

RESOLUTION 2023-009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING FINDINGS OF FACT IN SUPPORT OF THE CITY COUNCIL’S DECISION TO
REMAND TO THE HISTORICAL PRESERVATION COMMISSION FOR REHEARING
THE DETERMINATION OF ELIGIBILITY FOR LANDMARK DESIGNATION OF THE
SERVICE STATION LOCATED AT 825 NORTH COLLEGE AVENUE

WHEREAS, on September 7, 2022, in accordance with Land Use Code 3.4.7 and as a result of the filing of a development review application, City historic preservation staff issued an official determination that three buildings located at 825 North College Avenue (the “Property”) were eligible for Fort Collins landmark designation pursuant to the standards for determining eligibility under Section 14-22 of the City Code; and

WHEREAS, the owner of the Property and the three buildings (the “Appellant”) appealed City staff’s official determination to the Historic Preservation Commission; and

WHEREAS, on October 19, 2022, the Historic Preservation Commission (“HPC”) heard the Appellant’s appeal of staff’s official determination and rendered a determination that two of the buildings on the Property were not eligible for landmark designation, but that the service station located on the Property was eligible because of its Significance and Integrity, as those standards are defined by Section 14-22 of the City Code; and

WHEREAS, on October 31, 2022, the Appellant filed a Notice of Appeal (the “Appeal”) of the HPC’s decision as to the eligibility of the service station for landmark designation; and

WHEREAS, pursuant to City Code Section 2-46, the Appeal was filed timely, and the Appellant is a party-in-interest eligible to file an appeal; and

WHEREAS, the Appeal alleged that the HPC failed to conduct a fair hearing because it considered evidence relevant to their findings that was substantially false or grossly misleading; and

WHEREAS, the Appeal also alleged that the HPC failed to properly interpret and apply provisions in Section 14-22 of the City Code in making its decision; and

WHEREAS, on December 20, 2022, the City Council, after notice given in accordance with City Code Section 2-52, held a public hearing pursuant to City Code Section 2-54 to consider the allegations raised in the Appeal at which hearing the City Council considered the record on appeal, statements concerning physical characteristics of the subject property obtained by Councilmembers during the site inspection, testimony from City staff, and statements and argument by the Appellant’s representative and its legal counsel, in support of the Appeal; and

WHEREAS, after discussion, the City Council found and concluded based on the evidence in the record and presentations made at the Council hearing on December 20, 2022, that the HPC did not fail to conduct a fair hearing by considering evidence relevant to their findings that was substantially false or grossly misleading; and

WHEREAS, the City Council further found and concluded based on the evidence in the record (including the Staff Report) and presentations made at the City Council hearing on December 20, 2022, that the matter should be remanded to the HPC for rehearing in accordance with Section 2-56(b)(2) of the City Code for the HPC to receive and consider additional information concerning the standards of Significance and Integrity under Section 14-22 of the City Code; and

WHEREAS, City Code Section 2-56(c) provides that no later than the date of its next regular meeting after the hearing of an appeal, City Council shall adopt, by resolution, findings of fact in support of its decision on the Appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, pursuant to Section 2-56(c) of the City Code, the City Council hereby makes and adopts the following findings of fact and conclusions:

1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.
2. That the Appeal's fair hearing allegations and the allegation that the Historical Preservation Commission failed to properly interpret and apply Section 14-22 of the City Code, conform to the appeal requirements of Section 2-48 of the City Code.
3. That, based on the evidence in the record and presentations made at the City Council hearing on December 20, 2022, the HPC did not fail to conduct a fair hearing by considering relevant evidence that was substantially false or grossly misleading.
4. That, based on the evidence in the record and presented at the City Council hearing on December 20, 2022, the Council finds that this matter should be remanded to the HPC in accordance with Section 2-56(b)(2) of the City Code, so that the HPC may receive and consider additional information as to the Significance and Integrity of the service station, as those standards apply under Section 14-22 of the City Code.
5. That adoption of this Resolution shall constitute the final action of the City Council in accordance with City Code Section 2-56(c).

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 17th day of January, 2023.

Mayor

ATTEST:

City Clerk