

MINUTES

**Town of Southern Pines Historic District Commission Meeting
Boyd Room of the Planning Department Office
180 SW Broad Street
July 14, 2016 at 4:00 p.m.**

The Town of Southern Pines Historic District Commission met on Thursday, July 14, 2016, at 4:00 p.m. in the Boyd Room of the Planning Department Office, 180 SW Broad Street, Southern Pines, North Carolina.

Historic District Commission members George “Bud” Seifert, Chairman, Darlene Stark, Vice Chairman, Lynn Anderson, Carolyn Burns and Ryan Hrvatin were present.

Members Milton Sills, Steady Meares, and Martin “Mart” Gibson were unable to attend.

Town staff members Bart Nuckols, Planning Director, Chris Kennedy, Senior Planner, and Cindy Williams, Secretary to the Historic District Commission, were also present.

Chairman Seifert called the meeting to order at 4:00 p.m.

OATH OF OFFICE:

Chairman Seifert administered the Oath of Office to Ryan Hrvatin.

APPROVAL OF MINUTES:

Chairman Seifert entertained a motion to approve the Minutes of the April 19, 2016 meeting as written.

Darlene Starks, made a **motion**, which was seconded by Lynn Anderson, to approve the Minutes. The **motion carried unanimously**.

PUBLIC HEARING:

HD-05-16 Certificate of Appropriateness: Major Works, New Construction of a Performance Stage on the Lawn Adjacent to the Sunrise Theater; 250 NW Broad Street; 00030926; Petitioner: Sunrise Preservation Group Inc.

On behalf of the petitioner, Sunrise Preservation Group Inc., Mr. Robert Anderson of Anderson Architecture PLLC has submitted an application requesting an approval for a Certificate of Appropriateness: Major Works for the new construction of a performance stage to be located on the lawn adjacent to the Sunrise Theater. The Sunrise Theater is located at 250 NW Broad Street.

The subject parcel of the lawn adjacent to the Sunrise Theater is identified as PIN 858106394002 (Parcel ID 00030926). Per the Moore County GIS, the property owner is listed as Sunrise Preservation Group Inc. and the property is zoned CB (Central Business).

STAFF REPORT – Senior Planner Chris Kennedy:

Mr. Kennedy provided an overview of the project, stating that the parking lot adjacent to the proposed stage is owned by the Town of Southern Pines. The petitioner is seeking approval to construct a stage on a portion of that parking lot. The petitioner presented the project to the Town Council at the June 2016 Work Session of the Town Council to discuss the proposed location of the stage as the stage is planned to be positioned on Town property. As proposed, the stage will sit on four (4) existing parking spaces on property owned by the Town. A verbal agreement has been reached between the Town and the petitioner for a land swap, with the petitioner offering to construct three (3) new parking spaces with no expense to the Town. There will be a net loss to the Town of one (1) parking space to provide the petitioner with enough space to hold events on the lawn. The stage is intended to be a permanent structure. Mr. Kennedy stated there is no formal agreement in place to date, but the HDC should consider a conditional approval pending a formal agreement between the two parties. Mr. Kennedy stated the petitioner has two conceptual designs for the consideration of the board and provided a brief overview of the design.

Mr. Kennedy reviewed a letter from Garner Law Firm, PLLC with respect to their client, Chandler Pond Properties, LLC; an adjoining property owner. The letter states that there is an encroachment without an easement for utilities behind the Sunrise Theater. Mr. Kennedy stated he does not know how the potential encroachment of utilities affects this request. However, there may be utility extensions or other services tied into that same utility line so the board may wish to consider the conflict. Counsel for Chandler Pond Properties, LLC is asking that either an easement be obtained or the utilities be removed. Mr. Kennedy requested that the correspondence be entered into the record.

Mr. Seifert inquired about the location of the utility lines.

Mr. Anderson responded that the lines are located on the other side of the Sunrise Theater building. There is one line that appears to be running into the building and such line is a Town owned electrical cable connecting the parking lot lights. There are a couple of lights along the brick sidewalk that run along the side of the Theater building, which is still technically Town owned property, and then the line extends into the parking lot to a light in an island that is going to be removed to create parking spaces as part of an agreement with the Town.

Mr. Kennedy reiterated that he thinks Chandler Pond Properties, LLC became aware of the project via the public notice and simply wanted to bring this issue to the Town's attention. Mr. Kennedy stated that the encroachment is likely a civil matter and can be handled as such unless the HDC sees fit to include this issue as a condition of approval. Mr. Kennedy stated that the proceeding was a quasi-judicial hearing requiring that Mr. Anderson be sworn in prior to giving testimony.

Member Lynn Anderson requested to be recused from Public Hearing HD-05-16 for a Certificate of Appropriateness: Major Works, New Construction of a Building; 250 NW Broad Street; Petitioner: Sunrise Preservation Group, Inc., as she felt there was a conflict of interest as she is a partner in Anderson Architecture, PLLC, the firm presenting the proposal to the Historic District Commission.

Carolyn Burns made a **motion**, which was seconded by Darlene Stark, to grant the recusal requested by Lynn Anderson. The **motion carried unanimously**.

Chairman Seifert opened the public hearing.

OATH OF TESTIMONY:

The Oath of Testimony was administered by Chairman Seifert to Robert Anderson, who was representing the petitioner, Sunrise Preservation Group, Inc., regarding request HD-05-16.

Mr. Anderson presented two different renderings, stating that the Town Council consented to accept the version that would fall within the budget for the project. Mr. Anderson presented the version that is within budget. He stated that the latest version does not include the masonry tree cutouts as previously shown, but it does include steel plates welded to the front columns. Mr. Anderson said it is his understanding that the petitioner can get those trees cut out and welded for only \$1,500.00. He also pointed out another budgetary change, which is the omission of corbels. The general contractor quoted the cost of the corbels to be \$8,000.00.

Mr. Anderson stated the one place he really could not offer very much traction at this time was with regard to the handicap ramp. The contractor advised that the masonry ramp that was part of the original design was too expensive and an aluminum ramp should be used in its place. Mr. Anderson's firm did the research and submitted drawings incorporating an aluminum ramp to the contractor. The contractor then came back and said a masonry ramp would be less expensive than an aluminum ramp. Mr. Anderson then proposed that the petitioner consider an electric lift.

The lift is not needed to get equipment onto the stage, which is only 30 inches high. It would be for ADA purposes only. A lift would have a significantly smaller footprint, and possibly even prevent the loss of parking spaces. The lift would also be much less attractive to skateboarders.

Mr. Anderson stated that everything else would remain as indicated on the original drawing. The brick will match the existing brick as closely as possible. There are two different bricks on the building, so the less expensive of the two will most likely be used. The wood cladding will be used on top of the steel everywhere except on the front posts. The petitioner wants the wood to remain natural with a transparent stain.

Ms. Stark commented to Mr. Anderson that it is currently unclear whether the ramp will be along the back of the stage.

Mr. Anderson responded that the petitioner wants the masonry ramp. It is positioned now to allow enough space for two-way traffic in the parking lot.

Ms. Stark asked Mr. Anderson if the ramp and railing will only be attached during events. Mr. Anderson responded that the masonry ramp would be in place permanently. The detachable portion would be at the end of the ramp and only in place during events. The ramp would extend into another parking space due to the length if a portion were not detached.

Ms. Stark asked if the ramp would look like the drawing. Mr. Anderson responded yes, except that it would have a masonry base.

Chairman Seifert asked if the ramp could start around the side of the stage so the detachable portion would not be necessary.

Mr. Anderson said that is a possibility, but it may necessitate the addition of five (5) feet to the ramp length.

Ms. Stark asked why the stage cannot be moved forward onto property owned by the petitioner instead of taking the four (4) parking spaces.

Mr. Anderson responded that the petitioner seeks to place the stage as far back as possible to retain as much of the lawn for any event attendees. To date, the Town Council has been willing to trade that land with the petitioner. He said he understands the land swap is working its way through the legal process with the lawyers to make sure the language is correct.

Mr. Hrvatin asked if the alternative to the ramp would be an electric lift only large enough to accommodate one wheelchair.

Mr. Anderson responded yes.

Mr. Hrvatin asked where the lift might be located.

Mr. Anderson said he would place the lift near the sidewalk to provide direct access to the front of the stage. There would be a railing around the lift. A tower is another option but may be cost prohibitive compared to the railing. The lift, if accepted, would look like the one on the platform at the train station.

Ms. Stark asked if there was an accompanying landscaping plan.

Mr. Anderson responded that the landscaping plan is not within his firm's scope of work.

Mr. Anderson said there is one street lamp in that area that illuminates the parking spaces.

Chairman Seifert inquired about other lighting.

Mr. Anderson responded that there is currently one (1) light in front of the three (3) parking spaces in the back, one (1) behind each tree, and a step light on the side. The lights are set up to go on with a photocell. They are LED lights so there would be minimal current usage.

Chairman Seifert asked if the lights will be on every day, and Mr. Anderson responded yes. Mr. Hrvatin asked about the trees that will be mounted on the front of the stage.

Mr. Anderson said the trees would most likely be laser cut steel sheets that are welded together and then the whole assembly would be welded to the stage. There is no other way to attach them other than to weld them.

Mr. Kennedy asked Mr. Anderson if he was formally amending the application to include this change.

Mr. Anderson said as much flexibility as the Commission would afford him would be great, but otherwise he could make this a formal amendment if it would be accepted as such.

Mr. Kennedy stated that if this amendment is accepted the original rendering would be considered obsolete.

Ms. Burns inquired about signage.

Mr. Anderson responded that a donor requesting naming rights had come forward. The intention is to keep the signage relatively discreet. There has also been some discussion about one sign on each corner. The Theater board thought the markers would help define the property.

Mr. Kennedy inquired about the scale of those markers, and Mr. Anderson shared an approximate rendering.

Mr. Kennedy stated that the signage would require separate HDC approval.

Mr. Anderson said there had been some discussion about signage on the front beam.

Ms. Burns inquired about the timeframe for construction.

Mr. Anderson responded that work would begin immediately if the application was approved.

Chairman Seifert asked Mr. Kennedy if the Town would be interested in seeing a landscaping plan.

Mr. Kennedy responded yes. There will be removal of landscaping in order to add parking and any time you alter parking, landscaping becomes an issue. There will be a construction document in place setting forth how those spaces will be developed and if landscaping will be required.

Ms. Stark asked if the additional parking spaces would still be required if the ramp was not built.

Mr. Kennedy responded that the petitioner would have to build parking spaces regardless because they are constructing the stage on Town property.

Ms. Stark said she thought Mr. Anderson said it was the ramp that was encroaching on the parking spaces.

Mr. Kennedy clarified that the stage will be on the parking spaces. The ramp will extend into one (1) space. If the petitioner can eliminate extension of the ramp, that net loss of one space may become a net loss of zero (0) spaces. However, that space may need to be restriped and lost either way due to the practicality of the space and the area between the parking space and the structure. The structure is to be placed entirely on the Town's parking lot. The packet includes a map showing the location of the stage.

Mr. Hrvatin asked who is responsible for resolving the issue of a ramp versus a lift.

Mr. Anderson responded that the HDC can weigh in on that issue, but other than that, it is between Mr. Anderson and the petitioner.

Mr. Kennedy stated that it would be appropriate for the HDC to clarify what is and what is not acceptable a condition of its approval. If the HDC wants to allow flexibility, it can do so. If it does not wish to allow flexibility, that is within its rights as well. The HDC should provide something for Mr. Anderson to take back to the petitioner to let them know what has been approved.

Ms. Burns asked Mr. Anderson if he would be agreeable to Mr. Kennedy's suggestion, and Mr. Anderson responded yes.

Mr. Hrvatin stated that he agrees that having a ramp would be less than ideal and he does not like the look of the railing along the back, but even with the lift, it is hard to say what it is going to look like without seeing it.

Mr. Anderson said he hopes the sheet metal would be repainted.

Mr. Hrvatin inquired about the location of a lift if that choice was selected.

Mr. Anderson responded that the lift could only be in a location with an accessible route. In terms of an accessible route, if the lift comes off of the brick sidewalk it will be very straightforward. If it ends up being in the parking space on the north end of the stage instead, the issue is that it would require five (5) feet of space in front of the lift for a person to get there, turn around, and line up to get onto the lift. It might just be a matter of striping the pavement.

Ms. Burns asked Mr. Anderson if he recommends placing the lift on the south side of the stage.

Mr. Anderson said he thinks the petitioner is worried about long term maintenance related to a lift. The positives of a lift are that a lift is not an attractive nuisance, hand rails would not require repainting, and the surface would not require de-icing. Neither option is maintenance free.

Mr. Hrvatin asked if the ramp railing that is shown is the minimum required for ADA.

Mr. Anderson said there will be a point on the ramp where they need to apply a rail. The ramp, to meet ADA grade and slope requirements, needs to be thirty-six (36) feet long. The ADA requirements mandate a landing once the length exceed thirty (30) feet. That means that it goes from being thirty-six (36) feet to forty-one (41) feet before it turns the corner. Which will then require another landing because one cannot have a turn on a slope. That adds another five (5) feet because you need five (5) feet for a turn.

Mr. Hrvatin stated that from the HDC's point of view, the biggest concern is design. He agrees that a ramp is an eyesore and he does not think it serves the design at all. There may be issues that arise with a lift, but he would prefer to see a lift of some kind.

Mr. Anderson said the lift is really about handicap access. Someone in the audience could get up on the stage much more graciously from this position rather than going around to the back of the stage and then making their way to the front.

Chairman Seifert closed the public hearing.

HISTORIC DISTRICT COMMISSION ACTION:

FINDINGS OF FACT

The following findings of fact were made by the Historic District Commission:

FINDING OF FACT #1

Darlene Starks made the following **motion**, which was seconded by Carolyn Burns:

I move as a finding of fact that the application for a Certificate of Appropriateness – Major Works is complete with the updated A-6 drawing. The **motion carried unanimously**.

FINDING OF FACT #2

Darlene Starks made the following **motion**, which was seconded by Bud Seifert:

I move as a finding of fact that the proposal meets the requirements as outlined in the *Principles and Guidelines*.

The **motion carried unanimously**.

Darlene Starks made the **motion**, which was seconded by Carolyn Burns, to approve HD-05-16 Certificate of Appropriateness: Major Works, New Construction of a Performance Stage on the Lawn Adjacent to the Sunrise Theater; 250 NW Broad Street; Petitioner: Sunrise Preservation Group, Inc., as amended, with the following condition(s):

- The ADA access for the proposed stage will be provided via a mechanical lift in lieu of the metal or masonry ramp as originally proposed.

- The approval of the proposed stage and its location is contingent upon the execution of a formal agreement between the Sunrise Preservation Group, LLC and the Town of Southern Pines to allow for the location of the proposed on Town of Southern Pines property.

The **motion carried unanimously.**

A Certificate of Appropriateness – Major Works was issued for HD-05-16.

Lynn Anderson rejoined the Historic District Commission.

FUTURE BUSINESS:

Mr. Kennedy confirmed that the next regular monthly meeting will be held on August 11, 2016.

Discussion ensued regarding the Mission 22 statue project.

There being no further business to come before the Historic District Commission, Vice Chairman Stark entertained a motion to adjourn the meeting.

Lynn Anderson made the **motion**, which was seconded by Carolyn Burns. The motion passed **unanimously.**

The meeting adjourned at 4:55 p.m.

Respectfully submitted:

Cindy Williams
Secretary to the Historic District Commission