



CITY OF TEXARKANA
PLANNING & ZONING COMMISSION
AGENDA • JANUARY 2, 2024

Council Chambers	Regular Meeting	6:00 PM
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220 TEXAS BLVD.
 TEXARKANA, TX 75501

Chairperson	Commissioner	Commissioner
Gene Joyce III	James Larkins	Brad Bailey
Vice Chairperson	Commissioner	Alternate Commissioner
Dianna Patterson Kinsey	Wanda Northam	Lee Kernek
Commissioner	Commissioner	Alternate Commissioner
Tom Coleman	Casey Boyette	Ross Sarine

I. CALL TO ORDER

II. AGENDA ITEMS

1. Ordinance No. 2023-151 establishing a Historic Landmark Preservation Ordinance.
2. Amendment to PD-01-10 for site plan approval on Lot 1, Texarkana Shopping Center Subdivision located at 4110 St. Michael Drive. Suzanne Russo for Home Depot, owner and Cassie Permenter, agent.
3. Amendment to PD-20-6 for site plan approval on Lot 1, Richmond-Moores Subdivision, located at 5605 Richmond Road. GVH Moores, LLC, owner and Kayla Wood, MTG Engineers and Surveyors, agent.

III. STAFF UPDATES

IV. CONSIDER APPROVAL OF MINUTES

1. Consider the Planning and Zoning Commission meeting minutes from December 4, 2023.

V. ADJOURNMENT**VI. P&Z AGENDA ITEMS**

This open meeting of a governmental entity is subject to the Texas Open Meetings Act (Chapter 551, Government Code). The "Council Chambers" is the room or property where the Planning and Zoning Commission holds this meeting.

Pursuant to Section 46.035(c), Penal Code (unlawful carrying of handgun by license holder), a license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for these services, please call 903.798.3917, Personnel or (TDD) 1.800.RELAY.TX (1.800.735.2989).

City of Texarkana, Texas

Summary Sheet

Version:

Update Date: 12/21/2023 10:51 AM

Lead Department: Planning & Zoning Commission **Action Officer:** Daphnea Ryan,
Ordinance No. 2023-151 establishing a Historic Landmark Preservation
Subject: Ordinance.

Meeting Date: 1/2/2024

Attachments

- a. 2023-151 ORD Establishing a Historic Landmark Preservation Ordinance (DOCX)
- b. 2023-151 ATTH 02 Walkover (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Department Head Review
Pending		
Planning & Zoning Commission		Department Review
Pending		
Planning & Zoning Commission	Laura Puckett	Meeting Pending
01/02/2024 6:00 PM		

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Recognizing the need to establish a stand-alone Historic Landmark Preservation Ordinance in order to provide transparency, ease of access, and to meet the guidelines for application as a Certified Local Government through the Texas Historical Commission, City staff, the Historic Landmark Preservation Committee and legal counsel drafted this ordinance.

If approved, this ordinance will establish Chapter 145 under the Land Development Code. As part of establishing this ordinance, Section 140-106 and 140-110 will be removed from Chapter 140 Zoning. Additionally, changes to the ordinance language as summarized in Attachment 02 will be applied if passed.

Establishing a stand-alone Historic Preservation Ordinance will put the City in line to obtain Certified Local Government status through the Texas Historical Commission. Becoming a Certified Local Government opens opportunities to apply for grants through Texas Historical Commission for historic preservation.

Potential Options:

Approve or deny

City of Texarkana, Texas**Fiscal Implications:**

Fiscal implications will include a 10% decrease in City Ad Valorem taxes for 83 properties located in the Highland Park Bingham Park Historic Overlay District that are not currently receiving the tax incentive. There are 127 properties located in the historic district and 44 currently receive the tax incentive. This estimated impact will be \$6,400 per year at the current tax rate.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

Historic Landmark Preservation Committee

Board/Committee Recommendation:

The Historic Landmark Preservation Committee recommends approval by unanimous vote.

Advisory Board/Committee Meeting Date and Minutes:

November 9, 2023

Ordinance No. 2023-151

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ESTABLISHING A HISTORIC LANDMARK PRESERVATION ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, CH. 211 TEXAS LOCAL GOVERNMENT CODE, Section 211.003(b) provides that in the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures; and

WHEREAS, CH. 211 TEXAS LOCAL GOVERNMENT CODE, Section 211.005(a) authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district; and

WHEREAS, CH. 214 TEXAS LOCAL GOVERNMENT CODE, Section 214.00111 provides additional authority to preserve substandard buildings as historic property which applies only to a municipality that is designated as a certified local government by the state historic preservation officer as provided by 16 U.S.C.A. Section 470 et seq; and

WHEREAS, the City of Texarkana, Texas recognizes the need to separate historic preservation from the Zoning ordinance and create a stand-alone Historic Landmark Preservation Ordinance; and,

WHEREAS, by this Ordinance, the City of Texarkana, Texas creates Chapter 145 of the Land Development Code for Historic Landmark Preservation replacing all previous ordinances and amendments related to historic preservation.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS CHAPTER 145 OF THE CITY CODE OF ORDINANCES IS HEREBY CREATED AND SHALL READ AS FOLLOWS:

CHAPTER 145 – HISTORIC LANDMARK PRESERVATION

ARTICLE 1 ENACTMENT AND PURPOSE

Section 145-1 Purpose

The City Council of Texarkana, Texas hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. This Act is intended to:

- (a) Create a new independent ordinance specific to historic preservation;

- (b) Protect and enhance the landmarks and districts which represent distinctive elements of Texarkana's historic, architectural, and cultural heritage;
- (c) foster civic pride in the accomplishments of the past;
- (d) protect and enhance Texarkana's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- (e) ensure the harmonious, orderly, and efficient growth and development of the City that is sensitive to its historic resources;
- (f) promote economic prosperity and welfare of the community by encouraging the most appropriate use of Historic Properties within the City;
- (g) encourage stabilization, restoration, and improvements of such Properties and their values by offering incentives for rehabilitation.

ARTICLE II DEFINITIONS

Section 145-2. Definitions.

Accessory Building shall mean a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, but not limited to, a residential structure may have a detached garage or storage shed for garden tools as an accessory building.

Alteration shall mean any act or process that changes one or more historic, architectural, or physical features of an area, site, place, building and/or structure including, but not limited to the erection, construction, reconstruction or removal of any building or structure.

Applicant means a person seeking a designation or authorization under this Chapter or the person's designated and duly authorized agent or representative. This term may include the property owner, occupant of the site, the Historic Landmark Preservation Commission ("HLPC") or City Commission.

Appurtenant features means the features that define the design of a building, structure or Property including but not limited to porches, railings; columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.

Archeological property/site means any locale where there is physical evidence of past human activity that is either prehistoric or historic in age.

Architectural Details shall mean the small details like moldings, carved woodwork, etc. that add character to a building, structure, or object.

Building shall refer to a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The term also includes mobile homes, manufactured homes, and industrial housing.

Certificate of Appropriateness shall mean an order issued by the Historic Landmark Preservation Commission indicating approval of plans for alteration, construction, or removal affecting a designated Landmark, Building, structure, or Property within a designated district.

Certified Local Government shall mean a local government certified or approved by the State Historic Preservation Office (SHPO), which has an appointed commission to oversee the survey and inventory of historic resources, to review areas for historically significant structures, buildings, Landmarks or Properties, and to develop and maintain community planning and education programs.

Design Guidelines shall mean guidelines of appropriateness or compatibility of building design within a community or historic district. Often in the form of a handbook, design guidelines contain drawings accompanying "do's and don'ts" for the property owner. The Historic Preservation Commission has authority to administer design guidelines.

Design review shall refer to the decision making process conducted by the Historic Landmark Preservation Commission in conjunction with the Chief Building Official, when required, that is guided by established terms.

Demolition by Neglect shall mean allowing a building or structure to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.

Exterior Architectural Feature shall mean but not be limited to architectural style and general arrangement of such portion of the exterior of a building or structure as is designed to be open to the view from a public way.

Façade shall mean the entire building or structure front including the parapet.

Historic designation means an official recognition of the significance of a building, structure, Property or district. Designation can occur on three different levels:

Federal - The National Register of Historic Places (for both individual buildings, structures, and entire districts);

State - Recorded Texas Historic landmarks and State Archeological Landmarks; or

Local - designation under a municipal historic ordinance either individually as a landmark or as a locally designated district.

Historic Districts shall mean any neighborhood or region designated by City Council as a historic district.

Historic Landmarks shall mean a building, structure, object, or site designated as a Texas Historic Landmark, listed in the National Register of Historic Places, or that holds a local historic designation by the City Council as a historic landmark.

Historic Preservation means the protection, reconstruction, rehabilitation, repair and restoration of places, buildings, structures, and Properties of historic, architectural, or archeological significance.

Historic Landmark Preservation Commission (HLPC) shall mean the seven member and two alternate position Board established under this ordinance and appointed by City Council.

Historic Rehabilitation shall mean the process of returning a Property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the Property which are significant to its historic, architectural, and cultural values.

Historic Resource shall mean any building, structure, object, or site that is 50 years or older or that has been identified as a high or medium priority because of its unique history or architectural characteristics.

Historic Resources Survey means a systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.

Integrity means the authenticity of a Property's historic identity, evidenced by survival of physical characteristics that existed during the Property's historic or prehistoric period.

Inventory means a list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

Local Historic District means a geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the City. Historic sites within a local district need not be contiguous for an area

to constitute a district. All sites, buildings, and structures within a local historic district, whether individually contributing or not, are subject to the regulations of the district.

Local Historic Landmark means any site, building, structure, landscape, or Property of historic significance that receives designation by the City pursuant to this Chapter.

Minor alterations shall mean the installation or alteration to awnings, fences, gutters, downspouts, and incandescent lighting fixtures; restoration of original architectural features that constitute a change from the existing condition; alterations to signs; and additions and changes not visible from any street to the rear of the main building or structure.

National Register of Historic Places shall mean the nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission. Restrictions on these properties exist only when there is an undertaking that uses federal funds or that requires a federal permit or license.

Object means a physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

Order of Demolition shall mean an order issued by the Historic Landmark and Preservation Board indicating approval of plans for demolition of a designated Landmark or Property within a designated district.

Ordinary Maintenance shall mean repair of any exterior or architectural feature of a Landmark or Property within a historic district which does not involve a change to the architectural or historic value, style or general design. In-kind replacement or repair is included in this definition of ordinary maintenance.

Overlay District shall mean zoning, applied over one or more other districts, creating a second, mapped zone that is superimposed over the conventional zoning districts. Overlay districts typically provide for a higher level of regulations in certain areas such as transit station areas, downtown areas, and historic districts, but may also be used to permit exceptions or less restrictive standards (for example, fewer parking spaces in a downtown or transit station area, or more density in an economic development area).

Owner shall mean the individual, corporation, partnership, or other legal entity in whom is vested the ownership, dominion, or title of Property and who is responsible for payment of ad valorem taxes on that property; including a Lessor or Lessee if responsible for payment of ad valorem taxes.

Preservation shall mean the stabilization of an historic building, structure, or Property, and its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a Property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.)

Preservationist shall mean someone with experience, education, or training in the field of preservation.

Property or Properties shall mean land and all buildings, structures, and Landmarks lying within the land, but shall not reference any personal property contained thereon.

Reconstruction shall mean the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or Landmark as it appeared at a specific period of time. A technique used earlier in the 20th century, reconstruction is rarely used today because of the preference to use limited financial resources to preserve existing historic buildings or structures.

Recorded Texas Historical Landmark shall mean a state designation for buildings or structures important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National Register of Historic Places designations.

Rehabilitation means the act or process of returning a building, structure, or Property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the Property that are significant to its historical, architectural, and cultural values.

Restoration shall mean returning a building, structure, or Property to a state indicative of a particular period of time in its history, while removing evidence of other periods.

Secretary of the Interior Standards for Rehabilitation shall mean the standards established by the Secretary of the Interior for advising federal agencies on the preservation/rehabilitation of Historic Properties listed or eligible for listing on the National Register of Historic Places.

Site means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value.

State Archeological Landmark shall mean a designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. Although called "archeological" landmarks, this designation can include buildings and structures as well as archeological sites. For a building or structure to be designated as a State Archeological Landmark,

it must first be listed on the National Register of Historic Places. Damage to a State Archeological Landmark is subject to criminal, not civil, penalties.

State Historic Preservation Office (SHPO) shall mean the State Office responsible for administering federal historic preservation programs as defined in the National Historic Preservation Act of 1966 as amended and subsequent legislation. The Executive Director of the Texas Historical Commission serves as SHPO for the State of Texas.

Structure is a constructed work that was created to serve some human activity and usually made for purposes other than creating human shelter, including but not limited to, sheds, pergolas, carports, and detached garages. Structure may also include works constructed for housing or enclosure of domestic animals, including, but not limited to, dog houses and chicken coops.

Zoning means a police power measure, enacted by a municipality, including the City, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

ARTICLE III HISTORIC LANDMARK PRESERVATION COMMISSION

Section 145- 3. Historic Landmark Preservation Commission

There is hereby created a commission to be known as the Historic Landmark Preservation Commission, hereafter referred to as the "HLPC."

1. The HLPC shall consist of seven (7) members and two (2) alternates to be appointed, upon application and demonstration of their qualifications to the extent available among the residents of the community, by the City Council with primary consideration given to professional members from the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation, as well as to applicants who are residents of historic districts, existing or being considered, and owners of historic Properties. When a professional in the fields of history, architecture, architectural history, planning, or archaeology is not represented in the membership of the HLPC, then the City may seek and provide outside expertise in the appropriate discipline when considering National Register nominations and all federal undertakings that will affect historic properties which are normally evaluated by a professional in such disciplines.
 - (a) At least two (2) members of the HLPC shall reside or own property within a Historic District.
 - (b) All HLPC members must have a known and demonstrated interest, competence, or knowledge in historic preservation within the City and/or the county.
 - (c) Persons interested in serving on the HLPC shall complete the committee/commissions form available from the City and submit a letter of request for consideration, along with a resume

or bio outlining experience and qualifications to the City. The completed information shall be forwarded for review and consideration as position availability may occur. Any applicant for which approval for further consideration has been determined, shall be forwarded to the City Council for review and consideration of appointment.

- (d) HLPC members shall serve for three-year terms. The City Council shall initially stagger the terms of the HLPC such that no more than three (3) members' terms shall end during any one calendar year. The City Council may re-appoint HLPC members as their terms expire without limitation to the number of consecutive terms. The Mayor shall fill any vacancies that may occur before a term has expired, only for the remainder of the term.
- (e) Any member may resign by submitting a letter of intent to the HPO that has been read into the official HLPC minutes and forwarded to the City Council. The City Council may terminate any HLPC member upon cause after an appropriate hearing or upon the absence of over 50% of the scheduled HLPC meetings within a calendar year. Termination shall be effective upon deposit of a letter of termination in the US mail to that last known address of the member being terminated.
- (f) The Chairperson and Vice Chairperson of the HLPC shall be elected by and from its membership.
- (g) A quorum for the transaction of business shall consist of not less than four (4) members of the HLPC.
- (h) The HLPC shall meet at least monthly, if business is at hand, and no less than quarterly. Special meetings may be called at any time by the HLPC Chairperson, Vice Chairperson or at the written request of at least four HLPC members. All meetings shall be held in conformance with the Texas Open Meetings Act, Chapter 552 of the Texas Government Code as Annotated.
- (i) Nonvoting members shall include the Executive director of Main Street Texarkana and a representative designated by the Texarkana Museum System as long as such entities are in existence and operational. Persons who have expertise in areas related to the Historic Landmark Preservation Commission such as, but not limited to, architecture, history, economic development, or building construction may volunteer and serve on the Historic Landmark Preservation Commission as non-voting members whether they live or work in the city limits or not. Such experts shall submit a letter of request for consideration to the HPO or designee to be forwarded to City Council for consideration of appointment.
- (j) Each Historic Landmark Preservation Commission member shall serve on at least one sub-committee. From time to time the Historic Landmark Preservation Commission may designate other sub-committees for special projects of a temporary nature. The Historic Landmark Preservation Commission shall include the following sub-committees:

- (i) Guidelines and Standards Review
- (ii) Community Involvement and Marketing
- (iii) Expansion, Preservation, and Revitalization

2. The HLPC shall be empowered to:

- (a) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HLPC.
- (b) Adopt parliamentary rules and procedures necessary to carry out the business of the HLPC, which shall be ratified by the City Council.
- (c) Review and take action on the designation of Landmarks and the delineation of Districts, which shall be submitted to the Planning and Zoning Commission and ratified by the City Council.
- (d) Recommend and confer recognition upon the owners of Landmarks or Properties within Districts by means of certificates, plaques, or markers.
- (e) Review and recommend to City Council, and other applicable City boards and commissions, all proposed changes to the zoning ordinance, building code, general plan, or other adopted policies of the City that may affect the purpose of this Chapter.
- (f) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (g) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated Districts located in the City. Such information shall be maintained securely, made accessible to the public, and should be updated at least every ten (10) years.
- (h) Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Archaeological Landmark, National Register property and any locally designated Landmark, as deemed necessary.
- (i) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Chapter.
- (j) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HLPC and the reasons for taking such actions.

- (k) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (l) Review and take action on all Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Article.
- (m) Review and take action on all appeals on action taken by the HPO regarding the administrative review of Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Chapter.
- (n) Develop, prepare and adopt specific Design Guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness applications.
- (o) Make recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of Landmarks and Districts within the City.
- (p) Propose incentive program(s) to the City Council for local property owners of historic Landmarks or within local Districts.
- (q) Review and take action on all City preservation-related incentive program applications involving work on Landmarks and Districts for compliance with adopted Design Guidelines pursuant to this Chapter.

Section 145-4. Appointment of Historic Preservation Officer

The City Manager or its designee shall appoint a qualified City official, or staff person to serve as the Historic Preservation Officer (HPO). The HPO must have an interest, knowledge and a demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. In the absence of a qualified official or staff person of the municipality, a volunteer resident of the City may be appointed by City Council as HPO. The HPO shall be empowered to:

- (a) Administer this ordinance and advise the HLPC on matters submitted to it.
- (b) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this Chapter.
- (c) Receive and review all applications pursuant to this Chapter to ensure their completeness.
- (d) Review and take action on all Certificates of Appropriateness applications that are subject to administrative review pursuant to this Chapter.

- (e) Review and forward, with any recommendations, all applications for Certificates of Appropriateness subject to review by the HLPC pursuant to this Chapter.
- (f) Ensure proper posting and noticing of all HLPC meetings, schedule applications for HLPC review, provide packets to its members prior to the meetings, record meeting minutes, and facilitate all HLPC meetings.
- (g) Review and help coordinate the City's preservation and urban design activities with those of local, State and federal agencies and with local, state, and national preservation organizations in the private sector.

ARTICLE IV DESIGNATION

Section 145-5. Criteria for Designation of Local Historic Landmarks and Districts

Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be considered as recognized local Landmarks.

1. An individual Landmark may be designated if it is at least fifty (50) years old, and it substantially complies with two or more of the following:
 - (a) Possesses significance in history, architecture, archeology, and culture.
 - (b) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - (c) Is associated with events that have made a significant impact in our past.
 - (d) Represents the work of a master designer, builder, or craftsman.
 - (e) Embodies the distinctive characteristics of a type, period, or method of construction.
 - (f) Represents an established and familiar visual feature of the City.
2. A District may be designated if it substantially complies with both of the following:
 - (a) Contains Properties and an environmental setting which meet two or more of the criteria for designation of a Landmark, and;
 - (b) Constitutes a distinct section of the city.

Section 145-6. Designation of Local Historic Landmarks and Districts

1. These provisions, pertaining to the designation of Historic Landmarks and Districts, constitutes a part of the Comprehensive Plan of the City of Texarkana, Texas.
2. The procedure for designating a historic Landmark, or to establish or amend a Historic District, may be initiated by the City, by the individual property owner(s), or by at least 20% of the residents of a potential District. An application for Determination of Significance shall be made on forms as prescribed by the City and shall be filed with the HPO along with fees in accordance with the municipal fee schedule. Buildings, structures, sites, or areas located within the City which substantially comply with the criteria found in Section 145-5 of this ordinance may be recommended as Landmarks or Districts by the HLPC. The application shall contain:
 - (a) Name, address, telephone number of applicant, and physical address of the individual property, or
 - (b) Name, address, telephone number of applicant, and signed petition of at least 20% of the proposed area if for a proposed district.
 - (c) Site plan of the individual property or map indicating the geographic boundaries of the proposed area showing all affected buildings and/or structures.
 - (d) Detailed historic description and background on the Property or area.
 - (e) Current photographs of the overall property or area along with any historical photographs, if available.
 - (f) Any other information which the HPO or HLPC may deem necessary.
3. Upon receipt of a completed Determination of Significance application, the HPO shall schedule a hearing at the next available regularly scheduled HLPC meeting. Notice of the application shall be mailed to the property owner(s) and posted on the Property for a minimum period of fifteen (15) days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. Notice of applications for proposed Districts shall be mailed to each affected property owner and posted in at least four (4) separate locations that are visible from the public right-of-way at its external boundaries for a minimum period of fourteen 14 days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meetings Act.
4. An individual Property or area that is under review by the HLPC for a formal Determination of Significance shall be protected by and subject to all of the provisions of this Chapter governing demolition, minimum maintenance standards and penalties until a final decision by the City Council becomes effective.

5. At the initial HLPC hearing, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance, or insignificance of the subject Property or area. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.
6. The HLPC shall forward the application to the Planning and Zoning Commission for a determination of any conflict in the proposed application with the current zoning requirements.
7. After receipt of a determination by the Planning and Zoning Commission, the HLPC may take action to approve, postpone, requesting additional information, or deny the application. The HPO shall forward any final recommendation to the City Council.
8. Upon receipt of the recommendation of the HLPC on the application, the City Council shall schedule a hearing on the application. Notice of such public hearing shall be given by publication of the date, time, and place of such hearing and the nature of the subject to be considered in a newspaper of general circulation in the City not less than 15 days before the hearing. A majority vote of the City Council shall be required to adopt an ordinance approving any amendment or change, except that a three-fourths vote of the City Council shall be required when either:
 - (a) The HLPC has recommended for denial of a designation; or
 - (b) A written protest, against such designation, has been filed which is signed by the owners of 20 percent or more of the area included in such designation, or signed by the owners of 20 percent or more of the area within 200 feet of such designation. In order to be considered, the petition must have been received and filed before or at the HLPC meeting at which the item was heard.
9. In the event a change affecting designation for which application has been made is not approved, no person shall file a subsequent request for a Landmark or designation for the same Property for a period of one year from the date of such action.
10. Upon designation of a Landmark or District by the City Council, the designation shall be recorded by legal description on the City's official zoning maps, in the records of the real property of Bowie County, and with the tax appraisal office.

ARTICLE V MAINTENANCE

Section 145-7. Minimum Maintenance Standards

No owner or person with an interest in real property designated as a Landmark, or a Property located within a District, shall permit the Property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the

judgment of the HLPC, create a detrimental effect upon the historic character of the Landmark or District.

1. Examples of serious disrepair or significant deterioration include, but are not limited to, the following:
 - (a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
 - (b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
 - (c) Deterioration or crumbling of exterior plaster finishes, surfaces, or mortars.
 - (d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
 - (e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
 - (f) Rotting, holes, and other forms of material decay.
 - (g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
 - (h) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure or Building.
 - (i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous, or unsafe conditions, to life, health, or other property.

Section 145-8. Tax Incentive for Residential Properties Within Historic Districts

1. In accordance with state law, the City Council finds that all residential properties located within designated Historic Residential Overlay Districts are historically significant and entitled to tax relief in order to encourage historic preservation and redevelopment.
2. The City shall exempt ten (10) percent of the assessed value of a Property, including the land necessary for access to and use of the Property but excluding all personal property, from annual City ad valorem taxation.

3. A property owner must comply with this ordinance in order to continue to receive the tax incentive. If the property owner fails to comply with any portion of this ordinance, they shall be given thirty day's written notice. If the property owner fails to respond, or to remedy the non-compliance, notice will be given to the taxing entity to stop the tax incentive. Nothing in this ordinance shall prevent a property owner from having the tax incentive reinstated once the property is in compliance.

Section 145-9. Tax Incentive Application and Approval Process for Historic Districts and Historic Properties

In accordance with state law, the City Council finds that all Buildings, structures, areas, or sites and non-residential zoned property, including downtown historic property redeveloped for residential uses that are listed on the National Register of Historic Places, a Recorded Texas Landmark, State Archaeological landmark, or locally designated Landmark, are historically significant and entitled to tax relief in order to encourage historic preservation and redevelopment.

1. Reinvestment Projects Exemption

The City shall exempt fifty (50) percent of the assessed value of a building or structure, including the land necessary for access to and use of the building or structure, from annual City ad valorem taxation for a period of 10 years from receipt of the tax exemption, or one hundred (100) percent of the assessed value of said building or structure for five (5) years for any non-residential zoned property that is listed on the National Register of Historic Places, a Recorded Texas Landmark, State Archaeological Landmark, or locally designated Landmark. This includes Historic Properties redeveloped for residential use Downtown. In order to receive this exemption, the structure or building must be in use providing an economic service to the community, and meet the following requirements:

- (a) Restorations amounting to twenty-five thousand dollars (\$25,000) in BCAD Improvement value or more, and that meet one of the requirements set forth in (b) through (g) below.
- (b) Structural repairs and improvements;
- (c) Electrical repairs and improvements;
- (d) Plumbing repairs and improvements;
- (e) Mechanical repairs and improvements;
- (f) Interior repairs and improvements; or
- (g) Exterior restoration.

2. Each applicant must submit documentation reflecting the cost of the eligible reinvestment project and complete the project within the agreed time frame.
3. Façade restoration must comply with Design Guidelines, which are based on the Secretary of the Interior's Standards. Prior to beginning the reinvestment project, the Property owner shall apply for and receive a Certificate of Appropriateness. For properties listed on the National Register of Historic Places, a Recorded Texas Landmark, or State Archaeological Landmark, consultation with the Texas Historic Commission is required as well as Tribal Consultation when applicable.
4. Must be in compliance with all adopted City building codes with a current Certificate of Occupancy.
5. City staff will coordinate with the Bowie Central Appraisal District to create a tax exemption rebate process for the program.
6. Notwithstanding the above, any project within a Historical District must have the approval of The Historic Landmark Preservation Commission for all contemplated projects via a Certificate of Appropriateness. The applicant must secure all city permits and must secure periodic city inspection of the project to insure proper completion of the project.
7. When filing a tax incentive application with the Historic Preservation Officer or designee, the applicant shall:
 - (a) Certify to the Historic Preservation Officer or Designee that the subject Property is a historic resource.
 - (b) Certify to the Historic Preservation Officer or Designee that the tax incentive request is for a project that has received a Certificate of Appropriateness pursuant to this Chapter.
 - (c) Certify to the Historic Preservation Officer or Designee that the project for which the applicant wishes to apply a tax reduction has been completed in compliance with the Certificate of Appropriateness.
8. An application for a tax incentive shall be initiated by the owner of the subject Property, or by his or her agent, by completion of the appropriate application forms provided by the Historic Preservation Officer or Designee. The application shall include all receipts for the cost of the project, as well as an affidavit affirming that all information on the application is correct, and the receipts presented are for the cost of the project.
9. No fees shall be required either upon filing of the application or upon approval or disapproval by the Historic Landmark Preservation Commission.
10. The Historic Landmark Preservation Commission shall review all requests for tax incentives upon completion of the application form.

11. The Historic Landmark Preservation Commission shall determine, from the data submitted by the applicant and the information provided by the Historic Preservation Officer or Designee, if the completed project is substantially in compliance with the Certificate of Appropriateness. If the Commission finds that additional information relative to the pending application is necessary for its review, the Commission may postpone its decision until such information is provided.
12. The Commission shall have the authority to approve or disapprove an application for a tax incentive, or to approve a request with such conditions as the Commission deems necessary to bring the project into compliance with the approved Certificate of Appropriateness. The Commission shall not approve requests for tax incentives where the project was completed prior to the adoption of this ordinance, where the applicant has not obtained a Certificate of Appropriateness, or where the applicant has not substantially complied with the requirements imposed on a Certificate of Appropriateness.
13. If approved for a tax incentive, the property owner must comply with this ordinance in order to continue to receive the tax incentive. If a property owner fails to comply with any portion of this ordinance, they shall be given thirty days' written notice. If the property owner fails to respond, notice will be given to the taxing entity to stop the tax incentive. Nothing in this ordinance shall prevent a property owner from reapplying once property is in compliance and at least one year has passed since the loss of the incentive.
14. *Effective date.* Upon approval, the Historic Preservation Officer or Designee shall notify the Bowie County Tax Assessor. The tax assessor shall reduce the City portion of the property tax for the subject Property in accordance with the provisions herein, and as indicated by the approved request.

Section 145-10. Procedure to Mitigate Demolition by Neglect

1. Demolition by Neglect refers to the gradual deterioration of a Property when routine or minimum maintenance is not performed. The HPO, Planning and Community Development, and Inspections and Code Enforcement Department staff shall work together in an effort to reduce Demolition by Neglect involving Landmarks or Properties located within Districts within the City. A Demolition by Neglect Notice of Violation as determined by the HPO may be issued against the owner of the Property for failure to comply with the minimum maintenance standards by permitting the subject Property to exhibit serious disrepair or significant deterioration.
2. While the HPO will act as the point of contact, the Inspections and Code Enforcement Department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and Inspections and Code Enforcement Department staff, the City Manager may be consulted as a mitigating party.

3. The procedure for citing a property for Demolition by Neglect shall be as follows:

- (a) Initial identification is made by visual inspection of the area by the HPO, an HLPC member, or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.
- (b) Once the initial identification is made, followed by a preliminary determination by the HPO, the findings will be submitted to the Chief Building Official (CBO). Upon concurrence by the CBO, the property owner shall be notified by US mail of the defects of the Property and informed of various incentive programs that may be available for repair. The owner is given thirty (30) days in which to respond to the preliminary determination by submitting a stabilization proposal to the CBO and a copy to the HPO. The stabilization proposal will be presented to the HLPC at the next available meeting. If the HLPC approves the proposal, a Certificate of Appropriateness (if necessary) may be issued. A copy of the COA and detail of the specific work which is necessary to correct the Demolition by Neglect conditions, as well as a time period to begin and complete the work, will be submitted to the CBO for approval before building permits can be obtained. The HPO shall update the HLPC in writing on the status of the property every thirty (30) days once work begins on the Property.
- (c) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.
- (d) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two (2) attempts, the matter returns to the HLPC for a Notice of Violation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the Property shall be posted with a notice of the violation in accordance with the provisions of this Chapter, and when a public hearing on the Notice of Violation is scheduled.
- (e) At the public hearing the owner is invited to address the HLPC's concerns and to show cause why a Notice of Violation should not be issued. The HLPC may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a Notice of Violation to the owner of the Property for failure to correct the Demolition by Neglect conditions.
- (f) If the owner is cited for the condition of Demolition by Neglect of the Property, the owner will be given fourteen (14) days to submit a Certificate of Appropriateness application with a stabilization proposal to the HPO. If approved, work must commence within sixty (60) days. The HPO shall update the HLPC on the status of the Property every thirty (30) days once work begins on the Property.
- (g) No work shall commence without a building permit, if said work requires a building permit.

- (h) If the owner does not respond with a Certificate of Appropriateness application with a stabilization proposal, the matter is turned over to the City Attorney's office for action in Municipal Court, reviewed for civil action, or submitted for review by the Building and Standards Commission as outlined in Chapter 214 of the municipal code.

Section 145-11. Ordinary Maintenance

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a Landmark or Property within a Historic District which does not involve a change in design, material, or outward appearance that requires the issuance of a building permit. In-kind repair/replacement and repainting is included in this definition of ordinary maintenance, unless painting involves an exterior masonry surface that was not previously painted. The HPO shall be in charge of making the decisions as to what is "ordinary maintenance."

Section 145-12. Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts

No person shall carry out any construction, installation of structures of any kind, reconstruction, alteration, restoration, rehabilitation, removal, or relocation of any Landmark or any Property within a District, nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any Landmark or any Property within a District without a Certificate of Appropriateness application. The application must be reviewed and approved by the HPO or the HLPC prior to the issuance of any building permit involving any Landmark or Property located within a District. The application shall be required in addition to, and not in lieu of, any required building permit.

Section 145-13. Review Criteria for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts

1. In considering an application for a Certificate of Appropriateness, the HPO and the HLPC shall review it for compliance with *The Secretary of the Interior's Standards for Rehabilitation* and any applicable adopted Design Guidelines previously ratified by the City Council. The Standards and any applicable adopted Design Guidelines shall apply in all zones within the City designated as a Historic District and any Property designated as a Historic Landmark.
2. All review criteria shall be made available to the applicant, property owners of Landmarks, and Properties located within Districts. The HLPC shall promulgate and make recommendations to update the adopted Design Guidelines as necessary, provided that the changes do not pose a conflict with underlying land-use zoning and the changes do not take effect until ratified by the City Council.

Section 145-14. Procedure for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts

1. The procedure for obtaining a Certificate of Appropriateness may be initiated by the City for all City-owned Landmarks or proposed work within a District, or by the individual property owner(s) of the subject Landmark or for a Property located within a District. The application must be submitted for review and approval by the HPO or the HLPC prior to the commencement of any work. An application for Certificate of Appropriateness shall be made on forms as prescribed by the City and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.
2. Administrative design review affecting Landmarks and Properties located in Districts.
 - (a) Upon receipt of a completed Certificate of Appropriateness application as determined by the HPO, the HPO shall review the application for a preliminary determination of compliance with the Secretary of the Interior's Standards for Rehabilitation and the adopted Design Guidelines. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the proposed work and get initial design direction. The HPO shall determine if the application can be approved administratively and shall forward any Certificate of Appropriateness application to the HLPC for review, and approval if administrative approval is not appropriate. Proposed work to all Landmarks, Properties, all proposed work within a District, and for all City preservation- related incentive programs or federal projects must be reviewed by the HLPC.
 - (b) Administrative approval may only be made for in-kind replacements such as, but not limited to, re-painting with the same color or a color designated for the specific design palate, and replacing materials with original products without alterations.
3. HLPC design review affecting Landmarks and Properties located in Districts.
 - (a) Within five (5) days of receipt of a completed Certificate of Appropriateness and a preliminary determination of compliance, the HPO shall schedule a public hearing at the next available regularly scheduled HLPC meeting or post notice of a special called meeting. Notice of the pending HLPC hearing for compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted Design Guidelines shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the Property by the City establishing a fourteen (14) day period in which written comments may be submitted to the HPO. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.

- (b) The HLPC shall review the application at the scheduled meeting. At that time, the applicant shall have an opportunity to be heard and present testimony and evidence to demonstrate that the proposed work is in compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted Design Guidelines. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.
- (c) The HLPC may take action to approve, postpone requesting additional information, or deny the application. If no hearing has been scheduled within ninety (90) days of the original receipt of the application by the HPO, a Certificate of Appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing as well as the Inspection and Code Enforcement Department.
- (d) If approved, the HPO shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law, and any specific conditions of approval, if any, supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy, and forward the HLPC's decision to the Inspections and Code Enforcement Department. Any specific conditions of approval made by the HLPC shall be attached to the construction documents prior to the issuance of any building permits. No subsequent changes shall be made to the approved design without the prior review and approval of the HPO or HLPC. An applicant shall have one (1) year from the date of issuance of a Certificate of Appropriateness to secure a building permit for the specified improvements or it shall become null and void.
- (e) In the event of extenuating circumstances that have caused a delay, an applicant may apply to the HPO for an extension of time to obtain a building permit, or to complete the project. For any project for which the time frame for completion shall extend beyond ninety (90) days, the applicant shall provide a quarterly report to the HPO evidencing the work performed, and the anticipated time frame for completion of the project.
- (f) Upon completion of a project, the applicant shall notify the HPO that the project has been completed. The HPO, or designee, shall inspect the project to ensure compliance with the Certificate of Appropriateness. If the HPO, or designee, finds that the project is not substantially in compliance with the COA, the HPO shall detail the work needed to be performed to bring the project into compliance.
- (g) Once the project has been completed in compliance with the COA, the HPO shall close out the COA and issue notice to the applicant that such work has been completed substantially in compliance with the COA and that the COA is being closed.
- (h) If the HLPC finds the proposed work will have an Adverse Effect on the Landmark or Property located within a District, or if the proposed work is inconsistent with the Secretary of the Interior's Standards for Rehabilitation or any applicable adopted Design Guidelines, the HLPC shall advise the applicant at the hearing of the disapproval of the application and of any changes to the application which are necessary to approval of the same. Within five (5) days following the meeting, the HPO shall provide the applicant and any written commenter

notice in writing of the disapproval of the application and of any changes to the application which are necessary for approval of the same. A Certificate of Appropriateness application that has been denied may not be resubmitted without incorporating changes to the application which are necessary for approval of the same.

4. Appeal Process.

- (a) The applicant or any persons adversely affected by the action of the HLPC may appeal the decision to The City's Board of Adjustment under the following conditions:
 - (i) Appeal requests shall be filed in writing to the HPO within ten (10) days of the HLPC's decision, and shall follow the form required for a variance request under the City's Zoning Ordinance.
 - (ii) The appeal must specify in writing the grounds for the appeal. On receiving the appeal, the HPO shall transmit to the Board of Adjustment the papers constituting the record of the action that is appealed.
 - (iii) The Board of Adjustment may overturn the Board's decision or requirement if it makes affirmative findings of fact on each of the following criteria:
 - (A) The historic review regulations set forth, or findings of the Board do not allow for a reasonable use.
 - (B) The action of the Board was not based upon the preponderance of the evidence presented to the Board.
 - (C) The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.
 - (D) The reversal of the Board's decision or requirement will not alter the character of the area adjacent to the Property, will not impair the use of adjacent conforming property, and will not impair the purpose of this article or regulations to the Zoning District in which the Property is located.
- (b) The Board of Adjustment may apply conditions to its decision or modification of the Board's decision or requirement.
- (c) The Board of Adjustment shall schedule a hearing on such appeal within 30 days after the receipt of the notice of appeal, or as soon thereafter as is reasonably practicable. Notice of such hearing shall be published in a local newspaper not less than the 10th day before the

date of the hearing. At the hearing, the applicant, owner, and all interested parties will have the opportunity to be heard. The Board of Adjustment shall uphold, reverse, or modify the decision or requirement of the Historical Review Board or the Historical Preservation Officer within 30 days of the appeal hearing unless a continuance is agreed upon. The Board of Adjustment will consider the same criteria and standard of review considered by the Historical Review Board, or the Historic Preservation Officer, and appeals may only allege that the HLPC's decision was arbitrary, capricious, or illegal.

(d) Only one appeal shall be allowed, and the Board of Adjustment's decision shall be final.

ARTICLE VI DEMOLITION

Section 145-15. Demolition of Landmarks

1. It is the intent of this, and succeeding sections, to preserve the historic and architectural resources of the City through limitations on demolition and removal of Landmarks, to the extent it is economically feasible practical and necessary. The demolition or removal of historic buildings, structures, and sites in the City diminishes the character of the City's Historic Districts, and it is strongly discouraged. Instead, the City recommends and supports preservation, rehabilitation, and relocation within the Historic District. It is recognized, however, that structural deterioration, economic hardship, and other factors not entirely within the control of the property owner may result in the necessary demolition or removal of a historic building, structure, or site.
2. Removal or repair of hazardous or dangerous Landmarks.
 - (a) If the Chief Building Official or designee determines a Landmark to be structurally unsound and a hazardous or dangerous building, structure, or site pursuant to the provisions found in the City's adopted building code, the building official shall be required to provide written notice to the HLPC of the ordered removal or repair of the Landmark prior to taking such action.
 - (b) The provisions contained in Section 214.00111 of the Texas Local Government Code provides additional authority to the City to preserve substandard historic buildings, and are effective immediately upon designation as a Certified Local Government by the US Department of the Interior, National Park Service and Texas State Historic Preservation Officer as provided by 16 U.S.C., Section 470 et seq.; and
 - (c) The property owner(s) of the demolished Landmark removed under this procedure is subject to the penalties found in Article VII of this Chapter.

Section 145-16. Certificates of Appropriateness for Demolition Affecting Landmarks or Historic Districts

1. No person shall carry out the demolition of a Landmark or Property within a District, including structures, buildings, secondary buildings, and landscape features that are not previously deemed a hazardous or dangerous building or condition by the Chief Building Official or designee, or without the review and approval of a Certificate of Appropriateness for Demolition application by the HLPC. The application shall be required in addition to, and not in lieu of, any required building permit. All demolition permits require a sixty day stay of demolition to allow for exploration of options to preserve the Landmark or Property.
2. In the absence of a determination by the building official of the subject Landmark or Property as a hazardous or dangerous building or condition, the HLPC may consider an application for a Certificate of Appropriateness for Demolition of a Landmark or Property located within a District, only if it meets compliance with one of the following:
 - (a) The subject Property of the application is not a recognized Landmark.
 - (b) The subject building, structure, or object is not an accessory building and/or landscape feature that is integral to the historic interpretation or integrity of the Landmark.
 - (c) The applicant is requesting a Certificate of Appropriateness for Demolition of a Landmark or Property on the basis of Economic Hardship pursuant to this Chapter.
 - (d) The subject building, structure, or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owner(s).

Section 145-17. Procedure for Certificates of Appropriateness for Demolition Affecting Landmarks or Historic Districts

1. The procedure for obtaining a Certificate of Appropriateness for Demolition may be initiated by the City for all City-owned Landmarks or proposed work within a District, or by the individual property owner(s) of the subject Landmark or Property within a District. The application must be submitted to the HPO for review and approval by the HLPC prior to the commencement of any work. An application for Certificate of Appropriateness for Demolition shall be made on forms as prescribed by the City and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.
2. The application shall contain:
 - (a) Name, address, telephone number of applicant, and physical address of the individual property.

- (b) Site plan of the individual Property or map indicating the area of the proposed demolition showing all affected buildings, structures, and objects on the site.
 - (c) Photographs of existing conditions as well as any historical photographs, if available.
 - (d) All future development plans for the Property, if available.
 - (e) Any other information which the HLPC may deem necessary to establish compliance with the Secretary of Interior Standards.
3. An individual Property that is under review for a Certificate of Appropriateness for Demolition shall be protected by, and subject to all, of the provisions of this Chapter governing demolition, minimum maintenance standards, and penalties until a final decision by the HLPC becomes effective.
 4. The procedure for a Certificate of Appropriateness for Demolition application involving a claim of Economic Hardship shall be as follows:
 - (a) Upon receipt of a completed Certificate of Appropriateness for Demolition application, the HPO shall review the application for a preliminary determination of compliance with the standards for economic hardship and the criteria for review found in Section 145-18 herein. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the application and get initial direction.
 - (b) Within five (5) days of receipt of a completed Certificate of Appropriateness involving a claim of Economic Hardship and a preliminary determination of compliance, the HPO shall schedule a public hearing at the next available regularly scheduled HLPC meeting. Notice of the pending HLPC hearing for compliance with the standards for economic hardship and the criteria for review shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the Property. The owner shall be required to stabilize and secure the Property subject to the penalties of this Chapter until a final decision by the HLPC becomes effective. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.
 - (c) The HLPC shall conduct its initial review of the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that standards for economic hardship and the criteria for review have been met. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant. In the event the HLPC does not act within ninety (90) days of receipt of the application, a Certificate of Appropriateness for Demolition may be granted.

- (d) In considering the application, the HLPC shall take action to postpone the application in order to establish a Stay of Demolition period, during which time the owner shall allow the City to post a sign stating that the Property is subject to demolition. Said sign shall be at least three feet by two feet 3 X 2 readable from a point of public access and state that more information may be obtained from the HPO for the duration of the stay. The owner shall conduct, in good faith with the City local preservation organizations and interested parties, a diligent effort to seek an alternative that will result in the rehabilitation of the Landmark. Negotiations may include, but are not limited to, such actions to utilize various preservation incentive programs, sell or lease the Landmark, or facilitate proceedings for the City to acquire the Landmark under its power of eminent domain, if appropriate and financially possible. If negotiations are successful, the Certificate for Demolition application shall be considered withdrawn, and all associated applications closed.
- (e) At the end of the one hundred and eighty (180) days, if prior negotiations are unsuccessful and the request for demolition stands, the HPO shall schedule a second public hearing on the application at the next available regularly scheduled HLPC meeting pursuant to the same manner described above in Subsection (b).
- (f) At the end of the second hearing, the HLPC may take action to approve, postpone requesting additional information, or deny the application. If no hearing has been scheduled within sixty (60) days of the end of the stay period, a Certificate of Appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing.
- (g) If approved, the HPO shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law, and any specific conditions of approval, if any, supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy, and forward the HLPC's decision to the Inspections and Code Enforcement Department. The approval shall be valid for one (1) year from the hearing date of the HLPC's final decision. An applicant may request an extension of the one year period from the HPO if the work has progressed and the HPO deems an extension is reasonable under the circumstances. The Historic Property shall immediately be removed from the City's inventory of Historic Properties, the official public records of real property of Bowie County, and the official zoning maps of the City.
- (i) Prior to demolition, the HLPC may, as a condition of approval, require the owner to provide documentation of the demolished Historic Property at the owner's expense in accordance with the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey, or other information as specified.
- (ii) Forward a recommendation to the Planning and Zoning Commission to place limitations on future development on the subject Property in regard to square

footage, building footprint, scale mass, height, setbacks, etc. of the demolished Landmark to help ensure infill that is architecturally compatible.

- (iii) Approval for the demolition of a Landmark may be conditioned upon the construction of an acceptable replacement building, structure, landscape, or park plan. A bond or other financial guaranty in the amount of the cost of the replacement may be required in order to assure the construction of the replacement building, structure, park, or landscape plan.
 - (iv) The HLPC may also require the owner to incorporate an appropriate memorialization of a Landmark, such as a photographic display or plaque, into any proposed future development project on the Property.
- (h) Denial of a Certificate of Appropriateness application for Demolition involving Economic Hardship shall prevent the owner from demolishing the Property or reapplying for another Certificate of Appropriateness application for Demolition for a period of three (3) years from the hearing date of the HLPC's final decision unless substantial changes in circumstances have occurred, other than resale of the Property or those caused by acts beyond the control of the owner. It shall be the responsibility of the owner to stabilize and maintain the minimum maintenance standards for the Property so as not to create a hazardous or dangerous condition.
- (i) The HLPC may continue to provide the owner with information regarding financial assistance for the necessary rehabilitation or repair work as it becomes available.
- (j) The owner may appeal the decision of the HLPC to the Board of Adjustment. Appeal requests shall be filed in writing to the HPO within ten (10) days of the HLPC's decision. The HPO must schedule the appeal for a public hearing at the next available regularly scheduled Board of Adjustment meeting. Notice of the appeal shall be posted on the Property for a period of fourteen (14) days upon receipt of a formal appeal request. A written notice of the public hearing for the appeal request shall also be provided to all parties who received mailed notice for the hearing. Appeals to the Board of Adjustment shall be considered only on the record made before the HLPC, and may only allege that the HLPC's decision was arbitrary, capricious, or illegal.

Section 145-18. Economic Hardship involving Certificates of Appropriateness for Demolition Affecting Landmarks

1. No Certificate of Appropriateness for Demolition involving a claim of economic hardship may be approved, nor shall a demolition permit be issued by the City, unless the owner proves compliance with the following standards for economic hardship:

- (a) The Property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.
 - (b) The Property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
 - (c) Earnest and reasonable efforts to find a purchaser interested in acquiring the Property and preserving it have failed.
 - (d) The Property cannot be moved or relocated to another site, similar site, or within the District.
2. Non-income Properties shall consist of owner occupied single family dwellings and non-income producing institutional properties. All standards for review shall be made available to the owner prior to the hearing.
 3. The information to be considered may include, but shall not be limited to, the following:
 - (a) Purchase date, price, and financing arrangements;
 - (b) Current market value;
 - (c) Form of ownership;
 - (d) Type of occupancy;
 - (e) Cost estimates of demolition, and post demolition plans for development;
 - (f) Maintenance and operating costs;
 - (g) Inspection report by a licensed architect or structural engineer having experience working with Historic Properties;
 - (h) Costs and engineering feasibility for rehabilitation;
 - (i) Property tax information;
 - (j) Rental rates and gross income from the Property; and
 - (k) Other additional information as deemed appropriate.
 4. Claims of economic hardship by the owner shall not be based on conditions resulting from the following:

- (a) Evidence of demolition by neglect, or other willful and negligent acts by the owner;
 - (b) Purchasing the Property for substantially more than market value at the time of purchase;
 - (c) Failure to perform normal maintenance and repairs;
 - (d) Failure to diligently solicit and retain tenants; or
 - (e) Failure to provide normal tenant improvements.
5. Throughout the process, the applicant shall consult in good faith with the HPO, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the Property. Such efforts must be demonstrated to the HLPC at the hearing.

ARTICLE VII ENFORCEMENT AND PENALTIES

Section 145-19. Enforcement and Penalties

1. *Violation of Chapter.* A person, firm, corporation, or other entity commits an offense if he/she/it violates this Chapter. Each day the offense continues constitutes a separate offense. The following penalties, which are nonexclusive, and in addition to other provisions of this Chapter, and the exercise of one or more of which shall not preclude exercise of the others, shall be imposed on those persons or entities found to have violated this Chapter:
 - (a) Any person violating or failing to comply with any of the provisions of this Chapter shall be fined upon conviction not less than \$500.00 or more than \$2,000 per violation, and each day any violation or noncompliance continues shall constitute a separate and distinct offense.
 - (b) A certificate of occupancy will not be granted for any property until compliance with all Certificate of Appropriateness requirements are verified by the Historical Preservation Officer or building official of the City.
 - (c) A Stop Work Order shall be issued as follows:
 - (i) Whenever the building official or HPO, or their designee, finds any work regulated by this Chapter being performed in a manner either contrary to the provisions of this Chapter, without obtaining a Certificate of Appropriateness or other proper authorization, or dangerous or unsafe, the building official or the HPO is authorized to issue a stop work order.

- (ii) The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
- (iii) Any person, firm, corporation, or other entity who or which shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to penalties as prescribed herein or by law.
- (d) If work, which is required to be reviewed, is commenced without a Certificate of Appropriateness, or if a stop work order is issued, an administrative fee, which is in addition to any other applicable fees or penalties, of Three Hundred and no/100 (\$300.00) Dollars shall be due in order to apply or re-apply for a building permit or to re-start construction as applicable.
- (e) In the event the requirements of the Board or Historical Preservation Officer, as applicable, are not met, the building permit shall be revoked. Notice of Revocation shall be delivered or mailed to the applicant by the building official, or his or her designee, to the address provided on the application.
- (f) *Civil action.* As an additional remedy, in addition to the penalties stated above, the City Attorney for the City of Texarkana, Texas, or his or her designee, shall have the power to take all necessary civil action to enjoin non-compliance or enforce the provisions hereof, and to request appropriate legal or equitable remedies or relief.
- (g) *Cumulative remedies.* The provisions of this section shall apply in addition to other enforcement procedures or penalties which are available at law or in equity, including, but not limited to, those available for adversely affecting historic structures or property under Texas Local Government Code Sec. 315.006 and Texas Government Code Sec. 442.016 as the same may be amended from time to time.

ARTICLE VIII ESTABLISHED HISTORIC DISTRICTS

Section 145-20. Establishment of Highland Park-Bingham Park Historic District

1. The Highland Park-Bingham Park Historic Residential Overlay District was established by Ordinance 335-05 and amended by Ordinance 363-05. The purpose and intent of the Highland Park-Bingham Park Historic Residential Overlay District is to provide for the protection of the aesthetic and visual character of this historic residential neighborhood. The neighborhood consists of homes built between 1903 and 1935 and includes arts and crafts, prairie and cottage

style homes. The neighborhood also includes the boyhood home of Ross Perot and the home of Wright Patman.

2. The Highland Park-Bingham Park Historic Residential Overlay District shall include all property on Wood Street between West 25th Street and West 29th Street, all property on Olive Street between West 23rd Street and West 29th Street, and all property on Walnut Street between West 25th and West 29th Street. Additionally, the district shall include residences fronting on West 23rd Street and West 24th Street between Olive and Wood, West 25th, West 26th, West 27th, and West 28th between the intersections of Olive Street and Walnut Street, and West 29th between Olive and Wood Streets including the corner properties of Olive and Wood Street Intersections. An official map of the Highland Park-Bingham Park Historic Residential Overlay District, Attachment I herein, shall be kept on file in the Planning and Community Development and Inspections and Code Enforcement departments and the boundaries of the Highland Park-Bingham Park Historic Residential Overlay District shall be shown on the City's official GIS maps including the Zoning map.
3. Development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District are hereby adopted as an official attachment to this Chapter. A violation of any provision contained within the development standards and preservation criteria for the district is a violation of this Chapter. Copies of the development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District shall be available in the office of the Director of Planning for the City of Texarkana, Texas.
4. The development standards and preservation criteria set forth in Section 145-22 for this overlay district control in the event of a conflict with the requirements for the underlying zoning district or other ordinances. Except, this section does not apply to life safety codes such as building or fire codes. If a proposed development or change in an external feature will not be visible from a public right-of-way once the project is completed, the Commission may waive review of the project.

Section 145-21. Development Standards and Preservation Criteria for the Highland Park-Bingham Park Historic Residential Overlay District

1. *Development standards.* The following standards apply in the Highland Park-Bingham Park Historic Residential Overlay District:
 - (a) *In general.* The development standards for this historic overlay district control shall prevail in the event of a conflict with the requirements for the underlying zoning district.
 - (b) *Height requirements.* The maximum permitted heights for buildings and structures are:
 - (i) Twenty-five feet for a main building; and
 - (ii) Twenty feet for an accessory building or structure.

(c) *Lot size requirements.* Lots must conform to the following standards:

- (i) Each lot must have a minimum area of 7,200 square feet and a minimum depth of 150 feet.
- (ii) Each lot must have a width no less than 50 percent of the average width of all lots in both the same and the opposite blockface.

(d) *Maximum lot coverage.* The maximum permitted lot coverage for all buildings and structures combined is 40 percent.

(e) Minimum front yard.

- (i) All buildings and structures must have a minimum front yard setback of 25 feet.
- (ii) The main building on an interior lot must have a front yard setback that is:
 - (A) Equal to that of the closest main building on either side of the lot in the same blockface; or
 - (B) Between those of the closest main buildings on either side of the lot in the same blockface.

(f) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.

(g) *Minimum rear yard.* The minimum permitted rear yard setbacks for buildings and structures are:

- (i) Ten feet for a main building, if the lot is 230 feet or less in depth;
- (ii) Twenty feet for a main building, if the lot is over 230, but less than or equal to 250 feet in depth;
- (iii) Thirty feet for a main building, if the lot is over 250 feet in depth; and
- (iv) Five feet for an accessory building or structure.

(h) Minimum side yards.

- (i) All buildings and structures must have:
 - (A) On interior lots, a minimum side yard the greater of five feet; and

- (B) On corner lots, a minimum corner side yard the greater of 15 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.
 - (ii) Except as otherwise provided in this Section, no balcony, porch or any portion of a building or structure may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.
 - (i) *Off-street parking requirements.* Residential uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit when the alley is accessible.
 - (j) *Signs.* Signs of any character shall be not larger than four square foot (i.e., two feet by two feet).
2. *Preservation criteria.* The following preservation criteria apply to all Property in the Highland Park-Bingham Park Residential Overlay Historic District:
- (a) Building placement, form and treatment.
 - (i) *Accessory buildings.* Accessory buildings:
 - (A) Are only permitted in the rear yard no closer than 15 feet to a main building; and
 - (B) Must be compatible with the scale, shape, roof form, materials, detailing and color of a main building.
 - (ii) *Additions.* All additions to a building or structure must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing and color of the building or structure.
 - (iii) *Architectural detail.* Materials, colors, structural and decorative elements and the manner in which they are used, applied or joined together must be typical of the style and period of a main building and compatible with the other buildings on the blockface.
 - (iv) Awnings.
 - (A) All awnings on the front and side facades of a main building must be typical of its style and period and complement its color scheme.
 - (B) Wood, metal and plastic awnings are not permitted, unless they:
 - (1) Are on an accessory building or the rear facade of a main building;
 - (2) Complement the color scheme of the building to which they are attached; and

- (3) Are totally screened.
- (v) *Building placement.* All buildings or structures must be placed so as not to adversely affect the rhythm of spaces between buildings on the blockface.
- (vi) *Building widths.* The minimum permitted width for a main building is 80 percent of the average width of the existing main buildings in the blockface.
- (vii) *Chimneys.* All chimneys must be compatible with the style and period of a main building. Chimneys on the front 50 percent of a main building or on a corner side facade must be:
 - (A) Constructed of brick, stucco, stone or other materials that look typical of the style and period of a main building; and
 - (B) Of a style and proportion that is typical of the style and period of a main building.
- (viii) *Color.*
 - (A) *Brick and stone surfaces.* Brick and stone surfaces not previously painted must not be painted unless the applicant establishes that:
 - (1) Painting is the only method by which the brick or stone may be restored or preserved; or
 - (2) The color and texture of replacement brick or stone cannot be matched with that of the existing brick or stone surface and the paint color matches that of the existing brick or stone surface.
 - (B) *Certain colors prohibited.* Fluorescent and metallic colors are not permitted on the exterior of any building or structure in this district.
 - (C) *Dominant and trim colors.* All buildings or structures must have a dominant color and no more than three trim colors. The colors of a building or structure must be complementary of each other and the overall character of this district.
 - (D) *Gutters and downspouts.* Gutters and downspouts must be painted or colored to match or complement the color scheme of the building or structure to which they are attached.
 - (E) *Roof colors.* Roof colors must complement the style and overall color scheme of the building or structure.

- (F) *Stain*. The use and color of stain must be typical of the style and period of the building or structure on which the stain is applied.
- (ix) Columns.
 - (A) *Function*. Columns are only permitted as vertical supports near the front entrance of a main building, or as vertical supports for porches.
 - (B) *Materials*. Columns must be constructed of brick, wood, cut stone or other materials that look typical of the style and period of a main building. No pipe or wrought iron columns are permitted.
 - (C) *Style*. Columns must be of a style typical of the style and period of a main building.
 - (D) Width dimensions.
 - (a) The width of a one-story column shaft at its widest point must be at least one-eighth the height of the column.
 - (b) The width of a two-story column shaft at its widest point must be at least one-eighth the height of the column.
- (x) Facade materials.
 - (A) *In general*. The only permitted facade materials are brick, wood siding, stone and stucco. All facade treatments and materials must be typical of the style and period of a main building.
 - (B) *Brick*. All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.
 - (C) *Wood facades*. Existing wood facades must be preserved as wood facades. Wood shingles are not permitted as a primary facade material, but may be used in roof gables and on foundation skirts in a manner that is typical of the style and period of a main building.
- (xi) Front entrances and porches.
 - (A) *Detailing*. Railings, moldings, tile work, carvings and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of a main building.

- (B) *Enclosures.* A front entrance or porch may not be enclosed with any material, including iron bars, glass or mesh screening.
 - (C) *Facade openings.* Porches must not obscure or conceal any facade openings in a main building.
 - (D) *Floor coverings.* Carpeting is not permitted as a porch floor or step covering.
 - (E) *Location.* An entrance treatment, including door transoms, sidelights, stained glass, trim and hardware, must be retained in its original location.
 - (F) *Style.* The main building must have a front porch or entry treatment with a shape, roof form, materials and colors that are typical of the style and period of the building.
- (xii) *Height to width ratio.* The relationship between the height and width of the front facade of a main building, including side projections, must be compatible with those of the other main buildings in the blockface.
 - (xiii) *Porte cocheres.* Except as otherwise provided in this subsection, porte cocheres must be preserved as architectural features and not be enclosed on any side by fences, gates or any other materials. A wrought iron gate is permitted across the rear opening of a porte cochere if it has a screening factor of less than 50 percent and is compatible with the style and scale of a main building.
 - (xiv) *Roof forms.*
 - (A) *Eaves and soffits.* The height of eaves and soffits on a main building must be within ten percent of the height of eaves and soffits on the closest main building in this district of a similar style and having the same number of stories.
 - (B) *Materials and colors.* Roof materials and colors must complement the style and overall color scheme of the building or structure. Tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs.
 - (C) *Overhang.* The roof overhang on a building or structure must be compatible with the style and scale of the building or structure. A replacement roof on an existing building or structure must have an overhang that is equal to or greater than the overhang of the roof it replaces.
 - (D) *Patterns.* Roof patterns of a main building must be typical of the style and period of the architecture of the building and include separate substructure roofs.

- (E) *Skylights and solar panels.* Skylights and solar panels are only permitted on:
- (1) The rear 50 percent of the roof of a main building on an interior lot;
 - (2) The rear inside quadrant of the roof of a main building on a corner lot; and
 - (3) The roof of an accessory building in the rear yard.
- (F) *Slope and pitch.* The degree and direction of roof slope and pitch must be typical of the style and period of a main building and compatible with existing building forms in this district. Flat or mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof that is typical of the style and period of a main building.
- (xv) *Stairs.* Second story exterior staircases are only permitted on accessory buildings and the rear 50 percent of a main building, except that they are not permitted on a corner side facade.
- (xvi) *Window and doors.*
- (A) *Front facade openings.* The total number of window and door openings (combined) in the front facade of a main building must be equal to or greater than the total number of original window and door openings (combined) in that facade. The number of door openings in the front facade of a main building may not be increased.
 - (B) *Window openings/glass.* Clear, decorative stained and clear leaded glass typical of the style and period of the building may be permitted in any window opening. Reflective, tinted, opaque and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted, except in a bathroom window. Energy Efficiency windows can be considered through a Certificate of Appropriateness process.
 - (C) *Storm doors and windows.* Screens, storm doors and storm windows may be permitted if:
 - (1) Their frames are painted or colored to match or complement the color scheme of a main building;
 - (2) They do not obscure significant features of the window and doors they cover; and

(3) The screen mesh is 18 by 16 gauge.

(D) *Security and ornamental bars.* Security and ornamental bars are only permitted on an accessory building or on the rear or side facades of a main building.

(E) *Shutters.* Shutters must be typical of the style and period of the building and appear to be installed in a manner to perform their intended function.

(F) *Style.*

(1) All windows and doors in the front facade of a main building must be proportionally balanced in a manner typical of the style and period of the building.

(2) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of a main building must be typical of the style and period of the building.

(3) All windows, doors and lights in the front and side facades of a main building must be typical of the style and period of the building and compatible with the windows, doors and lights in the front and side facades of the other main buildings in the blockface. Windows must contain at least two lights (window panes). Sidelights must be compatible in style and materials with the door.

(4) The frames of windows must be trimmed in a manner typical of the style and period of the building.

3. Fences.

(a) *Definitions.* The following definitions apply to terms used in these fence regulations:

(i) *Finished side* means the side of a fence that does not reveal the structural components.

(ii) *Structural component* means a post, column or other vertical or horizontal member providing support and strength for a fence.

(b) *Form.* Fences must be constructed and maintained in a vertical position.

(c) *Height.* The maximum permitted height for a fence is eight feet.

(d) *Location.*

- (i) Fences are not permitted in the front yard.
- (ii) A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of a main building, except that the commission may allow a fence to be located in the rear 75 percent of the side yard if it determines that the fence does not screen any portion of a significant architectural feature of a main building on the same or an adjacent lot.
- (iii) A fence in the corner side yard must not be directly in front of the corner side facade, however, if a fence covers no more than 50 percent of the corner side facade, it may be permitted if:
 - (A) More screening is necessary to ensure privacy due to unusually high pedestrian or vehicular traffic; and
 - (B) The fence does not screen all or any portion of a significant architectural feature of a main building.
- (iv) A fence in the corner side yard must be set back a minimum of two feet from a public sidewalk.
- (v) A fence must run either parallel or perpendicular to a building wall or lot line.
- (vi) A fence on a vacant lot must be set back a distance that is equal to or greater than the setback of the closest main building in the same blockface. In the case of a single interior vacant lot, the setback of the fence must be equal to or greater than the setback of a main building on the adjacent lot with the greater setback.
- (e) *Materials.* A fence must be constructed of one or more of the following materials: wrought iron, wood, brick or stucco. Exposed concrete blocks are not permitted. Chain link fencing is permissible if it is not visible from the public right-of-way.
- (f) Masonry fences.
 - (i) The color, texture, pattern and dimensions of masonry and the color, width, type and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of a main building as nearly as practicable.
 - (ii) All exposed brick in a fence must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.
- (g) Metal fences.

- (i) Wrought iron fences must be compatible with the style and period of a main building.
 - (ii) If a wrought iron is painted or colored, it must compliment the style and overall color scheme of the structure.
- (h) Wooden fences.
- (i) All wooden structural posts must be a least four inches in diameter (nominal size).
 - (ii) The side of a wooden fence facing a public street must be the finished side.
 - (iii) Wooden fences may be painted or stained a color that is complementary to a main building.
4. *Certain items prohibited in front and corner side yards.* The following items are not permitted in the front and corner side yards:
- (a) Berms higher than two feet.
 - (b) Pylons and similar structures.
 - (c) Rock or sculpture gardens.
 - (d) Permanent cooking or BBQ grills.
 - (e) Upholstered furniture. This prohibition includes porch areas.
 - (f) Satellite dishes and antennas. If reception requires such placement, then a satellite dish will be allowed if screened from public view by landscaping or building materials similar to those used on the facade of the main building.
 - (g) Basketball goals and playground equipment will not be permitted in the front or corner side yard.
5. *Outdoor lighting.* Outdoor light fixtures on the front facade of a main building and on poles in the front yard must be compatible with the style and period of a main building and not obscure or conflict with significant architectural details. Overhead and exposed wiring and conduit for outdoor lighting is not permitted. However, temporary holiday lighting displays are permitted from November through January.
6. *Pavement, filler and edging materials.* If the landscape beds collectively comprise more than 25 percent of the combined areas of the front and corner side yards, the landscape plan must be

reviewed and approved by the commission. No more than 25 percent of the front yard of a residential use may be covered by pavement or filler materials.

7 *Planter boxes.* Planter boxes must be:

- (a) An integral part of and typical of the style and period of a main building;
- (b) Eighteen inches or less in height;
- (c) Thirty-six inches or less in depth; and
- (d) Constructed of brick, stone or smooth-finish concrete that matches or is compatible in texture, color and style with a main building.

8. *Retaining walls.* Retaining walls are not permitted in the front and side yards, except to preserve a natural or existing slope or to make slope similar to that of an adjacent lot. The height of a retaining wall must not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted stone, brick, stucco or smooth-finished concrete that is compatible in texture, color and style with a main building.

9. Sidewalks, driveways and curbing.

(a) Materials.

- (i) Asphaltic or artificially colored concrete or epoxy resin is permitted as a sidewalk, driveway or curbing material.
- (ii) All public sidewalks and curbing must be constructed of brush finish concrete.
- (iii) All private sidewalks and driveways must be constructed of brush finish concrete, brick, tile, slate or exposed aggregate. Gravel is allowed in the center strip of a ribbon driveway.

(b) Width, style and spacing.

- (i) The maximum permitted width of a driveway in the front yard is ten feet. The driveway width may be expanded to 20 feet at any point behind the front facade.
- (ii) Ribbon driveways are only permitted if the owner establishes that a ribbon driveway was an original architectural element of the site. If a ribbon driveway is permitted, the ribbons must be at least one foot wide.
- (iii) Circular driveways are not permitted in the front yard.

- (iv) A driveway constructed in the front yard adjacent to an existing driveway on an adjacent lot must be spaced a minimum of one foot from the existing driveway on the adjacent lot.

(c) *Parking on driveways.* No vehicles shall be parked on the lawn area of a property.

Severability Clause

Should any paragraph, phrase, sentence, or clause of this ordinance be determined to be unconstitutional, said determination shall not affect the remaining paragraphs, phrases, sentences or clauses which shall remain in full force and effect.

Effective Date

This ordinance shall become effective after passage and publication as required by law.

PASSED AND APPROVED in regular Council Sessions on this the ____ day of _____, 2023.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Section 145 - Changes

Section 145 Definitions	1. Added definitions – Most definitions are new 2. Changed the definition of Building to state: <i>Building</i> shall refer to a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The term also includes mobile homes, manufactured homes, and industrial housing. Prior definition stated: Building means any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building. 3. Changed definition of Structure to state <i>Structure</i> is a constructed work that was created to serve some human activity and usually made for purposes other than creating human shelter, including but not limited to, sheds, carports, and detached garages. Prior definition said “See Building”
Section 145-3 (1) Historic Landmark Preservation Commission – was 140-106 (d)	Changes to a Commission – wording is slightly different but content is basically the same. (c) Changed the details on persons interested in serving on the HLPC to reflect the current process for Boards and Commissions. (h) changed language from stating the committee shall establish its own regular meeting schedule to stating the HLPC shall meet at least monthly if business is at hand, and no less than quarterly. Special meetings may be called at any time by the HLPC Chairperson, Vice chairperson, or at the written request of at least four HLPC members.
Section 145-3 (2) Powers	All but two are New ((b) and (c) were existing)
Section 145-4 HPO	New
Section 145-5	Was 140-106 (a) Reformatted but not significant language changes.
Section 145-6	New - Language outlining the process for designation of local landmarks or districts and tying it into the Comprehensive Plan.
Section 145-7 Minimum Maintenance Standards	New
Section 145-8 Tax Incentive	145-8 (1) to remove the requirement that the property be a homestead providing the tax incentive to all property in a designated historic district. Removes the need to file a form yearly. 145-8 (3) Adds language that owners must be in compliance with the ordinance in order to continue to receive the tax incentive. 127 homes in Highland Park Bingham Park Historic Overlay District. 44 are currently receiving the tax incentive. Current cost \$2,450.36 Proposed

	additional cost is \$6,389.40 for a yearly estimated cost of \$8,839.76 if approved.
Section 145-9 Tax Incentive Application Process	Separated Tax Incentives into two sections for more clarity between residential and investment properties. Provides details on the process for tax incentive application and process.
Section 145-10 Mitigate Demolition by Neglect	New
Section 145-11 Ordinary Maintenance	New – Clarifies decision of Ordinary Maintenance
Section 145-12 – COA Process	Original language and added new language stating the need for COA
Section 145-13 Review Criteria COA	New – Adds more clarity to the process for a Certificate of Appropriateness
Section 145-14 Procedure for COA	Was 140-106 (e) Reformatted and adds language to better outline the procedure but doesn't significantly change to overall process.
Section 145-14 (2)	Was 140-106 (e) (1) Adds a better timeline to state that within 5 days of receipt of a COA Application, the HPO shall schedule a public hearing at the next available regularly scheduled HLPC Meeting. States notice must be mailed to all adjacent property owners as well as posted on the property for 14 days prior to public hearing
Section 145-14 (3) (c)	Changes the number of days to take action on a COA from 30 to 90 days
Section 145-14 (4)	New – Outlines the appeal process to the Board of Adjustment
Section 145-15; 145-16; and 145-17 Demolition of Landmarks	Mostly New – Incorporates the language on demolition that was in a different section of the Zoning ordinance but adds a lot of language on the process for a historic structure or property in a historic district.
Section 145-18 Economic hardship Involving COA for Demo	New – outlines what an owner has to do to receive a COA for Demolition involving a claim of economic hardship – this is saying they have to prove the property renovation would not be feasible, causes an economic hardship that could not be overcome, i.e. historic landmark that is an income producing property but is in such a deteriorated state that the amount of income earned would never pay for the repairs, or the cost for repairs to a residential property would greatly exceed the value it would ever reach.
Section 145-19	New – Outlines the Enforcement and Penalties instead of just stating something is a violation. Outlines Stop Work Orders Outlines Civil Actions, Restrictions on Future Development
Section 145-20 Establishment of Highland Park-Bingham park Historic District	Original language from 140-106 and added language to clarify the corner properties in the Olive and Wood Street Intersections that front W. 29 th Street.
Section 145-21 Development Standards	145-21 (2) (xvi) Window and doors. Added Energy efficiency windows can be considered through a Certificate of Appropriateness process.

City of Texarkana, Texas

Version:

Update Date: 11/29/2023 9:41 AM

Summary Sheet

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Zoning Administrator
Subject: Amendment to PD-01-10 for site plan approval on Lot 1, Texarkana Shopping Center Subdivision located at 4110 St. Michael Drive. Suzanne Russo for Home Depot, owner and Cassie Permenter, agent.

Meeting Date: 1/2/2024

Attachments

- a. Hearing Notice and Application (PDF)
- b. Maps (PDF)
- c. Site Plan (PDF)
- d. Rental Equipment (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
11/29/2023 10:26 AM			
Planning & Zoning Commission	Laura Puckett	Meeting	Completed
12/04/2023 12:00 PM			

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Suzanne Russo for Home Depot, owner, and Cassie Permenter, agent for site plan approval on Lot 1, Texarkana Shopping Center Subdivision, located at 4110 St. Michael Drive. The current zoning is Planned Development-Commercial. This site is currently Home Depot and will add square footage to the existing building.

The Future Land Use Map designates this property as "Regional Commercial".

The adjacent zoning is Planned Development-Commercial and General Retail to the east, I-30 to the south, General Retail to the west, and Planned Development-General Retail to the north. The adjacent land use is vacant property and restaurant to the east, I-30 to the south, retail to the west and retail to the north.

The site plan consists of the following:

1. The construction of 119,188 sq ft addition to the current building.

City of Texarkana, Texas

2. The access driveway will be off St. Michael Drive.
3. There will be 524 parking spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. A rental placard sign will be on site
5. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
6. Screened dumpster site.

Staff recommends for approval of the site plan with stipulations.

The applicant should also be aware that if this site plan approval item is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval with stipulations

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

December 4, 2023

NOTICE OF PUBLIC HEARINGS

Public hearings will be held by the Planning and Zoning Commission and the City Council of the City of Texarkana, Texas at the below stated date and time. The Public Hearings will be held in the Council Chambers, Municipal Building, 220 Texas Blvd, (3rd & Texas) Texarkana, Texas to consider a proposed change in zoning classification as indicated below. According to the Tax Records, you are the owner of property within the area of the proposed change or within 200 feet of that property. THIS IS NOT A SUMMONS TO APPEAR AT THE HEARINGS. If you care to attend, you will be given an opportunity to be heard. If additional information is desired, please contact the Planning Department at (903) 798-3945.

PLANNING & ZONING COMMISSION: Hearing Date: MONDAY, December 4, 2023 Hearing Time: 12:00 pm

CITY COUNCIL: Hearing Date: MONDAY, January 22, 2024 Hearing Time: 6:00 pm

- ♦ If they desire, persons concerned with the proposed change can present a letter in opposition to or in favor of the proposed change. If a written protest in opposition to a proposed change contains the signatures of persons who own twenty (20) percent or more of the land within 200 feet of the proposed change, a 3/4th vote of the City Council will be required. In order to be considered, the letter must be received and filed before or at the Planning and Zoning Commission Meeting. (The letter can be emailed to lpuckett@txkusa.org).



OWNER: Suzanne Russo for Home Depot, owner, and Cassie Permenter, agent

OWNER'S ADDRESS: 2455 Paces Ferry Road, Atlanta, GA 30339

LOCATION OF REZONING: 4110 St. Michael Drive, Texarkana, Texas 75503

PROPOSED CHANGE: Amendment to PD-01-10 (C) for site plan approval for the construction of 119,188 square footage for Tool Rental Center

LEGAL DESCRIPTION: Lot 1, Texarkana Shopping Center Subdivision

CASE NUMBER: Amendment-PD-01-10

DATE MAILED: November 21, 2023

Attachment: Hearing Notice and Application (4136 : Amendment to PD-01-10 site plan approval at 4110 St. Michael Dr.)



SITE PLAN APPROVAL APPLICATION

CITY OF TEXARKANA TEXAS

Po Box 1967
220 Texas Blvd
Texarkana TX 75504
(903) 798-3945
www.ci.texarkana.tx.us.org

Receipt No. 23-004585

Case Amendment to PD-01-11
Date 11-13-23

To: The Planning and Zoning Commission
City of Texarkana Texas

Please consider this as my application for site plan approval in the City of Texarkana, Texas for the following described property.

LEGAL DESCRIPTION OF PROPERTY. (Lot and block numbers if in a subdivision; metes and bounds description if any portion of property does not have assigned lot and block numbers)

Lot: 1 Block: _____ Addition: _____
(Or see attached metes and bounds legal description) Texarkana Shopping Center SUBP Home Depot Lot 1 4423/151
9/20/04 11.155 Acres

Project location/address:
4110 Saint Michael Drive Texarkana TX 75503

Present zoning: Commercial/ PD-01-10 Proposed zoning (if applicable) N/A

Proposed use: This will still be a Home Depot Building, adding an interior remodel for a Tool Rental Center.
Please see attached project description for additional details.

Total square footage of proposed building: 119,188 SF Number of parking spaces 524 Stalls

Number of required parking spaces per Ordinance 529 Stalls Handicapped spaces _____

Material of building façade N/A

SIGNAGE: Type (i.e. monument, pole) N/A

Size N/A

Material to be used for structure (if monument style) N/A

Cassie Permenter

Attorney or Agent Signature

28827 N 91st Avenue

Address

Peoria, AZ 85383

City, State, Zip

623-250-3810 ext 103

Home Phone & Cell Phone

CPermenter@larsandersen.com

Email Address

Suzanne Russo

Property Owner Signature

2455 Paces Ferry Rd

Address

Atlanta, GA 30339

City, State, Zip

770-384-2406

Home Phone & Cell Phone

suzanne_russo@homedepot.com

Email Address

BY SIGNING THIS APPLICATION, YOU HAVE AGREED TO ALLOW THE CITY TO PLACE A SIGN ON YOUR PROPERTY

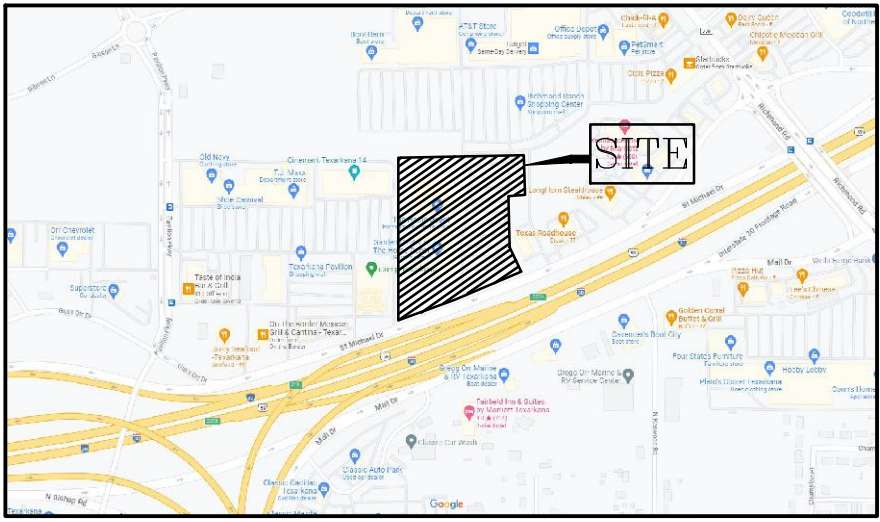
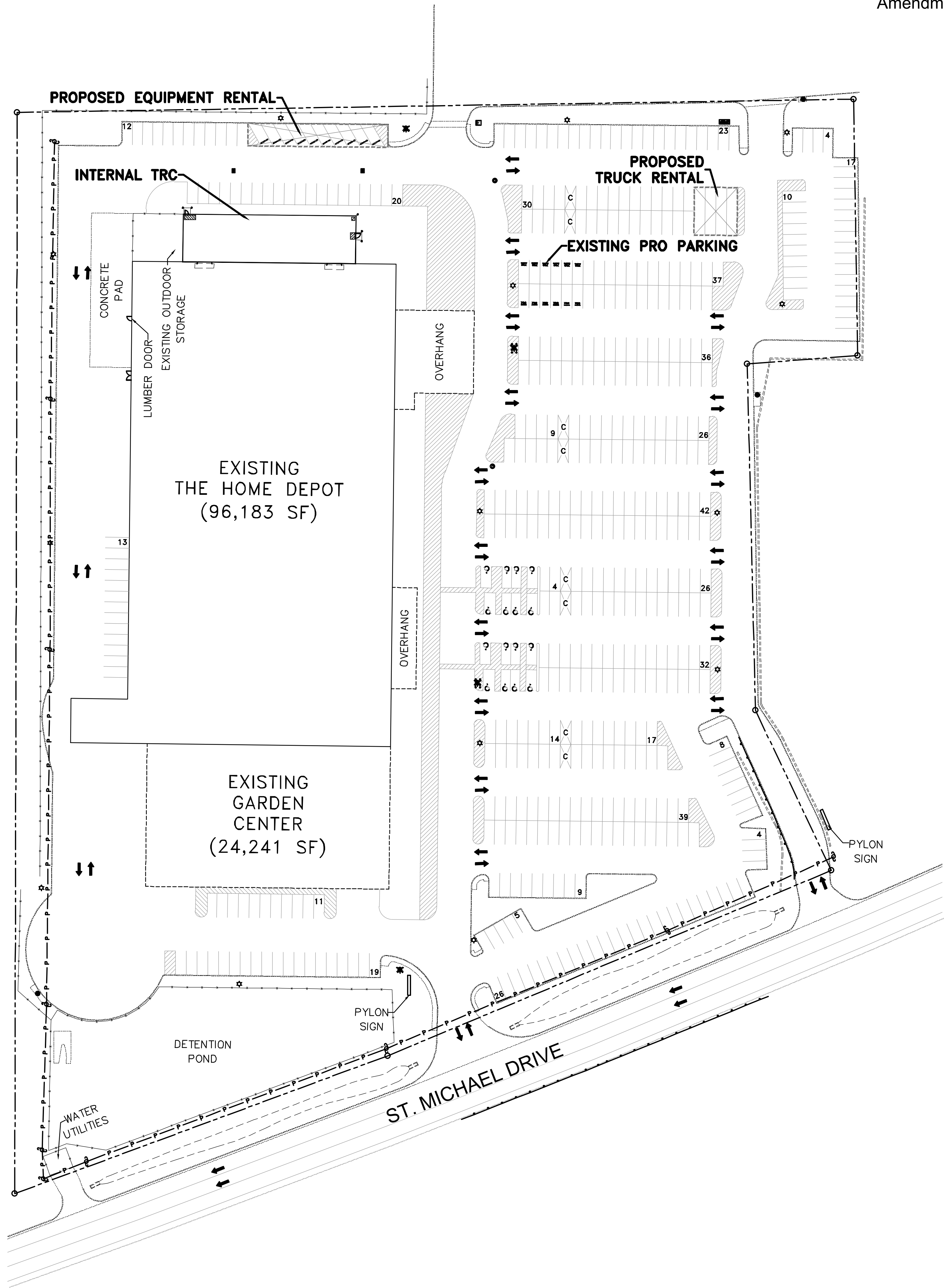
Attachment: Hearing Notice and Application (4136 : Amendment to PD-01-10 site plan approval at 4110 St. Michael Dr.)

4110 St. Michael Drive



Attachment: Maps (4136 : Amendment to PD-01-10 site plan approval at 4110 St. Michael Dr.)

Amendment to PD-01-10



VICINITY MAP
NOT TO SCALE

PROJECT INFORMATION

HOME DEPOT SITE DATA	
HOME DEPOT PARCEL AREA	509,915 SF (11.706 AC)
APN:	49345
ZONE:	C (COMMERCIAL)
JURISDICTION:	COUNTY OF BOWIE
LAND USE:	COMMERCIAL
HOME DEPOT BUILDING AREAS	
EXISTING HOME DEPOT AREA	96,183 SF
EXISTING GARDEN CENTER AREA	+ 24,241 SF
TOTAL HD AREA	120,424 SF
PARKING REQUIRED PER CITY CODE	
HOME DEPOT (@1/200 SF) GFA	481 STALLS
GARDEN CENTER (@1/200 SF) GFA	+ 121 STALLS
TOTAL HD PARKING REQUIRED	602 STALLS
HOME DEPOT PARKING PROVIDED	
FRONT FIELD PARKING	418 STALLS
SIDE FIELD PARKING	62 STALLS
REAR FIELD PARKING	+ 13 STALLS
TOTAL HD PARKING PROVIDED	493 STALLS
INCLUDED WITHIN PARKING PROVIDED	
ACCESSIBLE PARKING (8 REQ AT 301-400)	16 STALLS
PRO PARKING	12 STALLS
NOT INCLUDED WITHIN PARKING PROVIDED	
EQUIPMENT RENTAL	10 STALLS
THD TRUCK RENTAL	8 STALLS

TRC SITE PLAN

DATE: 07/25/2023
REVISION DATES: 09/01/2023

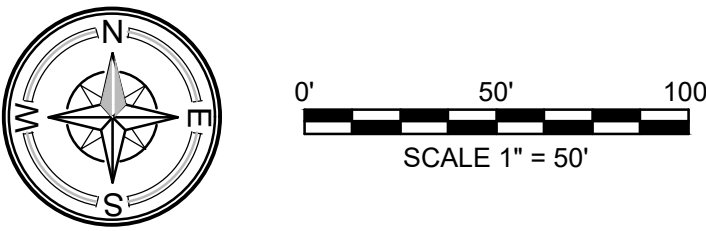
SITE PLANNER ZACHARY MANN
SITE DEV. COORDINATOR CASSIE PERMENTER

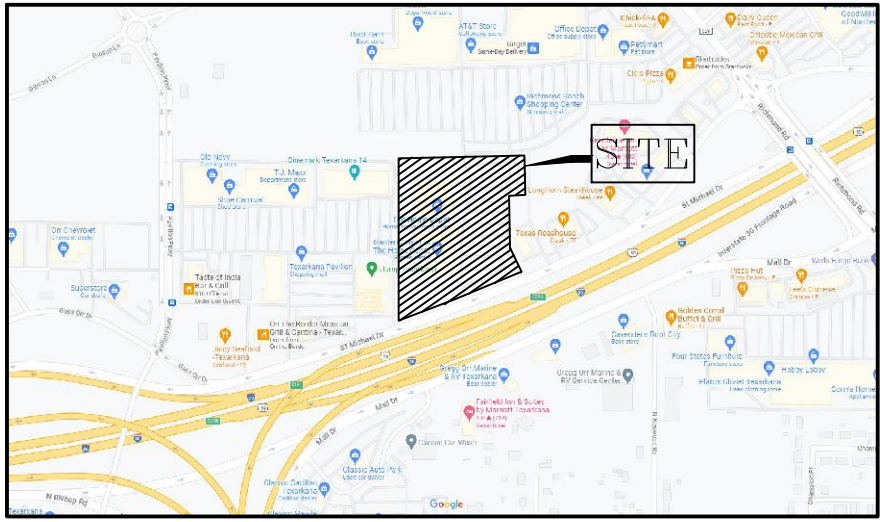


TX - TEXARKANA
STORE # 6580

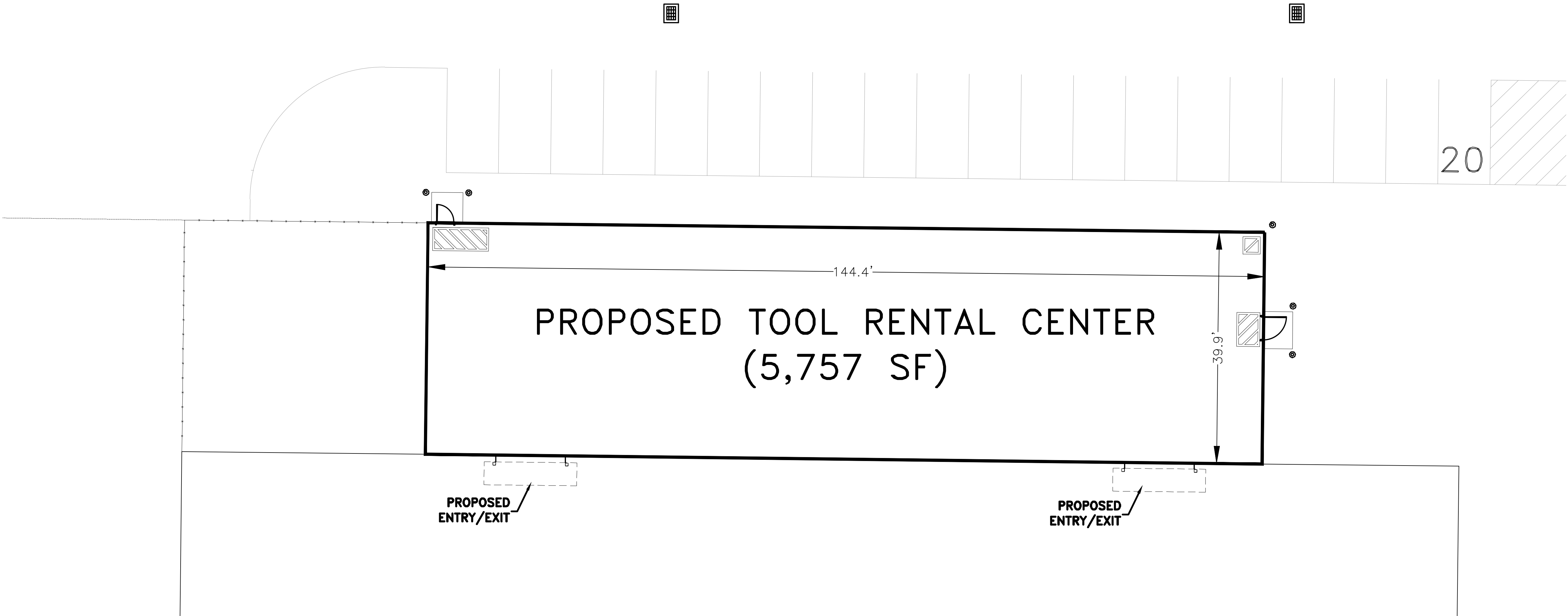
ADDRESS: 4110 SAINT MICHAEL DRIVE,
TEXARKANA, TX 75503

LA PROJECT NUMBER 22074.00





VICINITY MAP
NOT TO SCALE



TRC SITE PLAN

DATE: 07/25/2023
REVISION DATES: 09/01/2023

SITE PLANNER: ZACHARY MANN
SITE DEV. COORDINATOR: CASSIE PERMENTER



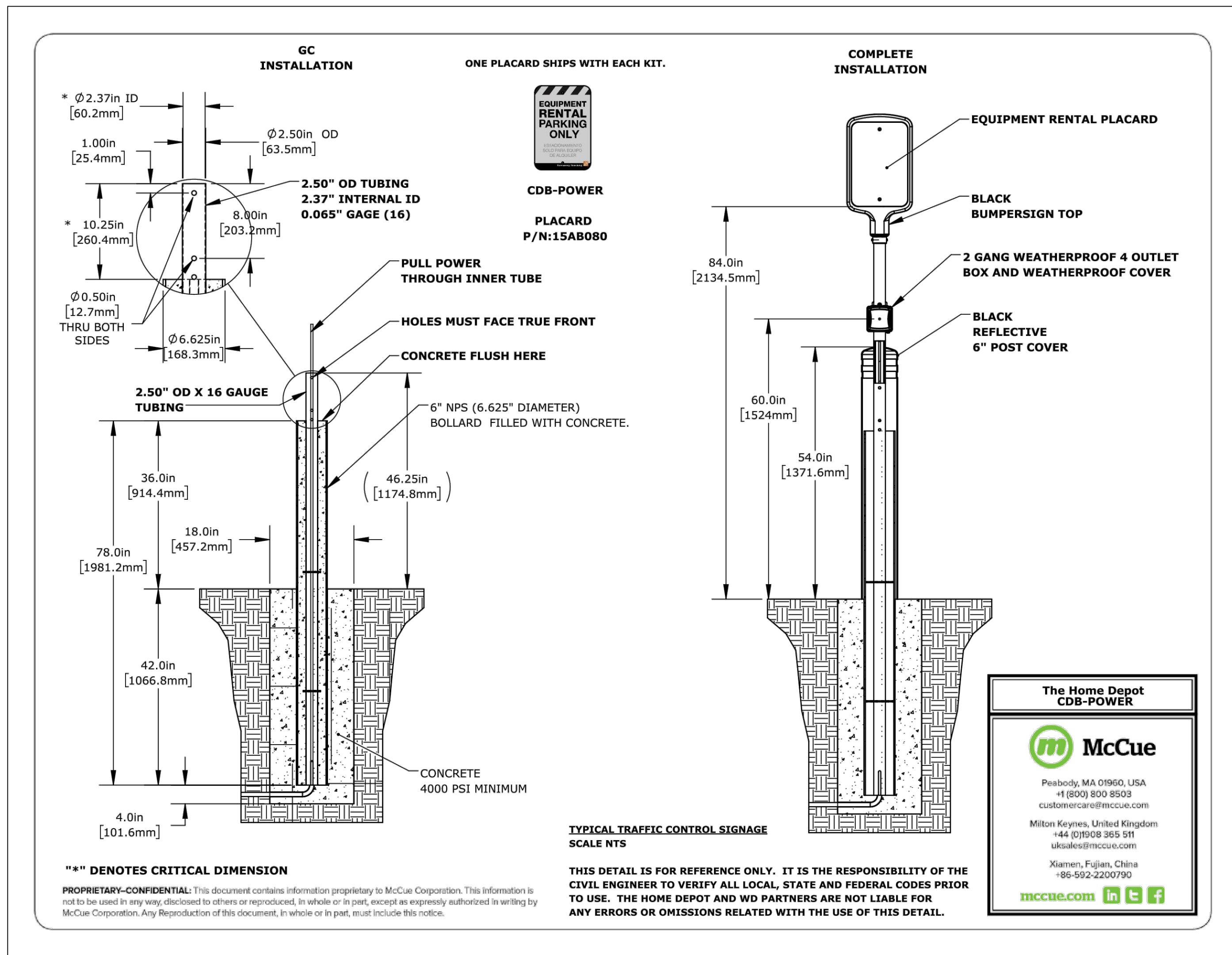
TX - TEXARKANA
STORE # 6580

ADDRESS: 4110 SAINT MICHAEL DRIVE,
TEXARKANA, TX 75503

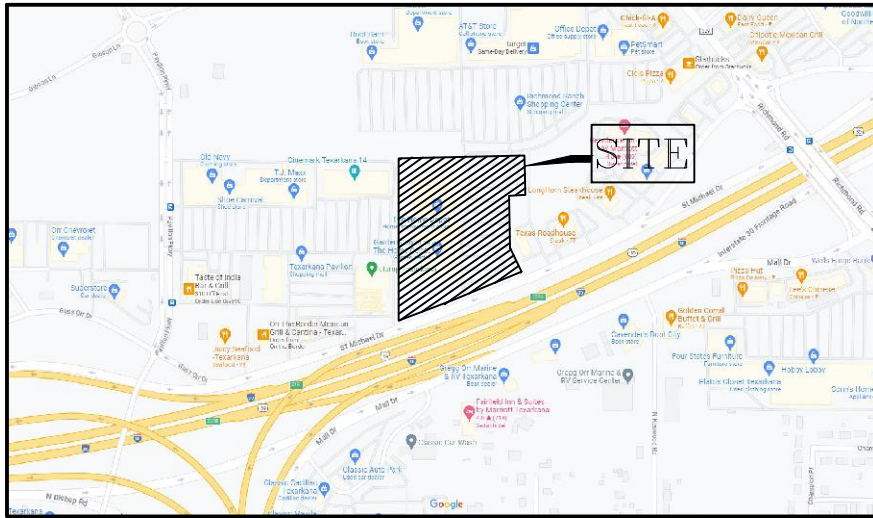
LA PROJECT NUMBER: 22074.00



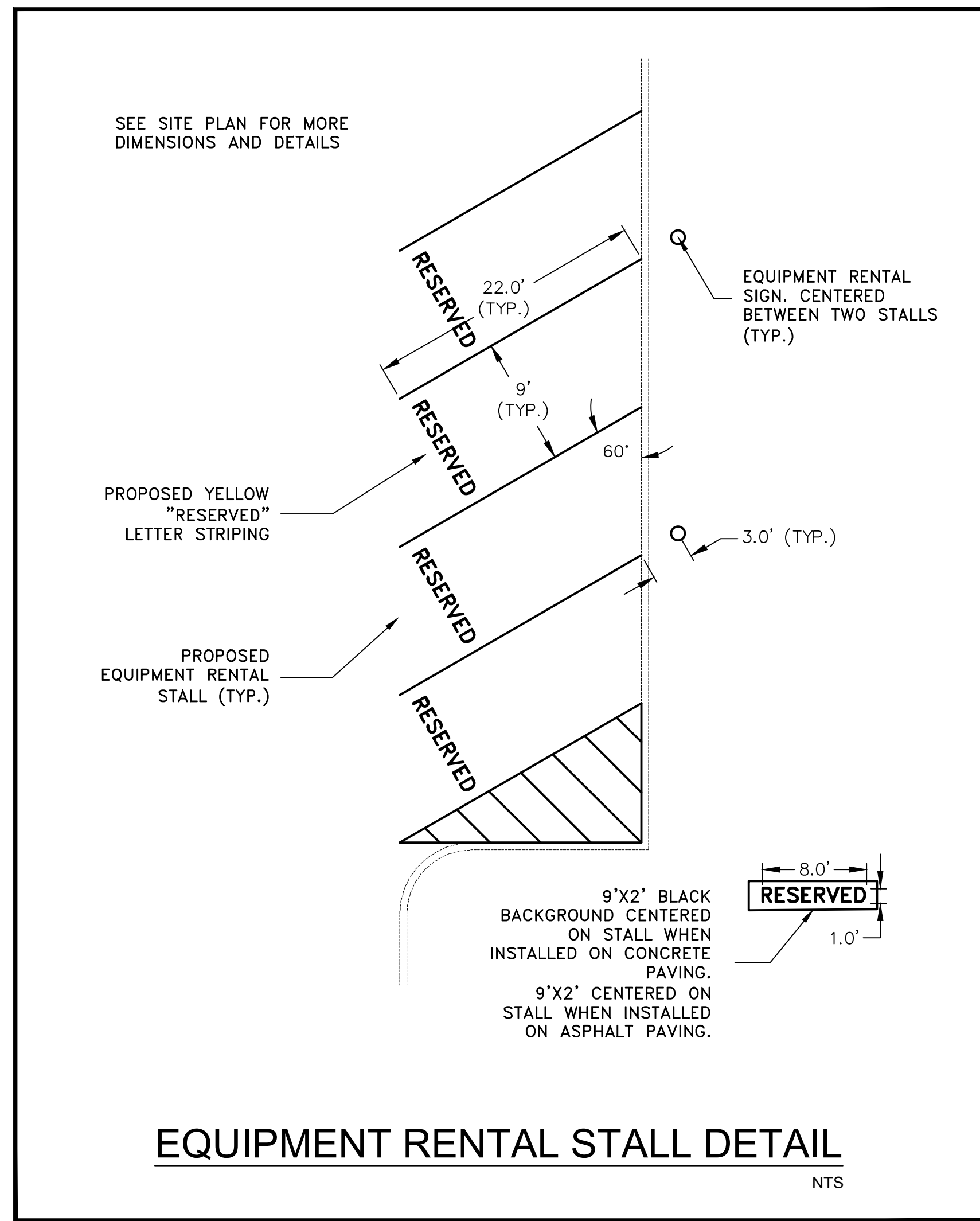
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SCALE 1" = 10'



Amendment to PD-01-10

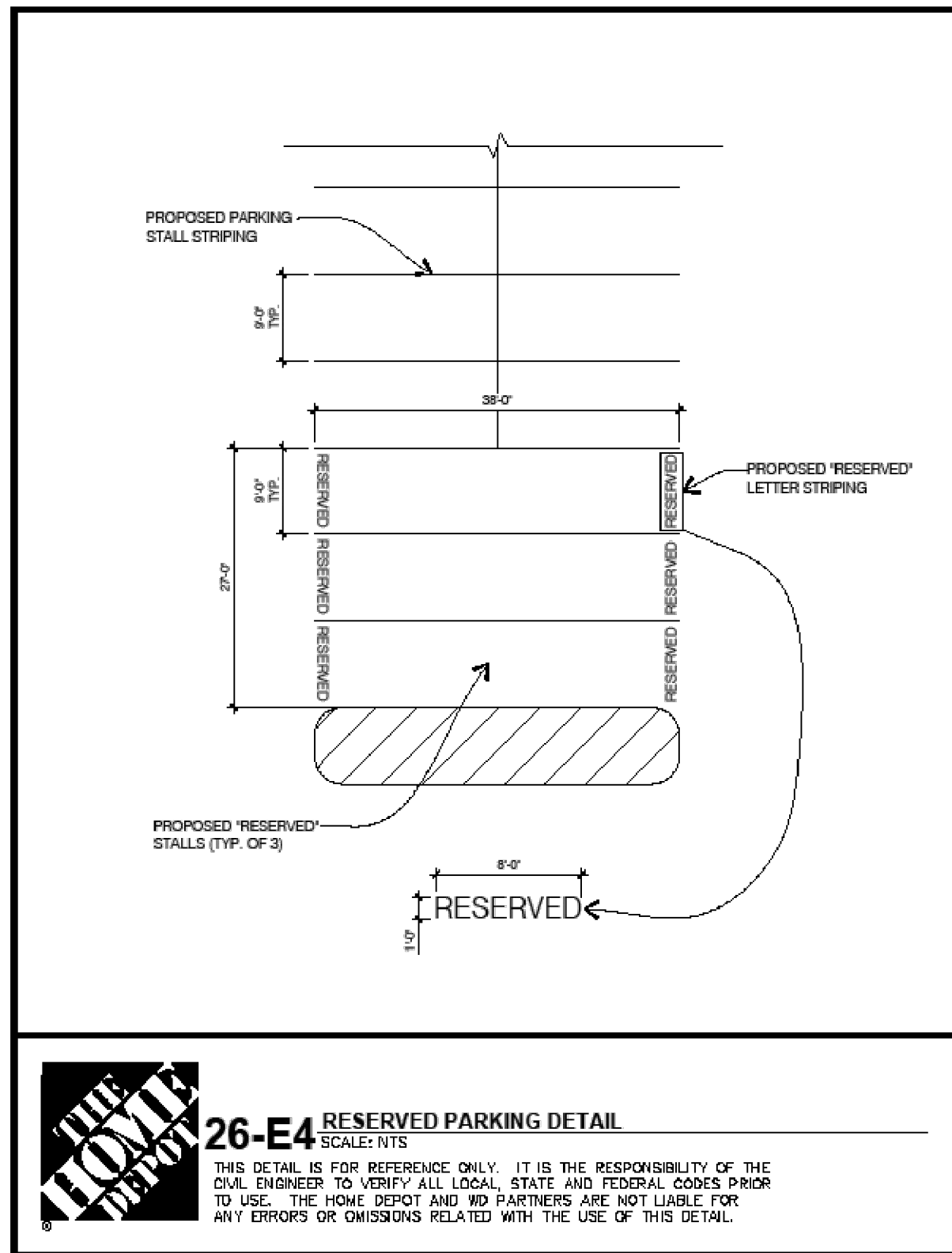


VICINITY MAP
NOT TO SCALE



Section 7: CIVIL DRAWING REQUIREMENTS

Figure 26-E4



SECTION 7
Page 22

DESIGN CRITERIA MANUAL – 10/17/16 Edition
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DETAILS

DATE: 07/25/2023
REVISION DATES: 09/01/2023

SITE PLANNER	ZACHARY MANN
SITE DEV. COORDINATOR	CASSIE PERMENTER



TX - TEXARKANA
STORE # 6580

ADDRESS: 4110 SAINT MICHAEL DRIVE,
TEXARKANA, TX 75503

LA PROJECT NUMBER 22074.00

Compact Power Rental Equipment**Tractor Loader Backhoe**

- Used for loading, carrying, and transporting materials
- Electrical, plumbing, and irrigation installation or repairs
- Grading and leveling

**Skid Steer**

- Grading and leveling
- Load, carry and spread materials
- Landscaping, construction and property improvement
- Light demolition work

**Mini Excavator**

- Property improvement and landscape projects
- Irrigation installation and drainage projects
- Plumbing and electrical installation or repairs

**Aerial Equipment**

- Tree care and maintenance
- Facility maintenance, painting, HVAC, electrical
- Sign and lighting repair

**Light Tower**

- Job site illumination
- Sports activities
- Event setups

**Material Handling**

- Transport concrete, stone, materials and aggregate
- Construction and demo site clean up



Dump Trailer

- Demolition removal and yard maintenance
- Carrying landscape materials
- Hauling aggregate

**Tree Care (Chipper Rental/Stump Grinder)**

- Tree care and maintenance
- Landscaping and property improvements

**Mini Skid Steer**

- Load, carry and spread materials
- Landscape and property improvement
- Grading and leveling

**Trencher**

- Installing irrigation and drainage projects
- Landscape and property improvement

**Tractor Loader Backhoe**

- Load, carry and transport materials
- Electrical, plumbing, and irrigation installation or repairs
- Grading and leveling

**Skid Steer**

- Grading and leveling
- Load, carry and spread materials
- Landscaping, construction and property improvement
- Light demolition work



City of Texarkana, Texas

Version:

Update Date: 11/29/2023 9:41 AM

Summary Sheet

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Zoning Administrator
Subject: Amendment to PD-20-6 for site plan approval on Lot 1, Richmond-Moores Subdivision, located at 5605 Richmond Road. GVH Moores, LLC, owner and Kayla Wood, MTG Engineers and Surveyors, agent.

Meeting Date: 1/2/2024

Attachments

- a. Hearing Notice and Application (PDF)
- b. Maps (PDF)
- c. Site Plan (PDF)
- d. Elevations (PDF)
- e. site drawing (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
11/29/2023 10:26 AM			
Planning & Zoning Commission	Laura Puckett	Meeting	Completed
12/04/2023 12:00 PM			

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by GVH Moores, LLC, owner, and Kayla Wood, MTG Engineers and Surveyors, agent for site plan approval on Lot 1, Richmond-Moores Subdivision, located at 5605 Richmond Road. The current zoning is Planned Development-General Retail. The property is currently vacant property. The proposed use is a convenient store and gas station.

The Future Land Use Map designates this property as "Neighborhood Retail".

The adjacent zoning is Planned Development General Retail to the north and south, General Retail to the east, and office to the west. The adjacent land use is a car wash to the north, retail to the south and east, and vacant land to the west.

The site plan consists of the following:

1. The construction of 5,978 sq ft building.

City of Texarkana, Texas

2. The access driveway will be off Richmond Road and Moores Lane.
3. There will be 21 parking spaces and includes 2 handicapped spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. A 6'X8' monument style sign. No Electronic messaging will be allowed.
5. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
6. Meet Ordinance regarding sidewalk along Richmond Road.
7. A Fire Lane may be required due to the most remote part of the building being more than 150 feet away from the public street.
8. Screened dumpster site.

Staff recommends for approval of the site plan with stipulations.

The applicant should also be aware that if this site plan approval item is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

December 4, 2023

NOTICE OF PUBLIC HEARINGS

Public hearings will be held by the Planning and Zoning Commission and the City Council of the City of Texarkana, Texas at the below stated date and time. The Public Hearings will be held in the Council Chambers, Municipal Building, 220 Texas Blvd, (3rd & Texas) Texarkana, Texas to consider a proposed change in zoning classification as indicated below. According to the Tax Records, you are the owner of property within the area of the proposed change or within 200 feet of that property. THIS IS NOT A SUMMONS TO APPEAR AT THE HEARINGS. If you care to attend, you will be given an opportunity to be heard. If additional information is desired, please contact the Planning Department at (903) 798-3945.

PLANNING & ZONING COMMISSION: Hearing Date: MONDAY, December 4, 2023 Hearing Time: 12:00 pm

CITY COUNCIL: Hearing Date: MONDAY, January 22, 2024 Hearing Time: 6:00 pm

- ♦ If they desire, persons concerned with the proposed change can present a letter in opposition to or in favor of the proposed change. If a written protest in opposition to a proposed change contains the signatures of persons who own twenty (20) percent or more of the land within 200 feet of the proposed change, a 3/4th vote of the City Council will be required. In order to be considered, the letter must be received and filed before or at the Planning and Zoning Commission Meeting. (The letter can be emailed to lpuckett@txkusa.org).



OWNER: GVH Moores, LLC, owner, and Kayla Wood, MTG Engineers and Surveyors, agent

OWNER'S ADDRESS: 300 Pisgah N., Eads, TN 38028

LOCATION OF REZONING: 5605 Richmond Rd, Texarkana, Texas 75503

PROPOSED CHANGE: Amendment to PD-20-6 (GR) for site plan approval for the construction of 5,978 sq. ft. convenience store and gas station

LEGAL DESCRIPTION: Lot 1, Richmond-Moores Subdivision

CASE NUMBER: Amendment-PD-20-6

DATE MAILED: November 21, 2023



SITE PLAN APPROVAL APPLICATION

CITY OF TEXARKANA TEXAS

Po Box 1967
220 Texas Blvd
Texarkana TX 75504
(903) 798-3945
www.ci.texarkana.tx.us.org

Receipt No. 23-004560Case Amendment to PD-20-6
Date 11-13-23

To: The Planning and Zoning Commission
City of Texarkana Texas

Please consider this as my application for site plan approval in the City of Texarkana, Texas for the following described property.

LEGAL DESCRIPTION OF PROPERTY. (Lot and block numbers if in a subdivision; metes and bounds description if any portion of property does not have assigned lot and block numbers)

Lot: 1 Block: _____ Addition: RICHMOND-MOORES SUB
(Or see attached metes and bounds legal description)

Project location/address: Intersection of Richmond Rd & Moores Ln 5605 Richmond Rd.

Present zoning: General Retail Proposed zoning (if applicable) _____

Proposed use: Convenience Store & Gas Station

Total square footage of proposed building: 5,978 Number of parking spaces 21

Number of required parking spaces per Ordinance 6 Handicapped spaces 2

Material of building façade brick

SIGNAGE: Type (i.e. monument, pole) Monument

Size standard per city ordinance

Material to be used for structure (if monument style) To match building facade

Kayla R. Wood

Attorney or Agent Signature
5930 Summerhill Road

Address

Txk, TX 75503

City, State, Zip

903-838-8533

Home Phone & Cell Phone

kwood@mtgengineers.com

Email Address

Property Owner Signature

300 PISCATAWAY N.

Address

ENDS TN 38028

City, State, Zip

615.210.6237

Home Phone & Cell Phone

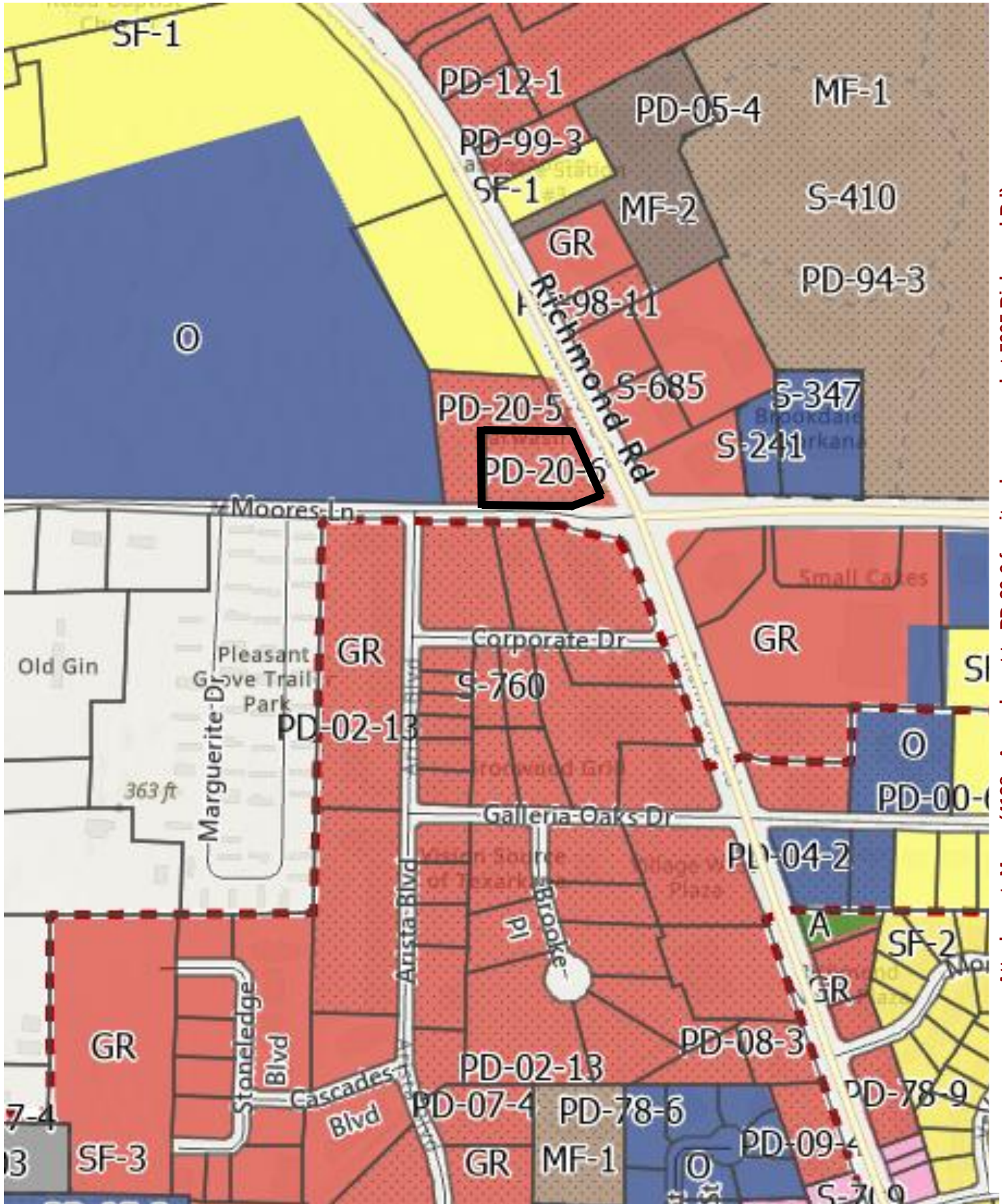
GREG@GVHRE.com

Email Address

BY SIGNING THIS APPLICATION, YOU HAVE AGREED TO ALLOW THE CITY TO PLACE A SIGN ON YOUR PROPERTY

Attachment: Hearing Notice and Application (4138 : Amendment to PD-20-6 for site plan approval at 5605 Richmond Rd)

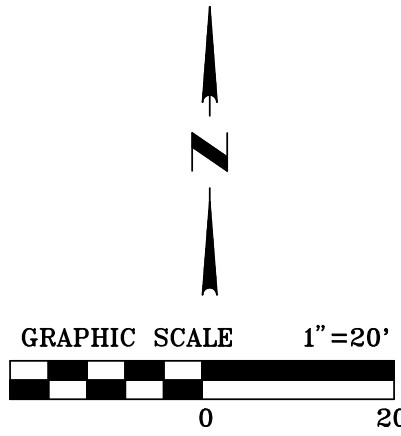
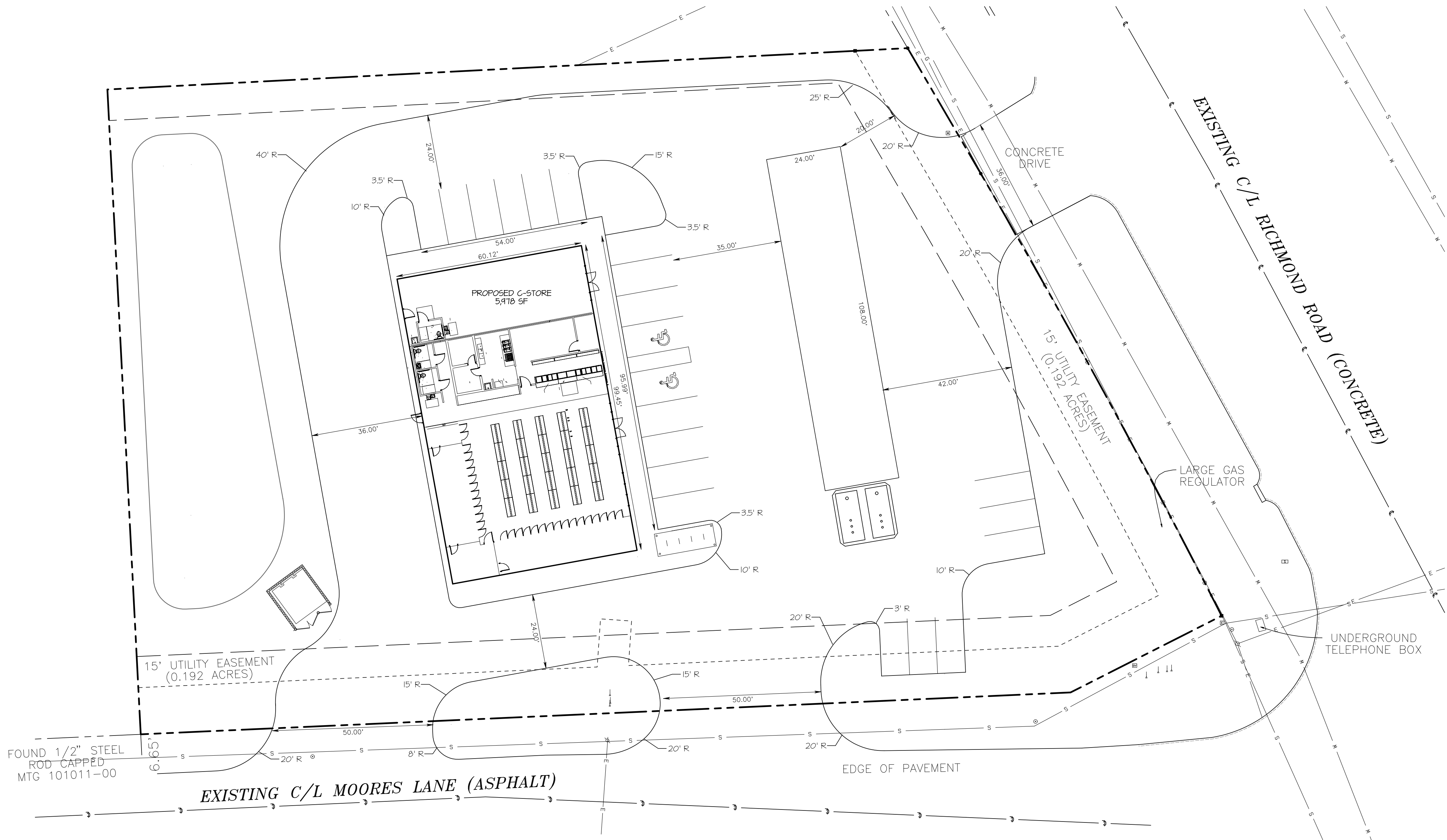
5605 Richmond Road



5605 Richmond Road



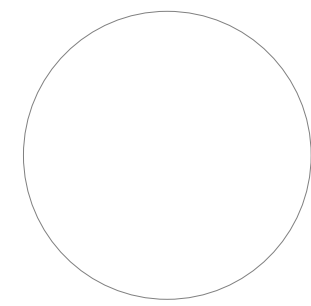
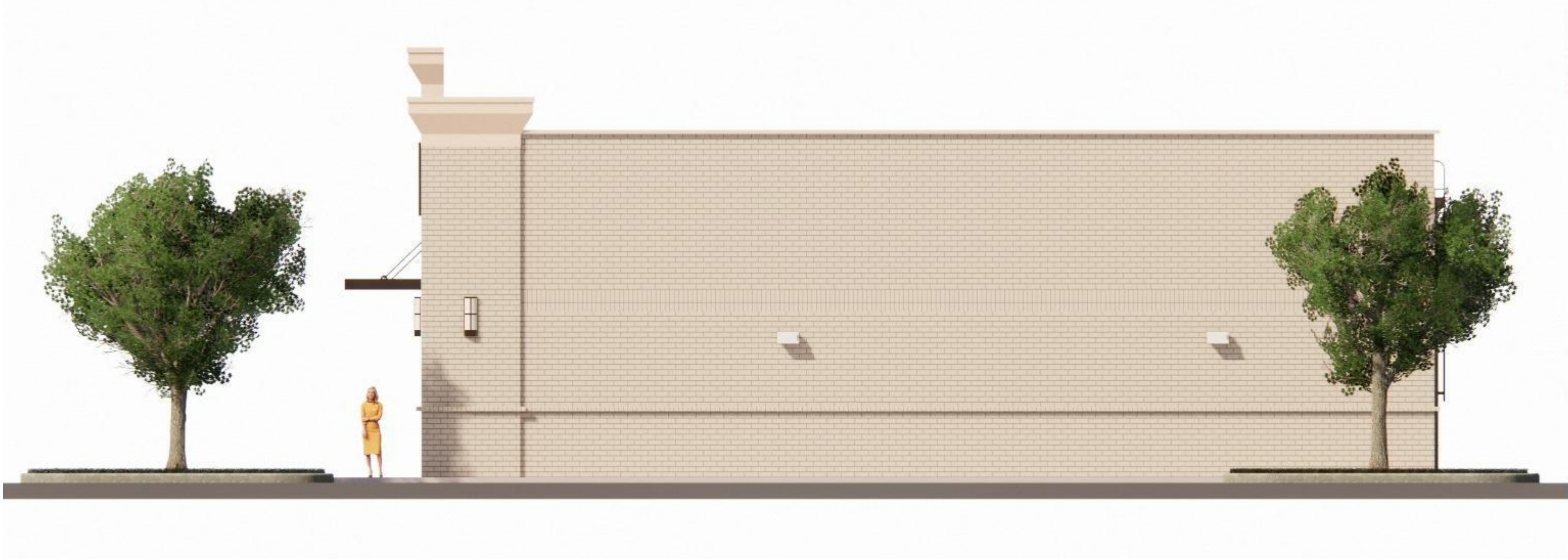
Attachment: Maps (4138 : Amendment to PD-20-6 for site plan approval at 5605 Richmond Rd)



LEGEND	
	PROPERTY LINE
	CURB AND GUTTER
	BUILDING EDGE
	EDGE OF PAVEMENT
	EASEMENT
	BUILDING LINE OFFSET
	TOE OF DITCH/SLOPE
	TOP OF BANK
	OVERHEAD POWER LINE
	WATER MAIN
	SANITARY SEWER MAIN
	TELEPHONE LINE
	PROPOSED CONTOUR INT.
	EXISTING CONTOUR INT.
	SILT FENCE
	STORM DRAIN
	FIRE LANE
	SPOT ELEVATION
	POWER POLE
	WATER METER
	WATER VALVE
	CLEAN OUT
	SANITARY SEWER MANHOLE
	STORM DRAIN MANHOLE
	SIGN (TYPICAL)
	HANDICAP PARKING SYMBOL (PAINTED)
	FIRE HYDRANT
	LIGHT POLE
	GAS REGULATOR
	IRRIGATION CONTROL VALVE
	SPRINKLER HEAD
	ROOF DRAIN
	TELEPHONE JUNCTION BOX
	ELECTRIC JUNCTION BOX
	GUY WIRE
	TREE

Required Parking: Gasoline Service Station - Minimum of 6 spaces
Required Parking: Retail - 1 Space/ 200 SF
Total SF Retail: 1,325 SF
Required Parking = 13 Spaces
Provided Parking: 21 Spaces
Provided HC= 2 Spaces

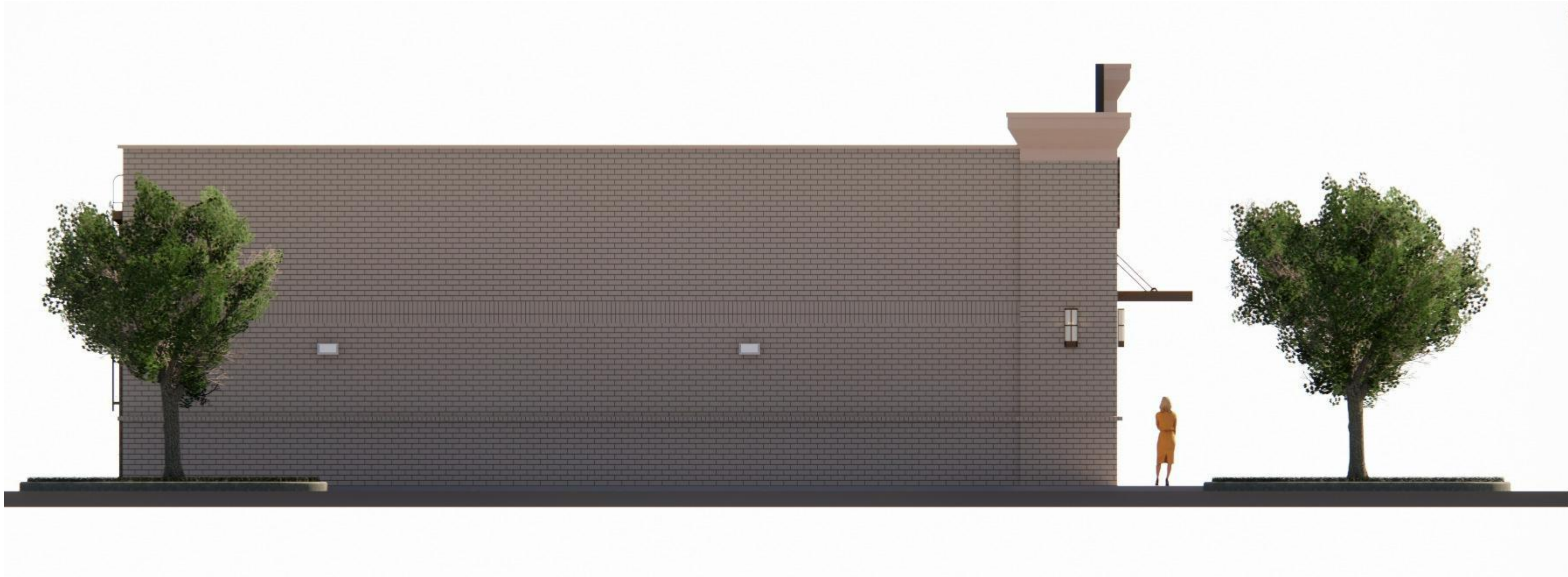
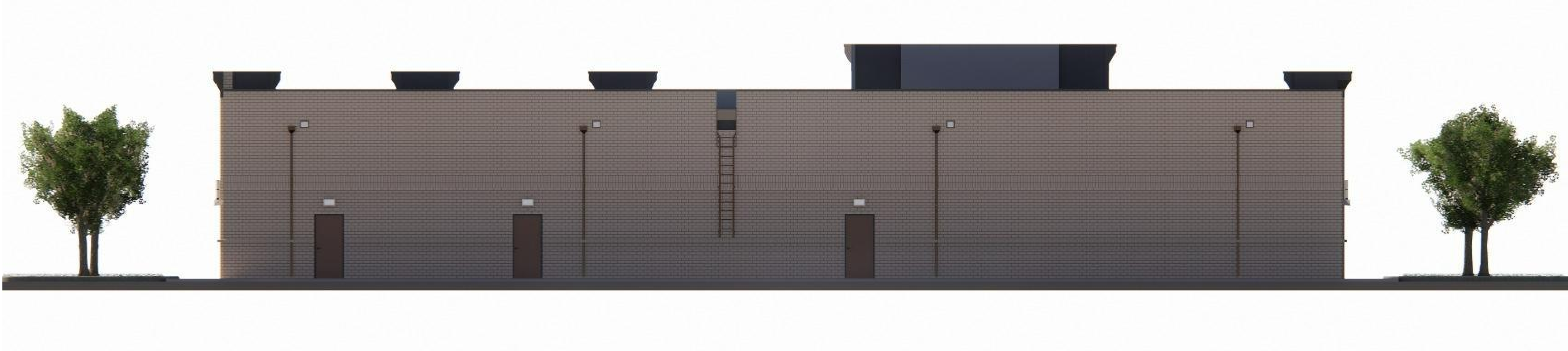
2.3.c	
Revision/Description	
No.	
5830 SUMMERHILL ROAD TEXARKANA, TEXAS P 903.838.8533 www.mtgeengineers.com TBP# FIRM NO. F-354 AR COA NO. 125 © MTG 2023	
MTG ENGINEERS & SURVEYORS	
PRELIMINARY ~ FOR REVIEW ONLY, NOT INTENDED FOR BIDDING, CONSTRUCTION OR PERMIT PURPOSES 11/27/2023 KAYLA R. WOOD P.E. #104859	
Scale AS SHOWN	Drawn By S.G.F.
Checked By K.R.W.	File No.
SITE PLAN	
GVH DEVELOPMENT RICHMOND & MOORES LN TEXARKANA, TEXAS	
Drawing Date 11/27/2023	
Project Number 236053	
Sheet Number XXXXXXXXXX	



C-STORES
RICHMOND AND MOORES TEXARKANA, AR

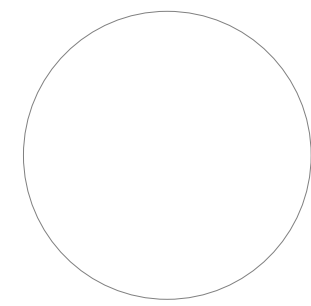
Project Status

Project No	23-006
Date	Issue Date
Drawn	Author
Checked	Checked
Revisions	Rev Date



Architecture
Interiors
Planning

265 North Lamar Blvd.
Oxford, MS 38655
p 662.234.2149
eleybarkley.com



C-STORES

RICHMOND AND MOORES TEXARKANA, AR

Project Status

Project No	23-006
Date	Issue Date
Drawn	Autho
Checked	Checke
Revisions	Rev Date

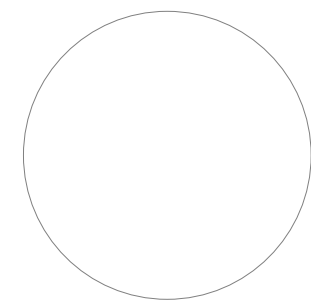
A2.04
RENDERED BUILDING
ELEVATIONS

12/15/2023 12:17:19 AM
C:\Users\Clair\Desktop\Documents\Richmond and Moores for Rendering_clair37K.V.rvt



Architecture
Interiors
Planning

265 North Lamar Blvd.
Oxford, MS 38655
p 662.234.2149
eleybarkley.com



C-STORES
RICHMOND AND MOORES TEXARKANA, AR

Project Status

Project No	23-006
Date	Issue Date
Drawn	Author
Checked	Checker
Revisions	Rev Date

A9.02
RENDERED
PERSPECTIVES

12/15/2023 12:17:19 AM
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E|B

Architecture
Interiors
Planning

265 North Lamar Blvd.
Oxford, MS 38655
p 662.234.2149
eleybarkley.com

C-STORES

RICHMOND AND MOORES TEXARKANA, AR

Attachment: Elevations [Revision 1] (4138 : Amendment to PD-20-6 for site plan approval at 5605 Richmond Rd)

Project Status

Project No23-006

DateIssue Date

DrawnAuthor

CheckedChecked

RevisionsRev Date

A9.03

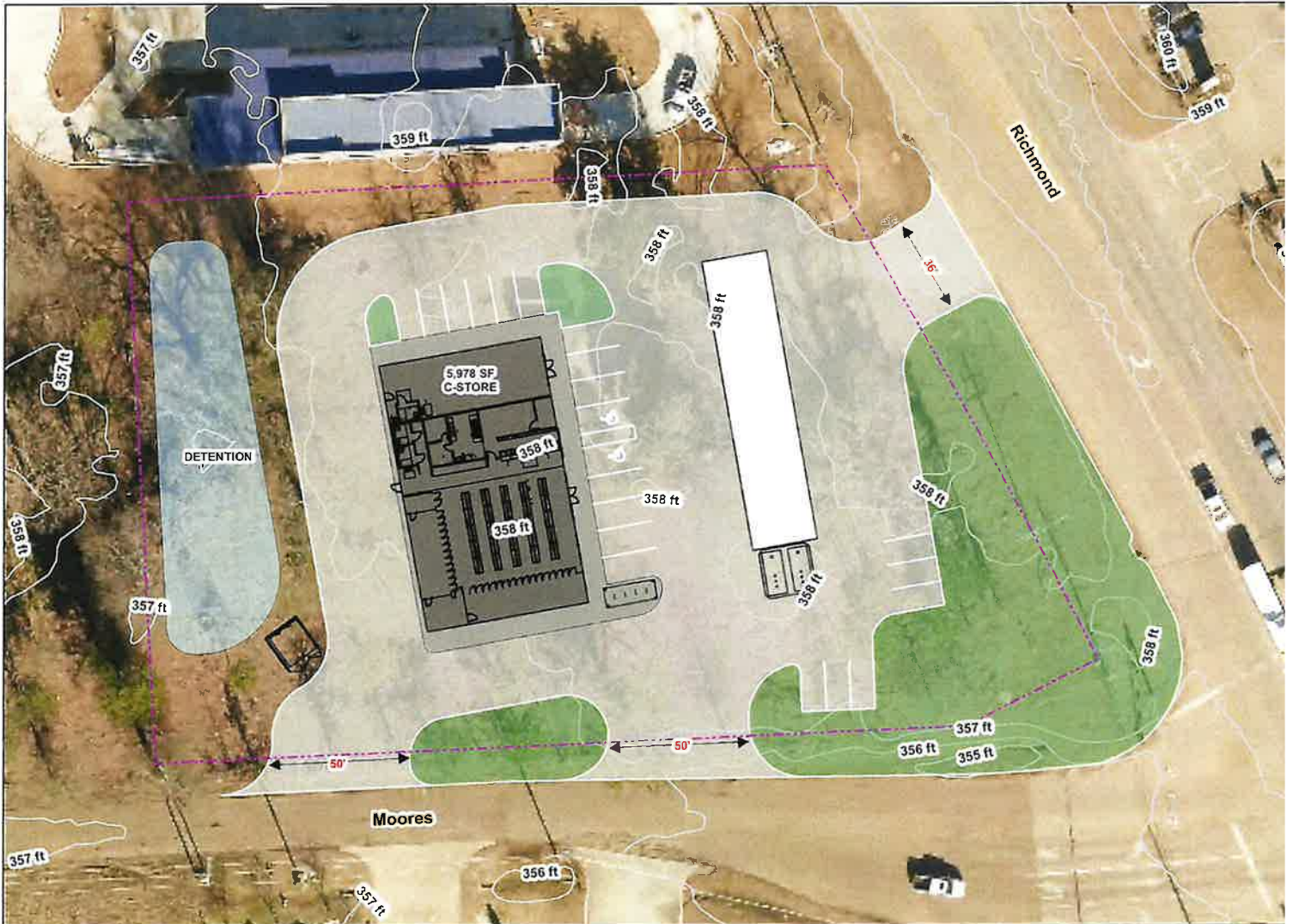
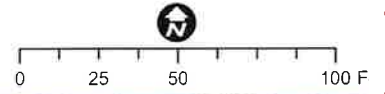
RENDERED
PERSPECTIVES

Packet Pg. 70

Amendment to PD-20-6



GHV DEVELOPMENT
TEXARKANA, TEXAS



Attachment: site drawing (4138 : Amendment to PD-20-6 for site plan approval at 5605 Richmond Rd)

City of Texarkana, Texas

Version:

Update Date: 12/21/2023 10:57 AM

Summary Sheet

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Zoning Administrator

Subject: Consider the Planning and Zoning Commission meeting minutes from December 4, 2023.

Meeting Date: 1/2/2024

Attachments

- a. December 4, 2023 P&Z Minutes (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Department Head Review
Pending		
Planning & Zoning Commission		Department Review
Pending		
Planning & Zoning Commission	Laura Puckett	Meeting Pending
01/02/2024 6:00 PM		

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Please see attached minutes from the Planning and Zoning Commission meeting on December 4, 2023.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of the minutes.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

City of Texarkana, Texas

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

January 2, 2023



CITY OF TEXARKANA
PLANNING & ZONING COMMISSION
MINUTES • DECEMBER 4, 2023

Council Chambers

Regular Meeting

12:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

I. CALL TO ORDER

II. AGENDA ITEMS

1. Consider reapproval of the final and preliminary plat for Golden Chick located at 4411 North State Line. Golden Chick, owner, and Jay Alexander, agent.

Dusty Henslee advised that this is a reapproval on the plat that was approved previously. Golden Chick did some modification moving the lot line.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brad Bailey, Commissioner
SECONDER:	Lee Kernek, Alternate Commissioner
AYES:	Kinsey, Coleman, Larkins, Bailey, Kernek, Sarine
ABSENT:	Northam, Boyette
EXCUSED:	Joyce III

2. Consider approval to Vacate Lots 1 and 2, Block 3, Lot 1, Block 4, Block 6, of the Revised Silver Oaks Addition and Lot 1, Block 3 of Silver Oaks Third Addition, located in the intersection of Brandon Drive and Sterling Drive. Salt Jr. Irrevocable Trust, owner, and Jeffrey Wood, MTG Engineers and Surveyors, agent.

Kayla Wood with MTG Engineers and Surveyors advised that this is an existing plat that needs to be vacating so that they may move forward with another plat up for approval.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lee Kernek, Alternate Commissioner
SECONDER:	Dianna Patterson Kinsey, Vice Chairperson
AYES:	Kinsey, Coleman, Larkins, Bailey, Kernek, Sarine
ABSENT:	Northam, Boyette
EXCUSED:	Joyce III

3. Consider approval of final and preliminary plat for the Silver Oaks 4th Addition, located in the area of Sterling Drive and Holly Ridge Drive. Salt Jr. Irrevocable Trust, owner, and Jeffrey Wood, MTG Engineers and Surveyors, agent.

Attachment: December 4, 2023 P&Z Minutes (4159 : Consider P&Z meeting minutes from December 4, 2023)

Kayla Wood with MTG Engineers and Surveyors advised that this is an extension at the dead end of Summer Lane called Sterling Drive. She also advised that it was already a platted subdivision that sat vacant. They added cul-de-sacs and putting in a lake and still working on easements.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tom Coleman, Commissioner
SECONDER:	James Larkins, Commissioner
AYES:	Kinsey, Coleman, Larkins, Bailey, Kernek, Sarine
ABSENT:	Northam, Boyette
EXCUSED:	Joyce III

4. Z-23-17: [TABLED] rezoning on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street from Commercial to Single Family-3. Jermell Fulton, owner.

Remove from Table - Jermell Fulton said he would like to place a manufactured home on the property.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Larkins, Commissioner
SECONDER:	Dianna Patterson Kinsey, Vice Chairperson
AYES:	Kinsey, Coleman, Larkins, Bailey, Kernek, Sarine
ABSENT:	Northam, Boyette
EXCUSED:	Joyce III

5. S-783: [TABLED] consider Specific Use Permit to allow a single wide HUD code manufactured home on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street. Jermell Fulton, owner.

Remove from Table Jermell Fulton - will have SUP with stipulations.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brad Bailey, Commissioner
SECONDER:	Dianna Patterson Kinsey, Vice Chairperson
AYES:	Kinsey, Coleman, Larkins, Bailey, Kernek, Sarine
ABSENT:	Northam, Boyette
EXCUSED:	Joyce III

6. Amendment to PD-01-10 for site plan approval on Lot 1, Texarkana Shopping Center Subdivision located at 4110 St. Michael Drive. Suzanne Russo for Home Depot, owner and Cassie Permenter, agent.

TABLED

RESULT:	TABLED [UNANIMOUS]	Next: 1/2/2024 6:00 PM
MOVER:	Dianna Patterson Kinsey, Vice Chairperson	
SECONDER:	James Larkins, Commissioner	
AYES:	Kinsey, Coleman, Larkins, Bailey, Kernek, Sarine	
ABSENT:	Northam, Boyette	
EXCUSED:	Joyce III	

7. Z-23-18: rezoning on an approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327, located at 3001 Bender Road from Single Family-1 to Two Family-2. Dennis Pascarella, owner.

Jeremy Pascarella advised that they want to build one story duplexes with garages. Will build a cul-de-sac or hammerhead to put as many duplexes. No entrance off of Wallace.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lee Kernek, Alternate Commissioner
SECONDER:	Tom Coleman, Commissioner
AYES:	Kinsey, Coleman, Larkins, Bailey, Kernek, Sarine
ABSENT:	Northam, Boyette
EXCUSED:	Joyce III

8. Amendment to PD-20-6 for site plan approval on Lot 1, Richmond-Moores Subdivision, located at 5605 Richmond Road. GVH Moores, LLC, owner and Kayla Wood, MTG Engineers and Surveyors, agent.

Kayla Wood with MTG Engineers and Surveyors advised that this is the vacant lot at the corner of Moores and Richmond. Plans are for up scale convenience store for passenger cars no diesel.

RESULT:	TABLED [UNANIMOUS]	Next: 1/2/2024 6:00 PM
MOVER:	Tom Coleman, Commissioner	
SECONDER:	Dianna Patterson Kinsey, Vice Chairperson	
AYES:	Kinsey, Coleman, Larkins, Bailey, Kernek, Sarine	
ABSENT:	Northam, Boyette	
EXCUSED:	Joyce III	

9. Amendment to PD-05-7 for site plan approval on an approximate 4-acre tract (being part of Tracts 71, 71B, 71A, and 71C), George Brinlee HRS, A-18, located at 1 Roundabout Way. Cheney Pruett, owner and Kayla Wood, MTG Engineers and Surveyors, agent.

Kayla Wood with MTG Engineers and Surveyors appeared and stated that this site is behind the new Christus St. Michael ER.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lee Kernek, Alternate Commissioner
SECONDER:	Tom Coleman, Commissioner
AYES:	Kinsey, Coleman, Larkins, Bailey, Kernek, Sarine
ABSENT:	Northam, Boyette
EXCUSED:	Joyce III

III. STAFF UPDATES

Mashell Daniel is working on the cell tower ordinance and asked the Commission for their comments to incorporate with correction that the City attorney is making.

IV. CONSIDER APPROVAL OF MINUTES

1. Consider the Planning and Zoning Commission meeting minutes from November 6, 2023.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tom Coleman, Commissioner
SECONDER:	Dianna Patterson Kinsey, Vice Chairperson
AYES:	Kinsey, Coleman, Larkins, Bailey, Kernek, Sarine
ABSENT:	Northam, Boyette
EXCUSED:	Joyce III

V. ADJOURNMENT

VI. P&Z AGENDA ITEMS