

# MIRAMONT MEMORY CARE

CITY COUNCIL

APPEAL FROM PLANNING AND ZONING  
COMMISSION DECEMBER 15, 2022,  
APPROVAL

**ERIC SHENK** AND  
**XIOMA DIAZ**



PINKOWSKI | **LAW**  
& Policy Group LLC

## WHO?



**Xioma Diaz is a physical therapist with 28 years of experience in assisted living and memory care communities. Eric Shenk holds a medical degree.**

## WHAT?



**The vision: To own and manage a high-quality residential home to care for older adults with disabilities. Currently and legally serving two residents.**

## WHY HERE?



**This property is already accessible and only requires minor renovations. The home has an internal courtyard for safe exterior amenities.**

## WHAT?



The vision: **To own and manage a high-quality residential home to care for older adults with disabilities. Currently and legally serving two residents.**

- “Memory Care” – serves people afflicted with Alzheimer’s or other dementias
- Will be licensed by the Colorado Department of Public Health & Environment
- Caregivers must have special training
- **There are no other small Memory Care homes in Fort Collins**

## BENEFITS OF RESIDENTIAL CARE

- Smaller homes resemble their own homes with less people and less chaos
  - residents with dementia are already feeling confused and lost and need a place that feels safe to them
  - larger communities can be very loud and noisy causing increased anxiety in people with dementia
- Smaller residential homes equate to more one-on-one quality time spent with caregivers
- As opposed to skilled nursing homes, **residential care homes do not provide nursing care** as they are not for people who require specialist and/or complex medical care from qualified nurses



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**From:** Matthew Richter <mjr2049@gmail.com>

**Sent:** Tuesday, December 13, 2022 4:53 PM

**To:** Development Review Comments <devreviewcomments@fcgov.com>

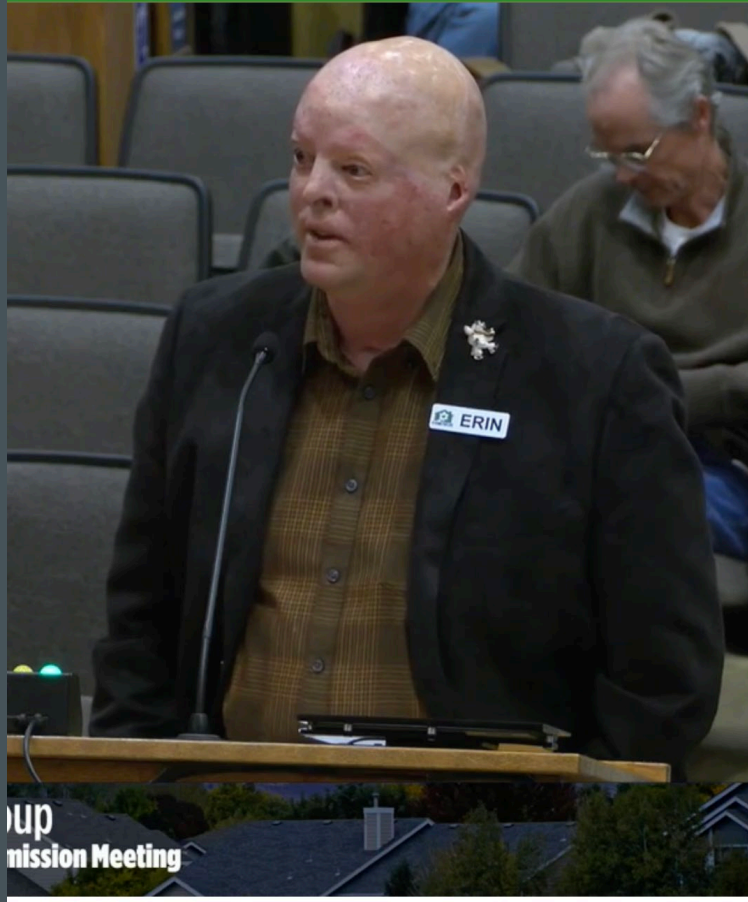
**Subject:** [EXTERNAL] Castle ridge group home project

My name is Matthew Richter and I am writing this email in support of castle ridge group home project. I live in Fort Collins and I believe the city needs smaller residential homes for our elderly population with dementia. As an EMT I get calls for falls and other problems at elderly homes and I've seen some of the conditions in the large ones. If a relative of mine ever needed dementia care I would only use a smaller residential home such as castle ridge group home project.

Thank you for your time,  
Matthew Richter



**ERIN ELLIS**  
**MONARCH GREENS**  
**ASSISTED LIVING**

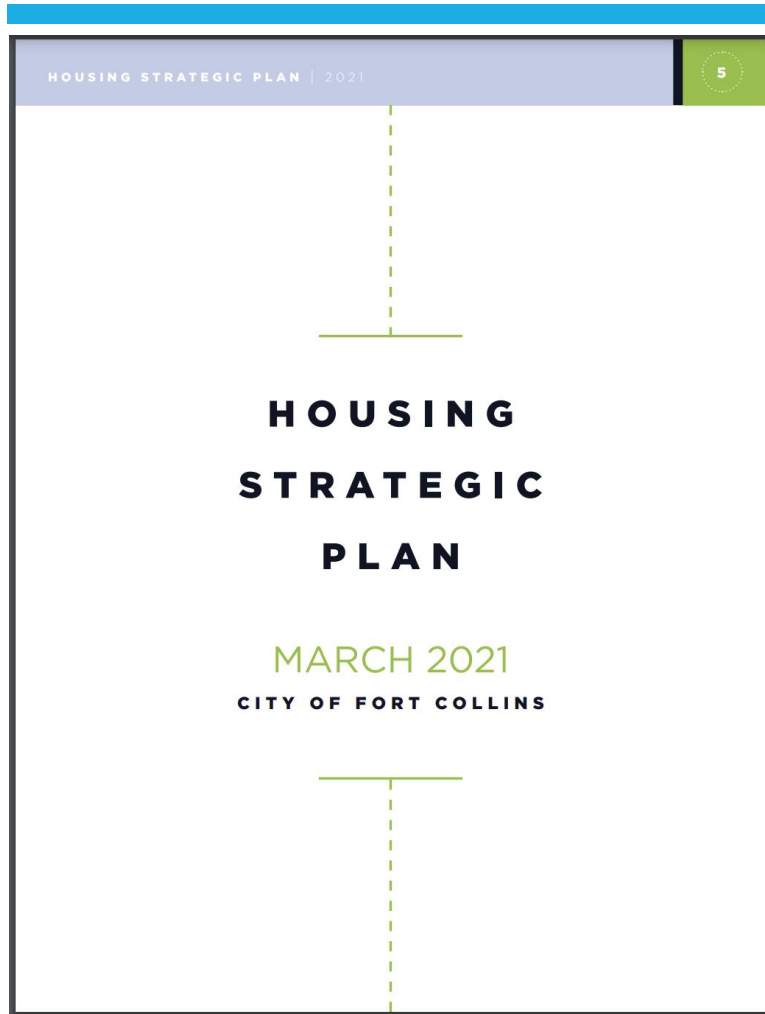


*“This is an important resource in our community that’s part of what makes communities better.”*

- Examples of other residential assisted living homes in high end neighborhoods:
  - Monarch Greens
  - Terry Lake
  - Turnberry Place
- “Makes the neighborhood better” despite initial resistance.
- Arguments are not new (“Not in my backyard”, “What is this really going to be like?”, “Fear of the unknown”)
- In the end, “Our neighborhood . . . is made better by having a residential assisted living home in the neighborhood.”

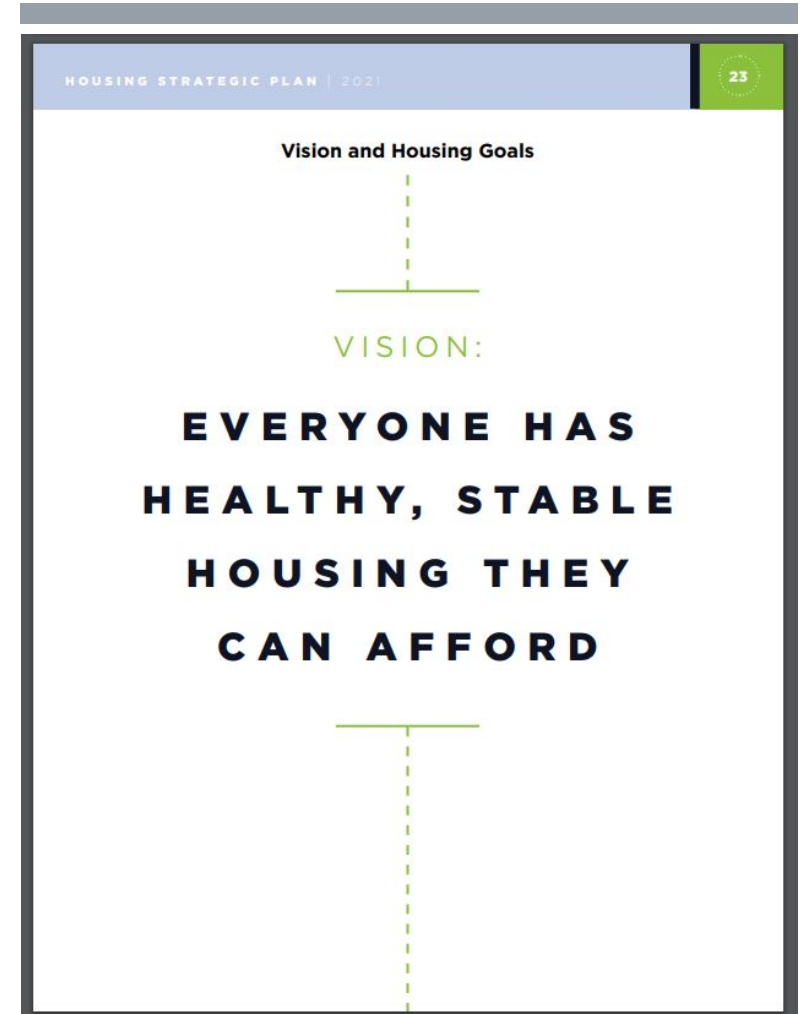
# HOUSING STRATEGIC PLAN

- **Vision:** *everyone in Fort Collins has healthy, stable housing they can afford.*
- **Desired Outcomes:**
  - Increase housing supply and affordability
  - Increase housing diversity and choice
  - Improve housing equity
  - Increase accessibility



## ***STRATEGIES:***

- Promote inclusivity, housing diversity, and affordability as community values



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## CHANGES MADE TO THE PROPOSAL

- Occupancy reduced by almost **40%**, from 16 to 10.
- Number of staff per day shift reduced by **33%**, from 3 to 2.
- Off-street parking increased by **100%**, from 3 to 6 spaces.
- Number of windows on the north reduced by **63%**, from 4 to 1.5.



## WHO?



**Xioma Diaz is a physical therapist with 28 years of experience in assisted living and memory care communities. Eric Shenk holds a medical degree.**

- Uniquely qualified to provide these services
- Xioma has seen firsthand why a small home with lower caregiver to resident ratio is needed
- Have been caring for two seniors with disabilities in their home for the past year

## WHY HERE?



This property is already accessible and only requires minor renovations. The home has an internal courtyard for safe exterior amenities.







# NORTH ELEVATION

EXISTING

PROPOSED - PREVIOUS

PROPOSED - CURRENT





**VIEW FROM  
FUTURE WINDOW  
IN WINTER**





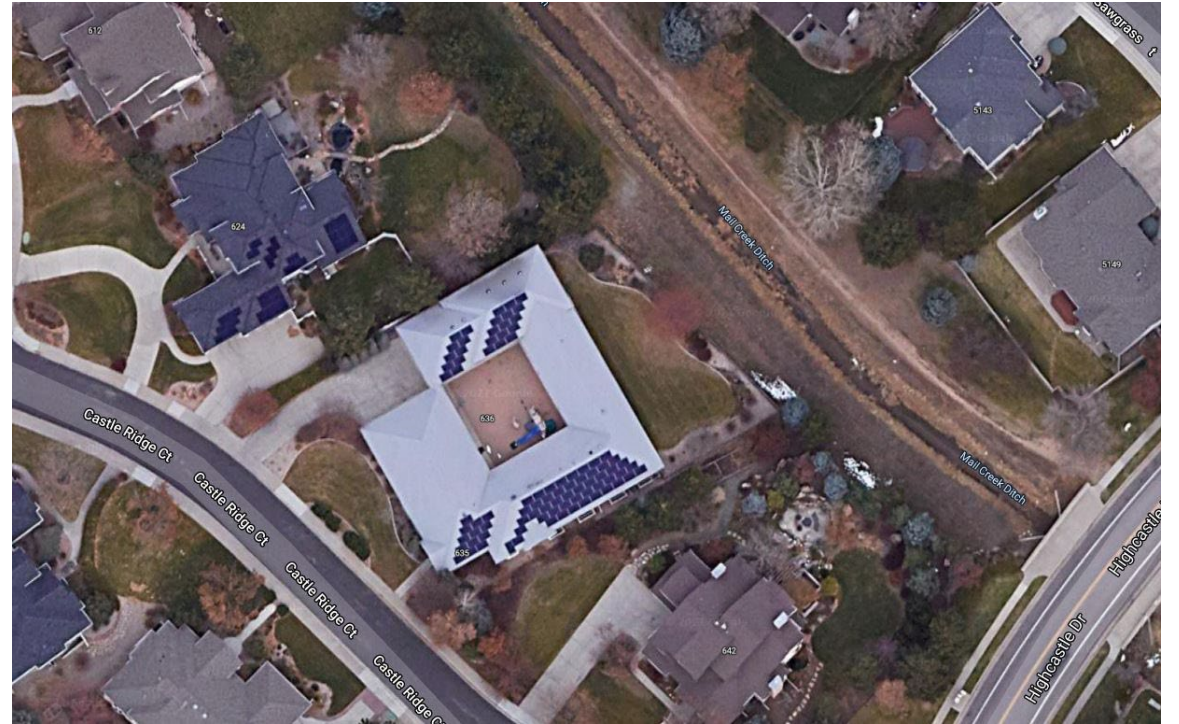




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## OPERATION OF THE HOME

- 2 caregivers during the day; 1 at night
- Night staff is “awake staff”
- Groceries and other supplies brought by personal vehicle
- Normal deliveries
- Trash – screened and taken out 1x/week

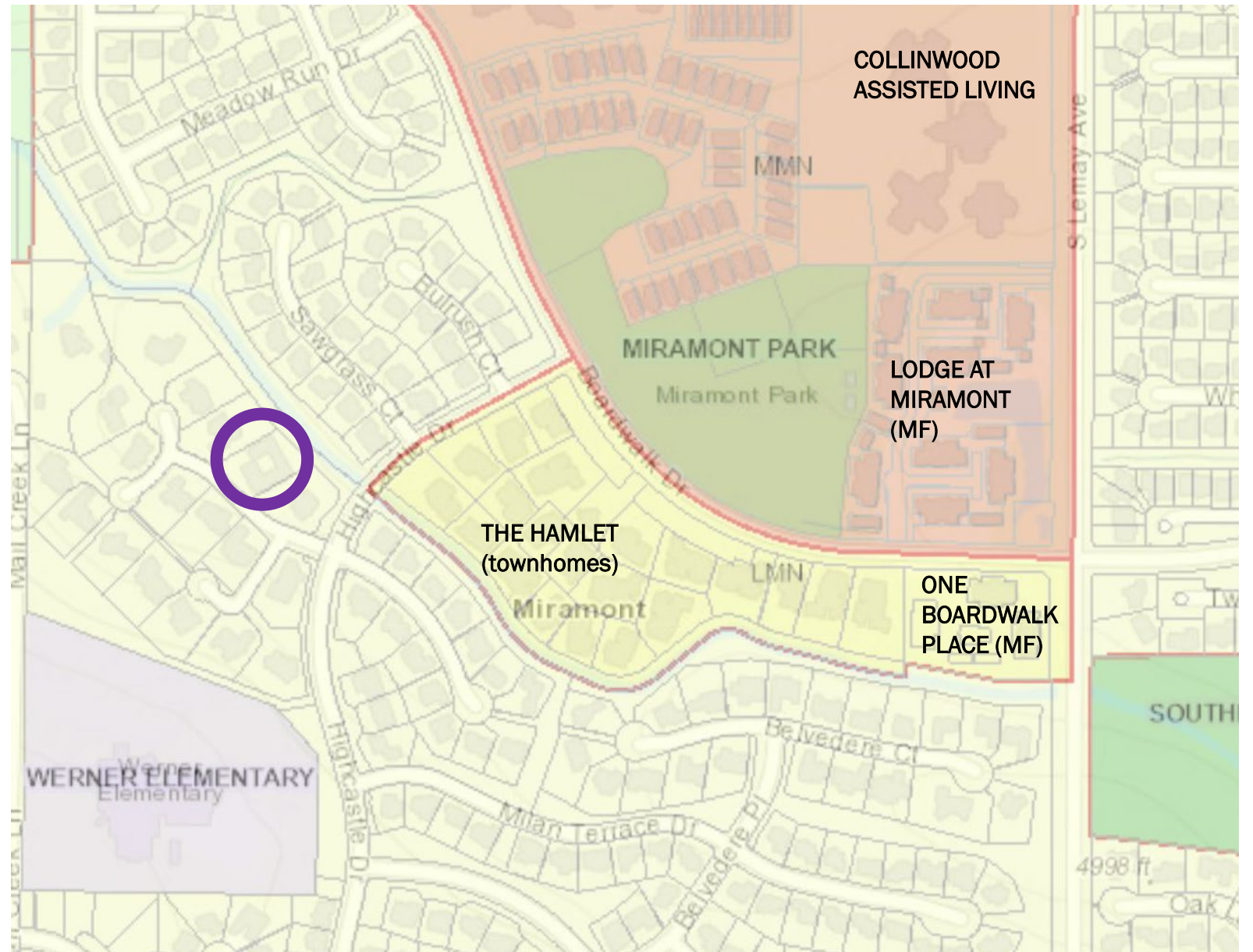


Project meets the requirements of the Land Use Code



## LOW DENSITY RESIDENTIAL PERMITTED USES

- Single-family detached
- Minor public facilities
- Places of worship
- **Group homes**
- Schools
- Community facilities
- Childcare centers
- Adult day/respite centers
- Solar energy systems
- Wireless telecommunication facilities





# TRAFFIC AND PARKING

WHAT DOES THE LUC REQUIRE AND THE EVIDENCE ACTUALLY SHOW?



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## **LAND USE CODE, SECTION 3.2.2(K)(1)(f)**

*Group Homes: For each group home there shall be two (2) parking spaces for every three (3) employees, and in addition, one (1) parking space for each four (4) adult residents, unless residents are prohibited from owning or operating personal automobiles.*





## OUR PARKING NEEDS

- Residents do not drive or own cars
- 2 staff members during day shifts; 1 at night
  - Staff will park in the garage
- Groceries brought in by staff in personal vehicles
- Deliveries – like everyone else
- Third-party providers (hair cuts, therapy, etc.) serve multiple people at a time
- Condition of P&Z: Deliveries limited to 8am – 6pm, Mon – Sat. We will limit it further to so that therapists, nurse visits, grocery shopping, etc. will be set to 9am – 2pm, Mon – Fri (which is outside of school hours and typical work commuting hours).
- No van

- We will ask people to use the app or call ahead.
- We will provide training on the app as part of on-boarding process.
- We will encourage people to park in the driveway or, if necessary, in front of our house.



## Managing parking spots with Parkalot

Your coworkers will always know if they can go to work by car and find a parking space a day ahead



## HOW MUCH PARKING IS ACTUALLY NEEDED?



### Francesca Richardson

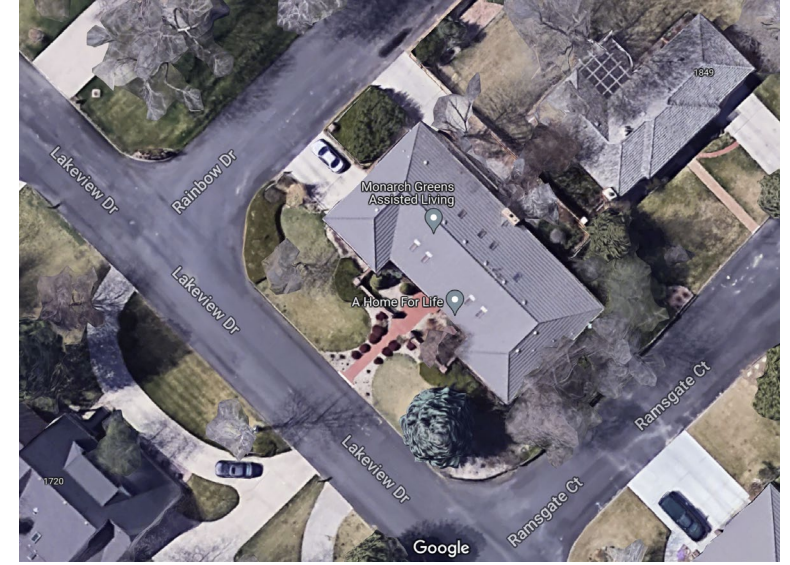
Owner of Multiple Assisted Living Homes  
(8-10 residents)

The level of traffic the neighborhood fears doesn't happen.

“Most I see is 4, and they are all spread out.”



# MONARCH GREENS



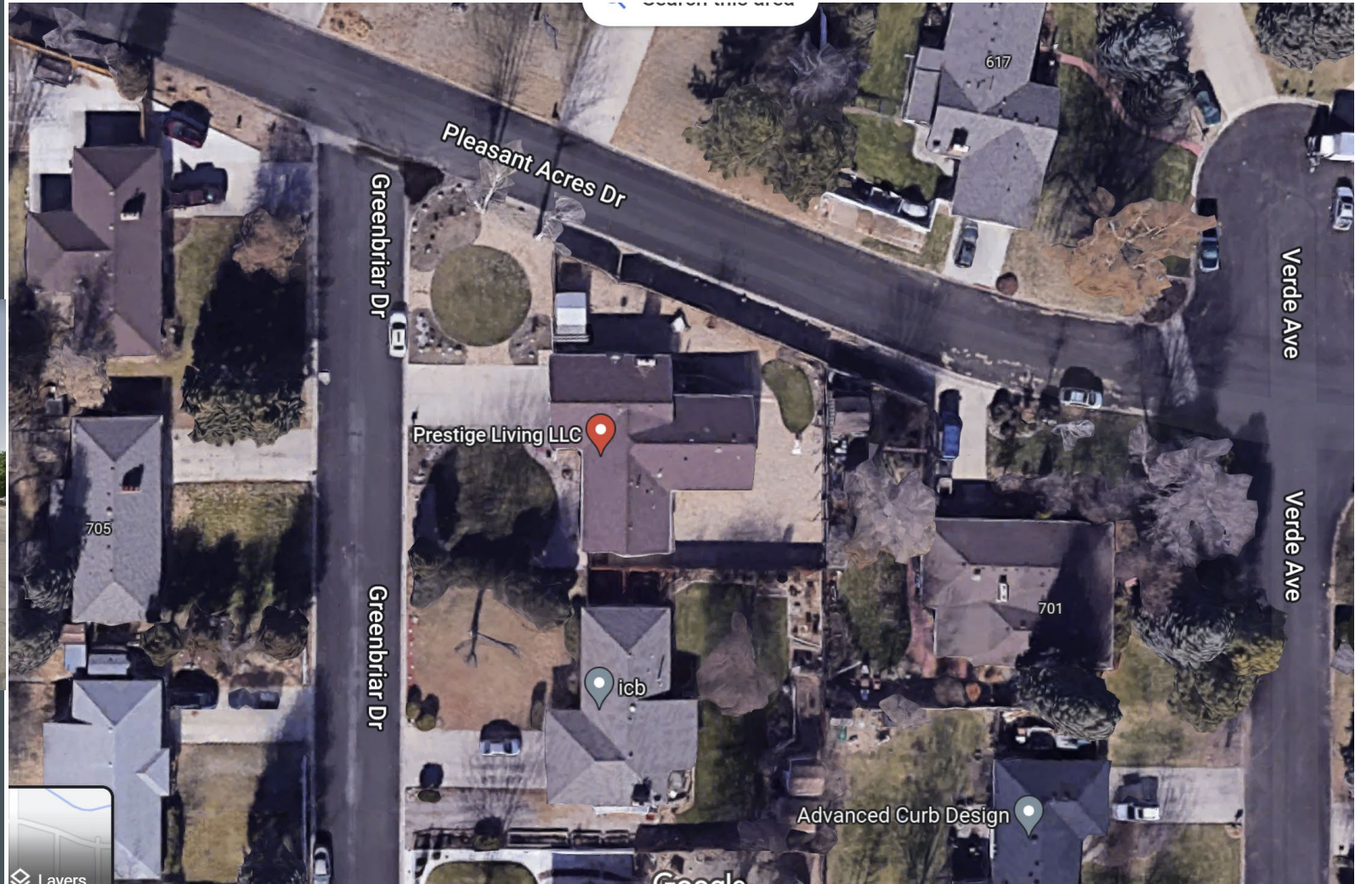


# LIVE TO ASSIST





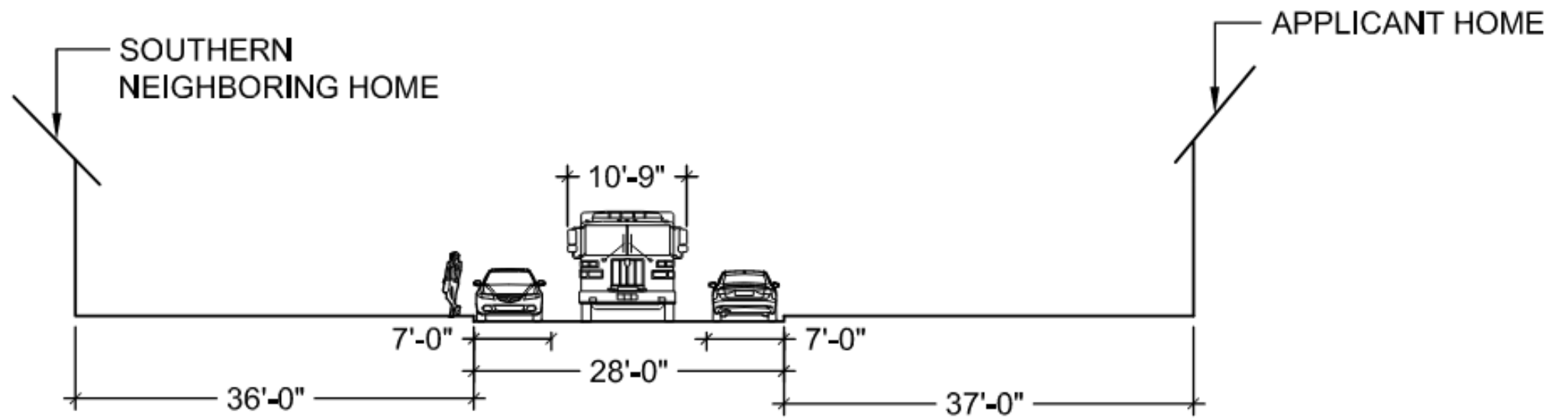
# PRESTIGE LIVING





**EXISTING  
RESIDENTIAL  
GROUP HOMES:**

- 3 or less cars parked
- No large dumpsters
- No cars blocking streets
- Blend into the surrounding neighborhoods



## FIRE ACCESS

Hello Barbara,

Thank you for your concern for the safety of your area. We care very much about serving our community quickly and effectively.

The current road design was approved through City of Fort Collins development review in the late 1990's and continues to be maintained according to that design approval. We will continue to respond to Castle Ridge Court as we have since the neighborhood was built and do not expect to encounter any issues that would prevent us from doing so.

Sincerely,



**Sarah Carter**

Assistant Fire Marshal

102 Remington St. | Fort Collins, CO 80524

[sarah.carter@poudre-fire.org](mailto:sarah.carter@poudre-fire.org)

Cell: 970-290-6764 | Office: 970-416-2864

[www.poudre-fire.org](http://www.poudre-fire.org)

Follow us for incident information and safety education.



Item 12.

**DELICH ASSOCIATES** Traffic & Transportation Engineering  
2272 Glen Haven Drive Loveland, Colorado 80538  
Phone: (970) 669-2061 Fax: (970) 669-5034



**MEMORANDUM**

**TO:** C. Eric Shenk, M.D.  
Alex Gresh, F9 Productions  
Nicole Hahn, Fort Collins Traffic Operations

**FROM:** Matt Delich

**DATE:** August 31, 2022

**SUBJECT:** Residential Assisted Living Home at 636 Castle Ridge Court Traffic Impact Study (File: 2118ME02)



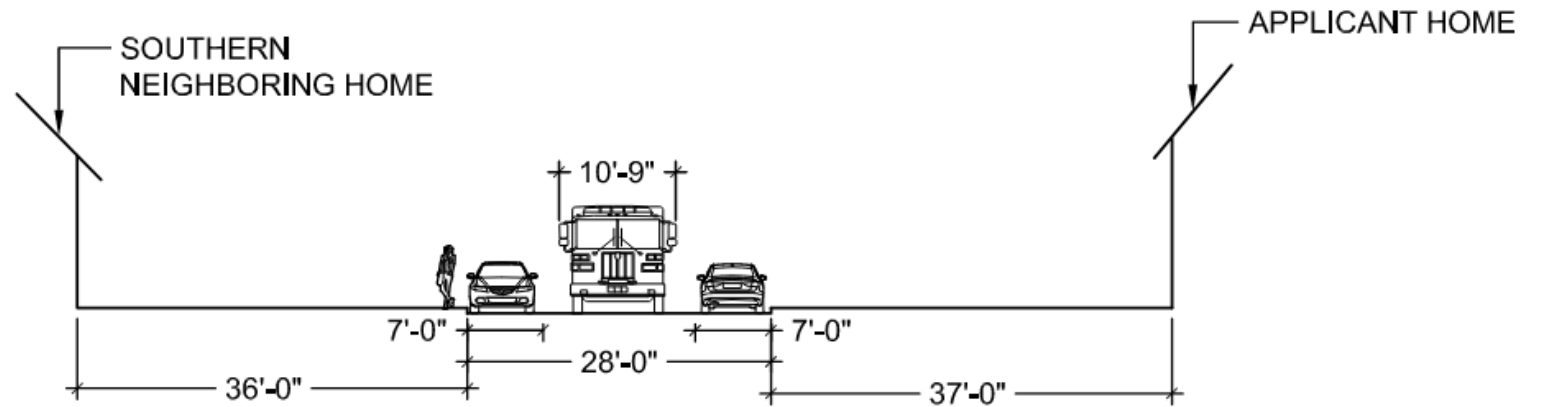
# TRAFFIC ANALYSIS

The following addresses each of the items in **LCUASS**, 4.2.2E - No TIS Required (Fort Collins Criteria): 1. The peak hour trip generation will be 24 daily trip ends, 2 morning peak hour trip ends, and 2 afternoon peak hour trip ends. However, the difference (net increase) in traffic, compared to the single family residential unit, will be: 14 more daily trip ends, 1 more morning peak hour trip end, and 1 more afternoon peak hour trip end; 2. No additional accesses are proposed; 3. This is a redevelopment; 4. The primary mode of travel for employees and visitors will be by private automobile; 5. The land use will not likely cause less than acceptable level of service on the adjacent streets and intersections; 6. There is no known significant accident history on adjacent streets and intersections; 7. The land use proposal does not directly access a State Highway; 8. Site traffic will not significantly impact adjacent, existing residential areas; 9. In the neighborhood meeting, there was neighborhood opposition concerning a number of issues, including traffic; and 10. Site traffic will not negatively impact bicycle and pedestrian facilities.

“However, the difference (net increase) in traffic, compared to the single family residential unit, will be: 14 more daily **trip ends**.”

**1 more trip end – morning peak**

**1 more trip end – afternoon peak**



# NEIGHBORS' WORST-CASE SCENARIO

WHAT DOES THIS VIDEO ACTUALLY SHOW?





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# **P&Z COMMISSION FOLLOWED THE LAND USE CODE**

## **APPROVAL WAS PROPER**

- Applied appropriate standards
- Acted within its authority

# FORT COLLINS LAND USE CODE

## SEC. 2.2.8

- **2.2.8 - Step 8: Standards**

To approve a development application, the decision maker must first determine and find that the development application has satisfied and followed the applicable requirements of this [Article 2](#) and complies with all of the standards required for the applicable development application ([see Step 8: "Standards"](#) referenced in Divisions [2.3](#) through [2.11](#)), as modified by any modification of standards approved under [Section 2.8](#).

# FORT COLLINS LAND USE CODE

## SEC. 2.4.2

### ■ 2.4.2 - Project Development Plan Review Procedures

(H) *Step 8 (Standards):* Applicable. A project development plan shall comply with **all General Development Standards applicable to the development proposal (Article 3) and the applicable District Standards (Article 4);** and, when a project development plan is within the boundaries of an approved overall development plan or PUD Overlay, the project development plan shall be consistent with the overall development plan or PUD Master Plan associated with such PUD Overlay. Only one (1) application for a project development plan for any specific parcel or portion thereof may be pending for approval at any given time. Such application shall also be subject to the provisions for delay set out in [Section 2.2.11](#).

# FORT COLLINS LAND USE CODE

## SEC. 2.5.2

- 2.5.2 - Final Plan Review Procedures

(H) *Step 8* (Standards): Applicable. A final plan shall comply with the General Development Standards applicable to the development proposal (Article 3) and the applicable District Standards (Article 4); and a final plan shall be consistent with the project development plan.

1. The Project Development Plan complies with the applicable procedural and administrative requirements of Article 2 of the Land Use Code.
2. The Project Development Plan complies with relevant standards located in Article 3 – General Development Standards, subject to two conditions.
3. The Project Development Plan complies with relevant standards located in Division 4.4 – Low Density Residential District (R-L).

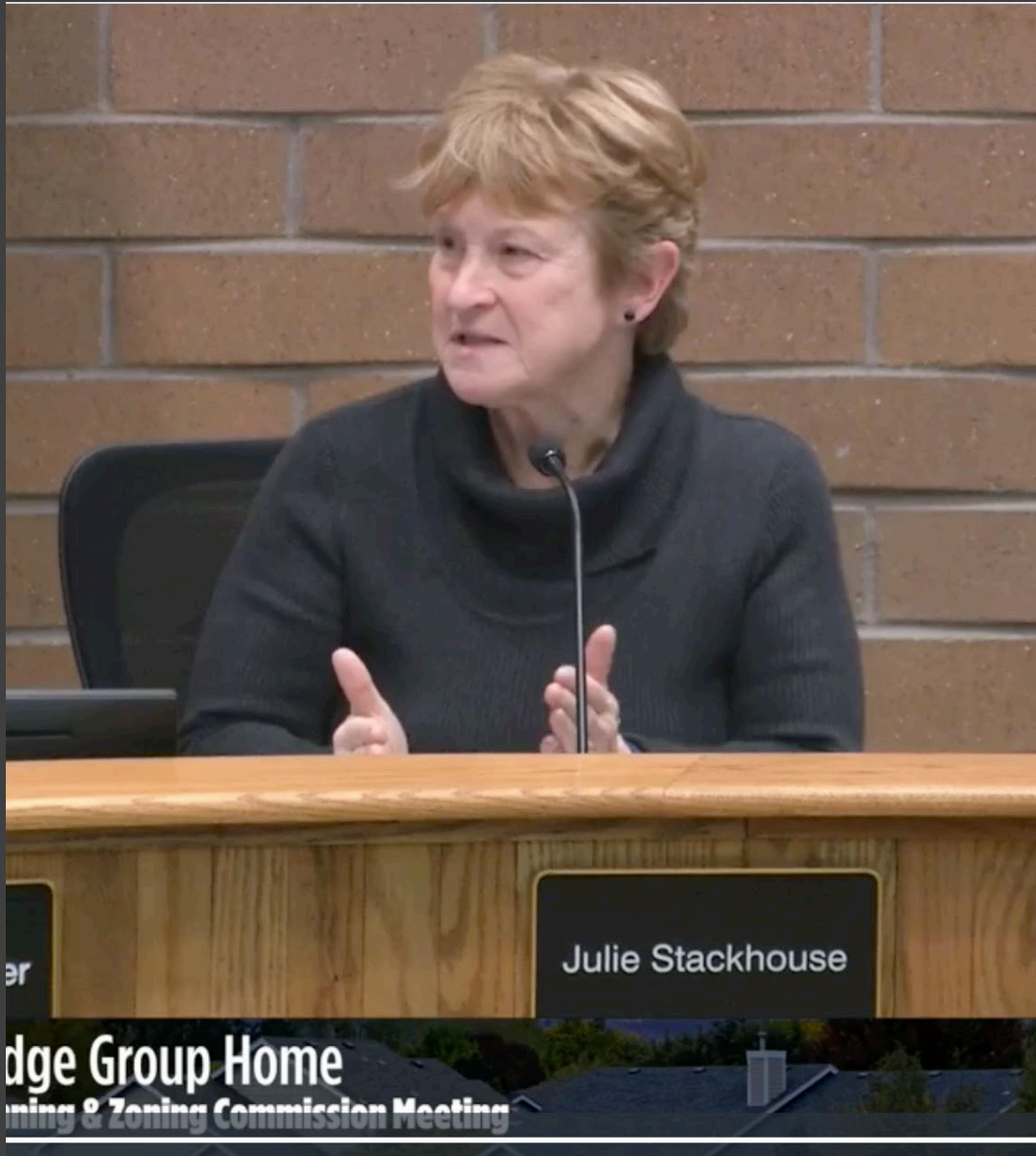


**FORT COLLINS LAND  
USE CODE  
SEC. 3.5.1 (J)**

**(J) Operational/Physical Compatibility Standards.**

Conditions *may* be imposed upon the approval of development applications to ensure that new development will be compatible with existing neighborhoods and uses. Such conditions may include, but need not be limited to, restrictions on or requirements for:

- (1) hours of operation and deliveries;
- (2) location on a site of activities that generate potential adverse impacts on adjacent uses such as noise and glare;
- (3) placement of trash receptacles;
- (4) location of loading and delivery zones;
- (5) light intensity and hours of full illumination;
- (6) placement and illumination of outdoor vending machines;
- (7) location and number of off-street parking spaces.



“It’s really important to reiterate what our goal is and that is to assess compliance with the Land Use Code and that is the code that has been in existence for some time. And just to be really sure that everyone is clear, small group homes are permitted in low density residential areas.”

**REASONABLE  
ACCOMMODATION  
SEC. 2-19**

*It is the policy of Fort Collins to provide reasonable accommodation for exemptions in the application of its zoning laws to rules, policies, and practices for the siting, development, and use of housing, as well as other related residential services and facilities, to persons with disabilities seeking fair access to housing. The purpose of this section is to provide a process for making a request for reasonable accommodation to individual persons with disabilities.*



## REASONABLE ACCOMMODATION PROCEDURE


- The decision whether to grant reasonable accommodation rests with city staff, who are well informed about the technical needs of the project, the City Code, and – importantly – the City’s responsibilities for inclusion set forth in state and federal civil rights laws, including the Fair Housing Act.
- Reasonable accommodation decisions are made by the Director of Community Development and Neighborhood Services (LUC Sec. 2-19(D)) after consideration of specific factors (LUC Sec. 2-19(E)). This decision may *only* be appealed by the applicant and to the City Manager.

*Appeal of Determination.* The applicant may appeal a determination granting or denying a request for reasonable accommodation to the City Manager in accordance with Chapter 2, Article VI of the Code of the City of Fort Collins. **No other review of a reasonable accommodation determination shall be allowed except as expressly provided within this Section. LUC, Sec. 2-19(F).**

# WHAT DOES THIS MEAN?

- The decision of whether the home should house 8 people with disabilities or 10 people with disabilities *was not up for decision by the P&Z Commission and is not on appeal here.*

Item 12



Planning, Development & Transportation Services

Community Development & Neighborhood Services  
281 North College Avenue  
P.O. Box 580  
Fort Collins, CO 80522-0580  
970.416.2740  
970.224.6134-tax  
fcgov.com

May 19, 2022

Michelle Pinkowski  
Delivered via email to:  
[michelle@pinkowskilaw.com](mailto:michelle@pinkowskilaw.com)

**Reasonable Accommodation Decision Letter- 636 Castle Ridge Court: Modified Request**

Ms. Pinkowski,

On April 4, 2022, you submitted a modified Reasonable Accommodation request to the City of Fort Collins ("City") on behalf of your client Peacock Assisted Living, LLC, regarding a proposed assisted living facility to be located at 636 Castle Ridge Court. A similar proposal with an alternate operating model and different request for accommodation was previously evaluated in June 2021. This determination letter is based on an evaluation of relevant information from the first request, supplemented by information provided as a part of the 2022 request.

The subject property is zoned Low Density Residential (RL). The applicant is seeking relief from Section 3.8.6 (A) of the Land Use Code, which limits the occupancy of a group home in the RL district subject to lot size limitations. The request is to allow 10 people with disabilities to reside at 636 Castle Ridge Court.

After careful consideration, I make the following findings of fact pursuant to Section 2.19(E) of the Fort Collins Land Use Code:

- The property at issue, 636 Castle Ridge Ct., will be used by people considered to be disabled under the federal Fair Housing Amendments Act ("FHAA").
- Based upon the nature of the group living model utilized by Peacock Assisted Living LLC, the Reasonable Accommodation is necessary to make housing at 636 Castle Ridge Ct. available to people with disabilities. Through the documentation provided with the original application, with the current proposal, and during the interactive meeting held on April 25, 2022, the applicant has demonstrated that the ratio of staff to residents impacts the therapeutic benefit of the caregiving model and is related to the ability of disabled residents to reside in the home, and that the number of residents permitted directly impacts the financial and operational viability of this facility. The revised model of ten residents and two onsite caregivers represents an attempt by the applicant to retain the therapeutic benefit of this caregiving model, while also addressing neighborhood concerns and retaining the financial and operational viability of the proposal.
- The requested reasonable accommodation would not impose an undue financial or administrative burden upon the City.

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## IN SUMMARY

- The Project complies with applicable procedural and administrative requirements of Art. 2.
- Project complies with relevant standards in Art. 3.
  - This home provides 200% more off-street parking than the Land Use Code's required minimum.
  - The Planning and Zoning Commission may apply conditions, but it's not required to do so. LUC Sec. 3.5.1(J) ("Conditions may be imposed upon the approval of development applications.")
- Project complies with relevant standards in Art. 4.4.
  - Group homes are allowed in this neighborhood.



*Decision by Planning & Zoning Commission was proper and should be upheld*





**THANK YOU**