

RESOLUTION 2020-117
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE
APPEAL OF THE LANDMARK PRESERVATION COMMISSION'S DETERMINATIONS
OF LANDMARK ELIGIBILITY FOR 724 AND 726 SOUTH COLLEGE AVENUE

WHEREAS, on September 16, 2020, the Landmark Preservation Commission ("LPC") conducted a *de novo* public hearing on the appeal of the City staff determination that 724 and 726 South College Avenue (the "Properties") were eligible for Fort Collins landmark designation; and

WHEREAS, the LPC determined that the Properties are eligible for Fort Collins landmark designation pursuant to City Code Section 14-22, *Standards for determining the eligibility of sites, structures, objects and districts for designation as landmarks or landmark districts*, because the Properties are significant for their design and construction and meet all seven aspects of integrity; and

WHEREAS, on September 30, 2020, Gannett Properties, LLC, (the "Appellant"), the owner of the Properties, timely filed a Notice of Appeal with the City Clerk appealing the LPC eligibility determination pursuant to City Code Sections 2-47 and 14-9; and

WHEREAS, the Notice of Appeal asserted that the LPC failed to properly interpret and apply City Code Section 14-22; and

WHEREAS, on December 1, 2020, the City Council, after notice given in accordance with Chapter 2, Article II, Division 3, of the City Code, considered the appeal, reviewed the record on appeal, received new evidence for consideration, and heard presentations from the Appellant and City staff; and

WHEREAS, after discussion, the City Council found and concluded based on the evidence in the record and presented at the December 1, 2020, hearing that the LPC failed to properly interpret and apply City Code Section 14-22 because the LPC incorrectly determined that the Properties possess integrity when in Council's determination, the Properties lack sufficient feeling and association necessary to establish integrity and are, therefore, not eligible for Fort Collins landmark designation; 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 the Appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, pursuant to Section 2-56(c) of the City Code, the City Council hereby makes and adopts the following findings of fact and conclusions:

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

2. That the grounds for appeal stated in the Notice of Appeal conform to the requirements of Section 2-48 of the City Code.
3. That based on the evidence in the record and presented at the December 1, 2020, Council hearing, the Appellant's allegation that the LPC failed to properly interpret and apply City Code Section 14-22 has merit.
4. That the December 1, 2020, LPC determination that the Properties are eligible for Fort Collins landmark designation is hereby overturned and the Properties are not eligible for Fort Collins landmark designation.
5. That except as stated in this Resolution, any other issues raised in the Notice of Appeal are hereby found to be without merit and denied.
6. That adoption of this Resolution shall constitute the final action of the City Council in accordance with City Code Section 2-56(c).

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of December A.D. 2020.



Mayor

ATTEST:


City Clerk