

1 RESOLUTION R-2024-

2 A RESOLUTION OF THE LONGMONT CITY COUNCIL UPHOLDING THE DECISION OF  
3 THE PLANNING AND ZONING COMMISSION DENYING THE MCDONALD'S AT  
4 SANDSTONE MARKETPLACE CONDITIONAL USE SITE PLAN

5  
6 THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, RESOLVES:

7 Section 1

8 1.1 An application for the McDonald's at Sandstone Marketplace Conditional Use  
9 Site Plan was reviewed by the City of Longmont Planning and Zoning  
10 Commission ("the Commission") on June 26, 2024. The Commission denied the  
11 application finding that the application did meet the review criteria under Longmont  
12 Municipal Code Sections 15.02.055 and 15.02.060.C.

13 1.2 On July 3, 2024, the Applicant, by and through their attorney, filed an appeal with  
14 the Longmont City Clerk's Office appealing the Commission's decision to deny  
15 the application.

16 1.3 Proper notice of this appeal hearing was given according to Section  
17 15.02.040.K.11.a of the Longmont Municipal Code.

18 1.4 Applicant is a "party aggrieved" by the final decision of the Commission and they  
19 filed a timely and proper notice of appeal pursuant to Section 15.02.040.K.6.

20 1.5 A properly noticed appeal hearing was held on August 27, 2024.

21 1.6 The Commission's decision is upheld based on the appeal record and the arguments  
22 and evidence presented at the appeal hearing.  
23

1    Section 2

2           Findings of Fact.

3           Pursuant to section 15.02.040.K.9.b of the Longmont Municipal Code, Applicant-  
4   Appellant has the burden of showing that the Commission's decision was plainly in error based  
5   on one or more of the following:

6           i.       The Commission's decision was not supported by any competent evidence in the  
7                    record;

8           ii.      The Commission's decision was plainly inconsistent with the review criteria, as  
9                    shown by clear and convincing evidence; or

10          iii.     The Commission exceeded its authority or jurisdiction as contained in  
11                    Longmont Municipal Code or Longmont City Charter.

12          Applicant-Appellant has not met this burden. The Applicant-Appellant did not provide  
13   sufficient argument or evidence to show that the Commission's decision to deny the application  
14   was not supported by any competent evidence in the record.

15          Additionally, Applicant-Appellant has not shown that the Commission's decision to deny  
16   the application was inconsistent with the review criteria or that the Commission exceeded its  
17   authority or jurisdiction.

18    Section 3

19          For the foregoing reasons, along with the reasons stated during the appeal hearing, the  
20   Longmont City Council upholds the decision of the Longmont Planning and Zoning Commission  
21   denying the McDonald's at Sandstone Marketplace Conditional Use Site Plan.

Section 4

This resolution constitutes the findings of fact and the final decision of the Longmont City Council.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM

\_\_\_\_\_  
ASSISTANT CITY ATTORNEY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PROOFREAD

\_\_\_\_\_  
DATE

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
ORIGINATING DEPARTMENT

\_\_\_\_\_  
DATE

CA File: 24-003004