

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
April 4, 2023**

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

ATTENDANCE

CHAIR:	John Menefee
VICE-CHAIR:	Kelli Broers
PLANNING COMMISSION	Joshua Brown, Randy Kitchen, Bret Manchester, Joe Flake, Tophier Philgreen, and Gary Brockus
ABSENT MEMBERS:	Charles Armour
EX-OFFICIO MEMBERS:	None present
PLANNING DIRECTOR:	Kenneth Cook
ASST. PLANNING DIRECTOR:	vacant
PLANNER:	Bobby Wardecker
PC SECRETARY:	Casey d'Augereau
COUNTY COUNSELOR:	Shelley Woodard
ECONOMIC DEVELOPMENT	Not present
COUNTY COMMISSION:	None Present
COUNTY CLERK:	Not Present
PRESS:	Bryan McCully

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CALL TO ORDER

Chairman John Menefee called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call was taken with all eight (8) members present.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

There were none.

ADOPTION OF THE AGENDA

Menefee stated there is inclement weather moving into the area, due to safety and time the meeting will be closed at 10:00 p.m. and a decision will be made at that time when to proceed with the item on the agenda.

Menefee stated due to the number of guests there was not enough room for everyone in the Commission Chambers for the meeting. There are two (2) overflow areas, the hallway in front of the Clerk's office and in the Sheriff's Community Center, each has a large screen setup with the meeting live streaming. Anyone not in the Chambers with a smart device can log into www.miamicountyks.org click on "Agendas & Minutes" and click the video icon to watch the meeting from their own device.

Philgreen moved to adopt the agenda as presented. Brown seconded, and the motion passed unanimously (8 - 0), via a show of hands.

CONSENT AGENDA

- Minutes: Approval of the March 7, 2023, Planning Commission Minutes

Brown moved to approve the consent agenda. Philgreen seconded, the vote was 7-1 with Kitchen voting against, via show of hands.

REGULAR AGENDA

Old Business: None

New Business:

Public Hearing - 23002-CUP: Always and Furever Midwest Animal Sanctuary

Menefee stated this is a public hearing there will be an appropriate time for public comments later and asked that everyone be respectful of Staff during the presentation.

Cook stated additional material was added to the agenda packet after it was published to the website and wanted the Planning Commissioners to be aware of it. These items have been handed to the Planning Commissioners and updated on the agenda posted to the website. Cook stated some of the public written comments were placed in the wrong category. As the emails came into the Planning & Zoning office staff reviewed the emails and placed them in one of the following categories: Neighbors within 1,000-foot of the property, Miami County Residents, and Outside of Miami County. Some of the written comments in "Outside of Miami County" might be Miami County Residents but did not identify as such. In separating the written comments some that were identified as Miami County Residents were accidentally placed in the "Outside of Miami County" category.

The written communication that could be identified as Miami County Residents were moved to the correct category prior to the meeting.

Cook stated there were also documents that were attached to emails in the “Outside Miami County” category, and not all of the attachments were uploaded into the category separate from the email. These documents have been corrected.

Cook stated any of these documents that were not added to the agenda originally were printed and added to the Planning Commission Packets.

Cook stated the County desires to allow everyone wishing to speak tonight to have that opportunity. Cook stated that will require the rotation of people from the Chambers to the overflow areas and it would be considerate of those in the meeting to step into one (1) of the overflow areas after speaking to allow someone from the overflow area to come into Chambers.

Cook stated Always & Furever Midwest Animal Sanctuary provided a book as part of their information, it gives some background and pictures of some of what they do. The book is a part of the record.

Cook stated he received response from the applicant in regard to the “*Golden Criteria*” factors that did not get attached to the packet. A printed copy has been added to each of the Planning Commissioners’ packets and it was also posted to the website.

Cook stated the applicant extended a verbal invitation to the Staff, Planning Commissioners, and the Board of County Commissioners to visit their site. Cook visited with Miami County’s legal counselor and a response was provided to the Planning Commission stating legal counsel recommends against the site visit to avoid issues such as Ex Parte Communication and noted the Planning Commission’s decision should be based on the information provided at the public hearing.

Cook continued with the Staff Report for 23002-CUP: Always and Furever Midwest Animal Sanctuary Public Hearing for consideration of a request for a Conditional Use Permit (CUP) to operate a Kennel and associated activities as well as a Private Veterinary Clinic/Hospital for animals in the care of the rescue organization (fostered or residing on the property), located in the Countryside zoning district, per Section 5-2.02 of the Miami County, Kansas Zoning Regulations. The subject property contains approximately 40-acres and is located on the south side of 223rd Street, approximately one half of a mile west of Columbia Road. The Comprehensive Plan shows this area as being rural residential of nature, a 10 – 15 acre density is anticipated in this area. It is in the Spring Hill communication area and within the Hillsdale Watershed. Staff did contact the City of Spring Hill requesting comments, no comments were received from them.

Cook provided background information regarding the request. This included the March 28, 2017, purchase of a 4.6-acre tract, by Jennifer Dulski, that adjoins the subject property to the East. On June 27, 2017, a letter was sent to the Dulski from the previous Planning & Zoning Director, Teresa Reeves, responding to an inquiry for a possible need for a Conditional Use Permit (CUP) for a senior dog rescue/shelter/sanctuary on the 4.6-acre tract adjacent to the subject property. At that time, all dogs were personally owned by the applicant and would include no more than 19 dogs and no license was required by the State of Kansas. In consultation with the County’s Counselor, it was determined the use as proposed “did not meet the county’s definition of a kennel” and was not required to obtain a Conditional Use Permit. In April 2022, the adjacent property to the East of the 4.6-acres was purchased (approximately 40-acres) under the name Always & Furever Midwest Animal Sanctuary Inc. July 22, 2022, an application for a CUP for the operation of an Animal Rescue and Adoption Facility was submitted, then withdrawn in February of 2023, the current application for a CUP for the operation of a kennel and private veterinary clinic was submitted.

Cook stated Miami County Zoning Regulations specify that Kennels and Veterinary & Small Animal Hospitals may be approved through the CUP process in the Countryside (CS) District. Kennel uses are subject to specific development standards that are listed in Article 14, Conditional Uses and includes the following:

Section 14-2.01.10: Kennels

- A. *The kennel shall occupy a minimum lot size of five (5) acres.*
- B. *No kennel building or runs shall be located nearer than one hundred fifty (150) feet to any property line.*

- C. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the animals.
- D. The kennel shall have adequate measures to prevent odor, dust, noise, or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.
- E. All state licensing and operation requirements shall be met.

The Zoning Regulations also define a kennel as:

A business establishment where four or more dogs or cats, or both, of six months of age or older, are maintained in any one week for boarding, training or similar purposes for a fee or compensation. For purposes of these Regulations, any establishment defined as "animal shelter" or "pound", "hobby breeder premises", "kennel operator premises", "animal breeder premises", "retail breeder premises" or "animal distributor premises", all such terms as defined in K.S.A. 1997 Supp. 47-1701 and amendments thereto, and licensed as such by the State of Kansas, shall be deemed a kennel under these Regulations regardless of the number of dogs and cats, or both, maintained on the premises.

Section 2-1.01 of the Miami County Zoning Regulations define a Conditional Use as:

"A use of any building, structure or parcel of land determined by the Board of County Commissioners that, by its nature, is perceived to require special care and attention in allowing such use, so as to assure compatibility with surrounding properties and uses. Conditional uses may have special conditions and safeguards attached to assure that the public interest is served."

Cook stated he included a table in the Planning Commission Report to show some of the kennel applications Miami County had considered in the past regardless if they were approved or denied:

Year	Name	Max Number	Notes
1993	Crescent Hill Pugs	32 pens & 64 Dogs	5.5-acre CUP on 160-acre property Void – not in operation
2004	Sandy's Kennel	100 dogs (proposed)	37-acres - Denied Accessory to house, no employees. Denied due to Floodplain, poor roads, change character of neighborhood, not in compliance with Comp Plan.
2005	Sandy's Kennel	85 dogs	20-acres Accessory to house, no employees
2007	Mystic Kennels	unknown	4.3-acres Approved by City of Spring Hill
2009	Budenz Kennel	40 dogs / 30 breed-able	Void – Expired Accessory to house, no employees
2012	Bully Farms Kennel	110 dogs (proposed)	13.9-acres - Denied Accessory to house, proposed 3 full time and two part time employees. Denied due to mitigating conditions found to be insufficient.
2014	Angel Dolls Puppies	6 adult breed-able dogs	5.4-acres Accessory to house, no employees, dogs kept inside house with outside exercise area.
2016	Free Spirit Kennels	22 dogs	13-acres Accessory to house, no employees, between highway & railroad.
2020	Debbie's Animal Haven	30 dogs	14.87-acres Inside of house with outside exercise area, no employees.

2020	K-9 Acres	150 dogs (proposed)	73.87-acres - Withdrawn House proposed in future, 13 proposed employees. Withdrawn after Planning Commission continued the public hearing to allow applicant to submit additional information.
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Cook stated there are other kennels operating in Miami County, they started up prior to the adoption of the zoning regulations for kennels and are grandfathered in. Mystic Kennels, located within the vicinity of this same area, was approved when it was within the City of Spring Hill growth area. All of the kennels that have been approved operate under similar conditions as Miami County's regulations currently require. And all of the operations have generally been on properties where the primary use appears to be of the owner and applicant of a residence on the property and the kennel was approved as more of an accessory use as to the dwelling that was occurring on the property. In reviewing the other applications most of the employees were approved of these other kennel operations were generally the property owners or family members that resided on the property. One case, Free Spirit Kennels, talked about having a trainer on staff for a class once a week for a maximum of five (5) dogs. There were a couple of cases that the applicant proposed employees and not residents of the property, one (1) was denied and the other withdrew the application.

Cook stated Always & Furever Midwest Animal Sanctuary was licensed by the State of Kansas Department of Agriculture as an Animal Rescue Network and currently headquartered on the property directly to the West. The State of Kansas Department of Agriculture specifies the following regarding an Animal Rescue Network: *"the premises of a rescue network manager and all pet animal foster homes organized under that rescue network manager that provide temporary care for one or more dogs or cats not owned by an animal shelter that maintains a central facility for keeping animals."* This is sort of the operation Always & Furever is operating under. The Conditional Use Permit (CUP) request being presented to the Planning Commission will expand from a rescue network to provide an animal shelter and requires a different license to do that which falls under the County's kennel regulations.

Cook stated Phase 1 of the proposed operation includes capacity for 98 animals, constructing the Administration Building, a Big Red Barn, Dog Villa, and Miami County Barn Shelter. Phase 2 would increase to 112 animals, Veterinary Hospital, and Dog Villa #2. And Phase 3 will allow for a total of 230 animals (190 dogs and 40 cats). The applicant noted while they are an animal rescue network for the past four (4) years they have been the sole caretaker of the animals at the Osawatimie Pound which takes in dogs from Miami County, Paola, and Osawatimie. While the applicant notes one of the shelters will be the "Miami County Shelter" it is the applicant's building and Miami County does not have ownership in that facility and would be considered a private operation. In order to be a facility available to Miami County there would need to be other agreements between the applicant, the Board of County Commissioners, and other communities.

This administration building is also proposed to be used for activities such as meet & greets for potential foster or adoptive families to meet the pets, adoption events, training of staff and volunteers, team building, volunteer special events, anniversary celebration, and organizational gatherings. Anniversary celebrations will be the anniversary of the organization, not as general anniversaries. This application includes the proposal for a private veterinary barn specified solely for the use of serving the needs of the Miami County Shelter animals and Always & Furever animals in their care. Phase 3 includes the possibility of a single-family dwelling to be located on site to allow an Always & Furever team member to be onsite.

Cook stated the narrative specifies the facility will be a private facility with visitors limited to appointments only during the hours of operation of 7:00 a.m. to 7:00 p.m. The proposed events to occur at the facility will be by invitation and RSVP only. Based on Phase 3 numbers of the applicant the facility would include 46 staff and 4 volunteers coming to the site each day in two (2) shifts.

Cook stated the narrative for the facility itself proposes to have a capacity of 230 animals, Always & Furever operates an animal rescue network with a licensed animal shelter in Missouri and currently has over 300 fosters

throughout Kansas and Missouri. It is anticipated these animals will also be brought to the facility at times for adoptions or veterinary care.

Cook stated the applicant specified no dogs will be allowed to run loose throughout the property and will only be outside while under supervision. Dogs will not be allowed outside at night.

Cook stated the applicant plans to have all dog waste picked up daily and disposed of in dumpsters throughout the homestead. The site plan currently shows the wastewater for the facility being handled by use of holding tanks. The use of holding tanks will require operational permits for each tank. If a single-family dwelling is developed on site in Phase 3 then it will need to have its own on-site wastewater system.

Cook stated the site plan includes 80 total parking spaces which includes 8 ADA spaces. The Zoning Regulations do not currently specify the number of spaces required for kennel facilities; the regulations allow for the Planning Commission to specify that value in the conditions should they choose to do so. The facility's main entrance is proposed to include two (2) entrance lanes and one (1) exit lane. The entrance lanes will provide space for the stacking of vehicles prior to the gate. This will hopefully allow people to be out of the way of traffic until the gate is opened.

Cook stated the applicant is proposing lighting in the parking lot, along drive aisles, and on most of the structures through the site. They specify all lighting will comply with regulations' shoebox design with no bulb exposure to eliminate any offsite glare. The site plan notes a number of different signs throughout the facility but does not provide details or descriptions of the signs. Staff anticipates many of these signs might be considered incidental signs as described by the sign regulations. A proposed design is provided for a monument sign to be located at the main entrance in the County Right-of-Way. The applicant has stated she will comply with the County's regulations.

Cook stated the total size of all buildings being proposed is 77,894 square feet. All of the kennel runs will be surrounded by 6-foot privacy fence and the entire property will be enclosed by a 6-foot black chain link fence with gated entrances.

Cook stated the site plan proposes a manmade pond that will also provide for a stormwater retention. A stormwater plan was completed on this facility which was reviewed by IBTS. IBTS did not find any issues with the stormwater plan but did make a few comments/suggestions.

Cook stated a notification was sent to all surrounding property owners within 1,000-feet of the applicant's property and one (1) sign was posted on the property. A notice of the proposal and request for comments was sent to affected utilities, departments, and agencies. A notice was published in the Miami County paper.

Cook stated Staff has received a number of letters and phone calls from adjoining property owners asking questions and expressing concern regarding the proposed operation. Staff has also received a large number of letters of people interested in the project.

Cook reminded the Planning Commission that they are mainly to focus on the *Golden Criteria* when making their decision about the application not just the written and verbal comments. Some of the *Golden Criteria* addresses how the request will impact neighbors. A decision is not to be based on the plebiscite of what the neighbors think. The main focus is on the use of the property, how it complies with Zoning Regulations, the Comprehensive Plan, how it might impact neighboring property owners, and how it might be beneficial to the public health, safety, and welfare of the community. There are a number of factors that should be taken into consideration, just because all the surrounding neighbors are in favor or against it does not mean the Planning Commission should base their decision off of the desires of the surrounding neighbors.

Cook noted the Golden Criteria are to be factors that are considered a weighed and is not a matter of there being more factors in favor or for denial. It is looking at all of these factors and providing a weighing based upon information presented at the public hearing.

Cook reviewed the following *Golden Criteria* factors and provided discussion regarding Staff's findings as presented in the staff report.

- 1 – Character of the neighborhood including zoning and uses. The applicant's property is currently located in Countryside (CS) District. This is primarily characterized by residential uses which includes a number of residential subdivisions and other residential properties that have been developed through

the years. There are two (2) subdivisions in the area, Yankee Bit Farm to the “East” (correction: to the West) and Twelve Oaks to the North about a quarter of a mile from the subject’s property. Both of these were developed prior to Miami County Zoning Regulations being adopted and the density is more than the County allows but they are grandfathered in. There are a number of residential houses in the area on 223rd Street on both sides of the subject property and some agricultural properties to the South/Southeast.

Cook noted on the West side of Yankee Bit Farm is property currently part of Hillsdale Lake and is considered to be open public land. Hunting and other activities occur there as well as some parking facilities in that area. Cook’s understanding is this area is used regularly to hunt, hike, and other activities.

The City of Spring Hill is currently located approximately 2,700-feet to the East of the subject property and approximately 1-mile from Highway 169 interchange with 223rd Street. The area of the interchange with 223rd Street has more of a mix of uses in that area. On the North side of that area has been annexing by the City of Spring Hill and it is Cook’s understanding is there is a permit for a new facility for a new business currently under development. On the South side at the interchange is zoned C-1. Other non-residential uses in the surrounding area include a salvage yard and Conditional Use Permit (CUP) for Alvarez Ranch Arena a mile West. This area could be considered an area of transiting and has good access to transportation and water.

- 2 – The suitability of the subject property to its present use. Staff finds the subject property is suitable to its present use which will allow for agricultural uses and single-family residential as permitted uses. Staff noted that kennels and veterinary uses are allowed through a Conditional Use Permit (CUP). While these uses are allowed to be considered for approval through the Conditional Use Permit process, a determination does need to be made that the proposed use can be made compatible with other uses permitted in the district and in the interest of the public health safety, morals, and general welfare of the community as part of making a decision on this request.
- 3 – The extent to which removal of the present zoning will detrimentally affect nearby properties. The present zoning is Countryside (CS). The CUP will act as an overlay district and will not actually change the zoning designation of this property. This will allow for a different operation than what is normally permitted by right to also occur. There are a number of potential detrimental effects that could be anticipated which include: esthetic changes to the area, odor, flies, lighting, traffic, noise from the barking of the dogs, and the possibility of dogs escaping from the facility. While the proposed operation could change the character of the property from a rural residential/agricultural area to more of a commercial nature the proposed facility includes elements that appear to be intended mitigate some of these changes by maintaining open space, using more smaller buildings, and including structures designed to be similar to accessory structures that might be found on other properties. Staff anticipates the odor and flies will be a localized issue, the applicant has indicated methods of tending to the waste on the property and as long as they follow through with what they proposed Staff believes there will be limited issues regarding odor and flies. Staff believes these can be mitigated if there becomes a more specific issue. The applicant is also proposing the facility to comply with the requirements of the sanitation code for the County and need to make sure they comply with Kansas Department of Health and Environment regulations regarding kennel operations. Staff has received some complaints in regard to neighbors having dogs from the current facility on the neighbor’s property and Always & Furever staff members needing to cross over to others’ properties in order to retrieve those animals. The proposed facility is specified to include items to help mitigate that including installing a fence surrounding the entire property as well as double gates at the kennel area. Staff notes the proposed operation is substantially different than other kennel facilities that have been previously approved by Miami County. They have typically been limited to breeding and boarding, generally had employees that were limited to family members living at the facility. The other facilities did not have public coming to the facilities on a daily basis. Cook noted the traffic generated by this request could be considered a substantial increase when compared with traffic volumes than could be anticipated if the property were developed for residential purposes in the Countryside District. The traffic study of 223rd Street does have sufficient capacity to handle additional traffic. The applicant

anticipates 46 staff members and 4 volunteers over two (2) shifts each day, this would generate 100 trips per day if each employee came and went just one (1) time. Staff added up the number of trips each day for other activities the applicant mentioned, adding another 42-48 additional trips per day for a total of 142-148 trips per day not taking into consideration some of the other activities that might occur from time to time. Although the added traffic is manageable for 223rd St, it might have an impact on the neighborhood. Not necessarily a capacity issue but a character and livability issue. Cook noted lighting could also have an impact, the applicant noted there will be lighting on several of the buildings located on the property. The lights are shown by the applicant to meet Miami County Regulations and not cast light on the adjacent properties. Some of the lighting will be on dusk to dawn, but not all lighting will be on dusk to dawn. Cook stated noise will be an issue and difficult to completely address and know how it will affect the character of the neighborhood. This site is 40-acres, and the applicant has designed it to comply with Miami County Regulations' 150-foot setback from adjacent property lines. The applicant is proposing to keep a lot of the trees currently on the property to help mitigate some of the issues and absorb some of the noise. Cook stated dogs are still going to bark and when they are outside there will be some increase noise that could impact neighboring property owners. The applicant has proposed some items to help mitigate some of the issues such as: limiting the hours of operation from 7:00 a.m. to 7:00 p.m., the dogs not being allowed outside at night, and the dogs only being outside with a person supervising. While the approval of any Conditional Use Permit (CUP) or development will create impacts that could have detrimental effects on nearby properties, the regulations do allow for the consideration of the granting of specified uses through the CUP process when the activities are assured to be compatible with the surrounding properties and when special conditions and safeguards can be attached to assure the public interest is served. Cook stated in this case the facility appears to have been designed to meet the minimum development standards for kennels as specified in the regulations. Cook stated the primary impact is anticipated to be the character of the neighborhood and impact by traffic and noise that can be associated with the use.

- 4 – The length of time the subject property has remained vacant as zoned. The subject property is a heavily timbered tract that contains a few accessory structures. No testimony has been presented from the current owner of the property as to the length of time, if any, the subject property has remained vacant. The applicant purchased the property in April 2022 for the purpose of hopefully developing this project.
- 5 – 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. The possible gain to the health, safety, and welfare of the public by the approval of this request primarily includes the development of a facility that could provide a service of taking in stray animals from local jurisdictions. Cook stated this would be something that could be considered as providing a benefit to the general public even though it might create some negative impact to the surrounding property owners. While the applicant does propose the facility will be used to take care of local animals picked up in Miami County or other communities, this facility will also provide services and take care of stray and unwanted animals outside of Miami County as well as providing service to the animal rescue network that is operated in Kansas and Missouri. The creation of a facility that takes in stray animals from the community could be considered to provide a benefit to the larger community but would create impacts on the neighborhood through the more intense use being proposed in an area that is predominantly residential. Staff notes it doesn't appear that the property's value itself would be destroyed by denial of the request because there are other activities that could still occur on it, but it would make some difficulty for the applicant in being able to create their proposed facility. Staff has not been presented with any information showing that the nearby properties will increase or decrease in value by the operation of this use.
- 6 – Whether the proposed CUP would be consistent with the intent and purpose of the Zoning Regulations. The purpose of the Countryside District is partially listed as: Primarily intended to provide for the development of a rural residential lifestyle with adequate open space that may include equestrian uses and equestrian dwellings. Countryside District allows for the use of kennels through the Conditional Use Permit (CUP) process. Miami County has a number of standards for minimum

development requirements that must be complied with in order for them to be considered. Section 14-1.01 of the Zoning Regulations specifies certain uses may be desirable when located in the community, and that these uses may be incompatible under general conditions but may be considered when specific conditions can be placed to mitigate some of the issues. In Section 2-1.01, the Miami County Zoning Regulations partial definition of a Conditional Use as: These uses are, by it's nature, to be perceived to require special care and attention in allowing such uses so as to assure compatibility with surrounding properties and uses. When the Planning Commission generally considers Conditional Use Permits (CUP) as a whole, there are a number of uses that are allowed through the CUP process and certain uses may be considered appropriate in areas surrounded by larger properties being used for agricultural purposes while the same use may not seem to be appropriate when the area is surrounded by smaller lots or a number of residential uses. There are situations when a similar facility may not be appropriate either because of the size of the facility or the adjacent property owners, this is part of what the Planning Commission needs to look at when considering a CUP to make sure this specific operation does fit into the neighborhood and not have a substantial impact to adjoining property owners. Cook stated parking is another item the Planning Commission will need to consider. If the size of the administration building and the veterinary building and use the standard requirements for commercial uses that would typically require 96 spaces. Staff reached out to the applicants about the parking space, their engineer provided a response that they do believe the 80 parking spaces they proposed should be sufficient for the everyday activities. Once a year there will be an anniversary party that might have 150 – 200 people. While the proposed CUP complies with the minimum development standards for kennels as specified in Article 14, staff does have concerns if it can be considered consistent with the primary purpose of the Countryside District (CS) which is provide for a rural residential lifestyle or to be compatible with the surrounding properties and uses due to the intensity of the proposed use. Other facilities that included before having generally been a lot smaller and less intense and not necessarily located in an area with residential uses surrounding it.

- 7 – The recommendations of the County's permanent or professional staff. Cook stated he will come back to item number 7 later.
- 8 – The conformance of the requested CUP to the adopted Miami County Comprehensive Plan. The Comprehensive Plan currently anticipates this property as Rural Residential uses within the Hillsdale Watershed and communication area for the City of Spring Hill. The Plan does not specify individual uses such as kennels or veterinary and small animal hospitals, but does reference other activities that should be considered appropriate, such as: churches, schools, and neighborhood commercial development as secondary uses that can be considered where adequate road infrastructure is provided and where the proposed use will not conflict with the primary uses categories. Staff notes that the Highway 169 interchange with 223rd Street is considered an Area of Regional Significance with short-term potential for development. The Plan also does not delineate limits defining the extent of each area of regional significance. It is Staff's opinion that this property will be far enough away that it will be outside the regional significance area. The Comprehensive Plan directs commercial development of uses of primary Village Expansion areas and Areas of Regional Significance, but does allow for some uses to be considered in other areas especially where infrastructure is available. As the subject property is not located in a village expansion area or within an area of regional significance, staff does not find the proposed Conditional Use Permit (CUP) meets the goals or objectives of the comprehensive plan for commercial uses. While the Comprehensive Plan also specifies certain commercial uses can occur outside of these areas and while the property's location is on an arterial road provides the property with access to an adequate paved road, Staff does not find the proposed use to be considered compatible with the surrounding neighborhood due to the intensity of the use being proposed and rural residential nature of the area.
- 7 – The recommendations of the County's permanent or professional staff. Cook believes Always & Furever Midwest Animal Sanctuary will be a good organization for Miami County, there are a lot of people that appreciate the work they do. Cook noted that Always & Furever is a good organization that does a lot of work in the community and surrounding areas. The current request needs to take into consideration the matter of the land use being proposed on the subject property and in this

neighborhood. Cook stated as he has considered this request it has been more difficult than others he has been involved in especially as he went through the findings he made in regard to each of the Golden Criteria Factors as there has been more of a mix in the findings. Some of the findings tend to be in approval of the request, some appear to be negative, and a few that are more neutral findings and in Staff's opinion the neutral findings don't really effect the case one way or the other. As this request has a mix of findings a determination must be made as to which of these factors have the most weight under the circumstances of this case as the Staff looks through the Golden Criteria. Staff notes the request appears to be developed to comply with the minimum development standards for kennels as specified in the zoning regulations and that kennels and veterinary clinics are uses that can be considered through the Conditional Use Permit (CUP) process in the Countryside (CS) District. The facility being proposed could be considered as providing a benefit to the greater community that could be considered a gain to the public health, safety, and welfare as there is a need for a facility to address the problem of stray and abandoned animals. Staff finds in the length of time the property has remained vacant and the suitability of the property to its present use to be neutral factors that don't really matter one way or the other. After considering the merits of the request, its implication to the surrounding neighborhood and weighing the factors associated with the Golden Criteria, staff has concerns if appropriate conditions can be implemented to allow the proposed use to be compatible with the surrounding properties and uses due to the size and intensity of the operation being proposed. In weighing the Golden Criteria staff finds the factors that have the greatest impact on the proposed CUP are the "character of the neighborhood including zoning and uses" and "conformance of the requested conditional use permit to the adopted Miami County Comprehensive Plan." Approval of the CUP as proposed would not match the character of the neighborhood due to the size and intensity of the proposed use together with the additional uses proposed that are not normally considered to be part of the operation of a kennel or veterinary clinic and would not be compatible with the existing residential nature of the surrounding neighborhood. Kennel facilities previously approved have been smaller in nature overall, with the number of employees allowed, and have been more of an accessory use rather than the principal use of the property through the CUP process. Part of the request includes other activities that are not a part of the kennel operation, but the applicant does desire to provide benefit to the animals. While the applicant has made efforts to comply with the minimum development standards for kennel operations and the property has access to infrastructure, such as water and roads, the proposed operation would be considered a substantial nonresidential operation and would have a negative impact on the residential character of the neighborhood which surrounds the subject property. Staff also finds that the proposed CUP will not be in conformance with the adopted Comprehensive Plan as the proposed property is not located within an area of Regional Significance and the intensity of the use will conflict with residential uses of neighboring properties. While the Comprehensive Plan, anticipate that certain secondary uses can be considered in areas designated as Rural Residential when adequate road infrastructure is available it also provides that such uses should not be in conflict with the primary use property such as, low-density use residential development. Staff finds that the proposed CUP would be in conflict with the existing residential nature of the surrounding neighborhood. While the proposed kennel and veterinary and small animal hospital and associated uses would serve a good and respectable function of rescuing animals in need of care and while it appears 223rd Street has the necessary capacity to address additional traffic, Staff finds the proposed operation will not be consistent with the zoning and uses of nearby properties, compatible with the character of the neighborhood, consistent with the intent and purpose of the Zoning Regulations and would not be in conformance with the Comprehensive Plan's goals and objectives. The operation would generally bring a substantially more commercial operation into an area primarily used for residential uses, especially in a residential area that are substantially smaller in size where typically allowed density is 15 acreage in size allowed in the Countryside (CS) District. While there are other operations located in the area, most of them are located directly adjacent to 169 Highway. Alvarez Ranch is located to the west and is substantially more limited in nature than what is being proposed in the current application. Alvarez Ranch does require a review every five (5) years in which the Planning Commission can consider if it is still compatible with the neighborhood. Planning Staff recommends

the Planning Commission recommends denial of the request for a Conditional Use Permit (CUP) for the operation of a kennel and associated activities as well as a private veterinary clinic/hospital for animals in the care of the rescue organization, fostering or residing on the property, based upon the consideration of the Golden Criteria and specifically that the proposed operation will not be consistent with the zoning regulations and uses of nearby properties, compatible with the character of the neighborhood, consistent with the intent and purpose of the Zoning Regulations and would not be in conformance with the Comprehensive Plan's goals and objectives. Cook stated as the Planning Commission takes into consideration all of the presentations and information from the applicant, the Planning Commission will need to make their own weighing of the findings to determine if the findings agree with the Planning Staff findings or if they come out with different findings.

- 9 – Such additional matters as may apply in individual circumstances. Cook stated these are items that the Planning Commission might want to discuss or that Staff believed were important enough for discussion at the Planning Commission Meeting. This kennel facility is unique and while the other kennel facilities that have been approved in the past they have been a single building on the property it will be relatively easy to convert that structure into some other kind of shop/barn building. In this case its going to have a large administrative building, a possible veterinary clinic, and a number of different kennel operations that might make it a little more difficult to redevelop the facility into another type of facility if Always & Furever were to ever go away. Staff noted while reviewing the staff report and considered the Golden Criteria Staff based their decisions off of the applicant's narrative and site plan. There has been information that has been posted on the applicant's website and made public through other methods and some of the information conflicts with the information presented to Staff.
 - a. Applicant's narrative specifies a total of dogs/cats in phase 3 as being 230. The Facebook post specified less than 300 animals at maximum capacity.
 - b. Applicant's narrative describes the veterinary clinic/hospital as being private. Previous narratives, as well as the website, discussed an intent to open the clinic to the public for people that were unable to afford care for their animals, and anticipated traffic volumes for public services related to veterinary. While the current narrative removed the wording for public services, data in the table still states people per day included in public services.
 - c. The current narrative describes the overall facility as being a private facility, not open to the public, and where people desiring to come to the site will need an appointment. The narrative also discusses a number of events/activities that are proposed to occur, and which will require an RSVP. The previous narrative and portions of the website describing the Homestead as a place where people *"...from all over the world will come to visit for a weekend"* and *"because they will be able to spend a day at the puppy barn and have 30 little puppies surrounding them..."* Cook stated without going into more there have been a lot of activities described on the website as this being the intent of the facility. The applicant did respond to this stating the current narrative is what they are proposing.

Cook stated the applicant is at the meeting and he is available for questions.

Menefee stated he would like the Planning Commissioners to hold all questions until the end to allow everyone present to have a chance to speak.

Cook stated should the Planning Commission decide to approve the application he has included conditions that would be for the approval of the application for the Planning Commission to consider.

Menefee invited the applicant to the podium at 8:27 p.m.

Curtis Holland, Attorney for Always & Furever Midwest Animal Sanctuary, stated Always & Furever Midwest Animal Sanctuary is a 501C organization founded by Jennifer Dulski. Holland introduced his team:

- Kari Knott – Bell-Knott and Associates Corporate Architecture Firm
- Doug Ubben, Jr – Phelps Engineering, Inc
- Kristin Skinner – Priority Engineers

Holland thanked Staff for the presentation and their evaluation of the application. It was a well written report and could tell Cook had some challenges with this application. Holland stated it comes down to compatibility but need to take into consideration of how the facility plans to operate. Holland stated their plan is to mitigate all the issues mentioned in the report as presented by Cook.

Jennifer Dulski stated she is the Founder and President of Always & Furever Midwest Animal Sanctuary as well as a licensed attorney practicing in the financial industries for 18 years. Dulski stated her life has taken several turns and by twist of faith moved in 2017 from Boston to a 5-acre farm in Spring Hill, Kansas. Always & Furever was started on this 5-acre farm offering a home to old soles that no one else wanted and to love them like no other. One of the amazing things about Always & Furever is that it started with one (1) person and grew into a movement. There are over 350,000 followers on Facebook, 16,000 followers on Instagram, and over 1 million on Tik Tok. In just five (5) years Always & Furever has saved over 3,500 lives. Currently Always & Furever has leased, staffed, and successfully operator three (3) separate facilities in Kansas and Missouri. Dulski stated the Miami County currently operates Osawatomie Pound located in Osawatomie, Kansas. It is a metal shed without air conditioning, heating, ventilation, or sanitation. This jeopardizes the health of the dogs and cats and creates a poor environment for care takers. Since taking over the operation in 2019 Always & Furever has invested over 280,000 dollars into environmental improvements, staffing, veterinary care, and placement of animals and not one single animal has been euthanized since Always & Furever has taken over. Always & Furever has either successfully re-united or placed over 900 animals with a home since offering its services. Dulski believes this shows there is a proven demand and need for these services as well as widespread community support. Dulski shared a short video of where Always & Furever started and where they are at today.

Dulski stated she understands change is scary, but she believes an animal deserves a better life then being stuck in a cage 24/7 and stacked on top of one another. Dulski stated other rescue centers consider that as saving a life, but Always & Furever doesn't consider that a life worth living. Dulski stated it is not just one (1) person with a dream, it is a community with a purpose and eternal mission.

Dulski stated Always & Furever is a 501C3 non-profit organization in the State of Kansas with seven (7) board members with decades of professional, legal, financial, and services experiences. There are both full-time and part-time staff members and the most committed volunteers supporters with the largest hearts.

Dulski stated by supporting Always & Furever, Miami County has a unique opportunity to establish state of the art facilities. Dulski stated upon approval of Always & Furever the first thing they will do is build a new Miami County Shelter to replace the one in Osawatomie. Always & Furever has funding available and ready upon the approval of Miami County. Dulski stated Always & Furever will not be a burden to Miami County taxpayers. Dulski shared another video. Dulski asked the Planning Commissioners to approve the application.

Kari Knott, Bell-Knott Architect, stated he has been providing services to Dulski since she purchased the property and has been working with her to keep things moving each step. Knott stated Cook gave a great deal of detail while presenting the application which he believes would have taken a lot of time. Knott showed maps indicating where the property is, and a map indicated the distance from Always & Furever's property line to the neighbors' swellings. Knot stated that the main entrance is a secure driveway with a 6-foot black chain link fence to surround the entire property. The fence will be located inside the property line and Always & Furever will maintain both sides of the fence in addition to keeping as much buffer between Always & Furever and the surrounding neighbors. A code will be required at the gate in order to gain entrance to the property. The second entrance is what they will use for the service drive. The plan is to have a monument sign at the main entrance as well as building signs to identify the buildings. They will be very simple signs and will be on the buildings. There will also be way-finding signs so show people where they are going. Knott stated there will be a total of 14 buildings, 68 of the animals will be in the Miami County Shelter, the remaining 162 animals will be in 14 buildings. This facility allows a lot of room for the animals as well as space to roam.

Knott stated it is a 4 Phase project or more, it is based on Dulski's ability to raise money. Phase 1 will allow Always & Furever to build Miami County Shelter, Big Red Barn, Dog Villa, and the administrative building. Phase 2 stays on the Northern portion of the property adding another Dog Villa, and veterinary hospital. Stormwater detention will also be constructed. Phase 3 will be the Southern section with five (5) dog villas

and a puppy barn, feline barn and two (2) little red barns. It is estimated that it will take approximately 1 – 3 years to complete Phase 1, the total project is estimated to take 10 years, pending funding. A lot of infrastructure is required for the overall project, power, water, roads, bridges, and access to the site.

Knott stated there will be native landscaping/grass, turf that will be maintained. The plan is to keep the buffer maintained at all times to provide noise and light control. The plan is to use barn style architecture for animal buildings. The more commercial buildings such as the vet clinic and admin building will be pre-engineered buildings with stone to soften them to keep the buildings from looking too much like a pre-engineered building. The building taking the place of the Miami County Shelter will be a 5,000 square foot building. Knott compared it to the existing shelter and stated it will be fully ventilated, fully lit up, as well as insulated walls (outside and inside).

Dulski stated this will replace the Osawatomie Pound and will be at no cost to Miami County. The Miami County Shelter will house the most animals on the property. Always & Furever's intent is to get animals adopted. The rooms will be setup like a suite, fully enclosed and with furniture. Staff will be with the dogs outside at all times. Always & Furever hopes to have a contractual agreement with Miami County and the cities of Miami County.

Kari stated when the dogs come in they are put in a holding area and are treated before they are put in with the other dogs to prevent from them bringing in a contaminate to the other areas of the facility. Dulski described how police will have access to the facility.

Woodard stated for the record, Miami County does not own, run, or operate a shelter. Miami County contracts with the City of Osawatomie and pays per service. Miami County has not entered into any sort of contract or agreement at this time for a shelter with Always & Furever that is something that will need negotiated at a later date and so there have been no talks. Miami County is not currently involved in the project.

Menefee called for questions from the Planning Commissioners at 8:57 p.m.

Brockus stated there is a Facebook post from the applicant stating the new facility will hold under 300 dogs, the narrative states 230 maximum; is the difference the rescue animals from other areas that are temporarily in the facility causing the difference in the numbers.

Dulski stated the post was referring to their initial dream. While in discussion with Miami County they came to the conclusion that 230 maximum animals would be ideal for this facility. Dulski stated they do not currently have 300 foster animals coming to the vet clinic, but they do have 300 approved applicants to be fosters. Currently they have 150 animals in their care through three (3) shelters and fosters.

Brockus asked if they intend to use grassed areas for parking overflow areas.

Dulski stated there will only be one (1) large event a year at the facility and she will be capping the event at 150, there will be plenty of grass areas to park on if needed.

Brockus asked if there is a model or example of another facility similar to Always & Furever.

Dulski stated there is an organization in Utah called Best Friends. They are 200 times the size Always & Furever is proposing.

Brown asked why this location was selected and what's the importance of this location.

Dulski stated Always & Furever is the heart and soul of Spring Hill. Dulski stated from the moment she moved onto her 5-acre farm her dreams grew into the community. Dulski stated she jokingly said she will buy the 40-acres behind her, it wasn't available for sale, and no one lived on the property. Out of the blue decided to write a letter to the owner asking about purchasing the property. The owner put it on the market and Dulski purchased it. Dulski stated when walking the property, she can feel she is doing the right thing for the community and for the world.

Broers asked if the Conditional Use Permit (CUP) is approved who regulates the number of animals and what is it based on. If the CUP is approved for 230 animals can the KDHE or USDA say no it needs to be less or more.

Dulski stated it is based on the size of the building as to how the numbers are regulated. Always & Furever would be regulated by the Kansas Department of Agriculture as an animal shelter.

Broers asked about urine mitigation in the buildings.

Dulski stated each of the rooms in the buildings have drains, a special type of flooring, and there will be hosing through the rooms. There will be no artificial turf as it retains urine.

Holland stated he hopes the Planning Commission will find in favor of Always & Furever. Holland stated Staff does present some issues with their project, they understand the issues and have plans to address the issues. The Staff report showed concerns about commercialization of the area, and he does not believe this would be commercializing the area. The report mentioned issues with the events and traffic, the events are small, internal, and private events that might consist of 20 people. Holland stated it is important that the community understands Always & Furever is rescuing and saving animals. Holland understands what the neighbors' concerns are and could be, but Always & Furever is working on ways to mitigate all concerns. According to Holland dogs don't bark when they are being walked and people won't hear the dogs bark when the dogs are in the insulated homes. When the dogs are in the yard, they will be with staff or trained employees, they will be managed and monitored. The dogs will not be allowed to bark and create a lot of noise. In regard to the dogs escaping, this has been a little bit of a learning process over the years. When the dogs are outside in their yard space they will be fenced in and then there is a 6-foot fence surrounding the property. If a dog gets out of their yard space they will be stopped by the 6-foot fence. When the dogs are being walked they will be double leashed.

Holland stated he has been doing this for a long time and has never heard traffic increase will change the character of the neighborhood. What he looks at are the roads in the area to determine if the added traffic will have an impact on the roads, if not they update the roads to fit the new needs. Always & Furever had a traffic study completed by engineers; Holland stated it was reviewed and accepted by Miami County's engineer.

Holland addressed the issue of lighting stating the only light on at night will be the light on the Miami County Shelter. The other buildings will have motion sensor lights on them. Holland stated the hours of operation will be 7:00 a.m. to 7:00 p.m., all the animals will be in their homes and there will be no reason for lighting after 7:00 p.m. The photometric plan shows zero flood candles at property lines.

Holland stated there are a lot of Conditional Use Permits (CUP) in Miami County that have a greater impact on the area than a kennel would have. Holland stated the last thing Always & Furever wants to do is to upset the neighbors. Holland stated they are going to agree to all of the conditions.

Brown stated sometimes when a CUP is approved there is a substantial financial investment in the property to improve it for the CUP, that can create nervousness by the investor as this is a 10-year plan. In 10-years there will be no guarantees that the same people will be serving on the board when it comes time to renew the CUP. Brown asked if there are any concerns by the applicant for the 10-year term.

Holland stated if the CUP is approved for a term of 1, 2, 3 or even 4-years and they have a substantial investment in the property that would be of concern. Holland believes there will be no issues once Miami County sees firsthand what Always & Furever is doing. Holland noted this is a unique structure.

Menefee invited the public to talk at 9:13 p.m.

Menefee reminded everyone to state their name and address for the record when they come to the podium to talk. All comments are to be addressed to the Planning Commissioners; no comments are allowed to be made to anyone in the audience. If addresses someone in the audience that person will be asked to sit down, no warning will be given. Because we are running short on time if someone said what you plan to say, please come to the podium, and state you agreed with that speaker. Menefee requested that everyone be respectable when making comments and each person will be allowed two (2) minutes.

Menefee stated he would like to have anyone currently in the room to speak then leave to allow room for the people in the overflow areas to come in and talk.

Bruce Young, 22542 Yankee Bit Lane, stated he is one of the property owners within 1,000-feet of the applicant

and believes he will be negatively impacted by the applicant if approved. Young thanked Cook and Staff for the excellent report and noted the recommendation by Staff was to deny the CUP. Young quoted parts of the report; "will not be compatible with the character of the neighborhood"; "will place a more commercial use in the middle of a residential neighborhood"; "will not match the character of the neighborhood due to the size and intensity of the proposed use"; "will not be in conformance with the adopted Comprehensive Plan and will be in conflict with the residential uses of neighboring properties"; "Staff finds the proposed CUP will conflict with the existing residential nature of the surrounding neighborhood"; "will bring a more commercial operation into an area primarily surrounded by residential dwelling sites"; "request based on the *Golden Criteria* is not consistent with zoning, character of neighborhood, or Miami County Comprehensive Plan's Goals and Objectives"; "there has been conflicting information regarding what will be included with the proposal and how the use will operate"; "this will not match the intent of a rural residential designation"; and "as the intensity of the use will conflict with a primary use of single-family dwellings of the neighborhood projects". Young stated he doesn't appreciate the "bait and switch approach" that has been used here. Young believes there was an original idea of having a senior dog project, the senior dogs could die in a peaceful situation. Now the neighbors are being asked to agree with a plan that is much greater in scale than the neighbors were originally told about. Young believes the neighbors have been characterized as hateful people because they don't agree with what is proposed. Young asked the Planning Commissioners to vote against the application.

Alicia Hampton, 311 Reed Ave, stated her veterinary science students volunteer every Tuesday of the Spring Semester for the past three years at Always & Furever. They are getting experience in working with and rescuing animals. The students have been able to see various aspects of rescue such as: grooming, financing, care for medical needs, and organization of a shelter. They've gotten to do their favorite things like; walking various dogs, and hearing happy endings of their favorite dogs finding forever homes. They have experience the less exciting parts of rescue such as; a dog has joined the Lord or scooping poop. Hampton stated the experiences her students have gained through their work with Always & Furever has been impactful and could be more so with the potential expansion. Hampton stated her personal experience as a volunteer and employee of Always & Furever have all been positive. They are organized, trained, and make sure her students are fully trained before ever stepping foot on the property. No animals are unsupervised when outside of the kennels, dogs are double leashed when outside on walks, and utilize walkie-talkies to communicate with. Hampton believes today's education is pushing for an industry-work base for students and Always & Furever is willing to meet that need. Hampton stated she has taught in Spring Hill for eight (8) years and in that time five (5) new schools have been built. Hampton believes they are being pro-active with this plan rather than reactive to a growing community.

Judith Young, 22542 Yankee Bit Lane, stated 30-years ago her husband and her purchased 7-acres on Yankee Bit Lane with a desire to build a home, raise their four children in a rural setting that allowed them access to the city. Their hopes was that their children would want to bring their children for visits to get a break from the city, crime, and craziness to find peace and security in the country. Young passed out a handout to the Planning Commissioners and staff prior to the meeting. Young referred to the pictures in the handout stating one is pictures of her five (5) grandchildren the other is a picture on the front fence of Always & Furever stating "Dog in Yard Staff Only Do Not Enter Will Bite or Run". Young stated her children walk the streets and she would love to be able to continue to allow them, but she is frightened of what is ahead. When Always & Furever first opened they were burning all the dog feces, soiled blankets, and couches out in a burn pile. A neighbor voiced her concern to the owner, after weeks of nothing happening, filed a complaint with the Miami County Board of Commissioners. It was discovered Always & Furever didn't have a burn permit, her husband filed a complaint online and months later a storage unit came onto the property, she assumes to store all the waste. The best location for Always & Furever is 30 miles away on some vacant farmland. Time was called.

Shorey Berlin, 6508 N Camden Ave, Kansas City, MO, stated she owns the property that borders the West of the applicant's property and also borders the West and South of the current Always & Furever Midwest Sanctuary, the Little Red Barn. This land has been in her family for over 49-years and the property where Always & Furever is currently located was once her parents' home and land. Both her husband and she have donated both time and money and was one of the first volunteers to help Dulski transform what was once her

parents horse barn into what is now the Little Red Barn. Berlin believes the proposed Conditional Use Permit (CUP) will drastically change the value and beauty of her land and the existing rural residential neighborhood. With the anticipated 210 dogs she has great concerns about the storm water that will run onto her property, into her pond, and ultimately into Hillsdale Lake. The stormwater engineer's report specifically states that 32% of the stormwater will run west onto her property and into her pond. Although the stormwater report addresses the quantity of runoff it does not address the quality. Berlin stated the narrative provided states the animal waste will be picked up daily and put into one of forty dumpsters throughout the acreage. Berlin believes no matter how diligent the staff and volunteers are about picking up the dog waste they cannot possibly pick it all up. Berlin's daughter plans on building a home on the Berlin's property with hopes of breaking ground in 2025. She now has concerns about safety, sanitation, and home value if this CUP passes. Once her daughter's home is built the facility Dulski is proposing will literally be in her daughter's back yard. The site plan shows a future road running along the Southwest portion of the 40-acres. This road will be approximately 70-feet from the Berlin's property line, the lighting on the road will be directly visible to the home her daughter is planning to build as well as creating a great deal of ambient light. Berlin also believes the road that close to her property will impact the value of her property and the surrounding neighbors. Berlin stated this was never about the merits of saving dogs, it has been and will continue to be a land-use issue. Time was called.

Jeff Hopkins, 23110 W 223rd St, stated he is directly across the street from the applicant. Hopkins remains unconvinced, despite hearing the experts and the information provided tonight, he believes there will be noise pollution. He can't imagine listening to barking dogs from 7:00 a.m. to 7:00 p.m. and there will be increased traffic despite the traffic study. Hopkins invited the Planning Commissioners and staff to come sit on his property and watch the traffic going by at 65 MPH. Hopkins stated the frontage of the applicant's property slops to the West. There have been a number of times when a car comes over the hill and almost in an accident because on the other side of the hill is a vehicle or farm equipment going slower than 65 MPH. If a vehicle is wanting to make a left turn onto the applicant's property they are at a stop waiting for the oncoming traffic to clear, the next car of the hill...it will be a disaster. Hopkins stated if anyone has lived in the country they know people drop off unwanted pets all the time, if people learn of this facility's location how many more pets will be dropped off in the area. How many Johnson County dogs will find their way there. Hopkins stated this property is in Northern Miami County and it needs to be somewhere further South, centrally located. Hopkins stated it's not that he is unsympathetic because he is. Hopkins believes if this is approved every property in the area will lose value.

Eric Berlin, 6508 N Camden Ave, Kansas City, MO, stated his wife and him own the property adjacent to the property immediately to the West of the applicant. Stated he agrees with the concerns his wife and neighbors have expressed in the meeting and in writing, and he has submitted his written concerns. Berlin stated the concerns remain despite the presentation they have heard. A development of this size and scale will impact the character of the neighborhood. This project is admirable, but an operation of this scale is simply not appropriate for this location. Berlin request the Planning Commissioners to concur with Staff and deny the Conditional Use Permit (CUP).

Victoria Cotsworth, 22791 S Victory Rd, stated she is the Assistant Volunteer Coordinator for Always & Furever, she schedules the groups that come out for a visit. The groups are not in big yellow buses, they are small groups scheduled in advance of 6 – 8 people usually school kids. Cotsworth stated school groups, scouts, special needs youth and adults, and businesses that come for team building days that come to Always & Furever. The purpose for allowing these groups is to teach people about rescue and an opportunity to being with dogs and for young people to experience the reward for volunteering. This is a character building event. Cotsworth stated she also schedules visits to group homes such as senior residences because some people aren't allowed to have dogs, but they still love dogs, and the dogs make people smile. Cotsworth believes making these visits is Always & Furever's way of giving back to the community. Cotsworth looks forward to having the administrative building because right now all group visits are outside, and the administrative building will give her a place to have the group inside when the weather is bad. Right now, she cancels field trips and birthday parties if the weather is bad. Cotsworth believes Always & Furever is not only giving back to the community. Cotsworth stated she understands the residents' concerns. She had a poster in her classroom that

“no one likes change except a wet baby”. Cotsworth stated there are always the “what ifs”. Time was called.

Jane Booth, 23898 W 223rd St, stated she is a neighbor within 1,000-feet of the applicant. Booth has lived in Miami County for 33-years, and she and her husband purchased their forever home in 2004. It was really important to her that the area was zoned Countryside (CS), and Miami County was dedicated to rural communities and protecting rural communities. It's very understandable that there is a flood of emails and letters showing support for this organization, but they are almost all from people that do not live in this area and the people that are opposed almost all live on properties that surround the proposed site. Booth stated she supports Always & Furever's mission and would love to see this happen but in an area that is not filled with rural homes that would surround the Sanctuary. Booth is concerned with safety and has seen Always & Furever's website and Facebook page; dogs jump fences that are impossible to jump when they're scared. Trees fall on fences knocking them down allowing the dogs to escape. They are taking in a population that desperately needs help because the dogs have been cruelly treated and are often attack pron. Booth stated she is afraid for her safety. Booth stated Price Chopper is 45,000 square feet, the proposed facility for Always & Furever is going to be 78,000 square feet with roads, 16-buildings, and sidewalks. Booth stated she cherishes the lives in this area, the peace and quiet, being able to see the stars, and enjoying the freedom to roam on their property safely with children, friends, family, and her four (4) rescue dogs that reside with her. Booth believes this possible expansion is major tragedy.

Carolyn Myers, 23597 Pavilion Rd, Louisburg, KS, stated she has been a Miami County resident since 2004. The main reason she supports Always & Furever is their vision of the homestead and their commitment to taking in strays. A no-kill shelter that will not only take in stray animals and try to reunite them with their owners or find them a forever home. Myers stated she spoke with Miami County Dispatch today and asked what Miami County's policy is when a resident finds a stray. She was informed there is a no leash law and if the animal is still there in 48-hours then they come pick-up the animal and take it to the Osawatomie Pound. Rural Miami County doesn't have a place for a Miami County resident to take a stray dog and Myers believes this puts everyone at risk. Myers believes if there is a shelter in Miami County that will serve the residents of Miami County and take care of the strays in Miami County this is taking care of the communities. Myers stated Always & Furever has recently taken over the Osawatomie Pound and in the short amount of time they Always & Furever has been in charge of the Osawatomie Pound, she believes it is obvious of the good work Always & Furever does. This should speak volumes for the good things they will continue to do if the pound is located within the homestead. The current Louisburg stray animal policy is to take the animal to the Louisburg Animal Clinic for an up to 3-day stray hold. The attending officer signs a form when dropping the animal off for the animal to be euthanized after 3-days if no owner is located. Myers believes if Miami County has a dedicated space at the homestead there would be no euthanizing of animals after the 3-day hold. The stray animals will get more exposure to be adopted, the medical care they need, and love by the staff and volunteers. The vision Dulski had for the homestead was a dream many years ago but with the people that support the homestead, this is a reality. The only thing standing in the way is the Miami County Planning Board. Myers asked that the Planning Commission sees the good the homestead will have and the impact on Miami County communities. The positives are far superior to the few naysayers out there trying to keep this from happening. As a resident of Miami County Myers hopes that the Planning Commissioners will see the good in making this come to light.

Ron Stiles, 23399 Yankee Bit Lane, stated he lives Southwest of the 40-acres and growing up lived Northeast of the 40-acres. Stiles stated 223rd used to be a gravel road with two (2) bachelors living down the road, Sam, and Clyde McClure. They had no electricity and used wood for heat. The neighbors would all get together and help them cut the wood. Clyde would pull up the logs with his team of horses, then run down and hook to an old John Deer with a large blade and cut their winter supply of wood. That was being a good neighbor. Stiles' high school friend across the street had a tractor accident and almost died as a result. The neighbors helped him to finish plowing the field and continued being by his side while he healed. Being a good neighbor is important, any time someone needed help the neighbors showed up to help. When his new neighbor moved in, later called Always & Furever, Stiles drove by to welcome the new neighbor other neighbors did the same. As Always & Furever shared their vision Stiles had some reservations, but other neighbors were excited about the vision and jumped in to help. Stiles went to a fund raiser to learn more it was a small scale doing a lot of

wonderful things. Being a good neighbor is important and Stiles was there doing just that. As time went on some of the neighbors were losing their excitement about the project. Last fall when Stiles received the notice of Always & Furever's plans it was a shock going from a population of animals in the teens to 230 with a 16,000 square foot building along with many other buildings. Stiles learned the applicant was telling Miami County the neighbors were fine with the project, to his knowledge there was never any communication with any of the neighbors. Time was called.

Ted Barlett, 40135 Evening Star Rd, stated he is the representative for the City of Osawatomie as an employee at the Osawatomie Pound. Barlett stated he has been a part of the Osawatomie Pound for over 20-years. A little over 4-years ago Barlett became aware of Dulski. Many people have made promises of helping the animals at the Osawatomie Pound, they came and went without fulfilling the promises. Dulski has succeeded where others have failed. Bartlett was very skeptical and is now a believer in what Always & Furever does. Bartlett stated this facility is needed and wished the Planning Commissioners good luck in deciding if the location is appropriate. Bartlett stated the facilities of the Osawatomie Pound is inadequate and is a 100 times better since Always & Furever came in. They work from 7:00 a.m. to 7:00 p.m., the dogs are walked multiple times a day, and the facility is cleaner than it ever has been.

Susan Hain, 23424 Yankee Bit Lane, stated she has lived at her current location for 6-years and has been a Miami County Resident for 28-years. Her property has been in the family for approximately 35-years. Hain has many concerns, but the biggest concern is safety. Always & Furever has several dangerous and aggressive dogs in their care, and it will increase with their expansion. Hain stated she understands Always & Furever's plan is to add several features to the plan to make sure the dogs don't escape, but a motivated dog can climb or dig under a fence to escape. Trees fall on fences, human error occurs, and they have had dogs in their care that have killed cats, killed other dogs, attack adults and children. The application could have made the purchase contingent upon obtaining a Conditional Use Permit (CUP). Had the applicant spoken with Miami County and the neighbors prior to the purchase she would have understood the many concerns and hurdles. Much frustration could have been avoided on both sides. Hain stated it seems odd to her that an individual would decide Miami County needs a service, decide to fund the service, make plans to provide that service without engaging the county. The pound was not on earlier proposals and now this issue has confused residents of Miami County. Hain asked the Planning Commissioners to please deny the Conditional Use Permit (CUP). Always & Furever can find another location that can handle the volume of traffic, people, noise, lighting, and not pollute Hillsdale Lake. Hain asked again for the Planning Commissioners not to approve the CUP and destroy the neighbors peaceful country neighborhood.

Judy Katterhenvica, 4984 Somerset Dr, Prairie Village, KS, stated she is not a Miami County resident but is a longtime volunteer for Always & Furever and a board member for the sanctuary. Katterhenvica stated she transports the elders in their care to the veterinary clinic and do that for 99% of the dogs that come to the facility. Katterhenvica stated the veterinaries she works with has told her the care Always & Furever provides surpasses the care of all other rescues the veterinaries have worked with. That level of care will be extended to the animals in the plan presented to the Planning Commissioners for an expansion. Katterhenvica stated there will not be 230 dogs outside, not even 50 dogs, at the same time. There is no dog outside without human supervision. Katterhenvica stated she can pull up in her car and sit in front of the Little Red Barn not hearing any dog barking. Katterhenvica stated there have been some concerns but have learned from them. Katterhenvica stated there is not a finer community of volunteers and staff that she has ever worked with. She wouldn't drive 30-miles here two or three times a day and wouldn't be driving 40,000 miles at her own expense if she did not believe in what Dulski and Always & Furever is bringing to Spring Hill. Katterhenvica believes Miami County should be proud to have an organization that is setting a new standard for the care of animals. Katterhenvica stated she believes it will be a real asset to the community. Time was called.

Christina Zahnter stated she is present tonight representing her mom who lives at 22971 W 223rd St (Jan Lutzow). Lutzow was just released from the hospital and was unable to represent herself at the meeting. Zahnter stated Lutzow's fence will be right next to one of the buildings being proposed. Zahnter stated Lutzow has lived there for 30-years, Lutzow has COPD and is concerned about her quality of life if the building is that close to her house. Zahnter stated Lutzow is concerned if she will still be able to garden, sit on her deck in the

morning drinking her coffee, and all the things she has done for the last 30-years. Zahnter stated this is Lutzow is retired, and this is her little piece of heaven.

Robin Harris, 34117 W 263rd St, Paola, KS, stated she is a Miami County resident for almost 28-years. During this time, she has encountered people with lost dogs, abandoned dogs, and she had even found a lost Welsh Corgi puppy in the Wal-Mart parking lot. Harris stated she didn't know where to take the lost puppy. Harris stated she doesn't know what all Always & Furever is planning to do but she hopes it helps the county. A farmer friend of hers had approximately 25 wild barn cats. It's out of control and she needed help. It was to cost \$220 per cat to get it fixed and she couldn't afford that, it was approximately \$5,500. When researching cats breeding, she discovered a female cat can breed up to 5-times per year. There is no local help for neutering or spaying. Harris stated another lady down the street passed away and left approximately 15 cats, they were inside/outside. A kind-hearted woman took it upon herself to has been feeding and tending to the cats for the past 2-years. Harris stated she takes care of four (4) stray cats herself and was able to get them fixed. Harris stated they were only able to get them fixed because of a T & R program (Trap & Return). Time was called.

Amy Stoecher, 8106 W 72nd Ter, Overland Park, KS, stated she is the realtor that wrote the letter to the owners of the land. Stoecher stated when she first walked on the land, it was a complete junk field full of nothing but trash. No one knew, they couldn't see it through the trees. Day one of Always & Furever owning the property they cleaned the land. Stoecher believes that everywhere Always & Furever goes they make the area a better place. Stoecher stated Always & Furever wants to bring good to Miami County at no cost. Stoecher believes the community will be safer, cleaner, and the dogs will be safer if found as a stray. As a realtor, if a person purchases land near a highway development is to be expected and it is going to happen. Stoecher stated what Always & Furever is going to be behind the tree line and be in the community. Stoecher doesn't want the economic impact to be overlooked; from the jobs created to the money spent in Miami County. People want to keep this a hidden secret, but people all over the world want to visit. Stoecher stated it was mentioned a couple of times "what happens if Dulski quits", tragedy does happen, something could happen to Dulski but there is a board. Stoecher believes they would only become more passionate and more dedicated to this mission. Stoecher stated Always & Furever has donors all around the world. Time was called.

Miranda Munden, 20929 Emerald St, stated she has lived in Spring Hill and Paola for 8-years and one of Always & Furever's first employees and one of the longest staff members they've had. Munden stated she has worn every hat; an adopter, an adoption coordinator, fostered and foster coordinator, intake coordinator, and freedom drives. Munden stated she has been on the front line of every adoption or event for the past 2-years. She has been a boots-down-girl on the ground staff member at every facility Always & Furever has had since 2019. Munden stated she can personally attest to the amazing work Always & Furever does. Munden believes Always & Furever has developed into a well-oiled-machine full of experts in what they do. Munden stated she is personally in charge of many of the "pain points" of the neighbors. She personally has scooped many buckets of animal waste, and scrubbed kennels and can personally attest that odor is not an issue at any of Always & Furever's facilities. The dogs are walked or in a play area nearly every hour of every day, and there is no noise by the time they close. The only noise she hears at the end of the night is the neighbors' dogs bellowing into the night after spending another 24-hours outside, and Always & Furever has plenty of video proof. Munden stated how Miami County can turn down a gifted million dollar facility to be ran by the best rescue in the nation free of charge is beyond her. Munden believes Miami County animals have suffered far too long and Miami County deserves to have a nationally recognized shelter.

Dr. Mikealee Lundgren, 17133 Bandshaw St, Overland Park, KS, stated she is not a Miami County resident but has close ties with Miami County and her home is in the Spring Hill School District. She has been with Always & Furever since the beginning and knows Miami County needs help with its homeless animals. Many stray animals have walked up to her husband's business in Bucyrus and found refuge. Years ago, a cattle dog showed up, she had been abused in unspeakable ways, the office staff did not know what to do with her or how to find her a home. She was taken to the vet, got her healthy, and made her an office dog. Gypsy lived happily as the office mascot for the next 10-years. Then one snowy blizzard day a small beagle showed up starving, cold, and full of worms. Once again with no resources it was up to the office staff to take responsibility for this dog. Her husband asked permission to bring him home, she said "oh no, not a beagle", but Buddy came home

and amused her husband until his passing in 2020. The office, however, hopes another stray dog doesn't show up because who will take care of this animal. Are they going to pretend not to notice the desperate animals asking for help? Allow them to starve, get hit by a car, or fall prey to a coyote? Until recently, Dr. Lundgren wasn't aware there was a place in Miami County for animals to go. If she had been aware of the place for them to go back then and the condition the dogs were kept in with no windows, unbearable cold, unbearable heat, and infrequent feedings and cleanings, she wouldn't have dropped them off there anyhow. Dr. Lundgren stated this isn't a problem only in Miami County, there are more homeless animals now than there have been in years. The animal rescue is in crisis, Dr. Lundgren believes more resources to care for our animals. Dr. Lundgren believes the proposed Always & Furever shelter is an answer to that need. Time was called.

Priscilla Myers, Overland Park, stating her sister, Stephanie, lives at 23409 Yankee Bit Lane and could not be present tonight. Myers believes this shelter is a well-intentioned effort that has gone awry. Myers believes Dulski and her followers have forgotten their responsibility applies to their neighbors in addition to animals. Some of Myers' concerns about the Conditional Use Permit (CUP) include: 1) the extreme hostility Always & Furever has created towards those that want to preserve the serenity of the neighborhood. The group characterizes the CUP opponents as ignorant haters, as cruel people who want to hurt animals, and as ungodly. Disagreement should not equate to hate. Myers stated these residents are good solid citizens and most of them own rescued animals. 2) There is a callous disregard for the quality of the life of the homeowners who cherish the peaceful country flavor of the area. The original variance allowed for a small facility allowing housing for 19 senior dogs, this has not been the case for some time. As it has broadened its reach beyond the original mandate perhaps Always & Furever assumed it had a license to forge ahead with plans for a much larger facility. 3) A failure to respond to the concerns of the neighbors. Trespassing by the volunteers is one ongoing issue. When neighbors called Dulski to discuss the problem she refers them to her attorney. 4) The long-term viability of a massive venture that counts on volunteers and charitable donations to operate affectively. Lack of oversight, and accountability are problematic. Myers stated she doesn't live in Miami County but spends a lot of time on Yankee Bit Lane. Always & Furever has been beating drums for weeks encouraging that followers bombard the Commission demanding approval for their Conditional Use Permit (CUP). These followers do not live adjacent to the Always & Furever property, and many don't even reside in the State or even this Country. Time was called.

LeeAnn Thorp, 18871 W 160th Ter, Olathe, KS, stated she is a volunteer for Always & Furever, an adoptive mom of two sons, an adoptive mom of two dogs, and she was adopted. Thorp's dad would say "Our family is about love lines not blood lines" and love lines is what Always & Furever is all about. Thorp started volunteering in 2020, once a volunteer completes the training class they do laundry, clean cages, scoop poop, walk dogs, change out water bowls, and anything that is needed to help the staff. Always & Furever also have the volunteers do "doggy dates", and Thorp discovered her passion. A doggy date is an opportunity for a volunteer to take a dog out to the park, for a car ride, or perhaps to Sonic for a pup cup. Thorp's first doggy date was with Vegas. Thorp stated she ended up adopting Vegas. He was a German Shepherd/Shar-pei mix and was in the Wichita Kill Shelter. They were going to put him down because he was blind in one eye. He had been abused, his teeth were filed down, missing hair and no other place would take him. Dulski and staff rescued him, over time and patients with him he was able to play with Thorp's grandchildren. Thorp stated Vegas only lived with her for about 18 months and after she lost him she started doing more doggy dates. Thorp stated Celia was referred to as a killer dog because she is a Pitbull, she was used in breeding, she had heartworms, and Thorp saved her. Always & Furever paid for Celia's treatments, Thorp took her on doggy dates and called them Sunday with Celia. Time was called.

Menefee stated due to time, one more public comment will be allowed.

Angela Rivera, 20776 W 225th Ter, Spring Hill, KS, stated she is a resident of Miami County and lives in the aerial view shown earlier. Rivera stated the heart and soul of Spring Hill is the people. Rivera believes the traffic impact is not only on 223rd it is going to be the entire area that surrounds the on/off ramps of 169 Highway. Rivera has many concerns: Spring Hill is already experiencing some issues with poor planning for the growth that they have experienced. What about the neighboring homes? Dulski stated earlier she wishes she could bottle up all the love the Little Red Barn holds for one moment so our souls could feel what she feels

every morning. However, Rivera would like to capture the heart and history of this area and the hearts of the homeowners that have expressed legitimate concerns and place it in the hearts of the Always & Furever team so they could feel for just a moment the family history here. There's growth of family; these are generational homes. These are not places people are going to move in and out of in 3-5 years then they are gone. These concerns will last, these homes are meant to be passed down for generations. Rivera finds it a blasphemy that it would be suggested that heaven is a piece of land in Miami County. As much as Rivera loves Miami County, it is not.

Menefee stated Public Hearing for the Conditional Use Permit for Always & Furever Midwest Animal Sanctuary (23002-CUP) needs to be continued to either May 2, 2023, or need to have a special meeting for just this item. Menefee stated he might not be able to be at the next meeting.

Kitchen asked how many more days are we going to need?

Menefee stated it should not take as long as staff presentation is complete.

Woodard stated the Planning Commission should be able to pick-up with Public Comments.

Menefee questioned by continuing the Public Hearing people that wish to can submit their public comments in writing via email.

Woodard stated one option would be, for folks that cannot attend another meeting, the Planning Commission can leave the Public Hearing open for written comments during that time frame and that would be considered their public comment.

Broers noted she was going to be out of town next week and suggested continuing the Public Hearing to the May meeting and possibly starting at 6:00 p.m.

Menefee asked if we have that leeway.

Woodard stated they do.

Menefee agreed with Broers but 6:00 p.m. would be difficult.

Philgreen asked how to prioritize speakers based on where they are located.

Woodard stated this is a Public Hearing and anyone wishing to speak is allowed to speak, there is no prioritizing the speakers. The people owning property within 1,000-feet have standing for things like a protest petition. Because of the number of citizens wishing to speak at this Public Hearing, this is the reason the Public Hearing needs to be continued.

Philgreen asked how long this could continue if everyone in Miami County wanted to speak?

Woodard noted that is something they would have to address if it comes to that.

Menefee asked if there is a motion to continue to the Public Hearing to May 2, 2023, and to accept written comments as their form of public comment.

Woodard stated the written comments would be in lieu of speaking.

Philgreen moved to continue Public Hearing 23002-CUP (Always & Furever Midwest Animal Sanctuary) to May2, 2003 at 7:00 p.m. and leave public comment open for written comments to continue. Brockus seconded, the vote was unanimous (8-0), via show of hands.

Menefee stated if they spoke at tonight's meeting they don't get to speak at the May 2, 2023.

Woodard stated that is correct.

Menefee asked how to track who has spoken and who is allowed to speak at the May 2nd meeting.

Woodard stated there will be a list provided of who has spoken.

GENERAL DISCUSSION

Discussion on Solar Farms:

Cook stated the Planning and Zoning office has been very busy and he hasn't had the opportunity to work

on anything pertaining to Solar Farms at this time.

Broers asked about the moratorium.

Cook stated he will be meeting with the Board of County Commissioners on April 5, 2023, and will be giving them an update of where the Planning Commission's discussions are on Solar Farms.

Menefee stated the Planning Commission would appreciate an extension since there has been a change in Staff and the lengthy public hearing that has been continued to May.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Woodard stated she has given her notice to Miami County and her last day with the County will be April 21, 2023. Woodard stated she is working with an attorney to help with the Always & Forever application and a few other tasks while the county finds a replacement. This attorney will not be a long-term option.

Menefee thanked Woodard for her service.

Menefee thanked the Sheriff Deputies for attending the meeting.

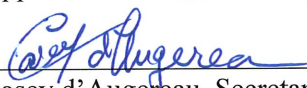
Possible Future Amendments to Zoning and Subdivision Regulations

- A. Common Access Easement requirements
- B. Sign Regulations
- C. Telecommunications Regulations
- D. Height limits for radio, television, internet antennas and satellite dishes designed for individual residences.

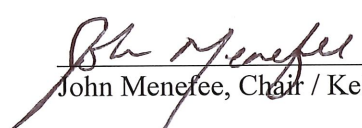
There was no discussion regarding these "Possible Future Amendments" to the regulations.

Philgreen moved to adjourn the meeting, Flake seconded. The meeting adjourned at 10:14 p.m. with a unanimous vote (8-0), via show of hands.

Approved this 6th day of June, 2023.



Casey d'Augereau, Secretary



John Menefee, Chair / Kelli Broers, Vice-Chair

Minutes written by Casey d'Augereau