

**Verbatim Transcript**  
Planning and Zoning  
Commission  
December 15, 2022

CITY OF FORT COLLINS

Planning and Zoning Commission

Held December 15, 2022

Council Chambers, 300 Laporte Avenue, Fort Collins, Colorado

In the Matter of:

Castle Ridge Group Home Project Development Plan/Final Development Plan

Meeting Time: 6:00 PM, December 15, 2022

Board Members Present:

David Katz, Chair

Ted Shepard, Vice Chair (recused)

Per Hogestad

Jeff Schneider

Adam Sass

Julie Stackhouse

Staff Members Present:

Rebecca Everette

Shar Manno

Em Myler

Katie Claypool

Brad Yatabe

Will Lindsey

Kai Kleer

Ryan Mounce

Paul Sizemore

Tim Dinger

Tyler Stamey

1 CHAIR DAVID KATZ: Alright, our final agenda item this evening is the Castle Ridge Group  
2 Home Project Development Plan and FDP, PDP220013. I believe we have a conflict on the  
3 Commission?

4 VICE CHAIR TED SHEPARD: Thank you, Mr. Chair. I am currently the president of the  
5 Foothills Gateway Foundation Board. This Board owns three host homes serving adults with intellectual  
6 and physical disabilities. Because of this position, there may be a perception that I have a conflict of  
7 interest and that I would not be totally fair and unbiased in consideration of this item. Please note that I  
8 did not participate in the discussion of this item at the Board's [*sic*] work session on December 9<sup>th</sup>, nor did  
9 I participate on this item when it appeared before the Planning and Zoning Commission on a previous  
10 occasion. So, with that, I'll be recusing myself. And thank you, Jeff and Per for serving on the Board  
11 [*sic*]; I know this is your last meeting.

12 CHAIR KATZ: Thank you, Ted. As Ted is packing up, Shar, have we received any new  
13 information on this agenda item?

14 MS. SHAR MANNO: We have; we've received several emails both in favor and in opposition to  
15 the project. These have been listed as attachment nine for this item in the hearing packet. And then also,  
16 I have handed out a photo that was given to us by Gregg Lesartre that has been listed in exhibits as being  
17 received during the hearing and will be updated on the document log and added to the site once we are  
18 wrapped up here.

19 CHAIR KATZ: Thank you, Shar. Alright, we'll turn it over to Kai for a brief introduction.

20 MR. KAI KLEER: Yeah, good evening, Chair Katz and members of the Commission; my name  
21 is Kai Kleer, I'm a City Planner for the City of Fort Collins. Before you tonight, as you already know,  
22 Castle Ridge Group Home Project Development Plan. As part of the project, the applicant team  
23 submitted a reasonable accommodation request to grant relief from Land Use Code Standard 3.8(A) to  
24 allow for ten residents, or relief from the standard that would typically limit the amount of residents for  
25 this type of project to eight. The City is required to provide the ability for applicants to request  
26 reasonable accommodation by the Fair Housing Act and the Americans with Disabilities Act, and the City  
27 adopted these resolutions in 2017. In the next slide, I'll go over the process and sort of our evaluation  
28 criteria, and the relevance to your decision tonight. Since the time of the adopted regulations, nine  
29 accommodations have been submitted and decided on by the Director of Community Development and  
30 Neighborhood Services, Paul Sizemore...not specifically by him, but he is the decision maker for this  
31 particular reasonable accommodation request. This is a process that's not open to public input. Only the  
32 applicant can appeal the decision, and the Planning and Zoning Commission cannot alter this decision as  
33 part of your decision tonight, or as part of your consideration of the project tonight. The applicant's  
34 reasonable accommodation was conditionally approved, and was approved with the following three  
35 conditions: the proposal must be reviewed by the Planning and Zoning Commission, which is something  
36 that is already required by the residential low-density zone district, that the property will be subject to the  
37 requirements of the low-density residential zone district, and that the project may be subject to conditions  
38 of approval including, but not limited to, requirements for parking, limitation of hours of drop-off and  
39 pick-up, regulations of lighting intensity and hours of illumination, requirements related to trash and  
40 recycling, screening storage and fencing, and finally, the facility will implement measures...the last  
41 condition...the facility will be required to implement measures to mitigate impacts and retain the  
42 residential character, including the maintenance of the garage doors that you'll see in some of the later  
43 slides in the elevations, no signage indicating that this is a group home, so no visible signage on the

1 exterior...posted on the exterior of the building or in the yard, and no more than two staff working shifts  
2 on-site at any given time. And there is an exception for emergencies and shift changes for this condition.

3 As previously mentioned, the original proposal that the Planning and Zoning Commission heard  
4 on March 23<sup>rd</sup> in 2020 was a proposal for sixteen residents and included three conditions. At the March  
5 hearing, the Commission denied the project and found that parking could not be adequately managed  
6 through the staff's recommended condition which would have required employees to park down the street  
7 approximately 800 to 1250 feet away, and also require active management of parking in the driveway and  
8 on the street.

9 The location of the project is at 636 Castle Ridge Court...oh, sorry...I do not have the conditions  
10 on a slide, so I can maybe put that together later. Okay, thank you...that was the correct slide. So, the  
11 project is located at 636 Castle Ridge Court. It is about a half-acre lot located in the residential zone  
12 district, as mentioned. The project proposes a ten-resident group home for assisted living, the retention of  
13 two garage spaces for the use of employees, four parking spaces within the driveway, which includes one  
14 handicap-accessible space, and then parking is proposed to be managed through a parking app that is  
15 meant for employees and visitor parking, and the applicant should have some more information on that in  
16 their presentation. The area was annexed to the city as part of the Keelan Annexation; the lot was later  
17 platted as part of an 18-lot subdivision in the Castle...named Castle Ridge at Miramont PUD in 1993. It  
18 wasn't until 2002 that this home was developed on the site. The site is served by a private street system,  
19 Castle Ridge Court, that connects into a public street system, the Highcastle Drive. This is just a street  
20 view image of the property.

21 A neighborhood meeting was held on July 28<sup>th</sup> this year. Discussion...comments and discussion  
22 included questions and concerns about the number of residents proposed in the group home, and the  
23 parking impacts generated by the number of residents in a neighborhood that was already experiencing  
24 parking and movement issues on the street. Some of those comments related to the narrowness of the  
25 street and the ability for cars to pass each other bidirectionally, a general feeling by the community that  
26 this was not an appropriate land use within the neighborhood, and neighbors did not feel like they were  
27 being heard and that the use is being forced by the City, concerns about procedural requirements being  
28 met for sign postings and neighborhood meetings, impacts to the privacy of neighboring properties related  
29 to window placement and outdoor activities, concerns about administrative staff and speculation they will  
30 be living in the residence long-term. These are a high level summary of the documents; in your packet is  
31 a more complete picture of notes from the neighborhood meeting and then additional comments that  
32 we've received since the neighborhood meeting, and up until tonight. And that concludes our overview.

33 CHAIR KATZ: Thank you for that introduction, Kai. Who will be presenting on behalf of the  
34 applicant? Stephanie, do you think you can do it in thirty minutes or less?

35 MS. STEPHANIE HANSEN: Yes, sir.

36 CHAIR KATZ: Thank you so much. Start whenever you are ready.

37 MS. HANSEN: Thank you, Commissioners. I appreciate you spending your late night with us  
38 this evening so that we could have this hearing completed this week, so that hopefully we can all enjoy  
39 Christmas next week. My name is Stephanie Hansen; I work for Craft X Studio, and I am a land planner  
40 in the city of Fort Collins.

41 So, just a brief overview of why we're here tonight. Xioma and Eric currently live in the home  
42 with their two grown daughters who also have vehicles, and their young son, so a family of five, along

1 with two residents that currently legally live in the facility, in their home, and so there are a total of seven  
2 people currently living in the house. The intent is that those five, the family of five, will be moving out  
3 once this is a residential home for seniors. So, where we currently have four vehicles coming and going  
4 everyday, that will...those will be leaving when this home is opened. So, the property is already  
5 accessible. It was owned by a woman who needed extra care moving around. I understand she had some  
6 sight issues. So, as far as the perfect property in the city for this use, that's why this selection was chosen.  
7 And that's why this house was a perfect fit for this use.

8 So, as you know, we started this process back in 2020 with the conceptual review, and at that  
9 time, we had the reasonable accommodation approved for sixteen residents. We did submit the PDP  
10 application and came before you in March. That was denied, as Kai mentioned, with those concerns.  
11 Back to the drawing board, and we had to review the threshold of how many residents with how many  
12 staff will still provide an excellent level of care and still reduce the number of residents. And so, we were  
13 able to come up with the number of ten with two staff members, which is still a one to five ratio, which is  
14 still higher than most of the memory care facilities that are in town. Once we determined that that ten  
15 would work, eleven won't, nine won't, it was kind of a magic number, a threshold number, we went back  
16 and asked for a reasonable accommodation for those ten beds, which was approved in May. We then had  
17 another neighborhood meeting, and we also went to the HOA board, and the HOA board did approve the  
18 ten-bed residential group home. So, we then went and had another neighborhood meeting, as Kai  
19 mentioned and gave a great review of, and then submitted our PDP/FDP application, and then we're here  
20 back before you tonight.

21 So, obviously we heard a lot of concerns. This is a change; this is a change to an existing  
22 neighborhood, and we understand that change is difficult and it's scary. So, at the first neighborhood  
23 meeting, we heard that it was too big of an impact on the neighborhood, and we heard that the neighbors  
24 didn't want any parking on the street, and so the application we came before you with was only showing  
25 parking in the driveway and off-street. We heard concerns about the privacy of the windows and  
26 potential for emergency vehicles coming in the neighborhood more often. So, again, I just want to  
27 reiterate that the residents cannot have cars; they are memory care patients so they cannot drive. We...at  
28 that time, mandated that the employees park on public streets, but I'll show you our new revised plan that  
29 the employees are not walking from further away public streets, they are now parking on site. We did  
30 originally take away the garage doors, we brought that back when you saw it last, and then we offered to  
31 build a larger driveway on site, but the neighbors did not like that approach either with paving more of the  
32 front yard. So, we then came before you and heard a few more concerns specifically about the parking,  
33 and we also heard some information back from the neighbors saying that fewer residents would be  
34 acceptable, that it is a good use. No one was against, necessarily, the use, but that maybe it was too  
35 intense. And so that's when we took that information that we learned, and that's where we came up with  
36 that threshold of ten residents instead of sixteen. So, the housing model was re-envisioned for the number  
37 of ten residents. Like I said, it still gives that good ratio of one to five. And then we also kept the garage  
38 as is rather than converting it to bedrooms. So, the garage is still functional and the two staff members  
39 will be required to park in the garage for their shifts. And we found this parking app called Park-a-Lot  
40 that we are proposing to use even though a parking app is certainly not required by the Land Use Code,  
41 and certainly, in our view, is probably not warranted; however, we are willing to go above and beyond  
42 and require that all of our guests use this app.

43 So, we went back and had another neighborhood meeting, but then we kind of heard some  
44 conflicting information where it was still...ten was still too many, and that there still wasn't enough  
45 parking. Again, the privacy of windows. And, even with the change from sixteen residents down to ten,

1 the total trips generated were too much, and again, the emergency vehicles. So, to respond to those  
2 concerns, we...like I said, we bumped it down to ten. Like I said, there is currently a family of five, so  
3 staff will park in the garage. So, I heard a concern that there may be a perception that traffic has already  
4 increased because of this use, but I would venture to say that it's because there's four adult drivers in this  
5 home, currently. And so, will there be traffic increasing, you know, with this use? Absolutely. We're  
6 not saying that we're going to add zero cars to this neighborhood; there will absolutely be a traffic  
7 increase. But, it won't be as substantial as it would have been with sixteen residents. So, we've now  
8 dropped that to ten to help with those traffic trips.

9 What we also did was that the therapists, the nurse visits, the grocery shopping, those can only  
10 occur between Tuesday, Wednesday, Thursday, nine AM to two PM, so we're avoiding all of those  
11 trips...we're moving them from peak hour...during peak hours morning, peak hours afternoon. We can  
12 have...we have the ability to tell all of those deliveries that they have to happen between nine AM and  
13 two PM off peak hours. So then, by keeping the garage, we also reduced the number of windows on that  
14 north elevation. And as far as policing, you know, who parks where on what street, the HOA covenants  
15 do that already, that we can't create a nuisance. So, obviously, we are going to completely comply with  
16 all of the HOA regulations that are currently in place.

17 Like I mentioned, we have had two residents for the past year, since last November, and we have  
18 had zero emergency vehicle calls. So, as far as neighbor outreach that we've done since then, we did hold  
19 a neighborhood meeting, we met with...we consulted with the HOA board that agreed to the ten residents,  
20 we approached the neighbors on both sides of the home and offered to meet privately and give them a  
21 tour of the home to show them really what our intent was, and those invitations have yet to be accepted,  
22 but those invitations remain open; we're still more than willing to do that, but they did not agree to meet  
23 with us. And then, we did get some correspondence from the City asking for another neighborhood  
24 meeting, and we were asking, okay, what solutions are going to be presented to us? Is there any  
25 information that we will learn? How can we best respond to your concerns? Unfortunately, we didn't  
26 really get that information back, and so that meeting didn't ever happen. But again, we reached out to the  
27 neighbors on both sides to ask if there was any way we could meet privately, and that was not accepted.

28 So, regarding the parking spaces, you can see that the two spaces in the garage, those will be for  
29 staff. We have two spaces directly behind those, and an additional two all within the driveway for those  
30 short-term delivery spaces and visitors. And since there was a concern that on-street parking...you know,  
31 we will utilize those three spaces of on-street parking very last; those will not be utilized unless absolutely  
32 necessary. So, there are a total of six parking spaces on-site now that we can utilize for deliveries, staff,  
33 and visitors. And how we'll manage that...this is a Park-a-Lot app; apparently it has five out of five stars,  
34 so somebody likes it, and it's useful. But, you go on your phone, and you say, I'm going to park here at  
35 this time, and you just hit the button, and then that reserves you a spot. So, we are not by any means  
36 restricting any family members from coming and visiting their loved ones, but now they just have to say,  
37 okay, if all the spots are full, I'm going to have to wait an hour until someone leaves, and then I can come  
38 and park and visit my relatives. And there is screening at the driveway. You'll see the neighbor has an  
39 RV, and so I couldn't imagine that a couple cars in the driveway are more impactful. If RV's are  
40 temporarily allowed to be on-site per HOA covenants, then I certainly would expect that some cars in a  
41 driveway would be less impactful than that, especially with the screening of the shrubs that we have along  
42 that driveway.

43 So, just to give you an idea of the street width. The top image is the LUCASS standards...the  
44 Larimer County Urban Area Streetscape Standard...street width, which shows that 30-foot roadway, and  
45 ours is simply two feet less, and it has the fourteen-foot travel lane instead of the sixteen-foot travel lane.

1 There is similar parking on both sides, that seven-foot space. So, if two-way traffic is completely possible  
2 on sixteen feet, I don't understand why two-way traffic wouldn't be possible on fourteen feet; however,  
3 we never anticipate our uses needing to park on both sides of the street as well as in our driveway. We  
4 have spoken with numerous of the other operators in town...we've spoken...because this isn't a new  
5 concept; we have these residential homes, several of them, in town. We have spoken with them, and they  
6 very, very, very rarely have more than five cars at the absolute most, and then it just goes down from  
7 there. So, we honestly do not believe, based on facts and figures of speaking to people who run these  
8 homes, that the parking will be a problem; however, like I said, we are willing to go above and beyond  
9 and do this parking app.

10 This is an image of the street that was taken a little while ago, and you can see that there is  
11 parking on both sides of the street, but I will also tell you that none of these cars were coming to our  
12 home; they were all for a home across the street or next door...across the street. So, this was a party that  
13 was held across the street. None of these people were coming to our residence. So, does parking happen  
14 on both sides of the street, existing today? Yes, it does. So, we're not creating an issue that doesn't exist  
15 currently; we are bringing more people to the neighborhood, I understand that, but again, I believe that all  
16 of our residents' guests will be able to park within the driveway and not on the street. The other changes  
17 we made were to that north elevation where we removed the larger windows. So, the top image is the  
18 existing home today, the bottom image is what we're currently proposing. And so, it has the one window  
19 with the screening rather than the three, and then it has that one higher up window. And even without that  
20 screen, this is the view that you have if you were to stand in that bedroom that we're proposing, looking  
21 out of the house. So, we are going to be putting a screen in front of this landscape; we feel that it is  
22 sufficient for privacy for the neighbors.

23 So, I want to bring our attention to some of the other facilities that are around town, some of the  
24 other homes. If you look at these photos, this looks like a normal, single-family home. This is exactly  
25 what we're trying to do. And with the reduced number of people down to ten rather than sixteen, now  
26 we're comparing apples to apples to these other existing homes in town. This looks and feels...this is our  
27 ideal. We do not want to stick out. We are not trying to build some mega multi-family development in  
28 an existing neighborhood. We want to be exactly...look, feel exactly how we are now. That is the whole  
29 point of a residential home, is we want these residents to feel like they are in...still in their own home.  
30 So, this, for example, has one car parked outside of the building. You'll notice there aren't cars on both  
31 sides of the street. Granted, Google...this is a snapshot...the street view is probably taken at a different  
32 time than the aerial, but absolutely, this is just a snapshot in time. An hour later, could there be more  
33 cars? Absolutely. But, what I did is I went around to all of the different homes in town on Google, and  
34 not a single one of them had more than two cars parked at their facility. So, there is a fear that this is  
35 bringing a lot of traffic, but that's just not what the facts and figures and existing homes show, even with  
36 talking to the operators of those homes. Here is another home called Live to Assist; you'll notice, again,  
37 there is one car parked out front. There are two on the side...there's one in the street view, and then  
38 there's two on a different day up on the other street, so a maximum of two cars parked at this facility.  
39 Here is another one, again, it just looks and feels like a single-family home; that is our goal. We want to  
40 blend in; we do not want to stick out, and we want to mitigate any potential impact that we do have. And  
41 again, just one vehicle at this residence, and these have eight to ten residents living in these houses. You  
42 also didn't see any large dumpsters out front, or cars blocking the street, and again, we want to blend into  
43 the surrounding neighborhood.

44 So, just to reiterate, I mean, the whole idea of this is to be a home for these people, not an  
45 institution. So, we want smaller homes with less people, less chaos. Especially the memory care patients,

1 we want them to feel like they are just in their own living room. And, in summary, our project meets the  
2 Land Use Code; we are not asking for any modifications. We are not asking for any alternative means  
3 and methods, no variances whatsoever. We are simply trying to provide a better quality of life for elderly  
4 people with disabilities. And we understand that this is a change to the neighborhood, but we are fully  
5 intending to work with our neighbors as much as possible to make sure that this is a smooth transition.  
6 From what we have heard from others, you know, there is that initial gut reaction where people are  
7 hesitant, but then once the home has been in place, then people understand that those fears are not  
8 warranted, and they can live cohesively together. Thank you.

9 CHAIR KATZ: Thank you, Stephanie. Kai, do you have a detailed analysis for us? Whenever  
10 you are ready.

11 MR. KLEER: Yeah, thank you Chair Katz. Again, Kai Kleer, City Planner, City of Fort Collins.  
12 Okay...so this is an overhead view of the site, and I'll walk through some of the changes that are  
13 proposed as part of the group home and sort of detail out why the changes are proposed, and what some  
14 of the reaction...or, the changes proposed and how they relate to some of the neighborhood comments  
15 and concerns that we've heard throughout the review of the project.

16 So, starting at the very top corner, you'll see sort of a red line that outlines the perimeter of the  
17 backyard. The applicant is proposing to replace the existing fence with a six-foot wrought iron fence. I  
18 think that is the requirement for the type of occupants for this group home, to provide a secure backyard  
19 for if they want to enjoy the backyard. To the left of that, on the north side of the building...Stephanie  
20 had covered this in her presentation...one of the things that we heard from the abutting neighbor is  
21 concerns around privacy. In some of the elevation views that you've seen, they are proposing an egress  
22 window, a single egress window, on the northeast corner of the building, and a high transom window as  
23 well. They are providing a six-foot-by-six-foot screen wall in front of that window to help with privacy  
24 concerns. As you move sort of clockwise around the site, and this is in the backyard, you can see I've  
25 highlighted here in green, the shrub bed that they are proposing. This is a layered shrub bed that will  
26 provide year-round screening for the adjacent neighbors' yard. As you move further clockwise, this  
27 would be to the southwest, three ornamental grasses in front of a bay window, an existing bay window, to  
28 help with privacy concerns in the neighboring yard. And just highlighting...the last thing I'll  
29 mention...or last two things I'll mention...as part of scaling back some of the interior rooms that were on  
30 the north side of the building, they are proposing to enclose a covered patio on the back side of the site,  
31 and you'll see those in your packet on the rear elevations of the building. And then the other thing I  
32 highlight is the garage spaces that will be retained and the proposed parking configuration within the  
33 driveway, and the parking that they're proposing to manage in the adjacent street frontage as part of the  
34 parking app. Next slide please?

35 This is a picture that just highlights the changes that will be noticeable from the street. So, the  
36 relocation of front window, a single front window, moving it in the façade plane, and a replacement of the  
37 front door. There's a side transom window for that front door; that's being eliminated with their newly  
38 proposed front door. Next slide please?

39 In the staff report, I just want to provide a point of clarification. In the architectural section of the  
40 staff report, some leftover information that indicated there would be four windows on the north façade  
41 was incorrectly stated, and there will just be the two windows that are depicted in the elevation view on  
42 this slide. Next slide?

43 These are detail images of the bicycle parking that will be required on site. The site lighting that  
44 they are proposing to change...these are all wall packs that would replace existing lighting on the



1 building, and then the security gate for that central courtyard on the bottom left of the screen, and then  
2 that six-foot-by-six-foot screen wall that would be in front of the window. Next slide?

3 So, these conditions will look a little bit...somewhat familiar to you. They were similar  
4 conditions that what we were...staff was recommending in the previous project that you heard back in  
5 March. One of the major...next slide please? One of the major...next slide after this, sorry. One of the  
6 major concerns that the neighborhood has been...that we've heard from the neighborhood...is concerns  
7 around the increased amount of traffic. So, if you look in your packet and the traffic study, the increase  
8 will be from a single-family home was estimated at ten daily trips, and the proposed increase would be  
9 fourteen daily trips to a total of twenty-four daily trips for the expansion of this use to a ten resident group  
10 home. So, one of the...to highlight...through the analysis of the traffic study, and the operational plan,  
11 staff is recommending this condition to reduce the potential impacts of on-street parking, noise, and other  
12 types of disturbances that have been described as...from the neighborhood. And, the condition is, to the  
13 extent reasonably feasible, that the hours of operation during which third-party services such as massages,  
14 housekeeping, haircuts, pet therapy, and the like, shall be limited to the hours of eight to six Monday  
15 through Saturday, and staggered in a way to reduce the impact for on-street parking within the  
16 neighborhood. To the extent feasible, the deliveries and short-term visits shall be limited to available  
17 space within the driveway and the street frontage that shares a common boundary with the property. In  
18 Stephanie's presentation, she sort of went over some new information that we didn't see before...that the  
19 project would be able to limit deliveries and operations beyond what we're recommending as part of this  
20 condition. So, in some sense, this condition may be moot.

21 The second condition that we're recommending is that the property owner just cooperate in good  
22 faith to remedy any unforeseen impacts created through the operation of the group home. Much of the  
23 communication...you know, staff has acted as sort of an intermediary between much of the  
24 communication between the neighborhood and applicants, and this condition is really just an effort to  
25 keep an open dialogue and keep a 24/7 point of contact for the neighborhood should issues  
26 arise...unforeseen issues arise...that we can't control this part of the Land Use Code what we just don't  
27 foresee at this time. In conclusion, the project development plan...staff finds that the project  
28 development plan complies with the applicable procedural and administrative requirements in Article 2,  
29 that the project development plan conditionally complies with Article 3, and then the project development  
30 plan complies with all relevant standards in Article 4, and staff is recommending conditional approval of  
31 the Castle Ridge Group Home. And that concludes our analysis. Thank you.

32 CHAIR KATZ: Thank you for that analysis, Kai. I'm going to open it up to the Commission for  
33 clarifying questions to either the applicant or staff.

34 COMMISSIONER JULIE STACKHOUSE: Yeah, I just want to be sure I understand what it  
35 means when it was stated that the homeowner's association has approved the occupancy level. Is there  
36 any more color to that?

37 MS. HANSEN: Sure, the HOA saw the reasonable accommodation and that they agreed that they  
38 would approve the ten residents for the reasonable accommodation request.

39 COMMISSIONER JEFF SCHNEIDER: So, question on the parking app. How can you control  
40 on-street parking with an app when you have no control of who is going to park on street or in front of  
41 what property and everything else?

42 MS. HANSEN: Yep, the parking app specifically would be for the off-street spaces.

1 MR. ERIC SHENK: Can you...I'm sorry, restate the question, so I know...

2 COMMISSIONER SCHNEIDER: Sure, do you mind stating your name for the record?

3 MR. SHENK: Oh, yeah, sorry, Eric Shenk.

4 COMMISSIONER SCHNEIDER: Thank you. So, my question is how is a parking app going to  
5 control on-street parking conditions when you can't control who parks on the street? Because the  
6 neighbor across the way could have another party, and the three spots that are in front of your property  
7 could be taken. How would you know if those are taken or not taken?

8 MR. SHENK: I would know if they are taken or not taken within the context of who is visiting  
9 our property. So, no, I could not control the on-street parking for other members of the neighborhood.  
10 That being said, the number of cars that are there...the peak number of cars there at any one time,  
11 assuming a normal day, is somewhere in the five to seven range, at most. So, that should be...we should  
12 be able to mitigate it with the parking app in that way since we have six slots available on site.

13 COMMISSIONER SCHNEIDER: So, if the neighbor across the way is having a party like your  
14 picture...

15 MR. SHENK: Right.

16 COMMISSIONER SCHNEIDER: ...showed, and the seventh car came, where would they park?

17 MR. SHENK: Assuming that a party is a fairly infrequent event, they would have to do street...I  
18 mean they would have to park elsewhere on the street, along the street. But, there's not a party going on  
19 every day either.

20 COMMISSIONER SCHNEIDER: No, I understand, but that potentially...I'm just trying to  
21 understand how you can control...how can an app help you control your available parking spots that  
22 you're proposing for the need.

23 MR. SHENK: Well, the app will let us know ahead of time who is coming and when.

24 COMMISSIONER SCHNEIDER: Well, for your property...but it doesn't control for any other  
25 one in the community that may be coming down your street and parking in front of your home.

26 MR. SHENK: Correct.

27 COMMISSIONER SCHNEIDER: So, let's hypothetically say that you're having some sort of an  
28 event at your property, and need all nine spots, but someone else in the neighborhood is parking in front  
29 of your property, that's dispersing other parking spots throughout the neighborhood, or impacting the  
30 neighborhood more because the app doesn't know that there's an even happening across the way, or  
31 whoever is parking...so I'm just trying to understand how this app is truly going to help the argument for  
32 the help of mitigating parking, when I just...I'm having a hard time justifying and understanding how this  
33 app is going to truly help.

34 MS. HANSEN: And I'll just add a couple more things to that is that the app will first, obviously,  
35 assign people to the off-street parking spaces with the on-street parking spaces being last. And, exactly  
36 like you mentioned, like if someone is having a party and they are parking in front of our residence,  
37 what's to say that we can't park ten feet more down the street? So, those three spaces, are they painted on  
38 the street? Absolutely not. This is a public street. Any resident of this entire city is allowed to park  
39 wherever they want on this street. So, if the spaces are taken up by our neighbors needing the spaces in

1 front of our property, then, yes, if we have someone else show up, then if someone else is parked in front  
2 of our house, we could park in front of theirs, because it is all public parking.

3 COMMISSIONER STACKHOUSE: How do you plan to encourage family and friends to use the  
4 app?

5 MS. HANSEN: We can write it into the lease.

6 COMMISSIONER STACKHOUSE: Okay, thank you.

7 MS. HANSEN: And we have tested that with the current resident, and they signed it without a  
8 problem; they agreed to use the app. So, that is in practice.

9 COMMISSIONER PER HOGESTAD: So, the app is for guests and employees, is that right?

10 MS. HANSEN: The employees will have the garage spaces, and so...

11 COMMISSIONER HOGESTAD: So they won't use the app at all?

12 MS. HANSEN: It'll be like those spaces are taken. They will still have to use the app; they will  
13 still say, I'm parking in the left spot in the garage, I'm parking in the right spot in the garage. So, the  
14 employees will still be using the app as well.

15 COMMISSIONER HOGESTAD: And guests?

16 MS. HANSEN: And guests, yes.

17 COMMISSIONER HOGESTAD: People, family, friends, and stuff that are visiting someone that  
18 is housed in your facility?

19 MS. HANSEN: Correct, and that's how it's written in the current lease, that, say, hey, if you want  
20 your relative to live here, we understand that we might have...we understand that parking is an issue in  
21 this neighborhood, and we don't want to contribute to an increase of that, and therefore, if you would like  
22 to visit your relative in our home, please use this app, and the people have said, absolutely, we'll use that,  
23 and they signed it no problem.

24 COMMISSIONER HOGESTAD: So then for deliveries and service vehicles, somebody repairing  
25 a furnace, or unclogging a toilet, whatever, they have to use an app also?

26 MS. HANSEN: Correct.

27 COMMISSIONER HOGESTAD: Do you think you can find a service contractor to do that?  
28 Okay...yeah.

29 MS. HANSEN: It's a quick download onto your phone, and if they park in the driveway and they  
30 come inside for that service, we'll be like, hey, you know, can you move to this space and we'll reserve it  
31 for you? Are you parked on the street? Please pull into the driveway.

32 COMMISSIONER HOGESTAD: And then doctors, how do you regulate that? I mean they  
33 probably don't have a lot of time to reschedule to meet your requirements.

34 MS. HANSEN: All of our service industry staff has agreed that the Tuesday, Wednesday,  
35 Thursday between those certain hours is acceptable for them.

1 COMMISSIONER HOGESTAD: So how does that make it better parking if it's Tuesday,  
2 Wednesday, whatever?

3 MS. HANSEN: It's off-peak hours.

4 COMMISSIONER HOGESTAD: Okay.

5 MS. HANSEN: So, we're trying...we understand that there are certain peak hours of trips, certain  
6 peak hours of parking, and so, if someone is having a dinner party, rather than having our nurses come at  
7 5:30 PM, you know, if they come at two, then they won't be interfering with someone else who needs that  
8 on-street parking.

9 COMMISSIONER HOGESTAD: Thank you.

10 CHAIR KATZ: Any other questions from Commission members? Okay, thank you, Stephanie.  
11 At this time, we're going to open it up for public comment. A couple things, first, thank you all who  
12 showed up tonight. It is a late night already, appreciate your patience, thank you for coming out. Kai  
13 brought this up about the reasonable accommodation...this was approved by the Director of CNDS, and  
14 because the reasonable accommodation decision cannot be altered by this Commission, discussion of the  
15 reasonable accommodation is not relevant to the Commission's decision, and that we ask that it is  
16 avoided. I just wanted to remind everybody that. Now, I understand, or I believe, there is going to be  
17 some pooling of time. Who in the audience wishes to speak this evening? One, two, three, four, five,  
18 six...eight. Remember, you can't pool time and speak. So, is anyone here dedicating time to anybody  
19 else? One, two, three, four, five, six, seven. Yeah, I think so...perfect. So, alright, who is accepting the  
20 seven people's dedicated time? Okay, well there's seven people here, so. No, no, I approve it. So,  
21 there's seven people here dedicating time? Okay, who is taking how many? How many are you taking?  
22 Are you taking all seven? Okay...

23 COMMISSIONER SCHNEIDER: Can we please go to the microphone so this...

24 CHAIR KATZ: Sir...

25 COMMISSIONER SCHNEIDER: Sir, can you please go to the microphone...this needs to get on  
26 record.

27 CHAIR KATZ: Yeah, you're right.

28 DR. STEVE SUNDERMAN: My name is Dr. Steve Sunderman; I live three doors down from the  
29 proposed residence. We were told in email, and Kai can verify this for us, that those that wanted to  
30 donate time could donate time, and we sent that in and it was approved via email. Kai, it would be very  
31 helpful if you would actually verify that for me. And then when we came in this evening, we were told,  
32 oh, no, no, no, we're not going to let you do that. I've been silenced multiple times throughout the  
33 hearings here trying to get my point across, and I really would appreciate an opportunity to get my point  
34 across this time. Thank you.

35 CHAIR KATZ: Thank you, you will have...

36 DR. SUNDERMAN: I have eighteen minutes which I don't plan to use all of, but I do have  
37 eighteen minutes promised to me.

38 CHAIR KATZ: Okay, so six of the seven people are donating to you?

39 DR. SUNDERMAN: No.

1 CHAIR KATZ: So, there was a...excuse me...

2 DR. SUNDERMAN: I have minutes donated from Brandon Hass, Vanessa...

3 CHAIR KATZ: Sir, sir...they are not here, so...we were allowing remote participation. That  
4 ordinance expired a couple months ago. So, to participate, you need to be here in person, as of today. So,  
5 how many people's three minutes are you accepting? You have seven?

6 DR. SUNDERMAN: I have Brandon Hass...

7 CHAIR KATZ: Where is Brandon Hass?

8 DR. SUNDERMAN: Joshua Sunderman...

9 CHAIR KATZ: Not here, not here.

10 DR. SUNDERMAN: Brad Sisson, Barbara Schwerin, and Sandy Richards...

11 CHAIR KATZ: Mr. Sunderman...sir...

12 DR. SUNDERMAN: ...email notification that I can have minutes for each one of them.

13 CHAIR KATZ: Mr. Sunderman, you were given an opportunity to speak. Everyone in the public  
14 is given an opportunity to speak who came down today. If there's people in this room that would like to  
15 dedicate their time, you absolutely...I'm giving those to you.

16 DR. SUNDERMAN: Kai, could you help me please?

17 CHAIR KATZ: No more.

18 MR. KLEER: I am looking for previous communication from Em, who is our development  
19 review liaison, to confirm.

20 CHAIR KATZ: I'm making the call. Okay, I'm making the call. I'm not changing the rules last  
21 second. So, if you would like to speak, please come up. Yes, sir. Absolutely.

22 COMMISSIONER SCHNEIDER: So, can we get clarification between...

23 CHAIR KATZ: I need clarification of who is donating time to Mr. Sunderman. One, two, three,  
24 four...five...you have eighteen.

25 DR. SUNDERMAN: I believe I can get done in about ten minutes here.

26 CHAIR KATZ: Perfect, sir. You may say your name and the address again, and then you will  
27 have eighteen minutes.

28 DR. SUNDERMAN: Thank you. Good evening; I am Dr. Steve Sunderman, I live at 607 Castle  
29 Ridge Court, just three doors down from the home on this proposal. I'd like to thank you for your time  
30 and dedication related to your previous review of the initial group home application. We as residents in  
31 the neighborhood are most appreciative of your prior efforts to evaluate the merits of this proposal, and of  
32 your decision to decline the approval, which was unanimously declined at the initial proposal. The  
33 applicants are now coming forward with a new proposal, which is nothing more than the very same  
34 proposal with only a minimal reduction of residents. This would lead to the same devastating results to  
35 our community that the original proposal would have had. The reasons for you to reject this second

1 proposal are numerous; I will highlight only a few, any one of which should be solid reason to reject this  
2 proposal.

3 First, truthfulness and honesty in the application. The applicants began their application process  
4 by stating that they surveyed the neighbors, explained their proposals, and found no resistance from the  
5 surrounding neighbors; this is absolutely untrue. I have communicated with nearly everyone in our  
6 neighborhood, and without exception, not one person has told me they ever supported this proposal.  
7 Objections from our neighbors have been universal. The applicants have repeatedly asserted to City  
8 planners that they want to be good neighbors in this community. Their actions, however, tell an entirely  
9 different story. They have repeatedly presented false expectations about traffic, parking, visitation,  
10 change in residential appearance, noise, and safety. A short video clip of the real street in action has been  
11 provided for showing tonight. It shows the high traffic expected by this proposal would not fit on this  
12 narrow street. Would you please run the video? Stephanie has said tonight that there's plenty of room for  
13 two-way traffic to go with cars parked on both sides. This video shows that's absolutely not true.

14 Stephanie has said tonight that she has invited all of us to come over and have a conversation with  
15 them. I have never been invited, in fact I've asked multiple times to have an opportunity to discuss with  
16 them, and I've been declined. Kai can verify that, and he has written email communication that verifies  
17 that. After being questioned multiple times, the applicants have finally admitted, in the most recent  
18 recorded session, that they're long-range plan, after setting up this high-density commercial business in  
19 the middle of our well-planned, low-density residential neighborhood, is to actually move out themselves,  
20 and let this house just function as a business for their profit. Even the applicants have admitted that they  
21 would not want to live in or by this commercial use that they are proposing; Stephanie has confirmed that  
22 for you tonight, that they intend to move out, they wouldn't like it.

23 Reasonableness...the neighborhood was carefully planned as a low-density residential  
24 neighborhood for single-family dwellings only. Part of the agreement from the original developer, Gary  
25 Nordic, was to also provide high-density homes in nearby areas, which he did to the letter as per his prior  
26 agreements with City planners. The street in front of this house is a private street which is significantly  
27 narrower than the conventional streets. It was planned and authorized as such with the understanding and  
28 agreement by City planners and the developer that traffic and parking would remain very minimal due to  
29 the design of single-family dwellings only, and that there would be three- or four-car garages required for  
30 each home. It was agreed from the beginning, and it's written in the covenants, that there will be no high  
31 traffic businesses allowed whatsoever. Off-street parking is severely limited on this narrow, private road.  
32 It cannot accommodate the massive increase that would be required if this proposal should be approved.

33 Next is misrepresentation. The applicants have intentionally misrepresented their credentials, and  
34 in particular, their portrayal of Eric Shenk as a physician. We have discovered, and Eric Shenk has  
35 finally admitted in recorded session, that he no longer has a medical practice, and in fact, he no longer  
36 even has a license to practice medicine. We've asked and he has refused to give details of the loss of his  
37 license or of his medical practice. Nevertheless, multiple physicians in the area have told me that he was  
38 ousted by his own peers many years ago; it must have been bad. Further, Eric Shenk openly admitted in  
39 recorded session, and Stephanie has admitted again here tonight, that Eric and his wife are currently  
40 housing at least two at-risk individuals in what we understand is a lockdown situation without a license.  
41 He's refused to answer questions as to the legalities of this. A formal inquiry request has been filed with  
42 the division of regulatory agencies. The investigation is still in process, and this must be resolved before  
43 any approval can even be considered; we're very concerned about an illegal operation.

1 Misapplication of the FHA...the applicants are wrongfully trying to apply rules of the FHA to  
2 this project. The Fair Housing Act has strict limitations. Any application under FHA rules is required to  
3 be a reasonable application; this proposal in this neighborhood is not reasonable. It must fit the  
4 neighborhood; this large business does not fit the neighborhood. It must be safe for the neighborhood;  
5 this high-traffic business, and as you can see from that video clip, would be very unsafe for our children.  
6 Any accommodations made must be reasonable accommodations; the accommodations that they're  
7 asking for would require...that they're asking for for this project are everything but reasonable. Any  
8 application of this rule must not take away substantial value from one group of individuals while it gives  
9 substantial value to another. This application does just the opposite with consequences estimated to be  
10 well into the millions of dollars; I'll elaborate later. It must be necessary for a clearly defined, protected  
11 class. This proposal is not necessary for these applicants. Further, the owners of 636 Castle Ridge Court  
12 do not even belong to a protected class; they are both able-bodied, and in no way disabled or protected.  
13 What they're doing is they are wrongfully flying the banner of a protected class that they don't even  
14 belong to. The goal of these owners is to gather together in the near future a group of memory-impaired  
15 individuals...it doesn't exist yet...claim that they, as owners of this business, are part of that disabled  
16 body, and then use these individuals for personal profit, all at tremendous damage to our neighborhood,  
17 and at tremendous expense to all of us surrounding neighbors. It does not get any more wrong than  
18 somebody intentionally using an at-risk individual or individuals for one's own personal enrichment.

19 Current City Codes, HOA covenants, and the requirements of the FHA all require that ongoing  
20 development fit the community. This proposal in no way fits. These covenants, as well as fire and safety  
21 codes, are in place for a reason. This proposal violates all.

22 Harm to the neighborhood...trying to sardine ten Alzheimer's individuals onto one floor of a  
23 single-family home, along with nursing staff, aides, pharmacy, PT, OT, cooking services, cleaning  
24 services, laundry services, plus ten families of regular visitors, would clearly be a disservice to the at-risk  
25 residents who would be forcefully packed into very small rooms into this home. It would destroy the  
26 beauty of the neighborhood. Recoverable financial damages to the residents of Castle Ridge alone could  
27 conservatively be estimated to be into the millions of dollars if this proposal should be allowed to go  
28 through. We, as affected neighbors, will plan to use every legal avenue available to protect our homes  
29 and our community from anyone who would wrongfully try to enrich himself in this way. Our  
30 documentation for legal purposes, if that is needed, is very solid.

31 City staff has made it clear from the outset that they are determined to push forward this proposal.  
32 They have repeatedly failed to follow due process. They have accepted clearly deceptive and inaccurate  
33 statements from the applicants even after the inaccuracies have been clearly pointed out to them. And  
34 again, a couple of those inaccuracies were presented to you tonight. They have bypassed the required  
35 rules of notice and meetings. City staff has silenced those of us who hold valid objections by actively  
36 censoring some of us at prior meetings. I've been censored several times because they know that my  
37 comments would have some effect. This is verified by email chains that I have sent into you for your  
38 prior review for this meeting. I believe you've all had a chance to read those email chains that verify  
39 exactly what Kai has done. City staff has repeatedly promised opportunities for us to have open and  
40 honest communication with them and with the applicants, and then they have repeatedly reneged on these  
41 promises. This, too, is verified in those same email chains.

42 Duty...in the prior review by the P and Z Commission, this Commission upheld its duty to the  
43 community by rejecting what was clearly a plan by these applicants to wrongfully fly the banner of a  
44 protected class and to actually use that protected class for their own enrichment. We give you our most  
45 sincere thanks for upholding that duty to protect our community. The fire marshal, at the very beginning

1 of this process, correctly asserted that approving this large business on this lot, and on this narrow, private  
2 street, along with its reasonably expected parking and traffic congestion, did not comply with even the  
3 most basic of fire codes. Then, after threats from their attorney, the fire marshal and the City both  
4 decided to simply ignore the clear safety and fire code requirements. This was an illegal, political move.  
5 It must be corrected.

6 Some members of City staff have tried to push this project through without due process. Sadly,  
7 the massive harm would be borne by our neighborhood, not theirs. My own home has been reappraised  
8 since the proposal for this group home has come up. As it was done prior to formal approval or  
9 disapproval, it was decided the value would have to have a large conditional delta in its value. I was  
10 given a tentative value if there were no home...no group home there, and then a large tentative delta.  
11 We've taken that to court. All parties have finally agreed to devalue my home by \$130,000 for court  
12 purposes just due to this pending proposal. My home is just one out of eighteen on this street. We're  
13 talking well over two million dollars just to our street from decreased attractiveness to somebody that  
14 might want to come and buy.

15 To the P and Z Commission, my most sincere thanks to you in advance for exercising rational  
16 judgement, for protecting our community, and for upholding your duty to our neighborhood. Please, do  
17 continue to uphold your duty and reject this proposal in its entirety. Thank you so much.

18 CHAIR KATZ: Thank you. So, that was twelve minutes...you obviously had your three, so I  
19 will only dock you three people, so if anyone else wants to pool time. So, would you come up next?  
20 Yep...eight...there's five left, fifteen, so...eighteen.

21 MR. : That will work.

22 CHAIR KATZ: Okay.

23 MR. KURT JOHNSON: Just give me a second before you start the clock. Are we sure my screen  
24 and everything is good to go?

25 MS. REBECCA EVERETTE: You're trying to share your screen?

26 MR. JOHNSON: I thought I did...

27 MS. EVERETTE: Are you logged into...through the Zoom link...oh, okay, you are promoted.  
28 Yeah, you should be able to press share screen from within Zoom.

29 MR. JOHNSON: There we go...operator error...sorry for the...

30 CHAIR KATZ: That's alright, and then just remember to state your name and address for the  
31 record, and then get started.

32 MR. JOHNSON: My name is Kurt Johnson; I live at 612 Castle Ridge Court, which is two doors  
33 down from the proposed property. So, we're...again, this is a group effort on the presentation. I will be  
34 speaking for a number of the neighbors in the neighborhood. I'm just going to go quickly over some  
35 previous parking conclusions, the review of the current constraints, a comparison with another group  
36 home, the Seneca House, which I think would be quite illuminating, a summary, and then a recommended  
37 approach, perhaps, for your consideration.

38 So, previous parking conclusions. The visitors and contractors will park on the street; the  
39 driveway is not inviting or obvious. When cars are parked on both sides of the street, it becomes one



1 lane; we established that at the last meeting, and that really is not that controversial. Sidewalks blend into  
2 the curb, driveways are not obvious, and we have, as mentioned here, a narrow street where a variance  
3 was originally given predicated on three-car garages. So, this is just another...just a quick review. Back  
4 in March, we presented this as well. You can see that there's...it's restrictive, but then you have this little  
5 bottleneck right here right in front of the property, which is where this is going to more likely occur. And  
6 what seems to be lost a lot of times in this whole debate here, is that there are seventeen other residences  
7 that have their own parking; it's not just parties. People sometimes remodel, people sometimes have  
8 people park in front of their house to go visit, and the likelihood that cars are going to be parked on both  
9 sides of the street are much greater due to this because you're almost always going to have on one side  
10 now, which rather than just the law of averages, and if you do the math and the statistics associated with  
11 it. So, there is definitely a big impact where the concern being that cars are going to be parked on both  
12 sides of the street as more of a general rule than an occasional situation as it is today. So, current  
13 constraints, the street width is unchanged, the driveway layout is unchanged. It's not obvious, you can  
14 see the picture there, that's kind of if you drive up, it's thin, it's long, you know it requires musical cars to  
15 achieve the stated capacity because if you're in the garage, you've got to get the car back out, how do you  
16 get in, how do you get out? Who is going to be there when that is all occurring? And so, human nature is  
17 at work here. I mean, part...yes, there's been some proposals for mitigation and so forth, but let's  
18 understand also that people are people and they're going to eventually, over time, even if everything is all  
19 gung ho in the beginning, and everybody is all trying their best, what's going to be the situation a couple  
20 years from now?

21 So, let's do a comparison here, to Seneca House, which is another group home. There was some  
22 comparisons to some group homes, I'd like to make it to this one. Seneca House was recently approved  
23 for ten residents. It operated at eight residents for several years. It demonstrated compatibility, but what  
24 is really key here is for the ten residents is they have key built-in advantages related to parking that do not  
25 exist at Castle Ridge. Let's first start with the driveway. Castle Ridge on the left, single entrance and  
26 exit, narrow, hard...you know, you drive up, you're not going to necessarily think that there's going to be  
27 five cars parking in the driveway if you could fit that many. Seneca, however, has a circular layout; it's  
28 obvious to visitors and contractors, it provides much better circulation and more space. And on the street,  
29 Castle Ridge is, of course, as we've belabored quite a bit, is a narrow, private street, constrained already,  
30 not designed for parking on both sides, whereas Seneca Street is a city secondary street. It is designed to  
31 support on-street parking on both sides. And Seneca House also has no neighbors to the west, meaning  
32 people are parking over there not in front of anybody. So, as you can see, then, you have a...if you're  
33 going to consider a proposal that supercharges the number of residents over code, this has distinct  
34 advantages that you can have a worthwhile conversation about that as opposed to Castle Ridge which has  
35 significant disadvantages associated with having a supercharged intensity of impact. And, in your email  
36 packet from the last P and Z meeting in March, there was a quote from Seneca House which is relevant  
37 here, which they say, sometimes we run out of on-site parking, but we have so much on-street parking  
38 that is never an issue. We are in a unique, emphasis on unique, situation because there is a middle school  
39 across the street and our northern neighbor's house faces Craig Street, on top of being on a secondary  
40 street with a parking lane and a wider street. So, here, okay, perhaps you go above code, perhaps there is  
41 more possibilities there, but that does not exist in ours.

42 So, in summary, the applicants have never run an operation like this before. The applicants'  
43 estimate of two staff can handle full-time care of residents while managing operations is simply not  
44 realistic. Keep in mind, they are limited to two staff, so it's not like they can pop in another full-time  
45 staff. They could probably get around it, perhaps, by having several part-timers or something, and then  
46 still meet the RA, but you can see where this goes.

1 The parking app, interesting gimmick...is it practical? Is it likely to last over time? Because  
2 once this is approved, this is approved forever, I mean this goes on ad infinitum. And all of the attempted  
3 mitigations and operations have to be lasting, and they have to be...it's not just a, we're going to go do  
4 this, we get approval, three months, six months, and then it just kind of disintegrates and devolves over  
5 time to where we're left holding the bag.

6 And finally, the operational plan is optimistic and dubious. It's not based on experience. With all  
7 due respect to the applicants, they have not run an operation like this before. And so, where is this  
8 operational plan coming from, and what...real impact associated?

9 So, in summary, bottom line, it's far too risky to approve ten residents above code without hard  
10 data. We're throwing...there's a lot of assumptions, a lot of rosy scenario that's being given. Really  
11 would like you to consider that, to go above code, to go above ten, we need a lot more hard data to go do  
12 that. And, what is obvious during this whole process for the last year and a half, is the applicants just did  
13 not consider, probably due to their inexperience, the environmental factors. They looked at the house  
14 layout, they could see how many people they can fit in there, this is going to be great, but the parking, the  
15 impact to the neighborhood, they jumped in, they didn't consider the entire picture, and here we are. And  
16 then, finally, Seneca only increasing to ten residents after operating for several years. So, continuing on,  
17 operational plan is mostly the same, constraints are exactly the same as the last denial. The same issues  
18 of public health and safety exist with the current application, and simply put, a group home at more than  
19 the allowed intensity at this location jeopardizes neighborhood health and safety.

20 So, there is an approach here though. I mean...so, first would be to deny the initial application  
21 for ten residents, and perhaps follow the Seneca approach. Gain experience for several years first within  
22 code, learn how to operate it. Let's get the hard data done and let's look at what the impact is and figure  
23 out what the level of intensity really should be at the end of the day here. And then, if it is appropriate,  
24 and it looks like it's possible, a subsequent type two review to assess that feasibility for an increase based  
25 on operational success, demonstrated compatibility. We talk a lot about what's going to happen and all  
26 these rosy type of things going to happen...the onus should be on proving it, proving it at a level that is  
27 within code.

28 So, finally, last slide, additional conditions for you to consider independent of intensity; this is  
29 not a solution for ten residents, but just, in the back of your minds is something to think about. One  
30 would be no bus or van parking on site or on Castle Ridge. This was agreed to at the neighborhood  
31 meeting, but was not one of the conditions that staff recommended. Second, there's all this talk about  
32 staggering and getting deliveries, and all of this is going to all work out for the best...perhaps a condition,  
33 when you get a proposal within code, that deliveries and short-term visits would exclusively use the  
34 driveway, and force and have some teeth that that actually enforces the proposed staggering as opposed to  
35 what will almost invariably happen, which is a devolution and, you know, the applicants will move out,  
36 there will be two staff there, the whole management of this has to be...the two staff are going to take care  
37 of the residents, that's what they're there for. They're not going to worry about...parking is going to be  
38 last, only if they have time...managing all of the ins and outs and all of that. And, so we need something  
39 that manages that kind of itself, and that's not existing in this proposal as is.

40 Finally, I just did want to mention on the HOA that is kind presented as an endorsement...the  
41 HOA did not endorse the project. There was...they were essentially pressured by the applicant's lawyer  
42 to approve it. They had taken the position prior that, we'll wait for the City process to come through, and  
43 then we'll go with whatever the City goes...we have to...so just don't confuse that statement with that the  
44 HOA is behind the project. That's not necessarily the case. And, another point, just in rebuttal since I

1 have another minute here. On the deliveries, which they were proposing a more aggressive delivery  
2 schedule perhaps than what Kai had proposed as City staff. Well, when an in-code proposal comes up,  
3 make that a condition. I mean other to say you're going to do it, and then don't do it later and there's no  
4 recourse.

5 And then finally, this idea that the HOA can enforce parking is a bit dubious. First, there is a  
6 nuisance clause in the covenants, that's true; however, nuisance is not defined. What is a nuisance? How  
7 is the HOA going to go in and tell...come up with parking rules...that's just not necessarily realistic. So,  
8 you can't look to the HOA to solve this. So, that's...that's the conclusion. Again, it's about...deny the  
9 initial application for ten, let's gain experience, let's gain hard data, and then arrive at the optimal point,  
10 as opposed to jumping in all at once, go above, and then we can't go back. And that's it, if there's any  
11 questions...

12 CHAIR KATZ: Thank you, Kurt. So...I believe that there's five more people that wish to speak.  
13 If you could...maybe three line up in the middle, two on the end. And we'll start in the middle. State  
14 your name, address for the record and you'll have three minutes.

15 MR. MIKE LEUZZE: Are you ready?

16 CHAIR KATZ: Yep.

17 MR. LEUZZE: Okay, Mike Leuzze, resident, 5225 Castle Ridge Place, thank you for staying so  
18 late. Just a couple comments on some of the things I've been hearing. Number one, the applicants state  
19 that their whole purpose here is to provide residential living for the residents that they want to have in that  
20 home. I think all of us have gone on vacations with family or friends. Ten unrelated people packed into a  
21 single-family home is not residential living. They will be in small cells, and maybe with occasional  
22 opportunities to go outside. This is not being done out of the goodness of somebody's heart, this is for  
23 financial gain. And then to reiterate some other things we've heard, from our own HOA, the reason they  
24 agreed to this proposal is because they were threatened with legal action and monetary punishment if they  
25 go to court against this. It was not, they looked at a proposal and they thought it made sense and they  
26 agreed to it; it was done out of fear of reprisal. And then the last thing I want to reiterate is this is a small,  
27 private street. When it snows, even for those of us who have snow-worthy vehicles, getting in and out of  
28 this neighborhood is extremely difficult, not only on the few days after the snowfall, but the days after  
29 that when it's melted and become ice. This is not an easy street to get in and out of during the weather.  
30 Thank you so much for taking the time to listen to us.

31 CHAIR KATZ: Thank you, Mike. Over here, please?

32 MS. BARBARA SUHRSTEDT: My name is Barbara Suhrstedt; I actually don't live in their  
33 neighborhood, I live on Boardwalk Drive, which is right across the street. And I'm not going to reiterate  
34 what everybody else said, but one thing that occurred to me, this is a zoned residential neighborhood,  
35 nobody is making a profit, but they're proposing to put in a profit-making business. And this is opening  
36 the door to a lot of unintended consequences. So, that's all I had to say.

37 CHAIR KATZ: Thank you, Barbara. Go ahead, sir.

38 MR. STEVE RHODES: My name is Steve Rhodes; I live at 5000 Boardwalk, and I'd just like to  
39 voice my objection to this whole plan as well. These people are putting in a long-term care facility; it's  
40 there for patients that are in decline, it's not a group home to help people integrate into the community.  
41 They're going to be kept within the facility and within the area, so this is not a group home type setting.  
42 That being said, they're also going to...since the patients are in decline...two staff members to take care

1 of ten is also a rather unreasonable expectation when there's going to be thirty meals per day that need to  
2 be made, there's going to be housekeeping that needs to be done, there's going to be meds that need to be  
3 passed, you need a therapist to come through and visit, occupational, physical, just like the doctor said.  
4 There is a constant flow within these facilities of ancillary care givers. So, the idea that it's going to be  
5 limited to two people that could fit in one garage all day long is unreasonable. There's going to be shift  
6 changes; shift changes happen at all hours of the day. Some of the care facilities I've worked in, we start  
7 at five AM, others we start at six, so there's going to be traffic at odd hours. Are you going to rotate  
8 twelves or eight-hour shifts? Who's going to move the cars out of the garage so the people can move in?  
9 And then visitors are totally unpredictable and no app is going to regulate where visitors go and when  
10 they show up to visit. So, that being said, I'm trying to be respectful of your time. And again, I just don't  
11 think that this is a well thought out...there is a need for this type of facility in our city, but this is not the  
12 right location for it. It doesn't have the access and the availability of other services. Thank you.

13 CHAIR KATZ: Thank you.

14 MR. TONY DOING: Tony Doing, 5206 Castle Ridge Place. And so, again, similar points. It's a  
15 private road that we had tried to give it back to the City, but it was too narrow. They said they couldn't  
16 get snowplows in and out. So, you saw the footage of the cars on both sides. One truck could get through  
17 the middle on a good day, going slowly. And having no snow removal is going to complicate that for  
18 sure. And then I submitted a picture...it wasn't Greg Lesartre, that was me. You know, there's a big  
19 white van...they are unlucky, number one, they are unlucky that they have a fire hydrant right there in  
20 front of their place, and then there's a big white truck on the other side...I don't know if that was theirs or  
21 not, but it's the two sides...but can you imagine that truck trying to get into that driveway and then trying  
22 to back out of that driveway to come out again? Like...not really feasible. And then we saw the pictures  
23 with...even they pointed out, boy, there's cars on both sides of the street, look at this...and the other  
24 people...but, you know, you don't expect for there to be parties every day, because if there were, you  
25 would say, boy, that's not a great way to set up a neighborhood.

26 In regard to forcing...enforcing the parking...also, I thought that was a funny thing...that's one  
27 of their cars right in front of the fire hydrant. So, they're not doing that right now as far as enforcing  
28 neighborhood parking. And that's only with two residents. And then, lastly, do you realize that they  
29 have a four car garage? There's four spots that they could totally use, but they don't want to because they  
30 want to get more people in there and have a bigger home. And so, that's what...so, to me...again, they  
31 found a house that people had made it accessible for this...for a lady who needed the help, and in fact the  
32 neighbors gave them leeway to make the house bigger on both sides, but the other parts of the house  
33 where it's located on the street, in the neighborhood...the next street is a school zone. You know, it's not  
34 working out very well, I don't think, for that plan. Thank you.

35 CHAIR KATZ: Thank you.

36 MR. ERIN ELLIS: Good evening and thank you for your time. My name is Erin Ellis; I am an  
37 owner and operator of a residential assisted living home in the Fort Collins area. I also represent A Home  
38 for Life which is a group of...a collaboration of homes like this. Homes where individuals can be cared  
39 for in a residential assisted living environment have unfortunately been disparaged here tonight. This is  
40 an important resource in our community that's a part of what makes communities better. Our  
41 neighborhood, which is a high-end residential neighborhood in Fort Collins, is made better by having a  
42 residential assisted living home in the neighborhood. I do recognize that when the home was first  
43 established in our neighborhood...we're in the Country Club, Nedrah Acres area in north Fort  
44 Collins...and, there was opposition to our home coming into the neighborhood originally, and most of it

1 was, not in our backyard, it was fear of the unknown, what is this really going to be like. And the reality,  
2 as you saw on the slides tonight, Monarch Greens is a wonderful example. In fact, we improved the  
3 property values in our neighborhood because we have a really significant income, not that we're getting  
4 rich what we're doing, but we put a lot into curb appeal, and how our home looks in the neighborhood,  
5 and how we operate within the neighborhood as a whole. Within this collaboration, there's homes like  
6 Terry Lake Assisted Living along the high-end Terry Lake neighborhood in north Fort Collins, there's  
7 Turnberry Place along the Fort Collins Country Club...it backs up directly to the Country Club. These do  
8 not disparage property values...there's Live to Assist on West Prospect that has only continued to  
9 improve over time and improve that neighborhood. Seneca House, which was brought up here today,  
10 actually has far less on-site parking and works incredibly, compatibly well with that neighborhood.  
11 Bright Assisted Living in the heart of Windsor, Colorado, is a compliment to its community. So,  
12 residential assisted living is important for all of our communities. It works well in residential  
13 neighborhoods. And I understand opposition to it, but I really encourage people to come learn the truth  
14 about residential assisted living before disparaging it. Thank you for your time tonight.

15 CHAIR KATZ: Thank you. I think that's everyone that's either spoken or donated their time.  
16 So, thank you to the public who came out today. At this time, would the applicant like to respond to any  
17 of the comments they have heard from the public?

18 MS. HANSEN: Yes, thank you. So I took a few notes here and hopefully I get the summary. So,  
19 again, we didn't say we reached out to every single neighbor in the neighborhood; we reached out to  
20 those adjacent to us. And in fact, my clients have unfortunately had to get a cease-and-desist order  
21 because of some harassment, and so therefore, we didn't want to necessarily approach certain individuals.  
22 Like I said, Eric and Xioma, yes, they are able-bodied people. They are moving out of the home;  
23 however, there will be 24/7 access to a property manager to handle any potential issue that could possibly  
24 come up. So, they are able-bodied people; we're not trying to sneak around any laws. These are disabled  
25 seniors who will be living here who have memory care issues. So, while they are...and the two seniors  
26 that are currently living in the home are doing so completely legally. There is nothing illegal about any  
27 operation that's happening at all; everything is completely above board.

28 The...I wanted to address Mr. Johnson's comment. The parking app does have a map associated  
29 with it so people will know, hey, here's the map, here's where I need to get into the driveway, here's  
30 where I need to park. We did offer a circular driveway layout that would have provided more parking  
31 off-street. We showed that at the first neighborhood meeting. It was immediately rejected and a huge  
32 negative feedback from adding that circle driveway, so that's why we didn't add that. The staff ratios at  
33 other facilities, such as Morning Star, the staff ratio is one to twelve in those larger facilities. We're  
34 offering a staff ratio of one to five. So, I think it's unfair to say that our care will be worse in this location  
35 when we have one staff person for five residents instead of per twelve residents.

36 The code allows eight residents; we're simply asking for two more at this point, and it appeared  
37 as if Mr. Johnson was saying one of the solutions could be we operate under code, so I would ask what is  
38 so substantially different...versus ten...that he is potentially okay with, and the group of people that he  
39 represented are potentially okay with, to adding just two more which then allows us to be financially  
40 stable and allow this project to happen. They brought up Seneca House; the reason why they had to go up  
41 to ten residents is because they could not afford to run the home at eight. It was a financial move that  
42 they had to increase those two beds. In our perfect world, we wanted sixteen because we could have...at  
43 sixteen beds, we could have provided two Medicaid beds, and we could have helped lower income  
44 individuals. Unfortunately, because of the feedback that we've gotten, in order to do ten beds, we had to  
45 remove those two Medicaid beds, which in my mind is so unfortunate.

1 We will not have a bus; there will not be a bus on this site. Oh, and then we did send a message  
2 to our legal counsel asking if she ever threatened the HOA and she said, absolutely not, that would be  
3 incredibly unethical; that did not happen. So, I'm not sure where that came from, but I'm deeply sorry if  
4 anyone felt like that was their arm being twisted.

5 And then, the fire hydrant. Yes, this vehicle that is parked in front of the fire hydrant was coming  
6 to our home at the time. The curb in front of the fire hydrant, as part of this application, will now be  
7 striped. It will be the only striped fire hydrant in this entire subdivision, but we are going to stripe it so  
8 that no one can park in front of that fire hydrant. The truck across the street was not for our home; that  
9 was someone else in the neighborhood. Thank you.

10 CHAIR KATZ: Alright, thank you, Stephanie. Would staff like to address any of the comments?

11 MR. KLEER: Yeah, I can address a few comments. So, there was an assertion by Mr.  
12 Sunderman that it is staff's goal to push this project through for approval. Staff is simply just processing  
13 the application as we would any other development app...project development plan application, where we  
14 evaluate the application through staff rounds of review for compliance with applicable City codes, and we  
15 present our recommendation to the Commission, or whoever the decision maker is for that particular  
16 project. And ultimately, the decision is up to the decision maker, not staff.

17 There was some conversation from Mr. Sunderman that staff was looking to bypass rules and  
18 notice requirements for neighborhood meetings. There was some issues, I think, originally, when we did  
19 have our neighborhood meeting for this project in July, where the sign posting that was originally posted  
20 for the first submittal of the project was taken down for some lawn work that the applicant was doing at  
21 the time. We have since rectified that situation. The required two-week mailed notice for neighborhood  
22 meetings went out in compliance with Article 2 of the Land Use Code. And, further, the Land Use Code  
23 does require a sign to be posted for neighborhood meetings, but it doesn't clarify the timing of the sign  
24 posting. Generally, our practice is to get the sign out prior to the neighborhood meeting, and in this case,  
25 I think it was three days that we realized...we received communication from the neighborhood that there  
26 wasn't a sign posted, and we were able to respond to that immediately and have the applicants reestablish  
27 it in the front yard.

28 Parking app...there were some questions from Mr. Johnson around the parking app. What if it  
29 disintegrates? This is...this is actually something that I think is familiar to the City in the sense that we  
30 have a parking app for our parking garages downtown. We've recently changed parking apps. The  
31 expectation of the project would be to provide a parking app; it doesn't necessarily need to be this app,  
32 but it needs to be something to manage that parking in a similar way that you would experience in a  
33 downtown parking garage where you're assigning a zone, you're assigning a space, and being able to  
34 manage that actively through the application for, essentially, their clients.

35 There was a comment from...I didn't catch his name, but I believe that he lived on 5000  
36 Boardwalk...with an assertion that this is a long-term care facility. This does qualify under the definition  
37 of a group home. We actually define what a long-term care facility is in Article 5 of the Land Use Code;  
38 it can be one of four different types of care, and I'll spare you reading them all off, but staff did evaluate  
39 the project and made the determination that it does qualify as a group home under Land Use Code  
40 definitions and standards. And that concludes staff's responses. I'd be happy to answer anything that  
41 maybe I missed.

42 CHAIR KATZ: Kai, there is one comment accusing staff of censoring the individual. Is that  
43 something you want to comment, or decline to comment?

1 MR. KLEER: Yeah, so there was a lot of coordination on staff's end to try to set up a secondary  
2 meeting after the neighborhood meeting for some of the neighbors...the residents that didn't feel like they  
3 were heard at the neighborhood meeting. We tried to...or staff tried to coordinate that meeting. I think,  
4 in the end, it was just found to...the applicant team found it to be not potentially beneficial to have that  
5 meeting...or productive to have that meeting. So, there was an effort to hold the meeting, it just didn't  
6 work out.

7 MS. EVERETTE: I would like to add to that, Mr. Chair. As staff, we host neighborhood  
8 meetings; they are not necessarily hosted by applicant teams. It's City staff and our Neighborhood  
9 Development Liaison, in particular, who facilitates those meetings, and we always reserve the right to  
10 facilitate those meetings in a way that promotes respectful and productive dialogue, and any time that  
11 that's not occurring, we have the ability to either cut off the conversation that's happening, or end the  
12 meeting if it's needed to keep our staff safe, to keep our community members safe, and to ensure  
13 productive conversation is happening in the community...that is how we facilitate our neighborhood  
14 meetings.

15 CHAIR KATZ: Thank you so much for that clarification. Did any other Commissioners catch  
16 anything from public input that they don't feel was addressed by staff or the applicant? Okay. Are there  
17 any last clarifying questions for the applicant or staff before we get into deliberation? This will be the last  
18 opportunity to address the applicant. Go ahead, Adam.

19 COMMISSIONER ADAM SASS: Is it within our purview to ask about how trash is going to be  
20 handled at a group home?

21 CHAIR KATZ: I think, to the extent there's trash enclosures, then I think it's fair to ask a specific  
22 question, like is there going to be...

23 COMMISSIONER SASS: I guess, let me take a step back. Is trash handled through the HOA so  
24 everyone has the same and does your HOA fee, the four hundred bucks a year, cover your trash pick-up,  
25 or whatever it is?

26 MS. HANSEN: I am happy to answer that. The HOA does not cover everyone's trash; everybody  
27 has individual. One neighbor has a dumpster. We will not have a dumpster; we will have three  
28 individual trash cans that will stay in the garage or in the courtyard out of site, one recycle bin, that then  
29 will come to the curb just as normal, as a residential house does, on trash pick-up day. And then just to  
30 clarify about the neighborhood meeting sign being down...we were resodding the front yard, so we took  
31 the sign down to resod, and then we put the sign back up.

32 CHAIR KATZ: Thank you.

33 COMMISSIONER SASS: Thanks.

34 CHAIR KATZ: Clarifying questions?

35 COMMISSIONER HOGESTAD: I do have one. So, the help in the facility...there's two nurses  
36 or nurse-like people, is that correct? And then is there any other people in there? Janitors, maintenance  
37 people, anything else?

38 MS. HANSEN: As far as like, maintenance...

39 COMMISSIONER HOGESTAD: That are in the house.

1 MS. HANSEN: There are only two staff members on-site.

2 COMMISSIONER HOGESTAD: That's it?

3 MS. HANSEN: That's it.

4 COMMISSIONER HOGESTAD: Okay. That's what I needed to know; thank you.

5 CHAIR KATZ: Thank you. Any other questions? This is our last opportunity to address the  
6 applicant. Alright, who would like to start deliberation? Is it 12:42?

7 COMMISSIONER STACKHOUSE: Well, I don't know if I want to start deliberation, but you  
8 know, I do think really for the benefit of everyone here, it's really important to reiterate what our role is,  
9 and that is to assess compliance with the Land Use Code, and that is the Code that's been in existence for  
10 some time. And just to be really sure that everyone is clear, small group homes are permitted in low-  
11 density residential zone areas. So, that piece of it is permitted under the Land Use Code. A reasonable  
12 accommodation request was given. Yes, Planning and Zoning did deny the first application, and if my  
13 memory serves, it was based on the off-street parking for sixteen, for the caregivers for sixteen residents,  
14 and the expectation that the care workers would walk, I don't know what it was, a half a mile, or  
15 whatever. So, you know, I think it's really important that we remember that that is what we are assessing  
16 is compliance with the Land Use Code, not do we believe the ratio to care givers to staff is sufficient, or  
17 those sorts of things. So, I hope that's beneficial to the audience, just to you understand what our role is  
18 and what it is not.

19 CHAIR KATZ: Yeah, thank you, Julie. I was thinking similar as we were hearing public  
20 comment. I heard a lot of comments addressed towards the applicant and towards the operation, but  
21 really it is our role to assess how this complies or does not comply with the Land Use Code. So, thank  
22 you so much, Commissioner Stackhouse.

23 COMMISSIONER HOGESTAD: I think, though, in the consideration of parking and that kind of  
24 impact, that we have to understand the operation, how many people are in there, what are they doing in  
25 there. I find it difficult to believe that two people are going to manage this entire operation when there's  
26 the laundry to be done, beds to be made, meals to be prepared, clean-up of all of this, maintenance of  
27 mechanical systems, and bathrooms, and plumbing, and all of that. It seems odd to be that two people  
28 would be the amount of people taking care of this whole operation. I just don't believe it's going to be  
29 that way.

30 COMMISSIONER SASS: Earlier this year, my mom was in one of these similar situations, so  
31 I'm empathetic to this need in the community. Two seems low on the surface, but I don't believe that it  
32 would be, because they're not the plumbers, they're the caregivers, and we've been told that the ratio is  
33 much different in the larger facilities. And two people staying with these patients, I think feels...one to  
34 five doesn't seem that atrocious to me, but maybe I'm off there.

35 COMMISSIONER HOGESTAD: Yeah, I don't know that either. It seems like that would be a  
36 lot of work for one person to deal with five people that need that kind of care. But, the point is that, if  
37 they're not taking care of making meals and doing that, where's that coming from and where are they  
38 parking? There's still more to it than I think has been presented to us here. And I guess, ultimately, the  
39 issue is, it's not enforceable. So, whatever conditions we put on this...these are operational restrictions,  
40 and there's no way to enforce that. We've seen that with a daycare not too terribly long ago, that  
41 operational conditions just don't work. So, you know, it's one thing when you build something and you  
42 have to follow a certain plan, you know, that's different. This...you know, it will be up for grabs in a



1 matter of weeks. I don't see how you can get people delivering food, or doing maintenance or any of that,  
2 are going to use an app to do it. You're lucky to get people to come and do maintenance on your  
3 property. It's a dream, in my opinion, that that will work smoothly, and it won't impact the  
4 neighborhood. And then, at any given time, you can have an emergency, a medical emergency, and then  
5 there's several vehicles that turn out for those. And the street is so terribly narrow, it just simply seems  
6 like it's stretching the ability of that neighborhood to deal with this.

7 COMMISSIONER SCHNEIDER: So I guess where I'm at is, fully understand the need, I'm not  
8 questioning the ratio...that's not my expertise...I don't know...that's not part of our purview and  
9 everything else. My concern that I'm working through and wrestling with is...is the parking impact. The  
10 other properties that you've shown as examples are on the periphery of neighborhoods. This one is in the  
11 middle of the neighborhood. And so, the in and out...the impact of the traffic in and out of the overall  
12 neighborhood...if it was on the periphery, I may have a different feeling. I'm not saying I can't get  
13 around it, but that's my struggle, is I do think with the narrow roads and streets in the neighborhood, that  
14 there will be an impact. And I'm sorry, you can use whatever app you want, you can tell people to do  
15 whatever you want them to do, it's not going to happen. Let's be honest about it. We can plan for the  
16 best thing, and it's just reality. I look at the impacts in my neighborhood with my neighbors and what's  
17 going on and everything else. So, I'm empathetic to the congestion and potential concerns with that. I'm  
18 empathetic to the need, because there is a need for your operation. So, I'm just struggling with how to  
19 balance this. And, looking at the Land Use Code, you know, I'm looking at it more of a compatibility  
20 with the parking and the concerns that are being raised, especially with the narrowness of the existing  
21 conditions out there. And that's what I'm struggling to work through is that aspect, and trying to be  
22 talked off the fence one side or the other to be honest.

23 COMMISSIONER HOGESTAD: For me, it's the assumption that these are the numbers, and  
24 that's really how it's going to work, and the mitigation. It's simply not going to work. So, I think the  
25 parking really is ultimately the problem here.

26 COMMISSIONER STACKHOUSE: Can someone remind me how many off-street parking we  
27 had on the original proposal versus this one? I don't remember in the original. I know I'm going back to  
28 clarifying questions; I apologize for that.

29 COMMISSIONER SCHNEIDER: Wasn't there five? Because wasn't there two that were further  
30 away? So there was three in front and then two...that's what I'm saying, off-street.

31 MR. KLEER: It is a similar amount. The only addition for this particular project would be the  
32 garage spaces.

33 COMMISSIONER STACKHOUSE: So two more?

34 MR. KLEER: Two more.

35 COMMISSIONER STACKHOUSE: Thank you.

36 CHAIR KATZ: So, Jeff, contextually, its really still down to the parking for compatibility?

37 COMMISSIONER SCHNEIDER: That's where I'm at. And, like I said, if this property was on  
38 the peripheral edge of the neighborhood, and it wasn't the impact of getting in and out of...I mean, this is  
39 in the heart of the neighborhood, and that's where I'm struggling with the location of it with the impact,  
40 potential impact, that this would have. And it's not impacting one or two homes, it's impacting several  
41 homes as the trips go in and out of the neighborhood. So...

1 CHAIR KATZ: So, what standards specifically are you feeling that it may or may not...

2 COMMISSIONER SCHNEIDER: Now you're going to make me think at one in the morning?

3 COMMISSIONER STACKHOUSE: It's 3.5.1(J), operation and physical compatibility. It's the  
4 same standard we talked about last time. Well, I'll admit I'm...I've struggled. I was very concerned  
5 about parking the first time around. In fact, I think I made the motion. The...I think this is an improved  
6 proposal. There are two more off-street spaces, but the big change is the number of residents, so the  
7 number of potential visitors is substantially less than what we saw in the earlier proposal. I don't think  
8 eight or ten is going to make a difference here. I think it's really...Per, your point, which is, there's going  
9 to be deliveries and other things, best effort to keep to these non-peak hours, I think that's great, but you  
10 know, it is...there are going to be deliveries and other things. And so, the question then becomes, how do  
11 we apply the Land Use Code when clearly small group homes are permitted. You know, at what point do  
12 you say street width becomes the defining factor? I'm really struggling with that, because I don't know,  
13 for the next proposal then, how you draw that line.

14 COMMISSIONER SCHNEIDER: Well, it's just...that two feet makes a big difference. I'm  
15 trying to get two parking spots, and then through traffic, safely. You know, having the normal width of a  
16 traffic lane is eight feet, with the proposed, we're going down to fourteen. So, if you're trying to get two  
17 vehicles through, you're talking seven feet; that's tight, even with smaller vehicles. It's definitely tight.  
18 And I can appreciate and understand the concern. How often is that going to happen? Who knows.

19 COMMISSIONER STACKHOUSE: I mean, that's the real point.

20 COMMISSIONER SCHNEIDER: Correct, but I can also say, if I had a family member in this  
21 facility, I would want to go see them when I want to go see them. If one of my parents were there and  
22 having issues, respectfully, I'm not going to use an app, I'm going to go take care of them and be part of a  
23 situation that they may be experiencing. And that's just the reality. So, to control how many visitors are  
24 in and out, it's very difficult. And that's the struggle that I think I'm having, personally, is there's so  
25 many unknowns with this and potential impacts. So...and it just...so, I respect the challenge, but I  
26 also...and that's what I'm saying, I'm on the fence because I can see both sides.

27 COMMISSIONER HOGESTAD: You know, if this wasn't a private street and it had a little more  
28 width, I think that it might work, and you know, sort of ignore all of these operational restrictions,  
29 because they aren't going to work; in six months it'll be gone. So, I think we have to deal with this based  
30 on that very narrow street. You know, it's really even too narrow of a street to be a residential  
31 neighborhood with people coming and going and parking on the street. The people who are parking on  
32 driveways, that'd be a different thing. But people are out in the street in this particular neighborhood.  
33 We see it in the pictures.

34 CHAIR KATZ: There's a lot we're trying to...there's a lot unknown and we can't solve for is,  
35 and we can't control everything, to Julie's point. You know, how do we use the Land Use Code, that's  
36 the only tool we really have. You know, if there's two staff and then services, visitors, I don't know if  
37 they're all coming at the same time. I don't know how often they will have someone in the street.

38 COMMISSIONER HOGESTAD: No, but we do know that houses require maintenance and  
39 laundry and all of those things that those caregivers probably aren't doing.

40 CHAIR KATZ: Right. But do they all come at once? They might, they might not.

1 COMMISSIONER HOGESTAD: Yeah, maybe not. But, it's an increase anyway. You know,  
2 street parking no doubt.

3 COMMISSIONER SASS: They would need four of those additional people at the same time, in  
4 addition to the two staff, to fill up their six spots that are off-street. Right? Because there's six off-street  
5 spots. So, they would need four...they would need a plumber, a laundry person, a medicine person...you  
6 know, I mean, we're getting into their operations of doing business, but to kind of ease your concern  
7 there, they've got six spots off-street that would have to be full before you're putting someone out into the  
8 street.

9 COMMISSIONER HOGESTAD: That's so unlikely that there aren't those people along with the  
10 two caregivers, not unlikely at all. Somebody is preparing the food, somebody is cleaning up after the  
11 food, all of those things. Somebody is doing the laundry.

12 COMMISSIONER STACKHOUSE: I could be wrong, but I think when we talked about that at  
13 the last meeting, the care providers are doing the cooking and laundry.

14 COMMISSIONER HOGESTAD: There's only two. You know, they're giving care to five  
15 people and then doing lunches, dinners, breakfasts, all of those...changing bedding, doing all of that kind  
16 of stuff...I think it's...

17 COMMISSIONER SCHNEIDER: But, keep in mind, they're not...it's memory care that they're  
18 helping with, so it's not that they're incompatible [*sic*] of doing stuff. They may be incompatible [*sic*] of  
19 remembering what they did yesterday, but it doesn't mean they're incompatible [*sic*] of doing things on  
20 their own.

21 COMMISSIONER HOGESTAD: But they aren't preparing meals, they aren't doing laundry.

22 COMMISSIONER SCHNEIDER: You never know, and that's where getting into the  
23 operations...we can't make those assumptions, and it's not part of the Land Use Code.

24 CHAIR KATZ: We're starting to go down rabbit holes as we are really good at doing, a lot of  
25 what ifs, a lot of unknowns, a lot of trying to over-control everything, and really just trying to look at this  
26 through the lens of the Land Use Code. Are they meeting it? You know...I mean, that's the question,  
27 and if there's one specific standard, and it's that compatibility, then, you know. Does anyone have a  
28 strong decision, yes or no, or is everybody on the fence?

29 COMMISSIONER STACKHOUSE: I don't have a copy of the Code like you probably do  
30 underneath your desk there, but 3.5.1(J), is the wording contained in the staff memo? The complete  
31 wording from the Code?

32 MS. EVERETTE: We can always pull it up on screen if that's helpful.

33 COMMISSIONER STACKHOUSE: That would be helpful.

34 MR. KLEER: If you can, that would be great. My battery...

35 CHAIR KATZ: I think the compatibility, the 3.5.1(A) and (B) was at least what Jeff was of  
36 question. So, are you still on the fence, Jeff?

37 COMMISSIONER SCHNEIDER: Yeah, I mean, in all honesty, I'm struggling with how much of  
38 an impact is this going to be, and is it reasonable...is the impact reasonable enough or not.

1 CHAIR KATZ: And you're struggling because we don't know...

2 COMMISSIONER SCHNEIDER: Correct.

3 CHAIR KATZ: ...we don't have crystal balls.

4 COMMISSIONER SCHNEIDER: Correct.

5 CHAIR KATZ: And there's speculation, some of which may be true.

6 COMMISSIONER SCHNEIDER: Correct, and it may not be an issue at all, which has been cited  
7 by other...

8 CHAIR KATZ: And I think we can all agree that it will...the impact will ebb and flow.

9 COMMISSIONER SCHNEIDER: Correct.

10 CHAIR KATZ: Throughout the day, throughout the week, throughout the year.

11 COMMISSIONER SCHNEIDER: Well, just like, when both my kids...well, my third one isn't  
12 able, but when my two older kids start driving, there's going to be a bigger impact to my neighborhood.  
13 And I, I mean, I fully respect that, so...but, it is an impact, you know, that I will be creating and that I  
14 know is going to happen.

15 CHAIR KATZ: Okay...Julie, I know you're talking about (J) still...3.5.1(A), (B), the  
16 compatibility. Is every single person on the fence or is one person feeling one way or the other? Adam?  
17 Julie?

18 COMMISSIONER SASS: Group homes are allowed. We are not here to talk about ten versus  
19 eight, that's been talked about, that's...and group homes are allowed. I think there's six parking places  
20 that aren't on the street that this home has room for, and I don't think it's going to be any more of an  
21 impact than someone with three kids that drive and have two parent vehicles and three...I don't think it's  
22 that incompatible with a 7,000 square foot house three houses down. That's my...I would have a hard  
23 time saying it's incompatible.

24 COMMISSIONER STACKHOUSE: I'm leaning there, and I will tell you this has been a real  
25 personal struggle to get there. But, as I read and re-read the standard in the Land Use Code, which talks  
26 about compatibility, but then when you get into this particular provision of the Land Use Code, it  
27 specifically talks about imposing conditions. And so, it doesn't say...if we go to item seven there, which  
28 is location and the number of off-street parking spaces, it doesn't say you have to have so many off-street  
29 parking spaces, it's just saying you could impose that as a condition. I have to look back at where our  
30 concerns were before...it was just a larger group home. It's now a smaller group home, and I think there  
31 will be on-street parking, but I think there is in a lot of neighborhoods with narrow streets. And I guess  
32 my leaning this time is that it is permitted by the Land Use Code, and that the parking considerations are  
33 substantially mitigated from our earlier decision.

34 CHAIR KATZ: Okay, thank you, Julie? Per, project compatibility?

35 COMMISSIONER HOGESTAD: I think, pretty clear, that I think the parking impact is very  
36 great. When that street was built, there was no sense that there would be any sort of commercial use in  
37 that neighborhood. You know, if the street had been wider, I would have probably said, yeah, you know,  
38 that neighborhood could sustain that kind of parking and that kind of additional traffic. It can't.

1 CHAIR KATZ: So, project is incompatible? Mostly based on the street width?

2 COMMISSIONER HOGESTAD: Yeah.

3 CHAIR KATZ: Okay, thank you. Julie, you were talking about 3.5.1(J), and I kind of want to get  
4 through that first. Do you want to circle back with staff on that?

5 COMMISSIONER STACKHOUSE: No.

6 CHAIR KATZ: Okay. We've got a couple people leaning one way, a couple people on the fence.  
7 I'm the Chair, I don't have to say where I'm at yet. Would anybody like to make a motion, one way or  
8 the other? Adam?

9 COMMISSIONER SASS: I want to make sure that if we don't believe that they're...I don't want  
10 to put a condition or something that's not enforceable, because that doesn't make any sense. And it's not  
11 really within our purview to manage how they run their business, right? I mean maybe I'm wrong in that.  
12 So, it's...I can't come up with a use code...or part of the Code to reference that says, you have to do that  
13 app, right?

14 COMMISSIONER STACKHOUSE: I would not base anything on the app.

15 COMMISSIONER SASS: That's what I'm saying, like I can't...

16 CHAIR KATZ: I'd put nothing on the app, zero.

17 COMMISSIONER STACKHOUSE: I think the two conditions staff recommended.

18 COMMISSIONER SASS: That's where it's at, right?

19 CHAIR KATZ: Kai, if this was only eight people in the Code, would it be a type two hearing?

20 MR. KLEER: It would be.

21 CHAIR KATZ: Okay, thank you. So, maybe this will help, if there was eight people here, instead  
22 of ten residents, you're still having the services come...eight to ten doesn't have...the increase is very  
23 negligible to me. Sixteen was a lot, that was not negligible; this, to me, is negligible...the increase. So, I  
24 guess with that said, I'll fall one way off the fence, and I will support.

25 COMMISSIONER SASS: I'll make a motion then.

26 CHAIR KATZ: Thank you, Adam.

27 COMMISSIONER SASS: I'm not a hundred percent sure, do I want to read the conditions, or as  
28 they were presented...is that an acceptable way to say it, or should I read them?

29 COMMISSIONER STACKHOUSE: If you want to read them, there's one and there's two.

30 COMMISSIONER SASS: Does it matter? Do I need to read them, or say as presented? Can I  
31 deliver the motion that way? Perfect.

32 COMMISSIONER STACKHOUSE: He wants to know if he needs to read the specific  
33 conditions.

34 MR. BRAD YATABE: Are you okay with all of the conditions...I'm sorry.

35 COMMISSIONER SASS: Both of them.

1 MR. YATABE: Okay, yeah, I think if...I think with the prior item, there were three conditions  
2 and you wanted two of them, and it was not clear, but if you're okay with all of the conditions, and it's  
3 clear what you are okay with, then I think that's fine...

4 COMMISSIONER SASS: Okay.

5 MR. YATABE: ...to reference them as in the staff report.

6 COMMISSIONER SASS: Thanks, Brad. I move that the Fort Collins Planning and Zoning  
7 Commission approve the Castle Ridge Group Home, Project Development Plan and Final Development  
8 Plan, PDP220013, with staff recommended conditions as stated in the staff report. This approval is only  
9 for a group home for memory care described in the agenda materials and not for any other type of group  
10 home. The Commission finds in consideration of the conditions and approved reasonable  
11 accommodation that the project development plan and final development plan comply with all applicable  
12 Land Use Code requirements. This decision is based upon the agenda materials, the information and  
13 materials presented during the work session and this hearing, and the Commission discussion on this item.  
14 Further, this Commission hereby adopts the information, analysis, findings of fact, and conclusions  
15 regarding this project development plan and final development plan contained in the staff report included  
16 in the agenda materials for this hearing.

17 CHAIR KATZ: Thank you, Adam. Do we have a second?

18 COMMISSIONER STACKHOUSE: Second.

19 CHAIR KATZ: Before we ask for a roll call, anybody have any final comments?

20 COMMISSIONER SCHNEIDER: I do just want to say, first of all, it's one o'clock in the  
21 morning, and everyone is still sitting here, so I greatly respect everyone being part of the conversation and  
22 being engaged. My decision tonight is not against the neighborhoods, and it's not against the operators of  
23 what is a need. So, I'm truly on the fence, and I'm struggling with this one. So, my decision will not be  
24 based on anything other than my interpretation of the Land Use Code.

25 COMMISSIONER STACKHOUSE: If I could also add, I really do appreciate everyone coming  
26 out as well. These are really hard; I know they are very emotional for the neighborhood, but they're  
27 really hard for us, too. And, unfortunately, the Land Use Code as its currently stated, has a lot of really,  
28 really gray areas. And I know you're saying no, but we're the ones that have to make the interpretations,  
29 and that can be very difficult. I might add for those that were interested in the accommodation request, a  
30 copy of those conditions...Kai, we forgot to put it up, it's on page 666 of the staff report for anyone  
31 interested in looking at that.

32 CHAIR KATZ: Thank you, Julie. These are really, really, really difficult, you know. The  
33 neighbors have rights, the neighborhoods have rights, the applicants have rights, too. And, we try to  
34 accommodate everybody, but that's almost always impossible to do. So, with that, could I have a roll  
35 call, please? And, happy birthday Shar; it's past midnight.

36 MS. MANNO: Thanks. Alright, roll call. Stackhouse?

37 COMMISSIONER STACKHOUSE: Yes.

38 MS. MANNO: Hogestad?

39 COMMISSIONER HOGESTAD: No.

1 MS. MANNO: Schneider?  
2 COMMISSIONER SCHNEIDER: Sorry, but no.  
3 MS. MANNO: Sass?  
4 COMMISSIONER SASS: Yes.  
5 MS. MANNO: And Katz?  
6 CHAIR KATZ: Yes. With that, the motion passes.