



AGENDA ITEM SUMMARY

City Council

STAFF

Paul Sizemore, Director, Community Development & Neighborhood Services
Maren Bzdek, Manager, Historic Preservation Services
Jim Bertolini, Senior Historic Preservation Planner
Heather Jarvis, Legal

SUBJECT

Hearing and Determination of Standing for the Appeal of the Historic Preservation Commission Determination that 1901 and 1925 Hull Street are not Eligible for Landmark Designation and Consideration of Resolution 2023-023 Adopting Findings of Fact and Conclusions of Law Regarding the Determination of Standing.

EXECUTIVE SUMMARY

The purpose of this item is to consider the standing of a James Sack to file an appeal of the Historic Preservation Commission's (HPC) Decision on December 14, 2022, determining that the properties at 1901 and 1925 Hull Street, historically the Hull and Shankula properties respectively, are not eligible as Fort Collins landmarks and are not subject to the provisions of Land Use Code 3.4.7.

The appeals process in Code Section 2-54(c) allows for the Mayor to establish a separate period of time in advance of arguments on the merits of the appeal to consider procedural issues. The Council is tasked with determining if Mr. Sack is a "party-in-interest" with standing to bring the appeal as defined in Municipal Code 2-46. Council may only proceed with hearing the issues raised in the notice of appeal at a future meeting if Mr. Sack qualifies as a party-in-interest. Mr. Sack filed his notice of appeal on December 27, 2022. The Council may make its determination of standing by adopting Resolution 2023-023 with the correct option to state that determination.

STAFF RECOMMENDATION

NA

BACKGROUND / DISCUSSION

SUMMARY OF HISTORIC PRESERVATION COMMISSION HEARING EVIDENCE REGARDING "PARTY-IN-INTEREST"

Subject: The subject of the December 14, 2022, hearing was the evaluation of the properties at 1901 and 1925 Hull Street to determine the properties' eligibility for designation as Fort Collins landmarks according to the eligibility requirements contained in City Code Section 14-22. A staff decision on this matter was issued on October 14, 2022, in response to a development application put forward by a developer that would demolish the existing properties at 1901 and 1925 Hull Streets and 1839 Hyline Drive for a new housing development. Properties associated with potential development applications that contain buildings 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), Determination for Eligibility as a Fort Collins

Landmark.

The person who filed the appeal, James Sack, filed his appeal on December 27, 2022. The hearing scheduled for the 21st only addresses whether Mr. Sack has standing to bring his appeal.

Related to the issue of defining a “party-in-interest,” staff offers the following information based upon the appeal hearing record and relevant Code provisions:

- The applicant.
 - *Mr. Sack is not the development applicant.*
- Any party holding an ownership or possessory interest in the real or personal property that was the subject of the decision of the board, commission, or other decision-maker whose action is to be appealed.
 - *Mr. Sack has not produced evidence of ownership of the real estate subject to the December 14 HPC finding. The properties are owned by Strategic Management, LLC.*
- Any person to whom, or organization to which, the City mailed notice of the hearing of the board, commission, or other decision-maker.
 - *No such notices were mailed to nearby property owners prior to the December 14 appeal hearing of the HPC as this is not a requirement of the HPC appeal process for determinations of eligibility.*
- Any person who, or organization that provided written comments to, the appropriate City staff for delivery to the board, commission or other decision-maker prior to or at the hearing on the matter which is to be appealed.
 - *The appeal hearing record does not indicate that Mr. Sack provided written comments to Historic Preservation staff for delivery to the HPC prior to or at the hearing.*
 - *Mr. Sack has provided emails related to this issue that are not part of the hearing record and are considered new evidence. In response to Council questioning, staff can provide information regarding the emails.*
- Any person who or organization that appeared before the board, commission or other decision-maker at the hearing on the action which is to be appealed.
 - *The record of the meeting does not indicate Mr. Sack was present at, or made a comment at, the December 14 hearing.*

The Council may make its determination of standing by adopting a resolution stating that determination.

CITY FINANCIAL IMPACTS

NA

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Since this item is to determine the standing of the person who filed the appeal, a discussion of the merits of the appeal in relation to the HPC’s December 14 decision that the properties were not eligible has not been included. If Council finds that the person who filed the appeal is a party-in-interest and has standing to appeal the December 14 HPC finding, staff will provide a detailed summary of the decision made on December 14 for the appeal hearing.

PUBLIC OUTREACH

The HPC's recommendation was made at a properly noticed public hearing.

ATTACHMENTS

1. Resolution for Consideration
2. Hearing Notice and Mailing List
3. Staff Presentation to Council
4. Original Mailing List and Visitor Log
5. Historic Preservation Commission Decision Letter – 1901 Hull Street
6. Historic Preservation Commission Decision Letter – 1925 Hull Street
7. Notice of Appeal
8. New Evidence
9. Verbatim Transcript of December 14, 2022 Historic Preservation Commission Hearing
10. Link to Video of Hearing
11. Staff Presentation to Historic Preservation Commission
12. Staff Report to Historic Preservation Commission
13. Appellant Presentation to Historic Preservation Commission