

Historic Landmark Commission
Meeting Minutes
November 11, 2019

After determining that a quorum was present, the Historic Landmark Commission of the City of Denton, Texas convened in a Regular Meeting on Monday, November 11, 2019 at 5:30 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas, at which the following items were considered:

PRESENT: Chair Roy Anderson, Vice-Chair Mary Anderson. Commissioners: Melody Kohout, Linnie McAdams, Kady Finley and Janell Cottam.

ABSENT: Commissioners: Erin Clegg, Evan Stone and Angie Stripling.

STAFF: Jerry Drake, Cynthia Kirchoff, Monica Salcedo and Ron Menguita.

Chair Anderson opened the Historic Landmark Commission meeting at 5:35 p.m.

REGULAR MEETING

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

2. ITEMS FOR CONSIDERATION

C. Hold a public meeting and consider an application for a Certificate of Appropriateness (COA), in accordance with Section 2.9.2 of the Denton Development Code, to construct a backyard wood deck at 705 West Oak Street, within the Oak Hickory Historic District (OHH). The site is located on the corner of Oak Street and Denton Street. COA19-0012, 705 W Oak St, Ron Menguita)

Chair Roy Anderson announced the Commission decided due to special circumstances, start the meeting out of sequence from the posted agenda.

Ron Menguita, Principal Planner, presented Item for Consideration 2C. Menguita requested the Commission to provide any changes or recommendations.

Chair Roy Anderson inquired if the part of the deck that will be facing Denton Street will be brown or the current color of the house. Scott Cotter, the applicant, stated it will be brown to match the existing masonry.

Vice-Chair Mary Anderson questioned if the deck will have railings, if so what will the height be of the railings? Cotter stated the railings will be 3 feet from the base of where the railing will be on the deck but, a total of 9 feet from the ground including the 6 feet of lattice and panels. The elevation of the back of the house is very high since it has a basement, therefore that is the reason the height of the railings and lattice will be a total of 9 feet.

1 Vice-Chair Mary Anderson recommended if the color of the lattice and railings could be changed
2 from brown to white. Cotter stated he would ask their designer for other suggestions or
3 recommendations.

4 Commissioner Linnie McAdams motioned for the Historic Landmark Commission to recommend
5 the approval of the COA subject to the changes as followed: 1. Change the color of the railing
6 from brown to white. 2. On the center window renovation, renovations can be made if applicant
7 keeps the same existing kind of trim and frame. Motion seconded by Melody Kohout. Motion
8 carried 6-0-3.

9 AYES (6): Chair Roy Anderson, Vice-Chair Mary Anderson. Commissioners: Linnie McAdams,
10 Kady Finley, Janell Cottam and Melody Kohout.

11 NAYS (0): None

12 ABSENT (3): Commissioners: Erin Clegg, Evan Stone and Angie Stripling.

13 14 **CLOSED MEETING**

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16 The Historical Landmark Commission convened into a Closed Meeting at 5:54 p.m. consistent
17 with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law, as
18 follows:

19 Consult with the City's attorneys and discuss legal issues relating to a pending application for a
20 certificate of appropriateness application at 2026 W. Oak; where discussion of these legal matters
21 in an open meeting would conflict with the duty of the City's attorneys to the City of Denton, the
22 Denton Historic Landmark Commission, and the Denton City Council, under the Texas
23 Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise
24 the City's legal position in the event of a legal dispute.

25 The Closed Meeting started at 5:54 p.m. and ended at 6:18 p.m. Item 1.A was not deliberated. No
26 votes or actions were taken during the Closed Meeting.

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28 Following the Closed Meeting the Regular Meeting reconvened at 6:18 p.m.

29 30 **REGULAR MEETING**

31 32 **2. ITEMS FOR CONSIDERATION**

33 34 **A. Consider approval of the minutes of October 14, 2019**

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36 Commissioner McAdams motioned to approve the October 14, 2019 meeting minutes. Motion
37 seconded by Vice-Chair Mary Anderson. Motion carried 6-0-3.

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39 AYES (6): Chair Roy Anderson, Vice-Chair Mary Anderson. Commissioners: Linnie McAdams,
40 Kady Finley, Janell Cottam and Melody Kohout.

41 NAYS (0): None

42 ABSENT (3): Commissioners: Erin Clegg, Evan Stone and Angie Stripling.

Chair Anderson added before moving forward with Item 2B, he wanted to add clarify, on May 13, 2019, the Historic Landmark Commission (HLC) reviewed the subject COA and denied the application. If denied, no further applications may be considered for the subject matter of the denied application for one (1) year from the date of the HLC decision, unless the HLC waives the time limitation upon finding there are changed circumstances regarding the property sufficient to warrant a new consideration. As part of the HLC's denial decision, previous Commissioner Helen Bailey moved to waive the one year waiting period if the applicant proposes a different architectural design and works with the Commission or staff to compromise, specifically, be meeting both the Historic Overlay requirements and more closely approximating the architectural style of the neighborhood and bringing the project back before the HLC. Chair Anderson clarified denying the COA was not the intent from the Commission and would like to reconsider the COA.

Vice-Chair Mary Anderson motioned to waive the 1-year prohibition against refiling. Motion seconded by Commissioner Cottam. Motion carried 6-0-3.

B. Hold a public meeting and consider an application for a Certificate of Appropriateness (COA), in accordance with Section 2.9.2 of the Denton Development Code, to construct a new building at 2026 West Oak Street, within the West Oak Area Historic District (WOH). The site is located on Oak Street between Bradley Street and Thomas Street. (COA19-0002a, St. Maximus Orthodox Church, Ron Menguita)

Ron Menguita, Principal Planner, presented Item for Consideration 2B. Menguita requested the Commission to provide any changes or recommendations.

Chair Anderson questioned why would does the COA have one year to construct? Cynthia Kirchoff, Deputy City Attorney, stated per the DDC, section 2.9.2a.2.3, a COA shall expire in one year from the date of issuance. Chair Anderson questioned if the Commission can waive or extend the expiration time frame? Kirchoff stated the one-year expiration period cannot be waived.

Andrew Gould, Design Architect, presented information regarding the property in question and architectural and site plan changes.

Menguita added, if the COA would be approved and since it is within in the West Oak Historic District, applicant would have to apply for a new building permit and comply with all the zoning regulations such as height, landscaping, setbacks, parking and design standards. Menguita stated staff would also require an approved zoning compliance plan along with a one-year COA expiration period from the date the building permit is obtained per the Denton Development Code (DDC) guidelines.

Vice-Chair Mary Anderson motioned for the Historic Landmark Commission to recommend the approval of the COA subject to the recommendations as followed: **1.** Zoning Compliance Plan approval will be required per the Denton Development Code. **2.** The Certificate of Appropriateness shall expire one year from the date of approval by the Historic Landmark Commission. Motion seconded by Commissioner Linnie McAdams. Motion carries unanimously.

AYES (6): Chair Roy Anderson, Vice-Chair Mary Anderson. Commissioners: Linnie McAdams, Kady Finley, Janell Cottam and Melody Kohout.

- 1 NAYS (0): None
2 ABSENT (3): Commissioners: Erin Clegg, Evan Stone and Angie Stripling.
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4 With no other business, the meeting was adjourned at 6:54 p.m.

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Roy Anderson
Chair of Historic Landmark Commission

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Monica Salcedo
Administrative Assistant

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