

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
July 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	John Menefee, Shane Hall, Phil Elliott, Rusty Gerken, Randy Kitchen, Kelli Broers, and Drew Moore
ABSENT MEMBERS:	None absent
EX-OFFICIO MEMBERS:	None present
PLANNING DIRECTOR:	Kenneth Cook
ASST. PLANNING DIRECTOR:	Jeff Joseph
PLANNER:	Robert 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 nine (9) members were present making a quorum.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

Vice Chair Joshua Brown stated he attended a meeting for an agricultural group there was a brief discussion regarding 2026-001-APP: Tangen, no details were discussed. Brown believes he will be able to remain impartial to the item once it is presented to the board.

Philgreen read a written statement. Philgreen will be presenting an item before the board and stated he has not had any communication with any of the Planning Commissioners regarding his application to rezone his property from CS to C2 (application 2026-002-Z).

ADOPTION OF THE AGENDA

Planning Director Kenneth Cook advised item 2026-002-SUB: Roether's Addition should be moved to New Business for the Planning Commission to have a discussion on. Planning Commission Kelli Broers moved to approve the agenda with Staff's recommendation to move 2026-002-SUB to the last item under New Business. Planning Commissioner John Menefee seconded; the motion passed unanimously (9-0).

CONSENT AGENDA

1. Minutes:
 - a. Approval of the June 2, 2026 Planning Commission Minutes

Planning Commissioner Elliott moved to approve the Consent Agenda. Planning Commissioner Moore seconded; the motion passed unanimously (9-0), via show of hands.

Old Business:

Cook suggested the Planning Commissioners consider tabling Public Hearing 2026-003-TA: Amendments to Articles Regarding Communication Towers to the August 6, 2026 Planning Commission meeting due to the number of items on the New Business Agenda.

Menefee moved to continue Public Hearing 2026-003-TA to the August 6, 2026 Planning Commission meeting. Elliott seconded; the motion passed unanimously (9-0).

New Business:

Philgreen moved to have the Planning Commission recess and the Board of Zoning Appeals (BZA) convene. Planning Commissioner Phil Elliott seconded. The motion passed unanimously (9-0).

Philgreen announced the Planning Commission will recess at 7:09 and convene as the Board of Zoning Appeals.

2026-001-APP: Tangen

Philgreen invited Staff to the podium at 7:09 p.m. to present the Staff Report for 2026-001-APP: Tangen.

Planning & Zoning Director Kenneth Cook presented the Staff Report stating the applicant resides on 12.85 acres in their primary home and would like to build a kitchen including a sink larger than 145 inches and other cooking appliances in an accessory structure. The applicant is appealing Staff's decision denying their request to install a kitchen in an accessory structure including. Staff's decision was based on Section 21-1.02 of the Miami County Zoning Regulations.

Cook asked if there are any questions and the applicant is available for questions as well.

Kitchen asked when was the regulations about kitchens adopted.

Cook stated the definition of kitchen was adopted around 2018 and the definition of accessory structure is part of the original adoption of the Regulations from 1992. Cook did have a conversation with a former Planning & Zoning Director and was advised that has been the typical interpretation of what an accessory structure is and a kitchen is not customary part of an accessory structure.

Kitchen asked for clarification can a person have a kitchen upstairs and downstairs.

Cook stated no, only one kitchen in the house.

Hall asked where to locate this regulation "only one (1) kitchen" in the Zoning Regulations.

Cook stated it is based off of the definition for accessory structure which states the only uses allowed are those that are customarily found in an accessory structure. Cook read the definition of kitchen from the Definitions listed in the Zoning Regulations.

Gerken stated one (1) to fix this is through a Control Use Permit.

Cook stated through a Conditional Use Permit, yes.

Gerken asked if homeowners are now going to be required to submit CUPs.

Cook stated they have been in the past.

Gerken does not recall having a CUP by a homeowner come before the Planning Commission.

Cook stated the most recent was Chris Cakes around 4-years ago.

Gerken asked for the timeline of the application in front of the BZA questioning if it has been going on for 6-months, why it took so long to get in front of the BZA, and put something in front of the Planning Commission to get this regulation fixed.

Cook stated Planning & Zoning has been directed by the Board of County Commissioners with a number of different changes to the regulations that are pretty substantial changes that need to be considered. Staff only has so much time to deal with every issue. Recently there were discussions with different members of the Board of County Commissioners and concerns were brought up in regard to this item. Cook stated he received the direction from the Board of County Commissioners last Wednesday "July 1, 2026" to review

this regulation and make necessary changes based on the review, the next day it was sent to the newspaper for publication to be on the Planning Commission Meeting August 6, 2026.

Broers restated the potential amendments to the Zoning Regulations to have a second kitchen will be on the August 6, 2026 Planning Commission meeting.

Cook confirmed yes.

Broers stated she would like to hear from the applicant but would also like the BZA to consider if this is even ripe for tonight.

Philgreen asked Staff to confirm the roll of the BZA. Philgreen believes it is to grant a variance or appeal, and this appeal is based on if Staff's decision was based on the Code.

Cook agreed.

Philgreen stated BZA's job is to determine if Staff made the right decision or not and then there are other ways that could be changed later.

Cook agreed.

Philgreen believes the process to possibly amend the Regulations regarding a second sink has been started.

Cook stated yes but it takes some time as there is no way to guarantee that the item will be heard and motion made at the August meeting, there is a possibility the item might be continued to another month by the Planning Commission.

Cook noted he had a conversation with the applicants after the decision was made at the Board of County Commission meeting. The applicant started contact with Planning & Zoning March of 2026 with the first building application. Staff talked with the applicant, they wanted to move forward with the building and removed the kitchen from the plans. After the structure was built the applicant returned with a second building permit to add the kitchen to the structure which allowed them to appeal Staff's decision. The applicant appealed Staff's decision within 30-days, which is the time-line that meets State Statutes.

Broers stated it sounds like the Board of County Commissioners only gave direction to Staff on this issue last week "July 1, 2026".

Cook agreed.

Philgreen invited the applicants to the podium at 7:28 p.m. and asked the applicants to state their names and addresses for the record.

Loralie and Eric Tangen, 40610 W 324th Ter, L. Tangen distributed documents to the Planning Commission and stated that she and staff share common ground on several issues. She thanked the Planning & Zoning Director for taking the time to answer her questions. She acknowledged they may not qualify for Agricultural Zoning or an Agricultural Exempt Building but explained they have operated a small farming business for more than 10 years. Due to increased competition at farmers markets, they wish to expand their product offerings, which requires a larger, separate kitchen. She stated there are no rentable commercial kitchens in Miami County that meet their needs according to KDHE resources.

L. Tangen stated they were informed the proposed accessory building could not include more than one sink, a sink larger than 145 inches, or appliances beyond a microwave and toaster oven. She addressed the reasons provided for denial of their permit application:

- **Kitchen and multiple sinks:** L. Tangen stated staff indicated the distinction between a wet bar and a kitchen is the size of the sink and the presence of a stove or oven. She referenced a May 11,

2026, email from the Planning & Zoning Director stating there is no specific code requiring the one-sink, one-toilet, and one-shower standard, but that it has been applied through interpretation. She expressed concern that this interpretation would require choosing between a wet bar sink or a bathroom sink, creating impractical sanitation issues for food preparation. She also stated the term "kitchen" on the permit application appeared to trigger an automatic denial. L. Tangen argued the County should rely on the definition of a dwelling, rather than a kitchen, when determining whether an accessory structure constitutes a second residence. She stated their proposed kitchen is intended solely for commercial food preparation and not residential use.

- **Historical practice and customary use:** L. Tangen referenced another email from the Planning & Zoning Director stating that kitchens have historically been considered a function of the principal structure and are not customarily allowed in accessory buildings. She questioned whether permit decisions should be based on historical practice or customary use rather than adopted code requirements. She further stated that many properties in Miami County contain second kitchens, either within the primary residence or in accessory buildings, and presented documents she said demonstrated those examples. L. Tangen stated the permit was not denied because of the proposed business use of the kitchen, but rather due to the County's interpretation regarding the one-sink limitation, the determination that a second kitchen constitutes a second dwelling, and the view that kitchens are not a customary use in accessory buildings. She stated staff recommended applying for a Conditional Use Permit (CUP) to bake bread as part of their farm business because baking bread in the accessory building would not qualify as a home occupation. L. Tangen noted she was also told that baking bread in her home's kitchen could qualify as a home occupation, but argued the only difference was the location of the activity, approximately 150 feet away in the barn. She stated using the home kitchen would not meet the operational needs of their farmers market business.
- **Accessory Dwelling Unit:** L. Tangen also stated staff suggested constructing an Accessory Dwelling Unit (ADU) to obtain a second kitchen that could be used as part of a home occupation. She expressed confusion with this recommendation, noting the County denied the proposed kitchen because it would create a second dwelling, yet suggested building an actual second dwelling as the solution.

L. Tangen stated the permit denial has delayed their business expansion plans by approximately four months and limited their ability to diversify their farm products. She requested the Board of Zoning Appeals approve the permit based on the adopted Code rather than staff interpretation, allow a kitchen with multiple sinks in the accessory building, and not require a Conditional Use Permit for its use.

Menefee asked staff to clarify a statement indicating the applicants purchase many of the products they process and inquired what portion of the products originates from the applicants' property versus being purchased.

L. Tangen responded that the wheat is purchased, while the honey and berries are produced on their property. E. Tangen added that they also grow vegetables but could not estimate the percentage of products produced on-site versus purchased.

Moore asked if the applicant could be approved with a CUP and how much is a CUP. Moore believes a CUP term is generally 10-20 years.

Kitchen asked if it cost \$500 for the applicant to be in front of the BZA tonight.

Cook stated he believes their application fee was \$300 and a CUP application is just under \$1,000.

Moore asked if that is a one (1) time cost of the term of the CUP.

Cook replied yes.

L. Tangen asked when she retires will she be required to remove her kitchen and oven.

Gerken stated the Planning Commissioners have asked that similar questions many times, does the CUP stay with the property owner or property.

Kitchen asked the applicants for their thoughts on the appeal process.

L. Tangen stated the process of getting the permit was frustrating and this whole process started because of her need of a kitchen and now it has grown to be about bringing some common sense to the Zoning Regulations. L. Tangen sees glimmers of hope things will change with the Board of County Commission directing the start of the process to change things but based on the idea that things can be interpreted that does not give L. Tangen the confidence that she will get her kitchen if she waits 2-3 more months.

Philgreen stated he heard someone say the applicant spoke with the County Commissioners and asked if the applicant addressed the County Commissioners as a group.

L. Tangen stated she typed a statement and read it at the Board County Commissioners meeting on Wednesday "July 1, 2026" about the one-sink issue to make them aware of that. L. Tangen stated she knew the County Commissioners were addressing the kitchen issue but did not know if that included the sink issue.

Cook stated his anticipation to how Staff published the amendment to the regulations would include the definition to accessory structure, kitchens, and all those related items. As Staff writes the amendments it will allow Staff to address the issue of the bathroom and sink as well.

Philgreen asked if the BZA have any other questions for the applicants.

E. Tangen stated he would like to respond to Kitchen's question. E. Tangen stated they have been at the Miami County Planning Commission meetings for the last three (3) months and very appreciative of seeing firsthand how the Board functions. E. Tangen stated this has been an interesting process to witness and is glad they were able to do this and thanked the Board for the time and effort they put into the meetings but the permitting process is very frustrating.

Philgreen asked Staff what happens if the County Commissioners gives Staff instructions to change the Code, it will go to the Planning Commission in a Public Hearing, back to the County Commissioners, then adopted; what happens to the applicant's permit if they set on it to that point.

Cook stated if the regulations change and the new regulations allow for what they are proposing then the permit will be issued. Staff has some ideas on how the regulations might change and a discussion with these thoughts took place with the applicants. There might be some sort of an affidavit that will need to be signed stating the accessory building will not be converted into a living quarters. Something in writing that documents that these are not intended to be converted to multiple structures. This would be considered an aid for future property owners to know that the kitchen and accessory building are not intended for commercial use.

Philgreen clarified that the role of the BZA is not to change the Zoning Regulations, it is not to decide what is a CUP or is not a CUP, or how much applications cost; the role of the BZA is to determine if Staff followed the rules in the decision Staff made that the applicant is appealing.

Cook agreed. Cook stated he believes his interpretation is correct and no matter how the regulations are written the regulations will never address every issue that might arise so some manner of interpretation

will be needed in order to approve or deny an application. Cook noted that bedrooms are not permitted in accessory structures and bedrooms in an accessory building is not in the regulations and to Staff kitchens would fall into this same category.

Gerken asked if Staff has ever had this issue prior to this application.

Cook stated there have been others that have applied for a kitchen in an accessory structure...

Gerken asked if there was any pushback from any of those applicants.

Cook stated no one enjoys when Staff has to tell someone "no."

Gerken asked if there have been others that pushed back why did this not go before the Planning Commission as a possible amendment.

Cook stated he has had some discussions with some of the Planning Commissioners about the anticipation of reviewing it...

Gerken asked on this specific topic.

Cook confirmed yes and especially in the last couple of years when looking at adopting the 2026 Comprehensive Plan.

Elliott stated while he agrees with what Gerken is saying he believes this should be a discussion for the Planning Commission not BZA.

Kitchen asked if Staff has the right to interpret the regulations.

Broers believes Kitchen is referring to **Section 1-5 Administration** *Except as otherwise provided for herein, these Zoning Regulations shall be administered by the Planning Director, which office is hereby established by these Regulations.*

Elliott stated part of his struggles has been trying to analyze the definitions. Elliott stated Staff's interpretation is that the accessory building cannot allow the kitchen because that use is not incidental or subordinate to the use of the land per the Miami County Zoning Regulations definitions.

Cook agreed.

Elliott asked Staff for a definition of incidental and subordinate.

Cook noted that it is customarily incidental...

Elliott stopped Staff and stated he asked for the definition of incidental and subordinate because based on the Zoning Regulations "*a detached building which is customarily incidental or subordinate to the main building located on the same parcel*" and "*incidental and subordinate to the use of the land.*" Elliott believes that is how Staff has interpreted it.

Cook confirmed his interpretation is based on "historically."

Elliott stated the Staff has based their interpretation on the definitions in the Regulations and he cannot find a good definition for incidental and subordinate that would prevent the kitchen.

Cook stated part of the discussions he has had with this topic, especially with the length of time the interpretation has been the way it is, it makes it difficult for Staff to change the interpretation of the historical.

Elliott stated the good news is, Staff does not have to.

Cook stated that is the job of the BZA, if someone does not agree with Staff's decision then BZA has the

right to overturn Staff's decision.

Elliott asked if a kitchen is incidental or subordinate to the use of the property.

Cook stated it could be, yes.

Menefee stated this comes up time and time again that it cannot qualify as AG Exempt because it is not 20-acres yet there are multiple parcels in Miami County that are less than 20 and even less than 10-acres that are AG Exempt and asked why do some get to have AG Exempt when they are less than 20 acres.

Cook stated what he has noticed and especially with the ones he has been involved in, there were cases where a person had a smaller parcel but then owned a substantial amount of property next to it. AG production was going on within both parcels so they were granted AG Exempts. Cook noted that Staff has been asked to review this Regulation as well.

Philgreen invited the applicant back to the podium at 8:03 p.m.

L. Tangen stated that if the BZA does not approve this application all the examples of houses with second kitchens she showed during her original presentation currently have Code violations. L. Tangen read Zoning Regulation Article 2 Section 2-1.01 *Unless specifically defined below, words or phrases used in these Regulations shall be interpreted so as to give them the meaning they have in common usage and to give these Regulations their most reasonable application.* L. Tangen believes linking a kitchen to a dwelling is not the "most reasonable application."

Broers stated she appreciates Staff's efforts with enforcing Regulations the current Staff did not write. Broers stated the applicant is running a business from her home, wants to build a commercial kitchen, if the BZA votes against the applicant and the applicant is forced to operate this out of her home... Is the business the applicant described to Staff permitted in Countryside (CS) District.

Cook stated part of a home occupation there are a number of uses that are permitted and are generally things that are operated out of the house that do not require additional equipment and believes baking bread in a personal kitchen could easily fall under a home occupation.

Broers stated that is what they are doing now but that is not what they want to do.

Cook stated Staff's concern with this not qualifying for a home occupation, historically a kitchen has not been allowed in an accessory structure, so for Staff to approve the improvements they are requesting is a modification that is not normally permitted as part of the dwelling. Which is why there was a discussion about an ADU because an ADU allows Staff to approve a kitchen in an accessory structure.

Broers asked if the operation of their business permitted by right with their current zoning.

Cook stated baking bread as a business is not listed as being permitted by right in Countryside (CS) District, the only place it could be considered is under home occupations.

Broers stated the applicant made comment that Staff did not have an issue with the business but are there other things they need to be concerned with doing to allow them to have this business.

Cook stated Staff originally went to CUP when he heard what the applicants are wanting to do and then started looking at other way(s) that could be allowed they found under home occupations 1B it states no mechanical or electrical equipment shall be used other than that which is normally used for purely domestic and household purposes. Cook said as a home occupation home modifications are not allowed. Cook stated as reading through the list of home occupations it states items are permitted but not limited to... so there is some interpretation as to some things.

Philgreen stated the BZA's role is to deny the applicant's appeal which will affirm the decision made by

Staff or the BZA can approve the appeal and asked what happens if the appeal is approved.

Cook stated if the BZA approves the appeal Staff should be able to issue the building permit.

Philgreen asked if the applicant will need to submit a new building permit.

Cook stated no, they currently have a building permit application which was denied but if the BZA approves the appeal then Staff will be able to use the existing building permit and the BZA does have the authority to direct Staff to issue the permit. Cook noted, since it was brought up, that if their appeal is denied they have the right to take this appeal to District Court to appeal BZA's decision.

Philgreen opened deliberation amongst the BZA members at 8:12 p.m.

Hall stated he does not believe the proposed use will increase traffic or retail sales and noted that the applicants are simply trying to produce something on their property. He stated he does not believe the proposal warrants a CUP. Hall also noted the accessory structure plans do not include a bedroom and stated that, if a bedroom were included, he would consider it a secondary dwelling structure. He further stated that the definitions of a wet bar and a kitchen are only definitions, and that there is no clear regulation requiring approval or denial of the applicant based solely on the presence of a kitchen.

Menefee agreed with Hall, stating the issue extends beyond simply "baking bread." He believed the proposed use qualifies for an agricultural exemption, noting the applicant's narrative describes activities that are agricultural in nature. He stated the building would be used to wash produce, vegetables, fruits, and berries grown on the farm, making the use incidental and subordinate to the property.

Elliott reported that a review of the Miami County Zoning Regulations found no provision prohibiting a second kitchen in an accessory structure or defining it as a second dwelling. He noted that concerns about second kitchens stem from interpretation rather than the written regulations. Elliott stated the proposed kitchen is incidental and subordinate to the property and questioned whether past interpretations should continue if they are unsupported by the regulations.

Brown thanked Staff for their transparency and acknowledged the challenges of administering the Zoning Regulations. He stated the regulations are not specific enough regarding kitchens and that expecting Staff to regulate appliances such as toaster ovens and air fryers is unreasonable. Brown did not support requiring a CUP or an ADU for this application. Although Staff is reviewing the regulations at the direction of the Board of County Commissioners, he did not believe it was reasonable to delay the applicant's request and felt sufficient information existed for the Board to make a decision.

Moore referenced comments regarding trust, stating Zoning Regulations exist to prevent the creation of a second dwelling rather than relying on assurances from property owners. He emphasized that the purpose of the regulations is to prohibit a second dwelling.

Elliott added that zoning decisions must also consider future property owners. He stated the existing interpretation was likely intended to protect neighboring properties over time and suggested that, if the regulations are amended, the County could consider recording an affidavit or deed restriction to prevent future conversion of the accessory building into a second dwelling.

Broers thanked Staff for their work on the application and recognized that zoning regulations will always require some interpretation. She stated the current Staff inherited the existing interpretation regarding kitchens and agreed the regulations could be improved. Broers appreciated the applicant for bringing the issue forward, noted the significant workload facing Staff and the volunteer Planning Commission, and expressed support for the appeal after confirming the Planning & Zoning Department has five employees.

Broers thanked the applicants and members of the public for participating in the meeting, stating that public attendance demonstrates community involvement and concern.

Kitchen reminded attendees that the Planning Commission meets on the first Tuesday of each month and encouraged continued public participation.

Menefee moved to approve 2026-001-APP appeal. Kitchen seconded.

Philgreen remarked on the nation's recent 250th anniversary celebration and expressed appreciation for the opportunity for citizens to participate in local government. He thanked those in attendance for their involvement and support.

Philgreen called for a roll call vote:

	NAME	<u>YES</u>	<u>NO</u>	<u>ABSTAIN/ RECUSE</u>	<u>ABSENT</u>
1	Topher Philgreen, Chair	X			
2	Joshua Brown, Vice-Chair	X			
3	John Menefee	X			
4	Kelli Broers	X			
5	Randy Kitchen	X			
6	Shane Hall	X			
7	Drew Moore	X			
8	Phil Elliott	X			
9	Rusty Gerken	X			

The motion passed unanimously (9-0).

Philgreen called for a 3-minute break.

Public Hearing 2026-004-CUP: WR Horse & Cattle, LLC

Philgreen invited Staff to the podium to present the Staff Report for 2026-004-CUP: WR Horse & Cattle, LLC at 8:28 p.m.

Joseph presented the Staff Report and reviewed the Golden Criteria.

Joseph made himself available for questions and stated the applicant is present.

Brown asked how many Special Event Permits have been issued by the Board of County Commission.

Cook stated typically a person can have 1-2 Special Event Permits per year.

Joseph stated the applicant is currently holding 2-events per week with approximately 12-24 persons per event.

Philgreen stated there have been some events that had an issue because they were not located on a paved road and asked if not being on a paved road would be an issue for this CUP.

Joseph stated Staff believes it will be ok because it will be limited to a small number of people and the adjacent properties on the gravel road belong to the applicant up to W. 223rd St which is paved.

Broers clarified the applicant would like to hold events twice a week not twice a month as stated in narrative.

Joseph agreed and stated the applicant is requesting a change.

Philgreen invited the applicant to the podium at 8:36 p.m.

Matt Block, 10777 Barkly St, Ste 200, Overland Park and Reagan Mueller, 22600 State Line Rd, Bucyrus, Block stated he is present on behalf of Jim Mueller. Mr. Mueller had a meeting out of the area and regrets he could not be present. Block stated the applicant could have done this without going through this process and no one would have known but they felt it was important to go through the process and hopefully be approved to operate a CUP on their property. They hope to get customers from other states and cultures to introduce them to this type of event. Jim Mueller is a first generation farmer and Reagan Mueller is a second generation rancher/farmer. When they purchased the property their intent was to turn it into a family compound making it their forever homes. The parcel was replatted to allow for a total of four (4) parcels. They want to provide a unique opportunity to for this type of experience. They have held 7-8 events already, small groups, and have been successful with each event. It is like being a cowboy for a day with the cowboy hat and boot fitting included in the package. The owner hopes to offer this experience for team building events for a business or a family get together.

Mueller stated they created this event to introduce people to a different culture, a person does not see cattle operations in this area. The customer is greeted at the club house, fitted with a cowboy hat and a pair of boots, introduction to all of the animals and provide history of why the animals are important to other cultures and the farm, go on a trail ride, go to the arena to provide a cattle demonstration, and to end the event provide a BBQ meal. It is an agricultural demonstration/event.

Philgreen stated this property is unique as it is close to the State line and to Johnson County line and asked Staff how were the surrounding neighbors notified of this event going on.

Joseph stated a mailing was sent to any neighbor within 1,000-feet.

Philgreen asked even across County and State lines.

Joseph stated yes.

Philgreen opened Public Hearing 2026-004-CUP: WR Horse & Cattle, LLC at 8:44 p.m.

Philgreen invited the public to the podium to speak asking each person to limit what they have to say to 2-minutes, asking they state their name and address for the record.

There were no public comments, Philgreen closed Public Hearing 2026-004-CUP: WR Horse & Cattle, LLC at 8:45 p.m.

Philgreen invited Staff to the podium asking if they have anything they would like to add.

Joseph suggested if a motion for approval is made to consider changing Condition 6 from 2-events per month to 2-events per week.

Philgreen called for deliberation at 8:46 p.m.

Broers stated she is ready to make a motion and moved to approve 2026-004-CUP: WR Horse & Cattle, LLC based on Staff's Findings and Conditions with amending Condition No. 6 to include 2-events per week instead of 2-events per month. Elliott seconded; the motion passed with a vote of 8-1 with Kitchen voting no, via show of hands.

Cook stated this item should be heard by the Board of County Commissioners on July 29, 2026 at 1:00 p.m. in the Commission Chambers.

Philgreen recused himself from the meeting leaving the meeting at 8:48 p.m. and turning the meeting over to Vice Chair Joshua Brown.

Public Hearing 2026-002-Z: Countryside to Planned Development (Mixed Use RV Park)

Brown invited Staff to the podium to present the Staff Report for 2026-002-Z.

Joseph presented the Staff Report and reviewed the Golden Criteria.

Brown invited the applicant to the podium at 8:56 p.m.

Topher Philgreen, 3409 W. 222nd St, stated he has been very deliberate not to have any conversations with anyone on the Planning Commission about this item. Philgreen began searching for property around 4-years ago and when this property came on the market he believed it was the property he had been searching for. Philgreen stated he is a real estate developer and became interested in developing an RV park when he was visiting someone at the Rutlader's RV park and discovered there is not enough RV space in Miami County and that there is a waiting list for RVs. Philgreen started doing a lot of research about RV Parks. Philgreen looked at over 40-properties that were 20-plus acres in size and was turning them all down until he found this one. This property is in the middle of Hillsdale. There are two (2) gas stations, two (2) storage units on either side of the road, and Shady Acres RV Park all in close proximity of this property. There was a tornado a few months ago in Hillsdale that wiped out some of the storage units. After acquiring the land, he decided that was too large for an RV park and started thinking of other options. Philgreen would like to develop the property in 3-sections to better serve the community; RV park, RV and Boat storage, and maybe a laundry mat, antique boutique, maybe an RV parts store, maybe a small restaurant, to name a few options being considered. Philgreen stated Hillsdale Lake is the number 1 attraction in Miami County and this road is non-stop traffic during the summer going to and from Hillsdale Lake. Philgreen believes this is a good property for this type of development because of the close proximity of storage, commercial, and an existing RV Park and it is located in the Village Expansion Area. Philgreen believes this area will be high density at some point due to the nature of growth. Philgreen started the process, first buying the property, then meeting with Staff getting Staff's feedback on the development and that is where the idea of being an RV Park to a Planned Development. An RV Park would normally be a Conditional Use Permit (CUP) where a Planned Development will allow for multiple uses on one (1) parcel owned by one (1) person. Philgreen believes the demand is there for an RV Park and that it will benefit Miami County's Economics. Philgreen stated it used to be older folks buying and traveling in RVs that has changed since COVID now younger people are buying and traveling in RVs working remotely. Philgreen referred to a supplement included in the packet demonstrating the phases he would like to do this in. The name of the facility has not yet been determined; he is has a contest going on to come up with a name for the facility. Philgreen stated he does not know who is present to support the idea and who is present to oppose the idea but he would like to note that this is in a Village Expansion Area, he believes it will be a high density area someday and he would like to be a part of that. Philgreen stated he lives just down the road in Miami County and he does not plan on going anywhere and he hopes the community will see him as a good neighbor and not someone that is trying to injure the community of Hillsdale.

Philgreen asked if there are any questions.

Gerken asked if the North entrance will be opened daily.

Philgreen stated no, it will only be available for first responders/emergencies and service. Philgreen stated that is a gravel road used by the farmers in that area.

Kitchen asked how far back the screening is at the front entrance. Kitchen is concerned with visibility of the traffic pulling out of the facility.

Philgreen stated the setback lines are shown on the site plan and screening can be within the setbacks.

Kitchen stated he does not like the idea of the screening being located in the setbacks it will make visibility difficult. Kitchen also noted that natural screening will become overgrown over the years.

Philgreen stated there will have to be several more versions. This is the rezoning, then there will need to be a preliminary plat, replat, and there will have to be traffic studies, wastewater studies, runoff studies, and then a final plat. Philgreen stated this parcel is surrounded with mature trees on almost all of the boundary lines. Philgreen noted that screening is for site, but most RV Parks are quiet places as the RVers are quiet people. Philgreen stated that usually the people attracted to an RV Park depends on amenities and price, Philgreen plans to price to attract high-end cliental.

Brown asked if the applicant had a chance to look over the Conditions and if the applicant was ok with the conditions.

Philgreen stated he did look over the Conditions and the only Condition that concerns him is Condition No. 10 because RVers are typically winter birds staying in their RV in nicer climatic weather.

Condition No. 10: Permanent rental of RV sites is prohibited. Rentals shall not exceed 6 consecutive months.

Philgreen believes the reason for this Condition is because the County does not want people to move into an RV and live there permanently. Philgreen stated Rutlader and Shady Acres are currently operating under the 6-month rule. Philgreen stated if his application is approved he would like to see about joining forces with Rutlader and Shady Acres and get the 6-months changed to 9-months.

Broers asked what is the Planning Commission voting on tonight. Broers stated if the Planning Commission recommends to approve the rezoning of this parcel and the applicant decides not to move forward the parcel is still rezoned.

Joseph stated there are two (2) Conditions:

- *Condition No. 3 - A preliminary plat and preliminary development plan shall be submitted with the following submittals for review and approval within one year of the approval of the rezoning:*
 1. *Preliminary plat and preliminary plan*
 2. *Open space areas and calculations*
 3. *Storm water study and drainage plan*
 4. *Traffic study and internal traffic circulation plan*
 5. *Phasing plan*
 6. *Conceptual sign program*
 7. *Parking and setback requirements*
 8. *Landscaping requirements including common open space*
 9. *Any other information required during review of preliminary plat/plan*
- *Condition No. 6 - A building permit for construction within the development shall be issued within two (2) years from the date of rezoning approval to Planned Development. Unless an extension of time has been granted by the County Commission, if a building permit has not been issued within the two (2) year time period, the property shall automatically revert back to its previous zoning without notification to the applicant by the County. To request an extension of time, a written petition shall be filed with the Planning Director at least thirty (30) days prior to the expiration date, requesting an extension of time in obtaining a building permit. The application shall state specific reasons for such an extension and shall include all reports from appropriate County agencies and shall be sent to the County Commission for consideration within thirty (30) days of*

filing of the application. The County Commission may grant an extension if it finds that circumstances beyond the normal control of the applicant resulted in a delay in obtaining a building permit.

Joseph stated if either Condition is not met then the property will revert back to CS District.

Broers asked what if the applicant receives the building permit, begins to build, and a rescission hits preventing the applicant from being able to complete the project.

Joseph stated there are provisions that will allow Staff to bring it back to the Planning Commission and they will need to decide what happens.

Philgreen noted that he plans on having concrete pads, they will not be gravel or asphalt. Each pad will be provided with a picnic table, fire pit, three (3) different outlets, water, sewer, and internet availability.

Kitchen asked what has Rural Water District 2 (RWD2) said about the plan.

Philgreen stated as part of the preliminary plat he needs to meet with RWD2 to confirm the water district has the capacity. Philgreen stated there are currently two (2) unknowns listed in the narrative that is water and sewage. Philgreen referred to the site plan indicating a small blue circle located in the upper corner stating his alternate water supply is to have a water tank installed and the park would be able to pressurize the water tank preventing a large draw on RWD2. The site plan indicates two (2) lagoons that will be on the property and built per KDHE specifications. Philgreen noted here is a possibility this is a Benefit District for sewage if qualifies then the lagoons will go away and there will be discussions on what it will take for the sewage.

Kitchen asked if the bulk water storage will be coming from RWD2.

Philgreen replied yes but would not be a water treatment plant at all, it would be bulk water storage pushed out by pressure. This allows for a smaller input and can be filled throughout the day making sure there is enough bulk to meet the peak demand.

Brown invited Staff to the podium for responses to the applicant.

Joseph referred to the requirement for a paved driveway stating some driveway areas on the site plan do not indicate they are paved. The Planning Commission is allowed to grant an exception to this if they desire. Staff is ok with the width being reduced to 15-foot widths and the internal roads being made one-way, but Staff still recommends all internal roads/driveways be paved.

Elliott asked if paving the driveways and internal roads needs to be decided with the rezoning or with the final plat.

Joseph stated it is for the concept plan the applicant submitted so Staff would like some direction from the Planning Commission and it can be required during the preliminary plan process.

Elliott asked what if the Planning Commission says they want to deal with it during the preliminary plan process to prevent mudding the waters while considering the rezoning application.

Brown opened Public Hearing 2026-002-Z at 9:16 p.m. Brown reminded everyone when they get to the podium to give their name and address for the record. Brown stated each person will be allowed 2-minutes to talk, and to direct all comments to the Planning Commission only.

Aaron Bien, 23724 W 255th St, stated he is the owner of Shady Acres RV Park with his wife Cindy Bien. Bien stated Philgreen and his wife have been to Shady Acres RV Park several times and visited about his desire to build an RV park. Bien stated when he built Shady Acres RV Park it was through the Conditional Use Permit process. Bien stated when he saw the site plan he noticed several things that were not up to regulations and use the waterline as one (1) example). Bien stated he received a phone call from a realtor around 4:30 p.m. (did not indicate how long ago this call took place) stating the subject's property is for sale. Bien called back the next morning and the realtor advised the property was sold. Bien referred to his "neighbor Jim" stating both himself and Jim are adjacent property owners to the subject property stating they are concerned with the water pressure if this proposal is approved. Bien stated last fall there were hunters on Philgreen's property so he called Philgreen and stated there is a problem with hunters on his property and Bien could see the mussel blast. Philgreen said he would come to the property... time was called.

Mike Reece, 23521 W 255th St, stated he is South of the proposed property he is concerned with the water runoff. Reece stated years ago a drainpipe was installed under 255th Street which feeds into his tree line. The water from the drainpipe is cutting through the tree line and destroying it. Reece is also concerned with the traffic on 255th Street stating there have been close calls from speeding traffic. Traffic has been known to go 100 mph and passing other vehicles nearly causing a collision. Reece does not believe there are enough Miami County Sherrieff Officers to man this area without the added traffic from an RV Park. Reece does not believe any more growth can take place on 255th Street.

Joseph Thurman, 25185 Hospital Dr, stated he has owned his land for 57-years and a resident for 51-years. Thurman stated his property is adjacent the full length of the subject's property. Thurman stated there is not a place on his property that he will not see RVs if the development is approved. Thurman stated an RV is a recreational vehicle and Hillsdale Lake has 242 campsites available and 75 primitive sites, they have a 14-day stay limit enforced by a Wildlife Ranger. Thurman asked who will be enforcing Philgreen's RV Park if it is approved. Hillsdale Lake consists of 2,830 acres not 50 acres. Philgreen wants to put 151 parking spots on his facility. There is currently an RV Park adjacent to the property proposed for development and there are 2-large storage facilities on 255th Street both were hit by the tornado that came through a few months ago and they still look like a wreck. Thurman believes an RV Park will be contradictory to rules applied to homeowners; to build a home a person needs 15-acres. Thurman is concerned for the safety of the people on the road. Thurman stated he walks every day and has horses...time was called.

Planning Commissioner Drew Moore reminded everyone that every meeting held by the Planning Commission allows for each person to speak for 2-minutes.

Calvin Loveall, 23301 W 251st St, stated he is opposed to the commercial rezoning of the subject property. Loveall has lived most of his life in Miami County, he and his family have been at his current residence for 13-years. His house is East of the subject property with one (1) 20-acre parcel separating his property from the subject property. C. Loveall stated his driveway is on 251st Street not far from the proposed emergency entrance for the proposed RV Park. C. Loveall stated he and his wife have been valuable contributing members of this community for most of their lives. C. Loveall stated he is raising 3-children with his wife and one (1) of the reasons they are opposed to this development. Loveall believes Hillsdale is and always will be intended for agricultural, hunting, fishing, and country rural community. C. Loveall believes every person living in this area moved here to get away from city life and raise their families in rural Miami County. C. Loveall believes the proposal takes away from rural Miami County and if a person needs a place to park their RV they need to take it to Hillsdale Lake State Park. C. Loveall is concerned for his children's safety with their driveway being on a dangerous downhill side of a blind hill on a gravel

road. The potential of added traffic makes C. Loveall nervous for his two (2) teenage drivers and wife. C. Loveall raises goats, pigs, and chickens on the farm and walk past the proposed subject property all the time....time was called.

Kriste Everett, 23355 W 251st St, stated she is building a house adjacent to the subject property and will be sharing a fence line. Everett is concerned with noise, traffic, lights, and security but her biggest concern is liability. Everett has a pond, livestock, and dogs since there is a shared fence line there is a potential of people crossing over the fence. The potential people will be coming from campsites, probably drinking and partying and might decide it will be fun to climb the fence and tip a cow or kill a pig. Everett disagrees with Philgreen's statement that this matches other businesses in the area. Everett stated she is an RVer and knows what happens at the RV Campsites. Everett is concerned that the non-stop traffic on 255th Street will become worse Everett believes 251st Street is already a dangerous road especially for those coming out of driveways. Everett believes she heard that this facility would house 400-parking slots and stated that is a lot of strangers and asked the Planning Commissioners if they would want 400-strangers next to them.

Brown addressed the citizens due to the outbreaks and grumbles from the citizens. Brown stated no one on the Planning Commission is against the citizens. Brown confirmed that all Planning Commissioners are volunteers and doing their best to work through the process as each application is presented. The Planning Commission wants to hear from the citizens and wants to give them the time to speak. Brown asked the citizens to be respectful during the process and if unable to be respectful the Public Hearing will need to be closed.

Shannon Saunders, 24650 Hospital Dr, stated his front porch faces South with a direct line to 251st St & Hospital Dr. Saunders learned of the meeting the night before by a neighbor and he did not receive a notice from Miami County because Miami County is only required to notify residents within 1,000-feet of the proposed development. Saunders believes the rezoning being proposed will affect the entire community not just the people within 1,000-feet of the proposed development. Saunders stated he purchased this property at the end of March 2026 and had looked at another property before purchasing this property deciding against it because of the amount of traffic. Saunders stated he purchased this property for the view, location, road traffic, and country living. Hospital Dr from 247th Street to 255th Street is an unimproved narrow road with a single lane concrete bridge, Hospital Dr from 247th Street to 239th Street is a narrow improved road. When traveling on 239th Street East from Hospital Dr there is a single lane bridge with deep shoulders. Saunders believes both the roads and the bridges will need to be improved. Saunders believes there are 5-different places for RVs to be stored Hillsdale and Spring Hill. Saunders is concerned with the criminal problems that will come with the development of the RV Park...time was called.

Broers asked the citizens to que up while one person is speaking to help speed up things.

Moore suggested not starting the time until the citizens have provided their name and address.

Monica Loveall, 23301 W 251st St, stated she is opposition of the proposed development. M. Loveall referred to the 2026 Comprehensive Plan and stated during the process of adopting the 2026 Comprehensive Plan the residents of Miami County repeatedly identified rural character, agricultural, and open space in the small town nature of Miami County. These were all qualities the Miami County citizens want preserved for future generations. M. Loveall stated she is not opposed to growth but believes Miami County's growth should occurred in a manner that is consistent with Miami County's Comprehensive Plan. M. Loveall believes the Comprehensive Plan is what allows this area such a desirable place to live and an RV park in her backyard does not. M. Loveall pointed out the neighboring parcels of land on 255th, not including the half-mile the subject property is located in, is primarily agricultural large acreage tracts and

rural countryside residential properties with families like hers that have chosen to live in this community because of the nature of the area. M. Loveall referred to the 2026 Comprehensive Plan calls for preserving agricultural land and protecting it from non-agricultural development and specifically states that the rural agricultural areas exist to safeguard farmland and prevent development that is not connected with that preservation. M. Loveall believes the proposal on the table contradicts the Comprehensive Plan....time was called.

Muffet Petrehn, 24610 Hospital Dr, stated she has lived here for 40-years. Petrehn is upset that one (1) man can come to the Planning Commission requesting a rezoning of a parcel in their neighborhood. Petrehn stated everyone present at the meeting are neighbors. She found out about the rezoning development "last night" and she lives close to the subject property. Petrehn asked the Planning Commission if they would want this in their backyard or neighborhood. Petrehn does not believe this facility is needed in this community. Petrehn stated she moved to the area to raise her kids, for the peace and quiet, and to ride her horse on the country roads. Petrehn stated the traffic has increased on Hospital Dr and she no longer feels safe riding her horse in the area due to the heavy traffic. Petrehn stated she is on Rural Water District 2 and the water has declined over the years and questions how there can be enough water to support this kind of development. Petrehn asked the Planning Commission to vote no.

Kevin Goldsberry, 24546 Hospital Dr, stated he disagrees with the notification only being sent to neighbors within 1,000-feet of the proposed development. Goldsberry stated he wants the remainder of his time to be given to A. Bien, J. Thurman, and/or C. Loveall.

Broers stated the Planning Commission will bank the leftover time to allow anyone else to speak that would like to speak before allowing people to come back to the podium.

Tedd Hansen, 25565 Hospital Dr, stated he was opposed to Shady Acres RV Park and has now semi-changed his mind because he has been a good neighbor. Hansen stated the State Park has 2-3 Wildlife Rangers patrolling the park and asked if the County will be hiring additional security to patrol the RV Park. Hansen believes short-term rentals, campers, younger generation, drinking and partying usually means trouble. Hansen referred to Philgreen's statement "this will be good for the economy" and said it will only be good for Philgreen's economy not the community's economy.

Beth Klinker, 23783 Clare Rd, stated she lives about 2-miles North of the proposed development and just found out about the proposed development "last night". Klinker believes the 1,000-foot notification needs to be changed. Klinker stated she is on the Marysville Township Board and believes the township should have been notified of this proposal. Klinker stated a house cannot be built on 5-acres but this development will allow for 151-houses on roughly 25-acres. Klinker stated this development is not what they want in this county, in this community. Klinker stated the tornado that came through the area a couple of months ago put RVs in Shady Acres' pond and shredded some of the storage units. Klinker stated they do not know if the owners plan on rebuilding the storage units and asked if more storage units are really necessary in this area. Klinker heard that the owners of the existing storage units are not planning on rebuilding. Klinker stated she was at a neighborhood watch meeting last week with the Sheriff's office and they talked about the crime. The Sheriff's office passed out a flyer showing the amount of crime in Miami County and where it has been occurring and Klinker asked the Sheriff how many people are on patrol at one time. The reply was 2-3 officers at one time to cover the entire county. Klinker does not believe that is enough....time was called.

Christine Westwater, 24097 Hospital Dr, is concerned that this will be a very crowded campsite. Westwater is concerned with the wastewater management and understands a study still needs to be done for this. Westwater pointed out that the waste will have to be pumped to the top of a hill and does not believe this

has been thought out thoroughly. Westwater referred to statements regarding no long-term and no low-income housing then turned around and asked to allow the campers stay a full season which is almost 9-months. Westwater believes 9-months is long-term not short-term. Westwater stated she is concerned with the entertainment for the campers and asked if they will be walking down the streets where there are no sidewalks and is concerned that is a potential for bigger problems.

Jaimie Barber, 24073 Hospital Dr, read a statement written by another neighbor: The Comprehensive Plan emphasizes preserving and protecting farmland and rural residential areas encouraging land use patterns that prioritize agricultural production while minimizing fragmentation of farmland. Rezoning this 50-acre parcel for commercial use will permanently AG land from AG purposes and introduce a fundamentally different land into an area that is historically rural and AG. Paola and Spring Hill already established commercial centers those communities have infrastructure services and development patterns that are designed to accommodate commercial growth. The Comprehensive Plan stresses the importance of protecting rural resident areas and ensuring new development is compatible to the current neighborhood uses. "I" encourage the Planning Commissioners to consider the long-term precedence that the rezoning could set. Barber stated she agrees with the author of the statement she just read. Barber does not believe they have the proper road space in this area to support the development being proposed. Barber stated if a person Google Map the directions the person will be directed to take 251st Street not 255th Street. Barber stated that although the road is gravel people cut through on the gravel road all the time, especially if they have been drinking and do not want to get caught. Barber does not believe this area is a safe area as it is and does not want the added traffic from the proposed development. Barber believes the value of the surrounding properties will decrease in value.

Braden Barnhart, 36265 W 151st, Gardner, stated when he was a child his parents had a pontoon boat and they spent 2-3 days a week at Hillsdale Lake. Braden stated now that he is an adult and married he is wanting to start a family of his own and would like to share the same things with his family that his parents shared with him and spend weekends at Hillsdale Lake. Barnhart wants this land not just for a place to stay on long weekends but also for the families at Hillsdale to have affordable living, more jobs, and believes this will increase the property value. This will bring along other businesses, affordable housing, and be a safe place for life-long memories.

Michelle Gann, 18260 Sunset Dr, Olathe, stated she grow up Southeast of here and went to Hillsdale Lake to ski. Gann stated her family are RVers and she is present to show support of the proposed development. Gann has friends that RV and have come to visit several times and not had a place to park their RV. There have been families that had to go 1 ½ hours from them just to find a place to park their RV. Gann believes there is not enough RV Parks available for the demand.

Brian Hardy, 18396 W. 248th St, asked if non-Miami County residents being allowed to state business in Miami County.

Brown stated yes, at the last meeting there were people from the State of Missouri that spoke up.

Jennifer Karr, 8420 W 239th St, stated this proposal makes her very emotional and does not know how any infrastructure can support any part of this proposal. Karr believes the proposed development is incredible density. Karr states she is very familiar with this area she has 200 acres on the other side of Hillsdale and it has been in her family since before Hillsdale was developed. Karr is in disbelief that the proposed development has made it to the Planning Commission.

Kenna Goldsberry, 24546 Hospital Dr, stated one speaker stated her friends have a large RV and Goldsberry believes the large RVs are larger than most sites can handle. Goldsberry believes large RVs are going to make for a bigger eyesore for the adjacent neighbors and traffic. Goldsberry stated the community

is very lucky that there has not been a lot of crime with Shady Acres, there was a shooting at Hillsdale Lake around 2-years ago and a person was murdered. Goldsberry questions if the Planning Commission truly understands the fear of increased crime can bring to young families.

Brown confirmed there were no other citizens wishing to talk and asked the Planning Commissioners if they would be willing to let give 6-additional minutes to Aaron Bien and Calvin Loveall.

Broers stated there is not a precedent for that...

Kitchen stated it is up to the Planning Commission if someone is allowed to come back to the podium to speak.

Broers is concerned that everyone will ask for extra time.

Kitchen stated there were two (2) citizens in the beginning that are adjacent to the subject property.

Brown stated he does not want to track people yielding their time to someone else. Brown asked if there would be an objection to 6-additional minutes to Bien and C. Loveall.

Broers stated as long as there is zero tolerance on disrespect and when time is called the individuals complete their speech.

Saunders asked if he be allowed to finish his speech.

The Planning Commission agreed to give three (3) individuals 6-additional minutes to speak.

Bien returned to the podium and passed out some pictures stating that is what the subject property looks like as it stands right now. Bien stated he spoke with Philgreen about the hunting issue. Bien stated he maintains his fence and treats for noxious weeds and spoke with Philgreen about the noxious weeds on his property.

Kitchen asked if the Johnson grassed in the picture along the county road.

Bien stated no it is frontage and the whole East side fence is that way.

Calvin Loveall thanked the Planning Commission for allowing him extra time and apologized for coming off as disrespectful. Loveall stated he is very compassionate about this subject. Loveall stated his community has no local law-enforcement in place and all calls are handled by the Miami County Sheriff's Department. Loveall is concerned with the various types of predators that will be staying in this RV Park if it is approved. Loveall asked the Planning Commissioners to please not let this happen. Loveall's family raises goats, pigs, and chickens and their kids are involved in 4H and FFA. Loveall and his family also hunts and fish and have some generous Hillsdale neighbors that allow them on their properties to do the hunting and fishing. Loveall stated he walks by this property throughout the year for hunting season, if this proposal is approved he is concerned about these walks. Loveall believes the quiet sunrises and sunsets will be replaced with the noises of RV campers. There will be added lights and noises from 150-RV campers, the campers will have nothing invested in their community. Loveall asked that the Planning Commission keeps Hillsdale rural, keep it country, and please listen to the people that live in the Hillsdale community. The Community does not want something like this in their rural town. Loveall thanked the Planning Commissioners for their service.

Saunders stated as a retired Johnson County Sheriff Officer he has over 20-years' experience in dealing with rural county. Saunders does not believe the local Sheriff's Office has the capacity to deal with this development and the State Park is running three (3) officers. Saunders is concerned there will not be sufficient first responders to service this area if the proposal is approved. Saunders believes that JOCO will be able to come down to assist but cannot be counted on and believes money will need to be allocated to

the Miami County Sheriff's Department for additional manpower. Saunders referred to a comment that RVer's are a younger community now and he believes with a younger community will come drinking, drugs and a rise in crime. Saunders is concerned for his family as well as the community's families. He does not believe the money is there for the added first responder coverage that will be needed.

Thurman stated he is adjacent to the subject property and asked the Planning Commission to consider all the homeowners that have built their home in this area. Thurman stated they watch out for one another's families and enjoy their green spaces. Thurman stated the taxpayers of Miami County are the backbone of Miami County and asked that the taxpayers be chosen over one (1) businessman. Thurman stated if Miami County wants more property owners they need to treat the current property owners with respect. Thurman asked that the Planning Commission chose quality over quantity. Thurman stated he owns 10-acres but with his property and the surrounding property owners they have a lot more than 50-acres while Mr. Philgreen only has 50-acres, yet the property owners are only allowed one (1) home on their property and this proposal will allow for 151-living spaces. Thurman asked the Planning Commission to do the right thing, the responsible thing, and stop the invasive species; say no to Philgreen's proposal. Thurman asked that the Planning Commission think about what is best for Miami County.

Brown closed Public Hearing 2026-002-Z: Countryside to Planned Development at 10:04 p.m.

Brown invited the applicant to the podium at 10:04 p.m. to respond to the public comments.

Philgreen stated he is a little shocked with the comments heard tonight. Philgreen stated he is a member of the community and has lived here his whole life and a resident of Miami County for 26-years. Philgreen stated he is an elected official for Wea Township and serves in USD 416. Philgreen stated he runs a non-profit business in Kansas City called Youth Front with a couple of camps located in Miami County. Philgreen stated he is not planning on going anywhere. Philgreen stated this proposal is not what it is being made out to be. Philgreen asked the Planning Commissioners to interview RVer's. Most RVer's live 3-months in one location, 6-months in another location, 4-months in another location and they live that way year round then they come back to their home base in Kansas City. These are the people he is wanting to attract to his RV Park. Philgreen believes the average tenor at an RV Park is North of 5-months.

Broers asked if that is more than 5-months.

Philgreen confirmed longer than 5-months. Philgreen stated there is an 8-month waiting list to park an RV at Rutlader's RV Park if it is anything over 1-week. Rutlader's only holds 5-spots for short-term rentals because the demand is so great for mid to long-term (mid-term being 6-8 months). Philgreen stated he has interviewed RVer's and they want peace and quiet they do not want swimming pools, loud noise, and loud music. Philgreen want a peaceful quiet luxury RV Park. Philgreen stated he would take to heart everything he heard at the meeting. Philgreen stated in fairness everything said tonight should also apply to Shady Acres and the storage facilities. Philgreen asked the Planning Commissioners to take into consideration that this is a Village Expansion Area within 4-miles of the fastest growing town in Kansas. Philgreen believes this area will be high-density someday but the question is whether the community wants it owned by someone who cares about their community.

Kitchen stated some of the concerns was about the condition of the roads and asked if this application is approved and the applicant is asked to add a turning lane would the applicant be prepared to add a turning lane. Kitchen is concerned with a 151-RV's coming and going and believes a turn lane will be necessary.

Elliott stated once the traffic study is completed the traffic study will make that recommendation if it is needed.

Philgreen stated doing the preliminary drawings is the cheap part of the project; engineering, traffic, wastewater, and storm plans, etc. is where the real money will be spent and cannot begin that process until he is able to get through the rezoning of the property. Philgreen believes his plans will come before the Planning Commission two (2) more times.

Broers asked that the applicant speak to the security concerns some of the citizens voiced.

Philgreen stated it will be a gated community, the paying people will have access to come/go as needed.

Broers asked if they would be allowed to have guest while they stay.

Philgreen corrected his statement from gated to monitored. Philgreen stated people will not be allowed to have large groups and party on the premises.

Broers asked what the applicant believes will draw the ideal customer to this RV Park.

Philgreen stated it is a beautiful community in the country...

Due to out of control comments from the citizens Brown asked them to be respectful and stop interrupting.

Philgreen stated the RV Park will be next to the greatest city in world, Kansas City, and he does not have a good answer on how to draw the ideal customer. Philgreen stated he knows if a person has an RV and wants to come to this area today they will be placed on a waiting list for a minimum of 3-months and that is anywhere in KC area as well as Miami County. Philgreen believes it will be supply in demand, there is a lot more demand than there is supply.

Broers stated she understands the fact that there is a demand for it, and knows Philgreen is capable of achieving this, but would like to know how he plans to attract the right customers.

Philgreen stated he has done research on this and interviewed several RVers and has found a way to control the type of customer is by the price that is charged. Philgreen's goal is to attract RVers that want to stay 3-5 months not a short stay. Philgreen believes short-term RVers tend to be the partying type and he wants to avoid them. Philgreen stated he cannot guarantee the customer type, but he hopes to price it to attract the right type of customer. Philgreen does not want to run a mobile home park or create low-income housing.

Broers asked when will the applicant know if sewer is available for this proposal.

Philgreen stated that is part of the second phase of the process, the preliminary plat. During Phase 2 he will need to identify all infrastructure which will include the roads, wastewater, stormwater, and rural water.

Kitchen stated the project will be dead in the water if there is no water and asked if the Planning Commission wants to approve a rezoning of the subject property without knowing if they will have water.

Elliott believes what Kitchen is referring to was a Preliminary Plat not a Rezone and Staff mentioned if "everything" does not go through then the property will revert to the Zoning District it was prior to the rezoning request. Elliott stated this phase does not need to have that information but the next step will.

Kitchen asked if this application is approved and RWD2 is only able to provide water for 20-RVs not 151-RVs then what.

Philgreen stated that would be addressed during the next phase (preliminary plat).

Brown invited Staff to the podium at 10:17 p.m.

Joseph stated that because this application is a rezoning request from Countryside (CS) District to Planned Development the applicant will be returning to the Planning Commission two (2) more times if this

application is approved. At the next phase Staff and the Planning Commissioners will be looking at a stormwater study, traffic study, as well as water, and infrastructure. The Preliminary Plat, next phase, is one of the primary phases of this whole process.

Joseph noted Staff during adoption of the most recent Comprehensive Plan there was a discussion on Village Expansion Areas and this area is located in the Village Expansion Area of Hillsdale as well as commercial.

Joseph addressed the concern of not notifying anyone outside of a 1,000-foot radius of the subject property stating State Statutes set the 1,000-foot notification area.

Joseph addressed the concern with landscaping the entrance areas and stated they use a sight triangle tool to assure there are no tall landscaping within the triangle areas allowing for better visibility. Joseph stated this will be addressed in the next phase of the project.

Broers asked if this could be accomplished through a CUP instead of rezoning.

Joseph stated the Regulations would allow for 400-RV spots in this area, and he is only asking for 151-RV spots, so it does meet the CUP requirements.

Gerken asked if this application is approved tonight then the applicant will need to make sure everything is completed that will be needed for the next phase before coming back to the Planning Commission.

Joseph stated that is correct.

Gerken asked if that will be within 6-months.

Joseph stated he has 1-year.

Menefee asked regardless if it is approved or denied at tonight's meeting will it go to the Board of County Commission.

Joseph confirmed yes, on July 29, 2026.

Elliott asked if a rezoning application subject to a protest petition.

Joseph stated yes.

Brown opened deliberation amongst the Planning Commissioners at 10:20 p.m.

Broers responded to the comments regarding the Comprehensive Plan and stated the Planning Commission deliberated that for years and are very familiar with it. Many of the Planning Commissioners value the agricultural and rural character of Miami County and work hard to balance those desires with the ability of property owners to use their property in the ways they are permitted. Broers stated she is struggling with this because she wants to encourage economic development in Miami County and an RV Park next to an RV Park and storage facility objectively makes sense, it is close to the lake, and it is well thought out. Broers stated based on the applicant's background and history in developing camps that he has the knowledge and team to accomplish it. Broers stated looking at the footprint of this, it is almost as big as the footprint of the entire town of Hillsdale. The population of Hillsdale is approximately 247 people if this is approved as drafted it will exceed the population of Hillsdale by probably more than double. There cannot be an assumption that there will only be 2-people in each RV, there will be some with 3, 4, or even 7. The RVers will be long-term so other guests will be coming to visit. Broers trust security will be in place, but that will not prevent people from jumping the fence to pet the nearby livestock and pets. Broers believes there will be water runoff issues, water does not drain well in Hillsdale. Broers believes it is hasty to rezone an entire piece of property for something that may happen over the next however many years. Broers would prefer seeing it as a CUP.

Gerken asked what the timeline is.

Menefee stated Phase 1 within 1-year, then has 2 years to get his building permits.

Gerken asked if the applicant would have to come back at the end of each Phase.

Menefee stated no, he will only come back two (2) more times.

Joseph confirmed that the Planning Commission will hear about this project two (2) more times.

Menefee stated he is kind of with Broers on this. Menefee stated there is a dairy farm about a quarter mile from this proposal and if this proposal is approved it will have a negative effect on the production from the dairy cows. Menefee sympathizes with the neighbors but it is the applicant's property and it is in a Village Expansion Area. Menefee stated he sees both sides of this but he is struggling with this application.

Broers referred to Shady Acres and stated there is a little section of it that is C2 while the rest is a CUP and someday it could be developed into apartments, single family homes, or even a library.

Cook stated he is not able to respond to the reason that little section was zoned as C2 but reviewing the maps it does show that area as C2 prior to Shady Acres being developed. Cook noted regardless if it was Countryside (CS) District or C2 District it all required a CUP and Staff did not believe it made sense to rezone to a different district when both districts required the CUP. Cook stated the Planned Development District is unique and in earlier conversations with the applicant the possibility of a CUP was brought up. However, the applicant wanted to be able to use this property with a mixture of uses then the suggestion was made to split the parcel into multiple sections and only rezoning the necessary sections. By rezoning to Planned Development District allows the applicant to specify a limited number of uses that would be allowed in that district and the Planning Commission would be able to approve that more limited number of uses for consideration where rezoning to C2 District would open it up to all of the uses allowed in the C2 District. Cook stated the Planning Development District was also looked at as a way to protect the area. This does not mean things cannot change in the future but even though it is zoned Planned Development if there was a change beyond what was originally proposed the applicant would have to go back through the rezoning process to amend the plan to allow for other operations. Or even if there were significant changes to the intensity of the commercial development or other items being proposed he might need to amend it. Rezoning to Planning Development is a more difficult process to go through to make sure it does blend into the character of the neighborhood, there is always a challenge to any kind of development and how that impacts neighboring property owners.

Elliott agrees with Menefee about picking winners and losers and believes this to be a no win situation. Depending on which side you are on the passion is there for both sides. Elliott believes the challenge, like all communities are growing, there is a desire for it to remain the same and the Planning Commissioners and community fight to keep it that way. Elliott stated a large number of parcels in this area are 10-acres or less and the county is already seeing these parcels be split into smaller and smaller parcels. Elliott estimated that each RV will be allowed around a quarter of an acre which is a lot different than a 5-10 acre parcel. Elliott believes the Planning Commissioners need to decide if a Rezone makes sense or a CUP. Elliott believes Staff has done a great job in putting together a set of Conditions for the Rezone Application but until the Planning Commission has some of the details, such as the traffic study and if a turning lane will be necessary, there are a lot of unknowns until some of the additional details are provided. Elliott stated he struggles to approve this Rezone Application when a lot of the information is yet to come. Elliott stated he struggles with this every time a Rezone Application comes before the Planning Commission. Elliott stated at this time he does not know how to vote.

Menefee stated part of his hesitation to approve the Rezone Application is that if it is not going to get approved as a Final Plat the applicant is being asked to spend thousands of dollars on something that may ultimately be denied.

Brown believes that is part of the risk of development. Brown stated he is conflicted but only out of compassion for the neighbors. Brown stated everywhere he goes he is being told that Miami County is against businesses and growth, you do not want change, or you are killing the economy with property taxes. Brown stated this application reminds him of a recently approved CUP for an observatory. Brown stated people say they moved to the rural Miami County for the peace and quiet they do not want development. Brown believes if the Planning Commissioners are to base their decisions on people wanting the peace and quiet then he does not know why they would approve any development. Brown believes this area is developing and he would not be opposed to it developing further.

Moore stated he does not disagree with Brown's statement and the applicant has put together a phenomenal plan. Moore stated the first thing he considers is the character of the neighborhood. Moore believes he is on the Planning Commission to assist the County in expanding the way it should but believes the application in front of them tonight is a massive plan. Moore agrees with Broers that if this is approved it will double the population of Hillsdale. Moore stated the character of the neighborhood is the only thing he is not able to check off the checklist because he does believe this Rezone Application will change the character of the neighborhood.

Elliott stated there is an RV Park and storage facility already in this area and asked where else would this development fit.

Kitchen asked if it is a half mile deep.

Broers stated that was her point in raising the footprint of the development. It is not just doubling the population of the town they are transients. Broers addressed the person(s) that stated the people staying in the RV Park will be "walking to our gas station and bar," that is what a community should want. A community needs people spending money in their community. Broers stated she understands the infrastructure is not there and who will be responsible for adding sidewalks for the people to walk on to prevent being ran over because they were walking in the streets. Broers does not believe the infrastructure is in place for this scope of development and questions if the infrastructure will be in place when the project is completed in "2032". Broers stated she has an issue that the Planning Commission is being asked to approve a Rezone Application without the important information. Broers stated the lagoons are next to the Shady Acres boundary line and not in the middle of the property. Broers asked when will the Planning Commission have a sewer answer.

Cook stated he believes that will be available to everyone in Phase II of the plan. The applicant plans to check with the Hillsdale Improvement District, if not then the applicant will have 2-lagoons available for the RVers.

Broers asked if it is close enough to the applicant's property.

Cook stated he believes it stops at Old KC Rd and if sewer becomes available to the applicant he will need to decide if that is more feasible or if the lagoons are more feasible. Cook stated as part of Phase II they will learn about the sewer, and traffic study including an engineering analysis providing the actual traffic occurring on 255th St and the projected traffic based on the development. The traffic study could be a multi-approach based on the different stages of development. Cook stated the Planning Commission has the right to request the necessary information in order to make a decision.

Gerken asked if another public hearing will be necessary if the Planning Commissioners ask for additional information.

Cook stated the Planning Commission has already held the public hearing allowing everyone a chance to voice their concerns. Cook stated the Planning Commission could table this item to finish discussion on another date, but the public hearing portion has been closed and there would be no public comments allowed.

Gerken stated that if the applicant is willing to come back to discuss this at another meeting that is where he stands as he does not feel they have enough information to make an inform decision. Gerken stated it is a big development and he understands the neighbors' concerns but he also understands the development side of it. Gerken stated the applicant will need to decide if he wants to spend the money at this time and that is a lot of money to be spending.

Broers asked if Gerken is talking about traffic study and wastewater...

Gerken stated the Planning Commissioners will need to determine that, sewer for sure...

Elliott believes stormwater will be an important one too.

Gerken does not believe he can vote tonight. Gerken referred to the statement "I don't want it in my backyard" and asked how many times has the Planning Commissioners heard that. Gerken stated that is a hard statement because he also sees the County's side of it "economic." Gerken stated the County is struggling suggesting people to go to any County Commissioner and talk to them about the County's budget and what kind of trouble the county is in. Gerken encourages everyone to do this within the next 2-months. Gerken does not believe the county is in good financial shape.

Brown stated the additional steps feel large but what is on the table now is to vote to rezone this parcel and move to Phase II so the Planning Commissioners can see what Phase II is and receive the additional information that Phase II will provide.

Broers stated if this application is approved and the application decides to stop with Phase I, now the entire 50-acres is rezoned and the applicant has only done the RV Storage and Mini Storage.

Brown stated Staff's report states if Phase I is not completed then it comes back before the Planning Commission.

Broers stated not the entire...

Elliott reminded that the entire property is being rezoned so if the applicant uses some of it because of the particular use allows for all of those things then it can set empty for a period of time while just the storage and commercial is there.

Broers stated if there is an applicant in this situation and only completes Phase I and the entire property was rezoned, the applicant will have to come back in front of the Planning Commission if they want to do something else but there has been a preference towards leaning towards that other kind of commercial development because the parcel has already been rezoned. Broers pointed out that might be a different group of people acting as the Planning Commission when it comes back around.

Cook stated if this were approved and only Phase I was developed and something happened not allowing the plan to move forward, if it is not in compliance with the concept plan that was approved then they will have to come back through the process. Cook believes if there is a future Planning Commission looking at an application with a development that does not align with this plan it will be easy for the future Planning Commission to see that it is not in compliance with an RV Park.

Broers asked what about an RV Park. Broers stated she is more inclined to not wait for traffic study, stormwater, or sewer and just say this should be a CUP. Broers believes a CUP accomplishes two (2) things: 1) the applicant still has the benefit of using his property long-term, and 2) when the rest of the development comes about the parcel has been held in this state that will have many more options on how it ends up being developed. Broers believes an RV Park would be pretty easy to turn into single family homes.

Gerken stated he would still be in favor of tabling it until there is more information.

Elliott stated to Brown's point we rezone it today, that would kick-off a protest petition window of 14-days with the County Clerk and it passes everything a protest petition is required to do, then it creates a super-majority vote by the Board of County Commissioners, allowing the applicant to go to the next Phase of his plan. Elliott stated the Planning Commission is a recommending body not the final decision. Elliott stated if the Rezone Application is approved then there is another approval it has to get before the Planning Commission hears Phase II. When the Planning Commission hears Phase II all the data they are wanting will be provided, which is the point that Brown was trying to make. Elliott stated he is slowly leaning towards approval because they will receive all the information they are requesting in Phase II.

Gerken asked the applicant if he is opposed to a CUP.

Philgreen stated the reason he did not want to do a CUP is because a CUP cannot be done for three (3) different things it can only be done for one (1) thing and he would have to apply for three (3) separate CUPs to accomplish the development he is wanting to do. Philgreen stated that is why he chose to rezone to Planned Development because he can do all three (3) things in one (1) plan. Planned Development does allow an RV Park as a use by right means that it fits under the rules of a CUP for an RV Park. Philgreen stated he cannot commit to spending thousands of dollars for something... Philgreen stated he will need to step back and see what he will be able to do.

Hall asked when was the last time Miami County rezoned some property.

Cook stated the closest example in this area would be the EMS Station and adjoining property was rezoned to C2. The original application was for an I2 rezoning but the Planning Commission recommended approving the rezoning to a lesser change of C2 because they felt the I2 was too much for that area and commercial rezoning was more appropriate. The Dollar General also requested a C2 rezoning around 2019. More recently there was a rezoning request of a property owned by Klaasmeyer on the East side of Old KC Rd and they are still dealing with some of the conditions in order to make that approval.

Hall asked if these were smaller than the one (1) being presented tonight.

Cook stated yes. Cook stated there were a couple of larger Rezone Applications along Gardner Rd around W. 215th St. area. There was a larger parcel in the Northeast corner of Miami County that was rezoned from industrial to Countryside (CS) District.

Cook noted most of the cases Staff has handled have been through the CUP process but a lot of times they have not been in an area where commercial growth has been anticipated. Commercial development, according to the Comprehensive Plan, is anticipated in this area and that is what makes this application unique.

Brown stated the Planning Commissioners have some options, the application can be recommended for approval, it can be recommended for denial, or it can be tabled to allow the applicant to gather additional information the Planning Commission believes is necessary for them to make an informed decision.

Hall believes most rezoning projects will be driven closer to cities and Hillsdale is not there. Hall noted there were 18-citizens that spoke at tonight's meeting, the majority of the concerns were focused on traffic and law-enforcement. Hall believes it is a double edge because growth in the community is needed in order to have first responders/law-enforcement. Hall stated having one (1) project that can double the size of one (1) area without having the first responders/law-enforcement... Hall stated the road is a concern to him. Hall stated the infrastructure is not in place and it will be an added expense to the County or the developer. Hall stated it is an ambitious conception and he really likes the idea he is just concerned that it belongs in this area.

Brown stated he reviewed the comments from the different agencies and one (1) of those was the Miami County Sheriff and they had no concerns with this application.

Menefee asked Staff if the Miami County Sheriff looked at the conceptual drawing and narrative.

Cook stated all site plans and narratives are provided when asking for comments from the various agencies.

Brown stated he gets everyone's concerns but 255th St. is already well traveled with people going to/from Hillsdale Lake. Brown believes these travelers are making more trips per day than the added RV Park will make.

Menefee stated the citizens' concerns seemed more focused on the stopping and turning more than the through traffic.

Broers stated the current Comprehensive Plan verbiage for Village Expansion Areas is not as firm as it was in 1999, it does say it should be lower density with a preference for sewer.

Elliott stated the preference is for sewer for the areas for which it is provided. Elliott read through the list of items the Planning Commission is to take into consideration when making their recommendation. Elliott believes most applications the boxes can be checked but this one is almost split down the center. Elliott stated that is the reason for his struggles in making this decision. Elliott believes Staff did a great job in answering each of the items and more of the Staff's interpretation came out on the positive side. Elliott stated they have enough information to approve or deny the Rezoning Application but will need to site some of the items for discussion and provide their reason for the approval or denial.

Cook noted it is not necessarily that there are more discussion items in favor or against it is a weighing of the total factors so there can be one (1) factor that can weigh more towards the decision than the others combined.

Broers biggest concern with the development of this proposal is the depth of the proposal, if it had stopped at the same area as Shady Acres she would probably feel better about it.

Hall asked if there are larger parcels being rezoned in Miami County.

Cook stated in regard to Planned Development, yes this is the largest Rezone Application but it is unique as there are only two (2) other places that have Planned Development Zoning. Originally when those were done Regulations provided for a Planned Residential Development and those two (2) were developed as Planned Residential Development.

Hall stated he agrees with Broers' concern with the depth of this development.

Brown asked if there is a motion for this item.

Kitchen moved to approve the Rezone Application 2026-002-Z: Countryside to Planned Development. Gerken second. Planning Commission had no discussion, Brown called for a Roll Call Vote:

	NAME	<u>YES</u>	<u>NO</u>	<u>ABSTAIN/ RECUSE</u>	<u>ABSENT</u>
1	Topher Philgreen, Chair			X	
2	Joshua Brown, Vice-Chair	X			
3	John Menefee		X		
4	Kelli Broers		X		
5	Randy Kitchen		X		
6	Shane Hall		X		
7	Drew Moore		X		
8	Phil Elliott	X *			
9	Rusty Gerken	X **			

*Elliott voted yes with the following disclaimer; he believes a lot of the information he needs will come in at Phase II of the project.

**Gerken voted yes with the following disclaimer; he believes a lot of the information he needs will come in at Phase II of the project.

Motion failed.

Hall moved to deny the Rezone Application 2026-002-Z: Countryside to Planned Development. Broers second. Planning Commission had no discussion, Brown called for a Roll Call Vote:

	NAME	<u>YES</u>	<u>NO</u>	<u>ABSTAIN/ RECUSE</u>	<u>ABSENT</u>
1	Topher Philgreen, Chair			X	
2	Joshua Brown, Vice-Chair		X		
3	John Menefee	X			
4	Kelli Broers	X			
5	Randy Kitchen	X			
6	Shane Hall	X			
7	Drew Moore	X			
8	Phil Elliott		X		
9	Rusty Gerken		X		

Motion failed.

Cook stated since the motion failed that means the Planning Commission has made a recommendation to deny the proposed Rezone Application and this item will move forward to the Board of County Commissioners on July 29, 2026. This starts the 14-day protest petition period if any of the neighbors wish to file a protest petition it needs to be filed with the Miami County Clerk's Office. The Board of County Commissioners can approve or deny this proposal or can send it back to the Planning Commission for further discussion. Cook reminded everyone if this item comes back to the Planning Commission tonight was the only public hearing and no citizens will be allowed to speak at the meeting if it comes back. Cook stated Staff is available if anyone would like additional information regarding a protest petition. The protest petition is only for the people that own property within 1,000-feet of the proposed development and 20% of the property owners need to submit a protest petition in order for the Board of County Commissioners to be required to have a super-majority vote.

Kitchen reminded that the Board of County Commissioners can reverse the Planning Commissioners decision and approve this item.

Cook agreed.

Philgreen returned to the meeting as the Chairman at 11:25 p.m. Philgreen thanked the Planning Commission and asked that none of the Planning Commissioners attempt to talk with him regarding 2026-002-Z until the full process of the item is complete.

2026-005-SUB: Roether's Addition

Philgreen invited Staff to the podium at 11:26 p.m. to present the Staff Report for 2026-005-SUB: Roether's Addition.

Joseph presented the Staff Report stating the applicant is requesting the approval of a preliminary plat to be called Roether's Addition. The applicant would like to divide the property into two (2) lots and 30% of open space. Staff only has one concern with this application, according to the regulations most or all of the open space should be open land, Staff is recommending more of the drainage swale to be included in the 30% that is located between Lots 1 and 2 to be included in the consideration area.

Joseph asked if there are any questions from the Planning Commission.

Elliott asked Staff to point to where they are recommending the Conservation be located at on the Plat.

Joseph demonstrated the location on the overhead projector.

Cook noted it is up to the discretion of the Planning Commission to decide what is required within the Conservation area. The Zoning Regulations call for sensitive lands be the primary item that is required to be in the Conservation, however, the definition of that is very broad.

Elliott asked what direction is the fall on this property, South to North or North to South.

Planning Commissioner Rusty Gerken stated it appears to be North to South.

Elliott is concerned that the area in question goes to the direction of the lagoon.

Planning Commissioner Randy Kitchen asked has anyone ever applied for a Lot Split and not have the mineral rights.

Cook stated not to his knowledge.

Kitchen believes without the owner of the property having the mineral rights the owner of the mineral rights will be allowed to come onto the property and dig anywhere he/she would like. If this happens the property owner no say on where they dig.

Joseph stated it is part of the Regulations so Staff added a condition for this.

Elliott stated his concern with the common space is if it gets too close to the lagoon.

Kitchen asked how can an applicant do something like this knowing the owner of the mineral rights will be able to come in and strip it all away.

Gerken believes Kitchen is correct.

Cook noted on this specific subdivision there are high power lines owned by Evergy that run across the area that is to be the conservation area as well as gas lines that is part of the reason they chose this area as the conservation area.

Broers asked Kitchen if he believes if the mineral rights are not retained by the property owner that it makes the idea of a conservation pointless.

Elliott stated they might be but the Planning Commission just does not know because if the mineral rights are going to be retained then the conditions state it has to be noted.

Cook stated that can be part of the Planning Commissioners concerns if they do not have the mineral rights and someone can do whatever they want on the back part of this property and it cannot be preserved then that can be a reason for the Planning Commission to recommend a denial.

Elliott stated to clarify the Planning Commission can potentially change that Condition. Elliott believes the HOA needs to own the mineral rights because it is the common space.

Cook stated Staff has not received the final document from the applicant but this would come more as part of the final plat, typically when dealing with a larger residential subdivision there is an HOA involved. The last time Staff dealt with a similar application feedback from the County's attorneys said since it was owned by only two (2) different individuals it could be more of a deed restriction being placed on it show the two (2) owners held joint ownership and the open space area cannot be sold to other individuals.

Gerken asked if a mineral right disclaimer statement would be added to it.

Cook confirmed.

Elliott likes that idea.

Elliott made a motion to approve 2026-005-SUB with a deed restriction statement to be tweaked by Staff. Menefee seconded the motion.

Philgreen asked for clarification of the motion.

Elliott stated he does not like Condition 6 and suggest it be replaced with an HOA or deed restriction to include the ownership of the mineral rights and the common space.

Philgreen clarified Condition 6 will read: The Homeowners Association (HOA) or deed restriction or similar entity shall be created to be held as undivided co-owners to manage common space area.

Elliott stated including mineral rights.

Philgreen repeated the motion to approve 2026-005-SUB: Roether's Addition changing Condition 6 to the Homeowners Association (HOA) or deed restriction or similar entity shall be created to be held as undivided co-owners to manage common space area and mineral rights.

Elliott moved and Menefee seconded; the motion passed 8-1 with Kitchen opposing.

GENERAL DISCUSSION:

Cook noted the August Planning Commission will not be held on the first Tuesday of the month due to the election going on and has been moved to the first Thursday of the month, August 6, 2026. The meeting will still take place at 7:00 p.m. in the County Commission Chambers.

Cook asked the Planning Commission if they would like to consider moving the meeting to another day on a permanent basis to avoid the constant conflict in August and November with the elections.

The Planning Commission was in agreeance to keep the first Tuesday of the month for their meeting day and to just move the meeting to the first Thursday of the month for the two (2) months affected by the elections.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

There were none.

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.

Menefee moved to adjourn the meeting; Kitchen seconded. The meeting adjourned at 11:37 p.m. with a unanimous vote of 9-0.

Approved this 6th day of August 2026.



Casey d'Augereau, Secretary



~~Topher Philgreen, Chair / Joshua Brown, Vice Chair~~

Kelli M Broers, Acting Chair

Minutes written by Casey d'Augereau