

**BUTLER COUNTY PLANNING COMMISSION**

Scheduled Meeting, June 7, 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, June 7, 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:** David Greene Jr., Kristi Sullivan, Jim Ralston, Bryce Flaming & Andy Jones

**Members Absent:** Jeremy Sundgren & Kermit Frey

**Guests:** Roger Cutsinger, Benn Hobbs, Kurt Smith, Brian Fitzgerald, Derald Wright, Audrey Wright, Debra Fitzgerald, Andy Waller, Jacque Smith, Mark Smith, Randy Wells, James, Telfer, Mark Gravesen, Charles Gantzer & Milo McClure

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

**Approval of the June 7, 2022 Planning Commission Agenda**

**Motion:** Andy Jones

**Second:** Bryce Flaming

Approved

**Approval of the May 3, 2022 Planning Commission Meeting Minutes—N/A**

**Motion:**

**Second:**

**Old Business:**

**CU-22-04-** Request for a Conditional Use Permit for an Event Venue

**Applicant/Owner:** Andy Waller/Boulder Creek Ranch, LLC

**Agent:** N/A

**Location:** 11229 SE Ellis Rd. Leon, KS

**Discussion:** Staff recommends approval

**Staff:** The applicant owns a tract of land that contains 77+/- acres and is used for farm related activities. He is looking to operate a venue that will host weddings and other events on the property. Access to the site is off SE Ellis Rd. and just south of SE 400 Highway. All parking will take place on site. The property surrounding the site is also owned by the applicant.

Hours of operation will be Monday through Sunday between 9AM & 11PM.

Mr. Kurt Smith, a neighboring landowner, expressed concerns about impaired individuals leaving the property and the potential of someone damaging his property.

The applicant then stated that if that were to ever occur he will assume responsibility and make any necessary repairs. He insured the neighbors that he does not nor will tolerate that type of behavior. He further stated that most activity will be related to large family gatherings for his own family but wanted the option IF a request was received.

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

**Motion:** Jim Ralston

**Second:** Bryce Flaming

**Action:** Approved 5-0

**To be heard before the BOCC on June 28, 2022 @ 9AM**

**New Business:**

**PL 22-07** – Request for a Homestead Lot Split with APO Provisions

**Applicant/Owner:** Jason Kubik

**Agent:** Roger Cutsinger with Savoy Co.

**Location:** 1330 SW Prairie Creek Rd. Benton, KS

**Discussion:** Staff recommends approval

**Staff:** This is a request for a Homestead Lot Split. The applicant owns 77+/- acres, is zoned AG-40 and is proposing to split 5+/- acres with the placement of a 35+/- 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:** Kristi Sullivan

**Second:** Andy Jones

**Action:** Approved 5-0

**To be heard before the BOCC on June 28, 2022 @ 9:00AM**

**RZ 22-12** – Request for a Change in Zoning from AG-40 to RR

**Applicant/Owner:** Brad Simmons, Endor Holdings, LLC

**Agent:** N/A

**Location:** 12210 SW 190<sup>th</sup> St. Douglass, KS

**Discussion:** Staff recommends denial

**Staff:** This is a request for a Change in Zoning from AG-40 to RR. The applicants own a tract of land that contains 78+/- acres, is zoned AG-40 and is proposing to change the zoning which will allow him to split off a small tract of land with an existing single-family residence and potentially Plat the remaining 58+/- acres sometime in the future.

There are no changing conditions for the request it is just the wishes of the applicant to request the change so he can potentially develop a small rural subdivision.

Currently the surrounding area consists of AG-40 & RR zoned properties plus the property is adjacent to Butler Airpark and an existing rural subdivision that abuts the Airstrip on the East and West sides.

With the existence of the Airstrip, staff expressed concerns surrounding takeoff and landings as well as the lack of infrastructure supporting a subdivision.

Currently the property does not have access to a Public Water System to support the potential number of homes that could be built. Sedgwick Rural Water Dist. No. 3, who serves properties within the area, does not have the legal right to serve the property and the next closest Water Dist. is approx. 1 ½ miles away. With that being said all potential home sites would need to have a Water Well for their use. If that were the case Staff would require a Full-Blown Water Study be done on the site to ensure there was an adequate water source for the development.

Staff also noted that both SW 190<sup>th</sup> and SW Tawakoni Rd. were unpaved Township Roads and a large increase of traffic to and from the area could negatively impact the condition of both roads.

Mr. Brian Fitzgerald, Pres. of the Butler Airpark HOA was present to address concerns the area had on any future development on the property south of them. He stated that all their concerns were with the impact to the pilots using the Airstrip for both landing and takeoffs and IF an emergency were to occur during takeoff or landing the development of a rural subdivision at the south end of the runway could be devastating for all parties involved.

Other individuals reiterated the same concerns.

The applicant was not present to address any of the concerns stated.

**No further questions or comments were made**

**Motion:** Jim Ralston

**Second:** Bryce Flaming

**Action:** Denied 5-0

**To be heard before the BOCC on June 28 2022 @ 9:00AM**

**RZ 22-11**—Request for a Change in Zoning from AG-40 to RR

**Applicant/Owner:** Andrew Entz

**Agent:** N/A

**Location:** 0 SW Indianola Rd. Benton, KS

**Discussion:** Staff recommends approval

**Staff:** This is a request for a Change in Zoning from AG-40 to RR. The applicant owns a tract of land that contains 20+/- acres and is zoned AG-40. He is proposing to change the zoning from AG-40 to RR which will allow him to split the property into 4-5+/- tracts upon which family members will construct single-family residences. There are no changing conditions for the request it is just the wishes of the applicant to request the change so he will have the ability to split the property for his family.

The property will have access to Public Water and Septic or Lagoon Waste Systems will be required.

Both SW Indianola Rd. and SW 40<sup>th</sup> St. are gravel Township Roads but the small increase in traffic should not be detrimental to the transportation system.

Currently the surrounding area consists of both AG-40 & RE so the change in zoning would not be detrimental to the area.

**No further questions or comments were made**

**Motion:** Jim Ralston

**Second:** Kristy Sullivan

**Action:** Approved 5-0

**To be heard before the BOCC on June 28, 2022 @ 9:00 AM**

**PL 22-08**—Request for the Approval of a Final Plat

**Applicant/Owner**—Jimmy Harrison

**Agent:** Roger Cutsinger

**Location:** 11783 SW 50<sup>th</sup> St. Towanda, KS

**Discussion:** Staff recommends approval

**Staff:** Recently a request for the approval of a Final Plat was submitted by Jimmy Harrison. The applicant owns a tract of land that contains 34+/- acres located at 11783 SW 50<sup>th</sup> St. Towanda. He is requesting approval of the Plat that will consist of 2-5 Acre Tracts and 1-24 Acre Tract with an existing Single-Family residence on the property.

The 2 smaller tracts will have access off SW Tawakoni Rd. and the large tract will maintain its existing access off SW 50<sup>th</sup> St.

The property is zoned RR and the tracts meet the minimum acreage requirements.

Both the County Surveyor and County Engineer are good with the Plat as presented and Staff recommends approval.

A neighbor from across the road in the Briarcliff Add made a few comments that the Plat as presented would not impact the neighborhood and supports the request.

**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 June 28, 2022 @ 9AM**

**PL 22-06**—Request for the Approval of a Final Plata

**Applicant/Owner**—Jeremiah Pittman

**Agent**—Roger Cutsinger

**Location**—3412 SW 90<sup>th</sup> St. Augusta, KS

**Staff:** The applicant owns a tract of land that contains 28+/- acres located at 3412 SW 90<sup>th</sup> St. Augusta and zoned RR. He is requesting approval of the Final Plat that will consist of 2-5 Acre Tracts and 1-18 Acre Tract. All 3-tracts have single-family residences on the property and will utilize existing access points off SW 90<sup>th</sup> St.

All tracts meet the minimum acreage requirements for RR zoned properties and both the County Surveyor and County Engineer are comfortable with the Plat as presented. Staff recommends approval as well.

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

**Motion:** Kristi Sullivan

**Second:** Jim Ralston

**Action:** Approved 5-0

**To be heard before the BOCC on June 28, 2022 @ 9AM**

**With no further business to come before the Board the meeting was adjourned**