

***MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
MAY 4, 2021***

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

ATTENDANCE

CHAIR:	Absent
VICE-CHAIR:	John Menefee
PLANNING COMMISSION	Joshua Brown, Kevin Collins, Phil Elliott, Randy Kitchen, Bret Manchester, and Mark Ross
ABSENT MEMBERS:	Kelli Broers and Mark Oehlert, Chair
EX-OFFICIO MEMBERS:	None present
PLANNING DIRECTOR:	Teresa Reeves
COUNTY COUNSELOR:	Not Present
PLANNER:	Kenneth Cook
PC SECRETARY:	Angie Baumann
ECONOMIC DEVELOPMENT	Not Present
COUNTY COMMISSION:	None Present
COUNTY CLERK:	Not Present
PRESS:	Not Present

MINUTES

MAY 4, 2021

MIAMI COUNTY PLANNING COMMISSION

CALL TO ORDER

Vice-Chair 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. Broers and Oehlert were absent.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

None disclosed.

ADOPTION OF THE AGENDA

Menefee announced that this evening's Agenda will need to be amended, and explained that legal notice of a public hearing for 21001-CUP: U.S. Cellular Communications Tower had been published for May 4th but was inadvertently omitted from the Agenda. He suggested that the item may be added to the Agenda as Item B.2. under New Business.

Reeves clarified that staff had published legal notice for a May 4th public hearing. However, the Applicant had not provided the required certified list of property owners in a sufficient time for staff to mail notices to those owners. She explained that the public hearing will need to be continued to the June 1st meeting.

Elliott asked if the Planning Commission needs to officially continue the public hearing. Reeves confirmed.

Ross moved to adopt the Agenda, as amended. Collins seconded, and the motion passed unanimously, 7-0.

CONSENT AGENDA

- **March 2, 2021 Planning Commission Minutes**

Ross moved to adopt the Consent Agenda as presented. Collins seconded, and the motion passed unanimously, 7-0.

REGULAR AGENDA

Old Business:

None.

New Business:

Public Hearing 21001-Z: Rezone from Countryside (CS) to Commercial (C-2)

Cook noted that the Applicant is present this evening. He then presented the staff report for consideration of an application to rezone approximately 7.82 acres from Countryside (CS) to Commercial (C-2), in accordance with Sections 8 and 22 of the Miami County, Kansas Zoning Regulations. The subject property is located approximately 800' west of Old KC Rd, on the south side of Eagle Dr, in the SW ¼ of Section 20, Twp 17, Range 23, Paola Twp. Submitted by Gerken Rent-All, Inc., property owner of record.

Cook then addressed each of the *Golden Criteria* enumerated in the staff report to be used by the Planning Commission when making Findings to approve or deny the requested Rezoning.

Regarding the site plan requirements, which include, among other items, screening/landscaping and stormwater management, Cook noted that staff will work with the Applicant to handle this administratively, rather than bringing it before the Planning Commission.

Cook invited questions from the Planning Commission. There were none.

Menefee then opened the public hearing and invited the Applicant to speak first. The Applicant declined to do so.

Menefee twice invited public comment. There being no response, Menefee closed the public hearing.

Elliott commented that the County struggles to find commercial development, and that the Applicant's existing commercial operation is thriving and is in a generally appropriate location. He encouraged staff to be as flexible as possible with this Applicant to assist in the growth of their business, which he expressed, benefits the entire County.

Elliott then moved to recommend approval of the Rezoning from Countryside (CS) to Commercial (C-2), based upon the Findings listed in the staff report. Ross seconded, and the motion passed unanimously, 7-0.

Secretary Angie Baumann announced that this item will go before the Board of County Commissioners on May 26, 2021 at 1:00 p.m.

Findings for Approval

1. The proposed Rezoning conforms to the Goals and Objectives of the Comprehensive Plan as the subject property is located within an area that has an adequate, paved road network, and is within an Area of Regional Significance with short-term potential for future commercial development.
2. The uses permitted in the proposed Commercial (C-2) district are compatible with the commercial and industrial uses occurring on adjacent properties, and with the mixed uses in the Miami County Airport vicinity and the US-169 / 327th Street interchange area.

Public Hearing 21001-CUP: U.S. Cellular Communications Tower

Elliott moved to continue the public hearing to the June 1st Planning Commission meeting. Collins seconded, and the motion passed unanimously, 7-0.

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.

Menefee asked Reeves if there is a reason to spend time discussing these possible future amendments before the Comprehensive Plan has been updated.

Reeves responded that it is her understanding that text amendments on these items will not be pursued until completion of the Comprehensive Plan update.

Elliott commented that it is beneficial, however, to keep these items on the Agenda. Menefee agreed.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Reeves briefly announced the items on next month's Planning Commission Agenda.

Reeves reported that the Comprehensive Plan has been paused, as some property owners north of Hillsdale Lake have submitted a Petition for Incorporation for a proposed city known as "Golden, Kansas". She explained that the County must hold public hearings on this matter and has retained Attorney Jim Kaup, who is very knowledgeable of State statute and land use law.

Menefee asked when public hearings will be held on this matter. Reeves responded that it will be sometime in late June.

Reeves then reported that the Hainlines of M&S Trucking, Inc., who lost their appeal in District Court regarding the Board of County Commissioners' decision to deny their requested CUP (18008-CUP: M & S Trucking, Inc.) for the trucking operation near 287th Street and Old KC Road, recently filed with the State Court of Appeals an appeal of the District Court's Motion to Dismiss.

There being no further announcements, Menefee asked for a motion to adjourn. Collins moved to adjourn the meeting, Kitchen seconded, and the meeting was adjourned by unanimous vote, 7-0, at 7:34 p.m.

Approved this 18th day of June, 2021.



Angie Baumann, PC Secretary



Chair, Mark Oehlert / Vice-Chair, John Menefee

Minutes taken by Angie Baumann