

BUTLER COUNTY PLANNING COMMISSION

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

Members Present: Jim Ralston, Kermit Frey, Jeremy Sundgren, Andy Jones, Debbie Logsdon, Mark Sudduth and David Greene Jr.

The meeting was called to order and a quorum was declared

Approval of the Agenda for March 6th 2018

Motion: Andy Jones

Second: Debbie Logsdon

Approved 7-0

Approval of the February 6th 2017 Planning Commission Minutes

Motion: Debbie Logsdon

Second: Andy Jones

Approved 7-0

Old Business:

A motion was made to move the following Cases to after the New Business segment of the meeting was heard:

CU 17-07

Request for a Conditional Use Permit by Cedar Point and Harshman Construction for a rock quarry. location being between SW 120th Street and SW 130th Street on Hwy 77, Augusta Kansas.

PL 17-15

Request for a Final Plat Approval by David Stackley at 7544 NW Hwy 77, El Dorado, Kansas.

Motion: Mark Sudduth

Second: Debbie Logsdon

Approved: Approved 7-0

New Business:

CU 18-01

Request for a Conditional Use Permit to install an Antenna Tower to broadcast Rural Broadband

Applicant/Owner: John Bourget

Agent: N/A

Location: 9355 SW 110th St, Augusta, KS 67010

Discussion: Staff recommends approval

Staff: The request is being made because it would exceed the 100 foot limitation. The land is being used as pasture land along with the neighboring properties. If needed, a service facility can be provided. The proposed use would have no negative impact on the surrounding properties. The property is located in Rural Residential Zoning and the road going to the property is a Township maintained road that has hardly any traffic. The broadband tower would be placed on the side and should have no impact on the neighbors accessing their property. There is no change or changing conditions in the area; the applicant is merely proposing to use this site to broadcast Rural Broadband. It is felt that the property is suitable for such a request and will not have a negative effect on adjoin land owners.

John Bourget: The height of the antenna will only be about 5-6 feet higher than the turbine.

Board: Will there be red lights on the tower that will be required or is it not tall enough?

Staff: I am not sure if that is something the FAA would require or not.

Board: That will need to be checked into. I would like to add that it would need to be a red light at night and not a strobe light; strobe light only during the day.

No further questions or comments were made

Motion: Jeremy Sundgren

Second: Andy Jones

Action: Approved 7-0

To be heard before the BOCC on March 27th, 2018 @ 9:00am

PL 18-04

Request for a Homestead Lot Split with APO Provisions

Applicant/Owner: Arrington Family Trust

Agent: Roger Cutsinger

Location: 3838 SW 220th St., Douglass, KS 67039

Discussion: Staff recommends approval

Staff: The applicant is proposing to split a 9.37 acre tract of land and placing an APO on 70+/- acres on a piece of the remaining tract of land. The property is primarily used for farming activities. Staff feels that it is appropriate to allow such a split and placing the APO.

Roger Cutsinger: This is a simple homestead lot split with an APO being placed. I feel that it meets all the criteria.

Board: Were the applicants made aware of what an APO really is?

Roger Cutsinger: Yes they were made aware of what an APO is.

No further questions or comments were made

Motion: Debbie Logsdon

Second: Andy Jones

Action: Approved – 7-0

To be heard before the BOCC on March 27th, 2018 @ 9:00am

Old Business:

PL 17-15 Request for Final Plat Approval on 52 Acres

Applicant/Owner: David Stackley

Agent: Gerald Dixon of Goedecke Surveying and Engineering

Location: 7544 NW Hwy 77, El Dorado, KS 67042

Discussion: Staff recommends approval

Staff: Butler County Commission approved the request to rezone 52 +/- acres from an AG 80 classification to a PRD-B on October 17th, 2017. The property is located on the east side of Hwy 77. The applicant is proposing a sub division consisting of 10-1.5 acre lots. Each lot will have their own water well and their own sewer system. Property is currently being accessed off Hwy 77 via field entrance but, upon approval, will be upgraded to a standard road entrance. Plans for the road improvement will be submitted to KDOT for review and approval before any improvements will be made to the property. Interior Roads will be 70 foot road widths and cul de sacs with a 75 foot radius. I have not heard back from Barry Black, Fire Chief for Rural Fire District #10 but I do not think there will be an issue.

[Inaudible] There is going to be a signature on the plat. They are both, the Black's and Mr. Johnson, going to sign a form granting access to the highway.

No further questions or comments were made

Motion: Jim Ralston

Second: Andy Jones

Action: Approved 7-0

This case will go to the BOCC as soon as possible

CU 17-07

Request for a Conditional Use Permit for a Rock Quarry

Applicant/Owner: Cedar Point and Harshman Construction

Agent: N/A

Location: Between SW 120th Street and SW 130th Street on SW Hwy 77, Augusta, KS 67010

Discussion: Staff recommends approval

Staff: This case was previously discussed during the Planning Commission meeting on December 5th, 2017. There are attorneys representing both parties.

*Several surrounding neighbors attending the meeting to voice their concerns for the following:

*The supply of water in the area

*Traffic increase

*Traffic Safety

*Property values

*Tying up 911 resources due to people calling from loud noises

- *Limestone dust (silica); dust in general and health concerns
- *120th Street becoming a truck route
- *Hours of operations and Noise
- *Damage to property by debris such as broken windshields etc.

Warren Harshman with Harshman Construction, whom has been in the rock quarry business for 40 years, assured that there have been no insurance claims all that time. He also explained that there is no silica in the limestone in these areas of the county. He very well understands the concerns the residents of adjacent area have and did share with them that at SW Butler County Quarry, they run 2 water trucks in the yard and even on the road if needed. He also assured the residents that they are monitored by a Health and Safety Administration. He is also willing to have additional visitors come see the proposed site if needed.

The Board talked and discussed the possibility of making 120th Street a Non-Commercial traffic road in order to keep the trucks from using that road. They would also like to hear what kind of plans KDOT has for the entrance and access road off of SW Hwy 77 and that traffic safety needs to be kept in mind when making a decision in this case. As far as noise, there should not be too much noise coming from the operations but rather be due to back-up alarms on trucks and equipment. Not much to do about the beeping noises since they are a law but it could possibly be restricted by imposing hours of operations.

Berms were briefly talked about and it was said that the property to the north sits approx. 150 feet and the south property sits approx. 1200 feet from the proposed site.

It was agreed amongst Board Members that certain restrictions should be imposed to go along with a possible approval of this CUP.

- *dust control and complying with all air quality regulations
- *no commercial traffic on 120th Street
- *hours of operations: Loading of Trucks from 7:30 am to 5:00 pm, Monday through Friday and 7:30 am through noon on Saturdays and no allowing of emergency operations
- *Emissions control via maintaining equipment in good working condition
- *Berms to be discussed at the County Commission meeting

Upon approval of the CUP, Staff explained the process on filing a protest petition.

No further questions or comments were made

Motion: Jim Ralston

Second: Andy Jones

Action: Approved 4-3

To be heard before the BOCC on March 27th, 2018 @ 9:00am

*****MEETING ADJOURNED*****

An extended transcript of the Meeting Minutes will be forthcoming but is not available at this time.