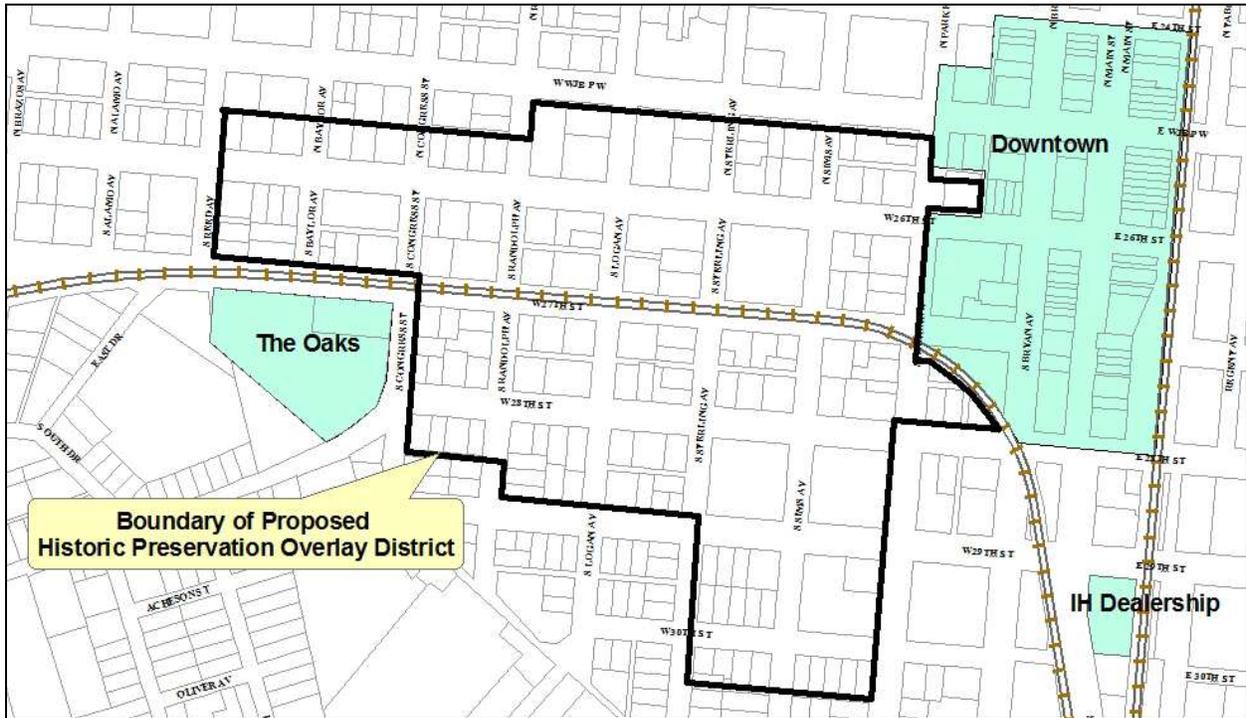


LOCATION MAP:



AERIAL PHOTOGRAPH (2011):



BACKGROUND:

The City Council has declared that as a matter of public policy the preservation, protection, enhancement, and perpetuation of properties of historic and cultural importance and significance are necessary to promote the economic, cultural, educational, and general welfare of the public. Formal consideration of historic landmark districts in Bryan date to 1980 when the City Council was presented a proposal for an ordinance that would allow formation of special areas where historic preservation would be encouraged and external changes to properties in those areas would be required to be submitted for review and approval by a group of citizens to be appointed by the City Council. In March, 1981, the resulting City Council action produced an ordinance enabling the designation of historic districts in Bryan, this ordinance in turn brought about the formation of the East Side Historic District in March 1983, and the Downtown Historic District in August 2003.

Since 1980 discussion of a landmark district west of downtown has been envisioned among west side property owners, local preservationists, the Historic Landmark Commission (HLC), the Planning and Zoning Commission (P&Z) and the City Council. Samplings of documented instances include:

- In 1985, the City of Bryan Historic Resources Survey recommended that the residential area west of Downtown be designated a historic district.
- The 1988 City of Bryan Preservation Plan stated that the neighborhood adjacent to downtown was “suffering from lack of attention” and recommended establishment of a west side landmark district as a means to “halt deterioration” in the area.
- Historic Landmark Commission minutes from November 1989 report that there had been recent interest in establishing a west side historic district.
- In May, 1993 the City of Bryan received a grant of \$3,400 from the Texas Historical Commission to fund efforts to establish a west side historic district.
- At the request of west side property owners who wished to form a historic district, the HLC held public informational meetings during January 1994.
- In March 2004, a request was made to the HLC by the owner of a property on West 26th Street to consider establishment of a west side historic district, contiguous with the Downtown Historic District.

In 2010, with a grant through the Certified Local Government (CLG) Program of the Texas Historical Commission (THC), the City of Bryan undertook a comprehensive survey of all extant buildings and structures in the mostly residential area west of downtown. In 1986, this neighborhood was originally documented and assessed as part of a citywide survey. The new survey update specially targeted this residential area. The 1986 survey report had previously noted that the area west of downtown contained a high concentration of historic resources that may have the potential for historic district designation in the future. The City chose the area for resurvey and reevaluation in 2010 to encourage preservation of the neighborhood and provide recommendations for properties or districts to be designated as local historic landmarks.

The 2010 survey was intended to be used as a tool to heighten awareness of Bryan’s historic resources, support implementation of the City’s historic preservation ordinance, and guide planning for future development. As part of local efforts to encourage the preservation of historic buildings and structures,

the survey results can be used to support the City's 2007 Comprehensive Plan which has as one of its goals the protection of Bryan's irreplaceable historic properties and the expansion of local historic districts. The survey update also provided a means to help evaluate how the neighborhood has changed since the original historic resources survey was completed and the degree to which the area has retained the capacity to convey a sense of the past.

Although several systems of recognizing a structure or an overall area's historic qualities exist, only local landmark designation can protect a significant historic property or area from inappropriate changes or demolition initiated by private owners or developers. The authors of the 2010 Historic Resource Survey have recommended that the City of Bryan's Historic preservation overlay district designation should be applied to a specific group of properties west of the Downtown area. The Zoning Ordinance Section 130-24(b) allows for the designation of a historic preservation overlay district if the proposed district meets any of the following criteria:

- Possesses significance in history, architecture, archeology, or culture.
- Embodies the distinctive characteristics of a type, period, or method of construction.
- Represents the work of a master designer, builder, or craftsman.
- Represents an established and familiar visual feature of the City.
- Meets the criteria established by the National Register of Historic Places.
- Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state or nation;
- Location as the site of a significant historical event; and
- Identification with a person or persons who significantly contributed to the culture and development of the city, state or nation.

Under Bryan's Code of Ordinances, only a historic preservation overlay district designation can help ensure that efforts to construct, reconstruct, alter, rehabilitate, relocate, demolish, or make any change visible from a public right-of-way are reviewed by the HLC. The HLC is appointed by the City Council and charged to familiarize itself with buildings, structures and districts within the city which may be eligible for designation as historic landmarks. The Council has outlined their specific duties as:

- Establish criteria to be used in determining whether certain buildings, structures, sites, districts, areas, lands and other objects should be designated as historic landmarks;
- Review, consider and take action on certificates of appropriateness.
- Establish guidelines to be used in determination of whether to grant or deny certificates of appropriateness;
- Formulate suggestions for private and public action which may involve various city departments in preservation of historic preservation overlay districts;
- Suggest sources of funds for preservation and restoration activities and acquisitions, to include federal sources, state sources, private and foundation sources, as well as municipal sources;
- Recommend to the proper agencies incentives designed to encourage historic preservation;
- Establish policies and procedures of the historic landmark commission; and
- Produce a preservation plan that shall be kept on file, to be reviewed annually.

Once identified by the HLC as possessing qualifying characteristics, the process of designating a new historic preservation overlay district contains three basic steps.

1. The HLC defines the area and after notification of property owners, holds a public hearing to receive comments on the proposed designation. After the public hearing, the HLC votes whether or not to recommend designation to the P&Z.
2. Upon recommendation by the HLC, the P&Z, after notification of property owners, holds a public hearing to receive comments on the proposed designation. After the public hearing, the P&Z votes whether or not to recommend designation to the City Council.
3. When recommended for approval by the P&Z, the City Council, after notification of property owners, holds a public hearing to receive comments on the proposed designation. After the public hearing, the Council votes whether or not to establish the new historic preservation overlay district. The establishment of the new overlay is essentially an amendment to the Zoning Ordinance and as is the case with any ordinance amendment, requires two readings to become enacted. The second reading of the ordinance typically occurs during the next regularly scheduled Council meeting.

RELATION TO BRYAN’S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan documents the overall values and goals of the community with respect to future development and governance in the City of Bryan along with policy recommendations related to the various physical development aspects. With regard to historic preservation, the 2007 Comprehensive Plan makes the following findings and recommendations:

7.0 Community Appearance

7.2 Appearance Issues

Historic Resources – The Downtown and Eastside Historical Districts form the core character of Bryan and should continue to be recognized, promoted and protected as valuable assets. The loss or degradation of these assets could fundamentally alter the image and perception of Bryan. The City should encourage the designation of additional historic sites and areas when supported by the residents and owners.

7.3 Goals and Objectives

Objective B) Showcase and preserve the recognizable and unique identities of the community.

Action Statement 2: Expand the current historic designation programs to include additional areas and individual structures.

ANALYSIS:

The 2010 Hardy-Heck-Moore Historic Resource Survey recommends the creation of a historic preservation overlay district in the proposed area. The results of the 2010 survey reiterates and confirms the long held belief that the residential area west of downtown is worth preserving with additional regulation intended to protect the City's historic resources.

The proposed district would encompass 25 of the 26 properties identified by the survey as the most noteworthy resources within the survey's study area. These resources are good examples of architecture, engineering, or crafted design. They retain a high degree of their original contextual and architectural integrity and, if altered, changes should be in keeping with original design, scale, and workmanship. These properties contribute significantly to local history or broader historical patterns and are considered to be the most significant resources within the city. Some of these properties are notable because they represent noteworthy examples of a common local building form, architectural style, or plan type that exhibits particularly exceptional craftsmanship or design qualities. Others are among the city's oldest properties and may be missing certain architectural element and/or have been subject to a moderate amount of changes; nonetheless, because of their age, they are still significant within a local context. A number of these properties remain as excellent examples of architectural forms that represent Bryan's early development.

The 2010 study noted that the proposed overlay area presents a strong residential character with dwellings constructed between the 1890s and the 1930s that contains examples of different architectural styles of that era. A majority of buildings within the proposed historic district also have retained their integrity, thereby contributing to the architectural cohesiveness of the area, and are able to convey the historic development that occurred on the city's west side during the late nineteenth and early twentieth centuries.

The addition of a historic preservation overlay will not change the allowed uses granted by the currently existing underlying zoning designation. All of the current allowed or legally non-conforming (grandfathered) uses would remain the same and be regulated by the rules and standards of the underlying zoning.

The effect that designation as historic districts has had on the east side and downtown areas has been considerable. Most recently, the community re-investment in the downtown area over the past 10 years has produced almost startling results. Prior to designation as a district, almost no public funds had been expended for maintenance, let alone improvement.

The East Side District experienced benefits very early on when the Bryan Independent School District announced their intention to close Fannin Elementary in 1985. An organization of area residents was able to convince the School Board that because of the historically significant nature of the neighborhood, validated by the Historic District designation, removal of the school from the area would be a detriment. Although the original building was removed, a modern school was built in its place, avoiding the neighborhood decline that the west side has experienced since the closure and sale of Bowie School several years later. In addition to the school example, property condition and values which had been in decline during the oil boom crash in the early 1980s, stabilized and have improved and appreciated during the past 25 years.

In the form of turn-of-the-20th-century commercial and residential districts, Bryan possesses valuable community assets that other towns in the area do not have, and never will. Failure to act to preserve the historic fabric of the community that still exists, even when viewed for the future, could be considered careless. Without the designation of the two existing historic districts, East Side and Downtown, the community would be much poorer today. In both cases, property owners have submitted to increased

regulation for the overall public good. The result of the increased regulation has been evident while any additional burden to the property owner has been easily offset by the improved environment and increased financial reward due to increased sales price or rental income.

The downside of historic overlay district designation is fairly easy to define. To make an exterior change to the appearance of the property, the owner must submit to review and approval of the HLC. This added step could add time to an overall project, from conception to completion. The actual approval document issued by the HLC is called a Certificate of Appropriateness (COA). Expense is also increased by \$30, as that is the application fee for a COA. Annually, owners of properties are contacted by letter to reiterate historic district regulations and steps required to comply. The reminder is, in part, intended to inform new owners who may be unaware of the fact that their property is within a historic overlay district and what that means from a practical point of view. An example of a typical reminder letter is attached to this staff report.

In the section regarding historic preservation overlay districts, the zoning ordinance makes it very clear that nothing will prevent ordinary maintenance, in-kind replacement, or repair of any exterior architectural feature of a property within a historic preservation overlay district which does not involve a change in design, material, or outward appearance. When the city staff determines that the proposed project has progressed beyond ordinary maintenance, a request to the HLC for a Certificate of Appropriateness will be required.

Section 130-24, the Historic Preservation Overlay portion of the Zoning Ordinance defines in detail the process by which a property owner may request approval for a significant change in the appearance of their property; and processing of COA requests has been routine. During the past 15 years there have been approximately 168 requests by property owners for a COA. Of those 168, around 52 have been for residential properties in the East Side Historic District. The remaining approximately 116 were for commercial properties in the Downtown Historic District.

RECOMMENDATION:

The Historic Landmark Commission has reviewed the findings of the 2010 Hardy-Heck-Moore Historic Resource Survey and has determined that the area recommended by the authors of the survey for inclusion in a preservation overlay district designation in fact does represent in many cases, singly and as a whole, the qualities that meet the criteria for historic district designation stipulated in the Zoning Ordinance. The proposed overlay area presents a strong residential character with dwellings constructed between the 1890s and the 1930s that contains examples of different architectural styles of that era. A majority of buildings within the proposed historic district also have retained their integrity, thereby contributing to the architectural cohesiveness of the area, and are able to convey the historic development that occurred on the city's west side during the late nineteenth and early twentieth centuries.

During its meeting on October 10, 2012, the Historic Landmark Commission unanimously recommended to the Planning and Zoning Commission and the City Council to establish a West Side Historic preservation overlay district in the same area recommended by the 2010 Hardy-Heck-Moore Historic Resource Survey. Staff concurs with the Historic Landmark Commission and recommends **approving** the establishment of a West Side Historic preservation overlay district in the proposed area.

EXAMPLES OF HIGH PRIORITY HISTORIC RESOURCES IN THE PROPOSED WEST SIDE HISTORIC PRESERVATION OVERLAL DISTRICT (identified by 2010 Hardy-Heck Moore study):



506 West 26th Street



602 West 26th Street



204 West 28th Street



206 West 28th Street



409 West 30th Street



100 S. Congress St.



109 N. Sterling St.



808 West 26th Street



108 N. Sterling Street



406 West 28th Street



708 West 27th Street



106 S. Logan Street



206 S. Sims Street



608 West 27th Street

EXCERPT FROM REGULAR MEETING MINUTES OF THE HISTORIC LANDMARK COMMISSION MEETING ON OCTOBER 10, 2012:

5. PRESENTATION, PUBLIC HEARING, DISCUSSION, AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY OF BRYAN PLANNING AND ZONING COMMISSION OF AN AMENDMENT TO THE BRYAN CODE OF ORDINANCES, CHAPTER 130 (ZONING) DESIGNATING A WEST SIDE HISTORIC PRESERVATION OVERLAY DISTRICT IN AN AREA GENERALLY DESCRIBED AS SOUTH OF WILLIAM JOEL BRYAN PARKWAY (F.M. 158), EAST OF SOUTH REED AVENUE, NORTH OF WEST 31ST STREET AND WEST OF SOUTH BRYAN AVENUE (Commission makes recommendation; City Council has final approval).

Mr. Haynes presented a PowerPoint presentation (on file in the Development Services Department). Mr. Haynes provided an overview of the 2010 Hardy-Heck-Moore Historic Resource Survey and its recommendations, which includes the creation of a historic preservation overlay district in a portion of the area studied for that survey. The proposed overlay district includes land roughly bound by S. Reed Avenue on the west, W. William Joel Bryan Parkway to the north, S. Bryan Avenue to the east, and W. 30th Street to the south. The proposed district would encompass 25 of the 26 properties identified by the survey as high priorities.

Mr. Haynes presented the criteria for the designation of a historic preservation overlay district. He pointed out that the study noted that the proposed overlay area presents a strong residential character with dwellings constructed between the 1890s and the 1930s that contains examples of different architectural styles of that era. A majority of buildings within the proposed historic district also have retained their integrity, thereby contributing to the architectural cohesiveness of the area, and are able to convey the historic development that occurred on the city's west side during the late nineteenth and early twentieth centuries.

Mr. Haynes presented pictures of historically significant structures in the proposed district, discussed ordinary maintenance and criteria for approval of a Certificate of Appropriateness, demolition by neglect and the economic hardship application. Mr. Haynes reminded that the Commission would only make a recommendation to the Planning and Zoning Commission who would then hold its own public hearing on the matter within 45 days of the HLC's action. Mr. Haynes also reminded that the final decision to create a historic overlay district lies with the City Council.

The public hearing was opened.

Mr. Howard Hart, 907 West 26th Street, came forward to speak in favor of the proposed district. He stated that he was unaware about the history when he purchased the property from the previous owner but believes it to be a good idea.

Ms. Barbara Hernandez, 700 West 28th Street, came forward to speak in opposition. She stated that she had inherited the property from her parents and been maintaining it for more than 20 years. She stated that there is a need for sidewalks in this area and expressed her concern about the added expense for homeowners that want to improve their property.

Responding to the question from Chairperson Bienski, Mr. Haynes stated that the City will not impose expensive paint cost on the owners for the district.

Mr. Kenneth Olexey, 106 South Logan Avenue, came forward to speak in opposition. He stated that the west side has not experienced any new road improvement since 1995. He expressed his concern about the raised tax of properties and questioned the viability of a historic district where there are not enough historic properties in the area.

Responding to the question from Mr. Olexey, Chairperson Bienski stated that the project has been initiated and discussed by the Commission on and off for many years.

Mr. Raul Santana, 104 South Sterling Avenue, came forward to speak in opposition. He stated that the neighborhood has no resources and proper infrastructure for a historic district.

Commissioner Patterson stated that the Commission is not responsible for making infrastructure decisions, but, rather, to help preserve historic resources on the west side.

Mr. Nick Philipello, 509 West 28th Street, came forward to speak in opposition. He stated his concern was the cost of rebuilding the district if any future hazard washes away all the properties and need to redevelop the structures in accordance with 1900-motif, similar to downtown.

Mr. Russel Bradley, 3401 Chinquapin Court, came forward to speak in favor of the proposed district. He stated that he supports the Commission's proposal as the streets and sidewalk of this neighborhood, which now is in miserable condition, need to be redeveloped and, if implemented, the district will do better in terms of attracting young people to the area.

Mr. Joe Sarate, 505 South Sterling Avenue, expressed his concern for the eligibility of grant monies to make the improvements of property from the city. He also stated the proposed district will benefit the city by collecting raised taxes.

Commissioner Saginor stated that a historic overlay district does not increase tax. He also stated that property tax and property value are proportional and so property owners usually benefit from raised property values.

Ms. Cindy Alvarez, 708 West 26th Street, stated that the west side is a beautiful place to live except for Bowie Elementary School at 401 West 26th Street. She also opposed the historic district as this area, unlike East side, has a lot of properties including the elementary school vacant since 1985 and are not worthy of preserving for historic district.

Mr. Issac Butler, 1449 Cedar Crest Lane, stated his concern about the additional expenses for structural improvements to conform to the regulations of the proposed historic district. Responding to the question from Chairperson Bienski, Mr. Haynes stated he is not aware of any such issues filed since 1987.

Ms. Ann Hart, 907, West 26th Street, came forward to speak in favor of the proposed district. She stated that east side of downtown has been in the similar state of what west side is now but improved significantly after the implementation of historic district. She pointed out that the establishment of the district might help with making Bowie School look better through application of the demolition by neglect provisions for a historic district.

Mr. Ron Brimhall, 402 West 26th Street, stated that he lives in front of Bowie School which is currently in dilapidated state and has not been redeveloped for a long time and asked a question about what benefit the residents and neighbors would receive if the proposed district is implemented. Commissioner Hairston responded that if the historic district is implemented, the property owners

would benefit from the higher value of their property because of the district and its proximity to downtown.

Responding to the question from Mr. Olexey, Mr. Haynes stated that the 2010 Historic Resources Update cost \$20,000 and was paid for with the help of a matching grant from Certified Local Government (CLG) Program of the Texas Historical Commission (THC).

Commissioner Hairston stated that the proposed historic district could help the west side get respect and recognition.

Commissioner Sale stated that the Commission wants to hear questions and concerns of residents and welcomes any new thoughts and observation from the neighborhood.

Ms. Wendi Lamphene, 100 South Congress Street, asked which homeowners would receive any certificate of appropriateness. Responding to the questions from Ms. Lamphene, Mr. Haynes reiterated under what circumstances a Certificate of Appropriateness would be required and that the current application fee is \$30.

Mr. Brad McCool, 305 West 27th Street, asked if there was an opportunity to cast a vote on the proposed district. He also stated that he supports the proposed district as the neighborhood has the potential to be upgraded with history. Chairperson Bienski advised that there is no public vote and that the Commission would make a recommendation on the proposal to the Planning and Zoning Commission and the City Council.

Ms. Paula Coats, 506 West 26th Street, came forward to speak in favor of the proposal. She encourages the proposal as the historic properties of the area have the potential to be shared with the community.

Mr. Joe G. Sarate, 505 South Sterling Street, stated that he opposes the proposal as he believes that there are not enough significant properties to preserve for the historic district.

Ms. Deborah Olexey, 106 Logan Street, stated that she is 100% against of this proposal as she believes that this area is not worth preserving.

Ms. Theresa Lopez, 802 West 26th Street, stated that the houses can be improved without the City's intervention and the City should not impose any regulations on the property owners for the upkeep of their houses.

Ms. Naomi Brimhall, 402 West 26th Street, stated that she opposes the proposal as there appears to be no benefits to the residents and property owners if the proposed district is implemented.

Mr. Lupe Ostiguine, 504 West 29th Street, stated he opposes the proposal as he believes that his rental properties would not benefit from the proposed district.

Ms. Valdez Corina, 204 West 28th Street, stated that people are afraid of changes but she believes that the proposed district would do better for the community in the long run.

Ms. Arrelano Josephine, 405 West 29th Street, stated that Bowie School has a legacy to be preserved as a historic structure and requested the Commission to consider both the inside and outside, the streets, sidewalk etc., of the historic structures for redevelopment.

Mr. Nicholas William, West 28th Street, stated that the Commission needs to consider carefully before imposing a historic district to see if there are enough historic structures in the vicinity.

The public hearing was closed.

Chairperson Bienski moved to recommend to the Planning and Zoning Commission to designate a West Side Historic preservation overlay district in the area recommended by the 2010 Hardy-Heck-Moore Historic Resource Survey. Commissioner Saginor seconded the motion.

Commissioner Hairston stated that there will be an opportunity to review this proposal again during the Planning and Zoning Commission meeting before it goes to the City Council for final review.

Chairperson Bienski thanked all the attendees for their opinion. He stated that the City of Bryan has a strong history to maintain and mentioned that the residents of the east side, even though opposed at the beginning, thanked the Commission later for envisioning a historic district. He also stated that he believes that the west side has similar potential and resources to preserve for the future.

Commissioner Sale stated that the timing is what concerns the residents, but she believes that if the district is established, there will come a time that the west side will celebrate its district. She thanked all for their opinion and stated that the area bears heritage which needs to be passed to generations and this is the right time to start.

The motion passed with a unanimous vote.

SAMPLE ANNUAL ORDINANCE REMINDER LETTER TEXT:

November 8, 2012

Dear Eastside Property Owner:

As you know, properties within the Eastside Historic District are afforded special protection by City Ordinance to preserve the historic integrity of each property and the District as a whole. Before starting improvement projects that involve construction, reconstruction, or significant alteration to the exterior of any building or structure; please remember that you must first be issued a Certificate of Appropriateness by the Historic Landmark Commission. Failure to obtain this approval prior to beginning work may cause project delays, costly re-construction, or even fines.

Typical improvements that require this Certificate include change of exterior paint or roof color, door or window replacement, porch enclosures, fences and the construction of additions or accessory structures.

Please use the Staff as a resource to ensure your proposed project is compatible in both style and materials within the district, and to assist you with the application procedure. Feel free to contact me at 979.209.5030 if you have any questions or would like a copy of the City of Bryan's Historic Preservation Ordinance or Design Guidelines.

Sincerely,