



Meeting Date: April 27, 2017

AGENDA MEMORANDUM

To: Planning Commission

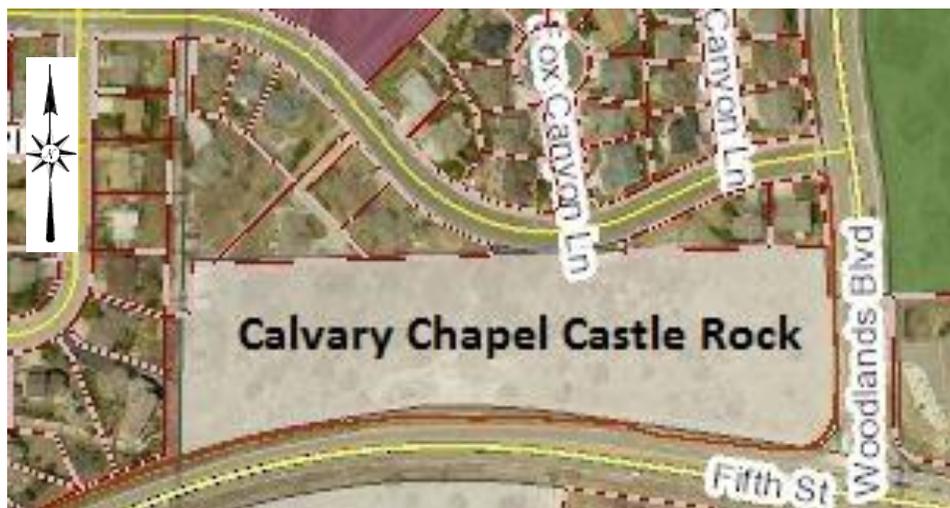
From: Kathy Marx, Senior Planner, Development Services

Title: An Ordinance Amending the Town's Zone District Map by Approving the Calvary Chapel Castle Rock Planned Development Plan (PD)

Executive Summary

When a property is approved for annexation into the Town it is also necessary to zone the parcel. Zoning may be a straight zone request, representing a permitted use within an existing Town zone designation or a planned development zone designation. Planned development zoning is an optional negotiated zoning specific to a Planned Development Plan that outlines standards of development and the provisions for public and private infrastructure to support the development.

Originally, in the case of Calvary Chapel Castle Rock, a Business/Commercial (B) zoning designation was requested. Due to neighborhood objections to the B zone Calvary Chapel withdrew the B zone request and resubmitted for a Planned Development Plan (PD) (**Attachment B**). The PD will specifically allow only a church use. Under the existing Douglas County jurisdiction, the site is zoned Rural Residential.



Proposed Site

The PD zoning will be applicable to the 5.4 ± acre parcel located at the northwest corner of Fifth Street and Woodlands Boulevard. The proposed PD zoning with the allowable use of a church is well-suited for the location at the intersection of two arterial streets. The zone district is compatible with existing development on adjacent properties and measures will be taken within the Site Development Review process to mitigate any incompatibility as the parcel is subject to the Residential/Nonresidential Interface regulations.



View from Proposed Site to the West

The Castle Rock 2020 Comprehensive Master Plan land use plan map designates the subject property as Unincorporated Future Residential Neighborhood which includes churches as a general preferred land use category within that plan area.

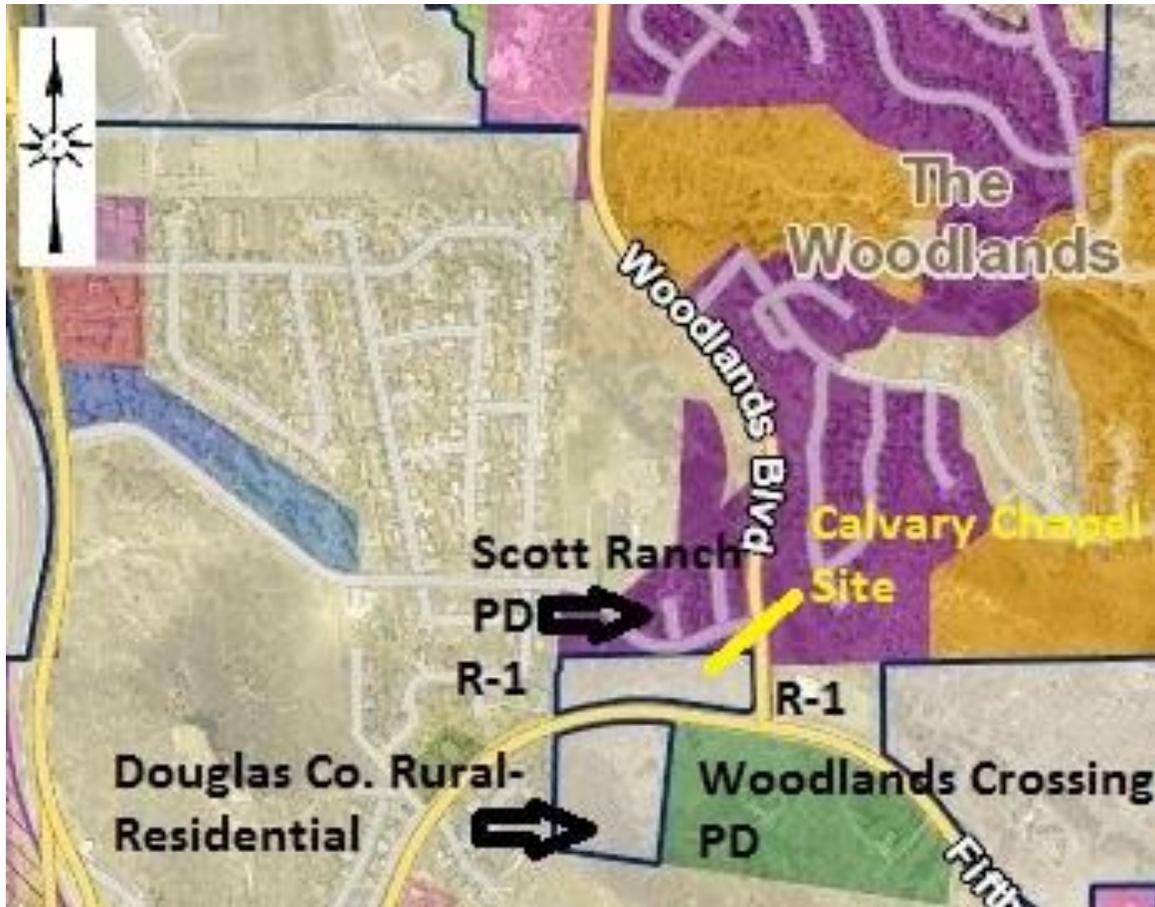
Findings and Recommendation

The proposed zoning meets the objectives of the Town's Vision 2020 Plan, the 2020 Comprehensive Master Plan and the review and approval criteria in the Municipal Code.

Discussion

Background and Existing Zoning/Use

The present Town Zoning Map was adopted into the Municipal Code in 2005 (Ordinance 2005-04) and is updated as changes occur. A portion of the Town Zoning Map as it relates to this parcel follows:



Current Zoning for Surrounding Properties

The site is surrounded by developed residential land to the north that is zoned Scott Ranch Planned Development (PD). Single-family residential, townhomes, private community centers and recreation facilities are permitted uses for the PD. Offices, office parks, religious institutions and day care centers are allowed with use by special review.

Developed residential land is also adjacent to the site to the west. That property is zoned Single-Family Residence District (R-1). Other R-1 property to the east and separated by Woodlands Boulevard is developed with a church use. Permitted within

R-1 are single family residential, small in-home day care, underground public utilities and indoor/outdoor recreational uses. Uses by special review include public facilities, college, university, vo-tech and private schools, places of worship, large in-home day cares, assisted living facilities, group homes, outdoor commercial amusement, solar collectors, wind generators and above-ground public utilities.

To the south the property is bordered by Fifth Street, a major arterial. South of Fifth Street under County jurisdiction there is an undeveloped 9 acre parcel on the west that is zoned Rural Residential (RR). RR would permit churches with less than 350 seats, fire station, library, open space and trails, park/playground, neighborhood recreational facility, private recreation facility, school, sheriff substation, residence (single family residential or group) and utility service facility. Use by special review with the RR zone include church with greater than 350 seats, daycare/preschool/large home day care facilities, horse boarding, community recreation facility, bed and breakfast, major utility, veterinary hospital and clinic and wind energy conversion systems.

To the east of that property are two undeveloped parcels within the Town's jurisdiction, zoned Woodlands Crossing PD. The zoning adjacent to Fifth Street is called neighborhood center/integrated business use area. The existing permitted uses include retail stores, personal service establishments, financial institutions, indoor places of public assembly, entertainment and recreation, offices professional and commercial, automotive repair and service facilities, parking lots and parking structures, public buildings, religious institutions, restaurants, lounges and fast food establishments.

Proposed Zoning/Use

The proposed use for the subject parcel is for a church within a newly created PD zone. The proposed use does not include an on-site school or daycare. Associated permitted uses also include:

- Church related educational facilities
- Ministry related administrative offices
- Open space, landscape areas, buffers and setbacks
- Drainage and detention facilities
- Indoor and outdoor church related recreation facilities such as a playground
- Utilities and appurtenant facilities including but not limited to water and sewer, electric service, gas service, telephone and cable service
- Parking spaces, drive aisles, parking lot islands, sidewalks
- Public and private streets and drives
- Fences, walls, trash enclosures and/or retaining walls
- Temporary construction trailers

Private open space is also permitted.

Standards of Development

The proposed church use within the PD will be required to comply with the following development standards:

- No proposed building shall be constructed closer than 25 feet from Woodlands Boulevard; 25 feet from Fifth Street; and 30 feet from either the northern or western PD boundaries
- Maximum building height: 35 feet
- Maximum spire height: 15 feet above building
- Maximum building coverage: 82,786 square feet
- Maximum gross floor area: 35% of total site area
- Maximum Floor Area Ratio: 0.35 permitted

Architectural design elements will also comply with “Castle Rock Design: Guidelines for Design and Development in the Town of Castle Rock”.

Additionally, given the adjacency of the parcel to residential properties, compliance with the Residential/Nonresidential Interface regulations will be required. That compliance also triggers the necessity of the general site development plan (SDP) process. This requires review by the Planning Commission and Town Council under separate action. The SDP will be scheduled for future public hearings if the property is annexed and zoned.

Infrastructure and Transportation Capacity

Within the zoning application process applicants are required to submit a land suitability analysis report, traffic impact analysis, concept utility letter and a phase I drainage report. Those reports are routed to both internal staff and external utility service providers to verify the accuracy of the data provided and ensure that any impacts to the Town’s infrastructure is mitigated to protect existing water, sewer, storm sewer, road systems, parks and recreation spaces and a variety of private utilities, and to plan for future demands.

At the culmination of the reviews Town staff along with external reviewers must come to a consensus with the applicant’s proposal before moving forward to Planning Commission and Town Council review. The land suitability analysis of the property reviewed slope, soils, vegetation and wildlife habitat and did not detect any notable concerns relative to zoning or future development of the site. It was also determined that the zoning of the proposed site to a PD and the necessary improvements of access, street right-of-way improvements such as sidewalks and landscaping, site drainage and on-site retention, adequate water for both consumption and fire control were addressed to the satisfaction of Town staff in the review process to support the orderly development of the property. No additional right-of-way will be necessary for this project. A development agreement will be entered into between the Town and the applicant that specifies details of the projected use and the related obligations that are required.

Public Outreach, Notice and External Referrals

- *Neighborhood Meeting:* Four neighborhood meetings have been conducted prior to the Planning Commission hearing.

Date	# of Attendees	Concerns
1-25-16	11	Site Development – erosion, access, architectural style, location of building
1-31-16	2	As above
10-1-16	22	B Zone proposal, site to off-site drainage and as above
3-12-17	9	Site Development - setbacks, maximum height, proposed retaining wall height

As noted previously the actual site development concerns will be addressed during the SDP review process with public hearings at the Planning Commission and Town Council. The applicant addressed the neighborhood concern of zoning the property with a B zone which would have allowed other commercial uses by withdrawing the request for the B zone and reapplying for a PD with the specific use of a church.

- *Public Notice:* The Zoning was noticed in accordance with the Colorado State Statutes and Town of Castle Rock Municipal code. The applicant posted public hearing signs on the site facing the adjacent streets. Written notices were mailed to property owners within 300 feet of the property and to surrounding Homeowner Associations (HOA). Town staff published notice on the Town’s website and featured the proposal on the *Development Activity/In Your Backyard* map.
- *External Referrals:* Requests for external comments were sent to the various utility service providers, Douglas County Government, Colorado Department of Transportation, Douglas County School District and surrounding HOAs. All comments received were relative to the proposed development of the site rather than the zoning. Those comments will be addressed under separate actions.

Analysis of Review and Approval Criteria

Staff analyzed the proposed zoning according to the requisite review criteria and made the following findings. The zoning complies with:

- The Vision 2020/Comprehensive Master Plan
- Title 20, Annexation and Disconnection, of the Municipal Code

Hyperlinks to the review criteria are provided below.

Vision 2020:

<http://www.crgov.com/documentcenter/view/278>

Comprehensive Master Plan:

<http://www.crgov.com/DocumentCenter/View/238>

Municipal Code:

https://www.municode.com/library/co/castle_rock/codes/municipal_code?nodeId=TIT20ANDI

Budget Impact

The proposed zoning will generate review fees. Other site development impact fees will offset costs to the Town of Castle Rock at a later date.

Recommendation

Based on the analysis and findings outlined in this report, staff recommends approval of the proposed Calvary Chapel Castle Rock zoning.

Proposed Motion

I move to recommend approval to Town Council of this Ordinance as introduced by title.

Attachment

Attachment A: Ordinance

Exhibit 1: Legal Description

Attachment B: PD Standards

ORDINANCE NO. 2017-

AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY APPROVING THE CALVARY CHAPEL CASTLE ROCK PLANNED DEVELOPMENT PLAN AND THE CALVARY CHAPEL PLANNED DEVELOPMENT PLAN ZONING REGULATIONS

WHEREAS, proper application has been made by Calvary Chapel Castle Rock, LLC ("Applicant") for Planned Development (PD) zoning of the property described in *Exhibit 1* ("Property");

WHEREAS, Applicant has requested approval of the Calvary Chapel Planned Development Plan ("PD Plan"),

WHEREAS, Applicant has requested approval of the Calvary Chapel Planned Development Plan Zoning Regulations ("Zoning Regulations"), as the same affect the Property;

WHEREAS, the PD Plan and Zoning Regulations comply with Title 17 of the Castle Rock Municipal Code, the Town's Vision 2020 and the Comprehensive Master Plan; and,

WHEREAS, public hearings on the PD Plan and Zoning Regulations have been held before the Planning Commission and Town Council in accordance with the applicable provisions of the Castle Rock Municipal Code.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO :

Section 1. Zoning District Map Amendment The Town's Zoning District Map pertaining to the Property is amended to Planned Development (PD) to conform with the Calvary Chapel Planned Development Plan.

Section 2. Planned Development Plan Approval. The Calvary Chapel Planned Development Plan dated _____, in the form attached as *Exhibit 2* is hereby approved.

Section 3. Zoning Regulation Approval. The Calvary Chapel Planned Development Plan Zoning Regulations in the form attached as *Exhibit 3* are hereby approved.

Section 4. Effective Date. With the effective date of this Ordinance, the Property is subject to the Castle Rock Municipal Code and all ordinances, resolutions, rules and regulations of the Town.

Section 5. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 6. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational to the legislative object sought to be obtained.

ATTACHMENT A

APPROVED ON FIRST READING this __ day of ____, 2017 by a vote of __ for and __ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2017, by the Town Council of the Town of Castle Rock by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Bill Detweiler, Director, Development Services

PARCEL DESCRIPTION

ALL OF THOSE PROPERTIES DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 2016009092 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M. COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M., BEING ASSUMED TO BEAR $N02^{\circ}18'30''E$

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M., SAID POINT BEING THE SOUTHWESTERLY CORNER OF THE WOODLANDS FILING NO. 8 RECORDED UNDER RECEPTION NO. 9348216 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER;

THENCE ON THE SOUTHERLY LINE OF SAID THE WOODLANDS FILING NO. 8, THE FOLLOWING FOUR (4) COURSES:

1. $N88^{\circ}46'20''E$ A DISTANCE OF 40.00 FEET;
2. $N02^{\circ}18'30''E$ A DISTANCE OF 75.14 FEET;
3. $N88^{\circ}46'20''E$ A DISTANCE OF 960.36 FEET;
4. $S01^{\circ}13'40''E$ A DISTANCE OF 75.00 FEET, TO THE NORTHWESTERLY CORNER OF CASTLE ROCK CHURCH OF CHRIST RECORDED UNDER RECEPTION NO. 01101066;

THENCE ON THE WESTERLY LINE OF SAID CASTLE ROCK CHURCH OF CHRIST, THE FOLLOWING TWO (2) COURSES:

1. $S01^{\circ}13'40''E$ A DISTANCE OF 160.27 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF $99^{\circ}29'00''$ AND AN ARC LENGTH OF 78.13 FEET, TO A POINT OF NON-TANGENT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 5TH STREET AS DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 2006057785;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES:

1. N81°44'54"W A DISTANCE OF 331.46 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1332.82 FEET, A CENTRAL ANGLE OF 09°58'00" AND AN ARC LENGTH OF 231.85 FEET, TO A POINT OF NON-TANGENT;
3. S81°15'35"W A DISTANCE OF 156.71 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1323.30 FEET, A CENTRAL ANGLE OF 10°49'39" AND AN ARC LENGTH OF 250.07 FEET, SAID CURVE HAVING A CHORD BEARING S76°07'24"W AND A CHORD LENGTH OF 249.70 FEET, TO A POINT OF NON-TANGENT ON THE EASTERLY LINE OF A REPLAT OF LOTS 18, 19, 20 AND 21, OAKWOOD PARK, RECORDED UNDER RECEPTION NO. 313658;

THENCE ON SAID EASTERLY LINE AND THE EASTERLY LINE OF OAKWOOD PARK RECORDED UNDER RECEPTION NO. 1977204309, N00°03'57"W A DISTANCE OF 207.12 FEET, TO THE POINT OF BEGINNING.

SUMMARY TABLE

CONTAINING A CALCULATED AREA OF 236,732 SQUARE FEET OR 5.4346 ACRES.



**ZONING REGULATIONS
CALVARY CHAPEL CASTLE ROCK PLANNED DEVELOPMENT**

ATTACHMENT B

A. GENERAL PROVISIONS

1. Adoption/Authorization. The Town Council of the Town of Castle Rock (“Town”) has established a PD Planned Development District for the Calvary Chapel PD Plan and the Calvary Chapel property (“Calvary Chapel” or “Property”) by approval of the Calvary Chapel Planned Development Plan (“PDP”), the Calvary Chapel Planned Development Plan Zoning Regulations (“Zoning Regulations”) and the Calvary Chapel Annexation and Development Agreement (“DA”) (collectively, the “Governing Documents”) pursuant to Chapters 17.32 of Title 17 of the Town’s Municipal Code (“Code”) after appropriate public notice and hearing on Ordinance No. 2017-___, adopted _____, 2017.

2. Applicability. The Governing Documents shall run with the Property and bind the Developer and all landowners of record, including their successors and assigns, to the extent of their interest in the Property pursuant to the terms of such documents.

3. Maximum Level of Development. The total floor area approved for platting and development within the established Use Areas is the maximum allowed for development, 35% maximum building coverage. This includes all facilities within the designated use area included the church sanctuary, church related facilities and site related elements.

4. Relationship to Town Regulations. All Town ordinances and regulations of general applicability within the Town, as the same may be amended from time to time, will apply to and be enforceable within the Property and such Town ordinances and regulations will govern and control over any conflicting provision in these Zoning Regulations..

5. Severability of Provisions. In the event that any provisions hereof shall be determined to be illegal or void by the final order of any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

B. Development Agreement

In addition to these Zoning Regulations, certain provisions which govern the development of the Property under the PDP are controlled by a development agreement between the Town of Castle Rock and the owners of the Property. This development agreement has been approved by the Town on the ___ day of _____, 2017, by Resolution No. 2017-___.

C. DEFINITIONS

In addition to the standard definitions in the Town of Castle Rock Zoning Ordinance (Title 17), the following definitions of terms shall apply to this Planned Development:

1. **Building Height:** The vertical distance from the average finished grade (not including berming of grading for the purpose of permitting a higher building) surrounding a structure to the uppermost point of the roof of the structure. Chimneys, ventilators, elevator housings, skylights, solar collectors, air conditioning and heating units, antennas and necessary mechanical appurtenances usually constructed above the roof level are not to be considered in determining building height.
2. **Building Setbacks:** The horizontal distance between a platted lot line and a building or structure. This distance does not include the projections or eaves, fireplaces, patios, decks, fire escapes, mechanical units or similar architectural appurtenances except that no such projection shall extend beyond the lot line of the lot on which they are located. In instances where buffer areas are provided, the width or depth of any such buffer area may be subtracted from the required setback to either reduce or eliminate the setback.
3. **Site:** Shall refer to Calvary Castle Planned Development (PD) as described by the PD Plan and its associated documents that have been approved by the Town of Castle Rock of the County of Douglas.
4. **Temporary Construction Trailers:** Temporary Construction Trailers may be manufactured or portable structures placed on a development site for the duration of the construction period of a phase or phases of a project and will be removed from the site after construction is complete.
5. **Church related educational facilities:** Church educational facilities to accommodate functions that are associated with the church to include children and youth, adult classes, and other church related functions. This explicitly does not include a Christian Day School for pre-school, K-8 or High School.

D. Overall Project Standards

The standard zoning requirements of the Town of Castle Rock Zoning Ordinance including parking, landscaping, site development, accessory and temporary uses, and use by special review and variance processes, shall apply to this PD, except as modified by the following:

1. **Church and Related Uses Development Standards.**
 - a. **Maximum Building Height** 35 Feet
 - b. **Maximum Spire Height** 15 Feet above Building
 - c. **Parking** shall be provided at a rate of one space per 3 seats in the main sanctuary. Occasional overnight parking for church related activities and tour buses shall be permitted.
2. **Temporary Uses**
 - a. **Construction offices and material storage** shall be permitted during and for a period of 120 days after cessation of actual construction in those areas being served by such construction office or material storage area. All materials must be removed within 120 days of the cessation of the outdoor storage.

E. General Use Areas

<u>Land Use Area</u>	<u>Acreage</u>	<u>%of Total Acres</u>
CH (Church and Church Related Uses)	3.09	57%
OSP (Landscape Area; Buffers/ Setbacks; Detention Facilities)	2.34	43%
Total	5.43	100.0%

F. Use Area Regulations

1. Church and Related Uses-CH
 - a. Development Regulations
 - 1) Maximum Building Height: 35 Feet
 - 2) Maximum Spire Height: 15 Feet above Building
 - 3) Maximum Gross Floor Area: 35% of Total Site Area
 - 4) Maximum Building Footprint Coverage: 82,786 Square Feet
 - 5) Maximum Floor Area Ratio (FAR): 0.35 Permitted
 - 6) Parking shall be provided at a rate of one space per 3 seats in the sanctuary while providing occasional overnight parking for church related uses.
 - 7) Setbacks: Building and landscape setbacks to be established with the Site Development Plan. No proposed building shall be constructed closer than 25 Feet from Woodlands Blvd.; 25 Feet from Fifth Street; and 30 Feet from either the northern or western Planned Development boundaries.
 - b. Permitted Uses
 - 1) Church
 - 2) Church related educational facilities
 - 3) Ministry related administrative offices.
 - 4) Open space, landscape areas, buffers and setbacks
 - 5) Drainage and Detention Facilities
 - 6) Indoor and outdoor church related recreational facilities such as a playground.
 - 7) Utilities and appurtenant facilities including by not limited to water and sewer, electric service, gas service, telephone and cable service.
 - 8) Parking Spaces, Drive Isles, Parking Lot Islands, Sidewalks.
 - 9) Public and private streets and drives.
 - 10) Fences, walls, trash enclosures, and/or retaining walls.
 - 11) Temporary construction trailers.
2. Open Space Private-OSP
 - a. Permitted Uses
 - 1) Open space, landscape areas, setbacks, buffers.
 - 2) Drainage and Detention Facilities.

- 3) Outdoor church related recreational facilities such as a playground and picnic areas.
- 4) Utilities and appurtenant facilities including by not limited to water and sewer, electric service, gas service, telephone and cable service.
- 5) Parking Spaces, Drive Isles, Parking Lot Islands, Sidewalks.
- 6) Public and private streets and drives.
- 7) Fences, walls, trash enclosures, and/or retaining walls.
- 8) Temporary construction trailers.

G. Design Standards/Criteria

Architectural design elements shall comply with the “Castle Rock Design: Guidelines for Design and Development in the Town of Castle Rock.” In addition to the Town’s guidelines, the PD Site Plan shall comply with standard zoning requirements of the Town of Castle Rock Zoning Ordinance including off-street parking, landscaping, site development, accessory and temporary uses, use by special review, and variance process shall apply to this PD except as modified by the following subsections.

1. Buildings shall be designed with the goal of 360 degree architecture. All exterior facades shall be designed with vertical and horizontal articulation and with architectural features so that they are visually attractive.
2. All outdoor storage, trash collection and loading areas shall be located on the site and shall be screened. All mechanical equipment shall be screened, whether it is on the roof, on the side of the building or on the ground.
3. Parking lots shall be oriented to provide safe and convenient access for pedestrians, and shall be disturbed around the building.

H. Lighting Standards

All Exterior lighting shall comply with the Town of Castle Rock outdoor illumination code.