

## **SUBJECT**

Consideration of the Appeal by Windtrail on Spring Creek HOA, Sundering Townhomes HOA, Hill Pond on Spring Creek HOA, Hill Pond Condominium HOA and Windtrail Townhomes HOA of the June 16, 2011 Determination of the Planning and Zoning Board to approve the Amended CSURF Center for Advanced Technology, Overall Development Plan.

## **EXECUTIVE SUMMARY**

On June 16, 2011, the Planning and Zoning Board conducted a public hearing considering the proposed Amended CSURF Center for Advanced Technology, Overall Development Plan (ODP). The Board considered testimony from the applicant, the public and staff. The Amended ODP was approved. Windtrail on Spring Creek HOA and Hillpond on Spring Creek have appealed the Board's decisions. The allegations are that the Planning and Zoning Board did not properly interpret and apply relevant portions of the Code and Charter.

## **BACKGROUND / DISCUSSION**

This is an appeal of the decision for a request for an **Amended CSURF Centre for Advanced Technology, Overall Development Plan**. The purpose of the Amended ODP is to realign the proposed future Rolland Moore Drive street connection through Parcel C between Centre Avenue and South Shields Street; and, to eliminate the proposed future Northerland Drive street connection from Parcel C to Gilgalad Way in the Windtrail on Spring Creek PUD to the north. The properties contained on the ODP are, cumulatively, 116.7 acres in size. They are located in the MMN - Medium Density Mixed-Use Neighborhood and E - Employment Zoning Districts.

## **ACTION OF THE PLANNING AND ZONING BOARD**

1. At its June 16, 2011 regular meeting, the Planning and Zoning Board made the following findings of fact and conclusions as stated on page 6 of the Staff Report for the Amended CSURF Centre for Advanced Technology, Overall Development Plan:
  - A. The ODP complies with the applicable standards as stated in Section 2.3.2(D)(1 - 8).
  - B. The re-alignment of Rolland Moore Drive is in compliance with the intent of the Master Street Plan and preserves existing wetlands.
  - C. The elimination of the connection between Northerland Drive and Rolland Moore Drive will not impact this neighborhood in a detrimental way because ample existing pedestrian, bicycle and vehicular connections are provided via the local street network and trails in the area; and wetlands are preserved by the elimination of this connection.

The Board considered the testimony of the applicant, affected property owners and staff and voted to approve the Amended CSURF Centre for Advanced Technology, Overall Development Plan.

## **ALLEGATIONS ON APPEAL**

On June 30, 2011, a Notice of Appeal was received by the City Clerk's Office from the Windtrail on Spring Creek HOA (c/o Kevin Barrier, President of the HOA, 1999 Northerland Drive, Fort Collins, Colorado, 80526); and, Hillpond on Spring Creek (c/o Gail Dethloff, Board President of the HOA, 1937 Wallenberg Drive, Fort Collins, Colorado, 80526).

The Appellants allege that the Planning and Zoning Board's approval of the Amended ODP failed to properly interpret and apply relevant provisions of the City of Fort Collins Land Use Code.

**Allegations:****a. Improper interpretation of LUC Sections 2.3.2(H)(7), 4.27(D)(2) and 5.1.2 in relation to allocation of allowable secondary use in the Employment District.**

Part I-A of the Resident Report discusses how the Amended ODP provides the means for increasing the proportion of Employment District in the Centre for Advanced Technology developed for non-employment, secondary uses beyond the limits set by the Land Use Code. Section 2.3.2(H)(7) requires mix of uses to be applied to the entire overall development plan, which allows any future PDP to exceed the 25% limit on secondary use in the Employment District by borrowing secondary use acreage from other parcels. The Board misinterpreted Section 2.3.2(H)(7) in that it did not require an accounting of previous secondary uses within the Centre for Advanced Technology be included in the Amended ODP to indicate how much secondary use has been used in this manner since establishment of the Employment District zone. The 18.1 acre Horticulture Center and the 1.5 acre CSU Ropes Course used approximately 14.6 more acres of Employment District for secondary uses than would have been allowed by Section 4.27(D)(2). There may be several other instances of secondary use in the Employment District of the Centre for Advanced Technology since the establishment of zoning after the 1999 ODP.

The Board misinterpreted LUC 5.1.2 with regard to the status of the Ropes Course as a community facility; it is publicly owned and intended to serve recreational, educational, cultural and entertainment needs of the community as a whole. It is a secured, fee-for-use public facility. It is not open recreational space. It is an Employment District secondary use in Parcel D of the Amended ODP.

The Board misinterpreted Section 4.27(D)(2) as it applies to an overall development plan by allowing Note 2 of the Amended ODP to set a condition whereby any development in Parcels D and E, which are in the Employment Zone and the FEMA floodway, will not be counted against the 25% secondary use allowance provided by their 52.3 acres (a total of 13.07 acres). Future secondary uses in Parcels D and E would never be debited against that allowance, which could result in 13.07 acres more than 25% of the Amended ODP Employment District being developed for secondary, non-employment uses. Note 2 should be struck from the Amended ODP and language from Note 2 of the 2003 ODP should not be carried forward.

The Board misinterpreted LUC 5.1.2 with regard to the meaning of "development plan" in Section 4.27(D)(2) by deciding that issues related to the 25% limit on secondary use in the Employment District are not applicable to an overall development plan. Section 4.27(D)(2) applies to a "development plan", which Section 5.1.2 defines as an overall development plan, a project development plan and/or a final development plan. When considering an ODP in relation to 4.27.(D)(2), the "development plan" is the ODP.

**STAFF ANALYSIS:**

The total amount of area on both the CSURFCentre for Advanced Technology ODP (approved by the Planning & Zoning Board on 2/20/2003 and recorded) and the Amended CSURF Centre for Advanced Technology ODP (approved by the P&Z Board on 6/16/2011) is 116.7 acres. The amount of area within the E, Employment District on both ODP's is 96.5 acres. The amount of area within the MMN, Medium Density Mixed-Use Neighborhood District on both ODP's, completely within Parcel C, is 20.2 acres. The Gardens on Spring Creek facility is not included within the boundaries of either ODP containing Parcels A thru F. Therefore, it is not counted against the allowable land uses on the ODP's. During its development review process in 2003 the CSU Ropes Course (Parcel D) was, in fact, determined to be a Community Facility in the E District. Community facilities are Secondary Uses in that district. The total amount of secondary uses in the E District currently existing or proposed is 18.5 acres (9.1 acres in Parcel C and 9.4 acres in Parcel D), which is 19.2% of the total of 96.5 acres in the E District.

**b. Improper interpretation of LUC Section 5.1.2 regarding Floor Area Ratio.**

The Amended ODP deletes Note 5 from the 2003 ODP which states, "Maximum Floor Area Ratio (building square footage divided by land area square footage) for all parcels not to exceed .37." LUC Section 5.1.2 defines Floor Area Ratio as the gross floor area of all principal buildings on a lot or block by the total area of such lot, or the block size. This definition does not mention parcels and is clearly intended to be applied to lots and blocks at the detailed level of a PDP. The FAR note in the 2003 ODP was intended to apply a maximum Floor Area Ratio to the lots and blocks of any future PDP that might have been proposed for any parcel within the ODP. The Board misinterpreted both Note 5 and Section 5.1.2 when it accepted the Applicant's FAR calculation using the total area of buildings in the PDP divided by the total parcel square footage.

(The Resident Report contains a typographical error on page 1-7, where the LUC citation is written as Section 5.2. Definitions are in Section 5.1.2.)

The Board misinterpreted the general purpose and intent of the LUC when it decided that since FAR is not used as a planning tool in the LUC, it was not part of the LUC and therefore could simply be removed during amendment of the Centre of Advanced Technology ODP. The FAR note was attached to and approved with the 2003 ODP. This made it the standard for the development of the Centre for Advanced Technology in accordance with the LUC. FAR is defined in the LUC 5.1.2. and therefore is indeed part of the LUC. FAR is not regulated by LUC, but that is irrelevant to upholding this limitation that was instituted by the 2003 ODP. There should be a very compelling reason to remove prior protections that presumably were placed as an approved condition and promise to the community for how future development would take place.

**STAFF ANALYSIS:**

Staff's response to Planning & Zoning Board's questions at the public hearing was that Floor Area Ratio is not a criterion that must be applied or complied with for evaluation of an Overall Development Plan, per Section 2.3.2(H) of the Land Use Code. However, at the Board Public Hearing on June 16, 2011 the Applicant agreed not to remove the FAR-related note as shown on the February 20, 2003 ODP.

**c. Improper interpretation of LUC 1.2.2(E) regarding land uses in the Spring Creek 100-year floodplain.**

The 2003 Centre for Advanced Technology ODP did not allow secondary uses in an Employment District in the floodplain, but the Amended ODP does allow such development. Note 3 of the 2003 ODP states: "Land uses proposed within the Spring Creek 100-year floodplain shall not be considered secondary uses." As noted on page 1-8 of the Resident Report, City Staff determined in 2009 that this note does not allow residential construction in the floodplain. The Amended ODP allows such development by the simple expedient of deleting this note. Prohibition of residential construction as a secondary use in the Employment District in the Spring Creek floodplain reduces risk to the lives and property of neighboring landowners, potential tenants and first responders. When approving the Amended ODP, the Board misinterpreted LUC 1.2.2(E) regarding the protection of life and property in the matter of floodwaters by allowing removal of the protection afforded by Note 3 of the 2003 ODP.

**STAFF ANALYSIS:**

At the Planning & Zoning Board Public Hearing on June 16, 2011 the Applicant agreed to retain General Notes 2 & 3 as shown on the February 20, 2003 ODP, this in lieu of the proposed new General Note 2 on the Amended ODP. This note relates to allowance or prohibition of potential Secondary Uses in the floodway or floodplain, primarily in Parcels D and E of the ODP.

**d. Improper interpretation of LUC 2.3.2(H)(1) regarding the basis for classification and granting of administrative variances for the design of Rolland Moore Drive as a Minor Collector.**

When approving the ODP, the Board accepted administrative variances that downgraded the street design of Rolland Moore Drive relative to its classification. In doing so, the Board misinterpreted LUC 2.3.2(H)(1) regarding the permitted uses and standards for zoned districts in overall development plans. Commercial offices and shops are permitted use in the MMN District according to LUC 4.6(B)(3)(c)(2). The June 2002 Transportation Impact Study for Parcel C of the Centre for Advanced Technology found that commercial office use of the MMN area of Parcel C, along with similar permitted uses in the Employment District would generate 5,735 daily trips, thereby causing Rolland Moore Drive to be classified as a Collector. The Board improperly assumed that since residential uses are permitted in the MMN District, residential levels of traffic could be used to calculate daily trips for the classification and design of Rolland Moore Drive. However, the Amended ODP does not rezone or limit development of any permitted use in the MMN District in Parcel C. As noted on page 1-11 of the Resident Report, the Amended ODP must be able to stand on its own merit for the maximum allowable development. Rolland Moore Drive should meet the standards for a Collector street capable of handling the number of daily trips identified for the complete complement of permitted uses.

**STAFF ANALYSIS:**

The basis for a street classification is determined from how the street may function, what volume of traffic is expected to use the roadway, safety considerations and context-sensitive design to support the surrounding neighborhoods. Rolland Moore Drive continues to be designated as a collector street on the Master Street Plan and staff expects it to function as a Collector street as the surrounding land is developed. The Larimer County Urban Area Street Standards (LCUASS) does allow the City Engineer to approve variances to the street design standards. Several variances have been approved related to the street geometry (i.e., centerline radii and minimum tangent between curves) and reducing the travel lane width from 11 feet to 10 feet. The variances are viewed as acceptable with the planned posted speed limit of 25 mph which is also viewed as commensurate with the developing residential land use in the area. City staff from Engineering, Traffic Operations, Transportation Planning, and Community Development and Neighborhood Services reviewed and support the variances.

The approved variances do not change the collector-level classification or street cross-section of Rolland Moore Drive. City staff has determined that the variances ensure that the design of Rolland Moore Drive will match the context of the surrounding land uses. Rolland Moore Drive as planned and designed is expected to accommodate existing and projected traffic volumes based on adjacent zoning, as well as provide needed connectivity for vehicles, pedestrians, and cyclists.

**e. Improper interpretation of LUC 2.3.2{H}(1) by approval of a conceptual alignment for Rolland Moore Drive that does not comply in general with LCUASS standards for its classification.**

The Board misinterpreted LUC 2.3.2{H}{1} regarding the general development standards that can be applied at the level of detail required for an overall development plan. The conceptual alignment in the 2003 ODP was selected as the most compliant option consistent with LCUASS standards for a Collector Street. The conceptual alignment in the Amended ODP appears to be generally out of compliance with LCUASS. The alignment shows curve radii and arc lengths that would be substandard for the street classification according LCUASS for a Minor Collector Street, let alone for a Collector Street. The intersection with Centre Avenue would not comply with LCUASS even for less stringent Connector Local criteria. Previous City considerations for Rolland Moore Drive placed safety first, as quoted on page 1-10 of the Resident Report. Conceptual roadway alignments should be generally in compliance with LCUASS standards so that any future PDP roadways can be developed within the detailed traffic safety standards.

**STAFF ANALYSIS:**

City staff interpretation of LUC 2.3.2{H}{1} is that it would not apply to a street alignment shown on an ODP. However, LUC 2.3.2{H}{3} states that an ODP must conform to the Master Street Plan (MSP), not the Larimer County Urban Area Street Standards. Rolland Moore Drive was added to the Master Street Plan in 2000 to serve as a vehicle, bicycle, and pedestrian connection from Shields Street to Center Avenue. The goal is to provide connectivity to and from surrounding neighborhoods and employment centers. The MSP is a planning-level document and does not include engineering design.

In 2006, the Federal Emergency Management Agency (FEMA) updated the flood maps for this area. The 2000 alignment would now be located in a FEMA floodplain and flood fringe, as well as impact wetlands. City staff supported the request to relocate Rolland Moore Drive to the location shown on the amended ODP to remove the environmental impacts. This included removing a planned connection to Northerland Drive.

City staff considered possible alternative alignments, including removing the connection from the MSP. The preferred alternative will maintain Rolland Moore Drive as a collector street and utilize the existing Natural Resources Research Council (NRRRC) driveway intersection with Center Avenue to avoid multiple off-set intersections along this corridor that could impact safety. Additionally, this intersection will become an important entrance to the Colorado State University Veterinary Medicine Campus in the future. The amended alignment will still conform to the MSP as it meets the original intent to provide a collector-level connection between Shields Street and Center Avenue.

**f. Improper interpretation of LUC 3.6.2{A} regarding relationship of streets to topography**

The general alignment of Rolland Moore Drive in the Amended ODP is shown crossing topography with a very steep cross slope. This will force any future PDP to implement unwarranted engineered cuts into the hillside below the Larimer Canal No. 2 that would otherwise not be necessary if the roadway bore a logical relationship to the existing topography.

**STAFF ANALYSIS:**

LUC 3.6.2{A} requires streets on a project development plan or subdivision plat to conform to the Master Street Plan, to be aligned to join with planned or existing streets, and be designed to bear a logical relationship to the topography of the land. This standard would not apply to an ODP.

The amended Rolland Moore Drive alignment complies with the Master Street Plan and provides connections to adjacent streets, with the exception of Northerland Drive. City staff has not supported street or trail crossings of the Larimer Canal No. 2 or the extension of Northerland Drive due to the potential impacts to wildlife and natural corridors, existing drainage ways, wetlands, and the availability of alternative routes. City staff from Community Development and Neighborhood Services, Environmental Planning, Engineering, Traffic Operations, and Transportation Planning reviewed the Alternative Development Plan and found that it accomplishes the purposes of LUC 3.6.3{F} equally well or better than a plan that would meet the standard. The Alternative Development Plan submitted provides enhanced bicycle and pedestrian connectivity to adjacent trails, sidewalks and on-street bicycle routes, distributes vehicle traffic without exceeding level of service standards, and eliminates impacts to the designated wildlife corridor along the Larimer Canal No. 2.

**g. LUC 1.2.2{E} protecting life, safety and reducing flood damage, and LUC 3.3.3 regarding water hazards**

The Amended ODP shows Rolland Moore Drive in an alignment that requires deep cuts into the hillside below Larimer Canal #2, increasing the potential for breach of the canal during a storm/flood event. The Board set as a Condition of Approval that the canal be relocated, but only by withholding the Final Certificate of Occupancy after construction. By allowing excavation of the hillside before relocation of the canal, the Board misinterpreted the purpose and intent of LUC 1.2.2{E} and LUC 3.3.3 to mitigate such hazards. Cutting the slope below the canal prior to relocation unnecessarily increases risk to the life, health and safety of downhill residents and properties.

**STAFF ANALYSIS:**

The developer for The Grove at Fort Collins will not be doing any cut and fill to the north-facing slope of the existing Larimer Canal No. 2 while there is water running through that ditch, which occurs 2 months of the year. This mitigates the potential for risk to life, health and safety of properties and residents downhill from the ditch.

**h. Improper interpretation of LUC Section 3.6.3{F} regarding connectivity**

As a practical matter, the alignment of Rolland Moore Drive in the Amended ODP precludes development of connectivity to existing services south of Parcel C. It is set so close to Larimer Canal No.2 that any street or alternative transportation way would need extensive grading and construction to cross the Canal easement, which would have a substantial impact on its function as a wildlife corridor. Other feasible alignments not presented in the Amended ODP, but sketched in the illustrations following page 1-10 of the Resident Report, could reduce the disruption needed to build connections to the south. Examples of streets, bikeways and trails coexist with canals and wildlife corridors throughout the City. The Board misinterpreted LUC Section 3.6.3{F} which requires Alternative Compliance for connectivity to be equal or better than compliance.

**STAFF ANALYSIS:**

City staff has not supported street or trail crossings of the Larimer Canal No. 2 or the extension of Northerland Drive due to the potential impacts to wildlife and natural corridors, existing drainage ways, wetlands, and the availability of alternative routes. City staff from Community Development and Neighborhood Services, Environmental Planning, Engineering, Traffic Operations, and Transportation Planning reviewed the Alternative Development Plan and found that it accomplishes the purposes of LUC 3.6.3{F} equally well or better than a plan that would meet the standard. The Alternative Development Plan submitted provides enhanced bicycle and pedestrian connectivity to adjacent trails, sidewalks and on-street bicycle routes, distributes vehicle traffic without exceeding level of service standards, and eliminates impacts to the designated wildlife corridor along the Larimer Canal No. 2.

**DETERMINATION TO BE MADE BY COUNCIL**

Did the Planning & Zoning Board properly interpret and apply relevant portions of the Code and Charter?

**LIST OF RELEVANT CODE PROVISIONS**1. Section 1.2.2 Purpose of the Land Use Code

The purpose of this Land Use Code is to improve and protect the public health, safety and welfare by:

- (A) ensuring that all growth and development which occurs is consistent with this Land Use Code, City Plan and its adopted components, including but not limited to the Structure Plan, Principles and Policies and associated sub-area plans.
- (B) encouraging innovations in land development and renewal.
- (C) fostering the safe, efficient and economic use of the land, the city's transportation infrastructure, and other public facilities and services.
- (D) facilitating and ensuring the provision of adequate public facilities and services such as transportation (streets, bicycle routes, sidewalks and mass transit), water, wastewater, storm drainage, fire and emergency services, police, electricity, open space, recreation, and public parks.
- (E) avoiding the inappropriate development of lands and providing for adequate drainage and reduction of flood damage.
- (F) encouraging patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.
- (G) increasing public access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation.
- (H) reducing energy consumption and demand.
- (I) minimizing the adverse environmental impacts of development.
- (J) improving the design, quality and character of new development.
- (K) fostering a more rational pattern of relationship among residential, business and industrial uses for the mutual benefit of all.
- (L) encouraging the development of vacant properties within established areas.
- (M) ensuring that development proposals are sensitive to the character of existing neighborhoods.
- (N) ensuring that development proposals are sensitive to natural areas and features.

2. Section 2.3.2(H)(1) & (7) Overall Development Plan Review Procedures

An overall development plan shall be processed according to, in compliance with and subject to the provisions contained in Division 2.1 and Steps 1 through 12 of the Common Development Review Procedures (Sections 2.2.1 through 2.2.12, inclusive) as follows:

- (H) **Step 8** (Standards): Applicable. An overall development plan shall comply with the following criteria:
  - (1) The overall development plan shall be consistent with the permitted uses and applicable zone district standards (Article 4) of all zone districts contained within the boundaries of the overall development plan. The plan shall also be consistent with any zone district standards (Article 4) and general development standards (Article 3) that can be applied at the level of detail required for an overall development plan submittal. If the overall development plan contains any land within the M-M-N, C-C and/or N-C Districts, the plan shall be consistent with the block size requirements for those districts.

- (7) Any standards relating to housing density and mix of uses will be applied over the entire overall development plan, not on each individual project development plan review.

3. Section 3.3.3 Water Hazards

- (A) Lands which are subject to flooding or are located in a natural drainageway shall not be approved for development or redevelopment unless the following conditions are met:
- (1) the project development plan complies with the Basin Master Drainageway Plan as applicable.
  - (2) the project development plan complies with City Stormwater Design Criteria and Construction Standards.
  - (3) the project development plan complies with the floodplain regulations as established in Chapter 10 of the City Code.
  - (4) all measures proposed to eliminate, mitigate or control water hazards related to flooding or drainageways have been approved by the Water Utilities General Manager.
- (B) If a project includes a water hazard such as an irrigation canal, water body or other water channel, necessary design precautions shall be taken to minimize any hazard to life or property, and additional measures such as fencing, water depth indicators and erection of warning signs shall be taken, to the extent reasonably feasible.
- (C) Any lands that are subject to high groundwater (meaning groundwater at an elevation such that basement flooding is reasonably anticipated by the City Engineer to occur) shall not be platted for building lots with basements unless adequate provisions to prevent groundwater from entering basements have been designed and approved by the City Engineer.

4. Section 3.6.2(A) Streets, Streetscapes, Alleys and Easements

- (A) Streets on a project development plan or subdivision plat shall conform to the Master Street Plan where applicable. All streets shall be aligned to join with planned or existing streets. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at right angles unless otherwise approved by the City Engineer.

5. Section 3.6.3(F) Street Pattern and Connectivity Standards

- (F) **Utilization and Provision of Sub-Arterial Street Connections to and From Adjacent Developments and Developable Parcels.** All development plans shall incorporate and continue all sub-arterial streets stubbed to the boundary of the development plan by previously approved development plans or existing development. All development plans shall provide for future public street connections to adjacent developable parcels by providing a local street connection spaced at intervals not to exceed six hundred sixty (660) feet along each development plan boundary that abuts potentially developable or redevelopable land.

6. Section 4.27(D)(2) Secondary Uses

(D) **Land Use Standards.**

- (2) **Secondary Uses.** All secondary uses shall be integrated both in function and appearance into a larger employment district development plan that emphasizes primary uses. A secondary use shall be subject to administrative review or Planning and Zoning Board review as required for such use in Section 4.27(B). The following permitted uses shall be considered secondary uses in this zone district and together shall occupy no more than twenty-five (25) percent of the total gross area of the development plan.
- (a) Veterinary facilities and small animal clinics.
  - (b) Clubs and lodges.

- (c) Child care centers.
- (d) Residential uses (except mixed-use dwellings when the residential units are stacked above a primary use which occupies the ground floor).
- (e) Standard and fast food restaurants.
- (f) Lodging establishments.
- (g) Bed and breakfast establishments.
- (h) Funeral homes.
- (i) Health and membership clubs.
- (j) Convenience shopping centers.
- (k) Convention and conference center.
- (l) Food catering.
- (m) Public facilities.
- (n) Community facilities.
- (o) Bars and taverns.
- (p) Plant nurseries and greenhouses.
- (q) Dog day-care facilities.
- (r) Print shops.
- (s) Workshops and custom small industry uses.
- (t) Artisan and photography studios and galleries.
- (u) Limited indoor recreation establishments.
- (v) Enclosed mini-storage facilities.
- (w) Places of worship or assembly.
- (x) Personal and business service shops.

7. Section 5.1.2 Definitions

*Development plan* shall mean an application submitted to the city for approval of a permitted use which depicts the details of a proposed development. Development plan includes an overall development plan, a project development plan and/or a final plan.

*Floor Area Ratio (FAR)* shall mean the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.

### **COUNCIL OPTIONS**

Council should consider the appeal based upon the record and relevant provisions of the Code and Charter, and after consideration, either:

1. Remand the decision if the Council finds that the Board failed to conduct a fair hearing; or
2. Uphold, overturn or modify the Board's decision; or
3. Remand the decision for further consideration of additional issues raised on appeal.

### **ATTACHMENTS**

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1. City Clerk's Notice of Appeal Hearing and Notice of Site Visit
2. Notice of Appeal, dated June 29, 2011
  - Resident Report
  - Documents submitted at the Planning and Zoning Hearing by Citizens, June 16, 2011
3. Staff Report (with attachments) to Planning and Zoning Board, dated June 16, 2011, for the Amended CSURF Centre for Advanced Technology Overall Development Plan (#MJA11001)
4. Additional documentation for Staff Report submitted by the applicant to the Planning and Zoning Board at the June 16, 2011 Hearing
5. Documents submitted by various speakers to the Planning and Zoning Board at the June 16, 2011 Hearing.
6. Verbatim Transcript of the Planning and Zoning Board Hearing, June 16, 2011
7. Miscellaneous Documents Submitted by Applicant at the Planning and Zoning Board June 16, 2011 Hearing

**City Clerk's  
Notice of Appeal Hearing  
and  
Notice of Site Visit**



City Clerk's Office  
300 LaPorte Avenue  
PO Box 580  
Fort Collins, CO 80522  
970.221.6515  
970.221.6295 - fax  
[fcgov.com/cityclerk](http://fcgov.com/cityclerk)

## NOTICE OF PUBLIC HEARING

The City Council of the City of Fort Collins, Colorado, on Tuesday, August 16, 2011, at 6:00 p.m. or as soon thereafter as the matter may come on for hearing in the Council Chambers in City Hall at 300 LaPorte Avenue, will hold a public hearing on the two enclosed appeals from decisions (listed below) of the Planning and Zoning Board:

1. Amended CSURF Centre for Advanced Technology, Overall Development Plan #MJA 110001 made on June 16, 2011; and
2. The Grove at Fort Collins, Project Development Plan #16-10B made on June 17, 2011.

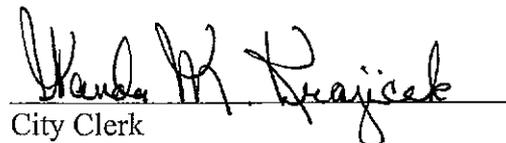
You may have received previous notice on these items in connection with hearings held by the Planning and Zoning Board.

If you wish to comment on these matters, you are strongly urged to attend the hearing on the appeals. If you have any questions or require further information please feel free to contact the City Clerk's Office (970-221-6515) or the Planning Department (970-221-6750).

Any written materials that any party-in-interest may wish the City Council to consider in deciding the appeals shall be submitted to the City Clerk no later than 12:00 p.m. on Wednesday, August 10, 2011 [Section 2-54(b) of the City Code]. Agenda materials provided to the City Council, including City staff's response to the Notice of Appeal, and any additional issues identified by any party-in-interest, will be available to the public on Thursday, August 11, after 2:00 p.m. in the City Clerk's Office and on the City's website at: <http://fcgov.com/cityclerk/agendas.php>.

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 at 970-221-6515 (TDD 970-224-6001) for assistance.

See other side for Notice of Site Visit

  
City Clerk

Date Notice Mailed:  
August 4, 2011

cc: City Attorney  
Current Planning Department  
Planning and Zoning Board Chair  
Appellant/Applicant



City Clerk's Office  
300 LaPorte Avenue  
PO Box 580  
Fort Collins, CO 80522  
970.221.6515  
970.221.6295 - fax  
fcgov.com/cityclerk

## NOTICE OF SITE VISIT

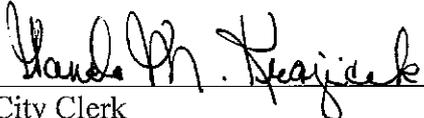
Two appeals of the Planning and Zoning Board decisions of June 16 and June 17, 2011, regarding the Amended CSURF Centre for Advanced Technology, Overall Development Plan and the Grove at Fort Collins, Project Development Plan will be heard by the Fort Collins City Council on August 16, 2011.

Pursuant to Section 2-55 of the City Code, members of the City Council will be conducting an inspection of the site of the proposed overall development plan and project development plan on **Wednesday, August 10, 2011 at 1:30 p.m.** Notice is hereby given that this inspection constitutes a meeting of the City Council that is open to the public, including the appellants and all parties-in-interest. The site is located at the southwest corner of Centre Avenue and existing Rolland Moore Drive, directly south of the Gardens on Spring Creek, in the Centre for Advanced Technology.

Councilmembers conducting a site inspection under this provision will, at the hearing on the appeals, state on the record any observations they made or conversations they had at the site which they believe may be relevant to their determination of the appeals.

If you have any questions or require further information, please feel free to contact the City Clerk's Office at (970) 221-6515.

See other side for Notice of Public Hearings

  
City Clerk

Date Notice Mailed:  
August 4, 2011

cc: City Attorney  
Current Planning Department  
Planning and Zoning Board Chair  
Appellant/Applicant

# Notice of Appeal

# RECEIVED

JUN 30 2011

June 29, 2011

CITY CLERK'S OFFICE

Windtrail on Spring Creek HOA  
c/o Kevin Barrier, President  
1999 Northerland Drive  
Fort Collins, CO 80526

Members of the Fort Collins City Council  
c/o Fort Collins City Clerk  
300 LaPorte Avenue  
Fort Collins, CO 80521

Via Hand Delivery to Fort Collins City Clerk

Re: Notice of Appeal  
Amended CSURF Centre for Advanced Technology, Overall Development Plan #MJA 110001

Members of the City Council:

This Notice of Appeal is filed by the undersigned parties-in-interest regarding the Amended CSURF Centre for Advanced Technology, Overall Development Plan #MJA 110001. In support of this appeal, the undersigned parties-in-interest submit the following:

1. Action which is the subject of this appeal: The decision of the Planning and Zoning Board to approve the Amended CSURF Centre for Advanced Technology, Overall Development Plan #MJA 110001, herein referred to as the "Amended ODP".
2. Date of action: The meeting at which this decision was made began on June 16, 2011 and adjourned on June 17, 2011. The Board voted on the decision on the evening of June 16, 2011.
3. Appellant information: The undersigned are parties-in-interest with standing to appeal by way of receiving notice and/or speaking at the Planning and Zoning Board meeting on June 16 – 17, 2011.
4. Grounds for Appeal: The parties-in-interest appeal the Planning and Zoning Board's approval of the Amended ODP on the basis of the Planning and Zoning Board's failure to properly interpret and apply relevant provisions of the City of Fort Collins Land Use Code. The parties-in-interest are foregoing appeal on procedural matters leading to remand of the matter to the Board. The allegations of error in this Appeal are discussed in greater detail in the "Resident Report" that was submitted to the Planning and Zoning Board on June 16, 2011, a true copy of which is attached to this Appeal. Council is urged to review the "Resident Report" before hearing this Appeal, as the parties-in-interest seek consideration of multiple substantive allegations of misinterpretation and misapplication of the Land Use Code, as follows:
  - a. **Improper interpretation of LUC Sections 2.3.2(H)(7), 4.27(D)(2) and 5.1.2 in relation to allocation of allowable secondary use in the Employment District.**

Part I-A of the Resident Report discusses how the Amended ODP provides the means for increasing the proportion of Employment District in the Centre for Advanced Technology developed for non-employment, secondary uses beyond the limits set by the Land Use Code. Section 2.3.2(H)(7) requires mix of uses to be applied to the entire overall development plan,

which allows any future PDP to exceed the 25% limit on secondary use in the Employment District by borrowing secondary use acreage from other parcels. The Board misinterpreted Section 2.3.2(H)(7) in that it did not require an accounting of previous secondary uses within the Centre for Advanced Technology be included in the Amended ODP to indicate how much secondary use has been used in this manner since establishment of the Employment District zone. The 18.1 acre Horticulture Center and the 1.5 acre CSU Ropes Course used approximately 14.6 more acres of Employment District for secondary uses than would have been allowed by Section 4.27(D)(2). There may be several other instances of secondary use in the Employment District of the Centre for Advanced Technology since the establishment of zoning after the 1999 ODP.

The Board misinterpreted LUC 5.1.2 with regard to the status of the Ropes Course as a community facility; it is publicly owned and intended to serve recreational, educational, cultural and entertainment needs of the community as a whole. It is a secured, fee-for-use public facility. It is not open recreational space. It is an Employment District secondary use in Parcel D of the Amended ODP.

The Board misinterpreted Section 4.27(D)(2) as it applies to an overall development plan by allowing Note 2 of the Amended ODP to set a condition whereby any development in Parcels D and E, which are in the Employment Zone and the FEMA floodway, will not be counted against the 25% secondary use allowance provided by their 52.3 acres (a total of 13.07 acres). Future secondary uses in Parcels D and E would never be debited against that allowance, which could result in 13.07 acres more than 25% of the Amended ODP Employment District being developed for secondary, non-employment uses. Note 2 should be struck from the Amended ODP and language from Note 2 of the 2003 ODP should not be carried forward.

The Board misinterpreted LUC 5.1.2 with regard to the meaning of “development plan” in Section 4.27(D)(2) by deciding that issues related to the 25% limit on secondary use in the Employment District are not applicable to an overall development plan. Section 4.27(D)(2) applies to a “development plan”, which Section 5.1.2 defines as an overall development plan, a project development plan and/or a final development plan. When considering an ODP in relation to 4.27.(D)(2), the “development plan” is the ODP.

**b. Improper interpretation of LUC Section 5.1.2 regarding Floor Area Ratio.**

The Amended ODP deletes Note 5 from the 2003 ODP which states, “Maximum Floor Area Ratio (building square footage divided by land area square footage) for all parcels not to exceed .37.” LUC Section 5.1.2 defines Floor Area Ratio as the gross floor area of all principal buildings on a lot or block by the total area of such lot, or the block size. This definition does not mention *parcels* and is clearly intended to be applied to lots and blocks at the detailed level of a PDP. The FAR note in the 2003 ODP was intended to apply a maximum Floor Area Ratio to the lots and blocks of any future PDP that might have been proposed for any parcel within the ODP. The Board misinterpreted both Note 5 and Section 5.1.2 when it accepted the Applicant’s FAR calculation using the total area of buildings in the PDP divided by the total parcel square footage.

(The Resident Report contains a typographical error on page I-7, where the LUC citation is written as Section 5.2. Definitions are in Section 5.1.2.)

The Board misinterpreted the general purpose and intent of the LUC when it decided that since FAR is not used as a planning tool in the LUC, it was not part of the LUC and therefore could simply be removed during amendment of the Centre of Advanced Technology ODP. The FAR note was attached to and approved with the 2003 ODP. This made it the standard for the development of the Centre for Advanced Technology in accordance with the LUC. FAR is defined in the LUC 5.1.2 and therefore is indeed part of the LUC. FAR is not regulated by LUC, but that is irrelevant to upholding this limitation that was instituted by the 2003 ODP. There should be a very compelling reason to remove prior protections that presumably were placed as an approved condition and promise to the community for how future development would take place.

**c. Improper interpretation of LUC 1.2.2(E) regarding land uses in the Spring Creek 100-year floodplain.**

The 2003 Centre for Advanced Technology ODP did not allow secondary uses in an Employment District in the floodplain, but the Amended ODP does allow such development. Note 3 of the 2003 ODP states: "Land uses proposed within the Spring Creek 100-year floodplain shall not be considered secondary uses." As noted on page I-8 of the Resident Report, City Staff determined in 2009 that this note does not allow residential construction in the floodplain. The Amended ODP allows such development by the simple expedient of deleting this note. Prohibition of residential construction as a secondary use in the Employment District in the Spring Creek floodplain reduces risk to the lives and property of neighboring landowners, potential tenants and first responders. When approving the Amended ODP, the Board misinterpreted LUC 1.2.2(E) regarding the protection of life and property in the matter of floodwaters by allowing removal of the protection afforded by Note 3 of the 2003 ODP

**d. Improper interpretation of LUC 2.3(H)(1) regarding the basis for classification and granting of administrative variances for the design of Rolland Moore Drive as a Minor Collector.**

When approving the ODP, the Board accepted administrative variances that downgraded the street design of Rolland Moore Drive relative to its classification. In doing so, the Board misinterpreted LUC 2.3.2(H)(1) regarding the permitted uses and standards for zoned districts in overall development plans. Commercial offices and shops are permitted use in the MMN District according to LUC 4.6(B)(3)(c)(2). The June 2002 Transportation Impact Study for Parcel C of the Centre for Advanced Technology found that commercial office use of the MMN area of Parcel C, along with similar permitted uses in the Employment District would generate 5,735 daily trips, thereby causing Rolland Moore Drive to be classified as a Collector. The Board improperly assumed that since residential uses are permitted in the MMN District, residential levels of traffic could be used to calculate daily trips for the classification and design of Rolland Moore Drive. However, the Amended ODP does not rezone or limit development of any permitted use in the MMN District in Parcel C. As noted on page I-11 of the Resident Report, the Amended ODP must be able to stand on its own merit for the maximum allowable development. Rolland Moore Drive should meet the standards for a Collector street capable of handling the number of daily trips identified for the complete complement of permitted uses.

**e. Improper interpretation of LUC 2.3.2(H)(1) by approval of a conceptual alignment for Rolland Moore Drive that does not comply in general with LCUASS standards for its classification.**

The Board misinterpreted LUC 2.3.2(H)(1) regarding the general development standards that can be applied at the level of detail required for an overall development plan. The conceptual alignment in the 2003 ODP was selected as the most compliant option consistent with LCUASS standards for a Collector Street. The conceptual alignment in the Amended ODP appears to be generally out of compliance with LCUASS. The alignment shows curve radii and arc lengths that would be substandard for the street classification according to LCUASS for a *Minor Collector* Street, let alone for a *Collector* Street. The intersection with Centre Avenue would not comply with LCUASS even for less stringent *Connector Local* criteria. Previous City considerations for Rolland Moore Drive placed safety first, as quoted on page I-10 of the Resident Report. Conceptual roadway alignments should be generally in compliance with LCUASS standards so that any future PDP roadways can be developed within the detailed traffic safety standards.

**f. Improper interpretation of LUC 3.6.2(A) regarding relationship of streets to topography**

The general alignment of Rolland Moore Drive in the Amended ODP is shown crossing topography with a very steep cross slope. This will force any future PDP to implement unwarranted engineered cuts into the hillside below the Larimer Canal No. 2 that would otherwise not be necessary if the roadway bore a logical relationship to the existing topography.

**g. LUC 1.2.2(E) protecting life, safety and reducing flood damage, and LUC 3.3.3 regarding water hazards**

The Amended ODP shows Rolland Moore Drive in an alignment that requires deep cuts into the hillside below Larimer Canal #2, increasing the potential for breach of the canal during a storm/flood event. The Board set as a Condition of Approval that the canal be relocated, but only by withholding the Final Certificate of Occupancy after construction. By allowing excavation of the hillside before relocation of the canal, the Board misinterpreted the purpose and intent of LUC 1.2.2(E) and LUC 3.3.3 to mitigate such hazards. Cutting the slope below the canal prior to relocation unnecessarily increases risk to the life, health and safety of downhill residents and properties.

**h. Improper interpretation of LUC Section 3.6.3(F) regarding connectivity**

As a practical matter, the alignment of Rolland Moore Drive in the Amended ODP precludes development of connectivity to existing services south of Parcel C. It is set so close to Larimer Canal No. 2 that any street or alternative transportation way would need extensive grading and construction to cross the Canal easement, which would have a substantial impact on its function as a wildlife corridor. Other feasible alignments not presented in the Amended ODP, but sketched in the illustrations following page I-10 of the Resident Report, could reduce the disruption needed to build connections to the south. Examples of streets, bikeways and trails coexist with canals and wildlife corridors throughout the City. The Board misinterpreted LUC Section 3.6.3(F) which requires Alternative Compliance for connectivity to be equal or better than compliance.

5. Notices: Any notice given by the City should be mailed to Windtrail at Spring Creek HOA, care of Kevin Barrier, President at the address provided above. Please also deliver any such notice by email to the Appellants at the individual email addresses provided below.

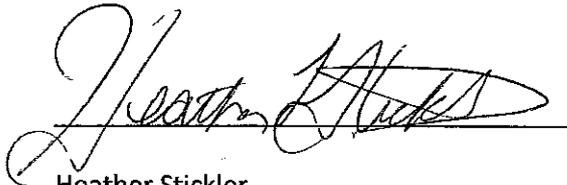
A check for \$100 as payment of the cost of the appeal is enclosed with the original of this Notice of Appeal being hand-delivered to the Fort Collins City Clerk.

Thank you for your consideration. Please contact Kevin Barrier or Heather Stickler if you have any questions.

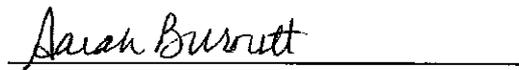
APPELLANTS



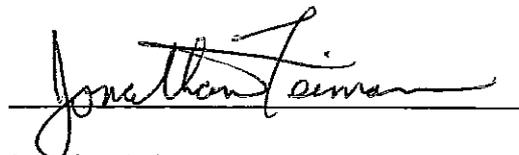
Kevin Barrier  
602 Gilgalad Way  
Fort Collins, CO 80526  
970-310-3450  
kevin@kevinbarrier.com  
President, Windtrail on Spring Creek HOA



Heather Stickler  
633 Gilgalad Way  
Fort Collins, CO 80526  
970-416-1487  
[armstickle@gmail.com](mailto:armstickle@gmail.com)  
Treasurer, Windtrail on Spring Creek HOA

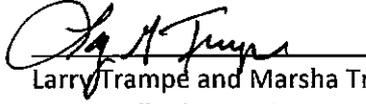
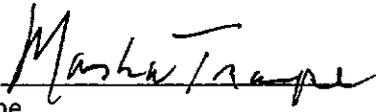


Sarah Burnett  
714 Gilgalad Way  
Fort Collins, CO 80526  
970-219-6679  
[sarahmburnett@hotmail.com](mailto:sarahmburnett@hotmail.com)

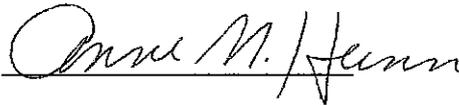


Jonathan Feiman  
959 Gilgalad Way  
Fort Collins, CO 80526

970-482-4672  
jfeiman@ecentral.com  
Board Member, Sundering Townhomes HOA

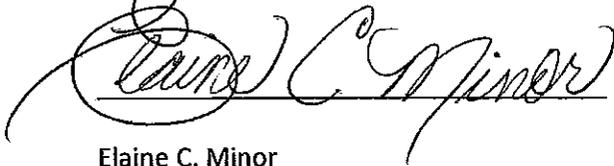
Larry Trampe and Marsha Trampe  
1828 Wallenberg Drive  
Fort Collins, CO 80526  
970-484-8723 0126  
argpc1@earthlink.net  
Co-Presidents, Hill Pond on Spring Creek HOA

David Hunn and Anne Hunn  
707 Shadowmere Court  
Fort Collins, CO 80526  
970-495-6826



Jennifer O. Sajbel  
1901 Winterberry Way Unit C  
Fort Collins, CO 80526  
970-226-5603  
Board Member, Hill Pond Condominium HOA



Elaine C. Minor  
719 Shadowmere Court  
Fort Collins, CO 80526  
970-215-9236  
Board Member, Windtrail Townhomes HOA

Documents Submitted at Planning and Zoning Hearing by Citizens  
June 16, 2011

1. Complete City Council packet for the appeal heard at the 12/21/10 City Council Meeting. Available on City Docs. A single paper copy was submitted to provide decision makers with citizen comments for the record, as well as statements that were made by the Applicant in the prior review process. Most of these comments are still relevant in the current review cycle. Items of potential relevance include, but are not limited to:
  - 12/9/09 Neighborhood Meeting Minutes, p. 91 of .pdf, p. 60 of hand-numbered section
  - 7/20/10 Neighborhood Meeting Minutes, p. 99 of .pdf, p. 68 of hand-numbered section
  - Citizen comments, p. 133-163 of .pdf, p. 102-132 of hand-numbered section
  - TIS, May 2010, p. 164 of .pdf, p. 133 of hand-numbered section582 pages.
2. Email thread regarding Employment District Zoning (10/29/09 to 10/30/09) from Steve Olt (10/30/09), Steve Dush (10/29/09), Pete Wray (10/29/09), and Steve Olt (10/29/09).  
2 pages.
3. Conceptual Site Plan for The Grove. With handwritten notes. Labeled Sheet 3 of 6 sheets. Dated 10/15/09.  
2 pages.
4. Staff Project Review (first page only) for CSU Ropes Course @ C.A.T., PDP – Type I (LUC) #53-85BB. (This is a secondary use already in the C.A.T. ODP.) 1 page
5. Community Horticulture Center Responses to Staff Questions & Comments on Previous PDP Submittal, dated 4/20/10. (Another secondary use in the C.A.T. ODP.)  
1 page.
6. Agenda Item Summary, related to Community Horticulture Center, 3/16/04.  
2 pages.
7. Agenda Item Summary, related to CSU and Community Horticulture Center stormwater/water quality control project, 7/15/08.  
1 page.
8. Agenda Item Summary, related to CSU and Community Horticulture Center stormwater/water quality control project, 7/1/08.  
2 pages.
9. Ordinance No. 080, 2008 Authorizing the Conveyance of a Stormwater Filtration and Detention Easement, 7/15/08.  
2 pages.
10. Project Development Plan – Community Horticulture Center – Statement of Planning Objectives, 11/9/00.  
8 pages.
11. Email from Dave Stringer regarding canal relocation for City Horticulture Center, 12/21/00.  
1 page.
12. Email from Gregory Byrne regarding canal relocation for City Horticulture Center, 1/2/01.  
1 page.
13. Land/Building Needs Analysis for Targeted Industries, City of Fort Collins, October 2009. Cover shows photo of CSURF ODP, including Parcel C. Page 63 notes citywide FAR for all employment uses is .25. CSURF ODP of 2003 has ODP limit of .37 (approximately 48% higher than the citywide average for employment). Proposed CSURF ODP of 2011 has no FAR limit.  
Cover, p. 47-48, p. 52-53, p. 57-58, p. 60-61, p. 63.  
10 pages.
14. Google map showing walking route to King Soopers.  
2 pages.
15. Google map showing biking route to King Soopers.  
1 page.
16. Google map showing driving route via Prospect to King Soopers.  
2 pages.

17. Google map showing driving route via Drake to King Soopers.  
2 pages.
18. Variance Request Letter and attachments from Northern Engineering, 1/6/11.  
8 pages.
19. Variance Response Letter from Sheri Langenberger, 1/28/11.  
3 pages.
20. Letter from Jim Loonan, 11/14/10. Comments marked on p 2 relevant to current proposals.  
2 pages.
21. Neighborhood Meeting Minutes for 1/18/11 Neighborhood Meeting with additions from Sarah Burnett.  
9 pages.
22. CARE Housing and Campus Crest building size comparisons (Source data from City Docs)  
1 page.
23. Full page photos of The Grove at Greeley.  
6 pages.
22. Email from Sarah Burnett to Steve Olt regarding 4 bedroom apartments, 9/3/10.  
1 page.
23. Email from Brian Varrella regarding net result of developing in the Spring Creek flood fringe, 1/24/11.  
1 page.
24. Floodplain map for vicinity, printed 3/13/09.  
1 page.
25. Flood Insurance Rate Map, Panel 987 of 1420, effective 12/19/06.  
1 page.
26. FEMA Floodplain Map "Project and Neighbors" from City of Fort Collins Website  
1 page.
27. City of Fort Collins Floodplain Regulations Quick Guide, 03/09.  
23 pages.
28. Rise in Larimer Ditch #2 and Spring Creek after 6/9/11 Rainstorm & Comments  
2 pages.
29. Letter from Army Corps of Engineers to Larimer Canal No. 2 Irrigation Company, 5/11/11.  
1 page.
30. Letter from Ted Shepard to Larimer Canal No. 2 Irrigating Company, 3/29/11  
1 page.
31. Letter from John Moen to Paul Eckman, 3/14/11  
1 page.
32. Letter from Gene R. Fischer to Paul Eckman, 3/15/11  
1 page.
33. Memo from Matt Delich regarding CSURF South Campus ODP TIS Staff Comments, 10/25/02  
2 pages.
34. Neighborhood Meeting Minutes, Centre for Advanced Technology, Amended ODP, 6/1/02  
9 pages.
35. P&Z Board Minutes, Centre for Advanced Technology, Amended ODP, 2/20/03.  
Page 1, pages 15-25 (C.A.T. ODP agenda item; approved by 4-2 vote.)  
12 pages.
36. 2003 C.A.T. ODP Map with citizen annotations.  
1 page.
37. 2003 C.A.T. General Notes  
1 page.
37. 1999 C.A.T. ODP Map with citizen annotations. Map shows Parcel Ja – mixed residential at 6.4 DU/ac, and Parcel H as industrial/office/R&D. Ja and H are now Parcel C.  
1 page.
38. 1994 C.A.T. ODP Map with citizen annotations. Map shows Parcel Ja and H with same uses as the 1999 ODP Map.  
1 page.

39. 1988 C.A.T. Parcel J Master Plan. Shows retirement center (Phase 2) and elderly housing/health care/multifamily (Phase 3) on present Parcel C site.  
1 page.
40. 1988 C.A.T. Master Plan.  
1 page.
41. 1985 C.A.T. PUD.  
1 page.
42. Memo from Prospect Shields Neighborhood Association to P&Z Board, 2/18/03 regarding concerns about proposed 2003 C.A.T. Amended ODP.  
2 pages.
43. Vinyl vs. Fiber Cement Siding from Institute for the Built Environment (submitted by Applicant on 6/1/11 for PDP)  
1 page.
44. Newspaper Article "Another Starkville apartment complex suffers fire", 4/19/10. Campus Trails apartments, 2 buildings.  
2 pages.
45. Newspaper Article "Starkville fire chief says careless smoker caused Crossgates fire", 4/9/10. Crossgates Apartments, 3 buildings destroyed.  
1 page.
46. Newspaper Article "Still no cause in Crossgates fire", 4/9/10.  
1 page.
47. American Campus Communities SEC document for 12/31/10. Notes insurance settlement of \$1.6 million from a fire in April 2010.  
2 pages.
48. Campus Trails website page, located in Starkville, MS. Notes Campus Trails is an American Campus Communities project.
49. Newspaper Article "Old Buckingham fire spread quickly because of vinyl siding", 1/31/11. Article mentions vinyl siding.  
3 pages.
50. Newspaper Article "Vinyl Siding Concerns Block Knightdale Apartment Project", 12/27/09. Article mentions vinyl siding.  
2 pages.
51. Newspaper Article "Apartment Fire: Residents sift through salvageable items", 10/12/10. Article mentions vinyl siding.  
2 pages.
52. Newspaper Article "Apartment fire displaces 14 people", 7/28/09. Article mentions vinyl siding.  
1 page.
53. Coloradoan Article "Are feed-in tariffs economic incentive or folly?", 6/13/11.  
1 page.
54. Email thread 6/11/10 from Sandy Lindell, 6/11/10 from Doug Martine regarding electric heat and estimated electric development charges of \$550,000, 6/11/10 from Sandy Lindell regarding fees and the need for the project, 6/10/11 from Chris Russ of Campus Crest requesting meeting with Josh Birks, and 4/7/10 from Josh Birks regarding development fees.  
3 pages.
55. Citizen Request for June 16, 2011 Fort Collins Planning and Zoning Hearing, 6/6/11, signed by over 70 citizens.  
6 pages.
56. Email from Steve Olt regarding Citizen Request, 6/7/11.  
1 page.
57. Memo from Citizens to P&Z Board, 12/19/10, signed by 38 citizens.  
6 pages.
58. Email from Steve Olt to Linda Ripley regarding ODP, 12/22/10 (day after City Council overturned P&Z approval of ODP).  
1 page.

59. Email thread between Sarah Burnett and Paul Eckman regarding validity of PDP submitted 12/8/10 following rejection of the ODP to which the PDP conformed on 12/21/10 by City Council, ending 4/22/11.  
2 pages.
60. Staff Response – April 15, 2011 letter, from Steve Olt, 5/2/11.  
1 page email plus 3 page attachment.
61. April 15, 2011 Letter from Citizens to Steve Olt, 4/15/11 regarding validity of development review process.  
3 pages.
62. Emails from Steve Olt and Richard Thomas regarding review process, 3/12/11.  
3 pages.
63. Email thread between Steve Olt and citizens regarding 12/8/10 PDP submission and related process issues.  
2 pages.
64. Ecological Characterization Study Report, 5/6/10.  
16 pages.
65. Undisturbed Wetland Monitoring Program, last revision 1/19/11.  
2 pages.
66. Grove ESCR Update #2 Regarding Re-location of the Larimer No. 2 Canal, 4/4/11  
2 pages.
67. Appendix J – Supplemental Subsurface Water Investigation  
17 pages.
68. Staff Project Review (ODP), 4/20/11  
3 pages.
69. Staff Project Review (PDP), 4/20/11  
14 pages.
70. Conceptual Review Staff Comments (ODP), 1/10/11  
6 pages.
71. Staff Project Review (PDP and ODP), 8/6/10  
15 pages.
72. Staff Project Review – Preliminary Design Review, 11/6/09  
14 pages.
73. Citizen Comment – Kevin Barrier and staff response regarding traffic concerns for Spring Creek trail, ending on 8/3/10  
3 pages.
74. Citizen Comment – Mark Holmes of Care Housing regarding drainage concerns, 12/21/11  
1 page.
75. Citizen Comment – Mark Holmes regarding Rolland Moore traffic concerns and traffic calming request, 12/21/11  
1 page.
76. Citizen Comment – Carolyn Haynes regarding her opposition to the project, presumably 11/10.  
1 page.
77. Staff email thread regarding neighborhood, 1/25/11 (last from Steve Olt)  
2 pages.
78. Staff email thread regarding neighborhood, 1/25/11 (last from Glen Schleuter)  
1 page.
79. Staff email thread regarding neighborhood, 1/6/11 (last from Steve Dush)  
2 pages.
80. Staff email thread regarding electric heat, electrical development fees, other development fees, need for project.  
2 pages.
81. P&Z Board Minutes, 11/18/10. (Comments that might be deemed "beyond the purview" of the board were omitted from this copy.)  
41 pages.
82. Numerous documents submitted by individual speakers.

**All Attachments are available with the August 23,  
2011 Adjourned Meeting Agenda, which can be found  
at:**

**<http://www.fcgov.com/cityclerk/agendas.php>**