

RESOLUTION 2021-036
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE
APPEAL OF THE HEARING OFFICER DECISION APPROVING THE 738 CAMPFIRE
DRIVE EXTRA OCCUPANCY RENTAL HOUSE #FDP 200018

WHEREAS, on December 10, 2020, hearing officer Marcus A. McAskin (“Hearing Officer”) conducted a public hearing to review the Extra Occupancy request for a rental house as a permitted use for the existing single-family dwelling located at 738 Campfire Drive, Parcel No. 8704305006 (the “Property”); and

WHEREAS, on December 18, 2020, the Hearing Officer issued a written decision approving the Extra Occupancy request for the Property finding that the homeowner applicant (“Homeowner”) had met the requirements of Land Use Code (“LUC”) Sections 3.8.16(E)(1), 4.5(B)(2)(a)(8), 3.8.28(A), 3.2.2(C)(4), and 3.2.2(K)(1)(j); and

WHEREAS, on January 4, 2021, Joseph Brown (the “Appellant”), an individual living in the same neighborhood as the Property who attended the December 10, 2020 Hearing and is a “party-in-interest” under City Code Section 2-46, filed a Notice of Appeal with the City Clerk appealing the Hearing Officer approval of the Extra Occupancy; and

WHEREAS, the Notice of Appeal asserted that the Hearing Officer failed to properly interpret and apply Land Use Code Section 3.2.2(C)(4) as it related to bicycle parking for Extra Occupancy approval; and

WHEREAS, on March 16, 2021, the City Council, after notice given in accordance with Chapter 2, Article II, Division 3, of the City Code, held a public hearing to consider the appeal, reviewed the record on appeal, received evidence for consideration, and heard presentations from the Appellant, Homeowner, tenants of the Property and City staff; and

WHEREAS, after discussion, the City Council found and concluded based on the evidence in the record and presented at the December 10, 2020, hearing that the Hearing Officer did properly interpret and apply Land Use Code Section 3.2.2(C)(4), regarding the number of bicycle parking spaces and type of bicycle parking required for the Extra Occupancy request; and


WHEREAS, City Code Section 2-56(c) 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 2-56(c) 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 March 16, 2021, Council hearing, Council found that the Hearing Officer properly interpreted and applied Land Use Code Section 3.2.2(C)(4) regarding the required number and type of bicycle parking spaces because:
 - (a) With respect to the number of bicycle parking spaces, the number of beds on the Property is three and this means the required number of spaces is three; and
 - (b) With respect to the type of the required bicycle parking spaces, the bicycle parking provided meets the intent and purpose of the Land use Code requirement by providing all enclosed parking, which meets a higher standard of parking for the occupants.
4. That the Hearing Officer's decision issued on December 18, 2021, for Extra Occupancy of the Property is hereby upheld.
5. That based on the evidence in the record and presented at this hearing, the appeal is without merit and is denied in its entirety.
6. That adoption of this Resolution shall constitute the final action of the City Council in accordance with City Code Section 2-56(c).

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 23rd day of March A.D. 2021.


Mayor

ATTEST:


City Clerk

