

NOTICE

The City Council of the City of Fort Collins, Colorado, on Tuesday, September 15, 1998 at 6:00 p.m. or as soon thereafter as the matter may come on for hearing in the Council Chambers in the City Hall at 300 LaPorte Avenue, will hold a public hearing on the attached appeal from the decision of the Planning and Zoning Board made on July 16, 1998 regarding Harmony Ridge PUD, Phase One, Final (#49-95B) filed by Joe Vansant, Lee Stark and G.D. McGarvey. You may have received previous notice on this item in connection with hearings held by the Planning and Zoning Board.

If you wish to comment on this matter, you are strongly urged to attend the hearing on this appeal. If you have any questions or require further information please feel free to contact the City Clerk's Office (221-6515) or the Planning Department (221-6750).

Section 2-56 of the Code of the City of Fort Collins provides that a member of City Council may identify in writing any additional issues related to the appeal by September 4. Agenda materials provided to the City Council, including additional issues identified by City Council members, will be available to the public on Thursday, September 10, after 10:00 a.m. in the City Clerk's Office.

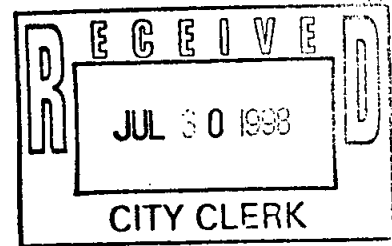
The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call the City Clerk's Office (221-6515) for assistance.

Wanda M. Krajicek
City Clerk

Date Notice Mailed:
September 1, 1998

cc: City Attorney
Planning Department ✓ (Steve Oit)
Planning and Zoning Board Chair
Appellant/Applicant

July 30, 1998



To: City of Fort Collins
City Council
City Clerk

Re: Appeal of the Planning & Zoning Board's denial of Harmony Ridge PUD,
Phase One, Final #49-95B

Dear Council Members:

The applicant is Joe Vansant of Positive Environments, Inc., and the owners are Lee A. Stark and G.D. McGarvey. We file this appeal to City Council of the Planning & Zoning Board's decision made on July 16, 1998 regarding Harmony Ridge PUD, Phase One, Final - #49-95B.

The Harmony Ridge Overall Development Plan (ODP) and Phase One, Preliminary Plan were approved by the Planning and Zoning Board on September 23, 1996 so the project is under the Land Development Guidance System (LDGS). The Planning & Zoning Board denied Harmony Ridge PUD, Phase 1 Final citing that the project did not meet the criteria A-2.1, A-2.4, and A-3.2 of the LDGS. We believe the project meets the criteria mentioned in these sections.

The grounds for this appeal is Section 2-48 (b)(1) Failure to properly interpret and apply relevant provisions of the Code & Charter.

A-2.1 asks three questions. The first question is, "Can the additional traffic (vehicular, pedestrian and bicycle traffic) generated by the land uses within the project be incorporated into the neighborhood and community transportation network without creating safety problems?". The second question under A-2.1 is, "Can impacts from the additional vehicular traffic meet city traffic flow delay policies?". Several Transportation Impact Analysis studies were conducted and concluded that this project will not make a significant impact on the traffic in the area. The intersection of Harmony Road and Shields Street was mentioned. The initial Transportation Impact Analysis study indicated that this project would not make a measurable impact on this intersection. Additional studies were conducted at the request of the city staff that reassured the staff that it was not of concern. This intersection is more than ½ mile away from the project. By way of comparison, the Land Use Code says that a project is responsible for traffic impacts on intersections that are within ½ mile.

The last question under A-2.1 is, "Can pedestrian and bicycle needs be addressed so that opportunities for these travel modes are integrated into the overall city pedestrian and bicycle system?". Harmony Ridge PUD is designed to enhance the pedestrian and bicycle needs in the area. A bicycle trail connection is planned for the southwest corner of the project that will

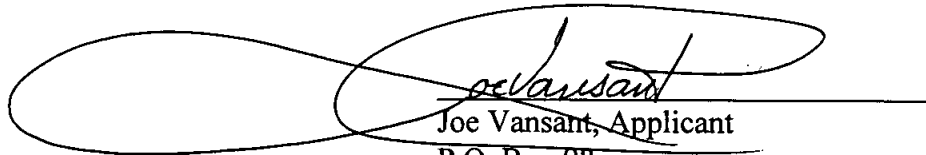
connect to the City's bicycle/pedestrian system through the Cathy Fromme Prairie that will cross the Trilby Lateral. Since the project received preliminary approval, an additional bicycle/pedestrian trail connection has been added that will be on the east side of Morning Dove Lane and will go down to the west end of the proposed dam that will provide access from both the South Shields Street and South Taft Hill Road trail heads. When Old Harmony Road is vacated it will act as a lane that will also serve as a bike trail. Harmony Ridge PUD will have a connection to this lane from Seneca Street and with foot path connections at Dusty Sage Drive and Morning Dove Court. Bicycle/pedestrian connections are also planned on Prairie Ridge Drive that connects to the trail system that runs through The Ridge and West Berry and on Chokecherry Trail to the by aligned section of new Harmony Road. A future connection is also planned that will connect to a City trail head from Prairie Ridge Drive in Phase II of the project.

A-2.4 addresses the question, "Is the street and parking system designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system,(including, without limitation, cars, trucks, buses, bicycles and emergency vehicles)?" and A-3.2 asks, "Does the project comply with all design standards, requirements and specifications for the following services (water supply, sanitary sewer, mass transit, etc.) or have variances been granted?" The board had concerns regarding the safety of Chokecherry Trail which is a secondary access to the project. At the time of the Planning & Zoning Board meeting Chokecherry Trail was shown as a private street because it did not meet the City standards for grading. The City staff did not feel that the grading on this street was unsafe, but due to the developer trying to retain the natural topography in the area and the length of the street, the grading did not meet the set standards. The board questioned whether this street was declared private to save the developer the loss of additional home sites when in reality it was designed to be the quickest route in and out of the project for safety vehicle access while maintaining the natural topography of the area. The board also suggested that a deceleration/acceleration lane be added. The city staff did not feel that an additional lane was necessary since a stop light will be placed at the intersection of new Harmony Road and Seneca, it will be a right turn in and right turn out only intersection, and a median will be placed in the middle of the new section of Harmony Road at this location. Although the city staff did not feel that safety was a problem with the design of Chokecherry Trail nor was there any testimony indicating that safety is an issue, we are willing to work with the City to adjust the grading in such a way that it will meet City standards.

When Harmony Ridge PUD received preliminary approval from the Board, there were six conditions attached. All of the six conditions have been addressed. Harmony Ridge PUD received preliminary approval on September 23, 1996. The only changes to the project are the removal of an internal street and the addition of a bike trail connection requested by the City staff. The City staff recommended to the Planning & Zoning Board that Harmony Ridge PUD receive final approval. No one spoke at the meeting opposing the project. The reasons the board stated for denying the project are not valid and even if they were, they should have been raised by the board during review of the preliminary plan. We are willing to address any concerns of

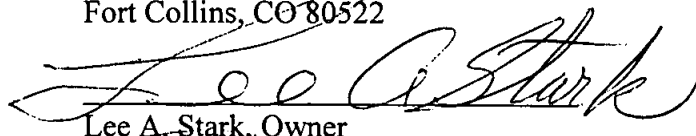
the Planning & Zoning Board but the project was denied without allowing us any opportunity to do so.

Sincerely,

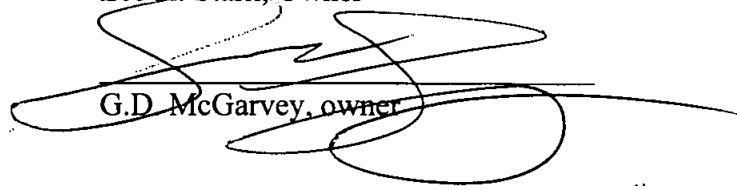


Joe Vansant, Applicant

P.O. Box 98
Fort Collins, CO 80522



Lee A. Stark, Owner



G.D. McGarvey, owner