

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 17

DATE: December 16, 2008

STAFF: Karen McWilliams

### SUBJECT

Resolution 2008-129 Agreeing to Act as a Reviewing Entity for Commercial, Non-profit, and Income-producing Residential Properties for the State Income Tax Credit Program for Qualifying Rehabilitation Projects.

### RECOMMENDATION

The Landmark Preservation Commission and staff recommend adoption of the Resolution. At a public hearing on November 12, 2008, the Landmark Preservation Commission voted unanimously to recommend adoption of the Resolution.

### EXECUTIVE SUMMARY

This Resolution states the City's intent to act as a reviewing entity for State Tax Credit projects involving commercial, non-profit and income-producing residential properties within the city limits. The provisions of the State Tax Credit legislation require that each Certified Local Government (CLG) adopt a resolution stating whether the CLG will act as a reviewing entity, which remains in effect until it decides otherwise.

### BACKGROUND

Fort Collins achieved state and federal recognition as a Certified Local Government in 1991, the same year in which the Colorado Income Tax Credit program was instituted. A provision of the Tax Credit program allows for CLGs to act as the reviewing entity for Tax Credit projects in their jurisdiction. The Fort Collins Landmark Preservation Commission (LPC), as the City of Fort Collins' official review board for historic resources, acted as the reviewing entity from 1995 through 1997. The City declined to serve as the reviewing entity from 1998 through 2005, as LPC and staff resources were dedicated to higher priority preservation planning activities. In 2006, the City, upon the recommendation of the Landmark Preservation Commission, agreed to act as the reviewing entity for properties within the Downtown Development Authority boundaries. In 2008, the review was extended to all commercial properties in Fort Collins. Based upon the interest of applicants, for 2009 the Landmark Preservation Commission recommends that the City further extend this benefit to include non-profit and income-producing residential properties, in addition to commercial properties. The review function for other residential properties will continue to be performed by the Colorado Historical Society.

State Tax Credit reviews generate modest fees, which, contingent upon the amount of work to be done, range from \$250 to \$1,000. A provision in the Colorado Income Tax Credit enabling legislation requires cities acting as reviewing entities to maintain the fees received from applicants in a dedicated fund, specifically earmarked for use in administering the program and to provide information and education to the community within the context of historic preservation.

## **ATTACHMENTS**

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1. Landmark Preservation Commission minutes - November 12, 2008 (draft).

**DRAFT**

**PUBLIC INPUT:** Mr. Shuff asked if anyone present wished to discuss any item not on the agenda. There were none.

**DESIGN REVIEW:**

- **Update on Work Proposed for the Waterworks Building, 2005 N. Overland Trail – Susan Hoskinson, Poudre Landmarks Foundation**

Ms. McWilliams introduced Susan Hoskinson, Chairperson of Poudre Landmark Foundation's Friends of the Water Works. Ms. Hoskinson presented an update of the restoration of the water history museum being refurbished with SHF grants. The project is now in Phase 2. Ms. Hoskinson will return at a later date for conceptual and final review of the proposed work, once plans are prepared. There were no public comments. LPC members thanked Ms. Hoskinson for coming.

**DISCUSSION:**

- **LPC Annual Work Program**

Ms. McWilliams presented a memo from Joe Frank, Director, Advance Planning Department, regarding the draft of the 2009 Work Program. There was a discussion about more emphasis on additional district nominations. Ms. Carson handed out an article that profiled a neighborhood in Bloomington, Indiana, as a suggestion for opportunities in Fort Collins. LPC members decided to develop a pamphlet featuring the predominant home styles in Fort Collins, for distribution during the initial permit process and provided to real estate and title companies. Each member will research a style. Also added to the work program is re-establishing the Design Review Subcommittee. Mr. Shuff solicited public input. There was none. Ms. McWilliams will finalize the 2009 Work Plan and submit it to the Clerk's Office.

- **Certified Local Government State Tax Credit Resolution**

Ms. McWilliams reported that this will be the last year in which Council is required to adopt an annual resolution stating their decision whether to review rehabilitation projects locally for State Tax Credits. Beginning in 2009, the Council may change its decision regarding review at any time. The Commission recommends that Council adopt a resolution to serve as the reviewing entity for all commercial, non-profit and income-producing properties in Fort Collins. There was a discussion about the need for consistency from year to year in the types of properties reviewed, to minimize confusion. The trend is that residential properties use the tax credit the most. There was no public input.

*Mr. Frick made a motion to review commercial properties as we have done in the last year, which includes all commercial buildings and income producing properties, both landmarked and non-landmarked, in the City limits that meet the qualifications for the Certified Local Government State Tax Credit. Mr. Albright seconded the motion. The motion carried (6-0).*

**DEMOLITION/ALTERATION REVIEW:**

- **280 Circle Drive, Perry House, Preliminary Hearing on Proposed Alterations – Randy Shortridge, Owner**

RESOLUTION 2008-129  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AGREEING TO ACT AS A REVIEWING ENTITY FOR COMMERCIAL,  
NON-PROFIT, AND INCOME-PRODUCING RESIDENTIAL PROPERTIES  
FOR THE STATE INCOME TAX CREDIT PROGRAM FOR QUALIFYING  
REHABILITATION PROJECTS

WHEREAS, the Fort Collins Landmark Preservation Commission and the City Council support the creation of incentives to assist in the preservation and protection of historically significant resources; and

WHEREAS, Colorado Revised Statute Section 39-22-514 establishes tax credits for historic structures throughout the state; and

WHEREAS, the City, as a Certified Local Government, pursuant to the provisions of 16 U.S.C. § 470 (a)(C)(1), as amended, is eligible to review such rehabilitation tax credit projects as a reviewing entity; and

WHEREAS, the provisions of C.R.S. § 39-22-514(10)(a) require that each Certified Local Government adopt a resolution stating whether such Certified Local Government will act as a reviewing entity; and

WHEREAS, the Fort Collins Landmark Preservation Commission, as the City's official review board for historic resources, endorses rehabilitation project reviews at the local level, which provide an increased level of preservation service to our community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT COLLINS that the City, through the Landmark Preservation Commission, hereby agrees to act as a reviewing entity for commercial properties within the Fort Collins city limits for the purposes of subsections (3) and (6) of C.R.S. § 39-22-514 for calendar year 2009 and continuing through such subsequent years as the City Council may authorize. The City will maintain the "preservation fund" as required by C.R.S. § 39-22-514(11)(a), for use in administering the program and to provide information and education to the community within the context of historic preservation.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of December A.D. 2008.

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Mayor

ATTEST:

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City Clerk