

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of Planning Commission Meeting of February 25, 2019

Item 1. Call to Order.

Item 2. Roll Call

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Present	Present	Present	Present	---	Present	Present

Item 3. Approval of the Agenda

Vice Chair Johnson Moved to approve the agenda – Staff suggested moving the cases so that CU2019-02 would go last, allowing the other cases to be heard first since there was less public in attendance for those cases. Commissioner Scherer Seconded the original motion and included the recommendation by staff -

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Aye	Aye	Aye	---	DNV	Aye

Item 4. Approval of the January 28th, 2019 minutes

Commissioner Scherer moved to approve the minutes as presented and Secretary Newman seconded

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Aye	Aye	Aye	---	DNV	Aye

Item 5. Public Hearing

CU2019-01 a request to consider a Conditional Use Permit for an excavation and steel fabrication business located at 14501 South US Hwy 59. This request was brought by Eric and Brandy Farmer of 15440 94th St, Oskaloosa, KS 66066

Chairman Finley asked Staff for their report – Staff began giving their staff report. During this report staff made mention that the Applicant had been in to their office the previous week to discuss possibly allowing their on-staff Mechanic to do work on customer vehicles. Staff stated that they advised the applicant to discuss that with the board during the hearing.

Chairman Finley asked for any questions regarding the report –

Vice Chair Johnson – asked if a business plan was submitted, if the business would essentially stay the same as the previous occupant of the structure, and for a definition of what the applicant means by Excavation and Steel fabrication. Staff stated those were questions for the applicant, and that the initial conversations with the applicant revolved around essentially keeping the business to a similar nature as was previously at this location.

Commissioner Scherer – Asked if staff knew what the original 2008 conditions were. Staff stated they involved screening around the property for storage and were restricted to doing outdoor fabrication between sun up and sun down.

Chairman Finley asked the Applicant to give his presentation –

Eric Farmer (Applicant) – Gave his presentation, and stated that they planned on keeping the steel fabrication business similar to the previous occupant, and that all fabrication and storage of materials would take place inside the existing structure. Mr. Farmer also brought up the request to have their own staff mechanic to work on vehicles other than their own in the course of daily business.

Chairman Finley asked the board if they had any questions for the applicant –

Vice Chair Johnson – Asked the applicant if their operation would be similar in size to the previous occupant. Mr. Farmer stated that they weren't sure how big the previous operation was, as they never noticed a large volume of trucks near the structure. He then stated that the fabrication isn't the sole focus of their operation, so he anticipates it being relatively small for the foreseeable future.

Vice Chair Johnson – Asked what steel fabrication means, and what the scope of their excavation work is. Mr. Farmer stated that they plan on doing trailer repairs and fabricating ag parts for the local community. He also stated that the scope of their excavation work is anything from pipe repair to streets in subdivisions.

Vice Chair Johnson – Asked if the applicant was intending to only work on their vehicles or work on vehicles from customers. Mr. Farmer stated that his additional request was to work on vehicles as they are in getting serviced. For example, if a farmer's truck was getting a tail gate fixed, he would like to offer them the opportunity to have their vehicle serviced as well.

Vice Chair Johnson – Asked if they intended on doing the mechanic work in side the building only and if they would be opposed to screening for their outdoor storage. Mr. Farmer stated the entirety of their mechanic work would be done inside the building and that they do not intend on storing anything but their vehicles and equipment outside. He stated that if a fence is required it's something they can look in to.

Chairman Finley – This question is for staff – When you took these photos of the building were they taken while the previous occupant was still there? Staff stated that the pictures were taken 3 days before the packets were mailed to the planning commission. Chairman Finley then confirmed with the applicant if they already had equipment on site, and Mr. Farmer confirmed that to be the case.

Chairman Finley asked if there were any members of the public who would like to speak in favor or against the case – seeing none he asked the board for final discussion or a motion.

Commissioner Scherer – Regarding storage, were you suggesting screening for the vehicles as well, or just materials storage? Staff stated that they based the recommendation on what was applied for, and if the board wanted screening for vehicles, then they would need to specify that in the conditions. Staff then stated that the building itself would be able to obscure sight of several vehicles if they were parked behind it.

Vice Chair Johnson – asked if existing lighting met Staff’s recommendations, Staff confirmed that it does.

Chairman Finley – asked how the board could work the mechanic request into the conditions. Staff stated the board could add a condition that reflects allowing them to take on additional vehicles for mechanic work, and that if it were recommended for approval then that would be taken before the County Commission who could vote to approve the additional requested use. Chairman Finley then asked the board for thoughts on how to structure the condition.

Vice Chair Johnson – Asked if it was something that could be done administratively. Staff stated that it wasn’t really feasible for it be administrative since the request was part of a Conditional Use Permit and that a mechanics shop on its own would require a Conditional Use Permit, it would be better to permit it via the conditions. Staff stated that they could structure a condition to simply say that Mechanic work on private vehicles is also permitted.

Commissioner Phillips – asked staff if there was a limit to the number of mechanics on staff that triggered requiring a CUP. Staff stated that since there was no mention of the Mechanic work in the CUP application, it would need to be approved through the hearing process. Commissioner Phillips then asked if that meant it was either an all or nothing scenario. Staff stated that the commission could state that only one mechanic be allowed on duty at any time or something similar in order to restrict it if they so choose.

Vice Chair Johnson – If we allow the mechanics work, does that mean the screening fence becomes more important? Staff stated that they didn’t believe so but that it’s worth discussing since CUPs follow the land, not the owner. Which is why staff recommended pursuing Commissioner Phillips idea of limiting the number of Mechanics or vehicles worked on at a time.

Commissioner Phillips – Suggested asking the applicant what they were okay with in regards to limiting the mechanic side. Mr. Farmer stated that the mechanic work is not their focus and they only want the ability to keep their mechanic busy when he’s not working on their own equipment. He stated that he would be okay with one full time mechanic on duty at a time.

Commissioner Phillips made a motion to amend the application to include the ability to work on vehicles other than the personal vehicles of the owner of the business. Commissioner Scherer Seconded. Chairman Finley asked for discussion on the motion;

Commissioner Scherer – asked for staff’s input on the motion. Staff stated that since it was a motion to amend the application, they would still need to add a recommended condition to the case to accommodate that use.

Chairman Finley asked for a vote on the motion:

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Aye	Aye	Aye	---	DNV	Aye

Motion Passed 5-0

Chairman Finley then asked for a motion on the case. Commissioner Scherer moved to approve CU2019-01 with the recommended conditions by staff. Amending to change the screening requirement to exclude vehicles and adding a 6th condition that limits the number of mechanics on duty to one. Chairman Finley then went over the over the motion and asked for a second. Vice Chair Johnson seconded. Chairman Finley then asked staff to put the updated conditions list on display. Those conditions are as follows:

1. Any lighting placed on the property will be directed as to point inward toward the property.
2. Any signage will have KDoT’s approval, if required, due to the property’s proximity to Hwy 59 and shall be limited to on site advertising only.
3. Should any improvements to the entrance be deemed necessary by K-DoT, the property owner and/or the applicant shall make those improvements at their own expense.
4. Outdoor fabrication shall be restricted to between 7am and 8pm.
5. Outdoor storage other than vehicles shall be placed behind a privacy or screening fence of at least 6 foot in height.
6. No more than one full time mechanic on duty at any time.

After this was reviewed, Chairman Finley requested a vote.

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Aye	Aye	Aye	---	DNV	Aye

Motion Passed 5-0

Staff gave the applicant the tentative date and time of the County Commission Hearing (March 18th at 1:30) and advised the applicant they would be getting a letter in the mail with the exact date and time after it is placed on the Board of County Commissioners Agenda.

Chairman Finley moved to case CU2019-03 – A request to consider an Events Center located at 10870 Hwy 92, McLouth, KS 66054

Chairman Finley asked Staff for their report – Staff gave their report on this case.

Chairman Finley asked the board if there were any questions for staff –

Commissioner Phillips – Asked staff to clarify their comments about a Future Ag Lot Split and the need for a survey of the CUP area if one was done. Staff stated that a survey is required but that the applicants need to decide prior to doing the Ag Lot Split where they want everything to go because that might affect the location of the Ag Lot Split.

Commissioner Phillips then asked if staff's recommendation for the survey of the area to be used stands either way. Staff confirmed this to be the case.

Commissioner Scherer- Asked staff where the Lagoon is located on the property. Staff stated that they might have to ask the applicant for clarification, but that they believe it is located east of the house in the nearby tree rows. (This was later confirmed by the applicant)

Vice Chair Johnson – Asked if the applicant might see over 125 cars at this location, asked staff if the applicant would be providing a better plan, and asked how water run off would work for a parking lot big enough to support 125 vehicles. Staff stated that the better plan would come in the form of the survey if that condition is recommended for approval, and that if more than an acre of ground is worked for this purpose, then the applicant may be subject to a state storm water run off permit.

Vice Chair Johnson – asked how grey the area of not being a bed and breakfast is. Staff stated that the regulations define a bed and breakfast pretty well, and that the applicant has stated their use will not be a bed and breakfast.

Chairman Finley moved on requesting the presentation from the applicant, Kim Koehn (pronounced Kane)

Kim and his niece Kristen gave their presentation.

Chairman Finley moved on asking the board if they had questions for the applicant.

Vice Chair Johnson – Asked when they were going to make a decision about the ag lot split. Mr. Koehn stated that he was under the assumption they had already done so when they presented a map to staff. Staff clarified that they would still need to do an application for the Ag Lot Split, and the map they presented was for representational purposes.

Vice Chair Johnson – Asked if a time limit to activities during the week would be acceptable. Kristen stated that they would prefer to have a weekday closing time of 10pm instead of 9pm as suggested in the staff recommended conditions.

Vice Chair Johnson – Asked if the applicant was still in the progress of working with K-DoT to formulate a plan for parking and access. Kristen stated that they were and had been working with K-DoT for a while.

Vice Chair Johnson – Asked if they would employ the 10 people they stated in their letter. Kristen confirmed that they would like to hire 10 or so people on a part time basis to work events.

Vice Chair Johnson – Asked the applicants to explain their experience of managing people. Kristen stated that her uncle Kim had 30+ years managing a dairy with over 45 employees, and that she herself manages an apartment complex.

Commissioner Scherer – Asked them to show where the lagoon is located. The applicants confirmed staff's early comments that it is located to the east of the house in the tree row. They also stated that its more visible now due to the clearing of some trees around the lagoon.

Chairman Finley then moved on to the public comment portion of the hearing by asking for those who wish to speak in favor of the application to come up to the front. There were none. He then asked those who wish to speak in opposition to the application;

Mark Esslinger (10962 Wildhorse Road) – Shared his concerns over the potential noise after 10pm and the shooting of firearms during events.

Paula Rollins (10799 K92 Hwy) – Expressed concern over amount of traffic on Hwy 92 during events, the potential for cars to be shining their lights in her house as her house is directly across from their driveway, the potential noise and a desire to not see a billboard across from her house.

Sandy Walbridge (10720 K92 Hwy) – Expressed concern over noise, security during events and parking for the events.

Stephanie Spencer (901 Union Road) – Stated she didn't have any opposition but asked if it was possible to clarify the condition regarding hours of operation from Weekday to Sunday through Thursday. Chairman Finley asked staff if it was feasible, staff stated that they would recommend amending the condition to state no later than 10pm Sunday Through Thursday, midnight (12am) Friday and Saturday.

Chairman Finley asked if there was anyone else who would like to speak in opposition. Seeing none he gave the applicant their opportunity to make a rebuttal.

Kristen Koehn – Stated that they have been looking into noise canceling insulation for the barn, and that noise going to their neighbors is a concern of theirs as well. They also plan to plant more evergreen trees to help with noise. In regards to security, she stated that they plan on being there during all of the events.

Chairman Finley asked if the board had any further questions for the applicant;

Commissioner Phillips – Asked if the music would be outside or wholly contained to the barn. Kristen stated that they will have some outdoor music, and that they will try to position the bands using the topography to reduce noise traveling to their neighbors. Commissioner Phillips then asked if they were planning on having outdoor music during the week, and Kristen stated they probably wouldn't. Commissioner Phillips then asked if they would be opposed to having a condition of no outdoor music during the week to which Kristen stated they wouldn't be opposed to that condition.

Chairman Finley asked if there was anyone else on the board who had questions for the applicant. Seeing none, he asked for final discussion or a motion.

Commissioner Scherer asked staff to go over the sign regulation as it pertains to this property. Staff stated they were fairly certain the maximum square footage was under 80 for on site advertising but they would look it up to confirm. (This was later confirmed to be 100 square feet, but it includes the height of the sign from the ground: Example: a 4-foot-tall sign, that starts 6 feet off the ground is 10 feet on that side)

Vice Chair Johnson – Commented that his discomfort level with this is that it seems to be a very general plan and that the having a survey filed as a condition makes him feel like those details should have already been decided. He also stated that the applicant should have taken more into account for sound and parking.

Commissioner Scherer – Stated that he felt the survey request from staff was too much, but that after staff explained their reasoning it makes a certain amount of sense under these circumstances. I'm not as concerned about that as Paul is.

Chairman Finley – Stated he would echo Commissioner Johnson's concerns and that perhaps tabling may be a good option to allow more information to develop. He then asked staff if they were ready with the sign regulations.

Staff: Staff stated that the sign regulations allow for up to a 100 square foot on site advertising sign, but that the height of the sign includes the distance from the ground.

Chairman Finley – Asked Staff if they have any opinion on tabling waiting for K-DoT. Staff stated there is no guarantee when K-DoT may provide the applicants with an update to their driveway plan, so that it shouldn't be tabled simply off of that.

Secretary Newman – Asked staff if they still recommended approval after all of the discussion about the case. Staff stated that they recommended adding the condition discussed between Commission Phillips and the applicant regarding no outdoor music Sunday through Thursday since the applicant agreed to it. Staff felt that might relieve a good portion of the neighbors concerns and staffing a security person for events larger than X people on site.

Commissioner Scherer – Asked staff if we have ever requested security for a CUP before. Staff stated that there has been a few for special event permits, but the only CUP in recollection was for KU's RimRock facility.

Commissioner Phillips – suggested asking the applicant about their opinion regarding security. She mentioned the state requirement for any event where alcohol is being served to have security on site during those events.

Sandy Walbridge – Asked about the events that don't have alcohol needing security.

Chairman Finley – Asked staff if there was anything in the regulation requiring security for events that don't have alcohol. Staff stated there are no county regulatory requirements and that if the CUP were recommended for approval as it stands presently, then the only security required would be events with alcohol as per state law.

Commissioner Scherer – Stated he would like to make a motion.

Commissioner Scherer moved to accept CU2019-03 and read the conditions. Secretary Newman seconded, and then made a motion to amend the conditions to include the previously discussed condition regarding no outside music Sunday through Thursday. Commissioner Scherer Seconded that motion. A vote on the motion was taken

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Nay	Aye	Aye	---	DNV	Aye

Motion to amend the motion passed 4-1

Secretary Newman made a motion to amend the conditions to include a requirement for security to be present during events of over 75 people. Vice Chair Johnson seconded. During discussion Commissioner Phillips stated he would like to see the number a little higher to a 100 people. Secretary Newman amended his original motion to be 100 instead of 75.

Commissioner Scherer – Asked the Chairman to ask the applicant if the limit was okay with them. Chairman Finley asked the applicant, and Kristen stated it was okay with them.

A vote was taken on the amendment to add a requirement for security to be present during events of over 100 people.

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Aye	Aye	Aye	---	DNV	Aye

Vice Chair Johnson – asked staff for clarification on how K-DoT approval ties into the process for how staff handles the application if it were approved by the County Commission; Staff stated that if the CUP application were approved, then staff holds on to the affidavit for approval until after K-DoT has signified that they have approved a plan for the applicant if one is required.

Chairman Finley moved on to discussion of the main motion, which was to approve CU2019-03 with the amended conditions as follows:

1. A Maximum number of 250 guests shall be allowed without requiring a special event permit.
2. Events will conclude by 10:00 PM Sunday through Thursday and by Midnight (12:00 am) Friday and Saturday
3. A survey will be filed detailing the locations to be used for the proposed use within 60 days of an approval resolution being printed in the paper.
4. CUP activities will be limited to the area outlined on the survey.
5. Amplified sound shall be directed away from the neighboring property.
6. Should any upgrade to the entrance be requested or required by K-DoT, those upgrades will be completed at the owner/applicant's expense.
7. No Outdoor Music shall be allowed Sunday through Thursday.
8. Security shall be required for any event of 100 people or more.
9. Waive requirement for paving of parking lot/s.

Chairman Finley asked for a vote on the motion

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Nay	Aye	Aye	---	DNV	Aye

Motion passed 4-1

****At this point in the hearing a recess was called – the meeting was scheduled to reconvene at 8:40pm****

Chairman Finley called the meeting back into session at 8:40PM

Chairman Finley started the hearing for CU2019-02 - A request for a Low Impact Research and Development business with STEM education activities located at 2831 Oak Road and is being brought by Suman Saripalli.

Chairman Finley asked staff to give their report – Staff gave their report –

Chairman Finley gave the Planning Board 2 minutes to read over the letters provided to them that were sent in after staff reports were sent out.

Commissioner Scherer – Asked staff if according to article 16-105 that construction must begin within one year if approved does the construction of only one structure suffice even if there are multiple structures on the plan. Staff stated that it does, and then also pointed out a clarification in the letters that the board was reviewing as it pertains to Commissioner Scherer's question; That during the preliminary discussions of the CUP process with Mr. Saripalli, staff advised that there was some miscommunication as staff asked Mr. Saripalli to put all potential future buildings on the site plan, but did not clarify to omit personal use structures.

Chairman Finley asked the board if there were any questions for staff:

Vice Chair Johnson – Asked staff if the FAA pre-empts the state in regard to regulations. Staff stated they did. Vice Chair Johnson then asked if the FAA regulates use of cameras on drones. Staff stated that they do not. Vice Chair Johnson then asked why staff didn't put a prohibition of camera usage on the drones in the conditions. Staff stated that it was unrealistic to assume that all future drone research at the site wouldn't use cameras. Vice Chair Johnson mentioned staff's statement in the staff report that Mr. Saripalli would only need a building permit to build the building and fly drones, but that the need for employees requires the CUP, and then asked if this could be done on any private property. Staff confirmed that it could. Vice Chair Johnson then clarified he meant could someone fly drones on private property. Staff stated that for commercial or government use, FAA regulations require that you have the land owner's permission and the pilot needs to be certified. However, for private use, a person may be able to fly drones over private property, that's up to the FAA and not something we can regulate at this level.

Chairman Finley asked for any other questions for staff – seeing none Chairman Finley asked staff to clarify the height restrictions of the regulations. – Staff stated that the restriction is no more than 35 feet.

Chairman Finley – asked staff to clarify if the planning board had any purview over drone regulations. Staff stated that the board and the County Commission really don't have any say over whether or not a person can fly drones on their property unless the FAA has rules in place for that. Staff further clarified that this hearing is not about whether Mr. Saripalli can fly drones, but that it's about the employees and the educational uses of the property.

Chairman Finley asked for the applicant's presentation – Mr. Saripalli gave his presentation.

Chairman Finley asked the board if there were any questions for the applicant.

Vice Chair Johnson – Referencing the Letter of Intent that Mr. Saripalli submitted with his application – Vice Chair Johnson asked the applicant if the ag research uses listed in his intent letter would require the use of Camera's on the drones. Mr. Saripalli stated that the camera's used wouldn't pick up normal footage but would be specialized for the type of research being done utilizing different wave lengths of light such as infra-red or UV. Vice Chair Johnson then stated the CUP being requested doesn't limit the type of drone being used, and how that interplays with-in a community. Vice Chair Johnson then asked staff if they could limit the ownership of the CUP. Staff stated that as long as it's stated in the conditions, the board could recommend a condition that prevented the CUP from remaining valid upon transferal of ownership of the property.

Chairman Finley then asked if there were any other questions for the applicant.

Chairman Finley – Asked the applicant if the only change to the property he is proposing is the 70x100 at this time. Mr. Saripalli confirmed that it was and that he may also need to construct a new entrance.

Chairman Finley – Asked the applicant to give a break down of his daily operations. Mr. Saripalli stated that on a normal day they might fly a few drones in the morning for 10 minutes, go back inside and crunch the data on that

flight, then maybe go back out at 1 and repeat the 10-minute flight. He stated that some days they don't even fly the drones or may need to take them somewhere else to fly them.

Commissioner White – Asked the applicant to clarify what the letters he showed during his presentation were. Mr. Saripalli re-stated what was stated in his presentation that the letters shown during the presentation were thank you letters from local organizations that he donated money to in 2013 after a bumper crop of Hay on his property.

Seeing none Chairman Finley asked that members of the public who wish to speak in favor of the application to come up and speak.

Jessie Boden (Overland Park, KS) – Spoke to Mr. Saripalli's work with small businesses to help them get grants, spoke to Mr. Saripalli's character and some of the use of drones that his company has witnessed.

Linda Heitzman Powell (25276 McIntyre Rd, McLouth) – Spoke to Mr. Saripalli's work with people with disabilities and technology to help aide those people.

Micah Barclay (911 Christie CT, Lawrence) – Spoke to Mr. Saripalli allowing his church to use the property for camping for youth groups.

Barbie Hartwell (1218 Church, Eudora) – Spoke to Mr. Saripalli helping her gifted students with their STEM activities and that she is looking forward to having a space where she can take the gifted kids to work on projects.

Jeff Renz (9711 El Monte St, Overland Park) – Spoke to Mr. Saripalli allowing his organization, the Heart of America Free Flight Association, to use his land for flights and testing of new models.

Deni Faimon (2098 Oak Rd, Perry) - Stated that she wanted Mr. Saripalli and the board to know that not everyone in the neighborhood is against his request.

Jake Johannes (13208 31st St, Perry) – Stated that he echoed the previous speaker and that he found getting information from Mr. Saripalli about the case to be very easy and that he wished more of his neighbors had.

Tanya Robb (2292 Oak Rd, Perry) – Stated that she supports the project and science education.

Chairman Finley asked for anyone else wishing to speak in favor of the application to step forward. Seeing none, he moved to asking members of the public who wished to speak in opposition to come forward.

Jack McCartney (3084 Oak Rd, Perry) – Expressed concerns about privacy issues and damage issues with drones and wanted to know if the FAA laws change then would the request need to change. He stated that he would hit a drone down with a shovel if it came for him.

Debra Clarke (2721 Oak Rd, Perry) – Expressed concerns that Mr. Saripalli addressed concerns she wrote in her letter. She also expressed concerns over what data is being collected, noise levels, and potential for crashing drones and her cattle eating the pieces.

Mike Nichols (17100 Fairview Rd, McLouth) – Expressed concerns that the FAA regulations were not presented to the board, and that the Conditional Use Permit process has a potential to intrude on the zoning districts inherent uses.

Jim Skinner (2795 Osage Road, Perry) – Expressed concerns over data security, potential breaches of privacy, felt the process should be tabled to allow data driven decisions, sound pollution, that the drones have cameras, and that if the contract is for the government then the government should give him land to do this research on.

Rick Langford (2824 Oak Rd, Perry) – Expressed concerns over property value, driveway access, businesses in rural areas, increased traffic, and that Mr. Saripalli isn't paying taxes. (Staff addendum; The Property is being taxed Ag)

Darin Castle (12723 31st St, Perry) – Expressed concerns over the location of buildings, the view from his back yard being ruined by buildings, cameras on drones, that the property was purchased to be used for autistic children and it's not, concern over property values.

Lloyd Long (12860 31st St, Perry) – Expressed concern that the property was bought as a special needs camp, potential for future expansion of the business, doesn't want to look at an industrial park, property values, potential for schools, doesn't want buildings in his line of sight.

Gordon Wilbur (2630 Oak Rd, Perry) – Stated that he echoed the other complaints, and that Mr. Nickols said it best that we need to get regulations in place for drones.

Julia Pennel (2187 Oak Rd, Perry) – Expressed concerns that the traffic would increase even more than the existing traffic on the road, potential for expiration date on the CUP, and potential for big equipment being used to build the buildings.

Susy Rockwell (621 Illinois, Lawrence) – Expressed concern over the current use of the property, model airplane usage, FCC and FAA regulations

Margaret Dick (2253 Oak Rd, Perry) – Expressed Concern over drones and her horses, traffic and tax classification of the property.

Janette Long (12860 31st St, Perry) – Echoed the points raised by her husband, Lloyd, and concerns over the present use of the property how it's not being used for autistic kids, and traffic issues.

Susan Warriner (3328 Linn Rd, Perry – Representing Rural Water Dist. #2) – Wanted to provide clarification that the property is presently being served for residential purposes only and that if it becomes commercial the applicant would need to apply for a commercial meter.

Julie Castle (12723 31st St, Perry) – Echoed concerns of previous speakers, and expressed concerns over the future site plan that was submitted in the application.

Sharon Spreer (13398 E. 31st St, Perry) – Expressed concern that the individual who used to farm the subject property would be upset about the potential use, businesses being placed in Ag land, and the amount of traffic increased.

Chairman Finley clarified that some of the issues raised were outside of the scope of the CUP hearing, and that personal finances are not a concern of the recommending body. Chairman Finley closed the public comment portion of the hearing and gave the applicant a chance for rebuttal.

Mr. Saripalli – reiterated many things that were mentioned in his presentation in his rebuttal. He reviewed the FAA regulations (Stated the number),

Chairman Finley asked the board if they had any questions for Mr. Saripalli in regards to his rebuttal

Commissioner Phillips – Asked Mr. Saripalli if he would be okay with implementing a certain number of people

as the maximum number of employees. Mr. Saripalli stated he would be comfortable with a maximum of 10 employees.

Chairman Finley – Wanted to discuss the site plan that was submitted for his application. Mr. Saripalli stated that he only wants to build the 1 building that is 70ft x 100ft and stated that he is willing to talk about that buildings location with neighbors.

Chairman Finley – Asked if Mr. Saripalli would describe the types of STEM activities he would host so that the board could impose limitations. Mr. Saripalli stated that usually the events have 4 or 5 kids with a teacher. Mr. Saripalli also stated that he would be amenable to allowing a vehicle limitation for the activities.

Chairman Finley asked the board for further discussion on the case.

Staff – Clarified that from a zoning perspective, if every single building on the site plan was to be built for personal use, all that would be required is a building permit.

Commissioner Scherer – Asked staff to review their 3rd condition which described phases of construction. Staff stated that since Mr. Saripalli is now stating that all of the activities he is needing the CUP for can be done in the 70 x 100 building, that it would be prudent to amend condition 3 to state that any further construction for the business beyond the 70 x 100 building would require a development plan amendment.

Vice Chair Johnson – asked if a development plan amendment would be administrative only. Staff stated no, that a development plan amendment would require a whole new hearing.

Vice Chair Johnson – asked if the CUP would trigger a change in taxation. Staff stated that as far as they knew, there would be some commercial taxation applied to the structure, and potentially some of the land around the structure, but for any clarifications people would need to speak to the County Appraiser.

Vice Chair Johnson – Wanted to know more information about the statement in the intent letter from Mr. Saripalli that mentioned future uses are being developed. Staff stated that since Mr. Saripalli has stated all the Stem activities can be done in the 70 x 100 building, then amending the 3rd condition as suggested earlier would be sufficient in covering potential future expansion.

Vice Chair Johnson – asked if there was case history on the property. Staff stated there was no prior case history other than previous building permit for personal use.

Secretary Newman – Wanted to clarify that the only reason for a CUP is the employees and the Stem Activities. Staff stated again, that yes, if Mr. Saripalli wanted to do this on his own with out employees and was not hosting STEM activities, all that would be required is a building permit for the 70 x 100 building.

Vice Chair Johnson – Stated that he feels the CUP potential future speculation of uses and asked staff if Mr. Saripalli gets a grant and wants to expand if we'd need to have a new hearing. Staff stated if the applicant wants to expand beyond the 70 x 100 then he would need to come back through with a development plan amendment.

Vice Chair Johnson – Stated that he was uncomfortable with the fundamental change in the agricultural nature of the property. Staff stated if a person on this property wanted to build a 2-story house with 5 people living in it who could all drive and wanted to build a 70 x 100 and second building just as large, to staff there's no difference in that much conversion of ground.

Chairman Finley then asked for a discussion on conditions. After discussion about conditions mentioned during the testimony and in regard to issues raised during the public comment portion, the following conditions were settled upon;

1. Any lighting placed on the property will be directed as to point inward toward the property.
2. Any signage will require permitting.
3. Prior to any non-personal use structure being built beyond the initial 70-foot x 100-foot structure a development plan amendment will be required.
4. All FAA requirements for drone flights shall be followed.
5. All activities on the property shall be concluded by 8PM.
6. No manufacturing, except for products directly related to drones or STEM education, shall take place on the property.
7. Only Research and Development of Drone technology, and STEM related education events shall take place on the property.
8. A more specific outline of intended STEM education activities will be filed with the Zoning office prior to those activities taking place.
9. A schedule of STEM activity events will be filed with the Zoning office on a yearly basis.
10. Staff shall conduct a review of the activities on site 2 years after publication of an approval resolution.
11. No more than 10 ground vehicles on site at any time.
12. No gas-powered drones or planes on the site.

Chairman Finley asked for further discussion or a motion – Commissioner Scherer moved to recommend approval of CU2019-02 with the above conditions. Commissioner Phillips Seconded

Matt Scherer	Paul Johnson	Stephen Phillips	Jerry White	Vacant	Matthew Finley	Brandon Newman
Aye	Nay	Aye	Nay	---	DNV	Aye

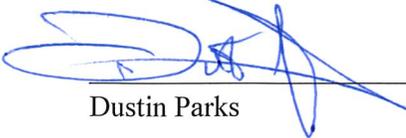
Motion Passed 3–2

- Item 6. Public Comment** – Ms. (first name unrecognizable on audio) Pennel – advised the board that there are better ways to foster greater trust with in the community.
- Item 7. Old business** – Staff and the board discussed previous cases.

Item 8. New Business - Staff discussed the next month's hearings and future appointments to the board

Item 9. Adjournment – 11:47 PM

Minutes taken by:



Dustin Parks

Approved:

3/25/19

Date

Chairman:

Paul Johnson
Matthew Finley Paul Johnson (Vice-Chair)

Secretary:



Brandon Newman