

**Richard (Dick) Brust**  
**Board President**  
**Painters Ridge Owners Association**  
**(A subdivision in Crystal Valley Ranch)**  
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August 4, 2015

To; Council Members  
Town of Castle Rock  
100 N. Wilcox St.  
Castle Rock, CO 80104

Council Members,

As President of the Painters Ridge Owners Association within Crystal Valley Ranch, and on behalf of the Board of Directors representing 60 property owners, I am requesting that Council direct the Town Attorney and Town Staff to review, research, and revise Town Ordinances governing Group Homes and Care Facilities for Disabled Persons located within the Town.

I wish to express my appreciation for the concise and informative meeting that John Topolnicki (Painters Ridge board member) and I attended with Mary Shaw, Andrew Blake, Kyle Sipes, and Assistant Town Attorney Heidi Hugdahl on July 21, 2015. We received the courtesy of a “quick set” for the meeting in that we had just been advised that a home within Painters Ridge had been purchased by a LLC for the purpose of establishing a “memory care facility” for up to 14 clients, which was very concerning for a number of Painters Ridge residents.

As a result of that meeting, congenial meetings with the facility owner, a meeting with Painters Ridge residents, meetings with Crystal Valley Ranch Homeowners Board President TJ Riggle, and a meeting with attorney David F. Firmin of the law firm Hindman & Sanchez (the firm specializes in home owner association law), we have become more knowledgeable about Town Ordinances, community concerns, Federal and State laws, and appellate cases that govern group homes and homes for disabled persons.

I want to make it clear that the Painters Ridge Board supports the concept of having “disabled care facilities’ within residential communities in Castle Rock in that they provide an opportunity for persons with disabilities to live in close proximity to their loved ones. However, reasonable Town ordinances should be enacted that limit the number of clients (normally 8), and to require a separation distance of at least 1,500 feet between facilities. We are aware that Town ordinances presently require facilities defined as “group homes” to receive approval of Town Council and that “facilities for disabled persons” merely require Town Staff review. “Group Homes” are more regulated under the Town’s ordinances and under Federal and State laws.

The *Federal Fair Housing Act* protects the rights of “clients” to reside in residential communities and not the rights of owners of such facilities to seek unreasonable profit. We have been advised by Mr. Firmin that the Town can impose reasonable conditions in granting business licenses and building permits concerning such facilities as long as the conditions do not prevent the use of the facility for its intended purpose. Many such facilities are ‘non-profit” and “for-profit” facilities

may have limits imposed re the number of clients as long as they can operate at a reasonable profit. Profit based upon fourteen clients is unreasonable. Facilities located in closer proximity than 1,500 feet are unreasonable. The Town can require Home Owner Association approval of design changes before approving such facilities when the enforcement of covenants does not prevent the reasonable use of such facilities at a reasonable profit. Presently the Town does not require Association approval of design changes.

The owner of the purposed facility in Painters Ridge was advised that he would not receive approval from the Painters Ridge Board to convert the garage to bedrooms contrary to Painters Ridge Design Guidelines, because he **could** operate the facility at a profit without the conversion. He has since advised us that he will **not** be converting the garage, and is now going to rent the home to his Facilities Manager and her family for two years with an option to buy as their private residence. He owns other memory care facilities, one of which is operational in Crystal Valley Ranch.

Mary Shaw (Town Zoning Manager) has advised us that Council has placed a discussion concerning group homes and homes for disabled persons on its September 1, 2015 agenda. Our Board will provide the Town Attorney and Town Staff further information, and will follow Town Counsel's review and action concerning these matters. We appreciate Town Council's and Staff's attention to our requests. Both I and John Topolnicki will be the contact persons on behalf of our Board of Directors.

This request letter will be presented to Town Council during the "Unscheduled Public Appearances" portion of its meeting on August 4, 2015.

Sincerely,

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Richard (Dick Brust)  
President, Painters Ridge Owners  
Board of Directors  
(See letterhead for contact information)

Also:  
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cc:  
Mary Shaw, Zoning Manager  
Robert Slentz, Town Attorney  
Heidi Hugdahl, Assistant Town Attorney