

***MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
APRIL 5, 2022***

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

ATTENDANCE

CHAIR: John Menefee

VICE-CHAIR: Phil Elliott

PLANNING COMMISSION Kelli Broers, Joshua Brown, Bret Manchester, Mark Oehlert, Topher Philgreen, and Randy Kitchen (arrived just after roll call)

ABSENT MEMBERS: Mark Ross

EX-OFFICIO MEMBERS: None present

PLANNING DIRECTOR: Teresa Reeves

ASST. PLANNING DIRECTOR: Katie Jardieu

PLANNER: Not present

PC SECRETARY: Casey d'Augereau

COUNTY COUNSELOR: Shelley Woodard

COUNTY ADMINISTRATOR: Shane Krull

ECONOMIC DEVELOPMENT: Janet McRae

COUNTY COMMISSION: None Present

COUNTY CLERK: Janet White

PRESS: Not Present

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CALL TO ORDER

Chairman John Menefee called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call was taken and seven (7) members were present, constituting a quorum; Randy Kitchen arrived shortly after roll call bringing the total present to eight (8) members.

OATH OF OFFICE

With regards to Agenda Item IV.A. Administration of Oath of Office (Topher Philgreen) Menefee reported Mr. Philgreen's oath was given prior to this evening's meeting.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

None disclosed.

ADOPTION OF THE AGENDA

Elliott moved to adopt the Agenda, as amended. Oehlert seconded, and the motion passed unanimously, (7-0), via a show of hands.

CONSENT AGENDA

March 1, 2022 Planning Commission Minutes

Elliott moved to adopt the Consent Agenda. Oehlert seconded, and the motion passed unanimously, 7-0, via a show of hands.

Kitchen arrived at the meeting at 7:03 making eight (8) Board Members present for the meeting.

REGULAR AGENDA

Old Business:

None.

New Business:

Public Hearing 21006-Z: Rezone from Countryside (CS) to Heavy Industrial (I-2)

Jardieu presented the staff report for consideration of an application to rezone approximately 19.876 acres from Countryside (CS) to Heavy Industrial (I-2), in accordance with Section 22 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 19.876 acres, is located approximately 600 feet North of 255th Street on the East side of Old Kansas City Road and on the West side of Columbia Road. The property is identified as Lot 2 of the Barker Estates Subdivision, in Section 10, Twp. 16, Range 23, Marysville Twp. Submitted by Miami County, the property owner of record. The plan is to house an Emergency Medical Service (EMS) Center. The surrounding Hillsdale area is a mix of Commercial (C-2) and Countryside (CS) zoning, having been established as an old railroad townsite. The townsite of Hillsdale has been designated as a Village due to the small lot configuration, sewer availability, and mixed uses. Planning staff believes rezoning to Heavy Industrial (I-2) is too intense for

the surrounding area and recommends rezoning from Countryside (CS) to the less intense zoning district of C-2. Staff believes the Commercial (C-2) zoning district will accommodate the intended use for emergency services and future commerce.

Menefee asked if the Planning Commission (PC) approves the rezoning to Commercial (C-2) would the applicant need to agree to the lesser zoning?

Jardieu replied yes, as well as the County Commissioners.

Menefee invited the applicant to the podium. Shane Krull, Miami County Administrator presented a report on the property's history and the plans Miami County (MICO) has for this parcel. The surrounding area is largely mixed containing agriculture, residential housing, commercial, and industrial uses. This area has seasonal traffic to Hillsdale Lake and provides limited services (fire, EMS, etc.) for the surrounding area. There has been an increase in traffic by 20% on Old KC Road and by 38% on 255th Street since 2018 in this area and approximately 25 trains per day according to BNSF. The Hillsdale vicinity is identified as an area of Regional Significance in the present Comprehensive Plan. The tract of ground owned by MICO is roughly 700 feet from existing Light Industrial (I-1) zoning, abuts a double rail Burlington Northern Santa Fe rail corridor, is 163 to 450 feet from three houses. Krull stated MICO hired an architect to design the EMS Station in a manner to allow for a future fire station.

The Commissioners made the following inquiries:

- Manchester: The report states the staff anticipates a negative impact on surrounding property values, what will the County do for the property owners it impacts?
 - Krull: The property will still need to go through the Plat process, at this time the mass property values show it is going up.
- Kitchen: Does MICO anticipate the property value to continue to go up?
 - Krull: The potential is there.
- Menefee and Broers: MICO requested the rezone to I-2, will MICO be able to do everything they want to do if the rezoning is approved for a C-2? Why present a rezoning option of I-2 if C-2 would be acceptable?
 - Krull: Yes, a C-2 zone will allow us to do what we are wanting to accomplish with the assistance of a Conditional Use Permit (CUP). The Commission preferred to achieve a zone that did not require a CUP.
- Oehlert: To clarify, the I-2 zone will allow MICO to develop the land in a way the C-2 zone will not allow?
 - Krull: No, they are wanting to have flexibility for future development possibilities. Krull added they are looking at grant money to assist in the cost of service roads.
- Elliott: The road along the eastern portion of the property is gravel. With a CUP the Planning Commission has provisions for the owner to improve the road(s). What is MICO's thoughts of this?
 - Krull: According to Subdivision regulations, MICO would have to improve that road.
- Kitchen: MICO is approved for the rezoning and MICO would have to improve the infrastructure; whereas, if it is an individual or outside company, they would have to improve the infrastructure at their expense?
 - Krull: MICO would have to investigate what can be done.
- Elliott: The Planning Commission was asked to consider whether a CUP should be required for a concrete plant in the Heavy Industrial (I-2) zone. Is it a coincidence that MICO is now asking to rezone this property to Heavy Industrial (I-2)?
 - Krull: It is a coincidence.
- Philgreen: Is the grant money only allowed for an EMS station?
 - Krull: No.

Menefee opened the public hearing for citizen comments at 7:48 p.m.

- Scott Robbins, 23184 Hedge Ln, Spring Hill, thanked Mr. Krull for his outline of MICO's plans for this property. Mr. Robbins stated he is speaking for many of the Hillsdale citizens; Hillsdale hopes to have a "downtown" like a city. The area MICO is looking to rezone is the only area with potential for a "downtown" and another Industrial zone will take away from Hillsdale's retail future.

With no further public comments, Menefee closed the public hearing 21006-Z at 7:50 p.m.

Menefee called for Commissioner's deliberation:

- Elliot requested input from County Economic Development Director, Janet McRae.
 - Janet McRae: Looking at comparable available zoned lands; there are currently 4 local businesses looking to expand and 2-3 of them would fit in the area MICO is looking at. It would be up to the elected officials to decide what would best fit in this area.

Broers moved to adopt staff's recommendation for rezoning 21006-Z from Countryside (CS) to Commercial (C-2) based on the findings within the staff report. The motion failed for lack of a second.

Elliott stated he doesn't understand why MICO is wanting to rezone to I-2 when they can rezone to I-1 and still accomplish everything they are trying to accomplish which is very close to a C-2.

Kitchen moved to deny the rezoning of 21006-Z and leave the zoning the way it is. Manchester seconded. The motion failed with 2 approving (Kitchen and Manchester), 6 opposed by show of hands.

Broers moved to adopt staff's recommendation for rezoning 21006-Z from Countryside (CS) to Commercial (C-2) based on the findings in the staff's report, Elliot seconded. The motion carried with 6 approving, 2 opposed (Kitchen and Manchester) with a show of hands.

Findings for Modified Approval to C-2

1. The proposed Rezoning to Heavy Industrial (I-2) does not conform to the Goals and Objectives of the Comprehensive Plan based on the intensity of the proposed zoning and the surrounding character of the Hillsdale Area. Therefore, the Planning Commission recommends the Rezoning application be modified to the less intense zoning district of Commercial (C-2).
2. The uses permitted in the modified zoning district of Low Intensity Commercial (C-1) or Commercial (C-2) are more compatible with the commercial and residential uses occurring on adjacent properties, and with the mixed uses in the Hillsdale vicinity.
3. The modified zoning district of Low Intensity Commercial (C-1) or Commercial (C-2) reduces potential conflicts with the established residential and commercial zoning and the potential for detrimental effects to surrounding properties.

Reeves stated this will go to the Board of County Commissioners on May 4, 2022 rather than April 27th since the commission will be at training and the meeting is cancelled.

Public Hearing 22001-Z: Rezone from Countryside (CS) to Commercial (C-2)

Reeves presented the staff report for consideration of an application to rezone approximately 7.31 acres from Countryside (CS) to Commercial (C-2), in accordance with Section 22 of the Miami County, Kansas Zoning Regulations. The subject property is located directly south of the intersection of Old KC Rd and W 327th St and is northeast of Clover Dr and west of US-169 Hwy, in Section 29, Twp. 17, Range 23, Valley Twp. Submitted by Miami County, Kansas, the property owner of record. This tract of land has access to Hwy 169 and is directly south of Victory Chevrolet. The character of the neighborhood is a mixture of businesses, large farms, and residents. MICO does not have any immediate plans for the property.

Menefee invited the applicant to the podium. Shelley Woodard, County Counselor, reported the rezoning would allow MICO to have a little more flexibility for future possibilities, however, there are no plans at this time.

- Oehlert questioned why Miami County is requesting Commercial (C-2) zoning on this tract of land but requesting Heavy Industrial (I-2) on the rezoning request in Hillsdale.
 - Woodard responded that she was not a part of the tract in Hillsdale and would not be able to answer on behalf of MICO.

Menefee opened the public hearing for citizen comments at 8:22 p.m. There were no citizen comments, and Menefee closed the Public Hearing 22001-Z at 8:23 p.m.

Menefee called for Commissioner's deliberation:

- Kitchen questioned how many citizens were notified of this.
 - Reeves responded that 13 surrounding property owners were notified, and no responded.

Oehlert moved to approve the rezoning of 22001-Z from Countryside (CS) to Commercial (C-2) based on the findings listed in the staff report. Broers seconded. The motion carried with 7 approving and 1 opposed (Kitchen) by a show of hands.

Findings for Approval

1. The proposed Rezoning to Commercial (C-2) conforms to the Goals and Objectives of the Comprehensive Plan as being a Short-term Area of Regional Significance, and its proximity to major road corridors and highway interchange, with appropriate infrastructure in place.
2. The uses permitted in the Commercial (C-2) district are compatible with the commercial and industrial, uses occurring on adjacent and nearby properties, and with the mixed residential and agricultural uses in the vicinity.

Public Hearing 22001-CUP: Twelve64 Off Road

Jardieu presented the staff report for consideration of a request for a conditional use permit for an Off-Road Racetrack per Section 6-2.02.15 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 40 acres is located at the southeast corner of W 239th St and Bethel Church Rd, in the Northwest Quarter of Section 4, Twp. 16, Range 22, Richland Twp. While the property is approximately 155 acres, the CUP application is only for 40 acres in the Northwest corner of the property. Dinnis and Patricia Crownover are the property owners of record, Marvin Vail is the applicant and Rob Kirk co-applicant. Mr. Vail and Mr. Kirk are present today for questions. The intent is to allow "kids of all ages" to race UTVs side by side on a ¾ mile track throughout the year. Each event will have approximately 21 volunteers helping, including professionals from towing and recovery operations as well as off-duty emergency medical personnel and off-duty police officers. A typical race will garner 80 to 120 spectators at a minimum. There will also be vendors on site during the events. The staff recommends that the Planning Commission approve the request for a CUP racetrack based the Findings and Conditions listed in the staff report.

- Oehlert asked what the Planning Department expects to learn from the lease agreement. He also noted that Code Services had notes regarding accessible restrooms which isn't listed as a Condition.
 - Jardieu responded to assure if the ownership of the property or lease change hands the new owner/tenant understands the CUP in its entirety. The accessible restrooms is considered part of Condition #4 but can amend as appropriate.

- Broers: Referenced page 5 of the staff report where it was noted that the road will need to be upgraded and asked what kind of upgrades will be required and at whose cost. Regarding noise, Broers commented that the 70 decibels limit listed in Condition #8 is unrealistic, noting that she lives in the area and can hear the noise at her house.
 - Jardieu: It will need to be paved and widened to accommodate EMS which is typically 20 feet. CUPs allow that to be done but at the applicant's cost.
 - Reeves: The road doesn't necessarily need to be paved but the surface is not currently wide enough to accommodate EMS if needed. The improvements to the road are required per CUP regulations and at the applicant's cost.

Menefee invited the applicant to the podium. Rob Kirk, 38902 W 215th Street, Edgerton, stated his concerns about the cost involved in the improvement of the road. Mr. Kirk stated he did not receive the list of conditions until he arrived at the meeting tonight. This racetrack is for little kids of all ages and the cost of improving the road would not allow them to hold the races and have a CUP. Mr. Kirk and Mr. Vail are trying to find ways to get kids off the computers and phones and outside doing something.

- Kitchen: Is this a non-profit business, is there an entry fee?
 - Kirk: A \$50 entry fee, the winner receives a small trophy and the entry fee goes back into the maintenance of the racetrack.
- Manchester: Your main complaint on the conditions is the upkeep of the road?
 - Kirk: Yes, we only have races once a month. I don't believe it is fair to ask us to upgrade and maintain the road for races that only take place once a month.
- Philgreen: What type of racing?
 - Kirk: UTVs side by side, 5 to 6 at a time.
- Broers: The noise not to exceed 70 decibels is not realistic, a UTV is greater than 70 decibels and there is a concern for the noise with the neighbors already.
 - Kirk: Marvin Vail has been talking with the surrounding neighbors.
- Manchester: Is there an alarm to begin each race?
 - Kirk: No, we use flags.
- Kirk: Regarding Condition #10 (contract with MICO for Sheriff, Fire and EMS), we do that ourselves with off duty professionals.

Menefee opened public hearing for citizen comments at 9:00 p.m.

- Dinnis Crownover, 24295 Bethel Church Rd, Edgerton, stated some of the best days I have is when Marvin has the races and the little kids come talk to me. They are very happy because they have a place to ride and they're not on computers.

With no further comments, Menefee closed the public hearing at 9:02 p.m.

Menefee called for Commissioners deliberation.

- The commission voiced concern with the recommended list of conditions noting that some conditions need to be amended, and some need to be listed. Elliott referenced Condition #10 and questioned whether the applicant needs to contract with Miami County or just needs to ensure emergency services are present. Regarding Conditions 12 and 13, dust control, the culvert west of Spoon Creek Rd, and the road width are liability issues that the county and the Applicant need to discuss. Elliott also felt the capacity (number of people in attendance) needs to be clarified and he also noted that the noise level is difficult to judge.

Noting various items that need to be discussed and worked out between the county and the Applicant, Elliott moved to continue the application until these issues are clarified and the commission has better information. Kitchen seconded. The motion carried unanimously (8-0) with a show of hands.

GENERAL DISCUSSION

Possible Future Amendments to Zoning and Subdivision Regulations

1. Common Access Easement requirements
2. Sign Regulations
3. Telecommunications Regulations
4. Height limits for radio, television, internet antennas and satellite dishes designed for individual residences.

There was no discussion regarding these possible future amendments to the regulations.

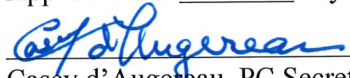
ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Reeves reminded the commission of the brief discussion the month before regarding the Marais des Cygnes' Public Utility Authority's request to dredge the intake pond and store the sludge onsite. Reeves received an email from Nathan Law, Louisburg City Administrator which noted there would be 11,000 cubic yards of sludge stored that farmers could potentially use as fertilizer.

In general discussion it was the group consensus that the site plan should be amended to show the location of the sludge pile, that stormwater should be evaluated and KDHE contacted to verify there would be no environmental impact with this.

With no further discussion, Philgreen moved to adjourn the meeting, Brown seconded, and the meeting was adjourned by unanimous vote (8-0), via show of hands, at 9:47 p.m.

Approved this 3rd day of May, 2022.


Casey d'Augereau, PC Secretary


John Menelee, Chair / Phil Elliott, Vice-Chair