

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
DECEMBER 1, 2020**

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

ATTENDANCE

CHAIR: Mark Oehlert

VICE-CHAIR: John Menefee

PLANNING COMMISSION Joshua Brown, Randy Kitchen, Bret Manchester,
and Mark Ross

ABSENT MEMBERS: Kelli Broers, Kevin Collins, and Phil Elliott

EX-OFFICIO MEMBERS: None present

PLANNING DIRECTOR: Teresa Reeves

COUNTY COUNSELOR: David Heger

PLANNER: Kenneth Cook

PC SECRETARY: Angie Baumann

ECONOMIC DEVELOPMENT Janet McRae

COUNTY COMMISSION: None Present

COUNTY CLERK: Not Present

PRESS: Miami County Republic

MINUTES

DECEMBER 1, 2020

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 six (6) members were present, constituting a quorum. Broers, Collins, and Elliott were absent.

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. Menefee seconded, and the motion passed unanimously, 6-0, by a roll call vote.

CONSENT AGENDA

- **November 10, 2020** Planning Commission Minutes.

Menefee moved to adopt the Consent Agenda as presented. Manchester seconded, and the motion passed unanimously, 6-0, by a roll call vote.

REGULAR AGENDA

Old Business:

Continued Discussion: 20001-TA: Draft Amendments to the Zoning Regulations for Accessory Dwelling Units (ADUs)

Consideration of draft amendments to the Zoning Regulations of Miami County, Kansas, pertaining to Accessory Dwelling Units. Affected regulations include Articles 2 (Definitions); 5 (Countryside); and 6 (Agricultural). A provision may also be made for Accessory Dwelling Units in Article 4 (Planned Development) and Article 4A (Rural Residential). All of these Districts allow single-family residential uses.

Reeves stated that the Planning Commission has directed staff to use the Johnson County, Kansas regulations for accessory dwelling units as a template for modifying our Zoning Regulations for Accessory Dwelling Units. She reported that since last month's meeting, staff has added a definition for "Principal Dwelling". Other minor, grammatical changes were made to ensure that defined terms, such as "Accessory Dwelling Unit" and "Primary Dwelling", are consistently written throughout the text. Reeves explained that changes are highlighted in blue, but that the text otherwise remains the same since last month's meeting.

Staff's recommendation is that the Planning Commission recommend that the Board of County Commissioners adopt the amendments to the Zoning Regulations, as proposed.

Oehlert opened the public hearing. There being no public comments, Oehlert closed the public hearing.

Menefee recalled, from last month's meeting, that the Planning Commission just needed staff to add a definition for "Principal Dwelling".

Reeves confirmed, and added that the addition of the definition for "Principal Dwelling" is the most significant change made since last month's meeting. She summarized that the proposed text amendments relax the existing Regulations somewhat; clarify the existing Regulations; allow for detached ADUs; and increase the maximum allowed total floor area of the ADU to 50% of the total floor area of the Principal Dwelling.

Oehlert asked if there will be any deed restrictions for properties with ADUs.

Reeves answered that staff plans to have a document recorded with the property, which evidences that the property has an ADU that must comply with the Zoning Regulations. She pointed out that the provision pertaining to a deed restriction is included in the proposed text amendments (Item "e.", under "Performance Standards").

Oehlert then asked how the deed restriction will be worded.

Reeves recalled that the deed restriction will include language providing that non-compliance with the Zoning Regulations for ADUs could result in the property owner being required to remove the ADU.

Menefee moved to recommend, to the Board of County Commissioners, approval of 20001-TA: Zoning Regulation Amendments regarding ADUs, as presented. Ross seconded the motion, and the motion carried via a roll vote of 5-1¹ (Kitchen voted "No").

Reeves announced that this will go before the Board of County Commissioners on December 23rd at 1:00 p.m.

¹ The two Planning Commissioners who initiated and seconded the motion (Menefee and Ross) were not queried for their votes.

Existing language in the Zoning Regulations is shown below, with all modifications highlighted. Text proposed to be added is italicized.

PROPOSED DRAFT AMENDMENTS TO DEFINITIONS

Article 2 Definitions

Basement

That portion of a building which *has more than one-half of its floor-to-ceiling height below the average grade of the adjoining ground.*

DWELLING, PRINCIPAL:

When the principal use conducted on a lot, tract, or parcel is a single-family dwelling unit, then the principal use shall also be known as the principal dwelling (aka Primary Dwelling). In the case of a lot, tract, or parcel containing only one dwelling unit, the dwelling unit is the principal dwelling. In the case of a lot, tract, or parcel containing a principal dwelling and an Accessory Dwelling Unit, the principal dwelling is the larger of the dwelling units.

DWELLING UNIT, ACCESSORY:

An additional, self-contained, subordinate dwelling unit located within, ~~or~~ attached to, *or detached from* a single-family Principal Dwelling and having independent access. An accessory dwelling *unit* shall be secondary to a Principal Dwelling. *The following types of accessory dwellings are referred to in these regulations:*

1. Attached Accessory Dwelling Unit

An accessory dwelling unit within a portion of or connected to the Principal Dwelling. An accessory dwelling unit shall be considered to be attached to the Principal Dwelling if it has a wall in common with the Principal Dwelling; or, if it is connected to the Principal Dwelling by way of a Livable Area.

2. Detached Accessory Dwelling Unit

An accessory dwelling unit standing apart and detached from the Principal Dwelling, and located on the same lot, tract, or parcel.

FLOOR AREA:

The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings, computed as follows:

(A) For Determining Gross Floor Area: The sum of the following areas: (1) the *livable areas of the* basement floor area when more than one-half (1/2) of ~~the basement height~~ *its floor-to-ceiling height* is above the ~~finished lot grade level where curb level has not been established~~ *average grade of the adjoining ground, or when an emergency egress door and windows exist or are installed in compliance with the adopted building/fire code;* (2) elevator shafts and stairwells at each floor *minus the area of the opening to the floor below;* (3) floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof); (4) penthouses; (5) *lofts and finished* attic space having headroom of seven feet, ~~ten inches~~ *or more when accessible by a*

conventional stairway; (6) interior balconies and mezzanines; (7) enclosed porches and sunrooms which are finished and climate controlled; and (8) floor area devoted to accessory uses. Space devoted to off-street parking or loading shall not be included in the floor area. The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, shall be computed by counting each ten feet of height, or fraction thereof, as being equal to one floor.

(B) For Determining the Off-Street Parking and Loading Requirement: The sum of the following areas: (1) gross floor space devoted to the principal use of the premises; and (2) any basement area devoted to retailing activities or to the production or processing of goods or to business or professional offices. For this purpose, floor area shall not include space devoted primarily to storage purposes, off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, business or professional offices, or meeting rooms.

Habitable Floor

Any floor used for living, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a habitable floor.

Kitchen

Any place or part of a building that is used for the preparation and cooking of food and the washing of dishes with the exception that a wet bar shall not be considered a kitchen for the purpose of determining the existence of two dwellings on one lot if used for preparing and serving drinks and snacks but not entire meals. Such wet bar may include countertops, cabinets, a sink with an inner base area not to exceed 145 sq. in., a refrigerator, a beer or wine cooler, and a microwave or toaster oven, and shall not include a stove, oven, or other type of cooking appliance.

Livable Area

A space within a dwelling unit that is heated, has a ceiling height of at least seven feet, and has finished walls, floors, and ceilings. Walls and ceilings shall be deemed finished if they are covered with plaster, wallboard, wood paneling, or similar material. Floors shall be deemed finished only if they are covered with carpeting, tile, linoleum, finished wood, decorative concrete, or similar material.

This definition includes hallways, closets, dormers, laundry room facilities, stairs, attics, lofts and storage rooms if they are a functional part of the living area, and are accessible by a conventional stairway, and not part of an unfinished area such as an unfinished attic or unfinished basement. In rooms with sloped ceilings (e.g., finished attics) livable area is considered that portion of the room with a ceiling height of at least five feet.

PROPOSED DRAFT AMENDMENTS TO RESIDENTIAL DISTRICTS:

Article 4 - Planned Development

(Staff is proposing the addition of the following language to Section 4-2.01.1, pertaining to Residential uses in the Planned Development District):

Accessory Dwelling Units as defined in these regulations and per Section 5-2.01.12.

Article 4A - Rural Residential Section 4A-2.01.9

(Staff is proposing the following addition to Section 4A-2.01, pertaining to Use Regulations in the Rural Residential District):

4A-2.01.9 - Accessory Dwelling Units as defined in these regulations and per Section 5-2.01.12.

Article 5 Countryside, Section 5-2.01.12

(Staff's proposed amendments to this Section are provided on the pages that follow.)

Article 6 Agricultural, Section 6-2.01.13

(Staff proposes to strike all of the existing standards in this Section, and instead include the following language):

Accessory Dwelling Units as defined in these regulations and per Section 5-2.01.12.

One Accessory Dwelling Unit ("ADU" or "ADUs", as the case may be), ***subject to the Performance Standards listed below.***

1. Purpose. Accessory Dwelling Units are allowed in certain situations to:

- a. Create new housing units while respecting the appearance and scale of single-family dwellings;*
- b. Support more efficient use of existing housing stock and infrastructure; and*
- c. Provide housing that responds to changing family needs, smaller households, and increasing housing costs, accessible housing for seniors, and persons with disabilities.*

Allowing ADUs is not intended to replace duplex and other multi-family zoning districts and dwellings. An ADU is different than a duplex in that typically the two units that make up a duplex are attached to each other, are relatively equal in size and height, and one unit usually does not dominate the other. In contrast, an ADU may or may not be attached and is subordinate in size, location, and appearance to the Principal Dwelling ~~unit~~ that it accompanies. Additionally, both duplex units may be rented while an ADU or its accompanying Principal Dwelling ~~unit~~ shall be owner-occupied.

2. Performance Standards:

- a. The Accessory Dwelling Unit shall be constructed within, attached to, or detached from an existing Principal Dwelling.*
- b. An Attached Accessory Dwelling Unit shall be physically connected to the Principal Dwelling. ~~by, at a minimum, a roofed structure no longer than 25 feet.~~*
- c. A Detached Accessory Dwelling Unit shall be located within 200 feet of the Principal Dwelling and shall have continuous driveway access provided to the ADU for fire safety.*
- d. A Detached Accessory Dwelling Unit shall not be located in front of the Principal Dwelling.*
- e. The property owner shall reside in either the Principal Dwelling or the Accessory Dwelling Unit. A deed restriction shall be signed by the property owner and recorded with the Miami County Register of Deeds, providing notice that the ADU is located on the property and must be used in compliance with the requirements of the Miami County Zoning Regulations, and that the lawful existence of the ADU is subject to the occupancy of the property owner in*

either the Principal Dwelling or Accessory Dwelling Unit. Violation of the ADU regulations may result in the property owner being responsible for removal of the ADU.

- f. Construction of an Accessory Dwelling Unit in an existing garage of the Principal Dwelling shall not relieve the requirement of providing a garage or comparable *non-residential* accessory structure for the Principal Dwelling as noted in the parking regulations of this article.
 - g. The entryway to the *an Attached* Accessory Dwelling Unit *shall be oriented away from the main street, and/or be located on a different façade and/or building plane, and be smaller with less detail* ~~shall not be located on the same plane as than~~ the Principal Dwelling's main entrance.
 - h. The minimum required total floor area of the Accessory Dwelling Unit shall be 250 square feet.
 - i. The maximum allowed total floor area of the Accessory Dwelling Unit shall be the lesser of *25%— 50%* of the total floor area of the Principal Dwelling, excluding the Principal Dwelling's garage, or 900 square feet.
 - j. The Accessory Dwelling Unit shall not be allowed within or attached to a mobile home but may be allowed within or attached to a manufactured home.
 - k. The Accessory Dwelling Unit shall use the same driveway *entrance* as the Principal Dwelling. A second driveway *entrance* accessing the Accessory Dwelling Unit shall not be allowed.
 - l. The Accessory Dwelling Unit may have to be served with an onsite wastewater system separate from that of the Principal Dwelling if the existing onsite wastewater system is inadequate per code to serve the *new dwelling Accessory Dwelling Unit*.
 - ~~m. The accessory dwelling shall not be located within a barn unless the principal dwelling is also located within a barn.~~
 - m. The Accessory Dwelling Unit shall be ~~constructed of the same or similar building materials as the principal dwelling,~~ *complement the architecture and design patterns of the neighborhood in which it is located.*
 - n. The Accessory Dwelling Unit shall meet all other applicable development codes and regulations of the county.
 - o. An ADU shall be located on a lot, tract, or parcel no smaller than *two (2) acres in size unless both the Principal Dwelling and Accessory Dwellings-Unit are able to connect to public sewer.*
 - p. *The proposed ADU must gain approval from the appropriate utility companies, including but not limited to electric, gas, water, and sewer/wastewater for the additional use.*
 - q. *The ADU or Principal Dwelling cannot be used as a short-term rental or bed and breakfast unless approved with a conditional use permit.*
 - r. *If there is a conditional use permit in effect on the subject property, then an ADU shall only be allowed if reviewed and approved by the Planning Commission.*
 - s. *The ADU shall have a minimum of one (1) parking space made available on the subject property.*
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New Business:

Public Hearing 20001-VAC: Petition to Vacate Setbacks / Easements

Reeves presented the staff report for consideration of a petition to vacate the drainage easements, the 75-foot setback from the right-of-way, and the 50-foot setback from the side yard and rear yard, as identified on Lot 3, and possibly Lots 1 and 2 of the Final Plat of Aiken Acres Subdivision; and to recognize the current effective floodplain locations rather than the outdated floodplain as shown on the Final Plat. The subject property is located at the northeast corner of K-68 Hwy and Coldwater Springs Rd, in the SW ¼ of Section 26, Township 16S, Range 25E, Wea Twp. Submitted by Russell and Katie Satrom, property owners of Lot 3, Aiken Acres.

Reeves reported that the Zoning and Subdivision Regulations in effect at the time Aiken Acres Subdivision was created required a 75' setback from the ultimate right-of-way and a 50' setback from the side yards and rear yard. Since that time the Regulations have been revised and now require a 50' setback from the ultimate right-of-way and a 20' setback from the side yards and rear yard.

She explained that the Applicant wishes to build on the subject property. Not only do the setbacks, as shown on the Final Plat, present a problem for the Applicant, but also the drainage and floodplain easements, which cover the majority of Lot 3. Reeves added that the drainage and floodplain easements, as shown on Lot 3 on the Final Plat, do not match any current or historical floodplain maps whatsoever.

Reeves stated that Mr. Satrom had planned to ask the other property owners in the Aiken Acres subdivision if they would like to participate in the Petition; and, staff also mailed letters to those property owners, inviting them to participate in this Petition. She reported that staff has received no response from the other property owners.

Staff recommends that the current effective floodplain maps be recognized instead of the drainage and floodplain easements, as shown on the Final Plat. Staff also recommends reducing the setbacks on Lot 3 to 50' from the ultimate right-of-way and 20' from the sides and rear. Reeves noted that of the drainage easements shown on the property the only drainage easement that should remain is the one for the blue-line stream, which flows primarily north of Lot 3.

Reeves reported that staff has also notified the utility companies, and received no negative comments. She added that this would not affect any utilities, and is applicable only to Lot 3.

Reeves then presented to the Planning Commission a graphic of the original Final Plat, overlaid with the current effective floodplain. She pointed out that the current effective floodplain on Lot 3 is not nearly as substantial as the floodplain shown on the original Final Plat.

Oehlert asked if there are any possible negative consequences if this Vacation is approved.

Reeves answered that she does not believe so. She added that staff follows the floodplain regulations that are currently in place. She commented that she does not know how the floodplain calculations on the original Final Plat were derived, as they do not match any of the historical floodplain maps.

Oehlert asked if the Applicants are present this evening.

Reeves responded that they are not.

Oehlert then opened the public hearing. There being no public comments, Oehlert closed the public hearing.

Reeves reiterated that the proposed Vacation affects only Lot 3 of Aiken Acres.

Ross moved to approve 20001-VAC: Petition to Vacate Setbacks / Easements, as presented, and subject to staff's Findings. Menefee seconded, and the motion passed unanimously, 6-0², by a roll call vote.

Reeves announced that the Vacation will go before the Board of County Commissioners on December 23rd at 1:00 p.m.

Findings

1. The public will suffer no loss or inconvenience by such Vacation, and no private rights will be injured or endangered.
2. The proposed Vacation will correct the setbacks to comply with the current Regulations, and will correct the floodplain location to allow the owners to have better use of their property.
3. The property owners of Lots 1 and 2 of Aiken Acres were notified of the proposal to Vacate and were invited to join the petition. To date, no opposition to the petition has been received.

Public Hearing 20003-Z: Rezone from Countryside (CS) to Commercial (C-2)

Reeves presented the staff report for consideration of an application to rezone approximately 9.13 acres from Countryside (CS) to Commercial (C-2), in accordance with Sections 8 and 22 of the Miami County, Kansas Zoning Regulations. The subject property, also known as Midway Drive-in, is addressed as 29591 W 327th St, and is located on the south side of 327th St, between Osawatomie Rd and Lookout Rd, in the NW ¼ of Section 36, Twp 17, Range 22, Valley Twp. Submitted by Woodys Entertainment, LLC, property owner of record.

Reeves reported that the new property owner approached the County's Economic Development Director and inquired about the possibility of having additional activities—such as swap meets—on the property. Reeves further reported that the drive-in theater use is a grandfathered conditional use permit, which was granted upon the adoption of Countywide zoning. She explained that, as a result, use of the subject property is restricted to a drive-in theater only. She further explained that the subject property does not have Commercial zoning; therefore, it will need to be rezoned to allow the additional uses the property owner is proposing.

² The two Planning Commissioners who initiated and seconded the motion (Ross and Menefee) were not queried for their votes.

Reeves pointed out that the entrance would need to be upgraded to a commercial entrance. She reported that the Applicant plans to open a second ticket booth window to help prevent vehicle-stacking on 327th Street.

Reeves noted that staff has received a number of positive comments regarding this Application, and no negative comments. She added that three additional comments were received, via email, after the meeting packets were published, all of which were supportive of the proposed Rezoning. (Staff provided to the Planning Commissioners printed copies of the additional comments.)

She then briefly highlighted several of the *Golden Criteria* to be used by the Planning Commission when making Findings to approve or deny the requested Rezoning:

1. Character of the neighborhood.

2. The zoning and uses of property nearby.

3. The suitability of the subject property to its present use.

Reeves noted that the use is not changing significantly. Rather, some uses that are typically associated with a drive-in theater are being proposed, in addition to the existing drive-in theater use.

4. The extent to which removal of the present zoning will detrimentally affect nearby property.

Reeves reported that the Comprehensive Plan identifies the airport “area” as a Short-term Area of Regional Significance, and is therefore projected to increase in appropriate commercial-type uses.

6. The relative gain to the public health, safety, and welfare by the destruction of the value of the nearby property as compared to the hardship imposed upon the individual landowner.

Staff does not anticipate a negative impact on surrounding property values if the additional uses proposed are operating on the property. In fact, staff believes the proposed Rezoning would be beneficial—not only for the Applicant, but also for the community as a whole.

Reeves explained that the drive-in theater itself is a regional attraction; and, the additional uses proposed would help support the Midway Drive-In operation.

10. Such additional matters as may apply in individual circumstances.

To avoid traffic problems along 327th Street, staff recommends that the Applicants open a second ticket booth window upon opening the facility.

Staff's recommendation is that the Planning Commission recommend approval of the proposed Rezoning, based upon the Findings listed in the staff report. Reeves explained that there are no Conditions because a Rezoning cannot be made subject to Conditions.

Oehlert asked if the Applicant will need to apply for a conditional use permit in the future.

Reeves answered that there is an existing conditional use permit for the drive-in theater use. She explained that the proposed Rezoning to Commercial (C-2) would allow these additional uses that would not otherwise be allowed in the Countryside (CS) zoning district.

Oehlert asked if a conditional use permit is specific to the owner or to the property.

Reeves answered that a CUP runs with the land. She again noted that the CUP for this property is grandfathered in, and is not affected by the proposed Rezoning.

Kitchen asked if a CUP will continue to be necessary if the property is rezoned to Commercial (C-2).

Reeves answered that the current Zoning Regulations for the C-2 district require a CUP for a drive-in theater.

Ross asked if it is the CUP that allows the drive-in theater use and the Rezoning to C-2 that will allow the other proposed uses.

Reeves confirmed this to be correct. She added that all of the uses in the Zoning Regulations that are allowed by right in the C-2 district would be allowed on the subject property, subject to the Performance Standards provided in the Zoning Regulations for that District. She noted that the Miami County Adult Entertainment Code restricts adult entertainment uses from occurring within so many feet of a platted subdivision.

Kitchen noted that according to the staff report adult entertainment uses cannot be within 1,000 feet of a platted subdivision.

Reeves confirmed that this is correct, and noted that two platted subdivisions abut the subject property.

There being no further questions for staff, Oehlert invited the Applicant to speak.

Heather Wood, of Woodys Entertainment, LLC (37655 Osawatomie Rd., Osawatomie) approached the podium and stated that her husband could not be present this evening, as he is home with their children. She commented that Reeves has sufficiently covered everything. Mrs. Wood explained that when they purchased the property they were not aware of its zoning nor the conditional use permit. She reported receiving much positive feedback from the community, and that many people have been especially supportive of the swap meets proposed for weekend mornings, as no swap meets are available locally.

With regard to the uses allowed by right in the Commercial (C-2) zoning district, Mrs. Wood expressed that she and her husband have no intentions of making any significant changes to the

property or do anything that is not beneficial to the community. Rather, they want to retain what is there and are working to revive and refresh the drive-in theater operation. She explained that the other uses will provide investment income, which will benefit the drive-in theater operation.

She expressed that they want to be family-friendly, and noted that they have young children. She further expressed that they fell in love with the drive-in theater nearly six years ago when they took their children there for the first time.

Mrs. Wood then invited questions from the Planning Commission.

Manchester asked if the Applicants have obtained estimates for upgrading the entrance to a commercial entrance.

It is Mrs. Wood's understanding that, at one point in time, both sides of the ticket booth were manned in order to prevent traffic from backing up on 327th Street. However, she recalled from personal experience that only one window of the ticket booth was open and traffic was backing up. Mrs. Wood explained that the existing ticket booth has two windows, (one on each side of the booth), which would enable two lines of vehicles to enter the property. She reported that they plan to utilize both windows. Mrs. Wood expressed that one of her main concerns is a traffic back-up on 327th, especially because the speed limit is 55 mph. She assured the Planning Commission that the second window will be ready in time for opening day and will be utilized.

Ross noted that Road & Bridge Director J.R. McMahon had commented that the area from the road to the right-of-way will need to be paved.

Kitchen asked whether it is the property owner's or the County's responsibility to maintain the right-of-way on a driveway.

Reeves clarified that McMahon is referring to the area beginning at the edge of the highway pavement and ending at the parking lot. She explained that this area will need to be upgraded to a concrete or paved surface.

Mrs. Wood responded that this is something they will do if that is what is required in the C-2 district.

Oehlert noted that Conditions cannot be placed on a Rezoning.

Reeves confirmed, and explained that this is a Road & Bridge entrance requirement.

Oehlert noted that the Narrative specifies the lot will accommodate up to 245 cars and approximately 600 people. He asked what the Applicant plans to do if they reach that limit during a swap meet, which he anticipates will draw a large crowd.

Mrs. Wood answered that they have considered many options. She noted that there is additional space on the lot that could be graveled and utilized for parking. They have also considered requiring people to pre-register for swap meets. She commented that they have nothing to refer to at this point, and will have to play it by-ear to see how busy it actually is.

Oehlert commented that he is concerned about people attempting to park along the side of 327th Street during a swap meet if the lot is full.

Mrs. Wood responded that they could try to plan for such an occurrence by graveling additional space on the lot to accommodate parking. She added that if she were to observe people attempting to park alongside 327th, she would discourage this and would ask people to move their vehicles. Mrs. Wood added that she does not anticipate this happening because they already have in mind an anticipated number of people who want to buy in as vendors at the swap meets versus how many spaces they can allow for shoppers. She explained that if 245 people want to vend, they won't allow that number of vendors because the lot can't accommodate 245 cars plus shoppers entering and exiting the property.

Oehlert asked Reeves if we could request that the Road & Bridge Department post "No Parking" signs along 327th Street.

Reeves confirmed, and commented that we probably should. She also suggested that the Applicant post a sign notifying passersby when the lot has reached capacity.

With regard to evening activities, Oehlert asked if lighting will be an issue.

Reeves answered that she does not know if the Applicant plans to install any new lighting, but any new lighting will have to comply with the Parking Standards in the Zoning Regulations, and must be fully shielded and directed downward.

Oehlert asked if permits will be required before any new lighting may be installed.

Reeves confirmed, and added that any change will require an updated site plan, building permits, lighting plans, etc.

Oehlert asked if the Applicant has plans for onsite security during any of the events.

Mrs. Wood responded that they do not currently anticipate any security issues, but can look into this further in the future.

Oehlert asked Mrs. Wood to clarify the operating hours for evening events.

Mrs. Wood responded that on weekends, they will follow fairly closely the previous hours of operation, with the exception of extending the movie viewing season. She noted that movies would begin at 6:00 p.m. or 7:00 p.m.; and, on weekends only, they would end at midnight or 1:00 a.m. She noted that any weeknight events that could hinder or be a nuisance to neighbors, such as motorcycle shows or bike rallies, would end by 6:00 p.m. or 7:00 p.m. Mrs. Wood expressed that they do not wish to be a nuisance to neighbors. She added that quieter events could end by 9:00 p.m. Mrs. Wood also noted that they do not anticipate many motorcycle shows or bike runs on weeknights; rather, they would likely take place on weekends, and primarily during the middle of the day. She anticipates having possibly five such events per year.

Oehlert then opened the public hearing. There being no public comments, Oehlert closed the public hearing.

Menefee asked if the majority of the surrounding area is zoned Commercial (C-2).

Reeves answered that the surrounding zoning is mixed: Commercial, Industrial, and Business Park.

Oehlert commented that he likes the idea of Rezoning, as it provides greater opportunity to utilize the property. He added that he would like to see the previously discussed concerns addressed.

Menefee moved to approve 20001-Z³: Rezone from Countryside (CS) to Commercial (C-2), based upon the Findings in the staff report. Kitchen seconded the motion, and the motion passed unanimously, 6-0⁴, via a roll vote.

Reeves announced that the Board of County Commissioners will make the final decision on December 23rd at 1:00 p.m.

Findings

1. The proposed Rezoning conforms to the Goals and Objectives of the Comprehensive Plan as a Short-term Area of Regional Significance.
2. The proposed Commercial (C-2) zoning is compatible with surrounding mixed uses in the area near the airport and is compatible with the existing drive-in theater use on the property.

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.

³ NOTE: The staff report referenced an incorrect Application number (No. 20001-Z). However, the published legal notice; notice provided to property owners within 1,000'; and the meeting Agenda all reference the correct Application number (Application No. 20003-Z).

⁴ The two Planning Commissioners who initiated and seconded the motion (Menefee and Kitchen) were not queried for their votes.

Reeves noted that this item appears on the Agenda simply as a reminder. There was no objection among the Planning Commissioners to continuing discussion on these possible text amendments to a later date.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Reeves announced that the Comprehensive Plan Virtual Visioning Workshops for Stakeholder and Technical Committee members are scheduled for December 15th and 17th. Postcards have been sent to the public, notifying of the public survey.

Reeves briefly announced the items on next month's Agenda, including the election of officers; adoption of the 2021-2022 Planning Commission calendar; a conditional use permit for an emergency communications tower; and a public hearing on proposed text amendments for billboard sign regulations.

Reeves also announced that Dave Delp has been hired as the new Code Services Director.

There being no further announcements, Oehlert asked for a motion to adjourn. Ross moved to adjourn the meeting, Menefee seconded, and the meeting was adjourned by unanimous vote at 7:52 p.m.

Approved this 5th day of January, 20~~20~~²¹.



Angie Baumann, PC Secretary



Chair, Mark Oehlert / Vice-Chair, John Menefee

Minutes taken by Angie Baumann