

**MINUTES OF THE  
MIAMI COUNTY PLANNING COMMISSION  
November 1, 2011**

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

**ATTENDANCE:**

**CHAIR:** Kimberly DeYoung

**VICE-CHAIR:** Absent

**PLANNING COMMISSION MEMBERS:** Nate Apple, Phil Elliott, Bill Harris, John McLean, Hannes Poetter and David Wilson.

**ABSENT MEMBERS:** David Hayden and Randy Kitchen.

**EX-OFFICIO MEMBERS:** None present

**PLANNING DIRECTOR:** Erik Pollom, AICP

**COUNTY COUNSELOR:** Absent

**SECRETARY:** Teresa Reeves

**COUNTY COMMISSIONERS:** None present.

**PRESS:** None present

## MINUTES

November 1, 2011

### MIAMI COUNTY PLANNING COMMISSION

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

#### ROLL CALL

Seven members were present for roll call, which constituted a quorum. David Hayden and Randy Kitchen were absent.

#### ADOPTION OF THE AGENDA

The agenda was adopted as presented.

#### CONSENT AGENDA

1. **Minutes:** The October 18, 2011 Planning Commission Minutes were approved as written.

#### REGULAR AGENDA ITEMS:

**OLD BUSINESS:** None

**NEW BUSINESS:** None

#### DISCUSSION:

Mr. Pollom distributed a handout as a guide for this evenings continued discussion on the Comprehensive Plan, with a focus on the Future Land Use Plan map and Areas of Regional Significance (ARS). He noted that no information is available yet from Economic Development but believes this information should be available for the December meeting.

Referencing the map, Mr. Pollom stated that the former Community Growth Areas are designated as Rural Residential with a 10-15 ac density.

Hannes Poetter asked if the K-68 Corridor Overlay will be shown on the map.

Mr. Pollom replied that it will not be shown until the overlay has been approved by the Board of County Commissioners. He plans to work on the K-68 overlay once the comprehensive plan review has been completed and a list of property owners along the corridor has been obtained so they can be notified of the hearing. Although notification is not required by state statute he believes it is important to make sure these specific property owners are aware of the proposed overlay and have the opportunity to attend the hearing. He noted that he is still

working on listing potential legal non-conforming structures within the current and future corridor and plans to categorize these structures as residential and non-residential.

Kimberly DeYoung tried to articulate the county's dilemma in two ways: 1) be proactive, i.e., field of dreams – "build it and they will come"; or 2) be reactive – wait until the growth comes and then figure out how to provide the roads and services. She suggested having areas designated to put infrastructure in place for when the growth comes and purchase the land ahead of time; to agree to upgrade/expand the roads when a certain traffic count is reached; determine that additional emergency service personnel are needed when a certain density or population is reached. She questioned how to accommodate these goals without relying solely on the developer to provide all of these things (due to the county's lack of funds as currently stated), but where the county partners with the developers in these upgrades. Ms. DeYoung suggested TIF taxes as a means to abate the cost for the developers. She suggested this might provide a better opportunity to drive development.

Hannes Poetter referenced previous statements that if the county does any steering of development it will likely be where other infrastructure is located. Mr. Poetter suggested utilizing traffic counts to determine where upgrades need to take place such as the Cider Mill, wineries and agri-tourism locations which should be factored into the future.

Ms. DeYoung clarified that she was thinking of more long-term development rather than seasonal; those developments that have occurred because of the growth in population.

Mr. Poetter suggested that seasonal business draws residents due to the popularity of a certain place, referencing the increased population in the area of Hillsdale Lake. In his opinion there seems to be a residential concentration between highways 69 and 169 and within about 1 mile either side; then continuing south on Highway 7; and also near tourist attractions such as the wineries, etc.

David Wilson pointed out that in the past this body has been involved in both the "field of dreams" and reactive planning. He noted that this body makes recommendations for zoning and subdivision regulations and the comprehensive plan that it believes will be beneficial to this county. Then somebody comes along and due to politics and economic forces this body becomes reactive to try to make it fit. He noted that this body has somewhat of a dual role in that the county commission sets priorities and then opportunities present themselves and things morph into a different situation which requires us to be reactive rather than proactive.

Nate Apple restated Ms. DeYoung's comments by saying that if we place roads in a certain location, development will come. He stated that the problem is the Planning Commission isn't in a position to pick the winners and the losers (properties where development will be directed / not directed and gains made by some and not others).

Ms. DeYoung acknowledged that the county doesn't have the money to put the infrastructure in place up front but suggested giving incentives instead.

Nate Apple noted problems in Louisburg with creating benefit districts while trying to plan ahead for development. Now many of these developments are in default and the city is left holding the bag.

Ms. DeYoung pointed out that the developers should have been bonded which is what the county requires.

Hannes Poetter suggested filing a lien on the property for the taxes.

David Wilson noted that the Planning Commission's responsibility is to develop a plan but then we have to be prepared to adjust things when things happen beyond our control. He noted that we need to develop something for a good tax base.

Hannes Poetter commented that this is the 1<sup>st</sup> time this body has been involved in any planning more than the annual review of the comprehensive plan noting that we have been reactive indeed. We're not involved in what road is being paved or traffic counts, etc.

Ms. DeYoung added that this would include economic drivers that would incite developers to do anything whether it's commercial development or not.

Mr. Pollom pointed out that much of this is beyond the scope of the Planning Commission referencing the Comprehensive Transportation Plan and Economic Development policy. He stated that he hopes Janet McRae will be available to discuss this at the December meeting.

Nate Apple pointed out that sometimes politics overshadow what the Planning Commission wants referencing the establishment and later termination of the growth areas.

David Wilson clarified that the Planning Commission doesn't have authority over expenditure of tax monies or the regulations but does have a pretty profound influence over the people who do.

Erik Pollom noted that the 2004 Plan was 1 ½ years in the making. We need to make sure money is in the budget to utilize for this plan update which is very intensive work in addition to the normal meetings which include feedback from the public.

Hannes Poetter asked how involved the Planning Department is involved in the coordination of what roads should be paved and what areas improved.

Erik Pollom noted there are two levels to look at; day to day if someone wants to split a property to build a house and the road infrastructure is inadequate and they need to upgrade that road. In that instance, planning staff is in communication with the road and bridge department to discuss this matter (reactive). The other side of things is we don't have a planning map that says what these roads should be but we do have a Comprehensive Transportation Plan (CTP) map. When that is due for an update, we would expect to have input from the Planning Commission and from this department based upon long range land

use plans. Its not the Planning Departments plan to update but we would have some input regarding it.

Phil Elliott noted that the Plan map identifies different classes of roads and different kinds of development, activities, industries and ARS. He stated that it appears much of this should be broadly discussed but this board shouldn't get in too much depth. He added that this board can't dictate where power is going to go but can ask and recommend where infrastructure should go. He questioned what could be added to this map that's not already there.

Kimberly DeYoung commented that from a map perspective nothing is missing. She questioned how this body could influence where we would like to see development go and asked how to influence the county commission to make sure money is set aside for development infrastructure when a developer wants to build.

Mr. Elliott noted that this is what the Economic Development board does.

Ms. DeYoung commented that it doesn't appear to come together to a point where it takes action.

Mr. Elliott asked again what the Planning Commission changes and is responsible for.

Referencing the ARS, Mr. Poetter noted that Region 7 has no infrastructure.

Mr. Elliott pointed out that the ARS were prioritized last year into long term and short term development areas.

Mr. Pollom noted a slight change in the dynamic of the Plan in that the growth areas are no longer in existence. The current plan recommends the higher density growth is directed into or near these areas. It also recommends that downzoning should be discouraged in the ARS since these areas are set aside to set up that type of zoning. The Future Land Use Map is 1) a plan for action; and 2) recognizes potential for when developers want to come in. The ARS are in holding but we should recognize that some are riper for development than others. Nothing says that the areas that are less ripe cannot be developed if a developer comes in and wants to put the entire infrastructure in place.

Ms. DeYoung suggested changing the last sentence of the highlighted language (pgs 31-33 under Regional) from "Nevertheless, the County does encourage the development of these sites for regional commercial and industrial development" to "Developers are encouraged to discuss these sites with the Economic Development department, etc."

David Wilson suggested that the county may have reached a point where we can keep the ARS and plan infrastructure with the utility companies and prioritize areas where these companies can plan infrastructure for later on.

Hannes Poetter noted that the government is different from a private industry. He felt that since this body is the Planning Commission and this body works with the Planning

Department, it is logical that it should plan these areas with the utility providers, Economic Development, Road Department, etc. He noted that somebody needs to establish the lead and pull it together where it's most logical.

Phil Elliott noted that all of those pieces have to come together in 2014.

Nate Apple noted that the paved roads need to be improved. He referenced the recent accident on 223<sup>rd</sup> Street near Quivira where a trash truck overturned and 2 people were killed.

Mr. Pollom noted that the utility companies often have security concerns when it comes to letting maps of existing infrastructure and future plans out.

Mr. Poetter commented that it would have helped if RW2 would have discussed its plans and the need for the tower location with the residents first before moving forward. Mr. Poetter liked Kimberly's ideas about logical growth and infrastructure.

Mr. Pollom suggested a comparison between planning and economic development approaches as, "what and where versus when and how."

Bill Harris stated the Planning Commission could encourage the elected officials to be more user friendly and staff continue to work with the developers.

Hannes Poetter asked how detailed the county commission wants this body to work on the 2014 Plan update. He noted there is a willingness on the board to be more involved than in the past.

Teresa Reeves noted that all of the information Mr. Poetter is referencing has been done in past Plan reviews. Many of the people that are currently on this board weren't on the board during past Plan updates. These updates are very intensive and include multiple public meetings over the course of years with input from economic development, utility providers, emergency services, interested parties, etc. The '94 update took 4 +/- years of hearings. The 2004 Plan update took 1 ½ years and was less intense than '94 but it still was very intensive and interactive with the public. The updates are far more detailed than just an annual review.

Mr. Pollom noted that we might change districts or add districts and that there might be a totally different philosophy than before.

Mr. Elliott noted that we have an advantage now as we have a basis now where we didn't have much of anything in '94. 1998 was a dramatic change. He noted that many on this board don't have the background explaining why these changes were made. His angst is that it appears that this board only meets when the Plan no longer works.

Mr. Wilson explained that it's part of time moving on that we need to review the Plan to see if things still fit and things still work. In 2004 development was rolling. Now the economy is down and nothing is happening.

Mr. Pollom noted that this may be a realistic plan given the economic conditions.

Bill Harris commented that the K-68 corridor is the greatest things to happen to this county.

Mr. Pollom noted other things that pop up that we didn't anticipate such as agri-tourism, the wineries, etcetera. We don't have a well defined way to handle all of the ideas people are coming up with such as a farm winery vs. winery. He suggested that where we could have an impact beyond just roads and water lines is to find ways to promote economic development opportunities and provide necessary services without taxes going through the roof. Mr. Pollom reviewed next months topics for discussion to include itemizing draft text amendments to prepare for a public hearing for the Plan update; more discussion with the ARS with more information from Janet McRae; K-68 will still show as the Corridor Management Plan until the overlay district is adopted; update the history section; growth areas section. He asked if there was any desire to change the name of the ARS and whether they want to increase or decrease the number of ARS.

Bill Harris stated that the long-term/short-term ARS is good. The neighbors supported his rezoning 13 years ago because this area was identified as an ARS on the map.

Mr. Elliott asked where the boundaries of these ARS are...are they ¼ mile; ½ mile? They're not quantified.

Nate Apple had an issue with discouraging residences in these areas if someone wants to build on 40 acres. He clarified that he's ok with this on 40 acres but not on 3 acres.

Mr. Elliott asked how far away a residence needs to be and how we encourage or discourage residential development if the area isn't defined.

Mr. Pollom noted that most of the ARS are currently zoned Countryside or Agricultural. If someone wanted to downzone an area already zoned commercial or industrial staff likely wouldn't recommend denial.

Phil Elliott referenced a property near 199<sup>th</sup> and 169 Hwy that sat empty as commercial and the court finally overruled to allow a downzoning to residential. He reiterated that we need a defined area (perimeter) for the ARS.

Teresa Reeves referenced a rezoning request that extended to 215<sup>th</sup> and Metcalf that was considered to be part of the ARS at 223<sup>rd</sup> and US 69 Hwy. She didn't understand how the ARS could be stretched that far and agreed it would help staff if these areas were defined.

Hannes Poetter noted that the county/city has a hard time planning this stuff referencing the airport without proper infrastructure.

Teresa Reeves noted that Kendig recommended against the airport as an ARS but the airport board and commission decided to keep it.

Mr. Pollom stated that the ARS can still have some flexibility although he wasn't sure where and how many ARS this body still wants to keep. He advised the board to expect text changes with highlights of proposed changes; growth areas removed, etc., with a key to follow.

Bill Harris asked what month in 2014 this is supposed to be completed.

Hannes Poetter noted the 2012 elections that we need to get through.

Kimberly DeYoung asked about reappointments to the Planning Commission.

Mr. Pollom noted that John McLean, Randy Kitchen and Hannes Poetter are up for reappointment and need to let him know if they are still interested in serving.

**ANNOUNCEMENTS BY STAFF/COMMISSIONERS:**

Mr. Pollom noted that the Watersports facility on 255<sup>th</sup> Street is requesting an expansion and will come before this body in January.

**ADJOURNMENT**

Bill Harris moved to adjourn. John McLean seconded. The meeting was adjourned at 8:20 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Secretary

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Chair, Kimberly DeYoung /  
Vice-Chair, David Hayden

Minutes written by Teresa Reeves