

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
May 6, 2025**

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

ATTENDANCE

CHAIR:	Kelli Broers
VICE-CHAIR:	Topher Philgreen
PLANNING COMMISSION	Randy Kitchen, Peter Peuser, Phil Elliott, Joe Flake, Josh Brown, and Rusty Gerken
ABSENT MEMBERS:	John Menefee
EX-OFFICIO MEMBERS:	None present
PLANNING DIRECTOR:	Kenneth Cook
ASST. PLANNING DIRECTOR:	Jennifer Koehn
PLANNER:	vacant
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 eight (8) members present, making a quorum.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

There was none.

ADOPTION OF THE AGENDA

Vice-Chairman Toper Philgreen moved to adopt the agenda as presented, Joe Flake, Planning Commissioner, seconded. The motion passed unanimously (8-0), via show of hands.

CONSENT AGENDA

- Minutes:
 - Approval of the April 1, 2025 Planning Commission Minutes

Philgreen moved to approve the consent agenda as presented, Rusty Gerken, Planning Commissioner, seconded. The motion passed unanimously (8-0), via show of hands.

Old Business:

Public Hearing for 25001-CUP: 1880 Block Quarry

Chairman Kelli Broers invited Staff to the podium to present the Staff Report for Public Hearing 25001-CUP at 7:02 p.m.

Assistant Planning Director Jennifer Koehn presented the Staff Report for 1880 Block Quarry, the applicant is requesting a modification and expansion of the existing Conditional Use Permit (CUP Z-87) for quarry operations.

Koehn stated she will be providing a summary of the report along with highlights of the Golden Criteria. Koehn began with Golden Criteria No. 2 “The suitability of the subject property to its present use.” stating this property has operator as a rock quarry since before the 1992 Zoning Regulations and is well established. The intensity of the operation has varied through the years. Previously it was leased to Miami County for an as needed basis and the quarry is now under new ownership with increased intensity. The property remains well suited for the quarry supported by the Agricultural District Zoning and it’s long history in the county.

Golden Criteria No. 5 “The relative gain to the public health, safety, and welfare by the destruction of the value of the nearby property as compared to the hardship imposed upon the individual landowner.” Koehn

stated the quarry's expansion will support public welfare by providing essential materials for roads, utilities, and businesses boosting the economy. While the quarry has inherit impacts, it's long standing presence and proposed mitigations may minimize effects on nearby properties values. The existing Conditional Use Permit (CUP) was approved in 1992 as part of the original adoption of Countywide Zoning Regulations with no conditions. The amended CUP adds conditions to lessen impacts to the neighbors. Denying the expansion would limit the landowners abilities to meet the community's needs as well as the ability to operator the continue quarry operations, creating significant hardship on the owner. Staff found the public gain outweighs the potential impacts to neighbors with appropriate safeguards.

Golden Criteria No. 6 "Whether the proposed Conditional Use Permit (CUP) would be consistent with the intent and purpose of the Zoning Regulations." Koehn stated this CUP would be consistent with the intent and purpose of the Zoning Regulations. The quarry aligns with the Zoning Regulations in the AG District with specific conditions.

There are two (2) key conditions that stand out with this CUP application: 1) *If the County determines that any road associated with the use is inadequate for the expected quantities of traffic, especially with respect to heavy truck traffic, the applicant shall be required to improve and maintain the road(s) to a standard acceptable to the County. An Improvement and Maintenance Agreement between the applicant and the County shall be required to assure that the road(s) used by the operation will be appropriately improved and maintained.* During discussions with the applicant, they acknowledged the potential increased traffic on Hedge Lane and noted their willingness to enter a maintenance agreement with the county.

2) *A plan for reclamation of the site shall be prepared and submitted as a part of the application.* The applicant submitted a reclamation and narrative approved by the Kansas Department of Agriculture to convert the mined area into a lake or pond, this plan does meet Miami County's requirements and shows the applicant's intent for responsible site restoration.

Golden Criteria No. 8 "Such additional matters as may apply in individual circumstances." Koehn stated one thing that stood out was the residents' voices stating concerns about the blasting noise and vibrations, quarry noise, truck traffic on Hedge Lane, air quality, and safety. The following were suggestions from the residents: blasting schedule for predictability and a pull out lane for traffic safety. These suggestions align with conditions of other quarries. Staff's conditions aim to lessen the impacts while supporting the quarry.

Koehn noted a conference she recently attended included discussion with other counties about their practices with quarries and a tour of a quarry in that area. The conditions listed on this CUP align closely to conditions required by other counties.

Golden Criteria No. 9 "The recommendations of the County's permanent or professional staff." Koehn stated the application has been reviewed by Staff as well as a review of Zoning Regulations and the Miami County's Comprehensive Plan, Staff recommends approval of the application. *All required information has been provided, and the proposal aligns with the intent of the Zoning Regulations and supports the public interest.*

Koehn read the Findings for Approval:

1. *The proposed Conditional Use Permit is compatible with the surrounding agricultural character and established land uses.*
2. *The quarry has been in continuous operation since prior to the adoption of current Zoning Regulations and remains well-suited to the property.*

3. *The requested expansion supports ongoing public and private infrastructure needs, providing essential materials for the community's growth and development.*
4. *With appropriate safeguards, environmental protections, and conditions for compliance, the proposed use will not detrimentally affect nearby properties.*
5. *The application meets the intent and purpose of the zoning regulations.*
6. *The proposal is consistent with the goals and policies of the Miami County Comprehensive Plan.*

Koehn stated there are 19-conditions but there are a couple that stand out. Conditions 8 and 9 will be covered by KDHE (Kansas Department of Health and Environment) and NPDES (National Pollutant Discharge Elimination System) permits for air and water quality, ensuring state oversight to address residents' concerns. These are things the County does not regulate at all; it is all done by the State.

Conditions 8 and 9:

8. *The applicant/operator shall obtain all necessary State and federal permits applicable for the operation of a quarry (including air quality permits) and remain in compliance with all State and federal regulations. Copies of the permits and associated documents shall be submitted to the County for filing.*
9. *The applicant shall obtain and maintain permits as required by State and federal laws for the NPDES (National Pollutant Discharge Elimination System) and the SWPPP (Storm Water Pollution Prevention Plan). These documents must incorporate reporting and monitoring elements, be prepared and certified by a professional engineer, and be submitted to the County for filing. Erosion control measures shall be implemented to prevent soil loss and pollution to downstream properties.*

Koehn skipped to Condition 14 *"All quarry operations (blasting, crushing, excavating, hauling, processing, etc.) shall be conducted only during business hours 7:00 a.m. – 3:00 p.m., Monday through Friday and occasional Saturday 7:00 a.m. – 12:00 p.m. not to exceed 2 Saturdays a month which will excluded activities such as blasting, crushing, excavating, processing, etc., and will not operate on: New Years Eve, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, or Christmas Day."*

There were concerns from the applicant on the wording "All work would cease" by 3:00 p.m. The applicant will be allowed to do paperwork/office work, water trees, or anything that is not impactful to the neighbors. Anything with a high impact to the neighbors such as noise will not be allowed after 3:00 p.m.

Koehn moved to Condition 17 *"The applicant shall complete a traffic impact study, reviewed and approved by the Road & Bridge Department, to evaluate the effects of the quarry expansion on adjacent county roads and identify any warranted improvements. Based on the study, the applicant shall enter into a written Improvement and Maintenance Agreement with Miami County outlining responsibilities to assure the road(s) used by the operation will be appropriately improved and maintained. This agreement shall be approved by the Road & Bridge Department and legal counsel prior to the commencement of expanded operations and reviewed every three years to assess ongoing impacts."* Koehn stated the operation isn't currently defined; the traffic impact study will assist in defining the impact to the neighbors.

Koehn moved to optional Condition 19 *"The applicant shall submit a blasting schedule to all property owners within 1,000 feet of the quarry site via mail or email on a monthly basis, detailing planned blasting activities for the upcoming month. The schedule should include anticipated dates and timeframes."* Koehn

stated there are concerns from the neighbors about the blasting and how it will affect their daily lives, this is the reason for Condition 19. Koehn stated Condition 19 is not a required Condition and is up for discussion.

Koehn noted that quarries are different when it comes to a protest petition. The Board of County Commissioners are not required to have a three-quarters majority vote if a valid protest petition is presented. A majority vote is all that is needed.

Koehn asked for questions from the Planning Commission.

Philgreen asked why quarries are exempt from the three-quarters majority vote.

Koehn stated it is surface mining and is a Kansas State Statute.

Philgreen asked for the truck route to get to the closest highway.

Koehn stated not sure, but applicant is present to answer any questions.

Flake asked if the State ever inspects a rock quarry.

Koehn stated not sure if the State of Kansas does inspections, but quarries receive their permits through KDHE (Kansas Department of Health and Environment).

Randy Kitchen, Planning Commissioner, asked what the State of Kansas' minimum setback from property owners is.

Koehn stated she believes it is 100-feet from the property lines.

Kitchen stated he thought he read 30-feet from property lines, 150-feet from right-of-way and asked if that is a state requirement.

Koehn stated there are County regulations but there are State regulations within that as well.

Broers stated the Staff report cites Kansas State Statute K.S.A. 49-501 which is a 30-foot standard but proposes 150-foot setbacks.

Flake asked if there have been any complaints from the neighbors about the operation.

Koehn stated not sure about current, but there have been issues in the past. The quarry has been in operation for a very long time and blasting techniques have changed over the years. Koehn noted the current Conditional Use Permit (CUP) does not have any Conditions; it was grandfathered in; it was one of the older CUPs. Koehn noted with the expansion being requested the County is able to place Conditions on the CUP and the applicant will be required to be in compliance.

Kenneth Cook, Planning & Zoning Director, noted the County regulations is 100-foot separation from the right-of-way, the 150-foot is what the applicant has shown on the site plans. The applicant has gone beyond the County's minimum regulations and depending on the circumstances there are a number of different State regulations that can come into play.

Philgreen asked who the new owner is.

Koehn replied 1880 Enterprises, LLC

Philgreen asked who the old owner was.

Koehn replied Block.

Philgreen asked if it is the same people or if 1880 Enterprises, LLC is a new company.

Koehn replied 1880 Enterprises, LLC is a new company.

Broers invited the applicant to the podium at 7:22 p.m.

David Waters, Attorney, 6201 College St, Suite 500, Overland Park, stated he represents 1880 Enterprises, LLC and Clarkson Construction. Waters stated the applicant doesn't have a presentation prepared for the meeting but believes the Staff report covers everything. Waters stated the applicant appreciates the approval recommendation from Staff and based on the State of Kansas regulations believes the application should be approved. Waters believes the applicant's application reflects the quarry's commitment. Waters stated currently the quarry is operating under a perpetual Conditional Use Permit (CUP) with no Conditions for operations. The applicant will be bringing the expansion site and current site under one CUP. Waters stated the applicant has provided Staff with everything Staff has requested and that is part of the reason for not meeting in April was because of additional information Staff requested. Waters stated the applicant is agreeable to all Conditions that are listed in the Staff report, there are a couple that the wording is still being worked out. The applicant acknowledges there has to be a study of the traffic first and depending on what the study reveals could lead to a street agreement. Waters stated the applicant is not opposed to providing a blasting schedule but would like to make sure they are not held to a schedule as things happen that might require the applicant to adjust the blasting schedule. Waters stated even a cloudy day can change the air pressure which will affect the blasting. Waters asked if the Planning Commission approves the application to allow Staff to correct the wording of the Conditions prior to being presented to the Board of County Commissioners.

Waters invited the Planning Commissioners to present any questions there might be and reminded there is a full team from the quarry here to answer questions.

Peter Peuser, Planning Commissioner, asked if the CUP is approved how many years does the applicant anticipate it will be operational.

Waters stated it is customer driven but the CUP is for 20-years.

Peuser asked if the CUP is not approved, and the quarry continues to operate under the grandfathered CUP how long does the applicant anticipate being operational.

Gabe Dandar, Project Manager for 1880 Enterprises, LLC, stated based on the reports he believes it will be approximately 20-years.

Kitchen stated about the 56 +/- acre pond demonstrated in the documents provided to Staff and asked what the protection downstream will be in case a dam breaks.

Tim Anderson, Owner (one of), 217 W. Troust St, Olathe, stated he has had discussions with the Corp of Engineers and the State of Kansas regarding what is required and there will be a comprehensive plan based on the reclamation of the discussions. The entirety of the comprehensive plan won't be available until they are towards the end of the quarry operations, but the plan is to turn it into some sort of lake and the fields returned to farm or hay ground.

Waters stated all plans for the reclamation must be approved by the State of Kansas and will go through the State of Kansas for final approval.

Joshua Brown, Planning Commissioner, asked if there is any traffic data on the last 3-5 months or since the quarry has been operating under the new owners.

Dandar stated yes and it was included in the latest revisions provided to the County showing the truck count...

Gerken asked if there is knowledge of the truck count prior to the quarry changing hands.

Anderson stated just periodically as the County needed rock.

Cook stated it wasn't substantial enough to count.

Anderson stated 99% of it was the County trucks.

Gerken agreed.

Cook stated the County operated it then and they would blast every few years to create a stockpile of rock and it would take a number of years for it to be used up before blasting again.

Dandar handed the updated truck count to Staff and stated it goes through April 30, 2025. Dandar stated since inception there has been a need for 1880 Enterprises, LLC to provide material for a few jobs in the Kansas City Metro Area, along with their sister company, Clarkson Construction. The intent of this was to be able to pay bills and keep the doors open while establishing the quarry within the community. It is their intent to slow things down and focus on local sales.

Gerken asked how soon the applicant thinks that will happen.

Dandar stated these projects will be completed by the end of 2025.

Gerken asked how many of the current trucks are involved in this.

Dandar stated about 80-85% of the trucks.

Philgreen asked what a typical truck route looks like when leaving the quarry, where are most of the trucks going.

Anderson stated most of the trucks go to Hedge Lane to Hospital to 327th St.

Philgreen asked what percentage of the material goes North to Kansas City.

Anderson stated they are currently doing two (2) jobs that will create the revenue needed to pay off the equipment and sister company and just guessing 75% of the trucks are going to Kansas City for the two jobs.

Philgreen asked for a definition of "sister company".

Anderson stated there are three (3) owners in the quarry: Tim Anderson, Billy Clarkson, and Joe Rodriguez. Billy has Clarkson, Billy and Joe have Clarkson Global, and the three (3) of them have 1880 Enterprises.

Waters stated the business share owners.

Philgreen asked if there are plans to sell out to a larger company that has quarries in the Kansas City area.

Anderson stated they are completely locally owned and currently plan to stay that way.

Philgreen asked Staff if the CUP is approved, and the property is sold how does the CUP work.

Cook stated Condition 3 *"This CUP is approved exclusively for the applicant (1880 Enterprises, LLC). Change of ownership or subleasing of the property/facilities shall require review by the Planning Commission to ensure the use substantially complies with the original Conditional Use Permit."* Cook stated the CUP will stay with the applicant.

Philgreen asked if they sell out to another quarry company would all quarries under that company come before the Planning Commission to make sure they are upholding to their end of the deal.

Cook stated the Staff and Planning Commission are only able to consider the quarry at hand not all quarries owned by a company.

Waters stated under Kansas Law the Conditional Use Permit (CUP) stays with the land unless the applicant agrees to a Condition stating otherwise and the applicant in this case has agreed to Condition 3.

Phil Elliott, Planning Commissioner, stated to follow-up on Philgreen's thought, the current quarry is allowed to operate because the previous quarry did not have that stipulation.

Gerken believes the rock quarry is important to Miami County, both to the County and to the public. Gerken asked if this CUP isn't approved will the quarry be out of business by the end of the year.

Dandar stated they would be forced to go down further from where they are now and unable to return a truly reclaimed land.

Anderson stated they currently have a 30-foot shelf with another 17-foot shelf below that they can hit.

Kitchen asked if the plan is to hit that.

Anderson stated not currently planning on it.

Dandar stated it will take over 20-years if they do.

Kitchen asked how the 38-acre number came about with the original CUP.

Cook stated not 100% sure but the current CUP is for the West half of the Southeast quarter of this section. It is actually 80-acres and guessing the 38-acres relates to the portion of property that is easier to access.

Waters stated with this CUP it would run with the entirety of the land but has to be done with accordance of the mining plan.

Kitchen asked how many acres total is there.

Anderson stated around 220-acres.

Kitchen asked how many acres will the CUP involve.

Cook stated the CUP will encompass the entire property but only a portion will be mined because of the setbacks.

Brown asked for confirmation that the quarry will be opened to the public.

Anderson stated the quarry already is opened to the public.

Brown asked if they intend to keep it open to the public.

Dandar stated yes.

Broers opened Public Hearing 25001-CUP at 7:44 p.m.

Broers asked that when an individual comes to the podium they state their name and address for the record and all comments and questions be directed to the Planning Commission. There is a time limit of 3-minutes per guess speaker.

Brown asked with the number of potential guest speakers that if someone said something that another person plans to say, simply state they agree with what the other person said to help save on time.

Sara Cornett, 504 College, Paola, stated her property address is 36690 Hedge Lane, directly across the road from the applicant's property. Sara Cornett stated the quarry was opened in 1954 and her property

was purchased in 1961. In her time of being a neighbor there has been a lot of blasting, crushing, trucks, and dust and in the past the trucks hauling the gravel and stone were smaller dump trucks than today's trucks. It was usually Miami County trucks; they usually entered the quarry around 8:00 a.m. and done by mid-afternoon and worked Monday thru Friday. Hedge Lane is a main road from Linn County; USD 362, Prairieview schools, the City of Fontana commuters, and a heavily used agricultural road with slow moving equipment including her own family. It is a school bus route, she put her kids and current kids on the bus there. The kids would have to cross the road around 7:15 a.m. in the dark. Currently there are big trucks on the road that time of day and the trucks begin lining up the road at 7:30 a.m. waiting to enter the quarry. The trucks are lining up at the intersection of Hedge Lane and Hospital Drive. Both truck staging areas are a dangerous place for the trucks to be lined up at and there is no warning signage on Hedge Lane at all. Sara Cornett stated she had counted around 60-trucks per day but it's possible there are more than that based on someone else's count. Sara Cornett stated she clocked one truck driver at 70-mph on Hospital Drive between Henson and 327th Street. Sara Cornett observed another truck at 60-mph in a 35-mph speed limit intersection at W. 363rd Street, this spot is between 2-hills... time was called

Kevin Stone, 23825 W. 289th Ter, Paola, stated his family owns the property directly West of the applicant's property (37160 Hedge Lane). Kevin Stone stated in the 1970s and 1980s he used to motorbike, fish the ponds, and hunted directly West of the quarry. The Stone family purchased the property in 1957, shortly after the quarry went live. Kevin Stone stated if an aerial picture were to be taken today it wouldn't look much different than it did in the 1970s, no reclamation has been done and it is still an eyesore. Kevin Stone stated his grandfather had to pick up big rocks with both hands (no equipment in those days to assist) off his property from the quarry. Kevin Stone stated back then the quarry never told the neighbors when they would be blasting, and they never knew when there would be flying rocks coming to their property. Kevin Stone stated his biggest concern is the pollution; air, water, and noise. The dust and the metals from the blasting is harmful to breath. Kevin Stone stated his daughter took pictures from last Saturday (May 3, 2025) with the dust going everywhere from the blasting. He is concerned with water runoff and how close it is to the Marais des Cygnes River. Stone stated he's not sure what KDHE's regulations for this are but believes it is counterintuitive that this is a proposition that is being considered. Kevin Stone is concerned that people get their water from the Marais des Cygnes River and other quarries have been turned off from this due to the effects of cows drinking the water. Noise from the blasting, digging, loading, and the trucks backing up. Kevin Stone stated the beeping of the trucks backing up he can heard from the front porch of the farmhouse, which is approximately ½ mile away, they are loud. Kevin Stone asked if the Planning Commission would like to move forward with this, to make sure....time was called.

Hal Smith, 10717 W. 142nd St., Overland Park, stated his property is at 22297 W. 375th Street and is about 80-yards from the South side of the expansion request. Smith stated he sent a letter around March 16, 2025, and will assume the Planning Commission was able to read. Smith stated there were some attachments with the original submission of the application from the applicant and he took the time to review the requirements and noticed no changes. Smith assumes the information in his letter still applies. Smith stated he was unable to access the attachments in the Staff report, and he has not read them. Smith referred to page 3 of the Staff report under notifications and believes the 1,000-foot notification was based on central operation today. Smith believes the 1,000-foot notice would have picked up more neighbors if measured from the location of the expansion not the current location of the operation. Smith stated when he looks at the comments to Staff and Agencies he noticed two (2) utilities: Evergy and Rural Water District No. 2. Smith stated Evergy does not supply power to this facility it is Heartland Rural Electric. Rural Water District No. 2 is not the water supply it is Rural Water District No. 3. He noted Water No. 2

is currently having problems with supplying water to the City of Fontana. Smith stated he wasn't surprised no comments were received from these agencies since there was nothing for them to comment to. Smith believes if the utilities had been given specific requirements needed for the expansion the utilities would have responded. Smith asked what is being measured against in order to qualify for a permit. Smith stated he doesn't understand what the Planning Commission is approving, it is incomplete.

Scott Lee, 36140 Victory Rd, Paola, stated air quality is a big concern with the lime dust. Lee stated his wife has COPD and he has asthma. Lee stated he is concerned that the applicant is not being upfront with Staff, and they are criminals. Lee believes the Sheriff's shooting range is located at this quarry and would be a conflict of interest. Lee asked about Henshaw and if anyone had called mine safety about how many complaints have occurred. How many kids have been operating heavy equipment and jumping the fences. Lee asked about endangered species the area. Lee is concerned with the truck safety and stated there are no tarps on the trucks and showed a picture of skid-marks from a truck. Lee stated when there are skid-marks there is only one (1) reason, that the truck is out of DOT compliance. Lee stated he opposes this application and believes the County is dealing with an applicant from Johnson County not Miami County. He doesn't believe any of the applicants are local to Miami County but owns the property in Miami County. Lee stated he would like to address personal endeavors and the type of people the County will be dealing with...time was called.

Elizabeth Stone, 23825 W. 289th Ter, Paola, stated her property is 37160 Hedge Lane Rd and is the entire West property line of this quarry. Elizabeth Stone stated her dad spoke about rocks hitting the cows back in the day. She noted the quarry affected the drinking water when her grandparents lived there the blasting cracked the cistern. Elizabeth Stone stated she is fixing up the house and plans to move into it and is concerned there will be more cracks in the walls from the blasting. Elizabeth Stone doesn't believe this proposal is following the County's Comprehensive Plan as this property is zoned for agricultural according to the County's Zoning Map. Elizabeth Stone stated she has friends that live South of this area and receives their water from the Marais des Cygnes River; Osawatomie, and LaCygne receive their water from the Marais des Cygnes River, and she is extremely concerned with the current Conditional Use Permit (CUP) having no protocols for things and doesn't believe the EPA will visit this particular quarry. Elizabeth Stone believes they will follow the bare minimum KDHE requires. Elizabeth Stone doesn't trust the water in not going into the river when there is a heavy storm comes along and taking these phosphates and heavy metals into the air and water. Elizabeth Stone mentioned there is also wildlife animal refuge North of LaCygne. The noise and blasting of the operation is always a concern. Elizabeth Stone stated it has been 70-years since the quarry has been in operation and asked when will it be enough. Elizabeth Stone stated she is opposed.

Brian Cornett, 23901 W. 391st St, Fontana, stated he grew up at 36990 Hedge Lane, Paola which is across the road from the applicant. Brian Cornett believes there is a federal law that there must be an environmental impact study preformed prior to something like this can proceed. Brian Cornett stated he might be wrong and will stand corrected if he is. Brian Cornett stated Mr. Gerken "Rusty Gerken, Planning Commissioner" uses the quarry, pays taxes on the rock, and presumes the taxes will go to powering a Sheriff Officer to patrol that road. Brian Cornett believes there is a current problem with traffic on Hedge Lane and it needs patrolled. Brian Cornett stated he has asked multiple divisions about getting a Sheriff Deputy to patrol the road, the trucks are traveling over a 39-ton bridge that is over the Marais des Cygnes River that will need to be replaced. Brian Cornett stated the best news he has heard is that the applicant plans to take care of the bridge. Brian Cornett stated 1880 Enterprises is co-owned by Clarkson Construction and they are a huge user of the rock. They do not pay taxes on rock they own part of and goes to one (1) of their sites and is concerned the Miami County taxpayers will be responsible for making

the roads and bridges up to spec. Brian Cornett stated his final concern is that any bus coming from Paola or North of here that goes to Prairieview for any activity is on Hedge Lane. Brian Cornett reminded that 8-people were killed on Sunday "May 4, 2025" on highway 169, a State highway, and stated Hedge Lane is a narrow, dangerous road and no place for a quarry.

Broers closed Public Hearing 25001-CUP: 1880 Enterprises at 8:06 p.m.

Broers asked Staff if there are additional comments after hearing from the citizens.

Cook noted that when compiling the list of property owners within 1,000-feet of the proposed expansion the 1,000-feet was measured from the entire property using the Beacon website. Since it was 1,000-foot from the entire property everyone within 1,000-foot of the proposal was sent a notice.

Cook stated in looking through the request for comments it does appear that a notice was not sent to Rural Water District 3, it was sent to Rural Water District 2. If that is a concern of the Planning Commission Staff will reach out to them and see if they will give a response.

Kitchen asked if Staff has received a response from Rural Water District 3.

Cook stated he can reach out to them, but Rural Water District 3 doesn't always provide responses to request sent to them.

Kitchen asked if it was Heartland Rural Electric not Evergy.

Cook stated yes, and is willing to reach out to them for comments.

Kitchen asked what side of the road does Rural Water District 3 go down.

Cook stated he believes it runs down Hedge Lane.

Kitchen asked if it will be on the site plan as far as what side of the road.

Cook stated not necessarily. Cook stated the waterlines are typically on the edge of the right-of-way.

Broers stated if the traffic study finds that a turn lane is required that could impact waterline placement.

Cook agreed and stated if that type of improvement is needed based on the traffic study then as part of the improvements to the road any necessary protection to the waterline will be part of the improvements.

Kitchen asked how wide Hedge Lane is.

Cook believes 24-foot wide, and is a paved road.

Kitchen stated if semi-trucks are lined up on the road they take up about 8 ½ feet of the road. Kitchen stated he has not been on Hedge Lane at 7:00 a.m. when the trucks are lined up on the road but has driven Hedge Lane and didn't think it was 24-foot wide. Kitchen stated he has a 17 ½ foot combined and it takes up pretty much the entire width of the road.

Peuser asked why are the trucks lined up on the road.

Wyatt Hale, Quarry Manager, stated he is working with the trucking company to have the trucks come into the facility starting at 7:00 a.m. instead of lining up on the road. Hale believes starting May 7, 2025, the trucks will be lined up at the gate at 7:30 a.m.

Kitchen stated if he comes to their facility for rock and they open at 7:00 a.m. he will be first in line at 6:30. He doesn't believe the quarry will be able to resolve the trucks lining up on the road.

Gerken stated that is where the Sheriff gets involved.

Kitchen believes signs will be necessary stating no parking on road during specific hours which needs taken care of by the Road & Bridge and/or Sheriff's Department.

Gerken stated if the trucks are sitting on the road it is illegal.

Gerken and Kitchen would like to hear from the Sheriff's office, they would like to know how to regulate this issue and if the Sheriff's office will be able to enforce it.

Broers stated the Planning Commission makes a Condition stating no parking on the road and it will be up to the Sheriff's office to enforce it.

Waters stated for the record the applicant is willing to work with the County, but they can't have a stipulation that requires the applicant to force other people to comply with traffic laws. There is a Condition for a traffic study and to work through those things and the applicant is going to do this.

Kitchen stated that is an agricultural road, if there are 5-10 trucks parked on the road there is no way a farmer will be able to get by them.

Peuser stated it will be dangerous for anyone, including kids going to school.

Elliott stated the limit to the Planning Commission's ability is to require the traffic impact study and the traffic impact study should address that very issue because that is blocking traffic. The traffic study might require the applicant to do some stacking on their site that they will have to add in order to meet those requirements. Elliott believes the limit to the Planning Commission's ability is to list that as a Condition and as stated in the Conditions if the traffic study warrants it, they will enter into a maintenance agreement with the County.

Waters stated the applicant has no problems with the Staff's recommendation for the traffic impact study and maintenance agreement.

Broers believes this discussion is premature. Broers stated she doesn't feel comfortable with voting on this application without the traffic study. Broers is also concerned that the correct utilities have not been contacted and believes this to be a huge oversight.

Waters stated the water is only used for the sinks and bathrooms. The power of the equipment is all self-contained to each piece of equipment. This sight does not require significant energy.

Kitchen stated the concern is more about where the utilities are located and the need to know where the waterlines are located in comparison to the expansion sight area.

Waters stated under the State of Kansas Law if this item is continued a second time it automatically goes to the Board of County Commission as a recommendation of denial.

Elliott reminded that 25001-CUP was not heard at the original meeting as there was a request to remove it from the agenda tabling it until May 6, 2025.

Kitchen stated he cannot vote on something when he doesn't have all the facts in front of him.

Waters asked what is being asked of the applicant at this time. Is the Planning Commission asking the applicant to move forward with the full traffic impact study at this time and agree in advance, prior to the issuance of the Conditional Use Permit (CUP) to make road improvements.

Broers stated it will be determined by the results of the traffic study. The traffic study might say Hedge Lane needs to be widened, turn lanes, stop lights, etc. it's a complete unknown.

Brown stated he is ok with voting on the item tonight because it's in the Conditions that it is depending on the results of the traffic impact study.

Broers stated there is no rush on this as the applicant can continue to operate under the existing Conditional Use Permit (CUP) through at least the rest of the summer. Broers asked how long does it take to complete a traffic study.

Cook stated typically they take time, and he estimated a couple months for the traffic study. When Staff was in discussions with the applicant and mentioned the traffic impact study and maintenance agreement the applicant was agreeable to the traffic study and to make the necessary improvements.

Broers voiced concern that Staff's presentation stated the language of the CUP is still needing to be massaged.

Cook stated Staff has the original Conditions and has made some written alternate options on some of the Conditions. Cook noted it is not uncommon for the Planning Commission to approve a request and ask staff to update the exact wording of Conditions.

Broers stated there have been many applications before the Planning Commission that had a far less potential impact to the County roads, and they had a completed traffic study prior to the presentation to the Planning Commission. Broers noted she was inclined to vote yes for this application because it is an expansion to an existing CUP, but it is an unknown increase in the amount of traffic. Broers stated while she is inclined to say yes, she doesn't feel it is responsible to do so without having all the information and doesn't believe there is an excuse for not having it.

Waters stated he hopes that was not directed at the applicant as the applicant has provided everything Staff has requested.

Kitchen stated the applicant may have but that may not have been everything the Planning Commission needed. Kitchen stated the Planning Commission's job is to consider the general safety and welfare of the Miami County citizens.

Waters is concerned the Planning Commission doesn't believe the applicant has been forthcoming with information.

Broers stated the applicant may or may not have been asked to provide the traffic study, but the Planning Commission should have had a traffic study. This application has a large impact.

Kitchen stated there was a church that did a traffic study with less of an impact to the County roads that had to add a turn lane to the road to offset the traffic impact.

Elliott stated as a point of order and asked Madam Chairman if there are any other issues outside of this topic needing discussed that they move onto those issues and then go into discussion with the Planning Commission only.

Broers agreed.

Philgreen asked Staff if this item is tabled while the additional information is gathered, what does that do to the process.

Cook stated he is not aware of any court case or statute that requires this to go to the Board of County Commissioners if it were to be tabled or continue the second time. Cook stated he will need to talk with the County's legal counsel.

Philgreen asked under Robert's Rules of Order, does the Planning Commission have the power to table something or does the Planning Commission need to have a vote and the applicant withdraw their application to get the information and then return with the application.

Cook believes the Planning Commission has the ability to table or continue the item and request that additional information be provided at the time the application comes back to the Planning Commission. Cook stated there have been applications that have come back to the Planning Commission 2-3 times to allow for everyone to make comments or provide additional information. Cook stated if there is a point where the Planning Commission repeatedly continues the item then at some point the applicant would have some sort of legal recourse.

Kitchen stated he would like to make sure that this is the first time the Planning Commission has been together to hear this application.

Elliott stated according to the minutes of the last meeting (April 1, 2025) the Planning Commission moved to table this application.

Kitchen stated the applicant wasn't present at the last meeting.

Cook stated the recommendation to table it was by Staff. Staff needed additional information from the applicant and asked the applicant to agree to tabling the item until they were able to provide the information.

Cook noted there were discussions (by staff) in regard to a traffic study. This is unique in the fact that there is an existing Conditional Use Permit (CUP) where the use is fully compliant with our regulations. There are no Conditions with the existing CUP. Staff and the applicant are working on bringing things into compliance (with current regulations) and meeting conditions while looking at a CUP that is currently in existence without any condition. Cook stated when discussing the proposal with Road & Bridge Department, they understood there would not be a significant amount of traffic with the expansion. Staff has been looking at the traffic more and noticed increases in traffic since the applicant acquired the property at which time Staff requested a traffic study be done. Cook noted the regulations allow for a traffic study to be required.

Gerken asked if the traffic study has been ordered.

Cook stated the applicant is aware of the intent for the traffic study and if the application is approved Staff will be working with the applicant on getting the traffic study.

Flake asked who is responsible for ordering the traffic study, Staff or the applicant.

Cook stated the applicant. Their engineer will work with Road & Bridge to address areas of concern.

Kitchen asked how we failed to have a traffic study completed with the traffic on Hedge Lane being a hot topic.

Gerken stated because the quarry is under an existing CUP, and it doesn't require one.

Brown stated in Staff's defense it's not always determined ahead of time because of the cost involved to do a traffic study and if the Planning Commission isn't going to approve the CUP why have the applicant bare the expense of the traffic study.

Kitchen asked how many traffic studies have the Planning Commission seen before them prior to voting on a CUP.

Broers stated there is at least one (1) non-profit that did it and this is a commercial proposal with heavy industrial use. Broers stated she doesn't feel comfortable in voting tonight, and if the Planning Commission decides to vote on this application tonight then she will probably abstain from the vote.

Peuser believes the traffic study is the biggest issue with this proposal, and he would like to have clarity before voting.

Cook stated he looked through past quarry expansion requests going back to 1998 & 2000. In looking through those files there is no documentation indicating any type of a traffic study report was done. The only thing received by Staff was comments from the highway department and the county engineer at the time that made recommendations based off of general information that was provided. When discussions between Staff and Road & Bridge took place it was looked at as this is an existing Conditional Use Permit (CUP) and there is already a lot of traffic on the roads. Cook stated when there have been traffic studies required of other CUPs it is where the CUP is proposing a brand new use for the area with full new traffic being directed into a new site. Cook noted Staff's understanding with the expansion of the CUP the traffic was to remain very similar to the existing operation and that is why Staff was comfortable in waiting on the traffic study to look more specifically at: is a turn lane needed, or are improvements to the depth of the road needed to handle the traffic at the entrance, etc. Cook stated if the Planning Commission believes that is an important point for them to make a decision...

Broers stated she understood when the County operator the quarry they would blast all the rock at once and make trips as needed and under current ownership there has been an increase from that. Broers stated what she heard is that there has been an increase in volume and there is concern that will continue to be an increase. This may not have been evident early on if thinking about the existing use.

Cook noted in the Conditions Staff usually adds a Condition to review the maintenance agreement in 3-5 years. Cook stated with quarries business goes up and down and when there is a bigger job the need for road maintenance might increase in comparison to smaller jobs.

Broers stated it's not just the impacts on the County roads, it is a safety issue.

Kitchen asked Staff if there is a Federal Law for the environmental impact.

Cook stated one of the Conditions is that they adhere to all State and Federal regulations and if there is such a law then that is not something enforced by Miami County it will be enforced by some other jurisdiction and the applicant will be responsible for going to that entity for a permit.

Cook stated in regard to the concerns about the pond that was brought up, while in training with DWR (Division Water Resources with the State of Kansas), any type of impoundment of water and the dam is above a certain height, and holding back a certain number of acre feet of water then that has to be permitted by the State of Kansas. Cook stated when the applicant is doing the reclamation and depending on the size of structure they would be required to work with the State of Kansas. Cook believes the Army Corp of Engineers has requirements on how close the quarry can get to the Marais des Cygnes River.

Philgreen stated he recalls reading somewhere that a traffic study is always required for a commercial property and asked if that is still the case.

Cook stated in the Zoning Regulations it states the Planning Commission can require a traffic study. Cook noted there have been applications that did not require a full traffic study, such as a rodeo that was recently heard by the Planning Commission. Staff tries to work with an engineer and Road & Bridge to see if there will be a significant impact, such as a significant change in the traffic.

Kitchen asked if a traffic study is provided to the Planning Commission and the Planning Commission doesn't agree with the outcome does the Planning Commission have the authority to change it.

Cook stated when there is any kind of zoning request, Conditional Use Permit (CUP), or any kind of zoning application and certain improvements are required that is considered an exaction and there has to be a reasonable nexus between the exaction being requiring and the applicant's proposal.

Kitchen stated he imagines a rock quarry can have 200-trucks per day.

Cook agreed.

Philgreen stated he found the requirement for a traffic study; it is on a checklist for Site Plans. *"11. The Planning Commission may also require a detailed traffic study for large uses, mixed uses and multi-tenant developments, or for developments in heavy traffic areas. The study will include: A. The projected number... B. The projected traffic flow... C. The impact of this traffic on the existing public roads..."* Philgreen stated the Planning Commission has the right to ask for a traffic study, but he would like to know how Staff determines if an applicant needs the traffic study prior to meeting with the Planning Commission and when the traffic study can be done after meeting with the Planning Commission. Philgreen asked if the Planning Commission can request that a traffic study be presented with all applications that come before the Planning Commission.

Cook stated Staff tries to look over the application and when Staff believes there is an issue that will require a traffic study they ask the applicant to get one done prior to the meeting. Staff typically tells the applicant it is something the Planning Commission can require, and Staff recommends the applicant get the traffic study done prior to meeting with the Planning Commission. Cook noted when a request involves an operation that is brand new, it can be easier to say the applicant needs a traffic study. Cook stated with the quarry working within an existing CUP, Staff decided to put the traffic study in as one (1) of the Conditions knowing that it would be addressed as a Condition prior to the applicant being allowed to expand the CUP.

Peuser asked if there had been a traffic study prior to the meeting would there have been a response from Road & Bridge.

Cook stated if there would have been a study the applicant's engineer would have been working with Road & Bridge and they probably would have sent it onto another engineer to review.

Peuser asked if it would have been the same result regardless if the traffic study was done prior to the Planning Commission meeting or after the Planning Commission meeting.

Cook believed so.

Brown referred to Condition 19 and asked about the 1,000-foot notice requirement and that it seems this might not be adequate for the impact from a blast. And then, administrating the requirement for them to provide notification, if this could be updated to allow notice beyond the 1,000-foot.

Elliott stated he too was looking at word-smithing Condition 19 because that is a struggle for him. Elliott is concerned maintaining something like that with a CUP over 20-years could become a challenge and maybe signage on the road would be better.

Cook stated from a Staff perspective it would be nice so the neighbors would have a good idea of when something is going to happen. If a neighbor is impacted by a blast in some way they can be prepared. Staff isn't sure how to give the neighbors a clear idea as to when blasting will be occurring. If a blast schedule is made up and the weather interferes it could change the blast schedule.

Kitchen asked if blasting will be taking place every day.

Anderson stated blasting will be based on production which is currently about every 2-weeks.

Gerken asked if there is an anticipation of the blasting becoming more or less than the current operation.

Anderson stated part of the current increase in blasting is because of the investment made to purchase the property and equipment and the need to recoup some of that investment with projects that aren't in the area. Anderson stated the goal is to become established in Miami County and some of the smaller neighboring counties to supply rock to.

Brown asked how much of the sale is wholesale compared to retail.

Anderson stated each company is being treated as a separate company so there isn't really any wholesale and there are taxes paid on every single ton of rock that leaves the quarry. Anderson stated there is a small discount for other commercial operators. Anderson stated the main reason for the projects in process today is to recoup some of the investment as the equipment is very expensive.

Anderson addressed the issue of fly rock stating there is no fly rock. The applicant encourages the Planning Commissioners to come to the site and watch a blast. Anderson believes if there is a distance of 200-yards from the blast site that it will not be noticeable.

Kitchen asked if there is a need for a turn lane the entire length of the applicant's property because of the findings of the traffic study where does the applicant stand.

Anderson stated they asked the County "Road & Bridge" for a turn lane. There was a discussion with Road & Bridge and because there wasn't a traffic study completed yet Road & Bridge wouldn't allow the applicant to add a turn lane. Anderson stated from the inception of the quarry they believed a turn lane was needed.

Dandar stated if the County would have given them a green light there would already be a turn lane in place. Dandar stated working with Miami County has been a learning experience and asked the Planning Commission to please bear with them.

Peuser referred to the master list provided by the applicant and asked if the applicant has a water truck.

Anderson stated they do have a water truck, and they water the quarry down on a regular basis.

Cook noted there was blasting data provided by the applicant and it should be in the packet the Planning Commissioners have. Cook stated there are graphs at the bottom of the pages showing the limits of the blasting that was placed by the State of Kansas and the dots on the right-hand side are the measurements from the blasts.

Broers called for deliberation amongst the Planning Commissioners at 8:56 p.m.

Philgreen stated he is familiar with rock quarries and their operations and is situated next door to a rock quarry. Philgreen is familiar with the blasting techniques, and it is nothing like it was 20-years ago. Philgreen stated he is inclined to vote for the quarry especially since it is an existing quarry. Philgreen noted there are three (3) things that concern him with this application: 1) The utilities (both water and power); wishes the right utilities had been contacted as quarries don't use a lot of utilities. 2) The traffic study; if Philgreen were in the applicant's shoes he would want the traffic study to be settled, clear, and part of the approval process.

Flake stated he agrees with a lot of what Philgreen said. Flake stated he knows this quarry and road very well and the road is narrow. Flake stated he is in favor of having the quarry open and believes it brings

something valuable to Miami County but doesn't believe he has enough information to make the decision he is held responsible for. Flake stated he is surprised; with all the years of experience the applicant has with rock quarries that they didn't come prepared with a traffic study. Flake state he will not be in favor for a vote tonight without added information.

Peuser stated once the traffic study is ordered it is out of the Planning Commission's hands, Road & Bridge will be deciding what happens not the Planning Commission. Peuser stated he would have liked to see the traffic study and what Road & Bridge decides to do, but that isn't available, and he believes they need to trust the process.

Broers stated when the traffic study comes back, the Planning Commission is not bound to approve or deny the application based on the results of the traffic study. This doesn't control the vote.

Philgreen stated the applicant is hiring a professional so that the Planning Commission can make a good recommendation.

Flake stated he appreciates the applicant's position and hopes the applicant understands the Planning Commission is charged with making the best decision for the County and personally, Flake wants as much information as he can get to make the best decision based on the information.

Elliott referred to Condition 14 and asked if removing the word "all" does that remove the concern shared on Condition 14.

Brown asked about replacing it with the word "nuisance".

Elliott stated the items are listed following the word "all" in parenthesis.

Philgreen stated if this item is tabled and when Staff brings it back, the wording will be fixed.

Kitchen asked the applicant who chose the operating hours of 7:00 a.m. to 3:00 p.m.

"The applicant" stated they did.

Broers suggested striking "All" and adding "including".

Cook noted Koehn has been working on modifications to the wording and one thing she came up with was "high impact quarry operations" instead of "all" and adding a note that things not considered high impact such as office work would be allowed.

Elliott asked for clarification. Elliott stated people are using the word "table" when potentially it is "postponed or continue".

Cook noted continue.

Elliott stated no matter what the data of the traffic study comes back with, Elliott doesn't believe he would see a change based on the fact that Condition 17 states: "... *Based on the study, the applicant shall enter into a written Improvement and Maintenance Agreement with Miami County outlining responsibilities...* " Elliott stated the Planning Commission is not a decision making body rather a recommending body which means having that information before the Planning Commission today really doesn't matter because the Board of County Commission will be making the decision. Elliott understands the concerns of the other Planning Commissions wanting the traffic study, he too would have liked having it tonight, but Elliott doesn't believe it changes his responsibility nor does he believe he is neglecting anything because Condition 17 addresses the concern.

Peuser stated the last line of Condition 17 states: "...*This agreement shall be approved by the Road & Bridge Department and legal counsel prior to the commencement of expanded operations and reviewed every three years to assess ongoing impacts.*" Peuser stated based on Condition 17 if the agreement is not approved the Conditional Use Permit (CUP) is invalid.

Elliott agreed.

Kitchen referred to Condition 5: "*A minimum setback of one hundred (150) horizontal feet from any road right-of-way and thirty (30) horizontal feet from all other property lines, measured on the surface, must be maintained clear of any mining or quarrying activities, both surface and subsurface. The quarry shall also adhere to all applicable State setback regulations. Excavation shall not extend within fifty (50) feet of the 100-year floodplain within the CUP area. No building, equipment, quarry products or other materials shall be erected or stored within one hundred feet (100') of any property or right-of-way line.*" Kitchen stated the right-of-way and floodplain get 100-foot setbacks while the residents only get 30-foot setback and asked why.

Elliott stated he found the setbacks for quarries in the Zoning Regulations, and it is 30-feet.

Kitchen stated that is awfully close and asked how to get screening within 30-feet.

Elliott stated it also stated they must be 500-feet from any structures. Elliott stated while the Planning Commission has been deliberating he took an opportunity to research neighboring counties and the setback for neighboring counties is 100-feet for quarries. Elliott believes this needs fixed in the Zoning Regulations.

Kitchen asked if the setbacks to adjacent properties can be addressed in the Conditions.

Elliott stated he isn't sure that can be done with the Zoning Regulations stipulate 30-feet.

Flake asked Staff if this is tabled until next month is it likely to have the data from a traffic study and from Road & Bridge by then?

Cook stated he would be concerned if an engineered study would be complete by then and assumed it would take longer.

Cook referenced K.S.A. 49-501 "*...for each foot of depth excavated, at least one foot of unexcavated land between the excavation and property line of the person who owns the land being excavated...*" and stated that is a one to one ratio meaning if the excavating is 30-feet deep then they need to be 30-feet from the property line. Cook stated the State Statute has other regulations that are different from Miami County's Zoning Regulations that the quarry will have to comply with. Cook stated there have been discussions with the applicants regarding their mining plan. The applicant's desire is to mine everywhere indicated on the site plan, but the rock might not be in some of the areas or might not be as good in some areas which will change their plan.

Brown stated he has been struggling with this item because of his concerns for the neighbors, the high impact situation, and the road. Brown believes the applicant has shown sophistication and gone the extra mile to do the right thing including safety and lowering the impact. Brown stated he wouldn't be qualified to look at a traffic study and know what is good and what isn't and trusts Staff and Road & Bridge to have the traffic study done and know what's best from the data received.

Gerken agreed with Elliott, he doesn't believe it is the Planning Commissioners' responsibility to study the data of a traffic study that needs to be left in the hands of Staff and Road & Bridge. Gerken doesn't believe the traffic study will change his decision one way or another.

Broers believes there is a fundamental disagreement as to the Planning Commissioners' role. Broers agreed the role is to make recommendations to the Board of County Commissioners, but it is based on the information provided to the Planning Commissioners including information provided by experts. Broers stated when coupling a lack of traffic study here where there has been a pattern of requiring them in the past and when looking at the scope of this project... Broers stated there have been statements of Road & Bridge being reliable but just two (2) months ago Road & Bridge measured the road incorrectly for another Conditional Use Permit (CUP). Broers stated the Board of County Commissioners rely on the Planning Commissioners as fact finders and then make recommendations. Broers stated it might not make a difference with the traffic study, but she doesn't like the fact that the incorrect utilities were contacted. Broers believes ultimately it protects the applicant if the Planning Commissioners make a recommendation based on all information. Broers would be in favor of continuing this item for 1-2 months. Broers stated there isn't any harm to the applicant as they are still operating under the existing CUP.

Kitchen stated he is looking for consistency and doesn't see it here.

Philgreen agrees with both Kitchen and Elliott. Philgreen stated the applicant will comply with the traffic study which means the applicant will have a traffic study done. Philgreen stated this should be done for this item and make it consistent with future applications.

Cook noted there is an opportunity for a protest petition to be submitted but even if there is a valid protest petition the Board of County Commissioners will not be required to have a majority vote rather a simple majority vote per State Statute.

Broers asked if there is still a potential to appeal.

Cook stated yes. The applicant or others could challenge in District Court.

Broers asked the applicant if they have something to add to the topic of the traffic study.

Anderson stated they have had discussions with Road & Bridge about doing a traffic study and adding a turn lane. Anderson believes they have been undergoing a traffic study for the last year and to his knowledge there have been no accidents on Hedge Lane during the last year.

Philgreen stated if he were the applicant and there were a risk of getting a denial he would prefer a continuance allowing for the additional information than to get a denial.

Elliott asked for the difference between table and continue.

Philgreen stated per Robert's Rules it would be continue not table.

Cook agreed.

Philgreen moved to continue 25001-CUP to a future meeting with a traffic study and proper feedback from all interested parties which includes Road & Bridge and proper utilities.

Cook asked for a specific date to continue the meeting to. Cook noted that Public Hearing 25001-CUP was opened and closed at tonight's meeting so there won't be comments allowed by the public at the continued meeting.

Philgreen amended his motion to continue the Planning Commissioners deliberation of 25001-CUP to the June 3, 2025, Planning Commission meeting pending a traffic study and all interested parties response/notification (especially interested in Road & Bridge's response to a traffic study). Flake seconded.

The motion passed 5-3 via roll call vote:

Kelli Broers, Chairman - yes	Joshua Brown - yes	Randy Kitchen – yes
Topher Philgreen, Vice-Chairman – yes	Peter Peuser – no	Joe Flake – yes
Phil Elliott – no	Rusty Gerken - no	John Menefee - absent

Broers stated this item will be continued to June 3, 2025, Planning Commission meeting pending a traffic study. Broers reminded the everyone that the Public Hearing was closed, and the public will not have an opportunity to speak at the continued meeting(s).

Broers thanked the citizens for showing up to the meeting and providing input.

New Business:

There was none.

GENERAL DISCUSSION:

Cook asked for feedback from the Planning Commissioner regarding Miami County’s policy for legal descriptions on Lot Split and Boundary Line Adjustment surveys. Cook stated in past it has been required by Miami County that all legal description be written with a metes-and-bounds describing each property.

Elliott asked how the state deals with that if the remainder property then changes.

Cook stated that is part of his concern. If this property that has an exception gets split again, then you might have a property being described with an exception and another exception. The surveyor was concerned if the monument used is destroyed, moved, or something else it might create a gap in the surveyed property creating issues down the road. Cook noted the metes-and-bounds method is clearer, typically used by most other surveyors and unless he receives a different direction he will continue to request the metes-and-bounds legal description.

Cook stated he had another individual come into Planning & Zoning that has a fertilizer operation wanting to purchase a 15-acre tract running the business off the tract, no ag production would take place on the tract. Cook stated the individual could submit a Conditional Use Permit (CUP) for Staff to present to the Planning Commission. The individual is now looking at purchasing a 40-acre tract with an 80-acre tract adjacent that the individual plans on farming and still having the fertilizer business. Staff believes this would fall under ag uses and not require a CUP.

Elliott asked if the fertilizer business is just application or sales.

Cook stated just application.

Gerken asked what Staff is needing.

Cook stated he would like to know if the Planning Commissioners agree with Staff’s interpretation.

Gerken stated he agrees.

Elliott stated he agrees that the larger tract of land makes a difference. Elliott is concerned with where to draw the line with a business activity that is designed...

Gerken asked about the seed dealers in Miami County.

Peuser asked about the individuals that custom spray.

Kitchen stated he has properties...

Elliott stated if it is clearly ag only, that is one thing, but when it changes to sales or something else that is another thing. The County doesn't want to make a blanket statement such as "ag connected".

Broers believes this might be statutory interpretation and asked if it could be sent to legal.

Peuser stated if an individual owns 15-acres he might rent 3,500-acres to farm.

Cook agreed. Cook state if it is a coop, the coop is not an agricultural use and would usually require a Conditional Use Permit (CUP) or the correct zoning.

Cook handed out some information on short-term rentals for the Planning Commissioners to review in preparation of an upcoming discussion on short-term rentals.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

There was none.

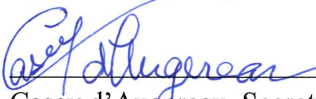
Possible Future Amendments to Zoning and Subdivision Regulations

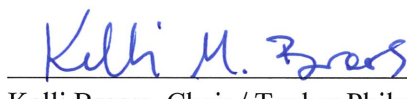
- A. Discussion on Solar Farms: Moratorium
- B. Sign Regulations: Moratorium
- C. Short-term Rentals
- D. Height limits for radio, television, internet antennas and satellite dishes designed for individual residences.
- E. Telecommunications Regulations
- F. Wayfinding Signs

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

Flake moved to adjourn the meeting; Philgreen seconded. The meeting adjourned at 9:43 p.m. with a unanimous vote of 8-0, via show of hands.

Approved this 3rd day of June, 2025.


Casey d'Augereau, Secretary


Kelli Broers, Chair / Topher Philgreen, Vice-Chair

Minutes written by Casey d'Augereau