

**TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
January 9, 2024, 3:00 p.m.
Planning & Inspections Department & WebEx Video Conferencing**

Historic Preservation Commission Members in Attendance:

Vice-Chair Bettie Bond, Vardell Smyth, Jerry Williamson, and Krystal Carter

Council Liaison: Virginia Roseman

Town Staff in Attendance: Jane Shook-Director of Planning & Inspections, Jessica Mitchell-Advanced Planning Specialist, Mike James- Commercial Zoning Administrator, and Marlene Crosby-Board Secretary

Others in Attendance: Jim Deal-Deal, Moseley & Smith Attorneys at Law, Brent Davis-Brent Davis Architecture, John Winkler-Applicant, Luke Barber-Watauga Democrat, Jodie Feimster, and Allison Meade-Town Attorney

CALL TO ORDER

Vice-Chair Bond called the HPC Quasi-Judicial meeting, held in person at 680 W. King Street, Suite C and via WebEx, on January 9, 2024, to order at 3:00 p.m.

ADOPTION OF AGENDA

Commission Member Williamson made a motion, seconded by Commission Member Carter, to adopt the agenda as presented.

Vote: Aye – All
Nay – None

The motion passed.

Ms. Jane Shook, Director of Planning and Inspections, joined the meeting at approximately 3:10 p.m.

PUBLIC COMMENT

No individuals requested the opportunity to speak during public comment.

Vice-Chair Bond swore in Mr. Mike James, Commercial Zoning Administrator.

CASE A23-0547 PORTOFINO HOTEL – MODIFICATION TO PREVIOUS COA

John Winkler, on behalf of Rivers Street Ventures, LLC, is requesting a Certificate of Appropriateness (COA) for Major Work for the alteration of a previously issued Certificate of Appropriateness for the construction of a new hotel at 970 Rivers Street (Watauga County PIN: 2900-78-7965-000) in the Downtown Boone Local Historic District. The proposed alterations from the previously approved plan include replacing double windows in the second-story guest rooms with either French doors or larger single windows. The total heated square footage of the building would increase from 11,421 to 12,036 square feet, and the building height would increase from 20 feet to 21 feet, 1 ½ inches.

Vice-Chair Bond asked the Historic Preservation Commission members if any commissioner had a fixed opinion about the case that is not susceptible to change; if any commissioner had a conflict of interest regarding this case, including any financial interest in the outcome of the case or a close familial relationship with any person affected by the outcome of the case. There were no answers in the affirmative.

Vice-Chair Bond asked if any commissioner had engaged in undisclosed ex-parte communication regarding the application. There were no answers in the affirmative.

Vice-Chair Bond swore in Mr. Brent Davis and Mr. John Winkler.

Vice-Chair Bond asked the applicant if they had any objection regarding the meeting materials in the meeting packet, and Mr. Jim Deal stated no on behalf of the applicant, Mr. Winkler.

Vice-Chair Bond asked Mr. Deal if he would like to make an opening statement on behalf of the applicant, and Mr. Deal replied yes. Mr. Deal explained that the applicant, Rivers Street Ventures, owns the property, formerly the Portofino Restaurant. He said the old building there probably went back to the 1930s. He continued that to tear that building down, the applicant had to go before the Board of Adjustment to get approval to remove the part of the building in the creek and restore the creek bank. He added that the applicant came before the Historic Preservation Commission to get approval to tear down the old building, and the HPC approved that. Then, the applicant had to go before the Town Council for Conditional District Zoning approval, which allowed for a height increase over the pre-existing building approved under the Conditional District Zoning. He said the next step was the applicant presented to the HPC a concept of the appearance of the exterior of the building, which was a finish of wire-cut brick with a recessed area in the middle of the building. He stated that the HPC approved the exterior appearance along the River Street footage. He said Mr. Winkler began working with Mr. Davis on the architectural drawings once the conceptual exterior appearance was approved. He stated when the drawings were completed, it led to certain changes, which led the applicant to this meeting to discuss those proposed changes and request a modified Certificate of Appropriateness (COA). He said Mr. Davis was prepared to present those proposed changes at this meeting.

Vice-Chair Bond asked the Staff if they had an opening statement for this case. Mr. James said the opening statement for this case was a recap of the board packet; there was no additional information to be presented for an opening statement. He pointed out that the application for this case began on packet pages four through six, the applicant's narrative began on packet pages seven through eight, and the proposed renderings were on packet page nine. He added that the staff report was on packet page 15. He then noted that the prompts for action to be taken on this case by the HPC were located on packet page 37.

Vice-Chair Bond asked the applicant if they had evidence to present in support of this application. Mr. Deal said yes and called on Mr. Davis to state his name and occupation. Mr. Davis stated his name as Brent Davis and that he is an architect. Mr. Deal asked Mr. Davis if he was familiar with the proposed application, and Mr. Davis replied yes. Mr. Deal asked Mr. Davis to explain his role in this proposed application as this project has unfolded. Mr. Davis explained that his firm had worked with Mr. John Winkler since the beginning of this project. Mr. Davis pointed out that the primary focus of this application was on the rear elevation of the Howard Street side of the building. He explained that the hotel guests liked patios or balconies, which led the applicant to propose French doors with a guard rail instead of double windows. He said this way, the hotel guests could look out of the back of the building, see the creek, and feel like being on a balcony.

Mr. Davis noted that the current COA application was dated November 21, 2023. Then, he explained that the conceptual building elevations were presented in the previous COA application dated June 24, 2022. He explained that after numerous meetings with Mr. Winkler regarding the construction drawings, he and

Mr. Winkler realized they needed to reconfigure the changes to the guest and ancillary rooms to support the hotel operation. He said that in this process, they learned they needed to address the locations and the number of windows because, as you redesign the interior of a building, the windows tend to shift one way or the other. He noted that the window dimensions stayed the same, which is 36" wide x 60" deep. He said they changed some single windows to double windows and vice versa. He explained that the B-1 Downtown Core area requires a window ratio of 20% to 40%, and the proposal is 18.2%. He stated that he had communicated with Mr. James regarding the windows. He said they propose using an E Series Anderson wooden window with exterior metal cladding. He noted that the materials must be non-combustible because the building is located in the Downtown Fire District. He described the windows as having simulated divided light, which means they are thermal-paned windows, and the muntins are attached physically to the interior and exterior face. He explained that they proposed that type of muntins because of the historical profile of the building. He described a window requirement to have a light transmission of 72 percent to let sunlight into the room, which is in the proposed windows.

Mr. Davis referred to packet page seven and explained the modifications that were made to the rear of the building since the HPC submittal dated June 24, 2022. Commission Member Williamson asked if the windows were designed to be opened. Mr. Davis replied that the windows are double-hung with both sashes.

Mr. Davis explained that he had prepared options A and B to present to the HPC for this application. He presented Option A and referred to packet page 10; he compared the June 24, 2022, and November 21, 2023 submitted elevations. He pointed out that the window configurations are not the same but are similar based on the guest room layout. Additionally, he had to locate the windows based on the appropriate spaces in the rooms. He said they are proposing to exchange the double windows for two French doors that open into the room with a guard rail, similar to the rails on the front of the building on the veranda. Vice-Chair Bond asked how deep the balcony was, and Mr. Davis responded that it set back the thickness of the brick, which is four inches. Mr. Deal commented that the railing Mr. Davis referred to was the same as on the King Street side of Mr. Deal's building. Mr. Davis reiterated that the French doors and the railing are only being proposed on the rear of the building, not on the front or two ends. He added that the window ratio percentage is 18.2 and included in Option A.

Mr. Davis presented Option B to the HPC. He referred to packet page 11 and compared the two elevations. He explained that in this rendering where the two French doors were proposed, they are double windows. He said in the original proposal that they were using a roof area for air conditioning equipment; they decided it was unnecessary and removed it from the rendering. Vice-Chair Bond noted that they had kept the rear door entrance, and Mr. Davis said it led to a corridor inside the hotel. Mr. Davis pointed out that they had removed the window beside the rear exit door in Option B. He said the only proposed changes are the windows and doors.

Vice-Chair Bond began the discussion on the presentations of Option A. She referred to packet page 30 and Section 6. Windows, Doors, and Awnings and she read from Section 6.1:

Commercial Properties within the District, 6. Windows, Doors, and Awnings, Section 6.1:

...Furthermore, it is imperative that the fenestration pattern of the door and window opening on the building and the doors and windows themselves (muntin width, number of lights per sash, etc.) be maintained when repairs to or replacement of elements is underway. It is never appropriate to introduce new features, such as vents, bays, windows, or door openings, in the exterior walls if they diminish the historic character of the wall or damage historic materials.

She thought the proposal was a great plan and noted that this area was a warehouse district. She pointed out that the proposed hotel had the appearance of a more modern building, and along with the proposed balconies, the appearance does not fit the period of significance and is not appropriate for a warehouse district because it does not have a warehouse front, but that proposed appearance would fit in the historic district. Mr. Deal responded that the applicant agreed with Vice-Chair Bond. He said maybe later he would comment on what they would like this area to look like now versus 50 or 60 years ago. Vice-Chair Bond commented that they liked the appearance of the Portofino Hotel on the Rivers Street side because it echoed the appearance of the Dan'l Boone Hotel. She added that the HPC has a certain obligation to keep the feel of the warehouse district on the Howard Street side of the hotel.

Mr. Deal stated that Mr. Davis had completed the presentation to modify the previous COA application. He noted that Mr. Winkler was available to answer questions from the HPC if needed. He explained that they proposed Option A and Option B because they recognized that Option A does not necessarily fit the district's historical character.

Vice-Chair Bond asked the Staff if they would like to present any evidence pertinent to this application, and Mr. James stated no, and referenced to the Staff Report provided. Mr. Deal said the applicant accepted the Staff report and had no objections.

Commission Member Williamson asked Mr. James to explain window-to-wall ratios. Mr. James explained that you want the proper ratio of brick and glass on the upper floor facades. Commission Member Williamson asked if the revision was under the standard. Mr. James said it was before and explained that not all of the B-1 Downtown Core is in the historic district. He said the 20 percent is from the B-1 Downtown Core standards in UDO Article 14. He explained the Historic District standards, and if there is a slight difference in the standards, the Historic District standards trump the B-1 Downtown Core standards in UDO Article 14. He said this is the case in this proposed COA modification.

Ms. Meade stated there would have to be an inconsistency for the historic district standards to apply rather than the general guidelines. She asked the general applicable standard in this zoning district for the percentage of windows. Mr. James replied it is 20 percent to 40 percent. She asked Mr. James what the proposed window percentage is, and Mr. Davis replied 18.2 percent. She pointed out that this is new construction, and the proposed percentage must meet the 20 percent threshold. She asked if Mr. Davis could explain what it would take to meet that standard or if it would be difficult to change the window sizes to meet the standard. Mr. Davis explained that he looked at the calculations carefully and determined they were 90 square feet short in the window area. He said they have six locations where they can put six windows that are three-foot by five-foot windows, which would bring them to 20 percent. Ms. Meade asked Mr. Davis if there was an argument to be made that the applicant needed to be slightly under the standard to be in harmony with the general character of the historic district and was this discussed at a previous meeting. Mr. Deal responded that this topic was not discussed at a previous meeting. In a recent communication, Mr. James stated that he informed Mr. Davis of this issue. Mr. James said the Staff discussed it and thought it would not apply because the HPC had approved the previous plan, the window-to-wall ratio was not changing significantly, and the HPC approval would trump the historic district standards. Ms. Meade said this understanding should be taken for this particular case. She pointed out that going forward, this issue should be discussed by herself and Staff.

Ms. Meade stated that she disagreed with Vice-Chair Bond's point about the French door's openings and the railings. She referred to packet page 30 and Section 6.1 and stated that it should not have been

included in the Staff report because it refers to the current pattern and arrangement of windows for existing historic buildings. She said because the Portofino Hotel is new construction, this standard does not apply to this case.

Ms. Meade referred to packet page 31 and said the following standards would apply to this case:

Commercial Properties within the District, 6. Windows, Doors, and Awnings:

Section 6.16: New construction, additions, and renovations to existing historic buildings or properties within historic districts should maintain established proportions and spacing of window and door openings. Ms. Meade noted that it could be argued that this section does not make sense when applied to new construction.

Commercial Properties within the District, 14. New Construction of Commercial Buildings within the District

It is inevitable that new commercial buildings will be constructed within the District. The intention of these design standards is not to prevent such changes but to ensure that new construction is compatible with and complementary to the integrity and architectural character of the District. While new commercial buildings should not attempt to replicate existing historic properties, they should mesh with and support the historic design principles of the other commercial properties in the District. These standards are intended to preserve the integrity of the District while also encouraging sensitive and appropriate new construction.

Section 14.1 New commercial construction within the District should not seek to duplicate historic buildings in the District or mimic their appearance. That said, new construction should strive to be sensitive to and compatible with the character-defining features of the commercial properties in the District. Thus, new construction should employ architectural design that reflects its current time, place, use, and culture, provided that this design is compatible with the character of the District.

Ms. Meade continued that this text states that new construction should be respectful and in harmony with the historic district and its architectural standards. She said this text also says that it is not desirable that new construction mimic the historical architectural detail of historic buildings. She referred to the text of Section 14 for New Construction, specifically the first paragraph and third sentence. She then referred to Standard 14.1, and stated that new construction should strive to be sensitive to and compatible with the character-defining features of the commercial properties in the District. Further, she stated new construction should employ architectural design that reflects its current time, place, use, and culture, provided that this design is compatible with the character of the District. She concluded that the text is clear that while the construction needs to be harmonious and respectful and compatible, it should not mimic architectural details and specific character of the historic district.

Vice-Chair Bond opened the floor for the HPC to comment on the information that Ms. Meade presented. Ms. Meade clarified to the HPC that she wanted to express to them the clear intent and meaning of the language before them and not that it compelled a particular decision from the HPC.

Vice-Chair Bond explained that she did not think the applicant had tried to mimic the Daniel Boone Hotel, but the appearance of the proposed Portofino Hotel softens the warehouse look and fits with the standards. She reiterated that she had an issue with the balconies. Mr. Deal used the term French doors instead of balconies, and he stated that the French doors and the railings are features that would soften

the appearance of the rear of the building rather than having the appearance of a solid brick wall. He said these proposed added features would make the rear of the building appear more attractive, particularly with the plan to redo Howard Street, and it would be more beneficial to the Town. He explained this is why they presented Option A for the HPC to have the option to consider. He added that if the HPC says they wanted Option B, the applicant would use it for the rear of the building.

Commission Member Smyth stated that initially, he had questioned the ratios, but Ms. Meade resolved that question. Vice-Chair Bond asked Commission Member Smyth for feedback on the French doors and railings versus the windows on the rear of the building. Commission Member Smyth stated that he had walked around the location of where the Portofino Hotel would be and loved the idea that the windows on the building would open. He agreed that the appearance of the proposed French doors would make the hotel look more attractive from Howard Street. He said the goal is not to try to create the appearance of a warehouse district. He liked the proposed brick and approved of its design.

Commission Member Williamson stated that he liked the appearance of the French Doors. He asked if the old Portofino Restaurant was in the creek. Mr. Deal replied yes, but the Portofino Hotel would not be in the creek. Commission Member Williamson asked if he would be able to see the creek when the French doors were opened, and Mr. Deal replied yes. Commission Member Williamson agreed that the proposed French doors and railing would enhance Howard Street, and the appearance of the front of the hotel would enhance Rivers Street.

Vice-Chair Bond asked if there were any other interested party who is here to speak or present evidence in support of this application? Is there any other non-party witness who is here to speak or present evidence in support of this application? Is there any interested party who is here to speak or present evidence in opposition to the application? Is there any other non-party witness here to speak or present evidence opposing the application? There were no answers in the affirmative.

Vice-Chair Bond asked the applicant if they would like to rebut any evidence presented for this application, and Mr. Deal replied no. She asked the applicant if they would like to give a closing summary, and Mr. Deal replied no. He added that they were available to answer any questions if needed.

Commission Member Williamson noted that he had read the minutes of the previous meeting about gate access to Howard Street from the Portofino Hotel. Mr. Deal responded that it would depend on how the Howard Street plan is laid out and whether gate access would come in and out of the Portofino Hotel parking lot. He added that no vehicular traffic will come in and out of that parking lot. Commission Member Williamson asked if there would be pedestrian access to Howard Street from the Portofino Hotel, and Mr. Deal responded yes. He clarified that the pedestrian access would be to the left of the Portofino Hotel building. Vice-Chair Bond clarified that vehicular traffic would come in and out of the Portofino Hotel from Rivers Street.

Vice-Chair Bond asked if any interested party wished to give a closing summary, and Mr. Deal replied no. She asked the Staff if they wished to provide a closing summary, and Mr. James replied no.

Vice-Chair Bond closed the testimony for this case.

Vice-Chair Bond opened the floor for the HPC to discuss any conditions for approval. There were no additional conditions added to this application.

Motion and Vote:

Commission Member Carter made a motion, seconded by Commission Member Williamson, that Option A, as presented for the proposed development, is congruous with the special character of the Downtown Boone Local Historic District and is approved subject to the following automatic conditions of approval:

- Where there is a conflict between the application information and the plans (November 21, 2023), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
- Any commitments and representations concerning the proposed exterior modification made by the applicant or its representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
- The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Vote: Aye – All
Nay – None

The motion passed.

With no further discussion, Vice-Chair Bond closed this case.

Vice-Chair Bond suggested naming the bar in the Portofino Hotel "The Testing Room," she stated that someone mentioned an old tobacco scale that may be in a Town storage area that could be added to the hotel. Mr. Deal noted that there were three tobacco warehouses, and he wondered if that old tobacco scale came out of one of those warehouses that used to be located near Walker Hall, Watauga County Library, and the Jewish Temple. Council Liaison Roseman told Vice-Chair Bond that Mr. Mark Freed from Cultural Resources might have a tobacco scale.

At approximately 3:48 p.m. Mr. Winkler, Mr. Deal, and Mr. Davis left the meeting.

Other Discussion

Discussion ensued on Stoneman's Raid. Ms. Mitchell informed the HPC that Dr. Eric Plaag, Former HPC Chair, had shared additional resources to consider as they continue to work on the Stoneman's Raid project. She said the additional resources would help the HPC to research the history of Stoneman's Raid event. Additionally, she suggested that the HPC carefully review the Civil War Trail's guidelines. She noted that these guidelines were included in the HPC Advisory January 2, 2024 meeting packet. She explained that there are specific ways that the text is to be written with a specific style for the program. She said as well as the additional resources, it was suggested for the HPC to consider that the fighting in North Carolina continued until nearly the end of April. She added that at the last meeting, it was mentioned that the war ended on April 9. She said it is good to consider that while this was the date that General Lee surrendered to General Grant it was neither the end of the war nor the end of combat hostilities, fighting in North Carolina continued until nearly the end of April, including parts of Stoneman's Raid. She explained that she wanted to give the HPC this additional information as a redirect from the discussion at the last meeting and for those who wanted to work on the draft for the February HPC meeting. Ms. Mitchell explained a note provided on the resources by Dr. Plaag that there are errors within the resources. She continued that in the official records resource, there was an error in the correspondence mostly related to the misunderstanding of North Carolina's terrain and geography. She asked the HPC to review the information and correct those errors. She stated her plan to send the HPC an email with the additional

resources, include the meeting packet links that contain the previous Stoneman's Raid draft documents from last July, and the draft PDF version that Commission Member Smyth presented in person at the January 2, 2024, advisory meeting.

Ms. Mitchell asked the HPC how they would like to move forward with their discussion of the Stoneman Raid's draft at the February advisory meeting. Vice-Chair Bond stated that she looked forward to receiving the earlier draft material. Commission Member Smyth noted that in his draft, he wanted to write about the event and what happened after it. He stated that he appreciated receiving the additional resources. He said that the HPC had agreed for him and Commission Member Williamson to work together on the proposed draft to present at the February advisory meeting. Commission Member Williamson clarified that he and Commission Member Smyth would work on the already completed research. Commission Member Smyth explained that he hoped to spend a couple of hours with Commission Member Williamson on the research they already have available. Vice-Chair Bond asked Ms. Mitchell when she could provide the additional resources and links to the drafts. Ms. Mitchell responded that she would share the information via email. She explained based on Commission Member Williamson's question that he would consider revisions based on following the Civil War Trails guidelines. She said if there are any significant revisions made, it would be encouraged to check those revisions with the resources that will be provided. She added that if new information were added to the draft, it would need to be verified through research. She suggested to review the draft presented in the January advisory meeting packet and Commission Member Smyth's draft to make them fit the Civil War Trails guidelines. Commission Member Williamson stated that he would work with Commission Member Smyth on the draft. Ms. Mitchell said the deadline to submit the proposed draft to Staff would be Friday, January 26, 2024, so it could be included in the meeting packet for the HPC meeting on February 6, 2024.

Ms. Mitchell discussed the timeline for completing the Stoneman's Raid interpretative panel. She said the initial drafts could be accomplished in the next few months. She said a completed panel would not be done by April or May because once the HPC completes its draft, she would have to present it to the Civil War Trails representatives to review and then continue at some point.

Commission Member Williamson said he gathered that the Stoneman's Raid panel would be located in front of the Post Office building. Ms. Mitchell replied yes, and she explained the location would be at the bulb out at King Street and Linney Street. She informed the HPC that the bulb out is outside the NC Department of Transportation (NCDOT) right of way.

Vice-Chair Bond stated that she still wants the Stoneman's Raid marker, which is located near the Watauga County Courthouse, to be removed. Ms. Mitchell said that the marker could not be necessarily moved, but the language on that marker could be modified with the State of North Carolina, but she has yet to research this possibility.

There was consensus from the HPC for Commission Members Williamson and Smyth to work on the proposed draft for the Stoneman's Raid Interpretative marker and have it ready to present at the HPC Advisory meeting on February 6, 2024.

Vice-Chair Bond reminded the HPC about the Boone Next event that would be held on January 18, 2024, from 6 p.m. to 8 p.m. at the Hardin Park Elementary School. Ms. Mitchell expounded on this topic and explained that this would be the first public workshop for the Comprehensive Plan update and process. She noted that a flyer was mailed with the Town water bills to help advertise the meeting. She said that she and Ms. Shook had also emailed the Town's boards and commissions to inform them of this event.

She said the Town had hired consultants to work on the Comprehensive Plan, and those consultants would do a presentation that evening. She said there would be stations set up and manned by Staff and the consultants. She said the HPC was invited to attend this event and to participate.

Vice-Chair Bond reminded the HPC that on Thursday, January 25, 2024, at 5:30 p.m., the Watauga Historical Society will have its monthly meeting at the Watauga County Library, and Dr. Eric Plaag will give a presentation on the Boone Cemetery.

Adjournment

Commission Member Carter made a motion, seconded by Commission Member Williamson, to adjourn the meeting at 4:11 p.m.

Vote: Aye – All

Nay – None

The motion passed.

Bettie Bond, Vice-Chair

Marlene Crosby, Board Secretary