

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
August 7, 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, Andrew Moore, and Rusty Gerken
ABSENT MEMBERS:	Joshua Brown, John Menefee, Phil Elliott, and Peter Peuser
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:	Not Present
PRESS:	None Present

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
August 7, 2025**

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 five (5) members present.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

There were none.

ADOPTION OF THE AGENDA

Vice-Chair Topher Philgreen moved to adopt the agenda as presented, Planning Commissioner Rusty Gerken seconded. The motion passed unanimously (5-0), via show of hands.

CONSENT AGENDA

1. Minutes:
 - o Approval of the July 1, 2025 Planning Commission Minutes
2. 25002-SUB: Brad & Tiffani Oliver Subdivision

Planning Commissioner Randy Kitchen moved to approve the consent agenda as presented, Gerken seconded. The motion passed 4-0 with Philgreen abstaining due to being absent at the July meeting, via show of hands.

Old Business:

There was none.

New Business:

Public Hearing 25004-CUP: Fontana Christian Church

Broers opened Public Hearing 25004-CUP: Fontana Christian Church inviting Staff to the podium to present the Staff Report at 7:02 p.m.

Jennifer Koehn, Assistant Director of Planning & Zoning, presented the Staff Report asking the Planning Commission to consider a request to amend the existing Conditional Use Permit (CUP) from 2023 to add a parking lot and an additional building. The original CUP was approved in 2003 and renewed in 2023. At the time of the 2023 renewal, the applicant removed the preschool; if the applicant chooses to move forward with the preschool in the future, it will require a separate CUP. The parking lot expansion will add an additional Accessible Parking

space (ADA). The additional building is anticipated to be constructed within 2–5 years, while the parking lot expansion will occur sooner. As part of this expansion, the applicant would also like to add a 0.19-acre retention basin for stormwater runoff.

Koehn noted there were no public comments. Road & Bridge had no concerns, as they worked with staff in 2023 when a traffic study was completed. A stormwater report was also presented with the 2023 amended CUP. The only issue staff identified is that the 2023 stormwater plan required a half-acre retention basin, while the current request is for one half that size. Staff suggested the applicant either utilize the stormwater plan from 2023 or obtain a letter from stormwater staff amending the required size of the retention basin.

Koehn mentioned she intended to change Condition 6 but removed it by accident and referred to R23-09-042 (resolution approved in 2023).

Condition 6 of R23-09-042: Those buildings and parking areas shown as “future” on the site plan are not permitted with this Conditional Use Permit. The church shall apply for and gain approval of an amendment to this Conditional Use Permit in order to further develop the buildings and parking areas shown as “future” on the site plan. The soccer and softball fields may be developed at any time as long as no lights are installed with their development. Any lighting associated with the soccer and softball fields shall be reviewed upon an application for an amendment to the Conditional Use Permit. The use of the ballfield, buildings, or parts of the property for public/community use for ballgames, practices, tournaments, or other events that are not commonly associated with a church facility are specifically excluded as part of this CUP.

Staff does not believe it is necessary for the applicant to return for approval of the future buildings and parking areas each time. Staff recommends Condition 6 of the 2023 Resolution be revised to read as follows:

“The soccer and softball fields may be developed at any time as long as no lights are installed with their development. Any lighting associated with the soccer and softball fields shall be reviewed upon an application for an amendment to the Conditional Use Permit. The use of the ballfield, buildings, or parts of the property for public/community use for ballgames, practices, tournaments, or other events that are not commonly associated with a church facility are specifically excluded as part of this CUP.”

Gerken asked if Condition 6 will be removed.

Koehn stated Staff would like to add Condition 6 back into the current application from the Conditions approved in 2023 starting with “The soccer and ball fields...”

Broers asked Staff why the applicant was required to return for future buildings instead of getting the approval in 2023 and why are the circumstances different now given that their timeline is 2-5 years before they build the building.

Koehn stated Staff researched that and was not able to locate anything that talked about the reasons for this, but Staff’s best guess is the stormwater plan. Staff doesn’t typically add that requirement.

Broers asked if the applicant will be required to come back to the Planning Commission if they want to submit additional plans.

Koehn stated the applicant will need to return with building plans when they are ready to move forward. At that time, the Planning & Zoning Department will review the building plans.

Broers asked whether, after this amended CUP is approved, the applicant would be required to return if they decide to add another building, and whether that needs to be made a condition.

Koehn stated the application before the Planning Commission is not part of the existing CUP, which is why the applicant submitted a CUP expansion application. Any new buildings not included in the 2023 renewal would require an amended CUP.

Philgreen asked where the retention pond will be.

Koehn showed the site plan on the overhead projector and indicated the location of the retention pond.

Philgreen questioned if the retention pond is for the entire parking area or just for this expansion.

Koehn confirmed the expansion of the parking lot was included in the previous CUP and was included in the stormwater plan for all future expansions.

Staff believes the proposed expansion is minor compared to the 2023 expansion and does not anticipate a significant impact.

Broers opened Public Hearing 25004-CUP: Fontana Christian Church at 7:14 p.m. inviting the public to the podium to speak for 3-minutes. Broers reminded everyone to state their name and address for the record and to address all comments and questions to the Planning Commission only.

Broers closed the Public Hearing for 25004-CUP: Fontana Christian Church at 7:15 p.m., with no members of the public speaking.

Broers called for deliberation amongst the Planning Commissioners.

Kitchen asked for clarification on Condition 6.

Broers stated she understands Staff will add Condition 8 which is Condition 6 of the 2023 CUP, but it will begin with "The soccer and softball fields..."

Gerken moved to approve 25004-CUP: Fontana Christian Church with the Findings and Conditions as amended. Kitchen seconded. The motion passed unanimously (5-0) 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 August 27, 2025.

Public Hearing 25001-Z: Wildlife Ridge Rezoning

Broers opened Public Hearing 25001-Z: Wildlife Ridge Rezoning inviting Staff to the podium to present the Staff report at 7:17 p.m.

Cook noted Staff passed out a document provided by some of the surrounding neighbors of the property for the proposed rezoning.

Cook presented the Staff Report asking the Planning Commission to consider a request for a Rezoning application approximately 115.89-acres from Countryside (CS) to Rural Residential (R-1), and is located Northwest of Lookout Road and K-68 Highway. The applicant would like to develop the parcel for signal family residential housing similar to the density of the area to the North of this parcel.

Cook noted this application is strictly for the rezoning of the property. There was a concept plan submitted with the application, but it is just a concept plan. The applicant will still need to apply for a Preliminary Plat and Final Plat if the rezoning were to be approved.

Broers stated the water district letter states their comments are not part of the rezoning process and Staff noted the rezoning will be separate, yet the Staff Report is kind of peppered with "it" and asked what is the scope the Planning Commission is to be considering tonight.

Cook stated the concept plan is not set in concrete, it can be changed, it could even be made less dense. The current concept is at the maximum density that would be permitted. The issue with water and road improvements is part of the process of a subdivision plat. In this case Lookout Road does not meet the minimum infrastructure requirements and would need to be improved as part of the platting process. Cook stated requests for subdivisions are required to provide proof that water will be supplied to the subdivision and is adequate.

Broers asked if the Planning Commission is only considering if it is appropriate to change this parcel from Countryside (CS) to Rural Residential (R-1) tonight.

Cook agreed.

Broers stated the applicant may not decide to spend the money to improve the road for 20-years.

Gerken asked if the applicant will need to return with subdivision application.

Cook stated the rezoning application is the first stage to get the zoning that will allow for the type of use, and the density that is being proposed. Cook noted the specific layout of the subdivision (Miami County requires a conservation design subdivision layout and looks at what portions of the property are in a conservation area and location of roads) is addressed during the platting process when Staff review a request to make sure it complies with the Subdivision Regulations.

Cook believes the minimum infrastructure is important to the rezoning application because if it cannot be met, then rezoning should not occur.

Broers thanked Staff for the information and asked Staff to continue with the Staff Report.

Cook started with the history of this parcel to current day. Cook requested comments from various County Departments and outside agencies. The applicant has been working with the Environmental Health Department with some general testing to the soil in various areas to confirm what type of wastewater systems can be used or if different areas will be restrictive. If the property is rezoned each lot will have to have its own wastewater system, there is no public wastewater system in this area.

Cook stated RWD2 said they do have sufficient water in the area to be able to provide potable water source for the houses. Currently the capacity is not there to meet the fire flow requirements that are typically required for a subdivision. Cook stated the same was noted by the Emergency Management Coordinator.

Cook covered the Golden Criteria beginning with the:

1. Character of the neighborhood including zoning and uses.

Staff believes Hillsdale Lake is the main factor of the character of the neighborhood. The South side of the property is adjacent to K-68 Highway and North of this property there are two (2) residential subdivisions (one on the East half of the section and one of the West half of the section) with a total of 41 lots. When looking at the density of the two (2) subdivisions it averages 3.9-acres +/- per property. The density being proposed is less than the adjoining properties. Staff believes the application matches the general character of the neighborhood.

3. The extent to which removal of the present zoning will detrimentally affect nearby property.

Staff believes from a "use" prospective there isn't a lot of significant impact that would happen. There will be more houses, more noise from the houses, dogs, etcetera, which will be similar noises that the current houses in the area already have. Cook stated the R-1 District is more restrictive than Countryside (CS) District. Countryside (CS) District allows for some Conditional Use Permits which can be more of an impact to some of the residential houses in the neighborhood. Cook noted the applicant could have applied for a density of 10 acres instead of 5 acres, either way Staff and the Planning Commission would still be talking about the infrastructure. Cook stated the main concern of Staff is the road allowing access to the property is not currently sufficient to handle additional traffic. As part of the subdivision process the applicant would be required to upgrade the road and if the road can't be upgraded then Staff wouldn't be able to approve the subdivision.

Philgreen asked for clarification of which road Staff is referring to.

Cook stated Lookout Road.

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.

Cook stated if the application is approved it would bring more density into this neighborhood and increase traffic. As part of this application the applicant would be required to upgrade the road and from a safety aspect the upgrade of the road would be more of a benefit to the neighborhood.

Gerken stated on the 41 houses on the North side, and asked if 247th Ter. go all the way to the West?

Cook stated it stops half-way through; there are two (2) different subdivisions.

Gerken asked if there are 41 houses on Lookout Road?

Kenny stated no, part of the houses are on Lookout Road from one of the subdivisions and the rest are on Osawatomie Rd.

Gerken asked why was it mentioned that there are 41 houses on Lookout Road.

Philgreen stated that was his mistake.

Gerken stated there's no subdivision on the East side of Lookout Road just a few houses and asked if that is correct.

Cook stated yes. Cook asked if Gerken is talking about Golden Criteria #1 "*Character of the neighborhood...*".

Gerken replied yes.

Cook stated the intent in Golden Criteria #1 was to indicate the number of lots being 41 in the two (2) subdivisions located directly North.

Broers stated for a density comparison.

Cook agreed.

Cook continued with the Staff Report stating the water infrastructure is part of Golden Criteria #5. The Subdivision Regulations do require fire protection and once the subdivision is approved it would require the placement of fire hydrants in the area which would be another benefit to the neighbors. Staff believes there are a number of items that will benefit the health, safety, and welfare of the area even though there could be some changes that will have an impact on the neighborhood.

7. The conformance of the requested zoning change to the adopted Miami County Comprehensive Plan.

Cook noted the intersection of Osawatomie Rd and K-68 Highway is currently defined as an Area of Regional Significance. Area of Regional Significances aren't specifically defined to be within a certain distance, but are something the Planning Commission takes into consideration as zoning request in that area are presented. The Area of Regional Significances are more intended and generally located where the Comprehensive Plan anticipates more business type uses, and Staff believes this property is very close to that.

Cook stated most residential development is anticipated to be more inside city limits, town sites, and village expansion areas it does allow the Planning Commission to consider development in other areas.

8. Such additional matters as may apply in individual circumstances.

If this application is approved, Staff's main concern is that the applicant be required to upgrade Lookout Road to County's standards. There are a number of ways this can be done through bonding, cashier's check, or preconstruction of improvements before the final plat is recorded.

The applicant will need to continue working with the water district to come to a plan to meet the subdivision regulations requirements for fire hydrants and fire flow.

Cook stated the conceptual plan shows the road coming in the North side of the subdivision to give a general idea of the layout. Staff's opinion is there should be one (1) row of houses between the existing houses and the road. With regards to the layout of the conceptual plan, Cook noted the Subdivision Regulations describe the types of sensitive areas that should be included in the conservation areas for a subdivision. Staff suggest these areas be spread out not lumped together in one (1) area.

Staff recommends the Planning Commission recommend approval of the rezoning application from Countryside (CS) District to Rural Residential (R-1) to the Board of County Commission based on the Findings included in the Staff Report.

Cook noted that while Conditions are not typical placed on the approval of a Rezoning Application, in this case Staff suggests the Planning Commission consider placing a condition for the resolution not to be recorded or published until guarantees are made for the improvements of infrastructure, with said guarantees needing to be made within a certain timeframe before a resolution would be recorded and published. Cook noted that if the Rezoning application is approved, any further split of the parcel could only occur with a Subdivision Application.

Cook stated the applicant is present to answer questions.

Philgreen asked if the Rezoning Application is approved then does the applicant come back to have the roads approved.

Cook stated the roads will be a part of the Subdivision process.

Broers confirmed the concept proposal is for the maximum lots allowed.

Cook agreed. Cook noted most of the lots shown in the concept were smaller and the average lot size of the individual lots end up being less than 3-acres. According to Miami County Road Standards, if the average lot size is less than 3-acres, the roads will need to be a curb and gutter road. Staff suggests the average lot size be increased making the size per lot over 3-acres. All other subdivisions in rural Miami County have ditch cross sections.

Philgreen asked what happens if the Planning Commission recommends for approval, the Board of County Commission (BOCC) approves the application, and the applicant goes bankrupt? He noted staff specified no Conditions are typically made on Rezoning applications. If the applicant files bankruptcy can the Planning Commission have a stipulation on the approved application making the property revert back to the original zoning after a certain number of years?

Cook stated assuming the Planning Commission recommends approval, the BOCC approves it, and there are no Conditions, once the resolution is published in the paper the property is now R-1. An R-1 zoned property allows for a single house to be built on the property by right and nothing will need to be done with the zoning. Cook noted if they decide to split the property into 2-parcels down the road, because the property has already been platted, it will need to go through the replating process.

Philgreen stated this locks it in.

Cook agreed and stated R-1 District is more restrictive than the Countryside (CS) District. Cook gave the example of a Conditional Use Permit (CUP), stating certain CUPs could be allowed in the Countryside (CS) District, while many of those uses cannot be approved through the CUP process in the R-1 District without first going back through a rezoning process.

Commissioner Adrew Moore stated R-1 allows for 5-acres per dwelling and asked if it matters how close they are.

Cook explained a Conservation Subdivision requires 30-percent of the property to be placed in open-space and the density (in this case 5-acres per dwelling) considers the total size of the property. First Staff will take the 115-acres divide by 5-acre giving a maximum of 23 dwellings for this property. Then the applicant would layout the approximate location of the roads and layout the 30% of the property that will be placed as open space.

Broers stated if the zoning remains the same (Countryside) they can still develop it with a subdivision it would just be at a higher density and the applicant would still need to improve the infrastructure if they did that.

Cook agreed stating if the zoning is left alone the applicant can still do a Conservation Subdivision, but it would be at a 10-acre density instead of a 5-acre density.

Broers asked if there was any consideration given to the K-68 expansion project. Broers noted the turnoff at Lookout Road is not great.

Cook stated through the platting process and road development Staff will be working with KDOT (Kansas Department of Transportation).

Broers asked if KDOT will be developing both lanes equally on K-68 Highway.

Cook stated KDOT is only currently working up to the 169 Highway.

Broers believes Kansas Department of Wildlife and Parks and KDOT are within 1,000-feet of the applicant's proposal and asked if notification letters were sent to them.

Cook stated it is not typical for Staff to send notification letters to right-of-way owners or easement holders and if Kansas Department of Wildlife and Parks is within 1,000-feet they would have received a notification letter. Cook believes Kansas Department of Wildlife and Parks is just outside the 1,000-feet.

Broers invited the applicant to the podium at 7:56 p.m.

Mike Page, 402 S. Center Ave, Parker, stated he is part of the investment group working on this project. Page stated he is present to answer any questions the Planning Commission has.

Kitchen asked where the rural water district is at on approving the water for the parcel(s).

Page stated the water district evaluated the parcel for 24-water meters and can supply the water for the housing, but the question is if the water will be adequate for the required flow for fire. Page stated one of the water district's future projects is to upgrade the water lines from a 4 and 6 to a 16 but doesn't have a timeline for it. The water district has a couple of options they are looking into to see if it is feasible.

Gerken asked if the rezoning application isn't approved does the applicant still plan to develop this area with the current density.

Page stated if not approved they will take a step back and reevaluate their options.

Gerken asked if the zoning remains the same and the applicant decides to move forward with a subdivision will the applicant be required to upgrade the infrastructure.

Cook stated as part of the subdivision process the infrastructure must meet certain guidelines and he would be required to upgrade to meet any of the minimum infrastructure requirements.

Broers asked if there will be an option to take a road off of K-68 Highway and put an internal road from there.

Cook believes KDOT will not want a new access point onto K-68 Highway.

Page noted his engineer team is looking at coming from the South and another option would be to come from the North off of Osawatomie Road. Page stated the roads will be evaluated by the engineer team and there are some options.

Broers opened Public Hearing 25001-Z at 8:01 p.m. inviting members of the public to come to the podium one at a time. Broers stated there will be a 3-minute limit for each speaker and requested all comments and questions be directed to the Planning Commission only. Broers requested that due to the number of people wishing to speak on this request for people to form a line so as the current speaker finishes the next in line can step up to the podium.

Jennifer Fannan, 310 W. Piankishaw, Paola, stated she attempted to split off part of their property last year and was advised by Kenny Cook they would need to create a subdivision. They would need a minimum of 15-acres to meet the County's Regulations and would need to apply for a rule exception. Fannan stated Staff contacted the fire department, EMS, Sheriff's Office, and Road & Bridge to see if adding one more resident would put a burden on their services and infrastructure. It was determined that the road could not uphold one more driveway and that they would need to share a driveway with her father (adjacent property to the North). Fannan asked if these were the answers last year, what has changed. If adding one more resident could potentially tax all the services what will 23-new constructed sites do. Fannan stated she does not want this application to pass.

Candace Egnoske, 27745 Lookout Road, Paola, does not believe the rezoning of the applicant's parcel is a good idea. Egnoske stated when it rains the road is washed out, it is a horrible road. Egnoske has horses and believes adding traffic to a bad road will be dangerous for her horses and property. Egnoske believes the applicant does not have all his ducks in a row as far as the development of this property and she believes it is a bad idea. Egnoske stated she works in Ottawa and driving home on K-68 is very dangerous when making the turn onto Lookout Road, as well as if she is entering K-68 off of Lookout Road due to the location of the intersection. Time was called. Egnoske handed her typed notes to the Secretary to share with Staff and the Planning Commission.

Todd Bearden, 27503 Lookout Road, Paola, stated he has lived here for about 2-years and believes this will impact everyone in the area. Bearden stated his background is in wastewater and heavy construction, he does not see how this will be economically feasible to upgrade the roads and infrastructure that will be necessary for safe access. Bearden stated both he and his wife commute to work about 1-hour every day, but choose the lifestyle they have. Bearden believes the entrance for the rezoning will be in his front yard. Bearden asked the Planning Commission to look into the economic feasibility of upgrading the infrastructure, there is a safety side to this as well. Bearden stated traffic increases on the weekends due to the number of people enjoying the Hillsdale Lake. Bearden does not believe the people driving Lookout Road on the weekends are observing the current speed limits and believes those same people will increase their speed on Lookout Road once it is improved. Bearden believes everyone in the neighborhood does not want this property rezoned.

Ira Salvini, 29380 W. 274th Ter, Paola, asked if the application is approved if the applicant can be asked to follow similar layouts to the existing neighborhood and not be so dense. Salvini suggested any houses built have a value no less than \$600,000 to align with the existing neighborhood. Salvini believes the property is a difficult piece of land to develop on and asked that the Planning Commission keep the property zoned as Countryside (CS).

Dennis Costlow, 29391 W. 274th Ter, Paola, stated he is currently a firefighter in the city and has been for 25-years and also on the Paola Fire Department. Costlow stated he has seen first-hand the devastation of turning off of K-68 Highway onto Lookout Road. Costlow stated he built his house in 2014 and has called Road & Bridge every year about how bad the road is maintained. Lookout Road is horrible, there have been school buses stuck on Lookout Road as well as box trucks. Costlow encouraged all the Planning Commissioners to drive Lookout Road for themselves. Costlow believes Lookout Road is an extremely dangerous road, there are no shoulders and there is nowhere for the water to go so it washes the road out. Costlow stated he has two (2) young boys and one (1) has started driving, he makes him drive through Hillsdale because Lookout Road is dangerous. Costlow is convinced if 23-houses are added to Lookout Road then someone is going to be killed driving on the road. Firetrucks and ambulances aren't able to make it up the hill of Lookout Road. Costlow doesn't believe Miami county can afford to upgrade the road and asked the Planning Commission to vote no on the rezoning application.

Mary Beth Guy, 27723 Lookout Road, Paola, agrees with every safety issue that has been presented previously. Guy stated there were a lot of references to the Comprehensive Plan and asked if the Comprehensive Plan has been approved. Broers stated there is an existing

Comprehensive Plan that is approved. Guy stated she lives at the top of a hill on Lookout Road, and she has to creep out of her drive onto the road due to safety.

Eric George, 29270 W. 274th Ter, Paola, stated he and his wife have lived on 274th Ter for 21 years and have raised their kids there. George stated he has the same feelings about the safety issues previously presented but would like to discuss the runoff. George stated there are two (2) blind corners on Lookout Road North of K-68 Highway to Osawatomie Road, two (2) blind hills, four (4) hills total with two (2) valleys. George stated after 21-years of living in this area he would love to see Lookout Road paved, but it cannot handle the runoff unless underground basins are added to catch the runoff. If the road is paved and it rains, the runoff will flood both valleys every time and then it will wash out the road underneath. George stated there are trees growing over Lookout Road and it is basically a one (1) lane road now. He emailed Road & Bridge about three (3) months ago and received an email response stating it has been assigned to right crew; it is still there. George does not believe Lookout Road will be able to handle an extra 46-60 more cars even if the road is paved. George stated the parcel in question has about 6-inches of soil and under the soil is all rock, there will be too much runoff, and it will flood Lookout Road as well as 274th Ter.

Patrick Petelin, 27557 Lookout Road, Paola, stated he agrees with everything being said about Lookout Road. Petelin stated they have all been run off the road, they have all almost hit each other. Petelin is a fireman and has personally run accidents on Lookout Road as well as K-68 Highway turning onto Lookout Road. Petelin stated chip and seal will not work, the road is not wide enough, and it is a blind hill. As you top the hill you cannot see what is coming at you until you breakover. Petelin encouraged the Planning Commission to drive the hill on Lookout Road and imagine 46 more cars plus the kids that will come with the houses and needing to learn how to drive on that hill. Petelin stated if Lookout Road is paved it almost lines up with the Jayhawk Boat Ramp, once people realize Lookout Road is paved they will take it instead of Osawatomie Rd to the Jayhawk Boat Ramp. Petelin is concerned this will create more traffic with people pulling big campers and boats, 24-foot wide chip and seal roads will not cut it.

Mike Hobart, 28915 W. 274th Ter, Paola, agrees with the safety issues previously presented. Hobart does not believe this is a road improvement that is just paved, there has got to be runoff, bridges, or have the hills shortened. Upgrading Lookout Road will be a significant cost in order to get it to the condition it needs to be in. Hobart does not believe an exception should be given to this project allowing the road to be improved when all the lots are sold. If the rezoning is approved Hobart would like a time frame given to the applicant to make the necessary improvements to the road. Hobart stated there was a survey for the Comprehensive Plan being drafted and he believes there was an outstanding result from everyone in Miami County that they would like to keep Miami County as rural agricultural community. When larger Countryside (CS) lots are rezoned to R-1 it sets the stage for more of that to come. Hobart believes the County currently has less than 200-acres zoned R-1 and questioned why this application is even being considered.

Dirk Gage, 28991 W. 274th Ter, Paola, stated the proposal is in his backyard and he has lived there for 13-years. Gage stated the proposed property sits above him and the hill that runs all the way to Hillsdale Lake is solid rock. Gage stated he had French drains and sump pumps put

in and what is interesting to him is there are thousands of gallons of water running through the rock not on top of the rock. There is moisture from the soil coming through the rock, it goes downhill, and hits the foundations of the homes. Gage had people come out, dig up half his yard, and add a culvert to his pond due to subsoil moisture. As houses are built it will remove the grass and the water will run downhill to the houses and pool around the foundations of the houses. Gage stated by the time a person drives Lookout Road to Hillsdale State Park there is still an eighth of a mile to drive to get to the dam and believes there will be 600-800 yards of road on the Corp of Engineer's property that will need improved. Gage believes soil testing should be required to confirm if the proposed can be done. Time was called.

Charlotte Hobart, 28915 W. 274th Ter, Paola, stated she is a teenage driver. Hobart doesn't believe Lookout Road is a safe road to drive on due to not being able to see over the hills on Lookout Road and constantly swerving to miss potholes.

Sarah Maas, 27503 Lookout Road, Paola, stated her property is directly across the road from the prospective development. Maas stated she has a 4-year old daughter that plays in their yard. Maas stated she was concerned that the water, pipes, plumbing and street and possible gutters and sidewalk that part of her daughter's play area will be taken away as part of her front yard will be taken away. Mass noted she did not move out so that her daughter would be afraid of playing in the street because of the cars going through, whether it is dangerous or not. Maas stated the applicant has agreed to improving Lookout Road, but the residents will be responsible for the upkeep of the road and the taxes that comes with the improved road. Maas stated she agrees with all previous stated safety concerns.

Vernon Fannan, 27724 Lookout Road, Paola, stated he has lived there since 1991, and every property owner out there has a 5-acre lot or bigger. According to the conceptual plan the applicant is planning on 2.6-acre lots and asked how Miami County will allow 23-houses, have 23-septic systems in that small of area. Fannan stated the road is terrible.

Mike Didde, 29034 W. 274th Ter, Paola, from what he is hearing no one has talked with KDOT or the Corp of Engineers on how this will affect them. Didde asked if KDOT and the Corp of Engineers should have a say before the Planning Commission vote on this.

Larry Staley, 28116 Lookout Road, Paola, stated he doesn't have anything against the development and stated if you live in the rural area of Miami County there are certain standards that must be met to subdivide land. Staley stated on Lookout Road South of K-68 Highway is 3-times better than Lookout Road going North. Staley stated if there are 2-SUVs on the South part of Lookout road with each SUV going different directions, one of the SUVs has to drive in the ditch. Staley stated the intersection of Lookout Road & K-68 going North is a nightmare and he would like to know how many people have been killed in that area in the past 30-35 years. Staley stated if this application is approved the road improvements must be one of the first things done.

Rick Gudenkauf, 28825 W. 274th Ter, Paola, stated he lives on the corner of Lookout Road and 274th Ter and he agrees with the previous issues presented by everyone else. Gudenkauf stated emergency vehicles currently use Lookout Road, and it is dangerous. Gudenkauf believes approving anything is premature.

Nathan Glessner, 27867 Lookout Road, Paola, stated his house is at the end of the hill and some people know the house as "The Baseball House". Glessner believes the roads need to be addressed before major development is done in the area.

Broers closed Public Hearing 25001-Z at 8:33 p.m. and asked the Planning Commission if they have any questions for Staff or the applicant before going into deliberation.

Philgreen stated when the applicant plats out what the subdivision will look like the road conditions will be addressed.

Cook agreed and stated road improvements is part of the Subdivision Regulations and the road will need to meet or exceed that standard.

Kitchen asked how long did it take for the current housing to be established on Lookout Road. Kitchen stated the public citizens have a real concern with the road and he would like to know if the road condition happened within the last 5-years or 20-years.

Cook stated the subdivision was development in the 1990s and back then Miami County didn't have many zoning requirements. Had the current Zoning Regulations been in place back then that subdivision would not have been permitted. Cook stated there are minimum infrastructure requirements as part of Rezoning or Conditional Use Permits or even as part of the platting process. The existing infrastructure that is there, is what it is and has been allowed to continue. When an applicant looks at developing the area then Staff requires the applicant to improve the infrastructure. Overtime Miami County does improvements but most of the focus is on the major roads due to funding.

Kitchen stated this area has ben established for at least 10-years then.

Cook believes that is correct.

Kitchen stated after 15-20 years the County hasn't created enough revenue from the area to improve the roads. Kitchen believes this will give everyone an idea on how long it will take for the infrastructure to catch up to the R-1. The applicant might be required to the improve the road by a quarter of a mile but then the cars go to the State road and the State isn't able to keep up with the infrastructure either.

Cook stated as part of the subdivision platting process, the applicant will have to work with Road & Bridge making sure the improvements are to standard. Cook stated Road & Bridge will need to coordinate with KDOT since the improvements connect to K-68 Highway.

Broers stated Lookout and K68 is a terrible intersection and she drives it. Broers stated it doesn't look like a road and for years she thought it was a driveway not a road. Broers asked if going North was possible or does Miami County not have an easement with the Corp of Engineers.

Cook believes Miami County is responsible for maintaining the road through the Corp of Engineers and believes it is Miami County right-of-way.

Broers stated this might be a discussion for another time, another place, but she believes the access from Lookout Road to K-68 Highway should be terminated. Kitchen agreed.

Cook noted there have been several discussions with Road & Bridge and the main concern by Road & Bridge was the improvement/upgrade to County's Standards of Lookout Road in order for the development to take place.

Gerken asked what part of Lookout Road will be upgraded.

Cook stated it would usually be upgraded from the paved road (K68) to the North edge of the subdivision and would not typically be required to go beyond the subdivision.

Broers stated the traffic can come from either direction.

Cook used the Hidden Prairie Subdivision at 215th & Waverly as an example of a subdivision that was not required to pave past their subdivision,

Broers believes the circumstances are different and there would not be traffic coming from Waverly only from Johnson County while the application being reviewed will have traffic coming from both directions.

Cook stated in the past Miami County required paved access to the next paved road, they aren't required to have paved access in both directions.

Gerken asked how many feet is it from the access to the North.

People from the audience answered just over ½ mile and Cook agreed.

Gerken asked if this is even feasible.

Cook stated this will be the responsibility of the developer.

Gerken stated but it is still the Planning Commissions' responsibility to consider. Gerken stated if it was known that the applicant would have access off of K-68 Highway, Gerken could somewhat see this working, but coming off of Lookout Road doesn't make sense. Gerken asked if he can get an entrance off K-68 Highway.

Cook believes the applicant has reached out to KDOT and started conversations.

Gerken asked what the current width of Lookout Road is.

Cook believes it is 18-20 feet range.

Gerken asked what is required.

Cook stated 24-foot.

Gerken asked the applicant what KDOT has said.

Page stated he did reach out, but has not heard back. Page stated he has a Planner ready to look at access from the South, but waiting to see what happens with the Rezoning Application. Page noted the County has very specific requirements for the types of roads, interior roads, and exterior roads along with the timelines. It is very clear what is expected by the County, including the type, class, and standards of the roads.

Gerken stated when it comes to the hills and asked Staff are they required to knock those down, or level them.

Cook stated Road & Bridge works with their engineer who must follow Miami County's Road & Stormwater Standard that includes specifications regarding the maximum typical slope of road.

Broers called for deliberation amongst the Planning Commissioners at 8:48 p.m.

Philgreen thanked everyone for showing up and being a part of the process. Philgreen reminded everyone that the Planning Commission will not be making the decision but will be recommending a decision to the Board of County Commissioners (BOCC) based on the Public Hearing. Philgreen stated it is always tough when talking about a people's personal property rights. Philgreen stated it's a big deal for the Government to tell a property owner this is what you can and cannot do with your property. Philgreen takes that pretty seriously and does not want to be a heavy handed Government in that way. Philgreen believes they do need to protect one property owner's rights from another property owner. Philgreen stated he understands the road is very bad and is not capable for a subdivision. Philgreen stated the roads need improved before any house can go in. Philgreen stated it has to be assumed that somebody is going to need to spend millions of dollars to put these houses in. It can't be assumed if they have the money or don't have the money, but do they have the right to spend that money versus the Planning Commission's right to say they cannot spend that money. Philgreen stated he is hearing people say, "not in my backyard". Philgreen stated if the applicant spends the necessary money to upgrade the roads and the roads are perfect he finds it interesting that over half the people present tonight are living in a subdivision very similar to the one being proposed. Philgreen believes what the people present are saying is "their rights to live in a subdivision is better than the rights of the new person who wants to put in a subdivision". Philgreen stated what he looks at as a recommending body is what's the character of the neighborhood, where's the city moving, where's the path of progress, and what's on each side of the property. Philgreen stated there are a lot of areas of Miami County that are not appropriate for a R-1 zoning because it is in the middle of nowhere and no roads going to it. Philgreen stated in this case it is next to a highway, next to another subdivision, and South of the number 1-attraction in Miami County. Philgreen stated it is hard for him not to vote for this.

Kitchen stated leaving it as Countryside (CS) District will still allow the applicant to build half the number of houses he would like. Kitchen stated someone mentioned the survey and he believes 67-70 percent of Miami County wants to see Miami County remain focused on Rural Agriculture lifestyle. Kitchen doesn't believe 23-houses is rural. Kitchen believes a R-1 District needs to be closer to a city's limits and believes that is what R-1 was intended for.

Moore stated he has empathy for the surrounding neighbors. Moore stated he lives in rural Miami County and it's not just the road, it's the view, and how many people are coming by. Moore stated he is concerned about the safety of Lookout Road. Moore stated he storm-chases and is constantly going up/down gravel roads and Lookout Road is one of them. Moore stated if the road is improved and widened it would be a benefit to the residents but there will be additional traffic. Moore stated he is still considering everything but agrees a subdivision can

still be developed with 11-lots instead of 23-lots. Moore stated if he votes yes it will be there because of a property owner's personal rights.

Gerken stated if there were a plan to come off K-68 Highway he would be all for this. He doesn't believe there will be much difference between 11-homes compared to 23-homes and he lives in a similar subdivision. Gerken stated if the applicant came back to the Planning Commission with an entryway off of K-68 Highway he would be in favor of the application, but right now he is struggling because of the road and the cost.

Broers doesn't believe this is a rights versus rights situation. Miami County has a Comprehensive Plan, and this property is already zoned and that is the expectation of the property owner. Broers believes the property owner is coming to the Planning Commission requesting the right to expand their rights. Broers believes the conceptual drawing was the worst possible scenario the applicant could have provided starting with all the houses abutting the backyards of the surrounding neighbors. Broers doesn't believe this goes with the character of the neighborhood because one of the subdivisions in the area was created prior to the Zoning Regulations and the other subdivision was created just after the Zoning Regulations. Broers stated she lives in a similar place on a smaller lot and bought the lot next to her so she wouldn't have neighbors. Broers believes whoever allowed the smaller 3-acre lots to go in was not thoughtful planning. Broers doesn't want to repeat the same mistake. Broers stated the 2.6-acre lots are smaller than the existing lots in the area. Broers believes the increased density will negatively impact the surrounding neighbors. Broers stated she wants to talk about 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.

The safety and welfare. Broers believes this will negatively affect the surrounding neighbors' health and safety because Broers is not confident that the road will receive the upgrade that it really needs. She is concerned some pavement will be slapped on it and call it improved. Broers stated because Staff didn't talk to the Corp there's no idea what it will look like to try to come from the North.

Broers moved to Golden Criteria No. 6:

Whether the proposed rezoning would be consistent with the intent and purpose of the Zoning Regulations.

Broers believes Staff left off purpose number 3 of the Zoning Regulations: To conserve good agricultural land and protect it from the intrusion of incompatible uses but not to regulate, restrict its principle use of land for agricultural uses. Broers believes the current state of the parcel already satisfies one of the Zoning purposes. There are purposes that support not changing the zoning. Broers does not believe the request to change the zoning conforms with the Comprehensive Plan as it is written or as it is currently being drafted. Broers stated although this is considered an Area of Significance the area that would potentially be considered the Area of Significance is being preserved for conservation. Broers believes small lot development is contradictory to the Miami County Comprehensive Plan and doesn't believe it aligns with where

people say they want Miami County to go. Broers stated she will be recommending denial for those reasons. Broers stated it won't negatively impact the landowner; it can still be developed in a manner that better suits the neighborhood.

Kitchen doesn't believe it will create a hardship on the property owner.

Gerken stated when talking about the agricultural part of it, he believes that value is lost no matter what because the applicant can develop it anyway.

Kitchen stated with 15-20 acre lots there could still be some sort of agricultural activity.

Philgreen stated he can make the argument that it actually preserves more agriculture to have targeted places with higher density because if the County doesn't allow higher density people are buying 20-acre lots and mowing it taking away 20-acres of agriculture.

Broers stated she would argue it belongs in city limits. Broers stated Johnson County isn't allowing anymore septic systems on 5-acre lots or smaller and when sewer is in the area people will be allowed to build. Broers asked if that is Johnson County's way of thinking why is Miami County's thinking different.

Kitchen stated he has some 2 and 3-acre sized lots and they are pretty small. He asked how to build a house on that small of acreage without hooking up to a sewer system.

Philgreen believes there is a good system for managing that. Philgreen stated at one time he was a certified septic installer and there is a good system to make sure there's the right kind of soil, the necessary space, etc. Philgreen believes the Planning Commission is contemplating things that should be contemplated at other times. Philgreen stated what the Planning Commission is deciding tonight is if this piece of land should be rezoned to something like what's right next to it.

Broers believes this will open the gate to a subdivision it's not just a matter of a rezoning. Broers asked doesn't the Planning Commission usually see the rezoning and subdivision stacked.

Cook stated it has been done both ways. Staff typically suggests that a person get the zoning first before going through the expense with the engineers and such, in order to assure they will be able to do the development they desire.

Commissioner Randy Kitchen moved to deny 25001-Z: Wildlife Ridge rezoning application and Moore seconded.

Philgreen stated for the record he believes the Planning Commission is overstepping their boundaries. The Planning Commission is a recommending body, and the final decision will be up to the Board of County Commission.

Broers stated she discussed her findings when going through the Golden Criteria.

Broers repeated the motion and called for a vote, the motion passed 4-1, via show of hands with Philgreen voting against.

Broers stated this is strictly a recommendation to the Board of County Commissioners and the Board of County Commissioners (BOCC) will hear the recommendation on August 27, 2025.

Cook stated the BOCC meeting begins at 1:00 p.m. on Wednesdays and the meeting is live streamed. Cook noted following the close of the Public Hearing, which was August 7, 2025, the 2-week protest period began for anyone wishing to submit a protest petition. All protest petitions must be turned into the County Clerk's office for the record. Cook stated there was a document passed out to the Planning Commission labeled "Protest Petition" but it was mailed to the Admin office prior to the Public Hearing and therefore does not comply with the requirements to be considered a protest petition.

GENERAL DISCUSSION:

Cook stated Staff has been working on solar.

Cook stated all comments and rough draft of the Next Comprehensive Plan have been provided to the consultant. Cook is hoping to have the updated draft from the consultant in time for the next Planning Commission meeting.

Broers asked if there is still a demand for addressing the solar regulations now that Panasonic is up and running and Evergy had to come up with alternatives.

Cook stated it has been a while since Staff has been contacted by a solar company, but the last time was within the last 6-months.

Broers asked if it is still a priority to the BOCC.

Cook stated yes, Staff needs to address solar, wind, and battery storage regulations.

Broers asked if short-term rental regulations will be completed prior to solar regulations.

Cook replied yes.

Cook stated the BOCC approved 25001-CUP: 1880 Enterprises and removed Condition 3 from the Conditions:

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 would like to have additional discussions on this to see what direction the Planning Commission would like to go and believes there are other options.

Broers stated she would like clarity on what is allowed.

Kitchen believes it should be tied to the land without an expiration date because a 5-year term isn't long enough, and 20-year is questionable.

Kitchen stated the County cannot really classify areas as commercial or industrial because if a person starts a business then down the road another person puts in a gas station or a dollar store then things start getting built around those. Kitchen believes every residential area has businesses in it.

Cook believes businesses, commercial, and industrial would mainly be focused in areas the County

wants to zone industrial and commercial. When getting into Countryside (CS) and AG Conditional Use Permits, those were intended for the property owner to live on the property and wants to use the property and buildings for a home-based business.

Kitchen stated the Zoning Regulations states the applicability of any Zoning Regulations do not apply to any land or buildings being erected or maintained so long as they are agricultural buildings, it doesn't say anything about the size of the land. What size acreage can be considered agricultural.

Cook stated Miami County considers anything less than 20 acres then it doesn't qualify for the County's Ag Exemption. They can still have Ag uses on the property but building permits would be part of that.

Kitchen asked when a subdivision is approved it is approved by the Planning Commission and the Board of County Commission (BOCC) cannot change the rules.

Cook stated the Planning Commission approves subdivisions, but if the Planning Commission wants to change a regulation it has to be submitted to the BOCC to approve any changes to the regulations.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

There were none.

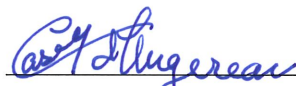
Possible Future Amendments to Zoning and Subdivision Regulations

- 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

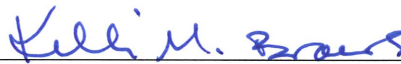
There was no discussion regarding these "Possible Future Amendments" to the regulations.

Philgreen moved to adjourn the meeting; Moore seconded. The meeting adjourned at 9:46 p.m. with a unanimous vote of 5-0, via show of hands.

Approved this 2nd day of September, 2025.



Casey d'Augereau, Secretary



Kelli Broers, Chair / Topher Philgreen, Vice-Chair

Minutes written by Casey d'Augereau