

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
June 3, 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, John Menefee, Peter Peuser, Phil Elliott, Joe Flake, Josh Brown, and Rusty Gerken
ABSENT MEMBERS:	----
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 all nine (9) members present.

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, Planning Commissioner Joe Flake seconded. The motion passed unanimously (9-0), via show of hands.

CONSENT AGENDA

- Minutes:
 - Approval of the May 6, 2025 Planning Commission Minutes

Philgreen moved to approve the consent agenda as presented, Planning Commissioner Rusty Gerken seconded. The motion passed unanimously (9-0), via show of hands.

Old Business:

Public Hearing for 25001-CUP: 1880 Block Quarry

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 requested the Planning Commissioners continue 25001-CUP 1880 Block Quarry to the July 1, 2025 Planning Commission Meeting. Koehn stated Staff received some of the information from the agencies the Planning Commission requested, did not receive the traffic study report until May 30, 2025 and Road & Bridge has not had an opportunity to review the report and make comments to Staff.

Philgreen moved to continue 25001-CUP 1880 Block Quarry to the July 1, 2025 Planning Commission Meeting. Flake seconded. The motion passed 7-2 with Planning Commissioner Phil Elliott and Gerken voting against, via show of hands. Elliott stated he disagreed with the original vote to continue this item to tonight's meeting, Gerken agreed.

New Business:

Public Hearing 25002-CUP: Tidd Tree, LLC

Broers opened Public Hearing 25002-CUP: Tidd Tree, LLC inviting Staff to the podium to present Staff's report at 7:04 p.m.

Planning Director Kenneth Cook presented the Staff Report including the Golden Criteria and Conditions.

Cook stated the applicant was before the Planning Commission about 1-year ago with a similar Conditional Use Permit (CUP) application. The CUP was approved but there were some issues that came up while the applicant was closing on the property that required the applicant to withdrawal and abandon the CUP. As the CUP was withdrawn and abandoned, Cook noted the applicant was required to go back through the CUP process.

Cook reviewed the history of this application for the Planning Commissioners that were not present when the original CUP application was considered by the Planning Commission.

Cook stated the applicant is in the process of remodeling the structure on the property to move into and part of the CUP will be for a structure to be used as a contractors shop allowing the applicant to store materials and equipment indoors for the operation of the CUP. Employees will be coming to the site in the mornings to pick up equipment to take to different jobs during the day and return to the shop at the end of the day.

Cook noted the Miami County Zoning Regulations allow for contractor shops in both the AG and Countryside (CS) Districts through the CUP process. Properties with no less than 5-acres allow for a contractor shop, everything must be inside. If 10-acres or more then the Planning Commission can approve for some outside storage. Applicant's desire is to store all materials and equipment inside the structure. There will be a fueling station behind the structure screening it from view.

Cook referenced the Golden Criteria No. 1 (*Character of the neighborhood including zoning and uses*) stating there are four (4) residential properties located on the road the applicant's property is on to Old KC Road. Cook believes these four (4) residents will have the biggest impact from this CUP.

Cook moved to Golden Criteria No.3 (*The extent to which removal of the present zoning will detrimentally affect nearby property.*) stating the main affect that Staff sees is the increase traffic and road dust from the increased traffic from this business. Cook noted the applicant has agreed to do dust control from 169 Highway to Old KC Road which is adjacent to the 4-residential houses located on the same road as the applicant's property. Staff calculated the number of trips that will have an effect on the traffic based on the number of employees the applicant plans on having which will be 42-60 trips per day.

Cook moved to Golden Criteria No. 6 (*Whether the proposed Conditional Use Permit (CUP) would be consistent with the intent and purpose of the Zoning Regulations.*) stating the contractor shop and yard is something that is permitted through the CUP process in both the AG and Countryside (CS) Districts. Cook stated some sort of screening is typically required between the public right-of-way and adjacent properties and where the use is going to occur. The applicant has indicated he plans on during a combination of berms and trees on the front side of the property where the contractor shop will be located. The West side of the property has a drainage area with a significant number of trees, and the Southeast side of the property has a railroad right-of-way with a heavy hedge row.

Cook noted the Conditions listed in the Staff report are the Conditions that were approved by the Board of County Commission when the original CUP was approved for Tidd Tree, LLC with some minor changes from Staff's original recommendation. Cook stated this is one of the Conditional Use Permits (CUP) the Planning Commission believed a 20-year term was appropriate based on the location and type of use (Condition No. 4). Cook stated screening was the other modification; the Planning Commission wanted Staff and the applicant to work together on the best method of screening.

Elliott stated the Conditions also referenced a site plan but there was no final site plan at the time.

Cook agreed. Cook stated the applicant is working with an engineer on the site plan and will be presenting it to Staff once it is complete. Cook noted the site plan in the packet does provide a good representation of what is being proposed.

Cook asked if there are any questions from the Planning Commissioners.

Planning Commissioner Peter Peuser asked what the purpose of the berms and trees are for; to screen it from passer-bys, noise, and/or dust.

Cook stated most of the time screening is more for aesthetic. Staff tries to keep it open so applicants can pick the right screening for their use.

Peuser is concerned there are too many hoops for a person to jump through sometimes.

Elliott stated he doesn't disagree with Peuser's concern but believes the consistency is the only reason to keep it in. Elliott stated in this case Staff probably could have gotten away without it, but in other cases where the CUP is extremely exposed to the neighbors the screening was logical.

Gerken asked if the Planning Commission has to require the applicant to screen.

Elliott stated if the Planning Commission isn't consistent it makes it difficult for the Planning Commission to enforce something when it is needed.

Cook noted Staff has allowed for a range of different types and amounts of screening. Cook noted there have been cases where screening was not required due to the distance the use was setback from a neighboring property line.

Planning Commissioner Randy Kitchen asked if a CUP is tied to the land or the applicant.

Cook stated CUPs are typically tied to the land. In the Conditions it specifically calls out if the CUP changes ownership or is sub-leased the new owner/operator must come before the Planning Commission and Staff will make sure the new owner/operator understands the Conditions of the CUP.

Broers invited the applicant to the podium at 7:18 p.m.

Chris Tidd, 21455 W. 239th St, Spring Hill, stated the Board of County Commissioners made a recommendation for firewood sales but he does not see that noted in the Staff report. Tidd stated

the last line (*first paragraph of Proposal: No retail sales or other activities are proposed, and the business would not include access by the general public.*) states ...will not include access to the general public but it will be hard to sell firewood if there is no access to the general public. Tidd asked for clarification allowing him to sell firewood from the property and bring product back to the property.

Peuser asked if the applicant will be delivering the firewood or will the customers be coming to the property to pick it up.

Tidd stated the customers will be picking it up.

Planning Commissioner Joshua Brown asked if the Board of County Commissioners or the Planning Commissioners asked the applicant to sell the firewood.

Tidd replied Board of County Commissioners.

Peuser stated he has no problems with the applicant selling firewood on site.

Brown stated the Planning Commission is a recommending board and Brown would recommend the Board of County Commission follows their original recommendation to the applicant.

Elliott stated allowing general public to come to the property that changes the traffic and the discussion of the additional traffic. Elliott asked if the various departments have the added traffic from the public on their radar because he doesn't see anything about it.

Cook stated when the Board of County Commission was considering this application a Commissioner asked if firewood sales would occur, and Commissioners specified they didn't see a problem with the applicant selling firewood from his property as part of the Conditional Use Permit (CUP).

Gerken asked if firewood sales will be seasonal.

Tidd stated he hasn't come up with a definite plan, but his first thought is to sell it one (1) Saturday a month. He doesn't plan on selling it Monday thru Friday.

Tidd asked if the zoning of the property will change from AG District.

Cook stated the zoning remains the same. Cook noted from an appraiser's perspective they will tax the property based on its use which could be a mixture of types of taxes depending on each use of the property.

Tidd believes there is a disconnect with the County because he has been working on the CUP with Planning & Zoning and a building permit with Codes Services and someone from the Appraiser's office came to his property asking questions regarding what he is doing with his property. Tidd believes when an application is submitted with site plans, building permits, etc., that information should be shared with all departments within Miami County.

Peuser asked if there is AG land on the applicant's property.

Tidd stated yes and he is building the contractor's shop on part of the AG land. Tidd stated he will be scraping the top layer of dirt and use it to build the berms.

Broers opened Public Hearing 25002-CUP: Tidd Tree, LLC to the public at 7:24 p.m.

There were no public comments, Broers closed Public Hearing 25002-CUP: Tidd Tree, LLC at 7:25 p.m.

Broers invited Staff to the podium.

Cook noted that the applicant is correct that the Board of County Commissioners did specify the approval of selling firewood on the property. Staff did not get the Conditions updated to reflect the sale of firewood. Cook suggested modifying Condition #9 to reflect the sale of firewood on the property as material is not typically allowed to be brought back to the site and the county does want to make sure there is not a lot of excess material being brought to the site.

Elliott stated he reviewed the minutes from the Board of County Commission meeting to see what was said. The only statement referencing the firewood was "*Commissioner Roberts stated Mr. Tidd should be able to pile up logs to sell for firewood.*" and stated it doesn't suggest there's firewood sales... Elliott stated that is the only reference to firewood in the Board of County Commission minutes (09/04/2024).

Cook recalls the statement of Commissioner Roberts' and believes there was at least one other Commissioner that agreed.

Philgreen stated he believes the Board of County Commissioners approved the original Conditional Use Permit (CUP) afterwards the applicant withdrew it.

Cook agreed and stated there were issues with the sale and in order to get the sale of the property to go through the applicant needed to withdraw the original CUP. The Board of County Commission also allowed a reduced fee for this application due to there being no significant change from the original CUP.

Peuser stated he would like to see an amendment to the Conditions allowing the sale of firewood on the property.

Cook agreed.

Kitchen asked if the sale of firewood would be considered retail.

Philgreen asked if it would be considered AG sales.

Cook stated no because it's not being produced on the property.

Kitchen stated anyone can sell firewood from their backyard and doesn't know why he needs a condition stating he can sell firewood.

Broers reminded that the applicant requested something in writing stating he can sell firewood on his property as part of the CUP to make sure this is documented.

Elliot specified the issue is that Condition 9 is written that material cannot be brought back to the site.

Gerken stated it is written terribly and suggested the conditions should be struck altogether.

Elliot replied that that we don't want brush brought back or for material to be brought back and burned on the site.

Cook noted Miami County has had a number of issues in the last year with individuals operating tree removal businesses on other properties in the county and having burn piles that had been smoldering for 7-8 straight months with smoke impacting neighbors. There have also been other problems with operations simply dumping debris on sites.

Kitchen asked about why similar business could not use a chipper to chip up cedar trees to sell as this would be similar to firewood.

Cook noted this can start getting into processing of materials...

Broers suggested amending Condition 9 to read: Transport of offsite waste to this site for sale of firewood is permitted. Sales are limited to 8:00 a.m. to 4:00 p.m. Monday through Friday and 9:00 to 4:00 on Saturdays. Then continue with the remainder of Condition 9, all other dumping, burning, and/or burial of offsite waste is prohibited.

Gerken asked if the applicant is ok with the wording.

Tidd stated yes.

Broers moved to deliberation amongst the Planning Commissioners at 7:31 p.m.

Peuser asked why fire suppression is required in the building, will there be offices in the building.

Cook stated as part of the building permit, especially since it is a commercial building with other employees working within it, the building has to comply with the fire code. In this case there won't be a sufficient water supply to provide fire suppression to this building. The applicant will work with a fire engineer that will prepare a fire protection plan.

Elliott moved to approve 25002-CUP: Tidd Tree, LLC based on the Findings presented and the modification to Condition No. 9's recommendation. Flake seconded; the motion passed unanimously (9-0), via show of hands.

Broers stated this is strictly a recommendation to the Board of County Commissioners and the Board of County Commissioners will hear the recommendation on June 25, 2025.

GENERAL DISCUSSION:

Cook stated Staff has been working on short-term rentals and found a community in Kansas that is not a college community that offers short-term rental regulations. Cook stated technically it could be permitted by right, it could be a licensing requirement which is what a lot of communities do, or it could be a registration, and some make it go through the Conditional Use Permit (CUP) process. Cook stated there are several options and Staff will continue to research them and present Staff's ideas to the Planning Commission.

Peuser asked what kind of issues does Staff think there will be.

Cook stated there was an individual that started a short-term rental in the past and turned it into a party-house. There have been people passed out on picnic tables in the backyard of someone else. Issues with trespassing because people aren't aware of where the property lines are. Cook stated noise is one of the biggest concerns. Every week there can be someone different at the rental, as well as taking housing options out of the county by turning them into short-term rentals.

Flake asked what is the definition of a short-term rental.

Cook stated any rental available for less than 30-days.

Cook stated the Zoning Regulations do allow for a bed and breakfast but that requires the owner to reside in the structure and there cannot be any type of barrier between the owners living quarters and where the people are staying.

Cook noted with the World Cup coming to the area short-term rentals will be a way to bring people to Miami County to stay during the World Cup.

Broers asked when Staff brings a draft to the Planning Commission will there be an option to consider stand-alone short-term rentals in addition to a more restrictive regime where the owner has to live on site.

Cook stated those are things that can be looked at, but some communities don't require the owner to live on the site but to live within a certain distance of the short-term rental. Some communities require the owner to provide a cell phone number to the neighbors so if there is an issue the neighbors can reach out to the owner.

Gerken asked how many neighboring counties are doing short-term rentals.

Cook believes it is; Johnson County, Douglas County, and Riley County. Staff stated Franklin County is working on short-term regulations now as well.

Peuser asked if any of them have the house registered as a short-term rental that way law-enforcement is aware of them.

Cook stated there are some communities that require short-term rentals to be registered while others just treat it like a single family residence.

Elliott asked if there is a change with registration of a short-term rental wouldn't it seem reasonable that the bed and breakfast would have to fall in line with the same process.

Cook agreed and stated he is also looking at the regulations for the Accessory Dwelling Units (ADU). Current Zoning Regulations stipulates that an ADU cannot be used as a short-term rental, Staff would prefer a short-term rental be adjacent to the owner's primary dwelling.

Cook stated Staff has also been looking into solar regulations again and hopes to have something to present to the Planning Commission at the July Planning Commission meeting.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Cook presented the Planning and Zoning monthly report. Cook noted he has been involved in the rewriting of the APWA storm water standards.

Building permits year to date are 344 permits issued, last year 289.

Residential dwellings are 21, averaging 4 per month.

Planning & Zoning had 12 new applications this month, 14 Zoning Verifications so far this year while last year there were a total of 23. There have been 14 pre-application meetings so far this year.

Broers stated she doesn't think there have been many request for subdivisions.

Cook stated Planning & Zoning has taken in 2 subdivision applications this year, and he has been talking with 3 individuals looking at doing a subdivision.

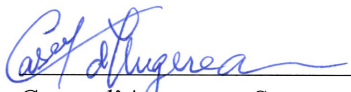
Possible Future Amendments to Zoning and Subdivision Regulations

- 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.

Menefee moved to adjourn the meeting; Brown seconded. The meeting adjourned at 7:53 p.m. with a unanimous vote of 9-0, via show of hands.

Approved this 1st day of July, 2025.


Casey d'Augereau, Secretary


Kelli Broers, Chair / Topher Philgreen, Vice-Chair

Minutes written by Casey d'Augereau