

**SUMMER QUARTERLY PUBLIC HEARING  
BOONE TOWN COUNCIL  
August 9, 2007**

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**Town Council members in attendance:** Mayor Pro Tem Lynne Mason, Dempsey Wilcox, Janet Pepin and Bunk Spann

**Planning Commission members in attendance:** Chairperson Greg Reck, Vice-Chairperson Mary Ruth McRae, Eric Woolridge, Patrick Heavner, Elizabeth Aycock, Stephen Phillips, Gayle Turner and Charlie Walker

**Planning Staff in attendance:** John Spear-Director of Development Services, Brian Johnson-Urban Specialist and Marlene Crosby-Board Secretary

**Others in attendance:** Greg Young, Town Manager

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Mayor Pro Tem Mason called the meeting to order at 7:02.p.m. She asked Mr. John Spear, Director of Development Services to present the first case.

**Case 20070356 Den Mac, LLC – Rezoning**

Virgil Freeman, on behalf of Den-Mac, LLC, is requesting to rezone the property located at 200 Den Mac Drive from Conditional Use General Business (CUB-3) to General Business (B-3).

Mr. Spear presented this case as outlined in the meeting packet. Mayor Pro Tem Mason asked the Planning Commission Members and the Town Council Members, if they had questions on this case. Discussion ensued on the property changing hands and how this would affect the rezoning. Mr. Spear said there would be no impact. Discussion ensued on the impact of traffic, lighting and community improvement codes and how these types of things will be considered once the property is annexed. Commissioner Turner asked if there had been any neighborhood comments received by the town. Commissioner Phillips asked about the hours of operation and complaints of noise when the High Country Round-Up was in operation at this location. Mr. Spear said there were some noise complaints from the Raven Ridge residents, they said that they still heard noise after the walls were fixed to reduce the noise. Discussion ensued on Smart Growth principles and if the rezoning request would be supported or opposed. Commissioner Turner asked if this location is potentially a neighborhood center and does the change of zoning encourage or discourage this use. Mr. Spear said number of uses benefiting local residents could be provided in the requested B-3 district. Mr. Spear said that the original zoning change in March 27, 1997, (Case 9703RZ) was the actually the time for the discussion on conformity with comprehensive plan policies. Prior to that time, this area was zoned mobile home park development. Chairperson Reck asked if the zoning remained conditional and the property changed hands would the property remain conditional. Mr. Spear said yes the zoning runs with the property regardless of ownership. Discussion ensued on the zoning of the property surrounding this location. Council Member Wilcox asked Mr. Spear to outline the original conditions on this property. Mr. Spear said that the property had to meet all the current ordinance requirements and that no special conditions were placed on the operation. Discussion ensued on the process of amending the ordinance to change the use of this property. Vice-Chairperson McRae discussed what happened in 1996 when it was rezoned at that time. It was suggested as an option that the use at this location be a general O & I use. Mr. Spear said that the greatest amount of conditions ever placed on this property was pertaining to the High Country Round-up, a use which is no longer there.

The only person signed up to speak on this case was Virgil Freeman. Mr. Freeman approached the podium and explained why he is asking for this rezoning change. He said that he is at a point, after ten years, where his tenants are moving away to multiple locations. He does not want to be trapped in the annual process to seek zoning modifications in order to allow changes in use.

With no further discussion, Mayor Pro Tem Mason closed this case.

**Case 20070392 Community Appearance Sports Fields & Parking Lighting – Text Amendment**

The Town of Boone is proposing a zoning text amendment to correlate the Town of Boone UDO lighting standards with the Illuminating Engineering Society of North America (IESNA) standards relating to sports fields and also to provide a broader range of illumination and more uniform lighting in parking areas as recommended by the Illuminating Engineering Society of North America (IESNA).

Mr. Spear briefly introduced this case as outlined in the meeting packet. Mr. Brian Johnson, Urban Design Specialist outlined the recommendations of the Community Appearance Commission. Mr. Johnson started explaining the sports field and sport court issues with the new high school. Mr. Johnson said that the CAC looked at the recreation levels and the IESNA standards. Mr. Johnson went over the information in the staff report and Article XXII, Section 398 and the areas of change within this section. There was discussion regarding the need for brighter lighting for playoff games. Higher levels of illumination, if needed, are allowed if approved through a review process with the Community Appearance Commission. There was discussion on how the sports field lighting must be provided with the manufacturer's glare-control package.

There was discussion on developing standards to require non-conforming lighting to be brought into compliance and reduce local light pollution. There was discussion on foot candles and low, medium and high activity parking lot lighting. Mr. Johnson used the example of the Taco Bell Restaurant and Cookout Restaurant lighting as being in the 30 – 35 foot candle range. Mr. Johnson discussed other specific text amendment changes to currently proposed to Article XXII. There was further discussion on gas station canopies and how new standards require a maximum illuminance of 30 foot candles. The gas station owners have been given seven years from the date of the adoption of the article to make this change. Mr. Johnson said that letters have been mailed to gas station owners but the town has received no reply from them. Council Member Spann asked if a more uniform approach could be used to bring more uses into compliance. There was discussion on amortization of non-conforming lighting. Council Member Pepin suggested that a time limit for compliance be determined for uses other than gas station canopies.

With no speakers signed up to speak, Mayor Pro Tem Mason closed the case.

**Other Matters by Board Members or Staff**

There were no other matters discussed.

**Adjournment**

Mayor Pro Tem Mason asked for a motion to adjourn the meeting. Council Member Spann made the first motion. Council Member Pepin made the second motion.

**Vote: Aye – All  
Nay – None**

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Lynne Mason, Mayor Pro Tem

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Marlene Crosby, Secretary