

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 25

DATE: July 1, 2008

STAFF: Cameron Gloss

SUBJECT

First Reading of Ordinance No. 079, 2008, Amending Section 4.5(b) of the Land Use Code of the City Pertaining to Shelters for Victims of Domestic Violence.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

The Planning and Zoning Board recommends approval of the proposed change.

EXECUTIVE SUMMARY

This Ordinance will amend the permitted use list of the Low Density Mixed-use Neighborhood (L-M-N) to cap the number of residents in a Shelter for Victims of Domestic Violence allowed as a Basic Development Review at 15 clients. Also, the Ordinance will add Shelters for Victims of Domestic Violence allowed as a Type Two Review but with an unlimited number of clients.

BACKGROUND

In the Fall 2006, social service professionals asked that a new land use category be created for "Shelters for Victims of Domestic Violence" so as to be distinct from "Group Homes." Further, the revision included processing this newly defined use as Basic Development Review versus a Type One or Type Two review for the sole purpose of not having a public hearing with its requisite public notification.

The concept was that multiple shelters needed to be more geographically dispersed throughout the community. And, as each new shelter opened, its location needed to be kept confidential for security purposes. These revisions were adopted.

Since the Fall 2006, however, two factors have led to an evolution of how best to place shelters in the City. First, a former large nursing home has been offered to Crossroads Safehouse. The size of this facility would allow Crossroads to serve a significantly larger population (approximately 50 clients) than allowed by the existing facility. Second, security is now viewed to be based on securing the building itself versus keeping the building's location secret. Instead of several small-scale shelters with discreet locations, one large, secure shelter would create an efficient level of service even though its location would be of public record.

The regulations governing Large Group Homes and Shelters for Victims of Domestic Violence in the L-M-N zone cap the maximum allowable number of clients at 15. Since this standard is a General Development Standard (Article Three) and not a Permitted Use Standard (Article Four) it is able to be modified.

The potential building is in the L-M-N zone. As a land use permitted by a *Basic Development Review*, any request for more than 15 clients could only be granted by the Zoning Board of Appeals which has limited ability to consider land use issues. If the land use were shifted to *Type Two Review*, Shelters for Victims of Domestic Violence would be considered a permitted use, subject to review by the Planning and Zoning Board.

This distinction is important. The only conceivable justification for granting a modification to increase the number of clients from 15 to approximately 50 would be if the modification were found to:

“...substantially alleviate an existing, defined, and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need ...”

Only the Planning and Zoning Board is authorized to use this criterion for granting a modification. The only path for consideration by the Planning and Zoning Board is as a Type Two Review.

Since the Zoning Board of Appeals is not authorized to use the aforementioned criterion, processing a modification as part of Basic Development Review would result in the inability of the Zoning Board of Appeals to make a finding favorable to the applicant.

Under either scenario, the minimum separation requirement of 1,000 feet, as defined by the supplemental regulations in Section 3.8.6, would still apply.

The proposed solution is to amend the L-M-N zone permitted use list so that “Shelters for Victims of Domestic Violence” are still allowed as a Basic Development Review but not to exceed 15 clients. Then the use will also be added as a Type Two Review permitted use for more than 15 clients.

Thus Crossroads Safehouse, as a *Shelter for Victims of Domestic Violence for more than 15 residents*, would be a Type Two Permitted Use, subject to review by the Planning and Zoning Board, including public notification, neighborhood meeting and public hearing. The only criteria of Section 3.8.6 that would apply would be the separation of 1,000 feet from a similar facility but not the maximum allowable number of 15 residents.

ATTACHMENTS

1. Draft minutes from the June 19, 2008 Planning and Zoning Board meeting.

Planning and Zoning Board Minutes
June 19, 2008
6:00 p.m.

Council Liaison: Diggs Brown	Staff Liaison: Cameron Gloss
Vice Chair: William Stockover	Phone: (W) 226-4328

Vice Chair Stockover called the meeting to order at 6:00 p.m.

Roll Call: Campana, Rollins, Smith, Stockover, and Wetzler
Excused Absences: Lingle, Schmidt

Staff Present: Gloss, Daggett, Shepard, and Suess

Agenda Review. Director Gloss reviewed the Consent and Discussion agenda. Of special note: In addition to the items on the Consent agenda, there is one additional item under other business. The City did a revised advertisement for this hearing that reflected a Land Use Code text amendment which would amend Section 4.5(B)(3) of the LUC to expand the permitted use list in the L-M-N zone district to add shelters for victims of domestic violence for more than 15 clients as a P & Z Board or Type II Review process. Director Gloss stated he expected some public comment and recommended the Board hear this as a discussion item.

Citizen participation:
None

Vice Chair Stockover asked members of the audience and the Board if they wanted to pull any items off the consent agenda. There were no further changes.

Consent Agenda:

1. Minutes from the May 15, 2008 Planning and Zoning Board Hearing
2. Richards Lake to Waverly Transmission Line Project – Site Plan Advisory Review
3. Amendments to the Planning & Zoning Board Bylaws

Member Smith moved for the approval of the Consent Agenda including minutes from the May 15, 2008 Planning and Zoning Board Hearing and the Richards Lake to Waverly Transmission Line Project – Site Plan Advisory Review, and the recommendation to City Council on the amendments to the Planning & Zoning Board By-laws. Member Campana seconded the motion. Motion was approved 5:0.

Other Business:

LUC Text Amendment – Amend Section 4.5(B)(3) of the Land Use Code – Permitted Uses in the L-M-N – to add “Shelters for Victims of Domestic Violence” for more than 15 clients to a P & Z (Type II) Review.

Hearing Testimony, Written Comments and Other Evidence

Staff Shepard stated the purpose of this discussion item was to make a recommendation to City Council regarding approval of this LUC Text Amendment. Staff Shepard stated this LUC amendment

is to the permitted use list in the L-M-N zone district. This amendment is not an addition of a permitted use because the use is currently permitted, but there is a cap on the number of residents that are allowed.

Problem Statement: In the Fall of 2006, social service professionals asked that we create a new land use category for "Shelters for Victims of Domestic Violence" so as to be distinct from "Group Homes." Further, the revision included processing this newly defined use as Basic Development Review versus a Type One or Type Two review for the sole purpose of not having a public hearing with its requisite public notification.

The concept was that multiple shelters needed to be more geographically dispersed throughout the community. And, that as each new shelter opened, its location needed to be kept confidential for security purposes. These revisions were adopted.

Since the Fall of 2006, however, two factors have led to an evolution of how best to place shelters in the City. First, a former large nursing home has been offered to Crossroads Safehouse. The size of this facility would allow Crossroads to serve a significantly larger population (approximately 50 clients) than allowed by the existing facility. Second, security is now viewed to be based on securing the building itself versus keeping the building's location secret. Instead of several small-scale shelters with discreet locations, one large, secure shelter would create an efficient level of service even though its location would be of public record.

The regulations governing Large Group Homes and Shelters for Victims of Domestic Violence in the L-M-N zone cap the maximum allowable number of clients at 15. Since this standard is a General Development Standard (Article Three) and not a Permitted Use Standard (Article Four) it is able to be modified.

It just so happens that the potential building is in the L-M-N zone. As a land use permitted by a *Basic Development Review*, any request for more than 15 clients could only be granted through a variance by the Zoning Board of Appeals which has limited ability to consider land use issues. If the land use were shifted to *Type Two Review*, Shelters for Victims of Domestic Violence would be considered a permitted use, subject to review by the Planning and Zoning Board.

This distinction is important. The only conceivable justification for granting a modification to increase the number of clients beyond 15 would be if the modification were found to:

"...substantially alleviate an existing, defined, and described problem of city-wide concern or would result in a substantial benefit to the city by reason of the fact that the proposed project would substantially address an important community need..."

Only the Planning and Zoning Board is authorized to use this criterion for granting a modification. The only path for consideration by the P & Z Board is as a Type Two Review.

Since the Zoning Board of Appeals is not authorized to use the aforementioned criterion, processing a modification as part of Basic Development Review would result in the inability of the ZBA to make a finding favorable to the applicant.

Under either scenario, the minimum separation requirement of 1,000 feet, as defined by the supplemental regulations in Section 3.8.6, would still apply.

Proposed Solution Overview: The proposed solution is to amend the L-M-N zone permitted use list so that "Shelters for Victims of Domestic Violence" are still allowed as a Basic Development Review but not to exceed 15 clients. Then the use will also be added as a Type Two Review permitted use for more than 15 clients.

Thus Crossroads Safehouse, as a Shelter for Victims of Domestic Violence for more than 15 residents, would be a Type Two Permitted Use, subject to review by the Planning and Zoning Board, including public notification, neighborhood meeting and public hearing. The only criteria of Section 3.8.6 that would apply would be the separation of 1,000 feet from a similar facility, but not the maximum allowable number of 15 residents.

Public Input

Alyce Kaehler, 1615 Whedbee Street, Fort Collins. Ms. Kaehler stated that she and her husband have lived in close proximity to the proposed Crossroads Safehouse site for 46 years. She expressed concerns about the disruptive demolition and building materials disposal process that would be necessary to redevelop that property. She said the neighborhood will be improved by the project and believes the building will provide safe and comfortable housing for persons whose lives are in crisis. She and her husband wholeheartedly support the change in code required to allow Crossroads Safehouse to own this building and become part of their neighborhood.

Vicki Lutz, Fort Collins. Ms. Lutz is the Executive Director of Crossroads Safehouse. She stated that she is appreciative of the opportunity to unlock the door that could make the difference between life and death for hundreds in this area in the future—almost half of whom are children. They have already done an open house and provided notice to everyone within 800 feet. She believes this is an amazing gift to the city, one which will benefit the community. They will put a significant amount of money into a beautiful building constructed in 1959, and hope to make it an active, positive piece of a vital community.

End of Public Input

Member Smith moved to recommend to City Council the Land Use Code Text Amendment amending Section 4.5(B)(3) of the Land Use Code, permitted uses in the L-M-N to add shelters for victims of domestic violence for more than 15 clients as a Planning and Zoning Board (Type II) Review. Member Rollins seconded the motion.

Motion was approved 5:0.

Other Business: None.

Meeting adjourned at 6:17 p.m.

Cameron Gloss, Director

William Stockover, Vice Chair

ORDINANCE NO. 079, 2008
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 4.5(B) OF THE LAND USE CODE
OF THE CITY PERTAINING TO SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE

WHEREAS, domestic violence is a matter of grave concern to the community and to the City Council; and

WHEREAS, the Council has determined that the City's present procedure of approving shelters for victims of domestic violence without a public hearing before the Planning and Zoning Board should apply only to those shelters that contain a maximum of fifteen residents, and that there should be a hearing before the Planning and Zoning Board for the approval of any such shelters that contain more than fifteen residents; and

WHEREAS, the Council has further determined that such an amendment to the Land Use Code would afford a much needed mechanism for the approval of large capacity shelters for victims of domestic violence while still protecting the needs of the surrounding neighborhoods to comment upon the impact of such shelters.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 4.5(B)(1)(e) of the Land Use Code is hereby amended to read as follows:

(e) **Residential Uses:**

1. Extra occupancy rental houses with four (4) or fewer tenants.
2. Shelters for victims of domestic violence for up to fifteen (15) residents.

Section 2. That Section 4.5(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

(a) **Residential Uses:**

1. Mobile home parks.
2. Group homes, other than allowed in subparagraph (2)(a)5 above.

3. Multi-family dwellings containing more than eight (8) units per building.
4. Shelters for victims of domestic violence for more than fifteen (15) residents.

Introduced, considered favorably on first reading, and ordered published this 1st day of July, A.D. 2008, and to be presented for final passage on the 15th day of July, A.D. 2008.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of July, A.D. 2008.

Mayor

ATTEST:

City Clerk