
MINUTES
LANDMARK COMMISSION
March 28, 2017

MEMBERS PRESENT:

Andy Lee, Chairperson
Barney Brock
Michele Derr
John Dickinson
Christy Graham
Jim Johnson
Stacie Flood
Cindy Ramirez
Michael Smith

■ Members
■ P&Z Liaison
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■ Council Liaison

Karen Gagné, Planning Administrator
Matt Prouty, Planner II
Amy Krikorian, Municipal Court Prosecutor

■ City Staff
■
■ Legal Dept.

ABSENT:

Jackie Lebow

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I. Call to Order, Introductions and Swearing in New Commission Member

Chairperson Andy Lee called the meeting to order at 12:03 p.m. New commission member Jim Johnson was introduced and sworn in by Planning Administrator, Karen Gagné.

II. Review & Approval of Minutes from February 28, 2017

Chairperson Lee called for review and approval of minutes from the February 28, 2017 Landmark Commission meeting. Mrs. Michele Derr made a motion to approve the minutes. Mr. Barney Brock seconded the motion. The motion was taken to a vote and passed unanimously.

III. Discussion Item: Local Landmark Properties/Historic Districts and the Existing Building Code

Mrs. Karen Gagné stated Bobby Teague, Chief Building Official, and Ricky Horton, Plans Reviewer, would be giving a presentation to the Landmark Commission in April. She stated they would be discussing the building codes and how they impact historic buildings. She stated that Mr. Matt Prouty had attended the Preservation Texas Summit in Waco last month, and had spoken to several representatives of other cities regarding similar issues.

Mr. Matt Prouty stated historic tax credits were discussed in detail at the Preservation Texas Summit. He stated multiple preservation architects and planning officials had

shared their stories and case studies, addressing issues such as working with code officials, fire marshals, local landmark commissions, and the Texas Historical Commission (THC). He stated he had reached out to members of THC in order to understand how they have approached issues dealing with building codes for historic structures. According to representatives from THC these were issues that came up often and there had been a group assigned to address these questions, but at this time they recommended reaching out to other Certified Local Governments (CLG's). Mr. Prouty stated it was his intention to reach out to other municipalities and compile case studies on how these issues were being addressed.

Mr. Prouty asked, on behalf of Mr. Teague, what specific sections of the Building Code the Commission would like to have addressed at the following meeting. Chairperson Lee asked if the planning representatives from Waco had touched on this subject in their presentations at the summit. Mr. Prouty stated it had been more of an overview of the growth throughout the city. He stated there had been an explosion of development in Waco's downtown area, but the majority of it had been new development of a residential nature.

Mr. Prouty stated the City of Waco, with the support of an international, non-profit organization called Docomomo, was looking to procure grants to aid in the effort to preserve some of the modern design structures throughout the city. He stated mid-century modern was one of the design styles being focused on in this project, and this style was represented in Texas in structures built from 1935 to 1965.

Mr. Prouty stated several other cities were struggling with the challenges involved with adhering to existing building codes when trying to preserve aging structures. He stated preservation architects had acknowledged that current building codes were designed chiefly to address new construction, making it challenging to reconcile these code requirements when dealing with existing, historic structures.

Mr. Prouty stated that Chapter 34 of the previous International Building Code (IBC), the section dealing with historic structures built in 1945 or prior, had been removed from the 2015 Building Code and is now its own separate book called the 2015 International Existing Building Code. He stated that any structure built after 1945 would be covered by the new, 2015 International Building Code. He stated there were several exclusions from the 2015 International Building code outlined in the 2015 ICC Existing Building Code, such as gas code, mechanical code, and plumbing code. He stated there were also several sections of the International Existing Building Code where exclusions for historic buildings were not included, such as fire safety, energy, and accessibility.

Mr. Prouty stated, per his research of the 2009 New Jersey Building Code, renovations valued at 0-25% of the existing building's value received relief from some of the more onerous code requirements. Repairs valued at 25-50% of the building's worth were to be provided reasonable accommodations, and any renovations exceeding 50% of the building's value would have to adhere to code requirements for new construction. He stated he was not certain how this portion of the older building code was addressed in the 2015 International Existing Building Code. Chairperson Lee stated these reliefs would be key in promoting restoration of aging structures, and a better understanding of this element of the code would be pivotal.

Mr. Prouty stated the element of general consensus among the architects who spoke at the Preservation Texas Summit was that there was no relief provided in the code for fire suppression. He stated there was some relief from the Energy Code, but only if compliance would cause damage to a historic building. He stated there was also no historical exemption from Texas Accessibility Standards (TAS), but the TAS does have a variance process that can be applied for.

Chairperson Lee stated that the downtown sidewalks needed to be maintained in order to remain compliant with the Americans with Disabilities Act (ADA) and that this was the responsibility of the owner, the City of Wichita Falls. Mrs. Gagné stated that though the sidewalks were considered a public right-of-way, the sidewalks were not owned by the City, they were actually the responsibility of the business owner to maintain. Chairperson Lee stated one of the goals the City Council had set was to maintain walkability downtown.

Chairperson Lee suggested that, under the historic section of the code, buildings such as The Holt could be saved from having to replace their windows with Low-E coated glass. Mrs. Derr stated that the Low-E coated glass had been beneficial in that it had mitigated the effects of the sun. Mrs. Cindy Ramirez stated when calculating the solar heat gain coefficient (SHGC) for a structure, the window glass was one of the most impacting values. She stated the glass required to meet the increased standards of the 2015 Energy Code could be costly, but the benefit was that it promoted increased attention during planning to the way a building is being oriented in relation to the sun. Mr. Prouty pointed out that this was another example of how the new 2015 Building Code was geared toward new structures, rather than existing structures.

Mr. Prouty stated when continuing an existing use in a historic building, the building is exempt from modern building code, but when changing use or occupancy the requirements of the 2015 Building Code must be met.

Mr. Prouty stated he'd received a recommendation for three alternative materials for treating interior, brick party walls that have been exposed. He explained that the three products recommended were all acrylic based, pigmented paints, and they were vapor open. He stated there would be more research into these products to decipher whether they met the design review requirements and if they would be a good option for the mural project on the Zales Building.

IV. Other Business:

a) Monthly report: Depot Square Historic District, West Floral Heights Historic District, Morningside Historic District

Mrs. Michele Derr stated the Odd Duck Coffee Roastery had opened up, the Yard was now open on the weekends, and the St. Patrick's Day festival was a success despite poor weather.

Mrs. Gagné stated that, because they did not currently have a representative for West Floral Heights on the commission, Chairperson Lee, as a resident, may have to serve as the commission's eyes and ears in that district. Chairperson Lee stated that the West Floral Heights homeowners had purchased 50 trees that were in the process of

being planted, and they were in the process of replacing some of the signs. Counselor Smith asked what type of trees were being planted. Chairperson Lee stated there had been much discussion with Jack Murphy at the Parks Department to be sure that the trees being planted would not cause damage to the sidewalks, and that the trees were being appropriately spaced. He stated Red Oak and Chinese Pistache were among the breeds being planted. Mrs. Gagné stated it was important to check with Parks, Public Works, and Property Management when planting trees because there had been questions recently regarding planting in the public right-of-way. She stated there had been a push to have utilities installed in the front rather than the rear of properties, and there was an interest in keeping trees on private property rather than the public right-of-way in order to avoid interference with utilities.

Chairperson Lee stated that one of the main issues in the City was a lack of trees, and indicated it did not make sense not to allow trees in the right-of-way in a historic district. Mrs. Gagné stated she was recommending coordination with Pat Hoffman in Property Management when planting trees because she would be the one overseeing any required encroachment agreements. She stated there was a desire for the trees in West Floral Heights, but placing them inside the sidewalk, rather than outside the sidewalk, would prevent interference with utilities.

Chairperson Lee stated that with Jim Johnson now on the Commission, they now had a representative from Morningside and could look more intently at the design review process for that neighborhood. Mrs. Gagné stated the State encouraged the Commission to oversee design review for Morningside based on the district's national historic designation. She stated staff sent letters to Morningside residents back in January of 2012 indicating that, based on state requirements, the Landmark Commission would now be doing design review for any exterior modifications visible from the public right-of-way. She stated the State had reviewed the City's preservation ordinance and determined that it was under the Commission's authority to oversee design review for a nationally designated historic district, despite not having local designation.

Mr. Jim Johnson stated an issue had occurred when a resident on 9th Street had ordered replacement windows for her home and been told after ordering them that they may not be appropriate. Mr. Prouty stated he believed this may have been a case of the homeowner having not been informed of the property's historic status when buying the home. He stated vinyl windows were not an approved alternative material under national design review guidelines.

b) Design Review—Staff Authorized—Minor Alterations/Repairs:

Mr. Matt Prouty reported on the four staff authorized minor alterations/repairs:

- 1410 Hayes – electrical / residential – new electrical service
- 1709 Tilden – plumbing / residential – interior bathroom remodel
- 2704 9th – roofing residential – replace 3 tab asphalt with composite shingle
- 909 10th First United Methodist Church – plumbing commercial – gas service

c) Articles & Periodicals: Texas Historical Commission – Certified Local Governments in Texas; A blueprint for protecting your community's heritage; Courthouse Cornerstones: 2017 Texas Historic Courthouse Preservation

Program Update:

Chairperson Lee made note that the Zales Building would be eligible for both Federal and State tax credits amounting to 45 cents on every dollar spent on restoration and renovation.

d) Staff Report Preservation Texas Summit: February 26th, 27th, & 28th 2017, Waco, Texas:

Mr. Prouty stated there had been a call out for host cities for future Preservation Texas Summits and suggested it might be something Wichita Falls could consider Pursuing.

e) Membership Update/Roster**V. New Business:****a) Preservation Texas Email Regarding House Bill 3418:**

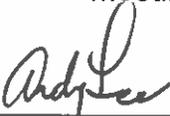
Counselor Smith expressed concern regarding House Bill 3418, which seeks to streamline the process for demolishing historic places in Texas by making it more difficult to designate historic landmarks and making it easier to demolish structures that were previously dedicated. He stated this bill was an attempt to divert local controls to the State, and encouraged everyone to speak out against it by contacting Representative Frank and Senator Estes, as well as the Representative who filed the bill. Mrs. Gagné stated the bill had been referred to the Urban Affairs Committee and was no yet scheduled for a public hearing, but if it did not die in committee, it could go to a full vote of the Texas House of Representatives.

b) West Floral Heights Historic District Designation:

Mrs. Gagné explained that there had been some concern expressed by the residents of West Floral Heights Historic District that the neighborhood's historic status was not being appropriately disclosed to new home buyers. She stated the district had been registered, but, because the properties were registered using meets and bounds descriptions and not by lot and block numbers, the historic designation was not coming up when the title searches were being done. She stated staff had been working directly with Property Management to try to come up with a solution. Chairperson Lee recommended that the Board of Realtors be notified of the area's designated historic status, and made aware of the design review requirements.

c) Next Mtg. – Tuesday, April 25, at 12 pm**VIII. Adjourn:**

Meeting adjourned at 1:25 pm



Andy Lee, Chairperson

4/25/17

Date

