

**BUTLER COUNTY PLANNING COMMISSION**

Scheduled Meeting  
February 6<sup>th</sup>, 2018  
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, February 6<sup>th</sup>, 2018 on the 4<sup>th</sup> Floor of the Butler County Courthouse located at 205 W. Central in El Dorado, Kansas.

**Members Present:** Jim Ralston; Kermit Frey; Andy Jones; Jeff Varner; Mark Sudduth; David Greene Jr.

**Members Absent:** Jeremy Sundgren; Debbie Logsdon

**Guests:** Roger Cutsinger; Gerald Dixon; Del and Becky Rimer; Jon Newman; Dave and Jane Simms; Donna Wilkerson; Donald McKinney; Kevin Polk; J. David Crum, Jake McClure

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

**Approval of the Agenda for February 6<sup>th</sup>, 2018**

**Motion:** David Greene Jr.

**Second:** Andy Jones

Approved

**Approval of the January 2<sup>nd</sup> 2017 Planning Commission Minutes**

**Motion:** Jim Ralston

**Second:** Andy Jones

Approved

**Old Business:** None

**New Business:**

**PL 18-01**

Request for a Homestead Lot Split with APO Provisions

**Applicant/Owner:** Stewart and Karen Koehn

**Agent:** Graber Surveying Services

**Location:** 5803 NW 150<sup>th</sup> Street, Burn, KS

**Discussion:** Staff recommends approval

**Staff:** Applicant is proposing to split an 8.4 acre tract of land and place a 71.3 acre APO. Property is primarily used for farming activities. Staff feels the request meets the criteria for such a split and that it is appropriate to place the APO provisions. The action will not negatively affect the area.

**Stewart Koehn:** I wanted to add that this is an existing building spot and has been there for many years. We are not starting anything or changing anything other than the new house we built after we took down the old.

**No further questions or comments were made**

**Motion:** Mark Sudduth

**Second:** Andy Jones

**Action:** Approved 5-0

*To be heard before the BOCC on February 27<sup>th</sup>, 2018 @ 9:00am*

**PL 18-03**

Request for a Final Plat approval on 3 Acres

**Applicant/Owner:** Donna Wilkinson

**Agent:** Roger Cutsinger; Savoy Company P.A.

**Location:** 1682 SW 100<sup>th</sup> St, Augusta, KS 67010

**Discussion:** Staff recommends approval

**Staff:** This was a case that was reviewed in the past under VA 17-19. Ms. Wilkinson then changed her mind and wanted to make some changes to the size of the lots, instead of 3-1 acre lots, she then proposed 2-1.5 acre lots. The hearing about the Variance is kind of drove this to the platted into smaller lots. Each of these properties is accessible via SW 100<sup>th</sup> Street. Staff does not have a problem with the proposal as lots being presented are similar to lot sizes in the area.

**Roger Cutsinger:** There will be 2 lots that each will be an acre and a half that she is wanting to sell off. As mentioned this was previously requested as a Variance but this would be in conformance to the Variance.

**No further questions or comments were made**

**Motion:** Jim Ralston

**Second:** Mark Sudduth

**Action:** Approved 5-0

*To be heard before the BOCC on February 27<sup>th</sup>, 2018 @ 9:00am*

**PL 18-02**

Request for a Homestead Lot Split with APO Provisions

**Applicant/Owner:** Kevin Polk

**Agent:** Roger Cutsinger; Savoy Company P.A.

**Location:** 16620 SW 130<sup>th</sup> Street, Rose Hill, KS

**Discussion:** Staff recommends approval

**Staff:** Applicant is proposing to split a 5 acre tract of land and placing a 35 acre APO on the remaining property. Property is primarily used for farming activities and staff feels the property meets the criteria for such a split and that the placement of the APO is appropriate.

**Roger Cutsinger:** Kevin Polk is the owner of this property. This was part of a little plat that was done earlier on but he does own it all and we do feel like it meets the regulations.

**Del Rimer** wanted to know about the location of the proposed 5 acre tract which was showed to him. Then he asked what the county rule is as far as placing a home on rural acreage.

Staff then explained the building rules that go along with the zoning classification.

He also wanted to know how the 5 acre tract would be split and if they could then split it again and again. Staff explained that he cannot split this again due to the APO provisions being placed on the remaining acreage.

**No further questions or comments were made**

**Motion:** Mark Sudduth

**Second:** Andy Jones

**Action:** Approved 5-0

*To be heard before the BOCC on February 27<sup>th</sup>, 2018 @ 9:00am*

**RZ 18-02**

Request for a Zoning Change from AG-40 to Rural Residential

**Applicant/Owner:** David Simms

**Agent:** Gerald Dixon; Goedecke Surveying and Engineering

**Location:** 13790 SW Prairie Creek Rd, Rose Hill KS

**Discussion:** Staff recommends approval

**Staff:** The request is for a Zoning Change on 3 +/- acres RR which would allow for the construction of a new Single Family Residence on the newly created tract. In the area there is AG-40 and RR is spread evenly throughout the area. This rezone should not have any negative impact on the surrounding property due to its close proximity to Andover City Limits. There is no change or changing conditions in the area that would make the proposed request necessary; it is due to the desire of the property owner to want to build a residence. There is Rural Water in the area but a sewer system would need to be placed. Electricity is provided by either Westar or Butler Rural Electric. SW Prairie Creek is a gravel road maintained by the Township. The property sits inside of the Urban Growth area of the County. Staff feels that it is improper to suggest that the county impose a hardship up on the applicants simply by denying this rezoning request. The implementation Zoning Regulations implies that the County feels that there are instances when an individual property owner wishes and desires are not in the interest of the public good therefor staff feels that there will be no public gain from denying this request. We did not receive comments or concerns from anybody.

**Board:** So if we approve the 3 acres that will lock them into a septic system instead of a Lagoon?

**Staff:** That is correct

**Donald McKinney:** I am Mr. Simms neighbor to the north and I would like to see the paperwork on this case.

**Staff at that time presented Mr. Kinney documentation and photographs which he reviewed.**

**Donald McKinney:** This property has been AG-40 for a long time. I do believe building this house will lower the property values in the area. When we first moved there were no houses around us anywhere which is why we made an investment into this property. There is quite a slope on that property, particular in the corner where they are proposing to build their house and this slope goes right to my property. If they are putting in a septic system and a flood should occur, the chance of sewage flowing to my house is pretty good due to the drop. Building this does not keep the character of the area since all the other properties have one residence with acreage. Traffic; there will be more traffic now as well. They have a young daughter now but they may have more and as they get older, they will be driving, more traffic down the road. We moved out there to get away from the traffic. It is out of character for the area to put another residence right next to another one. Most of the other properties are zoned AG. To me it will be detrimental to the area if they will be allowed to rezone and build this home. I respectfully ask you to deny this request.

**Board:** Are you aware that all this land is in the County Comprehensive plan for long term growth pattern?

**Donald McKinney:** I hear you say that

**Board:** The preference for that area is growth

**Donald McKinney:** I don't see the point of trying to speed this up in my area when you still have other urban areas where growth can occur.

**Board:** We have to follow the private money because that is how development works. I just wanted to make sure you were aware of the long term plan.

**Donald McKinney:** So you are saying I can do this myself then?

**Board:** It will all have to go before the board. I cannot speak for the board as far as how they are going to vote. I just wanted to make sure you understand the long term plan for that area.

**David Simms:** The reason for not choosing to build over by 140<sup>th</sup> is due to the Power Lines that are running there. Also the traffic would make the dust clouds a rather unpleasant location for a residence. The reason we chose this location is because there is less traffic and less dust. Our granddaughter rides horses so this would be in a very close proximity of the barn. We chose 3 acres and not a larger tract out of the respect to our neighbors since it would hold us to a septic system. This will be an advanced septic system and not a lagoon sitting in open site to our neighbors. Having our children there will, at our age, help maintain the rural life style since they would with the maintaining of the property.

**Jon Newman:** As far as the traffic is concerned, we already drive out there now to go visit so there really wouldn't be an increase. We would also line our property to add privacy; it is our intention to respect the neighbors and their private space.

**Staff:** I do want to add that this side of the property is merely a ½ mile from the City Limits of Andover. There is a significant amount of Rural Residential Zoning in the area.

**No further questions or comments were made**

**Motion:** Jim Ralston

**Second:** Andy Jones

**Action:** Approved 5-0

*To be heard before the BOCC on February 27<sup>th</sup>, 2018 @ 9:00am*

**\*\*\*MEETING ADJOURNED\*\*\***

