



Karen Weitkunat, Mayor
Kelly Ohlson, District 5, Mayor Pro Tem
Ben Manvel, District 1
Lisa Poppaw, District 2
Aislinn Kottwitz, District 3
Wade Troxell, District 4
Gerry Horak, District 6

Council Chambers
City Hall West
300 LaPorte Avenue
Fort Collins, Colorado

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Darin Atteberry, City Manager
Steve Roy, City Attorney
Wanda Nelson, City Clerk

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ADJOURNED MEETING
October 30, 2012
6 p.m.

1. Call Meeting to Order.
2. Roll Call.
3. Consideration of the Appeal of the August 9, 2012 Zoning Board of Appeals Decision to Approve a Variance to Allow the Existing Off-premise Sign (Billboard) Located in the BNSF Railroad Right of Way at 190 West Prospect Road to Be Removed and Reinstalled at a New Location Within the Same Railroad Right of Way at 190 West Prospect Road. (staff: Peter Barnes; 10 minute staff presentation; 90 minute discussion)

On August 9, 2012, the Zoning Board of Appeals (ZBA) considered Appeal #2714, submitted by the City of Fort Collins Engineering Department. This Appeal was for a variance to Section 3.8.7(P) of the City of Fort Collins Land Use Code (LUC), which prohibits the construction of new off-premise signs. The variance was requested in order to allow the existing off-premise sign in the BNSF Railroad right of way on the north side of Prospect Road to be relocated within the railroad right of way 70 feet west of its current location. The sign's current location is in direct conflict with the guideway alignment for the MAX BRT (Bus Rapid Transit) project. The ZBA unanimously approved the variance request as authorized by Section 2.10.1 of the LUC.

On August 23, 2012, Richard L. Anderson (the Appellant) filed a Notice of Appeal with the City Clerk. The Appellant alleges that the ZBA:

- A. Failed to conduct a fair hearing in that:
 1. The Board considered evidence relevant to its findings which was grossly misleading;

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2. The Board substantially ignored its previously established rules of procedure;
3. The Board exceeded its authority and jurisdiction.

B. The Board failed to properly interpret and apply relevant provisions of the Land Use Code.

4. Consideration of an Appeal of the Hearing Officer's August 16, 2012 Decision to Approve Aspen Heights Project Development Plan, #Pdp110018. (staff: Ted Shepard; 10 minute staff presentation; 2 hour discussion)

In December 2011, Breckenridge Land Acquisition, LLP, submitted a Project Development Plan (PDP) for a combination of single family detached, two-family and multi-family dwellings in the C-C-N, Community Commercial North College zone district. As proposed, the project consists of 220 dwellings on 31 acres located south of Conifer Street, west of Redwood Street and north of Old Town North subdivision.

On August 7, 2012, the Hearing Officer conducted a public hearing in consideration of Aspen Heights PDP. On August 16, 2012, after consideration of testimony from the applicant, the public and staff, the Hearing Officer issued a written decision approving the PDP. with one condition ensuring proper submittal of a landscape plan for the clubhouse.

On August 30, 2012, Tom Lawton filed a Notice of Appeal seeking redress of the Hearing Officer's decision.

The appeal alleges that the Hearing Officer failed to properly interpret and apply relevant provisions of the Land Use Code and that the Hearing Officer failed to conduct a fair hearing.

5. Resolution 2012-099 Adopting a Water Supply and Demand Management Policy. (staff: Donnie Dustin, Kevin Gertig; 10 minute staff presentation; 30 minute discussion)

The Fort Collins Utilities staff has been working on updating the City's Water Supply and Demand Management Policy. The current Policy was adopted by City Council in September 2003 (Resolution 2003-104). Since the Policy's adoption, the Utility has seen a significant reduction in water use while continuing to plan for future water needs. The updated Policy will provide further direction regarding the planning, management and maintenance of the City's water supply system needed to assure a safe, reliable drinking water supply and provide for an appropriate level of water conservation. It will also provide guidance on how the City may use its valuable water resources to meet other beneficial purposes for its citizens and the surrounding community.

6. Other Business.

7. Adjournment.