

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

July 24, 2018

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, July 24, 2018, and was called to order by Chris Iliff, Chairman, with the following members present and participating; to-wit: Jim Neese, Teri Atwell, Dennis Bollin, Roxanne Morse, Hank Deters, Jason Meier and Roger Mason. George Lund, Pete Opperman, Randy Hutchins and Marc Huggins were absent. Also present were Jay Leipzig and Karen Miller, Johnson County Planning Department, and Brian Pietig, Johnson County Public Works Department. Leslie Davis served as secretary to the Planning Commission.

Chairman Iliff: I'll call the meeting of the Johnson County Planning Commission for Tuesday, July 24, 2018, to order.

B. APPROVAL OF AGENDA

Chairman Iliff: Any objections to or recommendations for changes to the agenda? [*None.*] They will be approved as presented to us.

C. CONSIDER MINUTES OF PREVIOUS PLANNING COMMISSION MEETING

Chairman Iliff: Are there any recommendations for changes or amendments to the minutes of the June 26, 2018, meeting, which was a joint meeting with the Board of County Commissioners? [*None.*] May we have a motion to approve?

Motion by Comm. Deters, second by Comm. Bollin, to approve the minutes from the June 26, 2018, Planning Commission meeting. Motion passed unanimously.

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. [*None.*]

E. REVISED DRIVEWAY AND INTERSECTION SIGHT DISTANCE REQUIREMENTS FOR SUBDIVISIONS

Mr. Pietig: Good evening. This is a FYI discussion. We wanted to let the Planning Commission know about modifications we're making to the entrance site distance requirements. It's timely with the thought that there might be some fairly significant changes in development in allowing arterial access. The old standards were based on rural roads. We're seeing a lot of urbanization and a lot of high traffic counts. We're essentially adopting the current American Association of State Highway and Transportation Officials - Those are the standards that most use, and that's what we're adopting here. If you look at the differences, they're pretty subtle. What is most significant

is that when you have a new intersection, we're going to require an actual study and have a professional engineer do an analysis of that intersection, particularly with grades and site distance. As you can guess, the grades of a road matter when you're talking about how quickly someone could stop. If someone is coming down a hill versus going up the hill, it takes longer to stop going downhill where you have gravity helping you out. These are fairly routine. Again, this is what most agencies use. We will be taking this to the Board in the next few weeks and adopting this. Again, this is informational. If someone has a comment, I'd be happy to entertain it.

Comm Meier: Generally speaking, between what we have now and what this is proposing, is it more stringent? Less stringent? Longer distance? Shorter?

Mr. Pietig: The old system was, it's pretty much a site distance based on a certain speed. For example, you'll see the old standard at 45 mph, which is about 80 percent of the entrances. The site distance required is 550 feet. If you look at the new standard for 45 mph, it's 550 when there are steep grades. As you get to a flatter grade, it actually gets a little less. If you're going up the hill, it goes to about 450 feet of sight distance, is required. So, it's the same. In that instance, it actually lessens the requirement for site distance, and it's the national standard that people use. If you look at 35 mph, which is on gravel roads - We have very little 30, 40, 50. I can't think of 55 in the county, but we put it on there because that's in the chart. If you look at 35, you look at the old standard, and we said you needed 300 feet. If you look at the new standard, it's 350 when you're going up the hill, and it goes up to 430 when you're going down the hill, and the grades are different. So, that was a little more significant. So, it depends. This is a better system to look at for a county that's reorganizing.

Chairman Iliff: Are there questions for Mr. Pietig? [None]

Mr. Pietig: Again, thank you. I appreciate the opportunity to you let you know that this is something that we're looking at.

Chairman Iliff: There is a recommendation here: That we receive comment from Mr. Pietig on behalf of Public Works, that the proposed revisions to the driveway and intersection sight distance requirements within the Street Construction and Storm Drainage Standards for Subdivisions, that we receive and comment on them. And then, ultimately, make a recommendation to the Board of County Commissioners that we will approve these. Is that correct, Mr. Leipzig?

Mr. Leipzig: Yes.

Chairman Iliff: All right. Are there public comments?

Comm. Meier: I know Brian already took off, but I guess with what we're all discussing with the arterial access lots, the lot width could get down to, I think it was 330 foot. I'm just wondering how this impacts driveways. I know we're talking about subdivision entrances, and maybe I'm misunderstanding. Is this subdivision entrances only? We are not talking about driveway access to arterial roads? Does anyone know?

Mr. Leipzig: Yeah, this is not roadway intersections. This is particularly driveways. So, what we're talking about with this particular....

Comm. Meier: I think it might be both. It says driveway and intersection site distance changes. I apologize. I just read that.

Mr. Leipzig: I apologize, too. I guess, yes, it looks like it is both.

Comm. Meier: Okay, thank you. I'm just wondering how this impacts that potential change, and I guess until we have a case in front of us, we won't really know. I'm concerned that if we approve

this - which it sounds like it's the national standard, and that sounds wonderful. But, if we improve this now, are we just setting ourselves up for future variance? Okay, it doesn't meet site distance here for these piano key lots that are getting approved for some reason, and --

Mr. Leipzig: I'll try to address it in general terms. I know that these standards were being evaluated through that process with the subcommittee. The changes that were made by the subcommittee were made with these contemplated changes in mind, as well, consistent with the AASHTO standards. So, that has always been part of the review criteria. That's our goal, as well as try to minimize those, the exceptions and the variances so that everything is very straightforward. It fits in with that whole concept. Without going into specific details, that was, that everybody's reviewed, is when that subcommittee was meeting, as well.

Chairman Iliff: Other questions or comments? The question is, are we prepared then to recommend the adoption by the Board of County Commissioners, the Planning Commission final recommendations that we have in front of us tonight, with regard to the issue of driveway intersection and site distance requirements?

Comm. Meier: When I look at this and hear staff and Brian saying, it seems like this makes sense. We're looking at grades and issues when it comes to site distance, so we want everything to be safe. And driveways coming onto arterial roads, whether they are gravel or not, can - and this is basing it off of grades that are national standards, probably the way we should have done.

Chairman Iliff: Well, it does occur to me that rather than an arbitrary number of feet, having a number of feet that's based upon the conditions that are existent makes more sense. And if it is the national standard, I think it would be difficult to us at the County level to say that we are more prudent or wiser than the National Transportation Safety Board, or whatever other committees are looking at these. Do I hear a recommendation for approval?

Comm. Meier: I would move that we recommend approval of these new standards and send them on to the Board of County Commissioners.

Comm. Deters: Second.

Motion passed unanimously.

Chairman Iliff: Let me ask Mr. Leipzig or Ms. Miller. Is it at this point that this needs to go to a public hearing? Or does it go directly to the Board of County Commissioners.

Ms. Miller: I'm pretty sure it goes directly to the Board of County Commissioners. And we'll see Public Works tomorrow and find that out, but I'm fairly certain that's the way it's supposed to be.

F. FINAL RECOMMENDATIONS REGARDING ARTERIAL LOTS AND OTHER DEVELOPMENT PATTERNS

Recommendation: Consider and adopt Planning Commission's final recommendations regarding arterial lots and other development patterns in unincorporated Johnson County and also receive a summary of accompanying Zoning and Subdivision Regulation amendments.

Mr. Leipzig: As you'll recall, we had a joint meeting in June with the Board of County Commissioners and you all to receive final comments on the report. Staff has made final revisions to the document and it is before you tonight. We want to get your final approval of the document. And then, staff has developed text amendments for the Subdivision Regulations that we would like to have for you in printed format at your August 28th meeting, and then, set a hearing date on September 21st, a public hearing to receive comments on those text amendments. That is

consistent with all the changes in the proposed recommendations that were outlined by the subcommittee. I'll turn it over to Karen.

Ms. Miller: Thank you. I'll start with the draft of the Planning Commission final recommendations, pulling out what I've done. The notes in red will be taken completely out, and the highlighted notes will remain in. Once we do that, it will become the Planning Commission's recommendation, if you want to accept them. I'll point out on the second page, on Recommendation #1, we suggest using the CARNP frontage requirements or the equivalent because we are moving from 400 feet that CARNP calls for to 330 feet. The reason I said "or the equivalent" is because Public Works and Planning staff worked with Affinis Corporation to study that issue. We don't have their final report yet, but we have seen the draft, and as we thought, they determined that there is no significance difference between using 330 feet of frontage on a Type 1 versus 400 feet of frontage. As soon as we get the report finalized we will give all of you a copy to look at. We're hoping to have that at the next meeting. Any questions about the changes I made to condition number 1? [None] This will be the subject of some zoning regulation changes. You'll see those changes when you get the actual hard copy in August.

The next change that I made to the report is on page 7, to Recommendation #6 regarding water from a public water source. Based on what I heard from the subcommittee and zoning board members, and from my own discussions with County staff and Health and Environment and Wastewater staff, I made some revisions. We have here that the Planning Commission is recommending moving the water requirement in the RUR District from being required from a public source, to being recommended from a public water source. I have attached to the memo in your packet the summary of the discussions I had with the other County staff. Are there any comments about this change?

Comm. Neese: I just want to make it clear, I just want to make sure the recommended cannot be restrictive. For example, if somebody wants to build a house out in the country, maybe they'd even like to have water, but the Rural Water District people said they're not going to run a line out there. So, they come and ask for a permit and say they're going to put in a cistern. And there's going to be no denial of a building permit because it's only going to be recommended because - I just want to make sure that's real clear.

Mr. Leipzig: Yeah, Commissioner, that is correct. The way the parameters were established in the report, the onus is on the property owner, and a lot of them have the flexibility to choose, thinking that their decision will probably be made by economics in terms of the cost, whatever is most effective for them. But, yes, that is correct. It is only recommended. There are certain examples in a variety of different cases where one or the other may make more sense, and this gives them additional flexibility to be able to do that.

Ms. Miller: Those are the two major changes to this document. I haven't really heard any comments, so at the next meeting I will submit this in your packet with the highlighting removed. My thought is that this will accompany the recommended Zoning Regulation changes when we send it up to the Board of County Commissioners. That way, we will have our policy work that we did, and then, the zoning regs would be the implementation of our policy work. That's how I'm doing this.

Mr. Leipzig: As a follow up, we had hoped to have this for you, or have all the text amendments before you in written format this evening. We have drafted them. We haven't had them reviewed by Legal. We want to make sure they have a chance to look at it, too. That's why they are not before you. But the date in August should work fine to get all the comments integrated into the document.

Chairman Iliff: Ms. Miller, the August meeting, if we recommend approval at that time, that would then trigger a public hearing?

Ms. Miller: There are two things. There are the recommendations. These don't need a public hearing.

Chairman Iliff: Correct.

Ms. Miller: You would just accept them and submit them to the Board of County Commissioners. And then, yeah, the zoning regulation changes, if you're satisfied with them, the next step would be a public hearing for that.

Comm. Deters: Karen, I know you're mentioning the public water source for water in the RUR, but what about the PRUR? Because at one point, that was part of the discussion, but then, in the final, I only see the RUR discussed.

Ms. Miller: The PRUR has lots that go down to four acres, and there are significant issues with that, mainly fire code, for instance. I can look at the stuff that we looked at, but I'm thinking always the water was discussed in terms of RUR. But, there's going to be another chance to look at the PRUR District because in the next steps of the memo I submitted, looking at the PRUR District is one of them. And that is a different animal than just straight RUR because of the lot sizes

Comm. Neese: That begs a question. Let's say that a couple folks who have a sizeable piece of property - 60, 80 acres - and they want to split their house out into a smaller four-acre and keep the rest of it ag. And it would be ag. Are we going to be able - and maybe this is not the time to answer that because you're going to work on that. But, keep in mind that in that particular situation, someone is going to have the smaller lot, living in the middle of the country. And water is not there yet. I was looking at a piece of property just the last couple of weeks that were similar, and if I bought it, I would put my house on the small piece and kept the rest ag. And I would like to think that I... And I know it's under a rural water district in there. They're not going to run water to that. So, just keep that in mind.

Mr. Leipzig: Yes, Mr. Neese. That item, that's exactly what that PRUR District would, basically provide different avenues of flexibility for that property owner. That might work, but still, the priority there is on the fire code, and offer fire protection, but then, a variety of ways to do that. But that PRUR, that's the overall purpose of the zoning district, is those kind of situations. We need to look at additional flexibility there.

Comm. Atwell: I know we're going to discuss this later, but I want to throw it out. Because you guys are all, to me, hooked on the fire protection. Out where we live, we're all on 4 1/2 to 5-acre tracts. Water District 7 has told us we will never get fire hydrants. So, if you're worried about future development and going to require that, developments that have been there from the 70's don't even have it.

Mr. Leipzig: There are other provisions in the fire code and the building code, too. You can provide a viable alternative, which opens the door for other things that might...But I understand.

Comm. Atwell: I want fire hydrants.

Mr. Leipzig: You can accept other viable alternatives that might be out there.

Ms. Miller: In general, we have the Comprehensive Plan, we have the policy areas, and we have the rural traditional policy area, and the rural policy area. Those are, like, the last tier and the middle tier away from the cities. Those are generally still pretty rural, and really, the larger densities, at their level of services, are the appropriate ones. So, those policy areas - and I think

you're in one of those policy areas - call generally for 10-acre or bigger lots. And I think your subdivision was one of the early subdivision. But right now, just in terms of the general policy, it's more the 10-acre density.

Comm. Atwell: Yeah, because what's weird is that, you know, we're at 146th and Dillie, so we have no fire hydrants. But, if you go further west to Edgerton, they all have fire hydrants. We're caught in the middle, in no-man's zone. They all just got bypassed.

Ms. Miller: That was the first document. The second document was my summary of the proposed amendments. The purpose of that was just to show you what I have been working on. I've incorporated those recommendations from the subcommittee work. Also, there was one policy issue that I put in here, and I just want to point it out. On page 2 of my memo, the third bullet down, under Article 30, Minimum Subdivision Standards. Currently, the general layout and design criteria for new streets calls for a street hierarchy that assumes local streets connect to collector streets, which in turn connect to arterial streets. This hierarchical system applies well to urban areas but not as well to rural areas. The amendments are proposed to acknowledge this difference. What I'm specifically thinking of, there's a lot of verbiage in our subdivision standards that says thou shalt not front lots onto collector streets. And that makes it a little difficult for planning staff when we're reviewing, you know, this urban hierarchy works really well in the cities, but in the county, we're just a little different animal. So, since I'm touching this article, I thought I'd make that tweak. And from our discussion with the subcommittee, I felt that would be somewhat in line with their philosophy.

Comm. Meier: One thing I would say, when we're laying out subdivisions in town, yes, we're not supposed to front lots on collector roads, unless they are - most of these will allow it if they are over 85 foot wide. So, in the county, I mean, every lot is going to be over that, for the most part. So, just so you know, I've gotten it approved on numerous collector roads all over the county - and cities - as long as the width of the lot is wide enough to, once we put a circle drive in, so you're not backing out onto a collector road. That's one of the issues. Or, it's wide enough for a side entry garage, then that allows you to turn around before you exit out onto the collector. So, just FYI.

Ms. Miller: That's really interesting. I'm glad you told me that. So, I thought I would note that and let you know that would be in there. And then, while I was touching these articles, I took the opportunity to generally clean things up and improve them. I'll put the caveat out there, you know, when you do get these, the actual amendments in hand, if there is anything you don't like or don't approve of, we are free to remove the item.

I'll point out on page 2, the suggested timeline of events that Jay mentioned. Look at the zoning regs next month, and then, hold a public hearing. I'm thinking that we should probably, at that time, send out invitations to the zoning boards, because I know you're pretty interested in that. That's something on my mind, to keep the zoning boards engaged when we hold the public hearing. And then, the last item on that page is other projects related to the subcommittee work. So, after we get the zoning reg changes under control, I'll start looking at the Comprehensive Plan and try to pull those ideas into the Comprehensive Plan. I know there's some places in the Comprehensive Plan that you shouldn't front onto arterials, and that type of thing. I'll try to update that.

Once we get the finalized write-up from the Affinis people, we could actually consider changing the CARNP study - it's a stand-alone study - to say the 330 and 1320 feet. That's something we could do. And then, lastly, we could work on the PRUR district and tweak that. I'll take any comments.

Chairman Iliff: Any comments or questions? If not, I think we are prepared to have this come back to us in finalized form after the Legal Department has reviewed it, then set it for public hearing.

Ms. Miller: Excellent. We'll do that.

Chairman Iliff: And I think the idea of bringing the zoning boards, inviting them in, is a great idea. We don't need a motion on that matter, so we will see it next month.

Before we move on, I want to check my calendar. I think the next meeting would be Tuesday, August 28th, rather than August 24th, as mentioned there.

Ms. Miller: Oh, I changed August but not...That's what I did.

Chairman Iliff: Yeah, it is the 28th. Thank you.

F. DIRECTOR'S REPORTS -

Chairman Iliff: Update on Board of County Commissioners' actions.


Mr. Leipzig: On your dais are the applications dated 6/26/18 through 7/24/18. I'd be happy to answer any questions you have about that. They're fairly straightforward. Just for consistency, there's been a lot of activity both in the Southwest and the Northwest zoning boards, but those items have not been brought to the Board of County Commissioners yet. The recommendations and the work of the Planning subcommittee I think has really, it's been a great endeavor for staff, and I think it's been helpful in presenting the applications to the Board of County Commissioners, as well. It appears to be very smooth.

Chairman Iliff: Any questions about the Board of County Commissioners' actions? Or comment?
[None]

G. UPDATES/OTHER BUSINESS [None.]

ADJOURNMENT

The next regularly scheduled Planning Commission meeting will be Tuesday, August 28, 2018, at 5:45 p.m. This meeting adjourned at 6:22 p.m.



Chris Iliff, Chairman

ATTEST:


Secretary to the Board