

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
May 5, 2026**

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

ATTENDANCE

CHAIR: Topher Philgreen

VICE-CHAIR: Joshua Brown

PLANNING COMMISSION John Menefee, Shane Hall, Phil Elliott, Rusty Gerken, and
**Randy Kitchen

ABSENT MEMBERS: Kelli Broers, Drew Moore

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

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
May 5, 2026**

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 six (6) members were present making a quorum. **Planning Commissioner Randy Kitchen joined the meeting at 7:03 p.m. making seven (7) members present.

ADOPTION OF THE AGENDA

Philgreen announced 2026-003-SUB: Schultz-Jones Subdivision has been continued to the June 2, 2026 Planning Commission meeting and will not be heard at tonight's meeting. No action necessary

Planning Commissioner Phil Elliott moved to adopt the agenda as presented. Planning Commissioner John Menefee seconded; the motion passed unanimously (6-0).

CONSENT AGENDA

1. Minutes:
 - a. Approval of the April 7, 2026 Planning Commission Minutes
2. 2026-002-SUB: Rising Phoenix Farm

Menefee moved to approve the Consent Agenda. Elliott seconded; the motion passed unanimously (6-0), via show of hands.

**Planning Commission Randy Kitchen joined the meeting at 7:03 p.m.

Old Business:

There was none.

New Business:

Public Hearing 2026-003-CUP: STC Towers

Philgreen invited Staff to the podium at 7:03 p.m. to present the Staff Report for 2026-003-CUP: STC Towers.

Jeff Joseph, Assistant Planning & Zoning Director, presented the Staff Report and reviewed the Golden Criteria.

Planning Commissioner Rusty Gerken asked for clarification on the co-usage of an existing tower.

Joseph stated the Miami County used to ask all companies to co-exist in one location but the State of Kansas has changed their codes and Miami County is no longer allowed to ask the companies to co-exist.

Philgreen asked if co-existing is in the Miami County Regulations.

Joseph stated yes but Staff is in the process of amending the regulations.

Philgreen invited the applicant to the podium at 7:08 p.m.

Rob Goetz, 7171 W. 95th St, Overland Park, stated he is part of Select Site Consultants and is present on behalf of STC Towers. Goetz stated he is available for any questions the Planning Commission might have. Goetz asked if the County has a preference on the screening.

Philgreen stated he does not believe the County has a stipulation but he personally would prefer not to have a privacy fence in the middle of a field. Philgreen believes bushes and trees would be more appropriate.

Cook stated with any type of landscaping and water not being available natural screening might be a challenge. Cook stated Staff is planning on having discussions with the Planning Commission regarding screening and other aspects of tower regulations. Cook stated if this tower is a tower that is permitted by rights then all equipment is required to be inside a permanent building that has a stucco or concrete walls. When a tower is not permitted by rights then it goes through a Conditional Use Permit (CUP) process. Screening has been reviewed by the Staff and Planning Commission on a case by case situation.

Gerken asked what was required for the tower approved on the highway recently.

Cook stated the property owners required a high-end privacy fence so the County did not need to regulate the screening.

Philgreen stated he does not see a term for the CUP in the Conditions.

Cook reminded that cell towers are treated more like utility facilities and terms are no longer placed on a cell tower CUP. Any older cell tower CUP, once the term expires and they renew the CUP the term is removed from the renewed CUP. Part of this is because of the State Statutes that makes it difficult for the County to do anything in regard to cell towers. Cook stated if the cell tower is not being used it must be removed within 6-months of the time it is no longer being used.

Elliott returned to the screening issue and referred to the Staff Report under Staff Comments paragraph 3 *"The site plan shows a chain link fence around the perimeter of equipment associated with the tower. Staff recommends all equipment screened by either a privacy fence or landscaping."* Elliott asked if there is a definition of privacy fence in the regulations.

Cook stated no and that is why Staff works with the applicant on a case by case situation and work with the applicant to decide which type of screening is best for the area. Cook stated prior to the meeting that the applicant asked about doing a privacy cedar fence or chain link fence with PVC slats. Staff's preference is for a cedar privacy fence.

Gerken stated he would not prefer the cedar fence due to the maintenance of it and asked what the applicant's preference is.

Goetz stated chain link slat privacy fence (PVC).

Elliott stated since there is no term on the CUP the Conditions need to be clear as to what the expectations are for screening. Elliott wants to make sure the applicant understands their responsibility to maintaining the screening and that the screening will be enforced as the screening becomes an eyesore.

Kitchen asked what good does screening do for a 330-foot cell tower.

Elliott stated to conceal the equipment on the ground.

Goetz stated the generator and any necessary equipment needed to run the cell tower.

Elliott stated he has a rental with a cell tower on it and the screening was out of control so the renter came

in and cleaned up the screening and replaced it with a chain link fence and it looks a lot better.

Cook stated there will be maintenance with the PVC slats and cedar privacy fence.

Goetz agreed and stated over time it is his opinion that there will be less maintenance with the chain link fence with PVC slats than with a wooden privacy fence. Goetz stated if they use just chain link they will have to provide screening around the chain link. If they are not able to get water out there natural screening will go dormant in 3-8 years.

Kitchen asked why would they put trees out there for screening and asked if it is a bare area currently.

Goetz stated it is a zoning requirements and it is currently a bare area.

Philgreen opened Public Hearing 2026-003-CUP: Verizon Communication Tower at 7:18 p.m.

Philgreen closed Public Hearing 2026-003-CUP: Verizon Communication Tower at 7:19 p.m. per no one came forward to speak. Philgreen moved to deliberation with the Planning Commissioners.

Menefee stated if screening is needed he prefers chain link fence with the slat inserts due to the maintenance of removing a single slat makes more sense. Menefee stated with a wooden privacy fence if a piece breaks a whole section has to be replaced and it is not as easily repaired as the chain link fence with slats.

Cook stated Staff can change Condition No. 3 *"All outside equipment shall be screened either with a privacy fence or landscaping."* Cook suggested eliminating "privacy fence or landscaping" and replacing it with a 6-foot chain link fence with PVC slats.

Philgreen suggested 6-foot chain link fence with PVC slats or better.

Elliott believes Condition No. 3 is fine on its own because it gives flexibility for the County and gives direction to the applicant.

Menefee moved to approve 2026-003-CUP: STC Towers as presented by Staff and with the Staff's Findings and Conditions. Gerken seconded. Kitchen stated he does not see a need for so many cell towers within Miami County.

Philgreen called for a vote, the motion passed unanimously (7-0), via show of hands.

GENERAL DISCUSSION:

Joseph held a discussion on amending the Cell Tower regulations, Staff plans to have a Public Hearing on this at the June 2, 2026 Planning Commission Meeting. One of the goals with these amendments is to meet the minimum standards set by the State of Kansas.

Joseph held a discussion on permitted uses by rights. Each section has the uses listed in the prospective section. Joseph proposed putting together a table showing all uses and what district allows those uses.

Philgreen asked if the Planning Commission wishes to make a change to the Zoning Districts available within Miami County what the process is.

Cook stated there is a higher standard than a resident rezone application and explained the process. Cook noted no protest petition is allowed.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Cook stated he did an inspection of the Bucyrus Post Office project and it looks like it will be finalizing any day.

Cook stated the sewer project on W. 223rd St has begun and it will allow the Bucyrus and Spring Hill areas to connect to it. Once the County has completed the project the City of Spring Hill will be taking it over and maintaining it.

Philgreen noted for the record the Subdivision presented at the meeting will be presented to the Board of County Commissioners on May 20, 2026 at 1:00 p.m. and the CUP presented will be presented to the Board of County Commissioners on May 27, 2026 at 1:00 p.m.

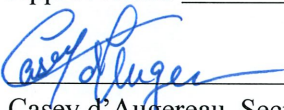
Possible Future Amendments to Zoning and Subdivision Regulations

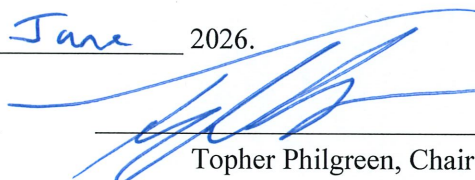
- A. Height limits for radio, television, internet antennas, and satellite dishes designed for individual residents and Telecommunications Regulations
- B. Discussion on Solar Farms: Moratorium
- C. Sign Regulations: Moratorium
- D. Wayfinding Signs
- E. Discussion on FEMA

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

Philgreen moved to adjourn the meeting; Gerken seconded. The meeting adjourned at 7:55 p.m. with a unanimous vote of 7-0.

Approved this 2 day of June 2026.


Casey d'Augereau, Secretary


Topher Philgreen, Chair / Joshua Brown, Vice-Chair

Minutes written by Casey d'Augereau

