

New Evidence Submitted by Appellants

**Subject to City Council
Determination of Admissibility**

APPEAL OF FORT COLLINS RESCUE MISSION P&Z COMMISSION APPROVAL
(file# FDP 230022)

Appellants: Rebeca Mendoza and Debbie Bradberry

Submitted 9/18/24

Issues

Compatibility LUC 3.5.1:

- Hours of operation: Curfew:
 - 8/28 P&Z hearing: At 1:08 in the hearing City Staff member Mr. Mapes discussed the issue of compatibility and aspects of opposition to the project that focus on possible off-site behavioral issues. Under operational issues, 3.5.1(J)(1) hours of operation and deliveries on the slide presented, Mr. Mapes said (these) “are aspects that happen on the site...staff just was not able to find that under these operational standards that the behavior we have heard about on the part of the people who are not on the site...but we are not able to find that that falls under the compatibility section.” Do other businesses in the immediate area operate until 9:45 p.m., which is the curfew time mentioned twice by Mr. Forwood in the hearing?
 - 8/9/24 P&Z work session: 2:20-2:22: City Attorney Yatabe noted that “We have precedent of limiting hours of operation for land uses next to residential.”
- Comments by P&Z Chair Ms. Stackhouse at 8/28 hearing : At 4:00:30 in hearing, regarding police have a good relationship with Fort Collins Rescue Mission: “I think if there wasn’t a relationship, then this issue of compatibility would be really, really, really big for me because I wouldn’t know what to expect. I think I know what to expect after hearing the testimony tonight.” This appears to be taking into account social and behavioral issues when making a decision, which is the opposite of what’s being broadcast about the P&Z Commission having to make decisions of compatibility based on physical and operational issues. Ms. Stackhouse also follows up saying that LUC is clear on compatibility, it doesn’t address behavioral or social issues.

Number of beds:

Increase of 25% in population from initial application and neighborhood meetings: Would this require additional review for some aspects of the project?

- The PDR dated October 12, 2022 from FCRM listed planning for “up to 200 beds.”
- Neighborhood meeting notices sent out for March 2023 and June 2023 meetings listed “~200 beds.”
- 9/12/23 Coloradoan article: *“The preliminary review application filed with the city calls for up to 200, but Forwood said it is Fort Collins Rescue Mission's intention to build a*

facility with space for up to 250 beds.” <https://www.coloradoan.com/story/money/real-estate/2023/09/12/fort-collins-rescue-mission-raises-7m-for-new-247-homeless-shelter/70778485007/>

- Yet the November 2023 Project Design Narrative listed “over 200 beds.” At this point, with Mr. Forwood’s statement to the Coloradoan two months earlier, shouldn’t it have been clearly reported to the City in the Project Design Narrative that the plan included space for up to 250 beds, not just over 200 beds? “Over 200 beds” appears disingenuous when actual intent was up to 250. This 25% increase over initial plans of “up to 200 beds” and “~200 beds” provided to residents in neighborhood meetings should be revisited and reviewed for potential impacts.
- P&Z Hearing notice of 8/24 states the number of beds was listed as “up to 250.”

Parking, additional comments:

P&Z hearing 8/28/24: 1:50 in video recording: Commissioner Peel question about homeless who live in their cars, are they allowed to park in the parking lot? Mr. Forwood: “Our parking lot will be designated simply for staff, volunteers and people utilizing the building, so there will not be a safe parking program for people who are homeless living in their cars.” Again, the October 2022 PDR included guest parking, with 19 spaces being designated for guests when the bed count was for 200 individuals. We are not referencing parking for people who live in their cars but for parking in general for guests.