

RESOLUTION 2023-080
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING FINDINGS OF FACT IN SUPPORT OF THE CITY COUNCIL’S DECISION ON
APPEAL TO REMAND THE PLANNING AND ZONING COMMISSION APPROVAL OF A
MAJOR AMENDMENT TO THE ZIEGLER-CORBETT OVERALL DEVELOPMENT PLAN

WHEREAS, on March 23, 2023, the Planning and Zoning Commission (“P&Z”) approved a Major Amendment to the Ziegler-Corbett Overall Development Plan, MJA#220004 (“Major Amendment”); and

WHEREAS, on April 5, 2023, Craig Latzke filed a notice of appeal (“Latzke Appeal”) asserting that:

- (a) P&Z failed to conduct a fair hearing because P&Z substantially ignored its previously established rules of procedure
- (b) P&Z failed to properly interpret and apply Fort Collins Land Use Code Section 3.6.3(E) and (F) (Street Pattern & Connectivity Standards)
- (c) P&Z failed to properly interpret and apply City Plan Policy LIV 4.2 (Compatibility of Adjacent Development)

; and

WHEREAS, on April 5, 2023, Lacey Joyal and Tamara Burnside also filed a notice of appeal (“Joyal Appeal”) asserting that P&Z failed to properly interpret and apply the following sections:

- (a) Fort Collins Land Use Code Section 3.6.3(E) and (F) (Street Pattern & Connectivity Standards)
- (b) Fort Collins Land Use Code Section 1.2.2(K) (Purpose)
- (c) City Plan Policy LIV 4.2 (Compatibility of Adjacent Development)

; and

WHEREAS, the people who filed the Latzke Appeal and the Joyal Appeal qualify as parties-in-interest with standing to file a notice of appeal, and the notices of appeal were timely filed; and

WHEREAS, on August 15, 2023, 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 consolidated allegations raised in the Latzke Appeal and the Joyal Appeal; and

WHEREAS, at the Hearing, the City Council considered the record on appeal; testimony from City staff; statements and arguments by Craig Latzke in support of the Latzke Appeal; statements and arguments by Lacey Joyal in support of the Joyal Appeal; and statements and arguments by Robert Choate and Jason Sherrill, legal counsel and CEO, respectively, for Landmark Homes, the applicant for the Major Amendment in opposition to the notices of appeal; and

WHEREAS, there were no evidentiary objections raised during the Hearing by any party-in-interest or by the applicant in opposition to the notices of appeal; and

WHEREAS, during the Hearing, Craig Latzke withdrew the fair hearing issue raised in the Latzke Appeal, and after discussion, the City Council found and concluded based on the evidence in the record and presentations made at the Hearing, that the fair hearing issue lacked merit and that P&Z did not fail to conduct a fair hearing; and

WHEREAS, after discussion, the City Council decided based on the evidence in the record and presentations made at the Hearing, to remand this matter to P&Z with the direction that P&Z consider whether the Major Amendment complies with the street connectivity standards in the Fort Collins Land Use Code, without deference to the alternative compliance originally approved as part of the Zieler-Corbett Overall Development Plan; and

WHEREAS, in remanding the matter to P&Z, the City Council dismissed the Latzke Appeal and the Joyal Appeal with respect to any issues not specifically addressed by the remand; and

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, pursuant to Section 2-56(c) of the City Code, the City Council hereby makes and adopts the following findings of fact and conclusions:

1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.
2. That the allegation set forth in the Latzke Appeal that P&Z failed to conduct a fair hearing is without merit and is dismissed in its entirety.
3. That the Major Amendment to the Ziegler-Corbett Overall Development Plan be remanded to P&Z for rehearing with the direction that, at a minimum, P&Z determine and make specific factual findings whether the Major Amendment proposal complies with the street connectivity standards set forth in Land Use Code 3.6.3, without deference to the alternative compliance approval granted as part of the Ziegler-Corbett Overall Development Plan.

4. That the March 23, 2023, P&Z decision approving the Major Amendment is hereby vacated.
5. That the Latzke Appeal and Joyal appeal are dismissed in their entirety with respect to any issues not addressed in the remand.
6. 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 at a regular meeting of the Council of the City of Fort Collins this 5th day of September, 2023.

Mayor

ATTEST:

City Clerk