

## APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | G.J., CO. 81501

December 18<sup>th</sup> 2015

RE Appeal of Development Application Approval The Daisy Center Major Site Plan SPN-2015-217

Senta L. Costello  
Senior Planner  
Community Development  
City of Grand Junction  
Phone - 970.244.1442  
Fax - 970.256.4031  
[sentac@gjcity.org](mailto:sentac@gjcity.org)

Dear Senta,

We do hereby appeal to the Grand Junction Planning Commission the Director's Approval of the Development Application Major Site Plan SPN-2015-217 also known as The Daisy Center.

Code Review Summary - Reasons to Refer the Administrative Approval back to staff and require the Application to meet the minimum standards of the Grand Junction Zoning and Development Code relevant to application:

The Project as submitted DOES NOT meet the majority of the standards for performance under the City Zoning and Development Code (ZDC) & (Code). These issues will be presented at the Public Hearings before the City Planning Commission as noted by the Code at 21.040.030(p)(7)

- 1) **The Director acted in a manner inconsistent with the provisions of the City's Zoning and Development Code by not addressing Development Application Submittal deficiencies, Building Code deficiencies and inconsistencies with other Applications.**
- 2) **Made erroneous findings of fact based on the evidence and testimony on the record and failed to consider any mitigating measures; for safety, for fencing, the broken concrete, fire suppression due to the nature of the business being conducted and how that is defined by the Code. No study was done to show that the Facility is ADA Compliant but acknowledges there will be Americans with Disabilities at the facility.**
- 3) **Acted arbitrarily, or capriciously when ignoring the facts of the application and the information provided by the Applicant and other parties such as the Mesa County Division of Health and Human Services as well as Colorado State Juvenile Parole Board.**

The Appellant will address these issues as they have been stated in the letter by Colorado Land Advisor, Ltd. Dated June 30<sup>th</sup> 2015 and the letter dated November 24<sup>th</sup> 2015 and are incorporated herein.

Numerous facts and concerns have been unnoticed in this process.

DEVELOPMENT APPLICATION IS INCOMPLETE and INCONSISTENT – The Major Site Plan Review is missing important components .Most prominently that the Applicant will conduct services known as a Transitional Treatment Home and house **persons with emotional, psychological,**

APPEAL DOCUMENTS

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developmental, behavioral dysfunctions or impairments. A transitional treatment home shall not include any persons referred by the State Department of Corrections."

It has become apparent The Daisy Center is seeking approval from Colorado State Juvenile Parole Boards Placement Manager Dennis Desparrois. Which is in conflict with this Code.

SAFETY and FIRE – The Applicant has stated they will house: juvenile offenders and teenage smokers. The are asking for approval to be a “Transitional Treatment Center” housing Americans with Disabilities (ADA), as well as Clients as young as 5 years old with only 1 staff person on site at night.

The rear wooden stairway can be seen to be in poor condition. Applying a coat of paint does not fix steep rotting wooden treads that are too steep to meet the current building code.

The property, as approved, is not ADA Compliant as there is no way for a wheelchair to get across the 2’ deep gravel driveway, around the house, to the ramp, and up to the front door.

RUNAWAYS and OTHER CRIMES– With the location's proximity to I-70 runaways on foot can be hitchhiking on I-70 in 5 minutes.. In 2014 The Daisy Center reported 30 runaways to Police.

The Grand Junction Police Department records show that they have been called to the present location at least 129 times in the last 5 years. The Applicant is asking to increase their capacity from 10 clients at their present location to 16 clients at this new location, a 60% increase. This would most likely increase police calls 60% as well, resulting in about 42 police calls a year.

These are further detailed below

Respectfully submitted and signed,

Jeffery Fleming

signed,

Andace L. Seidel

signed,  
Lee Fischer / LEE FISCHER 12/17/15  
Gena Fischer / GENA FISCHER 12/17/15

signed,

Mark Seleske  
Kathy Seleske  
Kathy Seleske

signed,  
[Signature]

Michael Paronto

Confidential

Karen Greene

/s/ Jeffrey Hurd  
Signed under the Colorado Electronic Signature Act

APPEAL DOCUMENTS

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signed,

D J Holo

2170 PIAZZA WAY

Shelley Peterson

2220 Pizzeria Way

Gladys C. Gaboury

2220 Piazza Way

Wanda W. Putnam

2270 Cortina Ct

R W J

2247 CORTINA CT

B Siggel, K.D.

281 PIAZZA Way

Ann Clemens

3603 Sparrow Ct

Charles A. Fleming

2235 Fernwood Ct.

A J King

" " "

Walter Basini

2215 Pizzeria Way

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signed,

<u>Wally Blat</u>	2262 Cortina Ct, G.J., Co
<u>Berlana J. Hunt</u>	2202 Cortina Ct G.J. Co.
<u>Richard Mulla</u>	3529 Hollow Court G.J.
<u>Jean E Miller</u>	3529 Hollow Ct G.J., CO
<u>Laura L. Fink</u>	3520 Hollow Ct G.J. Co
<u>Blat</u>	3528 Hollow Ct G.J. Co
<u>Kim R. Storck</u> Kenneth R. Storck	2130 Piazza Way, G.J.
<u>Rebecca Storck</u> Rebecca Storck	2130 Piazza Way, G.J.
<u>Richard J. Silcare</u>	2271 Fernwood Ct.
<u>J.T. Jr</u>	2305 Fairwood Place

APPEAL DOCUMENTS

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signed,

Kurtis M. Holmes

KURTIS M. HOLMES 12/17/15

Bonnie J. Karp

Bonnie J. KARP 12/17/15

James E. Karp

JAMES E. KARP 12/17/15

Loi

Loi Lam 12/18/15

Ruth Wandrey

Ruth Wandrey 12-18-15

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APPEAL DOCUMENTS

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signed,

Steven Rich 12/17/15  
STEVEN RICH

Janice Rich 12-17-15  
Janice Rich

Terry Ballegeer 12/17/15  
TERRY Ballegeer

Greg Ballegeer 12-17-15  
GREG BALLEGEER

Jo Ann M. Click 12/17/15  
JO ANN M. CLICK

John W. Miller 12/17/15  
John W. Miller

Mustafa K. Khan 12/17/2015  
MUSTAFA KHAN

Sabina Khan 12/17/2015  
Sabina Khan

## APPEAL DOCUMENTS

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### APPEAL POINT #1

**The Director acted in a manner inconsistent with the provisions of the City Zoning and Development Code by not addressing inconsistencies and deficiencies in the Development Application Submittal, Building Code Deficiencies and inconsistencies with other Applications with the Mesa County Division of Health and Human Services as well as Colorado State Juvenile Parole Board.**

#### \* **Substandard Submittal - Major Site Plan Review**

**Development Application**- Is unsigned as required and change of ownership **1 deficiency**

**Deed**- Not submitted to substantiate Ownership as required **1 deficiency**

**Ownership Statement**- The ownership of the property changed during the application process and is not signed by the current owner. **1 deficiency**

**General Project Report**- Does not meet the Submittal Standards for Improvements & Development (SSIDs Manual) The report makes almost no effort to answer how the Project meets the ZDC requirements for the Change of Use to a Large Group Living Facility. It does not make any effort to address the density and intensity of a Large Group Living Facility. The Code is approximately 7 pages long with 122 defining terms for the type and use of a Group Living Facility. A reviewer of the file is left in confusion trying to determine how the Application fits into the Group Living Facility. A very large Majority of the defining terms are never answered anywhere in the application. **100 + deficiencies**

**Building Elevations** – Photos are of poor quality and fail to meet even one of the SSIDs manual Standards Checklist for the 10 requirements for submittal. **10 deficiencies**

**Fence and Wall Plan** are explicitly required by this type of Application, the Police Department recommended it in their comments and yet no plan was provided by the Applicant. The application does not meet the ZDC Requirements. **1 deficiency**

**Fire Flow Form**- Not requested but required by the fact that as an R4 Occupancy rating, which will likely need to meet R3 restrictions for Group Homes, this project will require fire sprinklers under the current building code (IRC-2012). **1 deficiency**

**Floor Plan** – Does not meet SSIDs standards as required for Drawing Standards **1 deficiency**

**Industrial Pre-treatment Survey** – Filled out but concerns about a shared kitchen for 20 people raises concerns about commercial kitchen requirements and food handling safety.

**Neighborhood Meeting**- While one was held and some neighbors did attend, a majority of neighbors are reporting they did not receive any notice of the meeting. **1 deficiency**

**Site Sketch**- Marked on the Major Site Plan Review Submittal Checklist but not submitted. With a plan with this level of intensity of use a **Site Plan** would be appropriate to assure landscape, parking requirements and grading issues, which are required by the Code for this type of application. No ADA Compliance anywhere on the Site sketch. **15 + deficiencies**

The **Submittal Standards for Improvements and Development** guide shows an application cannot meet the standards for **Site Sketch, Building Elevation Drawings, or General Project Report** without hiring a professional such as an architect or engineer as Major Site Plan Reviews require Signed and Sealed Documents.

**The submittal does not meet the minimum requirements of the SSID's Manual 132+ times.**

# APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | G.J., CO. 81501

**\*Failure of the Applicant to follow standard business and licensing practices**

A search of Public Records reveal that within the last 6 years the owner of record for the property has been liened no less than 6 times for failure to pay obligations relating to the property on 27-1/2 road.

Welcome to...  
Mesa County, Colorado

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**Print Forms**  
[Property Tax Notice w/ Background](#)  
[Account Balance](#)  
[Statement of Taxes Due](#)  
[Summary of Taxes Due](#)

**Account Links**  
[Account Summary](#)  
[Account Value](#)  
[Transaction Detail](#)  
[Verify My Email](#)

**Payment Receipts**  
[Receipt from Jun 11, 2014](#)  
[Receipt from Feb 24, 2014](#)  
[Receipt from Jun 10, 2014](#)  
[Receipt from Feb 26, 2014](#)  
[Receipt from Jun 7, 2013](#)  
[Receipt from Feb 22, 2013](#)  
[Receipt from Jun 11, 2012](#)  
[Receipt from Feb 22, 2012](#)  
[Receipt from Jun 10, 2011](#)  
[Receipt from Feb 24, 2011](#)  
[Receipt from Jun 10, 2010](#)  
[Receipt from Mar 3, 2010](#)

**Tax Account**

**Summary**  
 Account Id: R061936  
 Parcel Number: 294501300070  
 Owners: BRINTON MARY J  
 Address: 1169 GUNWISON AVE, GRAND JUNCTION, CO 81501  
 Situs Address: 643 27 1/2 RD  
 Legal: BEG S 241 07FT - W 40FT FR NE COR NE4SW4 SEC 1 1S 1WS 239FT W 182 28FT N 239FT E 182 26FT TO BEG EXC BEG S 0DE00240SEC W 240 80FT S 89DE05908SEC W 174 80FT FR NE4SW4 SO SEC 1 S 83DE03939SEC W 69 26FT N 08E09128SEC E 26 18FT N 89DE05908SEC E 47 65FT TO POB - 0.96AC

**Inquiry**  
 As Of: 12/15/2015  
 Payment Type:  First  Second  
 Total Due: \$0.00  
 [Update]

**Value**

Special Assessment	Area Id	Area Id	Taxes
UTILDD - UTILDD GJ Delq Assmt	14100 - 14100		\$494.95
		Actual	Mill Levy
		62,500	62.0890000
DUPLEX-TRIPLEX RES - 1115		270,680	21,550
DUPLEX-TRIPLEX IMP - 1215		333,180	26,530
<b>Total Value</b>			<b>\$1,646.08</b>
<b>Taxes</b>			
Original Taxes			\$1,646.08
Adjustments			\$494.99
<b>Total Billed</b>			<b>\$2,141.37</b>

**Delinquent utilities 6th year in a row>>**

A search of Public Records reveal that the Owner's Deed of Trust reveals that the Owner/Borrower on Page 16 agreed to the following: *will not seek, agree to or make a change in the use of the property or its zoning classification, unless Lender has agreed in writing to the change. Borrower shall comply with all laws, ordinances, regulations and requirements of any governmental body applicable to the Property.*

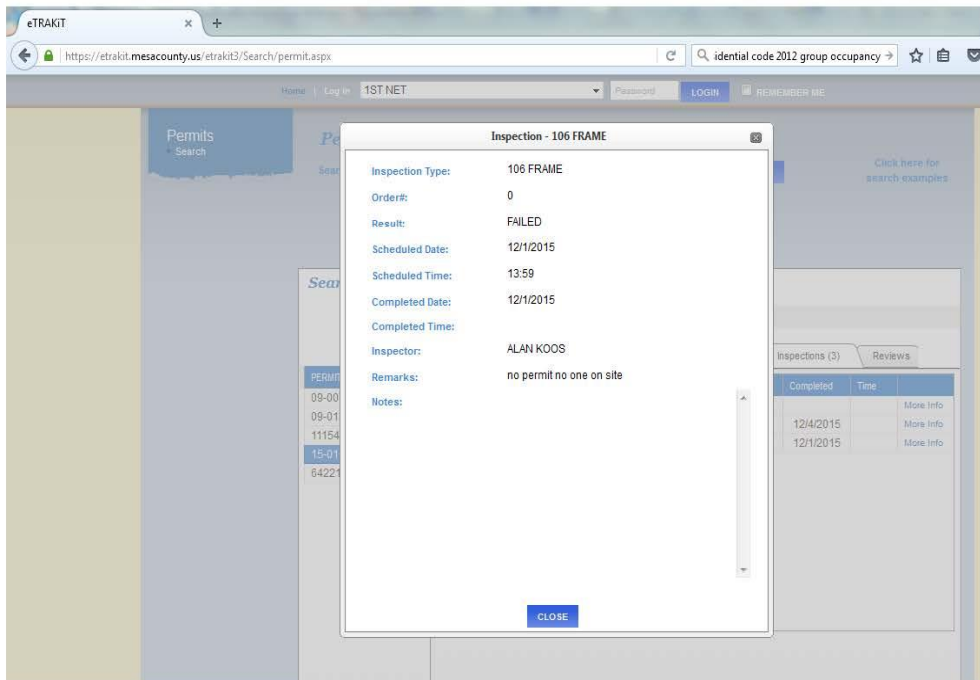
The Applicant states in their General Project Report that they have been in business for 18 years (since 1997). It appears that it was two years later that the Daisy Center first registered with the City of Grand Junction ( May 28th 1999). A search of public records reveal that The Daisy Center had operated 12 years without registering as a business entity with the Colorado Secretary of State (March 5<sup>th</sup> 2009). On April 1<sup>st</sup> 2010 The Daisy Center failed to renew their registration. Again, for almost 2-1/2 years The Daisy Center operated without having registered with the Secretary of State until August 22<sup>rd</sup> 2012 when apparently they re-registered.



## APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | B.J., CO. 81501

June 10 2015 Comments from the Mesa County Building Department state A building permit will be required before ANY work starts. And yet an inspection of the property on 12/1/2015 reveals an Inspector Failed the property because there was no permit.



**The Applicant does not follow expected business practices in any consistent manner.**

### \*Code Compliance – Major Site Plan Review

The Daisy group living facility has not, and is not, in compliance with the ZDC at its current location. And, as it is being proposed, will not be in compliance with the ZDC at the 27-1/2 Road location. No building plans have been submitted to the Mesa County Building Department for a Group Home with 5 Dwelling Units in 1 building. But major revisions would be necessary to bring the structure up to compliance. Existing exterior wooden stairwells appear to be rotting and are too steep. Handrails do not meet the most recent Code requirements. With a Change of Use Application the structure is evaluated by an architect in order to assure the unpermitted portions are up to Code. There was no requirement for this as such evidently no Change of Use was considered. The structure does not meet minimum standards for City Planning or County Building Code compliance. **The minimal amount of review is concerning since the Applicant is applying to have a “Transitional Treatment home” that will have the potential to house 16 juveniles who require treatment for psychological, behavioral and developmental dysfunctions or impairments.**

### \*Density and Intensity – Major Site Plan Review

## APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | G.J., CO. 81501

The Property is Zoned R8 and thus if it is .985 acres would allow up to 7 Dwelling Units (D/U) on the parcel. The Applicants Submittal amounts to 5 D/U within the building as group Living Facilities count 4 beds as 1 Dwelling Unit and the Applicant is seeking to have 16 beds plus staff. The building is currently classified as a Duplex/Triplex but does not meet the stringent standards of a 5 D/U multifamily structure as proposed as it has no fire walls or sprinklers. By virtue of the proposal being an R4 Occupancy rating for Group homes **fire sprinklers are a requirement under the current building code (IRC-2012) when housing persons who require treatment for psychological, behavioral and developmental dysfunctions or impairments.** **An architect code review should be required for the Change of Use.**

### \* Site Evaluation – Major Site Plan Review

No known survey has been performed on the site. However, the Mesa County Assessor states that the property is .985 Acres. The EPA's Stormwater requirements for sites 1.0 acres or greater should be a concern for this site. With a potential for a survey revealing the site is 1.0 acres or greater the site would need to have a Stormwater Management Plan developed and implemented. Known site conditions warrant a closer look at this. Potential pollutant sources exist in the form of **truckloads of broken concrete discarded and strewn about the property.** If the site is found to be greater than 1.0 acres this would be a violation of the City's MS4 Permit. It is also a very serious safety hazard that has not been addressed.

**The Applicant has not shown that the site is actually under 1 acre.**

The Application does not meet these stipulated **Architectural Standards** for approval of the Development Application. Per GJC ZDC 21.040.030 (p)(8)(iv) and 21.040.030 (p)(16)(iv) which states:

*(iv) The architectural design of the group living facility is residential in character and generally consistent with the R-O zone district;*

*21.03.070 Mixed use districts.*

*(a) R-O: Residential Office.*

*(2) Performance Standards. New construction, including additions and rehabilitations, in the R-O district shall be designed with residential architectural elements and shall be consistent with existing buildings along the street. "Consistent" means the operational, site design and layout, and architectural considerations described in the next subsections.*

**The Daisy Center is not consistent with other buildings along the street. Setbacks, architecture, landscaping and parking are all unique at the site proposed for use by The Daisy Center.**

*(3) Site Design, Layout and Operational Considerations.*

*(i) Parking. Business uses in the R-O district shall be designed and operated not to increase on-street parking in front of dwellings in the neighborhood. On-site parking shall be provided pursuant to the parking rules. On-site parking spaces shall only be located in the side and rear yards; and screened from adjacent dwellings by a solid wall, fence or vegetation having a height of not less than four feet or more than six feet (vegetation may exceed six feet in height). Fences must comply with GJMC 21.04.040(i), any design guidelines and other conditions of approval.*

Though no Site Plan has been submitted for this Proposal it would seem that The Daisy Center will need to build a fence/wall that is at least 4 feet, but up to 6 feet, in height along the sides and rear of their property to screen parking areas from adjacent properties. With the grade difference between Tuscan

## APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | G.J., CO. 81501

and Daisy it would be prudent for that wall to be 6 feet in height. **The Police Department recommended this in their Comments dated June 10<sup>th</sup> 2015. The Daisy Center's current location has a 6 foot tall wooden privacy fence. Why are they being allowed to downgrade to no fence?** The Code also stipulates that *The exterior of all new buildings, additions and alterations shall be similar in size and appearance to nearby dwellings.* The building and fence should be of a stucco finish in order for it to match the appearance of nearby dwellings.  
**Screening high intensity uses from neighboring single family homes is normally a requirement.**

(ii) *Service Entrances. Service entrances, loading areas and dumpster areas shall be located only in the rear or side yard. Each loading area shall be screened from each adjacent residential use or zone.*

Though no Site Plan has been submitted the ZDC clearly states The Daisy Center will need to build a fence/wall that is at least 4 feet, but up to 6 feet, in height along the sides and rear of their property to screen service entrances and loading areas from adjacent properties. This facility will be serving 60 or more meals a day. It is to be expected that many trucks will be coming and going on a regular basis. No effort has been put into a circulation plan for large food service and delivery trucks coming on a regular basis. There must be some plan as to how and where they will turn around on the site. Backing out onto 27-1/2 road is unsafe and inconceivable. The Applicant has not shown a site circulation plan is even possible. With the grade difference between Tuscany and the proposed Daisy Center it would be reasonable that the wall be 6 feet in height. A vegetative buffer alone would not be enough to screen and buffer between the different intensity of uses. The property's landscaping has historically not been maintained and thus The Daisy Center proposal would benefit from something that is maintenance free. Vegetation does not meet this standard nor does it match architecturally with the neighboring properties. The GJ Police Department has consistently recognized that low lying vegetation contributes to crime. With other concerns about the proposal a vegetative buffer would be inappropriate. **Screening high intensity uses from neighboring single family homes is normally a requirement.**

#### (4) Architectural Considerations.

(i) *Building Alignment Along Streets. Every new building and addition shall be located so that it aligns with existing neighborhood buildings in both elevation (e.g., horizontal lines of peaks of roofs, cornices, window sills) and plan (e.g., setbacks from the street and rear property lines and spacing between structures/setbacks from side property lines).*

The Daisy Center Proposal suggests that a few superficial modifications will bring the building up to Code. Here in the ZDC it is clear that the intent is for the building to be coherent with the neighborhood. As a purely residential structure there is no need for it to be modified to the R-O standards. However this Application and use sets forth a higher standard that is far from being met.  
**The build and it's numerous additions (some unpermitted) do not meet the the Code requirements for alignment, elevation, or plan.**

(vi) *Fenestration. Windows and doors shall be visually compatible with surrounding residential structures. Visually compatible includes the relationship of width to height, and the spacing of windows and doors. For example, tall evenly spaced rectangular windows are typical of certain residential styles in R-O district areas.*

**When a Change of Use happens the Code does not present an exception for this requirement.**

(vii) *Materials. The exterior of all new buildings, additions and alterations shall be*

## APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | G.J., CO. 81501

*similar in size and appearance to nearby dwellings. Sign materials should be visually compatible with materials used on the building facade.*

In the existing structure the windows and doors are not visually compatible with surrounding residential structures in Spring Valley, Tuscany or The Knolls. The windows are not visually compatible in relationship of width to height. The windows are an assembly of sizes and shapes from many different additions over decades and are nothing less than inconsistent with even themselves, little alone surrounding residential structures as required by the Code. The spacing of windows and doors has no pattern, no definable architectural style unless one want to use the term “eclectic”. The Code goes on to state: *tall evenly spaced rectangular windows are typical of certain residential styles in R-O district areas.*

The materials used on the exterior of the buildings varies widely and follows suit with the windows. There is no discernible pattern or style portrayed. Certainly the bare concrete, lap siding, painted plywood, T-111 siding and bare wood do not match. There are no less than 6 types of finishes on the side of the structure. This mishmash of surfaces and textures reveals a lack of consistency. There are no less than 4 different roof pitches on the building. Due to the construction it is unlikely that some of the additions were ever permitted with the Mesa County Building Department. There is no other dwelling in the vicinity that has such a high number of finishes on one building. To say that the building is confusing to look at would be an understatement. The numerous additions and **alterations** are in no way similar in size or appearance to any nearby dwellings. Adding a coat of paint does not make the cobbled together structure consistent with anything. The current architectural improvements to the property do NOT meet the R-O standards as defined by the Code. The roof in aerial photos can be seen to be in very poor condition and well beyond it's service life.

**When a Change of Use happens the Code does not present an exception for this requirement.**

The Director states in their Approval Letter *These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final site plan phase..* When auditing the file on December 10<sup>th</sup> 2015 no such documents were present.

**Where The Daisy Center now operates it is not in conformance with the R8 standards nor the R-O standards. If the Daisy Center is moved to the 27-1/2 Road location it fails even more of these R-O standards as submitted for Architectural design. Their proposal does NOT meet the ZDC for Architectural Design.**

## APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | G.J., CO. 81501

### APPEAL POINT #2

**Made erroneous findings of fact based on the evidence and testimony on the record and failed to consider the type of clients and the use of the facility, nor were any mitigating measures: for safety; for fencing; for truckloads of broken concrete and for fire suppression. This is due to the nature of the business being conducted and how that is defined by the Code.**

21.040.030 (p) *Group Living Facility.*

(1) *Other Residential Density. Density of group living facilities shall be calculated as four beds equal one dwelling unit. Group living facilities are meant to fit into a neighborhood with the same characteristics and requirements.*

The Applicants Submittal amounts to 5 D/U within a single building. The building is currently classified as a Duplex/Triplex but does not even meet the standards of a multifamily structure. The applicant is proposing is equivalent to having 5 D/U in one building with no fire walls. By virtue of the proposal housing *specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments* fire sprinklers are a requirement under the current building code (IRC-2012).

A Group R-4 residential care/assisted living facility, as defined in the *International Building Code*, is permitted to comply with the construction requirements of the *International Residential Code*. When a residential care/assisted living facility is detached single-family it can be regulated by the *International Residential Code* in accordance with **Section 101.2 of the International Building Code**. However **the Daisy Center is not a Single Family residence, it is classified as Duplex Triplex**, thus it does not fit this description and the 2012 IBC applies. The 2012 IRC goes on to state the technical provisions of any International Code are applicable to the extent referenced in the *International Residential Code*.

Thus the *International Building Code* applies to multifamily structures such as the propose site.

International Building Code 310.6 Residential Group R-4.

This occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. **The persons receiving care are capable of self-preservation.** This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Convalescent facilities
- Group homes*
- Halfway houses
- Residential board and *custodial care* facilities
- Social rehabilitation facilities

**The Daisy Center will provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. Can 16 Daisy Center developmentally impaired Clients escape a fire with a single staff member to assist them?**

**The Appellant does not believe persons receiving such care are capable of self-preservation.**

## APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | G.J., CO. 81501

**June 10 2015 CITY FIRE DEPARTMENT – Mike Gazdak** Requirements: 1. Provide an automatic fire sprinkler system per 2012 International Fire Code 903.2.8 and 903.2.8 unless the building has met all provisions of the International Residential Code (which provides an exception from fire sprinklers). Mesa County Building Department will determine if building complies with the International Residential Code or will remain under provisions of the International Building Code

**From the Director** - The Zoning and Development Code definition for a - "*Transitional Treatment Home*" is: "a residential facility which provides 24-hour staff supervision and a peer support structure to help residents acquire and strengthen the social and behavioral skills necessary to live independently in the community. *Such programs provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments.*

**Can 16 Daisy Center developmentally impaired Clients escape a fire with a single staff member to assist them?**

The Center for Disease Control states that the female teenage smoking percentage is 20.9%

Tobacco Use\* Among High School Students in 2014<sup>5</sup>

Tobacco Product	Overall	Females
Any tobacco product†	24.6%	20.9%
Electronic cigarettes	13.4%	11.9%
Hookahs	9.4%	9.8%
Cigarettes	9.2%	7.9%
Cigars	8.2%	5.5%
Smokeless tobacco	5.5%	1.2%
Snus	1.9%	0.8%
Pipes	1.5%	0.9%

[http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/youth\\_data/tobacco\\_use/index.htm](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm)

**If 21% of teenage girls are smoking and trying to cover it up should the facility have a sprinkler system?**

## APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | G.J., CO. 81501

Meanwhile teen marijuana use is greater than tobacco use according to this Denver Post Article:

## APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | G.J., CO. 81501

Colorado, Washington and other states heading toward legalization are conducting a "large social experiment (that portends a very difficult time" for drug-abuse control, said Gil Kerlikowske, director of the Office of National Drug Control Policy.

### COLORADO MARIJUANA



- More coverage of how marijuana is changing Colorado
- Do's and Don'ts: Learn more about Colorado's recreational pot law

Legalization advocates, meanwhile, cited other statistics in the report showing the recent national trend in high school use of pot is flat.

The most recent three years of the survey show little change in self-reported use in the annual tally.

In 12th-graders, for example, use in the past month was 22.7 percent of respondents, little changed from 22.9 percent in 2012 or 22.6 percent in 2011. A similar flat trend held among

10th- and eighth-graders in those years.

[http://www.denverpost.com/news/ci\\_24749800/feds-call-out-colorado-releasing-study-teen-pot](http://www.denverpost.com/news/ci_24749800/feds-call-out-colorado-releasing-study-teen-pot)

Almost 23% of teens report smoking marijuana in Colorado

Mitigation of these facts is important to the Appellants and is supported by the Code.

A review of applications for Group Living Facilities ( MSP-2009-245; MSP-2009-249; SPR-2008-144) in recent years show that each one, without exception, was given Comments during the development review process similar to:

1. *Provide an automatic fire sprinkler system per 2012 International Fire Code 903.2.8 and 903.2.8 unless the building has met all provisions of the International Residential Code (which provides an exception from fire sprinklers). Later Mr Gadzak wrote an email*

The Daisy Center will provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunction

Can 16 Daisy Center developmentally impaired Clients escape a fire with a single staff member to assist them?

**Should broken slabs of concrete and rebar dumped in the side and rear yard be left to create an unsafe yard for children to play in?**

Runaways have been a problem for the Daisy Center and are a significant concern. Interstate 70 is 5 minutes by foot from the proposed location of the Daisy Center. Any Runaway could disappear quickly.



**APPEAL DOCUMENTS**

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Criminal Statistics for Daisy Center and previous group home on 27 1/2 Rd (GJPD)												
804 Glenwood Ave												
	Runaways	Criminal Mischief	Trespassing	Burglary	Theft	Assault	Drug Violation	Arrest	Harrassment	Disorderly Conduct	Liquor	Suspicious Incident
2015	14	5	1	3	1	1		1				1
2014	30	1				1		1				
2013	26	2	1			1		1				
2012	7							1		2	1	
2011	16	1								1		
2010	4					1		1		1		
<b>27 1/2 Rd.(previous group home for boys operated by the Brintons)</b>												
2007	21		1		1	4		1		1		1
2006	24	2	1					3	2		1	1
												Police Incidents
												Total
												129
												Police Incidents
												Total
												65

**What mitigating factors are in place to prevent harm to the neighborhood for these criminal statistics.**

**(11)** *If the group living facility proposes to use or convert existing multifamily residences, adequate lot area shall be provided according to the requirements of the district, the requirements of the district shall be met and the intensity of the programs or services offered shall be compatible with the neighborhood.*

Compatibility with the neighborhood as required by the ZDC 21.040.030(p)(14)(iii)

The Daisy Center as proposed is not architecturally compatible with the neighborhood.

The Daisy Center as proposed is not compatible with the density and intensity of the affected neighborhood.

The Daisy Center as proposed is not compatible in risk to the neighborhood.

**21.06.050 Off-street parking, loading and bicycle storage:**

*(a) Off-Street Parking Standards. New off-street parking (new construction and expansion of or changes to existing uses) standards follow. (2) Parking Lot Landscaping. Parking lots shall be landscaped (5) Vehicular Traffic Areas. All driveways and parking areas, except for a single dwelling (the site is a duplex/triplex not a single dwelling) on one lot, shall comply with the following: (i) All required parking and vehicular traffic surfaces shall drain and be surfaced with concrete or bituminous pavement in accordance with City standards. The City Engineer may permit a gravel surface in overflow parking areas.*

*In the Director's Approval Letter they state: In addition to the parking, the following accessory uses are proposed and approved: counseling sessions (group or individual), visits from family, friends, counselors and/or case managers, tutoring, and outdoor recreation.*

This sounds like a lot of traffic and a higher need for parking than is typical of residential applications and yet no permanent parking plan exists for the site., little alone any plan for ADA Accessibility.

**The Facility as approved is not ADA Accessible from the gravel driveway to the building.**

Though not directly an architectural feature the landscaping on site could best be described as poor to dangerous. Broken slabs of concrete and rebar dumped in the side and rear yard is a hazard to anyone in the yard. Rusty rebar protrudes out of the concrete like some creature trying to escape. It's very scary to

## APPEAL DOCUMENTS

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look at. Not to mention that the broken crumbling concrete is certain to be leaching into the rainwater running off of the site and into City storm drains. The site has unprotected slopes of 10-12%. Across the property is an abandoned swimming pool that is half filled with dirt, debris and trash, another eyesore and danger to clients for whom The Daisy Center is supposed to be looking out for their well-being.

Every neighboring development has fencing the Daisy Center does not  
Every neighboring development has paved driveways the Daisy Center does not  
Every neighboring development has designated parking the Daisy Center does not  
Every neighboring development has stormwater management the Daisy Center does not  
Every neighboring development has architectural controls the Daisy Center does not

**As submitted The Daisy Center is not compatible with the neighborhood.**

*Fencing should be required to address buffering issues between high intensity multifamily of the Daisy Center and the adjoining neighborhoods.*

## APPEAL DOCUMENTS

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### APPEAL POINT #3

**Acted arbitrarily, or capriciously when disregarding the facts of the application and the information provided by the Applicant and other parties.**

**From the Director – (Decision Letter Page 12) Not all residents of the home will need the types of special care described for the Transitional Treatment Home, but some may.**

The Zoning and Development Code definition for a - "Transitional Treatment Home" is: "a residential facility which provides 24-hour staff supervision and a peer support structure to help residents acquire and strengthen the social and behavioral skills necessary to live independently in the community. **Such programs provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. A transitional treatment home shall not include any persons referred by the State Department of Corrections.**"

The group home activities and the type of residents described by the applicant fit the two identified categories. Other than that, the City does not evaluate, regulate or supervise the programs offered by the applicant to the residents at the home; this is the purview of the State. Questions about licensed activities should be addressed to the State; we evaluate and permit only the land use. Please let me know if you have any other questions.

**From the November 10<sup>th</sup> Letter *the Daisy Center is not a group living facility for juvenile offenders.***

**From the State Juvenile Parole Board Placement Manager**

From: "Desparrois - CDHS, Dennis" <[dennis.desparrois@state.co.us](mailto:dennis.desparrois@state.co.us)>

Placement Services Manager Juvenile Parole Board

To: "Greene <private email>"

**Sent:** Friday, October 30, 2015 4:17:42 PM

**Subject:** Re: License for group home

Hello Ms. Greene,

I am concerned that someone may be providing misleading information to you. The Colorado Department of Human Services does not license anything known as a "Large Group Center." The facility you have referenced is licensed as a Specialized Group Facility. Volume 7 rules stipulate that the number of residents served in such a facility cannot exceed eleven. Licensing does not make a distinction between therapeutic or group home. Licensing does not set requirements around length of stay for residents or where they go upon discharge from the facility. The discharge plans developed by county departments of human or social services address length of stay and where the residents will go after discharge. **I toured the proposed facility last month.** The building and lot are more than adequate in size for a Specialized Group Facility. This is not the first time I have heard the term "Large Group Center," or the number sixteen residents in regard to the Daisy Center. Is there some individual or group that you could direct me to that may have given you this information? I would like to contact this person or persons in order to offer some clarification.

Dennis Desparrois  
Placement Services Manager  
Juvenile Parole Board



P 303.866.3632 | F  
1575 Sherman Street, Fourth Floor  
Denver, Co 80203  
[dennis.desparrois@state.co.us](mailto:dennis.desparrois@state.co.us) | [www.colorado.gov/cdhs](http://www.colorado.gov/cdhs)



## APPEAL DOCUMENTS

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### **From the Applicant**

From the Group Living Facilities Initial Registration form (page 2)

Does this facility house persons who are at your facility because he or she has been convicted or adjudicated of a crime? The Applicants response is "Yes" "*They are sent to us by the Case Manager at Ariel Clinical Services...*"

During the neighborhood meeting and in her project report (page 3)

*We take a small percentage of youth on probation and we try to stay informed of gang patterns and we do not allow gang talk or colors..*

Crystal -Ariel Clinical Services Case Manager states *We send to The Daisy Center Clients who are fit the "Transitional Treatment Home" category. These are clients with physical disabilities, need help bathing, or they don't know enough to eat when food is placed in front of them"*

### **Can this type of person escape a fire?**

The November 15th GJ Sentinel Blotter revealed the following:

*A 16-year-old girl was arrested in juvenile court while she was at a detention hearing on Oct. 21. The arrest stemmed from a new case, involving a burglary, theft and criminal mischief warrant related to an investigation at The Daisy Center, a girls' home for troubled youth, where the girl lived.*

*The juvenile was returned to Division of Youth Corrections. The juvenile arrested was already a juvenile offender before coming to the Daisy Center where she committed more crimes.*

The Development Application review did not properly consider this important detail.

**The Daisy Center is requesting approval for multiple types of licensing under State and local regulations. Apparently the Applicant intends to house all of the following:**

**Up to 11 clients as a Specialized Group Facility**

And, operate as a "Transitional Treatment Home"

And, have **5 clients from other state and county programs** in order to fill their facility to capacity. The Applicant has stated that she will have 16 Clients but her state license only allows 11 Clients.

## APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | G.J., CO. 81501

### Summary

There are too many deficiencies in the Development Application.  
There are too many unanswered questions about what type of Group Living Facility this will be.  
There are too many safety issues that have not been addressed by the review.  
There is no site compliance with the Americans With Disabilities Act.  
There are too many unanswered questions about what type of Clients the Applicant will house or whether those types are compatible or allowed by regulation.

**The Director acted in a manner inconsistent with the provisions of the City's Zoning and Development Code by not addressing Development Application Submittal deficiencies, Building Code deficiencies and inconsistencies with other Applications.**

**The Director Made erroneous findings of fact based on the evidence and testimony on the record and failed to consider any mitigating measures; for safety, for fencing, the broken concrete, fire suppression due to the nature of the business being conducted and how that is defined by the Code. No study was done to show that the Facility is ADA Compliant but acknowledges there will be Americans with Disabilities at the facility.**

**The Director Acted arbitrarily, or capriciously when ignoring the facts of the application and the information provided by the Applicant and other parties such as the Mesa County Division of Health and Human Services as well as Colorado State Juvenile Parole Board.**

There is no doubt that the type of services The Daisy Center provides are greatly needed in the community. However, if the Applicant wishes to utilize the 27-1/2 Road site they should be required to follow the Zoning and Development Code and other Standards in order to develop a site that is safe for their clients as well as attractive and compatible with the neighborhood as is required by the ZDC.

Most Sincerely,

Neighbors of the 643 27-1/2 Road Site.

The following are incorporated by reference and are already a part of the file: The Daisy Center Major Site Plan SPN-2015-217

Original Submittal Checklist for Major Site Plan Review and associated documents  
The Daisy Center Development Application  
Petition from Daisy Neighbors signed by approximately 60 neighbors in May 2015  
The neighborhood letter by Colorado Land Advisor, Ltd. Dated June 30<sup>th</sup> 2015  
The Director's November 10 2015 letter to Tuscany  
The letter in response to to the Director's letter dated November 24<sup>th</sup> 2015  
The Director's Administrative Approval Letter dated December 4<sup>th</sup> 2015

## APPEAL DOCUMENTS

Colorado Land Advisor, Ltd. | 305 Main Street Suite C | G.J., CO. 81501

In the Required Public Hearing per **21.040.030(p)(7)(iii)** to consider the Daisy Center's License for 643 27-1/2 Road we will be discussing other factors not directly relating to Community Development Application. This is referenced here:

(7) *Continuance.*

(i) *All group living facilities which were in existence as such prior to January 21, 2001, may continue without regard to the provisions of this subsection, with the exception of registration. Such use may continue **until the occurrence of any of the following:***

(A) *Any expansion of the facility which results in an increase in the number of residents;*

The Applicant is requesting to move so that they can expand from 10 clients to 16. This 60% increase in services is an expansion and thus triggers a public hearing by the Planning Commission as noted in 21.040.030(p)(7)(iii).

(F) *Abandonment of the group living facility use for a period of more than 12 months.* The facility that the Applicant is asking to move to has been a Treatment Center before but has since been abandoned. The Applicant is requesting to move to the previously abandoned facility and thus triggers a public hearing by the Planning Commission as noted in 21.040.030(p)(7)(iii) which states:

**21.040.030(p)(7)(iii) If any expansion occurs as described in subsection (p)(7)(i) of this section, the facility shall conform to all requirements of this code and the expansion shall be subject to approval by the Planning Commission after public hearing.**

(8) *The Director shall approve the annual registration if the applicant, when registering or renewing a registration, provides proof that:*

(iii) *The group living facility has complied with the applicable City, State and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;*

## APPEAL DOCUMENTS

January 4, 2016  
Senta Costello  
Senior Planner  
Community Development  
City of Grand Junction

### **RE: Appeal of Administrative Decision Approving Change of Use and Minor Site Plan – Approved on December 4<sup>th</sup>, 2015 File# SPN-2015-217**

Dear Ms. Costello and the Appeal Board,

Please accept my apologies for the delay in my response to the Appeal made on December 18<sup>th</sup>, 2015. I had surgery and was in the hospital when this Appeal was received. I also apologize for the sheer ridiculousness of the amount of time that the City of Grand Junction has had to extend in answering, and re-answering the same unfounded inflammatory statements about the Daisy Center and the youth we support.

As a single mother of four young children, and the acting director of a girls' group home, I have to protect my children and the girls in my care. I am very uncomfortable with an individual, who has been convicted of two counts of crimes against children, conducting a relentless "investigation" of my personal home, and home for children in foster care. I also find it disconcerting that this individual from this background would continue to be involved in the zoning of a home for vulnerable children in foster care once he was aware of the nature of this home.

The Appeal dated December 18<sup>th</sup>, 2015, is once again referring to zoning requirements that do not pertain to the Daisy Center, as has been stated numerous times by the Community Director. Thus, we feel that the finding sighted supporting the Decision of the Director approving the Daisy Center's usage of 643 27 ½ Road, and the extensive code review has sufficiently explained and answered these repetitive questions and concerns. We will not continue to defend disingenuous repetitive statements made in this Appeal.

However, we will respond to the erroneous and misleading attacks on the integrity and business practices of the Daisy Center, that have not previously been brought up by the opposition.

**Response to Appeal Point #1** - "The applicant submitted a complete application and a site sketch in accordance with the Submittal Standards for Improvements and Development Manual V-25. Applicant paid the application fee. The Director finds that the site sketch provided by the applicant was sufficiently complete." **quoted from the Administrative Decision letter Approving file SPN-2015-217.**

On 12/29/15 at 12:05pm, Darrell Bay, from the City of Grand Junction Building Department was contacted by Jenny Brinton in regards to the "Inspector Failed" screen shot that was included in the appeal. Mr. Bay confirmed that there was a permit for new windows and the permit in question passed on 12/05/2015, as stated under the top box of the screen shot that is included in the appeal. It is not uncommon to have a failed first inspection when no one is there to show the permit, as was the case with the Daisy Center's "failed" inspection. The inspection was in fact passed on 12/5/15 - when the inspector reviewed the permit card for the installation of the new windows. It is this type of misleading, inaccurate information

## APPEAL DOCUMENTS

that is the root of all of the discontent voiced by this group of “concerned neighbors” and Jeffery Flemming. The Daisy Center has 18 years of good standing at its present location, without its neighbors voicing any of these same concerns.

**Response to Appeal Point #2** - The Daisy Center uses a team admittance approach for each youth that is placed in our home. We would never take a youth into care that we are unable to meet their needs, and we have never refused a placement of a youth based on any physical disability. If the team, including the Department of Human Services, felt that a non-ambulatory youth would be better served by the Daisy Center with minor modifications to our daily operations, then our staffing patterns, as well as any structural modifications would be made to meet the individual’s needs. All specialized treatment is provided by qualified professionals in the community, not by staff of the Daisy Center.

**In the Approval by the City, the Community Development Team stated,** “The development Engineer had no comments....The Fire Department referred to the Building Department regarding the need for a sprinkler system and ingress/egress requirements. The Building Department determined that a sprinkler system is not required by the applicable standards of the International Residential Code. ...The Fire Department has performed a final inspection and determined that all its requirements were met.”

“The fire inspection was for a group home of up to sixteen residents, which is residential use...The proposed project does not reach the multi-family or residential density threshold so as to trigger the requirement of a sprinkler system.”

**Additionally as quoted by the Community Development team,** “The proposed group living facility falls within the Foster Care Home and Transitional Treatment Home. The proposed use(s) are residential in nature and appropriate in a residential zone. The Director determines and finds that the proposed use is appropriate to and compatible with the neighborhood and declines to refer the application and/or registration to the Planning Commission. The normalization of the living atmosphere for the type of population served by the home (girls who have been removed from their family home for their own safety and well-being) provided by the residential neighborhood setting benefits both the residents and the community. “

In the Appeal, it was stated that the outside staircase is rotting and adding a coat of paint does not fix the problem. I am curious how someone would be able to inspect these stairs from the far distance of the edge of the property and make that kind of structural assessment. I have provided photos of the staircase in question and we have inspected them for safety. In line with maintaining this building, these stairs were reinforced by a qualified professional prior to our involvement. He repaired the outside stairway to the upper level of this residence. The project included lifting the staircase and adding additional concrete to reinforce the structure. He also inspected the steps and replaced any potentially aged structural wood at that time.



## APPEAL DOCUMENTS

**Response to Appeal Point #3** – The Appeal filed on December 18, 2015 stated, “It has become apparent the Daisy Center is seeking approval from the Colorado State Juvenile Parole Boards Placement Manager Dennis Desparrois. Which is in conflict with this code.”

The Appeal also included an email from Mr. Desparrois. I have read this email several times, and nowhere does Mr. Desparrois state that the Daisy Center has anything to do with the parole board. I also have stated numerous times that the Daisy Center does not have, nor has it ever had an agreement with the Juvenile Community Corrections Board. The Daisy Center accepts only youth that are in the custody of the Department of Human Services.

I contacted Mr. Dennis Desparrois after I read this misleading statement in the Appeal. I emailed a copy of the Appeal to Mr. Desparrois. Below is his response as it was made to me; **“The Juvenile Parole Board is inaccurately listed as an interested party in the appeal of your zoning approval. The Juvenile Parole Board is not an interested party and is not involved with Daisy Center in any way. I have informed Ms. Greene that the Daisy Center does not have a contract with the Division of Youth Corrections and therefore cannot serve committed youth.**

**The email sent to Ms. Greene referenced in the appeal mentions my visit to the proposed new site for the Daisy Center on September 24. As you may recall I was in Grand Junction for an education Stability conference and utilized the opportunity for an informal meet and greet with you. The reason that I mentioned the visit to Ms. Greene is because she sent me an email voicing concern over the size of your proposed site and whether it was adequate. As you will note in my response to Ms. Greene, I stated that the site was more than adequate, from a Licensing perspective for eleven residents. I hope this response is helpful. If you require further clarification, please feel free to contact me.”**

In the Appeal Crystal, an Ariel Clinical Services Employee was erroneously quoted. The Appellants stated, “Crystal-Ariel Clinical Services Case Manager states: “We send to the Daisy Center clients who are fit the “Transitional Treatment Home” category. These are Clients with physical disabilities, need help bathing, or they don’t know enough to eat when food is placed in front of them. Can this type of person escape a fire?”

Never in any documentation have I stated that the Daisy Center serves youth who need to be bathed, and/or are unable to feed themselves. In the 18 years I have operated a foster group home, we have never had to bath any youth, or feed them. Outside of providing assistance when they were ill, or had their wisdom teeth removed, as any caring mother would. Below is an accurate statement from Crystal McCurdy, stating what she actually said;

**From:** Crystal McCurdy

**Date:** December 30, 2015 at 4:02:51 PM MST

**Subject:** Quote in appeal

## APPEAL DOCUMENTS

To the appeal committee,

Hello, my name is Crystal McCurdy and I wanted to write to you as I feel that I was inaccurately quoted in an appeal that was sent to the state regarding the Daisy Center. Therefore I wanted to clarify the matter.

I, Crystal McCurdy, received a call at Ariel from a lady asking to speak with a case manager. She asked me the question “is there such a thing as a transitional youth facility?”. I informed her that yes there is such a thing as transitional youth. They can be disabled youth turning 18 and transitioning to a specialized group home or it could be a foster child that is turning 18 and is going through the ILA process to transition out of foster care. I did not reference any specific facility. I also want to add that all placements are screened by our foster care program manager to determine the appropriate placement for the child.

*Crystal McCurdy*

*Case Manager*

On page 17 of the Appeal, criminal statistics for the youth in the Daisy Center have been interpreted by the appellants. The police activity at the Daisy Center has in fact been researched by The Community Director of this project. In their report they state; *“A call for service is not in itself evidence of negative neighborhood impact... In fact, 300 calls for services involving no evidence what so ever of negative neighborhood impact speaks well for the management of the group home...”* **The Community Development Team also stated in their report;** *“That said, however, it is the finding of City planning staff at this time that in this case there is no evidence of negative neighborhood impacts or neighbor complaints about the Daisy Center’s group home at 804 Glenwood Avenue. The entire record reflects that the calls for service were for residents who had run away or intra-house issues between and among the girls and /or staff with only limited involvement the police.”*

In response to the other derogatory information provided by the Appellants, it simply does not pertain to the zoning of a group home and is defamatory in nature. It remains unproven as to how our home for neglected and abused children being approved, would cause such a detrimental effect on anyone. *“If such an approval is pending than I must personally and professionally Appeal this decision. The impacts of such a case would have large detrimental effects upon my career and my company. The financial ramifications could be crushing.”* **quote provided from Mr. Flemming’s letter dated November 30, 2015.**

**As stated by the Community Development Team in their response to neighbors they stated,** *“If it relates to the applicant’s reluctance to provide information about the girls’ living arrangements to a registered sex offender, we understand that to come from a desire to protect the minor girls in her care and not to side-step any requirements.”* I have consulted with Officer FitzGerald, who works in the Grand Junction Police Department Sex Offender Unit, to try to understand why someone would

## APPEAL DOCUMENTS

have such a personal vendetta against a home providing necessary support to vulnerable children.

**The Community Development Team has also stated,** *“Please keep in mind that the Fair Housing Act does not allow local governments to prohibit group living or to imposes stricter requirements upon group homes than on other types of residence.....Also, even were that not the case, allowing in the City group residences for children of abuse and neglect, for whom the traditional family home has been a failure at best and in most cases actually harmful, is at least as important for the health of the community as is the protection of neighborhood character.”*

The Daisy Center would like to relocate as soon as possible to our new home. We are currently in a location that is no longer the family environment it was when our home opened over 18 years ago. On January 4, 2016 the home next to the current Daisy Center was demolished due to the college expansion. This Zoning process was started in April of 2015, and this beneficial home is ready for occupancy to give our girls a better start to the adult world.

Our girls do not understand why this is taking so long. These kids have suffered enough and do not need to be treated unfairly because they are in foster care. Especially by individuals who have made it very clear that their opposition is based purely on their financial concerns, and libelous, slanderous, misleading information they have construed for their own benefit, and to the detriment of this whole process.

The home at 643 27 ½ Road has operated as a group home many times throughout the past 40 years and it was here long before the Tuscany Village patio homes were built. This home is perfect in size and therapeutic space and it is not fair to the kids we serve to have to wait any longer to move into their new home, nor should we be expected to carry the financial burden being put on the Daisy Center by the “concerned neighbors” and Jeffery Fleming of Colorado Land Design. At this point, if they continue to oppose the relocation of the Daisy Center with slanderous lies, erroneous facts; the Daisy Center will be forced to turn this over to the Court. We will seek full background information of the appellants along with all cost associated with the prolonging of the approval.

We have spent countless hours answering the seemingly never-ending borage of questions from a select few individuals in Tuscany Village. We have also offered to meet with their representatives, but were turned down receiving a demand for another public forum. Which we have declined based on the safety and security of the youth we serve at the Daisy Center. It is imperative that the Daisy Center remain as anonymous as possible. As with any foster child, it is the requirement of the state that they are not identified in public as being in out-of-home placement. These youth are seen in public with the Director and staff members of the Daisy Center, therefore it could jeopardize the safety and security of the youth we care for. Frequently it is necessary for the safety of the youth, that the biological family does not know where they are located. Therefore we ask that the appellants not be provided with a public forum.

In closing, we would like to once again provide clarification to the erroneous, disingenuous repetitive statements made by the appellant:

- a. The Daisy Center will house 11 youth (State licensing) but zoned for 16 (City Code)
- b. There will not be any regular commercial deliveries of any type (i.e. food, juvenile detention buses, etc.).

## APPEAL DOCUMENTS

- c. Specialized Group Home licensing is for ages 5 to 21 – we have yet to house any youth as young as 5.
- d. We **DO NOT** have a contract with the Juvenile Community Corrections Department nor have we ever had one.
- e. All youth in the Daisy Center are in the custody of the Colorado Department of Human Services.
- f. The Daisy Center does provide a home for youth on probation and diversion if they are in foster care

I respectfully ask the Committee Appeal Board to make their decision based on the abundance of factual documentation that has been provided in the file.

Sincerely,  
Jenny Brinton  
Director of the Daisy Center

**CITY OF GRAND JUNCTION  
CHANGE OF USE PERMIT AND MINOR SITE PLAN REVIEW**

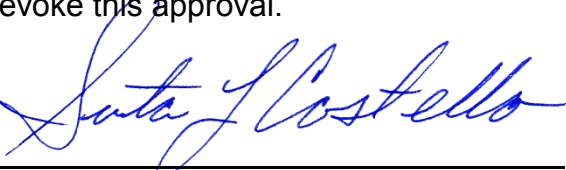
<b>FOR</b>	)	<b>ADMINISTRATIVE DECISION</b>
	)	<b>APPROVING</b>
	)	<b>CHANGE OF USE AND</b>
	)	<b>MINOR SITE PLAN</b>
Jenny Brinton	)	
732 Egret Circle	)	
Grand Junction, CO 81505	)	<b>File #SPN-2015-217</b>

An application submitted by Jenny Brinton requesting a Minor Site Plan Review and a Change of Use Permit to open a Large Group Living Facility for up to and including 16 girls in an R-8 zone district, located at 643 27 1/2 Road, was considered by the Director of Community Development of the City of Grand Junction on December 4, 2015. After considering all pertinent data, the Director **APPROVES** with conditions the Site Plan and Change of Use upon finding that the proposal complies with all applicable sections of the Grand Junction Zoning and Development Code (approved site sketch and the Director's findings are attached and incorporated herein as if fully set forth).

Conditions of approval:

1. Facility must submit a complete Initial Group Living Facility Registration and all required supporting documents prior to occupying the property;
2. Facility must submit an Annual Group Living Facility Registration, including all required supporting documents as required by the Zoning and Development Code;
3. Facility must maintain conformance with all requirements of the Zoning and Development Code and any specific conditions, requirements, agreements or representations of this review process or risk having the approval become probationary or revoked.

All uses that are subject to a Minor Site Plan Review must commence construction within 24 months of the date of approval. If a building permit is obtained within 6 months, the approval shall be valid for as long as the building permit remains valid. Failure to develop or establish such use accordingly shall constitute sufficient basis to revoke this approval.

  
\_\_\_\_\_  
Senta L. Costello

**APPEAL DOCUMENTS**

Senior Planner

Encl:

**Findings and Conclusions of the Director, including:**

***Letter to neighbors dated November 10, 2015***

***Approved site sketch, with associated SSIDs Manual checklist***

H:\Planner\Current Planning\Projects\Admin items\2015\Daisy Center GH new location\Decision Letter.docx

## APPEAL DOCUMENTS

### Findings Supporting the Decision of the Director Approving

**SPN-2015-217**

**Daisy Center – Large Group Living Facility  
On Property Located At 643 27 ½ Road**

The subject property is a single lot located in an R-8 zone district within the City of Grand Junction. The application is for a new large group living facility. The previous use of this property was a duplex. The property is now vacant. The property was used for a group living facility in the past (the history of the use of the property is described elsewhere herein), but the permits for those uses have expired and no longer apply to this property due to abandonment of the group living use and intervening use of the property as a duplex.

The applicant has not operated any other group living facility on this property. The applicant runs a group home on Glenwood Avenue within the City and represents that she plans to relocate the residents to the new group home. When a group living facility (or any other land use) relocates to a new property within the City, the applicant must apply for a land use permit as a new group living facility (or other land use). The Zoning and Development Code is a *land use code*; permits are issued for use of a specific parcel of land and are not transferrable by an individual or entity from one property to a different property.

Given the foregoing, the Zoning and Development Code requires administrative review and decision by the Director of Community Development on the minor site plan review and change of use permit for the group living facility.

A large group living facility is a residential use that is allowed in the R-8 zone. See GJMC 21.04.010 Use Table, Residential. The application requires a change of use permit pursuant to GJMC Section 21.02.070(e) and a minor site plan review pursuant to GJMC 21.02.070(f).

Notice and a neighborhood meeting are required for initial registration of a group living facility by virtue of the use-specific standards for group living in 21.04.030(p). Rather than defer the notice requirement to the time of registration, planning staff elected to require notice and a neighborhood meeting at the time of the site plan and change of use review, to give neighbors earlier notice and earlier opportunity for input. Because a minor site plan review does not normally require notice to neighbors or a neighborhood meeting, at the earliest stage the application was logged into EnerGov (City planning's internal record database) as a *major* site plan review, but only so as to trigger the planning division's internal administrative steps for notice to the neighborhood. (The notice requirement would not have been triggered by logging the application as a minor

## APPEAL DOCUMENTS

site plan review.) In retrospect, it might have been better to log the project as a minor site plan review and then to manually add the notice requirements in the system.

All code references herein, unless otherwise specified, are to Title 21 of the Grand Junction Municipal Code, also known as the Zoning and Development Code. Where Code text is excerpted, it is in italics. In some instances, criteria and standards that do not apply are included and the reason why they do not apply is discussed; in other instances, inapplicable criteria/standards are not restated or included in the findings. In some instances criteria or standards are listed out-of-order so that they may be easily addressed by a single answer and/or to eliminate unnecessary repetition.

The findings and conclusions also include the following attachments, which are incorporated herein by this reference as if fully set forth: (1) the approved site sketch; (2) the site sketch submittal standards with comments; (3) a letter dated November 10, 2015 addressing certain neighborhood concerns about the proposed group home and about an existing group home managed by the applicant.

### ***21.02.070 Administrative Development Permits***

#### *(a) Common Elements of Administrative Development Permits*

##### *(2) Application Requirements.*

###### *(i) Materials, Deadlines.*

###### *(ii) Application Fees.*

###### *(iii) Completeness.*

The applicant submitted a complete application and a site sketch in accordance with the Submittal Standards for Improvements and Development manual V-25. Applicant paid the application fee. The Director finds that the site sketch provided by the applicant was sufficiently complete. The site sketch checklist from the SSIDs manual is attached hereto with comments describing how each standard was either (a) complied with or (b) inapplicable.

###### *(iv) Neighborhood Meeting.*

This section does not require a neighborhood meeting for the project because it is an administrative review not involving a subdivision; but the use-specific standards for a large group living facility do require a neighborhood meeting. A neighborhood meeting was held at 2751 Patterson Road, Northeast Christian Church on May 11, 2015 during which information about the project was provided to the neighbors. Notice of the



## APPEAL DOCUMENTS

meeting was provided by U.S. mail to properties within 500 feet of the subject property and registered homeowners' associations within 1000 feet of the subject property.

### *(3) Notice.*

*(i) Public notice is not required for administrative permits except for subdivision and major site plan applications.*

Notice was not required pursuant to this Section. Notice was required per Section 21.04.030(p)(12), which is discussed below.

### *(4) General Procedures.*

*(i) The Director shall evaluate each application for compliance with City requirements. The Director shall provide comments in writing to the applicant.*

The Director evaluated the application for compliance with City requirements. The applicable requirements are discussed herein. The Director provided two rounds of comments to the applicant, to which the applicant substantively and timely responded.

*(ii) The Director may forward copies of the applications to various agencies for their input and review.*

*(iii) Agency review and input is advisory only.*

The Director forwarded the application to the following review agencies:

City Development Engineer  
Grand Junction Fire Department  
Grand Junction Police Department  
Mesa County Building Department

The Development Engineer had no comments. The Grand Junction Police Department responded with suggestions for site security and lighting for resident and neighborhood safety, but no requirements. The Building Department required a building permit before any work on site started; a building permit was obtained prior to work to replace the windows began. In Round 2 comments, the Building Department added a requirement for a site inspection prior to occupancy. Final inspection and approval of the Building Department is required as part of the Initial Registration documents. The Fire Department deferred to the Building Department regarding the need for a sprinkler system and ingress/egress requirements. The Building Department determined that a sprinkler system is not required by the applicable standards of the International Residential Code. Ingress/Egress will be evaluated at the inspection. The Fire

## APPEAL DOCUMENTS

Department also required installation of fire extinguishers and address numbers on the house. The Fire Department has performed a final inspection and determined that all its requirements were met.

*(iv) An application submitted to the City for review must be diligently pursued and processed by the applicant.*

The applicant responded timely to all City staff comments, requesting one 90-day extension to the time to respond to Round 1 comments, which is authorized by Section 21.02.070(a)(4)(iv). Round 1 responses were submitted approximately 2 months prior to the extended deadline. Responses to Round 2 comments were submitted 2 days after the comments were sent to the applicant.

*(6) General Approval Criteria. No permit may be approved by the Director unless all of the following criteria are satisfied:*

*(i) Compliance with the Comprehensive Plan and any applicable adopted plan.*

The proposed group living facility and site are in compliance with the Comprehensive Plan. The land use also implements the following Goals and Policies of the Comprehensive Plan:

**Goal 1:** *To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.*

**Policy A.** *City and County land use decisions will be consistent with the Comprehensive Plan Future Land Use Map*

The property has a Future Land Use designation of Residential Medium and is zoned R-8, which is consistent with the designation of Residential Medium. The use, a large group living facility, is a residential use that is allowed in the R-8 zone, and so is consistent with the Comprehensive Plan.

**Goal 5:** *To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.*

**Policy A.** *In making land use and development decisions, the City and County will balance the needs of the community*

The proposed group living facility helps fill a community need for foster care living by providing a safe home for young girls who have been removed from their family home for their safety and well-being.

## APPEAL DOCUMENTS

**Goal 6:** *Land use decisions will encourage preservation and appropriate reuse.*

**Policy A.** *In making land use and development decisions, the City and County will balance the needs of the community.*

The house on the property for the proposed group living facility was originally built in the 1970s as a single family house. It was added onto over the years through several owners. In 1991 the property was purchased by Colorado West Regional Mental Health who converted the house into Ridgewood Acute Treatment Unit, a group living facility for 12 residents. The house was used as the Ridgewood Acute Treatment Unit group home for approximately 14 years. Shortly after the Ridgewood group home closed, the property was bought and turned into a group home for up to 11 girls. This home operated until August of 2007. Between 2007 and 2009, the house was used as a single family house. In the spring of 2009, the house was converted to a duplex.

The proposed group living facility will have 6 bedrooms and approximately 4500 square feet of living space, with a storage area proposed for a part of the structure that is inaccessible from inside the house. The applicant reports that there is a community need for housing of youth who have been displaced/removed from their home. The applicant is aware of this need because she currently runs a small group living facility in the City and has been trying to find a way to provide more space for such children. A large group living facility for up to 16 girls is an appropriate reuse of this large home.

*(i) Compliance with this zoning and development code*

Applicable setbacks are those of the R-8 zone district, which are 20 feet front, 5 feet side and 10 feet rear for the principle structure and 25 feet front, 3 feet side and 5 feet rear for accessory buildings. The maximum lot coverage is 70% and maximum height of 40' and 3 stories. The principle and accessory structures meet these standards. No additions to the structures and no new structures are proposed. The balance of the requirements of the zoning and development code are discussed elsewhere herein.

*(ii) Conditions of any prior approvals.*

There are no applicable conditions of prior approval. The property was previously used as a group living facility, but any conditions of approval are no longer applicable because the use was discontinued and the property was subsequently used as a duplex. There are no applicable conditions from the prior approval of a duplex.

## APPEAL DOCUMENTS

*(iii) Public facilities and utilities shall be available concurrent with the development.*

The property is connected to all necessary public utilities: sewer, water, electricity, and gas. These utilities are adequate for the proposed group living facility.

*(iv) Received all applicable local, State and federal permits.*

Section 21.04.030(p)(8) requires proof of a valid Colorado license for the group living facility as part of the annual registration process. The Director will review the annual registration materials submitted by the applicant at the appropriate time and ensure that the applicant has provided proof of a valid Colorado license, if any is required for this type of group living facility, before the Director approves the registration and before the applicant occupies the property.

*(e) Change of Use Permit.*

*(1) Applicability. No person shall change the use of a structure or property unless and until the Director has issued a change of use permit. Other permits (such as a CUP), review (such as a major or minor site plan review) or approvals may also be required when use of a land or structure has changed; this subsection does not limit or supplant other requirements of the code. A change from any use in the Household Living use category to any other use requires, at a minimum, a minor site plan review. For a change of use within the same principal use listing in the Use Table, GJMC 21.04.010 (for example, a change from one General Retail Sales, Indoor Operations use to another General Retail Sales, Indoor Operations use, or a change from a movie theater to a skating rink), a change of use permit is not required unless:*

*(i) The code requires more off-street parking for the new use than is available on the property;*

*(ii) There is any increase in traffic, actual or projected; or*

*(iii) The amount of stormwater runoff or impervious area is increased.*

A change of use permit under 21.02.070(e) is required because group living is a different residential “use category” than the category (“household living”) that includes two-family dwelling, which was the previous use of the property. (See 21.04.010 Use

## APPEAL DOCUMENTS

Table, Residential.) The change of use was evaluated by the Director in connection with the minor site plan review process and the applicable criteria and standards for the proposed new use are addressed herein.

*(f) Minor Site Plan.*

*(1) This review process may be used by the Director in lieu of the major site plan review process to review lesser-intensity projects if a limited review of zoning, parking, circulation, access and minor drainage changes will be adequate. Construction plans, based upon the approved final minor site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final minor site plan and required by this code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final site plan phase for minor site plan review. The City shall keep the plans as a permanent record of the required improvements.*

*(2) The Director may use this review process if the proposed project is limited to:*

*(i) A new structure of up to 1,000 gross square feet only for storage, mechanical room, etc., if water and sewer services are not provided and if no structures currently exist on the parcel;*

*(ii) An addition to a structure of up to 1,000 gross square feet or a new structure of up to 1,000 square feet on a lot with one or more structures;*

*(iii) An existing parking lot or existing work area to be paved with asphalt or concrete;*

*(iv) A temporary office trailer;*

*(v) Similar low-impact uses; or*

*(vi) A proposed residential subunit or accessory unit.*

The minor site plan review applied to the project because a limited review of zoning, parking, circulation, access and drainage was determined to be adequate. No new improvements or structures, no significant modifications to the structure and no significant modifications of the site, such as increased impervious surfaces, were proposed or are required. Also, because the project does not necessitate the construction, reconstruction or modification of new or existing improvements, construction drawings and detailed specifications and diagrams were not required. The existing structure is a residential structure that was originally designed for group living, so no substantial modifications to the home and no new accessory structures or site

## APPEAL DOCUMENTS

improvements are proposed or necessary. The project does not necessitate construction or modification of any public or off-site improvements. The Director finds that the site sketch provided by the applicant was sufficient to allow a meaningful review of the application and to determine compliance with the approval criteria and applicable development standards.

### **21.04.030(p) Group Living Facility.**

*(1) Other Residential Density. Density of group living facilities shall be calculated as four beds equal one dwelling unit. Group living facilities are meant to fit into a neighborhood with the same characteristics and requirements.*

The density allowed under the R-8 zoned district is a maximum of 8 dwellings per acre. The R-8 zone district also allows ½ of the adjacent right-of-way to be used when calculating allowed density on a parcel. This property is 0.984 acres and has approximately 9420 sf (0.216 ac) of adjacent right-of-way. Based on the described amount of land, the R-8 zone district allows up to 9 dwelling units on the property.

The proposed facility will house a maximum of 16 girls. The density of group living is calculated at a rate of 4 beds equals 1 dwelling unit. See §21.04.030(p)(1). The proposed group home is therefore equivalent to 4 dwelling units. On an approximately one acre lot, the density of the proposed residential land use is 4 du/ac, within the density allowed in the zone district.

The large group living facility also fits well into the neighborhood in terms of density. For example, the density of the adjacent neighborhood of Tuscany Village is approximately 5 dwelling units per acre.

*(2) Group Living Facility.*

*(i) A group living facility is a residential facility or use as defined by this code that functions as a housekeeping unit comprised of unrelated persons receiving public or private supervision, care or treatment. Registration and compliance with other terms and conditions, as defined and described by this code, are required. A separate City license is not required.*

*(A) An unlimited group living facility is a group living facility shared by or the residence of 17 or more unrelated persons, exclusive of staff.*

This section does not apply as the proposed home will have fewer than 17 residents, exclusive of staff.

*(B) A large group living facility is a group living facility shared by or the residence of more than eight but fewer than 17 unrelated persons, exclusive of staff.*

## APPEAL DOCUMENTS

The proposed group home fits into this category as it will have more than 8 and fewer than 17 residents.

*(C) A small group living facility is a group living facility shared by or the residence of more than four but up to eight unrelated persons, exclusive of staff.*

This section does not apply as the application proposes more than 8 residents.

*(ii) For the purpose of this section only, the following definitions shall apply:*

*(A) Facility. A single facility is a lot, parcel or tract of land, together with the structures located thereon.*

*(B) Use. The purpose, mission or activity for which land or buildings are designed, arranged or buildings are occupied or maintained. The group home use is specific to an organization and mission of the group home. A change in the organization and/or mission at a specific location constitutes a new group living facility.*

*(C) Structure/Building. Structure/building shall be defined in Chapter 21.10 GJMC.*

*(D) Related. "Related" means a person's: child, stepchild, foster child that is being adopted by a foster family, or other descendant, spouse, aunt, uncle, niece, nephew, parent, grandparent, great grandparent, or stepparent. (See GJMC 21.10.020, "Group living," "family" and "household.")*

*(iii) Group living facilities as defined by this code may or may not be licensed by the State. A facility which is licensed by the State, regardless of category or size, is a group living facility and is required to register with the City.*

*(iv) A use which does not fit within the definition of a group living facility is not allowed within a residential district. It is a violation of this code for four or more unrelated persons to reside together in a structure if a use or service the same as or similar to those described below occurs therein unless permitted by the City as a group living facility.*

*(3) Accessory uses authorized with a group living facility are indoor and on-site recreational facilities and parking of vehicles for occupants and staff. The Director may approve other accessory uses that will have substantially the same impacts; if disapproved, the Director or the applicant may refer such matters to the Planning Commission.*

Registration of the group living facility will be required prior to occupation of the property.

## APPEAL DOCUMENTS

The applicant has designated a parking area on the approved site sketch (parking is discussed further below). In addition to the parking, the following accessory uses are proposed and approved: counseling sessions (group or individual), visits from family, friends, counselors and/or case managers, tutoring, and outdoor recreation such as but not limited to games and team building exercises for residents in the yard areas, all as needed.

*(4) Examples of uses that are appropriate as group living facilities, if properly permitted, are listed below. See GJMC 21.04.010, Use table. If the Director determines that a use is not appropriate or compatible with the neighborhood, even if it is described below, he may refer the question to the Planning Commission. A community corrections facility as defined by this code is not a group living facility, and thus, shall not exist in a residential zone.*

*(vii) "Foster care home" is defined as a facility that is certified by the County Department of Human Services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing 24-hour family care for more than four children under the age of 18 years who are not related to the head of such home.*

*(xx) "Transitional treatment home" means a residential facility which provides 24-hour staff supervision and a peer support structure to help residents acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such programs provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. A transitional treatment home shall not include any persons referred by the State Department of Corrections.*

The Director determines and finds that the proposed use is appropriate to and compatible with the neighborhood and declines to refer the application and/or registration to the Planning Commission. The normalization of the living atmosphere for the type of population served by the home (girls who have been removed from their family home for their own safety and well-being) provided by the residential neighborhood setting benefits both the residents and the community. Primarily the types of activities that will occur at the home are residential in nature (eating, sleeping, leisure, gathering with friends, homework, chores and other activities of daily living), and those that are somewhat different (such as counseling) are unobtrusive and are compatible with a residential area.

The proposed group living facility falls within the "Foster Care Home" (vii) and "Transitional Treatment Home" (xx). The proposed use(s) are residential in nature and



## APPEAL DOCUMENTS

appropriate in a residential zone. The proposed facility is not a corrections facility or juvenile detention center; therefore the proposed use is compatible with the residential neighborhood. Not all residents of the home will need the types of special care described for the Transitional Treatment Home, but some may.

*(5) A group living facility located in a commercial zone district (C-1 or C-2) is not subject to the following requirements: compatibility with architecture, use of the facility by other groups, use of the facility by nonresidents, and/or any other requirements which are specific to incompatibility with residential neighborhoods.*

The proposed group living facility is not located within a C-1 or C-2 zone district; therefore, this does not apply.

*(6) No person shall own, operate or manage any group living facility unless the facility is registered with the City. Registration shall expire on the anniversary date 12 months after issuance.*

The change of use permit and site plan approval for the proposed group living facility are conditioned upon the applicant submitting a complete Initial Group Living Facility Registration, including all required supporting documents, in accordance with Section 21.04.030(p)(8), and the Director's approval of the registration, prior to occupation of the property as a group home. Some of the initial registration requirements have been required and reviewed in connection with this change of use and site plan review, as discussed herein; the balance, which consists primarily of those elements relating to State licensure, will be required prior to occupation and are made conditions of approval.

*(7) Continuance*

*(i) All group living facilities which were in existence as such prior to January 21, 2001, may continue without regard to the provisions of this subsection, with the exception of registration. Such use may continue until the occurrence of any of the following:*

*(A) Any expansion of the facility which results in an increase in the number of residents;*

*(B) Any expansion which results in a change of use, as defined by this subsection;*

*(C) Any expansion of common areas which does not result in more than 300 square feet per structure;*

*(D) Any expansion which results in further nonconformity under this code;*

## APPEAL DOCUMENTS

*(E) Any expansion due to damage or destruction of the facility, as provided in Chapter 21.08 GJMC; or*

*(F) Abandonment of the group living facility use for a period of more than 12 months.*

*(ii) Any remodel which is an interior remodel and does not affect the size or the use of the facility is not an expansion which will require the facility to come into conformity under this code.*

*(iii) If any expansion occurs as described in subsection (p)(7)(i) of this section, the facility shall conform to all requirements of this code and the expansion shall be subject to approval by the Planning Commission after public hearing.*

Section 21.04.030(p)(7) does not apply to this application because it is a new group living facility that was not in existence prior to January 21, 2001.

When a group living facility relocates to a new property within the City, the applicant must apply as a new group living facility. Under the Zoning and Development Code, permits are issued for use of a specific parcel of land and are not transferrable from one property to a different property that may be owned or used by the same entity/individual.

*(8) The Director shall approve the annual registration if the applicant, when registering or renewing a registration, provides proof that:*

*(i) The group living facility has a valid Colorado license, if any is required;*

A copy of the State of Colorado Department of Human Services license will be required as part of the Initial Group Living Facility Registration, which registration is made a condition of the change of use and site plan approval.

*(ii) The group living facility is at least 750 feet from every other group living facility;*

The closest group living facility is The Commons by Hilltop, located approximately 840 ft south of the proposed group living facility property on 27 ½ Road. Therefore the proposed group living facility is more than 750 feet from every other group living facility in the City and this standard is met.

*(iii) The group living facility has complied with the applicable City, State and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;*

## APPEAL DOCUMENTS

The proposed group living facility complies with the applicable standards for the R-8 zone district, as discussed above. An inspection from the Fire Department for a group home of up to 16 residents has been completed and a copy of the inspection report is included in the development file. The Fire Code does not require that the residence have a sprinkler system.

The Building Department has determined that the home was constructed in accordance with the applicable International Residential Code. No fire sprinklers are required according to the International Residential Code. The Building Department determined: "Per the 2012 IBC and the Mesa County Building Department code adoption this building would be an R-4. If an R-4 has 16 or fewer people it can be built under the provisions of the 2012 IRC. The requirement for sprinklers in the IRC has been amended to not be required."

The State of Colorado requires other inspections for its licensure program for this group home. Copies of all other State-required inspections will be included in the Initial Registration; Initial Registration will be required prior to occupation of the property and is made a condition of this change of use and site plan approval.

*(iv) The architectural design of the group living facility is residential in character and generally consistent with the R-O zone district.*

The following are the design/character standards for the R-O zone district.

### *21.03.070(a)(3) Site Design, Layout and Operational Considerations.*

*(i) Parking. Business uses in the R-O district shall be designed and operated not to increase on-street parking in front of dwellings in the neighborhood. On-site parking shall be provided pursuant to the parking rules. On-site parking spaces shall only be located in the side and rear yards; and screened from adjacent dwellings by a solid wall, fence or vegetation having a height of not less than four feet or more than six feet (vegetation may exceed six feet in height). Fences must comply with GJMC 21.04.040(i), any design guidelines and other conditions of approval.*

This standard relates to business uses and does not apply to the residential use of a group living facility. That said, the applicant is providing seven parking spaces on-site, which meets the applicable parking requirements. The Code does not require paving of residential parking on a single residential lot. See §21.06.050(b)(5).

*(ii) Service Entrances. Service entrances, loading areas and dumpster areas shall be located only in the rear or side yard. Each loading area shall be screened from each adjacent residential use or zone.*

## APPEAL DOCUMENTS

This standard is intended for business uses and does not apply to the residential use of a group living facility; however, the applicant's attached site sketch shows a trash can or dumpster area located in the rear yard of the property. No service entrance or loading area is proposed or required.

*(iii) Use of Front Yard. Front yards shall be reserved for landscaping, sidewalks, driveway access to parking areas and signage.*

This standard is intended for business uses and does not apply to the residential use of a group living facility; however, the front yard of the facility is not proposed to be used for anything other than circulation to the rear of the property, sidewalks, landscaping and for other uses typical of a residential front yard area. A parking area is designated to the side and rear of the principle structure as shown on the approved site sketch. Parking is not, however, prohibited in front of the structure. Just as other residences include vehicle parking in front of a home or garage on the property, residents of and visitors to the home may park in the same manner, even though it is anticipated that primarily the parking will occur in the designated area shown on the approved site sketch.

*(iv) Hours of Business. No uses in this district shall open earlier than 7:30 a.m. and shall close no later than 8:00 p.m.*

This standard relates to business uses and does not apply to the residential use of a group living facility.

*(v) Outdoor Storage and Display. Outdoor storage and display areas associated with nonresidential uses are prohibited.*

This standard does not apply to the residential use of a group living facility.

*(4) Architectural Considerations.*

*(i) Building Alignment Along Streets. Every new building and addition shall be located so that it aligns with existing neighborhood buildings in both elevation (e.g., horizontal lines of peaks of roofs, cornices, window sills) and plan (e.g., setbacks from the street and rear property lines and spacing between structures/setbacks from side property lines).*

This is not a new building nor are any additions proposed. This standard does not apply.

*(ii) Building Orientation/Style. Main entrances shall open onto a street and shall align with those of adjacent residential buildings. For example, in many R-O areas, raised foundations and steps that define the main entrance are*

## APPEAL DOCUMENTS

*prevailing residential characteristics. Door styles shall be similar to those found on residential dwellings.*

This standard is intended for business uses and does not apply to the residential use of a group living facility. The purpose of the standard is to ensure that the entrance to a business in an R-O zone district is residential in character. The front entrance to the home is residential in character already. The front entrance to the home is located on the east side of the building, facing north, which, although not facing 27 ½ Road, is compatible with the neighborhood, as there are many houses along the 27 ½ Road frontage that have either the side and/or rear yards facing 27 ½ Road or their front entrance obscured by landscaping where the entrance is on the 27 ½ Road side of the residence.

*(iii) Building Mass/Scale Proportion. Each new building, its mass in relation to open spaces and its windows, doors, and openings shall be visually compatible. "Visually compatible" means compatible with adjacent and neighboring buildings including mass, shape, window, doors, openings, roof shape, roof pitch and orientation. For example, a large building shall be compatible with surrounding smaller dwellings by dividing its mass into smaller components to create a building elevation that is more like the size and proportion of the nearby dwellings.*

*(iv) Height. New buildings shall have the same number of stories and a height which is compatible with those of nearby dwellings. Three stories shall be the maximum subject to maximum height of 40 feet.*

*(v) Roof Shape. The roofs of new buildings shall be visually compatible with nearby dwellings. Roof pitch shall be at least 4:12.*

No new building is proposed so the above standards (iii), (iv) and (v) do not apply.

*(vi) Fenestration. Windows and doors shall be visually compatible with surrounding residential structures. Visually compatible includes the relationship of width to height, and the spacing of windows and doors. For example, tall evenly spaced rectangular windows are typical of certain residential styles in R-O district areas.*

There is a mix of housing styles and ages within the surrounding area. Many of the windows have been replaced in the main house by the applicant. All are residential style windows found in a typical residence, in terms of width to height and spacing. The Director finds that the fenestration of the home is visually compatible with the surrounding residential structures.

## APPEAL DOCUMENTS

*(vii) Materials. The exterior of all new buildings, additions and alterations shall be similar in size and appearance to nearby dwellings. Sign materials should be visually compatible with materials used on the building facade.*

The exterior of the house has been remodeled by the applicant with new stucco and paint in a neutral palette so as to appear similar to other residences in the neighborhood. The Director finds that the materials are similar in size and appearance to nearby dwellings. No signs are proposed.

*(viii) Signage. See GJMC 21.06.070(g)(2) for sign standards in the R-O district.*

No signs are proposed. Signage must be reviewed and approved by the Director prior to installation.

*(vi) Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;*

The applicant has stated, and the Director finds, that the only administrative activities that will be conducted on the property are those that are associated with the group living facility. Updates to activities occurring on the property are required as part of the annual registration and review.

*(vii) The group living facility complies with the parking requirements of this code;*

The Code requires 1 parking space per 4 beds and 1 per each 3 employees equaling a total requirement of 7 spaces for the group living facility. (See §21.06.050(c), parking table.) The approved site sketch shows 7 parking spaces, which the Director finds is sufficient. Paving of parking and driveways is not required on a single residential lot. See §21.06.050(b)(5). The Director finds that paving of the parking area and driveway(s) is not required for this large group living facility, because it is “a single dwelling on one lot” within the meaning of §21.06.050(b)(5).

*(viii) he maximum number of residents allowed is not exceeded.*

The applicant proposes a maximum of 16 residents. The facility is approved for up to 16 residents. The number of residents shall be documented in the Initial and Annual Group Living Facility Registration.

*(9) A group living facility shall only be located or operated on a lot or parcel that contains at least 500 square feet for each person residing in the group living facility.*

## APPEAL DOCUMENTS

The proposed group living facility will have a maximum of 16 residents; at 500 square feet per resident, the minimum lot size for a group living facility of this size is 8000 sf. The property is approximately 42,863 square feet in size, equaling approximately 2678 square feet per resident. The Director finds that the lot is of sufficient size for a large group living facility for up to 16 residents.

*(10) In a residential zone, any use which provides services for those other than current residents in a group living facility may allow additional persons up to the total number of residents permitted in that particular group living facility to use the services. For example, if there are currently eight residents at a large group living facility, no more than four nonresidents may use the services the facility provides.*

The applicant has stated that the only services for non-resident youth will be for some persons in an "Independent Living Arrangement" and in the custody of the Department of Human Services. The applicant states the initial State license will be for 11 residents. The total number of youth receiving services, including both resident and non-resident shall not exceed 16 at any given time.

*(11) If the group living facility proposes to use or convert existing multifamily residences, adequate lot area shall be provided according to the requirements of the district, the requirements of the district shall be met and the intensity of the programs or services offered shall be compatible with the neighborhood.*

The proposed site for the group living facility is not a conversion of an existing multifamily site; therefore, this standard does not apply.

*(12) Within 30 days prior to making an application for registration of a new (including conversion of an existing building or buildings) group living facility, each applicant shall give mailed notice to and meet with, at a location convenient to the neighborhood: property owners within 500 feet from the proposed group living facility and those neighborhood groups which are registered with the City and which represent residents within 1,000 feet of the group living facility.*

*(ii) If a neighborhood meeting is required because of development application then only one neighborhood meeting, conducted in accordance with the more restrictive standard of this code, shall be necessary.*

A neighborhood meeting was held May 11, 2015 at Northeast Christian Church, located at 2751 Patterson Rd. The mailing list was prepared by the City of Grand Junction Community Development Division and contained names and addresses all property owners within 500 feet of the proposed group living facility and all registered Home Owners Associations within 1000 feet totaling 75 property owners and 3 registered Home Owners Associations. Eight (8) citizens attended the meeting. The site plan

## APPEAL DOCUMENTS

review and change of use application did not require a neighborhood meeting, but because there is a requirement of a neighborhood meeting prior to registering the group home, City planning staff determined that it would be appropriate not to defer the neighborhood meeting until registration but to hold it as part of the site plan review/change of use application review in order to give the maximum notice and opportunity to participate to the neighborhood. Therefore this standard has been met.

*(i) At the meeting, the applicant shall describe the facility and its proposed uses.*

The applicant introduced herself and her assistant director, described the group living facility that she was asking to locate on the property and asked for questions.

Some of the neighbors expressed concerns regarding visitors and loitering/potential vandalism. Applicant covered house rules and discipline as well as gave out contact information for herself and the assistant director.

Several neighbors offered to volunteer; one neighbor was from Calvary Bible Church and offered for the girls to come to their church, youth group and other church activities.

The meeting concluded with the neighbors wishing the applicant well and thanking her for her commitment to the youth and the services she offered them toward a better future.

*(iii) This standard does not apply; confidentiality of the address was not requested by the applicant.*

*(iv) The Director may rely on any comments received by the residents of the neighborhood, or other interested persons when he makes his decision to register, deny, refer or register with conditions. The Director shall not be required to research the comment or otherwise investigate the motive of the commenting party or parties, unless the Director relies on that information when making a decision.*

The application has generated comments from neighbors and from the community as a whole, both in support and against the request. All comments have been reviewed and carefully considered during the review process. The substance of the comments are addressed herein and/or in the attached letter dated November 10, 2015.

*(13) Group living facilities shall comply with all requirements of this code, as well as the State licensing requirements, unless the City requirements are incompatible with State licensing requirements. In case of a conflict, the more stringent regulation shall apply.*



## APPEAL DOCUMENTS

The proposed group living facility meets the requirements of the Zoning and Development Code. Prior to occupation of the property as a group home, applicant must provide a copy of the group home license from the State of Colorado Department of Human Services as part of the Initial Group Living Facility Registration. The license must be documented annually as part of the annual registration requirements.

(14) with subparts and (15) are omitted because the standards do not apply, as the proposed group living facility is not a home for adult or juvenile offenders or sex offenders.

(16) The criteria/standards of #(16) are addressed above.

### Registration of the group living facility: §21.04.030(p)(17) and (18)

*(17) At least once each 12 months, the owner or operator of each group living facility shall file a renewal application with the Director. Each such application shall describe each service or use of the facility including any changes from the prior application, including type of facility, licensure, structural changes, change of use and improvements.*

*(i) A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this code.*

*(ii) Within 20 days after the group living facility has applied for registration or a renewal, the Director may refer the matter to the Planning Commission. The Director may make such a referral based on founded complaints, which show an adverse impact to the neighborhood, as defined by this subsection; failure to register or renew registration; unsatisfactory completion of the registration requirements; lapse of any State licensing or any change to the site, service or use or any suspected or actual noncompliance with a provision or provisions of this code.*

*(iii) Within 10 days of the Director's decision, the owner or operator of a group living facility may appeal the Director's denial of an application or a condition imposed by the Director to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with Chapter 21.02 GJMC. A denial or condition imposed by the Board of Appeals shall be final, pursuant to the code.*

(18) For renewal to be granted the Director must determine the following:

## APPEAL DOCUMENTS

*(i) The public facilities and the neighborhood have not been adversely affected by the number of residents and/or any uses offered or by the aggregate number of group living facilities in the neighborhood. A facility is considered to have an adverse effect on a neighborhood if one or more of the following standards are shown:*

*(A) Public and private services such as street, sewers, water and/or utility systems are burdened by the group living facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;*

*(B) The group living facility interferes with the peace, quiet and dignity of the neighborhood;*

*(C) The group living facility creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions; or*

*(D) The group living facility is found to be dangerous or unsafe due to an increased number of police or emergency visits, instigated by neighbors or for non-mandated purposes; or the existence of a single criminal act by a resident involving serious bodily injury or extensive property damage; or an increased number of incidences of criminal acts by residents involving bodily injury or property damage.*

*(E) When considering whether an adverse impact exists, the Director shall consider the following:*

*a. Whether the impact is real or perceived, based upon stereotypes of the population served by the group living facility;*

*b. The existence of alarms and/or fences in and of itself shall not constitute a safety issue which would be an adverse impact; or*

*c. Whether complaints and/or police calls regarding the group living facility have been founded or unfounded.*

The decisions before the Director at this time and to which these findings apply are a change of use permit and minor site plan review. Registration of the facility will follow and is made a condition of approval of the change of use permit and minor site plan approval.

§21.04.30(p)(17) allows the Director in his discretion to refer *the registration* of a group living facility to the Planning Commission when certain conditions are applicable, and

## APPEAL DOCUMENTS

(18) allows the Director to consider neighborhood impacts when deciding whether to renew a facility's annual registration.

That said, at this time the Director specifically finds as follows, which findings will apply to the registration unless new evidence is presented between the issuance of this Decision and the issuance of the decision on the group living initial registration:

- There are no founded complaints that show an adverse impact to the neighborhood as defined by 21.04.030(p)(17) or (18).
- There is no evidence whatsoever that the group living facility is dangerous or unsafe due to an increased number of police or emergency visits instigated by neighbors or for non-mandated purposes, because this is a new group living facility.
- **The calls for service at the applicant's group home on Glenwood Avenue cannot serve as a basis for referring the registration decision to the Planning Commission or for denying the group living facility's initial registration because they are not related to the new facility.**
- **Even though the calls for service at the 804 Glenwood Avenue home cannot form a basis for such a referral or for denying the initial registration of the new group living facility,** at the request of neighbors, City staff reviewed in detail all the police reports relating to all the calls for service at 804 Glenwood and found no evidence that the calls were instigated by neighbors, that they had any impact on the neighborhood, that they involved serious bodily injury or extensive property damage, or that the facility created, imposed, aggravated or lead to inadequate, impractical unsafe or unhealthy conditions.
  - The majority of the calls to 804 Glenwood were to report runaways; the facility is mandated to report runaways for the safety of the runaway, so these calls are not for a "non-mandated purpose" under 21.04.030(p)(18). So these calls cannot form the basis for referral of the registration to the Planning Commission.
  - The remaining calls for service to the Glenwood Avenue group home were carefully reviewed in detail. The Director finds no evidence that these calls were instigated by neighbors or that the incidents had any impact on the neighborhood.
  - A recent call involving burglary/ theft at 804 Glenwood Avenue involved two *former* residents who had already been removed from the home before the criminal acts were allegedly committed. Two residents who had been removed from the home came back to the home to retrieve their belongings when the home was empty and

## APPEAL DOCUMENTS

allegedly helped themselves to not just their belongings but to some that did not belong to them. No neighbors or neighborhood impacts were involved in this (or in any other) call for service to the 804 Glenwood Avenue facility.

- There is no evidence of criminal acts involving serious bodily injury or extensive property damage at 804 Glenwood or in the surrounding neighborhood.
  - There is no evidence that the group living facility created, imposed, aggravated or lead to inadequate, impractical, unsafe or unhealthy conditions at 804 Glenwood or in the surrounding neighborhood.
  - There is no evidence that the group living facility interferes with the peace, quiet and dignity of the neighborhood surrounding 804 Glenwood Avenue.
- The neighborhood impacts feared by the neighbors and addressed in their communications to the planning staff are perceived or anticipated based on stereotypes of the population served by the group living facility. They are not real impacts. (See 21.04.030(p)(18)(i)(E)(a.)).
  - The security measures proposed by the applicant at the group living facility do not of themselves constitute a safety issue which would be an adverse impact (see 21.04.030(p)(18)(i)(E)(b.)).
  - The initial registration of the group living facility will be determined by the Director. The Director may elect to refer any annual renewal of the facility's group home registration to the Planning Commission if there is competent evidence relating to neighborhood impacts as described in 21.04.030(p)(17) and (18).

*(19) At least 20 days in advance of any change, the owner and/or operator shall report in writing to the Director such proposed change in the site, use, scope, type, number of persons or intensity of the group living facility. A change of residents or staff of the group living facility shall not, in and of itself, require a report to the Director.*

*(i) The Director may disallow any change, refer the change to the Planning Commission or he may approve the change.*

*(ii) If the Director fails to act within 20 days, the proposed change is deemed approved; however, the owner or operator shall not implement any such change until the earlier of:*

*(A) The 20-day period has elapsed; or*

*(B) The Director's decision to disallow, allow, or refer.*

## **APPEAL DOCUMENTS**

Applicant is required to register the facility annually with the Director and the Director will evaluate the annual registration in accordance with 21.04.030(p). The impact of the group home on the neighborhood will be considered where neighbors have provided competent evidence of such impact in accordance with 21.04.030(p)(18).

The site plan and change of use application for a large group living facility on the property are approved, subject to compliance with and approval of the facility's Initial Registration in accordance with §21.04.030(p).

TO: Steve and Janice Rich ([richs11@charter.net](mailto:richs11@charter.net))  
John and Letty Miller ([jwmiller14@charter.net](mailto:jwmiller14@charter.net))  
Greg Ballegeer ([gtc@bresnan.net](mailto:gtc@bresnan.net))

FROM: Senta Costello, Senior Planner  
Greg Moberg, Development Services Manager  
Shelly Dackonish, Senior Staff Attorney

DATE: November 10, 2015

RE: Daisy Center

This email is to address your emails of 10/18/2015 and 10/29/2015. Thank you very much for your comments. We appreciate your interest in the group home application for property near your subdivision and the opportunity to address your questions and concerns about the project and the requirements of the Zoning and Development Code (codified as Title 21 of the Grand Junction Municipal Code or "GJMC") that apply to it. It is always helpful when we receive comments from neighbors on land use applications.

The application for a large group home, which is a residential (not commercial/business) land use that is allowed by right in the R-8 zone district (Section 21.04.010 GJMC, Use Table). The review process involves a minor site plan review consistent with Section 21.02.070(f) GJMC and the simplified "site sketch" submittal standards outlined in the Submittal Standards for Improvements and Development (SSID) Manual, a change of use review under Section 21.02.070(e) GJMC, and compliance with the use-specific standards for group homes established in Section 21.04.030(p) GJMC, including but not limited to registration as a new group home. In accordance the Code, the review is made by City planning staff and appropriate review agencies. We are in the middle of that process now, having gone through two rounds of comments and responses. As with all other application processes, during the comment and response period, citizen and review agency comments are given directly to the applicant for consideration and response. Also during this period, the planner takes into account comments received from the public and, where appropriate, addresses them in the comments to the applicant. The final decision will be made by the Director of Community Development. Notice of the final decision will be posted at City Hall. Any aggrieved party may appeal the decision to the Planning Commission within ten days (Section 21.02.070(a)(7) GJMC. The appeal shall be on the record in accordance with Section 21.02.210(c) GJMC. Please keep in mind that the Fair Housing Act does not allow local governments to prohibit group living or to impose stricter requirements upon group homes than on other types of residences. Running afoul of fair housing standards is

## APPEAL DOCUMENTS

costly for municipalities; the Federal Housing Amendments Act authorizes lawsuits against governmental entities including recovery of attorneys' fees. Also, even were that not the case, allowing in the City group residences for children of abuse and neglect, for whom the traditional family home has been a failure at best and in most cases actually harmful, is at least as important for the health of the community as is the protection of neighborhood character. Group homes provide a normalized atmosphere in a residential neighborhood where the children are not isolated, encouraging development of communication and interpersonal skills, social behaviors, and other valuable skills that will allow them to become employed and productive members of the community and society.<sup>1</sup> City staff must balance the interests of the applicant, the neighbors and the community at large within the framework of the Zoning and Development Code and other legal limitations. In other words, while your interests are important, they are not the only interests we must take into account.

The following addresses each assertion/ question raised in the above-referenced emails. We are also attaching a recent letter from the applicant.

From the 10/18/15 email from Steve and Janice Rich:

1. "We believe the applicant's responses are sometimes vague and/or non-responsive."

The planning review process articulated in the Zoning and Development Code (Title 21, Grand Junction Municipal Code) requires planning staff to review a land use application, then to comment *to the applicant* on deficiencies or requirements not met or addressed by the submittal. It also requires that the applicant be given the opportunity to respond to comments. If the applicant's response is vague or non-responsive, we ask the applicant to clarify or respond in the next round of comments. We are in the middle of that process and continue to carry it out as the Code requires/allows. Your comments are welcome and help us to evaluate the application. Our first and second round comments to the applicant took into account the concerns raised by the neighbors and future rounds of comments, if any, will also do so. We cannot make assumptions or make conclusions prematurely, so it takes time to obtain sufficient information and to clarify things that might at first be vague.

While we are not required to respond individually to comments or concerns from the public (although we always take them into consideration in reviewing the application), in this case we are providing this letter to you as a courtesy.

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<sup>1</sup> Arlene S. Kanter, *A Home of One's Own: The Fair Housing Amendments Act of 1988 and Housing Discrimination Against People With Mental Disabilities*, 43 Am. U. L. Rev 925, 961-62, (1994) (citations omitted); Daniel Lauber, *A Real LULU: Zoning For Group Homes and Halfway Houses Under the Fair Housing Amendments Act of 1988*, 29 J. Marshall Law Rev. 369, 380-81 (1996).

## APPEAL DOCUMENTS

2. “For the record, we do not believe our questions/concerns in our July 8, 2015 correspondence were adequately answered; we believe City Planning has failed to take into consideration our concerns and all requirements of the City’s Code with regard to a group home and a new use of a property.”

This application involves a minor site plan review consistent with Section 21.02.070(f) of the Code and the simplified “site sketch” submittal standards outlined in the Submittal Standards for Improvements and Development (SSID) Manual, a change of use review under Section 21.02.070(e), and compliance with the use-specific standards for group homes established in Section 21.04.030(p), including but not limited to registration as a new group home. A group home is a residential, not a commercial, use of land. The population served by the group home consists of minor girls who cannot live with and/or have been removed from their family or home of origin due to unsafe or abusive conditions, abandonment or neglect (in other words, foster care). The proposed land use is **not** a detention facility or a group living facility for juvenile offenders.

As stated above, we are in the middle of the land use review process and continue to address with the applicant the applicable Code requirements and neighbors’ concerns. The concerns that we relate to a corresponding Code requirement we include in our comments to the applicant. Of the other concerns for which we do not have regulatory authority, some we are asking the applicant to voluntarily address, and the others we are just responding to in this letter, explaining why they don’t apply or why we do not need or cannot require the applicant to explain, expound or take action.

3. “[W]e note a free-hand drawing of the property at 643 27 ½ Road. If this was provided by a professional architect, please provide their name., [sic] as it is not drawn to scale and no measurements are included. GJC ZDC 21.040.030(p)(8)(iv) and 21.040.030(p)(16)(iv). Also, was the “floor plan” prepared by an [sic] professional architect? There are no measurements included on that drawing.”

Architectural drawings are not required for this application. This is not a special dispensation for this application; we treat all similar applications the same way. The site sketch is all that is necessary for a site review and change of use of this scope.

The Code provisions cited do not require professional architectural drawings. “Architectural design” there refers to the overall look, orientation and character of a structure and its general relation to other features on the property (driveways, other structures). The purpose of the R-O standards referenced in those subsections is to make sure that as residences are converted into businesses in



## APPEAL DOCUMENTS

an R-O zone (a transition zone), they still look like residences and not businesses or institutions. The R-O standards are intended to preserve the residential quality of the area as much as reasonably possible. Professionally engineered drawings are not required to establish those factors. We are in the process of obtaining enough information from the applicant to determine whether the architectural design of the facility is residential in character and generally consistent with the R-O zone district, but we will not need professionally engineered or professional architectural drawings to make that determination.

4a. "Please advise whether [the fire inspection] was done for the current' property's duplex/triplex, or were applicable City Codes taken into consideration for a new use of the property, that is a group home?"

AND

4b. "With regard to the Grand Junction Fire Department "Building Fire Inspection Report", please advise whether this inspection was done as a current duplex/triplex, or were applicable City Codes taken into consideration for a new use of the property, that is a group home? Because of the proposed new use as a group home, why aren't fire sprinklers required?"

The fire inspection was for a group home of up to sixteen residents, which is a residential use, not different from a duplex/triplex in terms of the fire and building codes. The proposed project does not reach the multi-family or residential density threshold so as to trigger the requirement of a sprinkler system.

5. "[W]e believe the Applicant (or City Planning) is attempting to side-step applicable City Codes necessary to have a group home at 643 27 ½ Road."

We cannot tell from your statement what may be the basis for your belief. If it relates to the applicant's reluctance to provide information about the girls' living arrangements to a registered sex offender, we understand that to come from a desire to protect the minor girls in her care and not to side-step any requirement. Regardless, the applicant did provide the requested information to City staff and no information was withheld; to the extent follow up was needed we requested more information in our project comments. We've been given no reason to think that the Applicant is trying to side-step any Code requirement. The Applicant is responding to comments in an appropriate and timely manner. The Applicant has also voluntarily provided extra information not required by the Code in order to address the concerns of the neighbors.

## APPEAL DOCUMENTS

Likewise, City planning staff is reviewing the application in light of the applicable development / land use requirements and taking into account the concerns and comments of all those who have commented on the project.

6. “[T]he Applicant has not made a decision on a security firm. What security firm will be monitoring [the] security cameras?”

There is no requirement in the Grand Junction Municipal Code for a group home (or any land use, for that matter) to have monitored security systems. That said, in the second round of comments we have asked the question of the Applicant, but only for your information, not as a City requirement or condition of approval. Monitoring of security cameras will not be required or tracked by the City.

7. “Applicant states that the lower level on the south side of the home will not be part of the Daisy Center. How many rooms on the lower level will not be used by the Daisy Center, and what will that area be used for? Is the lower level part of the 4300 square feet the Applicant refers to later in her letter?”

The question of use of the area was put to the Applicant in the second round of comments. The applicant addresses it in the attached letter, stating that the area will be used for storage.

8. “City Code requires that parking shall only be located on the side and rear yards; and screened from adjacent dwellings by a solid wall, fence or vegetation having a height of not less than four feet.”

A group home is a residential use. There is no requirement that residential parking be on the side and rear yards or screened in any fashion. This statement appears to be drawn from the R-O zone district performance standards in 21.03.070(a). While the R-O zone district provides the governing aesthetic standards for the architectural design of a group home,<sup>2</sup> the standard you refer to is for commercial (business) uses. See GJMC 21.03.070(a)(3)(i). The proposed use is a residential use; it is a *home*, and not considered a *business*.

9. “Fences must comply with GJMC 21.0.040(i).” [sic]

Any fence, *if one is proposed*, will have to comply with Section 21.04.040(i); however, a group home or any other residential use is not required to have a fence. A fence is optional. If the applicant requests a fence permit it will be evaluated accordingly at that time.

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<sup>2</sup> 21.04.030(p)(16)(iv): The architectural design of the group living facility is residential in character and generally consistent with the R-O zone district.

## APPEAL DOCUMENTS

10. "We question the Applicant's statement concerning the amount of parking available. *For example*, with three vehicles parked directly behind the property (as stated by the Applicant), how will the garbage truck access the dumpster located on the north side of the property, and then be able to turn around?"

We have asked the applicant to respond to this question in the second round of comments.

11. "The Applicant's staffing patterns are difficult to follow. The Applicant mentions 'youth counselors' but fails to state the number of staff that will actually be on duty 24/7."

The City does not regulate staffing levels for group homes; such regulations are the exclusive purview of the State of Colorado. The City requires only a showing that the facility has and maintains the appropriate state license. That said, we have asked the applicant to provide more detailed staffing information, if any, for your information. The City has no regulatory authority to dictate staffing levels for the group home, however.

12. "Landscaping is not being maintained as stated. Also, the "natural shrubs" that the Applicant refers to are weeds; some are more than five feet tall. *(That is also part of the 42,906 square feet the Applicant refers to as the size of the lot.)*

The Zoning and Development Code does not prescribe landscaping for individual residential lots. If you have a weed complaint about the property, feel free to contact the City Code Enforcement Officer. The lot is of sufficient size for the proposed use.

13. "[W]e have driven by and observed the current location of the The Daisy Center at 804 Glenwood Avenue. At that time, it appeared unkept [sic] with weeds, trash, and plastic lawn chairs all over the front yard. Their current license is for 10 youth. They are requesting a group home for 16. They appear to be unable to keep their present location in a clean state."

We cannot verify that 804 Glenwood is unkempt. Code Enforcement received 15 founded complaints (6 weeds and 9 trash/rubbish) at 804 Glenwood from 1997 when the home was established to the present. Each was promptly corrected and there has only been one case in the last 6 years. It is our understanding that The Daisy Center is moving because it has outgrown its present location, which may explain the need for front yard sitting and/or challenges in keeping the place up, if any. That said, the application is for 643 27 ½ Road, not for 804 Glenwood Avenue, and the Zoning and Development Code does not allow the City to disapprove a land use application for one property based on conditions at a different property owned by the same applicant, or based on a prediction that the

## APPEAL DOCUMENTS

property may or may not be maintained in a certain way in the future. If you would like to make a weed or rubbish complaint regarding 804 Glenwood Avenue, feel free to do so by contacting the City Code Enforcement Officer. The Zoning and Development Code does not prohibit use or placement of plastic lawn chairs in the front yard of a residence, unless the chairs are rubbish/junk.

14. "The surrounding neighborhoods (around 27 ½ Road) take pride in our homes. How will the City ensure us that the same thing that has occurred at The Daisy Center's present location will not occur in the proposed location?"

There have been 15 founded Code Enforcement cases involving weeds and rubbish at the 804 Glenwood Ave location from 1997 when the home was established, to present; however, all conditions were corrected quickly. You have made us aware of what your fears about the future are, but the City can no more ensure that this neighbor will behave in a certain way than it could ensure that anyone who moves in next door to you in your subdivision would behave in a certain way. There is a complaint process for general Zoning and Development Code violations that you can avail yourself of with this or any other neighbor. In addition to general code enforcement, Section 21.04.030(p)(18) GJMC addresses adverse affects of a group home on a neighborhood. Although City staff is not authorized by the Code to assume, infer or predict that these affects will occur and deny a land use permit based on an assumption or inference, the City could refuse to renew the group home's annual registration if the adverse affects listed there were demonstrated. If the group home is eventually established, we encourage you to let us know whether the effects noted in Sect. 21.04.030(p)(18) impact your neighborhood.

15. "While every residence in the area has paved driveways and designated parking, the property at 643 2 ½ [sic] Road does not."

The Zoning and Development Code does not require residential driveways or "designated parking areas" of homes to be paved. There are many other gravel driveways throughout the City. While your subdivision is a modern one with modern driveways, sidewalks, curbs and gutters, many of the well-maintained homes in the City have gravel driveways or no curb- gutter-sidewalk features, including some along 27 ½ Road. The Zoning and Development Code does not require a new owner of one of these homes to "upgrade" the property by paving the driveways and installing curb, gutter and sidewalk to bring it more in line with modern neighborhoods like yours.

## APPEAL DOCUMENTS

16. "While the lot may be 42,906 square feet (as stated by the Applicant), unless some of the individuals are going to be living outdoors, they will not have 500 square feet for each 16 youth (plus staff would may be living there) residing in the group living facility.

The square footage requirement you reference is not for the structure, but for the lot. The square footage of the lot (42,906 sq. ft.) divided by the number of residents (16) is 2,681.625 square feet per resident, more than 4 times the required lot size for the maximum number of residents proposed. The applicant does not propose that any residents will be living outdoors.

17. "The applicant states the building is 4,300 square feet of living space. Does that stated square footage include the lower level the Applicant states will not be used by The Daisy Center?"

Again, we do not find any representation by the applicant that it will not use the lower level of the structure. The enclosed letter indicates the lower level space you are referring to will be used for storage. The Zoning and Development Code does not prohibit use of part of the group home for storage. The structure contains more than adequate space for the maximum number of residents proposed.

18. "We continue to take issue that all residences within 500 feet from the proposed group living facility were notified of the meeting on May 11, 2015. We continue to believe that did not occur."

Notice was provided for the May 11, 2015 meeting as required. Moreover, the purpose of the neighborhood meeting is to introduce the project to the neighborhood and give an opportunity for the neighbors to ask questions about it. You are currently participating in that process, in more detail than would have been possible at the neighborhood meeting. So any prejudice you may have suffered from a lack of notice has been amply cured.

19. "The Applicant's statements such as *"will comply"* *"will apply"* *"in the future"* are vague and open-ended."

The Zoning and Development Code does not require, or even allow, a land use applicant to construct the site and/or establish the use prior to the approval; so by nature the development review process must include some representations about the future. If there are some specific things you would like for the City planning staff to include as conditions of approval, please let us know and if the Code and other applicable law allows us to include them we may be able to do so.

## APPEAL DOCUMENTS

20. “This proposed group home will provide three meals a day for possibly 16 youth and staff. That could be more than 600 meals per week. However, Applicant states there will be no deliveries, just grocery shopping. Will there be someone doing full-time grocery shopping?”

Feeding 16 girls three meals per day does not require “full-time grocery shopping;” it just requires purchase of larger quantities of the same items. Sixteen residents times 3 meals per day is the same number of meals as 4 residents times 3 meals per day: it’s three meals per day, or 21 meals per week, just for more people. Most people have cooked for a group before and can relate to this activity.

As for who will do the grocery shopping, the City does not regulate the duties of those providing services to group home residents, whether one of them grocery shops as part of their duties, or helps the older children in the home grocery shop, or otherwise. Regulation of provision of services to minors in group homes is the exclusive purview of the State of Colorado; the City requires only that the applicant demonstrate it has obtained and maintained the appropriate State license.

The Zoning and Development Code does not prohibit residents of homes from having their groceries delivered (or products from Amazon, or packages from UPS or FedEx or USPS), so even if groceries (or books or shoes or flowers) were delivered to the premises, the planning staff could not deny the land use permit based on that. The Zoning and Development Code does not regulate how residents of homes get their groceries or any other products they consume. For example, if you want to go back and forth from your home to stores, appointments, school, work, leisure activities, church, friends’ homes, or any other destination(s) several times a day, the City would not interfere with that. There are likely as many (or more) different such trips in 42,906 square feet of your neighborhood than would be generated from this use.<sup>3</sup> Or if you are a shut-in and need to have oxygen, medicine, groceries, meals, home health, and/or other items or services delivered to your home, the City would not interfere with those activities.

The applicant has said that no extraordinary deliveries will occur; we don’t have any trouble believing that. We are not going to ask the applicant to describe

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<sup>3</sup> The area of the lot at 643 27 ½ Road (approximately 1 acre) equals approximately seven lots in your subdivision (lots averaging approximately .14 acre each); assuming between 2 and 5 people living in each of the seven homes, that is 14 to 35 people in the same physical space doing substantially similar, or possibly more, daily living activities.

## APPEAL DOCUMENTS

shopping and cooking for a group in the land use application; it's a common and necessary activity that it doesn't need expounding.

21. "The youth will also be transported by staff vehicles. Will these individuals be properly licensed and insured?"

Licensing and insuring of drivers is regulated by the State of Colorado and appropriately enforced on the public roads by local law enforcement. The Zoning and Development Code does not require occupants of residences or business operators to show that they or their employees have drivers' licenses and insurance before they move into a house or establish a business. (We include mention of business uses only to show the burdensome level of regulation and monitoring by government that you are suggesting, not because we consider The Daisy Center a business.) We are not going to require the applicant to show the driving credentials of her residents or staff.

22. "Again, the Applicant states in her letter that the front yard is reserved for landscaping, sidewalks and driveway access. That the Daisy Center "*will have*" landscaping and sides [sic] in the front area . . . . Again the term "will have" is open-ended. There is no end date when all will be completed."

See response to #11 and #18 above and to #30 below. The Zoning and Development Code does not require installation of landscaping or sidewalks for this land use.

23. "We believe Grand Junction City Planning may not be considering all pertinent City Codes that should apply to the proposed group home. Please do not overlook your responsibility in this decision."

City Planning is considering all pertinent requirements of the Zoning and Development Code as well as other legal requirements and constraints that are applicable to the review and decision making process in this case. We are taking this responsibility very seriously and appreciate and value your input.

From the 10/18/2015 email of Greg Ballegeer:

24. "The applicant described what is currently done; there have been over 300 police reports concerning runaways in your tenure as a group home. The question is what are you going to do different [sic] to address the situation, how are you going to improve your program to address the root cause of the issue? How are you going to create a situation that encourages the girls to stay rather than runaway? If there isn't [sic] any changes in the core operating procedure i.e. better qualified staff, more training for

## APPEAL DOCUMENTS

current staff, a program modification to better deal with the needs of the residents, what makes anyone think there will be any change in the outcome. [sic] “

The planner has reviewed in detail every call for service for The Daisy Center located at 804 Glenwood Avenue and the related reports from the Grand Junction Police Department from June 2014 to June 2015.

Regarding the “runaway” calls, the applicant represents that it has been the policy of the home to report as missing or runaway any minor resident who does not return to the home within two hours of a scheduled time or who leaves the home without permission with the expressed intent of not returning. Unfortunately this policy does not allow a cooling off period for an angry or upset girl to leave temporarily and return; so in most instances the girl had calmed and returned before the officer even arrived in response to the call. Of the remaining instances, the police arrived, took information on the girl and the situation, and the case was closed when the girl returned later. None of the “runaway” calls resulted in or involved complaints from the neighborhood or evidence that the girls had committed any crimes while away from the home.

A call for service is not in itself evidence of negative neighborhood impact. Between 1.6 and 2.8 million youth run away each year in the United States and this puts them immediately at risk.<sup>4</sup> It is appropriate for a group home to contact law enforcement as soon as possible, and we do not want to discourage this. In fact, 300 calls for service involving no evidence whatsoever of negative neighborhood impact speaks well for the management of the group home. The Zoning and Development Code does not require a group home applicant to show, prior to establishing at a particular location, that there will be no calls for emergency or police service, or that there have been no calls for service at other affiliated location(s).

The Code also does not require the applicant to show that at such other locations there were no complaints from neighbors or negative neighborhood impacts. That said, however, it is the finding of City planning staff at this time that in this case there is no evidence of negative neighborhood impacts or neighbor complaints about The Daisy Center’s group home at 804 Glenwood Avenue. The entire record reflects that the calls for service were for residents who had runaway or intra-house issues between and among the girls and/or staff, which situations were appropriately and promptly handled among the girls and staff with only limited involvement the police. Based on all the information available to us, we see no need for the applicant to demonstrate any of the program changes

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<sup>4</sup> <http://www.pollyklaas.org/enews-archive/2013-enews/article-web-pages/the-truth-about-runaways.html>



## APPEAL DOCUMENTS

you suggest and have no regulatory authority or reasonable basis to demand that she do so.

See also response to #27 below regarding evaluating mental health / social programs or practices in group homes.

25. “Your descriptions of security measures make it sound more like a detention center than a group home, all that’s missing is [sic] the chain link fence and razor wire.”

The proposed land use is **not** a detention facility or a group living facility for juvenile offenders. The applicant was asked to describe security measures, so she responded. The security is ultimately to protect the girls, not to confine them. They are not detained; but they may be in need of structure, rules and accountability to others that they may not have been subject to in their family home.

26. “Just because neighbors have not been able to prove that it was a runaway from your facility that went through there [sic] yard doesn’t mean it didn’t happen. Common sense says if you’re running from something and you want to remain un-noticed you’re going to stay out of sight (through back yards).”

It is also “common sense” that a girl leaves to go somewhere specific, such as the family home or a friend or boyfriend’s, and would go directly there, and/or that she would not want to remain nearby at all. Regardless, applicable law does not allow City staff to presume or assume; we can only consider and act upon the evidence available to us. It also does not require the applicant to prove a negative (that something didn’t happen).

27. “Which is it, a facility that will actually help the residents or a glorified detention center, some place to keep them until they age out of the system? My sense is the latter and it has no place in a residential neighborhood.”

This application is for a group home (foster care) for girls; it is not a detention center or a home for juvenile offenders.

Regarding your question whether the residents will be helped, the obvious, most immediate help that a child removed from her home because of abuse or neglect is a *home* (a place to eat, sleep and stay), and The Daisy Center proposes that. Whether the girls are “helped” in some other sense than housing is not a question that the Zoning and Development Code or any other applicable law requires the planning staff or the applicant to answer in order to establish a group home in the City. Those matters relate to state licensure requirements. The City does not employ staff qualified to evaluate the social or mental health assistance

## APPEAL DOCUMENTS

The Daisy Center may or may not provide. Even if you are a licensed mental health professional or are otherwise professionally qualified to evaluate them, your bias prevents the City from relying upon your opinion.

Section 21.04.010 (Use Table) expressly allows a large group living facility in this and in several other residential zone districts. As such, the Zoning and Development Code embodies the opposite policy from the one you express; a residential neighborhood is exactly where a large group living facility belongs.

We take seriously your concerns about neighborhood aesthetics, character and orderliness. But we find it difficult to support the idea that minor girls who have been removed from their homes due to abuse or neglect should not be allowed to live in a residential neighborhood. To the extent your concern relates to the number of girls living in one residence and not an individual girl's right to live in a residence, your fears of neighborhood disruption from The Daisy Center are not borne out by the history of the calls for service at 804 Glenwood or any other factual information available to us for review. That information tends to indicate that it has been a well-run household, as regards neighborhood impacts.

That said, however, as stated in the response to #14 above, if the application is granted, we encourage you to note of the actual effects on the neighborhood and report them to us, so that we can consider them in determining whether to renew the group home registration. (Renewal occurs annually.)

29. "The fire code stated in the response is for a residential not commercial building. I understand that the current use is residential but the intended use; the use being applied for is not. It is my understanding that the two codes are not equal, commercial being much more extensive. Is this project being treated differently than that of any other LLC trying to move a business into the area?"

This application does not involve a commercial building or a commercial use. Both the existing use and the proposed new use of the property are residential uses subject to the same fire and building code standards and requirements. A group home is not a business or commercial use; it is a residence, a home. Also see response to #4a and #4b above.

30. "In several responses to requirements the applicant describes things to be done "in the future" or things that they "will do". There is no time line for completion of these requirements; therefore there is no guarantee that they will ever get done other than the word of the applicant. Explain the motivation for the applicant to ever complete these requirements after it has obtained the approval? I believe all requirements should be completed and verified prior to any consideration of approval."

## APPEAL DOCUMENTS

Those improvements that the Zoning and Development Code requires in order for a large group living facility to be established in a residence will be made a condition of approval and given a deadline for completion. Improvements that are not required (fence, specific landscaping, sidewalk installation, driveway paving, parking area improvements) will not be; the applicant is free to do them at some later time, or not to do them at all. Also see responses to #15, 12, 11, 9 and 8 above.

31. "All I'm asking for is an unbiased decision, one that treats this commercial project the same as any other within your jurisdiction. I believe this matter should be handled with the honesty and integrity that every resident of this city expected from its municipal officials and supporting staff."

This is not a commercial project. It is a residence and must be treated as such. Planning staff is not at liberty to treat it otherwise. We are aware of nothing that would indicate the application is being handled with bias, dishonesty or lack of integrity. If you are aware of something which indicates otherwise, please let us know. These are important values we strive to uphold.

From the 10/29/15 email from John and Letty Miller:

32. "I would like your opinion, and [sic] well as those of the Assessor, Building Department, and Fire Department, as to the following specifics:"

We cannot speak for the Assessor; if you have questions for the Assessor please direct your inquiry to him/her. Planning works closely with the Building and Fire Departments and so we can respond accordingly.

33. "The original Daisy application stated that the lowest of the three levels of the Daisy Center [an unheated, unfinished basement, according to Mesa County Assessor records], would be used for storage. Now, Jenny Brinton has stated that two women and their children will live in that area. The women may become Daisy employees. How did an area that is taxed as an unfinished basement, without heating and cooling, become a living area for several individuals without any building permits for the construction and appropriate changes made to the property's tax assessment?"

See response to #32 above regarding assessments / assessor records.

Regarding the lower level, the applicant has not represented to City staff that it will be used as a bedroom or separate living space for staff or other tenants. The applicant states that the area will be used for storage.

34. "Since there will now be three levels of living space in the proposed Daisy Center building, does that not change the fire sprinkler/fire walls requirements? The three living

## APPEAL DOCUMENTS

area levels are more than 40 feet in total height. Could a fire not easily spread from the lowest living area through the middle level to the third level or vice versa? The undated October written response from the Daisy Center does not even address fire extinguishers or Carbon Monoxide [sic] and smoke detectors on the lowest level. Mesa County Building Department Director Darrell Bay wrote on October 20, 2015 in regard to the proposed Daisy Center, "If an R-4 has 16 or fewer people it can be built under the provisions of the 2012 IRC," which does not require fire sprinklers. The inclusion of several more individuals on the lowest level of the property now changes that designation."

See response to #33, 29, 7, 4a and 4b above.

The building has smoke detectors, carbon monoxide detectors and fire extinguishers on all levels that are designated sleeping areas. The building meets the residential building and fire code requirements. Fire is a dynamic event and there is no way to answer your speculative question about fire spreading, except to say that it is possible a fire could spread in any of the ways you suggest. Regardless, the applicable fire protection requirements are satisfied.

35. "Do the City Code requirements for a Large Group Home allow the Daisy Center to share a common ceiling and stairways with the non-Daisy lower-level living space?"

See response to #33 and 7 above. The Zoning and Development Code would not prohibit it. State licensing standards might impact it, but we do not enforce those other than to require that a group home maintain the appropriate state license. Nevertheless the City is limited to reviewing the use proposed by the applicant, which does not include a rental or other housing unit on the lower level.

36."If two women and their children are to be housed in the lowest level of the south wing of the building, that will add to the parking requirements for the Daisy center, which currently has a shortage of true available parking, according to our expert on City Codes. If these women have boyfriends and guests, even more parking spaces will be needed. What will keep them from using our street for their overflow parking? Planning guidelines require the Daisy Center to not "increase on-street parking in front of dwellings in the neighborhood."

Adequate off-street parking for a large group living facility is proposed by the applicant. Regarding the lowest level of the south wing of the building, the area is proposed as storage, which will have no impact on parking.

## APPEAL DOCUMENTS

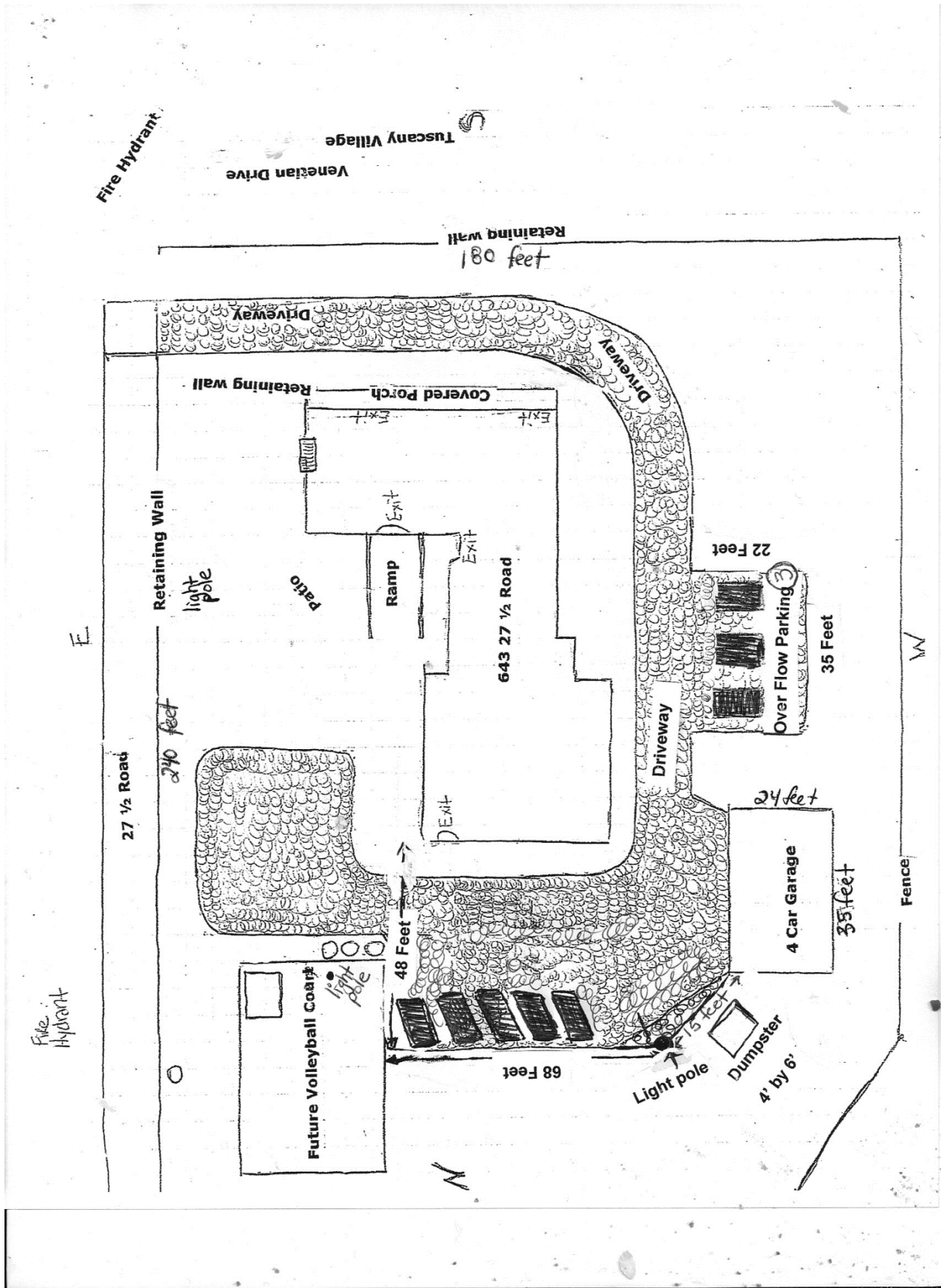
37. "Is there a heated and cooled "living space" square foot requirement for the proposed 16 girls, the staff members, and the women and children living on the lowest level?"

No. See also response to #33 and 7 above.

Thank you again for your comments and questions. We welcome your continued participation in the process through written comments, and we will continue to consider them and include them in our decision-making process. You are also welcome to call us with questions or concerns and we will gladly speak with you. However, you will not receive any further correspondence from us on this application. Staff comments, the applicant's responses to comments, and the findings of fact, conclusions and final decision will be available as a public record. Notice of the final decision on the application will be posted.

Senta Costello, Senior Planner  
Greg Moberg, Development Services Manager  
Shelly Dackonish, Senior Staff Attorney

APPEAL DOCUMENTS



**APPEAL DOCUMENTS**

# **DRAWING STANDARDS CHECKLIST**

## **SITE SKETCH**

<b>ITEM</b>		<b>GRAPHIC STANDARDS</b>
<b>GRAPHIC STANDARDS</b>	A	Scale: As required – <b>not required as long as information is accurate and legible</b>
	D	Notation: All non-construction text – <b>All text is non-construction as no new structures or changes to the site are proposed</b>
	H	Orientation and north arrow – <b>Compass directions are on site sketch</b>
	J	Title block with names, titles, preparation and revision dates – <b>This is an entirely new site sketch submitted with the 2nd round of response to comments.</b>
	L	Legend of symbols used – <b>All necessary items are clearly labeled</b>
	M	List of abbreviations used – <b>Only abbreviations used are standards used for the compass directions</b>
	Q	Neatness and legibility – <b>Site sketch is organized and legible</b>
<b>ITEM</b>		<b>FEATURES</b>
<b>ADDITIONAL INFO</b>	1	Location and boundaries of the site (See Comment 1) – <b>Boundaries of the property are shown on the site sketch.</b>
	2	Existing and proposed on-site and adjacent streets, alleys, rights-of-way and easements – <b>Site sketch shows 27 ½ Road and Venetian Drive adjacent to the property. There are no alleys, other rights-of-way or easements on the property</b>
	3	Site geographic relationship to collector or arterial roads – <b>Site sketch shows 27 ½ Road adjacent to the property. 27 ½ Road is classified as a Major Collector.</b>
	4	Proposed and existing improvements including buildings, utilities, parking and storage areas – <b>These facilities are shown on the site sketch with the exception of the onsite utilities; there are no proposed new buildings, so on site utility information is not necessary</b>
	5	Major drainage courses and floodplains on or adjacent to the property – <b>There are no drainage courses or floodplains on or near the property</b>
	6	Total site acreage – <b>Available from GIS and provided elsewhere in the application and/or application review materials.</b>
	7	Zoning and existing land use of the site and adjacent property – <b>Available from GIS and represented elsewhere in the application ad/or application review materials.</b>
	8	Location and size of water and sewer facilities in the vicinity (subdivision only) – <b>This application is not for a subdivision.</b>
	9	Approval block for City Engineer and City Public Works & Planning – <b>We sign plans electronically now; no title block is necessary for a Site Sketch; also the decision letter will encompass and address the approval of the site sketch.</b>
<b>COMMENTS</b>		
1. For a vacation or revocable permit application, boundaries must be monumented.		