MEETING OF THE
MIAMI COUNTY PLANNING COMMISSION

January 7, 2020 | 7:00 p.m.
Miami County Administration Building

AGENDA

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. OATHS OF OFFICE (Phil Elliott, Randy Kitchen, Bret Manchester)

V. ELECTION OF OFFICERS

VI. ADOPTION OF CALENDAR

VII. DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

VIII. ADOPTION OF THE AGENDA

IX. CONSENT AGENDA
   A. Minutes: Approval of the October 1, 2019 Planning Commission Minutes.

X. REGULAR AGENDA
   A. Old Business
   B. New Business

   1. Public Hearing: Annual Review of the Miami County Comprehensive Plan
      The Planning Commission will conduct a public hearing to receive comments related to the annual review of the Miami County, Kansas 2004 Comprehensive Plan.
2. **Public Hearing 19008-CUP: Debbie’s Animal Haven, LLC**
Consideration of an application for Conditional Use Permit for a Boarding Kennel for dogs and cats, in accordance with Section 5-2.02.18 of the Miami County, Kansas Zoning Regulations. The subject property is located at the Southeast corner of 343rd St and Woodland Rd, in the Northeast Quarter of Section 12, Township 18 South, Range 23 East, and addressed as 19739 W. 343rd Street. Submitted by Debbie Henderson and Jerry Henderson, property owners of record.

3. **Public Hearing 08002-CUP (Renewal): SBA (Wellsville Tower)**
Consideration of an application to renew the Conditional Use Permit for an existing 500’ guyed communications tower per Sections 6-2.02.10 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 56 acres is located at the Northeast corner of W. 239th St and Crescent Hill Rd, in the Southwest Quarter of Section 33, Township 15S, Range 22 E, Richland Township. Submitted by SBA Towers V, LLC. Property owners of record are Grover S. and Mary L. Hewlett, and Kristen M. Hewlett.

**XI. ANNOUNCEMENTS BY STAFF/COMMISSIONERS**

**XII. GENERAL DISCUSSION**

A. Begin discussion to consider possible future text amendments regarding accessory dwellings, guest houses, granny flats, small houses, etc.

**XIII. ADJOURNMENT**
Hearing Procedure

1. Chairman announces 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. Any documentation not submitted prior to the meeting is submitted and made part of the record.

5. Staff presents their report with recommendations on the request.

6. Applicant or agent of the applicant makes a brief presentation of the case or request (except for clarifications, members should withhold questions or comments until the public hearing is closed.)

7. Chairman opens the public hearing and solicits comments from the audience (2-3 minute limit per person/spokesperson / 1 time to the podium / ALL comments are to be directed to the Planning Commission).

8. Applicant clarifications or rebuttals.

9. Chairman closes the public hearing.

10. Members deliberate the request in light of Golden Criteria and other pertinent information, and take action if able to do so. Members should present findings to substantiate the action taken.

11. Staff announces when the request will be heard by the BOCC.

12. 14-day Protest Period begins after the Public Hearing is closed.*

*Protest Petitions:* Any protest petition must be filed in the Office of the County Clerk within 14 days from the conclusion of the public hearing held by the Planning Commission. Sample copies may be obtained from the Planning Department at 201 S Pearl St / Ste 201, Paola, KS 66053 (913-294-9553).
## 2020 Planning Commission Annual Elections

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<tr>
<td>TO:</td>
<td>Miami County Planning Commission</td>
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<tr>
<td>FROM:</td>
<td>Teresa Reeves, Planning Director</td>
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Per the By-Laws of the Planning Commission, Election of Officers shall be held annually at the regular meeting in the month of January. An affirmative vote of a majority of the voting members shall be required for election. If no candidate receives a clear majority vote on the first ballot, voting shall continue until one (1) candidate receives a clear majority vote.

- The Chairman shall be limited to two (2) consecutive terms.
  - John Menefee has now served two (2) terms as Chairman and is no longer eligible.

- Vice-Chairman and Executive Secretary may succeed themselves indefinitely.
  - Mark Oehlert is currently serving as Vice-Chairman.
  - The County Planning Director or his/her designee shall serve as the Executive Secretary.

- Election of one (1) member for appointment recommendation to the Board of Zoning Appeals shall be held annually. Appointment shall be made by the Board of County Commissioners. The appointee may succeed himself/herself indefinitely.
  - Mark Ross is the Planning Commissioner currently seated on the Board of Zoning Appeals.
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If an application submittal deadline falls on a weekend or holiday, the deadline will automatically fall to the next business day.

*Site plan deadline requiring review by the Planning Commission is 30 days prior to the next scheduled Planning Commission meeting per Article 19-4.01 of the Zoning Regulations.

*Conditional Use Permit (CUP) and Rezoning requests must be submitted at least forty-five (45) days prior to a scheduled Planning Commission meeting per Article 22-1.03 of the Zoning Regulations.

*A protest petition regarding a CUP or Rezoning request must be filed with the County Clerk within fourteen (14) days after the date of the Planning Commission hearing per Article 14-1.03 and Article 22-7.07 of the Zoning Regulations & K.S.A. 12-757(f).

*Preliminary Subdivision Plat submittal deadline is 45 days prior to the next regularly scheduled Planning Commission meeting.

*Final and Small Subdivision Plat submittal deadline is at least 35 days prior to the next regularly scheduled Planning Commission meeting.

*Planning Commission meetings are normally scheduled on the 1st Tuesday of each Month unless otherwise listed on this schedule due to election or holiday conflicts. Said meetings are subject to change with proper notice. The meetings are held in the County Administration Building @ 7:00 p.m.

*TBA = Meeting date to be announced
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
DATE: January 7, 2020 – Planning Commission Meeting  
TO: Miami County Planning Commission  
FROM: Kenneth A. Cook, AICP, CFM, Planner  
RE: 18008-CUP: Debbie’s Animal Haven, LLC (Henderson)  

Consideration of an application for Conditional Use Permit for a Boarding Kennel for dogs and cats, in accordance with Section 5-2.02.18 of the Miami County, Kansas Zoning Regulations. The subject property is located at the Southeast corner of 343rd St and Woodland Rd, in the Northeast Quarter of Section 12, Township 18 South, Range 23 East, and addressed as 19739 W. 343rd Street. Submitted by Debbie Henderson and Jerry Henderson, property owners of record.  

Property Owner(s) Jerry and Debbie Henderson  
Current Zoning Countryside  
Comp Plan Rural Residential  
Acreage Approximately 14.87 acres  
Parcel # 181-12-0-00-00-003.01-0  
Website www.debbiesanimalhaven.com/  

Background  
The applicants recently applied for a building permit to construct a new non-residential structure on the property. Upon performing research on the property it was noted that a boarding Kennel was in operation on the property. No record for the approval of a Conditional Use Permit for the operation of a kennel could be found. The applicants were informed that the issue of the Kennel would need to be addressed before the building permit could be issued. The applicants quickly met with county staff to discuss their business and submitted their application for a Conditional Use Permit. As the proposed building was technically located on a separate tract from the kennel operations and will not be used for the kennel operation, the application for the building was approved. The applicants also specified that they will merge the two tracts together so that the property will comply with the minimum development standards for the operation of a Kennel in the Zoning Regulations.  

In discussing the business operation with the county, Mrs. Henderson specified she contacted Miami County when starting the business and was told that no permit or license was required if the kennel operation was kept inside the house. Staff was not able to find documentation in regards to this and the Miami County Zoning Regulations do require...
approval of a Conditional Use Permit for the operation of a kennel and no exemption is provided for if the operation is located in a dwelling. The applicant has specified that the business has been in operation for 15 years. Staff is unaware of any complaints in regards to the operation of the business.

The applicant is currently operating a boarding kennel that also includes grooming. The county regulations do not require a conditional use permit (CUP) for kennels with less than four dogs and/or cats in any one week, not including the applicant’s personal pets. The applicant has specified that they would like to be able to have up to 30 animals on the property as part of the kennel operation and are applying for the CUP in order to bring the property into compliance with the Miami County Zoning Regulations.

The county definition of kennel and the minimum development standards from Section 14-2.01.10 of the Miami County Zoning Regulations are listed below.

KENNEL: A business establishment where four or more dogs or cats, or both, of six months of age or older, are maintained in any one week for boarding, training or similar purposes for a fee or compensation. For purposes of these Regulations, any establishment defined as “animal shelter” or “pound”, “hobby breeder premises”, “kennel operator premises”, “animal breeder premises”, “retail breeder premises” or “animal distributor premises”, all such terms as defined in K.S.A. 1997 Supp. 47-1701 and amendments thereto, and licensed as such by the State of Kansas, shall be deemed a kennel under these Regulations regardless of the number of dogs and cats, or both, maintained on the premises.

Section 14-2.01.10: Kennels

A. The kennel shall occupy a minimum lot size of five (5) acres.

B. No kennel building or runs shall be located nearer than one hundred fifty (150) feet to any property line.

C. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the animals.

D. The kennel shall have adequate measures to prevent odor, dust, noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.

E. All state licensing and operation requirements shall be met.

Proposal

This is a request for conditional use permit (CUP) for the operation of a dog boarding kennel facility with grooming identified as Debbie’s Animal Haven. The property is approximately 14.87 acres in area and located just West of Block on 343rd Street. The property is currently made up of two separate tracts. The house and buildings sit on a tract that is 330’ x 301’ and is approximately 2.28 acres and is surrounded by the remainder of the property which overall dimensions are 483.28’ x 1339.44’ and 12.59 acres. These two tracts will need to be merged in order for the property to comply with the minimum lot size requirement of 5 acres for a kennel. It is staff’s understanding that the property owner is currently working with a surveyor to complete the merger process.
Mrs. Henderson has specified that she is a licensed veterinary technician and that she has maintained state licenses and inspections all years that she has been in operation. The operation of the kennel currently located in the basement of the house with dogs being exercised four times a day. The area used for exercise is the front yard, adjacent to the house. All outside exercise time is scheduled and supervised and occurs between 6 AM and 9 PM. Dogs are kept inside whenever they are not being exercised. While the regulations require that “all kennel runs and open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the animals”, the Planning Commission may want to consider if the applicants proposed business operation, as described in their narrative, meets the general spirit and intent of this standard of the regulations in that the dogs will not have constant access to the outside and will only be allowed outside with direct supervision and for limited periods of time and if this business practice can be considered equivalent to the screening required to prevent the distraction or excitement of the animals. Currently, no screening is provided around the open area other than the applicants house provides screening from the open area to the nearest residential house located to the South (420 feet from the open area). The houses that are located to the East and Northeast are located approximately 925-feet and 670-feet, respectively, from the open space. If the Planning Commission determines that this could be considered as equivalent, changes to the business operation in regards to how and when dogs have access to the outside would require the applicant to reapply for an updated CUP.

The structure (dwelling) in which the kennel is located is approximately 100 feet from the South existing right-of-way line of 343rd Street (60-foot ROW or 30’ half width), which does not meet the minimum setback as required in the Kennel minimum development standards. The Miami County Comprehensive Transportation Plan, shows 343rd Street as being an Arterial Road, which specifies the ultimate ROW width, based upon the Miami County Comprehensive transportation plan, as being 120-feet wide or a 60-foot half width (from section line). The Zoning Regulations typically treat the edge of the ultimate ROW as being the front lot line for consideration in the measurements of setbacks. Using the edge of the ultimate ROW, the existing structure is setback only 90-feet. The Planning Commission may want to take into consideration that the portion of the structure being used for the kennel operation is setback an additional 20’ and the fact that the centerline of the road is approximately 150-feet from the portion of the structure being used as a kennel. This would place the portion of the structure used as the kennel operation approximately 150 feet from the centerline of the ROW. The existing West (side) and South (rear) property lines of the 2.28 acre tract on which the structure is located are approximately 80-feet and 115-feet, respectively from the structure. The applicants have an existing Merger application to merge this small tract with the larger surrounding tract. This will allow for the structure in which the kennels are located in to comply with the required setbacks from the side and rear property line.

The applicants also advertise on their website for pet grooming and pampering that occurs on the site as part of the kennel operation.

**Hours:** 8 am to 6 pm all days of the week with drop off and pick up times being scheduled with the clients.

**Employees:** One (owner).
Traffic: Averages 1 to 3 clients per day.

Waste: The applicants currently work with a professional waste cleaning company (Ecoscoopers LLC) that scoop and removes waste from yards twice a month.

Signage: No Signage is shown.

Screening: The property does not currently have any screening. The existing dwelling on the property does provide some screening from the open area to the property to the South. The applicant has specified that the dogs are never left outside unsupervised and are let out 4 times a day to exercise. The Planning Commission may want to take into consideration the applicant’s business practices as to whether these can be considered as equivalent to screening.

Access to the property is gained from West 343rd Street, which is paved and designated as an “arterial” road in the 1995 Comprehensive Transportation Plan. A gate must be opened to fully access the property with the gate being approximately 37 feet from the edge of the existing paved road. Parking, in the existing driveway and is more than sufficient for the nominal amount of traffic generated.

Surrounding Zoning: The subject property is located just West of Block and approximately 5.5 miles East of Osawatomie. The surrounding area is made up of properties with a mixture of Countryside and Agricultural zoning. The majority of the surrounding properties are being used for Agricultural purposes with some 3-10 acre rural residential properties also being located in the area.

Public Notice was sent to 13 property owners lying within 1000’ of the proposal. In addition, notice was published in the official county newspaper and signs posted on the property in accordance with state statutes. Notice and request for comments was also sent to affected agencies.

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 approve or deny the requested conditional use permit.

1. Character of the neighborhood.

   The character of the neighborhood includes Block to the East; large farm tracts, some with homesteads; and a few rural residential properties. The character of the neighborhood should not be changed with this request.

2. The zoning and uses of property nearby.

   The subject property is zoned Countryside. Surrounding zoning includes Countryside and Agriculture; and a few small Commercial and Industrial properties. Uses include small urban sized home sites, and large agricultural properties, as well as highway and railroad right-of-way.
3. The suitability of the subject property to its present use.

The allowed uses in the Countryside district include agricultural and single-family residential uses with kennels being allowed with a Conditional Use Permit. The subject property is suitable for these uses with consideration for how the operation of a kennel could have a negative impact on adjacent properties.

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

The present zoning is Countryside. The CUP will not remove the present zoning but act as an additional zoning entitlement to the Countryside zoning.

Potential detrimental affects typical of this kind of use include odor, flies, traffic and noise from the barking dogs. Staff does not anticipate any negative impacts from this proposal due to the manner in which applicant proposes to conduct their business operations, including that the kennels are located in the basement of the dwelling, the dogs do not have direct access to the outside and are only allowed outside 4 times per day with direct supervision.

The traffic generated with this use will be minimal based on the information provided by the applicant. The estimated trips are of negligible quantity to affect the neighborhood.

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

Not applicable.

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.

This request presents no measurable gain to the health, safety and welfare of the public per se. There is no evidence either way that the value of the nearby property will be increased or diminished by the operation of this proposal. Hardship to the landowner would be the inability to continue to operate their kennel.

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

The Countryside district permits dog kennels with the approval of a conditional use permit. Article 14 of the regulations outlines minimum development standards for dog kennels as:

a. The kennel shall occupy a minimum lot size of five (5) acres. Upon finalization of the merger of the two tracts that make up the subject property, the property will include 14.87 acres.

b. No kennel building or runs shall be located nearer than one hundred fifty (150) feet to any property line. The county typically measures front setbacks from the edge of the right-of-way based upon the ultimate ROW shown on the Comprehensive Transportation Plan. The existing structure is located approximately 90-feet from the ultimate ROW with the portion of the structure
used for the kennel being setback an additional 20 feet. The portion of the structure used for the kennel operation is approximately 150-feet from the center of the road (section line). In the approval of a past kennel application the Planning Commission made a determination that the request met the general spirit and intent of the regulations when taking into consideration its proximity to a state highway and the agricultural use of the property on the other side of the highway, even though the structure was located approximately 133-feet from the edge of the far side of the ROW. The Planning Commission should make a specific finding as to whether this application meets the general spirit and intent of this standard of the regulations when taking into consideration the proximity of the structure to the ultimate ROW width of 343rd Street; the manner in which the applicants propose to conduct their business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision; and the agricultural use of the property North of 343rd Street.

c. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the animals. The property does not currently have any screening other than the screening that is provided by the existing structures. The applicant has specified that their proposed business operations include that the kennels are located in the basement of the dwelling, the dogs do not have direct access to the outside and are only allowed outside 4 times per day with direct supervision. The Planning Commission should make a specific finding as to whether this application meets the general spirit and intent of this standard of the regulations when taken into consideration with the applicants proposed business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision.

d. The kennel shall have adequate measures to prevent odor, dust, noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted. The applicant currently works with a professional cleaning company that comes to the property and removes the waste twice a month. The property is well maintained. There should be no problem with the noted objectionable issues based on the existing terrain and open spaces surrounding the property.

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, planning staff recommends approval of the request with the conditions listed below.
9. The conformance of the requested conditional use permit to the adopted Miami County Comprehensive Plan.

The Comprehensive Plan designates this site Rural Residential. The Plan is silent on individual uses such as this; however, the underlying zoning district does allow kennels by CUP if it is determined that the kennel will be compatible with the allowed uses of the district. The use does not conflict with the Miami County Comprehensive Plan.

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

Issues surrounding appropriate infrastructure and services should be addressed in every application. In this instance, the road network accessing the subject property will provide more than adequate access based upon the estimated trips per day.

Noise is another main issue with kennels. Considering the location of the kennel in the basement of the dwelling and dogs not having direct access to the outside, staff does not foresee any impact to the area from the dogs.

Waste will be disposed of in accordance with state requirements.

The applicant has a current kennel license with the state and inspections of the property have been favorable.

Recommendation

Staff recommends that the Planning Commission approve the request for a conditional use permit for the operation of a dog kennel based on the following findings and with the following conditions.

Findings

1. The requested use, as conditioned, will be compatible with the surrounding residential, agricultural, and village character of the neighborhood.

2. The Countryside zoning district permits kennels with a conditional use permit when appropriately sited and when certain development standards are met. The requested use, as conditioned, will be consistent with the surrounding Countryside and Agricultural districts and meets the general spirit and intent of development standards of Article 14 of the Miami County, Kansas Zoning Regulations.

3. The detrimental affects created by this use, including noise and odor, will be effectively mitigated by the location of the kennels in the basement of the dwelling and the limitation that the dogs will not have direct access to the outside and will only be allowed outside 4 times per day while under direct supervision; and collection and disposal of the waste are adequate measures to mitigate any potential nuisances.

4. The estimated vehicle trips generated by the proposed use is nominal on an arterial, paved road. The road network will be adequate for the vehicle trips generated by the proposed use.
Conditions

1. Except as amended by these conditions, the property shall be developed according to the conceptual plan, attached hereto as Exhibit A.
2. Except as amended by these conditions, the property shall be developed according to the applicant’s narrative report, attached hereto as Exhibit B.
3. The term of this conditional use permit shall be ten years commencing from the date of County Commission approval. 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. Development shall comply with all sanitary, building, fire and other applicable county codes and permit requirements.
5. The number of dogs kenneled at the property shall be limited to 30, excluding the owner’s personal pets.
6. The incineration of animal refuse on the property shall be prohibited.
7. The facility shall remain in good standing with the Kansas Department of Agriculture, Division of Animal Health and the USDA. All required licenses must remain current.
8. The applicant must ensure that all animals kenneled or trained on the property are current on vaccinations; and in good health.

Attachments: Vicinity map
Narrative report and other supporting documents
Site Plan
November 7, 2019

Miami County Planning Department
201 S Pearl Street/Suite 201
Paola, Kansas 66071
(913) 294-9553
Re: Operation of Debbie's Animal Haven, LLC/Application for Conditional Use Permit.

Good morning,

My name is Debra Henderson and my husband Jerry Henderson. I am a licensed veterinary technician, in my profession for 30 years. The last 15 years I have operated Debbie's Animal Haven, LLC, a boarding kennel for family pets out of the downstairs of our home. I am state licensed and inspected and have been in compliance all the years I have been in operation.

Our downstairs is set up with kennels. Client drop offs and pick ups are on scheduled times, with an average of less than 1 per day. Dogs are exercised four times a day starting at 6:00 a.m. and ending at 9:00 p.m. All outside exercise time is scheduled and supervised. Dogs are always indoors when not being exercised, so excessive outside barking and noise is minimal. We are strictly a short term boarding kennel for family pets of people traveling for business or pleasure. We are not a breeder/seller kennel and never will be. I have a professional waste cleaning company that scoops and removes waste from yards twice monthly (Ecoscoops LLC).

We have never had any complaints or opposition from neighbors that have been brought to our attention. We are very quiet people who love our animals and others animals. With the education and experience I have I am able to keep pets safe and happy while in my care.

We were in the process of trying to build a much needed storage building when it was brought to our attention that we were supposed to have a conditional use permit to operate the kennel. When I first opened my business 15 yrs ago I did call the county zoning to see if I needed any permits or licensing to do so. I was told that since the business was operated out of our home that no additional permits were required if I was state licensed. So it was my understanding that I have been in compliance.
General Description for Debbie’s Animal Haven, LLC

* Dog/Cat/Small Animal Boarding Kennel. All in our home except scheduled exercise times.

* Hours of Operation 8:00 a.m. to 6:00 p.m. Traffic averages about 1 to 3 clients per day for drop off and pick up with scheduled times.

* Entrance to our home is on pavement.

* No employees.

* No new construction.

* Waste Clean up is done by a licensed company bi-monthly.

* Noise reduction as dogs are never left outside and are kenneled inside only. No excess barking.

* Normal house lighting.

* All Kennels are vacuumed and disinfected by hand after each pet goes home. No floor drains.

* Not a breeding or never will be a breeding kennel, or seller of dogs.

* Dogs are never left out alone.
This property ownership map is for tax purposes only. It is not intended for conveyances, nor is it a legal survey.
PROJECT NAME: Henderson  DATE: 11/7/2019

PLANNING REQUIREMENTS FOR NON-RESIDENTIAL USES

☐ Full building design sealed by a Kansas Licensed Architect
☐ Code Footprint sealed by a Kansas Licensed Architect
☐ Structural Engineering Design or Evaluation sealed by Kansas Licensed Engineer
☐ Change of Occupancy
☐ Fire Apparatus Access per IFC Section 503 & IFC Appendix D
☐ Fire Hydrant location
☐ Fire sprinkler system required; or,
☐ Fire analysis by Fire Protection Engineer that is licensed by the state of Kansas
☐ Handicapped accessibility parking and building access shown on site plan
☐ Soil Profile
☐ Onsite Wastewater design sealed by a Kansas Licensed Engineer
☐ Holding Tank (annual operating permit and pumping contract required)

1. Floor Plan of Basement
2. Sanitation / Waste Disposal Plan
3. Change of Occupancy Permit Application

*Kennel - Group B Occupancy
• 6-12 Normal - 26 During Some Short Duration
• Waste Disposal Plan
• State Licensed
• Note b to Table 508.3.3 - 2 HR Separation R + B - Note b would not require separation if B area limited to < 1000 SF.
DATE: January 7, 2020 – Planning Commission Meeting

TO: Miami County Planning Commission

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

RE: 08002-CUP: SBA – Wellsville Tower
Consideration of an application to renew the Conditional Use Permit for an existing 500’ guyed communications tower per Sections 6-2.02.10 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 56 acres is located at the Northeast corner of W. 239th St and Crescent Hill Rd, in the Southwest Quarter of Section 33, Township 15S, Range 22 E, Richland Township.

Property Owner(s) Grover S. and Mary L. Hewlett
Kristen M. Hewlett

Applicant SBA Towers V, LLC

Current Zoning Agricultural

Comp Plan Rural Agricultural

Acreage Approximately 56.23 acres

CAMA # 048-33-00-00-005.00

Background

November 24, 1997: The County Commission adopted Resolution No. R97-11-117 permitting the construction and operation of a wireless cable TV facility, as a conditional use permit, application #97014-CUP, including a 504-foot high tower with transmitter, receivers and other equipment on the parcel noted above.

October 12, 1998: The Planning Department received a notification from CS Wireless Systems, Inc. regarding the completion of the tower construction per conditional use permit #97014-CUP.
**January 13, 2005:** Application #05002-CUP was received for a conditional use permit to construct a wireless telecommunications facility in the vicinity of 247th Street and Crescent Hill Road. At that time, staff referred the applicant to the existing tower site as a possible avenue for collocation.

**October 10, 2005:** An application for a conditional use permit, #05010-CUP, was received from Selective Site Consultants on behalf of David Goode as property owner and Nextel Communications as the applicant to renew a CUP for an existing 500-foot communications tower at 239th Street and Crescent Hill Road. The applicant had originally submitted a request to construct a new tower at a nearby location when it was discovered that this tower was unused. As the tower had been unused, the CUP was officially determined to have expired. During the process of this request, it was discovered that an illegal land division had occurred sometime after 1997 to create an approximate 6.7-acre tract. In order to work out detail with the current property owner regarding the leased tract for the communication tower and correct the land division, the application was “temporarily” put on hold.

**May 28, 2008:** The County Commission adopted Resolution No. R08-05-028 for a communications tower, as a conditional use permit, application #08002-CUP. The CUP was included a term of 10 years from the date of adoption by the County Commission.

**April 20, 2009:** Staff contacted the applicant in regards to a complaint that was submitted in regards to the operation of the tower. Upon performing research it was noted that no building permits had been issued for any antennae, etc. that would “initiate the use” to keep the CUP active and that the CUP would expire if not initiated or if an extension was not granted before May 28, 2009. It was noted that while Midwest Connections, Inc. had installed equipment on the tower, but the installation was considered to be a violation as they had not applied for a building permit.

**May 20, 2009:** The County Commission adopted Resolution No. R09-05-029 granting a six-month extension for the initiation of the CUP.

**2009-present:** Multiple building permits have been issued for co-location and replacement of equipment on this tower.

**May 28, 2018:** The CUP for the tower expired.

**October 11, 2019:** The applicant submitted a building permit application for the replacement of equipment on the tower. Staff informed the applicant that the CUP had expired and a new application would need to be submitted in order for the operation of the CUP to be continued.

**November 8, 2019:** An application was submitted for the renewal/extension of 08002-CUP.
Representatives from SBA contacted staff to inquire about the process to upgrade antennae on the existing tower. It was at that time that staff realized the term of the CUP had expired and the CUP would again need to go through public hearing process for approval. Application was made in early November and was scheduled to be heard before the planning commission in January 2020. To avoid any delay with replacement of the antennae, staff administratively approved the building permit following the submittal of the CUP application.

In an attempt to streamline the placement of wireless facilities across the United States and the State of Kansas, especially in rural communities, amendments to Federal and State regulations pertaining to wireless facilities over the past few years has preempted much of the local government regulation regarding these types of facilities. As such, there are a number of conditions related to the current CUP that need to be modified to comply with Federal and State regulations on wireless facilities. The county zoning regulations also need to be amended to comply with federal and state law. In the meantime, staff defers to federal and state regulations.

Since the tower is already in existence, staff will simply review the existing conditions with recommended amendments to comply with federal and state laws. Upon comparing the currently proposed CUP to the previously approved CUP the following substantive changes have been shown. First, the original CUP included an L shaped lease area of 1,356 square feet, with the larger dimensions of the L being 40’ x 48’. The current request includes an 80’ x 80’ lease area (6,400 square feet). Second, the access and utility easement approved as part of the original CUP generally followed the driveway that provides access to the site. The currently proposed CUP shows the access and utility easement being located further East than was originally approved and the site plan includes a note that “10’ gravel drive encroaches outside easement”. Staff recommends that this easement be placed so that it is located to include the actual driveway that is being used for accessing the site. Finally, the original site plan showed the installation of a proposed 11’-6” x 30’-0” shelter with two other “future colocator” locations to the West of the tower. The large shelter was never constructed and the existing two users of the tower are shown being located more South and North of the tower. These changes are not considered consequential as all improvements appear to be located within the original described lease area and will remain in the new lease area. All improvements, other than the propane tank are also located within the required fenced in area.

Public Comment

To date no one has responded on this renewal application.

Staff / Agency Comment

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

Staff recommends that the Planning Commission approve the conditional use permit for the continued use of a cellular communication tower based on the following findings and with the following amended conditions contingent upon the applicant updating the location of the access and utility easement to match the location of the improvements. In conversations with the applicant and the property owner, they are both in agreement with the changes and the applicant is working with a surveyor to update the easement locations. A new site plan will be submitted in the coming weeks.

Finding

1. The existing tower provides essential wireless services for the citizens of the county and also promotes the economic development of the county.

Conditions

Staff recommended amendments to the existing conditions are either struck through or italicized. Staff comments are in blue font.

1. Except as amended by these conditions, the property shall be developed according to the site plans, attached hereto as Exhibit A, which includes wooden fencing for screening.
2. Except as amended by these conditions, the property shall be developed according to the applicant’s narrative report, attached hereto as Exhibit B.
3. The term of this conditional use permit shall be ten years commencing from the date of County Commission approval. Staff recommends removal of the term limit.
4. Development shall comply with all sanitary, building, fire and other applicable county codes and permit requirements.
5. All lighting must comply with Federal Communications Commission regulations and requirements as recommended by the Federal Aviation Administration. Any security lighting shall utilize a fixture that directs light downward and prevents light from traveling out above a horizontal plane relative to the bulb (shoebox-type design).
6. The tower shall be removed within six (6) months of cessation of use as a communications tower.
7. A lot split application shall be received and approved prior to commencing use of the communications tower. Completed.

Attachments: Resolution R08-05-028 (Previous Resolution)
Vicinity map
Aerial photos
Narrative report
Supporting maps
Site drawings
RESOLUTION

NO. R08-05-028

A RESOLUTION AUTHORIZING CONDITIONAL USE PERMIT
#08002-CUP (Sprint / Nextel – Wellsville Tower)

WHEREAS, the Miami County Planning Commission did hold a public hearing on May 6, 2008 in accordance with the requirements as set forth in Article 22 of the Miami County, Kansas Zoning Regulations to consider a Conditional Use Permit for a communications tower, per Sections 6-2.02.10 and 14-2.01.4 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 to approve, 0 to deny, and 0 to abstain (7-0-0) to recommend that the Board of County Commissioners approve Conditional Use Permit No. 08002-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 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 adversely affect surrounding property or neighborhood values.

IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI COUNTY, KANSAS, that they hereby concur with the Planning Commission and approve Conditional Use Permit No. 008002-CUP for a communications tower, per Sections 6-2.02.10 and 14-2.01.4 of the Miami County, Kansas Zoning Regulations on that real property described in Attachment “A”, based on the findings and subject to the conditions listed below.

Findings

1. The subject parcel includes an existing 500-foot guyed tower that has been in the neighborhood since its construction in 1998. The requested use, as conditioned, will be compatible with the surrounding large-lot and small-lot residential and agricultural character of the neighborhood.

2. The Agricultural zoning district permits communication towers with a conditional use permit when said towers are found to be compatible with other uses permitted in the district. With its low traffic impact and the tower’s existence since 1998 in this area, the requested use, as conditioned, will be compatible with the surrounding Agricultural zoning and uses of the neighborhood.

3. There is no evidence to suggest that the requested use, as conditioned, will detrimentally affect nearby properties or property values.
4. The vehicle trips generated by the proposed use will be very low in volume. Therefore, Crescent Hill Road and 239th Street will not be overburdened by the vehicle trips generated by the proposed use.

Conditions

1. Except as amended by these conditions, the property shall be developed according to the site plans, attached hereto as Exhibit A, which includes wooden fencing for screening.
2. Except as amended by these conditions, the property shall be developed according to the applicant’s narrative report, attached hereto as Exhibit B.
3. The term of this conditional use permit shall be ten years commencing from the date of County Commission approval.
4. Development shall comply with all sanitary, building, fire and other applicable county codes and permit requirements.
5. All lighting must comply with the Federal Communications Commission regulations and requirements as recommended by the Federal Aviation Administration.
6. The tower shall be removed within six (6) months of cessation of use as a communications tower.
7. A lot split application shall be received and approved prior to commencing use of the communications tower.

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 28th DAY OF MAY 2008.

BOARD OF COUNTY COMMISSIONERS
MIAMI COUNTY, KANSAS

James E. Wise
JAMES E. WISE, Chairman

LYLE WOBKER, Chairman Pro-tem

Arthur Godfrey, D.V.M., Commissioner

George Pretz, Commissioner

Ronald E. Stiles, Commissioner

Approved as to form and legality on May 13, 2008 by [Signature].
GRADING NOTES:
1. STOP THE GROUND OF ALL VEGETATION AND DEBRIS.
2. PROTECT ROAD WITH LOADED SAND TRUCKS TO IDENTIFY SOFT SPOTS.
3. REMOVE SOFT SPOT EMBRASING, AND COMPACT TO SIDE AT STRUCTURE, SIDE ELEMENTS.
4. INSTALL GEOTEXTILE FABRIC ON PREPARED SUBGRADE.
5. PLACE AND COMPACT IT AGGREGATE SURFACING.
6. SEE SPECIFICATIONS, DRAWINGS FOR REQUIREMENTS OF SUBGRADE MATERIAL.
7. MAINTAIN REASONABLE DRAINAGE THROUGH DRAINAGE DITCHES AND Ditches throughout.
8. COMPLETE DRIVE LENGTH SHALL BE POSITIVE DRAINAGE DURING AND AT COMPLETION OF CONSTRUCTION.

SILTATION NOTES:
1. SILTATION CONTROL DEVICES TO REMAIN IN PLACE UNTIL COMPLETE VEGETATION GROWTH INCREASES NO SURFACE EROSION OF THE SOIL.
2. SILTATION FENCES SHALL BE INSTALLED PERIODICALLY FOR DURABILITY, AND FOR THE ADOPTION OF SEEDING MATERIAL WILL BE REQUIRED AT TIMES 1/2 CM. HEIGH.
3. ATTACHMENT OF GEOTEXTILE FABRIC TO BE IN ACCORDANCE WITH THE MANUFACTURER's RECOMMENDATIONS.
4. SILT FENCING TO BE USED AT ALL AREAS OF EXCAVATION.
ATTACHMENT “A”

PROPERTY DESCRIPTION: Proposed Lease Area, Access/Utility Easement, Guy Anchor Easement

An irregular shaped Lease Area, an Access/Utility Easement of varying widths, and a 20 foot wide Guy Anchor Easement situated in the Southwest Quarter of Section 33, Township 15 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas, more particularly described as follows:

COMMENCING at the Southeast corner of the Southwest Quarter of said Section 33 (Fnd. 4”x4” Conc. Post w/ "+" cut), said point bears North 88°06’32” East, a distance of 2071.40 feet from a 3.5” Aluminum Monument (AP—33—10); thence North 32°42’03” West, a distance of 1014.52 feet to the POINT OF BEGINNING of said Lease Area; thence South 00°00’00” East, a distance of 40.00 feet; thence South 90°00’00” West, a distance of 18.00 feet; thence North 00°00’00” West, a distance of 23.50 feet; thence South 90°00’00” West, a distance of 30.00 feet; thence North 00°00’00” West, a distance of 16.50 feet; thence North 90°00’00” East, a distance of 48.00 feet to the POINT OF BEGINNING. Containing 1,215 square feet, more or less.

Together with an Access and Utility Easement of varying widths, more particularly described as follows:

BEGINNING at the Southeast corner of the previously described Lease Area; thence South 90°00’00” West, a distance of 18.00 feet; thence North 00°00’00” West, a distance of 23.50 feet; thence South 90°00’00” West, a distance of 24.00 feet; thence South 00°10’23” East, a distance of 52.66 feet; thence North 89°49’37” East, a distance of 6.35 feet; thence South 00°15’19” East, a distance of 773.72 feet to a point on the North right of way line of 239th Street, as it presently exists; thence North 88°06’33” East along said right of way line, a distance of 20.01; thence North 00°15’19” West, a distance of 773.13 feet; thence North 89°49’37” East, a distance of 26.49 feet; thence North 00°00’00” West, a distance of 33.00 feet; thence South 90°00’00” West, a distance of 11.00 feet; thence South 00°00’00” East, a distance of 4.00 feet to the POINT OF BEGINNING. Containing 17,613 square feet, more or less.

And, a 20 foot wide Guy Anchor Easement, lying 10.00 feet on each side of the following described centerline:

COMMENCING at the Northeast corner of the previously described Lease Area; thence South 72°35’46” West, a distance of 26.90 feet to the center of a telecommunications tower, said point being the POINT OF BEGINNING and hereafter referred to as Point “A”; thence North 45°04’02” East, a distance of 420.00 feet to a POINT OF TERMINATION; thence BEGINNING at aforesaid Point “A”; thence South 14°55’58” East, a distance of 420.00 feet to a POINT OF TERMINATION; thence BEGINNING at aforesaid Point “A”; thence North 74°55’58” West, a distance of 420.00 feet to a POINT OF TERMINATION. Containing 25,028 square feet, more or less.
This property ownership map is for tax purposes only. It is not intended for conveyances, nor is it a legal survey.
Narrative of Use

1. General Description of Proposed Use:

This request for renewal is intended for continued operation and maintenance of the existing unmanned telecommunications facility located at 33500 West 239th St., Wellsville, KS. The facility, located on the subject parcel, includes an existing 500-foot guyed tower that has been in the neighborhood since its construction in 1998. As an unmanned telecommunications facility, it is not open to the public, does not generate regular traffic or noise, and does not require employees for day-to-day operation.

At this time, for the purpose of extending the life of this zoning approval, no new construction is proposed. It is requested that this use is approved without expiration, if possible.

2. Utilities and Infrastructure:

Access is by a gravel drive off of 239th Street, and across from the entrance to Crescent Hill Road, as depicted in the included survey. For the operation of service provider equipment and lighting required by the FAA, the existing proposed use has connection to electricity. One of the service providers has a generator and maintains a propane tank in connection with it, for use during emergencies and power outages.

3. Impacts to Surrounding Properties:

The day to day operation of the Existing/Proposed Use does not generate noise or traffic. The tower is lit as required by the FAA.

4. Other:

No additional comments.
Instrument Prepared By:
SBA Towers V, LLC
Nicole Pocchia
5900 Broken Sound Pkwy NW
Boca Raton, FL 33487
(561) 226-9439

Upon Recording Return to:
SBA Towers V, LLC
Attn: Debra DiBetta
5900 Broken Sound Parkway, NW
Boca Raton, FL 33487
(561) 226-9461
SBA Site ID: KS16485-A / Hillsdale 6, KS

ASSIGNMENT AND ASSUMPTION OF GROUND LEASE

THIS ASSIGNMENT AND ASSUMPTION OF GROUND LEASE ("Ground Lease Assignment") is made and entered into as of this 24th day of July, 2014 ("Transfer Date"), by SELECTIVE SITE DEVELOPMENT, INC., a Kansas corporation, with an address at 9900 West 109th Street, Suite 300, Overland Park, KS 66210 ("Assignor"), to SBA TOWERS V, LLC, a Florida limited liability company, having an address at 5900 Broken Sound Parkway, NW, Boca Raton, FL 33487, Attn.: Thomas P. Hunt, Executive Vice President and General Counsel, Fax Number (561) 989-2941 ("Assignee").

RECITALS

A. On the 1st day of January, 2014, Mark Schneider and Erin Schneider ("Ground Lessor"), as lessor, and Assignor, as lessee, entered into that certain Amended Lease Agreement (collectively with all amendments, modifications, renewals, substitutions, extensions, and replacements thereto and thereof, as applicable, the "Ground Lease") for that certain parcel of real property ("Real Property") located in the City of Wellsville, County of Miami, State of Kansas, which Real Property is more particularly described on Exhibit "A" attached hereto. In connection with the Ground Lease, Lessor and Assignor recorded a Memorandum as Document Number 2014-
00392 the Register of Deeds of Miami County, Kansas.

B. Pursuant to that certain Purchase and Sale Agreement dated as of the 9th day of June, 2014 ("Purchase and Sale Agreement"), by and between Assignor and Assignee, Assignor has, among other things, agreed to assign all its right, title and interest in and to the Ground Lease to Assignee and to sell and convey to Assignee all of its right, title and interest in the improvements thereon, including all communications towers or monopolies on the Real Property. All capitalized terms not otherwise defined in this Ground Lease Assignment shall have the meaning ascribed thereto in the Purchase and Sale Agreement.

NOW THEREFORE, in consideration of the mutual covenants contained in this Ground Lease Assignment, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor and Assignee hereby agree as follows:

1. RECITALS. The recitals set forth above are incorporated herein and made a part hereof and are true and correct.

2. ASSIGNMENT. As of the Transfer Date, Assignor hereby irrevocably and absolutely assigns and transfers to Assignee, for itself and for its successors and assigns, all of Assignor's right, title, claim and interest in, to and under the Ground Lease. Assignor will indemnify, defend and hold harmless Assignee, its successors and assigns and their respective agents, representatives, parents, subsidiaries, employees, attorneys, shareholders, and past, present and future directors and officers, from and against, and upon demand, reimburse Assignee for any claim, damage, loss, liability, obligation, demand, defense, judgment, penalty, suit, proceeding, disbursement, cost and expense, including, without limitation, reasonable attorneys' fees or costs (including those related to appeals) of any nature whatsoever (collectively, "Losses and Liabilities"), which may be imposed upon, asserted against or incurred or paid by Assignee by reason of, arising out of or in any way related to the Ground Lease prior to the Transfer Date or which arise out of or are in any way related to the Ground Lease after the Transfer Date on account of any fact or circumstance occurring or existing prior to the Transfer Date.

3. ACCEPTANCE OF ASSIGNMENT. Assignee as of the Transfer Date, hereby accepts the foregoing assignment of the Ground Lease and assumes all of the Assignor's obligations under the Ground Lease which arise or relate to the period after the Transfer Date. Assignee will indemnify, defend and hold harmless Assignor, its successors and assigns and their representatives, agents, employees, directors and officers from and against any and all Losses and Liabilities arising out of or in any way related to the Ground Lease on and after the Transfer Date, except for Losses and Liabilities which arise out of or are in any way related to the Ground Lease after the Transfer Date on account of any fact or circumstance occurring or existing prior to the Transfer Date.

4. APPURTENANCES, EASEMENTS, AND IMPROVEMENTS. Assignor hereby grants, bargains, assigns and sells to Assignee, its successors and assigns forever, all of Assignor's right, title, claim and interest in and to (i) all Appurtenant Property relating to the Real Property, (ii) all Easements benefiting the Real Property, (iii) all Improvements constructed on the Real Property
or the Easements, and (iv) any and all non-disturbance agreements, subordination, non-disturbance &
attornment agreements and all similar agreements benefitting Assignor and/or the Ground Lease.

5. **REPRESENTATIONS AND WARRANTIES BY ASSIGNOR.** Assignor hereby
represents and warrants to Assignee that Assignor is the sole owner of the entire leasehold interest in
the Real Property. Neither the Ground Lease nor any interest therein has been assigned to any
individual or entity (other than Assignee). No other ground lease or option or commitment to lease
affecting the Real Property presently exists.

6. **JURISDICTION AND VENUE.** The parties acknowledge that a substantial portion
of the negotiations, anticipated performance and execution of this Ground Lease Assignment
occurred or shall occur in Palm Beach County, Florida. Any civil action or legal proceeding arising
out of or relating to this Ground Lease Assignment shall be brought in the courts of record of the
State of Florida in Palm Beach County. Each party consents to the jurisdiction of such court in any
such civil action or legal proceeding and waives any objection to the laying of venue of any such
civil action or legal proceeding in such court. Service of any court paper may be effected on such
party by mail, as provided in this Ground Lease Assignment, or in such other manner as may be
provided under applicable laws, rules of procedure or local rules.

7. **ATTORNEYS FEES AND COSTS.** In the event of any litigation or arbitration
between Assignor and Assignee arising out of this Ground Lease Assignment, the prevailing party
will be entitled to recover all expenses and costs incurred in connection therewith, including
reasonable attorneys' fees and costs at both trial and appellate levels.

8. **BINDING EFFECT.** This Ground Lease Assignment will be binding on and inure to
the benefit of the parties herein, their heirs, executors, administrators, successors-in-interest and
assigns.

9. **GOVERNING LAW.** This Ground Lease Assignment will be governed by and
construed in accordance with the internal laws of the State of Florida without regard to principles of
conflicts of laws.

10. **COUNTERPARTS.** This Ground Lease Assignment may be executed in two or more
counterparts, each of which will be deemed an original, but all of which together will constitute one
and the same instrument.

**THIS GROUND LEASE ASSIGNMENT** has been executed by Assignor and Assignee on
the Transfer Date.

[Signature Pages to Follow]
ASSIGNOR:

SELECTIVE SITE DEVELOPMENT, INC., a Kansas corporation

By:  
Larry Louk  
President

STATE OF Kansas  
COUNTY OF Johnson

This instrument was acknowledged before me on July 22, 2014, by Larry Louk, as President of Selective Site Development, Inc., a Kansas corporation.

(SEAL)

MEGAN BROWN
Notary Public - State of Kansas
My Appt. Expires 7/6/2016

(Megan Brown)
Notary Public
Printed Name: Megan Brown
Notary Public in and for said State

My Commission Expires:

7/6/2016
ASSIGNEE:

SBA TOWERS V, LLC,
a Florida limited liability company

By: ____________________________
    Neil Seidman
    Senior Vice President

STATE OF FLORIDA  )
COUNTY OF PALM BEACH  )

This instrument was acknowledged before me on July 24, 2014, by Neil Seidman, as Senior Vice President of SBA Towers V, LLC, a Florida limited liability company.

(SEAL)

NICOLE POCCHIA
Notary Public
Printed Name: Nicole Pocchia
Notary Public in and for said State

My Commission Expires:

_2-27-14_
EXHIBIT "A"

Real Property

KS16485-A / Hillsdale 6, KS

An 80 foot by 80 foot Lease Area, and an Access/Utility Easement of varying widths, and a 20 foot wide Guy Anchor Easement, situated in the Southwest Quarter of Section 33, Township 15 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 33 (Fnd. 4 foot by 4 foot Conc. Post w/ "+" cut), said point bears North 88 degrees 06 minutes 32 seconds East, a distance of 2071.40 feet from a 3.5 inch Aluminum Monument (AP-33-10); thence North 33 degrees 31 minutes 30 seconds West, a distance of 966.45 feet to the Point of Beginning of said Lease Area; thence South 00 degrees 00 minutes 00 seconds West, a distance of 56.22 feet to a point referred to as Point "B"; thence continuing South 00 degrees 00 minutes 00 seconds West, a distance of 23.78 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 80.00 feet; thence North 00 degrees 00 minutes 00 seconds West, a distance of 80.00 feet; thence South 90 degrees 00 minutes 00 seconds East, a distance of 80.00 feet to the Point of Beginning.

Together with an Access and Utility Easement of varying widths, more particularly described as follows:

Beginning at aforesaid Point "B"; thence South 00 degrees 10 minute 23 seconds East, a distance of 21.11 feet; thence North 89 degrees 49 minutes 37 seconds East, a distance of 6.34 feet; thence South 00 degrees 15 minutes 19 seconds East, a distance of 756.11 feet to a point on the North right of way line of 239th Street, as it presently exists; thence North 88 degrees 12 minutes 55 seconds East along said right of way line, a distance of 20.01 feet; thence North 00 degrees 15 minutes 19 seconds West, a distance of 755.55 feet; thence North 89 degrees 49 minutes 37 seconds East, a distance of 26.49 feet; thence North 00 degrees 00 minutes 00 seconds West, a distance of 20.95 feet; thence South 90 degrees 00 minutes 00 seconds West, a distance of 52.89 feet to the Point of Beginning.

And, a 20 foot wide Guy Anchor Easement, lying 10.00 feet on each side of the following described centerline:

Commencing at the Southeast corner of the previously described Lease Area; thence North 45 degrees 00 minutes 00 seconds West, a distance of 56.57 feet to the center of a telecommunications tower, said point being the Point of Beginning and hereafter referred to as Point "A"; thence North 45 degrees 04 minutes 02 seconds East, a distance of 420.00 feet to a Point of Termination; thence Beginning at aforesaid Point "A"; thence South 14 degrees 55 minutes 58 seconds East, a distance of 420.00 feet to a Point of Termination; thence Beginning
at aforesaid Point "A"; thence North 74 degrees 55 minutes 58 seconds West, a distance of 420.00 feet to a Point of Termination.
01 AT&T
4'x9' pad
2'x7' pad
3'x3' pad
6' h-frame

02 Mid West
Connections
5'x5' equipment
3'x5' generator
3'x7' propane

Compound fence is 6' tall board fence.

Power meters

SBA Communications

HILLSDALE 6
COMPOUND DRAWING

By: David Hogan
dhogan@sba.com

DATE: 4/09/2019
SITE NUMBER: KS16485-A
STATE: KS