

**BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
BUSINESS MEETING
SEPTEMBER 14, 2016
6:00 P.M.**

Mr. Whitton called the meeting to order at 6:00 P.M.

BOARD MEMBERS PRESENT:

Mr. George Whitton, Chairman
Mrs. Sherry Hempfling
Mr. Bradley Shipe
Mr. Richard Miller
Mr. Chris Vaught

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

APPROVAL OF MINUTES

Mr. Whitton stated the Board members received copies of the minutes of the Boone County Board of Adjustment meeting of July 13, 2016. He asked if there were any comments or corrections? There being no changes, Mr. Shipe moved that they be approved as written and Mrs. Hempfling seconded the motion. Mr. Miller said he would abstain because he was not present at the last meeting. Mr. Whitton called for the vote and it carried with Mr. Miller abstaining.

ACTION ON REVIEWS

- 1. Request of Linda M. Blaker for a Variance to reduce the 275 foot driveway spacing requirements on North Bend Road to allow another buildable lot in a Rural Suburban Estates (RSE) zoning district. The proposed 1.5 acre lot is currently part of 11.25 acre tract located at 1493 North Bend Road, Boone County, Kentucky.**

Staff Member, Todd K. Morgan, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Miller asked how big the road shoulders were in that area? Mr. Morgan reviewed the PowerPoint slide and estimated about 4' wide. Mr. Miller said the slide shows that KY 237 has two traffic lanes, a center turn lane, and two 4 foot shoulders. He has indicated that it is a pretty straight stretch with good sight distance. Mr. Morgan agreed.

Mr. Whitton asked about the email from Matt Bogen. Mr. Morgan said Mr. Bogen works for Kentucky Transportation Cabinet and any curb cut on KY 237 must go through their approval process (Encroachment Permit). The email indicates that they consider to subject curb cut to be grandfathered and they have no issue with it.

Mr. Whitton asked who would like to speak on behalf of the applicant? Mrs. Linda Blaker said she was present. She offered to answer questions.

Mr. Whitton asked if the anybody else in the audience wanted to speak regarding the proposal? There was no response.

Mr. Whitton asked for a motion. Mr. Miller made a motion to approve the request as submitted and Mrs. Hempfling seconded the motion.

Mr. Whitton called for a vote. The motion carried 5-0.

2. Request of Jon Marley for a Conditional Use Permit to allow the retail sales of used motor vehicles in an Industrial One (I-1) zoning district. The 1.07 acre lot is currently located at 1561 Production Drive, Boone County, Kentucky.

Staff Member, Todd K. Morgan, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Whitton asked who would like to speak on behalf of the applicant? Mr. Jon Marley indicated that he planned on striping the parking lot. He said he would answer the questions found in the Staff Report.

- A. How many employees will the business have? They will have 3 employees.
- B. Are vehicles sales limited to automobiles, light trucks, vans, and SUV's? Vehicle sales will be limited to those types of vehicles.
- C. What is the maximum number of vehicles that could be stored outside? Approximately 10 to 15.

Mr. Whitton asked what the proposed hours of business operation were? Mr. Marley responded they would be open 10 a.m. to 7 p.m. Monday through Saturday and 12:00 p.m. to 6:00 p.m. on Sunday.

Mr. Whitton asked if the Board had any questions?

Mr. Miller said the proposal section of the report indicates that no major vehicle repairs would be performed on site. He asked what kind of repairs could be made on site? Mr. Marley said maintenance work like oil changes and brakes. Mr. Miller asked what kind of equipment they would have on site? Mr. Marley said they would have a lift, computer equipment associated to maintenance work, and equipment to dispose of waste fluids properly.

Mr. Whitton asked if anybody else in the audience wanted to speak regarding the request? There was no response.

Mr. Whitton asked for a motion. Mr. Miller made a motion to approve the request with the following conditions:

- 1. The business shall be operated per the applicant's description.**

2. **The parking lot shall be striped in accordance with Article 33 of the Boone County Zoning Regulations.**

Mr. Shipe seconded the motion.

Mr. Whitton called for a vote. The motion carried 5 - 0.

3. **Request of Randy and Angie Prickel for a Conditional Use Permit to allow weddings/banquets/receptions and other events to take place in a pole barn with the serving of food and beverages in an Agricultural Estate (A-2) and Rural Suburban Estates (RSE) zoning district. The approximate 200 acre site currently includes the property located at 14112 Walton-Verona Road, Boone County, Kentucky and the adjoining property to the south and west.**

Mr. Shipe said he needed to recuse himself from this request due to recent business and an ongoing relationship with the applicants. Mr. Shipe left the meeting room at this time.

Staff Member, Todd K. Morgan, presented the Staff Report which included a PowerPoint presentation (see Staff Report). He added that he had received three emails in support of the request after the Staff Report was finalized. He introduced them into the record (see Exhibits 1, 2, and 3).

Mr. Miller asked what will happen if Kentucky Transportation Cabinet does not approve the Commercial Driveway Permit? Mr. Morgan said the business would not be permitted. Mr. Miller asked why the Conditional Use Permit was submitted before they had an answer from the Kentucky Transportation Cabinet? Mr. Morgan said the applicants were not aware that they needed this Board's and several other agency approvals before they opened and scheduled several events. The County is allowing them to operate while these permits are under review. The applicants decided to file this application first and are fully aware that they still need approvals from Kentucky Transportation Cabinet, Boone County Building Department, and other agencies.

Mr. Miller said he is aware the applicants will be applying for a Waiver to reduce the required 20' wide driveway aisles if the request is approved. He asked what the basis for the Waiver would be? Mr. Morgan reviewed the PowerPoint slides of the driveway. He said there is a stream, topographical issues, and significant vegetation that would make it very difficult to get the driveway up to code. The Zoning Administrator will analyze these Waivers if the Conditional Use Permit application is approved. Mr. Miller asked if there was another place the applicants could put a driveway that would meet code? Mr. Morgan stated not in the first part of the driveway system (between the gate and last pull-off proposed by the applicant). He believes the expense would be significant.

Mr. Miller asked if the portion of the driveway between the proposed parking lot and event barn meets code? Mr. Morgan reviewed the applicants plan on screen and indicated that the driveway measurements between the parking lot and circle in front of the barn are greater than 20' wide. He added that the driveway to the side of the barn is only about 12' wide. This driveway will go back to the handicapped parking area. Mr. Miller said you wouldn't expect to see much two-way traffic there. Mr. Morgan agreed. He said there will be 5 or 6 handicapped stalls behind the building.

Mr. Miller asked if consideration could be given to integrating the handicapped parking area into the large parking area since people will be shuttled to the barn? Mr. Morgan said that would have to be analyzed by Boone County Building Department. Building code requires handicapped parking to be located as close as possible to the principal building entrance and it is also required to be part of a handicapped accessible route. He doubts if the handicapped parking spaces could be moved from behind the building.

Mr. Whitton asked who would like to speak on behalf of the applicant?

Mr. Brian Dunham said he was a lawyer with Frost Brown Todd and was here on behalf of the applicants. He said he was joined by Randy Prickel, Angie Prickel, Alison Chadwell, from Viox & Viox, and Michelle Bollman, from Viox & Viox. They are all available to answer questions if needed.

The Prickel's have worked very hard on the barn and are proud of it. They believe it will benefit the community. The responses they have gotten back so far have been very favorable. He reviewed some photos of the barn and noted its design. The Planning Commission Staff has allowed them to host the events that have already been scheduled. They did this so it would not create a hardship on the brides and families that booked the events. These events have been beneficial because the Prickel's now realize how the operating business will work. He showed a picture of an event taking place in the barn. The request is for a Conditional Use Permit to allow the barn to be used for weddings and other religious and non-religious events, with the serving of food and beverages. They are fully aware that Site Plan and Waiver applications need to be approved by the Planning Commission if the Conditional Use Permit is approved. They are also aware that a commercial entrance permit needs to be approved by the state. They believe the request should be approved for the following reasons:

1. The use fits in well with the surrounding A-2 area.
2. It is not a unreasonable burden on the surrounding neighbors.
3. An approval would be consistent with a recent Boone County Board of Adjustment action that was taken on another catered events facility located in an A-2 zone.

They believe the use fits in well because barn weddings and celebrations have always been an important part of the rural lifestyle. They have constructed a rural barn and not the type of facility you would find in a suburban or downtown area. He believes it is tasteful and well constructed. It fulfills an unmet need in the area. There are some other venues in the area that offer barn type weddings but they are typically limited between 50 and 100 people. The proposed facility will accommodate 150-250 people easily and those are average size weddings. The location of the barn on the property is ideal because you can't see it from the road or neighboring properties. One portion of the parking lot will be barely visible from an adjoining property. The barn is well located because it is the middle of a 200 acre site. They also believe the barn will attract people from outside Boone County and highlight the best of the county's rural heritage.

The don't believe the use is an unreasonable burden on surrounding properties because of the barn's location. It is over 1,000 feet from the closest home and is surrounded by dense woods. In addition, the barn was constructed with solid materials and with sound insulation inside the facility. They will also be seeking a Waiver to allow something other than a hard surfaced parking lot. They are looking at doing an engineered turf stabilization where they actually pull up the grass, install a hard surface underneath it, and allow the

grass to grow back through it. He believes that Planning Commission Staff will view this parking lot surface favorably. He showed some pictures demonstrating the proximity of the barn to the closest houses and the dense tree lines. He also showed a picture of a typical reception hall and its parking lot. He said the business shown in the picture is well run and nice but isn't what they were looking to install in an A-2 zone. He showed the proposed plan and another picture showing where the Prickel's parking lot would be. He does not believe the neighbors will see the parking lot because it's at a lower ground elevation and most of the events will take place at night. The use is also not unreasonable to the neighbors because it will be well run and safe. The Prickels are known and respected small business operators. The farm also contains their home. They will not be turning the keys over to renters and allowing anything to happen. They have a vested interest that everything is safe and not a nuisance to them or their neighbors. They will always have three or four people present at the events to monitor things. They will also have a three or four person parking crew to handle drop-offs, shuttling, or valet parking. The building will have sprinklers, fire hydrants, and a fire alarm. They will only deal with professional caterers that have been in the business for a long time.

He said he would also like to highlight how the business will be operated. The portable lights have always been oriented away from neighbors. They are looking to do one permanent light where the portable light is currently located. This light will continue to be oriented away from the neighbors and will shine on the parking field. This facility is unique because it's large enough to handle an average size wedding inside, has air conditioning, and contains additional space. As a result, windows and doors will be kept shut and music is only permitted to be played inside. He said another important thing to consider is the building is sound insulated and the speakers are setup to push sound towards the front door and away from their closest residential neighbors. To date, there have been 5 events and there have been no problems. The largest wedding had 260 guests and there were 75 cars present. There were no impacts on traffic and the parking process was efficient. They believe they have the support of the Verona Fire Department. They have been on site for the events that were booked. As part of their agreement, they have hired fire staff to be on site during these events to make sure everything is safe. To date, they have not had any upset neighbors. Mr. Prickel did have a conversation with one of the neighbors regarding the request and he expressed a concern about noise and music. Mr. Prickel informed the neighbor that they would not permit any outdoor music and that they already had 5 events. The neighbor informed Mr. Prickel that he had not heard any noise. Mr. Dunham then read a text from a bride's mom into the record. He followed it by showing a card that was written by a guest. Both the text and card are part of Mr. Dunham's PowerPoint presentation.

The last thing he highlighted was that the request is consistent with another application that was approved by this Board. In June 2014, a Conditional Use Permit was approved to allow an event facility in an A-2 zone on Salem Creek Road. The request allowed wedding receptions, family reunions, etc. to take place on the property with the serving of food and beverages. The applicant came back in December that same year and the Board approved an amendment to incorporate more property into the approval.

Mr. Dunham said he would address the Staff questions found in the report.

- A. Would renters be permitted to setup tents, seating, music (amplified sound), portable toilets, lighting, or gaming areas outside the barn/reception hall?

Outdoor tents could be setup immediately behind the barn. They would only be used for the wedding ceremonies. No music will be played outside but there could be scenarios where the Priest, Bride, and Groom use a microphone so the wedding ceremony can be heard by the guests. These tents would be setup temporarily and would not be seen by any neighbors. He has already addressed amplified music and lighting. There will be no portable toilets or outdoor gaming area.

B. Does the rental contract state what time events must conclude?

The contract permits the renters to have 5 hours of time and also requires them to vacate the property by midnight. To date, most of the events have had the wedding ceremony and reception on site. Because of this most of the events have been ending at 10:00 or 11:00 p.m. One event did end at midnight but there were no impacts on neighbors.

C. Has a decision been made regarding the proposed parking lot surface?

The question was already addressed.

Mr. Dunham said they are willing to provide the extra gravel pull overs as needed. However, they would prefer not to provide one near the side of the building. There will only be 6 handicapped spots behind the building. Most people are dropped off at the front door and the drivers either pay for valet parking or are shuttled. As a result, they do not see much two-way traffic occurring along the side of the building.

The sight distance on Walton-Verona Road shouldn't be an issue because it isn't a heavily traveled road and the events occur at off-peak times. They received a favorable letter from the Sheriff's Department. He also did some research at the Sheriff's Department and found that there has only been one accident in the curve over the last year. The accident was the result of somebody traveling too fast in the curve and had nothing to do with sight distance. Viox & Viox has analyzed the sight distance and has submitted an Encroachment Permit application to the state. They are optimistic the application will be approved. They are fully aware that they need this approval from the state. He said he has a four minute video he can show if the Board is interested. It shows traffic coming into the site from Walton-Verona Road and passing through the open gate. Mr. Whitton suggested he could show it later if someone wants to see it.

Mr. Dunham said he knows the Walton Fire Chief is in the audience and he and the neighbors could address noise impacts from their experiences. He indicated that a Site Plan application will be submitted to the Planning Commission and will address all the required issues if they receive the Conditional Use Permit.

Mr. Dunham said they believe the applicants electrical contracting business is a pre-existing nonconforming use because there are 11 years of Boone County occupational licenses at the subject location. Mr. Whitton said that issue is not up for consideration tonight. Mr. Dunham agreed.

Mr. Dunham said there was only email in opposition to the request in their packets. They do not believe the email is from an adjoining property owner but is from a disgruntled former employee of the contracting business.

Mr. Miller referred to the event barn history section of the Staff Report and asked when the decision was made to start using the barn for these type of events? Mr. Randy Prickel said he was one of the property owners and his address is 14112 Walton-Verona Road. He indicated that they knew it was going to be a event pole barn when they built it but did not know that they would have this much demand. They initially planned on having some family gatherings and their work party in the barn. They decided to finish off the barn more elaborately when they started having a lot of people asking them about it. He did not know there were so many rules and permits to change it from a pole barn to a glorified pole barn.

Mr. Miller said he is familiar with the parking lot surface they are proposing. He asked how many cars could be accommodated in the lot? Mrs. Alison Chadwell, with Viox & Viox, said the parking lot shown on the plan was sized for 154 parking spaces. That does not include the handicapped parking that is shown behind the building. The proposed parking lot is shown with 18' long spaces and a 24' wide center driveway aisle.

Mr. Miller asked how many parking lot lights were being proposed? Mr. Prickel said one light will be located on an existing electrical pole in the parking lot. He is already spoken with Owen Electric about this light. Another light can be added to the electrical pole near the parking lot entrance if its needed. The lighting will be directed downwards and away from the neighbors.

Mr. Vaught asked how soon the parking lot would be constructed? Mr. Prickel said they will construct it as soon as possible if the Conditional Use Permit is approved. Viox & Viox will design it and submit the Site Plan application. Mr. Dunham said they are not comfortable with the fact that they are not code compliant right now. They are trying to get code compliant as quickly as possible.

Mrs. Hempfling asked what permits will still be outstanding if the Board grants the Conditional Use Permit? Mrs. Chadwell said Kentucky Transportation Cabinet needs to approve a Commercial Encroachment Permit. They have made contact with them, surveyed, and analyzed sight distance to make sure they have a safe approach in both directions. Traffic department Staff will be setting up radar guns to determine motorists travel speed. Technically, the speed limit in the area is 55 miles per hour but she believes the advisory speed limits are more accurate. She has driven the road in both directions and felt like the posted advisory limit was pushing things. She believes the state will find the same thing and will approve the Encroachment Permit. Mr. Dunham added that they also need to receive Site Plan approval. This will address things like grading, storm water, handicapped parking, etc.

Mrs. Hempfling said the purpose of the gravel pull-overs is to make up for the fact that the main driveway aisle is not 20' wide. Mr. Dunham agreed. Mr. Dunham said they had 260 people at the event barn and the gravel pull-offs have worked fine. They will add more turn-offs if the Board or Planning Commission Staff feel they are necessary.

Mr. Miller asked if a condition could be put on the approval that the use would ultimately be approved by the Planning Commission. Mr. Morgan said the Planning Commission's role would be to approve the Site Plan and Waiver applications if the Conditional Use Permit is approved. Mr. Miller said Kentucky Transportation Cabinet would also need to approve the Encroachment Permit. Mr. Morgan agreed. He also indicated that the Health Department would need to determine their septic system was adequate. Mr. Dunham and Mr. Prickel

said they had already received that approval.

Mrs. Hempfling asked how they decided to ask for an unlimited number of 450 person events and one 600 person event per calendar year when all the events so far have been around 250 people? She asked if they have received a lot of requests for larger events? Mr. Dunham responded they have not received any such requests but they also do not want to go through this process multiple times. They decided to ask for a number that would always meet their needs. Mrs. Hempfling asked how they determined the size of the parking lot? Mrs. Chadwell said they determined the size of the parking lot based on the 600 person event. The zoning regulations require a reception hall to provide 1 parking space for every four people.

Mr. Whitton asked if anybody else in the audience wanted to speak for the request?

Mr. David Jones said he was the Chief for the Verona Fire Protection District. He indicated that he did not know the Prickel's prior to the construction of the building. One of the things he was asked about was the ingress and egress out of the building and the traffic flow. He knows that they can take a 37 foot truck and make a turn off the state highway in one turn because they have been sitting standby at the events. The Prickel's have had to pay for that based on FEMA rates. The pull-offs that are there are well maintained and are on solid ground. They have not had an event yet where they have had to use the pull-overs. There are a lot of things in the fire district, such as narrow roads and railroad tracks, that are not ideal. He does not see a problem with the pull-offs or the traffic patterns. They positioned the fire truck behind the building for the fire watches and know 6 handicapped spaces can be accommodated back there. The Prickel's have been easy to work with while trying to resolve their building and fire code issues. As a resident of Verona, he is excited to see an event facility like this. Although the fire department is not air conditioned, many people ask if they can rent their bays for weddings, receptions, or funeral services. They are not in that business. This part of the county uses Bullock Pen Water District and they rely heavily on tanker trucks.

Mr. Whitton asked if anybody else in the audience had more questions or wanted to speak in opposition to the request?

Mrs. Krystin Turner said she lived at 1191 Maddox Lane and her property backs up to the subject property. She thinks the event barn is beautiful and that they are located in an area where barns are prevalent. She said the reason she lives where she does is to get away from noise. She has heard noise from the events. Her porches and bedroom windows are oriented towards the back of her property. She wants to know her rights as a neighbor if she hears noise. She realizes that bands and disc jockeys play differently and that guests respond differently. She wants to know who she should call if there is a problem? She also has a concern about traffic. Maddox Lane only has 8-10 houses on it now so there isn't much traffic at the intersection. Having a 250 person plus event will greatly increase traffic at the intersection and in the curves. She understands that issue will be further analyzed by the state. Another concern she has is the hours of operation and that question has been answered. Another concern is the number of events. They are asking for unlimited number events. She said fall will come and the leaves will come off the trees. The noise levels will carry when the leaves are off the trees.

Mr. Dunham said the Prickel's only plan on having 30 events in a year. They would be willing to accept a condition which limited the approval to 30 events in a calendar year.

Ms. Connie Hammond said she lived at 14400 Walton-Verona Road. She said most of her concerns have been addressed tonight and she doesn't want to do anything to jeopardize the venue. One of her biggest concerns was open flame burning and fireworks and those were addressed. Another concern was noise and that has been addressed. She agrees with Mrs. Turner because noise could become a bigger issue once the trees lose their leaves. She also has concerns about traffic and is glad to know that the state will be doing a speed study. She questioned if a sign should be installed in the right-of-way to advise motorists that there is a business driveway and that vehicles could be stopped in the road?

Ms. Cindy Kopser said she lived at 1131 Maddox Lane and is an adjoining property owner. She said she is in favor of the barn but has a couple of questions. She knows that they plan on stopping the music at midnight and will not allow fireworks. She asked if these restrictions would apply if the property ever changed hands? Mr. Whitton said any conditions would ride with the property. She also had concerns about sound. She asked what rights the neighbors would have? Mr. Morgan said the neighbors would be talking with the Zoning Enforcement Officer at the Planning Commission if the applicants were violating a condition of approval from this Board. He also believes the neighbors could call the Boone County Sheriff's Department if the noise was out of hand.

Mr. Chuck McHale, with McHale's Catering, said he has been in the catering industry for 26 years and owns and operates five banquet facilities in Northern Kentucky. One of them happens to be adjacent to a neighborhood. He knows there are noise concerns but he believes the neighbors will find that the Prickel's are easy to work with. He believes 30 events in a year is consistent with other banquet facilities. Most outdoor venues average about 23 weddings per year. He believes the wedding count is a little on the high side. Their average wedding is 180 to 200 people. The car count should be about 50 cars. They do over 325 weddings and a 1,000 events per year. He believes what the Prickel's are providing will be a real benefit to Boone County and this community.

Mrs. Julie Naas said she lived at 1115 Maddox Lane and is favor of the barn. She did hear the music during one event. She only heard it outside and not in her house. The traffic doesn't bother her. She would have dreamed as a little girl to have her wedding in a place like the Prickel Barn. It is an amazing place and believes the applicants have put their hearts and souls into it.

Mr. Anthony Hill said he was from Glencoe, Kentucky. He searched high and low for a wedding facility for his daughter. He looked in Lexington, Louisville, and Cythiana and wound up 12 miles from home in Verona. The Prickel's have the premier spot in the Tri-State area that he has seen. He is in support of the project.

Mr. Chris Parker said he lived at 14125 Brown Road. He said the facility is beautiful. He hears Florence Speedway every Saturday night. He just goes back into his house, forgets about it, and goes to bed because the noise will be gone in the morning. The Prickel's facility will help Verona, Boone County, and the state. People will flock to come here. There are some issues to work through but they will work them out. He works for the Prickel's and sees everything they have put into it. Everybody that comes there just loves it. He hopes the county will embrace it because a lot of memories will be made there.

Mr. Jay Williams said he lived at 14142 Walton-Verona Road and would like to address sight distance. He said there was a problem with accidents at the truck stop when it went in. The cure was reducing the speed limit from 55 miles per hour to 35 miles per hour. He

knows this Board doesn't control this but every accident he has seen in the subject location was because a vehicle was traveling too fast and hit the guardrail. He believes motorists pay more attention to the white speed limit signs than the yellow advisory signs. He suggests that the state should be petitioned to lower the speed limit to 35 miles per hour on either side of the curve. The state would benefit because they wouldn't need to replace the guardrail as often.

Mrs. Peggy Montgomery said she owned a winery on Walton-Verona Road. She has a lot of people ask her if they can do weddings at her winery. She has sent a lot of people to Main Street Gardens because they could accommodate weddings. She thinks the Prickel Barn is amazing and is excited to send people to them. It will keep business in Boone County.

Mr. Kerry Evans said he lived at 10589 Mountain Laurel Way, Union, Kentucky. He has known the Prickel's for some time and they have built an terrific facility. He said that they do everything with honesty and integrity. He said he would always chose a reception facility like to one they built over one that was located in the city. It is a terrific project and hopefully one that will continue without interruption.

Mr. Miller said one of the Staff recommendations was to put evergreen trees along the tree lines. He asked if the applicants would have any problem with adding those evergreen trees? Mr. Dunham said they would not have an issue with adding trees but there are 200 feet to 1,000 feet of existing tree lines and some of the trees are evergreens. The majority of events, by the nature of the business, will take place when there is warm weather.

A woman from the audience said she will be able to see the business and cars when the leaves are down and that is fine. She is more concerned about the safety of people coming in and out.

Mr. Morgan said he wanted to go back and add some other approvals that the Prickel's still need. Boone County Building Department needs to issue a Commercial Building Permit. They will ultimately determine if a 600 person occupancy can be permitted in the building. An Occupational License will also need to be obtained from Boone County.

Mrs. Angie Prickel said the possibility of an unlimited number of events was mentioned. She said they live on the property and do not want the business to occupy their whole life. They have no intention of having an unlimited number of events. She would only allow one wedding during a weekend. She gives these renters 3 days to decorate, have the rehearsal and event, and get their personal belongings. She plans on having no more than 30 events in a year. At this point, she only has one booking between December and March. Three mom's want to have a surprise 16th birthday party for their daughters in December. She would be willing to limit the events in the winter months if needed to accommodate the neighbors.

Mr. Whitton asked if anybody would like a motion and they could discuss it if needed?

Mr. Miller made a motion to approve the request with the following conditions:

1. No more than thirty (30) events shall occur in a calendar year.

2. The parking lot shall accommodate a minimum of one hundred and fifty (150) vehicles.
3. Planning Commission Staff and the applicants will work out an appropriate landscaping plan.

Mr. Morgan said he suggests looking at the 2016 aerial map and submitted plans. The Board could determine where evergreen trees should be added and he could mark the submitted plans. The Board could also stipulate the quantity or spacing of the evergreen trees in the required buffers. Mr. Miller said he would go along with whatever provided an appropriate visual and sound buffer to the neighbors from the parking lot. Morgan said he would like to define the buffer through the conditions to eliminate the possibility of a disagreement. A disagreement would need to be resolved through another public hearing.

Mr. Whitton asked the woman that spoke earlier how far away her house was from the event barn? She approximated 1,500 feet away.

Mr. Miller said he didn't hear any other restrictions mentioned. Mr. Morgan said he would recommend the following based on the discussions tonight.

- A. The approval is based on the submitted plan. Minor changes to the plan can be permitted by the Zoning Administrator.
- B. No more than thirty (30) events shall occur in a calendar year. His only question about that condition is how would it be tracked?

Mr. Wilson said the Board could require the applicants to supply a record regarding the number of events. As to the screening, the Board could word the condition that the issue would be worked out during Site Plan review. If an agreement is not reached then the issue would need to come back before this Board. Mr. Miller said he would prefer that since they still need to submit a Site Plan application. Mr. Wilson reminded the Board that they do not need to applicants consent to impose reasonable conditions.

Mr. Morgan continued with his other recommendations:

- C. No outside music is permitted. The outside amplification of sound is limited to wedding ceremonies and the description that was provided tonight.
- D. Sounds from the events shall not be discernable from adjoining properties fronting on Maddox Lane. Any sound measurement would be taken at the property lines.
- E. Any proposed lighting shall be oriented downwards and inwards toward the subject site.
- F. A minimum of 150 parking spaces shall be provided.

A woman from the audience asked if the noise condition could be reworded. She does not want to hear any noise on Walton-Verona Road. Mr. Morgan suggested rewording it as follows:

- D. Sounds from the events shall not be discernable from any adjoining property line. This condition shall not apply to the Mills property.

Mr. Dunham said they can work out the evergreens with Staff if that is what the Board approves. However, they believe the only part of the parking lot that will be visible will be the area with the three electric poles. They will probably not be able to put tall evergreens in that area. Mrs. Chadwell said that area contains an overhead electric easement. Mr. Dunham said he wanted to put that in the record because that would be an area where the neighbors would expect trees to be installed and it may not be possible.

Mr. Whitton said he does not see the need for any addition evergreens because of the size of the existing tree lines. The proposed use will also occur primarily in the spring, summer, and fall months.

Mr. Miller said he would start his motion for approval over. It includes the following conditions:

- 1. A minimum of 150 parking spaces shall be provided.**
- 2. No more than thirty (30) events shall occur in a calendar year. The applicants shall track the number of events and provide Planning Commission Staff with regular updates.**
- 3. The approval is based on the submitted plan. Minor changes to the plan can be permitted by the Zoning Administrator.**
- 4. No outside music is permitted. The outside amplification of sound is limited to wedding ceremonies and the description that was provided tonight.**
- 5. Sounds from the events shall not be discernable from any adjoining property line. This condition shall not apply to the Mills property.**
- 6. Any proposed lighting shall be oriented downwards and inwards toward the subject site.**
- 7. Planning Commission Staff and the applicants shall determine if any supplemental evergreen trees should be added to screen the use from the neighbors. This determination shall be made when the Site Plan application is submitted for review.**

Mr. Dunham said he believes the concerns from the neighbors seemed to be more about noise impacts than visual impacts. He believes the need for more landscaping is minimized by the noise condition.

Mr. Vaught seconded the motion.

Mr. Whitton called for a vote. The motion carried 4 - 0.

ADJOURNMENT

Mr. Whitton asked for motion to adjourn the meeting. Mr. Miller made a motion to adjourn and Mr. Vaught seconded the motion. Mr. Whitton called for the vote and the meeting was adjourned by unanimous consent at 7:54 p.m.

APPROVED

Mr. George Whitton, Chairman

ATTEST:

Todd K. Morgan, AICP
Senior Planner

Exhibits

1. Email from Susan Burlew and Michael Schroth
2. Email from Tyler and Nicole Ryan
3. Email from Jim and Paula Gleason