



Wade Troxell, Mayor  
Gerry Horak, District 6, Mayor Pro Tem  
Bob Overbeck, District 1  
Ray Martinez, District 2  
Gino Campana, District 3  
Kristin Stephens, District 4  
Ross Cunniff, District 5

City Council Chambers  
City Hall West  
300 LaPorte Avenue  
Fort Collins, Colorado

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Carrie Daggett  
City Attorney

Darin Atteberry  
City Manager

Wanda Winkelmann  
City Clerk

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The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

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## **Special Meeting January 31, 2017 6:00 p.m.**

- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **CITIZEN PARTICIPATION**

Individuals may comment regarding items not specifically scheduled on the agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process\*\* and not to the Council.

- Those who wish to speak are asked to sign in at the table in the lobby (for recordkeeping purposes).
- All speakers will be asked by the presiding officer to identify themselves by raising their hand, and then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state his or her name and general address for the record, and to keep comments brief. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will beep once and the timer light will turn yellow to indicate that 30 seconds of speaking time remain, and will beep again and turn red when a speaker's time to speak has ended.

[\*\*For questions about the development review process or the status of any particular development, citizens should consult the Development Review Center page on the City's website at [fcgov.com/developmentreview](http://fcgov.com/developmentreview), or contact the Development Review Center at 221-6750.]

## ● CITIZEN PARTICIPATION FOLLOW-UP

### Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (three minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

**Note:** Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak. **Please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

1. Consideration of Two Appeals of the Planning and Zoning Board Decision on November 10, 2016, Approving the Landmark Apartments Expansion Project Development Plan. (staff: Tom Leeson; 15 minute staff presentation; 3 hour discussion)

The purpose of this item is to consider two appeals of the Planning and Zoning Board decision, on November 10, 2016, approving the Landmark Apartments Expansion Project Development Plan. On November 22, 2016, two separate Notices of Appeal were filed.

#### APPEAL #1

To aid discussion of the two appeals, the appeal filed by Per Hogestad is referred to as Appeal # 1 in this agenda item summary.

Appeal # 1 alleges that the Decision Maker committed the following error:

- Failure to conduct a fair hearing in that The Board considered evidence relevant to its findings, which was substantially false or grossly misleading.

The allegation involves issues regarding:

- Environmental protection per Land Use Code (Code) Section 3.4.1, with an emphasis on a habitat buffer along a drainage channel, and other wildlife corridors on the site.
- Glare from headlights, per Code Section 3.4.6.
- Privacy considerations as an aspect of compatibility, per Code Section 3.5.1(D).
- Encroachment into a required 25-foot buffer yard along an abutting single-family lot, per Code subsection 3.8.30(F)(1).

## **APPEAL #2**

An appeal filed by Colleen Hoffman and Ann Hunt is referred to as Appeal #2. It alleges that the Decision Maker committed the errors of:

- Failure to properly interpret and apply relevant provisions of the Land Use Code, and
- Failure to conduct a fair hearing.

Regarding failure to properly interpret and apply relevant provisions of the Land Use Code, the allegation involves issues regarding:

- Project density.
- Project portrayal as an “expansion” of the existing Landmark Apartments.
- Project tenants parking, walking and bicycling in the existing neighborhood.

Regarding failure to conduct a fair hearing, the allegation cites evidence regarding:

- Improper failure to receive all relevant information offered by the appellant. Neighborhood residents were allowed two minutes per person, not enough time to present and discuss information.

- **OTHER BUSINESS**

A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

- **ADJOURNMENT**