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
August 22, 2017
5:45 p.m.

A. CALL TO ORDER

A meeting of the Planning Commission of Johnson County, Kansas, was convened at 5:49 p.m. on Tuesday, August 22, 2017, and was called to order by Chris Iliff, Chairman, with the following members present and participating; to-wit: Marc Huggins, George Lund, Teri Atwell, Randy Hutchins, Jim Neese, Henry Deters, Roxanne Morse and Roger Mason. Dennis Bollin, Pete Oppermann and Jason Meier were absent. Also present were Brian Pietig and Paul Greeley, Johnson County Planning Department. Leslie Davis served as secretary to the Planning Commission.

Chairman Iliff: I'll call the monthly meeting of the Johnson County Planning Commission to order.

B. APPROVAL OF AGENDA

Chairman Iliff: Any changes to the agenda? [None.]

C. CONSIDER MINUTES OF PREVIOUS PLANNING COMMISSION MEETING

Chairman Iliff: I have a copy of corrections that have been suggested by one of our speakers at last month's meeting. So, before I ask for approval or amendments or changes to the minutes of last month's meeting, I'm going to ask Ms. Berggren, are these changes that you have suggested?

Julie Berggren appeared before the Planning Commission and made the following comments:

Ms. Berggren: Yes. Leslie went back and verified.

Chairman Iliff: I have reviewed those and don't have any objection to the changes you suggested.

Minutes for the July 25, 2017, Planning Commission meeting were approved with the changes suggested by Ms. Berggren, and including noting that Henry Deters was present at the July 25th meeting. No vote was taken.

Chairman Iliff introduced Henry (Hank) Deters, a new member of the Planning Commission. Mr. Deters provided a brief background of himself.

Chairman Iliff: Also, we have had significant changes in the Planning Department since our last meeting. We have a new Director of Planning. Ms. Ferguson, please brief us on Mr. Leipzig.

Penny Postook Ferguson, County Manager's Office, appeared before the Planning Commission and made the following comments:
Ms. Postoak Ferguson: I am happy to announce Jay Leipzig as the new Planning Director, effective September 11. So, he will be at your next Planning Commission meeting, as well as the joint meeting on September 21st. He is currently at the City of Belton, Missouri, as a community and economic development director. He had an interest in coming tonight to hear discussion we will have on development issues, but he is getting recognized at the Belton City Council meeting tonight. Mr. Leipzig has been there since 2008, and has worked for the cities of Independence and Des Moines in various capacities. He has also worked in the private sector as a principal planning project administrator. Also, years ago, he worked at the City of Lawrence, where he first began his career. He has a Masters in Planning from the University of Kansas, as well. So, you will meet him soon. Chris was on our selection panel and gave advice from the perspective of the Planning Commission, and I appreciate that. Thank you.

Chairman Iliff: Thank you. I look forward to working with Mr. Leipzig.

One other off-agenda comment I will make is, I think everyone knows that there was a pending case in the District Court between the Board of County Commissioners of Johnson County, essentially, and the KC Pumpkin Patch, doing business as KC Wine Company. That case went to trial and resulted in an opinion that has now been published. Suffice it to say that the charges against KC Wine Company were dismissed by the court. In a lengthy 21-page opinion, in which he evaluated all the legal arguments, which occurred here off and on for the last several months, he evaluated both sides' opinions and concluded in favor of KC Wine Company. I'll say nothing more about that.

D. PUBLIC COMMENTS

This is an opportunity for members of the public to address the Planning Commission on an item which does not appear on the agenda. Comments are limited to five (5) minutes.

Kirk Berggren, 11917 Gillette Street, Overland Park, appeared before the Planning Commission and made the following comments:

Mr. Berggren: Julie and I want to thank you all for the last four years, working to pass a resolution or the ordinance change that you did last month. Brian, thank you for getting in the middle of all this, beating your head against the wall, and trying to herd cats. We appreciate it, although we didn't always say that.

A couple things we wanted to say. If you read the opinion, it's interesting. They basically said we were following the law, which you've heard from Julie and I for four years now. We never argued agritourism at all, but one of the statements that the judge made was, even if they didn't get the agricultural exemption, they would have been exempt under the agritourism statutes. And we never even brought it up. We were just arguing it as straight agricultural, from the laws.

So, the reason I bring that is because there has been a lot of discussion of agritourism and the amendments that are trying to be made here, and how that will be regulated on the County level. I want you to consider that this decision kind of made it plain that that also falls under the state jurisdiction, not the county jurisdiction. So, instead of wasting four more years, and then, someone like me who has an agritourism business has to go through the legal expense and time that we had to, to get the ruling that we got, I think is wrong. So, if you were simply to make another ordinance that said you think we should follow state statute and policy regarding agritourism, I don't think that would be a bad thing. That would save a lot of headache for a lot of people, and that would give direction to County planning staff, so then, you're not beating your head against the wall, fighting people like me who want our property rights.
That’s all I have. Thank you for your help up to this point. We’re glad that you passed the ordinance that you did last week. The next process is that the Board of County Commissioners gets to vote on whether they are going to appeal the decision of the district judge. That’s the next process. If they decide to appeal that, it goes to district court, and then to the appeals court, and then to the state supreme court, if everybody wants to continue to do that. Just for your information. Are there any questions? [None.] Thank you very much.

Byron Finley, 39875 West 159th Street, Edgerton, appeared before the Planning Commission and made the following comments:

Mr. Finley: I see on the agenda that there is general discussion regarding development patterns and trends. I have more questions than answers, and would like to know where things are at. In the past, there have been a lot of piano key lots that have been divided up. Parcels have been divided up into smaller lots, and we end up with a lot of driveways, a lot of mailboxes on narrow roads. Our farm is on 159th Street, on the west end of Johnson County. There’s 80 acres that was divided into piano key lots, so everyone has their mailbox at the end of the drive. The mail box is basically two inches off the white line, and it makes it really difficult to get up and down a fairly heavily-traveled road with farm equipment. Farm equipment is usually 10 feet wide or wider, say, 14 or 15 feet. And when you have oncoming traffic, you have to basically stop in between mail boxes and wait for the traffic to pass.

On the flipside, I’m a property owner, and I believe in property owner rights. I believe that people should be able to make the most of their property, whether it’s production, or they’re trying to sell it. So, at the same time, I think there has to be some give-and-take. There’s been discussion about interior roads into property that has been developed, and it seems like it’s the landowner’s responsibility to pay for all the cost of that roadway. But, at the same time, the County gets a boost in their tax revenue because of the smaller parcels, because of our houses being put in, and I think there should be some shared responsibility between the County and the landowner.

That’s pretty much all I have to say at this point. I’ll be interested to see what else you have for discussion. Thank you.

E. GENERAL DISCUSSION REGARDING DEVELOPMENT PATTERNS AND TRENDS

Mr. Pietic: This will just be a first conversation. Tonight, we don’t have an expectation, and we’re not asking for any decisions. We’re just trying to get everybody educated. That was a great conversation on the general issues on the development that we see in the county.

On September 21st, we are planning a workshop, where we will have this same conversation with the full body – all zoning boards, the Planning Commission, and Board of County Commissioners. Get everybody there. We want you to hear this conversation first. This is the body that gives recommendations to the Board on how we want our regulations to look, and how we want the county to develop. So, we’ll start with this conversation here. We’ll see what thoughts and comments people have. On September 21st, we will continue the conversation with everyone, and get thoughts and comments on that.

So, you have the memo, and again, the issue is that over the last several years, we have seen significant increase in property owners requesting to subdivide their land into 10 acres, or piano key lots, which take direct access onto arterial roads. These require rule exceptions and waivers, and it begs the question of, while we’re constantly granting waivers and exceptions, do we need to review what our regulations say? Paul, can you help me? This week, we found an old memo, so, this isn’t the first time this issue has been discussed. It’s been a talked about for decades, as
to how we want to see the County develop. Paul is handing out a memo from 2001, where the goal of this was piano key lot regulations. Regulations were established, and you'll see in the first paragraph that it says, “The changes reduce number of driveways allowed onto CARNP....” Flipping to the next page, at the bottom is a great summary. It says piano key lot items 1, 2, 3, and on the next page is 4. It goes through some of these issues with piano keys, how they surround, they can cut off agricultural lands from County roads; how they can impede future suburban development patterns; they can create an inefficient subdivision pattern that is problematic for the extension of urban-level services, such as sanitary sewers. Fewer sanitary sewers could threaten environmental quality because most soils in the County have limitations for on-site wastewater disposal.

The fourth one is the one that we tend to focus on, which is the access points on the county arterial roads, which can impede efficiency on the traffic flows. Mr. Finley brought up the issue of mailboxes. Well, there are garbage trucks, there are school buses. Each house, when a traffic engineer looks at it, develops about nine to 10 trips a day. That's nine to 10 times that there is a conflict there at different access points. It's an issue. What's came from that is that the Planning Commission recommended - and this is a [inaudible] version - that you can take one lot, a legal lot, and divide it into two parcels. And everyone's probably seen an application that comes along where somebody takes their 80 or 40 acres and has them subdivided, and they chop it one time. Beyond that is when you need to follow regulations, start building internal streets, and you have to divide it in a different manner.

So, that's the history, that's the background, and those are the regs that have been in place since these were adopted, I believe in 2002. And what we have seen recently is folks coming in with 80 acres, 40 acres, chopping it up, and zoning boards recommending approval, county commissioners recommending approval, and it's putting us in a position where we're doing exceptions and waivers. So, that's fast-forwarding to today, and with that, I'll stop there. We have had several long discussions with your zoning board members on development and how we want the county to look. How should the County be taking on these types of developments where somebody wants to plat up their 40 or 80 acres? I'll stop there and see what kind of thoughts folks have.

Comm. Hutchins: So, I understand that you can divide your land into 10-acre increments. If you have 80 acres, essentially you're dividing it into 8 different plots. Is that correct?

Mr. Pietig: It's not quite that simple. If you have 80 acres and want to divide it up into 10's, you can do that, but what the regulations will guide you towards is building an internal street that they take access on, focusing that tract into one point onto an arterial street. And the reasons for that are, if you look at these four on that page, it is a development pattern that gets the houses all facing the same direction. You start eliminating things with side and back yard conflicts. It's a more communal type of development.

Comm. Hutchins: Okay. The part that confused me was the bonus lot. So, using that example, 80 acres, 8 lots of 10, how does the bonus one factor into that? That wasn't clear to me.

Mr. Pietig: That may be the reason for the bonus lot.

Mr. Greeley: Back in 2002, or before that, it was pretty much a standard to do the piano key shape right out on the arterial. In studying that issue, and the Planning Commission ultimately, and the County Commission recommending, we're just going to allow one into two with the direct access to the arterial, going forward.
Comm. Hutchins: You say one into two, is that 80 acres to two 40 acres?

Mr. Greeley: Or some combination. Not one into 8. The thinking was that this was going to add additional costs to allow the 80 to break down, or the 40 to break down, into 10's, and that by giving a bonus lot for every 30 acres, that would help offset the costs of building that street. So, if you had 80 acres and you got 30 acres twice out of 80, you could actually have 10 lots. Now, they're not 10-acre lots anymore, so there are some standards about size, no less than four acres, but one could have up to 10 lots with, again, the expectation to help offset the costs.


Comm. Morse: Since this was implemented 2002, has it been utilized? Has there been an improvement? Is it working at all? Obviously, they're looking for more improvement. How has it worked? Has it worked as expected?

Mr. Greeley: There have been a few, not a lot. We had some other things that happened since 2002. Of course, we had the downturn in the economy and saw quite a reduction in the number of plats, large-lot subdivisions that came in during that period. But, we still had people coming in, asking for that piano key shape. Often, they would offer a shared driveway. That concession seemed to carry the day with the decision-makers, the zoning boards and commissioners, and even staff, to some degree. We felt comfortable with that. But, we've come to realize that while that may reduce the number of driveways, it's still a pattern of development. Is that really the pattern that Brian was talking about early? Is that really what the County's vision is for the rural area?

And, more recently, in 2016 and again this year, we just saw a really steep increase in the number of applications. Again, and folks not saying, "I'll build that street. I just want to do the piano key, and I'll share a driveway," and that kind of thing. That's really why we're having this conversation.

Comm. Neese: Paul, I think I asked you this question. A piano key definition is not necessarily the 10-acre lot. Is that right? Piano key lot, for example, we've had some of our, come through our zoning boards that are over 10 acres and they're not your normal 333 feet wide and 1300 feet deep. So, what is your definition of a piano key lot?

Mr. Greeley: Well, I think piano key can be described in a number of different ways. But, in this conversation, and in our experience here, it's with a 10-acre increment, or one increment above that. A 20-acre piece that comes in and may be close to meeting that 1 into 2 with shared driveways, idea. But, the expectation is that a future owner will turn around and replat that 20 acres to 10. So, the expectation is that you will be in a piano key scenario.

Comm. Neese: I spent some time in Atlanta. My daughter lives in Alpharetta, north Atlanta. Pretty heavily populated. And there is a big segment of that area that has some dense population areas, but it also has hundreds of 5-, 8-, 10-acre, 20-acre "farmettes," if you want to call them. It's horse country. And my question to you is, to go along with what he said, some flexibility there, does County staff say, "Hey, this portion, it's not wrong to look at some of these when they come to the county zoning boards, and they make a determination and send it on to county commissioners?" In other words, is there some vision of an area that is not going to be a very dense populated area? Because where I live — and I'm not against regulating a piano key lot. But, in our area, you have a tremendous amount of area that, with farms running through of it, and hundreds of acres. And no sewers. Outside of Olathe school district. There's no infringement upon De Soto to the south. Olathe city has no interest in going west of, you know, Cedar Creek. So, I guess my question is this: Is there anything wrong with what we're doing now? And, does staff have a feel
that there could be some flexibility? In some of the rural area, it's not going to be one house on
every acre and a half. There are some areas where, if a fellow has 40 or 50 acres — we just had
this right down the street. The county commissioners approved 17 lots on 60 acres, coming out
on a CARNP road, but it's a dead-end road. And they approved it, but they couldn't get the funding
to put the internal street in there. So, are you guys [inaudible] on this, or what?

Mr. Greeley: Well, you mentioned a number of things there that are important to have a
conversation around, about what do we want to look like as a county, first. Just generally. And,
make sure we're all on the same page on that, the concept. And then, to also understand that the
County wastewater district has had plans for years for most every part of the county that could be
sewered, if development occurred. That's way out there, 30, 40, 50 years. So, then there's this
question about division. How far are we planning out? Then you talk about, okay, there are some
areas that that just doesn't seem like any of that is going to happen, what you mentioned over
west of Olathe, and all that. Although, I will say that Olathe seems to be interested in some of our
development proposals. As you know, they do weigh in. So, just to say that they're not interested,
I would like to have them at the table, versus we just assuming that.

Then, there are areas that are maybe just way, way too far out there to say we need to hold the
line on this one into two, no driveways. That takes a special type of a study, more of a finer area
study. CARNP didn't do that. CARNP is our road system that established the Type 1, Type 2 and
Type 3 roads, and it really didn't get into that level. So, that's a conversation. And I didn't write
everything down that you mentioned. Important things. Those are important. All those things you
mentioned, had a conversation about. Is staff dug in on this? I don't think we're dug in. It's just
what we have now, which is our comp plan and our regulations, that tell us what we're supposed
to tell people, and tell us what we're supposed to say. And until those change, we're kind of stuck
with that. So, it begins here. Are we going to stay with that? Are we going to look at something
different? There are options and ideas out there that we've started talking about a little bit, and it
just depends on where you want to go as a group.

Comm. Neese: Do you think with some of the things that, you know, and I can only relate to my
zoning board, and I'm talking about 159th and — whatever. But, hasn't the local zoning boards, you
know the discussion we've had. We don't do it flippantly, right? You can't have — It's not the army.
You know, I was in the army for a long time, and everyone went to dinner at five o'clock, and you
wore the same outfit. For our county, you have to have basic rules and regulations, but you have
to have the mindset that some places in the county are not going to fit the basic rules. You have
to have a mode in order to mold that area to fit demographics for the needs of that area. And I
don't think you're proposing a hard-and-fast rule, are you? You know, if I've got 40 acres, and I'm
on a dead-end road, and I got an internal street, and there may not be sewers or anybody coming
there for the next 50, 60 years, I mean, you're not suggesting that we entertain that, are you?

Mr. Pietig: We're not proposing anything tonight. But, you talk about hard-and-fast, and you are
correct. I wouldn't call it hard-and-fast, but we have a rule that's applied across the county, and
that can make it difficult when maybe you're in an area that's very rural. Now, I don't know that I
can say that I agree that some areas are never going to develop. I thought the southwest area
was never going to develop, and now we have the Burlington Northern intermodal facility, and it's
in its infancy. That whole area is developing like crazy. Even in the northwest area. You have the
Sunflower Army Ammunition Plant, and someday that's going to bust loose, and what's going to
happen there? Going with what Paul was saying earlier, it's that vision, it's how far you want to
look. I hear the comment you're saying, which is, so, we have this whole unincorporated area, still
43 percent unincorporated, and we essentially have the same regulations across there. And when
you get into an area that you might feel is extremely rural, somebody has 40 acres -- we saw that recently, they wanted three lots. That caused the zoning board a lot of conflict. It was a two-hour conversation about that, and there's a lot of conflict and discussion as to what's the right thing to do. What do we want to see out in the county? So, it's not that we're hard-and-fast, but we do have one set rules that's applied across.

Chairman Illif: I recall the discussions back in the early part of this century with regard to this. [Laughter.] And I participated in those. I was in the incorporated area for 32 years, and Overland Park now has done island annexations, voluntary annexations to the south of me and to the north of me. It's very interesting to watch all this development take place, and I'm not opposed to it. I thought island annexation was premature because it is the very definition of leapfrog development. But, nevertheless, it is now going on, and Rodrock Development Company has about 20 houses with foundations in, and what will soon be a 700 or 800-house subdivision surrounding areas that are extremely rural in nature, with very large-lot homes, such as my own.

So, now we are confronted with reality, whereas previously, we were only talking about theory. And I supported the regulations that would limit piano key lots for all the reason that have been discussed previously here tonight. Especially on arterials, there's a very serious safety issue with regard to the number of driveways that are coming out onto the road. I also think that there's -- and this is, again, not a theory, but reality -- the fact that they can surround agricultural areas, or areas that would be perfectly appropriate for more intensive development when sewers arrive, and they're almost inaccessible because of the fact that they have these piano key lots bordering them on two sides, foreclosing the development that goes on there. And it means people don't look at those areas to develop because of previous, perhaps unwise development patterns that were permitted.

I'll have to say this, also. When you see the amount of money that a guy like Rodrock is putting into his subdivisions, with the curbs, and the gutters, and the lights, and all the infrastructure and streets and everything that goes on there, only two or three exits onto arterial roads for hundreds and hundreds of houses, you have to say, with regard to those who say, "I've got 80 acres, and I want to develop it right now, but I don't want to put a penny into infrastructure. I don't want to build a road. I don't want to build a curb. I don't want to build a gutter. I don't want to incur engineering costs. I want to just do what I want to do. And I don't really care what people 50 years from now think." It's development on the cheap.

Now, in certain areas, Mr. Neese, I would agree with you that that's probably not a valid argument. But, I can tell you where I live, in the eastern part of Aubry Township, it not only is a valid argument, but we are constrained by previous poor decision-making with regard to piano key lots. And I'll even throw in a judgment here. They're not very attractive. They're called piano key lots because they're all cookie-cutter lots with no thought, no engineering, no design factors, no features built in at all. So, I think we should never lull ourselves into a position where you can't make an exception. I think we ought to realize when we're making an exception, it's because the condition is exceptional, and that we ought not to say to someone who says, "Well, it's my land, and I should be able to do whatever I want with it," to say to them, "Well, you need to rethink this in a way that is good not just for you, but good for the people that you're going to be selling the lots to, and to the community in the future." I am surrounded by a large farm on two sides of my property, and if those were cut into piano key lots, it would foreclose the possibility of my land ever being developed with egress to an arterial road. And to say that the developer, "Well, you need to develop with interior roads, and you need to stub streets so that the undeveloped property next to you can be developed and can use the roads that are available in order to get ingress and
egress to their land," it’s just forward thinking. It’s just thoughtfulness. Without foreclosing the exceptional case.

So, I would like to see us adopt – if we do anything – adopt rules that discourage piano key lots, especially in areas that are likely to see a significant development in the next 10 years. And if that limits a particular landowner from doing what he wants with his property because he doesn’t have the money to meet the design criteria that would be recommended by the Planning staff, what I think that says more than anything else is that it’s because it’s a premature time to develop, and that maybe the passage of time will benefit everybody, not just the landowner. So, I’m a strong-on-property-rights person as you’ll ever meet, but when it comes to development, I think that we all ought to realize that there’s more at stake than just a single landowner. We have a community to consider. And where we develop with piano key lots, we have basically said to the future communities, "Well, you’re just going to have to live with the bad design that we permitted in 1980, or 1990, or 2000." I don’t think that’s a very good idea, and I think that a Planning Commission, if it’s going to be a Planning Commission, needs to think about planning.

Comm. Neese: I agree with you. The only concern I have is, there are certain areas where we have to have the ability to make the exception. The zoning board out where you live allows a bunch of piano key lots, that’s their decision, right or wrong. We can give guidance, maybe. I think we already have that. In our zoning board, we hear from staff, "We don’t want these things." And in certain areas like where I live, where land costs $23,000 or $24,000 an acre, and you drive around within three miles of my house, the folks that are on the 5, 10, 15, 20-acre lots are not eyesores. They have a sense of community. And my only thought is that there’s not going to be sewers there in your lifetime, or mine. And my only comment is that there be an ability to make an exception for the recommendation that we made for the County in general. That’s my point. Other than that, you know, I agree with everything you say.

Chairman Iiff: I agree with what you said, Mr. Neese. Any other comments?

Comm. Hutchins: Yes. I agree with what you’re saying, but let me say this: Not everybody wants to live in a Rodrock community. There are many people who want 10 acres, they want their horses, they want their 4-H animals. And I don’t think we need to force people into a cookie-cutter model that appeases that certain demographic. I think there’s got to be a balance, and I think that’s part of the challenge of this staff, is to figure out how to strike the balance. There is a place for the Rodrock communities, but there’s also a place for people who want 10 acres.

The other thing I want to say is this: I’m certainly not in this position, but there are some farmers in the area that that land is their 401k plan. All right? So, is it fair to tell that farmer who wants to retire, that you can’t sell that piece of land until Rodrock is ready to buy that, and do gutters, and the sewer system, and everything the way, you know, a certain group wants it? And I don’t think that’s fair. I do agree with you. I think if you’re going to put X number of homes in a concentrated area, that’s going to probably drive what you’re saying. So, perhaps it’s a tiered model. I don’t know. But, at the same time, that retired farmer – going back to what Jim was saying – that retired farmer has been paying taxes for how long on that land? And now, you’re going to say, essentially, we’re going to tax you even more by saying you have to put the expense of an arterial roadway in there if you want to sell those lots. I mean, how does that position that individual financially? In your case, that individual couldn’t afford it, right?

So, I think going back to what Brian said initially, there has to be a happy medium. And I agree with what was said. We need a plan. What is the plan? What is that long-term plan? And it can’t be one-size-fits-all. There’s going to have to be some latitude in terms of how we tier it down.
Chairman Iliff: I'm sympathetic with what you just said, and I think when the farmer wants to sell his land, he should be able to sell his land. But, if he wants to develop the land, then I think that putting certain minimum development criteria in there is a reasonable sort of thing for the County to insist on. He's paid his taxes all these years, and he's entitled to develop his land, but not at the cost to the County and to the tax that he puts on his neighbors 20 years down the road. I think there just needs to be enough foresight here to recommend that a certain amount of development of interior roads be necessary. For example – and this is a 32-year-old example of where I live – there are seven homes on a private drive that I live on, and there's one exit onto a half section line road, 171st Street, for those seven homes. The reason it's a private drive is because the developer didn't have sufficient wherewithal to bring it up to County standards and make it a County-standard road. But, nevertheless, the seven people go together and pay for the maintenance of that road. It is much safer – much safer – for the people of our community, and we have a much better-looking community as a result of this. This wasn't done with a lot of foresight, and it was done about as much on the cheap as you could make it. But, I think the ultimate result is one that is better for the future, and for the community.

But, the people to the south of me and west of me, if there are nothing but piano key lots, it would mean that there would only be one way of ingress or egress, and my 10 acres could never be developed. Ever. I could never do a lot split that would result in more houses going onto a private drive. The County couldn't permit it. But, if they are developed in a normal sort of way behind me, then my 10 acres could result in 5, 6, 7 houses at some time, again, in 20 years, 30 years in the future. That would be part of another development. I completely agree with you. I wouldn't want us to live in a Rodrock development. I don't, myself. But, the point is that if that's what is going to be around me, my children, when they inherit my land, should be able to develop it in a way that isn't constrained by thoughtlessness with regard to the development plans of – But, it's Overland Park. I'm not in Overland Park, I'm next to Overland Park. When I shoot my shotgun on my property at [inaudible], I shoot it in the county, and my pellets land in Overland Park. [Laughter.] And that somehow gives me some kind of emotional satisfaction. [Laughter.]

But, at any rate, the point is, my sense is that most of us are in agreement that piano key lots are not ideal, and if we can put that into a planning document that limits people in their applications for it, I think we're doing the County, and the future cities that will be taking over these parts of the county, I think we're doing a service for the future.

Comm. Huggins: I think I'm in kind of a unique position here because I built my house on a piano key lot that I platted about 30 years ago, and I'm very happy with it. But, I derive most of my income from development. I've always seen these splits hinder development. I don't have a hard-and-fast position on this, but one thing I have observed is that as new areas develop that have small parcels split on them, like somebody had a family farm and they wanted to give their kid five or 10 acres to build their house on, it actually devalues that five or 10 acres because, you know, they put a house on there that may be worth half what the houses in the developed lots are going to be worth. And it's rarely economically feasible to buy that five or 10 acres, take down that house, and develop it. So, in the end, it's hard to use those small parcels when you develop.

One concern I have with the public roads on the splits is some of the costs that are incurred. For instance, right now, the fire codes are much more stringent. I would say a majority of the houses that we have in the rural part of the county wouldn't meet the fire codes that are in place. And if you develop a street, whatever the standards are on the street, and it's required to meet the current fire codes, it's going to be extremely difficult to do. The impact of that alone may be to stop rural development. I think a big consideration is going to be the standard of the street, and
whether the County will consider private drives that are maintained by the residents. I don’t know if that’s part of the equation in any way. I assume we’re probably talking about gravel roads with roadside ditches for most applications. I’m not sure, and I’d like to hear what that might be. The standard for the streets.

**Mr. Pietig:** For a private street?

**Comm. Huggins:** Either private or public.

**Mr. Pietig:** So, Public Works has an adopted set of standards for subdivisions streets, asphalt streets. We used to have gravel roads as one of our standards, and that was interesting, because the first phone call I got from that gravel road was the person asking me, when are we going to pave it for them. So, when we buy our lot on an asphalt road, I pay my developer, through my lot, to have that road paved. And if you live on an asphalt street, you paid to have that road paved. And if you buy a lot on a gravel road – and I’m not talking about internal. If an internal street is a gravel road, you paid for a gravel road, and it’s about one-tenth of the cost. So, when those folks get together and they say, “We’ve been paying taxes for 15 years, we want this road paved,” the County – and that means all of us – subsidized their getting that street paved. So, we have paved standard, and that was a standard that was [inaudible].

Private streets are allowed. They need to be at the same standard as the County. Some of these private streets do things sometimes on the cheap. I get probably two or three calls a year from folks who bought a house on a private street, not knowing what they got into, and they’re literally crying because they can’t get along with their neighbors as to what standard that street should be kept. They don’t get snow service. They don’t have a four-wheel drive vehicle, they can’t get out. It’s potholes. They want to do something. Their neighbor is happy with it. He lives on the front end and doesn’t have to drive over it. So, private streets, you can do it, but they need to be built to County standards. And after that, the ongoing maintenance can be a very cumbersome issue for folks that live along there.

**Comm. Huggins:** I don’t doubt any of that for a second, and I was aware of most of that. I think we need to consider the fact that, given these requirements and the fire protection requirements, this probably, in my opinion, will effectively shut down development in the county if you don’t have service. And I think it would be interesting to have some analysis of that, where we could see development costs for these type of rural developments, large-lot developments. You know, it’s not that I necessarily say that would be bad, but I think we need to be aware of what the result of our actions may be.

**Mr. Pietig:** Well, right now, this is a conversation to explain to you what our regulations are right now, the history behind that, the reason behind that. Again, the 21st of September, we will have a Planning workshop, which will be an opportunity to have this conversation again with folks to explain, here’s what our regulations say, and here’s the reasons why. Hear from some of those folks. And you’ll be able to listen to zoning board members and some of their issues. And even our Board of County Commissioners, and what they are saying. And we’ll continue this conversation. And we can certainly look and see what costs are, estimates of what it costs to put in a subdivision.

**Comm. Mason:** It’s interesting, when we started this conversation, we talked about how we wanted the county to look. We’ve got a little taste of how much different flavor is, from the different areas of the county. We all understand what goes on in our own back yard. I represent the incorporated area at large, so I have a different perspective of how it works. I grew up on a farm, so I understand how that works. I think we’re going to run into trouble, unless we’re trying to make
a homogeneous decision here that the whole county looks the same. I think we’ll have trouble writing any set of regulations that limits or regulates development in the county. It took us about a year and a half to figure out how to write a paragraph about decorative fences in order to satisfy the entire county. So, when we get into something as complicated as development, which we started talking about streets and infrastructure and sewer, but one of the major impediments of development is stormwater. The very thing that we’re having the most trouble with, we’re going to force a bigger problem, because in order to develop, we’re probably going to say we want curbs and gutters. Which is the enemy to stormwater regulation and control.

So, I think we’ve got a lot of conflict that’s going to come up as we get into this conversation. It will take a while to work through this, I think, because the different geographical areas of the county are so different. And once the County decided to sever development in the western part of the county by all the parkland that you were talking about, down the Cedar Creek corridor, that would effectively shut down Olathe’s ability to expand. So, that’s going to probably be postponed until the ammunition plant develops. Which none of us know when that’s going to happen. So, we need to keep all of that in mind as we’re trying to get a regulation that works in Stilwell and south of De Soto, etc. I’m just throwing that out there. Again, just thoughts that we ought to keep in mind as we enter this discussion phase.

Comm. Neese: I would like to say two things, and then I’ll be quiet. As a zoning board member, I think one of the problems I have is that staff, when it comes with an application that requires a special use, is that you have to toe the line of what the regulations are. And it would be easier for us if somehow you could say, you know, this area is on a CARNP II road, or a CARNP road, it’s on a dead end, there’s 30 acres there, and if he wants to have a 10 and a 20, and suddenly, there’s two more driveways there, maybe that would work. But, we almost feel like we go to war with you because, we know you’re doing your job, you all are stuck with what they are, and we live out in the area, and we know what fits. And my partner at [inaudible] is president of Kessinger Hunter, and I guarantee you, I talked to him at his office today, it’s going to be a long time before something gets done out there. And you hit the nail on the head. There’s a part of this county that was kind of split, and that’s where, we kind of live out there, and it’s going to hard to make a hard-and-fast rule. So, I know staff is saying in certain situations, you know, if you have lots that are 450 feet wide and 900 feet deep and it’s 11 acres, it fits, and it’s all right. But, you can’t say that today. Otherwise, you’re going against the rules, really.

Chairman Iff: In the past, we have had comprehensive plans for certain areas. And maybe that’s what we need to do in some cases, is say that, you know, a certain part of the county is subject to this comprehensive plan, whereas Aubry Township, which is being rapidly developed as we speak, would be subject to a different plan. And, of course, there is a Stilwell plan in place, as well. So, I think that’s maybe something we need to consider, that different rules – I still think the overall rule, you know, which suggests that piano key lots are the least desirable way of doing something, but it may be the only feasible way of doing something, in some cases. Any further comments?

Comm. Mason: I think as we move into this planning stage, I addressed stormwater a little bit, but the very thing that we try to do in some of these rural, pristine areas is to preserve the natural feature. And the way we develop just destroys the natural element when you start doing the grading and infrastructure it takes for normal streets. It may be time to look at alternative ways to put streets in that would minimize our stormwater run-off, i.e. the old ditches. They’re less expensive to do, they’re environmentally great, and if you don’t do them, when you do detention for developments, you have to build what is termed bio-soils, which is a fancy way of saying a
“ditch.” So, we might want to look at alternative ways to do the development as we get into these area plans.

Comm. Hutchins: It almost feels like we’re starting from scratch. Paul, is there not an existing plan that has already been developed that we can at least start from? Then, maybe we start tweaking an existing plan, versus starting from scratch.

Mr. Greeley: We have talked about a number of different things. Is there a plan to begin with? Well, we do have a plan. As we’ve said, it’s countywide. It’s fairly broad, trying to apply it to a lot of different situations. That’s part of the difficulty, with staff having to interpret and enforce that. And yet, what’s been mentioned here by folks is maybe more of a fine-tuned area of the plan approach. We had that in a couple areas over in Aubry. Maybe that’s the idea, is to look at that concept in other locations in the county.

Comm. Hutchins: Yeah. One thing that he has mentioned is [inaudible] right. So, my assumption is, there’s an idea around the intermodal that it’s going to be commercial, right? And then, to Chris’s point, there’s probably an area around west Olathe, etc., that probably is going to be a Rodrock community, if you will. So, my thought is, if you start drawing these boundaries and whatnot, you know, and then you start looking, okay, what’s left? My thought was maybe it would become more clear, you know, how we actually lay everything out.

Chairman Iliff: Any other comments? If not, we’ll move on to the next item on the agenda.

F. UPDATES/OTHER BUSINESS

Mr. Pietig: The zoning board consolidation. As you may recall, we sent out a notice that the Board of County Commissioners is going to consider zoning board consolidation. On September 21st, at 9:30 a.m., here at the County, the Board is going to listen to zoning board consolidation, and they are looking at consolidation the Aubry-Oxford and the South-Central zoning boards. They are not looking at combining the Southwest and the Northwest zoning boards at this time. I think there’s a lot of recognition and deference to some of the conversations that the Planning Commission and the zoning boards had on that issue. I’ll send an email out about September 21st, 9:30 a.m. And again, a workshop on September 21st, at 5:30 p.m.

ADJOURNMENT

The next regularly scheduled Planning Commission meeting will be Tuesday, September 26, 2017, at 5:45 p.m.

Chris Iliff, Chairman

ATTEST:

Secretary to the Board