

**LANDMARK PRESERVATION COMMISSION**

**Regular Meeting**

**May 23, 1995**

**Council Liaison: Gina Janett**

**Staff Liaison: Joe Frank**

**SUMMARY OF MEETING:** The Commission supported the Planning and Zoning Commission's recommendation to City Council that funding be provided for the Eastside-Westside Design Guidelines with the exception that conservation districts be instituted and spot surveys be used to determine mandatory review and compliance. The LPC also approved the resolution adopting the Design Guidelines to include the educational process. The LPC approved the color scheme for the repainting of the Baker-Harris House at 103 North Sherwood; the proposed third floor addition for 217 Linden, the Loomis Building, using gray stucco, white windows and frames and cleaning/restoration of the brick; the addition of the alley door as submitted for 107 North College, the Woolworth Building; and accepted the modified windows in the rear but moved that the windows in the front of 221-227 Jefferson Street be installed per the application of 1994 with windows of the original size. The Commission recommended to City Council adoption of the proposed amendment to the City Code regarding possible conflicts of interest for Commission members.

**CALL TO ORDER AND ROLL CALL:**

Commission Chairman Jennifer Carpenter called the meeting to order at 5:35 pm, 281 North College Avenue. Secretary Diane Slater called the roll. Commission members Jennifer Carpenter, Per Hogestad, Jean Kullman, and Carl McWilliams were present. Ruth Weatherford arrived at 5:45 pm. Bud Frick arrived at 7 pm. James Tanner was absent. Joe Frank and Carol Tunner represented staff.

**GUESTS:** Joe Frye and Dawn Sinnard of Vaught/Frye; Jacques Rieux, of Stone Lion; Dave Veldman, co-developer of the Loomis Building; Richard Lea, owner of 103 North Sherwood; Don Freeman, painter from Alta Painting; Jacob and Marjorie Strouse, owners of 221-227 Jefferson; Bob Blanchard, Current Planning Director; Rheba Massey, Local History Coordinator; and Eric Smith, owner of 1216 West Mountain.

**AGENDA REVIEW:** Staff reports, Commission Member Reports, and Amendments to City Code were heard at the end of the meeting.

**STAFF REPORT:** Ms. Tunner shared a letter from the State Historic fund giving notice of approval of the Linden renovation project. The final report was accepted and approved and the \$50,000 check will be sent. She also got a letter from the State Historic Society saying that the Coy Hoffman Barn restoration was awarded \$51,736, full funding. The barn will be added to the State Historic Register.

**COMMISSION MEMBERS' REPORTS:** Ms. Kullman presented an article on the historic preservation of a small town in Missouri and pictures of a Preservation Park in Oakland, Ca.

**APPROVAL OF MINUTES:** None to approve.

**EASTSIDE/WESTSIDE DESIGN GUIDELINES**

Mr. Bob Blanchard, City Planner, reported on the previous evening's Planning and Zoning Board meeting and handed around a replacement Introduction to Draft #3 as well as a staff memo from Nore Winter, the consultant on the project. He noted that page 5 had some changes, in particular, that the reviewing agent for any increase in the floor area on existing buildings that are not landmarked, not in a landmark district and are visible from a public way and require a building permit, shall be the Director of Planning and Zoning Board. The memo notes that the Conservation Districts have been removed from the Design Guidelines. Previous drafts of the guidelines had maps of three proposed Conservation Districts. However, since the Planning Department currently does not have staff or resources to oversee conservation districts, the policies in Chapter 6 of the proposed Guidelines pertain to landmark structures and districts only. Mr. Blanchard recommended to the Planning and Zoning Board that the conservation districts not be included at this time since the districts would require that all guidelines be met without including incentives, such as tax credits. He therefore proposed two options to the Planning Commission: 1) recommend to City Council that in 1996 budget year necessary resources be provided to complete the process in 1996 and/or 2) require that all proposed projects in the proposed districts have a mandatory meeting with Planning or LPC but the implementation of recommendations be optional. The Planning and Zoning board made three motions: 1) recommending that the Guidelines be approved with three conditions a) there be an educational process such as with the LDGS and notification that there could be some relaxation of the UBC, b) that City Council provide funding on an ongoing basis to provide staff training so that the guidelines are applied consistently, and c) that there be an evaluation of the application of the guidelines after one year and a report back to Planning and Zoning; 2) recommending that City Council provide funding for those three areas and if a project in the proposed districts comes in, that a spot survey be completed immediately and if the building is deemed eligible then there would be mandatory review although compliance would still be optional and 3) passing the implementation changes to the code that allows the LPC, P&Z and Staff to implement the Guidelines. He is requesting a recommendation from LPC to take to City Council on June 6 and June 20. He noted that there were three public workshops between January and March and changes were made to the proposed guidelines as a result of citizen input. Most of the controversy was over whether or not there should be mandatory review or if it all should be advisory. There was also a lot of misinformation so Lee Martinez, Centennial, Old Town, and Capitol Heights neighborhoods have scheduled information meetings. Ms. Carpenter commented on the Planning and Zoning action. She felt that the LPC should have been represented since LPC normally would have made a recommendation to P&Z first. They also would like a memo from LPC first regarding this Commission's recommendations. She felt there was some lack of understanding about how the landmark process works and how districts are created. She is concerned about the conservation districts being dropped due to the lack of incentives, and that all other zoning and regulation which protects a valued community resource such as natural areas and open space does not offer incentives

for regulation and protection. Although it is a nice benefit, it is not a necessity. The Conservation Districts could be in place which would then give more reason for the districts to be landmarked so residents could get the incentives. So the LPC could consider this option since P&Z acted without all the information available to LPC. She is concerned if all of the work necessary for designating a district could be completed in 1996. Mr. Frank suggested that ongoing staffing be addressed once 1300 structures are added and asked if they had an estimate of the impact on staff. Mr. Blanchard said they have researched the permitting activity for the last two years as well as considering other activities not needing permits, such as windows. Ms. Carpenter noted that the next two years could be considerably more active and the next several years are particularly critical for the areas adjacent to the University and is concerned that there will be no protection for the districts for the next year and a half. She would like to recommend several options: putting the conservation districts back in or using the spot surveys suggested by P&Z to determine if the structure is individually eligible and if it is, then the rehabilitation guidelines would be applied in a mandatory fashion. Mr. Blanchard said the boundaries for the potential districts were taken from the Eastside/Westside Neighborhood Plans as appropriate areas except the Holy Family area, which came from a 1983 survey in which it was determined to be eligible for the National Register.

Ms. Tunner said that there are not currently guidelines in place for designating a local historic district. National Register guidelines state that 50% of the residents must agree to the designation but this rule is not in our ordinance because the ordinance currently treats a district the same as a local landmark. Anyone can request that a structure be landmarked and only the owner may give or not give consent. Non-consensual designations differ in that it is a much more formal process. Mr. Eckman, Assistant City Attorney, interpreted the current ordinance as reading that the LPC could simply designate a district and follow the public process. However, public input would be necessary.

Ms. Carpenter asked for public input. Mr. Eric Smith of 1216 W. Mountain spoke. He recommended that the LPC do a better job of contacting the public and observed that some private citizens had gone door-to-door distributing leaflets and felt this should be done by the City. He owns a home built in the 1920's. He feels that his facade is being unfairly expropriated for the common good with mandatory design review. He feels that his options regarding the facade have been reduced by others not fixing up their facades and feels he is owed some compensation. He asked what were to happen if he did not follow the recommendations. Ms. Carpenter said that the sanctions consist of not being able to get a building permit and that violation of the code is a misdemeanor which carries a fine. These sanctions are not new but are the ones currently in place. Mr. Frank noted that a letter is first sent with notification of the violation which brings compliance most of the time without further measures.

Ms. Carpenters said that the LPC needs to make a recommendation to City Council regarding the guidelines and the gap between when the guidelines go into effect in the next year and a half. Ms. Weatherford said that the only change made by Planning and Zoning was in regards to the conservation districts and she agrees that the next year and a half is a critical time period. Ms.

Carpenter noted that only the Rehabilitation Guidelines are being discussed and the general guidelines would still be in effect in the local landmark districts. Mr. Blanchard said that in Chapter 6, all of the guidelines which start with #4 would apply in the new landmark districts. The other three chapters will still apply even if landmarking were to never occur. Ms. Carpenter said she is particularly concerned with individual structures which are individually eligible for a local landmark but the districts are protected by the general guidelines. She questioned how to handle contributing structures and is also concerned about getting the work done within the time frame. Mr. Frank and Mr. McWilliams both felt that getting the project done in a year as mentioned by the consultant is ambitious. Mr. McWilliams agreed with the consultant that it could be possible to do full documentation for the districts for under \$100,000. He recommended doing a thorough documentation in selected priority areas and then following up with the lower priority areas but still getting the necessary information.

Ms. Carpenter asked for citizen input and Ms. Massey asked for clarification about the conservation districts. Ms. Carpenter said the options are to either put the conservation districts back in so that spot surveys would not be necessary or go along with P&Z's recommendations for spot zoning and have the rehabilitation guidelines apply to individually eligible buildings. Ms. Carpenter felt the conservation districts are the simplest and give the best protection but would be more difficult to achieve. Mr. McWilliams said that there does seem to be a double standard for having the conservation district without the incentives. Ms. Carpenter said that there is no other program besides preservation in which the city zones and regulates private property in which there are incentives. Ms. Kullman noted that if the owner were to individually designate they would be eligible for the incentives so they are not cut off from that opportunity. However, non-contributing buildings do present a problem. Ms. Massey said that conservation districts could be designated along with certificates of character which talks about the important character defining attributes of the house. This would tell what the important aspects of the house are and a brochure could explain how the value of the house increases with historic house painting schemes and so on. Ms. Tunner said this is similar to the Historic Resource of Merit Program. Ms. Massey said it would give more detail about the key elements which need to be preserved. Ms. Carpenter said she agrees that most people would be helped by booklets and specific information but is concerned about investors who are not concerned about historic character and are converting structures into four-plexes. Mr. Blanchard said that a conversion from a single-family dwelling to multi-family dwelling requires a review process. The guidelines are designed to fit into that process so staff could determine if such action would be appropriate. The threat is to existing structures which do not meet the landmark criteria or the guidelines in Chapter 6. Mr. Hogstad said that modification under 120 sq. ft. still will not require review and that quite a bit of integrity can be lost there. Mr. Blanchard said that if the owner is not undergoing a normal city review process, none of the guidelines will apply. Mr. Blanchard said that some modifications such as changing windows and painting schemes are mandatory in Chapter 6. Ms. Kullman said she would support the on of conservation districts since it was recommended in the HRPP.

M. Kullman made a motion to recommend approval of Draft #3 of the Eastside/Westside Design Guidelines with the recommendation that neighborhood conservation areas be implemented. Ms. Weatherford seconded the motion. Mr. Blanchard asked if this would apply Chapter 6 to all structures or just contributing structures. Non-contributing are under the general standards. Contributing and non-contributing would be decided by spot survey. Ms. Kullman agreed to add this as a friendly amendment. Mr. Blanchard asked how this motion relates to the P&Z motion. Ms. Carpenter said it changes it but still recommends the funding for 1996. Ms. Carpenter suggested going along with the P&Z motion with the exception of the conservation districts. Ms. Kullman pointed out that P&Z also specified mandatory review but not compliance. Ms. Kullman withdrew her motion. Ms. Kullman moved to support the motion by Mr. Strom at the P&Z meeting recommending the Eastside/Westside Design Guidelines to City Council and to provide funding for the 1996 Budget year to complete the landmarking process. In the interim, conservation districts should be established and spot surveys used to determine if the building has lost its integrity or will be a contributing structure. They should go through the mandatory review with mandatory compliance. Ms. Weatherford seconded the motion which passed unanimously. Ms. Kullman moved that the LPC approve the resolution recommending adoption of the design guidelines which would include an education process similar to the LDGS, etc. It would include funding to provide training to staff, implement the guidelines, and the LPC would support re-evaluation and reporting back to P&Z the following year. Mr. McWilliams seconded the motion which passed unanimously. Ms. Kullman noted that the guidelines do specify which elements are important to the integrity of various types of homes.

Ms. Carpenter is unable to attend the June 6 City Council meeting and Ms. Weatherford and Ms. Kullman said they will be able to attend. Mr. Frick said he will be at the June 20th Council meeting.

#### LINDEN HOTEL - ACCEPTANCE OF IMPROVEMENT TO THE FACADE

Mr. Veldman brought two letters from Mr. Frye, Architect for the project, stating that he has completed the final review for the project on both the Loomis and Linden facade. Ms. Carpenter asked if the LPC had a copy of the punch list and the LPC said they hadn't seen one. Mr. Veldman said he will submit a completed punch list by tomorrow. He feels they have completed their responsibilities necessary for the DDA grant money.

#### **CURRENT DESIGN REVIEW:**

#### 103 NORTH SHERWOOD STREET, BAKER-HARRIS HOUSE REPAINTING

Mr. Richard Lea, property owner, and Mr. Don Freeman, of Alta Painting, said they had attended Mr. Martins color workshop this past week. They will be adding a fourth neutral color, per his suggestion, called Pediment Gray SW 2011. They are proposing beiges and roses. The Gray would

be for window sashes and trim elements which need a more neutral color to keep the house from looking too pink. The colors are all Sherwin Williams historic colors: Shaker Red for the accent and crown molding; Gothic Rose, which is a medium rose for the porch and rails so it won't seem to jump off the building; and Western Reserve Beige for the body, which is a light tan. They will scrape off all the current gray paint so the beige will cover well.

**Ms. Weatherford moved approval of the proposed color scheme and Mr. Hogestad seconded the motion which passed unanimously.**

**217 LINDEN, THE LOOMIS BUILDING - ADDITION AND REPAIR/RESTORE EXISTING BRICK FACADE, WINDOWS**

The applicant wishes to restore and repair the existing brick facade and add a third floor. This is a conceptual review. Staff has recommended the proposed stucco finish for the addition but does not recommend the third floor window design visible from the street because it is contemporary. The proposed design has been approved by the NPS. Ms. Tunner showed slides of the building, windows, and the viewsheds. The proposed facade on the third floor is stucco. The first floor will have several changes for doors to enter and exit. The windows to the left of the door will become doors with transom arches in the existing arches. The windowsill will be removed. The white door in the middle will remain as a door and the small window will remain. The two doors to the right will be double doors for delivery but the arches will remain.

The proposed addition will be visible from Walnut Street. Ms. Tunner recommends the use of stucco with arched windows as has been done the new alley wall of the Linden. Mr. Veldman explained that economics dictate the necessity of a third floor addition. The third floor of the Linden is currently vacant partly due to the inefficient third floor hallway, the NPS required be saved. Also, the repair of the existing first floor rear brick facade is expensive because it requires that another brick wall be built on the inside of the existing brick wall to save the wall. Therefore, he feels he needs a third floor which can be leased as office space, which requires good light and extensive glass. He felt it would be better if the third floor were not in an historic style because it might detract from the historic building itself. Also, new construction will have the advantage of the common space, hallway, and elevator at the Linden. They propose to keep the tin ceiling on the first floor but take out the hallway on the second floor. The third floor will be slightly set back from the front facade to be less visible. Therefore, he is asking for approval so he can get his building permit and so he can get the state approval for the tax credits. The proposed addition is 4' over the standard 40' height and a variance has been requested.

Mr. Frye said that the proposed design meets the goals of not impacting the facade, elevating the importance of the brick facade, selecting materials which replicate the masonry work found on back alleys, and creating a contemporary form not found on historic buildings since this is new construction rather than a replication on an existing element.

Ms. Tunner said she is concerned about the look on the back of the building where the addition is up to the edge of the building and that the proposal does not meet the design guidelines and Secretary of the Interior Standards. Ms. Carpenter asked how this is different from the glass shed attached to Coppersmith's and Ms. Tunner said that at the time it too was controversial but was allowed because the developer said they needed more square footage. Ms. Weatherford said that although it is contemporary, she feels that the glass allows the addition to fade into the sky, doesn't find it objectionable, and that it is important to get a useable space with sufficient light. Mr. Hogestad asked if the glazing is tinted and Mr. Frye said it is clear. Mr. Frick asked about colors but they have not been picked. The windows will be white. Mr. Frick suggested blue frames and Mr. Frye said the outside color will be the same as on the inside so he prefers to use white or tan. The window sashes on the alley wall are white. The existing sashes on the Linden are blue. Mr. Veldman asked if they could call this a final review if they were to agree to do white frames and the same color stucco as the Linden since those are the only two colors to choose and that facade has been approved. Mr. Frick asked if there would be some stucco reveals and possibly a metal cap on top and Mr. Frye said there would be a metal cap which could be blue. Mr. Frye said he would like to do the white aluminum the same as the Linden and the non-reflective D glass.

**Ms. Weatherford moved that the Commission approve the applicant's plans for the back of the addition to the Loomis Building per the drawings with the stucco to be the same gray as the Linden and white color for the aluminum frames and windows and the aluminum panels above the windows will not be white but the same gray as the facade. This is a final review and accepts the cleaning and restoration of the rear brick wall as well as the proposed doorway treatments, windows, and doors here will be white. Mr. Frick seconded the motion, which passed unanimously.**

107 NORTH COLLEGE AVENUE, WOOLWORTH BUILDING

Mr. Jacques Rieux, of the Stone Lion, said they need to add a separate entrance for the second floor in order to develop it for office space since all three users, including Pour la France need to operate independently and Stone Lion is particularly concerned about security. The proposed door is designed to meet code requirements which mandate that the door not swing out into the alley so it will be recessed to match an existing door in that alley facade.

**Mr. Hogestad moved that the LPC accept the proposal as submitted and Ms. Weatherford seconded the motion, which passed unanimously.**

221-223-227 JEFFERSON STREET, WINDOW REPLACEMENT

Mr. and Mrs. Jacob Strouse are asking for relief in their non-compliance of windows installed in the front and rear of the building. They said they have done extensive maintenance work on the buildings, such as stucco work, cleaning, and repainting. They said that all of the facades on this

block are different and therefore think that this one is not so different. They admit that a mistake was made and said they have spent approximately \$12,000 replacing windows. Ms. Carpenter asked if they had paid the contractor and Mrs. Strouse said the contractor was paid when the windows were delivered. Mr. Frank asked if they had a contract and Mr. Strouse said they did not have anything in writing. Mr. Bob Clark, the contractor, has proposed that the windows be fixed by adding another window above the short windows. Mr. Frick said that would not meet the historic requirements since it did not exist previously. Mr. Frank proposed that the windows in the rear of the building may be acceptable since they are not noticeably smaller than they should have been but the windows in the front are definitely a problem and are noticeably not in compliance with the original agreement. Mr. Hogestad agreed that he would concede on the rear windows. Mr. Strouse asked how much time they would have for compliance and Mr. Frank suggested October 1st. Mr. Strouse is planning to make the new windows himself and asked if they would be able to use the new double-paned windows in some way, possibly behind new windows. Mr. Hogestad said that would not be acceptable since the filler board would still be visible from the street. Mr. Hogestad asked if he had the necessary documentation to rebuild the windows. Ms. Carpenter said that the Strouses will need to return with drawings before installation. Mr. Strouse asked if they could have until October 31st and Mrs. Strouse asked for some direction on picking new windows, for instance, a list of window manufacturers. Ms. Tunner mentioned that according to Mr. Paul Eckman, Assistant City Attorney, the contractor is also liable to be cited for the violation.

**Mr. Frick moved that the modified rear window elevation be approved as installed and Mr. Hogestad seconded the motion, which passed unanimously.**

**Mr. Frick moved that the windows on the front of 221-223-227 Jefferson Street which were not installed according to the application of 1994 are rejected for noncompliance with the application that was approved and therefore the windows should be replaced with windows of the same size and style as what was previously there, and there must be drawings and submittals of the windows that will be installed (double-glazed would be acceptable windows with a different profile are not acceptable) and a completion date of October 31st with a submittal date for the drawings of August 29th. Mr. Weatherford seconded the motion, which passed unanimously.**

#### **OTHER BUSINESS:**

Ms. Carpenter had asked the City Attorneys about possible conflict of interest between serving on the LPC and Historic Fort Collins because both she and Ms. Weatherford serve on both groups. Son the proposed ordinance reflects the current status of the roles played by volunteers. The second ordinance reflects the reality of what the LPC currently does since the present code did not specify activities such as education and awareness programs. Ms. Carpenter said that the first ordinance recognizes that the LPC may appoint members to other boards and organizations as liaisons. The other ordinance recognizes the four goals of the HRPP: promoting awareness and understanding;



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actively encouraging property owners to voluntarily designate properties; advising Council regarding identification and evaluation of historic resources; advising regarding policies and regulations; and coordinating historic activities. However, it may mean that members must be appointed by Council or the Commission rather than volunteer.

**Ms. Weatherford moved approval of the proposed ordinances. Mr. McWilliams seconded the motion, which passed unanimously.**

The meeting adjourned at 9:20 p.m.

Submitted by Diane Slater, Secretary