

***MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
May 7, 2024***

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

ATTENDANCE

CHAIR:	Kelli Broers
VICE-CHAIR:	Topher Philgreen
PLANNING COMMISSION	John Menefee, Joe Flake, Joshua Brown, Mark Raney, Bret Manchester, Randy Kitchen (joined at 7:12 p.m.)
ABSENT MEMBERS:	Phil Elliott
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. Kitchen joined the meeting at 7:12 p.m.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

There were none.

ADOPTION OF THE AGENDA

Menefee moved to remove item X.A. (Next Planning Commission Study Session is May 20, 2024 at 6:00 p.m.) from the agenda and to adopt the remaining agenda as presented. Flake seconded, and the motion passed unanimously (7-0), via show of hands.

CONSENT AGENDA

- Minutes:
 - Approval of the February 27, 2024, Planning Commission Minutes
 - Approval of the March 5, 2024, Planning Commission Minutes
- 24001-SUB: Davey Farm Subdivision

Philgreen moved to approve the Consent Agenda as presented. Raney seconded, and the motion passed unanimously (7-0), via show of hands.

New Business:

24003-SUB: Nelson Countryside Subdivision

Broers opened 24003-SUB: Nelson Countryside Subdivision at 7:02 p.m.

Robert Wardecker, Planner I for Planning & Zoning, presented the Staff Report for consideration of the Final Plat of Nelson Countryside, dividing approximately 88.53-acres into 2 lots: Lot 1 – 4.23-acres; and, Lot 2 – 81.56-acres, utilizing the Agricultural Preservation Subdivision criteria in the Countryside zoning district per Section 5-5.02.1.C of the Miami County, Kansas Zoning Regulations. The subject property is located on the East side of Pressonville Rd. and a ¼ mile South of 287th Street in the Northwest Quarter of Section 6, Township 17S, Range 22E, Stanton Twp.

Wardecker said Section 5-3.13.1 states any two (2) lots created that directly abut an arterial or collector road need to have a common access. Wardecker stated if the Planning Commission doesn't believe a common access is necessary they need to make that decision. Wardecker stated he has been in

communication with the applicant and the applicant seems ok with having a common access.

Menefee asked if the access comes off Pressonville Rd.

Wardecker replied yes and stated Pressonville Rd is the only access to the applicant's property.

Broers asked how the agricultural part of this property being accessed currently.

Menefee stated there is probably a creek crossing that can't be seen on the map.

Broers asked if the applicant is using the current driveway or a farm access entrance.

Wardecker confirmed they are using the current driveway. Wardecker explained it is owned by a single person, who is wanting to divide the house and some property off.

Raney asked what the driver behind the common access requirement was.

Wardecker stated to restrict the number of accesses along the road.

Broers asked if the result of this will be moving the driveway.

Wardecker stated that they will move the driveway to the shared common line.

Broers asked if the applicant has any objections to moving the driveway.

Wardecker stated there were no objections by the applicant.

Menefee stated there is already farm access off Pressonville Rd to the property.

Broers called for discussion amongst the Planning Commission.

Menefee stated if they already have a farm access and there is a requirement for them to have a shared access what does that do to the farm access part; and would the applicant still be allowed to use the farm access. Menefee stated he doesn't want the property owner to get in trouble for using the farm access if they have to have a shared access.

Cook stated there was a recent subdivision that was approved requiring them to have a shared between a large agricultural lot and a house. This subdivision had a major stream with a farm access that crosses over the stream and the farm access was allowed to remain available, but any development of the site would require the main access to be the shared access.

Broers asked for clarification on whether the applicant would still be able to use the farm access as a farm access.

Cook said yes and stated that any development would require the shared access to be located at the shared property line and that they would still be able to use the farm access as well.

Broers asked when the triggering event happens will the smaller lot need to decommission the existing driveway.

Cook stated the applicant won't be required to move the field access to the agricultural property but will need to move the residential entrance at this time.

Kitchen joined the meeting at 7:12 p.m.

Broers said a lot of people think shared accesses are unreasonable and she is concerned that if that is going

to change in 12 – 24 months she would hate to have the applicant rip out a driveway and put in a shared access point.

Cook stated in his opinion he can see some discussions and possibly some modifications to shared accesses but believes the County will want to highly protect arterial roads.

Menefee moved to approve 24003-SUB for Nelson Countryside with the added condition, however Staff would like to word it, that the farm access be allowed to remain. Raney seconded the motion. The motion passed 6-1 (Manchester voting against) and Kitchen abstained, via show of hands.

Broers opened 24001-VAC: Vacation of Oakwood Drive Cul-de-sac at 7:16 p.m.

Cook presented the Staff Report for consideration of a petition to vacate Front Building Lines, Utility, Temporary Cul-de-sac, and Right of Way easements identified on Lot 1 & Lot 2 of Oak Leaf Subdivision. The subject properties are located on the South side of 299th St. 3,000 feet East of Spring Valley Rd, in the SE ¼ of Section 12, Township 17S, Range 24E, Middle Creek Twp.

Cook stated the subject property was subdivided when the property was located in the City of Louisburg's Growth area. Cook noted the subject property is no longer in the City of Louisburg's Growth Area and doesn't see Miami County having any large plans of additional subdivision development to the south of the subject property or who will be responsible for installing the road if the road is ever constructed. Cook noted Miami County will not pay to improve that road.

Cook stated a couple of options were provided to the owner of the property. Cook's preferred option was for the owner to replat the subdivision which would have removed all the easements at the same time. The applicant talked with neighbors and was able to get the neighbor to the West of him to sign on to this, but the other neighbors did not sign on. Cook's next option was for the applicant and his neighbor to submit a petition to vacate the right-of-way in the building lines that are located in roadway. Cook explained there was a discussion with the applicants and they have provided a proposed legal description rededicating a utility easement on the shared property line. If the applicant had replated the subdivision the utility easement would have been at the shared property line. Cook noted since there will no longer be a road there is no reason to have a front setback shown on the plat in that area. Cook stated the final vacate will be the temporary cul-de-sac easement.

Cook noted that Lot 1, at one point, was sent a notice that they had a driveway that directly accessed the Northwest corner of their site, a new driveway was installed on the East side. They are still using the Northwest corner entrance; Staff will need to work with Road & Bridge on this issue.

Broers stated it doesn't appear that Lot 2 is using a shared access point.

Cook stated the two entrances are located within the shared access easement. The property owners didn't like the idea of sharing an access point, so Road & Bridge put two entrances right next to one another in the shared access easement.

Philgreen asked which side of Louisburg it is located.

Cook stated Southwest side. Cook noted it is across the street and about 100-feet from the Cricket Fields.

Broers opened Public Hearing 24001-VAC at 7:26 p.m.

Broers closed Public Hearing 24001-VAC at 7:27 p.m. with no one coming forth to talk.

Raney moved to approve 24001-VAC with Staff recommendations. Menefee seconded the motion. The vote passed 7-1 (with Manchester voting against), via show of hands.

GENERAL DISCUSSION:

Cook stated there are no applications for the June Agenda but will have some discussions on updates for the Floodplain Regulations. Cook stated with the new maps finalized by FEMA Staff has a six (6) month time period to make sure the County is up to current Floodplain National Standards. Cook stated he hopes to have draft regulations to present at the June 2024 Planning Commission meeting.

Cook stated he will not be having Planning Commission training at tonight's meeting due to technical issues.

Cook held a discussion on the Comprehensive Plan Future Land Use Map. Cook showed the following maps overhead to the Planning Commission:

- Draft Miami County Zoning Map created by Staff
- Various Miami County cities' Comprehensive Plan Maps

Kitchen stated he thought it was decided not to call it "Future Land Use Map".

Cook stated he included a copy of the draft Future Land Use Map created by the consultant and changes have not been made to it yet. Cook held up the Comprehensive Zoning Map Staff has been creating and stated all the Floodplain area that was noted as environmentally sensitive area has not been placed on the drafted Zoning map but anticipate the final draft will include this.

Kitchen stated all rural Miami County is environmentally sensitive no matter if it is in the Floodplain or not.

Cook stated the direction from the Planning Commission is the wording needs to be changed and move it from being under a Future Land Use category to a general land use shown on the map.

Cook showed a drafted map from the consultant of the Miami County airport area showing the airport's location between the City of Osawatomie and the City of Paola. This map shows the industrial/commercial use area extending past the railroad tracks. Cook doesn't suggest extending the industrial/commercial use that far.

Philgreen asked whether regardless of going with a map that extends past the railroad tracks or a map that stops at the railroad tracks, what is the practical application.

Cook stated if someone were to come forward now and say they want to do a residential subdivision, the Zoning map shows this as a residential area, therefore it would be difficult to say "no, we are looking long-range at this area being industrial". Whereas, if it is in the Comprehensive Plan then Staff can tell

them the future plans is for the area to be industrial/commercial, but it is still zoned residential regardless of what the comp plan shows.

Raney asked if a proposed rezoning in the area would carry to a Public Hearing.

Cook agreed.

Raney asked how the public will be notified the of the Future Land Use Map has changed.

Cook stated when preparing for adoption Staff will do what they can to get it out to the public.

Cook noted he attended a meeting with the City of Spring Hill, and he was given a copy of the draft of Spring Hill's Future Land Use Map.

Menefee referred to Cook's original question as to where to stop the industrial/commercial area around the airport and stated if the City of Paola stopped it at the railroad tracks, that makes sense. Menefee stated his thought process is that the City of Paola thought they might be able to get infrastructure to one side of the railroad tracks.

Broers referred to the Zoning Map being created by Staff and asked if the little red triangle is where a church is located.

Menefee stated no that would be further North.

Cook stated that is one of the residential areas in the area. Cook referred to the Paola Zoning Map and stated he was trying to match up to what the City of Paola's map showed.

Cook stated the City of Osawatomie's map shows some of the area to the South as possible residential areas as well as some industrial. That is part of the reason Staff showed that as business park because Business Park is a better transition than going directly industrial to residential.

Flake asked what the Business Park zoning designation is versus the Industrial zoning.

Cook stated industrial is usually heavier manufacturing and maybe a larger trucking operation with a lot more intensive activities outside, where a business park is mostly on the warehouse side with most activities inside.

Cook referred to the City of Paola Zoning Map and explained the legend and colors of the Zoning Map. Cook noted Staff attempted to align the County Zoning Map with the City of Paola Zoning Map for the area of discussion (Miami County Airport area).

Manchester asked what the projected business growth moving into Miami County is. Manchester doesn't believe there are many workers in Miami County.

Cook agreed it will be a little bit of a struggle to find employees. Cook restated that this is a 20-year plan and as the metro area grows it is getting closer to Miami County.

Kitchen asked what the first Comprehensive Plan looked like 20-years ago.

Cook stated the existing Comprehensive Plan is very close to what the Comprehensive Plan looked like 20-years ago. Basically, took the Zoning Districts and anything zoned industrial remained industrial, anything zoned commercial remained commercial, etcetera. Cook stated the only thing on the Comprehensive Plan that shows direction are the Areas of Regional Significance.

Kitchen asked if the areas were identified as Areas of Regional Significance were they or did they end up that way.

Cook stated the Comprehensive Plan recommends most industrial and commercial development take place in the cities' limits. Cook stated as of the Areas of Regional Significance, KC Watersports was in an Area of Regional Significance, and Hillsdale is considered an Area of Regional Significance.

Kitchen stated just because it is Area of Regional Significance doesn't mean there can't be a commercial, industrial, or business park in that area.

Cook stated that is how Area of Regional Significance was setup, it didn't define the specific type.

Broers stated the current zoning remains the Comprehensive Plan shows the proposed use not what it has to be.

Kitchen asked about building an apartment complex.

Cook explained the County doesn't have the infrastructure to support an apartment complex and the applicant would need to see if the city would be willing to annex the property and provide the necessary infrastructure.

Philgreen gave an example of how he views the maps stating if business in California wants to move to Kansas due to better labor better everything, the business will get a Zoning Map to determine the best area to target for the new location of the business.

Raney stated in 1988 the City of Gardner had a population of 2,000 and 20-years later the population was 30,000. Raney stated Miami County needs to decide "today" what "big things" is Miami County willing to and not to allow in Miami County 20-years from now. And what does Miami County want to discourage from happening as much as possible. Then put in place the infrastructure to achieve what Miami County is willing to allow to happen.

Broers stated the benefit of using a Future Land Use Map similar to what Staff has created would give people notice of what might potentially be in that area.

Kitchen is concerned the person with a house in an Area of Regional Significance won't stand a chance if a business, commercial, or industrial park move into his backyard.

Menefee stated that the areas being discussed those types of businesses already exist.

Cook stated the cities have already adopted Future Land Use Maps and Staff has used those maps to help with deciding on how the County wants their maps to look.

Broers stated there was a discussion over a lot of the old long-term potential development areas at the last meeting asked if there is anything new on this map needing discussed.

Cook stated there are two (2) areas that have not been discussed yet: one on Sunflower and W. 223rd St, and one on K-68 Hwy and Pressonville Rd.

Cook stated he is questioning if there is a need to keep them due to the location.

It was agreed to do away with them due to the type of roads and the closeness of Hwy 33.

Flake left the meeting to respond to a fire call at 8:56 p.m.

Cook stated Hillsdale area changes a little bit from Staff's prospective compared to the consultant's plan. Cook stated since there are already commercial uses at Old KC Rd, such as gas stations, he believes this area should remain commercial type uses or possibly a combination of commercial and business.

Broers stated she doesn't want commercial type uses to extend to the gun shop located on W. 255th St. Broers believes the closer to the lake the less commercial the zoning should be.

Cook stated the other area with change from the current Comprehensive Plan is the Linn Valley Growth Area. Cook stated he attempted to match the Linn Valley Growth Area Map when creating the Miami County Zoning Map for this area as well.

Cook pointed out the area around Bucyrus on the Miami County Zoning Map and stated the area with dots is the Countryside District and the areas with nothing are the AG Districts. Cook stated these areas fall within the village expansion areas which doesn't make sense to him. Cook would like to change these areas to Rural Residential which will match Countryside Districts density.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Cook announced the next regular Planning Commission meeting will be on June 4, 2024 at 7:00 p.m.

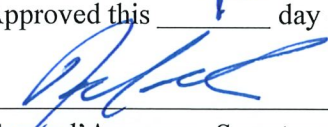
Possible Future Amendments to Zoning and Subdivision Regulations

- 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.

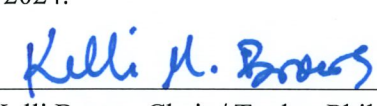
There was no discussion regarding these "Possible Future Amendments" to the regulations.

Menefee moved to adjourn the meeting, Kitchen seconded. The meeting adjourned at 9:09 p.m. with a unanimous vote (7-0), via show of hands.

Approved this 4th day of June, 2024.



Casey d'Augereau, Secretary
Kenneth A. Cook, Planning Director



Kelli Broers, Chair / Topher Philgreen, Vice-Chair

Minutes written by Casey d'Augereau