



MEETING OF THE MIAMI COUNTY PLANNING COMMISSION

March 2, 2021 | 7:00 p.m.
Miami County Administration Building | Commission Chambers

NOTE: Masks and/or social distancing are required pursuant to Governor Kelly's [Executive Order No. 20-68](#), dated November 18, 2020.

AGENDA

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST
- V. ADOPTION OF THE AGENDA
- VI. CONSENT AGENDA
 - A. **Minutes:** Approval of the February 2, 2021 Planning Commission Minutes.
- VII. REGULAR AGENDA
 - A. **Unfinished Business**
 1. **Continued Public Hearing 20002-TA: Zoning Regulations Amendments (Billboard Signs)**

Consideration of draft amendments to the Zoning Regulations of Miami County, Kansas, pertaining to Billboard Signs (Off-Premises Outdoor). Affected regulations include Article 2 (Definitions); and Article 18 (Signs).
 - B. **New Business**
 1. **21001-SUB: Greg's Place, 2nd Plat**

Consideration of the Final Plat of Greg's Place, 2nd Plat, a Replat of Lot 1, Greg's Place, dividing 13,000 square feet into two lots containing approximately 5,500 square feet (proposed Lot 1), and 7,500 square feet (proposed Lot 2) utilizing the Village Overlay regulations per Article 12A of the Miami County Zoning Regulations. The subject property is located at the southwest corner of Church St

*For more information contact the Miami County Planning Dept.
(913) 294-9553 | 201 S. Pearl, Suite 201 | Paola, KS 66071
www.miamicountyks.org*

and Frisco St, and along the east side of the BNSF Railway in the townsite of Hillsdale, in the NE ¼ of Section 15, Township 16, Range 23, Marysville Twp. Submitted by Greg Beverlin, property owner of record.

2. Public Hearing 20004- Rezone from C-O (Obsolete Zoning District) to C-2 (Commercial)

Consideration of an application to rezone approximately 20 acres from C-O (Obsolete Zoning District) to C-2 (Commercial), in accordance with Sections 3-4.01 and 22 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 20 acres, which is addressed as 25290 Harmony Rd, Paola, KS, is located in the SE ¼ of Section 8, Twp 16, Range 23, Marysville Twp. Submitted by Midwest Engineering Group, LLC on behalf of Rural Water District No. 2, Miami County, the property owner of record. This application is submitted in conjunction with the request for a Conditional Use Permit (#20005-CUP).

3. Public Hearing 20005-CUP: Rural Water District No. 2, Miami County – Water Treatment Facility Expansion

Consideration of an application for a Conditional Use Permit for a 4-phase expansion of the water treatment facility operated by Rural Water District No. 2, Miami County, per Section 8-2.02.16 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 20 acres, which is addressed as 25290 Harmony Rd, Paola, KS, is located in the SE ¼ of Section 8, Twp 16, Range 23, Marysville Twp. Submitted by Midwest Engineering Group, LLC on behalf of Rural Water District No. 2, Miami County, the property owner of record. This Application is submitted in conjunction with the request to rezone (#20004-Z) approximately 20 acres from C-O (Obsolete Zoning District) to C-2 (Commercial)

4. 15005-CUP: Alvarez Ranch Arena

Five-year review of a conditional use permit for an equestrian event arena in the Countryside zoning district, per Section 5-2.02.14 of the Miami County Zoning Regulations. The subject property, located on the northeast side of Silverheel Cir cul-de-sac, approximately ¾ mile north of 223rd St., Spring Hill is a 6.81 +/- acre portion of Lot 3, Fletcher's Ridge Subdivision, 2nd Plat, in the SE ¼ of Section 20, Twp 15S, Range 23E, Marysville Twp.

VIII. GENERAL DISCUSSION

A. 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.

IX. ANNOUNCEMENTS BY STAFF/COMMISSIONERS

A. Comprehensive Plan Update

X. ADJOURNMENT

Hearing Procedure

1. Chairman announces the agenda item.
2. Members describe what, if any, communication they have had with applicant or interested party regarding the case; indicating the nature of the communication and whom it was with.
3. Members describe what, if any, conflicts of interest they may have and recuse themselves from the hearing room for the duration of the hearing.
4. Staff presents their report with recommendations on the request.
5. Applicant or agent of the applicant makes a brief presentation of the request. (Except for clarifications, Planning Commissioners should withhold questions or comments until the public hearing is closed.)
6. Chairman explains how public comments will be received during the public hearing.
7. Chairman opens the public hearing and solicits comments from the audience.
8. Once invited to speak, the speaker clearly states his / her name and address before providing comment. Speaker has a maximum of 3 minutes to provide comments, and must direct all comments to the Planning Commission. Proper meeting decorum is expected. Miami County reserves the right to remove from the meeting anyone who fails to act properly.
9. Staff reads aloud any comments received after the meeting packet was published.
10. Applicant clarifications or rebuttals.
11. Chairman closes the public hearing.
12. Planning Commissioners deliberate the request in light of the *Golden Criteria* and other pertinent information, and take action if able to do so.
13. Planning Commissioners clearly state a motion either in favor or denial of the request, or to table the item until a future date, whatever the case may be. Planning Commissioners should present their findings to substantiate the action taken.

14. Once a motion is made and seconded, Chairman restates the motion on the floor. If there are no further questions, corrections, or additions, Chairman proceeds to conduct a vote of the Planning Commission.
 15. All votes are conducted by roll call. Planning Commissioners must verbally articulate their vote. If a Planning Commissioner abstains from the vote, he/she must provide a reason for the abstention.
 16. Chairman announces the vote tally, and whether the motion passes or fails.
 17. Staff announces when the request will be heard by the Board of County Commissioners.
 18. Staff announcement of the 14-day Protest Period, which begins after the Public Hearing is closed.
- * **Protest Petitions:** Any protest petition must be filed with the Office of the County Clerk within 14 days from the conclusion of the public hearing held by the Planning Commission. A sample protest petition may be obtained by contacting the Planning Department at 201 S. Pearl Street, Suite 201, Paola, KS 66071; (913) 294-9553; or planning@miamicountyks.org.

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
FEBRUARY 2, 2021**

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

ATTENDANCE

CHAIR: Mark Oehlert

VICE-CHAIR: John Menefee

PLANNING COMMISSION Kelli Broers, Joshua Brown, Kevin Collins, Phil Elliott,
Randy Kitchen, Bret Manchester, Mark Ross

ABSENT MEMBERS: None

EX-OFFICIO MEMBERS: None present

PLANNING DIRECTOR: Teresa Reeves

COUNTY COUNSELOR: Sheila Schultz

PLANNER: Kenneth Cook

PC SECRETARY: Angie Baumann

ECONOMIC DEVELOPMENT None Present

COUNTY COMMISSION: None Present

COUNTY CLERK: Not Present

PRESS: Not Present

MINUTES

FEBRUARY 2, 2021

MIAMI COUNTY PLANNING COMMISSION

CALL TO ORDER

Chair Mark Oehlert called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call was taken and all nine (9) members were present, constituting a quorum.

OATHS OF OFFICE

Teresa Reeves, Planning Director, administered the Oath of Office for Randy Kitchen.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

None disclosed.

ADOPTION OF THE AGENDA

Ross moved to adopt the Agenda as presented. Menefee seconded, and the motion passed unanimously, 9-0.

CONSENT AGENDA

- **January 5, 2021** Planning Commission Minutes

Elliott moved to adopt the Consent Agenda as presented. Collins seconded, and the motion passed with eight (8) in favor and one (1) abstention (Kitchen).

REGULAR AGENDA

Unfinished Business:

Continued Public Hearing 20002-TA: Zoning Regulations Amendments (Billboard Signs)

Cook announced that Mr. Fred Wingert (of Wingert Sign Company) submitted his response to the staff report, copies of which have been provided this evening to the Planning Commissioners. Cook then presented the staff report for consideration of draft amendments to the Zoning Regulations of Miami County, Kansas, pertaining to Billboard Signs (Off-Premises Outdoor). Affected regulations include Article 2 (Definitions); and Article 18 (Signs).

Cook pointed out that pursuant to a request made at last month's meeting staff has added additional language to Section 18-5.05, which is based upon KDOT's regulations, and which specifies that all lighting for billboard signs must be shielded:

(Note: Proposed text is highlighted in yellow. Text that is proposed to be deleted is struck through.)

“18-5.05 Lighting: Billboard signs may be indirectly illuminated, but shall not cast glare upon any adjacent highway so as to pose a hazard to vehicular traffic. This shall include that all lighting must be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any highway or county road and are of such intensity or brilliance as to cause glare or to impair the vision of the driver or any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle. Electronic (LED) signs must comply with Section 18-11, Electronic Sign Regulations ~~display a static image for a minimum of eight (8) seconds, and have an interval change time of two (2) seconds or less.~~ Only sign structures that are classified legal conforming may be modified to LED signs. (Res. R15-11-033 (Exh. A))”

He noted, however, that Section 18-4.01.9 (in the general sign requirements) provides that all indirectly illuminated signs “shall have lighting fixtures or luminaries that are fully shielded;” therefore, staff believes Section 18-4.01.9 sufficiently addresses this concern.

Elliott suggested that, in lieu of duplicating regulations, staff could simply cross-reference Section 18-4.01.9 in Section 18-5.05. He explained that this would ensure that if the provisions in Section 18-4.01.9 are amended in the future, the same will apply to Section 18-5.05.

Menefee agreed.

Cook requested the Planning Commission's input regarding the existing regulation, which requires a minimum spacing of 1,000' between any billboard signs (Section 18-5.06. Minimum Spacing Requirements). He reported that Mr. Wingert has requested reducing that minimum requirement to 500' but staff is recommending that the Planning Commission keep the existing 1,000' minimum spacing requirement.

Oehlert asked if there is a reason why the minimum spacing requirement is specifically 1,000'.

Cook answered that it is his understanding that the County wanted a greater separation than that required by KDOT. He reported that nearly all the nearby counties he has reviewed have minimum spacing requirements greater than 500'; and, some that are greater than 1,000'.

He then directed the Planning Commission to the maps in the meeting packet, and explained that the maps demonstrate where future billboard signs could possibly be located on those properties adjacent to highways, which are zoned C-2, I-1, or I-2. He further explained that the maps take into consideration 500' and 1,000' separation distances between billboard signs as well as 300' separation distance from any properties zoned for residential use.

Cook noted that the spacing of the billboard signs depicted on the maps is also based upon the State's minimum setback requirement from an interchange or intersection. He has contacted

KDOT to verify that he is interpreting KDOT's sign regulations accurately—especially regarding measurement of separation distance from an interchange or intersection—but has not yet received a response. Cook explained that he measured the separation distance from interchanges, beginning at the point where the pavement begins widening at an entrance, and measuring 500' from that point.

Cook pointed out that the location of a billboard sign on one property may impact whether another billboard may be placed on that same property or on an adjacent property, which is due to the current 1,000' minimum spacing requirement between billboard signs; and, the required 300' minimum spacing between billboard signs and properties zoned for residential use. He noted that there are not many industrially or commercially zoned properties in the County located adjacent to the highways so there wouldn't be a proliferation of signs throughout the entire County. However, if the 1,000' minimum spacing requirement between billboard signs was reduced, there are a few areas of the County that could see an increase in the number of billboard signs. He acknowledged that properties adjacent to the highways could possibly be rezoned in the future, resulting in additional opportunities for billboard signs.

Cook then referenced staff's suggestion (on Page 4 of 9 of the meeting packet) to modify Section 18-4.01.5 (in the general sign requirements) to specify a general minimum separation of 300' for all free-standing signs. He clarified that the purpose of this suggested amendment is to confirm that only on-premises signs detached from a structure—and not wall signs—are subject to the 300' minimum spacing requirement. Cook pointed out Page 7 of 9 of the meeting packet, which provides several scenarios demonstrating when and how the 300' minimum spacing requirement applies. He explained that if one property has a billboard sign and an adjacent property has a business sign (an on-premises sign), the 300' minimum spacing requirement would not apply because the signs are located on separate properties. However, if a property has an existing billboard sign, and a business sign (an on-premises sign) is later constructed on that same property, the 300' minimum spacing requirement would be applicable.

Cook reported that Mr. Wingert's February 1st response to the staff report expresses concern "with the ADDED REQUIREMENT on 300 feet spacing between all signs you are proposing on Page 4 of 9." Cook clarified that the *current* Regulations require a minimum 300' separation between a new sign and *any* other existing signs on the same property. Moreover, the current Regulations for billboard signs provide that any new billboard sign allowed under Section 18-5 must be located a minimum of 1,000' from "any other existing billboard sign or allowed configuration of signs on the same side of the street." Cook explained that the proposed removal of the phrase "or allowed configuration of signs" from the billboard sign requirements (Section 18-5.06) provides greater flexibility because the 300' minimum spacing requirement would then be applicable between any signs—billboard signs or on-premises signs (located on the same property and on the same side of the street).

Cook then referenced Mr. Wingert's request to add the following to Section 18-5.01:

"If the Kansas Secretary of Transportation designates US-69 as other than a scenic byway, the proposed regulation in this section would apply to US-69."

Staff recommends retaining the existing language regarding US-69 in Section 18-5.01 and making no modifications at this time. Cook added that if the State ever decides that US-69 will

no longer be designated as a scenic byway, the County can, at such time, amend the sign regulations to permit billboard signs along US-69.

Manchester referenced the following provision in Mr. Wingert's response letter:

“The maximum height of a billboard would be measured from the road grade to match the State of Kansas Requirements and not to exceed 70 feet.”

Manchester asked about the State's maximum height requirement for billboard signs.

Cook answered that the State calculates height based upon the grade of the adjacent roadway. He explained that the State's maximum height requirement for billboard sign structures is 50', as measured vertically from the edge of the pavement to the top of the sign. Cook's understanding is that Mr. Wingert is requesting that the height of billboard signs be calculated in the same manner as the State—in other words, 50' vertically from the pavement—but no taller than 70', which would allow for a taller sign in those locations where the ground falls away from the roadway.

Oehlert then opened the public hearing.

Attorney Darcy Domoney of Domoney & Domoney (18 E. Wea St., Paola) approached the podium and stated that his client's reasons for requesting amendments to the billboard sign regulations are primarily to avoid having to request variances from the County for various billboard locations that he may want to explore; and, to provide for more affordable billboard advertising for primarily Miami County businesses. He reiterated that very few locations along the highways in Miami County are zoned to allow billboard signs; and, for those locations, his client is requesting that the County's billboard sign regulations match those of the State. Attorney Domoney commented that there does not seem to be a huge justification for the County's current minimum spacing requirement. He assumes that the State has good reason for its 500' minimum spacing requirement. Attorney Domoney stated that his client is requesting that 1) the minimum spacing requirement between billboard signs be reduced from 1,000' to 500'; and 2) the height of billboards signs be measured from the road grade. He concluded that the requested amendments to the billboard sign regulations would allow for more billboards in the few areas in the County where the zoning allows for billboards.

Mr. Fred Wingert (20920 Walmer Rd., Stillwell) approached the podium, and stated that the main idea behind his request is to allow for additional billboards in locations where there are existing billboards. He explained that by doing so, it is more affordable to run power underground. He expressed that running power underground for 1,000' is very expensive, and his company is trying to build some billboard signs that are reasonably priced. With regard to maximum height, Mr. Wingert commented that although it may be unlikely that a billboard sign would need to be 70' tall it is helpful to have this flexibility in those locations where the highway rises up from the surrounding ground because of a bridge or some other reason. He further commented that there is no reason to build a billboard too tall. Mr. Wingert clarified that many, if not most, of the potential locations for future billboard signs, as shown on the maps in the meeting packet, would not be suitable locations, due to easements, rock, and lack of electricity.

Kitchen asked Mr. Wingert if any billboard signs are being constructed with solar powered lighting.

Mr. Wingert answered that he is utilizing this option in a couple of locations; however, the lifespan is only seven to ten years.

Glenn Alpert (15163 W. 323rd St., Paola) approached the podium and referenced the following proposed amendment to Section 18-5.04.3, as found shown on Page 3 of 9 of the meeting packet. (*Note: Proposed text is highlighted in yellow. Text that is proposed to be deleted is struck through.*)

~~3. For purposes of this subsection, each face of a billboard sign, whether double-faced, V-shaped, or some other configuration, shall be considered a separate sign. (Res. R15-11-033 (Exh. A))~~

“3. Each billboard sign structure shall be mounted on a single ground pole.”

Mr. Alpert stated that this does not seem to match the following proposed definition for Free-Standing Sign:

“Free-Standing Sign: A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. (May also be referred to as a ground, monument, pole, or billboard sign.)”

He asked if a free-standing sign has a single pole or multiple poles. He then pointed out that the word “king” in the definition for Billboard Sign Structure should be replaced with the word “kind” so that it reads “. . . and other materials of every kind and nature . . .” Mr. Alpert also asked if there are any provisions in the Regulations regarding whether a billboard sign may be placed on a building.

Elliott answered that the proposed definition for Free-Standing Sign may be found in the general sign requirements and is not exclusive to billboard signs.

Regarding whether a billboard sign may be placed on a building, Elliott added that the maximum sign area for wall signs is limited to a certain percentage of the surface area of a building’s façade.

Mr. Alpert then asked if the intent is to have a single pole billboard sign.

Cook confirmed this to be the intent of the current Regulations.

Broers commented that the draft amendments, as currently proposed, appear very much to be a working draft. She asked for clarification regarding whether the public will be given another opportunity to comment on the proposed draft amendments before the Planning Commission votes upon them.

Mr. Alpert again approached the podium. Regarding the 1,000' minimum spacing requirement, he commented that if there is good reason to be more restrictive than the State then that is fine. However, if the State's 500' minimum spacing requirement is acceptable, then he suggests matching the State's requirement.

Elliott moved to continue the public hearing until next month's meeting, at which time the final version of draft amendments will be presented. Ross seconded.

Kitchen asked why the County's requirements differ from the State's.

Cook answered that he has reviewed the minutes of past meetings when the sign regulations were being discussed but was not able to find any specific reasoning for the 1,000' minimum spacing requirement. He expects that the Planning Commission's decision may have been for reasons of aesthetics, and not regarding safety.

Kitchen asked if it was previously staff's opinion that the minimum spacing requirement should be 1,000'.

Cook responded that the Planning Commission adopted this regulation, which was also adopted by the Board of County Commissioners. He explained that even if staff had suggested this requirement, staff's suggestions are often based upon direction received from the Planning Commission or the Board of County Commissioners.

Reeves recalled discussions from previous Planning Commission meetings, during which it was the Board's desire to have a 1,000' minimum spacing requirement as opposed to a lesser separation. Reeves also recalled previous Planning Commission discussions regarding maximum height. She noted that although this was the desire several years ago, the Planning Commission may change this requirement if it would like to do so. Reeves explained that the State allows counties and local jurisdictions to be more restrictive; however, the County cannot have a minimum spacing requirement that is less than the State's, nor a maximum height requirement that exceeds the State's. She agreed that previous meeting minutes indicate that the 1,000' minimum spacing requirement was determined not because of any safety studies conducted, but rather aesthetics—based upon the local community's desires. Reeves believes the State's requirements are based upon safety studies. She also believes, especially regarding electronic signage, that the 1,000' minimum spacing requirement should be retained to avoid driver distraction.

Cook recalled from his review of previous years' meeting minutes that staff had pointed out to the Planning Commissioners that the 1,000' minimum spacing requirement did not match the State's requirement and had asked them whether they wanted to instead use the State's requirement. Cook reported that the Planning Commission directed staff to retain the 1,000' minimum.

Regarding variances for billboard signs, Cook pointed out that any variance must meet the variance standards listed in the State Statute. He then referenced the variances granted for the two (2) billboard signs along US-169, south of Paola (Wingert Sign Company), which replaced the former (2) billboard signs at that location, and reported that the variances were granted because unique conditions existed on the subject property. Had those unique conditions not been

present, he assumes the variance from the 1,000' minimum spacing requirement would not have been granted. He explained that the unique conditions existing on that particular property included a number of pipelines running through the middle of the property; two existing billboard signs adjacent to one another; and the location of the highway entrance. He further explained that had one of those existing billboard signs been torn down, a new billboard sign would not have been permitted because the current billboard sign regulations would have allowed only one sign. Cook reported that the Board of Zoning Appeals took into consideration those unique conditions present on the property, and decided to grant the variances, thus allowing two new billboard signs with a reduced setback from the highway right-of-way (and a separation distance that is less than the 1,000' minimum spacing requirement).

The Planning Commission then voted upon the motion on the floor, via roll call vote. The motion carried with eight (8)¹ in favor and one (1) against (Menefee). Oehlert announced that the public hearing will be continued to the March 2nd meeting.

The Planning Commission began deliberating the proposed text amendments: *(Note: Proposed text is highlighted in yellow. Text that is proposed to be deleted is struck through.)*

Article 2 Definitions

“Billboard Sign Structure: Means and includes all components of a billboard sign, which may include poles, bracing, lateral supports, displays, and other materials of every kind and nature used to support a facing or facings on which advertising is placed.”

With regard to Article 2 – Definitions, Cook reminded the Planning Commissioners that the word “king”, which appears in the definition of Billboard Sign Structure, should be replaced with “kind”.

Broers commented that she would like the proposed definitions to be tighter. She noted that the definition of Billboard Sign Structure contains the word “poles” (plural), but the text later specifies a “single ground pole” (in Section 18.5.04.3):

Section 18-5.04 Maximum Sign Area:

“3. Each billboard sign structure shall be mounted on a single ground pole.”

Broers also noted inconsistencies throughout the proposed amendments in use of the words “sign facing” and “sign face”. She pointed out that “face” is used in Section 18-4.01.4.

“Section 18-4.01.5 Unless otherwise provided for in these Regulations, no free-standing sign (such as a ground, monument, pole, or billboard sign) hereafter erected shall be less than 300 feet from any other existing free-standing sign or allowed configuration of signs on the same property.”

¹ The two Planning Commissioners who initiated and seconded the motion (Elliott and Ross) were not queried for their votes.

Regarding Section 18-4.01.5 Menefee commented that the 300' separation between all signs is good and protects small businesses in the County. He asked if farm signs are included in this requirement, as farm signs do not require a permit.

Reeves answered that agricultural signs are exempt. She suggested that it would be a good idea to clarify this.

Oehlert agreed.

Menefee suggested also clarifying any exempt signage.

Elliott suggested language such as “any other existing free-standing *permitted* sign”, to avoid having to identify every type of exempt sign.

Section 18-5 – Billboard Signs (off-Premises Outdoor)

“**18-5.01** Off-premises outdoor billboard signs greater than 64 square feet and equal to or less than 750 756 square feet shall be permitted only in the C-2, I-1 and I-2 Districts, and only within 660 feet of the rights-of-way of I-35, K-68 and US-169, with advertising being directed only toward said rights-of-way. Billboard signs visible from US-69 and erected with the purpose of their message being read from US-69 shall be prohibited since US-69 is a scenic byway. All provisions of the Kansas Highway Advertising and Control Act must be met for any sign located within 660 feet of the rights-of-way of the above listed state and federal highways. (Res. R15-11-033 (Exh. A))”

There were no comments made regarding Section 18-5.01.

“18-5.02 Location:

- a. Billboard signs shall not be located within 300 feet of any property zoned Planned Development, Rural Residential, Countryside, ~~or~~ Agricultural or any other property zoned for residential purpose, and which is located on the same side of the highway.”

Regarding the latter part of the highlighted clause in Section 18-5.02 (a): “and which is located on the same side of the highway” Broers asked if it would be contrary to the intent of these Regulations to construct a billboard sign on one side of the highway, opposite a residential zoning district, which is less than 300' away.

Cook responded that the intent is to exclude from this consideration property that is on the opposite side of the road / highway, as the road / highway itself creates some separation.

b. Billboard signs shall not be located within ~~50~~ fifteen (15) feet of any state or federal highway, to be measured from the edge of the right-of-way. Billboard signs shall not be located within fifteen (15) feet of a side or rear property line or the ultimate right-of-way of any road, street, or highway as designated by the County's Comprehensive Transportation Plan. No billboard sign may be installed to encroach over an existing utility improvement or easement.

With regard to the last part of the highlighted clause in Section 18-5.02 (b): "No billboard sign may be installed to encroach over an existing utility improvement or easement" Broers asked if easements are typically large enough to ensure that a utility company's access to the easement will not be impacted in the event that a billboard sign is hanging over the easement. She asked if a setback from the easement should be considered.

Elliott commented that it should be the responsibility of the utility provider to acquire enough easement.

Cook explained that the word "improvement" was added to that clause to address those instances where an existing utility line—such as a main sewer line or old electrical line—is not within an easement. He added that staff recommends adding to that same clause "*part of a*" so that it reads: "No part of a billboard sign may be installed to encroach over an existing utility improvement or easement."

18-5.03 Maximum Height: The top edge of any one (1) billboard sign shall not exceed 50 feet above average grade. (Res. R15-11-033 (Exh. A))

Regarding Section 18-5.03 – Maximum Height Elliott expressed that he would like to see maximum height calculated from the road grade instead of the average grade. He explained that the sight line intention is based on the roadway; and, calculating height from the road grade offers greater flexibility, especially considering the limited number of locations where billboard signs can be permitted.

Menefee agreed.

Cook noted that he included on Page 5 of 9 of the meeting packet an optional amendment for Section 18-5.03, most of which he derived from the State's regulation:

Section 18-5.03 Maximum Height: The height of any portion of the sign structure as measured vertically from the adjacent edge of the road grade of the main traveled way shall not exceed 50 feet.

Ross commented that he likes the optional amendment for Section 18-5.03, as it specifies "road grade".

Menefee commented that the proposed optional amendment also specifies the "main traveled way", which takes into consideration divided highways.

Ross asked if the maximum height should be 50' or 70'.

Elliott commented that the maximum height should be 50'. He then asked if the State regulation provides for a maximum height of 70' based upon the road grade.

Cook clarified that the State specifies a maximum height of 50' as measured from the road grade.

Section 18-5.04 Maximum Sign Area:

3. Each billboard sign structure shall be mounted on a single ground pole.

Broers commented that Section 18-5.04.3 – Maximum Sign Area seems a bit prescriptive regarding the requirement for a single pole.

Elliott commented that he believes this should be addressed from an aesthetics standpoint. He would like to know what the Planning Commission would like to see as the standard. He added that he does not necessarily have a preference regarding whether a billboard sign is mounted on several poles or a single pole.

Ross commented that he is seeing increasingly more of the single-pole billboard signs, which he thinks look much better.

Oehlert asked the Planning Commissioners if they agree with proposed Section 18-5.04.3.

Broers suggested that this particular provision would be more appropriate in the Definitions section.

Elliott and Menefee agreed.

Elliott suggested that the provision be relocated to be included in the definition for Billboard Sign Structure.

There were no objections.

18-5.05 Lighting: Billboard signs may be indirectly illuminated, but shall not cast glare upon any adjacent highway so as to pose a hazard to vehicular traffic. **This shall include that all lighting must be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any highway or county road and are of such intensity or brilliance as to cause glare or to impair the vision of the driver or any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle.** Electronic (LED) signs must comply with Section 18-11, **Electronic Sign Regulations** ~~display a static image for a minimum of eight (8) seconds, and have an interval change time of two (2) seconds or less.~~ Only sign structures that are classified legal conforming may be modified to LED signs. (Res. R15-11-033 (Exh. A))

Elliott recommended that rather than adding the proposed language to Section 18-5.05 – Lighting, this provision could instead just cross-reference the provisions of Section 18-4.01.9 (in

the general sign requirements). He commented that he agrees with the proposed amendments pertaining to LED signs.

There were no objections to Elliott's suggestion.

18-5.06 Minimum Spacing Requirements: No billboard sign (including billboard signs, as provided in Section 18-9.01.5 of these regulations) hereafter erected shall be less than 1,000 feet from any other existing billboard sign ~~or allowed configuration of signs~~ on the same side of the street. Such minimum spacing distance shall be measured along the center line of the frontage street, trafficway or interstate highway from a point opposite any edge of a billboard sign and perpendicular to the center line of each street, trafficway or interstate highway. (Res. R15-11-033 (Exh. A))

Regarding Section 18-5.06 – Minimum Spacing Requirements Elliott commented that he prefers to retain the 1,000' minimum. He provided the example of three billboard signs on the east side of US-169, south of 191st, and noted that they are spaced 1,000' apart according to *Google Earth*. If the billboard signs were spaced 500' apart, it would allow for two additional signs in that location. He expressed that five signs in that location would just be too busy.

Menefee commented that it is much easier to retain the 1,000' minimum, which, in the future could possibly be reduced to 500' if the need arises. He added that once the minimum is reduced to 500', we can't go back to 1,000'.

Elliott commented that the Planning Commission is tasked with creating Zoning Regulations for three reasons: health, safety, and welfare; and, the State Statute specifies that it is for those three reasons that the Planning Commission and the Zoning Regulations exist. Elliott noted that although he agrees that there is some welfare benefit, he does not know what portion of the people we serve will benefit. He expressed that aesthetics and rural lifestyle are a greater benefit. Elliott reported that some of the results received from the Comprehensive Plan survey speak to these very things. It is his opinion that discussions regarding the 1,000' minimum spacing requirement that have been on the books up to this point were specific to help maintain some of that rural character. He expressed that he would hate to go away from that, especially before finishing the Comprehensive Plan.

Broers concurred.

There were no additional comments regarding Section 18-5.06.

18-5.07 Distance from Intersection: No sign shall be located adjacent to or within 500 feet of an interchange, intersection at grade or a safety rest area, with such distance measured along the freeway or interstate highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the freeway or interstate highway. (Res. R15-11-033 (Exh. A))

Regarding Section 18-5.07 – Distance from Intersection, Cook noted that this regulation matches the State's.

The Planning Commission had no changes to Section 18-5.07.

The Planning Commission had no changes to Section 18-9.01.5 – Light Industrial (I-1) and Heavy Industrial (I-2) Sign Regulations.

New Business:

None.

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.

Reeves noted that staff is not proposing any additional text amendments at this time. There were no objections.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Reeves announced that the first public open house for the Comprehensive Plan is scheduled for Thursday, February 25th from 5:30 p.m. to 8:00 p.m. at the Osawatimie City Auditorium. A virtual open house will be held on a later date for those who choose not to attend the in-person open house.

Reeves reported that the consultant will also be meeting with Edgerton, as Edgerton has recently annexed an additional approximately 500 acres and is now at the County line. She has suggested to the consultant that the Comprehensive Plan may need to have a separate area plan just for the Edgerton intermodal area.

Elliott recommended that the consultant also reach out to Overland Park and Gardner. He added that Gardner just annexed property at I-35 and 175th Street.

Reeves reported that the consultant has been in discussions with the Miami County Conservation District as well as someone at the State level regarding possible environmental impacts to Hillsdale Lake and how to protect this resource, as well as addressing additional truck traffic that is anticipated for Gardner Road. She added that we are trying to find the balance between commerce/industry and the protection of natural resources. Reeves reported that there has been discussion about purchasing conservation easements, but property is reportedly extremely expensive in that area.

Broers suggested that if it is not an option to purchase the property for conservation easements, perhaps the County could partner with the Kansas Land Trust. She also suggested that the County could explore possible options through The Nature Conservancy.

Reeves reported that the Planning Department has already received 10 applications for lot splits in the month of January, compared to a total of 20 lot splits for the entire 2020 year.

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

Elliott requested an introductory meeting with the Comprehensive Plan consultant in advance of the June 8th Planning Commission work session. He expressed that it would be helpful for the consultant to attend a Planning Commission meeting and provide an overview to help the Planning Commissions better prepare for the June 8th work session.

Several Planning Commissioners agreed.

There being no further announcements, Oehlert asked for a motion to adjourn. Ross moved to adjourn the meeting, Collins seconded, and the meeting was adjourned by a roll call vote of 9-0 at 8:53 p.m.

Approved this _____ day of _____, 2021.

Angie Baumann, PC Secretary

Chair, Mark Oehlert / Vice-Chair, John Menefee

Minutes taken by Angie Baumann

**MIAMI COUNTY PLANNING DEPARTMENT
MEMORANDUM**

DATE: March 2, 2021
TO: Miami County Planning Commission
FROM: Kenneth A. Cook, AICP, CFM, Planner
RE: **Zoning Regulations Amendments (Billboard Signs)**

Background

February 2, 2021

The Planning Commission held a public hearing for proposed amendments to the Miami County Zoning Regulations regarding billboard signs. The Planning Commission directed staff to make several modifications to the proposed amendments and continued the public hearing to the March 2, 2021 Planning Commission meeting.

Discussion

Staff has updated the draft amendments to the sign regulations based upon direction received at the February 2, 2021 Planning Commission meeting. The updated proposed amendments are attached, and the following is a summary of the changes:

1. All references to sign “facing” were updated to “face” to provide consistency in the use of terms in the sign regulations. Use of “faces” (plural) and “faced” (as in double-faced sign) have been continued in the regulations.
2. The definition of Billboard Sign Structure (Article 2 – Definitions) was modified to provide that a billboard sign structure shall be mounted on a single ground pole.
3. A sentence was added to Section 18-4.01.5 (general sign requirements) specifying that “the 300-foot spacing requirement shall not be required for signs listed in Section 18-3. – Signs Not Requiring Permits”. This modification is intended to clarify that agricultural signs—and other signs that do not required permits—are not required to comply with the 300-foot spacing requirement.
4. Section 18-5.02 (b) – Location was reformatted to be more concise. In addition, staff had noted at the last Planning Commission meeting that “No part of” should be added to the beginning of the final sentence.

5. Upon the direction of the Planning Commission, the current maximum height requirement (Section 18-5.03 – Maximum Height) was replaced with the optional amendment provided by staff, which provides that height is measured from the adjacent edge of the road grade of the main traveled way.
6. Section 18-5.05 - Lighting was modified to cross-reference shielding requirements in Section 18-4.01.9.

Attachment

Proposed Text Amendments to Miami County, Kansas Zoning Regulations

Please note that all proposed text has been highlighted in yellow. Text proposed to be deleted is struck through.

PROPOSED DRAFT AMENDMENTS TO SIGN DEFINITIONS

Article 2 Definitions (sign definitions)

Billboard Sign Face: Means and includes a billboard sign display or displays at the same location and facing the same direction.

Billboard Sign Display: Means a single panel or part of a billboard sign, including trim and background, which contains a message or messages.

Billboard Sign Structure: Means and includes all components of a billboard sign, which may include a pole, bracing, lateral supports, displays, and other materials of every kind and nature used to support a face or faces on which advertising is placed. Each billboard sign structure shall be mounted on a single ground pole.

Free-Standing Sign: A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. (May also be referred to as a ground, monument, pole, or billboard sign).

V-Shaped Sign: A sign structure containing two (2) faces of approximately equal size, erected upon a common structure, and positioned in a “V” shape with an interior angle between faces of not more than forty-five degrees (45°) with the distance between the sign faces not exceeding five feet (5’) at their closest point.

PROPOSED DRAFT AMENDMENTS TO ARTICLE 18 SIGN REGULATIONS:

Section 18-4.01 – General Sign Requirements

Section 18-4.01.4. Unless otherwise provided for in these Regulations, sSign area shall include the entire surface area within a single perimeter enclosing the outside limits or boundaries of such sign. Where the perimeter boundaries are irregular or are not parallel, the sign area shall be the surface of the regular geometric shape which most nearly closes the outside limits or boundaries. Only one (1) face of a ground or pole sign designed as a double-faced sign, with both faces parallel and no more than 1 foot between structures or faces, shall be considered in determining the sign area.

Section 18-4.01.5 Unless otherwise provided for in these Regulations, no free-standing sign (such as a ground, monument, pole, or billboard sign) hereafter erected shall be less than 300 feet from any other existing free-standing sign or allowed configuration of signs on the same property. The 300-foot spacing requirement shall not be required for signs listed in Section 18-3. – Signs Not Requiring Permits.

Section 18-5 – Billboard Signs (off-Premises Outdoor)

18-5.01 Off-premises outdoor billboard signs greater than 64 square feet and equal to or less than 750 756 square feet shall be permitted only in the C-2, I-1 and I-2 Districts, and only within 660 feet of the rights-of-way of I-35, K-68 and US-169, with advertising being directed only toward said rights-of-way. Billboard signs visible from US-69 and erected with the purpose of their message being read from US-69 shall be prohibited since US-69 is a scenic byway. All provisions of the Kansas Highway Advertising and Control Act must be met for any sign located within 660 feet of the rights-of-way of the above listed state and federal highways. (Res. R15-11-033 (Exh. A))

18-5.02 Location:

- a. Billboard signs shall not be located within 300 feet of any property that is zoned Planned Development, Rural Residential, Countryside, or Agricultural, or that is zoned for residential purposes, and which property is located on the same side of the highway.
- b. Billboard signs shall not be located within 50 fifteen (15) feet of any of the following: (1) a state or federal highway right-of-way, to be measured from the edge of the right-of-way; (2) a side or rear property line; or (3) the ultimate right-of-way of any road, street or highway as designated by the County's Comprehensive Transportation Plan. This distance shall be measured from the nearest point of a billboard sign structure to the edge of said right-of-way or property line. No part of a billboard sign shall encroach over an existing utility improvement or easement.
- c. Billboard signs shall not be attached to the roof or wall of any building.
- d. Billboard signs shall not be located within a stream or drainage channel. (Res. R15-11-033 (Exh. A))

18-5.03 Maximum Height: ~~The top edge of any one (1) billboard sign shall not exceed 50 feet above average grade. (Res. R15-11-033 (Exh. A))~~ The height of any portion of the sign structure, as measured vertically from the adjacent edge of the road grade of the main traveled way, shall not exceed 50 feet.

18-5.04 Maximum Sign Area:

1. ~~The maximum sign area of any billboard sign shall not exceed a total of seven hundred fifty (750) square feet. (Res. R15-11-033 (Exh. A))~~ The maximum sign area of any billboard sign structure shall not exceed a total of seven hundred fifty-six (756) square feet per sign face with a maximum of two (2) faces. A billboard sign structure shall include no more than two sign displays per face (double-decked sign). A billboard sign may be constructed as a single-faced, double-faced or V-shaped sign structure. A double-faced sign shall have no more than 15 feet between sign faces.

2. The maximum height or vertical dimension of a billboard sign face shall not exceed ~~fifteen (15)~~ thirty (30) feet. The maximum width or horizontal dimension of any ~~one (1)~~ billboard sign face shall not exceed ~~fifty (50)~~ sixty 60 feet.

3. ~~For purposes of this subsection, each face of a billboard sign, whether double-faced, V-shaped, or some other configuration, shall be considered a separate sign. (Res. R15-11-033 (Exh. A))~~

18-5.05 Lighting: Billboard signs may be indirectly illuminated, but shall not cast glare upon any adjacent highway so as to pose a hazard to vehicular traffic (refer to Section 18-4.01.9 for shielding requirements). Electronic (LED) signs ~~must~~ shall comply with Section 18-11, Electronic Sign Regulations display a static image for a minimum of eight (8) seconds, and have an interval change time of two (2) seconds or less. Only sign structures that are classified legal conforming may be modified to LED signs. (Res. R15-11-033 (Exh. A))

18-5.06 Minimum Spacing Requirements: No billboard sign hereafter erected (including billboard signs, as provided in Section 18-9.01.5 of these regulations) shall be less than 1,000 feet from any other existing billboard sign ~~or allowed configuration of signs~~ on the same side of the street. Such minimum spacing distance shall be measured along the center line of the frontage street, trafficway or interstate highway from a point opposite any edge of a billboard sign and perpendicular to the center line of each street, trafficway or interstate highway. (Res. R15-11-033 (Exh. A))

18-5.07 Distance from Intersection: No sign shall be located adjacent to or within 500 feet of an interchange, intersection at grade or a safety rest area, with such distance measured along the freeway or interstate highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the freeway or interstate highway. (Res. R15-11-033 (Exh. A))

MIAMI COUNTY PLANNING DEPARTMENT

Final Plat of Greg's Place, 2nd Plat

DATE: March 2, 2021

TO: Miami County Planning Commission

FROM: Kenneth A. Cook, AICP, CFM, Planner

RE: **21001-SUB: Greg's Place, 2nd Plat**
Consideration of the Final Plat of Greg's Place, 2nd Plat, a Replat of Lot 1, Greg's Place, dividing 13,000 square feet into two lots containing approximately 5,500 square feet (proposed Lot 1), and 7,500 square feet (proposed Lot 2) utilizing the Village Overlay regulations per Article 12A of the Miami County Zoning Regulations. The subject property is located at the southwest corner of Church St and Frisco St, and along the east side of the BNSF Railway in the townsite of Hillsdale, in the NE ¼ of Section 15, Township 16, Range 23, Marysville Twp. Submitted by Greg Beverlin, property owner of record.

Property Owner Greg Beverlin

Current Zoning Countryside (CS) / Village Overlay (V)

Comp Plan Village Expansion Area
Area of Regional Significance

Acreage Approximately .76 acres

Parcel No. 085-15-0-10-25-001.00-0

Background

July 10, 1869: A plat was filed for Chanute's Addition to Hillsdale (formerly known as Columbia). The subject property was included in this plat as an area described as Reserved M R Ft Scott & Gulf Rail Road Co and was not part of any area described as a lot or block. Burlington Northern and Santa Fe Railway Company sold the portion of property that was later purchased by Mr. Beverlin in December of 1998.

October 24, 2018: That portion of South Street that was located between the BNSF RR and Frisco St was vacated by the County Commission via Resolution No. R18-10-037. The vacated land reverted to the abutting landowners.

November 2018: An application for a Boundary Line Adjustment (18027-BLA) was submitted for a portion of the original subject parcel, including the north ½ of the vacated South Street right-of-way in order to convey to the property owners of the south ½ of vacated South Street, leaving a remainder tract of 0.76 acres.

May 8, 2019: The Final Plat for Greg’s Place was recorded at the Register of Deeds Office at Slide No. P019-00029. This was a plat of the 0.76-acre tract that remained, after the Boundary Line Adjustment (18027-BLA) and created two lots of: 13,000 square feet (Lot 1) and 20,000 square feet (Lot 2).

Discussion

The subject property is in the Townsite of Hillsdale, which is serviced for sewer by the Hillsdale Improvement District. The property’s base zoning is Countryside and Overlay District (due to the availability of sewer). The Village Overlay District allows urban-sized lots, like those already established. No minimum lot size is established, with the understanding that each lot is served by sewer and has sufficient area to meet building setbacks, etc.

While staff has concerns about residences being constructed next to the rail yard, residences have already been established in similar locations in this area. Staff has further concern regarding whether proposed Lot 1 will have sufficient area for a residential structure that would comply with the setback, parking, and minimum living area requirements for the Countryside and Village Overlay Districts. Although it appears that most prospective purchasers of lots in this area just want to construct garages on these lots to provide for more off-street parking, a single-family dwelling could be constructed on both of the proposed lots, as they are in the Countryside District.

Proposed Lot 1 must meet setbacks of 15’ along the east property line (front yard), 20’ along the west property line (rear yard), and 10’ along the north and south property lines (side yard). Further, Section 5-7.01 of the Subdivision Regulations provides:

“Permanent utility easements shall be provided where necessary to serve the subdivision. Utility easements shall be centered on rear and/or side lots lines and shall be at least twenty feet (20’) wide, except that easements for street lighting purposes may be located along front lot lines and shall measure at least ten feet (10’) wide.”

Miami County typically requires utility easements along all lot lines. In the current case this would include a:

- 20’ utility easement along the west property line of each proposed lot;
- 10’ utility easement along the east property line of each proposed lot;
- 20’ utility easement centered on the shared lot line between the proposed lots;
- 10’ utility easement along the south line of proposed Lot 2 (Note that there is an existing 10’ utility easement located on the property to the south, which provides for a total width of 20’ for this easement.); and

- 20' utility easement along the north property line of proposed Lot 1. (Note that the 20' utility easement along the north property line of proposed Lot 1 is the only easement that is greater than the required setback.)

The above-mentioned setbacks and easements would leave a buildable area of 25' x 65' (1,625 square feet) for proposed Lot 1. 1,625 square feet would be slightly greater than the minimum area required to build a one-story dwelling. A dwelling must include a minimum of 950 square feet of living space and have two off-street parking spaces. A dwelling must also have either a one-car garage (12' x 20'), either attached to or detached from the main dwelling; or, a detached, fully enclosed accessory structure at least 200 square feet in floor area. Further, no portion of a structure (including roof overhangs) may encroach into the setbacks or into easements.

Staff notes that there are platted lots in this area, which were created prior to the adoption of Zoning and Subdivision Regulations, and which have been developed as 50' wide lots; however, many of the owners of such properties are utilizing multiple lots. Although many of those lots are also located in the Countryside and the Village Overlay Districts, they are considered to be legal, non-conforming lots, and thus have non-conforming setback requirements that differ from the requirements for new lots in the Village Overlay District, including: 1) a reduction in the rear yard setback to 15'; 2) a reduction in the side yard setbacks to 10% of the lot width (5' on a 50' wide lot); and 3) no less than 15' for the front yard setback (based upon the average setback of other existing structures on the same street).

Staff recommends that the Planning Commission consider not requiring the utility easement along the north line of proposed Lot 1, as it would increase the Lot's buildable area to 35' x 65' (2,275 square feet). Based upon the above-referenced differences in required setbacks, staff's opinion is that this easement is not "necessary to serve the subdivision" or adjacent subdivisions. If the Planning Commission determines not to require the utility easement along the north line of proposed Lot 1, the easement must be officially vacated as part of this Plat because the easement was created by the previous plat. Other utility easements currently proposed or already in existence will still provide access to all lots.

Staff has received confirmation from Hillsdale Improvement District, RWD2, and Evergy that each lot can be served.

Prior to recordation, utility dedications as well as a few other minor corrections listed underneath Conditions will need to be shown on the Final Plat.

Road access is taken from Frisco Street with an existing 80' total width of right-of-way that is paved; therefore, no additional right-of-way is required.

Staff Recommendation

Approval of the proposed the Final Plat of Greg's Place, 2nd Plat based upon the Findings and subject to the Conditions provided below.

Findings

1. The subdivision complies with the Goals and Objectives of the Comprehensive Plan for low-density development in the Village Expansion Areas.
2. The subdivision complies with the Zoning Regulations for the Village Overlay District.
3. The subdivision complies with the Subdivision Regulations.

Conditions

1. Show 10' building line along north lot line of proposed Lot 1 (south right-of-way line of Church Street).
2. Show correct utility easements along the perimeter boundaries of each lot.
3. Provide a certification on the Plat for the vacation of the existing 20' utility easement along the north line of Lot 1 of Greg's Place.
4. Correct the statute number under the Planning Commission certification block to "12-752(b) KSA".
5. An apostrophe (') should be added to "Gregs" in the heading of the Plat so that it reads "Greg's Place". The quotation mark ("), which appears in the top, right-hand corner of the Plat, should be replaced with an apostrophe (') so that it reads "Greg's Place".
6. Verify the wording of the legal description. (The original plat appears to have been worded "Chanute's Addition to Columbia".)
7. The reference deed is incorrect. A new deed has since been recorded and should be listed with, or in place of, the legal description in the top right-hand corner of the Plat.
8. Remove the signature block for Donna Beverlin.
9. The right-of-way north of proposed Lot 1 should be identified as "Church Street".
10. Acreage amounts for each of the proposed lots need to be added. The acreage amount for existing Lot 1 of Greg's Place should be removed.
11. The line type for existing Lot 2 of Greg's Place needs to be a line, instead of dots.

Attachments: Proposed Final Plat
Vicinity Map

GREGS PLACE 2ND PLAT
FINAL PLAT
A REPLAT OF LOT 1, GREGS PLACE
A SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 15, TOWNSHIP 16 SOUTH, RANGE 23 EAST
MIAMI COUNTY, KANSAS.

GREG'S PLACE 2ND PLAT
A subdivision containing 13,000.0 Square Feet, more or less, located in the Northwest Quarter of the Northeast Quarter of Section 15, Township 16 South, Range 23 East, Miami County, Kansas and being more particularly described as follows:

LEGAL DESCRIPTION
A Replat of Lot 1, Gregs Place, a subdivision located in the Town of Columbia (now known as Hillsdale), Miami County, Kansas, according to the recorded plat there.

CERTIFICATE OF ACCURACY
I hereby certify that we have made the herein shown survey on the ground, under my direct supervision, this 25th day of January, 2021, and that said survey meets or exceeds the current KANSAS MINIMUM STANDARDS for land boundary surveys of this type and that the results of this survey are correctly shown this plat.

Timothy D. Reeves, R.L.S.
Kansas 1133

DEDICATION

The undersigned proprietors of the described tract of land have caused the same to be subdivided in the manner shown on the accompanying plat which hereafter shall be known as "GREGS PLACE 2ND PLAT".
The undersigned proprietors of said property shown on this plat do hereby dedicate to public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, and places, roads, avenues, lanes and alleys.
An easement or license is hereby granted to Miami County, Kansas, and to all public utility companies duly incorporated and licensed to do business in Miami County, Kansas, to enter upon, locate, construct and maintain poles, wires, anchors, pipes, conduits, sewers, surface drainage facilities, etc., upon over and under those areas outlined and designated on this plat as "Utility Easement".

IN TESTIMONY WHEREOF, we the undersigned owners and/or proprietors have caused this instrument to be executed this ____ day of _____, 2021.

Gregory Bevan _____ Donna Beverth (Decedent) _____

State of Kansas) SS:
County of Miami)

BE IT REMEMBERED on this ____ day of _____, 2021, before me came the above mentioned owners and/or proprietors who are personally known to me to be the same people who executed the foregoing instrument of writing and such people do duly acknowledge the execution of the same and for the purposes herein set forth.

Notary: _____ My commission expires: _____

CERTIFICATE OF MIAMI COUNTY SURVEYOR

This survey has been reviewed and approved for filing, pursuant to K.S.A. 58-2003 58-2005, 58-2011 and K.A.R. 66-12-1 for content only and is compliant with this Act. No other warranties are extended or implied.

Approved By: Richard A. Weiss _____ Date: _____
Kansas L.S. #1216

CERTIFICATE OF PLANNING COMMISSION

APPROVED BY the Miami County Planning Commission this ____ day of _____, 2021, finding that the plat is in compliance with the provisions of Section 12-720(d), K.S.A.

Chairman: _____

CERTIFICATE OF MIAMI COUNTY COMMISSIONERS

This plat and all dedication of Right of Ways and Easements shown on this plat are hereby accepted by the Board of County Commissioners, Miami County, Kansas.

Chairman: _____ County Clerk: _____

CERTIFICATE OF COUNTY TREASURER

State of Kansas) SS:
County of Miami)

I hereby certify, as County Treasurer of Miami County, Kansas that there are no unpaid taxes, special assessments, or liens outstanding against this property as of this ____ day of _____, 2021.

County Treasurer: _____
Jennie Fyock
County Treasurer

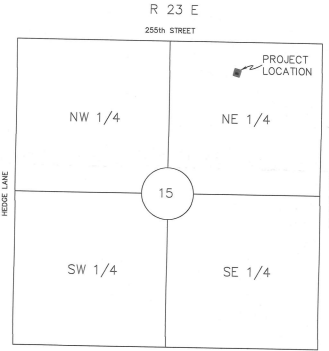
CERTIFICATE OF FILING

State of Kansas) SS:
County of Miami)

Filed for record this ____ day of _____, 2021, at ____ o'clock ____ M., of Book ____ Page ____ at the Register of Deeds Office at Paola, Miami County, Kansas.

SLIDE NUMBER: _____

Katie Forck/Registrar
Register of Deeds
Miami County, Kansas



LEGEND

- = 1/2" IRON BAR w/ CAP SET
L.S. 1133
- = 1/2" IRON BAR PREVIOUSLY SET
L.S. 1133
- R/W = RIGHT OF WAY
- B/A = BUILDING LINE

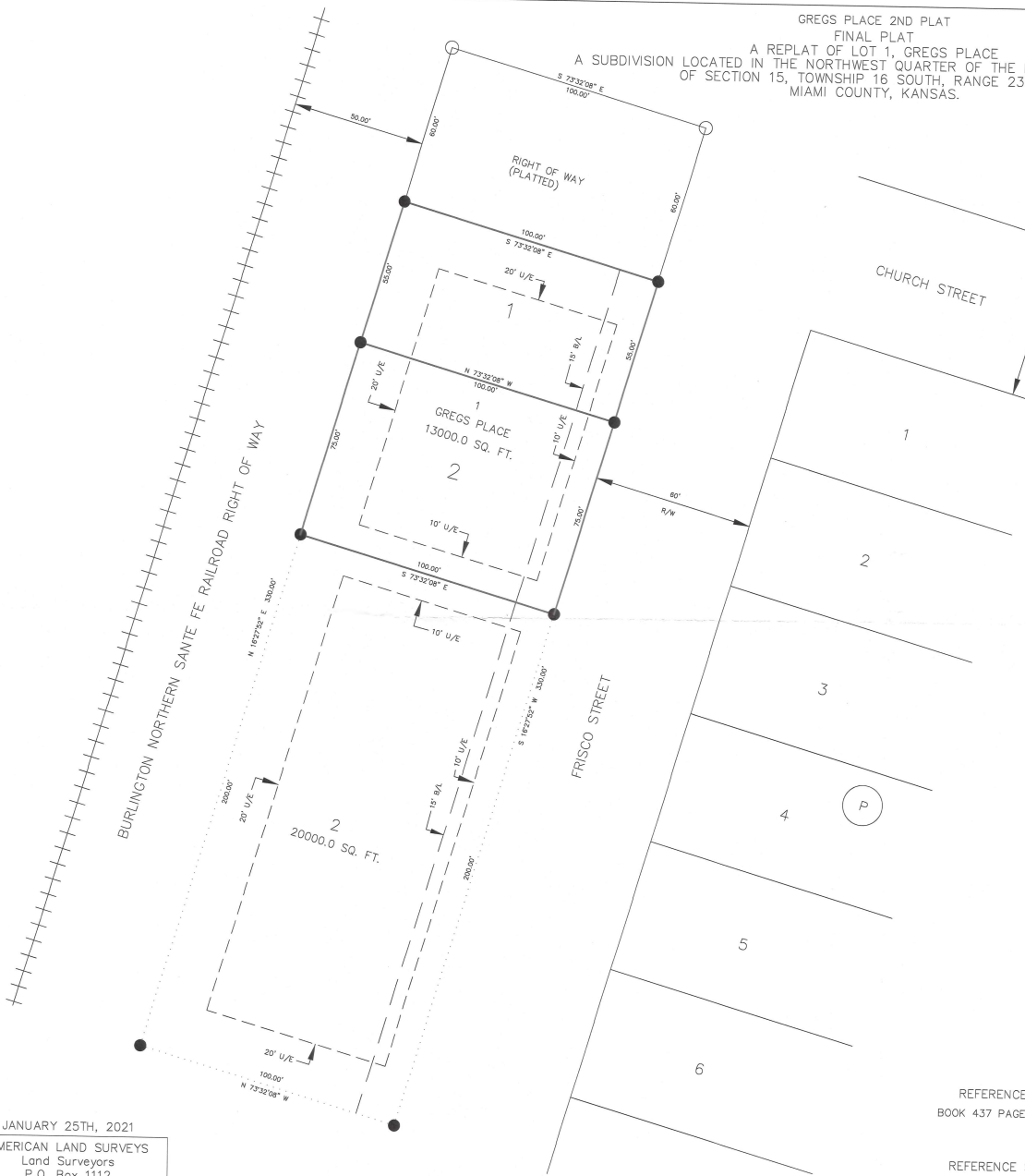
NOTE

BEARINGS ARE BASED ON THE SOUTH LINE OF CHURCH STREET BEING ASSUMED SOUTH 73°32'08" EAST.
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA BUT IS IDENTIFIED AS BEING IN ZONE "X", AREA OF MINIMAL FLOOD HAZARD PER FIRM 2012C 0065D EFFECTIVE JANUARY 16, 2014.

REFERENCE DEEDS
BOOK 437 PAGES 322-324

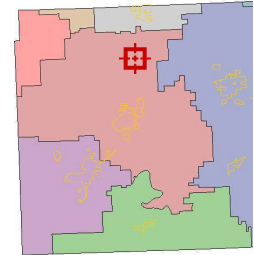
REFERENCE SURVEY
TIMOTHY D. REEVES - 1133
P017-00023

JANUARY 25TH, 2021
AMERICAN LAND SURVEYS
Land Surveyors
P.O. Box 1112
Louisburg, Kansas 66053
(913)-294-3561
(913)-837-1633












Overview



Legend

-  City Limits
-  Centerlines
-  Parcels
-  Lakes
- Flood Zones**
-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE

Parcel ID= 0851501025001000
 Acres= 0.31206610000000001

Date created: 2/1/2021
 Last Data Uploaded: 2/1/2021 7:19:45 AM

Developed by  Schneider GEOSPATIAL

MIAMI COUNTY PLANNING DEPARTMENT

**PUBLIC HEARING –
Rezone from Office (C-O) to Commercial (C-2)**

DATE: March 2, 2021

TO: Miami County Planning Commission

FROM: Teresa Reeves, Planning Director

RE: **Public Hearing 20004- Rezone from C-O (Obsolete Zoning District) to C-2 (Commercial)**
Consideration of an application to rezone approximately 20 acres from C-O (Obsolete Zoning District) to C-2 (Commercial), in accordance with Sections 3-4.01 and 22 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 20 acres, which is addressed as 25290 Harmony Rd, Paola, KS, is located in the SE ¼ of Section 8, Twp 16, Range 23, Marysville Twp. Submitted by Midwest Engineering Group, LLC on behalf of Rural Water District No. 2, Miami County, the property owner of record. This application is submitted in conjunction with the request for a Conditional Use Permit (#20005-CUP).

Owner	Rural Water District No. 2, Miami County
Applicant	Midwest Engineering Group, LLC
Current Zoning	Office (C-O) an Obsolete Zoning District Z-36 (Office)
Proposed Zoning	Commercial (C-2), or a district of lesser intensity
Comp Plan	Commercial Hillsdale Watershed
Acreeage	Approximately 20 Acres +/-
Parcel No.	083-08-0-00-00-013.00-0

Background

January 18, 1980: Certificate of Survey recorded with the Register of Deeds, at Book E of Surveys, Page 444, which describes a 20-acre tract (subject property).

- May 23, 1980:** Deed recorded with the Register of Deeds, at Book 277, Page 452, which conveyed 20 acres to Rural Water District No. 2, Miami County, Kansas.
- 1987:** Appraisal records show the construction of an office building and several support areas and site improvements related to RWD#2.
- September 5, 1991:** Resolution No. 09051-01 was approved, adopting Countywide zoning, with a zoning map recognizing existing uses. The legal description identifier #Z-36 was assigned to the above referenced 20-acre tract, and the property was zoned Office (C-O) to recognize the existing office and Water Treatment Plant (WTP) on the Rural Water District No. 2 property.
- March 28, 1998:** The Miami County, Kansas Zoning Regulations were amended, and several zoning districts were renamed and/or combined to reduce the districts to a total of seven. The C-O district was deleted but it was never clarified what zoning district this was supposed to be included with.
- July 1, 2001:** The Miami County, Kansas Zoning Regulations were revised. Article 3, Section 3-4.01 notes that some zoning districts were rezoned in 2008 and assimilated into some of the current zoning districts. However, not all obsolete zoning districts were rezoned (i.e. C-O) and a policy was established that these districts would continue to be regulated under the provisions of the latest Miami County, Kansas Zoning Regulations in which they are identified, rather than treating them as nonconformities.
- August 5, 2002:** Installation Permit #02101 was issued to repair the wastewater system located on the subject property.
- June 24, 2003:** Building Permit #03180-COM was issued for the construction of a shop, office, and equipment storage warehouse. On this same date, Installation Permit #03081 was issued for a holding tank.
- May 22, 2009:** Permit #09078-REM was issued for remodeling of the existing building to enclose one bay.
- February 23, 2010:** Permit #10018-ELE was issued to add generators to the water treatment plant and intake structure.
- January 15, 2013:** Permit #13006-REP was issued to replace three HVAC units.
- January 4, 2018:** Permit #18004-REM was issued for an interior remodel of the existing office space, lab, and restrooms.

December 2, 2020: Resolution No. R20-12-001 was approved, thereby authorizing the construction of a 250-foot (250') tall emergency communications tower for Miami County on the subject property.

Proposal

At staff's recommendation, the Applicants are requesting to rezone the subject property from Office (C-O) to Commercial (C-2). The subject property was initially zoned Office (C-O) upon the adoption of Countywide zoning in 1991 to recognize the existing use of the property as the Rural Water District No. 2 WTP and offices. The property has retained the C-O zoning designation even though this zoning district was eliminated in 1998 with amendments to the Zoning Regulations at that time. In 2001, language was included in the Zoning Regulations, which recognized that several zoning districts were obsolete and properties with those zoning designations would continue to be regulated under the latest version of the Zoning Regulations that included those districts.

When RWD No. 2 applied for a CUP to expand the WTP facilities, staff asked that the District also apply to rezone the property so the correct zoning designation could be assigned to the property. It should be noted that the Countryside (CS) zoning district, Low Intensity Commercial (C-1), and the Commercial (C-2) zoning districts all require approval of a CUP for operation of a water treatment facility.

Staff believes the C-1 district would recognize the existing zoning entitlement of Office (C-O), allow for the continued use of the WTP, and would be less intense, and therefore more compatible with the abutting residential, agricultural, and park uses than the proposed Commercial (C-2) zoning district would be.

Section 22-6.06 of the Miami County Zoning Regulations provides a Table of Lesser Change for use by the Planning Commission in determining when re-publication of an application for rezoning is required. The Table designates which zoning classifications are lesser changes authorized within the published zoning classification, and lists zoning classifications in descending order from the least intense to the most intense zoning district. The Planning Commission can modify, at its discretion, an application for rezoning to a district of lesser intensity, as determined by the Table of Lesser Change. The Table is copied below for reference.

AG		Agricultural District
CS		Countryside District
R-1		Rural Residential District
PD		Planned Development District
BP		Business Park District
C-1		Low Intensity Commercial District
C-2		Commercial District
I-1		Light Industrial District
I-2		Heavy Industrial District

Uses allowed by right in the C-1 and C-2 districts are listed below.

Low Intensity Commercial (C-1)

The purpose of the district is to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods.

1. Shops and stores for selling at retail, including, but not limited to, the selling of foods, including retail bakeries or pastry shops and non-alcoholic beverages for human consumption, soft goods such as clothing and shoes, drugs and cosmetics, furniture and appliances, printed materials, notions, hardware and paint, kitchenware, toys and sporting goods, jewelry, gifts and novelties, flowers, tobacco products, photographic equipment, antiques, artist and hobby supplies, music supplies, medical supplies, bicycles, and video tape rentals.
2. Services, including, but not limited to, those uses such as barber and beauty shops, optical shops, seamstress and tailoring shops, dry cleaning operations, eating establishments, interior decorator shops, photography studios and film processing shops, shoe repair shops, clinics, and small appliance repair shops.
3. Savings and loan institutions, credit union offices, and banks, all with or without drive-through facilities.
4. Fire stations.
5. Veterinary and small animal hospitals.
6. Engineering, accounting, research, management, and related services.
7. Business, professional, or medical offices.
8. Community centers, public libraries and museums.
9. Public parks and playgrounds.
10. Amateur station antenna structures for use by amateur radio operators, which do not exceed 40 meters (131.234 feet) in height and if it should fall or collapse it will be contained within the confines of the property on which it is installed.

11. Commercial and Non-commercial wind energy conversion systems (WECS). The system shall not exceed 150 feet in total height and all of the minimum development standards in Section 14-2 of these regulations must be met.
12. Radio towers, television towers, cellular communication towers, and microwave transmitting and/or receiving towers and appurtenant facilities.....
13. Public facilities.
14. Accessory uses customarily incidental to the normal operation of the above uses, including parking lots and signs, as provided for in these Regulations.

Commercial (C-2)

The purpose of this district is to provide sufficient space in appropriate locations for all types of businesses, commercial, and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists or is planned to exist, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials, or the nuisance factors of dust, odor, or noise associated with manufacturing.

1. Any use permitted in the Low Intensity Commercial District (C-1) or the Business Park District (BP).
2. Stores for the retail sale of, including but not limited to, department store merchandise, new and used automobiles and trucks, automobile supplies, motorcycles, gasoline service stations, petroleum products (bulk plants not permitted), convenience stores with or without gasoline and/or cereal malt beverage sales, and food delivery outlets.
3. Services, including but not limited to those uses such as private clubs, liquor stores, and any retail establishment selling alcoholic beverages, automobile repair in connection with new auto sales or as an auxiliary use to a service station, dry cleaning and laundries, appliance and small equipment repair, radio and television broadcasting studios, public or private entertainment and recreation, charity and welfare services, and schools, including vocational and trade schools.
4. Shops and stores for the sale at retail or wholesale, and the rental of items, including, but not limited to, automotive equipment, trucks, trailers, boats, camping accessories, tools, farm machinery and supplies, building supplies, and lawn accessories.
5. Services, including but not limited to those uses such as automobile repair and washing, farm machinery repair, general repair and fix-it shops, frozen foods (including lockers), swimming pools, and motels and hotels.
6. Manufacture or assembly of products to be sold only at retail on the premises or in conjunction with a retail use.
7. Funeral homes and mortuaries.
8. Greenhouses, nurseries and/or hydroponic farms, operated as a retail business where products not raised, grown, or otherwise produced on the premises are sold.
9. Auction facilities.
10. Bed and Breakfast facilities, provided the minimum standards listed in Section 14-2 are met.
11. Preschool nurseries, day-care centers or day-care homes, provided the minimum standards listed in Section 14-2 are met.

12. Churches and parish halls, temples, convents and monasteries.
13. Adult entertainment businesses, subject to full compliance with the Miami County Adult Entertainment Code.
14. Radio towers, television towers, cellular communication towers, and microwave transmitting and/or receiving towers and appurtenant facilities....
15. Commercial and non-commercial wind energy conversion systems (WECS). The system shall not exceed 150 feet in total height and all of the minimum development standards in Section 14-2 of these regulations must be met.
16. Accessory uses customarily incidental to the normal operation of the above uses, including parking lots and signs, as provided for in these Regulations.

Surrounding Zoning and Uses

The subject property is currently zoned Office District (C-O). Most of the surrounding properties are zoned Countryside (CS), except for land to the south, which is zoned Agricultural (AG), and the Commercial (C-2) zoning at the corner of 255th Street and Harmony Road. Surrounding uses include mostly rural residential and agricultural uses, the communications tower, stables, a commercial store, and Hillsdale Lake, Park and USACE property associated with Hillsdale Lake.

Legal Notice

Notice was mailed to 22 property owners located within 1,000 feet of the proposal. In addition, legal notice was published in the official County newspaper and a sign was posted in front of the property facing Harmony Road, and along 253rd Street. At the time of this writing, the Planning Department has not received any comments from the public. Department and agency comments are attached for your review.

Discussion

The Planning Commission needs to consider all comments at the public hearing, and then consider, but not limit its consideration, to the following *Golden Criteria* when making Findings to approve or deny the requested Rezoning.

1. Character of the neighborhood.

The surrounding area comprises the existing RWD #2 water treatment facilities, the emergency communications tower that is currently under construction, the USACE property/park associated with Hillsdale Lake, commercial property at the corner of 255th Street and Harmony Road, S&S Stables on Orleans Road, and a mixture of small and large rural residential properties and agricultural uses.

2. The zoning and uses of property nearby.

The subject property is currently zoned C-O (Office). Most of the surrounding properties are zoned Countryside except for land to the south which is zoned Agricultural, and the Commercial zoning at the corner of 255th and Harmony Rd. Surrounding uses include mostly rural residential and agricultural uses, the communications tower, stables, a commercial store, and Hillsdale Lake, Park and Corps property associated with Hillsdale Lake.

3. The suitability of the subject property to its present use.

The subject property has been owned and occupied as a WTP since 1980 and is therefore suitable to its present use.

4. The extent to which removal of the present zoning will detrimentally affect nearby property.

The present zoning is Office (C-O), an obsolete zoning district. Although the use of the property will not change, staff is recommending that the property be rezoned to a more analogous zoning district for the use of the existing office and WTP. The Low Intensity Commercial (C-1), and Commercial (C-2) zoning districts both require approval of a CUP for the water treatment facility expansion, which is discussed in a separate report.

5. The length of time the subject property has remained vacant.

N/A. The property was developed with the existing WTP.

6. The relative gain to the public health, safety, and welfare by the destruction of the value of the nearby property as compared to the hardship imposed upon the individual landowner.

The WTP has been operating at this location since the 1980's. There is a need to increase capacity to meet current and future growth in the region; to meet new EPA and State regulations; and to improve operations and efficiencies within the WTP and system. There is no indication of any detrimental impacts on nearby property values or real estate sales due to the existing use of the property as a WTP. Expansion of this facility is addressed in the report for the associated CUP application. A significant hardship would be imposed upon RWD #2 if it is denied the ability to expand/modify its existing operations, as there would be production delays, etc. while the District locates and purchases new real estate in proximity to Hillsdale Lake; obtains new easements and proper zoning entitlement; and constructs new facilities. These production delays could be potentially detrimental to public health, safety, and welfare.

7. Whether the proposed rezoning would be consistent with the intent and purpose of the Zoning Regulations.

Staff believes the Rezoning is consistent with the intent and purpose of the Zoning Regulations, recognizes the existing uses on the property, and honors the existing zoning entitlement previously gained by the property owners. In staff's opinion, this Rezoning corrects an oversight in the previous amendments to the Zoning Regulations.

8. The recommendations of the County's permanent or professional staff.

The existing Office (C-O) zoning was established upon Countywide zoning in 1991 and has since become an obsolete zoning district. Staff is recommending rezoning to either C-1 or C-2 to place the property in a more analogous zoning district in the current regulations, which should have been addressed in 1998.

9. The conformance of the requested zoning change to the adopted Miami County Comprehensive Plan.

The surrounding area is identified as Park and Rural Residential. It is also located near the Hillsdale Lake reservoir, which is recognized in the Plan as being a public water source. Although this property is not located in an identified Area of Regional Significance, the WTP does have a regional impact, as it supplies potable water to a large portion of Miami County and a portion of Johnson County. The Plan discusses the need to plan for increased growth pressures from the north, the lack of water supply for fire protection, and the Hillsdale Lake's purpose as a water supply source. It also discusses the need to protect Hillsdale Lake from pollutants and sediments. A Stormwater Pollution and Prevention Plan (SWPPP) will be obtained using Best Management Practices (BMP's) in compliance with the Clean Water Act. In addition, a Stormwater Plan has been reviewed and approved to ensure that there will be no net increase in run-off and that water quality will be preserved.

Based upon these discussions, staff believes the proposed Rezoning, conforms to the vision, goals and objectives of the Comprehensive Plan.

10. Such additional matters as may apply in individual circumstances.

Performance standards of the district will need to be followed.

Recommendation

It is staff's recommendation that the Planning Commission recommend approval of the Rezoning from Office (C-O) (an obsolete zoning district) to Low Intensity Commercial (C-1), based on the Findings listed herein.

Findings for Approval

1. The proposed Rezoning conforms to the Goals and Objectives of the Comprehensive Plan, which recognizes this property as Commercial.
2. The proposed Rezoning to Low Intensity Commercial (C-1) recognizes the previous zoning entitlement of Office (C-O); corrects the obsolete zoning district of Office (C-O) for this property; and provides the most analogous zoning district that is the least impactful to the surrounding residential, agricultural and park uses.

Attachments: Department & Agency Comments
Location Map, with Zoning Highlighted

From: JR McMahon <JMcMahon@miamicountyks.org>
Sent: Tuesday, January 12, 2021 3:14 PM
To: Angie Baumann <abaumann@miamicountyks.org>
Cc: Jeff McGuire <jmcguire@miamicountyks.org>
Subject: RE: Notification of Hearing & Request for Comments (2 Applications): 20004-Z - Rezone from C-O to C-2 & 20005-CUP - RWD No. 2 Water Treatment Facility Expansion

Angie,

The Road and Bridge Department has the following comment(s):

- The new entrance location on Harmony Road meets sight and spacing requirements
- The entrance, due to the C-2 Zoning, will require a paved surface from the edge of the pavement to the ROW line.

If you need anything else on this, please contact me

JR

From: jfrancis@jcfd2.org <jfrancis@jcfd2.org>
Sent: Friday, January 15, 2021 10:32 AM
To: Angie Baumann <abaumann@miamicountyks.org>
Cc: jfrancis@jcfd2.org
Subject: RE: Notification of Hearing & Request for Comments (2 Applications): 20004-Z - Rezone from C-O to C-2 & 20005-CUP - RWD No. 2 Water Treatment Facility Expansion

Angie,

Here are the comments from the Fire District related to this proposed development.

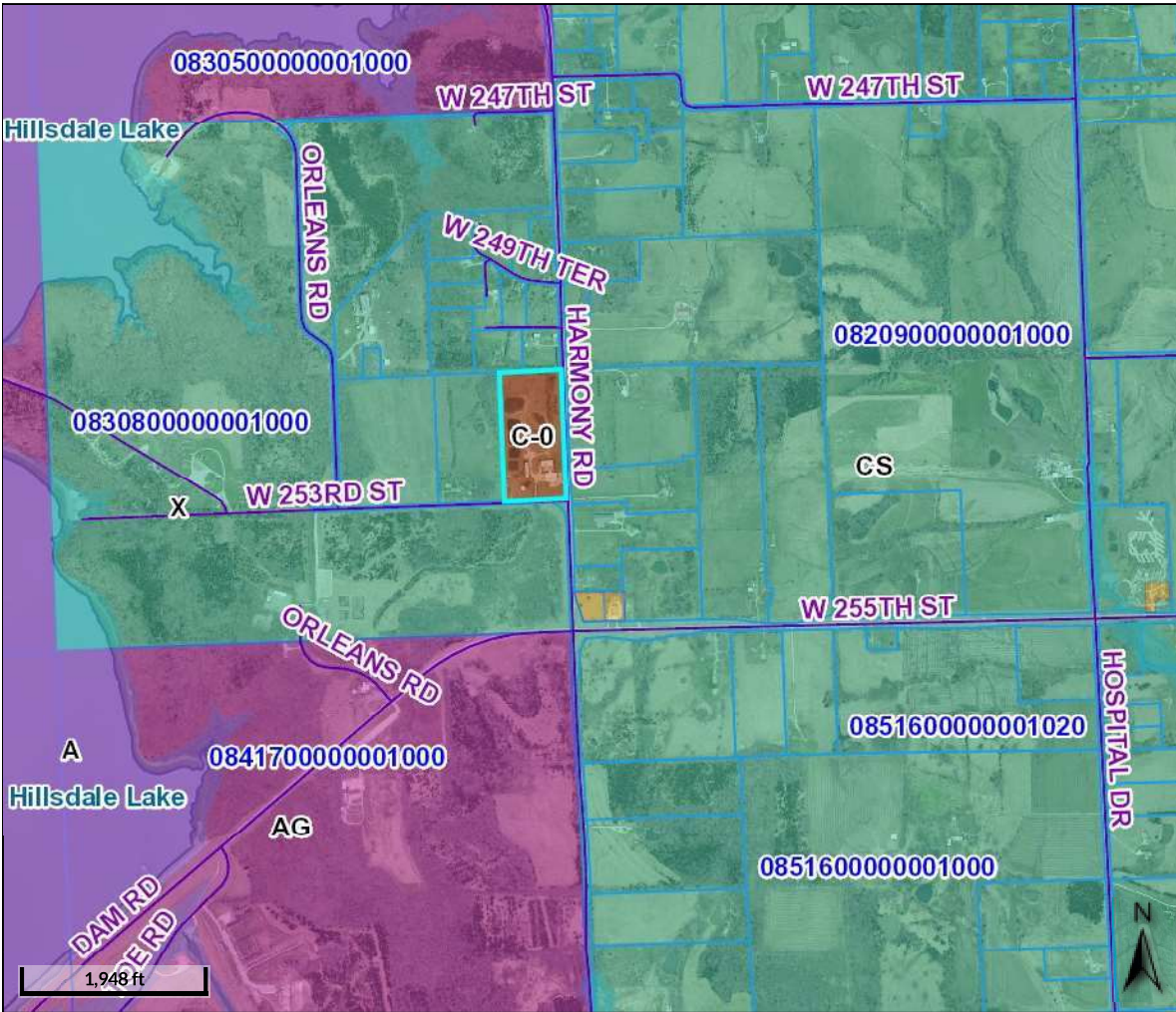
Thanks, Jim

From: Shane Krull <SKrull@miamicountyks.org>
Sent: Tuesday, January 12, 2021 7:38 AM
To: Angie Baumann <abaumann@miamicountyks.org>
Subject: RE: Notification of Hearing & Request for Comments (2 Applications): 20004-Z - Rezone from C-O to C-2 & 20005-CUP - RWD No. 2 Water Treatment Facility Expansion

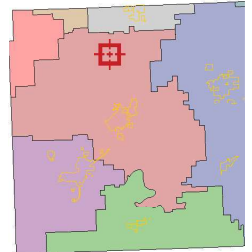
Angie:

I do not have any specific comments regarding the rezoning request. I am supportive of the RWD No. 2's ability to obtain the necessary zoning entitlement to allow for the water plant expansion.






















Thanks,
Shane



Overview



Legend

-  City Limits
-  Centerlines
-  Parcels
-  Lakes
- Flood Zones**
-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE
- Zoning**
-  AG
-  BP
-  C-0
-  C-1
-  C-2
-  CITY
-  CS
-  I-1
-  I-2
-  PD
-  PRD
-  R-1
-  R-1A
-  R-3

Parcel ID= 0830800000013000

Acres= 18.931314059999998

Date created: 2/26/2021

Last Data Uploaded: 2/26/2021 7:19:37 AM

Developed by  Schneider
GEOSPATIAL

MIAMI COUNTY PLANNING DEPARTMENT

**PUBLIC HEARING – Rural Water District No. 2
Water Treatment Plant Expansion**

DATE: March 3, 2021

TO: Miami County Planning Commission

FROM: Teresa Reeves, Director

RE: **Public Hearing 20005-CUP: Rural Water District No. 2, Miami County – Water Treatment Facility Expansion**
Consideration of an application for a Conditional Use Permit for a 4-phase expansion of the water treatment facility operated by Rural Water District No. 2, Miami County, per Section 8-2.02.16 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 20 acres, which is addressed as 25290 Harmony Rd, Paola, KS, is located in the SE ¼ of Section 8, Twp. 16, Range 23, Marysville Twp. Submitted by Midwest Engineering Group, LLC on behalf of Rural Water District No. 2, Miami County, the property owner of record. This Application is submitted in conjunction with the request to rezone (#20004-Z) approximately 20 acres from C-O (Obsolete Zoning District) to C-2 (Commercial).

Property Owners Rural Water District No. 2

Applicant Jerry Bennett, General Manager, RWD #2

Current Zoning Office District (C-O) (Obsolete Zoning District)
Z-36 (Office)

Comp Plan Commercial
Hillsdale Watershed

Acreage Approximately 20 acres

Parcel No. 083-08-0-00-00-013.00-0

Background

January 18, 1980: Certificate of Survey recorded with the Register of Deeds at Book E of Surveys, Page 444, which describes a 20-acre tract (subject property).

- May 23, 1980:** Deed recorded with the Register of Deeds at Book 277, Page 452, which conveyed 20 acres to Rural Water District No. 2, Miami County, Kansas.
- 1987:** Appraisal records show the construction of an office building and several support areas and site improvements related to RWD #2.
- September 5, 1991:** Resolution No. 09051-01 was approved, adopting Countywide zoning, with a zoning map recognizing existing uses. The legal description identifier #Z-36 was assigned to the above referenced 20-acre tract, and the property was zoned Office (C-O) to recognize the existing office and Water Treatment Plant on the Rural Water District No. 2 property.
- March 28, 1998:** The Miami County, Kansas Zoning Regulations were amended, and several zoning districts were renamed and/or combined to reduce the districts to a total of seven. The C-O district was deleted but it was never clarified what zoning district this was supposed to be included with.
- July 1, 2001:** The Miami County, Kansas Zoning Regulations were revised. Article 3, Section 3-4.01 notes that some zoning districts were rezoned in 2008 and assimilated into some of the current zoning districts. However, not all obsolete zoning districts were rezoned (i.e. C-O) and a policy was established that these districts would continue to be regulated under the provisions of the latest Miami County, Kansas Zoning Regulations in which they are identified, rather than treating them as nonconformities.
- August 5, 2002:** Installation Permit #02101 was issued to repair the wastewater system located on the subject property.
- June 24, 2003:** Building Permit #03180-COM was issued for the construction of a shop, office, and equipment storage warehouse. On this same date, Installation Permit #03081 was issued for a holding tank.
- May 22, 2009:** Permit #09078-REM was issued for remodeling of the existing building to enclose one bay.
- February 23, 2010:** Permit #10018-ELE was issued to add generators to the water treatment plant and intake structure.
- January 15, 2013:** Permit #13006-REP was issued to replace three HVAC units.
- January 4, 2018:** Permit #18004-REM was issued for an interior remodel of the existing office space, lab, and restrooms.

December 2, 2020: Resolution No. R20-12-001 was approved, thereby authorizing the construction of a 250-foot (250') tall emergency communications tower for Miami County on the subject property.

Proposal

This conditional use permit (CUP) application is a request to expand/modify the existing Rural Water District No. 2 Water Treatment Plant (WTP), located at 25290 Harmony Road. Please note that the Applicant, under the advisement of staff, is also applying to rezone the property to Commercial (C-2) to correct the issue of the property being in an obsolete zoning district. In either district, a Conditional Use Permit is necessary for a water treatment facility.

The proposed expansion is intended to increase the capacity of the existing water treatment facility from 6 MGD to 12 MGD, which aligns with the District's strategic growth plan to meet current and future growth, new EPA and State regulations, improve the plant/system operations and efficiencies, and provide reasonably priced potable water to the region. The expansion and improvements are proposed in three phases, as described in the Applicant's Narrative, which is attached to this report:

Phase 1 - Ground work prep for all three phases; install process piping, pre-sedimentation basin #1, process waste piping and a discharging lagoon system, which will replace the existing lagoon system, and excavation associated with environmental impacts while allowing the uninterrupted operation of the existing WTP. Phase 1 design and construction will begin immediately upon permits being issued. The WTP will continue its current production, operations and activities for this phase.

Phase 2 - Installation of an underground concrete clearwell complex, including installation of a chlorine contact basin with disinfection systems, two clearwells, wet well, backwash pump, high service pumps (HSP), and associated piping, totaling over 3M gallons of onsite storage. Phase 2 will also include a new duplex 200 gpm supernatant return pump system. There will be two buildings—one to house the disinfection process equipment, and the other for the high service pump equipment. The existing above-grade ground storage tank and HSP's will be removed. Phase 2 design and construction will begin immediately after permitting. The WTP will continue its current production, operations and activities for this phase.

Phase 3 - New chemical feed building, splitter box, rapid mix basin, pre-sedimentation basin #2, and treatment building #2. Treatment building #2 is identical and parallel to the existing 6 MGD water treatment processes housed in the existing treatment building #1. It may be two to five years before permitting and construction are considered for Phase 3 design and construction. The WTP will increase its current production for this phase from 6 MGD to 12 MGD to meet growth in the region.

Future Phase - This will be part of a future study and construction project to expand the capacity of the raw water intake and treatment facility. The treatment site has been arranged to allow for future WTP expansion in like kind, up to 18 MGD within the existing site, at which time distribution improvements will need to be addressed.

Utilities: Some relocations of existing components and installation of additional components will be needed. Supply lines will be relocated along with other on-site utilities. A single additional entrance will be added to the east entrance off Harmony Road.

Impacts to Surrounding Properties: The soil and drainage area within the subject property will be altered from its current state, as seen on construction drawings. An unnamed tributary will be directed through an RCP culvert on the northwestern portion of the property, which will affect stream travel through the Edwards and O'Malley properties. Trees will need to be removed as part of this piping construction, which may alter views for properties on the north and west boundaries. The Stormwater Plan submitted December 21, 2020 was reviewed and approved by Jim Ferguson, PE, MBA, who is contracted with IBTS. Easements and agreements with Edwards and O'Malley have been obtained by RWD #2 and recorded. Property owners have been contacted and are in favor of the project.

Discussion

The Planning Commission needs to consider all comments at the public hearing, and then consider, but not limit its consideration to the following *Golden Criteria* in making Findings to recommend approval or denial of the request:

1. Character of the neighborhood.

The surrounding area comprises the existing RWD #2 water treatment facilities, the emergency communications tower that is currently under construction, the USACE property/park associated with Hillsdale Lake, commercial property at the corner of 255th Street and Harmony Road, S&S Stables on Orleans Road, and a mixture of small and large rural residential properties and agricultural uses.

2. The zoning and uses of property nearby.

The subject property is currently zoned Office District (C-O). Most of the surrounding properties are zoned Countryside (CS), except for land to the south, which is zoned Agricultural (AG), and the Commercial (C-2) zoning at the corner of 255th Street and Harmony Road. Surrounding uses include mostly rural residential and agricultural uses, the communications tower, stables, a commercial store, and Hillsdale Lake, Park and USACE property associated with Hillsdale Lake.

3. The suitability of the subject property to its present use.

The subject property has been owned and occupied as a WTP since 1980 and is therefore suitable to its present use.

4. The extent to which removal of the present zoning will detrimentally affect nearby property.

The present zoning is Office (C-O), an obsolete zoning district. Although the use of the property will not change, staff is recommending that the property be rezoned to a

more analogous zoning district for the use of the existing office and WTP. The CS, Low Intensity Commercial (C-1), and C-2 zoning districts all require approval of a CUP for the WTP expansion. The existing use is being modified and increased in intensity. With appropriate conditions, there should be no detrimental effect to nearby properties. The zoning of the property is discussed separately in the staff report for the associated Rezoning (#20004-Z).

5. The length of time the subject property has remained vacant.

N/A. The property was developed with the existing WTP.

6. The relative gain to the public health, safety, and welfare by the destruction of the value of the nearby property as compared to the hardship imposed upon the individual landowner.

Water treatment facilities are necessary to provide safe, potable water for human consumption. The WTP has been operating at this location since 1980. There is a need to increase capacity to meet current and future growth in the region; to meet new EPA and State regulations; and to improve operations and efficiencies within the WTP and system. There is no indication of any detrimental impacts on nearby property values or real estate sales due to the existing use of the property as a WTP. A significant hardship would be imposed upon RWD #2 if it is denied the ability to expand/modify its existing operations, as there would be production delays, etc. while the District locates and purchases new real estate in proximity to Hillsdale Lake; obtains new easements and proper zoning entitlement; and constructs new facilities. These production delays could be potentially detrimental to public health, safety, and welfare.

7. Whether the proposed conditional use permit would be consistent with the intent and purpose of the Zoning Regulations.

The Zoning Regulations require approval of a CUP for public utility facilities. The intent of the Regulations is to allow certain uses if they are found to be compatible with the residential/agricultural uses of the district, and, if negative impacts can be mitigated. The WTP has existed at this location since the 1980's. With proper conditions, staff believes any negative impacts will be sufficiently mitigated.

8. The recommendations of the County's permanent or professional staff.

After weighing the merits of the request and its implications to the surrounding property owners, staff recommends approval of the request, based upon the Findings, and subject to the Conditions listed at the end of this report.

9. The conformance of the requested conditional use permit to the adopted Miami County Comprehensive Plan.

The Comprehensive Plan designates this site as Commercial, which, essentially recognizes the existing commercial use of this property and identifies it as being within the Hillsdale Lake Watershed. The surrounding area is identified as Park and Rural Residential. It is also located near the Hillsdale Lake reservoir, which is recognized in the Plan as being a public water source. Although this property is not located in an identified Area of Regional Significance, the WTP does have a regional impact, as it supplies potable water to a large portion of Miami County and a portion of Johnson County. The Plan discusses the need to plan for increased growth pressures from the north, the lack of water supply for fire protection, and the Hillsdale Lake's purpose as a water supply source. It also discusses the need to protect Hillsdale Lake from pollutants and sediments. A Stormwater Pollution and Prevention Plan (SWPPP) will be required using Best Management Practices (BMP's) in compliance with the Clean Water Act. The Stormwater Plan submitted December 21, 2020 was reviewed and approved by an independent engineer, who is contracted by IBTS. Based upon these discussions, staff believes the proposed expansion, as conditioned, conforms to the vision, goals and objectives of the Comprehensive Plan.

10. Such additional matters as may apply in individual circumstances.

The Applicant's Narrative notes that an unnamed tributary will be directed through an RCP culvert on the northwestern portion of the property, affecting stream travel through the Edwards and O'Malley properties; and, that the expansion will require the removal of existing trees for the piping construction, which may affect the views of properties to the north and west.

Screening

The WTP structures, parking areas, and lagoons shall be screened by use of landscaping, berms, or fencing from abutting properties and the street. Responses from Daniel Coltrane, of Midwest Engineering Group, LLC, indicate that landscaping will not be incorporated until Phase 3 of the project; and, that KDHE will not allow trees to be planted in the vicinity of the lagoons. In Phases 1-3 all equipment will be stored in structures, etc. for security and aesthetics.

Stormwater

Erosion control is addressed on Sheet C-SW-111. A SWPPP will be obtained before any dirt work or construction begins in order to reduce the amount of pollutants in stormwater discharges associated with the industrial activities at the WTP by utilizing BMP's. A Stormwater Plan has been reviewed and approved by an independent engineer, Jim Ferguson, PE, who is contracted with IBTS.

Easements and agreements with neighboring property owners located where the unnamed tributary will be realigned have been recorded. Mr. Coltrane has reported that the neighbors have been contacted and are in favor of the project. Natural vegetation and trees should be replaced to reduce water impacts and improve water quality.

Conclusion

The use for a WTP is already established and an expansion is needed to meet water demands in both Miami and Johnson Counties. The location of such a use demands proximity to Hillsdale Lake, which is its source of water. Approval of the CUP for expansion of the existing WTP is reasonable so long as negative impacts can be mitigated.

Staff Recommendation

Staff recommends that the Planning Commission recommend **approval** of the request based upon the Findings and subject to the following Conditions:

Findings

1. The Comprehensive Plan recognizes the need for increased water demands and recognizes Hillsdale Lake as a water resource.
2. The WTP has existed at this location since circa 1987, and it is reasonable to expect the site to expand as growth and water demands increase.
3. Based on recent real estate sales, there is no evidence to suggest that the proposed expansion to the existing WTP will detrimentally affect nearby properties or property values.

Conditions

1. Except as amended by these Conditions, the property shall be developed according to the site plan, attached hereto as **Exhibit "A"**.
2. Except as amended by these Conditions, the property shall be developed according to the Applicant's Narrative, attached hereto as **Exhibit "B"**.
3. The term of this CUP shall be for an indefinite period or until the use ceases for a period of 365 continuous days.
4. Screening of the buildings and parking areas shall be provided and maintained, where not in conflict with KDHE regulations.
5. All lighting shall be of shoebox design and directed downward to eliminate offsite glare.

Attachments:

Exhibit "A" (Site Plan)

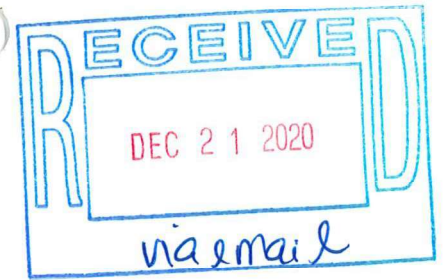
Exhibit "B" – Pages 1 & 2 (Narrative Report)

Comments by Jim Ferguson, P.E. (regarding Stormwater Plan)

Exhibit "B" – Pages 3 & 4 (Responses from Daniel Coltrane)

Department & Agency Comments

Vicinity Map



Conditional Use Permit Narrative

I. General Description of Proposed Use:

Miami Co. Rural Water District No. 2 is working to increase the capacity of the existing water treatment facility from 6 million gallons/day (MGD) existing to 12MGD. This project directly correlates with the district's strategic growth plan to meet current and future growth in the region. This project is being driven by the Board's proactive thinking to meet the needs of increased growth, new epa and state regulations, and improve operation and efficiencies within the plant and system. To reach the District's goals to provide potable water to the region at a reasonable cost, They have teamed with Midwest Engineering Group to develop a 3 phased design-bid-build construction approach. The following is a brief description of each phase:

A. Phase 1- This phase consists of balancing the earth work for all phases and completing site work for all phases; then installing process piping, pre-sedimentation basin #1, process waste piping and a duplex discharging lagoon system. This work will allow the district to replace its existing lagoon system. Doing all the excavation associated environmental impacts while allowing the district to continue uninterrupted operation of the existing plant. Phase 1 design and construction will begin immediately after permitting review. The plant will continue its current production, operations and activities for this phase.

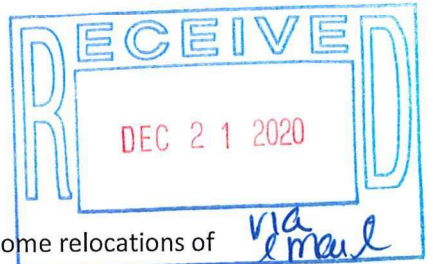
B. Phase 2- This phase consists of the installation of an underground concrete clearwell complex which includes installation of chlorine contact basin with disinfection systems, two clearwells, wet well, backwash pump, high service pumps (HSP), and associated piping; totaling over 3 million gallons of on-site storage. Phase 2 will also include a new duplex 200gpm supernatant return pump system. There will be two buildings included within this phase, one to house the disinfection process equipment and another for the high service pump equipment. The existing above-grade ground storage tank and HSP's will be removed during phase 2. Phase 2 design and construction will begin immediately after permitting review. The plant will continue its current production, operations and activities for this phase.

C. Phase 3- This phase consists of a new chemical feed building, splitter box, rapid mix basin, pre-sedimentation basin #2 and treatment building #2. Treatment building #2 is identical and parallel to the existing 6MGD water treatment processes housed in existing treatment building #1. This expansion will allow the district to expand their production from 6MGD to 12MGD. Phase 3 design and construction may be 2 to 5 years before permitting and construction are considered. The plant will increase its current production, operations and activities for this phase to meet growth in the region from 6MGD to a maximum of 12 MGD.

D. Future Phase- This phase will be part of a future study and construction project to expand the capacity of the raw water intake and treatment facility. The treatment site has been arranged to allow for future WTP expansions in like kind, up to 18MGD within the existing site. Distribution improvements will also have to be addressed at that time. The plant will increase its current production, operations and activities for this phase to meet growth in the region from 12MGD to a maximum of 18 MGD.

EXHIBIT B

PAGE 1 OF 4 PAGE(S)



II. Utilities and Infrastructure:

The Water Treatment Facility will undergo a phased expansion and will include some relocations of existing components and installation of additional components as required. Supply lines will be relocated along with other on-site utilities. A single additional entrance will be added to the east entrance off Harmony rd.

III. Impacts to Surrounding Properties:

The soil and drainage area within the property will be altered from its current state as seen on construction drawings. An unnamed tributary will be ran through RCP culvert on the northwestern portions of the property affecting stream travel through Edwards and O'Malley Properties. Trees will need to be removed as part of this piping construction which may alter views for properties on the north and west boundaries.

IV. Other:

N/A

EXHIBIT B

PAGE 2 OF 4 PAGE(S)

Kenneth A. Cook

From: Curt Skoog <CSkoog@ibts.org>
Sent: *Rec'd* Tuesday, February 23, 2021 11:37 AM
To: Kenneth A. Cook
Subject: FW: FW: Miami County RWD#2 Improvements - CUP submittal
Attachments: Narrative.pdf

****This email originated from outside of County of Miami****

Kenneth,

Below are my engineers comments.

Let me know if you have any questions.

Curt



Curt Skoog | Branch Manager

Institute for Building Technology and Safety

C: 816-679-0608

600 Broadway, Suite 200, Kansas City, MO 64105

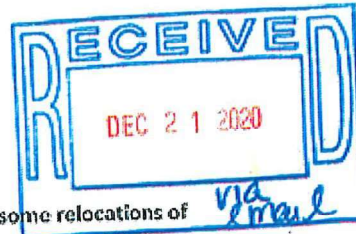
www.ibts.org

From: Jim Ferguson <jim.ferguson@cegassessments.com>
Sent: Tuesday, February 23, 2021 11:00 AM
To: Curt Skoog <CSkoog@ibts.org>
Subject: Re: FW: Miami County RWD#2 Improvements - CUP submittal

I see nothing based on the previous proposal to the current proposals that will significantly impact the stormwater runoff.

Comments:

1. The crossing under Harmony needs to be coordinated with the responsible jurisdiction,
2. It needs to be clearly defined who is responsible for the "highlighted" clearing of trees excerpt below.
3. The plans have Erosion Control covered with Sheets 24-26 with Details in Pages 48-49.



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IV. Other:
N/A

Not particularly Stormwater impact related, yet in terms of the RCP enclosed system, I would be remiss if I did not mention that any work on the drainage in the northwest portion that impacts the "Edwards and O'Malleys" property may require some sort of discussion/agreements with the county and the property owners. If work with this project is taking place off location of the actual RWD#2 site, I would do that prior to approvals if not already done. The engineer states "stream travel" and "views" will be affected. This is not any requirement of my review, yet you should be aware the provided "Narrative" from 12/21/2020 references it.

Gratefully,
Jim

Jim Ferguson, PE, MBA



Jim.Ferguson@CEGassessments.com
225-535-0003
CEGassessments.com

Coastal Ecology Group, LLC dba CEG Assessments

On Thu, Feb 18, 2021 at 8:44 AM Curt Skoog <CSkoog@ibts.org> wrote:

Miami County is preparing for their March 3rd Planning Commission meeting.

Please review the updated plan below and provide any additional comments.

From: Daniel Coltrane
Sent: Thursday, February 25, 2021 6:10 PM
To: Teresa Reeves <TReeves@miamicountyks.org>
Cc: Dustin Berry
Subject: FW: review comments - RW2 expansion

Teresa,

Thanks for the comments/questions, we have added our responses below in red and the attachments above should be in the same order. Please let us know if you need additional information. We would be happy to organize a teams meeting if it would be helpful. I also included some .jpg's of our 3D rendering to help with the conceptual views.

I have a question, will this CUP work for all three phases of the project? All the projects will be back to back with minimal time in between.

Thanks, Danny

From: Teresa Reeves <TReeves@miamicountyks.org>
Sent: Wednesday, February 24, 2021 5:29 PM
To: Daniel Coltrane
Subject: review comments - RW2 expansion

Mr. Coltrane,

Listed below are staff comments / questions pertaining to the RW2 WTP expansion.

- 1) Please provide a site plan with the following information:
 - a. Show all property dimensions.
Please see attached sheet "C-SW-100 Existing Site Survey Plan" for property dimensions.
 - b. Have easements been established with abutting property owners to northwest for the proposed offsite piping to realign the unnamed tributary? Are the neighbors aware of the proposed modifications and possible impacts?
Please see attached 2 recorded easements (Edwards & O'Malley). Property owners have been contacted and are in favor of project.
 - c. RW2 will need to obtain a commercial entrance for the proposed entrance on Harmony Rd.
Please see attached "Entrance permit letter". Jeff McGuire has reviewed and approved our entrance.
 - d. Please show the distance of the new entrance to the nearest property line and show the width of the entrance and access aisles.
Please see sheet "C-SW-115-Roadway P&P 1" for entrance location and geometry.
 - e. Landscaping, screening, replacement of trees will be required. Please provide a landscaping schedule of all landscaping including grass, ground cover, trees, and shrubs, fencing, and screening that will be provided.
Please see C-SW-111 for Phase 1 seeding schedule. Landscaping will not be incorporated until Phase 3 of this project. KDHE will not allow trees to be planted in the vicinity of the lagoons. In Phases 1,2,3 all equipment will be in structures walls and attached roofs for security and aesthetics.

- f. Need to show the location and type of any outdoor lighting that will be installed. All lighting needs to be full cut-off, shoebox design with light directed downward to avoid offsite glare. **Please see attached sheet "E-PS-102, E-PW-101 & E-PW-102" for lighting placement and schedule.**
 - g. Any outdoor storage areas need to be shown on the plan and must be screened. Type and height of screening must be provided. **There will be no additional outdoor storage areas within our project phases. The Water District currently uses an existing metal building and will continue its use.**
 - h. If any new signage will be proposed, the location, size, and materials must be included to be approved by the planning commission. **There will be no new signage on this project.**
 - i. Show the location of the wastewater system for the existing and proposed buildings on the site plan. **Please see attached sheet "C-SW-100" pdf. There are 2 existing sanitary sewer holding tanks indicated on the sheet that are contractually pumped out on a periodic basis.**
 - j. Show the location of all proposed and existing fire hydrants. **An existing fire hydrant is shown on attached "C-SW-100 Existing Site Survey Plan". Phase 1 does not include additional proposed hydrants.**
 - k. Provide a note on the face of the site plan indicating that all public buildings and facilities have been designed to comply with the provisions of the ADA accessibility Guidelines (ADAAG) for buildings. **There are no proposed public buildings for this project, none of this facility is open to public except the front office. The front office is ADA compliant and has been in use for 20 plus years.**
 - l. If the District plans to request a waiver of fees for the CUP application, a letter requesting such needs to be forwarded to the Board of County Commissioners asap. Otherwise, the fees are \$770 plus postage for 22 letters mailed at 50 cents each (\$11.00) for a total of \$781, check made payable to the Miami County Planning Dept. **The water district is a non-profit public utility borrowing approximately \$32 million in KDHE SRF Funds for this project. Therefore we are requesting fees be waived for CUP for all phases.**
- 2) Comments from the Building Department will be forwarded separately.

Thank you and I apologize for the lateness of these review comments. We're also in the middle of a comprehensive plan update among other major projects and we got just a bit behind.

Please let me know if you have any questions. As soon as you can get these revisions added to the site plan, please forward to me so I can include in the planning commission packet. Otherwise, I'll add them as a condition of approval for the CUP.

Thank you,

Teresa Reeves
Planning Director

From: JR McMahon <JMcMahon@miamicountyks.org>
Sent: Tuesday, January 12, 2021 3:14 PM
To: Angie Baumann <abaumann@miamicountyks.org>
Cc: Jeff McGuire <jmcguire@miamicountyks.org>
Subject: RE: Notification of Hearing & Request for Comments (2 Applications): 20004-Z - Rezone from C-O to C-2 & 20005-CUP - RWD No. 2 Water Treatment Facility Expansion

Angie,

The Road and Bridge Department has the following comment(s):

- The new entrance location on Harmony Road meets sight and spacing requirements
- The entrance, due to the C-2 Zoning, will require a paved surface from the edge of the pavement to the ROW line.

If you need anything else on this, please contact me

JR

From: jfrancis@jcfd2.org <jfrancis@jcfd2.org>
Sent: Friday, January 15, 2021 10:32 AM
To: Angie Baumann <abaumann@miamicountyks.org>
Cc: jfrancis@jcfd2.org
Subject: RE: Notification of Hearing & Request for Comments (2 Applications): 20004-Z - Rezone from C-O to C-2 & 20005-CUP - RWD No. 2 Water Treatment Facility Expansion

Angie,

Here are the comments from the Fire District related to this proposed development.

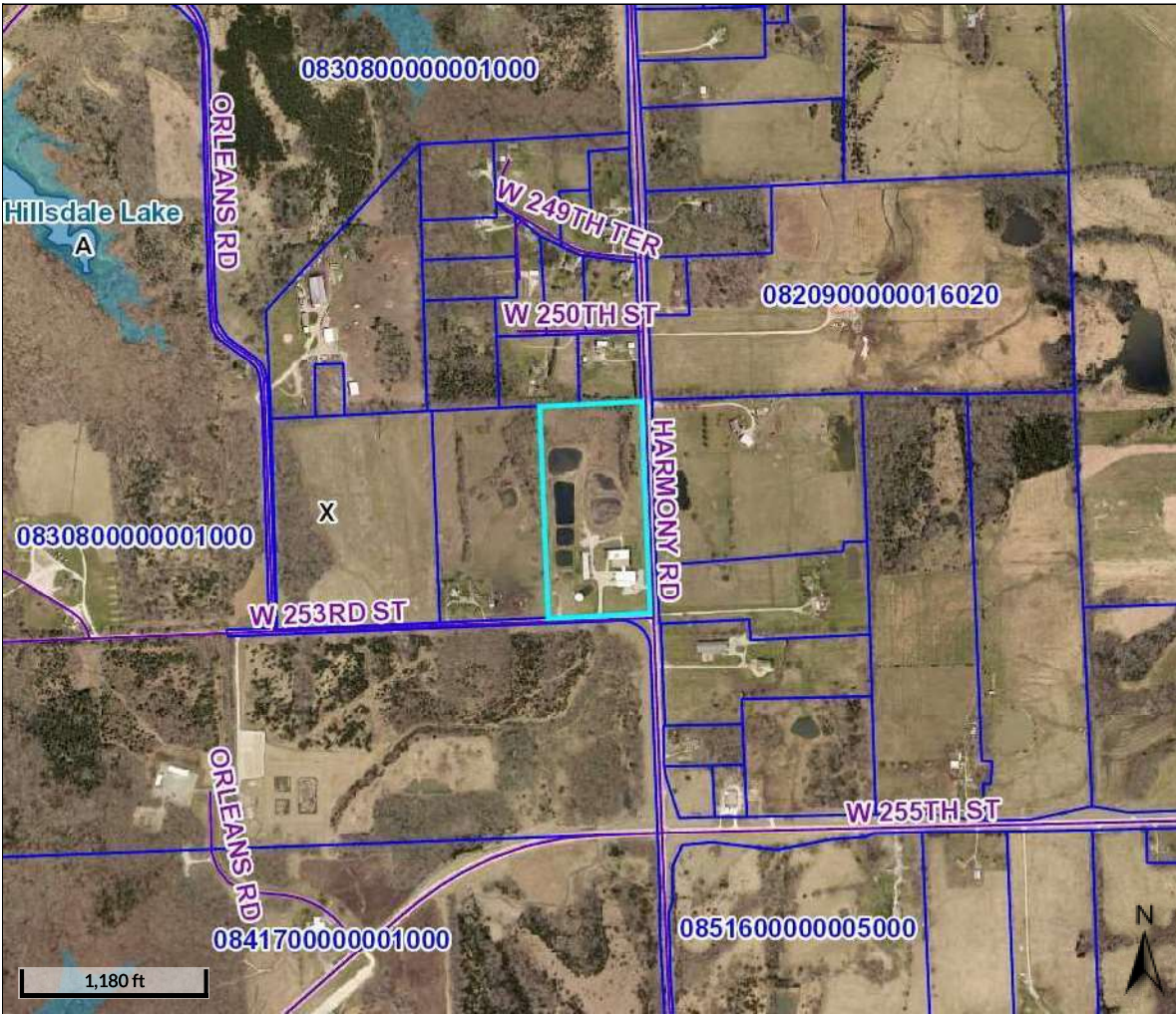
Thanks, Jim

From: Shane Krull <SKrull@miamicountyks.org>
Sent: Tuesday, January 12, 2021 7:38 AM
To: Angie Baumann <abaumann@miamicountyks.org>
Subject: RE: Notification of Hearing & Request for Comments (2 Applications): 20004-Z - Rezone from C-O to C-2 & 20005-CUP - RWD No. 2 Water Treatment Facility Expansion

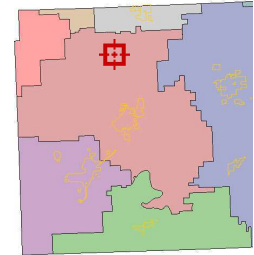
Angie:

I do not have any specific comments regarding the rezoning request. I am supportive of the RWD No. 2's ability to obtain the necessary zoning entitlement to allow for the water plant expansion.








Thanks,
Shane



Overview



Legend

-  City Limits
-  Centerlines
-  Parcels
-  Lakes
- Flood Zones**
-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE

Parcel ID= 0830800000013000
 Acres= 18.931314059999998

Date created: 1/4/2021
 Last Data Uploaded: 1/4/2021 7:14:22 AM

Developed by  Schneider
 GEOSPATIAL

MIAMI COUNTY PLANNING DEPARTMENT

FIVE-YEAR REVIEW – ALVAREZ RANCH ARENA

DATE: March 2, 2021

TO: Miami County Planning Commission

FROM: Kenneth A. Cook, AICP, CFM, Planner

RE: **15005-CUP: Alvarez Ranch Arena**
Five-year review of a conditional use permit for an equestrian event arena in the Countryside zoning district, per Section 5-2.02.14 of the Miami County Zoning Regulations. The subject property, located on the northeast side of Silverheel Cir cul-de-sac, approximately ¾ mile north of 223rd St., Spring Hill is a 6.81 +/- acre portion of Lot 3, Fletcher’s Ridge Subdivision, 2nd Plat, in the SE ¼ of Section 20, Twp 15S, Range 23E, Marysville Twp.

Property Owner	Gabriel Alvarez
Current Zoning	Countryside (CS)
Comp Plan	Rural Residential (10-15 ac du) / Hillsdale Watershed
Acreage	Approximately 15.8 acres
CAMA #	034-20-0-00-00-018.00-0

Background

June 21, 2004: Fletcher’s Ridge subdivision was recorded at Slide 213-35, dividing approximately 66 acres into three lots ranging in size from 16.47 acres to 30 acres as a Standard Subdivision.

September 18, 2008: Fletcher’s Ridge, 2nd Plat, a Replat of Lots 1 and 2 of Fletcher’s Ridge was recorded at Slide P008-00048, dividing approximately 46.4 acres into three lots ranging in size from 14.72 acres to 15.91 acres as a Standard Subdivision. This subdivision included an internal public road identified as “Silverheel Circle”. Lot 3 is the subject of this proposal.

March 30, 2016: The County Commission adopted Resolution No. R16-03-008, authorizing the construction and operation of an equestrian event arena as a conditional use permit (#15005-CUP), including that the CUP shall be reviewed in five years to

check the character of, and ensure continued compatibility with, the surrounding neighborhood.

July 19, 2017: The Miami County Planning Department sent to Mr. Alvarez a letter reporting that the Miami County Sheriff's Office had received "several complaints regarding loud noise/music originating from the rodeo property during rodeo events, and there is concern that the hours of operation may be extending past the 6pm time limit." (Staff is not aware of any complaints since that time.)

April 11, 2018: The Applicant's escrow account for possible future repairs to Silverheel Circle (from activities related to the CUP) was refunded. Condition No. 7 of the existing CUP specified that:

"The Applicant "shall negotiate with the County Commission and Road and Bridge Director regarding the retention of a \$10,000 escrow account, or bond by the county for future repairs to Silverheel Road from activities related to the CUP. The escrow / bond shall remain in place for the entire period that the CUP is active."

However, it should be noted that the official Escrow Account Agreement between the Applicant and the County specified that:

"The escrow account will remain in force for a period of two (2) years from issuance of the CUP. After two (2) years if any funds are not used for repairs/improvements to Silverheel Road those funds will be returned to the applicant/developer."

Review

The Applicant has requested a five-year review of the CUP, as required by Condition No. 10 in the authorizing Resolution. This review by the Planning Commission is intended to "check the character of the neighborhood and ensure continued compatibility with the surrounding neighborhood".

The CUP allows for horse shows, rodeos, roping games, and training activities, with the requirement that the operation comply with the Conditions listed in the Resolution. The CUP allows for events to occur one Saturday per month, from April through October, between the hours of 1:00 p.m. to 6:00 p.m. The maximum number of spectators is 100 per event.

The use includes an open arena with pipe fencing and three corrals for holding steer before and after entry to the chutes. Bleachers and an announcer's stand are located on the west side of the arena. Spectator parking is located on the south and east sides of the arena.

The CUP area encompasses approximately 6.81 acres of an approximate 15-acre lot just west of Spring Hill, which is improved with a single-family residence and garage. The property appears to have been developed in compliance with the Site Plan and the

Conditions of the CUP. No substantial changes have occurred in the area that would affect the operation's continued ability to operate under the current CUP.

Staff / Agency Comment

All staff and agency comments that have been received indicate that they have not comment, conflict of issues.

Recommendation

Staff recommends the Planning Commission **approve** the continued use of an equestrian event arena based on the following Finding and subject to the original Conditions listed in Resolution No. R16-03-008.

Finding

1. The CUP for an equestrian event center continues to be compatible with the surrounding neighborhood.

Attachments: Resolution No. R16-03-008
 (with Site Plan, Narrative & Escrow Account Agreement)
 Vicinity map
 Aerial Photo
 Site Photos (taken 2/25/2021)

RESOLUTION

NO. R16-03-008

**A RESOLUTION AUTHORIZING CONDITIONAL USE
PERMIT #15005-CUP (Alvarez Ranch Arena)**

WHEREAS, the Miami County Planning Commission did hold a public hearing on March 1, 2016 in accordance with the requirements as set forth in Article 22 of the Miami County, Kansas Zoning Regulations to consider a request to approve a Conditional Use Permit for an equestrian event arena per Section 5-2.02.14 of the Miami County, Kansas Zoning Regulations, on the real property described in Section 1 below; and

WHEREAS, after reviewing all written and oral testimony presented at said hearing, the Planning Commission voted 7-0 to recommend that the Board of County Commissioners approve Conditional Use Permit #15005-CUP based on the findings and subject to the conditions listed below; and

WHEREAS, the Board of County Commissioners has reviewed the Conditional Use Permit request along with the recommendations of the Planning Commission and County Staff and finds that the Conditional Use Permit is substantially in compliance with the Goals and Objectives of the County's Comprehensive Plan, and as conditioned, will not unacceptably affect surrounding property or neighborhood values.

IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI COUNTY, KANSAS, that they concur with the Planning Commission and approve Conditional Use Permit #15005-CUP for an equestrian event arena on that real property described in Section 1, based on the findings and subject to the conditions listed below.

Section 1:

All that part of Lot 3 FLETCHER'S RIDGE 2ND PLAT a Subdivision in the Southeast Quarter of Section 20, Township 15 South, Range 23 East, Miami County, Kansas, Described as follows: Beginning at the Northwest corner of said Lot 3; thence N88°14'29"E, along the North line of the South Half of the Southeast Quarter of said Section 20, a distance of 377.50 feet; thence S2°30'06"E, a distance of 727.97 feet; thence S88°21'03"W, a distance of 154.67 feet; thence S28°44'10"W, a distance of 182.48 feet; thence S68°45'21"W, a distance of 79.10 feet, to a point on the Easterly Road Right of Way Silverheel Circle; thence Northwesterly along said Easterly Right of Way, along a curve to the left with a Radius of 65.00 feet and a length of 178.46 feet; thence N2°30'06"W, along the West line of said Lot 3, a distance of 798.21 feet, to the Point of Beginning, Containing 6.81 Acres more or less.

Findings

1. The requested use, as conditioned will be compatible with the surrounding large-lot residential and agricultural and recreational character of the neighborhood.
2. The Countryside zoning district permits commercial/recreational horse shows, rodeos, etc., with a conditional use permit when appropriately sited. The requested use, as conditioned, will be consistent with the surrounding Countryside zoning and large agricultural and recreational tracts of land surrounding the subject property.

Conditions

1. Except as amended by these conditions, the property shall be developed according to the site plan, attached hereto as Exhibit A.
2. Site plan shall be amended to show the entry gates for spectators; entry gates with no parking signs attached for animal loading/unloading; at least 4 ADA parking spaces with at least one being van accessible; at least 34 regular parking spaces for spectators; parking spaces shall be shown at 90° or directional arrows shown for one-way traffic, and signs posted for such; at least 2 sets of bleachers at 5 rows and 25 feet long; parking area for trucks/trailers; concession area; announcer booth; screening/screening type around the perimeter of the CUP area;
3. Except as amended by these conditions, the property shall be developed according to the applicant's narrative report, attached hereto as Exhibit B.
4. Development shall comply with all sanitary, building, fire and other applicable county codes and permit requirements. It has been specifically noted that the bleacher design shall be designed and sealed by a Kansas licensed engineer.
5. The driveway entrance approach shall be hard-surfaced in a manner that meets Miami County engineering standards. Paved approaches shall include any portion of the approach that is within the right-of-way, with a minimum length of thirty-five (35) feet.
6. A stormwater plan shall be submitted prior to installation of parking areas, drive lanes, and issuance of building permits. Should a plan not be needed, a letter shall be submitted to that effect, signed and sealed by a licensed engineer.
7. The applicant shall negotiate with the County Commission and Road and Bridge Director regarding the retention of a \$10,000 escrow account, or bond by the county for future repairs to Silverheel Road from activities related to the CUP. The escrow / bond account shall remain in place for the entire period that the CUP is active.
8. No vehicles shall be allowed to park on Silverheel Circle.
9. Change of ownership or subleasing of the property/facilities shall require review by the planning commission to ensure the use substantially complies with the original conditional use permit.
10. The CUP shall be reviewed in 5 years to check the character of the neighborhood and ensure continued compatibility with the surrounding neighborhood.
11. No alcoholic beverages shall be sold on the premises.
12. Spectators shall be limited to 100 unless the CUP is reviewed and amended and site plan amended to allow a greater number of spectators, bleachers, parking spaces, sanitation facilities, etc.

13. Events shall be limited to one Saturday per month from April through October from 1pm to 6pm.

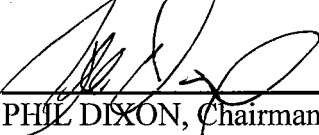
14. Noise from any music or public address system shall not exceed 70 decibels on any adjacent property.

The provisions in this resolution will become effective upon the adoption by the Board of County Commissioners and publication of the adopting resolution in the Official County newspaper. Upon this Resolution becoming effective, all prior resolutions affecting the above-described tract of land are repealed. All Zoning Regulations of Miami County, Kansas affecting the use of the real property heretofore described, which are inconsistent with this resolution are hereby made inapplicable to said property until the Conditional Use Permit is vacated or is declared null and void.

ADOPTED ON THIS 30th DAY OF MARCH, 2016.

BOARD OF COUNTY COMMISSIONERS
MIAMI COUNTY, KANSAS


DANIEL GALLAGHER, Chairman


PHIL DIXON, Chairman Pro-tem

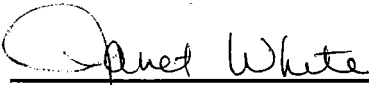

RONALD E. STILES, Commissioner


GEORGE PRETZ, Commissioner


BONNIE "ROB" ROBERTS, Commissioner

ATTEST




JANET WHITE, County Clerk

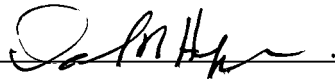
Approved as to form and legality on 3-30-16 by 

EXHIBIT "A"

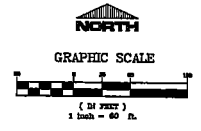
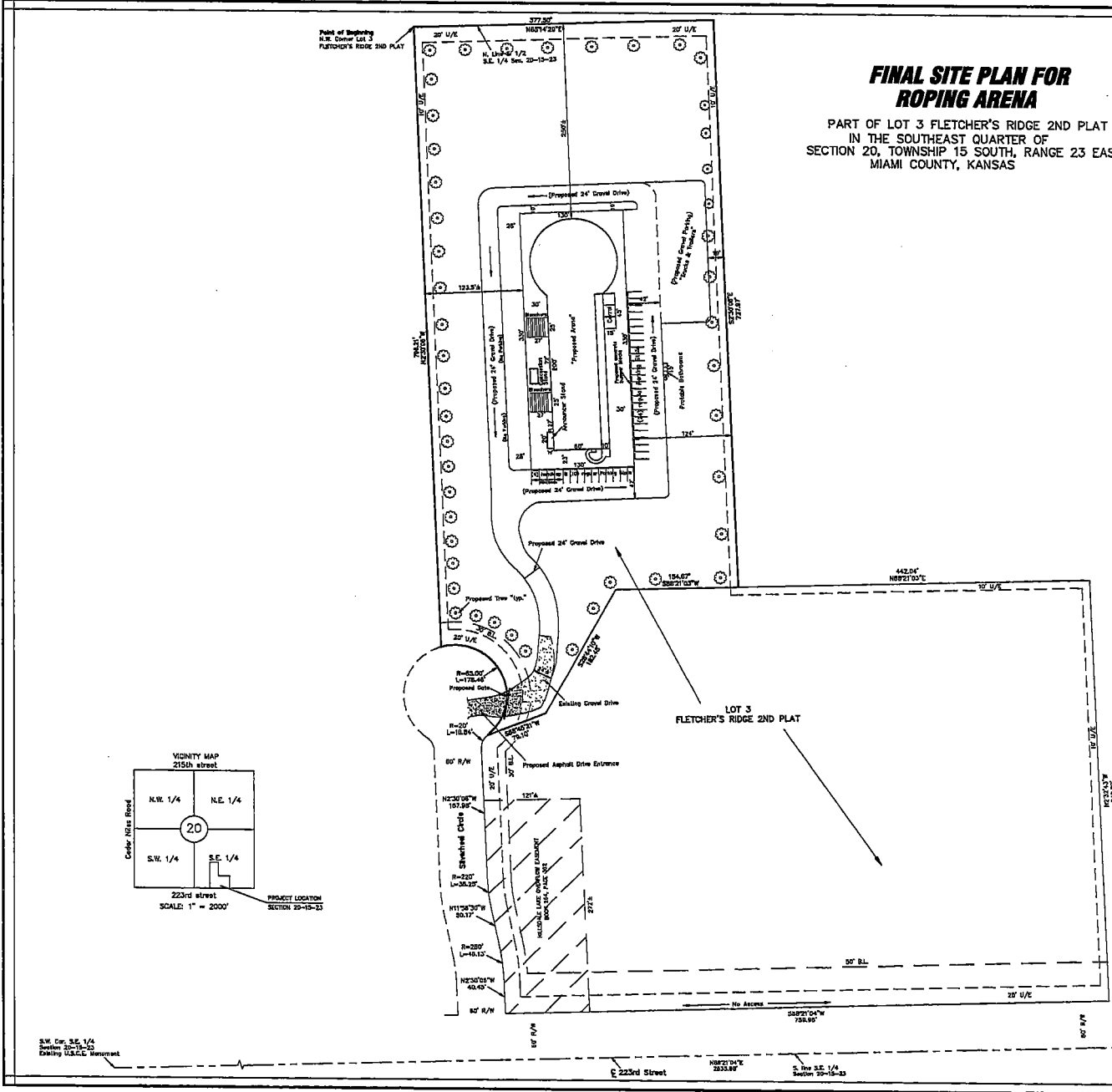
R16-03-008

FINAL SITE PLAN FOR ROPING ARENA

PART OF LOT 3 FLETCHER'S RIDGE 2ND PLAT
IN THE SOUTHEAST QUARTER OF
SECTION 20, TOWNSHIP 15 SOUTH, RANGE 23 EAST,
MIAMI COUNTY, KANSAS

Description:

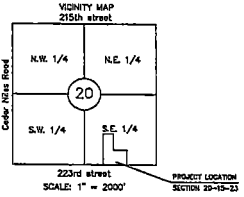
All that part of Lot 3 FLETCHER'S RIDGE 2ND PLAT a Subdivision in the Southeast Quarter of Section 20, Township 15 South, Range 23 East, Miami County, Kansas, described as follows: Beginning at the Northwest corner of said Lot 3; thence N88°14'29"E, along the North line of the South Half of the Southeast Quarter of said Section 20, a distance of 377.50 feet; thence S2°30'05"E, a distance of 727.97 feet; thence S58°21'03"W, a distance of 154.67 feet; thence S29°44'10"W, a distance of 192.48 feet; thence S58°45'21"W, a distance of 73.10 feet, to a point on the Easlerly Road Right of Way Silverheel Circle; thence Northwesterly along said Easlerly Road Right of Way, along a curve to the left with a Radius of 65.00 feet and a length of 178.48 feet; thence N2°30'05"W, along the West line of said Lot 3, a distance of 795.21 feet, to the Point of Beginning, Containing 6.61 Acres more or less.



- LEGEND**
- STONE FOUND AS DESCRIBED
 - ▲ MONUMENT FOUND AS DESCRIBED
 - REBAR FOUND AS DESCRIBED
 - ⊙ SET 8" x 24" REBAR WITH PLASTIC NS GLS B3 CAP
 - 40# NAIL SET
 - M MEASURED DISTANCE
 - X CALCULATED LOCATION

PREPARED FOR:
DANIEL R. HUNTER
30160 N. 232ND
SPRING HILLS, MO

PREPARED BY:
ALLENBROOK-ARNEY & ASSOCIATES, P.C.
132 S. WATER STREET
CLATON, KANSAS 66001
PHONE: (913) 784-1000
FAX: (913) 784-0825



NO TITLE INFORMATION PROVIDED.
EASEMENTS AND EASEMENTS SHOWN ARE FROM
FLETCHER'S RIDGE 2ND PLAT, A REBAR-SET
IN THE S.E. 1/4 OF SEC. 20-15-23,
MIAMI COUNTY, KS.

SITE PLAN ROPING ARENA

PART S.E. 1/4 SECTION 20-15-23
MIAMI COUNTY, KANSAS



THE ENGINEER
LAND SURVEYORS - LAND PLANNERS

132 S. WATER STREET
CLATON, KANSAS 66001
PHONE: (913) 784-1000
FAX: (913) 784-0825

DATE: 11/15/16
PROJECT: ROPING ARENA
DRAWN BY: J. HUNTER
CHECKED BY: D. HUNTER
SCALE: AS SHOWN
SITE: SPRING HILLS, MO

S.W. Cor. S.E. 1/4
Section 20-15-23
Existing U.S.C.S. Monument

S. 1/4 S.E. 1/4
Section 20-15-23

S.E. Cor. S.E. 1/4
Section 20-15-23
Existing U.S.C.S. Monument

REVISED
3/29/16

ALVAREZ RANCH – Open Arena

NARRATIVE FOR CONDITIONAL USE PERMIT

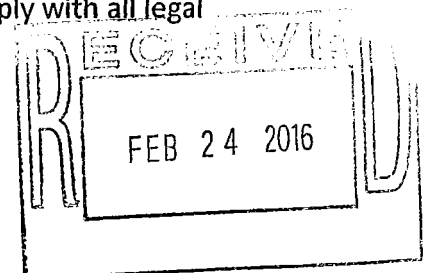
Alvarez Ranch requests to use the land located at 25160 W. 223rd St., Springhill, Ks for an open arena where we will host: horse shows, rodeos, roping games, and training activities. It is proposed that these events will take place from April to October, once per month, on Saturday only between the hours of 1pm and 6pm. We anticipate having approximately 20 participants per event and about 100 spectators.

There will be separate areas for the animals, participants, and spectators. A two lane gravel road will be created on the property for incoming and outgoing traffic. At the entrance to the property from the city road a paved entryway of 35 feet long will be created. The incoming traffic will be directed to the east side of the arena where parking for 30 vehicles on a gravel with IV3 parking area will be located. From time to time, approximately 60 steer will be used during some events and will be housed in 3 corrals on the east side of the arena. Spectators will view the events from 25 feet long bleachers located 20 feet from the area where events will take place on the west side of the arena. The manure from all livestock will be cleaned up and used to fertilize the grassy land surrounding the arena.

We will be providing 5 portable bathrooms and 1 handicapped accessible bathroom located to the east of the arena for the public to use during events. There will be ample opportunity for local restaurants, who are also licensed food vendors, to attend and compete for the business of both food and non-alcoholic beverages. Vendors will be required to provide their own licenses and proof of valid insurance prior to participating in any events. The food and drink vendors will be located to the west of the arena near the spectators viewing area. A company named L & K will be used to provide dumpster service for all trash generated during the events.

The announcer booth, on the west side of the arena, will be used to address the public during events. The electricity will be provided through an electric pole and cables that will be installed by the electric company to the west end of the arena. The nearest neighbors are one or more miles away and therefore noise should not become a problem, however, measures will be taken as necessary to ensure that this does not become a nuisance. No electricity or lighting will be provided, other than for the announcer booth, as no events will take place during the night and therefore it is not necessary.

We, Alvarez Ranch, also ensure to maintain a current liability policy for \$1 million in coverage and any other insurance or licenses as deemed necessary in order to comply with all legal requirements/regulations.



**Escrow Account Agreement for Road
Repairs/Improvements for Conditional
Use Permit (CUP)**

Landowner/Developer:

GABRIEL ALVAREZ

Address:

25160 W- 223 RD ST

City: SPRING. Hill **State:** FS **Zip Code:** 66083

Telephone: (913) 687-68-85

PROVISIONS

The Landowner/Developer agrees to deposit with Miami County, a sum of \$10,000 in an escrow account. The escrow account is for any future repairs/improvements to Silverheel Road North of 223rd Street due to damages caused by the CUP (Alvarez Ranch). Miami County will have the final determination on any/all repairs.

An account number will be assigned to the Escrow Account. If the escrow account reaches a zero balance, the landowner/developer's obligations for any future road repairs/improvements will be deemed satisfied.

The escrow account will remain in force for a period of two (2) years from issuance of the CUP. After two (2) years if any funds are not used for repairs/improvements to Silverheel Road those funds will be returned to the applicant/developer.

The above Landowner/Developer absolves, agrees to defend and holds harmless Miami County of any liability relating to the issuance of the escrow account.

Account Number:
(For Miami County Use Only)

911-203-4340-915

Landowner/Developer Signature:

GABRIEL ALVAREZ
(Authorized Signature)

Date: 3-30-2016

Approved by:

**BOARD OF COUNTY COMMISSIONERS
MIAMI COUNTY, KANSAS**

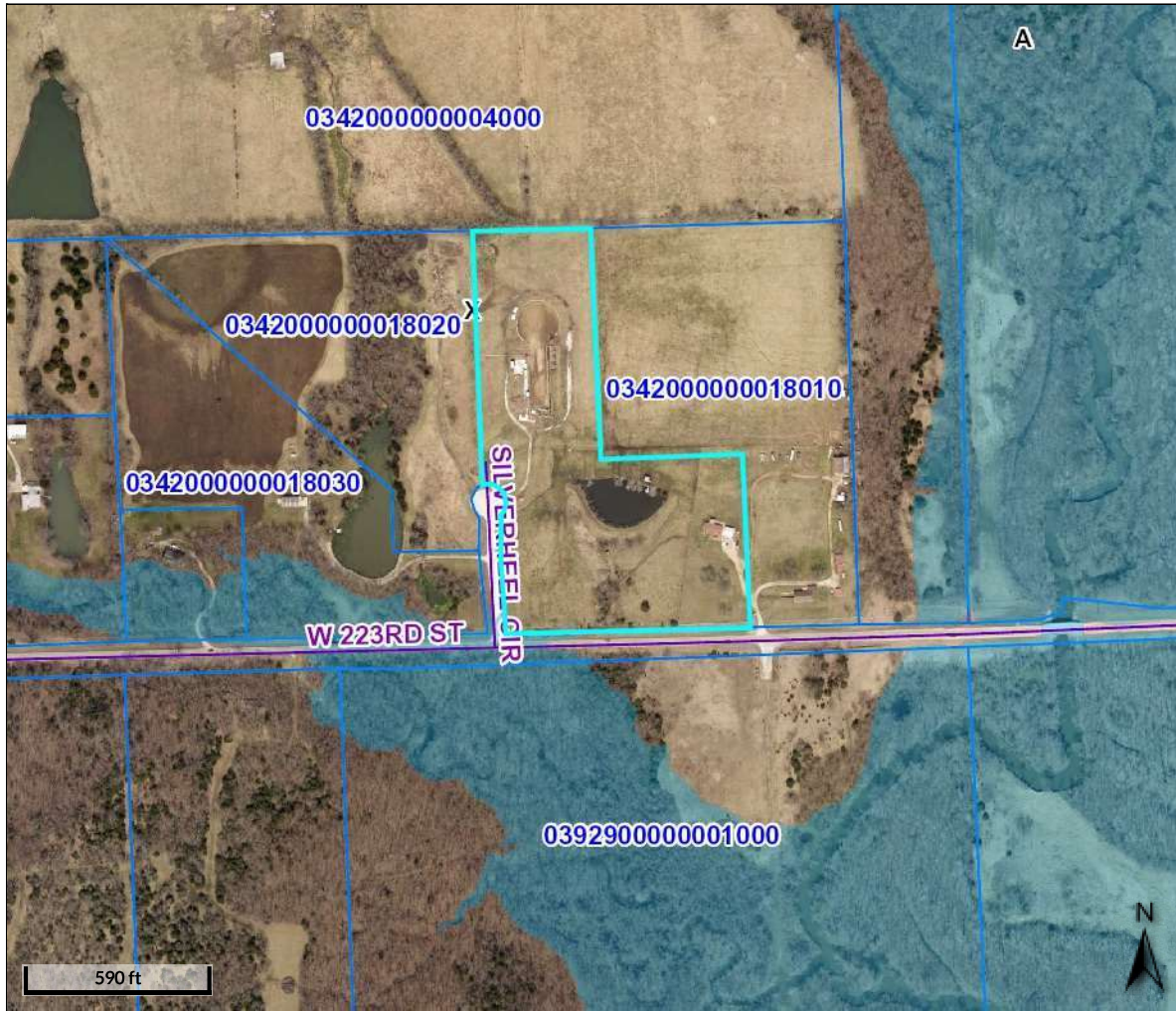
Danny Gallagher
Danny Gallagher, Chairman

Phil Dixon
Phil Dixon, Chairman, Pro-Tem

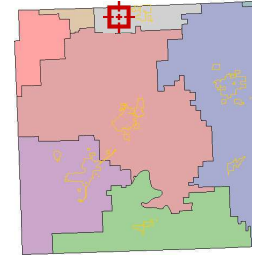
Ronald E. Stiles
Ronald E. Stiles, Commissioner

George Pretz
George Pretz, Commissioner








Bonnie "Rob" Roberts
Bonnie "Rob" Roberts, Commissioner



Overview



Legend

-  City Limits
-  Centerlines
-  Parcels
-  Lakes
- Flood Zones**
-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE

Parcel ID= 034200000018000
 Acres= 15.36071815

Date created: 2/26/2021
 Last Data Uploaded: 2/26/2021 7:19:37 AM

Developed by  Schneider
 GEOSPATIAL

Miami County GIS



Legend

- Parcels - Jan 2021
- Lot Lines



1 inch = 200 feet

Parcel Data Date:
Feb 2021

This property ownership map is for tax purposes only. It is not intended for conveyances, nor is it a legal survey.





