), said he and his brother have other locations and have been in business since 2013.

Chairman Rosekrans asked if there were any further questions. Seeing none, he opened the public hearing. Chairman Rosekrans asked if any members of the public wished to speak. Seeing none, he closed the public hearing.

Chairman Rosekrans asked if there were any further questions. Hearing none, he asked for a motion.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on May 22, 2017 at 7:00 p.m. in the Council Chambers.

**XII. 17-24A: UDO Amendment to Section 30-93.3, Design Specifications Streets & Alleys [Public Hearing]**

Mr. McCabe presented the UDO Amendment application as described in the staff report.

Chairman Rosekrans asked if there were any questions for staff.

Commissioner Boswell asked what the cost of improving a mile of road.

Mr. McCabe said he was guessing at \$5-6 million.

Chairman Rosekrans asked if there were any other questions for staff. Seeing none, Chairman Rosekrans opened the public hearing. Chairman Rosekrans asked if any members of the public wished to speak. Seeing none, he closed the public hearing.

Chairman Rosekrans asked if there were any further questions. Hearing none, he asked for a motion.

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

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on May 22, 2017 at 7:00 p.m. in the Council Chambers.

**VIII. Public Comments**

There was no public comment.

**IX. Other Business**

Ms. Sharp said there would be events for the Downtown Reconstruction, and the upcoming Liberty Commons ribbon cutting.

**X. Future Meeting Schedule**

The next regular session is scheduled for Tuesday, June 13, at 7:00 p.m.

**XI. Adjournment**

Commissioner Holt moved to adjourn, Commissioner Personett seconded.

Chairman Rosekrans adjourned the meeting at 9:18 pm.