

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Kim Meyer, Interim Director, Community Development & Neighborhood Services

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## SUBJECT

**College and Trilby Multifamily Community Development Plan Appeal.**

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## EXECUTIVE SUMMARY

The purpose of this quasi-judicial item is to consider an appeal of the Administrative Hearing Officer's decision on August 6, 2024, approving the College and Trilby Multifamily Community Project Development Plan (PDP) #PDP220009.

The Appellants filed a Notice of Appeal on August 20, 2024, alleging:

The Hearing Officer **failed to properly interpret and apply relevant provisions of the City Code, Land Use Code, and Charter.** The appeal alleges that the Larimer County Urban Area Street Standards and the City's Transportation Master Plan were not properly interpreted and applied.

Neither of these two documents is specifically discussed anywhere in the record, however several Land Use Code Sections invoke the *Larimer County Urban Area Street Standards* by reference; and a standard in that document mentions the Transportation Master Plan.

Thus, the Staff Report in the record may be considered to incorporate the two documents into the record indirectly because it includes findings on a Land Use Code Section that invokes the street standards.

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## ALLEGATION EXPLANATIONS

### **Allegation 1: "Infrastructure on Skyway, Constellation, Venus, and Mars"**

NOTE: This allegation is listed here first as numerically titled, though it appears second in the Notice of Appeal. Staff nevertheless cannot clearly discern what the appeal is alleging regarding the Hearing Officer's failure to interpret any code provisions as applicable to the subject development plan, as all claims raised in this allegation pertain to the streets in the adjacent neighborhood.

The allegation includes claims regarding the condition of existing streets in adjacent 1970s-era subdivisions to the north and west of the plan—specifically Skyway, Constellation, and Mars Drive, and Venus Avenue. It concludes with an assertion about average daily traffic volumes "above 'local residential'".

The following information was included in the record for the hearing:

- These streets are not part of the subject development plan and were not included in the scope of the Transportation Impact Study (TIS) except for the easternmost block of Skyway, where Mars Drive intersects Skyway.
- City Traffic Engineering staff in consultation with the Developer determined the required scope of the TIS. The scope included six impacted intersections, including Mars and Skyway, Skyway and College, College and Trilby, and three intersections with proposed new internal streets, as set forth in the subject plan.
- The TIS examined peak hour traffic volumes at the six intersections and indicated that existing infrastructure combined with the proposed improvements would meet City standards.
- Existing local streets not connected to the plan are not ordinarily part of a TIS—such a study evaluates the areas of highest impact attributable to the proposed plan.
- Existing streets in the adjacent neighborhoods may not meet current LCUASS standards; however, those streets fall outside of the scope of review of the development plan because specific, attributable traffic impacts are not anticipated based on the TIS.

Pertinent evidence from the record includes:

- Transportation Impact Study, pages 15-20, for Level of Service summary at 6 intersections that were studied.
- Transcript, p. 20, lines 18-20 and 31-37, for neighbor comment about excessive traffic on streets in the existing subdivisions.
- Transcript, p. 21, lines 30-31, for neighbor comment about traffic on streets in the existing subdivision to the north.
- Transcript, p. 24, 12-17 and 32-33, for applicant comment about Skyway.
- Transcript, p. 26, 29-42, and p. 27, lines 1-23 and 32-33, for staff comments about existing local streets.

**Allegation 2: “LCUASS is not Fungible”**

NOTE: The allegation here was listed first in the attached Notice of Appeal though is titled “Allegation 2”. ‘LCUASS’ references the *Larimer County Urban Area Street Standards*, adopted by the City.

The Notice of Appeal cites statements by staff that there are “no hard and fast” traffic volume numbers for Collector and Local streets.

Pertinent evidence from the record includes explanations by staff to that effect, i.e., that there are no such specific traffic volume standards:

- Transcript p. 27, lines 6-14
- Transcript p. 27, lines 17-23

The appeal also cites several Sections in Chapter 7 of the *Larimer County Urban Area Street Standards* regarding the authority and responsibility of the City Engineer to enforce the standards. Chapter 7 provides design requirements for different street types, with no standards that include traffic volumes.

The record does not include any mention of those cited Sections; however, the Staff Report does mention Land Use Code Section 3.6.2, which refers to LCUASS street design standards for streets that are part of the development plan. Thus, the LCUASS may be considered to be included indirectly in the record.

Staff found compliance with Land Use Code Section 3.6.2, entitled 'Streets, Streetscapes, Alleys, and Easements', because the streets in the plan simply meet all standards including the *Larimer County Urban Area Street Standards*.

Pertinent evidence from the record includes:

- Staff Report, page 14 for brief mention of compliance.
- Staff Presentation, page 10 for brief mention of compliance.

## **PUBLIC OUTREACH**

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None.

## **ATTACHMENTS**

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1. Notice of Appeal
2. Notice of Hearing, Mailing List
3. Staff Report at Administrative Hearing
4. Staff Presentation at Administrative Hearing
5. Applicant Presentations at Administrative Hearing
6. Written Public Comments/Attendance at Administrative Hearing
7. Hearing Officer Decision
8. Verbatim Transcript to Administrative Hearing
9. Video Link to Administrative Hearing
10. Presentation to Council