

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
December 2, 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, Joshua Brown, Phil Elliott, Rusty Gerken, and Drew Moore
ABSENT MEMBERS:	John Menefee, and Peter Peuser
EX-OFFICIO MEMBERS:	None present
PLANNING DIRECTOR:	Kenneth Cook
ASST. PLANNING DIRECTOR:	vacant
PLANNER:	Not present
PC SECRETARY:	Casey d'Augereau
COUNTY COUNSELOR:	Not present
COUNTY COMMISSION:	None present
COUNTY CLERK:	Not present
CODES SERVICES DIRECTOR:	Not present
PRESS:	None present

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CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call was taken with six (6) members present. (Moore joined the meeting at 7:15 p.m. making seven (7) members present)

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

There was 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 (6-0), via show of hands.

CONSENT AGENDA

1. Minutes
 - o Approval of the November 6, 2025 Planning Commission Minutes

Planning Commissioner Phil Elliott moved to approve the consent agenda. Philgreen seconded; the motion passed 5-0 with Planning Commissioner Kitchen abstaining, via show of hands.

Old Business:

There was none.

New Business:

Public Hearing 25007-CUP: AT&T Paola East

Broers invited Staff to the podium to present the Staff Report for 25007-CUP: AT&T Paola East at 7:02 p.m.

Kenneth Cook, Planning & Zoning Director, presented the Staff Report. Cook stated this is actually a communication tower Conditional Use Permit (CUP) that was approved by the Planning Commission and Board of County Commission a number of years ago. The building did not get constructed and the CUP expired. This application is to reapprove something that was previously approved, there has not been any substantial changes to this application.

Cook covered some of the highlights. Miami County's Regulations allow certain types of towers to be permitted by right without going through the CUP process. This is a monopole tower and would normally qualify to be permitted by right, the size of property makes it a little difficult to meet setback requirements.

Cook pointed out not many people are having a building at the base of cell towers anymore and Miami County's Regulations require equipment and such to be stored in the building.

Cook noted the applicant does have some screening in place for the cell tower. This is a location that Miami County would encourage to have a cell tower. It is adjacent to Paola, located along the highway.

Cook offered to cover the Golden Criteria, the Planning Commissioners did not feel this necessary as they read the Staff Report which included the Golden Criteria. Cook noted the Conditions are the same with an addition of Condition number 6 (*The property is to be maintained and kept free of weeds (noxious, overgrowth) and debris*),

Broers invited the applicant to the podium at 7:07 p.m.

Jack Schoidt, 1676 Bryan Rd, St. Charles, MO, stated he is representing AT&T. Schoidt stated this application is substantially the same as the original application. The original application was approved but it was delayed due to construction so they are asking for a new CUP for this cell tower.

Schoidt stated they proposed installing a solid SimTek fence. AT&T uses enclosed cabinets opposed to a shelter and the cabinets will be hidden by the SimTek fence. The cabinets will house the equipment and such.

Schoidt asked if the Planning Commissioners had any questions.

Kitchen asked when the tower is no longer in use, what the process is for removal.

Schoidt stated these towers are made for long-term investment for the carriers. There are no plans of removal for a long while. Schoidt stated if the case arises that it needs to be removed, they always look at the local requirements for removal and make sure they do everything required making sure it is put back to natural state.

Kitchen stated Condition number 5 states the tower will be removed within six (6) months if no longer in use.

Schoidt stated requirements of Code will be met.

Gerken asked who is the owner of the cell tower.

Schoidt stated New Cingular Wireless owns AT&T a tower developer will actually build the tower and in order to maintain it AT&T will be the carrier.

Gerken asked Staff if the tower is sold does it go with the new owner.

Cook stated cell towers are looked at more like a utility, there is no 10-expiration and it is not listed with a specific property owner. Cook stated it will stay with the land as long as they remain in compliance with the plan that was submitted and any Conditions.

Broers opened Public Hearing 25007-CUP: AT&T Paola East at 7:11 p.m. Broers closed the Public Hearing at 7:12 p.m. with no public comments.

Kitchen asked what the recourse is when they are no longer using the tower.

Cook stated that would go through the code compliance process, taking them to Codes Court if necessary. The land lease has stipulations in the contract regarding their responsibility to removing items when the tower is no longer in use. Cook does not believe we are allowed to require bonding on cell towers based on the Federal and State regulations that were adopted. Cook noted Miami County will go after the company first and if not successful will go after the property owner.

Kitchen asked does a cell tower become a public utility.

Cook stated cell towers are treated similarly to public utilities. It is not really a public utility but the functionality and the benefit to the greater public overall. Miami County allows certain cell towers to be permitted by rights as long as they meet certain criteria.

Cook noted once the Next Comprehensive Plan is completed and adopted then Staff will be reviewing the regulations and updating the regulations for cell towers is one of the items on Staff's to do list.

Broers asked if deliberation is needed.

Elliott referred to Condition No. 5 (*The tower shall be removed within six (6) months of cessation of use as communications tower.*) and asked if there is a need to add "return to original site conditions".

Broers stated she does not believe it is required of other CUPs to return the property back to original condition and used a wedding venue as an example.

Planning Commissioner Drew Moore joined the meeting at 7:15 p.m.

Cook stated he does not recall if it was at Miami County or past employment but he has had discussions about this specific issue. Part of it was they take it back to the natural conditions but what if the property owner would like part of it to remain. The general census was to take down the main part and leave smaller parts the property owner would like to utilize.

Broers asked besides the tower what else needs to be cleaned up.

Elliott used concrete as an example.

Cook used wind farms as an example and what is required of them for cleanup.

Elliott moved to approve as presented with the Conditions and Findings. Planning Commissioner Joshua Brown seconded. The motion passed 6-0 with Moore abstaining, via show of hands.

25006-CUP: Alvarez Ranch Arena

Broers invited Staff to the podium to present the Staff Report for 25006-CUP: Alvarez Ranch Arena at 7:19 p.m.

Cook presented the Staff Report stating this application is an amendment to the existing CUP on this property for Alvarez Ranch Arena. Cook noted the original CUP's term expires in March or February of 2026; this application allows Staff to review both at the same time.

Cook stated this was an equestrian facility / arena that was approved by the Board of County Commissioners in 2016. Since 2016 there were two (2) complaints against the CUP. The first one went through the Sheriff's office and forwarded to Planning & Zoning the property owner was contacted and over a number of years Staff never heard anything else. The more recent complaint was in 2023 while Staff was holding a public hearing on another CUP. The complaint was based on the noise level and the impact it had on the surrounding neighbors. Once again Staff visited with the property owner, addressing the issues, since then there have not been any issues.

Cook referred to page 3 of the Staff Report showing the original Conditions that were approved for the Alvarez Ranch Arena. Cook stated he is willing to discuss the original Conditions but plans to address the specific Conditions that the applicant would like to amend. The applicant would like to:

1) Extend the hours of operation

- a) Currently the hours are from 1:00 p.m. to 6:00 p.m.
- b) Amend the hours to 1:00 p.m. to 12:00 a.m.
- 2) Increase the number of events**
 - a) Currently 1-event per month from April to October
 - b) Amend to 2-events per month
- 3) Expand the days the events allowed to be held on**
 - a) Currently Saturdays only
 - b) Amend to have events on Saturdays and Sundays
- 4) Allow the use of lighting for events that occur after dark**

Cook noted as part of the narrative no other changes have been proposed to the actual facilities such as constructing other buildings. Everything else will continue to function as previously approved under the existing CUP.

Cook discussed the highlights of the Golden Criteria:

1) Character of the neighborhood.

Cook stated this property and all surrounding properties in the neighborhood are zoned Countryside (CS). It is on a major road, 223rd Street, not far from the City of Spring Hill. The use is not a consistent use and the traffic will not be day to day, Staff does not believe the traffic will be a big impact to the neighborhood.

2) The zoning and uses of properties nearby.

This is considered to be an AG use and fits in the rural character of the neighborhood. Most of the surrounding properties are being used for AG purposes while others are being used for residential.

3) The suitability of the subject property to its present use.

This is a use that is allowed on Countryside (CS) properties. This operation and CUP are related to agricultural uses and activities.

4) The extent to which removal of the present zoning will detrimentally affect nearby properties.

Staff believes there is room for concern with the expansion of the hours, especially if the events are allowed to go until midnight. Staff suggests that the hours of operation be similar to event venues that have been approved.

Staff does not find the request for 2-activities per month is out of line, this will allow a maximum of 24-events per year. Cook understands if it is extremely cold or extremely hot outside the applicant will not be able to hold an event.

Cook stated if any lighting needs to comply with regulations making sure it is fully shielded and lights are not casted onto surrounding properties. Too much lighting can have a negative impact on surrounding neighbors. Staff will work with the applicant to make sure the lighting is compliant.

5) The length of time the subject property has remained vacant.

Cook noted this is not applicable as the property is currently being used.

6) 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 approval of all the requested amendments will have more of an impact to the neighbors regarding the hours of operation, noise, and other activities going on. Cook stated if these amendments were denied the owner could still operate under the existing CUP. If the CUP were to go away, the owner still has his residence on the property that could continue to be used.

9) The conformance of the requested Conditional Use Permit to the adopted Miami County Comprehensive Plan.

This area is an area of Rural Residential where it is anticipated to have a 10–15-acre density development to happen. The current Comprehensive Plan includes goals to maintain and support a rural atmosphere and agricultural related activities. This proposed plan is considered an agricultural related activity.

8) The recommendations of the County's permanent or professional staff.

Staff recommends approval to the Planning Commission to amend the Conditions of the Conditional Use Permit for the equestrian event arena based on some Findings. Staff suggests limitations on the hours of operations. Staff's understanding is that the applicant does not hold events every month and suggests the applicant only adds the months he will be in operation instead. Staff does not oppose the applicant of having 2-events per month and the applicant would be allowed to hold an event on a Saturday or a Sunday.

Cook stated he made one other change was made to Condition No. 10 (existing Condition No. 12), stating the existing Conditions allowed for 100-spectators, while the proposed Condition No. 10 allows for 100-spectators and 20-employees.

Cook stated he is available to answer any questions the Planning Commission might have and noted the applicant and his attorney are present for questions as well.

Philgreen asked for clarification of the frequency of the events.

Cook stated the current CUP allows for 1-event per month on a Saturday for the months of April thru October. The proposed CUP allows for 2-events per month.

Philgreen asked if the applicant were to hold a 2-day event that utilizes a Saturday and Sunday of the same weekend would that be considered 1-event or 2-events.

Cook stated the applicant's amended narrative is for 1-event per day, the applicant is not considering 1-event to include a Saturday and Sunday of the same weekend.

Philgreen stated it will be measured by the month opposed to the year.

Cook agreed.

Broers stated it will be April thru October with 12-possible events through the year and if the applicant loses a month due to weather (or any reason) he does not get to make up the event(s) missed.

Cook stated the applicant's amended narrative is to allow 2-events per month which could be 24-events per year. Staff suggests limiting the months the applicant is allowed to have events.

Moore stated and the event can happen either Saturday or Sunday.

Cook agreed.

Kitchen asked what happens if there is a complaint.

Cook stated Staff starts by contacting the applicant giving the applicant a warning. As long as nothing else happens then all is good. If the complaints continue then it will be turned over to Codes Court for a violation or bring back to the Planning Commission for reconsideration.

Moore asked if the hours of operations will be different on Sundays compared to Saturdays.

Cook stated not at this time.

Broers invited the applicant to the podium at 7:39 p.m.

Darcey Domoney, applicant's attorney, mentioned a scam email his client received that his application was approved and invoiced him for an additional \$4,800.00. Domoney stated early Monday morning (December 1, 2025) he received an email from Cook advising of possible email due to scam that is going around.

Domoney stated his client would be ok with operating from 1:00 p.m. to 9:00 p.m., he would like 2-events per month, would like to operate April thru November, and to hold events on Saturdays or Sundays. The applicant would like lighting after dark. The applicant is good with the number of attendees/participants being 120-maximum. Domoney stated this is mostly a hobby for his client.

Domoney asked if there are any questions from the Planning Commission he can answer.

Kitchen asked how the applicant had an accidental concert and stage.

Domoney stated that was a one-time deal and he does not have the background on it. Domoney offered to allow the applicant to address it directly.

Kitchen stated he is concerned the Conditions are not firm enough.

Domoney stated that was a bad deal. Domoney stated it is his understanding that Staff did not receive any oppositions to the notification letters sent to the surrounding neighbors. Domoney stated point well taken and it was a mistake.

Broers stated Domoney mentioned operating hours being from 1:00 p.m. to 9:00 p.m. and asked if he is driving the 9:00 p.m. end time or just agreeing to what is stated in the Conditions.

Domoney stated his client is good with 9:00 p.m.

Broers opened Public Hearing 25006-CUP: Alvarez Ranch Arena at 7:44 p.m.

Broers closed Public Hearing 25006-CUP: Alvarez Ranch Arena at 7:45 p.m. with no public comments.

Kitchen asked there has been on complaints.

Cook stated only the two (2) previously mentioned, one in 2018 and the other was in 2023.

Kitchen asked if a notification was sent to the surrounding neighbors for the amended CUP.

Cook stated yes, within 1000-feet of the applicant.

Philgreen asked if Staff is good with April thru November 1:00 p.m. to 9:00 p.m.

Cook stated yes and believes with the events happening outside ending at 9:00 p.m. makes sense.

Cook noted Staff will be working with the applicant to bring the structures to Code.

Kitchen asked about the seating for 400-500 people on the property.

Cook stated looking at different years of arial photography some of the bleachers have come and gone through the years. In Staff's rough estimate there were sometimes when the bleachers appeared to be able to

seat 400-500 people. Cook stated he drives by that area on a somewhat regular basis and has not seen a substantial number of people present.

Broers stated there is a new Condition regarding lighting.

Cook confirmed yes and stated if approved for lighting it will need to be in compliance with Miami County's Regulations.

Kitchen stated the applicant has already received 1-warning for stepping outside the Conditions and asked how many warnings does he get.

Cook stated since the applicant has already received a warning the next time, he will need to go to Codes Court or back to the Planning Commission for review.

Cook noted Condition No. 8 was changed from a 5-year term to a 10-year term (*The term of this Conditional Use Permit shall be ten (10) years, commencing from the date of County Commission approval.*) Cook stated if the Planning Commission believes the issues will continue to arise by the applicant, the 5-year term can be kept instead of changing it to a 10-year plan.

Broers stated it did not make the County look good when someone else was trying to get a CUP and point at the applicant saying, "look what he is doing" and it was not in compliance. Broers asked if the only complaint for the concert came from people speaking at the other CUP that was trying to advance their own cause. Broers stated the issue with the concert happened 2 ½ years ago and there has not been a complaint since.

Broers asked if the applicant wishes to have another event like that in the future would he be allowed to have a Special Use Event.

Cook stated that question has come up previously and since the applicant would be operating under a CUP the applicant would be required to operate within the Conditions of the CUP.

Elliott stated a Special Use Event is just that a Special Use. Elliott believes a Special Use Event should be irrelevant to the Conditions of a CUP since they are asking for something that is independent of the CUP. Elliott stated if a person does not have a CUP they are allowed a one-time exception with a Special Use Event.

Kitchen believes a Special Use Event should be available to the property regardless of CUP.

Elliott stated if Staff believes not allowing a Special Use Event should be a Condition he would be in favor of adding it as a condition. Elliott does not see why the applicant could not get a Special Use Event.

Broers asked if it needs to be shown in the Conditions because if you own a property without a CUP you are qualify to have a Special Use Event. Broers does not believe a CUP owner should be treated differently than a person without a CUP.

Cook stated it becomes interesting because the CUP has specific Conditions that limits various items such as the number of people allowed to attend an event.

Elliott stated if that is the case then no Special Use Events needs to be added to every CUP as a Condition. A Special Use Event is totally separate from a CUP and it should not matter if there is a CUP or not.

Cook stated when he takes this item to the Board of County Commission, he will note this was one of the major discussions the Planning Commission had while discussing this CUP.

Kitchen asked how many Special Use Events are allowed per year on a parcel.

Cook stated typically one (1) possibly two (2), but two (2) per year multiple years in a row is too much.

Kitchen stated just because a Special Use Event is available that does not guarantee the applicant will receive approval for it.

Cook agreed.

Elliott is concerned with Condition No. 12 (*Noise from any music or public address system shall not exceed 70 decibels on any adjacent property.*) and suggested the applicant get a sound engineer that knows what he/she is doing because it is important the sound be maintained according to the Conditions of the CUP.

Elliott moved to approve 25006-CUP: Alvarez Ranch Arena based on the Findings and the Conditions presented with changing Condition No. 11 (*Events shall be limited to twice per month (Saturday or Sunday) from April thru October from 1:00 p.m. to 9:00 p.m.*) from April thru November. Philgreen seconded.

Philgreen noted the measurement is 2-events per month, the number of events is not based on per year.

Broers noted this property has existed with this CUP for a number of years, the Golden Criteria has been addressed at every stage, and believes the CUP fits the character of the neighborhood. Broers stated the property is also adjacent to Corps of Engineers land and there have been limited complaints.

Broers repeated the motion on the table and called for the vote. The vote passed unanimously (7-0), via show of hands.

Broers stated the Planning Commission's recommendation will be heard by the Board of County Commission on Wednesday, January 7, 2026 at 1:00 p.m. in the Commission Chambers.

GENERAL DISCUSSION:

Cook presented the Staff Report for the Next Comprehensive Plan draft stating Staff has not received the final chapter yet, the implementation chapter, but believes it will be available any day. Once Staff receives the final chapter it will be presented to the Planning Commission for discussion then scheduled for a public hearing.

Cook noted the Future Land Use map and Recreation and Active Transportation map provided in the original draft copy from the November 2025 Planning Commission meeting were incorrect. A corrected version of each map was handed out in the agenda packet at the beginning of the meeting.

Cook gave a summary of some of the bigger changes that were made to the Next Comprehensive Plan draft. Cook believes the biggest change was in Chapter 2 with the rural character and referred to figure 2.1 of the Next Comprehensive Plan.

Cook noted a large number of the changes was wording to make sure it was worded properly.

Cook showed and discussed the various maps that are included in the Next Comprehensive Plan.

Cook asked the Planning Commission to review the Next Comprehensive Plan draft and let Staff know if there is anything they notice that needs corrected.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Cook stated he was in a discussion with Jason Leadbetter, Codes Services Director, and it does not appear that the County will hit the highest number of residential houses to be built in Miami County this year.

Cook stated Casey d'Augereau, Planning Commission Secretary, has been working on the annual appreciation dinner and will be sending surveys and invitations out shortly. The goal is to hold the

appreciation dinner in January 2026.

Philgreen asked if the Board of County Commissioners voted on the Bed & Breakfast and Short-term Rental regulations.

Cook stated due to the November holidays the Bed & Breakfast and Short-term Rental regulations was moved to the December 3, 2025 Board of County Commission meeting.

Cook noted the rezoning request the Planning Commission heard in November was withdrawn by the applicant.

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

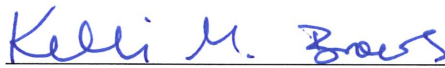
There was no discussion regarding these "Possible Future Amendments" to the regulations.

Philgreen moved to adjourn the meeting; Kitchen seconded. The meeting adjourned at 8:44 p.m. with a unanimous vote of 7-0, via show of hands.

Approved this 6th day of January, 2025.



Casey d'Augereau, Secretary



Kelli Broers, Chair / Topher Philgreen, Vice-Chair

Minutes written by Casey d'Augereau