

NOTICE OF APPEAL

FOR CITY CLERK'S
USE ONLY:

DATE FILED: 4-5-2023

INITIALS:

Action Being Appealed: Zielger Corbett ODP
MJA 220004

Date of Action: Mar 23, 2023 Decision Maker: Planning and Zoning Commission

Appellant/Appellant Representative (if more than one appellant):

Name: Lacey Joyal Phone #: (970) 231-8273
Address: 3209 Grand Canyon ST Email: lacey_joyal@yahoo.com
Fort Collins, CO 80525

INSTRUCTIONS

For each allegation marked below, attach a separate summary of the facts contained in the record which support the allegation of no more than two pages, Times New Roman 12-point font. Please restate allegation at top of first page of each summary.

GROUNDS FOR APPEAL

The Decision Maker committed one (1) or more of the following errors (check all that apply):



Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code, and Charter. List relevant Code and/or Charter provision(s) here, by specific Section and subsection/subparagraph:

Land Use Code 1.2.2 (Purpose)
Land Use Code 3.b.3 (Street pattern and Connectivity Standards)
FC City Code Policy LIV 4.2 (Compatibility)

Failure to conduct a fair hearing in that:

(a) The Board, Commission, or other Decision Maker exceeded its authority or jurisdiction as contained in the Code or Charter. [New evidence not allowed]

(b) The Board, Commission or other Decision Maker substantially ignored its previously established rules of procedure. [New evidence not allowed]

(c) The Board, Commission or other Decision Maker considered evidence relevant to its findings which was substantially false or grossly misleading. [New evidence allowed]

(d) The Board, Commission or other Decision Maker improperly failed to receive all relevant evidence offered by the appellant. [New evidence allowed]

(e) The Board, Commission or other Decision Maker was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Decision Maker's independence of judgment. [New evidence allowed]

NEW EVIDENCE

All new evidence the appellant wishes Council to consider at the hearing on the appeal must be submitted to the City Clerk within seven (7) calendar days after the deadline for filing a Notice of Appeal and must be clearly marked as new evidence. No new evidence will be received at the hearing in support of these allegations unless it is submitted to the City Clerk by the deadline (7 days after the deadline to file appeal) or offered in response to questions posed by Councilmembers at the hearing.

APPELLANTS

Parties-in-interest have the right to file an appeal.

A party-in-interest is a person who, or organization which, has standing to appeal the final decision of a board, commission or other decision maker. Such standing to appeal is limited to the following:

- The applicant.
- • Anyone who owns or occupies the property which was the subject of the decision made by the board, commission or other decision maker.
- • Anyone who received the mailed notice of, or spoke at, the hearing of the board, commission or other decision maker.
- Anyone who provided written comments to the appropriate City staff for delivery to the board, commission or other decision maker prior to or at the hearing on the matter that is being appealed.
- A City Councilmember.

Signature: <i>Lacey Joyal</i>	Date: <i>4/5/23</i>
Name: <i>Lacey Joyal</i>	Email: <i>lacey_joyal@yahoo.com</i>
Address: <i>3209 Grand Canyon ST</i>	Phone #: <i>(970) 231-8273</i>
Describe how you qualify as a party-in-interest: <i>Any One who received mailed notice...</i>	

Signature: <i>Tamara Burnside</i>	Date: <i>4/5/23</i>
Name: <i>Tamara Burnside</i>	Email: <i>tamburn@comcast.net</i>
Address: <i>3902 Glacier Ct.</i>	Phone #: <i>970-310-9977</i>
Describe how you qualify as a party-in-interest: <i>mail from the city</i>	

Signature:	Date:
Name:	Email:
Address:	Phone #:
Describe how you qualify as a party-in-interest:	

ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

April 5, 2023

Fort Collins City Council Members
City Hall
300 Laporte Ave
Fort Collins CO 80521

RE: Notice of appeal for the ODP Major Amendment Decision MJA220004.

Dear City of Fort Collins Council Members,

This appeal is made by a cohort of residents of the affected neighborhoods near the Ziegler/Corbett ODP. This written notice of appeal is filed within the required 14 calendar days following the decision made March 23, 2023 by the Planning and Zoning Commission. The commission vote in favor of MJA220004.

We believe the Planning and Zoning commission is not applying these three relevant provisions of the City Code, the Land Use Code and charter to the Major Amendment MJA220004:

1. Land Use Code 1.2.2-Purpose

(K) "Fostering a **more rational** pattern of relationship among residential, business, and industrial uses for the mutual benefit of all." (emphasis mine)

2. City of Fort Collins Land Use Code

3.6.3 - Street Pattern and Connectivity Standards

(E) Distribution of Local Traffic to Multiple Arterial Streets. *All development plans shall contribute to developing a local street system that will allow access to and from the proposed development, as well as access to all existing and future development within the same section mile as the proposed development, from at least three (3) arterial streets upon development of remaining parcels within the section mile, unless rendered infeasible by unusual topographic features, existing development or a natural area or feature.*

The local street system shall allow multi-modal access and multiple routes from each development to existing or planned neighborhood centers, parks and schools, without requiring the use of arterial streets, unless rendered infeasible by unusual topographic features, existing development or a natural area or feature.

(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.*

3. City of Fort Collins City Code

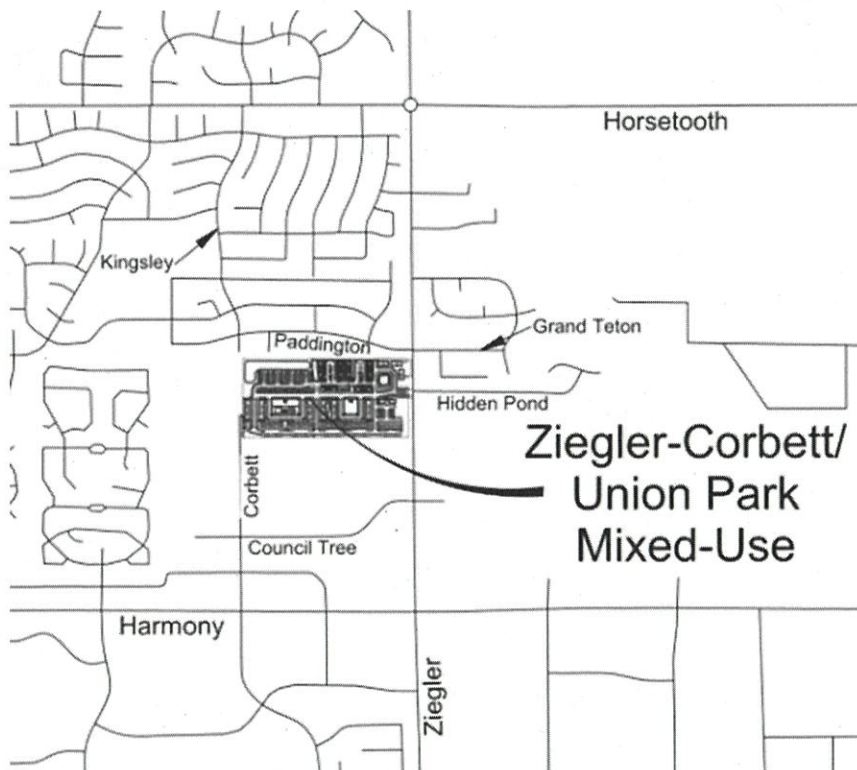
POLICY LIV 4.2 - COMPATIBILITY OF ADJACENT DEVELOPMENT

Ensure that development that occurs in adjacent districts complements and enhances the positive qualities of existing neighborhoods. Developments that share a property line and/or street frontage with an existing neighborhood should promote compatibility by:

- Continuing established block patterns and streets to improve access to services and amenities from the adjacent neighborhood;

Further, we believe the P&Z Commission neglected (or diluted) pertinent facts in the privately funded traffic study. Additionally, we believe the traffic study is lacking traffic queuing studies pertinent to the proposed traffic solution.

Please refer to this map for understanding the Ziegler/Corbett corridor. Understanding the minor streets is essential to understanding this appeal.



Summary of Facts Regarding Land Use Code 1.2.2-Purpose (Fostering a more rational pattern of relationship...)

From the March 23rd hearing, many committee members and members of the public asked for common sense to prevail. The Major Amendment puts a light at Hidden Pond/Ziegler. It is likely the cheapest means to an end for the applicant, ie the minimum necessary to gain committee approval. Yet it makes no rational sense and doesn't follow the Master Street Plan. The natural connector in the MSP is at Paddington/Grand Teton and Ziegler, just 400ft farther north than the proposal of a traffic light at Hidden Pond. This 400ft makes the placement of the light awkward, and frankly, janky. It does not serve the hundreds of residents and homes of English Ranch or Woodland Park.

Long-time residents of these neighborhoods have waited patiently for the Paddington/Ziegler intersection to be developed so that a light would go in—organically and naturally with development. That the light would be suggested at Hidden Pond is irrational and a mockery of the residents who have endured difficult traffic conditions for years. If this amendment prevails, it will do the opposite of “fostering a more rational pattern...” It will have allowed the developer to undermine the planning principles of our city.

Summary of Facts Regarding City of Fort Collins Land Use Code 3.6.3 - Street Pattern and Connectivity Standards

All development needs access. The original ODP (2/2022) was granted “Alternative Compliance” to replace a local street connection south of the English Ranch neighborhood with a bike/pedestrian-only connection. That is, *cars* couldn't access the new development, but bikes/pedestrians could. This was partially due to a “hole” in developed acreage (the “Young parcel”), and partially due to 2010 Master Street Plan update that made unclear the legal use of Paddington or Edmonds (or other streets in English Ranch) for connected use. The City Planner, Ryan Mounce, used this exact language in the materials for the P&Z committee: “Staff also felt absent **Council** guidance, a local street connection could duplicate a condition which stakeholders and City Council had previously taken action to remove.”

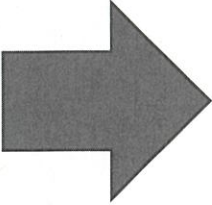
We believe the Major Amendment was just that—major. It adds many acres of land, the “Young parcel,” and by so doing fills the “hole.” It opens traffic mobility. An “Alternate Compliance” should no longer be considered. Full compliance should be natural and frankly, mandatory for a development of this size and use. With the large additional acreage, it needs additional access. It simply doesn't meet these guidelines (LUC 3.6.3, *E&F*) for access: “All development plans shall provide for future public street connections to adjacent developable parcels by providing a local street connection.” And to and from at “least three (3) arterial streets.”

Regarding the 2010 change to the MSP, City Planner Ryan Mounce provided this documentation from those hearings.

December 14, 2010

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\$75,000 for a neighborhood traffic calming plan along Corbett Drive through 2015. A section of the agreement related to streets also notes the potential for a street connection to the English Ranch:



"It is understood and agreed that future development(s) may connect the public street system in the English Ranch neighborhood with this Development, and that such connectivity has the potential to allow cut-through traffic and other perceived negative impacts to the English Ranch neighborhood. In recognition of this potential and in response to comments at public meetings preceding the Development's PDP approval, City staff and representatives of the Developer considered a variety of traffic calming options for the neighborhood that can be implemented in the future when the street connections are completed."

The draft Master Street Plan appendix outlines the preliminary staff analysis. All the data is not in yet, but a preliminary recommendation is that the Corbett connector street connection be removed from the MSP. A local street connection from within the currently vacant property may still be necessary and required by the Land Use Code at the time the vacant property south of English Ranch develops, regardless of the removal of the collector street designation from the MSP. The decision about street access and connections will be made after input from the neighborhood and developer, in conjunction with the submittal of a development plan for the vacant property. An initial list of positives and negatives associated with the Corbett Drive extension is below. This list, as well as the overall analysis, will be updated based on input received in December.

This documents that the residents of English Ranch "understood" that future developments like this one, would REQUIRE connections to the public street system. (They literally made a list of a variety of traffic calming options and money (\$75K!) to fund them once new developments were "COMPLETED.") **City Council should affirm** the use of Kingsley or Edmonds or other desirable streets for connection use for this Major Amendment. We are attaching a picture of the ODP (provided by Ryan Mounce) with the green arrows suggesting possible streets of ingress/egress. Kingsley is the left-most arrow, Edmonds is the middle arrow. Allowing either of these streets as connectors would serve the LUC 3.6.3, E& F mandate. They would also, more importantly, feed to a more rational light at Ziegler. These English Ranch connectors will better serve the residents and businesses of this development as well.



Summary of Facts Regarding City of Fort Collins City Code POLICY LIV 4.2

LIV 4.2 asks that developers try "Continuing established block patterns and streets to improve access to services"

Woodland Park and Hidden Pond have been onerously left-out of access to nearby schools and parks. The afore-mentioned MSP change in 2010 broke the traffic connector (Corbett) from these neighborhoods to their schools, Traut Core Knowledge Elementary and Preston Middle School. Additionally, because of the volume of traffic through Ziegler, and lack of a traffic signals, these neighborhoods don't have access to their closest park (English Ranch Park) or their neighborhood elementary school, Linton Elementary. Because parents must drive their children to school (riding a bike or walking is just too dangerous), parents have opted to drive their children elsewhere. Parents have chosen Liberty, Kruse, Traut, and O'Dea elementaries over their neighborhood school. Frankly, Linton could have used the enrollment these subdivisions could have provided had there been a safe way to walk/bike to school.

Summary of Facts from the Privately Funded Traffic Study (Delich)

An independent traffic study was performed by Delich Associates prepared for Landmark Homes.

Fact 1: The traffic study **agrees** that a light is needed at the Ziegler/Paddington-Grand Teton intersection.

From the private traffic study, referring to the Ziegler/Paddington-Grand Teton intersection, it states (p. 9): “It is acknowledged that the calculated delay for the minor street left turns is high, especially in the afternoon peak hour. This is due to high through volumes on Ziegler Road. **There is little that can be done to alleviate this condition except signalization of the Ziegler/Paddington-Grand Teton intersection.**”

Fact 2: With the proposed traffic signal at Hidden Pond, the city still fails its Woodland Park and English Ranch neighbors.

We are reprinting the findings of the traffic study here, snippets only of the impacted neighborhoods.

Table 3, Short-Range (2028) peak hour operation (Current traffic configuration, ie a stop sign at Hidden Pond)

Intersection	Movement	Level of Service	
		AM	PM
Ziegler/Paddington-Grand Teton (stop sign)	OVERALL	A	A
	EB LT/T/RT	C	D
	WB LT/T/RT	F (109.9 secs)	F (166.9 secs)
	NB LT	B	B
	SB LT	B	B
	OVERALL	A	A



Table 4: Long Range (2045) Background Peak Hour Operation (With a stop sign at Hidden Pond)

Ziegler/Paddington-Grand Teton (stop sign)	OVERALL	A	A
	EB LT/T/RT	F (59.3 secs)	F (255.3 secs)
	WB LT/T/RT	F (396.6 secs)	F (518.4 secs)
	NB LT	B	C
	SB LT	B	C
	OVERALL	A	A



Table 5: Short Range (2028) Total Peak Hour Operation (With a signal at Hidden Pond, per the Major Amendment)

Ziegler/Paddington-Grand Teton (stop sign)	OVERALL	B	C
	EB LT/T/RT	C	E (38.9 secs)
	WB LT/T/RT	F (182.7 secs)	F (275.8 secs)
	NB LT	B	C
	SB LT	B	B
	OVERALL	A	A



Table 6: Long Range (2045) Total Peak Hour Operation (With a signal at Hidden Pond, per the Major Amendment)

	OVERALL	A	D
Ziegler/Paddington-Grand Teton (stop sign)	EB LT/T/RT	F (85.7 secs)	F (476.9 secs)
	WB LT/T/RT	F (648.7 secs)	F (723.7 secs)
	NB LT	C	C
	SB LT	B	C
	OVERALL	A	B
	WR I T/RT	A	R



We find it onerous that the P&Z committee would neglect or dilute these findings. Even in the short-range study, residents of Woodland Park or English Ranch can expect 3 minutes (AM) or 4.5 minutes (PM) to enter/exit their subdivision. This isn't acceptable at any level. If proper controls are not put in with this development, **THE CITY WILL** have to intervene in the future. These findings reinforce the need for a light at Paddington-Grand Teton/Ziegler. The residents in these neighborhoods need a controlled entrance/exit to their neighborhoods. Additionally, while our English Ranch neighbors have several choices for ingress/egress, the residents of Woodland Park can only enter/exit onto Ziegler. They have no other option. Also, the traffic study did not include any verbiage to note that many Grand Teton neighbors choose to enter/exit at Mesa Verde because of the current difficulty at Grand Teton/Ziegler. Likewise, our English Ranch neighbors choose other routes to enter/exit other than Paddington. Traffic on minor streets (like Grand Teton) may not be completely accounted for because of these behavior patterns.

Fact 3: Additionally, and importantly, we find the traffic study lacked a comprehensive queue length study. Per the major amendment, there is only 400 ft between Hidden Pond and Paddington-Grand Teton along the Ziegler corridor. We believe its possible that with the proposal of the light at Hidden Pond, when south-bound traffic is stopped at a red light, traffic could potentially queue back into the Paddington intersection. This would effectively block south-bound traffic from Paddington or Grand Teton. Residents will be blocked from entering/exiting their subdivisions!

The Federal Highway Administration (FHWA), Office of Operations, suggests a simple way to divine queue length. (There are very sophisticated models for determining queue length, but we're using this formula for simplicity and because its origins are the FHWA.)

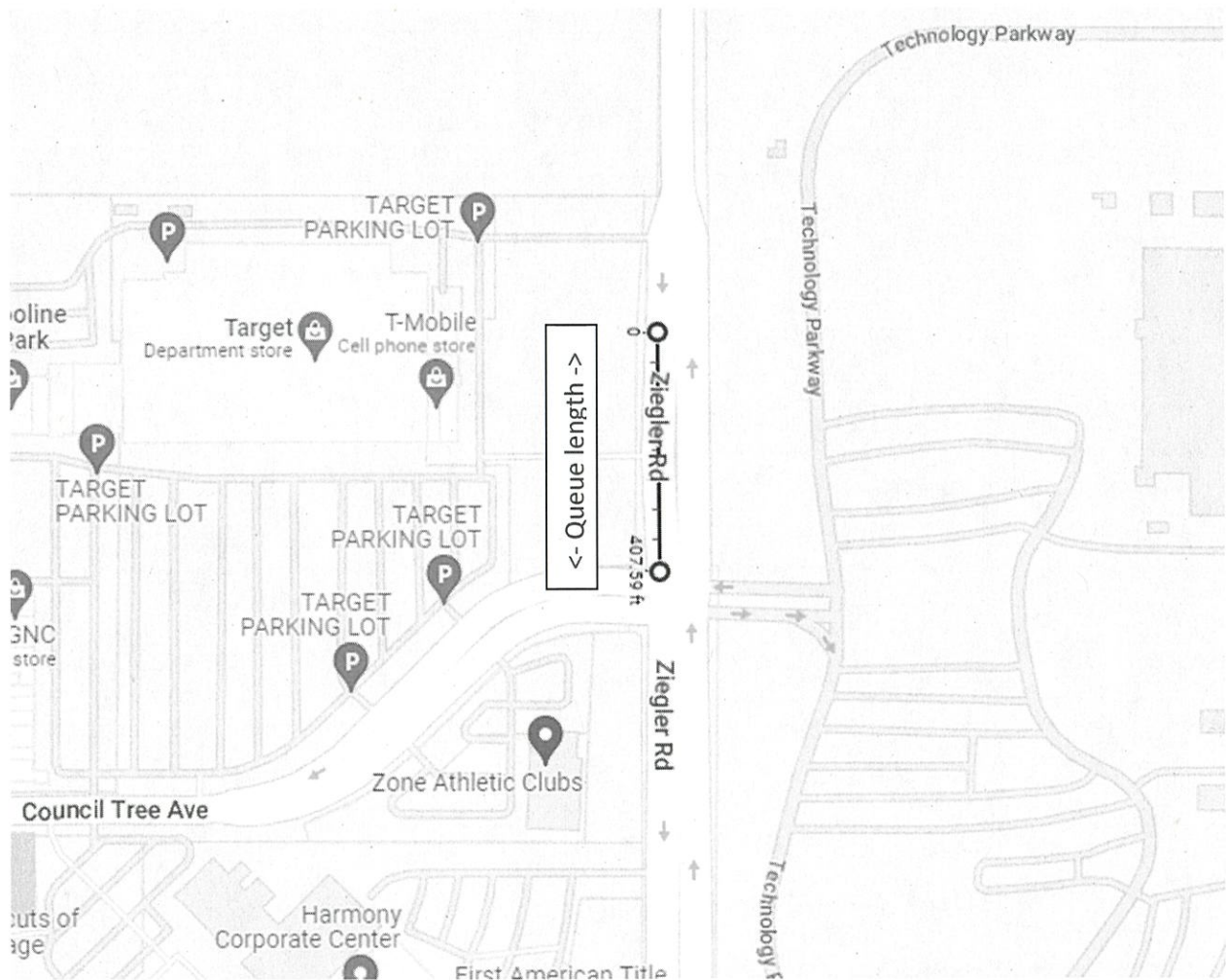
Equation 3-4

$$Queue_{avg} = \frac{v}{3600/C}$$

where $Queue_{avg}$ is the average queue in vehicles per lane; v is the volume of the movement in vehicles per hour per lane, and C is the cycle length in seconds. For example, a volume of 150 vehicles per hour per lane under a cycle length of 90 seconds will result in an average queue length of approximately $150 / (3600 / 90) = 3.75$ vehicles. If using this value for timing or design, this queue length should be rounded up to the nearest vehicle, in this case 4 vehicles.

Using a “Commonly Assumed Cycle Length” of $C=60$ from FHWA, and $v=(1735 \times .65 = 1128)$ cars per lane (data directly from the private traffic study), the queue length is 19 vehicles. If we assume 21ft per car (15ft for the average American car + 6 ft space), the queue CAN line up to 399ft reaching the Paddington/Grand Teton neighborhoods. If the cycle time is modulated at all (ie if the red light gets longer) this queue length will grow proportionally.

To add credibility to this calculated queue length, current southbound traffic often gets saturated at peak times at the Council Tree/Broadcom traffic signal. Traffic will queue almost to the Target Service Access road. We’ve attached a picture to help describe how far back the traffic queues. With the help of Google Maps, we can see that traffic CURRENTLY queues 407ft back from the signaled intersection at Council Tree. There is no reason to believe similar queue behavior will not occur at Hidden Pond.



We reiterate that the private traffic study was lacking any professional comprehensive queue length study that would be highly pertinent to this amendment and the feasibility of a light at Hidden Pond.

Conclusion

We ask that the City Council reverse the decision of the Planning and Zoning commission. This was a Major Amendment—it added several acres of land and significant traffic disruption. There is no reason why this developer should get preferential treatment and be allowed “Alternate Compliance” given the vast changes proposed to the original approval. It sets a bad precedence for any future development. It is not fully compliant to the Land Use Code. It doesn’t meet rational planning standards or livability standards set by our community. It puts an unnatural traffic signal at Hidden Pond and not at the long-awaited Paddington intersection. By voting “no” to this major amendment, allow the developer to seek other solutions (amendments) to get to full compliance. We ask that you voice approval of using English Ranch streets as appropriate connectors to aid the developer in this request. We do wish the developer the opportunity to develop the “Young parcel,” but to do it in a way that that is compliant to our city’s published norms.

**Get The Light
Right!**