

**BUTLER COUNTY PLANNING COMMISSION**

Scheduled Meeting, January 4, 2022

Butler County Courthouse-4<sup>th</sup> Floor

205 W. Central

El Dorado, Kansas 67042

**MINUTES**

The scheduled meeting of the Butler County Planning Commission began at 7:00 p.m. on Tuesday, January 4, 2022 on the 4<sup>th</sup> Floor of the Butler County Courthouse located at 205 W. Central in El Dorado, Kansas.

**Chairman:** Jeff Varner

**Members Present:** Jim Ralston, David Greene Jr., Kristie Sullivan & Kermit Frey

**Members Absent:** Jeremy Sundgren, Andy Jones & Bryce Flaming

**Guests:** Gerald Dixon, Cynthia Jasso, Clayton Capps, Ben Thomas, Josh Reding, Claudia Reding, Ryan Adkison, Johnson Adkison, Todd Helmut & Chris Hampton

**The meeting was called to order and a quorum was declared**

**Approval of the January 4, 2022 Planning Commission Agenda**

**Motion:** David Greene

**Second:** Kristi Sullivan

Approved

**Approval of the December 15, 2021 Planning Commission Meeting Minutes**

**Motion:** Jim Ralston

**Second:** Kristi Sullivan

Approved

**Old Business:**

**CU 21-08**—Conditional Use Permit for a Fabrication Shop

**Applicant/Owner:** Josh Reding

**Agent:** N/A

**Location:** 10759 SW 30<sup>th</sup> St. Towanda, KS

**Discussion:** Staff Recommends Approval

**Staff:** This is a request for a Conditional Use Permit allowing for the operation of a Fabrication Shop that works on ATV's & SXS's. The Case was heard on November 2, 2021 and at that time the case was tabled until January of 2022, allowing Staff to further investigate the complaint associated with Noise and the impact to the neighbors.

Staff met at the site and had the applicant start the compressor and use the Sand Blaster. Staff noted that he could barely hear either one when standing on the western edge of the property. With that being said staff recommended approval.

Todd Helmut addressed the Planning Commission apologizing for his comments and pent up frustration that was expressed at the November meeting. He stated it was 2-years of dealing with the issue and expressed it in the wrong manner.

Mr. Helmut then questioned staff as to was the compressor running at the time, where was the location of the compressor and did Mr. Reding actually blast a piece of metal.

Staff then stated yes the compressor was running and located east of the large building. Now then did he actually blast a piece of metal? Staff replied that no he did not.

Mr. Helmut then asked Commissioner Ralston if you can control the volume of the Sandblaster and would there be a significant noise difference if a piece of metal was being blasted versus just running the blaster and not actually hitting metal?

Commissioner Ralston said yes there could be a significant difference if blasting a piece of metal versus just shooting the sand at the ground.

Mr. Helmut agreed that yes there is a significant difference but if operated in the proper manner it could be tolerated.

He then stated that he was also concerned in how are we going to control the noise of operating the other aspect of the business? The running of the vehicles after hours? How are we going to police that noise level? If the noise level that has existed over the past 60 days stays at that level, then it would not be a problem and he would not be there arguing the case.

Now then, if he stays mad at me and after he gets his CUP who is going to police the noise level?

Staff noted that we can police the activity during business hours but after hours if he wants to ride his personal vehicles that is his choice.

Mr. Helmut then stated that is his concern.

Mr. Helmut then went on to inquire about the applicant being required to live on the property?

Staff noted that no he does not. The CUP allows for the operation of the business but does not make it a commercial property and that if the business operations were to change the current CUP would be removed and the process to operate a different type of business would be required.

Mr. Helmut had nothing further to say and thanked the Board for their time.

The Chairman then asked if anybody else had any comments or questions.

Mr. Reding, then wanted to add that he has no plans of constructing any addition buildings on the property but if he did they would be well insulated and significantly reduce any noise that might be arising out of the operations of the business.

Mr. Reding went on to say that he has no intentions of changing the way he has been operating over the past 60 days. He has been the only one working over that time and it has allowed him to spend more time with his family and will continue that practice.

Commissioner Ralston asked Mr. Reding if he truly was willing to running that operations at the level it is currently being run at so that both parties are agreeable to what is being required?

Mr. Reding replied that yes he will continue to operate in the same manner.

Commissioner Sullivan then asked for confirmation that hours of operation would in fact be 8-5 and Mr. Reding replied that yes that is correct.

The Chairman then asked for a motion and a motion was made by Commissioner Ralston to approve the request but add the following Condition: That the business continue to be operated as it has been operating for the past 60 days and if that changes then the applicant will be required to come back before the Board and explain the situation.

Staff then asked how are we to police that stipulation because if a situation arises that is separate and distinct from the operation of the business and the neighbors complain, claiming it is related to the business, how do I address that?

Commissioner Ralston stated that the applicant will be required to come back before the Board and a Hearing will be held to determine if the issue is related to business operations or not and will be then be addressed.

Commissioner Greene then commented, but it was not picked up by the mic.

**No further questions or comments were made**

**Motion:** Jim Ralston

**Second:** David Greene, Jr.

**Action:** Approved 4-0

**To be heard before the BOCC on January 25<sup>th</sup> 2022 @ 9AM**

**New Business:**

**PL 22-01** – Request for a Homestead Lot Split with APO Provisions

**Applicant/Owner:** Wilmer Thiessen

**Agent:** Gerald Dixon, with Goedecke Surveying

**Location:** 17158 NE Cole Creek Rd. Burns, KS

**Discussion:** Staff recommends approval

**Staff:** This is a request for a Homestead Lot Split. The applicant owns 156+/- acres, is zoned AG-80 and is proposing to split 10+/- acres with the placement of a 70+/- acre APO on some of the remaining property. The property meets the criteria for such a split.

**No further questions or comments were made**

**Motion:** Kermit Frey  
**Second:** Kristi Sullivan  
**Action:** Approved 4-0  
**To be heard before the BOCC on January 25<sup>th</sup>, 2022 @ 9:00AM**

**RZ 22-01** – Request for a Change in Zoning from AG-40 to RR  
**Applicant/Owner:** Cynthia Jasso  
**Agent:** N/A  
**Location:** 13503 SW 170<sup>th</sup> St. Rose Hill, KS  
**Discussion:** Staff recommends approval

**Staff:** The applicant owns 4+/- acres located at 13503 SW 170<sup>th</sup> St. Rose Hill. The requested change in zoning would bring the tract of land into compliance since the Split was recorded without going through correct process, thus making the property an Illegal Lot of Record.

The property is located in an area that has similar zoning in the area and is located within the Urban Growth Area. The change in zoning would not be detrimental to the area and staff's recommendation is to approve the request as presented.

**No further questions or comments were made**

**Motion:** Kermit Frey  
**Second:** David Greene, Jr.  
**Action:** Approved 4-0  
**To be heard before the BOCC on January 25<sup>th</sup> 2022 @ 9:00AM**

**RZ 22-02** – Request for a Change in Zoning from AG-40 to RE  
**Applicant/Owner:** Linda Wallace  
**Agent:** Gerald Dixon, Goedecke Surveying  
**Location:** 2356 NW Shumway Towanda, KS  
**Discussion:** Staff recommends approval

**Staff:** The applicant owns a tract of land that contains 19+/- acres, is zoned AG-40 and is proposing to change the zoning from AG-40 to RE on the property located at 2356 NW Shumway Rd. The change in zoning will allow the applicant to potentially split off a small tract of the 19 acres for her son to build a new Single-family residence.

The property is located in an area that has both AG-40 and RR zoning but also located less than a mile from the City of El Dorado ETJ. The possible size of the tracts could be similar to the size of tracts in the area so the change would not be detrimental to the area. Staff recommends approval.

**No further questions or comments were made**

**Motion:** Jim Ralston  
**Second:** Kristi Sullivan  
**Action:** Approved 4-0

**To be heard before the BOCC on January 25<sup>th</sup>, 2022 @ 9:00AM**

**CU 22-01** – Request for approval of a Conditional Use Permit for an Event Venue

**Applicant/Owner:** JCH Revocable Farm Trust

**Agent:** N/A

**Location:** 12950 SW 90<sup>th</sup> St. Andover, KS

**Discussion:** Staff recommends approval

Staff: This is a request for a Conditional Use Permit for an Event Venue on property located at 12950 SW 90<sup>th</sup> St. Andover. The applicant owns a tract of land that contains 105+/- acres, and is used for farm related activities. The applicant is looking to build a structure that will host Weddings and other events on the property and accommodate upwards of 450 attendees.

The Venue will provide a unique opportunity to either utilize the future structure or enjoy the outdoors for activities that provide access to nature.

Currently there is a shop on the property but access will be off SW Indianola Rd, which is a Chip Sealed Township Road.

All parking will take place onsite with no parking allowed on either SW Indianola or SW 90<sup>th</sup> St.

A concern about the potential impact of accessing US 54/400 after an event was brought up with minimal discussion.

Hours of operation will be Monday through Sunday from 9AM to 11PM.

With no further comments from Staff the Chairman asked if the applicant had anything that he wanted to add?

Ben Thomas, stated he had nothing to add but was then asked by Commissioner Ralston how he would handle late night Music. Mr. Thomas said he wants to be able to allow it but also wants to respect the neighbors and will shut down early if needed.

Discussion then turned to holding the applicant to just the use of the 9 acres that were surveyed. Both Mr. Thomas and Staff stated that the 9 acres are more than adequate for what they are proposing and didn't feel it was necessary to utilize the entire 105 acres.

After further Board discussion it was stated that to approve the entire property would require an entirely new Public Hearing and Notification Process so it was agreed that the 9 acres would be sufficient.

Commissioner Ralston then wanted to include a provision that any Amplified Outdoor Music be held to a minimal level so not to upset the neighbors. All agreed that would not be a problem.

Commissioner Sullivan then asked about access to the site and Mr. Thomas stated the entrance to the property will come off of SW Indianola Rd. and not SW 90<sup>th</sup> St.

General comments surrounding the quality of Chip Seal application was then noted by Commissioner Ralston and Mr. Ryan Adkison, Butler County Asst. County Administrator addressed the question of who pays for application and who then maintains the road in the future?

Mr. Adkison explained that since the Townships don't have the equipment needed to apply the material, Butler County will perform the work and the Townships will pay for the material. It has seemed to work well over the years.

Commissioner Ralston then noted that since he is in the Road Business he sees all kinds of applications and he stated Butler County Public Works does a fantastic job and should be commended for it.

**No further questions or comments were made**

**Motion:** Jim Ralston

**Second:** David Greene, Jr.

**Action:** approved 4-0

**To be heard before the BOCC on January 25<sup>th</sup>, 2022 @ 9:00AM**

**\*\*\*\*\*Meeting was adjourned\*\*\*\*\***