

RESOLUTION 2018-104
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE
APPEAL OF THE PLANNING AND ZONING BOARD'S DECISION APPROVING THE
EXTERNAL STORAGE LOCKERS MINOR AMENDMENT MA180033

WHEREAS, on July 19, 2018, the Planning and Zoning Board (the "Board") reviewed and approved the External Storage Lockers Minor Amendment MA180033 (the "Amendment") with one condition of approval that the applicant, the Fort Collins Mennonite Fellowship (the "Fellowship") install a security camera to monitor activities around the lockers and retain the camera recordings for seven days; and

WHEREAS, on August 2, 2018, Laurie Davis and other parties-in-interest (the "Appellants") filed an appeal (the "Notice of Appeal") of the P&Z approval of the Amendment with the City Clerk; and

WHEREAS, the Appellants asserted in the Notice of Appeal that the Board failed to properly interpret and apply Land Use Code Sections 1.2.2, 1.5.1., 2.2.6, 2.2.9, and 2.2.10; and

WHEREAS, on October 9, 2018, the City Council, after notice given in accordance with Chapter 2, Article II, Division 3, of the City Code, considered the appeal, reviewed the record on appeal, received new evidence for consideration, and heard presentations from the Appellants and the opponent of the appeal, the Fellowship; and

WHEREAS, after discussion, the City Council found and concluded based on the evidence in the record and presented at the October 9, 2018, hearing that the Board properly interpreted and applied Land Use Code Sections 1.2.2, 1.5.1., 2.2.6, 2.2.9, and 2.2.10; and

WHEREAS, Council finds that Appellants' appeal is without merit in its entirety and is denied except that, in order to ensure that the Amendment fully complies with the Land Use Code, the Board's October 9, 2018, is modified to include the following conditions in addition to the condition the Board imposed:

1. Locker access shall be limited to between the hours of 6 a.m. and 8 p.m. daily.
2. A Fellowship representative must be present at all times during which locker access is allowed.
3. The Fellowship shall restrict access to the lockers outside of the times when locker access is allowed.

WHEREAS, City Code Section 2-55(g) 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 the Appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, pursuant to Section 2-55(g) of the City Code, the City Council hereby makes and adopts the following findings of fact and conclusions:

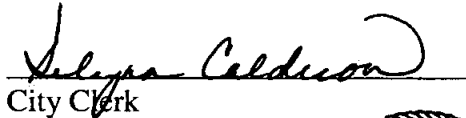
1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.
2. That the grounds for appeal stated in the Notice of Appeal conform to the requirements of Section 2-48 of the City Code.
3. That based on the evidence in the record and presented at the October 9, 2018, City Council hearing, the Board's July 19, 2018, decision on the Amendment is modified to include the conditions stated in the recitals set forth above.
4. Except as modified by the City Council, the Appellants' allegation that the Board failed to properly interpret and apply the Land Use Code is otherwise without merit and is denied in its entirety.
5. That adoption of this Resolution shall constitute the final action of the City Council in accordance with City Code Section 2-55(g).

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of October, A.D. 2018.



Mayor

ATTEST:



City Clerk

