

# 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

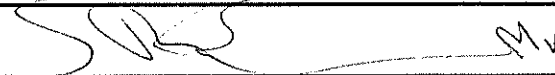
All new evidence the appellant wishes Council to consider at the hearing on the appeal must be submitted to the City Clerk within seven (7) calendar days after the deadline for filing a Notice of Appeal and must be clearly marked as new evidence. No new evidence will be received at the hearing in support 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](mailto: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:

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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

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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](mailto:srsunde@aol.com) <[srsunde@aol.com](mailto:srsunde@aol.com)>

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

**To:** Kai Kleer <[kkleer@fcgov.com](mailto:kkleer@fcgov.com)>; Alyssa Stephens <[astephens@fcgov.com](mailto:astephens@fcgov.com)>

**Cc:** Development Review Comments <[devreviewcomments@fcgov.com](mailto:devreviewcomments@fcgov.com)>; Paul S. Sizemore <[psizemore@fcgov.com](mailto:psizemore@fcgov.com)>; [srsunde@aol.com](mailto:srsunde@aol.com) <[srsunde@aol.com](mailto: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](mailto:kkleer@fcgov.com)>

To: [srsunde@aol.com](mailto:srsunde@aol.com) <[srsunde@aol.com](mailto:srsunde@aol.com)>; Alyssa Stephens <[astephens@fcgov.com](mailto:astephens@fcgov.com)>

Cc: Development Review Comments <[devreviewcomments@fcgov.com](mailto:devreviewcomments@fcgov.com)>; Paul S. Sizemore <[psizemore@fcgov.com](mailto: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](mailto:srsunde@aol.com) <[srsunde@aol.com](mailto:srsunde@aol.com)>

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

**To:** Kai Kleer <[kkleer@fcgov.com](mailto:kkleer@fcgov.com)>; Alyssa Stephens <[astephens@fcgov.com](mailto:astephens@fcgov.com)>

**Cc:** Development Review Comments <[devreviewcomments@fcgov.com](mailto:devreviewcomments@fcgov.com)>; Paul S. Sizemore <[psizemore@fcgov.com](mailto:psizemore@fcgov.com)>;  
[srsunde@aol.com](mailto: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](mailto:srsunde@aol.com)

To: [kkleer@fcgov.com](mailto:kkleer@fcgov.com) <[kkleer@fcgov.com](mailto:kkleer@fcgov.com)>; [astephens@fcgov.com](mailto:astephens@fcgov.com) <[astephens@fcgov.com](mailto:astephens@fcgov.com)>

Cc: [devreviewcomments@fcgov.com](mailto:devreviewcomments@fcgov.com) <[devreviewcomments@fcgov.com](mailto:devreviewcomments@fcgov.com)>; [psizemore@fcgov.com](mailto:psizemore@fcgov.com) <[psizemore@fcgov.com](mailto:psizemore@fcgov.com)>; [srsunde@aol.com](mailto: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](mailto:srsunde@aol.com)

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

From: Kai Kleer <[kkleer@fcgov.com](mailto:kkleer@fcgov.com)>

To: [srsunde@aol.com](mailto:srsunde@aol.com) <[srsunde@aol.com](mailto:srsunde@aol.com)>; Alyssa Stephens <[astephens@fcgov.com](mailto:astephens@fcgov.com)>

Cc: Development Review Comments <[devreviewcomments@fcgov.com](mailto:devreviewcomments@fcgov.com)>; Paul S. Sizemore <[psizemore@fcgov.com](mailto: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](mailto:srsunde@aol.com) <[srsunde@aol.com](mailto:srsunde@aol.com)>  
**Sent:** Saturday, August 20, 2022 9:44 AM  
**To:** Kai Kleer <[kkleer@fcgov.com](mailto:kkleer@fcgov.com)>; Alyssa Stephens <[astephens@fcgov.com](mailto:astephens@fcgov.com)>  
**Cc:** Development Review Comments <[devreviewcomments@fcgov.com](mailto:devreviewcomments@fcgov.com)>; Paul S. Sizemore <[psizemore@fcgov.com](mailto:psizemore@fcgov.com)>; [srsunde@aol.com](mailto: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](mailto:srsunde@aol.com)

To: [kkleer@fcgov.com](mailto:kkleer@fcgov.com) <[kkleer@fcgov.com](mailto:kkleer@fcgov.com)>; [astephens@fcgov.com](mailto:astephens@fcgov.com) <[astephens@fcgov.com](mailto:astephens@fcgov.com)>

Cc: [devreviewcomments@fcgov.com](mailto:devreviewcomments@fcgov.com) <[devreviewcomments@fcgov.com](mailto:devreviewcomments@fcgov.com)>; [psizemore@fcgov.com](mailto:psizemore@fcgov.com) <[psizemore@fcgov.com](mailto: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](mailto:kkleer@fcgov.com)>

To: [srsunde@aol.com](mailto:srsunde@aol.com) <[srsunde@aol.com](mailto:srsunde@aol.com)>; Alyssa Stephens <[astephens@fcgov.com](mailto:astephens@fcgov.com)>

Cc: Development Review Comments <[devreviewcomments@fcgov.com](mailto:devreviewcomments@fcgov.com)>; Paul S. Sizemore <[psizemore@fcgov.com](mailto: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](mailto:srsunde@aol.com) <[srsunde@aol.com](mailto:srsunde@aol.com)>

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

To: Kai Kleer <[kkleer@fcgov.com](mailto:kkleer@fcgov.com)>; Alyssa Stephens <[astephens@fcgov.com](mailto:astephens@fcgov.com)>