

**BUTLER COUNTY PLANNING COMMISSION**

Scheduled Meeting, August 1, 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, August 1, 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:** Marsha Francis, Kermit Frey, Jeremy Sundgren, Bryce Flaming & Andy Jones, Kristi Sullivan & Jim Ralston

**Members Absent:** David Greene, Jr

**Guests:** Sherry Wedel, Diane Arnold, Ad Arnold, Lonny McCurdy, Harrison Luna, Kathleen Mabry, Terry Lowmaster, Mike Cooper, Steve La Rue, Samuel Down, Kristi Sommers, Oswald Dixon, Vickie Cikanek, Tim Chappell, Colette Greene, Alan Anderson & Tony Capezzo

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

**Approval of the August 1, 2023 Planning Commission Agenda**

**Motion:** Bryce Flaming

**Second:** Marsha Francis

Approved

**Approval of the July 11, 2023 Planning Commission Meeting Minutes**

**Motion:** Marsha Francis

**Second:** Andy Jones

Approved

**Old Business:**

**Consider Adoption of Amendments to Butler County Zoning & Subdivision Regulations as it relates to Large Scale Solar Facilities--** Chairman Varner opened discussion making several points and ask several questions of the Commission. They are as follows:

1. The Agenda Item was tabled from July 11, 2023 after a Public Hearing which was held pursuant to Article 22, Section 22-103 of the Zoning Regulations. Publication Notice for the Public Hearing was accomplished by publication in the Butler County Times Gazette on June 17, 2023, a copy of which is part of the official record.
2. Before we get started with our deliberation does any Planning Commission member have records to identify that are to be included as part of the official record? You should disclose any documentation that is important for your decision-making process.

3. Are there any Planning Commission members that have disclosures or ex parte communication regarding the proposed amendment of the Zoning Regulations?
4. Are there any Planning Commission members that have a conflict of interest that will require abstention from voting or recusal (recusal requires leaving the room)
5. For the record, there is no current pending application for a solar facility Conditional Use Permit and our discussion and deliberation tonight pertains only to proposed amendments to the Butler County Zoning Regulations related to solar facilities.
6. The Zoning Regulations require that proposed amendments be in the best interest of the citizens of Butler County, Kansas to promote their health, safety, comfort and general welfare.
7. Does any member have any specific modifications to the proposed amendments to the Zoning Regulations.

After having asked the Planning Commission members if they had any comments the discussion ceased and the Chairman asked for a Motion.

**A Motion was made by Member Marsha Francis and read as follows:**

"I move to approve Amendments to the Zoning Regulations of Butler County, Kansas by adding No. (14) for "Small Scale Solar Facilities" to Article 7 Section 7-2 "Permitted Uses" under Section 7-201

and

- To adopt Resolution No. 23-01 recommending the addition of Section No. (19) to Article 7 Section 7-301 Conditional Uses for Solar Facilities Regulations as set forth in "Exhibit A";
- To authorize the reformatting of the amendments, as necessary; and
- To forward this Planning Commission recommendation, along with a written summary of these proceedings, to the Board of County Commissioners for Butler County, Kansas.

**Second: Kermit Frey**

**Action: Approved 7-0**

**To Be Heard by the BOCC on August 29, 2023 @ 9AM**

**New Business:**

**PL-23-15** – Public Hearing to consider Case # PL-23-15 request for a Mortgage Lot Split with APO submitted by Don La Rue on property located at 0 SE 20<sup>th</sup> St. Rosalia, KS

**Applicant/Owner: Don La Rue**

**Agent: Gerald Dixon**

**Location: 0 SE 20<sup>th</sup> St. Rosalia, KS**

**Discussion:** Staff recommends approval

**Staff:** This is a request for a 5+/- acre Lot Split with a 35+/- acre APO on property zoned AG-40. The Split would not be considered detrimental to the area. The property contains 40+/- acres.

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: Jim Ralston**

**Second: Bryce Flaming**

**Action: Approved 7-0**

**To Be Heard before the BOCC on August 29, 2023 @ 9AM**

**RZ-23-16**-Request for a Zoning Change from AG-40 to RR on property located at 0 SW 120<sup>th</sup> St. Augusta, KS

**Applicant/Owner: Tim Chappell**

**Agent: Self**

**Location: 0 SW 120<sup>th</sup> St. Augusta, KS**

**Discussion:** Staff recommends approval

**Staff:** This is a request for a Change in Zoning from AG-40 to RR on property located at 0 SW 120<sup>th</sup> St. Augusta. The applicant owns 80+/- acres which if approved would allow him to potentially split or plat the property. The change in zoning would not be detrimental to the area as there would be similar sized tracts within the immediate area if a plat were to be presented and approved.

Staff did receive comments from one landowner located within the 1,000' notification area but explained that to split the property anymore then once would require a Plat and that would require all landowners within the 1,000' area would again be notified of the request and the Public Hearing process would be required once again.

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

**Motion: Jim Ralston**

**Second: Marsha Francis**

**Action: Approved 7-0**

**To Be Heard before the BOCC on August 29, 2023 @ 9AM**

**RZ-23-17**- Request for a Change in Zoning from AG-40 to RR on property located at 19928 SW Butler Rd. Rose Hill, KS

**Applicant/Owner: Brock Beran**

**Agent: Self**

**Location: 19928 SW Butler Rd. Rose Hill, KS**

**Discussion: Staff recommends approval**

**Staff:** This is a request for a Change in Zoning from AG-40 to RR on property located at 19928 SW Butler Rd. Rose Hill. The applicant owns 20+/- acres which if approved would allow him to split the property and/or potentially plat it as well. It was noted that the property contains a residential structure and out buildings.

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

Staff did receive comments from a member of the Township expressing concerns about the further development of the property. Staff stated that the issue is just a rezoning of the property and IF a request for platting was submitted those concerns will be applicable at that time.

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

**Motion: Kermit Frey**

**Second: Marsha Francis**

**Action: Approved 7-0**

**To Be Heard before the BOCC on August 29, @ 9AM**

**RZ-23-15-** Request for a Change in Zoning from AG-40 to Commercial on property located at 1802 E. Highway 54 Andover, KS

**Applicant/Owner: Jon Walker/McCurdy Investment LLC**

**Agent: Self**

**Location: 1802 E. Highway 54 Andover, KS**

**Discussion: Staff recommends approval**

**Staff:** This is a request for a Change in Zoning from AG-40 to C on property located at 1802 E. Highway 54 Andover, KS. The applicant owns 14+/- acres which if approved would allow him to develop the property commercially.

The property is located on a paved US Highway and within the Urban Growth Area of the County..

The change in zoning would not be detrimental to the area based upon its location as there is already commercially zoned property in the area as well as numerous CUP's on properties as well.

The City of Andover supports the requested change as well.

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

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

**Motion: Jim Ralston**

**Second: Marsha Francis**

**Action: Approved 7-0**

**To be Heard before the BOCC on August 29 @ 9AM**

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