

DATE: June 4, 2013
STAFF: Courtney Levingston

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

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SUBJECT

Resolution 2013-052 Making Findings of Fact and Conclusions Regarding the Appeal of the March 21, 2013 Planning and Zoning Board Approval of the Carriage House Apartments Project Development Plan.

EXECUTIVE SUMMARY

On March 21, 2013, the Planning and Zoning Board considered and approved the application for the Carriage House Apartments, Project Development Plan. On April 4, 2013, a Notice of Appeal was filed by Joel Rovnak seeking to remand the decision back to the Planning and Zoning Board.

On May 21, 2013, City Council voted 5 - 0 (Poppaw absent, Campana withdrawn) upholding the decision of the Planning and Zoning Board, concluding that the evidence presented did not indicate the Board failed to conduct a fair hearing by considering evidence relevant to its findings which was substantially false or grossly misleading.

In order to complete the record regarding this appeal, Council is required to adopt a Resolution making findings of fact and finalizing its decision on the appeal.

BACKGROUND / DISCUSSION

The Appellant's Notice of Appeal was based on allegations that the Planning and Zoning Board failed to conduct a fair hearing in that it considered evidence contained in the Traffic Impact Study which was substantially false and grossly misleading.

At the May 21, 2013 appeal hearing, Council considered the testimony of the Appellant, Applicant and City staff. After consideration of the record and discussion, Council determined that Planning and Zoning Board conducted a fair hearing. Accordingly, the Council upheld the decision of the Planning and Zoning Board, approving the Carriage House Apartments, Project Development Plan.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

RESOLUTION 2013-052
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT AND CONCLUSIONS
REGARDING THE APPEAL OF THE MARCH 21, 2013
PLANNING AND ZONING BOARD APPROVAL OF THE
CARRIAGE HOUSE APARTMENTS PROJECT DEVELOPMENT PLAN

WHEREAS, on March 21, 2013, the Planning and Zoning Board (the "Board") approved a project development plan for the project known as the Carriage House Apartments Project Development Plan (the "PDP"); and

WHEREAS, on April 4, 2013, a Notice of Appeal of the Board's decision was filed with the City Clerk by Joel Rovnak (the "Appellant"); and

WHEREAS, on May 21, 2013, the City Council, after notice given in accordance with Chapter 2, Article II, Division 3, of the City Code, considered said amended 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 2-57(g) 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 Section 2-57(g) of the City Code, the City Council hereby makes the following findings of fact and conclusions:

1. That the grounds for appeal as stated in the Appellant's Amended Notice of Appeal conform to the requirements of Section 2-48 of the City Code.
2. That the Board conducted a fair hearing in approving the Carriage House Apartments Project Development Plan and did not consider evidence relevant to its findings which was substantially false or grossly misleading.
3. That accordingly, the decision of the Board is upheld.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 4th day of June A.D. 2013.

Mayor

ATTEST:

City Clerk