A. CALL TO ORDER

A meeting of the Planning Commission of Johnson County, Kansas, was convened at 5:48 p.m. on Tuesday, February 25, 2020, and was called to order by Randy Hutchins, Chairman, with the following members present and participating; to-wit: Dennis Bollin, Jason Meier, Dave Johns, Pete Opperman, Roger Mason and Roxanne Morse. Absent were Hank Deters, James Neese, George Lund, Chris Iliff and Mark Huggins. Also present were Jay Leipzig and Karen Miller, Johnson County Planning Department, and Keith Markway, Johnson County Public Works Department.

Chairman Hutchins: I want to thank everyone for being flexible, and allowing us to do this on a date that doesn’t conflict with our holidays and other obligations and the practical matters that come up. I felt that we shouldn’t go to the end of the year without having at least one last meeting, so thank you all for being here this evening.

B. APPROVAL OF AGENDA – Approved as printed.

C. CONSIDER MINUTES OF PREVIOUS PLANNING COMMISSION MEETING

Chairman Hutchins: Do I hear a motion for the approval of the minutes of the December 17, 2019 meeting, or any suggestions for amendments or improvements or changes?

Motion by Comm. Bollin, second by Comm. Meier, to approve the minutes from the December 17, 2019, Planning Commission meeting. Motion passed unanimously.

D. PUBLIC COMMENTS [None.]  

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

Mr. Leipzig: We have, I think, done a considerable amount of work regarding the discussion we had previously. Karen has really dug into this, and I think we have come up with some very good examples of how we can provide additional flexibility. She’ll walk you through that in a few moments. The key point to consider is, what she’s going to talk about are recent examples of actions the board has taken the last three or four years that reinforce some of these principles. So, some things that they thought made sense, and further action and discussion by the zoning board. We wanted to assemble those and show those to you tonight as a starting point for that discussion. That being said, I’ll turn it over to Karen.

Ms. Miller: Thank you. I’ll start out by going through the handout I gave you. It’s in big print because I had plats in there, so it made it kind of large. To boil down what I’d like to discuss tonight, would be the idea of amending the PRUR – Planned Rural District – to allow alternative design scenarios in a way that meets the spirit and intent of the zoning regulations and the comprehensive plan. If you remember back to our work with the large lots fronting onto arterials, we had a recommendation when we concluded our work, and we suggested looking at this issue. This is a
culmination of going forward with that recommendation to get some flexible lot designs, and also, going forward with our idea of illegal lots and addressing those, and perhaps this could be a way to give people flexibility to work with their mortgage parcels. So, this might actually kill two birds with one stone.

So, when I say “spirit and intent” of the Comprehensive Plan, it’s a pretty complicated, detail-filled document. There are a lot of ideas in it, but for our purposes, when we’re looking at the PRUR District and looking at flexible lot design, we can condense it to two big ideas. One is the idea that, overall, subdivisions should have a density of 10 acres per lot, or perhaps less intense, which means bigger lots. And then, upholding the CARNP frontage requirements. If you remember, those would be 330 feet per driveway fronting onto a Type 1 CARNP arterial; 660 per driveway fronting onto a Type 2; and 1,320 per driveway fronting onto a Type 3. So, boiling everything down, that’s what I’m looking for when we move forward and look for design scenarios. Within the comp plan, when you boil this down, this gives you a way to balance growth. It gives people something they can do with their property while also preserving that rural character. So, if we keep these ideas going without necessarily just having perfect rectangles, we can promote that spirit and intent of our Comprehensive Plan.

First of all, I’d like to start by looking at what’s currently allowed in the PRUR District by our regulations. After that, I want to suggest another tier. So, right now, a PRUR subdivision has to have a street. Here is something currently adopted. This is Sunrise at Timber Ridge at 215th and Cedar Nile Road. It has the local road that is required, and it also has an overall density that meets certain requirements, and all of these lots take frontage onto that internal road. So, this is, on paper, the requirements of the zoning district. You have to have access to the local street; a minimum nominal lot area, which means it includes the right-of-way in that lot area of 4 acres; a minimum lot width of lots fronting onto that internal street of 150 feet; and there is a density bonus for building the street, which is 1 bonus lot per 30 acres. The original intent of this particular district – it’s a fairly new district in terms of our regulations – is to simulate cluster subdivisions. I don’t know how successful it was, but that was the intent.

So, my idea going forward is to have another tier, not get rid of the PRUR with an internal street, but to also allow another type that is not currently allowed by the regulations. That would allow access onto arterials as long as, within the overall subdivision, the density is not more intense than 10 acres per lot, or the average density; that the average frontage per driveway does not dip below the current requirement, which is the 330 for Type 1, and so on and so forth. Also, find some parameters to make sure that the subdivision design doesn’t go too far. Like, have a minimum individual lot area, and that type of thing.

I’m going to go through two categories that I noticed. One was subdivisions located on a Type 1 CARNP, which requires at least 330 feet of frontage per driveway, and there’s no shared driveways. So, here’s the first example. This is Meek Farmstead. Here’s the road. It’s a Type 1 CARNP. It’s State Line Road. It requires at least 330 feet of frontage per driveway, and there is generally within this plat about 30 acres, a little over 30 acres. There is a stream going through this parcel, and it really made a lot of sense to cut the lot here. This is about 135 feet for this frontage. And then, there is about, towards 1,200 feet for this frontage. But the average frontage is 649, whereas it’s required to have 330 by the regulations. So, this configuration more than adequately meets the spirit and intent of CARNP, which is to, on a Type 1, reserve the carrying capacity, and not have more than a certain number of driveways. It also meets the idea of at least 10 acres per lot. So, we have one parcel that’s trying to accommodate a stream.

Here’s another example. This is Miller Estates. It fronts onto Antioch Road, which is a Type 1 CARNP road. It requires at least 330 feet of frontage. The issue with this parcel was this was the
subject of an illegal division. There's a house, and a really nice asphalt driveway leading up to the house right here. It was a family situation. The grandmother lived here. The grandmother wanted her grandson to have some land to build a house, and they were looking for a solution. We recommended the PRUR zoning district. The lot area here is 4.5 acres. The lot area here is about 20 acres. This is about... I just noticed there's a typo here. But there's 275 feet of frontage here, and 390 feet of frontage here, with an overall average frontage of about 330 feet per lot. So, really, this frontage, the way this is designed, it meets the spirit and intent of CARNP, and also the average density here is 12 ½ acres per lot. When you're driving down the street, you don't see chalk on the ground. It's not like a football field. You just kind of notice the overall effect. That's what we're talking about, is within a subdivision, creating this overall effect that's talked about in our policies and our Comprehensive Plan.

Here's Adams Farm. In this particular drawing, north is pointing down instead of up. Here's 199th Street; here's Antioch Road. Again, this is just south of the example I just talked about. The issue here was a substantial amount of floodplain and stream buffer area, and a box structure here. It is a pretty substantial thing to design around. The ultimate design, there's frontages ranging from 120 feet, which is approximately right here, up to a little over 1,100 feet, which is right here. The average frontage is 530 feet per driveway, and there's lot areas ranging from 6 to 15 acres, with an overall density of about 10 acres per lot. So, again, this design is responsive to the topography and the natural situation, but meets the overall spirit and intent.

And then, I noticed a second trend, and that is a Type 3 CARNP with shared driveways. We looked at plats that didn't have shared driveways. Now, we're looking at shared driveways. So, a Type 3 CARNP requires at least 1,320 feet of frontage per driveway. Here's a mock-up of an example of something that could be done. This is a total of 80 acres. Both of these frontages front onto a Type 3 CARNP. That's very tough. Under current regulations, this 80 acres is only allowed to have two parcels. That's a really rough conversation to have with landowners. So, with shared driveways – a shared driveway here and a shared driveway here, and also a shared driveway here – both streets can have an average frontage of 1,320 per driveway, which meets the spirit and intent of CARNP. It limits those driveways onto those Type 3 arterials. With this example, all lots have at least 10 acres. And then, here is an example that was recently approved. This is Cox Family Farms. This is 199th Street here, which is a Type 3 arterial. It requires at least 1,320 feet of frontage. This is the difference. This was the original lot. It was legal non-conforming. It didn't have a conforming frontage. It had 660 feet of frontage onto 199th Street, whereas 1,320 was required, and it had 40 acres. So, that's a really difficult situation to deal with. It also has a lot of flood plain on the back half.

So, the applicant came in for a request for a shared driveway here. It doesn't increase the non-conformity. There's still only one driveway fronting onto 199th Street, and the average lot is well over 10 acres; it's two 20-acre parcels. So, here's a situation where they used a shared driveway onto a Type 3. It's a non-conforming situation and it didn't increase the non-conformity.

So, some purposes to use the PRUR District would be currently stated purposes, like geographical constraints, floodplain, site distance, safety considerations. Also, just working with people over the years and the landowners, they also have to design around existing structures or driveways, like Miller Estates we looked at. Pipelines or other utility easements, logical boundaries such as dividing off a pasture, the agricultural part of the land and leaving the house on its own smaller parcel. Or, a new topic is divisions to obtain mortgages. So, going forward, if we're interested, we should probably consider, do we want to limit using the PRUR District for these types of things, to have a specific purpose? Or do we just want to set parameters, and if you meet the parameters, you can use PRUR as you please? Also, going forward, if we're interested, we
should have some parameters to control the subdivisions. The lots could be allowed to take access off of the arterials, but no density bonuses. Overall density not to exceed 1 lot per 10 acres, and overall street frontage shall be at least the current requirements – the 330 feet of frontage per driveway for Type 1, etc. Nominal lot area. I’m thinking 4 acres per individual lot is a good minimum that works well in the PRUR. If you get smaller than that, you start looking like, our residential districts are RLD and RN2 districts, and find some sort of minimum lot width for each lot, each individual lot. I’m not sure what that would be.

And then, as I was looking at these, I saw some other related issues. This wouldn’t pertain only to PRUR District; it’s just some things to think about. We’ve talked about, what if a plat doesn’t increase a non-conforming situation? If it just, there’s no change to the non-conformity, or it moves towards conformance? Here’s an example of a plat we had. Here was the original lot line. They just wanted to replat it so that this was the new lot line. This took a lot of plat exceptions and a lot of red tape. It was difficult to justify recommending approval. We did, but... So, something in our regulations that acknowledges this kind of common-sense thing of not making a non-conforming situation more nonconforming. Here’s an example. Here’s three non-conforming parcels. This parcel is land-locked, and it was replatted to make a bigger parcel where everything has access onto a road. Again, it was very difficult to justify on paper, approving, but common sense tells us that it’s a move towards the better.

Another really important part of this discussion would be shared driveways. We have shared driveways that are typically supported, and then, ones that we think are too extreme, they go too far and start mimicking a road. This is the typically-supported configuration by the County. This is Hedge Acres. It fronts onto Hedge Lane. There’s two parcels. Both parcels front onto a road built to county standards, and the portion of the shared driveway is very minimal. I’ve seen 30 x 60, 40 x 50, something like that. Just summarizing, two lots, shared driveway, a very small amount is shared; fronts onto a street built to county standards. And some reasons we’ve seen for these shared driveways were sight distance; streams; meet driveway frontage requirements. Versus, here’s a situation that the County typically wouldn’t support. This was a proposed plat. It was recommended for denial by Planning staff and the zoning board, and it was withdrawn and redesigned to meet the current regulations. At issue was this current driveway. It’s a very nice driveway. It was asphalt. It served an existing horse arena. The proposal was to do four lots fronting onto this driveway. You’ll notice that two of these lots don’t have access to a road built to county standards. Some things that the County tends to not support would be: More than two lots sharing a driveway; a really long driveway that starts to act like a street; lots that don’t have frontage onto an actual street built to county standards. These are the situations that spurred the County to adopt street standards. These situations, they can work, but over the years and decades, the potential for them not to work is fairly great. To get five or six landowners to cooperate over that period of time, and to continually come up with the funds to maintain the driveway that long, is quite a deal. When these configurations are proposed, building a street to county standards is often the more desirable alternative. In the long term, it’s better for maintenance; financial burdens on the landowners; and just the general cost to the public at large. In the long run, the pressure on the County to adopt these substandard roads and improve them to County standard is usually pretty substantial.

And then, the last general idea is the mortgage parcel, the idea of the PRUR with a flexible design, and seeing how we could address mortgage parcels. This is the parcel that spurred our whole discussion. It was 70 acres. The bank had the property owner cut out 10 acres. And they did an approved tract split for the 70 acres prior to our regulation change. They did it back when you could have 1,000 feet per driveway on a Type 3. This is a Type 3, Edgerton Road. So, this portion, the 70 acres, is legal non-conforming, with about a 1,200 foot frontage on to Edgerton. So, there
might be some ways that we could have them plat and use the average driveway frontage. They would have to share a driveway, but if they shared a drive and… But this person doesn’t desire to sell the second lot. So, with some redesigning with these ideas, we could probably get a good solution for this property owner.

And then, just a reminder that this isn’t platted, but we need to be careful with the parameters we allow because we could come up with some kind of bad designs. So, if were interested in this, the idea would be to look further into these ideas, and come up with some good parameters to control what we end up with. Thank you.

Chairman Hutchins: Very good. Thank you, Karen. Questions?

Comm. Meier: First, I’d like to say thank you for taking a common-sense approach to all of this. I really like the idea of it being in the spirit of what we’re trying to do. The number of driveways, all that, versus the length of the frontage, sight distances, all of those things being taken into, and I appreciate all of that. The one thing I would throw out — and this is a lot to digest, you’ve presented a lot of information — the one thing that I would ask that we look at is, if we have a shared driveway, there might be some county-approved detail for how that looks. Because currently, I believe, because I know this, I have my driveway on 199th Street, and I was not allowed to have a driveway flare out any more than 30 feet maximum at the street. And what that does is, even for one vehicle pulling in, it’s very difficult to do that, slow down enough to be able to get in without somebody just being right on your rear end. And if there are a couple families living there, we might want to think about widening that, so if someone is pulling out, that someone could pull in as well. Just for safety reasons.

Ms. Miller: I think Public Works agrees with you. At our last staff meeting, we did have a discussion about having a shared driveway area that was wide enough for two driveways. You still have one… I forget, entry point, or access point, that that’s the one access point that would conflict with traffic, and that’s what we want to minimize. But allowing two driveways side by side might be a good solution to ending some of that friction between landowners.

Comm. Meier: I like that idea better. You’re saying shared, but essentially, it’s one access point with two driveways, with a separation of 5 feet, 10 feet, something like that, in between? Is that what you’re…?

Ms. Miller: Yes, and I think one culvert. I don’t think it works well to have two culverts against each other. That tends to fail, I think. But one culvert and have, you know, some distance. Yes, I think Public Works is interested in looking into that.

Comm. Meier: Honestly, I think that’s a much better option than a shared driveway. Like you said, neighbors might not like each other, and it’s a much more marketable situation, too. People don’t like shared driveways.

Ms. Miller: Yes. I’m glad you brought that up because shared driveways aren’t perfect, and they are a source of tension between landowners. We’ve seen two landowners share a nice asphalt driveway. One drives really heavy, big trucks that breaks up the asphalt. Some owners don’t want to keep up the driveway as much as the other. There’s just all sorts of things. But the idea of upholding CARNP is a higher goal, and a more important policy. So, I think it’s important to look at the shared driveway and see what we can do to make it work. That’s a good point. Thank you.

Chairman Hutchins: Other questions or comments? Very good, Karen, thank you. I would like to also take off what Jason said, you know, I was very pleased with what we viewed here today. We had challenges, we had citizens with issues, and this actually solves those issues. So, I feel like we took some big steps forward. So, again, thank you very much.
Ms. Miller: Thank you. And I think the next step would be to sore-thumb it and try to come up with scenarios that are good and bad. My question is, is this something that you want me to do internally with just staff, or is this something that would make good work for a subcommittee of people who are interested in the topic? I’d like your opinions on that.

Comm. Meier: Just off the cuff, I think it would be great if you want to just work out with staff and come up with some ideas. I think it’s going to be almost impossible to figure out every scenario that will come before the zoning boards. There’s always going to be some unique situation, so I think if we can get 80 to 90 percent of it figured out, knowing that there’s going to be some that we’ll have to maybe get answers for. But I think it might be the best way. I think you’ve got a really good start already. That’s just my two cents.

Ms. Miller: Okay. Thank you.

Chairman Hutchins: Thanks again, Karen.

F. DIRECTOR’S REPORT

Mr. Leipzig: I also want to thank Karen again for the work that she’s done. I do think this is a very common-sense approach. These allow flexibility, and it really goes back to some of the original intention when that planning subcommittee was created almost two years ago now, of providing greater flexibility and a more common-sense approach for land development. So, I think we’re making a lot of strides on that.

In terms of my report, just briefly, I wanted to mention that the Sunflower Quarry is up for action this Thursday. It’s a fairly controversial project. Staff made a recommendation. The zoning board made a recommendation to approve, but restricted the mining area even more than staff had presented before the board at an agenda review. Martin Marietta has also agreed with the zoning board’s recommendation. So, it’s a very positive situation so far, although I know the neighborhood residents, they will certainly be at the Board meeting on Thursday. That’s just an update on the Sunflower Quarry.

Also on your dais is the update for the applications we have received, reviewed by the BOCC. Again, this accounts for January 1st of this year through February 25th of this year. That is on your dais, as we start our new year. Also you might recall, as a prelude to this discussion on legal lots, we prepared a written report that was discussed by the Planning Commission. We did present that before the BOCC. That was done on January 23, 2020, as a Manager’s Memo, which I think is probably the most effective way to help get the word out to the public and the board on some of that work the Planning Commission did. So, that was presented before the Board and was well received. And then, there will be follow-up discussion on additional lot considerations.

The last thing was an update on the annual meeting we had in January. We passed out the 2019 year-end review for the Planning Commission, which if you don’t have a copy of that, we have extra copies here. Along with that is our strategic plan for 2020. I went over that very briefly with the group at the annual meeting. So, if you have questions about that or any further comments, I’m always available to talk to you about that. Also, I’ll give you a couple updates on that workshop. I thought it went very well. We had Bonnie Johnson, the chairperson of the planning program at KU, who talked a little bit about alternative staff reports. It was a great discussion, and I believe we will look at engaging her a little further on that discussion, see what else we could do to provide more informative staff reports for you, including possibly even a video, or something like that. We’ll see how that goes. We’re still in early discussions about that. It was a very good presentation, certainly very thought-provoking.
Also, Rick Lind, our county counselor, talked a little bit about the Golden criteria, what issues to evaluate, land use applications, and that was very well received as well. I think everyone has received a copy of Rick’s materials as well. That’s a great reference guide for us long term. That concludes my report.

Chairman Hutchins: Very good. Any questions for Jay? [None.]

G. UPDATES/OTHER BUSINESS [None]

ADJOURNMENT

The next regularly scheduled Planning Commission meeting is Tuesday, March 24, 2020, at 5:45 p.m.

_________________________________
Randy Hutchins, Chairman

ATTEST:

_________________________________
Secretary to the Board