

## HISTORIC PRESERVATION COMMISSION MEETING AGENDA

Wednesday, September 11, 2024 at 6:00 PM

City Hall Council Chambers, 35 Cabarrus Avenue West

1. CALL TO ORDER – *Chair*
2. ORDER OF BUSINESS - *Chair (Ask Staff if there are any adjustments to agenda)*
3. INTRODUCTIONS - *Chair and Commissioners (give your name for the record)*
4. APPROVAL OF MINUTES - *Motion, second, and vote needed.*
5. SWEARING IN OF WITNESSES - *Chair*
6. OLD BUSINESS
7. NEW BUSINESS

### **H-19-24 (Quasi-Judicial Hearing)**

**Leland Bishop for First Presbyterian Church** has submitted a Certificate of Appropriateness application for the installation of brick steps in the grass strip between the street curb and the public sidewalk at 70 Union St N. PIN 5620-88-4852.

- a. Open Public Hearing by Motion - *Motion, second, and vote needed.*
- b. Staff Presentation
- c. Applicant's Testimony
- d. Other Testimony
- e. Close Public Hearing by Motion - *Motion, second, and vote needed.*
- f. Approve Findings of Fact by Motion - *Motion, second, and vote needed.*
- g. Approve Conclusions of Law by Motion - *Motion, second, and vote needed.*
- h. Approve/Deny Conditions and Permit by Motion - *Motion, second, and vote needed.*

### STAFF UPDATES/DISCUSSIONS

### 8. ADJOURNMENT

*In accordance with ADA Regulations, please note that anyone who needs accommodation to participate in the meeting should notify Planning & Neighborhood Development Department at 704/920-5152 at least twenty-four (24) hours prior to the meeting.*

<b><u>DATE</u></b>	September 11, 2024
<b><u>SUBJECT</u></b>	
<u>Certificate of Appropriateness Request:</u>	H-19-24
<u>Applicant:</u>	Leland Bishop for First Presbyterian Church
<u>Location of subject property:</u>	70 Union St N
<u>PIN:</u>	5620-88-4852
<u>Staff Report prepared by:</u>	Kim Wallis, AICP, Senior Planner

### **BACKGROUND**

- The subject property, 70 Union St N, First Presbyterian Church, is designated as a “Pivotal” structure in the North Union Street Historic District, completed in 1927 (Exhibit A).
- “Imposing, brick Neo-Georgian Church laid up in Flemish bond, designed by New York architect Hobart Upjohn for Concord's oldest congregation. Church consists of gable-roofed nave flanked by flat roofed arcades, a square tower topped with a three-stage steeple at the front of the building, and a small gable-roofed wing on the south (right) side. A courtyard with an arcade separates the sanctuary from the education building, a large structure of more restrained Colonial Revival design with a nine-bay facade and impressive double stair facing Church Street. Tall, principal entrance composed of two-leaf, ten-panel door set in a broad molded surround and topped with a Swan's neck pediment. Rows of tall, 12/12 sash windows with arched transoms light both sides of the nave; at the rear of the nave is a large, well-proportioned Palladian window. The church is deeply set in a broad lawn (Exhibit A).

### **DISCUSSION**

On August 15, 2024, Leland Bishop for the First Presbyterian Church, applied for a Certificate of Appropriateness under Concord Development Ordinance (CDO) §9.8 for the installation of brick steps in the grass strip between the street curb and the public sidewalk (Exhibit B).

The applicant is proposing to install two (2) 8’x4’ steps of brick paving, to match the existing brick in the church sidewalk, within the City of Concord’s street right-of-way. The proposal is for pedestrian access only and will not include curb cuts. The applicant has applied for and received a permit from the City for encroaching in the City right-of-way. The applicant is proposing this project as his Eagle Scout Project with the intent to help the congregants of the Church safely walk from the street across the grass strip to the sidewalk in front of the church. He has collected signatures from property owners adjacent to the church in favor of the project (Exhibits D and E).

### **ATTACHMENTS**

- Exhibit A: National Register of Historic Places Inventory
- Exhibit B: Certificate of Appropriateness Application
- Exhibit C: Subject Property Map
- Exhibit D: Applicant submitted Illustration, Photograph and Signatures.
- Exhibit E: Right-of-Way Encroachment Permit

### **HISTORIC HANDBOOK DESIGN RECOMMENDATIONS**

#### **Approval Requirement Needs Table:**

- **Public Right-of-Way Improvements:** Changes in street lights, paving, disturbing root systems, landscaping, and sidewalks require Commission Hearing and Approval.
- **Stairs or Steps:** Removal, addition or alteration of external stairs or steps requires

Commission Hearing and Approval.

**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 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
<u>Inventory List - North Union Street Historic District, Concord</u>	# 7	30

31. First Presbyterian Church  
70 North Union Street  
Completed in 1927  
P

Imposing, brick Neo-Georgian Church laid up in Flemish bond, designed by New York architect Hobart Upjohn for Concord's oldest congregation.

Church consists of gable-roofed nave flanked by flat-roofed arcades, a square tower topped with a three-stage steeple at the front of the building, and a small gable-roofed wing on the south (right) side. A courtyard with an arcade separates the sanctuary from the education building, a large structure of more restrained Colonial Revival design with a nine-bay facade and impressive double stair facing Church Street. Tall, principal entrance composed of two-leaf, ten-panel door set in a broad molded surround and topped with a Swan's neck pediment. Rows of tall, 12/12 sash windows with arched transoms light both sides of the nave; at the rear of the nave is a large, well-proportioned Palladian window. The church is deeply set in a broad lawn.

This building is the fourth house of worship of a congregation founded in 1804.

32. Eugene T. Cannon House  
58 North Union Street  
Late 1920s  
P

Splendid Jacobethan style residence, the only example of the style in Concord, designed by Charlotte architect William H. Peeps for Eugene T. Cannon, one of James William Cannon's six sons. Now used as fellowship house for First Presbyterian Church.

House exhibits most characteristic features of the style: brick construction with decorative concrete trim; bay and oriel windows; corbeled chimneys with separate shafts for each flue; and parapeted rooflines. House features use of Tudor arches for principal exterior and interior doorways. House is deeply set in a broad lawn and forms the southern entrance to the district on Union Street.

# Application for Certificate of Appropriateness

An application will not be placed on the agenda until all required information and attachments, as listed in this document, are submitted and complete

TO BE COMPLETED BY APPLICANT			STAFF USE ONLY		
	Yes	N/A	Yes	No	N/A
<p><b>Application Deadline:</b> Approximately one month (~ 30 days) prior to regularly scheduled HPC meeting. Please check with City Staff to confirm submission deadlines and meeting dates.  <b>COA Fee: \$40.00    After-the-Fact Fee: \$120.00</b></p>					
1	<p><b>Written Description</b> Describe clearly and in detail the project scope of work. installation of two (2) four feet by four feet squares of brick paving matching the existing brick sidewalk in the grass strip between the street curb and existing City sidewalk</p>				
2	<p><b>Materials Description</b> Type/Width of siding, window trim, height/style of doors, etc.</p>				
3	<p><b>Photos of Existing Conditions</b> Clear digital photos of:</p> <ul style="list-style-type: none"> <li>• All sides of the building(s)</li> <li>• Front yard</li> <li>• Rear yard</li> <li>• Trees to be removed</li> <li>• Significant site features</li> </ul>				
4	<p><b>Context Photographs</b></p> <ul style="list-style-type: none"> <li>• Photos of structures on same block and across the street, include property address for each photo.</li> <li>• Photos of other properties in District with similar design features, as applicable.</li> </ul>				
5	<p><b>Site Plans - Existing + Proposed.</b> (Property survey, or scaled drawing accepted)</p> <ul style="list-style-type: none"> <li>• Lot Dimensions</li> <li>• Setback dimensions [side,rear,front (porch + thermal wall)]</li> <li>• Setback dimensions of neighboring properties</li> <li>• Drives, walks + alleys</li> <li>• Tree protection and/or tree removal + replanting</li> <li>• HVAC location</li> <li>• Fences/walls</li> <li>• Accessory buildings (garages, sheds, gazebos, etc.)</li> <li>• Easements/public rights of way</li> <li>• % of Rear Yard Coverage</li> </ul>				

6	<b>Elevation Drawings - Existing + Proposed</b> All drawings should include dimensions, materials, foundation height, topography, etc. For additions, the existing structure and proposed addition must be clearly shown. The plans must clearly identify the building elements to be demolished. <ul style="list-style-type: none"> <li>• Front</li> <li>• Rear</li> <li>• Left</li> <li>• Right</li> </ul>				
7	<b>Architectural Details</b> <ul style="list-style-type: none"> <li>• Porch section (showing the column/beam alignment)</li> <li>• Railing detail</li> <li>• Roof detail (soffit, fascia)</li> <li>• Window detail (material, design, dimensions, trim)</li> <li>• Wall section</li> </ul> <i>May include additional information as requested by the Commission as a condition for future review.</i>				
8	<b>Floor plans</b> As needed (usually optional).				

*(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 Planning & Neighborhood Development. (2) I understand that City staff and/or members of the Historic Preservation Commission may make routine visits to the site to ensure that work being done is the same as the work that was approved. (3) I understand that photographs of the completed project will be used to update the City's historic districts inventory database.*

**SUBJECT PROPERTY**

Address: 71 Union St N.

Parcel ID (PIN): 56208828520000

Area (acres or square feet): 64 Sq ft

Current Zoning: RM-1

**OWNER INFORMATION**

Name: First Presbyterian Church

Address: 70 Union St. N.

City: Concord State: NC Zip Code: 28025

Email Address: ellen.crawfordtrue@firstpresconcord.org

Phone: (704) 788-2100

**APPLICANT INFORMATION**

Name: Leland Bishop

Address: 71 Union St N. City: Concord

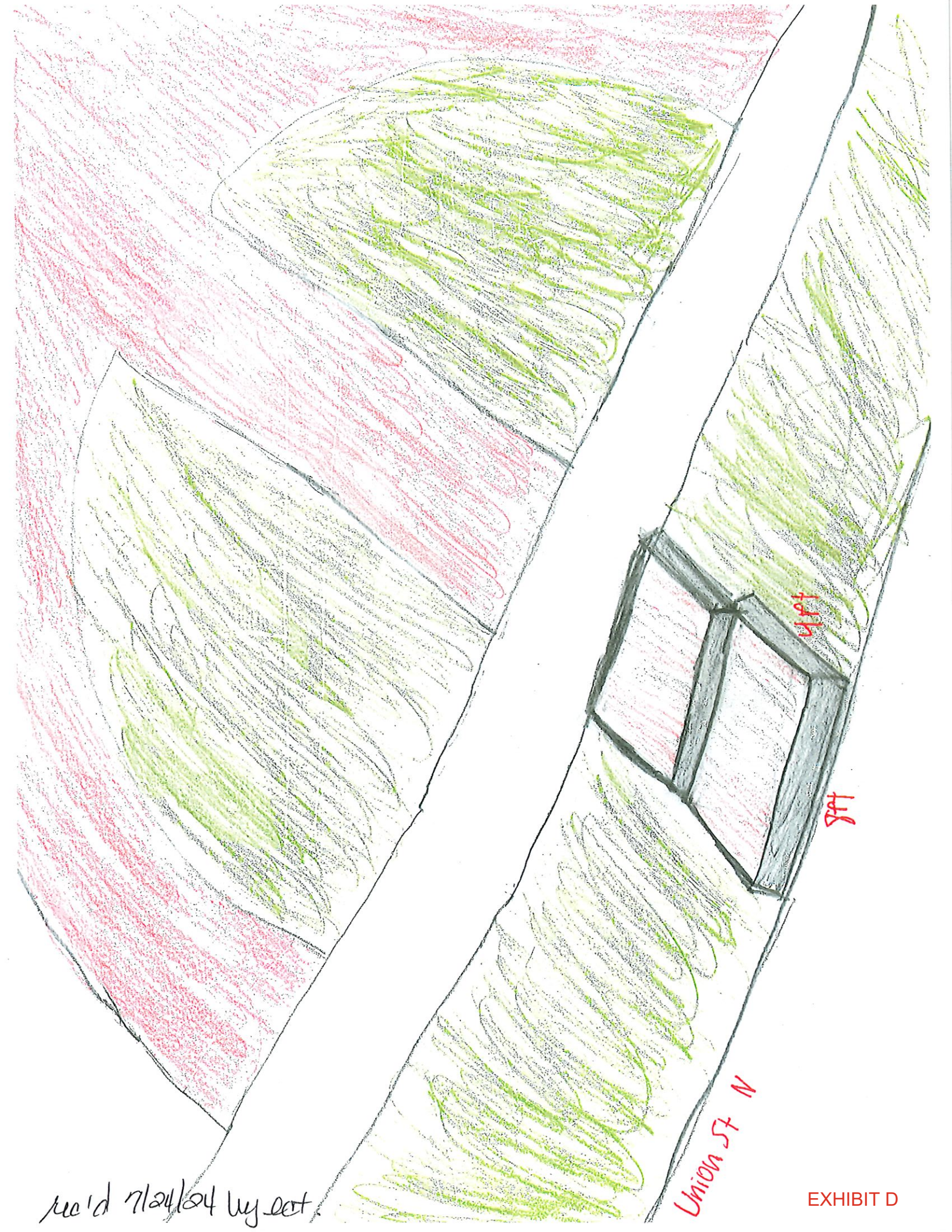
State: NC Zip Code: 28025

Email Address: bishopleland25@gmail.com Phone: (980) 439-9619

Signature of Owner: *Ellen Crawford True* Date: 8/15/24

Signature of Applicant: *Leland Bishop* Date: 8/15/24





no'd 7/24/04 by cert.

Union St N

4ft

118

EXHIBIT D







Map Cabarrus



Lat: 35.412487341396385 Lon: -80.58315862801767

I think the addition of brick steps in the grassy area between the sidewalk and street in front of First Presbyterian Church is a good idea to improve public safety. I agree with the design.

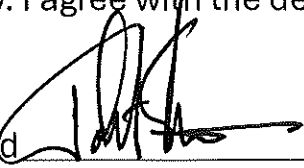
Signed Kenny A. Nunnally

Necessary

91 Union Street N.

I think the addition of brick steps in the grassy area between the sidewalk and street in front of First Presbyterian Church is a good idea to improve public safety. I agree with the design.

Signed

A handwritten signature in black ink, appearing to be 'Schneider', written over a horizontal line.

Schneider

83 Union Street N.

I think the addition of brick steps in the grassy area between the sidewalk and street in front of First Presbyterian Church is a good idea to improve public safety. I agree with the design.

Signed Mary Margaret Underwood

Underwood

94 Union Street N.

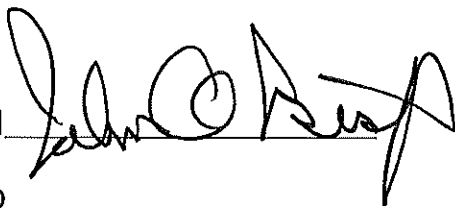
I think the addition of brick steps in the grassy area between the sidewalk and street in front of First Presbyterian Church is a good idea to improve public safety. I agree with the design.

Signed  \_\_\_\_\_

Thomas

84 Union Street N.

I think the addition of brick steps in the grassy area between the sidewalk and street in front of First Presbyterian Church is a good idea to improve public safety. I agree with the design.

Signed 

Bishop

71 Union Street N.

I think the addition of brick steps in the grassy area between the sidewalk and street in front of First Presbyterian Church is a good idea to improve public safety. I agree with the design.

Signed *Cynthia Rohrer*

Rohrer

65 Union Street N.



Return to Concord City Attorney

**STATE OF NORTH CAROLINA  
CABARRUS COUNTY**

**RIGHT-OF-WAY  
ENCROACHMENT PERMIT  
P/O PIN: 5620-88-48520000**

THIS PERMIT issued this, the 19<sup>th</sup> day of August 2024, by and between the City of Concord, (hereinafter "City"); and First Presbyterian Church of Concord, North Carolina, Inc. (hereinafter "Permittee")

**WITNESSETH:**

**THAT WHEREAS**, Permittee desires to encroach on the sidewalk and planting strip located in the right-of-way of the public street designated as Union Street North at 70 Union Street, North, Concord, NC 28025 for the purpose of the installation and maintenance of two approximately four feet by four feet squares of brick paving matching the existing brick sidewalk of the Permittee into the grass strip between the street curb and existing City sidewalk; and

**WHEREAS**, it is to the material advantage of Permittee to effect this encroachment permit, and the City in the exercise of authority conferred upon it by statute is willing to permit the encroachments, subject to the conditions of this Permit;

**NOW, THEREFORE, IT IS AGREED** that the City hereby permits Permittee to make these encroachments as shown in approximation the sketch attached Exhibit A, upon the following conditions, to wit:

**TERMS AND CONDITIONS**

1. The sketch plan attached hereto as Exhibit A and incorporated herein shall clearly designate and show the sections of sidewalk and/or areas of rights of way to be used for brick paving. The existing curb line must be shown on the drawing. If any modifications to this drawing are desired at any time during the term of this Permit, a new drawing must be submitted and approved by the City Manager or his/her designee and a new Permit must be issued.
2. Permittee approved the submission of the Permit Application and associated documents, attached hereto as Exhibit B, and incorporated herein. Permittee shall have a continuing duty to update the City regarding any changes to the information contained on the Application. Failure to notify the City of any changes to this information shall constitute a breach of the terms of this Permit and shall be grounds for the immediate termination of this Permit at the sole discretion of the City.
3. During the course of the installation of the brick paving, the sidewalk must be kept free of all construction materials, litter and other items. Permittee shall be solely responsible for keeping the sidewalk clear of obstruction of any kind.
4. Throughout the term of this Permit, Permittee shall maintain General Liability Insurance coverage in the amount of \$1,000,000.00. Prior to the execution of this Permit, Permittee shall provide a Certificate of Insurance, on which City shall be named as an Additional Insured. Such Certificate shall require thirty (30) days written notice by the insurer or Permittee's agent in the event of cancellation, reduction or other modifications of coverage. In addition to the notice

requirement above, Permittee shall provide the City with immediate written notice of cancellation, reduction, or other modification of coverage of insurance. Upon failure of the Permittee to provide such notices, Permittee assumes sole responsibility for all losses incurred by the City for which insurance would have provided coverage.

5. To the maximum extent allowed by law, the Permittee shall defend, indemnify, and save harmless the City of Concord, its agents, officers, and employees, from and against all charges that arise in any manner from, in connection with, or out of this Permit or the brick paving permitted herein as a result of the acts or omissions of the Permittee, any vendor, business, contractor, invitee or other person encroaching on city sidewalks or right of way pursuant to this agreement, or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, including without limitation the person or persons installing the brick paving, except for damage or injury caused solely by the negligence of the City its agents, officers, or employees. In performing its duties under this section, the Permittee shall at its sole expense defend the City of Concord, its agents, officers, and employees with legal counsel reasonably acceptable to City. As used in this subsection – "Charges" means claims, judgments, costs, damages, losses, demands, liabilities, duties, obligations, fines, penalties, royalties, settlements, expenses, interest, reasonable attorney's fees, and amounts for alleged violations of sedimentation pollution, erosion control, pollution, or other environmental laws, regulations, ordinances, rules, or orders. This section shall remain in force despite termination of this Permit (whether by expiration of the term or otherwise). Permittee shall be personally liable for any damages arising from use, actions, or omissions of the Permittee, any vendor, business, contractor, invitee or other person encroaching on city sidewalks pursuant to this agreement, or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

6. Permittee represents that it has the authority to enter this agreement and that the necessary action has been taken by its Corporate Board as evidenced by the Corporate Resolution attached hereto as Exhibit C.

7. Permittee agrees to secure and abide by all necessary permits and licenses issued by the state, county or city. This shall include any permits issued by the City for exterior alterations or improvements related to the brick paving. All such permits, or applications for such permits if not yet issued, shall be attached hereto and incorporated herein as exhibits to the permit application. Failure to strictly abide by each and every permit and license shall be grounds for immediate termination of this permit.

8. The City reserves the right to cease part or all of any sidewalk encroachment pursuant to article 50-56 of the City Code in order to allow construction, maintenance, or repair of any street, sidewalk, utility or public building and to allow for the use of the street or sidewalk in connection with parades, civic festivals and other events of a temporary nature, as permitted by the City. In the event the brick paving allowed under this Permit is required to be removed by the City for any reason set forth in this paragraph, Permittee shall be allowed to restore said paving at its sole expense. Under no circumstances shall the City have any responsibility or liability for the maintenance or replacement of such brick paving.

9. The City reserves the right to amend, alter or change this Permit upon further review and consideration for reasons of public safety, adopted public policy or operational concerns without any cost to the City. In such event, the City Manager or his/her designee will notify the Permittee by certified mail of the amendments to the agreement. These amendments will require an execution of a new agreement within the time period specified in the notice. Failure to enter into a new encroachment agreement pursuant to this section will result in automatic termination of the agreement.

10. This Permit may be revoked by the City Manager or his/her designee if s/he finds that the continuation of this Permit is not in the public interest or that the Permittee has deliberately misrepresented or provided false information in obtaining this Permit; operated the encroachment in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare, specifically including failure to keep the sidewalk clean and free of refuse; failure to maintain the brick paving in a safe manner; failed to maintain any health, business or other permit or license required by law; failed in any manner to uphold the terms of this Permit.

11. This Permit shall remain in effect until terminated by either party hereto, provided that any obligation of Permittee to defend, indemnify, and save harmless any party under this agreement shall survive termination of this Permit. In the event this Permit is terminated by either party, Permittee shall remove or have removed the brick paving permitted hereunder and shall restore the impacted area of the sidewalk and right of way to the same or better condition as exists at the time of issuance of this Permit. In the event the brick paving is abandoned by Permittee by failure to maintain or

otherwise, City shall have the right to remove the brick paving and restore the impacted area of the sidewalk and right of way to the same or better condition as exists at the time of issuance of this Permit and charge Permittee for the actual costs of such removal and restoration.

12. This Permit shall not be transferrable or assignable under any circumstances.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed in the day and year first above written.

CITY OF CONCORD

By: \_\_\_\_\_, City Manager

ATTEST

\_\_\_\_\_  
Kim Deason, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF CABARRUS

I, \_\_\_\_\_, a Notary Public of the aforesaid County and State, do hereby certify that Kim J. Deason personally appeared before me this day and acknowledged that she is the City Clerk of the City of Concord and that by authority duly given and as the act of the municipal corporation, the foregoing instrument was signed in its name by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

PERMITTEE:

First Presbyterian Church of Concord, North Carolina, Inc.

By: Ellen Crawford True Senior pastor  
Name/Title:

STATE OF NORTH CAROLINA  
COUNTY OF Cabarrus

I, Kimberly C. Mazzola, a Notary Public for Cabarrus County, North Carolina, certify that Ellen Crawford True personally came before me this day and acknowledged that he/she is the Senior Pastor of First Presbyterian Church of Concord, North Carolina, Inc., and that he/she has authority to sign on behalf of the corporation and that she voluntarily signed the foregoing document for the purpose stated therein.

WITNESS my hand and official seal, this the 19th day of August, 2024.

**Kimberly C. Mazzola**  
(Official seal)  
**NOTARY PUBLIC**  
**Cabarrus County, NC**

Kimberly C. Mazzola  
NOTARY PUBLIC  
My commission expires: 8/17/2025

otherwise, City shall have the right to remove the brick paving and restore the impacted area of the sidewalk and right of way to the same or better condition as exists at the time of issuance of this Permit and charge Permittee for the actual costs of such removal and restoration.

12. This Permit shall not be transferrable or assignable under any circumstances.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed in the day and year first above written.

CITY OF CONCORD

By: [Signature]  
City Manager

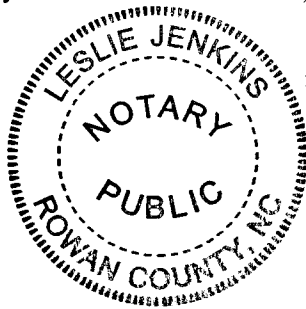
ATTEST

[Signature]  
Kim Deason City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF CABARRUS

I, Leslie Jenkins, a Notary Public of the Rowan aforesaid County and State, do hereby certify that Kim J. Deason personally appeared before me this day and acknowledged that she is the City Clerk of the City of Concord and that by authority duly given and as the act of the municipal corporation, the foregoing instrument was signed in its name by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and notarial seal, this the 26th day of August, 2024.



[Signature]  
Notary Public  
My commission expires: 9-20-26

PERMITTEE:

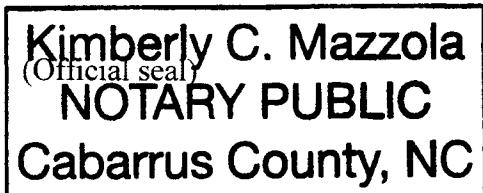
First Presbyterian Church of Concord, North Carolina, Inc.

By: [Signature] Senior pastor  
Name/Title:

STATE OF NORTH CAROLINA  
COUNTY OF Cabarrus

I, Kimberly C. Mazzola, a Notary Public for Cabarrus County, North Carolina, certify that Ellen Crawford True personally came before me this day and acknowledged that he/she is the Senior Pastor of First Presbyterian Church of Concord, North Carolina, Inc., and that he/she has authority to sign on behalf of the corporation and that she voluntarily signed the foregoing document for the purpose stated therein.

WITNESS my hand and official seal, this the 19th day of August, 2024.



[Signature]  
NOTARY PUBLIC  
My commission expires: 8/17/2025

**ENCROACHMENT REQUEST INFORMATION SHEET**

**Date of Request:** 6/27/24

**Name of Applicant:** Leland Bishop, BSA Troop 3, First Presbyterian Church

**Legal Name of the Entity:** First Presbyterian Church Of Concord

**Business Type:** Non Profit

**Contact Name and Number of Representative:** Leland Bishop (980) 439 -9619

**Type of Encroachment:** *[Describe the encroachment, fixtures to be used, type of utilities, etc.]*

Brick section to match church sidewalk in two 4" x 4" blocks between city sidewalk and Union Street N.

**Location of Encroachments:** *[Address (es) of Property Affected, Description of Area, etc.]*

70 Union Street N. Concord, NC 28025

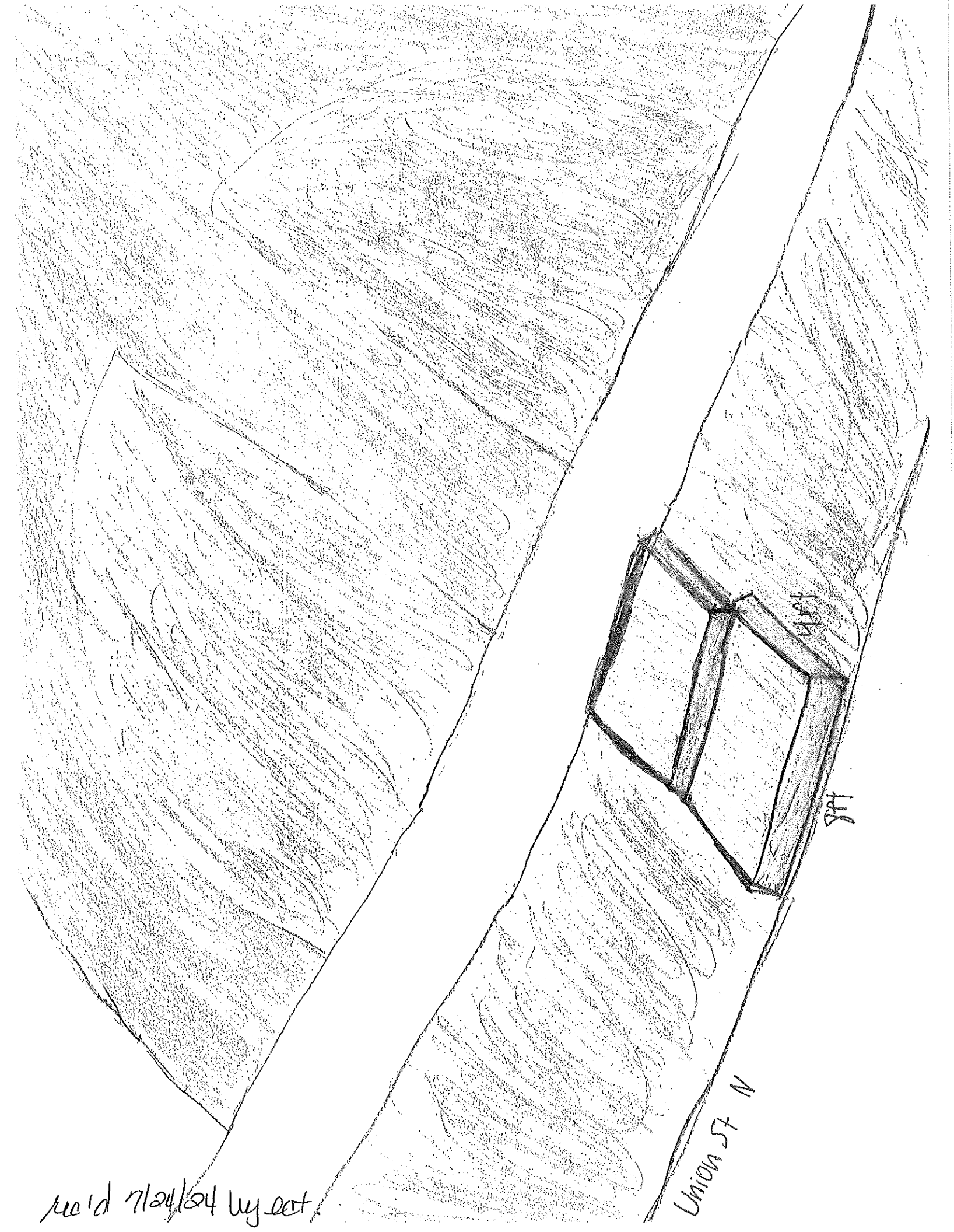
**PINs of Property Affected by the Encroachment:** *[If additional PINs are affected, then list the PINs on an additional sheet and attached it to this request.]*

(1) 56208848520000, (2) \_\_\_\_\_, (3) \_\_\_\_\_, (4) \_\_\_\_\_  
\_\_\_\_\_, (5) \_\_\_\_\_, (6) \_\_\_\_\_.

**PLEASE submit a check payable to the City of Concord for \$ 100.00 with this paperwork.**  
**No requests will be processed without payment in full.**

**PLEASE ATTACH THE FOLLOWING INFORMATION TO THIS SHEET:**

- 1) Additional PINs affected by the encroachment (if applicable); and
- 2) Survey of the encroachment area; and
- 3) Any plans or specifications pertaining to the encroachment [Bore Details, etc.]; and
- 4) Specifications and/or diagrams of the fixtures to be used; and
- 5) Certificate of Liability Insurance (ACORD Form) naming the City as an additional insured party [See attached example as a reference.]; and
- 6) Any other pertinent documentation; and
- 7) **ALL DOCUMENTS** are to be submitted on an 8 ½ X 11 Letter Size Format.



road 7/24/04 by [unclear]

Union St N

4 ft

8 ft

