

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
May 2, 2023**

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

ATTENDANCE

CHAIR:	Absent
VICE-CHAIR:	Kelli Broers
PLANNING COMMISSION:	Joshua Brown, Bret Manchester, Charles Armour, Joe Flake, Topher Philgreen, Gary Brockus, and Randy Kitchen (Kitchen was late to the meeting, joining at 7:24 p.m.)
ABSENT MEMBERS:	John Menefee
EX-OFFICIO MEMBERS:	None present
PLANNING DIRECTOR:	Kenneth Cook
ASST. PLANNING DIRECTOR:	vacant
PLANNER:	Bobby Wardecker
CODE ENFORCEMENT OFFICER:	Kevin Collins
PC SECRETARY:	Casey d'Augereau
COUNTY COUNSELOR:	Not present
ECONOMIC DEVELOPMENT	Not present
COUNTY COMMISSION:	None Present
COUNTY CLERK:	Not Present
PRESS:	Bryan McCully

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CALL TO ORDER

Vice-Chairman Kelli Broers called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

Brockus stated he will be recuse himself from the AT&T Paola East Tower (23001-CUP) stating he retired from AT&T after 41 years of service and currently has a financial connection to AT&T.

ADOPTION OF THE AGENDA

Cook stated before adopting the agenda he would like the Planning Commissioners to know that the applicant for 23003-SUB, Wade Ranch, requested this item be pulled from the agenda and they will move forward with it at a later date. Cook also suggested the Planning Commissioners consider moving all new items in front of the Old Business (23002-CUP, Always & Furever). Cook stated several of the new items should move along fairly quickly allowing for more people for the Always & Furever item to enter the room.

Philgreen moved to move all new items on the agenda in front of the tabled item (23002-CUP, Always & Furever) and to accept the agenda. Armour seconded. The vote was unanimous, via show of hands (7-0).

CONSENT AGENDA

Broers stated there is no Consent Agenda.

REGULAR AGENDA

New Business:

Public Hearing 23001-CUP: AT&T Paola East

Cook stated this property is in a unique area with everything East of Hedge Lane is in the City of Paola, and everything to the West/Northwest of Highway 169 is located in the City of Paola. The areas annexed in the City of Paola are zoned for use that allow for commercial activities to occur within that district. Cook doesn't believe there will be a conflict in this area with the proposed tower.

Cook presented the staff report for consideration of an application for a Conditional Use Permit for a 190' tall mono pole communications tower, including an equipment shelter and attendant ground-based equipment compound located within a 100' X 100' leased compound area with a 20' access easement, per Sections 5-2.03.13 and 14-2.01.4 of the Miami County, Kansas Zoning Regulations. The subject tract of approximately 10,000 square feet (plus access easement), is located approximately 545' North of the

intersection of 311th Street and Hedge Lane, in the SW ¼ of Section 15, Twp 17, Range 23, Paola Twp.

Cook stated the location where this tower is being proposed falls within the area that if it meet all the requirements it could have been permitted by right without needing a Conditional Use Permit (CUP). However, the application does not meet the requirement for the setback to be permitted by rights. In order to be permitted by right the tower needs to be setback two (2) times the height of the tower from an adjacent property or one (1) times the tower height from an adjacent highway. Another requirement is for all equipment to be placed in a permanent shelter that is designed either of concrete block, brick, or similar structure and the applicant is proposing to place equipment on racks and not inside a shelter.

Cook stated the main items Staff would direct the Planning Commission to in regard to consideration of the Golden Criteria is:

- The character of the neighborhood. This area is adjacent to the City of Paola and US 169 HWY. Miami County Regulations encourages all tower locations to be adjacent to major traffic ways in the County. The proposed request does fit into the character of the neighborhood.
- The zoning and uses of properties nearby. The Zoning Regulations do allow for this type of activity in the Countryside (CS) District. This request could be approved by sight if the tower had larger setbacks.
- 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. AT&T is requesting a tower to provide better service and as more people use cell service this will help assure they have the coverage they are needing. The approval of this will allow the applicant to build another structure to serve our community better with regard to cell coverage.

Cook stated as the Planning Commission read through the Staff Report of the conditions we have in the regulations, there are a number of items in our current regulations that the State Statutes of Kansas have changed in which the State Statutes don't allow for the County or the local jurisdiction to regulate anymore.

Cook stated Staff recommends the Planning Commission to recommend approval of the cell tower with the Staff's Findings and Conditions.

Cook stated the applicant is present if the Planning Commission has any questions for Staff or the applicant.

Broers invited the applicant to the podium.

Steve Ward with Ward Development for AT&T stated the need for this site will fulfil the need of coverage in the surrounding homes in that area and get better coverage into the regional health center.

Philgreen asked if there is a need to verify the height and the closeness to a helipad.

Ward stated there was an application submitted to the FAA and he has received a FAA clearance. Ward doesn't believe the helicopters fly over that area but that is part of the clearance FAA does. The tower is not proposed to be lit, but if the hospital or county request it Ward is willing to do so.

Philgreen asked if there will be a red light at the top at night.

Ward stated there is no red light and FAA does not require it.

Philgreen asked if the hospital would like a red light added would the applicant be willing to add a red light.

Ward stated yes and it would usually be a red strobe light.

Philgreen moved to approve the AT&T Tower Paola East, 23301-CUP, with the conditions provided by Staff. Flake seconded; the vote passed 5-1 via show of hands with Manchester voting against and Brockus recused himself.

There were technical difficulties with equipment in the overflow area not allowing the meeting to be heard. There was a brief pause in the meeting due to this while Staff corrected the issue. This was from 7:14 p.m. to 7:20 p.m. Broers asked Staff at what point the system in the overflow area stopped working. Cook explained the situation and stated staff is working on the problem and believe they will have it working again shortly. Broers stated she is concerned that someone in the overflow area might have wanted to speak during public comments for the AT&T Paola East Tower, 23001-CUP, and asked Staff to please check with the overflow area since the sound wasn't working. Cook returned and stated there were none wanting to speak on behalf of the AT&T Tower CUP.

Broers called for the next item on the agenda. Cook noted that Staff is still working on the sound for the overflow area, and hopes to have it soon.

Public Hearing 23001-VAC: Petition to Vacate Easements

Cook requested the Planning Commission consider a petition to vacate two utility easement and the 50' X 50' Common Access Easement, identified on Lot 1 & Lot 2 of Cloud 9 Estates. The subject property is located on the North side of 311th St. 2,000 feet West of Somerset Rd, in the SE ¼ of Section 17, Township 17S, Range 24E, Middle Creek Twp.

Cook stated the applicant has merged the two (2) Lots together, originally there was a utility easement located on the share Lot line of the two (2) lots. There was also a shared lot access easement adjacent to the road. There was a note on the plat stating no building permit was to be issued on Lot 1 until the driveway was moved to the shared access easement. (Kitchen joined the meeting.) The driveway has never been moved to the shared access easement, now that the applicant is merging the two (2) Lots together, Staff doesn't find a need to have a shared access easement between two (2) Lots that have been merged together and no need to have a utility easement run through the middle of the merged Lot. Staff noted that a separate easement that was included in the petition had already been vacated.

Cook stated the Planning Commission will be considering vacating one (1) utility easement and the access easement. Staff's report indicates three (3) Findings:

- The public will suffer no loss or inconvenience by such vacation and that no private rights will be injured or endangered.
- The proposed vacations will clean up the Lots and allow the owners to have full use of their property as merged together through a proposed boundary line adjustment.
- The merger of Lot 1 and Lot 2 of Cloud 9 Estates removes the need for a shared access easement between the two (2) Lots and will allow the property owner to continue to use the existing entrance.

Cook stated Staff has no issues with this requesting since it is merging two (2) lots together. The property owner is present and willing to answer any questions.

Broers invited the applicant to the podium.

Larry Logback thanked everyone involved in helping him through this process and stated he is available questions.

Broers opened the Public Hearing 23001-VAC: Petition to Vacate Easements for public comments at 7:26 p.m. Cook went to the overflow area to check if any individuals desired to make comment on this request and reported no one wanted to make comment. Cook also noted the sound in the overflow area was now working. There were none, Broers closed the public hearing at 7:27 p.m.

Philgreen moved to approve 23001-VAC to vacate the easements per Staff's recommendations. Brockus seconded, the vote passed 7-0, Kitchen abstained due to joining the meeting after the presentation started.

Cook stated this should go to the Board of County Commissioners on May 24, 2023.

23002-SUB: Turkey Ridge, 2nd Plat

Broers introduced the next item on the agenda, 23002-SUB, Turkey Ridge, 2nd Plat.

Cook requested the Planning Commission to consider the Final Plat of Turkey Ridge, 2nd Plat, a replat of Lots 1 & 2, Turkey Ridge, dividing approximately 110.29 acres into a total of two lots: (94.61 acres & 15.68 acres), utilizing the Standard Subdivision criteria in the Agricultural zoning district per Section 6-5.02.1(A) of the Miami County, Kansas Zoning Regulations. The subject property is located at the Northeast corner of 303rd & Plum Creek Rd, in the Southeast Quarter of Section 10, Township 17S, Range 22E, Stanton Twp.

Cook stated this is a replat of two (2) Lots of an existing Subdivision. Cook noted a part of this request is unique in that Staff could not find any records showing the provision in the Subdivision Regulations for Flag Lots have been used. Cook stated sections, 5-5.06 and 5-5.07, of the regulations allow for Flag Lots in Subdivisions. Typically, the Subdivision regulations call for a maximum 4:1 width to depth ratio so the depth of a parcel cannot be more than four (4) times the width of the parcel. As part of an Ag Preservation Subdivision the Agricultural Preserved Tract is allowed to have an 8:1 ratio.

The applicant is wanting to replat a couple of lots to change how an agricultural lot is provided access. Cook noted there were three (3) 3-acre lots in the Southwest corner of the property then a wider tract where the owner's residence is located then goes back to the larger tract. The applicant is desiring to put his residence on a smaller tract that will be approximately 15-acres and merge one (1) of the smaller 3 acre lots to the agricultural tract and still maintain access to the public road.

Cook stated Subdivision Regulations do provide that Flag Lots can be considered by the Planning Commission on a case by case basis and require the Planning Commission to consider each individual request for a Flag Lot. The intent for allowing Flag Lots is to preserve agricultural and sensitive lands.

Cook stated his primary concern is that this request does not appear to be done in compliance with the intent of the regulations the request appears to be based upon how the property was platted and where the existing house was constructed rather than for the preservation of agricultural and sensitive lands.

Staff recommends that the Planning Commission consider the question “is this request complying with the requirement in order to preserve agricultural land or sensitive lands” and if the Planning Commission chooses to approve the Flag Lot then Staff has some recommended Conditions and Findings as included in the Staff report.

Philgreen asked if the Planning Commission needs to approve the request then approve the Conditions.

Cook stated it will be one (1) motion. If the Planning Commission believes this will preserve the agricultural land then they would need to approve the request.

Philgreen requested examples of the downside of this request.

Cook stated is it really attempting to preserve the agricultural land or is the request a way to get around the regulations.

Philgreen stated we don't get a lot of Flag Lot requests.

Cook stated he cannot find record of Planning & Zoning having a Flag Lot application in the past.

Brockus asked if Staff sees this as setting a precedent.

Cook stated possibly but each case is unique and based upon factors of that case. Cook then described what he would consider a Flag Lot.

Cook stated he doesn't see the applicant at the meeting.

Broers asked for clarification on which survey was being proposed.

Broers stated if reading the Staff Report correctly, Miami County's Regulations state the Flag Lot is not intended to be an internal road.

Cook stated if the applicant decides to they can come back with a Subdivision application, but in talking with the applicant Cook does not believe this is the applicant's intent. It is Cook's understanding the applicant is wanting to get the house on a separate piece of property and switch family members as to who will be operating the farmland.

Cook noted that former staff had discussions with the applicant on different options available and that this was one option discussed.

Kitchen asked if the real question is the ratio.

Cook stated the ratio is the main issue.

Broers stated she is questioning if this accomplishes Agricultural Preservation.

Kitchen stated that is his concern, and asked if it is just the ratio in question.

Cook stated yes and in the regulations for Flag Lots the ratio can be waived.

Kitchen stated he likes the idea, and it makes sense to him.

Brown stated this is what the landowner would like to do and there is a provision in the regulations that allow for it, so why would we say no.

Kitchen asked if this would prevent the landowner from building a house on the property.

Cook stated no, but there will be no building easement on the front 3-acre lot of the Ag tract.

Philgreen moved to approve 23002-SUB: Final Plat of Turkey Ridge, 2nd Plat as presented by Staff. Kitchen seconded. The vote passed via show of hands 8-0.

Cook went to the overflow area and verified the sound was still working.

Old Business:

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

Broers called Old Business Item, the resumption of the Always & Furever Midwest Animal Sanctuary public hearing. Broers invited Staff to make comments before moving forward with the public comments.

Cook stated a person wishing to be present tonight was unable to be here due to health issues and sent an email to Staff asking that it be presented to the Planning Commission in lieu of her talking. Cook handed a copy of the email to the applicant and Planning Commissioners prior to the meeting starting. Cook stated the person contacting Staff earlier in the day asking permission due to health reasons. Cook stated since we did something similar at the previous meeting for another person, he allowed it for this person.

Cook stated Staff received questions regarding the tan line highlighting a statement "This email originated from outside of County of Miami" on some emails. This wording noted the email was from outside of Miami County offices. This highlighted statement lead to some confusion that Staff was labeling emails from outside Miami County that were in fact within Miami County.

Cook stated attached to the Staff Report/Memo is a written response from Always & Furever to some of the concerns from neighbors and other individuals to hopefully provide additional information to the Planning Commission.

Cook stated Staff received three (3) emails after the cutoff date/time that showed actually being sent to Staff prior to the cutoff date/time. Those have been attached to the agenda for tonight so that the Planning Commission would be able to see them.

Cook stated a copy of the comments that have come in from the last meeting until May 2, 2023, were attached to the agenda. Staff noted the Public Hearing was being continued from the April 4, 2023, Planning Commission meeting and as instructed by the County Counselor the Public Hearing was kept opened between the meetings to allow people to make written comments as Staff was anticipating that there would be some people that would not be able to make the May 2, 2023, Planning Commission meeting that had wished to talk at the April 4, 2023, meeting. Cook stated the intent for Public Hearings is that anyone wishing to speak has the opportunity to do so, but is currently limited to 2-minutes per person and only 1-time per person. If a person spoke at the April 4, 2023, meeting or speaks tonight, they will not be allowed to speak again unless the Planning Commission has a specific question to address to an individual that has spoken.

Cook stated another item provided to the Planning Commission at the previous meeting were emails that were included as "outside Miami County" that should have been listed as "Miami County Residents". Staff believed this was corrected with both the agenda for April 4, 2023's meeting and on the County website and discovered it did not get updated on the website. Staff corrected the website on May 2, 2023, when the error was discovered adding another link that shows the corrected document. Cook noted the

Planning Commission did receive the corrected document with the agenda at the April 4, 2023, meeting. Cook noted that although there was a question to those emails being labeled incorrectly, all the emails were on the website for everyone to view.

Cook stated if possible, the intent is to give everyone an opportunity to talk that wishes to do so, there will be a 2-minute limit on each Public Comment, and the people will be called to the podium based on people that have signed up to talk.

Cook reminded the Planning Commission that all the information presented at the Public Hearing from April 4, 2023's meeting and May 2, 2023's meeting needs to be taken into consideration as well as discussing and taking into consideration the Golden Criteria in reaching their decision.

Cook noted after the Public Hearing is completed the applicant will be allowed a chance to address the board in response to the Public Comments and make closing comments.

Philgreen asked once the Public Hearing is closed and the applicant has responded, will the Planning Commission be allowed to direct questions to Staff.

Cook stated yes, once the Public Hearing is closed the Planning Commission will be allowed to deliberate amongst themselves as well as direct questions to Staff, the applicant, and the public for clarification of any statements made during the process.

Broers reminded the public that comments are limited to 2-minutes per speaker, when a person comes to the podium please give name and address, direct all comments to the Planning Commission, and do not address comments to anyone in the audience. Broers stated she will be going down the list that was provided to her.

Broers called the following names: David Anderson, Doug Bishop, Nicole Boxx, Deana Brim, and Linda Brown. Broers stated whoever would like to come to the podium first and the rest get in line.

David Anderson, 20901 S Clare, Spring Hill, stated the concerns with the roads has been an issue, going from a 1 ½ lane gravel road to a nice public road and yes there will be a lot more traffic. In the next few months 199th St will be closed for repairs and the traffic will increase even more. Anderson doesn't believe the additional traffic involves Always & Furever. Anderson states the property was a mess when Always & Furever purchased it and the property has been cleaned up considerably. Anderson stated the dogs with Always & Furever have all been seen, handled, vet checked, and all the good stuff that needs to be done, while you don't know anything about the dogs at another kennel in the area. Anderson believes it is important to note that Always & Furever is taking the upper end of taking care of the dogs. Anderson stated the dogs will need to get out of two (2) fences to make it off the property. The property....(Time was called)

Deana Brim, 711 Carr Ave, Osawatomie, stated she is the caretaker for the Osawatomie Pound. The kennels are rusted, there are 12 large kennels and only has room for one (1) more dog. Miami County Animal Control brought in a dog that was pregnant, and they have about 15 days to find her a foster home. Brim believes this is because of an irresponsible pet owner but states Always & Furever is taking her into their care. Always & Furever plans to have all the puppies spayed or neutered, then have each of them adopted. In the past four (4) years the Osawatomie Pound has not euthanized one dog for lack of space. Brim believes Miami County needs this Homestead. Brim stated Always & Furever also takes in cats,

including feral cats. Brim asked the Planning Commissioners to please allow this Homestead.

Nicole Boxx, 22518 W 60th St, Shawnee, stated she currently works for Always & Furever. Boxx stated Always & Furever took some dogs to Johnson County Community College to help take some stress off of students before finals. Boxx believes the community would welcome the Homestead opposed to something commercial, apartments, or town homes. Boxx believes that people would love to live close to Always & Furever. Boxx believes Disney World is the happiest place on earth and the Homestead will be a close second. Boxx believes Dulski and her team have done a tremendous job at acknowledging all the neighbors' concerns and will continue to do everything they can to make sure the neighbors know it is never their intention to be disruptive. Boxx stated cleanliness is a priority to the Homestead and it is required that the yards are picked up multiple times per day and believes smell is a moot point. Boxx stated Always & Furever focuses on safety and the staff use of walkie-talkies for communication. Boxx asked the Planning Commission to help them continue their mission.

Broers called the next speakers: Stormi Brown, Susan Burns, Shelby Coxon, Jane Cozzolino, and Wendy Curry.

Sue Burns, 36450 Hedge Lane, Paola, stated she has been a volunteer with Always & Furever for 2 or 3 years. Burns stated her heart goes out to the people that are uncomfortable with this project. Burns stated if she had a choice between Always & Furever or a new apartment building, multiple houses, or even a commercial building with added traffic she would be happier with Always & Furever. Burns requested the Planning Commissioners help in taking care of the animals, keep people safe, and make it a better place for everyone.

Wendy Curry, 26871 W. 319th St, Paola, stated she is a volunteer at Osawatomie Pound and fosters animals for Always & Furever. Curry stated she understands the concerns of the property owners near the Always & Furever project but believes Always & Furever has addressed the neighbors' concerns. Curry stated this build will be an improvement to the property. Curry stated she would prefer the applicant over a warehouse or something else. Curry stated she sees the value Always & Furever provides to the County and it's cities with the large number of animals that come through the Osawatomie Pound. The pound is extremely small and averages 25 – 30 animals a month coming in the door with 12 kennels for large dogs, 2 kennels for medium dogs, and 4 kennels for small dogs for a maximum of 18 dogs and the cat side has 8 kennels. In the last few weeks there have been 11 dogs and 10 cats brought to the Osawatomie Pound, Always & Furever was able to vet and place the animals in homes quickly at no cost to the citizens of Miami County. Curry stated last year 301 animals went through Osawatomie Pound and 65 were reclaimed the rest were all taken care of by Always & Furever and rehomed. Miami County and its citizens.....Time was called

Jane Cozzolino, 7504 W 143rd Ter, Overland Park, stated she started with Always & Furever as a volunteer five (5) years ago and she has watched the facility grow and learn. Always & Furever maintains adequate insurance, annual audit of financial statements, have all necessary licenses, and follow all rules to maintain the licenses. Cozzolino stated Always & Furever is routinely inspected by the State of Kansas with no advance notice. There is also an onsite inspection by a veterinarian per the State of Kansas' regulations. Cozzolino stated all inspections have been satisfactory. A total number of 230 animals has been proposed when the facility is fully completed with an intent to have the compacity for urgent situations not to routinely house that full number. Cozzolino stated it is their goal to move them to a forever home or foster

home as quickly as possible. As a non-profit funded by donations, they have been able to maintain multiple locations, a growing staff, maintain their standard of care, and never miss a bill payment. Always & Furever is organized, experienced, and.... Time was called

Broers called the next speakers: Terri Custer, Mikarla Evans, Darren Hain, Erin Hain, Joanne Haworth, and Tim Hill.

Terri Custer, 29560 W. Lake Miola Dr, Paola, stated change is coming and she has been a volunteer for Always & Furever since 2018. Custer stated she sees there are some valid concerns for this permit, but believes Always & Furever has addressed most of if not all of the concerns. Custer believes the Conditional Use Permit (CUP) shouldn't be denied because people are not at ease with change and the unknown as change is coming regardless. Custer stated the County vibe and the country vibe that is cherished will be much better served with Always & Furever as a neighbor than to have warehouses or housing projects. Custer believes the need is there and the venture is strong. Custer stated the Homestead is innovative and progressive in its ideals and values. Custer stated Always & Furever is not asking for any breaks or money from Miami County or the City of Spring Hill. All money is raised by sponsorships, donations, and fundraisers which provides what Always & Furever needs to run its rescue endeavors.... Time was called

Darren Hain, 23424 Yankee Bit Lane, Spring Hill, stated CUPs are inherently uses with higher risks of negative impacts on other uses which is why they were not classified as permitted uses to begin with. The negative impact varies from location to location and in this case it is an established rural residential area that will be fundamentally changed by a large scale commercial operation. 77,000 Square feet of buildings and 48 daily staff is more similar to something found in a strip center than anything found in the country. Hain stated not only are the applicants building significantly larger, but the density is also much higher than is found in the area and the largest buildings are planned to be commercial construction methods. Once outside of Spring Hill and heading West on 223rd Street it is entirely rural residential, agriculture, and State Park. Hain stated he does not believe the area will change to commercial. The concerns presented by the neighbors are not based on wild speculations, what ifs, or fear of change, they are based on the neighbors' experiences of living next door to Always & Furever for five (5) years. Hain believes the Planning Commission's decision is about preservation of the countryside. Hain believes approving the CUP will set a dangerous precedence that will open a door to more intense commercial uses in rural Miami County.

Erin Hain, 23424 Yankee Bit Lane, Spring Hill, stated some of the letters she has read have made comments like "this is not a typical shelter" or "this is not a typical kennel" and she agrees. Hain doesn't believe the typical kennel/rescue would take on the liability and risk associated with some of the dogs that Always & Furever is taking on. The desire to save animals extends out to sick dogs, dogs known to kill other domestic animals, and bitten or attacked humans. In one (1) case the applicant described on social media a dog aggressive enough that five (5) of the top trainers in the country told them to put the dog down because it wasn't worth the risk or liability. Hain believes Always & Furever has taken on many dogs like this one. Hain stated she is not suggesting these dogs be put down, she is stating these dogs don't belong in a residential area. Hain stated she felt the need to oppose this application due to these concerns.

Joanne Haworth, 20112 W. 220th St, Spring Hill, stated her daughter and her volunteer for Always & Furever since 2018. Haworth stated there are many benefits of working/volunteering at Always & Furever

because it is a community. As a social worker Haworth believes what is learned and gained by volunteering for Always & Furever is unmeasurable. Haworth stated Always & Furever is involved in multiple events that involve the community. Haworth stated Always & Furever is better than offering another liquor store or dollar store. Haworth believes Spring Hill needs resources and amenities for the growing community. Haworth believes Always & Furever did an incredible job with the Osawatomie Pound... Time was called

Broers called for the next speakers: Linda Hipp, Priscilla Jamison, Brown Kage, Rachel Keppel, Brandi Kiper, and Steven Kiper.

Linda Hipp, 4212 W 261st St, Louisburg, stated she lives in the rural area on some acreage and there are all type of animals in the area (both wild and owned by someone). Hipp stated there have been a number of times that she will be driving on the road and there's a calf, goat, or horse on the road. Hipp noted she has neighbors with roosters and donkeys that make noise. Hipp noted she can also hear lions from Cedar Cove. Hipp stated no one cleans the manure from the pastures or measures the run-off or counts traffic on her road. Hipp stated Miami County takes care of their animals and believes Always & Furever should be approved as they take care of the animals.

Brandi Kiper, 603 Woodson Ln, Gardner, stated she is a volunteer for Always & Furever, showing a picture of a dog named Sally Sue. Kiper stated Sally Sue is the reason she volunteers at Always & Furever. Kiper stated she would be honored to have a shelter like Always & Furever in her community and fully supports Dulski and Always & Furever.

Steve Kiper, 603 Woodson Ln, Gardner, stated he came tonight to show support for Dulski and Always & Furever. Kiper stated Always & Furever is wanting to give unwanted animals a chance to experience unconditional love which is what will happen at Always & Furever.

Broers called for the next speakers: Brooke Mallory, David McCreight, Sherri Meaux, Sara Mills, and Shelby Moore.

David McCreight, 22526 Yankee Bit Ln, Spring Hill, stated zoning matters. Property owners rely on zoning to protect their investment and way of life. Homeowners rely on the Comprehensive Plan and the Golden Criteria to protect their families, investment, and safety. McCreight stated the applicant admitted to making many mistakes in the last five (5) years at the meeting in April. McCreight stated he witnessed many people with their disdain and disrespect for the homeowners as they made their speeches. The applicant has put their passionate supporters against the good people that McCreight has had the pleasure of having as neighbors for 20 years. McCreight believes the applicant has created a very bad situation for everyone involved. McCreight believes there are many more areas that are more suited for this project. McCreight requested the Planning Commission to consider denying the Conditional Use Permit (CUP).

Sara Mills, 1014 6th St, Baldwin City, stated she has been with Always & Furever for 4 ½ years. Mills stated Always & Furever has made changes to the original plans because they have been listening to the concerns and adjusting. Mills stated the pound was not on the plan originally because Always & Furever were fundraising to build a new pound in the city. Mills stated the city approached Always & Furever about putting the pound on their facility. Mills states there will be agreements in place when the new pound is built. Mills stated only 4.46% of the land will be developed, which is less than 2-acres of the 40-acres and compared this to Price Chopper. Mills stated Always & Furever doesn't have or want feral cats

on their property, even when we... Time was called

Broers called for the next speakers: Miranda Munden, Brenda Newton, Padyn Rayfield, Ken Richardson, Marc Richardson, and Amy Richardson.

Ken Richardson stated he has been contracted with the County to perform animal control since 2019. Richardson stated he took over 65 animals to the kennel in 2022. If the kennel is full and someone calls him to pick up a dog he is unable to do so as there is no room for dogs once the kennel is full. Richardson stated last year alone there were over 35 cases of rabies in Miami County. Always & Furever has always been there, they know the rabies protocol, and they have people that deal with these animals. Richardson stated it has been a great help for him to have the rabies quarantine done. Richardson asked the Planning Commission to consider this information and make the best decision for Miami County and for all of Miami County Residents.

Padyn Rayfield, 231 N Evergreen St, Gardner, stated she is an employee for Always & Furever. Rayfield stated Always & Furever has made accommodations to the plan for the Homestead to better suit the Golden Criteria and believes the only things currently standing in the way are neighbors that want to hold past mistakes against them and are afraid of change. Rayfield stated the Always & Furever is planning on more safety precautions such as 6-foot fencing around the facility and no dog will be allowed outside unsupervised. Rayfield spoke of safety protocols for the facility. Rayfield explained how waste is addressed. Rayfield stated the neighbors are concerned about the barking noise, she believes the proposed barn will be insulated preventing the bark of dogs from escaping with each dog having its own room with walls not a wire kennel. Rayfield stated she hopes the Planning Commissioners will approve this request so that Always & Furever can continue taking care of the homeless animals of Miami County.

Broers called for the next speakers: Scott Schneider, Leo Schuman, Donna Shearer, Sabrina Sims, and Summer Sims.

Marc Richardson, 3620 W 122nd St, Leawood, stated he owns the parcel directly North of Always & Furever. His primary concern is with the commercial entrance, it is directly across from his property. Richardson gave a family history leading to the purchase of the property on 223rd Street. Richardson stated they were getting ready to build on their property and COVID happened... Time was called

Scott Schneider, 5225 Ward Parkway, Kansas City, stated he is on the Board of Trustees for Always & Furever. Schneider stated he planned on speaking about safety, sanitation, security, and sound, but believes a number of speakers before him have already communicated these issues. Schneider stated they have been listening to the neighbors and will continue to listen to them and work with them. The board is willing to listen to concerns and requests and willing to do anything within reason to address them.

Sabrina Sims, 21830 S. Race St, stated she is a Spring Hill resident of Miami County and has been with Always & Furever for the past two (2) months. Sims stated she has never witnessed a facility like Always & Furever before or heard of a facility like Always & Furever before. Sims spoke of the organization of Always & Furever from cleanliness to rotation of the pet beds. Sims believes the community needs Always & Furever.

Broers called the following names: Summer Sims, Juanita Sprinkle, Meghan Sworn, Shelli Thompson, Doug Ubber, Jr.

Junita Sprinkle, 606 N. Harrison, Spring Hill, stated she has been a volunteer with Always & Furever since the beginning in many ways. Sprinkle has made friends with the same love for animals as herself. Sprinkle stated she would not want the alternative of an industrial plant there. Sprinkle stated she would like the Planning Commission to approve Always & Furever.

Broers called the following names: Beth VanAuken, Madeline VanAuken, DeeAnn Villarreal, Dennis Villarreal, and Kathi Watts.

Brittani King, 2311 W. 74th St...Broers asked if she called Ms. King's name. King stated no. Broers stated she is calling names to speak and asked that she return to her seat until her name is called.

Madeline VanAuken, 6942 Constance St, Shawnee, stated she has been a staff member for Always & Furever for over a year. VanAuken stated the community in a whole is greatly impacted by Always & Furever. VanAuken stated by expanding the Homestead it will help Always & Furever, volunteer high school students, and even volunteer veterinary students. VanAuken reminded Always & Furever isn't just about the dogs, it's about the people as well.

Broers called the following names: Bonnie Witt, Aaron Woodard, Denise Woodard, Kelly Woodward, Beth Woolridge, and Judith Young.

Kelly Woodward, 5095 Comanche Ln, McLouth, stated she is bringing 15-years of experience of a certified planner and zoning administrator. Woodward stated it is important to start with "yes" for this unique application. Woodward stated most applicants, and certainly this applicant, are willing to make adjustments for a better chance of approval. Woodward stated 9 out of the 10 recommended conditions insure Always & Furever will do what they say they will do or are reminders of the current compliance all other codes, permits, and licenses exists to protect the public. Woodward noted that recommendation for approval is supported by many findings in the Staff Report and other documents. Woodward believes this is a known local development partner with a proven track record of that has invested extensive private funds into a County facility and uses their own facilities as back-up and provided years of support for a public purpose. Woodward stated there is evidence of need and board community support. Woodward stated if there are still concerns..... Time was called.

Aaron Woodard, 22481 Yankee Bit Lane, Spring Hill, stated he lives within 1,000-feet of the proposed Always & Furever expansion. Woodard stated the average dog produces 12-ounces of waste per day. Using that number with an anticipated 210 dogs total, that would be over 26-tons of waste over the course of one (1) year. Woodard stated the EPA classifies dog waste as a non-point source pollution which is caused by rainfall or snow melt moving over and through the ground. Non-point source pollution is the leading cause of water quality problems and has harmful effects on drinking water supplies, recreation, fisheries, and wildlife. The Miami County Comprehensive Plan states impacts to Hillsdale Lake should be considered as land development occurs and specifically mentions non-point source pollutions and states these cause the most impacts on reservoir water quality. Woodard believes dog waste has more of an impact than cattle or wildlife, in that cattle and wildlife typically take from nature and return to nature while dogs' waste is higher in nutrients and nitrates. Woodard stated there is a stream, downhill and to the South of Always & Furever, that the runoff will go to, and the stream goes straight into the Hillsdale Lake.

Denise Woodard, 22481 Yankee Bit Lane, Spring Hill, stated she handed out a document at the beginning of the meeting for the Planning Commission and Staff. Woodard stated she has concerns that there will

be a lack of volunteers and staff to provide care for the animals. Per the narrative provided by Always & Furever there will be 25 staff and volunteers per shift, Woodard doesn't believe this will be adequate staffing to maintain the 19-buildings, 40-acres of land, operate a vet hospital, handle daily administration of the facility, and care for 230 animals. Woodard stated per the Always & Furever proposal 22 staff/volunteers will be tending to the animals, with 230 animals that will be over 10 animals per caregiver. Woodard doesn't believe this is possible in order to provide the level of care Always & Furever stated they are providing to the animals. Woodard referred to the traffic study and stated she doesn't believe it is supported by the Conditional Use Permit (CUP) narrative. Woodard stated if Always & Furever staffs according to the narrative of the original proposal, they will need 104 staff daily to meet the needs of the actual needs of the Homestead. Woodard stated she is seeing too much conflicting information between what the applicant is proposing and what the applicant is posting on social media. Woodard believes there is misleading.... Time was called.

Bonnie Witt, 20 E. 53rd St, Kansas City, stated she has been a volunteer for the Kansas City Missouri Animal Shelter for approximately 15-years. Witt stated her parents had 80-acres of property in Eudora, KS and enjoyed going there for visits; she appreciates the neighbors' concerns with an animal shelter going into their backyard. Witt stated if she were faced with the same situation she would hope she would do her research and noted many of the concerns have been rectified. Witt believes Always & Furever is a "top shelf" organization. Witt stated she took on a foster dog with cancer, she passed away seven (7) months later, during her time of battling cancer Always & Furever provided support every step of the way... Time was called.

Beth VanAuken, 6942 Constance, Shawnee, stated she has been with Always & Furever for the past 3-years. VanAuken stated she started with Always & Furever for the dogs and has stayed because Always & Furever has a bigger purpose and greater mission. VanAuken believes Always & Furever has become a part of the community, and has cultivated a culture of love, kindness, generosity, and transparency. VanAuken asked the Planning Commission to look past their own backyard and advocate for the greater community.

Beth Woodridge, 14583 W. 151st Terr, Olathe, stated she has volunteered for Always & Furever since May 2019. Woodridge is currently the Cat Coordinator; she finds cats and kittens new homes. Woodridge discussed Always & Furever's operations involving cats. Woodridge believes Always & Furever opened an avenue to friendship, family, and community to herself and her family. Woodridge stated through Always & Furever she was able to show her boys the importance of caring for animals and of community. Woodridge stated her hope is that others' hearts can be filled with the joy she feels when volunteering for Always & Furever.

Jennifer Waters, 1861 N 201 Diagonal Rd, Baldwin City...Broers asked Ms. Waters' name was called. Ms. Waters stated she didn't hear it. Broers stated she is calling names to speak and asked that she return to her seat until her name is called.

Brittani King, 2311 W. 74th St, Prairie Valley, stated she is a licensed residential mortgage lender and stated a property is only worth what a person is willing to pay for it. King stated the past few years there have been homes sold well above asking price. King stated there has been a 3.1% increase year over year in value for homes each year. King doesn't believe that a facility being developed on a property that cannot be seen or heard will have a negative impact on the value of homes in the area. King believes land will be

developed in one way or another, and stated Kansas City has expanded and believes the residents would prefer a facility like Always & Furever. King stated Always & Furever is already here, they are trying to utilize space. King believes their cause is greater than people realize.

Broers stated she has called all names of individuals from the last meeting that indicated that wanted to speak. Broers then read a list of 12 names that stated they might want to speak. Broers called the following names: Kathy Copel, Gary Harvey, Steven Hopkins, Yvonne Hopkins, Sheila Majors, Carla Polfer Blaylock, Gwen Schreiner, Kristin Skinner, Shannen Walcott, Sophia Walcott, Charmaine Ward, and Jerry Ward.

Gary Harvey, 22719 W. 223rd St, stated he is a neighbor within 1,000-feet of the subject's property. Harvey stated he is opposed to this project because it doesn't fit in with the surrounding area, and possible contamination from possible runoff going into a stream near the property, the stream runs into Little Bull which is part of Hillsdale Lake. Harvey stated another concern of his is the traffic on the hill side. When making a left turn, including where he lives, traffic will back up behind him, the speed limit is 45 MPH, and no one drives the speed limit. There will be an increase in semi-trucks due to 199th being closed. He noted the other day there was an ambulance running hot around 80 MPH. When topping the hill there is a greater chance of an accident. Harvey stated he agrees with the statements made by the neighbors and asked the Planning Commission to consider denying this application.

Sophia Walcott, 3705 NW 95th St, Kansas City, stated she is reading a note on behalf of her mom, Shannen Walcott, who could not be present for the meeting. Walcott is planning to build a home next to the proposed site and believes the development of this facility will be detrimental to the community and Golden Criteria. The 14-buildings, over 70,000-square feet, will give a commercial element to the neighborhood and is incompatible with the existing residential character. The increased traffic will create a larger chance of accidents and incidents and issues for First Responders. Walcott stated she was planning to build on the property is deeply concerned with the safety risks, while Always & Furever is a reputable facility accidents can happen. Walcott stated with the concerns that have been discussed she urges the Planning Commission to deny the Always & Furever application.

Broers stated she has now called everyone that planned to speak or possibly planned to speak at the last meeting. There will be another chance to speak at the end of the public hearing if someone changes their mind and wishes to speak.

Broers called for a 5-minute break and stated they will return at 9:07 p.m.

Broers resumed the Public Hearing for 23002-CUP; Always & Furever at 9:08 p.m. Broers stated she will continue to call names for speakers beginning with the sign-in sheets for May 2, 2023's meeting. Broers stated she plans to get to everyone planning to speak tonight. Broers stated there maybe names called a second time since the first list of names called was from the meeting held April 4, 2023. Broers called for the following speakers: Sara Mills, Jennifer Waters, Denise Woodard, Aaron Woodard, Darren Hain, Erin Hain, and Sophia Walcott.

Jennifer Waters, 1861 N 201 Diagonal Rd, Baldwin City, stated she is not a Miami County resident but strongly supports Always & Furever and everything they believe in. Waters stated her daughter's service dog is a part of 9-puppies that were only 1-day old and found on a pile of sticks. Waters stated her daughter has not had a seizer since receiving her service dog. Waters believes Always & Furever changes lives for

the people and the animals. Waters asked the Planning Commission to vote in favor of Always & Furever.

Broers called the following names: Robert Sabin, Stephanie Myers, and David McCreight.

Robert Sabin, 23898 W. 223rd St, stated he is within 1,000 feet of the sanctuary and wanted to discuss a couple incidents. Sabin stated one day he was driving down his driveway and he slowed down because there was a crew from Always & Furever on the driveway with some dogs, one was a Pitbull and it charged at his car as he approached. Sabin stated the handler did not have control of the dog, and although there was no harm, the dog was charging at him in his car. Sabin stated there was a second incident when his dogs were in the house raising cane, he looked out the window to see two (2) Pitbulls at his porch. Sabin stepped outside, noticed a collar on the female Pitbull and reached to see if there was any information on the collar. The male Pitbull did not like it and came closer, growling, barking, and snapping at Sabin. As a long-time dog handler, he did not move a muscle for fear the dog(s) would attack him. Sabin asked the Planning Commission if they had a family member wanting to move to this area, would they want the family member to move there with everything they have heard... Time was called.

Stephanie Myers, 23409 Yankee Bit Lane, Spring Hill, stated she has owned her property for 35 years and is in agreement with the surrounding neighbors opposing the Always & Furever Conditional Use Permit (CUP). Myers stated in past years she has been a volunteer and financial supporter for Always & Furever, and a welcoming neighbor to Dulski. Myers stated she met Dulski about 1-month after Dulski moved into her home around 6-years ago. Myers stated Dulski almost immediately started working on a refuge for dogs to live out their final days and started out small as the State of Kansas would only allow for 19 dogs that essentially were Dulski's pets. Dulski is ambitious and started pulling dogs from outside Miami County putting Always & Furever on the map locally, regionally, and nationally. Myers believes this is great news for the dogs and cats, what's not great is the location. Constructing a large animal rescue among peaceful country homes would be a hardship on the neighbors surrounding the property. Myers stated Always & Furever has significantly scaled back their plans to get to the proposal being presented. Myers believes Always & Furever will outgrow the facility quickly and they will be looking for a new location. Myers asked the Planning Commission to deny this application and Always & Furever find a more suitable location where it can achieve its full vision without adversity affecting the neighborhood.

Broers stated the following names everyone wrote "yes" to speaking tonight, some of them have already spoken: Brandi Kiper, Steve Kiper, Ken Richardson, Steve Ward, and Kacy Tribble.

No one approached the podium. Broers stated in case they are in the overflow area they can get in line when they come into the room. Broers called the following additional names: Kelly Woodward, Scott Schneider, David Anderson, Beth Woodridge, and Marissa Sherman.

Marissa Sherman, 6703 W 128th Ter., Overland Park, stated she is representing her family that lives on 223rd St across from the subject's property. Sherman urged the Planning Commissioners to deny Always & Furever's CUP. Sherman stated she understands the intentions behind the proposal, she is a dog lover herself. Sherman believes it will be detrimental to the neighborhood for several reasons: proximity to a residential area, will decrease property values and second, this is a 10-year commitment/process for construction, and concerns about possible unattended consequences. Sherman asked the Planning Commission to consider the potential negative effects of approving this request. Sherman believes the county needs to prioritize the wellbeing of the community and protect the property values of the residents.

Kacy Tribble, 1764 N. Leverette Ave, Fayetteville, AR, stated she drove around 4-hours to get to the meeting tonight. Tribble has been a supporter of a numerous pet rescues around the country. Tribble believes Always & Furever is one of the "top notch" facilities she has encountered. Tribble would like the Planning Commission to approve the Conditional Use Permit (CUP). Tribble believes it is important to being a good neighbor and stated Always & Furever assists animals in the surrounding states.

Broers called for the next speakers: Nicole Boxx, Doug Ubber, Juanita Sprinkle, Rhonda Schademann, Syreeta Gapelu, Jeffrey Boswich, Beth VanAuken, Maddie VanAuken, Hannah VanAuken, Sabrina Sims, and Karen Shepherd.

Karen Shepherd, 31940 Bethel Church Rd, Osawatomie, stated she has been a Miami County resident since 1986. Shepherd stated she started volunteering at the Pound last year walking dogs because she heard a new organization was working at the Pound. Shepherd stated she doesn't understand why but Osawatomie doesn't want them there, they need a new place. Shepherd believes this will be a place that Osawatomie and Paola will be able to take unwanted animals. Shepherd asked the Planning Commissioners to consider approving this application.... Time was called

Syreeta Gapelu, 1514 SW 9th St, Blue Springs, stated she and her daughter work part-time for Always & Furever and fosters dogs since 2018. Gapelu stated she has watched the people and the organization grow in with a positive impact. Gapelu stated her daughter battles with mental health but finds peace working at Always & Furever. Gapelu asked the Planning Commissioners to please not take this away from her daughter and everyone else that finds peace at Always & Furever. Gapelu believes this community has an opportunity to be a part of something amazing with Always & Furever.

Jeffery Boswich, 2121 Central St, Kansas City, stated he is a manager for Always & Furever, specifically the Little Gray Barn. Boswich stated currently the Little Gray Barn is a 45 minute drive to the proposed new facility. The new facility will allow everyone to be together with easy access to the animals. Boswich stated he anticipated playing with the dogs all day long, but quickly learned that wasn't the case, there is a lot of hard work involved in managing the Little Gray Barn. Boswich believes Always & Furever is giving the dogs the best possible life while preparing them for their forever homes. Boswich touched on the cleanliness and security for Always & Furever. Boswich asked the Planning Commissioners to consider giving these animals a better home and life.

Broers called the following names: Kara Martin, Tanya Sharkey, Katelyn Blubaugh, Madeline VanAuken, Jane Cozzolino, Craig Elford, Kelly Frey, Amy Richardson, Marc Richardson, Curtis Holland, Joanne Haworth, Sheila Sickau, and Bonnie Witt.

Kelly Frey, 2330 W 160th Terr, Stilwell, stated she is a volunteer and is the Intake Coordinator. An Intake Coordinator sees firsthand the abuse, neglect, and suffering of the animals. Frey stated she has witnessed an amazing transformation of each animal once under Always & Furever's care and receiving unconditional love. The animals are not left in cages unattended all day. They receive vet care. They are allowed to discover what it is like to be a healthy dog again. Frey stated these activities are done by staff & volunteers with training and guidance from an in house trainer.... Time was called

Tanya Sharkey, 14436 S. Houston St, Olathe, stated she is speaking on behalf of Katelyn Blubaugh, she is a Miami County resident in Osawatomie. Sharkey read a statement prepared by Blubaugh. Blubaugh has worked for Always & Furever for just over 1-year. Blubaugh knew she needed to work for Always &

Furever when she went for her interview. Blubaugh stated she has been treated with respect since the very first day, the same thing goes true for the dogs. Blubaugh stated there have been a number of lives saved and more to be saved through the shelter. Blubaugh touched on safety, security, and cleanliness of the facility. Sharkey stated she herself has been a volunteer... Time was called

Craig Elford, 10711 W 123rd St, Overland Park, stated he has volunteered for Always & Furever for the past 4 years and on the Board of Directors. Elford stated they meet early on with the neighbors wanting to understand the neighbors' concerns. He has set with the architects and engineers making sure the design of the facility takes into consideration the concerns of the neighbors. Elford stated when the property is fully developed it will only be using 4.4% of the property. Always & Furever plans to maintain as much of the vegetation as possible, to block visibility, and noise to lessen the impact on the neighborhood. Elford stated he has save around 1,750 dogs from shelters, and from the moment the animals are with Always & Furever they nothing but love.

Sheila Sickau, 3535 Broadway Blvd, Kansas City, stated she has been a volunteer since 2018 and now a part-time employee. Sickau asked the Planning Commission to approve the application for Always & Furever. Sickau believes Always & Furever has made an impact in the world. Sickau stated her two (2) dogs went on hospice last year and was quickly guided and surround with support by Always & Furever volunteers and staff. Sickau stated there have been numerous people talking in support and opposition of Always & Furever about the property for the proposed expansion of Always & Furever. Sickau stated the property was vacant and for sale prior to Always & Furever purchasing it. Sickau asked what would happen if the property was developed as an equestrian center with traffic and a PA System or if there were cows in the pasture a cow produces 65 – 110 pounds of feces by going at least 15 times per day and asked if people would be ok with runoff into Hillsdale Lake then. Sickau continued to compare farm animals/livestock to the kennel. Sickau asked how many people opposed have visited the facility to see the operations. Sickau asked why not give back to the community and approve Always & Furever.

Broers called the following speakers: Bonnie Witt, Mikaila Evans, Victoria Coxsworth, Wendy Curry, Linda Hipp, Tricia Chitwood, and Susan Hime.

Tricia Chitwood, 27196 W. 223rd, Spring Hill, stated she has lived on 223rd St for the past 7 years. Chitwood believes nothing bad will come from the Conditional Use Permit (CUP), but believes all good will come of it. Chitwood believes thousands of people and animals will be healed through Always & Furever expansion, a continuation of the good work Always & Furever is already doing. Chitwood believes Miami County will benefit through the new shelter. Chitwood stated worst case scenario Always & Furever will do nothing to the neighbors as it sits behind the existing tree lines. But believes the best case scenario is the Homestead keeps the land from being developed into something unimaginable today. Chitwood believes change is coming to this area, and with the Homestead the people can choose their change. Chitwood believes the Homestead will preserve the rural character and create a buffer to commercial and industrial development in Spring Hill.... Time was called.

Mikaila Evans, 905 S. Montclair, Olathe, stated she has worked for Always & Furever for about 3-years as a dog trainer and recently became a manager. Evans believes safety of the neighbors, staff, and animals is a top priority. Evans mentioned safety precautions that will be used. Evans stated some of the people opposing this facility claim there are dangerous dogs. Evans believes the opposing people are receiving this information from old Facebook posts, Evans stated the opposing people have never interacted with

the dogs they say are dangerous and don't take into consideration the thousands of hours put into the training and rehabilitation of the dogs that need it. Evans stated she travels all over the United States with some of the shelter dogs attending seminars and learning from some of the best dog trainers there is. Evans stated she has seven (7) years' experience with training dogs and in her three (3) years with Always & Furever she would not label there dogs as dangerous. Evans urged the Planning Commission to look at what is best for Miami County.

Susan Hime, 28315 Woodland Rd, Paola, requested support from the Planning Commissioners for Always & Furever CUP. Hime believes this county is in need of an adequate animal shelter. Hime stated she has adopted two (2) stray dogs from the Louisburg Vet that were beautiful healthy dogs and were going to be euthanized if the Louisburg Vet wasn't able to find them homes. She has rescued many dogs off of 169 Highway, and multiple dogs and cats have found their way to her front door. Hime believes this Homestead will be a gift to the community and County. Hime believes Always & Furever is taking a thoughtful approach to saving and treating the animals. Hime believes people concerned with safety should take issue over the fact that Miami County doesn't have a leash law. Hime stated many animals have appeared on her property and would call the Sheriff's office, the advice received was not to contain them as there is no leash law... Time was called.

Broers called the following names: David Hime, Brenda Newlin, Susan Burns, and Sarah Patton.

David Hime, 28315 Woodland Rd, Paola, stated he is a supporter of the organization. He believes everyone agrees that the county has a problem with dumped animals and puppy mills and there needs to be a solution. Hime stated Always & Furever is offering a solution and Himes believes the county should take the solution.

Broers called the following names: Sarah Patton, Gary Harvey, and Brooke Mallory.

Sarah Patton, 1303 W Market St, Holden, MO, stated she has been with Always & Furever for the past two (2) years as a medical coordinator, previously managed a municipal shelter for 15 years, and worked in emergency animal medicine and general practice. Patton stated the challenging cases, the unwanted, and thrown away animals are the ones with the most needs and they find refuge with Always & Furever until they find a new forever home. Patton believes Miami County is being offered an opportunity that is unheard of in most municipalities, by allowing this development the Homestead will be at zero cost to the community. Patton stated she heard the concerns of the neighbors and believes the facilities development aligns with the neighbors aspirations to maintain a quiet, peaceful, country atmosphere. Time was called.

Brenda Newlin, 21115 W. 151st Terr, Olathe, stated she has been a volunteer for the past three (3) years and has a yorkie. Someone found him on K68 Highway, took him to the Town & Country Vet, and Always & Furever was called asking them to take him. Newlin stated she went to Town & Country Vet for medicine and when she walked in was asked if she was there for medicine or dog. Newlin picked up both the medicine and the dog and returned to Always & Furever. Newlin stated there are so many needs and she has seen the conditions of the Osawatomie Pound and that is disheartening. Newlin stated to approve the land on 223rd St... Time was called.

Brooke Mallory, 24072 W 121st St, Olathe, stated she is in support of Always & Furever and their plan to build the Homestead. Mallory stated she is a volunteer for Always & Furever since 2019 in many roles. Mallory noted while she is a resident of Johnson County her time giving back is in Miami County. Mallory

stated she has taken dogs to a retirement home, rehabilitation center, and Spring Hill Police Department as well as taking dogs to a high school during suicide prevent week. Mallory stated she has had conversations with Always & Furever's leaders in regard to the future Homestead. Mallory believes the goal to be to enrich the lives of Spring Hill residents and Miami County. Mallory asked the Planning Commission to approve the application so that Always & Furever can continue to save lives.

Broers called the following names: Deeann Brim, and Terry Custer.

Broers stated she has called all names that signed up to speak and would like to give everyone that hasn't had an opportunity to speak one last chance to come forth and speak if they would like to. No one else came forth.

Broers closed the Public Hearing - 23002-CUP: Always and Furever Midwest Animal Sanctuary at 9:53 p.m.

Broers invited the applicant to the podium offering a chance to respond to the public comments.

Curtis Holland, Attorney for Always & Furever Midwest Animal Sanctuary, stated he prepared eight (8) pages to say tonight but after hearing everything said tonight, he doesn't believe he can add to it. Holland thanked the Planning Commissioners for their consideration and time in hearing this application. Holland noted in all the years he has been doing this and the number of hearings he has been involved in he has never seen the overwhelming number of supporters for an application as was seen tonight. Holland believes Always & Furever has done everything they can to address any of the neighbors' concerns with respect to the way the facility will be operated. Holland stated the 40-acres being proposed for the expansion of Always & Furever is well suited for the project. Holland believes there is no organization better than Always & Furever. Holland discussed items submitted with the application including an eight (8) page narrative. Holland believes Always & Furever has addressed the concerns about the noise from barking. He stated the building will be insulated; the dogs will always be supervised when outside. Holland stated dogs don't typically bark when supervised. Holland believes they bark when left outside on their own or they get spooked. When the dogs are being walked they will be double leashed. Holland stated there is concern of dogs escaping, they have taken precautions for this including fencing. Holland stated all the comments and facts heard tonight support approval of this Conditional Use Permit (CUP). Holland stated there is no evidence there will be uncontrolled barking dogs, or a lot of traffic on the road. The traffic report that was submitted in support of this application. 223rd Street is an arterial road with a capacity of 3,500 to 4,000 trips per day. The number of trips per day on the report is less than half of what the capacity of the road is. Holland continued to discuss items from the traffic report. Holland stated when looking at the Golden Criteria, they prepared a statement of the Golden Criteria and Always & Furever's reasons why they meet the Golden Criteria. Holland stated in terms of the character of the neighborhood they aren't changing it much. Holland noted Always & Furever is already in the neighborhood and have been there for five (5) years. In the five (5) years there are no real complaints from the neighbors near Always & Furever in terms of the barking, traffic, and other concerns the neighbors stated. Holland believes Always & Furever is maintaining the rural character of the property by leaving over 95% of open space, and leaving all trees currently on the property (it is a heavily treed property). Holland stated they are hopeful the Planning Commission will approve the application. Holland noted it is a CUP and Staff has a list of stipulations that Always & Furever is in agreeance with. Holland stated they plan to stay in compliance by following the rules provided by Miami County. Holland believes there is a desperate need for the kennel and replacement of the Miami County Shelter, known as the Osawatomie Pound, Always

& Furever is here to do that for the County. Holland stated Miami County pays money to Osawatomie Pound to help run the pound. Always & Furever will provide the service for free, the Miami County residents won't have to pay a penny for this service. Holland stated it is a 10-year plan and they understand if they don't follow the rules there is possible enforcement action that can be taken. Holland offered to answer questions.

Kitchen asked if Always & Furever has a contract with the County.

Holland stated there is no written contract with the County but have had good discussions with the County as well as the City of Osawatomie and feel confident they will have the ability to provide the service to the County.

Broers asked Holland to identify who they have been speaking with about the service to be provided as the County Counselor denied this was the case.

Dulski stated for the past four (4) years she has been communicating with Michael Scanlon at Osawatomie and has emails to back it up.

Broers noted he isn't a County employee.

Dulski stated no, but he has been direct contact with Shane Krull and the city managers within Miami county. Dulski stated Scanlon has asked that the communication go through him to the county and other cities. Dulski stated he is now stepping back but they have put the faith in someone, and she can't imagine why discussions wouldn't move forward. Dulski stated she can't negotiate a contract until there is actually a place for the animals to go.

Philgreen asked for a demonstration of a double leash.

Dulski described what double leashing is and how they secure the dogs.

Kitchen asked how long ago did Always & Furever purchase the property.

Dulski stated it was purchased on April 15, 2022.

Kitchen asked if it was purchased with the intention of the expansion of Always & Furever.

Dulski stated 100%. Dulski stated she purchased her place in 2018 and had discussions about the 40-acres with the volunteers about who owns the property. Dulski stated she told the volunteers she wanted to write a letter to the owners and convince them this is the right place for Always & Furever to be.

Kitchen asked if there is a reason she didn't look for commercial property.

Dulski stated Always & Furever is not a commercial operation and has no intention of ever being that way. Dulski stated her home is maybe 50-feet from the Little Red Barn and never hears a dog barking at night.

Kitchen stated it doesn't make a deference about the dogs barking; it goes to the infrastructure of the proposal including the number of employees.

Dulski stated just because there are employees on the property doesn't make it commercial. Dulski stated this is her home that she has taken a falling down horse barn and turned it into a dog shelter and sanctuary. Dulski stated they plan to put beautiful farmhouses that house dogs on the property and it will be a phenomenal place that people are going to want to be at. Dulski stated for every person that doesn't want

to live next door there are 350,000 people on Facebook or a million on Instagram and TikTok that are going to want to move here and be next door to Always & Furever for what we do and how we do it.

Philgreen requested an explanation of the pet trap area on the drawings.

Dulski asked that Craig Elford respond to the question.

Elford stated basically there are two (2) doors so that if a dog gets through the first door then there is a second door that will prevent the dog from escaping the altogether.

Manchester stated around three (3) years ago March there was a dog kennel for profit with around 500 dogs on an 80 or 120 acres and believes every neighbor within 1,000-feet was against the kennel. Manchester discussed this previous request including that the applicant withdrew their request.

Cook stated he believes that was K-9 Acres which was in 2020. Cook stated it was an item he included in the Staff Report from April's meeting it shows the details as being around 150 dogs on nearly 80 acres. Cook stated he did some research on this application and the Planning Commission held a public hearing. The public hearing was continued to allow the applicant to have time to address some of the concerns brought up by the neighbors. At some point after the public hearing was continued the applicant withdrew their application. Cook doesn't believe it made it to a discussion on continuing. And believes it was more like a daycare facility that the employees would pick up the dogs from the owners and board them until the owner picked them. Cook stated there are some similarities but definitely some differences.

Manchester believes the main concerns was decline in the property values; and it was similar to a commercial business and went against the Comprehensive Plan or Golden Criteria.

Cook stated he believes those are concerns that were brought up, but it never made it to deliberations.

Broers stated she would like to move into the formal discussion between the Planning Commission. Philgreen stated he has additional questions of applicant and asked for approval to move forward before the formal discussion with the Planning Commission. Broers stated they will move to formal discussion and the Planning Commissioners are welcome to ask questions of Staff and applicant while in formal discussion.

Philgreen asked Dulski if she plans to continue living at her current home if the expansion is approved.

Dulski stated absolutely. She stated she is all-in on this project and has invested her own money into this project. She doesn't believe they can be compared to a for profit kennel.

Philgreen asked if this is approved what will happen to the current 19 dogs, will they stay in the Little Red Barn or move to the new facility.

Dulski stated she personally owns the 5-acre land she is living on and Always & Furever owns the 40-acres being proposed for the expansion. Always & Furever is a licensed rescue network through the Department of Agricultural in the State of Kansas which means no more than 19 dogs on that property and the State of Kansas performs surprise inspections. Dulski stated the 40-acres will be ran by Always & Furever with 230 animals and there will be 19 senior dogs living on her property.

Manchester asked besides a place to take dogs are there any other benefits this facility will provide to Miami County. Is there property tax?

Holland stated the property will not be tax-exempt and it would be taxed like anyone else's property in Miami County. Holland stated property taxes has nothing to do with the Golden Criteria and shouldn't be

something that is even considered with this application. Holland stated for the record it is not a commercial operation.

Kitchen stated it may not be a commercial business but has the look or feel of a commercial business. And asked what makes a business a commercial business.

Holland stated there are many factors to answer that such as a retail business. This is a non-profit organization that does not charge any fees for the animals, he is hard-pressed to call it a commercial business just because it's on 40-acres and has multiple buildings, he does not believe this is a commercial operation.

Kitchen asked what the Department of Agricultural say. When a facility has a certain number of animal units the State of Kansas gets involved. Kitchen stated he wouldn't call it commercial either but there is a certain number of....

Dulski stated the Department of Agricultural would not define a business, a non-profit, or a rescue as commercial they define it by the number of animals in your care such as up to 19 animals (which is what the rescue license is on Dulski's personal property) or 20 or more animals that is for profit in a kennel, breeding, or pound/shelter situation. Then it falls under the umbrella of an animal shelter, there is no designation of commercial or residential.

Broers and Kitchen stated no one is saying this is a commercial business, they are saying it has the appearance of a commercial business whether you are non-profit or not it changes everything around. Kitchen stated whether it was intended to change the area or not.

Holland asked the Planning Commission to define what is meant by change. Holland believes the concerns brought up have already been addressed: noise, traffic, lights...

Kitchen stated if it didn't change anything then he doesn't believe the applicant would be here for a Conditional Use Permit (CUP). Kitchen stated zoning rules put in place 30-years ago and this isn't new.

Holland stated CUPs are not permitted by right, but they are permitted within the zoning district subject to conditions and stipulations which is the reason to have meetings and hearings about CUPs.

Kitchen asked doesn't Dulski have a CUP for her current 19 dogs.

Dulski stated she does not currently have a CUP, but meet with the Director of Planning & Zoning and the County Attorney (neither are with the County any longer) and was issued a letter of exception since it was not a for profit business and only 19 dogs.

Kitchen asked the people that have been present speaking about volunteering/working at the Little Red Barn, is that at Dulski's house.

Dulski replied yes.

Philgreen asked about the phases and stated looking at a site plan in the upper Northeast section are some big buildings and in the Northwest section (closest to Dulski's house) additional buildings and the South section several more buildings and asked Dulski to explain the 3 Phases.

Dulski explained the 3 Phases and what buildings are in each phase and that they have the funding to move forward with the "Miami County" Shelter for about a million dollars.

Philgreen asked if the Planning Commission were to approve Phases 1 & 2 but not 3, and you would have to come back for approval of Phase 3, what would be your response.

Dulski stated she is never giving up on this dream and if it is contingent upon her performance as running the rescue and proving herself with a contingent of proving herself, she would be 100% in because she has all her faith and trust in the people running this facility and standing behind her. However, if the Planning Commission only approves Phase 1 & 2 come back in 10-years, absolutely not Always & Furever will not go away.

Philgreen asked not “go away” or “withdraw the application”.

Dulski stated not able to answer that at this time but very rarely give-up. Dulski believes they do too much good to stop.

Flake stated he is curious like Philgreen, if Phase 1 & 2 are approved and not Phase 3 Flake believes that is possibly a grey area where there could be an agreement versus black & white.

Dulski asked why Phase 1 & 2 and not 3. Dulski questioned what will change in Phase 3 that isn't happening with Phase 1 & 2 and how has she not proven herself in the five years to get to where they are today. Dulski stated there have been meetings with the neighbors and Staff (Staff has changed now, but there were multiple meetings with the previous Staff) to get where they are now. The goal is not to have 230 animals but to have 50, maybe, and to end homeless sheltered animals because people keep stepping forward to help them. Always & Furever just needs the space and facilities to do that.

Brockus asked if there is a private residence planned in any of the Phases.

Dulski stated in Phase 3 there will be a private residence.

Brockus asked who will live there.

Dulski stated it will be a staff member so there will be a staff member present full-time.

Broers asked if it will be Bostich, Broers believes he mentioned wanting to move closer.

Dulski stated he does live in the Kansas City, MO area, he is a staff member and Always & Furever has staff members willing to travel and move closer to the facilities.

Broers stated there were some comments made by Holland that she would like to ask Holland about.

- In the first presentation Holland stated Staff did a good job and had no factual disputes. Broers agrees the facts are not the issues. Broers is asking if it is how the Golden Criteria that is applied trying to understand Hollands comment correctly.
 - Holland stated there aren't any real facts in dispute, the facts, in his opinion, support the approval of the application. Holland believes even Staff recognizes and acknowledges there are aspects of their project adequately taken care of or will address.
- Broers believes she saw in the report that Always & Furever believes this is ancillary to an Ag use. Broers asked for a better understanding to this comment.
 - Holland stated the State of Kansas has struggled with “what is Ag” and believes an argument can be made that this property is Ag ancillary as it is in the realm of rural and potentially an Ag use.

Kitchen asked if Holland is referring to the current use of the property or the planned use of the property.

Holland stated the current use is vacant. It's not cattle, it's not crops, but the State of Kansas doesn't look purely at those kind of uses.

Kitchen stated possibly fall under animal husbandry. Kitchen stated if this were an Ag use they could put cattle, hogs, or whatever Department of Agricultural and the neighbors might not like that either.

Holland stated if this were a pure Ag use Always & Furever wouldn't be asking for permission.

Manchester stated people will purchase land and want to develop that requires a Conditional Use Permit (CUP), people should know there is no guarantee when purchasing property for development. Manchester mentioned past case involving a truck stop.

Kitchen asked why was zoning regulations put in place if CUPs are allowed.

Cook stated the Planning Commission needs to be careful when comparing other cases that are really not associated with this request. Decisions need to be based on what is happening with this application. Cook stated the truck stop was requiring a whole different zoning designation, the Conditional Use Permit (CUP) process follows typically the same process as rezoning without rezoning an area. Cook stated kennels are a use that can be considered in the Agricultural District and Countryside District. This request is not completely inappropriate for that zoning district as those activities are possible. Because of the uniqueness of some of the operations of the businesses that might occur it allows the county to look at those conditions and make a decision as to does that operation work at this specific location with the uses already going around it. That is where the Golden Criteria comes in.

Kitchen stated if you own a piece of property for 150 years in Miami County and rules get put into play 30 years ago that were voted on to protect your rights as a property owner to keep something from going in that you didn't...., now we are 30 years later with CUPs. What good is the zoning?

Holland stated the difference is a CUP allows for stipulations and conditions on the operations to mitigate any potential issues. Certain uses area allowed in certain zoning districts that aren't allowed in other zoning districts.

Philgreen stated he is a big believer in past behavior is the best predictor of future results and asked Staff if there are any complaints against the current Always & Furever operation.

Cook stated there is one (1) complaint that Staff is aware of was concerning a dog named TK. Miami County has a dangerous dog regulation and the previous legal counselor believed Always & Furever was in compliance with the requirements. There was a complaint from neighbors or somebody in regard to a dog being housed at the facility because of concerns with it possibly being a vicious dog. Staff reached out to the Sheriff's office regarding what calls, if any, have they received regarding the Always & Furever property. Most of the reports provided by the Sheriff's office doesn't appear to be related to Always & Furever. Examples of the calls were: an alarm went off, a small fire, accidents on the road near the area, and 2 reports of a dog/puppies at large on 223rd St. It is Staff's understanding neither of those cases were dogs belonging to Always & Furever, people just dumped the dog/puppies. The were three (3) dog bite incidents at the facility, it isn't necessarily shown in the report if they were staff related or someone else that was bit.

Philgreen asked if it is safe to say that there has never been a complaint substantiated of one of their dogs getting out, roaming the neighborhood, biting other people, or attacking other animals that Staff is aware of.

Cook stated he did not find any reports that specified any...

Philgreen asked any reports of barking.

Cook stated he has not seen any reports on barking.

Holland stated Always & Furever has never been contacted about any complaints.

Broers asked if Always & Furever knew about the three (3) dog bites.

Holland stated those are calls but they are not violations of any laws. They were all internal issues, no dog escaped and bit someone.

Broers stated that's correct but he didn't ask about violations.

Philgreen referenced the narrative written by Staff on June 27, 2017, where Dulski spoke with Teresa Reeves (previous Planning & Zoning Director) and asked what's the number of dogs she can have at her current 5-acres and the answer was 19. Philgreen asked if that is that a county rule or where did that number come from.

Cook stated it is a mixture of county rule and State requirement. Cook stated when comparing Miami County's definition of "what is a kennel" the easiest thing is if it is licensed by the State of Kansas as a kennel it is automatically considered a kennel and needs to comply with those requirements. Or if it is part of a commercial business with money changing hands.

Philgreen asked what would stop Always & Furever from subdividing the 40-acres into 8 5-acre plats selling them to other friends and they each put a house in, and each have 19 dogs.

Cook stated it would be possible, but it would be difficult with the subdivision and zoning regulations in order to make that many divisions.

Philgreen stated so it is possible to subdivide, each new plot have a house, and each house could house 19 dogs.

Cook stated yes it is possible. Cook noted the original idea presented to Reeves and Staff was that Dulski would have 19 dogs personally owned by herself with no other operation. Cook state there is an email from Reeves (will need to look through the emails to locate it) that expressed concern that she felt the operation has gone beyond what was originally described as a person's residence with their personal dogs. While Reeves expressed concern that the operation wasn't in compliance with what was approved there was an application submitted that would address that issue and if the Conditional Use Permit was approved then everything would be good.

Brown stated his understanding is that the intersection of 223rd St and Highway 169 is an area of regional significance.

Cook agreed.

Brown asked where the lines are drawn as to where that begins and where it ends.

Cook stated the Comprehensive Plan doesn't give specific boundaries for that area so that is to be determined by the Planning Commissioners and by the Board County Commissioners as requests are considered.

Brown believes Always & Furever is an outstanding group and doesn't recall a more thorough application or more support for an idea. Brown stated for him the location is a sticky situation. Brown stated Staff's recommendation for denying the application due to the Comprehensive Plan doesn't match his view.

Brown stated it is regulated by the Department of Agriculture, it is ag-ish and that fits in the Comprehensive Plan. Brown stated even the design with the screening surrounding it and the style of the buildings feel simpatico with the Comprehensive Plan. Brown believes the character of the neighborhood... it is less than a mile from a junk yard and that is less than compelling to Brown that it is out of the character of the neighborhood. Brown believes it is very close to his estimation of a regional of significance.

Kitchen asked how many of the houses are within 1,000-feet of the junkyard.

Brown stated it appears to be several but not sure. Brown believes this organization is a clear benefit to the County and to the residents of the County, it fills a need that is obvious, and believes the Planning Commission would be foolish if they can't find a way to make this work.

Kitchen stated if a person lives in the rural area on a blacktop road there is going to be change and if you don't want change then you need to buy the property next to you to prevent development from happening.

Manchester stated he agrees with Brown that the organization is world class, and he is impressed with the fact that they will be insulating the buildings. Manchester stated if people would take care of homeless people like this group wants to take care of homeless pets it would be unbelievable. Manchester stated the Planning Commission have been bombarded with a lot of people supportive of the request. Manchester expressed concern with people coming out of Overland Park / Johnson County, they are not taxpayers. Manchester stated he is here to represent the taxpayers of Miami County. Manchester discussed his families pass ties to the property. He also expressed concern with people coming from Johnson County impacting property values and trespassing on properties.

Broers asked where is the junkyard located.

Brown stated at the interchange.

Cook stated it is at the Northwest corner of Highway 169 and 223rd St. There are a couple vacant lots on the South side, and they are currently doing a lot of fill work in there for a possible business.

Kitchen asked if the junkyard has been there longer than the neighbors currently surround the Always & Furever property.

Cook stated possibly some but not sure. Cook's understanding is that the junkyard has been there prior to Zoning Regulations.

Philgreen asked where the City of Spring Hill's line is and postulated that it will all be Spring Hill eventually.

Cook stated the three (3) directly South of the salvage yard are in the City of Spring Hill limits and also properties on the South side of 223rd St around Columbia.

Philgreen stated Spring Hill City limits is less than one (1) mile from this area. Cook agreed.

Philgreen stated depending on how the vote comes out the Planning Commission is a recommending body meaning they are recommending a decision to the County Commissioners. The County Commissioners will hear this again, more than likely a protest petition will be filed, and then it will take a super majority vote.

Cook agreed. Cook stated whatever the Planning Commission decides to do Cook recommends the Planning Commission considers the Golden Criteria.

Kitchen asked Staff to read the Golden Criteria.

Cook read the Golden Criteria from the Staff report for the Planning Commission meeting held on April 4, 2023.

Kitchen asked Staff to read the purpose of Miami County's zoning.

Cook read the purpose of Miami County's zoning from the Miami County's Zoning Regulations.

Kitchen asked if that had any bearing on the Staff's findings.

Cook stated yes. Cook believes there are a mixture of findings; positive, negative, and neutral. Cook believes there is a need in Miami County for a facility like this and there will be some impact to adjoining property owners based on what is proposed. The applicant has provided a proposal to mitigate a lot of the issues, they do comply with the minimum standards listed for Conditional Use Permits (CUP). Cook noted he looks at uses that are listed as Conditional Uses and his first look is usually "what can Staff do to make it work in this situation". Cook's concern with this request is the overall intensity and what is being proposed. If this application were to be proposed for another area there might only be three (3) other houses, the specific location where this is being proposed is near one of the higher number of residents directly adjacent to the property. This area has been more developed in intensity than a lot of other places in this area and has more of a residential character. Cook asked at what point does this cross over to being too intense; 20 dogs, 50 dogs, 100 dogs... Cook believes it is too intense for him to say where that line is....

Broers said she wrote down five (5) words she believes sums this up; recognizing Staff did a good work, and put together a beautiful presentation.

- This is unprecedented in the County
- It is intense
- It is persistent and permanent
- Once this goes up, the character of that lot has changed forever, it's never going back

Broers asked if the intention of a Conditional Use Permit (CUP) is to permanently change the character of the lot. And to Kitchen's point, Broers believes that is why we have Zoning Regulations. Broers believes this would be more appropriate in a Commercial District. Even though it is a non-profit it represents commercial intensity. Broers stated it is not Ag Adjacent, not in any realm, horses aren't even Ag, or the State of Kansas would have labeled dogs as Ag. Broers stated one of her big things is the Hillsdale Watershed. Broers stated the dogs' urine will runoff into Ms. Berlin's pond, down into the creek, then into the Wetland where some of the best duck around is. Broers believes there has been this "public good" that has been presented and the Planning Commission needs to make sure they don't get "rose colored glasses" regarding the great work they are doing. Broers reminded the Planning Commission is charged with applying the Zoning Regulations and charged with looking at the Golden Criteria and Broers believes this fundamentally changes the character of that neighborhood. Broers stated change may be coming, Spring Hill annexes it in 10-years then the change has come but we are talking about today and this changes the character of that neighborhood.

Brockus stated he can empathize with both points of view, both the applicant and the opposing neighbors. Brockus stated on one hand the applicant has a passionate vision and there's nothing like it in Kansas

City, she has a professional team, great staff, seems to have a good business history, and the project would be good for pet owners and pets. Brockus believes what they do and have done is admirable. Brockus stated our propose is to make a difference in the lives of people and animals on earth; they serve a good propose, they are making a difference making the world a better place. On the other hand, the opponents say it's not compatible to the existing character of the neighborhood and don't believe it meets the Golden Criteria standards or the Comprehensive Plan as does County Staff. Brockus has and stated this is a difficult vote.

Manchester stated this is a good group of people and everything they do is amazing. Manchester stated in reading the emails that have been submitted, the 1,000-foot neighbors are not against Always & Furever except in their neighborhood.

Manchester moved to deny application 23002-CUP; Always & Furever Midwest Animal Sanctuary. Brockus seconded. Broers asked for deliberation from the Planning Commission.

Philgreen stated the Planning Commission is not here tell people what they can/cannot do with their property, and he believes in the rights of a homeowner and the ability to do what they would like to do with their property until it affects someone else. Philgreen believes the Planning Commissioners job is to protect one citizen from another, to prevent something from happening on one property that adversely affects what happens on someone else's property. Philgreen noted thankfully this wasn't a popularity contest, there could have been 10,000 people from all over, just because someone has a good social media platform and has more speakers doesn't mean that is the way the vote should go. Philgreen stated he listens to the people that are a 1,000-feet away, he believes they have a lot to say, they will be the ones most affected by this. Philgreen stated as he read emails and listened to comments there are a lot of things he doesn't agree with. Philgreen stated when he hears a neighbor say, "this is great", "I love this", "we really need this", or "I just don't want it in my backyard", these statements changes the job of the Planning Commissioners. If an applicant doesn't get approved for this backyard then whose backyard does it get to be in. Philgreen believes this is something clearly needed in the County, and it benefits everyone. Philgreen stated he can't think of a better place than 223rd for this to be on, it's an arterial road right next to a major intersection, there will be major multi-family units within a ¼ mile of this facility within 10-years Philgreen guarantees that, doesn't believe safety is a concern. Philgreen stated he has driven this property several times in the past several weeks and cannot hear dogs barking. Philgreen put himself in the neighbors shoes and asked what does he see. He sees 40-acres with a 6-foot fence, a lot of screening, with people that have demonstrated that they won't be a danger to the neighborhood, they won't be a noise problem, and they won't be a nuisance in the neighborhood. Philgreen doesn't believe the urine and feces will be a problem with the understanding of how lagoons, septic systems, and the way dirt absorbs. Philgreen stated another question is "what could be" and if he were in Dulski's shoes he would be figuring out Plan B. Philgreen stated he would vote to approve Phase 1 & 2, and the reason for that is because the closest building will be on the West side over a 1,000-feet away and the closest building on the East side would be over 500-feet away...

Kitchen stated maybe the Planning Commission should vote on the motion on the floor and if it fails then Philgreen will get his chance.

Philgreen stated he was building a case as to why he thinks this could be done without adversely affecting the neighbors.

Flake stated he knew a month ago this is a quality operation and doesn't believe there is any question about that. Flake stated he believes the detriment will be if one of these properties go on the market and the onlookers see the facility and start asking questions. Flake questions if the barking dogs is a big issue, and stated maybe the runoff is; but to him the detriment will be selling a property if this is approved. Flake stated he agrees with Broers, once this property is changed it will be changed forever. There is no question in Flake's mind about the quality of the operation.

Brown stated to say it is "permanent" it is a 10-year Conditional Use Permit (CUP).

Kitchen stated if they spend millions of dollars developing the property he believes the CUP will be continued.

Flake stated he believed he gave them an out when he asked if they would do Phase 1 & 2, and they replied no. Brown stated he thought she said yes. Flake stated no, she said no she was sticking with the 10-year plan. Flake stated he was looking for some grey area.

Broers stated there is a pending motion and she wants to note, on the motion regarding the Golden Criteria, the suitability of the subject property to its present use, prior to the purchase, it could be used for cattle. Broers believes if this is approved it will detrimentally affect the surrounding properties...

Manchester stated there's no hardship to the owner.

Broers stated she doesn't believe the hardship to the owner is that great. The real estate market booming, she could do like Philgreen suggest and subdivide. Broers doesn't believe Dulski's rights in purchasing this property recently without making the purchase contingent upon approval of the CUP outweighs the adjoining landowners' rights to their continued enjoyment of their property, and doesn't believe the proposed CUP is consistent with the intent and purpose of the Zoning Regulations. Broers believes this application is too intense and permanent, and Staff's recommendation to deny the application. Broers stated the Planning Commission agrees this is wonderful organization doing good work, ultimately Broers doesn't believe it is the right place for it.

Philgreen asked Broers to explain what she means by permanent change.

Broers stated used an arena as an example stating if the CUP for the arena were to be taken away the arena is not a large compound, it's something a horse breeder might come in and use for their personal use. Broers stated this proposal is a compound once it's built and the CUP is taken away in 10-years, what happens to the property at that point. It's the realm of what can be done with the property without completely redeveloping it is limited.

Philgreen stated that means the property owner would be hurt because the property will be severely lower in value. It's not the Planning Commission's job to keep the property value high for the owner. Philgreen believes it is the Planning Commission's job is to come up with conditions allowing them to do the activity.

Kitchen stated the job is to protect the properties surrounding the area.

Broers stated it's not just an activity, it is a large construction project.

Philgreen asked if the problem is the construction or the dogs.

Kitchen stated its multiple things.

Manchester stated to ask a real estate agent if a person is looking for property to purchase will they opt to buy the property next to a facility like this or an empty lot with a few cattle.

Kitchen stated the difference is if you moved there and it was already there then you knew before you bought the property. If you already lived in the area and it came into the area then what happens to the property. Kitchen stated if this application were asking to develop in an area with no houses within 2 miles, Kitchen believes it will still change the value of the property. Kitchen stated maybe it will increase, maybe it will decrease, but it is going to change.

Armour stated property values change no matter if it is developed or not. Armour stated he would be happy to move next door because he agrees with most of what they do, their propose. Someone from Johnson County might say “nope, not going to live there” while someone from Linn County might say “this beautiful”.

Brown stated it is a matter of opinion. Brown stated he has a friend with a 1 ½ million dollar property value and a neighbor put in a 1 ½ million dollar house now his friend is upset because the neighbor is lowering his property value.

Broers restated the motion on the table to deny application 23002-CUP; Always & Furever Midwest Animal Sanctuary and requested a roll call vote.

Casey d’Augereau called the roll call vote: Kelli Broers – yes, Randy Kitchen – yes, Bret Manchester – yes, Topher Philgreen – no, Joe Flake – yes, Joshua Brown – no, Gary Brockus – yes, and Charles Armour abstained due to missing the first half of the meeting held April 4, 2023.

Broers stated the vote to deny the application carried with a roll call vote 5 – 2.

Cook stated the Planning Commissioners recommendation will be on the Board of County Commission’s agenda for May 24, 2023. Cook noted tonight starts the Protest Petition and the neighbors could start a Protest Petition. Cook stated just because the Planning Commission is recommending this for a denial, doesn’t mean there can’t be a protest petition.

GENERAL DISCUSSION

Broers asked if Staff has information on the Solar Farms Moratorium. Cook stated he is hoping to have some discussions with the Board of County Commission on May 3, 2023. Flake asked if a special meeting will be considered to take care of this. Cook stated it is a possibility but would like feedback from the Board of County Commission.

Cook started discussion on removal of houses from properties when building a new house... Philgreen asked if this is a discussion needing to take place tonight or can it wait to next month due to the lateness.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

None

Possible Future Amendments to Zoning and Subdivision Regulations

- A. Common Access Easement requirements
- B. Sign Regulations

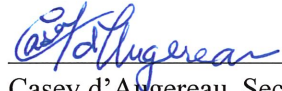
C. Telecommunications Regulations

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

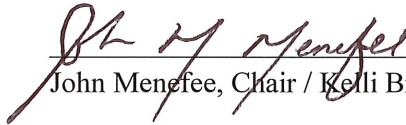
There was no discussion regarding these "Possible Future Amendments" to the regulations.

Kitchen moved to adjourn the meeting, Philgreen seconded. The meeting adjourned at 11:32 p.m. with a unanimous vote (8-0), via show of hands.

Approved this 6th day of June, 2023.



Casey d'Augereau, Secretary



John Mengfee, Chair / Kelli Broers, Vice-Chair

Minutes written by Casey d'Augereau