TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
JULY 12, 2022, 3:00 p.m.
WebEx Video Conferencing

Historic Preservation Commission Members in Attendance:
Chair Eric Plaag, Vice-Chair Bettie Bond, and Chuck Watkins

Council Liaisons: Virginia Roseman

Town Staff in Attendance:
Jane Shook-Director of Planning & Inspections, Christy Turner-Senior Planner, and Marlene Crosby-Board Secretary

Others in Attendance: Tim Futrelle-Mayor, Amy Davis-Interim Town Manager, Allison Meade-Town Attorney, Jim Deal-Attorney at Deal, Moseley and Smith, John Winkler-Winkler Organization, Judah Goheen-Winkler Organization, Brent Davis-Brent Davis Architecture, Bill Dixon-Appalachian Architecture, Alan Crees-Municipal Engineering, Deron Geouque-County Manager and Chelsea Garrett-Attorney at di Santi, Capua and Garrett, PLLC

Call to Reconvene
Chair Eric Plaag reconvened the Boone Historic Preservation Commission hearing from June 14, 2022, held via WebEx, at 3:00 p.m.

Discussion ensued on a possible modification to the agenda. Chair Plaag explained that the Council had asked the HPC to weigh in on the property involved in Case Z05606-032422 River Street Ventures – COA as to its historical value concerning the possibility of salvaging or moving the building. He asked Ms. Meade, because of the time-sensitive nature of the request would it be appropriate for the HPC to make a formal recommendation in this hearing. Ms. Meade said yes if it is a time-sensitive topic. She generally said her preference would be for the HPC to consider their discussion on the said topic at their advisory meeting to prevent confusion. Ms. Shook noted that the applicant still has to go through the conditional district and then a zoning permit process. She said some time could be made for this discussion at the HPC's next advisory meeting. Chair Plaag voiced his concern that the clock is already ticking on the 90 days for the materials to be submitted that were required to meet the conditions for the 90 days on the demolition. Ms. Meade pointed out that it should have been made clear at the last hearing that even though the HPC set the 90-day timetable, the Unified Development Ordinance has a standard requirement that no demolition is allowed until a final zoning permit is issued. Chair Plaag asked that this topic be placed on the next HPC advisory meeting agenda. He withdrew his suggestion to include the discussion and possible recommendation of the historical value and possible salvaging of the Café Portofino building.

Case Z05606-032422 Rivers Street Ventures – Certificate of Appropriateness for Major Work
John Winkler, on behalf of Rivers Street Ventures, LLC, is requesting a Certificate of Appropriateness (COA) for Major Work for the demolition of the existing building (currently Café Portofino) at 970 Rivers Street (Watauga County PIN: 2900-78-7965-000) at the Downtown Boone Local Historic District and proposed new construction of a one-story hotel.

Chair Plaag announced that the case is being continued from May 10, 2022 till July 12, 2022.

Chair Plaag reopened this case and Ms. Jane Shook, Director of Planning and Inspections, and Ms. Christy Turner, Senior Planner were sworn in.

Ms. Meade confirmed with Planning Staff that there was no one from the public that had asked to speak on this case.

Chair Plaag asked the HPC the following questions: does anyone have a fixed opinion about the case that is not susceptible to change; have a conflict of interest regarding the case, including any financial interest in the outcome of the case; have a close familial relationship with any person affected by the outcome of the case; or engaged in any undisclosed ex-parte communication regarding this particular application. There were no answers in the affirmative to these questions.

Chair Plaag confirmed with Mr. Jim Deal from Deal, Moseley, and Smith that he is the attorney for the applicant. Chair Plaag asked Mr. Deal if he had any objections to the materials submitted with the updated meeting packet. Mr. Deal said he had no objections.

Chair Plaag asked if the Acme Historical Documentation Survey Report included other photographs than those within the report. Chair Plaag affirmed Mr. Judah Goheen from the Winkler Organization. Mr. Goheen responded that the consultant only gave them the photos in the report. Chair Plaag asked Mr. Deal if the consultant they hired provided a floor plan or a photo key to the building's exterior and interior. Chair Plaag said these things are often included in these kinds of reports.

Ms. Meade pointed out that the HPC did not outline a particular sort of explicit requirements or expectations for the requested report. She said if the HPC feels like they did not receive enough information, it would be helpful for the HPC to discuss it so that future applicants and staff could be given better directions. Ms. Meade pointed out that the HPC could request that the applicant ask their consultant to provide the additional photos. She asked Chair Plaag the intent of the report. Chair Plaag said the goal is to document the building that had been designated as a historic building, even though that building is potentially demolished. He further explained that it is a mitigating measure in terms of preservation. Ms. Meade noted that we could be more explicit with applicants and staff moving forward with these details.

Chair Plaag asked Mr. Deal if his applicant could ask their consultant to provide the following things: all photographs so they can be appropriately stored, and a floorplan with a photo key that documents various numbered photos taken inside and outside of the building. Mr. Deal said the applicant is willing to ask the consultant to provide these things, provided they will do it without an additional charge. Mr. Goheen asked if they could hand draw a floor plan. Chair Plaag agreed to accept a hand-drawn floor plan with the photo key. Ms. Meade suggested that the HPC accept the report that has been submitted and published in the meeting packet. There were no objections to the report in the meeting packet.

Discussion ensued on the new proposed building elevations. Mr. Deal said that based on comments at the last hearing, the applicant had redesigned the building. Mr. Deal called on Mr. Brent Davis from Brent Davis Architecture as a witness to present the changes from the written description of the proposed work. After Mr. Davis was sworn in by Chair Plaag, Mr. Davis began his review of the proposed building changes from the packet between the April 28, 2022 submittal and the June 23, 2002, submittal.

Mr. Deal asked Mr. Davis to speak to the comments in the meeting packet by Ms. Amy Flieg, Town of Boone Fire Marshal. Mr. Davis explained that a sprinkler room on the first floor of the proposed building would accommodate a backflow device.

Discussion ensued on a revised site plan. Ms. Meade pointed out that a revised site plan was offered but inadvertently omitted from the meeting packet, but it has been added and can be viewed online.

After Mr. Gaston was sworn in, he began explaining that he had met with Mr. Justin Stines, Facilities Maintenance Supervisor, and Ms. Flieg and discussed relocating the dumpster and changing the access by closing some of the entrances. Mr. Gaston said these proposed changes are not shown on the revised site plan currently shown but that he did have an updated one that he could email to Ms. Shook so that she could share. Once Ms. Shook received the email she shared the revised site plan on the screen where Mr. Gaston explained that there was also a discussion about a fire apparatus, but since they are taking down two power lines directly in front of this building for this project, the fire department can use ladder trucks when needed. He added that the proposed parking spaces are now 45 as opposed to 47 spaces. He said that one significant change is that there is no longer any vehicular access to Howard Street from the proposed hotel parking lot.

Chair Plaag asked Mr. Gaston about a fencing component at the northeast end of the parking lot. Chair Plaag asked if the current design would provide pedestrian egress from the parking lot for the proposed hotel to Howard Street. Mr. Gaston said that as the plans are currently drawn, there would not be pedestrian access.

Chair Plaag asked the Planning Staff if they had any questions about the revised site plan. Ms. Turner said no and confirmed that the proposed parking spaces were adequate for the buildings. Ms. Meade asked the Planning Staff if they felt the submitted materials and design details were specific enough and met the requirements of the Unified Development Ordinance. Ms. Turner said yes at this time, unless the applicant makes other proposed changes or if something arises during the conditional district zoning map amendment process.

Chair Plaag expressed his concern for the lack of pedestrian access to Howard Street from the parking lot and the potential impacts on neighboring properties. He said if there is no access given, there is a potential for pedestrians to walk through other areas to get from the hotel to Howard Street. He asked the Planning Staff if there was a mechanism in the UDO to allow pedestrian access. Ms. Turner said yes, the access could be by a sidewalk or walkway. She suggested that the Planning Staff review the Howard Street Plan to see if it is feasible to have an access point there. Ms. Meade asked if the applicant would be willing to agree to provide a pedestrian access with hardscape, subject to the condition of working with Mr. Stines and Mr. Todd Moody at the Public Works Department, and to be consistent with the Howard Street Plan. After being sworn in by Chair Plaag, Mr. John Winkler, the property owner, agreed to the proposed condition.

Discussion ensued on the standard for new commercial construction projects. Chair Plaag asked for clarification on building height. Ms. Shook noted that as proposed the applicant had met the height requirements and due to ordinance requirements the applicant was required to do an additional process because the height of the proposed building exceeded the height of the original building.

Discussion ensued on the appropriateness of a proposed new commercial building. Chair Plaag read Section 14.7 and pointed out that the proposed building is longer and higher than the existing building. He voiced his concerns from a mass, scale, and height perspective as to whether this building, for this particular part of the district, is appropriate in scale and massing. He said he is raising this issue because it is a change from what historically has been there. He said he wanted to be sure that the Planning Staff was not saying that the proposed project meets the district standard and only addresses the required standards of the UDO. Ms. Meade responded that this was correct. She suggested that the Planning Staff revise this section to clarify that they were speaking to general UDO standards. She said that otherwise, they would be pre-judging the work of the HPC.

Discussion ensued on the staff comment under Section 14.10. Chair Plaag pointed out that this staff comment is incorrect in the staff report. Ms. Turner agreed that the staff comment was incorrect.

Discussion ensued on the staff comment under Section 3.6 on packet page 161. Chair Plaag read this section and pointed out that the staff comment states that the applicant meets the UDO setback requirements. He asked if the setbacks are relevant to this particular standard, since this is a standard that addresses building mass and open space and the relationship between those two things, and not a UDO requirement regarding setbacks. In response to the staff comment, Ms. Meade noted that Ms. Turner might have been speaking to the underlying general UDO standards. She said it is up to the HPC to apply the historic standards.

Chair Plaag opened the public comment session of the meeting. There was no public comment presented.

Chair Plaag asked Mr. Deal if he would like to rebut any evidence or discussion presented at this hearing. Mr. Deal said no.

Chair Plaag asked Mr. Deal if he would like to give a closing summary or argument or defer that until after the staff has any interest in making additional statements. Mr. Deal said he would wait for Staff to comment. Ms. Turner said the Staff had no further comments.

In summary, Mr. Deal pointed out that the revised site plan included everything the HPC requested. He reiterated that the proposed building is out of the floodway. He noted that inserting the set back in the center of the new proposed building changes the massing along the street. Mr. Deal noted that the applicant thought it was important to have a hotel support the downtown area. He said the applicant does recognize that a conditional district rezoning map amendment is required for the proposed hotel. He said opening up the stream, creating a pedestrian walkway, and closing the vehicular traffic to Howard Street all benefit the downtown area.

Chair Plaag opened the floor to the HPC for discussion on the proposal of the new building design and its relationship to the applicable standards. Member Watkins confirmed that all the staff comments on packet page 151 had been met. Ms. Turner explained that certifications for the stream bank restoration would be required later. Member Watkins asked Chair Plaag if any wire-cut brick exists in the Downtown area. Chair Plaag said there is a mix of brick types and some buildings that fall into the period of significance have wire-cut bricks. Chair Plaag said he thought wire-cut brick was appropriate for the historic district. Member Watkins agreed with the proposed color of the brick.

Chair Plaag explained that the HPC does not want to create a sense of false historicity in existing architecture or new construction because that would not be appropriate.

Discussion ensued on scale and massing of buildings. Chair Plaag voiced his concern about controlling scale and massing so that it is appropriate for the historic district.

Vice-Chair Bond noted that it is important to be careful about handling the first new construction due to the Howard Street project. She noted her concern for any precedence set that would influence projects in the historic district.

Member Watkins congratulated the applicant and his team for the significant improvement in the proposed new building design; he thought it would fit well in the historic district.

Motion and Vote:
Member Watkins made a motion, seconded by Vice-Chair Bond, to accept the proposed exterior modification of the proposed hotel because it is congruous with the special character of the historic district.

Chair Plaag asked Member Watkins to accept a friendly amendment to add the condition for the pedestrian access from the proposed hotel parking lot to Howard Street. Member Watkins accepted the friendly amendment.

Member Watkins also included the conditions of approval that are automatically included as a part of the approval. Vice-Chair Bond accepted this friendly amendment and to include the following conditions.

1. New construction: Where there is a conflict between the application information (March 24, 2022) and the plans (June 24, 2022), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations made by the applicant or its (his or her) 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.

3. 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
4. The applicant agreed to work with the Public Works Department to locate and to construct a pedestrian access between the hotel parking lot and the streetscape improvements for Howard Street.

Vote: Aye – all
Nay – None
The motion passed.

Discussion ensued on the timeframe to continue this meeting. Ms. Shook noted the time of day and explained that two more cases were on the agenda to be discussed. Vice-Chair Bond said that she would have to leave the meeting at 5:30 pm. After brief discussion, Chair Plaag continued Case Z05737-052522 Howard Street Ventures, LLC (Wilcox Warehouse) COA to the HPC's next quasi-judicial hearing on Tuesday, July 26, 2022, at 3 pm, via WebEx. He noted that if the case is not heard on that date, it will be heard on the following quasi-judicial hearing date of August 9, 2022, at 3 pm, via WebEx.

Case Z05738-052522 Watauga County Parking Deck – COA
Deron Geouque, County Manager, on behalf of Watauga County, has requested a Certificate of Appropriateness for Major Work (COA) for the proposed new construction of a parking structure on Water Street (Watauga County PIN: 2900-79-9830-000), located in the Downtown Boone local Historic District.

Pursuant to the Town of Boone Unified Development Ordinance (UDO), Appendix D, Downtown Boone Local Historic District, specifically the section on COA application for Major Work, a COA is required for new construction of the structure in the Downtown Boone Local Historic District.

Chair Plaag asked the HPC members and the Planning Staff to state their names and noted that the Planning Staff had already been sworn in. He explained the process that the HPC and Planning Staff follow for a quasi-judicial hearing.

Chair Plaag asked the HPC the following questions: does anyone have a fixed opinion about the case that is not susceptible to change; have a conflict of interest regarding the case, including any financial interest in the outcome of the case; have a close familial relationship with any person affected by the outcome of the case; or engaged in any undisclosed ex-parte communication regarding this particular application. There were no answers in the affirmative to these questions.

Chair Plaag asked Ms. Chelsea Garrett from di Santi, Capua, and Garrett, if she was acting as Counsel on behalf of the applicant. Ms. Garrett confirmed she was the applicant's attorney and noted that also with her was Mr. Bill Dixon from Appalachian Architecture, Mr. Deron Geouque, Watauga County Manager and Mr. Alan Crees from Municipal Engineering.

Ms. Garrett made the following opening statement; she presented the property's history and the concerns expressed regarding the demolition of the building. She asked Chair Plaag if he would state for the record that the statements he made during that time would not color his judgment regarding this proposed project, given that there would be new construction on the site where the Turner House used to be. Chair Plaag stated that the history of the house occurred before a historic district was established. He said he saw that as a separate issue from what is being proposed, now that there is a historic district. He assured Ms. Garrett that he had no bias with regard to the proposal described in this case.

Discussion ensued on combining lots to build a single building across multiple lots not permitted in the historic district. Ms. Garrett pointed out the clause in Appendix D, Section 14.4 regarding combining lots. Ms. Meade pointed out to the HPC that she had previously given the opinion to Council and Staff that this particular standard is unlawful and unauthorized with respect to seeming to state that applicants cannot combine lots. She explained that as a result of that opinion, a text amendment is being presented to the Planning Commission and to Council to strike that particular standard. She counseled the HPC not to apply that standard concerning the lawfulness of the combination of lots involved in this proposed case as noted in the Staff Report. Chair Plaag said that it is appropriate for the HPC to apply the size, scale, massing, and height standards to the proposed project. Member Watkins asked Ms. Meade if the HPC could approve a proposed project before changing the regulation. Ms. Meade said yes because the text amendment is in the middle of being possibly changed. It was stated that it seems unlikely that this case will be finished tonight; therefore, the text amendment may be approved by the time the HPC hearing is reconvened for this case. She said there is no legal authority to support that standard, so she is counseling the HPC not to apply that standard to the proposed project.

Ms. Garrett continued with the opening statement. She said the design seeks to tuck the proposed parking deck into the topography of the site so that the structure does not appear to have a large mass or scale. She said the applicant desires to have an attractive building, and there are a number of ways that it could be designed. She said there are a couple of design features they are open to discussing, and Mr. Dixon will cover them in his presentation. She said she looked forward to the HPC's feedback on the proposed project design.

Ms. Garrett asked Mr. Dixon to present the proposed site plan for the project. After Mr. Dixon was sworn in by Chair Plaag, he began the presentation. Mr. Dixon said that his firm had been working for six months or more with the applicant and Mr. Crees to figure out more parking spaces around the courthouse. He said they concluded that a parking deck is necessary to create more parking. Mr. Dixon presented the elevations and the project description as outlined the meeting packet.

Mr. Dixon noted that the existing at grade parking lot owned by the County was underutilized due to poor winter conditions. He said the proposed change would increase parking from roughly 40 to 139 spaces, with the lower level accessed off of Water Street and the upper deck accessed off of Queen Street. He noted the entrance into the parking deck would be landscaped with a seating area and that they will try to save the weakened cherry tree as well. He said the lower end of the deck entrance on Water Street has a 15-foot setback and a 35-foot setback closer to the deck exit near Queen Street. He said the Town requires a five-foot sidewalk, and the applicant is proposing to install it.

Mr. Dixon noted some discussions with the Public Works Department regarding cutting down the Town-owned retaining wall on Queen Street and making it level with the street. He said this would make it easier for the Town to plow snow in winter weather. He explained that the upper-level entrance and exit would be off the alleyway off of Queen Street. He said the building code required the structure to have two pedestrian exits, one at both levels of the two-level parking deck. He said there is one stairway on the northwest corner of the parking deck that goes down to Water Street, and another stairway on the southeast corner leading to the upper level and the alleyway. He noted that the height of the stairways is 18 feet, and with the parapets it is the highest part of the structure. He said that all perspectives of the building height are based on where you enter at Water Street, and all the building heights are under the 33 feet minimum building height regulation; the ground level at Water Street is 28 feet, and the rest of the building varies in size between 16 feet and 18 feet.

Discussion ensued on various building heights. Ms. Garrett asked Mr. Dixon to identify the proposed building height, if you are standing on the grade level at the stairwell next to the Clement Law Office building. Mr. Dixon said it is about 32 feet. She asked Mr. Dixon to compare the height of the proposed deck to the My Phở Restaurant building height, and he said they were probably comparable in height. Chair Plaag asked the approximate height of the gable on the Turner Law Office; Mr. Dixon said he would guess it would be approximately 30 feet. Ms.

Garrett stated that she would get this information for Chair Plaag. Ms. Garrett asked Mr. Dixon if the proposed deck would affect the sight line of the buildings on Queen Street. Mr. Dixon said no.

Discussion ensued on the elevations. Mr. Dixon talked about Water Street in Exhibit 6; he explained the entrance and exit, and the two-story stairway feature. He outlined the location of the retaining wall on the side of the structure, and he said if the retaining wall remains, it will screen part of the structure from the Queen Street view. He further stated that the east elevation is the alleyway. Mr. Dixon continued his explanation that the Town requires a minimum height of 42 inches to screen parking inside the building. He stated this exhibit is showing a varying height to break up the massing from about 42 inches to 60 inches. He added that the stairway exit is about 15 feet. Additionally, he stated the structure will be screened because of the change in grade and elevation.

Discussion ensued on roof types. Mr. Dixon said he looked at a variety of different roof types. He pointed out that flat roofs work to a certain extent but they cause maintenance issues with the freezing and thawing in winter weather. He said that because of this issue, the County is using gabled or hipped roofs on their buildings. He said the County requested that the proposed deck roof be tied into the roofs of the surrounding county buildings. He noted that a gabled or hipped roof is appropriate for the historic district. Ms. Garrett confirmed that the pitched roof being proposed is over the structure at the stairways.

Discussion ensued on materials. Mr. Dixon said the UDO requirements limit the look to either brick or stone. He said he selected the rock like the old Linney Law Office building, and the type of brick is from the brick used on King Street. He said both the stone and brick that he selected are very compatible.

Discussion ensued on the apartment building located adjacent to the alleyway. Ms. Garrett asked Mr. Dixon about the height of the closest building to the proposed structure, an apartment building situated in the alleyway and Queen Street. Mr. Dixon said the height of the apartment building is about 24 or 25 feet. He said it is a two-story building with a flat sloping roof. She said if you are on Queen Street looking at the proposed deck will it stick up over any of the structures around it. Mr. Dixon said no.

Discussion ensued on a proposed change to remove the retaining wall along Queen Street. Mr. Dixon said there had been some discussion between the North Carolina Department of Transportation and the Town of Boone Public Utilities Department on removing the retaining wall, and making a 90-degree turn at the corner of Water Street and Queen Street to improve sight when turning at this intersection.

Discussion ensued on the staff comments. Ms. Garrett asked Mr. Dixon if he had received any comments from the staff; he said yes and that he had addressed the staff comments. Ms. Meade clarified that every project approved by the HPC still has to be approved by staff and be fully compliant with the UDO. Ms. Meade added that regardless of what is said at this hearing, the proposed application must comply as part of the subsequent process following this initial approval.

Chair Plaag asked Ms. Garrett if she had any objections to the materials provided in the meeting packet. She said one section in Appendix D talks largely about renovations or additions to existing historic buildings. She said she thought this language was more for existing buildings than new construction. Chair Plaag suggested that the language be struck from the staff report because it is irrelevant to this case.

Chair Plaag asked Mr. Dixon about the sidewalk in the alleyway being changed to a serpentine sidewalk. He said he was concerned that it would limit vehicular access to the west side of the Terrace Apartments. Mr. Dixon said he would need to defer to Mr. Crees to answer this question because Mr. Crees had talked about moving the sidewalk to the right side of the alleyway and working with the apartment property owner on a parking agreement. Mr. Dixon said the applicant is proposing a sidewalk in the alleyway, and it is up for discussion as to the final location of it.

Discussion ensued on stone pilasters with brick. Chair Plaag asked Mr. Dixon about the combination of stone pilasters and brick that he used to break up the façade. He said it almost looks like quoins that continue up to the second-floor level. He asked Mr. Dixon if there was another way to break up the façade through other brick elements and suggested brick pilasters. Chair Plaag said brick pilasters would be more in keeping with Downtown's architectural patterns than mixing up the stone and brick. Mr. Dixon said he would be glad to entertain that idea.

Discussion ensued on using arches on the proposed deck openings. Chair Plaag said he knew of two buildings that historically used rounded arches. He mentioned the Watauga County Bank building being a vault type building that used a brick element to suggest a proper round arch. He said the former Pastime Theatre had three round arches that were not flat. Mr. Dixon said that he could not do round arches because there was not enough room between the floor levels; he said he could flatten the low arches to where they are just straight lines and angles. Member Watkins did not support that idea. Member Watkins said he liked the low arches better, but they may not meet historical precedence. Ms. Garrett asked Chair Plaag if he was questioning the shape or the material around it. Chair Plaag voiced his concern about mass, scale, height, and footprint. He said one of the ways to minimize the impacts architecturally is not to use the stone pilasters as a feature because it draws the eye. Chair Plaag noted that using limestone sills, headers, and lintils might be a way of finding cohesiveness for the openings with other buildings Downtown. Ms. Garrett said they could change the openings to square and flat and use limestone material.

Member Watkins indicated that he might not necessarily agree with the changes discussed by Chair Plaag. Member Watkins noted that we probably need more discussion before the applicant proposes a major redesign for the parking garage. Chair Plaag pointed out that Vice-Chair Bond and Member Watkins had not given their feedback on the proposed changes.

Mr. Dixon asked if it would be appropriate to make some of the proposed changes discussed in this hearing before the next hearing of this case. Chair Plaag said it is up to the applicant if they want Mr. Dixon to make any changes.

Continuation of Hearing
At 5:49 pm, Chair Plaag announced that he is continuing the meeting until Tuesday, July 26, 2022, at 3 pm, via WebEx or until the next regularly scheduled quasi-judicial hearing date.

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Eric Plaag, Chair **Marlene Crosby, Board Secretary**