

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, August 11, 2014
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

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

Members Absent: None

Staff Present: Monty Wedel – Director, Bob Isaac – Planner, Lisa Daily –
Administrative Assistant

Others Present: Dave Gehrt, Dell Ann Upp, Kelly Upp, Margaret Sheriff, Patricia King, Barbara Craft, Patricia King, Tara Pierce, Kitty Pursley, Frank & Roberta Blecha, John Osarczuk, Teresa Osarczuk, Kim Iversen, Alexis Schlieper, Tara Schlieper, Sterling Knapp, Emily Knapp, Scott Iversen, Adrian Montes, David Miller, Paula Seematter, Kenneth Seematter, Tom Finney, Megan Quigley, Christina Quigley, Brian, Terry Hawk, Lynn Richter, Judy Kimball, Greg & Janet Milliken, Alex Abendschein, Mary Ann Angeles, Christina Thompson, Scott & Abby Wempe, Kent Manuel, Robert Boyd, Daryn Solden and Dave Lewis

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the July 14, 2014 meeting were presented and approved. The Report of Fees for the month of July (\$3,031.75) were presented and approved.

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

BOARD OF ZONING APPEALS

Upp – Conditional Use

Lorn Clement opened the public hearing at the request of Dell Ann Upp, petitioner and Dell Ann & Kelly Upp, owners, for a conditional use authorization to permit an events center in the "AG" (Agricultural District) zoning designation.

Bob Isaac presented the request. He explained where the conditional use boundaries are in relation to the actual property lines for the parent tract. He said the smaller tract enveloped by the parent tract is developed with a limestone house currently being refurbished by the applicant.

Mr. Isaac said it is the applicant's desire to refurbish and convert the barn into an event center for the primary purpose of hosting activities and events such as weddings, wedding receptions, charity fundraising events, corporate retreats and recreational, social or religious functions with no overnight lodging. He said that the applicant wishes to have the flexibility to also host outdoor ceremonies.

Mr. Isaac stated that the barn will serve as the principal structure of the event center, while Building A (as shown on the site plan), shall serve as the prep area for caterers; as food will not actually be prepared on site. Mr. Isaac stated that there are two entrances that serve the property; however, it is proposed that only the west entrance will serve as the ingress/egress for the event center. Mr. Isaac stated that parking will be located on the northwest portion of the site, which is already partially screened along the west property line by an intermittent row of cedar trees. Mr. Isaac stated that the applicant has designated an area for outdoor ceremonies, which is situated south of the barn near or within the wooded area along School Creek. Mr. Isaac state that the site plan indicates there will be trees planted along a walking path from the barn to this area to create a visual buffer for properties located east of the site.

Mr. Isaac stated that the Director of Riley County Emergency Management reviewed the request and stated that because the plan is for a place of assembly, the events center (barn) must meet the State of Kansas minimum building and safety code.

Mr. Isaac stated that the County Engineer Leon Hobson reviewed the request for safety concerns with sight distance along Deep Creek Road and the projected increase in traffic. Mr. Hobson stated that the site distance should not be a problem using the west entrance to the site only with a requirement that a near-level area extending 25 feet from the edge of Deep Creek Road be constructed whereas a vehicle will set nearly level while waiting to enter onto the roadway. Mr. Hobson stated that Deep Creek Road could handle the projected increase in traffic.

Mr. Isaac mentioned that the Applicant is proposing that drinking water will not be available and events will be on a "bring your own beverage" basis. He said that the long term plan is for restroom facilities to be built into the barn while the short term plan is to use professional porta-potties and hand washing stations for each event. He said that this plan was reviewed and found to be acceptable by the Riley County Environmental Health Specialist.

Mr. Isaac explained one of the most prominent concerns in the proposed use of the property is fugitive noise from amplified music. Mr. Isaac stated that a Noise/Sound analysis was completed and submitted by CollectiveTech (Henderson Engineers, Inc.) for the proposed use. He said that the analysis concluded that the estimated noise level at the nearest property line would be 45 dBA, and 42 dBA at the west property line with the barn doors closed and 50 dBA, and 47 dBA at the west property line with the doors open.

Mr. Isaac reviewed the conditions as follows:

1. This Conditional Use permit shall only be for an Events Center to host activities and events, such as weddings, wedding receptions, charity fundraising events, corporate retreats, and recreational, social or religious functions. There shall be no overnight lodging.
2. The barn (as shown on the site plan) shall serve as the principal structure of the events center. The barn and associated structures shall comply with the State of Kansas minimum building and safety codes per the 2006 IBC and the 2000 NFPA 101. A code footprint must be submitted to and approved by the Fire Chief before construction/remodeling begins.
3. All requirements of the Riley County Health Department and other health authorities shall be met. These standards include proper food and beverage safety, the provision of an adequate

potable water supply, including hand washing stations located in the food preparation areas and adequate provisions for the disposal of solid waste and wastewater. The organizer must provide a minimum of two (2) sanitary facilities, regardless of the number of participants in the event. If the organizer anticipates more than two hundred (200) participants, a sanitary facility shall be provided for each additional one hundred (100) participants. If the Riley County Environmental Health Specialist finds that additional facilities are necessary to ensure public health, the organizer shall provide the recommended number or shall restrict participants to the number that corresponds to the sanitary facilities available. For events that involve food, one (1) portable hand washing station must be provided per portable sanitary facility (if not part of the port-a-potty unit).

4. Maximum number of motor vehicles allowed on site shall be eighty-six (86).
5. All drives and parking areas (including handicap parking) shall be located within the conditional use boundary and consist of all-weather surfacing. Parking shall only be permitted in designated parking areas. Such areas shall be designed to allow for adequate maneuvering of motor vehicles. Event parking along Deep Creek Road shall be prohibited. Parking may not overlap onto adjoining property without advance written consent of the affected landowner.
6. The access drive from Deep Creek Road to the parking area shall be a minimum of 24 feet wide. Additionally, a near-level area extending 25 feet from the edge of Deep Creek Road shall be constructed whereas a vehicle will set nearly level while waiting to enter onto the roadway.
7. Any building or structure, in which dances, playing of music or other amplification of sound will occur, must be reasonably insulated to mitigate the migration of noise to adjoining properties. Noise levels from amplification of sound shall be controlled and mitigated so as to not exceed 65dBA at the property line. dBA shall be equivalent – continuous sound levels (Leq) which shall measure amplified noise generated within the property over a 10 minute period along the involved property line. Quiet hours during which no amplified sound will be permitted shall be posted on site and shall be between the hours of 11:00 PM and 11:00 AM.
8. Emergency services shall be provided the ability to respond to emergency situations, including police, fire and emergency medical response needs.
9. All proposed lighting sources shall be aimed or shielded so the direct illumination is confined to the property on which the use is located. The operation of searchlights or similar lighting sources is prohibited.
10. One non-illuminated sign subject to compliance with all applicable provisions of **Section 15 – Signs and Exterior Lights**. Way-finding signs shall be permitted within the conditional use boundary.
11. The site shall be maintained and left free of debris or litter following any event.
12. Designated personnel from Riley County Police Department, Riley County Fire District No. 1, Riley County Emergency Medical Service, Riley County Health Department and/or Riley County Planning & Development shall be authorized to inspect the events center premises for compliance with the provisions of the conditions of this authorization.
13. The maximum number of persons on site at any given time shall be 275 persons, including patrons, guests, caterers, employees, etc., regardless of age.

Staff recommended approval of the request based on the conditions listed in the staff report as it was determined that as per these conditions, the request met or exceeded the minimum

requirements for a rural resort retreat and events center as described in Use Specific Standards, Section 8 Agricultural District of the Riley County Zoning Regulations.

The Board didn't have any questions for Mr. Isaac.

Chairman Clement asked if the Applicant would like to make a statement.

Dell Ann Upp stated that she and her husband, Kelly Upp, are the property owners of the proposed conditional use site. She stated she believes this property is a true piece of Heaven and are proud to own it. She said they purchased the property with the intent to live there. Mrs. Upp explained she is a small business owner and does a substantial amount of event and wedding planning. She said that currently she averages about twenty-two (22) weddings per year, working with a high-end clientele that use a wedding planner and have a significant budget.

Mrs. Upp explained there is a great lack of event type venues within the Manhattan area. She said that she struggles with finding places to host these events and sometimes books almost two years out. She said that she doesn't have a goal of having weddings at this venue every weekend because she will be living on the property. She stated she respects the community and neighbors and doesn't want to disrupt their quality of life. She said you live in the country for a reason and a lot of that is for peace and quiet.

Mrs. Upp said they have worked with engineers to research and do everything they can to mitigate noise issues. She said that the site plan shows a significant amount of landscaping to make the property beautiful and make it a place the entire community can enjoy. She said the barn is in significant disrepair and they want to restore it. She said she feels they have gone above and beyond to alleviate any concerns.

The Board didn't have any questions for the Applicant.

Chairman Clement asked if there were any proponents within 1000 feet. There were none.

Chairman Clement asked if there any opponents within 1000 feet.

John Osarczuk stated he lives at 1715 Pollman Drive. He said he and his wife bought their two lots back in 2007 and were amazed by the beauty so close to Manhattan. He said he agrees with the Applicant that it is a true piece of Heaven but the event center will destroy what is so appealing. He said that the proposed layout basically puts a parking lot in his neighbor's backyard.

Mr. Osarczuk referred to the sound study stating it has not been ascertained or concluded as to what level of noise to expect from non-amplified sources such as people talking, laughing, yelling, etc. or loud vehicles leaving the event. He stated he was concerned with the noise level of eighty-six (86) vehicles, headlights sweeping across neighboring properties and the voices of 275 people until 11:00 pm. He said there are issues with traffic traveling on Deep Creek Road to Pillsbury Crossing. He said that Deep Creek Road is the only access where people can move in and out of the neighborhood on bicycles and horses. He mentioned that occasionally a cow will get out of the pen, due to this being an agricultural area. He stated that the conditional use activity will occur at the west end of the subject site, which will direct the noise and light into the neighborhood. He asked the Board to consider keeping this a true piece of Heaven in Riley County and leaving it the way it is. He said that the one thing that will deny us of the enjoyment of our own properties is noise.

Frank Blecha said he and his wife, Bobbie, live on the adjacent property to the east and that they are opponents of this commercial venture. He said that most of his concerns were mentioned by the previous speaker, such as noise pollution, traffic and congestion. He said he doesn't know how 275 people and 86 cars in the parking lot will not have an impact on the surrounding environment. He said he has concerns with the proposed entrance as it is located in a swell or dip and traffic is a real issue in this area. He said the port-a-potties are not a good idea. He said this is a transitional area between rural and agricultural. Mr. Blecha stated he doesn't believe this is a place to allow a commercial venture of this magnitude.

Sterling Knapp stated he and his family live at 1760 Pollman Drive. He said he is the closest property owner besides the Iversen's. He said Mrs. Upp came to him and explained that she wanted to put in a wedding venue that would maybe hold four (4) events a year. He said he had a concern that the conditional use would be for other activities such as charity fundraising events, corporate retreats and recreational, social or religious functions. HE said that is quite a few events and who makes sure that she said there would only be a couple or four (4). He said being told four (4) weddings has been a bit deceptive. Mr. Knapp said the noise is a concern. He said that from his house they can hear the cars on Deep Creek Road. He said that he understands events are supposed to end at 11:00 pm, but he doesn't believe this to be true. He pointed out that the amplified music ends at 11:00 pm and there will be noise way after 11:00 pm as people talk and cars drive away. Mr. Knapp said a parking lot will be basically in his backyard and will clearly devalue his property. He said some of his six (6) children have been very fortunate to work for some of the area farmers and sometimes have to ride their bikes to work. He said that it is already somewhat dangerous to ride a bike on Deep Creek Road. He said from time to time his animals get loose and he can only imagine them walking through her wedding party.

Mr. Knapp said once the zone changes, who will control this and asked what if the Upp's move? He asked who knows what will come in afterwards. He said that he is deeply opposed.

Scott Iversen stated he lives at 1776 Pollman Drive. He said that his biggest concerns are the noise, especially in the late hours, and traffic. He said that it is a beautiful meadow and if this proposal becomes successful, will it result in more noise and more traffic? He said that this is why they are all here tonight and this is what we are all opposed to. He said there are a lot of teenage children in the neighborhood. He said that neighbors are already scared to death with the amount of intoxicated drivers from Pillsbury Crossing. He said 275 people, one out of every two, possibly intoxicated, leaving between 11:00 pm and midnight, passing right by our properties. He said he bought his property because it is secluded, at the end of the road and the last property. He said the field to the east is one parcel and a creek to the south; no one will ever invade our space. He said if this isn't an invasion of space I am not sure what is. He said that it is on their property line but it affects everyone. Mr. Iversen stated the safety and noise are really the biggest issues. He said he purchased his property in the last five (5) years and paid a premium for land, exclaiming rural property is not cheap. He asked the Board to put themselves in their shoes and consider what they would like. He asked would you like to have this party in your backyard. He said for the record, we are strongly opposed.

Lynn Richter stated he lives at 1613 Deep Creek Lane. He said he rented the barn for seventeen years, the amount of investment it would take to refurbish it and the number of events to recoup those investments wouldn't work. He said that the valley is along a creek bordered with timbers and a high hill on the side. He said the decibel levels being referenced may be an engineer's study, and it may be relevant on paper, but it isn't relevant to the neighborhood. He invited members of the Board to come out on a quiet evening to enjoy our neighborhood and see what we stand to give up if this goes through. He said that if alcohol is part of the equation and its

11:00 pm, the party could continue in the parking lot. He asked can we control that. He said there is a time and a place for this type of venue; there is one on the west side of town that basically started out on the same premises and what it has blown into is what we are going to be facing. He said that it is not acceptable and this is not the place.

Tara Schlieper said she and her husband bought 1625 Deep Creek Lane in the fall of 2011 and it truly is a piece of Heaven. She said they have put a lot of money, time and effort into refurbishing their barn for their horses. She said that one battle she constantly faces is the beer bottles littered from the Pillsbury traffic, which are a hazard to horses. She said that she is constantly picking up trash from their pasture. She said her husband would love to be here but is currently stationed in Fort Drum, New York and both of them are deeply opposed to this.

Chairman Clement asked the Applicant if she had any rebuttal.

Dell Ann Upp said she respects everyone's concerns because she doesn't want to decrease property value for anyone. She said they felt by restoring their barn it would increase property value. She said the noise level was a concern for everyone in the neighborhood to the west and with the help of an engineer, a lot thought, measuring and landscaping would mitigate, if not completely eliminate the noise issue. She said she is willing to increase landscaping or whatever they can to help ease those concerns. Mrs. Upp said everyone is bringing up the value of *their* property. She said that this is *our* property and we invested a substantial amount of money into this piece of land. She said that while we don't want to cause a negative impact on anyone, this is our property and we want to be able to restore it and use it. She stated to be able to do this will really make us invest the money because it will take a substantial amount of money for this project and to offset some of the expense.

Mrs. Upp said a lot of concern was brought up with children and the negative impact. She said that she has a three (3) year old and never would do anything to impact her quality of life. She said that the port-a-potties were brought up and we met with the county planning department and looked at all the different options. She said that this is a short term fix until permanent bathrooms can be installed. She said that they still don't have a true grasp on the number of events per year; the four (4) events that Mr. Knapp brought up was the plan initially. She said she didn't define it in the conditions because we are truly unsure. She said that her concern is they purchased the property, are trying to make it beautiful and do something great with it. She said she feels it is unfortunate that the community around us feels they are going to be negatively impacted because she feels it could be a positive thing for everyone.

Chairman Clement asked if there were any proponents outside 1000 feet.

Dave Gehrt stated he lives at 2240 Deep Creek Road. He said he feels this would be a benefit to the community by fixing the place up and it will be a beautiful place. He said just south is the Deep Creek community school house and there have been several weddings, receptions and family reunions, with no problems. He said that on top the Deep Creek hill is the Lazy T Ranch and they have held two weddings this summer in the pasture, with no problems or more traffic than normal. He admitted that he would much rather have this than a hog lot. He cautioned the Board that neighbors could listen to hog feeders bang all night and that would be fine. He said he feels pretty lucky this is what they are wanting to do and it will keep the property in its natural state. He said people can enjoy it and see what Heaven looks like.

Mary Ann Angelos said what the Upps have brought to Aggieville through their business has been a huge asset to Manhattan. She said that everything they have done has been tastefully done; it is something that has been an addition in a positive manner to many people in

Manhattan. She said she doesn't believe that they (Upps) would go forward with something that might depreciate the value of the land around them. She said that she believed what they want to do is build Manhattan up, not bring it down. She said she understood the homeowners' feelings but they (Upps) are honestly doing everything they can with landscaping and having all the testing done that needs to be done to accommodate and to take away their fears.

Chairman Clement asked if there were any opponents outside 1000 feet.

Tom Finney stated he lives at 1506 Deep Creek Lane. He said he feels that this will cause the neighborhood to be a less peaceful area. He said that he did not intend to be living in a commercial area and even though this is farmland, the venture is a commercial venture.

Greg Milliken stated he lives at 1401 Deep Creek Lane. He said on a calm evening you can actually hear traffic on Highway 177 and the trains blow their whistles in Manhattan. He said there have been several alcohol related accidents. He stated he is concerned about drainage through the property. He said that if there are Port-a-Potties on site and a 4-inch rain happens, there could be environmental issues.

Tara Pierce stated she and her husband own property on 1620 Deep Creek Lane and further down Deep Creek Road. She said that they are opposed to the venture and want the area to stay residential and agricultural. She said the event center will completely change the community and opens the door for other commercial venues to be approved.

Margaret Sheriff stated she lives at 1450 Deep Creek Lane. She said prior to moving to Deep Creek Lane she owned and lived on a 680-acre ranch. She said that she held large events such as field days and it does have an impact on the area. Ms. Sheriff stated she has service dogs to assist with her disability and they have really good hearing. She said that she is concerned the noises from the events will panic the dogs. She said that she doesn't appreciate the event center and could understand if it was an agricultural deal that wanted to bring in more income because "ag" is not the most lucrative business in the world. She said that she doesn't see this as agricultural in any sense; it is a commercial venture. She said it would be disruptive to the life style.

Kitty Pursley stated she lives at 4421 Deep Creek Road. She said she likes to go to bed early and 11:00 pm would bother some of the neighbors. She said that her concerns for 4421 Deep Creek Road are the gravel, dust and Exit 316 off of I-70. She said a number of those coming from the Kansas City-Topeka area to events will use Exit 316. She said she is concerned about the agricultural vehicles such as tractors, four-wheelers, and horses that travel on Deep Creek Road. She warned that it is a different way of living out in the country and agricultural traffic is slower. Ms. Pursley said the school house that Mr. Gehrt brought up is usually limited to 30-75 people; a much smaller venue. She said when somebody moves into a new area and purchases that property with their vision of what it is going to be, it is almost not fair to the existing property owners to have it change significantly. She said that she is opposed.

Chairman Clement asked the Applicant if she had any rebuttal. She had none.

Sterling Knapp said in reference to Mrs. Upp's rebuttal that she would never endanger her child that he believes her. He said that regardless, he has six (6) children and want to reiterate that some of them have to ride bikes on Deep Creek Road to go to work. He said he would never do anything to endanger his children either. He said that Deep Creek Road is a dangerous road for children to be riding their bikes on, but necessary for some. He told the Board that he hoped they would remember this as they made their decision.

Alexis Schlieper stated she lives at 1625 Deep Creek Lane. She said she is opposed because her best friend, Emily, will have a parking lot in her backyard. She said she won't be able to look out and see a meadow. She said she believes they will do their best to pick up trash but it can't be guaranteed that some will not blow off into the creek and pollute it. She said that we already have an endangered minnow.

Tom Taul moved to close the public hearing. John Wienck seconded. Carried 5-0.

Tom Taul said he is a believer in personal property rights. He said the Applicant mentioned she bought the property to upgrade it and develop her vision and he can respect that. He said the Applicant purchased the property knowing it was zoned agricultural. He said that by not allowing this to happen, he doesn't feel the Applicant's rights are being taken away.

Mr. Taul stated it is too big of a venue for the area. He said that he understood the county engineer said the road is fine for the volume of traffic. He said he liked the earlier comment that you can't have 86 cars and 275 people and not impact the area. He said he is familiar with the property and has been there six or seven times over the last ten years. He said that considering the condition of the barn, the venue planned, the kind of financial input to restore it, there would have to be numerous activities.

Dell Ann Upp stated no one knows their financial situation and that is not up to the public to decide.

Tom Taul said he is not trying to make a judgment but stated nobody knows how long you will own it. He said there will be numerous activities there and it will grow. He said he has been on many boards and usually they wish new business adventures well. He said that he also knows some things start out to be a small endeavor but become a big endeavor. He said that if he were a neighbor, he wouldn't want to live there and have that parking lot full with 86 cars. He said he didn't like the idea of two Port-a-potties for 275 people. He said that the fact that there is not potable water and restroom facilities proposed; maybe when those are made available might shed a different light. He said he has a lot of background in rural areas and knows when you have a creek with hills on the other side, the noise goes up and down it. He said that there is a lot of echo in this particular area and a little bit of noise goes a long way. He said that the size and location of the venue, with all the factors of traffic, noise, lights and destruction of the area, he doesn't think a commercial venture is right for this particular area at this particular time.

John Wienck said he lived in a valley in the north end of Riley County and the closest neighbor was a mile away. He said when the calves started bawling, it sounded like they were right in your backyard so he understands that noise carries. He stated that he has concerns with traffic on Deep Creek Road with alcohol involved and the number of vehicles. He said that he also has concerns with events continuing in the parking lot after 11:00 pm. He said that he has a hard time supporting something like this in a rural agricultural community because it is not fair.

Diane Hoobler said she agrees with Tom Taul and John Wienck. She said that this is a valley and there is nowhere for the sound to go. She said the lots are not 20-acre lots, but more like 3-acre lots, which means the noise will affect a lot more people. She said she lives across the river with two rows of trees in between and can hear noise in St. George. She said that she and her family farm in the Deep Creek area and she knows what it is like taking agricultural equipment up those roads. She said it is scary because the road is narrow and there is no shoulder. She said there is a lot of traffic that goes to Pillsbury Crossing during the spring, summer and fall. She said that the light factor from the parking lot is another reason why she can't support the request in an agricultural area. She said if it was further away from so many people it would be all right.

Julie Henton said she agreed with everything the other Board members said; the traffic, dangerous road and noise. She said she couldn't add any more to what has been said.

Chairman Lorn Clement said there was a strong factor in the Applicant's favor in that she would be living as the site. He said that he believed that she has very good intentions and wants to take good care of this place. He said that however, he drives his own pickup up that road (Deep Creek) with hay on it and knows it is a dangerous road. He said he was very concerned about the Pillsbury traffic as the larger part of the context. He said that he was very concerned about the bicycle question and thinks there should be some type of accommodation for bikes. Mr. Clement stated that he knows from personal experience that the land slopes away from Deep Creek Road and down into your property, thus, when the engineers are talking about a level area of 25 feet, there will have to be some kind of fill. He said that it would put this area up in the air. He said that even if there is a level area, people who have been at parties and are driving up onto that to turn left or right may or may not be as careful as we would want them to be. He stated that he is very concerned, as well as the other Board members and the neighbors, about the number of cars so close to the property boundary and the circulation of lights. He said that despite good intentions, there are serious impacts that are going to devalue adjacent property to some degree. He reiterated that we all are concerned about property rights and the investment-backed expectations of land, but again, as Tom mentioned, this property is within the "Ag" zone and which allows the Applicant the right to use it in productive way within that zoning classification. He said that the idea of the investment-backed expectations are very, very powerful in the courts that deal with these kinds of questions and he really thinks we need to pay attention to that. He also said that he was pretty concerned about some of issues with safety, impacts and changing the character of the neighborhood. He said that noise really does travel up these valleys.

Monty Wedel said he is not advocating one way or the other but asked that Board if there was any way that the Applicant could perhaps modify the application to make this acceptable and if so, the Board needs to give the Applicant some direction.

Chairman Lorn Clement said the scale is really a big concern. He responded to an earlier statement from the Applicant regarding the use of landscaping for sound mitigation and stated that he could attest to the lack of filtering abilities of trees to attenuate sound, from his experience as a landscape architect, you don't see as much but you hear quite a bit going through vegetation. He said that he wasn't sure if the Board could work out the details tonight, but it sounds like the Applicant would need to downsize the proposal for parking and number of people by a substantial margin.

Dell Ann Upp said that from her experience in Manhattan, she has never been to a wedding with 275 people. She said the average barn size weddings are about 150-180 people.

Chairman Lorn Clement asked the Applicant to translate the 150-180 people into number of vehicles.

Dell Ann Upp said there were a lot of comments about drinking and driving and we definitely don't promote that. She said most of the events will shuttle guests from their hotels.

Diane Hoobler asked that by doing that, would there be a very limited number of vehicles?

Dell Ann Upp replied absolutely.

Bob Isaac said that if you divide 180 (persons) by 4, which is your average number of passengers, it equals 45 vehicles. He cautioned that it doesn't mean shuttle services can't be used to accommodate that number of guests. He said a number of other places do that very thing because of limited parking.

Dell Ann Upp said in response to the comments about the drinking and people visiting in the parking lot after the event, with me residing at that property, there will be very strict rules in addition to the conditions and certain things will not be allowed. She said that there are a lot of rules and regulations involved with liquor licensing. She said that they do not plan on getting a liquor license because the events will be catered and outside alcohol will not be allowed other than what the caterer brings in. She said those things will be heavily regulated and she just hasn't experienced these issues at her events. She said she has been doing this for ten years and was in a very affluent community in Vail, Colorado. She said there were people opposed to the events just like my neighbors are but once we held the events, they never had issues.

Monty Wedel cautioned the Board that the meeting was getting back into the public hearing again and other folks are going to want to weigh in. He asked the Board if they would you consider a revised application or are you prepared to say no.

Chairman Lorn Clement asked the Board what type of revisions might make this acceptable such as cars, population and scale.

Tom Taul said after hearing all the comments and everything involved, he wouldn't say he wouldn't support another application but he didn't think it could be scaled down enough to address the concerns with noise, lights, activity, disruption and change in character of the neighborhood. He stated that everything that has been discussed here, if it were scaled down to 50 persons, it would probably be about what he was thinking. He said that he just didn't think it is the right venue; we want to preserve the Ag and it's got a nearby residential neighborhood. He said that a comment was made earlier that this is a nice transition area between rural residential and agriculture. He said the other thing is, you may hear these at all kinds of meetings, but we have to look at the big picture. He said that he believes that the Applicant will have strict rules that she would enforce, but ten years from now, and she decides to sell it, the new owner has the conditional use permit and may not have the some opinions.

Dell Ann Upp asked if the conditional use could be issued on her ownership.

Tom Taul said it goes with the land.

Chairman Lorn Clement said it goes with the land.

Tom Taul said that it stays there, so we can't control what other people do but we kind of got to look out.

Monty Wedel said we control what can be done by the conditions, which carry forth to the next owner.

Tom Taul said I just don't think it is the right venue for the area.

Diane Hoobler said she agrees with Tom.

John Wienck said he agrees with Tom.

Diane Hoobler said if they become successful, it will become much bigger than what they expect it to be.

John Wienck said it is not a good thing for the community.

Chairman Lorn Clement said it doesn't sound like the Board feels there could be substantial amount of reduction in scale and scope and not have very serious impacts to the neighborhood.

Diane Hoobler moved to deny the request for a conditional use authorization to permit an events center in the "AG" (Agricultural District) zoning designation based on noise,

agricultural traffic, road safety, lighting, changing the character of the neighborhood and size of venue. Tom Taul seconded. Carried 5-0.

John Wienck moved to adjourn the Board of Zoning Appeals meeting and convene as the Riley County Planning Board. Julie Henton seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

LAWE,LLC (Tegtmeier) – Plat & Rezone

Table a public hearing at the request of LAWE, LLC (David H. Tegtmeier, Registered Agent), petitioner, and LAWE, LLC (David & Danielle Tegtmeier), owners, to rezone a tract of land from "AG" (Agricultural District) to "C-PUD" (Commercial Planned Unit Development) and plat a 6.61-acre portion of said tract of land into one (1) lot, all in Wildcat Township, Section 8, Township 10 South, Range 7 East, in Riley County, Kansas.

John Wienck made a motion to table the item to the September 8, 2014, Riley County Planning Board meeting. Diane Hoobler seconded. Carried 5-0.

Chairman Lorn Clement stated he will not be able to attend the September 8, 2014 meeting.

Manhattan Urban Area Comprehensive Plan update

Monty Wedel said September 11th will be a Project Advisory Committee meeting to review more details on the growth areas. He said that there is a possibility of an optional community meeting the evening of September 10th but this has not been finalized yet.

Big Blue Floodplain Management Plan Update

Monty Wedel said there will be a City/County/County meeting on August 21st from 4:00-5:00 pm. He said the first half of the meeting will consist of a presentation on the operations of Tuttle Creek Reservoir and how that affected the 1993 flood. He said the second half will be a discussion on the new FEMA flood insurance rates.

Flint Hills Area Transportation Plan update

Monty Wedel said a steering committee meeting has been held. He said there have been no public meetings scheduled partly because they are waiting on the Travel Demand Model, which will predict where we are going to have issues. He said that what is needed in order to finish it is the Land Use that we are projecting through the Manhattan Urban Area Comprehensive Plan.

Agritourism Task Force update

Monty Wedel said there will be a meeting August 14th and Diane Hoobler will be attending.

Diane Hoobler moved to adjourned. Chairman Lorn Clement seconded. Carried 5-0.

The meeting was adjourned at 9:23 P.M.