

AGENDA ITEM SUMMARY

City Council



STAFF

Kim Meyer, Interim Director, Community Development and Neighborhood Services

SUBJECT

Resolution 2024-137 Adopting Findings of Fact in Support of the City Council’s Decision on Appeal to Uphold the Planning and Zoning Commission Approval of the Rescue Mission Development Plan FDP230022.

EXECUTIVE SUMMARY

The purpose of this item is to make findings of fact and conclusions regarding Council’s decisions at the November 6, 2024, Rescue Mission Development Plan appeal hearing, determining that the Planning and Zoning Commission (i) held a fair hearing and (ii) properly interpreted and applied the code provisions raised in two appeals, and thereby upholding the Planning and Zoning Commission’s approval of the Rescue Mission Development Plan.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On August 28, 2024, at a special meeting devoted to this topic, the Planning and Zoning Commission (the “Commission”) approved the Fort Collins Rescue Mission Preliminary/Final Development Plan (the “Development Plan”). The Development Plan comprises development on Lot 2 of a new segment of North Mason Street, at the west end of Hibdon Court, north of Hickory Street. The Development Plan proposes to develop a new ~ 42,000 sq. ft., two-story facility for individuals experiencing homelessness, containing a day-use area and an overnight shelter, up to 250 beds, a kitchen and dining area for guests, outdoor amenity area, laundry facilities, administrative offices for staff and volunteers, 35 parking spaces to accommodate staff, volunteers, and residents with vehicles, and 40 bike parking spaces. The property is zoned Service Commercial District (“C-S”), and a homeless shelter use is allowed in the C-S zone district.

On September 6, 2024, Troy Jones filed a Notice of Appeal, alleging the Commission failed to properly interpret and apply Land Use Code Sections 3.5.1(A) regarding the purpose of the Building Project Compatibility section, Section 3.5.1(J) regarding operational and physical compatibility standards, Section 1.2.4 regarding applicability of the Land Use Code, and Section 5.1.2 regarding the definition of “compatibility.”

On September 11, 2024, Rebeca Mendoza and Debbie Bradberry filed a Notice of Appeal, alleging:

1. The Commission failed to conduct a fair hearing by considering evidence relevant to the Commission’s findings that was substantially false or grossly misleading; and
2. The Commission failed to properly interpret and apply Land Use Code Section 1.2.4 regarding applicability of the Land Use Code, Section 3.2.2(K) regarding parking requirements, Section 3.4.1 regarding environmental impact, Section 3.5.1(J) regarding operational and physical compatibility standards, and 4.22(B) regarding permitted uses in C-S zoned district.

On November 6, 2024, Council considered the allegations from both appeals, the record on appeal, information presented at the hearing, and testimony from parties-in-interest and their representatives. After discussing the allegations of both appeals, Council voted to uphold the Commission’s approval of the Development Plan.

Council found the Commission conducted a fair hearing (i) having considered evidence and staff recommendations that were appropriate and relevant for the Commission’s decision on the Development Plan and (ii) not having considered evidence relevant to the Commission’s decision that was substantially false or grossly misleading.

Council also found without merit Appellants Mendoza’s and Bradberry’s allegations of failure to interpret and apply the Land Use Code provisions and found that the Land Use Code provisions were properly interpreted and applied. Council also found without merit Appellant Jones’s allegations of failure to interpret and apply the Land Use Code provisions and found that the Land Use Code provisions were properly interpreted and applied.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration