

NOTICE OF PUBLIC MEETING

MEETING: Landmark Commission
DATE: Tuesday, October 27, 2015
TIME: 12:00 P.M.
LOCATION: City Council Conference Room, Memorial Auditorium
1300 Seventh Street, Wichita Falls, Texas

A G E N D A

- I. Call to Order and Introductions
- II. Review & Approval of Minutes from September 22, 2015
- III. Application for Design Review – 1410 Hayes – Request to Replace Existing Wood Windows
- IV. Discussion and Recommendation Regarding Texas Historical Commission (THC) Morningside National Historic District Design Review
- V. Other Business:
 - a) Monthly Report – Depot Square & West Floral Heights Historic Districts
 - b) Design Review – *Staff Authorized – Minor Alteration/Repairs:*
 - 1701 Tilden (West Floral Heights) – Replace roof with same type and color (asphalt)
 - 1305 Grant (West Floral Heights) – Replace roof with same type and color (asphalt)
 - 1315 Grant (West Floral Heights) – Replace roof with same type and color (asphalt)
 - 2703 9th Street (Morningside) – Residential Plumbing – Test and repair gas system
 - 420 Morningside Drive (Morningside) – Installation of new lawn irrigation system
- VI. New Business:
Next Mtg. – Tues. November 24, 2015 - 12pm / CLG Training 1-2pm
- VII. Adjourn

Wheelchair or handicapped accessibility to the meeting is possible by using the handicapped parking spaces and ramp located off the east parking lot on the 6th Street entrance nearest the Council Conference Room. There are additional handicapped parking spaces and ramp on 7th Street at the main building entrance. Spanish language interpreters, deaf interpreters, Braille copies or any other special needs will be provided to any person requesting a special service with at least 24 hour notice by calling the office of the City Clerk at 940-781-7409.

Every item on this agenda shall be considered a public hearing and citizens may appear at the beginning of this meeting and request to speak on any item. Regardless of the agenda heading under which any item is listed, any word or phrase of any item listed on this agenda shall be considered a subject for consideration for purposes of the Texas Open Meetings Act and other relevant law, and this governmental body may deliberate and vote upon any such subject and resolutions related thereto. Any word, phrase, or other subject contained in any item in this agenda may be voted upon, regardless of any language of limitation found in this agenda or any document referring to such action. Any descriptions of property or amounts stated herein are descriptive and not restrictive, and property and cited statutes and codes may be changed in the motions, actions or documents without further public notice. In addition to other items listed in this agenda, the provisions of the City Code related to planning, zoning, subdivision of property, development, and the operation and administration of the Department of Development Services, are herein added as a subject of this meeting without further notice. Any item on this agenda may be discussed in executive session if authorized by Texas law regardless of whether any item is listed under "Executive Sessions" of this agenda, regardless of any past or current practice of this Board of Directors. Executive sessions described generally hereunder may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice. Executive sessions described generally hereunder are closed meetings, may include consideration of any item otherwise listed on the agenda plus any subject specified in the executive session notice, and may include items under Texas Government Code Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.084, and/or 551.087. This agenda has been reviewed and approved by the attorney for this governmental body, and the presence of any subject or description in the Executive Session portion of this agenda constitutes a written interpretation of Chapter 551 of the Texas Local Government Code by the attorney for the governmental body indicating that said subject or description thereof may be legally discussed in a closed meeting.

CERTIFICATION

I certify that the above notice of meeting was posted on the bulletin board at Memorial Auditorium, Wichita Falls, Texas on the 22nd day of October, 2015 at 10:30 o'clock [a.m.] [p.m.] XX.



City Clerk

**MINUTES
LANDMARK COMMISSION**

September 22, 2015

MEMBERS PRESENT:

Stacie Flood, Chairperson
Kevin Bazner
Johnny Combs
Cindy Cotton
Michele Derr
Jackie Lebow
Andy Lee
Cindy Ramirez

■ Members
■
■ P&Z Liaison
■
■
■
■
■

Karen Montgomery-Gagné, Planning Administrator
Matthew S. Prouty, Planner II
Amy Krikorian, Municipal Court Prosecutor

■ Staff
■
■

Sam "Buddy" Kouri
Rick Neas
Delores Waugh

■ Guest
■
■

ABSENT:

Michael Koen
Michael Smith

■ Member
■ Council Liaison

I. Call to Order, Introductions

Chairperson Flood called the meeting to order at 12:10 p.m. The commission and staff introduced themselves. Guests attending included, Sam Kouri, owner and applicant of 1511 Hayes, and Mr. Rick Neas, contractor for 1511 Hayes project, and Ms. Delores Waugh owner of 1415 Buchanan.

II. Review & Approval of Minutes from August 25, 2015

Chairperson Flood called for review and approval of minutes from the August 25, 2015 Landmark Commission meeting. Mr. Andy Lee made a motion to approve the minutes from August 25, 2015 meeting. Mrs. Michele Derr seconded. The commission voted on the motion; motion passed unanimously.

III. Application for Design Review – 1511 Hayes – West Floral Heights – Request to construct an attached covered carport to an accessory structure.

Matthew Prouty presented the project, provided additional information that Mr. Kouri's proposed project must follow a 3 step process. First Mr. Kouri must receive Landmark approval for design appropriateness, second he must receive a conditional use from the Planning and Zoning Commission to allow construction along his property line within the interior side yard setback and third the project must meet all applicable International Residential Code (IRC) requirements (1 hour fire rated assembly and a 2 foot minimum separation from adjacent structures) for life safety and fire protection through a review with the City of Wichita Falls Building Department.

The requested carport will be 27 x 20 feet and is being proposed to be constructed out of metal. Photos were presented of the property and where the proposed project will be located if approved. A sample carport image was provided by planning staff for discussion. The applicant is aware of the requirement that the extension of the accessory building must be constructed out of similar materials as existing structure to be considered for a conditional use. Per Mr. Kouri's application they will construct using whatever material they are required to construct with according to city codes.

Mr. Lee inquired about what type of material will be used for the roof. Rick Neas contractor for the project stated they would like to use a metal R-panel roof similar to what has been used on an adjacent property. Jackie Lebow informed the commission that they would have limited options because the materials used would be required to meet building/fire code and be composed of fire rated materials. Mr. Prouty read the section of the International Residential Code, Section R302: Table R302.1 Exterior Walls. Projections greater or equal to 2 feet but less than 5 feet from an adjacent structure are required to have a minimum 1 hour fire resistance rating on the underside of the assembly.

Mr. Combs verified that the proposed carport is to be located behind the existing porte cochere. Mrs. Cotton stated the carport will be located beyond the existing home in the backyard. The proposed carport is an extension of the accessory building (garage) and will be partially obscured by the existing porte cochere attached to the home. Mr. Combs also inquired if metal R-panel is acceptable for the roof as proposed. Mr. Lebow stated that as long as it meets the requirements of a 1 hour fire rated assembly, that it can be considered. Mr. Combs asked if the Landmark Commission approved this application can the P&Z commission override building codes and allow a non-rated assembly? Mr. Lebow stated that neither the Landmark Commission or the Planning and Zoning Commission can override building code.

The planning department was contacted by the adjacent property owner at 1509 Hayes (rental property). Mr. James Wetherbee has voiced his support for the proposed extension of the accessory building along the shared property line. Mr. Wetherbee also contacted commission member Mrs. Cindy Cotton to voice his support for this project.

Mrs. Cindy Cotton introduced a motion to approve the design review application for the extension of a covered carport from an accessory structure as proposed and forward to Planning and Zoning Commission for review. Mr. Andy Lee seconded. The commission voted on the motion; the motion passed unanimously 8 – 0.

IV. Application for Design Review – 2703 9th Street – Morningside – Replacement of 22 existing aluminum and wood windows with vinyl replacements.

Matthew Prouty presented the project, and stated that the applicant for this project was not present. The applicant is active duty military and may not have been able to leave work to attend today. In 2009 the current owner Mrs. Celina Hatleberg installed new vinyl windows in the second floor of her home prior to the establishment of design review process for the Morningside National Historic District. Staff provided further information about the design review application, showing images provided by the applicant and staff, material cut sheets and order slip of vinyl replacement windows with muntins located between glazing as provided by the applicant.

Upon receipt of the application planning staff was notified via information in the application that the proposed replacement windows have been preordered, prior to receiving Landmark approval. Commission ensued by the commission regarding the windows and design review standards. Staff provided current standards: Section 4. Item 6. Windows and Screens from page 56 of the historic district design guide:

Item f. False muntins inserted inside the glass are not permitted. Matching the profile of the original window requires the use of either.

i. True divided lites; or

ii. Dimensional, muntins placed on the outside of the glass...

Item h. Although some substitute materials, such as extruded aluminum, may be used for replacement windows, the appearance of the window from the public right-of-way shall closely reassemble the original in size, configuration, profile, and finish. Vinyl is not an appropriate substitute material.

Not all of the proposed window replacements included muntins. Mr. Andy Lee had stated that the LaSalle project had added muntin to the exterior. Chair Mrs. Flood stated that the proposed windows have two problems: vinyl and interior muntins. Mrs. Derr stated it appeared the replacement windows on the 2nd floor may have exterior muntins. Mr. Bazner stated that he did not want to establish a precedent for allowing vinyl windows in the established Historic District.

Mr. Kevin Bazner made a motion to deny the vinyl window replacement application as presented and Mr. Jackie Lebow seconded. This commission voted on the motion; the motion was approved by majority 8 – 0. Staff will contact the applicant regarding the Commission's determination and outline their concerns.

V. Application for Design Review – 1415 Buchanan Street – West Floral Heights – Replacement of existing wood siding with vinyl siding.

Matthew Prouty presented the project, acknowledging that the homeowner of 1415 Buchanan Ms. Delores Waugh was present. The replacement of the original wood clapboard siding and trim was begun by a contractor without obtaining the proper building permits or receiving permission from the Landmark Commission for replacement of exterior siding. A sub-contractor for the general contractor (Arrowhead Roofing) was contacted on site by a City of Wichita Falls building department inspector on September 14, 2015 and a stop work order issued. Work was initiated on Friday

September 11, 2015. The subcontractor indicated that they were hired to cover the entire house and trim including historical elements.

Mrs. Waugh offered her apologies to the commission for the reasons that brought her to today's meeting. She stated being stressed as the anniversary of her husband's death was on Sept 24th. Mrs. Waugh provided photos of the current condition of the exterior siding of her house and a product sample of the vinyl siding with foam insulation that was proposed to be placed on the house. She had stated that since her husband had passed maintenance on the exterior wood siding was adding up and she wanted a more maintenance free siding on the exterior of her house that did not require regular maintenance and painting. Paint cost for the house were approximately \$8,000 and the house has been painted 5 to 6 times since it was purchased. Mrs. Waugh also stated that she had spoken to neighbors and had noticed other homes in the district with vinyl siding so it must be allowed.

Mr. Combs inquired about current design standards for exterior siding. The Commission began discussion regarding siding concerns and non-contributing structures. Mrs. Cotton brought to the commission's attention that there is vinyl on many houses located by Mrs. Waugh home on Buchanan. Stacie Flood and Karen Montgomery-Gagné corroborated that these houses are either non-contributing buildings or were covered with vinyl siding pre-2005 when the area was designated as a historic district and design review was required. Mrs. Derr stated that the design standard do not recommend vinyl siding.

Mr. Prouty also brought up for discussion the fact that Mrs. Waugh selected this product due to it having extra insulated properties. Jackie Lebow provided additional insight regarding integrating continuous insulation on exterior building envelopes and facades. Adding additional insulation to existing buildings is to meet modern energy codes. Mr. Prouty stated that perhaps this is an issue moving forward for federal and state level involvement to ensure historical preservation can work with modern energy codes.

Stacie Flood and Cindy Cotton discussed the option to allow the siding to stay and only cover the wood clapboard and no other exterior trim or detail. Mrs. Waugh answered a question regarding how long the siding has been on her house, two weeks. Mr. Bazner brought up the point that the commission is setting themselves up to establish a precedent allowing other people to conduct work without the proper permits and review. Cindy Ramirez wanted to know if a permit is required for siding. Mr. Prouty stated that the city does not require a permit to be pulled if 10% or less of the exterior siding is to be repaired or replaced otherwise a permit is required.

Mr. Bazner wanted to voice a larger concern that if vinyl was considered to be allowed to be placed directly over the original wood that the issue of moisture damage and further deterioration of the exterior walls may happen. He added that in the future if the vinyl were removed that it would be unlikely the original wood siding would be salvageable or would need to be replaced. Cindy Ramirez and Jackie Lebow both voiced concerns over vinyl siding's inability to stand up to intense heat warping, it becomes brittle during extreme cold and its susceptibility to damage due to hail. Johnny Combs raised the concern that if the commission goes down this road and allows a job that was started without permits that is half done and leads to de-designation thus

becoming a non-contributing building what type of impact would this have on the district? Would we lose historic status because multiple inappropriate alterations?

The Commission continued discussion and Cindy Cotton added that the siding could not be removed due to removal of the existing deteriorated or damaged existing wood siding from the install of the vinyl siding and the damage that would remain. From staff inspection it appears the vinyl siding was unfortunately attached directly to the wood siding with no gap or nailing strip to allow for drainage and breathability so once the siding is removed there will be nail holes all over the wood clapboards. Mr. Lebow asked what happens regarding siding removal and what type of liability does the contractor have regarding this project

Johnny Combs recommended denying the application based upon keeping the integrity of homes in the district, Michele Derr seconded, Stacie Flood tabled the motion to have further discussion regarding contributing versus non-contributing and obtain input from Bobbie Teague Chief Building Official for the City of Wichita Falls.

Mr. Teague was reached by conference call during the meeting and Mr. Lebow questioned options that the commission had when dealing with non-conforming work. Mr. Teague opened questions by asking if the application was denied the siding will be required to be removed. He added the contractor gone through proper channels the work would not have proceeded without Landmark review and permitting and the vinyl siding would not been placed on Mrs., Waugh's house. Mr. Lebow than wanted to know if it was the contactors responsibility to return Mrs. Waugh's exterior siding to original condition as found before they started the job. Mr. Teague stated that either the original contractor needed to make repairs and necessary replacement to what is now missing or damaged or hire another contactor to complete repairs. He has at his disposal the ability to issue a citation for work without the proper permit and double permit fee if siding is allowed by Landmark Commission.

Ms. Amy Krikorian, City Legal Counsel, stated that the siding if required to be removed, and the damage created be repaired would fall under legal recourse for Mrs. Waugh. She would be required to acquire legal counsel and seek repairs or replacement and the contractor by performing work without proper permits amounts to a Class C Misdemeanor. Mrs. Waugh was concerned that she would have to pay Arrowhead to remove the vinyl siding already on her house if the siding was required to be removed by the Landmark commission. Mrs. Kirkorian strongly suggested that Mrs. Waugh talk to an attorney to clarify her legal recourse. Mr. Combs added that this is a difficult decision and one that the commission does not take lightly but we are tasked with up keeping the integrity of the Historical Districts within the City of Wichita Falls. The city was not in a position to advise Mrs. Waugh of her legal options.

Mrs. Stacie Flood made a motion to deny the application for vinyl siding and Mr. Johnny Combs seconded. This commission voted on the motion; the motion was approved by majority 7 – 0. Commission member Cindy Cotton had to leave the meeting and was not present to vote on this design review case. Staff indicated they would coordinate a response with building inspection for Arrowhead Roofing and monitor the situation.

VI. Other Business

a) Monthly Report – Depot Square & West Floral Heights Historic Districts

Ms. Derr reported on the Zale's building, the decorative glass panels that were sent out for repairs are arriving and 2 have been installed this week. In September 20, 2015 Sunday Edition of the Times Record News they ran a special section featuring Downtown Wichita Falls that highlighted many of the historical properties located downtown and in the previous have featured other Texas downtowns for comparison.

Ms. Cotton left the meeting due to conflicting appointment therefore, no monthly report presented for the West Floral Heights District. Mr. Combs inquired about the road construction that is currently being undertaken in the West Floral Heights District on 10th street. This is a public utility water line upgrade and modernization project and the contractor was given permission from the city to use vacant properties along 10th owned by the city for construction staging.

b) Design Review – Staff Authorized – Minor Alteration/Repairs:

- 1400 Tilden (West Floral Heights) – Installation of new gas line
- 1404 Grant (West Floral Heights) – Back Flow Permit
- 100 Morningside Drive (Morningside) – HVAC change out
- 2 Crestway Street (Morningside) – Installation of new gas line
- 4 Crestway Street (Morningside) – HVAC change out

Mr. Prouty stated that none of the minor repairs impacted the design or architecture of properties.

VII. New Business:

Next Mtg. – October 27, 2015 – 1:28 p.m.

VIII. Adjourn

Meeting adjourned at 2:00 pm

Stacie Cronin Flood
Stacie Flood, Chairperson

10/27/2015
Date