

RESOLUTION 2024-079
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING FINDINGS OF FACT IN SUPPORT OF THE CITY COUNCIL'S
DECISION TO OVERTURN ON APPEAL THE HISTORIC PRESERVATION
COMMISSION DETERMINATION THAT 2601 SOUTH COLLEGE AVENUE IS
ELIGIBLE FOR FORT COLLINS LANDMARK DESIGNATION

A. On April 17, 2024, the Historic Preservation Commission ("Commission") conducted a *de novo* hearing and upheld the October 17, 2024, decision of the City Historic Preservation Services Staff that 2601 South College Avenue (the "Property") is eligible for Fort Collins landmark designation pursuant to City Code Section 14-22.

B. On April 30, 2024, Angela Hygh as counsel for the Property owner Dracol LLC ("Appellants") filed a Notice of Appeal ("Appeal") of the April 17, 2024, Commission decision, alleging the Commission failed to properly interpret and apply City Code Section 14-22 standards for determining the eligibility of sites, structures, objects and districts for designation as landmarks or landmark districts.

C. On June 4, 2024, the City Council, after notice given in accordance with City Code Section 2-52, held a public hearing ("Hearing") pursuant to City Code Section 2-54 to consider the allegations raised in the Appeal.

D. At the Hearing the Appellants and the Appellants' historic preservation expert appeared and addressed Council, arguing in favor of the Appeal.

E. At the Hearing, a party-in-interest under the City Code Section 2-46 definition who was a person who provided written comments to the Commission before the Commission's hearing, Meg Dunn, argued in opposition to the Appeal.

F. The City Council based its decision on the record on appeal according to City Code Section 2-51, testimony from City staff, statements and arguments by the Appellants and Appellants' historic preservation expert, and statements and arguments in opposition to the appeal.

G. The City Council overturned the Commission's April 17, 2024, decision that the Property is eligible for historic landmark designation, because the Commission failed to properly interpret and apply City Code Section 14-22(a) in finding that the Property possesses significance, because under:

1. Subsection 14-22(a)(1) Events, the Property does not individually contribute significantly to the history of Fort Collins; and
2. Subsection 14-22(a)(3) Design/Construction, the Property does not embody midcentury modern architecture and lacks artistic value.

H. 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.

In light of the foregoing recitals, which the City Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The April 17, 2024, Commission decision regarding the Property is overturned, and the Property is not eligible for Fort Collins landmark designation.

Section 2. The determination that the Property is not eligible for Fort Collins landmark designation will remain valid until June 18, 2029.

Section 3. Any other issues raised in the Appeal are without merit and are denied and dismissed.

Section 4. The adoption of this Resolution constitutes the final action of the City Council in accordance with City Code Section 2-56(c).

Passed and adopted on June 18, 2024.

Mayor Pro Tem

ATTEST:

Interim City Clerk

Effective Date: June 18, 2024

Approving Attorney: Heather N. Jarvis