

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, March 12, 2012
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

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

Members Absent:

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

Others Present: Donna Campbell, Sammy Campbell, Jenne Andrews, Rusty Andrews, Carol Adams, David Adams, Jim Morrison, Susan Mitchell, David Mitchell, Karen Sheffield, Mike Sheffield, Bob Fair, John McNellis, David & Sherrie Russell, Kail & Becky Katzenmeier, Ella Casey, Ian Reekie, Terry Clack, Cal & Genie Emig, Marla Shoemaker, Lyle Butler, Robert Clack, Kimberly Huebner, Dana Eastes, Eddie Eastes, Keith Westervelt, Doug Messer - Riley County Assistant Fire Chief, Leon Brown - Schwab-Eaton P.A., Steven DeHart - Riley County Sanitarian

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the February 16, 2012 meeting were presented and approved with amendments to page 14, paragraph 3. The Report of Fees for the month of January 2012 (\$924.59) were presented and approved.

Diane Hoobler moved to adjourn as the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and convene as the Board of Zoning Appeals. Julie Henton seconded. Carried 5-0.

Julie Henton moved to adjourn as the Board of Zoning Appeals as there were no agenda items and convene as the Riley County Planning Board. John Wienck seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Prairiewood Holdings, LLC – (Rezone)

Chairman Clement asked for a motion from the Planning Board members to take from the table the request of Prairiewood Holdings, LLC to rezone a tract of land from “G-1” to “C-PUD.

Diane Hoobler moved to remove from the table 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). John Wienck seconded. Motion carried 5-0.

Chairman Clement stated the public hearing is being re-opened due to new evidence. He asked that only new information be shared and to try not to be redundant.

Bob Isaac reviewed the specific issues and concerns for which the Board tabled the request. They were as follows:

- Scale – the Applicant reduced the maximum capacity of the barn from 295 to 195 persons; reduced the maximum number of persons allowed on site from 295 to 195 persons. Maximum number of vehicles on site of 95 was not changed.
- Sanitary sewer – the Applicant changed from an approved lagoon to an approved aerated system with an evaporation pond.
- Agritourism – due to being too broad of a term, it was removed from the PUD.
- Monument sign – the Applicant reduced the total height of the sign from five feet to four feet and emphasized the use of directional lighting.
- Livestock – the Applicant reduced the total number from 21 to 10 and will exclude certain stock animals such as swine.
- Exterior lighting – the Applicant added a note to the PUD that all exterior lighting must be directional to prohibit or minimize a light trespass on other properties including Wildcat Creek Road and parking area lights would be turned off one half hour after quiet hours begin.
- Rules of Operation – the Applicant added a note to the PUD stating that the Rules of Operation shall be posted in each building and distributed with the brochures upon application to reserve the site.
- Staff/Owner on site for events of 100 people or more – After consultation with the County Counselor, the note on the PUD was removed as it was considered a business decision and not something controlled through zoning.

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

Chairman Clement said staff previously recommended a 50-vehicle maximum but what was the number of people recommended.

Mr. Isaac said 200. He said due to the possibility of multiple events occurring at the site at one time, the parking areas would be able to handle the 95 vehicle capacity. Mr. Isaac said that at the request of the neighbors, the Applicant added a note to the PUD restricting parking to designated

parking areas only and prohibiting event parking along Wildcat Creek Road. Mr. Isaac stated that the zoning regulations do not regulate a maximum number of parking spaces, but rather a minimum number, depending on the associated use. He said the subject site meets the minimum number of required parking for the proposed uses.

Tom Taul asked when you say “meets the minimum requirements”, is that based on the proposed 195 people and if scaled back to 100 people? What would be the minimal parking?

Mr. Isaac explained that the minimum number is derived from the criteria in the zoning regulations for similar land uses. He said, in this case, the minimum is one parking space for every four people. He said that the ratio proposed is closer to one space per every two people.

Tom Taul said 50 vehicles equates to 200 people.

Mr. Isaac said the original recommendation by staff of 50 vehicles changed after reviewing the parking requirements further. He said 95 vehicles, especially if the parking areas will be screened, will not be out of character and serves the purpose of the facility.

Mr. Isaac presented a comparison of Scenic Valley Inn, an R-PUD approved in 2005. He said he would like to compare differences and similarities between to the two land uses.

Tom Taul asked if this is in reference to land use.

Mr. Isaac affirmed and the requirements on the planned unit development on both.

Tom Taul said he did not think the Board should compare one planned unit development to another when just reviewing land issues.

Mr. Isaac said the PUD is the land use issue. He said if the Board did not feel like the comparison would be helpful he would skip it.

Tom Taul said he did not understand why the comparison was being done.

John Wienck stated he liked the comparison but asked if Scenic Valley Inn originally was zoned G-1 (general agricultural) before being rezoned residential.

Mr. Isaac affirmed.

John Wienck said he likes the comparisons and similarities but Prairiewood should be evaluated on its own deal.

Mr. Isaac stated Mr. Wienck is correct, that each request should be accountable and held on its own merits. He said we have a set of criteria that we look at as far as what is acceptable and what is not. He said this is simply a comparison of what was done in the past with a similar type land use. He stated the comparison is not meant to indicate if something should be allowed on one PUD because it was allowed on another.

Tom Taul said that is how he perceived it.

Chairman Clement asked if there were any questions from the Board members on this comparison.

John Wienck said it was self-explanatory.

Tom Taul said he did not have any questions and wants to judge Prairiewood on its own merit.

Diane Hoobler said she does not know if the other Board members have been to both facilities but they are nothing alike. She said Scenic Valley is very closed in, surrounded by trees and does not have a lot of parking. She said Prairiewood is a larger area that can be used as parking and the logistics of the areas are totally different.

Chairman Clement suggested not pursuing the comparison as the information was provided to the Board in their agenda packets.

Mr. Isaac said he wanted to stress that the information provided in the packet is a summary of the issues and evidence that has been provided. He said to assist the Board with focusing on the actual facts in making their decisions; they need to consider what evidence regarding these particular issues are associated with the planning and development. He suggested allowing the Applicant to present the changes in detail and all the evidence will be made to assist in using the summary as a guide.

Chairman Clement said that was a good idea for the Board members to take notes.

Kail Katzenmeier presented. He stated the greatest concern he had at the last meeting was information shared was inaccurate, exaggerated and distorted. He said there were things being implied that could cast himself, his wife Becky, some of the member/owners and Prairiewood itself in a negative light. He said one of the things mentioned a lot in the last meeting was the referral of the "old" Prairiewood and the "new" Prairiewood and the complete disregard to zoning.

Mr. Katzenmeier stated he met with Planning and Development staff on October 26, 2009 to discuss a new business called Prairiewood and what he wanted it to be and what he wanted to do in detail. He stated that Planning and Development staff agreed at that meeting that the Prairiewood business model that was discussed in that meeting was a fully permitted use in current G-1 zoning.

Mr. Katzenmeier said after this meeting he wrote a detailed letter to the Planning and Development staff confirming what was discussed and agreed upon in the meeting. He said some of the items included in the letter were examples of individual and group accommodations, company retreats (wanted it to be known there would be commercial use) and family reunions which are special events. He said that in the letter, the property grounds, the house, amenities, the pool, the barn, the picnic areas, the creek and entire 20 acres were included. He said he

received a letter from Planning and Development indicating everything that was outlined in his letter was correct permitted in accordance with Riley County zoning.

Mr. Katzenmeier said from that confirmation letter, Prairiewood began operating within that category of uses as understood to be approved. He said as Prairiewood got busier, in 2010 there were three weddings and one large family reunion. He said that in 2011, there were eight large events which were family reunions, retirement parties or weddings. He said what happened was Prairiewood got busier doing what was originally planned and somehow it was implied that Prairiewood changed, which simply was not true.

Mr. Katzenmeier stated in 2010 or early 2011, it was brought to Prairiewood's attention that some of the events were causing noise. He said that to address this issue, Prairiewood began planning to remodel the barn in June 2011

Mr. Katzenmeier said Prairiewood starting working with Planning and Development in October 2011 because of concerns from neighbors. He said Planning and Development staff recommended rezoning to a planned unit development.

Mr. Katzenmeier stated events in the past that have been outdoor events are now scheduled as indoor events in the noise attenuated barn.

Mr. Katzenmeier said Prairiewood was still trying to decide the best option for the sanitary sewer when the PUD was being completed. He said staff recommended having something in writing demonstrating the sanitary issue was addressed and approved. He stated Steve DeHart, Riley County Health Department, approved the lagoon concept. Mr. Katzenmeier stated Prairiewood was still trying to come up with other alternatives. He stated that rather than the lagoon, he and Steve DeHart came up with a fully, underground treatment facility that pretreats everything before going into an evaporation pond.

Mr. Katzenmeier stated the reason the original proposal of 295 people was chosen is because Prairiewood has a church interested in using the facilities. He said Prairiewood originally proposed 300 people for church and 200 for other events. He said staff indicated that was too difficult to keep track of so Prairiewood went with the higher number.

Mr. Katzenmeier said after receiving feedback, Prairiewood lowered the maximum number to 195 persons. He said that the criteria used to arrive at that figure were viability and suggestions made by property owners within 1,000 feet. He said 195 is the actual number of persons that can be seated in the barn. He said the request for 95 vehicles was revisited and if parking is not going to be allowed on the grounds or the road, adequate parking needs to be available to prevent those issues. He said according to staff the number of parking stalls should be 95 but there are 136 stalls on site. He explained why there are more stalls than there is allowed parking. He said there will be two parking lots, one up the hill by the house and the other on the east side of the barn, which is a difference of 200 to 300 yards. He said that from a planning standpoint, if you had 60 stalls at the barn and 35 at the house and all were full, guests might have to walk back and forth between the house and the barn, possibly in inclement weather. He said to control the

number of vehicles during an event, when only the barn is being used, a gate will be used to restrict access to the upper parking area.

Mr. Katzenmeier said to address the concern of a property owner within 1,000 feet, Prairiewood is prohibiting any outdoor tents such as circus and festival styles; however, this excludes camping and play tents with a maximum of (6) six.

John McNellis stated he is one of the founding members of Prairiewood and is here to answer any questions concerning the evaporation pond. He said designing wastewater systems is what he does for a living. He said a lagoon is the worst possible solution aesthetically for Prairiewood. He said what is proposed is a miniature sludge system that treats everything under ground in tanks. He said the treated effluent is better than exposed wastewater, partially treated or not treated in a lagoon or even a classic septic system, which has no aeration and is discharged into the ground.

Mr. McNellis said the quality of effluent is going to be far superior with the benefit of an evaporation pond or a miniature wetland. He said it's a small area and unless you irrigate with well water, it will go dry because there is not that much water being produced. He said the hope is to create a natural green area. He explained that this eliminates all the aesthetic issues you have with a treatment plant while producing a better quality effluent than a septic tank or lagoon.

Tom Taul asked if the area has to be fenced.

Mr. Nellis said it does not require fencing. He said he believes Prairiewood wants to landscape the area but does not want it to look unnatural.

Chairman Clement said the revised PUD does not show grading of the area where the evaporation pond is proposed and the noted the pond will be approximately 750 square feet to 1,000 square feet. He asked if this is an accurate representation of what is being proposed.

Mr. McNellis said as far as square footage, yes. He said it would be graded so that storm water would run around it and not all pour into it. He said that would happen naturally with a hard rain.

Bob Isaac said he would like to note that the Bed and Breakfast was removed from the PUD. He stated the quiet hours have been changed for Sunday-Thursday from 10:30 pm to 9:00 pm; quiet hours for Friday-Saturday remains at 11:00 pm.

Mr. Katzenmeier said after five months of study, county staff is recommending one-hundred percent, this revised PUD. He said there is nothing on this PUD that county staff would have us change at this time.

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

Chairman Clement asked if there are any opponents within 1,000 feet.

Carol Adams stated she lives at 1725 Wildcat Creek Road and on behalf of the neighbors within 1,000 feet of this request, offered the following concerns:

- On-site supervision removed from development plan
- Good neighbor policy introduced at last month's meeting is not on the revised PUD
- Number of people; scale still too large
- Number of cars remain unchanged; road issues still plague this plan
- Swine has been excluded but the other animals allowed remain a mystery
- Details associated with the lighting have not been clarified such as height, type of lighting, types of bulbs, distribution of lights
- Enforcement plans regarding the PUD, its limitations and uses are unclear

Mrs. Adams said the following is a list of concerns the neighbors within 1,000 feet of this request still collectively share:

- Noise
- Lack of on-site supervision
- Adequacy of Wildcat Creek Road
- Enforcement capabilities
- Number of people, cars and parking spaces
- Venue appropriateness
- Watershed management
- Alcohol consumption
- Animal identification and plans for containment
- Details of lighting
- Sanitation

Mrs. Adams said many of the concerns have been addressed or explained this evening but unfortunately, the devil is in the details and how they will be carried out, how they will be designed, constructed and how will they be enforced.

David Adams stated he lives at 1725 Wildcat Creek Road. He said the report prepared by the planning and development staff states that the general purpose of zoning is to protect the health, safety and welfare of the general public. He said that regulations must be written with reasonable consideration of the character district and its peculiar suitability for particular uses. He stated:

1. The Commercial PUD for Prairiewood is not compatible with the character of the neighborhood. Rural residential homes with varying acreage provide families with enhanced quality of life, with quiet, open spaces and the freedom to enjoy country living. The report concludes the proposed use of an event center could alter the character of the neighborhood to a point that is considered incompatible to nearby properties.
2. The Commercial PUD is not compatible with the zoning and using of properties nearby. Properties along Wildcat Creek Road are zoned for agricultural use. The road is a winding, narrow, township road, 24 feet at the widest point. No shoulders, no guardrails, limited signage, steep and unprotected banks along the road make it hazardous to the

increased traffic that will occur due to the proposed event center. Should the county eventually take responsibility for this road, the minimal level of service that has been outlined in their report provides only for dust abatement at specific locations and increased signage only between Scenic Drive and Prairiewood. These minimal efforts may in no way solve the safety and geographical flaws of the road. The traffic impact study of January 16, 2012, Schwab-Eaton makes a statement that no one has addressed. Under the conditions of the full build out of Prairiewood Retreat during the year 2022, the intersection of Wildcat Creek Road and Scenic Drive will operate adequately. We would like to know what this full build out includes.

3. Removal of the current restrictions of rezoning will detrimentally affect nearby property and quality of life. Riley County does not have policies in place to regulate sound, noise levels without specific restrictions, restrictive covenants written into the Commercial PUD expressly stating that barn doors and windows are to be closed during events. Disruptive noise levels will occur regularly. Staff recommendations address this very issue and it is also possible that even at reasonable levels, the mere frequency of events causing the sound will increase the noise heard by surrounding property owners. This is not in character of a rural neighborhood. Wildcat Creek residents request evidence that zoning requirements will be enforced without the absence of on-site supervision. What reassurance do we have with the limits of this Commercial PUD will be enforced?
4. There is no gain to the public health, safety and welfare by allowing commercial rezoning and only have hardship imposed upon the individual land owners. We individual land owners absolutely gain no benefit from the rezoning and assume all the risk. Benefits are provided to those who own Prairiewood and their LLC partners, none of which reside within 1,000 feet of Prairiewood. However, we do believe the commercial enterprise for one should not out way the concerns and wishes of the majority. We respectively recommend one of the following:
 - a. Deny the Commercial PUD due to the incompatible impact to the character of the neighborhood.
 - b. Table the rezoning of Prairiewood until the PUD reflects what the Planning Board has requested and the neighbors believe are appropriate and necessary limitations.
 - c. Retain Prairiewood in its original G-1 zoning with the original purposes of preserving the prairie and providing a retreat/corporate meeting center.

Karen Sheffield stated she lives at 1700 Wildcat Creek Road and was concerned with the statement in the traffic impact study that said by the year 2022, Wildcat Creek Road, being a very-low volume, local road, will not change by the year 2022 with current traffic.

Mrs. Sheffield said she has two concerns as they relate to the revisions that were presented or actually not presented on the revised C-PUD. She said the revisions did not include the “good neighbor management policy” nor any mention of on-site supervision.

Mrs. Sheffield referenced the Prairiewood website which shows a silhouetted map of the geographic boundaries of the Preserve and Retreat. She said what is being called Prairiewood involves more than just the 21-acre tract that is shown in the commercial PUD.

Mrs. Sheffield referred to a zoning violation letter send to Prairiewood on October 17, 2011. She stated the letter informs Prairiewood that they are out of compliance with zoning and admonishes them to cease all conference center and resort activities. She said Prairiewood continues to advertise events on the website, as well as book weddings. She said that Prairiewood sent staff to wedding fairs in January and the sketch of the soon-to-be renovated barn was used for promotional purposes. She said during the McCain Home Tour in December, visitors were told the event center would be renovated and ready for operation by spring of 2012. She stated that though Katzenmeier was denied a building permit for barn renovations, Prairiewood continued to renovate the barn, stating it was their right to make the barn as fancy they want.

Mrs. Sheffield stated we just wish Prairiewood would be a small, quiet, up-scale enterprise that operates within clear, legal boundaries. She said we the neighbors feel strongly that any good neighbor management policy or promise of on-site must be written, if not into the commercial PUD, into some type of binding agreement that can be enforced. She stated if the proprietor refuses to provide these, then regrettably we have to ask that you deny this application.

Donna Campbell stated she lives at 1343 Wildcat Creek Road and has lived there for 22 years. She said her concern is the road and is opposed to the request.

Sammy Campbell stated he lives at 1343 Wildcat Creek Road. He asked the Board how they would like having a big party place right across from your front yard. He said he is opposed to changing agricultural to commercial, for any reason. He said if you do this, it will open it up for the rest of the area to be turned into commercial. He said they moved out there 22 years ago to get away from the kind of activity.

Mike Sheffield said he lives at 1700 Wildcat Creek Road. He referred to a letter sent by Mr. Katzenmeier to Steve Higgins dated November 9, 2009. He said the letter states, "Thank you to you, Monty and Bob for meeting with me on Monday, October 26, 2009, in regard to our rental property at 1484 Wildcat Creek Road. As discussed in our meeting, from a zoning standpoint the property is simply a single-family country residence available for rent." Mr. Sheffield said that was what staff agreed to.

Mr. Sheffield had concerns about:

- Lightning
- Wildcat Creek Road still a township road
- Housing for proposed stock animals; development plan should not only list excluded animals but list animals that are permitted
- The scale, number of people and cars, is still too high
- Scenic Valley Inn is primarily a bed and breakfast with an accessory event center which is owner occupied with close supervision and Prairiewood is a primarily a retreat and party center with no supervision
- Alcohol without any supervision will create more noise and offensive language

Mr. Sheffield displayed a schematic code footprint of the Prairiewood barn. He said when you take out the kitchen and the bathrooms the usable space that is about 2,400 square feet and Scenic Valley Inn has 4,200 square feet. He said Mr. Nickel indicated the maximum allowed is

220 people at Scenic Valley Inn which at maximum to too crowded. Mr. Sheffield said if you do the math, Scenic Valley Inn has 19 square feet per person and by those figures that would allow 128 at the Prairiewood barn. He said he feels the number of people and number of parking spaces is too high. Mr. Sheffield urged the Board to deny the application as it is currently proposed.

Susan Mitchell stated she lives at 1433 Wildcat Creek Road. She stated she wants someone to be held responsible for the loud music, number of attendees and the number of vehicles allowed. She said she wants our foresight to be 20/20, not our hindsight.

Mr. Mitchell said he has lived at his current residence for 38 years. He said the revised PUD has 131 parking stalls and that is 36 extra stalls. He said no one is going to be able to manage the number of cars and people. He said the only way this can be controlled is by having the exact number of stalls for the maximum number of cars allowed.

Mr. Mitchell said everything we as neighbors are suggesting needs to be put into the C-PUD so it can be enforced. Mr. Mitchell asked when we have a problem, who do we get hold of, the police department or the neighbor who owns it.

Chairman Clement asked the Applicant if he had any rebuttal.

Kail Katzenmeier said at the last meeting he did not rebut a lot of things that were shared and he is going to address them and correct the record. He said it is crystal clear that there is no way to put the good neighbor policy which these folks like on the PUD. He said it can't be done.

Someone from the audience asked why it can't be. Mr. Katzenmeier said he would let Bob Isaac address this issue.

Bob Isaac said it is a matter of what items are enforceable through zoning and what items should be enforced through some other mechanism. He said these are personal business management type decisions which zoning does not micro-manage. Mr. Isaac said a note could be put on the PUD, but it couldn't be enforced.

Mr. Katzenmeier said the Board needs to separate enforcement from the rules. He said we can't create enforcement through zoning; zoning create rules and those rules are then enforced.

Mr. Katzenmeier stated it was just attempted to discredit his ability to run a business in a way that is credible. He said that Prairiewood has been operating for two years and there have only been a couple of calls to the county, but (Prairiewood) has been managed in such a way that there have not been a lot of concerns.

Mr. Katzenmeier said that Mr. Sheffield mentioned the "good neighbor policy" will not be on the PUD and somehow that it's a sign that Prairiewood does not want to be enforced. He said we just discussed that and we are not going to talk about that any further.

Mr. Katzenmeier said that Mrs. Sheffield referred to a silhouetted map and implied it represented the boundaries of Prairiewood. He said the “blob” was done by a graphic designer trying to illustrate the general area of Prairiewood to help try to locate Prairiewood.

Mr. Katzenmeier said that Mrs. Sheffield stated Prairiewood received a zoning violation and implied that Prairiewood is irresponsibly running our business. He said that the violation stated cease conference center/resort activities. Mr. Katzenmeier said he called Monty Wedel and asked what conference center activities are and would he please define it. Mr. Katzenmeier said he took notes of this conversation and Monty said, “Here is what I really think Kail. I think the cleanest way to go here is, as long as you want to advertise as Prairiewood; you have a sign out there, you have a website that is advertising as a retreat, I think you need to get zoning.” Mr. Katzenmeier replied, “Just so that I am clear in trying to summarize why the county thinks this has gone beyond what has been approved current zoning, things like having a website, calling it Prairiewood Retreat; the fact that people are using it for events like family reunions, private parties, and companies using it, things like that.” He said Monty replied, “Exactly.” Mr. Katzenmeier said it is those kinds of things that are pushing us into something that is no longer approved. He said that seemed to be contradictory to the letter he received in 2009, so he inquired further by writing and requesting to be provided with a list of what was talked about. He said the list he received was an explanation of the items considered to be in violation; corporate retreats, banquets, group accommodations and retreat facility. Mr. Katzenmeier said that is the clarification that he got from the county concerning the violation and the letter from 2009, which stated he could have corporate retreats and company retreats. He said that for Mrs. Sheffield to stand here and imply that a zoning violation occurred and then we continue to advertise, as we have been allowed to do, somehow discredits Becky, myself and our good staff people. He stated, again, this is a far inaccuracy.

Mr. Katzenmeier said that Mrs. Sheffield mentioned a building permit. He said Prairiewood has been planning the barn because it was a way to deal with special events, as we understood to be given approval to have, and a way to deal with outdoor events. He said last year, before any of this came up, Prairiewood decided to put those events indoors and began to advertise as such. He said in the process, Prairiewood looked into the zoning and their attorney indicated the building permit only required you to apply for a permit when you change use. He said we knew we had the zoning issue and wanted to get started on the barn. He said we received written clarification from the County Counselor that we didn’t need a building permit. Once again we have heard someone share something that they believe is fact, that created Becky and I to be cast in a light that is absolutely inappropriate at this meeting and it certainly isn’t true and a far stretch from it. He said it is really concerning to me that this is what we are still doing here tonight after going through this at the last meeting. He stated this is inappropriate and so far off track.

Mr. Katzenmeier said it was mentioned what kind of animals and where the animals would be located. He said a PUD does not specify where the animals go. He said that the animals will go in the meadow and could consist of a few horses or a few cattle.

Mr. Katzenmeier said even though the Board didn’t do the comparison of Scenic Valley Inn, Dr. Sheffield took the time to compare and mentioned it as an owner-occupied bed & breakfast. Mr.

Katzenmeier said there is no regulation on their PUD that stipulates that they have to be there during an event.

Mr. Katzenmeier said that Mr. Sheffield referred to the barn as having total square feet of about 2,500 and those numbers are wrong. He stated the current barn, without any expansion, is a total footprint of 78x48, which leads to roughly 3,700 square feet.

Mr. Katzenmeier asked Schwab-Eaton to clarify the full build out of Prairiewood that Mrs. Sheffield questioned.

Ian Reekie stated he is the licensed engineer with Schwab-Eaton that produced the traffic impact study. He said that full build out refers to Prairiewood with the changes in the PUD. Mr. Reekie said at the time this traffic impact study was written, it was calculated using 100 maximum vehicles allowed on site. He stated the year 2022 refers to a study horizon, which is the year Leon Hobson, County Engineer, requested to project traffic. Mr. Reekie said that is representative of existing traffic on the road plus 2% growth, or in the case of Wildcat Creek Road, 1% growth, because everything along it is general agricultural zoning. He said the addition of Prairiewood's traffic was above and beyond that 1% growth projected out to the year 2022.

Mr. Katzenmeier said it is important to realize that county staff, the paid experts, have delved into this for months and have concluded that this should be approved as it is one hundred percent. He said from what I understood there was nothing else the Board would ask of us either and I believe we have one hundred percent addressed these issues.

Bob Isaac said there were some things said that he wanted to make clear for the benefit of the Board. He said he spoke to Leon Hobson to verify the status of Wildcat Creek Road. He said all three townships have agreed that the county should take over Wildcat Creek Road. The county has also been doing studies regarding dust control and it has determined that from the subject area all the way to Scenic Drive, is in need of magnesium chloride application. He said this method seemed to help when traffic was diverted for the K-18 project. Mr. Isaac said Leon Hobson hopes to have this particular item before the Board of County Commissions March 15th.

Mr. Isaac said the focus needs to be on the subject property. Mr. Isaac wanted to reiterate that the county counselor's office has clarified what is handled through the zoning requirements, even if it is a PUD. He stated that a note requiring that any restrictive covenants associated with the subject property be recorded, but the restrictive covenants can only be privately enforced.

Chairman Clement asked if there were any opponents within 1,000 feet with rebuttal.

Terry Clack stated she is a city girl. She said at the last meeting her husband referred to wash boarding on Wildcat Creek Road and had to ask him what that meant. She stated she has recently traveled this road for the first time and was timid and driving slower which could create issues.

Chairman Clement asked if there are any facts or opinions by other interested parties.

Marla Shoemaker stated she lives at 2945 Wildcat Creek Road. She said she is worried that things have gotten personal and have nothing to do with running this business. She stated she does not know why the road issues keep coming up as Prairiewood can't control the road. She said if Prairiewood can't make this work, the land will be sold off for houses. Mrs. Shoemaker stated that if you put in 20 houses, there will be a lot of traffic, noise you can't control because it will be like any other neighborhood, runoff that will affect everyone; a lot more than Prairiewood. She stated we keep getting off track as to whether they are meeting the requirements and whether they should be allowed do this.

Chairman Clement asked the Applicant if he had any rebuttal.

Mr. Katzenmeier said he asked Bob Isaac, in his opinion, should this request be approved. He said Mr. Isaac explained to him that it is not an opinion. Zoning Boards and zoning staff are not meant to have opinions, they are meant to have conclusions. They take the facts, even if they feel a little bit different, and find evidence for a conclusion that matches the facts. He said we need to have the Board sort through this information and find a conclusion based on the facts.

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

Tom Taul said he has gone full gamut listening to the facts and information. He said he has had an opportunity over the last 35 years to sit in on a lot of planning board meetings and listen to discussions such as this continuous proposal. He said he reviewed concerns about the wastewater system, the number of cars and events and tried to figure out what was appropriate. Mr. Taul said he thought about what is right for the community and appropriate. He said he finally focused in on the question is a commercial zoning and development appropriate in the center of an ag zoned area.

Mr. Taul said earlier discussions were about Prairiewood preserving and sharing it with the community. He stated he doesn't think we can preserve the rural area with a commercial development in the center of ag use property.

Mr. Taul said the road has been discussed and may be turned over to the county, nevertheless, it is not a commercial road. He said the proponents have brought up livestock, shared property to allow cattle access to water, so preservation and ag use is the focus of the area. He said there are items that were brought up that can't be put on the PUD. He said if these are items of concern that need to be on the PUD and can't, then this probably isn't appropriate to be rezoned.

Mr. Taul said we need to focus on land use and I don't think commercial land use is appropriate. He said it is not compatible with the neighborhood, it is not compatible with current zoning, and is not compatible with the land. He said he thought it was a fine endeavor and needs to stay as a retreat area. Mr. Taul stated one can't share it with 200 people at a major event, but one can with the original use.

Mr. Taul said, focusing on the land use, he didn't think it was an appropriate land use in the center of an ag use. He said that at the last meeting, the we saw a picture of Scenic Drive with

the new apartments within 10 to 20 feet of ag use and how everyone thought that was not appropriate. He said there is no transition for Prairiewood.

Mr. Taul said the initial idea of Prairiewood and you didn't know how it would expand, therefore we do not know where it will go in the next 15 years. He stated once you zone something commercial it is pretty hard to take it away. He said based on all the information he can't support the proposal to rezone from ag to commercial, based on the land use, compatibility issues, and the current zoning regulations.

Diane Hoobler said she disagrees with Mr. Taul. She said she did not know how much Mr. Taul has been to the site but most of the property is grown up in timber and cedars.

Mr. Taul said he has visited the site numerous times.

Diane Hoobler said the property south of the conference center which has cattle on it, is not over grown, so that is definitely ag use. She said most of the surrounding property is not being used as agricultural land, even though it is zoned agricultural.

Tom Taul stated that his point was that it's zoned agricultural. He said it is not used for ag but is zoned ag and all the people that live out there, live there because it is zoned ag.

Diane Hoobler said she thinks they live there because it is a quiet area. Mrs. Hoobler stated she went out to Prairiewood and toured the facility because she had not been there before the last meeting. She said at the last meeting she talked about the lights for the signage and was told it would be solar lighting. She said she does not like the commercial part of it and asked why it couldn't be a residential PUD.

Bob Isaac explained that is why he wanted to make the comparison with Scenic Valley Inn. He said those uses listed on this PUD are commercial because of the type of business it is. He said the bed and breakfast and the event center off of Scenic Drive are commercial uses. Mr. Isaac said if you look at the details, restrictions and limitations there are quite a few more on this one than on the approved one. Mr. Isaac agreed with the Board that each request has to be weighed on its own merit and what conditions and issues are being addressed.

Tom Taul asked, that is, if we deem the land is appropriate for this type of activity.

Bob Isaac said it is more to assist the Board in making a decision. Mr. Isaac told Mr. Taul that his findings are quite valid and one *Golden's* criteria; is the rezoning compatible with the character of the neighborhood. Mr. Isaac stated that the question is, can something like this exist out in this area and minimize or eliminate the potential impacts that it would have.

Diane Hoobler asked why the decision was made to make this a commercial PUD versus a residential.

Bob Isaac explained that the home itself, which can be used a single family residential, whether someone is renting it for a week or six months, it is a rental. He said staff looked at the

predominant use of the proposed land uses. He said even with a bed and breakfast and event center at Scenic Valley Inn, the predominant use is residential because the home is owner occupied and someone on site all the time. He stated Prairiewood is a rental, which is more businesslike.

Tom Taul said commercial implies a lot of people. He asked is it appropriate for a lot of people to be in that area.

Bob Isaac said the same thing could be said about Scenic Valley Inn. He stated they have 290 persons allowed in the barn and that does not count the people that are allowed in the home. He said there is no maximum for the site.

Tom Taul said he did not want to compare Scenic Valley Inn to this.

John Wienck stated he has lived on a farm all his life, within three miles of a major highway, a couple hundred feet from a heavily traveled, major county road and knows what dust is. He stated he has traveled a lot of township roads and, if you get the wrong people on them, it is a disaster. He stated he was at the site tonight and met a pickup on a curve and it was sliding sideways at him and he was on the edge of the road. Mr. Wienck said a township road, no matter if the county takes it over, it will always be so wide. He said there is no way to widen that road unless you take a hill out to the south.

Bob Isaac said the county taking over Wildcat Creek Road was going to happen with or without Prairiewood.

John Wienck stated he feels the same way Tom Taul does. He said it hurts him to see all these vehicles on that road for a commercial endeavor and it's not right. He said it is not a right fit for the community and I wouldn't see it for my community either.

Chairman Clement asked Julie Henton for her thoughts.

Julie Henton said she is going to agree with John. She said she listed three things, safety of the road, doesn't meet the character of the neighborhood and doesn't meet the zoning and uses of the nearby properties, although it is a lovely place.

Chairman Clement said the road is a major issue for him. He said he knows it is out of the control of Prairiewood but feels Wildcat Creek Road is a dangerous road citing the geometry of the road. He stated we know it is not going to get better with a lot more people traveling on it. Chairman Clement said he tends to agree with the Board members that are expressing very serious concerns about the character of the neighborhood. He said there will be serious degradation of conditions in the neighborhood with the intensive use that is suggested by the event center.

Chairman Clement said we talk about investment backed expectations and that term is probably going to come up if this decision is reviewed. He said clearly there are investment backed expectations for all the parties here. He stated a lot of investments by the owner, a lot of

investments by the neighbors, the county has investments, the public has investments and yet we have these expectations of maintaining a rural character and there is a right to enjoyment of your property, and quiet enjoyment of your property as owners in this county. He said he feels pretty conflicted about this but does not feel like he can support the proposal, despite all the work that has gone into it. He said he appreciates the work that has been done, the interest and concerns and Prairiewood is a wonderful facility, but it ought to be kept as a retreat and not developed into a commercial event center in the midst of all that rural territory.

Chairman Clement said it may be just one big factor that is a logical finding fact, despite the study, it is still a dangerous road and we are inviting very bad conditions or accidents, I think, if we approve this or recommend approval to the County Commissioners.

Diane Hoobler said her hope is that if this request is not approved, that the individuals in that area will try their hardest to maintain that as an agricultural area. She said Manhattan is growing west and there already are several houses along that road. She stated she thinks in 20 years the area will all be built up with houses, unfortunately, similar to Scenic Drive, which used to be a beautiful drive.

Chairman Clement said the question tonight is about this property, the intensity of the use, the C-PUD proposal at this particular location.

Diane Hoobler said one of her biggest concerns or draw backs is the road. She said hopefully if the county takes it over, they will do something that will make it better for everyone.

Tom Taul asked Bob Isaac, if in a "G-1" zoned area or a single family, can it still be used as a retreat, like initially.

Bob Isaac explained that Monty made it clear we are going to have to take it back to single family use period. He said if Prairiewood wants to do what it has been doing, even at a small scale, it will still need to be rezoned. This will actually take them back to a simple house and barn...that is it.

Mr. Isaac asked the Board to carefully consider their recommendation to the Board of County Commissioners as a group. He stated to the Board that if they chose to recommend denial of the request, he urged them to list specifically what the reasons are and finding of fact.

Chairman Clement said we discussed the scale of the use in terms of numbers of cars and people; it was discussed at both meetings, and considered to be a serious concern. He said if somehow this commercial PUD could keep the retreat center going but not the event center we would probably be more behind it. He said it would be his hope that the Applicant would reconsider the event center and come back with another proposal for a much reduced scale of operation that has worked apparently quite well in the past. He said that it is the going forward with such a huge jump in scale and intensity that's objectionable to the neighborhood and I think given the road condition is what the county should be looking at for the public health, safety and welfare. He said he does not want to kill Prairiewood. He said he thinks we all want it to thrive as a retreat center.

Mr. Katzenmeier stated it has been told to him by the county, regardless of the scale Prairiewood operates, it will still require a rezoning.

Tom Taul said a scaled back proposal, there would be support.

Bob Isaac said if noise is an issue, the barn is going to be noise attenuated, not the house. He said something to consider, the house has a basketball court, swimming pool and patio area. He said people and the party activity will be going in and out.

Diane Hoobler said people being outside will make noise.

Mr. Isaac said if someone wanted to have a loud stereo in the house, they could and the house is not sound attenuated; however, the barn would be.

Chairman Clement said when the doors are closed, yes, but the reality of using the facility, the doors will be opened and closed or propped open with no enforcement of keeping the doors closed. He said there are issues with lighting and sound still despite the best efforts by everybody and the huge investments made with the traffic impact study. He said the danger of the road just doesn't go away for me in terms of the scale being proposed, so my finding of facts would be along those lines. Chairman Clement said despite the best efforts of the Applicant, there are still going to be lighting issues and quiet enjoyment of the area. He said unfortunately, this intention to capitalize on this property in this way is actually going to undermine the intentions of the owner for his property. Chairman Clement stated he didn't want to sound condescending but addressed the applicant and said, "You are trying to have your cake and eat it too." He said it is beyond the scale of what is appropriate for the neighborhood, to maintain a rural preserve like character. He stated the main one for him is the health, safety and welfare of the population driving on that road. He said he didn't think this was in the right place given the geometry of the road and the conditions around it.

Chairman Clement asked if the Board if they were ready for a motion.

Tom Taul moved that the Board forward a recommendation of denial to the Board of County Commissioners, to rezone a tract of land from "G-1" (General Agricultural) to "C-PUD" (Commercial Planned Unit Development) due to the following findings:

- Scale
- Unsafe road conditions
- Lighting issues
- Quiet enjoyment of a rural area
- Incompatible with the character of the surrounding neighborhood
- Land use is not compatible with the existing zoning and use of the area due to the scale of activity

John Wienck seconded. Roll call voting was completed with the motion passing 4-1, with Hoobler opposed.

Mr. Isaac announced that the Board of County Commissioners will hear the request on Monday, April 5, 2012 at 10:30 AM.

Final Report/Memo - Annual Comprehensive Plan review process

Chairman Clement signed the memo on behalf of the Planning Board stating that the annual review of Vision 2025-A Comprehensive Plan for Riley County was completed during the February 16, 2012 meeting with no changes or modifications necessary and to forward this memo to the Board of County Commissioners.

Vision 2025 regulation amendments – public hearing schedule

Bob Isaac said the regulation amendments will be presented at public hearing to the Manhattan Urban Area Planning Board, Monday, April 2, 2012 at 7:00 pm and the Riley County Planning Board Monday, April 9, 2012 at 7:30 pm with recommendations being forwarded to the Riley County Board of Commissioners Thursday, April 19, 2012 @ 10:30 am for final approval.

Oath of Office

New Board member, John Wienck, signed the Oath of Office for the Riley County Planning Board.

John Wienck moved to adjourn. Diane Hoobler seconded. Motion carried 5-0.

The meeting was adjourned at 10:32 P.M.