

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 20

DATE: April 15, 2003

FROM: Peter Barnes/
Cameron Gloss

SUBJECT:

Resolution 2003-055 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Zoning Board of Appeals Relating to Administrative Interpretation #5-02 Regarding the Definition of "Neighborhood".

RECOMMENDATION:

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY:

On February 13, 2003, the Zoning Board of Appeals unanimously upheld written interpretation #5-02, issued by the Current Planning Director. The Director's interpretation was for the purpose of determining the "neighborhood" in which the property at 1109 W. Harmony Road is located. On February 14, 2003, a Notice of Appeal regarding the Zoning Board of Appeals decision was filed by Mark Brophy, owner of the property at 1109 West Harmony Road. In the Notice of Appeal it was alleged that the Zoning Board of Appeals failed to properly interpret and apply the relevant provisions of the Land Use Code.

At the April 1, 2003 hearing on this matter, City Council considered the testimony of City staff, the Appellant, and other parties-in-interest. After discussion at this hearing, Council determined that the Zoning Board of Appeals properly interpreted and applied the relevant provisions of the Code in upholding the Current Planning Director's interpretation.

Therefore, Council voted unanimously to uphold the decision of the Zoning Board of Appeals. In order to complete the record regarding this appeal, Section 2-56(e) of the Code provides that the Council must adopt a resolution making findings of fact and finalizing its decision on the appeal.

RESOLUTION 2003-055
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT AND CONCLUSIONS REGARDING
THE APPEAL OF A DECISION OF THE ZONING BOARD OF APPEALS
RELATING TO ADMINISTRATIVE INTERPRETATION #5-02 REGARDING
THE DEFINITION OF "NEIGHBORHOOD"

WHEREAS, on February 13, 2003, the City's Zoning Board of Appeals (the "Board") upheld Administrative Interpretation #5-02 regarding the definition of "neighborhood" (the "Interpretation"); and

WHEREAS, on February 14, 2003, a Notice of Appeal of the Board's decision was filed with the City Clerk by Mark Brophy (the "Appellant"); and

WHEREAS, on April 1, 2003, 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, heard presentations from the Appellant and other parties in interest and, after discussion, upheld the decision of the Board; and

WHEREAS, City Code Section 2-56(e) 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 City Code Section 2-56(e), the Council hereby makes the following findings of fact and conclusions:

1. That the grounds for appeal as stated in the Appellant's Notice of Appeal conform to the requirements of Section 2-48 of the City Code.
2. That the Board did not fail to properly interpret and apply the relevant provisions of the Code in upholding the Interpretation, particularly in light of the fact that Section 4.4(A) of the Land Use Code provides that edges of neighborhoods typically consist of (among other things) major streets.
3. That, for the foregoing reasons, the decision of the Board approving the project is hereby upheld.

Passed and adopted at a regular meeting of the City Council held this 15th day of April, A.D. 2003.

Mayor

ATTEST:

City Clerk