

Historic Landmark Commission
Meeting Minutes
May 13, 2019

After determining that a quorum was present, the Historic Landmark Commission of the City of Denton, Texas convened in a Work Session on Monday, May 13, 2019 at 4:33 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Chair Alyssa Stevenson. Commissioners: Helen Bailey, Mary Anderson, Roy Anderson, John Morris and Kenneth Williamson

ABSENT: Commissioners: Erin Clegg, Angie Stripling and Katy McBride.

STAFF: Roman McAllen, Jerry Drake, Cynthia Kirchoff, Monica Salcedo, Kelly Robinson, Donnie Carr and Ron Menguita.

1. WORK SESSION REPORT

- A. ID 19-1084 RECEIVE A PRESENTATION AND HOLD A DISCUSSION ON THE UNITED STATES SECRETARY OF INTERIOR STANDARDS FOR HISTORIC PRESERVATION AND THE ROLES AND RESPONSIBILITIES OF THE COMMISSION. THIS IS A PRESENTATION FROM THE TEXAS HISTORICAL COMMISSION CERTIFIED LOCAL GOVERNMENT PROGRAM COORDINATOR LORELEI WILLET.

Lorelei Willet presented information.

The meeting recessed at 5:08 p.m. and reconvened at 5:23 p.m.

2. CLOSED MEETING

Following completion of the Work Session, the HLC Convened in a closed meeting to discuss the following.

- A. ID 19-1100 CONSULTATION WITH ATTORNEYS - UNDER TEXAS GOVERNMENT CODE SECTION 551.071. CONSULT WITH THE CITY'S ATTORNEYS AND DISCUSS LEGAL ISSUES RELATING TO A PENDING APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS APPLICATION AT 2026 W. OAK; WHERE DISCUSSION OF THESE LEGAL MATTERS IN AN OPEN MEETING WOULD CONFLICT WITH THE DUTY OF THE CITY'S ATTORNEYS TO THE CITY OF DENTON, THE DENTON HISTORIC LANDMARK COMMISSION, AND THE DENTON CITY COUNCIL, UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE

1 STATE BAR OF TEXAS, OR OTHERWISE COMPROMISE THE CITY'S LEGAL
2 POSITION IN THE EVENT OF A LEGAL DISPUTE.

3
4 3. REGULAR MEETING

5
6 The Historic Landmark Commission convened in a Regular Meeting on Monday, May 13, 2019
7 at 6:39 p.m. in the Work Session Room at City Hall, 215 E. McKinney, Denton, Texas.

8
9 1. PLEDGE OF ALLEGIANCE

10
11 The HLC and members of the audience pledged allegiance to the U.S. and Texas flags.

12
13 2. ITEMS FOR CONSIDERATION

14
15 Chair Alyssa Stevenson requested the April 8, 2019 HLC Meeting Minutes to be added to the next
16 agenda for approval. Chair Stevenson announced for the record there was not a quorum present
17 for the April 24, 2019 HLC Meeting.

- 18
19
20 A. HOLD A PUBLIC MEETING AND CONSIDER AN APPLICATION FOR A
21 CERTIFICATE OF APPROPRIATENESS (COA), IN ACCORDANCE WITH
22 SECTION 35.7.6.8.A, TO CONSTRUCT A NEW BUILDING AT 2026 WEST OAK
23 STREET, WITHIN THE WEST OAK AREA HISTORIC DISTRICT (WOAHD).
24 THE SITE IS LOCATED BETWEEN BRADLEY STREET AND THOMAS
25 STREET. (COA19-0002, ROMAN MCALLEN)

26
27 Roman McAllen, Historic Preservation Officer, presented Item for Consideration 2A. McAllen
28 stated staff recommends approval with stated conditions.

29
30 The following individuals spoke during this item:

- 31
32 Adam Skelton, 1711 Oakhill Drive, Corinth, Texas 76210.
33 Melanie Betz, 2412 Kayewood Drive, Denton, Texas 76209.
34 Michael Rehmet, 608 Monterey Drive, Keller, Texas 76248.
35 Deb Conte, 2106 N Bell Avenue, Denton, Texas 76209.
36 Steven Friedson, 2044 W Oak Street, Denton, Texas 76201.

37
38 Adam Skelton, the applicant, presented information regarding the property in question and added
39 the expansion of St. Maximus Orthodox Church is to accommodate their growing congregation.

40
41 Commissioner Bailey questioned if Mr. Skelton was representing the entire development plan, or
42 if there is an Architect managing the project. Skelton stated they do have an Architect and
43 mentioned he was listening to the meeting via cell phone. Jerry Drake, First Assistant City
44 Attorney, stated that due to the circumstances we as a committee would not be able to speak to the
45 Architect by phone. Drake explained the applicant is required to notify the committee beforehand

1 to be able to accommodate by either Skype or by Proxy. Drake added staff also needs to be notified
2 in order to include accommodations in agenda and make public aware.

3
4 Bailey questioned the architectural design. She inquired about the solid masonry construction with
5 white stucco and requested construction methods. Bailey also questioned who would oversee
6 designing and building the church. Skelton stated based on the building code it would most likely
7 be a non-combustible building type and added that they had an architect that would be taking care
8 of the design and construction. Bailey than questioned if there is a way to accommodate the
9 religious requirements of the building and meet the Historic District Design Standards due to the
10 houses around the neighborhood being different than the proposed building. Melanie Betz
11 responded they would like for the church to be built in a Traditional Orthodox Byzantine style and
12 keep their architectural design. Betz explained with an Orthodox church there is a transition from
13 world to something holy, we stand before God. Church is not separate from theology. We say the
14 church (building) is our theology. Square box represents earth, dome represents heaven. They
15 touch where heaven and earth meet. Heaven is not a destination to meet – it's there. The purpose
16 of the style is to accommodate religious beliefs. Betz explained that an Orthodox Church is very
17 different from other churches. Proposed design represents a compromise. We don't worship the
18 building – it's a place to commune, but a church can be holy, just like a person can be
19 holy. Cultural compromises can be made that's up to the architect. Bailey questioned is the
20 Spanish style integral to the religious requirements? Skelton responded our intent is to compromise
21 and match local architectural standards. Betz added that the current building has been used as a
22 church for 15 years but, due to their community growing they need a bigger building. Michael
23 Rehmet stated Andrew Gould, the Architect, made changes to meet local architectural standards
24 and that they would like to keep it as close to what they have to be able to meet their religious
25 requirements. Commissioner Bailey questioned if Andrew Gould is a registered architect, Skelton
26 and Rehmet responded yes, and mentioned the Architects website at
27 www.newworldbyzantine.com.

28
29 Commissioner Roy Anderson questioned if the dome and alter need to be in the East end of the
30 building. Skelton responded yes, it's a tradition for their religion and can be altered but they
31 wouldn't want to.

32
33 Commissioner Roy Anderson questioned the conceptual plans from 2011-2012 that were
34 submitted for approval and what was the primary reason for the switch from those plans to the
35 Spanish Architecture. Michael Rehmet responded those plans were the original concept of their
36 church but due to a vote they decided to submit current project and build in front of the property.

37
38 Bailey stated the plans from 2011-2012 would fit more closely to the architectural style in the
39 neighborhood and questioned if they would still meet their religious requirements. Rehmet
40 responded the design that Andrew Gould made for the back of the property more of a Russian
41 County Wooden type church and that it would meet the religious requirements of the church.
42 Rehmet responded there are multiple styles of Orthodox churches and they are all canonically
43 acceptable. Rehmet stated we do not have to have a Spanish Mission style church, but this was
44 something that everybody liked.

1 Commissioner Mary Anderson questioned the roofing materials. Rehmet explained it would be
2 hand crimped metal roofing fitting the Spanish architectural design.

3
4 Deb Conte, public speaker, explained how the proposed structure wouldn't meet elements for a
5 Historic District Overlay. Conte believes the proposed structure does not meet four of the five
6 elements for a historic district. Conte thinks the compatibility with the neighborhood needs to
7 remain.

8
9 Commissioner Kenneth Williamson questioned what supersedes the development code or the
10 overlay district code. Ron Menguita, Principal Planner, stated the overlay has requirements and
11 restrictions and if in conflict with the development code overlay restrictions supersede the
12 development code. Anything that is silent that is not mentioned in the overlay will fall back to the
13 development code.

14
15 Commissioner Kenneth Williamson questioned average setbacks of the overlay and whether this
16 would be part West Oak Overlay. Chair Stevenson stated based on what is on the West Oak
17 Historic District Overlay standards, a 30-foot setback is standard in this area and new construction
18 should follow that standard in the West Oak Historic District. Drake agreed with Stevenson and
19 stated the setback and new building definition, that all buildings must be placed so as not to
20 adversely affect the rhythm of spaces between buildings on the block.

21
22 Commissioner Roy Anderson motioned for approval with the following conditions; agree setbacks
23 no less than 40-feet, and to follow staff recommendation for parking and fence height. There was
24 no second and Commissioner Anderson withdrew his motion.

25
26 Commissioner Bailey motioned for approval with the condition that the architectural style is
27 modified to better suit the style of the neighborhood. Commissioner Bailey stated first proposal
28 from 2011 architectural style would be more suited to the neighborhood. Drake stated due to the
29 application not being from 2011-2012 but for the current year, motion cannot be approved. Drake
30 added the issue is that the application currently submitted is not for the 2012 architectural style but
31 for the Byzantine style, for approval you really have to be referring to something specific that has
32 been submitted. He suggested Commissioner Bailey could express a willingness to consider a
33 different style if brought forward but at this point it would not be proper approve something which
34 is not defined. There was no second and Commissioner Bailey withdrew the motion.

35
36 Commissioner Roy Anderson questioned if no motions are made for approval of item will item
37 2A would be automatically approved within 45 days because of no action from the Committee.
38 Chair Stevenson responded yes, it would automatically be approved if no movement or it has not
39 been tabled for denial or approval in 45 days.

40
41 Commissioner John Morris motioned for approval with the staff recommendations. Commissioner
42 Anderson seconded. Commissioner Anderson and Bailey expressed concern that the proposed
43 project would not blend in architecturally or in scale. Historic Landmark Commission
44 recommended if the applicants would agree to the accommodations such as changing materials,
45 color, siding material, roof material, and size, then they would not have to change the new
46 submittals and they could be approved.

1 McAllen shared that if there is no action the landmark commission after 45 days the COA would
2 be approved, if permit is denied normally applicant cannot come back within a year with the same
3 project. Drake added if commission and applicant are interested another option would be for
4 applicant to come back with a different project, applicant would have to withdraw the current
5 application and architect consider some adaptations and when the new plans are ready to be
6 brought forward and arrangements are made for architect to be present to be heard and have
7 questions asked than that would be a way around to avoid the 45 days and 1 year.

8
9 Commissioner Williamson questioned if applicants have a time deadline to initiate the process of
10 the project. Skelton responded they don't have a deadline and no they would not withdraw the
11 application. Commissioner Morris withdrew his motion. Chair Alyssa Stevenson stated motion
12 failed (due to tie vote). Meeting recessed at 8:02 p.m. and reconvened at 8:17 p.m.

13
14 Commissioner Roy Anderson motioned, Commissioner Mary Anderson seconded to deny Item for
15 Consideration 2A. Commissioner Mary Anderson "aye", Commissioner Helen Bailey "aye",
16 Commissioner Kenneth Williamson "aye", Commissioner Roy Anderson "aye", Chair Alyssa
17 Stevenson "nay", Commissioner John Morris "nay". Motion carried (4-2).

18
19 Commissioner Helen Bailey moved to waive the one year waiting period if applicant proposes a
20 different architectural design and works with the commission or staff to compromise; specifically,
21 by meeting both the historic overlay requirements and more closely approximating the
22 architectural style of the neighborhood and bringing the project back before the HLC. Mary
23 seconded, and the motion passed unanimously

24
25 In response to a question from the applicant, Chair Stevenson clarified the reason for the denial of
26 the application is that the project's architectural details, color, structural decoration elements and
27 the manner in which they are used or applied or joined together, are incompatible with the
28 neighboring structures. Chair Stevenson stated that the HLC is not in disagreement with the size,
29 footprint, orientation, or the Orthodox style.

30
31 B. CONSIDER AN APPLICATION FOR A HISTORIC LANDMARK TAX
32 EXEMPTION FOR A HISTORICALLY DESIGNATED SITE AND DETERMINE
33 IF THE SITE IMPROVEMENTS CONSTITUTE PERMANENT IMPROVEMENTS
34 AND/OR RESTORATION OF THE PROPERTY AT 607 EAST COLLEGE
35 STREET, PURSUANT TO ARTICLE VI OF THE CODE OF ORDINANCES.
36 (HL19-0003, ROMAN MCALEN)

37
38 Commissioner Anderson motioned, Mary Anderson seconded to approve Item for Consideration
39 2B. Anonymous vote. On a roll call vote, Commissioner Mary Anderson "aye", Commissioner
40 Helen Bailey "aye", Commissioner Kenneth Williamson "aye", Commissioner Roy Anderson
41 "aye", Chair Alyssa Stevenson "aye" and Commissioner John Morris, "aye". Motion carried (6-
42 0).

43
44 C. CONSIDER A NOTICE FROM THE TEXAS HISTORICAL COMMISSION
45 REGARDING THE NOMINATION OF THE FAIRHAVEN RETIREMENT HOME,

1 LOCATED AT 2400 NORTH BELL AVENUE, TO THE NATIONAL REGISTER
2 OF HISTORIC PLACES. (HL19-0005, ROMAN MCALLEN)
3

4 Commissioner Williamson recused himself from item 2C due to a conflict of interest.
5

6 Commissioner Anderson motioned, Commissioner Bailey seconded to approve item 2C for
7 Consideration. Anonymous vote. On a roll call vote, Commissioner Mary Anderson “aye”,
8 Commissioner Helen Bailey “aye”, Commissioner Roy Anderson “aye”, Chair Alyssa Stevenson
9 “aye”, Commissioner John Morris “aye”. Motion carried (5-0).
10

11 3. CONCLUDING ITEMS:
12

13 Chair Stevenson requested an update on Andy’s Bar and for April minutes to be added on the next
14 agenda.
15

16 With no other business, the meeting was adjourned at 8:48 p.m.
17

X 
Alyssa Stevenson
Chair of Historic Landmark Commission

X 
Monica Salcedo
Administrative Assistant

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