

**BUTLER COUNTY PLANNING COMMISSION**

Scheduled Meeting, February 7, 2023

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 7, 2023 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:** David Greene Jr., Bryce Flaming, Kermit Frey, Marsha Francis, Jeremy Sundgren, Andy Jones & Jim Ralston

**Members Absent:** Kristi Sullivan

**Guests:** Frank Turner, Roger Cutsinger, Roberta Paulson, Megan Kice, Dustin Noll, Mistie Noll, Jack Noll, Barbara Noll & Denise Johnson

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

**Approval of the February 7, 2023 Planning Commission Agenda**

**Motion:** David Greene, Jr.

**Second:** Jeremy Sundgren

Approved

**Approval of the December 6, 2022 Planning Commission Meeting Minutes**

**Motion:** Jim Ralston

**Second:** Bryce Flaming

Approved

**Old Business:**

**New Business:**

**PL-23-01** – Request for a Mortgage Lot Split on property located at 8413 NW Tawakoni Rd. Whitewater, KS

**Applicant/Owner:** Ethan Busenitz

**Agent:** N/A

**Location:** 8413 NW Tawakoni Rd. Whitewater, KS

**Discussion:** Staff recommends approval

**Staff:** This is a request for a 7+/- acre Mortgage Lot Split with placement of a 75+/- acre APO on a portion of the property. The splitting of the property and placement of the APO would not be considered detrimental to the area.

NW Tawakoni Rd. is a Gravel Township Road and staff did not receive any concerns from the Township.

**No further questions or comments were made.**

**Motion: Jeremy Sundgren**

**Second: Marsha Francis**

**Action: Approved 7-0**

**To Be Heard before the BOCC on February 28, 2023 @ 9AM**

**PL-23-02**-Request for a Homestead Lot Split on property located at NE Corner of NW 140<sup>th</sup> St. & NW Tawakoni Rd. Newton, KS

**Applicant/Owner:** Roberta Paulson

**Agent:** Roger Cutsinger

**Location:** NE Corner of NW 140<sup>th</sup> St. & NW Tawakoni Rd. Newton, KS

**Discussion:** Staff recommends approval

**Staff:** This is a request for a 7+/- Acre Homestead Lot Split with a 73+/- Acre APO on property located at NW Corner of NW 140<sup>th</sup> St. & NW Tawakoni Rd. Newton. The applicant owns 80+/- acres and is requesting to split out 7-acres with the placement of a 70-acre APO on a portion of the remaining property.

The splitting of the property and the placement of the APO would not be detrimental to the area

NW 140<sup>th</sup> St. is an unpaved Township Road as well as NW Tawakoni Rd. and staff did not receive any concerns from the Township.

**No further questions or comments were made.**

**Motion: Andy Jones**

**Second: Bryce Flaming**

**Action: Approved 7-0**

**To Be Heard before the BOCC on February 28, 2023 @ 9AM**

**RZ-23-01**-Request for a Change in Zoning on 5-Acres from AG-40 to Rural Residential (RR) on property located at 2552 SW Prairie Creek Rd. Andover

**Applicant/Owner:** Benjamin & Megan Kice

**Agent:** N/A

**Location:** 2552 SW Prairie Creek Rd. Andover, KS

**Discussion:** Staff recommends approval

**Staff:** Ben & Megan Kice own a tract of land that contains 43+/- acres located at 2552 SW Prairie Creek Rd. Andover. The applicants are requesting to rezone 5+/- acres to RR which would allow them to construct a new single-family residence on the newly created tract of land but still keep the remaining property zoned AG-40.

The property is located within the 3-Mile Growth Area of the City of Andover and after submitting the request to the City they responded with no concerns and are good with the requested change.

**No further questions or comments were made.**

**Motion: Jeremy Sundgren**

**Second: Jim Ralston**

**Action: Approved 7-0**

**To Be Heard by the BOCC on February 28, 2023 @ 9AM**

**RZ-23-02-Request for a Change in Zoning from AG-40 to Rural Residential**

**Applicant/Owner: Jack Noll**

**Agent: N/A**

**Location: 10558 SW 40<sup>th</sup> St. Towanda, KS**

**Discussion: Staff recommends approval**

**Staff:** Jack Noll owns a tract of land that contains 14+/- acres, zoned AG-40 and located at 10558 SW 40<sup>th</sup> St. Towanda. He is requesting a change in zoning which would allow him to possibly Plat the property into 3-tracts and sell 2 of them to his sons. This would allow them to construct new single-family residences on the newly created tracts.

The property is located just east of SW Santa Fe Lake Rd., which is a paved County Arterial Road, and has RR & RE zoned properties in the immediate are. The requested change, if approved, will not be detrimental to the area.

Staff also noted that IF the change in zoning is approved, and a Plat submitted, it would come back before the Planning Commission for review and a recommendation to the County Commission for approval or denial.

**No further questions or comments were made.**

**Motion: Jim Ralston**

**Second: Marsha Francis**

**Action: Approved 6-0 w/Chairman Varner Abstaining**

**To Be Heard by the BOCC on February 28, 2023 @ 9AM**

**No further Items to come before the Board the meeting was adjourned.**

## **Call to Order the Butler County Board of Zoning Appeals:**

### **New Business:**

**VA-23-01:** Request for a Variance to allow the placement of a Lagoon on property not meeting Minimum Acreage Requirements

**Applicant/Owner: Thomas Wilson**

**Agent: N/A**

**Location: 4052 SW Tawakoni Rd. Towanda, KS**

**Discussion:** Staff recommends approval

**Staff:** The applicant owns a tract of land located at 4052 SW Tawakoni Rd., Towanda, KS and contains 3.5 acres.

The applicant desires to utilize a Lagoon as his Waste Disposal System, on his property which contains 3.5 acres. The property is located in an area that is zoned Rural Residential (RR) and the minimum acreage requirements for the installation of a Lagoon is 5-acres or more. Anything less than that would require an accepted Variance from the Board of Zoning Appeals. In this case the property is located in an area that was Platted and developed prior to the adoption of Zoning and Environmental Codes and has similar size lots that use a Lagoon for their Waste Disposal as well.

The request for the Variance met all 5-criteria and staff is good with the request.

Staff did receive an expression of concern from a neighbor stating that she was disappointed that the house was built, blocking her view of daily sunsets, and her concern that the Lagoon would be adjacent to her west property line.

Staff did not receive any other comments for or against.

**No further questions or comments were made.**

**Motion: Jeremy Sundgren**

**Second: Bryce Flaming**

**Action: Approved 7-0**

**To Be Heard by the BOCC on February 28, 2023 @ 9AM**

