

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
OCTOBER 1, 2019**

**MIAMI COUNTY SHERIFF'S OFFICE
COMMUNITY ROOM
209 SOUTH PEARL STREET
PAOLA, KANSAS 66071**

ATTENDANCE

CHAIR: John Menefee

VICE-CHAIR: Mark Oehlert

PLANNING COMMISSION MEMBERS: Joshua Brown, Chris Dyer, Steve Jensen, Mike Guetterman, Bret Manchester, Mark Ross

ABSENT MEMBERS: None

EX-OFFICIO MEMBERS: None present

PLANNING DIRECTOR: Teresa Reeves

COUNTY COUNSELOR: David Heger

PLANNER: Kenneth Cook

PC SECRETARY: Angie Baumann

ECONOMIC DEVELOPMENT: Janet McRae

COUNTY COMMISSION: None Present

COUNTY CLERK: Not Present

PRESS: Not Present

MINUTES

OCTOBER 3, 2019

MIAMI COUNTY PLANNING COMMISSION

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call was taken and eight (8) members were present, constituting a quorum.

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. Jensen seconded, and the motion passed, 8-0.

CONSENT AGENDA

Minutes: Approval of the September 3, 2019 Planning Commission Minutes

Manchester moved to adopt the Consent Agenda as presented. Oehlert seconded, and the motion passed 8-0.

REGULAR AGENDA

Old Business:

None.

New Business:

Public Hearing - 19003-CUP: Gloria's Ranch (DeLaTorre) **(Continued to December 3, 2019)**

Consideration of an application for conditional use permit for an Event Center, including social gatherings such as birthdays, family reunions and weddings per Section 5-2.02.28 of the Miami County Zoning Regulations. The subject property contains approximately 50.27 acres, is addressed as 28310 Woodland Rd, Paola, KS, and is located approximately ½ mile south of K-68 Highway on the west side of Woodland Rd, in the SW ¼ of Section 36, Twp 16, Range 23, Marysville Twp. Application submitted by Gloria DeLaTorre and Gabriel Aguirre-Carreño, property owners of record.

Reeves announced that the Applicant has requested that this item be continued to the December 3, 2019 Planning Commission meeting. She reported that notice of the continuation has been mailed to property owners within 1000' and that the sign posted on the subject property has been updated accordingly.

Public Hearing - 19007-CUP: The Haven Event Space, LLC

Kenneth Cook presented the staff report for consideration of an application for conditional use permit for an Event Center, including weddings, and other social gatherings, and possibly small business venues per Section 6-2.02.33 of the Miami County Zoning Regulations. The subject property contains approximately 39 acres and is located at the Northwest corner of 247th St, and State Line Rd, in the SW ¼ of Section 2, Twp 16, Range 25, Wea Twp. Application submitted by Blake and Abigail Harris. Nabil and Peggy Haddad are the property owners of record.

Cook pointed out that the Applicants hope to rent cabins to wedding parties, families, or guests before or after an event.

With regard to parking, Cook explained that the standard calculation for determining the number of parking spaces is: 1 parking space per 35 square feet of main assembly area. He added that based on this calculation 130 parking spaces would be required. He noted that the Applicants are proposing 242 parking spaces. Cook also noted that the site plan currently does not show berms or landscaping. He stated that staff would work with the Applicants in the future to ensure that the parking lot is screened.

Cook pointed out that the entrance needs to be located far enough away from the 247th Street curve (on the east side of the property) to ensure adequate sight distance.

With regard to lighting, Cook noted that the Applicants are proposing dusk to dawn lighting on the site, and that the lighting for the Event Barn appears to be more architectural in nature. He pointed out that the exterior lighting concepts on the site plan include a gated entrance with lighting as well as lighted signage on the gate.

Cook stated that staff has not yet received details regarding the proposed signage, so this may come before the Planning Commission for further consideration in the future.

Cook noted that the site plan specifies three (3), one-story cabins, each being 500 square feet. He reported that the Applicants are now proposing two (2) cabins, each being 600 square feet.

With regard to comments received on the proposal, Cook reported that Miami County EMS Chief David Ediger had suggested that an automated external defibrillator (AED) be available onsite. Cook also reported that Code Services Director Mike Davis provided comments on fire protection—specifically, that more information is needed with regard to the size of the waterline. Cook added that it is his understanding that the subject property is located at the end of the water district line; therefore, it is unlikely that the current water utility has the ability to provide for fire flows. Cook explained that once this additional information is received, Davis would work with the Applicants on a fire protection plan, such as providing extra exits, additional alarms, and other safety mechanisms as an alternative to a fire suppression system. Cook noted that Road & Bridge Director J.R. McMahon had commented that sight and distance requirements must be met and the entrance surfacing needs to be paved from the roadway edge to the right-of-way line.

Cook then briefly addressed the following from the *Golden Criteria*:

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

Cook explained that there are currently no specific provisions for event venues in the Zoning Regulations. He added, however, that Section 6-2.02.33 of the Zoning Regulations allows for:

“Other uses determined by the Planning Commission to be consistent with the intent and purpose of this zoning district, except for those uses listed as prohibited uses in Article 15.”

Cook noted that staff’s main concern is with regard to the Applicants’ proposed cabins. He explained that although staff has not yet received a request specifically like this, staff has included a condition in the CUP’s for other event venues, such as the following:

“Structures on the property shall not be utilized for overnight stays by vendors, staff, wedding parties, or anyone associated with the weddings/receptions or events, other than the property owners in their own residence, once constructed.”

He added that staff holds that cabins do not comply with the current Zoning Regulations for a single-family zoning district. Cook then pointed out other uses, which are allowed by the Zoning Regulations, and which are similar to cabins, including: accessory dwellings; bed and breakfast facilities; recreational vehicle (RV) parks; and commercially operated recreational or sports-related facilities (camps). He went on to describe the restrictions for each of these similar uses. Cook added that if the request for the operation of cabins is approved, staff also has concerns on how this could impact the County in the future.

Cook stated that staff recommends approval of the Event Center—with a number of Conditions—but denial of the cabin use.

Cook recommended that the facility lighting should also be considered because the Applicants have requested dusk to dawn lighting. He stated, however, that staff has not yet received a

specific lighting plan, but would continue to work with the Applicants to put together a plan that benefits the Applicants and respects the rural character of the neighborhood.

Manchester asked about the route the majority of traffic will be taking to the proposed Event Center, and whether traffic will be traveling through Louisburg.

Cook replied that he assumes most of the clientele will be coming from the Kansas City area. Discussion followed regarding the various possible routes to the subject property.

Menefee invited the Applicants to speak.

Blake Harris (11113 W. 117th St., Overland Park) approached the podium and distributed informational handouts to the Planning Commission regarding the proposed cabins. He stated that after speaking with staff last Friday, he and his wife would like to propose a compromise on their application: not including the cabins on the initial CUP, with permission to build the cabins after they have built their home and are living on the property full-time. Mr. Harris estimated that the house will be constructed in approximately five years.

Mr. Harris summarized his background, stating that he grew up in Louisburg. He noted that he has been working for a company for slightly over three years, where he runs their culture and events team. He explained that he and the 140 individuals worldwide who report to him, plan large-scale events globally. He stated that he has significant experience working with venues and has booked hundreds of venues over the last several years. Mr. Harris explained that it was his career that gave him the idea of opening his own event center. He stated that his wife, Abigail, is currently a nurse, but would like to be a stay-at-home mother, and explained that this would be a way to do that and supplement her income. He added that he and his wife share a passion for events and weddings, and fully intend for this to be their livelihood.

He described the Event Barn as a two-story building with a 1,000 square foot foyer to serve as a gathering place before events. He clarified that there will be a prep kitchen—not a commercial kitchen—noting there will be no stove. Mr. Harris added that the prep kitchen will contain a deep freezer, refrigerator, and countertop space for caterers to prep food for dinner service for the weddings. He stated that they have no intentions of cooking or serving food or drinks in their venue, but will instead use vendors licensed with the State of Kansas.

Mr. Harris described the fireplace at the end of the main hallway as being for aesthetic purposes only and propane-fed, with a glass front. He added that open flame will be prohibited (no fireworks or candles) inside and outside the venue.

He encouraged the Planning Commission to visit their website (TheHavenEventSpace.com), where the event rental contract and project plans may be found. He described the second story of the Event Barn as containing a bridal suite with a private bathroom and rooftop deck. Mr. Harris noted that the groom's suite will be located on the first floor, behind the ADA-compliant bathrooms, and will have private access to the patio.

Mr. Harris reported that their primary focus will be weddings, but that the event center will be fully capable of handling business events and conferences, which he described as ranging from a quilter's convention to a graduation party. He noted that according to his research, the average

wedding in the Overland Park area has 120 guests. He explained that there are not many venues that can accommodate 400 guests, therefore they would like the ability to accommodate not only average-size events, but also larger events. He added that they would also like to attract corporate clients for holiday party events.

Mr. Harris then invited questions from the Planning Commissioners.

Oehlert asked about the property's owners.

Mr. Harris answered that he and his wife are purchasing the subject property, and are scheduled to close in three weeks.

Menefee then opened the public hearing.

Tom Ruisinger (23711 Pavilion Rd., Louisburg) commented that he lives north of the subject property and wishes the Applicant success.

There being no further public comment, Menefee closed the public hearing.

Oehlert asked Mr. Harris to explain why dusk to dawn lighting is being proposed.

Mr. Harris responded that his vision for dusk to dawn lighting is that of a standard home in the country: dormer lighting, with a soft glow and warm lumen. He explained that the purpose of the lighting is mainly to increase security, and noted there would be camera surveillance on the property and an alarm system. He stated that the dusk to dawn lighting will be aesthetic to the neighborhood, and expressed that they want the Event Barn to look like a custom home, rather than a business.

Oehlert asked about the quantity of lighting proposed.

As an example, Mr. Harris referred to the exterior lighting concept photograph included on the site plan. He explained that there will be aesthetic lighting in the Event Barn, under the porches and dormer windows, etc.

Menefee asked Mr. Harris to confirm that the dusk to dawn lighting is not proposed for the parking area. Mr. Harris confirmed.

Kimball Hales (Finkle + Williams Architecture, Overland Park) approached the podium and addressed lighting in the parking area. He explained that three pole lights, which are full cut-off light fixtures, are proposed for the parking area. He also stated they will do full photometrics to ensure there is no light trespass. For the Event Barn itself, Mr. Hales explained that most of the lighting will be building-mounted, and underneath the awning. He noted that this is intended primarily for safety and security. Mr. Hales again stated that they will do full photometric drawings to ensure there is no light trespass.

He pointed out that the Event Barn is set back quite a distance from the street in order to remove any possible light and sound nuisance to the neighbors, and to keep the building centrally located on the property. He also noted that the parking area is tucked behind.

Mr. Hales reported that he has left a message for the Louisburg Fire Chief to discuss fire protection. Mr. Hales went on to explain that a 4" waterline is required for a sprinkler system; however, the existing waterline is only 3". He noted that alternative solutions will have to be explored. He also stated that there will be a pond on the property, and they have discussed with the assistant fire chief the possibility of a dry hydrant.

He then described the overall effect of the Event Barn as a barn aesthetic, in keeping with the cultural vibe of the zoning. He expressed that Mr. Harris has set himself up for success on this project and has given much thought to safety and minimizing disruption and nuisance.

Oehlert asked for additional clarification on the placement of the dusk to dawn lighting.

Mr. Hales answered that the Event Barn will have a front porch with lighting between each window. He added that there will likely be building-mounted lighting on each side of the building to illuminate the immediate perimeter. He noted that they have also discussed the possibility of small lighting along the drive to provide a couple of demarcation points for guests who are entering the property in the dark.

Guetterman asked if the possible lighting along the drive would be low-voltage. Mr. Hales confirmed, and noted that it would also be low to the ground, much like runway markers.

Manchester pointed out that a large event with up to 400 guests attending could result in significantly more vehicles than the 60-80 vehicles projected for a standard wedding.

Mr. Hales agreed, and stated that they had initially proposed 242 parking spaces, based upon square footage and maximum capacity of the Event Barn, as well as other cities' codes, which require one parking space per three attendees. He noted that although some people will attend an event by themselves, there are generally two people per vehicle, and they were initially erring on the high side. Mr. Hales stated, however, that they have reduced the proposed parking spaces to 130, as they anticipate there will typically be 120 attendees (60-80 cars) for an average event. He explained that for large events with up to 400 attendees (240 cars), 130 cars could park in the parking area and the remaining would go to overflow parking. He added that overflow parking would not be a frequent occurrence.

Guetterman asked, with regard to the proposed pond, if any test holes have been dug and if run-off into the pond has been considered.

Mr. Hales commented that this is a good point, and stated that test holes will not be dug until the soybeans planted on the subject site have been harvested. He noted that the pond sits a bit high, and pointed out that the next door neighbor's pond has a high berm on the south edge to retain the water. He stated that this is what they would like to do, but it depends upon whatever conditions they find—depth of the bedrock and whether they're dealing with clay or black dirt.

Guetterman noted that the sight distance on the 247th Street curve, going into Cleveland, Missouri, is a pretty big consideration, and that there was a fatality there about six months ago. He then asked if the entrance is located as far to the west as it can possibly go, per the Regulations.

Mr. Hales stated that they intentionally located the entrance far away from the curve. He added that the proposed entrance location is also in a low spot on the subject site and grades well. He stated that they will also be mindful with the pond and the berm, so as not to obstruct visibility around that curve.

Jensen commented that it seems the County is receiving a lot of requests for CUP's such as this and he is curious if, at any point, the County will no longer consider any more of these requests.

Menefee remarked that the free market should determine that.

Guetterman asked in the event the property owner were to try to resell the property as a wedding venue in the future if the CUP would still be in effect when the property changes ownership.

Menefee pointed out that Condition No. 3 of the CUP states that the CUP is exclusive to the Applicants.

Cook clarified that Condition No. 3 also provides that "change of ownership or subleasing . . . shall require review by the Planning Commission." He explained that the new owner(s) would need to come before the Planning Commission to ensure that they understand all of the restrictions placed on the property.

Jensen asked how the County benefits from a venue such as this, noting that nearly all of the accessories (floral, food, etc.) are likely coming from Overland Park. He added that the County will have to maintain the roads. He then asked if the property tax increases if an event center is operating on the property. He also asked if sales tax is collected on each event.

Janet McRae, Economic Development Director, approached the podium and stated that the sales tax would be collectible on some of the items because the State of Kansas has destination-based sales tax. She noted that the food being catered, all of which is assumed to be delivered onsite, is subject to sales tax, just as it would be for any sale in an unincorporated area, and the County and the State would both get their share. McRae further explained that if they pick up their items elsewhere and bring them to the site themselves, then sales tax would be collected upon point of delivery. She stated that flowers and the like would be sales-taxable, whereas services, such as photography and disc jockey services, would not be sales taxable. She added that alcohol would be sales taxable, and the County would also receive alcohol tax.

Guetterman asked how likely it is that the County would receive the tax revenue.

McRae responded that it is very likely. She added that the State of Kansas has beefed up its enforcement of this, and they have an office in Paola.

With regard to the cabins proposed, Jensen remarked that it seems better for a drunk wedding party to spend the night in a cabin on the property as opposed to being out on the road. He asked why a few cabins can't be permitted.

Cook responded that the County has decided, per Section 15-1.05 of the Zoning Regulations, that a second residence, guest house, or apartment are uses that are prohibited. He explained that the County does not allow for second dwellings on a property that already has a primary dwelling.

He added that there are no specific provisions in the Zoning Regulations for cabins, but that there are also no specific provisions for event centers. He remarked that if permitted, cabins could potentially be converted into second, third, or fourth dwellings on the same property. Cook stated that it is his understanding that building code issues also come into play with short-term rentals as guests in those rentals will not be familiar with the facility. He further explained that he understands that fire suppression systems become more appropriate in short-term rental facilities as guests will be unfamiliar with the facilities. Cook also noted that there is also concern about noise and other impacts to neighbors. He stated that perhaps some of the impacts to neighbors could be resolved if the property owners were living onsite. He suggested that if the Planning Commission believes it is appropriate to permit cabins on the property, then requiring the property's owners to first construct their dwelling and live onsite may be a solution.

Guetterman asked why cabins are being proposed.

Mr. Harris answered that he originally wanted to 1) provide a honeymoon suite for the bride and groom, in case of intoxication; and 2) provide lodging for parents of the bride and groom, who may be traveling a long distance.

Mr. Harris pointed out that the cabins would not be homes because they will have no kitchen. He stated that they would include a kitchenette, but no stove or dishwasher.

Guetterman noted that the cabins will include a washer and dryer.

Mr. Harris responded that the purpose of the washer and dryer is for laundering the bedding.

Ross asked if the CUP can be approved with the Condition that once the residence is built the Applicants may come back and request a modified CUP to add the cabins. He explained that this gives the County five years to determine how it views the matter of cabins. He commented that the Zoning Regulations may have changed by that time.

Cook stated that the initial CUP wouldn't necessarily have to specify that the Applicants may come back in five years, because the Applicants already have the ability to come back at a future time and request a new CUP or modification of their existing CUP.

Oehlert expressed the possibility that the Condition could be misinterpreted at the end of that five-year period.

Jensen expressed that he doesn't believe this (the proposed cabins) meets the definition of "dwelling". He suggested putting conditions on use of the cabins, such as limiting the use to a 48-hour period and requiring that use be associated with an event on the property.

Ross stated that the County needs to determine whether or not it wants to allow cabins.

Reeves agreed, and added that the provisions for Accessory Dwellings are extremely complicated and create headaches for applicants and staff. She further stated that she would like to see the Zoning Regulations amended to include a provision for granny flats. She reported that granny flats were permitted at one time, as a conditional use, but the provision was removed from the Zoning Regulations and replaced with provisions for Accessory Dwellings.

Menefee commented that now is the time to be reviewing these things because the County is preparing to update its Comprehensive Plan.

Reeves added that the provision for wedding/event venues falls under “other uses” in the Zoning Regulations. She stated that cabins with an event venue is a use that could be considered and could potentially be added to the Zoning Regulations in the future, if the Planning Commission believes this is an appropriate use. She noted that if that is the case, then someone who has an existing CUP for an event center, and who would like to do the same thing, would need to come back before the Planning Commission to modify their CUP.

Referencing Ross’s previous suggestion, Jensen commented that the Applicants should be able to come back any time after the dwelling is constructed, as opposed to waiting five years.

Ross clarified that this is what he intended. He then moved to approve the CUP, together with the Conditions proposed, with the exception that Condition No. 17 be modified to provide that the Applicants may come back before the Planning Commission after their residence is built, and request a modified CUP to add the cabins.

Reeves asked if that means that Condition No. 17 is applicable, unless the County amends the Zoning Regulations prior to that.

Ross confirmed, and Guetterman seconded the motion.

Menefee restated the motion to approve 19007-CUP: The Haven Event Space, LLC with the Conditions presented, except that the Applicants shall be allowed to come back after the primary residence is built to modify the CUP to add the cabins, subject to the building codes and Regulations in place at the time.

The motion passed unanimously, 8-0.

Reeves announced that this item will be considered by the Board of County Commissioners on October 23, 2019 at 1:00 p.m.

Findings

1. Event venues for weddings/receptions, etc., are a popular trend in rural areas and as such a need exists to accommodate them as long as negative impacts can be appropriately conditioned/mitigated.
2. Conditions imposed adequately reduce negative impacts on the surrounding neighborhood.
3. Road infrastructure is adequate to accommodate the increased vehicle trips to the 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. Except as amended by these conditions, the property shall be developed according to the narrative report, attached hereto as Exhibit B.
3. This CUP is approved exclusively for the applicants (Harris) and the vendors with whom they contract. 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.
4. The Term of this conditional use permit shall be (10 years), at which time the CUP will be reevaluated.
5. County staff shall have the authority to inspect this facility at all times to ensure compliance with these conditions and ensure adequate safety measures are in place.
6. Noise shall not exceed 70dB at the property lines.
7. Music shall cease by 10:00 p.m. with guests leaving by 11:00 pm each night.
8. Any outdoor event with amplified sound shall be limited to a maximum of five hours, be no louder than 70 dB at the property lines, and cease no later than 10:00 p.m.
9. All lighting shall be arranged, located or screened to direct light away from adjoining or abutting properties, shall utilize a fixture such as a shoebox design, that directs light downward and prevents light from traveling out above a horizontal plane relative to the bulb; overall lighting shall not exceed 0.5 lumens per square foot; and light color shall not exceed 3000 degree kelvin. A lighting plan may be required prior to installing lighting.
10. The site plan shall be revised to show typical parking space dimensions; method for delineating parking spaces and maintaining required fire access; the location and type of all solid waste trash receptacles; building, pathway and parking lot lighting; location of fire hydrant(s) on the property. All aisle ways shall remain clear with no parking signs installed to insure access by emergency vehicles.
11. An engineered stormwater management plan shall be submitted to and approved by county staff prior to final occupancy.
12. A detailed wastewater management plan shall be submitted to and approved by the Environmental Health Director.
13. All structures shall comply with applicable building, fire and wastewater codes, and regulations.
14. The applicant shall improve the driveway entrance(s) to the commercial standards outlined in the Zoning Regulations and by the Road and Bridge Department.
15. Liability insurance in an amount no less than \$1 million shall be maintained by the property owner(s) at all times, listing Miami County Kansas as a Certificate Holder.
16. The wedding planner and all staff/vendors must carry appropriate licenses and permits for food service and alcohol service.

17. Structures on the property shall not be utilized for overnight stays by vendors, staff, wedding parties, or anyone associated with the weddings/receptions or events, other than the property owners in their own residence, once constructed, *except that the Applicants shall be allowed to come back after the primary residence is built to modify the CUP to add the cabins, subject to the building codes and Regulations in place at the time.*

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Reeves announced that four responses were received from the Request for Qualifications for the Comprehensive Plan update. She reported that the Selection Committee met two weeks ago and selected 1) Ochsner Hare & Hare; and 2) Confluence. She announced that interviews will likely take place the last week of this month.

Reeves then asked the Planning Commissioners their preference regarding the Holiday Dinner and the timing of it. It was decided that staff will poll the Planning Commissioners to get a general consensus regarding whether the event will take place in December or early in 2020.

Reeves reminded the Planning Commissioners that the Luke Bryan concert is this Thursday night.

GENERAL DISCUSSION

None.

Jensen moved to adjourn the meeting. Manchester seconded, and the meeting was adjourned by unanimous vote (8-0) at 8:10 p.m.

Approved this _____ day of _____, 2019.

Angie Baumann, PC Secretary

Chair, John Menefee / Vice-Chair, Mark Oehlert

Minutes taken by Angie Baumann