

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
NOVEMBER 29, 2017
7:00 P.M.**

COMMISSION MEMBERS PRESENT:

Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Ms. Jamie Nieves
Mr. Kim Patton, Vice-Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mrs. Lori Heilman
Mr. Mark Hicks
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services

Vice Chairman Patton called the Public Hearing to order at 7:07 p.m. and introduced the only item on the Agenda:

ZONING TEXT AMENDMENT - Lori Heilman, Chairwoman, Kevin Wall, Staff

1. Request of the **City of Union** to consider a Zoning Text Amendment to Section 2513 “Conditional Uses and Criteria” of the Boone County Zoning Regulations to permit sales and leasing of new and used motor vehicles as a Conditional Use in the Union Commercial (UC) District. The request is to hear and evaluate comments on a proposed zoning text amendment and how it affects the current Boone County Comprehensive Plan, Union Town Plan, and Boone County Zoning Regulations.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The City of Union is requesting a Zoning Text Amendment to permit sales and leasing of new and used motor vehicles as a Conditional Use Permit in the Union Commercial (UC) zoning district. Mr. Wall noted there is a map attached to the Staff Report that depicts 4 sites that are currently zoned Union Commercial (UC). Proposed zoning text is being recommended that would allow “sales and leasing of new and used motor vehicles when operated in conjunction with an existing automotive repair facility” as a conditional use in the Union Commercial (UC) zone. Currently, there is only one candidate site that meets the criteria. That doesn’t mean that other sites could not meet the criteria in the future. Mr. Wall referenced the Boone County Comprehensive Plan’s Future Land Use Map and the Union Town Plan. The request doesn’t involve looking at an individual site as it only involves the zoning text.

In terms of Staff Comments, Mr. Wall explained that the request must be evaluated in terms of the Boone County Comprehensive Plan, the Union Town Plan and the foreseeable impacts or effects the proposed text change would cause. The Board should also examine the current UC zoning text as it lists the permitted uses. These permitted uses are smaller in scale and reflect daily needs. Mr. Wall referred to the intent section of the UC zone (Section 2510 of the zoning regulations). There is only one UC zoned site that could allow the sale of vehicles. Staff also recommends a cap on the number of vehicles for sale that would be stored on the site at one time. There are other zones that have caps. The C-2 zone caps the number of vehicles at 50. The Florence Main Street zone caps the number of vehicles at 25. Based upon the size of sites in general terms, a cap of 10 vehicles would be reasonable. In addition, the total number of vehicles for sale could be determined by the Board of Adjustment through the Conditional Use Permit process. Finally, Mr. Wall noted that Section 2540 “Design Requirements” for the UC Zone would still apply for any new development including site improvements and building alterations.

At this time, Vice-Chairman Patton asked if there was anyone who wanted to speak in favor or against the request?

Mr. Bryan Miller, City Commissioner for the City of Union, stated that he has lived in the City of Union for over 20 years and he felt that Don Jr’s Garage is the nicest auto repair facility in Boone County. It is the type of business that one is proud to have in the community. He noted that the owner approached the City about sponsoring a Zoning Text Amendment.

Mr. David Plummer, City Administrator for the City of Union stated that he thought a cap on the

number of cars is a good option for the Planning Commission to consider perhaps in the range of 12-17 vehicles. Mr. Miller mentioned that he doesn't see the site having 50 cars. He asked the Planning Commission to approve the Zoning Text Amendment. It will be good for the City of Union.

Vice Chairman Patton asked if any of the Board members had any questions or comments?

Mr. Schwenke commented that Don Jr's Garage is a nice facility. He noted that the existing building was a former gas station. It dates back to the mid 1940s. It was a gas/auto repair facility. It was also a store.

Mr. Lunnemann stated that the request must be viewed wholeistically since the other 3 possible sites are located in other jurisdictions. Mr. Wall responded that the other jurisdictions would have to adopt the Zoning Text Amendment in order for the use to be allowed as a Conditional Use. The recommendation from the Planning Commission would be forwarded to the Cities of Union and Florence and the Boone County Fiscal Court.

Mr. Costello reminded everyone that the request will come before the Technical/Design Review Committee. Because of the 60 day time limit, the full Planning Commission will vote on the request at its December 6, 2017 Business Meeting.

Seeing no further questions or comments, Vice Chairman Patton announced that the Committee Meeting for this item will be on December 6, 2017 at 6:00 P.M. in the Fiscal Courtroom Conference Room. This item will be on the Agenda for the Business Meeting on December 6, 2017 at 7:00 P.M. Vice Chairman Patton closed the Public Hearing at 7:22 P.M.

APPROVED:

Kim Patton
Vice Chairman

Attest:

Kevin P. Costello, AICP
Executive Director