

Notices of Appeal

Filed by

- (1) Steve Sunderman
- (2) Kurt Johnson and others

NOTICE OF APPEAL

Action Being Appealed: 636 Castle Ridge Group Home

FOR CITY CLERK'S
USE ONLY:

DATE FILED: 12/21/22

INITIALS: RK

Date of Action: Dec 15 2022 Decision Maker: P & Z Commission

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

Name: Steve Sunderman Phone #: 970-215-3162

Address: 607 Castle Ridge Ct. Email: srsunde@aol.com
Fort Collins CO 80525

INSTRUCTIONS

For each allegation marked below, attach a separate summary of the facts contained in the record which support the allegation of no more than two pages, Times New Roman 12-point font. Please restate allegation at top of first page of each summary.

GROUND FOR APPEAL

The Decision Maker committed one (1) or more of the following errors (check all that apply):

- Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code, and Charter. List relevant Code and/or Charter provision(s) here, by specific Section and subsection/subparagraph: See fact summary 1

Failure to conduct a fair hearing in that:

- (a) The Board, Commission, or other Decision Maker exceeded its authority or jurisdiction as contained in the Code or Charter. [New evidence not allowed] See fact summary 2a
- (b) The Board, Commission or other Decision Maker substantially ignored its previously established rules of procedure. [New evidence not allowed] See fact summary 2b
- (c) The Board, Commission or other Decision Maker considered evidence relevant to its findings which was substantially false or grossly misleading. [New evidence allowed] See fact summary 2c
- (d) The Board, Commission or other Decision Maker improperly failed to receive all relevant evidence offered by the appellant. [New evidence allowed] See fact summary 2d
- (e) The Board, Commission or other Decision Maker was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Decision Maker's independence of judgment. [New evidence allowed] See fact summary

NEW EVIDENCE

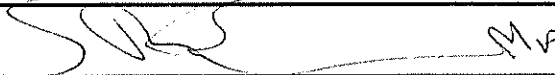
All new evidence the appellant wishes Council to consider at the hearing on the appeal must be submitted to the City Clerk within seven (7) calendar days after the deadline for filing a Notice of Appeal and must be clearly marked as new evidence. No new evidence will be received at the hearing in support of these allegations unless it is submitted to the City Clerk by the deadline (7 days after the deadline to file appeal) or offered in response to questions posed by Councilmembers at the hearing.

APPELLANTS

Parties-in-interest have the right to file an appeal.

A party-in-interest is a person who, or organization which, has standing to appeal the final decision of a board, commission or other decision maker. Such standing to appeal is limited to the following:

- The applicant.
- Anyone who owns or occupies the property which was the subject of the decision made by the board, commission or other decision maker.
- Anyone who received the mailed notice of, or spoke at, the hearing of the board, commission or other decision maker.
- Anyone who provided written comments to the appropriate City staff for delivery to the board, commission or other decision maker prior to or at the hearing on the matter that is being appealed.
- A City Councilmember.

Signature: 	Date: 12/21/2022
Name: Steve Sunderman	Email: srsunde@aol.com
Address: 607 Castle Ridge Ct.	Phone #: 970-215-3162
Describe how you qualify as a party-in-interest: Neighbor to project, invited to prior meetings, attended and spoke at prior meetings for this project	

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

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

ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

Grounds for appeal

Fact summary 1

1. Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code, and charter.

Land Use Code

1.2.2-Purpose

(K) “Fostering a more rational pattern of relationship among residential, business, and industrial uses for the mutual benefit of all.”

This proposal in no way represents a mutual benefit for all. This proposal is a proposal to enrich only the owners of 636 Castle Ridge Court. All other neighbors would suffer major impact to the beauty of the neighborhood, the current LD single family dwelling environment, major parking and traffic complications, safety for our children, fire code violations, and massive decrease in property values.

(M) “ensuring that development proposals are sensitive to the character of existing neighborhoods.”

This neighborhood was designed with cooperation from Gary Nordic, the developer and the city as a LD single family dwelling only. To comply with density expectations and to keep for the City of Fort Collins, the developer has developed nearby higher density neighborhoods to the letter as agreed upon. This neighborhood has a narrow, private road agreed upon by all with the understanding that the road would have minimal use and parking due to single family dwellings only, 3-4 car garages required, and business use would not be allowed. We all paid a premium for these lots with that character. This proposal would completely destroy the character of this quiet single family dwelling neighborhood.

1.2.5 Minimum Standards

The provisions of this land Use Code are the minimum standards necessary.

Even the most minimum standards have not been met. The applicants are asking for deviations for their own personal profit far and above the current standards which apply to everyone else.

1.3.4 – Addition of permitted uses

(A) ... “For residential neighborhoods, land use flexibility shall be balanced with the existing residential character. Projects are expected to continue to meet the objectives of any applicable sub-area plan and City Plan.”

This proposal has no balance with existing residential character. It is a plan to transform one home into a large high volume and high traffic business for the profit of one homeowner at tremendous expense to all others. It does not meet the objectives, and in fact it destroys the objectives of the specific sub-area plan of this development.

(C) (1) Director approval requirements

(a) "Such use is appropriate for the zone district to which it is added."

(b) "Such use conforms to the basic characteristics of the zone district and the other permitted uses in the zone district to which it is added

(c) "The location, size, and design of such use is compatible with and has minimal negative impact on the use of nearby properties. "

(d) "Such use does not create any ... objectionable influences or any more traffic hazards, traffic generation or attraction, ... adverse effect on public health, safety, moral, or aesthetics, or other adverse impacts of development..."

(e) " Such use will not change the predominant character of the surrounding area."

This proposal violates all five of the above paragraphs a-e. This proposal would transform this LD single family neighborhood into a neighborhood of homes surrounding a large high traffic business development. All LD single family dwelling characteristics would be destroyed.

In addition, the Fire Marshall initially stated that due to the narrow private street, small cul-de-sac's, and parking and traffic congestion, this application did not meet even the most basic of fire and safety code regulations. Throwing these requirements out the window was a dangerous and illegal action. It must be corrected.

Fact Summary 2a

2. Failure to conduct a fair hearing in that:

(a) The Board, Commission, or other Decision Maker exceeded its authority or jurisdiction as contained in the Code of Charter.

Land Use Code

1.2.2-Purpose

(K) “Fostering a more rational pattern of relationship among residential, business, and industrial uses for the mutual benefit of all.”

This proposal in no way represents a mutual benefit for all. This proposal is a proposal to enrich only the owners of 636 Castle Ridge Court. All other neighbors would suffer major impact to the beauty of the neighborhood, the current LD single family dwelling environment, major parking and traffic complications, safety for our children, fire code violations, and massive decrease in property values.

(M) “ensuring that development proposals are sensitive to the character of existing neighborhoods.”

This neighborhood was designed with cooperation from the developer and the city as a LD single family dwelling only. To comply with density expectations and to keep for the City of Fort Collins, the developer as developed nearby higher density neighborhoods to the letter as agreed upon. This neighborhood has a narrow, private road agreed upon by all with the understanding that the road would have minimal use and parking due to single family dwellings only, 3-4 car garages required, and business use would not be allowed. We all paid a premium for these lots with that character. This proposal would completely destroy the character of this quiet single family dwelling neighborhood.

1.3.4 – Addition of permitted uses

(A) ... “For residential neighborhoods, land use flexibility shall be balanced with the existing residential character. Projects are expected to continue to meet the objectives of any applicable sub-area plan and City Plan.”

This proposal has no balance with existing residential character. It is a plan transform one home into a large high volume and high traffic business for profit on one homeowner at tremendous expense to all others. It does not meet the objectives, and in fact it destroys the objectives of the specific sub-area plan of this development.

(C) (1) Director approval

(a) “Such use is appropriate for the zone district to which it is added.”

(b) “Such use conforms to the basic characteristics of the zone district and the other permitted uses in the zone district to which it is added

(c) “The location, size, and design of such use is compatible with and has minimal negative impact on the use of nearby properties. “

(d) “Such use does not create any ... objectionable influences or any more traffic hazards, traffic generation or attraction, ... adverse effect on public health, safety, moral, or aesthetics, or other adverse impacts of development...”

(e) " Such use will not change the predominant character of the surrounding area."

This proposal violates all five of the above paragraphs a-e. This proposal would transform this LD single family neighborhood into a neighborhood of homes surrounding a large high traffic business development. All LD single family dwelling characteristics would be destroyed.

Fact Summary 2b

2. Failure to conduct a fair hearing in that:

(b) The Board, Commission or other Decision Maker substantially ignored its previously established rules of Procedure.

Evidence: Please see email chain which was previously submitted as evidence prior to the P and Z Commission hearing. This chain is recopied for your review and submitted again as appendix A.

This includes emails dated:

July 22, July 30, August 1, August 4, August 20, August 24, Sept 10 Sept 15, Sept 19, Sept 20, October 19, Nov 7, Nov 8, Dec 4

This chain outlines in detail a long series of repeated failures by City staff to follow through with required procedures, repeated broken promises to comply with required procedures and meetings, and repeated efforts to silence those of use opposed to this application.

Fact Summary 2c

2. failure to conduct a fair hearing in that:

(c) The Board, Commission or other Decision Maker considered evidence relevant to its findings which was substantially false or grossly misleading.

Paramount concerning this item 2 (c) are prior statements by the applicants which have been previously documented in recorded sessions including:

1. The applicants' portrayal of Eric Shenk as a physician for credibility when it has been shown (and he has subsequently admitted) that he no longer has a license to practice medicine. He has subsequently stated that he simply decided to quit practicing. There is no credibility in this statement at all. I can't imagine any physician who would go through years and years of hard work in Medical School and 4 + years of residency only to just decide to stop. As previously reported in our recorded sessions, long standing surgeons in the area have reported that he was ousted by his own partners. Also as previously reported, a formal inquiry with DORA concerning his loss of license has been filed, and results are still pending. Red flags abound. This application cannot be approved if valid questions remain unanswered about the legality of the applicants' current operation.
2. Assertions by both applicants that prior to filing their application, they surveyed the surrounding neighbors and found no objections. I have personally spoken with nearly all of our neighbors, and I have not found a single one who has supported what they have proposed. Objections from the immediate neighborhood have been universal and strong.
3. Presented expectations of traffic, parking, deliveries, staff, and family visits are not even close to rational expectations, yet the Board and Commission have accepted these gross underestimations as reasonable.

2. Failure to conduct a fair hearing in that:

(d) The Board, Commission or other Decision maker improperly failed to receive all relevant evidence offered by the appellant.

The email chain which has previously been submitted verifies that some of us opposing this proposal have been actively silenced at prior neighborhood meetings, and have been given repeated promises to allow us to present our cases only to have these promises broken over and over again. In the last P and Z Commission meeting Dec 15, and even after I had received multiple verifications that I would be able to speak with time donated to me by five other neighbors, Chairman David Katz, did everything in his power to try to censor me from speaking again with my allotted time. This is well documented on that recorded meeting. His bias against hearing from me was demonstrably profound at the beginning of that meeting.

Fact summary 2e

2. Failure to conduct a fair hearing in that:

(e) The Board, Commission or other Decision Maker was biased against the Appellant by reason of a conflict of interest or other close business, personal, or social relationship that interfered with the Decision Maker's independence of judgment.

The email chain I have previously submitted gives very clear evidence that the Decision Makers had predetermined the outcome before fair hearings. The most enlightening communication is the email from Kai Kleer on August 24, 2022 in which he commented that "the things that would not be productive and should no be considered as part of the agenda:" included:

-) the question of the legality of the applicants operating without a license,
-) our assertion that this project would drastically drop home values,
-) "We cannot reconsider any of the determinations made by the Reasonable Accommodation Request"

He further commented that the things that would be productive included

-) improving the design ... around screening, landscaping, window placement and fencing
-) Ensuring that operationally the land use mitigates impacts
-) Proving clarity around the procedural requirements

This email quite clearly asserts that the decision to approve this application had been predetermined. All we would be able to explore would be minor details that might in some way mitigate the otherwise devastating consequences of this project.

Further, the words, actions, and demeanor of chairman David Katz at the beginning of the P and Z hearing on December 15 in which he tried everything he could do to prevent me from speaking my fairly allotted time show bias at its greatest level.

Further, Commissioner Michelle Haeefe, who expressed clear rational thought process, and gave very rational reasons why the initial application should be declined, was not present at the Dec 15 hearing. We are all convinced that if she would have been allowed to speak and vote at the second meeting, her rational thought process would have continued and this proposal would have been rejected again. Chairman Katz drove this meeting with a clear political ideology and with intense anger against us for issuing our objections. His clearly biased vote should not be allowed.

This is not an application in which there was just an innocent error in procedure. The Decision Makers to date have failed to comply with not just one item on the appeal list, but each and every one of the six items listed. These are not innocent errors. They are driven by extreme political ideology. They will harm our community immensely.

I look forward to meeting for this appeal. If possible, I believe it would be productive if the attorney for the city would be present as well to see first hand the liability the decision makers have created by their failure for due process and fairness. We as neighbors look forward to just resolution without having to pursue further legal process if possible.

My most sincere thanks for your review.

Steve Sunderman, MD
970-215-3162

From: srsunde@aol.com,
To: kkleer@fcgov.com, devreviewcomments@fcgov.com, emyler@fcgov.com,
Cc: srsunde@aol.com,
Subject: Thread for P and Z Commission review
Date: Sun, Dec 4, 2022 1:21 pm

Appendix A copy

email chain

previously submitted.

Good afternoon Em,

Would you please forward this entire communication thread to all of the members of the P and Z Commission for review prior to the hearing scheduled for 12/15/2022?

This thread can give to the commission excellent verification of the repeated breaches in due process by City Staff throughout this entire application for 636 Castle Ridge Court, including:

- A clear bias by City Staff in directing for a predetermined outcome,
- Repeated broken promises to allow sincere face-to-face communication,
- Censoring those of us opposing this application during scheduled meetings,
- Admission of City Staff of ignoring legal requirements of the applicants,
- Misapplication of the FHA,
- Admission of ignoring the negative effects on home values for neighbors,

This application must be summarily rejected.

Respectfully submitted,

Steve Sunderman, MD

-----Original Message-----

From: srsunde@aol.com <srsunde@aol.com>
To: Kai Kleer <kkleer@fcgov.com>
Sent: Tue, Nov 8, 2022 5:30 am
Subject: Re: Re: Re: Group Home Notice with Link

Kai,

Thank you. I look forward to talking with you. I will have my phone available.

Steve

On Monday, November 7, 2022, 03:11:36 PM MST, Kai Kleer <kkleer@fcgov.com> wrote:

Hello Mr Sunderman,

I have some time on Wednesday from 10-11 am. Let me know if that timing works for you.

Best,

.....
KAI KLEER, AICP

City Planner
City of Fort Collins

From: srsunde@aol.com <srsunde@aol.com>
Sent: Monday, November 07, 2022 12:57 PM
To: Kai Kleer <kkleer@fcgov.com>
Subject: [EXTERNAL] Re: Re: Group Home Notice with Link

Good afternoon, Kai.

Here is the message I received from 'Em on October 19. I have received no more information from that committee. I have heard from neighbors that this process is in the works of being bypassed too. We continue to be ignored. I must again, on the record, strongly object on the grounds that due process is not being followed.

Would you please be so kind as to call me for a real-time discussion? I will be available essentially all day long on Wednesday Nov 9 at my cell phone 970-215-3162

Thank you,
Steve SundermanMD

On Wednesday, October 19, 2022, 08:45:00 AM MDT, Development Review Comments <devreviewcomments@fcgov.com> wrote:

Mr. Sunderman,

Please see below the message I sent to you last week, I apologize if it didn't reach you for some reason:

Mr. Sunderman,

Thank you for your patience on our response. Staff have decided not to pursue another neighborhood meeting for Castle Ridge Group Home at this time, virtually or in-person. Our Development Review requirements for public engagement have been met so far.

That doesn't mean this is the end of the conversation on this project. Here are the next steps and ways you can get involved:

- I sent out some information on the most recent submittal yesterday. That submittal will go through staff review until it is ready to go to Planning and Zoning Commission. I'd like to highlight that staff do not have the ability to decline to send this proposal to the Commission.
- During this time, I am available at this email address to field questions and comments to the best of my ability. Feel free to email me here any time
- Once the proposal is ready, it will go to the Planning and Zoning Commission, who will be the final decision makers. This is the place where you can next engage directly on this project by making a public comment. You can do so either by emailing written comments here and they will be included in the packet materials for Commissioners to read. Or, you can attend the meeting and speak in person. These comments are time limited and the Commissioners are not able to respond. However, the Commissioners have the ability to modify or deny the proposal based on evidence including public comment.
 - I would highly recommend taking a look at one of the public comments submitted for a recent project called Heartside Hill. I think it's a good example of how you could use a

written comment to fully express the concerns I have heard from you. I've attached it here. If you'd like to submit something similar for P&Z, please send it to this email. I will email the Castle Ridge contact list when the project is scheduled to go to public hearing so you know.

Let me know if you have any questions.

Respectfully,

Em Myler
Neighborhood Development Liaison

As for your questions this morning:

1. The proposal is currently going through staff review. I have you on a list of names to alert when it has completed this step and is scheduled to go to the Planning and Zoning Commission.
2. The only actions right now include the usual staff comments on the submittal, and the applicants' responses. Staff is considering input from the neighborhood meetings in their comments. I will send comments and submittal updates when I have them.
3. Please see above regarding a face to face meeting
4. I think the best option to make sure that the Planning and Zoning Commission sees this email thread and you know that it has been seen is to include it as a public comment for their meeting materials when this proposal goes to hearing. That way, the Commissioners will read it as a part of the case on this proposal and the comment will be published publicly so you know that it has been included. This is the best way in my opinion to offer you the accountability you are looking for. I included more information on public comments in the original email above.

Best,

Em Myler
Neighborhood Development Liaison

From: srsunde@aol.com <srsunde@aol.com>

Sent: Wednesday, October 19, 2022 2:20 PM

To: Kai Kleer <kkleer@fcgov.com>; Alyssa Stephens <astephens@fcgov.com>

Cc: Development Review Comments <devreviewcomments@fcgov.com>; Paul S. Sizemore <psizemore@fcgov.com>; srsunde@aol.com <srsunde@aol.com>

Subject: [EXTERNAL] Re: Group Home Notice with Link

Good morning Kai,

I have not heard back from you or from anyone on City Staff after my email from September 20, 2022 - attached below.

Could you please update me on where we are with this process?
Is any action happening from the City Staff or from the applicants?
When do we get our face-to-face meeting we have been promised?

Would you please forward this entire thread to the Planning and Zoning Commission and copy me so that I know it has been sent? Alternatively, if you would send me email contact information for the entire Planning and Zoning Commission, I can send it to them and copy you.

Thank you again for your attention, dedication, and assistance.

Respectfully,

Steve Sunderman, MD

970-215-3162

-----Original Message-----

From: srsunde@aol.com

To: kkleer@fcgov.com <kkleer@fcgov.com>; astephens@fcgov.com <astephens@fcgov.com>

Cc: devreviewcomments@fcgov.com <devreviewcomments@fcgov.com>; psizemore@fcgov.com <psizemore@fcgov.com>; srsunde@aol.com

Sent: Tue, Sep 20, 2022 6:41 am

Subject: Re: Group Home Notice with Link

Kai,

Thank you for your response.

We are not asking for an opportunity to have a meeting in which nobody from the City of decision-making authority is present. We are asking for an honest, sincere meeting with the applicants **and** with those of authority on City Staff (including Mr. Sizemore). My understanding is that the Planning and Zoning Commission does not come into play unless City Staff should move it forward to them. The Planning and Zoning Commission has already rejected **unanimously** the applicants' prior proposal which was previously passed on to them by City Staff. We must have an opportunity to stop at the beginning of the process this new proposal, which would also likely result in millions of dollars of recoverable damages if passed. Mr. Sizemore and City Staff must allow us due process and fairness. The application has been filled with misleading and false information from the beginning. The legal red flags are huge, and to this day, remain unanswered by the applicants and ignored by City Staff.

Respectfully,

Steve Sunderman, MD
970-215-3162

-----Original Message-----

From: Kai Kleer <kkleer@fcgov.com>

To: srsunde@aol.com <srsunde@aol.com>; Alyssa Stephens <astephens@fcgov.com>

Cc: Development Review Comments <devreviewcomments@fcgov.com>; Paul S. Sizemore <psizemore@fcgov.com>

Sent: Mon, Sep 19, 2022 11:53 am

Subject: RE: Re: Group Home Notice with Link

Hello Steve,

An in-person meeting is the goal. Since the decision maker is the Planning and Zoning Commission, they will not be present at the meeting. Did you have anyone else in mind?

Sincerely,

.....
KAI KLEER, AICP

City Planner

City of Fort Collins

From: srsunde@aol.com <srsunde@aol.com>

Sent: Friday, September 16, 2022 10:37 AM

To: Kai Kleer <kkleer@fcgov.com>; Alyssa Stephens <astephens@fcgov.com>

Cc: Development Review Comments <devreviewcomments@fcgov.com>; Paul S. Sizemore <psizemore@fcgov.com>; srsunde@aol.com

Subject: [EXTERNAL] Re: Group Home Notice with Link

Hello Kai,

Thank you again for your response. Would you please confirm for me that the meeting you are working on will be in person and will include the neighbors here who feel a need to be heard as well as the City Staff who are responsible for making decisions?

Sincerely,

Steve Sunderman, MD
970-215-3162

-----Original Message-----

From: Kai Kleer <kkleer@fcgov.com>

To: srsunde@aol.com <srsunde@aol.com>; Alyssa Stephens <astephens@fcgov.com>

Cc: Development Review Comments <devreviewcomments@fcgov.com>; Paul S. Sizemore <psizemore@fcgov.com>

Sent: Thu, Sep 15, 2022 4:02 pm

Subject: RE: Re: Group Home Notice with Link

Hello Steve,

Thanks for your diligence and patience on this. We have been in contact with the applicant team and they would be interested in having further discussions with the neighborhood. Internally, our Neighborhood Services and Development Review staff are working through the finer details of the when and where of the meeting and how to best organize it for a productive conversation. Our Development Review Liaison, Emily Myler, will be in touch as soon as we know more.

Sincerely,

.....
KAI KLEER, AICP

City Planner

City of Fort Collins

From: srsunde@aol.com <srsunde@aol.com>

Sent: Saturday, September 10, 2022 10:13 AM

To: Kai Kleer <kkleer@fcgov.com>; Alyssa Stephens <astephens@fcgov.com>

Cc: Development Review Comments <devreviewcomments@fcgov.com>; Paul S. Sizemore <psizemore@fcgov.com>; srsunde@aol.com

Subject: [EXTERNAL] Re: Group Home Notice with Link

Dear Mr. Kleer:

I have not heard back since my email of August 28, 2022. I am sending another email today to check with you on where we are concerning the promised face-to-face meeting regarding 636 Castle Ridge Court.

Again, this needs to be an open and honest meeting among the applicants, the neighbors, and non-biased City Staff.

I believe the recoverable damages to our neighborhood will likely be in the millions if this proposal is allowed to go through. The duty of the City remains with the collective residents.

I look forward to hearing from you about setting up an open and productive meeting.

Respectfully Submitted.

Steve Sunderman, MD
970-215-3162

Copy: Ms. Stephens, Mr. Sizemore, Development Review Committee, Self

-----Original Message-----

From: srsunde@aol.com

To: kkleer@fcgov.com <kkleer@fcgov.com>; astephens@fcgov.com <astephens@fcgov.com>

Cc: devreviewcomments@fcgov.com <devreviewcomments@fcgov.com>; psizemore@fcgov.com <psizemore@fcgov.com>; srsunde@aol.com

Sent: Sun, Aug 28, 2022 11:29 am

Subject: Re: Group Home Notice with Link

Mr. Kleer, Ms. Stephens, Mr. Sizemore, Development Review Committee:

Thank you for your response.

What is needed is a full, sincere, open meeting with the applicants and with open minded City Staff to re-evaluate this entire proposal.

The suggestions you have proposed below by City Staff are, yet again, a censorship of the most important items at hand, and an assertion that City Staff will not even consider a correction of prior decisions, no matter how wrong they may have been.

City Staff is well aware that the application for this proposal has been filled with substantially false and misleading information from the very beginning. Red flags about licensure and questions of legality of the applicants' current operations are gigantic and still remain unanswered. The City does indeed have an obligation to verify whether this process is legal or not. Further, if the City is going to be involved in potentially granting approval of this enormous business in the middle of a carefully planned low density residential only neighborhood, the City has an absolute obligation to the entire neighborhood and to the city as a whole to ensure this will not "take away" from the neighbors - and not to use its position to assist one family in generating a huge personal profit at tremendous expense to all others in this neighborhood.

If this wrongful proposal should be allowed to go through, the recoverable damages to the Castle Ridge neighbors alone could well be into the millions of dollars.

Let's please start over from step one.

Respectfully,

Steve Sunderman, MD
970-215-3162
srsunde@aol.com

-----Original Message-----

From: Kai Kleer <kkleer@fcgov.com>

To: srsunde@aol.com <srsunde@aol.com>; Alyssa Stephens <astephens@fcgov.com>

Cc: Development Review Comments <devreviewcomments@fcgov.com>; Paul S. Sizemore <psizemore@fcgov.com>

Sent: Wed, Aug 24, 2022 10:50 am

Subject: RE: Re: Group Home Notice with Link

Hello Steve,

Thanks for your patience. I have been working with staff internally to determine the best approach to facilitate a productive conversation between you and the applicant. In an effort to build out the agenda and request for the meeting, could we get some additional clarification about you specific questions/concerns for the applicant and/or staff and your anticipated outcome from the meeting?

To address some of the comments you've provided, here are some things that would not be productive and should not be considered as part of the agenda:

- Your assertion that the applicants are currently operating without a license. This is a matter that is outside of the City's jurisdiction and should be addressed by filing a complaint to the Colorado Department of Public Health & Environment.
- Your assertion that this project would drastically drop community appeal and home values in the immediate area. Values of homes are not within the purview of the land use code and cannot be considered by staff or the Planning and Zoning Commission.
- We cannot reconsider any of the determinations made by the Reasonable Accommodation Request, nor can the Planning and Zoning Commission.

Here are some things that I've teased out of your comments that would be productive in discussion with the applicant:

- Improving the design, quality and character of new development through discussion around screening, landscaping, window placement, and fencing.
- Ensuring that operationally the land use mitigates impacts to the extent practicable through conversation around hours of deliveries, lighting, placement of trash receptacles, location and number of off-street parking spaces.
- Providing clarity around the procedural requirements of development plans.

Regarding the appeal, it must be filed within 14-days of any decision by the Planning and Zoning Commission. Additional notice will not be provided.

Let me know what if these are things that you would be interested in further discussing with the applicant or city staff and I will get something set up.

Thanks again for your patience.

Sincerely,

.....
KAI KLEER, AICP
 City Planner
City of Fort Collins

From: srsunde@aol.com <srsunde@aol.com>
Sent: Saturday, August 20, 2022 9:44 AM
To: Kai Kleer <kkleer@fcgov.com>; Alyssa Stephens <astephens@fcgov.com>
Cc: Development Review Comments <devreviewcomments@fcgov.com>; Paul S. Sizemore <psizemore@fcgov.com>; srsunde@aol.com
Subject: [EXTERNAL] Re: Group Home Notice with Link

Dear Mr. Kleer, Mr. Sizemore, Ms. Stephens, and Development Review Committee:

I wanted to follow up on my most recent email (see below).

I was told that arrangements would be made for further opportunity for us to meet to express our concerns (and with face-to-face format). I have not received any response back since my email of August 4, 2022. I want to make sure that we, the neighbors are heard. I want to make sure our options for appeal and further legal action remain open if the City should decide to render approval of this flawed proposal. I want to be assured that the City is not supporting a business activity that currently shows huge legal red flags. Are the applicants currently operating without license or authority a lockdown facility of two at-risk seniors for personal profit? This needs to be investigated and answered.

Would you please respond to me about where we stand concerning our promised opportunity to express our concerns face to face without being limited or shut off by a moderator?

Please notify me and all of the residents in the Castle Ridge Subdivision formally if and when your decisions have been made, and when our deadline for filing appeals will be.

We currently have multiple grounds for appeal as documented by the appeal form and procedure documents forwarded to me by Mr. Kleer should the City decide to allow this proposal to move forward:

1. Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code, and Charter. This includes street and fire code.
2. Failure to conduct fair hearings by exceeding its authority or jurisdiction.
3. Failure to conduct fair hearings by ignoring established rules of procedure.
4. Failure to conduct fair hearings by considering evidence presented by the applicants which was substantially false or misleading.
5. Failure to receive all relevant evidence offered by the appellant.

6. Being clearly biased against the appellant.

I look forward to hearing back from you with your plans to allow us to present our concerns fully and in person.

Respectfully,

Steve Sunderman, MD
607 Castle Ridge Court
Fort Collins, CO 80525

-----Original Message-----

From: srsunde@aol.com

To: kkleer@fcgov.com <kkleer@fcgov.com>; astephens@fcgov.com <astephens@fcgov.com>

Cc: devreviewcomments@fcgov.com <devreviewcomments@fcgov.com>; psizemore@fcgov.com <psizemore@fcgov.com>

Sent: Thu, Aug 4, 2022 5:15 am

Subject: Re: Group Home Notice with Link

Kia,

Again, my most sincere thanks to you for your response and offer.

Yes, we do need formal opportunity to meet face to face both with the applicants and with the city staff who are involved in making these decisions that would have a major impact on our entire community.

We feel as though we have been dismissed or silenced every step of the way. We feel the City is pushing an extreme left political agenda rather than exercising its duty to the population as a whole.

Again, I need to stress that the City has duty to the entire community as a whole, not to one family that is trying to "use" the entire neighborhood for self-enrichment at tremendous expense to all others.

I would like to stress that any use of "Reasonable Accommodation" has restrictions:

1. The applicant must be in a protected or disabled class. These applicants are neither disabled nor in a protected class. They are wrongfully flying the banner of and trying to "USE" a protected they are not even members of for personal self-gain.

2. Any "Reasonable Accommodations" must not result in a significant deterioration of existing environment or be a significant financial burden to others in this area. This project would totally alter in a negative way the entire atmosphere of this well-planned low-density community. This project would drastically drop community appeal and home values in the immediate area - most likely by millions of dollars collectively - all for one family's self profit. The damages against the neighborhood would be huge.

3. All such accommodations must consider existing rules and must not impact the safety of others. This project would clearly turn this area into a congested safety hazard for our children and for our parking and traffic. Existing general rules for street width, parking requirements, fire code, residential housing, low density, etc have been essentially thrown out the window for this one family's proposal.

4. The project and the accommodations must be "reasonable" not "unreasonable." Both this drastic reposing of a long established and well-planned residential community, and the accommodations sought are everything but reasonable.

Further, the City does have a duty to require fair process. The applicants for this project have been misleading and evasive about their application every step of the way; and to date, the city has allowed that to move on.

Further, if the City has reason to believe that inappropriate or possible illegal activities are involved, the city cannot operate as an aid to those activities. Eirc Shenk has now admitted in open and recorded session that he does not have a license to practice medicine even though he touted himself with physician credentials from day one. He has admitted in open and recorded session that he and his wife are currently caring for two at risk seniors in their home without a group home or nursing home license and without a Medical Director. Are they using their home as a lock down facility without a right or license? The red flags for this project are huge and growing.

This proposal should have been summarily rejected months ago.

Respectfully,

Steve Sunderman, MD
970-215-3162

-----Original Message-----

From: Kai Kleer <kkleer@fcgov.com>

To: srsunde@aol.com <srsunde@aol.com>; Alyssa Stephens <astephens@fcgov.com>

Cc: Development Review Comments <devreviewcomments@fcgov.com>; Paul S. Sizemore <psizemore@fcgov.com>

Sent: Mon, Aug 1, 2022 5:14 pm

Subject: RE: Re: Group Home Notice with Link

Hello Steve,

Thanks for the email. Unfortunately we cannot comment regarding the merits of medical licensing requirements for Eric Shenk and it is not a criterion that we evaluate land use applications under. We anticipate that any licensing, certification, and/or registration requirements will be administered and enforced by the Colorado Department of Public Health and Environment.

Regarding procedure, the section you referred to is for preapplication reviews by City Council and would not apply in this case. To clarify some of the confusion around the previous conversations, posted notice is required for neighborhood meetings pursuant to 2.2.2- Step 2: Neighborhood Meetings, however, the timeline for the sign posting is not specified under 2.2.6 – Step 6: Notice. In general, our goal is to post a sign as soon as the neighborhood meeting is scheduled; however, this is an odd case where the sign has been posted since March of 2021 and unfortunately removed by the applicant for resodding. We did talk to the applicant and made it clear that the sign must remain in place until a hearing has been held.

Knowing that there were a lot of people present at the neighborhood meeting and that we were unable to circle back around to you, I'd be happy to set something up and facilitate conversation between you and anyone on the applicant team. If that would be something you're interested in please let me know and I'll start coordinating schedules.

I'll also be sure to add your comments to the record for the Planning and Zoning Commission's consideration if and when a public hearing is scheduled for this project.

Please call or email me if you'd like to chat more.

Sincerely,

.....
KAI KLEER, AICP

City Planner

970-416-4284

City of Fort Collins

From: srsunde@aol.com <srsunde@aol.com>

Sent: Saturday, July 30, 2022 10:25 AM

To: Kai Kleer <kkleer@fcgov.com>; Alyssa Stephens <astephens@fcgov.com>

NOTICE OF APPEAL

Action Being Appealed: *Castle Ridge Group Home, FDP220013*

Date of Action: *12/15/22* Decision Maker: *Planning and Zoning*

FOR CITY CLERK'S
USE ONLY:

DATE FILED: *12-28-2022*

INITIALS: *JTE*

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

Name: *KURT JOHNSON*

Phone #: *505-400-6810*

Address: *612 Castle Ridge Ct.
Fort Collins, CO 80525*

Email: *kejelbj@yahoo.com*

INSTRUCTIONS

For each allegation marked below, attach a separate summary of the facts contained in the record which support the allegation of no more than two pages, Times New Roman 12-point font. Please restate allegation at top of first page of each summary.

GROUNDS FOR APPEAL

The Decision Maker committed one (1) or more of the following errors (check all that apply):

- Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code, and Charter. List relevant Code and/or Charter provision(s) here, by specific Section and subsection/subparagraph:

Section 3.5.1 (J) of the Land Use Code

Failure to conduct a fair hearing in that:

- (a) The Board, Commission, or other Decision Maker exceeded its authority or jurisdiction as contained in the Code or Charter. [*New evidence not allowed*]
- (b) The Board, Commission or other Decision Maker substantially ignored its previously established rules of procedure. [*New evidence not allowed*]
- (c) The Board, Commission or other Decision Maker considered evidence relevant to its findings which was substantially false or grossly misleading. [*New evidence allowed*]
- (d) The Board, Commission or other Decision Maker improperly failed to receive all relevant evidence offered by the appellant. [*New evidence allowed*]
- (e) The Board, Commission or other Decision Maker was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Decision Maker's independence of judgment. [*New evidence allowed*]

NEW EVIDENCE

All new evidence the appellant wishes Council to consider at the hearing on the appeal must be submitted to the City Clerk within seven (7) calendar days after the deadline for filing a Notice of Appeal and must be clearly marked as new evidence. No new evidence will be received at the hearing in support of these allegations unless it is submitted to the City Clerk by the deadline (7 days after the deadline to file appeal) or offered in response to questions posed by Councilmembers at the hearing.

GROUND FOR APPEAL: The Planning and Zoning Commission failed to properly interpret and apply relevant provisions of the Land Use Code.

The appeal relates to FDP220013, a proposal for a 10-resident group home, which the Planning & Zoning Commission approved by a 3-2 vote on 12/15/22. The proposal was a continuation from PDP210012, which was essentially the same group home application at the same address, but for 16 residents. That application was denied unanimously (5-0 vote) by P&Z on 3/23/22. The denial was based on provision 3.5.1 (J) of the Land Use Code, specifically relating to inadequate parking and public safety concerns.

The current proposal was based on an approved reasonable accommodation request for 10 residents. That approval, however, was conditioned upon the additional approval of the overall project by the P&Z Commission through Type 2 Review. Despite P&Z's narrow approval on 12/15/2022, we contend that the proposal still does not meet 3.5.1 (J).

Castle Ridge Court is a private street, which the City has declared as substandard. When our neighborhood's plan was approved, it was done so with a variance to minimum street width based on low density, all residential use, and every house being required to have a minimum of a 3-car garage. This was the only way to ensure that the narrow streets could provide for appropriate and safe ingress and egress for residents, visitors, and emergency services.

At the 3/23/22 hearing, the P&Z Commission established that due to the reduced width, if cars were parked on both sides of the street, the Castle Ridge Court would effectively be reduced to a one-lane street. Not only would this substantially change the character of the neighborhood and present a compatibility issue, but it would create serious public safety concerns related to accessibility by emergency services, and fire egress, among other public safety factors. Consider also that this neighborhood has a single egress, thus the houses "downstream" from the property are most affected when a "chokepoint" occurs in front of the subject property.

The applicant's new proposal was to keep one 2-car garage and convert the other garage into additional living area for group home residents. The applicant claimed that this would allow 5 on-site parking spaces. This is a dubious claim, and even if it were true, the resultant use would still be a house with ten residents, multiple staff, frequent deliveries, medical and family visitations, and at times a transport van – and only a two-car garage – on a street designed for single-family occupancy with 3- and 4-car garages.

In reality, the driveway is a narrow one-way in/one-way out configuration. The one garage which the applicant proposes to retain is directly in line with the driveway. This means that if 5 cars were to park on-site, it would require "musical cars" to manage. In any "real world" application, this simply cannot and will not be realized. This configuration is more challenging than any of the other group homes in Fort Collins. Thus, the result of the 10-resident, one-garage plan would be the same, un-workable and unsafe one-lane street situation which P&Z denied at the March hearing.

The applicants also proposed a parking app that would be required. The P&Z Commission dismissed this concept as unlikely to last long-term, as evidenced in their deliberations.

The result of an operation of this size would be to normally have cars parked on both sides of the street – especially considering that the other nearby residents also have needs. As there are not any distinct advantages to this location – only disadvantages – an operation of this size does not meet 3.5.1 (J), just as the 3/23/22 proposal did not.

Some P&Z members struggled during deliberations on how to apply the Land Use Code. Properly interpreting the Land Use Code involves specifically analyzing how the unique disadvantages of this location are overcome. Those voting for approval failed to cite any specific mitigation which merited approval of the new proposal. Those voting for denial, on the other hand, cited specific reasons the situation is not mitigated. As such, the Code was not properly applied.

SUPPLEMENTAL MATERIAL

As this was effectively a continuation of the 3/23/22 P&Z Commission hearing, specific submittals were referenced from that hearing as a statement of fact during the 12/15/22 hearing. For completeness, attached are certain materials which were submitted for the 3/22/22 hearing and subsequently referenced at the 12/15/22 hearing:

- the original variance on street width
- staff parking analysis for existing group homes in Fort Collins
- the 2016 road analysis declaring substandard construction

APPELLANTS

Parties-in-interest have the right to file an appeal.

A party-in-interest is a person who, or organization which, has standing to appeal the final decision of a board, commission or other decision maker. Such standing to appeal is limited to the following:

- The applicant.
- Anyone who owns or occupies the property which was the subject of the decision made by the board, commission or other decision maker.
- Anyone who received the mailed notice of, or spoke at, the hearing of the board, commission or other decision maker.
- Anyone who provided written comments to the appropriate City staff for delivery to the board, commission or other decision maker prior to or at the hearing on the matter that is being appealed.
- A City Councilmember.

Signature: <i>Katherine Chacho</i>	Date: <i>12/21/22</i>
Name: <i>Katherine Chacho</i>	Email: <i>kchacho@adl.com</i>
Address: <i>631 Castle Ridge Court</i>	Phone #: <i>970-377-1373</i>
Describe how you qualify as a party-in-interest: <i>Across the street from applicants / Received Notice</i>	

Signature: <i>Charles Bradley Sisson</i>	Date: <i>12/26/22</i>
Name: <i>Charles Bradley Sisson</i>	Email: <i>cbssiso@epm21.com</i>
Address: <i>600 Castle Ridge Court</i>	Phone #: <i>970 412 5928</i>
Describe how you qualify as a party-in-interest: <i>live on Castle Ridge Ct & Received Notice</i>	

Signature: <i>Barbara Thompson Schwerin</i>	Date: <i>12/26/2022</i>
Name: <i>Barbara Thompson Schwerin</i>	Email: <i>btschwerin@gmail.com</i>
Address: <i>600 Castle Ridge Ct.</i>	Phone #: <i>970. 420.0111</i>
Describe how you qualify as a party-in-interest: <i>Live on Castle Ridge Ct and Received Notice</i>	

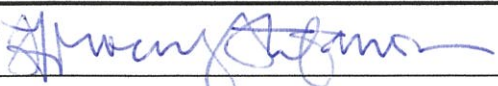
ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

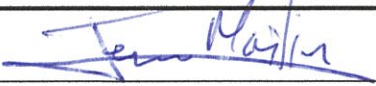
APPELLANTS


Parties-in-interest have the right to file an appeal.

A party-in-interest is a person who, or organization which, has standing to appeal the final decision of a board, commission or other decision maker. Such standing to appeal is limited to the following:

- The applicant.
- Anyone who owns or occupies the property which was the subject of the decision made by the board, commission or other decision maker.
- Anyone who received the mailed notice of, or spoke at, the hearing of the board, commission or other decision maker.
- Anyone who provided written comments to the appropriate City staff for delivery to the board, commission or other decision maker prior to or at the hearing on the matter that is being appealed.
- A City Councilmember.

Signature: 	Date: 12/21/2022
Name: Tracey Stefanon	Email: traceyken@comcast.net
Address: 642 Castle Ridge Ct.	Phone #: (970) 988-7440
Describe how you qualify as a party-in-interest: Next door house to applicants / received notice	

Signature: 	Date: 12/21/2022
Name: JESUS MARTIN ROMAN	Email: JESSEMARTIN-2000@YAHOO.COM
Address: 637 CASTLE RIDGE CT	Phone #: 970 994 2332
Describe how you qualify as a party-in-interest: ACROSS THE STREET TO APPLICANTS / RECEIVED NOTICE	

Signature: 	Date: 12/26/2022
Name: GREGG LESARTRE	Email: wiselyinvest@aol.com
Address: 619 CASTLE RIDGE CT	Phone #: 970 218 1621
Describe how you qualify as a party-in-interest: RECEIVED NOTICE / EXIT FROM NEIGHBORHOOD BLOCKED BY CONGESTION	

ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY


APPELLANTS

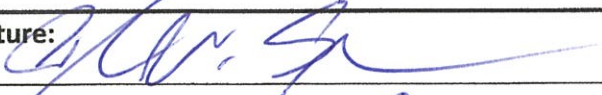
Parties-in-interest have the right to file an appeal.

A party-in-interest is a person who, or organization which, has standing to appeal the final decision of a board, commission or other decision maker. Such standing to appeal is limited to the following:

- The applicant.
- Anyone who owns or occupies the property which was the subject of the decision made by the board, commission or other decision maker.
- Anyone who received the mailed notice of, or spoke at, the hearing of the board, commission or other decision maker.
- Anyone who provided written comments to the appropriate City staff for delivery to the board, commission or other decision maker prior to or at the hearing on the matter that is being appealed.
- A City Councilmember.

Signature: 	Date: 12/26/22
Name: Anthony Doing	Email: anthonydoing@comcast
Address: 5206 Castle Ridge Place	Phone #: 970 214 1577
Describe how you qualify as a party-in-interest: neighbor - received notice - concerned in regard to emergency service access	

Signature: 	Date: 12/26/22
Name: Steven R. Williams	Email: aitarama@comcast.net
Address: 5301 Highcastle Court	Phone #: 970-567-5541
Describe how you qualify as a party-in-interest: Neighbor, written notice received, attended meetings	

Signature: 	Date: 26-DEC-2022
Name: DOUGLAS W. SALTER	Email: KDAPW2495@GMAIL.COM
Address: 613 CASTLERIDGE COURT	Phone #: 970-481-4382
Describe how you qualify as a party-in-interest: NEIGHBOR - ATTENDED MEETING VIRTUALLY	


ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

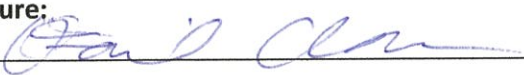
APPELLANTS

Parties-in-interest have the right to file an appeal.

A party-in-interest is a person who, or organization which, has standing to appeal the final decision of a board, commission or other decision maker. Such standing to appeal is limited to the following:

- The applicant.
- Anyone who owns or occupies the property which was the subject of the decision made by the board, commission or other decision maker.
- Anyone who received the mailed notice of, or spoke at, the hearing of the board, commission or other decision maker.
- Anyone who provided written comments to the appropriate City staff for delivery to the board, commission or other decision maker prior to or at the hearing on the matter that is being appealed.
- A City Councilmember.

Signature: 	Date: 12/18/22
Name: Kurt Johnson	Email: kejlbj@yahoo.com
Address: 612 Castle Ridge Ct	Phone #: 505-400-6810
Describe how you qualify as a party-in-interest: Received notice	

Signature: 	Date: 12/18/22
Name: Daniel Clanson	Email: danclanson92@gmail.com
Address: 5219 Castle Ridge Pl FC	Phone #: 9702220478
Describe how you qualify as a party-in-interest: Received notice	

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


ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

APPELLANTS

Parties-in-interest have the right to file an appeal.

A party-in-interest is a person who, or organization which, has standing to appeal the final decision of a board, commission or other decision maker. Such standing to appeal is limited to the following:

- The applicant.
- Anyone who owns or occupies the property which was the subject of the decision made by the board, commission or other decision maker.
- Anyone who received the mailed notice of, or spoke at, the hearing of the board, commission or other decision maker.
- Anyone who provided written comments to the appropriate City staff for delivery to the board, commission or other decision maker prior to or at the hearing on the matter that is being appealed.
- A City Councilmember.

Signature: 	Date: 12/27/22
Name: MICHAEL V. LUZZO	Email: MIKELUZZO@YAHOO.COM
Address: 5225 CASTLE RIDGE PL, FORT COLLINS, CO 80525	Phone #: (408) 230-6131
Describe how you qualify as a party-in-interest: ATTENDED AND SPOKE AT CITY PLANNING MEETING	

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

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

ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY

July 6, 1993

(File: 9346LT01)

Mr. Mike Herzig
Fort Collins Development Engineer
P.O. Box 580
Fort Collins, CO 80522-0580

Dear Mike:

Castle Ridge at Miramont is proposing to build 28 foot wide public streets within this portion of the development. The streets proposed to be 28 feet wide are "private drives" west of Highcastle Drive. According to the Fort Collins Design Criteria and Standards for Streets, this street width will require a variance by the City of Fort Collins.

The reasons for requesting/granting this variance are listed below:

- The streets will have less than 750 ADT on them. The development itself will have 18 dwelling units, which will generate 180 vehicle trips on an average weekday. There is not likely to be any external traffic passing through this development. Therefore, the highest traffic volume at a given worst case location will be 180 ADT.
- The streets that are proposed to be 28 feet are all cul-de-sacs.
- The cul-de-sacs do not access an arterial street.
- This is a large lot development. The density is considered to be low (2 or less dwelling units per acre). Based upon criteria in "Recommended Guidelines for Subdivision Streets, A Recommended Practice," Institute of Transportation Engineers, 1984, the pavement width should be 22-27 feet. The proposed 28 feet exceeds this recommended practice.
- Typical development with lot size of ≥ 0.5 acres provide more than four off-street parking spaces per dwelling unit. A comparable development is the First Filing of Clarendon Hills. Based upon observation at various times on a number of days, the average number of vehicles parked on Hinsdale Drive in Clarendon Hills was 3 in a length of 1300 feet. This observation was conducted where there were dwelling units on both sides of the street. The number of parked, on-street vehicles would enable Hinsdale Drive to have been a 28 foot wide street with no traffic or parking problems.

I recommend that the streets in Castle Ridge at Miramont be 28 feet wide (curb to curb). I would further recommend that parking be allowed on both sides of the streets, if at least four off-street parking spaces are provided per dwelling unit.

If you have any questions or desire additional information, do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matthew J. Delich".

Matthew J. Delich, P.E.

File

HPDesk Local Print for Mike HERZIG

Start of Item 2.

Message.

Subject: 28' Street Width Variance for Castle Ridge at Miramont
Sender: Warren JONES / CFC52/01
TO: Mike HERZIG / CFC52/01

Dated: 07/19/93 at 0903.

Contents: 2.

Part 1.

FROM: Warren JONES / CFC52/01

TO: Mike HERZIG / CFC52/01

Part 2.

RE: 28' Street Width Variance for Castle Ridge at
Miramont

Our research indicates that the on-street parking demands in large lot, high end single family housing projects is very low. The strongest correlating factor we have observed is the use of three car garages. If this project fits this scenario, including the three car garages, I have no opposition to a 28' street width.

End of Item 2.

Facility Name	Parking Count	Bed Count	Ratio Parking/Beds
Seneca House Assisted Living	4	10	0.40
Terry Lake Assisted Living Turnbettery Place Assisted Living	4	8	0.50
Turnberry Place Assisted Living	4	8	0.50
Monarch Greens Assisted Living	6	8	0.75
Presitge Living LLC	6	8	0.75
Live to Assist	7	8	0.88



October 19, 2016

Castle Ridge at Miramont HOA
c/o Faith Property Management
300 East Boardwalk Drive; Building 6, Suite B
Fort Collins, Colorado 80525

Attn: Ms. Lauren Winn (lauren@faithproperty.com)

Re: Existing Pavements Evaluation
Castle Ridge Court and Castle Ridge Place
Fort Collins, Colorado
EEC Project No. 1162090

Ms. Winn;

Earth Engineering Consultants, LLC (EEC) personnel have completed the subsurface exploration and engineering evaluation requested for the existing roadways within the Castle Ridge at Miramont development located west of Highcastle Drive and south of the Mail Creek Ditch in Fort Collins, Colorado. The roadways in this evaluation include Castle Ridge Court and Castle Ridge Place. Results of the field and laboratory testing for this project as well as our evaluation of those test results are provided with this report.

Earth Engineering Consultants, Inc. completed a geotechnical exploration for this development in 1993. We believe the reference roadways were constructed shortly thereafter. The 1993 pavement section recommendations suggested at least 3-inches of hot bituminous pavement (HBP) over at least 6-inches of aggregate base, which was consistent with the minimum standards at that time. The in-place roadways appear to be in reasonably good shape based on visual observations. Several areas of concrete curb-and-gutter appear to have been replaced and the roadways appear to have been seal coated relatively recently. Photographs of the pavement areas taken at the time of our field exploration are included with this report.

To help determine the existing pavement sections and evaluate existing subgrade conditions, soil borings were completed at four (4) locations within the referenced roadway alignments. A diagram indicating the approximate boring locations is included with this report. Those borings were extended to depths of approximately 10 feet below existing surface grades with samples of the subsurface materials encountered obtained using split-barrel and California barrel sampling techniques in general accordance with ASTM Specifications D1586 and D3550, respectively.

In the split-barrel and California barrel sampling procedures, standard sampling spoons are driven into the ground by means of a 140-pound hammer falling a distance of 30 inches. The number of blows required to advance the split-barrel and California barrel samplers is recorded and is used to estimate the in-situ relative density of cohesionless soils and, to a lesser degree of accuracy, the consistency of cohesive soils and hardness of weathered bedrock. In the California barrel sampling procedure, relatively intact samples are obtained in removable brass liners. Samples obtained in the field were sealed and returned to our laboratory for further examination, classification and testing.

Laboratory moisture content tests were completed on each of the recovered samples. Select samples were tested for dry density, unconfined strength, swell/consolidation, fines content and plasticity. Results of the outlined tests are indicated on the attached boring logs and summary sheets. One (1) Hveem stabilometer R-value was completed on a composite sample of the subgrade soils. As a part of the testing program, all samples were examined in the laboratory and classified in general accordance with the attached General Notes and the Unified Soil Classification System, based on the soil's texture and plasticity. The estimated group symbol for the Unified Soil Classification System is indicated on the borings and a brief description of that classification system is included with this report.

Based on results of the field borings and laboratory testing, subsurface conditions can be generalized as follows. The existing pavement surface observed in the field borings consisted of approximately 2½ to 4 inches of hot bituminous pavement in the cul-de-sacs (i.e. general vicinity of borings B-1, B-3 and B-4) and approximately 3½ inches in the local roadway (i.e. general vicinity of boring B-2). The HBP was underlain by approximately 6½ to 10 inches of aggregate base course. At all boring locations, the pavement sections were underlain by moderate plasticity lean clays with varying amounts of sand. The cohesive subgrade soils were generally moist and stiff to very stiff. The moist soils showed generally low potential for swelling at current moisture and density conditions. The lean clay soils were underlain at depths of approximately 3½ to 9 feet by claystone/siltstone/sandstone bedrock. The test borings were terminated at depths on the order of 10 feet below existing pavement surface in moderately to highly plastic bedrock.

Observations were made while drilling and after completion of the borings to detect the presence and depth to free groundwater. No free water was observed in the test borings at the time of drilling. The borings were backfilled after drilling and the pavements patched so that longer-term observations of groundwater levels were not possible.

Fluctuations in groundwater levels can occur over time depending on variations in hydrologic conditions and other conditions not apparent at the time of this report. Perched groundwater may be encountered in the subgrade soils particularly immediately above the low permeability bedrock. Soil stratification boundaries indicated on the boring logs were based on visual and tactual observation of the field samples. In-situ, the change of materials may be gradual and indistinct.

ANALYSIS AND RECOMMENDATIONS

The pavement section observed within the roadway borings consisted of 2½ to 4 inches of HBP on 6½ to 10 inches of aggregate base. The pavement sections are generally deficient on HBP surfacing based on a current minimum standard of 4 inches of hot bituminous pavement overlying 6 inches of aggregate base course for local residential streets and 5 inches of HBP over 6 inches of aggregate base for cul-de-sacs. Furthermore, the contribution of the approximate 25 year old HBP is substantially less than new HBP, further contributing to the deficiency of the pavement.

Reconstruction or a significant overlay of the existing roadways would be required to upgrade the roadways into current LCUASS standards.

For reconstruction, the existing pavement surface and adjacent concrete pans should be removed along with sufficient aggregate base/subgrade to establish top-of-subgrade or top-of-base elevations. We expect the subgrades would be unstable upon removal of the pavements thereby requiring stabilization. If the exposed materials are unstable, it might be necessary to remove base materials to a depth where the subgrades can be stabilized and appropriate base placed for the roadways. Stabilization of the subgrades, if required, could include incorporation of at least 12 percent Class C fly ash in the top 12 inches of subgrade. The stabilized zone would be adjusted in moisture content to slightly dry of standard Proctor optimum moisture and compacted to at least 95% of standard Proctor maximum dry density.

Pavement sections for the thru-streets classified as local residential, should consist of 4 inches of hot bituminous pavement overlying 6 inches of base course. The new pavement section for the cul-de-sacs should include 5 inches of hot bituminous pavement overlying 6 inches of base course. Aggregate base course should consist of Class 5 or Class 6 aggregate base in accordance with LCUASS standards. Hot bituminous pavement should consist of Grading S 75 with 58-28

binder. Aggregate base course should be compacted to at least 95% of standard Proctor maximum dry density at a workable moisture content. Hot bituminous pavement should be compacted to be with the range of 92 to 96% of maximum theoretical specific gravity (Rice Value) at the time of placement.

Concerning an overlay approach, we suggest at least 2½ inches of new asphalt would be required in the cul-de-sacs and 1½ inches required in the local roadways to bring the structural number of the streets up to meet current design. As an alternative, 2-inches of the in-place HBP could be milled and overlay of 4 inches and 3 inches, respectively, placed in the cul-de-sacs and roadways. Adding 2 to 2½ inches of pavement above the existing grades would significantly alter the roadway cross slopes; care would be needed to match existing curb-and-gutter and driveways. Areas of thinner pavements may not provide adequate support of the milling operation.

Positive drainage should be developed across and away from the new pavements to prevent wetting of the pavement subgrades. Pavement subgrades allowed to become wetted subsequent to construction can result in an unacceptable performance of the pavements. In addition, care should be taken to place and compact cohesive soil subgrades behind the new curbs lines to prevent ponding of water behind curbs.

General Comments

The analysis and recommendations presented in this report are based upon the data obtained from the borings completed at the indicated locations and from any other information discussed in this report. This report does not reflect any variations which may occur between borings or across the site. The nature and extent of such variations may not become evident until construction. If variations appear evident, it will be necessary to re-evaluate the recommendations of this report.

It is recommended that the geotechnical engineer be retained to review the plans and specifications so that comments can be made regarding the interpretation and implementation of our geotechnical recommendations in the design and specifications. It is further recommended that the geotechnical engineer be retained for testing and observations during earthwork and pavement construction phases to help determine that the design requirements are fulfilled.

EEC Project No. 1162090
October 19, 2016
Page 5

This report has been prepared for the exclusive use of Castle Ridge at Miramont HOA c/o Faith Property Management personnel for specific application to the project discussed, and has been prepared in accordance with generally accepted geotechnical engineering practices. No warranty, express or implied, is made. In the event that any changes in the nature, design or location of the project as outlined in this report are planned, the conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and the conclusions of this report modified or verified in writing by the geotechnical engineer.

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this report, or if we can be of further service to you in any other way, please do not hesitate to contact us.

Very truly yours,
Earth Engineering Consultants, LLC



David A. Richer, P.E.
Senior Geotechnical Engineer

Reviewed by: Lester L. Litton, P.E.
Principal Engineer

DAR/LLL/dla

cc: Shear Engineering Corporation – Brian Shear (bshear@shearengineering.com)