



Meeting of the
MIAMI COUNTY PLANNING COMMISSION

March 7, 2017 | 7:00 p.m.
Miami County Administration Building

AGENDA

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ADOPTION OF THE AGENDA

V. CONSENT AGENDA

- A. **Minutes:** Approval of the February 7, 2017 Planning Commission Minutes.

VI. REGULAR AGENDA

A. **Old Business – None**

B. **New Business**

1. Public Hearing - 17001-TA: Zoning Regulation Amendments (Fire Stations)

The Planning Commission will discuss potential text amendments to Article 5, Section 5-2.02.6, and Article 6, Section 6-2.02.8, of the Zoning Regulations of Miami County, Kansas to allow an exemption from minimum lot sizes for fire stations and other emergency services in the Countryside and Agricultural zoning districts.

2. Public Hearing – 17002-TA: Zoning Regulation Amendment (Parking)

The Planning Commission will discuss potential text amendments to Article 17 (Parking) and Article 14 (Conditional Uses) of the Zoning Regulations of Miami County, Kansas to consider alternative parking provisions.

3. Public Hearing – 17003-TA: Subdivision Regulation Amendment (Boundary Line Adjustments)

The Planning Commission will discuss potential text amendments to Article 4 of the Subdivision Regulations of Miami County, Kansas to allow the adjustment between existing tracts/lots as long as the density units are not increased, the lots/tracts meet the minimum area required for

sanitation, and the lot length to width ratios, setbacks and other regulations are maintained.

VII. ANNOUNCEMENTS BY STAFF/COMMISSIONERS

VIII. GENERAL DISCUSSION

IX. ADJOURNMENT

Hearing Procedure

1. Chairman announces agenda item.
2. Members describe what, if any, communication they have had with applicant or interested party regarding the case; indicating the nature of the communication and whom it was with.
3. Members describe what, if any, conflicts of interest they may have and recuse themselves from the hearing room for the duration of the hearing.
4. Staff presents the application with staff's recommendations on the request.
5. Chairman opens the public hearing.
6. Applicant or agent of the applicant makes brief presentation of the case or request.
7. Members ask for any needed clarification of the applicant or agent.
8. Chairman solicits comments from the audience.
9. Members ask for any further clarification from the public, applicant or staff.
10. Chairman closes the public hearing.
11. Members deliberate on the request and take action if able to do so. Members should present findings to substantiate the action taken.
12. Staff announces when the request will be heard by the BOCC.
13. 14-day Protest Period begins after the Public Hearing is closed.*

* **Protest Petitions:** Any protest petition must be filed in the Office of the County Clerk within 14 days from the conclusion of the public hearing held by the Planning Commission.

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
February 7, 2017**

**MIAMI COUNTY ADMINISTRATION BUILDING
COMMISSION CHAMBERS
201 SOUTH PEARL STREET
PAOLA, KANSAS 66071**

ATTENDANCE:

CHAIR: Absent

VICE-CHAIR: John Menefee

PLANNING COMMISSION MEMBERS: John McLean, Phil Elliott, Bret Manchester, Randy Kitchen, Tina Walker, Larry Smith and Mike Martin

ABSENT MEMBERS: Kimberly DeYoung

EX-OFFICIO MEMBERS: None present

PLANNING DIRECTOR: Teresa Reeves

COUNTY COUNSELOR: Not Present

**PLANNER/
PC SECRETARY:** Thorr Miller

COUNTY COMMISSION: Not Present

PRESS: Not Present

MINUTES

February 7, 2017

MIAMI COUNTY PLANNING COMMISSION

CALL TO ORDER

Vice Chair John Menefee called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

County Clerk, Janet White, administered the oath of office for Elliott and Walker.

ROLL CALL

Eight members were present for roll call, which constituted a quorum. (DeYoung was absent).

ADOPTION OF THE AGENDA

Elliott moved to adopt the agenda. McLean seconded. The motion passed unanimously (8-0).

CONSENT AGENDA

Minutes: January 3, 2017 Planning Commission Minutes were approved as written.

REGULAR AGENDA

Old Business:

Annual Review of the Comprehensive Plan

The commission had previously agreed to add an area of regional significance to the map near the Cider Mill and Somerset Road location near K-68. The other thing the commission had talked about was to add language to the Comprehensive Plan to better protect Hillsdale Lake. Reeves stated that she added some very minor language. The only real change she added was on page 41, where she added the Marais des Cygnes watershed to the bullet point, "Provide the agencies an opportunity to comment on land development projects that might affect Hillsdale Lake and Marais des Cygnes watersheds or other critical habitat." She added another bullet point, "Encourage the creation of stream buffers adjacent to streams and waterways to maintain water quality, stabilize stream channels, reduce runoff rates and volume, protect habitats, and better manage floodplains."

Kitchen commented that he didn't see that as a minor change. To Kitchen, that change was like the WOTUS (waters of the United States) rule the government used. He stated that he wasn't sure the

County should have any involvement in the buffers along the stream. Kitchen commented that he wasn't sure how anyone else felt about that, but his understanding was that the NRCS implements that.

Elliott asked Reeves for an example of what action she or her office would take if that language was added to the Comprehensive Plan.

Reeves replied that her office would just encourage use of the buffers, and that until there is teeth in the zoning regulations there wouldn't be any force to it.

Menefee said the language would not mandate that buffers be used, it would simply recommend they be used.

Elliott added that by putting the language in the Comprehensive Plan it would open up the opportunity to add a zoning regulation to come later.

Martin stated that the conservation design already takes care of that, so he questioned whether it would be a duplication.

Reeves responded that conservation design does to an extent. In conservation subdivisions, it talks about protecting sensitive land and streams with floodplain would fall into that category. 30% of the property goes into open space but there may be more floodplain than that on the property and there may be some parts of a stream further upstream that may need to be protected that would not be in a floodplain.

Martin added that taxation is looking at that, because the land is taxed differently than the buffer. About every government agency is trying to get into the farmers' pocket.

Elliott commented that a good heavy rain creates the need for a buffer on his land anyway.

Kitchen could see the need if someone wanted to put in a subdivision next to a stream or river, the NRSC would be notified to ensure compliance, and there weren't issues with runoff and erosion.

Elliott asked if it would change if they were to add the concept of development or development areas to focus on. That is where the buffers are needed.

Kitchen said that the County already had the green space required, and if there is a big creek running through, it's something that you would, but he doesn't want to see that on paper because it brings another regulation coming on later.

Reeves replied that it would not hurt her feelings if the commission did not want to adopt it. She was just proposing this because there was discussion on strengthening the language in the Plan to better protect the watershed. If this isn't what the commission wants, this language can be deleted.

Menefee opened the public hearing on the item. After the public provided no comment, Menefee closed the public hearing.

Elliott clarified what language the commission wanted to add and what language the commission wanted to cut from the proposed language addition to the Comprehensive Plan.

Menefee asked if the first bullet point already existed and the addition was just with respect to Marais des Cygnes.

Reeves confirmed that was the case.

Elliott moved to add the area of regional significance on K-68 at the Somerset/Cider Mill area, and add. Martin seconded. After no further discussion, the motion passed unanimously (8-0).

New Business:

16011-SUB: Forest Creek 2nd Plat

Reeves presented the staff report for consideration of the Final Plat of Forest Creek 2nd Plat subdivision, creating a total of 6 lots ranging in size from 2.04 acres to 6.00 acres, and 2 open space tracts totaling 3.29 acres, and a newly created internal road identified as 226th Court, in the Rural Residential zoning district, per Section 4A-5 of the Miami County Zoning Regulations. The subject property is located approximately ¼ mile south of 223rd Street on the East side of Gardner Rd., in the NW ¼ of Section 25, Township 15, Range 22, Richland Twp.

Reeves explained that Mr. Riggs was called out of town the day before. His flight was delayed this afternoon and he stressed that he wasn't going to be at the meeting. If there are any questions, Reeves stated she would contact him to speak with the commission by phone. Reeves stated that the planning commission had seen this subdivision several times. The commission approved the preliminary plat for the 1st phase within the last several months, and the item before the commission was the final phase of the 2nd plat. The proposal complies with the preliminary plat and complies with the comprehensive plan. Reeves announced there were a couple of conditions. The proposal could not go before the County Commission until the road plans were approved, which had been done recently. They need to get their estimate and bond prepared. They already have their subdivision agreement signed, so they should be moving forward with the proposal very quickly. Access to lot two has to be relocated to 226th Court, once the road is constructed and they need to revise the final plat to show the non-buildable areas located on Lots 7 and 8.

Kitchen asked if the plan was different than when Riggs was before the commission three months ago.

Reeves explained that the proposal the commission approved previously was the preliminary plat and 1st final plat. Overall, he added two more lots to the plat that was approved last year.

Kitchen responded that he was trying to get the lots smaller to sell.

Walker asked if the commission was just looking at the difference in the lot split and the new entrance on 226th Court.

Elliott explained that the preliminary that Riggs most recently came to the commission on and the

proposal before them was the same. The confusion was that he came before the commission multiple times to change the preliminary.

Kitchen stated that was because Riggs found out that people did not want to buy that big of a lot.

Elliott responded that he was right about the five acre tract, but that the commission would talk about that later. Elliott asked Reeves if the commission had typically done final plats as consent items.

Reeves stated that was typically the case, and she realized that this was listed under New Business after she had put the agenda together.

Menefee asked if there was any other discussion. Martin moved to accept the 2nd plat. Kitchen seconded. After no further discussion, the motion passed unanimously (8-0).

Findings

1. The subdivision conforms to the conservation development concepts of the Comprehensive Plan, maintains the rural character of the surrounding area, and does not burden the existing infrastructure.
2. The Final Plat substantially complies with the approved Preliminary Plat.
3. With the Rule Exception that was approved with the Preliminary Plat, the 2nd Plat complies with the Purpose, Area and Yard regulations of the Rural Residential zoning district in the Zoning Regulations.
4. The 2nd Plat subdivision complies with the design standards listed in the Subdivision Regulations.

Final 2nd Plat Conditions

1. The 2nd Plat shall not be recoded until the following items are approved by the County Engineer and accepted by the County Commissioners: Street and Storm Drainage plans; an Engineer's estimate for the street and drainage construction costs, and Surety based on the Engineer's estimate, made payable to Miami County, KS; the Subdivision Agreement signed by the subdivider; and Maintenance Bond.
2. Access to Lot 2 shall be relocated to 226th Court, once the road is constructed.
3. Revise the final plat to show the non-buildable areas located on Lots 7 & 8.

ANNOUNCEMENTS BY STAFF/ COMMISSIONERS

Reeves informed the commission there was a request for a variance, which is something the Board of Zoning Appeals handles.

Smith asked about the status of John Sears and his auto-body shop's progress with his Conditional Use Permit.

Reeves stated that she had not heard from him.

Smith said he was just wanting to know.

Reeves commented that he may need to come back before the commission.

GENERAL DISCUSSION ITEMS

Lot Sizes for Fire Stations, Emergency Services, etc.

Reeves explained that these are just discussion items, and not public hearing items so if the commission would like to move forward with taking them to a public hearing the commission would need to let her know.

Reeves noted that at the January meeting, Mr. Elliott requested the county consider allowing an exemption from the minimum lot size for rural fire stations and other emergency services such as EMS. There is currently a similar provision for public utilities:

Zoning Regulations, Section 5-2.02.16....Notwithstanding any other provisions of these Zoning Regulations, none of these uses shall be required to comply fully with the lot size and height regulations of this zoning district, except as may be recommended by the Planning Commission and approved by the Board of County Commissioners to meet the standards of this Article.

It is often difficult for these types of facilities to acquire property of 15-20 acres and stay within their very limited budget which they are also accountable for to the public.

Kitchen asked if the commission was going to put a number on the size of the lot.

Reeves replied they weren't. There isn't really a minimum lot size on utilities. The lot size will be determined on the wastewater system, meeting setbacks and having sufficient parking area.

Kitchen questioned whether there would be a need for plumbing for a rural fire department.

Reeves responded they probably would have a bathroom and a small office where they could meet and talk about issues, such as a conference room.

Walker commented that she wouldn't expect for firefighters to be staying overnight there.

Reeves announced that Bobbie Jo Debrick from the fire board was there and she could speak about their needs.

Debrick corrected Reeves that she was actually only the secretary. She stated that the fire board was interested in the smaller lot sizes and it depended on what the commissioners decide. The Drexel area and the northwest part of the county need more coverage than they already have. They contract with Drexel and Wellsville currently, but they'd like to have their own departments in those areas. A year ago they put a contract on some land by New Lancaster for 20 acres, but the contract ran out before they completed the CUP process and someone else came and bought it. They're thinking 5 acres may be sufficient to include a parking lot, building, wastewater system, and also be handicap accessible.

Smith believed that 5 acres would probably be more than enough.

Debrick said that it probably would be, but if the desire came to add an extra fire truck there would be an increased need in the size of the building and land.

Kitchen asked how many trucks the department currently had for Fontana.

Debrick replied they had four trucks for Fontana.

Kitchen asked where the trucks were being kept.

Debrick answered that they lease land with a building, on the west side of the tracks by the coop.

Walker asked if there was a bathroom or shower on the facility.

Debrick replied there were, but that they weren't luxurious.

Elliott read from the regulations and then stated that what he liked about the proposal was that it said that the use doesn't have to fully comply with the minimum lot size of the district. He thought that language would give them the flexibility the department needs to do something that wouldn't necessarily be tied to the minimum lot size of the zoning district. Elliott asked Reeves if this was language from the Countryside District and if the language would be the same in the Agricultural district.

Reeves confirmed that would be the case.

Martin stated that it didn't make sense to require them to have 20 acres, and then have the county be required to write 15 acres off the tax rolls.

Elliott commented that was a good point.

Kitchen asked what would happen if the fire department closed up.

Martin responded that the county could sell it.

Kitchen questioned whether it would be classified a commercial property.

Walker stated that if someone bought it and then wanted to repurpose it, it would still have to come before the commission.

Kitchen asked if someone would be able to go in and open up a liquor store.

Elliott stated that the CUP language protects the transfer of the property from a different use, but acknowledged that was a valid concern.

Reeves clarified that a fire station is allowed with a CUP and the use cannot be changed to something else without approval.

Land Division by Density

Reeves stated the commission had repeatedly discussed the five acre lot proposal the County Commissioners asked them to discuss. She briefed the commission on a concept to divide property by density and let the minimum lot size for sanitation be the minimum required.

Kitchen commented that he probably feels differently than everyone else when he sees development out in the county. Referencing 169 Hwy going toward I-35, he asked how many times you have stop before you arrived at I-35. According to Kitchen, whoever let that happen didn't do a very good job of planning.

Reeves agreed and stated that situation highlighted the importance of long range planning.

Walker was concerned about the road structure and making sure there aren't too many entrances on paved roads because of school buses that are stopping. To add additional stops on the road is a big concern.

Reeves explained the discussion item is very similar to what is already in place. The biggest change would be allowing 10 acre density in the Countryside district without having to do a conservation design, which would require an internal road.

Kitchen stated that he wouldn't be opposed to new development if it would lower his taxes, but with all of the new development over the last ten years, his property taxes have tripled.

Smith asked if what they were wanting to do away with was the word conservation.

Elliott expressed some frustration over the Countryside district and how it was created. Elliott stated it was created with bad data. Some of it was done around the cities, but most of it was decided on how many land divisions there were in a section.

Reeves clarified they had to have sixteen or more land divisions per section and at least 3 miles of public road.

Elliott expounded that they used the tax rolls to determine the divisions and not the actual land division data.

Reeves confirmed that was correct and explained that none of the maps actually reflect all of the land divisions and property lines, that they're all put together to reflect ownership for tax purposes.

Elliott concluded that the Countryside district designation was done inconsistently with property lines as they exist today, so there may be an agricultural district that actually has more than sixteen divisions. In his case, his property is zoned Countryside but it is completely surrounded by Agricultural zoning. With those two different designations there are some differences in what is allowed. Because of that inconsistency he'd hate to propagate that by saying let's put 10 acres in that space. Elliott commented that if it had been a good design to start with, in his opinion, then he wouldn't have the reservations he has. The Countryside district already allows a ten acre (density) through conservation design. The reality is that with the terrain and streams, the County would probably end up with that type of design anyway. Elliott said he is hesitant because the Countryside district doesn't reflect what the County really wanted it to reflect.

Reeves asked if he had a concept of what it should reflect.

Elliott responded that the County already has a mechanism in place for "Forest Creek" types of developments where they can have 4 acre, 10 acre, 20 acre lots on a 40 acre tract - that already

exists today. Elliott commented that according to Riggs, the internal road was not the barrier. Elliott's opinion was that the commissioners were looking for growth and needed the growth, but this is not the type of growth they want.

Smith asked Elliott to clarify his point about the internal road not being a barrier for Riggs' development, because the road was the reason he needed more lots.

Kitchen disagreed and stated that Riggs said when he had prospective buyers come out and look at the lots, the people were turned off by the size of the lot being too big.

Elliott stated that Riggs was also putting in a premium road, and that if the commission would reduce the road standards, the cost of the road would not be the issue. Elliott stated that when he thinks of small lots along the road, he thinks about driving through the Ozarks and the problems with driveway after driveway and sign after sign.

Smith said there was a lot of that type of problem in the County already, especially north of Louisburg.

Kitchen commented that most of that was the result of development from 30 to 40 years ago, which was the reason why they have the rules we have in place today. Thirty or 40 years ago, all of these houses were getting built on piano key lots and someone recognized that was going to be an infrastructure problem. Kitchen stated that his concern was that now they're talking about getting rid of the rules and going back to it.

Elliott noted that he knows all of the lots aren't shown on the maps, but asked Reeves if the County had that information. Referencing the ownership map, he asked if each lot was shown or if several lots were shown under just one name.

Reeves replied that the ownership maps just show the owner of the property which could include one lot or multiples. She added that the county does not have that information readily available and that her office does not have the resources, staff, or time to do the research to obtain all of that information. Elliott stated that he would like to know that information so that they would know exactly how many 3, 5 and 10 acre lots are available "today" that are not built upon "today".

Reeves referenced state statute that requires vesting within 5 years or they are no longer buildable lots. By vesting, the state means "built upon", but we consider whether even one of the lots or tracts in the survey has been conveyed to someone else. She noted that just prior to the adoption of countywide zoning, surveyors were bringing in wheelbarrows full of surveys that were dividing tracts into multiple tracts. If it's all under the same ownership, it shows up on the maps as one tract. We have no idea how many of these lots/tracts are out there without doing massive amounts of research to find out how many have been sold off or how many are void. Reeves stated that she would love to have a map that truly shows all of these properties but the resources just aren't there to do it.

Menefee expressed concern that if they keep kicking the can down the road then the issue is going to keep coming up every time. Urban sprawl out of Johnson County isn't going to stop.

Elliott said he thinks the zoning regulations already exist today for suburban sprawl.

Kitchen asked if the preservation tract on Forest Creek could be subdivided in the future.

Reeves said she explained the difference between an Ag preservation tract and open space in a conservation design subdivision. The Ag preservation tract is basically a holding tract for future development when the time is ripe for more densely developed property, whereas permanent open space is permanent. It either goes into a land trust or open space held in common ownership by an HOA, or could be dedicated to the county for parks, etc.

Elliott noted that the open space is held for parks and other things that we're planning in the future.

Elliott said he was interested in learning more about the driver behind the County Commissioners' push. Besides the taxes, he questioned if there was a driver, an organization, a group, or an individual, that's pushing for something that doesn't exist. If so, he'd like to hear from them. Elliott clarified that it is evident that he has been missing something, because he felt like the County already has the pieces in place to meet the need.

Smith asked what the commissioners felt the benefit would be for pushing the five acre concept. He asked if they felt like they were going to get more tax money or if there was something else.

Kitchen asked if all the commissioners were wanting this.

Reeves answered that she wasn't sure if they were unanimous on it.

Kitchen said he didn't believe it was a majority.

Elliott stated that he wanted some help to better understand what he, specifically, is missing, because he felt like the County already has the components in place to do whatever size lots and whatever scale of building someone wants to do.

Reeves agreed. She went on to list the reasons that she could recall for the commissioners desire for 5-acre lots: the County is losing population, the school districts have declining enrollment, the commissioners don't feel like the cities are growing as fast as they should; not all people want to live in the cities, some people want to live in the County, and so in their minds five acre lots are an option. The population needs to increase to draw in commerce. At this time, roof tops seem to be the County's only tax base, even though the likelihood is that it won't pay for itself.

Elliott said that typically residential development doesn't pay for itself. Commercial is what makes the money.

Kitchen commented that if the commissioners want to bring more revenue into the County then they need to focus on bringing in industrial development instead of rooftops.

Walker stated that the County probably needs to be more business friendly.

Menefee said he agreed that commercial is where the money is at, not residential.

Reeves replied that they are trying to bring in commercial but the commercial entities need increased population numbers.

Elliott interjected that it is a “chicken and the egg” problem.

Reeves stated that good planning is directing growth and roof tops to the cities where the infrastructure is in place and not out in the middle of the county.

Elliott noted that when he goes to Applebee’s in town, the Lynn County license plates outnumber the Miami County license plates, and when he goes to southern Olathe the same thing happens: Miami County license plates outnumber Johnson County license plates. He stated that you have to make it someplace where people want to be and piano key lots aren’t going to make that happen.

Reeves agreed.

Menefee asked the Planning Commission if they wanted to schedule the matter for public hearing.

Walker agreed with Phil and wanted more information from the County Commissioners.

Menefee asked if that meant they wanted to delay the matter for another month.

Elliott responded that this could probably be another discussion item so the Planning Commission should get more information and direction so that they know what they would have a public hearing on, because right now, he doesn’t know what they would have a public hearing on.

Reeves noted that the County Commission tabled the 5-acre lot decision to next week and she suspected that the County Commissioners might return the item to the Planning Commission for reconsideration.

Kitchen said that the Planning Commission should stick with what they recommended to the County Commissioners.

Reeves answered that she wasn’t sure that sending the item back to the Planning Commission was going to happen.

Kitchen replied that was how the Planning Commission felt.

Reeves explained that if the Planning Commission wanted some feedback from the County Commissioners it would probably be within the next two weeks, after the County Commissioners make their decisions, but she wasn’t sure what that would be. For the County Commissioners to overturn the Planning Commission recommendation it would require a super majority vote and she didn’t believe there was enough language in there to do that so she felt it would have to come back to the Planning Commission to have a public hearing on specific language. She commented that she would let the County Commissioners know the Planning Commission wanted some more information.

Elliott specifically narrowed the inquiry to: What is the driver? What is the County trying to accomplish? These are important because the Planning Commission would ask the same questions if someone were before them requesting a CUP or a zoning change. The Planning Commission wants to understand what the County Commissioners are trying to do, and it was clear to him that

they didn't.

Smith stated he thought they were wanting more house tops so that they could get more commercial.

Elliott stated that he wanted to make the County Commission to put their reasons in writing so it is clear.

Smith thought that was perfect.

Common Access

Reeves noted that a couple of the County Commissioners have suggested that the common access requirement on all plats be relaxed and that the access points be determined by the Road and Bridge staff. A suggestion would be that the language still encourage common access but it should be based on an "as-needed" basis only.

Common access reduces the number of access points on a road. The road classification, speed, slopes, site distance, separation distances, etc., are considerations for driveway access locations. It is typically good planning to require common access. However, there are a number of people who do not like where they are forced to put their driveway location and removal of such from the plat is a very tedious and time consuming process.

Menefee asked about common access and if there was additional information.

Reeves stated that it is good planning to limit the access points on roads.

Kitchen commented that it meant less drainage points and culverts.

Reeves added that it's a safety provision as well.

Menefee asked if it was a majority pushing for the item.

Reeves replied that she didn't know why this all of a sudden became an issue.

Someone pointed out that it surfaced at the county/city managers meeting.

Kitchen suggested that the County Commissioners come to the meetings every once in a while and let the Planning Commission know what they're thinking.

Menefee commented that it made no sense to increase access due to safety issues, and all of the stops for school buses, trash pick-up, mail delivery, etc.

Kitchen replied that it would mean the mailman is going to stop every 100' instead of every 200' and the school bus and the trash man, etc.

Reeves asked if they wanted to schedule this for hearing.

Elliott commented that he did not need to hear any more about it. The other commissioners agreed.

Parking Requirements

Reeves noted that the Zoning Regulations, Section 17-3.02 states, “**All** off-street parking areas, including equipment and vehicular storage areas associated with commercial and industrial **uses**, shall be surfaced, at a minimum, with an all-weather material (including gravel) prior to the issuance of a certificate of occupancy by the Miami County Building Department.

Reeves referenced the wedding venue that was just granted a CUP and questioned whether the commission really wants to add gravel to an entire pasture for intermittent uses. She wondered if the Planning Commission should have some flexibility and discretion for conditional uses.

Elliott stated that the Kansas Speedway was a great example of a successful grass parking area. He thought the commission would be remiss if they did not at least have an opportunity to discuss it when it suits the use.

Reeves suspected that the frequency of twice a month might have a negative impact on his grass.

Kitchen said that every state fair he had ever been to required parking on grass.

Menefee offered that when he goes to football games up in Manhattan he has to park on grass.

Elliott wanted to know if they could check to see how Kansas City, Kansas parking regulations allow the use of grass. He asked Teresa if there was a frequency trigger that allowed for it.

Reeves replied that she assumed that was probably the case. On the flip side, she did not know of many people that expect to get muddy when they go to a wedding.

Elliott replied that was why the speedway has gravel and paved parking, in addition to the grass.

Reeves stated that she would check with Kansas City, Kansas.

Smith suggested that they check with someone who is not a government entity. Since the speedway was a private entity, that would be appropriate venue to inquire about.

Elliott agreed and stated that it might be part of their CUP in Kansas City.

Boundary Adjustments Between Non-conforming Lots

Reeves explained that she had someone call who had a fifteen acre tract next to his neighbor, who had a five acre tract. The neighbor wanted five more acres and this person wanted to sell him five, but because of the language in the regulations Reeves could not approve it. As a result, that person was pretty upset about it. The person argued that it should not matter because he was not increasing density. Reeves stated that she agreed with that logic.

Walker commented that her family incurred a similar situation, which required them to put land in a family trust, rather than split it. Due to that that she understood the need for that change.

Menefee and Elliott agreed with the density argument.

ADJOURNMENT

Kitchen moved to adjourn. McLean seconded. The meeting was adjourned by unanimous vote (8-0) at 8:10 p.m.

Approved this _____ day of _____, 2017.

Thorr Miller, Planner/ PC Secretary

Chair, Kimberly DeYoung/ Vice-Chair, John Menefee

Minutes written by Thorr Miller and Teresa Reeves

**MIAMI COUNTY PLANNING DEPARTMENT
MEMORANDUM**

DATE: March 7, 2017

TO: Miami County Planning Commission

FROM: Teresa Reeves, Planning Director

RE: **Public Hearing 17001-TA: Lot Sizes Fire Stations and Emergency Services**
Consideration of Planning Commission initiated text amendments to Article 5, Section 5-2.02.6, and Article 6, Section 6-2.02.8, of the Zoning Regulations of Miami County, Kansas to allow an exemption from minimum lot sizes for fire stations and other emergency services in the Countryside and Agricultural zoning districts.

Background

At the February 2017 Planning Commission briefly discussed the possibility of allowing fire stations and other emergency services to be exempt from the minimum lot size requirements in the Countryside and Agricultural zoning districts. It was noted that the fire district boards and EMS often have a limited budget and don't have a need for large tracts of land such as 15 to 20 acres. There is currently a similar provision for public utilities in both the Countryside and Agricultural zoning districts:

Zoning Regulations, Section 5-2.02.16, and 6-2.02.8....Notwithstanding any other provisions of these Zoning Regulations, none of these uses shall be required to comply fully with the lot size and height regulations of this zoning district, except as may be recommended by the Planning Commission and approved by the Board of County Commissioners to meet the standards of this Article.

The Planning Commission felt that similar language as that provided for utilities could be used and directed staff to schedule a public hearing to consider a text amendment to allow an exemption from the minimum lot size for rural fire stations and other emergency services such as EMS.

The following language in italics is being proposed as text amendments to the zoning regulations:

5-2.02 In the Countryside District, the following uses may be allowed upon the approval of a conditional use permit, in accordance with the provisions outlined in Article 14:

6. Fire stations *and similar public safety and protection facilities. Notwithstanding any other provisions of these Zoning Regulations, none of these uses shall be required to comply fully with the lot size and height regulations of this zoning district, except as may be recommended by the*

Planning Commission and approved by the Board of County Commissioners to meet the standards of this Article.

6-2.02 In the Agricultural District, the following uses may be allowed upon the approval of a conditional use permit, in accordance with the provisions outlined in Article 14:

8. Fire stations *and similar public safety and protection facilities. Notwithstanding any other provisions of these Zoning Regulations, none of these uses shall be required to comply fully with the lot size and height regulations of this zoning district, except as may be recommended by the Planning Commission and approved by the Board of County Commissioners to meet the standards of this Article.*

Staff recommends the planning commission recommend approval of the amendatory language after taking and considering all comments from the public.

**MIAMI COUNTY PLANNING DEPARTMENT
MEMORANDUM**

DATE: March 7, 2017

TO: Miami County Planning Commission

FROM: Teresa Reeves, Planning Director

RE: **Public Hearing – 17002-TA: Zoning Regulation Amendment (Parking)**
The Planning Commission will discuss potential text amendments to Article 17 (Parking) and Article 14 (Conditional Uses) of the Zoning Regulations of Miami County, Kansas to consider alternative parking provisions.

This subject has entailed more research and time commitment than I anticipated. I will try to have some information available at the meeting for you to look at but this will likely need to be continued to the April meeting.

**MIAMI COUNTY PLANNING DEPARTMENT
MEMORANDUM**

DATE: March 7, 2017

TO: Miami County Planning Commission

FROM: Teresa Reeves, Planning Director

RE: **Public Hearing – 17003-TA: Subdivision Regulation Amendment (Boundary Line Adjustments)**
Consideration of Planning Commission initiated text amendments to Article 4 of the Subdivision Regulations of Miami County, Kansas to allow the adjustment between existing tracts/lots as long as the density units are not increased, the lots/tracts meet the minimum area required for sanitation, and the lot length to width ratios, setbacks and other regulations are maintained.

Background

At the February 2017 Planning Commission meeting, discussion was raised about the possibility of allowing boundary line adjustments between existing lots/tracts even though the resulting lots/tracts may be non-conforming in area, i.e. less than 15-20 acres. The subdivision regulations currently allow lot/tract lines to be adjusted as long as conforming lots/tracts are not made non-conforming or non-conforming lots/tracts are not made more non-conforming. Section 4-2.01 of the Subdivision Regulations states,

“Where a conforming lot, tract or parcel exists, it shall not be made non-conforming to the existing Zoning Regulations. Non-conforming lots, tracts or parcels to the current Zoning Regulations may also be adjusted, but shall not be adjusted in a manner that increases or adds to their non-conforming status. For example, lots, tracts or parcels that do not meet the minimum size requirements may be made larger, even if the minimum size will still not be met, but they shall not be made smaller.”

There have been a number of property owners who would like to adjust the boundaries between 2 or more lots/tracts, but cannot do so because the lots/tracts would become non-conforming in area (less than 15 or 20 acres). We cannot make a conforming lot/tract, non-conforming, and non-conforming lots/tracts cannot become more non-conforming. This is not to say that the lots/tracts would be less than 2 or 3 acres (the minimum requirement for wastewater). For instance, someone with a 15-acre lot/tract (conforming) wanted to sell 5 acres to his neighbor with 5 acres (non-conforming), so the resulting lots would each be 10 acres (both non-conforming). We could not approve this because it would make the 15 acre tract non-conforming.

At the February meeting, staff suggested that the county allow the adjustment between tracts/lots as long as it doesn't increase the density, the lots meet the minimum lot size requirement for sanitation, and the lot length to width ratios and setbacks from structures are maintained. The Planning Commission directed staff to draft language for such and schedule this for public hearing to consider this option.

The current zoning regulations allow varying lot/tract sizes in each district as long as the minimum lot/tract size of 2 acres is maintained for sanitation. Staff believes this amendment will offer more flexibility to landowners without detrimentally impacting the health, safety and welfare of the county. Therefore, staff offers the following proposed amendments for consideration:

Subdivision Regulations

Section 4-2. Authorization for Approval

4-2.01 The Planning Director is hereby authorized to approve or deny the adjustment of one (1) or more common boundaries between existing platted or unplatted lots, tracts or parcels, or the merger of two (2) or more existing platted or unplatted lots, tracts or parcels, provided *the* resulting lots, tracts or parcels:

- 1) *meet the minimum lot, tract, size and setback regulations of the Miami County, Kansas Environmental Health and Sanitary Code;*
- 2) *do not exceed the length to width ratios of the zoning district regulations;*
- 3) *zoning district setbacks from structures are maintained from the new boundary lines;*
- 4) *the overall density between the lots/tracts will not increase; and*
- 5) *the resulting lots, tracts or parcels are in compliance with all other applicable regulations.*

Where a conforming lot, tract or parcel exists, it shall not be made non-conforming to the existing Zoning Regulations, *except as allowed in this section*. Non-conforming lots, tracts or parcels to the current Zoning Regulations may also be adjusted, ~~but shall not be adjusted in a manner that increases or adds to their non-conforming status. For example, lots, tracts or parcels that do not meet the minimum size requirements may be made larger, even if the minimum size will still not be met, but they shall not be made smaller.~~ Appeals from a decision made by the Planning Director may be made by the applicant to the Board of Zoning Appeals.