
**LANDMARK COMMISSION
MINUTES
January 28, 2025**

MEMBERS PRESENT:

Christy Graham	■ Chairperson
John Dickinson	■ Member
Jordan Dixon	■ Member
Bill Enlow	■ Member
Dr. Dawn Ferrell, Maj. Gen. (retired)	■ Member
Joel Hartmangruber	■ Vice-Chair
Janel Ponder Smith	■ Member
John Yates	■ Member
Terry Floyd, Development Services Director	■ City Staff
Monica Aguon, Senior Assistant City Attorney	■ City Staff
Karen Montgomery-Gagné, Principal Planner/HPO	■ City Staff
Robin Marshall, Admin. Assistant	■ City Staff

ABSENT:

Noros Martin	■ Member
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GUESTS:

Mr. Robert James - Applicant
Sarah Olsen – President, West Floral Heights Neighborhood Association

I. Call to Order, Introductions and Welcome:

Vice-Chair Christy Graham called the meeting to order at 12:04p.m.
Ms. Graham did introductions of all Commission members, and guests attending.

II. Election of Landmark Commission 2025 Chairperson & Vice-Chairman:

a.) Open nominations for Chairperson

Mr. Joel Hartmangruber nominated Ms. Christy Graham as 2025 Chairperson.

Ms. Janel Ponder Smith seconded the nomination.

No other nominations were made.

Ms. Graham took the motion of electing Christy Graham as Chairperson for 2025 to a vote, and it passed 8-0.

b.) Open Nominations for Vice-Chair

Chairperson Graham asked Mr. John Dickinson if he would accept a nomination as Vice-Chair, and he declined.

Ms. Janel Ponder Smith was then asked if she would accept the nomination for the position, and she declined as well, due to a conflict of interest being Chair of the Volunteer West Floral Heights Design Review Committee.

Chairperson Graham then nominated Joel Hartmangruber and made the motion he be elected as Vice-Chair for 2025. Ms. Ponder Smith seconded the motion

Chairperson Graham took the motion to vote, and it passed 8-0.

III. Review & Approval of Minutes from: December 17, 2024:

Chairperson Graham called for review and approval of the December 17, 2024 Landmark Commission meeting minutes. Ms. Janel Ponder Smith made a motion to approve the minutes as presented, Mr. Bill Enlow seconded the motion. Minutes were unanimously approved 8-0.

IV. Regular Agenda:

1) Action Item: Design Review – 1309 Buchanan

Request authorization to demolish a rear, detached garage/shed that was previously dismantled void of permitting.

District – West Floral Heights

Applicant – Robert James

Karen Montgomery-Gagné presented the case and stated it was brought to staff's attention in December through a complaint to the planning office. Property is at the corner of Avenue D and Buchanan, and immediately south of former Buchanan Terrace apartments that was torn down years ago as a result of life, health and safety concerns. The house at 1309 is contributing to the historical character of the district, and its craftsman style is very typical of the West Floral Heights District. Ms. Montgomery-Gagné pointed out, using photos, the house has a very low-pitch roof, typical with the front columns, and a combination of masonry and wood. She stated that it is a one-story frame house with exposed beams and traditional rafter tails. In the inventory photos, she pointed out the condition of the rear garage from 2004-2019.

Ms. Montgomery-Gagné explained that every 5-6 years staff takes inventory photos of all designated historic properties, so over time alterations are documented to these historically designated properties - approved or not approved. She stated alterations that are considered before the commission include anything visible from the public right of way, and alleys are considered a public right of way. She showed the condition of the shed/garage, through inventory pictures taken in 2013. The exact date of construction is not known, but she feels it is much older than 1992. But as far as documentation, the appraisal district has listed 1992. Moving forward, staff noted a noticeable change can be seen in 2019. In six years more deterioration of the rear shed is visible; a lot of boards missing, holes are prevalent, and there are concerns of the roof condition. She then

showed a photo taken from Buchanan, and the shed was in poor condition. The final photo is what staff found based on the complaint received in December. When a complaint is received, staff are obligated to investigate. Building inspectors went out but a stop work order was not issued because the shed/garage was already essentially on the ground with a few supports sticking through. The owner and their contractor cleaned up a lot of the debris scattered about when it was pulled down by a vehicle/tow-bar. At that time, there were essentially no permits on the house, and it had not come before the Landmark Commission for consideration. More photos were referenced taken from the alley, Buchanan and Avenue D for the Commission with the partial structure on the ground. Ms. Montgomery-Gagné reminded Commissioners the alley is considered public right of way and visible alterations are subject to design review standards.

Ms. Montgomery-Gagné explained for new members on the Commission when you start to review a case and consider what is an appropriate alteration, refer to the City's Design Review Guidelines along with the Department of the Interior, Secretary of the Interior Standards for Rehabilitation regarding preservation, rehabilitation or appropriate substitute materials if a replacement or new construction is being proposed. Staff noted demolition is the last resort and has limited reference in most guidelines. Ideally as a preservation board you are trying to preserve, trying to rehab, or trying to restore deteriorated or missing historic/architectural elements. If that's not possible, the fourth option is reconstruction. Demolition is not really referenced because that's the very final stage. One thing our design guidelines notate, is designated historic structures should not become in a state of serious disrepair and lack routine maintenance. However, we know that is not always the case. There are buildings that are in need of maintenance repair all over the city. Unfortunately, in this case, the owner/applicant was a few steps ahead of the process by pulling down a structure in a historic district prior to seeking approval/permitting. We are not aware of this shed/garage being tagged by Code Enforcement because if buildings get to the point of being considered a life, health, and safety concern, they go through a lengthy process and city council public hearing for demolition. This structure was not on the list for future demolition. However, it does not mean that it was not in a state of disrepair which raises a question of whether it could have been rehabilitated before the owner moved directly to demolition. Unfortunately, we don't have a documented construction date for the rear structure to determine if rehab was a viable option. We can determine it was wood frame based on components on site and there were exposed rafter tails. Staff does not believe it met the 50-year age category, minimum criteria by National Register Standards utilized by most cities, for being historic. However, it does not appear to have had any unique architectural, cultural, or engineering characteristics. The primary structure (house) makes this property character defining within the block/district.

When we look to the City's design guidelines, how does that direct us on dealing with this demolition request. Staff referenced the meeting packet along with page 7 of the design review guidelines - *no historically designated property or structure shall be permitted to remain in a serious state of disrepair*. That section has caused some concern with historic property owners regarding the level of 'review' that the Chief Building Official and Historic Preservation Officer will take regarding routine inspections and trying to ensure historic properties are not falling into disrepair. The guidelines do provide basic guidelines on garages as they are the most common accessory structure in historic districts. Staff mentioned for Commissioners, it's important to always remember the steps in dealing with alterations and that demolition is not one of those – as previously stated, it's the last resort. During research for this case preparation, staff stated it's really related to a larger rehabilitation program and what is acceptable. If you look at standards for a Historic Preservation Tax Credit project and demolition is a focused part of that reconstruction/rehabilitation, really address three key points.

- 1) Is the item outside of the period of significance for the property?

Garage - yes, it's certainly not as old as the house but we cannot document the exact date of construction.

- 2) Is the garage so deteriorated or altered that its integrity is irretrievably lost?

Potentially, in this case the majority of the original materials were removed. If the garage were being reconstructed it would be a different scenario. In this case, the applicant owner is not wanting to rebuild at this time.

- 3) Is the garage secondary, and also lacks architectural, archeological, or engineering unique features that make it significant?

Yes, the detached garage is secondary and does not appear to have had those unique characteristics.

These are the key points staff wanted to share as each of you move forward as a commission to deliberate the case and consider if the demolition should move forward since we're already missing the majority of the structure, and if the owner will be allowed to obtain a demolition permit.

Chairman Graham asked the applicant if he had anything else to present to the Commission. Mr. James stated that Ms. Montgomery-Gagné seemed to cover everything. He did add there was a bad rat infestation, and neighbors were happy the rats will no longer remain nor the old structure. He also questioned why this run down shed/garage had not been addressed by Code before this, since it had been in disrepair for years before he purchased the property in October 2024.

Chairperson Graham opened the floor to public comment. There were no comments made by the public. Chairperson Graham then opened discussions to the Commission. There were none.

Chairperson Graham agreed with the applicant that she wouldn't want that structure nearby, and said it had become a health and safety issue within the historic district. Chairperson Graham introduced a motion to authorize the design review application requesting to complete a demolition of a partially dismantled rear, accessory structure based on there being no identified unique architectural, cultural, historic or engineering characteristics. Ms. Ponder Smith seconded the motion. Chairperson Graham took the motion to a vote and was unanimously approved 8-0.

Mr. James asked if there were any restrictions on exterior paint colors. The Commission told him there are no restrictions on paint color, and recommended Sherwin Williams has a historical color palette on file and will be a good point of reference.

V. Other Business:

Downtown Depot Square Report: Chairperson Graham reported that Backdoor Theatre finished paving their rear parking lot. She also announced various theatre shows being presented by Backdoor Theatre and the Wichita Theatre during February and encouraged people to attend.

There is progress on the building at 615 7th Street; they have it encapsulated, doors up along with the roof. Chairperson Graham highlighted the MLK parade went well. The Saint Patrick's Day celebration will be March 15th.

Ms. Montgomery-Gagné informed members that staff reached out to Backdoor Theatre staff regarding alterations on site in the Depot District. And they now have a better understanding of requirements being in a historical district. Being fairly new staff members at the theatre, they weren't informed or aware of requirements but understand and appreciate maintaining the architectural/historical aspect of their property.

West Floral Heights District Report: Ms. Ponder Smith informed the Commission the Association doesn't have every office filled yet, but are organizing the 501C3 non-profit. The Association goals in 2025 are to reactivate as it's the 20th anniversary of the district.

Updates – 1601 Tilden: Ms. Montgomery-Gagné informed the Commission of new owners, as of Dec. 6th, and as soon as they took ownership began modifications. Staff spoke with new owners and showed them the prior proposal for a tubular metal carport in the front yard submitted by previous owners. New owners stated they had no intention of moving forward with the previous owner's plans. They will be making some interior modifications, and plan to restore historic landscaping based on 1940s photos. There was a staff administrative review for the fence (other business agenda: administrative update), as it was relocated, and moved forward so the concrete slab is not visible. However, fence is behind the front setback area in accordance with design standards.

1401 Tilden: Another case, which hopefully will come before the Commission next month, is 1401 Tilden. An inspector found a carport, concrete slab and new fencing added at this location. Ms. Montgomery-Gagné presented photos of the property, starting with inventory photos from 2013 prior to illegal alterations. This is a 1970's style ranch home. She pointed out the side yard was altered from the side driveway eastward with new concrete slab, a large carport frame (approx. 9.5ft height) installed that is in the exterior side setback. Not only are there setback issues, but work all done without permits by a non-registered, non-bonded contractor, which is not good for the homeowner because they don't have any recourse through the contractor's bond. An alternate bonded contractor contacted staff and is working with owners to rectify issues. We are waiting for the completed application and will reach out to Marant Construction to check on status.

It was questioned why this house was considered historical if it was built in the '70's. Ms. Montgomery-Gagné explained that while this particular house is noncontributing because it didn't meet the minimum of 50 years at time of designation (2005), it is in the designated district and as time goes by, it will meet that minimum and hopefully become contributing based on its era/design. Since it is in the district, it still has to meet the Commission design standards; whatever the owner does to the home has an impact on the entire neighborhood, and the block. Over time, accumulated alterations can have a very negative impact on the overall character of the entire district. She then cited some examples, and it was explained when this district was created, the owners had the choice to be in the district or request an exemption from city council. At district creation, there were about 16 properties exempted with provision as they were sold, conveyed or transferred ownership they would revert to being part of the district and subject to design guidelines; we currently only have five or six exempt properties. The exemption does not transfer with new ownership.

National Register Property Updates: Chairperson Graham mentioned that 303 Morningside is in the Morningside District which is a National Registered Historic District. Ms. Montgomery-Gagné informed new Commission members Wichita Falls is a Certified Local Government, a CLG designated community by the Texas Historical Commission (THC). That means we have met the minimum standards to have a designation with our Historic Preservation Ordinance and the design standards, so we have some level of review for alterations. Morningside being a National Registered District and not a Wichita Falls designated district, the local design guidelines do not apply except for one individual landmark. One of the things that's a little complicated is that as a CLG city has the responsibility to provide the state with updates on alterations to National Register properties or county courthouses. As our way of trying to address that requirement is listing all permits issued for alterations to National Register properties on the publicly posted Commission agendas. It provides an opportunity to have a timestamp throughout

the year of permits issued to designated properties not subject to design standards that must be reported in an annual report to THC. In other words, if somebody chooses to replace all their original old growth wood windows with vinyl windows (not an approved material by the state or our city design guidelines) in a National Register Historic District, we don't have the ability to deny an inappropriate alteration. Staff can recommend that an owner use acceptable alternative materials and not vinyl but they can proceed with obtaining necessary permits. We keep records of these changes for state reporting. I don't know at what point the Department of the Interior, or the State, can reassess a National Register of Historic Places District or property indicating cumulatively to many inappropriate alterations therefore your designation is removed. That question has come up before and we have not been able to obtain a clear answer from THC's National Register Division. Hence, the reason to document permits issued for alterations.

The situation at 303 Morningside was an 11-month process of trying to get them squared away with permits after work conducted void of building permits or framing inspections. Issue brought to staff attention via email complaint which is typical for many of these illegal projects. Many issues are brought to staff's attention from the Volunteer Design Review Committee for issues in West Floral Heights Historic District. This group of volunteers is chaired by Commissioner Ponder Smith and appointed by the Landmark Commission. The committee provides a point of contact for both residents and city staff. Often when something like this comes to our attention, it's because one of those members emailed questions. Technically, anybody can email and question work being conducted if they don't see a visible building permit. As stated, design guidelines don't apply in Morningside except for one city designated landmark but they still need to be in compliance with Building/Fire Codes, etc. Staff can then document 'permissible' alterations so THC is aware that Wichita Falls is meeting our due diligence as a CLG community reporting changes to National Register designated properties. Ms. Montgomery-Gagné provided photos of the building pre/post alteration with the eyebrow pergola from Jan. 2024 and contractor finally obtained outstanding permit in Dec. 2024.

Webinars/Periodicals: Staff informed of an upcoming webinar (*Importance of Historic Resource Surveys*) available at no charge on Jan 30. This, and other informative webinars, are provided to the Commissioners at no charge through the City's membership to the National Alliance of Preservation Commissions.

VI. Adjourn:

Chairperson Graham adjourned the meeting at: 1:00pm.

Chairperson Graham stated the next scheduled meeting will be February 25th, 12:00 pm.

Christy Graham

Ms. Christy Graham, Chairperson

2-25-2025

Date