

Commissioner Odom moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF JEFFERSON  
STATE OF COLORADO  
RESOLUTION NO. CC12-086

Case No.	11-110479SU	Map No.	139
Case Name:	166 Lookout Mountain Road Special Use		
Owner/Applicant:	Activation Ministries International		
Location:	166 Lookout Mountain Road Section 7, Township 4 South, Range 70 West		
Purpose:	To allow for the existing church and future expansion.		
Approximate Area:	10.28 Acres		

WHEREAS, Activation Ministries International filed an application with the Planning and Zoning Division of Jefferson County for a special use of the subject property to allow for the existing church and future expansion; and

WHEREAS, a public hearing was held by the Jefferson County Planning Commission on February 1, 2012, which was continued to February 8, 2012 for additional testimony, at which time the Planning Commission, by formal resolution, recommended approval with conditions of the special use application; and

WHEREAS, after notice as provided by law, a public hearing was held by this Board on February 28, 2012, at which time the Board directed the County Attorney's Office to prepare a written resolution approving this matter for adoption at the March 13, 2012 hearing; and

WHEREAS, based on the Zoning Resolution, recommendations of the Jefferson County Planning Commission, recommendations of the Jefferson County Planning and Zoning Division, comments of public officials and agencies, and testimony and written comments from all interested parties, this Board finds as follows:

1. Proper posting, publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of Jefferson County.
2. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. The proposal is in conformance with the Special Use criteria as described in Section 1.N.4. of the Jefferson County Zoning Resolution as more particularly described herein.
  - a. The Board agrees with the staff analysis provided in the Staff Report with respect to certain aspects of the Special Use request and adopts those as findings regarding the analysis of: Fire Hazards, Solar Access, Geological Hazards, Drainage, Erosion and Flood Hazards, Radiation Hazards, Adequate Water Quality, Quantity and Sewage Disposal Availability, and Availability of Public Facilities to Serve the Proposed Use.
  - b. Traffic Impacts. The Board agrees with staff that the traffic analysis submitted by the Applicant was complete and met the requirements of the Zoning Resolution. The Board also concurs with staff that the increased traffic counts related to the proposed expansion does not necessitate any additional traffic studies as the trips generated by the expansion are below the 1,000 trips per day required to trigger such a requirement in the Zoning Resolution. Moreover, the Board finds that even if traffic were greater than anticipated, the traffic analysis and testimony from Jefferson County Transportation and Engineering staff show that Lookout Mountain Road as a major collector can handle the increased traffic adequately at satisfactory levels of service because the vehicle trips per day on Lookout Mountain Road currently are well below the maximum permissible for a major collector.

- c. **Visual and Aesthetic Impacts.** The Board finds that the visual and aesthetic impacts of the proposed expansion have been adequately mitigated with the restrictions on the Special Use document. The Gross Floor Area of all buildings on site are limited to 15,000 square feet. In addition, the Special Use written restrictions list architectural and landscaping standards that will minimize the visual and aesthetic impact of the building, regardless of the amount of the Gross Floor Area allowed. Moreover, 60% of the site is to remain as landscaped area or open space which will improve the visual appearance of the site and mitigate any impacts to wildlife in the area. The 60% open space requirement may act as a further constraint to the development of the property. If the parking and other criteria of the Zoning Resolution and the Land Development Regulations cannot be met with the 60% open space requirement of the Special Use, then the Applicant will be required, regardless of the approval in the Special Use, to decrease the size of their building due to other site constraints.
  - d. **Noise.** The Special Use written restrictions require that the noise levels at the property not exceed the County's requirements for noise. The Board agrees that the large size of the lot should help to diminish any adverse noise impacts.
  - e. **Community Character.** The Board agrees with the Applicant's analysis of community character in the area and finds that a church as a non-residential use is not out of character with the Lookout Mountain community. As the Applicant testified, there are other larger churches in the immediate area, in addition to other non-residential uses that generate traffic and other impacts, including, but not limited to Rockland Memorial Community Church, Mount Vernon Country Club, Lookout Mountain Community Church, Ralston Elementary School, Boettcher Mansion and Nature Center, and the Buffalo Bill Museum. A non-residential use interspersed with homes is not uncommon in this community.
4. The Board finds that the negative impacts of the proposal to the neighboring properties have been mitigated with written restrictions contained in the Special Use document, which include additional right of way improvements at the time of site development.

5. The proposed land use is compatible with the surrounding and existing land uses as a church has been in existence and operating on the site for many years, even prior to the current Applicant's ownership of the property.
6. The proposed land uses will not result in significant impacts to the health, safety, and welfare of the residents and landowners in the surrounding area.

NOW, THEREFORE, BE IT RESOLVED that Special Use Case No. 11-110479SU for the following described unincorporated area of Jefferson County, attached hereto as Exhibit A, be and hereby is APPROVED subject to the following condition:

- a. Revisions to the Special Use Graphic in accordance with the red-marked print dated February 28, 2012.

Commissioner Griffin seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner John Odom	Aye
Commissioner Faye Griffin	No
Commissioner Donald Rosier, Chairman	Aye

The Resolution was adopted by majority vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: March 13, 2012

## EXHIBIT A

Case No. 11-110479SU

Legal Description

Street Location of Property 166 South Lookout Mtn Rd

Is there an existing structure at this address?

Yes X No       

Type the legal description and address below.

**A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, JEFFERSON COUNTY, COLORADO, ALSO KNOWN AS PARCEL III AS RECORDED IN THE JEFFERSON COUNTY CLERK AND RECORDER'S OFFICE BY RECEPTION NO. 78096578, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 7, THENCE N 43°46'56" W, A DISTANCE OF 495.11 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A COMMON CORNER WITH PARCEL II AS RECORDED IN SAID CLERK AND RECORDER'S OFFICE, BY RECEPTION NO. 78096578;**

**THENCE S 87°36'06" W, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 7 AND ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL II A DISTANCE OF 1062.86 FEET TO A POINT ON THE WESTERLY BOUNDARY OF INDIAN PAINTBRUSH SUBDIVISION AS RECORDED IN SAID CLERK AND RECORDER'S OFFICE BY RECEPTION NO. 81048491; THENCE N 17°58'25" W, ALONG SAID WESTERLY BOUNDARY A DISTANCE OF 286.05 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF LOOKOUT MOUNTAIN ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:**

- 1) THENCE N 49°22'00" E, A DISTANCE OF 361.49 FEET;**
- 2) THENCE N 66°58'00" E, A DISTANCE OF 304.21 FEET;**
- 3) THENCE N 46°35'00" E, A DISTANCE OF 138.21 FEET TO A POINT BEING A CORNER ON THE WESTERLY BOUNDARY OF PARCEL I AS RECORDED IN SAID CLERK AND RECORDER'S OFFICE BY RECEPTION NO. 78096578;**

**THENCE ALONG SAID WESTERLY BOUNDARY OF PARCEL I THE FOLLOWING TWO (2) COURSES:**

- 1) THENCE S 00°00'00" E, A DISTANCE OF 160.00 FEET;**
- 2) THENCE S 43°46'56" E, A DISTANCE OF 716.15 FEET TO THE POINT OF BEGINNING;**

**COUNTY OF JEFFERSON, STATE OF COLORADO.**

Advise of Ortho Map No. 139 Section 7 Township 4 S. Range 70 W.

Calculated Acreage 10.28 Acres Checked by: Ed Wieland

Address Assigned (or verified) 166 South Lookout Mtn Rd