

STAFF REPORT FOR REZONING & VESTING

REZONING & VESTING CASE: RZ-12-001 & VS-12-001 **REPORT DATE:** August 24, 2012
CASE NAME: Colorado Christian University **PC DATE:** September 5, 2012
CASE ADDRESS: 8787 W. Alameda Avenue

ADDRESSES OF PROPERTIES INCLUDED IN THE REZONING & VESTING BOUNDARY

8525, 8555, 8573, 8575, 8787, 8797 and 8801 W. Alameda Avenue
105, 115, 123, 125, 143, 145, 163, 165, 173, 175, 193, 195, 203 and 205 S. Cody Court
8520 – 8570 W. Cedar Avenue, 251-255 S. Cody Street, 180 S. Garrison Street

OWNER/APPLICANT

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REQUESTS

Colorado Christian University is requesting to rezone property from Planned Development (PD), Duplex and Small Lot Residential (3-R), Medium Density Attached Residential with conditions (S-4-R), and Higher Density Attached Residential with conditions (S-5-R) to a new Planned Development (PD) to accommodate a campus expansion.

In addition, Colorado Christian University is requesting to establish a vested property right for the Colorado Christian University PD zoning to be effective for 25 years in order to complete implementation of the phased campus redevelopment as provided in the proposed Official Development Plan (ODP) and Development Agreement for vesting.

CITY STAFF

Planning - Development Assistance
Engineering - Development Assistance
Traffic Engineering
Property Management

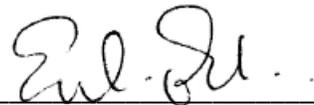
Andrea Rand, Associate Planner
Ken Hargrave, Civil Engineer III
John Padon, Traffic Engineering Manager
Spencer Curtis, Sr. Right of Way Agent

STAFF RECOMMENDATION

That the Planning Commission recommend that the City Council approve Rezoning Case No. RZ-12-001 and Vesting Case No. VS-12-001.



Andrea Rand, Associate Planner
Planning – Development Assistance



Evelyn Baker, Manager
Planning – Development Assistance

ATTACHMENTS TO THE REPORT

Attachment A – Aerial Map
Attachment B – Zoning Map
Attachment C – Colorado Christian University Official Development Plan (ODP)
Attachment D – Conceptual Site Plan
Attachment E – Rockmont College PD Second Amendment to the Official Development Plan (ODP)
Attachment F – Neighborhood meeting summary December 15, 2011
Attachment G – Neighborhood meeting summary April 24, 2012
Attachment H – Written comments from community
Attachment I – Comprehensive Plan – Highlights of Goals and Policies
Attachment J – Development Agreement

I. SUMMARY OF REQUEST

Colorado Christian University (CCU) is requesting to rezone several properties to accommodate a campus expansion. The rezoning boundary area includes the current Colorado Christian University campus (zoned PD), the duplex units adjacent to the east of the campus that are all owned by CCU (zoned 3-R), the four multi-family apartment complex units that are currently used for student housing southeast of the campus (zoned S-4-R and S-5-R) and the church in the northwest corner of Alameda Avenue and Cody Street (zoned S-4-R). The properties within the rezoning boundary total approximately 34 acres in size. (See Attachments A & B).

The intent of the rezoning is to allow for a campus expansion regulated by one zone district that allows for a cohesive campus redevelopment with improved circulation, adequate parking, high-quality architectural character and new buildings that will serve the campus' growth needs. The proposed zoning and development regulations would be established by the proposed Colorado Christian University Official Development Plan (ODP). (See Attachments C & D). The ODP divides the campus into three planning areas: Area A is the campus core north of Devinnny Reservoir to mainly serve the academic uses, Area B is the south and southeast of Devinnny Reservoir to mainly serve as student housing, and Area C is to serve as a transition zone in land use and development intensity between the campus core and the residential properties to the north, east and west. In total, the proposed zoning would allow for a maximum of 700,000 square feet of gross floor building area.

The plan is for an overall campus redevelopment to occur in several phases and to allow for continued operation during the redevelopment and expansion. Many of the existing buildings on the CCU campus are temporary one-story modular buildings. The new academic buildings would be three to four stories tall in the campus core, and the residential buildings would be four to five story along Alameda Avenue. The buffer zone along the north, east and west perimeter would contain parking and smaller buildings that would have the same height and setback requirements as the adjacent single-family neighborhood of 35 feet in height and 25 foot setbacks from the street. Within the buffer zone, building height will be required to step down from the maximum 45-feet to 35-feet within the 25-foot building setback from the back of curb to provide an appropriate transition between the campus and the neighborhood. The outdoor athletic field sports would be moved off-site to other locations through contracts with other existing facilities.

CCU currently serves approximately 980 students, with around 600 students housed within their seven residence halls. The proposed rezoning would accommodate up to around 1,800 students. The applicant has indicated that rezoning is required in order for CCU to grow and remain at its location.

In addition, CCU is asking to vest the zoning and associated ODP as described in the Development Agreement for 25 years. (See Attachment J).

II. BACKGROUND PROPERTY INFORMATION

The Colorado Christian University campus is currently approximately 25 acres in size, governed by the Rockmont College PD Second Amendment to the Official Development Plan. (See Attachment E). The Rockmont College ODP was formed in 1977. The first amendment to the ODP was approved in 1980 and the second amendment was approved in 1990. The current zoning of the property establishes an overall cap of 178,000 square feet of gross building floor area, reached by the campus about 10 years ago. The current campus has poor circulation, is divided by Deviny Reservoir, and has inadequate parking, many temporary modular buildings and little architectural cohesiveness.

The duplex units directly east of the current campus are all zoned 3-R, are owned by CCU, and are included in the rezoning boundary. CCU plans to rent the units as they exist today, but has included those properties in the rezoning to allow for more space for long-term future growth needs. The duplex units would be an allowed use in the proposed PD zoning, but this area would also be permitted to redevelop to be integrated into the CCU campus in the buffer zone, planning area C.

The four apartment buildings to the southeast of campus are zoned 4-R and 5-R with conditions, have been owned by CCU for many years, and are used as student housing. The conditions for the 5-R property limited the height to 50 feet, the density to 20 units per acre, and required an easement for emergency vehicle access. The zoning conditions for the 4-R property were in conjunction of rezoning of the property to 4-R required platting of the property, which was completed. These apartments are included in the rezoning to consolidate CCU owned property into one zone district and overall development plan.

The church in the northwest corner of Alameda Avenue and Cody Street is zoned 4-R with conditions and is included in the rezoning boundary. The zoning conditions were in conjunction of rezoning of the property to 4-R for the church and required platting of the property, which was completed. This property is included in the rezoning for future long-term growth needs and would be redeveloped in later phases as a site for additional residential housing.

III. PROCESS – REQUIRED CITY APPROVALS

The current request is to rezone the property. The Planning Commission will review the rezoning request at a public hearing and will make a recommendation to City Council. The City Council will then review the Planning Commission public hearing minutes, the Planning Commission recommendation, and the staff report, and will hold a public hearing, after which the City Council will make a final decision on the rezoning application. The Zoning Ordinance provides standards for rezonings that are discussed later in this report.

If the rezoning of the property is approved, the applicant will need to obtain a final Site Plan approval by the Planning Director to ensure that the site details conform to the zoning. In addition, the applicant intends to seek a Special Use Permit for a pedestrian bridge across the floodway (Deviny Reservoir), and will also have to complete a Minor Final Plat to consolidate the parcels so that buildings do not cross the property line.

Conceptual and Final Site Plans

All rezoning applications are required to include a conceptual site plan (Attachment D). The conceptual site plan is intended to supply enough information about the development for the Planning Commission to make a recommendation to City Council to make a decision on the rezoning application. While the conceptual site plan is provided for review during the rezoning process, many details of the proposed development will be finalized and reviewed as part of the final Site Plan approval process.

The final Site Plan will determine the final layout of buildings, parking lots and open spaces, the architecture of the buildings, and the landscape design of the open spaces. It will be reviewed against the standards for the PD as described in the proposed ODP and is required to substantially conform to the approved conceptual site plan. This is an administrative review process.

Special Use Permit

The conceptual site plan shows a pedestrian bridge across Devanny Reservoir to connect the residential and academic areas of campus. Because a bridge crossing over Devanny Reservoir is over the floodway, the applicant is required to obtain a Special Use Permit for the bridge. The applicant will submit a separate application for review to the Planning Commission at a separate hearing to present the request for the pedestrian bridge. The bridge is not part of the rezoning request before the Planning Commission at this time.

Minor Final Plat

The applicant will have to complete a Minor Final Plat to consolidate properties so that new buildings do not cross property lines. This is an administrative review process.

IV. NEIGHBORHOOD CONTEXT

	North	East	South	West
Adjacent Zoning Designation	2-R	3-R, 5-R & OF	1-R, 4-R, 5-R & Planned Development (PD)	R-1A, 1-R, & 4-R
Adjacent Land Uses	Single-family	Duplex, Multi-family & Senior Residential Facility	Single-family & Multi-family	Church & Townhomes

See Attachment A - Aerial Map and Attachment B - Zoning Map.

The area included in the rezoning is generally north of Alameda Avenue, west of Cody Street, south of Bayaud Avenue and east of Garrison Street. The current and proposed campus has no direct vehicular access to Bayaud Avenue and the single-family neighborhood to the north. To the east of the campus are duplex and multi-family units, and a senior housing/care facility. To the south across Alameda Avenue is mainly multi-family housing, with a few single-family homes. To the west of the campus is the Mile Hi Church and townhomes. CCU has a cross-access easement for access from Garrison Street on the private drive, Cedar Avenue, into the western portion of the campus. CCU also has a cross-access and parking agreement with Mile-High Church to the southwest.

Applicable Neighborhood/Corridor Plans

The subject property is within the Alameda Cornerstone planning area and is within the Alameda Overlay District, Article 21 of the Lakewood Zoning Ordinance. These plans vision the Alameda corridor to be designed with a building presence along Alameda that engages the pedestrian environment.

V. PROJECT DETAILS

A summary of the existing PD zoning and the proposed PD zoning is provided below:

	Existing Zoning	Proposed Zoning
	Rockmont College PD Second Amendment to the ODP	Colorado Christian University ODP
Permitted Land Uses	University uses	University uses
Area of Land	~ 24 acres	~ 34 acres
Maximum Density	178,000 sq.ft. of building gross floor area	700,000 sq.ft. of building gross floor area
Maximum Height	40 feet	65 feet along Alameda for residential 60 feet central campus for academic 35/45 feet north/east/west perimeter
Parking	Existing ratio of 1.9 spaces / 1,000 sq.ft. gross floor area	Minimum 2 spaces/1,000 sq.ft. gross floor Maximum 5 spaces/1,000 sq.ft. gross floor
Front setback (from Alameda Ave)	60 feet	Minimum: 10 feet back of walk Maximum: 60 feet back of curb
Side & Rear setbacks	50 feet: east/west property line 60 feet: north property line	Minimum: 25 feet back of curb, up to 35 feet setback for buildings between 35 & 45 feet in height. Parking Lots: 10 feet back of walk

VI. PUBLIC NOTIFICATION, AGENCY REVIEW AND NEIGHBORHOOD COMMENTS

Notices of the two neighborhood meeting in December 2011 and April 2012 for the rezoning application and a notice for the Planning Commission public hearing for the rezoning and vesting were mailed to tenants and owners of property within 500 feet and to registered neighborhood organizations within 1,000 feet of the subject property, as required by the Lakewood Zoning Ordinance. In addition to these two official public meetings, CCU has met with each neighborhood organization prior to submitting the pre-planning application last fall to solicit feedback early in the process of how to construct the zoning regulations and placement of building on campus in development on the conceptual site plan.

The project material was sent to outside agencies for review, as indicated in the table below.

Agency	Notification Sent	Referral Sent	Comments Received
West Metro Fire Protection District		X	X
Consolidated Mutual Water Company		X	X
Alameda Water and Sanitation District		X	
Xcel Energy		X	X

Agency	Notification Sent	Referral Sent	Comments Received
Century Link		X	
Comcast		X	
Jefferson County R-1 Schools		X	
Mid-Lakewood Civic Association	X		
Bonvue Neighborhood Association	X		
Alameda Homes HOA	X		
West Alameda Heights HOA	X		
First Villa West Townhome Association	X		
Third Villa West Townhome Association	X		
Alameda Gateway Business Association	X		
Property Owners within 500 feet	X		X

No objections were received by any of the reviewing agencies that serve the property. In a response to the two public meetings and notification for the Planning Commission public hearing, one property owner provided a written statement. (See Attachment H). The comment letter was received after the first neighborhood meeting, generally supporting the overall campus plan, but expressing concerns about traffic at the Garrison and Cedar intersection. Some of the concerns related to the traffic in general in the area, other concerns related to the campus plan and future impacts to this intersection. CCU addressed this concern by relocating the Events Center to the Alameda Avenue entrance to help alleviate traffic congestion near the residential units at Garrison and Cedar.

VII. NEIGHBORHOOD MEETING COMMENTS

In November 2011, Shannon Dreyfuss with Colorado Christian University submitted a pre-planning application for initial City feedback on the rezoning proposal. On December 15, 2011, the applicant held a neighborhood meeting (as required as part of the pre-planning application and Performance-Based Review processes) to introduce the proposal to neighborhood stakeholders. Approximately 54 members of the public attended this meeting. A summary of the comments received at this first neighborhood meeting is provided in Attachment F.

In January 2012, the applicant submitted a formal planning application to rezone the project site. On April 24, 2012, the applicant held a second neighborhood meeting to communicate how the proposed ODP had been revised to address comments from the first neighborhood meeting. Specifically, the event center on the conceptual site plan was relocated from the western side of the campus to the eastern side to locate closer to the Alameda entrance. Approximately 32 members of the public attended this meeting. A summary of the comments received at this second neighborhood meeting is provided in Attachment G.

While full summaries of both neighborhood meetings are provided as attachments to this staff report, the Project Analysis section below will focus on the primary areas of discussion identified at these meetings: vehicular access, traffic, parking, building locations, and the definition of School/College/University and Household.

VIII. PROJECT ANALYSIS – RESPONSE TO STAKEHOLDER COMMENTS

Following is a summary of staff's analysis of the comments from the neighborhood stakeholders and referral agencies.

Neighborhood Concerns

- A. Vehicular access.** Neighborhood stakeholders indicated that they do not want vehicular connections from the campus north to Bayaud Avenue. There is no existing vehicular connection, and to provide assurance to the residential neighborhood to the north there would be no vehicular connection with the campus redevelopment, the applicant added language in the proposed ODP to prohibit any direct vehicular connection from campus to Bayaud Avenue.

CCU is permitted access to Garrison via the private road, Cedar Avenue, by means of an existing private access agreement. CCU is also permitted access across the Mile Hi Church property to Alameda Avenue through a private access agreement. The campus currently lacks a strong internal vehicular connection between the southern residential campus and the northern academic campus. Some residents in the townhomes on Cedar Avenue expressed concern regarding vehicle traffic to the Events Center and academic campus using the Garrison/Cedar entrance because it is difficult to navigate internally to these buildings from Alameda. However, with the redevelopment of the site, the Alameda entrance will be widened and enhanced as a prominent entrance to CCU. Additionally, the new campus plan would provide for a clearly defined internal drive from Alameda to the academic campus to the north. This would likely allow for more users to all campus uses to primarily use the Alameda entrance. A clearly marked emergency vehicle access will also be provided with the improvement of the widened drive lanes and improved internal circulation.

- B. Traffic.** Neighbors asked if a traffic signal would be installed for the new entrance at Alameda or to help traffic on Garrison. The Traffic Impact Analysis indicates there would not be enough traffic increase to warrant a signal at either location. The Traffic Impact Analysis determined that 17% of the current vehicular traffic to/from CCU uses Garrison Street, and 83% of the vehicular trips to/from CCU use Alameda Avenue. Below is a summary from the approved Traffic Impact Analysis of how the rezoning would impact the traffic to Garrison Street and Alameda Avenue:

VEHICULAR TRAFFIC ANALYSIS OF VEHICLE TRIPS PER DAY (v/day)			
	Existing	Increase from full campus build-out	Street Capacity
Alameda Avenue	30,120 v/day	590 v/day	50,000 v/day
Garrison Street	14,160 v/day	460 v/day	20,000 v/day

This data shows that with the addition of the campus traffic at full build out to the street that both Garrison Street and Alameda Avenue would still be greatly under capacity. Additionally, it illustrates that the increase of traffic from the full build out of the new campus would only be a small percentage (approximately 2-3%) of the total number of vehicle trips per day on Garrison Street and Alameda Avenue.

- C. Parking.** Some individuals expressed concern that the current campus does not have adequate parking and requested assurances that there will be adequate parking with the increased density on campus. The current campus has 366 parking spaces for the approximately 178,000 gross floor area,

for a parking ratio of 1.9 spaces per 1,000 square feet of gross building floor area. The proposed zoning requires a minimum of 2 spaces per 1,000 square feet of gross building floor area and a maximum of 5 spaces per square feet of gross building floor area. The conceptual site plan shows there would be 1,200 parking spaces at the anticipated full build out of 600,000 square feet gross building floor area, for a parking ratio of 2 spaces per 1,000 square feet of gross building floor area. This means they would at a minimum, slightly improve the on-campus parking provided, but would have the flexibility to add more surface or structure parking if needed. In addition, CCU has a cross-parking agreement with the adjacent Mile Hi Church, which is not included in this parking ratio.

- C. Building Locations.** Residents in the neighborhood to the north of CCU expressed concerns about the existing Events Center and the noise and vibration impacts to the neighborhood. This is because the Events Center is a temporary building that does not buffer sound and vibrations like a permanent building would. In addition, the Events Center is the closest building on campus to the north, setback 60 feet from the north property line.

To address this concern, CCU originally designed the new campus master plan so the Events Center would be relocated to the west side of campus. However, when this was presented at the first neighborhood meeting in December 2011, a few residents in the townhomes to the west of CCU expressed concern that this would encourage traffic to the Events Center to use the Garrison/Cedar entrance rather than the main campus entrance on Alameda and that the traffic and parking would be a nuisance to their community.

In response, CCU redesigned the conceptual site plan and relocated the Events Center to the east side of the reservoir. By doing so, the Events Center would be visible from Alameda making the Alameda entrance the primary access to the center. In addition, the largest parking field would be more internal to the site, avoiding traffic and parking close to the residential community to the west. Furthermore, this new location is still adequately buffered from other residential properties, and the building would be permanent structure and constructed with materials that would buffer the noise and vibrations to the adjacent community.

The campus master plan is designed so that the campus is situated around the dominant natural feature on site, Devinny Reservoir. This would, in turn, also locate all new buildings away from the adjacent residential uses. The majority of the campus activity will be on the south and central portions of the campus and the tallest buildings would be the residential units along Alameda to create a strong streetscape presence on Alameda.

- E. Definition of Schools/College/University, and Household.** The definition of Schools/College/University and Household (addressing students living off campus) was not a topic discussed at either public meeting. However, staff received several phone calls from residents in the area about these topics because many adjacent residents had initiated a change to the Zoning Ordinance in 2003 regarding the City's regulation of household and how it relates to students living off campus in surrounding neighborhoods.

Prior to 1998, the definition of Schools did not include College/University uses, which were separately defined as a Dormitory, and did not limit the number of unrelated individuals by the Household definition. Higher Education was permitted in all residential districts with a Special Use Permit. In 1998 College/University was added to the School definition and permitted in all residential districts. The definition of Household remained the same, not defining the maximum

number of unrelated individuals. In 2003, the definition of College/University was separated from Schools, prohibiting College/University uses or requiring a Special Use Permit in most residential districts. This was in response to CCU locating some classrooms and offices in nearby off-site houses along Garrison Street and other locations. In addition, the definition of Household was expanded to limit the number of unrelated individuals and the size of living space required. This was in response to residents' concerns that too many students were living together units off campus.

The rezoning of the property will not impact the changes to the Zoning Ordinance the residents initiated in 2003. Students that choose to live off campus will still be bound, like any other group of unrelated individuals renting property, to comply with the definition and size requirements provided by the Zoning Ordinance. In addition, there is no change to how College/University uses are defined.

Coordination With Other Agencies

The City and applicant have worked closely with outside referral agencies and jurisdictions to ensure that the proposed ODP appropriately reflects the comments and/or requirement identified by these agencies. Below is a summary of these discussions.

A. Urban Drainage and Flood Control District – The applicant and the City have met several times with Urban Drainage to ensure the proposed plans are acceptable to Urban Drainage regarding the flood plain and floodway. They provided a written response that the preliminary engineering required with the rezoning application is acceptable to proceed and that they would further review the plans as final engineering is provided with the future submittal of final engineering with the required Site Plan and Special Use Permit application.

IX. PROJECT ANALYSIS – ZONING CODE REQUIREMENTS FOR THE REZONING

The standards for reviewing rezoning requests are outlined in Section 17-17-7 of the Lakewood Zoning Ordinance. Staff's analysis of the project against these standards is provided below in Section A. In addition to these standards, rezoning requests are also required to be evaluated against nine performance elements as part of the Performance Based Review Process described in Article 17-7-4. This analysis is summarized in Section B below. Finally, there are specific engineering standards that must be met, which are summarized in Section C below.

A. Conformance with the Standards for Rezoning Criteria §17-7-7.

1. The proposed rezoning promotes the health, safety or welfare of the inhabitants of the City of Lakewood and the purposes of the Ordinance.

The proposed zoning regulations would ensure the development is compatible and sensitive to the existing design and character of the area. The Official Development Plan, the conceptual site plan, and the engineering documents adhere to City standards to ensure the rezoning promotes the health, safety and welfare of the City.

2. The proposal, as evidenced by the Conceptual Site Plan, is compatible with surrounding uses, or in the case of redevelopment that the proposal is an improvement to the area.

The redevelopment of the campus would be a substantial improvement to the area. CCU is growing in its reputation, status, and size, and having a high-quality higher education institution located in the City is an asset to the Lakewood community. In order for CCU to remain and grow at this location, it must rezone its property.

The new master plan for redevelopment of the campus allows for enhancement of the campus' design. Currently, the campus is predominately filled with one-story modular buildings to serve the academic programs, old residential housing, and has poor internal pedestrian and vehicular circulation. Rezoning to allow for redevelopment and growth would create architectural continuity among the buildings throughout campus, with purposeful pedestrian connections, building and vehicular placement.

The Conceptual Site Plan and ODP also consider the surrounding uses to ensure compatibility and appropriate transition into the adjacent neighborhood. The existing and proposed use of a college campus would remain the same. However, the development regulations and architectural character would be significantly different under the new zoning and campus layout. Specifically, the ODP divides the campus into three planning areas so that the uses and building heights fit into the character of the area and appropriately placed.

Planning area A is the central core campus mainly to serve the academic uses and Events Center. This planning area would permit buildings up to 60 feet in height. Planning area B is the residential portion that is on the southern portion of the site along Alameda and would permit buildings up to 65 feet in height. The proposed heights of 60 and 65 feet are reflective of the adjacent uses along Alameda. To the west is Mile Hi Church, which the top of the large dome is 60 feet. To the east is an office and multi-family project where the zoning permits building heights to 60 and 50 feet. In addition, the existing apartment units used by CCU for student housing and that are included in this rezoning request are approximately 40 feet in height.

Planning area C of the ODP creates a buffer zone around the north, east and west of the campus to serve as a transition zone. This planning area is approximately 130-foot wide, and has more restrictive development standards so that the buildings step down in height and the louder uses are prohibited to protect the surrounding neighborhoods. The proposed building height would be 45 feet tall, but building would be required to step down to a maximum height of 35 feet with a 25 foot setback, which mimics the adjacent residential standards.

In addition to building standards and placement, the proposed ODP sets forth more specific architectural standards to ensure the new buildings be constructed with more masonry, architectural interest, and design cohesiveness.

3. The proposal as evidenced by the Conceptual Site Plan enhances significant natural characteristics of the site by preservation or incorporating the features into the development's open space.

Devinny Reservoir is a regional detention pond that is situated almost entirely on CCU's property in the middle of the campus. In addition, the flood plain and floodway cross the site

from the southwest to the northeast, totaling approximately 9 acres of the campus site. The current campus layout does not utilize this area well as an amenity nor does it interact much with these natural features through site and pedestrian path layouts.

The proposed campus plan is designed to protect and enhance these natural characteristics by integrating them into the campus design as an amenity to the site. A pedestrian path is proposed around the reservoir, and the buildings, interior campus walkways, plazas, and open space would be situated to open to these natural features to use them as an amenity. All the while, through strict engineering regulations and outside agency standards, the integrity of the reservoir function will be upheld.

4. The proposal as evidenced by the Conceptual Site Plan and/or Official Development Plan shall comply with the Performance-Based Review Process contained in Article 7 of the Zoning Code.

The applicant held two official neighborhood meetings, met with seven surrounding neighborhood organizations, responded to individual residents' inquiries, and met with Urban Drainage. Based on feedback from the neighbors and Urban Drainage, the applicant changed text to the zoning regulations and redesigned the conceptual site plan to address comments through the public process. The applicant added language to restrict vehicular connections to Bayaud Avenue, prohibit assembly and similar uses from the buffer zone (planning area C) and implement a bulk plan setback so the campus buildings step down in scale to match the neighborhood. In addition, the conceptual site plan was redesigned between the first neighborhood meeting and the second meeting to address concerns of the location of the Events Center.

See Section B below for further analysis of the proposal's compliance with the Performance Based Review Process.

5. At least one of the following factors must exist:

While the zoning ordinance only requires that one of the following three factors must exist, all three are evaluated below.

i. The proposal is consistent with the goals of the Comprehensive Plan.

The proposal helps to advance the goals of the Comprehensive Plan by:

- Appropriately fitting into the scale and character of the context of the area.
- Allowing for an appropriate use transition to the adjacent residential neighborhood.
- Promoting high-quality design through establishing architectural standards.
- Preserving the natural areas.
- Providing pedestrian trails around a regional detention pond and throughout campus.
- Supporting the local retail business with more students near major urban centers.

See Attachment I for a list of the specific elements of the Comprehensive Plan which are relevant to this rezoning proposal.

ii. There has been a material change in the character of the neighborhood or in the City generally such that the proposed rezoning would be in the public interest and consistent with the change.

The City has experienced material change, particularly in the last decade in areas close to the campus. Specifically, the approval, construction and near opening of the West Corridor light rail line has led to zoning changes to allow for densification, urban design and mixed use projects in the vicinity. The campus is 1.8 miles south of the newly planned Garrison Street light rail station. The Union Street/Federal Center light rail station is planned and St. Anthony's Hospital was constructed 1.7 miles west of CCU, bringing many new people and jobs to the area. Less than a mile east of CCU is downtown Lakewood that has developed with the City offices, Lakewood Town Center, Belmar and recently approved Wadsworth Commons. CCU is centrally located between these aforementioned sites, which have been some of the largest changes in the City over the last decade where densification and urban development are promoted. The rezoning of CCU to allow for a vertical campus growth would complement these surrounding mixed-use, urban projects and a new multi-story campus would fit in character along the major corridor, Alameda Avenue and Garrison Street.

The adjacent neighborhood has remained single-family residential over the past decades. To support the stable neighborhood's character, the ODP was carefully written so that CCU will be developed with the tallest buildings along Alameda Avenue, and a buffer zone around the perimeter where buildings will be required to step down in height to match the height and setbacks of the adjacent residential properties. The proposed zoning allows for increased density in appropriate locations and scale along Alameda to support the City's vision for a stronger streetscape on Alameda, while respecting the residential zoning standards on the perimeter of campus to match the adjacent neighborhood style.

iii. The property was rezoned in error.

The property was not previously zoned in error.

B. Conformance with Performance-Based Review Criteria §17-7-4. In addition to the criteria for rezoning proposals outlined in the Lakewood Zoning Ordinance, proposals are also reviewed for conformance with the items listed below.

The proposal is in conformance with the Performance-Based Review Process. The applicant has demonstrated the spirit of the Performance-Based Review Process by holding two official neighborhood meetings, meeting with seven neighborhood associations, meeting with various agencies to individually discuss the proposal and by addressing concerns raised by a few individuals throughout in the process.

In addition, the proposed rezoning was evaluated with the specific performance elements listed in Section 17-7-4 of the Zoning Ordinance. They are listed below in bold text, with staff's evaluation following each.

Element 1: Regional Context

As previously discussed, CCU is a local, regional and national asset. The current location of CCU

is easily accessible regionally as it is situated just south of 6th Avenue off of Garrison Street. Supporting the rezoning allows for CCU to remain and grow in the City and continue as a regionally and nationally recognized higher-education institution.

Element 2: Conformance with the Comprehensive Plan

See staff's previous analysis in Section IX.A.5.

Element 3: Environmental Sustainability

The proposed rezoning promotes community stewardship and integrates Deviny Reservoir as open space and will incorporate pedestrian trails around the reservoir and campus. The capacity of the reservoir and integrity of the existing dam, flood plain and floodway will be protected.

Element 4: Infrastructure

The proposed rezoning has adequate public services available and impacts to natural systems and potential hazards are adequately mitigated. CCU will need to provide on-site detention, which is shown and acceptable on the preliminary engineering plans.

Element 5: Transportation Connections

The proposed rezoning promotes a safe transportation connection system. The campus redevelopment would enlarge the Alameda entrance to serve as its primary entrance. In addition, it will retain the cross access easements to allow for secondary vehicular connects to Garrison Street and another secondary access to Alameda. In addition, the vehicular connection to Cody Street will remain to serve the existing student housing. The ODP restricts vehicular connectivity to Bayaud Avenue to the north, as requested by the neighborhood to reduce CCU traffic in their neighborhood.

CCU is also 1.8 miles directly south of the Garrison Street light rail station and 1.7 miles east of the Federal Center light rail station. This close proximity to the west corridor light rail will open new multi-modal transportation opportunities to students, faculty and visitors to access the campus.

Element 6: Building Design and Function

The proposed rezoning supports a high-quality building design through the general development standards in the proposed ODP. The new buildings will be architecturally cohesive with purposeful site layout, have articulation and interest to create pedestrian-friendly interest, and are designed to create a notable campus environment.

Element 7: Site Design and Function

The proposed rezoning ensures that development interacts well with the adjoining land uses and the community, and promotes high-quality design in new development and redevelopment.

The proposed ODP would restrict vehicle access to the single-family neighborhood to the north to minimize any impacts to the established neighborhood. In addition, the initial site plan situated the Events Center on the west side of campus, promoting the majority of traffic to use the Cedar/Garrison access rather than the main entrance on Alameda. Residents in the townhomes to the west expressed concern with the location of the Events Center so close to

their homes, and how it would cause continued traffic for events on Cedar. CCU listened to these concerns and redesigned the site so the Events Center will be situated on the eastern portion of the campus, in view of the Alameda entrance. This site design change will reduce the traffic, parking and noise from the townhomes to the west, and successfully maintains a significant buffer distance from the residents to the north and east.

Element 8: Community Image and Identity

The proposed rezoning strengthens Lakewood’s image and identity by retaining a locally, regionally and nationally recognized higher-accredited collegiate institution to remain in the City of Lakewood. This brings national exposure to the City of Lakewood. CCU also serves as a local asset by providing events for the community to attend.

Element 9: Community Sustainability

The proposed rezoning encourages sustainable development, development that meets the current needs of the community without compromising the ability of the community to support future needs.

- C. Engineering Analysis:** With a rezoning application, the applicant is required to submit a preliminary drainage report, traffic impact analysis, and preliminary street construction plans. These documents have been reviewed by the City, meet City requirements, and are acceptable for rezoning approval.

The preliminary drainage report demonstrates that the proposed development will provide adequate on-site detention and preserve the capacity of the Devanny Reservoir and the floodway. The traffic impact analysis was reviewed and approved by the City’s Traffic Engineering Division. No additional traffic improvements are necessary to accommodate the traffic generated with this development since it is not a change in use and there wasn’t a substantial increase of trip generation.

The preliminary street construction plans show the expansion and rebuilding of the Alameda entrance to conform to the City requirements.

A Public Improvements Agreement (PIA) is required and signed by the applicant. If the rezoning is approved, the PIA will be recorded at Jefferson County concurrent to the ODP. The PIA defines the public improvement required with the different phases of development, including the construction a sidewalk around the perimeter of the campus.

X. PROJECT ANALYSIS – VESTED PROPERTY RIGHTS

Section 17-18-7 of the Lakewood Zoning Ordinance states that *“In conjunction with approval of a Site Specific Development Plan pursuant to this Article, the City Council may enter into a Development Agreement with an owner providing that property rights shall be vested for a period exceeding three (3) years where Council finds such to be warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic factors, and market conditions.”*

Colorado Christian University is requesting a vesting period of 25 years for the property using the Colorado Christian University Official Development Plan (ODP) and associated Development Agreement as the Site Specific Development Plan. Due to the size and phasing of the campus expansion and redevelopment, the applicant is requesting a vested property right for a period of 25 years to allow for construction completion with the security of the same regulations to be in effect. A 25-year vesting

period would allow for the development to occur in several phases, which permits the campus to still function during the redevelopment.

XI. FINDINGS OF FACT AND ORDER

Based upon the information and materials provided by the applicant, the neighborhood, and this staff report, staff supports the rezoning and vesting request. Therefore, the City of Lakewood staff recommends that the Planning Commission find that:

- a. Colorado Christian University is requesting to rezone property from Planned Development (PD), Duplex and Small Lot Residential (3-R), Medium Density Attached Residential with conditions (S-4-R), and Higher Density Attached Residential with conditions (S-5-R) to a new Planned Development (PD) to accommodate a campus expansion as established in the Colorado Christian University Official Development Plan; and
- b. The Colorado Christian University Official Development Plan describes land uses, development standards, and design and development regulations relating to development of the property; and
- c. Colorado Christian University is requesting to vest the zoning and associated ODP as described in the Development Agreement for 25 years; and
- d. Notice of the Public Hearing was provided in a timely manner to the fee owners of property and residents within 500 feet and registered neighborhood organizations within 1,000 feet as required by the Lakewood Zoning Ordinance; and
- e. Notice was published in full in an official newspaper in the City at least six days prior to the hearing; and
- f. The request was reviewed by the appropriate referral agencies; and

As required by §17-17-7 STANDARDS FOR ZONING AND REZONING the Planning Commission finds that:

- g. The proposed rezoning promotes the health, safety or welfare of the inhabitants of the City of Lakewood and the purposes of the Ordinance; and
- h. The proposal as evidenced by the Conceptual Site Plan is compatible with surrounding uses; and
- i. The significant on-site natural characteristics will be preserved, as demonstrated by the proposed Official Development Plan and Conceptual Site Plan; and
- j. The proposal, as evidenced by the Conceptual Site Plan and the Official Development Plan, complies with the Performance-Based Review Process contained in Article 7 of the Zoning Code; and
- k. The proposal is consistent with the goals of the Comprehensive Plan; and
- l. There has been a material change in the character of the neighborhood or in the City generally such that the proposed rezoning would be in the public interest and consistent with the change; and

As required by §17-18-7 STANDARDS FOR VESTING the Planning Commission finds that:

- m. The proposed vesting meets the criteria to extend the vesting of the zoning to 25 years.

AND

That the Planning Commission adopts the findings of fact and order, a through m, as presented in the staff report and recommends that the City Council **APPROVE** Rezoning Case No. RZ-12-001 and Vesting

Case No. VS-12-001 with the following conditions:

- i. Minor modifications to the ODP determined to be insignificant in nature by the Planning Director and in substantial compliance with the intent of the ODP may be reviewed and approved administratively prior to the ODP recordation.
- ii. The signed Colorado Christian University Official Development Plan shall be recorded and its associated recording fees shall be collected.
- iii. The Public Improvements Agreement shall be recorded and its associated fees shall be collected.

cc: Case File- RZ-12-001 & VS-12-001
Shannon Dreyfuss, Colorado Christian University