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
May 26, 2020
5:45 p.m.

Meeting held via Zoom Webinar

A. CALL TO ORDER

A meeting of the Planning Commission of Johnson County, Kansas, was convened at 5:48 p.m. on Tuesday, May 26, 2020, and was called to order by Chris Iliff, Chairman, with the following members present and participating: to-wit: Roxanne Morse, Mark Huggins, Pete Opperman, Dennis Bollin, George Lund, James Neese, Roger Mason, Dave Johns, Jason Meier and Henry Deters. Absent was Randy Hutchins. Also present were Jay Leipzig, Sean Pendley and Karen Miller, Johnson County Planning Department.

To reduce the spread of COVID-19, the Johnson County Planning Commission meeting will be conducted online using Zoom Webinar. The planning commissioners will not be physically present in the board meeting room.

If you are using Zoom, you may participate in the meeting using your computer, phone or other electronic device. If you e-mailed the Planning department in advance of this evening’s meeting and signed up to speak at the public hearing cases, your name will be called by the moderator in the order received. If you are unable to sign up in advance and you would like to speak, then prior to the start of the case that you want to speak on, click the “raise hand” function in the Zoom app. By phone, you may raise your hand by dialing "9."

All speakers will be limited to three minutes unless the Chair designates a different time period in order to accommodate all the speakers desiring to speak. When your name is called by the moderator, your microphone will be unmuted. Please state your name and address for the record, followed by your comments. For all board members and presenters, please state your name every time you begin talking so the notes can be transcribed for the record. This is a public meeting. We are presenting live and recording the meeting. Thank you.

Chairman Iliff: I'm now going to commence the meeting. It is 5:50 p.m. The meeting is now commenced. My name is Chris Iliff. I am the chairman of the Johnson County Planning Commission. I'm calling the meeting to order at 5:50 p.m.

B. APPROVAL OF AGENDA – Approved as printed.

C. CONSIDER MINUTES OF PREVIOUS PLANNING COMMISSION MEETING

Chairman Iliff: Next is consideration of the minutes of the previous Planning Commission meeting of February 25th. Boy, that was a long time ago. Do I hear a motion for the approval of the minutes of our last meeting in February?
Motion by Comm. Meier, second by Comm. Mason, to approve the minutes from the February 25, 2020, Planning Commission meeting. Motion passed unanimously.

D. PUBLIC COMMENTS [None.]

E. FLEXIBLE SUBDIVISION DESIGN IN THE PRUR, PLANNED RURAL DISTRICT

Ms. Miller: Thank you. We started talking about this subject clear back in February. The genesis of this subject is a recommendation from the Planning Commission's arterial lot subcommittee. They recommended that we consider amending the PRUR District to allow more flexible subdivision design in response to certain constraints, so that development in a rural district can cope with things like flood plain, site distance, and that type of thing. We started in February, and we looked at new ideas to discuss. This is one of the slides I used. The PRUR subdivision is ordinarily – and currently – required to have a local street. We will continue to allow that, but also proposed opening it up and making it a broader definition for the PRUR subdivision, and to allow lots to front onto arterial roads also. We are considering allowing PRUR to front onto arterials, as long as the overall density of the subdivision, the average density, is at least 10 acres per lot, because that is in keeping with the Comprehensive Plan.

Chairman Iliff: I have a preliminary question that may be helpful to people who might be watching this at a later time. Would you describe what a PRUR subdivision is, so that people can understand why this is relevant?

Ms. Miller: Maybe five, seven years ago, we adopted the PRUR zoning district, and it was first conceived to emulate a cluster subdivision. So, the idea of a cluster subdivision is that you have a local road and smaller lots cluster around the local road, but you have an overall rural density with some density bonuses, some prescribed density bonuses, to reward people for providing the local road. Our PRUR constraints were that those smaller lots couldn’t be any smaller than four acres, and they could have a frontage onto that local road of 150 feet. Generally, that’s what a PRUR subdivision looks like. In fact, I have an example right here. This is an example of Sunrise at Timber Ridge. It’s at 215th and Cedar Nile Road. It has been approved. I think it’s starting to be built out. All of these lots around the local road are at least four acres. And then, the overall density is 10 acres per lot, except that you get one extra lot for every 30 acres. That’s the current density bonus. Feel free, anybody who wants to clarify or ask questions, feel free to jump in. It will not bother me. We’re proposing to allow that to continue, allowing to have a subdivision that has a local road and the density bonus, but also allowing a PRUR subdivision to front onto the arterials and have more flexibility, but no density bonus. The flexibility would have limits, and it’s important to identify those limits to be successful with this. Our limits, so far that we know, would be that you can’t exceed the overall density of 10 acres per lot; you can’t exceed the average frontage per driveway to dip below the current requirement, which for a Type 1 CARNP is 330 feet, a Type 2 CARNP is 660, and a Type 3 CARNP is 1,320.

And then, in these intervening months that I’ve been at home and trying to identify how we want to control the PRUR, it’s become clear to me that it’s important to uphold the rural character and not promote a residential character. I’m going to show you some examples. I’ll skip ahead a little bit. Right here, this is 80 acres. It has an overall average density of at least 10 acres per lot, and it has an average CARNP frontage of at least 330 feet per lot. But, this here – these 7 lots – really establishes a very residential feel. I have a draft regulation that I’m working on with Public Works right now, and after I finish with Public Works, I will pass it to Legal. And then, hopefully next month, I’ll come back. To me, it’s become clear that it’s important to put more limits so we don’t allow these lots to concentrate and become an ad hoc rezoning to a residential district. That’s what I mean by upholding the rural character and not promoting a residential character.
And then, last time we commented that we should also figure out when using the PRUR subdivision would be appropriate. Under what conditions would we look to the PRUR district instead of using the RUR district? Looking at approved subdivisions and examples, it’s become clear to me that we should use it to maintain and enhance the rural character of an area. And then, provide flexibility and address other design challenges, such as – and these are the important things – environmental constraints like flood plains, streamways, or steep slopes; manmade constraints such as the location of structures, pipelines, or utility easements; minor dimensional shortcomings, like a short section; and then, safety considerations such as inadequate sight distances along access points. Those are some really good examples of when it would be very appropriate to use the PRUR subdivision.

And then, we should also always be sure to maintain that overall density required by the rural district, and uphold the overall spirit and intent of the CARNP frontage. What would not be consistent with the intent and purpose of the PRUR subdivision is to create that residential rather than rural character. I’ve got some draft regulations that I will be bringing to you next month, which will allow access off the arterials. It won’t allow a density bonus, and it will do those averages of the lot area and the frontage of the overall subdivision. And then, I’ll use the examples that we just looked at to create some further requirements that uphold the rural character and prevent concentrations of small, narrow lots. Here’s that example that we just looked at of what’s currently allowed. And then, this is just a reminder of what we did in February, since it’s been so long. We looked at four or five plats that have already been recognized as being appropriate and approved by the County, and we tried to find patterns. So, this is the Meek Farmstead. This is more than 20 acres for these two lots. This is State Line Road. This is a Type 1 CARNP, and there’s a stream coming diagonally across. This frontage is about 120, 150 feet, something like that. This area is over 10 acres, and this area is over 10 acres. So, on average, there is an average density of more than 10 acres per lot, and there’s an average frontage of more than 330 feet per lot. So, this is a very appropriate thing, and one thing that I’ve been basing my draft regulations on.

Also in the draft regulations, I’ll have a series of diagrams, and I’ll have a diagram that looks very much like this, which shows an example of PRUR subdivisions that are consistent with the spirit and intent of the PRUR district. Here’s another example. Here, this was an illegal division around an old farmhouse with a very nice asphalt drive. It came around here. This has been approved. This is about five acres. This lot is about 20 acres, so the average is over that 10 acres per lot. There’s a total of 860 here, so the average meets that 330 feet of frontage on the Type 1 CARNP, which is Antioch. This also is very much in keeping with that spirit of using the flexibility of the PRUR district. What we’re doing is we’re working around existing buildings and other manmade structures. In the regulations, I’ll have a diagram that looks very much like this, as something that is appropriate with the spirit and intent.

This is a mirror image of the actual plat. This is Adams Farm. This is kind of a hybrid of smaller lots and smaller frontages. The important thing to look at here is, look at this massive amount of flood plain. This is Antioch Road; 199th Street is here. There’s just a very small amount of buildable area, so these lots are in the neighborhood of six acres, with one really large lot. So, that overall average lot size is at least 10 acres. And then, there’s a massive amount of flood plain here, so they have had to swing some small frontages here. There’s about a 120 foot frontage, and about a 60 foot frontage. Overall, this is very appropriate. It works with the constraint of the massive amount of flood plain. We wouldn’t necessarily want this to come in if this was a flat cornfield without any design constraints, but since there is this design challenge, this is a very appropriate way to address that situation.
This is a stylized rendering of Hatfield Acres, which has just been considered by the Southwest Zoning Board. This has a massive design constraint. This is a Type 3 CARNP.

There are two Type 3 CARNP roads. If you’ll remember, each driveway onto a Type 3 CARNP has to have 1,320 feet of frontage. That’s a pretty stiff thing to meet. That would be about two 40-acre lots for this entire 80 acres. But with using shared driveways – these are driveways – you can meet that 1,320 feet of frontage and get five lots instead of two. So, this is a really good way to give a little more flexibility than the RUR zoning district would allow.

And then, the last example is Cox Family Farms. This has two interesting things going on. One, this is 199th Street. It utilized a shared driveway. Also, there’s a lot depth to width issue here. It’s more than 4 to 1. But, there’s a massive amount of flood plain in the back of the lots, so really, this is the only real buildable area and accessible area for these lots. So, this is a good example of when to use the PRUR district.

We looked at these examples last time and this is what planning staff has used to try and guide us, to figure out what flexibility is warranted. Those are some examples. Also, if we’re talking about flexibility, it’s important to take a couple moments and look at shared driveways and how much flexibility is appropriate, and what levels of flexibility are not appropriate with shared driveways. Planning staff worked extensively with Public Works to identify what are typically supported scenarios for shared driveways. Typical shared driveways approved by the County involve only two lots, not multiple lots. It involves some kind of width restriction approved by the County. We have a residential driveway detail that’s been adopted. That would be a good thing to follow. I mentioned the 60 by 30 feet last time. We’re currently working further with Public Works, and this may change and I’ll have more information next time about what they recommend as a shared driveway. And then, all shared driveways have frontage onto a street built to County standards, not another driveway. Some really good reasons for a shared driveway are: improved sight distance on a neighboring lot; for topographic issues like streams or flood plain; or to meet driveway frontage requirements like those Type 3’s that we looked at.

Here is an example of a shared driveway that we’ve adopted by the County. This is on Hedge Lane; this is Hedge Acres. Here’s the two parcels. Here’s the shared driveway. Hedge Lane is a Type 1 built to County standards. Compare this to what the County typically doesn’t support in terms of shared driveways. More than two lots sharing a driveway, a really long driveway, or lots that don’t have frontage onto a street built to County standards. These can cause some very difficult problems with County staff, and the County in general in the future. These are situations that have spurred the County to adopt street standards. When these configurations are proposed, building a street to County standards is usually the much more desirable alternative in terms of long-term maintenance, financial burdens on the landowners, and cost to the public at large. Because often what happens is, after a time, the financial burdens become too much for the property owner and they turn to the County, which is the taxpayers at large, to improve and deal with the road.

Moving forward the suggested flexible subdivision designs and regulations amendments will use those ideas about what is an appropriate shared driveway and what’s not an appropriate shared driveway. This is an example of a shared driveway not supported by the County. This is Painted M Ranch. This was a very nice existing asphalt drive, but it certainly was not built to County standards. This was not supported by County staff or the zoning board. The owner withdrew the application and submitted something that did meet the zoning regulations. Last time, we left it that it’s important to identify those other situations to be encourage or avoided. I looked at numerous examples, and also worked to develop some general diagrams. This is the very best I can do, but
this isn’t good enough for a zoning regulation. But the draft regulation has a spot to put some diagrams to encapsulate our discussions, and to remind people what’s appropriate.

So, just to summarize everything. Accommodating environmental constraints is an appropriate occasion to use PRUR district. Here is an example, with the stream and a narrow frontage; perhaps a big pond. This would be a smaller lot. But, on average, all of these meet the 10 acres and the frontage requirement. Swinging a lot line over for site distance, we’ve seen that before, is an appropriate time to use the PRUR district. Accommodating manmade constraints are another appropriate way to use the PRUR district. For example, this is Miller Estates. Also, providing some logical boundaries is another good way to use the PRUR district. For example, when people want to divide out the farmhouse from the pasture or field. These are all consistent reasons to use PRUR. An inconsistent reason would include a situation that creates an ad hoc rezoning by concentrating small lots with narrow frontages. Another situation that is inconsistent with the purpose of the PRUR district is when there is a lot depth to width issue that basically uses a driveway in lieu of a street built to a County standard. My draft regulations have refined this idea of lot depth to width. This is the last inconsistent way to use PRUR. If this was the first platting with Lots 1 and 2, and if this overall average density was at least 10 acres, but you came in and you replatted a very large lot, and if you increased the density of this original subdivision so the density was more than 10 acres per lot, that would not be an appropriate use for the PRUR zoning district.

And then, this is what I’ve been doing. I’ve been sketching out examples to try to get a feel for what’s appropriate, not appropriate. Here’s our standard for comparison, the typical 330 x 1320, 10 acre lot, along an arterial street. Or perhaps it’s this way, where the short end is abutting the arterial street. Then it would be a 330 x 2640. That’s 20 acres. And some patterns became apparent. This example shows the residential character that I found. And then, in this example, this lot has a lot depth to width greater than the 4 to 1 that’s required, but you’ll notice something about this; it does not have a very narrow stem. This stem is very wide and basically functions as another lot. It is identical to this 10 acre lot that is acceptable. So, perhaps a lot width to depth ratio greater than 4 to 1 is okay if the stem is at least a certain width and a certain depth. Because in this instance, you could usually easily come in and redevelop, replat at a later date when it is more appropriate. As opposed to something like this example. If this is the arterial, this would not be something appropriate. This stem is a driveway in lieu of a street. That’s just a preview of what I’ve been looking at and what will be driving some of the regulations that you’ll see when I come back next month. Thank you.

Chairman Iliff: Thank you. I have a question. I’ve seen a lot of diagrams here, and the diagrams are extremely helpful in visualizing what is and isn’t acceptable. Are you going to be able to actually trim those into words that can…? Have you done that?

Ms. Miller: Yes. I have a draft. And it may or may not hit the mark. I think it’s okay, I think it works. But once Legal looks at it, maybe they might find some things that I haven’t seen. And then, after that, once the Planning Commissioners look at it, you might see some problems that I haven’t seen.

Chairman Iliff: Okay, thank you. I open it up to the Planning Commission. Any questions or comments? [None.] I assume everyone knows how to unmute themselves, so I am taking the lack of comments as a general commendation for the work that you’ve done here tonight. Thank you very much, Karen.

Ms. Miller: I’d just like to comment that this is a little different format. If for some reason it’s confusing or you’re not following, feel free to give me a call. I’m not in the office every day, but
leave a message and I will call you back. If you'd like to meet and talk about it, we can do that, too, for anybody who is interested.

Chairman Iliff: I want to check in with our moderator and see if there is any member of the public here who would like to comment on this flexible subdivision design.

Ms. Davis: There is none, sir.

Chairman Iliff: All right, thank you.

F. DIRECTOR’S REPORT

Mr. Leipzig: Good evening. I want to make a comment about working with staff, and you all, the zoning board members. It’s been a very difficult time to make the changes that we need to make in terms of providing input for everybody, keeping the process as fair and open as we possibly can. At the same time, continuing to process applications, including the staff reports, and assume our normal essential cuties. With that being said, I think we’ve done remarkably well. In your packet are the applications that have been reviewed by the Board of County Commissioners. In light of the pandemic and some of the recent discussions, the Board was meeting twice a week to get updates from the health department regarding what the County was doing, so we limited things to one meeting per month. We had a meeting May 7th. We have another meeting scheduled for June 4th. And then, because the budget process was delayed, the Board meeting for planning items will actually be June 25th. So, the thought being that the July meeting is really going to be focused on budget, as we go through that process. So, it’s been a learning process for everybody, trying to get these dates straight, and I think we’ve done that. Things seem to be moving along. We’ve had several zoning board meetings, a couple Airport Commission meetings. We have another Airport Commission meeting tomorrow morning. All are being done by Zoom. So far it seems to work fairly well. I know the board has talked about possibly in August, going back to a normal meeting format, or some kind of combination Zoom/physical meeting. We will keep you posted on that as that changes and becomes safe to do that. I know everyone is excited to get back to a new sense of normalcy with our meetings. Are there any questions?

Chairman Iliff: I would say that everybody is struggling through is pandemic. Businesses are trying to stay open. Everybody is trying to keep their head above water. As it turns out, Zoom has become a surprising but essential part of our daily lives, for many of us. I do appreciate the County taking steps to make this meeting possible, and I think there may come a time where we have to consider whether we would do this on a regular basis. Not on an every-meeting basis; I think there is great value in getting together several times a year, but there is also tremendous efficiency in a meeting like this. I don’t feel that I missed anything in Karen’s presentation that would have been improved by having been in the Johnson County board meeting room. I think this has been excellent, helpful, useful and efficient. So, we will have to consider this in the future. Maybe we do this every other time, or every third time, or we only meet every third time in person. And it’s not because of the pandemic. That will pass. It’s simply a recognition that it takes a lot more energy, and our carbon footprint is expanded dramatically by meeting in person. So, there might be a way for us to do that. But that’s not a decision for me to make. It would be a decision, I think, for the Board of County Commissioners, and for us as a board to make. I just throw that out there as a thought.

Mr. Leipzig: Thank you. I would say that the County as a whole is also rethinking our work practices in terms of meetings, and yes, it has been discussed quite a bit, about how we can either have more remote work opportunities, looking at limited staffing in the office. And then, utilizing Zoom or teams or some other software product for distance meetings. It seems to be working very well.
Moving on to item number 2, I wanted to provide a quick update. One of the things I would like to talk about with this Commission in the future is updating our Comprehensive Plan, and doing a significant update to that document. We did a minor update to the policy areas in 2015. Actually, it was a fairly extensive update to that document. But we haven’t done a complete review of the Comprehensive Plan or a complete update of that document in quite some time. I wanted to put that out there. My thought was to discuss that with the Board this year during the budget process. However, in light of the pandemic and what has happened, our budgets are constrained and very, very tight, decided to delay that for this year. But one of the things I’ll be talking with the Board about is doing an update to the New Century airport plan. I think with some of the activity that’s been going on in Gardner, I think it’s time to really look at that. We met this morning with the city administrator of Gardner to talk about that, how we begin that process, whether it’s working with Planning Commission members as well as Airport Commission members. We haven’t got down to that level of detail yet, but it’s something we did want to talk about and at least begin to have those discussions and put it out there. But I wanted you to know we’re starting to think about that, especially as we move into our budget season, or that time of year. I think it’s important that we stay ahead of that.

And then, next month, we will have our annual update of the Comprehensive Plan. This is a letter that we present every year in May or June that basically reinforces that our Comprehensive Plan is up to date. We will have that for you at our next meeting, and we will discuss that at that time.

Comm. Neese: A question regarding the New Century airport. How do you interface with the airport authority with any changes at the airport?

Mr. Leipzig: They are very supportive and want to become involved in that. We’d have to obviously involve them in the process as we move forward, with some Airport Commission members being part of that review team. I do know they’ve been very receptive to doing that and want to sit down together. Another entity that we should visit with is the City of Olathe. There are areas over there that they would want to be involved with, too. Any additional questions or comments? [None.]

G. UPDATES/OFFICE BUSINESS

Chairman Iliff: I think Mr. Leipzig has covered that pretty well, unless you have something further, Jay.

Mr. Leipzig: No, that concludes my report.

ADJOURNMENT

The meeting adjourned at 6:33 p.m. The next regularly scheduled Planning Commission meeting is June 23, 2020, at 5:45 p.m.

Chris Iliff, Chairman

ATTEST:

Secretary to the Board