

Notice of Appeal

Filed by Jeff Janelle
February 29, 2024

NOTICE OF APPEAL

Action Being Appealed: Union Park #PDP230005 Street Stub Requirement

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FEB 29 24 PM 3:34

DATE FILED:

INITIALS:

Date of Action: 02/15/2024 Decision Maker: Planning and Zoning Commission

Appellant/Appellant Representative (if more than one appellant):

Name: Jeff Janelle

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INSTRUCTIONS

For each allegation marked below, attach a separate summary of the facts contained in the record which support the allegation of no more than two pages, Times New Roman 12-point font. Please restate allegation at top of first page of each summary.

GROUND FOR APPEAL

The Decision Maker committed one (1) or more of the following errors (check all that apply):

- Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code, and Charter. List relevant Code and/or Charter provision(s) here, by specific Section and subsection/subparagraph:

Section 3.6.4 (A) Fort Collins Land Use Code
Division 1.2.2 (M) Fort Collins Land Use Code
LCUASS Table 7-1 Fort Collins Street Standards
LCUASS Part 4.2.2

Failure to conduct a fair hearing in that:

- (a) The Board, Commission, or other Decision Maker exceeded its authority or jurisdiction as contained in the Code or Charter. [New evidence not allowed]
- (b) The Board, Commission or other Decision Maker substantially ignored its previously established rules of procedure. [New evidence not allowed]
- (c) The Board, Commission or other Decision Maker considered evidence relevant to its findings which was substantially false or grossly misleading. [New evidence allowed]
- (d) The Board, Commission or other Decision Maker improperly failed to receive all relevant evidence offered by the appellant. [New evidence allowed]
- (e) The Board, Commission or other Decision Maker was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Decision Maker's independence of judgment. [New evidence allowed]

NEW EVIDENCE


All new evidence the appellant wishes Council to consider at the hearing on the appeal must be submitted to the City Clerk within seven (7) calendar days after the deadline for filing a Notice of Appeal and must be clearly marked as new evidence. No new evidence will be received at the hearing in support of these allegations unless it is submitted to the City Clerk by the deadline (7 days after the deadline to file appeal) or offered in response to questions posed by Councilmembers at the hearing.

APPELLANTS

Parties-in-interest have the right to file an appeal.

A party-in-interest is a person who, or organization which, has standing to appeal the final decision of a board, commission or other decision maker. Such standing to appeal is limited to the following:

- The applicant.
- Anyone who owns or occupies the property which was the subject of the decision made by the board, commission or other decision maker.
- Anyone who received the mailed notice of, or spoke at, the hearing of the board, commission or other decision maker.
- Anyone who provided written comments to the appropriate City staff for delivery to the board, commission or other decision maker prior to or at the hearing on the matter that is being appealed.
- A City Councilmember.

Signature: 	Date: 02/29/2024
Name: Jeff Janelle	Email: ljanelle@1791.com
Address: 2709 Sunstone Drive Fort Collins CO	Phone #: (970) 988-4374
Describe how you qualify as a party-in-interest: Affected Party English Ranch resident	

Signature:	Date:
Name:	Email:
Address:	Phone #:
Describe how you qualify as a party-in-interest:	

Signature:	Date:
Name:	Email:
Address:	Phone #:
Describe how you qualify as a party-in-interest:	

ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

February 28, 2024

Fort Collins City Council Members
City Hall
300 Laporte Avenue
Fort Collins CO 80521

RE Appeal of local street stub requirement as part of the Union Park #PDP230005 Failure to conduct a fair hearing section (c) Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code and Charter

Dear Fort Collins City Council Members,

This appeal is being filed on behalf of over 500 Fox Stone and English Ranch neighbors who signed a petition in opposition to the local street stub now included in the Union Park #PDP230005. We have been led to believe that this street stub is necessary to generate warrants for a traffic signal at the Paddington/Grand Teton/Ziegler intersection. It needs to be understood that the vast majority of Fox Stone and English Ranch residents don't even want this traffic signal, especially considering the tradeoff of the influx of traffic that a street connection would create. We have established traffic patterns that work quite well and this is evidenced by the findings of the Planning and Zoning commission when they approved alternative compliance during the ODP phase:

2. The Overall Development Plan's Proposed alternative street connectivity accomplishes the purposes of Section 3.6.3 equally well or better than would a plan and design which compiles with the standards of this section because the overall neighborhood including and surrounding the ODP is well served by a network of local, collector and arterial streets, the plan continues to enhance the connectivity for bicycle, pedestrian and transit by providing for connectivity through the site, and the proposed on-site amenities and land uses minimize and mitigate the generation of vehicular trips to the north.

Support for this connection presented to decision makers by City Staff has been grossly misleading through all phases of this proposal:

On 9/21/2023 City Planner Mounce stated, "the current conditions at the Paddington and Ziegler intersection are close to meeting the warrants for a signal; however, with the local street connection in place, the assumption is there would be additional traffic flowing onto Paddington from this proposed ODP that would help fully meet the warrants."

At the 2/15/2024 PDP hearing City Planner Mounce again presented misleading information stating "warrants aren't quite there yet" and "Um, if there is this connection made there in the future, we're going to see some people from this development that would travel up to Paddington then create the traffic warrants that would allow that signalization to occur."

At the 9/21/2023 hearing, City Traffic Engineer Gilchrist stated, "a signal would be warranted at roughly 100 vehicles per peak hour making left or through movements at the intersection; however that number is only about 50."

These statements are substantially false. Per the TIS prepared by Delich and Associates, the ACTUAL peak hour counts are: 19 for a.m. peak hour and 8 for p.m. peak hour, not 50.

Both 8 and 19 are very far from being close as Mr. Mounce stated. Additionally, the assumption he made regarding new traffic has no basis in fact. This is confirmed by the Delich study Figure 11, page 20 which shows zero site generated Peak Hour eastbound Paddington traffic with the Paddington road connection and no signal.

With these facts established, the idea of generating warrants with this proposed street connection is grossly misleading and points to the real reason for the connection: "Redistribute traffic through English Ranch in the long range per redlines." This information is from Attachment "A" TIS Base assumptions on the Delich report.

Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code and Charter.

Because the facts illustrate that the true purpose of the proposed Edmonds connection is not to generate warrants, and because of the established traffic patterns cited above, Paddington would clearly not be used for eastbound departures from Union Park.

A connection to Paddington would however be used for north and west bound departures and would have further connection to the 2600 through 2400 blocks of Sunstone Drive. It is highly probable that a large portion of the PDP departures will travel north and west from the site. This portion of Sunstone is shown as collector street on Fort Collins MSP. Portions of this “collector” are so narrow that when two cars approach head on, one must pull over for safe passage. Not a collector. Sunstone was built as a minor street. Moreover, there is a heavily used side entrance to Linton elementary on Sunstone with no safety signage. This block meets none of the requirements of a collector street as detailed in LCUASS Table 7.1, most notably, no parkway buffers and the existence of drive over curbs. Section 3.6.4 of the Land Use Code says in part: “**Purpose.** In order to ensure that the transportation needs of a development can be safely accommodated by the existing transportation system...”

The Delich report shows 5,286 trip ends per day generated by the PDP. However, in the same report Mr. Delich characterized Union Park as “...a development that will not generate any significant traffic to the minor legs.” (Sunstone Drive) That same report acknowledges that “ Trip generation is important in considering the impact of a development on the existing and proposed street system.” The TIS fails miserably as 5,286 trip ends are absolutely significant, contrary to the contradictory statements made by Mr. Delich and certainly not “safely accommodated”. The 5,286 trip ends are only part of the picture. This figure doesn’t take into account the inevitable cut through traffic.

The Land Use Code section 1.2.2 states: “The purpose of this code is to improve and protect the public health, safety and welfare by: (M) ensuring that development proposals are sensitive to the character of existing neighborhoods. Our neighborhood is a textbook example of the Active Modes model. It is one of the most walkable, bikeable neighborhoods in Fort Collins. The influx of cut through traffic from an Edmonds connection would forever destroy the character of our neighborhood. LCUASS 4.4.2 Existing Traffic part (a) states: “Pedestrian counts and bike usage should be obtained”. This was completely ignored by the Delich TIS as well as any other analysis of the real impacts of an Edmonds connection. This connection was originally to be a bicycle and pedestrian route and would dovetail perfectly with the true character of our neighborhood.

We understand part 3.6.3 generally, but this is a misguided adherence to a one size fits all model that would connect two fundamentally incompatible street systems. The original bicycle and pedestrian connection was appealed under the guise of connectivity, however the true intent was the pursuit of an empty promise of a traffic signal at Paddington and Ziegler. The facts show that warrants will never be generated for that traffic signal. Furthermore, it is a single lane movement versus the double lane movement at the entrance to Union Park.

We have been told time and time again that this type of connectivity is common throughout the city, but this situation is very unique due to the ultra high density of Union Park. Our neighborhood is being forced to pay the price for a poorly planned, cobbled together section mile. It has been established that the street system would be unaffected by a bicycle and pedestrian only connection at Edmonds.

As a neighborhood of over 550 homes who are opposed to an Edmonds street connection, we are simply asking the City to do the right thing and revert to the bicycle and pedestrian only connection.