



Legislation Text

File #: 14-0749, **Version:** 1

Calvary Worship Center
(Quasi-Judicial Matter)

From:

Peter Wysocki, Planning and Development Director, Planning and Development Department

Summary:

The appellant, Calvary Worship Center, is requesting a postponement to the January 13, 2015 City Council meeting. The City Council already granted the first "automatic" postponement from the November 25, 2014 meeting to the December 9, 2014 meeting. Subsequent postponements are at the discretion of the City Council. Staff contacted the representative of the adjoining neighborhood, and it appears that the neighborhood residents do not object to this additional postponement. Therefore, staff sees no reason not to grant the postponement. This staff report is being provided in case the Council decides not to postpone and considers the appeal at the December 9, 2014 meeting.

This is an appeal by Calvary Worship Center involving the City Planning Commission decision to deny the following applications: 1) a change of zoning from PBC (Planned Business Center) and R-2/cr (Two-family Residential with conditions of record) to PUD (Planned Unit Development to allow Religious Institution and accessory uses, a maximum building height of 45 feet and 30 feet as demonstrated on the development plan, and maximum worship space seating capacity of 1,780 seats); and 2) the Calvary Worship Center development plan detailing a three (3) phase build out of the property. The project consists of 8.37 acres of the 9.05 acres owned by the church; the remaining .68 acres is proposed to remain R-2 for future residential uses.

Approving the appeal would overturn the decision of the City Planning Commission and approve the change of zone and development plan applications and would allow for the three-phased development of the church campus. Phase 1 involves the construction of an additional off-street parking lot (east portion of the site); Phase 2 involves the construction of the new student center; while Phase 3 is for the construction of a new worship center with a seating capacity of 1,780.

Previous Council Action:

This item was originally scheduled for November 25th, but a citizen requested postponement of the appeal until the December 9th Council meeting.

Background:

One of the applications associated with this appeal is to rezone properties that are currently zoned PBC and R-2/cr to PUD. Associated with the change of zone is a detailed PUD development plan outlining the proposed three-phase approach of expanding the existing religious institution to accommodate a new student center, a 1,780-seat worship center, and expanded parking.

Please see the attached Planning Commission staff report for additional detailed analysis.

One additional piece of information not provided within the Planning Commission staff report is that the original church tenant of the property was denied conditional use approval by the City Planning Commission in 1982; the church appealed the decision to City Council which overturned Planning Commission's decision allowing the use.

Financial Implications:

Not applicable.

Board/Commission Recommendation:

The Planning staff recommended approval of the requested applications, but the City Planning Commission unanimously denied the applications at their October 16, 2014 regular meeting. The attached Record of Decision outlines their basis for denial.

Because of the possibility of this appeal being referred back to the City Planning Commission, the members of the City Planning Commission were advised against commenting on their decision at the City Council appeal hearing.

Stakeholder Process:

Notification postcards were mailed to 252 property owners located within 750 feet of the property during the internal review notification as well for two neighborhood meetings that were held regarding the proposed project. The first meeting was held on May 15th (approximately 15 homeowners attended) and the second held on July 10th (approximately 27 homeowners attended). A follow-up meeting was held with several volunteer representatives of the neighborhood along with two representatives of the Organization of Westside Neighbors (OWN) on August 28th in an attempt to mediate a number of outstanding neighborhood issues (those invited included Larry Hudson, Bob Besaha, Bryan Boisvert, Chad White (OWN) and Joel Beck (OWN)).

Neighborhood issues regarding the proposed development and phased expansion include:

- Increase in weekend traffic along King Street and 30th Street; safety at intersections as well as general pedestrian safety in the area.
- Introduction of church traffic along Willamette Avenue, Wilhelmia Avenue and N. 28th Street.
- Increase of on-street parking issues along King Street and into the Pleasant Valley neighborhood particularly on Castle Road during weekend church services.
- Concerns of grading and slope stability of vacant area north of Willamette Ave.
- Concerns if "criblock" retaining wall system is most appropriate system for slope stability.
- Concerns over "criblock" retaining wall system and aesthetic appearance (too industrial).
- Concerns if stormwater run-off and drainage will negatively impact adjacent properties, in particular those properties located along 28th Street and Wilhelmia Avenue.
- Parking lot lighting.

Public notification postcards were again mailed to the 252 property owners prior to the Planning Commission meeting.

Staff also sent the plans to the standard internal and external review agencies for comments.

There were no significant comments from the review agencies. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Police and E-911.

Additionally, attached are two recently received correspondences (Larry Hudson and Mr. and Mrs Mellman) from impacted property owners who have requested their letters be considered regarding this appeal.

Alternatives:

Deny the appeal request; thus, upholding the City Planning Commission's denial of the change of zone and development plan;

2. Approve the appeal request; thus, reversing the decision of the City Planning Commission and approving the change of zone and development plan;

3. Approve the appeal request adding conditions; thus, reversing the decision of the City Planning Commission and approving the change of zone and development plan with added conditions, or

4. Refer the matter back to the City Planning Commission for further consideration.

Proposed Motion:

Should the City Council wish to grant the appeal, the Council must first act on the appeal and then act separately on the PUD development plan application. The following motion is recommended:

1. Approve the appeal reversing the decision of the City Planning Commission; and,

Move to:

2. CPC PUD 14-00056 - PUD DEVELOPMENT PLAN

Approve the PUD development plan for the Calvary Worship Center development (Religious Institution and accessory uses, a maximum building height of 45 feet and 30 feet as demonstrated on the development plan, and maximum worship space seating capacity of 1,780 seats) based on the finding the plan complies with the review criteria in City Code Section 7.3.606, and is subject to the Technical and Information items addressed in the record of decision.

Should the City Council wish to deny the appeal and uphold the Planning Commission's denial of the PUD development plan, the following motion is recommended:

Deny the appeal by Calvary Worship Center upholding the decision of the City Planning Commission to deny the Calvary Worship Center PUD development plan application CPC PUD 14-00056.

Not applicable.