

RESOLUTION 2018-040
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
DECISION THAT 2601 SOUTH COLLEGE AVENUE IS ELIGIBLE
FOR FORT COLLINS LANDMARK DESIGNATION

WHEREAS, on February 21, 2018, the Landmark Preservation Commission (the "LPC") conducted a *de novo* hearing and upheld the October 26, 2017, decision of the LPC Chair and Community Development and Neighborhood Services Director that 2601 South College Avenue (the "Property") is eligible for Fort Collins landmark designation pursuant to City Code Chapter 14; and

WHEREAS, on March 7, 2018, Bill Wells, Kriss Spradley, and Bill Barr (collectively the "Appellants") filed a Notice of Appeal of the February 21, 2018, LPC decision; and

WHEREAS, the Appellants asserted in the Notice of Appeal that the LPC failed to properly interpret and apply City Code Section 14-5, Subsections (1) through (5); and

WHEREAS, on April 3, 2018, 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 as permitted by the City Code, and heard presentations from the Appellants and City staff; and

WHEREAS, after discussion, the City Council found and concluded based on the evidence in the record and presented at the April 3, 2018, hearing that the LPC failed to properly interpret and apply the following subsections of City Code Section 14-5:

1. Subsections 14-5(1) and (2), Significance and Standards for Determining Significance;
2. Subsections 14-5(3) and (4), Exterior Integrity and Standards for Determining Exterior Integrity; and
3. Subsection 14-5(5), Context;

and

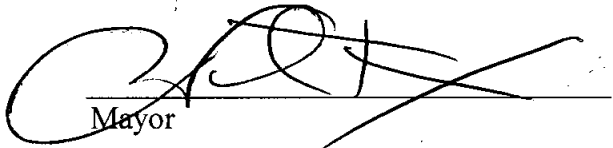
WHEREAS, based upon the LPC's failure to properly interpret and apply City Code Section 14-5, Council overturned the February 21, 2018, LPC decision and found that the Property is not eligible for Fort Collins landmark designation; and

WHEREAS, City Code Section 2-55(g) 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.

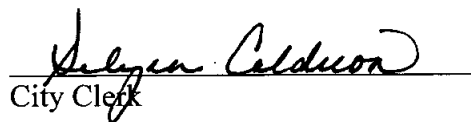
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, pursuant to Section 2-55(g) of the City Code, the City Council hereby makes and adopts the following findings of fact and conclusions:

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 April 3, 2018, Council hearing, the Appellants' allegation that the LPC failed to properly interpret and apply City Code Section 14-5, Subsection (1) through (5), has merit as described in the above recitals.
4. That the February 21, 2018, LPC decision regarding the Property is overturned and the City Council hereby determines that the Property is not eligible for Fort Collins landmark designation.
5. That except as stated herein, the Appeal is without merit and is denied.
6. That adoption of this Resolution shall constitute the final action of the City Council in accordance with City Code Section 2-55(g).

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 17th day of April, A.D. 2018.


Mayor

ATTEST:


City Clerk

