

NOTICE OF APPEAL

Action Being Appealed: PDP 2100018 Type 1 Administrative Hearing Decision and Supplemental Decision

Date of Action: 07/28/2024 **Decision Maker:** Marcus McAskin

FOR CITY CLERK'S USE ONLY: DATE FILED: 8/8/24 INITIALS: <i>llw</i>

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

Name: Sanctuary Field Neighborhood Network **Phone #:** (303) 494-3000
Address: 330 N Taft Hill Road **Email:** andrew@frascona.com
Fort Collins, CO 80521

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.

GROUND(S) 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; 2.2.11; 3.5.1; 4.5 (E); Northwest Subarea Plan

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.

List of Appellants

Andrew Pipes
4750 Table Mesa Drive
Boulder, CO 80305
(303) 494-3000
andrew@frascona.com

Mary Timby
627 Irish Drive
Fort Collins, CO 80521
(970) 692-3788
mary.timby@gmail.com

Valerie Vogeler
520 N Taft Hill Road
Fort Collins, CO 80521
(314) 952-2327
pv_vogeler@sbcglobal.net

Miranda Spindel
330 N Taft Hill Road
Fort Collins, CO 80521
(970) 217-6088
allskyline524@gmail.com

Paula Harrison
438 N Hollywood Street
Fort Collins, CO 80521
(970) 412-1401
harrisop@gmail.com

Carol Ostrom
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Fort Collins, CO 80521
(970) 472-0200
dreamdancer1818@yahoo.com

Ernest Frank
242 N Sunset Street
Fort Collins, CO 80521
QAJAQR99@gmail.com

Mary Beth Fisher
1158 N Taft Hill Road
Fort Collins, CO
(970) 685-8268
mbofisher@yahoo.com

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(970) 442-0906
NGBXO@yahoo.com

Kathryn Dubiel
2936 Eindborough Drive
Fort Collins, CO
(970) 658-7233
[™.k.i.dubiel@gmail.com](mailto:k.i.dubiel@gmail.com)

Denise Steffenhagen
4021 Bracadale Place
Fort Collins, CO 80524
(541) 350-5133
cmyviews@yahoo.com

Margot Steffenhagen
400 N Impala Drive
Ft. Collins, CO 80521
(409) 251-8222
steffenhagenm@gmail.com

Erica Baczek
404 Webb Ave
Fort Collins, CO 80521
(970) 412-4666
ericabaczek0813@yahoo.com

Frank Baczek
2909 Dean Drive
Fort Collins, CO 80521
(847) 609-4081
frank_baczek@sbcglobal.net

Seth McEwan
324 N Impala Drive
Fort Collins, CO 80521
(720) 955-4135
sethmcewan@yahoo.com

Mary Hoover
330 N Sunset Street
Fort Collins, CO 80521
(720) 556-5852
johnmaryhoover@live.com

Laura Larson
320 N Impala
Fort Collins, CO 80521
(413) 320-9392
Laura_Larson@hotmail.com

Megan Kelly
2524 Myrtle Court
Fort Collins, CO 80521
(970) 294-1440
mmqkelly@gmail.com

Schuyler Gantert
2524 Myrtle Court
Fort Collins, CO 80521
(970) 690-0173
skygantert@gmail.com

K. Andrea Faudel
2022 Vine Drive
Fort Collins, CO 80521
(206) 696-1919
ashara1@aol.com

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501 Hanna Street
Fort Collins, CO 80521
(970) 672-8597
charleskopp01@gmail.com

Cheryl Distaso
135 South Sunset Street
Fort Collins, CO 80521
(970) 310-6563
distaso@riseup.net

Pete Cadmus
687 Irish Drive
Fort Collins, CO 80521
(970) 420-8467
petecadmus@hotmail.com

Kyran Cadmus
687 Irish Drive
Fort Collins, CO 80521
(970) 420-0087
ckyran@gmail.com

Kevin Bailey
Pleasant Valley Properties, LLC
PO Box 332
Laporte, CO 80535
(970) 493-7931
kmbailey@bajabb.com

Raygina Kohlmeier
273 N Sunset Street
Fort Collins, CO 80521
(970) 310-8126
rayven80@hotmail.com

Chad Johnson
23 S Taft Hill Road
Fort Collins, CO 80521
(970) 988-2236
eightyfive85@gmail.com

Megan Johnson
25 S Taft Hill Road
Fort Collins, CO 80521
(970) 988-4131
mltiedt@yahoo.com

Phil Fraser
1621 Richards Place
Fort Collins, CO 80521
(970) 443-0467

Michael Ryan
408 N Impala Drive
Fort Collins, CO 80521
(970) 294-8212
michael.ryan.actuphearts@gmail.com

Nicole Ryan
408 N Impala Drive
Fort Collins, CO 80521
(970) 329-6334
nicoleryanva@gmail.com

Amende Martin

David Martin

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.
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- 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>Andrew Pipes</i>	Date: 08/05/2024
Name: Andrew Pipes	Email: andrew@frascona.com
Address: 4750 Table Mesa Dr., Boulder, CO 80305	Phone #: (303) 494-3000
Describe how you qualify as a party-in-interest: I am a representative of the Appellant who made provided written comments to City Staff for the matter being appealed and whose members are comprised of citizens who own property and received a mailing of notice of the subject hearing being appealed.	

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

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

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- A City Councilmember.

Signature: <i>Mary Timby</i>	Date: 07/29/2024
Name: Mary Timby	Email: mary.timby@gmail.com
Address: 627 Irish Dr. Fort Collins, CO 80521	Phone #: (970) 692-3788
Describe how you qualify as a party-in-interest: I provided written comments to City staff prior to the Sanctuary on the Green hearing.	

Signature: <i>Valerie Vogeler</i>	Date: 7-24-2024
Name: Valerie Vogeler	Email: pv-vogelkr@sbcglobal.net
Address: 520 North Teft Hill Rd Fort Collins, CO 80521	Phone #: 314-952-2321
Describe how you qualify as a party-in-interest: Received mailed notice	

Signature: <i>Miranda Spindel</i>	Date: 8.2.2024
Name: Miranda Spindel	Email: allskyline524@gmail.com
Address: 330 W Teft Hill Rd 80521	Phone #: 970 217 6088
Describe how you qualify as a party-in-interest: Received notice, spoke + provided written comments	

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Signature: 	Date: 7-29-24
Name: Paula Harrison	Email: harrisop@gmail.com
Address: 438 N. Hollywood St, Fort Collins, CO 80521	Phone #: 970-412-1401
Describe how you qualify as a party-in-interest: I provided written comments for the hearing regarding Sanctuary Field.	

Signature: 	Date: 7/30/24
Name: Carol Ostrom	Email: dreamdancer1818@yahoo.com
Address: 324 Irish Dr FC, CO 80521	Phone #: 970-472-0200
Describe how you qualify as a party-in-interest: receive the mail	

Signature: 	Date: 30 July 2024
Name: Ernest Frank	Email: QATAQER99@gmail.com
Address: 242 N Sunset Ft Collins 80521	Phone #:
Describe how you qualify as a party-in-interest: see video on Archives Multiple presentations 18 Sep 2018 & last one 15 July 2024 Rec'd letters about hearings over the years -	


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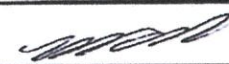
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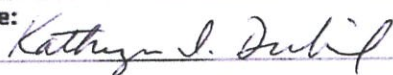
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Signature: 	Date: 7-29-24
Name: Mary Beth Fisher	Email: mbofisher@yahoo.com
Address: 1158 N Taft Hill Rd Fort Collins	Phone #: 970-685-8268
Describe how you qualify as a party-in-interest: We live @ 1158 N. Taft Hill Rd and will be impacted by the size of the units and the traffic from the additional vehicles	

Signature: 	Date: 29 July 2024
Name: John Fisher	Email: N6BXO@YAHOO.COM
Address: 1158 N. TAFT Hill Rd Fort Collins CO 9709120906	Phone #:
Describe how you qualify as a party-in-interest: I live at 1158 N. TAFT Hill Rd and will be impacted by the size of the units and the traffic from the additional vehicles	

Signature: 	Date: 31 July, 2024
Name: Kathryn I. Dubiel	Email: km.k.i.dubiel@gmail.com
Address: 2936 Eindborough Dr. Ft Collins, CO	Phone #: 970-658-7233
Describe how you qualify as a party-in-interest: I spoke at the Type I hearing on 15 July 2024	

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Signature: <i>Denise Steffenhagen</i>	Date: <i>7/30/2024</i>
Name: DENISE STEFFENHAGEN	Email: <i>cmyviews@yahoo.com</i>
Address: 4021 BRACADALE PLACE, FORT COLLINS 80524	Phone #: 5413505133
Describe how you qualify as a party-in-interest: I have attended all the Council sessions and made comments and emails.	

Signature: <i>Margot Steffenhagen</i>	Date: <i>7-30-2024</i>
Name: <i>Margot Steffenhagen</i>	Email: <i>Steffenhagenm@gmail.com</i>
Address: <i>400 N. Impala DR</i>	Phone #: <i>509-251-8222</i>
Describe how you qualify as a party-in-interest: <i>My back yard abuts the development</i>	

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

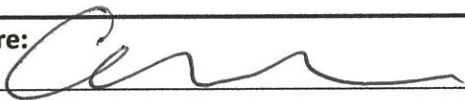
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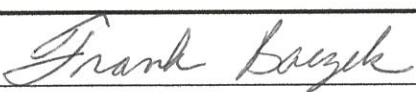
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Signature: 	Date: 7/29/24
Name: ERICA BACZEK	Email: ERICA.BACZEK0813@YAHOO.COM
Address: 404 Webb Ave Fort Collins CO 80521	Phone #: 970.412.4666
Describe how you qualify as a party-in-interest: I received the mail notice of the hearing	

Signature: 	Date: 7/30/24
Name: FRANK BACZEK	Email: FRANK.BACZEK@SBCGLOBAL-VET
Address: 2909 DEAN DR FORT COLLINS 80521	Phone #: 847 609 4081
Describe how you qualify as a party-in-interest: I SENT COMMENT TO DEV REVIEW COMMENTS IN OCT/23. I LIVED AT 404 WEBBAVE FOR 4 YEARS UNTIL A WEEK AGO	

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

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- A City Councilmember.

Signature: <i>seth mcewan</i>	Date: 08/04/2024
Name: Seth McEwan	Email: sethmcewan@yahoo.com
Address: 324 N Impala Dr Fort Collins Co, 80521	Phone #: (720) 955-4135
Describe how you qualify as a party-in-interest: My property abuts the proposed development, I received the mailed notice, spoke at the hearing and provided written comments which were not seen or considered before the decision to approve was rendered.	

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

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

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Signature: <i>Mary Hoover</i>	Date: <i>7/30/2024</i>
Name: <i>Mary Hoover</i>	Email: <i>johnmaryhoover@live.com</i>
Address: <i>330 N sunset st Fort Collins 80521</i>	Phone #: <i>720 556-5852</i>
Describe how you qualify as a party-in-interest: <i>I received notice of the hearing and also provided written comments.</i>	

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

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

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Signature: <i>Laura M Larson</i>	Date: <i>8/2/24</i>
Name: <i>Laura M Larson</i>	Email: <i>laura_larson@hotmail.com</i>
Address: <i>320 N. Impala, F.C. 80521</i>	Phone #: <i>413-320-9392</i>
Describe how you qualify as a party-in-interest: <i>My property abvts the development project, comments submitted</i>	

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

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

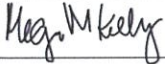
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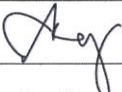
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- A City Councilmember.

Signature: 	Date: 08/01/2024
Name: Megan M Kelly	Email: mmgkelly@gmail.com
Address: 2524 Myrtle Court	Phone #: (970) 294-1440
Describe how you qualify as a party-in-interest: Received mailed notice while living at 223 Pennsylvania, property that backs up to Sanctuary on the Green. Have since moved to the South side of Poudre High - we still use the current space for wildlife viewing/walking our dog.	

Signature: 	Date: 08/01/2024
Name: Schuyler Gantert	Email: skygantert@gmail.com
Address: 2524 Myrtle Court	Phone #: (970) 690-0173
Describe how you qualify as a party-in-interest: Same as my wife above.	

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


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Signature: 	Date: August 1, 2024
Name: K. ANDREA FAUDEL	Email: ashara1@aol.com
Address: 2022 W VINE DR 80521	Phone #: 206-696-1919
Describe how you qualify as a party-in-interest: I am a close neighbor, sent written comments	

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

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

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Signature: <i>Charles Kopp</i>	Date: <i>7/30/24</i>
Name: <i>CHARLES KOPP</i>	Email: <i>CHARLES.KOPPO1@GMAIL.COM</i>
Address: <i>501 HANNA ST., FORT COLLINS, CO 80521</i>	Phone #: <i>970-672-8597</i>
Describe how you qualify as a party-in-interest: <i>I'VE RECEIVED A MAILED NOTICE OF THE HEARING AND HAVE PROVIDED WRITTEN COMMENTS TO CITY STAFF.</i>	

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

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

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Signature: <i>Cheryl Distaso</i>	Date: 08/05/2024
Name: Cheryl Distaso	Email: distaso@riseup.net
Address: 135 South Sunset Street, Fort Collins, CO 80521	Phone #: (970) 310-6563
Describe how you qualify as a party-in-interest: I submitted written comment prior to the hearing.	

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

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

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Signature: <i>Peter Cadmus</i>	Date: 08/05/2024
Name: Peter Cadmus	Email: petecadmus@hotmail.com
Address: 687 Irish Drive, Ft Collins, CO 80521	Phone #: (970) 420-8467
Describe how you qualify as a party-in-interest: I provided written comments to City Staff for delivery to the board prior to hearings on Sanctuary on the Green.	

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

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

ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

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>Kyran Cadmus</i>	Date: 08/05/2024
Name: Kyran Cadmus	Email: ckyran@gmail.com
Address: 687 Irish Drive, Ft Collins, CO 80521	Phone #: (970) 420-0087
Describe how you qualify as a party-in-interest: I provided written comments to the City Staff for delivery to the board during hearings on Sanctuary on the Green.	

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

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

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- A City Councilmember.

Signature: <i>Kevin M. Bailey</i>	Date: <i>8/5/24</i>
Name: <i>KEVIN M. BAILEY, OWNER PLEASANT VALLEY PROPERTIES LLC</i>	Email: <i>kmbailey@bajabb.com</i>
Address: <i>PO BOX 332 LAPORTE CO 80535</i>	Phone #: <i>970 493 7931</i>
Describe how you qualify as a party-in-interest: <i>OWNS 468 N IMPALA DR, RECEIVED NOTICE, PROVIDED WRITTEN COMMENT</i>	

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

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

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- 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>Raygina Kohlmeier</i>	Date: <i>8/5/24</i>
Name: <i>Raygina Kohlmeier</i>	Email: <i>rayven80@hotmail.com</i>
Address: <i>273 N. Sunset</i>	Phone #: <i>(970) 310-8126</i>
Describe how you qualify as a party-in-interest: <i>I received a mailed notice of the hearing and I would like to</i>	

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

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


ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

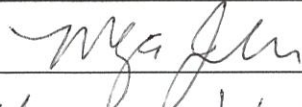
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- Anyone who provided written comments to the appropriate City staff for delivery to the board, commission or other decision maker prior to or at the hearing on the matter that is being appealed.
- A City Councilmember.

Signature: 	Date: 8-5-2024
Name: Chad Johnson	Email: eightyfive85@gmail.com
Address: 25 S Taft Hill Rd, Ft. Collins, 80521	Phone #: 970-988-2236
Describe how you qualify as a party-in-interest: We receive mailings	

Signature: 	Date: 8/5/24
Name: Megan Johnson	Email: mltiedt@yahoo.com
Address: 25 S Taft Hill Rd, Fort Collins, Co 80521	Phone #: 970-988-4131
Describe how you qualify as a party-in-interest: We receive mailings and I've submitted a comment	

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

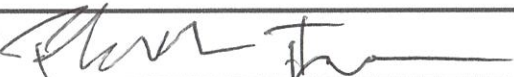
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APPELLANTS

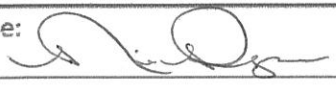
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- A City Councilmember.

Signature: 	Date: 5 Aug 2024
Name: PHIL FRASER	Email:
Address: 1621 Richards Pl 80521	Phone #: 970 443 0467
Describe how you qualify as a party-in-interest: submitted written comments	

Signature: 	Date: 8-5-24
Name: Michael J Ryan	Email: michael.ryan.nocturnearts@gmail.com
Address: 408 N. IMPALA DR	Phone #: 970-294 8212
Describe how you qualify as a party-in-interest: provided written comments	

Signature: 	Date: 8/5/24
Name: Nicole Ryan	Email: nicoleryanra@gmail.com
Address: 408 N Impala Dr.	Phone #: 319-329-633A
Describe how you qualify as a party-in-interest: Provided written comments	

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- 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>Amanda Warren Martin</i>	Date: <i>08.05.2024</i>
Name: <i>Amanda Warren Martin</i>	Email: <i>amanda.b.warren@gmail.com</i>
Address: <i>2320 Tarragon Lane, Fort Collins</i>	Phone #: <i>785.760.4429</i>
Describe how you qualify as a party-in-interest: <i>My property is adjacent to the proposed development.</i>	

Signature: <i>[Signature]</i>	Date: <i>08.06.2024</i>
Name: <i>David M. Martin</i>	Email: <i>david.mi.martin@gmail.com</i>
Address: <i>2320 Tarragon Lane, Fort Collins</i>	Phone #: <i>785-550-6605</i>
Describe how you qualify as a party-in-interest: <i>Adjacent property to proposed development</i>	

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

ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

August 8, 2024

Fort Collins City Council Members: Jenny Arndt (Mayor), Susan Gutowsky, Julie Pignataro, Tricia Canonico, Melanie Potyondy, Kelly Ohlson, Emily Francis

City Hall
300 Laporte Avenue
Fort Collins, CO 80521

RE: Notice of Appeal for Sanctuary on the Green PDP 210018 Type 1 Administrative Hearing Decision

Dear City of Fort Collins Councilmembers,

This appeal is made by the Sanctuary Field Neighborhood Network (“SFNN”), organized in 2018 as an informal organization comprised of over 150 neighbors from the Green Acres, Sunset St., Taft Hill and Laporte Avenue neighborhoods that surround the property proposed for development. The attached form contains signatures from our steering committee and other neighbors. This written Notice of Appeal is filed within the required 14 calendar days following the decision dated July 28, 2024.

We are appealing the decision based on the following grounds:

- 1) Failure to properly interpret and apply relevant provisions of the City of Fort Collins’ (“City”) Municipal Code (“City Code”) and Land Use Code (“LUC”):
 - a) 1.2.2;
 - b) 2.2.11;
 - c) 3.5.1;
 - d) 4.5(E)(3) & (4); and
 - e) Northwest Subarea Plan (“NSP”).

- 2) Failure to conduct a fair hearing in that:
 - (b) The Board, Commission or other Decision Maker substantially ignored its previously established rules of procedure.
 - (c) The Board, Commission or other Decision Maker considered evidence relevant to its findings which was substantially false or grossly misleading.
 - (d) The Board, Commission or other Decision Maker improperly failed to receive all relevant evidence offered by the appellant.

- 1) **Failure to Properly Interpret and Apply Relevant Provisions of the City Code and the LUC**
- 2) **Failure to Conduct a Fair Hearing: The Decision Maker substantially ignored its previously established rules of procedure.**

The Application Automatically lapsed on April 16, 2024. Following cancelation of the November 30, 2023 scheduled hearing,¹ a representative of SFNN (Miranda Spindel) emailed the City (City Planner Clay Frickey) inquiring about the City’s policy for the number of hearing cancellations permitted and the timeframe for rescheduling. The City responded by citing to the lapse provision in the LUC that requires applicants to diligently pursue approval of their plans, in reference to LUC § 2.2.11. When asked for the application’s lapse date, City identified the same as April 16, 2024.² Thereafter, SFNN checked in with the City every month from December through April and, each time, the City confirmed that they had no communication with the applicant. On April 16, 2024, the City confirmed that it “hadn’t heard anything from the applicant” and that April 16, 2024 was the final day to request an extension. Subsequently, the City confirmed that it did “not receive[] an extension request” and that the City would be notifying the applicant of the lapse.³ On April 17, 2024, the City represented that the applicant was disputing the lapse of their application arguing that their November 1, 2023 PowerPoint presentation for one of the canceled hearings should count as diligently pursuing their application.⁴ SFNN asserts that emailing a PowerPoint presentation for a hearing that the applicant voluntarily canceled is neither diligently pursuing their application nor “additional or revised submittal documents as are necessary to address [written] comments from the City.”⁵ Moreover, the fact that the City made multiple representations that the lapse date was April 16, 2024 after the applicant had submitted the unused November 1, 2023 PowerPoint presentation establishes its contemporaneous interpretation that the City did not believe such email met the requirements of LUC § 2.2.11. The City’s reinterpretation of the LUC and their own decision is an improper interpretation of the LUC and demonstrates an improper bias benefiting the applicant. Then, on April 18, 2024, the City indicated that they were considering email from the applicant (emphasis) on November 29, 2023 as diligently pursuing their application, pushing the lapse date to May 27, 2024. Review of the City’s document for the July 15 hearing titled Emails_RE_Extension_Request.pdf does not show an email from the applicant on this date. Unsurprisingly, the applicant immediately then applied for a 120-day extension, the information for which had not been received by the City as of April 29, 2024. Sometime between April 29, 2024 and May 13, 2024, the applicant allegedly requested a hearing, which was granted by the City without the granting of an extension under LUC, § 2.2.11.⁶ Yet, the applicant submitted a justification for extension document for the July 15, 2024 hearing that alleges an extension was approved on April 24, 2024 by a different City Planner. The email exchange used as evidence of diligent pursual of an application was actually spurred by SFNN.⁷ On November 10, 2023, SFNN contacted the local ditch company asking to receive a copy of a Letter of Intent that was requested prior to the application’s first Type 1 hearing, dated November 30, 2021. SFNN contacted New Mercer Ditch Company staff, Melissa Buick, who confirmed that an email from August 2020, related to a different proposal, was the only communications that existed. SFNN then emailed city staff on November 10, 2023, and received no response. However, email records submitted for the July 15, 2024, hearing record show the City and applicant scrambling to obtain this LOI between November 10, 2023 and the upcoming November

¹ Which was canceled on the afternoon of November 29, 2023, one day prior to the scheduled hearing.

² See Exhibit B.

³ See Exhibit C.

⁴ Rendering the lapse date as April 29, 2024.

⁵ LUC, § 2.2.11(A).

⁶ See Exhibit C.

⁷ See Exhibit D.

30, 2023 hearing. A new LOI was created and dated November 29, 2023. This scrambling immediately prior to the November 30, 2023 hearing was used as evidence of the applicant's diligence. Rather, it was SFNN that was diligently pursuing the application, not the applicant. Despite rescheduling their hearing three times at the request of the applicant, the City acknowledges that the project proposal has had no changes since November 2021.

The Proposal Does Not Comply with the NSP in Violation of LUC 1.2.2. In 2022, the Hearing Officer's decision clearly indicated that he did not believe PDP200018 complied with the NSP. He specifically tasked the applicant to work together with the neighborhood to address two main neighborhood sensitivity/compatibility concerns. His decision recommended that the applicant work together with the neighborhood *"in order to explore how the PDP/FDP may be modified to further reduce overall residential density and lower the height of the some of the proposed three-story single-family attached buildings to two-stories"* and urged the applicant to *"work with neighbors to: (1) increase the compatibility between the Project and existing neighborhoods that abut the Subject Property; (2) ensure that goals and policies articulated in the NSP are successfully implemented,"* neither of which occurred. In May of 2023, the Larimer County District Court held that the NSP and LUC are both regulatory and the proposal must comply with both. Now, in 2024, the exact same development proposal is evaluated and determined to somehow now comply with the NSP by the very same Hearing Officer. The plan is no more compatible now than it was in 2022 and we are appealing this obvious error. Disappointingly, the Hearing Officer failed to make any findings regarding the NSP, instead opting to lazily copy and paste the applicant's October 19, 2023, letter into Exhibit B of his Supplemental Findings and Decision (the "Decision").⁸ Understanding that compatibility does not mean the "same as" and instead refers to sensitivity in maintaining the existing neighborhood character, we do not believe the Hearing Officer properly applied relevant codes, plans, or the court's order here. Page 32 of the NSP states that *"as new development occurs, it should be of low intensity to be compatible with the diversity and semi-rural feel of the area."* It also states that *"The Northwest Subarea will retain its character and integrity through the appropriate placement and density of new housing that is compatible with existing neighborhoods."* The NSP Framework Plan's stated purpose is *"to create predictability in what type and intensity can be expected for one's own property as well as neighboring properties."* Both the LUC and NSP speak to what *"affects compatibility including height, scale, lot sizes, setbacks, mass and bulk of structures."* LUC 3.5.1 requires "compatible building massing" with surrounding neighborhoods. SFNN has contended since 2021 that this development's multiple three-story buildings and tiny lot sizes are incompatible. More specifically, the LUC establishes height requirements for single family attached housing as a maximum of "one-, two- and three-family dwellings shall be two and one-half (2.5) stories."⁹ And despite the applicant removing multifamily housing from the proposal, the City cites to the multifamily housing section of the LUC¹⁰ in their interpretation of permissive building heights. The current proposal calls for 3-story row homes that will stand 45 feet tall with grading, over 3 times the height of any of the homes that abut the development site. This proposal should either have required a Type 2 hearing to accommodate multifamily housing or must fail because it does not meet the LUC requirements for single family attached housing and was not granted a variance. It is unlawful to permit the applicant and the City to circumvent the law by utilizing the improper sections of the LUC to push the application forward.

⁸ Notably, the Decision makes zero references or findings relevant to the neighborhood's character, which is a cornerstone of the NSP. In other words, the Hearing Officer failed to properly consider the NSP.

⁹ LUC, § 4.5(E)(3).

¹⁰ § 4.5(E)(4).

2) Failure to Conduct a Fair Hearing: The Decision Maker Considered Evidence Relevant to its Findings Which was Substantially False or Grossly Misleading.

The Hearing Officer relied largely on the Staff Report and a letter from the applicant's lawyer when issuing his decision. Evidence that the plan is in compliance with NSP is cherry-picked in both of these documents. This Hearing Officer perhaps wouldn't have recognized this information as false or misleading as he is not familiar with the area and has not made any effort to prioritize citizen input or visit the actual neighborhood. While it is correct that some of the plan does align with the NSP, areas that do not conform were pointed out to the Hearing Officer through submitted written documentation as well as public comments and ignored in his decision.

A significant challenge of building on this site is that less than half of the acreage of this property is buildable due to the floodplain, wetlands and other factors. This property is quite complex; it contains wetlands, floodplain, a high-water table along LaPorte and Taft Hill, a large irrigation ditch that bisects the land and a large swale to channel flood waters along the west corridor of the property. As a result, almost 50% of the acreage is unbuildable. The majority of open space being preserved falls into these categories. It is not generously being provided by the applicant in response to neighbor request or NSP as claimed - rather, it is land that is not able to safely support housing.

The applicant has also claimed that decreases in density are in direct response to neighborhood requests. While the applicant has reduced the density of the development from 371 units in the initial proposal to the 212 units proposed in the 2021 application and replaced multi-family buildings with single-family attached row houses, these changes were not the result of collaborative intent. The applicant's initial proposal had a large assisted-living facility proposed to be built in the middle of the floodplain on the property. This facility was removed due to non-compliance with City Code and the LUC, not as a concession to neighbors. This removal decreased the density by over 100 units without changing the nature or character of the development. The switch to single-family housing was done in order to avoid return to a Type 2 hearing after their application was poised to fail in front of the Planning and Zoning Board. The applicant has not actually met with neighbors since the Fall of 2021 and has, instead, insincerely reached out about meeting right before each hearing but without any intention of actually changing the plans based on those meetings. Those emails were submitted as public comment prior to the July 15, 2024 hearing.

This proposal calls for twenty-eight 3-story attached single-family buildings (166 dwelling units). Although the Hearing Officer states that these 3-story buildings are largely concentrated to the interior of the site, this is false and misleading. The entire east side of the development, which faces open pasture, an orchard, and a single 100-year-old one-story farmhouse, is 3 stories tall. These buildings will be much higher than 39 feet 8 inches when grading for the floodplain is undertaken and will block foothills views. SFNN asserts that the distant 3-story properties that were used as comparables were used to misrepresent the development existing in the neighborhood to the Hearing Officer, were described falsely by the applicant as abutting this site, the acceptance of which is clear error and an abuse of the Hearing Officer's discretion and shows his ignorance of the area. We believe that three story row houses are incompatible with the single-story neighborhoods that abut this site and do not meet the standard of the NSP in preserving their character.

For example:

Bellwether Farms: A total of five houses are 2-story with walk-out basements. The applicant's attorney repeatedly showed images of these houses, purporting that they were representative of all neighboring properties and claiming that they abut the property on the north side. These homes do not abut the development site, or represent the majority of Bellwether Farms' houses, of which 90% are 1- and 2-story homes. The only actual abutting properties are single story, single family detached homes, many on 1-acre plots. The project clearly does not meet the LUC's compatible building massing requirement.

Ramblewood Apartments: This is a commercial leasing complex that lies to the south, across LaPorte Ave., built in 1976, 30 years prior to the creation of the NSP. Because the apartment complex is commercial (not individually owned), does not abut the applicant's property, and buildings pre-date the NSP, we assert that the City should not have allowed this to be used as a comparable property.

Impala Redevelopment: This is a federally funded affordable housing project that does not abut the proposed development. The proposed development contains zero affordable housing units, and thus, while both exist in the NSP, different sections of LUC apply and comparing the two is nonsensical.

3) Failure to Conduct a Fair Hearing Because the Decision Maker Improperly Failed to Receive All Relevant Evidence Offered by the Appellant

The City erred in failing to provide the Hearing Officer with 342 pages of public comment in advance of the July 15, 2024 hearing creating an unfair hearing. SFNN was told that all written comments must be received by July 14, 2024 at 5:30 pm. A total of 342 pages of comments were received by the City and posted to the City website before the hearing. Of note, the Hearing Officer did receive four comments after the deadline that were accepted into the record. The Hearing Officer's decision for the July 15, 2024 Type 1 Hearing was issued on July 24, 2024. A copy was sent to SFNN and its counsel, Andrew Pipes. Upon review of the decision, SFNN noticed that the 342 pages of public comment sent prior to the hearing were not included on the record. Upon SFNN notifying the City of their error,¹¹ the City emailed SFNN and the Hearing Officer stating that the City "*thought [it] had sent these emails to Marcus and [it] didn't.*" In a separate email to the Hearing Officer, the City wrote that "*[a] community member noticed there were several pieces of correspondence that were supposed to be a part of the record for you to consider for Sanctuary on the Green that did not make it to you.*"¹² It is puzzling as to why an experienced Hearing Officer who conducted a hearing over the exact same project and had since prepared for this hearing no less than three times would not question the absence of written public comment before the hearing. Moreover, the City's representation to the Hearing Officer that "there were several pieces of correspondence" that were not included in the record is a gross mischaracterization of the 342 pages of correspondence opposed to the proposal. This error is exacerbated by the fact that written comment is a primary avenue for citizen input in land use hearings and 342 pages of public comment opposing the proposal is an overwhelming piece of evidence that the public is not in favor of the proposal, which coincidentally is a chief principle of the NSP, and is vital to the total mix of information needed to make an informed decision. The public comment included emails documenting the City changing the lapse date, documenting the applicant's insincere reach-outs, and evidence gathered by neighbors of the development proposal's incompatibility through photographs and analysis. In response to receiving 342 pages of evidence opposed to the application, the Hearing Officer stated that the "July 24 Decision is confirmed in all respects." This is the type of unreasoned, pre-determined analysis replete throughout the Decision. This dearth of thought and failure to consider the citizenry's comments within the Decision is exacerbated by the fact that the Hearing Officer never visited the site and appears to not understand the decisions that he makes, leading to improper and illogical decisions. And when combining the Hearing Officer's failure to consider the written public comments with the verbatim adoption of the applicant's NSP analysis, it appears that the Hearing Officer's decision was prearranged. Although the Hearing Officer officially accepted the public comment for the record by re-issuing the Decision, it was very clearly not analyzed or otherwise incorporated. The blatant dismissal of the voices of Fort Collins citizens in the development review process should be brought to light and challenged. The City risks setting a very dangerous precedent if this process is deemed "fair" or "proper."

¹¹ See Exhibit E.

¹² See Exhibit F.

Exhibit A
Historical review:

This proposal was initially before the Planning and Zoning Commission as a Type II proposal. The hearing lasted until past midnight. The applicant withdrew the application during the hearing when it became clear the proposal was failing. The Planning and Zoning Commission therefore issued no decision.

The applicant then minorly amended the development proposal to replace multifamily housing with single-family attached row homes...This was re-submitted as a new proposal – PDP 210018. Eliminating the multifamily housing changed the application from a Type II to a Type I development application under the LUC. This change bypassed Planning and Zoning and instead went to an Administrative Hearing with a single administrative “Hearing Officer.” We believe the applicants intended to eliminate the review by the Planning Commission. Emails between the applicant and the City demonstrate communication regarding ensuring “the record starting clean” without the previous Planning and Zoning Commission’s comments. The City also waived some time restrictions and fees for this new application. By filing a new action, the record from the original proposal was no longer part of the review. The city thus treated the proposal simultaneously as both an old application (for the purpose of waiving the 6 month resubmittal delay and giving the applicant a \$34000 discount on fees) and a new application (for the purpose of moving out of Type 2 and erasing previous evidence).

The City scheduled the Type I hearing in May 2022, and the Hearing Officer approved the development proposal. The order stated, “[t]he Hearing Officer concludes that the [NWSAP] lacks sufficient guidelines or standards on which to deny the [application] for the Project.” We believed this statement was incorrect under the law and that the NWSAP provides more than sufficient guidance contrary to the proposed development.

SFNN next appealed the Hearing Officer’s decision to Fort Collins City Council. On August 16, 2022, the Council conducted an administrative hearing on the appeal and voted 5-2 to affirm the decision and approve PDP No. 210018. On September 6, 2022, the Council adopted Resolution 2022-095, approving, adopting, and confirming the Hearing Officer’s Decision in all respects.

On October 4, 2022, SFNN formally filed suit against the Fort Collins City Council in Larimer County District Court (Case No. 2022CV30661.) SFNN did not name the applicant in the lawsuit, but they intervened as a defendant in the action.

The trial court issued its decision on July 24, 2023, and the district court agreed with SFNN. The court concluded the Hearing Officer’s decision was legally erroneous and that he abused his discretion in failing to consider the NWSAP as part of his review. The court remanded the development proposal back to a Type I Hearing, where the Hearing Officer must, this time, consider both the NWSP and Land Use Code. Where the two conflict, the more restrictive plan supersedes.

The City scheduled the re-hearing for September 14, 2023, but then postponed the hearing on August 30, 2023, due to a conflict of interest between the Hearing Officer and the applicant’s attorney. Further information was not provided about this conflict.

The re-hearing was scheduled for November 2, 2023, relying upon the same November 5, 2021, application documents and two additional documents apparently submitted on October 19, 2023. The Hearing Officer started the hearing that night but continued it to a later date due to the Hearing Officer's illness.

The City then re-scheduled the hearing for November 30, 2023, but the day before the hearing, the applicant requested the hearing be postponed without justification and without a new date set. For this hearing, the applicant relied on the same plans submitted on November 5, 2021, and two additional application-related documents submitted on October 19, 2023.

The hearing was finally rescheduled and held July 15, 2024. See appeal for details between November 2023 and the scheduling of this hearing. A decision was issued on July 24, 2023. A supplement to the decision was issued on July 28, 2024 and the decision thus dated July 28, 2024. Public provision of the hearing decision, other than to Miranda Spindel and Andrew Pipes, was emailed and sent by mail on July 30, 2024. The City wrote, in response to inquiry, that appeal must be filed by August 12, 2024 at the end of the business day.

Exhibit B
Lapse date established by City

RE: Re: Re: FW: Sanctuary Hearing Continuance
Inbox

Clay Frickey <cfrickey@fcgov.com> Mon, Dec 4, 2023, 10:27 AM
to me, Em, Andrew

Hey Miranda,

The applicant submitted two new documents to us on October 19. 180 days from October 19 would be April 16, 2024.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2517 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Sunday, December 3, 2023 6:12 PM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Em Myler <emyler@fcgov.com>; Andrew B. Pipes <andrew@frascona.com>
Subject: [EXTERNAL] Re: Re: FW: Sanctuary Hearing Continuance

Thank you for this information.
Can you tell me when the clock starts for this proposal to be considered inactive/180 days from?
Thanks

Miranda

On Thu, Nov 30, 2023 at 9:22 AM Clay Frickey <cfrickey@fcgov.com> wrote:
Hey Miranda,

We have a lapse provision in our Land Use Code that requires applicants to diligently pursue approval of their plans. If an application is inactive for 180 days, the application lapses and they

would have to start the development review process over. Applicants can request an extension of 120 days and one more extension of 60 days. Other than the lapse provision there isn't anything in the Land Use Code that dictates when we must take applications to a hearing or how many times we may re-schedule hearings.

We will continue to keep you in the loop on when there might be a re-scheduled hearing. The applicant did not provide us a date or timeframe when they think they'll want to reschedule the hearing.

I am sorry this hearing keeps moving. It's a frustrating situation and we will continue to share information and updates as we have them.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2517 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Wednesday, November 29, 2023 2:45 PM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Em Myler <emyler@fcgov.com>; Andrew B. Pipes <andrew@frascona.com>
Subject: [EXTERNAL] Re: FW: Sanctuary Hearing Continuance

Hi Clay,

Wow. Thank you for letting us know as soon as you were notified. What a lot of work for everyone to go through this multiple times. Is there any limitation on how many times a hearing can be cancelled and rescheduled or the timeframe by which they must reschedule? Could you please keep us looped in as soon as a conversation begins about rescheduling this?

Em - would you be able to update the city webpages that have the hearing on them and notify those who provided public comment? If it is still possible to send me the written public comments submitted between the last scheduled hearing and this one, I am keeping a file in case we need to resubmit them.

Thank you,

Miranda

On Wed, Nov 29, 2023 at 2:01 PM Clay Frickey <cfrickey@fcgov.com> wrote:
Miranda,

I just received this e-mail from the Sanctuary on the Green team. They are requesting that we postpone the hearing. They have not requested a specific date for a new hearing. I wanted to let you know that we are going to postpone the hearing. Since we don't have a date that we are postponing to, we will not open up the hearing tomorrow.

I apologize for the confusion and for re-scheduling again.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2517 office
cfrickey@fcgov.com

From: Sam Coutts <sam.coutts@ripleydesigninc.com>
Sent: Wednesday, November 29, 2023 1:30 PM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Todd Sullivan <TSullivan@fcgov.com>; 'David Pretzler' <David@cacompanies.com>;
David Foster <david@fostergraham.com>; Kristin A. Decker <kdecker@fostergraham.com>
Subject: [EXTERNAL] Sanctuary Hearing Continuance

Clay,

Given the amount of interest surrounding the project, the applicant needs more time to ensure that every aspect of the application meets the standards of the City and that all concerns raised are addressed to the maximum extent feasible. The applicant requests that the hearing scheduled for November 30, 2023 be continued without a date certain, knowing that the future hearing will need to be fully re-noticed.

Please pass this information along to the hearing officer, neighborhood group and any others who were planning on attending the hearing tomorrow.

Thanks,

SAM COUTTS, PLA, ULI
VICE PRESIDENT OF OPERATIONS

o: 970.224.5828 | d: 970.498.2980 | w: ripleydesigninc.com

RIPLEY DESIGN, INC. | 419 Canyon Avenue, Suite 200 | Fort Collins, CO 80521

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Exhibit C
Lapse emails

Clay Frickey <cfrickey@fcgov.com> Tue, May 14, 5:32 PM
to me, Andrew, Em

Hi Miranda,

The applicant requested the new hearing within the timeframe they needed to without getting an extension.

Yes, the plan will remain the same for this hearing as the previous one. Here's a quick overview of the procedure:

1. Hearing Officer calls meeting to order
2. Staff provides an overview of the project
3. Applicant presents the project
4. Staff provides analysis of how the project complies or does not comply with the Land Use Code
5. Hearing Officer asks clarifying questions
6. Public comment
7. Hearing Officer asks clarifying questions
8. Adjourn hearing

The Hearing Officer will also provide an overview of the hearing when we start. I will also note the Hearing Officer has two weeks to render a decision so we will not have a decision the night of the hearing.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.

970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Monday, May 13, 2024 5:12 PM
To: Clay Frickey <cfrickey@fcgov.com>

Cc: Andrew B. Pipes <andrew@frascona.com>; Em Myler <emyler@fcgov.com>
Subject: [EXTERNAL] Re: Checking in

Thanks for the update.

Can you confirm that the extension was granted to the applicant, and their justification for it?

Also can you confirm that the plan will remain the same and the time and procedure for the hearing?

Thank you,

Miranda

On Monday, May 13, 2024, Clay Frickey <cfrickey@fcgov.com> wrote:
Miranda,

I wanted to let you know that the applicant has a new date for their hearing. We have scheduled the hearing for July 15th at City Hall.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Monday, April 29, 2024 1:07 PM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Andrew B. Pipes <andrew@frascona.com>; Em Myler <emyler@fcgov.com>
Subject: [EXTERNAL] Re: Re: Re: Re: Re: Re: Re: Re: Re: Re: Checking in

Thank you for clarifying. And they have until when to provide this to you?

Miranda

On Mon, Apr 29, 2024 at 12:41 PM Clay Frickey <cfrickey@fcgov.com> wrote:

Hey Miranda,

I am still waiting for further information.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Monday, April 29, 2024 12:31 PM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Andrew B. Pipes <andrew@frascona.com>; Em Myler <emyler@fcgov.com>
Subject: [EXTERNAL] Re: Re: Re: Re: Re: Re: Re: Re: Re: Checking in

Hi Clay,

Can you clarify if the formal extension request is complete or if you are waiting for further information from the developer before May 27th?

Miranda

On Fri, Apr 26, 2024 at 10:04 AM Clay Frickey <cfrickey@fcgov.com> wrote:
Hey Miranda,

I will be the person signing off on the extension request. I will let you know once I've made a decision.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins

281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Wednesday, April 24, 2024 12:23 PM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Andrew B. Pipes <andrew@frascona.com>; Em Myler <emyler@fcgov.com>
Subject: [EXTERNAL] Re: Re: Re: Re: Re: Re: Re: Re: Re: Checking in

Thanks for the update - please let us know the decision. Who is the decision maker that will approve the extension?

On Tue, Apr 23, 2024 at 12:10 PM Clay Frickey <cfrickey@fcgov.com> wrote:
Miranda,

Yesterday we received a formal extension request from the applicant for Sanctuary on the Green. I will let you know what our decision is for this extension request. If approved, this would extend the project's lapse date from May 27 to September 24.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

RE: Re: Re: Re: Re: Re: Re: Re: Re: Re: Checking in
Inbox

Clay Frickey <cfrickey@fcgov.com> Thu, Apr 18, 5:25 PM
to me, Andrew, Em

Miranda,

I had a chance to connect with our attorney today to discuss Sanctuary on the Green. The applicant also sent us another e-mail dated November 29, 2023 that thought should count towards fulfilling the requirements of the lapse provision to keep their project active. Our attorney's opinion is that the

correspondence from November is evidence the applicant was diligently pursuing approval of their development application. Due to that, we are calculating the 180 lapse window from November 29, 2023. This means the lapse date is May 27, 2024.

I will let you know if I hear anything else from the applicant.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Clay Frickey
Sent: Wednesday, April 17, 2024 5:20 PM
To: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Cc: Andrew B. Pipes <andrew@frascona.com>; Em Myler <emyler@fcgov.com>
Subject: RE: [EXTERNAL] Re: Re: Re: Re: Re: Re: Re: Re: Checking in

Hi Miranda,

I sent an e-mail earlier this afternoon letting the applicant know that according to our records, it has been more than 180 days and we have not received an updated submittal or request for an extension. Due to that, I informed the applicant team that the project is lapsed. I mentioned that if they think this is in error that they can reach out to discuss with me.

Since I sent that e-mail out, the applicant sent me an e-mail dated November 1, 2023 that had their presentation for the previously scheduled hearing attached. The applicant is arguing that the presentation for the hearing demonstrates they were actively working towards seeking approval for their project and that the 180 lapse date should be calculated from November 1, 2023.

I need to discuss this all with our attorney. I will respond with a determination as soon as I am able.

Thanks,
Clay

.....
Clay Frickey

Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Wednesday, April 17, 2024 12:05 PM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Andrew B. Pipes <andrew@frascona.com>; Em Myler <emyler@fcgov.com>
Subject: [EXTERNAL] Re: Re: Re: Re: Re: Re: Re: Re: Checking in

Thanks Clay

So that confirms the Sanctuary on the Green proposal has lapsed and if they want to proceed they must start the development review process anew?

Miranda

On Wed, Apr 17, 2024 at 11:54 AM Clay Frickey <cfrickey@fcgov.com> wrote:
Hey Miranda,

I've not received an extension request and the Development Review Coordinator has not either.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins

281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Wednesday, April 17, 2024 09:00
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Andrew B. Pipes <andrew@frascona.com>; Em Myler <emyler@fcgov.com>.....
Subject: [EXTERNAL] Re: Re: Re: Re: Re: Re: Re: Re: Checking in

Could you update this morning please?

Thanks so much

Miranda

On Tue, Apr 16, 2024 at 2:58 PM Clay Frickey <cfrickey@fcgov.com> wrote:
Hey Miranda,

I still haven't heard anything from the applicant. Today is the final day for them to submit an extension request to us. I will let you know either later today or tomorrow if we receive an extension request or not.

Thanks,

Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Tuesday, April 16, 2024 11:18 AM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Em Myler <emyler@fcgov.com>; Andrew B. Pipes <andrew@frascona.com>
Subject: [EXTERNAL] Re: Re: Re: Re: Re: Checking in

Hi Clay and Em,

I am checking in (again) to see if there has been any request for an extension from the developer of Sanctuary on the Green. I believe the proposal expires today, if not.

Thank you for an update.

Miranda Spindel

On Tue, Apr 2, 2024 at 10:20 AM Clay Frickey <cfrickey@fcgov.com> wrote:

Hey Miranda,

The Land Use Code allows the applicant to request one additional 60 day extension. The applicant would need to submit an extension request to us prior to the lapse date to get another extension.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Monday, April 1, 2024 2:40 PM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Em Myler <emyler@fcgov.com>
Subject: [EXTERNAL] Re: Re: Re: Re: Checking in

Is it safe to assume their application will expire in two weeks?

On Mon, Apr 1, 2024 at 2:17 PM Clay Frickey <cfrickey@fcgov.com> wrote:
Hey Miranda,

I have not heard anything from the applicant.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>

Sent: Monday, April 1, 2024 2:17 PM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Em Myler <emyler@fcgov.com>
Subject: [EXTERNAL] Re: Re: Re: Checking in

Hi Clay and Em,

Just checking in to see if you have heard anything from the applicant since last month?

Thanks,

Miranda

On Wed, Mar 6, 2024 at 8:44 AM Clay Frickey <cfrickey@fcgov.com> wrote:
Hey Miranda,

We've not heard anything from the applicant.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Wednesday, March 6, 2024 8:44 AM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Em Myler <emyler@fcgov.com>
Subject: [EXTERNAL] Re: Re: Checking in

Hi Clay and Em,

Just doing my monthly check-in to see if the developer for Sanctuary on the Green has been in touch with the City about their application?

Thanks,

Miranda

On Wed, Feb 7, 2024 at 12:54 PM Clay Frickey <cfrickey@fcgov.com> wrote:
Hey Miranda,

Nothing new for Sanctuary on the Green.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Wednesday, February 7, 2024 11:46 AM
To: Clay Frickey <cfrickey@fcgov.com>
Cc: Em Myler <emyler@fcgov.com>
Subject: [EXTERNAL] Re: Checking in

Hi Em and Clay,

Just touching base to see if anything has transpired since last month in regard to the Sanctuary on the Green application?

Thanks,

Miranda Spindel
Sanctuary Field Neighborhood Network
Steering Committee Member

On Tue, Jan 2, 2024 at 2:03 PM Clay Frickey <cfrickey@fcgov.com> wrote:
Hey Miranda,

I have not heard anything from the applicant team.

Thanks,
Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
City of Fort Collins
281 N College Ave.
970-416-2517 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Tuesday, January 2, 2024 1:17 PM
To: Clay Frickey <cfrickey@fcgov.com>; Em Myler <emyler@fcgov.com>
Subject: [EXTERNAL] Checking in

Hi Clay and Em,

I am just touching base to see if there has been any indication from the developer as to planned next steps for Sanctuary on the Green?

Thanks,

Miranda Spindel
Sanctuary Field Neighborhood Network
Steering Committee Member

Exhibit D
Ditch LOI emails

Sanctuary Neighbor
<sanctuaryfieldnetwork@gmail.com>

Fri, Nov 10, 2023,
3:12 PM

to Todd, Em

Hi Em and Todd,

Would one of you be able to forward a copy of a letter provided to you several years ago? The screenshot below is from the Round 1 comments for Sanctuary on the Green in 2021. I don't see the letter of intent in the hearing materials from 2022 but perhaps I am missing it.

Thank you,

Miranda

----- Forwarded message -----

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>

Date: Fri, Nov 10, 2023 at 3:09 PM

Subject: Re: Ditch contact

To: melissahbuick@gmail.com <melissahbuick@gmail.com>

I see this in the Round 1 Staff Comments from 2021 - would you be able to forward a copy of the letter provided to Todd Sullivan? I will also reach out to the City.

----- Forwarded message -----

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>

Date: Fri, Nov 10, 2023 at 3:09 PM

Subject: Re: Ditch contact

To: melissahbuick@gmail.com <melissahbuick@gmail.com>

I see this in the Round 1 Staff Comments from 2021 - would you be able to forward a copy of the letter provided to Todd Sullivan? I will also reach out to the City.

On Fri, Nov 10, 2023 at 2:56 PM Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com> wrote:

Hi Melissa,

Thanks so much for the phone call about this and for following up with the City. Can you confirm that the attached letter is the most recent communication you've had with the city about the development (before today's call)? That would be very helpful.

Best,

Miranda

On Fri, Nov 10, 2023 at 11:25 AM Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com> wrote:

Hi Melissa,

I am reaching out to you hoping that you can connect me to the right person. Your name is on an email that the City has included in records regarding a development proposal. I previously met with and spoke to John Moen about the proposed Sanctuary on the Green development at the corner of Laporte Avenue and N Taft Hill. My understanding is that he passed away, and I'm looking for the correct contact regarding this property. Larimer Canal #2 and the New Mercer Ditch run through.

The short version is that my property is across the street from the proposed development and I am part of a neighborhood group that has continued to push back on this proposal for years for being incompatible with our neighborhood. You may be aware that our group actually took the City and Developer to district court recently because the Northwest Subarea Plan was not considered when approving the proposal. We won our case. Because of this, the proposal has been remanded back to a Type 1 Hearing on November 30th. I'd like to have the current input on the proposal from the ditch company.

I also just became aware that the city natural areas purchased a property to the east of mine and plans to sell a portion for affordable housing to be built. That property is closely bordered as well by the Larimer Canal #2 and New Mercer Ditch and I would be interested in following the ditch company's conversation about that as it progresses.

If you are willing to provide any information about the comments and suggestions you have given to the city and developer about the Sanctuary on the Green plan, it would be extremely helpful. You can reach me at (970) 217-6088 or here over email.

Thank you,

Miranda Spindel
330 N Taft Hill Road
Fort Collins, CO 80521

Stephanie Hansen

From: Danny Weber <danny@northernengineering.com>

Sent: Tuesday, August 25, 2020 3:32 PM

To: Stephanie Hansen; David Pretzler; Mason Ruebel

Subject: FW: Sanctuary & New Mercer coordination

Here is the documentation from the Secretary/Treasurer for New Mercer Ditch Company on Sanctuary.

Danny Weber, PE

Project Manager

NORTHERN ENGINEERING

D: (970) 568-5418 | O: (970) 221-4158

From: Melissa Buick <melissahbuick@gmail.com>

Sent: Tuesday, August 25, 2020 2:57 PM

To: Todd Sullivan <tsullivan@fcgov.com>
Cc: Danny Weber <danny@northernengineering.com>
Subject: Fwd: Sanctuary & New Mercer coordination

Todd, I am confirming Danny Weber's email below. The ditch company is comfortable with the plans moving to final design and the applicant has acknowledged they will need to enter into and finalize crossing or easement agreements with the Company for any crossing, modification or encroachment to the ditch. Please let me know if you need additional information from me at this time.

Best,
Melissa Buick

----- Forwarded message -----

From: Danny Weber <danny@northernengineering.com>
Date: Tue, Aug 25, 2020 at 11:50 AM
Subject: Sanctuary & New Mercer coordination

To: Melissa Buick <melissahbuick@gmail.com>

Hi Melissa,

City of Fort Collins staff has requested documentation of our coordination between Sanctuary and the New Mercer Ditch Company. In this email, can you confirm that I met with John Moen, ditch rider, on 8/6/2020 and that he agrees to our preliminary design plans dated 7/1/2020 for the floodplain and road/bridge crossings, and that he is comfortable with us proceeding to final design? We verbally had this conversation during the meeting so feel free to confirm with him.

In addition, we acknowledge that any Easement and/or Crossing Agreements will need to be executed after further construction details are developed during final plan and prior to recording mylars.

2

I appreciate your assistance on this!

Thank you,

Danny Weber, PE
Project Manager

301 N. Howes Street, Suite 100 | Fort Collins, CO 80521
D: (970) 568-5418 | O: (970) 221-4158
www.northernengineering.com

--

Melissa Buick
Secretary/Treasurer
(970) 686-7126

Exhibit E
Omission of Public Comments emails

On Thu, Jul 25, 2024 at 5:19 PM Clay Frickey <cfrickey@fcgov.com> wrote:

Hey all,

I apologize, I thought we had sent these comments to Marcus and we didn't.

Marcus, I sent you a separate e-mail with these comments and I am hoping you can consider these comments and re-issue your decision by Monday's deadline.

Thanks,

Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager
[City of Fort Collins](#)
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com

From: Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com>
Sent: Thursday, July 25, 2024 5:01 PM
To: Clay Frickey <cfrickey@fcgov.com>; Em Myler <emyler@fcgov.com>; Marcus McAskin <MMcAskin@mgmfirm.com>;
marcus@mcm-legal.com
Cc: Andrew B. Pipes <andrew@frascona.com>
Subject: [EXTERNAL] Re: Written public comments

I've added the Hearing Officer to this email so that he can confirm these were received and are part of the record and explain why they are not mentioned in the decision. I submitted two pdf files of many pages of public comments provided for the cancelled hearings and myself and other neighbors submitted new comments prior to the July 15 hearing that were received by Development Review. I do not see any of these listed or provided in the decision and we were told they would be.

Miranda

On Thu, Jul 25, 2024 at 3:14 PM Sanctuary Neighbor <sanctuaryfieldnetwork@gmail.com> wrote:

Hi Clay and Em,

I don't see the many pages of written public comments submitted mentioned in the decision. All I see is the three comments received during the hearing. Can you confirm that these were successfully provided to and considered by the Hearing Officer?

Miranda

Exhibit F
Email to Hearing Officer About Omitted Comments

From: Clay Frickey
Sent: Thursday, July 25, 2024 17:16
To: Marcus McAskin <MMcAskin@mgmfirm.com>
Subject: Comments for Sanctuary on the Green

Hi Marcus,

A community member noticed there were several pieces of correspondence that were supposed to be a part of the record for you to consider for Sanctuary on the Green that did not make it to you. Attached is the correspondence. Are you able to consider these comments that we received prior to the July 15 hearing and re-issue your decision by Monday's deadline? I apologize for this error.

Thanks,

Clay

.....
Clay Frickey
Pronouns: he/him
Planning Manager —
[City of Fort Collins](#)
281 N College Ave.
970-416-2625 office
cfrickey@fcgov.com