

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
February 6, 2024**

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

ATTENDANCE

CHAIR:	Kelli Broers
VICE-CHAIR:	Topher Philgreen
PLANNING COMMISSION	Bret Manchester, Joshua Brown, John Menefee, Joe Flake, and Phil Elliott
ABSENT MEMBERS:	Randy Kitchen
EX-OFFICIO MEMBERS:	None present
PLANNING DIRECTOR:	Kenneth Cook
ASST. PLANNING DIRECTOR:	Jennifer Koehn
PLANNER:	Bobby Wardecker
PC SECRETARY:	Casey d'Augereau
COUNTY COUNSELOR:	Not present
ECONOMIC DEVELOPMENT	Not present
COUNTY COMMISSION:	None Present
COUNTY CLERK:	None Present
PRESS:	None Present

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CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call was taken with seven (7) members present, making a quorum.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

There were none.

ADOPTION OF THE AGENDA

Philgreen moved to adopt the agenda. Menefee seconded, and the motion passed unanimously (7-0), via show of hands.

CONSENT AGENDA

- Minutes: Approval of the January 2, 2024, Planning Commission Minutes
- 23015-SUB: Louis Allen Subdivision

Menefee moved to approve the Consent Agenda. Flake seconded, and the motion passed 5-0, two (2) abstained due to being absent from the January meeting (Philgreen and Brown), via show of hands.

Old Business:

23003-CUP: KC Watersports Conditional Use Permit (continued from January 2, 2024 Planning Commission meeting)

Koehn presented a of the Staff report and a summary of updates to the proposal made since the November Planning Commission meeting. The KC Watersport's current Conditional Use Permit (CUP) for two Commercial (C-2) zoned parcels expired on February 24, 2023. The applicant is seeking to renew and modify the CUP for a commercially operated recreational lake and boat storage facility, in accordance with Section 8-2.02.14 and 8.2.02.15 of the Miami County Zoning Regulations. The proposed modifications introduce an indoor boat storage building and 2 short term rental cabins as additions to the business. The Applicant is also seeking an amendment to the hours of operation, extending them to 7 am to Midnight to better accommodate the additional events taking place on the lake, such as Dive in Movies and limited use by groups such as Boy Scouts for camping.

Staff is recommending **approval** to renew and modify the existing CUP based on the following findings and with the conditions laid out in this report.

Koehn noted three (3) Conditions that were not included in the Staff report:

1. Cabins are only to be used as short-term rentals

2. Camping events for the Boy Scouts be limited to five (5) times per year.
3. Parking spaces and ADA parking spaces need to be added to the site plan.

Koehn asked for questions from the Planning Commission, there were none.

Broers invited the applicant to the podium at 7:11 p.m.

Sara Hollonbeck, 25825 Edgemore Rd, Paola, stated she has no additional information to the Staff report and asked if the Planning Commission has any questions for her. There were none.

Broers stated the Public Hearing for this was held November 6, 2023, and called for the Planning Commission deliberations at 7:13 p.m.

Brown inquired about the liability insurance.

Cook stated the Planning Commission requested it be included in the Conditions. Insurance is included in the Conditions for many Conditional Use Permits (CUPs) especially those including outside activities, event venues or activities that have a greater risk. Staff reached out to legal counsel for an opinion, and it was recommended for CUPs with a higher risk of something happening to individuals to have the liability insurance to protect Miami County citizens. Legal counsel also stated listing Miami County as the certificate holder doesn't create additional liability for Miami County.

Elliott asked if there was a discussion about an additional storm water plan.

Koehn stated with the ponds and topography the engineer believed it is fine the way it is.

Broers stated she didn't recall the Planning Commission limiting the cabins to "short-term rentals" but does recall a discussion allowing the applicant to use cabins for his traveling staff members and asked if "short-term rentals" was negotiated with the applicant.

Cook stated he recalls the discussion but understood that the cabins were not to be used as permanent housing which is the why they used the verbiage "short-term rentals". Cook noted the Condition could be amended to stipulate only use for "short-term rentals" or KC Watersports' staff members.

Broers asked the applicant if there are any questions about the "short-term rental" or other Conditions.

Hollonbeck asked why they are needing to prove the liability insurance amount and list Miami County on the certificate.

Cook stated it has been a general policy for CUPs recently to have Miami County listed as a certificate holder. There are some old CUPs that do not have it, but when they are up for renewal this has been placed as a Condition of the CUP.

Manchester asked Staff if a place serving alcohol has something to do with Miami County being listed as a certificate holder.

Cook stated it is not specific to serving alcohol.

Broers asked the applicant if she is good with the Condition limiting the cabins to short-term rentals.

Hollonbeck stated if staffing can use the cabins that would be ideal for them.

Philgreen moved to approve 23003-CUP for KC Watersports with the amendments Staff recommended; cabins can only be used for short-term rentals, Boy Scouts can only use the facilities five (5) times per year, and the parking spaces and ADA parking spaces need to be shown on the site plan. Menefee seconded.

Cook stated Staff's recommendation is for short-term rentals only and does not include KC Watersports' staff being allowed to use the cabins. Cook asked for clarification if the motion includes use of the cabins by KC Watersports' staff on a seasonal basis.

Philgreen stated KC Watersports' staff can use the cabins they just can't have someone living there year-round.

Menefee moved to amend the motion to include KC Watersports' staff can live in the cabins seasonally. Philgreen seconded. Broers called for a show of hands, the vote was 6-1 with Elliott voting against as he believes the "short-term rentals" was a better solution.

Broers called for a vote to Philgreen's motion to approve 23003-CUP KC Watersports as amended. The motion passed unanimously (7-0), via show of hands.

New Business:

23009-CUP: Cricket Fields Conditional Use Permit

Broers opened Staff Presentation at 7:27 p.m.

Cook presented the staff report for consideration of a request for conditional use permit for the operation of Athletic Fields consisting of Cricket Fields, per Section 5-2.02.2 of the Miami County Zoning Regulations. The subject property of approximately 29.11 acres is located on a tract of land located on 299th Street a ¼ Mile East of Spring Valley Road, in the Southwest Quarter of Section 12, Township 17S, Range 24E, Middle Creek Township.

Cook noted the applicant proposes use of the property for a private seasonal and intermittent youth cricket practice and cricket matches with community cookouts or gatherings. The use is proposed to be limited to weekly practices and three weekend matches and will only occur 6-months of the year.

Staff is recommending approval of the CUP for the use of a cricket field based upon the following findings and with the conditions listed in this report.

Cook noted comments were received from the applicant late Friday, February 2, 2024, regarding questions staff had asked, but were not able to be incorporated into staff report as the agenda was already published.

1. *Clarification on hours of operation: Applicant indicated*
 - a. *Practices from 5:00 p.m. to sunset*
 - b. *Matches from 8:00 a.m. to sunset*
2. *Clarification on max number of people, number of teams, and number of vehicles.*
 - a. *Applicant did not include number of people on site but did note their previous labor day event was larger than anticipated and asked to increase the number of vehicles allowed to 30 vehicles. Weekend events have six (6) teams and include a total of 6-7 matches total.*

3. *Pipeline: While the applicants have been in contact with Panhandle Pipeline regarding the easement, they are still awaiting a response regarding use above the pipelines.*
4. *Signs: The proposed sign is to be no taller than 6-feet and would measure 30-inches by 48-inches (10-square feet). The Zoning Regulations currently restrict the height of a sign to a maximum of 5-feet and maximum size of 40-square feet.*
5. *Port-a-potties and cargo container: An updated site plan was submitted (included in packet) and owner is willing to install screening as required. Staff suggests a minimum of the planting of evergreens South of container location.*

Cook noted the applicant's legal counsel has stated the facility will not be opened to the public, and that they are not considered a public accommodation under the ADA requirements. Cook stated Zoning Regulations do not specify specific parking requirements for this type of Use and so the Planning Commission makes the determination as part of their approval of a request. Staff suggests as long as the applicant operates under the proposed plan there will be a maximum of 30 vehicles and parking should be sufficient.

Cook noted he received responses to his request for comments from Emergency Management, EMS, and Codes Environmental suggesting the driveway and the parking lot be designed to handle the capacity of emergency vehicles and provide for an ability for emergency vehicles to turn around.

Cook reviewed highlights from staff's findings involving the *Golden Criteria* as outlined in the Staff Report.

Cook stated Staff is recommending approval of the request for a Conditional Use Permit (CUP) based on the Findings and Conditions outlined in the Staff Report, with amendments to a couple of Conditions based on the applicant's responses received on February 2, 2024. Based upon updated information submitted by the applicant, Staff suggested amendments to Condition #7 regarding hours of operation, and Condition #8 updating the number of trips to be anticipated during match days.

Cook asked for questions from the Planning Commission.

Manchester asked for the maximum number of people present at a match.

Cook stated the applicant will need to clarify this.

Flake asked how to handle the sign.

Cook stated Condition #10 addresses the sign stipulating the signage must comply with Miami County Sign Regulations.

Philgreen asked what is the threshold for when a Conditional Use Permit (CUP) is required for a sports field verses when someone can just have an event in their field.

Cook stated there are a mixture of items, but if it includes a commercial component it definitely requires a CUP. Staff also noted regarding this operation that the principle use of the property is for the athletic field and is not just an accessory use to a dwelling. Staff had a lot of internal conversations about the threshold.

Broers invited the applicant or his representative to the podium at 8:00 p.m.

Neal Woodworth, 7200 W 132nd St, Overland Park, KS, applicant's attorney, stated they don't have a lot to add to Staff's report but would like to reiterate the limited nature of the proposed use. The Cricket Fields will be by private invitation only, it will not be opened to the general public. There was a flyer that circulated, the flyer was distributed to the applicant's friends, and the businesses listed on the flyer are primarily businesses owned by the applicant. Once the applicant received the complaint letters he stopped distributing the flyer. The applicant is wanting to comply with everything Miami County asks of him.

Woodworth stated there are two (2) fields, eleven (11) people per team and maybe 5-10 spectators.

Manchester asked if the teams rotate out when they finish a match and new teams come out to play.

Woodworth stated the groups are out there at the same time rotate between the fields and when all the games are over they all leave at the same time.

Manchester asked if this will be kids or adults on the fields.

Woodworth stated the practices will be kids and the matches will be adults.

Manchester asked if any of the players are from Miami County.

Woodworth stated mostly from Overland Park/Johnson County.

Brown asked if the applicant had a chance to review the Conditions and if he has any thoughts on them.

Woodworth stated they are fine with the proposed Conditions and understand they may change a little bit; the applicant plans to comply with the Conditions. There was mention of it having a commercial nature to it, and there is no commercial nature to it.

Hussnain Fazal, 17100 Stearn St, Overland Park, doesn't believe there is a commercial use. Fazal stated it is a group of friends and they were each giving \$250-500 per game, this pays for the food and incidentals for the games that day and the remaining money goes to the winning team. Fazal stated they did away with the fee.

Broers asked if the applicant is ok with this.

Fazal stated yes and when he received the notice they canceled the event and wants to be in compliance with the County.

Woodworth stated based on the complaints and notices the idea is to modify what the use will be so that they are in compliance with what is expected. They want to be good neighbors.

Fazal stated the practices are kids that are 6-14 years old. Fazal noted the kids have no place to practice and that is why he would like to allow them to practice on the proposed property.

Philgreen asked if this is a growing sport in the area.

Fazal stated yes.

Broers opened Public Hearing 23009-CUP at 8:08 p.m. Broers noted persons speaking need to state their name and address for the record. All comments are to be limited to three (3) minutes and all comments need to be directed to the Planning Commission not the applicant or audience.

Lisa Kice, 10395 W 299th St, Louisburg, stated her family is in the process of building a house and choose this location because of the limited traffic. Kice is now questioning if they will keep their house once it is built due to the Cricket Field. Kice's primary concerns are the number of people coming to the site, having strangers coming into the neighborhood and traffic.

Joe Gregar, 10699 W. 295th St, Louisburg, stated his property connects to the subject's property to the North. Gregar noted he does not have any issues with Cricket Fields or the additional traffic from a few more cars.

Dane Griffin, 29772 Spring Valley Rd, stated he has no problem with people coming out there and having a good time with their family. Griffin believes there will be a big problem with the added traffic. Griffin expressed concern that the numbers of people coming to the site, traffic and number of events do not appear to match up.

Debra Gengelbach, 29955 Spring Valley Rd, Louisburg, stated she is located at 299th & Spring Valley Rd and catches the traffic on both sides of her property. Gengelbach stated she pays \$800 per year for dust abatement and doesn't believe it is sufficient for the current traffic on the roads. Gengelbach stated the subject property has major pipelines under it and it cannot be built on. Gengelbach asked for clarification on "approximately 1 practice per week" and how long an event runs. Gengelbach asked who will police the number of cars.

Larry Lewis, 29800 Spring Valley Rd, Louisburg, stated his concern is supposed to be for family and friends only is turning out to be a full blown sports club. Lewis believes the increase in traffic alone will be detrimental to the area.

Justin Cutshaw, 29705 Spring Valley Rd, Louisburg, stated his property adjoins the West side of the subject's property. Cutshaw is concerned with the added traffic and stated there is a lot of AG traffic on the roads in this area as well. Cutshaw the Cricket Fields were already in operation before the application process.

Broers asked if there was any additional public comment. There being none she closed Public Hearing 23009-CUP at 8:21 p.m. and invited the applicant to the podium to respond to the comments provided.

Woodworth stated he believes the majority of the concerns are over traffic. The youth practices are proposed during the week. Matches will be on the weekends will include adults and don not generally generate many spectators. When there is a match the players carpool with 4-5 people per vehicle. Due to the distance they are traveling, they prefer carpooling.

Fazal stated when the kids have practices, several of them carpool with a parent. The practices are held only one day a week, but it is up to the parents what day they practice.

Woodworth stated the practices are not open ended and the applicant is willing to reword the narrative if necessary.

Philgreen stated most of the concerns are about the traffic and asked the applicant if he is confident that he will not exceed 30 vehicles.

Woodworth stated whatever the Condition is the applicant will comply with it.

Brown asked the applicant to give more details pertaining to the practices; expectations and frequency.

Fazal stated once a week after 5:00 p.m. starting after March and if temperatures are above 50 degrees.

Cook noted he listed the number of practices, and hours of operations in the Conditions in an attempt to address these issues. Cook reminded that Miami County is a complaint driven county and if a complaint is received Staff will investigate.

Broers opened Planning Commission deliberation at 8:29 p.m.

Flake stated he is concerned with the traffic, parking, and number of vehicles. Flake stated he counted 29 vehicles in a picture and the applicant stated they are growing. Flake would like to know what the future will bring.

Manchester question how based upon the Golden Criteria and the Comprehensive Plan does this benefit Miami County, and it appears to him there are no Miami County Residents involved in this. Manchester believes this is zoned for AG not for a sports. Manchester doesn't believe this will benefit Miami County and has concerns with the surrounding property values.

Philgreen doesn't believe being a resident of Miami County should be a factor. Philgreen stated the biggest thing he heard was the number of vehicles on the road. Philgreen stated the reason for conditions is to assure people adhere to County's regulations.

Flake stated one of his concerns is if the applicant will keep the vehicles limited to 30 or not. Flake noted the applicant stated it is a growing sport and that will change the 30 vehicle number.

Menefee stated he believes the applicant is not planning on growing but it is a growing sport in the Kansas City Metro area. Menefee stated if the applicant limits it to four (4) teams, he doesn't have to allow more teams into the matches.

Broers stated the applicant noted the growth of his teams has been very limited in the last nine (9) years. Broers noted she agrees with Philgreen. Broers believes this seems to be a light touch to the property considering it's 30 acres, the two (2) little pitches are minimal. Broers stated, without doing the math, she speculates no use will occur on the subject property for more than 75% of the year. Broers believes this could be compatible to Agricultural uses.

Menefee noted Miami County's Comprehensive Plan doesn't stipulate protecting our Agriculture, it stipulates protecting the Rural Character. Menefee believes it is impossible to define Rural Character because it is up for interpretation. Menefee stated he would define Rural Character differently than a person coming from Johnson County. Menefee stated he teachers during the day, but counted the number of trip to his farm in one day between his parents, wife, and himself and it was over a dozen trips not counting the farm equipment. This would be over 70 trips in a week, and the applicant is looking at 60 trips over three (3) days, three (3) times a year. Menefee stated that is less impact than his farm has.

Brown stated he believes with most of what has been said tonight with minimal footprints, it's not big enough to require a traffic study, and the whole point of a Conditional Use Permit (CUP) is to put Conditions on the use. Brown noted as long as the applicant operates within the Conditions it should be ok.

Menefee asked what happens if the applicant exceeds the number of trips/vehicles. Menefee stated unfortunately, Miami County is complaint driven and that is the only checks and balances there is.

Elliott asked everyone to turn to page 57 of the Agenda Packet, it is a map showing the pipelines, showing where the fields will go, where the parking will be, the storage container, port-a-potties, and the crop area. Elliott noted the applicant did a nice job with his attempt to surround the fields with crop area. Elliott believes the applicant is trying to keep the Rural Character of the area.

Elliott asked Staff to clarify changes to Conditions.

Cook noted the following: practices from 5:00 p.m. to sunset and matches will be 8:00 a.m. to sunset with no one on the property after 10:00 p.m., and increase the traffic count from 50 to 60 per day.

Cook suggest the cargo container and port-a-potties be moved to the South side of the parking lot. This will allow screening to be placed so as to screen the parking lot, cargo container, and port-a-potties.

Philgreen asked the reason for screening when it is a distance from the road.

Cook stated if it can be seen from the road, especially the cargo container, screening is typically required.

Philgreen stated Staff limited the CUP to the number of trips it is hard to count trips but easy to count the number of vehicles and asked is there a reason the number of vehicles isn't used instead of number of trips.

Cook stated Staff is primarily concerned with the impact of the number of trips that would be generated.

Broers asked about adding a capacity of no more than 120 people.

Menefee stated it is easier to count a drone picture of vehicles than people.

Elliott asked if someone were doing a youth football, baseball, or cricket practice on their property once a week with plenty of off-road parking would that be presented to the Planning Commissioners as a topic of discussion.

Cook stated if there were no improvements made to the site or considered an accessory use to a dwelling, it is doubtful that it would be presented.

Elliott stated removing practices from the equation the discussion is now about three (3) matches per year. Three (3) matches per year, 60 trips per day limits the exposure reducing the risk and impact to the neighborhood.

Elliott moved to approve 23009-CUP: Cricket Fields based on the Findings and Conditions in the Staff Report with the suggested amendments to the Conditions provided by Staff. Brown seconded. Broers called for a roll call vote. The motion passed 5-2 with Manchester and Flake opposed, via roll call vote.

Broers stated this will be heard by the Board of County Commissioners on February 28, 2024.

Cook agreed. Cook noted the public hearing was concluded tonight and there is a two (2) week protest period following the conclusion of the public hearing. A protest petition is required to be filed with the County Clerk's Office within the two (2) weeks following the conclusion of the public hearing.

Broers noted the Planning Commission makes a recommendation for the applications to the Board of County Commissioners, the Board of County Commissioners makes the final decision.

GENERAL DISCUSSION:

COMPREHENSIVE PLAN DISCUSSION

Broers moved to the Comprehensive Plan discussion 8:51 p.m.

Cook stated it was suggested at a previous meeting to have Study Sessions on The Comprehensive Plan outside of the regular meeting. Cook suggested the third Tuesday of the month and asked for feedback. Through the discussion it was agreed to have Study Sessions on Tuesdays. Staff will send a survey to confirm dates and times.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Broers noted the next Planning Commission meeting will be held Tuesday, March 5, 2024 at 7:00 p.m.

Elliott stated there is an 1800 solar panel setup at the Spring Hill High School and noted it would be a good way to see how it can be integrated into a space. Elliott invited Staff and Planning Commissioners out to see it in person.

Menefee asked if Staff is in touch with Linn County on their progress of their Solar Farm Regulations.

Cook stated he believes they have adopted some regulations, but Staff has not been in contact with Linn County recently.

Possible Future Amendments to Zoning and Subdivision Regulations

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

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

Philgreen moved to adjourn the meeting, Manchester seconded. The meeting adjourned at 9:02 p.m. with a unanimous vote (7-0), via show of hands.

Approved this 5th day of March, 2024.


Casey d'Augereau, Secretary


Kelli Broers, Chair / Topher Philgreen, Vice-Chair

Minutes written by Casey d'Augereau