

RESOLUTION 2024-067
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
PLANNING AND ZONING COMMISSION APPROVAL OF THE
UNION PARK PROJECT DEVELOPMENT PLAN PDP230005

A. On February 15, 2024, the Planning and Zoning Commission ("P&Z") approved the Union Park Project Development Plan PDP230005.

B. On February 29, 2024, Jeff Janelle (the "Appellant") filed a notice of appeal ("Appeal") with the City alleging that:

- (a) P&Z failed to conduct a fair hearing because it considered evidence relevant to its findings that was substantially false or grossly misleading; and
- (b) P&Z failed to properly interpret and apply Land Use Code Sections 1.2.2(M) and 3.6.4(A), and Larimer County Urban Area Street Standards Table 7-1 and Section 4.4.2(A).

C. On April 16, 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 in favor of the appeal. Additionally, the applicant for the Union Park Project Development Plan and parties-in-interest opposed to the appeal addressed Council in opposition to the appeal.

E. In making its determination regarding the Appeal allegations at the Hearing, the 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 made by the applicant for the Union Park Project Development Plan and parties-in-interest in opposition to the appeal.

F. City Council determined that P&Z conducted a fair hearing when it approved the Union Park Project Development Plan finding that the Appellant was appealing an issue that should have been appealed at the overall development plan level which preceded the Union Park Project Development Plan. Therefore, the fair hearing issue was untimely and not relevant to the Union Park Project Development Plan decision, and Council dismissed the Appeal fair hearing allegation.

G. City Council determined that P&Z properly interpreted and applied the Land Use Code when it approved the Union Park Project Development Plan finding that the Appellant was appealing an issue that should have been appealed at the overall development plan stage which preceded the Union Park Project Development Plan.

Therefore, the failure to interpret and apply issue was untimely and not relevant to the Union Park Project Development Plan decision, and Council dismissed the Appeal failure to properly interpret and apply allegations.

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 such 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 allegation set forth in the Appeal that P&Z failed to conduct a fair hearing is dismissed because the allegation should have been appealed at the overall development plan stage which preceded the Union Park Project Development Plan. Therefore, the allegation was untimely, not relevant to the Union Park Project Development Plan, and without merit. Furthermore, City Council finds that P&Z did conduct a fair hearing for the Union Park Project Development Plan.

Section 2. The allegations set forth in the Appeal that P&Z failed to properly interpret and apply the Land Use Code and Larimer County Urban Area Street Standards are dismissed because the allegations should have been appealed at the overall development plan stage which preceded the Union Park Project Development Plan. Furthermore, City Council finds that P&Z did properly interpret and apply the Land Use Code regarding the Union Park Project Development Plan.

Section 3. That 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 May 7, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: May 7, 2024
Approving Attorney: Brad Yatabe