

Meeting Date: May 7, 2019

Planner: Andrea Mimnaugh, Senior Planner

APPLICATION SUMMARY:

Project Name: Carnegie Library Conservation Easement Amendment

Case Number: Z19-0002

Historic Name: Carnegie Library

Application Type: Conservation Easement Amendment

Location: 2707 W. Main Street

Applicable Design Guidelines: Downtown Littleton Design Standards

Applicant: Amy & Kyle Reed

Owner: D.L.K. General Partnership

Applicant Request: The applicant is proposing to amend the conservation easement on the subject property that currently grants the city "full and free right to the uninterrupted visual enjoyment" of the Carnegie Library building in order to construct pergolas to the east of the historic structure.

PROCESS:

The existing easement is a conservation easement in gross in which the owners of the Carnegie Library building granted to the City of Littleton a full and free right to the uninterrupted visual enjoyment and maintenance of the façade of the improvements presently existing at the date of the execution of the easement. Because the City of Littleton owns this easement, any amendment, removal, or replacement of the easement requires approval from city council.

Staff reviewed the proposed amendment to the easement to provide analysis to the historic preservation board and city council.

The historic preservation board's duties include advising the city council on matters related to preserving the historic character of the city. The board shall hold a public hearing to discuss the proposed amendment and the potential results and impacts as they relate to the historic landmark and the Main Street Historic District. The historic preservation board will make a recommendation to city council by resolution.

City council shall hold a public hearing to hear testimony, discuss, and decide whether or not to amend the existing easement. City council action will be taken by ordinance.

LOCATION:

The subject property is located at 2707 W Main Street at the far west end of the Main Street Historic District. The easement does not have exact dimensions in the same way that a utility easement crosses a property. In this case, the conservation easement encumbers the entire property and prohibits any development that interrupts the visual enjoyment of the façade of the Carnegie Library building as it existed in 1983 when the easement was granted to the city. The easement includes exhibits that document the existing improvements at that time. The image below shows an aerial image of the Carnegie Library building and green arrow indicates the view intended to be preserved by the existing easement.



Aerial View

The following map shows the Main Street Historic District and the location of the Carnegie Library property.



BACKGROUND:

Timeline

1917	The Carnegie Library building was completed and opened
1973	Designated as a local historic landmark
1979	Additions constructed on south and west sides of the original building
1983	Conservation easement granted to the City of Littleton
1996	The Melting Pot restaurant opened within the building

APPLICATION DETAILS:

The request is to amend the existing conservation easement by adding language that would allow four-season pergolas to be constructed east of the Carnegie Library building. This would be done by recording a separate amendment document that includes an exception to the existing easement. The intent of the existing conservation easement is to protect the scenic appearance of the Carnegie Library as it existed in 1983. The existing easement provides this protection by granting the city a full and free right to the uninterrupted visual enjoyment and maintenance of the exterior and façade of the improvements. Any improvement that interrupts the view of the historic structure is considered to be incompatible with this easement.

Additionally, the existing conservation easement states that the property owner agrees to maintain the exterior of said improvements in an architectural style equivalent to the architectural style of the

exterior and façade of said improvements existing at the date of this instrument and agrees that he will not later, remodel, or construct any improvements or structure that does not conform to the architectural style of the presently existing improvements. This agreement further restricts any development on the subject property and helps ensure architectural compatibility with the historic architecture. Following this statement, the easement refers to several architectural drawings and a site plan that are included as exhibits to the easement.

The intent of the proposed amendment is to add language that allows for the construction of four-season pergolas on the east side of the Carnegie Library. The easement does not include specific language about the size, height, or construction materials, as these details would all be subject to review under the city's zoning regulations, Downtown Littleton Design Standards, and historic preservation regulations.

CRITERIA & STAFF ANALYSIS:

There are no codified criteria to evaluate the impacts of the proposed amendment to the existing conservation easement. However, Staff offers the following points for consideration:

Historic Significance:

The Carnegie Library was designed by Littleton resident and architect Jules Jacques Benedict and originally opened as a public library in 1917. The architecture of the library utilizes styles that were frequently employed by Carnegie institutions including Beaux-Arts Movement, Italian Renaissance, and Palladian styles. Throughout its earlier history, the library building was a center for community activities until 1965 when the Littleton Public Library was moved to 6014 South Datura Street. Following the building's use as a library, the structure served as the Littleton police station and jail until 1977 before being sold to a private developer in 1979.

Not only is the Carnegie Library building significant because of its architecture and relation to the Carnegie Foundation, but the continued use of the building for public activity for nearly 60 years reinforce the importance of preserving this historic landmark. The building holds a prominent position at the west end of Main Street that creates a significant focal point on Main Street for pedestrians and westbound drivers.

Staff finds that the existing conservation easement provides valuable protection for the continued preservation of the historic structure. Additionally, the library building is an important piece of the historic fabric on Main Street, and the uninterrupted view of the eastern façade ties the structure to the larger context of the Main Street Historic District.

Intent of the Existing Conservation Easement:

In 1983, the existing conservation easement was established to ensure the continued preservation of the Carnegie Library building and reinforces the visual importance of this building for downtown Littleton. The conservation easement is an agreement between the city and the property owner and is construed to protect the scenic appearance of the library building due to its visual and historic importance to the City of Littleton. The easement runs with the land in perpetuity and was established to provide these protections forever.

Staff finds that the proposed amendment undermines the intent of the original easement which was intended to exist in perpetuity. The amendment would create an exception where the property owner could construct pergolas that directly interrupt the visual enjoyment of the historic structure from its most striking viewpoints along Main Street.

The Melting Pot restaurant has operated from the building for over 20 years and is a valued “corporate citizen” of the City of Littleton. For several years, the Melting Pot has placed tents on the east side of the building to seat and serve additional customers outside the building. In 2018, staff sent a letter to the Melting Pot owners that the tents were placed in violation of the easement. The applicants (owners of the Melting Pot restaurant) are concerned that outdoor service and structures are required to make the business viable at the current location. If the proposed amendment is not approved, tents or any structures not specifically allowed by the easement will no longer be allowed and if erected, will be subject to strict enforcement and penalties.

The proposed amendment would create an exception where the property owner could construct pergolas that, in part or in whole, may interrupt the visual enjoyment of the historic structure from its most valuable viewpoints along Main Street.

HISTORICAL PRESERVATION BOARD RECOMMENDATION:

The Historical Preservation Board held a meeting on April 15, 2019 to consider the proposed amendment and make a formal recommendation to Council. The Historical Preservation Board passed HPB Resolution 02-2019 recommending denial of the proposed easement amendment finding that it would counteract the intent of the original easement to preserve views of the Carnegie Library building and will diminish the full and uninterrupted visual enjoyment of the building for the general public.

STAFF RECOMMENDATION:

In staff’s opinion, the proposed amendment to the existing conservation easement in gross undermines the intent to preserve the view of the Carnegie Library building for the general public. Staff, therefore, recommends denial of Ordinance 15-2019.