

[This Resolution was originally adopted as Resolution 2021-071 and changed after adoption to correct a duplication in numbering.]

RESOLUTION NO. 2021-075
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE
APPEAL OF THE PLANNING AND ZONING COMMISSION DECISION APPROVING
THE GUARDIAN SELF-STORAGE PROJECT DEVELOPMENT PLAN PDP190020

WHEREAS, on March 11, 2021, the Planning and Zoning Commission (“Commission”) conducted a public hearing at which the Commission approved the Guardian Self-Storage Project Development Plan PDP190020 (“PDP190020”), including two modifications of standards and two conditions of approval; and

WHEREAS, on March 25, 2021, the attorney for OSF Investments, LLC, (“Appellant”) filed a notice of appeal (“Appeal”) of the Commission’s approval of PDP190020; and

WHEREAS, pursuant to City Code Section 2-49, the Appeal was timely filed and the Appellant is a party-in-interest eligible to file an appeal; and

WHEREAS, the Appeal alleged that the Commission failed to conduct a fair hearing because it substantially ignored its previously established rules of procedure when it disregarded the *South College Corridor Plan* instead of amending it; and

WHEREAS, the Appeal also alleged that the Commission failed to properly interpret and apply *South College Corridor Plan* Policy LU 1.4 and Land Use Code Section 3.10.2(A); and

WHEREAS, on June 1, 2021, the City Council, after notice given in accordance with City Code Section 2-52, held a public hearing pursuant to City Code Section 2-54 to consider the allegations raised in the Appeal at which hearing the City Council considered the record on appeal, additional evidence provided at the hearing and received during the site inspection, and testimony from City staff, the Appellant’s representatives, and additional parties-in-interest Rich Stave and Sandra Holt in support of the Appeal, and the applicant for PDP190020 and its representatives opposing the Appeal; and

WHEREAS, after discussion, the City Council found and concluded based on the evidence in the record and presented at the June 1, 2021, hearing that the Commission did not fail to conduct a fair hearing because amending the *South College Corridor Plan* or any other policy plan is not an established Commission rule of procedure; and


WHEREAS, the City Council further found and concluded based on the evidence in the record and presented at the June 1, 2021, hearing that the Commission properly interpreted and applied *South College Corridor Plan* Policy LU 1.4 because LU 1.4 is not a provision of City Code, Land Use Code, or the Charter subject to appeal as a failure to interpret and apply, and that it was within the Commission’s power to grant a modification of standard to Land Use Code Section 3.10.2(A); and

WHEREAS, City Code Section 2-56(c) 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 such appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, pursuant to Section 2-56(c) of the City Code, the City Council hereby makes and adopts the following findings of fact and conclusions:

1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.
2. That the fair hearing allegation and the allegation that the Commission failed to properly interpret and apply Land Use Code Section 3.10.2(A) stated in the Appeal conform to the requirements of Section 2-48 of the City Code.
3. That based on the evidence in the record and presented at the June 1, 2021, Council hearing, Council finds that the Commission provided a fair hearing on March 25, 2021, because amending the *South College Corridor Plan* or any other policy plan is not an established Commission rule of procedure, and the allegation is denied.
4. That based on the evidence in the record and presented at the June 1, 2021, City Council hearing, City Council finds that the allegation that the Commission failed to properly interpret and apply the *South College Corridor Plan* Policy LU 1.4 stated in the Appeal does not conform to the requirements of Section 2-48(b)(1) of the City Code because LU 1.4 is not a provision of the Code and Charter, and the allegation is denied.
5. That based on the evidence in the record and presented at the June 1, 2021, Council hearing, Council finds that the Commission properly interpreted and applied Land Use Code Section 3.10.2(A) as being subject to the Land Use Code modification of standards procedure set forth in Land Use Code Division 2.8, and the allegation is denied.
6. That the Commission's March 11, 2021, approval of PDP190020, including two modifications of standards and two conditions of approval, is hereby upheld.
7. That based on the evidence in the record and presented at the June 1, 2021, hearing, the Appeal is without merit and is denied in its entirety.
8. That adoption of this Resolution shall constitute the final action of the City Council in accordance with City Code Section 2-56(c).

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of June A.D. 2021.



Mayor

ATTEST:



City Clerk Deputy

