

ORDINANCE NO. 03-18

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 10.17 ACRES LOCATED SOUTHEAST OF UNION BOULEVARD AND RANCH DRIVE AT 4625 RANCH DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning the real property described in Exhibit A, attached hereto and made a part hereof by reference, consisting of 10.17 acres from PUD/HS (Planned Unit Development with Hillside Overlay) to PUD/HS/CR (Planned Unit Development; Religious Institution, 30'6" Max. Bldg. Ht. with Hillside Overlay and Conditions of Record) located southeast of Union Boulevard and Ranch Drive at 4625 Ranch Drive, pursuant to the Zoning Ordinance of the City of Colorado Springs subject to the following conditions:

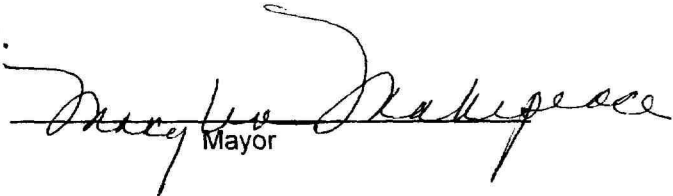
1. That the use be limited to a Religious Institution (church) only, without accessory housing or a non-public parochial school facilities (except for Sunday school, vacation bible school, and other similar educational classes).
2. That the maximum building height be no greater than 35' and maximum total building size of 23,000 square feet.
3. Any proposed change of use would require a change of zoning and an amended development plan to reviewed and approved by the City Planning Commission and City Council.
4. A conservation easement shall be placed upon the northern portion of this parcel to prohibit future development.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by Charter.

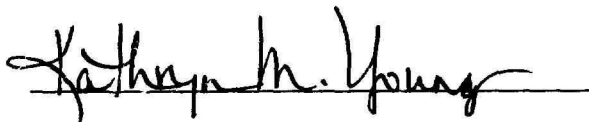
Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the Office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 14th day of

January, 2003.

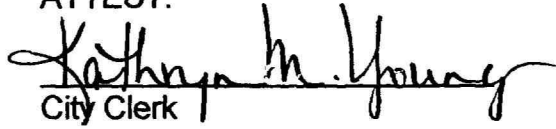

Mayor

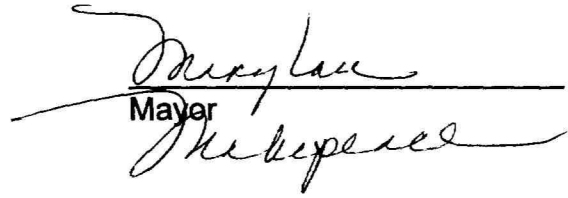
ATTEST:


City Clerk

Finally passed, adopted and approved this 28th day of January 2003.

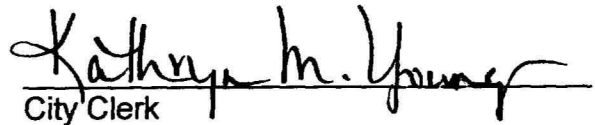
ATTEST:


City Clerk


Mayor

I HEREBY CERTIFY, that the foregoing ordinance entitled **"AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 10.17 ACRES LOCATED SOUTHEAST OF UNION BOULEVARD AND RANCH DRIVE AT 4625 RANCH DRIVE"** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on January 14, 2002; that said ordinance was passed at a regular meeting of the City Council of said City, held on the 28th day of January, 2003, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Daily Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 28th day of January, 2003.


City Clerk

"Exhibit A"

Beth-El Mennonite Church
4625 Ranch Drive
Colorado Springs, CO 80909

LEGAL DESCRIPTION:

LOT 6 BLK 1 GARDEN RANCH ESTATES COLO SPGS
EX TR DESC BY BK 2003-11

INTEROFFICE
MEMORANDUM

CITY OF COLORADO SPRINGS

DATE: December 9, 2002

TO: Lorne C. Kramer, City Manager

FROM: William Healy, City Planning Director
Larry Larsen, Development Review Planner

RE: Appeal – Beth El Mennonite Church:
City Planning Files: CPC PUD 02-052 & CPC DP 02-053

SUMMARY: An appeal has been filed with the City Clerk's office regarding the City Planning Commission's approval of a change of zoning and the development plan for the Beth El Mennonite Church project. Steve Castle, representing the adjoining Garden Ranch Neighborhood Association and the Austin Bluffs Conservation Association filed the appeal. The basis of their appeal is included in Castle's letter of appeal. Refer to attachment.

This is a request for approval for the Beth El Mennonite Church project for a new religious institution. The site already is zoned "PUD/HS" Planned Unit Development with the Hillside Overlay for residential use and the change of zoning to "PUD/HS/CR" Planned Unit Development with the Hillside Overlay and Conditions of Record would allow only the church to be built upon this property that consists of 10.17 acres located southeast of the Ranch Drive (Garden Ranch) and Union Boulevard intersection.

The change of zoning and development plan were reviewed and approved by the City Planning Commission at their regular meeting of November 7, 2002, on a unanimous vote.

BACKGROUND: Approval of the requests will allow the Beth-El Mennonite Church (classified as a religious institution) to be established and constructed at this location. The project includes a five-phase 23,000 square foot building, 30'-6" in height with associated parking and landscape areas with open space. Approximately 50% of the site will not be developed; including 3.6 acres to be set aside as a preservation "no-build" area.

This parcel is located within the area commonly known as Union Meadows and contains a portion of the Austin Bluffs, a unique and distinctive landform. Scenic America, a national non-profit land preservation organization, as a "Year 2000 last chance landscape, a place of beauty or distinctive community character, has identified the Bluffs with both a pending threat and a potential solution". This property includes flat grassed areas, steep slopes, sandstone rock-outcroppings, and ponderosa forest. Nearly 40% of the parcel includes north or west facing slopes in excess of 15% slopes (75% of the slope area exceeds 25%).

The development of this parcel provides for a solution to protect the most significant natural features. The applicant has agreed to set aside the steep sloped forest area into a hillside preservation no-build area, private open space with a public trail access easement. The church will be located on the flats away from the most significant trees, slopes and rock out-croppings. The proposed use of this property as a church provides for a low impact passive activity and is less intensive and disruptive than residential or other uses may be.

On October 22, 2002, the date this report was finalized, the City Council formally included the High Meadows area as a "potential open space candidate" in the City Open Space Plan. As an open space candidate area the City has determined that the area is worthy of preservation and

protection. To implement the plan and protect this area the City has identified six general strategies and eleven specific recommendations. This project clearly falls within the first identified implementation strategy, *Motivating the Private Landowner*. The strategy reads in part, "...the cornerstone of implementing the plan is to maximize the voluntary opportunities and options available for landowners to incorporate conservation as an important consideration in the use and disposition of their land. These may include a desire to leave all or part of their land in a natural state and still realize some value". This project does that.

An application was previously submitted to the City Parks and Recreation Department for consideration for TOPS funding for possible open space acquisition of this property. The application was reviewed by staff and the TOPS working committee and was determined that the parcel was not to be pursued for purchase. Another TOPS application has been made that includes other parcels in the immediate vicinity, but not this property. That application is currently pending. The City Public Works Department also studied the site for a possible park and ride facility. Their consultant's study indicated that the site and location presented too many negative effects for a park and ride facility and should not be developed. The City Manager has concurred and directed staff to abandon the possible future use of the parcel for a park and ride.

It is important to note that the property is already zoned "PUD/HS" Planned Unit Development with the Hillside Overlay. In 1984, the City approved the change of zoning with a concept plan allowing residential "stacked flat" development, 11 units per acre, and a maximum height of 42'. Based upon these perimeters 112 units could be permitted. A development plan was never submitted for review and today the parcel remains vacant and undeveloped.

Considerable efforts have been made by the applicant to accommodate neighborhood concerns regarding compatibility and the impacts to the adjacent open space and neighborhood. Primarily the church, a reasonable use, will be located in the lower portion away from the slope and significant vegetation, protecting the site's most significant hillside characteristics. Another major concession was to abandon plan provisions to include, in addition to the church, 14 residential dwelling units and to provide trail access through the property to dedicated open space.

PLANNING COMMISSION RECOMMENDATION: The City Planning Commission approved two motions approving: the change of zoning and the development plan, by unanimous votes at their regular November 7, 2002, meeting. (Refer to attached Commission minutes)

STAKEHOLDER PROCESS: This project has been subject to extensive neighborhood review and involvement. In June of 1999, representatives of the church contacted City Planning to discuss the project, the parcel, and possible issues and impacts. A sketch plan was prepared and the formal pre-application process began in September. The first neighborhood meeting was held on October 19th. Approximately 50 persons attended the meeting. Acquisition of the parcel for open space, hillside protection and traffic concerns were the primary issues identified at that meeting. Several meetings were held during the next two and one-half years with both neighborhood and church representatives with City staff to discuss the project and issues. During this time efforts were made by neighborhood representatives to seek City and/or foundation support to secure funding to acquire the parcel for open space. Those efforts continue today.

A formal application was not submitted until March 2002. Additional meetings were conducted between the church and neighborhood representatives with City staff to further identify and refine the issues of concern and to seek mutual consensus. It is fair statement that many issues were resolved, but several important neighborhood and church were issues were not.

A second neighborhood meeting was conducted on May 14, 2002, in which nearly 200 persons attended. Again open space acquisition, traffic, and hillside protection were the major issues of concern. Several residents felt that the use of the property for a church was an acceptable alternative to residential or other uses, while others felt the property should not be developed at all.

Refer to the design and development issues section of the City Planning Staff Report regarding the City staff's recommendations regarding the resolution of issues. Included in the Staff Report find many copies of letters, e-mails, and information handouts that either support or oppose the project. (Refer to attached City Planning Staff Report)

Sincere efforts were made by church, the neighborhood representatives and City staff to compromise and to address all concerns and issues. Total consensus was not achieved.

In addition, the standard City notification and posting process was used. All applicable City agencies and departments were asked to review and comment.

ALTERNATIVES:

Appeal:

1. The City Council may prior to the commencement of the public hearing entertain a motion to uphold the decision of the City Planning Commission to approve the change of zoning and the development plan, subject to the conditions found in the City Planning Staff report.
2. The City Council may prior to the commencement of the public hearing entertain a motion to refer the matter back to the City Planning Commission for further consideration and recommendation.
3. The City Council may conduct the public hearing and may approve the appeal and overturn the decision of the City Planning Commission, and to not approve the change of zoning and the development plan.
4. The City Council may conduct the public hearing and may deny the appeal and uphold the decision of the City Planning Commission to approve the change of zoning and the development plan, subject to the conditions found in the City Planning Staff report.

RECOMMENDATIONS: Either elect to conduct a public hearing or not regarding this appeal and render a decision to deny the appeal and uphold the decision of the City Planning Commission to approve the change of zoning and the development plan, subject to the conditions found in the City Planning Staff report.

PROPOSED MOTION:

Appeal: *Move to* deny the appeal and uphold the decision of the City Planning Commission to approve the change of zoning and the development plan, subject to the conditions found in the City Planning Staff report.

CC: City Planning Files: CPC PUD 02-052 & CPC DP 02-053
Dave, Nickerson, Deputy City Manager
Mary Collins, Assistant City Manager
Alayna Hydock, City Planning Commission Coordinator