

June 4, 2024



AGENDA ITEM SUMMARY

City Council

STAFF

Paul Sizemore, Director, Community Development and Neighborhood Services
Maren Bzdek, Manager, Historic Preservation Services
Jim Bertolini, Senior Historic Preservation Planner

SUBJECT

Appeal of the Historical Preservation Commission's Decision Finding 2601 South College Avenue Eligible for Landmark Designation.

EXECUTIVE SUMMARY

The purpose of this quasi-judicial item is to consider an appeal of the decision of the Historic Preservation Commission ("HPC") on April 17, 2024, determining that the property at 2601 South College Avenue (the "Property," historically, the Ghent Auto Dealership) is eligible for designation as a Fort Collins Landmark.

The Appellant, Dracol, LLC, the owner of the Property, raises one issue on appeal: that the HPC failed to properly interpret and apply provisions of City Code Section 14-22, which establishes standards for determining the eligibility of structures for designation as landmarks or landmark districts. Specifically, Appellant alleges that the HPC failed to properly establish historic significance under either Standard 1 (Events/Trends) or Standard 3 (Design/Construction), and further failed to establish clear historic integrity; before making a ruling on whether the Property met the standards for significance and integrity required for Landmark designation under the Code.

STAFF RECOMMENDATION

None.

BACKGROUND / DISCUSSION

SUMMARY OF HISTORIC PRESERVATION COMMISSION (HPC) HEARING

The purpose for the HPC hearing regarding 2601 South College Avenue on April 17, 2024, was to determine whether the subject Property met the City's eligibility standards for City Landmark designation outlined in Municipal Code 14, Article II. To be eligible for Landmark designation and be considered an "historic resource" for development purposes, a property must meet one or more of the "significance" standards outlined in Municipal Code Section 14-22(a) *and* retain sufficient "historic integrity," defined in Section 14-22(b) as the ability of a property to convey its historic significance.

Preservation staff initiated the historic survey process in response to a preliminary development review (PDR) application reviewed by City staff on August 16, 2023. The historic survey to determine if a property qualifies as a City Landmark is a requirement of the City's Land Use Code, Section 5.8.1(C)(2) (formerly 3.4.7(B)(2)) before the Land Use Code updates took effect on May 17, 2024). Under Land Use Code 3.4.7

(B & C) (renumbered to 5.8.1 (C & D) with the latest Land Use Code updates), the historic survey is required when the development property contains buildings, sites, structures, or objects that are fifty (50) years of age or older and the property does not have a finding on Landmark eligibility from within the last five (5) years. With Council's finding from April 2018 expiring in April 2023, and because several aspects of eligibility seemed not to have been considered during the 2017-2018 HPC finding and appeals process, City staff required the completion of a new historic survey. This was completed on October 17, 2023, finding the Property Eligible, and issued to the developer/property owner on that date.

Original Staff Finding

The purpose of the HPC hearing was to evaluate the former Ghent Auto Dealership, consisting of two buildings and one non-historic object (Feature 3) located at 2601 South College Avenue, to determine the Property's eligibility for designation as a Fort Collins Landmark according to the requirements contained in Municipal Code Section 14-22. On October 17, 2023, City staff determined the Property at 2601 South College to be Eligible as a Fort Collins Landmark under three standards (only one is required), thus meeting the definition of an "historic resource" under Municipal Code 14-3.

Based on the historic survey form prepared by a historian on City staff, the October 17, 2023, Official Determination found that both buildings on the Property met the eligibility requirements for significance and integrity. Staff's findings are included in the Historic Survey Form for 2601 South College Avenue, and were based on the following information:

- Under Standard 1 (Events/Trends), the site is strongly associated with the post-war movement of Fort Collins businesses, generally, and automobile dealerships, specifically, away from downtown toward the edges of the city.
- The site is significant under Standard 2 (Persons/Groups) for its association with Frank and Dwight Ghent. Additional research conducted for this project found Dwight and Frank Ghent influential and important members of the Fort Collins business community.
- Under Standard 3 (Design/Construction), the site is significant as an excellent and rare remaining example of mid-century automobile dealership design in Fort Collins and as a significant example of the Modern Movement / Contemporary architectural style in the city.
- That despite some modifications, including replacement of the original roof (presumably rolled asphalt or ballast) with standing seam metal, and replacement of the service garage doors with more modern (c.1980s) replacements, the Property retained sufficient historic integrity to convey its significance.

Historic Preservation Commission Hearing and Finding

Staff decisions regarding eligibility for historic status are subject to appeal to the HPC within 14 days of the determination issue date, per Sec. 14-23(b) of the code. The property owner appealed to the staff determination on October 23, 2023. The HPC meeting was held on April 17, 2024, to accommodate the appellant's need to consult with their own historic preservation consultant and legal counsel.

The HPC's sole consideration was a *de novo* evaluation of the Property's eligibility for designation as a Fort Collins Landmark. While the implications of the results of that evaluation include whether the existing buildings would be treated as historic resources under the Land Use Code, the HPC did not consider or review the proposed development application for the Property, and the members did not discuss how the Land Use Code or approved modifications of standards might be applied to the Property.

The HPC's evaluation was governed by City Code Section 14-22, which establishes that a property or district must possess *Significance* under at least one of four criteria (events, persons/groups, design/construction, or information potential) and also must possess *Integrity*, i.e., the ability to convey any established significance through existing, related physical characteristics. Integrity is evaluated based on seven aspects as noted in the City Code: location, design, setting, materials, workmanship, feeling, and

association; however, all seven aspects are not required “as long as the overall sense of past time and place is evident.”

The HPC considered the following information when making their decision on eligibility:

1. The Property’s intensive-level historic survey document that was the basis for staff’s determination of eligibility; and
2. Additional information from staff provided in the HPC meeting agenda item summary (AIS) and presentation regarding the Property’s history in the context of the development of Fort Collins, the Property’s current condition, and discussion of professional methodology that is commonly used to evaluate historic properties under Fort Collins Municipal Code. This methodology, based on the Code’s language, places value on local significance as well as incorporating national standards from the National Register of Historic Places; and
3. Evidence and information provided by the Appellant, including an intensive-level historic survey document produced by the appellant’s historian, who met the City’s professional qualifications for historic preservation; and
4. Evidence and comments received from members of the public, in writing, prior to the meeting (no members of the public spoke at the meeting).

The HPC determined the following regarding the Property:

- The HPC found that the Property meets Standard 1 (Events/Trends), specifically as a significant reflection of the post-war movement of Fort Collins businesses, generally, and automobile dealerships, specifically, away from downtown toward the edges of the city.
- The HPC found that the Property meets Standard 3 (Design/Construction) as a resource that embodies Modern Contemporary design in Fort Collins.
- The HPC found that the Property does not meet the requirements for Standard 2 (Persons/Groups) or Standard 4 (Information Potential).
- The HPC found that the Property meets a sufficient number of the seven aspects to retain historic integrity, specifically the following aspects outlined in Municipal Code 14-22(b):
 - Location, because the Property had not been moved since construction;
 - Design, because most major architectural features of the Contemporary design remain;
 - Setting, because the changes to the surrounding neighborhood do not detract from the original 1960s setting of the Property;
 - Materials, because only minor elements have been removed or altered and the original buildings remain intact; and
 - Workmanship, because the original materials and construction techniques of its time remain apparent.

On a vote of 4-2, the HPC determined that the Ghent Auto Dealership at 2601 South College Avenue meets the requirements for eligibility for Landmark designation, because it meets at least one standard of significance and retains sufficient historic integrity.

CLAIMS ON APPEAL

Appellant timely filed a Notice of Appeal seeking reversal of the HPC’s determination as to eligibility for the Ghent Auto Dealership. Appellant asserts one claim: Appellant alleges that the HPC failed to properly interpret and apply City Code Section 14-22. More specifically, Appellant contends that that the auto dealership lacks sufficient significance or integrity to convey its Significance as required under Section 14-22. In its Notice of Appeal, Appellant argues the following:

- Regarding significance found under Standard 1 (Events/Trends), that “the HPC failed to properly apply the criteria to the evidence in the record...Although the Cultural Resource Survey prepared by the City stated that the Property was significant for “events,” as a reflection of the post-war movement of City businesses, and specifically automobile dealerships, away from downtown, the evidence in the record shows that this Property did not individually contribute significantly to this facet of urban development, as urban expansion to suburbia was happening everywhere in the United States, and had been in progress for two decades by the time this dealership was built.’ Therefore, the HPC erred in finding that the criterion of “events” was met.”
- Regarding significance found under Standard 3 (Design/Construction), that “ the HPC failed to properly apply the criteria to the evidence in the record, specifically that “although the Cultural Resource Survey prepared by the City stated that the Property was significant for “design/construction” as a resource that embodies Modern Contemporary design, the evidence in the record shows that this Property does not represent the work of a master, nor high artistic value, nor a distinguishable entity, as required by the criteria, and in fact the design and details are “very common” and in “no way remarkable” for the period, as documented in the Appellant Survey. Therefore, the HPC erred by finding the “design/construction” criterion for significance was met.”
- Regarding historic integrity, or the ability of the Property to convey its significance under one or more of the City’s significance standards, “the HPC again failed to properly apply the seven criteria for integrity to the evidence in the record. First, the HPC erred by finding that even five of the seven criteria for integrity were met. As demonstrated by the evidence in the record, including the Property Owner’s cover letter, the Appellant Survey, and the testimony of Ms. Feinberg Lopez, none of the seven criteria are met. However, even if such five criteria had been met, the HPC still erred in making a finding that the criteria for integrity as a whole were met. This is true even though the Code states that not all seven criteria need to be met “as long as the overall sense of past time and place is evident.” As documented in the Official Determination, the HPC found that the criteria for integrity of “feeling” (“a resource’s expression of the aesthetic or historic sense of a particular period of time”) and “association” (“the direct link between an important event or person and a historic or prehistoric resource”) were not met. If a resource fails to express the aesthetic or historic sense of its time period, and there is no apparent link between the historic resource and its significance, then it is not possible that the “overall sense of past time and place” could be “evident,” and therefore the failure of these criteria to be met should have led to a determination that the Property did not contain sufficient integrity for historic designation.”
- Regarding comparisons with other, similar, properties in Fort Collins, “in coming to its conclusion, the HPC relied on a belief that the Property is one of only two remaining commercial buildings from the era in the area, but the record demonstrates that in fact there are many more than two. The Appellant Survey provides examples of at least nine commercial buildings in addition to the Property that were constructed along College Avenue within 10 years of the Property, some of which are auto dealerships. Therefore, the HPC improperly applied the criteria to the facts in the record with respect to integrity.”
- Regarding Land Use Code changes made in 2019 relating to evaluating historic properties, “Please note that in 2017, in connection with the proposed redevelopment of the Property, City staff determined that the Property was eligible for historic designation. The HPC upheld this determination on appeal, and the Property Owners appealed to Council. Council overturned the determination on April 3,2018, finding that the Property and its improvements did not meet the criteria for eligibility for historic designation in the Code, and determining that the Property was not eligible for designation. Council’s determination recently expired on April 3, 2023. The record shows that since Council’s determination on April 3, 2018, there have been no new discoveries about the historic significance of the site, and the criteria for eligibility in the Code have not changed to a degree sufficient to warrant a different finding.

CITY FINANCIAL IMPACTS

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Public Hearing Notice and Mailing List
2. Notice of Appeal Filed April 30, 2024
3. Staff Report to Historic Preservation Commission, April 17, 2024
4. Staff Presentation to Historic Preservation Commission, April 17, 2024
5. Applicant Presentation to Historic Preservation Commission, April 17, 2024
6. Public Comment List
7. Verbatim Transcript of Meeting
8. Link to Meeting Video
9. Presentation