

Fort Collins City Council
Attn. Rita Knoll
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RE: Request to affirm the requirements to be a “Party-in-Interest” and verify the status of the standing of the subsequent appeal of the decision made by the Historic Preservation Commission (HPC) on December 14, 2022 (Original HPC Date) relative to the eligibility for Landmark Designation of the structures located at 1901 Hull Street and 1925 Hull Street (the Properties).

Dear Mayor and City Council –

TTLC Management, Inc. (TTLC) is the Applicant for Preliminary Development Review (PDR# PDR220005) for the Properties, and is required per Land Use Code (LUC) 3.4.7(B)(2) to work with City staff to determine if any structures on the Properties are designated historic resources or eligible for historic designation. TTLC worked with City staff to contract for the completion of an intensive level survey by a third party, City-chosen Historic Resources Consultant (Consultant). The result of those surveys and subsequent determinations issued by City staff were that structures at both 1901 and 1925 Hull Street were eligible for landmark designation. TTLC disagreed and subsequently appealed the determinations to the HPC, whereby such appeal was decided by the HPC on December 14, 2022. The HPC received the City staff report and the intensive level survey from the Consultant and heard oral argument from TTLC regarding the landmark designation of the structures on the Properties. Ultimately, the HPC agreed with TTLC, and the two landmark eligibility designation determinations were denied accordingly.

James Sack (Appellant) has attempted to appeal the decision by the HPC. Appellant can only appeal the HPC decision if Appellant meets the requirements of a “Party-in-Interest” as outlined in Fort Collins Municipal Code (Code).

Per Sec. 2-46 of the Code. – Definitions. Party-in-Interest shall mean a person who or organization that has standing to appeal the final decision of a board, commission, or other decision maker. Such standing to appeal shall be limited to the following:

- (1) The applicant;

TTLC Response: Not Applicable. TTLC, as submitted by TB Group on TTLC’s behalf, is the defined applicant on the application for Preliminary Design Review (PDR# XXXX). Applicant is not the Appellant.

- (2) 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;

TTLC Response: Not Applicable. Both Properties are currently owned by Strategic Management, LLC. Strategic Management, LLC is not the Appellant.

- (3) Any person to whom or organization to which the City mailed notice of the hearing of the board, commission or other decision maker;

TTLC Response: Not Applicable. Per the LUC, and as confirmed by City staff correspondence dated January 20, 2023, the Code does not require notices be sent to anyone other than the appellant and property owner

regarding an appeal of staff finding. No such notices were mailed in advance of the Original HPC Date and, therefore, Appellant did not receive such a notice.

- (4) 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;

TTLC Response: Not Applicable. According to the published City Council agenda packet relating to this standing issue, the HPC staff did not receive written comments regarding TTLC's appeal of the landmark eligibility. Further, no written comments were delivered to the HPC prior to the hearing on December 14, 2022. See attached correspondence from City staff dated January 20, 2023 confirming our understanding.

- (5) 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;

TTLC Response: Not applicable. If present at the Original HPC Hearing, Appellant did not appear before the HPC, as confirmed by the published City Council agenda packet. Additionally, our recollection is that no one else present in person during our portion of the HPC hearing that evening.

- (6) The City Council as represented by the request of a single member of the City Council.

TTLC Response: Not applicable. Our understanding is that the Appellant is not a member of the City of Fort Collins City Council.

In conclusion, the Appellant fails to meet the requirements to be a "Party-in-Interest" as defined per Sec. 2-46. of the Fort Collins LUC and therefore the appeal is not valid. TTLC looks forward to the timely resolution of this matter so that we may proceed expeditiously with our submitted development plans for the attainable housing in the Hull Orchards neighborhood.

Sincerely,

TTLC Management, Inc.

Zell O. Cantrell, Senior Project Manager

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