



AGENDA ITEM SUMMARY

City Council

STAFF

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SUBJECT

Appeal of the Historic Preservation Commission's Decision Finding 825 North 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 October 19, 2022, determining that a portion of the property at 825 North College Avenue (historically, the M-K Service Station/North College Standard Service, is eligible for designation as a Fort Collins Landmark.

Appellant, GARA, LLC, the owner of the property, raises two issues on appeal:

First, Appellant argues that the HPC considered evidence relevant to its findings that was grossly misleading. More specifically, Appellant alleges that the HPC was prejudiced by City staff's "overuse and emphasis of the history of the property, which caused a lack of proper consideration as to whether the Quick Lube Building retains sufficient integrity today to qualify as an historic structure."

Second, Appellant argues that the HPC failed to properly interpret and apply provisions of the 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 determine whether the service station located on the property retained the significance and integrity required for Landmark designation under the Code.

STAFF RECOMMENDATION

N/A

BACKGROUND / DISCUSSION

SUMMARY OF HISTORIC PRESERVATION COMMISSION HEARING

The purpose of the HPC hearing was to evaluate three buildings/structures located at 825 and 829 North College Avenue to determine their eligibility for designation as Fort Collins Landmarks according to the requirements contained in City Code Section 14-22. Staff issued an official determination on Landmark eligibility to the property owner on September 7, 2022, in response to a development

application submitted by a developer. As background, properties associated with potential development applications that contain buildings that are at least 50 years old are subject to Landmark eligibility evaluation as an application pre-submittal requirement, as outlined in Land Use Code Section 3.4.7(C).

Based on the historic survey form prepared by a historian on City staff, the September 7 Official Determination found that all three buildings/structures on the property met the eligibility requirements for significance and integrity. Staff's findings are included in the Historic Survey Form for 825 North College Avenue, and are based on the following information:

- The filling station and service garage represented one of the first commercial businesses in Fort Collins to extend north of the Poudre River, paving the way for the area to become a more developed commercial strip by 1970.
- Mike Kraxberger's construction of the detached service station in 1935 was a significant local representation of the shift from the house-with-canopy or cottage-type gas stations of the early automobile era into a shift to year-round service stations for a broader spectrum of vehicles.
- Standard Oil later acquired the property and began leasing it in 1960 after a significant renovation of the station that brought it to its current condition. However, by 1969, much of the College Avenue frontage from the Poudre River north to the Route 1/Terry Lake Road intersection was built up with a mix of industrial and commercial businesses, including motels, shops, and other businesses. Upon further research, the M-K Service Station remains significant as one of the earliest commercial enterprises in Fort Collins to be established in this area of town.
- The Kraxberger family, specifically Jane and Leitha, appear to possess significance to the community in relation to social history, although Mike Kraxberger may possess some significance with more research into Fort Collins' early coal and gasoline industries. Jane Kraxberger's contributions to local education and fine arts during the 1920s and 1930s, specifically theater and women's fashion, appear to be influential and significant to the cultural history of early-twentieth century Fort Collins, at the time that she was living in the house at 829 N. College.
- After Mike and Jane divorced and Mike remarried to Leitha Johnson, Leitha's contributions to the community in social organizations like the American War Mothers appear significant. Leitha served as the founding president of the Cache la Poudre chapter, organized in 1944. She also served as the president of the Colorado chapter in the late 1940s and later chaplain for the national organization. The American War Mothers was a national organization chartered by Congress during the First World War by parents with children serving in the Armed Forces to both support active troops and wounded veterans.
- Staff would agree with the CDOT recommendation under Criterion C (City Standard 3 for Design/Construction) in the area of Architecture, that the property remains a significant representative of the Oblong Box service station property type in north Fort Collins. While the original Mission Revival features have been lost, the building still represents a significant example of a Modern-styled station in this property type following the 1960 rehabilitation. Fueling and service stations of this type began adopting more streamlined, Modern features indicative of the International style, which often meant stripping away decorative features and focusing on simple geometry. While there are several Oblong Box service stations surviving throughout Fort Collins, this station remains one of the earliest, and the earliest in its localized context.

The property owner, GARA, LLC, appealed staff's Official Determination of eligibility of the three buildings/structures to the HPC on September 14, 2022.

The HPC's sole consideration was a *de novo* evaluation of the buildings/structures' eligibility for designation as a Fort Collins Landmark. While the implications of the results of that evaluation include how 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 properties, and the members did not discuss how the Land Use Code or approved modifications of standards might be applied to the

properties.

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 property's intensive-level historic survey document that was the basis for staff's determination of eligibility, as well as additional information from staff regarding the property's history, current condition, and discussion of professional methodology that is commonly used to evaluate historic properties in Fort Collins and for the National Register of Historic Places. Included in staff's report and Official Determination was the Colorado Cultural Resource Survey Architectural Inventory Form completed by a historian for the Colorado Department of Transportation in January 2010.

On a vote of 9-0, the HPC determined that the residence and accessory garage located on the property did not qualify as historic resources, finding that they lack the level of significance and integrity required under the Code.

On a vote of 6-3, however, the HPC determined that the service station at 825 North College Avenue meets the requirements for eligibility for Landmark designation under both standards for Significance and Integrity. Specifically, the HPC found the service station satisfied the standards for significance under "Events/Trends" for its association with important commercial and transportation history north of the Poudre River, and for "Design/Construction" as a "classic example of the utterly unornate oblong box style of garage architecture." The HPC also found that the service station satisfied the Integrity standard sufficient to support both aspects of significance.

CLAIMS ON APPEAL

Appellant timely filed a Notice of Appeal seeking reversal of the HPC's determination as to eligibility for the service station.

Appellant asserts two claims:

First, Appellant alleges that the HPC conducted an unfair hearing by considering relevant evidence that was grossly misleading. In making this argument, Appellant asserts that City staff overly relied upon (and the HPC considered) the Colorado Cultural Resource Survey Architectural Inventory Form completed by a historian for the Colorado Department of Transportation in January 2010. Appellant argues that the historical context of the service station was lost after renovations to the service station when Standard Oil acquired the property in 1960.

Second, Appellant alleges that the HPC failed to properly interpret and apply City Code Section 14-22. More specifically, Appellant contends that the service station lacks sufficient Integrity to convey its Significance as required under Section 14-22. In its Notice of Appeal, Appellant argues that

the prior development, including widening of North College Avenue, has so altered the property that what remains today is a Quick Lube on a major roadway surrounded by commercial development. When one views the Quick Lube Building today, the 'overall sense of past time' is no longer 'evident.' As such, by definition, the integrity required by Sec.14-22(b) for the Quick Lube Building to be a historical resource is no longer present, just as the residence and garage have ceased to be historical resources.

In resolving the issues on appeal, Council must first consider the Appellant's claim of unfair hearing. If Council finds that an unfair hearing was held, then it must remand the matter back to the HPC, and should not analyze the Appellant's argument regarding interpretation or application of Section 14-22 of the City Code. If Council determines that Appellant was afforded a fair hearing, however, then it should consider the second argument made by Appellant concerning the HPC's interpretation and application of standards under Section 14-22 of the City Code.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

On a vote of 9-0, the HPC determined that the residence and accessory garage did not qualify as historic resources, finding that neither building/structure retained the level of significance or integrity required under Section 14-22.

On a vote of 6-3, however, the HPC determined that the service station located at 825 North College Avenue (formerly the main service station for M-K Service Station/North College Standard Service) satisfies the requirements for eligibility for Landmark designation under both Standards 1 for Events/Trends for its association with important commercial and transportation history north of the Poudre River, and under Standard 3, Design/Construction, as a "classic example of the utterly unornate 13 oblong box style of garage architecture." (The motion that was voted on and approved by the HPC is contained in the verbatim transcript on pages 23, 8-14).

The HPC passed the motion finding the Service Station at 825 North College Eligible for Landmark designation under the Standards in Sec. 14-22 based on the following three findings of fact:

1. Under Standard 1 "...it embodies an important evolution in commerce and transportation in Fort Collins as businesses began to move north of the Poudre River, in part enabled by the growing use of motorized transportation;"
2. Under Standard 3 "...the architecture is a classic example of the utterly unornate oblong box style of garage architecture;"
3. That the service station has "integrity to support both aspects of significance."

Note: A verbatim transcript of the HPC's hearing, along with a link to the FCTV recording on this item, is part of the record provided to Council for this appeal.

CITY FINANCIAL IMPACTS

The determination that a property is eligible as a City Landmark generally has no financial impact on the City, as formal designation typically is required to access public incentives for historic properties. Designation as a Fort Collins Landmark qualifies property owners to apply for certain financial incentives funded by the City, including a 0% interest revolving loan program and Design Assistance mini-grant program.

PUBLIC OUTREACH

N/A

ATTACHMENTS

1. Attachment 1 – Notices and Mailing List
2. Attachment 2 – Notice of Appeal
3. Attachment 3 – Staff Report to Historic Preservation Commission
4. Attachment 4 – Staff Presentation to Historic Preservation Commission
5. Attachment 5 – Applicant Presentation to the Historic Preservation Commission
6. Attachment 6 – Link to Historic Preservation Commission Meeting Video
7. Attachment 7 – Historic Preservation Commission Determination of Landmark Eligibility
8. Attachment 8 – Verbatim Transcript
9. Attachment 9 – New Evidence Submitted by the Appellant
10. Staff Presentation