

RESOLUTION 93-199  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING FINDINGS OF FACT AND CONCLUSIONS REGARDING  
THE APPEAL FROM A DECISION OF THE PLANNING AND ZONING BOARD  
RELATING TO THE REVISED FINAL PLAN FOR THE PRESERVE PUD

WHEREAS, on October 25, 1993, the Planning and Zoning Board ("the Board") approved the revised Final PUD Plan for The Preserve PUD ("the Preserve"); and

WHEREAS, a Notice of Appeal of the Board's decision was filed with the City Clerk by Nancy and Jim Pieper and Mary Ellen Keen on November 5, 1993; and

WHEREAS, on December 14, 1993, the City Council, after notice given in accordance with Chapter 2, Article II, Division 3, of the City Code, considered said appeal, reviewed the record on appeal and heard presentations from the appellants and other parties-in-interest; and

WHEREAS, at the conclusion of said hearing, the Council determined that the Board's decision regarding the revised Final PUD Plan for the Preserve should be upheld; and

WHEREAS, Section 2-56 of the City Code provides that no later than the date of its next regular meeting after the hearing of an appeal, the City Council shall adopt, by resolution, findings of fact in support of its decision on the appeal.

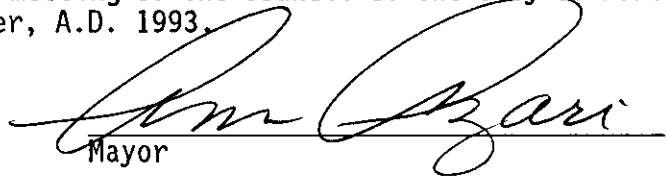
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Council hereby finds as follows:

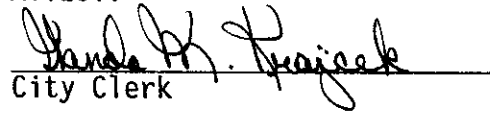
- (a) that the Board did not exceed its jurisdiction in reviewing the revised Final PUD Plan for the Preserve, nor did the Board fail to properly receive all relevant evidence offered at the hearing; accordingly, the Board did not fail to conduct a fair hearing with regard to this matter; and
- (b) that the Board did not abuse its discretion in approving the revised Final PUD Plan for the Preserve because its decision was supported by competent evidence presented to the Board at the hearing, as shown by the record of the hearing.

Section 2. That, for the foregoing reasons, the decision of the Board approving the revised Final PUD Plan for the Preserve is hereby upheld, and this appeal is denied.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 21st day of December, A.D. 1993.

  
Mayor

ATTEST:

  
City Clerk