

**MINUTES OF THE  
MIAMI COUNTY PLANNING COMMISSION  
MARCH 2, 2021**

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

**ATTENDANCE**

**CHAIR:** Mark Oehlert

**VICE-CHAIR:** John Menefee

**PLANNING COMMISSION** Kelli Broers, Kevin Collins, Phil Elliott, Randy Kitchen, Bret Manchester, and Mark Ross

**ABSENT MEMBERS:** Joshua Brown, Randy Kitchen, and John Menefee

**EX-OFFICIO MEMBERS:** None present

**PLANNING DIRECTOR:** Teresa Reeves

**COUNTY COUNSELOR:** Not Present

**PLANNER:** Kenneth Cook

**PC SECRETARY:** Angie Baumann

**ECONOMIC DEVELOPMENT** Janet McRae

**COUNTY COMMISSION:** None Present

**COUNTY CLERK:** Not Present

**PRESS:** Not Present

## MINUTES

MARCH 2, 2021

### MIAMI COUNTY PLANNING COMMISSION

#### CALL TO ORDER

Chair Mark Oehlert called the meeting to order at 7:00 p.m.

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

Roll Call was taken and five (5) members were present, constituting a quorum. Brown, Elliott, Kitchen, and Menefee were absent. Elliott joined the meeting during Agenda Item 20002-TA, bringing the total number of members present to six (6).

#### DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

None disclosed.

#### ADOPTION OF THE AGENDA

Ross moved to adopt the Agenda as presented. Collins seconded, and the motion passed unanimously, 5-0.

#### CONSENT AGENDA

- **February 2, 2021** Planning Commission Minutes

Manchester moved to adopt the Consent Agenda as presented. Broers seconded, and the motion passed unanimously, 5-0.

#### REGULAR AGENDA

##### Unfinished Business:

##### **Continued Public Hearing 20002-TA: Zoning Regulations Amendments (Billboard Signs)**

Cook briefly presented the staff report for consideration of draft amendments to the Zoning Regulations of Miami County, Kansas, pertaining to Billboard Signs (Off-Premises Outdoor). Affected regulations include Article 2 (Definitions); and Article 18 (Signs).

He reported that staff has made some modifications to Section 18-5.02 (b) – Location, which were not specifically discussed with the Planning Commission. He explained that such modifications were made to create a more concise provision. He further reported that, as discussed during last month's meeting, staff has added the clause "No part of" at the beginning of the final sentence in this same Section.

*(Note: Proposed text is highlighted in yellow. Text that is proposed to be deleted is struck through.)*

## **Section 18-5 – Billboard Signs (off-Premises Outdoor)**

### **“18-5.02 Location:**

- b. Billboard signs shall not be located within ~~50~~ fifteen (15) feet of any state or federal highway, to be measured from the edge of the right-of-way. Billboard signs shall not be located within fifteen (15) feet of a side or rear property line or the ultimate right-of-way of any road, street, or highway as designated by the County’s Comprehensive Transportation Plan. No part of a billboard sign may be installed to encroach over an existing utility improvement or easement.

Oehlert then opened the public hearing and twice invited public comment. There being no response, Oehlert closed the public hearing.

Ross commented that staff has revised the draft amendments as requested by the Planning Commission.

Elliott moved to approve the draft amendments to the Zoning Regulations for billboard signs as presented. Collins seconded, and the motion passed unanimously, 6-0.

Cook announced that the draft amendments will go before the Board of County Commissioners on March 24, 2021.

### **New Business:**

#### **21001-SUB: Greg’s Place, 2nd Plat**

Cook presented the staff report for consideration of the Final Plat of Greg’s Place, 2nd Plat, a Replat of Lot 1, Greg’s Place, dividing 13,000 square feet into two lots containing approximately 5,500 square feet (proposed Lot 1), and 7,500 square feet (proposed Lot 2) utilizing the Village Overlay regulations per Article 12A of the Miami County Zoning Regulations. The subject property is located at the southwest corner of Church St and Frisco St, and along the east side of the BNSF Railway in the townsite of Hillsdale, in the NE ¼ of Section 15, Township 16, Range 23, Marysville Twp. Submitted by Greg Beverlin, property owner of record.

Cook explained that the proposed Plat appears on the Regular Agenda, instead of the Consent Agenda, because staff is recommending that the Planning Commission not require the utility easement along the north line of proposed Lot 1. He further explained that because this utility easement was created by the previously approved plat it would need to be officially vacated as part of this Plat.

He then noted that the subject property is unique in that it is located within the Countryside (CS) District and the Village Overlay (V) District and is a non-conforming lot, so different setbacks come into play depending on each of those factors.

Cook explained that staff recommends vacating the 20' utility easement on the north side of proposed Lot 1, primarily due to the size of the Lot. He noted that utility easements will remain along the west side of the proposed lots and along the south side of Lot 1. He stated that there has been conflicting information regarding whether the area directly north of proposed Lot 1 is a road right-of-way or a railroad right-of-way. Cook reported that staff spoke with the Road & Bridge Department and the surveyor and determined that the area was reserved for and owned by the railroad and was not defined as a lot or a block. The railroad also originally owned the Lots that are now part of Greg's Place. Cook further explained that this right-of-way would be the extension of Church Street but is owned by the railroad.

Staff recommends approval of the proposed Plat, subject to the Conditions listed in the staff report. Cook explained that the Conditions are mostly corrections of typographical errors on the proposed Plat.

Elliott asked whether Condition No. 9 is still applicable:

9. "The right-of-way north of proposed Lot 1 should be identified as "Church Street"."

Cook answered that this Condition can be struck, as it was part of staff's original comments to the surveyor and has since been addressed.

Regarding Condition No. 3, Cook reported that he will recommend that the surveyor include on the proposed Plat—under the Dedication of the property owner and under the Certificate of the Board of County Commissioners—language which certifies that this Plat also vacates the existing 20' utility easement on the north side of proposed Lot 1.

Regarding Condition No. 4, Broers noted that "12-752(b) KSA" should instead be written "KSA 12-752(b)".

Cook agreed.

Ross moved to approve the proposed Final Plat of Greg's Place, 2nd Plat based upon the Findings and subject to the Conditions, as amended, in the staff report, including that Condition No. 9 shall be struck and Condition No. 4 shall be corrected. Elliott seconded, and the motion passed unanimously, 6-0.

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## Findings

1. The subdivision complies with the Goals and Objectives of the Comprehensive Plan for low-density development in the Village Expansion Areas.
2. The subdivision complies with the Zoning Regulations for the Village Overlay District.
3. The subdivision complies with the Subdivision Regulations.

## Conditions

1. Show 10' building line along north lot line of proposed Lot 1 (south right-of-way line of Church Street).
  2. Show correct utility easements along the perimeter boundaries of each lot.
  3. Provide a certification on the Plat for the vacation of the existing 20' utility easement along the north line of Lot 1 of Greg's Place.
  4. Correct the statute number under the Planning Commission certification block to "K.S.A. 12-752(b) KSA".
  5. An apostrophe (') should be added to "Gregs" in the heading of the Plat so that it reads "Greg's Place". The quotation mark (") , which appears in the top, right-hand corner of the Plat, should be replaced with an apostrophe (') so that it reads "Greg's Place".
  6. Verify the wording of the legal description. (The original plat appears to have been worded "Chanute's Addition to Columbia".)
  7. The reference deed is incorrect. A new deed has since been recorded and should be listed with, or in place of, the legal description in the top right-hand corner of the Plat.
  8. Remove the signature block for Donna Beverlin.
  - ~~9. The right of way north of proposed Lot 1 should be identified as "Church Street".~~
  9. ~~10.~~ Acreage amounts for each of the proposed lots need to be added. The acreage amount for existing Lot 1 of Greg's Place should be removed.
  - ~~10. 11.~~ The line type for existing Lot 2 of Greg's Place needs to be a line, instead of dots.
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### **Public Hearing 20004- Rezone from C-O (Obsolete Zoning District) to C-2 (Commercial)**

Reeves presented the staff report for consideration of an application to rezone approximately 20 acres from C-O (Obsolete Zoning District) to C-2 (Commercial), in accordance with Sections 3-4.01 and 22 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 20 acres, which is addressed as 25290 Harmony Rd, Paola, KS, is located in the SE ¼ of Section 8, Twp 16, Range 23, Marysville Twp. Submitted by Midwest Engineering Group, LLC on behalf of Rural Water District No. 2, Miami County, the property owner of record. This application is submitted in conjunction with the request for a Conditional Use Permit (#20005-CUP).

Reeves explained that this now obsolete zoning district was created upon the adoption of Countywide zoning in 1991 and is being regulated under the 1995 Zoning Regulations. She reported that staff had advised the Applicant that it would be appropriate to request the Rezoning and a conditional use permit (CUP) simultaneously.

She reported that staff had initially encouraged the Applicant to apply for Commercial (C-2) zoning. However, staff later reviewed the uses allowed in the Low Intensity Commercial District (C-1) and determined that rezoning to C-1 would accommodate the requested CUP and would have less impact to the surrounding residential, agricultural and park uses compared to the C-2 District.

Reeves directed the Planning Commissioners to the Table of Lesser Change (Section 22-6.06 of the Zoning Regulations) included in the staff report and explained that the Planning Commission may modify, at its discretion, an application for rezoning to a district of lesser intensity, as determined by the Table. Reeves also directed the Planning Commissioners to the uses allowed by right in the C-1 and C-2 districts, included in the staff report.

Reeves then read aloud the *Golden Criteria* to be used by the Planning Commission when making Findings to approve or deny the requested Rezoning.

Staff recommends approval of the Rezoning from Office (C-O) to Low Intensity Commercial (C-1), based on the Findings listed in the staff report.

Broers asked if the Applicant is requesting a Rezoning to C-2, and if staff is recommending a Rezoning to C-1 instead.

Reeves confirmed and explained that staff had encouraged the Applicant to apply for C-2 zoning, but later determined that the C-1 District would also accommodate the Applicant's CUP request and would be less intense than the C-2 District. She stated that the Planning Commission may decide which zoning district would be most appropriate.

Elliott explained that the reason not to rezone to C-2 is that there would be that many more uses that would be allowed by right to occur on the property if the water treatment plant ceases to exist in the future.

Oehlert then opened the public hearing and twice invited public comment. There being no response, Oehlert closed the public hearing.

Reeves noted that the Applicant is present this evening.

Oehlert invited the Applicant to speak, but the Applicant declined to do so.

Elliott moved to recommend approval of the Rezoning from Office (C-O) to Low Intensity Commercial (C-1), based on the Findings listed in the staff report. Broers seconded, and the motion passed unanimously, 6-0.

Reeves announced that this item will go before the Board of County Commissioners on March 24, 2021 at 1:00 p.m.

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### **Findings for Approval**

1. The proposed Rezoning conforms to the Goals and Objectives of the Comprehensive Plan, which recognizes this property as Commercial.
2. The proposed Rezoning to Low Intensity Commercial (C-1) recognizes the previous zoning entitlement of Office (C-O); corrects the obsolete zoning district of Office (C-O) for this property; and provides the most analogous zoning district that is the least impactful to the surrounding residential, agricultural and park uses.

## **Public Hearing 20005-CUP: Rural Water District No. 2, Miami County – Water Treatment Facility Expansion**

Reeves presented the staff report for consideration of an application for a Conditional Use Permit for a 4-phase expansion of the water treatment facility operated by Rural Water District No. 2, Miami County, per Section 8-2.02.16 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 20 acres, which is addressed as 25290 Harmony Rd, Paola, KS, is located in the SE ¼ of Section 8, Twp 16, Range 23, Marysville Twp. Submitted by Midwest Engineering Group, LLC on behalf of Rural Water District No. 2, Miami County, the property owner of record. This Application is submitted in conjunction with the request to rezone (#20004-Z) approximately 20 acres from C-O (Obsolete Zoning District) to C-2 (Commercial).

Regarding impacts to surrounding properties, Reeves reported that an unnamed tributary runs northwesterly through part of the property, which will be redirected through an RCP culvert, and which will affect the Edwards and O'Malley properties. Reeves further reported that the District has already obtained easements from these landowners. It is her understanding that the landowners are agreeable to this project. She also explained that some trees will be removed during the construction and that KDHE will not allow trees to be re-planted in the vicinity of the lagoons.

Reeves noted that screening will be required around the parking areas and around the water treatment plant.

Elliott asked if the comment provided by Road & Bridge Director J.R. McMahon needs to be added as a Condition:

“The entrance, due to the C-2 Zoning, will require a paved surface from the edge of the pavement to the ROW line.”

Reeves answered that the Applicant has addressed this, as noted in Exhibit “B” (Page 3 of 4) to the staff report.

Elliott noted that there is an email from Johnson County Fire District No. 2 that alludes to the District’s comments, but the comments appear to be missing.

Reeves read aloud the comments received from Brad Ralston, Deputy Fire Marshal regarding Site Expansion – Phase 1 (*Note: These comments were inadvertently omitted from the meeting packet*):

“Reviewed in accordance with the 2006 International Fire Code.

“1) Fire Flow. Potential Fire Flow increase will need to be met with the addition of future structures.

2) Hydrant Locations. There appears to be one (1) hydrant showing on Sheet C-SW-100 and 101 located in the SE corner of this property. Hydrant locations may need to be re-evaluated with the addition of structures.

Status: Approved Phase I with Comments.”

Elliott noted that Item “j.” of staff’s review comments to Danny Coltrane, P.E. of Midwest Engineering Group, LLC (Exhibit “B”—Page 3 of 4—to the staff report) states that the location of all proposed and existing fire hydrants should be shown. Elliott asked if this should be included as a Condition.

Reeves responded that the Planning Commission may decide whether to include this as a Condition of the CUP. She noted that the Applicant would like to speak, and Oehlert invited the Applicant to do so from the podium.

Danny Coltrane of Midwest Engineering Group, LLC (25A N. Main St., Sapulpa, OK) approached the podium and introduced himself as the project consultant for the District. Mr. Coltrane clarified that in his response to Item “j.” of staff’s review comments, he had noted that the fire hydrant locations are shown on the plan sets – specifically, C-SW-100.

Oehlert asked Mr. Coltrane to specify the number of fire hydrants.

Mr. Coltrane responded that there is currently one (1) fire hydrant, and that several more will be added during Phase 2.

Oehlert asked Reeves to read aloud the Fire District’s comment regarding fire hydrants. Reeves read aloud the following:

“2) Hydrant Locations. There appears to be one (1) hydrant showing on Sheet C-SW-100 and 101 located in the SE corner of this property. Hydrant locations may need to be re-evaluated with the addition of structures.”

Mr. Coltrane noted that the new structures will be composed of concrete and steel and will therefore have a very low fire demand. He added that the new fire hydrants will be in several areas just outside of those new structures, as the hydrants will be used for flushing and water treatment plant procedures.

Mr. Coltrane explained, regarding the requirement for a paved commercial entrance, that their preference is not to install a hard surface until Phase 3—when the construction traffic is gone. He noted that gravel is planned to be used during Phase 1. He also noted that the internal drives are being built with compacted subgrade and compacted subbase and are set up to receive asphalt or concrete—whichever one the District decides to use—during Phase 3.

Elliott asked Mr. Coltrane about the project timeline.

Mr. Coltrane responded that Midwest Engineering is under contract for Phases 1 and 2. He reported that Phase 2 is 50% complete on the design, and that in the next three months the District’s board will decide whether it will authorize Phase 3. He further reported that the overall plan is five years to conclude construction of Phase 3.

Elliott asked if the entrance won’t be paved until Phase 3.



Reeves stated that this is the Road & Bridge Department's typical requirement for commercial entrances. She explained that the Department usually wants a construction entrance installed until everything is done so that it doesn't damage the permanent culvert.

Elliott expressed that he is concerned about the timeline because if the District chooses not to proceed with Phase 3, then the County will be unable to require the installation of a paved commercial entrance in the future.

Mr. Coltrane expressed that it would be acceptable to include as a condition of the CUP the requirement for a paved commercial entrance, as noted in the Road and Bridge Department comments. He noted that the entrance is not currently shown as a hard surface in the plan set.

Regarding impacts to surrounding properties, Mr. Coltrane reported that the trees that were planned to be removed have been removed, except for a stretch on the east side, on the north buffer. He commented that they have attempted to install all with the intent of retaining a nice hedgerow between the subject property and the neighbors. He added that the natural area is now just 30' wide, compared to the previous 150' wide natural area.

Broers referenced proposed Condition No. 4 regarding screening being required where not in conflict with KDHE regulations. She asked if there are any details concerning where KDHE might prohibit screening.

Mr. Coltrane answered that aesthetics have not yet been considered, as they are part of Phase 3, and Midwest Engineering is not yet under contract for Phase 3. He reported that the property is mowed and has existing aesthetics around the public area at the front of the property. However, screening in the back has not been prioritized as it is a non-public area and, until now, was undeveloped and natural. He noted that now that it is being developed, the plan is to mow the grass. Mr. Coltrane explained that there is an area with geothermal beds, which appears as an open area, but which consists of wires and wells underneath; therefore, adding vegetation in that area would cause problems. He reported that KDHE does not want roots penetrating the lagoon dikes on the back side of the property. He commented, however, that as many trees as possible are being retained on the north and west sides.

Mr. Coltrane then explained how the unnamed tributary will be re-directed, noting that the County had previously installed a 48" CMP (corrugated metal pipe) underneath Harmony Road, which is where the tributary will be intercepted and directed along the northwestern part of the property. He further reported that the neighbors (Edwards and O'Malley) who have signed easements with the District have had problems with flooding in their backyards and are very pleased to see that this will now be controlled.

Oehlert asked if this will be underground.

Mr. Coltrane confirmed and explained that they are utilizing a concrete stormwater system with drains.

Oehlert asked Mr. Coltrane if he is confident about the capacity of the stormwater system.

Mr. Coltrane answered that Midwest Engineering has approached this project as though it were a KDOT project and has done all the H&H hydraulics according to the State's standards and to meet the County's regulations for a 25-year storm. He noted that runoff will be less because several acres of new ponds are being built to capture all the runoff. He explained that there are currently four non-discharging lagoons that can recycle stormwater back into the water treatment plant. However, when the area receives an overabundance of rain, the stormwater comes very close to running over their dikes. He noted, therefore, that the lagoon size is being increased and the existing recycle pumps will be retained and used as they have been.

He also reported that application has been made to KDHE for a discharge permit; and, as part of that application, an anti-degradation report has been submitted to ensure that nothing is being discharged that would pollute the stream or Hillsdale Lake. He then briefly summarized the filtration and disposal of inorganics (sand) and organics (algae) and concluded that any water discharged into Hillsdale Lake will be nearly the same quality of water as what is currently coming out of the lake. Mr. Coltrane stated that there is no anti-degradation; and he offered to share reports with the Planning Commission, if desired.

Mr. Coltrane also reported that they have received permits from KDHE for the water treatment plant, which KDHE has approved according to its minimum design standards. He further reported that Midwest Engineering has already responded to KDHE's comments, and that KDHE has not requested any changes.

Oehlert then opened the public hearing and twice invited public comment. There being no response, Oehlert closed the public hearing.

Elliott recommended adding Condition No. 6 to read as follows:

“The new entrance must be paved from the edge of the pavement to the right-of-way line. This must be completed by the end of the project or when construction ceases for a period of more than 365 days.”

Broers commented that the Road & Bridge Department's comments noted that the entrance must be paved, due to the C-2 zoning. She asked if this is a requirement in the C-1 zoning district.

Reeves answered that this is also a requirement for a CUP.

Elliott explained that he would like Condition No. 6 added because the Applicant has stated that the entrance won't be paved until Phase 3. His concern is that if Phase 3 doesn't happen for 10 years, then gravel from the entrance will be spread out onto the paved road in the meantime. He added that the reason for requiring paved commercial entrances is to prevent debris on the site from entering onto a public road.

Broers suggested that the location of all fire hydrants, including future fire hydrants, be shown on the Site Plan in order to address the Fire District's concerns.

Oehlert announced the two additional Conditions being proposed (by Elliott and Broers). There were no objections.

Elliott moved to approve the request based upon the Findings and subject to the Conditions, as amended, in the staff report. Collins seconded, and the motion passed unanimously, 6-0.

Reeves announced that this item will go before the Board of County Commissioners on March 24, 2021 at 1:00 p.m.

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### **Findings**

1. The Comprehensive Plan recognizes the need for increased water demands and recognizes Hillsdale Lake as a water resource.
2. The WTP has existed at this location since circa 1987, and it is reasonable to expect the site to expand as growth and water demands increase.
3. Based on recent real estate sales, there is no evidence to suggest that the proposed expansion to the existing WTP will detrimentally affect nearby properties or property values.

### **Conditions**

1. Except as amended by these Conditions, the property shall be developed according to the site plan, attached hereto as **Exhibit "A"**.
2. Except as amended by these Conditions, the property shall be developed according to the Applicant's Narrative, attached hereto as **Exhibit "B"**.
3. The term of this CUP shall be for an indefinite period or until the use ceases for a period of 365 continuous days.
4. Screening of the buildings and parking areas shall be provided and maintained, where not in conflict with KDHE regulations.
5. All lighting shall be of shoebox design and directed downward to eliminate offsite glare.
6. *The new entrance shall be paved from the edge of the pavement to the right-of-way line and shall be completed by the end of the project or when construction ceases for a period of more than 365 days.*
7. *The location of all fire hydrants, current and future, shall be shown on the Site Plan.*

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### **15005-CUP: Alvarez Ranch Arena**

Cook presented the staff report for the five-year review of a conditional use permit for an equestrian event arena in the Countryside zoning district, per Section 5-2.02.14 of the Miami County Zoning Regulations. The subject property, located on the northeast side of Silverheel Circle cul-de-sac, approximately  $\frac{3}{4}$  mile north of 223rd St., Spring Hill is a 6.81 +/- acre portion of Lot 3, Fletcher's Ridge Subdivision, 2nd Plat, in the SE  $\frac{1}{4}$  of Section 20, Twp 15S, Range 23E, Marysville Twp.

Regarding Condition No. 7 Cook reported that on April 11, 2018 the County refunded to the Applicant the bond that was required for possible future repairs to Silverheel Circle from activities related to the CUP. He explained that this Condition had specified that the bond was to remain in place for the entire period of the CUP, but that negotiation of the terms of the bond would be between the Applicant, the Board of County Commissioners, and the Road and Bridge Director.

Cook reported that as a result of those negotiations between the Applicant and the County, it was agreed that the bond would remain in place for a period of two years and would be refunded to the Applicant if no road repairs or improvements were needed during that time period.

Cook noted that the Planning Commission is being asked to consider this evening whether the character of the neighborhood is still compatible with the proposed use. He reported that staff has not observed any substantial changes to the surrounding area. He further reported that the Applicant, since being notified by the County (in July 2017) of a complaint received, has operated in compliance with all the Conditions of the CUP. Cook directed the Planning Commissioners to the property photographs in the meeting packet, which demonstrate that the property has been well kept; that landscaping has been installed; and that the property owner has paved the driveway entrance.

Staff recommends approval of the continued use of an equestrian event arena based on the Finding in the staff report and subject to the original Conditions listed in Resolution No. R16-03-008.

Oehlert asked if any Conditions need to be added.

Cook responded that he does not believe any changes are needed to the existing Conditions; and he explained that the Planning Commission is tasked this evening with simply determining whether the existing use continues to be compatible with the surrounding neighborhood. He added that if the Applicant would like to change the Conditions of the CUP, the Applicant would then be required to apply for an amended CUP. Cook further explained that if the County were to receive, in the future, complaints about noise or operations occurring beyond what has been approved then the County would go through the normal process of enforcing compliance with the Conditions; and if needed, could revoke the CUP for non-compliance.

Ross noted that it doesn't appear that staff is recommending a future review of the CUP.

Cook answered that the Planning Commission may choose to conduct a future review, if desired.

Ross recommended conducting another review of the CUP in five years, as the surrounding area could see development within the next five years.

Elliott asked if staff has a mechanism whereby the CUP would not come before the Planning Commission for review, unless and until the surrounding area changes in such a way that a review is warranted. He expressed that he does not want to unnecessarily add to the workload.

Reeves responded that the CUP itself does not have a term, other than that it was to be reviewed within five years, because, at that time, the Board of County Commissioners was not in favor of placing terms on CUP's. She explained that if, at any time, the use is not compliant with any of those Conditions, staff can bring it back to the Planning Commission to consider either modification or revocation of the CUP.

Elliott asked what amount the Applicant was required to pay for this review.

Reeves answered that as this is merely a review, no application fee was charged.

Broers asked if the tract located directly south of the subject property is owned by the Army Corps of Engineers, and commented that if that is the case, it is unlikely that tract will change significantly.

Reeves confirmed and added that the property located directly north of the subject property is a very large tract.

Manchester asked how many of the property owners near the subject property have been notified of this review.

Reeves explained that as this is just a review of the existing CUP, there is no requirement to notify nearby property owners.

Ross asked if this is a public hearing.

Reeves responded that it is not a public hearing.

Collins commented that he is concerned about the substantial increase in traffic on 223<sup>rd</sup> Street from the Intermodal Facility, and the risk this poses to drivers who are exiting the subject property. He recommended that the Planning Commission re-evaluate this during the next review.

Elliott commented that he believes a five-year review is warranted. He asked staff to determine whether the future review should be conducted by staff or by the Planning Commission.

Reeves recommended that the Planning Commission conduct the next review and noted that it is not necessary to add a new Condition in this regard, as it is already covered in Condition No. 10.

Ross moved to approve the continued use of an equestrian event arena, based on the Finding in the staff report and subject to the original Conditions of the CUP. Collins seconded, and the motion passed unanimously, 6-0.

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## **Finding**

1. The CUP for an equestrian event center continues to be compatible with the surrounding neighborhood.

## **Existing Conditions**

1. Except as amended by these conditions, the property shall be developed according to the site plan, attached hereto as Exhibit A.
2. Site plan shall be amended to show the entry gates for spectators; entry gates with no parking signs attached for animal loading/unloading; at least 4 ADA parking spaces with at least one being van accessible; at least 34 regular parking spaces for spectators; parking spaces shall be shown at 90° or directional arrows shown for one-way traffic, and signs posted for such; at least 2 sets of bleachers at 5 rows and 25 feet long; parking area for trucks/trailers;

concession area; announcer booth; screening/screening type around the perimeter of the CUP area;

3. Except as amended by these conditions, the property shall be developed according to the applicant's narrative report, attached hereto as Exhibit B.
4. Development shall comply with all sanitary, building, fire and other applicable county codes and permit requirements. It has been specifically noted that the bleacher design shall be designed and sealed by a Kansas licensed engineer.
5. The driveway entrance approach shall be hard-surfaced in a manner that meets Miami County engineering standards. Paved approaches shall include any portion of the approach that is within the right-of-way, with a minimum length of thirty-five (35) feet.
6. A stormwater plan shall be submitted prior to installation of parking areas, drive lanes, and issuance of building permits. Should a plan not be needed, a letter shall be submitted to that effect, signed and sealed by a licensed engineer.
7. The applicant shall negotiate with the County Commission and Road and Bridge Director regarding the retention of a \$10,000 escrow account, or bond by the county for future repairs to Silverheel Road from activities related to the CUP. The escrow / bond account shall remain in place for the entire period that the CUP is active.
8. No vehicles shall be allowed to park on Silverheel Circle.
9. Change of ownership or subleasing of the property/facilities shall require review by the planning commission to ensure the use substantially complies with the original conditional use permit.
10. The CUP shall be reviewed in 5 years to check the character of the neighborhood and ensure continued compatibility with the surrounding neighborhood.
11. No alcoholic beverages shall be sold on the premises.
12. Spectators shall be limited to 100 unless the CUP is reviewed and amended and site plan amended to allow a greater number of spectators, bleachers, parking spaces, sanitation facilities, etc.
13. Events shall be limited to one Saturday per month from April through October from 1pm to 6pm.
14. Noise from any music or public address system shall not exceed 70 decibels on any adjacent property.

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## **GENERAL DISCUSSION**

### **Possible Future Amendments to Zoning and Subdivision Regulations**

1. Common Access Easement requirements
2. Sign Regulations
3. Telecommunications Regulations

4. Height limits for radio, television, internet antennas and satellite dishes designed for individual residences.

Reeves reminded the Planning Commission that during previous meetings, it was decided that text amendments on these items will not be pursued until completion of the Comprehensive Plan update.

#### **ANNOUNCEMENTS BY STAFF / COMMISSIONERS**

Reeves reported good attendance at the February 25<sup>th</sup> in-person public open house for the Comprehensive Plan. She further reported that the overwhelming response received from the public survey, the Stakeholder and Technical Committees, and the in-person public open house has been that the County's rural character and agriculture should be protected, and that growth should be directed to the cities. She announced that a virtual open house will be held March 3<sup>rd</sup> through March 17<sup>th</sup> via the project website at: [www.miamicountyksplan.com](http://www.miamicountyksplan.com), which will offer the same opportunities for public comment. She reminded the Planning Commissioners to mark their calendars for the June 8<sup>th</sup> Planning Commission work session and noted that another in-person public open house is scheduled to take place in Paola on June 17<sup>th</sup>. She anticipates there will be an additional two-week virtual public open house this summer as well.

Reeves reported that to date the Planning Department has already received 14 applications for lot splits, compared to a total of 20 lot splits for the entire 2020 year.

Reeves is not aware of any items on next month's Planning Commission Agenda.

There being no further announcements, Oehlert asked for a motion to adjourn. Ross moved to adjourn the meeting, Broers seconded, and the meeting was adjourned by a roll call vote of 6-0 at 8:26 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Angie Baumann, PC Secretary

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Chair, Mark Oehlert / Vice-Chair, John Menefee

Minutes taken by Angie Baumann