JOHNSON COUNTY PLANNING COMMISSION

Johnson County Administration Building
Board of County Commissioners Hearing Room, Third Floor
111 South Cherry Street
Olathe, Kansas

MINUTES OF REGULAR MEETING
June 23, 2020
5:45 p.m.

A. CALL TO ORDER

A meeting of the Planning Commission of Johnson County, Kansas, was convened at 5:50 p.m. on Tuesday, June 23, 2020, and was called to order by Chris Iliff, Chairman, with the following members present and participating; to-wit: Roxanne Morse, Peter Oppermann, George Lund, James Neese, Roger Mazar, and Dave Johns, Jason Meier and Henry Deters. Absent were Mark Huggins, Randy Hutchins and Dennis Bollen. Also present were Jay Leipzig, Jeff Malotte and Karen Miller, Johnson County Planning Department.

Chairman Iliff: Thanks, everybody, for attending our second meeting since the COVID-1 outbreak.

B. APPROVAL OF AGENDA – Approved as printed.

C. CONSIDER MINUTES OF PREVIOUS PLANNING COMMISSION MEETING

Chairman Iliff: Are there any requests to make changes, amendments, deletions from the minutes from the last meeting? [none]

Motion by Comm. Meier, second by Comm. Deter, to approve the minutes from the May 26, 2020, Planning Commission meeting. Motion passed unanimously.

D. PUBLIC COMMENTS

Chairman Iliff: The next items is our Public Comments, and we do have a member of the public who is here. I'm going to ask if any member of the public who is attending this meeting would like to make any comments at this point.

Cameron McGowen appeared before the zoning board via Zoom and made the following comments:

Mr. McGowen: No, sir. No comments, just an interested party.

Chairman Iliff: Okay. Thank you, Mr. McGowen, for attending tonight. We appreciate it. We do. I'm going to take the prerogative of the chairman to, at this point, take just a moment to acknowledge that a long-time member of our staff, Jeff Malotte, is retiring after 15 years. Jeff, I want to express my own personal appreciation for the work that you have done. I remember when you first came onboard, you attended several of our Aubrey Township – now Oxford/Aubrey Township, or what do they call it? Southeast Township's. I remember your reports. I remember you coming onboard. I remember you being a thoroughly efficient and effective member of the Planning staff. You are now a senior planner, have been for...You came on board in 2005. In 2007, I think, you became a senior planner. You have been an enormous asset to the Planning Department. I have been told that they cannot exist without you, so they are going to have to
replace you, since you’re going to be moving on, I hope to something that is of delight and pleasure to you.

I think it should be mentioned that Jeff came to us, I think, from Clay County. Before that, he had achieved a Master’s degree in Public Administration from UMKC. You have the kind of credentials and credibility that we look for in Johnson County. You are an inspiration to the people around you. I know you have a number of hobbies that you are going to continue to enjoy, including photography and videography. One thing I wish I could do is fix automobiles, and apparently you are able to do that as well. I’m no good at, really, any of those things, but I hope in your retirement that you find great pleasure and enjoyment following your hobbies.

We will miss you greatly. I am sorry that you’re leaving us, but I am grateful that you have spent so many years with us and the County is much better off by virtue of you having been here. So Jeff, I’m willing to let you make any comments, or let your colleagues comment, of any other member of the Commission.

Mr. Malotte: Well, just briefly, the first time I came to your meeting, I didn’t make such a great impression. It was the first couple of months I was there. There were seven boards at that time—five zoning boards, the BZA and the Planning Commission. Dean Palos wanted me to meet everybody. So, by the time I got to the Planning Commission, I had been to two meetings a week for two or three weeks in a row. I don’t even remember. But I was exhausted, and I fell asleep during the meeting. Which several board members noted to Dean.

[laughter]

Mr. Malotte: Hopefully I have made a better impression in the interim, and it’s been a pleasure working with all of you.

Chairman Iliff: You have overcome that. No one that I know of recalls you falling asleep.

Unidentified Speaker: We do now.

Chairman Iliff: That’s right.

[laughter]

Chairman Iliff: So Jeff, any comments about what your plans are in retirement?

Mr. Malotte: I’m going to volunteer for an organization that builds computers for disadvantaged youth. It’s something I’ve done as a hobby for years, and it, for one thing, will be fun and a way to contribute. Beyond that, being lazy and pursuing a couple of other hobbies, but we’ll see how it goes.

Chairman Iliff: All right. Well, Jeff, thank you so much. Thank you for your years of service to Johnson County, and god speed to you in your retirement.

Mr. Malotte: Thank you.

Ms. Miller: I just have to say one thing. You mentioned Jeff’s staff reports. They really are a thing of beauty. I know I sound like a geeky planner. They’re very succinct. They’re well-written. They’re to the point. They’re accurate. The analysis is always dead-on. I often refer to Jeff’s staff reports when I write my own. I’ve never really mentioned that before, but that’s very true. His staff reports are very good.

Mr. Malotte: Thanks, Karen.
Mr. Leipzig: Also, Mr. Chair and Jeff, I will just say that Jeff and I have one unique thing in common, and that’s that we both have that our Planning supervisor was a guy by the name of Stuart Borders I had worked with Stuart when he was the Planning Director in Gladstone and I was an intern at that time. But prior to being in Gladstone, Stuart had been in Clay County, Missouri, and hired Jeff Malotte as a planner. So, we both have that connection. Stuart was kind of a very interesting guy. He raced BMW’s as his hobby, so it was always interesting driving in a car with him. Anyway, it’s an interesting connection there with Jeff.

I also have to say that Jeff, his attention to detail is phenomenal, outstanding. He’s been a great planner, a great resource for us, and he really is kind of a renaissance man. As the Chairman alluded to, he’s got hobbies – photography. He also was a certified mechanic at one time. He’s a paralegal as well, so he’s got a lot of knowledge and expertise that he can draw from when he develops staff reports, or whatever he does. He’s been a real asset to the department, and we will certainly miss him.

The other thing I was going to note is we’re having a luncheon next Tuesday at Ernie Miller Nature Center up Highway 7, at Shelter #1. It’s just kind of an informal pizza party, and staff, you all are certainly invited to attend that as well. We’d love to have you if you have a few minutes to join us for lunch next Tuesday, the 30th, starting at 11:30.

Chairman Iliff: Great. Thanks very much, Jay, and I hope everybody here who has the opportunity will attend. It’s on my calendar. I look forward to seeing you in person, Jeff.

Mr. Malotte: Thank you. I look forward to it, too.

Chairman Iliff: All right. Take care.

E. ANNUAL COMPREHENSIVE PLAN REVIEW

Chairman Iliff: We’ll move on to the next, and primary, item of our agenda this evening, which is the annual Comprehensive Plan review. I understand that Karen Miller is in charge of that. If you want to share your screen with us, we’ll all be looking at it.

Mr. Leipzig: Karen Miller is here and will also fill in, providing a couple of details on this memo. But, this evening, we wanted to present to you our review, our 2020 Annual Review of the Rural Comprehensive Plan. This is guided by KSA statute 19-2958, which requires the Planning Commission to annually review the Comprehensive Plan to determine if any portion of that plan has become obsolete and to report its findings to the Board of County Commissioners. Historically, we have done this usually in June or July. We’ve kind of extended that a little bit. We tried to do it, actually, in May, a little bit earlier every year, but generally we have this type of review every summer, and go through our Comprehensive Plan, review it, make sure that it’s current and there’s no section of it that is obsolete or dated. We pay particular attention to the goals and objectives of that plan as we go through that review. There’s also a summary of annexations that have been completed throughout the year, and that full memo is in your packet.

What we would like to present tonight is the memo for you to review, and then also if we do receive a recommendation, then this would go before the Board of County Commissioners at their July meeting. So, there’s a cover memo that’s attached to the front part of the memo, and then we actually go through the review.

In summary, I will just say that the Rural Comprehensive Plan is not obsolete. However, there are a couple of things that we wanted to point out this year that we know that we will need to work on for the remainder of 2020 and 2021. That is, we need to conduct a review of the airport compatibility plans for both New Century and also the Executive Airport. As you know, there’s
been a lot of development activity around both of those airports. The Executive Airport, obviously Olathe and Overland Park, and then New Century with the City of Gardner and Olathe, and Edgerton. So, it’s important that we review those plans and make sure that the land use patterns of those cities is also compatible with the land use pattern in the airport and taking a very comprehensive review of that to ensure that we’ve got organized development patterns and that we don’t have any incompatible land uses or noise, densities and other land use characteristics. That is something that we would like to look at for the remainder of this year and also for next year.

As a note on our budget in 2021, we’re going through our budget process right now. As a matter of fact, we thought we would actually be finished, or have a final recommendation ready for the Board of County Commissioners; however, due to the coronavirus pandemic that has been delayed a little bit, so we’re still in the middle of the budget process right now. But we are waiting to hear if there was an allocation of funds that so we are able to hire a consultant to help us with the review of those airport compatibility plans. If that is not funded – and there’s a very good chance it will not be just because the County has so many critical needs and items this year for additional resources in our capital improvements plans – if that is the case, we’ll still be able to do that review. We’ll do it internally with limited staffing.

Another alternative might be to hire a consultant to review the draft plan when that is completed. Either way, we’ll be able to complete that review, but I did want to point that out that we’re planning for that, and we intend to complete review of both of those plans in 2020 and 2021. That’s really the two key parts, ensuring the compatibility of the airport plans with some of the new activities that we’ve had, especially in Gardner and in Olathe around the Executive Airport and the City of Gardner around the New Century Airport.

The other item, as kind of a quick summary of where we were last year on May 28: 2019, this body – the Planning Commission – held a public hearing to consider amendments to the Plan to make revisions to the CARNP frontage requirements, and recommendations regarding arterial lots. As you might recall, there was quite a bit of discussion about that. That was quite a long process, and Karen Miller and her great work, we were able to get that finished, the Planning Commission, in May, and before the Board in, I believe it was August. Karen, is there anything you want to add to that?

Ms. Miller: No, just that when we did this Comprehensive Plan amendment, we did go through and look at the policies and the goals of the land use plan, so it has been touched and considered at least with the respect to the CARNP frontage requirements. So that’s helped keep it up to date.

Mr. Leipzig: Okay, thank you, Karen. The third point in the memorandum is a brief review of annexations and changes in the unincorporated area. According to our AIMS data, the total county population increased 8.5% between 2010 and 2020, but the population of the unincorporated area declined 4.7 percent over that same period, which is kind of what we expected. The county continues to grow. We’re becoming more densely populated, but the population in the unincorporated area is declining. You can look in the memo. There’s a review of the annexations that were completed last year.

In 2019, there were three good-sized annexations to the City of Gardner, a couple there from Olathe, one from the City of DeSoto, and Spring Hill also had an annexation. The total annexed areas last year, in 2019, were 1,238 acres of land. The annexations are smaller the last few years, because there’s been some changes in the annexation laws. You all are aware of that as well, where cities used to be able to annex large areas of land and not have the review requirements or the approval requirements that are in place now. Now, if a city is going through an annexation,
they have to be able to provide police and fire protection within, I think it’s three years, and have an intent to do that. It’s a fairly well prescribed process that’s much more difficult than it used to be, and intensive. So, the annexations that were done in years past where they were annexing large chunks of land, that really is very difficult these days. I suppose it could happen, but it’s much more difficult with the new legislation that’s in place and the new statutes that are in place regulating that.

With that, it completes my report. I’d be happy to answer any questions you might have. In summary, we believe the Rural Comprehensive Plan, especially the goals the objectives of that plan in terms of maintaining the rural character of the county, it is not obsolete. It is current; however, we do need to review – or would like to do a systematic review – of both airport compatibility plans for the New Century Airport as well as the Executive Airport in Olathe. With that, I’d stand for any questions you might have.

Ms. Miller: Chris has sent a message that he’s lost his audio. As the Chair, he would normally encourage a motion to forward the Annual Plan Report to the Board of County Commissioners with a finding that it remains current and not obsolete, particularly the goals and policies and action steps and also recommend updating the two airport plans.

Mr. Deters: So moved if that’s all right.

Mr. Meier: I second that. Do you want me to take the vote, Karen?

[Motion passes unanimously]

Mr. Leipzig: Thank you all very much for doing that. I appreciate doing the business for the evening. Next up is, I guess, the Director’s report.

F. DIRECTOR’S REPORT

Mr. Leipzig: This is just a very brief overview included in your agenda packet with applications received by the Board of County Commissioners from May 22nd through June 23rd. That’s the overview sheet that we provide to you every meeting. If you do have any questions about that, please let me know. I’m also pleased to say that the Board, we had our first in-person Board of County Commissioners meeting last Thursday, and it went very well, since the pandemic occurred. So, we’re still being very concerned with social distancing, the number of people in the room and that type of thing, but we were able to do it, and it was pretty effective. That was the first Board of County Commissioners meeting.

Also, our zoning board meetings for the month of June – and I don’t believe we have any scheduled for July that I recall – but we’re back to kind of normal operations. We have a meeting on July 1st for the Southeast Zoning Board. That will be an in-person meeting. We’re looking forward to that. It just makes it so much easier to have the meeting in person. So, we’re kind of resuming our normal operations.

The other thing to note is, because of the pandemic and the social distancing required and meeting through Zoom, the Board of County Commissioners is only meeting once a month. At this point, they’re back on their regular schedule. So, I guess in July we have…The Board would meet on…Their regular meeting is in September, so we’re kind of back on our routine schedule the way that things were before the pandemic. We’re slowly adjusting and getting back to normal, but things appear to be getting back on track and we’ll be able to get through those projects and through those applications. Any questions on that, or additional clarification?

Mr. Meier: Jay, I have just a couple of questions. Does everyone on the Southeast Consolidated Board know that our meeting on the 1st is actually in person?
Mr. Leipzig: That's a good question, Jason. I don't know if we clarified that when I had Sherry send out that reminder. I will do that. I was thinking about doing that, sending that reminder to let everyone know that that will be an in-person meeting. We had talked about the possibility of a Zoom meeting, but we never did clarify one way or another. I did confirm with Chief Francis that the meeting room is going to be open, for Fire Station No. 2, so we will be able to meet there. There will be limits in the number of people. I'll send out a reminder to the Board, letting them know that that will be an in-person meeting.

Just so you know, too, the public notice letters that went out assumed that it would be at the Fire Station building, with the option that it could be required to be on Zoom if necessary, but we won't need that option. So, the letters that went out, the property owner letters and the public notice letters that went out, said that it would be at the meeting room. So I will clarify that with the board members. The packet actually goes out tomorrow with that clarification as well.

Mr. Meier: The other thing I would just ask is that – and I'm just throwing this out there – I would think that we would want masks required. If people don't have them, we should have some there for them if they're coming in from the public. I don't know. I'm just throwing that out there, because that room is small, and I think we have a lot of applications on the docket, so we might want to at least...I don't think there's going to be a lot of social distancing would be my guess, so at least everyone could be required to wear masks to come into the room.

Mr. Leipzig: Yeah, that's a good point. That is another thing I talked with Chief Francis about. We'll actually have all the seating spaced out, so that it's at least six feet apart for each individual seat, so actually we're going to have the capacity be at about 20 people. We expect the maximum occupancy in the meeting room to be about 20, so with staff and the zoning board, we anticipate about nine or ten people, so that only leaves about 10 or 11 open seats for the public and the applicants. We may have to limit people as they come in the room if we exceed that, but that's a good idea to maybe have masks available. The County doesn't have a requirement on masks for public buildings, but it is certainly a good idea to have that available and encouraged. I would agree it's a good idea.

Mr. Meier: Okay. Jay, do you want me to wrap up the meeting, or...?

Mr. Leipzig: Let's see, one more quick announcement as well. The David and Julie Secrist application that was before the Southeast Zoning Board back in February, that item is going before the Board of County Commissioners on July 16th. That item was delayed due to the pandemic, and it was continued. There has been a protest petition filed for that case, so that will be before the Board of County Commissioners on July 16th. With that, Commissioner Meier, that completes my report.

Mr. Meier: Excellent, thank you very much. Are there any questions for staff at this point from any of the members? [none]

G. UPDATES/OTHER BUSINESS
[none]

ADJOURNMENT

[Signature]

Chris Iliff, Chairman

ATTEST:
Secretary to the Board