



Meg Dunn, Chair
Alexandra Wallace, Vice Chair
Michael Bello
Katie Dorn
Kristin Gensmer
Per Hogestad
Kevin Murray
Anne Nelsen
Mollie Simpson

City Council Chambers
City Hall West
300 Laporte Avenue
Fort Collins, Colorado

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Regular Meeting November 14, 2018 Minutes

- **CALL TO ORDER**

Acting Chair Wallace called the meeting to order at 5:32 p.m.

- **ROLL CALL**

PRESENT: Wallace, Hogestad, Simpson, Dorn, Bello, Murray
ABSENT: Dunn, Gensmer, Nelson
STAFF: McWilliams, Bzdek, Gloss, Wray, Yatabe, Schiager

- **AGENDA REVIEW**

Ms. McWilliams stated there were no changes to posted agenda.

Mr. Murray pulled Item #2 from the Consent Agenda.

- **STAFF REPORTS**

Ms. McWilliams reminded the Commission members that the ribbon cutting for the Ross Proving Up house will be Thursday beginning at 4:00 at the Farm at Lee Martinez Park.

- **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None.

- **CONSENT AGENDA**

1. CONSIDERATION AND APPROVAL OF THE MINUTES OF SEPTEMBER 19, 2018

The purpose of this item is to approve the minutes from the September 19, 2018 regular meeting of the Landmark Preservation Commission.

Mr. Murray moved that the Landmark Preservation Commission approve the minutes of the September 19, 2018 regular meeting as presented. Ms. Dorn seconded. The motion passed unanimously.

- **PULLED FROM CONSENT**

2. CONSIDERATION AND APPROVAL OF THE MINUTES OF OCTOBER 17, 2018

The purpose of this item is to approve the minutes from the October 17, 2018 regular meeting of the Landmark Preservation Commission.

Mr. Murray requested a change on the last page of the minutes, changing architectural to archeological. Ms. Schiager confirmed the change would be made prior to publication of the minutes.

Mr. Murray moved that the Landmark Preservation Commission approve the minutes of the October 17, 2018 regular meeting with the specified change. Mr. Bello seconded. The motion passed unanimously.

- **DISCUSSION AGENDA**

3. DOWNTOWN AND TRANSITION AREAS - LAND USE CODE CHANGES

DESCRIPTION: Revisions to Land Use Code Divisions 4.16 (Downtown) and 4.9 (Neighborhood Conservation Buffer) as they relate to development standards governing these two zone districts.

STAFF: Cameron Mr. Gloss, Long Range Planning Manager
Pete Wray, Senior City Planner

Staff Report

Mr. Gloss presented the proposed Downtown Code revisions. He discussed the unique character of Downtown which is based on the pedestrian experience and noted the proposed Code changes are not meant to be a style manual but rather to provide a framework for urban design. The goal of the changes is to provide additional clarity in regulations. The revisions would also expand the Downtown district.

Mr. Gloss discussed the set backs and build-to zones for the proposed revisions and noted language has been added to require installation to manufacturer standards. He stated staff has found one item to be incomplete related to the maximum building footprint above the 6th story and requested the Commission consider the changes except that specific change.

Mr. Wray presented the proposed Code revisions to the related to the Neighborhood Conservation Buffer (NCB). He stated these changes act as implementation of the approved Old Town Neighborhoods Plan. The three key NCB Code changes are to remove the minimum lot area requirement, to provide new choices for multi-family, non-residential design standards and options, and to include a building shading step back for larger buildings.

Mr. Wray discussed the key parameters in terms of design standard changes. He stated staff is requesting a recommendation from the Commission for approval of the proposed Code changes.

Public Input

No members of the public were present.

Commission Questions

Ms. Simpson asked whether Willow Street should be a storefront rather than mixed use. Mr. Gloss replied it is somewhere in between, but it makes more sense as mixed use due to the rights-of-way distances. He stated he would look again at the curb line. Ms. Simpson asked how 'parkway' is defined. Mr. Gloss replied a parkway could be concrete with trees in grates and stated the distance from the back of the curb to the building will be driving the dimension more than anything.

Mr. Murray asked about the image of the River District. Mr. Gloss replied it has a more industrial character, but dimensions and setbacks match a more mixed-use street.

Mr. Murray asked about building heights given historic structures. Mr. Gloss replied heights were not created based on historic structures; that will be handled through the preservation Code.

Mr. Hogestad asked about the zoning of the Oxbow area. Mr. Gloss replied it is CCR zoning which allows three stories. He noted the riparian forest is protected by a buffer zone.

Mr. Murray asked how much of the Oxbow area is developable. Mr. Gloss replied it is a heavily constrained property given the river step back, floodplain, riparian forest, and the green street build-to line requirement.

Mr. Hogestad expressed concern about heavy commercial traffic on 1st Street. Mr. Gloss replied any proposed development would be evaluated and mitigation measures could be required. He clarified the Buckingham area could potentially be surrounded by four-story structures.

Mr. Hogestad asked if the neighborhood has had an opportunity to participate in this process. Mr. Gloss replied workshops have been ongoing for a year and a half, and some from this neighborhood had participated; however, individuals from the Buckingham neighborhood have not been specifically targeted for feedback.

Mr. Hogestad asked if there has been a survey of the Buckingham area. Ms. McWilliams replied there have been historic surveys of the area, most recently from 2002-2004. She stated that survey revealed a portion of the neighborhood could potentially be considered an historic district; however, given changes that have occurred, she is unsure the neighborhood continues to meet those standards. She stated a new survey is not scheduled at this time.

Mr. Murray asked if Buckingham residents would have the opportunity to object should these changes be approved. Mr. Gloss replied a citizen can initiate a Code change; however, those are not common.

Mr. Murray asked if upper story and contextual step back definitions are clearly defined. Mr. Gloss replied clarity is paramount and staff has worked with legal counsel to perfect the wording.

Mr. Bello asked about the purpose of the section Mr. Gloss mentioned staff would like to further research. Mr. Gloss replied the intent is to allow air, light, and views to penetrate through buildings and taller, slender tower structures would better meet those goals. He stated staff has yet to determine how many towers should be allowed on a block and what appropriate separation requirements would be.

Ms. Wallace commended the work on building base materials. She asked why staff opted to exclude copper. Mr. Gloss replied it is part of the architectural metal category and the DDA has approved the materials list.

Ms. Dorn asked about removing the minimum lot area requirement in relation to the accessory dwelling unit provisions. Mr. Wray replied the existing 5,000 square foot lot requirement is proposed to be removed.

Ms. Dorn asked if any incentives have been considered for people to keep and maintain a potentially historic building on a lot. Mr. Wray replied Ms. McWilliams could speak to the existing Code provisions for encouraging preservation. He stated the proposed changes allow for higher density with a transition zone.

Mr. Murray asked about off-street parking requirements. Mr. Wray replied the proposed changes do not relate to existing parking requirements which discourage parking between sidewalks and buildings.

Ms. Simpson asked about front entry placement. Mr. Wray replied that is an existing standard that recognizes the contextual character of Downtown neighborhoods.

Ms. Dorn asked if someone would be able to demolish existing buildings, build a new building, and add an accessory dwelling unit. Mr. Wray replied that would depend on the type of building being considered.

Mr. Murray asked how the proposed changes relate to solar access. Mr. Wray replied there are proposed changes for larger buildings.

Ms. Wallace asked why the wording has changed from solar access to shading. Mr. Wray replied that change resulted from a Planning and Zoning Board discussion and addressed the intent to reduce shading to a certain degree.

Commission Discussion

Ms. Simpson requested Commission member feedback on the four-story allowance in the Oxbow area.

Mr. Bello stated new development will need to go up and it provides a transition between Buckingham and other existing development.

Mr. Hogestad stated he is troubled by the Buckingham area being surrounded by four-story buildings and does not believe it is appropriate to have that height on four sides of the neighborhood.

Ms. Dorn asked if the proposed heights around the Buckingham neighborhood adversely affect a potential historic district. Mr. Hogestad replied it changes the context and decreases livability.

Ms. Dorn suggested the Commission could make a statement that the height allowances could impact a potential historic district.

Mr. Bello stated height and density can allow for a greater degree of affordability.

Ms. Simpson requested a brief synopsis on Buckingham's history. Ms. McWilliams replied the neighborhood was established around 1904 as housing for sugar beet workers, primarily Germans from Russia. The area was isolated and faced discrimination for a fair amount of its history.

Committee members discussed the riparian forest and Oxbow area. Mr. Gloss stated the environmental planning staff would do what it could to maintain as much of the forest as possible if a development application were submitted.

Ms. Simpson asked how proposed upper story setbacks would be applied to adjacent buildings if the Oxbow site were to be developed. Mr. Gloss replied the fourth story would need to be stepped back at a minimum average of 10 feet along the street frontage. Additionally, a contextual step back would be required on the Buckingham neighborhood side.

Mr. Bello stated he is struggling with how the four-story zones impact the neighborhood as setbacks keep the neighborhood from being crowded.

Ms. Simpson asked if there is anything preventing O'Dell or New Belgium from building four stories in their parking lots. Mr. Gloss said there was not.

Ms. Dorn suggested the Commission should support the Downtown Code changes but should make its concerns known, particularly around the height allowances near the Oxbow site as they may adversely affect a potential historic district. Mr. Hogestad agreed and stated the buildout of the properties to the north and east will affect the neighborhood as well.

Ms. Wallace stated the addition of a four-story area would impact the neighborhood but would not necessarily impact the formation of a historic district.

Ms. Dorn discussed the importance of a thoughtful transition from a potential historic district to new development.

Mr. Gloss stated there has been resistance among property owners in the area to reduce the proposed heights.

Commission Deliberation

Ms. Dorn moved the Landmark Preservation Commission recommend approval to City Council of the Downtown Code and NCB Transition Code changes as presented noting its concern, however, that the height change in the Oxbow district from three to four stories would radically change the context due to the height of proposed new buildings and potential traffic patterns affecting the potential historic character of the Buckingham neighborhood, which should be recognized as an essential part of the sugar beet heritage and area history relating to Germans from Russia. The Commission also acknowledges the maximum footprint for buildings over six stories is still under review and may be revised.

Mr. Hogestad seconded.

The motion passed 5-1, Bello dissenting.

4. HISTORIC PRESERVATION CODES AND PROCESS REVIEW

DESCRIPTION: This is a request for Planning & Zoning Board consideration of a recommendation to City Council to adopt revisions to Land Use Code Section 3.4.7 (Historic and Cultural Resources). These Codes direct the review and approval processes for developments affecting historic resources.

STAFF: Karen McWilliams, Historic Preservation Manager

Staff Report

Ms. McWilliams presented the staff report. She discussed the history of the Code changes and noted the area of adjacency has been identified as 200 feet, which provides a tremendous amount of predictability. All historic buildings within the buffer are examined for eligibility or are already designated. Ms. McWilliams stated the new language allows greater flexibility for properties that are further away from historic resources.

Public Input

No members of the public were present.

Commission Questions and Discussion

Mr. Murray asked about non-binding decisions. Ms. McWilliams replied a non-binding decision involves an incomplete property survey or lack of permission from the owner to complete a survey; therefore, any decision made is not binding on future development proposals. She noted a survey can be completed from rights-of-way; however, it may not generate enough information to make a decision.

Ms. Dorn asked about the statement related to the director determining eligibility. Ms. McWilliams replied there are many situations wherein there is no specific need for an eligibility determination. She noted the director referenced is Tom Leeson, the Director of Community Development and Neighborhood Services.

Ms. Dorn asked if there will be changes to the existing third-party experts being used by the City. Ms. McWilliams replied there will always be changes to that list as the experts must meet the Secretary of the Interior standards. Ms. Dorn expressed concern the Commission does not always agree with the determinations of the experts. Ms. McWilliams replied it is important to have an independent recommendation; however, the Commission can disagree.

Ms. McWilliams stated implementing the proposed Codes will allow decisions of eligibility to be made based on the best possible information fully documented through surveys. She noted a survey was not conducted for the Spradley Barr property.

Ms. McWilliams clarified the Land Use Code changes will go before Council on December 6th and Municipal Code changes will go before Council in February.

Ms. Dorn noted both Codes apply at times. Ms. McWilliams replied staff has ensured the Codes can stand alone and integrate when the Chapter 14 Municipal Code changes are adopted.

Mr. Hogestad requested examples of how the proposed Codes would apply to projects such as Landmark Apartments at Prospect and Shields. Ms. McWilliams replied the project would need to meet requirements for abutting buildings.

Mr. Hogestad expressed concern the Code changes focus on Downtown and will not work in other areas.

Ms. Dorn asked when the Commission needs to make a recommendation. Ms. McWilliams replied the recommendation is needed this evening and noted the Codes have been written to apply to every parcel in town.

[Secretary's Note: The Commission took a 10-minute break at 8:20]

Mr. Hogestad stated any building on the abutting property must meet Section 3.4.7. Ms. McWilliams replied in the affirmative and stated any lots or parcels adjacent to or abutting historic resources, or that are within the 200-foot area of adjacency, would be subject to Section 3.4.7. She read those requirements.

Mr. Bello expressed concern the proposed language does not properly apply to large properties, such as the one mentioned by Mr. Hogestad.

Ms. Wallace stated the 200-foot area of adjacency is a good formula to follow.

Mr. Bello asked if language addressing non-urban parcels could be included. Ms. McWilliams stated the Citizen Advisory Committee did focus on the Downtown area given the number of historic properties; however, staff has done considerable research on how the Code would apply in all other areas of the city and believes the standards will provide a great deal of compatibility for a new development without requiring it to mimic historic structures.

Mr. Bello disagreed and stated the language is more urban-based.

Mr. Hogestad stated he does not believe Section 3.4.7 is particularly onerous. He asked if properties are considered abutting if they are on the opposite side of a natural feature. Ms. McWilliams replied in the affirmative, provided the parcel has not been subdivided.

Mr. Hogestad asked about parcels near Laurel and College and whether a single owner of multiple parcels would need to meet standards. Ms. McWilliams replied all new development on the parcel, if all buildings were combined into one parcel, would be subject to Section 3.4.7 for abutting properties. If all buildings were kept as individual parcels, the two that flank the historic buildings would each need to meet the standards, and the others falling into the 200-foot area of adjacency would need to meet the standards for adjacent properties.

Mr. Yatabe stated the term 'development site' in Section 3.4.7 was assuming a single property; however, the term may merit a definition in the Land Use Code.

Ms. Dorn suggested the definition should be based on the parcel size as the project boundary could be different from the parcel size, and the project boundary may cross parcel boundaries or take up a small space in the parcel.

Ms. McWilliams stated staff will determine a defensible definition of 'development site;' however, that will be unavailable this evening.

Mr. Bello expressed concern that the development of 1 acre of a 100-acre site would need to meet the Code. He suggested staff present both the city block example and the Sheely neighborhood example as Council will need to see both sides.

Ms. Simpson agreed with Mr. Bello.

Ms. McWilliams suggested possibly looking at only the 200-foot area of adjacency for new developments, and if those developments are not occurring within that boundary, the Code language would not apply.

Ms. Dorn expressed concern about applying that to larger parcels that develop in phases. Ms. McWilliams noted the context is established by the historic building.

Mr. Yatabe noted the definition of abutting is sharing a property line; therefore, the properties within the 200-foot area of adjacency are adjacent unless they are abutting.

Ms. McWilliams suggested a brief recess for Staff to confer with the City Attorney about language to define development site and special cases for large parcels.

[Secretary's Note: The Commission took a 25-minute break at 9:23.]

Ms. McWilliams recommended that going to Council with this be delayed until the February Council meeting, when the Chapter 14 Code will also be presented, in order to properly vet the language changes. The Commission members agreed to the postponement.

Ms. McWilliams stated staff has developed draft language for the Commission's feedback. On large parcels that share a property line with a historic resource, significant historic resources within a 200-foot buffer would be identified. If a property line of any such resource intersects with the development parcel, a 200-foot measurement would be taken, and that area would be considered abutting property subject to the abutting standards. Anything outside that 200-feet would not be subject to the standards.

Mr. Bello suggested staff provide a graphic at the next meeting.

- **OTHER BUSINESS**

Mr. Hogestad asked about the drive-up window building in the alley behind the Rio. Ms. McWilliams replied the building has come down as part of the alley development. Mr. Hogestad stated that building was to remain in the plan the Commission saw and expressed disappointment that change did not come back before the Commission. Ms. Bzdek noted the building was determined not to be eligible. Ms. McWilliams stated the building was not in use very long before being abandoned and the design had been changed considerably. Mr. Hogestad suggested the drive-up windows were some of the oldest in town and may have been significant for that reason.

- **ADJOURNMENT**

Acting Chair Wallace adjourned the meeting at 10:02 p.m.

Minutes prepared by Tara Leman, Tripoint Data, and respectfully submitted by Gretchen Schiager.

Minutes approved by a vote of the Commission on 19 Dec 2018



Meg Dunn, Chair