

## MINUTES

### RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Thursday, February 16, 2012  
7:30 pm

Courthouse Plaza East  
Commission Meeting Room  
115 North 4<sup>th</sup> Street

Members Present: Lorn Clement, Vice-Chair  
Dr. Tom Taul  
Julie Henton  
Diane Hoobler  
John Wienck

Members Absent:

Staff Present: Monty Wedel – Director, Bob Isaac – Planner, Lisa Daily –  
Administrative Assistant and Steve Higgins – Zoning Enforcement Officer

Others Present: Calvin & Genie Emig, Mike & Karen Sheffield, Marilyn Russell, David &  
Sherrie Russell, Doug Russell, Carol Adams, David Adams, Jenne  
Andrews, Jeff Campbell, Ella Casey, Kail Katzenmeier, Jim Morrison,  
Jack Ryan, Steve Shields, Dana Eastes, Eddie Eastes, Ian Eastes, Dennis  
Hemmendinger, Bart Thomas, Mary Tolar, Olivia Collins, Keith  
Westervelt, Marla Shoemaker, Scott Shoemaker, Terry Clack, Robert  
Clack, Amy Brox, Ben Stout, Tony & Gretchen Fontanini, Steve  
Struebing, Becky Katzenmeier, Whitney Short, Todd Holmberg, Vinton  
Visser, Lyle Butler, Ty Warner, Travis Schram, Paul & Diana Nickel,  
Terry & Ann Harts, Stephanie Reeck, John McNellis, Tom Hintz, Justin  
Kastner, Sean Cochran, Leon Brown - Schwab-Eaton P.A., Pat Collins -  
Riley County Emergency Management Director, Steven DeHart - Riley  
County Sanitarian, Doug Messer - Riley County Assistant Fire Chief, and  
Leon Hobson - Riley County Director of Public Works

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### **OPEN PUBLIC COMMENTS**

None.

### **CONSENT AGENDA**

The minutes of the December 12, 2011 meeting were presented and approved. The Report of Fees for the month of December 2011 (\$1,295.00) and January 2012 (\$1,175.00) were presented and approved.

Diane Hoobler moved to adjourn as the joint meeting of the Riley County Planning Board/Board of Zoning Appeals as there were no agenda items for the Board of Zoning Appeals and convene as the Riley County Planning Board. John Wienck seconded. Carried 5-0.

## **RILEY COUNTY PLANNING BOARD**

### **Prairiewood Holdings, LLC – (Rezone)**

Lorn Clement, Vice-Chair, opened the public hearing at the request of Prairiewood Holdings, LLC, petitioner and owner, to rezone a tract of land from “G-1” (General Agricultural) to “C-PUD” (Commercial Planned Unit Development).

Bob Isaac presented the request. After giving a preliminary synopsis of his presentation, Mr. Isaac explained what a PUD is and its advantages over conventional zoning. Mr. Isaac then discussed the details of the request such as the location, history and characteristics of the subject site, the layout of the preliminary plan, proposed uses, proposed structures, and specific concerns regarding the proposal and studies completed to address these concerns.

Mr. Isaac explained that the preliminary development plan included notes that acknowledged certain allowances and or restrictions for the proposed development as well as a schedule of specific improvements to the facilities and grounds.

Mr. Isaac stated that specific concerns were submitted in writing, by telephone, in person, or brought up by staff. Mr. Isaac described in detail the professional studies completed and submitted by the applicant (e.g. Traffic Impact Study, Stormwater Drainage Study, Noise/Sound Analysis) to address these concerns.

Mr. Isaac stated that there was a concern of how the sanitary sewer element would be addressed. Mr. Isaac explained that a permit for an on-site wastewater lagoon was already issued by the Health Department for the subject site and is in compliance with the sanitary code. He said the Applicant is also proposing to connect to rural water.

Mr. Isaac stated that there was a concern regarding additional exterior lighting. He explained to the Board that a note on the preliminary development plan requires all proposed lighting to have directional control and appropriate cut offs to minimize spillage and light trespass.

Mr. Isaac stated that there was a concern regarding proposed signage. Mr. Isaac described the size and number of signs proposed. He explained that the monument style sign, as shown on the preliminary development plan and similar to those seen on KSU campus, will be illuminated using directional lighting.

Mr. Isaac stated that there was a concern regarding the increase of litter along Wildcat Creek Road. Mr. Isaac warned that there was nothing in the zoning regulations or in any zoning district that specifically addresses “untidiness”. He also added that not all litter that occurs along Wildcat Creek Road should be directly attributed to the guests and patrons of Prairiewood.

Mr. Isaac explained why the “commercial” designation was used for the proposed development rather than a “residential” designation.

Mr. Isaac stated the request was reviewed with the Manhattan Urban Area Comprehensive Plan for conformance. He stated that although the Applicant is proposing that the development will continue to be used predominantly as a single family dwelling (short term lease rental) with uses customarily associated with single family residential development, it is being proposed the

development will also contain commercial elements that necessitates a specialized zoning designation which allows for mixed-use development. Mr. Isaac stated that the Plan encourages mixed-use development, thus, as proposed, the development may be considered to be consistent with the Plan.

Mr. Isaac stated that due to the commercial type uses of the existing structures, it was necessary that the Director of Riley County Emergency Management/ Riley County Fire Chief make a determination that the aforementioned structures met the State of Kansas minimum building and life safety codes. Mr. Isaac stated that a code footprint for each structure was required to be submitted and that a note be placed on the development plan requiring buildings and/or structures must comply with State of Kansas minimum building and life safety codes and that maximum permitted occupancy be posted within each respective building.

Mr. Isaac stated that yet another concern regarded whether or not alcohol should be served at the establishment. Mr. Isaac explained that although a legitimate concern, the use of alcohol is not an activity controlled by zoning. Mr. Isaac explained that the laws addressing the consumption of alcohol or other drugs, drinking and driving, etc. are universally applied and enforced by the Riley County Police Department. Mr. Isaac pointed out that the Assistant Director of the Law Enforcement Center had reviewed the request and reported no concerns.

Mr. Isaac stated that there was a concern that activities in conjunction with Prairiewood were going beyond the boundaries of the subject site and onto surrounding properties. He explained that several tracts surrounding the subject site were subject to a set of recorded restrictive covenants. Mr. Isaac stated that staff investigated this concern and found that the subject site is not part of the area regulated by such covenants. He explained that the County does not enforce restrictive covenants but are enforced privately between parties listed on the document. He also explained that even if such activities on nearby properties were stemming from or associated with the Prairiewood site, those specific activities or uses must be evaluated on their own merit and determined whether or not to be zoning violations.

Staff recommended that if the Riley County Planning Board determined that the potential issues and concerns associated with the proposed development have been adequately addressed by the preliminary development plan and the Applicant, the Board should forward a recommendation to the Board of County Commissioners of Riley County to approve the request to rezone a tract of land from “G-1” (General Agricultural) to “C-PUD” (Commercial Planned Unit Development) contingent upon the following criteria:

1. A note should be added to the development plan that prohibits any temporary structures including party tents, pole tents, framed tents, and or pop-up canopies larger than 10’ x 10’ but excluding camping or play tents.
2. Recommendations stated within the traffic impact study are implemented.
3. Recommendations by the Director of Riley County Emergency Management are implemented.
4. Due to the compatibility concerns with the existing character of the neighborhood, planning staff strongly recommends that the maximum number of guests be reduced from 295 to 200 and maximum number of motor vehicles allowed on the site at any given time be reduced from 95 to 50.

Mr. Isaac asked the Board if they had any questions.

Tom Taul asked where the proposed wastewater lagoon might be located.

Mr. Isaac said he was not made aware of the exact location. He said that regardless of where it was located on the site, it had to meet the minimum requirements of the sanitary code.

Vice-Chair Clement asked the Applicant if he would like to speak or make any comments.

Kail Katzenmeier, representative, explained that Prairiewood Holdings, LLC. was established in 2008, by a group of community-minded people, with the idea of preserving several large tracts of land along Wildcat Creek Road and create a “first-class” venue which could be shared by people of our community, as well as people from other communities.

Mr. Katzenmeier said the real concern is there appears to be a fair amount of misinformation. He said one of the biggest disconnects with some of the neighbors was how Prairiewood got to this point. He stated that Prairiewood started in 2010 and has been operating for two years. He said this site is 20 acres but Prairiewood Holdings owns 150 acres total. He clarified that although there are joint restrictive covenants, that land is not jointly owned. He explained that Prairiewood started as a short term rental concept and was meant to be a multiple purpose retreat where people could come and share the environment.

Mr. Katzenmeier said he met with the County and an understanding was reached that as long as Prairiewood is a rental property and has a lease associated with it, and some other stipulations, that it really works in an agricultural district. He said Prairiewood started operating under this premise. He explained that, just like anything, things begin to grow, change and evolve. He stated that his role as manager of Prairiewood Holdings is to manage that growth and change responsibly.

Mr. Katzenmeier distributed brochures of Prairiewood Retreat and Preserves and copies of the guestbook journal to each Board member. He said the word “commercial” can be very intimidating and misunderstood. He explained the zoning designation is only “commercial” because it is a business and no one resides on the site. He said Prairiewood has its own full time staff person who specializes in event planning. He explained the concept of the proposed resort/retreat was to be very “hands off” and because it is a leased facility and not a hotel, there is no office. He explained that Prairiewood was very serious about not meddling in the business of its guests. Mr. Katzenmeier said that at some point the structure breaks down, necessitating some restrictions and the need to have management more involved on site.

Mr. Katzenmeier said Prairiewood held several neighborhood meetings and were very careful to listen to concerns of neighbors. He read aloud letters of support from Marla Shoemaker (2945 Wildcat Creek Rd.) and Jack Ryan, who owns property near Prairiewood Holdings. He then submitted letters of support to the Board.

Mr. Katzenmeier said Prairiewood is working diligently to address the concerns of the neighbors and have come up with Good Neighbor Management Policies, which includes roadside trash pick- up, the provision of event calendars to the neighbors, a “no pet” policy, a restriction that all doors and windows be closed on structures, the presence of an off-duty or former retired law enforcement officer on site for events larger than 100 persons and more than 50 vehicles, a

requirement that parking lot lighting be turned off when not in use and finally, statements in the lease agreement indicating lessees to be respectful of neighbors and cautious of road conditions.

Mr. Katzenmeier said these are the PUD concerns that were heard in the neighborhood meetings.

- Disruptive noise
- General rowdiness and disruptiveness
- Sanitation – currently does not have a location determined on the lagoon and is exploring other options such as a forced main
- Excessive lighting
- Drainage/run-off
- Property valuation decrease
- Disruption of rural character

Mr. Katzenmeier stated he needed to address the recommendation by staff to reduce the number of people from 295 to 200 and from 95 motor vehicles to 50. He said those figures were very carefully calibrated from a viability standpoint and didn't know where the 50 amount came from, but understands the merit of it. He said that because the reduction was recommended prior to the aforementioned "Good Neighbor Policy", he urged the Board to reconsider staff's recommendation of the total number of vehicles.

Vice-Chair Clement asked the Board if they had any questions for the Applicant.

Tom Taul said that it was mentioned several times that the C-PUD is on the 20-acre tract, but Prairiewood Holdings has 150 acres around the subject site to preserve the natural Flinthills. He continued that, in the brochure, it mentions 250 acres and in the presentation tonight it expanded to 400 acres.

Mr. Katzenmeier explained that Prairiewood Holdings owns about 150 acres; additionally, he and his wife, Becky, along with some other investors, own the other surrounding acres, of which guests and patrons of Prairiewood are allowed access.

Diane Hoobler stated that she was concerned that within the language of the restrictive covenants, it speaks of subdividing the property into 20-acre lots. She said she thought that the emphasis of the proposal was for the preservation of pasture land, but then refers to lots.

Mr. Katzenmeier explained that the covenant was designed to match the requirement of the current zoning and that 20 acres is the minimum size of a parcel that would be allowed if the land was ever sold. He said it is restricting development.

Vice-chair Clement asked about the lagoon or force main (sewer) and asked if there really is a choice for a force main along Wildcat Creek Road.

Mr. Katzenmeier stated they are still exploring that option and do not yet have an answer. He stated that they have been approved for a lagoon.

Tom Taul stated he shares concerns about the wastewater lagoon.

Vice-chair Clement asked if there are any proponents within 1,000 feet. There were none.

Vice-chair Clement asked if there are any opponents within 1,000 feet.

Carol and Dave Adams stated they have resided at 1725 Wildcat Creek Road since 1976. Mrs. Adams stated that of the neighbors within 1,000 feet, five were unable to attend to present their thoughts and concerns, but she was given permission to speak on their behalf. She stated current neighbors were not opposed to the original intent of Prairiewood; however, they are not in favor of the significant changes of Prairiewood to become a rural retreat, resort and event center. She stated that the current mission of the Prairiewood expansion conflicts with the reasons why they moved to the country. She stated that they oppose the proposed commercial rezoning because the serenity, peace and freedom to be experienced in country living is threatened.

Mrs. Adams stated security and safety is a major concern. She said they have found that Wildcat Creek Road is a narrow, meandering township road. Mr. Adams referred to photos in his slideshow stating that due to narrow points, lack of proper surface drainage, multi-blind “S” curves, deer, a deep drop into Wildcat Creek with no guard rail, lack of shoulders, icy patches caused by trees blocking the sun, wooden bridges with no guard rails, dust, and flooding, the road is considered unsafe.

Mrs. Adams mentioned that there was excessive trash along Wildcat Creek Road. Mrs. Adams also noted that the County Engineer reported Riley County has shown an interest in taking over Wildcat Creek Road, but acceptance of the road has been delayed until guidelines could be developed for a minimal level service. Mrs. Adams questioned if traffic and road concerns will be addressed with the county’s minimal level of service. She referenced the Traffic Impact Study and said it concluded that very-low volume roads are not typically designed for event traffic. She pointed out that the study also concluded the maximum booking at Prairiewood may exceed the 400 vehicles per day threshold for a very-low volume, local road.

Mrs. Adams said, representing a group of neighbors, they had the following recommendations:

- Deny the preliminary development plan due to the incompatible impact on the character of the neighborhood.
- Table the decision until all residences within 1000 feet are present for the discussion.
- Allow Prairiewood to remain in its G-1 zoning and for the original purpose of preserving the prairie and providing a retreat corporate meeting center. We suggest that an event center be moved to the industrial park where zoning, water, sewage, fire protection, traffic, noise, and road conditions have already been addressed.

Mike Sheffield (1700 Wildcat Creek Road) said he lives just west of Prairiewood. Mr. Sheffield referred to a map showing where each surrounding property owner lives. He read aloud opposition letters from the Mitchells and the Campbells, neighbors within 1000 feet that were unable to attend the meeting.

Mr. Sheffield said they (Sheffields) are the closest neighbor and own three tracts near Prairiewood. He said that for the past two years, the house on the subject site has been used as a residential rental on game weekends, used by people coming in from out of town, family reunions, but then became a place for groups and businesses to have small meetings. He said

that while those uses were in keeping with the quiet rural residential neighborhood, the proposed radical expansion of Prairiewood into a party center and the renovation of the horse barn into a party barn, with the potential for 300 people a day and 100 cars coming and going on Wildcat Creek Road is completely out of character of the existing rural neighborhood. Mr. Sheffield said for this reason he opposes this commercial rezoning. He said that he believed it is bad planning to allow “spot” commercial zoning in the middle of a quiet rural residential neighborhood.

Mr. Sheffield stated that they did not have any problems with Prairiewood until this last summer and early fall. He said that the activities of Prairiewood changed dramatically; instead of small groups, there were multiple large parties with live bands, amplified music that could be heard all through the immediate neighborhood. He said that the loud outdoor parties were associated with increased traffic, drinking of alcohol, and occasionally shouted obscenities.

Mr. Sheffield stated while Prairiewood has attempted to improve on this situation with the proposed PUD by moving the amplified sound into a barn, those previous mentioned events consisted of approximately 100-125 people and 40-50 cars. He said that now, Prairiewood is asking to more than double the size of those crowds and number of cars. He stated that this is not a theoretical possibility of what might happen, but what has already happened multiple times.

Mr. Sheffield said the proposed changes will not adequately safe guard the neighbors. Mr. Sheffield expressed concern over the lack of management of the site during events.

Mr. Sheffield said the restrictive covenants accompanying 180 acres surrounding the subject site, designate the land as rural residential, with big lots, and expressively prohibits the type of rezoning to commercial property with a multi-use rural retreat center that the owners of Prairiewood now wish to pursue.

Mr. Sheffield stated he is opposed to the expansion of Prairiewood, listing the following concerns:

Mr. Sheffield’s list of concerns:

- No structures to house stock animals on the subject site
- Noise
- Roads
- Permitted uses:
  - Explain agri-tourism
  - Number of people too large
  - Why on PUD does the parking lot show 136 parking spaces?
- Lack of supervision
- Lighting
- Sanitation
- The Katzenmeier’s live on 30 acres with a pond and this property has been used for weddings and other Prairiewood events. Why is that property not included in the PUD?
- Quiet hours – recommend starting at 9:00 pm Sunday-Thursday

Mr. Sheffield recommended “tabling” the request until some of these issues were addressed. He stated that he does not oppose the activities that were occurring at Prairiewood before last summer.

Karen Sheffield (1700 Wildcat Creek Road) stated that there are two groups the Board is hearing from: the beneficiaries, which include those with some form of financial investment, those that were hosted or hope to host events and neighbors who do not live within hearing distance of Prairiewood; and the non-beneficiaries, which consist primarily, but not exclusively, of the most immediate neighbors to Prairiewood.

Mrs. Sheffield stated she is concerned that the proposal will alter their normal way of life, potentially 365 days a year. Mrs. Sheffield said that it is very difficult to do normal chores, such as mowing on the weekends or burning fields, and be quiet during outdoor wedding events that are occurring next door.

Representing the owners within 1000 feet, Jim Morrison, stated he reviewed the information provided to the Board. He said that in light of the new information presented that was not previously provided, such as the Good Neighbor Policy, he suggested that the Board “table” the request to allow the proponents to revisit their proposal so the Board has a clear view. He said for example the drawing of the PUD has 136 parking spaces, we now hear it is 95 from the proponents. Mr. Morrison said if we are doing preservation of the prairie, there is a very easy, simple and absolute complete method that’s called a preservation easement that leaves property in natural grass, agricultural use and cannot be developed. He said that it’s permanent, it’s qualified, and it makes sure it truly is for nature. He said that is not the reality of life in this case because that is what the restrictive easements and covenants are on the extra 150 acres. He said the comment was made that “if in fact the economic viability of this project is not there then we will have to look at other issues”. He said it is truly an economic engine for the balance of the program. He said if it is not economically viable, then what is going to happen to the rest of it. He stated that he would surmise that it will be developed, sold for houses.

Mr. Morrison questioned the technical accuracy of the lagoon permit. He said what Prairiewood is requesting is accommodation zoning because they bought the property, and now want to do something different so they can make money with it.

Mr. Morrison said in fairness to the Board, the Board should “table” the request and have the Applicant bring back an updated PUD. He stated that an alternative would be our recommendation to deny the request.

Robert Clack said he owns property across the road and to the west of Prairiewood. He said he lives in St. Louis, MO. He said that although the neighbor’s concerns are valid, he is very supportive of commercial development that is consistent with the rural ambience. He said that it is hard for Prairiewood or any commercial business to be held hostage by the road which is not really the focus of the PUD. He said the road is a real problem and always has been. He said he concurred with the 9:00 pm quiet time. Mr. Clack said he agreed to either table until some of the issues are resolved or deny it for now and re-work it.

Vice-Chair Clement asked if there were any other opponents within 1000 feet. There were none.

Vice-Chair Clement asked the petitioner’s representative if he had any rebuttal.



Mr. Katzenmeier said what has to be sorted out is the issue with the road and noise. He said it is obvious there is a high demand for a multi-purpose retreat.

Jenny Andrews who works for Prairiewood said there will be two weddings in the month of May and one will utilize the barn for the reception.

Mr. Katzenmeier said he wanted to confirm the list of neighbors along Wildcat Creek Road, which are supportive.

Mr. Katzenmeier clarified the reasons why there are 136 parking stalls shown on the PUD, but only 95 motor vehicles are allowed on site. He said that the number of parking spaces will be able to serve the number of persons at each structure, without the need for guests to walk from one parking lot to the other.

Mr. Katzenmeier said the first question to answer is what is appropriate and how is Prairiewood going to make it accountable. He said a PUD is a legal document, so it will be a zoning violation and when you violate it, it is a serious thing. He said there would be lots of accountability.

Vice-Chair Clement asked if there was any rebuttal from the opponents.

Mr. Sheffield said he was informed by Jim Murphy that he was opposed to the request.

Vice-Chair Clement asked if there were any proponents outside 1000 feet that would like to speak.

Ella Casey said she wanted to offer a perspective from a bride that was actually married at Prairiewood and why they chose this site. She provided the Board with her written letter of support for the PUD.

Eddie Eastes (5707 Saddle Rock Road) stated they feel like they are neighbors to the area. He said his family, including three children, drives Wildcat Creek Road every day. He said they attended one of the neighborhood meetings at which Prairiewood made gracious attempts to answer many concerns. He said his family would like to voice their opinion and move forward with this request because they think there is a strong attempt by the Katzenmeiers to preserve and protect the land.

Todd Holmberg said he has been involved in several events at Prairiewood and provided the Board with a letter of support. He said the retreat he attended was probably the most effective he has ever attended and was due to the natural prairie and beautiful environment.

Steve Shields said he is an investor in Prairiewood but did not invest in it for the returns. He said he loves the Flinthills and his profession is to fly around the country and help build communities. He said the Katzenmeiers knew they would have to do something to help sustain the preservation. He stated he brings people to Manhattan through his company and Prairiewood provides a place for these visitors to enjoy the Flinthills.

Ann Harts said she lives in Manhattan and is a principle and partner of a company based in Washington, D.C. and Manhattan, NY. She said that she is a former economic developer and

does site selection assisting companies on where to locate their businesses. She stated quality of life issues have to come into play. She stated in her global work travels she has yet to be shown on any of the community tours something as beautiful for corporate retreats and events as Prairiewood. She said she uses Prairiewood as a tool when she is teaching education to economic developers as an opportunity for corporate events and retreats and what the best has to offer. She stated Prairiewood is one of Manhattan's most important selling points for quality of life as it pertains to economic development.

Lyle Butler, president of the Manhattan Area Chamber of Commerce, stated that his comments centered on the Applicants that are here tonight. He said he met the Katzenmeiers and took a tour of the subject site that the Katzenmeiers purchased. He said they had an idea of preserving and enhancing the Flint Hills as Manhattan continues to grow and they were concerned it would be lost. He said the State of Kansas did a study to define agri-tourism and wanted to allow people to have the experience whether it is farming, ranching, Flint Hills, cattle or horses. The study identified that the Flint Hills needed to be promoted, preserved and allow the opportunity for people to have the experience.

Mr. Butler said the Chamber has held retreats at Prairiewood. He said Mr. Katzenmeier invited him and a staff member to Prairiewood to update the Chamber on the response they were getting. He stated he knew that Mr. Katzenmeier has a great deal of passion and concern for his neighbors. He said that Prairiewood has an opportunity and has put Manhattan on the map with a new venue.

Ty Warner, Executive Director of the Flinthills Regional Council, said he wanted to be clear that the Regional Council has no specific opinions on local zoning matters. He said the whole project is predicated on the notion that economic development and preservation are not at odds with each other but actually complement one another. Mr. Warner stated with so much of the Flinthills in private ownership, finding mechanisms to allow places like Prairiewood to exist is going to be absolutely critical for the rest of region. He referenced goals, objectives and policies in the Riley County Vision 2025 Plan, specifically regarding rural design guidelines, agricultural character, valuable farmland preservation, wildlife habitat, ground and surface water quality, environmental objectives and open space corridors, promoting environmentally sensitive design, directing development away from natural hazards and promoting development that is compatible with noise zones surrounding Ft. Riley. He said he thinks Prairiewood accomplishes all of this with land that might otherwise be given over to additional housing development with related traffic impacts and storm water run-off.

Mr. Warner said all across the region, from the Governor's Flinthills work group and others all trying to find ways to preserve the beauty of the Flinthills while maintaining private ownership. He said that respecting private ownership while carrying out regional environmental and economic development goals, Prairiewood serves as a strong example of that right here in Riley County. He said he hoped these comments will help show the importance of Prairiewood, not just to Riley County but also to the whole region, and why facilities like this not only should be encouraged and promoted, but should be celebrated.

Vice-Chair Clement asked if there were any proponents or supporters that would like to speak. There were none.

Vice-Chair Clement asked if there was any rebuttal from the opponents.

Sherrie Russell stated she is concerned about flooding, stormwater run-off, drinking and driving and the road conditions. She said our major concern is we are agricultural, we are farmers. If commercial is allowed, what will happen to us? What does that do to our farm?

Bart Thomas said he has concerns about the safety of Wildcat Creek Road, trash, and the large blocks of land being set up for future development.

Paul and Diana Nickel, 610 S. Scenic Drive, described the similarities and differences between Scenic Valley Inn and Prairiewood.

Vice-Chair Clement asked the petitioner's representative if he had any rebuttal.

Mr. Katzenmeier said he is concerned about the hardship on citizens who have scheduled events in the upcoming months if the request is tabled or denied.

Tom Taul moved to close the public hearing. Diane Hoobler seconded. Carried 5-0.

Diane Hoobler said she did not have an opportunity to visit the site. She also stated that this is a huge decision she does not take lightly.

John Wienck said he visited the subject site twice and has concerns that the road to the subject site is a township road.

Tom Taul said he visited the subject site twice and also has a concern with the road. He said the two big concerns are the preservation and the viability of the venue. He said he is concerned about neighbors, the number of people and vehicles, and the sanitary sewer issue. He said he is not in favor of the PUD as presented.

Vice-Chair Clement said he has visited the site and his concerns are the subject site is very visible from the road and the lagoon. He said Jim Morrison's comments about "tabling" the request are very much in order.

John Wienck wanted to know why the planning process is just now happening.

Diane Hoobler asked that, with the sanitary sewer being an issue, will Prairiewood be prepared for the scheduled upcoming events.

Mr. Wedel said when staff originally met with Mr. Katzenmeier the understanding was that the primary use of the property would be single family, with small executive retreats. He said apparently there was a misunderstanding between Mr. Katzenmeier and staff about the allowed uses.

Mr. Wedel said that if there is no rezoning, Prairiewood would need to stay as a single family use. He said regarding the sanitary situation, if just the house were given approval for what it has been being used for, such as 50 people at a banquet, the sanitary situation is not adequate and needs to be upgraded. He said if the Board wants to allow the continued use as it has been, without the expansion, the site will still need to be rezoned to accomplish that. The PUD would have to be scaled back to just the house, with an approved sanitary system, which would

continue to allow corporate retreats. He said the PUD would have to be modified to make that work.

Julie Henton agreed.

Vice-Chair Clement said he believed we are all pretty comfortable with the existing use as a retreat center.

Mr. Wedel said in the original meeting with Mr. Katzenmeier that the remodeling of the barn was never discussed and certainly was not approved. He said in order for Prairiewood to continue with just the original uses, i.e. rental of the single family dwelling for small corporate retreat events, the property will still require rezoning.

Vice-Chair Clement said he believes that is the Board's intention.

Mr. Wedel said if the Board decides to table the request, specific reasons need to be stated as to why it is being tabled.

Tom Taul asked that if the Board makes a decision tonight on some type of rezoning, do we know what the numbers need to be.

Mr. Wedel said a recommendation could be made to the Board of County Commissioners to approve the rezoning with certain modifications to the preliminary development plan. He said if the Board feels that it does not have enough information to do make the determination, for the record, please state what specific information the Board needs to be able to make the decision, if the decision is to table.

Vice-Chair Clement said the Board can't fix the road in terms of the geometry and safety of the public and the residents; it's a huge concern. He stated that he wants more information on the lagoon.

Mr. Wedel said the Board can modify the PUD to approve just the house as an option.

Tom Taul asked if they could shrink back the PUD to encompass the house only.

Mr. Wedel replied yes.

Tom Taul said it depends a lot on the Applicant.

Diane Hoobler asked can the Board place a number limit on the use of the barn?

Mr. Wedel replied yes and reiterated any reasonable modifications can be recommended.

Tom Taul stated he does not have a problem with the house and 16 people.

John Wienck said he did not either.

Mr. Wedel clarified that 16 people are for overnight stay only.

Diane Hoobler said 75 is the maximum number of guests.

John Wienck asked is that what it is currently zoned?

Tom Taul replied no it is not.

Mr. Wedel replied it is zoned agricultural. He said that staff's position is that it really needs to be single family use. He said that even at 75 persons, like what they have been doing, is beyond the sanitary system currently in place and is beyond the current zoning.

Tom Taul said not knowing about the force main option, even at 75 people, you don't know where the lagoon is going to go or how big it is going to be.

Mr. Wedel reminded the Board that Leon Hobson and Steve DeHart are present to answer questions.

Steve DeHart, Riley County Sanitarian, said he has the subject site set up on rural water and the permit for lagoon has been approved, as an engineered lagoon. He said that Riley County can regulate lagoons up to 2,500 gallons per day. He said the engineered number of 2,195 is based on the use that was provided to him for the subject site.

Vice-chair Clement said the location of the lagoon needs to be shown on the plan if it is going to be part of the PUD.

Mr. DeHart said he has not been given exact numbers yet but the lagoon has been designed based on 2,195 gallons per day. He said a profile hole on the site has been done and unfortunately, the area is very rocky with a lot of clay. He said that when determining the location for the lagoon, considering the house is up on a hill and there are neighbors within close proximity, they were able to find a location tucked in behind some trees.

Tom Taul asked Mr. Dehart, you mention 2,195 gallons; how does that equate to occupants?

Mr. DeHart said it is based on the actual numbers that were given.

Both Tom Taul and Julie Henton said 295.

Mr. DeHart said those are numbers typically determined by how many people are there overnight. Basically there is a lot of engineering history for churches, boy and girl scout camps, for example, if there is a kitchen it might have 5 gallons per day per person, if they will be there for a 2-hour event and no kitchen, the figures might be dropped down to 2.5 gallons per day. It is essentially based on science, but it provides a limit on the permit for your maximum gallons allowed.

Mr. DeHart said the best location he found, which is out of the floodplain, is located in the north central part of the property. He said that it is tucked in, shielded from the house and gives enough area down front to plant bushes to shield it from the road. He said that because lagoons are built in the ground, the elevation above grade might be two feet, with dimensions that are approximately 40 feet inside and 64 feet on the outside.

Vice-chair Clement said the lagoon will be about the same footprint size as the barn and there will be a fence around it. He said that the ground slopes up.

Mr. DeHart said that where the lagoon will be located, he truly believes it can be hidden from the road.

Vice-chair Clement said visual perception of a lagoon would be difficult to prevent, especially where there is going to be a lagoon down in front.

Mr. DeHart said we have them all over the county because nine-tenths of the time, all the good building lots are gone.

Diane Hoobler asked if the neighbors to the west will really not be able to smell the lagoon.

Mr. DeHart said he is not going to say a lagoon will never smell because that would be dishonest, but if they are designed properly, run right, and the weeds are kept down, he has not noticed any problems.

Vice-chair Clement said if the Board denies this in terms of an event center and allows the existing use of the house with a retreat with 16 or so people overnight and 75 during the day, what would be required for a lagoon or to bring it up to standards?

Mr. DeHart said it will be based ultimately on the size proposed. He said if you say 10 people and 10 cars, the lagoon will be based on those numbers. He said that the lagoon will shrink and the smallest you can go is 35 and that is about 1,100 gallons per month.

Tom Taul asked Mr. DeHart what is the 35 he is referring to?

Mr. DeHart said it is 35 feet across.

Mr. Wedel suggested closing the hearing and reconvening in two weeks. He suggested that the Board could provide modifications to the Applicant.

Tom Taul asked what was the number of people and cars originally proposed for the house.

Mr. Wedel said 16 people overnight and 75 guests.

Tom Taul said all he was focused on was 295.

Mr. Wedel replied that maximum is for the barn and maximum number for the site.

Vice-Chair Clement asked when is the next Planning Board meeting.

Mr. Wedel said the next meeting is March 12, 2012.

Vice-Chair Clement asked the Board what action they wanted to take.

Tom Taul said at this time he could support the single family residence and the location of the lagoon.

Vice-Chair Clement concurred with Tom Taul, but said he was still very concerned about the road.

Tom Taul said another thing we haven't talked about tonight is traffic on Wildcat Creek Road coming from the west. He said all the attention has been focused on the traffic coming from the east.

Mr. Wedel said there are two options for the Board to consider: table the hearing until the next meeting, which is March 12<sup>th</sup> or schedule a special meeting two weeks from now.

Vice-chair Clement questioned the use of "C-PUD" zoning and said this appears to be "accommodation zoning".

Mr. Wedel said this is no different than Scenic Valley Inn, which is an approved PUD.

Diane Hoobler said she could approve what Prairiewood has already been doing.

Vice-chair Clement said he could approve rezoning if the request is scaled back to the original use without the event center.

Diane Hoobler moved to table the request to the March 12, 2012, Riley County Planning Board meeting to allow the Applicant to make modifications to the preliminary development plan concerning the following:

1. The maximum number of people and the maximum number of motorized vehicles allowed on site is "out of scale" for the area. Suggest modifying.
2. The location and aesthetics of the wastewater lagoon. Suggest show location on development plan.
3. Agritourism too broad. Specify uses.
4. Monument sign being illuminated.
5. Number of livestock animals too many for the size of tract; type of animals not specified.
6. Exterior lighting: needs to be directional, possible curfew of parking area lights.
7. Rules of operation: Needs to be tied to PUD.
8. Require staff or owner to be on site during events.

Julie Henton seconded. Carried 5-0.

### **Election of 2012 Officers**

Tom Taul nominated Lorn Clement as Chair. Diane Hoobler seconded. Carried 4-1.

Lorn Clement nominated Tom Taul as Vice-Chair. Diane Hoobler seconded. Carried 5-0.

Tom Taul nominated Bob Isaac as Secretary. Julie Henton seconded. Carried 5-0.

### **Annual Comprehensive Plan review reminder**

Bob Isaac asked the Board if they had any suggested changes or modifications to the Plan. There were no changes or modifications. Vice Chairman Clement instructed Mr. Isaac to prepare a memo to be signed by the Chairperson at the next meeting, then present to the Board of County Commissioners.

### **2012 Annual Report**

The Board reviewed the report and found no changes or modifications that needed to be made.

### **Quarterly Analysis of the LESA System**

Monty Wedel said a proposal is being evaluated that is adjoining the county line and it has been realized that Riley County doesn't have information for the adjoining counties. However, no changes to the LESA are suggested at this time.

### **Review Draft Regulation Amendments to Implement Vision 2025**

Monty Wedel reported the following issues that came from the public meetings:

1. Recommendation made that the maximum height of a solar collector be changed from 10 feet to 20 feet.
2. Concern if the regulations will allow hunting guests from out of state parking travel trailers or RV's on private property? Staff determined it was not an issue.
3. Concern that the "grandfathering" parameters are not fair. Consensus was to keep as is.

Mr. Wedel announced that the public hearings for the regulation amendments will be scheduled in April. He asked the Board if they are ready to proceed to public hearings on the proposed amendments. The consensus of the Board was to proceed.

John Wienck moved to adjourn. Tom Taul seconded. Carried 5-0.

The meeting was adjourned at 12:37 P.M.