

RESOLUTION 2024-126
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING FINDINGS OF FACT IN SUPPORT OF THE CITY
COUNCIL'S DECISION ON APPEAL TO UPHOLD THE HEARING
OFFICER'S APPROVAL OF THE COLLEGE & TRILBY
MULTIFAMILY COMMUNITY PROJECT DEVELOPMENT PLAN
#PDP220009

A. On August 6, 2024, Administrative Hearing Officer Lori Strand ("Hearing Officer") approved the College & Trilby Multifamily Community Project Development Plan #PDP220009 ("Project").

B. On August 20, 2024, Marcus Mims and Libby Abramovich ("Appellant") filed a notice of appeal ("Appeal") with the City alleging:

The Hearing Officer failed to properly interpret and apply Larimer County Urban Area Street Standards (LCUASS) Sections 1.4, 1.5, 1.8.1, 7.1, 7.1.1, 7.2.3, 7.4 (Table 7-1, 7-2, 7-3) and related sections of the Fort Collins Land Use Code to certain existing roads adjacent to the Project.

C. On October 1, 2024, the City Council, after notice given in accordance with City Code Section 2-52, held a public hearing ("Hearing") pursuant to City Code Section 2-54 to consider the allegations raised in the Appeal.

D. At the Hearing, the Appellant and parties-in-interest in support of the Appeal appeared and addressed Council, arguing in favor of the Appeal.

E. Also at the Hearing, legal counsel for the project applicant addressed Council, arguing in opposition to the Appeal.

F. In making its determination regarding the Appeal at the Hearing, City Council considered the record on appeal; testimony from City staff; statements and arguments by the Appellant and parties-in-interest in support of the Appeal; and statements and arguments in opposition to the Appeal made by legal counsel for the project applicant for the College & Trilby Multifamily Community Project Development Plan.

G. City Council dismissed the Appeal's failure to properly interpret and apply allegations, finding the Hearing Officer properly applied LCUASS and the Land Use Code to roads in the Project area and did not hold the project applicant responsible to fix existing deficiencies on roads outside the Project area, based on vehicle traffic volumes projected from the Project.

H. City Code Section 2-56(c) provides that no later than the date of its next regular meeting after the hearing of an appeal, City Council shall adopt by resolution findings of fact in support of its decision on the appeal.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The allegations set forth in the Appeal, that the Hearing Officer failed to properly interpret and apply the Larimer County Urban Area Street Standards (LCUASS) and Fort Collins Land Use Code, are dismissed because:

- a. LCUASS and the Land Use Code were properly applied to roads in the Project area; and
- b. LCUASS and the Land Use Code do not require the project applicant to fix deficiencies on roads outside the Project area, when vehicle traffic from the Project is not expected to negatively impact those roads.

Section 2. The adoption of this Resolution shall constitute the final action of the City Council in accordance with City Code Section 2-56(c).

Passed and adopted on October 15, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: October 15, 2024
Approving Attorney: Cyril Vidergar