



AGENDA

Thursday, September 8, 2022: 4:00 PM
Historic District Commission
Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPOINTMENT OF COMMISSION CHAIRPERSON

3. APPROVAL OF MINUTES

4. PUBLIC HEARING

- a. HD-11-22 Certificate of Appropriateness - Major Work (cont'd from June 9, 2022 Regular Meeting)**
Request to demolish existing structures and construct a new four-story boutique hotel

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. PUBLIC COMMENTS

8. ADJOURNMENT

MINUTES

Town of Southern Pines Historic District Commission Regular Meeting June 9, 2022 at 4:00 PM

The Town of Southern Pines Historic District Commission held its regular meeting on Thursday, June 9, 2022, at 4:00 PM at the Douglass Community Center, 1185 W. Pennsylvania Avenue, Southern Pines, North Carolina.

Members present: Leslie Brians, Elizabeth Oettinger, Molly Goodman, Robert Anderson, Robert Brown and Lane West

Chair Brians called the meeting to order at 4:20 PM.

Robert Anderson made a motion, which was seconded by Lane West, to approve the Minutes of the May 12, 2022 meeting. The motion carried.

PUBLIC HEARING:

HD-11-22: Certificate of Appropriateness - Major Work for a New Hotel at the Corner of South Bennett Street and West Massachusetts Avenue

John Sandlin and Gail Wallace, on behalf of Southern Pines Ventures, LLC, submitted a request for a Certificate of Appropriateness – Major Work to demolish the existing structures on the properties located at 155 W. Massachusetts Avenue and 275 S. Bennett Street and to construct a new four-story, 92-room hotel. The subject parcels are identified as PIN 858100189381 (PARID 00031245) and PIN 858100280256 (PARID 20070995) and are zoned CB (Central Business). Per the Moore County tax records, the property owner is listed as CDA Golf Properties, Inc.

Chair Brians asked if there were any conflicts of interest among the Commission members.

Chair Brians stated that she is the Executive Director of The Pines Preservation Guild but she had not been involved with this project.

Elizabeth Oettinger disclosed that her husband had been a party to very informal conversations regarding investment opportunities with regard to the project but she did not plan to invest in the project and therefore did not feel the need to recuse herself from the public hearing.

Mr. Grieve listed the types of information that must be disclosed by the members of a hearing body for an evidentiary hearing pursuant to UDO §2.14.6(F)(2).

Lane West made a motion, which was seconded by Robert Brown, to allow Ms. Oettinger to vote on the application. The motion carried.

Molly Goodman made a motion, which was seconded by Robert Brown, to open the public hearing. The motion carried.

STAFF PRESENTATION:

Pamela Graham stated that the application included the demolition of the primary structure and outbuilding located at 275 S. Bennett Street, the demolition of the primary structure and detached garage located at 155 W. Massachusetts Avenue and the construction of a 92-room hotel and 66 parking spaces on those parcels and a third undeveloped parcel. Ms. Graham stated that the proposed height of 57' and placement of the building should be compared to the average height and setbacks of other buildings in the vicinity.

Molly Goodman asked if the applicant was requesting any deviations from the standards of the UDO.

Ms. Graham responded that if any standards of the Historic District Overlay conflict with the underlying CB zoning district, the HDO standards apply. The HDO standards focus more on compatibility with surrounding buildings.

Mr. Grieve stated that UDO §3.6.2(D) states that the use and development of any land or structure within the Historic District Overlay shall comply with use and intensity regulations applicable to the underlying zoning district except that building and site development shall comply with applicable standards of the Historic District Overlay.

APPLICANT PRESENTATION:

Ms. Gail Wallace of Claren Properties, present on behalf of Southern Pines Ventures, LLC, stated that the proposed four-story, 92 room boutique hotel will be part of Hilton's Tapestry Collection and combining the parcels will allow the hotel to be situated close to the street with ample parking for hotel guests and visitors. The existing structures would be demolished.

Ms. Wallace provided an overview of the hotel's amenities and a detailed overview of the architectural elements and exterior finishes that are proposed for the building.

Dr. Clifton Cameron addressed the Board and stated that he is a local resident and business owner and the visionary behind the project. Dr. Cameron read aloud a letter from Allen Jordan, current owner of the two Bennett Street parcels, and a letter from Attorney Marsh Smith, submitted on behalf of his client, Robert Dyer, owner of the W. Massachusetts Avenue parcel.

Dr. Cameron stated that Cotton Sail Hotel in Savannah, Georgia and Hotel Florence in Florence, SC are part of Hilton's Tapestry Collection, and Hotel Bennett in Charleston, SC and Old Edwards Inn in Highlands, NC provide similar boutique hotel experiences.

Ms. Brians asked which of those hotels were in historic buildings.

Dr. Cameron responded that Cotton Sail and Old Edwards Inn are partially historic, Hotel Florence is historic, and Hotel Bennett is new construction.

Robert Anderson asked if any of those hotels are located in a historic district.

Dr. Cameron responded yes.

Ms. Brians asked Dr. Cameron if any effort had been made to incorporate the existing structures – especially the building on the corner of Bennett Street and W. Massachusetts Avenue.

Dr. Cameron responded that the letter from Allen Jordan states that utilizing the existing structures would be cost prohibitive.

Ms. Oettinger asked Dr. Cameron why he chose this particular location for the hotel.

Dr. Cameron responded that they had looked at multiple sites, both in and outside of the Historic District and chose the current location for walkability and the topography of the site. The building will be the same height or lower than the Growler building.

Ms. Brians stated that the large parking lot will create a bit of a break in the pedestrian feel of downtown and asked if any effort had been made to reduce the size of the parking lot.

Dr. Cameron responded that the number of parking spaces was based on feedback received from downtown merchants.

Ms. Brians stated that even though there are long stretches of buildings in the downtown, they are all individual buildings and the hotel does not give the appearance of being individual buildings other than in one small section. It is breaking the rhythm of the downtown and it is placing a very large building on what has always been a residence and one of the oldest buildings in downtown Southern Pines.

Dr. Cameron stated that they had worked extensively with the Town to make sure the hotel would be in compliance.

Ms. Goodman asked Dr. Cameron to elaborate on the design and he deferred to Ms. Wallace.

Ms. Wallace stated that they like to use a variety of exterior finishes and work with the design to eliminate the appearance of horizontal look and achieve more of a vertical look, but there are some horizontal features of existing downtown buildings.

Ms. Goodman stated that there are not as many window openings or variation at the pedestrian level on the Bennett Street side of the building.

Ms. Wallace responded that the number and type of windows depends on the use in the different areas of the hotel.

Ms. Goodman asked if any thought had been given to having more variation in the roofline.

Ms. Wallace responded that more variation had been considered but was not proposed due to the height of the hotel.

Mr. Anderson asked where the cementitious material would be used.

Ms. Wallace responded that the cement material made to look like wood is being used in different areas. It is a material that will withstand weather conditions and have longevity.

Mr. Anderson inquired about stormwater management.

Ms. Wallace responded that the civil drawings are not yet complete as HDC approval is the first step in the process.

Mr. Anderson said he knows that how the stormwater will be managed will have an impact on the site design, which is part of HDC approval.

Mr. Grieve stated that stormwater would be reviewed locally during site plan review and watershed would also be reviewed by the Town and there would be a limit of 70% built upon area, if approved.

Ms. Graham stated that if the site had to be changed substantially in order to meet site plan requirements, the project would come back to the HDC for review.

Ms. Brian asked Ms. Graham if the potential impact of Certified Local Government (CLG) status had been discussed with SHPO.

Ms. Graham responded that as long as the HDC is following the adopted Guidelines she cannot imagine that the CLG status would be threatened. If the Commission was deviating from the Guidelines in a way that shows that the Commission is no longer using the Design Guidelines to guide their decision that would be a concern.

Lane West commented that Hotel Ballast in Wilmington is part of the Hilton Tapestry Collection.

Mr. West asked what aesthetic changes had to be made to that hotel and Ms. Wallace responded that Claren Properties was not involved in that project.

Ms. Wallace stated that “boutique” does not necessarily mean size as much as design. Most people believe that a boutique hotel is typically smaller but that is not necessarily the only criteria for a hotel to be considered a boutique hotel.

Robert Brown stated that the windows are not very reflective of windows in the downtown.

Mr. Anderson provided additional comments with regard to the proposed materials and design of the building and offered recommendations for improvements to the elevations and suggested the incorporation of a pedestrian path.

Mr. Anderson offered additional recommendations for improvement to the elevations and the incorporation of a pedestrian path.

Discussion ensued regarding design features and the scale of the building.

PUBLIC TESTIMONY:

Heath Trigg, owner of 230 S. Bennett street, stated that the Town was founded on the Piney Woods Hotel, a 255 room hotel which was built in the early. It was his understanding that the purpose of the hearing was not to dispute whether the hotel could be built because the use is in compliance with the Town's zoning ordinance.

Ms. Oettinger responded that there is also the issue of demolishing the existing buildings.

Ms. Briens stated that the HDC cannot deny the demolition. The purpose of the hearing is to determine whether the proposed structure is compliant with the established Historic District Design Guidelines.

Elizabeth May, 265 Hill Road, expressed concerns about parking, the demolition of another historic building in Southern Pines and the large scale of the proposed hotel.

John Erp stated that the structure as proposed is not representative of the community. The property is too small for the size of the building, and he felt that the site should be more pedestrian friendly.

Dwight Creech, Principal of Calvary Christian School, expressed concerns about the project and urged the applicants to postpone the project and listen to the community.

Mark Caulfield, 340 W. Delaware Avenue, stated that he is a preservationist and has renovated several historic properties. He felt that some evaluation of the existing structures should be performed to determine whether the structures are viable. He is in favor of a hotel that is consistent with downtown and more pedestrian friendly.

Ms. Goodman asked Mr. Caulfield if he is a preservationist by trade.

Mr. Caulfield responded that he was a developer and saved historic buildings and had two neighborhoods designated as preservation districts in order to save some of the structures.

Ms. Goodman asked if he had an opinion about the condition of the existing structures.

Mr. Caulfield responded that he had not been inside the houses but in his opinion, the work that had been done over the years was to make the houses livable but not sustainable. He did not think the structures could be salvaged or moved.

Vic Allen of 410 S. Bethesda Road and a teacher at Calvary Christian School, stated that the hotel does not fit and expressed concerns about safety.

Lynn Goldhammer, 11 Salem Lane, stated that the Bennett Street building should be preserved and recommended converting the two existing buildings into microtels. The hotel should be designed to look old and more consistent with the downtown.

Dr. Shannon Little, owner of Southern Pines Smiles, stated that she had not received notice of the hearing and expressed concerns regarding potential impacts construction will have on her business, as well as the scale and design of the hotel as proposed.

Mr. Grieve responded that property owners of record - not tenants – receive hearing notifications.

Ms. Blanche Woodruff, 255 S. Valley Road, stated that her husband was born at 155 W. Massachusetts Avenue on March 23, 1935.

Diane McCormac, 150 W. New York Avenue, express concerns about the size of the hotel, parking and traffic and the problems it will create for her as a nearby resident.

Barbara Pond, a teacher at Calvary Christian School, expressed concerns regarding the impact on on-street parking and additional traffic. The hotel looks institutional and the height is not consistent with other downtown buildings. She encouraged the Commission to think about the residents of the surrounding neighborhoods.

Mitch Lancaster, 40 Redtail Lane, Pinehurst, stated that the hotel will be a homerun for downtown Southern Pines in terms of what it will do for the businesses and restaurants. There is an existing municipal parking lot near the intersection of Bennet Street and W. Pennsylvania Avenue and a plan to add additional parking along Broad Street in the future.

A resident of 210 W. Massachusetts Avenue expressed concerns about the potential for increased noise and traffic impacts and stated that a four-story hotel is not appropriate for the Historic District.

Ms. Graham stated that the Historic District is tasked with whether the proposal fits in the district. The question of whether a hotel can be developed on this site is a zoning matter and the property is zoned Central Business which allows hotels. The HDC cannot determine use but they can determine whether the proposal fits within the Historic District.

Lynn Creech, 210 S. Page Street, expressed concerns about the safety of parents and students traveling to and from Calvary Christian School with additional traffic.

Ms. Brians stated that traffic is not an issue for the Commission's consideration.

Micah Neihbauer, 154 Bellhaven Drive, stated that he is excited to see the final product and he thinks it will be an incredible addition to downtown. As a local small business owner, having a hotel would have a positive impact on the local economy and it will help his business.

Laura Ingram, 220 S. Page Street, owner of a photography studio and soap boutique at 125 S. Bennett Street, and a teacher at Calvary Christian School, expressed concerns regarding the size of the hotel and potential erosion control issues that could impact the school property.

Suzanne Coleman, 225 N. May Street, stated that Claren Properties, based on their website, has limited experience with unique boutique hotels. Pursuant to UDO §8.16.2(C), the HDC may request that the NC Department of Cultural Resources or the NC Historic Review Commission review, comment or make recommendations on applications for Certificates of Appropriateness. She asked the Commission to involve SHPO because of the mass and scale of the project and encouraged the Commission to continue the public hearing to give the applicants an opportunity to go back to the drawing board and take a lot of the comments into consideration. It would give the community an opportunity to understand what a quasi-judicial hearing is because there has been no expert testimony on behalf of the application and opinions cannot be taken into consideration.

A resident of 35 Village Green Circle, encouraged the developer to decrease the hotel to three stories and encouraged the Commission to delay demolition of the corner building and work with the property owner with regard to alternative uses.

Ms. Goodman stated that she considered Mr. Caulfield's testimony to be relevant to the application, and specifically with regard to the demolition. Other members of the public made points that could be considered but she did not feel that there had been any other expert testimony.

Ms. Brians stated that the Commission may stay the demolition of the existing buildings for 365 days and that the Commission will need to have the State Historic Preservation Office conduct an assessment of the historic structure.

Ms. Wallace requested a continuance to discuss the existing structures to give the property owner an opportunity to be heard and to allow time for them to take the public comments into consideration and regroup and present something that is more in keeping with their desires.

Lane West expressed appreciation to the members of the public in attendance for their comments and stated that the role of the Commission is to look at the appropriateness of the application.

Ms. Wallace requested a 90-day continuance on behalf of the applicant.

Ms. Oettinger encouraged the applicants to consider incorporating the existing structure into the hotel development.

HISTORIC DISTRICT COMMISSION ACTION:

Robert Anderson made a motion, which was seconded by Lane West, to continue the public hearing to the September 8, 2022 regular meeting. The motion carried.

UNFINISHED BUSINESS:

No old business was discussed.

NEW BUSINESS:

No new business was discussed.

Robert Anderson made a motion, which was seconded by Molly Goodman, to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 8:42 PM.

Respectfully submitted:

Cindy Williams
Secretary to the Historic District Commission

Agenda Item

To: Historic District Commission

From: Pamela Graham, Principal Planner

Subject: HD-11-22 Certificate of Appropriateness: Major Works, Demolition of Two Structures Located at 275 S Bennett Street; Applicant, Southern Pines Ventures, LLC on behalf of Owner, CDA Golf Properties, Inc.; Gale Wallace and John Sandlin, Authorized Agents

Date: September 8, 2022

I. SUMMARY AND HISTORY OF APPLICATION REQUEST:

On May 9, 2022 an application for a Certificate of Appropriateness for Major Work was received by the Planning Office from John Sandlin and Gale Wallace of Southern Pines Ventures, LLC, on behalf of property owner Allen Jordan (CDA Golf Properties, Inc.). The application was for the purpose of demolition of four structures located at 155 W. Massachusetts Avenue and 275 S. Bennett Street, and for the construction of a 92-room hotel at the same location, on three adjoining parcels. On June 9, 2022 the Southern Pines Historic District Commission conducted a public hearing to consider the proposal. At authorized agent Gale Wallace's request, the hearing was continued until the September 8, 2022 meeting.

Since the date of the opening of the hearing, discussions between Ms. Wallace and staff have included a request from Ms. Wallace that the application be modified as follows:

1. Removal of the Dyer property (155 W. Massachusetts Avenue) from the proposal, leaving the two parcels owned by CDA Golf Properties, Inc. to remain in the current application;
2. Removal of the proposed new construction from the application, leaving only the demolition of the two structures located at 275 S. Bennett Street to be considered in the current request. Ms. Wallace has indicated that construction of the new hotel will be submitted under a separate application at a future date. The subject parcels are zoned CB (Central Business) and are all located within the Southern Pines Locally Designated Historic District.

In addition, staff has been in discussion with the N.C. Historic Preservation Office (HPO) to explore options for technical assistance with the application. UDO §8.16.2(C) specifies that the Historic District Commission may request input from this agency on applications for a certificate of appropriateness. Furthermore, NCGS §160D-947 states that, as part of a local commission's review procedure, they "may view the premises and seek the advice

of the Division of Archives and History or such other expert advice as it may deem necessary under the circumstances”. In discussions with Kristi Brantley, HPO’s Certified Local Government Coordinator, the agency recommends that an official request be submitted to them as a result of a motion and vote by the commission to invoke NCGS 160D-947(d) to request technical advice from the Historic Preservation Office. The application would be continued by the HDC until their next regular meeting, allowing for the HPO to review the request during a period not to exceed thirty days, a timeline dictated by statute. Upon reconvening the hearing in October, the HDC will have received a technical report to aid them in their decision regarding the demolitions. It should be noted that the guidance provided by the HPO is non-binding and should not be considered an official ruling on how the commission should decide the application. More information on this process can be found at [About Local Historic Preservation Commissions | NC DNCR \(ncdcr.gov\)](http://www.ncdcr.gov)

II. PROJECT INFORMATION:

A. Physical Address, Parcel Information and Owner for Amended Application:

275 South Bennett Street and adjoining vacant parcel

Southern Pines, NC 28387

PIN #858100189381 and 858100280256

Parcel ID #00031245 and 20070995

Owner: CDA Golf Properties, Inc.

275 S Bennett Street

Southern Pines, NC 28387

B. Physical Address, Parcel Information and Owner Removed from Current Application:

155 W. Massachusetts Avenue

Southern Pines, NC 28387

PIN #858105189198

Parcel ID #00033104

Owner: Robert R. Dyer, Jr.

161 Michael Road

Carthage, NC 28327

C. Applicant:

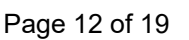
Southern Pines Ventures, LLC

107 Stokley Drive, Suite 100

Wilmington, NC 28403

D. Zoning of Property:

The subject property is zoned CB (Central Business) and located within the Historic District. *See Figures 1 and 2 on the following pages, revised to only include the properties in the amended application.*

[illegible]

III. STAFF REVIEW:

A. Application Submittal Date

- Application received May 9, 2022
- Application deemed complete May 10, 2022
- Notice of Public Hearing:
 - Posted On-site: May 20, 2022
 - Mailed: May 23, 2022
 - Internet: May 19, 2022
- Historic District Commission Hearing: June 9, 2022
- Application Amended: September 1, 2022
- Public Hearing Continuation: September 8, 2022

B. Application Materials

The applicant has submitted a complete application packet, since modified to limit the request to the demolition of the two structures located at 275 S. Bennett Street.

C. Staff Comments

The Historic District Commission is considering Certificate of Appropriateness – Major Works for the following amended scope of work.

1. Demolition of two existing structures located at 275 S. Bennett Street (PIN #858100189381 and Parcel ID #00031245). Data available from Southern Pines GIS describes the property as containing .86 acres and with an appraised value of \$589,520. This value includes land value of \$472,100 and building value of \$117,420. Moore County Tax records indicate the building contains 3,570 square feet and was constructed in 1920. However, the Town's Historic Buildings Inventory produced in 1981 states a construction date of 1896. The second structure on the property is an accessory outbuilding.

IV. HISTORIC DISTRICT COMMISSION ACTION:

Staff recommends that the HDC take the following action at this time:

Using the following suggested motion format, the HDC may make a formal request for technical guidance on the current application, and then move to continue the public hearing until the October 13, 2022 regularly scheduled meeting. It should be noted that 160D-947 also requires that applications for certificates of appropriateness must be reviewed and acted upon within 180 days from the date the application is filed; this timeline will expire on November 4, 2022, six days before the November HDC meeting.

1. **I move** that this commission invoke North Carolina General Statute 160D-947(d) to request technical advice from the North Carolina Historic Preservation Office,

regarding amended Certificate of Appropriate Application HD-11-22 requesting demolition of two structures located at 275 S. Bennett Street, Southern Pines, NC, and to authorize staff to communicate this request to the appropriate staff person at the NCHPO.

2. **I move** to continue the public hearing for amended Certificate of Appropriateness Application HD-11-22 to the October 13, 2022 regularly scheduled meeting of the Southern Pines Historic District Commission, to allow time for the commission to receive the requested guidance from the North Carolina Historic Preservation Office.

Enclosures: Applicant request to amend application
 NCGS 160D-947

Pam Graham

From: Gale Wallace <gale@clarendonnc.com>
Sent: Thursday, September 1, 2022 11:19 AM
To: Pam Graham
Subject: RE: Mark Caulfield

Let this email serve as notice that this is how we wish to move forward.

Thank you.



Gale Wallace, CPM

VICE PRESIDENT

gale@clarendonnc.com

OFFICE: 910.256.2672

CELL: 910.297.3353

107 Stokley Dr. Suite 100
Wilmington, NC 28403

www.clarendonnc.com



From: Pam Graham <PGraham@southernpines.net>
Sent: Thursday, September 1, 2022 10:11 AM
To: Gale Wallace <gale@clarendonnc.com>
Subject: RE: Mark Caulfield

Gale, I guess I lied when I said I didn't need anything else for next week. I don't see a specific request to amend the current COA application to include only the demolition for the Bennett Street property. I see in your August 25th email that you say that you "believe we will want to separate our applications so we can get a ruling on September 8th on the demolition of the Bennett St. buildings and will deal with the new-build separately". I will need something more definitive than that, by email is fine, that confirms that this is how you wish to proceed.

I have until the end of the day today to complete my staff report for next week's meeting. Please shoot me a confirmation email as soon as your schedule allows.

Pamela Graham, AICP
Principal Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

From: Gale Wallace <gale@clarendonnc.com>
Sent: Wednesday, August 31, 2022 11:25 AM

To: Pam Graham <PGraham@southernpines.net>

Subject: Re: Mark Caulfield

Thanks....

Do you need anything from me for next week?

Gale Wallace

Vice President

Clarendon Properties, LLC

On Aug 31, 2022, at 8:11 AM, Pam Graham <PGraham@southernpines.net> wrote:

Good Morning Gale,

Attached is the sign in sheet from the June HDC meeting. I see Mr. Caulfield's name and address. This is the only information that I have on him.

Pamela Graham, AICP

Principal Planner

Planning Department

Town of Southern Pines

801 SE Service Road, Southern Pines, NC 28387

(910) 692-4003

§ 160D-947. Certificate of appropriateness required.

(a) Certificate Required. – After the designation of a landmark or a historic district, no exterior portion of any building or other structure, including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on the landmark or within the district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the preservation commission. The local government shall require such a certificate to be issued by the commission prior to the issuance of a building permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Part. A certificate of appropriateness is required whether or not a building or other permit is required.

For purposes of this Part, "exterior features" include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" mean the style, material, size, and location of all such signs. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area.

Except as provided in subsection (b) of this section, the commission has no jurisdiction over interior arrangement. The commission shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district that would be incongruous with the special character of the landmark or district. In making decisions on certificates of appropriateness, the commission shall apply the rules and standards adopted pursuant to subsection (c) of this section.

(b) Interior Spaces. – Notwithstanding subsection (a) of this section, jurisdiction of the commission over interior spaces is limited to specific interior features of architectural, artistic, or historical significance in publicly owned landmarks and of privately owned historic landmarks for which consent for interior review has been given by the owner. The consent of an owner for interior review binds future owners and/or successors in if the consent has been filed in the office of the register of deeds of the county in which the property is located and indexed according to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over the interior.

(c) Rules and Standards. – Prior to any action to enforce a landmark or historic district regulation, the commission shall (i) prepare and adopt rules of procedure and (ii) prepare and adopt principles and standards not inconsistent with this Part to guide the commission in determining congruity with the special character of the landmark or district for new construction, alterations, additions, moving, and demolition. The landmark or historic district regulation may provide, subject to prior adoption by the preservation commission of detailed standards, for staff review and approval as an administrative decision of applications for a certificate of appropriateness for minor work or activity as defined by the regulation; provided, however, that no application for a certificate of appropriateness may be denied without formal action by the preservation commission. Other than these administrative decisions on minor works, decisions on certificates of appropriateness are quasi-judicial and shall follow the procedures of G.S. 160D-406.

(d) Time for Review. – All applications for certificates of appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed 180 days from the date the application for a certificate of appropriateness is filed, as defined by the regulation or the G.S. 160D-947

commission's rules of procedure. As part of its review procedure, the commission may view the premises and seek the advice of the Division of Archives and History or such other expert advice as it may deem necessary under the circumstances.

(e) Appeals. –

- (1) Appeals of administrative decisions allowed by regulation may be made to the commission.
- (2) All decisions of the commission in granting or denying a certificate of appropriateness may, if so provided in the regulation, be appealed to the board of adjustment in the nature of certiorari within times prescribed for appeals of administrative decisions in G.S. 160D-405(d). To the extent applicable, the provisions of G.S. 160D-1402 apply to appeals in the nature of certiorari to the board of adjustment.
- (3) Appeals from the board of adjustment may be made pursuant to G.S. 160D-1402.
- (4) If the regulation does not provide for an appeal to the board of adjustment, appeals of decisions on certificates of appropriateness may be made to the superior court as provided in G.S. 160D-1402.
- (5) Petitions for judicial review shall be taken within times prescribed for appeal of quasi-judicial decisions in G.S. 160D-1405. Appeals in any such case shall be heard by the superior court of the county in which the local government is located.

(f) Public Buildings. – All of the provisions of this Part are hereby made applicable to construction, alteration, moving, and demolition by the State of North Carolina, its political subdivisions, agencies, and instrumentalities, provided, however, they do not apply to interiors of buildings or structures owned by the State of North Carolina. The State and its agencies may appeal to the North Carolina Historical Commission or any successor agency assuming its responsibilities under G.S. 121-12(a) from any decision of a local preservation commission. The North Carolina Historical Commission shall render its decision within 30 days from the date that the notice of appeal by the State is received by it. The current edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be the sole principles and guidelines used in reviewing applications of the State for certificates of appropriateness. The decision of the North Carolina Historical Commission is final and binding upon both the State and the preservation commission. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 24, 51(a), (b), (d).)