

RESOLUTION 2024-140
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING FINDINGS OF FACT IN SUPPORT OF THE CITY
COUNCIL'S DECISION OVERTURNING THE HISTORIC
PRESERVATION COMMISSION DENIAL OF A CERTIFICATE OF
APPROPRIATENESS TO REPLACE UPPER STORY WINDOWS
ON THE FORT COLLINS LANDMARK AT 201 LINDEN STREET

A. On July 17, 2024, and August 21, 2024, the Historic Preservation Commission ("Commission") conducted a design review hearing pursuant to City Code Section 14-54 and denied a certificate of appropriateness to replace all the second- and third-story windows on the Fort Collins historic landmark at 201 Linden Street (also known as the Linden Hotel) with either a metal clad or wooden prefabricated window product.

B. On April 30, 2024, the owner of 201 Linden Street ("Appellant") filed a notice of appeal ("Appeal") of the August 21, 2024, Commission decision, requesting the City Council to overturn the Commission's denial and issue a certificate of appropriateness to replace the windows, alleging:

i. The Commission failed on five grounds to conduct a fair hearing, because the Commission: exceeded its authority or jurisdiction, ignored its previously established rules of procedure, considered evidence relevant to his findings that was substantially false or grossly misleading, improperly failed to receive all relevant evidence offered by the Appellant, and was biased against the Appellant; and

ii. The Commission failed to properly interpret and apply sections of the Building Code, City Code Section 14-2 establishing the purpose of the City's historic preservation program, the U.S. Secretary of the Interior's *Standards for the Treatment of Historic Properties* (adopted under City Code 14-53 for application to the City's historic preservation matters including design review considerations), and the Old Town Historic District Design Standards.

C. On November 19, 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 Appellant and the Appellant's counsel and window expert appeared and addressed Council, arguing in favor of the Appeal.

E. In deciding the Appeal allegations at the Hearing, the City Council considered the record on appeal under City Code Section 2-51, presentation by City staff under City Code Section 2-54(a)(1), and statements and arguments by the Appellant and Appellant's window expert under City Code Section 2-54(a)(4). On the record during the course of the Hearing City Council provided rationale for its determinations.

F. The City Council determined the Commission conducted a fair hearing and that the Appellant did not establish with competent evidence in the record that any of the fair hearing allegations had merit. The Council denied and dismissed the Appellant's five fair hearing allegations.

G. The City Council overturned the Commission's denial of a certificate of appropriateness, because the Commission did not properly interpret and apply the U.S. Secretary of the Interior's *Standards for the Treatment of Historic Properties* and the Old Town Historic District Design Standards. The City Council issued a certificate of appropriateness to replace the second- and third-story windows on the Fort Collins historic landmark at 201 Linden Street with the condition that the replacement windows must be an in-kind, wood, not metal-clad replacement.

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 August 21, 2024, Commission decision denying a certificate of appropriateness to replace all the second- and third-story windows on the Fort Collins historic landmark at 201 Linden Street is overturned.

Section 2. Appellant is issued a certificate of appropriateness to replace the second- and third-story windows on the Fort Collins historic landmark at 201 Linden Street with the condition that the replacement windows must be an in-kind, wood, not metal-clad window replacement.

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 December 3, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 3, 2024

Approving Attorney: Heather N. Jarvis