

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, September 8, 2014
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

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

Members Absent: Lorn Clement, Chairman

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

Others Present: David & Danielle Tegtmeier, Martha & Gerald Powell, David & Susan
Mitchell, Sammy & Donna Campbell, Dave & Carol Adams, Miriam
Millerel, Jeff Hancock, Dan Knight, Mike & Karen Sheffield, Leon
Hobson, and Bob Boyd.

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the August 11, 2014 meeting were presented and approved. The Report of Fees for the month of August (\$2,279.25) were presented and approved.

Julie Henton 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 4-0.

BOARD OF ZONING APPEALS

Roberts - Variance

Vice-Chairman Tom Taul opened the public hearing at the the request of Stacy Roberts, petitioner and owner, for a variance authorization to permit the construction of a detached garage 4.7 feet below the required elevation of one (1) foot above base flood elevation.

Bob Isaac presented the request explaining that after the application was received, a site investigation revealed that the chosen location for the proposed accessory structure was over an existing utility easement for a City of Manhattan water main. Mr. Isaac said the Applicant elected to relocate the proposed structure, which necessitated a new elevation certificate. He said that the variance request was changed from 4.7 to 3.6 feet below the required elevation of one (1) foot above base flood elevation. Staff recommended approval of the request.

The Board didn't have any questions for Mr. Isaac and the Applicant was not present.

Vice-Chairman Taul asked if the public had anything to add. There were none.

John Wienck moved to close the public hearing. Diane Hoobler seconded. Carried 4-0.

John Wienck moved to approve the amended request for a variance authorization to permit the construction of a detached garage 3.6 feet below the required elevation of one (1) foot above base flood elevation. Julie Henton seconded. Carried 4-0.

Diane Hoobler moved to adjourn the Board of Zoning Appeals meeting and convene as the Riley County Planning Board. John Wienck seconded. Carried 4-0.

RILEY COUNTY PLANNING BOARD

LAWE,LLC (Tegtmeier) – Plat & Rezone

Take from the 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.

Bob Isaac presented the request stating that Jeff Hancock from SMH Consultants is representing the Applicant. He described the history, location and physical characteristics of the subject property. He stated the existing structures on site will be removed. He explained that the portion of the site to be platted would be referenced as Lot 1 and the remainder of the site would be referenced as Tract A.

Mr. Isaac explained that the development plan will govern the uses and structures that will occur on the site. He reviewed the list of permitted uses, list of permitted structures, notes and schedule of improvements for Tract A and Lot 1 Tegtmeier Addition.

Mr. Isaac reviewed the potential concerns of the proposed development, such as:

1. Traffic – Capacity of Wildcat Creek Road; adequacy of existing bridges and culverts; signage; visibility; dust.
2. Stormwater Drainage – Impact of the proposed parking area and access ways on existing run-off.
3. Sound/Noise – Unreasonable levels of sound from events that include amplification of sound (e.g. DJ, MC, live bands, etc.)
4. Sanitary sewer – Compliance with sanitary code.
5. Commercial Zoning – Conformance to the Comprehensive Plan, "spot zoning" and setting precedent that will attract more commercial development to the area.
6. Compliance with fire codes.
7. Alcohol served/consumed on premises.
8. Residual radioactivity from previous land use.

Staff recommended that the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners of Riley County to rezone the proposed property based upon the following:

- The predominant use of the tract will be agriculture and/or open space;
- Concerns of adverse impacts related to noise, traffic, dust, stormwater runoff, fire protection, residual radioactivity etc. have been addressed through studies and use limitations on the development plan;

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- The location of the proposed use is in a transitional area between the urban uses of the City and the farming community

Staff also recommended approval of the concurrent plat of Tegtmeier Addition, as it was determined that it met the minimum requirements of the Riley County Subdivision Regulations.

Vice-Chairman Taul asked the Board if they had any questions for Mr. Isaac.

Monty Wedel reminded the Board members that they are a quasi-judicial body which essentially means a court. He explained that their decision must be based on the evidence presented in either the staff report, during the hearing or what they may have collected on their own and presented into the record.

Vice-Chairman Taul asked the Applicant's if they wished to speak.

David Tegtmeier stated that he and his wife, Danielle, own 1745 Wildcat Creek Road. He said he was originally from northeast Kansas and comes from a farming background. Mr. Tegtmeier stated that his great and great-great grandfathers grew grapes and he got started in high school. He said he attended K-State for two years, met his wife and convinced her to go into the wine marketing sales side of the business. Mr. Tegtmeier said he then attended Fresno State and graduated with a degree in viniculture and enology.

Mr. Tegtmeier stated he took a position in the State of Washington where he was head wine and cider maker. He said he designed a new facility for this employer and was then sought out by a group of investors in Colorado. Mr. Tegtmeier said he built an entire new facility and made them a nation-wide brand of hard cider. He explained that his wife got into the sales of wine and spirits with E. & J. Gallo of California and continued this career in Washington and Colorado.

Mr. Tegtmeier said he participated in a study abroad program in France where he was placed with a family who had a winery in the finest grape growing region in the world. He explained that while there he learned the importance of soil and topography. He said he came back to Kansas and realized the soil and the topography are the same. He said land that would otherwise be useless other than for maybe grazing cattle and can't be farmed by conventional farming is ideal for growing great grapes. Mr. Tegtmeier said he knew then he would come back to Kansas and change the Midwest wine scene.

Mr. Tegtmeier said the reason we are all here tonight is the event center, the venue. He said the winery is one part of it and the event center is the finance part for the start-up years. He said without the event center, the winery is a huge capital investment. He stated the event center will allow people to come to the site to see what has been built, take in the view of the Flint Hills and talk about our wines. Mr. Tegtmeier said the winery can be done in the AG zoning district, but the C-PUD will allow for the event center. He said they can even have wedding ceremonies in the AG zoning district but are limited on the number of events. He explained the special zoning will allow them freedom and allows the neighbors and everybody else to know what they will be allowed to do. He said it is a set list of what we can and can't do; what we have to follow and abide by so that we can make money.

Vice-Chairman Taul asked if there were any proponents. There were none.

Vice-Chairman Taul asked if there any opponents.

Karen Sheffield stated she lives at 1700 Wildcat Creek Road, directly across from the proposed site and her concerns were:

1. The large event center seems out of character with the peaceful, rural, agricultural setting of the neighborhood.
 - a. Large tract zoned commercial
 - b. Noise
 - c. Adequate construction of the proposed building to attenuate sound
 - d. Lighting
2. Safety and security.
 - a. No Storm shelter
 - b. Prairiewood event center and guest coming onto their property by mistake
 - c. Wildcat Creek Road
3. Roadway infrastructure is not adequate.
 - a. Road is winding, rural, gravel road with sheer drop-offs into a creek bed
 - b. Statistics used in the traffic study were taken from the spring 2012 before Prairiewood was fully functioning
 - c. Conservative trip counts and the calculation method
 - d. Dust
 - e. Traffic Impact Study is questionable because it was prepared by SMH Consultants who are also the Applicant's representatives

Mrs. Sheffield said it concerns her that the project seems to be more about the event center than about the growing of grapes and wine making operation. She said this is assuming it takes three (3) to five (5) years for your first grape crop before making or marketing wine from grapes grown on your own property.

Mrs. Sheffield stated her biggest concern if the winery business doesn't work out for the Tegtmeiers, she will be sitting across the road from 153 acres of commercially zoned property. She said that once property is zoned commercial, there is no turning back. She said that if another commercial operation wants to set up business, there is nothing she can do to stop them.

Mrs. Sheffield asked the county if there is no other zoning for ag-tourism operations than commercial. She stated she fears in the name of ag-tourism, commercial zoning will take over the few remaining rural pockets. She asked could there not be a zoning category for ag-tourism such that if the operation fails, then only another ag-tourism business could take its place without applying for rezoning. She said that this would take away the fear of commercial take over. She proposed that Tegtmeiers narrow the scope of their endeavor initially, perhaps start with the winery, getting the first grape crop in, before jumping into a large event center. In the meantime the County could continue to study the road and the infrastructure issues as well develop a specific zoning for ag-tourism.

Dave Adams stated he lives at 1725 Wildcat Creek Road and he and his wife Carol have some of the same concerns. He said the road is his primary concern and the traffic study needs to be redone with current information from the wedding season, April through November. Mr. Adams said he was not able to determine the exact location of the outdoor wedding site on the plan and asked for clarification.

Carol Adams said her concern also is dust and understands that a lot of time went into completing the traffic and road studies; however, the studies don't speak to the reality of life on a country road that is gravel and doesn't have graded curves or line of site. She said the dust abatement applications usually last two to three weeks, with the increased traffic, more frequent dust control applications will be needed. She stated that they are the closest neighbors to the site and had concerns about the amount of traffic on the road between this proposed event center and

Prairiewood during the peak of wedding season. She stated the dust coming from the west to east is tremendous.

Mrs. Adams said they will always be the “uninvited guest” to the outdoor wedding ceremonies. She said the proposed outdoor wedding site is within 735 feet of the property line and although they are much further away from the other event center, they hear their music, conversations, and often times their vowels. Mrs. Adams said you can’t always attenuate sound and it doesn’t stop at the trees. She said, for us, we will have an event center on either side of us.

Mrs. Adams said it been discussed about an additional creation of 35 mph speed limits but doesn’t do any good unless it is enforced. She said the apartment complex on Scenic Drive has drawn far more bicycle riders and runners, many with child carrier seats, to Wildcat Creek Road.

Mrs. Adams stated that the last two years have been very difficult because when you start opening up rural property to commercial development, it changes the character of the neighborhood.

Susan Mitchell stated she lives east of the property and north of Prairiewood. She said her concerns are the traffic and referred to the stipulations on the development plan, such as “no parking on the road”. She stated that an event was recently held at Prairiewood and vehicles were parked up and down Wildcat Creek Road, with no one to enforce these rules. She asked the Applicant since it will take 5-plus years to grow grapes, will grapes be trucked in to make wine and what size of vehicles will be using the road.

David Mitchell said when they are outside they can hear normal conversations at Prairiewood and the sound comes down off the hill. He said there has been inappropriate language and doesn’t want something like this to start on the other side of their property. Mr. Mitchell said he wanted the Board to know that everything is not great with Prairiewood and doesn’t want the same problems.

Mike Sheffield stated he lives at 1700 Wildcat Creek Road. He said he has specific questions about the PUD.

- Stock animals on Lot 1, what type of animals and quantity?
- Indoor capacity is 375, what is the outdoor capacity for the property, is it unlimited?
- Are there any plans for overnight guest?
- If the PUD is approved, will there be an on-site management with a published telephone number for them to call?
- Why are the proposed lagoons not shown on the site plan?
- Lighting – will it be bright lights? Will it look like Target up there?
- Proposed entrance/exit – in the evening the headlights will sweep across his house. Would it be possible to move the entrance further west?
- Noise - the event center will be up on the hill and the noise will travel down off the hill and across the valley. What are the mitigation efforts?
- Main structure is metal corrugated siding with a lot of glass. Will this structure really be able to attenuate sound?
- Amplified outside sound – is it possible to relocate the outdoor wedding site further up the hill and farther away from Sheffields, the Adams and the Applicant’s proposed home?

- The study refers to 65 dBA at the property line then it talks about a 10 minute continuous period. Does that mean that 100 dBA for nine minutes, drops down for one minute and can repeat again?
- The Road is dusty, one and a half lane rural road – traffic will create a dust storm and does the County want to take on this liability?

Mr. Sheffield said if this property is rezoned to a commercial property, it is highly unlikely it will ever go back to agricultural or residential. He referred to page five (5) of the staff report: "...it will stay Ag unless improved". He said this seems kind of ambitious, what else is being planned for it to be improved? He said that it looked like a loop-hole. Mr. Sheffield stated that 153-acre commercial tract is not consistent with the character of our neighborhood. He said that the Riley County Future Land Use map designates this whole area of Wildcat Creek Road as rural residential or agricultural. He said this seems to be all about the event center, and the winery and viniculture seems to be secondary.

Mr. Sheffield said there is no guarantee that one grape plant will be planted or one bottle of wine will be made on this property. He said they if they need the event center for financial reasons, they are under-capitalized or under-financed, while we have to put up with an event center. Mr. Sheffield suggested shrinking down the proposal, not rezoning the property or as has been suggested, start out with the winery, and if successful, revisit the event center.

Mr. Sheffield said this seems like "déjà vu" from two years ago. He stated the Board voted 4-1 against a similar proposition, what has changed? He stated the road really hasn't changed much, same noise issues, what has changed? He stated that Bob and Monty will tell you that they can protect the residents, steer the development in the way they want it to, but we really don't have a lot of trust in them from what has happened in the past on Wildcat Creek Road.

Vice-Chairman Taul asked the Applicant or representative if they would like to answer any of the questions.

Jeff Hancock, professional engineer with SMH Consultants, stated they asked the County for the most recent count data available to complete the traffic study. He said they were provided with the spring 2012 counts and in the last two weeks, the County did say they had newer count information. He said due to the meeting deadline however, they were unable to re-analyze the new data. Mr. Hancock said based on his experience and based on the methodology used, the new data probably wouldn't have made a difference.

Mr. Hancock explained the average daily traffic count for the projected site is spread over a number of hours and the applied to an average hour for what is called an average peak hour. He said a peak hour was identified at the intersection of Wildcat Creek Road and Scenic Drive. He stated it is out of practice to design a road for an event center or event traffic and that it's not economically practicable to do that.

Mr. Hancock said he couldn't speak to the dust control other than he realizes there is dust and the County applies dust control methods to that roadway in the form of magnesium chloride.

Mr. Hancock said there was a comment about a conflict of interest by SMH Consultants representing the Tegtmeiers. He said the Applicant was required by the County to hire a consultant to perform the traffic study and SMH provided the study on behalf of the

Applicant. Mr. Hancock stated that he and his company are licensed professionals and follow standard practices.

John Wienck said he lives in northern Riley County and has a neighbor that has magnesium chloride applied to the road in front of his house. He said that the County has been doing this for five (5) years and it depends on how much is put down. He said this year has not held at all.

Jeff Hancock stated Wildcat Creek Road itself would take literally 10 times the volume of traffic to make that road inadequate. He said he was not denying a perceived problem with sight distance or clear zones, but that is outside the Tegtmeier's responsibility.

Mr. Hancock referred to the statements that anything commercial business could be allowed on this site. He said if rezoned as proposed, the site would be limited to the uses and the limitations listed on the development plan and that is the only kind of commercial operation that can occur on this site, other than agricultural. He said the beauty of the PUD zoning is it is so site-specific and that the limitation of uses is what really controls the zoning; it's how it works.

Mr. Hancock stated as far as stock animals, the Applicant didn't want to be limited to not being able to have cattle for grazing, which is what the property is currently being used for. He said he doesn't believe there is any intent to have a full blown feed lot operation.

Mr. Hancock said the indoor capacity has been limited to 375 people, with a maximum of 125 parking spaces. He said, as far as he knows, there are no plans for overnight guests. He stated that he knows that Mr. Tegtmeier has worked with the Riley County Environmental Health Specialist on locations for the lagoons. Mr. Hancock said all the lights are proposed to be shadow lights that point directly down to try to limit as much light spillage as possible.

Mr. Hancock addressed the issue of the entrance being moved further west because of headlights. He said that it would actually be very difficult to move it further west because of the terrain and although anything can be done for the right amount of money, there comes a point when it is unreasonable to move it that much further west without spending a lot more money.

Vice-Chairman Taul said Mr. Hancock you mentioned that no matter how much you increase the total traffic on Wildcat Creek Road it would not have any impact. He asked is that in relation to the intersection or the road?

Mr. Hancock said generally the carrying capacity for a two-lane road is about 1,700 vehicles per day. He said if you take all the traffic from this site, spread it over an hour and look at a peak 15-minute of that hour and it would be about 30 vehicles or about two (2) per minute.

Monty Wedel informed the Board that Leon Hobson, Director of Public Works is in attendance and available for any questions.

Dan Knight, the architect with Action Pact Design said the event center will have insulated glass, be constructed of 2 x 6 insulated wood stud walls and sheet rock on the interior, with wood sheathing and metal panel on the exterior. He stated the construction plans with the list of materials and insulation thicknesses were sent to the acoustic engineer and that is what he based his sound analysis/report on.

David Tegtmeier addressed the questions that were presented:

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- Tornado shelter – He said the winery/event center structure will have a built-in tornado shelter because the barrel room will be built almost entirely into the hillside using extremely thick cement.
- Stock animals – He stated his family is cattle ranchers and would like to have the option for cattle if he chooses. He said the PUD strictly limits what they can and can't do.
- Lagoon(s) – He explained that he met with Steven DeHart, Environmental Health Specialist and an alternative in ground aeration system will be installed, which will help eliminate any odor and the lagoon will be hidden by vines.
- Mr. Tegtmeier said they will be the closest neighbors to the event center and they want to raise their family there and want to be good neighbors.
- Outdoor wedding ceremonies – He stated the location chosen was the not best spot on the property but would have the least impact on the neighbors. He said on top of the hill is flat and won't be able to see the winery. He stated there is a better location; however, it faces directly towards the Mitchells and Adams.
- Location of the winery/event center – He explained there will be a sign located by the entrance and guests will see the vineyards covering the hillside and know what side of the road the winery is on. He said Prairiewood is a barn and could easily be confused with another property.
- Plant crop first and then build event center – He explained the event center will bring people to the location and use “word of mouth” as the best advertising. He said without the event center, only a certain flow of people will be coming to the tasting room. He said the biggest part is the income from hosting events. Mr. Tegtmeier stated the winery potentially will have more people coming to it all week than one wedding.

Mr. Tegtmeier said it appears that we are trying to build an event center and make money off the wedding venue. He said that the event center is not his passion and doesn't want to cater weddings for the rest of his life. Mr. Tegtmeier said his passion is farming, growing grapes, making premium wine and changing the wine scenery in the Midwest. He said he wants to make a new industry for this area and this could be the next Napa Valley and the topography and soils of the site are perfect.

Mr. Tegtmeier said a winery is too much of an investment for the first couple of years and if done properly, grapes can be a huge cash crop. He said in business you have to make money as soon as you can and get positive cash flow to make something work. Mr. Tegtmeier said for a winery to work at this location, population and demographic of the area, it has to be this kind of venture.

Mr. Tegtmeier said everything on this property will be agricultural except the event center room. He said all other activities being proposed can be done under the agricultural zoning district.

Mr. Tegtmeier addressed on-site management and said Danielle (wife) will do the sales, decorating and management of the tasting room and he will do the viniculture, the wine making and management of any employees. He said they will live and raise their family on site.

Karen Sheffield asked why 153-acres of commercial zoning are needed when the only commercial aspect will be the wine tasting room. She said why not leave the rest of it agriculture?

Monty Wedel replied that staff tries to find the least expensive option under the regulatory scheme and a PUD controls the uses by the site plan. He explained the commercial zoning was placed over the entire tract because of the mixed uses of residential, agriculture and commercial. He said it is rather expensive to do individual legal descriptions.

Mr. Wedel said if it would make everyone feel more comfortable, the PUD can be changed to an “agricultural” PUD because the vast majority of the area will be agriculture, but cautioned that the site plan will remain the same.

Vice-Chairman Taul asked Mr. Wedel to elaborate for the public that the uses put on the PUD are the only thing that can happen.

Mr. Wedel said that it is the beauty of a PUD; it controls the uses, it controls the structures and all the developed areas.

Vice-Chairman Taul said if the property changes hands; if someone wants to come in and do the exact same thing; that would be permitted?

Mr. Wedel said if new owners want to do something radically different they would have to go through a new rezoning process. He said the other nice feature of a PUD is you can attach restrictions, such as the 65 dBA, which is the standard we have established within our events center section and is used by Ft. Riley and the airport. He explained it is the amount of noise, the noise level that can be controlled, we can't control that you can hear someone's conversation. He stated Prairiewood has been brought up. He said the PUD for Prairiewood was not approved and that is why we have no control over that.

Vice-Chairman Taul asked if the Board had any questions for Leon Hobson.

Leon Hobson, Riley County Public Works Director and County Engineer, said what he'd say wouldn't change people's opinions and that is what we all have, our opinion of what's going on. He said as Jeff (Hancock) mentioned, in the engineering world, we don't design things based on event driven traffic because it comes at many different stages.

Mr. Hobson stated the County took over the maintenance of Wildcat Creek Road about a year and half ago. He said the County has a plan to improve the road and that they have cut back the brush, trees and have improved the line of sight in several places. Mr. Hobson said at 30 mph, you have adequate site distance to see around most of the curves. He stated there are speed advisory signs on some of the curves for 20 mph and there are still some areas that need work.

Mr. Hobson said the County has put together a plan for signage, delineation of the roadways and are starting to implement this. He said a lot of new signs have been put up showing any hazards that might be near or along the road and delineators delineating the road better.

Mr. Hobson said the County has a dust control program for high traffic rural roads. He said usually in June, an application of .35 gallons (magnesium chloride) per square yard is applied to the road and another application can be done if needed. He stated over the course of time, it will build up its own residual, which helps stabilize the base of the road.

Mr. Hobson said all the road structures are wide enough for two-way traffic. He said a lot has been mentioned about the dust and reminded the Board that the dust control program is to help *reduce* the amount of dust, not eliminate it. He said as funds and time

allows, some of the structures will be widened out eventually and Wildcat Creek Road will meet the standards of a county road. He said with reference to the carrying capacity of the road, the road can handle the event traffic.

Diane Hoobler asked why the dust control program is not applied to the entire length of road.

Mr. Hobson said that current policy states the County will apply dust control on a county road that has a four (4) year average of two hundred cars a day or more; only a portion of the road meets that average.

Vice-Chairman Taul asked if the neighbors feel there is a need for an additional application of dust control, can they call you.

Mr. Hobson replied yes. He explained an inspection of the road would need to be done and if warranted, an application will be applied; however, it won't be done during the winter months.

John Wienck asked if the first application can be moved from June to earlier in the year such as May.

Mr. Hobson said the County's goal is to minimize expenses and with the event centers this makes a unique situation and that is a possibility.

Susan Mitchell said she wanted to reiterate what Monty Wedel said, "pretend you are on a jury" and would you want to live between two event centers.

Mike Sheffield said the PUD never did address the outdoor capacity.

Bob Isaac said the indoor capacity is limited by the code footprint for fire safety and the parking is limited by the size of the property. He did say that an outdoor limit can be placed on the PUD.

Mike Sheffield asked the Applicant to limit the outdoor capacity to 375, list on-site management on the PUD, move the outdoor wedding site to the top of the hill and move the entrance further west.

Julie Henton moved to close the public hearing. John Wienck seconded. Carried 4-0.

Monty Wedel reminded the Board of their options to recommend approval as is, deny or approve with modifications.

John Wienck asked the Applicant what the distance is from Wildcat Creek Road to the proposed event center.

David Tegtmeier said he doesn't have that measurement but the driveway will be 1,200 feet.

Diane Hoobler stated she applauds the Applicant for wanting to improve the site. She said she understands the neighbors concerns with two event centers but also understands the need for capital to fund this endeavor. She suggested that the PUD be changed from commercial to agriculture.

John Wienck said his issue is with the traffic that will be created from the two event centers.

Vice-chairman Taul said he has heard several times that the use will be predominately agriculture and asked what does "predominately" means; acres involved or dollars

involved? He said a statement was made that without the event center, the vineyard and agricultural activities could not occur.

Monty Wedel said it is definitely the acres. He said the winery is considered agricultural and he is comfortable that the vast majority of the land and facility are agriculture.

Vice-Chairman Taul said he was asked today what would be better suited for this site and he really couldn't think of anything. He said he thought the vineyard would be a great activity and the winery falls under agritourism, but it comes down to the event center. He said the event center is what is going to have a major impact on the community. Mr. Taul said he is extremely supportive of the vineyard activity and the house. He said personally he would like to see the Applicant get the house and winery established, plant the grapes and then do the event center. He stated at that time the County will have had time to complete their improvements to Wildcat Creek Road and he doesn't believe the event center is agricultural. He stated he doesn't know why the general public is expected to bear the burden from the event center to finance the agritourism venture.

Diane Hoobler asked the Applicant if they could do the winery without the event center or how many events will it take to make it profitable?

David Tegtmeier said their plans are one wedding or event per weekend. He said it is not just the income from the event center but the exposure of the vineyards and winery to the public. He stated everyone looks at the event center as not part of agriculture, but in essence, it is. He said the winery is agriculture and the weddings will bring people into the agricultural setting and they are experiencing agriculture because of the location and the venue itself.

Diane Hoobler said we don't have a problem with that, three of us are agricultural producers, we understand it, but it is the 100-plus cars and getting people there that we have the problem with.

John Wienck said it was stated earlier too bad there wasn't another way for the traffic to get there. He said the issue is with the event center and agrees with Vice-Chairman Taul.

David Tegtmeier said they could do a much smaller facility and grow a lot slower but that is not what people are going to want to come see or talk about.

Vice-chairman Taul asked the Applicant if he would be agreeable to list on the PUD the total number of people on the property be limited to 375.

Dan Knight said from the code perspective on the occupant load factors, an office is 100 square feet per person and the event center is 15 square feet per person. He said for the entire facility the occupancy is 567. He said he doesn't know where the law lays on limiting the number of people for outdoor spaces.

Vice-chairman Taul said he thinks the neighbors would be more comfortable if they knew that there could only be a certain amount of people on the site. He said everyone has good intentions, but he has learned that if you don't have it listed in black and white, you could have an outdoor wedding with 500 people, 125 cars, 375 inside and another 150 people outside at the wedding. He stated the question about moving the driveway to offset the headlights should be looked at.

Dave Adams stated he thinks this is a good use for this land. He said it is tough looking at the site plan and would like to have a tour of the site.

Bob Isaac said the Applicant has already moved the entrance several hundred feet west and the headlights won't be blinding because of the distance between the entrance and Mr. Sheffield's home is the distance of a city block. He said there is a deep ravine that is just west of the proposed entrance, making it difficult to place an driveway.

Danielle Tegtmeier said a lot has been said about the event center and weddings. She said they want to get involved with the community and want to do things with K-State, art shows, farmers markets and quilt shows, not just weddings.

Vice-Chairman Taul asked the Board members if they have the information necessary to make their decision.

John Wienck made a motion to table the request.

Vice-Chairman Taul said there would need to be a reason to table the request. He said to the Applicant that he doesn't want the event center.

Mr. Wedel responded to the Board regarding an earlier comment made to the applicant by the Board, which suggested to get the winery started first and then the event center; if the event center is okay later on, why wouldn't it be okay now?

Vice-Chairman Taul said the County has plans in place to gradually upgrade the road and with some time we would have a better grasp on the condition of the road and traffic.

Monty Wedel reminded Vice-Chairman Taul of the testimony given by Leon Hobson that the road is adequate for the traffic.

Vice-Chairman Taul said Leon said they are going on engineering studies and we all drive roads and look at it differently.

Leon Hobson asked Vice-Chairman Taul what it is about the road that bothers him. Mr. Hobson said that saying the road is a concern is a big broad issue, so can we narrow it down?

Vice-Chairman Taul said if you take 600 cars for two events going up and down the road for two hours, I would not like it.

Mr. Hobson asked if the concern was due the traffic generated from the event center more so than the road itself.

Vice-Chairman Taul said that would be correct.

Diane Hoobler said she would like to see the dust control program applied for the entire road so that traffic can be directed both ways.

Leon Hobson said you can do that but there is no way you can make them go the other way if they don't want to and they are going go the shortest route if they are headed back into Manhattan.

Monty Wedel reminded the Board that wineries, events and weddings are part of agritourism. He said if the Applicants didn't want to do the event center but wanted to have agritourism activities, they could do that every day, all day long, no limitations. He stated the event center building is the only reason why we are here.

Vice-Chairman Taul said to be honest, if you don't have it down in black and white, it is just human nature. He said we all have to live with ourselves, live with our neighbors

and be good stewards of the land. He said it is not the weddings but the amount of people that come to the activities.

Monty Wedel explained that the way the current regulations are written, if the Applicants get registered as an agritourism activity with the state, they may not be able to use that facility for events, but they can have outdoor weddings. He stated the event center building is the only reason the Applicants are here.

Vice-Chairman said he would entertain a motion of recommendation to the Board of County Commissioners and asked if we limited the number of people on site is there any other recommendations.

Diane Hoobler and John Wienck both suggested to change the PUD from commercial to agricultural.

Diane Hoobler said the Applicants can do this without us approving it. She stated she and the neighbors would probably feel better if activities were in an enclosed building to restrict the noise versus being out in the open under tents.

Jeff Hancock said the Applicant is fine with the limit of 375 people for a scheduled event as long as this doesn't include staff and people coming to the tasting room.

Vice-Chairman Taul mentioned listing on-site management on the PUD.

Monty Wedel said you can make that part of your motion but that is something that we will have to check with legal counsel on and doesn't think it is an enforceable provision.

David Tegtmeier said as far as on-site management, if it is not him it will be someone he trusts because federal law requires that all alcohol be protected, locked up, and under bond.

Diane Hoobler moved forward a recommendation of approval to the Board of County Commissioners to rezone the subject property, with the following suggestions:

1. Since the predominant use of the subject site is agricultural, the more appropriate "A-PUD" (Agri-Business Planned Unit Development) zoning designation should be used, rather than the proposed "C-PUD" Commercial Planned Unit Development zoning designation; and
2. Include a note on the development plan that limits the maximum number of participants for an event on the site to 375 persons.

Julie Henton seconded. Roll call voting was completed with the motion passing 3-1, with Wienck opposed.

Diane Hoobler moved to approve the concurrent plat of Tegtmeier Addition, as it was determined that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and Sanitary Code have been met. John Wienck seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on September 25, 2014, at 10:00 am, in the County Commission Chambers.

Manhattan Urban Area Comprehensive Plan update

Monty Wedel said there will be public meetings on Wednesday and Thursday of this week.

Big Blue Floodplain Management Plan Update

Monty Wedel said there is another advisory group meeting but unsure of the date.

Agritourism Task Force update

Monty Wedel said this is a busy time of the year for most of the committee members so the next meeting will not be until November.

John Wienck moved to adjourned. Julie Henton seconded. Carried 4-0.

The meeting was adjourned at 11:04 P.M.