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
April 23, 2019
5:45 p.m.

A. CALL TO ORDER
A meeting of the Planning Commission of Johnson County, Kansas, was convened at 5:45 p.m. on Tuesday, April 23, 2019, and was called to order by Chris Iliff, Chairman, with the following members present and participating; to-wit: Jim Neese, Randy Hutchins, Hank Deters, Roger Mason, Pete Oppermann, Mark Huggins, George Lund, Teri Atwell and Roxanne Morse. Dennis Bollin and Jason Meier were absent. Also present were Jay Leipzig and Karen Miller, Johnson County Planning Department, and Jim Allen, 2nd District County Commissioner and Vice Chairman of the Board of County Commissioners. Leslie Davis served as secretary to the Planning Commission.

Chairman Iliff: I’ll call the meeting of the Johnson County Planning Commission for Tuesday, April 23, 2019, to order.

B. APPROVAL OF AGENDA
Chairman Iliff: Any objections to the agenda as it has been presented to us? [None]. Hearing no objection, it will be approved.

C. CONSIDER MINUTES OF PREVIOUS PLANNING COMMISSION MEETING
Chairman Iliff: Are there any recommendations for changes or amendments to the minutes of the March 26, 2019, meeting?

Motion by Comm. Lund, second by Comm. Atwell, to approve the minutes from the March 26, 2019, Planning Commission meeting. Motion passed unanimously.

D. PUBLIC COMMENTS [None]

E. COMPREHENSIVE PLAN AMENDMENT - Updates Reflecting Recent Planning Commission Recommendations

Mr. Leipzig: I’m going to give a two-minute introduction, then turn this over to Karen to talk in more detail. As you'll recall in the work that we did last year, working on this issue with the Planning subcommittee recommendation that we had. Began meeting in January last year. Culminated in the adoption of several recommendations and changes to our subdivision regulations. And then, in October of last year, the next step in that process was to make changes in our Comprehensive Plan, the Rural Comprehensive Plan, that reflect some of the changes that were in that planning subcommittee, as well as some of the changes to the actual subdivision regulations. That being said, I think this is a great effort. The draft we have is easier to read. It's more concise in terms of the flow of the Comprehensive Plan document, as well as consistent with the subdivision regulations. So, with that, I'll turn it over to Karen.
Ms. Miller: Thank you. As Jay mentioned, this is an outcropping of that work you did in that subcommittee. I'll start off by reminding you of those recommendations. So, the changes to the Comprehensive Plan are intended to simply carry forth those policy recommendations. They're not intended in any way to insert new policy into the Comprehensive Plan. That's the intent, is to take those ideas directly from the Planning Commission recommendations and put them into the Comprehensive Plan.

And then, along the way we had opportunities for updates. The yellow in your draft Comprehensive Plan changes will be the policy changes. The blue is intended to be simply an opportunistic update. We have an opportunity to make the Comprehensive Plan reflect more what the current policy is. Starting out, I'll talk about the specific recommendations by the subcommittee in August, and I had actually intended to include that document with these. So, I have a question for the Planning Commission. Next time, would you be interested in having a copy of those recommendations submitted for your review, to help you review the Comprehensive Plan changes? Would that be helpful? Or would it just be extra? Any comments on that?

Chairman Iliff: Any comments on that?

Comm. Hutchins: I think in my perspective, anything (inaudible) touches along your red line, (inaudible) when you see a change repeated.

Ms. Miller: All right, that sounds good, I'll do that. Just to remind you of the content to the Planning Commission recommendations. On the very first page, we start out by stating the assumptions that we have. We say that the arterial lots are holding zones and are not necessarily barriers to development if you manage some key elements. Those are: Upholding the CARNP frontage requirements; providing for connectivity to adjacent properties and to the interior of the section; and coordination with the street and land use plans of cities and fringe areas. And you'll see this idea repeated about four times in the Comprehensive Plan update. And further, it says that if development is successfully managed, it can be feasible to re-assemble and configure arterial lots in the higher-density subdivisions once they are annexed into a city and urban level infrastructure. So, that's the intent of these updates, is to carry this idea forth.

The first recommendation of the subcommittee is to update the CARNP frontages. So, Type 1 will be updated from 400 feet of frontage onto an arterial road to 330. And then, Type 2 will stay the same, at 660 feet of frontage. And the Type 3 CARNP street will change from 1,000 feet of frontage to 1,322 frontage. And you'll see that mentioned in chapter 4 of the comprehensive update.

And then, recommendation #2 is to manage connectivity to properties and to the interior section. You'll see that in the Comprehensive Plan update. Recommendation #3 of the subcommittee is to coordinate with the street and land use plans of cities in fringe areas. Number 4 was creating a Development Review Committee, and we've already done that. And then, #5 is flexible development tools. We'll need to come back and do that at another time. And then, the last recommendation from the subcommittee is to allow water on large lots to be provided via cistern and well. You'll also see that mentioned in the Comprehensive Plan update. So, that's what you'll be seeing, coming straight from those recommendations.

Moving to looking at the actual recommendations for updates to the Comprehensive Plan, we have two chapters. Chapter 2 concerns land use, and Chapter 4 concerns transportation. I'll start out with Chapter 4, with transportation, because those are more higher-level ideas. Then we'll move to Chapter 2 and the land use.
The first changes you'll see will be on page 3 of Chapter 4. That come from the idea that you can never front onto arterials, that that (inaudible), to the idea that you can manage it, and it can be okay if you uphold the CARNP frontages and look at connectivity, and coordinate with the street plans of fringe cities. That's the first way we move away from the old assumptions and into the ideas talked about in the subcommittee.

And then, on page 4 of Chapter 4, we have a section called the 2018 CARNP Update. That talks specifically about how we look at CARNP and the process we went through. It mentions the Planning Commission recommendations, and also, it talks about the access management review done by Affinis Corporation to assure us that going from 400 feet of frontage to 330 on a Type 1 works out and is okay, and that going from 1,000 feet of frontage to 1,320 on a Type 3 is consistent also. The change on page 4-5 upholds the idea that we want to maximize the efficiency of those Type 2's and Type 3's, that those are the most important roads in the county, and that's the overall goal of CARNP. And then, on page 4-6, we actually go through and make those changes, from 400 to 330 feet, and 1,000 to 1,320. That's the end of the actual policy changes in Chapter 4. What remains are some details that Public Works has recommended to update. Also, I have included an updated section regarding the BNSF intermodal, because that's something that has occurred since our last update. Are there any questions on any of those changes in Chapter 4?

Mr. Leipzig: I'll make a brief comment about what Karen just said about the requirements, as well. I think the overall goal, when we look at this, we're evaluating parcels and development applications, not only in regard to CARNP, but also the connectivity with adjacent parcels, what's happening in those adjacent cities. So, it's consistent. Some of it is a different way of thinking about some of this stuff, so it's more relaxed, I think. I do think there are issues besides just looking at the application in terms of CARNP. I think we need to look at it from overall connectivity. I also looked at what adjacent cities are doing and what their future growth plans are as well.

Chairman Iliff: Questions or comments for Ms. Miller?

Comm. Morse: I don't have any questions on this, but on page 4, is that a typo of the date, at the bottom? Planning Commission final recommendations...?

Ms. Miller: You are correct. It should be 2018.

Comm. Morse: And this doesn't have to do with what we're talking about either, but what caught my eye was on page 2, about the County does not an excise tax to require developers to help defray the cost of improving roads. So, I just was wondering because of some situations out in our area. For example, Metcalf and 159th is being improved, and about half of that is in the city and half is in the county. So, the County, I understand is funding their half. So, what about the fact that when development in a situation like this, where you've got a border between entities, how does that...? It's really the development that's forcing the County to approve the road at that point. So, I don't know. It just seems like there should be something in there that the City or the developer is responsible for that. And I know there's a lot of development out of Mission, where it's county-owned on one side and city on the other. And those roads are going to have to be improved. Is that going to force the County to improve those roads?

Ms. Miller: That's a really great comment. The way that the County is allowed to look at infrastructure and the way the cities are allowed to are different. The cities, like you said, can do the excise tax. Our statutory requirements for the County do not allow us to have an excise tax. And in years past, we've looked at that idea, and that would take a change to our Charter. That's my understanding. So, that would actually be quite an undertaking. So, the way the County has to deal with these infrastructure ideas is to require them as the development goes in, instead of assembling these taxes and assembling a pot of money and then coming through and making a
comprehensive improvement to a section of road. Our minimum infrastructure requirements in Article 31 are set up to do just that - to require those improvements to be in place when the development comes in. So, if we waive those infrastructure requirements, the County doesn't have any way to recoup that in the future when an improvement is required. And that is an issue.

Comm. Morse: I didn't know that the County couldn't have an excise tax.

Chairman Iliff: Just a side note. I'm just having a little bit of difficulty hearing people tonight. Is there a volume control for the speakers? Or is that set somewhere else.

Unidentified: I would say that's probably near the room that's locked, isn't it?

Unidentified: Yes.

(Off-topic discussion....)

Chairman Iliff: Roxanne, thank you for your comments; they're right on point. I think we got a good response. With regard to my review of these proposed amendments, I think... Overall, my comment is that they are fairly cleverly done, you know, to interweave the new parts while preserving the majority of it. And I think that they do accurately reflect the work of the committee last year, in order to arrive at a common-sense solution to how we deal with arterial lots or piano key lots. And as I was looking at them, I thought it seemed to capture what I understand we agreed upon as a committee last year.

Ms. Miller: Excellent. That was definitely my intent, is to be right on the money with what was talked about and not bring anything else into the picture. Any other questions before I move to Chapter 2?

Mr. Leipzig: Just one comment. I'll just put it out there as a question to you all. Would it be helpful if we have Brian Pietig or someone from Public Works talk about revenue sources for road construction and about the impact fees the cities have for road development. If you all think that would be beneficial, we'd be happy to do that.

Chairman Iliff: We haven't heard from Mr. Pietig in a while. I think it would be good to have him talk about that. I know he is very well-informed about that. And in my part of the county, where there has been some island annexation, who is paying for what, and why the roads that are servicing those subdivisions seem to be substandard, would be something that Mr. Pietig could comment on, while at the same time, learning about Overland Park. So, I would like to hear what he has to say because there are just some very substandard roads now that have gone into these island annexed areas where housing developments are, and the roads are totally inappropriate for what exists there. But since they are contiguous with County land, I think there's probably ongoing conversation between the County and the City of Overland Park regarding who is going to be responsible for what. I would be interested to see how that all works out.

Mr. Leipzig: Okay. Would be happy to do that. We'll set up a date.

Ms. Miller: Okay, Chapter 2 is the land use plan. Chapter 2 is a really great chapter for the Planning Commission to look at. I'm glad that you actually have a copy and are looking at it. It starts with a vision statement, our vision for the county. That's the first couple pages. Then it moves to the planning framework, which is a framework of ideas, kind of assumptions and approaches to development in the county. I don't have any changes in this, but I just would like to take the opportunity to point out some really great sections to read. I know that reading all of Chapter 2 might be daunting, but there are a couple sections that do a great job of summarizing the issues faced by development in unincorporated Johnson County. By reading those, you'll
really get a sense of what the planners are thinking when they're writing their staff reports and making recommendations, and what the planners are basing their work on.

On page 2-3 is the start of the planning framework of ideas. Section 2.2 is called Background, Unincorporated Area Land Use. Within this is the idea that there's very little commercial and industrial development in the county, that there's predominantly rural uses and residential uses on very large lots. And that a majority of development occurs within the cities. So, that would be a really great thing to read.

On the next page is the start of a 10-point planning framework, which lists six or seven ideas, and a couple of these are really good. Number 1 on page 2-4 is the idea of continued slow growth in the unincorporated area. Again, it repeats the idea that we don't really have the infrastructure and most of the growth is in incorporated areas. And then, on page 2-6 is the idea of fiscal responsibility, adequate and cost-effective infrastructure and public services. It starts out that Johnson County has always sought to achieve the highest level of fiscal responsibility in its delivery of public infrastructure and services. In order to maintain a high quality of life while minimizing the burden on taxpayers countywide, the County has provided both adequate and cost-effective infrastructure in keeping the rural nature and limited development in the unincorporated area.

Then it goes on to state the idea that in the unincorporated parts, we usually don't provide urban-level services, just because it's not cost-effective. So, that would be a great section to read. And also on the next page, 7 is about the idea of County and City coordination. And in the fringe areas, the idea of that transitional land use, with the idea that at some point, the cities very well might come in and annex. Number 8 is public services and utility coordination, and then, the idea of looking ahead and having appropriate roads and wastewater and that type of thing. If you're interested, you can look at those. Those are the great ones to look at.

And then, the next section is where we'll start doing some amendments. Section 3 at the bottom of page 2-7 are the goals, policies and action steps. This is the meat of this chapter. There are about 6 or 7 goals that we have. We're going to look at three of them tonight. The goals include the rural character, coordinated development, and residential land uses in the area. All three of these are very similar, so I'm just going to look at one of them to show you how this amendment is set forth.

On page 2-15 and 2-16 is the start of the land use goal, which is that the County is to achieve the compatible, physical and economical coexistence of rural residences and agricultural uses. And it starts out with general policies for land use. And then, on page 2-18, it goes forth residential policies for land use. This is shown in the first amendment to #2: Subdivision designs of higher-density neighborhoods that have at least 10 acres per lot should minimize the number of access points onto major roads. That's the idea that if you have residential zoning and less than 10 acres, you still need to provide internal roads, and you still need to avoid fronting onto the arterial.

Number 3 goes on with the idea that, however, if you have 10 acre lots and higher, we can design these in a way that won't impact the future development. And we can follow the CARNP frontage requirements, we can look at connectivity, we can coordinate with the fringe cities' land use and transportation plans, and still have good design and plan for future redevelopment of those arterial lots that are at least 10 acres. And it goes on to say: These elements should be managed so that it's feasible to reassemble and reconfigure arterial lots into higher density subdivisions, once you have that urban-level infrastructure. And then, it references the other section, the section regarding rural character and the section regarding coordinated approach to development. So,
this is how the other two sections are also set up, so we referenced this idea that you can have arterial lots if you coordinate the CARNP frontage, the connectivity, and the area land use plans.

That's the policy. And then, on page 2-20, it's the action step. That is to use the Zoning and Subdivision Regulations, which we've already amended, to review development proposals. Are there any questions about this?

Comm. Hutchins: Are these proposed changes?

Ms. Miller: Yes. So, this is Chapter 2 of the Comprehensive Plan, and before, the Comprehensive Plan basically said we do not allow 10-acre lots to front onto arterial roads, no matter what. You shall always have a local road. So, the recommend amendments acknowledge that there are some conditions when we can front onto the arterial lots. And those conditions are, you know, follow the CARNP frontage requirements, and look at connectivity, and consider the fringe cities' land use plans. And that is the wording straight from the subcommittee recommendations.

Chairman Iliff: Any other questions or comments?

Ms. Miller: There is one other change that follows the policy changes recommended by the subcommittee. You can see that on the last page of Chapter 2, page 2-39. That opens up the idea that you can have wells and cisterns on those 10-acre lots instead of just public water.

Chairman Iliff: Previously, to have a residence improved in the rural area on lots of 10-acre or more, was it required that it would be public water?

Ms. Miller: Yes.

Chairman Iliff: Okay. That strikes me as a common-sense adaptation to the realities of areas that are far removed from water mains. And has been a practical solution for people for many, many years. So, that's great.

Ms. Miller: Would you like for me to go over some of the other changes, or is that a good summary?

Chairman Iliff: Would anyone like more detail from Ms. Miller? If not, next steps would be, I assume, to recommend to the Board of County Commissioners the adoption of the changes that are here in the land use plan.

Ms. Miller: And that would be after a public hearing. We could set a public hearing for next meeting, if you're interested.

Chairman Iliff: That would be my recommendation. Does anyone object to setting a public hearing?

Mr. Leipzig: Mr. Chair, to be clear, that would be May 28th. All right. Can I have a motion to set this matter for public hearing?

Comm. Mason: So moved.


Motion passes unanimously.

F. CREATION OF NONCONFORMING PARCELS

Mr. Leipzig: This item, as you'll recall, in March we had John Bartolac, Director of Records and Tax Administration, speak to the Planning Commission about items that the RTA looks at when they're reviewing and recording plats, and what the legal applications are in doing that. We also talked about things that the Planning Department could do to ensure better coordination. We used
to have placards on the counter, asking the public coming in to record plats to check with the Planning Department to make sure it's a legal of-record. Now, with better technology, most plats are filed electronically, which makes the signs redundant. As an update, we have messages on the RTA website, and we are putting a similar message on the AIMS website, which is probably more commonly used by the general public anyway. I think in terms of folks looking for information about parcels.

We also had a follow-up meeting with Mr. Bartolac and talked about things that staff could do and the RTA could do in terms of coordination, in terms of an education plan that would utilize some of their assistance. We would have at least one annual meeting. For quite some time we've wanted to have a developers' open house or a land developer open house, where we talked about some of these issues. That would be attended by builders, lenders, real estate professionals, land professionals, engineers. They could get together and help disseminate some of that information. We think it would be helpful to do that on an annual basis.

I think another great avenue is to speak at the weekly sales meetings of some of the real estate professionals. They have sales meetings on Tuesday mornings. I think that is a great avenue, a great resource to help educate folks on some of these issues, as well. So, that's the education component that staff will be working on, and we'll have a formal document for you to look at, a timeframe of events throughout the year. The thing is, it will have to be a multi-point focus. It won't be one particular item, but I think several of them together will have a positive effect. I think the two biggest items that will be most helpful will be having something on the RTA website, and also having something on the AIMS website. Just to get the word out. Staff will be moving forward with that. I think that's something fairly easy for us to do. I think there will be a benefit in doing that.

The other item that we discussed last month was a voluntary kind of certification program for a legal lot of record, where the property owner can be assured that this is a lot that is in conformance with subdivision regulations. We're still working through some issues with that with our legal department. However, the important takeaway on that is that it has to be voluntary. We make it a voluntary program, give staff additional time to do some research, and it's requested by the property owner that we can do that. And we do something very similar to that, but it's a matter of formalizing that. In conversations with Legal, that is the key part is that as long as it is a voluntary program, it's requested by the applicant or the potential buyer. So, we're still working on some details on that. But I think with those two items, between the education piece of it, and then whatever comes up, this idea of a certified lot of record, I think it will have quite an impact for us. It won't hit all of them. I think we'll always have a few outlier cases out there that we're not aware of, but I think it will go a long way towards educating the public.

Comm. Oppermann: I have a question. In these illegal lot creations that are going on, isn't it the banks that are kind of creating that problem?

Mr. Leipzig: Yes, they are also sort of an issue.

Comm. Oppermann: Right. So, in having the developer meeting, and, you know, the information meeting, wouldn't the most important entity to invite be the real estate departments of any bank in the county?

Mr. Leipzig: Yes.

Comm. Oppermann: So they can see what they're doing wrong.

Mr. Leipzig: And we can, even with our abilities with RTA in terms of, we can find out who the largest users are for some of those lots. We have access.
Comm. Oppermann: Find out who the real culprits are.

Mr. Leipzij: And that would certainly be part of that group, too. I think in terms of logistics, we were trying to think about the best time of year to do this, that it would make sense to have it at the very beginning of the year, like January. We might have to divide it into a couple different meetings, which I think might be more effective. Plus, the RTA also has some meetings on their own with lenders and other design professionals. They outline their recommendations throughout the year, too, so we'll piggyback with them on some of their education classes. They also have a forum when they meet with all the cities in the county, too, and have a general review and talk about boundaries. Kind of an update. I think that would also be a good chance to talk about this.

Comm. Huggins: I believe in the last meeting there was some discussion of changing the grandfather date. Is there any plan to move forward with that?

Mr. Leipzij: We talked about it. We haven't had... That's still one of the issues to be discussed. I know that we didn't get a clear consensus from the Planning Commission yet in terms of more detail, but we have talked about that, too. That's part of that solution. Personally, I think that would be very helpful.

Comm. Hutchins: First, I want to compliment you guys, because that's a lot of information you provided. And I think even voluntary, I think that's going to drive the right behavior, because anybody who is in development wants to get the most for that land as possible. So, voluntary certification I think is going to drive the right behavior. So, thank you for that. I think beyond that, Jay, was it in 2003...?

Mr. Leipzij: Yes.

Comm. Hutchins: Okay. Yeah, I think we could help your staff a lot in, you know, I know you did a lot work, but if you come back next meeting with a recommendation or something that we can sink our teeth into in terms of whatever actions we recommend, I think that would be great.

Chairman Iliff: Any other comments or questions for staff? If not, we'll move on to the next item.

G. FUTURE PLANNING COMMISSION DISCUSSION TOPICS

Ms. Miller: This came about during a Southeast Consolidated Zoning Board meeting. The zoning board had been talking throughout the last year or two about some types of expedited conditional use permits. So, I talked with Ken Klingensmith a little more about what he was thinking of in terms of this request for expedited conditional use permits, and the zoning board's observation is that some renewals for some types of conditional use permits tend to be kind of, he called them "slam-dunks." And he specifically stated the idea of renewals of oversized buildings. His point was, well, we're not going to knock it down. He acknowledged that yes, the area changes, sometimes you need to address a few things, but do we really need to go through an entire public hearing process? That zoning board is interested in looking at that idea further, that perhaps the renewal of some types of conditional use permits - particularly the oversized building - could be expedited in some way. He suggested a subcommittee to look at it and come back with some recommendations.

Chairman Iliff: I think that makes perfect sense. Oversized buildings, cell towers, certain daycare centers that have been in operation for multiple years, where there has been no history of complaints or objections from the public, things like that. I think anything that speeds that along is probably in the best interest of the public and does not put an undue burden either on the neighbors or the County to speed those things up. So, I think it's a great idea.

Ms. Miller: We'll put that on our to-do list.
Comm. Hutchins: We actually had similar conversations on the Southwest, and we've taken it upon ourselves to issue longer durations. But I think in the discussion that we're having right now, if we're approving a permanent structure such as a barn - or whatever - to me, in the conversation we're having, it seems like you're either approving a permit to build, or you're not. And if you're approving the permit to build, then it wouldn't be a temporary permit or a conditional permit. To me, it's an approval of a permit to have that permanent structure there because, you know, we had a situation where a young man with a family, building a barn, and we gave him a conditional use permit. But the question he had, in ten years, you know, he just spent $100,000, are we going to tell him to tear it down? So, that's a lot of investment for anyone, let alone a young family. So, I guess the conversation we're having is, let's make it just, you're either approving a permit or not on a permanent structure. And then, if we have a daycare, you know, a conditional use for some type of business, per se, then perhaps that could be handled separately.

Ms. Miller: So the idea is to split apart the issue, that some uses can, you know, phased-out versus structures that are permanent. Differentiate between those two.

Comm. Neese: I agree with you. How are you going to delineate between structures that I can (inaudible), and some structures that may fall outside the thing, where somebody wants to do something that you want to have a timeframe on it? I mean, how do we...? I don't know the answer to this, but I think there needs to be some thought. There's a difference between a barn and a building with 50 dog runs on it because it's a kennel. And you have to come up with some kind of definition or some kind of track to figure out the difference between, giving a timeframe on a permit, and just an outright... Am I off-base on that?

Identified: That's what it boils down to, the structure...

Comm. Hutchins: I think that's a good question... [crosstalk]... I don’t know what other conditional use permits there are. So, in the instance of your dog run example, would that be considered a business? Or is that considered a...?

Ms. Miller: A conditional use permit for that would be a kennel. But you're right, there might be an underlying conditional use permit also for an oversized building, if the building has a kennel.

Comm. Neese: We're going to have to give it some real thought. If you're going to build a big building there, a young family..., Well, what's that really mean? What are you going to do with it? What's the future of it, whether or not as a stable, or whether or not it can be converted to all kinds...? That's my point. It's not an easy thing.

Ms. Miller: Some of you who were on the zoning board back in about 2015 might remember accessory dwelling units. We started looking at those as a conditional use permit, but we had to create this whole new kind of permit so it could be an indefinite term instead of with a term.

Comm. Hutchins: Well, to that point, is there a way to attempt to categorize them? Jay, I don't know if your staff has the ability to look at them and say, "Okay, this is logical...?"

Mr. Leipzig: I'm just talking about my opinion, but I think we will have to do that. That's probably the best approach, is similar to what Karen talked about with the accessory dwelling unit process, and coming up with some parameters, whether it's a use such as a kennel, or a tree farm, or something like that, as opposed to a building itself, and separating those two and what those... What kind of parameters we establish for each of those.

Comm. Deters: Why wouldn't the barn be something that you could do as a waiver, that doesn't have the time limit?

Mr. Leipzig: That's what I'm thinking.
Comm. Deters: Versus a conditional use is what you're going to do, use the lot for.

Mr. Leipzig: Correct. That's what I'm thinking. A permanent structure would be something, we'd have different parameters for that, as opposed to separating out the actual use of it.

Comm. Atwell: Because there's a big difference between someone who is doing a building, a kennel, or they're running a business, as opposed to the one that came before us, where it was a young family, and they're just building it for the tractor, the lawn mower. It's for personal use. So, there's a line between personal use and business, so if that could be separated out, I think we can streamline the personal use.

Comm. Morse: Using the example of an oversized storage area behind the house, would it be a conditional use permit to begin with? Or does it just become a by right use for that size of lot or acreage?

Ms. Miller: There are a couple ways I think we could approach the idea. One is, like you mentioned, looking at the sizes and perhaps having by-right sizes, and not having a conditional use permit for oversized structures. Another idea would be perhaps instead of having a conditional use permit, maybe it's a development plan for an oversized building. That looks at the site plan once and doesn't have the term. So, there are a couple approaches. Were you thinking more specifically?

Comm. Morse: Well, I was just thinking that if someone had a permit to do an oversized building and it became by-right, wouldn't everybody start putting them up without having it looked at first?

Mr. Leipzig: And in that kind of situation, that's where, to Karen's point, is if we review a development plan, it's reviewed once. But then, as each subsequent property owner does something similar, it would be reviewed as well. It gives us some flexibility, but at the same time, still have control of the situation, where we can evaluate each property on its own merits. We will certainly look into that more.

Comm. Hutchins: Jay, just for clarification, if a site plan was approved and the building was allowed and approved by the local board, when it changes ownership, are you saying that the new owner would have to come before the committee again and get re-approval? Or are simply saying that once it is approved, it's approved forevermore?

Mr. Leipzig: You're putting me on the spot.

Ms. Miller: I think you're saying if there are changes, it would have to come in for an amendment. But those types of things, development plans and conditional use permits, tend to run with the land and not with the person.

Chairman Iliff: Any further comments? If not, we can...

Comm. Neese: I've got, it kind of falls under this "future topics." It's been awhile, and I don't know if it's our purview to get a report from them, but, for example, out in my neck of the woods, the County just made a major expenditure on a piece of property that they bought out there. It was kind of an island within an existing park. Would it be possible to have the Park guy come and give us a...? I think the last time we did it was... It's been a while. Give us an overview of what's going on within the parks? I know they are on their own entity and everything, but I think it would be really good.

[crosstalk-side conversations]

Comm. Neese: ...couple months ago, (inaudible) wanted to know what was happening. The plan has been around for 20 years, what's happened? But the land purchase has changed, so...
Jim Allen, County Commissioner, appeared before the Planning Commission and made the following comments:

Comm. Allen: Actually, I have a meeting this afternoon on a different issue with the park board. I specifically asked all that because I've had somebody else ask me personally, and there was a concern about a structure they acquired, what the potential use on that would be. That's at Cedar Niles Park. Right now, they're working on a four-mile trail system that would connect further down south to Olathe's trail system. But they are aware of that, and I'm sure they will be accommodated by that.

Comm. Neese: Because the one along the Cedar Creek valley is a major piece of property, and there are no really major immediate plans for (inaudible), at least the last time I heard.

Comm. Allen: With this plan there would be three different parking spots and it would start strictly with the trail system right now.

Comm. Neese: And if that will be taking the board's time and they don't want to hear about it, then don't have him come.

Comm. Allen: I'm sure they'd be glad to come.

Chairman Ifli: I think adding that to the agenda either for the next meeting or the meeting after would be a good use of time. I think each of the rural areas has either existing or planned parks, existing parks with planned changes or parks that are coming in. I know the Camp Branch park is going to be a new addition in the southeast district. It's getting ready to get underway here very shortly. Any other comments for staff? If not, the last item is Director's Report.

H. DIRECTOR'S REPORT

Mr. Leipzig: I appreciate the comments tonight. They are great comments, and we will certainly put together a schedule, and we'll invite Mr. Pietig to a meeting, as well as our Parks director, to follow up with you.

A couple things to point out. On the dais is the application reviewed by the BOCC. If you have questions about that, please let me know. Also, I wanted to announce that our action plan for 2019, one of our items is a review for the Kansas new Wireless Deployment Act and the new cell tower regulations. You might have heard recently that the City of Overland Park is currently reviewing those, which helps us tremendously because we can look at what they've written and incorporate some of their changes, as well. So, that's coming up on our action plan in the next few months.

The other item I wanted to mention; we had some bad news this back week. Our Deputy Director, Paul Greeley, who has been with the department for 27 years, I believe, going on 28 years, has announced his retirement. The official retirement date is June 28th. So, as we get closer to that date, we will certainly be in contact with you as we plan a couple different events for him. Kind of a send-off for Mr. Greeley. He's done a great job, and we wish him well.

H. UPDATES/OTHER BUSINESS

Comm. Atwell: Hank and I have a neighbor that is trying to divide up some property, and they're on CARNP 3, so 143rd and Dillie. Those are both CARNP 3's. She asked me about CARNP, what they can fight, what they can't. In looking at the CARNP roads in the area, we noticed that at 143rd and Edgerton Road, that appears to be marked as a CARNP 1 for approximately, I don't know, 60 acres, south? So, she was wondering why that one little section of Edgerton Road is a CARNP 1, but the remaining southbound Edgerton is a CARNP 3? And 143rd is CARNP 3 and
Dillie is CARNP 3. If you could just verify that is, and then, like, why? Why is just that one little section a CARNP 1. I think she was concerned the way we were structuring the new footage, that that is hindering her ability to divide that 80 acres up.

Mr. Leipzig: Offhand, I don't know the answer to the question, but we will find out.

ADJOURNMENT

The next regularly scheduled Planning Commission meeting will be Tuesday, May 28, 2019, at 5:45 p.m. This meeting adjourned at 6:49 p.m.

Chris Iliff, Chairman

ATTEST:

Secretary to the Board