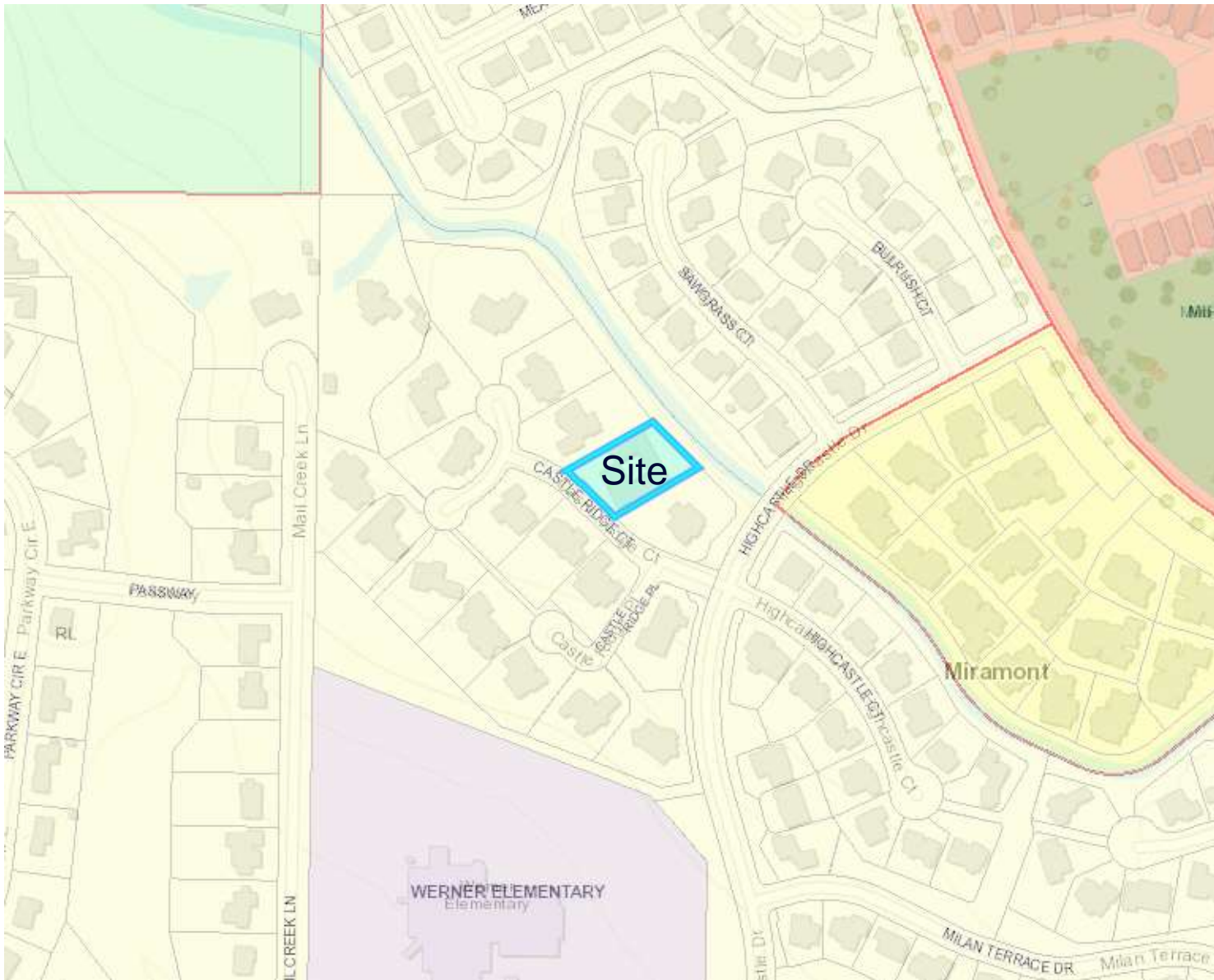




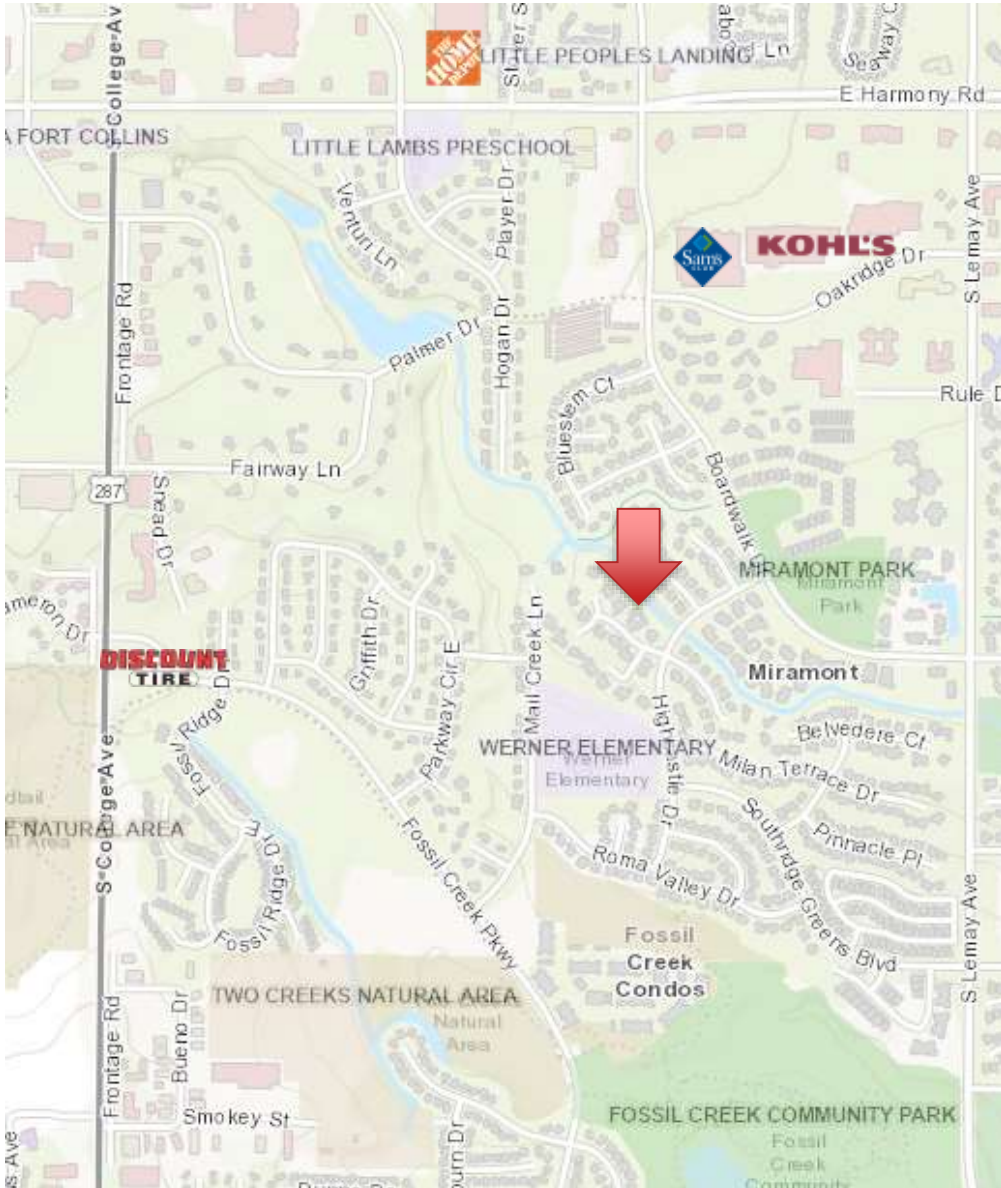
## Castle Ridge Group Home Appeal

Paul Sizemore – CDNS Director

Kai Kler – City Planner



- Location: 636 Castle Ridge Ct
- Lot Size: 22,226 square feet
- Zone: Low-Density Residential District (R-L)
- Proposal:
  - Group Home for Assisted Living - Memory Care\*
  - 10-residents
  - 2 off-site parking spaces
  - Additional landscaping, fencing, and screening



Werner Elementary



- Area was annexed into the City as part of the 617-acre Keenland Annexation.
- Single-family detached dwelling
- Home built-in 2002.
- Served by a private street that features a 28' curb to curb cul-de-sac system.



The combined appeals allege the Planning and Zoning Commission committed the following errors:

1. Failure to conduct a fair hearing in that it exceeded its authority or jurisdiction as contained in the Code
2. Failure to conduct a fair hearing by substantially ignoring its previously established rules of procedure.
3. Failure to conduct a fair hearing by considering evidence relevant to its findings which was substantially false or grossly misleading
4. Failure to conduct a fair hearing by improperly failing to receive all relevant evidence offered by the appellant.
5. Failure to conduct a fair hearing because it was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Commission's independence of judgment.
6. Failure to properly interpret and apply the relevant provisions of the City's Land Use Code.

***Did the Planning and Zoning Commission fail to conduct a fair hearing in that it exceeded its authority or jurisdiction as contained in the Code?***

The first issue on the Sunderman Notice of Appeal restates an assertion made under a separate ground for appeal (Sixth Issue of Appeal) which relates to the Planning and Zoning Commission failing to interpret and apply relevant provisions of the Land Use Code. This assertion does not appear to be related to a failure to conduct a fair hearing and includes the following statements which are replicated under the Sixth Issue on Appeal:

- The purpose statements found under Sections 1.2.2(K) and 1.2.2(M) of the Land Use Code were not properly applied.
- That 1.2.5 – Minimum Standards of the Land Use Code have not been met and that the applicants are asking for deviations far and above the current standards.
- The proposal violates criterion 1.3.4(C)(1)(a) – (e) of Section 1.3.4 – Addition of Permitted Uses.

***Did the Planning and Zoning Commission fail to conduct a fair hearing by substantially ignoring its previously established rules of procedure?***

The Sunderman Notice of Appeal asserts that City staff failed to follow through with required procedures and meetings and made repeated efforts to silence neighbors opposed to the development application.



***Did the Planning and Zoning Commission fail to conduct a fair hearing by considering evidence relevant to its findings which was substantially false or grossly misleading?”***

The Sunderman Notice of Appeal alleges character matters related to the applicant and the legality of the applicant’s current operation. The appellant also alleges that the Traffic & Parking Operational Plan is a gross underestimation of traffic related to the proposed land use.

***Did the Planning and Zoning Commission fail to conduct a fair hearing by improperly failed to receive all relevant evidence offered by the appellant?***

The Sunderman Notice of Appeal alleges that city staff actively silenced neighbors at a neighborhood meeting and that Chairman Katz tried to censor the appellant from speaking on time that was donated by five (5) other neighbors.

***Did the Planning and Zoning Commission fail to conduct a fair hearing because it 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 Sunderman Notice of Appeal p.10 provides the following allegations:

- Comments contained within a city staff e-mail to the Appellant clearly asserts that the decision to approve this application had been predetermined.
- Chairman Katz tried to prevent the appellant from speaking and was biased against the appellant and that demonstrated a clear political ideology with intense anger against the Appellant for issuing objections to the project.
- Commissioner Haefele, who was not present at the hearing, would have denied the project and the motion to approve the project would have failed.
- The decision makers decision was driven by extreme political ideology.

***Did the Planning and Zoning Commission fail to properly interpret and apply the relevant provisions of the City's Land Use Code?***

The Sunderman Notice of Appeal provides the following allegations:

- The purpose statements found under Sections 1.2.2(K) and 1.2.2(M) of the Land Use Code were not properly applied.
- That 1.2.5 – Minimum Standards of the Land Use Code have not been met and that the applicants are asking for deviations far and above the current standards.
- The proposal violates criterion 1.3.4(C)(1)(a) – (e) of Section 1.3.4 – Addition of Permitted Uses.
- The narrow, private street does not meet fire and safety code regulations.

***Did the Planning and Zoning Commission fail to properly interpret and apply Land Use Code Section 3.5.1(J) – Operational/Physical Compatibility Standards?***

The Johnson Notice of Appeal contends that the proposal fails to meet 3.5.1(J) due to the following allegations:

- The private street was designed to have a reduced width based on findings that the neighborhood was low density and that every house was required to have a minimum of a 3-car garage. The proposal adds an increased amount of traffic that changes the character of the neighborhood and causes safety concerns related to accessibility by emergency services, and fire egress.
- The five proposed parking spaces and narrow design of the driveway require users to shuffle vehicles which subsequently make off-street parking impractical.
- Commission members who voted in favor of the proposal failed to cite any specific mitigation which merited approval of the new proposal. Conversely, Commission members who denied the proposal cited specific reasons for doing so. Because of this, the Code was not properly applied.

**QUESTIONS?**

