

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 28, 2018

5:45 p.m.

A. CALL TO ORDER

A meeting of the Planning Commission of Johnson County, Kansas, was convened at 5:48 p.m. on Tuesday, August 28, 2018, and was called to order by Chris Iliff, Chairman, with the following members present and participating; to-wit: Jim Neese, Dennis Bollin, Roxanne Morse, Pete Oppermann, Marc Huggins, Jason Meier and Roger Mason. George Lund, Randy Hutchins, Teri Atwell and Hank Deters were absent. Also present were Paul Greeley and Karen Miller, Johnson County Planning 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, August 28, 2018, to order. We have a quorum present.

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 July 24, 2018, meeting? [*None.*] May we have a motion to approve?

Motion by Comm. Neese, second by Comm. Morse, to approve the minutes from the July 24, 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. FURTHER DISCUSSION AND ACTION TO ACCEPT RECOMMENDATIONS REGARDING ARTERIAL LOTS AND OTHER DEVELOPMENT PATTERNS

Ms. Miller: In your packet is a copy of the completed final recommendations from the Planning Commission for your review. Staff recommends that you vote to accept this report, and we also recommend forwarding it to the Board of County Commissioners with the associated zoning regulation changes that we are set to consider tonight.

There are two things that I want to point out, two new appendices. Appendix D is the Access Management Report and Review done by Affinis engineers for Public Works. That is attached. And then, also, Appendix E is the background information regarding wells and cisterns. You saw

that at the last Planning Commission meeting. I thought that would be good information to include in the report.

On page 2, Recommendation No. 1, I changed two "staff notes" to just "notes" within the report. So, one note is that the CARNP issued in 1999 required 400 feet of frontage per driveway for Type 1 CARNP streets. A recent access management review has determined that the changes to 330 feet of frontage will be negligible, and I have a reference to the new Appendix D for a copy of the report. There is a similar note about the 1,000 feet for Type 3. So, that is one way I changed Recommendation No. 1. I'll point out when we move to Zoning Regulation amendments, this idea is addressed by the zoning regulation changes. I'll also point out that Recommendation No. 2, Managing Connectivity, has been highlighted with a change in the zoning regulations. Also, on page 6 is Recommendation No. 6 for water from a public water source to be "recommended" instead of "required" in the RUR District. When we move on to the zoning regulations, that is also addressed. At the end of this section, I have a reference to Appendix E for background information for wells and cisterns.

So, those are the tweaks and changes to the report. As I mentioned earlier, staff recommends that you vote to accept this report.

Chairman Iliff: Ms. Miller, has the Legal Department reviewed this and is in agreement that this is in appropriate form to send on with a recommendation for approval to the Board of County Commissioners?

Ms. Miller: I approached the Legal Department. Rick Lind is in litigation right now. I let him know that this report was here. I let him know that we planned to recommend you accept it and pass on with the zoning regulations. He said that's fine.

Chairman Iliff: I personally interpret inaction on his part as full approval. That's fine. Are there other comments or questions for Ms. Miller with regard to the report?

Ms. Miller: And just to clarify, we're envisioning these final recommendations to be accepted by the Board of County Commissioners. We're viewing it as a working document, a list of projects regarding the work with the Planning Commission subcommittee.

Chairman Iliff: Any further comments? Or questions? I will say, in defense of those who don't want to have any remarks, that we have reviewed these at some great lengths in months gone by. So, there is nothing here that is a surprise to any of us, nor will it be a surprise to the Board of County Commissioners, who have met with us and effectively, I think, have endorsed everything other than the final version of this. What's left for us is to make a recommendation to the Board of County Commissioners to accept the arterial lots and other development patterns in the unincorporated area of Johnson County, pursuant to the plan that we have in front of us. Do I hear a motion to move this for acceptance to the Board of County Commissioners?

Comm. Meier: I move we accept this and move it onto the Board of County Commissioners.

Comm. Bollin: Second.

Motion passes unanimously.

Chairman Iliff: Thank you for your hard work on this, Ms. Miller. Again, this is a model for clarity with regard to writing proposed subdivision and zoning regulation changes. Thank you.

F. INITIAL DISCUSSION AND ACTION TO SET PUBLIC HEARING TO CONSIDER ZONING AND SUBDIVISION REGULATION AMENDMENTS

Ms. Miller: These are the regulation amendments to implement what the subcommittee recommended in terms of policy. I thought I would run through it article by article, describing the general changes to each article. If there are specific questions, I'll take them, but I don't want to spend a lot of time on the details.

On page 9-1, that's the start of Article 9, which is the rural district. The way these page numbers are read is, the 9 stands for the article, dash-one stands for the page in the article. So, if you turn to page 9-2, you'll see in the yellow that in the RUR District, it's recommended that lots have a setback of at least 200 feet for gravel roads. I'm just pointing that out as an example. And then, if you move to 9-4, it's recommended in the PRUR District that instead of "require," it's changed to "recommended" also. In the PRUR District, lot sizes can get down to four acres, and it just didn't make sense to have a 200-foot setback on a four-acre lot. It made sense to shadow what the RUR District is doing. That is the main content change in Article 9. Any questions? [None]

I'll move to Article 12. There is one content change involving the idea of collector streets. It changes from only allowing lots to front onto local streets to allowing lots to front onto local or collector streets, prohibiting lots to front onto arterial streets in all of the planned residential districts. We thought this was more in line with the keeping of our discussion, in terms of where we're going with our policy changes. It is more permissive with the collector streets, and there's no change in the residential districts regarding arterials. You are not currently allowed to take access onto arterials, and we have discussed that as a policy. That change was done in all the Planned Zoning, residential zoning districts - PRLD, PRN2 and PRN1. Any questions?

Comm. Meier: If you have a planned residential low-density district area, I'm just thinking about the layout on the land. There might be a situation where one lot maybe isn't serviced by internal streets because of a ditch, a draw, or something like that, and it could only be accessed to an arterial road. If it conformed with the 200-foot setback and the other requirements in the other zoning district, even though it's all planned unit zoning, would that be allowed? Or are we saying that that's not going to be allowed because of this text change?

Ms. Miller: I'm thinking that could be addressed under the flexibility of the planned zoning district. Do you agree, Paul? The other way to do it would be to get a plat exception.

Mr. Greeley: It may not be automatically allowed, but as Karen said, through either planned zoning flexibility or through the plat exception waiver, whichever might come into play, that could be addressed.

Ms. Miller: What you described I think meets the intent of the planned district. You have an internal street, and you've got a majority of the lots fronting onto it.

Comm. Meier: I don't think of it happening very often, but I could see it happening once or twice in the future. I just wanted to clarify.

Ms. Miller: That's a good question. Anything else? Also, when you get these regulations back for the public hearing, there will also be an Article 10 with exactly the same changes. This is Article 12, Planned Residential Districts. There also needs to be changes in Article 10, the straight Residential zoning districts.

Moving on to Article 29. This is the lot split provisions. The main thing that's happening in these revisions is that Section 5 is being removed. Currently, in the RUR District, lots are not allowed to front onto arterials, with two exceptions. Lot splits are one exception. Under the current regulations, if you have an approved lot split in the RUR zoning, you can front onto arterial roads. Section 5 sets that exception up and sets out the frontage requirements for that. But, with our proposed changes, moving forward when we look at Articles 30 and 31, we'll see that we're

opening this up even more. We don't need this exception now because, in general in the RUR District, you'll be allowed to front onto the arterial. That's the reason we're suggesting that we take out Section 5. It's no longer necessary. Any questions?

The next two articles are Article 30, Minimum Subdivision Standards, and Article 31, Minimum Infrastructure Standards. These two articles contain the main content of implementing and achieving the Planning Commission's final recommendations. There is also some fine-tuning along the way, too. On the first page of Article 30, I changed Section 1 from "objectives" to "purpose." I added some introductory verbiage, which is basically the same as in Article 31. And then, Section 1, part C, I took out because it's speaking to that idea of not really fronting onto arterials, and it's getting very specific when we don't really need to. So, the purpose statement of Section 1 is basically fine-tuned. And then, going on to Section 2 - I should ask, are there any statements or comments about Section 1?

Section 2, we're getting into the idea of how to plat streets and driveways. Section 2.A.1. has been struck. This is the second type of exception for how to front onto an arterial in the rural zoning district. This exception is no longer needed. And you'll notice as we go forward, a lot of sections that we look at, it will say you can't front onto an arterial except in conformance with Article 30, Section 2.A.1. So, we no longer need this exception because we're allowing, in general, to front onto the arterials if you're in the RUR District. I'll describe what this exception is. If you have a lot that hasn't been split since 2002, and if it's zoned RUR, and if you plat it into two lots, you, under these current regulations, can front onto an arterial, and you are not required to provide water from a public water source. So, we've taken that idea and expanded it to all lots in the rural district. So, anytime you see that, we call it the 2002 plat exception, we just don't meet it anymore.

So, to replace this, I added some general discussion about general street layout and design considerations. And then, I took the opportunity, on the top of page 30-2, the second paragraph, to talk specifically about our new policy idea. I took this pretty much verbatim out of our recommendations for rural subdivisions with lot sizes of at least 10 acres. They function as holding zones for future development, even if the subdivisions take direct access off of an arterial road. If you manage particular elements like the CARNP frontages, connectivity, and looking at what the streets are doing. So, I took that opportunity to make it clear where we're headed now with our regulations. Questions about that?

Moving on to the bottom of that page, page 30-2. This was some very specific language about how we want to prevent lots onto arterials. So, I took that opportunity to swap that out with basically a description of how now we're allowing lots to front onto streets. So, on page 30-3, it says the streets shall be arranged to facilitate the free flow of traffic and limit potential traffic hazards. Section 1) is "Providing lots with Rural District zoning", and indicates in the RUR District that if you follow CARNP frontage requirements, you can front onto the arterial, or, you can have a local road. So, that's the new idea.

Section 2) just reiterates what our current regulations say, and that if you're in a residential district or the planned rural district, you need a local road.

And then, Section 3) just reiterates what our policy is regarding retail business and employment center zoning. That is, if you follow CARNP frontages, you can front onto the arterial. So, right here on page 30-3, we have a summary of how you can front onto streets in the various zoning districts. Questions?

Comm. Huggins: I may have misheard you. I thought you said the lots in the Planned Districts require access to a collector street.

Comm. Meier: Local or collector.

Ms. Miller: I might have said it wrong. In the Residential and the PRUR - Planned Rural and Planned Residential - you can't take access onto an arterial. You need to take access onto either a local or a collector.

Comm. Huggins: Yeah, I see it says that here. Thank you.

Ms. Miller: Any other questions? All right. On the next page, 30-4, number 4 at the top of the page, that Section 4 is basically talking about connectivity, which is a theme of our policy discussions. So, the new title more directly refers to connectivity in the relationship of internal street layouts to adjoining properties and streets. So, it points that out and underlines the connectivity idea.

On the next page, 30-5, this describes the various functional street classifications and reworks the ideas so that you can front onto collectors if you desire to, and local cul-de-sac and collector streets can front onto arterials. Any questions about that?

Page 30-6 wasn't directly discussed by the subcommittee. This is just an opportunity to enhance the regulations. Section 8 talks about right-of-way dedication. So, 8.A.2. says that right-of-way which shall be 120 feet, if it's located in the urban policy area, or exurban area where the standard needs to match the new requirements. And we don't really talk much about what we mean by the exurban area. Paul recently had a case where he had to think about that, what that really means. So, Paul worked with me and helped me get some clarification guidelines about what we might look for if we were thinking something was exurban. So, factors contributing to the exurban character of an area and the associated need for subdivisions to match City requirements, include but are not limited to subdivisions within a mile of the city, and other items on the list. Keep in mind, this is a plat that will go through a public hearing process, so the zoning boards and the Board of County Commissioners can have a chance to look at the planner's recommendation, look at our reasoning. Any comments about that?

The next page is 30-7. The changes to this particular chart are all formatting. You'll notice in this chart that the first two columns talk about median breaks and intersection spacing to all districts. The last column is street frontages for business driveways, like the PRB and the PEC zoning districts. I simply split those two tables apart, and on the next page is the two separate tables. So, there is no content change to this. Then, at the very bottom of 30-8, I'm going to read this to you because this is important. This introduces the chart on page 30-9. I'm taking this out. It says: *The driveway to the lots resulting from the initial two-lot subdivision of any real property approved after 2002 is described in Article 30, Section 2(A)(1).* That's that exception. So, when we had this in before, you could only front onto the arterials in the rural district per this exception. So, I'm taking this wording out and we'll have this chart on 30-9, which sets out how you can or cannot front onto arterials per zoning district. So, the first is applicable to the rural district only, and you'll notice that those are the new frontages that we looked at. Type 3, 1320 ft., Type 2, 660 ft., and Type 1, 330 feet. Now, the way this reads, that applies to anything in the rural district, all the time. And then, what's below that is simply a restatement of how our regulations function now. Any comments about that? This is one of the main reasons we're here tonight, is to loosen this up and make this apply to all lots in the rural zoning district.

One thing I want to point out on 30-11, in the middle of the page, we've added some wording about shared driveways because this comes up every once in a while. Sometimes a zoning board will recommend a plat have a shared driveway. Sometimes it's the Board of County Commissioners. This section does not encourage or prohibit shared driveways, but it's trying to help Public Works with the administration of shared driveways. Because once a shared driveway is approved, it can be very ambiguous about who installs them, and who pays for them, and who

maintains them. And that causes a lot of difficulties between neighbors. And this isn't telling the owner how to do it. It's just saying you have to think about how to do it, and spell out how you're going to install and maintain those driveways, who is responsible for what.

Also, the second paragraph emphasizes that yes, you can do shared driveways, but it's not giving you any sort of permissions to have smaller frontages. If you want to have smaller frontages than allowed by the regulations, you need to go through the prescribed plat exception process. Any comments about that?

Comm. Huggins: I guess this doesn't preclude these access agreements signed by both parties. But, would an access easement be enough to satisfy this requirement?

Ms. Miller: I don't know enough about this to tell you either way. Do you know, Paul?

Mr. Greeley: Well, just to clarify, when you say an access agreement between two parties, because as part of a plat process, the developer said they're going to do a shared driveway?

Comm. Huggins: Or just do tracts of land that are dedicated as a separate instrument.

Mr. Greeley: Yeah, I mean, if they're refining their rights from each having a separate driveway because they want a shared driveway, we're not going to be concerned about that because they otherwise get separate driveways. I'm thinking through the process of a plat, though, if there's a defined shared driveway location, the access agreement document - which isn't necessarily signed by two parties - just because a covenant running with the plat. That's another way that it could happen. But I think the way you're describing could happen, as well. A voluntary type of thing.

Comm. Huggins: I don't see how this would restrict that use.

Mr. Greeley: No, no, and like Karen said, this isn't in here to require or say we're going to do that, but in the event someone wants to do this in a platting process, this helps tell them what the County's needs are, or what we think is important to think about, and you set that out in writing.

Ms. Miller: We would generally have the applicant work with the Legal department and come up with a document that is acceptable to Legal. The next change is on 30-14. This is an enhancement. It references a list of appropriate plant materials that's available in the planning office. We don't have that list. When we worked on the special permit, we came up with wording on that. I just transferred it here: *Landscaping plants should be selected from the most current K-State Extension list recommended for Kansas, and in the case of trees, for northeast Kansas.*

Comm. Meier: I think it's perfectly fine. I use, there's a document created by a landscape architect here in town that's called, I think it's shade trees for the greater Kansas City area. Robert Whitman put it together. I use it all the time. He interviewed the top minds in trees throughout the Midwest and put this list together. It was extremely comprehensive in how he did it. Basically, it's the best trees to use in this area for street trees. I don't know if we, you know, recommend that. I use it all the time in most of the cities that I'm working in now. All the trees on that list are allowed, and I think it's because it was a really comprehensive study that went into it. I don't know if it's different than what the extension office has because, you know, some of the folks on the extension board were actually interviewed for this, as well. So, I don't know if it makes any difference. This is probably perfectly fine, but I can email that to you if it's helpful.

Ms. Miller: Yes, e-mail it to me and I will try to compare and see how they are the same or different. The next to the last change that I want to point out is Page 30-21. It sets out requirements for dry sewers. This is identical except for one word to the same section in the minimum infrastructure article. So, we have this in our regulations twice. So, I'm proposing we take this out and keep the

one in our minimum infrastructure requirements. I'd also like to point out that Paul is working on a rework of this, along with Wastewater and Legal. So, at some point when they are done, they will circle back and we will look at some suggested changes and revisions to the dry sewer requirement. That's it for Article 30. Any questions about that?

The last is Article 31. There are two main ideas in here, one regarding roads. On page 31-3, the main idea to look at is B. That's the road category, in Category 1. Category 1 refers to the RUR District and the PRUR District. The main thing to look at is C. It starts out: *Lots in subdivisions with PRUR shall not have access directly onto a highway or a CARNP road.* Then, notice that it doesn't say that about RUR. So, there is no prohibition against direct access in the RUR District. And then, it goes further to refer the reader back to Article 30 that we just looked at, to look at the frontage requirements for the RUR. That's the main way for allowing RUR to have access onto the arterial, through our minimum infrastructure, working in combination with the frontage requirements in our minimum subdivision standards.

And then, road categories 2, 3 and 4 are residential zoning districts. They still prohibit access onto an arterial, so that is no change. Questions about roads?

And then, on page 31-5, there is the wastewater category. I'm just showing you that we've kept the dry sewer requirement there.

The last thing to look at would be the water. Water is addressed on 31-7. I'm going to back up a little bit and mention that the roads category are required. You have to do this. If you look at the chart on page 31-8 and the column for RUR, right now, under water, it's a black dot. That's highly recommended. We're working on a new table to change that to "recommended." So, that will be an open circle "recommended." So, RUR, will be recommended for water, and PRUR will remain "highly recommended" for water, which is basically required. So, that works in concert with 31-7, the actual verbiage: *Potable water supply shall be available and provided from a public water source.* So, we're changing that to be "recommended" for the RUR District, which is not a requirement. That's the last of the recommended zoning regulation changes. If the Planning Commission is agreeable with these recommended changes, staff recommends that you set a public hearing for next month, in September. We have a quorum, so you can vote on that.

Comm. Neese: What day is the meeting next month?

Mr. Greeley: September 25th.

Ms. Miller: Which is on the back page of the agenda. The next Planning Commission meeting is Tuesday, September 25th.

Chairman Iliff: So, with regard to the zoning and subdivision amendments, the recommendation to us after we discussed the changes is to consider scheduling a public hearing to consider the proposed zoning and subdivision amendments for the next Planning Commission meeting, which is September 25th. Is there any difficulty publishing the notice?

Ms. Miller: That's an excellent question. I would have to get it to the paper tomorrow, and I'm set to do that.

Chairman Iliff: All right. Well, presuming you can get that done, which I have no doubt will happen, is there any objection to having the public hearing at our next meeting on September 25th? Hearing none, that will be our recommendation.

F. DIRECTOR'S REPORTS

Chairman Iliff: Our director is not with us today, but I assume he has delegated to one of his fine associates the update on the Board of County Commissioners' actions.

Ms. Miller: First of all, Jay sends his regrets that he couldn't be here today. As you know, his father passed away last year. KU has scheduled a memorial service for Jay's father and a group of other people, and they set the date for this evening. That's where Jay is tonight. He will be here next month.

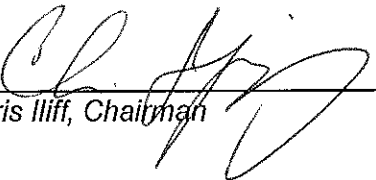
The second thing I would like to mention is that Public Works is scheduled to bring the site distance requirement changes to the Board of County Commissioners in a of couple weeks. When we come back to you next month, we expect those to be adopted.

The last thing is, at your seat is a list of the approved applications for all of the zoning boards. Jay also mentioned that in December, he plans to present a summary of the year's activity by zoning board. That's it for the director's report.

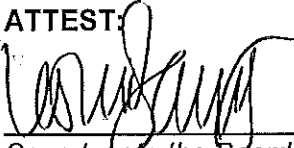
G. UPDATES/OTHER BUSINESS [None.]

ADJOURNMENT

The next regularly scheduled Planning Commission meeting will be Tuesday, September 25, 2018, at 5:45 p.m. This meeting adjourned at ____ p.m.



Chris Iliff, Chairman

ATTEST:


Secretary to the Board