

DATE: October 10, 2018

SUBJECT:

Certificate of Appropriateness Request:

H-25-18

Applicant:

Lantana Hill, LLC and Grandin and Litaker, LLC

Location of subject property:

161 Union St S

Staff Report prepared by:

Scott Sherrill, Sr. Planner

BACKGROUND:

- The subject property is site of a "Fill" structure and is located in the South Union Street Historic District. (Exhibit A)
- Date of construction: ca. 1945
- Two-story, brick apartment house containing four units. Building set far behind other buildings on street at bottom of steep slope.
- Applicant is proposing design modifications to parking area in light of ex post facto denial for asphalt paving.

DISCUSSION:

New owners acquired the property in June 2017 and made some alterations to the property. This case was initiated through code enforcement after a pair of violations were noted: installation of vinyl fence and the resurfacing of a portion of the driveway. Applicant volunteered that the laundry room had been removed also. The Historic Preservation Commission denied COAs for the fence and the parking, and the applicant is seeking to make modifications to the driveway design to have that portion re-reviewed.

The applicant had proposed to add a 15 foot long, six inch wide rectangular drainage strip to the existing parking lot. After the installation of the drainage pipe and grate, the strip will be backfilled with gravel. The applicants feel that this revision will assist in addressing the neighbors' drainage concerns. The applicant has also submitted new photographs to emphasize the low visibility of the parking lot from Union St.

At the September meeting, the Historic Preservation Commission requested analysis of whether or not the design change proposed constituted a substantial change. Since the September meeting, the applicant has proposed increasing the gravel area to 200 square feet (20'x10').

Further enforcement action has been put on hold until this case can be heard.

REQUESTED ANALYSIS

Whether or not the proposed modification constitutes a substantial change depends on the preferred standard for evaluation.

New COA Required: If the Commission chose to evaluate a substantial modification on whether or not a new Certificate of Appropriateness would be required for the proposed work, the proposal would meet that standard because a COA is required for parking lots except for "Resurfacing with same material."

10% Change: For several other types of approvals, including Planned Unit Developments or subdivision plats, a change of 10% or more of open space locations, road networks, unit locations, etc. triggers re-review by the Planning and Zoning Commission. On this standard, the proposed work would not meet the threshold. The paving project encompassed 6,760 square feet, of which 200 square feet is 2.9%.

Visual Impact: Staff has requested that the applicant delineate on the property the proposed area for gravel replacement and submit a photograph taken from the top of the northern driveway, which is where the visual impact of the project would be greatest to see if the 200 square feet results in a noticeable change. This photograph will be available at the meeting on October 10.

ATTACHMENTS

Exhibit A: National Register of Historic Places Inventory—Nomination Form

Exhibit B: Application for Certificate of Appropriateness

Exhibit C: Photographs

Exhibit D: CDO Section regarding minimum parking requirements and Handbook Chapter 5—Section 10 from the Historic Districts Handbook

Exhibit E: Photographs from Case H-12-18

Exhibit F: Proposed Site Plan

HISTORIC HANDBOOK DESIGN RECOMMENDATIONS:

Chapter 5 – Section 10: Driveways, Walkways and Parking

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.

Gravel may be appropriate in some instances for established commercial driveways and parking areas. The Zoning Ordinance dictates that some parking areas be paved; however, if the Historic Preservation Commission finds that gravel parking is more appropriate to the historic nature of the property, it can recommend to the Planning and Zoning commission that a waiver of the paving requirement be granted.

Design Guidelines and Recommendations:

1. *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.*
3. *Excessive expanses of paving should be avoided.*
4. *Use vegetation screen 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.*

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 - South Union Street Historic District, Concord	#7	27

Ralph E. Cline, the older brother of A. Campbell Cline (see inv. #32) was an official of Cannon Manufacturing Company.

56. House
163 S. Union St.
by 1906 (SM)
C

Somewhat unusual, two-story, frame, hip-roofed house with first and second story porches engaged under the house's main roofline. First story of house covered with lapped siding; second story with square-cut shingles. Under first story porch is slanted bay with latticed window sash. Centrally placed facade dormer over second story. House has full basement at rear due to steeply sloping site.

57. Apartments
165 S. Union St.
ca. 1945
F

Two-story, brick apartment house containing four units. Building set far behind other buildings on street at bottom of steep slope.

58. Southern Life Insurance
167 S. Union St.
ca. 1960
I

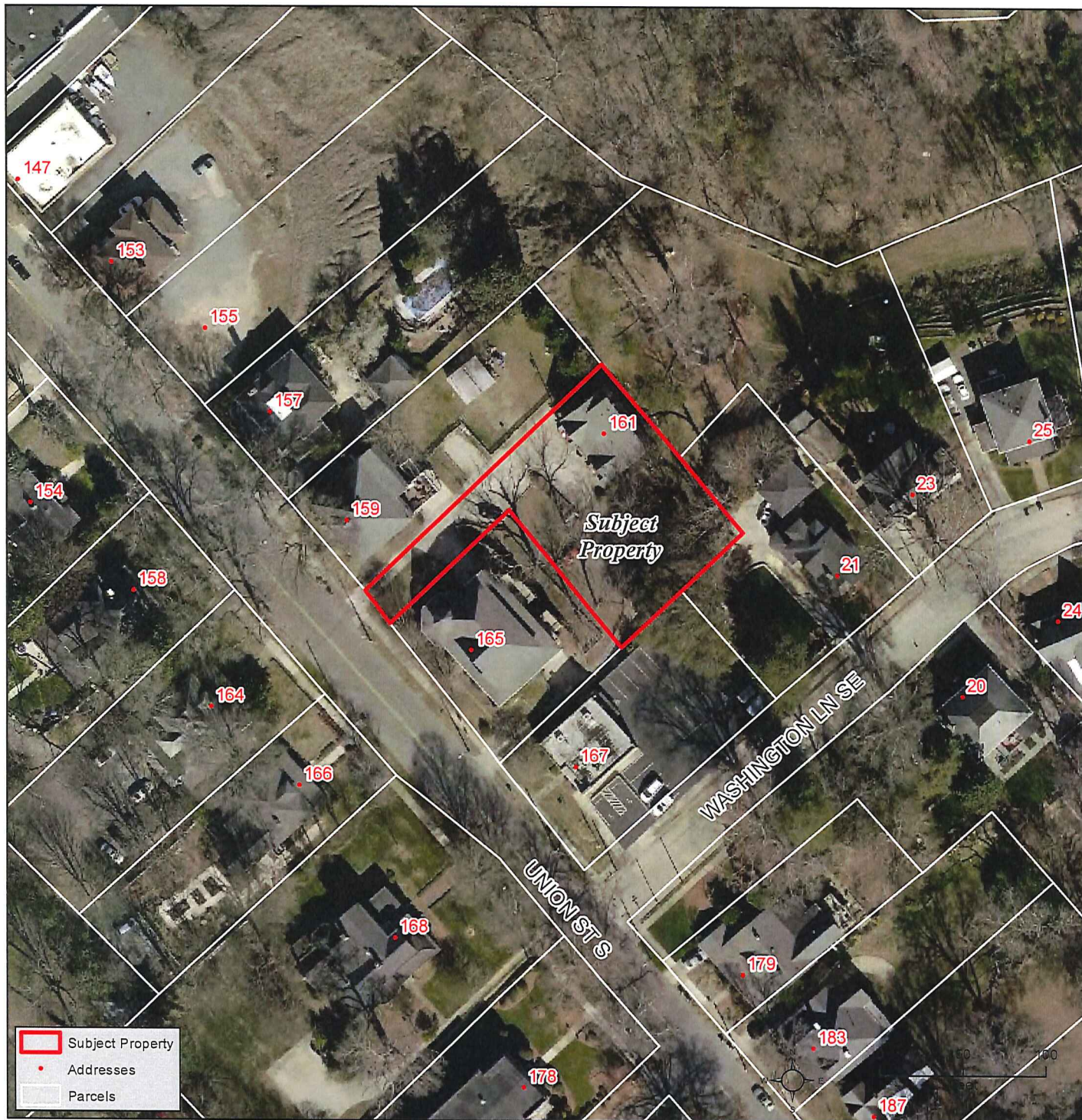
One-story brick office building with aluminum windows, corner parking lot.

59. House
179 S. Union St.
ca. 1925
F

Simple one-and-a-half-story frame bungalow with rebuilt porch.

60. House
183 S. Union St.
ca. 1910
F

Somewhat deteriorated, one-story frame cottage with high hip roof and

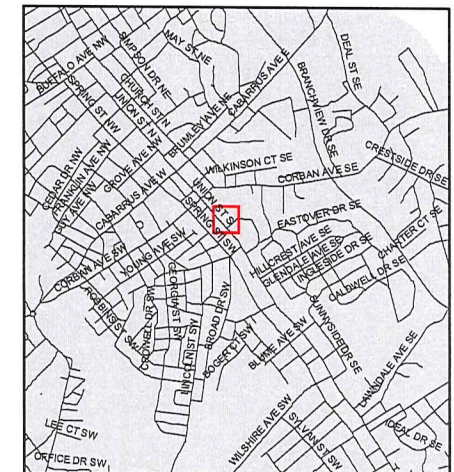


H-25-18

Lantana Hill, LLC &
Grandin & Litaker, LLC

161 Union St S

PIN: 5630-06-1869



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, its 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.



Application for
Certificate of Appropriateness

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: LANTANA HILL LLC + GRANDIN # BITAKER LLC
Address: 424 GRANDIN RD.
City: CHARLOTTE State: NC Zip Code: 28208 Telephone: 415-602-4214

OWNER INFORMATION

Name: DWIGHT HORN + MICHAEL MASSETTE
Address: - SAME AS ABOVE
City: _____ State: _____ Zip Code: _____ Telephone: 415-602-4214

SUBJECT PROPERTY

Street Address: 161 UNION ST S, CONCORD P.I.N. # 5630061869
Area (acres or square feet): 16,175 Current Zoning: RC Land Use: Apartment

Staff Use
Only:

Application Received by: _____ Date: _____, 20 _____

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

The application fee is nonrefundable.

Exhibit B



Application for
Certificate of Appropriateness

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

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 if **16 folded copies** are submitted for distribution.
2. A photograph of the front of the house.
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.
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.

Applications may be submitted electronically.

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.

7.24.2018

Date

DWIGHT HARRIS
LANTANA HILL LLC
Signature of Owner/Agent

Application for Certificate of Appropriateness

1) Project or Type of work to be done:

We propose to add a rectangular drainage strip to the existing parking lot. This will assist in storm water drainage off our property, and -working closely in conjunction with our neighbors- off of our neighbor's property as well.

The reason why this seemingly-small change amounts to a significant enough change for re-review by this Commission is the June 13 meeting we have worked closely with our neighbors to address the concerns they raised and win their support in favor of this project.

2) Detailed specifications of the project:

We propose to cut and excavate a 6" x 15' strip out of the parking lot. This strip will run directly in front of the apartment building, starting at the middle of the front of the building and running to the SW corner of the front of the building. Inside the excavated strip we propose to add a drainage pipe and grate and back fill the strip with gravel. This will improve storm water-runoff on our property and our neighbor's properties as well.

ARGUMENTS IN FAVOR OF APPROVING THE COA FOR 161 UNION ST S

- a) The subject asphalt parking area is not visible from the street;
- b) According to the Historic Preservation Commission guidelines Gravel Chapter 5, Section 10, Page 46, Point 4 of Design Guidelines and Recommendations...

"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"
- c) The subject parking area provides 1.57 spaces per unit. This falls near the bottom of the range of required parking, 1.5 – 2.5 spaces per unit for Multifamily Units according to *Development and Design Standards, Section 10.3 Parking and Loading, Table 10.3-1 Required Minimum and Maximum Parking Spaces.*
- d) Our asphalt pavement project was initially denied at the Historic Preservation Commission Meeting which took place on June 13. At that meeting we were surprised and disappointed to find two of our neighbors present and speaking against our project. Since receiving the Commission's rejection of the pavement portion of our project, we have worked closely with our neighbors to address the concerns they raised at that time. This is evidenced by their presence here today speaking in favor of Commission approval of our pavement project.
- e) Being denied a Certificate of Appropriateness would pose a financial hardship for us
 - 1) Not simply the cost involved in removing and replacing the pavement; but also
 - 2) Since our purchase we have carefully curated the new tenants now residing there. Our neighbors will attest that they no longer experience trash being thrown out the windows by tenants of the subject onto their property. All of the current tenants signed their leases and moved in after the new pavement was installed. So it is reasonable that they might assume that providing a nice, new clean pavement upon which to park their nice cars is part of what their monthly rent includes. If we were to remove it, I fear some tenants would view this as an invalidation of their lease, causing them to seek other accommodations.



Exhibit C



NOTICE
704-220-8122





DEVELOPMENT AND DESIGN STANDARDS

Section 10.3.

Parking and Loading

Table 10.3-1: Required Minimum and Maximum Parking Spaces

Land Use	Min. Vehicle Spaces	Max. Vehicle Spaces
<i>Residential</i>		
Single Family, detached (includes manufactured and modular homes)	2 per parcel	n/a
Duplex (Two units per lot)	2 per unit	n/a
Multi-Family (3 or more units) and attached Single-Family	1.5 per unit	2.5 per unit
Accessory Dwellings	1 per unit	n/a
Family Care Home	2 per parcel	n/a
<i>Institutional and Civic</i>		
Auditorium/Public Assembly	1 per 6 seats or 1 per 50 sf GFA (if no seats)	1 per 4 seats or 1 per 30 sf GFA (if no seats)
Botanical Garden and Nature Preserves	n/a	1 per 125 sf GFA of bldg.
Campground	1 per 6 camp sites, plus 4 per laundry & shower facility	n/a
Child Care Center	1 per 375 sf GFA	1.5 per 375 sf GFA
Civic, Social and Fraternal Organizations	1 per 250 sf GFA	1 per 200 sf GFA
Emergency Service Facilities	1 per employee + 1 per 3 volunteer personnel on normal shift + 1 per 200 sf usable office space	n/a
Golf Course	4 per hole	6 per hole
Golf Driving Range	1 per 2 tees	1 per tee
Governments Buildings	1 per 300 sf GFA	1 per 125 sf GFA
Hospital	1 per 400 sf GFA	1 per 100 sf GFA
Museums and Art Galleries	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA
Park, public	1 per 4 seats	1 per seat
Religious Institutions	1 per 8 seats	1 per 1.5 seats
Residential Care Facilities and Group Homes	0.3 per room	1 per room
Schools - Business, Trade and/or other Vocational	1 per 200 sf GFA	1 per 150 sf GFA
Schools - Elementary and Secondary	1 per classroom	2 per classroom
Schools - University or College	1 per 4 students	1 per 2 students
All other Institutional Uses	1 per 300 sf GFA of bldg.	1 per 125 sf GFA of bldg.
<i>Professional Office/Business Services</i>		
Offices, General	1 per 1,000 sf GFA	1 per 200 sf GFA
Banks (with drive-through)	1 per 200 sf GFA, plus sufficient stacking spaces to accommodate any drive-through lane(s)	1 per 150 sf GFA, plus sufficient stacking spaces to accommodate any drive-through lane(s)
Banks (without drive-through facilities)	1 per 250 sf GFA	1 per 140 sf GFA
Funeral Home and Services	1 per 4 seats	1 per 2 seats
Personal Services (Dry Cleaners, etc.)	1 per 500 sf GFA	1 per 215 sf GFA
Personal Care Services (Hair, skin, etc.)		
All other Professional Office/Business Service uses	1 per 300 sf GFA	1 per 150 sf GFA
<i>Retail Trade</i>		
Amusement Arcade	1 per game table, video game or other amusement device	n/a
Amusement Park	1 per 600 sf of outdoor recreation area	1 per 500 sf of outdoor recreation area
Automobile Sales, New and Used (see § 5.6)	1 per 375 sf GFA of sales area, plus 1 per employee, plus 1 per vehicle stored on site	1.5 per 375 sf GFA of sales area, plus 1 per employee, plus 1 per vehicle stored on site
Automobile Repair/Body Shop	1 per 500 sf GFA including all service areas, plus 1 per employee	1 per 375 sf GFA including all service areas, plus 1 per employee

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.

Gravel may be appropriate in some instances for established commercial driveways and parking areas. The Zoning Ordinance dictates that some parking areas be paved; however, if the Historic Preservation Commission finds that gravel parking is more appropriate to the historic nature of the property, it can recommend to the Planning and Zoning Commission that a waiver of the paving requirement be granted. New nonresidential and some multifamily structures are subject to the Zoning Ordinance paving requirements and in the North Carolina State Building Code.

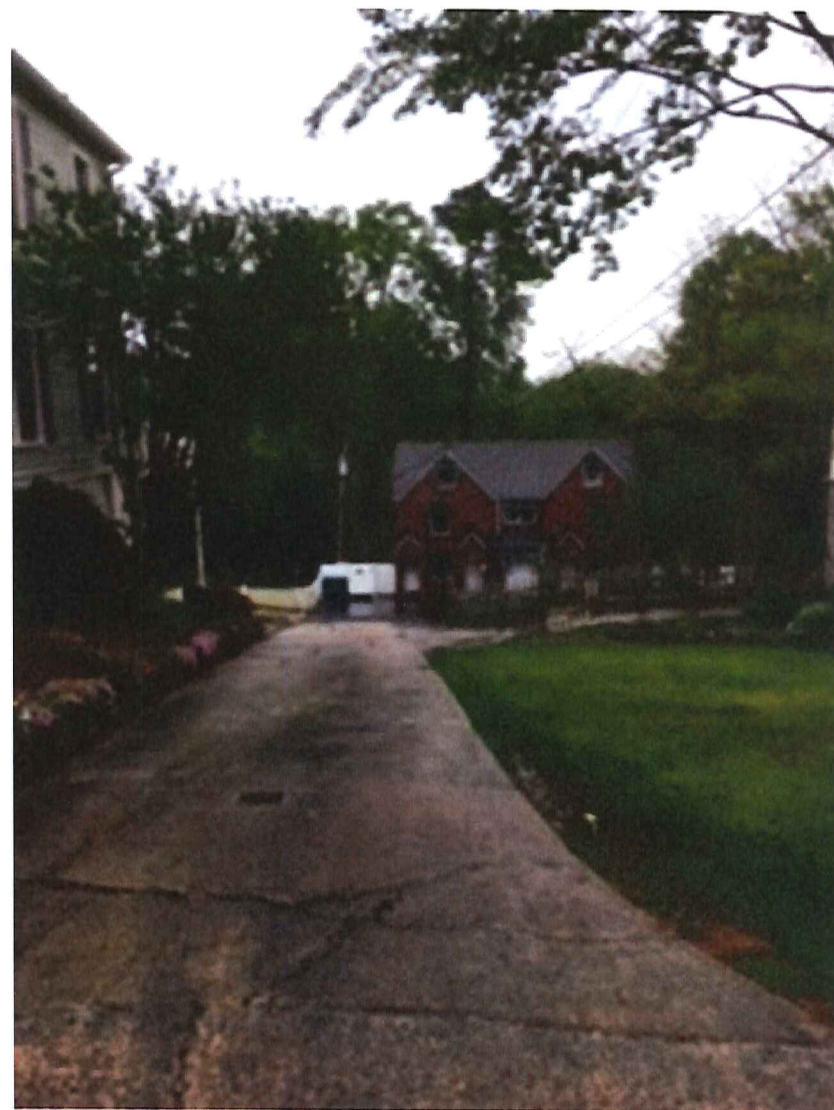
New walkways should consist of appropriate natural material including gravel, concrete, stone, brick or pervious pavers. Walkways should avoid prefabricated and imprinted stepping stones within front yards.

DESIGN GUIDELINES AND RECOMMENDATIONS

1. 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.
2. Trees should be planted or retained in order to maintain the tree canopy and to minimize the focus of the parking areas.
3. Excessive expanses of paving should be avoided.
4. Use vegetation screen 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.

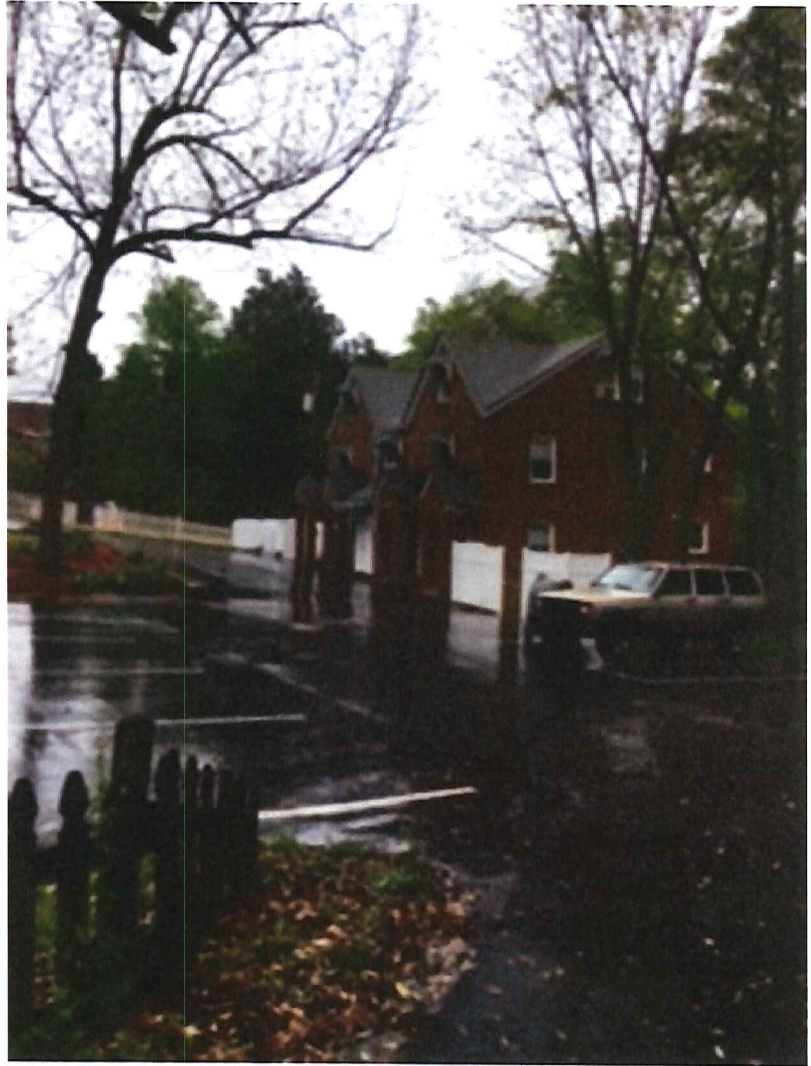
- Green Tip -

Water-pervious materials such as gravel, crushed stone, or pervious paving blocks minimize runoff, increase infiltration, and are strongly encouraged for new or deteriorated driveways and offstreet parking areas.



Applicant Photographs

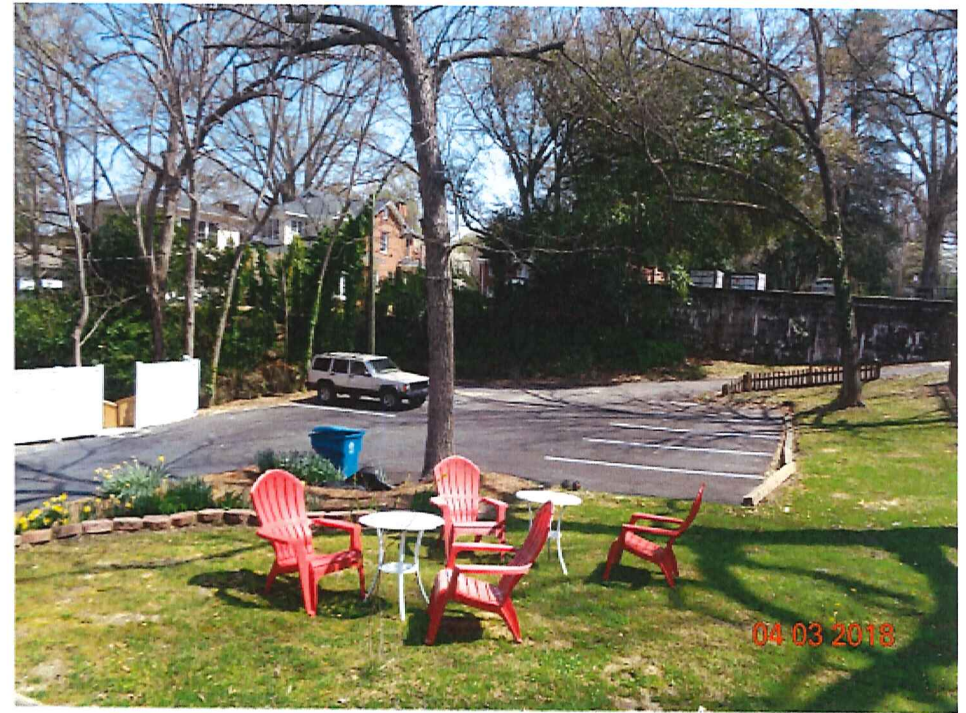
Exhibit E





Code Enforcement Photographs







Inventory Photographs



