



## Legislation Text

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**File #:** CPC ZC 20-00161, **Version:** 2

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A Resolution of the City of Colorado Springs adopting design standards for the Historic Preservation Overlay associated with Old North End Historic District.

(Legislative)

Related Files: CPC ZC 20-00161

**Presenter:**

Daniel Sexton, Principal Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Summary:**

Applicant: Old North End Neighborhood Association  
Location: Old North End Historic District

The proposal consists of a request by the Old North End Neighborhood Association (ONEN) to adopt design standards for the Historic Preservation Overlay associated with the Old North End Historic District. The proposed design standards would be used by the City's Historic Preservation Board and City Planning staff as additional review criteria when considering an application (Report of Acceptability) by a homeowner to the City's Historic Preservation Board for approval of new construction within the overlay zoning. The proposed design standards would only apply to work (i.e. decks, additions, solar panels, etc.) affecting the exterior of properties that requires a building permit.

**Background:**

On December 17, 1982, the Old North End Historic District was listed on the National Register of Historic Places (NRHP). The historic district is located north of downtown Colorado Springs and is composed of roughly 657 properties dating primarily from the late nineteenth and early twentieth centuries. Overwhelmingly, the properties represent cultural influences of English architecture, with some adaptations and architectural variations.

On October 9, 2000, City Council adopted Ordinance #00-147 creating the Historic Preservation Overlay, which encompasses the Old North End Historic District. (see "Ordinance 00-147" attachment) Whether it was an oversight or intentional, City Council did not adopt any design standards as part of Ordinance #00-147 or a separate resolution. Discussions were had during the adoption proceedings associated with the Historic Preservation Overlay regarding the design standards, but the concurrently submitted design standards were not ratified.

ONEN's proposal consists of a request to adopt design standards for the Historic Preservation Overlay associated with the Old North End Historic District. The design standards as proposed by ONEN are those as referenced from 2000 and have not been updated since. These design standards

would be used by the City's Historic Preservation Board and City Planning staff as additional review criteria when considering an application (Report of Acceptability) by a homeowner to the City's Historic Preservation Board for approval of new construction within the overlay zoning. The proposed design standards would only apply to work (i.e. decks, additions, solar panels, etc.) affecting the exterior of properties that requires a building permit. Staff also notes that the proposed standards, while not adopted, are already being used by staff to guide initial conversations with contractors, designers and homeowners considering undertakings in the Old North End Historic District and the City's Historic Preservation Board when rendering decisions on applications for Reports of Acceptability.

Per City Code Section 7.5.1602 Definitions, the defined term "Design Standards" states:

*"Written statements adopted by City Council resolution as criteria for use by the Board in the consideration of an application for a report of acceptability for properties with historic preservation overlay zoning."*

A formal recommendation in support or opposition of the request was not provided from staff to the City's Historic Preservation Board when this item was discussed in December 2020. It is the position of staff that prior to acting on this request further discussion with property owners in the Old North End Neighborhood should be had. The last communications with the neighborhood regarding this request occurred over 20 years ago. Additionally, consideration should be given to whether the standards are consistent with the Secretary of Interior's Standards and Guidelines and are in conformance with the guidance and vision set forth in the City's guiding planning documents, such as PlanCOS and HistoricCOS. Some examples of potential conflicts or areas where a fuller process would allow an opportunity to have these discussions instead of adopting design criteria developed in 2000 include: allowances for rooftop mounted solar arrays (District Standard #4) or the preservation of mountain views to the west (Area-wide Standard #4). At face value, the standards referenced above and others appear to be in conflict with local and national guidance and perspectives.

The establishment of design standards or guidelines for properties or neighborhoods covered by the City's Historic Preservation Overlay are critical tools for the City's Historic Preservation Board and staff to affectively make informed decisions regarding applications for Reports of Acceptability. However, in the absence of adopted design standards, such as the current situation in the Old North End Historic District, guidelines can provide decision-makers with explanatory information of historic characteristics suitable for preservation, and techniques and materials appropriate to make informed decisions when applying the review criteria as set forth in City Code Section 7.5.1605(C)(1-4) *Board Approval Of Proposed Work*. Staff also notes, the adoption or denial of design standards for the ONEN does not impact the City's Certified Local Government status. (see "SHPO Email" attachment)

The project supports the City's Strategic plan goals of building community and collaborative relationships and provides a platform supporting the evolution of neighborhoods and communities as they change over time. City Planning staff also notes that the Old North End Historic District is one of the best-preserved historically and architecturally significant residential areas in the city and state.

**Previous Council Action:**

City Council discussed this item at the February 8, 2021 Work Session under the Items for Introduction portion of the meeting. City Planning staff and Mr. Anderson, representing the Old North End Neighborhood Association, presented information regarding the proposed design standards for

the Historic Preservation Overlay zone district associated with the Old North End Historic District. More specifically, Mr. Sexton explained some questions that staff had regarding the adoption of design standards prepared 20+ years ago and the need for a more robust public engagement process and vetting. Mr. Anderson explained why the ONEN desired to have the standards adopted without further delay, which focused on why the standards were not adopted 20+ years ago, legal consequences, and the need to enable the City's Historic Preservation Board to effectively evaluate Reports of Acceptability applications.

Several City Councilors had questions concerning ONEN's request. Councilors Geislinger and Gaebler asked specifically why the standards should be adopted as is if it was already understood that changes were necessary and questioned whether the association had considered establishing the standards private covenants. Councilor Williams also questioned whether the proposed standards were intended to be hard design standards or more flexible design guidelines, as the proposed language contain direct and flexible wording. Councilor Williams explained how the standards as written could cause confusion for their application. Council President Skorman and Councilors Knight and Murray discussed how the standards should be adopted as is and that City Planning could coordinate with ONEN and the Colorado Springs Historic Preservation Alliance could coordinate changes to the standards in the future.

Based on discussions during the session, the ONEN and City Planning were directed to evaluate the proposed design standards and represent the request for further consideration at the February 22<sup>nd</sup> Work Session and possible adoption at the February 23<sup>rd</sup> Public Hearing. As such, City Planning and the City Attorney have made minor grammatical edits and removed the preamble to tighten up the proposed language. (see "Exhibit A - ONE HP Overlay Zone Design Standards" attachment)

City Council previously acted on this proposal in the 2000, when the Historic Preservation Overlay was established for the Old North End Historic District. Based on City Planning and City Attorney staff's review of the project file for the overlay zone district, the design standards where not previously adopted.

**Financial Implications:**

N/A

**City Council Appointed Board/Commission/Committee Recommendation:**

At the City Historic Preservation Board meeting held on December 7, 2020, the proposal was discussed under the New Business portion of the agenda. A formal presentation was made by a representative of the ONEN to explain why the design standards prepared in 2000 should be adopted. Public comments were also considered both in favor and against the request. The Historic Preservation Board discussed the proposal with representative of the ONEN and staff. The Historic Preservation Board ultimately voted 5-1-1 (with Board member Lowenberg absent) to recommend adoption of the standards.

Please refer to the attached meeting minutes for greater detail of the meeting discussion and comments. (see "Meeting Minutes" attached).

**Stakeholder Process:**

The public notification process ahead of the City's Historic Preservation Board meeting to discuss the design standards consisted of providing notice to all property owners within the Historic Preservation

overlay, which included the mailing of postcards to 1,417 property owners, as notification of the Historic Preservation Board hearing. City Planning staff received written and verbal comments from property owners in favor and against the proposal.

City Planning staff notes that no efforts were undertaken to engage the public or initiate pre-hearing conversations with property owners to educate and inform them of the proposed design standards outside of the City Code mandated public notice requirements prior to the consideration of this item. The fast-tracking of this proposal was requested by ONEN, as it was believed that the City's Historic Preservation Board and staff could not make informed decisions on applications within the Old North End Historic District. This requested scheduling of the item did not allow time for a more robust public engagement process.

It is the technical preference of City Planning staff that a public input process be undertaken before taking action on the proposed standards. Such a process would allow the public a genuine opportunity to consider the proposed design standards and suggest any changes. Additionally, as noted above, consideration should be given to whether the standards are consistent with the Secretary of Interior's Standards and Guidelines as currently written and are in conformance with the guidance and vision set forth in the City's guiding planning documents, such as PlanCOS and HistoricCOS.

**Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

**Proposed Motion:**

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If Council makes a recommendation of approval, then the following motion should be used:

Approve a Resolution adopting the North End Historic Preservation Overlay Zone Design Standards, based upon the finding that the request is consistent with the Historic Preservation Board authorities for establishing rules and regulations, including design standards, as set forth in City Code Section 7.5.1601(I).

If Council make a recommendation of denial, then the following motion should be used:

Deny a Resolution adopting the North End Historic Preservation Overlay Zone Design Standards, based upon the finding that the design standards as requested do not support the Historic Preservation Board authorities for establishing rules and regulations, including design standards, as set forth in City Code Section 7.5.1601(I).