

BUTLER COUNTY PLANNING COMMISSION

Scheduled Meeting
January 7th, 2020
Butler County Courthouse-4th 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 7th, 2020 on the 4th Floor of the Butler County Courthouse located at 205 W. Central in El Dorado, Kansas.

Chairman: Jeff Varner

Members Present: David Greene Jr., Kristi Sullivan, Andy Jones, Jeremy Sundgren, Kermit Frey

Members Absent: Jim Ralston

Guests: Roger Cutsinger, Wayne Boaldin, John Banks, Caleb Rock

The meeting was called to order and a quorum was declared

Approval of the January 7th, 2020 Planning Commission Agenda

Motion: David Greene, Jr.

Second: Andy Jones

Approved

Approval of the December 3rd, 2019 Planning Commission Meeting Minutes

Motion: Andy Jones

Second: Kristi Sullivan

Approved

Old Business:

None

New Business:

RZ 20-01

Request for a Zoning Change from AG 40 to RR Zoning District

Applicant/Owner: Investments by B & D LLC

Agent: Roger Cutsinger, Savoy Company P.A.

Location: 4332 SW Kickapoo Rd., El Dorado, KS 67042

Discussion: Staff recommends approval

Staff: This is a request to rezone 3 +/- acres from Ag 40 to RR Zoning Classification. The entire tract of land contains 139 +/- acres. The proposed 3 acres tract does have an existing residence on it. The surrounding area is a mixture of Ag 40 and RR. The proposed change in zoning may not be considered detrimental to the area. It is staff opinion that the change in zoning

classification may not necessarily have a negative effect upon the area since the remaining 136 +/- acres would remain as farm ground. The RR classification would allow for more development than what is allowed in this case the applicant is proposing to only rezone 3 acres of the 139 acres. The residence has been on the parcel for years and has public water and a septic system in place. The property is located inside of the Urban Growth Area of the County. The rezone would allow for the division of the property which would allow for the sale of the 3 acre tract with the residence. The surrounding area is a mixture of Ag 40 and RR. The proposed change in zoning may not be considered detrimental to the area.

Roger Cutsinger: the proposed zoning change would only be for the 3 acres with the residence. The remaining land would stay as farmland.

No further questions or comments were made

Motion: Andy Jones

Second: David Greene Jr.

Action: Approved 5-0

To be heard before the BOCC on January 28th, 2020 @ 9:00am

RZ 20-02

Request for a Zoning Change from AG 40 to RR Zoning District

Applicant/Owner: Caleb Rock and John Livengood

Agent: Roger Cutsinger, Savoy Company P.A.

Location: 12312 NW Parallel Rd., Benton, KS 67017

Discussion: Staff recommends approval

Staff: This is a request to rezone 40+/- acres. The applicant is proposing to rezone the tract of land so they can then split the property and build two residences on the newly created lots. I do want to point out that the SE corner of the property was already split out so this would also correct a wrong since the split occurred prior to the zoning classifications. The surrounding area consists a mixture of Ag 40 and RR. It is staff opinion that the change in zoning classification request may not necessarily have a negative effect upon the area since the new tracts would be similar in size as to what is already in the area. The change in the zoning classification could allow for more development but in this case, the applicant is merely wanting to rezone the property which would allow the applicant to build 2 Single Family Homes. The property has been farmed for years. The properties will have access to public water and a septic or lagoon waste water sewer systems will be required. Electricity will be available through the area provider. The property is located inside the Urban Growth Area of the County.

Roger Cutsinger: I am here with Caleb Rock who is the one wanting to build the house. As David mentioned, this rezone request will also correct the current zoning classification since it was split prior to the current zoning laws.

Staff: I do want to note that we did take action on this before. One was a Mortgage Lot Split and the other one was a Homestead Lot Split. The bottom one was a Mortgage and the other one was a Homestead Lot Split.

Board: Is there no way to address the bottom one the same way? Maybe an APO?

Staff: I don't want to speak for Mr. Livengood but this would allow for the 2 Single Family Homes to be built.

Board: The problem is that the area doesn't need anymore. The infrastructure is just terrible.

Staff: As far as the road system?

Board: Yes

Caleb Rock: The Southeast 10 acres on the NW Corner, I am actually in the process of buying that one as well. So it would be the bottom 30 acres all together. The north 10 acres are owned by a guy I work with and he is buying the other 10 acres.

Board: I am just surprised there isn't more people here tonight because the last time we broke off some acreage, we had about a dozen people here and I remember we told them that there was very little we could since it was 40 acres, breaking off but here we are looking at 10 already broke off.

Roger: If he buys this, then Caleb will own the 30 acres.

Board: Don't get me wrong, I would like to see it developed but I worry about the infrastructure out there.

Board: Where is the other house going to go?

Caleb: I will have one on my 30 acres and I do not know anything about 2nd one they are talking about. Maybe it's the guy to the north of me.

Board: So basically we have 80 acres there in total if we take that 40 above it, so instead of having 2-40 acre tracts, we would have a 50 acre and a 30 acre tract so they are not really changing anything as to how many houses could be built.

No further questions or comments were made.

Motion: Kristi Sullivan

Second: Andy Jones

Action: Approved 5-0

To be heard before the BOCC on January 28th, 2020 @ 9:00am

Review of the new FEMA Maps and proposed amendments to the Floodplain Regulations

Staff: This has been a process that has been going on for quite a while now. The preliminary maps came out on January 31st of 2018. The goal this evening is to get a recommendation to present back to the Board of County Commissioners. The new maps are to go officially into effect on January 22nd of this year (2020). Concerning floodplain regulations, one of the areas we are proposing a change would be the current requirement of 1 foot of freeboard above the BFE, Base Flood Elevation, to 2 feet. Neighboring counties have gone to 2 feet of freeboard. It would provide additional flood protection as well as an additional discount on their Flood Insurance Policy. I would like to note that all these proposed changes, which are very minimal, have been approved by FEMA and the Division of Water Resources with the State of Kansas. Another item we are proposing, which is also another higher regulatory standard, would be to create a buffer area of 50 feet from any SFHA, Special Flood Hazard Area, to apply to the new installation of septic systems, tank and lateral lines. What this does, we currently have some areas that has the flood zone area right up to their existing septic systems. The inundation of floodwaters can then enter the lateral lines, tank and could potentially back into their homes. This would be a better way of protecting these systems. I do also want to note that our Community Ratings System rating has gone down from an 8 to a 7 which in itself has also reduced Flood Insurance Rates to Land Owners. Assuming this will get approved this evening, and upon approval of the Butler County Commission, Property Owners will start seeing an additional discount in their Flood Insurance Rate. Again, this does not impact anyone with an existing system since those would be considered grandfathered in. Again seeking

approval for the increase in Freeboard from 1 foot to 2 feet as well as establishing a buffer from any SFHA for septic systems. FEMA publication shows that there are additional savings to homeowners on their Flood Insurance Policies by raising their homes to 2 feet compared to 1 foot.

I would also like to turn to the map showing the different colors which reflect the areas of the Map changes. If anyone has any questions, I would be happy to address them.

Board: [inaudible]

Staff: Total acreage in Butler County, I couldn't answer that. I do not have that information but could probably get it. This map shows the most impacted area as far as the changes. I do not understand some of these changes since I am not a Floodplain Administrator but I do understand the regulations. All people affected by these map changes were notified by our office.

Board: So what about those that would be considered grandfathered in after these changes would take effect, would they see any additional discounts from this?

Staff: I honestly cannot answer that, however I would assume that it would stay the same as they currently are. Now once the CRS officially goes from an 8 to a 7, then everyone will see those savings.

Board: What happens when one of these grandfathered homes burns down, could they then rebuilt under the grandfather clause?

Staff: As long as they do that within the 6 month window. *

Motion: David Greene Jr.

Second: Kristi Sullivan

Action: 5-0 for approval

To be heard before the BOCC on January 14th, 2020 @9:00am

*Should a structure occur damage of 50% or more of its appraised value, the structure must comply with the (proposed) 2020 Floodplain Regulations. The same would apply to improvement of a structure, 50% improvement (remodel or enlargement) of its appraised value within 5 calendar years would mean the structure needs to comply with the newest regs.

***** MEETING ADJOURNED*****