

BOONE COUNTY ZONING COMMISSION MINUTES
SPECIAL MEETING
TUESDAY DECEMBER 10, 2019

5:30 P.M. – BOONE COUNTY COURTHOUSE, 1ST FLOOR
201 STATE STREET, BOONE
PLEASE ENTER THROUGH THE EAST DOOR

I. OPEN MEETING AND ROLL CALL

Robert North	Carla Barnwell	Eric Crosman
Kay Rice	Marilyn Jordan	Jan Danilson
Lance Stumbo	Kim Houlding	Gary Luna

(Chairman)

Present: Kay Rice, Marilyn Jordan, Kim Houlding, Jan Danilson and Robert North

Absent: Lance Stumbo, Carla Barnwell, Eric Crosman, and Gary Luna

Also Present: Rick Wailes

II. APPROVAL OF MINUTES

A. October 28, 2019

Marilyn Jordan moved to approve the minutes

Seconded by Kim Houlding

Kay Rice—yes
Marilyn Jordan—yes
Kim Houlding—yes
Jan Danilson—yes
Robert North—yes

Motion Carried

III. APPROVAL OF AGENDA

A. Kay Rice moved to approve the agenda

Seconded by Kim Houlding

Kay Rice—yes
Marilyn Jordan—yes
Kim Houlding—yes
Jan Danilson—yes
Robert North—yes

Motion Carried

IV. DISCLOSE CONFLICT OF INTEREST AND EX-PARTE COMMUNICATION

A. None

V. CITIZENS COMMENTS ON ITEMS NOT ON THE AGENDA (ADDITIONS TO AGENDA)

A. None

VI. OPEN PUBLIC HEARING(S) AND CONSIDERATION OF APPLICATION(S)

A. Petition to Amend the Boone County Zoning Ordinance #88 to allow for the modification of Section 4.16 Use Table. The proposed amendment, Ordinance # 141 would modify the existing use table to include “Catering Service, Banquet/Reception Facility, Social or Fraternal Organization” as an allowable use in the A-1 (Agriculture Conservation) District with an approved Conditional Use Permit. This Use is currently only allowed in the C-1 (Commercial District).

Director Mike Salati spoke first in regards to the petition. Salati stated that Debbie Ladd and Rick Wailes had been at the previous Zoning Commission meeting at which time they were requesting a rezoning from A-1 (Agriculture Conservation) to C-1 (General Commercial) to allow for a wedding / event venue.

Salati noted that the Zoning Commission had recommended denial of the application by the Board of Supervisors.

Salati noted the petition went onto the Board of Supervisors and they did not want to go against the Zoning Commissions recommendation. The Board of Supervisors believed this type of venue should be allowed in the A-1 (Agriculture Conservation) District with a Conditional Use Permit.

Salati also discussed the districts in which the change should be made. Salati also noted there had been four or five previous requests made for such a use over the past several years.

Kay Rice stated the Conditional Use permit would not change the concerns that they had in regards to the alcohol, infrastructure and lighting.

Salati noted the Conditional Use Permit would allow the board to tailor conditions to the Venue where as if the Zoning were to be changed there would not control the venue. Salati noted a conditional use would help balance things so that people would be allowed to use their properties for things other than just farming.

Kim Houlding questioned the ramifications on existing livestock operations if someone were to come in and put a venue/ event center next to the facility.

Salati questioned whether someone would actually want to put a venue into an area with an existing livestock operation.

Marilyn Jordan questioned “tailoring” she questioned what the tailoring would involve.

Director Salati spoke in regards to one of the last conditional use permits which had been issued for the wind farm. Salati noted a Conditional Use Permit required public hearing in front of both the Zoning Commission and the Board of Adjustment.

Salati noted the Zoning Commission was a recommending body, but that the Board of Adjustment had the power to grant the Conditional Use Permit and place conditions on it.

Jan Danilson question confirmed the fact that the Zoning Commission was only making a recommendation on the approval of the modification to the Zoning Ordinance and not making a recommendation on the issuance of the actual Conditional Use permit.

Vice Chairman Robert North stated he believed this use would best fall into the Conditional Use rather than creating an island by rezoning one parcel.

Chairman Michael Salati also noted an e-mail had been submitted by Brian and Shelia Bales which they had requested be read at the meeting.

Vice Chairman Robert North went on to read the letter to the members outlining their concerns on increased traffic, noise, signage and lights. (This letter is located in the Ladd file.)

Kay Rice expressed her concerns.

Marilyn Jordan stated her daughter in law ran a wedding venue and that it was very difficult to control everything. She was concerned with someone driving too fast on a gravel road. Jordan was also concerned with the effect of property values in the area.

Kim Houlding noted amending the Zoning Ordinance did not guarantee a Conditional Use Permit would be issued. She noted that the amendment would allow for the use in the A-1 (Agriculture Conservation) District, noting Debbie Ladd would still need to come back to the Zoning Commission for a recommendation.

Houlding also expressed concerns with the wedding / event center being located next to the venue.

Jordan was concerned with setting precedence by granting the Conditional Use Permit.

Kim Houlding also discussed concerns with the rural water and the effects which could occur from the increase in usage during weddings or events. She also discussed the issue of fire control.

Director Michael Salati noted the fire chief did not have an issue with the use.

Vice Chairman Bob North noted a conditional could be put on the permit requiring the applicant to bring in KYBOS for large events.

Marilyn Jordan questioned whom would be responsible for coming up with the conditions to be placed up such a permit.

Director Michael Salati noted that both the Board of Adjustment and the Zoning Commission would be the ones responsible with placing conditions on the permit.

It was also questioned who would be responsible to monitor the use and verify that the applications were following the conditions which had been placed on the permit.

Chairman Mike Salati noted the Planning Office would be responsible for ensuring the conditions were met, he also stated at night if there were a complaint the sheriff's office should be contacted.

Kay Rice noted this would add more responsibility for the Planning Office.

Salati stated this would not be an issue.

Kim Houlding questioned how other counties were handling such Wedding/ Event Venues.

Salati stated most counties were handling the use through the Conditional Use Permit process.

Someone suggested this use may be more appropriate in the Transitional Agricultural District.

Salati also noted Ladd's property was shown to be in the Transitional Agricultural district in the future land use map.

Marilyn Jordan questioned which areas in the county were designated to be Transitional Agriculture in the future land use map.

Mike Salati noted the future Land Use Map was available online.

Kim Houlding noted the zoning of a property could not be changed without the property owner's consent.

Kim Houlding also questioned whether a private individual could have a family wedding on their own property.

Director Salati noted that was allowed.

Robert North discussed the possibility of taking no action on the amendment until at which time all of the Zoning Commission members could be present.

Salati noted a meeting had already been scheduled with the Board of Supervisors.

Further discussion was held on the amendment and whether or not the Board of Supervisors was in favor.

Kim Houlding noted she was in favor of allowing the wedding/event center in the TA-1 district.

Jan Danilson stated she wanted it to be noted on record that the request for rezoning for the Ladd property was done for legitimate reasons.

Kim Houlding questioned what they were actually voting upon... She questioned whether they were recommending the use be allowed in the TA-1 District or the A-1 District.

Director Salati stated it was up to the board members.

Robert North questioned whether the amendment to the ordinance was suggested by the Board of Supervisors.

Salati stated he believed the use was best controlled or handled through the Conditional Use Permit process.

Kay Rice commented she believed part of the ordinance change suggestion was made by Carla Barnwell.

Further discussion was held on the separation distance between the Ladd's and Bales property.

Rick Wailes noted he had spoken to an engineer in regards to the sound levels which would be heard at the Bailes' property which was approximately 1,700 feet from the proposed venue.

He noted if there were to be a concert outside the decibel level would be approximately 110 decibels. He stated at 1,700 feet away the decibel level would be approximately 45 decibels. Wailes noted normal conversation was 60 decibels. Wailes noted they planned to insulate with foam which would minimize the noise from the venue.

Kay Rice again voiced her concerns in regards to increased traffic, events at all hours of the night and issues arising from alcohol use.

Rice noted she would not like the traffic from a wedding party of 200 people driving in her area.

Kim Houlding stated she believed she needed further information.

Marilyn Jordan questioned the seasons in which weddings would be held she questioned whether they would be held year round.

Rick Wailes stated he believed they would possibly be held in spring and fall.

Further discussion was held on the timeline for the events.

Kim Houlding stated they could always regulate which months the permit had been issued for.

Vice Chairman Robert North stated they needed to decide whether or not to recommend approval of the amendment to the Zoning Ordinance.

Marilyn Jordan questioned what would happen after the Zoning Commission had made their recommendation.

Director Salati noted the recommendation whether for or against the amendment would go onto the Board of Supervisors whom had final say on the ordinance change.

Kim Houlding and Marilyn Jordan both expressed concern with the amendment change.

Director Salati noted many other counties were issuing with the same issues.

Jan Danilson questioned whether or not a motion was required.

Kim Houlding moved to recommend Board of Supervisors denial of Ordinance # 141 which would amend the Zoning Ordinance to allow for a wedding/ event venue to be allowed in the A-1 (Agriculture Conservation) District.

Seconded by Kay Rice

Director Mike Salati questioned whether or not the Zoning Commission wanted to see a change to the TA-1 (Transitional Agriculture) District to allow for such a use.

Robert North stated he still wished more members were present to make the determination.

Kay Rice—yes

Marilyn Jordan—yes

Kim Houlding—yes

Jan Danilson—yes

Robert North

Motion Carried to recommend Board of Supervisors Denial of Ordinance # 141.

VII. CONSIDERATION OF SUBDIVISION PLAT APPLICATION

A. None

VIII. UNFINISHED BUSINESS

A. None

IX. NEW BUSINESS

None

X. REPORT OF ZONING ADMINISTRATOR AND DIRECTOR OF PLANNING

A. Director's Report (Planning and Development Department)

None

IX. ADJOURNMENT

A. Meeting Adjourned

Respectfully submitted,

Wanda Cox