

NOTICE OF APPEAL

Action Being Appealed: Approval of Fort Collins Rescue Mission FDP# 230022

Date of Action: 08/28/2024 **Decision Maker:** Planning & Zoning Commission

FOR CITY CLERK'S
USE ONLY:

DATE FILED: 9/11/24

INITIALS: jllw

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

Name: Rebecca Mendoza

Phone #: (970) 308-9275

Address: 400 Hickory St # 55
Fort Collins, CO, 80524

Email: rebe.mendo14@gmail.com

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:**

LUC 1.2.4 "Applicability" in conjunction with LUC 3.2.2 "Access, Circulation, and Parking" subsection (K) "Parking Requirements" in conjunction with LUC 3.4.1 "Environmental Impact" together with LUC 3.5.1(J) "Operational/Physical Compatibility Standards" and the failure to impose necessary conditions on bed capacity as guided by the standards of LUC 4.22(B) "Service Commercial Districts Permitted Uses" (see attached appeal description)

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.

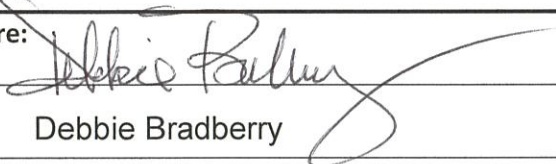
APPELLANTS

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: 	Date: 09/11/2024
Name: Rebecca Mendoza	Email: rebe.mendo14@gmail.com
Address: 400 Hickory St #55, Fort Collins, CO, 80524	Phone #: (970) 308-9275
Describe how you qualify as a party-in-interest: I received mailed notice and provided testimony at the hearing	

Signature: 	Date: 09/11/2024
Name: Debbie Bradberry	Email: dkirkbradberry@gmail.com
Address: 1601 N. College Ave., Lot 349 Fort Collins, CO, 80524	Phone #: (706) 714-8100
Describe how you qualify as a party-in-interest: I received mailed notice and provided testimony at the hearing.	

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

ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

Attached description for Appeal to P&Z Commission Approval of Fort Collins Rescue Mission (file# FDP 230022)

Code not properly interpreted/applied:

LUC 1.2.4 “Applicability” in conjunction with LUC 3.2.2 “Access, Circulation, and Parking” subsection (K) “Parking Requirements” in conjunction with LUC 3.4.1 “Environmental Impact” together with LUC 3.5.1(J) “Operational/Physical Compatibility Standards” and the failure to impose necessary conditions on bed capacity as guided by the standards of LUC 4.22(B) “Service Commercial Districts Permitted Uses.”

Grounds for Appeal:

This appeal is submitted on the grounds that the Planning and Zoning (P&Z) Commission’s approval of the Fort Collins Rescue Mission project (File# FDP 230022) failed to properly interpret and apply relevant provisions of the Land Use Code (LUC) regarding parking, operational compatibility, physical compatibility, environmental impact, and the potential for overflow use, thereby compromising the project’s harmony and compatibility with the surrounding neighborhood.

1. LUC 3.2.2(K) – Inadequate Parking & Flawed Parking Study

Allegation: The P&Z Commission failed to ensure that the proposed parking provisions meet the requirements of LUC 3.2.2(K), leading to inadequate parking for the proposed 24/7 facility. The parking study provided was based on inadequate comparisons, lacking data on similar facilities or actual vehicle usage by guests at the Fort Collins Rescue Mission or Denver Rescue Mission.

Argument:

- The parking study used to justify the number of parking spaces does not adequately reflect the reality of the proposed use. The facility was originally planned for 200 beds but later expanded to 250 beds, weeks before the hearing without notice to residents and without reassessing the parking needs. Additionally, initial discussions by the Homeless Advisory Committee convened by the City of Fort Collins considered a facility with a capacity of 500 beds, which could still be realized in the future (Coloradoan, 2021). The current proposal for fewer parking spaces is therefore insufficient to meet the potential demand, especially given the existing issue of illegal car camping in the area.
- The Fort Collins Rescue Mission Preliminary Design Review dated 10/12/22 for the review hearing on 11/2/22 stated repeatedly that some guests of the Rescue Mission would have vehicles and planned for 52 parking spaces to accommodate staff, volunteers,

and guest vehicles based on 200 beds. The review included the following site data for parking: 25 spaces for staff, 8 for volunteers, and 19 for guests, totaling 52 spaces. However, at the 8/28/24 Planning and Zoning Commission hearing, Cassie Slade of Fox Tuttle Transportation Group stated that "People using the beds are not likely going to have a vehicle... there will not be an increase in vehicular traffic with 50 additional beds." This statement contradicts the earlier planning documents and does not align with the expectations set during the initial design review.

- In the 8/9/24 Planning and Zoning Commission Work Session, it was further stated that "...staff doesn't have a particular basis for a number other than what the parking study says," indicating a lack of a well-founded approach to determining the appropriate number of parking spaces for the facility.
- Multifamily dwellings require 1.5 parking spaces per number of bedrooms in the dwelling unit. Under U+2 Occupancy regulations in place at the time this project entered into the Development Review process, a 1-bedroom apartment would allow 3 adult unrelated residents, making the 1.5 parking spaces required at a rate of .5 the number of residents. For this facility with 250 beds, the analogous number of parking spaces would be 125 for vehicles for guests. Although alternative compliance is allowable under the Code, the calculations of the number of parking spaces for this development should be much higher than approved by the Planning and Zoning Commission for a 24/7 live-in shelter and based on data of usage in 24/7 shelters in Colorado, not on assumptions based on the current location, which has no guest parking.
- According to the California Statewide Study of People Experiencing Homelessness (CASPEH), a significant portion of the unsheltered homeless population lives in vehicles, often parking in residential neighborhoods due to the lack of designated facilities. This is already an issue in Fort Collins and could be exacerbated by a facility of this size without adequate parking provisions (Benioff Homelessness and Housing Initiative, 2023)

Citations:

- Benioff Homelessness and Housing Initiative. (2023). *California Statewide Study of People Experiencing Homelessness*. University of California San Francisco. Retrieved from <https://homelessness.ucsf.edu/resources/reports/toward-new-understanding-california-statewide-study-people-experiencing>
 - Coloradoan. (April 13, 2021). *Fort Collins homelessness committee narrows down site options for new 24/7 shelter*. Retrieved from <https://www.coloradoan.com/story/news/2021/04/12/fort-collins-homeless-shelter-panel-narrows-site-options-4/7186620002/>
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2. LUC 3.5.1(J) – Operational Incompatibility with Neighborhood

Allegation: The P&Z Commission failed to properly interpret and apply LUC 3.5.1(J) by not imposing necessary conditions to mitigate operational incompatibilities. The 24/7 operation of this facility is incompatible with the surrounding neighborhood, which includes four high-density residential areas and businesses with limited hours of operation.

Argument:

- The Fort Collins Rescue Mission was initially proposed for 200 beds but later increased to 250 beds. Initial recommendations from the Homeless Advisory Committee convened by the City of Fort Collins indicated a preference for a facility with a capacity closer to 500 beds. Despite this significant potential for expansion, the P&Z Commission did not impose any conditions to cap the bed count or mitigate the corresponding increase in operational intensity (Coloradoan, 2021).
- Unlike other services in the area, such as the Food Bank, this facility will operate 24/7, leading to increased noise, light pollution, and other disturbances at all hours, which are not adequately mitigated by the proposed 6-foot privacy fence. The potential for this facility to expand to a capacity of 500 beds further exacerbates these concerns, as the increased number of residents would likely result in greater operational impact. The proposed shelter size of 45,000 square feet was the initial proposed size for a 500-bed facility during the work of the Homeless Advisory Committee convened by the City of Fort Collins. Although the Fort Collins Rescue Mission decreased the number of beds to 200 during the conceptual review phase, it increased it to 250 in its final submission to the City and is not held to 250 as the final maximum capacity for this facility. This is a concern given that this large building is capable of accommodating 500 beds.
- The facility's operations will involve significant outdoor activities, including smoking and congregating, which will produce ongoing noise and odors that are not compatible with the residential character of the surrounding neighborhoods. The lack of imposed conditions on the number of beds or on screening for noise, odors, or other nuisance means that these disturbances could become even more pronounced if the facility expands as initially recommended by the Homeless Advisory Committee convened by the City of Fort Collins. The proposal includes only a wooden fence in some areas of the property, which is insufficient to control the nuisances.
- The use of delivery vehicles, trash collection, and other operational necessities at all hours further exacerbates the incompatibility of this development with the existing community. The P&Z Commission's decision to approve the project without limiting the bed capacity ignores the likely increase in operational demands, which will further strain the neighborhood's infrastructure and disrupt the quality of life for residents.

**Attached description for Appeal to P&Z Commission Approval of Fort Collins Rescue
Mission (file# FDP 230022)**

Citation:

- Coloradoan. (April 13, 2021). *Fort Collins homelessness committee narrows down site options for new 24/7 shelter*. Retrieved from <https://www.coloradoan.com/story/news/2021/04/12/fort-collins-homeless-shelter-panel-narrows-site-options-4/7186620002/>
-

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Mission (file# FDP 230022)**

3. LUC 3.5.1(C) – Incompatibility of Height, Mass, Scale, and Bulk

Allegation: The P&Z Commission did not properly interpret and apply LUC 3.5.1(C) regarding the physical compatibility of the proposed building's height, mass, scale, and bulk with the surrounding neighborhood

Argument:

- The proposed 41,644-square-foot facility dwarfs the one-story mobile homes and small businesses that characterize the surrounding area. This discrepancy in scale disrupts the visual and physical harmony of the neighborhood.
- The photos included by the applicant to demonstrate compatibility with the neighborhood were of buildings that are not in the immediate surrounding area. These photos were selectively chosen to strengthen their argument, but they do not accurately represent the actual surrounding area. The real neighborhood consists primarily of smaller, one-story structures, making the proposed facility starkly out of place. Photos of the surrounding area provided below clearly illustrate this discrepancy.
- The Planning and Zoning Commission should have imposed restrictions on the bed capacity or required design modifications to reduce the scale and bulk of the facility to align better with the existing residential character.
- The preservation zoning in the surrounding mobile home parks ensures that these neighborhoods are unlikely to change in the future, making the incompatibility of this large facility even more pronounced and permanent.

Attached description for Appeal to P&Z Commission Approval of Fort Collins Rescue Mission (file# FDP 230022)

4. LUC 4.22(B) – Potential for Overflow Use from Denver Rescue Mission

Allegation: The P&Z Commission failed to impose conditions that would prevent this site from being used as an overflow shelter for the Denver Rescue Mission, which could lead to increased strain on local resources and exacerbate the impact on the surrounding community.

Argument:

- The Fort Collins Rescue Mission was originally proposed with a capacity of 200 beds, later increased to 250 beds. However, initial feedback from the Homeless Advisory Committee convened by the City of Fort Collins considered the need for a facility with up to 500 beds, which raises significant concerns about the potential for this site to be used as an overflow shelter. The P&Z Commission’s failure to impose a cap on the number of beds leaves open the possibility that this facility could expand its capacity in the future, leading to even greater demand on local resources (Coloradoan, 2021).
- LUC 4.22(B) states that any use authorized pursuant to a site-specific development plan must comply with all use and density requirements and conditions outlined in that plan. By not imposing specific conditions on the maximum number of beds or addressing the potential for overflow use, the P&Z Commission failed to ensure that the development would adhere to the intended use and density requirements. This oversight could lead to an unauthorized expansion in capacity, further intensifying the operational and environmental impacts on the community.
- Given that the Fort Collins Rescue Mission is operated by the same organization as the Denver Rescue Mission, there is a real risk that this facility could be used to accommodate overflow from Denver. This would increase the intensity of use beyond what was originally presented, placing additional strain on local infrastructure and services, and further aggravating the environmental and operational impacts on the surrounding community.

Citation:

- Coloradoan. (April 13, 2021). *Fort Collins homelessness committee narrows down site options for new 24/7 shelter*. Retrieved from <https://www.coloradoan.com/story/news/2021/04/12/fort-collins-homeless-shelter-panel-narrows-site-options-4/7186620002/>
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5. LUC 3.4.1 - Environmental Impact

Allegation: The P&Z Commission failed to adequately consider the environmental impacts associated with the facility's increasing bed capacity, as required by LUC 3.4.1. Originally proposed for 200 beds, the project was later expanded to 250 beds. Despite initial feedback from the Homeless Advisory Committee convened by the City of Fort Collins indicating the need for a facility with up to 500 beds, the P&Z Commission did not impose any conditions to cap the number of beds, thereby failing to mitigate the potential environmental impact.

Argument:

- The Fort Collins Rescue Mission project's bed capacity has been a point of contention throughout its planning. Initially proposed at 200 beds, the capacity was later increased to 250 beds. This shift was not accompanied by a corresponding reassessment of the environmental impacts, including traffic, waste production, and strain on local infrastructure.
- According to the Coloradoan, the Homeless Advisory Committee convened by the City of Fort Collins tasked with evaluating the shelter's needs had discussions that leaned towards a facility capable of housing 500 people. The smaller options, including those with 300 beds, were not widely supported, suggesting that the facility could eventually expand to accommodate more people (Coloradoan, 2021). This possibility raises significant concerns about the long-term environmental impact of the project.
- The Fort Collins Land Use Code (LUC 3.4.1) requires that developments include strategies to avoid or mitigate adverse environmental impacts on natural habitats and features. The P&Z Commission's failure to impose any conditions on the bed capacity ignores this requirement, leaving the surrounding neighborhood vulnerable to increased air and noise pollution, overburdened water and sewer systems, and other environmental stresses.
- The lack of conditions regarding the number of beds also heightens the risk of the facility being used as an overflow shelter, further exacerbating its environmental footprint. As the Coloradoan reported, discussions around the shelter size have considered much larger capacities, which would only amplify these concerns.

Citation:

- Coloradoan. (April 13, 2021). *Fort Collins homelessness committee narrows down site options for new 24/7 shelter*. Retrieved from <https://www.coloradoan.com/story/news/2021/04/12/fort-collins-homeless-shelter-panel-narrows-site-options-4/7186620002/>
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Conclusion:

This appeal seeks to rectify the Planning and Zoning Commission’s failure to properly interpret and apply the relevant sections of the Planning and Zoning Code, particularly regarding parking adequacy, operational compatibility, physical compatibility, environmental impact, and the potential for regional overflow use. The proposed development, as approved, does not meet the standards of harmony and compatibility required by the Land Use Code and will significantly and negatively impact the surrounding neighborhood and local environment.

We respectfully request that the P&Z Commission reconsider their approval of the Fort Collins Rescue Mission project and impose necessary conditions to ensure that the development aligns with the character and needs of the existing community.

Photos of Surrounding Area

A) East of Property



B) Northeast of Property



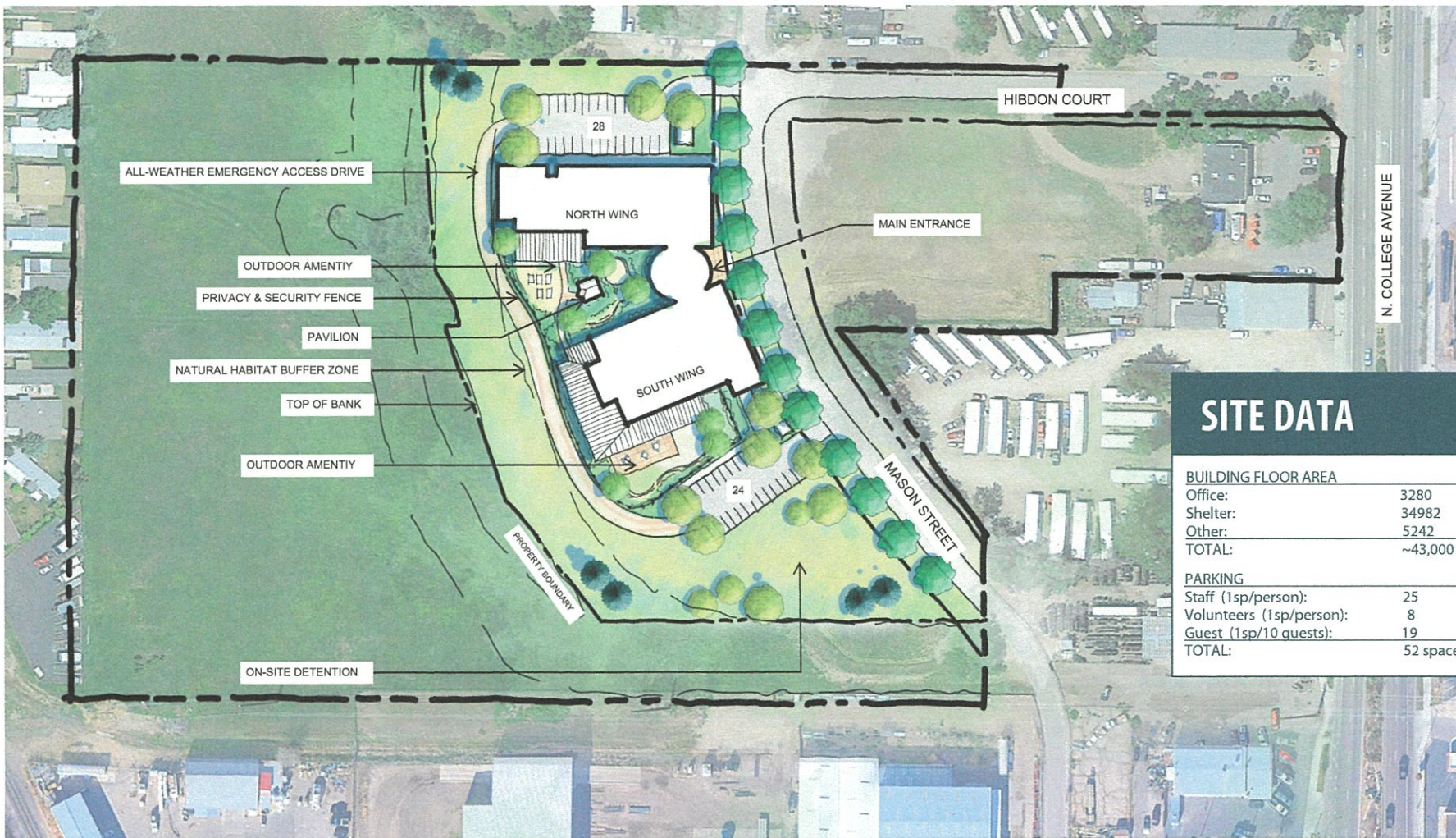
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C) South of Property



D) Southeast of Property





SITE DATA

BUILDING FLOOR AREA	
Office:	3280
Shelter:	34982
Other:	5242
TOTAL:	~43,000 s.f.
PARKING	
Staff (1sp/person):	25
Volunteers (1sp/person):	8
Guest (1sp/10 guests):	19
TOTAL:	52 spaces



ripley design
LANDSCAPE ARCHITECTURE, LAND PLANNING

FCRM SITE PLAN
10/12/2022

419 Canyon Ave., Suite 200
Fort Collins, Colorado 80521
970.224.5828
ripleydesigninc.com