

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
April 7, 2026**

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

ATTENDANCE

CHAIR: Topher Philgreen

VICE-CHAIR: Joshua Brown

PLANNING COMMISSION Kelli Broers, John Menefee, Shane Hall, Phil Elliott, Rusty Gerken, and Drew Moore

ABSENT MEMBERS: Randy Kitchen

EX-OFFICIO MEMBERS: None present

PLANNING DIRECTOR: Kenneth Cook

ASST. PLANNING DIRECTOR: Jeff Joseph

PLANNER: Bobby Wardecker

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

Chairman Topher Philgreen called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call was taken, and eight (8) members were present making a quorum.

ADOPTION OF THE AGENDA

Planning Commissioner Phil Elliott moved to adopt the agenda as presented. Planning Commissioner Rusty Gerken seconded; the motion passed unanimously (8-0).

CONSENT AGENDA

Planning Commissioner Phil Elliott referred to 2026-001-SUB: Spalding Enterprises II and stated there was a comment by Environmental Health recommending a soil profile test due to the design challenges of the lots. Elliott did not see a Condition for the soil profile test and asked that this item be moved from the Consent Agenda to New Business allowing the Planning Commission to discuss it. Philgreen moved 2026-001-SUB: Spalding Enterprises II to the first item of New Business.

Planning Commissioner John Menefee moved to approve the March 3, 2026 Planning Commission Minutes. Planning Commissioner Kelli Broers seconded; the motion passed unanimously (8-0).

Old Business:

There was none.

New Business:

2026-001-SUB: Spalding Enterprises II

Philgreen open discussion on 2026-001-SUB: Spalding Enterprises II at 7:04 p.m.

Elliott referred to page 2 of the Staff Report under "Review Agency Comments" and stated there is a comment from Environmental Health recommending that a soil profile be performed due to design challenges and type of wastewater system based on the lot size. Elliott suggested a Condition be added to address this and Staff can figure out the wording on the Condition.

Assistant Planning & Zoning Director Jeff Joseph stated the soil profile is a requirement as part of the building permit. Joseph stated if the Planning Commission prefers it to be a Condition to the Subdivision approval Staff will add the Condition for a soil profile test be completed.

Elliott stated because of the land and the active quarry he would prefer the soil profile test be completed to make sure the future property owner goes into this knowing the possible expense involved in the wastewater system.

Gerken stated that the soil profile is part of a building permit under Environmental.

Philgreen asked Staff for the lot sizes of the development.

Joseph stated Lot 1 is 166.74 acres and Lot 5 is 14.54 acres.

Gerken asked if the review is based on both Lots.

Joseph confirmed both Lots.

Gerken believes 14.54 acres should allow plenty of room for a wastewater system.

Elliott stated he is not suggesting a Condition be added to restrict the Subdivision he is suggesting a Condition showing Environmental's concern.

Joseph stated it can be added as Condition No. 3.

Philgreen asked Staff how the Condition will read.

Joseph stated the Applicant shall meet all requirements of Environmental Health.

Gerken stated that is the normal process for getting a permit and does not understand why it is necessary.

Planning & Zoning Director Kenneth Cook stated there have been times in the past when a soil profile test was required but it is usually when it is a larger subdivision and Staff wants to make sure each Lot is buildable before the Lot is created. Cook stated the Lot in question is large enough that he does not have real concerns about it supporting a wastewater system.

Elliott asked Staff if this is any part of the fill or quarry operation.

Cook stated it is outside of the quarry operation area and building on the site is ok. If there has been a lot of topsoil removed from this site that could impact the type of system or restrict most types of wastewater systems from being installed there and they might end up having to use a more expensive system.

Menefee asked if Lot 5 will have more of an issue because the pond takes up the majority of the acreage.

Cook stated yes, because there is a pond and separation requirements from a pond to where a wastewater system would go.

Philgreen asked if a third condition were to be added saying "The applicant shall meet all of the requirements of Environmental Health for the wastewater system." would that be acceptable.

Cook confirmed and stated this will go to the Board of County Commissioners and if they have a problem with it they might send it back to the Planning Commission for additional consideration.

Philgreen recommended a motion be made including the addition of Condition #3.

Elliott moved to approve 2026-001-SUB: Spalding Enterprises II, Broers seconded. The motion passed 7-1 with Gerken voting against.

Public Hearing 2026-001-CUP: New Observatory (ASKC)

Philgreen invited Staff to the podium to present the Staff Report for 2026-001-CUP: New Observatory (ASKC) at 7:09 p.m.

Philgreen realized he skipped over: **DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST**

Philgreen recused himself for Public Hearing 2026-002-CUP: Rutlader Outpost RV Park.

Cook noted a couple of errors; The Evermore Event Center was left on the front page of the Staff Report; but the Staff Report for New Observatory (ASKC) is correct. And on page 3 of the Staff Report the word “comments” appears when it should have been “comets”.

Cook noted after the Staff Report was published the applicant reached out to Staff with the following:

1. The applicant intends to be able to start showing up and setting up 1-hour before sunset and going for a period of 4-hours. The applicant would like the beginning hours to be adjusted to 1-hour before sunset instead of sunset with a longer period of time to 6-hours.
2. The amphitheater shown on the site plan behind the facility is an outside space. The applicant originally did not state in the narrative that amplified sound was anticipated to be used. The applicant is now asking that they be allowed to do some amplified sound in the amphitheater and believes it will fall under the 70-db limit noted in Miami County’ Regulations. The applicant stated they would be willing to add a time limit on it to not exceed 11:00 p.m.

Cook presented the Staff Report and reviewed the Golden Criteria. Cook noted the Astronomical Society of Kansas City, Inc. currently oversees the Powell Observatory located in the Lewis-Young Park in Louisburg, Kansas. Due to the development happening in that area causing excess light pollution, they are looking for a new place to have their observatory.

Cook noted he believes the request is in compliance with the newly adopted Comprehensive Plan especially if adequate Conditions are placed to mitigate negative impacts.

Cook believes Conditions No. 4, and 6-9 might be worth the Planning Commission to have a discussion to assure the Conditions adequately mitigate the negative impacts and if so, Staff recommends approval of the application.

Philgreen stated he does not see where the amphitheater is located on the Site Plan and asked Staff to point it out.

Cook demonstrated the location on the overhead projector.

Philgreen invited the applicant to the podium at 7:44 p.m.

Richard Henderson, 2211 W. 120th Terr, Leawood, KS, stated he has been a long-time member of the Astronomical Society of Kansas City, Inc. (ASKC) and is also the Chairman of the Observatory Relocation Committee. The Powell Observatory was opened in the Lewis-Young Park on May 11, 1985 and was the only facility in the Lewis-Young Park at the time. Over the years Louisburg has grown, and Overland Park keeps moving South. The light pollution has created serious problems for ASKC. ASKC is a non-profit educational outreach organization dedicated to the study and education of the public for astronomy and related science. Henderson stated all people working at the observatory are unpaid volunteers. Several of the volunteers are educators or retired educators, including Henderson. The additional development and light pollution at Lewis-Young Park is blinding the telescopes and night sky. In 2000 there was no problem seeing the Milky Way Galaxy, now it is still visible but it is difficult to see it. Henderson stated a couple of years ago they started looking for a new location with easy access and paved roads. Henderson stated another thing they were taking into consideration was to remain in Miami County as Louisburg has been their home for 41-years.

Henderson stated that the possession of or consumption of alcohol on the property is prohibited. Rowdy behavior is not tolerated or allowed. And even more so they do not like lighting and what lighting they have is red. There are some white lights but they are shielded and used for loading and unloading only. They plan to follow the same guidelines for the new observatory and their primary focus is the need for dark skies.

Henderson stated people of all ages (youth through senior adults) are allowed to enjoy the facilities and to get to experience the dark sky. Any policy enforced at the Powell Observatory will be enforced at the new facility.

Henderson stated they would like to be good neighbors and whatever is needed to be done to prohibit light trespass to the neighbors they will do. He understood there would be an adjustment to the neighbors due to the number of people that will attend the facility on a given night. Henderson stated they plan on doing whatever they can to minimize their impact to the neighbors.

Henderson noted they are the only observatory in the States of Missouri and Kansas with these capabilities. There are only a handful of private observatories in the United States that have this kind of access for the public.

Henderson stated they are asking to stay in Miami Kansas, view the night sky, and show the public how beautiful the night sky is.

Henderson asked the Planning Commission if they have any questions.

Philgreen asked what the seating capacity of the amphitheater is and what are the plans for the amphitheater.

Henderson stated there is a classroom with 100-seating capability. There are permanent mounted telescopes in the building and some members will bring their personal telescopes for viewing as well. The amphitheater will serve as an overflow area for the days when there is not enough seating in the classroom. The amphitheater will also be used for the "Naked Eye Observatory" as there is a lot that can be seen with the naked eye.

Philgreen asked what the plans were for amplification.

Henderson stated they are taking the hearing impaired into consideration and would like to use the amplification in the amphitheater on a very low volume for the hearing impaired. The plan is to keep it under the 70-db limit within the property boundaries.

Broers referred to Condition No. 7 stating no amplified sound outside the building.

Henderson stated he would like to have amplification if it can be approved. He noted that it will be circular seating which he believed changes the dynamics of the noise.

Philgreen asked if the applicant plans on holding concerts there.

Henderson stated no. The amphitheater is intended for groups to gather under the stars and members talking to them pointing out the visible planets and other things in the night sky. Henderson invited everyone to come to the Powell Observatory on a Saturday night to see how they run the facility and they plan on running the new observatory the same way. There is some talking but no rowdy behavior and no bright lights. They prefer the dark and quietness of the area.

Planning Commissioner Shane Hall asked if there are any concerns with being that close to Drexel, MO with the light pollution.

Henderson stated astronomers have a special light meter (it specifically measures the amount of light pollution in the night sky) and before the purchase of the property they used the light meter. Drexel, MO showed to be about one-fourth (1/4) the light pollution of Louisburg, KS and that is only to the East. The Southeast to the Northwest the lighting levels is much lower than Louisburg, KS.

Hall asked if it is due to the elevation of the property.

Henderson believes it is the location of the property. This property is further South, with the development along K68 Hwy there are a lot of lights which add to the light pollution in the area of the Powell Observatory.

Broers stated she was excited to hear they currently use and plan on continuing to use red-lights except for loading and unloading. Broers asked the applicant to explain what is meant by loading and unloading.

Henderson stated it will be members bringing in their own telescopes. Some of the personal telescopes can be 3-4 inches in diameter all the way up to 15-20 inches in diameter. The lighting used for the personal telescopes will be directed and shielded as they are very sensitive to light trespassing. The white lights will be low intensity white lights and they will be shielded so they do not go onto other properties and will only be used while a member is unloading and safely loading their equipment before they leave.

Broers stated she did not see that on the plan she only noticed that they plan on doing the lighting according to the plan.

Henderson stated the primary lighting will be red and often times the white lights are not even turned on. If the volunteers do not request the white lights the white lights are not turned on.

Planning Commissioner Andrew Moore referred to the hours of operation and used the Northern Lights as an example asked if they expect any last minute events to allow people to be at the observatory for such last minute events.

Henderson stated things like the Northern Lights are unpredictable and any type of event they hold for the public needs plenty of notice for the events. Spontaneous events are not worth the travel time, and gas expenses for the volunteers to go staff the observatory. Plus, several of the volunteers work for a living and holding a spontaneous event like that in which they may not get home until 3:00 a.m. is too hard on them.

Moore stated he is concerned with the lights leaving the facility and asked how this will be addressed.

Henderson stated most of the public is gone by 10:00 to 11:00 p.m., the majority of the public does not stay extra late. The people there late are usually dedicated members, typically members of the ASKC and the number of vehicles will be less than half-dozen. Henderson stated a lot of the time he is the only person there late.

Elliott asked for clarification on the loading and unloading area, will that be the parking in the Northwest parking area.

Henderson stated yes. In the Northwest area the volunteers will back up their vehicles, unload the equipment and set it up right behind their vehicle. They share their equipment with the visitors and at the end of the night they load it back up and leave. The minority of people will request the white lights be turned on because they are used to working in the dark with red lights.

Elliott stated he is not as concerned about the lighting as he is about the parking spaces available because it appears to him that there are very few parking spaces available.

Henderson stated on a public night they typically only allow around 6-members to bring out their equipment.

Gerken asked if the applicant has a backup plan if this is not approved.

Henderson stated they will go back to looking for another location. He has been looking for over 10-years, it is very difficult to find a location that meets their criteria.

Gerken asked if they would look outside Miami County.

Henderson stated he hopes not.

Gerken asked if he has visitors from all over the country?

Henderson stated from all over the world. They keep zip code statistics and 80-85 percent of the visitors are from the Johnson County and Kansas City area. Roughly 5-percent are from Miami County, Linn County, or a County on the Missouri side. The remaining 5-percent have come from as far away as New Zealand.

Henderson stated they have been in Miami County for 41-years and they do not want to leave.

Moore asked if the public will be able to visit the observatory if there are no members on site.

Henderson stated the observatory will only be opened to the public when there is a scheduled event and members are on site. They plan to set up the facility to be opened for member use or member supervised use.

Philgreen opened Public Hearing 2026-001-CUP: ASKC Observatory at 8:02 p.m. Philgreen stated due to the number of guests he will allow each speaker to have 2 ½ minutes to speak. Philgreen asked each person speaking to state their name and address for the record. Philgreen reminded everyone that all comments to be directed to the Planning Commission only.

Sia Shadfar, 3616 W. 351st St, stated W. 359th Street is a 2-lane road with no shoulder and it is difficult to walk as the road is so tight, you have to stop. Sia Shadfar stated if the applicant decides not to keep the land he will purchase the land from the applicant.

Jeff Axmann, 2378 W. 359th St, stated he and his wife Debby own the property directly East of the subject property. Axmann is concerned with the stormwater runoff from the site when improvements are constructed. He noted that while the floodplain assessment notes the bridge on Cold Water Springs is topped every two years by floodwater, this actually occurs yearly and sometimes multiple times per year. He believed the floodplain for the stream needs to be considered further downstream as there have been at least 4-5 times in the past 20-years that W.

359th Street has flooded and he is concerned with the extra runoff. There are concerns with increased trash and traffic that will occur when you are bringing in this many people. He noted some trash will just fall out of cars when people are getting out and might not even be intentional. The intersection at W. 359th Street and Coldwater Springs Road is a horrible intersection. There is a big problem with traffic speeding on W. 359th Street. Axmann believes the traffic on Coldwater Springs will be much higher than the traffic study indicates. Axmann disagrees with the staff report that shows 6 trips a day over a year not over a 27-day period. Axmann believes the CUP process needs to have an extended time period for research and public comments. Axmann stated the agenda with the Staff report was only made public on Friday, April 3rd and there were things in the Staff Report packet that were not included in the packets mailed to the 1000-neighbors.

Clayton Richardson, 35495 Coldwater Springs Rd, stated he has lived here for 20-years and is the person that wrote the email attached to the Staff Report. Richardson stated the email came from him and every property owner surrounding the subject property is on board with what he said in the email. Richardson does not believe this fits the character of the neighborhood and he considers this to be a commercial property with up to 400-people on the property in the evening. Richardson stated this CUP goes against everything they purchased their land for, pay high taxes for, live in an agricultural rural residential area, and it is against everything they stand for. Richardson hopes the people they elected will keep this from happening. Richardson believes this will be a huge impact and adjustment if approved. Richardson stated there will be no way to regulate the number of people showing up and 5-years from now it could be as high as 1,000 people. Richardson stated he lives on Coldwater Springs, which is a gravel road and which he stated is a terrible road and does not get maintained and he does not believe dust control will solve the problem. Richardson expressed that he does not believe sufficient information has been presented including that the plans did not have measurements and descriptions of the use are vague.

Sam Shadfar, 34931 Coldwater Springs Rd, stated he owns the adjacent property to the subject property as well as properties to the South, East, and West of the subject property. Sam Shadfar stated he moved here 20-years ago to get away from the city and traffic and that this use is going to generate a lot of traffic. Sam Shadfar asked if any of the Planning Commissioners have ever traveled on W. 359th Street to Drexel, MO. He noted there are no shoulders on W. 359th Street. In the past 10-years Sam Shadfar has witnessed trucks and cars in the ditch and believes this will increase if the CUP is approved. Sam Shadfar stated this intersection of Coldwater Springs Rd and W. 359th Street is bad, there is a dip and traffic coming from the East cannot be seen. He also noted he is concerned with dust. Sam Shadfar stated he has 80 acres next to the subject property that his kids plan on building a house on. Sam Shadfar asked if the Planning Commissioners have any questions for him. There were no questions from the Planning Commissioners.

With no other public comments Philgreen closed Public Hearing 2026-001-CUP: ASKC Observatory at 8:11 p.m.

Philgreen invited Staff and applicant to respond to the public's comments.

Alan Lehman, 4205 W. 71st St, Prairie Village, stated he has been a member of the ASKC for around 15-years and has been involved in the search for this property. ASKC looked at a number

of properties before purchasing this property and they evaluated several things before making a purchase: lighting plan and levels (there are 3 different levels they evaluate). Lehman noted the amphitheater is proposed to seat approximately 60 people. Lehman stated the events are basically a free-flow situation allowing the visitors to move around and participate in the different activities as they please. The traffic and people come and goes randomly throughout the evening so there is never a big influx of incoming or outgoing traffic at any given time period. In a typical year there might be one (1) or two (2) events in the year, this year there will not be any events. The members do their best to plan and orchestrate the events to minimize the traffic.

Philgreen opened deliberation amongst the Planning Commissioners at 8:14 p.m.

Hall stated his main concern is with the traffic on Coldwater Springs and W. 359th Street. He has asked himself what if they excluded the pedestrian bridge and simply have a vehicle bridge across this area given the watershed in this area, the flood zone. Hall believes the plans are vague. Hall summarized to say it will all depend on the volume of traffic that is generated from the proposed CUP.

Gerken asked what about restricting the traffic to come off of W. 359th Street only.

Hall stated that is his thought. Hall stated when he looks at the aerial view of the property the floodplain is cutting the subject property in half. If additional screening is required, will it decrease the amount of parking?

Philgreen stated knowing what he does about how observatories operate he believes they will want the lights as far away as possible. Granted it is a little bit of a walk but that would be part of the experience to park your car as far away as possible and walk to the observatory observing the night sky. Philgreen noted in the Staff Report the applicant stated the entrance off of Coldwater Springs is for staff and members with telescopes only. Philgreen stated this makes a lot of sense to him.

Cook stated there have been a lot of conversations with the applicant regarding the entries to the property. From the County's perspective they need to have an entry from a paved road for the public. If a wider road is needed, they will be taking down trees which will have a greater impact on the floodplain. Doing these kinds of improvements could have a bigger impact but could also improve some of the traffic from impacting neighbors. If the Planning Commission were to approve this they could stipulate the main access is off of the paved road and a driveway to go through the floodplain to access the property. They would want a quicker access if there was an emergency. Cook noted that if there are heavy rains it is unlikely there will be many people on the site. During the discussions Staff advised they prefer keeping the traffic off the gravel roads as much as possible. The applicant proposed minimizing the traffic as much as possible and attempt not to have any development in the floodplain area.

Vice-Chair Joshua Brown stated this sounds like it will be less traffic than a resident might be permitted by right. Brown stated as far as a traffic impact on Coldwater Springs he is not concerned.

Cook stated this is where the calculation for average of 6 vehicles per day (generated by the use on Coldwater Springs Road) came from and comparing it to the traffic that would be generated by a dwelling. The county has typically used a 10-acre density based upon the size of the subject property, which is greater than the 20-acres density currently allowed for this site. Staff noted

that if the property were developed at a 10-acre density with an assumption that each house would generate 10 vehicle trips per day, you would be looking at 10-20 vehicle trips per day. Cook noted the 6 trips per day is an average and there would be days that had more traffic than that. Cook also agreed that you would not be able to fully stop the public from driving on the road to possibly drop someone off and returning to pick them up or just trying to get a closer parking spot. The applicant will need to focus on making sure people coming to the site are aware of where the public parking is located. If there is a substantial increase in traffic and use in the facility, the Conditions provided for the CUP is based on the narrative presented by the applicant. If the CUP is approved and it is discovered that there is a substantial difference in the amount of traffic generated Staff can bring the item back to the Planning Commissioners amend the CUP and place additional Conditions for the operation. Staff also noted this is part of the reason why we place a 10-year expiration on CUPs as this allows for the Planning Commission to review the CUP in the future. The amendment could require additional Conditions such as paving roads.

Broers stated she agrees with Brown and has no concerns with the proposed CUP it appears to be less of an impact than a number of the other venues that have been approved. As far as the flooding, a stormwater study will be done and she ventured a guess they will end up with better water retention even with the paved spaces because all the former AG ground will be grass. Broers stated she does not have enough concerns about the proposed CUP to make the applicants to cut a driveway through the floodplain when there is a perfectly good road.

Brown stated he is not in favor of making the applicant responsible for dust control in the area. Brown stated that since the amount of additional traffic will be about the same as a new resident in the area and the new resident would not be required to provide dust control he does not believe the applicant should be responsible for the dust control.

Broers noted people with nice cars will not typically drive fast on gravel.

Moore stated the facility will not want the added dust due to the telescopes and if the dust becomes a problem they will more than likely address that issue. Moore referred to pages 37 & 38 of the Staff Report and said he made note of the lighting plan shown on these pages.

Elliott asked what the address would be for this facility and stated the address would be important for the signage and emergencies. Elliott stated if a person types in the address there GPS will direct them and might take them on the wrong road. Elliott stated he is apprehensive about getting rid of the dust control requirement due to this reason. Elliott believes there should be a separate address for general public but emergency services and members can use the other address.

Cook stated Staff's first thought was to have the address issued for W. 359th Street and will verify the address issue with Emergency Management. Cook stated in the 911 system they can usually add notes to specify how to route emergency services. Cook noted that staff would look at different options for how we can assist in making sure individuals are going to the correct entrance.

Elliott referred to Condition No. 12 *"An engineered stormwater management plan shall be submitted to and approved by County Staff prior to final occupancy."* and asked if "final occupancy" is normally in the Conditions like this. Elliott believes "final occupancy" is something that should be done when a building permit is issued.

Cook stated he missed that, and it might have been an amendment to another CUP.

Elliott stated the stormwater runoff is a concern of his and adding the walking bridge has a much bigger impact to stormwater than people realize and is a critical component.

Hall agreed with Elliott on the stormwater runoff and walking bridge and looking at the cross-section he does not believe it is adequate enough. Hall stated the applicant should be responsible for mitigating any risk related to changes that would affect water flowing in the stream through stormwater or changes to the floodplain including through construction of the proposed bridge.

Hall stated he believes they should be responsible for dust control.

Philgreen stated he is hearing a consensus to keep dust control.

Gerken asked about how many feet of dust control is being suggested.

Cook stated it is usually from the entrance to the next paved area which will be approximately one-quarter of a mile, maybe a little less.

Philgreen believes they will probably want to do it anyway because dust will really interrupt telescoping viewing.

Philgreen referred to Condition No. 7 *"No amplified sound shall be used outside of the building."* and asked if it should be changed to limited amplified sound for speaking only. Philgreen believes the Condition should be more specific to rule out loud concerts and such.

Broers believes Condition No. 6 *"Noise shall not exceed 70dB at the property lines."* covers the Philgreen's concerns with the noise level and amplification.

Brown stated he is all for flexibility but if people are speaking loudly after midnight the sound will carry through the area.

Gerken asked about striking Condition No. 7.

Elliott believes merging Condition No. 6 and 7 is a better option. *"Noise shall not exceed 70dB at the property line and no amplified sound outside the building after 10:00 p.m."* Elliott believes this will be consistent with the Conditions of previously approved event venues.

Brown agreed with Elliott.

Philgreen stated since the applicant did not bring up dust control he suggests keeping dust control in the Conditions.

Philgreen referred to Condition No. 12 and suggested striking "final occupancy" and add "building permit".

Philgreen asked Staff if they believe Emergency Management will be able to address the issue of the address without adding it to the Conditions.

Cook stated he believes it can be taken care of without it being added to the Conditions.

Cook noted Staff believes Condition No. 8 *"Normal hours of operation for public nights shall follow the schedule as provided in the narrative including being limited to Saturday evenings from beginning of May through the end of October and one hour before sunset and closing four*

hours later. Private reservations from members of the public may occur on other nights of the week but follow the same hours.” the applicant stated they do sometimes open up approximately one-hour prior sunset, although it was assumed the closing time is the bigger issue here.

Broers asked if it needs to be at least 1-hour or does it need to be 2-hours before normal operating hours.

Henderson stated they typically use 1-hour before sunset and during the summer months they might stay later depending on what is going on, up to 4-hours later.

Cook noted the question here is that while they have noted the typical hours of operation would be for a 4-hour period, sometimes they do stay open longer than 4 hours.

Elliott asked if it is covered since it says, “normal hours of operation.”

Gerken referred to page 29 of the Staff report stating they show their hours of operation details.

Cook stated he was concerned that another specific Condition is necessary for the special celestial events.

Gerken asked if that can be covered through Special Event(s). Maybe say they can hold four (4) Special Events per year.

Cook stated Planning Commission can authorize a number of special events per year can be held at the facility outside of normal operation hours but the special events would still be regulated by all other Conditions approved for the CUP if approved.

Broers referred to Condition No. 8 and stated she does not believe what they are requesting in the narrative is outside of the hours of operation listed in Condition No. 8 and does not understand what the concern with the hours of operation is.

Cook stated the applicant says there is a possibility they may need more than 4-hours and would like the ability to go 6-hours if they need to.

Broers stated for clarification not for normal hours just for special events they would like additional time.

Philgreen confirmed.

Cook suggested allowing the applicant to come to the podium to address this issue.

Philgreen invited the applicant to the podium to explain the special events, how often they happen, what they are, how many people might attend, and if amplified sound will be necessary or not.

Henderson stated they cannot predict all the special events. The special events will be primarily comets because people love to watch comets in the night skies and they can be early in the evening to wee hours of the morning. Comets can be around for 1-week to 1-month depending on the comet. There is typically a big influx of visitors during that time.

Gerken asked for a time they would be comfortable with shutting down.

Henderson stated he believes midnight.

Gerken asked midnight for any event throughout the year.

Henderson stated yes.

Broers referred to the narrative and stated the narrative shows 1-2 special events in a signal year and sometimes none and asked if they allow for 3-special events in a signal year if that would be acceptable.

Henderson stated they cannot predict the cosmos. There have been several years in a row with no comets then there has been a couple times when there has been 3-comets in 1-year, it is unpredictable. The main reason is to serve the interest of the public. If there are no comets there are no special events. In 1986 there were 3-bright comets in a 6-month period. Comets has a huge public interest and Henderson ventured a guess that comets are a high-point attraction of the events ASKC holds.

Moore asked comets would not be just a 1-night thing it would be a month at a time.

Henderson stated they would not be opened the entire week to view the comet.

Broers asked if there is a Condition for Special Events.

Cook stated no and thought it could be added to the end of Condition No. 8 unless the Planning Commission would prefer another Condition for the Special Events.

Philgreen asked what Staff would add to Condition No. 8 to allow for the Special Events.

Cook stated he would state it cannot exceed a maximum number of Special Events per year and the hours cannot extend past a certain time.

Broers suggested Condition No. 8 include 5-Special Events per year.

Philgreen clarified stating 5-Special Events may extend beyond normal operation hours.

Broers stated 5-Special Events may extend to midnight.

Philgreen read the suggested change to Condition No. 8 "Normal hours of operation for public nights shall follow the schedule as provided in the narrative including being limited to Saturday evenings from beginning of May through the end of October and one hour before sunset and closing four hours later. Private reservations from members of the public may occur on other nights of the week but follow the same hours. 5-Special Events may be held per year not to extend past midnight."

Broers stated this will allow for the years they have comets and they will not have to come back to the Planning Commission.

Brown stated this appears to be a facility that is massive and a lot of money will be invested in. Brown is concerned that a 10-term is too short for the money being invested in the facility and asked to allow for a 20-year term instead.

Broers stated that is consistent with Wildwood.

Philgreen believes it is consistent with the last 3-CUPs they have approved.

Cook noted the standard is to allow 1-year for a CUP to finalize their development and be operational. Cook suggested the Planning Commission might want to consider extending this time frame due to the amount of development that will be taking place.

Philgreen asked if the Condition is left as presented and the CUP is approved and 9-months down the road the applicant realizes they will not make the deadline will they have to have another public hearing.

Cook stated no they will be allowed to go to the Board of County Commissioners for an extension provided it is prior to the expiration date.

Philgreen suggests leaving as is and if they need an extension they can come back at that time.

Hall asked if sometime in the future the County replaces the culvert on the road and there is no longer any backup of water, should something be added to the conditions that there should not be any backup of water caused by development of this site.

Cook stated Miami County participates in the National Flood Insurance Program Miami County requires Floodplain Permits for any development in the Flood Zone. A property with development in a Zone A, which this property has, Staff will have to verify the development will not create any more than 1-foot of rise maximum. The construction of their bridge will have to have an engineer study showing the improvements being made will not create more than 1-foot of rise in the base flood. Most likely it will not be anywhere close to that. Cook noted if they were to create a larger rise, the applicant would need to go through a Conditional Letter of Map amendment process in order to get the actual floodplain maps to be amended. Cook noted that we would ensure that we receive engineered plans regarding that portion of the development.

Philgreen reviewed the changes to the Conditions the Planning Commission discussed:

- Condition No. 3 – change from a 10-year term to a 20-year term
- Keep dust control as a Condition
- Combine Condition No. 6 and Condition No. 7 and adding the words “no amplified sound after 10:00 p.m.”
- Adding to Condition No. 8 5-Special Events per year not to exceed past midnight
- Condition No. 12 – removing “final occupancy” and replacing with “building permit”

Gerken asked if staff had also wanted something changed on Condition No. 9.

Cook noted that condition was just related to members going to the structure on different days and times from when it is open to the public.

Brown stated the concerns of the neighbors does not fall on deaf ears. Brown stated he believes he heard the neighbors to say it is a great thing just not next to me, taking into consideration the health, safety, and welfare of the county he believes it is hard to argue this is not a great thing for the county and that this organization does a great job of serving and educating the community. They have been in Miami County for 41-years and Brown believes it will be a shame to lose them.

Philgreen agreed with Brown and noted that it will have a very low impact to the neighborhood especially taking into consideration some other items that have been brought before the Planning Commission. Philgreen noted that he has not been to the Powell Observatory but has been around

it and coached soccer games on the fields adjacent to the existing site and knows that it is a quite group. Philgreen believes this is the perfect location for an observatory with a paved road.

Broers stated she believes it meets every signal one of the Golden Criteria. While the immediate character of the neighborhood is AG and residential but Drexel, MO is close by and there is already some light pollution in the area. The applicant is going to use red-lights, it will be limited use, and as far as noise the train tracks are nearby. Broers also noted the site is on a paved road. Broers understands not wanting any kind of development but the reality is that this might be the best development the neighbors could hope to have in their backyards if they were picking development in Miami County. Broers believes they will be great neighbors.

Broers moved to approve 2026-001-CUP: ASKC Observatory as recommended by Staff with the Conditions enumerated by Staff and amended by the Planning Commission. Moore seconded the motion; the motion passed 6-2 with Elliott and Hall opposing.

Philgreen stated the Board of County Commissioners will hear this item for final vote on April 29, 2026, at 1:00 p.m. in the Commission Chambers.

Cook noted if 1,000-foot neighbors wish to file a protest petition they have 14-days (April 21, 2026) from the closing of tonight's meeting to file the protest petition with the County Clerk. If anyone would like more information on how to file a protest petition the Planning & Zoning Staff will be able to assist them.

Public Hearing 2026-002-CUP: Rutlader Outpost RV Park

Philgreen announced he will be recusing himself from 2026-002-CUP: Rutlader Outpost RV Park and will be participating as part of the public. Philgreen joined the public at 8:55 p.m.

Brown invited Staff to the podium to present the Staff Report.

Joseph presented the Staff Report and reviewed the Golden Criteria.

Joseph stated the original CUP permit expired on April 28, 2023, the previous owner failed to renew the CUP permit. The new owner (Richard Lord) is asking the Planning Commission to consider allowing him to renew the expired CUP.

Joseph stated there are 3-main issues of non-compliance:

1. The onsite storm shelter capacity needs to be increased to accommodate at least 224-people
2. The wastewater system needs to be upgraded per Miami County Environmental and Health Department
3. The internal roads and entrances from Metcalf Road to the property needs to be hard surfaces with asphalt or chip & seal

Joseph stated Richard Lord has owned the facility since 2016. Lord has been working with Staff to bring the facility into compliance and is requesting a renewal of the CUP Permit.

Joseph stated the applicant is present and willing to answer any questions.

Elliott asked for clarification as to what area of the property the CUP permit is for.

Joseph stated just the C-2 area.

Gerken stated but the applicant owns both the C-2 area and the adjacent AG parcel.

Joseph stated yes.

Elliott stated the applicant will not be expanding into the AG area with development.

Joseph agreed.

Cook stated the legal description provided describes the entire area because Staff thought the entire area was part of the CUP. When researching the parcel information, it was discovered that only the C-2 area is being used for the CUP. Where this property is unique, the County does not typically allow wastewater systems to cross property lines. When the CUP was originally approved it allowed the cross-over of the boundaries for the wastewater system and even easements. Both AG District and C-2 District allows an RV Park to be permitted by right. Staff believes as long as there is one (1) owner for both parcels it should be ok.

Elliott stated he does not see how the County can allow the wastewater from a C-2 District to transported to an AG District property.

Cook stated that even if all the property were zoned AG District the property owner would still be allowed to have an RV park.

Elliott stated it is not the two (2) zoning that concerns him it is the two (2) properties.

Cook asked if there were a Condition to the CUP stating both parcels must remain under the same ownership if that would help.

Gerken asked was that a Condition on the prior CUP or for the CUP application being considered by the Planning Commission.

Cook stated for the application before the Planning Commission now.

Joseph stated Staff can add the Condition stating both parcels must remain under the same ownership.

Cook stated the current owner made reference to the ownership of the properties.

Gerken stated Condition No. 9 talks about the ownership a little bit, at least referencing the structure.

Joseph stated Condition No. 9 is for the building on the Northwest corner of the property. There is a house on the property that is utilized by the caretaker which is part of the CUP.

Hall asked why there is a discussion about a CUP on a C-2 property.

Elliott stated RV Parks are not allowed by rights in C-2 Districts and they have to go through the CUP process to have an RV Park in C-2.

Gerken asked for clarification on screening.

Joseph referred to the site plan and showed where screening is currently.

Brown invited the applicant to the podium at 9:09 p.m.

Richard Lord, 33565 Metcalf Rd, stated he and his wife have owned the property since 2016. Lord was doing some title work in late December 2025 to early January 2026 it was discovered that the CUP had expired and at the same time discovered there was parts of the RV Park that were not in compliance. When it was discovered that the CUP was expired and parts of the RV Park was out of compliance the Lords started working with Staff. The Lords have already taken care of some items that were out of compliance. Lord stated he greatly appreciates everything Staff has helped him with they have been wonderful.

Lord stated in 2012 the CUP was approved for 112-sites with Conditions. The previous owner added 11-

sites and stopped then sold the property to the Lords. Lord stated when he purchased the RV Park it only had 83-sites. He found out that he is unable to make it a 112-site RV Park without going through the CUP process as the time expired for the expansion from 72-sites to 112-sites.

Lord stated they have already started working on the expansion of where the storm shelter will be. The wastewater surveys have all been completed and ready to start working on them, pending the results of the CUP application. Lord stated they have received three (3) bids for the resurfacing of the roads. Lord stated these are the three (3) biggest issues and need to happen within one (1) year. Lord stated they can have the storm shelter and wastewater system completed within 90-days. Lord does not believe the expansion of the RV Park will be completed within 1-year.

Lord stated there is a potential change in the ownership of the property. There is nothing finalized at this time but there is potential and it was included in the narrative. In the narrative it was requested that the CUP ownership be transferable should he sell the properties.

Lord asked if the Planning Commissioners have any questions for him.

Brown opened Public Hearing 2026-002-CUP: Rutlader Outpost RV Park at 9:14 p.m.

There were no public comments, Brown closed Public Hearing 2026-002-CUP: Rutlader Outpost RV Park at 9:15 p.m.

Brown invited Staff to the podium.

Joseph stated he will add keeping ownership as Condition No. 18 and it will read similar to "the applicant shall keep both properties under one (1) ownership as long as the CUP is in effect."

Gerken asked what does this do to Condition No. 4 *"This CUP is approved exclusively for the applicant (Richard Lord) and the vendors with whom they contract. 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 CUP."*

Broers asked where the Planning Commission land with this issue with the Quarry.

Cook stated the typical wording is that the change of ownership of the property must come before the Planning Commission to go over the Conditions of the existing CUP. Cook believes that wording was stricken from the Quarry's CUP and the wording left restricted the CUP to the entity.

Broers asked if the option to sell or transfer the business was given to the applicant.

Cook stated he does not remember if it was the Quarry or another case that the option was given to.

Menefee asked Staff why the new owner is required to come back to the Planning Commission and not to Planning & Zoning.

Cook stated this is a Condition that has been placed on CUPs for a while.

Gerken stated every circumstance is different.

Menefee stated that is what is thinking with this application as everyone is already aware that there will possible be a change in ownership.

Gerken agreed and said they are aware that it will sell for this specific purpose.

Cook noted another difference with this CUP application is that the property is zoned commercial and part of the facility is permitted by rights but other portions of the facility needs a CUP.

Menefee asked if Staff would be ok with changing the wording to say “...*shall require review with or by the Planning Staff*...”

Gerken asked why it cannot just go with this specific property under this circumstance.

Cook stated that is up to the recommendation of the Planning Commission but Staff would not have an issue with meeting with the individuals to help them understand the Conditions of the CUP and Regulations..

Menefee stated he does not recall a time when a CUP changed hands and the new owner came in front of the Planning Commission.

Elliott stated he does not recall a time that the change in ownership came before the Planning Commission either and was looking for the Minutes that covered the Quarry so they could keep the wording consistent.

Menefee asked if the change in ownership of a CUP needs to come before the Planning Commission or can Staff handle it.

Elliott stated it has always said it is to come before the Planning Commission.

Broers believes the language “always” is really meaningless because if a person wants the CUP in their name they will have to come before the Planning Commission they will have to reapply for the CUP. Broers asked what good does it do to come before the Planning Commission when the original CUP stays with the individual that received it and a new ownership, if they want it in their name, will have to come before the Planning Commission with a CUP application to get the ownership changed. Broers recalls co-applicants coming before the Planning Commission...

Elliott agreed and said a prospective buyer will come in with the current owner to see if something is possible at the time of the sale.

Broers does not believe the CUP ownership is an issue in this case.

Gerken stated it could be because if there is a change in Planning Commissioners and the new Planning Commissioners do not agree with the way the business is operating, they can make it hard for him to sell his business.

Broers stated it sounds like the applicant is preparing to sell the business now.

Gerken does not believe that matters because the sale could fall through and 10-years down the road he still has the business, the Planning Commissioners have changed, and the new members could be against the way he runs his business and make it tough on him to sell it.

Broers agreed with Gerken’s possibility. Broers stated she was just concerned about this transaction. Gerken stated he could care less about this transaction and wants to protect the applicant’s future.

Elliott stated for the record he found the 1880 Enterprises (Quarry) discussion and read “...change of ownership or subleasing the property or facility shall require review by the Planning Commission to confirm the new owner understands the CUP obligations and to verify the status of compliance.” Elliott stated he does not know if he likes it but that is the way it was worded.

Gerken stated the thing with the Quarry is that there was so much opposition with the public and believes that it is a different circumstance than the CUP before the board tonight. Gerken stated there is no one

present at the meeting opposing the RV Park, and that speaks volumes to Gerken.

Hall asked what Gerken's recommendation is.

Gerken stated he recommends the CUP stays with the property and believes the Planning Commission has the right to do that.

Elliott asked if that would allow the current owner to sell the facility and the CUP would remain with the property for the remainder of the 20-year term.

Gerken stated yes.

Hall agrees with Gerken.

Broers asked if that would include the AG piece.

Brown stated the AG piece will have to go with it because of the lagoon.

Broers asked if they would require the two (2) parcels to be joined.

Menefee stated that is Joseph's recommendation to add Condition No. 18 stating both parcels stay under one (1) ownership as long as the CUP is active.

Broers asked how a prospective buyer will know about that restriction.

Cook stated there have been some tracking changes. Cook stated at the time the original CUP was approved he does not believe the resolutions listing all the conditions was recorded, the resolutions are now recorded and anyone that goes through the title process will see the recorded resolution.

Elliott asked how would Condition No. 4 read.

Gerken suggested simplify it, take a lot of the wording out and simply state the CUP stays with the property.

Elliott asked if they would like to eliminate Condition No. 4.

Brown likes the idea of eliminating it.

Gerken and Broers believes there needs to be some sort of wording to appease the applicant's comfort level.

Broers liked Gerken's suggestion of simplifying the wording on Condition No. 4 and say, "the CUP approved exclusively for the properties as described in the narrative." and strike the rest of Condition No. 4.

Moore asked if Condition No. 4 needs to include "regardless of ownership".

Cook noted the resolution that will go to the Board of County Commission will have the full legal description of the both parcels.

Gerken and Menefee does not believe screening is necessary.

Broers moved to approve 2026-002-CUP: Rutlader Outpost RV Park based on Staff's recommendations Findings and Conditions with the suggested amendment to Condition No. 4 and adding Staff's recommendation of Condition No. 18. Gerken seconded; the motion passed 7-0 with Philgreen recusing himself, via show of hands.

Philgreen rejoined the Planning Commission meeting at 9:30 p.m.

Public Hearing 2026-001-TA: Authorize the Appointment of Planning Commission as Board of Zoning Appeals and Amendments to Article 23 and By-Laws

Philgreen invited Staff to the podium to present the Staff Report for 2026-001-TA at 9:31 p.m.

Elliott asked for a Board of County Commission meeting date and time for 2026-002-CUP: Rutlader Outpost RV Park.

Philgreen stated it will be April 29, 2026 at 1:00 p.m.

Joseph presented the Staff Report and asked if the Planning Commission had any questions for him.

Philgreen asked if it will be two (2) separate meetings or just an addition to the Planning Commission Agenda.

Joseph stated they will have two (2) meetings, they will close the Planning Commission meeting and open the Board of Zoning Appeals (BZA) meeting.

Brown asked if the appeals are appealing the Planning Commission's decisions on an item heard by the Planning Commission.

Joseph stated if a person that wants to challenge the Miami County Zoning Regulations or decision of the Planning & Zoning Director they will file an appeal or variance for the BZA to hear. The BZA will make the decision to override or back up the Planning & Zoning Director's decision or Zoning Regulation.

Gerken stated it could be like a setback issue.

Joseph agreed.

Cook noted there was a variance about 2-3 years ago that was an appeal of a decision made by Planning & Zoning to determine what is considered the "front" of a house.

Broers referred to Article 23 and asked if the second sentence of Article 23-1.01 is correct "*Authorization: The Miami County Planning Commission shall serve as the Board of Zoning Appeals with the provisions of K.S.A 12-759(g). The meetings will be conducted per the Planning Commission By-Laws.*"

Joseph stated the Planning Commission has separate by-laws and the Board of Zoning Appeals will go by the Planning Commission by-laws.

Elliott asked for clarification of 23-3.03 "*A copy of said notice shall be mailed by the Secretary of the Board of Zoning Appeals to each party in interest ~~and to the Planning Commission.~~*" and asked where it shows who the Secretary of the Board of Zoning Appeals is.

Broers stated Article 1-3 states the Director of Planning & Zoning is the Secretary.

Philgreen opened Public Hearing 2026-001-TA: Authorize the Appointment of Planning Commission as Board of Zoning Appeals and Amendments to Article 23 and By-Laws at 9:38 p.m.

There were no public comments and Philgreen closed Public Hearing 2026-001-TA: Authorize the Appointment of Planning Commission as Board of Zoning Appeals and Amendments to Article 23 and By-Laws at 9:39 p.m.

There was no deliberation by the Planning Commission.

Elliott moved to approve 2026-001-TA: Authorize the Appointment of Planning Commission as Board of Zoning Appeals and Amendments to Article 23 and By-Laws as presented by Staff. Menefee seconded; the motion passed unanimously (8-0).

GENERAL DISCUSSION:

Cook stated the Comprehensive Plan was approved by the Board of County Commission. Cook stated he appreciated all the work and help the Planning Commission provided. With the approval of the Comprehensive Plan the Planning & Zoning office will be working on updating the Zoning Regulations.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

There were none.

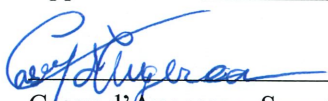
Possible Future Amendments to Zoning and Subdivision Regulations

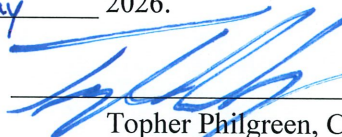
- A. Discussion on Solar Farms: Moratorium
- B. Sign Regulations: Moratorium
- C. Height limits for radio, television, internet antennas, and satellite dishes designed for individual residences.
- D. Telecommunications Regulations
- E. Wayfinding Signs
- F. Discussion on FEMA

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

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

Approved this 5th day of May 2026.


Casey d'Augereau, Secretary


Topher Philgreen, Chair / Joshua Brown, Vice-Chair

Minutes written by Casey d'Augereau

