

LIBERTY PLANNING AND ZONING COMMISSION

September 12, 2017

Meeting Summary

7:00 p.m.

I. Call to Order

The Liberty Planning and Zoning Commission met on Tuesday, September 12, 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, Walt Holt, Amy Howard, Ken Personett, Tom Reinier, Dee Rosekrans, and Ann Waterman. Commissioner Boswell was absent. Representing staff were Katherine Sharp, Director of Planning and Development; Michael Peterman, City Planner; and Ben McCabe, Assistant Public Works Director. 7 members of the public were in attendance.

III. Approval of Minutes

Ms. Sharp explained a minor change to the minutes that she noticed earlier that day, and Commissioner Waterman moved to approve the minutes from the August 8, 2017 meeting as amended and Commissioner Reinier seconded the motion. The minutes were approved 6-0-1. Commissioner Holt abstained.

IV. 17-39FP: Final Plat for Oakwood Business Park, Tracts 13, 14, 15 on 6.85 acres west of Church Rd. on Industrial Dr.

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

Chairman Rosekrans asked the commissioners if they had any questions of staff. Commissioner Personett asked if there was a Preliminary Plat for this project.

Mr. Peterman stated that this was part of the original Oakwood Business Park Plat and that this was a continuation of that original development. All required public improvements are in place.

Chairman Rosekrans asked the applicant if they wished to speak. Ron Cowger of AGC Engineers representing the applicant, OBPT, LLC said he was available for questions.

Chairman Rosekrans asked why work is being performed at this site before approval of the Plat and Final Development Plan.

Mr. Peterman said that the applicant was issued "At-Risk" permits to do site work and footings and foundations.

Ms. Sharp stated that this allows a non-discretionary/technical application to keep moving.

Mr. Cowger said that there was extensive site work to be done that included a lot of rock. They understood the risk involved but felt that they needed to get started on the site work.

Chairman Rosekrans asked if all of the rock that can be seen is from that site?

Mr. Cowger said that it was and that it will be crushed on site and used as the base for the parking lot.

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. Commissioner Personett seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on September 25, 2017 at 7:00 p.m. in the Council Chambers.

V. 17-38FDP: Final Development Plan for Oakwood Business Park – Tracts 13, 14& 15, 3 buildings totaling 75,000 square feet on 6.85 acres on Industrial Dr. with parking, landscaping and use variance [PUBLIC HEARING]

Mr. Peterman presented the information for the development plan and request for variances as described in the staff report.

Chairman Rosekrans asked the commissioners if they had any questions of staff. Hearing none, he asked the applicant if they wished to speak.

Ron Cowger, AGC Engineers, 405 S. Leonard, Liberty, MO (representing the applicant) described the request for the variances in his presentation. He said he is available for any questions.

Commissioner Personett asked if the slope was too rocky for planting trees?

Mr. Cowger explained that it is rocky but the concern was the destabilization of the sod on the hill with tree planting equipment.

Commissioner Personett asked if smaller trees could be planted by hand?

Mr. Cowger said that finding companies to plant that many trees by hand would be very difficult and that smaller tree would not meet City code. He continued that there would be no way to install irrigation on the hillside as well.

Commissioner Armstrong asked if they were willing to pay the in-lieu of fee for the trees?

Mr. Cowger said that they were planning to pay the fee.

Chairman Rosekrans asked if the applicant had considered native grasses on the slope.

Mr. Cowger said that at this point establishing native grasses would take two to three years and in the interim there would not be any form of erosion control at that location.

Commissioner Holt asked why the applicant is requesting a use variance allowing distribution and warehousing instead of rezoning to industrial.

Mr. Cowger said that they were happy with the current commercial zoning and did not feel all the allowable

uses within the light industrial zoning were needed. Because these are being built as spec buildings, the added flexibility for warehousing and commercial would fit into what already is occurring in other parts of Oakwood Business Park.

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

Gary Zaborac, Director of Clay County Public Health. Mr. Zaborac stated that he was not in favor of or against the project, but wanted to note that he was concerned with heavy industrial truck traffic on Haines drive adjacent to the Public Health building.

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

Ms. Sharp said she would need to defer to the applicant on whether users have been identified and if specific entrances could be utilized for larger truck traffic.

Commissioner Personett asked about the alignment of the northwest entrance.

Mr. Cowger said the entrance is aligned with the Public Health parking entrance and the grade at that location determined the layout of the drive. He said the lower two drives are steep and the north entrances would be best suited for large trucks. He also stated that the rest of Oakwood Business Park does not generate an excessive amount of heavy truck traffic with similar type of buildings.

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

Commissioner Armstrong asked if the "in-lieu of fee" for the trees was still applicable if the variance is approved.

Ms. Sharp answered yes, the in-lieu-fee will be collected if the variance is approved. If the variance is not approved, they will need to plant the trees on site.

Chairman Rosekrans asked for a motion.

Action: Commissioner Holt moved to approve with variances and the "fee in-lieu" will need to be paid. Commissioner Waterman seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on September 25, 2017 at 7:00 p.m. in the Council Chambers.

VI. 17-40FDP: Final Development Plan for North Haven Center, Lot 2, Hilton Home 2 Suites a 4 story hotel at 291 and North Haven Dr.

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

Chairman Rosekrans asked the commissioners if they had any questions of staff. Hearing none, he asked the applicant if they wished to speak.

Art Aiken, AGC Engineers, 405 S. Leonard, Liberty, MO (representing the applicant) said

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 Waterman moved to approve. Commissioner Howard seconded the motion.

Vote: Motion passed 6-0-1

Yes: Armstrong, Howard, Personett, Reinier, Rosekrans, Waterman

No: None

Abstain: Holt

Chairman Rosekrans said this case would be heard in front of the City Council on September 25, 2017 at 7:00 p.m. in the Council Chambers.

VII. 17-41FP: Final Plat for Liberty Commons, 3rd Plat, Replat of Lot 6 into 9 lots at Stewart and Conistor

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

Chairman Rosekrans asked the commissioners if they had any questions of staff.

Commissioner Reinier ask why this Plat application is coming forward after the building are built and open.

Ms. Sharp said she will defer to the applicant to explain.

Chairman Rosekrans asked the applicant if they wished to speak.

Keaton Knott, 4717 Central St., KC, MO, Legacy Development, (the applicant) said the next phase of development is to move it to a management company. The back end liquidity for the retail climate is not allowing the big buyer to buy the entire project. Splitting these into individual lots allows more opportunity for buyers.

Commissioner Armstrong asked how do all the lots stay under one management company?

Mr. Knott said the overall management company will remain the same regardless of the owners of the individual lots. This will be a condition of sale on each lot. The management company will be responsible for maintaining everything covered in the REA's (the covenants for the development) including common areas, maintenance, repairs, etc.. He said he was available for questions.

Ms. Sharp reminded the commissioners that this application before them is a technical application for a plat.

Commissioner Holt asked this is done in other properties that they own?

Mr. Knott said this will be the first development to do this but they are doing the same process with a development in Grandview, MO and will, in the future, do it with a development in Shawnee, KS.

Commissioner Holt asked why this is the first one?

Mr. Knott said his company usually develops the product and then sells it to one large buyer. That is not the climate in the retail market today.

Commissioner Armstrong asked if this plat actually meets review item #6 in the staff report and that all

agreements have been accepted or approved.

Ms. Sharp stated that, in fact yes, all the public utilities are available and operating to this site. It is the individual, private lines that the applicant and city are reviewing. The City Attorney is reviewing the amended REAs which will be reviewed by City Council.

Commissioner Howard asked if they are dividing because they can't sell the development as a whole.

Mr. Knott said that in today's market, power centers are not often sold as one unit.

Commissioner Holt asked if anything regarding the walkability of the center can be considered at this point.

Ms. Sharp stated that this is a technical application and the commission should be considering those aspects of this plat. She said she and Mr. Knott had previously discussed the sidewalk gap.

Mr. Knott said that Legacy intends to install a connecting piece of sidewalk on Stewart Rd. from the south entrance to Academy to the Church property to the south.

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. Commissioner Holt seconded the motion.

Vote: Motion passed 7-0-0

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

No: None

Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on September 25, 2017 at 7:00 p.m. in the Council Chambers.

VIII. 17-42FP: Final Plat for Liberty Bell, Replat of Lot 1 into 6 Lots & 1 Tract at 1114 Southview Drive

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

Chairman Rosekrans asked the commissioners if they had any questions of staff.

Chairman Rosekrans asked if staff or the applicant knew how many of the tenant spaces are occupied.

Ron Mullenix, (the applicant) said the buildings in this business park are all freestanding and none of them are vacant. They are mostly occupied by automotive services businesses. 4 of the 6 buildings have pending contracts with the current occupants. There will be a business association formed in the covenants and restrictions that will be responsible for the maintenance of the common areas, parking and storm drainage facilities. He 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 Waterman moved to approve. Commissioner Armstrong seconded the motion.

Vote: Motion passed 7-0-0

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

No: None
Abstain: None

Chairman Rosekrans said this case would be heard in front of the City Council on September 25, 2017 at 7:00 p.m. in the Council Chambers.

VIII. Public Comments

There was no public comment.

IX. Other Business

Commissioner Holt asked if there had been discussion regarding Aspiring cities.

Ms. Sharp said that the commission had discussed the overall picture of Liberty's future and that it can be addressed in a Comprehensive Plan update.

X. Future Meeting Schedule

The next regular session is scheduled for Tuesday, October 10, at 7:00 p.m.

XI. Adjournment

Commissioner Armstrong moved to adjourn, Commissioner Howard seconded.

Chairman Rosekrans adjourned the meeting at 8:20 pm.