

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of the Regular Meeting of July 21, 2021

Commissioners Present: Cheryl Jones, Chair, Chuck Reed (Vice-Chair), Ralph Hammond-Green, Derek Cote, Kristie Ogletree

Commissioners Absent: Sam Hayes, Chris Barron

Staff Present: Matthew Manley, Planning Manager/Commission Coordinator, John Connet, City Manager, Terri Swann, Administrative Assistant III

- I **Call to Order.** Chair called this meeting of the Hendersonville Historic Preservation Commission to order at 5:30 pm.
- II **Agenda.** Chair stated a few revisions were made to the agenda. On motion of Commissioner Reed, the Findings of Fact Items 5A and 5B were removed and the addition of the staff approved COA's were included as 5A. The motion was seconded by Commissioner Hammond-Green; the Commission approved the revised agenda.
- III **Minutes.** On motion of Commissioner Reed seconded by Commissioner Cote the minutes of the Special meeting of June 29, 2021 were approved.
- IV(A) **Local Landmark Designation,** Grey Mill Parking Lot and Common Space, (File No. H21-10-LL). Matthew Manley, Commission Coordinator stated this was deferred from the May meeting and it has stayed the same therefore he would not be presenting any other information and the Commission can pick up on their discussion. John Connet, City Manager would like to speak with the Commission.

John Connet, City Manager stated he wanted to give the Commission more background information of the Grey Mill designation. They are asking to extend the Local Landmark Designation to the parking lot and common area. This project started roughly 13 years ago and has a prolonged history. The developer Ken Reiter came to the city five years ago and wanted to preserve the whole site. They wanted the whole site designated as a Local Landmark and extend protections over the whole site. The paperwork came in and it was to designate the building itself. From City Council's perspective the whole site should have been designated. City Council would like the whole site designated so that the protection standards would apply. Chair asked if the site could be recombined. Mr. Connet stated that is a question for the developer.

Ken Reiter stated he is not aware of any reason why it could not be recombined. They have several agreements in place concerning this development such as the Brownfield Agreement so he would need to check into this. The site has agreements in place with both Federal and State restrictions in place for both parcels.

Chair stated SHPO had taken out the designation for this parcel so was it a tax credit thing or the lack of historic fabric that they had a struggle with. Did they look to see if the mill actually functioned on this site? Mr. Connet stated staff has not received the report from SHPO yet. Mr. Manley stated after having

an informal conversation with SHPO, he believes their comments reflect some of the Commission's concerns.

Mr. Connet stated the original idea of the City Council was for the entire site to be included in the designation. He understands this is coming before the Commission in two pieces, but it was considered by City Council to be the whole site. He believes that was their understanding.

Chair stated they were stuck because their duty is not to normally recommend a designation without some historic significance shown for the site. They are looking for testimony that some historic activity took place on this site and they have not received anything.

Commissioner Reed stated they are being asked to look at this subject property and determine if special historic significance is associated with the mill, but they still haven't heard anything from the developer for the Commission to determine this.

Mr. Connet stated he appreciates the Commission and he asks that they take action on the recommendation to City Council whether that is to recommend or not recommend.

Chair asked if they recommend approval or denial, will their reasoning behind the recommendation go to City Council. Mr. Connet stated the Commission is playing an advisory role to City Council and they will take all information presented to them. This is not a quasi-judicial hearing, it is legislative, but they will consider the Commission's comments.

Mr. Reiter stated he understands the circumstance but if you look at the 1.17 acre site, it is reasonable to assume that the physical mill building and the lots immediately adjacent to it, it is reasonable to assume some historic activity was significant to those lots. If you look at how the mill operated one can assume that whole site had historic significance at some time. He couldn't find anything solid, but he has been doing these types of rehab for over 20 years and they normally have a spillover effect to the adjacent properties. Chair stated she gets that but now there have been artificial lines drawn for the site. Mr. Reiter stated concerning the 1.09 acres, he does not know if physical activity happened from the mill at this location, but it is reasonable to assume that it did.

Commissioner Reed asked if Mr. Reiter was saying he had proof there was some significant value to the lot because he has not provided that level of proof to the Commission. Mr. Reiter stated no, he was saying it is safe to assume there was some type of physical activity from the mill historically done on the whole site.

Chair stated they are trying to build a record; can the landmark designation be amended to bring this parcel into the designation with the mill? Mr. Manley stated this is to amend it to include this PIN. Mr. Manley stated it is one landmark and two parcels. Chair stated amending the designation is a different discussion than having to approve a new application. Is this a new application or an amendment?

Mr. Manley stated he is sorry that was left out of the staff report. This is an amendment and if the designation is approved, the residential guidelines would apply to this parcel.

Mr. Connet stated this is one landmark designation and not two. About four-fifths of the lot shows a Local Landmark Designation already.

Mr. Manley stated the report stands alone and the memo talks about amending the designation. The Commission could clarify that in their motion.

The Commission discussed the designation with all members not in favor of recommending the designation if the parcel was a stand-alone designation. The Commission was in favor of recommending approval if it was an amendment and the designation was being added to the site as a whole. Commissioner Reed stated the main problem was the way this has been presented to them.

Chair asked if City Council passes this, the adoption would be an amendment. Mr. Manley stated the report is part of the application and even though they are applying separately, this is an amendment.

Commissioner Reed stated this is for the parking lot and common area, are there any other associated properties? Mr. Manley stated the developer is indicating no.

Commissioner Reed moved the Commission recommend City Council to approve the adoption of an ordinance designating the Grey Hosiery Mill Parking Lot and Common Area and any other associated properties with PIN 9568-88-9541 as a local historic landmark. Mr. Cote seconded the motion which passed unanimously.

Mr. Connet thanked the Commission.

- IV(B) **Certificate of Appropriateness**, Gus Campano of ACC, LP & DAC, LP, PIN 9568-87-1778 – 3rd Avenue East at N. Edwards Street (File No. H21-18-COA). Prior to the opening of the public hearing, Chair announced that any persons desiring to testify at any of the public hearings must first be sworn as witnesses and will be subject to cross-examination by parties or persons whose position may be contrary to yours. A copy of the protocol for a quasi-judicial hearing is provided on the back table next to the agenda. Since this is a quasi-judicial hearing, it is very important that we have an accurate record of what goes on. Therefore, we must ask that you refrain from speaking until recognized by the Chair and, when recognized, come forward to the podium and begin by stating your name and address. Anyone who wishes to testify during the public hearings should come forward to be sworn in. Chair swore in all potential witnesses.

Mr. Manley gave the following analysis:

The Community Development Department is in receipt of an application for a Certificate of Appropriateness permit from ACC, LP & DAC, LP to undertake the following work at the above referenced property:

1. Construction of a new residence as indicated in the sketches submitted with the application which include a 2.5 story building, front façade is brick with stucco accents between stairwell windows on the first and second floor and the third level and third level terrace wall, metal railing on the second level balcony. The east side is stucco with metal railing and cloth awning on the third level, brick accent on northern most portion of the second and third levels. The west side is stucco with brick accent wall, metal canopies, walk-in door and two-car garage with the garage doors on the first level. The rear side is stucco.

The subject property is currently a vacant lot and having no structures, is not defined as contributing or non-contributing within the Main Street Local Designation Report which refers to it as a “vacant lot to west of 128 3rd Avenue East.”

Mr. Manley stated there is a public right-of-way beside the lot with an easement behind the property.

A site plan was shown to the Commission. The two-car garage will be entered from the alley. An elevation of the property was shown. Mr. Manley explained the view of the proposed home from the N. King Street side looking up. There is a proposed screening wall and he is not sure what is behind that wall. The applicant can speak to this.

Mr. Manley stated a structure was previously approved for this location on two occasions by the HPC. The first was approved in October 2016. The first version, which received feedback from DRAC in August 2016, varied significantly from the second design, which was approved in January 2017. The second design and the current application are essentially identical.

Mr. Manley stated design changes have occurred, but they are very similar. Mr. Manley showed several of the design guidelines that were relevant.

Mr. Manley stated he has listed the Utility Retro-fit Guidelines because an adjacent property called with concerns about the utilities. This is the section of the guidelines that cover utilities. The guidelines for new construction do not cover utilities.

Chair asked if there were any questions for staff.

Commissioner Reed asked if this was essentially the same. Mr. Manley stated yes, there is only a minor dimensional change.

Chair stated looking at the application Gus Campano is the property owner; will the Commission need permission from Mr. Campano for the buyer to speak to the plan and have authority to make binding decisions on the application.

Gaston Campano, property owner stated he gives his authorization for Mr. David McKinley, purchaser to speak on his behalf.

Commissioner Hammond-Green asked if the utilities would be underground. Mr. Manley stated he can get clarification from the applicant.

Chair asked if there were any further questions for staff. There were no further questions for staff.

David McKinley, 11 King View Drive, Fletcher, NC stated he is in the process of purchasing the property. The biggest change is that the building is two feet wider and the walkway is a little narrower. Edwards Alley has a 10-foot right-of-way and he will not infringe on that. The front will have a little bit different access.

Commission Cote asked about the front set-up. Mr. McKinley stated he does not have the full details on that yet.

Discussion was made about the windows and the time it will take to receive them due to the construction delays and costs. Chair explained minor deviations being approved by staff and major works having to come back before the Commission for approval.

Commissioner Cote asked about the iron gate on the side. Mr. McKinley stated there will be an iron gate with their address on the right side.

Chair asked what color the brick would be. Mr. McKinley stated a light gray with red tones. He presented a sample for the Commission to see. Mr. McKinley stated the stucco will also have a hint of gray in it. The windows, gutters, down spouts and railings will be black. He is trying to get an older look without being false.

Commissioner Hammond-Green asked about the utilities being underground. Mr. McKinley stated the meter will be on the backside. Duke Energy actually has a right-of-way that runs on the backside with power lines overhead.

Chair asked if the HVAC unit would be on the back or the roof. Mr. McKinley stated his intention is to locate it in the back, but he is willing to put it on the roof if need be. Mr. Manley stated given there is a right-of-way located there, the developer will have to stay out of it. The placement of the utilities was a concern that came in from an adjacent property owner.

Mr. Campano stated the right-of-way is not being use for vehicles. It would not be a practical way to use the right-of-way. There are patio areas behind there.

Chair stated this is unique for downtown. She asked if Mr. McKinley was willing to screen the utilities. Mr. McKinley stated yes, as long as it meets the easement requirements and he will meet with his attorney concerning those.

Mr. Campano stated the back of the property will not be visible. You can walk down the alley and it is only about a 10-foot strip.

Discussion was made on the size of the units and the exterior vents. Mr. McKinley stated the vents will be located up through the roof. Chair asked if the roof could be occupied. Mr. McKinley stated the roof will not have access; it will only be accessed for repairs. He stated they will not be using solar.

Mr. McKinley stated the garage door will be a combo of synthetic type wood and will look like a carriage door.

Mr. Campano talked about the elevation change where Detours is located. He stated he went through the approval process last time and there are clear differences between new construction and alterations of a building in the guidelines. He did not try to imitate the historic buildings.

Mr. Manley stated in the new construction guidelines it does not reference the utilities, therefore he included the section on utilities. They need to meet some of the intent of those guidelines. The Commission could make a condition that the developer put as much as they can on the roof and screen anything that would be placed in the rear. The mechanical equipment could be placed on the rear if

screened but the developer could make all attempts to put it on the roof. Chair stated the Commission can discuss this when the public hearing is closed.

Commissioner Cote asked if the railings were steel. Mr. McKinley stated yes, they are black and would be steel. There will be no color change to the stucco, all windows and transoms will be black. They will have a 2' x 4' window up high on the garage door to bring light into the garage area.

Chair asked if they plan to have any plantings. Mr. McKinley stated there is a bump out area where they are planning to have a planter on the backside if there is enough room once they check the easement.

Chair has concerns about the utilities and the easement and keeping the utilities out of the easement. This may cause the developer not to be able to locate the utilities in the rear. Mr. McKinley stated if he cannot keep the utilities out of the easement, he will place them on the roof. He stated it would just be easier to maintain on the back of the property.

Commissioner Reed asked if the setback has been changed. Mr. Campano stated there are no setbacks in this district.

Chair asked if there was anyone in the audience that had questions for the applicant or staff. No one had questions. Chair asked if there was anyone that would like to testify concerning the application. Chair asked if there was anyone that wished to speak before they close the public hearing. When no one came forward Chair closed the public hearing.

The Commission discussed the application and how it has already been approved twice.

Chair re-opened the public hearing.

Commissioner Reed asked staff about applying the utility guidelines to the motion and have staff interpret the guidelines. Mr. Manley stated typically the motion is to approve or deny the application as shown but they can add the utility guidelines into the motion. This is to make sure what the HPC meant is included in the COA approval.

Chair closed the public hearing.

The Commission discussed the utilities and where to locate them. They also discussed the guidelines that were relevant to this application and the previous approval.

Chair reopened the public hearing.

Chair asked the developer if he plans to use any aluminum or vinyl. Mr. McKinley stated no.

Chair closed the public hearing.

The Commission discussed the three units being placed on the roof and the location of the electrical meter in the rear. They discussed the utility guidelines that would apply. They also discussed screening if the units are located in the rear.

Chair reopened the public hearing.

Commissioner Reed asked how feasible it was to do screening on the units. Mr. McKinley stated he would have to verify with his attorney the location of the easement and he just won't know the answer to this until he sits down with his attorney. When he gets a clearer picture of what that utility easement means then he will determine whether to put it on the roof or on the rear. He will not put the units below if they cannot be screened.

Chair closed the public hearing.

Commissioner Reed moved the Commission to find as a fact that the proposed application for a Certificate of Appropriateness, as identified in file # H21-18-COA, if constructed according to the information reviewed at this hearing and any representations made by the applicant on the record of this hearing, is not incongruous with the character of the Main Street Local Historic District for the following reasons: the proposed project is in compliance with guideline 4.1.1 it keeps the setback of the proposed building consistent with the setback of adjacent buildings, consistent with 4.1.2 the distance between the proposed building and adjacent buildings is compatible with the spacing between existing buildings, is compatible with 4.1.3 as the building is oriented toward the street with the main pedestrian access in the front, and in accordance with 4.1.6 the height of the proposed building in this application is compatible with historic buildings on the block which it is located, in compliance with 4.1.7 the building is block face and is not taller than the adjacent structures, in compliance with 4.1.12 the materials used in this proposed project are similar to those commonly found in the district, and in compliance with 4.1.18 the contemporary construction does not directly copy from the historic buildings in the district but is compatible with them in height, proportion, roof-shape and materials used. Also with the condition that the utilities; electrical utilities, HVAC be behind the building or on the roof and if HVAC units are positioned behind the building they should be screened and with the condition that this COA approval supersedes the previous approvals and any other utilities will need to be on the roof or vented through the roof and the utilities be located in compliance with the design standard consideration for utilities 3.7.9, .10 and .11 and the gas meter can also be on the rear if screened. Commissioner Hammond-Green seconded the motion which passed unanimously.

VI **Staff update on approved COA's.** Mr. Manley gave an update on the staff issued COA's.

VII **Adjournment.** The Chair adjourned the meeting at 6:57 p.m.