

DATE: February 14, 2024

SUBJECT:

<u>Certificate of Appropriateness Request:</u>	H-14-22
<u>Applicant:</u>	Jim Potter/Old Towne Development
<u>Location of Subject Property:</u>	74, 76, 78 Cabarrus Ave W
<u>PIN:</u>	5620-87-0418
<u>Staff Report Prepared by:</u>	Autumn James, AICP - Planning & Development Manager

BACKGROUND

- The subject property at 74, 76, and 78 Cabarrus Ave W is a vacant lot within the North Union Street Historic District.
- “Vacant Lot between 64 and 74-78 Cabarrus Avenue West. Vacant lot that was a former site of a home.”
- On April 13, 2022, Jim Potter with Old Towne Development applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 to construct three (3), two-story units with detached two (2) car garages.
- On November 8, 2023, this case was reviewed by the Historic Preservation Commission (HPC) and continued to the December meeting in order to receive the following information: the front elevation to represent the updated color scheme, a landscaping plan, an indication of the height of the roof on the front elevation, a photograph of the proposed front yard fence indicating the material, and the window material to be changed from aluminum clad to wood (Exhibits F, G).
- On December 13, 2023, the applicant submitted an alternate proposal based on the comments from the November meeting. This alternate proposal was for the construction of two (2), two-story duplexes with detached one and one half (1.5) car garages. At that time, the Historic Preservation Commission (HPC) requested an updated landscaping plan. It was also noted at this meeting that the alternate proposal would require a return to the Planning and Zoning Commission for approval as it did not adhere to the conditions set forth in the initial approval (Exhibits H, I).
- On January 10, 2024, this case was continued by the Historic Preservation Commission (HPC) and continued to the February meeting in order to receive the following information: an updated site plan (Exhibit B), updated landscaping plan (Exhibit C), an updated exterior color scheme (Exhibit D), and updated elevations (Exhibit E).

DISCUSSION

Jim Potter with Old Towne Development applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 to construct three (3), two-story units with detached two (2) car garages. The applicant has decided to return to the design that was presented at the November 8, 2023, meeting of the Historic Preservation Commission. After comments provided at this meeting, the applicant has made changes to the color of the siding, has provided an updated site plan, and has provided a landscaping plan.

The subject property was rezoned in 2016 to CC-CD (Center City – Conditional District) with the following conditions:

1. Use limited to no more than four (4) +/- 1,700 square foot two-story townhome units;
2. Rear parking;

3. Detached rear loaded garages;
4. Two (2) front courtyards and two (2) front stoops along with rear courtyards;
5. Shared access driveway off of Yorktown St NW;
6. Exit only access onto Cabarrus Ave W; and
7. 6' tall privacy fence along the adjoining property lines.

The applicant proposes:

1. Three (3) two-story units – two (2) end units measure ~1848 square feet, one (1) middle unit measures ~1804 square feet;
2. Rear parking providing seven (7) spaces along rear property line;
3. Three (3) detached, rear loaded one two (2) car garages measure ~ 506 square feet;
4. Two (2) front courtyards for the end units and one (1) front stoop for the middle unit; three (3) concrete walkways connecting each unit to the public sidewalk;
5. Rear courtyards will be ~ 264 square feet;
6. Shared access driveway off of Yorktown St NW;
7. Exit only access onto Cabarrus Ave W;
8. 6' tall privacy fence with landscaping along the adjoining property lines – wood and painted white;
9. Landscaping along Yorktown St. NW;
10. Landscaping along Cabarrus Ave. W at the front of the proposed units.

As the applicant has chosen to return to the previous design and adhere to the conditions noted in the 2016 rezoning to CC-CD (Center City – Conditional District), should this case be approved by the Historic Preservation Commission, it will not be required to return to the Planning and Zoning Commission.

ATTACHMENTS

Exhibit A: Certificate of Appropriateness Application updated 02/04/2024

Exhibit B: Site Plan updated 02/06/24

Exhibit C: Landscaping Plan updated 02/04/2024

Exhibit D: Exterior Color Scheme updated 02/04/2024

Exhibit E: Elevations updated 02/04/2024

Exhibit F: Staff Report – November 8, 2023

Exhibit G: Historic Preservation Commission Minutes – November 8, 2023

Exhibit H: Staff Report – December 13, 2023

Exhibit I: Historic Preservation Commission Minutes – December 13, 2023

HISTORIC HANDBOOK DESIGN RECOMMENDATIONS

Chapter 4: Local Standards and General Policies

***Alterations:** Alterations having no historical basis shall be avoided whenever possible. Any type of alteration of exterior features of a building, site, or environment within the Historic Districts which is not specifically listed within these regulations shall be referred to the Historic Preservation Commission for action on the issuance of a Certificate of Appropriateness.*

- *All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.*
- *Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.*

- *Contemporary design for alterations and additions to existing properties shall be encouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.*
- *New additions or alterations shall be construed in such a manner as to preserve the essential form and integrity of the structure, should the addition or alteration be removed.*

Approval Requirement Needs Table: New Construction or Additions

- *All new construction and additions require Commission Hearing and Approval.*

Chapter 5 – Section 1: New Principal Structure Construction

- *The successful integration of new structures or building additions to the neighborhood depends on how well the building will preserve existing site features such as trees, slopes, natural drainage patterns, rock outcrops, etc.*
- *The Historic Preservation Commission will consider how well the proposed construction will maintain the unifying features that exist, such as tree canopies, clean boundaries, and architectural and landscape details.*
- *Other considerations include how compatible the proposed structure will be in material, scale, site setting, spatial relationships, color, and details with immediate neighbors.*
- *Careful consideration should be given to the design and placement of driveways, landscaping, lighting, signage, walkways, and the retention of mature trees or other historic features of landscape.*
- *Building materials, features, fenestration, and texture are also important to consider when designing for compatibility.*
- *A wide range of features and materials presently used in the neighborhood provide a broad range of options from which to choose.*
- *Through the use of porches, chimneys, bays, and other details, new buildings can be designed to have texture compatible with the Historic context.*

Design Standards: New Construction

- *New construction shall coordinate in material, scale, size, site position, spatial relationship, and details with immediate neighbors within one hundred feet (100') of the proposed construction.*
- *Where feasible, roof forms should be consistent and compatible to others in the district. Large flat expanses of walls or roofs should be avoided.*
- *New construction should avoid A-frame, dome, shed, and flat roofs.*
- *Locate and size window and door openings so they are compatible in placement, orientation, spacing, proportion, size and scale with the surrounding historic buildings.*
- *The Historic Preservation Commission encourages compatible contemporary design in order to reflect accurately the differences between historic buildings and newer structures.*
- *Introduce features such as porches, chimneys, bays, and architectural details as appropriate so that the texture of new residential structures is compatible with surrounding historic structures. Detailing on new structures should be consistent with its overall scheme and design.*
- *Contemporary substitute materials such as hardiplank may be approved on a case by case basis for new structures. In order to qualify for use in new construction, these materials must have a demonstrated record of overall quality and durability. The physical properties of substitute materials must be similar to those of the historic materials they mimic. When considering substitute materials, the closer an element is to the viewer, the more closely the material and craftsmanship should match the original. The appropriateness of substitute materials shall be reviewed on an individual basis.*

- *Vinyl siding for new construction is not appropriate.*

Chapter 5 – Section 3: New Accessory Structure Construction

- *Through their siting and relationship to the houses, the streets, and the alleys, the accessory buildings contribute to the historic character of the district as well.*
- *Early garages were typically single-bay structures located in the rear yard at the end of the driveway.*
- *Easy storage buildings and sheds were usually small frame structures sited toward the back of the rear yard and were generally not visible from the street.*

Design Standards: New Accessory Structure Construction

- *Keep the proportion of new garages and accessory structures compatible with the proportion of the main house. Typically, these buildings were smaller in scale than the main house.*
- *New garages and accessory structures must use traditional roof forms, materials, and details compatible with the main building or historic accessory structures in the district.*
- *Locate new garages and accessory structures in rear yards and in traditional relationship to the main buildings.*
- *All accessory structures shall remain detached from the main building.*
- *Metal utility sheds, metal carports, and metal garages are prohibited.*
- *Accessory buildings for Pivotal and Contributing structures should complement the siding and roof material of the primary structure.*

Chapter 5- Section 4: Siding and Exterior Materials

- *There are a variety of materials available for use on the exterior of both existing structures and for new construction. Wood siding is the predominate exterior material within the Historic Districts, although some structures have masonry.*
- *Because artificial siding is not considered an authentic, historical material, it is prohibited from being used on structures defined by the Commission as Pivotal and Contributing to the Historic Districts, or for large accessory structures.*

Chapter 5 - Section 5: Fenestrations

- *Alteration in door and window openings, especially on the principal façade, should be avoided whenever possible, except as a restorative measure to return an opening to its original size. New openings should be located in areas where they are not visible from the street or in areas where they are compatible with the original design.*
- *Windows on most of the historical homes are of the double hung variety. Emphasis is on vertical rather than horizontal orientation of windows. The number of lights (panes) in the sash varies with the style and period of the house.*
- *New windows should be consistent or compatible with existing units. The emphasis of the new windows should be vertical rather than horizontal. Wood is the most appropriate material, and vinyl and aluminum clad windows are inappropriate in most instances.*
- *Hybrid windows that include synthetic components or mixed composition of wood and synthetic products. This type of window should not be used for replacement of traditional wooden windows or within structures designated as Pivotal or Contributing.*
- *Choose windows that are appropriate for the style of building, maintain vertical emphasis, and avoid large single paned units.*

Chapter 5 – Section 7: Roofing

- *Use materials in new construction that are consistent with the style of the building; materials should be unobtrusive in texture as well as color.*

- *New construction should avoid the roof being more than one-half the building's height.*
- *New construction should avoid A-frame, dome, shed and flat-alone roof shapes.*
- *Roof shapes, texture and material should be compatible with new construction as well as with immediate buildings.*
- *Adding new dormers, gables, turrets, and towers should be avoided unless it can be shown that their use is architecturally appropriate.*

Approval Requirement Needs Table: All types of fencing and gates.

Chapter 5 - Section 9: Fences and Walls

- *All wooden fences should be "stick-built" on site.*
- *Wooden fences visible from the street and/or wooden fences in front yards and side yards of corner lots are required to be painted or stained white or a color matching the body or trim of the structure, including shutters, foundation color, etc.*
- *Painting or staining is recommended, but not required, for rear yard fences unless they are visible from the street.*
- *Where fences are desired in front yards and side yards at corner lots, the design should be primarily decorative in nature. Front yard fences should not exceed four feet in height.*
- *Rear yard fences may be higher than four feet. The portions of rear yard fences that face the street should be landscaped with shrubs and trees of a planting size that will fully hide the fence from the street within two years. Size, type, and growth habits of plant materials to screen rear yard fences that face the street should be submitted at time of application.*
- *All proposed fences and walls should not negatively affect existing trees and mature landscaping.*
- *Privacy fences are defined as fences with no spacing between pickets or fences of the shadowbox design. Privacy fences may be allowed at the discretion of the Commission in the following circumstances:*
 - A. *Privacy fences are most appropriate in rear yards.*
 - B. *Privacy fences may be allowed where the applicant's rear yard is directly adjacent to property that is either not in a historic district, or is within a historic district but is non-contributing or intrusive in that district. The applicant shall show to the satisfaction of the Commission:*
 - i. *that the adjacent property is unsightly in comparison to other properties surrounding the applicant's property,*
 - ii. *that the adjacent property or nearby property raises reasonable security concerns for the applicant, or*
 - iii. *that the adjacent property could reasonably be determined to negatively impact the property value of the applicant's property.*
 - C. *Privacy fences encompassing an area of no more than 250 square feet may be allowed at the discretion of the Commission when adjacent to the applicant's house, garage, or other outbuilding in order to screen from view trash cans, mechanical equipment, cars or other unsightly items, provided such fence does not unreasonably impact any neighbor by blocking windows or the like.*
 - D. *Privacy fences allowed by the Commission should be landscaped where practical with appropriate shrubbery to soften the appearance of the fence.*

Design Standards: Fences and Walls

- *Do not use high walls or fences to screen front yards.*
- *Use materials such as natural stone, brick, wood, powder coated aluminum and iron*
- *Chain link or plastic materials are prohibited. Adding slats to existing chain link fences for screen purposes is prohibited.*

- *Materials and style should coordinate with building and neighboring buildings as well as other walls and fences in the area.*

Approval Requirement Needs Table: All new patios, walks, and driveways

Chapter 5 - Section 10: Driveways, Walkways, and Parking

- *The first residential driveways constructed in the districts were fairly narrow, because cars were smaller than they are now. Some of these driveways consist of two parallel “runners” with a grass strip in between. These driveways should be retained, and the style can serve as a model for new driveways.*
- *When new driveways are constructed, they should be separated from existing driveways by a grass strip, and should be narrow, since double width driveways are out of scale with the relatively small lots in the districts.*
- *Gravel and pavement are acceptable materials for driveways, as are some alternative materials such as cobblestone, brick, and pervious pavers.*
- *New walkways should consist of appropriate material including gravel, concrete, stone, brick, or pervious pavers. Walkways should avoid prefabricated and imprinted stepping stones within front yards.*
- *Parking areas should not be the focal point of the property, and should be located in such a manner as to minimize their visibility from the street.*
- *Excessive expanses of paving should be avoided.*
- *Use vegetation screens or berms to reduce reflection and visual confusion. Within residential areas, integrate parking areas into landscaping and surface with the appropriate materials such as concrete, brick, crushed stone, or gravel. In general, asphalt should only be used for areas not visible from the street; its use will be considered on a case by case basis by the Historic Preservation Commission.*
- *New walkways should consist of appropriate natural material including gravel, concrete, stone, brick, or pervious pavers. Walkways should avoid prefabricated and imprinted stepping stones within front yards. Gravel and pavement are acceptable materials for driveways, as are some alternative materials such as cobblestone, brick, and pervious pavers.*
- *Trees should be planted or retained in order to maintain the tree canopy and to minimize the focus of the parking areas.*

Design Standards: Driveways, Walkways, and Parking

- *Parking areas should not be the focal point of the property and should be located in such a manner as to minimize their visibility from the street.*

RECOMMENDATION:

1. The Historic Preservation Commission should consider the circumstances of this application for a Certificate of Appropriateness relative to the North and South Union Street Historic Districts Handbook and Guidelines and act accordingly.
2. If approved, applicant(s) should be informed of the following:
 - City staff and Commission will make periodic on-site visits to ensure the project is completed as approved.
 - Completed project will be photographed to update the historic properties survey.

General Requirements

The Unified Development Ordinance imposes the following rules, regulations and requirements on requests for Certificates of Appropriateness. The applicant must, with reference to the attached plans, demonstrate how the proposed use satisfies these requirements:

1. Project or Type of Work to be Done: New Town Home Building w/ 3 - 1800 SF 2 story townhomes w/ 2 car garages
2. Detailed specifications of the project (type of siding, windows, doors, height/style of fence, color, etc.):
BRICK - NORTHAMPTON By TRIANGLE BRICK
SIDING - CEMENT BASED LAD SIDING - JAMES HARDIE OR EQUIV.
ROOFING - VIRGINIA SLATE 30 YR ARCH. SHINGLES By TAMPKO
WINDOWS - ALUMINUM CLAD SOL DOUBLE HUNG WINDOWS By WINDOS
FRONT ENTRY - FIBERGLASS WOOD GRAINED W/ GLASS - STAINED
6 FT HIGH PRIVACY FENCE WOOD - PAINTED WHITE

Required Attachments/Submittals

1. Scaled site plan, if additions or accessory structures are proposed, on letter, legal or ledger paper. Larger sized copies will be accepted.
2. Detailed written description of the project.
3. Photographs of site, project, or existing structures from a "before" perspective.
4. Drawings, sketches, renderings, elevations, or photographs necessary to present an illustration of the project from an "after" perspective if applicable.
5. Samples of windows, doors, brick, siding, etc. must be submitted with application.
6. Detailed list of materials that will be used to complete the project.

Certification

(1) I hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department. (2) I understand that City staff and/or members of the Historic Preservation Commission may make routine visits to the site to insure that work being done is the same as the work that was approved. (3) I understand that photographs of the completed project will be made to update the City's historic districts inventory database.

2/4/24

Date

[Signature]

Signature of Owner/Agent

AN INCOMPLETE APPLICATION WILL NOT BE PLACED ON THE AGENDA
UNTIL ALL OF THE REQUIRED ATTACHMENTS AND/OR ITEMS LISTED ON
PAGE 1 ARE SUBMITTED.

APPLICANT INFORMATION

Name: JIM POTTER - PRES OLD TOWNE DEVELOPMENT
Address: 8312 CADWELL RD
City: HARRISBURG State: NC Zip Code: 28075 Telephone: 704 746 8473

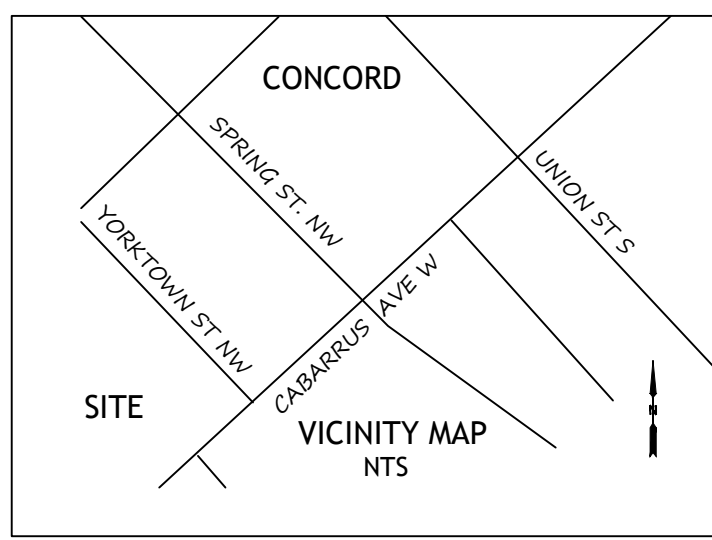
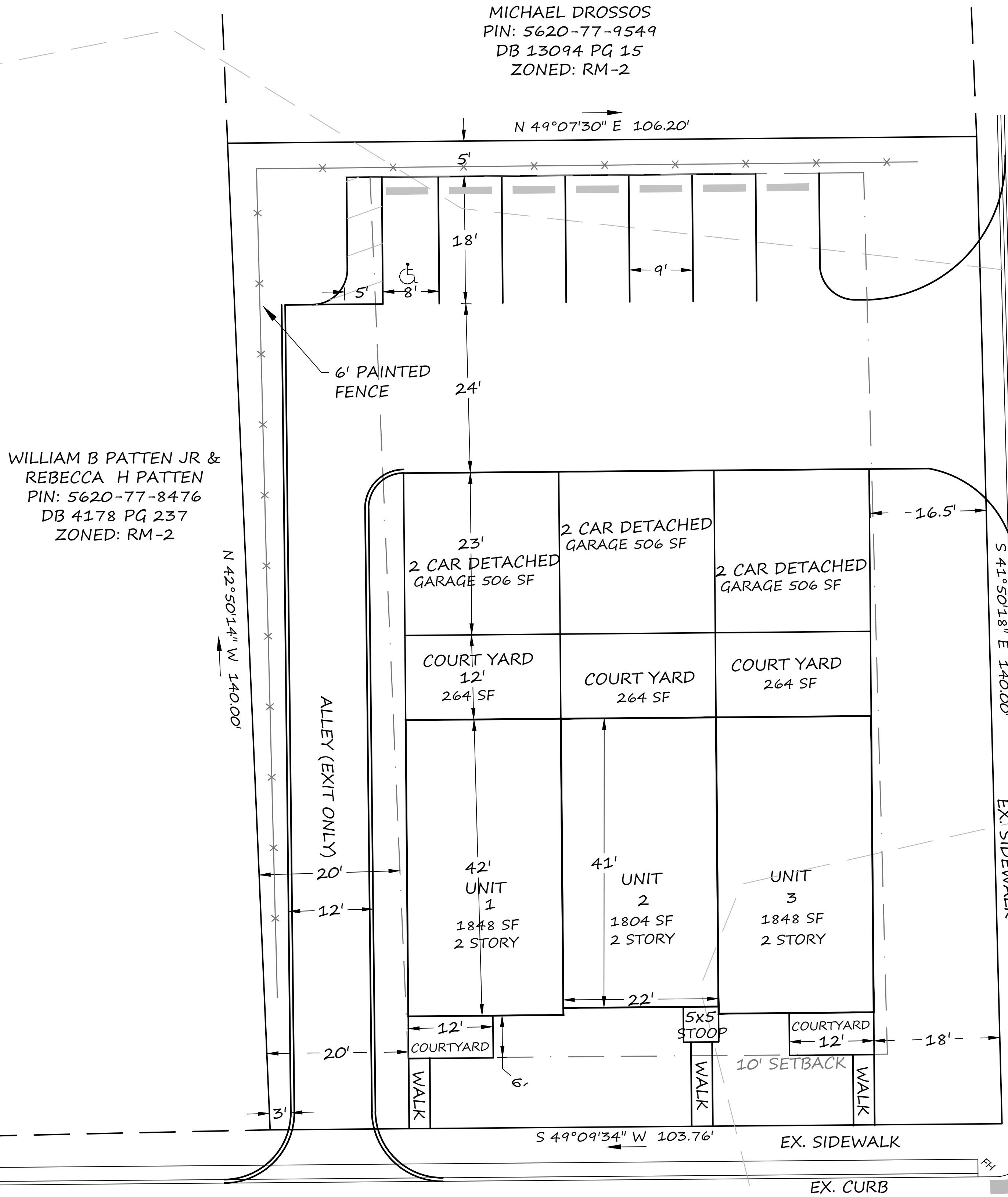
OWNER INFORMATION

Name: ~~STP~~ OLD TOWNE DEVELOPMENT CORP
Address: 8312 CADWELL RD
City: HARRISBURG State: NC Zip Code: 28075 Telephone: 704 746 8473

SUBJECT PROPERTY

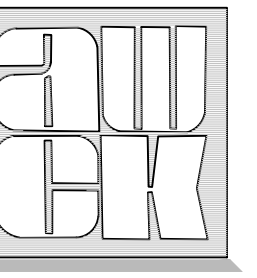
Street Address: 74, 76, 78 CABARRUS AVE W. P.I.N. # 56208704180000
Area (acres or square feet): .337 Current Zoning: CC-CD Land Use: RESIDENTIAL

Staff Use Only:	
Application Received by: _____	Date: _____, 20____
Received by: _____	Date: _____, 20____
<i>The application fee is nonrefundable.</i>	

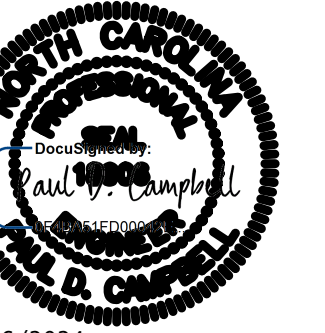


PLAN NOTES

ALL WORK TO BE DONE IN ACCORDANCE WITH CITY OF CONCORD CDO, LATEST EDITION. THERE ARE SUPPORTING SPECIFICATIONS FROM MULTIPLE AGENCIES, INCLUDING BUT NOT LIMITED TO: WSACC, NCDOT, AND NCDE&NR. THE MORE RESTRICTIVE SPECIFICATION SHALL BE ENFORCED.



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2/6/2024

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Prepared for:

Old Towne Development Corporation
8312 Caldwell Rd
Harrisburg, NC 28075

SITE NOTES

IDENTIFICATION:
5620-87-0418

OLD TOWNE DEVELOPMENT CORPORATION
8312 CALDWELL RD
HARRISBURG, NC 28075

ACREAGE: .337 Acres

IMPERVIOUS SURFACE RATIO: 0.8

CURRENT ZONING: CC-CD
CURRENT USE: VACANT
PROPOSED USE: MULTI FAMILY RESIDENTIAL

PROPOSED 3 UNITS
PROPOSED PARKING: 7 SPACES
PROPOSED GARAGE PARKING: 6 SPACES

SETBACKS
Front: 10'
Side: N/A
Rear: N/A
MAX BLDG HT.: 75'

**74-78 CABARRUS AVE W.
DUPLEXES**

CONCORD, NORTH CAROLINA

PRELIMINARY SITE PLAN

BY	REVISION	DATE

SCALE: 1" = 10'
DATE: 2-6-24
JOB # 24503
C - 1.0

1 PRELIMINARY SITE PLAN

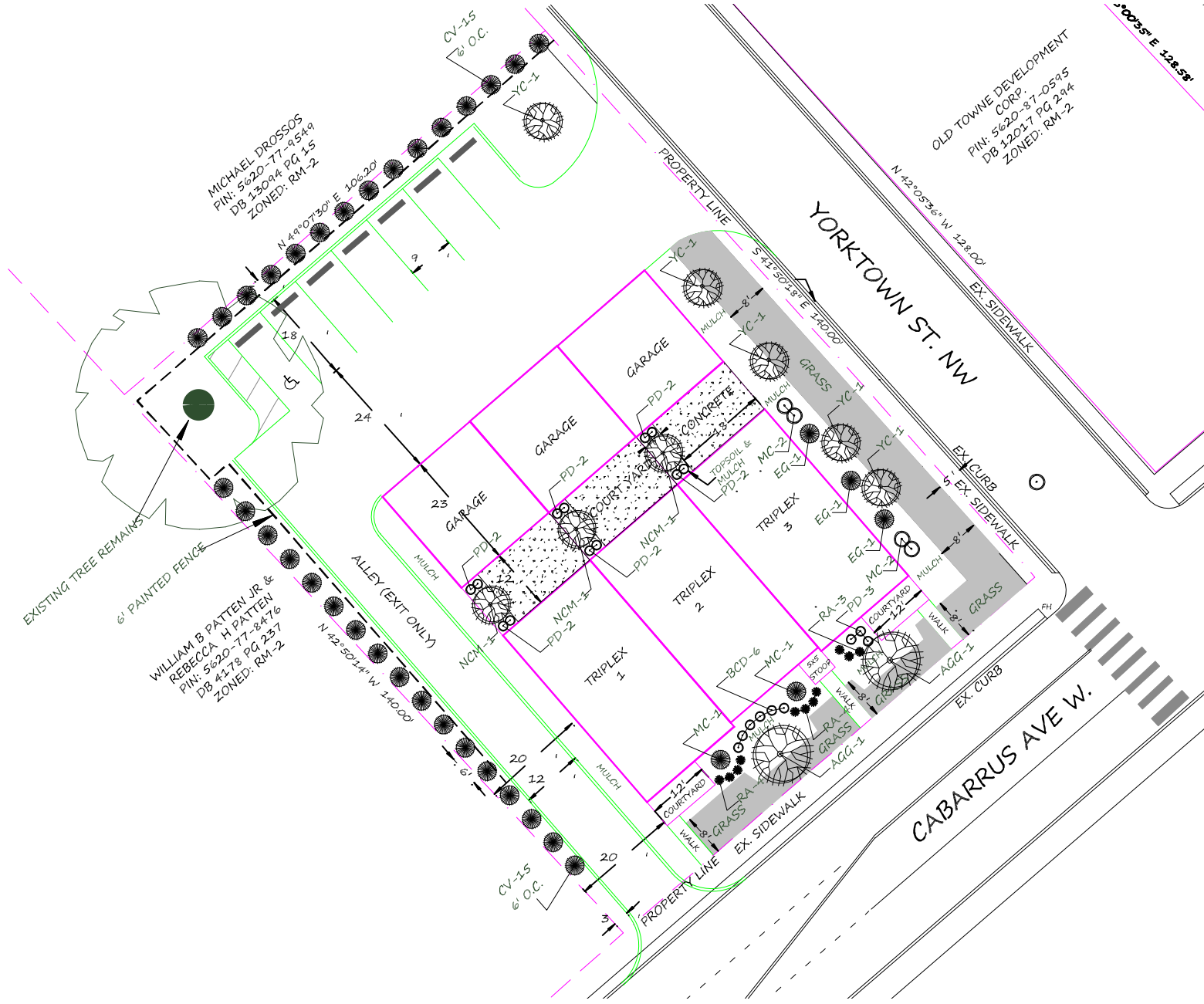
Scale: 1"=10'

GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.





OLD TOWNE DEVELOPMENT
 CORP.
 PIN: 5620-87-0595
 DB 12017 PG 2-94
 ZONED: RM-2

MICHAEL DROSSOS
 PIN: 5620-77-9549
 DB 13024 PG 1-5
 ZONED: RM-2

WILLIAM B PATTEN JR &
 REBECCA H PATTEN
 PIN: 5620-77-2476
 DB 4178 PG 237
 ZONED: RM-2

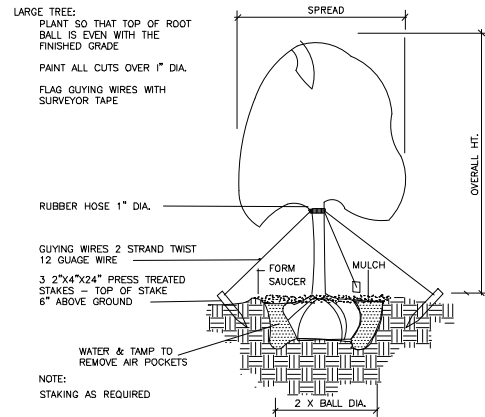
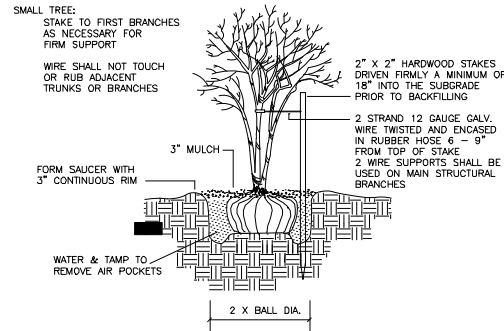
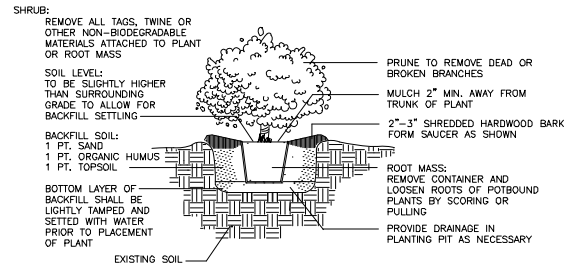
DATE: FEBRUARY 1, 2014

JEFF YOUNG, PLA
 LANDSCAPE ARCHITECTURE
 COMMUNITY PLANNING

LANDSCAPE PLAN

OLD TOWNE DEVELOPMENT CORP.
 8312 CALDWELL ROAD
 HARRISBURG, NC 28075

PLANTING DETAILS



74 Cabarrus Avenue - Plant List

Zoning CC-CD

Key	Common Name	Botanical Name	Min. Size	Quantity	Native	Notes
BUFFER YARD						
	Existing large tree			1	YES	
CV	Coppertop® Sweet Viburnum	Viburnum odoratissimum 'BRANTO1' PP30449	3 gal. container	32	YES	
BUILDING YARDS						
NCM	Natchez Crape Myrtle	Lagerstroemia indica x fauriei 'Natchez'	Single-stem / 8'-10' ht. / 4'-5' spread	3	NO	
MC	Montague™ Cleyera	Temstroemia gymnanthera 'BLTG01'	3 gal. container	2	NO	
BCD	Blue Cascade® Evergreen Distylium	Distylium 'PIDIST-II' PP24,409	3 gal. container	6	NO	
PD	Purple Daydream® Dwarf Loropetalum	Loropetalum chinense 'PILC-II' PP25471		15	NO	
RA	Radiance Abelia	Abelia x grandiflora 'Radiance'	3 gal. container	11	NO	
PARKING LOT YARD						
	Existing large tree			1	YES	
STREET YARD						
MC	Montague™ Cleyera	Temstroemia gymnanthera 'BLTG01'	3 gal. container	4	NO	
EG	Emerald Green Arborvitae	Thuja occidentalis 'Smaragd'	15 gal. container, 5'-6' min. ht.	3	NO	
YC	Yoshino Cherry	Prunus x yedoensis 'Akebono'	1.5"-2" cal. / 6'-8' ht. / 3'-4' spread	5	NO	
AGG	Autumn Gold Ginkgo	Ginkgo biloba 'Autumn Gold'	2.0"-2.5" cal. / 8'-10' ht. / 4'-5' spread	2	NO	

General Notes:

Mulch all plant beds with pine needles, or small size pine bark to a depth of 2 to 3 inches. Mulch beds around trees in lawn areas extending to a minimum radius of 4 feet from the tree trunk. Plant beds around shrubs shall extend a minimum of 1 foot beyond the spread of the shrubs. Irrigate regularly, but do not overwater. Conduct soil tests to determine soil amendment needs. Till all plant beds incorporating a 2" layer of clean certified compost 6 to 8 inches deep into soil. Dig tree and shrub pits 2x as wide root ball. Adjustment of pH may be necessary to get soils to around 6.5. Add new topsoil, as needed, to build plant beds up 6" to 8" above surrounding grade, except in hard surface courtyards.

Landscape Notes:

- All work shall be in accordance with the current edition of the ANSI A300 Standard for Tree, Shrub, and other Woody Plant Management-Standard Practices.
- All plant stock shall comply with the current edition of ANSI Z60.1 American Standard for Nursery Stock.
- Height and width of plant material supersedes container size.
- Utilities shall be located before planting. www.nc811.org.
- Planting locations will be adjusted to provide sufficient space for utilities, easements, street lighting, traffic signs, and sight triangles. 3' clearance around all sides of fire hydrants and utility appurtenances. On public streets, no trees shall be planted within 75' of approaching a stop sign. No plants or signs over 2' tall within site triangles.

DATE: FEBRUARY 1, 2014

JEFF YOUNG, PLA
LANDSCAPE ARCHITECTURE
COMMUNITY PLANNING

LANDSCAPE PLAN

OLD TOWNE DEVELOPMENT CORP.
8312 CALDWELL ROAD
HARRISBURG, NC 28075

YORKTOWNE - BY OLD TOWNE DEVELOPMENT

74-78 CABARRUS AVE W. CONCORD, NC

THREE UNIT BUILDING PROPOSAL BY OLD TOWNE DEVELOPMENT

EXTERIOR MATERIALS AND COLORS:

SIDING AND TRIM - CEMENT COMPOSIT LAP SIDING - HARDIE OR EQUIVALENT - SMOOTH TEXTURE - COLOR: ARCTIC WHITE BY JAME

BRICK - TRIANGLE BRICK - NORTHAMPTON STYLE

FRONT ENTRY DOORS - STAINABLE FIBERGLASS - WITH GLASS - COLOR: WOOD STAIN FINISH

WINDOWS - WINDSOR BRAND - SDL - ALUMINUM CLAD - COLOR: LINEN

ROOFING TAMPCO - HERITAGE 30 YR - COLOR: VIRGINIA SLATE

GARAGE DOORS - STEEL PANELED OVERHEAD DOORS PREFINISHED WHITE

GUTTERS AND DOWNSPOUTS - ALUMINUM WITH BAKED ON FINISH - COLOR: BLACK

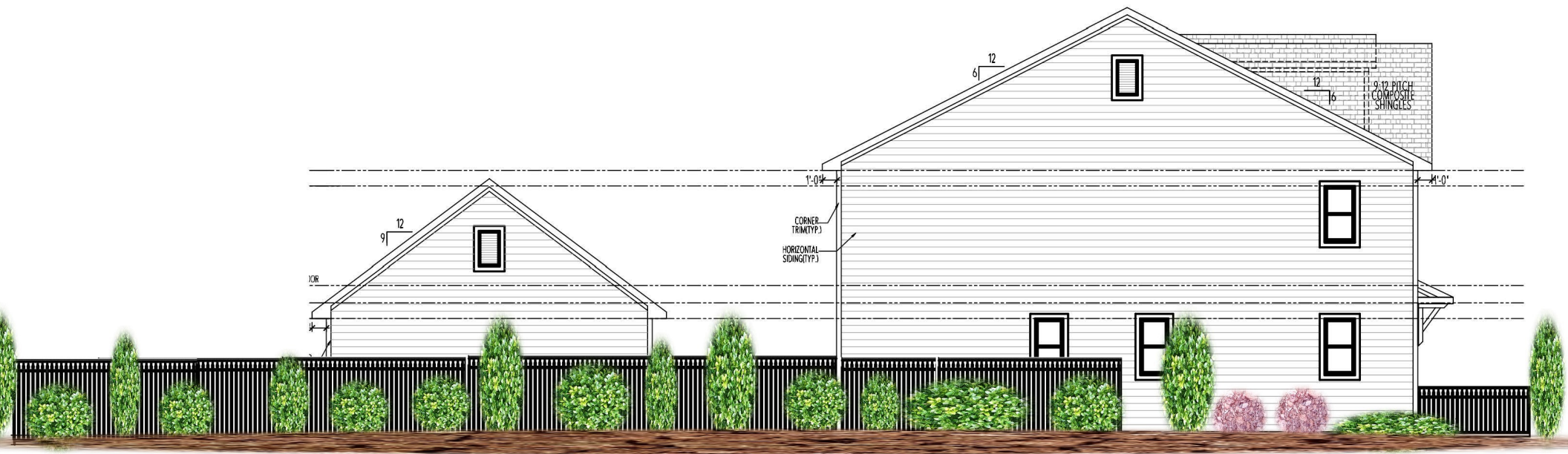
SHUTTERS - COMPOSITE SHUTTERS BY 'FOREVER SHUTTERS' - COLOR: BLACK

JAMES HARDIE SIDING – ACTRIC WHITE

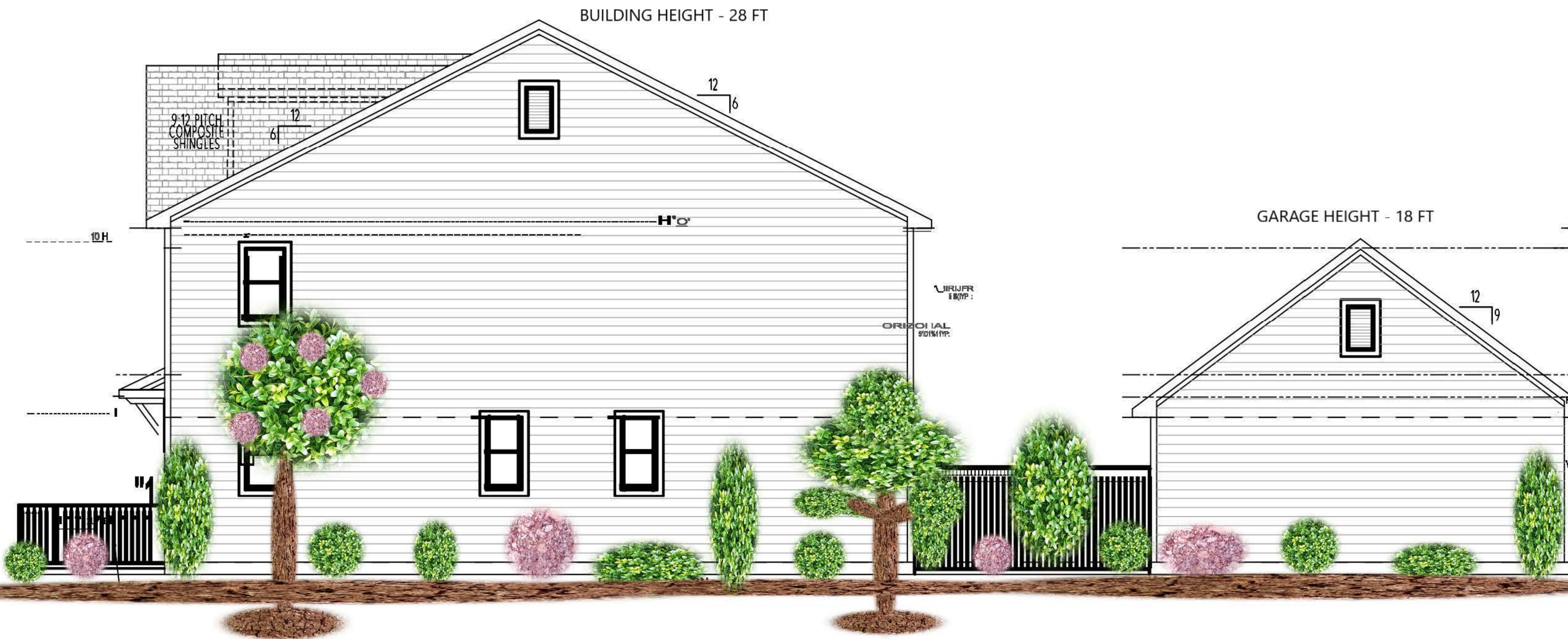




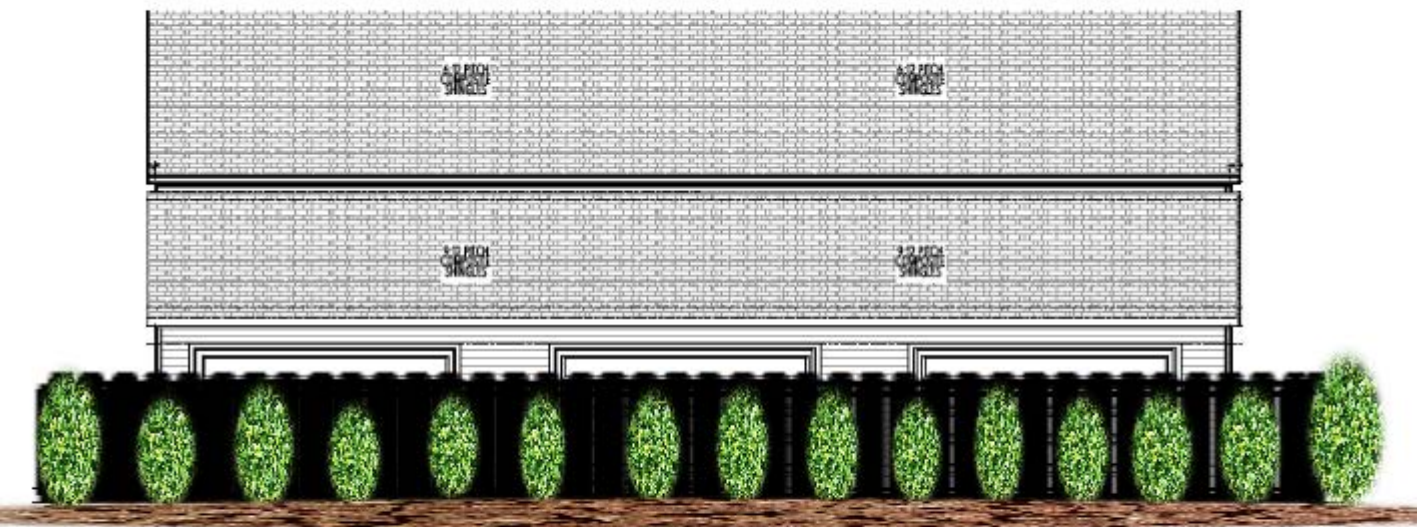
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

DATE: November 8, 2023

SUBJECT:

<u>Certificate of Appropriateness Request:</u>	H-14-22
<u>Applicant:</u>	Jim Potter/Old Towne Development
<u>Location of Subject Property:</u>	74, 76, 78 Cabarrus Ave W
<u>PIN:</u>	5620-87-0418
<u>Staff Report Prepared by:</u>	Autumn James, Planning & Development Manager

BACKGROUND

- The subject property at 74, 76, and 78 Cabarrus Ave W is a vacant lot within the North Union Street Historic District.
- “Vacant Lot between 64 and 74-78 Cabarrus Avenue West. Vacant lot that was a former site of a home.” (Exhibit A)

DISCUSSION

On April 13, 2022, Jim Potter with Old Towne Development applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 to construct three (3), two-story townhomes with detached two (2) car garages (Exhibit B).

Previously, the property was occupied by an approximately 3,500 square foot nonconforming commercial multi-tenant building and was held by a private party owner. The subject property was the site of various nuisance complaints through Concord Police Department. In November 2014, the City purchased the property with the intention of more compatible redevelopment in the future. The structure was demolished in January 2015 and the site has been vacant since.

The subject property was rezoned in 2016 to CC-CD (Center City – Conditional District) with the following conditions:

1. Use limited to no more than four (4) +/- 1,700 square foot two-story townhome units;
2. Rear parking;
3. Detached rear loaded garages;
4. Two (2) front courtyards and two (2) front stoops along with rear courtyards;
5. Shared access driveway off of Yorktown St NW;
6. Exit only access onto Cabarrus Ave W; and
7. 6’ tall privacy fence along the adjoining property lines.

The applicant proposes:

1. Three (3) +/- 1,800 square foot two-story townhome units – approximately 22’ x 41’ each;
2. Rear parking providing four (4) spaces along rear property line;
3. Detached, rear loaded two (2) car garages – approximately 22’ x 23’ each;
4. Two (2) front courtyards for the end units and one (1) front stoop for the middle unit;
5. Rear courtyards – approximately 22’ x 13’ each;
6. Shared access driveway off of Yorktown St NW;
7. Exit only access onto Cabarrus Ave W; and
8. 6’ tall privacy fence along the adjoining property lines – wood and painted white.

ATTACHMENTS

Exhibit A: National Register of Historic Places Inventory
Exhibit B: Certificate of Appropriateness Application
Exhibit C: Subject Property Map
Exhibit D: Photos of Subject Property
Exhibit E: Site Plan
Exhibit F: Elevations
Exhibit G: Proposed Exterior Material and Color Scheme
Exhibit H: Proposed Front Doors
Exhibit I: Proposed 6' Wooden Privacy Fence
Exhibit J: Proposed Roofing Shingles
Exhibit K: Proposed Brick
Exhibit L: Approved Staff Report Z(CD)-34-15

HISTORIC HANDBOOK DESIGN RECOMMENDATIONS

Chapter 4: Local Standards and General Policies

***Alterations:** Alterations having no historical basis shall be avoided whenever possible. Any type of alteration of exterior features of a building, site, or environment within the Historic Districts which is not specifically listed within these regulations shall be referred to the Historic Preservation Commission for action on the issuance of a Certificate of Appropriateness.*

- *All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.*
- *Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.*
- *Contemporary design for alterations and additions to existing properties shall be encouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.*
- *New additions or alterations shall be construed in such a manner as to preserve the essential form and integrity of the structure, should the addition or alteration be removed.*

Approval Requirement Needs Table: New Construction or Additions

- *All new construction and additions require Commission Hearing and Approval.*

Chapter 5 – Section 1: New Principal Structure Construction

- *The successful integration of new structures or building additions to the neighborhood depends on how well the building will preserve existing site features such as trees, slopes, natural drainage patterns, rock outcrops, etc.*
- *The Historic Preservation Commission will consider how well the proposed construction will maintain the unifying features that exist, such as tree canopies, clean boundaries, and architectural and landscape details.*
- *Other considerations include how compatible the proposed structure will be in material, scale, site setting, spatial relationships, color, and details with immediate neighbors.*
- *Careful consideration should be given to the design and placement of driveways, landscaping, lighting, signage, walkways, and the retention of mature trees or other historic features of landscape.*

- *Building materials, features, fenestration, and texture are also important to consider when designing for compatibility.*
- *A wide range of features and materials presently used in the neighborhood provide a broad range of options from which to choose.*
- *Through the use of porches, chimneys, bays, and other details, new buildings can be designed to have texture compatible with the Historic context.*

Design Standards: New Construction

1. *New construction shall coordinate in material, scale, size, site position, spatial relationship, and details with immediate neighbors within one hundred feet (100') of the proposed construction.*
2. *Where feasible, roof forms should be consistent and compatible to others in the district. Large flat expanses of walls or roofs should be avoided.*
3. *New construction should avoid A-frame, dome, shed, and flat roofs.*
4. *Locate and size window and door openings so they are compatible in placement, orientation, spacing, proportion, size and scale with the surrounding historic buildings.*
5. *The Historic Preservation Commission encourages compatible contemporary design in order to reflect accurately the differences between historic buildings and newer structures.*
6. *Introduce features such as porches, chimneys, bays, and architectural details as appropriate so that the texture of new residential structures is compatible with surrounding historic structures. Detailing on new structures should be consistent with its overall scheme and design.*
7. *Contemporary substitute materials such as hardiplank may be approved on a case by case basis for new structures. In order to qualify for use in new construction, these materials must have a demonstrated record of overall quality and durability. The physical properties of substitute materials must be similar to those of the historic materials they mimic. When considering substitute materials, the closer an element is to the viewer, the more closely the material and craftsmanship should match the original. The appropriateness of substitute materials shall be reviewed on an individual basis.*
8. *Vinyl siding for new construction is not appropriate.*

RECOMMENDATION:

1. The Historic Preservation Commission should consider the circumstances of this application for a Certificate of Appropriateness relative to the North and South Union Street Historic Districts Handbook and Guidelines and act accordingly.
2. If approved, applicant(s) should be informed of the following:
 - City staff and Commission will make periodic on-site visits to ensure the project is completed as approved.
 - Completed project will be photographed to update the historic properties survey.

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Inventory—Nomination Form**

For NPS use only
received
Date entered

Continuation sheet	Item number	Page
Inventory List - North Union Street Historic District, Concord	#7	65

long, sawn brackets with pendant-drops. The paired, segmental-arched windows of the first and second floors are trimmed with molded surrounds and bracketed hoods. Below second story cornice rests a stylish frieze that features crenelated moldings, pendant-drop brackets, and panels with garland inserts. The mansard roof, with segmental-arched dormers is topped with a paneled frieze and cornice that features the same garland inserts and pendant-drop brackets that are located above the first story.

Matthew O. Beatty (1828-1898) was a builder and contractor. He was originally from Westmoreland County, Pennsylvania and came to Concord in 1870. The house was built within the early years of his 1874 marriage to Sarah Emaline Benson Swink Beatty. Sarah Beatty owned the land and the home remained in her family until the 1970s. T. Laine Harling, a contractor, and his wife Alice Arey have undertaken the restoration of the home.

- 134. House
64 Cabarrus Avenue, West
1892 (SM)
C

A one-story, frame, shingled bungalow with porch. Gable front supported by shingled pillars rising from a retaining wall. Slanted facade with ell and another bay on eastern elevation.

- 135. Vacant Lot
Between 64 and 74-78 Cabarrus Avenue West.
VL

Vacant lot that was a former site of a home.

- 136. Commerical Building
74-78 Cabarrus Avenue
I

One-story, brick, commerical building with a large front. Parking lot and three stories that include H & R Block, a beauty salon, and a vinyl siding shop.

- 137. Thomas Ross House
90 Cabarrus Avenue, West
1916 (SM)
C

AN INCOMPLETE APPLICATION WILL NOT BE PLACED ON THE AGENDA UNTIL ALL OF THE REQUIRED ATTACHMENTS AND/OR ITEMS LISTED ON PAGE 2 ARE SUBMITTED.

APPLICANT INFORMATION

Name: TIM POTTER - PRES OLD TOWNE DEVELOPMENT
Address: 8312 CADWELL RD
City: HARRISBURG State: NC Zip Code: 28075 Telephone: 704 746 8473

OWNER INFORMATION

Name: ~~THE~~ OLD TOWNE DEVELOPMENT CORP
Address: 8312 CADWELL RD
City: HARRISBURG State: NC Zip Code: 28075 Telephone: 704 746 8473

SUBJECT PROPERTY

Street Address: 74, 76, 78 CABARRUS AVE W. P.I.N. # 56208704180000
Area (acres or square feet): .337 Current Zoning: CC-CD Land Use: RESIDENTIAL

Staff Use
Only:

Application Received by: _____ Date: _____, 20 _____

Fee: \$20.00 Received by: _____ Date: _____, 20 _____

The application fee is nonrefundable.

General Requirements

The Unified Development Ordinance imposes the following rules, regulations and requirements on requests for Certificates of Appropriateness. The applicant must, with reference to the attached plans, demonstrate how the proposed use satisfies these requirements:

1. Project or Type of Work to be Done: New Town Home Building w/ 3 - 1800 SF 2 STORY TOWNHOMES w/ 2 CAR GARAGES
2. Detailed specifications of the project (type of siding, windows, doors, height/style of fence, color, etc.):
BRICK - OLD COLONY. BY TRIANGLE BRICK
SIDING - CEMENT BASED LAP SIDING - JAMES HARDIE OR EQUIV.
ROOFING - VIRGINIA SLATE 30 YR ARCH. SHINGLES BY TAMPKO.
WINDOWS - ALUMINUM CLAD S/DL DOUBLE HUNG WINDOWS BY WINDSE
FRONT ENTRY - FIBERGLASS DOOR w/ COLOR MATCHED PAINT FINISH
METAL ROOFING - STANDING SEAM PAINTED METAL ROOFING - CONSTAR METAL

**Required
Attachments/Submittals**

- ① Scaled site plan, if additions or accessory structures are proposed, on letter, legal or ledger paper. Larger sized copies will be accepted.
2. Detailed written description of the project.
- ③ Photographs of site, project, or existing structures from a "before" perspective.
- ④ Drawings, sketches, renderings, elevations, or photographs necessary to present an illustration of the project from an "after" perspective if applicable.
5. Samples of windows, doors, brick, siding, etc. must be submitted with application.
- ⑥ Detailed list of materials that will be used to complete the project.

Certification

(1) I hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department. (2) I understand that City staff and/or members of the Historic Preservation Commission may make routine visits to the site to insure that work being done is the same as the work that was approved. (3) I understand that photographs of the completed project will be made to update the City's historic districts inventory database.

4/6/23

Date

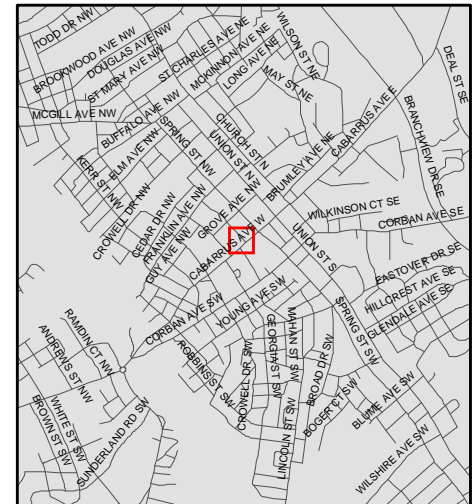
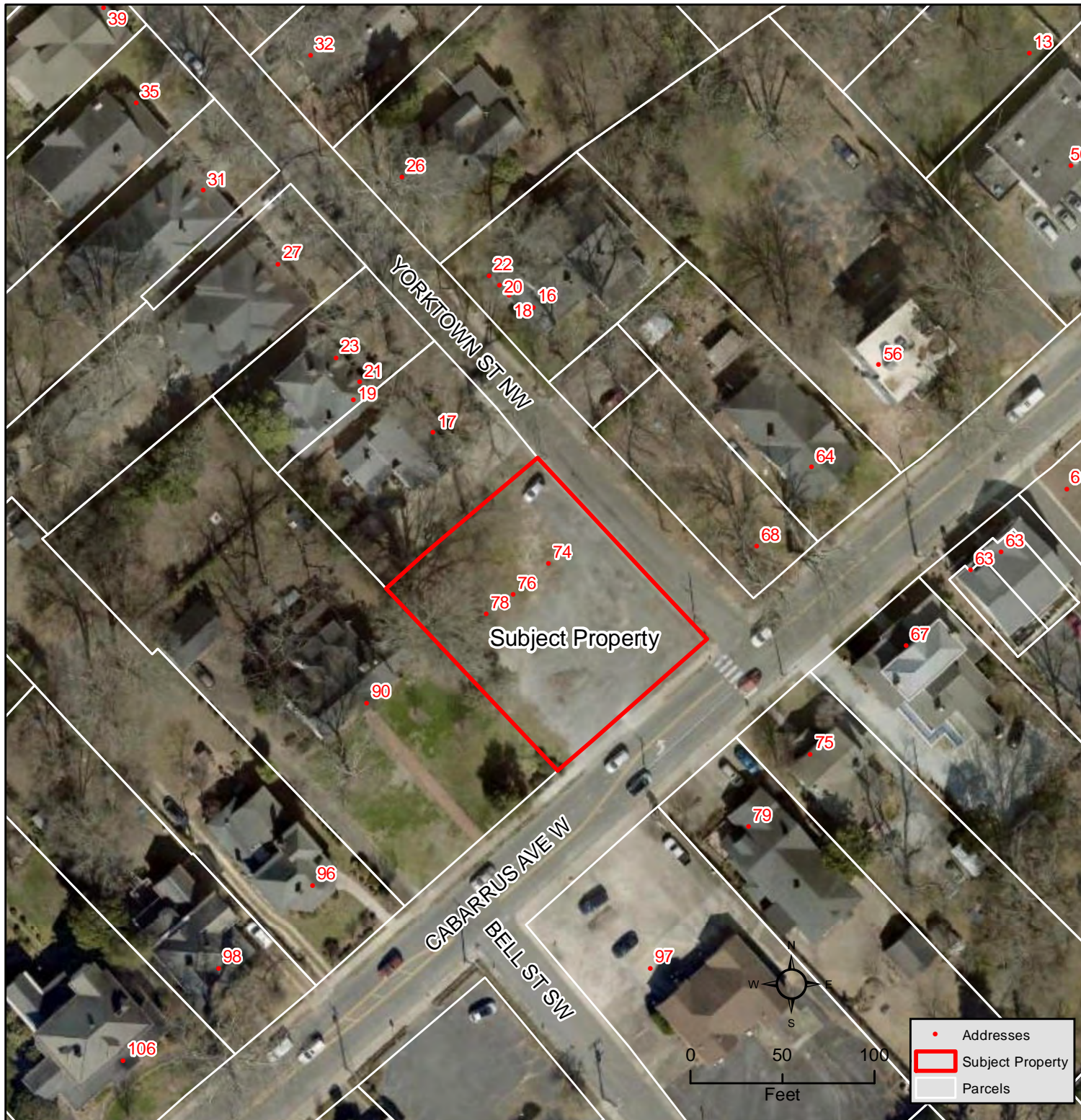
[Signature]

Signature of Owner/Agent

H-14-22

74, 76, 78 Cabarrus Ave W

PIN: 5620-87-0418



Source: City of Concord
Planning Department

Disclaimer

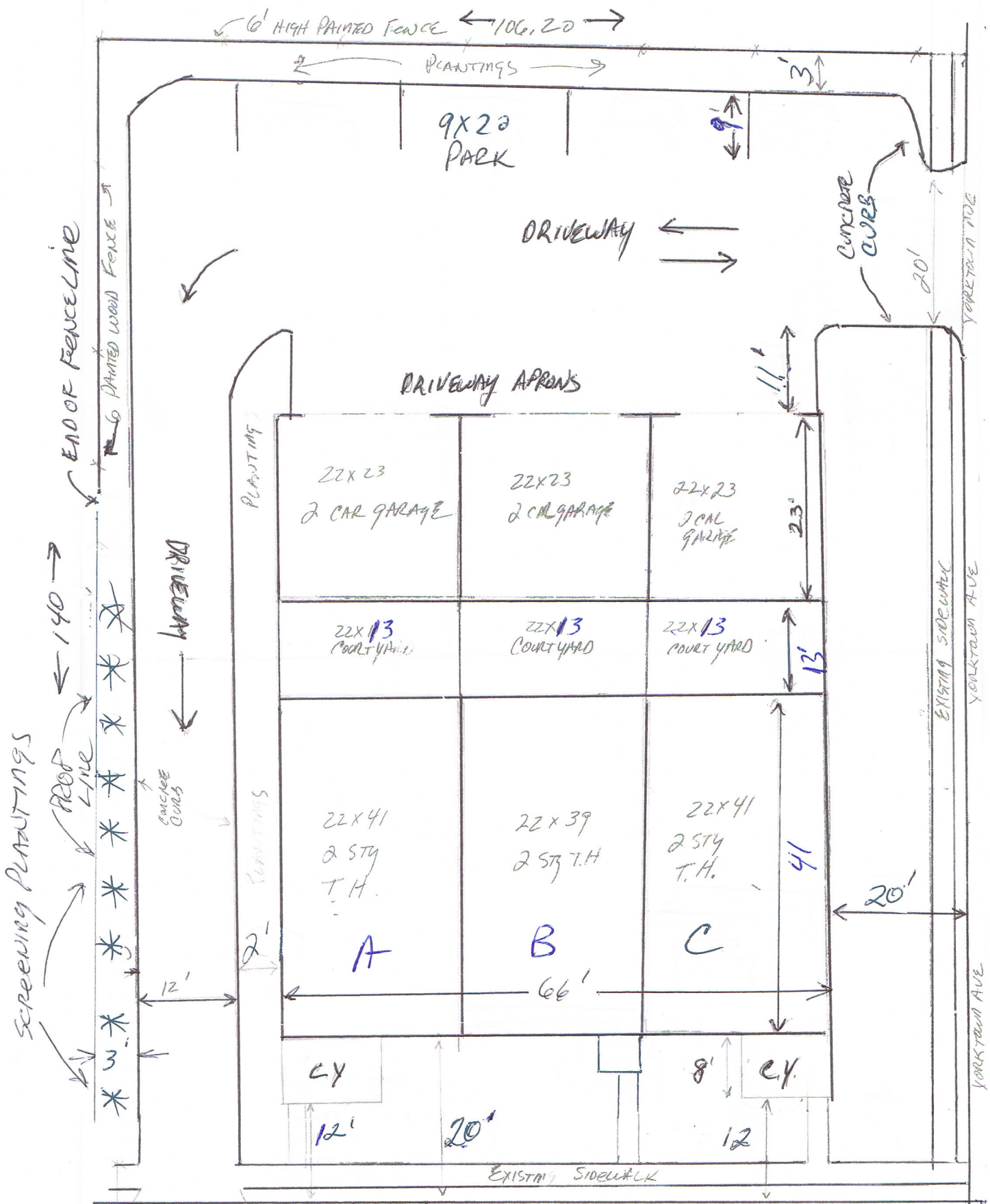
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Before Image from Yorktowne Ave.



Before Image from Cabarrus Ave.





74-76 CABARRUS AVE WEST

1" = 10 FT

Exhibit E

CLIMATE ZONES	FENESTRATION U-FACTOR ^a	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b,d}	CEILING ^m R-VALUE	WOOD FRAMED WALL R-VALUE	MASS WALL R-VALUE ^f	FLOOR R-VALUE	BASEMENT ^{g,h} WALL R-VALUE	SLAB ^d R-VALUE AND DEPTH	CRAWL SPACE ^c WALL R-VALUE
3	0.35	0.55	0.30	38 or 30 cont	15 or 13 + 2.5 ^h	5/13 or 5/10 cont	19	5/13 ^f	0	5/13
4	0.35	0.55	0.30	38 or 30 cont ^l	15 or 13 + 2.5 ^h	5/13 or 5/10 cont	19	10/15	10	10/15
5	0.35	0.55	NR	38 or 30 cont ^l	19 ⁿ or 13 + 5 ^h or 15 + 3 ^h	13/17 or 13/12.5 cont	30 ^g	10/15	10	10/19

* TABLE N1102.1 CLIMATE ZONES 3-5

- NO SCALE
- a. R-VALUES ARE MINIMUMS. U-FACTORS AND SHGC ARE MAXIMUMS. WHEN INSULATION IS INSTALLED IN A CAVITY WHICH IS LESS THAN THE LABEL OR DESIGN THICKNESS OF THE INSULATION, THE INSTALLED R-VALUE OF THE INSULATION SHALL NOT BE LESS THAN THE R-VALUE SPECIFIED IN THE TABLE.
 - b. THE FENESTRATION U-FACTOR COLUMN EXCLUDES SKYLIGHTS. THE SOLAR HEAT GAIN COEFFICIENT (SHGC) COLUMN APPLIES TO ALL GLAZED FENESTRATION.
 - c. "10/15" MEANS R-10 CONTINUOUS INSULATED SHEATHING ON THE INTERIOR OR EXTERIOR OF THE HOME OR R-15 CAVITY INSULATION AT THE INTERIOR OF THE BASEMENT WALL OR CRAWL SPACE WALL.
 - d. FOR MONOLITHIC SLABS, INSULATION SHALL BE APPLIED FROM THE INSPECTION GAP DOWNWARD TO THE BOTTOM OF THE FOOTING OR A MAXIMUM OF 24" BELOW GRADE WHICHEVER IS LESS. FOR FLOATING SLABS, INSULATION SHALL EXTEND TO THE BOTTOM OF THE FOUNDATION WALL OR 24" WHICHEVER IS LESS. R-5 SHALL BE ADDED TO THE REQUIRED SLAB EDGE R-VALUES FOR HEATED SLABS.
 - e. DELETED
 - f. BASEMENT WALL INSULATION IS NOT REQUIRED IN WARM-HUMID LOCATIONS AS DEFINED BY FIGURE N1101.Z AND TABLE N1101.Z.
 - g. OR INSULATION SUFFICIENT TO FILL THE FRAMING CAVITY. R-19 MINIMUM.
 - h. THE FIRST VALUE IS CAVITY INSULATION, THE SECOND VALUE IS CONTINUOUS INSULATION, SO "13+5" MEANS R-13 CAVITY INSULATION PLUS R-5 INSULATED SHEATHING. "15+3" MEANS R-15 CAVITY INSULATION, PLUS R-3 INSULATED SHEATHING. IF STRUCTURAL SHEATHING COVERS 25% OR LESS OF THE EXTERIOR, INSULATING SHEATHING IS NOT REQUIRED WHERE THE STRUCTURAL SHEATHING IS USED. IF STRUCTURAL SHEATHING COVERS MORE THAN 25 PERCENT OF THE EXTERIOR, SHALL BE SUPPLEMENTED WITH INSULATED SHEATHING OF AT LEAST R-2. "13 + 2.5" MEANS R-13 CAVITY INSULATION PLUS R-2.5 SHEATHING.
 - i. FOR MASS WALLS, THE SECOND R-VALUE APPLIES WHEN MORE THAN HALF THE INSULATION IS ON THE INTERIOR MASS WALL.
 - j. IN ADDITION TO THE EXEMPTION IN SECTION N1102.3.3, A MAXIMUM OF TWO GLAZED FENESTRATION PRODUCT ASSEMBLIES HAVING A U-FACTOR NO GREATER THAN 0.55 SHALL BE PERMITTED TO BE SUBSTITUTED FOR MINIMUM CODE COMPLIANT FENESTRATION PRODUCT ASSEMBLIES WITHOUT PENALTY.
 - k. IN ADDITION TO THE EXEMPTION IN SECTION N1102.3.3, A MAXIMUM OF TWO GLAZED FENESTRATION PRODUCT ASSEMBLIES HAVING A SHGC NO GREATER THAN 0.70 SHALL BE PERMITTED TO BE SUBSTITUTED FOR MINIMUM CODE COMPLIANT FENESTRATION PRODUCT ASSEMBLIES WITHOUT PENALTY.
 - l. R-30 SHALL BE DEEMED TO SATISFY THE CEILING INSULATION REQUIREMENT WHEREVER THE FULL HEIGHT OF UNCOMPRESSED R-30 INSULATION EXTENDS OVER THE WALL TOP PLATE AT THE EAVES. OTHERWISE, R-30 INSULATION IS REQUIRED WHERE ADEQUATE CLEARANCE EXISTS OR INSULATION MUST EXTEND TO EITHER THE INSULATION BAFFLE OR WITHIN 1 INCH OF THE ATTIC ROOF DECK.
 - m. TABLE VALUE REQUIRED EXCEPT FOR ROOF EDGE WHERE THE SPACE IS LIMITED BY THE PITCH OF THE ROOF. THERE THE INSULATION MUST FILL THE SPACE UP TO THE AIR BAFFLE.
 - n. R-19 FIBERGLASS BATTIS COMPRESSED AND INSTALLED IN A NOMINAL 2 x 8 FRAMING CAVITY IS DEEMED TO COMPLY. FIBERGLASS BATTIS RATED R-19 OR HIGHER COMPRESSED AND INSTALLED IN A 2x4 WALL IS NOT DEEMED TO COMPLY.
 - o. BASEMENT WALL MEETING THE MINIMUM MASS WALL SPECIFIC HEAT CONTENT REQUIREMENT MAY USE THE MASS WALL R-VALUE AS THE MINIMUM REQUIREMENT.

Residential Designer will not be responsible for structure. Details & Notes are provided for reference only. Consult with a licensed structural engineer to verify all construction details, footing sizes, point loads, joist size and direction, etc. Plans shall be reviewed and approved by Builder and/or homeowner before construction begins. Residential designer has made every attempt to address code to the best of their ability but will not accept any liability related to code compliance, etc.

DRAWING INDEX

- 1.0 COVER SHEET
- 2.0 FIRST FLOOR PLAN
- 3.0 SECOND FLOOR PLAN
- 4.0 FRONT & RIGHT ELEVATIONS
- 5.0 REAR & LEFT ELEVATIONS
- 6.0 REAR ELEVATION
- GN GENERAL NOTES
- S1 FOUNDATION PLAN
- S2 FIRST FLOOR FRAMING PLAN
- S3 SECOND FLOOR FRAMING PLAN
- S4 ROOF PLAN
- D1 DETAILS
- D2 DETAILS

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FRONT ELEVATION

SCALE: 1/4" = 1'-0"

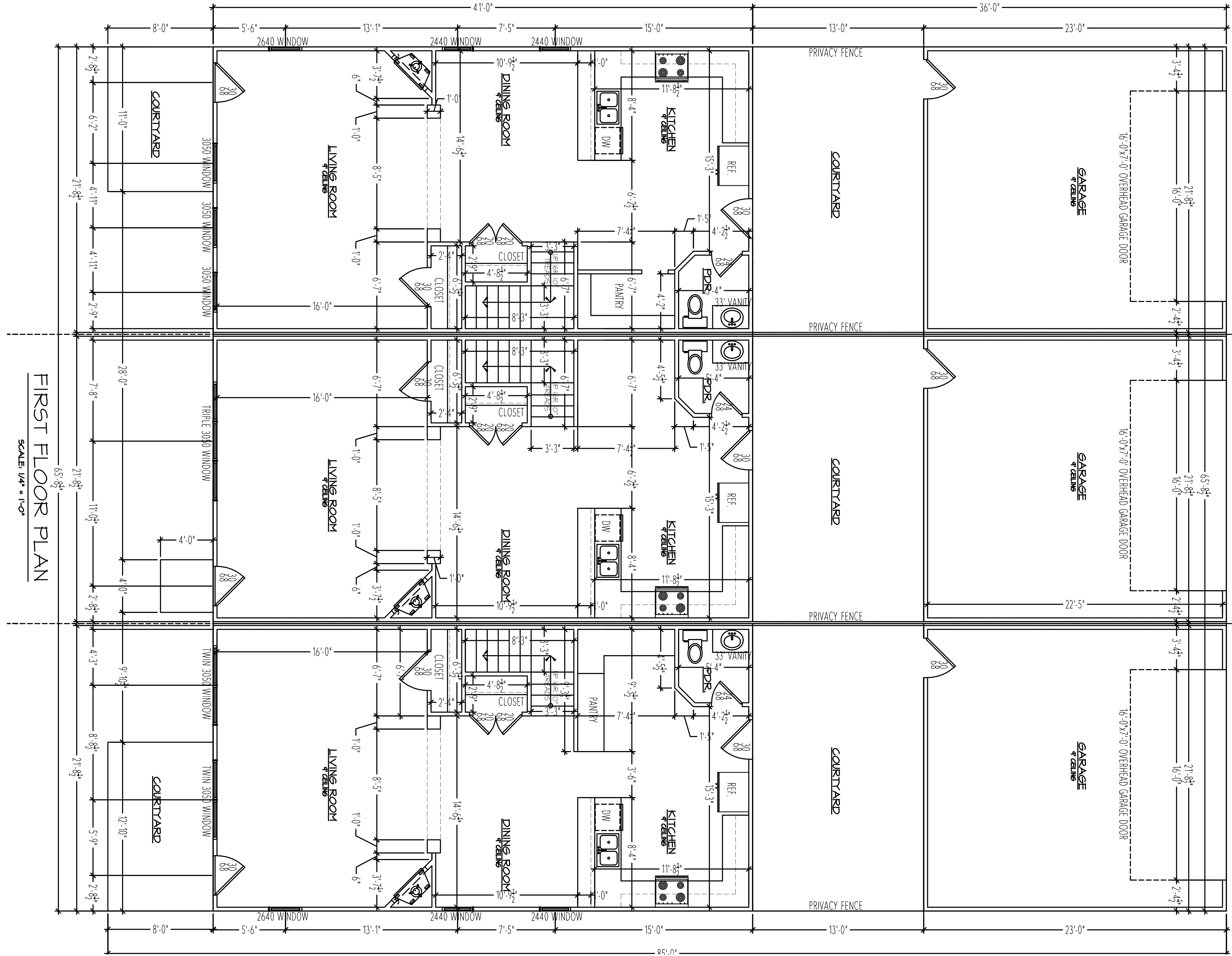
Michael W. Harmon
Copyright DesignTime Residential, LLC 2023

Old Towne Dev.
Yorktowne

CONTRACT NO.	JOB NO.	DRAWN BY:	CHECKED BY:
	2023-14	MWH	CAD
REVISIONS:			
DATE: 2.1.23			

SHEET NO.
1.0

R 302.2.5 & 302.2.6-TOWNHOUSE EAVE PROTECTION
 IN TOWNHOUSE CONSTRUCTION (WITH 3 OR MORE ATTACHED DWELLINGS) PROJECTIONS EXTENDING INTO THE FIRE SEPARATION DISTANCE SHALL HAVE NOT LESS THAN 1 HOUR FIRE RESISTIVE CONSTRUCTION ON THE UNDERSIDE. SOFFIT MATERIAL BEYOND THE FIRE SEPARATION DISTANCE SHALL BE SECURELY ATTACHED TO FRAMING MEMBERS AND SHALL BE CONSTRUCTED USING EITHER NON-COMBUSTIBLE SOFFIT MATERIAL, FIRE RETARDANT TREATED SOFFIT MATERIAL, VINYL SOFFIT INSTALLED OVER 3/4" WOOD SHEATHING OR 5/8" GYPSUM BOARD. VENTING REQUIREMENTS SHALL BE PROVIDED IN BOTH SOFFIT AND UNDERLAYMENTS. VENTS SHALL BE EITHER NOMINAL 2" CONTINUOUS OR EQ. INTERMITTENT AND SHALL NOT EXCEED THE MIN. NET FREE AIR REQUIREMENTS ESTABLISHED IN SECTION R206.2 BY MORE THAN 50%
 VENTS IN THE SOFFIT ARE NOT ALLOWED WITHIN 4' OF FIRE WALLS OR PROPERTY LINES



FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

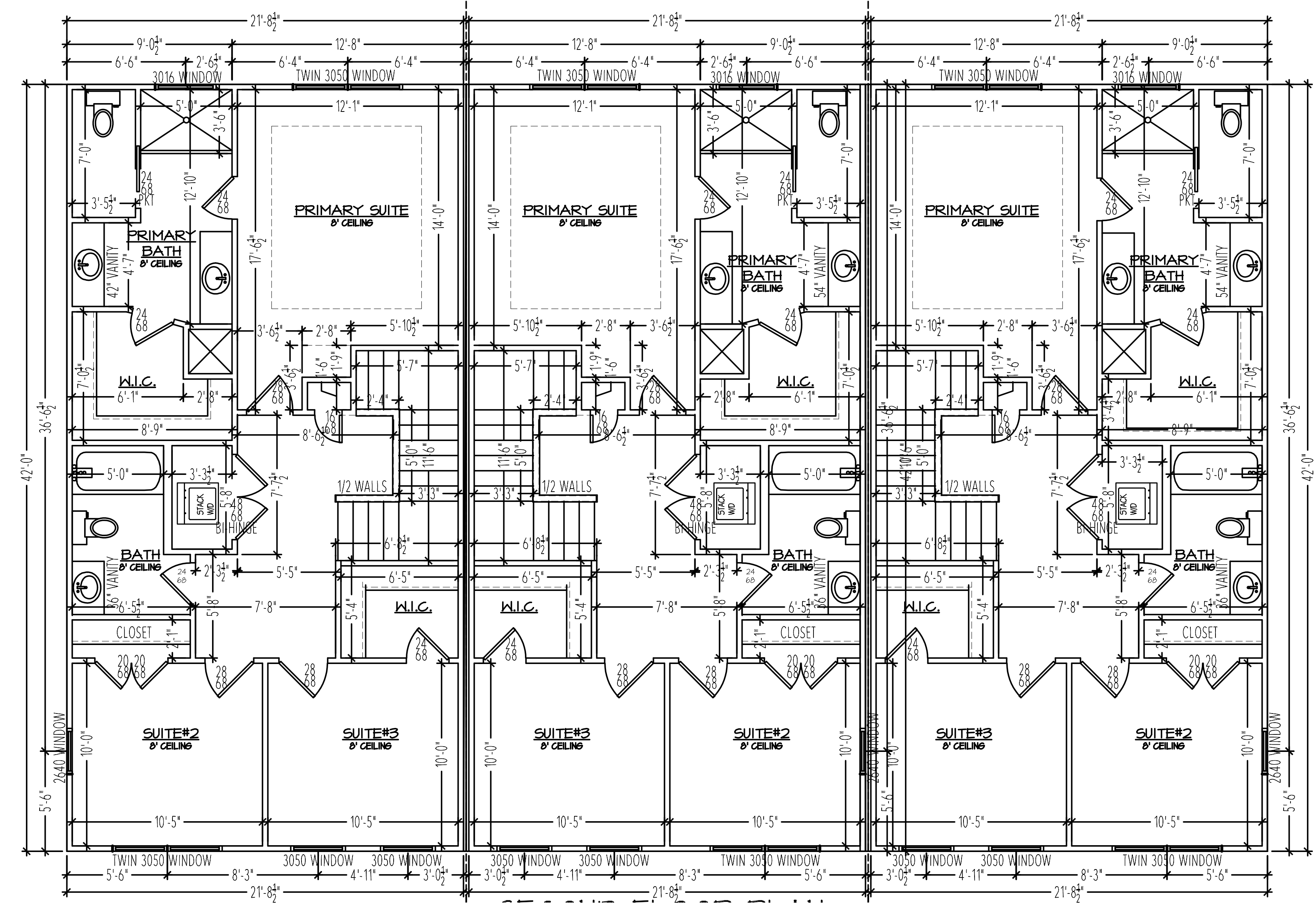
Old Towne Dev.
 Yorktowne

COMM. NO.	2023-14
JOB NO.	2023-14
DRAWN BY:	MWH
CHECKED BY:	MWH
CAD	
REVISIONS:	
DATE:	2.1.23

SHEET NO.
 2.0

R 302.2.5 & 302.2.6-TOWNHOUSE EAVE PROTECTION
 IN TOWNHOUSE CONSTRUCTION (WITH 3 OR MORE ATTACHED DWELLINGS) PROJECTIONS EXTENDING INTO THE FIRE SEPARATION DISTANCE SHALL HAVE NOT LESS THAN 1 HOUR FIRE RESISTIVE CONSTRUCTION ON THE UNDERSIDE. SOFFIT MATERIAL BEYOND THE FIRE SEPARATION DISTANCE SHALL BE SECURELY ATTACHED TO FRAMING MEMBERS AND SHALL BE CONSTRUCTED USING EITHER NON-COMBUSTIBLE SOFFIT MATERIAL, FIRE RETARDANT TREATED SOFFIT MATERIAL, VINYL SOFFIT INSTALLED OVER 3/4" WOOD SHEATHING OR 5/8" GYPSUM BOARD. VENTING REQUIREMENTS SHALL BE PROVIDED IN BOTH SOFFIT AND UNDERLAYMENTS. VENTS SHALL BE EITHER NOMINAL 2" CONTINUOUS OR EQ. INTERMITTENT AND SHALL NOT EXCEED THE MIN. NET FREE AIR REQUIREMENTS ESTABLISHED IN SECTION R806.2 BY MORE THAN 50%. VENTS IN THE SOFFIT ARE NOT ALLOWED WITHIN 4' OF FIRE WALLS OR PROPERTY LINES

FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"



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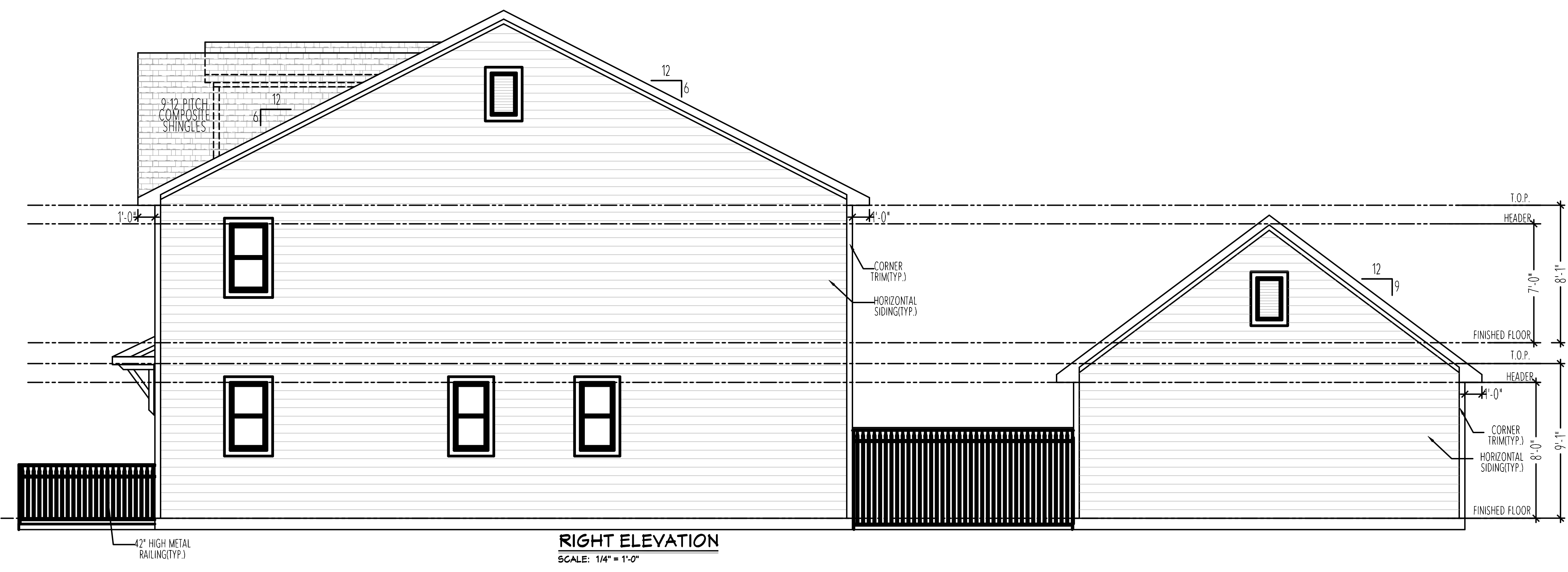
Old Towne Dev.
 Yorktowne

COMM. NO.	JOB NO.	DATE
	2023-14	2023-14
REVISIONS:	DRAWN BY:	CHECKED BY:
	MWH	CAD
DATE:	2.1.23	

SHEET NO.
 3.0



FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
 SCALE: 1/4" = 1'-0"

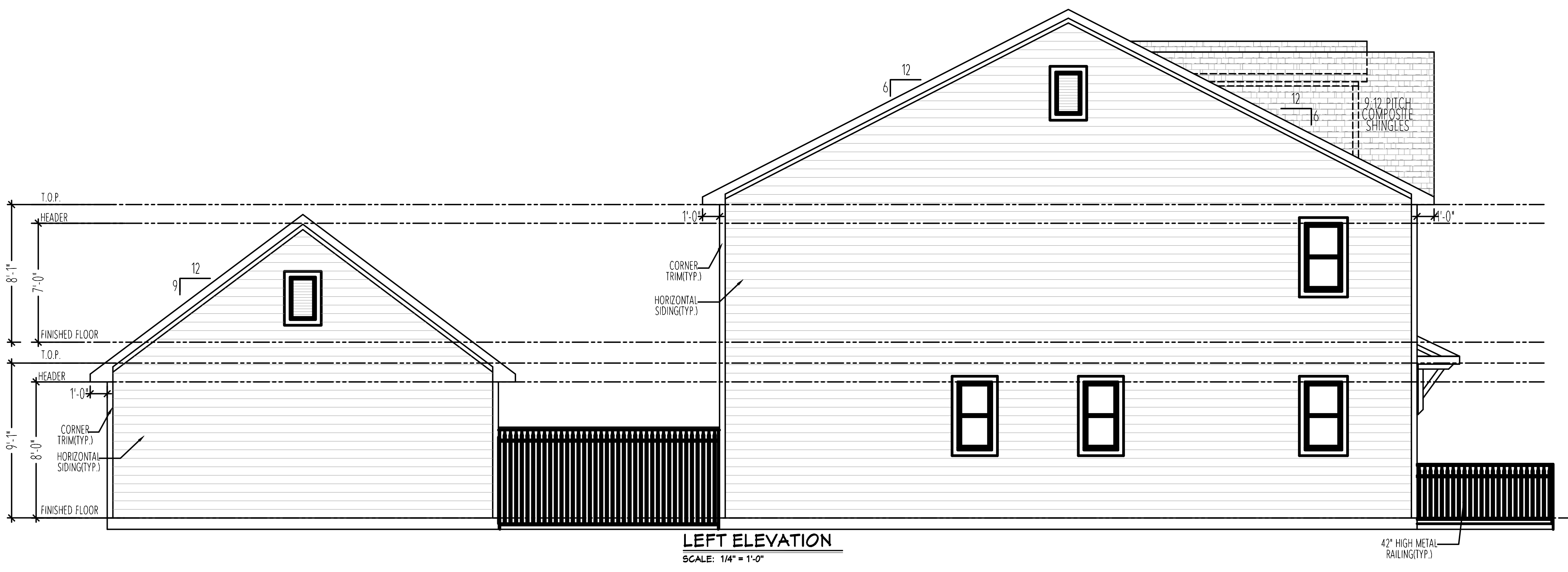
Old Towne Dev.
 Yorktowne

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	2023-14	MWH	CAD
REVISIONS:			
DATE: 2.1.23			

SHEET NO.
 4.0

R 302.2.5 & 302.2.6-TOWNHOUSE EAVE PROTECTION
 IN TOWNHOUSE CONSTRUCTION (WITH 3 OR MORE ATTACHED DWELLINGS) PROJECTIONS EXTENDING INTO THE FIRE SEPARATION DISTANCE SHALL HAVE NOT LESS THAN 1 HOUR FIRE RESISTIVE CONSTRUCTION ON THE UNDERSIDE. SOFFIT MATERIAL BEYOND THE FIRE SEPARATION DISTANCE SHALL BE SECURELY ATTACHED TO FRAMING MEMBERS AND SHALL BE CONSTRUCTED USING EITHER NON-COMBUSTIBLE SOFFIT MATERIAL, FIRE RETARDANT TREATED SOFFIT MATERIAL, VINYL SOFFIT INSTALLED OVER 3/4" WOOD SHEATHING OR 5/8" GYPSUM BOARD. VENTING REQUIREMENTS SHALL BE PROVIDED IN BOTH SOFFIT AND UNDERLAYMENTS. VENTS SHALL BE EITHER NOMINAL 2" CONTINUOUS OR EQ. INTERMITTENT AND SHALL NOT EXCEED THE MIN. NET FREE AIR REQUIREMENTS ESTABLISHED IN SECTION R906.2 BY MORE THAN 50%
 VENTS IN THE SOFFIT ARE NOT ALLOWED WITHIN 4' OF FIRE WALLS OR PROPERTY LINES

8'-1"
 9'-1"



REAR ELEVATION
 SCALE: 1/4" = 1'-0"

LEFT ELEVATION
 SCALE: 1/4" = 1'-0"

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	2023-14	2023-14
REVISIONS:	DRAWN BY:	CHECKED BY:
	MWH	CAD
DATE:	2.1.23	

SHEET NO.
 5.0



YORKTOWNE - BY OLD TOWNE DEVELOPMENT

DETAILED MATERIAL LIST

74-78 CABARRUS AVE W. CONCORD, NC

YORKTOWNE EXTERIOR SCHEME

EXTERIOR MATERIALS:

SIDING AND TRIM - CEMENT COMPOSITE LAP SIDING - JAMES HARDIE OR EQUIVALENT

BRICK - TRIANGLE BRICK - OLD COLONY STYLE

FRONT ENTRY DOORS - PAINTED FIBERGLASS - WITH GLASS - COLOR COORDINATED WITH SIDING

WINDOWS - WINDSOR BRAND - SDL - ALUMINUM CLAD -

ROOFING - MAIN TAMPCO - HERITAGE 30 YR - COLOR: VIRGINIA SLATE

ROOFING - DORMER TAMPCO - HERITAGE 30 YR - COLOR : VIRGINIA SLATE

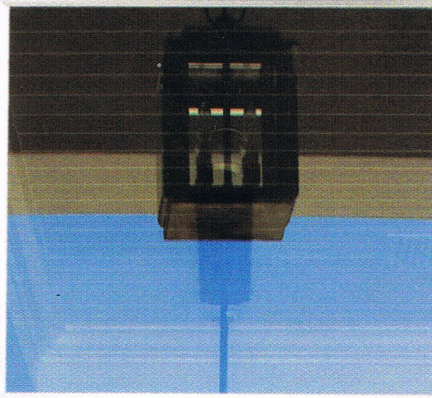
ROOFING - PORCH PAINTED METAL STANDING SEAM ROOFING

SIDING COLORS: (FROM JAMES HARDIE SIDING COLORS)

	<u>FRONT ELEVATIONS</u>			<u>SIDES AND REAR</u>
	<u>78 CABARRUS</u>	<u>76 CABARRUS</u>	<u>74CABARRUS</u>	<u>ALL ADDRESSES</u>
LOWER SIDING COLOR	HARRIS CREAM	MOUNTAIN SAGE	SANDSTONE BEIGE	AUTUMN TAN
UPPER SIDING COLOR	KHAKI BROWN	HEATHERED MOSS	COBBLESTONE	HARRIS CREAM
GABLE SIDING COLOR (IF NEEDED)	AUTUMN TAN	N/A	HARRIS CREAM	HARRIS CREAM
DORMER SIDING COLOR	N/A	SAILCLOTH	N/A	N/A
GARAGE	HARRIS CREAM	MAUNTAIN SAGE	SANDSTONE BEIGE	HARRIS CREAM
TRIM COLOR	SAILCLOTH	SAILCLOTH	SAILCLOTH	SAILCLOTH

WINDOW CLAD COLOR (WINDSOR WINDOWS) - LINEN (MATCH TO SAILCLOTH)

Proposed Front Entry Doors



KNOW THE BEAUTY OF INNOVATION

10201 Industrial Dr.,
Pineville, NC 28134
704.889.8182

2591 Jenkins Dairy Road
Gastonia, NC 28052
704.824.8182

205 Watling Road
West Columbia, SC 29170
803.939.9290

1168 St. Marks Church Road
Burlington, NC 27215
336.584.1349

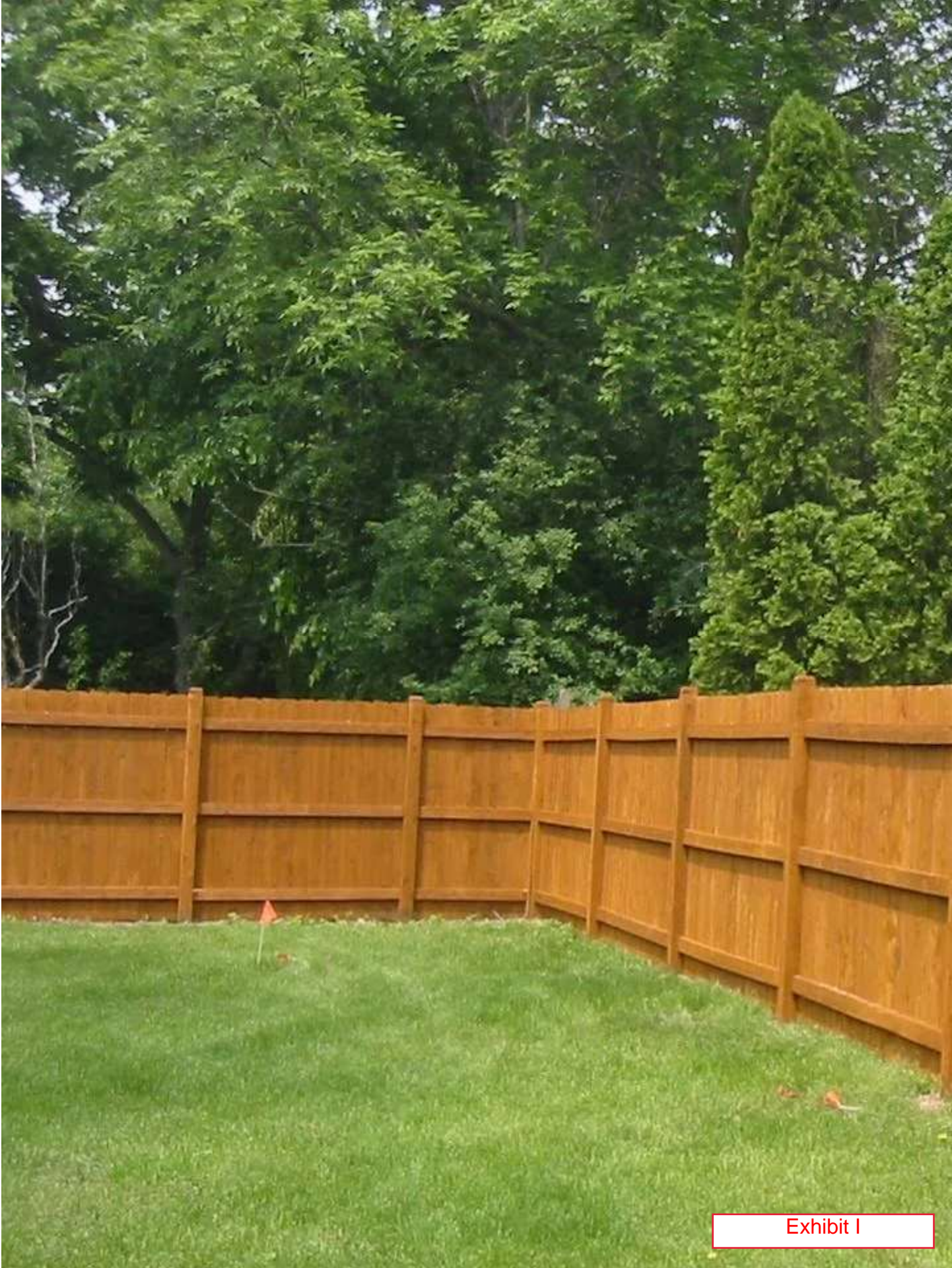
5042 Hampton Ridge Road
Rock Hill, SC 29732
803.366.8182

"Service You Can Build On."



Exhibit H

Privacy Fence Images

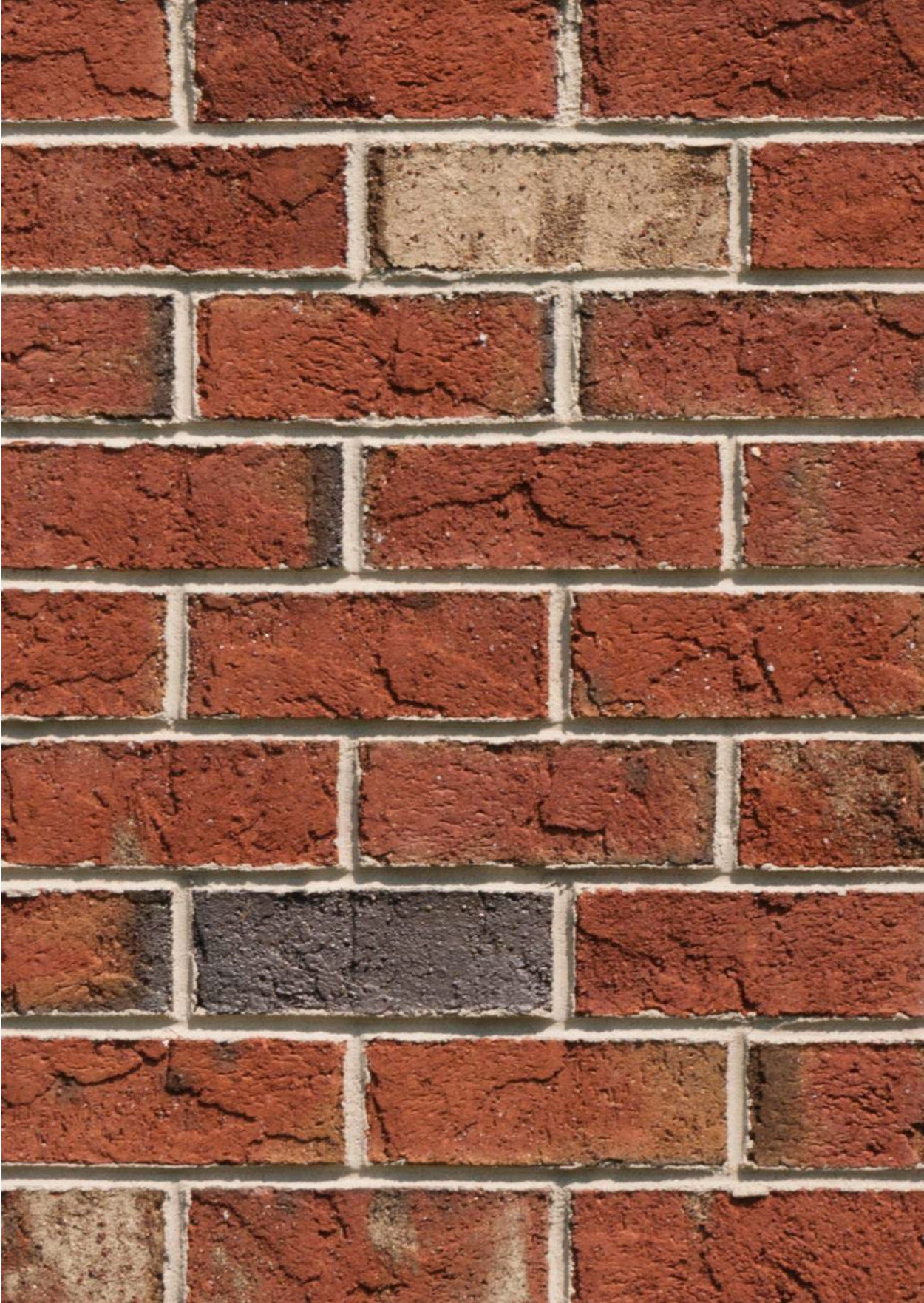




Proposed Roofing Shingles



TRIANGLE BRICK - OLD COLONY





DATE: March 15, 2016

CASE #: Z (CD)-34-16

DESCRIPTION: Zoning Map Amendment from RM-2 (Residential Medium Density) to CC-CD (Center City Conditional District)

OWNER/APPLICANT: City of Concord

LOCATION: 74, 76, and 78 Cabarrus Ave. West

PIN#: 5620-87-0418

AREA: .33 +/- acres

ZONING: RM-2 (Residential Medium Density)

PREPARED BY: Starla Rogers – Sr. Planner

BACKGROUND

This case came before the Planning and Zoning Commission on January 19th 2016. Several neighbors spoke at the public hearing in opposition to the request. The primary concerns were: Parking on Yorktown St., vehicular traffic congestion on Yorktown St., zoning classification of Center City, townhome use, number of townhome units, small front yard setback, and rental versus owner occupied units. The Planning and Zoning Commission tabled the case to allow the City and the neighbors to further discuss the project and possible methods of compromise.

After the meeting, City Staff contacted the potential buyer and he confirmed that he would not be in favor of modifying the request to single family homes or to reduce the number of townhome units. With that in mind, staff revised the townhome site plan to incorporate varied front setbacks for the units by incorporating both a front courtyard and stoop entry. Additionally, the site plan was modified to allow an exit only access point on Cabarrus Avenue. This new point of egress minimizes the need for residents of the townhomes to exit onto Yorktown Street.

After speaking with the potential buyer of the property, City staff held several meetings with surrounding neighbors and members of the community. A detailed description of each meeting and the resulting outcome is attached for the Commission’s review. The result of each meeting varied. Some citizens with whom the meetings were held are now in support of the project or have decided to be neutral. However, there are still individuals in opposition as well. With an active offer to purchase, conditioned on the rezoning and four (4) townhomes, the request must be carried through the rezoning process as presented.

HISTORY

The subject property is approximately .33 acres in a RM-2 (Residential Medium Density) zoning district, abutting the CC (Center City) zoning district. Cabarrus Avenue separates the subject property and other properties within the CC district. The property is also located within the City's Historic Preservation Overlay district.

Previously, the property was occupied by an approximately 3,500sf nonconforming commercial multi-tenant building and was held by a private party owner. The subject property was the site of various nuisance complaints through Concord Police Department. In November of 2014 the City purchased the property with intentions of more compatible redevelopment in the future. The structure was demolished in January 2015 and the site is now vacant.

The City met and discussed the project with individuals in the surrounding neighborhood. A formal neighborhood meeting was held on March 10th, 2015 in order to allow residents/property owners/tenants to have input on the future use/development of the site. The City presented several options including single-family detached residential dwellings, a commercial structure, and single-family residential attached units (townhomes). The result of the meeting was a preference of residential to commercial. Single-family residential was the overall neighborhood preference resulting from the meeting. After sending out an RFP, the only returned interest in redevelopment of the property was an offer to purchase for townhome development. Preliminary site designs indicate the site can accommodate four (4) two-story townhome units with rear detached garages, rear parking, two-way access off of Yorktown Street and one-way exit to Cabarrus Avenue.

Typically when requests must appear before both the Planning and Zoning Commission and the Historic Preservation Commission (HPC), the applicant first appears before HPC. This process is used so that the Planning and Zoning Commission has assurance that the HPC has approved site design and elevations as compatible with the Historic District prior to approval of any conditional zoning modification. This limits the need for multiple meetings/re-reviews. However, in this instance, the City has a prospective buyer for the property and the sale is dependent upon zoning approval. Therefore, there are no formal site plans, elevations, or material descriptions to accompany this conditional rezoning. Instead there are preliminary designs as to what the site could accommodate if rezoning were approved. Should the Commission approve the request to rezone the property to CC-CD, the following conditions are proposed:

1. Use limited to no more than (4) +/- 1700sf two-story townhome units
2. Rear parking
3. Detached rear loaded garages
4. Two front courtyards and two front stoops along with rear courtyards
5. Shared access driveway off of Yorktown Street, NW
6. Exit only access onto Cabarrus Avenue, West.
7. 6ft tall privacy fences along the adjoining property lines if approved by HPC

City staff made a presentation to the HPC on December 30th explaining the project, proposed uses, and need for modification to the public hearings order. The Commission had no objections and was informed of the upcoming Planning and Zoning meeting should they care to attend as private citizens or elect a representative to speak.

Site Plan and elevations are submitted as potential designs corresponding with the conditions proposed above. Should the Commission approve the rezoning subject to those conditions, the project would be required to meet the enhanced Center City design standards as well as those imposed by the Historic Preservation Overlay district and the Historic Preservation Commission.

Existing Zoning and Land Uses				
Zoning of Subject Property	Direction	Zoning Within 500 Feet	Land Uses(s) of Subject Property	Land Uses Within 500 Feet
RM-2	North	RM-2 Residential Medium Density and C-1 (Light Commercial)	Vacant	Single-Family Residential, and Institutional (Old Courthouse Theatre/
	East	RM-2 (Residential Medium Density), C-1 (Light Commercial) and CC (Center City)		Single-Family Residential, Commercial, Office and Institutional
	South	CC (Center City), C-1 (Light Commercial), and RC (Residential Compact)		Single-Family Residential, Commercial, and Institutional
	West	RM-2 (Residential Medium Density) and C-2 (General Commercial)		Single-Family Residential and Commercial

COMPLIANCE WITH THE CENTER CITY PLAN AND 2015 LAND USE PLAN

The subject property is located within the Center City Plan, incorporated into the 2015 Land Use Plan, and is designated as “Commercial.” During the update of the Center City Plan, many already developed properties were designated with land use categories that paralleled their existing uses. The subject property was occupied by a longstanding commercial building and was thus designated as such. The existing RM-2 zoning classification is not consistent with the land use classification. However, the proposed CC (and conditional district variations) is considered consistent and a corresponding zoning classification to the commercial land use designation and is therefore appropriate.

SUGGESTED STATEMENT OF ZONING CONSISTENCY

- The subject property is approximately .33 acres, is zoned RM-2 (Residential Medium Density) and is located within the Historic Preservation Overlay District.
- The subject property is a vacant lot.
- The proposed zoning amendment is consistent with the Center City Plan and thus the 2015 Land Use Plan (LUP) as the subject property is designated “commercial” and CC (Center City) is a corresponding zoning classification.
- The zoning amendment is reasonable and in the public interest because the petition allows for compatible single-family residential uses and is an extension of the existing CC (Center City) zoning across Cabarrus Avenue, West.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the Center City Plan and 2015 Land Use Plan and the

requirements of the Concord Development Ordinance. The petition meets the minimum requirements of the CDO. It is a parallel conditional district request, the Commission, should they decide to approve the request, may, according to Section 3.2.8.E of the CDO, suggest **“reasonable additional conditions or augment those already provided with the petition, but only those conditions mutually agreed upon by the petitioner and the Commission or Council may be incorporated into the approval. Any such condition should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space and other matters that the Commission or Council may find appropriate.”**

The petitioner has consented to the following conditions:

1. Use limited to no more than (4) +/- 1700sf two-story townhome units
2. Rear parking
3. Detached rear loaded garages
4. Two front courtyards and two front stoops along with rear courtyards
5. Shared access driveway off of Yorktown Street, NW
6. Exit only access onto Cabarrus Avenue, West.
7. 6ft tall privacy fences along the adjoining property lines if approved by HPC

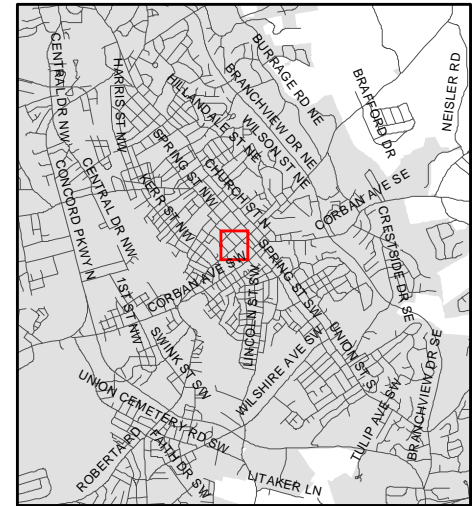
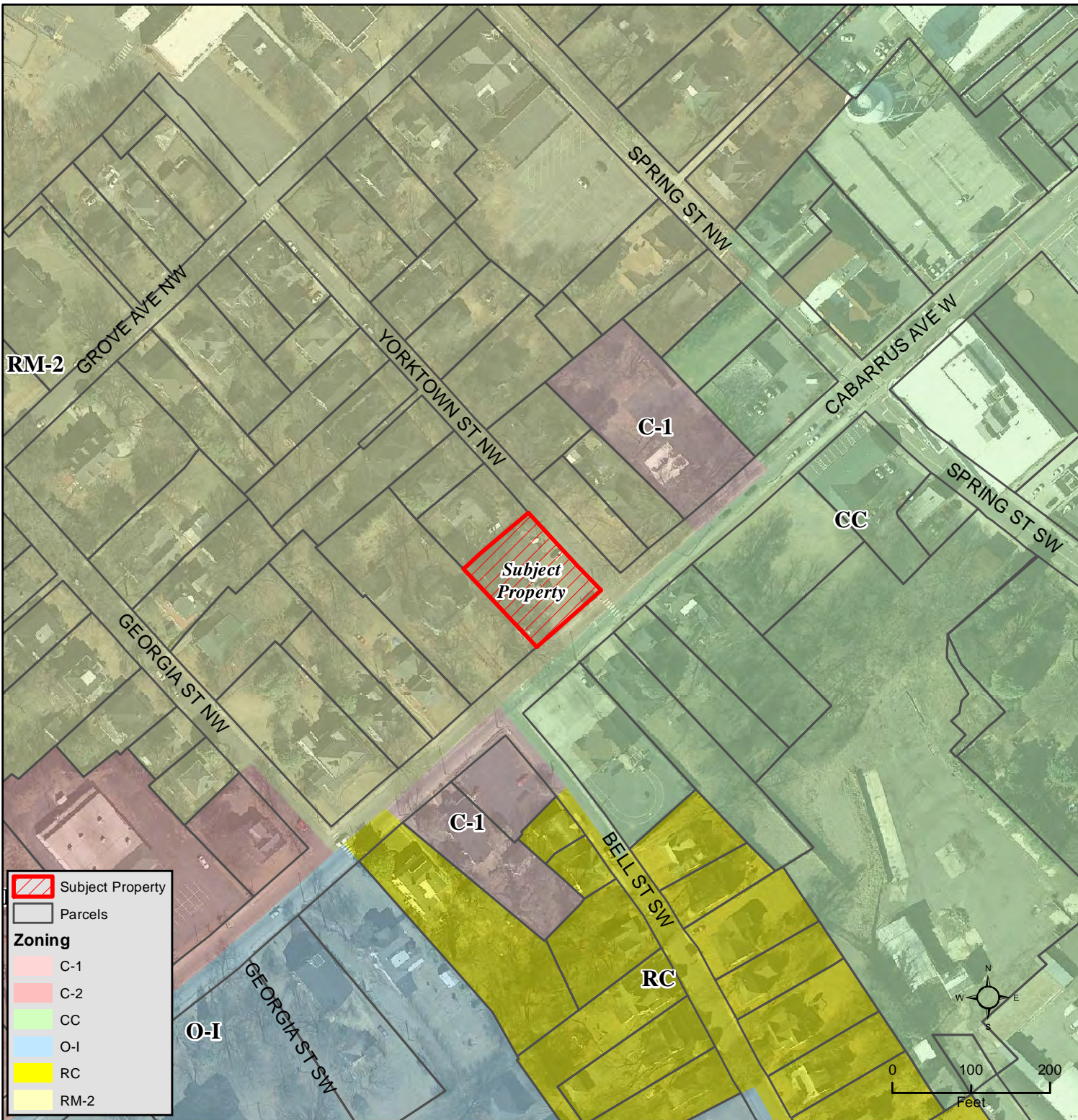
PROCEDURAL CONSIDERATIONS

This particular rezoning case is considered “legislative” in nature as stated in Section 3.2.7 of the CDO. Legislative hearings DO NOT require sworn testimony or findings of fact for approval or denial.

**Z(CD)-34-15
ZONING MAP**

**Zoning Map Amendment
from Residential Medium
Density (RM-2) to
Center City Conditional District
(CC-CD) for the development
of four (4) townhomes**

74-78 Cabarrus Ave W
PIN 5620-87-0418



Source: City of Concord
Planning Department

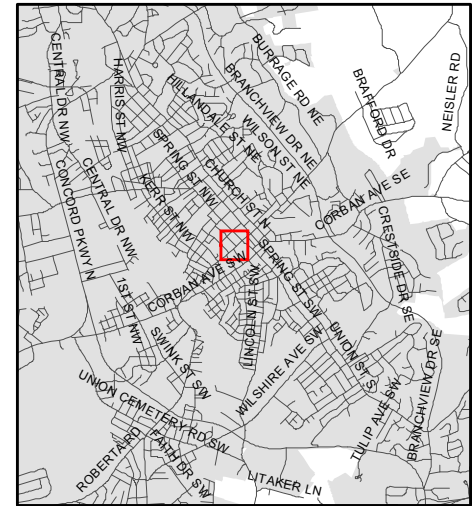
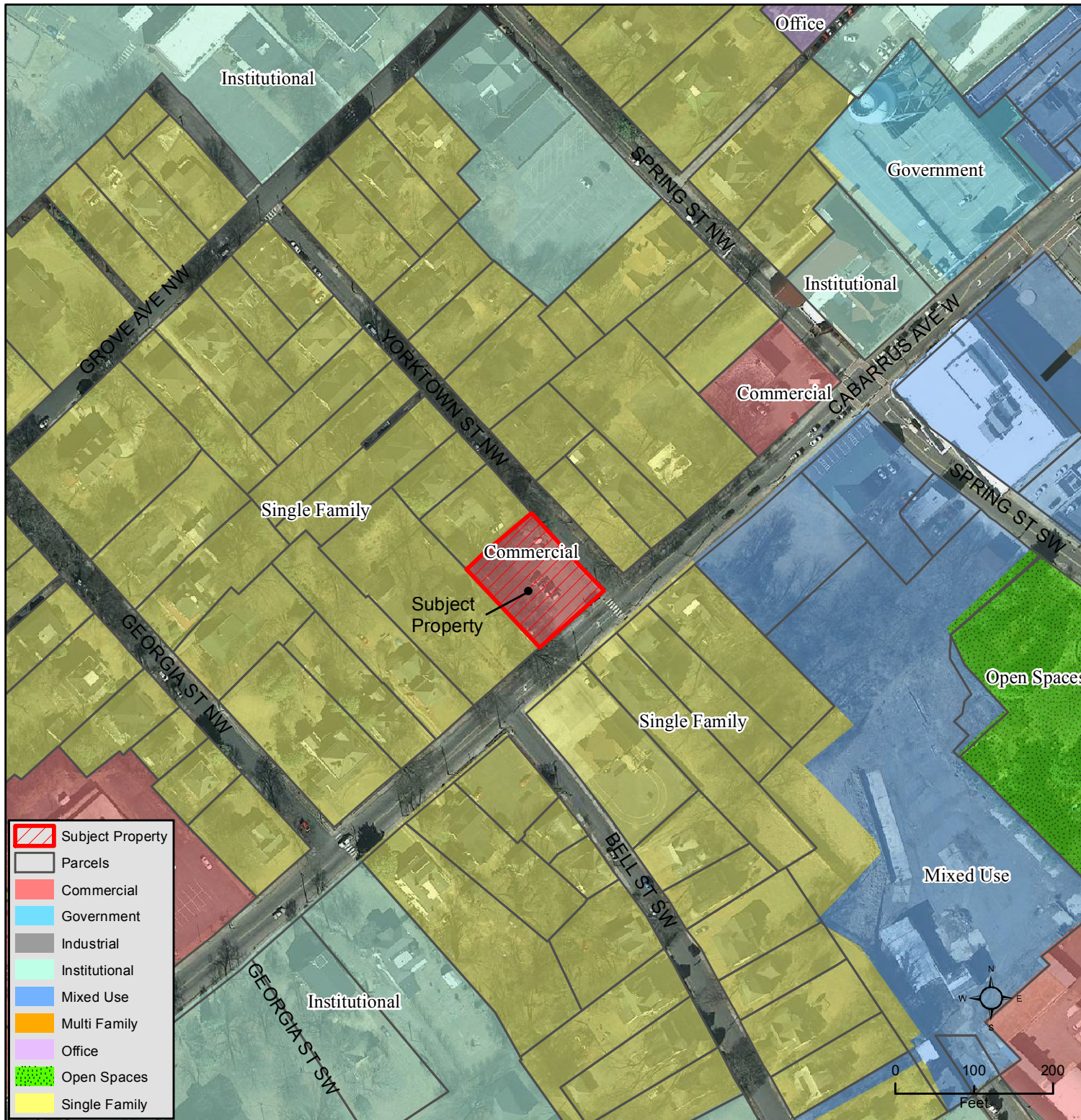
Disclaimer

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**Z(CD)-34-15
LAND USE PLAN**

**Zoning Map Amendment
from Residential Medium
Density (RM-2) to
Center City Conditional District
(CC-CD) for the development
of four (4) townhomes**

74-78 Cabarrus Ave W
PIN 5620-87-0418



Source: City of Concord
Planning Department

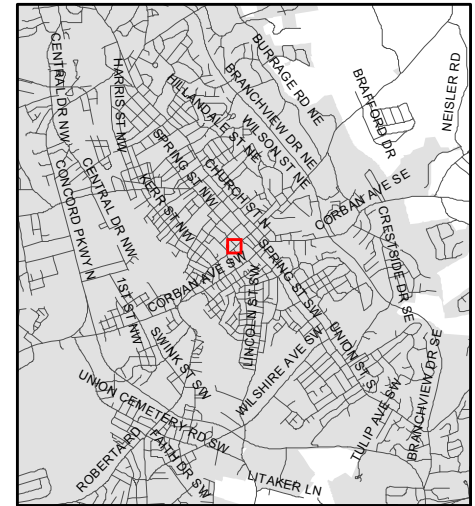
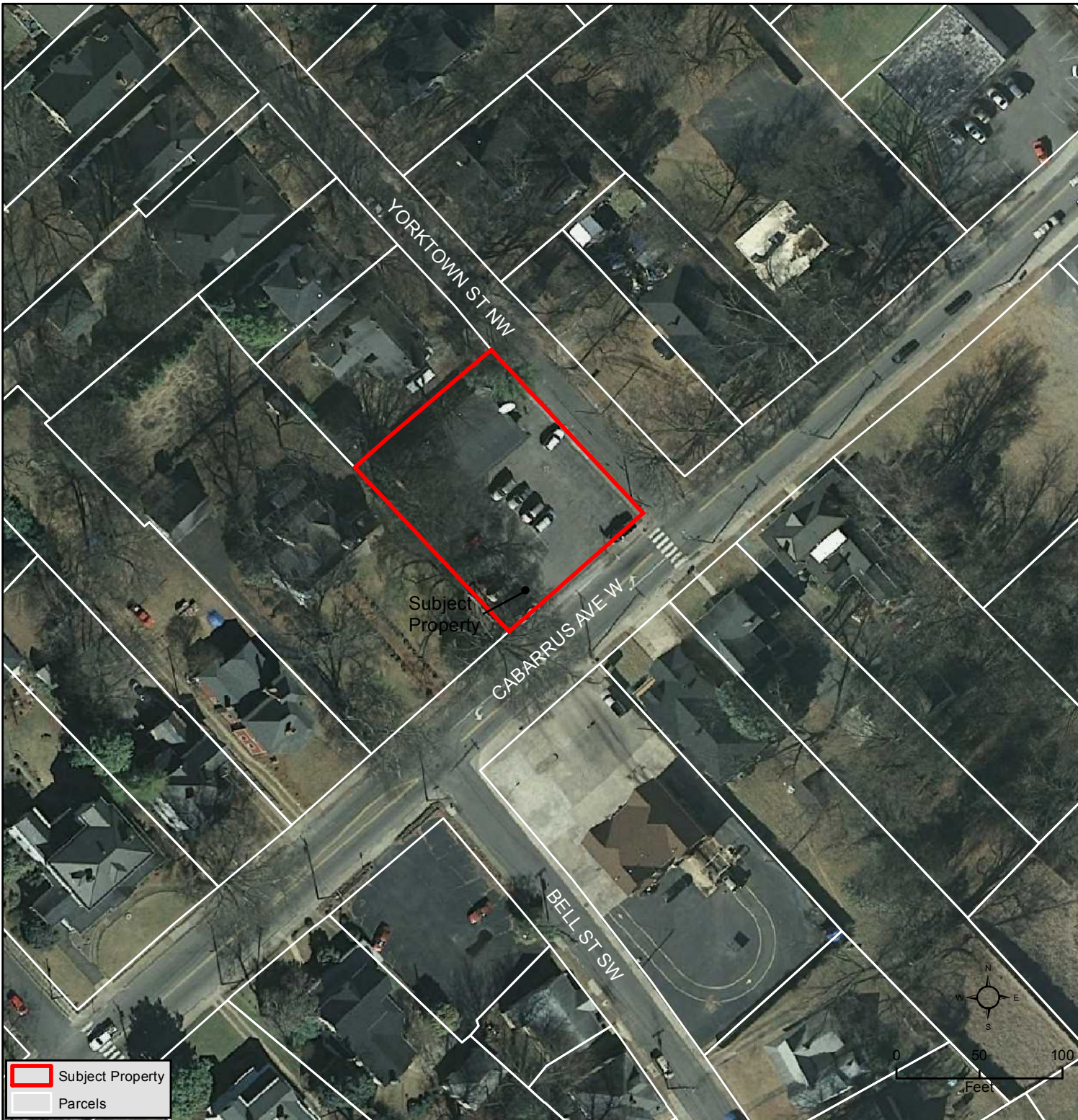
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**Z(CD)-34-15
AERIAL**

**Zoning Map Amendment
from Residential Medium
Density (RM-2) to
Center City Conditional District
(CC-CD) for the development
of four (4) townhomes**

74-78 Cabarrus Ave W
PIN 5620-87-0418



Source: City of Concord
Planning Department

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Summary of Planning Department Outreach to Surrounding Residents

Bold italicized text = Staff/Official's follow-up

In-Person Meetings: Mayor and City Council with Planning Staff (Scott Adams, Steve Osborne, Margaret Pearson), 1/13/15

- Planning staff presented development concepts to Mayor and City Council members in small group meetings.

Planning & Zoning Commission Meeting: Planning Staff (Scott Adams, Starla Rogers, Margaret Pearson), 1/19/16

- Planning staff presented rezoning case to Planning & Zoning Commission; the Commission tabled a decision
- ***Planning & Zoning Commission tabled the rezoning to their 2/16/16 meeting.***

Parking/Traffic Operations, 1/20/16

- Residents noted that existing on-street parking on Yorktown St. NW is often limited, 1/19/16.
- Residents noted that queuing for Coltrane-Webb STEM School often prevents free access from properties in the 20-50 block of Yorktown St. NW, 1/19/16.
- Coltrane-Webb STEM School, hours of operation: 8:15 a.m. – 3 p.m. ***[Steve Osborne asked Transportation Director Joe Wilson about this on 1/20/16. Director Wilson noted that this area has already been studied and that he wouldn't recommend any significant changes (i.e. reversing Yorktown St.'s one-way pattern toward Cabarrus Ave. W.). Planning staff also visited the area 1/21/16, 8-8:20 a.m., and did not see significant traffic congestion.]***

In-Person Meeting: Jim Potter (Developer), Scott Adams, Starla Rogers, Steve Osborne (City of Concord), 1/21/16

- Jim Potter: If pushed to do 3 units, this would drive up cost and size per unit. \$230,000 price-point is based on assumption of \$135/SF (new construction), compared to Afton Village units, \$125/SF, based on age (built in 2006, now 10 years old).
- Jim Potter: Originally considering 19'-wide units, but now exploring two @ 18' (2 bedroom) and two @ 22' (3 bedroom). Overall width is 80' vs. 76' for 19' units.

In-Person Meeting w/ Bill and Rebecca Patten (Citizens), Scott Adams, Margaret Pearson, Steve Osborne (City of Concord), 1/26/16

- City staff reviewed proposed site plan changes with the Pattens, including:
 1. Secondary one-way driveway onto Cabarrus Ave. W.
 2. Recessed 20' setbacks for two center units, with 8' courtyards on end units, thus meeting Center City max. 10' setback requirement.
- Bill and Rebecca Patten: Did not agree with site plan changes, still insisted on 1-2 single-family detached houses. Requested that City staff ask the developer about potential interest in reduced number of townhouses or single-family detached houses.
- City staff promised to follow up with the developer on the question of reduced number of townhouses or single-family detached house(s). ***Staff contacted Jim Potter, developer, per next item.***

Conference Call w/ Jim Potter (Developer), Scott Adams, Margaret Pearson, Steve Osborne, Starla Rogers (City of Concord), 1/26/16

- City staff asked Jim Potter if reduced number of townhouse units or single-family detached house(s) would be an option for the site. Jim Potter declined interest in anything other than four (4) townhouse units, noting that he find other pieces of property for this product. Jim Potter does not view less than 4 townhouse or single-family detached housing as being economically viable for the site.
- City staff thanked Jim Potter for confirming his interest in the site and noted that they would continue to recommend rezoning from RM-2 to CC-CD to support the construction of four (4) townhouses on the site.

Phone Call: Karen Gronli inquiry on purchase of entire parcel at 68 Cabarrus Ave. W., 1/27/16

Certified Letters for 2/16/16 Planning & Zoning Commission Meeting, 1/27/16

City staff prepared a letter, sent via Certified Mail 20 days ahead of the February 16, 2016 Planning & Zoning Commission meeting, to notify adjacent property owners of the rezoning request.

Steve Osborne (City of Concord) Phone Call w/ Arlene Clark, 2/1/16

- Steve explained proposed site plan changes (secondary one-way driveway, increased setbacks on center units)
- Arlene Clark expressed concern at feasibility of selling 4 units @ \$230,000 each; Steve noted that Staff and the Developer have done some market analysis and this is the most viable product for the site. Arlene Clark concluded that she'll remain neutral on the project.

Karen Gronli places NEW offer on remainder of 68 Cabarrus Ave. W., 2/3/16

Steve Osborne (City of Concord) phone call w/ Barbara Sheppard, 2/5/16

- Barbara Sheppard requested that 1) rental vs. owner be discussed and <4 units be discussed w/ developer.
- Barbara Sheppard noted she would request a meeting with City Manager, Mayor to discuss parking issues on Yorktown St. NW.
- *Planning staff contacted Joe Wilson, Transportation Director, for one more inquiry on traffic operations/on-street parking in immediate vicinity.*

In-Person Meeting between Mike Hooten (Karen Gronli's significant other), 64 Cabarrus Ave. W., and Steve Osborne, Scott Adams (City of Concord) 2/5/16

- Mike Hooten lives at 64 Cabarrus Ave. W., dropped in to office to get an update on site plans, etc.
- Planning staff reviewed previous site plan (single driveway access on Yorktown) vs. revised site plan (secondary driveway onto Cabarrus Ave.) and discussed RFP history (reaching out to multiple developers/builders) and only receiving Jim Potter's offer for townhouses; Mr. Hooten noted that the only real way for the historic neighborhoods to maintain low-density, single-family detached housing patterns would be to develop a fund to purchase vacant lots; Planning staff agreed with his assessment.

In-Person Meeting between Citizens and City officials, 2/11/16

- A meeting was held February 11 at 1:30 p.m. at City Hall to discuss the project and Yorktown St. traffic operations/parking. Attending the meeting were :
 - Steve Osborne, Deputy Planning Director
 - Margaret Pearson, Planning Director
 - Brian Hiatt, City Manager
 - Scott Padgett, Mayor
 - Al Brown, Concord City Council/Grove St. resident
 - Barbara Sheppard, Yorktown St. resident
 - Joe Hunter, resident at corner of Yorktown & Grove St.
 - Steve Morris, Cabarrus County Commission/Georgia St. resident
 - Christie Celetti, Yorktown St. resident
- ***Citing citizen concerns for possibly finding a single-family detached homebuilder, the rezoning was removed from the 2/16/16 Planning & Zoning Commission agenda and tabled until the 3/15/16 Planning & Zoning Commission meeting.***

Phone Call: Karen Gronli inquiry of rezoning with Scott Adams (City of Concord) 2/18/16

- Karen Gronli, in Arizona for indeterminate amount of time, called to inquire on status of project since she missed the 2/16/16 scheduled Planning & Zoning Commission meeting.
- ***Planning staff noted that City Council tabled the rezoning and removed it from Planning & Zoning Commission meeting (for 2/16/16) after a 2/11/16 meeting with citizens. Staff noted that the rezoning is scheduled for Planning & Zoning Commission's 3/15/16 meeting.***
- ***Ms. Gronli's offer to purchase the remainder of 68 Cabarrus Ave.W., in addition to Jim Potter's offer on both 68 Cabarrus Ave. W. and 74-78 Cabarrus Ave., will not be considered by City Council until their 4/14/16 meeting at the earliest.***

In-Person Meeting between Kevin and Casey Killough and Scott Adams, Steve Osborne (City of Concord) 2/25/16

- Mr. and Mrs. Killough noted that misunderstanding about the project has been spread via neighborhood-based petitions.
- Planning staff clarified that the existing renderings are massing models and do not represent any architectural elements (i.e. brick, siding, roof lines, etc.). Architectural elements will be reviewed and approved by the Historic Preservation Commission (HPC).
- Mr. and Mrs. Killough noted that the most realistic redevelopment scenario for 74-78 Cabarrus Ave. W. is townhomes, given the demographics (Millennials, Baby Boomers) and general interest in low-maintenance housing options (i.e. little/no yard to maintain, minimal exterior house maintenance required).

In-Person Meeting between Marshall Ward, Bill Patten, Councilmember Alfred M. Brown Jr. and Scott Adams, Steve Osborne, Margaret Pearson (City of Concord) 3/8/16

- Mr. Ward presented a written list of questions/concerns, including whether or not the proposed CC zoning was adjacent to existing zoning; **Staff noted that zoning polygons run to street centerlines, making the proposed rezoning to CC legal since the properties across Cabarrus Ave. W. are zoned CC.**
- Mr. Ward took issue with the proposed townhomes having back-of-sidewalk setbacks ranging from 20 feet to 8 feet, citing that most surrounding setbacks are 30 feet. **Staff noted that the proposed setbacks are site-specific in response to concerns from Bill and Rebecca Patten (90 Cabarrus Ave.). Staff showed a development scenario assuming Residential Compact (RC) zoning, which would require 20 foot setbacks on both frontages of Yorktown St. NW and Cabarrus Ave. NW, pushing the building footprint south and west, precluding the ability to have a secondary driveway access onto Cabarrus Ave. W. (requested by neighbors) and removing 4 guest parking spaces along the rear driveway.**
- Mr. Ward and Mr. Patten expressed concern that townhomes would not reach a price point of \$135/SF, and would more likely be \$90-100/SF. They also asked if nearby neighbors would actively market the property to real estate agents and related entities to build single family detached homes on the site. **Staff reiterated that the RFP for the property was distributed via direct mailing, plus general marketing/distribution, to a range of single-family detached homebuilders in Cabarrus County and other residential developers across the Charlotte region. Staff noted that no active offer for single-family detached housing has been made on the site; the only other inquiries have been for commercial or townhome development.**

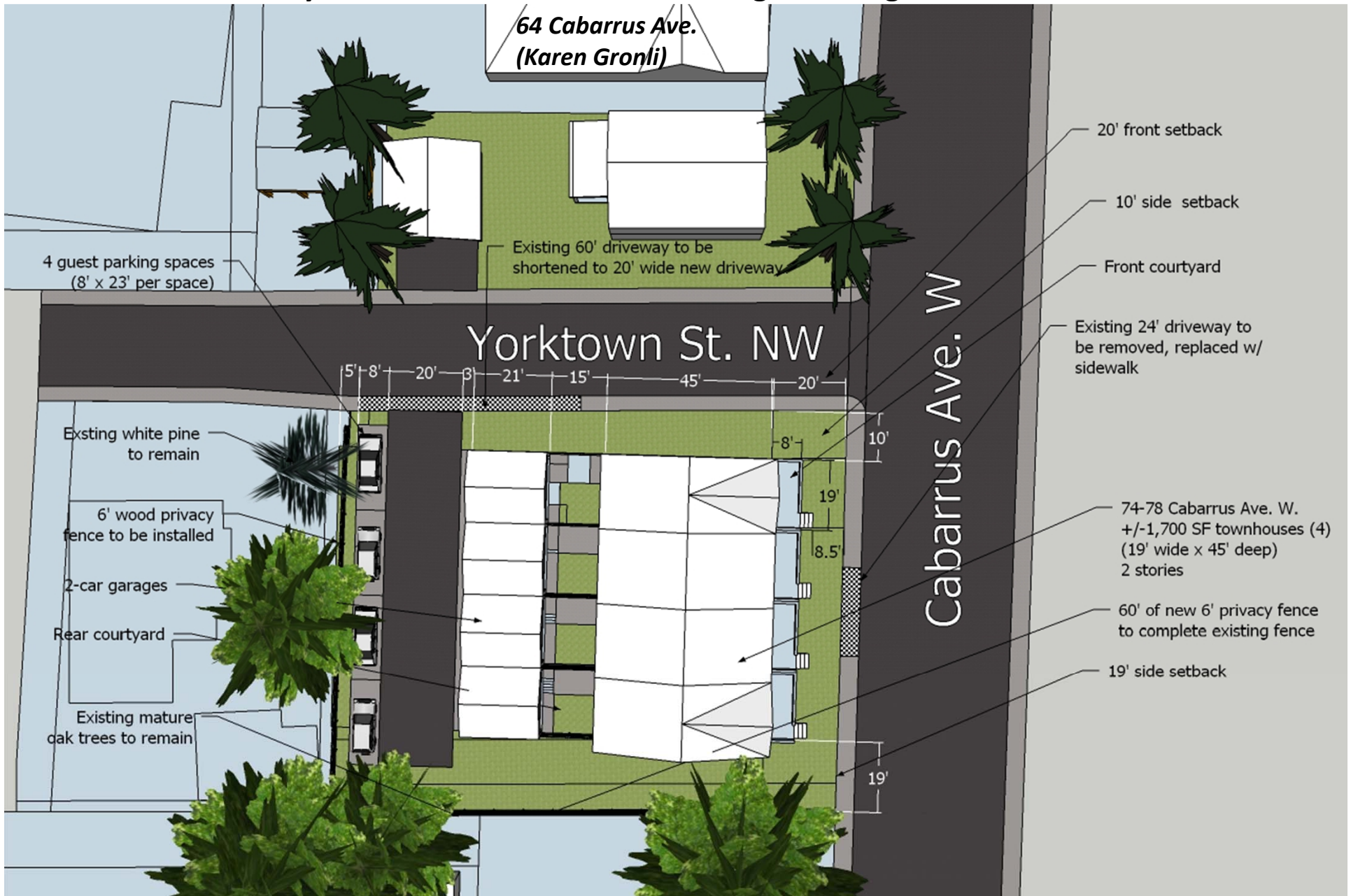
In-Person Meeting between Charles Gressle, Jr. (17 Yorktown St. NW) and Steve Osborne, (City of Concord) 3/10/16

Steve Osborne met with Charles Gressle, who lives at 17 Yorktown St. (property immediately behind 74-78 Cabarrus Ave. W.) to discuss the project's updated site plan (i.e. secondary driveway access onto Cabarrus Ave. W.)

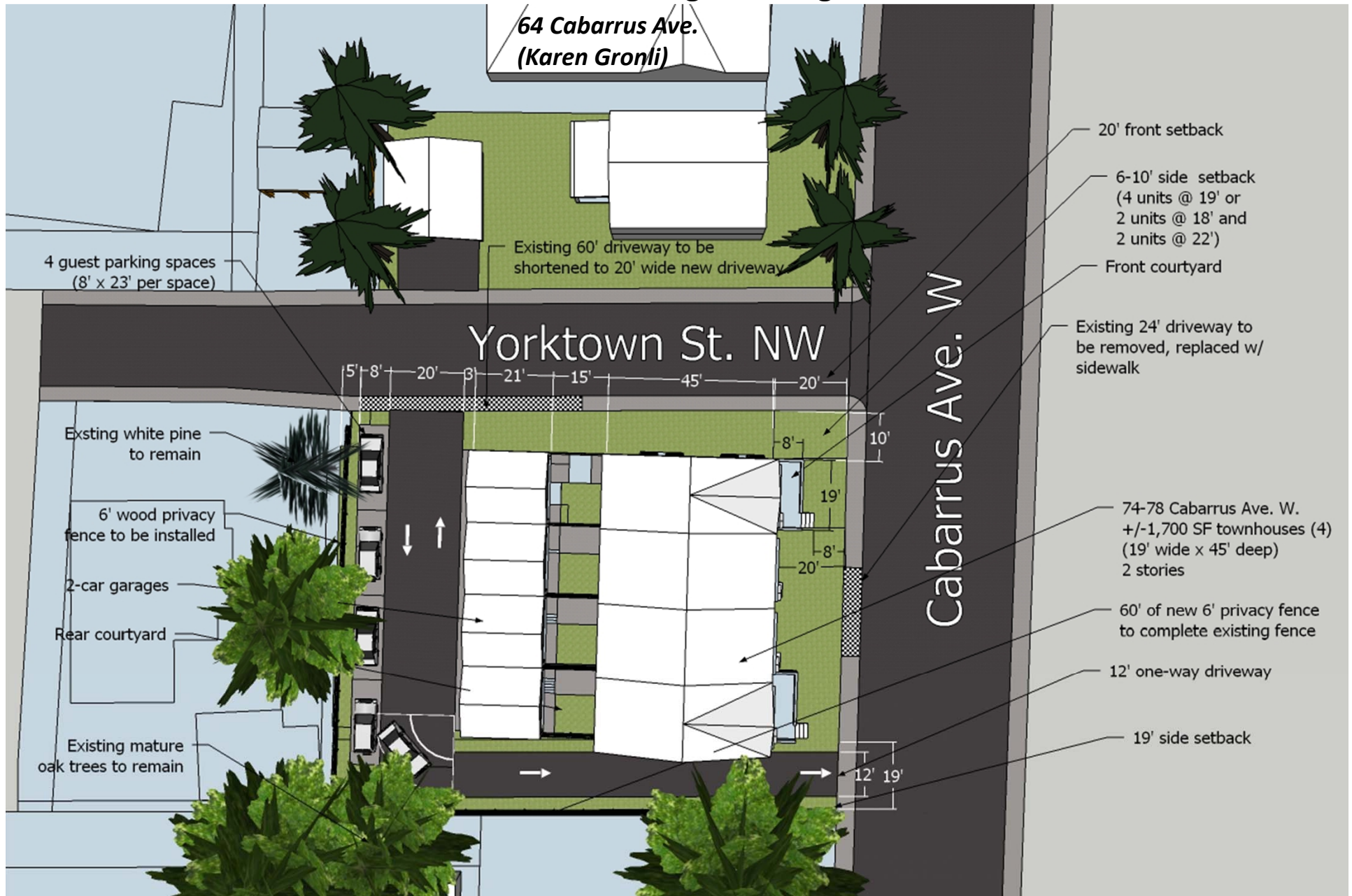
Next Steps

- Planning & Zoning Commission will consider the rezoning at their 3/15/16 meeting.
- City Council may consider offers to purchase property (74-78 Cabarrus Ave. W.) at their 4/14/16 meeting.

Previously Submitted for 1/19/16 Planning & Zoning Commission



To Be Submitted for 3/15/16 Planning & Zoning Commission





All models are for height/massing purposes only, not detailed architecture. Historic Preservation Commission will review detailed architecture (i.e. materials, roof pitch/style, etc.)



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All models are for height/massing purposes only, not detailed architecture. Historic Preservation Commission will review detailed architecture (i.e. materials, roof pitch/style, etc.)



(Please type or print)

Applicant Name, Address, Telephone Number and email address: _____

City of Concord

35 Cabarrus Ave. W., Concord, NC 28025 704-920-5555

Owner Name, Address, Telephone Number: _____

City of Concord

35 Cabarrus Ave. W., Concord, NC 28025 704-920-5555

Project Location/Address: 74-78 Cabarrus Ave. W.

P.I.N.: 5620-87-0418

Area of Subject Property (acres or square feet): 0.337 ac.

Lot Width: 103.76 Lot Depth: 140.00

Current Zoning Classification: RM-2

Proposed Zoning Classification: Center City - Conditional District (CC-CD)

Existing Land Use: Vacant (former commercial use)

Future Land Use Designation: Commercial

Surrounding Land Use: North Residential South Commercial

East Residential West Residential

Reason for request: Existing zoning only allows 1 residential unit and is not economically feasible. Rezoning to CC-CD will allow townhouse development.

Has a pre-application meeting been held with a staff member? Yes

Staff member signature: KEA Date: 12/28/15

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

1. List the Use(s) Proposed in the Project:

Four (4) 2-story townhouses at +/-1,700 SF each; each townhouse to include:

-Front courtyard

-Rear courtyard

-Rear-loaded 2-car garage

-Shared access driveway off Yorktown St. NW

2. List the Condition(s) you are offering as part of this project. Be specific with each description.

(You may attach other sheets of paper as needed to supplement the information):

6' tall privacy fence to be built along rear property line

6' tall privacy fence to be built along side yard w/ 90 Cabarrus Ave. W.

Existing landscaping to be maintained along side yard w/ 90 Cabarrus Ave. W.

Design requirements per submitted site plan; review by Historic Preservation Commission

I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.

W. R. Smith
 Signature of Applicant

12/21/15
 Date

W. R. Smith
 Signature of Owner(s)

12/21/15
 Date

Certification

I hereby acknowledge and say that the information contained herein and herewith is true, and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department.

Date: 12/21/10

Applicant Signature: W. R. Mitt

Property Owner or Agent of the Property Owner Signature:

W. R. Mitt

**HISTORIC PRESERVATION COMMISSION MEETING
MINUTES**

Wednesday, November 8, 2023

Members

Present: William Isenhour
James Firth
Steve Bradley
Mary Margaret Underwood
John Eury

Alternate

Members: Randy Hopkins

Members

Absent: Carolyn Coggins
Meredith Barbee

Attorney to

Commission: Tinisha St. Brice

Staff

Present: Kevin Ashley, Deputy Director, Planning & Neighborhood Development
Autumn James, Planning and Development Manager
Kim Wallis, Senior Planner
Deirdre Connellan, Sr. Executive Assistant

CALL TO ORDER:

Chair Isenhour called the November 8, 2023, Historic Preservation Commission meeting to order at 6:08 p.m.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

INTRODUCTIONS:

Commissioners Randy Hopkins, James Firth, Mary Margaret Underwood, Steve Bradley, Chair William Isenhour and John Eury introduced themselves to the audience.

APPROVAL OF MINUTES:

Commissioner Firth made a motion to approve the minutes from the October meeting. Commissioner Eury seconded the motion. –**The Vote: All Ayes (APPROVED)**

ADMINISTRATION OF THE OATH:

Chair Isenhour swore in those wishing to speak before the Commission.

NEW BUSINESS:

H-23-23 (QUASI-JUDICIAL HEARING) FOREST HILL UNITED METHODIST CHURCH HAS SUBMITTED A CERTIFICATE OF APPROPRIATENESS APPLICATION FOR THE REMOVAL AND REPLACEMENT OF 8 TREES AND THE INSTALLATION OF NEW LANDSCAPING AT THE NORTH PARKING LOT AT THE CORNER OF UNION ST N AND BUFFALO ST NW AT 265 UNION ST N. PIN 5621-60-3553.

Commissioner Firth made a motion to open the public hearing. Commissioner Hopkins seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

Kim Wallis introduced the case to the Commission.

The subject property, Forest Hill United Methodist Church at 265 Union Street N., is designated as a Pivotal (P) structure, and is in the North Union Street Historic District (Exhibit A). Listed as Forest Hill Methodist Church at 41 Buffalo Avenue, N.W.: “Impressive brick Gothic style church erected for the first congregation established for textile mill workers in Concord. Church consists of steeply pitched, gable-front nave; a three-stage tower with a steeple that is built into but projects from the nave; and a three-and-a-half-story education wing, erected in 1923, which is set perpendicular to the nave along the rear of the church's west side. The church is laid up in 1:5 common bond and has handsome corbeled cornices along the front and sides of the nave and on the tower. The steep pitch of the nave's roof, the lancet-arched window openings, and the buttresses flanking the nave and tower combine to give the design its Gothic flavor. The church has fine stained glass and much of its original interior detail. The building was constructed in 1889, remodeled and enlarged in 1923 (Exhibit A).

On October 16, 2023, Forest Hill United Methodist Church applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 requesting the removal and replacement of 8 trees and the installation of new landscaping at the north parking lot at the corner of Union St N and Buffalo St NW at 265 Union St N (Exhibit B).

The applicant has stated that at the July 12, 2023, meeting, the HPC approved the removal of two (2) Bradford pear trees in the north parking lot at the corner of Union Street S and Buffalo Avenue NW (Case #H-14-23, COA 2432). After closer examination it was determined that 9 more Bradford Pear trees in the parking lot (8 needing HPC approval) should be removed, and a new planting plan implemented. Church staff worked with the City’s Arborist who developed a landscape plan making the best use of the available space with the appropriate species. This plan will provide for a mix of canopy trees, small ornamental trees and shrubs that will properly utilize the available planting islands. Additionally, the replanting will not conflict with existing overhead utilities and not damage the island curbs and street sidewalks (Exhibits D & M).

Bill Leake, City Arborist, filled out a Tree Risk Assessment Form for each tree on September 13, 2023, determined that all of the trees had a Hazard Rating of 4, and commented as follows:

Tree #1: “This mature pear tree has weak branch unions as is typical of the species and a small area of decay at the first branch union.” DBH 21” Height 20’ Spread 35’ (Exhibit E).

Tree #2: “This mature pear tree has weak branch unions as is typical of the species. There is dieback in several upper branches.” DBH 23.5” Height 20’ Spread 25’ (Exhibit F)

Tree #3: “This mature pear tree has weak branch unions as is typical of the species. There is dieback in several upper branches.” DBH 21.5” Height 20’ Spread 25’ (Exhibit G).

Tree #4: “This mature pear tree has weak branch unions as is typical of the species.” DBH 19” Height 20’ Spread 30’ (Exhibit H).

Tree #5: “This mature pear tree has weak branch unions as is typical of the species.” DBH 21” Height 20’ Spread 25’ (Exhibit I)

Tree #6: “This mature pear tree has weak branch unions as is typical of the species. This is dieback on several upper branches.” DBH 19” Height 15’ Spread 20’ (Exhibit J).

Tree #9: “This mature pear tree has weak branch unions as is typical of the species. This is dieback on several upper branches.” DBH 14.5” Height 12’ Spread 15’ (Exhibit K).

Tree #10: “This mature pear tree has weak branch unions as is typical of the species.” DBH 19” Height 20’ Spread 30’ (Exhibit L).

Tree #7 does not need a removal permit as it is less than 6” in diameter. Trees #8 & #11 were previously approved by the HPC for removal due to decline from weak branch unions as is typical of Bradford Pear trees and from small soil volume and high surface temperatures of parking lot islands. (Exhibit M).

The landscape plan for the parking lot indicates replanting four (4) canopy trees (Willow Oak or Red Maple) and twelve (12) new small evergreen shrubs at the parking lot perimeter along Union St N, two (2) understory trees (Trident Maple) and six (6) new small evergreen shrubs at the parking lot perimeter along Buffalo Ave NW, one canopy tree (Red Maple) and one ornamental tree (Flowering Dogwood or Eastern Redbud) and groundcover in the interior parking lot planting island, and two (2) ornamental trees (Flowering Dogwood or Eastern Redbud) to the west side of the parking lot (Exhibit D).

The replacement trees and new shrubs shown on the landscape plan will additionally serve to meet the City of Concord’s Development Ordinance landscaping requirements for parking lots and street trees.

Sydney Yin of 625 Union St. S., stepped up to the podium. Ms. Yin works at Forest Hill United Methodist Church. This is great for the parking lot because the parking lot is severely damaged from the roots and branches have fallen on awnings and with detailed landscaping plan, she is eager for it to get started.

Commissioner Firth made a motion to close the public hearing. Commissioner Eury seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

FINDINGS OF FACT:

1. The subject property is located at 265 Union Street N, Concord, NC. The owners are Trustees of Forest Hill United Methodist Church, who acquired the property by deed recorded in Cabarrus County Register of Deeds Book 2350, Page 360, as recorded on November 5, 1998.
2. The subject property is in the O-I-CU (Office Institutional - Conditional Use) zoning district and is in the North Union Street Historic District.
3. The subject property is designated as a “Pivotal” structure in the Concord Historic Districts Handbook (June 2001 ed.), (the “Handbook”) Chapter 3 (Exhibit A).
4. The Handbook is an ordinance of the City of Concord duly adopted by the City Council and incorporated into the Code of Ordinances by reference.
5. On October 16, 2023, Reverend Justin Snyder on behalf of Forest Hill United Methodist Church applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 for the removal of eight (8) Bradford Pear trees to be replaced with four (4) canopy trees (Willow Oak or Red Maple) and twelve (12) new small evergreen shrubs at the parking lot perimeter along Union St N, two (2) understory trees (Trident Maple) and six (6) new small evergreen shrubs at the parking lot perimeter along Buffalo Ave NW, one (1) canopy tree (Red Maple) and one (1) ornamental tree (Flowering Dogwood or Eastern Redbud) and groundcover in the interior parking lot planting island, and two (2) ornamental trees (Flowering Dogwood or Eastern Redbud) to the west side of the parking lot at the north parking lot at the corner of Union St N and Buffalo St NW at 265 Union St N (Exhibit B).
6. Staff provided a Re-landscaping Plan and Landscape Plan (Exhibit D).
7. Staff provided tree risk assessments and images of the eight (8) trees to be removed (Exhibits E,F,G,H,I,J,K,L).

8. Tree #1- Bradford Pear – Risk Rating 4. “This mature pear tree has weak branch unions as is typical of the species and a small area of decay at the first branch union.” DBH 21” Height 20’ Spread 35’ (Exhibit E).
9. Tree #2- Bradford Pear – Risk Rating 4. “This mature pear tree has weak branch unions as is typical of the species. There is dieback in several upper branches.” DBH 23.5” Height 20’ Spread 25’ (Exhibit F).
10. Tree #3: - Bradford Pear – Risk Rating 4. “This mature pear tree has weak branch unions as is typical of the species. There is dieback in several upper branches.” DBH 21.5” Height 20’ Spread 25’ (Exhibit G).
11. Tree #4- Bradford Pear – Risk Rating 4. “This mature pear tree has weak branch unions as is typical of the species.” DBH 19” Height 20’ Spread 30’ (Exhibit H).
12. Tree #5- Bradford Pear – Risk Rating 4. “This mature pear tree has weak branch unions as is typical of the species.” DBH 21” Height 20’ Spread 25’ (Exhibit I).
13. Tree #6- Bradford Pear – Risk Rating 4. “This mature pear tree has weak branch unions as is typical of the species. This is dieback on several upper branches.” DBH 19” Height 15’ Spread 20’ (Exhibit J).
14. Tree #9- Bradford Pear – Risk Rating 4. “This mature pear tree has weak branch unions as is typical of the species. This is dieback on several upper branches.” DBH 14.5” Height 12’ Spread 15’ (Exhibit K).
15. Tree #10- Bradford Pear – Risk Rating 4. “This mature pear tree has weak branch unions as is typical of the species.” DBH 19” Height 20’ Spread 30’ (Exhibit L).
16. The landscape plan for the parking lot indicates replacing the eight (8) Bradford Pear trees with four (4) canopy trees (Willow Oak or Red Maple) and twelve (12) new small evergreen shrubs at the parking lot perimeter along Union St N, two (2) understory trees (Trident Maple) and six (6) new small evergreen shrubs at the parking lot perimeter along Buffalo Ave NW, one canopy tree (Red Maple) and one ornamental tree (Flowering Dogwood or Eastern Redbud) and groundcover in the interior parking lot planting island, and two (2) ornamental trees (Flowering Dogwood or Eastern Redbud) to the west side of the parking lot (Exhibit D). Tree #7 on the plan does not need a removal permit as it is less than 6” in diameter. Trees #8 & #11 noted on the plan were previously approved by the HPC for removal (Case #H-14-23, COA 2432) and have been removed (Exhibit M).
17. The replacement trees and new shrubs shown on the landscape plan will serve to meet the City of Concord’s Development Ordinance landscaping requirements for parking lots and street trees.
18. The applicant is requesting to remove the trees stating that they are diseased and dangerous to pedestrians using the street and parking lot.

Commissioner Firth moved to approve the Findings of Fact with an amendment replacing the witness Mandy Jones with Ms. Sydney Yin. Commissioner Underwood seconded the motion. –**The Vote: All Ayes (APPROVED)**

CONCLUSIONS OF LAW:

1. This matter is properly before the Commission pursuant to N.C. Gen. Stat. § 160A-400.7, et seq. and the Concord Development Ordinance.
2. Pursuant to the *Handbook*, **Approval Requirement Needs Table**
 - *Removal of healthy trees (hazard rating of four (4) or lower) or pruning of limbs over six (6) inches in diameter in any location on the property require Commission Hearing and Approval.*
3. Pursuant to the *Handbook*, **Chapter 5 - Section 8: Landscaping and Trees**
 - *One of the most visible features of the district is the landscaping and the associated tree canopy. Activities which negatively impact any aspect of the landscape should be avoided, such as the removal of healthy trees and mature shrubs.*
 - *All trees that are removed shall be replaced with a tree of similar species in an appropriate location unless no suitable location exists on the subject site. Trees removed within street view must also have the stumps removed below ground level.*
 - *Tree health may be decided upon by the acquisition of a Tree Hazard Evaluation Report issued by the City Arborist or a report submitted by a certified arborist.*

- *Trees which are removed shall be replaced by a species which, upon maturity, is similar in scale to the removed specimen.*

Design Standards: Landscaping and Trees

- *Trees which are removed shall be replaced by a species which, upon maturity, is similar in scale to the removed specimen. For example, canopy trees shall be replaced with canopy trees, and understory trees with understory trees.*

4. The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a Certificate of Appropriateness. All applications for Certificates of Appropriateness shall be subject to review based upon the Design Guidelines then in effect. These guidelines are set forth in a manual prepared and adopted by the Commission:

- lot coverage, defined as the percentage of lot area covered by primary structures;
- setback, defined as the distance from the lot lines to the building(s);
- building height;
- exterior building materials;
- proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- surface textures;
- structural condition and soundness;
- walls--physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- color (new construction only and not for existing residences); and
- effect of trees and other landscape elements.

5. The application is congruous with the historic aspects of the District.

6. Based on the standards of the Handbook, the Commission concludes that:

- A. The removal of eight (8) Bradford Pear trees from the Church’s north parking lot at the corner of Union Street N and Buffalo Avenue NW, with stumps removed below ground level, and replaced with eight (8) canopy and understory trees and eighteen (18) new evergreen shrubs in the same general vicinity in the parking lot, according to the arborist’s recommendations in the submitted landscape plan is appropriate as the trees removed within street view will be removed below ground level, will be replaced with a tree of similar species within the same vicinity on the property and is in compliance with the Historic Handbook.

Commissioner Firth made a motion to approve the Conclusions of Law as amended. Commissioner Eury seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

Commissioner Firth made a motion to approve the Certificate of Appropriateness and Commissioner Underwood seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

H-15-22 (QUASI-JUDICIAL HEARING) JIM POTTER HAS SUBMITTED A CERTIFICATE OF APPROPRIATENESS APPLICATION FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT 68 CABARRUS AVE W. PIN 5620-87-0595.

Commissioner Firth made a motion to open the public hearing. Commissioner Hopkins seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

Kim Wallis introduced the case to the commission.

On April 9, 2022, Jim Potter/Old Towne Development applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 to construct a two-story single-family home, with a rear patio, and detached garage. Additionally, the application is requesting the removal of two trees (Exhibit B).

The proposed residence will have a brick stem wall foundation with 8.5-inch fiber cement lap siding, and architectural shingles and the garage will be on a monolithic slab foundation with 8.5-inch fiber cement lap siding with architectural shingles. The applicant has provided detailed specifications of the project related to the materials to be used. The exterior siding will be James Hardie cement based or equivalent brand; Tampco Virginia Slate Architectural Shingles; Camden Brick by Triangle Brick; windows will be white aluminum clad, wood with SDL (Simulated Divided Lites) grids; the garage will also have James Hardie cement based or equivalent brand siding; the proposed privacy wall will be 8.5-inch fiber cement lap siding over a 2x4 stud framed wall; the proposed concrete patio (12x20) will be poured concrete.

The applicant is additionally requesting to remove two trees from the property: one (1) crape myrtle (*Lagerstroemia indica*) and one (1) pecan (*Cara Illinoensis*). The crape myrtle (DBH 16", Height 25', Spread 15') is located on the north side of the parcel and is noted to have some dead branches in the crown typical of old myrtles that were topped in the past. The risk rating for this tree is calculated as a three (3). The pecan tree (DBH 19", Height 55', Spread 30') is also located on the north side of the parcel and it is noted to have no structural defects or concerns above the normal for a health tree of this tree species. The risk rating for this tree is calculated as a four (4). Both assessments were performed by the City Arborist.

Commissioner Underwood asked if there was a plan submitted for the trees that need to be replaced. Ms. Wallis stated that the applicant was available to answer questions, but nothing was submitted for tree replacements.

The applicant, Jim Potter, stepped up to the podium. Commissioner Underwood asked if there was a landscape plan submitted as part of the proposal and asked if there was room on the site for landscaping. She stated that if you take two trees down, they need to be replaced. Mr. Potter stated that there is room on the site for trees and he can put two trees in along Yorktown. Mr. Potter stated that he took a large tree down on Cabarrus Ave. and he said he could replace that tree. He stated that there is room for a few more trees.

Commissioner Underwood asked if the fence between the garage and the house was painted and asked about the material. Mr. Potter said it is a frame wall similar to what you would build a house out of – 2x4 studs, and the inside and outside is the same siding that is on the house. It is basically a wall. Commissioner Firth asked if the foundation was brick and Mr. Potter answered yes. It is a raised slab foundation.

Chair Isenhour asked if Mr. Potter would be willing to agree to a condition to replant the two trees that will be taken down with something similar. Mr. Potter said, absolutely. Commissioner Firth asked about the windows and if there were aluminum clad. Mr. Potter stated that they are and are the same windows that were used at his previous project located on the other side of the street. Commissioner Firth asked if the home across the street is in the Historic District and Mr. Potter stated, yes. Commissioner Underwood asked if there was a reason why Mr. Potter isn't using wood. Mr. Potter stated it is due to future maintenance. It would be hard to tell the difference between a painted window and a clad window. A clad window will last a lot longer as far as appearance goes. The clad windows were used on the 3 duplexes. Commissioner Underwood asked if that was a sticking point because she stated that everyone else on the street has wood windows.

Chair Isenhour asked Mr. Potter if there was a condition to the proposed plan to require wood windows, would you be ok with that, and Mr. Potter stated, yes.

Ms. Karen Gronli of 64 Cabarrus Ave. stepped up to the podium. She lives at the property next to the proposed single-family home. She stated that she has been concerned from the beginning about the driveway because there used to be a house on the property many years ago and it burned down. At that time, the two owners shared a driveway. It is unclear to Ms. Gronli if she is going to lose driveway access to her property. Another concern is the distance between her house and the new house. It seems like there should be a fence not between his house and garage but in between the entire properties. She stated the condos that he spoke of are not technically in the Historic district and she is quite certain that if she had to make changes to her house, she would have to use wooden windows for example. She would have to stick to the regulations. She needs to know if she will lose her driveway and if there will be privacy between the two houses.

Chair Isenhour asked about the space between 64 and 68 Cabarrus Ave. West. Ms. Gronli stated that it used to be a shed and is too small for storage, but cars can park on the pavement in that area. Although they are adjoining, there is no gate or access to the two properties at this time. She may have to apply to change her fence at that time. There is not enough room to put a driveway into that yard. Commissioner Underwood asked if the shared driveway was on Ms. Gronli's deed. If it is on her deed then, it's her property. Ms. Gronli stated that she parks her car on the grassy area near her home. There is not a paved driveway there. She has been entering from Cabarrus and exiting on the pavement from the previous house but that will be gone. She will hopefully have enough room to backout.

Commissioner Underwood stated that Ms. Gronli needs to get the deed to her home to see if that parcel of land is on her deed. The Commission does not have jurisdiction over land ownership regarding the driveway. Attorney St. Brice stated if the land she was speaking of is on her property, then she will have access to that property. Ms. Gronli asked how close Mr. Potter's home will come to hers so she can figure out the driveway issue. Ms. Gronli asked if there was a setback and Commissioner Underwood stated yes, it looks like there is a setback of 8 ft. Chair Isenhour stated that the setbacks are not something that the Commission controls and would need to be addressed with the city through the planning and zoning process.

Chair Isenhour stated that Ms. Gronli's property might encroach on the new property a bit. However, what is being proposed today should not affect access. For the fence, the way the handbook is written is that a privacy fence only works in backyards and side yards from the middle part of the house and back. There is not a fence proposed along the shared property line and the street. It is not required and based on the handbook, could not be 6 ft tall. Commissioner Underwood stated that the Commission cannot make Mr. Potter put in a privacy fence. Ms. Gronli stated that she thought the Commission could make requests of the applicant. Commissioner Underwood stated that the Commission could talk to Mr. Potter about the fence that he wants to propose but the Commission can't make him put up a privacy fence. Ms. Gronli stated when the homes were built across the street, Mr. Potter was required to put up some bushes all the way up to the front of the street.

The applicant was asked to step up to the podium again. Chair Isenhour asked if Mr. Potter knew of any issues with the driveway at 64 Cabarrus Ave. W. Mr. Potter stated that he wasn't sure how far off the property line Ms. Gronli's house sits and he did not know what the gap would be between the two houses. There is an 8 ft setback. Chair Isenhour stated that he would have thought a property survey would have been completed showing the improvements and if the driveway encroached a foot or two onto his property. Mr. Potter stated that the city owned the lot and Mr. Potter purchased the lot from the city and a survey was done on it. Chair Isenhour stated that Mr. Potter's home will be 8 ft off and the fence will be at the house line. Chair Isenhour stated the Mr. Potter's property will not be within 8 ft of Ms. Gronli's property anyway and there are no plans to do anything in that 8 ft correct? Mr. Potter said, no.

Commissioner Firth made a motion to close the public hearing. Commissioner Underwood seconded the motion. –

The Vote: All Ayes (APPROVED)

Chair Isenhour stated that in the Findings of Fact the applicant has not suggested replacement trees due to there being no suitable location and insufficient space to plant replacements but in Mr. Potter's testimony, he said that

they could be replaced. Commissioner Underwood asked about the fence and if there has to be some landscaping to have that within two years to soften it. She said she does not see that. Ms. Wallis stated that the landscaping was not proposed. Chair Isenhour asked if the landscaping needs to be completed within 2 years is in the handbook. Ms. Wallis pulled up the information about fences from the Historic Handbook and read it to the Commission. It stated that portions of rear yard fences that face the street should be landscaped with shrubs and trees of a planting size that will fully hide the fence from the street within two years. Size, type and growth habits of plant materials to screen rear yard fences that face the street should be submitted at time of application. Chair Isenhour stated that there was not a landscaping plan submitted by Mr. Potter. Chair Isenhour also stated that if this needs to be added then the plans should be resubmitted with additional information. The privacy fence will be on both sides of the house and driveway so it will be visible from Yorktown and the other side would not be.

Commissioner Firth made a motion to re-open the public hearing. Commissioner Underwood seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

Mr. Potter stepped up to the podium and asked if there was a difference between a fence and a patio wall. He stated that the material is the same as the house. Commissioner Underwood asked if Mr. Potter had a landscape plan at all. Mr. Potter stated that he doesn't. Commissioner Underwood asked if a landscape plan was required for new builds and Mr. Kevin Ashley stated that it is not typically required for single-family homes. Mr. Ashley said that a certain number of trees are typically required by the mortgage companies in terms of single-family home new construction. Chair Isenhour stated since there is a 6 ft privacy wall, that is where the handbook applies.

Commissioner Hopkins asked if Mr. Potter had to come before the Commission to get prior approval for the town home lots that have been built across the street. Mr. Potter stated, yes. He stated for the three duplexes he did complete a site plan or landscape plan. Mr. Potter stated that he could do a landscape plan for this project.

Ms. Gronli stepped up to the podium again and said she couldn't help but notice that chapter 5, section 1, page 25 states that careful consideration should be given to the placement of landscaping and retention of mature trees. She asked that more be discussed in terms of the landscaping requirements.

Chair Isenhour asked the Commission if the applicant will be required to have a landscaping plan and if the applicant would be willing to have one. Commissioner Firth asked if the Findings of Fact could be amended but Chair Isenhour said he didn't think so. It would need to be agreed on in the meeting that a landscape plan is needed, and a new submittal will need to be completed. Attorney St. Brice stated that a site plan will need to be submitted along with the application, which would require the submission of a new application.

Mr. Potter stepped up to the podium again. Chair Isenhour stated that the consensus is that a landscape plan will need to be submitted before approvals can be made and the case will be continued until the regularly scheduled December meeting. Chair Isenhour clarified that a landscape plan will need to be created to show the placement of the two new trees and landscaping that will be planted along the privacy wall that will offset it within two years. Mr. Potter agreed that he will submit a landscaping plan for the two trees and shrubbery along the fence.

Commissioner Firth made a motion to continue this case to the December 13th, 2023, meeting. Commissioner Underwood seconded the motion.

Commissioner Firth made a motion to close the public hearing. Commissioner Underwood seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

H-14-22 (QUASI-JUDICIAL HEARING) JIM POTTER HAS SUBMITTED A CERTIFICATE OF APPROPRIATENESS APPLICATION FOR CONSTRUCTION OF THREE (3), TWO-STORY TOWNHOMES TO BE LOCATED AT 74, 76, & 78 CABARRUS AVE W. PIN 5620-87-0418.

Autumn James introduced the case to the Commission.

The subject property at 74, 76 and 78 Cabarrus Ave. W. is a vacant lot within the North Union Street Historic District. On April 13, 2022, Jim Potter with Old Towne Development applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 to construct three (3), two-story townhomes with detached two (2) car garages (Exhibit B). Previously, the property was occupied by an approximately 3,500 square foot nonconforming commercial multi-tenant building and was held by a private party owner. The subject property was the site of various nuisance complaints through Concord Police Department. In November 2014, the City purchased the property with the intention of more compatible redevelopment in the future. The structure was demolished in January 2015 and the site has been vacant since. Ms. James also stated that it is not in the Commission's purview to consider the land use of the property as that was decided by the City Council with the conditional district rezoning request.

The subject property was rezoned in 2016 to CC-CD (Center City – Conditional District) with the following conditions:

1. Use limited to no more than four (4) +/- 1,700 square foot two-story townhome units;
2. Rear parking;
3. Detached rear loaded garages;
4. Two (2) front courtyards and two (2) front stoops along with rear courtyards;
5. Shared access driveway off of Yorktown St NW;
6. Exit only access onto Cabarrus Ave W; and
7. 6' tall privacy fence along the adjoining property lines.

The applicant proposes:

1. Three (3) +/- 1,800 square foot two-story townhome units – approximately 22' x 41' each;
2. Rear parking providing four (4) spaces along rear property line;
3. Detached, rear loaded two (2) car garages – approximately 22' x 23' each;
4. Two (2) front courtyards for the end units and one (1) front stoop for the middle unit;
5. Rear courtyards – approximately 22' x 13' each;
6. Shared access driveway off of Yorktown St NW;
7. Exit only access onto Cabarrus Ave W; and
8. 6' tall privacy fence along the adjoining property lines – wood and painted white
9. Remaining portion of the left property line to the existing sidewalk will be evergreen plants for screening.
10. Exterior materials to include cement composite lap siding (James Hardie or equivalent) for siding and trim
11. Old colony style brick front entry doors will be painted fiberglass which will be the color coordinated with the siding
12. Windows will be double hung, white aluminum clad, wood with simulated divided lite grids
13. Roofing will include Tamco Virginia slate 30-year architectural shingles.

Chair Isenhour asked if there was a landscaping plan submitted with this and Mrs. James responded that there was not. As with the previous case, the first issue will be landscaping around the fences. Mr. Potter stepped up to the podium. He stated that he does not have a landscaping plan but he was going to put the shrubbery near the driveway. Commissioner Underwood asked what side of the fence will the shrubbery be on? Mr. Potter stated that the fence starts midway back from the garage wall. Commissioner Underwood asked if there were plans for shrubbery around the fence and Mr. Potter stated that he did not have a plan for that. Commissioner Underwood clarified with Attorney St. Brice about the landscaping anywhere on the fence or just the front. Attorney St. Brice stated that the Handbook says the shrubbery should be used to soften the fence anywhere along the street where it is visible.

Mr. Potter stated that if shrubbery is placed along the fence, it will make it hard to go back and paint that later on but if it is required, it can be put in the landscape plan. Mr. Potter asked if a fence is on a corner lot, does it have to be painted white or similar to the trim of the house. Chair Isenhour said right, a trim color. Chair Isenhour said your proposal is white. Mr. Potter said it would be the trim color of the house which would be an off white not a stark white.

Mr. John Lienweber of 96 Cabarrus Ave W. stepped up to the podium. He lives one house away from the proposed townhomes. Mr. Lienweber stated that he has lived there with his wife since 2017. Prior to that, they lived in the Wesley Heights Historic district in Charlotte. They have witnessed firsthand how new construction can enhance and detract from the charm of the historical district. The Historic Handbook outlines three key principles that are essential to preserving the historic district. The first is civic pride. The historic district is a source of great pride for the community and is recognized as a valuable asset. The second is maintaining integrity. The Historic Preservation objective is to work with developers and residents to achieve the goals of preserving the historic integrity of the neighborhoods. The last principle is respecting the past.

As members of this unique community, there is a responsibility to respect the past as we progress forward. The Historic Preservation acknowledges that there are only a handful of undeveloped lots left in the Historic district. These lots hold the key to the future. Mr. Lienweber said from his personal experience, he can attest that Wesley Heights has successfully maintained the historic feel throughout the approach of new construction, however, on some blocks, the proliferation of high occupancy buildings has somewhat diminished the neighborhood charm transforming it into a more transient area. Certain sections of the district are suitable for high density growth in Concord such as the apartments going up in downtown and that promises to bring high population density as well as amenities that may be desired for all of us which include restaurants and local shops. Mr. Lienweber stated that his personal concern is around chapter 5, section 1 to be summarized as the following: inconsistent construction.

The proposed construction does not harmonize in terms of the material, scale, size, site position, and spatial relationship details with the immediate neighbors such as the Patten's that are next door nor does it align with the broader community which this site is an integral piece. The block of homes that stretch from Cabarrus Ave. W. to Yorktown Street, then down Grove and back up Georgia possess a unique identity defined by its single-family homes. These homes contribute significantly to the Historic charm representing a specific architectural style of the area.

Another issue is traffic concerns. Yorktown Street is one way and accommodates the families of many young children and the introduction of townhomes will inevitably increase traffic on a road that is ill suited for such a purpose. The next issue is disruption of community cohesion. The existing single-family homes have fostered a strong sense of community and social cohesion among its residents over the years as you see here today. The introduction of townhomes which generally cater to more transient occupants may disrupt the established social dynamics and community bonds. This could lead to a less desirable living environment where neighbors may not share the same sense of belonging or long-term investment in the community.

The next issue is the loss of historical balance. These districts are renowned for their historical significance and should be safeguarded against inappropriate development. The existing townhomes that are currently across the street deviate from the architectural style of the neighborhood, setting a precedent for the negative impact that incongruent architectural designs can have on the overall aesthetic appeal and harmony of the area.

Constructing additional townhomes would only exacerbate the inconsistencies and further erode the architectural integrity of the neighborhood as a whole. In conclusion, the construction of the townhomes would only be counter to the preservation goals outlined in Chapter 5 jeopardizing the neighborhood of its unique character defined by its

unique single-family homes. The introduction of townhomes that diverge from the established architectural style threatens the neighborhood's historical balance and disrupts community cohesion. This could potentially lead to diminished property values, and it is imperative to adhere to the historic guidelines safeguarding this neighborhood and the unique district as we ensure long-term stability.

Ms. Lyne Goode of 32 Yorktown Street NW., stepped up to the podium. She stated that she has lived there for 10 years. She stated that she chose to purchase her home in the historic district knowing that her home and property would be held to a certain standard. If we ask Concord historic homeowners to build a retaining wall to protect their yard from erosion and protect it from washing away or if we as Concord historic district homeowners want to build a fence surrounding her backyard to allow the family dog a safe space to run and play, if we as Concord historic homeowners want to replace two rotted windows to match the other two windows in the home, if we as Concord historic district homeowners want to have a tree removed which roots have caused such devastating flooding in our homes that the foundation is crumbling, if we as Concord historic district homeowners want to continue an existing wall that has bordered our home for over 50 years to surround our whole front yard, we all must obtain a Certificate of Appropriateness.

This process requires us to submit an application to the commission at least 28 days prior to a regularly scheduled commission meeting along with the application fee. This application must clearly describe the proposed work and should include all supporting materials. If the work involves a change to the appearance of a structure or alteration of a major feature, detailed sketches and scaled elevation drawings are necessary. For new construction including accessory structures and additions, detailed sketches and scaled elevation drawings are also required along with a site plan and if required by the zoning ordinance, a landscaping plan. Improvements such as parking lots, driveways, and walks should be indicated on the survey of the property.

Samples of materials, photographs, paint chips, manufactured illustrations and other relevant exhibits should be provided where appropriate. This information is shared not to complain about the onerous process but to remind the committee that we as Concord historic district homeowners must all abide by these regulations and processes. For many of us, doing this has created frustrations and hardships. However, we do this because we believe these regulations and processes are the right way to go. We are sure that you can imagine how frustrating it is that approving Mr. Potter's townhomes, as he has proposed, means the historical district committee, the decision-makers would not be requiring Mr. Potter to follow the same regulations and processes that they themselves created and we as Concord historical district homeowners are required to follow. We are also aware that if and when these regulations and processes are not followed, us as homeowners are fined and legal action is taken against us. We as Concord historical district homeowners, insist that the townhomes proposed by Jim Potter are not congruent with the current historical architectural. Ms. Goode's three minutes expired.

Rebecca Patten of 90 Cabarrus Ave. West and Nancy Faggart of 151 Union St. N., both stepped up to the podium. Mrs. Patten requested the three minutes of time of Ms. Gronli, so she will have six minutes to speak and Ms. Faggart provided her time to Ms. Patten. Mrs. Patten stated that her family lives next door to the proposed townhomes in a home that has been in her family for more than 100 years. She stated that she agrees with her neighbors that the new townhomes are not in keeping with the historical context of the surrounding properties and in this case, center city zoning is not consistent with the guidelines of the historic district handbook. She stated that she recognizes that there are only a few undeveloped lots in the historic district and that their treatment is crucial to the future of the district.

The successful integration of new structures into the neighborhood depends on how well new homes sites will preserve unified district characteristics. The description of the proposal is similar to the building that the applicant built at 59 and 63 Cabarrus Ave. W. Mrs. Patten stated that she has several concerns regarding the proposed setback, site position, materials, and style of the complex. She requested to share the issues that do not meet the historic district guidelines that should be reconsidered. She stated that page 25 of the handbook, chapter 1 says that the

consistency of building setback from the street is a unifying district characteristic that new construction should maintain. It goes on to show an example of an out of line building on the left indicating that something is far out of line from the surrounding properties is unacceptable. On page 26, new construction shall coordinate in material, scale, size, site position, spatial relationship and details with immediate neighbors within 100 ft of the proposed construction. The proposed three townhome complex which is situated on a 1/3-acre lot does not maintain a similar setback or spatial relationship with immediate neighbors within 100 ft or other neighbors on this block of Cabarrus Ave. The setback has been a major neighborhood issue since the development was proposed more than 7 years ago. The proposed two-story complex is nearly 30 ft high and is situated entirely in front of Mrs. Patton's home. All of the houses on this block of Cabarrus Ave. have setbacks of at least 28 ft in addition to their porches which range from 10 to 12 to 14 ft. Setbacks are defined by the City of Concord as the area between the furthest most projection of a principal structure and the property line of the lot on which the structure is located. What was approved by the Planning and Zoning Commission in 2016, is the front setback of 20 ft shown in the drawing submitted by planning and zoning department. The 20 ft setback from the flat front of the building is made up of an 8 ft porch, 4 ft steps and 8 feet of green space for the property line allowing the plan to be in line with the center city zoning and maintaining the 20 ft setback to the flat face of the building.

Mrs. Patten continued by noting that the recent hand drawing submitted by the applicant is somewhat misleading. The applicant has measured 20 ft setback from the curb when it should be measured from the property line. This does not conform with the plan that was presented to the planning department and approved by the Planning and Zoning Commission. In either case, this tiny setback is significantly less than any of the other houses on this block of Cabarrus Ave. It is not a unifying district characteristic and should not be allowed. At a minimum, shouldn't the applicant be required to submit a new design drawing reflecting the setbacks that were approved by the planning and zoning commission prior to receiving historic preservation commission approval. Page 25 of the handbook says that careful consideration should be given to how compatible the proposed structure will be with immediate neighbors. There are no homes on the block with one color upstairs and a different color downstairs. They are all one color with complementary trim and shutters.

The proposed townhome would better fit in the neighborhood and unified characteristics if they were all one-color upstairs and down. Each home could be a different color with complementary trim but the upstairs and down would be the same. Shouldn't this change be made prior to receiving Historic Preservation Commission approval? The design guidelines on page 26 of the handbook say that large flat expanses of walls should be avoided. According to the hand drawn picture submitted by the applicant, the front of the building appears to have only one small stoop while the rest of the building is flat for 6 ft across. Each of the three front faces submitted by the applicant in the packet show a different front design and none of them are clear about what exactly the design is. Shouldn't a clear and consistent redesign of the front that preserves unified characteristics be provided prior to receiving Historic Preservation Commission approval?

Every home on the block has a porch covering at least the front of their home. Page 25 of the handbook says, the use of porches, chimneys, bays and other details, new buildings can be designed to have texture compatible with the historic context. Shouldn't the applicant provide a redesign that will preserve unifying district characteristics prior to receiving Historic Preservation Commission approval? According to the hand drawing, a privacy fence with screening plants is proposed along with a 3 ft strip along the proposed driveway and Mrs. Patten's property. The type, height and density of these plants are not specified. To create screening, these trees should be some kind of evergreen. Shouldn't the applicant make this information available prior to receiving Historic Preservation Commission approval?

The new building towers more than 30 ft high. Page 40, chapter 5, section 7 says new construction should avoid the roof being more than ½ of the building's height. Based on the front elevation architectural drawing, the roof does not appear to meet this guideline. The positioning of this building shades the only direct morning sunlight on half of

her yard and the trees that are still there. It will also block afternoon sunlight to the two houses across the street. This will certainly have an impact on the quality of the existing landscape. Shouldn't the roof height be resolved prior to receiving Historic Preservation Commission approval?

Page 25, chapter 5, section 1 states that careful consideration should be given to the placement of landscaping and the retention of mature trees. The ground material that will be used in the courtyard and the remaining spaces in the front and side of the buildings has not been identified. The applicant's existing townhomes have no grass and just pine straw and low plants. The absence of green space is not in keeping with the surrounding properties. Every home on the block has grass and shrubs in front of the house. Shouldn't the ground design and materials be specified prior to receiving Historic Preservation Commission approval?

In 2016, it was agreed that any damage during construction to the existing tree canopies would be the responsibility of the developer? There is one very large tree that shares the two properties and provides shade canopy. Also, the maintenance of the fence, screening plants and green space should be identified as the responsibility of the homeowner's association. Shouldn't both of these issues, in particular the potential damage to the tree canopy and maintenance be documented and put in writing prior to receiving Historic Preservation Commission approval?

Mr. Bill Patten of 90 Cabarrus Ave. W. stepped up to the podium. He asked if he could recap some of his wife's key points. The issues that need to be resolved prior to receiving Historic Preservation Commission approval are setback appropriateness and the discrepancy of what has been approved and what was submitted and the existing setbacks of the homes in the neighborhood. Careful consideration should be given to how compatible in color the proposed structure will be with immediate neighbors. Large, flat expanses of walls should be avoided. The use of porches and not stoops to create texture compatible with the historic content should be encouraged. There is a need for overall redesign to preserve the unifying district characteristics and careful consideration should be given to the placement of landscaping and retention of mature trees.

The type, height and density of privacy fence plants should be defined. The roof height appears to be greater than ½ the building's height. Consideration should be given to the placement of landscaping and the retention of the mature tree canopy and the maintenance of the fence, screening plants and green space should be identified as the responsibility of the homeowner's association. Lastly, what is a courtyard? What does the applicant mean by courtyard? These items do not meet the historic district guidelines and we would appreciate your review of these issues.

Mr. Thomas Ballard of 35 Yorktown Street stepped up to the podium. Mr. Ballard stated that he would like to discuss Yorktown Street as it is today between Cabarrus and Grove. They are 100-year-old houses and very well maintained, with a good landscape around them and front porches which makes it very distinctive. It is a wonderful, well-built community. All of a sudden, if something is added to it, such as these townhouses, it is destroyed because what has been there for a century will not be the same and Mr. Ballard stated that he was against it.

Mrs. Elena Lienweber stepped up to the podium. She lives at 96 Cabarrus Ave. W. Mrs. Leinweber requested to give her time to Lyne Goode so she could finish her presentation.

Ms. Lyne Goode stepped up to the podium. We as Concord historic district homeowners insist that the townhomes proposed by Mr. Potter are not congruent with the historical, architectural and cultural characteristics for which the district is significant. Chapter 5 of the Concord historic district handbook under new construction states that the proposed townhomes do not match the aforementioned guidelines for setback or driveway placement. Pages 25 and 26, chapter 5, section 1-the proposed townhomes do not match and are unlike any current existing properties in the neighborhood. Scale, site settings, spatial relations and color details are specifically mentioned. There is even a picture drawn on page 25 and 26, chapter 5, section 1.

The green space and open space from the neighboring lots, landscape details compared to three townhomes with garages are not similar or alike. The proposed colors for the townhomes, specifically the divided colors top and bottom are not like any other home in the neighborhood. In addition to the concerns listed above, that are clearly stated in the historic resident's handbook as not appropriate. There are also the following concerns: Yorktown Street is a one-way street. Parking is only permitted on the left side of the street. There are currently 11 homes facing Yorktown Street plus one garage apartment that also requires parking spots. Out of these 11 homes, 1 home has been converted into apartment living and one is a dual family home requiring more than the typical 2 car parking spots. Furthermore, several of these homes do not have driveways and/or have shared driveways. It is simple math. There are not enough driveways or left side of the road parking spots for the number of people who currently live on Yorktown. Multiple residents must use the empty lot where the proposed townhomes would be built to park currently. Finally, our community family members take care of each other, and the children play together, go to school together and celebrate birthdays together. We check on each other and take care of each other's pets and homes. There are many who live in this neighborhood who now live and own their parent's former homes and the neighbors who moved in just two years ago. The point being that, this is a community and they are extremely concerned that these townhomes will become a revolving door for a rental property.

Mr. Marshall Ward of 98 Cabarrus Ave. W. stepped up to the podium. He resides 3 doors down from the townhomes on the same side of the street. Mr. Ward stated that he will be focusing on Chapter 5, section 1 of the historic handbook and showed several pictures. He stated that new construction shall coordinate in material, size, scale, site position, spatial relationship and details with immediate neighbors within 100' of the proposed construction. Mr. Ward showed several pictures of properties within 100 ft of 90 Cabarrus Ave. W. Mr. Ward stated that the townhomes are not within 100' of the proposed lot for the new townhomes. He showed other properties on the same block on the same side of the street on Cabarrus Ave. West. He stated that none of the pictures are pictures of townhomes.

Townhomes are unlike any existing structures in the historic handbook. The historic handbook does not include any reference to townhomes because there weren't any townhomes in the historic district when the historic handbook was written. The artificial cement siding in the proposal in the historic handbook, chapter 5, section 4 states that artificial or synthetic siding is not appropriate for additions on pivotal and contributing structures or for large accessory structures inside the historic district. Mr. Ward stated that wood is the most appropriate material, and vinyl and aluminum clad windows are inappropriate in most instances. Mr. Ward showed a picture of the site position and spatial relationships of the new townhomes. The skyline for Mrs. Patten's home would be removed because the townhomes would tower to 30 ft. She would walk out her front door and see a house.

Ms. Syndey Yin shared her 3 minutes with Mr. Marshall Ward so he could finish his presentation. Mr. Ward stated that the townhomes are unlike any other structure and another concern is for 117 Yorktown Street which is right behind the construction lot. The drainage there is an issue because there will be a lot of concrete on that lot. If you go back and look at the site plan that is proposed from the builder, if you count up all the planting for that area, it is about 729 ft. There are other areas for green space and that will total about 2400 ft. Altogether it is a .337-acre lot and that is around 14,729 ft. and it is about 17% green space for the entire lot. All the other lots have about 80% greenspace. It is unlike in spatial relationship to other lots.

Ms. Barbara Shepherd of 31 Yorktown St. NW stepped up to the podium. She stated that she is multi-generational and lives in the home of her grandmother. Some of the items that were previously approved were a misstep. If this were in your own neighborhood, how concerning this would be as it pertains to safety issues regarding the kids in the neighborhood. The City of Concord purchased the land and sold it and there were 5 parking spaces for the apartment building nearby and now they no longer have that since the land was sold. As more density is being brought in, and density that does not meet the historic guidelines, that is an issue for everyone. Ms. Barbara Shepherd

stated that she is adamantly opposed to this for many reasons that have been stated.

Commissioner Underwood stated that there was a mention about the setback from the street where the townhomes would be. Is what Mr. Potter proposed approved by the city? Mr. Potter stepped up to the podium. Mr. Potter stated that he does not have a zoning permit at this time. He stated that he was going by what the city told him the setbacks were. Chair Isenhour stated that the Historic Commission does not control the setbacks. The handbook though does talk about site position which is similar but not a legal requirement. Chair Isenhour asked Mr. Potter to clarify the plans for the setback of 20 ft. from the road. It is unclear from the drawings. Mr. Potter stated that he was going by the property line to the main building. Chair Isenhour stated the picture that was shown on the screen was approved in the rezoning and that was not the current plan. That plan was created by the City. There are now 3 units. The written site plan is Mr. Potter's plan.

Commissioner Underwood stated that there was more than 1 front elevation. Mr. Potter stated that there is a small roof over the front door, but the city required a courtyard instead of a porch. The courtyard will be basically a concrete patio surrounded by aluminum fence to make it look like raw iron. Commissioner Underwood asked if the courtyard had to be concrete? Could it be grass? There is not much green space. Mr. Potter stated it could be a grass courtyard.

Chair Isenhour asked about the setbacks and said it was 66 ft across and asked if it was the same for the second building. Mr. Potter said that there is not a break in the front main wall. Mr. Potter said he was constrained by the size of the site to get the courtyards, garages and to have a feasible floor plan.

Commissioner Underwood asked if there was a site plan for the drainage considering that there is little green space? Mr. Potter stated that he did not have a specific drainage plan. The driveway would be sloped towards the street so everything would go out to the street and curb and down the street to the drain.

Chair Isenhour requested a more detailed plan to show the distances and the front elevation and how far back the building is from the street. Mr. Ashley asked to answer the question about drainage. He stated that the previous use of the land was a commercial facility and there is a certain amount of credit from stormwater, which would be considered at the time of technical site plan approval. Chair Isenhour stated that the drainage isn't before them.

Chair Isenhour stated that the commission has control over the materials, can't control the colors but they can control the scale, the site position, landscape plan and porches but the drainage and green space is not for them to decide. Chair Isenhour can see how parking could be an issue but that is not something the commission can address. He said that a rezoning site plan has been approved for building. The question before the commission is the plan consistent with the neighborhood. Mr. Potter stated if there was a way to place the buildings to coincide with the adjacent properties, he would be more than happy to do that but with the constraints on the requirements for the site including the garages and the driveway in the back and the second access out to Cabarrus Ave. If you put it all together, that is the best he could do and have a usable floor plan, garage space and courtyard space in the back.

Commissioner Firth stated that wood windows are a must. Mr. Potter agreed. Commissioner Hopkins asked about the amount of concrete or paving in the driveway. Is it ok to have that much concrete? Could we break it up and put some pavers? Is it in our guidelines to suggest that or is it fine with all the concrete? Mr. Potter stated that he did not see any other requirements other than the developer's choice of paving material. Chair Isenhour said that it was something they could consider.

Chair Isenhour asked about the 20' side yard on Yorktown. It was approved in 2016 but he didn't know why it changed other than it went from 4 townhomes to 3 townhomes. Mr. Potter stated that the building could be moved over. He stated that the original 4 townhomes were not feasible with the second driveway going to Cabarrus Ave.

because the townhomes would have to be so narrow as it would be prohibitive to put garages behind them. The townhomes would be limited to 17 or 18 ft wide and that is not practical for a garage. In order to get 2 cars parked behind there, you can't have a single garage and a parking space behind there. There is 17' between the left side elevation and the property line which is close to 20' between the left side elevation and the property line. From Yorktown St, it might look like it encroached a little bit towards the street if it was less than 20'.

Commissioner Underwood asked if to make the neighbors happy, could the townhomes be one color on the top and bottom? Mr. Potter stated that yes, absolutely he would change that because he is not hung up on the color. He said if it would improve the neighborhood a bit, then he would do it.

Commissioner Underwood asked about the fence in the front. Mr. Potter stated that he didn't want to build a solid fence or wall there to enclose the courtyards. Commissioner Underwood asked if Mr. Potter could state in the plan what exact materials would be used for the courtyard fence and/or wall. Mr. Potter said the raw iron fence is approximately 4ft. high and it will be simulated aluminum to look like a raw iron fence. It will have ½ inch square pickets. Chair Isenhour stated that the plan showed a 42" high metal fence.

Chair Isenhour asked for more details on this. Commissioner Hopkins asked if the windows could be changed to wood would the design be kept the same? Mr. Potter said it could be changed without changing the design. Chair Isenhour asked if more detail could be submitted in the plan with the depiction of the different colors of the townhomes and a detailed landscape plan and a depiction of what the fence would look like.

Mr. Potter asked if an aluminum fence was not allowed. Is it raw iron or wood? Commissioner Underwood stated that wood is allowed. Mrs. James read from the historic handbook and said: use materials such as natural stone, brick, wood, powder coated aluminum and iron. Mr. Potter asked if a photograph of the fencing material would be sufficient. Mrs. James stated that fencing in front yards cannot be more than 4 ft tall. Mr. Potter stated that the fencing has ½ inch square pickets and there is about 4 inches in between the pickets.

Commissioner Hopkins asked if a landscape plan is needed similar to the other property that Mr. Potter owns. Mr. Potter stated that he can show the landscaping along the 13' courtyard fence but asked if they wanted to see landscaping around the courtyard fencing to shade that from the street also. Commissioner Underwood stated that it softens the look of the building. Mr. Potter agreed to include all of this.

Chair Isenhour asked Mr. Potter to talk about the area between the garage and the residence. It is shown on the site plan as a courtyard, and he asked what that entails. Mr. Potter said that there will be a concrete patio there with a solid frame wall with the same siding on the house and garage, so it's continuous. You cannot see in the courtyard. It is a solid 6' wall. Chair Isenhour asked if the residence would be 30' at the top part? Mr. Potter stated that he would have to review the drawing again. Mr. Potter stated that he could add elevations to the drawings that can be viewed more easily.

Chair Isenhour stated that the consensus is that more information will be needed to move forward with the plan. There needs to be an updated depiction of the color of the residences. Mr. Potter recapped what is needed and stated that there needs to be a better representation of the front of the units with a different color scheme, landscaping plan, height of the roof and elevation, fence material and photograph of front fences and windows changed to wood.

Commissioner Hopkins suggested that Mr. Potter speak to the city's arborist to add some trees since the historic district is known for their tree canopies.

Commissioner Firth made a motion to continue the case to the December meeting. Commissioner Underwood seconded the motion. **–The Vote: All Ayes (APPROVED)**

HANDBOOK UPDATES

Mrs. James updated the committee on the progress of the historic handbook. There was a meeting held on Monday, November 6th and staff is currently working on the full draft which will be sent to the handbook committee on January 5th. The next historic handbook meeting will be on January 22nd to discuss the draft. Then, the draft will be sent to the Historic Commission for review in the month of February and then the final draft can be reviewed at the March meeting.

ADJOURNMENT:

A motion was made and carried to adjourn the meeting at 8:11 p.m.

Chair–William Isenhour

Secretary – Deirdre Connellan

DATE: December 13, 2023

SUBJECT:

Certificate of Appropriateness Request: H-14-22
Applicant: Jim Potter/Old Towne Development
Location of Subject Property: 74, 76, 78 Cabarrus Ave W
PIN: 5620-87-0418
Staff Report Prepared by: Kim Wallis, Senior Planner

BACKGROUND

- The subject property at 74, 76, and 78 Cabarrus Ave W is a vacant lot within the North Union Street Historic District.
- “Vacant Lot between 64 and 74-78 Cabarrus Avenue West. Vacant lot that was a former site of a home.”
- On April 13, 2022, Jim Potter with Old Towne Development applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 to construct three (3), two-story townhomes with detached two (2) car garages (Exhibit B).
- On November 8, 2023, this case was reviewed by the Historic Preservation Commission (HPC) and continued to the December meeting in order to receive the following information: the front elevation to represent the updated color scheme, a landscaping plan, an indication of the height of the roof on the front elevation, a photograph of the proposed front yard fence indicating the material, and the window material to be changed from aluminum clad to wood.

DISCUSSION

Jim Potter with Old Towne Development applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 to construct two (2), two-story duplexes with detached one and one half (1.5) car garages. The applicant has submitted this alternative proposal based on the comments at the November 8, 2023 HPC meeting (Exhibits A, B).

The following includes the revisions to his original proposal and the requested information from the Commission:

1. Two (2) two-story duplex units –each with two (2) 1,548 square foot two-story attached homes at approximately 18’w x 42’l each;
2. Rear parking providing six (6) spaces along rear property line;
3. Four (4) detached, rear loaded one and one half (1.5) car garages – approximately 18’w x 23’l each;
4. Two (2) front courtyards for the end units and two (2) front stoops for two middle units with three (3) foot concrete walkways to the public sidewalk;
5. Rear courtyards – approximately 18’w x 13’l each;
6. Shared access driveway off of Yorktown St NW;
7. Exit only access onto Cabarrus Ave W between the two (2) duplexes;
8. 6’ tall privacy fence with landscaping along the adjoining property lines – wood and painted white;
9. Landscaping along Yorktown St. NW;
10. A change in window material from aluminum clad to wood for all elevations (Exhibit A);
11. A landscaping plan indicating the landscaping along the courtyard fence/wall (Exhibit B);

12. Elevations showing the building height (Exhibit C).
13. Exterior colors on elevations to indicate one color for each unit (Exhibit D); and
14. A photograph of the proposed front yard four (4) foot black aluminum fence (Exhibit E).

The subject property was rezoned in 2016 to CC-CD (Center City – Conditional District) with the following conditions:

1. Use limited to no more than four (4) +/- 1,700 square foot two-story townhome units;
2. Rear parking;
3. Detached rear loaded garages;
4. Two (2) front courtyards and two (2) front stoops along with rear courtyards;
5. Shared access driveway off of Yorktown St NW;
6. Exit only access onto Cabarrus Ave W; and
7. 6' tall privacy fence along the adjoining property lines.

Given the changes to the layout of the site plan based on the comments received at the November 8, 2023, HPC meeting, should this case be approved by the Historic Preservation Commission, it will be required to return to the Planning and Zoning Commission, as it will require a modification to the approved conditional rezoning. Presenting this information before the Historic Preservation Commission will provide assurance that the HPC has approved site design and elevations as compatible with the Historic District prior to approval of any conditional zoning modification.

ATTACHMENTS

Exhibit A: Certificate of Appropriateness Application updated 11/16/2023

Exhibit B: Site Plan and Landscaping Plan updated 11/30/2023

Exhibit C: Elevations updated 12/2/2023

Exhibit D: Exterior Material and Color Scheme updated 11/16/2023

Exhibit E: Photograph of Fencing Material for the front yard

HISTORIC HANDBOOK DESIGN RECOMMENDATIONS

Chapter 4: Local Standards and General Policies

Alterations: *Alterations having no historical basis shall be avoided whenever possible. Any type of alteration of exterior features of a building, site, or environment within the Historic Districts which is not specifically listed within these regulations shall be referred to the Historic Preservation Commission for action on the issuance of a Certificate of Appropriateness.*

- *All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.*
- *Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.*
- *Contemporary design for alterations and additions to existing properties shall be encouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.*
- *New additions or alterations shall be construed in such a manner as to preserve the essential form and integrity of the structure, should the addition or alteration be removed.*

Approval Requirement Needs Table: New Construction or Additions

- *All new construction and additions require Commission Hearing and Approval.*

Chapter 5 – Section 1: New Principal Structure Construction

- *The successful integration of new structures or building additions to the neighborhood depends on how well the building will preserve existing site features such as trees, slopes, natural drainage patterns, rock outcrops, etc.*
- *The Historic Preservation Commission will consider how well the proposed construction will maintain the unifying features that exist, such as tree canopies, clean boundaries, and architectural and landscape details.*
- *Other considerations include how compatible the proposed structure will be in material, scale, site setting, spatial relationships, color, and details with immediate neighbors.*
- *Careful consideration should be given to the design and placement of driveways, landscaping, lighting, signage, walkways, and the retention of mature trees or other historic features of landscape.*
- *Building materials, features, fenestration, and texture are also important to consider when designing for compatibility.*
- *A wide range of features and materials presently used in the neighborhood provide a broad range of options from which to choose.*
- *Through the use of porches, chimneys, bays, and other details, new buildings can be designed to have texture compatible with the Historic context.*

Design Standards: New Construction

1. *New construction shall coordinate in material, scale, size, site position, spatial relationship, and details with immediate neighbors within one hundred feet (100') of the proposed construction.*
2. *Where feasible, roof forms should be consistent and compatible to others in the district. Large flat expanses of walls or roofs should be avoided.*
3. *New construction should avoid A-frame, dome, shed, and flat roofs.*
4. *Locate and size window and door openings so they are compatible in placement, orientation, spacing, proportion, size and scale with the surrounding historic buildings.*
5. *The Historic Preservation Commission encourages compatible contemporary design in order to reflect accurately the differences between historic buildings and newer structures.*
6. *Introduce features such as porches, chimneys, bays, and architectural details as appropriate so that the texture of new residential structures is compatible with surrounding historic structures. Detailing on new structures should be consistent with its overall scheme and design.*
7. *Contemporary substitute materials such as hardiplank may be approved on a case by case basis for new structures. In order to qualify for use in new construction, these materials must have a demonstrated record of overall quality and durability. The physical properties of substitute materials must be similar to those of the historic materials they mimic. When considering substitute materials, the closer an element is to the viewer, the more closely the material and craftsmanship should match the original. The appropriateness of substitute materials shall be reviewed on an individual basis.*
8. *Vinyl siding for new construction is not appropriate.*

RECOMMENDATION:

1. The Historic Preservation Commission should consider the circumstances of this application for a Certificate of Appropriateness relative to the North and South Union Street Historic Districts Handbook and Guidelines and act accordingly.
2. If approved, applicant(s) should be informed of the following:
 - City staff and Commission will make periodic on-site visits to ensure the project is completed as approved.
 - Completed project will be photographed to update the historic properties survey.

AN INCOMPLETE APPLICATION WILL NOT BE PLACED ON THE AGENDA UNTIL ALL OF THE REQUIRED ATTACHMENTS AND/OR ITEMS LISTED ON PAGE 2 ARE SUBMITTED.

APPLICANT INFORMATION

Name: TIM POTTER - PRES OLD TOWNE DEVELOPMENT
Address: 8312 CADWELL RD
City: HARRISBURG State: NC Zip Code: 28075 Telephone: 704 746 8473

OWNER INFORMATION

Name: ~~OTD~~ OLD TOWNE DEVELOPMENT CORP
Address: 8312 CADWELL RD
City: HARRISBURG State: NC Zip Code: 28075 Telephone: 704 746 8473

SUBJECT PROPERTY

Street Address: 74, 76, 78 CABARRUS AVE W. P.I.N. # 56208704180000
Area (acres or square feet): .337 Current Zoning: CC-CD Land Use: RESIDENTIAL

**Staff Use
Only:**

Application Received by: _____ Date: _____, 20 _____

Fee: \$20.00 Received by: _____ Date: _____, 20 _____

The application fee is nonrefundable.

General Requirements

The Unified Development Ordinance imposes the following rules, regulations and requirements on requests for Certificates of Appropriateness. The applicant must, with reference to the attached plans, demonstrate how the proposed use satisfies these requirements:

1. Project or Type of Work to be Done: TWO DUPLEX BUILDINGS EACH W/ 2 - 1548 - SE 2 STORY ATTACHED HOMES W/ 2 CAR GARAGES

2. Detailed specifications of the project (type of siding, windows, doors, height style of fence, color, etc.):

*BRICK - OLD COLONY By TRIANGLE BRICK,
SIDING - CEMENT BASED LAD SIDING - JAMES HARDIE OR EQUIV.
MAIN ROOFING - VIRGINIA SLATE 30 YR ARCH. SINGLETS By TAMPKO -
WINDOWS - WOOD PAINTED W/ SOL DOUBLE HUNG WINDOWS By WINDOS
FRONT ENTRY - FIBERGLASS WOOD GRAINED W/ GLASS - STAINED
PORCH METAL ROOFING - STANDING SEAMS PAINTED METAL ROOFING - CONSTAL METAL*

Required Attachments/Submittals

- ① Sealed site plan, if additions or accessory structures are proposed, on letter, legal or ledger paper. Larger sized copies will be accepted.
2. Detailed written description of the project.
- ③ Photographs of site, project, or existing structures from a "before" perspective.
- ④ Drawings, sketches, renderings, elevations, or photographs necessary to present an illustration of the project from an "after" perspective if applicable.
5. Samples of windows, doors, brick, siding, etc. must be submitted with application.
- ⑥ Detailed list of materials that will be used to complete the project.

Certification

(1) I hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department. (2) I understand that City staff and/or members of the Historic Preservation Commission may make routine visits to the site to insure that work being done is the same as the work that was approved. (3) I understand that photographs of the completed project will be made to update the City's historic districts inventory database.

4/6/23

Date

Revised 11/16/23

Signature of Owner Agent

74-78 Cabarrus Ave. W. Site and Landscape Plan

2 Gal. Shrub

1 Gal. Shrub

Flowering Shrub

43 FT.

Left Side Property Line 140 FT.

41 FT.

106 FT.

Rear Property Line

4 FT.

13 FT.

26 FT.

23 FT.

13 FT.

42 FT.

10 FT.

8 FT.

15 FT.

5 x 5 FT Stoop

20 Ft. Front Setback

Walk

Pine Straw

8 FT. Side Setback

Existing Sidewalk

Existing Curb

9 FT.

Edge of Pavement

Garage

Garage

Courtyard

Courtyard

Duplex

36 FT.

15 FT.

Driveway (Exit Only)

Enter/Exit Driveway

Garage

Garage

Courtyard

Courtyard

Duplex

10 FT.

5 x 5 FT Stoop

20 Ft. Front Setback

Walk

Pine Straw

8 FT. Side Setback

Existing Sidewalk

Existing Curb

Right Side Property Line 140 FT.

39 FT.

Yorktown St. NW

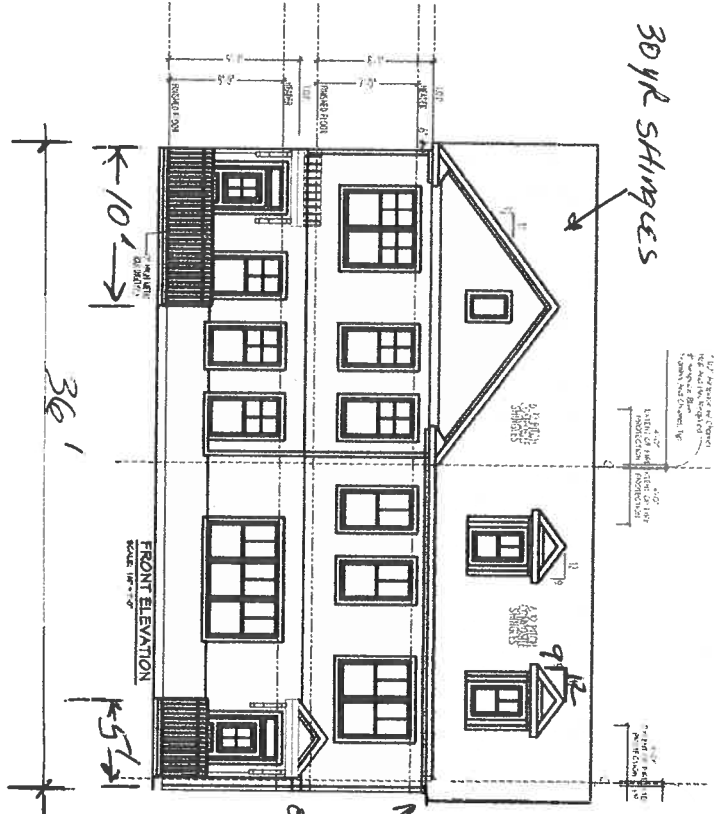
Front Property Line 103.76 FT.

Cabarrus Ave. W

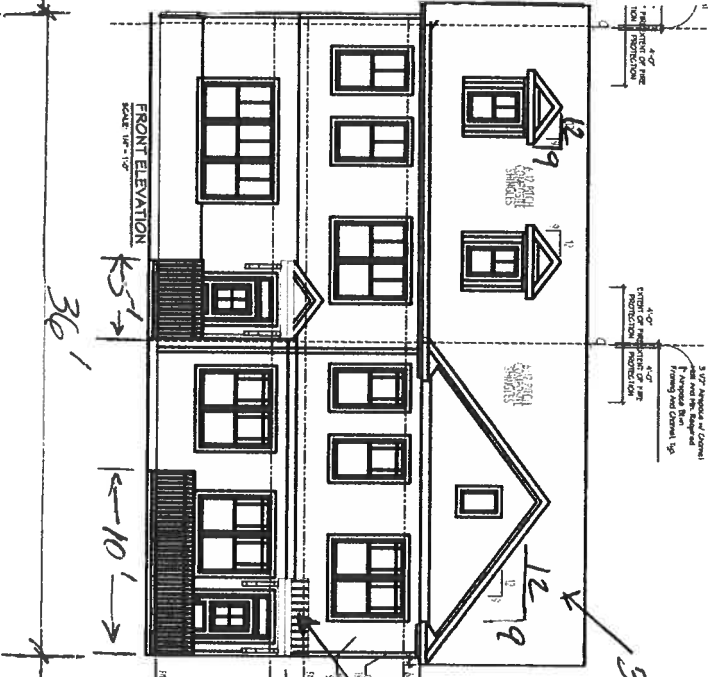
Scale 1" = 20'

EXHIBIT B

30 yr SHINGLES

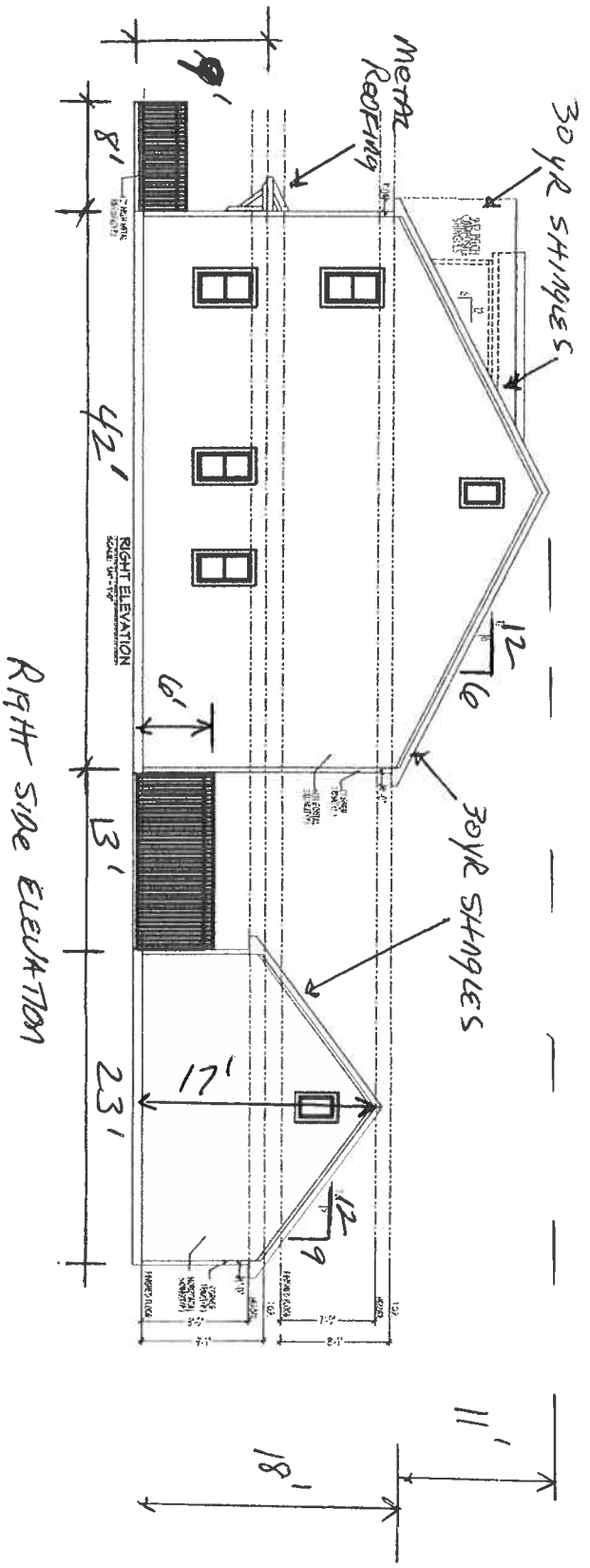


FRONT ELEVATION



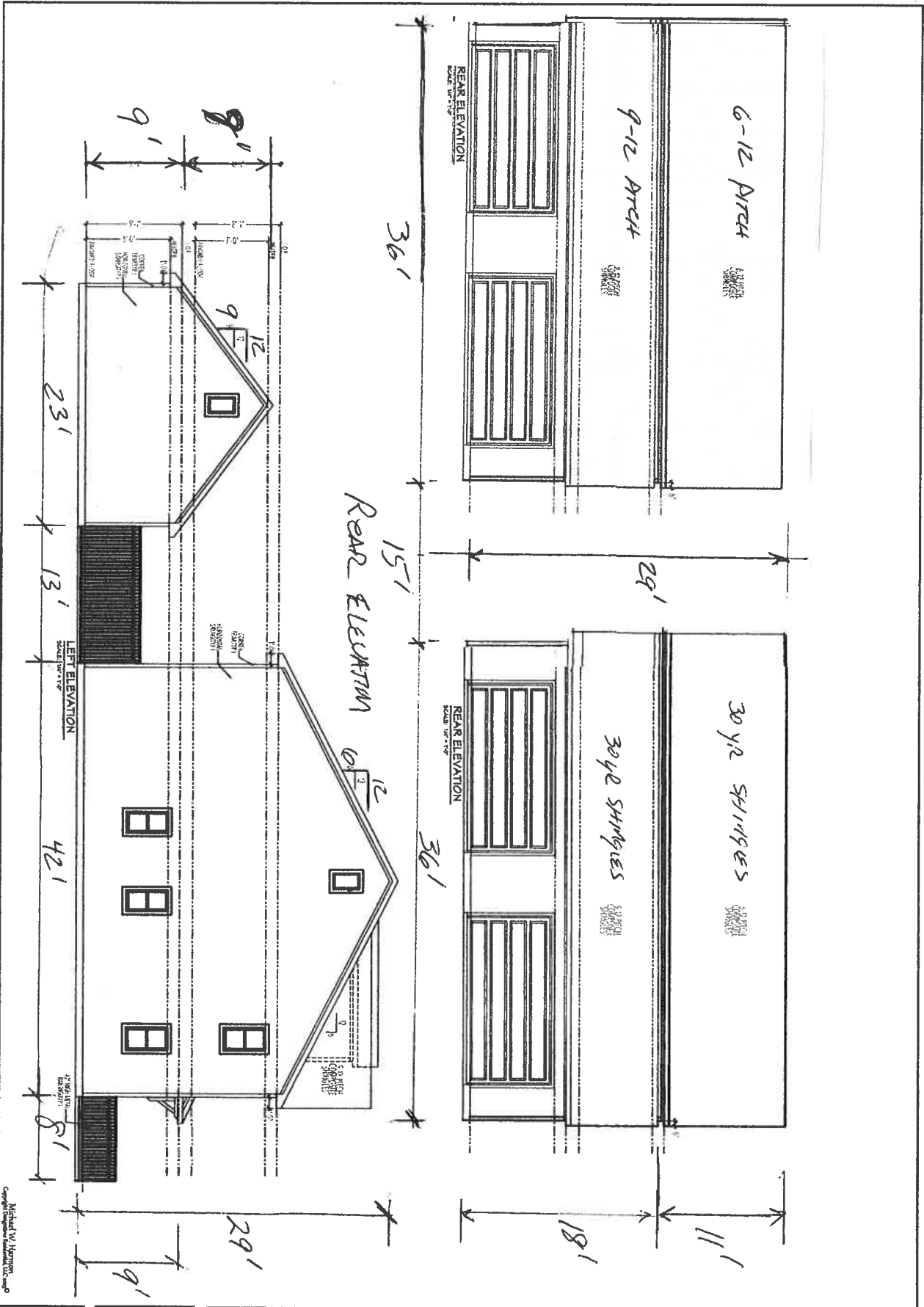
FRONT ELEVATION

EXHIBIT C



RIGHT SIDE ELEVATION

48" HGT ALUMINUM RAILING
ALL PARTS - METAL ROOFING



LEFT SIDE ELEVATION

Michael W. Hampton
Copyright 2023

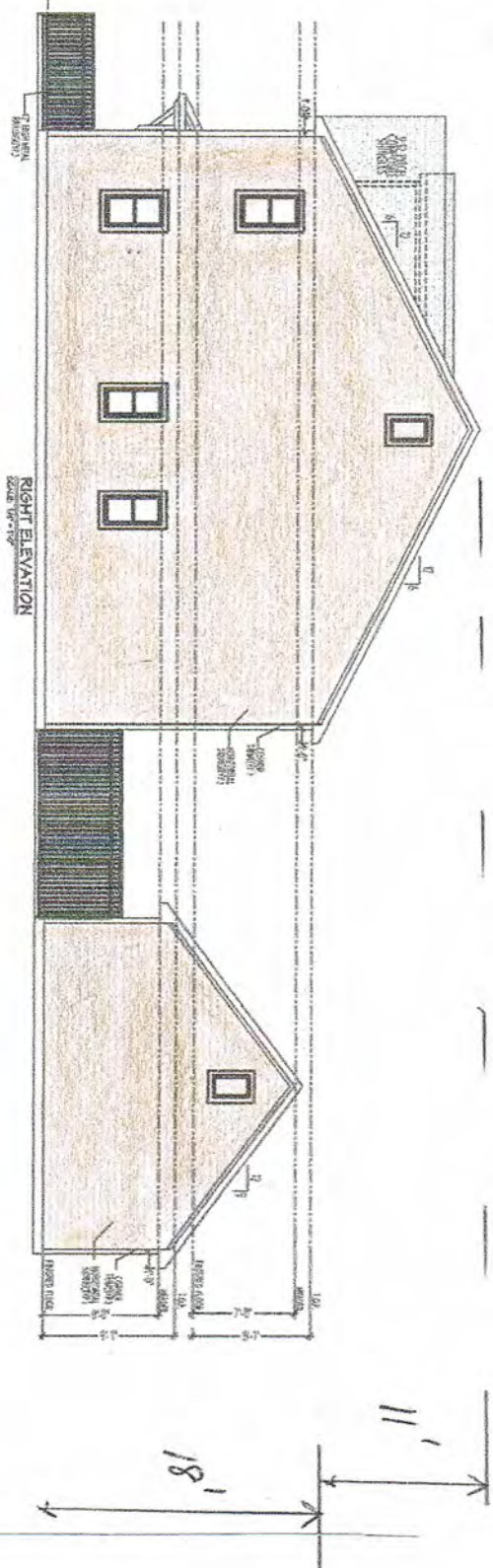
DATE	2.1.23
	2.1.23
COMD NO	2023-14
DESIGNED BY	MWH
CHECKED BY	CAD
SHEET NO	5.0

Old Towne Dev.
Yorktowne



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AMERICAN INSTITUTE OF ARCHITECTS



74-78 CABARRU AVE W DUPLEX COLOR SCHEME

FOUNDATION BRICK - OLD COLONY BY TRIANGLE BRICK CO

ROOFING:











ROOFING - MAIN TAMPCO - HERITAGE 30 YR - COLOR: VIRGINIA SLATE
 ROOFING - PORCH METAL ROOFING - SEE COLORS BELOW

GUTTERS - WHITE

SIDING COLORS FROM JAMES HARDIE SIDING PALLETTE

METAL ROOFING COLORS FROM COASTAL METAL SERVICE PALLETTE

BUILDING 1 (ON LEFT FACING FROM CABARRUS AVE W)

	<u>UNIT</u>	<u>A - LEFT SIDE</u>	<u>B - RIGHT SIDE</u>
FRONT ELEVATION SIDING COLOR		BOOTHBAY BLUE 	HARRIS CREAM 
DORMER SIDING COLOR		N/A	HARRIS CREAM 
TRIM COLOR		SAILCLOTH 	SAILCLOTH 
WINDOW COLOR		SAILCLOTH 	SAILCLOTH 
FRONT DOOR COLOR		HARRIS CREAM 	BOOTHBAY BLUE 
METAL ROOFING LOCATION		FRONT ENTRY	FRONT ENTRY
METAL ROOFING COLOR		SAHARA TAN 	BEAUFORT BLUE 

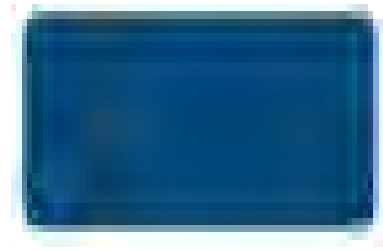
BUILDING 2 (ON THE RIGHT FACING FROM CABARRUS AVE W)

	<u>A - LEFT SIDE</u>	<u>B - RIGHT SIDE</u>
FRONT ELEVATION SIDING COLOR	HEATHERED MOSS 	AUTUMN TAN 
DORMER SIDING COLOR	HEATHERED MOSS 	N/A
TRIM COLOR	SAILCLOTH 	SAILCLOTH 
WINDOW COLOR	SAILCLOTH 	SAILCLOTH 
FRONT DOOR COLOR	AUTUMN TAN 	HEATHERED MOSS 
METAL ROOFING LOCATION	FRONT ENTRY	FRONT ENTRY
METAL ROOFING COLOR	MEDIUM BRONZE 	PATINA 

SIDING PAINT COLOR ON SIDES, REAR AND GARAGE ARE SAME AS FRONT ELEVATION

COASTAL METAL ROOFING COLORS

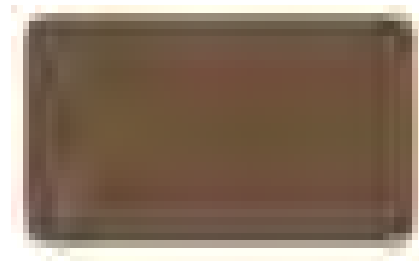
BEAFORT BLUE



SAHARA TAN



MEDIUM BRONZE



PATINA



74-78 CABARRU AVE FRONT COURTYARD FENCE



DATE: November 8, 2023

SUBJECT:

<u>Certificate of Appropriateness Request:</u>	H-14-22
<u>Applicant:</u>	Jim Potter/Old Towne Development
<u>Location of Subject Property:</u>	74, 76, 78 Cabarrus Ave W
<u>PIN:</u>	5620-87-0418
<u>Staff Report Prepared by:</u>	Autumn James, Planning & Development Manager

BACKGROUND

- The subject property at 74, 76, and 78 Cabarrus Ave W is a vacant lot within the North Union Street Historic District.
- “Vacant Lot between 64 and 74-78 Cabarrus Avenue West. Vacant lot that was a former site of a home.” (Exhibit A)

DISCUSSION

On April 13, 2022, Jim Potter with Old Towne Development applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 to construct three (3), two-story townhomes with detached two (2) car garages (Exhibit B).

Previously, the property was occupied by an approximately 3,500 square foot nonconforming commercial multi-tenant building and was held by a private party owner. The subject property was the site of various nuisance complaints through Concord Police Department. In November 2014, the City purchased the property with the intention of more compatible redevelopment in the future. The structure was demolished in January 2015 and the site has been vacant since.

The subject property was rezoned in 2016 to CC-CD (Center City – Conditional District) with the following conditions:

1. Use limited to no more than four (4) +/- 1,700 square foot two-story townhome units;
2. Rear parking;
3. Detached rear loaded garages;
4. Two (2) front courtyards and two (2) front stoops along with rear courtyards;
5. Shared access driveway off of Yorktown St NW;
6. Exit only access onto Cabarrus Ave W; and
7. 6’ tall privacy fence along the adjoining property lines.

The applicant proposes:

1. Three (3) +/- 1,800 square foot two-story townhome units – approximately 22’ x 41’ each;
2. Rear parking providing four (4) spaces along rear property line;
3. Detached, rear loaded two (2) car garages – approximately 22’ x 23’ each;
4. Two (2) front courtyards for the end units and one (1) front stoop for the middle unit;
5. Rear courtyards – approximately 22’ x 13’ each;
6. Shared access driveway off of Yorktown St NW;
7. Exit only access onto Cabarrus Ave W; and
8. 6’ tall privacy fence along the adjoining property lines – wood and painted white.

ATTACHMENTS

Exhibit A: National Register of Historic Places Inventory
Exhibit B: Certificate of Appropriateness Application
Exhibit C: Subject Property Map
Exhibit D: Photos of Subject Property
Exhibit E: Site Plan
Exhibit F: Elevations
Exhibit G: Proposed Exterior Material and Color Scheme
Exhibit H: Proposed Front Doors
Exhibit I: Proposed 6' Wooden Privacy Fence
Exhibit J: Proposed Roofing Shingles
Exhibit K: Proposed Brick
Exhibit L: Approved Staff Report Z(CD)-34-15

HISTORIC HANDBOOK DESIGN RECOMMENDATIONS

Chapter 4: Local Standards and General Policies

Alterations: Alterations having no historical basis shall be avoided whenever possible. Any type of alteration of exterior features of a building, site, or environment within the Historic Districts which is not specifically listed within these regulations shall be referred to the Historic Preservation Commission for action on the issuance of a Certificate of Appropriateness.

- All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.
- Contemporary design for alterations and additions to existing properties shall be encouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- New additions or alterations shall be construed in such a manner as to preserve the essential form and integrity of the structure, should the addition or alteration be removed.

Approval Requirement Needs Table: New Construction or Additions

- All new construction and additions require Commission Hearing and Approval.

Chapter 5 – Section 1: New Principal Structure Construction

- The successful integration of new structures or building additions to the neighborhood depends on how well the building will preserve existing site features such as trees, slopes, natural drainage patterns, rock outcrops, etc.
- The Historic Preservation Commission will consider how well the proposed construction will maintain the unifying features that exist, such as tree canopies, clean boundaries, and architectural and landscape details.
- Other considerations include how compatible the proposed structure will be in material, scale, site setting, spatial relationships, color, and details with immediate neighbors.
- Careful consideration should be given to the design and placement of driveways, landscaping, lighting, signage, walkways, and the retention of mature trees or other historic features of landscape.

- *Building materials, features, fenestration, and texture are also important to consider when designing for compatibility.*
- *A wide range of features and materials presently used in the neighborhood provide a broad range of options from which to choose.*
- *Through the use of porches, chimneys, bays, and other details, new buildings can be designed to have texture compatible with the Historic context.*

Design Standards: New Construction

1. *New construction shall coordinate in material, scale, size, site position, spatial relationship, and details with immediate neighbors within one hundred feet (100') of the proposed construction.*
2. *Where feasible, roof forms should be consistent and compatible to others in the district. Large flat expanses of walls or roofs should be avoided.*
3. *New construction should avoid A-frame, dome, shed, and flat roofs.*
4. *Locate and size window and door openings so they are compatible in placement, orientation, spacing, proportion, size and scale with the surrounding historic buildings.*
5. *The Historic Preservation Commission encourages compatible contemporary design in order to reflect accurately the differences between historic buildings and newer structures.*
6. *Introduce features such as porches, chimneys, bays, and architectural details as appropriate so that the texture of new residential structures is compatible with surrounding historic structures. Detailing on new structures should be consistent with its overall scheme and design.*
7. *Contemporary substitute materials such as hardiplank may be approved on a case by case basis for new structures. In order to qualify for use in new construction, these materials must have a demonstrated record of overall quality and durability. The physical properties of substitute materials must be similar to those of the historic materials they mimic. When considering substitute materials, the closer an element is to the viewer, the more closely the material and craftsmanship should match the original. The appropriateness of substitute materials shall be reviewed on an individual basis.*
8. *Vinyl siding for new construction is not appropriate.*

RECOMMENDATION:

1. The Historic Preservation Commission should consider the circumstances of this application for a Certificate of Appropriateness relative to the North and South Union Street Historic Districts Handbook and Guidelines and act accordingly.
2. If approved, applicant(s) should be informed of the following:
 - City staff and Commission will make periodic on-site visits to ensure the project is completed as approved.
 - Completed project will be photographed to update the historic properties survey.

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Inventory—Nomination Form**

For NPS use only
received
Date entered

Continuation sheet	Item number	Page
Inventory List - North Union Street Historic District, Concord	#7	65

long, sawn brackets with pendant-drops. The paired, segmental-arched windows of the first and second floors are trimmed with molded surrounds and bracketed hoods. Below second story cornice rests a stylish frieze that features crenelated moldings, pendant-drop brackets, and panels with garland inserts. The mansard roof, with segmental-arched dormers is topped with a paneled frieze and cornice that features the same garland inserts and pendant-drop brackets that are located above the first story.

Matthew O. Beatty (1828-1898) was a builder and contractor. He was originally from Westmoreland County, Pennsylvania and came to Concord in 1870. The house was built within the early years of his 1874 marriage to Sarah Emaline Benson Swink Beatty. Sarah Beatty owned the land and the home remained in her family until the 1970s. T. Laine Harling, a contractor, and his wife Alice Arey have undertaken the restoration of the home.

- 134. House
64 Cabarrus Avenue, West
1892 (SM)
C

A one-story, frame, shingled bungalow with porch. Gable front supported by shingled pillars rising from a retaining wall. Slanted facade with ell and another bay on eastern elevation.

- 135. Vacant Lot
Between 64 and 74-78 Cabarrus Avenue West.
VL

Vacant lot that was a former site of a home.

- 136. Commerical Building
74-78 Cabarrus Avenue
I

One-story, brick, commerical building with a large front. Parking lot and three stories that include H & R Block, a beauty salon, and a vinyl siding shop.

- 137. Thomas Ross House
90 Cabarrus Avenue, West
1916 (SM)
C

AN INCOMPLETE APPLICATION WILL NOT BE PLACED ON THE AGENDA UNTIL ALL OF THE REQUIRED ATTACHMENTS AND/OR ITEMS LISTED ON PAGE 2 ARE SUBMITTED.

APPLICANT INFORMATION

Name: TIM POTTER - PRES OLD TOWNE DEVELOPMENT
Address: 8312 CADWELL RD
City: HARRISBURG State: NC Zip Code: 28075 Telephone: 704 746 8473

OWNER INFORMATION

Name: ~~OTD~~ OLD TOWNE DEVELOPMENT CORP
Address: 8312 CADWELL RD
City: HARRISBURG State: NC Zip Code: 28075 Telephone: 704 746 8473

SUBJECT PROPERTY

Street Address: 74, 76, 78 CABARRUS AVE W. P.I.N. # 56208704180000
Area (acres or square feet): .337 Current Zoning: CC-CD Land Use: RESIDENTIAL

**Staff Use
Only:**

Application Received by: _____ Date: _____, 20 _____

Fee: \$20.00 Received by: _____ Date: _____, 20 _____

The application fee is nonrefundable.

General Requirements

The Unified Development Ordinance imposes the following rules, regulations and requirements on requests for Certificates of Appropriateness. The applicant must, with reference to the attached plans, demonstrate how the proposed use satisfies these requirements:

1. Project or Type of Work to be Done: New Town Home Building w/ 3 - 1800 SF 2 STORY TOWNHOMES w/ 2 CAR GARAGES
2. Detailed specifications of the project (type of siding, windows, doors, height/style of fence, color, etc.):
BRICK - OLD COLONY. BY TRIANGLE BRICK
SIDING - CEMENT BASED LAP SIDING - JAMES HARDIE OR EQUIV.
ROOFING - VIRGINIA SLATE 30 YR ARCH. SHINGLES BY TAMPKO.
WINDOWS - ALUMINUM CLAD S/DL DOUBLE HUNG WINDOWS BY WINDSE
FRONT ENTRY - FIBERGLASS DOOR w/ COLOR MATCHED PAINT FINISH
METAL ROOFING - STANDING SEAM PAINTED METAL ROOFING - CONSTAR METAL

Required Attachments/Submittals

1. Scaled site plan, if additions or accessory structures are proposed, on letter, legal or ledger paper. Larger sized copies will be accepted.
2. Detailed written description of the project.
3. Photographs of site, project, or existing structures from a "before" perspective.
4. Drawings, sketches, renderings, elevations, or photographs necessary to present an illustration of the project from an "after" perspective if applicable.
5. Samples of windows, doors, brick, siding, etc. must be submitted with application.
6. Detailed list of materials that will be used to complete the project.

Certification

(1) I hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department. (2) I understand that City staff and/or members of the Historic Preservation Commission may make routine visits to the site to insure that work being done is the same as the work that was approved. (3) I understand that photographs of the completed project will be made to update the City's historic districts inventory database.

4/6/23

Date

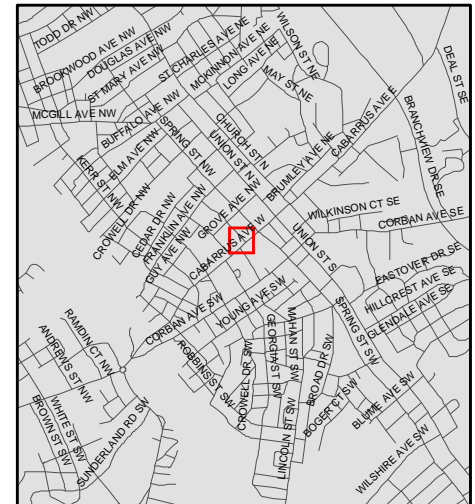
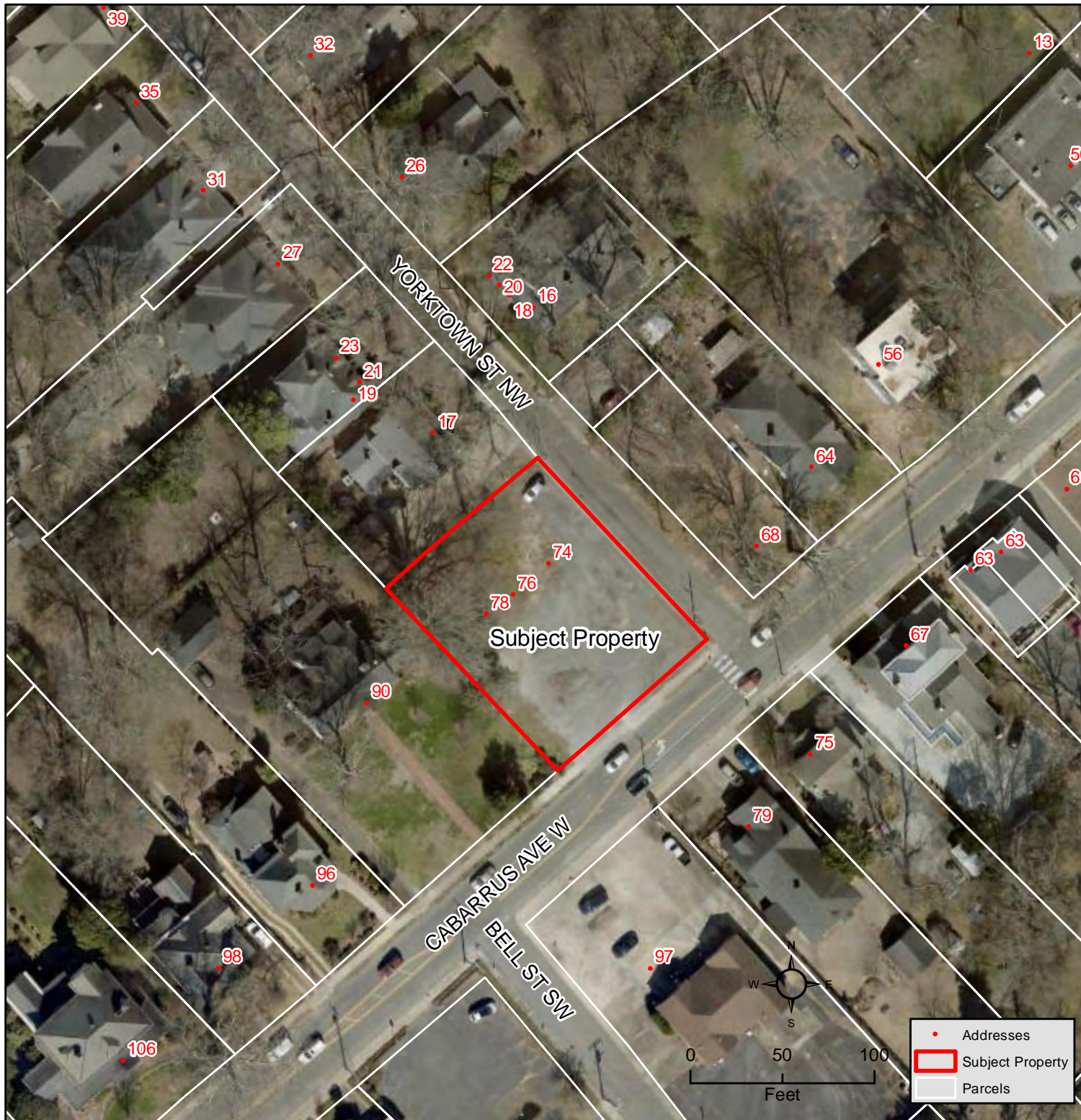
[Signature]

Signature of Owner/Agent

H-14-22

74, 76, 78 Cabarrus Ave W

PIN: 5620-87-0418



Source: City of Concord
Planning Department

Disclaimer

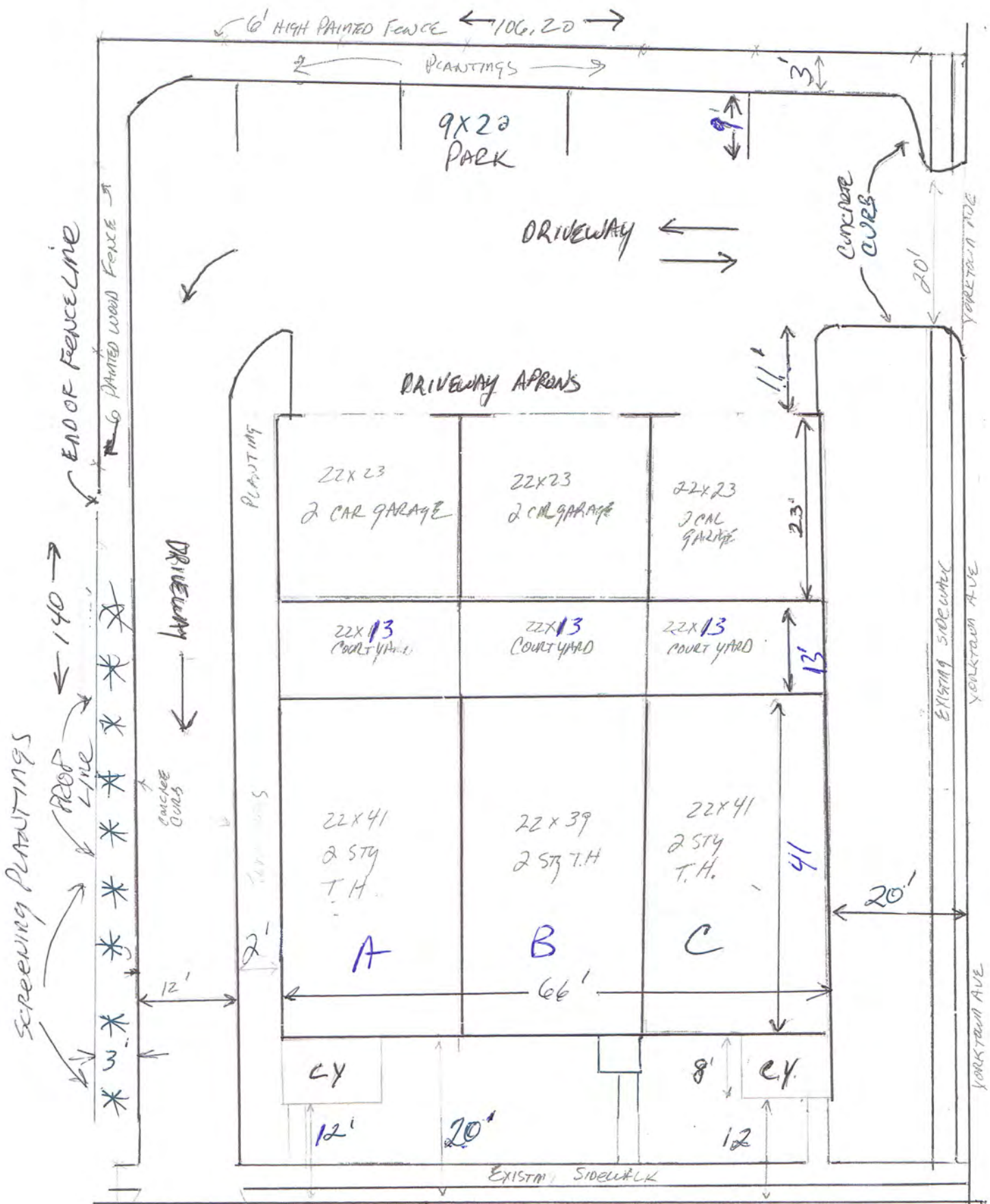
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Before Image from Yorktowne Ave.



Before Image from Cabarrus Ave.





74-76 CABARRUS AVE WEST

1" = 10 FT

Exhibit E

CLIMATE ZONES	FENESTRATION U-FACTOR ^a	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b,d}	CEILING ^m R-VALUE	WOOD FRAMED WALL R-VALUE	MASS WALL R-VALUE ^l	FLOOR R-VALUE	BASEMENT ^{n,o} WALL R-VALUE	SLAB ^d R-VALUE AND DEPTH	CRAWL SPACE ^c WALL R-VALUE
3	0.35	0.55	0.30	38 or 30 cont	15 or 13 + 2.5 ^h	5/13 or 5/10 cont	19	5/13 ^t	0	5/13
4	0.35	0.55	0.30	38 or 30 cont ^l	15 or 13 + 2.5 ^h	5/13 or 5/10 cont	19	10/15	10	10/15
5	0.35	0.55	NR	38 or 30 cont ^l	19 ^p or 13 + 5 ^h or 15 + 3 ^h	13/17 or 13/12.5 cont	30 ^q	10/15	10	10/19

* TABLE N1102.1 CLIMATE ZONES 3-5

- NO SCALE
- a. R-VALUES ARE MINIMUMS. U-FACTORS AND SHGC ARE MAXIMUMS. WHEN INSULATION IS INSTALLED IN A CAVITY WHICH IS LESS THAN THE LABEL OR DESIGN THICKNESS OF THE INSULATION, THE INSTALLED R-VALUE OF THE INSULATION SHALL NOT BE LESS THAN THE R-VALUE SPECIFIED IN THE TABLE.
 - b. THE FENESTRATION U-FACTOR COLUMN EXCLUDES SKYLIGHTS. THE SOLAR HEAT GAIN COEFFICIENT (SHGC) COLUMN APPLIES TO ALL GLAZED FENESTRATION.
 - c. "10/15" MEANS R-10 CONTINUOUS INSULATED SHEATHING ON THE INTERIOR OR EXTERIOR OF THE HOME OR R-15 CAVITY INSULATION AT THE INTERIOR OF THE BASEMENT WALL OR CRAWL SPACE WALL.
 - d. FOR MONOLITHIC SLABS, INSULATION SHALL BE APPLIED FROM THE INSPECTION GAP DOWNWARD TO THE BOTTOM OF THE FOOTING OR A MAXIMUM OF 24" BELOW GRADE WHICHEVER IS LESS. FOR FLOATING SLABS, INSULATION SHALL EXTEND TO THE BOTTOM OF THE FOUNDATION WALL OR 24", WHICHEVER IS LESS. R-5 SHALL BE ADDED TO THE REQUIRED SLAB EDGE R-VALUES FOR HEATED SLABS.
 - e. DELETED
 - f. BASEMENT WALL INSULATION IS NOT REQUIRED IN WARM-HUMID LOCATIONS AS DEFINED BY FIGURE N1101.Z AND TABLE N1101.Z.
 - g. OR INSULATION SUFFICIENT TO FILL THE FRAMING CAVITY. R-19 MINIMUM.
 - h. THE FIRST VALUE IS CAVITY INSULATION, THE SECOND VALUE IS CONTINUOUS INSULATION, SO "13+5" MEANS R-13 CAVITY INSULATION PLUS R-5 INSULATED SHEATHING. "15+3" MEANS R-15 CAVITY INSULATION, PLUS R-3 INSULATED SHEATHING. IF STRUCTURAL SHEATHING COVERS 25% OR LESS OF THE EXTERIOR, INSULATING SHEATHING IS NOT REQUIRED WHERE THE STRUCTURAL SHEATHING IS USED. IF STRUCTURAL SHEATHING COVERS MORE THAN 25 PERCENT OF THE EXTERIOR, SHALL BE SUPPLEMENTED WITH INSULATED SHEATHING OF AT LEAST R-2. "13 + 2.5" MEANS R-13 CAVITY INSULATION PLUS R-2.5 SHEATHING.
 - i. FOR MASS WALLS, THE SECOND R-VALUE APPLIES WHEN MORE THAN HALF THE INSULATION IS ON THE INTERIOR MASS WALL.
 - j. IN ADDITION TO THE EXEMPTION IN SECTION N1102.3.3, A MAXIMUM OF TWO GLAZED FENESTRATION PRODUCT ASSEMBLIES HAVING A U-FACTOR NO GREATER THAN 0.55 SHALL BE PERMITTED TO BE SUBSTITUTED FOR MINIMUM CODE COMPLIANT FENESTRATION PRODUCT ASSEMBLIES WITHOUT PENALTY.
 - k. IN ADDITION TO THE EXEMPTION IN SECTION N1102.3.3, A MAXIMUM OF TWO GLAZED FENESTRATION PRODUCT ASSEMBLIES HAVING A SHGC NO GREATER THAN 0.70 SHALL BE PERMITTED TO BE SUBSTITUTED FOR MINIMUM CODE COMPLIANT FENESTRATION PRODUCT ASSEMBLIES WITHOUT PENALTY.
 - l. R-30 SHALL BE DEEMED TO SATISFY THE CEILING INSULATION REQUIREMENT WHEREVER THE FULL HEIGHT OF UNCOMPRESSED R-30 INSULATION EXTENDS OVER THE WALL TOP PLATE AT THE EAVES. OTHERWISE, R-30 INSULATION IS REQUIRED WHERE ADEQUATE CLEARANCE EXISTS OR INSULATION MUST EXTEND TO EITHER THE INSULATION BAFFLE OR WITHIN 1 INCH OF THE ATTIC ROOF DECK.
 - m. TABLE VALUE REQUIRED EXCEPT FOR ROOF EDGE WHERE THE SPACE IS LIMITED BY THE PITCH OF THE ROOF. THERE THE INSULATION MUST FILL THE SPACE UP TO THE AIR BAFFLE.
 - n. R-19 FIBERGLASS BATTIS COMPRESSED AND INSTALLED IN A NOMINAL 2 x 8 FRAMING CAVITY IS DEEMED TO COMPLY. FIBERGLASS BATTIS RATED R-19 OR HIGHER COMPRESSED AND INSTALLED IN A 2x4 WALL IS NOT DEEMED TO COMPLY.
 - o. BASEMENT WALL MEETING THE MINIMUM MASS WALL SPECIFIC HEAT CONTENT REQUIREMENT MAY USE THE MASS WALL R-VALUE AS THE MINIMUM REQUIREMENT.

Residential Designer will not be responsible for structure. Details & Notes are provided for reference only. Consult with a licensed structural engineer to verify all construction details, footing sizes, point loads, joist size and direction, etc. Plans shall be reviewed and approved by Builder and/or homeowner before construction begins. Residential designer has made every attempt to address code to the best of their ability but will not accept any liability related to code compliance, etc.

DRAWING INDEX

- 1.0 COVER SHEET
- 2.0 FIRST FLOOR PLAN
- 3.0 SECOND FLOOR PLAN
- 4.0 FRONT & RIGHT ELEVATIONS
- 5.0 REAR & LEFT ELEVATIONS
- 6.0 REAR ELEVATION
- GN GENERAL NOTES
- S1 FOUNDATION PLAN
- S2 FIRST FLOOR FRAMING PLAN
- S3 SECOND FLOOR FRAMING PLAN
- S4 ROOF PLAN
- D1 DETAILS
- D2 DETAILS

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FRONT ELEVATION

SCALE: 1/4" = 1'-0"

Michael W. Harmon
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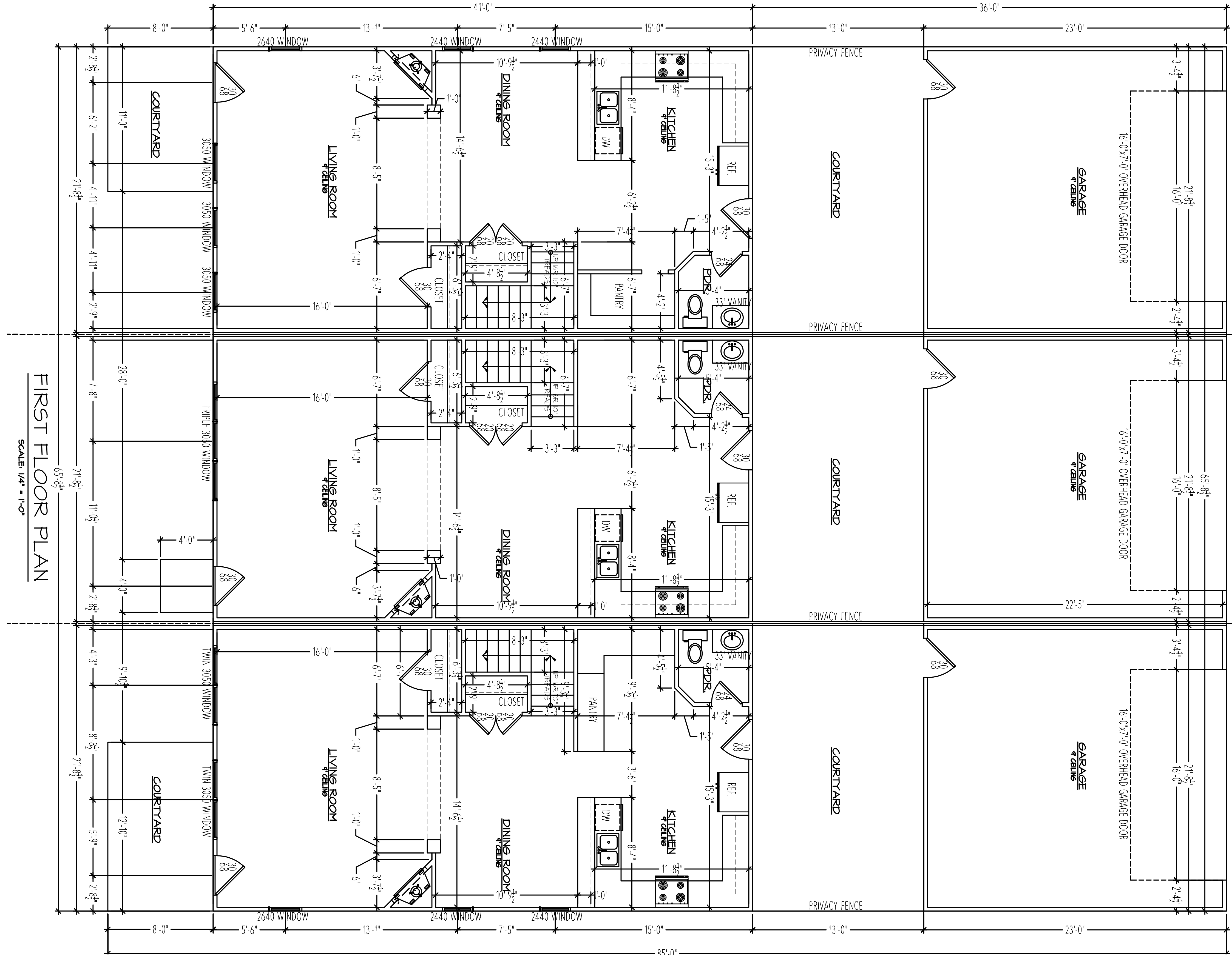
Old Towne Dev.
Yorktowne

CONTRACT NO.	JOB NO.	DRAWN BY:	CHECKED BY:
	2023-14	MWH	CAD
REVISIONS:			
DATE: 2.1.23			

SHEET NO.

1.0

R 302.2.5 & 302.2.6-TOWNHOUSE EAVE PROTECTION
 IN TOWNHOUSE CONSTRUCTION (WITH 3 OR MORE ATTACHED DWELLINGS) PROJECTIONS EXTENDING INTO THE FIRE SEPARATION DISTANCE SHALL HAVE NOT LESS THAN 1 HOUR FIRE RESISTIVE CONSTRUCTION ON THE UNDERSIDE. SOFFIT MATERIAL BEYOND THE FIRE SEPARATION DISTANCE SHALL BE SECURELY ATTACHED TO FRAMING MEMBERS AND SHALL BE CONSTRUCTED USING EITHER NON-COMBUSTIBLE SOFFIT MATERIAL, FIRE RETARDANT TREATED SOFFIT MATERIAL, VINYL SOFFIT INSTALLED OVER 3/4" WOOD SHEATHING OR 5/8" GYPSUM BOARD. VENTING REQUIREMENTS SHALL BE PROVIDED IN BOTH SOFFIT AND UNDERLAYMENTS. VENTS SHALL BE EITHER NOMINAL 2" CONTINUOUS OR EQ. INTERMITTENT AND SHALL NOT EXCEED THE MIN. NET FREE AIR REQUIREMENTS ESTABLISHED IN SECTION R206.2 BY MORE THAN 50%
 VENTS IN THE SOFFIT ARE NOT ALLOWED WITHIN 4' OF FIRE WALLS OR PROPERTY LINES



FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

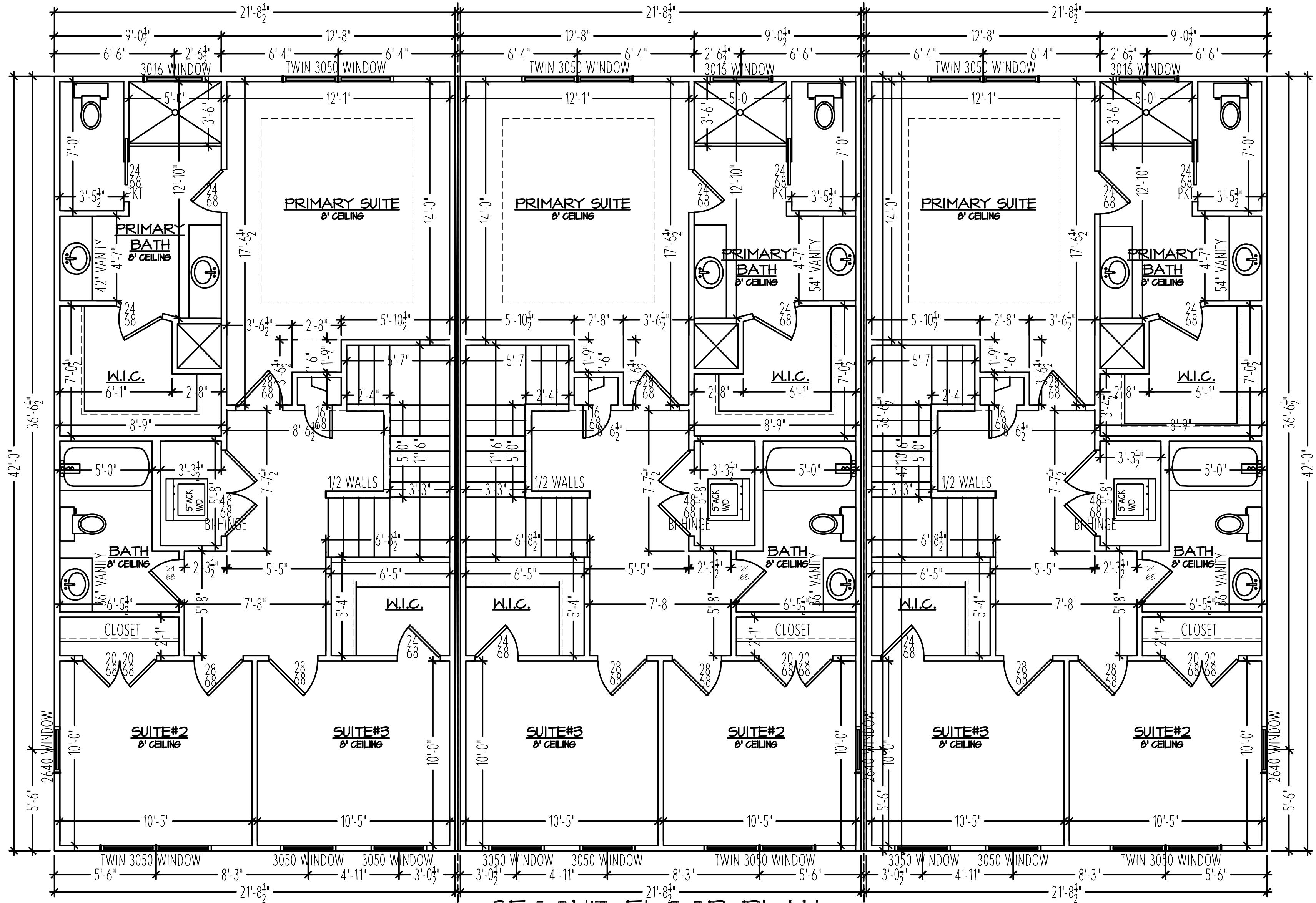
Old Towne Dev. Yorktowne

COMM. NO.	2023-14
JOB NO.	2023-14
DRAWN BY:	MWH
CHECKED BY:	CAD
REVISIONS:	
DATE:	2.1.23

SHEET NO.
2.0

R 302.2.5 & 302.2.6-TOWNHOUSE EAVE PROTECTION
 IN TOWNHOUSE CONSTRUCTION (WITH 3 OR MORE ATTACHED DWELLINGS) PROJECTIONS EXTENDING INTO THE FIRE SEPARATION DISTANCE SHALL HAVE NOT LESS THAN 1 HOUR FIRE RESISTIVE CONSTRUCTION ON THE UNDERSIDE. SOFFIT MATERIAL BEYOND THE FIRE SEPARATION DISTANCE SHALL BE SECURELY ATTACHED TO FRAMING MEMBERS AND SHALL BE CONSTRUCTED USING EITHER NON-COMBUSTIBLE SOFFIT MATERIAL, FIRE RETARDANT TREATED SOFFIT MATERIAL, VINYL SOFFIT INSTALLED OVER 3/4" WOOD SHEATHING OR 5/8" GYPSUM BOARD. VENTING REQUIREMENTS SHALL BE PROVIDED IN BOTH SOFFIT AND UNDERLAYMENTS. VENTS SHALL BE EITHER NOMINAL 2" CONTINUOUS OR EQ. INTERMITTENT AND SHALL NOT EXCEED THE MIN. NET FREE AIR REQUIREMENTS ESTABLISHED IN SECTION R806.2 BY MORE THAN 50%
 VENTS IN THE SOFFIT ARE NOT ALLOWED WITHIN 4' OF FIRE WALLS OR PROPERTY LINES

FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"



CHARLOTTE - NORTH CAROLINA 704-877-9647
 www.dthomeplans.com

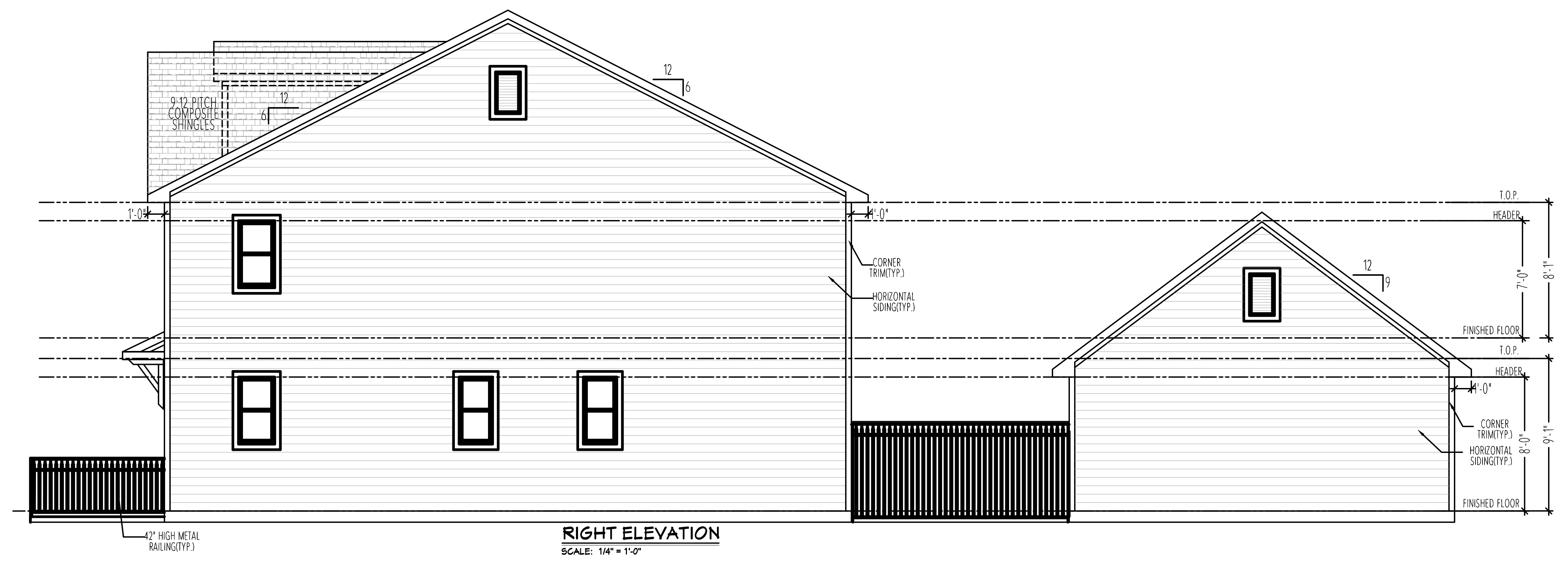
Old Towne Dev.
 Yorktowne

COMM. NO.	JOB NO.	DATE	DRAWN BY:	CHECKED BY:	CAD
	2023-14	2023-14	MWH		
REVISIONS:					
DATE: 2.1.23					

SHEET NO.
 3.0



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

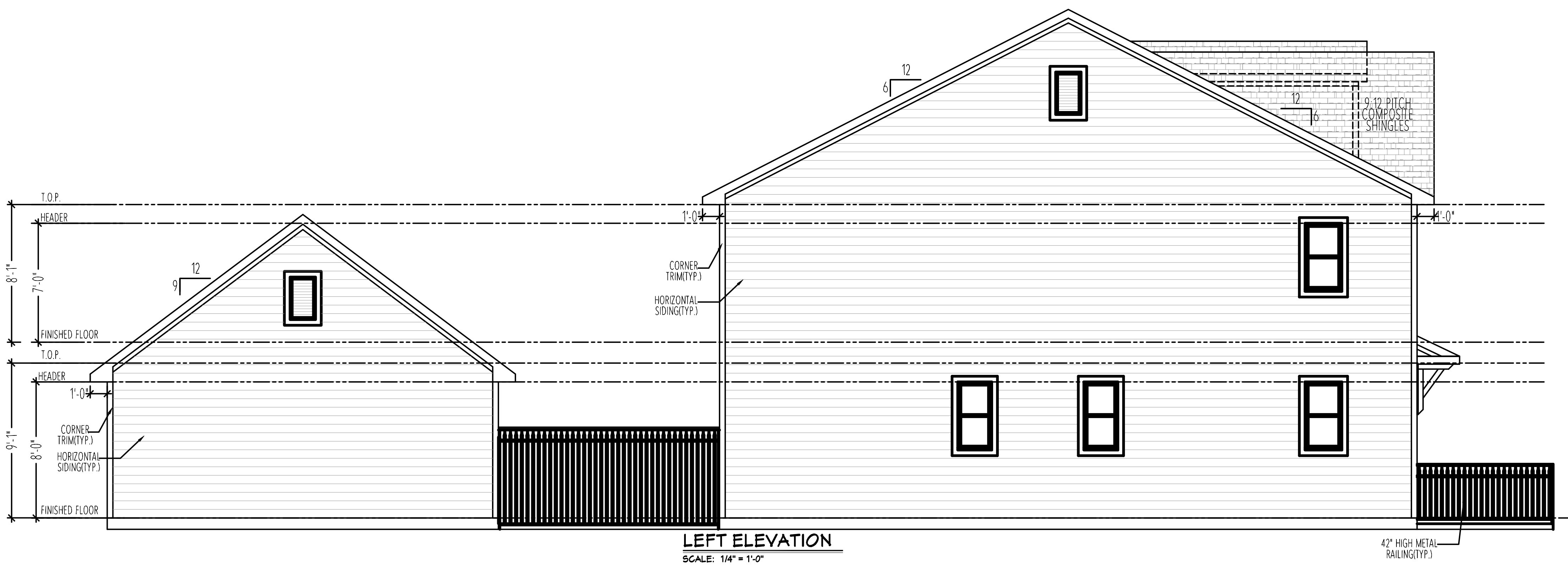
Old Towne Dev.
Yorktowne

COMM. NO.	JOB NO.	DRAWN BY:	CHECKED BY:
	2023-14	MWH	CAD
REVISIONS:			
DATE: 2.1.23			

SHEET NO.
4.0

R 302.2.5 & 302.2.6-TOWNHOUSE EAVE PROTECTION
 IN TOWNHOUSE CONSTRUCTION (WITH 3 OR MORE ATTACHED DWELLINGS) PROJECTIONS EXTENDING INTO THE FIRE SEPARATION DISTANCE SHALL HAVE NOT LESS THAN 1 HOUR FIRE RESISTIVE CONSTRUCTION ON THE UNDERSIDE. SOFFIT MATERIAL BEYOND THE FIRE SEPARATION DISTANCE SHALL BE SECURELY ATTACHED TO FRAMING MEMBERS AND SHALL BE CONSTRUCTED USING EITHER NON-COMBUSTIBLE SOFFIT MATERIAL, FIRE RETARDANT TREATED SOFFIT MATERIAL, VINYL SOFFIT INSTALLED OVER 3/4" WOOD SHEATHING OR 5/8" GYPSUM BOARD. VENTING REQUIREMENTS SHALL BE PROVIDED IN BOTH SOFFIT AND UNDERLAYMENTS. VENTS SHALL BE EITHER NOMINAL 2" CONTINUOUS OR EQ. INTERMITTENT AND SHALL NOT EXCEED THE MIN. NET FREE AIR REQUIREMENTS ESTABLISHED IN SECTION R906.2 BY MORE THAN 50%
 VENTS IN THE SOFFIT ARE NOT ALLOWED WITHIN 4' OF FIRE WALLS OR PROPERTY LINES

8'-1"
 9'-1"



REAR ELEVATION
 SCALE: 1/4" = 1'-0"

LEFT ELEVATION
 SCALE: 1/4" = 1'-0"

MEMBER
A I B D
 AMERICAN INSTITUTE of
 BUILDING DESIGN

DESIGNTIME RESIDENTIAL
 PROFESSIONAL FIRM DESIGN

CHARLOTTE - NORTH CAROLINA 704-877-3647
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Old Towne Dev.
 Yorktowne

COMM. NO.	JOB NO.	DATE
	2023-14	2023-14
REVISIONS:	DRAWN BY:	CHECKED BY:
	MWH	CAD
DATE:	2.1.23	

SHEET NO.
 5.0



YORKTOWNE - BY OLD TOWNE DEVELOPMENT

DETAILED MATERIAL LIST

74-78 CABARRUS AVE W. CONCORD, NC

YORKTOWNE EXTERIOR SCHEME

EXTERIOR MATERIALS:

SIDING AND TRIM - CEMENT COMPOSITE LAP SIDING - JAMES HARDIE OR EQUIVALENT

BRICK - TRIANGLE BRICK - OLD COLONY STYLE

FRONT ENTRY DOORS - PAINTED FIBERGLASS - WITH GLASS - COLOR COORDINATED WITH SIDING

WINDOWS - WINDSOR BRAND - SDL - ALUMINUM CLAD -

ROOFING - MAIN TAMPCO - HERITAGE 30 YR - COLOR: VIRGINIA SLATE

ROOFING - DORMER TAMPCO - HERITAGE 30 YR - COLOR : VIRGINIA SLATE

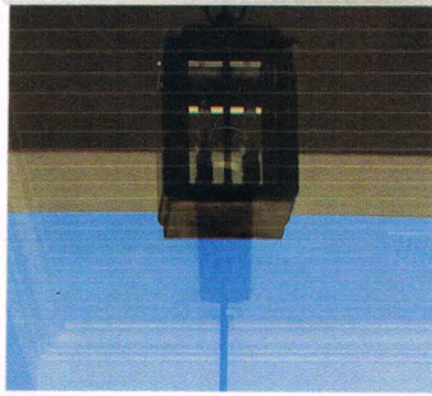
ROOFING - PORCH PAINTED METAL STANDING SEAM ROOFING

SIDING COLORS: (FROM JAMES HARDIE SIDING COLORS)

	<u>FRONT ELEVATIONS</u>			<u>SIDES AND REAR</u>
	<u>78 CABARRUS</u>	<u>76 CABARRUS</u>	<u>74CABARRUS</u>	<u>ALL ADDRESSES</u>
LOWER SIDING COLOR	HARRIS CREAM	MOUNTAIN SAGE	SANDSTONE BEIGE	AUTUMN TAN
UPPER SIDING COLOR	KHAKI BROWN	HEATHERED MOSS	COBBLESTONE	HARRIS CREAM
GABLE SIDING COLOR (IF NEEDED)	AUTUMN TAN	N/A	HARRIS CREAM	HARRIS CREAM
DORMER SIDING COLOR	N/A	SAILCLOTH	N/A	N/A
GARAGE	HARRIS CREAM	MAUNTAIN SAGE	SANDSTONE BEIGE	HARRIS CREAM
TRIM COLOR	SAILCLOTH	SAILCLOTH	SAILCLOTH	SAILCLOTH

WINDOW CLAD COLOR (WINDSOR WINDOWS) - LINEN (MATCH TO SAILCLOTH)

Proposed Front Entry Doors



KNOW THE BEAUTY OF INNOVATION

10201 Industrial Dr.,
Pineville, NC 28134
704.889.8182

2591 Jenkins Dairy Road
Gastonia, NC 28052
704.824.8182

205 Watling Road
West Columbia, SC 29170
803.939.9290

1168 St. Marks Church Road
Burlington, NC 27215
336.584.1349

5042 Hampton Ridge Road
Rock Hill, SC 29732
803.366.8182

"Service You Can Build On."



Exhibit H

Privacy Fence Images

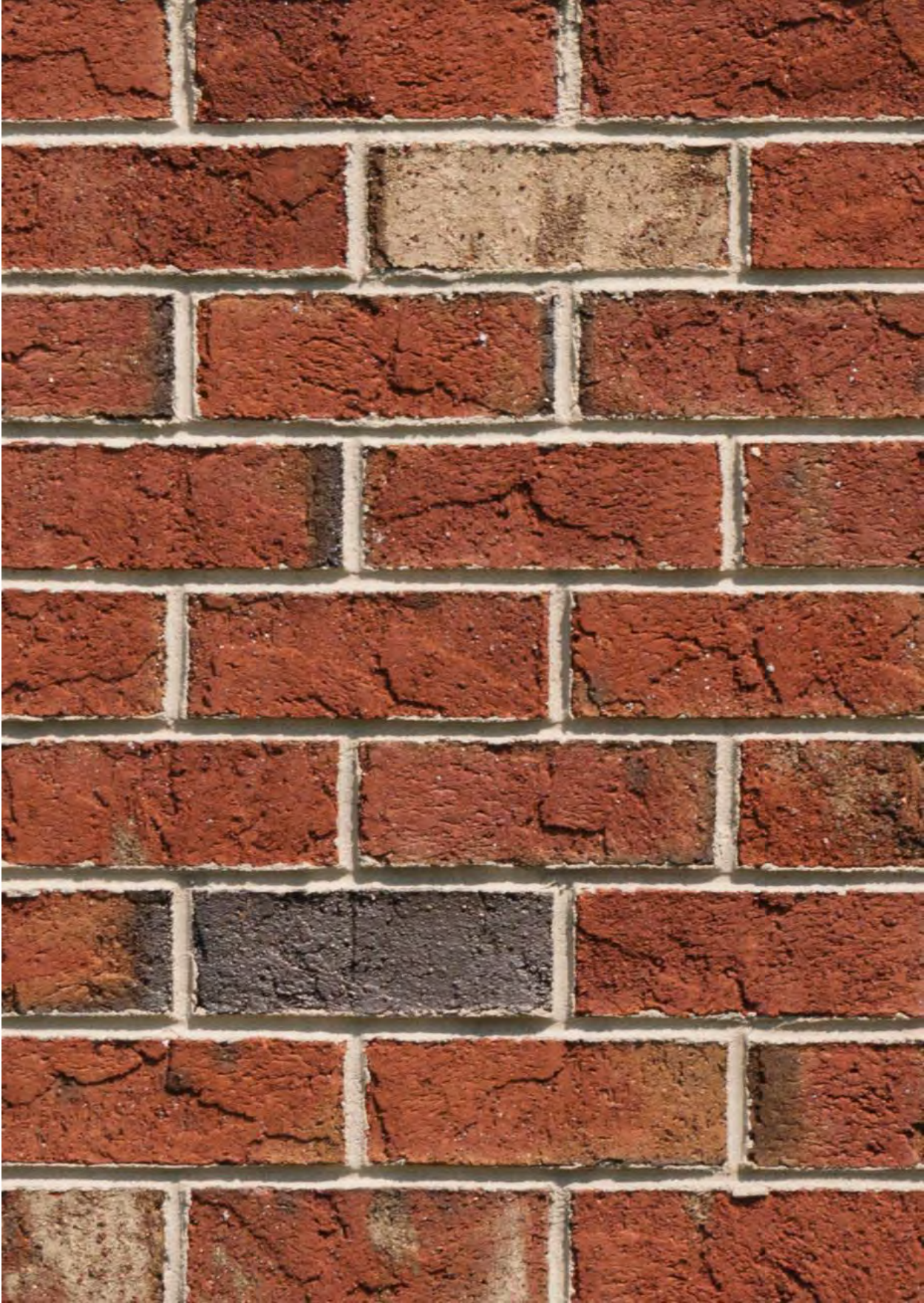




Proposed Roofing Shingles



TRIANGLE BRICK - OLD COLONY





DATE: March 15, 2016

CASE #: Z (CD)-34-16

DESCRIPTION: Zoning Map Amendment from RM-2 (Residential Medium Density) to CC-CD (Center City Conditional District)

OWNER/APPLICANT: City of Concord

LOCATION: 74, 76, and 78 Cabarrus Ave. West

PIN#: 5620-87-0418

AREA: .33 +/- acres

ZONING: RM-2 (Residential Medium Density)

PREPARED BY: Starla Rogers – Sr. Planner

BACKGROUND

This case came before the Planning and Zoning Commission on January 19th 2016. Several neighbors spoke at the public hearing in opposition to the request. The primary concerns were: Parking on Yorktown St., vehicular traffic congestion on Yorktown St., zoning classification of Center City, townhome use, number of townhome units, small front yard setback, and rental versus owner occupied units. The Planning and Zoning Commission tabled the case to allow the City and the neighbors to further discuss the project and possible methods of compromise.

After the meeting, City Staff contacted the potential buyer and he confirmed that he would not be in favor of modifying the request to single family homes or to reduce the number of townhome units. With that in mind, staff revised the townhome site plan to incorporate varied front setbacks for the units by incorporating both a front courtyard and stoop entry. Additionally, the site plan was modified to allow an exit only access point on Cabarrus Avenue. This new point of egress minimizes the need for residents of the townhomes to exit onto Yorktown Street.

After speaking with the potential buyer of the property, City staff held several meetings with surrounding neighbors and members of the community. A detailed description of each meeting and the resulting outcome is attached for the Commission’s review. The result of each meeting varied. Some citizens with whom the meetings were held are now in support of the project or have decided to be neutral. However, there are still individuals in opposition as well. With an active offer to purchase, conditioned on the rezoning and four (4) townhomes, the request must be carried through the rezoning process as presented.

HISTORY

The subject property is approximately .33 acres in a RM-2 (Residential Medium Density) zoning district, abutting the CC (Center City) zoning district. Cabarrus Avenue separates the subject property and other properties within the CC district. The property is also located within the City's Historic Preservation Overlay district.

Previously, the property was occupied by an approximately 3,500sf nonconforming commercial multi-tenant building and was held by a private party owner. The subject property was the site of various nuisance complaints through Concord Police Department. In November of 2014 the City purchased the property with intentions of more compatible redevelopment in the future. The structure was demolished in January 2015 and the site is now vacant.

The City met and discussed the project with individuals in the surrounding neighborhood. A formal neighborhood meeting was held on March 10th, 2015 in order to allow residents/property owners/tenants to have input on the future use/development of the site. The City presented several options including single-family detached residential dwellings, a commercial structure, and single-family residential attached units (townhomes). The result of the meeting was a preference of residential to commercial. Single-family residential was the overall neighborhood preference resulting from the meeting. After sending out an RFP, the only returned interest in redevelopment of the property was an offer to purchase for townhome development. Preliminary site designs indicate the site can accommodate four (4) two-story townhome units with rear detached garages, rear parking, two-way access off of Yorktown Street and one-way exit to Cabarrus Avenue.

Typically when requests must appear before both the Planning and Zoning Commission and the Historic Preservation Commission (HPC), the applicant first appears before HPC. This process is used so that the Planning and Zoning Commission has assurance that the HPC has approved site design and elevations as compatible with the Historic District prior to approval of any conditional zoning modification. This limits the need for multiple meetings/re-reviews. However, in this instance, the City has a prospective buyer for the property and the sale is dependent upon zoning approval. Therefore, there are no formal site plans, elevations, or material descriptions to accompany this conditional rezoning. Instead there are preliminary designs as to what the site could accommodate if rezoning were approved. Should the Commission approve the request to rezone the property to CC-CD, the following conditions are proposed:

1. Use limited to no more than (4) +/- 1700sf two-story townhome units
2. Rear parking
3. Detached rear loaded garages
4. Two front courtyards and two front stoops along with rear courtyards
5. Shared access driveway off of Yorktown Street, NW
6. Exit only access onto Cabarrus Avenue, West.
7. 6ft tall privacy fences along the adjoining property lines if approved by HPC

City staff made a presentation to the HPC on December 30th explaining the project, proposed uses, and need for modification to the public hearings order. The Commission had no objections and was informed of the upcoming Planning and Zoning meeting should they care to attend as private citizens or elect a representative to speak.

Site Plan and elevations are submitted as potential designs corresponding with the conditions proposed above. Should the Commission approve the rezoning subject to those conditions, the project would be required to meet the enhanced Center City design standards as well as those imposed by the Historic Preservation Overlay district and the Historic Preservation Commission.

Existing Zoning and Land Uses				
Zoning of Subject Property	Direction	Zoning Within 500 Feet	Land Uses(s) of Subject Property	Land Uses Within 500 Feet
RM-2	North	RM-2 Residential Medium Density and C-1 (Light Commercial)	Vacant	Single-Family Residential, and Institutional (Old Courthouse Theatre/
	East	RM-2 (Residential Medium Density), C-1 (Light Commercial) and CC (Center City)		Single-Family Residential, Commercial, Office and Institutional
	South	CC (Center City), C-1 (Light Commercial), and RC (Residential Compact)		Single-Family Residential, Commercial, and Institutional
	West	RM-2 (Residential Medium Density) and C-2 (General Commercial)		Single-Family Residential and Commercial

COMPLIANCE WITH THE CENTER CITY PLAN AND 2015 LAND USE PLAN

The subject property is located within the Center City Plan, incorporated into the 2015 Land Use Plan, and is designated as “Commercial.” During the update of the Center City Plan, many already developed properties were designated with land use categories that paralleled their existing uses. The subject property was occupied by a longstanding commercial building and was thus designated as such. The existing RM-2 zoning classification is not consistent with the land use classification. However, the proposed CC (and conditional district variations) is considered consistent and a corresponding zoning classification to the commercial land use designation and is therefore appropriate.

SUGGESTED STATEMENT OF ZONING CONSISTENCY

- The subject property is approximately .33 acres, is zoned RM-2 (Residential Medium Density) and is located within the Historic Preservation Overlay District.
- The subject property is a vacant lot.
- The proposed zoning amendment is consistent with the Center City Plan and thus the 2015 Land Use Plan (LUP) as the subject property is designated “commercial” and CC (Center City) is a corresponding zoning classification.
- The zoning amendment is reasonable and in the public interest because the petition allows for compatible single-family residential uses and is an extension of the existing CC (Center City) zoning across Cabarrus Avenue, West.

SUGGESTED RECOMMENDATION AND CONDITIONS

The staff finds the request consistent with the Center City Plan and 2015 Land Use Plan and the

requirements of the Concord Development Ordinance. The petition meets the minimum requirements of the CDO. It is a parallel conditional district request, the Commission, should they decide to approve the request, may, according to Section 3.2.8.E of the CDO, suggest **“reasonable additional conditions or augment those already provided with the petition, but only those conditions mutually agreed upon by the petitioner and the Commission or Council may be incorporated into the approval. Any such condition should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space and other matters that the Commission or Council may find appropriate.”**

The petitioner has consented to the following conditions:

1. Use limited to no more than (4) +/- 1700sf two-story townhome units
2. Rear parking
3. Detached rear loaded garages
4. Two front courtyards and two front stoops along with rear courtyards
5. Shared access driveway off of Yorktown Street, NW
6. Exit only access onto Cabarrus Avenue, West.
7. 6ft tall privacy fences along the adjoining property lines if approved by HPC

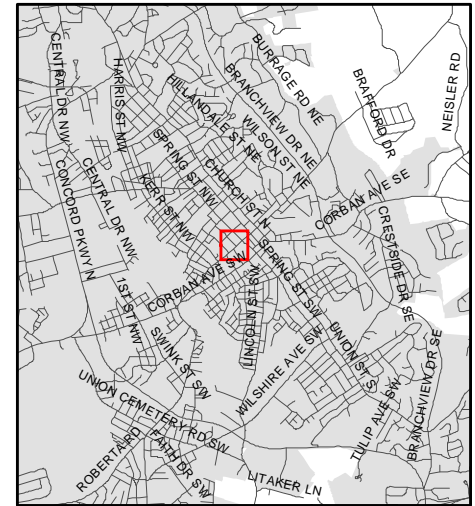
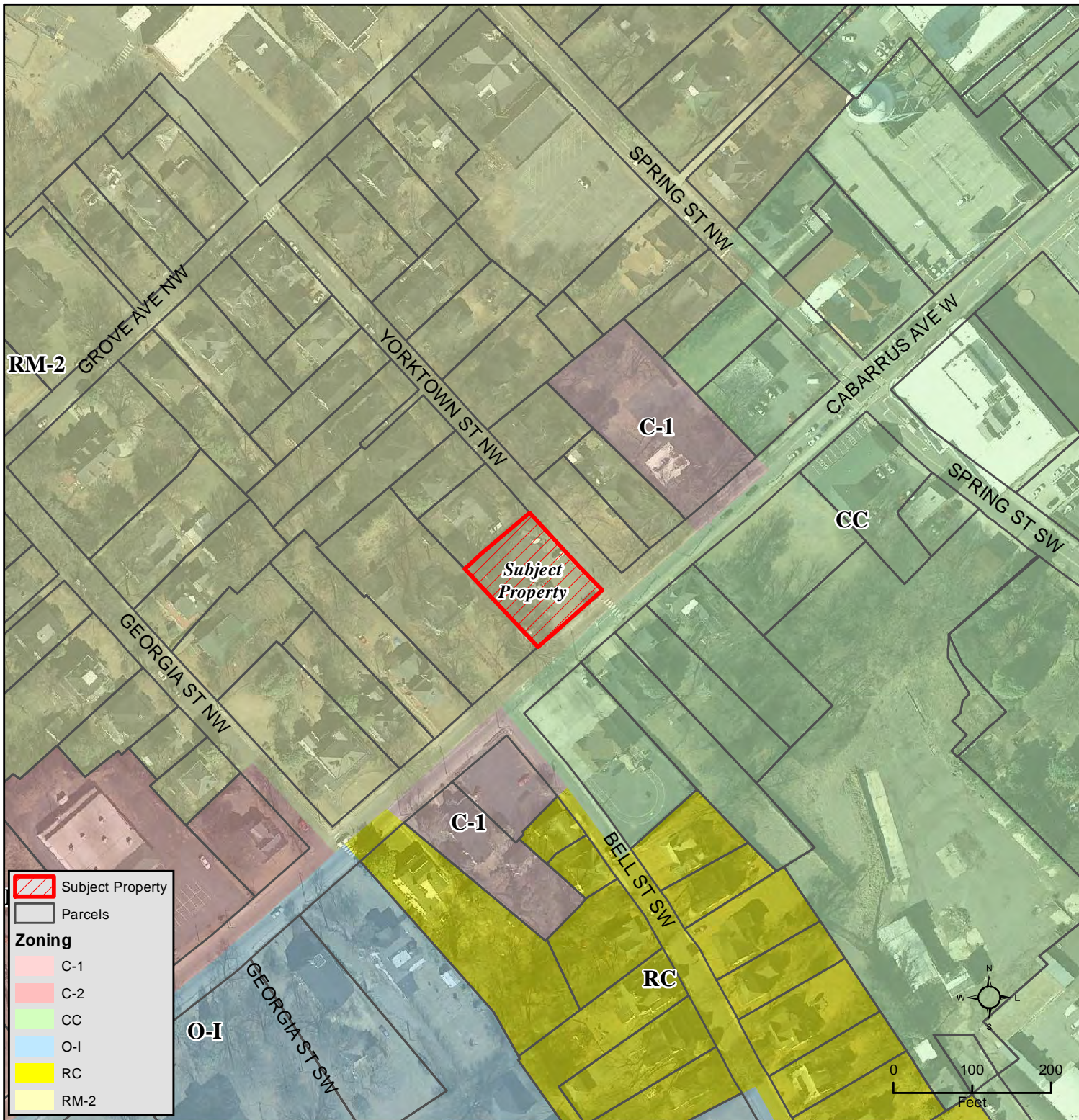
PROCEDURAL CONSIDERATIONS

This particular rezoning case is considered “legislative” in nature as stated in Section 3.2.7 of the CDO. Legislative hearings DO NOT require sworn testimony or findings of fact for approval or denial.

**Z(CD)-34-15
ZONING MAP**

**Zoning Map Amendment
from Residential Medium
Density (RM-2) to
Center City Conditional District
(CC-CD) for the development
of four (4) townhomes**

74-78 Cabarrus Ave W
PIN 5620-87-0418



Source: City of Concord
Planning Department

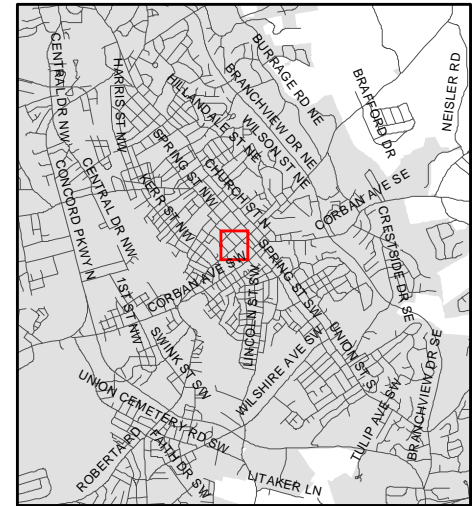
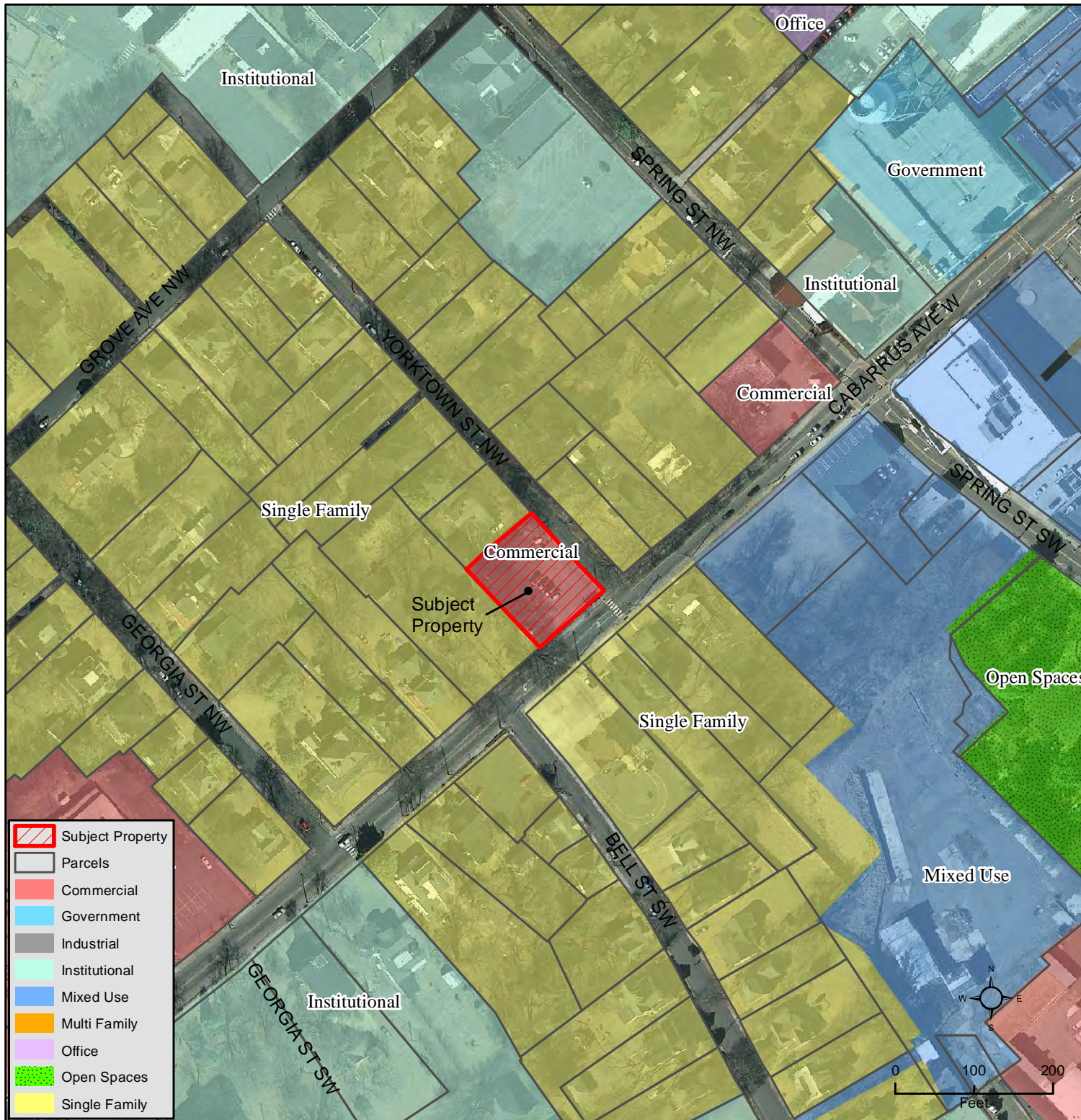
Disclaimer

These maps and products are designed for general reference only and data contained herein is subject to change. The City Of Concord, it's employees or agents make no warranty of merchantability or fitness for any purpose, expressed or implied, and assume no legal responsibility for the information contained therein. Data used is from multiple sources with various scales and accuracy. Additional research such as field surveys may be necessary to determine actual conditions.

**Z(CD)-34-15
LAND USE PLAN**

**Zoning Map Amendment
from Residential Medium
Density (RM-2) to
Center City Conditional District
(CC-CD) for the development
of four (4) townhomes**

74-78 Cabarrus Ave W
PIN 5620-87-0418



Source: City of Concord
Planning Department

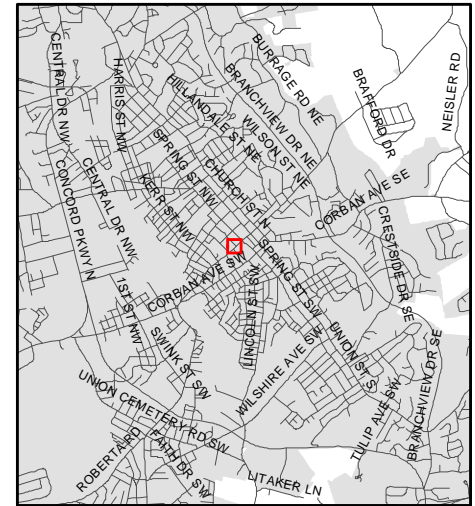
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**Z(CD)-34-15
AERIAL**

**Zoning Map Amendment
from Residential Medium
Density (RM-2) to
Center City Conditional District
(CC-CD) for the development
of four (4) townhomes**

74-78 Cabarrus Ave W
PIN 5620-87-0418



Source: City of Concord
Planning Department

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Summary of Planning Department Outreach to Surrounding Residents

Bold italicized text = Staff/Official's follow-up

In-Person Meetings: Mayor and City Council with Planning Staff (Scott Adams, Steve Osborne, Margaret Pearson), 1/13/15

- Planning staff presented development concepts to Mayor and City Council members in small group meetings.

Planning & Zoning Commission Meeting: Planning Staff (Scott Adams, Starla Rogers, Margaret Pearson), 1/19/16

- Planning staff presented rezoning case to Planning & Zoning Commission; the Commission tabled a decision
- ***Planning & Zoning Commission tabled the rezoning to their 2/16/16 meeting.***

Parking/Traffic Operations, 1/20/16

- Residents noted that existing on-street parking on Yorktown St. NW is often limited, 1/19/16.
- Residents noted that queuing for Coltrane-Webb STEM School often prevents free access from properties in the 20-50 block of Yorktown St. NW, 1/19/16.
- Coltrane-Webb STEM School, hours of operation: 8:15 a.m. – 3 p.m. ***[Steve Osborne asked Transportation Director Joe Wilson about this on 1/20/16. Director Wilson noted that this area has already been studied and that he wouldn't recommend any significant changes (i.e. reversing Yorktown St.'s one-way pattern toward Cabarrus Ave. W.). Planning staff also visited the area 1/21/16, 8-8:20 a.m., and did not see significant traffic congestion.]***

In-Person Meeting: Jim Potter (Developer), Scott Adams, Starla Rogers, Steve Osborne (City of Concord), 1/21/16

- Jim Potter: If pushed to do 3 units, this would drive up cost and size per unit. \$230,000 price-point is based on assumption of \$135/SF (new construction), compared to Afton Village units, \$125/SF, based on age (built in 2006, now 10 years old).
- Jim Potter: Originally considering 19'-wide units, but now exploring two @ 18' (2 bedroom) and two @ 22' (3 bedroom). Overall width is 80' vs. 76' for 19' units.

In-Person Meeting w/ Bill and Rebecca Patten (Citizens), Scott Adams, Margaret Pearson, Steve Osborne (City of Concord), 1/26/16

- City staff reviewed proposed site plan changes with the Pattens, including:
 1. Secondary one-way driveway onto Cabarrus Ave. W.
 2. Recessed 20' setbacks for two center units, with 8' courtyards on end units, thus meeting Center City max. 10' setback requirement.
- Bill and Rebecca Patten: Did not agree with site plan changes, still insisted on 1-2 single-family detached houses. Requested that City staff ask the developer about potential interest in reduced number of townhouses or single-family detached houses.
- City staff promised to follow up with the developer on the question of reduced number of townhouses or single-family detached house(s). ***Staff contacted Jim Potter, developer, per next item.***

Conference Call w/ Jim Potter (Developer), Scott Adams, Margaret Pearson, Steve Osborne, Starla Rogers (City of Concord), 1/26/16

- City staff asked Jim Potter if reduced number of townhouse units or single-family detached house(s) would be an option for the site. Jim Potter declined interest in anything other than four (4) townhouse units, noting that he find other pieces of property for this product. Jim Potter does not view less than 4 townhouse or single-family detached housing as being economically viable for the site.
- City staff thanked Jim Potter for confirming his interest in the site and noted that they would continue to recommend rezoning from RM-2 to CC-CD to support the construction of four (4) townhouses on the site.

Phone Call: Karen Gronli inquiry on purchase of entire parcel at 68 Cabarrus Ave. W., 1/27/16

Certified Letters for 2/16/16 Planning & Zoning Commission Meeting, 1/27/16

City staff prepared a letter, sent via Certified Mail 20 days ahead of the February 16, 2016 Planning & Zoning Commission meeting, to notify adjacent property owners of the rezoning request.

Steve Osborne (City of Concord) Phone Call w/ Arlene Clark, 2/1/16

- Steve explained proposed site plan changes (secondary one-way driveway, increased setbacks on center units)
- Arlene Clark expressed concern at feasibility of selling 4 units @ \$230,000 each; Steve noted that Staff and the Developer have done some market analysis and this is the most viable product for the site. Arlene Clark concluded that she'll remain neutral on the project.

Karen Gronli places NEW offer on remainder of 68 Cabarrus Ave. W., 2/3/16

Steve Osborne (City of Concord) phone call w/ Barbara Sheppard, 2/5/16

- Barbara Sheppard requested that 1) rental vs. owner be discussed and <4 units be discussed w/ developer.
- Barbara Sheppard noted she would request a meeting with City Manager, Mayor to discuss parking issues on Yorktown St. NW.
- *Planning staff contacted Joe Wilson, Transportation Director, for one more inquiry on traffic operations/on-street parking in immediate vicinity.*

In-Person Meeting between Mike Hooten (Karen Gronli's significant other), 64 Cabarrus Ave. W., and Steve Osborne, Scott Adams (City of Concord) 2/5/16

- Mike Hooten lives at 64 Cabarrus Ave. W., dropped in to office to get an update on site plans, etc.
- Planning staff reviewed previous site plan (single driveway access on Yorktown) vs. revised site plan (secondary driveway onto Cabarrus Ave.) and discussed RFP history (reaching out to multiple developers/builders) and only receiving Jim Potter's offer for townhouses; Mr. Hooten noted that the only real way for the historic neighborhoods to maintain low-density, single-family detached housing patterns would be to develop a fund to purchase vacant lots; Planning staff agreed with his assessment.

In-Person Meeting between Citizens and City officials, 2/11/16

- A meeting was held February 11 at 1:30 p.m. at City Hall to discuss the project and Yorktown St. traffic operations/parking. Attending the meeting were :
 - Steve Osborne, Deputy Planning Director
 - Margaret Pearson, Planning Director
 - Brian Hiatt, City Manager
 - Scott Padgett, Mayor
 - Al Brown, Concord City Council/Grove St. resident
 - Barbara Sheppard, Yorktown St. resident
 - Joe Hunter, resident at corner of Yorktown & Grove St.
 - Steve Morris, Cabarrus County Commission/Georgia St. resident
 - Christie Celetti, Yorktown St. resident
- ***Citing citizen concerns for possibly finding a single-family detached homebuilder, the rezoning was removed from the 2/16/16 Planning & Zoning Commission agenda and tabled until the 3/15/16 Planning & Zoning Commission meeting.***

Phone Call: Karen Gronli inquiry of rezoning with Scott Adams (City of Concord) 2/18/16

- Karen Gronli, in Arizona for indeterminate amount of time, called to inquire on status of project since she missed the 2/16/16 scheduled Planning & Zoning Commission meeting.
- ***Planning staff noted that City Council tabled the rezoning and removed it from Planning & Zoning Commission meeting (for 2/16/16) after a 2/11/16 meeting with citizens. Staff noted that the rezoning is scheduled for Planning & Zoning Commission's 3/15/16 meeting.***
- ***Ms. Gronli's offer to purchase the remainder of 68 Cabarrus Ave.W., in addition to Jim Potter's offer on both 68 Cabarrus Ave. W. and 74-78 Cabarrus Ave., will not be considered by City Council until their 4/14/16 meeting at the earliest.***

In-Person Meeting between Kevin and Casey Killough and Scott Adams, Steve Osborne (City of Concord) 2/25/16

- Mr. and Mrs. Killough noted that misunderstanding about the project has been spread via neighborhood-based petitions.
- Planning staff clarified that the existing renderings are massing models and do not represent any architectural elements (i.e. brick, siding, roof lines, etc.). Architectural elements will be reviewed and approved by the Historic Preservation Commission (HPC).
- Mr. and Mrs. Killough noted that the most realistic redevelopment scenario for 74-78 Cabarrus Ave. W. is townhomes, given the demographics (Millennials, Baby Boomers) and general interest in low-maintenance housing options (i.e. little/no yard to maintain, minimal exterior house maintenance required).

In-Person Meeting between Marshall Ward, Bill Patten, Councilmember Alfred M. Brown Jr. and Scott Adams, Steve Osborne, Margaret Pearson (City of Concord) 3/8/16

- Mr. Ward presented a written list of questions/concerns, including whether or not the proposed CC zoning was adjacent to existing zoning; **Staff noted that zoning polygons run to street centerlines, making the proposed rezoning to CC legal since the properties across Cabarrus Ave. W. are zoned CC.**
- Mr. Ward took issue with the proposed townhomes having back-of-sidewalk setbacks ranging from 20 feet to 8 feet, citing that most surrounding setbacks are 30 feet. **Staff noted that the proposed setbacks are site-specific in response to concerns from Bill and Rebecca Patten (90 Cabarrus Ave.). Staff showed a development scenario assuming Residential Compact (RC) zoning, which would require 20 foot setbacks on both frontages of Yorktown St. NW and Cabarrus Ave. NW, pushing the building footprint south and west, precluding the ability to have a secondary driveway access onto Cabarrus Ave. W. (requested by neighbors) and removing 4 guest parking spaces along the rear driveway.**
- Mr. Ward and Mr. Patten expressed concern that townhomes would not reach a price point of \$135/SF, and would more likely be \$90-100/SF. They also asked if nearby neighbors would actively market the property to real estate agents and related entities to build single family detached homes on the site. **Staff reiterated that the RFP for the property was distributed via direct mailing, plus general marketing/distribution, to a range of single-family detached homebuilders in Cabarrus County and other residential developers across the Charlotte region. Staff noted that no active offer for single-family detached housing has been made on the site; the only other inquiries have been for commercial or townhome development.**

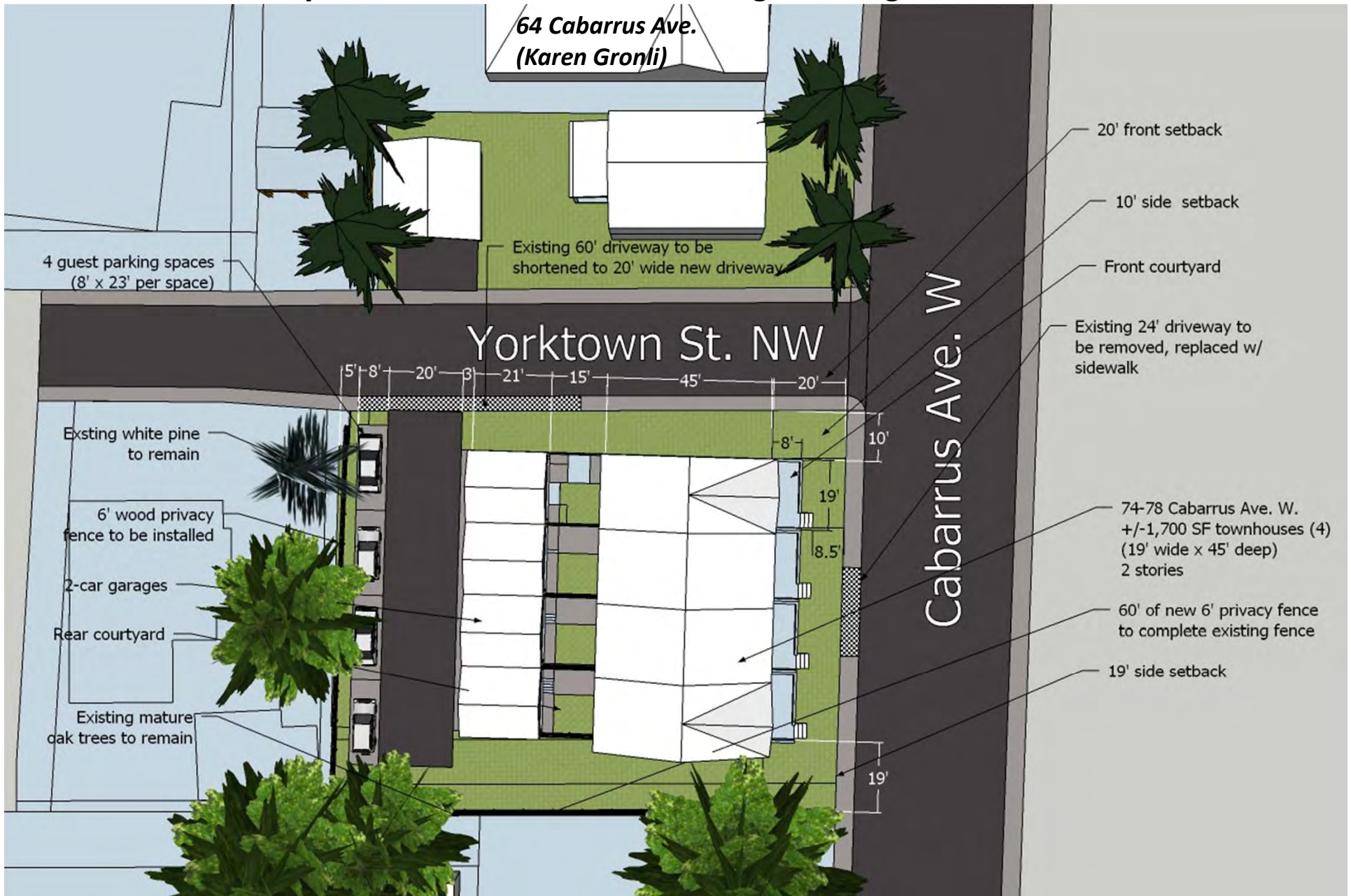
In-Person Meeting between Charles Gressle, Jr. (17 Yorktown St. NW) and Steve Osborne, (City of Concord) 3/10/16

Steve Osborne met with Charles Gressle, who lives at 17 Yorktown St. (property immediately behind 74-78 Cabarrus Ave. W.) to discuss the project's updated site plan (i.e. secondary driveway access onto Cabarrus Ave. W.)

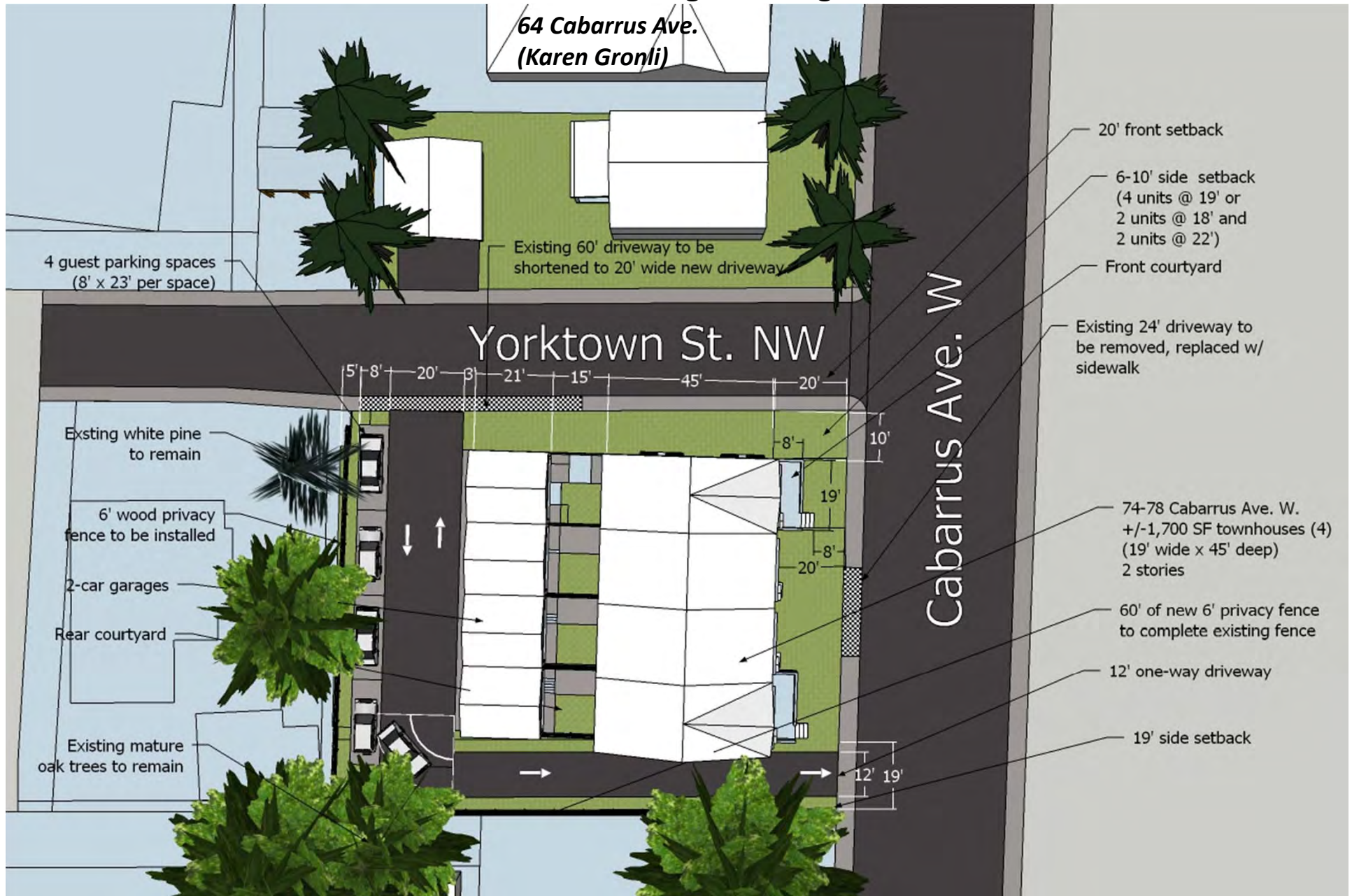
Next Steps

- Planning & Zoning Commission will consider the rezoning at their 3/15/16 meeting.
- City Council may consider offers to purchase property (74-78 Cabarrus Ave. W.) at their 4/14/16 meeting.

Previously Submitted for 1/19/16 Planning & Zoning Commission



To Be Submitted for 3/15/16 Planning & Zoning Commission





All models are for height/massing purposes only, not detailed architecture. Historic Preservation Commission will review detailed architecture (i.e. materials, roof pitch/style, etc.)



All models are for height/massing purposes only, not detailed architecture. Historic Preservation Commission will review detailed architecture (i.e. materials, roof pitch/style, etc.)



All models are for height/massing purposes only, not detailed architecture. Historic Preservation Commission will review detailed architecture (i.e. materials, roof pitch/style, etc.)



(Please type or print)

Applicant Name, Address, Telephone Number and email address: _____

City of Concord

35 Cabarrus Ave. W., Concord, NC 28025 704-920-5555

Owner Name, Address, Telephone Number: _____

City of Concord

35 Cabarrus Ave. W., Concord, NC 28025 704-920-5555

Project Location/Address: 74-78 Cabarrus Ave. W.

P.I.N.: 5620-87-0418

Area of Subject Property (acres or square feet): 0.337 ac.

Lot Width: 103.76 Lot Depth: 140.00

Current Zoning Classification: RM-2

Proposed Zoning Classification: Center City - Conditional District (CC-CD)

Existing Land Use: Vacant (former commercial use)

Future Land Use Designation: Commercial

Surrounding Land Use: North Residential South Commercial

East Residential West Residential

Reason for request: Existing zoning only allows 1 residential unit and is not economically feasible. Rezoning to CC-CD will allow townhouse development.

Has a pre-application meeting been held with a staff member? Yes

Staff member signature: KEA Date: 12/28/15

THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY

(Please type or print)

1. List the Use(s) Proposed in the Project:

Four (4) 2-story townhouses at +/-1,700 SF each; each townhouse to include:

-Front courtyard

-Rear courtyard

-Rear-loaded 2-car garage

-Shared access driveway off Yorktown St. NW

2. List the Condition(s) you are offering as part of this project. Be specific with each description.

(You may attach other sheets of paper as needed to supplement the information):

6' tall privacy fence to be built along rear property line

6' tall privacy fence to be built along side yard w/ 90 Cabarrus Ave. W.

Existing landscaping to be maintained along side yard w/ 90 Cabarrus Ave. W.

Design requirements per submitted site plan; review by Historic Preservation Commission

I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.

W. R. Huth
 Signature of Applicant

12/21/15
 Date

W. R. Huth
 Signature of Owner(s)

12/21/15
 Date



NORTH CAROLINA

High Performance Living



Application for
Zoning Map Amendment

Certification

I hereby acknowledge and say that the information contained herein and herewith is true, and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department.

Date: 12/21/10

Applicant Signature: W. R. Mitt

Property Owner or Agent of the Property Owner Signature:
W. R. Mitt

**HISTORIC PRESERVATION COMMISSION MEETING
MINUTES**

Wednesday, December 13, 2023

Members

Present: William Isenhour
James Firth
Steve Bradley
Mary Margaret Underwood
John Eury

Alternate

Members: Randy Hopkins

Members

Absent: Carolyn Coggins
Meredith Barbee

Attorney to

Commission: VaLerie Kolczynski

Staff

Present: Kevin Ashley, Deputy Director, Planning & Neighborhood Development
Autumn James, Planning and Development Manager
Kim Wallis, Senior Planner
Deirdre Connellan, Sr. Executive Assistant

CALL TO ORDER:

Chair Isenhour called the December 13, 2023, Historic Preservation Commission meeting to order at 6:05 p.m.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

INTRODUCTIONS:

Commissioners John Eury, Steve Bradley, Chair William Isenhour, Mary Margaret Underwood, Jim Firth and Randy Hopkins introduced themselves to the audience.

APPROVAL OF MINUTES:

Commissioner Firth made a motion to approve the minutes from the November meeting. Commissioner Underwood seconded the motion. –**The Vote: All Ayes (APPROVED)**

ADMINISTRATION OF THE OATH:

Chair Isenhour swore in those wishing to speak before the Commission.

OLD BUSINESS:

H-15-22 (QUASI-JUDICIAL HEARING-CONTINUED) JIM POTTER HAS SUBMITTED A CERTIFICATE OF APPROPRIATENESS APPLICATION FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT 68 CABARRUS AVE W. PIN 5620-87-0595.

Commissioner Firth made a motion to open the public hearing. Commissioner Underwood seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

Kim Wallis introduced the case to the Commission.

On November 8, 2023, this case was reviewed by the Historic Preservation Commission where they continued the public hearing to the December meeting in order to: receive a landscape plan from the applicant to show the following: the placement of the 2 replacement trees and the landscaping planted along the proposed privacy wall intended to hide it from view within 2 years. The applicant has submitted this information and has also updated his site plan to include the 3' concrete front walk extending from the front porch to the public sidewalk and the revised color swatches for the house.

The site plan has been updated to show a new oak tree along Cabarrus Ave., a new maple canopy tree and a new canopy oak tree along Yorktown St. There will also be Ilex Holly screening shrubs along the side of the house and 6' privacy wall and some foundation shrubs at the front of the house. The new color scheme will be autumn tan, heathered moss, timber bark and sail cloth for the outside of the home.

The approvals are needed for new construction, a fencing wall, walks and driveways and removal of healthy trees.

Chair Isenhour asked to be shown the alterations for the elevation of the home and the color scheme. Mrs. Wallis stated that the timber bark color will be going on the gable but the other colors are the same.

Commissioner Underwood asked if there was a change in the type of windows, as discussed in the November meeting. Mrs. Wallis stated yes, they will be wood.

Mr. Jim Potter stepped up to the podium and asked if wood windows are required for new construction. Mrs. Wallis referenced the handbook guidance. Contemporary substitute materials may be approved on a case-by-case basis for new structures. Mr. Potter asked if the Commission would consider the aluminum clad window. He said from the street, it is very hard to tell is, the material of the window. The buildings constructed on Cabarrus Ave in 2018 had clad windows. They are not vinyl. They are clad with a baked-on aluminum finished product. They are more durable as far as not needing maintenance as much as wood will. In the future, if whoever owns these buildings is reluctant to do regular maintenance on them, the clad windows would look better in the long run.

Commissioner Firth read what it says about windows in the handbook. Mixed composition synthetic windows may be used under the following circumstances, and new construction of a primary structure is one of them. Chair Isenhour stated that the Commission can allow it but it is up to the Commission to decide. Chair Isenhour stated that the comment about the windows came up in the November meeting and at that time, it was decided that wood would be used. Commissioner Underwood stated that she was not aware that it was possible to have anything other than wood for new construction.

Ms. Karen Gronli of 64 Cabarrus Ave. W. stepped up to the podium. She stated that she lives beside the proposed single-family residence and that she had handouts for everyone. She stated that in November, she did not have a

copy of her deed to address the question of the shared driveway. Since the last meeting, she obtained a copy of her deed, as well as Mr. Potter's deed. She stated her deed was very hard to understand the street names because they changed. She asked the Commission to look at the third page because it has a lot of detail and shows both properties. Ms. Gronli noted that there are boundary lines for the properties and the driveway splits between both properties. This driveway has been in use for possibly 100 years. Ms. Gronli's home was built in 1920 and the corner property was previously an old house.

Ms. Gronli stated that she bought her house from Mr. Frank Hinson and he said when he lived in that house, he was told that it was a shared driveway and always used it as such. She stated the first few years she lived in the house she maintained the grass on what is now Mr. Potter's property. If she doesn't keep her share of the driveway, it will be difficult to park at the front or the side of the house. She is asking for a dedicated easement from Mr. Potter so that the driveway can be shared or at least have a driveway space so that she can easily access her property, It will be difficult to park and she will have to back out onto a state highway. The shed on Yorktown is hers but the boundaries are so tight that she can't walk due to existing fencing and a big storage unit in the back. To reconfigure all that into the back yard would be a great expense. She would have to walk down Yorktown and down Cabarrus if her driveway was taken away. She feels like she is in danger of losing access to her driveway.

Commissioner Underwood said that the Commission does not have any jurisdiction over Ms. Gronli's property lines. Commissioner Firth stated that the Commission is more focused on the look of the structure. City Attorney VaLerie Kolczynski stated that Commissioner Firth was absolutely correct and reiterated that the Commission has no authority over easements or driveway access. She stated that what Ms. Gronli's deed says, is she has the right to her property. If she needs access from her neighbor's property, that needs to be worked out with the neighbor. The Historic Preservation Commission does not have the authority to grant an easement. Ms. Gronli stated that the board has the authority to know where the house is located. Ms. Kolczynski stated yes. Ms. Gronli said that could be affected by the driveway. Commissioner Underwood stated that it was best to follow the guidelines of the city. Ms. Kolczynski said nothing could give the board authority to give her an easement on someone else's property. Mr. Potter owns the property, and the board cannot make him give Ms. Gronli an access easement. They simply don't have the power to do that. Ms. Gronli said the way she sees it, her property line comes into the driveway. Ms. Kolczynski stated that it appears that way from the survey. She wants everyone to know that because she intends to keep using it.

Chair Isenhour stated that the question of the driveway came up at the November meeting because he remembers asking if the applicant had a survey done of the property. Mr. Potter came forward. Chair Isenhour asked Mr. Potter if he had a survey. Mr. Potter stated that he has the survey that the City completed before he purchased the land. Chair Isenhour stated that the survey is showing the gravel drive that services his property, but that Mr. Potter has confirmed that he won't be maintaining that in the future. Chair Isenhour stated that Mr. Potter won't have a driveway, but an access with a garage off Yorktown.

Mr. Potter stated that when he purchased the property, he was told by someone at the City that the small portion at the back of the lot was going to be made available to the neighbor. They asked if he would be okay if it was separated to give parking access to the neighbor. Mr. Potter agreed that it was fine with him. Mr. Potter said they sectioned off the back part so Ms. Gronli would have access to her house. He understands that there is a garage in the way and there would need to be a modification to the garage and fence so someone could walk in between the two sections of property.

Chair Isenhour asked if Mr. Potter planned to use the gravel driveway? Mr. Potter answered that it is not a deeded right of way. Commissioner Firth asked if Ms. Gronli and Mr. Potter had each completed surveys individually. Mr. Potter stated that the City completed a survey before he purchased the land. Commissioner Firth said he just had one done for his property and it is completely different from when he purchased his home. Commissioner Firth

stated that his driveway is split down the middle. Commissioner Underwood stated that she doesn't see that on the deed. Chair Isenhour said that it was not in the Commission's control to do anything regarding the driveway.

Commissioner Firth made a motion to close the public hearing. Commissioner Underwood seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

Chair Isenhour stated that a motion needs to be made to approve the Findings of Fact. He also noted that the staff report mentions wood windows, and that if the Commission is inclined to deviate from wood windows, then an amendment would need to be made to the language. The Commission does have the discretion to make that modification. Commissioner Underwood stated that it was a different time period when her house and Commissioner Firth's houses were built so they have to have wood windows but, in the handbook, it states that if there is new construction then other types of windows can be used.

Ms. Kolczynski modified the language of the wording in the Findings of Fact that now reflects that windows will be double hung white aluminum clad wood with SDL (Simulated Divided Lites) grids painted white.

1. The subject property is located at 68 Cabarrus Ave W, Concord, NC. The owner is Old Towne Development Corp who acquired the property by deed recorded in Cabarrus County Register of Deeds Book 12017, Page 294, as recorded on July 14, 2016.
2. 68 Cabarrus Ave W is located in the RM-2 (Residential Medium Density) zoning district and is in the North Union Street Historic District and is designated as a "Vacant Lot" structure in the Concord Historic Districts Handbook (June 2001 ed.), (the "Handbook") Chapter 3 (Exhibit A).
3. The Handbook is an ordinance of the City of Concord duly adopted by the City Council and incorporated into the Code of Ordinances by reference.
4. On April 9, 2023, Jim Potter applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 to construct a two-story single-family home with a rear patio and detached garage.
5. The applicant is proposing new construction including:
 - A. Construction of a two-story single-family home, with a rear patio, privacy wall between the house and the garage, and detached garage. The proposed residence will have a brick stem wall foundation with 8.5-inch fiber cement lap siding, and architectural shingles and the garage will be on a monolithic slab foundation with 8.5-inch fiber cement lap siding with architectural shingles. The exterior siding will be James Hardie cement based or equivalent brand; Tampco Virginia Slate Architectural Shingles will be used on the roof; Camden Brick by Triangle Brick will be used on the exterior and windows will be double hung white aluminum clad wood with SDL (Simulated Divided Lites) grids.
 - B. Garage siding will be James Hardie cement based or equivalent siding.
 - C. Front entry door to be fiberglass craftsman style with light and transom window above with a white paint finish.
 - D. Privacy wall between residence and garage will be 8.5-inch fiber cement lap siding over a 2x4 stud framed wall.
 - E. Concrete patio (12x20) will be poured concrete.
 - F. A three (3) foot concrete walkway will extend from the front steps to the public sidewalk in the front yard.
6. The applicant is also requesting to remove two (2) trees from the property:
 - A. Trees to be removed include one (1) crape myrtle (*Lagerstroemia indica*) and one (1) pecan (*Cara Illinoensis*).
 1. The crape myrtle (Diameter at breast height of 16", Height 25', Spread 15') is located on the north side of the parcel. The City Arborist notes that the tree has some dead branches in the crown typical of old myrtles that were topped in the past. The risk rating for this tree is calculated as a three (3).

2. The pecan tree (DBH 19", Height 55', Spread 30') is also located on the north side of the parcel. The City Arborist notes that the tree has no structural defects or concerns above the normal for a health tree of this tree species. The risk rating for this tree is calculated as a four (4).
3. Both assessments were performed by the City Arborist.
4. The applicant provided a landscape plan which indicates three (3) replacement trees to include: a canopy tree (Oak) in the right side front yard, a canopy tree (Maple) and an ornamental tree (Crape Myrtle) in the left side yard near the sidewalk along Yorktown St. Additional landscaping shown includes ten (10) screening shrubs (Ilex Holly) along the left side of the house and fiber cement privacy wall, and four (4) foundation shrubs (Camellias) in the front yard landscaping bed.
7. For the November meeting, the applicant submitted a site plan, elevations, and proposed materials (Exhibits D, E, F) and staff submitted Tree Assessments and Photos (Exhibit G).
8. For the December meeting, the applicant submitted a Landscape Plan (Exhibit C) and Photographs of Screening Shrubs (Exhibit D)

FINDINGS OF FACT:

1. The subject property is located at 68 Cabarrus Ave W, Concord, NC. The owner is Old Towne Development Corp who acquired the property by deed recorded in Cabarrus County Register of Deeds Book 12017, Page 294, as recorded on July 14, 2016.
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7. For the November meeting, the applicant submitted a site plan, elevations, and proposed materials (Exhibits D, E, F) and staff submitted Tree Assessments and Photos (Exhibit G).
8. For the December meeting, the applicant submitted a Landscape Plan (Exhibit C) and Photographs of Screening Shrubs (Exhibit D).

Commissioner Firth made a motion to approve the Findings of Fact as amended. Commissioner Underwood seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to N.C. Gen. Stat. § 160A-400.7, et seq. and the Concord Development Ordinance.
2. **Pursuant to the *Handbook*, Approval Requirement Needs Table:**
 - *All new construction and additions require Commission Hearing and Approval.*
 - *All new patios, walk, and driveways require Commission Hearing and Approval.*
 - *All types of fencing require Commission Hearing and Approval.*
 - *Removal of healthy trees or pruning of limbs over six inches in diameter in any location on the property requires Commission Hearing and Approval.*
3. **Pursuant to the *Handbook*, Chapter 4- Local Standards and General Policies:**

Alterations: *Alterations having no historical basis shall be avoided whenever possible. Any type of alteration of exterior features of a building, site, or environment within the Historic Districts which is not specifically listed within these regulations shall be referred to the Historic Preservation Commission for action on the issuance of a Certificate of Appropriateness.*

 - *All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.*
 - *Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.*
 - *Contemporary design for alterations and additions to existing properties shall be encouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.*

- *New additions or alterations shall be construed in such a manner as to preserve the essential form and integrity of the structure, should the addition or alteration be removed.*

4. Pursuant to the Handbook, Chapter 5 – Section 1: New Principal Structure Construction

- *The successful integration of new structures or building additions to the neighborhood depends on how well the building will preserve existing site features such as trees, slopes, natural drainage patterns, rock outcrops, etc.*
- *The Historic Preservation Commission will consider how well the proposed construction will maintain the unifying features that exist, such as tree canopies, clean boundaries, and architectural and landscape details.*
- *Other considerations include how compatible the proposed structure will be in material, scale, site setting, spatial relationships, color, and details with immediate neighbors.*
- *Careful consideration should be given to the design and placement of driveways, landscaping, lighting, signage, walkways, and the retention of mature trees or other historic features of landscape.*
- *Building materials, features, fenestration, and texture are also important to consider when designing for compatibility.*
- *A wide range of features and materials presently used in the neighborhood provide a broad range of options from which to choose.*
- *Through the use of porches, chimneys, bays, and other details, new buildings can be designed to have texture compatible with the Historic context.*

Design Standards: New Construction

- *New construction shall coordinate in material, scale, size, site position, spatial relationship, and details with immediate neighbors within one hundred feet (100') of the proposed construction.*
- *Where feasible, roof forms should be consistent and compatible to others in the district. Large flat expanses of walls or roofs should be avoided.*
- *New construction should avoid A-frame, dome, shed, and flat roofs.*
- *Locate and size window and door openings so they are compatible in placement, orientation, spacing, proportion, size and scale with the surrounding historic buildings.*
- *The Historic Preservation Commission encourages compatible contemporary design in order to reflect accurately the differences between historic buildings and newer structures.*
- *Introduce features such as porches, chimneys, bays, and architectural details as appropriate so that the texture of new residential structures is compatible with surrounding historic structures. Detailing on new structures should be consistent with its overall scheme and design.*
- *Contemporary substitute materials such as hardiplank may be approved on a case-by-case basis for new structures. In order to qualify for use in new construction, these materials must have a demonstrated record of overall quality and durability. The physical properties of substitute materials must be similar to those of the historic materials they mimic. When considering substitute materials, the closer an element is to the viewer, the more closely the material and craftsmanship should match the original. The appropriateness of substitute materials shall be reviewed on an individual basis.*
- *Vinyl siding for new construction is not appropriate.*

5. Pursuant to the Handbook, Chapter 5 – Section 3: New Accessory Structure Construction

- *Through their siting and relationship to the houses, the streets, and the alleys, the accessory buildings contribute to the historic character of the district as well.*
- *Early garages were typically single-bay structures located in the rear yard at the end of the driveway.*
- *Easy storage buildings and sheds were usually small frame structures sited toward the back of the rear yard and were generally not visible from the street.*

Design Standards: New Accessory Structure Construction

- *Keep the proportion of new garages and accessory structures compatible with the proportion of the main house. Typically, these buildings were smaller in scale than the main house.*
- *New garages and accessory structures must use traditional roof forms, materials, and details compatible with the main building or historic accessory structures in the district.*
- *Locate new garages and accessory structures in rear yards and in traditional relationship to the main buildings.*
- *All accessory structures shall remain detached from the main building.*
- *Metal utility sheds, metal carports, and metal garages are prohibited.*
- *Accessory buildings for Pivotal and Contributing structures should complement the siding and roof material of the primary structure.*

6. Pursuant to the Handbook, Chapter 5- Section 4: Siding and Exterior Materials

- *There are a variety of materials available for use on the exterior of both existing structures and for new construction. Wood siding is the predominate exterior material within the Historic Districts, although some structures have masonry.*
- *Because artificial siding is not considered an authentic historical material, it is prohibited from being used on structures defined by the Commission as Pivotal and Contributing to the Historic Districts, or for large accessory structures.*

7. Pursuant to the Handbook, Chapter 5- Section 5: Fenestrations:

- *Alteration in door and window openings, especially on the principle façade, should be avoided whenever possible, except as a restorative measure to return an opening to its original size. New openings should be located in areas where they are not visible from the street or in areas where they are compatible with the original design.*
- *Windows on most of the historical homes are of the double hung variety. Emphasis is on vertical rather than horizontal orientation of windows. The number of lights (panes) in the sash varies with the style and period of the house.*
- *New windows should be consistent or compatible with existing units. The emphasis of the new windows should be vertical rather than horizontal. Wood is the most appropriate material, and vinyl and aluminum clad windows are inappropriate in most instances.*
- *Hybrid windows that include synthetic components or mixed composition of wood and synthetic products. This type of window should not be used for replacement of traditional wooden windows or within structures designated as Pivotal or Contributing.*
- *Choose windows that are appropriate for the style of building, maintain vertical emphasis, and avoid large single paned units.*
- *Awnings and canopies constructed of canvas are appropriate with commercial structures and in some instances with residential structures. Types of residential structures with which awnings are most compatible are Bungalow, Queen Ann, and Colonial Revival.*
- *Aluminum awnings or canopies are inappropriate.*

Design Standards: Fenestrations

- *Choose windows that are appropriate for the style of building, maintain vertical emphasis, and avoid large single paned units.*
- *Awnings or canopies should be mounted within the opening, directly on the window or door frame, or as an alternate, just outside the opening.*

8. Pursuant to the Handbook, Chapter 5 – Section 7: Roofing

- *Use materials in new construction that are consistent with the style of the building; materials should be unobtrusive in texture as well as color.*

- *New construction should avoid the roof being more than one-half the building's height.*
- *New construction should avoid A-frame, dome, shed and flat-alone roof shapes.*
- *Roof shapes, texture and material should be compatible with new construction as well as with immediate buildings.*
- *Adding new dormers, gables, turrets, and towers should be avoided unless it can be shown that their use is architecturally appropriate.*

9. Pursuant to the Handbook, Chapter 5 — Section 9: Fences and Walls

- *All wooden fences should be “stick-built” on site.*
- *Wooden fences visible from the street and/or wooden fences in front yards and side yards of corner lots are required to be painted or stained white or a color matching the body or trim of the structure, including shutters, foundation color, etc.*
- *Painting or staining is recommended, but not required, for rear yard fences unless they are visible from the street.*
- *Where fences are desired in front yards and side yards at corner lots, the design should be primarily decorative in nature. Front yard fences should not exceed four feet in height.*
- *Rear yard fences may be higher than four feet. The portions of rear yard fences that face the street should be landscaped with shrubs and trees of a planting size that will fully hide the fence from the street within two years. Size, type, and growth habits of plant materials to screen rear yard fences that face the street should be submitted at time of application.*
- *All proposed fences and walls should not negatively affect existing trees and mature landscaping.*
- *Privacy fences are defined as fences with no spacing between pickets or fences of the shadowbox design. Privacy fences may be allowed at the discretion of the Commission in the following circumstances:*
 - A. *Privacy fences are most appropriate in rear yards.*
 - B. *Privacy fences may be allowed where the applicant's rear yard is directly adjacent to property that is either not in a historic district, or is within a historic district but is non-contributing or intrusive in that district. The applicant shall show to the satisfaction of the Commission:*
 - i. *that the adjacent property is unsightly in comparison to other properties surrounding the applicant's property,*
 - ii. *that the adjacent property or nearby property raises reasonable security concerns for the applicant, or*
 - iii. *that the adjacent property could reasonably be determined to negatively impact the property value of the applicant's property.*
 - C. *Privacy fences encompassing an area of no more than 250 square feet may be allowed at the discretion of the Commission when adjacent to the applicant's house, garage, or other outbuilding in order to screen from view trash cans, mechanical equipment, cars or other unsightly items, provided such fence does not unreasonably impact any neighbor by blocking windows or the like.*
 - D. *Privacy fences allowed by the Commission should be landscaped where practical with appropriate shrubbery to soften the appearance of the fence.*

Design Standards: Fences and Walls

1. *Do not use high walls or fences to screen front yards.*
2. *Use materials such as natural stone, brick, wood, powder coated aluminum and iron*
3. *Chain link or plastic materials are prohibited. Adding slats to existing chain link fences for screen purposes is prohibited.*
4. *Materials and style should coordinate with building and neighboring buildings as well as other walls and fences in the area.*

10. Pursuant to the Handbook, Chapter 5 – Section 10: Driveways, Walkways, and Parking

- *The first residential driveways constructed in the districts were fairly narrow, because cars were smaller than they are now. Some of these driveways consist of two parallel “runners” with a grass strip in between. These driveways should be retained, and the style can serve as a model for new driveways.*
- *When new driveways are constructed, they should be separated from existing driveways by a grass strip, and should be narrow, since double width driveways are out of scale with the relatively small lots in the districts.*
- *Gravel and pavement are acceptable materials for driveways, as are some alternative materials such as cobblestone, brick, and pervious pavers.*
- *New walkways should consist of appropriate material including gravel, concrete, stone, brick, or pervious pavers. Walkways should avoid prefabricated and imprinted stepping stones within front yards.*
- *Parking areas should not be the focal point of the property, and should be located in such a manner as to minimize their visibility from the street.*
- *Excessive expanses of paving should be avoided.*
- *Use vegetation screens or berms to reduce reflection and visual confusion. Within residential areas, integrate parking areas into landscaping and surface with the appropriate materials such as concrete, brick, crushed stone, or gravel. In general, asphalt should only be used for areas not visible from the street; its use will be considered on a case by case basis by the Historic Preservation Commission.*
- *New walkways should consist of appropriate natural material including gravel, concrete, stone, brick, or pervious pavers. Walkways should avoid prefabricated and imprinted stepping stones within front yards. Gravel and pavement are acceptable materials for driveways, as are some alternative materials such as cobblestone, brick, and pervious pavers.*
- *Trees should be planted or retained in order to maintain the tree canopy and to minimize the focus of the parking areas.*

Design Standards: Driveways, Walkways, and Parking

- *Parking areas should not be the focal point of the property, and should be located in such a manner as to minimize their visibility from the street.*

11. Pursuant to the Handbook, Chapter 5 – Section 8: Landscaping and Trees

- *One of the most visible features of the Districts is the landscaping and the associated tree canopy. Activities which negatively impact any aspect of the landscape should be avoided, such as the removal of healthy trees and mature shrubs.*
- *Tree health may be decided upon by the acquisition of a Tree Hazard Evaluation Report issued by the City Arborist or a report submitted by a certified arborist.*
- *Removal of healthy trees over the size of 6 inches in diameter (measured 4 feet above ground) or pruning of healthy tree limbs over 6 inches in diameter requires Historic Preservation Commission review and approval.*
- *City staff may approve a Certificate of Appropriateness for the removal of healthy trees under 6 inches in diameter. Staff may also approve removal or pruning of unhealthy trees/limbs of any size and in any location if the tree is deemed hazardous by the Tree Hazard Evaluation Report.*
- *All trees that are removed should be replaced with a tree of similar species in an appropriate location unless no suitable location exists on the subject site.*
- *Trees removed within street view must also have the stumps removed below the ground level.*
- *Residential uses should maintain the four characteristic placements for canopy: to soften building ground line, to separate public/private edge, to separate the boundary of the property, and to maintain property lines. It is also recommended that placement be varied and types of vegetation enhance the appearance of the existing property yet maintain and preserve its historical significance.*

- *Trees which are removed shall be replaced by a species which, upon maturity, is similar in scale to the removed specimen. For example, canopy trees shall be replaced with canopy trees, and understory trees with understory trees.*

12. The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a Certificate of Appropriateness. All applications for Certificates of Appropriateness shall be subject to review based upon the Design Guidelines then in effect. These guidelines are set forth in a manual prepared and adopted by the Commission:

- lot coverage, defined as the percentage of lot area covered by primary structures;
- setback, defined as the distance from the lot lines to the building(s);
- building height;
- exterior building materials;
- proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- surface textures;
- structural condition and soundness;
- walls—physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- color (new construction only and not for existing residences); and
- effect of trees and other landscape elements.

13. The application is congruous with the historic aspects of the district.

14. Based on the standards of the Handbook, and the City of Concord Code of Ordinances, including the standards listed above, the Commission concludes that:

- A. The proposed construction of the principal structure is appropriate as it is compatible with the material, scale, site setting, spatial relationships, color, and details of the immediate neighbors, does maintain the unifying features that exist, such as tree canopies, clean boundaries, and architectural and landscape details, does encourage compatible contemporary design in order to reflect accurately the differences between historic buildings and newer structures, does include details that are compatible and consistent to other structures in the Historic Districts, the use of cement composite lap siding is appropriate as it is in compliance with the handbook, the use of brick on the exterior is appropriate as it is in compliance with the handbook, a painted fiberglass front entry door painted white with a transom window above is appropriate as it is in compliance with the handbook, windows will be double hung white aluminum clad wood with SDL (Simulated Divided Lites) grids are appropriate as they are in compliance with the handbook, Tampco Virginia Slate 30-year architectural shingles for use on the roof are appropriate as they are in compliance with the Historic Handbook.
- B. The proposed six (6) foot tall cement lap siding privacy wall between the house and the garage is appropriate as it is visible from the street, is painted or stained white or a color matching the body or trim of the structure, is located in the rear yard and therefore may be higher than 4.0' and is in compliance with the Historic Handbook.
- C. The new accessory structure is appropriate as it will contribute to the historic district; will be proportionate and compatible in size and materials to the main house; will be located in the rear yard and will be compatible with the Historic Handbook.
- D. Removal of two (2) trees on the north side of the parcel including a crape myrtle and a pecan tree is appropriate as they will be replaced because there is a suitable location for replacement trees and removal of the trees is in compliance with the Historic Handbook.

Commissioner Firth made a motion to approve the conclusions of law as amended. Commissioner Underwood seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

Commissioner Underwood made a motion to approve the certificate of appropriateness. Commissioner Firth seconded the motion.–**The Vote: 5 Ayes, 1 Nay (APPROVED)** Commissioner Eury opposed the motion.

H-14-22 (QUASI-JUDICIAL HEARING) JIM POTTER HAS SUBMITTED A CERTIFICATE OF APPROPRIATENESS APPLICATION FOR CONSTRUCTION OF THREE (3), TWO-STORY TOWNHOMES TO BE LOCATED AT 74, 76, & 78 CABARRUS AVE W. PIN 5620-87-0418.

Commissioner Firth made a motion to open the public hearing. Commissioner Underwood seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

Kim Wallis introduced the case to the Commission.

The subject property at 74, 76 and 78 Cabarrus Ave. W. is a vacant lot within the North Union Street Historic District. This case was continued from the November meeting. On November 8, 2023, this case was reviewed by the Historic Preservation Commission where they continued the public hearing to the December meeting in order to receive the following information: an updated front elevation to show the siding of each unit having one color, a landscaping plan, and indication of the height of the roof on the front elevation, a photograph of the proposed front yard fence indicating the material and the window material to be changed from aluminum clad to wood. Based on the comments concerning the previously proposed townhomes at the November meeting, the applicant has also submitted an alternative proposal below:

Previous Proposal:

- Three (3) +/- 1,800 square foot two-story townhome units – approximately 22' x 41' each;
- Rear parking providing four (4) spaces along rear property line;
- Detached, rear loaded two (2) car garages – approximately 22' x 23' each;
- Two (2) front courtyards for the end units and one (1) front stoop for the middle unit;
- Rear courtyards – approximately 22' x 13' each;
- Shared access driveway off of Yorktown St NW;
- Exit only access onto Cabarrus Ave W; and
- 6' tall privacy fence along the adjoining property lines – wood and painted white.

New Proposal:

- Two (2) two-story duplex units –each with two (2) 1,548 square foot two-story attached homes at approximately 18'w x 42'l each:
- Rear parking providing six (6) spaces along rear property line;
- Four (4) detached, rear loaded one and one half (1.5) car garages – approximately 18'w x 23'l each;
- Two (2) front courtyards for the end units and two (2) front stoops for two middle units with three (3) foot concrete walkways to the public sidewalk;
- Rear courtyards – approximately 18'w x 13'l each;
- Shared access driveway off of Yorktown St NW;
- Exit only access onto Cabarrus Ave W between the two (2) duplexes;
- 6' tall privacy fence with landscaping along the adjoining property lines – wood and painted white;
- Landscaping along Yorktown St. NW;
- A change in window material from aluminum clad to wood for all elevations (Exhibit A);
- A landscaping plan indicating the landscaping along the courtyard fence/wall (Exhibit B);
- Elevations showing the building height (Exhibit C).

- Exterior colors on elevations to indicate one color for each unit (Exhibit D); and
- A photograph of the proposed front yard four (4) foot black aluminum fence (Exhibit E).

Mrs. Wallis stated that each duplex unit will be 18' wide and 29' tall for the front elevations. The materials will be the same as the previous proposal, including cement composite lap siding, old colony style brick, front entry doors will be painted fiberglass which will be color coordinated with the siding, the windows will be double-hung wood, painted white with simulated divided lites. The house roofing will be Tampco Virginia Slate 30-year architectural shingles and the porch roof will be standing seam painted metal by Coastal Metal. The plan also shows a single color for each unit. The materials are the same for the door. The doors will be painted fiberglass to be color coordinated with the siding. The windows will be double-hung white wood with simulated divided lites. There is also a depiction of the 6' tall privacy fence along the adjoining property lines – wood and painted white. The fence will extend behind the parking area along the rear property line and extend from the rear/left property line intersection to a midpoint at the left side garage wall. The fence line and remaining portion of the left property line to the existing sidewalk will be evergreen plants for screening and the fence in the front yard will be a 4' black aluminum fence. This case will need to return to the Planning and Zoning Commission for approval, if approved by the HPC, based on the changes made to the plan.

Chair Isenhour questioned if the applicant would be able to move forward with construction if approved by the HPC tonight. It was noted that the applicant will need to go back to the P&Z Commission. Mr. Ashley stated that the reason is because of the setbacks. Commissioner Underwood requested clarification on the previously proposed 4 units, which had been decreased to 3, but had now returned to 4. Chair Isenhour stated that the driveway is in between the individual buildings now and that is considered a significant change.

Mr. Potter stepped up to the podium and explained the reason he went to two buildings instead of one was because of comments made at the November meeting about the 3-unit building looking out of place in the neighborhood. By creating two buildings, it wouldn't look like a single-family home, but it would blend in better with the neighborhood. He also stated that he would like to go back to the ability to use the same windows (aluminum clad) that were requested at the November meeting.

Mr. John Lienweber of 96 Cabarrus Ave. W. stepped up to the podium. Mr. Lienweber reminded the Commission about his comments at the November meeting. He stated that the duplexes seem to be going in the wrong direction. He said if we wait another month, we may be talking about row houses being put up. The only discussion that he has heard are whether wood or aluminum windows should be used. He said yes, wood windows should be used because when he lived in Wesley Heights (Charlotte) or even now in Concord, everything had to have wood windows whether it was new construction or not. There will be multiple families moving in and out of that corner and it is out of the architectural layout and as well as the family style around the area.

Mrs. Rebecca Patten of 90 Cabarrus Ave. West stepped up to the podium. She stated that her family lives next door to the proposed building. She explained that she would like to take a minute of her time to share something that happened to her on the day of the meeting. Just by chance, Mrs. Patten and her husband discovered that Mr. Potter was going to be on the HPC agenda that evening. The advertisement for the public hearing only listed Mark Lewis and Margarito Zavala as having a presentation before the Commission. The Patten's assumed there was another delay, as there had been delays in the past. They also assumed he would not be on the agenda because they did not receive an adjacent property owner letter and neither did the other adjacent property owners. Mrs. Patten called the planning department and Mrs. James stated that the case was continued to the December meeting as stated at the end of the November meeting by Chair Isenhour. Mrs. Patten would like the Commission to address the issue.

Chair Isenhour stated that the Commission clearly communicated in November that they were tabling the case until a date certain, noting the December 13th, 2023, meeting. He also stated that if you were in attendance at that time, you would have left knowing that the case would have been talked about at the December meeting.

Mrs. Patten stated that she knew it was the Commission's intention to have the case heard at the December meeting but there have been numerous times when Mr. Potter's meetings have been delayed or he has withdrawn the proposal. The notice of public hearing in the paper didn't list case H-14-22. Chair Isenhour said that the notice was correct because it would be for the two items of new business on the agenda. This was old business that was continued. Mrs. Patten asked the Commission if they thought it was misleading that the case wasn't readvertised in the paper. She noted that she is not sure she is supposed to keep up with the North Carolina statutes as a local citizen. She also stated that if she did not get a letter in the mail, she would not expect a case to be on the agenda. Chair Isenhour stated that he does not know what she would expect but as Mrs. Patten knows now, there is no legal requirement to readvertise a case that has been continued to a date certain and he didn't think there would be any confusion personally because it was announced at the last meeting. It would be incumbent on those who wanted to speak to figure out what cases were going to be on the agenda. Chair Isenhour stated that it wasn't the topic of the evening and Mrs. Patten stated that it does mean something to them, and she would like the issue to be addressed for the future because it is misleading. Mrs. Patten stated that a letter or notice should be sent out as a courtesy. Mrs. Patten said given the situation, she would have expected that Mrs. James would have given her a call. Mrs. Patten said that Mrs. James understood her frustration and what she was saying but that she wasn't required to call her.

Mrs. Patten recognizes that there are only a few undeveloped lots in the Historic District and the treatment is crucial to the future of the district. The successful integration of new structures into the neighborhood depends on how well the new home sites will preserve the unifying district characteristics. The design of this proposed project is not in keeping with the historic homes that surround the property and does not keep in line with the unifying characteristics. The stoops are not porches. The handbook says that front porches should be used to create texture compatible with the historic content and that should be encouraged but stoops are proposed. There is no greenspace, and it is all pine straw. This whole thing sits in front of the Patten's home, she said. It had originally been shorter and not in her front yard and the front yard part was going to be screening plants but, in this proposal, it is a 6' fence that goes up 41' of the sidewalk. Mr. Potter also has 2-gallon shrubs that will be placed along the fence and there are 10 or 11 of those and a 2-gallon shrub is very small, and it is not defined what it is. In the front where the fence stops between that and the sidewalk, there is one two-gallon shrub. Mrs. Patten stated that she has severe trepidations about the landscaping. In the front of the building, he has four, one-gallon shrubs in front of each side and two flowering shrubs and the rest are pine needles. Mrs. Patten stated that she doesn't think that Mr. Potter's site plan was a landscaping plan. The front elevations are designed as 29' and there is still the issue of the fact that the roof height appears to be greater than ½ of the building height. She doesn't know how high the roof is. The maintenance of the fence and screening plants has not been identified or who will be responsible for that. These are potential rental properties. She stated that if she had to replace the windows in her home, the Commission would make her do wood and aluminum clad would not be allowed. She stated that all of the homeowners have tried really hard to stay within the handbook requirements and in November, there was a list of issues and yet, Mr. Potter is not having to keep the things in the handbook. She stated, the only thing the Commission was concerned about with last time were the windows, which now the Commission is allowing and the landscaping plan which is bad and there are two stoops still in the front. There is nothing but a flat space in the front. They look exactly like what they are across the street but she does appreciate the fact that he kept the colors the same.

Ms. Gronli of 64 Cabarrus Ave. W., stepped up to the podium. Her biggest concern that these are duplexes and not privately owned. Chair Isenhour stated that he wouldn't say that. It is just a different style. Ms. Gronli said when she thinks of duplexes, she thinks of rentals. Chair Isenhour said they don't know how it will be structured. Ms. Gronli stated that the landscaping is pitiful. There isn't a single tree. You can't compare bushes to trees. She would like to see one tree.

Mrs. Elena Leinweber of 96 Cabarrus Ave. W. stepped up to the podium. She requested to give her time to Mr. Marshall Ward. She asked if rental properties were acceptable in the Historic District or now, with the center city zoning, does that now allow for a property to be a rental. City Attorney VaLerie Kolczynski stated that the City cannot dictate if a property owner can rent their house. Chair Isenhour stated that in his subdivision, there is a declaration that prohibits home leases. Ms. Kolczynski stated that it is a private matter between the owner of the subdivision and the people that they sell properties to. Mrs. Leinweber said she thought that rentals were not allowed in the Historic district. Ms. Kolczynski said yes, they are.

Mr. Marshall Ward of 98 Cabarrus Ave. W. stepped up to the podium. Mr. Ward stated he is on the block where the project is proposed and he is against the project. He focused on Chapter 5 of the handbook-new construction and exhibit B and C submitted by Mr. Potter. New construction shall coordinate in material, size, scale, site position, spatial relationship and details with immediate neighbors within 100' of the proposed construction. There aren't any duplexes or townhomes in the immediate area but there are a lot of single-family homes including 90 Cabarrus Ave. W. where the Patten's live. Mr. Ward's property is also within 100' of the project. There are no duplexes around here. Building duplexes or townhomes doesn't make sense. This is the body that decides new construction building for the Historic District and what is appropriate for the district. The city can't decide that so when the process first began with 4 townhomes, there weren't any townhomes in the Historic District. The Commission doesn't have the authority to say if townhomes can be built in the historic district. This is the body that decides if new construction is appropriate for the Historic District. If you look at exhibits Band C, you can see there are a lot of differences between the proposal and the other existing houses that are within 100'. There is not a lot of greenspace. The greenspace that is listed is around 17% of this lot. If you go to the adjacent neighbors of the lot, it is more than 50% greenspace. There is a huge gap between the amount of greenspace between the proposal and the neighbors within 100'. All the other lots have trees and there are no trees on the site plan. Mr. Ward read from the historic handbook, stating, that other considerations shall coordinate in scale, site, settings, spatial relations, color, detail with immediate neighbors and careful consideration should be given to the design and placement of driveways, landscaping, lighting, signing and walkways and the retention of mature trees. This seems to be very important. This landscaping is totally different from all the neighbors within 100'. So much of this proposal is concrete. It has about 25' setback. If you look at the spatial arrangements as one of the considerations, they have a setback next door that is well over 100'. Imagine walking out your front door and turning left and seeing a whole new building that was all of a sudden constructed right beside you. It changes the feel of their home. It is a drastically different setback for the whole block and view of downtown. A duplex or townhome looks nothing like the other houses registered in the historic district. It would set a precedent to say that if a house burned down on North or South Union, you could put 4 or 5 townhomes or duplexes there. What is done here will set a precedent for the future. If the 100' is ignored, then there will be like homes around like homes and it will match the historical characteristics. This will set a precedent that over time, duplexes and townhomes can come in and we will lose the feel of the historic district. We have to protect this historic neighborhood one day at a time, one meeting at a time and this is a time to draw a line in the sand and say we don't need these types of structures in our neighborhood because it isn't part of the character of the historic neighborhood. Mr. Ward disagrees with the prerequisite that these homes were approved by the city because the historic Commission decides what is approved in this neighborhood not the City.

Commissioner Hopkins asked if Mr. Ward's argument is against multi-unit housing and more for single-family? The setback can't be matched to the neighbors because the lot isn't the same depth, as Mrs. Patten's lot is 3 lots deep compared to the adjacent lots on Yorktown. Mr. Ward would have to see a proposal for a single-family home and has the right amount of greenspace and fits in with the characteristics of the historic district and the design structures within 100' and wooden windows then he might consider it. Mr. Ward stated that it was a dangerous precedence to put in any other windows other than wood.

Mrs. Patten stepped up to the podium. She asked the Commission to look at the garages proposed in front of her house. She stated that no one on the Commission would like to have this in their front yard. She wants the

Commission to think about this in terms of the historic nature of the neighborhood and what they are trying to preserve.

Mr. Potter stepped up to the podium noting that many of the concerns come from zoning as it is zoned multi-family. The current zoning is zoned as it is because when the city placed a request for proposals from developers, they stated that they were going to zone it Center City. Center City zoning allows up to 4 townhomes. Mr. Potter was the only one who bid on that property and purchased it with those stipulations. Before he made the purchase and closed on the property, the City zoned it Center City with conditions. The conditions associated with the approved Center City conditional district rezoning are included in the submitted design and include the fences, stoops, front courtyards, and rear load garages. Mr. Potter stated that he would prefer front porches but could not due to the conditional rezoning. The maintenance of the fence needs to be taken care of by the homeowner's association. One of the crucial things that would help maintain the property would be painting and that is why he chose the aluminum clad windows, as opposed to the wood. He addressed the height of the roof noting that the roof height from eave to peak is 11' and 11' is less than 29'. Mr. Potter stated that the argument that there are few townhomes or multifamily in the historic district is due to the fact that the North and South Union Street Districts are zoned predominately for single family and are not zoned Center City. Mr. Potter stated that he would be glad to plant some trees but there may not be enough room on the side Yorktown due to the proposed design.

Commissioner Underwood asked if some trees could be planted in the front of the homes and Mr. Potter stated that he could plant some trees in front. Commissioner Hopkins asked why Mr. Potter chose pine straw instead of grass and Mr. Potter stated it was for maintenance because there is a lot of maintenance with cutting grass and that that he was trying to save some maintenance fees that would come with a mowing schedule. Mr. Potter said he could put down grass and he is not opposed to it. The fence does come closer to the street. Less fence is good for him because it doesn't cost as much.

Chair Isenhour stated that the Commission asked for a detailed landscaping plan and what was presented isn't very detailed. There are 1- or 2-gallon shrubs, but the idea is to eventually mask the fence. What is the plan for the shrubs? Commissioner Underwood said the shrubs should mask the fence within 2 years. Mr. Potter stated that the best plants he found are the generic holly plants. It grows well and has small leaves and doesn't have thorns.

Chair Isenhour asked about the homeowner's association and asked if Mr. Potter was intending to sell the duplexes? Mr. Potter stated that he was interested in selling the duplexes and for financial reasons and having 2 duplexes is better for him to sell them. He stated that if he built a 3-unit building, he would almost have to rent two of them.

Chair Isenhour stated that this is different from last month because there were 3 adjoining homes, and only one building, and now it is 2 duplexes, which is a big change. He further noted that the conditional rezoning noted 4 units. Chair Isenhour explained that Mr. Potter will need to go back to the P&Z Commission due to his proposed changes and that the Historic Preservation Commission can only discuss aesthetics, landscaping and materials.

Commissioner Firth made a motion to close the public hearing. Commissioner Underwood seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

Commissioner Underwood asked if the Commission can deny as project, with City Attorney Kolczynski explaining that the Planning & Zoning Commission handles zoning and that it is zoned Center City Conditional District. The zoning or conditions of the zoning cannot be changed by the Historic Preservation Commission. The property owner is required to comply with the associated conditions. Mr. Ashley stated that one of the conditions of the site plan were 4 units together and a driveway. With the driveway repositioned to the middle, it moves the building slightly closer to the Patten's. Mr. Ashley stated that what Mr. Potter is proposing cannot be completed administratively so the plan would need to be modified at the P&Z meeting.

Commissioner Firth stated that the Commission does not have any control over whether the townhomes are coming or not, with Ms. Kolczynski confirming. Commissioner Firth stated that people believe that the Historic Preservation Commission has control over the building of the townhomes. Ms. Kolczynski clarified that the only thing this Commission can do is to ensure compliance with the things set forth in the handbook. Commissioner Firth stated that whether or not these townhomes are built is not our decision. Chair Isenhour stated that the Commission does have a responsibility to confirm the spatial relationship/bulk/setbacks but the Commission cannot say that it needs to be townhomes or single-family. The Commission can ask if the townhomes fit within the neighborhood. Commissioner Underwood stated that the spatial relationship is very small and it can't be put back any further. Commissioner Underwood stated that aluminum clad windows are allowed for new construction. This can be changed later in the handbook to deny aluminum clad windows but for now, it is something that can be approved. Chair Isenhour stated that it is a different case for them. It is Center City zoned which is unlike the other homes in the district.

Commissioner Hopkins stated that she saw that Mr. Potter worked with Bill Leake on the other property's landscaping. Commissioner Hopkins suggested that Mr. Potter work with an arborist or landscape designer to come up with a better landscaping plan. Commissioner Underwood stated that the land was previously a small strip center. Chair Isenhour stated that it was encouraged that Mr. Potter work with Bill Leake to create a better landscaping plan.

Commissioner Underwood asked if Mr. Potter could come up with a landscaping plan that would add trees in the front and grass. Ms. Kolczynski stated that the Commission can ask the applicant for a more detailed landscaping plan. Chair Isenhour stated that a detailed landscaping plan was requested but now this new plan is lacking comparatively to the November landscaping plan associated with his other case (68 Cabarrus Ave) because the Commission was informed as to what was being removed and what would be replaced. Chair Isenhour stated that landscaping plans don't need to be completed for older homes but because this is new construction, a plan needs to be submitted. Commissioner Firth requested grass be put down and trees in the front. Commissioner Underwood agreed.

Chair Isenhour explained that the Commission does have input on how the homes look and how it fit with the neighboring properties. He further explained that the Commission cannot say no to townhomes, but it can say no to this townhome, if there are reasons that it is not compatible. Commissioner Underwood questioned why you could say no to the proposed 4 townhomes and yes to the proposed 3, asking if it was due to financial impact? Chair Isenhour asked if the proposed project looked smaller with 3 and less imposing to the single-family homes around it? Commissioner Underwood asked if it looks like 2 small homes? She stated that the proposed two buildings looked better than all 4 together. Commissioner Underwood asked what the handbook says about landscaping and new construction.

Commissioner Hopkins stated that special consideration should be given to the design and placement of driveways, landscaping, lighting, signage and walkways and the retention of mature trees and other historic features of landscape.

Commissioner Hopkins said the new plan does not have space for landscaping compared to the original plan. Commissioner Bradley stated that more details are still needed and there isn't any frontage on Yorktown. It needs to be softened up and needs more landscaping details. Commissioner Bradley asked what Mr. Potter can do. The Commission is trying to make the best out of what is there. There is some confusion on what Mr. Potter wants to do.

Commissioner Eury stated it is lacking in landscaping. Commissioner Firth asked if a small gate/picket fence could be placed all the way along the front of the proposed buildings to soften it up. Commissioner Underwood asked if front courtyards are required. Mr. Ashley stated that he believed it was done to break up the flat expanse with the 4 units. Chair Isenhour said the front courtyards don't look great on the plan.

Commissioner Firth requested a wood white picket fence, with individual gates, in the front of the proposed buildings to make them look older. He explained that this is something that is seen in the Historic Districts. Commissioner Underwood asked what the handbook says about roofs and the color. She said there are 4 different colors of metal for the porch roofs. Commissioner Underwood stated that all the roofs should be the same color.

Chair Isenhour asked about the landscaping, spatial relationship, colors of the buildings and metal porch roofs. Commissioner Underwood stated that the porch roofs should be the same as the main roof. Chair Isenhour asked if anything could be changed in the front. Chair Isenhour asked if a detailed plan could be submitted before approval. Commissioner Underwood asked if Mr. Potter could meet with Bill Leake to discuss a better landscaping plan and change the overhang roofs on the porches to one color which would be the same as the main roof. There needs to be more trees and it needs to be more natural. Commissioner Firth said it looks more historic with the white picket fence. Commissioner Underwood stated that there are several multi-family homes in the historic district that look like one home but upon entering are divided up into several units on Yorktown. They are rentals.

Commissioner Hopkins asked if Mr. Potter should go back to the P&Z Commission before the Historic Commission makes a decision about landscaping. Ms. Kolczynski stated that no, the P&Z Commission will be relying on the plan that was approved/denied from the Historic Commission.

Commissioner Underwood stated that the Commission would like to see a detailed landscaping plan with trees and grass in the front and ornamental trees down the side and all the porch roofs need to be the same color as the main roof and detailed types of trees and shrubs. The fence needs to be screened well in 2 years by shrubs or trees. Commissioner Underwood stated that the fence would need to be screened from the adjoining property owners. She would also like Mr. Potter to consider putting in a fence for the 2 duplexes to soften the front. Commissioner Underwood stated that aluminum clad windows will be allowed. The side fence will be painted white.

Chair Isenhour made a motion to continue the case to the January 10th meeting. Commissioner Firth seconded the motion. –**The Vote: All Ayes (APPROVED)**

Commissioner Underwood asked if a letter would be sent to adjacent property owners regarding this meeting? Chair Isenhour stated that asking staff to provide notification for this individual case, when notification for other continued cases is not typically sent, could place staff in a difficult position in future instances. Ms. Kolczynski stated that the Commission does not have the authority to change notification requirements. Chair Isenhour requested that Mr. Potter work with the City's staff and arborist to be sure that the needs discussed were addressed before the next meeting.

H-24-23 (QUASI-JUDICIAL HEARING) MARK AND MARCI LEWIS HAVE SUBMITTED A CERTIFICATE OF APPROPRIATENESS APPLICATION FOR THE REPLACEMENT OF FENCING AND TWO (2) GATES IN THE LEFT REAR OF THE PROPERTY AND TO REPLACE BOTH THE FRONT STORM DOOR AND THE FRONT MAIN DOOR AT 356 UNION ST S. PIN 5630-14-3640.

Commissioner Bradley made a motion to open the public hearing. Commissioner Eury seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

Kim Wallis introduced the case to the Commission.

On November 16, 2023, Mark and Marci Lewis applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 requesting to replace an existing section of fence and two existing gates in the left rear of the property, and to replace both the front storm door and the front main door (Exhibits B, D).

The existing fence is a brown painted picket style wooden fence. A section of this fencing faces Union St and sits back from the side centerline of the house, runs thirty-one (31) feet in length to the left property line, measures four (4) feet tall and includes a gate. The second section of fencing meets with the first section, runs back thirty-one (31) feet along the left property line, measures six (6) feet tall, and meets a five (5) foot gate that connects the fence with the garage (Exhibit D). The replacement fence and gates will be in the same location as the original, be in a “shadowbox” design made of stain-treated pine and will match the fence facing Tribune Avenue SW that was approved by the HPC on October 12, 2022, for this property (Exhibits D, F).

The existing mature vegetation in front of the existing fence facing Union Street will remain to help hide the new fence and gate from view along Union St S (Exhibit E).

The property is designated as a “fill” structure in the South Union Street Historic District. Fill structures are those properties which were constructed on single or scattered site undeveloped lots in established neighborhoods, after the period of significance of the more important structures, but prior to the official establishment of the district.

The existing front doors to be replaced include a solid, white, wooden door and a white framed glass storm door. The replacement doors include a Therma-Tru fiberglass single door from the Acorn Fiber-Classic Oak Collection and a taupe-framed glass storm door (Exhibit D). The existing long side green window will remain. Both doors will match the doors on the rear of the home and will not include the pet door (Exhibit D).

Mr. Lewis of 356 Union St. S. stepped up to the podium. Commissioner Underwood asked the applicant, Mr. Lewis if the fence was painted or stained and he responded, stained. Mr. Lewis stated it will be the same color as the other fence facing Tribune St.

Commissioner Firth made a motion to close the public hearing. Commissioner Bradley seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

Commissioner Hopkins asked if the style of the front door is consistent with chapter 5, section 5. She read the excerpt where it says, the period and style should be compatible with the structure, should avoid flat surface doors which she believes he is replacing a flat surface door. Commissioner Hopkins asked if the glass pane is appropriate for the front door. The original solid wood front door was not appropriate to begin with but that does not give the Commission permission to replace the door with another door that doesn’t seem to be in line with the district, Commissioner Hopkins said. It is a fill 1970’s ranch house. There is an illustration of inappropriate doors in the handbook.

Commissioner Underwood stated that she has a concern with the color of the stained fence being visible from the front of the house. She stated that she doesn’t want to start seeing these types of fences up and down the street. Commissioner Firth stated that you can see the gate but it is covered by foliage.

Chair Isenhour stated that the Commission is ok with replacing the fence and the storm door but the front door is not appropriate. Commissioner Underwood asked what the handbook says about front doors. Commissioner Hopkins read that although doors are often obscured by porches, they are an important characteristic of the architecture of the period of the house. The typical doors in the historic district are solid paneled or with one or more light panels. New doors should be compatible with the period and style of the structure. Doors to avoid are flat surface doors and those with conventional light panels. Whenever possible, the original doors and windows and their features, sashes, glass, windowsills, shutters, door frames, hoods, steps and hardware should be preserved.

Commissioner Hopkins asked if it was the original door. It is hard to say. He said the house is different in itself because it's from the 1970's. Commissioner Hopkins said if there is a desire for natural light, you already have that effect with the storm door.

Chair Isenhour stated that there is consensus with the fence and the two gates and the storm door. The front main door is the question. Do you want to move forward with the rest and if they wanted to change it, they would have to come back.

Commissioner Underwood made a motion to reopen the public hearing. Commissioner Eury seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

Mr. Lewis stepped up to the podium again. Commissioner Underwood stated that the door looks like a back door and asked if Mr. Lewis had any feedback on why it needs to be that door. Mr. Lewis asked if there was a Commission back in the 70's and if it was ok to build a house that was not appropriate with the historic district. Mr. Ashley said the historic district was established in 1984.

Mr. Lewis stated it is a flat, painted door and there is almost no light in the foyer and that is the reason he wants the storm door. Commissioner Hopkins commented that it is the modern blind inside the window that is inconsistent. The interior makes it modern. It is within the glass. Mr. Lewis stated that he didn't understand that was the issue. Mr. Lewis asked if he could hang a blind on the inside of the door and the Commission said yes. Mr. Lewis said that makes no sense. Commissioner Firth said it makes it look like a modern door with blinds in between the panes plus it would probably be a 2-inch blind which is modern.

Commissioner Hopkins read from the handbook the following: if total replacement of a window or door is necessary, one should be used that matches the original in dimension, configuration and detail. Replacements should not alter the original opening. If the original material was wood, then the new material would need to be wood.

Chair Isenhour stated that if it is not wood, then it is not in compliance. The replacement should be consistent, and it should be wood. Mr. Lewis stated because of the finish, it looks like wood more than the existing door. The existing door is a painted wood door.

Commissioner Underwood made a motion to close the public hearing. Commissioner Eury seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

Commissioner Hopkins asked if the Commission can ask the Lewis' to go back and get another door, even though the door need to be a flat, surface door like the original. The proposed door was mostly glass which was the detail. Even if the Lewis' find a door with mostly glass, is that in compliance with the historic district? Commissioner Underwood stated that the door needs to have less glass. Commissioner Hopkins said it looks like a back door. Commissioner Underwood said it needs to be wood with less glass.

Chair Isenhour stated that the Commission could approve the Findings of Fact as is and address it in the Conclusions of Law. Ms. Kolczynski said why would you not table it so they can get their door replaced? Chair Isenhour said they would approve it so they can work on their fence. Ms. Kolczynski said if it gets approved then the Lewis' will need to file another application to replace the front door.

Commissioner Underwood made a motion to reopen the public hearing. Commissioner Eury seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

Chair Isenhour stated that there will be a requirement for a different front door and asked the Lewis' if they would like to table the front door request until the January meeting or if they would like to table the entire application until the January board meeting. Mr. Lewis said he would like to table the door. Ms. Kolczynski said that his application has two elements in it and if the fence is approved, the Commission will deny the door. The Commission can't table that piece. She stated that the Lewis' would need to come back in January with a whole new application and pay the fee again. Commissioner Firth asked if the storm door can be approved with the fence and Chair Isenhour said yes.

Commissioner Underwood made a motion to close the public hearing. Commissioner Firth seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

FINDINGS OF FACT:

1. The subject property is located at 356 Union St S, Concord, North Carolina. The owners are Mark E. and Marcia L. Lewis. The property was acquired by deed recorded in Cabarrus County Register of Deeds Book 13881, pages 192 through 194, as recorded December 9, 2019.
2. The subject property is located in the RM-2 (Residential Medium Density) zoning district and is in the South Union Historic District.
3. The subject property is designated as a “Fill” structure in the Concord Historic Districts Handbook (June 2001 ed.), (the “Handbook”) Chapter 3 (Exhibit A).
4. The Handbook is an ordinance of the City of Concord duly adopted by the City Council and incorporated into the Code of Ordinances by reference.
5. On November 16, 2023, Mark E. and Marcia L. Lewis applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) to replace an existing section of fence and two existing gates in the left rear of the property, and to replace both the front storm door and the front main door (Exhibits B, D)
6. The existing fence is a brown painted picket style wooden fence. A section of this fencing faces Union St and sits back from the side centerline of the house, runs thirty-one (31) feet in length to the left side property line, measures four (4) feet tall and includes a gate. The second section of fencing meets with the first section, runs back thirty-one (31) feet along the left side property line, measures six (6) feet tall, and meets a five (5) foot gate that connects the fence with the garage (Exhibit D).
7. The replacement fence and gates will be in the same location as the original, be in a “shadowbox” design made of stain-treated pine and will match the fence facing Tribune Avenue SW that was approved by the HPC on October 12, 2022, for this property (Exhibits D, F).
8. The existing mature vegetation in front of the existing fence facing Union Street will remain to help hide the new fence and gate from view along Union St S (Exhibit E).
9. The existing front doors to be replaced include a solid, white, wooden door and a white framed glass storm door.
10. The replacement doors include a glass door with an acorn-stained fiberglass frame and blinds from the Acorn Fiber-Classic Oak Collection and a taupe-framed glass storm door (Exhibit D).
11. The existing long green framed window to the right of the door will remain.
12. Both doors will match the doors on the rear of the home and will not include the pet door (Exhibit D).

Commissioner Underwood made a motion to approve the findings of fact. Commissioner Firth seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

CONCLUSIONS OF LAW

1. This matter is properly before the Commission pursuant to N.C. Gen. Stat. § 160A-400.7, et seq. and the Concord Development Ordinance.

2. Pursuant to the *Handbook*, **Approval Requirement Needs Table: Fencing and Gates**
 - *Replacing or repair of existing with alternate materials and all other types of fencing and gates require Commission Hearing and Approval.*
 3. Pursuant to the *Handbook*, **Approval Requirement Needs Table: Doors**
 - *Replacement of original doors require Commission Hearing and Approval.*
 4. Pursuant to the *Handbook*, **Approval Requirement Needs Table: Storm Doors**
 - *No Approval Required for replacement if matches trim and does not obscure details (full view).*
 5. Pursuant to the *Handbook*, **Chapter 5 - Section 9: Fences and Walls**
 - *The style of fence or wall should respond to the historic nature of the property. All wooden fences should be “stick-built” on site.*
 - *Painting or staining is recommended, but not required, for rear yard fences unless they are visible from the street.*
 - *If a fence is designed as a single-sided fence, one with detailing on only one side, the finished detail should be on the outside face of the fence (facing neighboring property).*
 - *Rear yard fences are defined as fences which do not extend forward on the applicant’s property beyond the side centerline of the house in plain view.*
 - *Rear yard fences may be higher than four feet.*
 - *The portions of rear yard fences that face the street should be landscaped with shrubs and trees of a planting size that will fully hide the fence from the street within two years. Size, type, and growth habits of plant materials to screen rear yard fences that face the street should be submitted at time of application.*
 - *All proposed fences and walls should not negatively affect existing trees and mature landscaping.*
 - *Privacy fences are defined as fences with no spacing between pickets or fences of the shadowbox design. Privacy fences may be allowed at the discretion of the Commission in the following circumstances:*
 1. *Privacy fences are most appropriate in rear yards.*
 2. *Privacy fences may be allowed where the applicant's rear yard is directly adjacent to property that is either not in a historic district, or is within a historic district but is non-contributing or intrusive in that district. The applicant shall show to the satisfaction of the Commission:*
 - (a) *that the adjacent property is unsightly in comparison to other properties surrounding the applicant's property,*
 - (b) *that the adjacent property or nearby property raises reasonable security concerns for the applicant,*
or
 - (c) *that the adjacent property could reasonably be determined to negatively impact the property value of the applicant's property.*
- Privacy fences shall be allowed only on the applicant's property line directly adjoining the aforesaid adjacent property unless the Commission feels that such a partial privacy fence would not be visually appropriate or would not accomplish the purpose(s) of the privacy fence set forth above.*
3. *Privacy fences encompassing an area of no more than 250 square feet may be allowed at the discretion of the Commission when adjacent to the applicant's house, garage, or other outbuilding in order to screen from view trash cans, mechanical equipment, cars or other unsightly items, provided such fence does not unreasonably impact any neighbor by blocking windows or the like.*

Privacy fences allowed by the Commission should be landscaped where practical with appropriate shrubbery to soften the appearance of the fence.

Design Guidelines

1. *Do not use high walls or fences to screen front yards.*
2. *Use materials like stone, brick, wood and iron.*
3. *Chain link or plastic materials are prohibited. Adding slats to existing chain link fences for screening purposes is prohibited.*
4. *Materials and style should coordinate with building and neighboring buildings as well as other walls and fences in the area.*

6. Pursuant to the Handbook, **Chapter 5 – Section 5: Fenestrations**

Design Guidelines

1. *Use doors that are appropriate for the style of building while avoiding flat-surfaced doors, those with small decorative glass panels, and pre-finished window/side lite art glass units.*
2. *Avoid unpainted aluminum storm doors and select a style which does not distort or change the appearance of the inner door.*

7. The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a Certificate of Appropriateness. All applications for Certificates of Appropriateness shall be subject to review based upon the Design Guidelines then in effect. These guidelines are set forth in a manual prepared and adopted by the Commission:

- lot coverage, defined as the percentage of lot area covered by primary structures;
- setback, defined as the distance from the lot lines to the building(s);
- building height;
- exterior building materials;
- proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- surface textures;
- structural condition and soundness;
- walls--physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- color (new construction only and not for existing residences); and
- effect of trees and other landscape elements.

8. The application for the fence is congruous with the historic aspects of the district.

1. Based on the standards of the Handbook, and the City of Concord Code of Ordinances, including the standards listed above, the Commission concludes that:

- A. Replacing sixty two (62) feet of four (4) and six (6) feet tall wooden fence and two (2) gates in the rear yard with (6) feet tall shadowbox style wooden fence and gates is appropriate as the proposed fence and gate will be “stick built” on site, will be constructed of wooden material, will be located in the rear yard and therefore may be higher than 4.0’ tall, will be visible from the street and will retain the existing vegetation to help hide it from street view, and is in compliance with the Historic Handbook.
- B. Replacing the white, wood front door with a fiberglass framed glass front door is not appropriate as the door is not appropriate for the style of building and is not in compliance with the Historic Handbook.

Commissioner Underwood made a motion to approve the Conclusions of Law as amended. Commissioner Firth seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

Chair Isenhour made a motion to approve the Certificate of Appropriateness to replace 62’ of rear yard wooden fence and two gates with 6’ rear yard shadowbox fence and two gates. Chair Isenhour made a motion to deny the Certificate of Appropriateness to replace the wooden front door. Commissioner Underwood seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

H-25-23 (QUASI-JUDICIAL HEARING) MARGARITO ZAVALA HAS SUBMITTED AN EX POST FACTO CERTIFICATE OF APPROPRIATENESS FOR THE INSTALLATION OF VINYL SIDING OVER THE EXISTING WOOD SIDING ON THE HOUSE AND PORCH AT 253 CHURCH ST NE. PIN 5621-60-9675.

Commissioner Firth made a motion to reopen the public hearing. Commissioner Eury seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

Kim Wallis introduced the case to the Commission.

On November 28, 2023, Margarito Zavala applied for an “ex post facto” Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 requesting after-the-fact approval of the installation of vinyl siding over the existing wood siding on the house and porch (Exhibit B).

The applicant states that the wood siding was too damaged from the elements to try to repair and re-paint it (Exhibits D and E). The original wood siding is 5” lap siding painted white. The replacement vinyl siding is 5” Dutch lap vinyl siding, painted white (Exhibit D).

The property is listed as unclassified in the North Union Street Historic district. The properties along Church St. were included in the zoning overlay to protect/buffer the Union Street historically classified structures from future incompatible development.

Chair Isenhour asked for clarification on the location being un-classified. Mrs. Wallis stated that the house is not in the National Register of Historic Places, but it is in the local historical district. Mr. Ashley stated the other properties to the south that are outside the historic district, they were taken out back in the 1980’s. There was a lot of discussion at that time why they ran the historic district boundary down the middle of Church Street and why it went down one side and not the other. The homeowners petitioned to come out of the historic district.

Commissioner Firth asked which ones were taken out and it was clarified that it was the homes on the south side of Church Street. There is an official map of the North Union Historic District, and the map shows blank spaces, and this is where the homes are not listed in the historic district. Mr. Ashley confirmed this.

Mr. Margarito Zavala of 253 Church St. NE stepped up to the podium. Mr. Zavala stated that 253 Church St. was an eyesore. He wanted to make it better on the outside because the wooden siding was too damaged because of how many years the wood was exposed to the elements without proper care. Mr. Zavala stated the two buildings to the right already have vinyl siding. At least half of the buildings on that side of Church St. have siding and they are not doing any drastic changes.

Commissioner Underwood asked Mr. Zavala if he considered Hardiplank fiber cement siding over vinyl. Mr. Zavala said not really because it comes down to cost of labor and materials. He said he was trying to better the structure. Chair Isenhour asked if he knew that it was part of the Historic District. Mr. Zavala said he did not know. Mr. Zavala said he did email someone but did not ever receive a response. He stated he was always confused whether it was or it wasn’t part of the Historic District and now he knows that it is not and it is that way to protect the properties on Union St. Chair Isenhour asked if Mr. Zavala recently acquired this property and he stated yes.

Commissioner Hopkins asked if any of the wood that was beyond repair have any part of the structural component of the property? She clarified by putting it over the wood that is there, it could have masked structural issues. She asked if Mr. Zavala masked any structural problems? Mr. Zavala said no. There wasn't any structural damage to the building besides the outside wood.

Chair Isenhour asked if the wood was removed or if the siding is on top of the wood. Mr. Zavala said the siding is over the wood. Commissioner Firth asked if there was any vinyl siding on the house at all prior to the wood? Mr. Zavala said no.

Chair Isenhour stated that this was a tough case for the Commission because it was after the fact and if Mr. Zavala had come before the Commission before the siding was put in, the Commission would have denied the siding per the Handbook. He said it does make it easier for people to say they didn't know and ask for forgiveness. Commissioner Underwood asked if Mr. Zavala was there because someone turned him in for the vinyl. Mr. Zavala answered yes. He stated that it was never his intention to do anything to go around the Historic District. It is on Church Street and not Union where you see these big, nice historical houses.

Commissioner Underwood asked when the house was built. Mr. Zavala stated that he was not sure. Chair Isenhour looked it up and said it was 1911. Mr. Zavala stated that the two homes on the right have vinyl. Commissioner Firth commented that the reason he asked Mr. Zavala if he had vinyl on the home before, it would be a completely different outcome but adding it is opening up a can of worms. The others who did it completed the vinyl siding without asking, Commissioner Firth said. Mr. Zavala said two doors down, the architect there went through the process and how he had to fight about it.

Commissioner Firth stated that the Handbook is very black and white because it specifically says it's prohibited. Commissioner Hopkins said on his house it would be allowed if it wasn't covering existing wood damage. She said it was not a Pivotal house and it is a Non-Contributing Fill property. She said it would be allowed if the home did not have existing wood damage. Mr. Zavala stated that it is not that they are covering damaged wood, it is damaged in a way that you cannot paint over it. It can be sanded to smooth it and paint it again but it won't look right. Commissioner Hopkins said the home would have had to have been built in a time when you could use vinyl siding but that doesn't make sense for it being Non-Contributing in the Historic District.

Chair Isenhour stated that he was trying to make sense of the location and what type of structure it was. Mrs. Autumn James stated the home was not listed as a Contributing structure. It has no designation. Commissioner Bradley asked what it used to be called when houses have fallen off the Historic District. Mr. Ashley said it was called "local district buffer". Commissioner Bradley clarified that it was more of a protection against the other homes.

Commissioner Underwood made a motion to close the public hearing. Commissioner Firth seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

Commissioner Underwood stated that if they could approve the vinyl because it was in a buffer zone and not in the Historic District, it would not be setting a precedent. Ms. Kolczynski clarified the idea of precedent. It doesn't exist because all the historic cases are individual and are based on the characteristics of this particular building and you can approve something for this particular building. Precedent is not something the Commission should be concerned about. Commissioner Firth stated that if someone else did come in front of the Commission, the Commission could say the reason they approved it was because it was in a "buffer zone". Commissioner Hopkins asked if the other two houses have vinyl and were they approved? Mr. Ashley said if they did, it was many years ago. Commissioner Firth stated it could have been before the Commission was deemed historic. Commissioner Firth asked if the order could be worded so that when another case comes up like this, it will be set apart from other cases like this. Mrs. James stated number 3 in the Findings of Fact. She stated that you are moving from what is historic and what is not. It is there in the middle.

FINDINGS OF FACT:

1. The subject property is located at 253 Church St NE, Concord, North Carolina. The owners are ZH Investments LLC. The property was acquired by deed recorded in Cabarrus County Register of Deeds Book 16638, page 0248, on September 7, 2023.
2. The subject property is located in the C-1 (Light Commercial and Office) zoning district and is in the North Union Historic District.
3. The subject property is within the zoning overlay for the Historic District but is not classified within the survey inventory as Pivotal, Contributing, Fill, or Intrusive. The properties along Church Street were included in the zoning overlay to protect/buffer the Union Street historically classified structures from future incompatible development (Exhibit A).
4. The Handbook is an ordinance of the City of Concord duly adopted by the City Council and incorporated into the Code of Ordinances by reference.
5. On November 28, 2023, Margarito Zavala applied for an “ex post facto” Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 requesting after-the-fact approval of the installation of vinyl siding over the existing wood siding on the house and porch (Exhibit B).
6. The applicant states that the wood siding was too damaged from the elements to try to repair and re-paint it (Exhibits D and E). The original wood siding is 5” lap siding painted white. The vinyl siding is 5” Dutch lap siding, painted white (Exhibit D). **No evidence was presented of any structural damage.**
7. The applicant provided photographs of the house with the vinyl siding installed, a close-up photograph indicating the condition of the original wood siding, and a close-up photograph of a section of vinyl siding (Exhibit D).
8. Staff provided photographs of the house obtained from Google Streetview from August 2023 (Exhibit E)

VaLerie Kolczynski added the sentence: No evidence was presented of any structural damage to number 6 of the Findings of Fact.

Commissioner Hopkins made a motion to approve the findings of fact as amended. Commissioner Firth seconded the motion. The vote carried unanimously. –**The Vote: All Ayes (APPROVED)**

VaLerie Kolczynski stated that the Conclusions of Law needed to be fixed. She asked Mr. Ashley if the Commission could find something non-congruous and still grant the Certificate of Appropriateness. Mrs. James stated yes. It could still be appropriate for a particular structure even though it is not particularly congruous with the district. Chair Isenhour stated that the Commission could go against the Handbook and Ms. Kolczynski said yes, because it is a case-by-case basis.

CONCLUSIONS OF LAW:

1. This matter is properly before the Commission pursuant to N.C. Gen. Stat. § 160A-400.7, et seq. and the Concord Development Ordinance.
2. Pursuant to the *Handbook*, **Approval Requirement Needs Table: Siding and Exterior Material**
 - *Alteration of siding from one material to another (shingles to clapboard etc.). Applications of any simulated materials, aluminum siding, plastic siding, etc. requires Commission Hearing and Approval.*

3. Pursuant to the *Handbook*, **Chapter 4: Local Standards and General Policies**

Alterations: Alterations having no historical basis shall be avoided whenever possible. Any type of alteration of exterior features of a building, site, or environment within the Historic Districts which is not specifically listed within these regulations shall be referred to the Historic Preservation Commission for action on the issuance of a Certificate of Appropriateness.

- *All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.*
- *Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.*
- *Contemporary design for alterations and additions to existing properties shall be encouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.*
- *New additions or alterations shall be construed in such a manner as to preserve the essential form and integrity of the structure, should the addition or alteration be removed.*

4. Pursuant to the *Handbook*, **Chapter 5 - Section 4: Siding and Exterior Materials**

The historic integrity of structures should not be compromised by altering the original siding, even if the proposed siding is composed of historically accurate materials (example: wood siding to shingle siding) unless proof can be provided that the proposed alteration has a historic basis.

A number of artificial sidings have been developed since the construction of many of the structures in the districts. Artificial products that are found on some structures may include asbestos shingles or vinyl or aluminum siding. Artificial or synthetic siding is not appropriate for additions on Pivotal and Contributing structures or for large accessory structures. Artificial and synthetic siding, when used for additions or accessory structures on lots containing noncontributing, fill, or intrusive structures, may be considered on a case-by-case basis.

Design Standards: Siding and Exterior Materials

1. *To the greatest extent possible, wood siding should be preserved and maintained.*
2. *In the replacement of wood siding, materials should match the original as closely as possible. "Rough-sawn" siding should be avoided.*
3. *The use of artificial siding to cover original siding is prohibited.*
4. *The removal of artificial siding and restoration of original siding materials is encouraged.*
5. *Artificial and synthetic siding is permitted for new construction on a limited basis in coordination with this section and Chapter 4: "Local Standards and General Policies" of this Handbook*

5. The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a Certificate of Appropriateness. All applications for Certificates of Appropriateness shall be subject to review based upon the Design Guidelines then in effect. These guidelines are set forth in a manual prepared and adopted by the Commission:

- lot coverage, defined as the percentage of lot area covered by primary structures;
- setback, defined as the distance from the lot lines to the building(s);
- building height;
- exterior building materials;
- proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- surface textures;

- structural condition and soundness;
- walls--physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- color (new construction only and not for existing residences); and
- effect of trees and other landscape elements.

6. The application is not congruous with the historic aspects of the district.

7. Based on the standards of the Handbook, and the City of Concord Code of Ordinances, including the standards listed above, the Commission concludes that:

- A. The covering of the wood siding with vinyl artificial siding on the exterior house and porch, in this case, due to the spatial relationship of the property to the Historic District is appropriate and the vinyl material in this case is in compliance with the Historic Handbook.

Commissioner Firth made a motion to approve the conclusions of law as amended. Commissioner Underwood seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

Commissioner Underwood made a motion to approve an ex-post facto certificate of appropriateness. Commissioner Eury seconded the motion. The vote carried unanimously. **–The Vote: All Ayes (APPROVED)**

HANDBOOK UPDATES

No updates.

ADJOURNMENT:

A motion was made and carried to adjourn the meeting at 9:10 p.m.

Chair–William Isenhour

Secretary – Deirdre Connellan