

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Paul Sizemore, Director, Community Development and Neighborhood Services  
Clark Mapes, City Planner

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## SUBJECT

**Resolution 2024-071 Adopting Findings of Fact in Support of the City Council's Decision on Appeal to Uphold the Planning and Zoning Commission Approval of the Mason Street Infrastructure Overall Development Plan ODP230001.**

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## EXECUTIVE SUMMARY

The purpose of this item is to make findings of fact and conclusions regarding Council's decision at the May 7, 2024, Mason Street Infrastructure Overall Development Plan appeal hearing that the Planning and Zoning Commission held a fair hearing and dismissing the failure to properly interpret and apply allegations and thereby upholding the Planning and Zoning Commissions' approval of the Mason Street Infrastructure Overall Development Plan.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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## BACKGROUND / DISCUSSION

On February 15, 2024, the Planning and Zoning Commission considered an application for the Mason Street Infrastructure Overall Development Plan #ODP230001. The Commission approved the application that showed parameters and alignments for infrastructure facilities on property at the west end of Hibdon Court and extending south to Hickory Street in the North College Avenue corridor area. The infrastructure comprises a stormwater detention pond, a proposed new segment of North Mason Street, and water, sewer, and electric lines. On February 27, 2024, a Notice of Appeal was filed, alleging:

1. The Planning and Zoning Commission failed to conduct a fair hearing by considering evidence relevant to its findings that was substantially false or grossly misleading.
2. The Planning and Zoning Commission failed to properly interpret and apply Land Use Code Subsection 3.3.2(D)(5) regarding stormwater requirements for a building permit to be issued and City Code Sections 26-543(a)(4) and 26-544(a) regarding the Dry Creek Basin master plans and stormwater facilities required for subdivision plats.

On May 7, 2024, Council considered the appeal allegations, the record on appeal, information presented at the hearing, and testimony from parties-in-interest and their representatives. After discussing the appeal allegations, Council voted to deny and dismiss the appeal, finding the Planning and Zoning Commission conducted a fair hearing having considered evidence and staff recommendations that were appropriate for

the level of detail required at the level of an overall development plan, finding the appellant's fair hearing issue was without merit, and dismissing the appellant's allegations that Land Use Code and City Code provisions that were not relevant to an overall development plan were not properly interpreted and applied.

**CITY FINANCIAL IMPACTS**

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None.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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1. Resolution for Consideration