

RESOLUTION 2023-023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE
ISSUE OF WHETHER JAMES SACK HAS STANDING TO APPEAL
THE HISTORIC PRESERVATION COMMISSION'S DECEMBER 14, 2022,
DECISION REGARDING 1901 AND 1925 HULL STREET

WHEREAS, on December 14, 2022, the Historic Preservation Commission determined that the properties located at 1901 and 1925 Hull Street were ineligible do be designated as Fort Collins landmarks (the "Decision"); and

WHEREAS, on December 27, 2022, James Sack timely filed an appeal (the "Appeal") of the Decision; and

WHEREAS, on this date the City Council, after notice given in accordance with City Code Section 2-52, held a public hearing (the "Initial Hearing") pursuant to City Code Section 2-54 to initially consider whether Mr. Sack meets any of the criteria to be a party-in-interest with standing to appeal the Decision; and

WHEREAS, at the Initial Hearing the City Council examined evidence and heard testimony about standing to appeal the Decision pursuant to Municipal Code Sections 2-46 and 2-48; and

WHEREAS, City Council determined whether Mr. Sack is, under the definition for "party-in-interest" in Municipal Code Section 2-46, (1) the applicant, (2) a party holding an ownership or possessory interest in the properties, (3) a person to whom the City mailed notice of the Historic Preservation Commission's hearing, (4) a person who provided written comments to the appropriate City staff for delivery to the Commission before or at the hearing, (5) a person who appeared before the Commission at the hearing, or (6) a member of City Council; 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 an appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, consistent with the appeals provisions of the Municipal Code, the City Council hereby makes and adopts the following findings of fact and conclusions:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

CHOOSE OPTION A OR B BELOW.

OPTION A

Section 2. That, based on the evidence in the record and presented at the Initial Hearing, the Council finds that James Sack does not have standing to appeal the Decision of the Historic Preservation Commission, because he does not meet any of the conditions to be considered a party-in-interest under Municipal Code Section 2-46.

Section 3. That the Appeal is dismissed.

Section 4. That adoption of this Resolution shall constitute the final action of the City Council on the Appeal, in accordance with City Code Section 2-56(c).

OR

OPTION B

Section 2. That, based on the evidence in the record and presented at the Initial Hearing, the Council finds that James Sack has standing to appeal the Decision of the Historic Preservation Commission, because City Council finds the person is _____ [fill in the blank with whichever subsection (1) through (6) of Section 2-46 of the Municipal Code applies and Council's rationale/explanation]_____.

Section 3. That the hearing on the Appeal, including consideration of the merits of the Appeal shall continue at the Council's regular meeting on March 7, 2023.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of February, 2023.

Mayor

ATTEST:

City Clerk