

MINUTES

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

**Monday, May 9, 2022
7:30 pm**

**Courthouse Plaza East
Commission Meeting Room
115 North 4th Street**

Members Present: Diane Hoobler, Chair
John Wienck, Vice-Chair
Joe Gelroth
Nathan Larson
Rita Cassida

Members Absent: None

Staff Present: Amanda Webb – Director, Bob Isaac – Planner and Lisa Daily -
Administrative Assistant

Others Present: Leonard Katzer, David and Sherrie Russell, Russel Stukey, Riley County
Emergency Services Director, David and Danielle Tegtmeier, Calvin
Emig, David and Carol Adams, Kain and Stacy Scheideman, Eddie Estes,
Jeffrey Hancock, SMH Consultants, Mike and Karen Sheffield, Kail and
Rebecca Katzenmeier, Michael Thomas, and Ryan Kegley.

OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

The minutes of the April 11, 2022 meeting were presented and approved. The Report of Fees for the month of April (\$3,719.00) were presented and approved.

Nathan Larson moved to approve the consent agenda. John Wienck seconded. Carried 5-0.

John Wienck moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and, due to the lack of agenda items for the Board of Zoning Appeals, moved to reconvene as the Riley County Planning Board. Rita Cassida seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Tegtmeier and LAWE LLC Preliminary and Final Development Plan amendments and Replat

Chairman Hoobler opened the public hearing at the request of the David H. & Danielle B. Tegtmeier and Lawe LLC, petitioners and owners, to amend the Preliminary and Final Development Plans associated with an existing Agri-Business Planned Unit Development and replat Lot 1 of Tegtmeier Addition, Unit 2 into two (2) lots in Wildcat Township, Section 8, Township 10 South, Range 7 East in Riley County, Kansas.

Bob Isaac presented the request stating the subject is generally located approximately 9800 feet west of Scenic Drive, on the north side of Wildcat Creek Road; Sections 8 and 17, Township 10 South, Range 7 East; Wildcat Township.

Mr. Isaac stated that, in September 2014, the applicants successfully platted Lot 1 of Tegtmeier Addition and rezoned the lot and the surrounding parent tract from “AG” (Agricultural District) to “A-PUD” (Agri-Business Planned Unit Development) in order to establish a viticulture operation, with a winery and events center. He said the applicants developed Lot 1 with a new single-family residence. For financing purposes, the applicants requested, at the time, to plat the residential portion of the proposed planned unit development into a separate lot which became Lot 1 Tegtmeier Addition. Mr. Isaac stated that in 2021, the applicants discovered that a portion of the parent (winery) tract surrounding the subject lot, owned by LAWE, LLC, became available for purchase. He said the applicants purchased said portion and replatted it with Lot 1 Tegtmeier Addition into Lot 1 Tegtmeier Addition Unit 2 and amended the Final Development Plan to reflect the lot configuration of the proposed replat. He said presently, the applicants wish to replat Lot 1 Tegtmeier Addition Unit 2 into two lots and amend the preliminary and final development plans associated with the existing Agri-Business Planned Unit Development. He explained the proposed changes include an additional residence (proposed Lot 1), outdoor amphitheater, a small 4,000 square foot indoor event facility, 12 one-room cabins, a 12-pad RV parking area with water, sewer and electricity, and the conversion of a small portion of the large event center into a full-service restaurant.

Mr. Isaac said as mentioned, the subject site was rezoned from “AG” (Agricultural District) to “A-PUD” (Agri-Business Planned Unit Development) in September 2014. He said there are no variances, conditional uses or special uses associated with the property.

Mr. Isaac explained that although the site is not directly located in the regulatory floodplain, he wanted to illustrate the site’s proximity to Wildcat Creek. He said what little stormwater runoff there is occurs within watersheds located on the site. He said the attached stormwater drainage analysis describes the pre- and post-development changes in the stormwater runoff and related to that is the site has, in its entirety, three separate established first order streams that eventually feed into Wildcat Creek. He explained that a first order stream gets its designation by originating from a point not associated with another stream. He stated that each first order stream is protected by a 50-foot buffer on each side of the stream’s banks and subject to Section 6.3 of the Riley County Land Development Regulations.

Mr. Isaac stated Riley County Fire District #1 will serve the site with nearest county fire station is the Keats station located at 3141 69th Avenue. The subject site is not located within five (5) road miles of a fire station. He said consequently, this results in the property receiving the highest ISO rating of 10 and increased response times. He said in order to provide an adequate volume of water and pressure for supplemental fire protection, a 100,000-gallon storage tank was installed by the owner along with a dry hydrant connection. He said that due to the proposed use of the additional structures, there was a determination made by Riley County Emergency Management that certain aforementioned structures were subject to the State of Kansas minimum building and life safety codes and will require code footprints to be submitted at the time of

construction. He stated at this time, the applicant will need to implement acceptable options given by the State Fire Marshal's office in order to meet the fire code.

Mr. Isaac described the Fort Riley Noise Buffer map. He stated a Development Review Memo was sent to Fort Riley Public Works. A response was received in our office May 3rd via an email. He said they stated that the site is located near the Fort Riley Military Installation that generates noise by the firing of weapon systems and detonation of explosives on the installation. He explained that the site lays entirely within what is known as the Land Use Planning Zone shown in blue and it's located within an area modeled to be at a moderate complaint risk.

Mr. Isaac displayed an illustration provided by Josh Pease, Environmentalist with the Environmental Division on Fort Riley. He explained that it showed that the subject property is located approximately 225 yards from Noise Zone II and 1.3 miles from Noise Zone III. He stated Noise Zone III would be an impact area. He said that according to Fort Riley's Installation Operational Noise Management Plan 2015, noise-sensitive land uses are generally acceptable within the area of the LUPZ. He said that, however, communities and individuals often have different views regarding what level of noise is acceptable or desirable. He said that a Fort Riley, Kansas Area of Military Impact Real Estate Disclosure form provided by Riley County Planning and Development was signed and filed in the office of Register of Deeds, Book 860, Page 6207 in 2014 and applies to the entire site. He additionally, a multi-jurisdictional document entitled Notice of Potential Noise Impact from Fort Riley, Kansas military installation and recommended noise attenuation and attenuating building methods was filed with the Office of Register of Deeds, August 2020, Book 881, Page 7017, which serves as an official noise disclosure notice for all properties that may be located within the Noise Zone II or the Land Use Planning Zone. He stated that the document also includes recommendations on noise attenuation construction methods for residential uses. He said in other words, the entire site is subject to both those agreements/noise disclosures.

Mr. Isaac displayed the preliminary development plan, illustrating the orientation and location of the lot's boundaries and all existing and proposed buildings, structures and driveways. He said he wanted to stop there warn the Board, we discovered there are a few mishaps in the drafts of the development plans and will still need to be adjusted. He explained there are already a few changes to the list of permitted uses and structures, but a lot of those will remain the same and are not included in the proposed amendments at this time. He stated he would go over the amended preliminary development plan in more detail. He said he has listed in white text are the uses and structures already part of the existing PUD (Preliminary Planned Unit Development), while the changes/amendments are in yellow text.

Mr. Isaac said obviously viticulture is listed as the primary use of the property, and, in case anyone wants to know, simply means growing grapes. He said second, we wanted to add agritourism as a use, although this is what is already happening at that site. He said the applicants are a registered agritourism operator and provide agritourism as defined by Article 9 of the Riley County Land Development Regulations. Mr. Isaac continued the list and stated:

3. Manufacturing, bottling, and sale of wine and cider
4. Wine and cider tasting
5. Sale of promotional and products accessory to wine
6. Catered events

Mr. Isaac said that it is being proposed that a portion of that existing event center building would be converted into a restaurant. He said it is also used to conduct conferences, meetings, business or professional training, retreats, and recreational, social, or religious functions, activities, and dining. He said the applicants are not asking to change the text that's already there. He said Event Center use shall be subject to the following restrictions and limitations:

- a. Parking shall only be permitted in designated areas. Event parking along Wildcat Creek Road shall be prohibited.
- b. Any buildings or structures in which dances or playing of music or other amplification of sound occurs must be enclosed and shall be reasonably insulated, including insulation of walls and entire ceiling, to mitigate the migration of noise to adjoining properties.

He reminded that Board that these use limitations have been in place since 2014 and focus on the amplification of sound indoors.

He said finally, a maximum indoor occupancy for the Large Events Center shall be 375 persons. He said that maximum occupancy is subject to change with the conversion of space to the proposed restaurant. He said a new code footprint will be needed to determine exactly where they are.

Mr. Isaac stated some of the new things. He said a small events center, much like the large events center, same use limitations but with no restaurant. He displayed a submitted photo to give the Board a concept of what it would look like. He said this one is intended for small events so that groups smaller than 200-250 people would not have to take up the entire winery building. He said finally, an RV parking/campground. He cautioned the Board that campground may be a misnomer here. He said the term was derived from how the use is described the zoning regulations; however, these are twelve 40'x20' pads that are removed from the general vehicular parking area to provide more efficient, easier maneuvering of vehicles within the parking area, not necessarily a campground. He said the applicants are proposing a maximum of 12 RV pads, with access to potable water, electricity and sewer disposal. He said the applicant has not decided whether he would like to proceed with the sewer disposal option or not, but staff treated as if he were. He explained that staff had to make a determination if the sewer disposal option could be done and be in compliance with the Sanitary Code. Mr. Isaac stated that Perry Piper cleared the use as do-able and would be in compliance with the Sanitary Code. Mr. Isaac continued with the list of permitted uses.

10. Lodging accommodations (cabins) intended for participants/guests.

11. Outdoor amphitheater approximately 3,000 seats or seating for 3,000.

Lots 1 and 2:

- a. All permitted uses in the "SF-1" (Single Family Residential) zoning district, subject to the use limitations listed for that district.
- b. Accessory structures, as per Section 5.3 of the Riley County Land Development Regulations.

Mr. Isaac said that proposed Lots 1 and 2 will be allowed to have a single-family residence and accessory structures, as per the use requirements of Section 5.3 of the Riley County Land Development Regulations. He explained that this is simply mimicking Riley County's large-lot single-family zoning district.

Mr. Isaac explained that the draft development plan submitted with the packet incorrectly shows a single-family residence plus a garage with an accessory apartment over the garage for existing Lot 1. Mr. Isaac stated there is only a single-family residence, no existing accessory apartment, with no plan for an accessory apartment in the future; thus, the accessory apartment was eliminated from the development plan.

Mr. Isaac described the List of Permitted Structures. He described existing structures and proposed structures, to include the following: the winery/large event center (existing) with full service restaurant (proposed); accessory structures associated with agricultural activities, including the implement storage (existing); the entrance sign (existing); a small 4,000 sf. event center, with a maximum indoor capacity of approximately 200 to 250 persons (proposed); 12 one-room cabins (approx. 200-300 sf.) (proposed); and one outdoor amphitheater/stage, with seating for approximately 300 patrons (proposed).

Mr. Wienck corrected Mr. Isaac stating 3,000.

Mr. Isaac affirmed 3,000 patrons. He said finally, Lots 1 and 2, regarding structures, one single-family residence, not several, one, and accessory structures, as per Section 5.3 of the Riley County Land Development Regulations.

Mr. Isaac reviewed the “Notes” portion of the development plan. He reminded the Board that several of the notes are the exact same notes that were approved in 2014 and some were updated in November 2021 with that replat. Mr. Isaac explained that the list starts at the number four because notes one through three really deal with the boundaries on the survey and are impertinent to the uses.

Mr. Isaac stated that if an entrance pipe is required the minimum size shall be calculated and in accordance with Riley County Standards for Road Design in Platted Subdivisions. No case shall that diameter of that pipe be less than 15 inches. Mr. Isaac stated that the development of proposed Lot 1 with a new home will most likely need to have an entrance pipe installed.

Mr. Isaac stated that all drives and parking areas shall consist of all-weather surfacing. The drives accessing the cabins, small events center, large events center and parking area shall be at least 20 feet wide in accordance with state fire code and to provide two-way traffic.

Mr. Isaac read aloud the remaining notes:

6. The gravel driveway to the events center and winery shall be maintained in condition that is traversable by emergency response vehicles.
7. Owners will resurface and maintain all drives and parking area surfaces on a regular schedule or as needed to provide overall good-looking appearance for visitors. The road will be fully maintained for complete access to all vehicles year round.
8. Site and all uses therein shall be in compliance with the Riley County Sanitary Code. Proposed Lot 1 shall be served by Rural Water District #1 and an on-site wastewater lagoon. Proposed Lot 2 is currently served by Rural Water and sanitary lateral field. Tract A is currently served with potable water by Rural Water District #1 and an on-site wastewater lagoon.

9. Location(s) and extent(s) of fencing and trails may be modified at the owner's discretion as required to serve the permitted uses.
10. Buildings and structures shall comply with State of Kansas minimum building and life safety codes per the 2006 IBC and the 2000 NFPA 101. Maximum permitted occupancy shall be posted in the winery/events center building and the small events center.
11. The winery/event center building(s) shall meet the minimum building code requirements as per the State Fire Marshall.
12. All structures and signs are shown in approximate locations.
13. All proposed lighting shall have directional control or appropriate cut-offs to minimize spillage and light trespass.
14. Existing riparian areas and native tree stands shall remain intact as much as possible to act as an audio and visual buffer to surrounding properties. All areas, unless improved, will remain agricultural.
15. All stormwater drainage from the developed areas of Lot 2 and the winery/events center tract shall be directed to the existing pond.

Mr. Isaac mentioned the pond is a detention pond located on Lot 1. Mr. Isaac continued:

16. All signs shall be subject to Section 6.12 - Signs of the Riley County Land Development Regulations.

Mr. Isaac mentioned this text change is the updated reference to the new Land Development Regulations.

17. A Fort Riley, Kansas Area of Military Impact Real Estate Disclosure Form, provided by Riley County Planning & Development, has been signed and filed in the Office of the Register of Deeds. Bk. 860, Pg. 6207. Implementing noise attenuation construction methods for residential uses, as described in this document, are strongly recommended.

18. The landowner has 100% interest in the land to be developed.

He stated this note is required by the regulations to be on the development plan describing that the applicants have the financial control to be capable of effectuating the proposed plan.

19. Areas marked as riparian zones are subject to the requirements of Section 6.3 -Riparian Buffer Riley County Development Regulations.

Mr. Isaac stated this note primarily deals with those first order streams located on the property.

20. Noise levels from amplification of sound (indoor or outdoor) shall be controlled and mitigated so as to not exceed 65 dBA 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.

Mr. Isaac reiterated the maximum sound level applies to any property line. Mr. Isaac stated that the applicant is not requesting to modify or manipulate this standard.

21. Quiet hours, during which no amplified sound will be permitted, shall be posted on site and, shall be between 11:00 PM and 8:00 AM for Friday and Saturday and 9:00 PM and 8:00 AM for Sunday-Thursday.

Mr. Isaac said Planning & Development had some discussions with Riley County Emergency Management Services/Rural Fire and they had some recommended additions. He said staff spoke with the applicants regarding their recommendations and found them to be acceptable. He stated they are as follows:

1. the NFPA driveway standards shall be met for all roadways that have adjacent structures which provide ample entrance and exist for emergency vehicles.
2. He said the proposed parking spaces (500), one stall per four to six people range, shall not interfere with the ability to access the existing water supply tank. The access to the water supply tank shall be a maintained all weather surface. NFPA driveway standards shall not be compromised in the design of the RV Parking areas or Passenger vehicle areas.
3. Fire lanes along the adjacent winery structure and proposed event center shall be designated as such and be free and clear from passenger vehicles, RVs, or other hazards preventing adequate access for emergency vehicles. Mr. Isaac said fire lanes need to be maintained and clear of obstructions.
4. Due to the surrounding landscapes, wildland fire mitigation and best practices should be used to mitigate fire fuels and limit spread per NFPA Firewise Community recommendations. Liquid Art Winery Estate outside property shall be managed to mitigate aggressive wildfire behavior and provide a defensible space to staff and visitors. Mr. Isaac said this is an effort to keep the patrons and the establishment safe.
5. The proposed future event center shall be properly identified with signage and a Fire Department Connection (FDC) to supply required hose cabinets and sprinkler system. A centralized alarm panel shall be installed per NFPA and in accordance with the Office of the State Fire Marshal.
6. The proposed cabins shall be required to have a fire extinguisher and sufficient defensible space of decorate rock and a non-combustible roof material in the event of a wildland fire. Adequate NFPA emergency vehicle access shall be required to each cabin.
7. Proper visibility, addressing, and reflective identification in low light shall be made between the roadway and water storage tank.
8. A Knox box will be required for property to provide Fire Department access to keys for all structures on the complex.
9. Long-term planning efforts should be considered for the need of additional water tank for any additional required fire flow for new structures added to the complex.

Mr. Isaac moved onto the Schedule of Improvements. He stated that there are items on the current list that have been completed but are shown on the list. The list is as follows:

1. Single family residence constructed on proposed Lot 2, current Lot 1 (existing).
2. An Events Center and Winery (existing)
3. The parking lot and drive associated with the Events Center and Winery will be constructed on Tract A by August of 2015. (Completed).
4. An entrance sign will be constructed on Tract A by August 2015. (Completed).

5. Grape vines will be planted on Tract A by August 2016. (Completed)

Mr. Isaac said now for a few new things.

6. Amphitheater and parking lot expansion will be constructed on Tract A 2022.
7. 12 cabins will be constructed on Tract A by April 2025.
8. RV Parking will be constructed on Tract A by April 2025.
9. Small Events Center will be constructed on Tract A by April 2027

Mr. Isaac said displayed and reviewed the proposed development plan. He discussed the proposed location of the additional wastewater lagoon that will serve the proposed cabins and small event center. He said it was recommended to connect the downspouts of the cabins to the lagoon to keep water in it.

Mr. Isaac said the small event center and cabins will be served by rural water. Mr. Isaac showed the existing outdoor wedding ceremony area, proposed parking lot expansion and the location of the proposed outdoor amphitheater. He said the amphitheater is proposed to have a seating capacity of 3,000 guests with the stage area on the south end directing amplified sound toward the existing winery building.

Mr. Isaac said the applicant stated that the stage lights and sound equipment would be brought in per event and set up by a professional sound crew until such time the applicant says he is able to build his own stage. He stated that they plan to have approximately eight to ten events per year and use porta-potties for temporary restroom facilities, which are acceptable as per the Sanitary Code and typically used for similar events.

Mr. Isaac reviewed the south portion of the development plan, which focused on the replat of Lot 1 of Tegtmeier Addition Unit Two into two lots. He said as you can see Lot 2 is approximately the same size it was in 2014, around seven acres, and as of 2021, they simply replatted it into a 30-acre lot. He there is quite a bit of room and pointed out the location of the detention pond for the stormwater runoff from the winery tract.

Mr. Isaac stated the applicants have expressed they have outgrown their current home and need to build another home. He said they wish to divide the 37-acre tract lot into two, proposing to build a new house on proposed Lot 1. He said the plan indicates that both lots will have identical permitted uses and use limitations of the "SF-1" (Single Family Residential) zoning district (Riley County's large-lot single family residential zoning district). Mr. Isaac stated the development plan also shows the location of the first order stream located on proposed Lot 1, subject to the development standards of Section 6 of the Riley County Land Development Regulations. Mr. Isaac reviewed the Final Plat, which illustrates the orientation and location of the existing and proposed boundaries, the existing house, proposed lagoon and detention pond. He said when the times comes to construct the house on proposed Lot 1, the applicant will need to contact public works to receive an entrance approval to access Wildcat Creek Road.

Mr. Isaac stated shared some photos of the site, including existing and proposed parking area.

Mr. Isaac stated the applicant as mentioned earlier the applicant is proposing to convert a portion of the existing building into a full-service restaurant rather than be strictly dependent on caterers. Mr. Isaac stated that the applicants expressed they believe they can provide a better, fresher food product on site.

Mr. Isaac displayed a couple of examples of outdoor amphitheaters, submitted by the applicants. He said these are not necessarily an exact rendering of what the proposed amphitheater will look like or how it will be constructed, rather only to serve as a general concept.

Mr. Isaac also displayed an example of the size, style, and layout of the 200-300 sf. cabins, also submitted by the applicants. He described the interior layout of the cabins.

Mr. Isaac displayed a photo of Kay's Garden and Event Center Venue in Gage Park Zoo in Topeka, stating that this is the general concept of the proposed small event center. He reminded the Board that the exact design may replicate the general concept, but the exact details/building plans have not yet been completed or submitted. He said the building is projected to have a maximum occupancy of 270 persons and will not include a restaurant.

Mr. Isaac stated that as part of the request, some of the concerns were brought up in the pre-application conference prior to the application being submitted, such as the increase of stormwater runoff due to the addition of quite a bit more impervious area; noise or amplified sound from the proposed amphitheater; traffic generated by events being held at the winery. Mr. Isaac said staff required that studies be completed and submitted to address these concerns.

Mr. Isaac stated that a Stormwater Drainage Analysis was completed by Jeff Hancock, SMH Consultants, Inc. Mr. Isaac stated that the analysis provided an overview of the of the site and topographical attributes. He said the analysis evaluated pre- and post-development impacts of stormwater runoff and the potential increase of the rate of runoff. He said the analysis summarized that, given the pre- and post-development characteristics of the Liquid Arts Winery and proposed amendments, there are no negative impacts created from this perspective of storm water. He said the analysis showed the north basin calculates to no net increase in the rate of runoff. He said the analysis concluded that the west and east basins show a small increase in the rates of runoff from each, but these increases are abated through an existing detention pond on site.

Mr. Isaac reviewed the findings of the Sound/Noise Assessment, completed by Eric McGowan, Henderson Engineers of Kansas City area. Mr. Isaac stated that the analysis provided an overview of the site and topographical attributes existing and proposed sources of noise/ amplified sound. Mr. Isaac stated that the assessment included existing and proposed uses, indoor and outdoor. He said the analysis evaluated pre- and post-development impacts and measured distances from indoor and outdoor sources to each property line affected. He stated the west property line is Fort Riley, thus, not too much concern. He said the noise assessment noted that the existing standard of 65 dBA, which is the standard that is on the existing final development plan now, was used for measurement in the assessment. He said the reason was because the standard is existing and there's no proposal for it to be changed. He said the analysis provided recommendations that sound absorbing materials and insulation be used in enclosed buildings along with recommended volume levels to meet the above standard. He said the assessment included the original sound study that was completed and submitted as part of the original PUD application in 2014. Mr. Isaac noted that the 65 dBA standard is consistent with use specific standards for a Rural Resort Retreat Center or Event Center, as per as per Section 5.2 of the Riley County Land Development Regulations, which states that when considering approval of such uses, the Board should:

“consider the potential of any use to generate noise that may unreasonably disturb the peace, quiet or comfort of adjacent properties. A benchmark to use in considering annoyance caused by noise shall be whether or not the use generates 65 dBA or greater at the property line, the hours of the day this level of noise is generated and how often this level of noise occurs. If it is determined that such potential for disturbance of adjacent properties exists, the Board shall consider methods to mitigate such noise.”

Mr. Isaac reminded the Board that the study was not recommending changing the 65-decibel standard, but rather stated that if there is going to be sound generated, it had to be kept at a certain level to not exceed that standard.

Mr. Isaac stated that a Traffic Impact Analysis was also completed by Jeff Hancock, SMH Consultants, Inc. He said that the analysis provided an overview of the site and traffic attributes of Wildcat Creek Road. He said that although there is a concern regarding attention for negative traffic impacts caused by events occurring at the winery amphitheater, the study states there are no metrics or standards for determining the impact of event traffic, the type of traffic expected with the amphitheater and that roadways are not designed for event traffic.

Mr. Isaac said so in reviewing the proposed changes and additions to the development plan, along with the corresponding studies to address potential concerns, staff offered the following:

1. The proposed cabins, RV pads and additional residence are inherently noise sensitive uses. Whether for business or personal purposes, the proximity to Fort Riley Noise Zone II, noise from daily military activities on Fort Riley may have a negative impact on such uses. However, the property owner has signed and filed with the Register of Deeds a “Fort Riley, Kansas Area of Military Impact Real Estate Disclosure Form” in 2014, which includes the entire site.

Mr. Isaac said he spoke with Joshua Pease from Fort Riley regarding the request. Mr. Isaac stated that Mr. Pease said he understands development can occur within the Land Use Planning Zone, as shown, but like anything else, he expressed it could get noisy at times.

2. All new development, including the proposed cabins, additional event center, RV pads, full-service restaurant (within the existing winery building), amphitheater and new residence, shall be served by rural water and shall be in compliance with the Sanitary Code, including the construction of one additional wastewater lagoon and the planned expansion of the existing one.

He said that doesn't include the one that will serve the brand-new house on proposed Lot 1.

3. The requirement regarding noise levels *“from amplification of sound (indoor or outdoor) shall be controlled and mitigated so as to not exceed 65 dBA 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”* is not changing. Mr. Isaac noted that the standard does not prohibit outdoor amplification of sound; it never did. He said it just had to be controlled. He said this includes the proposed amphitheater, as described in the Site Noise Assessment.

4. Although the site is hilly and has several watersheds, the proposed change in the ratio of developed or impervious areas to natural areas is negligible. The Stormwater Drainage Analysis concludes that there will be minimal if not imperceptible impact to stormwater runoff.
5. The Traffic Impact Analysis describes the current status and maintenance aspects of Wildcat Creek Road and the potential adverse impacts the proposed amphitheater could have on the Level of Service at certain intersections caused by event traffic, particularly following an event. However, the study concluded that no improvements are recommended to the roadway network at this time, because *“it is generally not efficient nor reasonable to design roadways to accommodate event traffic.”* The County Engineer has stated that Wildcat Creek Road will be paved and geometrically improved as part of a sales tax revenue project within the next 3-5 years.

Mr. Isaac stated that portion of Wildcat Creek Road to be paved will go from Scenic Drive to point past the entrance to the winery. Mr. Isaac stated that, based on the information submitted and reviews by staff, he would like the Board to consider:

6. The site is equipped with a 100,000-gallon water tank, fitted with a dry hydrant connection in order to provide supplemental fire protection.
7. The proposed 4,000-sf (small) event center and the new restaurant must provide “code footprints” provided by a licensed architect, which are reviewed by Riley County Emergency Management/Rural Fire. These structures will be subject to the State Fire Code.

He said they have options on how to meet that fire code. He continued:

8. Porta-Potties will be used during events held at the proposed amphitheater in order to provide adequate, temporary restroom facilities. This is consistent with the Sanitary Code and is a generally accepted practice for such uses.
9. Many of the existing and proposed uses are consistent with what is typically included with a rural resort, retreat center or agritourism facility, including live entertainment, weddings (and other events), lodging and meals. Regardless of the proposed ancillary uses, the prominent and most significant use of the site is agricultural use (viticulture) and the production of a value-added agricultural product (wine). The proposed uses or amendments are considered accessory to the principal use: agriculture.
10. The Kansas Agritourism Promotion Act was signed into law in 2004. The purpose of the Act is to promote the growth of the agritourism industry in Kansas. The Act deems agritourism activities as any activity which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including, but not limited to, farming activities, ranching activities, or historic, cultural, or natural attractions.

Mr. Isaac stated that based on the information submitted and reviews by county staff, planning staff believes the potential concerns with the request have been adequately addressed and recommended the Planning Board forward a recommendation of approval to the Board of County Commissioners to amend the preliminary and final development plans for the Tegtmeier Winery Planned Unit Development. Also, Staff recommended approval of the Final Plat of

Tegtmeier Addition Unit 3, as it was determined to meet the minimum requirements of the Riley County Land Development Regulations and Sanitary Code.

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

Chairman Hoobler asked if any Board members have a question for Mr. Isaac.

John Wienck said he had one. Lot number one, where is their driveway at?

Isaac asked the Board to observe look the screen and pointed out the location of the existing driveway.

Wienck stated, that is lot number two though.

Isaac stated current lot one.

Chairman Hoobler said no.

Wienck clarified and said no, the proposed; the new Lot 1 with 30 acres.

Isaac stated that the new entrance will have to be located west of the existing driveway.

Wienck stated, you didn't have that drawn on your map.

Isaac said that is because the location of that entrance has yet to be determined.

Wienck said, oh okay.

Isaac stated that Public Works has to do an assessment to find out as to where that needs to be.

Wienck said okay and meet new driveway standards too. Okay, I was just kind of curious; I didn't see that drawn on here.

Chairman Hoobler asked if there was anyone else that had questions.

Nathan Larson said that he just had an observation. He said that if they are going to build the amphitheater in a draw, what are they going to do with that water that normally goes down that draw when it rains, how are they going to handle the water?

Isaac stated the site will have to be engineered so the stormwater drains in and around it and ends up in the detention pond where it goes now. He said it's kind of like any other site that gets developed, the site just has to be engineered properly, otherwise it will completely wipe them out.

Larson said it struck him as they are putting it in a draw.

Isaac stated that from what the applicant has shared with staff, they are going to try to utilize the natural barrier to bring the sound down and contain it naturally. He said of course, what sound isn't contained naturally must be handled through volume control, and they are going to make it work. Mr. Isaac stated that sound will also be absorbed by the patrons, grass and earth, but not all sound gets absorbed.

Chairman Hoobler asked if the restaurant is a full-service restaurant or just for catering?

Isaac stated that it is being proposed as a full-service restaurant.

Chairman Hoobler said okay.

Isaac stated they will be able to prepare and serve food.

Chairman Hoobler asked but patrons can come and just dine there.

Isaac affirmed.

Isaac continued that staff decided not to get into the business hours of something like that.

Chairman Hoobler stated, that is fine; I just first thought it was catering kitchen.

Isaac said, it's one of those you can better control things; the quality of things if you are handling it yourself.

Chairman Hoobler agreed.

Isaac said that is essentially what they really want to do.

Chairman Hoobler agreed.

Isaac said even with that, there is going to be certain things that will need to be added to the restaurant. He said they're going to need to install a grease trap and the lagoon will most likely need to be expanded. He said they were planning for that expansion already when that went in, so, it's not like they won't have anywhere to go with it and its going to be impossible.

Chairman Hoobler said okay.

Chairman Hoobler asked if the applicant would like to say anything. Hoobler announced that the Board asks that all speakers come the podium, give your name and address. She stated that the Board will be implementing some time limitations on proponents and opponents of the petition tonight, but the applicant does not have a time constraint. She said that Bob has pretty much covered a lot of it anyway, so would the applicant like to come up this time.

Danielle Tegtmeier stated that they are David and Danielle Tegtmeier, 1929 Wildcat Creek Road. She said they wanted to thank Bob for presenting everything to everybody and for the rest of you who spent your evening with us. She said they appreciate your time. She said that for those of you who don't know us, we are Dave and Dani; we live on the Wildcat Creek winery property, and we made it our home about seven years ago. She said they were born and raised in Kansas. She said she met David in college and he had shared with me, one of the first things was he was only going to be here for a little while before he moved to California and move back here because he wanted to build a vineyard and a winery. She said she shortly jumped on that dream, went into marketing in hopes that they could create a team one day where he would make the wine and she would sell it. She said they are very fortunate they are able to live out that dream and share that dream with others. She said they are hoping to expand on that dream.

David Tegtmeier said it's been almost eight years, he guessed, since they stood in this room originally. He said that is when we met a lot of you for the first time. He said that since then, they had become friends with a lot of you, which they are grateful for. He said he grew up on a small rural community and like I said, that was the first time I met a lot of you. He said he was always taught that neighbors should be friends, like family, because you never know when you will need them. He said some of you have come to our aid in times of need and we could never thank you enough for those times. He said you guys met us and looked at us as two crazy kids pursuing a crazy dream that no one knew anything about...a winery. He said they made it

happen through lots of blood, sweat and tears and a lot of hard work. He said they created what they believe is an asset and a gem to our community we love. He said as times change and things evolve, our business, our livelihood we have arrived into, has to evolve also. He said with the agritourism, we have looked at lots of ways that we can grow and evolve, and these are simple ways that allow us to do that on our property. We came to this room asking for the ability to grow and build our dream eight years ago and we are asking for the ability to grow and build on that today.

Chairman Hoobler asked if there was anything else. Hoobler asked the Board if they had any questions for the applicants.

Mr. Tegmeier stated they are open ears for questions on any of it.

Chairman Hoobler said thank you.

Wienck stated that he was good (no questions).

Chairman Hoobler announced that, as per the procedure for the public hearing, we are going to go with opponents first and then proponents. She asked that comments be kept to three minutes; to please address the Board, because we are the ones that are making the decision, not the public; and that if a point has been made that you not repeat that point all over again. She said you can say that you concur with a point or whatever but refrain from rehashing the same stuff. She said that she didn't think anyone wanted to be here all night.

Mike Sheffield asked if they could have more than three minutes.

Chairman Hoobler said if there is someone who is representing a larger group of people, yes, we will give you more time than three minutes; we will give you six minutes and you will be timed.

Chairman Hoobler asked for opponents and stated again to come the podium, state your name and address and address your comments to the Board. Hoobler stated that if you are speaking for a group, tell the Board how many people so we know what to do here.

Mike Sheffield stated that he was speaking for his family and asked if that will give him six minutes.

Chairman Hoobler asked a family is two people, right?

Mr. Sheffield clarified that there are actually four of them.

Chairman Hoobler asked how about four minutes; a minute for each person then.

Mr. Sheffield said they he had about a seven-to-eight-minute speech, but I guess I can get started. He said his name is Mike Sheffield, and he lives at 1700 Wildcat Creek Road. He said they are right here (pointing at the onscreen map), that is our house, and we also have the land back here and my wife and I own the 60-acre land right here as well just south of winery. He said he would describe this as an ambitious PUD for a rural area. He said he hoped that you do take time to consider all those points. He said he would like to talk about what he thought was the most ambitious part of this PUD, the amphitheater and its intended and or unintended consequences. He said they were told there would be about six events and here now its eight to ten. He said he would like you to codify that if you could in the PUD, the number of events, what is an event, is a multi-day event. Are we going to try to have a country stampede out here?

Is there something going on all day, multiple days or is there something in the evening, Thursday night from 6:30 to 8:30. Quiet time or are we going all day events from 8 to 11 o'clock at night? He said that is a question I would like to see codified as well, if you could.

He said the traffic analysis said that there is no metrics or standard; he said he would like to come back to that later if I could. He submitted some papers to the Board and said he wished to explain what he passed out to each Board member. He said if you take 1,200 hundred cars which is what is SMH said is coming down that road, I think it is like 1,500, two people per seat. Say you use 1,200 people, 1,200 cars coming. If the average size of a car is 20 feet times 1,200 vehicles that is a line of about four and half miles of cars. When you empty out that amphitheater after an event, you are going to get 1,200 cars leaving the amphitheater and event center, you are going to have a line of cars four and half miles long. He said there is only a mile, 1.8 miles from the winery to Scenic Drive. So, you are going to have cars backed up all the way from Scenic Drive all the way up Wildcat Creek Road, up the winery drive. There is only one way in and out and that type of parking lot. It's going to take a long time. Imagine that four and half miles of cars coming out of there. At the intersection of Scenic and Wildcat Creek Road the estimation study said it is going to take 80 seconds; Level Service F worse possible; eighty seconds to turn people out of there. I think that is kind of long. Even if you take 20 seconds, which is the average time it takes me to turn from Wildcat Creek Road onto Scenic Drive. Twenty seconds per vehicle times 1,200 vehicles that's six hours. Six hours to empty that out. I don't think that is going to make people happy, sitting in the line for six hours. What about emergency traffic, local traffic, emergency vehicles and that doesn't count traffic from their event center and Prairiewood event center as well. So, what would you do to mitigate this? Well, I would say I would not approve the amphitheater. That is your best mitigation to this problem. You could do traffic control with RCPD but then you have to stop traffic north and south on Scenic. If you stop traffic going north and south on Scenic Drive directly from the south there is a roundabout just north of there. So, what you are going to do is split the traffic up on Wildcat Creek Road onto Scenic, but you are going to back up traffic north over the roundabout. Traffic is going to be stopped in the roundabout. You got Anderson coming in east and west in that roundabout, Scenic north and south, you are going to back traffic in that roundabout, (timer sounded) and you are going to create chaos through that. That is not going to work. I would also like to say one last thing. If you are going to pave the road, we heard three to five years, if you have this event traffic and then you try to pave Wildcat Creek Road, you are going to have traffic armageddon because you are going to have to close one lane on that road or close the road completely while these events are going on. I will say at least wait on the amphitheater until the road is paved. Thank you for your time.

Chairman Hoobler asked if there were any other opponents. Hoobler addressed Mrs. Sheffield and said she thought Mr. Sheffield spoke for the group.

Karen Sheffield said well he is not. She said that she is speaking for a different group; I am speaking for all of the residents those who live up and down Wildcat Creek Road who will be impacted by the traffic. I also just want to say, I would have appreciated, we worked very hard on what we have to present tonight. Not one of us probably has more than five to six minutes, but not be given more than three minutes and not be told until tonight that we have three minutes to defend something that is going to impact us for the rest of our lives is a hard pill to swallow.

But I am speaking on behalf of everyone up and down Wildcat Creek Road who will be impacted by the traffic so with that said, apparently you already know who I am.

Chairman Hoobler instructed her to please state your name and address.

My name is Karen Sheffield and I live at 1700 Wildcat Creek Road, immediately across the road from the winery. I want to start out by saying we love our neighbors; we love Dave and Dani, but we don't love everything associated with this plan and please be assured that any criticism I offer is not against them, it's against the plan. She said I am just wanting to, I am trying to, I practiced this, it's five minutes and trying to figure out how to take out two minutes and three pages within three minutes. I have two pages.

Chairman Hoobler said then you should be able to do it, okay?

Mrs. Sheffield said so I wanted to streamline it, so I wrote it. I can't endorse the ambitious PUD for a variety of reasons. Not the least of which is scope, which proposes as we heard the addition of luxury cabins, a full-service restaurant, an RV park, a new event center and an outdoor amphitheater with capacity for 3,000. All of this in an area that is unserved for sewer, streetlights, road safety, safe roadway, or even decent internet service. She said because she can't wrap her brain around everything being proposed, she said she will be focusing on three areas: traffic, noise, and safety, but primarily traffic.

Chairman Hoobler address Mrs. Sheffield that Mr. Sheffield has already addressed the traffic.

Mrs. Sheffield said she was going to address some things that are different.

Chairman Hoobler said okay.

Mrs. Sheffield stated that with regard to the traffic, I think it is a known fact that Wildcat Creek Road is an unpaved, dusty, narrow, unimproved road that parallels a winding creek bed notorious for capturing and toppling of unsuspecting drivers into the creek. Yes, the County has told us that they do plan to black top the road, but even after the road is black topped it will still be the same road, just without the dust. According to the traffic report, as my husband said, the intersection of Wildcat Creek Road and Scenic Drive will drop to a Service Level F once the proposed changes are implemented and that is the lowest level of service. Without knowing and I am glad that my husband passed out the metrics with the math because we went through this so many times and every time, we went through it, the traffic wait lines could vary at the minimum of six hours and according to the traffic study twenty-six hours. So, it should be noted that these cars exiting facilities that have only one way in and one way out and will be emptying onto a road with no side streets for a stretch of five miles from Scenic Drive to Eureka Drive.

Mrs. Sheffield said in regard to the noise, the PUD proposes an outdoor amphitheater which accommodates seating of up to 3,000. This involves amplified sound and here to for quiet residential agricultural community known for its peaceful ambiance, hardly would be called a compatible use. I would also like to point out the....PUD on page 3, under List of Permitted Uses 7.b., "Any buildings or structures in which dances or playing of music or other amplification of sound occurs must be enclosed and shall be reasonably insulated, including insulation of walls and entire ceiling, to mitigate the migration of noise to adjoining properties." However, under this same list of permitted uses, number eleven states outdoor amphitheater with approximately 3,000 seats. This seems like a contradiction there.

Mrs. Sheffield stated in regard to safety, I would be glad to see because when I saw the initial PUD, there had been no report yet made from emergency services or rural fire services. So, what I had prepared was and want to alter just a little bit, so I was glad to see they did address some of the issues onsite, but one of the things that I didn't see addressed was the issues associated with the traffic and the need to get through when potential need four point five miles of cars backed up on a road that in some places is only a lane and half. Beyond that, with regard to safety, I believe there are a number safety concerns that may be unique and this particular proposal that do need to be addressed. I only have three fourth of a page left, first of all, there is alcohol, the very foundation of the winery's business is to sell alcohol. We already mentioned the challenges associated with the road, now let's add to the road challenges the fact that most of the driver's leaving the winery have indulged in some form of alcohol over the course of the evening. This has to be taken into consideration when you think of safety. Weather. There are no storm shelters on the winery's premises. The outdoor amphitheater will be primarily operated during spring and summer months when storms are most likely to occur. Should a tornado or rain be an issue during an event, quote I say in events, because recognizing that an event could be anywhere from two hours to several days in duration. Attendees would have nowhere to take refuge and would be stuck in hours of deep traffic if they attempted to head into town. Flooding and speaking of weather one cannot ignore the fact that Wildcat Creek Road is notorious for flooding. Regardless of the pavement status of the road, flooding will continue to be an issue. (timer sounded). Imagine the potential for chaos if Wildcat Creek floods with four point five miles of cars backed up on it.

Chairman Hoobler said I am afraid I am going to have to cut you off.

Mrs. Sheffield said I have one more item on my list.

Chairman Hoobler said fine, then.

Mrs. Sheffield said that the PUD states that porta-potties will be used for human waste and sanitation needs. What metrics will be used particularly for events that lasting multiple days for maintenance and cleaning of those porta-potties. As a side, I find it interesting that only a few years ago Wildcat Creek landowner proposed the use of porta-potties for servicing human waste and sanitation in conjunction with a crowd of 200 and that neighbor was told that was not allowed. So, I just think what's noteworthy is that was also during the pre-pandemic time, when there was much less concern with regard to the impact restroom facility cleanliness on public health. It was not only a public safety issue with a crowd of 200 a few years ago in pre-pandemic world, why is now okay for a potential crowd of 3,000. So that concludes what I have to present. Thank you very much.

Chairman Hoobler asked if there were any other opponents.

Eddie Estes stated he lives at 5707 Saddle Rock Road, which is one road to the south of the exit off of Wildcat Creek Road. He said I drive the road often I concur with previous comments regards to traffic concerns, been driving the road for 17 years so I have experienced a lot of it. One other point needs to made that I'm sure you are aware of. We're talking about road improvements and the Riley County sales tax. That question didn't detail out what improvements are going to occur. That question was a little more generic than that. I know that the advertisement and lead up all the information in regard to the sales tax had example projects, the

question is not that detailed. So, my concern is there is no assurance those improvements are going occur. Those will have to be designed, bid and moved onto County Commission for final approval. I can't see the assurance at this point that those improvements you speak of are set in stone. That is a concern because we are talking about substantial need for road improvements, but I don't think anyone can give me assurance it's going to happen at this point. The other aspect is just compliance with the Riley County Comprehensive Plan. I think some things are stated in the Comp Plan is the importance of rural nature, the rural character as well as just the agricultural aspect. As we're are taking some land and we are increasing parking, we are increasing sewage lagoon, expanding sewage, you are reducing the agricultural potential for a piece of property and I feel that adding a RV aspect, adding increased parking, taking away this currently rural gravel roadway and improving that to a paved roadway, all those things give me concerns that we are moving away from rural nature of the area, which has been important to me. The reason why I have lived where I live for 17 years. So, we need to think about those, the Comp Plan states the importance of the rural nature of Riley County and the preservation of the agricultural aspect, I think again and I been to both the venues on the road and I have enjoyed them both. They seem to be very successful; my concern is just the expansion and the impacts of the expansion that is going to occur. Thank you.

Chairman Hoobler said thank you very much and asked if there were any other opponents.

David Adams, 1725 Wildcat Creek Road, stated they lived right next to the winery.

Chairman Hoobler asked Mr. Adams if he was speaking as one.

Mr. Adams said we are speaking as two people and will go the three minutes for the both of us, okay?

Chairman Hoobler said okay.

Wienck pointed out to Mr. Adams that Mrs. Sheffield said she was speaking for all you folks on Wildcat Creek Road.

Chairman Hoobler said speaking for all you folks.

Mr. Adams said that is the other folks.

Mrs. Sheffield said she was speaking in regard to traffic.

Mr. Adams said he wishes to address something entirely different.

Chairman Hoobler said she would appreciate that you not say anything about traffic.

Mr. Adams said I can't even agree with it, ok.

Chairman Hoobler said if you agree with it, that is great.

Mr. Adams said that is an agreement with us. Anyway, this is my wife Carol Adams and I am David Adams, 1725 Wildcat Cree Road, we are going to address the cabins for a little bit. They are directly north of us and there are 12 cabins listed on that PUD and there are 16 cabins on the drawing. Each cabin has about 20 x 40-foot parking area. Each cabin is to accommodate two residences. Questions we have, these are located approximately 450-foot from the north property line directly up the hill from our home. The riparian buffer shown in the plans will not provide noise attenuation when guests return to their cabins following a wedding, engaging in outside

conversations. Have you ever been outside in the country? Sound goes a long ways. What are the plans to address this noise and inconvenient interruptions? Others report that guests do not leave events but return to their cabins and would rather stand outside and drink beer and have loud music. So, and they want to have a fire pit because that is the way people treat you. Generally, disrespect the privacy of others and who will enforce the quiet hours? The cabins, there are currently no quiet hours listed for the cabins. How does this current plan address the right to privacy, peace and quiet for us? The lagoon is currently built down in the slope of the hill and located directly in front of the cabins. Should the lagoon fail, runoff onto our property and into Wildcat Creek would exist. Each cabin has 20 x 40-foot parking lot of course and sufficient for four vehicles. Where are these additional vehicles, addressed in the report that says cabins will accommodate two people? What kind of lighting will exist around the cabins to create less spillage? Who will manage the fire pit usage particularly during there is no fire burning warnings in Riley County? Everyone who lives on Wildcat Creek Road has a dream but this not our dream.

Carol Adams said what I would direct your attention to in addition to the issues about cabins on page 9 for the plat and development plan amendment. The Kansas Supreme Court decided in a different land use study that there are factors that go into decision to rezone a property appear to be more than list of concerns stated in here in this plat. Certain criteria must also be examined so I ask that you consider the questions and that you also have answers to those questions to those of us who reside on Wildcat Creek Road. Is the rezoning compatible with the character of neighborhood? The answer is no. This is a rural residential, pasture farming, grass planting woodlands, not commercially developed. (timer sounded) Residents are known to walk or ride horseback every day along road. The KSU track team runs on Wildcat Creek Road. Bicyclists enjoy the road and the residents; we walk along the road which is becoming increasingly unsafe with the current amount of increase traffic. Question two, is the rezoning compatible with the zoning and uses of properties nearby? No, you heard from Eddie Estes and the Comp Plan for Riley County. This works in contradiction to that. Number three, will removal of the current restrictions by rezoning detrimentally affect nearby property? Yes, the cabins are 450 feet from our northern line and if you look at that a 90% turn right next to the winery driveway that is a funnel and the sound from visitors and guest after 11 o'clock at night will funnel right down into our backyard and into our home and sound carries. So, there is no plan to mitigate that sound and that riparian barrier is not sufficient to attenuate the sound. Question number four, will the gain to the public health, safety and welfare by denying rezoning not be as great as the hardship imposed upon the individual landowner? The beneficiaries of this plan are of course the Tegtmeier's. The rest of us have no benefit to it. Denying the rezoning provides greater safety to those who live on Wildcat Creek Road by reducing traffic, creating more stable maintenance and safety along the gravel road and providing for the timely arrival of emergency services. I will say the traffic study in this light, everyone who has been talking about people leaving an event. Nobody has talked about 1,200 to 1,500 cars coming bumper to bumper off Scenic Drive to an event. Because you all have been to an outdoor concert, and it all doesn't go zipity right up the parking lot. There will be a line of traffic which imposes enormous emergency service issues for us.

So last but not least within the plans are two letters of support. In talking with my neighbors one of these is from the Kansas Tourism Director and one from Manhattan Convention and Visitors

Bureau. The question among our residents and the ones that are not able to be here this evening is this: why should be voices these entities be louder and stronger than those of us who live on Wildcat Creek Road and will garner no benefits and will assume all of the risks involved with this plan? Thank you for your time.

Chairman Hoobler said thank you and asked if there are any other opponents?

Leonard Katzer, 3131 Wildcat Creek Road, located right below Saddle Rock. He said in 1993 I came the university to finish my degree and fell in love with the area. Located, after many, many months, a piece of property to buy. What I bought was an old A-frame made out of timbers from a train depot in Wichita. Since then, we tore that down and eventually built a new house. We have been there for 25 years. The peace and quiet; I am nature kinda person. We feed birds, take care of other animals and things, but I hate to see what was a dream being in the country and retiring to be kind of hurt by traffic on Wildcat Creek Road. Everybody has talked about the traffic from Wildcat to Scenic. What you failed to realize is the gravel road runs south to Eureka. There is no doubt in my mind that if traffic is backed up to Scenic, they are going to make a turn and head south on that gravel road. That road now creates so much dust from so many cars it's getting kind of unrecognizable from what it was when we first came. So, consider those people who live on the south part of Wildcat Creek will be impacted by the traffic also. Thank you.

Chairman Hoobler said thank you and asked if there were any other opponents.

Hi, my name is Ryan Kegley and I live at 1403 Wildcat Creek Road, next to the Adams and just a couple of doors down from the winery.

Chairman Hoobler pointed out that Mrs. Sheffield said she was speaking for everyone else.

Madame Chairman.

Mr. Kegley said it is not even 9 o'clock.

It's your responsibility to listen to everybody. All of these people are property owners and taxpayers and it's your responsibility to listen and make a decision. That's your responsibility.

Chairman Hoobler said we know that and we take it very seriously. She asked Sir, would you like to come to the podium?

I will.

Chairman Hoobler, state your name now if you want to address me.

He will have to step back. He has the podium

Chairman Hoobler said please, please.

Mr. Kegley said sir you are welcome to come up right now. I will take my turn after you.

Madame Chairperson.

Chairperson Hoobler said yes.

Fellow commissioners, my name is Calvin Emig and I live at 3010 Prairie Star Drive. Excuse me for my outburst but I have been at several city commission meetings and Riley County

commission meetings, and I have never had a treatment like this commission that you ma'am have expressed to these people.

Chairman Hoobler said well sir, we will talk about this afterwards because I went through this very same thing a few years ago and this was the way it was. So, we will talk about it later. Sir, do you have other statement you want to make.

Mr. Emig said your position is to make an ultimate decision about this application and my opinion, this is my opinion, this is a very aggressive PUD application, and it will have very significant impact on the traffic on Scenic Drive. I would venture to say that there will be numerous, serious accidents from those people that will be attending or leaving that event because of the heavy volume of traffic on Scenic Drive and 1,200 to 1,500 cars leaving that event at a certain period of time, if that be at 11:00 pm or 6:00 pm in the evening. That in itself leaves a big burden on upon your decision tonight. That could very well could be the next big traffic area and accident area. There several of those in town and several of those in the county. That could create a very serious problem for those people. For their patrons somebody will have to take the burden of those accidents when those people get hurt. So that is your responsibility to weigh that versus approving something that in my opinion does not belong on a gravel road; a two-lane gravel road and there is no immediate plan for an asphalt overlay.

Chairman Hoobler said thank you very much.

Mr. Emig said thank you.

I am still Ryan Kegley and I still live at 1403 Wildcat Creek Road. I actually wanted to take a step back, there are a lot of comments about the amphitheater I think probably understandably. I share all my concerns about the noise, traffic so on and so forth. What I actually wanted to do is step back and look at page 3 of the details of the development plan where it list all these things that seem to be predetermined is the List of Permitted Uses, which makes it seem like an outdoor amphitheater is a rubber stamp list of permitted uses which actually is not true. It's up to you guys to decide I suppose, but number two is agritourism. Agritourism is defined as by Article 9 of the Riley County Land Development Regulations, agritourism is and this gentleman, Bob I think he read part of this I would like to come back to it. Activities conducted on and accessory to a working farm, ranch, vineyard, or other agricultural operation conducted for the enjoyment and/or education of visitors, guests, or clients to view or enjoy rural, farming, or ranching activities; and/or historic, cultural or natural attractions. The winery is obviously a winery, they have a number of vineyards, grapes grown and the activities they generally have there now I would say is supportive of that activity. I would argue that the activity that would incur or part of this expanded PUD would have very little to do with the fact that this is a working winery and the people coming there are meant to be enjoying it as such. The last thing I will say is because this revolves up on a hillside the people that are going to be in these RVs, the cabins and event center and everything else, are going to have these spectacular views while the rest of us, that is going to be our view when we are hiking other trails and lands on our own properties around there. That's currently not a small campus for neighborhood built on top of a hill on a very rural stretch of road that does not seem like my idea of rural. So, thank you.

Chairman Hoobler said thank you and asked if there were any other opponents?

I am Kail Katzenmeier.

Chairman Hoobler asked speaker to please speak into the microphone.

Kail Katzenmeier, live at 1083 Wildcat Creek Road for almost 25 years. I remember when we were the new kids. I didn't realize, like has been expressed, that we could only have three minutes and I don't have any way to condense my comments in three minutes so I am going to abandon them and just speak from what I can do best is from my heart, my spirit, and my mind. On what I want to be first clear on is nothing against Dani and Dave. We have nothing but admiration for them. In fact, we run a little business on the same road, and we commonly and frequently refer people to them. This is about what is the right decision for this Board to make, and to recommending this or not recommending that. Instead of hitting on all my points traffic and one of them is life safety, one is environmental impact concerns, one of them is noise concerns and one of them is precedence and one of them is compatible character with the neighborhood and another one is uses of the properties nearby and other one how detrimentally affect other properties and I would argue on that note that detrimental affect just to property values. There are several neighbors here that I can tell that I would not purchase their home if this is what is going on. But I also want to step back the complexity of this is so much. I was sitting here trying to empathize with each one of you as a Board. I don't know how much time you have had to study this, unfortunately we are just trying to get up to speed since Friday last week. I have been spending the weekend trying to understand it myself. There is so much in here and I will tell you there is so many inconsistencies, there is a lot of contradictions and there is a lot of holes where we are basing final binding permanent decisions predicated on assumptions. But we don't have time tonight to you know judicate that and go through all that nor would I try. I would just encourage each of you to realize that we have spent a lot of time with this. I have talked to other experts, some in this room and some outside this room who feel like a lot of what is being presented is flawed at best and that is not to point fingers or blame. It's just to say and encourage you to that there is a lot here and it really needs to time to be figured it out and pull it apart.

Mr. Katzenmeier said, amongst others that I can speak to is, number one is precedent. My wife and I, twenty years ago, moved out to the country with a dream and that dream evolved into having a rural retreat center called Prairiewood. It's a very small boutique, in fact we built no other new structures we just used what was there originally and we believe in the restoring and not building and not developing, just want to use what is there. But I can tell you there is a problem with precedence here that needs to be considered. If they get to have a second event center, and they get to have a restaurant and they get to have sixteen cabins and they get to have a 3,000 per person amphitheater, when I show up the same road with more property and request the same thing if this has been approved there is going to be a real problem denying our request with equitable precedent and I don't think anyone tonight can just in quick common sense think that four event centers belong in the same stretch that everyone else is already talking about. That two restaurants fit multiple cabins; I think everyone would have to say wait somewhere in there is a line we've crossed if this got approved as it is that line wouldn't be considered. (timer sounded)

Chairman Hoobler said time is up. I am sorry.

Can we give him our three minutes? We are at 1243 Wildcat Creek Road.

Chairman Hoobler conferred with Mr. Isaac and said okay.

Mr. Katzenmeier said thank you. He said the other piece of this that I think needs to be considered is just really very plain common sense that goes back to the traffic but even from a different perspective. We live one mile down on the road, I did figure that based on the Planning Board's own report and the traffic surveys and report that would be a Level F intersection getting out, which everyone can picture that pulling onto Scenic Drive and Wildcat Creek Road, it's a Level F, which is like a failing grade. A minute and a half you are waiting. But a minute and a half times 1,200 cars, which would be backed up past our house, backed past our business. But was also mentioned, would also mean the inflow of that on days where that was happening our little business, we wouldn't have any customers. No one would come and shop our little gallery because they would have 1,200 cars taking two or three hours to get in. That is detrimental just at face value. But more life safety is when I think about the traffic which admittedly has not been figured out. And I think about trying to turn left to get out to go somewhere or right depending on whether people are coming in or not to get into town, if I or one of my kids had an emergency or myself or my wife, pulling out into stream, there is no mitigation for what would happen with those backed up cars. It's a two-lane road without shoulders, its curvy. Until things like that are answered, which can't approve something that would put that kind of risk and burden on the community and so it quickly reaches the bar yes, the public health would be more damaged then the damage to not being able to do what they are doing now. I don't think every element of this application is wrong or bad, I think it is premature to present it as a proposal when there are so many things that need to be studied further and understood further. My last question will be this, when it says that the traffic study can't determine event and infrastructure determined safe travel before that many people whether than is 200 people or 400 or 800 people leaving an event or 3,000, my question is why not build a 5,000-seat amphitheater. Why not have 50 cabins instead of just twelve. Why not have 5,000 amphitheater instead of 3,000 and if we can't answer that question of why 3,000 is ok but 5,000 isn't based on whatever empirical evidence has been study and presented and trusted we can't approve something until those answers are available. So, my job tonight is not answering those questions but to present questions that I believe have not been answered and ask you please to be sure to get answered before this is approved. Thank you.

Chairman Hoobler said thank you and asked if there were any other opponents?

Rebecca Katzenmeier, 1083 Wildcat Creek Road, and I will be pretty quick. Kail is my husband, and we are the owners of Prairiewood and I want to reiterate that I am completely for Dave and Dani as people, as neighbors. I have been here on the other side of the coin and it's just like ten years ago and it's really a really difficult thing and I learned later what everyone was worried about at that meeting was that this beautiful neighborhood we have would be developed. Because we have a company called Capstone 3D development company, so there was some misunderstanding about what we wanted to do with this space. To be congruent with the neighborhood that we are in we have to think about impact. These ideas are fabulous, there fabulous at a state park. They are fabulous where there is infrastructure. They're fabulous when there are things that can care for the people who are there and all these things, I missed a lot of this but everything Kail just said is genuinely true. What is already happening on Wildcat Creek Road in between what we do and what they do that is enough as far as cars, there is a lot of dust that we all have to experience. Plus, just the neighbors and I can't imagine that the extent of how gigantic this is can be solved in a way that is safe and that is a huge thing for you to consider. Thank you.

Chairman Hoobler said thank you and asked if there were any other opponents; if not, are there any proponents? If not, Mr. and Mrs. Tegtmeier, do you have anything that you would like to add or clarify?

Mr. Tegtmeier said there are lots of details, I guess, which I would like to explain more. I guess I see things differently. The amphitheater, I will start with that, I guess. The amphitheater was originally an idea that came into fruition to try to do more good for our area and our community that we love and call home. When I lost my sight a few years ago and regained it I wanted to be able to give back. The original plan with this amphitheater was to be able to host events for churches for nonprofits, also events for us to make it viable, but the real goal was to do more good with our facility with what we have created out there, to show people what the Flint Hills look like, what Kansas looks like. It's the best thing that has amazed us over the years is when people come out from the cities or live in Manhattan, and they come out to our place and they look over the Flint Hills and they say we didn't know Kansas looked like this. This is beautiful. That makes it worth it. That people can come out, sit on our patio and enjoy what we have created from the land and look at the views that they didn't know were here in Kansas.

Mr. Tegtmeier said agritourism, by definition, is getting people to understand agriculture better. Getting people to come out and drink wine is one aspect of that. You can only get so many people to go on vineyard tours and try to educate them on vines. An amphitheater allows people to go and enjoy somebody that they enjoy music from or go to an event and see where we will design the theater to see that view. You will be able to enjoy that setting. That builds a connection with people and the land and agriculture at the same time. That is what is needed for agritourism, that is what the state wants for agritourism. That is what is needed for agritourism to help protect agriculture in this state. I grew up in a farming family. I am a seventh generation Kansan on my family farm. I understand that farming seems to be dying in Kansas because people don't understand what it is anymore. They are detached from it. They are detached from agriculture. And the Flint Hills are no different. People drive through and might see what is on I-70, but they don't and look around and actually experience and enjoy it. They do that at our place, and this allows for a draw of more people to those events. To actually have an experience that change how they view the Flint Hills, view Kansas and view agriculture.

The cabins, the location was to keep them away from Fort Riley. There are not many locations that we could do with that. We are designing those cabins. They are not the cabins down at the lake that anybody goes to party. We are designing this small quantity of luxury cabins. The goals with those is to actually market to people in the larger cities, Kansas City and Wichita, as a couples retreat to get away and experience something that they didn't even know was here. There is a major push for vacations in Kansas and the Flint Hills has just that. There are not enough places to go do that. You can go stay in a hotel but that is just another hotel. When you wake up in a little cabin with a view when the sun comes up and have your coffee, that is different. We want to be able to provide that and provide that experience for people.

The event center, it's a needed thing for the area. We have so many weddings that we have to turn away those that are smaller sizes. So many corporate and smaller groups that one is on the long-term plan. The RVs, the idea behind that was to allow people passing through on I-70 to actually stop and come in and enjoy the area. There is a major following around the country. The Harvest Hosts, are mainly retirees that travel the country going and staying at wineries and they

use this to go around to wineries and basically have experiences around the country. That was the goal with the RVs. We are not trying to have people come out and get crazy in RVs. That is not the goal this is people that are coming through as a destination and come experience and see what we have built. In Kansas, the last place people thought they would find a winery with a view like that. I know this is a lot to swallow and it's not all planned to be done at once and it's all things that truly are needed additions to the area and to our facilities, to do what we need to do.

Mr. Tegtmeier stated the amphitheater, with the traffic, the 3,000-seats seems like a big number but that's the allowable capacity. Most events won't be that big. I guess we would hope for big events but that is not the case. We are not going to have events all the time because mother nature limits how many events we can have on our own. There are so many things going on during the summer that you can't have an event all the time. The traffic coming and going on the roadways, that number if you add up the rough number of guests that we have on a single weekend and for weddings and our tasting room, it's near that number already for people at our facilities. So, the current traffic would not be much different. The event traffic would just be at a larger influx and a larger leaving which I believe could be elevated with proper traffic mediation measures with possibly Riley County Police Department. There are lots of things can be implemented all these problems that have been brought up. Is there any more questions for me, I guess that I might be able to answer or am I allowed to do that? I don't want to waste any more time tonight.

Chairman Hoobler asked the Board if they have any questions of David?

Chairman Hoobler said the traffic seems to be a big concern to everyone and asked is there any thought to having two roads in and out of the facility? Is there an option for that a second road somewhere? I know it all goes onto either Eureka or on Wildcat going around, but just the fact of having two roads coming out and two roads going in.

Tegtmeier said that would help solve the traffic problem on our property, I guess, but it will still end up on Wildcat Creek Road.

Chairman Hoobler agreed it's still going to be on those two roads yes.

Tegtmeier said I think the elevation issue that most people are bringing up is the intersection of Wildcat and Scenic Drive.

Chairman Hoobler agreed.

Tegtmeier said there would need to be some traffic measures taken there.

Chairman Hoobler agreed.

Chairman Hoobler said I think the report alluded to that it would have to do, at least.

Tegtmeier said I would agree that there does need to be now. He said it's tough to get onto that roadway if during rush hour traffic and stuff during the day.

Chairman Hoobler said okay.

Tegtmeier said but that is a problem that is already there, so.

Chairman Hoobler said okay.

Tegtmeier said that during our events we would have to have, we don't want our patrons waiting. I am not sure what the estimations, they seemed quite high, but four hours is not acceptable so we would have to do something towards where people would not be waiting for hours to move them out. We are not in New York City here. We shouldn't do that, so.

Larson said your timeline for the amphitheater was like twenty-five, 2025.

Tegtmeier said I would like to start construction of the amphitheater this year if possible. I was hopeful to have the first event this year, but this is not realistic. Mainly, we would get it built then get a lot of it in grass. I call it an "earthen amphitheater". This isn't the big concrete, seats like the K-State stadium. This will be from limestone blocks, quarried nearby and then grass terraces, in tiered terraces. It will look natural to the environment.

Larson stated that the concern I have is the dust issue. I mean, that is a lot of cars backed to backed and backed stirring up dust. Until that road would be paved, I would have a serious issue with it.

Tegtmeier agreed.

Chairman Hoobler said they said that now that the county put the chemicals on the road, does that help with the dust issue?

Tegtmeier said that it does.

Tegtmeier said it does considerably because if you drive to my house past the winery, there is a big difference between where the "mag-chloride" is on the road and where it is not. Our house is very, very dusty. Our screens our constantly dirty, there is dust everywhere at our house because our house does not get the magnesium chloride treatment. There is some dust, yes that depends on the humidity in the air, but it is in effective measure. Currently, it is used to decrease dust, but it does not eliminate all the dust.

Chairman Hoobler agreed.

Tegtmeier said magnesium chloride acts by gathering moisture out of the air. So, it depends on the humidity how effective it is on a really, really dry day, it's not as effective. Paving would be the ultimate solution, from widening the road with everything. Along the creek side, putting up guard rails and all that kind of stuff would be the ultimate.

Wienck said, I wrote down a couple of questions or a question, I guess. Storm shelters, somebody brought up storm shelters. I am sure this has probably come to your mind occasionally. What are you planning? Would you plan if this would be put into effect, would you plan to have some type of storm shelters for your customers.

Tegtmeier said yes. So, I do have a storm shelter. It would actually be close to the second event center location that people could use. That we could turn into a fully usable storm shelter. Currently at our event center, our building is a very strong steel frame structure. The company that designed it said it is guaranteed rated for I think 150 mph winds. I know a tornado can be more than that of course. Our building is also designed with a larger footprint building so the interior space has a very strong main fire wall, double-sided fire wall which is where the restrooms are and the catering kitchen. So that acts as our storm shelter since it is in the interior part of the building, and it is the strongest supporting wall. Structurally of the entire space. For

the event center side of our tasting room, that is what we have always used. For the amphitheater, by nature the amphitheater itself will be in one of the lowest lying areas. The stage will actually be at the bottom of a very deep draw. Way down below there will be hillsides. The winery is actually I think 85- or 90-foot elevation higher than the actual stage will be. So, it is down there quite a ways. It's backed by a complete cedar tree covered hillside with 80 to 100-foot tall 75-year-old cedar trees that are in that draw that will act as a sound buffer. Then goes up to another steep hillside on the other side. That in itself helps provide a natural bowl. I know it's not a complete storm shelter but if there ever was event that everybody would get down to the stage area which is the lowest point. I know tornados don't always do that, but in general, tornados tend to because they actually don't have the capacity to drop down that quickly they tend to skip over high points and not actually ride down into a point that's that dramatic of a change so it would offer some protection.

Tegtmeier, when we actually build full permanent stage down the road, I did not say I wanted to do that right away because I don't know what would be needed as far as sound structure wise. I want to actually host some events see what is needed first before we build a permanent stage. I don't want to do it wrong. In doing that that plan was actually to build an area underneath the stage that would have both what they call a green room for the people to get ready and potentially restrooms down there as well. So that would act as a storm shelter then.

Wienck said, so the comment was made earlier on the amphitheater and you kind of eluded to but that somebody made a comment that several days of concerts and loud music and stuff and you eluded to a little bit ago that it was a more lower keyed, you know, type of concerts and stuff that you would have, correct?

Tegtmeier said affirmed and stated we are not going to be having AC/DC or anything out there. That is not the style we are looking at. It is not a big enough venue. The size was really needed that sound one asked about the size and why did we decide on that size. That was what was told to me as a big enough size to where we can actually attract people from afar because we are able to get people that are big enough to pull from afar verse little local bands. With that size, it's also that size that is limited by that bowl. We can't, it's not big enough. To design it the way I want to as an earthen terraced with grass. A comfortable amphitheater, it couldn't be any larger in which there is no need. If we wanted actually to have a big amphitheater like the ones in Kansas City those are 20- and 30,000 people at those. Red Rocks out in Boulder is 10,000. So, we are quite small in comparison to those but its big enough it allows us to actually get people, big enough acts that people would come from afar to come to it, which was the main goal.

Larson asked, were you looking at multiple-day events or just single day events?

Tegtmeier said, single day events. The only multiple-day events would probably be tropical in nature. We also want to use this to give back, so church events we would let use it. That would be donations from other area businesses could help host those events. What really started it, I think I began to say this earlier and got sidetracked. We work a lot with Envision Group out of Wichita which is a company that's one of the largest in the country that helps the visually impaired and blind find jobs, find purpose in the world. We would do a lot of events directly for them and the goal with it, my dream with it was to host an annual event that may be multiple days to where we could have it be free to anybody visually impaired in the country. I know that is very wishful thing to imagine. We would have to have a lot of help to make it actually a

reality, but that was the initial thought that made me want to create this. How neat would that be to be able to give back to all the people in the world aren't as blessed as I am to get sight back. In a way that they can come together and enjoy music. I have always loved music but when I lost my sight, music became my world. And to give them that opportunity to meet other people at an event like that from across the country, that is what I really want to do. That would be a multi-day event and similar ones like that. As far as concerts, we are not going to have country stampede; it's not a large enough of event or large enough space or anything like that. We don't have enough flat ground. Our flat ground will be the parking lot so we can't have big, all the stuff that goes along with the stampede. We are on the hillside.

Wienck said, one other thing that was brought up and I want to clarify it before it gets out there. There were several times this evening and it's been talked about like 1,200 vehicles per event out there in your parking lot only has 500 stalls. So, is that false information that there is going to be 1,200 cars there at a time or is that just 500 new parking spots?

Tegtmeier said, I think that was additional to our existing.

Wienck asked, so what is your existing parking lot?

Tegtmeier said, you can probably see it on the PUD.

Wienck said, oh ok it says ok, but it doesn't give an actual.

Tegtmeier said, it's about the size of what would be of your 500.

Wienck, so you could be at 1,000 cars? Okay.

Tegtmeier said, yes and we can make it larger than 500. We obviously want to have enough spaces.

Wienck said, okay.

Tegtmeier said, that is not a problem.

Wienck said, I just wanted to clarify it.

Tegtmeier said, our parking lot is so large now because it was, we didn't have organized parking previously and so we made it larger so that people find enough space, so it wasn't a very well used space in the parking lot before.

Wienck said, so you are, I am going back thinking about the drainage and stuff. Those parking lots are all gravel, the new one, would it be gravel as well or are you planning on putting in concrete slabs up there for all these vehicles?

Tegtmeier said, no it would be gravel or grass.

Wienck said, okay.

Tegtmeier said, that was the plan because, again, we use it generally for a few events a year. As long as the grass, mowed grass would hold up in that area, we would maintain it that way as soon as it didn't, we would put it to gravel.

Wienck said, but you have no plans in putting concrete up there for cars.

Tegtmeier said, no.

Wienck said, ok, alright.

Chairman Hoobler asked, do you have plans of paving your driveway going up or will it stay gravel?

Tegtmeier said, once the road is paved, we would look into that.

Chairman Hoobler asked if anyone else had any questions.

Rita Cassida asked, how many events a year are you going to have? Seems like people were mentioning a discrepancy in the number of events.

Tegtmeier said, we gave a rough estimate I guess to the county of what we thought realistically we would have. We are really not sure, and I guess describe an event, because some of our weddings may want to use this space for their wedding. We may have some churches that are hundred people that want to have a small event there and then we will have music events. We will have other fundraiser events which is why, I guess, what is an event? Smaller use of it on certain days as far as actual music events, we are planning on that around eight to ten or something and that is realistically all I think we will be able to manage. There is only so many days during the good time of the year here in Kansas when you can do it those kinds of events so.

Larson asked, you have been hosting events there now, weddings and so forth?

Tegtmeier said, yes.

Larson asked, has that caused any major traffic issues?

Tegtmeier said, no and nope. If we get on our busy weekends a few added up over the course of weekend. Our traffic over the weekend would be between I think 1,500 and 1,800 people potentially to our location.

Chairman Hoobler asked, how many vehicles is that?

Tegtmeier said, it will be spread over multiple days.

Chairman Hoobler asked, but still, how many people, how many vehicles.

Tegtmeier said, I don't know how many people you add to a vehicle. I don't what the number is. They fit in our parking lot, so.

Chairman Hoobler said, okay. Well, I was going to say you know if they tend to come in fours instead of two.

Tegtmeier said, you never know.

Chairman Hoobler said, don't know for sure.

Tegtmeier said, I would say probably on an average, I would say two or three people per vehicle on average would be the estimate.

Chairman Hoobler said, I know there are some discrepancies between the report and the drawings stuff which is not anyone's fault in the planning offices or our part and stuff, but are there 16 cabins or are there 12 cabins?

Tegtmeier said, 12, that was just a mistake on the drawing.

Chairman Hoobler said, okay.

Tegtmeier said, I think that is supposed to be corrected, but it just wasn't done in time on this mylar.

Chairman Hoobler said, right. So, I just wanted to clarify that.

Cassida asked if she could ask a question of Bob.

Chairman Hoobler affirmed.

Cassida, I am not sure my answer would be within the realm of the Planning Commission purview to limit the number of events in the amphitheater for a year. Is that even done? I am new to the Commission so I am going to ask some questions that may or may not be um. I know like with specialty permits, sometimes you can do that, but is it just not part of the PUD.

Isaac responded, typically we don't get into that unless we can provide reasons why that would need to happen. Look through the list, is it traffic. Is one event, as far as life safety if it can be proven something like that is a problem as far as life safety, one, eight, ten are they all a problem. If traffic can be managed back onto the site and two different directions on Wildcat Creek Road and if necessary, we have law enforcement helping out disbursing traffic, they can control that at certain times of the evening and if that can happen successfully and safely then again what are we using to say no to. The noise, if the noise can be managed as they are proposing, it's no different then what it is now. I am not sure if you want to go into, it's more or less my opinion, if it comes down to a business decision. What hours of operation would we force a business to have based on what?

Chairman Hoobler said, I was going to say they haven't asked for the sound decibels to be raised.

Isaac also mentioned the PUD has quiet hours in addition to the decibel standard.

Chairman Hoobler asked, then they have quiet hours?

Isaac said, allow me to clarify that one. The quiet hours apply to the entire site not just to the winery. I believe there is another one in there that looks like an inconsistency or contradiction, but a originally when this was brought before the Board in 2014, the focus was on the events occurring inside the building, so there was suggestions that there should be some sort of insulation and noise mitigation construction methods in the building or any building. It was constructed to have an amplified sound in it. So yes, that occurred. If you notice though, it says "indoor or outdoor" so, regardless of how the noise is generated whether it's indoors or outdoors, the standard is still the same, it's 65 dBA at the property line. Any property line. That has to be maintained. Of course, yes, there's always, "well, what if it isn't maintained?" When it comes down to anything dealing with zoning, if there is a violation, there's a violation. We go through the zoning enforcement and violation process with the applicant; as we would with anyone. Not sure if that helps.

Cassida said, no that answers it. My next question might be for you too. I don't know. Where I came from in the past, when a county has a sales tax for a certain road, that project is approved up front before the voters vote on it. Is that true?

Isaac stated the project has already been approved.

Cassida asked, so it definitely will?

Isaac said, yes, it is definite. It's not an if, but when.

Cassida asked, and the geometric improvement design that might make is safer? Not designed but stated.

Isaac stated, they are not going to take out every single curve, but they are going to try and flatten out some of the sharper and the blind curves, that kind of thing, and make it a little bit safer and that is all part of the project. Ask any engineer that designs these, they don't want to put something out there that is not safe and spend that kind of money only to be not really an improvement at all. So, the pavement again is going to go to a certain point and stop. I want to back track to as far as the dust control treatment. It is the policy of the County that if it is found the current dust control method or I should say schedule is not working because of additional traffic, then there is more application dates that are put into place there. It's just not once or twice a year and that is it, no matter what. If there is an increase in traffic, if it would be Prairiewood or a convenient route to get down to Eureka from that or whatever which way, it is a public road and people have the right to use it as such and with that, if it was found that another application of "mag-chloride" would be necessary, that would happen. And they have to time that out because the application certain times of the year and certain situations can create problems. But that's also something public works has shared with us, something they would take care of as part of their responsibility of taking care of the road.

Cassida said, okay.

Chairman Hoobler asked Mr. Tegtmeier, I know Prairiewood is a church and at times their activities probably are different than what would be at the winery, but has there ever been traffic problems with the amount of people that would have there versus what is going on at your facility. I mean problems on the road with traffic.

Tegtmeier said, no I believe there has never been any problems when the weddings let out or whenever we have events at the event center that are not weddings also indoors and I never, we never, had traffic problems because of that and those will be 300 people plus and the weddings as well.

Chairman Hoobler said, okay.

Tegtmeier said, not leaving all at once and that our parking lot will be full so 400 to 500 cars potentially.

Chairman Hoobler asked how long does it take those 400 to 500 cars to get out.

Tegtmeier said, to leave our place, as quick as they want.

Chairman Hoobler said, I know, but have you ever said, "oh, they're still sitting there." There are 300 cars still in the parking lot that are just waiting to get out. Does it seem to be a long time for traffic getting out?

Tegtmeier said, yes and well, it depends. Events like comedy night things like that, I think people leave sooner and will clear out in 20 minutes or so and there hasn't been problems with that. Weddings I would think is more gradual release of people just by the nature of the events.

Chairman Hoobler said, okay and asked if there were any other questions for Mr. Tegtmeier.

Chairman Hoobler thanked Mr. Tegtmeier.

Tegtmeier said, thank you all for your time tonight.

Larson said, you bet, thank you.

Chairman Hoobler, ok at this time I would entertain a motion that we close the public hearing.

Joe Gelroth moved to close the public hearing.

Wienck seconded. Carried 5-0.

Chairman Hoobler, we are going into our deliberative mode.

Wienck asked can I start out?

Chairman Hoobler affirmed.

Wienck, it was brought up tonight, I have been on this Board for ten years that was the night that the Katzenmeier's came and wanted to make an event center out of Prairiewood. We were here until 1:30 am in the morning and I don't plan on being here that late tonight because I got a big day tomorrow. But ten years ago, my biggest beef with the whole thing of having an event center out there was the road and then all of a sudden, oh the County is going to take this road over from the township and they are going to take care of it. Well, the road is still the same road that it was then. I drove out on that road on occasion, and I drove from Scenic, and I drove it from Eureka. I will still say the road hasn't changed. Until the County makes a vast improvement with the east, I am going to say the east portion out to Scenic, it's still going to be the same road. So, traffic is always going to be a problem. I live on a county gravel road in the north end of the county. I know when there are certain things going on. I have dust that comes in and gets in my house too.

As it's been mentioned tonight, that it is a rural community and the people like that setting and I would have to agree with them. Is this the best thing for the community? I don't know, but as it was mentioned tonight by Mr. Katzenmeier, if we approve this, if he wants to do something down the road, then you know we are at the mercy of have to do something then. There is a lot of reading here and I didn't get over it twice. To just go back and completely reread it but there are segments of this plan I like, there is some of it that I am on the fence about and then there are some that I am dead set against. I am ok with the doing the approval for the houses because that is a separate situation this evening. As far as what happens up on top of the hill, the only thing I really liked the best was the, even though I have never been there for an event, seeing a restaurant type deal. I mean that wouldn't be different than Colbert Hills Golf Course, having a restaurant out there. I guess I would have a hard time with, you know, being a neighbor out there. I would probably be screaming and hollering too. That is kind of where I am standing with my thoughts for the evening. They need places to live personally and the rest of the stuff on top of the hill, the restaurant inside the winery I can see that. I have no problem with that part of it.

There is always going to be that traffic deal is going to be the big issue and I don't like it. Never have.

Chairman Hoobler said that is why we didn't approve Prairiewood because of the traffic.

Wienck said then they become a church. You know so they got around some place, loopholes but anyhow that is beside the point. I will shut up and move on down the line.

Chairman Hoobler asked if there was anyone else.

Gelroth said, I have to agree with John. I think the road is the big issue and the main issue with the road is the amphitheater. I don't see the cabins or the RV parking or the smaller event center as having big events; it's the amphitheater. It's just that if you pull in 3,000 people, 1,200 cars on that small road, gravel road to accommodate that amount of traffic that could be on it I don't know how many times a year, but we can't put a limit on that I have a problem with the amphitheater. The rest of it I am not seeing any problems. I had a couple of questions that will be solved, I am not sure how you are going to do this emergency management control of the wildfires with all the trees and how that is going to happen.

Wienck said not this year.

Gelroth said, I have been doing it for almost 40 years now. The amphitheater is the problem I have.

Chairman Hoobler said, okay.

Larson said, I kind of agree. 12 cabins, probably looking at 12 cars. He has weddings out there before, 400 cars and probably would not all leave at once, probably not a problem. It's the amphitheater. If you have 1,200 cars leaving all at once, that is going to be a problem on that road. I would like to see them wait until Wildcat Creek Road is asphalted and even then, getting them out of there might be difficult.

Chairman Hoobler said that (the amphitheater) was the thing they wanted to do first.

Larson said, that is what they wanted to do first but that, to me, until the road is black topped, I wouldn't want to live there with 1,200 cars going by one after another just bringing dust.

Wienck said, I wouldn't want to live there, period, with 1,200 cars going by.

Larson said, at least when it is asphalted there wouldn't be any dust.

Wienck said, I still wouldn't.

Larson said, personally I like the idea of it all. I would love to see this in our area, in our community. It gives people a reason to come here.

Chairman Hoobler said, and that is what we need. I mean we need this.

Larson said, I think it is a wonderful idea, it's the traffic and the dust and getting out on Scenic Drive. To me that is a concern whether that is ours to deal with I don't know.

Cassida said, I would really love to come to a concert out there and I know other areas where the county rules wouldn't even let you think about without having a paved road. So that is concerning it's not paved, and the geometric improvements would make it safer. I think if Scenic

Drive, I don't know how many of have been to Bill Snyder Stadium when you really wanted to go right but have to go left and you had to drive around town to go home? I mean you could shove everybody on Scenic Drive and make them go right and get on Fort Riley Boulevard and find their way home. I mean, I don't think that bothers me as much as getting out on Scenic Drive because I have had to take the long way home many times because I have gone out the wrong entrance. But I think that not having the road paved and not knowing, I mean you are saying eight to ten events a year, but it could be 365 events, probably not but there really is not a limit on that; which the neighbors would probably appreciate knowing if it's eight events or eighty events.

I know I came from Lindsborg, Kansas and there was a big three-day event down at the camp valley and the people basically paid for all the neighbors to go away during the event, in theory. They rented out their houses for Airbnb and here is how much you get if you would like to go away and they all decided they wanted to go on vacation, but you can't do that all through out the year. And I don't think you are going to have that kind of venue; not really your vibe that you are going with, so but, um yeah, the traffic is the main thing.

Chairman Hoobler said, yeah, I was going to say that the traffic; it was the thing ten years ago and it still hasn't changed any.

Cassida said, I don't think there isn't any business plan that a 1,500-seat amphitheater would sell or any other choices that might be less cars. I don't know what the payback is on your amphitheater.

Chairman Hoobler said, Mr. Isaac, I was going to say and the Tegtmeier's, I don't know, maybe work with them and would you consider postponing the amphitheater? I mean I know that you wanted to do it this year, but would you consider doing it on down the road, to give it a chance to for that road to get paved.

Tegtmeier said, yes.

Chairman Hoobler asked, yes?

Tegtmeier said, yes we would. I believe the road being paved would be a benefit to it. I know having the amphitheater would necessitate the road being paved also and one of you mentioned people turning right at Scenic Drive, I don't how it would work but Riley County Police Department do it for K-State and other major events, helping to direct traffic is something that could be looked at eventually for our few, larger events.

Chairman Hoobler said, I would think that they would be jumping at something like that to avoid people having accidents.

Tegtmeier said, we want everybody to safe as well.

Cassida asked, do they charge for that?

Tegtmeier said, yes.

Chairman Hoobler asked, so Bob, would it be best to for us to table this and come back and visit it or what?

Isaac said, you definitely have options. From what I am hearing, is everyone on the Board, and correct me if I am wrong, okay with everything being is presented except for the amphitheater.

Wienck said I didn't say that.

Chairman Hoobler agreed with Wienck.

Wienck said, I said the restaurant.

Chairman Hoobler said, he said the restaurant.

Wienck said, I said the restaurant, so.

Isaac said, okay.

Chairman Hoobler asked Wienck, what was the thing you didn't want beside the amphitheater? Was there something else?

Wienck, well I mean. I guess the cottages are only 12 vehicles, I guess, but there was some mention, so do the cabins, to clarify, so the cabins would have the same time, the noise as the rest of the venue, is that correct?

Isaac asked quiet hours?

Wienck confirmed.

Isaac said absolutely.

Wienck said, okay.

Chairman Hoobler asked so, is the rest of the Board okay with that part.

Larson said yes.

Isaac said, the question at that point is if you're okay with it, John.

Wienck said, I am.

Isaac said, I am asking are you good with the amendments other than the amphitheater. You are good with the rest of it, being the restaurant, the 12 cabins not 16, the 12 pads for the RV parking separated out from rest of the parking lot and of course, the small event center.

Wienck said, I am on the fence on that. I could go either way.

Isaac said, what I am getting at is this, the Board can do one or two things.

Wienck said, we can vote how we want to vote when we get to that point so I guess you guys do make an amendment to it and we will see how the cards fall.

Chairman Hoobler said either you like it, or you don't like it.

Isaac reminded the Board that they are making a recommendation to the Board of County Commissioners. This is not being rezoned, understand that.

Wienck said, right.

Isaac said, this is simply amending the development plan to the existing zoning district.

Wienck said, because we have two deals on the table.

Isaac said, yes that.

Wienck said, the houses and then the agritourism part.

Isaac said, so you can also recommend, I think that someone alluded to postponing the amphitheater through discussion with the applicant; postponing the event or, not the event, but the amphitheater to a date certain that is tied to the paving of Wildcat Creek Road. That is something to consider. So, it at least elevates it. John Ellermann, the County Engineer, I believe was supposed to be here tonight and I think he simply forgot, but he would have been able to address whether there have been improvements made already to Wildcat Creek Road from a township road to at least an unimproved county road. He probably would argue there have been substantial improvements made. So again, it goes back to the Board and their decision as whether to postpone it (the amphitheater until road is paved) or recommend that the other things are approved and everything is approved except for the amphitheater. So, really, it is up to you guys.

Cassida said, I have one more question. Do you anticipate you would have large event and small event going at the same time?

Tegtmeier said, no. The large events were actually planned to be more on Thursday nights during the week, and they would conclude either right around sunset or shortly after. These would not be into the night country stampede events.

Chairman Hoobler said, I would just like to say I really appreciate what you folks have done with that ugly hill out there. I remember how the cedars were growing all over and just full of rocks that. I mean Kansas used to be a wine state and it's going to take people like you to wake everybody up and let them know how good of a state it is for growing wine and stuff. I mean I have been out there a few times. I don't drink wine, I am sorry, but it is just amazing what you have done out there.

Tegtmeier said thank you.

Wienck said taking a rock hill and putting grapes on it.

Tegtmeier said it wasn't easy.

Chairman Hoobler said, I mean it's a good impression of agriculture and I appreciate that.

Tegtmeier said thank you.

Isaac asked if there were any more questions for him.

Chairman Hoobler asked, anybody?

Gelroth said, I would like to have a discussion on how we would move forward a recommendation to limit the amphitheater until after the road was paved.

Chairman Hoobler said, how we would.

Wienck said, I would say we make an amendment to the recommendation.

Chairman Hoobler said, yes.

Wienck said, stating that the amphitheater would not be built until.

Chairman Hoobler said would not consider until.

Wienck said, yeah, be considered until the road was asphalted. I guess I was thinking about that amendment.

Gelroth suggested to have them come back before the Board at that time for the amphitheater.

Chairman Hoobler asked, they would have to come back at that time?

Cassida said, postpone it until a certain date and then all of the sudden it is approved after the road is done. That is what I thought I heard.

Chairman Hoobler said, it would not come back.

Isaac clarified that the amphitheater would not be operational until the road is paved.

Chairman Hoobler said, okay.

Gelroth asked, could it be written such that that portion of the PUD be removed and then they would have to come back.

Cassida said, yes.

Gelroth asked, in five years or so?

Cassida said, that is an option.

Gelroth said, to put the amphitheater in.

Cassida said, I think that is "Option B" as a specific amendment.

Wienck said, proposed amendment.

Cassida said, yeah that is your "Option B" then they would have to come back and do the amphitheater.

Wienck said, yeah, that is where we would list the specific amendments.

Chairman Hoobler asked, the specific amendments?

Wienck said, yes there you go. I guess I didn't look at that.

Cassida said, we could say all amendments except the amphitheater because that would be shorter.

Wienck said, yeah you could do that.

Cassida said, I am for shorter.

Wienck said, yeah ok. You go for it then Rita.

Cassida asked, shall I make a motion?

Chairman Hoobler said I am ready to do whatever you all want to do.

Cassida said, I will give it shot.

Cassida moved to forward a recommendation to the Board of County Commissioners of Riley County to approve all proposed amendments to the Preliminary and Final Development Plan except for the amphitheater.

Chairman Hoobler said, can I stop you right there? You said preliminary.

Cassida said, and final.

Chairman Hoobler said, and final? Okay. I didn't catch the word "final" in there.

Cassida said, except for the amphitheater amendment associated with the existing Agri-Business Planned Unit Development.

Chairman Hoobler asked, do I hear a second.

Larson said, I will second.

Chairman Hoobler said it has been moved and seconded that we forward a recommendation of approval to the Board of County Commissioners all the proposed amendments, except the amphitheater, to the Preliminary and Final Development Plans associated with the existing Agri-Business Planned Unit Development.

Gelroth asked, we are actually removing that from the motion?

Chairman Hoobler said we are removing it.

Gelroth asked, so we are not putting "until the road is paved". Not giving a date on it.

Chairman Hoobler said, which well.

Gelroth said, the reason I ask is.

Chairman Hoobler asked, what is the amendment?

Wienck said, you are amending the amphitheater.

Cassida said, amending all the PUD requirements.

Chairman Hoobler said, right, I know, but what we are doing is removing that.

Cassida said, um hmm.

Chairman Hoobler said, from there.

Cassida said, right, totally and they would have to come back unless someone else wants to make a motion.

Chairman Hoobler said, okay.

Cassida said pave the road and automatically let it happen.

Gelroth said, the reason I ask is because I live on McDowell Creek Road and that road was supposed to be improved and they had the money to do it and they pulled it down. I'd hate to see that happen on this particular road, from Wildcat Creek Road and so that is why take it out totally.

Chairman Hoobler confirmed that language has been taken out totally.

Gelroth said, I wasn't understanding what was happening.

Chairman Hoobler said, okay.

Gelroth said, at some point, it will have to come back to put the amphitheater in.

Chairman Hoobler said, back in and I know that is what they were trying to avoid having to do was to come back again. We want to try and make things work though to. It has been moved and seconded. All in favor say I.

Larson, Gelroth, Cassida and Chairman Hoobler voted in favor. Wienck voted against.

Motion carried 4-1.

Chairman Hoobler asked Mr. Isaac if there is anything else, the final plat.

Gelroth moved to approve the Final Plat of Tegtmeier Addition Unit Three, a replat of Tegtmeier Addition Unit Two, as it has been determined that it meets the requirements of the Riley County Land Development Regulations.

Wienck seconded.

Carried 5-0.

Isaac announced that the Board of County Commissioners would hear the request on May 26, 2022, at 10:20 am, in the County Commission Chambers.

Final Report/Memo – Annual Comprehensive Plan review process

Isaac said of the things we have had so far, we haven't really developed the annual comprehensive plan review. The memo that would go to the Board of County Commissioners the Planning Board has reviewed the comprehensive plan has not been prepared. He said it is going to be bit more of a review memo this time around because we want to include discussions with the Board regarding the future update to the Plan, when we are embarking on the potential update here pretty soon. He said he would prepare the memo for the June meeting.

Comprehensive Plan Update presentation

Amanda Webb stated that zoning regulations were adopted in 1951 for the area surrounding the City of Manhattan. County-wide zoning and subdivision regulations were adopted in 1974. The County's first official "Comprehensive Plan" was adopted in 1987. Vision 2025, the County's current comprehensive plan, was adopted in October 2009.

She explained that current plan is 13 years old. She said staff will work on a public participation plan, involve stakeholders, create an outline for the update and hopefully obtain consultant assistance (2023-2024).

Wienck moved to adjourn. Gelroth seconded. Carried 5-0.

The meeting was adjourned at 10:33 P.M.