

RESOLUTION 88-188
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT REGARDING THE
APPEAL OF THE PLANNING AND ZONING BOARD
OF THE DENIAL OF THE PARK SOUTH PUD MASTER PLAN, AND
UPHOLDING THE DECISION OF THE BOARD

WHEREAS, on August 22, 1988, the Planning and Zoning Board, after notice and hearing, denied the Park South PUD Master Plan; and

WHEREAS, on September 6, 1988, Middel Enterprises, Inc. and Park South Venture filed a notice of appeal, appealing the aforesaid decision of the Planning and Zoning Board; and

WHEREAS, on November 1, 1988, the City Council, after notice and hearing in accordance with Chapter 2, Article II, Division 3 of the City Code, considered said appeal as filed by Middel Enterprises, Inc. and Park South Venture; and

WHEREAS, upon hearing and after full consideration of the evidence as presented to the Planning and Zoning Board, and after hearing argument thereon, the Council made the following findings of fact:

1. The grounds for appeal as stated in the notice of appeal of Middel Enterprises, Inc. and Park South Venture conform to the requirements of Section 2-48 of the City Code.
2. The Planning and Zoning Board:
 - a. Did not abuse its discretion, and its decision was not arbitrary and without the support of competent evidence in the record;
 - b. Did not fail to properly interpret and apply relevant provisions of the Code, including the Land Development Guidance System and, by incorporation therein, the Comprehensive Plan and the Land Use Policies Plan of the City;
 - c. Did not fail to conduct a fair hearing either by: (1) considering evidence which was substantially false or grossly misleading, or (2) by improperly failing to receive and consider all relevant evidence offered by the appellants.
3. The use as proposed pursuant to the Park South P.U.D. Master Plan would create traffic demands which would exceed the capacity of the street system serving said development, and, accordingly did not meet the requirements of the Code, and Council specifically upholds the findings and decision of the Planning and Zoning Board with respect to the issue of said traffic demands.

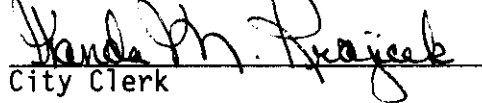
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the decision of the Planning and Zoning Board of August 22, 1988, denying the Park South PUD Master Plan, is hereby upheld.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 15th day of November, A.D. 1988.



Mayor

ATTEST:



City Clerk