

BUTLER COUNTY PLANNING COMMISSION

Scheduled Meeting, June 6, 2023
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, June 6, 2023 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, Jim Ralston, Marsha Francis, Kermit Frey & Andy Jones

Members Absent: Jeremy Sundgren & Bryce Flaming

Guests: Harold Ralston, Mary Smith, Roger Cutsinger, Brett Foster, Barry Black, Mary O'Brien, Diane Hosler, Mike Cooper, Allen Hosler, Terry Lowmaster, Joe Studebaker, Diane Sullivan, Harrison Luna, Sherri Wedel, Kathy Cheeryholmes, Mike Duntz, Jerry Staub, Mark Wright, Austin Parker, Troy Dawson, Sara Dawson, Theresa Thomas, Donald Conway, Mark Jones, Darla Jones, Ty Karter, Nena Karter, Victoria Cikanek, Greg Gauthier, Steve Webb, Tony Capizzo, Shawn Haring, Melvin Busnitz, Will Carpenter, Mark McCollom, Kristi Sommers, Carrol Walters, Gary Harms

The meeting was called to order and a quorum was declared

Approval of the June 6, 2023 Planning Commission Agenda

Motion: Andy Jones

Second: Marsh Francis

Approved

Approval of the May 2 & April 4, 2023 Planning Commission Meeting Minutes

Motion: N/A

Second: N/A

No Action

Old Business: Continuance of Case # CU-23-01, a request for a Conditional Use Permit for the development of a Solar Array on the following property: 0 NW 50th St. El Dorado, KS

Applicant/Owner: Hecate Energy El Dorado

Agent: Harrison Luna

Location: 0 NW 50th St. El Dorado, KS

Discussion: Staff Recommends Tabling the Item for 60 days

Staff: This is a Tabled Item from the April 4 Planning Commission and with the advice of Legal Counsel staff is recommending that the Planning Commission make a Motion to table the Case for another 60-days.

No further questions or comments were made.

Motion: Marsha Francis
Second: Kermit Frey
Action: Approved 6-0

New Business:

PL-23-09 – Request for a Mortgage Lot Split with APO on property located at 00 SW 130th St. Augusta, KS

Applicant/Owner: Harold Ralston

Agent: Harold Ralston

Location: 00 SW 130th St. Augusta, KS

Discussion: Staff recommends approval

Staff: This is a request for a 10+/- acre Lot Split with a 30+/- acre APO on property zoned AG-40 from AG-40 to RE. The Split would not be considered detrimental to the area. The property contains 67+/- acres.

SW 130th St. is a unpaved Township Road and staff did not receive any concerns from the adjoining landowners or within the 1,000' notification area.

No further questions or comments were made.

Motion: Kristi Sullivan

Second: Jim Ralston

Action: Approved 6-0

To Be Heard before the BOCC on June 27, 2023 @ 9AM

RZ-23-09-Request for a Zoning Change from AG-40 to RR on property located at 3901 SW Meadowlark Rd. Benton, KS

Applicant/Owner: Larry Young

Agent: Shawn Haring

Location: 3901 SW Meadowlark Rd. Benton, KS

Discussion: Staff recommends approval

Staff: This is a request for a Change in Zoning from AG-40 to RR on property located at 3901 SW Meadowlark Rd. Benton The applicant owns 19+/- acres which if approved would allow him to split the property and potentially sell the north tract to a neighbor who would run cattle on it

The change in zoning would not be detrimental to the area as there are RR zoned tracts within the immediate area and the property abuts the city limits of the City of Benton

Staff did receive comments from one landowner located within the 1,000' notification area but his concern was addressed by staff.

No further questions or comments were made.

Motion: Jim Ralston
Second: Andy Jones
Action: Approved 6-0
To Be Heard before the BOCC on June 27, 2023 @ 9AM

RZ-23-10- Request for a Change in Zoning from AG-40 to RE on property located at 0 SW Indianola Rd. Rose Hill, KS

Applicant/Owner: Forrest Jones
Agent: N/A
Location: 0 SW Indianola Rd. Rose Hill, KS
Discussion: Staff recommends approval

Staff: This is a request for a Change in Zoning from AG-40 to RE on property located at 0 SW Indianola Rd. Rose Hill. The applicant owns 20+/- acres which if approved would allow him to split the property and construct a new Single-Family residence on one of the parcels. It was noted that the new tracts would exceed the 3:1 depth versus width requirement but the lot dimensions meet the spirit and intent of the requirement as there are similar lot sizes just north of the property.

The change in zoning would not be detrimental to the area as there are numerous tracts of RR in the immediate area.

Staff did not receive any comments from landowners within the 1,000' notification area.

No further comments or questions were made.

Motion: David Greene, Jr.
Second: Marsha Francis
Action: Approved 6-0
To Be Heard before the BOCC on June 27, @ 9AM

RZ-23-11- Request for a Change in Zoning from AG-80 to RE on property located at 5069 SW 210th St. Douglass, KS

Applicant/Owner: Duane Nuzum
Agent: N/A
Location: 5069 SW 210th St. Douglass, KS
Discussion: Staff recommends approval

Staff: This is a request for a Change in Zoning from AG-80 to RE on property located at 5069 SW 210th St. Douglass, KS. The applicant owns 39+/- acres which if approved would allow him to split the property into a 10-acre parcel around the house and create a new 29-acre tract on the remaining property.

The property is located on a paved County Arterial Road and if access is denied to the newly created tract off of SW 210th St. access could be gained off SW Hopkins Switch Rd.

The change in zoning would not be detrimental to the area based upon its location off both SW 210th St. and SW Hopkins Switch Rd.

Staff did receive a comment from a neighbor expressing concern that if the zoning is changed he could cut the property into several smaller tracts. Both Staff and the Chairman stated that any additional splitting of the property would require the submittal of a Plat and a notification of the request would be sent again to all landowners within the 1,000' radius allowing them to comment. He thanked the Chairman for the explanation.

No further comments or questions were made.

Motion: Kermit Frey

Second: Jim Ralston

Action: Approved 6-0

To be Heard before the BOCC on June 27 @ 9AM

Set Public Hearing Date to discuss and Make Recommendation for the possible Amendment to the Butler County Zoning Regulations to include Regulations pertaining to Solar Facilities.

Staff: Staff asked the Planning Commission to set a Public Hearing Date for July 11 @ 7PM for the discussion of and possible recommendation to the Board of County Commissioners for the adoption of the Amendment to the County Zoning Regulations.

No further questions or comments were made.

Motion: Marsha Francis

Second: Jim Ralston

Action: Approved 6-0

With no further Items to come before the Board, the meeting was adjourned.

