

Karen Weitkunat, Mayor  
Kelly Ohlson, District 5, Mayor Pro Tem  
Ben Manvel, District 1  
Lisa Poppaw, District 2  
Aislinn Kottwitz, District 3  
Wade Troxell, District 4  
Gerry Horak, District 6

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

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on the Comcast cable system

Darin Atteberry, City Manager  
Steve Roy, City Attorney  
Wanda Nelson, City Clerk

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## ADJOURNED MEETING

July 24, 2012

6 p.m.

1. Call Meeting to Order.
2. Roll Call.
3. Resolution 2012-063 Authorizing the City Manager to Execute the 2012 Grant Agreements with the Federal Aviation Administration for Improvements and Equipment Acquisitions at the Fort Collins-Loveland Municipal Airport. (staff: Jason Licon, Josh Birks; 3 minute staff presentation; 10 minute discussion)

This Resolution authorizes the City Manager to execute two grant agreements with the Federal Aviation Administration. The first grant is in the amount of \$339,964 and the second grant is in the amount of \$248,000\*\*. The first grant will be used to pay the costs of design services for a capital construction project in 2013 to rehabilitate the general aviation apron aircraft parking area. The second grant will be used to acquire FAA mandated snow removal equipment.

*\*\*Note: The \$248,000 is an estimate at time of agenda printing; the finalized cost will be provided to Council in its Read-Before packet prior to the July 24 meeting.*

4. Resolution 2012-064 Making Findings of Fact Regarding Two Appeals of the Hearing Officer's June 5, 2012 Decision to Approve the Aspen Heights Project Development Plan (PDP #110018). (staff: Ted Shepard; 5 minute presentation; 30 minute discussion)

In December 2011, Breckenridge Land Acquisition, LLP, submitted a Project Development Plan (PDP # 110018) for a combination of single family detached, two-family and multi-family dwellings in the CCN, Community Commercial North College zone district. As proposed, the project consists of 221 dwellings on 31 acres, located south of Conifer Street, west of Redwood Street and north of Old Town North subdivision.

On May 21, 2012, the Hearing Officer conducted a public hearing in consideration of Aspen Heights PDP. On June 5, 2012, after testimony from the applicant, the public and staff, the Hearing Officer issued a written decision approving the PDP, with one condition ensuring proper submittal of a landscape plan for the clubhouse.

On June 19, 2012, Mr. Eric Sutherland filed a Notice of Appeal, which was superseded by an Amended Notice of Appeal, filed July 10. On June 19, 2012, Tom Lawton and Lori Nitzel filed a Notice of Appeal, which was superseded by an Amended Notice of Appeal, filed July 10. Both appeals seek redress of the Hearing Officer's decision.

The two appeals allege that the Hearing Officer failed to conduct a fair hearing and that the Hearing Officer failed to properly interpret and apply relevant provisions of the Land Use Code. Among several other claims, the Sutherland appeal as amended alleges that the Hearing Officer failed to follow established procedures because there was no recording made of the administrative hearing from which a verbatim transcript could be produced. Among other claims, the Lawton/Nitzel appeal alleges that the Hearing Officer failed to follow established procedures based on questions raised as to whether signs required to be posted at the site were in place for the entire period specified in the Land Use Code.

The appeals have been consolidated, and the threshold question of whether the matter should be remanded for a new hearing has been scheduled for Council consideration pursuant to the Mayor's authority under City Code Section 2-56(e).

5. Other Business.
6. Adjournment.