

- Council will review the Planning & Zoning Commission decision of August 28, 2024.
- Review is based on the record before the Planning & Zoning Commission (rather than new evidence) and the arguments and responses presented at the appeal hearing.
- Only issues raised in the Notices of Appeal may be considered.
- The presiding officer (Mayor or Mayor Pro Tem) will resolve procedural issues and set the time for each “side” in each appeal to present and rebut arguments.
- The Council will vote by motion at the end of the hearing.
- A Resolution will be presented at the next Council meeting to finalize outcome.

- Only parties-in-interest are allowed to participate in the appeal hearing, and only at the specified time.
- Presiding officer will ask all those participating to identify themselves early in the hearing.
- The Appellants will each control the time for speaking in support of their appeal.
- Parties-in-interest include:
  - The appellant(s);
  - The applicant;
  - Any party with a proprietary or possessory interest in the land that is the subject of the application;
  - Any person to whom the City mailed notice of the Hearing Officer hearing;
  - Any person or organization that provided written comments prior to or at the Hearing Officer hearing; or
  - Any person or organization that appeared before the Hearing Officer at that hearing.

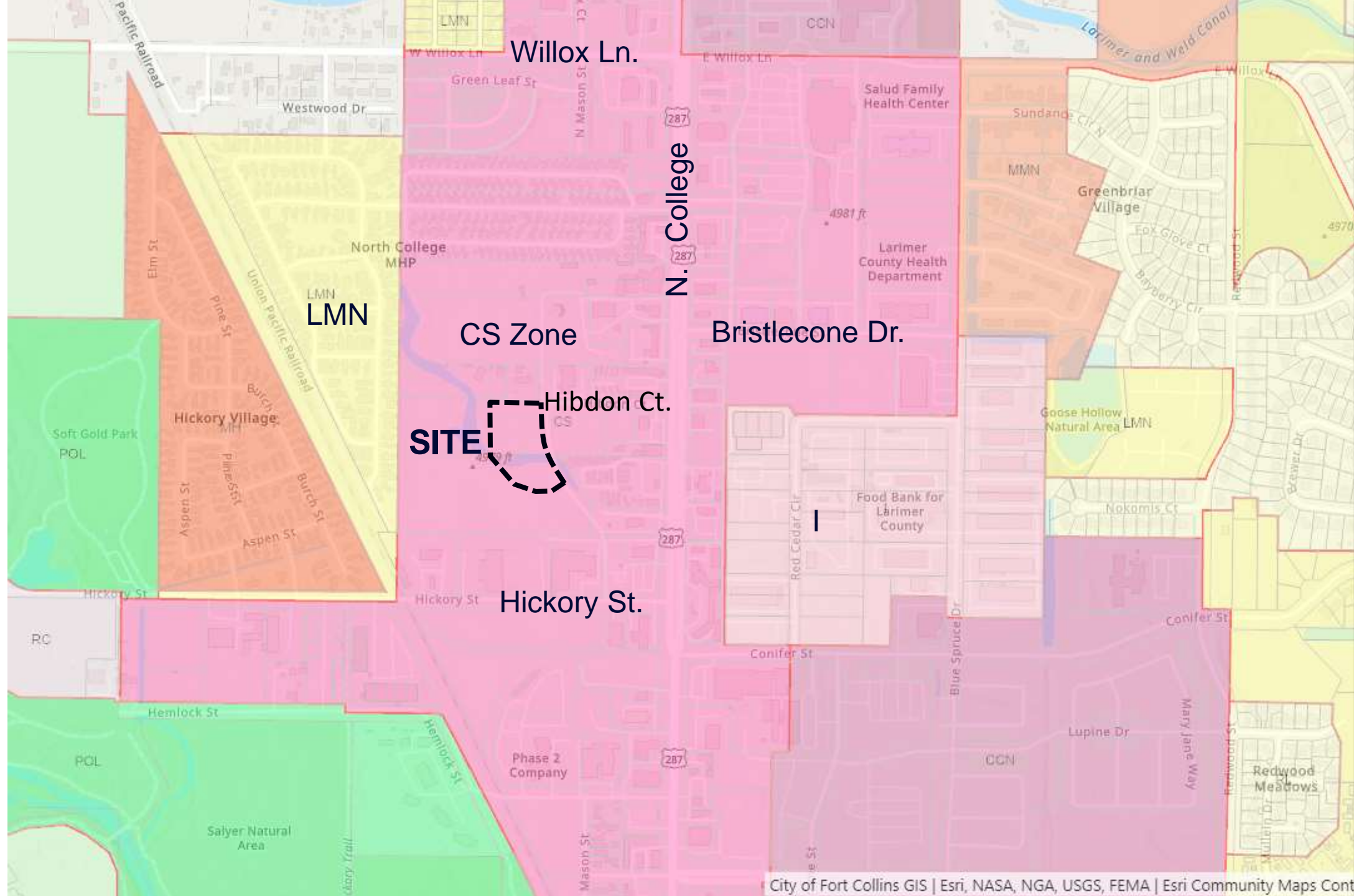
1. Process Overview (City Attorney) and Staff Explanation of Appeal
2. Disclosure of Any Conflicts and Site Visit Observations
3. Identification of Participating Parties and Spokespersons
4. Allocation of Time for Party Presentations and Rebuttals
5. Consideration of Procedural Issues, Including New Evidence Objections
6. Appellant Presentation
7. Opposer Presentation
8. Appellant Rebuttal
9. Opposer Rebuttal
10. Council Questions of Staff or Parties
11. Council Discussion
12. Council Motions on Fair Hearing and Interpretation Issues

# Fort Collins Rescue Mission Development Plan Appeals

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Kim Meyer, Interim Director  
Community Development &  
Neighborhood Services





Wilcox Ln.

N. College

CS Zone

Bristlecone Dr.

**SITE**

Hibdon Ct.

Hickory St.

**Zonificación/  
Zoning**



Willox Ln.

McDonald's

King Scopers Marketplace

Dollar Tree

GREENBRIAR VILLAGE

Big O Tires

Bristlecone Dr.

Neighbor To Neighbor

Goose Hollow

Hibdon Ct

Mason St.

N. College Ave.

Blue Spruce Dr.

Food Bank For Larimer County

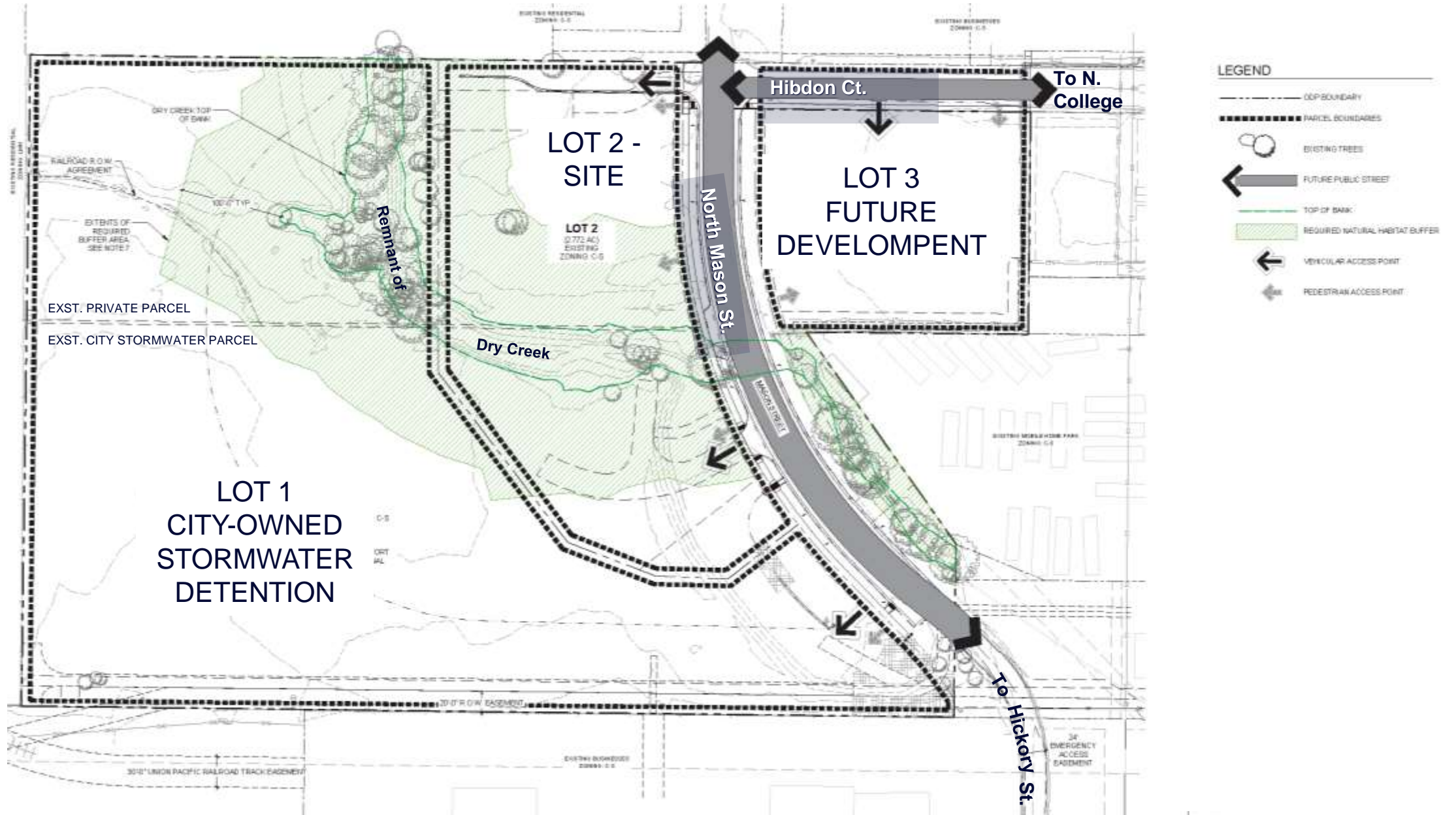
Canine Learning Center

Hickory St.

HICKORY VILLAGE

Soft Gold Dog Park

Hickory Village











1 PDP NE VIEW



ENTRY



2 PDP SE VIEW



1 PDP NW VIEW



3 ENTRY



2 PDP SW VIEW

**Mendoza Appeal:** Alleges that the P&Z Commission committed the following errors:

- Failure to conduct a fair hearing – the Commission considered evidence relevant to its findings that was substantially false or grossly misleading.
- Failure to properly interpret and apply relevant provisions of the Land Use Code:
  - Section 1.2.4 “Applicability,” in conjunction with
    - Subsection 3.2.2(K) “Parking Requirements,” in conjunction with
    - Section 3.4.1 “Environmental Impact”
  - Section 3.5.1(J) “Operational/Physical Compatibility Standards”
  - Subsection 4.22(B) Permitted Uses

**Jones Appeal:** Alleges that the P&Z Commission committed the following error:

Failure to properly interpret and apply relevant provisions of the Land Use Code, cited as:

- Section 1.2.4 “Applicability,” in conjunction with
  - Section 3.5.1 Building and Project Compatibility, (A) “Purpose” and (J) “Operational/Physical Compatibility Standards”, together with Section 5.1.2 providing the definition of “compatibility”

The explanations provided by the Appellants largely center around two ideas:

- 1) Men who come to the area because of the shelter will increase social and behavioral problems in the area when they are not at the shelter; and
- 2) The facility may expand the number of beds in the future beyond the stated maximum capacity of 250 beds, which further increases concerns about disturbances.

# MENDOZA APPEAL

Regarding allegation that P&Z Commission committed the error of:

**Failure to conduct a fair hearing in that the Commission considered evidence relevant to its findings that was substantially false or grossly misleading**

Appellants did not identify any such evidence in the description attached to the appeal.



## Section 3.2.2(K) – Inadequate Parking and Flawed Parking Study

- 35 spaces provided - based on a Parking Study submitted by the applicant.
- Appeal asserts:
  - bed capacity increased from 200 to 250 during review process.
  - the study was based on inadequate comparisons and does not account for: parking by guests, potential future expansion, for people who live in their vehicles
  - thereby leading to inadequate parking.
- It suggests considering the parking requirement for multi-family dwellings as the basis, which would result in a much higher parking count.

### **Section 3.2.2(K) – Inadequate Parking and Flawed Parking Study**

- Applicants explained the Parking Study, based largely on their Denver Rescue Mission.
- Applicants asserted that the increase from 200 to 250 beds is not likely to increase traffic because people using the beds are not likely to bring vehicles and would not be allowed to park on site.
- The Request for Alternative Compliance and the parking study were in the P&Z packet and are included materials for this appeal.

## Section 3.5.1 (J) – Operational and Physical Compatibility

- The appeal asserts potential for expansion and that the building could accommodate 500 beds, exacerbating concerns about potential impacts.
- It states concerns that 24/7 operation will increase issues such as: noise, light pollution, disturbances, smoking, congregating, delivery vehicles, trash collection, and other operations at all hours;
  - notes existing development in the area has limited hours of operation.
- It states that P&Z failed to properly interpret and apply this Section by not imposing conditions on approval to mitigate operational incompatibilities or cap the number of beds.

### **Section 3.5.1 (J) – Operational and Physical Compatibility**

- Staff report and presentation discuss compatibility standards for the site and facility, as opposed to ideas about potential behavior of guests.
- Development Plan meets Land Use Code standards
- Land Use Code does not address potential behaviors –
  - The appeal references potential issues that would be more relevant to, and enforced under, nuisance ordinances and other codes enforced by Police Department or Code Compliance.

## **Section 4.22(B) – Permitted Uses in Commercial-North College Zone District**

- Appeal asserts P&Z Commission failed to impose specific conditions to cap the number of beds which could lead to unauthorized expansion.

## **Section 4.22(B) – Permitted Uses in the Commercial-North College Zone District**

- Notice of Appeal does not describe how the concern over un-imposed conditions relates to the permitted use list.
- Applicants stated that there will “absolutely not” be more than 250 beds.

## **Section 3.5.1(C) – Incompatibility of Height, Mass, Scale, and Bulk**

- Asserts that the 41,644 sq. ft. building dwarfs nearby mobile homes and small businesses in the surrounding area.
- P&Z Commission should have imposed restrictions to reduce the scale and bulk to align better with existing residential development.
- This LUC provision was not listed on the Notice of Appeal.

### **Section 3.5.1(C) – Incompatibility of Height, Mass, Scale, and Bulk**

- Applicant explained the scale and character of the building, which has one- and two-story elements.
- CCN zoning permits up to three stories.
- The standard allows new buildings to be larger than adjacent buildings, with articulation and proportional massing.
- The staff report explains staff's findings under this standard, noting the massing and articulation.



## Land Use Code Section 3.4.1 – Environmental Impact

- P&Z Commission failed to adequately consider environmental impacts of the facility's increase in bed capacity during the process.
- When beds increased from 200 to 250, the impacts of traffic, waste production, and strain on local infrastructure were not reassessed.
- Appeal repeats the suggestion that the facility could expand to 500 beds, leaving the surrounding neighborhood vulnerable to increased: air and noise pollution, overburdened water and sewer systems, and other environmental stresses.

## **Land Use Code Section 3.4.1 – Environmental Impact**

- Section 3.4.1 does not address those noted issues; it addresses natural habitats and features.
- The applicants stated that there will not be more than 250 beds.

# JONES APPEAL

## Section 3.5.1 (A) and (J) – Operational and Physical Compatibility

- The appeal cites the LUC's Purpose statement, including "to ensure that the physical and operational characteristics of proposed buildings and uses are compatible with the context";
- Then cites a part of the definition of "Compatibility" in Section 5.1.2 which mentions "characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony."
- It asserts that the compatibility standards apply to "potential social and behavioral impacts on the neighborhood", and that it's certain that some of the population served by the facility will cause social and behavioral impacts to the neighborhood, such as homeless men being turned away because they are drunk or high and then going to wander the neighborhood.
- It asserts that the intensity of use is too much based on number of beds and perhaps there are conditions that should be imposed.

### **Section 3.5.1 (A) and (J) – Operational and Physical Compatibility**

- The Purpose statements in each code Section are not used for compliance findings – rather, the code standards that follow are utilized for implementation.
- The definition of Compatibility is explanatory – not a standard.
- Staff presented complete code text for 3.5.1(J) and definition of compatibility.
- Staff and applicants explained that compatibility is based on standards for development and operation of the facility itself, and not on presumptions about the potential behavior of people.



Hibdon Ct.

Mason St.

Hickory St.

N. College Ave.

Go



