

**SPECIAL PUBLIC HEARING  
MEETING MINUTES  
MONDAY, FEBRUARY 28, 2011  
7:00 P.M.**

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**Boone Town Council:** Mayor Loretta Clawson, Lynne Mason-Mayor Pro-Tem, Andrew Ball, Stephen Phillips, Jamie Leigh and Rennie Brantz

**Boone Area Planning Commission:** Chairperson Bunk Spann, Vice-Chairperson Eric Woolridge, Shawna Rhyne, Donald Dotson, Kimberly Marland, Greg Simmons, Terence Milstead, Tom Purpur and Jay Vincent

**Planning Staff:** Bill Bailey, Director of Planning and Inspections, David Graham, Development Coordinator, Christy Turner, Planner and Marlene Crosby, Board Secretary

**Others:** Greg Young-Town Manager and Sam Furgiuele-Town Attorney

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Mayor Loretta Clawson opened the Special Public Hearing at 7:02 p.m.

**CASE 20110059 Mueller, Brian – Conditional District Zoning Map Amendment**

Brian Mueller has filed a Conditional District Zoning map request for property located at 183 Delmar Street (Watauga County PINs: 2910-68-5966-000 and 2910-68-6897-000). This request is to rezone the properties from R-1 Single Family to Conditional District B-3 General Business and Conditional District R-2 Two-Family with a 5 year vesting period. The phased project contains the following uses within the Conditional District B-3: (Use 1.111) Site-built or Modular Structures and (Use 3.120) Operations Designed to Attract Little or No Customer or Client Traffic other than employees of the entity operating the principal use; and the following uses within the Conditional District R-2: (Use 1.111) Site-built or Modular Structures and (Use 1.700) Home Occupations.

Mr. David Graham, Development Coordinator presented this case as outlined in the meeting packet. Mr. Graham said that this case involves a six-lot architecturally integrated subdivision and a request for a five year vesting period. Mr. Graham asked if there were any questions of the staff before Mr. Brian Mueller came to the podium.

Mayor Clawson asked Mr. Mueller to approach the podium and state his name, and she then said that he could proceed.

Mr. Mueller began his presentation by asking if there were any questions from the packet information. Mr. Mueller said that he did have a very enlightening neighborhood meeting the week before this special public hearing meeting. Mr. Mueller said he answered questions at the neighborhood meeting and this may be the reason no one came to speak at the special public hearing meeting. Mr. James Bates from the neighborhood was present at this meeting but he did not speak. Mr. Mueller talked about the trees and driveways and location of the smaller homes and his effort to preserve the land. Mr. Mueller said with the design of these Delmar Bungalows he was able to provide the Town of Boone with affordable housing. He noted that he has a science and engineering type background that gave him the knowledge to create the proposed building plan. He said he would like to use this proposed plan as a template to look at the architect and design and utilization of infill property in the Town of Boone.

Planning Commission Vice-Chairperson Bunk Spann asked Mr. Mueller to expound on how the three solar homes and two solar duplexes are going to share the green space. He said the solar homes building space is relatively flat and allows for slab construction. He said he is offering these homes as turnkey projects. The homes will have an 8/12 pitch roof to allow for solar panels to be attached to them. He said that he has always lived in solar homes. He has chosen this area to live in because he has two children in school. He will be living in the older home and will renovate it. He said, in addition to designing the proposed solar homes, he has designed the landscaping buffers and window orientations. He has designed this proposed plan so that solar panels and radiant floors can be added later. Planning Commission Chairperson Spann asked what an Appalachian Bungalow is; and do you have an example of it. He said that the house he

will be living in will have a hip roof and porches. Mr. Mueller further explained the outside elements he is adding to the home and will expose rafter tails because it is a less expensive way to build. Planning Commission Member Terence Milstead asked Mr. Mueller how he addressed the concerns of the neighbors. Mr. Mueller said that his vision is for the people to live above their businesses to reduce having to drive to work. Mr. Mueller addressed student housing and how he is trying to make it more affordable by only providing one bathroom. Mr. Mueller said he is marketing the homes at \$165,000 to university professors and young couples that each makes around \$25,000 dollars a year. This cost also makes it more affordable for parents to purchase for their children that are university students. Mr. Mueller talked about what he had learned from the affordable housing task force and he designed these proposed homes from that information. Mr. Mueller said that this area for this proposed project is a well organized community that could handle the potential renters of these homes. Planning Commission Chairperson Spann asked Mr. Mueller to expound upon the older home at this area. Mr. Mueller said that he is renovating it and it is the home where Mr. Charles Michael's mother lived until 2003. This older home is in good shape and he will live in it and the home will remain on the site long term. Planning Commission Member Greg Simmons said the reason there are questions on this older house is in the past this home came before the board in a General District Rezoning case and testimony was given that said this home was a tear down because it would cost more to fix it up than it would to tear it down. Mayor Pro-Tem Lynne Mason asked Mr. Mueller since this proposed project is in a transitional zone to a single-family neighborhood would he be willing to stipulate to single-family residency occupancy standards which is no more than two unrelated people in a unit which supports family neighborhood living. Mr. Mueller asked for further explanation on the occupancy standards in the R-2 zoning districts.

Planning Commission Member Simmons asked Mr. Mueller why he settled on the additional B-3 zoning district. After meeting with the Planning and Inspections staff, Mr. Mueller said he learned it would not work to choose a different zoning option. Mr. Graham came to the podium to say that there is a density issue because of the square footage in the B-3 and B-2 zoning districts. Discussion ensued on other mixed use areas in the Town of Boone.

Mr. Mueller commented on the positive experience that he has had in working with the Planning and Inspections Department staff when working on this proposed project.

Planning Commission Member Simmons asked Mr. Mueller to expound on his vision of the mixed-use part of the proposed project in terms of planning for the residential portion. Mr. Mueller said he is looking for the type of business that has only one person come into their business at a time like an acupuncturist or accountant. He is suggesting a Murphy bed in the meeting room of the business space for guests. Mr. Mueller said there will be two very small bedrooms above the businesses or one bedroom with a workspace with only 1,000 square feet. Mr. Mueller talked about the beauty of this phased proposed property being flat and not having a lot of infrastructure. Mr. Mueller said his approach to marketing this proposed project is through pre sales. Mr. Mueller said the units with the apartment above them are not connected to the business below but they could be connected.

Council Member Andy Ball asked Mr. Mueller if he would be willing to add a stipulation to restrict it to no more than two unrelated persons per unit in the Conditional B-3 General Business and Conditioning District zoning portion of this proposed project. Mr. Mueller said yes he would be willing to make this stipulation. Mayor Pro-Tem Mason asked if he intends to sell or rent these units. Mr. Mueller said he wants to sell them. Mr. Mueller said that he hopes to market the homes at a starting price of \$165,000 without a garage. The garage can be added on for \$25,000 at a later date. Mr. Mueller said that Mr. Ned Fowler with the Northwest Regional Housing Authority has some very interesting federal money out there and financial assessments can be made for potential clients.

Planning Commission Member Bob Cherry asked about the strange shape of the common green area and how one part of it looks like a gravel driveway. Mr. Mueller said that he had to create access to the green space. Planning Commission Chairperson Spann confirmed that there is no driveway running through the green space. Mr. Mueller said the driveway is part of the green space and it will not reduce the green space. Mr. Mueller said that everything presented on the plan has to done and it is a good plan. Planning Commission Chairperson Spann asked if he had received any input from the community that caused him to change his plan. Mr. Mueller said the community was looking forward to a coffee shop; however, parking is an issue. Mr. Mueller

said it is 87 steps to the bus stop and he is promoting walking and riding bicycles for transportation.

Planning Commission Member Simmons talked about parking in the various areas around this proposed project. Mr. Mueller said he is mindful of light pollution in the proposed project. The community had a question on lighting at the neighborhood meeting.

Council Member Ball asked if in Lot 2, the proposed one story on the right hand side, if it will be a commercial space. Mr. Mueller said yes it will be and he does not know how many units will be built there at this time. Mr. Mueller said he was going to let the market drive how many units that will go into that space. Mr. Mueller explained what makes up the square footage in each unit in each structure.

Mr. Mueller said his market is the hospital employees and the young university professors. Council Member Ball asked Mr. Mueller to expound on why he asked for five-year vesting. Mr. Mueller said he does not know what the future holds but everyone is optimistic. Planning Commission Member Vincent gave a sales figure for HUD homes in the county for around \$165,000 with two bedrooms and two bathrooms and they have zero lot lines.

Mayor Clawson asked Mr. James Bates if he wanted to speak because he was signed up to speak. Mr. Bates declined her offer to speak at this meeting. Mayor Clawson asked if there were others that wanted to speak for this case. There were no other speakers or questions for this case.

Mayor Clawson closed the public hearing for this case.

**ADJOURNMENT**

With no further business, Mayor Clawson adjourned the special public hearing at 7:36 p.m.

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Mayor Loretta Clawson

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Marlene Crosby, Board Secretary