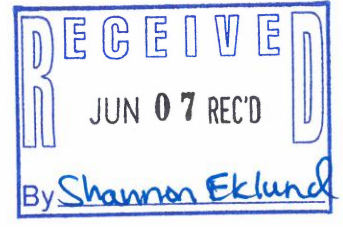


ORIGINAL
HAND DELIVERED
6/7/18

June 6, 2018
Castle Rock Town Council
100 Wilcox Street
Castle Rock, CO 80104



RE: Calvary Chapel
Site Development Plan #SPD 16-0031

Council Members:

Since we are unable to attend the June 19th meeting on the above plan, we wish to make the following comments for the record:

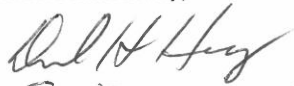
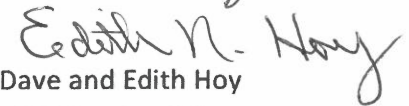
First - we have lived at 1300 Canyon Drive, downhill from the above site plan for the last 10 years. Since then we have had our basement flood twice.

Second – we have had several problems with natural springs causing our sump pump to run continuously for weeks or months at a time.

Third – our back yard on our east side (downhill from our neighbor) during heavy rains saturates our yard, causing a tree to die.

We would appreciate your consideration with all our neighbor's various issues. This development, that will be mostly concrete, will create many problems for our properties.

Thank You,
Most sincerely,



Dave and Edith Hoy
1300 Canyon Drive

----- Original message -----

From: Kim Byrne <kimbyrne@comcast.net>

Date: 6/12/18 6:37 PM (GMT-07:00)

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: Lisa Anderson <landerson@crgov.com>

Subject: Calvary Chapel SDP - Is Castle Rock still a place with small town values or now simply a marketing platform?

Dear Members of the Town Council,

I am writing to ask you to deny the Calvary Chapel Site Development Plan in its current state which will be presented to you on June 19th, 2018. The SDP involves the steeply sloped land at the corner of Woodlands Blvd. and 5th St., the Town Gateway road. Land that has remained undeveloped largely because of the difficulties associated with its topography, access, and drainage.

I have resided on Oakwood Dr. for 23 years and my property is adjacent to the proposed development to the west. While initially, I was unopposed to the church development based on the church's use of marketing phrases like "we want to be good neighbors" and "as a church, we want to be a welcoming part of your neighborhood and enhance your neighborhood," I am now opposed to what has become the "overdevelopment" of this property.

Since the initial meetings, the church leadership's follow-through has been less than true to their word. They've openly stated, "as long as the town allows it, we will do it." And the Town of Castle Rock Planning Department appears to be willing to rubber stamp yet another development without adhering to ordinances meant to protect residential property and without a blush of reflection on the marketing "values" found on the town's web site:

- Planning Division's Goal: "accommodate the needs of current and future residents, while preserving and protecting Castle Rock's identity and quality of life."
- From the Master Plan: the community theme is "world-class community with small-town character."

In the spirit of small town character, I would ask you to listen to my concerns as your neighbor. Because in small towns, everyone is your neighbor whether you are next door or 3 miles away. We are the residents of Oakwood Park and we reside at the base of our town's namesake...the Castle Rock. We value that identity and quality of life, but the proposed development threatens both of those.

We did not abandon the town like so many during the economic downturn of 2008-09. Unlike the Calvary Chapel developer who "jokingly" suggested "if you don't like the changes, you can always move." These comments and actions don't align with what Castle Rock "claims" to value.

This development is too big and is too high-risk for the neighborhood (and the town).

To me it feels like the town is willing to hand the developer a loaded gun and being allowed to play Russian roulette with our lives. At the Planning Commission meeting, it was evident that the volunteer commissioners struggled with the undue burden being placed on this neighborhood through not one, but FOUR bullets in this plan: (1)traffic risks, (2)drainage risks, (3)loss of property value, and (4)loss of quality of life.

The commissioners' questions of the developer for alternatives to a 15' wall 24' off a property when the buffer is supposed to be 30' and the need for an entrance onto Canyon Dr. revealed their discomfort with this plan. Unfortunately, their vote and comments reflected they didn't know how to balance "the law" (albeit faulty interpretation by the town planning department) with the town "values." Perhaps the easier plan is to drop the town's values/marketing statements?

When the risks and burdens to this neighborhood are so high and approving this SDP sets future precedence for ignoring risks within other neighborhoods, please do the right thing and deny Calvary Chapel's current plan. The residents in all of Castle Rock deserve better.

Your neighbor,

Kim Byrne

948 Oakwood Dr

kimbyrne@comcast.net

From: Carole <carole@passportms.com>

Date: June 12, 2018 at 6:44:37 PM MDT

To: Brett Ford <BFord@crgov.com>, George Teal <GTeal@crgov.com>, "James Townsend" <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, "Jennifer Green" <JGreen@crgov.com>, Jess Loban <JLoban@crgov.com>, landerson <landerson@crgov.com>, Renee Valentine <RValentine@crgov.com>

Subject: Written Testimony for the Official Record

Dear Town Council Members,

This email adds some additional information to Jerri Browns email sent earlier today. We too am requesting that this email be placed in the official record for the June 19, 2018 Town Council hearing on the Calvary Chapel SDP.

Please refer to Mrs. Brown's email as she states the ordinances and codes that pertain to this project. We would like to add that there are two retaining walls that exceed the allowable 48 inches to be considered a retaining wall. The one is of course the largest, holding up the parking lot, but the other is in conjunction with the detention pond. This 10 to 12 ft. wall well exceeds the allowable 48 inches and therefore would also be considered a structure and it is not allowed to be within the minimum 30 ft. buffer per 17.50.040, This structure is now proposed **11 ft.** from our property line. Though Carole brought this issue up at the planning meeting, we felt that it was pretty much ignored by Kevin Wrede. We realize ours is the only property affected by this, but as far as we know All properties are supposed to be protected by these codes.

We am restating the following from Mrs. Brown's email because we feel it bears repeating and is pertinent to both retaining walls.

Castle Rock Municipal Code, Chapter 17.14 - Definitions

For the purpose of this Title certain words or phrases are defined below. When not inconsistent with the content, words used in the present tense include the future, words in the singular number include the plural number, words in the plural number include the singular number, and the masculine includes the feminine.

....

Setback means the minimum required distance between a building or other structure and a property line. Retaining walls less than 48-inches in height will not be considered a structure for the purposes of enforcing setback requirements.

...

Structure means anything constructed or erected which requires a location on the ground or is attached to something having a location on the ground, but not including fences (or walls used as fences) less than 6-feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities. All signs shall be considered structures. Retaining walls less than 48-inches in height will not be considered a structure for the purposes of enforcing setback requirements.

17.50.040 - Buffers and transitional screening.

D. Buffers shall be kept free of buildings, structures and parking lots. Retaining walls may be included within a buffer.

Town staff hang their whole theory on the last sentence of 17.50.040 which allows retaining walls. But all legal experts know that they must go to the definitions to seek meaning of any law they are reading. Town staff is also ignoring the ordinance (Section 17.38.010 under Site Development Plans) that says the SDP must be compatible with all Town-adopted plans. This SDP is incompatible with the neighborhood and therefore does not follow provisions RG5.1 and RG-5.2 of the 2030 Comprehensive

Plan. The SDP needs to go back to drafters and be redesigned to comply with all the ordinances.

And finally, interpretation **must** be governed by the following Code provision:

17.01.020 - Interpretation; conflict with other laws.

A. The interpretation and application of the provisions of this Title shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this Title are at variance with the requirements of the Castle Rock Municipal Code or any other lawfully adopted rule, regulation, or ordinance, **the more restrictive or that imposing the higher standards shall govern.**

Thank you
Carole and Robert Alex
946 Oakwood Dr.
303 660-8149

From: Jeri Brown <Jerib7@outlook.com>

Date: June 12, 2018 at 10:26:12 AM MDT

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, "Jason Bower" <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: "landerson@crgov.com" <landerson@crgov.com>

Subject: Written testimony and Documents for the Official REcord

Dear Town Council Members,

I am requesting that this email and the attached documents be placed in the official record for the June 19, 2018 Town Council hearing on the Calvary Chapel SDP. We will bring hard copies of the attachments (neighborhood report and the list of ordinances that this SDP is violating) to the meeting on June 19th, but we wanted to give you extra time to review them. Since citizens will not be able to rebut Town staff, I need to explain why you are not being advised correctly. The interpretation staff come to can only be arrived at through twisted and convoluted thinking to get to the conclusion they want, not the plain meaning of the law. I have repeatedly asked these questions in writing and no one on the Town staff will provide me with written answers. Their conclusions I heard at the Planning Commission meeting lead to arbitrary and discriminatory application of the law. As Town Officials sworn with upholding the Castle Rock Municipal Code, you would be wise to obtain an independent review before approving this SDP. Background and analysis are below.

At the May 24th Planning Commission meeting Kevin Wrede told the Commissioners that these ordinances that I list on the attached were not applicable. However, he did not explain how he came up with that conclusion at that meeting. There is nothing in the Code that supports his position. At the June 2017 zoning meeting, you approved the zoning with no specific mention of the ordinances other than saying they were being followed. There was no mention of *how* the PD was compliant and there was no plan shown with all the high retaining walls that you will see in the proposed SDP. No opportunity was given at that time to discuss the implementation of the Calvary plan. Nor was there a discussion of which ordinances were being followed. Citizens were not permitted by Town staff to talk about any particular issues around implementation at that time. I know that the ordinances don't stop applying just because the plan is moving through a process.

There is a continuing obligation for the ordinances to apply:

17.01.010 - Compliance with regulations.

A. No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except in conformity with all regulations established in the Castle Rock Municipal Code, including this Title.

Kevin Wrede will also tell you that *only* the Interface Regulations apply. There is nothing in the Code that supports this position. Individual ordinances can't be viewed as separate and apart from the rest of the Code. The Interface provisions are *additional* provisions meant to give *added protection* to citizens. Instead this strange interpretation is giving us less protection. Section 17.14 states that the definitions apply to ALL of Title 17. The Interface Regulations have a few definitions that apply to just that chapter, but they do not define setback or retaining wall. The drafters did not need to add those definitions since they were already in 17.14, which applies to ALL of Title 17. I know this because I have a great deal of experience drafting statutes having worked for a state legislature. The definitions of setback and structure in 17.14 apply to ALL of Title 17, and these terms are not defined in the interface regulations because they don't need to be. It is an absurd conclusion to say that the definitions in 17.14 don't apply. The so called retaining wall is really a "structure" (see Code provisions below) for holding up a parking lot. In reading law you can't keep the laws in separate compartments as Kevin Wrede and the Town Legal department are doing. Law must be looked at in total. All of Title 17 applies. It says so quite clearly. The retaining wall is a structure and it is not allowed to be within the minimum 30 ft. buffer per 17.50.040 (D). It is now 24 feet from property lines. Kevin Wrede refuses to acknowledge the obvious. Using his interpretation, *any size* retaining wall could be three inches or any other distance from the resident's property line, thus defeating the purpose of the Interface provisions.

Castle Rock Municipal Code, Chapter 17.14 - Definitions

For the purpose of this Title certain words or phrases are defined below. When not inconsistent with the

content, words used in the present tense include the future, words in the singular number include the plural number, words in the plural number include the singular number, and the masculine includes the feminine.

....

Setback means the minimum required distance between a building or other structure and a property line. Retaining walls less than 48-inches in height will not be considered a structure for the purposes of enforcing setback requirements.

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17.50.040 - Buffers and transitional screening.

D. Buffers shall be kept free of buildings, structures and parking lots. Retaining walls may be included within a buffer.

Town staff hang their whole theory on the last sentence of 17.50.040 which allows retaining walls. But all legal experts know that they must go to the definitions to seek meaning of any law they are reading. Town staff is also ignoring the ordinance (Section 17.38.010 under Site Development Plans) that says the SDP must be compatible with all Town-adopted plans. This SDP is incompatible with the neighborhood and therefore does not follow provisions RG5.1 and RG-5.2 of the 2030 Comprehensive Plan. The SDP needs to go back to drafters and and be redesigned to comply with all the ordinances.

And finally, interpretation **must** be governed by the following Code provision:

17.01.020 - Interpretation; conflict with other laws.

A. The interpretation and application of the provisions of this Title shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this Title are at variance with the requirements of the Castle Rock Municipal Code or any other lawfully adopted rule, regulation, or ordinance, **the more restrictive or that imposing the higher standards shall govern.**

Thank you.

Jeri Brown

Jeri E. Brown, JD

jerib7@outlook.com

cell: 303.887.5678

cum Audentia et Gratia

List of Ordinance Violations (Jeri Brown 5/24/18):

- 17.14 Definitions (Retaining wall over 4 ft is a structure)
- 17.32.010 PD District Purpose
- 17.32.010 B Preserve existing landscape
- 17.32.010 E Harmonious with surrounding neighbourhoods
- 17.34.030 PD Plan approval criteria
- 17.34.030 A 3 Design principle compliance (Gateway)
- 17.34.030 B 1 Appropriate relationships between use areas
- 17.34.030 C 1 Adequate [traffic] circulation
- 17.34.030 C 3 Circulation and connectivity: safe street system
- 17.34.030 D 5 Consideration of future streets
- 17.34.030 D 6 Mitigate all traffic impacts
- 17.34.030 F 1 Preservation of Natural Features
- 17.34.040 A 3 Town regulations govern and control
- 17.38.010 C Compatibility with neighbourhoods
- 17.50.010 A Assure that impacts are mitigated
- 17.10.030 B Grading to natural land forms (rather than shaping the slope)
- 17.10.030 C Roads in steeply sloping areas
- 17.10.030 F 1 Sensitivity to drainage, topography ... view sheds
- 17.32.010 PD District Purpose
- 17.32.010 B Preserve existing landscape
- 17.32.010 E Harmonious with surrounding neighbourhoods
- 17.34.030 PD Plan approval criteria
- 17.34.030 A 3 Design principle compliance
- 17.34.030 B 1 Appropriate relationships between use areas
- 17.34.030 C 1 Adequate [traffic] circulation
- 17.34.030 C 3 Circulation and connectivity: safe street system
- 17.34.030 D 5 Consideration of future streets
- 17.34.030 D 6 Mitigate all traffic impacts
- 17.34.030 F 1 Preservation of Natural Features Consideration of Wildlife
- 17.34.030 F3 Consideration of Wildlife
- 17.34.040 A 3 Town regulations govern and control
- 17.38.010 C Compatibility with neighbourhoods
- 17.50.010 A Assure that impacts are mitigated
- 17.50.010 A1 Minimize visibility of non-residential uses
- 17.50.010 A3 Visually attractive transitions
- 17.50.020 Definitions (mitigation of impact on residential areas)
- 17.50.030 A1 Applicability of non-residential adjacent to residential
- 17.50.040 F Required buffers ... must be kept free of **structures** (see **17.14**)
- 2020 Comprehensive Master Plan (elements still in place)
- 2030 Comprehensive Master Plan
 - RG-5.1 Infill must be compatible in scale
 - RG-5.2 Buffers and mitigation measures

Breaching Faith ... Breaching the Social Contract ...
Breaching the Law:

The Loss of Trust Is a Terrible Thing

2018-05 Calvary Chapel - Neighbourhood Report v3.4 20180521

on

The Calvary Chapel Site Development Plan (SDP16-0031) at May 18th 2018

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Background

In December 2015, a priest and friend of Pastor Dave Love of Calvary Chapel, asked some of his parishioners (Grants and Browns) to welcome and help Dave Love in his interest in buying the lot adjacent to their homes for the purposes of building a new church. They agreed. They met with Pastor Love and Joey Mckee. Calvary had not yet purchased the land. The Grants and Browns told Calvary they did not want additional traffic on Canyon, and they did not want a large church on the property. Mr. Love said that when Calvary Chapels outgrow a church, they plant a new one so not to worry. He said they wanted their own property as they were leasing the property where they were meeting, and the lease would be running out (it has since been renewed). Dave Love also stated that Calvary wanted to be good neighbours and would do anything that neighbours requested. A neighbourhood meeting was held on January 31, 2016, but many neighbours did not attend due to incorrect information on the meeting place given in the notice. Browns and Grants received an email on February 19, 2016 saying Calvary had purchased the land.

Neighbours received a letter dated September 21, 2016 from Jason Alwine, Calvary's building planning engineer, saying that the proposed zoning would be B-Commercial. The Town's planner, Kathy Marx, told Jason Grant that the zoning had to be commercial. The neighbours strenuously objected to any commercial zoning since the church could just sell it for a profit to a commercial developer and neighbours knew from reading the Town's ordinances that churches can be part of residential zones. The church agreed reluctantly to not ask for a commercial zoning. Meetings were held with neighbours in the fall of 2016 at which they expressed concerns about the location of the building, setback, traffic, drainage issues, and the leveling of the property. Many times, the planning staff told the neighbours that the issues would be discussed later after the property was annexed and zoned as a PD for a church only. Kathy Marx told neighbours in an email that the various details were "not relevant" at this stage. Town staff did not want to talk about details, even though the neighbours expressed concerns. In March 2017, the neighbours were told that the zoning request would be going to the Town Council May 2 and May 16. Kathy Marx said in one email that there would be open space well beyond the 30 ft. setback. The neighbours didn't get a copy of the PD Site and Zone Plan as promised before the March 12, 2017 meeting with neighbours. The neighbours had to wait until March 3 after neighbours requested it.

Information given to neighbours in meetings and emails changed often. Promises were broken. The information frequently changed. Documents were promised, but never sent. The Town was not giving neighbours the necessary and important documents and information needed. Kathy Marx always said they would look at anything neighbours (especially that the Grants, the Weides, and the Browns) brought to her attention "later".

The PD was approved June 20, 2017. Kathy Marx said in an email dated June 21, 2017 that the details could now be discussed. The neighbors did not receive documents such as traffic studies or drainage reports until March 2018, and then only when requested.

Background (continued)

The neighbours did not receive any more information regarding how the plans had changed between June 20, 2017 and January 5, 2018 for a Planning Commission meeting scheduled for January 11, 2018. At that time the neighbours realized that many things had changed significantly. Neighbours asked the Planning Commission to vote against it, but they relied on assertions from Town staff and voted for it. Calvary and town staff stated that neighbours were informed and approved of it all, but in fact neighbours had not seen many of the changes and had not seen anything since September 2017.

At the January 11, 2018 meeting before the Planning Commission, Kathy Marx told the Commissioners that the Town had an easement on the Brown and Zoetewey properties to maintain the detention pond on the Calvary property. Neighbours raised the point during the Planning Commission meeting that the easement did not exist as stated by Kathy Marx. Jeri Brown contacted Kathy Marx the next day and told her that the Town did not have an easement. Kathy Marx still claimed the Town had an easement though she could not produce any proof of an easement. Jeri Brown researched the easement issue including with the Douglas County Recorder, wrote many emails, and ultimately the Town admitted that there was no such easement as was falsely told the Planning Commission on January 11, 2018. After further discussions, the Development Office admitted there was no such easement and that the whole project would go back to start over with neighbourhood meetings since Town planning staff had given disinformation to the Planning Commission. Since Kathy Marx made many false statements about easements, Jeri Brown decided to research and read the Municipal Code. Others did the same. Neighbours started writing letters and emails pointing out all the inaccuracies and misinterpretations of the Code used by the Development Office. This has continued, and a string of emails show that the Town staff do not know or understand the Municipal Code. The Browns have had several meetings with the Town Manager.

Executive Summary

Issues of both Law and Morality permeate this project as it stands at May 18th 2018 ...

Breaching Faith with Citizens and Neighbours ...

The Town has tried to be expeditious with this project. In its overwhelming desire develop this parcel in the face of historical difficulty accomplishing this very thing, the Town has cut far too many corners. **The neighbours stand to lose far more than any other stakeholder should something go wrong.** See the drainage section of this report for a good example.

The lack of transparency and honesty is all too prevalent. Deceitful actions and words have been used by both the Town and the developer.

Property owners are looking at 15-20% immediate and permanent devaluation on their homes due to incongruous development and structures, and compounded by drainage and traffic issues.

Breaching the Social Contract ...

Uneven enforcement of the Law is prima facie discriminatory and benefits some with significant and disproportionate harm to others (in this case, the citizens are harmed).

This violates the whole basis of the "Consent of the Governed", a principle on which this country was founded, and for which untold patriots have given "Their Lives, Their Fortunes, Their Sacred Honor."

Master Plans are part of the Social Contract, and have the force of law if promulgated under the authority of the municipal code.

Denial of Due Process ...

Castle Rock claims that its Boards are "quasi-judicial" but, if that is so, then the required Due Process is woefully lacking and very biased against the Residents of Castle Rock.

The Planning Department processes constrain citizen input excessively, and Calvary has stated that it doesn't care if the Town violates its own ordinances (as long as it benefits Calvary).

Executive Summary (continued)

Issues of both Law and Morality permeate this project as it stands at May 18th 2018 ...

Breaching the Law ... The development Department has waived so many requirements of the law such that Title 17 has been effectively eviscerated to approve this Calvary development. This is just a partial list of proposed Title 17 waivers:

- 17.02.060C4— adverse impacts on environment not substantially mitigated
- 17.10.020K— traffic circulation is not safe or efficient
- 17.10.020K— does not mitigate congestion along pedestrian ways
- 17.10.030A1— does not fit with the landscape in a way that is not unduly intrusive
- 17.10.030A2— visual impacts not reasonably mitigated
- 17.10.0303A6— negatively impacts to wildlife not duly considered
- 17.10.030B— grading not adequately shaped to complement natural land forms
- 17.10.030C— roads not designed to minimize disturbance
- 17.14— Definitions:

Setback = minimum required distance between structure & property line (i.e. 30')

Structure = anything constructed or erected (not allowed in setback areas), to include "fences over 6 feet tall = structures" and "retaining walls over 48 inches tall = structures"

- 17.32.010E— not in harmony with surrounding neighborhoods
- 17.34.030B1— adequate buffer areas not provided
- 17.34.030C1— traffic circulation is not separated from living areas, is over capacity and noisy
- 17.34.030C3— does not accommodate an adequate, functional and safe street system
- 17.34.030D5— does not provide adequate consideration to future extension of streets
- 17.34.030D6— does not appropriately mitigate all traffic impacts, on and off-site
- 17.34.030F1— does not demonstrate sensitivity/limit disturbance to environmental character
- 17.50.010A1— visibility of undesirable nonresidential uses and activities not minimized
- 17.50.010A3— attractive transition between nonresidential & residential uses not created
- 17.50.040B— 100% of buffer and screening not provided on nonresidential property
- 17.50.040D— buffers not free of structures (retaining wall over 48 inches)

Breaching Faith with Citizens and Neighbours

The Town and Calvary Chapel are blatantly ignoring their MORAL DUTY to neighbours and citizens ...

BREACH OF FAITH: "The violation of moral duty."

- **In the headlong and arrogant rush to develop** this parcel, **the Town and Calvary Chapel continue** in their **attempts to roll by, or over, immediately impacted residents** who have lived in the adjacent homes, some for as long as a quarter of a century or more.
- It has recently become clear via two recent and separate professional opinions that the immediately **adjacent homes will immediately and permanently lose from 15-20% of their home value** with such large retaining walls, **with some homes only 12-15 paces away** from a wall that soars to mid-roof level or higher. Just to glorify the people and organizations involved, the project as conceived, along with those sponsoring it, exhibits no conscience or qualms in damaging others to get what they want. For most families, their largest single asset is the value of their home. In other cases, families are relying on property appreciation to help fund their retirement or other family plans. Others who are retired also don't deserve such devaluation. Doing this to these families is both unconscionable and immoral, amounting to theft on a grand scale. The Town, in approving this, will effectively be engaged in a "taking" for the benefit of a church.
- **A trail of deceit follows this project** like the stench of a feed lot hangs about a holding pen for cattle.
- **The lack of transparency and honesty** is all too prevalent. Throughout this development process, Calvary Chapel and the Town of Castle Rock have consistently violated normal human standards of transparency, decency, and truthfulness, primarily via half-truths, spin, hiding important information and a failure to correct prior assertions originally made with a great show of confidence. This was done to the citizens to still their voices, with trust between the government and the governed the clear victim.

From the Town Manager's web pages:

"The Town is proud to be a values-based and best-practices organization. We are dedicated to delivering world-class public service, while striving to be responsible with our resources. We honor our obligation to transparency, and we value clear, direct and honest communication."

Breaching the Social Contract

The Town is violating its Social Contract with Its Citizens at Multiple Levels (John Locke, 1690) ...

Social Contract: "In both moral and political philosophy, the social contract is a theory or model that originated during the Age of Enlightenment. Usually, the social contract concerns the origin of society and the legitimacy of the authority of the state over the individual. Social contract arguments typically posit that individuals have consented, either explicitly or tacitly, to surrender some of their freedoms and submit to the authority of the ruler or magistrate (or to the decision of a majority), in exchange for protection of their remaining rights."

- **Uneven enforcement of the Law is prima facie discriminatory and** perhaps is evidence of cronyism, and it benefits some (in this case, it benefits developers) with significant and disproportionate harm to others (in this case, the citizens are harmed).
- This **violates the whole basis of the "Consent of the Governed"**, a principle on which this country was founded, and for which untold patriots have given "Their Lives, Their Fortunes, Their Sacred Honor."
- **Master Plans** are part of the Social Contract, and **have the force of law** if promulgated by the Town under the authority of the municipal code.
- **Such activities are also plainly unlawful** (see the next section).

See: John Locke's "Second Treatise of Government", "The Declaration of Independence", et al.

Breaching the Law

Title 17 of the Castle Rock Codes establishes relevant definitions, ordinance interpretation standards and ordinance applicability ...

- Unless specifically excluded, **the entire Title 17 applies. NO TOWN OFFICIAL HAS ANY AUTHORITY UNDER LAW TO WAIVE ANY PORTION OF THE LAW.** Only the Town Council may approve any deviations in exceptional circumstances. (17.50.010 C)
- The **most conservative application** will be applied if ordinances appear to conflict. (17.01.020 A)
- **Definitions are part of the law** and apply to all of Title 17. (17.14 Definitions)

Relevant sections of Title 17 ...

- **17.01.010 A** - "No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied **except in conformity with all regulations established in the Castle Rock Municipal Code ...**"
- **17.01.020 A** - "Whenever the requirements of this Title are at variance with the requirements of the Castle Rock Municipal Code or any other lawfully adopted rule, regulation, or ordinance, **the more restrictive or that imposing the higher standards shall govern.**"
- **17.14 - Definitions** ... "For the purpose of this Title, certain **words or phrases are defined**" ... et seq
- **17.50.010 C** - The Town Council may approve deviations from these regulations as part of the site plan approval process upon a finding that strict application of this Chapter would either preclude any reasonable use of the property subject to such application, or that application of one (1) or more of these regulations would not advance the underlying purpose of these regulations due to unusual or exceptional configuration, size, topography or buildings on the residential and/or nonresidential properties affected by such application.

NOTE: For purposes of this report, Relevant Laws include Comprehensive Master Plan requirements promulgated under the law. An abbreviated list of breached laws and implementation documents follows ...

Breaching the Law (continued)

Following is a list that includes (1) ordinances already breached in the SPD process as approved, and (2) ordinances and Comprehensive Master Plan requirements that will be breached should the town move forward with Calvary plans as of the March 27, 2018 neighbourhood meeting. This simplified list is developed in further detail later in the report.

- **17.01.010 A** Conformance with Castle Rock Municipal Code
 - **17.01.020 A** More restrictive standards will govern
 - **17.02.060 C 2** Harmonious development in conformity with the Comprehensive Plan
 - **17.02.060 C 3** Compatibility with existing adjacent properties
 - **17.10.020 B** Harmonious development in accordance with the Comprehensive Plan
 - **17.10.020 K** Safe and efficient circulation of traffic
 - **17.10.030** **Land Suitability**
 - **17.10.030 A 1** Fit with the landscape
 - **17.10.030 A 2** Visual impacts
 - **17.10.030 A 3** Site features undisturbed and preserved
 - **17.10.030 A 4** Natural drainage shall not be disturbed
 - **17.10.030 A 6** Wildlife impacts
 - **17.10.030 B** Grading to natural land forms (rather than shaping the slope)
 - **17.10.030 C** Roads in steeply sloping areas
 - **17.10.030 F 1** Sensitivity to drainage, topography ... view sheds
- continued on next page ...

Breaching the Law (continued)

Following is a continuation of the list on the prior page that includes (1) ordinances already breached in the SPD process as approved, and (2) ordinances and Comprehensive Master Plan requirements that will be breached should the town move forward with Calvary plans as of the March 27, 2018 neighbourhood meeting. This simplified list is developed in further detail later in the report.

- **17.14** **Definitions**
 - **17.32.010** **PD District Purpose**
 - **17.32.010 B** Preserve existing landscape
 - **17.32.010 E** Harmonious with surrounding neighbourhoods
 - **17.34.030** **PD Plan approval criteria**
 - **17.34.030 A 3** Design principle compliance
 - **17.34.030 B 1** Appropriate relationships between use areas
 - **17.34.030 C 1** Adequate [traffic] circulation
 - **17.34.030 C 3** Circulation and connectivity: safe street system
 - **17.34.030 D 5** Consideration of future streets
 - **17.34.030 D 6** Mitigate all traffic impacts
 - **17.34.030 F 1** Preservation of Natural Features
 - **17.34.040 A 3** Town regulations govern and control
 - **17.38.010 C** Compatibility with neighbourhoods
 - **17.50.010 A** Assure that impacts are mitigated
- continued on next page ...

Breaching the Law (continued)

Following is a continuation of the list on the prior page that includes (1) ordinances already breached in the SPD process as approved, and (2) ordinances and Comprehensive Master Plan requirements that will be breached should the town move forward with Calvary plans as of the March 27, 2018 neighbourhood meeting. This simplified list is developed in further detail later in the report.

- **17.50.010 A1** Minimize visibility of non-residential uses
- **17.50.010 A3** Visually attractive transitions
- **17.50.020** Definitions
- **17.50.030 A1** Applicability of non-residential adjacent to residential
- **17.50.040 F** Required buffers ... must be kept free of structures

-
- **2020 Comprehensive Master Plan**
 - **2030 Comprehensive Master Plan**
 - **RG-5.1** Infill must be compatible in scale
 - **RG-5.2** Buffers and mitigation measures

Denial of Due Process for Residents

The processes used by Castle Rock and the quasi-judicial posture assumed by the various boards of Castle Rock effectively eliminate Due Process for residents, and that has given Calvary Chapel freedom to withhold necessary information which it has done on various occasions ...

- The Planning Commission hearing protocols do not allow for fair presentations of materials constraining citizen input and shutting down rebuttals of even glaring disinformation given at meetings;
- The Town asserts that Town of Castle Rock Commissions and Councils are in a “quasi-judicial” role, but if judicial in nature, short shrift is paid to due process;
- The Planning Department processes constrain citizen input excessively; and,
- Calvary Chapel is pleased to hide behind Town processes to deny providing critical information to residents, and they make full use of this opportunity.

Here follows the Bill of Particulars ...

The Bill of Particulars – Introduction

The neighbours to this development have never been “against” a church being built on this parcel, **ASSUMING** that the church would be a “good” neighbour. However, the neighbours have **NEVER** wanted a church being built on this property **AT ANY COST** to surrounding families.

It is has become painfully clear that Calvary Chapel wants to squeeze every last useable square foot out of this parcel for its own purposes and glorification. It is equally clear that it can only do so by violation of law and breach of faith, irreparably damaging future neighbours and its own reputation. Many of Calvary’s problems would be alleviated by scaling back the size of the church.

This parcel became an “orphaned” parcel early in the development history of Castle Rock. While quite beautiful and in an attractive location, the lot has significant development challenges ... it is very narrow, it has a very pronounced topography sloping nearly 10% to the west, access is very difficult and drainage has historically been problematic in the whole neighbourhood area. The fact that it has taken so long to be annexed speaks to confirming the parcel’s development challenges.

The parcel was originally zoned “Rural Residential.” Attempts have been made to get it re-zoned to “Commercial”, but they have met resistance for compatibly and other issues. Calvary even sought to get it re-zoned to “Commercial” to raise its value for financing, resale and-or to “flip” the parcel to earn significant returns, possibly to help fund a more appropriate building in a more appropriate location.

In the end, the neighbours feel that there are only three viable land uses for that parcel, in order of decreasing value:

1. A Town of Castle Rock (gateway) Park
2. Rural residential development
3. A small church development

Finally, many of the following particulars and related laws are very much inter-related. We will do our best to make these issues as clear as possible.

Bill of Particulars #1 – Retaining Wall, Grading and Set-back Violations

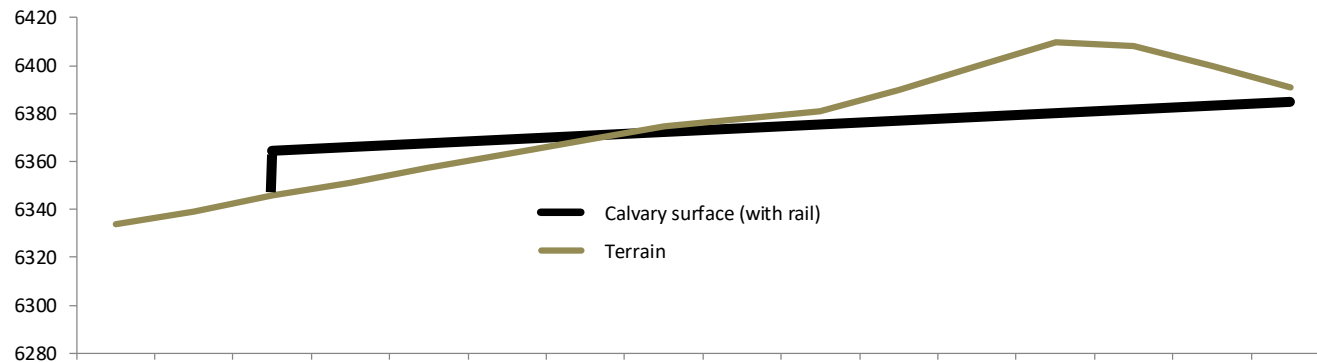
SUMMARY ... Calvary Chapel is clearly comfortable doing whatever it takes to get the church structure it wants including allowing the Town to violate the law as long as it benefits them, harming its future neighbours, damaging the image of Castle Rock, and ignoring the desires of Citizens for their Town as documented in the Town's Master Plans and other documents. The Town will be doing exactly the same thing again via staff recommendations should it approve these plans. Of specific note:

- The grading will essentially level this attractive property, turning the lot, in the words of one neighbour, into an “aircraft carrier” for cars. The top of the property to the east will be cut off and used as fill behind the retaining wall to level this property. Some important statistics:
 1. several neighbours are within 15 paces or less of planned structures from their homes;
 2. the first observable structure is a retaining wall and guard rail that rises to nearly 20 feet at the northwest corner;
 3. for one neighbour, the wall towers mid-way up their roof, for another it is level with half way up their third floor bedroom windows, and for a third, it looms over their roof ... the remainder of the neighbours have similar issues;
 4. for the majority of this property, the slope will be reduced from 9.42% to about 3.00%, **a terrain removal of more than 68%** (see the next page); and,
 5. planned structures will use 20% of the minimum set-back area requirements to preserve maximum parking lot size. The use of a retaining wall over 4 feet tall is specifically precluded within the minimum 30 feet of required set-back or interface area.
- In a deceitful maneuver, when Calvary changed its plans and provided documentation at the March 27th neighbourhood meeting, it conveniently and deceitfully omitted that the very large retaining wall now encroached into the set-back, violating Town Ordinances. Mr. Wrede of the Town's Development Department stated that retaining walls are allowed in the setback, but he failed to mention the size of the retaining walls and the definition of a structure. Further, Mr. Wrede, speaking as an expert and cutting off discussion, was just plainly wrong in saying that the ordinances only referred to “habitable structures” not being permitted in the set-back. The word “habitable” is not a part of the definition of a structure in Title 17. The definition of structure in Chapter 17.14 sheds light on retaining walls that exceed 48 inches. Mr. Wrede also stated in an email to neighbours that the definition of a structure doesn't apply to the interface regulations despite the definition section of Title 17 clearly stating that it applies to all of Title 17. Interpretation of ordinances and application must be the most restrictive. **(17.14 Definitions)**

Bill of Particulars #1 – Retaining Wall, Grading and Set-back Violations (continued)

- The planned grading seeks to eliminate any hint of the natural terrain (analysis provided by the neighbours when Calvary refused):

Calvary Surface vs. (actual) Terrain in feet of elevation																
Δ			2	2	2	2	2	2	2	2	2	2	2	2	2	
Calvary surface (with rail)		6365	6366	6368	6369	6371	6372	6374	6376	6377	6379	6380	6382	6383	6385	
Terrain	6334	6339	6346	6351	6358	6363	6369	6375	6378	6381	6390	6400	6410	6408	6400	6391
Measurement Point	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15



This is how Calvary Chapel plans to fulfill their "duty to faithfully comply with the law" with respect to (1) "Site features preserved" and (2) "Grading to natural landforms." (17.10.030 A 3 and 17.10.030 B) ... v1.3

Bill of Particulars #1 – Retaining Wall, Grading and Set-back Violations (continued)

- This infill project is not compatible in scale with existing neighbourhood. Grading, lots and structures do not conform to the natural slope, nor do they preserve natural features. The plans as presented do not preserve existing landscape and design harmonious and compatible use. The plan as presented does not give any recognition that this is a Gateway to the Town. Design principles are not being followed but are still in effect and on the Town website. The plan as shown is not compatible with the established neighbourhood. (17.02.060 C 2, 17.02.060 C 3, 17.10.030 A 1, 17.10.030 A 2, 17.10.030 A 3, 17.10.030 B, 17.10.030 C, 17.32.010 E, 17.34.030 F 1, 2020 Comprehensive Plan - Design Principles, 2030 Comprehensive Master Plan RG-5.1 and 2030 Comprehensive Master Plan RG-5.1)

Bill of Particulars #1 – Retaining Wall, Grading and Set-back Violations (continued)

RELEVANT LAWS ... for reference, excerpted from Title 17, 2020 Comprehensive Master Plan and 2030 Comprehensive Master Plan

- **17.01.010 A** - “No land shall be used or occupied, and no structure shall be designed, erected, altered, used or occupied **except in conformity with all regulations established in the Castle Rock Municipal Code ...**”
- **17.01.020 A** - “**Whenever the requirements of this Title are at variance** with the requirements of the Castle Rock Municipal Code or any other lawfully adopted rule, regulation, or ordinance, **the more restrictive or that imposing the higher standards shall govern.**”
- **17.02.060 C2** - Conformity with the most recently adopted versions of the Town's Vision, Comprehensive Master Plan and long-range or master plans.
- **17.02.060 C3** - Compatibility with existing and planned development on adjacent properties and in the surrounding area or neighbourhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any incompatibility.
- **17.10.020 B** - Promote orderly growth and provide for the harmonious development of the Town in accordance with the Comprehensive Plan.
- **17.10.030 - Land Suitability**
- **17.10.030 A 1** - In the site planning and layout of any development, consideration shall be given to the relationship of roads, lots and buildings to existing slopes, grades, natural vegetation and drainage ways. All structures and roadways shall achieve a fit with the landscape that is not unduly intrusive.

Bill of Particulars #1 – Retaining Wall, Grading and Set-back Violations (continued)

RELEVANT LAWS ... for reference, excerpted from Title 17, 2020 Comprehensive Master Plan and 2030 Comprehensive Master Plan (continued)

- **17.10.030 - Land suitability (continued)**
- **17.10.030 A 2** - Visual impacts upon off-site areas shall be reasonably mitigated. For hillside development (in areas of steep slope), visual impacts should be mitigated through the appropriate siting of lots and structures, for example providing a mountain or hillside backdrop where the lot/structure is visible. ... As part of the site development plan, plat, and/or building permit review process, building envelopes should be defined to restrict the siting of improvements relative to major public views of hillside and ridgeline areas. (See Chapter 17.48 Skyline/Ridgeline Protection Regulations).
- **17.10.030 A 3** - Unique site features, which would add value to a subdivision or site development or to the Town, such as topographic or rock formations, trees or brush stands, historic sites or areas and similar irreplaceable features, shall receive special consideration in any project design, site planning or development proposal. Such features shall be left undisturbed and preserved in the subdivision or site design to the greatest extent practicable.
- **17.10.030 A 6** - Consideration shall be given to wildlife impacts in the layout of open space areas within the development. All development proposals involving sensitive lands should be referred to the State Division of Wildlife for information and comment on animal habitat preservation. Where designated threatened or endangered species are present, the developer must conform to all applicable state and federal restrictions and permitting requirements.
- **17.10.030 B** - Grading should be shaped to complement the natural land forms rather than shaping the slope to accommodate structures, roads, and lots. Lots and structures in sloping areas should be designed to conform to the slope by means of stepped foundations or similar methods that will keep grading and site preparation to a minimum.
- **17.10.030 C** - Roads in steeply sloping or heavily vegetated areas shall be designed to minimize the area of disturbance. Clearing of vegetation within the right-of-way shall be feathered to create more natural appearing edges and to accommodate snow storage.

Bill of Particulars #1 – Retaining Wall, Grading and Set-back Violations (continued)

RELEVANT LAWS ... for reference, excerpted from Title 17, 2020 Comprehensive Master Plan and 2030 Comprehensive Master Plan (continued)

- **17.14 Definitions** - For the purpose of this Title, certain words or phrases are defined below. **Structure** means anything constructed or erected which requires a location on the ground or is attached to something having a location on the ground, but not including fences (or walls used as fences) less than 6-feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities. All signs shall be considered structures. Retaining walls less than 48-inches in height will not be considered a structure for the purposes of enforcing setback requirements.
- **Chapter 17.32 - PD Planned Development District**
- **17.32.010 - Purpose** In accordance with Section 24-67-101, et seq., C.R.S., the Planned Unit Development Act of 1972, the purpose of the PD District is:
- **17.32.010 B** - (the planned purpose is) To preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion.
- **17.32.010 E** - (the planned purpose is) To allow compatible land uses to be developed in accordance with a general development plan which has been designed to be in harmony with surrounding neighborhoods
- **17.34.030 PD Plan approval criteria** - The PD Plan shall be evaluated under the following criteria:
- **17.34.030 A 3** - Complies with design principles found in Chapter 17.10.
- **17.34.030 B 1** - Provides appropriate relationships between use areas, both internal and surrounding, with adequate buffer areas provided if warranted.
- **7.34.030 F 1** - Preservation of Natural Features - Demonstrates sensitivity and limits disturbance to the site in terms of plan design and density to the site's major environmental characteristics including drainageways, topography, view sheds and vegetation.

Bill of Particulars #1 – Retaining Wall, Grading and Set-back Violations (continued)

RELEVANT LAWS ... for reference, excerpted from Title 17, 2020 Comprehensive Master Plan and 2030 Comprehensive Master Plan (continued)

- **17.34.040 A 3** - Relationship to Town regulations. All Town ordinances and regulations, as the same are amended from time to time, shall apply to and be enforceable in a PD. Accordingly, such Town ordinances and regulations shall govern and control over any conflicting provisions in the PD zoning regulations unless such conflicting provision is vested as an express development right under the applicable development agreement.
- **17.38.010 C** - The SDP ensures that the proposed development is consistent and compatible with: Surrounding neighbourhoods and with the residential-nonresidential interface regulations.
- **17.50.010 A** - The purpose of this Chapter is to protect the public health, safety and welfare by establishing regulations to mitigate the impacts between residential and nonresidential activities and land uses. Buffers and design standards established in this Chapter are intended to help assure that nonresidential uses adjacent to residential uses are visually attractive and a visually interesting interface between residential and nonresidential uses is provided. While it may be impractical to completely hide an entire building or land use, this Chapter promotes a compatible residential/nonresidential interface. A compatible interface would include part or all of the following:
 - **17.50.010 A 1** - Minimize the visibility of undesirable, nonresidential uses and activities from residential uses through building orientation and screening.
 - **17.50.010 A 3** - Create a visually attractive transition between nonresidential and residential uses with the use of walls, fences, berms and/or landscaping.
 - **17.50.020 Definitions** - Mitigate impact of nonresidential land uses means to reduce or minimize the visibility and to improve the appearance of land uses, activities and structures associated with nonresidential uses.

Bill of Particulars #1 – Retaining Wall, Grading and Set-back Violations (continued)

RELEVANT LAWS ... for reference, excerpted from Title 17, 2020 Comprehensive Master Plan and 2030 Comprehensive Master Plan (continued)

- **17.50.030 Applicability A 1** - These regulations are applicable to development on: Nonresidential property that is adjacent to residential property.
- **17.50.040 F** - Required buffers shall be provided based on the intensity of the use and/or the building size and as shown on Table 1 below. For the purpose of this Chapter, more intense uses include, but are not limited to, towing services, manufacturing, processing and fabrication, outdoor storage, terminal for public transit vehicles or motor freight terminal and contractor yard for vehicles, equipment, materials and/or supplies. (per the ordinance table, **minimum 30-foot buffer**)
- **2020 Comprehensive Master Plan - Design Principles**
- **2030 Comprehensive Master Plan - RG-5.1 - SCALE AND CHARACTER [Town Emphasis]** Infill development in new and existing neighborhoods shall ensure compatibility with the surrounding neighborhoods, including the maintenance of the predominant existing setbacks and the use of complimentary building materials, colors, and forms, while allowing flexibility for innovative design solutions.
- **2030 Comprehensive Master Plan - RG-5.2 - BUFFERS AND MITIGATION MEASURES [Town Emphasis]** Incorporate appropriate buffers or other mitigation measures such as, but not limited to, landscape screening, fencing or walls between residential areas and other land use activities to minimize noise, traffic or other conditions that may pose a nuisance or danger to residents.

Bill of Particulars #2 – The Traffic Plan Harms Neighbours

The Traffic Plan as it stands negatively affects the neighbourhood and is incomplete:

- Canyon Drive historically has been, and still is, primarily a residential road even though the Town designated it as a connector street.
- The traffic study does not address the impact on the neighbours given that many driveways are on Canyon Drive. Neighbours often won't be able to exit their own driveways. Use of Canyon Drive by Calvary will negatively impact the community. (17.34.030 C 1 and C3)
- Traffic must provide for safe and efficient circulation and mitigation of congestion. (17.10.020 K)
- The study does not discuss the impact on Canyon Drive when Woodlands Boulevard is extended and Fifth Street is widened. Nor has this been discussed at any meeting. The report says that there will be 111 cars turning right on to Canyon which will then have to quickly turn onto Woodlands Boulevard. The report does not address how many cars can fit in that short section of Canyon Drive or how it will impact the houses on the corner of Woodlands Boulevard and Canyon Drive. Many of those drivers will opt to drive west, down Canyon Drive rather than waiting their turn to use Woodlands Boulevard, further impacting the neighbourhood negatively.
- The traffic study does not address all the many other church activities currently planned by Calvary Chapel at the church on days other than Sunday that will negatively impact the neighbourhood.
- The Town could require Calvary to put a roundabout on Fifth Street so that they can enter and exit onto Fifth Street.
- The traffic study was not provided to neighbours until March 13, 2018 well after the January Planning Commission meeting, and then only when it was officially requested. At the March 27, 2018 neighbourhood meeting no clear and consistent explanation was provided as to why a light onto Fifth Street, or roundabout, either providing full access would not be allowed.

Bill of Particulars #2 - The Traffic Plan Harms Neighbours (continued)

RELEVANT LAWS (for reference):

- **17.34.030 C 1 - Circulation and connectivity:** Provides an adequate circulation system in terms of capacity and connectivity, which is designed for the type of traffic generated, safety, and separation from living areas, convenience, accessibility, noise and exhaust control.
- **17.34.030 C 3 - Circulation and connectivity:** Accommodates an adequate, functional and safe street system for vehicular traffic generated by the development and passing through the development.
- **17.34.030 D 5 -** Provides adequate consideration to the future extension of streets and utilities to adjacent properties.
- **17.34.030 D 6 -** Identifies and appropriately mitigates all traffic impacts, on- and off-site.
- **17.10.020 K -** Provide for the safe and efficient circulation of traffic throughout the Town, the mitigation of congestion in the streets and highways and along pedestrian ways.

Bill of Particulars #3 – Wildlife Impacts Have Not Been Adequately Considered

Impacts on wildlife have not been adequately considered:

- Careful consideration of wildlife impacts must be addressed, and the Division of Wildlife must be consulted. No consultation has been obtained. (17.10.030 A 6)
- The lot currently has wildlife movement trails throughout especially for deer, bear, birds of prey and coyotes. Deer come to the lot and the neighbouring lots to eat the acorns from the natural scrub oak. Bears consider this property to be a part of their territory, migrating through it for food. The lot hosts birds of prey that can be seen, regularly perched in trees looking for prey.
- No study of wildlife has been provided to the neighbours and the previous Development Department's report to the Planning Commission did not substantively deal with wildlife issues. All that the Town of Castle Rock testified was that they had referred this question to the Colorado Division of Wildlife but received no response. In fulfilling the law and its duties, the Town of Castle Rock should have pursued this until a full and adequate response was received.

RELEVANT LAWS (for reference):

- **17.10.030 A 6** - Consideration shall be given to wildlife impacts in the layout of open space areas within the development. All development proposals involving sensitive lands should be referred to the State Division of Wildlife for information and comment on animal habitat preservation. Where designated threatened or endangered species are present, the developer must conform to all applicable state and federal restrictions and permitting requirements.

Bill of Particulars #4 – Significant Drainage Issues Have Not Been Addressed

Historically, drainage has presented many significant problems in this area. A few years ago, the problems were sufficiently significant such that the Town was required to provide compensation to residents for having failed to anticipate and resolve these drainage problems. The problems still exist.

- Drainage has been a problem for the neighbours, especially on Oakwood Drive, ever since Woodlands II was developed starting in 1993.
- Neighbours were told by Calvary Chapel that ALL WATER from their development would go into the planned detention pond.
- Neighbours eventually received a copy of the drainage report after requesting it on March 20, 2018. The report does not address underground intermittent streams that have historically flooded neighbour's basements and yards on Oakwood Drive for the last 24 years. The report also shows that some site outflow is directed onto other neighbour's properties.
- Since the current plan essentially concretes over the entire lot except for the minimum required buffers and the detention pond, the drainage impact could be quite severe as it is for neighbours on Oakwood Drive whose backyards sit in water many months in the spring and summer.
- Excavating this parcel is likely to exacerbate the flooding problems already existing in the area, with unpredictable and damaging consequences to the neighbourhood.

Bill of Particulars #4 – Significant Drainage Issues Have Not Been Addressed (continued)

Historically, drainage has presented many significant problems in this area. A few years ago, the problems were sufficiently significant such that the Town was required to provide compensation to residents for having failed to anticipate and resolve these drainage problems. The problems still exist.

- In at least two projects in recent history in this immediate area, both ground water and surface water planning were supposedly addressed. What in fact happened was that the developments both substantially aggravated the water problems for residents in that area. The two developments were rather small by comparison to this planned project, so who can predict what will happen especially in the face of already complex (under) ground water issues and their changing nature when influenced by large construction? Some recent pictures of what happens to residents with water problems brought on by construction:



Bill of Particulars #4 – Significant Drainage Issues Have Not Been Addressed (continued)

RELEVANT LAWS (for reference):

- **17.10.030 A 1** - In the site planning and layout of any development, consideration shall be given to the relationship of roads, lots and buildings to existing slopes, grades, natural vegetation and drainage ways. All structures and roadways shall achieve a fit with the landscape that is not unduly intrusive.
- **17.10.030 A 4** - Significant natural drainage ways shall not be disturbed or re-routed except where of general benefit to the overall development.
- **17.34.030 F 1** - Demonstrates sensitivity and limits disturbance to the site in terms of plan design and density to the site's major environmental characteristics including drainage-ways, topography, view sheds and vegetation.

Next Steps

Town of Castle Rock Suggested Actions:

Mandate Calvary compliance

Purchase property for a small Gateway Park or open space

Restructure planning department to insure legal compliance and giving proper influence to citizens ... stop discriminatory practices

Neighbourhood Follow-on Actions:

Political campaign?

Writ of Mandamus or other legal remedy?

Letter campaign?

Media campaign?

Form a Town of Castle Rock Government watchdog not-for-profit?

From: Jennie Kinnaird <jjkinnaird@hotmail.com>

Date: June 12, 2018 at 11:59:07 AM MDT

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, "Jason Bower" <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: "landerson@crgov.com" <landerson@crgov.com>

Subject: Calvary Chapel Development

Good morning everyone,

Have you ever heard the song "Big Yellow Taxi" by Joni Mitchell?

The first line of the song goes ...

**They paved paradise
And put up a parking lot**

Please rethink what you are doing to our little neighborhood. There is so much traffic through there on a daily basis that adding more cars is going to make living there a nightmare. We love Castle Rock and moved here 11 years ago because of the small town culture and beautiful surroundings of the area. When we bought, we were aware the site behind us would one day be developed. At first we were thrilled that a church was going in behind us. But knowing what we know now it is very hard to swallow. I know we have drainage issues. Our basement flooded twice last summer when we had heavy rains. We are hoping we have resolved the issue. Putting in a parking lot that will hold cars for hundreds of churchgoers will not only cause a hardship on the neighborhood but also we don't know what it will do to the drainage issues that already exist.

We will miss the beautiful entry into our little Woodlands community. PLEASE think about what you are doing to the area itself. Cutting into the area to have a flat space is crazy on a site with a 6% grade.

Please don't pave paradise!

Thank you for listening.

**Jennie And Robert Kinnaird
1590 Canyon Drive**

From: Jeri Brown <Jerib7@outlook.com>

Date: June 13, 2018 at 4:32:15 PM MDT

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, "Jason Bower" <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: "landerson@crgov.com" <landerson@crgov.com>

Subject: Request for Information included to Become Part of Official Record for June 19th Castle Rock Town Council Meeting Calvary Chapel SDP

Dear Town Council Members,

Please accept this email as part of the official records for the June 19, 2018 Town Council meeting regarding Calvary Chapel.

The neighboring residents of this project are very concerned about drainage and flooding issues. And you should be concerned too. At the start of the project, we informed both the Town and Calvary about the underground streams that start up beyond Founders and flow downhill under the streets and under our properties on Canyon and Oakwood and beyond. These underground streams change course unpredictably and have done so in the past, especially when there is construction uphill. They can not be tamed. The Water Department at the very last neighborhood meeting in April told us they weren't aware of these underground streams, which surprised us since we had been talking about them for quite some time. And two years ago, street construction at the corner of Canyon and Oakwood took several extra diggings as the holes kept filling up with water. It took a lot of extra work to complete their task.

After requesting copies of the drainage reports, we were finally given three different drainage reports in March and May 2018. These reports are dated September 2017, February 2018, and April 2018. Only the last one even mentions taking samples for ground water (3 drillings all in a line in one small section). There is no mention of drainage at all in **Ordinance 2017-018** which you passed approving the Calvary PD in June 2017. Nor was there a drainage report in any of the exhibits. As far as I can tell, because no such report has been given to the citizens, there was no drainage report at the time you approved the PD.

The engineer from the Water Department very kindly met with us just a week and a half before the recent May 24th Planning Commission meeting. The Water Department is trying to figure out ways to mitigate the impact of these underground streams by changing a normal detention pond that is grassy and fairly attractive to one that is concrete and will have standing water in it all the time. This may help with flooding, but it brings other issues with it, such as mosquitoes and vermin, to the adjacent properties and to the Town. The engineer also admitted that they could only try to fix the problem, but there are no guarantees that anything will fix the potential for flooding and damage to homes and streets. We citizens want to know who will be liable when we are harmed when this parcel is overdeveloped as is currently proposed. Water is tricky, but we don't want to be tricked!

Pertinent Municipal Code provisions that **SPECIFICALLY APPLY to SDPs:**

Chapter 17.10 - Land Development - General Design Principles

17.10.010 - Applicability.

A. The general design principles set forth in this Chapter apply to the design and layout of PD Plans, **Site Development Plans**, Subdivision Plats (see Title 16, CRMC), and Construction Documents (see Title 15, CRMC), as well as to the design and layout of individual lots, sites or tracts.

.....

17.10.020 - Purpose and intent.

This Chapter is intended to ensure that the development of land is done in such a manner as to:

- A. Protect and provide for the public health, safety and general welfare of the Town;
- B. Promote orderly growth and provide for the harmonious development of the Town in accordance with the Comprehensive Plan;

.....

J. Conserve and enhance the value of land throughout the Town and the value of buildings and improvements upon the land;

.....

17.10.030 - Land suitability.

A. Terrain, vegetation, unique site feature preservation.

.....

4. Significant natural drainage ways shall not be disturbed or re-routed except where of general benefit to the overall development.

.....

Please, vote to send the SDP back for a redesign that will adhere to the Castle Rock Municipal Code and will take measures to protect the Town and its citizens. Thank you.

Sincerely,

Jeri E. Brown, JD

jerib7@outlook.com

cell: 303.887.5678

cum Audentia et Gratia

----- Original message -----

From: Kim Byrne <kimbyrne@comcast.net>

Date: 6/13/18 7:15 PM (GMT-07:00)

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: Lisa Anderson <landerson@crgov.com>

Subject: Calvary Chapel SDP: Traffic Impact Analysis or Data Manipulation?

Members of the Town Council,

Please accept this email as part of the official records for the June 19, 2018 Town Council meeting regarding Calvary Chapel.

I am writing to ask you to deny the Calvary Chapel Site Development Plan in its current state. The SDP involves the steeply sloped land at the NW corner of Woodlands Blvd. and 5th St., the Town Gateway road. This land has remained undeveloped largely because of the difficulties associated with its access, topography, and drainage.

In my first email to you, I outlined the reasons for not supporting this current SDP, but I think it is important for you to have more detail regarding these reasons. With this email, I will address one of those issues important to me personally as well as share the concerns for the neighborhood: *Traffic*.

Unfortunately this is not a simple issue to address, but I've tried to break it into key pieces of information and have attached a couple rudimentary drawings for you to reference in hopes of bringing clarity to the areas of concern.

Traffic

- This development will invite **1,099 new** trips into the neighborhood initially with **3,297** trips based on projected growth. These numbers are from the JR Engineering Traffic Impact Analysis. These are not existing trips that happen to stop at the church; they are brand new trips into the neighborhood.
- Much emphasis has been placed on the “minimal” impact as it is mainly Sunday trips. There are currently **seven** churches along 5th street which does not include the church that meets at Castle Rock Elementary (on Canyon), the Rec Center (on Woodlands), or the Mormon Church (on Oakwood). All of which utilize 5th Significant church traffic uses Canyon and the Woodlands Blvd as well.
 - Based on parking spaces, the 2nd (St. Francis) and 4th (Calvary) largest churches will dump traffic onto 5th at roughly the same time EVERY Sunday, not to mention the additional traffic on major holidays which means spillover parking for Canyon.
 - Calvary is the only large church in Castle Rock that dumps traffic onto a residential street where homes have driveways leading to the road the church wants to use as a main entrance/exit.
 - Sunday will NOT be a day of rest for the neighborhood.
- Contrary to the incomplete TIA report, **100% of Calvary traffic will touch Canyon Drive at some**

point. Because of the Right- in/Right-out on 5th EVERY car will have to use Canyon for either arriving or exiting church. And yet, the traffic impact study states only 5% will travel west on Canyon. What about to the east? Incomplete information is inexcusable.

- Based on researching the missing information, the stretch of Canyon most impacted will be between the church entrance onto Canyon east towards Woodlands. However, given the initial peak hours estimate of 90 cars exiting the church onto Canyon coupled with the extreme difficulty of a left turn onto Woodlands (because per the TIA 45% of the cars will be arriving from Woodlands onto Canyon), how many Sundays will it take before parishioners decide to avoid the left onto Woodlands and simply take a left out of the church and travel down Canyon to the west? Does this sound like a math problem for a traffic algorithm? It's not, it's understanding basic human behavior.
- First of all, common sense says far greater than 5% of the traffic will use Canyon to the west. The TIA report **assumes** traffic from the north and west neighborhoods is not only minimal, but the majority will take Scott Blvd to Woodlands. **Scenario: *Imagine driving from the Meadows to the site.*** Yes, some people will take Scott Blvd to Woodlands to Canyon, but some will take Liggett to Front to Canyon. And once they realize how much "easier" it is to travel up Canyon and take an easy right into the parking lot, it won't be long before the Meadows, Sapphire Point, and Metzler's Ranch traffic will be choosing Canyon as a preferred route.
- Next imagine traveling from downtown or Plum Creek. The traffic study assumes these trips will go up 5th, wait for the light/left turn onto Woodlands, wait for the left turn onto Canyon, and wait for the left turn into the parking lot. How long do you think it will take these drivers to figure out how much easier it is to take Front St where they can take a right onto Canyon and a right into the church parking lot? No lights, all right hand turns, no waiting...sounds like the "smart" part of that 45% will take Canyon NOT 5th street.
- I have attached a simple map to show the routes to/from Calvary's location. The assumptions made by JR Engineering and "accepted" as sound by the Town of CR are significantly flawed. I am not a traffic engineer, but I understand patterns of human behavior. Calvary and the Town are choosing to ignore that type of industry information for the benefit of the developer and thereby adding a significant burden to the neighborhood.
- In the words of **Tony Marusiak** at the Planning Commission meeting 5.24.18, traffic analysis incorporates "engineering judgement because it is not an exact science. I believe the Town's judgement is flawed. But for a more powerful example of understanding traffic patterns, look into the multi-million dollar study done by UPS. They specifically map routes for their drivers to make right turns only for the purposes of travel efficiency. Is the town backing a developer who seems to think our residents aren't smart enough to figure this out?
- This neighborhood already experiences *significant traffic violations* (not stopping at stop signs and speeding) because of the school (CRE) on Canyon. In a random, unscientific test, I spent about 15 minutes filming the corner of Oakwood and Canyon in the morning before school. 85-90% of the cars failed to come to a complete stop. Interestingly, several of them made abrupt stops past the stop sign when they noticed me filming them. These are parents of CRE children who were either going to drop off or had just dropped off their child at school. If parents are not going to abide by rules, what makes us think church goers will?
- Canyon Drive is steep and curved. The impact study does not take this into account. Again, the Town used flawed "engineering judgement." Dave Corliss told me personally, "no one knows the traffic patterns and issues of a neighborhood better than the residents." And yet, the neighborhood's input has been never been sought out and in cases where we tried to communicate concerns, the issues were dismissed as irrelevant and ignored.
- Canyon Drive is a steep, curving road with a stop sign mid-hill. In the past 23 years I have witnessed countless drivers miss or ignore that stop sign only to repeat that pattern on the corner of Oakwood and Canyon. I walked my son to school for 7 years because of safety concerns on Canyon. And

Calvary wants to add to this traffic. The safety risk will go higher for Sunday and evening events on a road known for speed issues and multiple intersections where stopping seems to be a mere suggestion. What will happen during winter driving conditions?

- My understanding is that the Canyons/Woodlands intersection is too close to the light at 5th/Woodlands to install a traffic signal. This is the same argument used by the town when the neighborhood asked about putting a signal at the church entrance onto 5th. Not having an “easy” solution should not be an excuse for “no” solution.
- Please keep in mind that the anticipated traffic on Woodlands is expected to increase so much that the town will be adding two left turn lanes from Woodlands turning east onto 5th. This is in anticipation of the proposed development north of the high school that will ultimately punch Woodlands Blvd through north of Scott Blvd. These two turn lanes will significantly reduce visibility of cars traveling north on Woodlands and create a dicey left-turn scenario for traffic trying to turn left from Canyon onto Woodlands.

Please thoughtfully consider the above information and questions. As residents of the Town of Castle Rock and as your neighbors, I am hopeful you will see this development is too big and is too high-risk for the neighborhood (and the town). In order to serve the town goals, please do the right thing and deny Calvary Chapel’s current plan.

Your neighbor,

Kim Byrne

948 Oakwood Dr

kimbyrne@comcast.net

EVERY car will touch Canyon Dr. at some point during its route



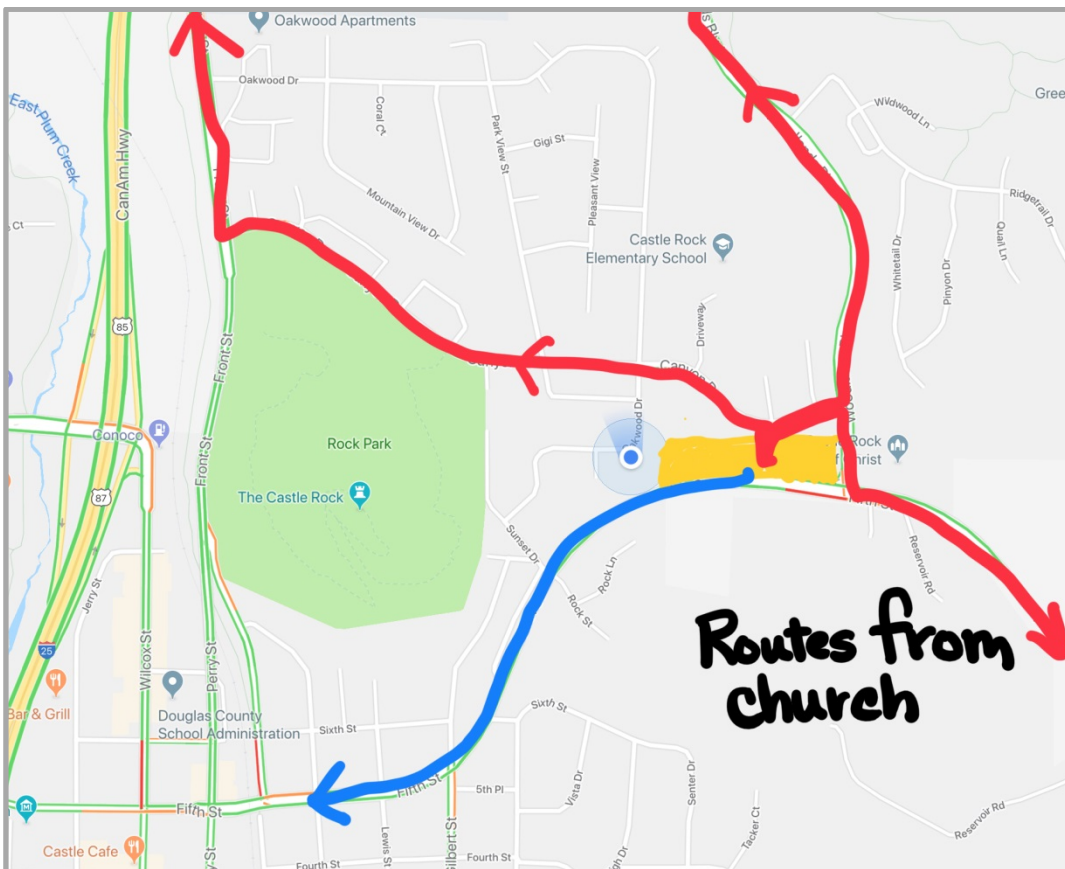
Estimated Trips

Projected*: 1,099

Future**: 3,297

*Taken from JR Engineering TIA
(Calvary's engineering firm)

**Based on projected sanctuary
/attendance growth



Key Points

- 100% of traffic will touch Canyon Dr. at some point
- ALL NEW traffic to this residential neighborhood
- Estimates include ONLY Sunday trips

From: Richard Weide <derRichardWeide@msn.com>

Date: June 13, 2018 at 12:17:35 AM MDT

To: "jgreen@cr.gov" <jgreen@cr.gov>, "rvalentine@cr.gov" <rvalentine@cr.gov>, "JBower@CRgov.com" <JBower@CRgov.com>, "bford@cr.gov" <bford@cr.gov>, "gteal@cr.gov" <gteal@cr.gov>, "JTownsend@CRgov.com" <JTownsend@CRgov.com>, "JLoban@CRgov.com" <JLoban@CRgov.com>

Subject: Citizen input before Calvary PD/SDP session on 19 Jun

Please see attached Word document

To: Castle Rock Town Council members

Re: Calvary PD/SDP coming before you on 19 June 2018

Our neighborhood is bitterly disappointed in the manner that the Calvary PD has been handled to date by Calvary, Planning Development, and the Planning Commission. Our numerous concerns over Town development policies that have been violated and the resulting adverse effects to our neighborhood have been essentially ignored.

The 5-1 "shrug their shoulders approval vote" by the Planning Commission now leaves final resolution of this PD in your hands. My neighbors, myself, and others, are extremely upset that such an ugly and invasive project has reached this stage. We allowed the property be annexed for church use, based on false promises by the Calvary people, and a false trust in Town planning personnel to closely follow the rules, expressly written or implied. Calvary promised to work closely with the neighborhood in resolving issues and making it a project the neighborhood could welcome.

That has all changed. Once the annexation was complete, Calvary dropped us like a hot potato and ignored us. They had their hidden objective to make it a Mega-church, with as much seating and car parking as they could possibly squeeze-in. Cost savings (or greed) also came into play, with their plot to dump excess dirt onto the lowest part of the property, on the West end, never mind the **"Great Ugly Wall"** that would require and the loss of property values for their neighbors. The protection of our rights as Castle Rock citizens and homeowners to require the project to strictly follow Town standards, rules and vision never materialized. The Planning Development group has turned out to be just an added tool for the developer to achieve a fully maximized result by avoiding requirements and common sense.

Observations/Suggestions:

1. Things seem so out-of-control with the Planning Development group, that I would suggest they be replaced with more trustworthy and responsible people without the current bias to push a project through at any cost to affected citizens. They need to live here and have a real interest in the proper development of the Town of Castle Rock. The current antipathy towards citizens of Castle Rock who dare challenge a developers' plan that negatively affects their neighborhood is all too obvious.

They should not have the power to **grant "variances"** left and right (as they are now doing). That power should only be entrusted to the Town Council.

Examples:

a) The required 30 ft set-back (for residential/commercial interface) was violated at the absolute last minute (the very last neighborhood meeting). This minimum 30 ft set-back has been a main-stay of the project from the beginning. But Calvary's planners snuck in a last minute revision (apparently in a back-room deal with Planning Development) **to place the "Great Ugly Wall" 6 ft within the mandatory set-back.**

The rules state that a **Retaining Wall must be less than 48 inches (not feet) high** to be placed within that required set-back. Planning Development doesn't care that the rule is being violated, and instead defends the developers! (the real purpose behind the intrusion into the set-back: **1,000 YARDS of dirt will be disposed of there**, rather than having the expense of removing it from the property).

b) Tossing aside the requirement to follow the contour of the land -- Calvary will have a FLAT east parking lot, then **only the length of the church structure is properly sloped**, and then a FLAT west parking lot, that **sticks out like a "SORE THUMB" right where the property slopes the most.** We have a long established lovely residential area.

Allowing cars to drive by 24 ft away from, and higher than my 2nd story bedroom window on a super-elevated parking lot is PURE NONSENSE, SIMPLY INSANE !!

Citizens of the neighborhood, at the next to last meeting, asked for Calvary to evaluate a step-down of the West parking lot to a lower level, because it is an awful eyesore !! Ron Livingston of Calvary, at the next meeting announced that **“THE FIRE DEPARTMENT NIXED THAT IDEA, DUE TO SAFETY CONCERNS”**.

The question was then asked: **“WHO WAS IT, FROM THE FIRE DEPT, THAT CAME TO THAT CONCLUSION, AND WHAT PLANS WERE DISCUSSED ??”**

Ron Livingston admitted that **he did not personally talk to the Fire Dept, and did not know** who turned-down the idea of a lower West parking lot. Even more telling, **NO ONE FROM PLANNING DEVELOPMENT KNEW ANYTHING ABOUT IT EITHER !!** Planning Development took **“an Action Item”** to provide us with the name of the Fire Dept official, so we could talk to them ourselves, and maybe find a work-around, since Calvary would not cooperate.

Needless to say, Planning Development **did not follow up** and **did not** provide us with a Fire Dept contact to talk to. **This is a totally obvious “dodge” and a total slap-in-the-face to the citizens of Castle Rock who are trying to find solutions to problems that are threatening our neighborhood.**

Calvary and Planning Development, have **totally resisted** solutions to the **“Great Ugly Wall” problem**, because that might:

- (1) remove some parking spaces from their desired Mega-Church (which would have more people coming in and out on a Sunday than the populations of most small towns).
- (2) interfere with their plans for dumping excess dirt from the East end of the property onto the West end of the property (i.e. **Calvary saves money, and we donate** our lost property values to their church).

2. Employees of the Planning Development group **should be required to be RESIDENTS OF CASTLE ROCK**. Out-of-towners living in million dollar homes elsewhere should not be determining the future of Castle Rock, and interfering with the rights and concerns of the citizens of Castle Rock.

3. **Eliminate the appointed Planning Commission**, it no longer serves the citizens of Castle Rock, and it no longer has a useful function. A commission that simply takes the word of Planning Development that a project meets town requirements, ignores inputs to the contrary, and automatically **“rubber stamps”** their recommendation, is superfluous.

An example: at the 1st Calvary PD appearance before the Planning Commission, a citizen correctly stated that an **“easement”** on her property for Calvary’s, use included in the PD, did not exist. The Planning Commission did not care, did not investigate, and accepted the false information from Planning Development, and **“rubber stamped”** a flawed PD that would have gone right on to Town Council. (Councilman Bower had to intervene to fix that situation).

4. Replace the Planning Commission development approval meeting, with a **“1st reading”** before the Town Council. The citizens of this town deserve **two chances to voice their concerns with “elected” officials**, rather than disinterested unelected bureaucrats.

5. Provide for **“rebuttal” time** in Town meetings with its citizens. When one person on the Planning Commission essentially scolded citizens of Castle Rock for not laying down and just accepting an ugly **“infill”** project, we all wanted to stand up shout **“but you are allowing all kinds of rules to be violated !!”**. We were not permitted that opportunity.

When Planning Development spouted falsehoods to the Planning Commission, the constrictive format did not allow citizens to rebut the lies.

If this overly-aggressive Calvary SDP, with its **“Great Ugly Wall” and enormous traffic problems** does get approved, without substantial modifications, it won’t just stop there. We will continue to fight with whatever legal means are required to get the Calvary project stopped, or to recover from the Town our property value losses due to Town Planning malfeasance.

We call ourselves a “Town” for good reason, because residents don’t want to be in a Metropolis with Sky Scrapers and Mega Churches shoved into quiet residential areas. We are determined to defend our neighborhood from this outrageously designed Calvary project with so many requirements just being bypassed, and good citizens of Castle Rock being snubbed into submission.

We ask you to please deny this PD/SDP as presented, so another use for this property can be found, or at least send this project back to the drawing board, for a redesign that better fits the nature of the Town of Castle Rock and has a lessened impact on a currently lovely neighborhood.

I invite you all to come get a first-hand take on this by visualizing the actual situation at my home. Give us a call and come on over!

Sorry for the long and bitter letter, but this is the last chance I have to save my home, and my retirement Nest-Egg from being pillaged.

Richard Weide, and Barbara
1360 Canyon Dr, Castle Rock, CO 80104
303-688-7987

----- Original message -----

From: Kim Byrne <kimbyrne@comcast.net>

Date: 6/14/18 6:32 PM (GMT-07:00)

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: Lisa Anderson <landerson@crgov.com>

Subject: Calvary Chapel: Traffic Burdening Diminishes Quality of Life for Generations

Members of the Town Council,

Please accept this email as part of the official records for the June 19, 2018 Town Council meeting regarding the Calvary Chapel Site Development Plan.

In my first email to you, I outlined the major reasons for no longer supporting this current SDP, but with this email I will address in more detail another of those issues important to me personally as well as share the concerns for the neighborhood: *Quality of Life*.

Quality of Life

- This is a judgement call being made by Town employees (some of which do not reside in Castle Rock or Douglas County) who appear to not be accountable for the Town's goal of "quality of life" per its own website. Taken from the website, the Planning Division's Goal: "accommodate the needs of current and future residents, while preserving and protecting Castle Rock's identity and quality of life."
- In the words of one Planning Commission member who gave this project a dismissive shoulder shrug and said this is the "curse of infill development." The acceptance of this as if it's "just a given" is unacceptable. It is within your power to prevent this "curse" and ensure the development doesn't curse this neighborhood for generations to come.
- Safety, especially for our children, is a quality of life issue.
- Being able to safely arrive/exit your home in a residential neighborhood is a quality of life issue.
- Being able to move freely through your neighborhood is a quality of life issue.
- What if this was your neighborhood?
- What if Sunday was not a day of rest, but yet another day for you to schedule your trips through the neighborhood based on when your street is not backed up with cars.
- What if you couldn't back out of your driveway for 5-10 minutes? What if your ability to safely back out of your driveway was compromised yet another day of the week?
- What if these were your children whose safety was being put at risk? And of all days, on Sundays when they should be free to play and move through the neighborhood without fear or elevated risk.

These are the quality of life issues related only to traffic. Please thoughtfully consider the above information and questions. As a resident of the Town of Castle Rock and as your neighbor, I am hopeful you will see this development is too big and is too high-risk for the neighborhood (and the town). In order to serve the town goals of retaining "quality of life," please do the right thing and deny Calvary Chapel's current plan.

Your neighbor,

Kim Byrne

948 Oakwood Dr

kimbyrne@comcast.net

----- Original message -----

From: Kim Byrne <kimbyrne@comcast.net>

Date: 6/14/18 6:26 AM (GMT-07:00)

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: Lisa Anderson <landerson@crgov.com>

Subject: Calvary Chapel: Traffic Risks and Realities for You to Experience

Dear Members of the Town Council,

Please accept this email as part of the official records for the June 19, 2018 Town Council meeting regarding Calvary Chapel.

I am writing in follow-up to my last email which outlined my concerns with the Calvary Church Site Development Plan and its negative impact on **traffic** for our neighborhood.

While data and analysis are important to the review process, I believe the following quote summarizes what the residents of this neighborhood are desperately trying to communicate:

“Nothing becomes real till it is experienced.” – John Keats

Until you drive these steep and winding roads, see the safety risks of backing a car out onto Canyon Drive, and experience the challenges of even a slight increase in traffic, I believe you won't truly understand our concerns. While I want to be respectful of your time, there are valuable data points for you to experience if you are willing to take 15-20 minutes outside of the council chambers.

Experiential Challenge:

I am inviting and encouraging you to drive east on Canyon Road towards the intersection with Woodlands Blvd at about 5:00-6:00 PM on a week day. This won't even come close to projected peak Sunday traffic, but traffic levels do slightly increase during evening commute hours.

1. Notice the grade and curve of Canyon Dr. and the stop sign mid-hill near CRE.
2. Once at the intersection of Canyons and Woodlands, observe the traffic coming from your left and notice the curve in the road.
3. Notice the speed of the traffic as well as how quickly they come upon that intersection given how the Woodlands curve reduces visibility. I drive this route several times a week in the mornings when traffic is dicey with “hurried CRE parents” turning onto Canyon. Traffic backs-up quickly when someone tries to turn left. (Imagine deciding to pull out on an icy winter's day and the resulting backups on Canyon.) Even turning left from Woodlands onto Canyon going west is tricky given the bend in the road and the trees in the median.
4. Then notice the traffic coming from your right. Observe the challenges of seeing which lane those cars are actually in as they proceed north on Woodlands.
5. Hopefully a car will turn left onto Canyon as you are at the intersection. Notice how visibility is hampered in judging what lane the northbound cars are in even after the left-turning car has cleared the

intersection. Notice how visibility could be challenged with one lane of 6-10 cars turning left onto 5th St at the light. Keep in mind the Woodlands to 5th St.(going east) intersection will be expanded to two left turn lanes in the future.

6. Bonus points: Turn into one of the cul de sacs off of Canyon (Fox Canyon or Scott Canyon). Turn around and notice how the curve and steepness to Canyon reduces visibility for exiting these cul de sacs. Imagine trying to leave during heavy traffic periods.
7. Extra bonus points: Drive west down Canyon toward Front St. Notice the steepness and curve to the road. Imagine how easy it would be to “roll through” the stop sign mid-hill and the one at the intersection with Oakwood. Imagine winter driving conditions.

Granted you may have a “reasonably safe” experience in this experiment (sort of like “If the gloves don’t fit, you must acquit.”) Yes, there are times traffic is reasonable. I’m asking you to listen to your neighbors concerns. The people who drive this route every day in all sorts of traffic and weather conditions. We are asking you to apply reasonable judgement to this scenario and require Calvary and the Town Planners to find a safe and neighborhood friendly resolution to these traffic issues before approving this SDP.

This development is too big and too high-risk for the neighborhood (and the town). Please apply common sense, keep this neighborhood in alignment with the town goals, and vote to deny Calvary Chapel’s current plan.

Your neighbor,

Kim Byrne

948 Oakwood Dr

kimbyrne@comcast.net

From: Carole <carole@passportms.com>

Date: June 15, 2018 at 6:03:23 PM MDT

To: Brett Ford <BFord@crgov.com>, George Teal <GTeal@crgov.com>, "James Townsend" <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, "Jennifer Green" <JGreen@crgov.com>, Jess Loban <JLoban@crgov.com>, landerson <landerson@crgov.com>, Renee Valentine <RValentine@crgov.com>

Subject: Maintaining the 30 foot setback17.050.40

Honorable Mayor and Members of the Town Council,

Please accept this email as part of the official records for the June 19th, 2018 Town Council Meeting.

I am writing to ask you to deny the Calvary Chapel Site Development Plan in its current state which violates town ordinances meant to protect residential neighborhoods as well as preserve the values and identity of the Town of Castle Rock.

Several people have addressed the wall associated with the detention pond (myself included), but I need to clarify the impacts on my property. I refer you to the SDP page 3 the lower left corner where Calvary contends that the wall structure and upper portion of the detention pond should be contained within the 30' interface buffer. On page 4, where you will see the detention pond. Their plan indicates Calvary property line, then a ten foot utility easement combined with a storm easement, then adjacent to the easement they show detention pond's wall followed to the east by a 30 foot storm drain easement containing an access berm and decreasing berm to bottom of the pond. It is this wall that I would like to address.

Others have stated that this wall will tower above my fence by maybe four feet, but I refer you to the section profiles FF and JJ on page 7 of SDP (bottom right). Section Profile FF (located at north wall of house) and as indicated there is a 6 ft fence, the proposed structure (11 ft east of my fence) is an 8 ft wall. However the elevation of my property is three feet lower than the elevation of the bottom of the wall, making it rise not just 2 ft above my fence but rather **5 ft above my fence** with the 10 foot easement sloping toward my property. In section JJ profile (approx.. the middle of my house), my fence is only 5 ft, and the proposed wall is now 10 ft with the base of wall 2 ft higher than my elevation making **the proposed wall now being 7 ft above my fence** and again with the entire 10 ft of easement sloping toward my property. I cannot say if the visibility will continue to increase going south because that information was not given in the SDP.

My house is at the back of my property approx. 30 feet from my fence line as indicated on the plans, so this is very personal to me and greatly impacts my quality of life. This is not about losing open space beyond my property.....I repeat... This is NOT about losing open space beyond my property, it is about a suitable transition that was set forth by the town and is not being followed. If this structure (as defined in 17.14 ...retaining wall exceeding 48" was the required 30 ft from my property as set forth in 17.50.040 then these heights would not be an issue and would allow for the intended transition between the properties. Though I would still have drainage concerns regarding the pond and it's maintenance.

We have never been contacted by anyone from Calvary about, any concerns or issues regarding the pond, the access road at the top of the structure, or the encroachment into the required 30 foot setback. When I brought up these issues at the planning meeting, there were no questions for me but on rebuttal when one of the Planning Committee asked if it was true that the detention pond was 11 feet from a resident's property, Calvary Chapel's engineer responded "NO". End of discussion.

My hope is Calvary Chapel will start by stopping their attempts to shortcut, circumvent or sidestep the 30 foot transitional setback. It was established to make a pleasing transition from residential to non-residential, why would they not want that too.

Thank you for your time, and if any of you would like to visit my property to get a better idea of the impact, you are more than welcome.

Carole Alex
946 Oakwood Dr.
303 660-8149
Cell: Bob Alex 303 945-1661
Carole@PassportMS.com

From: Jeri Brown <Jerib7@outlook.com>

Date: June 15, 2018 at 2:57:30 PM MDT

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, "Jason Bower" <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: "landerson@crgov.com" <landerson@crgov.com>

Subject: Traffic Meeting and Calvary Chapel

Dear Town Council Members,

Please add this email to the official records for the meeting on June 19th.

Some of the neighbors had a meeting yesterday (Thursday, June 14) with the Transportation Department. One of our group had spent a lot of time reading and trying to understand the traffic report done by **Calvary's** engineer. (We were only given this report after we requested just this past February.) Most of us had given up trying to read the whole thing. Have you read it? Wow, is it ever complex. At no other meeting, like the neighborhood meetings, did we ever get much of an explanation of what it all means. Calvary and town staff just kept telling us it was approved and was a "done deal". Our concerns and issues were never addressed. No one ever asked the people who actually drive the neighborhood streets daily what the problems might be and ideas for potential solutions. We frequently brought up the fact that today when there is heavy traffic from the school, which would be a lot like church getting out, we neighbors can't get out of our driveways. We also brought up a safety issue of a blind curve in the section between Calvary's entrance and Woodlands. The traffic report, even if you read it and can understand it, does not address the impact on the neighbors or this safety issue. It only addresses how many extra cars there will be and how long THEY will have to wait. This is very one-sided and biased in favor of the church and ignores completely the residents. And yet it is accepted as the final word. We have raised these issues in meetings and via email and have NEVER been given an answer.

I did learn a couple of very important things at the meeting yesterday. First I learned that most of the numbers in the traffic study come from a computer program. I know that our weather forecasts come from a computer program. And I think we can all agree that the weather reports are more often wrong than right. So my question is, how can we expect that these computer generated numbers will be right? I certainly don't trust these numbers or this report.

We also noticed that the section in the staff report to you, which was done by Public Works, (as we were told by Donna Ferguson), is misleading in what percentage of vehicles will touch Canyon. Readers are made to decipher and add up the percentages, which come up to a total of 65 % of the traffic per the report numbers using the very small section between Woodlands and Calvary's entrance on Canyon. Since there is only a right in and right out onto Fifth, we neighbors believe that the people who turn right in from Fifth will have to leave another way (Canyon) in order to return home. The people who come from the west, will have to use Canyon since they can't turn left. They can only *leave* by Fifth. So virtually all the cars will use some part of Canyon on a Sunday unless they are headed downtown to go to breakfast after church! This is just common sense. It's not a computer generated number. The numbers from the staff report says there will be 273 weekday and 1099 Sunday trips. Wow. How would you like to live on Canyon?

Another thing I learned was that the Transportation Department was NEVER asked to evaluate whether a traffic circle could be placed on Fifth St. They said they weren't asked by the developer and they don't make suggestions. This idea WAS suggested by one of the neighbors, but no one paid attention to him. A traffic circle would alleviate the massive traffic jams we will see on our small residential street. The second access point for emergency vehicles only could be easily

located on Canyon without disrupting the neighborhood. A traffic circle would slow down all the many speeders on Fifth as well. A double benefit.

So I ask you, will you please vote to send this SDP back for a redesign to take into consideration all the concerns of the residents who have lived here for decades.

Some ordinances that definitely need reviewing:

17.01.010 - Compliance with regulations.

A. No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except in **conformity with all regulations** established in the Castle Rock Municipal Code, including this Title.

17.01.020 - Interpretation; conflict with other laws.

A. The interpretation and application of the provisions of this Title shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. **Whenever the requirements of this Title are at variance with the requirements of the Castle Rock Municipal Code or any other lawfully adopted rule, regulation, or ordinance, the more restrictive or that imposing the higher standards shall govern.**

17.10.010 - Applicability.

A. The general design principles set forth in **this Chapter** apply to the design and layout of PD Plans, **Site Development Plans**, Subdivision Plats (see Title 16, CRMC), and Construction Documents (see Title 15, CRMC), as well as to the design and layout of individual lots, sites or tracts.

17.10.020 - Purpose and intent.

This Chapter is intended to ensure that the development of land is done in such a manner as to:

K. Provide for the **safe and efficient circulation of traffic** throughout the Town, the mitigation of congestion in the streets and highways and along pedestrian ways; and

Thank you.

Jeri Brown

Jeri E. Brown, JD

jerib7@outlook.com

cell: 303.887.5678

cum Audentia et Gratia

From: Kim Byrne <kimbyrne@comcast.net>
Date: June 15, 2018 at 4:13:48 PM MDT
To: "Green, Jennifer" <jgreen@crgov.com>, "Valentine, Renee" <rvalentine@crgov.com>, "Loban, Jess" <jloban@crgov.com>, "Townsend, James" <jtownsend@crgov.com>, "Bower, Jason" <jbower@crgov.com>, "Teal, George" <gteal@crgov.com>, "Ford, Brett" <Bford@crgov.com>
Cc: "Anderson, Lisa" <landerson@crgov.com>
Subject: Calvary Chapel: Drainage or Damage
Reply-To: Kim Byrne <kimbyrne@comcast.net>

Honorable Mayor and Members of the Town Council,

Please add this email to the official records for the Town Council meeting on June 19th.

I am asking you to deny the Calvary Chapel Site Development Plan in its current state. With this email I will provide more detail regarding a major issue important to me personally as well as my neighbors: **Drainage.**

Drainage Background

- The proposed Calvary site and surrounding neighborhood have had significant drainage issues over the years. Many issues can be traced back to when the Canyon Drive homes were put in place (mid-1990's) and the developer had no regard for the underground streams running through this neighborhood. It is a prime example of the unpredictability of the groundwater in this area. It also shows the realities, costs, and risks of developing in areas with these types of water sources.
- In the mid-90's many homes started experiencing water issues and damage to their homes because of underground streams. This was the same timeframe that the homes along Canyon were developed. Several neighbors have multiple sump pumps that run constantly due to the shift in underground water sources.
- Perpetual water poured over the sidewalk on Oakwood creating a year round slime or ice hazard for walkers. This was only eliminated recently. For almost 20 years this was an issue.
- Road work on Canyon has consistently been an issue as water exists not much below street level.
- When the 5th St sidewalk was put in, all residents adjacent to the sidewalk experienced flooding and continue to as of 2018 whenever there is significant rainfall and/or a very dry season following by a deluge of rain. Must we wait 20 years for this to be resolved as well?
- All this background is for the purpose of illustrating the risks to this neighborhood by what we would assume was "well planned development" years ago. And now we are being asked to risk our homes again.

Drainage concerns:

- While the current Water Department has actually sought out input from the neighbors regarding drainage, the developer refused to listen or respond to our concerns other than to "assure" us they would do what the town required. We have been left to become "experts" in drainage and traffic engineering reports because the town

refuses to do unbiased, professional analysis.

- Without citizen intervention, the town appeared to give only a cursory review of the runoff being funneled into one drain for the entire site and completely ignored our concerns over underground streams until David Van Dellan got involved. David has since noted a required underdrain system and several changes to the detention pond to ensure proper drainage, minimize mosquito invasions, and prevent groundwater contamination. ALL of these issues would have gone unaddressed without fervent reiteration of concerns and David Van Dellan's professional, unbiased approach to his job. The developer ignored us and the Town Development Office took a similar approach until the Water Department was brought fully into the discussion. This is how we treat neighbors? Again, Calvary is willing to follow the law only to the point that the town decides it wants to enforce it. Without resident intervention, we were facing enormous risks to our homes and property.
- The underground streams remain a huge concern for the neighbors. They are unpredictable. The developer for Calvary will be scraping land and building a multi-ton structure on top of these streams. Again, the risk seems undue for the neighborhood as our only recourse will be expensive legal action in the event of an unexpected breach in the system or a flaw in the drainage plan. All we need to do is look to see how the Town “planned” for drainage of the 5th St. sidewalk catastrophe. The residents of Oakwood Ct. have faced years of turmoil, flood damage, and silence from the Town on this issue. And while the Town “heard” us on this existing issue during this SDP process, there’s no guarantee funds will be available and certainly no confirmation that the issue will be addressed in the near future.
- The detention pond is required to drain within 72 hours assuming no additional rain and the town has committed to testing the water basin for mosquito larvae. However, this mosquito-free area is not guaranteed once the detention pond is put in place. Having moved here 23 years ago from Minnesota (where the state bird is jokingly referred to as the mosquito), I would hate to see our beautiful Colorado evenings destroyed by the threat of mosquitoes and mosquito-borne illnesses. We have invested heavily in our backyard as have many of our neighbors. To knowingly take this risk with our quality of life seems to be an undue burden for the neighborhood. How would you feel if your 1300 sq. ft. patio installed for the express purpose of enjoying the Colorado outdoors with friends and neighbors became unusable? And no, citronella candles and toxic bug spray is not an option for a currently mosquito free zone.
- And what if this system fails? Just ask the residents along the flooded streets of Fort Collins a few weeks ago. Lives and homes can be upended with the chaos and unmanageable financial burdens. Hail storms are common and one failure in the drainage system threatens our homes and could create a significant financial burden.
- We are being asked to “trust” a developer who has been misleading and blatantly lied to this neighborhood. They are not about being good neighbors. They are about getting what they want.
- The developers would have you believe they spent over \$100k to come up with the best approach for the parking lot and retaining walls. That was not to be “neighborhood friendly,” as the neighbors were not involved in that process at all. The money was spent to maximize the parking and development space for the benefit of Calvary Church. Dave Love has chastised the neighbors for defending our property and quality of life. He’s gone as far as saying, “Be glad we’re giving you the scrub oak you asked for because I wanted to just clear the entire lot.” And this is the person the town is asking us to trust? This is being a good neighbor?
- The developer will also tell you they reduced the height of the north Castle Wall by two feet. They will omit the glaring fact that the wall is still 16.5’ tall at its highest point. Would you trust them as your neighbors? They fail to tell the “whole truth”

- and are hoping to gloss over the “complete story” by providing misleading details.
- The Town Development Staff is complicit in leaving out revealing details in their summaries to the Planning Commission and to the Town Council. They appear to be comfortable being the "experts" and withholding key information for governing bodies to make well-informed decisions. They failed to mention the risks associated with the underground streams. Are they afraid the Town Council might ask some reasonable questions about risks associated with groundwater? Or perhaps they believe their expertise trumps the Town Council's judgement?
 - We asked the developer to specifically drill test borings in the area of the detention pond to determine water levels in what we consider a high risk area. They have refused. They could save the neighbors and the Town a whole lot of grief and set this part of the issue to rest by simply drilling a few holes. Yes, there is expense. Yes, it takes time. Had they looked at this from a risk-mitigation standpoint given the drainage concerns and water table issues were highlighted from day one, perhaps we'd have an answer and could move on. Again, not neighborly nor judicious considering the risks.

If this was your home, backyard, neighborhood being put at risk given the known issues (not to mention the unknown), how would you vote?

Please thoughtfully consider the above information and questions. I am hopeful you will see this development is too big and is too high-risk for the neighborhood (and the town). In order to serve the town goals, please do the right thing and deny Calvary Chapel's current plan.

Your neighbor,

Kim Byrne

948 Oakwood Dr

kimbyrne@comcast.net

From: Kim Byrne <kimbyrne@comcast.net>

Sent: Friday, June 15, 2018 10:30 AM

To: Jennifer Green; Renee Valentine; Jess Loban; James Townsend; Jason Bower; George Teal; Brett Ford

Cc: Lisa Anderson

Subject: Town Identity Crisis: Castle Rock or Castle Wall?

Honorable Mayor and Members of the Town Council,

Please accept this email as part of the official records for the June 19th, 2018 Town Council Meeting.

I am writing to ask you to deny the Calvary Chapel Site Development Plan in its current state which violates town ordinances meant to protect residential neighborhoods as well as preserve the values and identity of the Town of Castle Rock.

With this email, I am addressing what will forever impact our town identity: the towering retaining walls proposed in the Calvary SDP (**The Castle Walls**).

Castle Wall will impact neighborhood **property values** and **quality of life**:

- Initial estimates of reduced property values are in the range of 15-20%. Official estimates are being finalized. This is an undue financial burden on residents who didn't flee Castle Rock during the economic downturn of 2008-09. Our loyalty is being rewarded with reduced property values and lowered quality of life.
- The site development plan strategically places trees in a way that implies screening of the wall for the residents. The exact level of screening is at high risk given the existing scrub oak have grown and thrived in direct sunlight for decades. It is a significant concern whether they can survive in constant shadow from Castle Wall.
- The plan also implies screening by these few saved scrub oak and proposed new plantings. Please keep in mind that scrub oak lose their leaves in the fall/winter and are late bloomers in the spring meaning the screening effect is less than half of the year.
- Given the likelihood of underground streams feeding these scrub oak stands, the change in topography and developmental impact on those streams brings great concern over any existing vegetation's ability to survive.
- Even the new plantings are in question. First, it will take years for trees to screen the 8'-16' tall wall. We can all agree trees grow very slowly in Castle Rock. And that assumes the trees can survive in constant shadow and unknown water sources. And who will require Calvary to replace dead vegetation? Calvary won't care because their views will be unobstructed, but the neighborhood will have dead twigs to look at.

Castle Wall – Primary

- The proposed primary wall will be an 8'-16' retaining wall (not including a 42" fence on top of the wall). The wall is only 24' (8 paces) from residential property lines on the North edge of the Calvary property. This is in violation of code which requires a 30' buffer for any structure over 48". And if it's not in violation as the Town Development Department decided, what is the purpose of the ordinance? My understanding is these ordinances were written to protect residential property.
- From the Weide's residence (1360 Canyon Dr.), this is the equivalent to the height of second floor bedroom. The SDP conveniently implies the wall only comes to just above the deck level. (See my request below to "experience" this height rather than try to understand it from a misleading diagram)
- From the Grant's residence (1400 Canyon Dr.), they will have an 8' wall located only 24' from their

property line. With the 42" fence, this wall will be 11.5' tall. Any decades-old scrub oak that can be "saved" will face an environment of constant shade from the wall not to mention the impact of perpetual snow in winter.

- From the Alex's residence (946 Oakwood Dr), they will have a view of the west and south edges of Castle Wall. On the west edge, they will have a view of 16.5' wall plus a 42" fence making their total view a 20' wall.
- Because the detention pond borders the wall to the west, no plantings can be made to screen this wall. Therefore the Alex's will get to see all 20' of this wall every morning, afternoon, and evening given their primary living spaces face this direction.
- This wall will be the "welcoming" view to our neighborhood for anyone traveling east on 5th. Again, no plantings will screen the west wall due to the detention pond.

Castle Wall – Secondary

- The proposed secondary retaining wall will be a graduated 2'-10' retaining wall (no fence is planned on this wall). The wall is only 10' from property lines on the West edge of the property which is in violation of code which requires a 30' buffer for any structure over 48". How can this very clear ordinance be blatantly violated?
- From the Alex's residence (946 Oakwood Dr.), this wall will be 4' over their six foot fence. The Alex's get not one, but TWO walls. This 10' wall is only 10' from their fence line.
- From the Byrne's residence (948 Oakwood Dr.), there will be 7' wall only 13' from the property line. *How does this meet the ordinance requiring a 30' buffer?*

"Nothing becomes real till it is experienced." – John Keats

Until you have stood at the NW corner of the Castle Wall and seen the height in relation to the Weide's deck and second floor windows, the impact cannot be truly understood. Until you have stood in the backyards of the Grants and the Alex's and tried to imagine the impact of Castle Wall, the impact cannot be truly understood. Are you willing to take the challenge and "experience" these concerns before they become the negative reality for your neighbors?

Experiential Challenge

I would encourage you to park on Canyon Dr. and use the gravel road granted as an easement to Black Hills Energy to access the Proposed NW corner of Castle Wall.

1. Locate the NW corner of Castle Wall as noted by the stake.
2. Look to the east with the Weide's residence to your left.
3. Imagine a 14.5' wall with a 42" fence (almost 18' tall) running along the Weide's property. 18' is the equivalent of three 6' tall men.
4. Imagine cars traversing the parking lot and lights shining into second floor windows.
5. Imagine sitting on the Weide's deck trying to enjoy Sunday morning coffee only to be blessed with the noise of idling cars as they wait to exit the parking lot and the stench of exhaust that would accompany it.
6. Imagine the Weide's are your neighbors and you are about to tell them a) the 30' buffer ordinance can be ignored and b) "you'll get used to it." Part A is the Town Development Department's willingness to ignore ordinances and Part B is a direct quote by Dave Love, senior pastor at Calvary. Is this what being a good neighbor looks like?
7. Bonus points: Moving to the east, traverse the decades old 15-20' scrub oak and imagine the few that will be "saved" only to struggle for survival as they will forever be in shadow of the 18' wall.

To quote Andy Grove, former CEO of Intel, "Bad companies are destroyed by crisis. Good companies survive them. Great companies are improved by them." Could the same be said for towns? We are experiencing an **identity crisis** in Castle Rock.

Will we be Castle Rock or Castle Wall?

It's time to "level-up" in our decision-making. Say "no" to more walls and over-developed land.

Please thoughtfully consider the above information and questions. As a resident of the Town of Castle Rock and as your neighbor, I am hopeful you will see this development is too big and is too high-risk for the neighborhood (and the town). In order to serve the town goals, please do the right thing and deny Calvary Chapel's current plan.

Your neighbor,

Kim Byrne

948 Oakwood Dr
kimbyrne@comcast.net

From: Kim Byrne <kimbyrne@comcast.net>

Date: June 15, 2018 at 2:53:43 PM MDT

To: "Green, Jennifer" <jgreen@crgov.com>, "Valentine, Renee" <rvalentine@crgov.com>, "Loban, Jess" <jloban@crgov.com>, "Bower, Jason" <jbower@crgov.com>, "Townsend, James" <jtownsend@crgov.com>, "Teal, George" <gteal@crgov.com>, "Ford, Brett" <Bford@crgov.com>

Cc: "Anderson, Lisa" <landerson@crgov.com>

Subject: Will Castle Rock Selectively Apply the Law or Apply the Law in Its Entirety?

Reply-To: Kim Byrne <kimbyrne@comcast.net>

Honorable Mayor and Members of Town Council,

Please accept this email as part of the official records for the June 19th, 2018 Town Council Meeting.

My head has been spinning trying to align the Town Development Department's interpretation and application of the law in reference to the Calvary SDP. I am writing this to hopefully simplify and succinctly articulate the issue with the "retaining walls" within the "buffers" being referenced on the Calvary SDP and emails from the concerned neighbors.

My understanding is the Town Council has a continuing obligation to ensure ALL ordinances are applied.

17.01.010 - Compliance with regulations (all emphasis added to ordinance references within this email was done by me)

A. No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except in conformity with all regulations established in the Castle Rock Municipal Code, including this Title.

- Section 17.14 states that the definitions apply to ALL of Title 17. The Interface Regulations have a few definitions that apply to just that chapter, but they do not define setback or retaining wall.
- Law must be looked at in total. All of Title 17 applies. It says so quite clearly.
- Per code, the retaining wall becomes a structure once it exceeds 48".
- Structures are not allowed to be within the minimum 30 ft. buffer per 17.50.040 (D). The primary wall is now 24 feet from property lines on the north. The secondary wall is now within 13 feet from the property line on the west. TWO significant areas of ordinance violation.
- Under the Development Department's interpretation, *any size* retaining wall could be one foot or any other distance from the resident's property line, thus defeating the purpose of the Interface provisions.

Castle Rock Municipal Code, Chapter 17.14 - Definitions

- ***Setback*** means the minimum required distance between a building or other structure

and a property line. Retaining walls less than 48-inches in height will not be considered a structure for the purposes of enforcing setback requirements.

- **Structure** means anything constructed or erected which requires a location on the ground or is attached to something having a location on the ground, but not including fences (or walls used as fences) less than 6-feet in height, poles, lines, cables or other transmission or distribution facilities of public utilities. All signs shall be considered structures. Retaining walls less than 48-inches in height will not be considered a structure for the purposes of enforcing setback requirements.

17.50.040 - Buffers and transitional screening.

Buffers shall be kept free of buildings, structures and parking lots. Retaining walls may be included within a buffer.

- The retaining walls are no longer retaining walls once they get over 48". We would accept these walls within the buffer per code if the developer wants to drop them to 48" or less.
- The town development staff is choosing to "interpret" the law without regard for the complete law. They are ignoring a portion of the law for the purposes of getting this project approved and at any cost to the neighborhood.

17.01.020 - Interpretation; conflict with other laws.

- Interpretation **must** be governed by the following Code provision:

A. The interpretation and application of the provisions of this Title shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this Title are at variance with the requirements of the Castle Rock Municipal Code or any other lawfully adopted rule, regulation, or ordinance, the more restrictive or that imposing the higher standards shall govern.

Are you willing to approve a development that will lower governing standards for the Town of Castle Rock?

The law exists for a reason. Please thoughtfully and judiciously consider what is at risk for the town by choosing to allow "selective" and biased interpretation of the law.

Your neighbor,

Kim Byrne

948 Oakwood Dr.

From: "Richard Weide" <derRichardWeide@msn.com>
To: "Jennifer Green" <JGreen@crgov.com>, "Renee Valentine" <RValentine@crgov.com>, "Jess Loban" <JLoban@crgov.com>, "James Townsend" <JTownsend@crgov.com>, "Jason Bower" <JBower@crgov.com>, "George Teal" <GTeal@crgov.com>, "Brett Ford" <BFord@crgov.com>
Cc: "Lisa Anderson" <landerson@crgov.com>
Subject: Re: The Traffic Meeting and Calvary Chapel

Dear Mayor and Castle Rock Town Council members,

My comments on the 14 June traffic meeting are attached as a Word document.

Also attached is one photo that should help you visualize the impact of the Calvary "Great Ugly Wall" situation on our neighborhood.

Thank you ! Richard Weide

Dear Mayor and Castle Rock Town Council members, 15 June 2018 re: Calvary Traffic Study

I also attended the meeting that Canyon Dr/Oakwood area neighbors had (Thursday, June 14) with Traffic/Public Works group members Tony Marusiak and Tom Reiff (who apparently will **not** represent Public Works at the 19 June Council meeting).

One take-away from that meeting was that the Calvary-commissioned Traffic Study is not very “hands-on”, but consists mainly of computer-generated general numbers. The Traffic guys did say that JR Engineering was required to measure actual existing normal traffic, by either cars running over rubber hoses technique, or by photography. No one in our neighborhood has ever noticed such a thing occurring. Maybe that step was never done? Public Works could not confirm that – would you ask them on 19 June if they have first-hand knowledge that was actually done?

Another take-away, was that actual real numbers are buried throughout the Calvary Traffic document, waiting to be discovered and manually hand-tallied. The one “summary” presented of percentages of traffic on defined roads is totally misleading and simply wrong. (Only five % of all Calvary traffic using any part of Canyon Dr is a total sham !).

(Another take-away: Public Works should select their own short-list of reliable Traffic Engineering companies, and require that Developers use only those trusted companies to produce Traffic reports. That should prevent short-cuts and mumbo-jumbo Traffic reports, and prevent any bias favoring the Developer actually paying them.)

Tony Marusiak and Tom Reiff seemed in agreement that **“at a minimum” 65% of the Calvary-generated traffic flow will be on Canyon Dr, at least on the stretch from the Church entrance east to Woodlands Blvd.** This is very important to keep in mind, **the “PRIMARY” source of Calvary church ingress/egress will be on our residential street, Canyon Dr.** The relatively short stretch from the church entry/exit east to Woodlands Blvd could be an unimaginable traffic snarl on Sundays mornings, making existing home owners in the area wait in a long line to get to 5th St and to their own place of Sunday worship.

We also asked about the possibility of constructing a “round-about” at Canyon Dr and Woodlands (as well as 5th St and Woodlands) to keep traffic flowing. They made it pretty clear that their dept cannot “suggest” nor comment one way or the other on improvements, they are just tasked to implement and supervise improvements that the “Town” requests be accomplished.

Again, you really need to look at the effect of the Calvary development on our property first-hand to understand the problems we are facing. I know you can’t comment, but you really need to see it. Call, leave a message, or whatever and I will make every effort to be here to show you around before the Tues evening Council meeting.

Photo also enclosed (back of our house). Please imagine a stone wall 10 ft higher than where I am standing on my deck, plus a 3 ½ ft traffic barrier, plus growing junipers for a total height of approx 15 ft not far to the right. Is this reasonable?

I guess the more we citizens investigate this ugly Calvary project that threatens our neighborhood in **multiple ways**, the more we see **“SLOPPY and BIASED WORK”** stamped all over it.

Tnx for listening, Richard Weide and Barbara 1360 Canyon Dr 303-688-7987 and/or 720-840-6385

p.s. Donna Ferguson from Planning Development also attended the Traffic Meeting. Turns out she doesn’t live in Castle Rock either. Is our lovely Town of Castle Rock being run by an outside agency? God help us !!

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From: Carole <carole@passportms.com>

Date: June 16, 2018 at 9:34:56 AM MDT

To: Brett Ford <BFord@crgov.com>, George Teal <GTeal@crgov.com>, "James Townsend" <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, "Jennifer Green" <JGreen@crgov.com>, Jess Loban <JLoban@crgov.com>, landerson <landerson@crgov.com>, Renee Valentine <RValentine@crgov.com>

Subject: Drainage issues related to the Detention pond

Honorable Mayor and Members of the Town Council,

Please accept this email as part of the official records for the June 19th, 2018 Town Council Meeting.

Jeri Brown spoke with David Van Dellen from the Water Department may 23 2018, regarding drainage He talked about surface Runoff and Ground water from Calvary: The Water department is recommending that Calvary put in an impermeable lining in the detention pond. That water will go into a another controlled system to empty it and it won't go into the ground to mix with ground water. He said this should help keep current problems from getting worse. It's supposed to keep the surface water from impacting the ground water. They are also recommending an under drain system (I think that's what he called it) around the parking retaining wall to make sure that water gets routed to the detention pond. He said it will cover both surface and ground water. According to Mr. Van Dellen, **Calvary has agreed to do both of these.**

Though I have not seen these engineered changes I am assuming they will be done. This would alleviate my concern about how much water in the pond would seep into the ground and possibly affect my home immediately downhill from the pond. However I am now concerned if this will still be a "detention pond" also known as a dry pond, that is intended to drain the storm water within a given period of time to make the volume available for the next storm event. I have heard a number of talks and concerns that the pond might contain water for longer than the three days stipulated, perhaps causing mosquito infestations. Along the same lines, many of us are concerned that the water test holes done for this project were done at the higher elevations and none were done at the detention pond site to assure it would not fill with water. We like you to ask for Calvary's assurance that this pond will remain a "dry" detention pond except for those few days after a storm.

Thank you for your time.

Carole Alex
946 Oakwood Dr.
303 660-8149
Cell: Bob Alex 303 945-1661
Carole@PassportMS.com

From: Carole [mailto:carole@passportms.com]

Sent: Saturday, June 16, 2018 7:28 AM

To: Brett Ford <BFord@crgov.com>; George Teal <GTeal@crgov.com>; James Townsend <JTownsend@crgov.com>; Jason Bower <JBower@crgov.com>; Jennifer Green <JGreen@crgov.com>; Jess Loban <JLoban@crgov.com>; Lisa Anderson <landerson@crgov.com>; Renee Valentine <RValentine@crgov.com>

Subject: Maintaining the 30 foot setback17.050.40

Honorable Mayor and Members of the Town Council,

Please accept this email [and attachments](#) as part of the official records for the June 19th, 2018 Town Council Meeting.

I am resending my email of yesterday to include the attachments that I referred you to in Calvary Chapel's SDP and to correct the reference of sections FF and JJ to page 8 not page 7.

I am writing to ask you to deny the Calvary Chapel Site Development Plan in its current state which violates town ordinances meant to protect residential neighborhoods as well as preserve the values and identity of the Town of Castle Rock.

Several people have addressed the wall associated with the detention pond (myself included), but I need to clarify the impacts on my property. I refer you to the SDP page 3 the lower left corner where Calvary contends that the wall structure and upper portion of the detention pond should be contained within the 30' interface buffer. On page 4, where you will see the detention pond. Their plan indicates Calvary property line, then a ten foot utility easement combined with a storm easement, then adjacent to the easement they show detention pond's wall followed to the east by a 30 foot storm drain easement containing an access berm and decreasing berm to bottom of the pond. It is this wall that I would like to address.

Others have stated that this wall will tower above my fence by maybe four feet, but I refer you to the section profiles FF and JJ on page 8 of SDP (bottom right). Section Profile FF (located at north wall of house) and as indicated there is a 6 ft fence, the proposed structure (11 ft east of my fence) is an 8 ft wall. However the elevation of my property is three feet lower than the elevation of the bottom of the wall, making it rise not just 2 ft above my fence but rather **5 ft above my fence** with the 10 foot easement sloping toward my property. In section JJ profile (approx. the middle of my house), my fence is only 5 ft, and the proposed wall is now 10 ft with the base of wall 2 ft higher than my elevation making **the proposed wall now being 7 ft above my fence** and again with the entire 10 ft of easement sloping toward my property. [An interesting note in Section JJ the indicated line of sight they chose to show is apparently a 3' or 4' person standing approx. 5' from my 5' fence.](#) I cannot say if the visibility will continue to increase going south because that information was not given in the SDP.

My house is at the back of my property approx. 30 feet from my fence line as indicated on the plans, so this is very personal to me and greatly impacts my quality of life. This is not about losing open space beyond my property.....I repeat... This is NOT about losing open space beyond my property, it is about a suitable transition that was set forth by the town and is not being followed. If this structure (as defined in 17.14 ...retaining wall exceeding 48" was the required 30 ft from my property as set forth in 17.50.040 then these heights would not be an issue and would allow for the intended transition between the properties. Though I would still have drainage concerns regarding the pond and it's maintenance.

We have never been contacted by anyone from Calvary about, any concerns or issues regarding the pond, the access road at the top of the structure, or the encroachment into the required 30 foot setback. When I brought up these

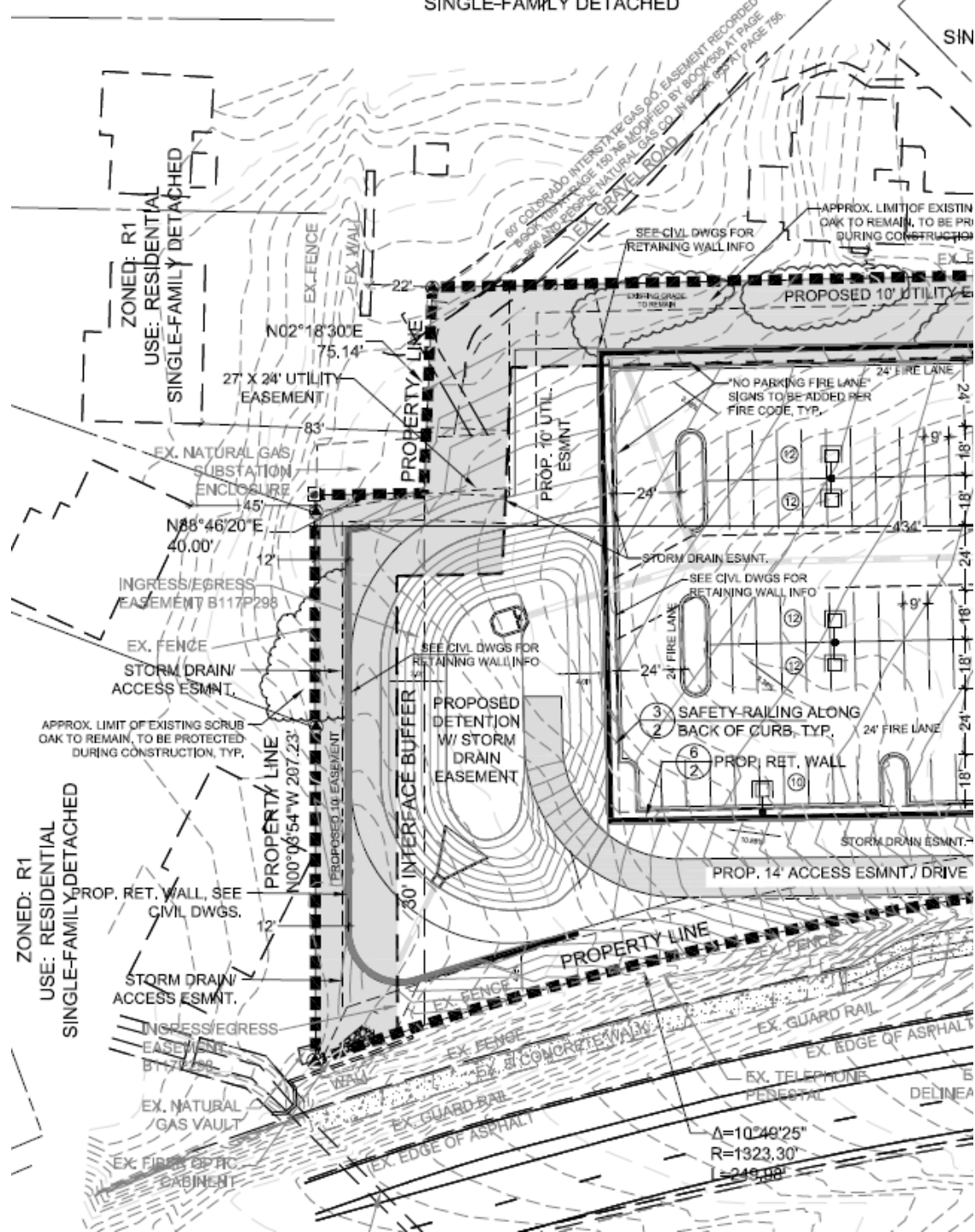
issues at the planning meeting, there were no questions for me but on rebuttal when one of the Planning Committee asked if it was true that the detention pond was 11 feet from a resident's property, Calvary Chapel's engineer responded "NO". End of discussion.

My hope is Calvary Chapel will start by stopping their attempts to shortcut, circumvent or sidestep the 30 foot transitional setback. It was established to make a pleasing transition from residential to non-residential, why would they not want that too.

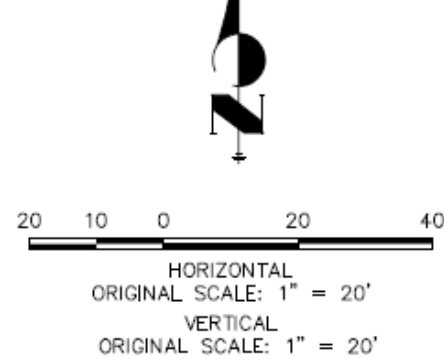
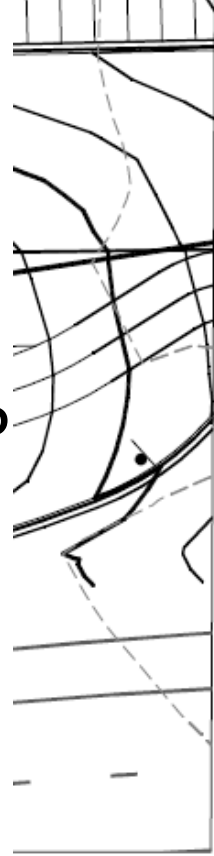
Thank you for your time, and if any of you would like to visit my property to get a better idea of the impact, you are more than welcome.

Carole Alex
946 Oakwood Dr.
303 660-8149
Cell: Bob Alex 303 945-1661
Carole@PassportMS.com

- Page 3 SDP



• Page 8 SDP



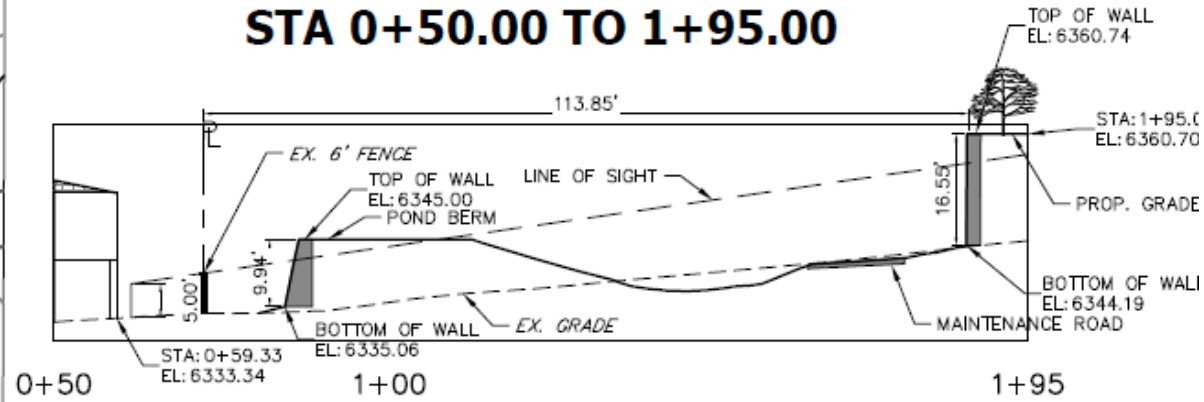
BASIS OF BEARING:

THE WEST LINE OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH P.M., MONUMENTED BY A 2-1/2" ALUMINUM CAP STAMPED "LS 24960" AT THE NORTH AND A 2-1/2" ALUMINUM CAP STAMPED "LS 38376" AT THE SOUTH, BEING ASSUMED TO BEAR N02d18'30"E.

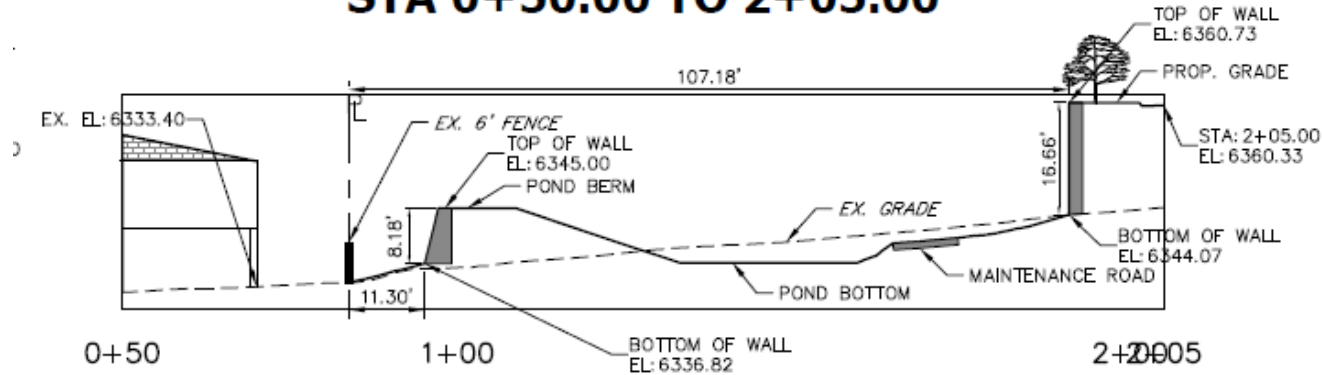
BENCHMARK

#5 REBAR W/O CAP @ SE CORNER OF LOT 1, BLOCK 3, WOODLANDS FILING NO. 8. ELEVATION=6388.90 NAVD88

**SECTION J-J PROFILE
STA 0+50.00 TO 1+95.00**



**SECTION F-F PROFILE
STA 0+50.00 TO 2+05.00**



From: Jeri Brown <Jerib7@outlook.com>

Date: June 16, 2018 at 10:17:34 AM MDT

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, "Jason Bower" <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: "landerson@crgov.com" <landerson@crgov.com>

Subject: **Rebuttal of Staff Report**

Dear Town Council Members,

Please accept this as part of the official record for the Town Council Meeting on June 19, 2018.

I am using this email to rebut several items in the staff report (attached), titled "Agenda Memorandum", submitted to you on June 14th for the meeting on June 19th. I have written to you before on some of these topics, but since they are in the report on which you *should be* able to rely, I feel compelled to tell you that many of the statements in the staff report are incorrect or misleading. And I know I won't have the opportunity to rebut this report otherwise.

1. Interface Regulations and Buffer:

In the Executive Summary on page 1, Mr. Detweiler says that the site is ALSO subject to the Interface Regulations. He is correct here in saying that it is ALSO subject to these regulations, but later on the staff use *only* the Interface regulations and inexplicably ignore the rest of applicable code. They can't and won't explain to the residents how they can possibly come to such a convoluted conclusion. On p.5, the report states there is a 30ft. buffer area with transitional screening of a manufactured rock wall. The rock wall isn't there to screen anything from the neighbors. The rock wall is a structure on which to put a parking lot and screens nothing. All neighbors will see is a flat wall with a few scattered trees. The rock wall all along the northern edge of the residential area is only 24 ft. away, not the minimum required 30 ft. This also violates the required amount of landscape and buffer space you approved in Ordinance 2017-018 as it reduces some parts of it by 20%. It does not protect residents and is not in the best interest of residents. Neighbors will be damaged economically and in their quality of life by the height of the wall and the location of the wall. The wall on the western edge will be a huge visual monstrosity to all of Castle Rock as they enter and exit through the Gateway. And this area still is the Gateway per the Design Guidelines (see discussion below).

<http://www.crgov.com/DocumentCenter/View/240/Design-Guidelines---Full-Version>

Interface regulation 17.50.040 requires a 30 ft. buffer and states that buffers must be kept free of structures. True, there is a statement that retaining walls are allowed in the Interface code provisions. However, retaining walls and structures are not defined in this chapter (chapter 50) although there is a definition section in the Interface provisions. Interface Section 17.50.020 defines some specialized terms that are not used in other chapters. Structure is only defined in 17.14, which states that the definitions in this section apply to **all of Title 17**. Section 17.14 defines structure as "anything erected which requires a location on the ground or is attached to something having a location on the ground... retaining walls less than 48-inches in height will not be considered a structure for the purposes of enforcing setback requirements." This implies that retaining walls over 48 inches would not be allowed in the setback or buffer. Setback is also defined in 17.14. "Setback means the minimum required distance between a building or other structure and a property line. Retaining walls less than 48-inches in height will not be considered a structure for the purposes of enforcing setback requirements".

The interface regulation's purpose (17.50.010) is to protect established residential areas from any negative impacts of new nonresidential uses. 17.01.020 requires a more restrictive reading of any ordinance when there is conflict between provisions. Town staff has stated in writing that they are limited to following **ONLY** the Interface provisions and that the other provisions don't apply. If you follow the staff's "reasoning", any size retaining wall can go anywhere inside the 30 ft. buffer, even only one foot or inches away from a resident's property line essentially negating the requirement of a 30 ft. buffer.

The Current and Proposed SDP measures from the parking lot on top of the retaining wall, not the structure

that holds up the parking lot and building, also called a “retaining wall” by staff. Current and Proposed SDP under “Site Development Plan General Notes”, #12, states:

“Retaining walls, sections of retaining walls 4-feet in height or higher or tiered walls must be designed by a structural engineer licensed in the state of Colorado and must receive a building permit from the Town of Castle Rock prior to the issuance of the public works permit.”

This note supports and is consistent with the definitions above that any retaining wall over 4 ft. in height is a structure as it requires a building permit.

2. Traffic issues pp. 5-6:

The report is misleading in what percentage of vehicles will touch Canyon. The writing is obscure and readers are made to decipher and add up the percentages, which come up to a total of 65 % of the traffic per the report numbers using the very small section between Woodlands and Calvary’s entrance on Canyon. Since there is only a right in and right out onto Fifth, clearly the people who turn right in from Fifth to get to church will have to leave another way (Canyon) in order to return home. The people who come from the west, will have to use Canyon since they can’t turn left. They can only leave by Fifth. So virtually all the cars will use some part of Canyon on a Sunday coming or going (or both) unless they are headed downtown after church.

This is just common sense. It’s not a computer generated number. The numbers, which were computer generated guesses, from the staff report are 273 weekday and 1099 Sunday trips. If churchgoers turn right onto Canyon after church, there is only the equivalent of about 3 homes plus the entrance to two adjacent two cull-de-sacs in this very short distance between the Calvary Canyon access and Woodlands. Common sense says that there will be a tremendous backup and most people will turn left on Canyon to avoid this backup. Then all that traffic will use Canyon as their exclusive route.

The staff report does not mention that neighbors asked repeatedly about other options, such as a light or a traffic circle onto Fifth to give full access there. The Transportation Department told neighbors just this week that they were never asked by the developer to evaluate whether a traffic circle could be placed on Fifth St.

However, this idea WAS suggested by one of the neighbors, but no one paid attention to him. A traffic circle would alleviate the massive traffic jams we will see on our small residential street, while slowing down all those speeders on Fifth. The second access point required by the Fire Department could be onto Canyon *for emergency vehicles only* without disrupting the neighborhood.

The report does not mention the safety concerns brought up by residents many times. There is a blind curve right at the access point on Canyon. Several of us have almost been hit by cars that normally speed down our hill due to this blind curve.

Applicable Ordinances:

17.01.010 - Compliance with regulations.

A. No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied **except in conformity with all regulations** established in the Castle Rock Municipal Code, including this Title.

17.01.020 - Interpretation; conflict with other laws.

A. The interpretation and application of the provisions of this Title shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this Title are at variance with the requirements of the Castle Rock Municipal Code or any other lawfully adopted rule, regulation, or ordinance, **the more restrictive or that imposing the higher standards shall govern.**

17.10.010 - Applicability.

A. The general design principles set forth in this **Chapter apply to** the design and layout of PD Plans, **Site Development Plans**, Subdivision Plats (see Title 16, CRMC), and Construction Documents (see Title 15, CRMC), as well as to the design and layout of individual lots, sites or tracts.

17.10.020 - Purpose and intent.

This Chapter is intended to ensure that the development of land is done in such a manner as to:

K. Provide for the **safe and efficient circulation of traffic** throughout the Town, the mitigation

of congestion in the streets and highways and along pedestrian ways; and

3. Neighborhood Outreach, p.6:

Yes, there were several meetings. One reason is that things kept changing and we had to keep meeting to discuss them. Believe me, no one enjoys going to these meetings, but we believed the signs that say, "We Want to Hear from You." We found out quickly that Calvary especially and the Town did NOT want to hear from us or answer our questions. They only wanted to tell us what they were going to do. The meetings became more and more contentious. Many questions and important concerns were left unanswered and were never addressed. Calvary did make a few *very small* changes, and thought that would suffice. But those changes are only a drop in the bucket of what it will take to make this SDP compatible with the neighborhood as required by the Comprehensive Plan and Code Section 17.10.020, which *specifically applies to SDPs*.

List of Issues beginning on p. 6:

#2 Retaining Wall. The retaining wall 24 ft from the Weides' property is still 15 ft. tall. They may have reduced the height just a bit, but with the fence on top it will be almost 19 ft. It is still too tall. This small change did not address our concerns. It's like a child asking for a cookie and someone giving him a crumb. Calvary says we won't see the fence on top as it is set back from the edge by a few feet. But anyone who knows geometry knows that of course we will be able to see the fence and the junipers planted close to the edge now making this wall plus plants well over 20 ft. The only reason they have to put in a retaining wall this high is because they are not following the topography and they are overdeveloping the land and need more parking spaces. The report also reiterates that retaining walls are inside the buffer, but this not following the "plain meaning of the law" rule of interpretation, as discussed above.

#3 Site grading. The report states that the design measures mirror the slope. This is incorrect. The SDP does not follow the requirement that grading should be shaped to complement the natural land forms rather than shaping the slope to accommodate structures, roads, and lots. The proof that the grading does not follow the terrain is the fact that Calvary has to build a wall over 16 feet tall in some places plus a 3 ½ foot fence plus junipers, which could add 6 feet or more on the western end just to be able to put in a large parking lot. The SDP contemplates moving dirt from the top and building a hill out of it on the western end. The current elevation at the high point is 6410 and the lowest elevation is 6336 between the east end and the end of the retaining wall (74 ft.) The SDP shows a high point of 6385 and the low point is 6365 or a 20 ft reduction for this same area. (See attached graph) The slope will be reduced from 9.42 % to about 3%, a terrain removal of more than 68%. When a lot is cut off and reduced by 54 ft. and 68 % of the terrain is removed, then it is **not** following the terrain as required by law. Calvary will show you a tiny section of the lot where the building is stepped down. But there has not been any effort to step down the parking lot. The plan is too big for the lot without imposing on the neighborhood and impairing our quality of life. The ordinance says "shall", not "if you feel like it". This also does not follow requirements of the Gateway provisions. Town staff will say that they don't apply because they don't consider this the Gateway. But the 2030 Comprehensive Plan states that it incorporates much of the 2020 Plan and there is nothing that indicates otherwise. The western portion, and probably the eastern portion also is in the Gateway. See diagram of where the Gateway is on page 95:

<http://www.crgov.com/DocumentCenter/View/240/Design-Guidelines---Full-Version>

Applicable Ordinances:

Chapter 17.10 - Land Development - General Design Principles

17.10.010 - Applicability.

A. The general design principles set forth in this Chapter **apply to** the design and layout of PD Plans, **Site Development Plans**, Subdivision Plats (see Title 16, CRMC), and Construction Documents (see Title 15, CRMC), as well as to the design and layout of individual lots, sites or tracts.

17.10.030 - Land suitability.

A. Terrain, vegetation, unique site feature preservation.

1. In the site planning and layout of any development, consideration shall be given to the relationship of roads, lots and buildings to existing slopes, grades, natural vegetation and drainage

ways. All structures and roadways shall achieve a fit with the landscape that is not unduly intrusive.

#8 Ground water. This issue is not addressed in any substantive way in this report. It's just been swept under the rug. To be honest about it, the report should have included all our concerns about the underground streams that originate up past Founders and flow downhill under our properties and the streets. This issue was brought to the Town's and Calvary's attention on Day One. But no one responded. Finally someone in the Water Department heard us late in the game just a few weeks ago in May and met with us neighbors on **May 14, 2018**.

None of this is even mentioned in this report to you. Staff have chosen to ignore what has actually been talked about. The Water Department is working on trying to mitigate the problems, by changing a normal detention pond that is grassy and fairly attractive to one that is concrete and will have standing water in it all the time. BUT the cure can often bring its own problems, such as mosquitoes and vermin, to the adjacent properties and to the Town. The Town engineer told us there are no guarantees that anything will fix the potential for flooding and damage to homes and streets. We citizens want to know who will be liable when we are harmed when this parcel is overdeveloped as is currently proposed. WE are not assured that we will be protected by our Town.

Pertinent Municipal Code provisions that SPECIFICALLY APPLY to SDPs:

Chapter 17.10 - Land Development - General Design Principles

17.10.010 - Applicability.

A. The general design principles set forth in this Chapter apply to the design and layout of PD Plans, Site Development Plans, Subdivision Plats (see Title 16, CRMC), and Construction Documents (see Title 15, CRMC), as well as to the design and layout of individual lots, sites or tracts.

.....

17.10.020 - Purpose and intent.

This Chapter is intended to ensure that the development of land is done in such a manner as to:

- A. Protect and provide for the public health, safety and general welfare of the Town;
- B. Promote orderly growth and provide for the harmonious development of the Town in accordance with the Comprehensive Plan;

.....

J. Conserve and enhance the value of land throughout the Town and the value of buildings and improvements upon the land;

.....

17.10.030 - Land suitability.

A. Terrain, vegetation, unique site feature preservation.

.....

4. Significant natural drainage ways shall not be disturbed or re-routed except where of general benefit to the overall development.

#10 Wildlife

Report does not take into account the impact on wildlife as required by the Municipal Code. The Code in 17.10.030 states that **wildlife must be considered**. Only in sensitive land is it necessary to contact the Colorado Department of Wildlife. The Town did refer it to the Department of Wildlife, but when they heard nothing back, they closed that inquiry without making their own. The neighbors tried to bring their concerns over wildlife to the Town staff, but it fell on deaf ears. One neighbor called the Colorado Department of Wildlife and was told they don't look at parcels this small. Shouldn't the Town have known that? The person from Colorado Department of Wildlife told the neighbor he would drop by anyway, but nothing of substance was reported to the neighbor. They clearly weren't interested. The Town has a duty to investigate the wildlife issues and not just merely refer it to a body that doesn't even look at such parcels of land. The Town failed in this duty.

Applicable Ordinances:

Chapter 17.10 - Land Development - General Design Principles

17.10.010 - Applicability.

A. The general design principles set forth in this Chapter apply to the design and layout of PD Plans, Site Development Plans, Subdivision Plats (see Title 16, CRMC), and Construction Documents (see Title 15, CRMC), as well as to the design and layout of individual lots, sites or tracts.

17.10.030 - Land suitability.

A. Terrain, vegetation, unique site feature preservation.

.....

6. Consideration shall be given to wildlife impacts in the layout of open space areas within the development. All development proposals involving *sensitive lands* should be referred to the State Division of Wildlife for information and comment on animal habitat preservation. Where designated threatened or endangered species are present, the developer must conform to all applicable state and federal restrictions and permitting requirements.

WE are not opposed to a church being built on this land. WE were originally told it would be a small church, but it has tuned into a mega church that is too big for the lot. I am pleading with you to send this SDP back for a redesign that follows the Municipal Code using the plain meaning of the law that is obvious to everyone except apparently the Town Staff. We neighbors have already spent a lot of time and money hiring an attorney and an appraiser. We would prefer not to have to take this problem to court.

Thank you for your time.

Jeri E. Brown, JD

jerib7@outlook.com

cell: 303.887.5678

cum Audentia et Gratia



AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: Bill Detweiler, Director, Development Services

From: Donna Ferguson, Senior Planner, Development Services

Title: Calvary Chapel Site Development Plan

Executive Summary

Calvary Chapel Castle Rock (the applicant) is requesting approval of a site development plan (SDP) in order to construct a 22,788 square foot church on a 5.4 acre site located at the northwest corner of the intersection of Fifth Street and Woodlands Blvd., adjacent to an existing single-family residential neighborhood (Figure 1).

The site development plan is regulated by the Calvary Chapel Planned Development Plan & Zoning Regulations (PDP) which was approved by Town Council on June 20, 2017. The Calvary Chapel PDP designates use areas as well as minimum development standards for the site. The Planning Commission and staff find that the proposed site plan conforms to all use areas and all related development standards of the PDP.

The SDP, because it proposes a non-residential use adjacent to residential uses, is also subject to review for conformance with the Town's Residential/Nonresidential Interface Regulations (Interface Regulations). The purpose of the Interface Regulations are to mitigate the impacts of nonresidential uses upon residential uses by creating a compatible residential/nonresidential interface which is visually attractive and interesting.

The SDP has proposed to meet the Interface Regulations by doing the following: orienting the building and configuring the parking lot to mitigate parking and lighting impacts on the adjacent residential properties, painting the building a neutral color and incorporating material articulation into the architecture to provide an attractive building, dedicating a 30-foot buffer area and providing transitional screening which includes a manufactured rock retaining wall and landscaping containing existing native scrub oak and new evergreen tree plantings to provide a visually attractive transition. Conformance with the Town's Residential/Nonresidential Interface Regulations must be reviewed and decided upon by Town Council after review and recommendation by Planning Commission.

On May 24, 2018, following detailed discussion, the Planning Commission voted 5-1 to recommend approval of the SDP application as presented. Commissioner discussion primarily focused on the retaining wall as a mitigation measure to meet the Interface

Regulations, Canyons Drive access and general challenges associated with infill development. In addition to presentations made by Town Staff and the applicant, Planning Commission heard public comment from 14 residents who raised issues related to the location of the retaining wall within the buffer/setback, the retaining wall

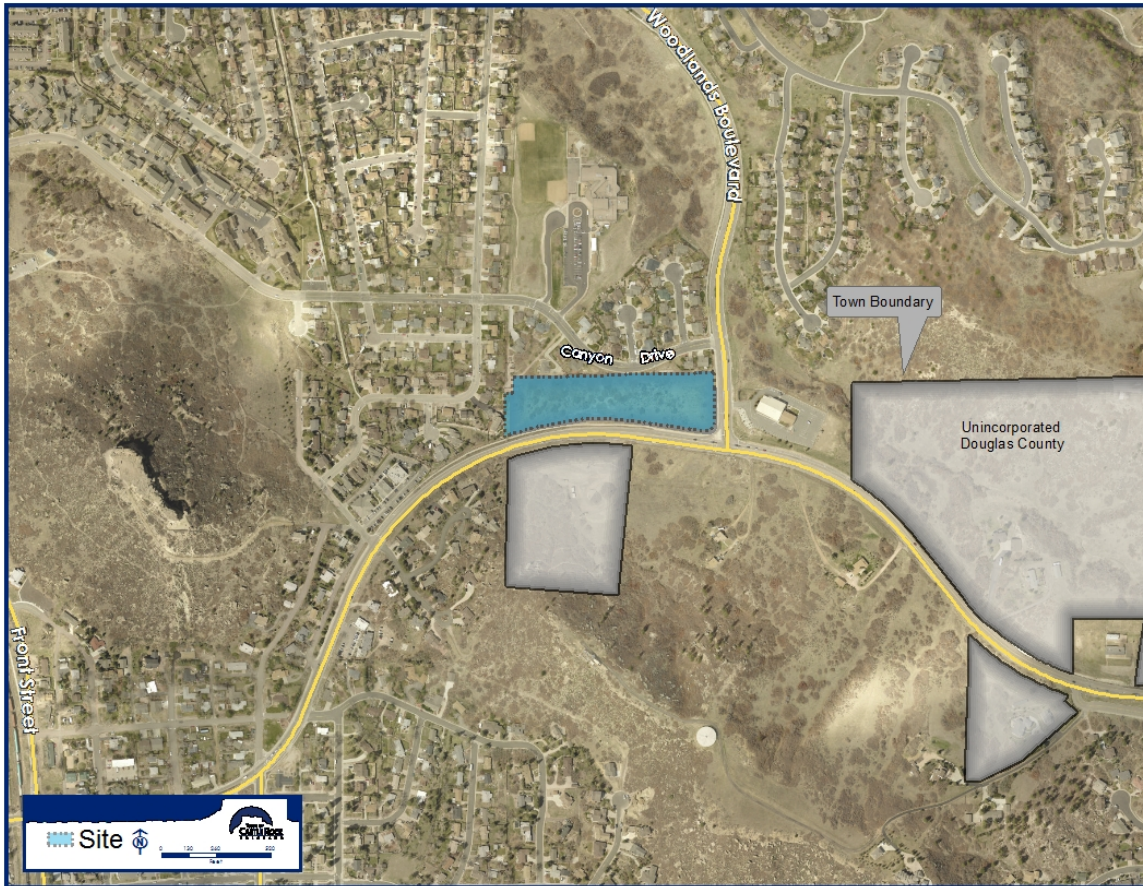


Figure 1: Vicinity map

height, impact of the church on both property values and traffic, as well as drainage, detention pond and mosquito concerns.

SDP Discussion

Background

The SDP application was previously submitted to the Planning Commission for consideration on January 11, 2018, at which time Planning Commission voted 4-0 to recommend approval of the application to Town Council. Further discussion concerning the maintenance access for the drainage pond necessitated a redesign of the access path. The redesign was substantial enough to require a resubmittal of the SDP to the Planning Commission for re-consideration. In addition, based on feedback from two neighborhood meetings held since the original PC hearing the retaining wall height, landscaping, lighting locations and section details were also revised. The SDP application was returned to Planning Commission for re-consideration on May 24, 2018

proposed SDP meets all the development standards of the CH use area as illustrated in the Zoning Comparison Chart (Figure 3).

Calvary Chapel PDP		
Use Area	CH	
	PD Requirement	Proposed (this SDP)
Permitted Uses	Church and related uses	Church and related office and classroom uses
Min. interface buffer for north & west prop. line	30'	30'
Minimum setback from Fifth St.	25'	41'
Minimum setback from Woodlands Blvd.	25'	315'
Minimum setback from north prop. line	30'	67'
Minimum setback from west prop. line	30'	434'
Max. Building Coverage	35%	10%
Max. Floor Area Ratio (FAR)	0.35	0.10
Maximum building height	35-feet	33-feet 7-inches
Max. spire height above building	15'	n/a
Minimum Parking	1 space per 3 seats	253 spaces (758 seats/3=253 spaces)

Figure 3: Zoning Comparison Chart

Interface Regulations

The purpose of the Residential/Nonresidential Interface Regulations are to mitigate the impacts of nonresidential uses upon residential uses by creating a compatible interface which is visually attractive and interesting. The Interface Regulations were approved and adopted by Town Council on July 22, 2008 after considerable review and discussion by Planning Commission and Town Council. The Interface Regulations balance the needs and interest of both the residential and nonresidential communities and permit Town Council to approve deviations. The Interface Regulations do not remove or reduce entitled zoning.

The Interface Regulations define a compatible interface to include part or all of the following:

1. Minimize the visibility of undesirable, nonresidential uses and activities from residential uses through building orientation.
2. Provide attractive buildings with thoughtful architectural detailing.
3. Create a visually attractive transition between nonresidential and residential uses with the use of walls, fences, berms and/or landscaping.

The Interface Regulations also outline buffers and transitional screening as mitigation requirements; the buffer requirement is a prescriptive based standard which is based on

intensity of use and/or building size while the transitional screening requirement is a performance based standard intended to allow flexibility in design to meet the regulation.

This site plan is governed by the Interface Regulations along the north and west property lines where the church use interfaces with single-family homes. The SDP has proposed to meet the Interface Regulations by doing the following:

1. Orienting the building and configuring the parking lot to mitigate parking and lighting impacts on the adjacent residential properties.
2. Painting the building a neutral color and incorporating material articulation into the architecture to provide an attractive building.
3. Dedicating the required 30-foot buffer area and providing transitional screening which includes a manufactured rock retaining wall and landscaping containing existing native scrub oak and new evergreen tree plantings to provide a visually attractive transition.

Transportation and Traffic Analysis

The site is located at intersection of two major arterial roadways (Fifth Street and Woodlands Blvd) and a minor collector roadway (Canyon Drive). Planned site access is via a full-movement driveway on Canyon Drive and a restricted right-in/right-out driveway on Fifth Street. In addition, pedestrian walkways are proposed at the two access driveways that will connect the Town's sidewalk system to the site's internal walkway system. Public Works concurs with the planned access.

A site-specific Transportation Impact Analysis (TIA) was prepared by JR Engineering (January 2017) and reviewed by the Town's Public Works Department. As a method of assessing the project's traffic impacts, the TIA compared existing traffic to year 1 and year 20 traffic projections, with and without the project. The analysis accounted for expected traffic from proposed nearby projects along the Woodlands Blvd corridor north and south of the subject site.

Based on a church usage, the project is expected to generate an average of 273 weekday and 1,099 Sunday trips. Peak hours are estimated to generate 17 trips on weekdays with 11 trips in the a.m. peak hour and 6 trips in the p.m. peak hour. On Sundays the project is expected to generate 361 peak hour trips with 177 trips entering and 184 trips exiting during this peak hour.

Drivers will access the site at two points: a full-movement access on Canyon Drive and a right-in/right-out access on Fifth Street. The TIA projects 5% of the traffic will travel along Canyon Drive to the west of the site; 15% will travel on Woodlands North of the site; 35% will travel on 5th Street west of the site; and 45% will travel on 5th Street east of the site.

The TIA recommends augmenting the existing southbound left-turn lane on Woodlands Blvd. at Fifth Street within the next 20 years by constructing an additional (second) left-turn lane and redesigning the existing median to preclude left-out turns from the existing church (Church of Christ). Precluding left-out movements at the church is required for

proper functioning of the proposed southbound dual left-turn lanes. Public Works concurs with the TIA recommendations.

An approved Development Agreement (DA) obligates the owner to construct right-of-way improvements along the Fifth Street frontage with the first plat on the property. These improvements include curb, gutter, sidewalk, lighting, streetscape, and roadway drainage. The DA also obligates the owner to provide cash-in-lieu for the second left-turn lane and related reconstruction of the existing median on Woodlands Blvd at time of DA recordation. The Town will utilize the cash-in-lieu to construct the Woodlands Blvd. improvements when warranted.

Neighborhood Outreach

The applicants held a total of five formal Neighborhood Meetings to share and discuss the Calvary Church development proposal. These meetings occurred on October 11, 2016, March 12, 2017, September 12, 2017, March 15, 2018 and March 27, 2018. These meetings were in addition to two informal neighborhood meetings held in January of 2016 and a series of home visits between the applicant and adjacent homeowners during the winter and spring of 2016. Through the neighborhood outreach process the following concerns were raised and subsequently addressed by the applicant in the SDP application.

1. Residential/Nonresidential Interface screening elements. Concerns regarding the planting of evergreen trees and removal of the native scrub oak. *The applicant revised the SDP to keep the native scrub oak, along with the existing grade, in addition to adding evergreen trees as screening elements.*
2. Retaining wall. Concerns regarding the proposed height of the retaining wall and its location within the buffer/setback. *The applicant revised the SDP to reduce the maximum height of the retaining wall by two-feet which was accomplished by steepening the grade of the site from the ideal grade of 2% to 4%. Note: the Town's Residential/Nonresidential Interface Regulations allow walls within the buffer (17.50.040).*
3. Site grading. Concerns regarding the proposed grading not being designed to conform to the slope. *The SDP proposes terracing the grading from east to west and also proposes a building design which splits the church into two separate floor elevations. Both of these design measures mirror the slope of the grade and minimize grading activity.*
4. Site access. Concerns regarding the proposed access off of Canyon Drive rather than an access off of Woodlands Blvd. *Town criteria (Transportation Design Criteria Manual Section 3.2.4) does not permit direct private access to minor arterial roadways, such as Woodlands Blvd., unless it can be proven that the access would not cause significant impacts to traffic conditions. In this case an access off of Woodlands Blvd. would interfere with the southbound intersection approach on Woodlands Blvd., thus access on Canyon Drive rather than Woodlands Blvd. is appropriate.*
5. Parking lot lighting. Concerns regarding the light and visual pollution caused by car headlights and parking lot light poles. *The SDP proposes a parking lot which sites the parking spaces internal to the site rather than along the perimeter and facing the single-family homes. In addition, the applicant revised the SDP to*

remove all the light poles along the northerly and westerly perimeter of the site. These design measures mitigate both the light and visual pollution of the parking lot lighting.

6. Drainage. Concerns regarding the proposed development increasing surface flooding to the single-family homes to the west. *The SDP proposes an onsite detention pond which will capture surface water runoff and then slowly disperse the accumulated surface water at the appropriate rate to the existing storm water system.*
7. Detention pond. Concerns regarding the proposed detention pond's elevation above the single-family homes to the west. *A technical review of the proposed detention pond will be performed at time of Construction Document (CD) application. Technically sound engineering design for the pond will be determined during the CD review and approval process.*
8. Ground water. Concerns regarding the proposed development's impact on groundwater. *Groundwater impacts and mitigation efforts, if any, will be determined during the CD review and approval process.*
9. Signalization. Concerns regarding the need for signalization of the Woodlands Blvd. and Canyon Dr. intersection. *The Traffic impact analysis for the SDP collected and analyzed current and projected traffic data for the existing approaches at the Woodlands Blvd. and Canyon Drive and determined that a signal is not warranted at this location and would likely degrade intersection efficiency.*
10. Wildlife. Concerns regarding the proposed development's impact on wildlife. *An external referral was sent to Colorado Parks & Wildlife, an agency partner, at time of zoning and site development plan review with no concerns or objections being reported.*

External Referrals

External referrals were sent to various public and private utility providers as well as the Town's jurisdictional and agency partners with no objections being reported.

Notices

Posted, written and published notices were performed in accordance with the Town of Castle Rock Municipal Code.

Budget Impact

The proposed Site Development Plan will generate review and impact fees.

Findings

Planning Commission and Staff find that the SDP meets the objectives and criteria of the Calvary Chapel Planned Development Plan as well as the Town's Site Development Plan review and approval criteria.

Recommendation

Planning Commission and Staff recommend approval of the SDP application as presented based on the analysis and findings summarized in this report.

Proposed Motion

I move to approve the resolution as introduced by title.

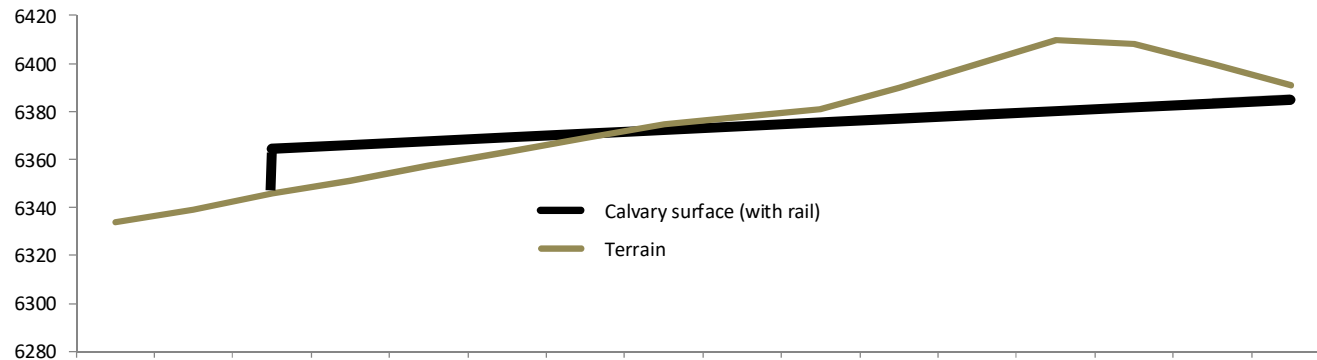
Attachments

Attachment A: Resolution
Exhibit 1: Site Development Plan

Bill of Particulars #1 - Retaining Wall, Grading and Set-back Violations (continued)

- The planned grading seeks to eliminate any hint of the natural terrain (analysis provided by the neighbours when Calvary refused):

Calvary Surface vs. (actual) Terrain in feet of elevation																
Δ		2	2	2	2	2	2	2	2	2	2	2	2	2	2	
Calvary surface (with rail)		6365	6366	6368	6369	6371	6372	6374	6376	6377	6379	6380	6382	6383	6385	
Terrain	6334	6339	6346	6351	6358	6363	6369	6375	6378	6381	6390	6400	6410	6408	6400	6391
Measurement Point	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15



This is how Calvary Chapel plans to fulfill their "duty to faithfully comply with the law" with respect to (1) "Site features preserved" and (2) "Grading to natural landforms." (17.10.030 A 3 and 17.10.030 B) ... v1.3

From: Jason Grant <jason.grant.74@hotmail.com>

Date: June 17, 2018 at 3:39:40 PM CDT

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, "Jason Bower" <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: "landerson@crgov.com" <landerson@crgov.com>, Alyssa Grant <algael@gmail.com>

Subject: Calvary Chapel SDP - June 18, 2018 Town Council Meeting

Honorable Mayor and Members of Town Council,

Please accept this email as part of the official records for the June 19th, 2018 Town Council Meeting.

We live at 1400 Canyon Dr. and would like to express our concerns related to the Calvary Chapel SDP.

This is the current view from our living room:



Everywhere that you see green and sky will be replaced by a wall because the wall that Calvary wants to build is as tall as the where our exterior walls meet our roof. This is devastating to us.

Our home's property line is just past the railing of our deck, so this wall will be VERY close to our home, blocking our view of the mesa beyond and Devil's Head, but even moreso, almost all light that currently fills our home.

As you might imagine, this proposed SDP doesn't feel very "consistent and compatible with [the] surrounding neighborhood" as described by Title 17.28.010 C.

Castle Rock's 2030 Comprehensive Master Plan sets forth Principle RG-5.1: "Infill must be compatible in scale and character of the surrounding neighborhoods." We hope you can see from the perspective of our living room, where we spend the majority of our time at home, that this principle has been completely ignored.

Additionally, we are deeply concerned that the Planning Department seems to be arbitrarily applying

the definitions set forth in Title 17.14 of Castle Rock Municipal Code as it relates to interface regulations.

Coming from an insurance background (Alyssa) and a financial background (Jason), we feel like we have a pretty good grasp of the elements of a contract. When a term is defined, that definition applies to the whole of the document, unless otherwise specified.

So, when we read the definition of a structure, and that within that definition care has been taken to specify that retaining walls higher than 48 inches are to be considered a structure, we asked ourselves (and the Town) why Calvary's retaining wall is sitting 6 feet inside the 30 foot setback. Maybe this seems petty to you, but to us, as you can see by our living room view, 6 feet matters.

Yes, interface regulations do allow for retaining walls inside the 30 foot buffer, but why was care taken to limit the definition of retaining walls to 48 inches or less?

In addition, within the definition of "structure," care was taken to specifically call out wall height as it applies to *enforcement of setback requirements*. Why was reference made to setback requirements if a retaining wall of any size was allowed?

According to the Planning Department's arbitrary application of the definition of a structure, a 1000 foot retaining wall could be built right at our property line, simply because it's a retaining wall inside the 30 foot buffer.

Kevin Wrede says retaining walls are allowed anywhere on the property, so there was no need to list the allowance of retaining walls less than 48" in the buffer zone.

But you can't just arbitrarily shed a defined term because you think there is no need for it in a specific section. That's not how legal documents are written.

If retaining walls of any height are allowed in the buffer, why has retaining wall not been separately defined in the interface regulations? Why has it been limited to being merely a retaining wall at 48 inches of height or less and becoming something other than a retaining wall, a structure, when its height exceeds 48 inches? That limitation should have been explicitly cast off in the definitions included in the interface regulation section, but it wasn't. Why?

A reasonable person would conclude that it was to prevent a situation like a 1000 foot retaining wall inside the 30 foot buffer. Or in our case, to prevent a 12 foot wall/structure being built 24 feet from our deck, almost dwarfing our home.

We also have serious concerns about traffic and Calvary's very myopic, one-sided traffic study. Calvary's proposed building will make it the 4th largest church in Castle Rock (from a parking capacity standpoint). St. Francis, just a stone's throw away, is the 2nd largest. This is going to create immense traffic stress on Fifth Street.

Canyon Drive already has traffic issues generated by Castle Rock Elementary. We have had car accidents in front of our house resulting from that traffic. Because Calvary's land is zoned for church use, we can reasonably expect traffic on weeknights, coinciding with Castle Rock Elementary's evening events where we, as residents, see cars parked up and down the street. What if Calvary has a funeral during CRE's afternoon dismissal? It will create a lot of problems.

If you would like to see the impact on our home for yourself, you are more than welcome to come visit and stand in our living room and on our deck. See the blind curve on Canyon Dr. See the homes at the

east end of Canyon that will have cars lining up to turn right and left on Woodlands. We already see that when the high school and CRE dismiss for the day. It will be compounded greatly because of the capacity of Calvary's parking lot, which is 2.7 times the size of CRE's. And when you take into account that many students are bussed in, some carpool, and some walk, and that the CRE parking lot is not filled to capacity during school days (but it certainly is during evening events), but our street still experiences a great deal of traffic stress, we are very concerned what will happen when the 4th largest church in Castle Rock moves in.

If you would like to visit, we understand that things are quasi-judicial, and that you are not allowed to give opinion. You can simply see firsthand what we could experience if the Calvary SDP is approved.

Alyssa will be home most of Monday and Tuesday, should you wish to visit. She can be reached at (503) 523-6623 or Algae1@gmail.com.

Thank you for your time and consideration.

Sincerely,

Jason and Alyssa Grant

From: Christy <christy_hathaway@hotmail.com>
Date: June 17, 2018 at 4:01:05 PM CDT
To: "TownCouncil@CRgov.com" <TownCouncil@CRgov.com>
Subject: Calvary Castle Rock

To the Castle Rock Town Council,

I respectfully request that you vote YES on the the Resolution Approving the Calvary Chapel Castle Rock site Development Plan. I have attended Calvary Castle Rock for almost five years and have been impressed with their concern and love for the Castle Rock community.

Where I grew up there were five churches within minutes of our home, it was a wonderful place to grow up and I believe a large part of that was due to having those churches there. I believe without a doubt that Calvary Castle rock will be a great benefit to Castle Rock and the neighborhood where they wish to build.

Christy Hathaway

From: Larissa <jaris137@comcast.net>

Date: June 17, 2018 at 7:04:46 PM CDT

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: <landerson@crgov.com>

Subject: Calvary Chapel SDP - June 18, 2018 Town Council Meeting

Honorable Mayor and Members of Town Council,

Please accept this email as part of the official records for the June 19th, 2018 Town Council Meeting.

You have hopefully reviewed all of the many issues with the Calvary Chapel SDP, so I won't go into those details here and will try to keep this short.

I request that you deny this SDP as presented. But beyond that, I do not think it can simply be sent back to the Planning Commission for review. Our Town's Planning Staff has shown, through their disregard of codes, ordinances and resident due process, either a wholly incompetent staff, or a staff compromised by collusion, or a combination of the two - neither of which is acceptable to me as a resident and tax payer who is supporting their salaries.

Over the last several months I have read the traffic report related to this project, which was paid for by the applicant and the errors within hand waved by the Traffic department. I have read the Municipal Codes and Ordinances, which Kevin Wrede and Donna Ferguson seem to have permanently misplaced. I have witnessed the many questions asked, and asked some myself, and never saw a cogent answer in response. I do not think any resident of Castle Rock is served by Planning Managers that are not residents of the town in which their actions will have consequences.

This is a town that we all want to be proud of, but the way this has proceeded up till now is shameful. The honorable thing to do at this point is to make it clear codes shall be followed, that this is still a town of it's word, and whatever changes need to be made to ensure such, are implemented across the board.

Thank you,
Larissa Sbarbori
777 Gilbert St.

From: Ann Sullivan <asullivan1109@gmail.com>

Date: June 17, 2018 at 1:00:38 PM CDT

To: <TownCouncil@CRgov.com>

Subject: Calvary Chapel

Hello-

My name is Ann Sullivan. I am a Physician Assistant working in Denver. We attend Calvary Chapel Castle Rock. My husband & I love love love Castle Rock! Also, we love this church because this body of people has a heart & strong desire to serve & be a blessing to the people of Castle Rock. We are requesting that you vote yes on the "Resolution Approving the Calvary Chapel Castle Rock Site Development Plan".

Thank you for your time & consideration!

Ann & Bill Sullivan

----- Original message -----

From: mitvald@aol.com

Date: 6/17/18 7:12 PM (GMT-07:00)

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>, Lisa Anderson <landerson@crgov.com>, Alyssa Grant <algae1@gmail.com>, Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>, Lisa Anderson <landerson@crgov.com>, Alyssa Grant <algae1@gmail.com>

Subject: Fwd: Council Letter

June 17, 2018

TO: Honorable Mayor and Town Council Members of Castle Rock, CO

FR: Ms. Mitzi Valdez

RE: Calvary Chapel SDP

Please accept this email as part of the official records for the June 19th, 2018 Town Council Meeting.

As a resident of Castle Rock for the past 29 years, I have always been in support of the Town Council and the decisions they make with regard to the growth and development of this unique community.

I have been extremely concerned as of recent, with the direction the council has put forth as 'acceptable' for our community surrounding the Calvary Chapel Site Development Plan.

Many residents of the community have shared their personal and neighborhood disappointments the community will experience due to the changes. I personally will have to deal with water runoff, drainage, basement flooding, increased foot traffic behind my home and excessive vehicle traffic and congestion to the two points of access and egress from the proposed parking facilities.

ALL of the residents within an eye shot of this project are expected to loose 10 to 20 percent of their property value as stated by property appraisers and realtors.

I feel the Council is preparing to enter into a no-win situation. Not only is there controversy in today's planning but there is more than a handful of concerns as time goes forward. This is not about a school, Church, shopping center, a fire house, etc. It is a project that immediately affects hundreds of Castle Rock residents and existing local business.

My hope is the Town Council will review this project and consider how it affects all parties.

Respectfully submitted by:

Ms. Mitzi Valdez

936 Oakwood Court

Castle Rock, CO 80104

From: Lisa Bennink [mailto:lisabennink@comcast.net]

Sent: Monday, June 18, 2018 11:01 AM

To: TownCouncil Mailbox <towncouncil@crgov.com>

Subject: Calvary Chapel Castle Rock

My name is Lisa Bennink, I am a resident of Castle Rock and I ask for the council to vote yes on allowing the Calvary Castle Rock to build on the site on Fifth & Woodlands.

Calvary Castle Rock does many wonderful things for the town of Castle Rock including programs for children, senior citizens and the homeless. They would be an asset to the community for them to have the opportunity to build a larger church. Please vote yes!

Thank you,

Lisa Bennink

----- Original message -----

From: Dennis Blanchard <bland0208@gmail.com>

Date: 6/18/18 12:34 AM (GMT-07:00)

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: Lisa Anderson <landerson@crgov.com>

Subject: SDP Calvary Chapel

Town Council,

I request this email be placed in the official record for the June 19, 2018 Town Council hearing on the Calvary Chapel SDP.

Please do not approve this SDP as it now stands--it is just too big. It violates municipal code, slashes property values and will cause even more traffic and drainage nightmares. Most of the concerns would be mitigated if the project was scaled back. Please don't let the very things that attract people to Castle Rock and make it special, unlike Denver and the Springs, be siphoned and diluted away by unmitigated and irresponsible development.

Since, as the neighbors have oft complained, we have no right of rebuttal in these procedures that would seemingly deny due process, I make my rebuttals here.

On 24 May 2018, at the Town Planning Commission meeting, I asked the Commissioners if they had any affiliation with this particular Calvary Chapel. One of the members stated that they already said they had no conflict of interest in the beginning of the meeting. Respectfully, I knew that and that was not my question. In my opinion, one can't comprehensively state they have no conflict of interest, just as one cannot merely tell law enforcement that they have not broken any laws and have it believed and accepted as an unquestionable truth. That judgement is in the eye of the requesting party, which is why we ask specific questions. My concern was if anyone on the Planning Commission or the town planning staff is a member of this church? Additionally, do they have any acquaintance, past or current business relationship or close and continuing friendship with any of the applicant party. Perhaps something they don't consider a conflict of interest I would. Recusal, or at least full disclosure, would seem warranted in these proceedings.

Moving on, the bulk of my testimony concerned outlining the dozens of apparent violations of Castle Rock Municipal Code, Title 17. When addressing my testimony, the town planner, Mr. Kevin Wrede, stated that those code sections don't apply due to various procedural reasons. At the time, I wanted to ask the Commissioners if they could honestly tell me they completely understood Mr. Wrede's rationale, did his reasoning make sense to them and could it be explained further. But of course, these protocols don't allow such discourse. This is not my area of expertise, but why would sections of a code apply in one phase of an application, but not apply in other phases? Does that make sense to you? So, if an SDP changes during that process, as I believe this one has, an applicant is now free to insert aspects that would never have met previous code sections during previous timelines? Where is it written in Title 17 stating that that is the case? It would seem a common understanding by many would be that the entire code applies, throughout the entire process, unless specifically stated otherwise.

Below, at the end, are the apparent code violations I read during my testimony. The language is taken directly from the code itself. It is a truncated discussion, due to the time allotted, that I'm sure many neighbors would love to have in depth and have it explained better, in more detail, why each one does not apply—and allow us to respond and participate, instead of merely being humored to witness an unchallengeable edict.

It would seem that almost all of these concerns could be mitigated if the applicant would just scale back their ambitions by perhaps 30 percent. Even the name, Calvary 'Chapel,' as I understand they use, has connotations of a small place for prayer and worship; a chapel being diminutive to a church. This mega-structure does not fit with my experience of a chapel. Why are they fighting so hard to push this square peg through a much smaller round hole? What is the dire need for such an out-of-proportion scale that puts at risk their relationship with the community they hope to join? Especially when the anticipated site would accommodate something like three or four-times as many parishioners as their largest current service?

The traffic report is excessively complicated, long--I believe it was 85 pages--and, as I recall, has no executive summary or abstract. Has anyone, besides some of the neighbors, read it in its entirety? One would reasonably have to if there is no abstract. I think it fails to consider the comprehensive impact and the common sense realities of life this SDP would bring. It is also apparently paid for by the applicant, which may be the normal practice, but raises concerns of objectivity, potential bias and conflict of interest again. Traffic is of grave concern to me. One of the reasons I cherish for living here is the ability to walk downtown. On 5th Street, and on others like Gilbert, the traffic is intense and incessant. Neighbors on 5th already complain they are unable to back out of their driveways due to the relentless traffic, much of it not obeying posted speed limits. This is going to make that worse, especially in the surrounding neighborhood, which already has issues with traffic.

I thought I heard some comments of the Planning Commission and planning staff run along the lines of the SDP fits within the legal requirements (which is still disputed) and that just because we don't like a development, there isn't much we can do about it. If I heard that correctly, why do we have a planning commission? Are they just a 'pass-through,' a rubber-stamp? Why wouldn't the town planning staff just communicate to the Town Council, skipping the Commission, that the SDP is legal and can be voted on? I think the reason is that these bodies were constructed to represent the interests of the citizens at large, the greater good, not just hide behind legality and claim their hands are tied. I hope I misunderstood that.

It seems to me the neighbors entered into these discussions in good faith, feel that the plan has changed frequently and their concerns are not duly appreciated by the applicant. The applicant was advised by a Planning Commissioner to work with the neighbors and repair the strained relationships, which is nice, but not legally binding and I suspect will receive little to no effort or consideration. The scale of this 'chapel' seems beyond necessity and beyond respect for the neighborhood. Expecting this more from a profit-motivated mega-corporation, I am somewhat appalled and disillusioned it is from a Christian 'chapel.'

Please do not approve this SDP, as it now stands --it is just too big. It violates code, diminishes property values, increases traffic congestion and is not respectful to the surrounding neighborhood.

Sincerely,
Dennis Blanchard
721 4th Street

Some Perceived Code Violations

Traffic

- 17.10.020K
 - traffic circulation is not safe or efficient
 - does not mitigate congestion along pedestrian ways

- 17.10.030C—roads not designed to minimize disturbance
 - C1—traffic circulation is not separated from living areas, is over capacity and noisy
 - C3—does not accommodate an adequate, functional and safe street system
- 17.34.030D5—does not provide adequate consideration to future extension of streets
 - D6—does not appropriately mitigate all traffic impacts, on and off-site

Buffer

- 17.14-Definitions—
 - Setback = minimum required distance between structure & property line (i.e. 30')
 - Structure = anything constructed or erected (not allowed in setback areas), to include...
 - Fences over 6 feet tall = structures
 - Retaining walls over 48 inches tall = structures
- 17.34.030B1—adequate buffer areas not provided
- 17.50.040B—100% of buffer and screening not provided on nonresidential property
 - D—buffers not free of structures (retaining wall over 48 inches)

Aesthetics

- 17.10.030A1—does not fit with the landscape in a way that is not unduly intrusive
 - A2—visual impacts not reasonably mitigated
 - B—grading not adequately shaped to complement natural land forms
- 17.32.010E—not in harmony with surrounding neighborhoods
- 17.50.010A1—visibility of undesirable nonresidential uses and activities not minimized
 - A3—attractive transition between nonresidential & residential uses not created

Wildlife

- 17.02.060C4—adverse impacts on environment not substantially mitigated
- 17.10.030A6—negative impacts to wildlife not duly considered
- 17.34.030F1—does not demonstrate sensitivity/limit disturbance to environmental character

Voice Message Received June 18, 2018, 9:26 AM

Hi, my name is Amy Brooks, and I just wanted to leave a message requesting that you vote "yes" on a resolution approving Calvary Chapel Castle Rock and the Site Development plan that is going to go under Tuesday night. I think that this church has been a part of it for about 3 years and has been a really positive influence both in my family's life and I believe in the Town of Castle Rock in general. Our pastor and our leader believes in spreading God's love and serving the community, and he preaches that every Sunday so that's a part of what we do there. And we're also working with the youth, I work with the high-schoolers, and we go out and do community service both in Castle Rock and Denver, trying to teach our youth to serve and to love others and I think that the growth opportunity of this site plan is exactly what Castle Rock needs. So, I hope that you'll consider that and we just appreciate your consideration. Have a great day. Thank you very much.

From: John Brown [mailto:johnb48@outlook.com]

Sent: Monday, June 18, 2018 10:29 AM

To: Jennifer Green <JGreen@crgov.com>; Renee Valentine <RValentine@crgov.com>; Jess Loban <JLoban@crgov.com>; James Townsend <JTownsend@crgov.com>; Jason Bower <JBower@crgov.com>; George Teal <GTeal@crgov.com>; Brett Ford <BFord@crgov.com>

Cc: Lisa Anderson <landerson@crgov.com>; Robbie Schonher <rschonher@crgov.com>; Shannon Eklund <SEklund@crgov.com>; Bill Detweiler <BDetweiler@crgov.com>; Kevin Wrede <KWrede@crgov.com>; Donna Ferguson <DFerguson@crgov.com>; Jeri <jerib7@outlook.com>

Subject: PowerPoint Presentation for the Town Council Meeting, June 19th Re: The Calvary Chapel Development

Importance: High

(Please accept this as part of the official record for the Town Council Meeting on June 19, 2018 Re: The Calvary Chapel Development)

To the Town Council, Castle Rock:

Dear Town Council members,

I expect to present to this PowerPoint Presentation at Tuesday's meeting. I provide you this in advance for your information.

To the Town Clerk, Castle Rock:

Dear Ms. Anderson, Town Clerk,

Please cause this e-mail and attached PowerPoint Presentation to become part of the official records of the Town Council Meeting of June 19th.

To the Town Development Department and others, Castle Rock:

Dear Ms. Ferguson, Mr. Wrede, Mr. Detweiler, Ms. Eklund,

I have called several people in the Town Offices to determine the process to have a PowerPoint Presentation available for my short talk on Tuesday evening. I've called three offices, and had to leave voice-mails and also been handed off. So far, I've had no response, hence this e-mail.

Mr. Wrede or Ms. Ferguson:

Please arrange that this PowerPoint be ready for projection and my use Tuesday evening in unaltered form. If I need to bring my own computer, please advise.

To the Town of Castle Rock in general:

Please ensure that the names and pictures provided are protected under the privacy laws of the United States and its jurisdictions.

Regards, your neighbour
John Brown

1280 Canyon Drive
Castle Rock, Colorado 80104-1876

Non nobis, DOMINE
johnb48@outlook.com
cell: 720.244.0842



Welcome to ...

Castle Walls, Colorado 80104

circa 2018

Let's take a trip together "Back to the Future" ...



Meet your neighbours, the Grants ...
Alyssa, Jason, Ella, Vivian, Theo and Beatrice

A mere 9 steps off their back deck will be a wall that reaches approximately to their eaves, with cars on top moving in and out at all times of the day and, just a few feet beyond that, the backside of a 2-story building ...



Meet your neighbours, the Weides ...
Barbara and Richard, and Barbara's neighbour.

A mere 12 steps off their back deck will be a wall that reaches approximately to the midpoint of their upper floor, with cars on top moving in and out at all times of the day ...



Meet your neighbours, the Byrnes ...
Kim, Shawn and Alec ... oops, I almost forgot Sydney

A few steps off their back yard will be two tall walls and a detention pond,
a breeding ground for vermin, mosquitos and other health hazards ...



Meet your neighbours, the Alexes ... Carole and Bob, and family spanning 3 generations

About 11 feet from the back of their property will be a 10-12 foot structure for a detention pond, a breeding place for vermin, mosquitos and other health hazards and further out yet another enormous wall of 16 feet for the parking structure ...



Meet your neighbours, the Browns ...
Jeri and John, and Becca, Isaac and Tennyson

A mere 24 feet off their back property line will be a wall that reaches 15½ feet with a guard rail on top that soars over their roofline ...

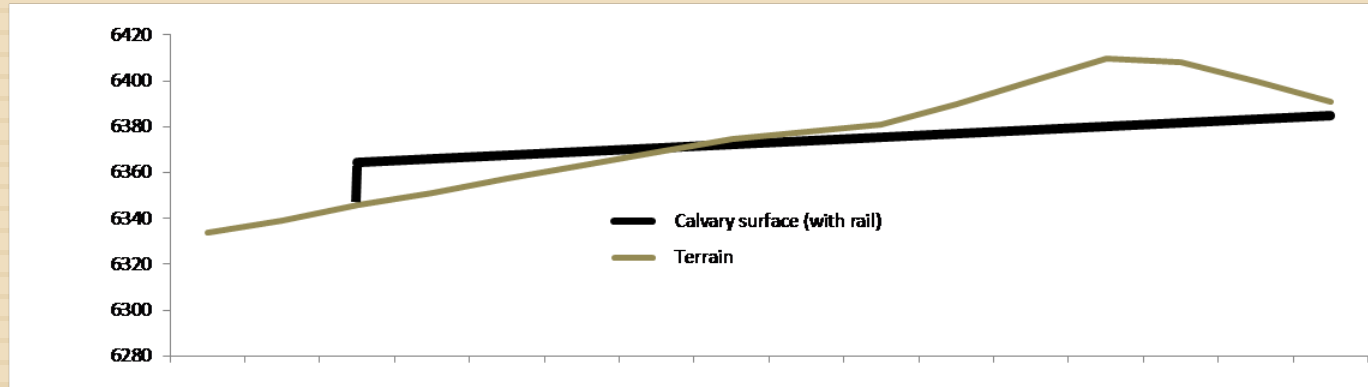


Meet your neighbour, another Brown ...
Cinnamon Joe

Cinnamon Joe has threatened to leave Town if his terrain is
compromised by this wanton, proposed development ...

Calvary Surface vs. (actual) Terrain in feet of elevation

Measurement Point	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Calvary surface (with rail)			6365	6366	6368	6369	6371	6372	6374	6376	6377	6379	6380	6382	6383	6385
Terrain	6334	6339	6346	6351	6358	6363	6369	6375	6378	6381	6390	6400	6410	6408	6400	6391



This is how Calvary Chapel plans to fulfill their "duty to faithfully comply with the law" with respect to (1) "Site features preserved" and (2) "Grading to natural landforms."

(17.10.030 A 3 and 17.10.030 B) ... v1.3

Meet Castle Rock, the Community ...before its identity, its uniqueness is scraped away.

The parcel's very Colorado terrain features are to be leveled into an Aurora-like oblivion ...



Meet Castle Walls, Colorado ... circa 2018

"Back to the Future" - It's a real tragedy ...
The future is now.



Meet Castle Walls, Colorado ... circa 2018

"Back to the Future" - It's a real tragedy ...
The future is now.



Meet Castle Walls, Colorado ... circa 2018

"Back to the Future" - It's a real tragedy ...
The future is now.



Meet Castle Walls, Colorado ... circa 2018

"Back to the Future" - It's a real tragedy ...
The future is now.

People like the Grants will lose equity in their home, and may have to get a new mortgage ... IF they are able.

People like the Browns, Weides and Alexes will lose a substantial portion of their net worth as retirees.

People like the Byrnes and Alexes will have compounded drainage problems, and have to cope with vermin and disease.

The Town will have lost it's moral compass, and the character of its officials will be severely tarnished.

Meet Castle Walls, Colorado ... circa 2018

"Back to the Future" - It's a real tragedy ...

We came to Castle Rock to “live” its community,
and its natural beauty and its terrain.

We wanted no part of an existence like Denver or
Aurora.

Now, we are flattening Castle Rock and we find
ourselves no longer living in Castle Rock,
but rather existing in another Aurora,
a Castle Walls of our own tragic making.

Meet Castle Walls, Colorado ... circa 2018

“Back to the Future” – It would be a real farce ...
if it weren't a real tragedy.

From: Kim Byrne [mailto:kimbyrne@comcast.net]

Sent: Monday, June 18, 2018 3:53 PM

To: Jennifer Green <JGreen@crgov.com>; Renee Valentine <RValentine@crgov.com>; Jess Loban <JLoban@crgov.com>; James Townsend <JTownsend@crgov.com>; Jason Bower <JBower@crgov.com>; George Teal <GTeal@crgov.com>; Brett Ford <BFord@crgov.com>

Cc: Lisa Anderson <landerson@crgov.com>

Subject: Calvary Chapel: Traffic Rubber Stamping is not Objective Analysis

Honorable Mayor and Members of the Town Council,

Please add this email to the official records for the Town Council meeting on June 19th, 2018.

After meeting with two Town employees from Traffic/Public Works last week (Tom Reiff and Tony Marusiak), it became apparent that even though engineering judgement is a recognized part of analyzing a site development plan, it appears little to no judgement was applied by the town to the report prepared by the developer's engineering firm.

Below are the neighborhood's concerns with the study that the town failed to address and/or make you, the Town Council, aware of in their summary to you. It amazes me that an executive summary raises zero red/yellow flags on a project that clearly has significant issues for the neighborhood's future and ultimately impact the town's reputation.

Traffic Report – Rubber Stamped

- Tony Marusiak referred to Traffic analysis as part science and part engineering judgement during the Planning Commission Meeting on 5.24.18. When I asked what judgement was applied to the Traffic Impact Analysis report, I got no direct answer from Tom Reiff.
- The percentages used to represent traffic disbursement should be challenged (5% Canyon, 15% Woodlands, 35% west on 5th, 45% east on 5th). The town simply accepted this disbursement from JR Engineering Traffic Impact Analysis (TIA) with no analysis by the Town to determine the "reality" for the town traffic flow.
- While these percentages are supposedly based on the historical 2016 traffic counts, there was no reality check done on traffic patterns going forward. This current distribution assumes 80% of the traffic coming to the church will come from downtown/Plum Creek or Founders/Terrain.
 - Without demographic data from Calvary's attendance/membership records, it seems reasonable to assume 25% of the traffic will come from four directions at least as a starting point. There was not a single adjustment made to account for the fact that existing traffic is primarily from this side of the highway to begin with and showed no recognition that of the 1099 new trips, people from north and west neighborhoods who never came to this neighborhood before will be arriving.
 - Church traffic will come from the Meadows/Metzlers/Sapphire Point. These are heavily populated neighborhoods and yet, the assumption is only 20% of the traffic will come from those areas. Tom Reiff with the Traffic group said they based the numbers on existing traffic volumes in the Developer's report. A rubber stamp. How many people do you think come to this neighborhood on

a Sunday from the Meadows today? Pretty minimal? That 5-15% (Canyons/Woodlands) is most likely the existing neighborhood traffic moving through their own neighborhood. The church will draw **1099 NEW trips** to this neighborhood. I argue that much more than 20% will come from the north and west suburbs. Where is the common sense in simply rubber stamping these numbers? How can there be no adjustments to distributions given these are NEW trips?

- The report to the Town Council gives no visibility to the number of cars that will travel on Canyon to the east.
 - This traffic is "represented" by the 15%+ 35% when arriving and by the 15%+ 45% when leaving. **95% of cars** will travel (for at least one leg of their trip) the short stretch of road between the church entrance on Canyon to Woodlands.
 - This means 100% of the cars will touch some portion of Canyon either coming or going. 95% will travel on that short portion. For anyone living on that stretch or is located within one of the two cul de sacs off of Canyon, they will get front row seating to this traffic backup and congestion.
 - Again, town employees failed to give any of this visibility so that you could make a well-informed decision. Instead, they rubberstamped the reports and didn't give you the complete picture.
 - And, unless you spent 15+ hours, like I did, pouring through the traffic report to first understand Traffic 101 before beginning to conduct analysis on these numbers, you have to trust the Town employees to give you a complete picture.
 - When was the last time any red/yellow flags were actually given in an executive summary to the Town Council? Is every project presented like this, with no concerns? Neighborhood concerns are listed, but again, they are presented as if the developer has addressed them. They have not!
 - Where is the town's accountability in this?
- Also, this distribution does not honestly represent what will truly happen if 15 minutes of analysis is done.
 - We all know, many of those cars (the 15%) leaving the parking lot will not want to wait to turn left at Woodlands. This is a tough/dangerous intersection today and will only get worse with more traffic and the expansion of Woodlands. These cars will simply decide to go west on Canyon to Front St.
 - We also know that those coming from downtown/Plum Creek will quickly learn what a challenge it is to go up 5th, wait to turn left onto Woodlands, and wait again to turn on Canyon, and wait again to turn into the parking lot. Three left turns. Each with possible wait times. Compare that to any easy jaunt up Front St. to Canyon and then up Canyon (where stopping at stop signs is a mere suggestion) to the church entrance. Yes, two easy right turns with no waiting. What would you choose?
 - Again, UPS did a multi-million dollar study to confirm that making right turns is the quickest way to move through traffic. I believe our town residents are smart enough to figure this out and will begin using Canyon far more frequently on Sundays.
- And how is it reasonable that 45% of the traffic will come from one of four directions into the church? Perhaps we need to ask any downtown businesses if it's safe to assume 45% of their customers come from the Founders/Terrain neighborhoods.
- The executive summary provided in the staff report is biased to the developer and gives no voice to concerns of traffic to the neighborhood other than our question about a signal at Canyons/Woodlands.
 - The traffic group took note of our concerns especially the hazard of turning left onto Woodlands from Canyon, but without this special meeting, there was no communication with the neighborhood about specific concerns. This is why infill projects are so dangerous. The town needs to adjust its communications and procedural processes to account for known issues neighbors can easily identify. No expensive study, just ask the neighborhood. Without such communications your penalize the neighborhood and require them to spend hours trying to understand traffic reports.
 - The traffic group also noted our concern about treacherous traffic habits on Canyon (speed, stop signs ignored, etc). Neither of these are noted in the Staff Report to the Town. Why not? Is it irrelevant because of the 5%? Does it become more relevant if that number moves simply to a more realistic starting point of 20-25%? And reality could be 5-10% higher than that.
 - Why is this analysis not being done prior to this point in a project? Why are citizens forced to

become traffic students in order to point this out when in reality, we know it because we live it. "Curse of the infill project" really comes back to lack of understanding the reasons for the complexity of infill projects and adjusting processes to deal with those issues.

- Traffic/Public Works also chose to agree with the TIA that the additional traffic will not cause any wait times greater than 15 seconds at the Woodlands/Canyon intersection. I've experienced far greater than that (> 60 seconds) in the mornings/afternoons when school is in session. This same "peak rush" will exist during the Sunday peak hour and yet at worst case, the TIA grades this intersection at a 'B' (less than 15 seconds wait). Again, a few questions of the residents and this could have been noted as an unrealistic grading. Another rubber stamp?
- We asked about full access on 5th and the possibility of a roundabout and they responded with they only review what is presented to them as "sound" and within engineering guidelines/town ordinances. It sure seems like the town simply wants to rely on developers to do all the work and not challenge their assumptions or show any concern for the existing neighborhood.
 - Are we so naïve as to think developers have the town's best interests at heart that we never challenge them?
 - Will we curse this neighborhood because the town "processes" have not kept up with its growth?
 - Is it time to "hold" this project so that enough analysis is done to provide the Town Council with quality analysis and not just a rubber stamp?
- Tony Marusiak also made the distinction that if they were doing a capital project (i.e. initiating and designing changes to roads), they would seek neighborhood input. But since this is not their project, they leave it up to the developer to seek neighborhood input and incorporate that as they see fit into their plan. To me it's a huge checkpoint missing in the development process because the town can point to the developer and say "this is what they came up with" and the developer can point to the town and say "they let us do this."

I have posed many questions within this document in an attempt to expose the misleading and incomplete information so you can ask those same questions before rendering your decision on this project.

Please deny Calvary Chapel's current plan to ensure the safety and continued quality of life this neighborhood should be granted based on its history and the future town goals. Please insist these questions are answered before rubber stamping this project and hurting this neighborhood.

Your neighbor,

Kim Byrne

948 Oakwood Dr

kimbyrne@comcast.net

-----Original Message-----

From: Richard Caudle [<mailto:caudlerichard59@yahoo.com>]

Sent: Monday, June 18, 2018 11:14 AM

To: Catherine Jorgensen <CJorgensen@crgov.com>

Subject: Calvary Chapel Castle Rock Site Development Plan

Sent from my iPad. I'm writing this email to urge the Castle Rock Town Council to vote YES on approving the Calvary Chapel Castle Rock Site Development Plan.

The congregation of Calvary Chapel Castle Rock are active members of the city. Many own homes and/or businesses here in Castle Rock. We take part (with other churches) in organizing Vacation Bible School for the town's children. We also open our Church parking lots during the annual "Star Lightening" event and transport people to the town center making it easier for people in the community to enjoy themselves. We use our own cars at no expense to those who use this service.

Please vote Yes to approve this plan.

Respectfully, Theresa Ann Caudle
2015 Bellavista Street
Castle Rock, 80109

303-997-9378

From: Rod Cooksey [mailto:rod_cooksey@yahoo.com]

Sent: Monday, June 18, 2018 1:03 PM

To: TownCouncil Mailbox <towncouncil@crgov.com>

Subject: Vote YES on Calvary Chapel Castle Rock Development Plan

Please vote YES on the Resolution Approving the Calvary Chapel Castle Rock Development Plan. Great communities are built on strong families. Five years ago in August, this church was instrumental in saving my marriage.

Thank you,
Rod Cooksey
4181 Greystone Lane
Castle Rock, Co 80104
720-538-6005

From: Melissa Cota <assilemc@live.com>

Date: June 18, 2018 at 12:40:21 PM CDT

To: "TownCouncil@CRgov.com" <TownCouncil@CRgov.com>

Subject: Calvary Chapel Site Development Plan

I would like to vote YES regarding the Castle Chapel Castle Rock Site Development Plan.

Calvary Chapel has been a positive influence on the community by being attentive and sensitive to the needs of those around us by helping in various community functions, as well as reaching people individually, and by sharing the Good News and hope that we have in Jesus Christ. Also, our current pastor and leadership has been very faithful in the financial stewardship of the building where we are currently located.

Blessings,
Melissa Cota

Sent from [Mail](#) for Windows 10

From: Richard Cota <COLORAD07@msn.com>

Date: June 18, 2018 at 11:31:52 PM CDT

To: "towncouncil@crgov.com" <towncouncil@crgov.com>

Subject: **Resolution Approving the Calvary Chapel Castle Rock Site Development Plan**

To the Castle Rock Town Council,

My name is Richard Cota and I live at 1984 Foxfield Drive in the Woodlands in Castle Rock, and I would like to respectfully request you vote YES on the resolution approving the Calvary Chapel Castle Rock site development plan. I have lived in the Woodlands for 14 years now and drive by the piece of land that Calvary is wanting to build upon almost daily. I would love to see a Church go up there and believe this would be a great addition to my neighborhood. I know that Calvary has benefited our town in many ways, such as supporting several programs that's assist the needy and elderly. Thank you for your consideration.

Sincerely,

Richard Cota

From: My Comcast E-Mail <mskrockymtnguy@comcast.net>

Date: June 18, 2018 at 9:17:18 PM CDT

To: <towncouncil@crgov.com>

Subject: Calvary Chapel Castle Rock Site Development Plan

Hi Town Council Members,

I wanted to tell you what a blessing Calvary Chapel Castle Rock is to the community and what a great impact they make on the community. They help with the Starlighting every year. They also helped my family financially when I was unemployed for 7 months.

I am asking that you please vote Yes on the resolution approving the Calvary Chapel Castle Rock Site Development Plan.

Thank you!

Michael Kruc

From: Michael Likens <michael@gopixel.com>
Date: June 18, 2018 at 12:01:08 PM CDT
To: <towncouncil@crgov.com>
Subject: Calvary Expansion

Hello

I wanted to voice my support for the Calvary Chapel location on 5th. I believe it's a great location for a church, it will benefit the residents in the community and provide the least traffic impact for that parcel of land. With all of the growth and expansion in Castle Rock, Calvary will be better able to serve the needs of those in our community.

Michael Likens
gopixel design studios, inc
303.881.9418
www.gopixel.com

From: Peter Lourdel <plourdel@gmail.com>

Date: June 18, 2018 at 6:48:38 AM CDT

To: <towncouncil@crgov.com>

Subject: Calvary Chapel Castle Rock Site Development Plan

Good morning!

Recognizing that it is often only the opponents whose voice is heard, I wanted to take the opportunity to respectfully request that the Town Council of Castle Rock vote YES on the resolution approving the Calvary Chapel Castle Rock site development plan. I have been a resident in the Castle Rock area since 2003 and a member of the Calvary fellowship since 2004, and I firmly believe that our church will be a great benefit to the community at a new location. Given the fact that the property on Fifth and Woodlands is not open space and will be developed at some point, I can see no better option than for a church such as ours that seeks to honor God by loving Him and loving our neighbors to call that property its home.

Thank you for your consideration, and have a great day!

Peter Lourdel

h: 303.663.6828 | w: 720.489.6438 | c: 303.947.0800

e: plourdel@gmail.com

From: Diane Magaw <dmmagaw@outlook.com>

Date: June 18, 2018 at 12:46:32 PM CDT

To: "TownCouncil@CRgov.com" <TownCouncil@CRgov.com>

Subject: **Calvary Chapel Castle Rock Site Development Plan**

I am requesting that the Town Council vote YES on the Resolution Approving the Calvary Chapel Castle Rock Site Development Plan.

Thank you.

Diane Magaw
6399 Esmeralda Drive
Castle Rock, CO 80108
720-642-0107

From: Mclaughlin, Hal

Sent: Monday, June 18, 2018 5:43 PM

To: JGreen@crgov.com; RValentine@crgov.com; JLoban@crgov.com; JTownsend@crgov.com; JBower@crgov.com; GTeal@crgov.com; BFord@crgov.com

Cc: anderson@crgov.com

Subject: Written testimony and Documents for the Official Record

TO: Honorable Mayor and Town Council Members of Castle Rock, CO,

Please accept this email as part of the official records for the June 19th, 2018 Town Council Meeting.

My family has lived at 1425 Canyon Dr. since 2009. It has been a quiet neighborhood, with manageable traffic (with the exception of CRE start/stop times), and a beautiful view. I am nervous that this is all about to change with the development of the Calvary Chapel Church.

Our understanding was that there was going to be a small neighborhood church that will be developed in the open space, but it turns out the church will have a capacity 750 seats, huge two level parking lot with retaining walls and rails on top of the walls. As the plans have evolved and our neighborhood has become educated on these changes, we've gone from being ok with the building of a church to being greatly distressed over the disruption and infringement on our daily lives. We're asking for our voices to be heard, concerns acknowledged and addressed with genuine, relevant, and factual responses. To date, I don't believe that to be the case.

Many violations that have been brought up in recent meetings on drainage, property value, traffic studies, topography, and setback infringement have not been fully addressed or simply discounted. Here are a few of our concerns, albeit not a comprehensive list. We share the concerns raised by our neighbors for the disregard of the literal wording, intent, and spirit of the ordinances that are being brushed aside, with what feels arbitrarily.

1. Traffic and safety issues

- a. Increase in traffic for a residential area that have many children that play out front and family walking their pets.

Traffic report that we received shows there will be an increase 111 (we believe it will be much higher) cars turning right onto Canyon Dr. which will lead them to Woodlands Blvd., does not address how this will affect Woodlands Blvd., or the cars turning left down Canyon Dr. rather than waiting their turn to use Woodlands Blvd.

- b. I went to the March 27, 2018 meeting when the traffic was discussed, however, the representative(s) that were there to talk discuss traffic concerns were unable to adequately answer the questions.

i. Residents asked if they could possibly put a round-about or light on Fifth street so it could allow the members to exit and enter through fifth street instead of Canyon Dr.

1. It was just stated that wasn't an option

- b. We already have issues with cars speeding up and down Canyon Dr, and this is going to increase the frequency and risk to the neighborhood.

1. Diminishing the beauty of the Gateway in and out of Town by adding a huge wall at the west end near Sunset, removal of the natural and beautiful topography that makes our neighborhood so special.

- a. Instead of looking out our windows and seeing the beautiful scenery we will be looking at a huge building with a big parking lot with tall walls.

i. **17.10.030 A 3** - Unique site features, which would add value to a subdivision or site development or to the Town, such as topographic or rock formations, trees or brush stands, historic sites or areas and similar irreplaceable features, shall receive special consideration in any project design, site planning or development proposal. Such features shall be left undisturbed and preserved in the subdivision or site design to the greatest extent practicable.

ii. Very worried with these changes this will reduce our property value

I'm am writing to beseech you to revisit the plans of the Calvary Chapel SDP, address the concerns raised by our neighbors, and help maintain the true character and safety of our neighborhood.

Thank you for your time and consideration.

Hal and Wendy McLaughlin

720-551-1411

Wendymclaughlin77@gmail.com

From: Jacquelyn Pacheco <itwasmagicstaging@gmail.com>

Date: June 17, 2018 at 8:36:53 PM CDT

To: "towncouncil@crgov.com" <towncouncil@crgov.com>

Subject: Resolution Approving the Calvary Chapel Castle Rock Site Dev. Plan

My name is Jacquelyn Pacheco and I have been attending the church for over a year and I would like to ask for a “yes” vote. I think the community would greatly benefit from all this fellowship has to offer.

From: Robert Picciotta <rpicciotta@denver.chicompanies.com>

Date: June 18, 2018 at 9:42:46 AM MDT

To: "towncouncil@crgov.com" <towncouncil@crgov.com>

Subject: Calvary Chapel

Dear Town Council,

As Castle Rock residents and members of Calvary Castle Rock we ask that you approve the site development plan at this week's meeting.

Thank you for carefully considering this issue.

Respectfully,

ROBERT & DIANA PICCIOTTA

345 Johnson Drive

Castle Rock, CO 80104

303.912.6058 & 303.718.9553

From: Lindsay Sawyer <sawyerfamily521@gmail.com>

Date: June 18, 2018 at 5:03:18 PM CDT

To: <TownCouncil@cr.gov>

Subject: Calvary Castle Rock

To Whom It May Concern:

I would like to kindly request that the town vote yes on the resolution approving the site development plan for Calvary Castle Rock.

I have attended Calvary Castle Rock for over 9 nine years and have seen their contribution and love for the community of Castle Rock. They willingly allow their parking lot to be used for people attending the Starlighting, and even recruit volunteers to drive them to downtown. They allow homeschooling groups from the community to use their facility free of charge. They collect contributions for the task force, and have even allowed those who are down and out a place to stay until back on their feet, among other things.

The people who are in leadership in this church are generous and kind. I am confident that they will be good neighbors and a blessing to the community as a whole. Thank you for your time and consideration.

Sincerely,

Lindsay Sawyer
719.640.5657

Voice Message Received June 18, 2018, 9:26 AM

Hi, my name is Julie Taylor. My number is 303-478-5053. I attend Castle Rock Calvary Church, and I believe there is a meeting on Tuesday for the Resolution approving the Castle Rock Calvary Chapel Rock Site Development Plan. So I would just ask that a vote of "Yes" would be cast on my behalf. Again my name Julie Taylor, Thank you, bye, have a great day.

From: Mandy Tracy <colquitt2tracy@gmail.com>
Date: June 18, 2018 at 7:40:19 PM CDT
To: "towncouncil@crgov.com" <towncouncil@crgov.com>
Subject: **Calvary castle rock site development plan**

Good evening,

I'm writing today to respectfully ask that you vote yes in approving the Calvary Castle Rock site development plan on 5th and Woodland. It's important you know how many people support and approve this development in light of the number of people who might be opposing it. I'm a resident of Castle Rock and a 4th generation native of Colorado and I more than anyone don't want more unnecessary development. This land for Calvary is not only, not unnecessary, it's home. Calvary currently rents their space and has been looking for a permanent home. The Castle Rock community benefits tremendously from Calvary's many outreach ministries and Calvary truly loves and cares about what's best for this community and the families who live here.

Thank you for reading and receiving this email in support of approving the site development. You won't regret the decision and the positive impact it will have.

Thank you,

Mandy Tracy

----- Original message -----

From: Richard Weide <derRichardWeide@msn.com>

Date: 6/18/18 7:24 PM (GMT-07:00)

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: Lisa Anderson <landerson@crgov.com>

Subject: Calvary -- one last short comment, no attachment

Dear Mayor and Castle Rock Town Council members --

Below is a **direct quote from Mr. Detweiler**, taken from an email he sent early on in the Calvary Project discussion -

I also believe design improvements can occur on the west end of the property where the parking area and north wall elevation are at the highest point when compared to adjoining property. That is the area I am going to ask the church design engineer and church team to focus on in order to meet the intent of this section of the code.

The net result of his efforts:

Increasing the slope of the West parking lot from 2/1% grade, to 4% grade, lowering the far North-West point of the

Great Ugly Wall by 2 feet ! This is peanuts !! Planning Development knowingly violated the town code.

Richard Weide

1360 Canyon Dr, Castle Rock, CO

From: Richard Weide <derRichardWeide@msn.com>

Date: June 18, 2018 at 1:36:23 AM CDT

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, "Jason Bower" <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: "landerson@crgov.com" <landerson@crgov.com>

Subject: Re: Planning Development Agenda Memorandum comments

Dear Mayor and Members of the Council --

Please see attached Word document, with comments on the Planning Development group Memorandum regarding the Calvary Church project coming up on 19 June.

In my letter, I also offer an alternative plan to deal with the Great Ugly Wall situation, in order to defuse the current tense and distrustful atmosphere and perhaps avoid further litigation.

Thanks for listening,

Richard Weide
1360 Canyon Dr, Castle Rock, CO

Regarding the “**Agenda Memorandum**” prepared by Planning Development for the 19 June 2018 Council Calvary Church presentation

Traffic Analysis:

Quite predictably, Planning Development includes this **misleading and incomplete analysis** in their memorandum: “The TIA projects 5% of the traffic will travel along Canyon Drive to the **west** of the site”.

(This part of the incomplete TIA summary even had the Castle Rock traffic guys scratching their heads, at our meeting with them)

OK, what about the **TOTAL TRAFFIC on Canyon Dr?** - particularly in the “choke point” from the entry/exit point on Canyon east to Woodlands !!?? **The total use of the Canyon Dr entry/exit is actually 2/3 of the traffic !!** Use of the 5% figure (going West only), with NO MENTION of traffic going East to Woodlands is **totally misleading!!** Donna Ferguson was at the same meeting with the neighbors and Castle Traffic guys where it was acknowledged **that 65 % of Calvary traffic would be using Canyon Dr to get to and/or from the Church.** Where does she mention THAT NUMBER !!?? (pro-developer bias, bias, and more bias)

“Planning Commission recommended approval”:

-- at the meeting, the Chairman of the Planning Commission directly asked Planning Development this question: “Since you have approved it, does that mean we have to as well??” Planning Development reply was “Yes, you do”. As a result, the vote was 5-1 for approval, with only one Planning Commissioner understanding just how invasive and ugly this project has become, and the many rules being violated, after listening to neighborhood inputs. **Planning Commission approval means absolutely nothing !! They would approve of the Castle Rock being bulldozed if Planning Development said they approved of it.**

In the Memorandum, Planning Development does give **proper credit to Calvary for certain improvements, such as:**

1. Orienting the building and configuring the parking lot to **mitigate parking and lighting impacts** on the adjacent residential properties.

(no cars parked on the edge of the parking lot aimed at neighbors **is greatly appreciated** –removing light poles directly on the North and West perimeter is **also greatly appreciated**).

2. Painting the building a neutral color and incorporating material articulation into the architecture to provide an attractive building.

3. Dedicating the required 30-foot buffer area and providing transitional screening which includes a manufactured rock retaining wall and landscaping containing **existing native scrub oak** and new evergreen tree plantings to provide a visually attractive transition.

(the rock retaining wall is certainly preferably to their earlier iterations, which was a “dirt berm” extending all the way to the neighbors property line – that was never going to fly)

However,

- a) The 30 ft buffer is a REQUIREMENT, **not a concession.**
- b) The existing native **Scrub Oak is nearly eliminated** by their intrusion into the buffer zone. Calvary at one point reneged on planting the pine trees, (Planning Development didn’t notice or care), and the neighbors had to force them to put tree planting back into the plan. (see what we’ve had to put up with ??)
- c) How is staring directly into a 20 ft high wall (total length 400 ft) **“a visually attractive TRANSITION ??”** (or “visually attractive and **interesting**”, as required by the interface document).

THE GREAT UGLY WALL situation is being ignored

From the beginning, the **absurd height** of the retaining wall has been THE issue. **At the Annexation meeting**, I spoke in a positive manner about a Church being a better use for this site than anything else that was considered. However, **I also emphasized THEN that the Great Wall was an eye-sore and would need to be lowered**. Calvary and Planning Development have managed to **side-step that issue** for the entire time the neighborhood has been having meetings with them.

From the Interface Regulations:

“Create a visually attractive transition between nonresidential and residential uses with the use of walls, fences, berms and/or landscaping”.

Hello !! This is calling for the **“use of walls” to “hide” ugly things** on the other side. What we are dealing with here is the total opposite, the use of retaining walls **to CREATE an ugly interface**, not hide it !! What a distortion !!

Placing a 20 ft high Great Ugly Wall within the 30 ft set-back **remains a pure and simple violation**, and no amount of double-talk from Planning Development changes that. The last-minute change was discovered by a neighbor looking at one of very few drawings available at that last meeting. **Calvary DID NOT** tell us about the change, **PLANNING DEVELOPMENT did not tell us** about the change -- **we were left to discover it ourselves**. **That in itself is VERY TELLING** about the conduct of Calvary and Planning Development during this entire sordid process.

The two of them have walked hand-in-hand down the aisle of marriage. They interface frequently and become familiar with each other personally. When they very infrequently meet with Town citizens, we are looked upon as foreigners and adversaries (while they are the ones not living in Castle Rock). This overly cozy relationship is leading to this ugly development situation.

The added 6 ft intrusion into the required set-back will eliminate **all** Scrub Oak, except for what remains directly at the northern property line. Any drawing showing any scrub oak remaining, other than directly on the northern property line, is a total misrepresentation. The simulated coverage from existing scrub oak has always been misrepresented on Calvary’s drawings, giving a rosy and warped presentation. Yes, bias and efforts to mislead by telling less than the truth is a Hallmark of this project, and had been from the beginning.

Site grading. Concerns regarding the proposed grading not being designed to conform to the slope.

Planning Development reply:

“The SDP proposes terracing the grading from east to west and also proposes a building design which splits the church into two separate floor elevations. Both of these design measures mirror the slope of the grade and minimize grading activity”.

This is **barely a half-truth**. Why do no drawings show the West parking lot profile ??? -- because that would be very embarrassing for them, since that area has very little slope (4%), not nearly corresponding to the actual contour of the existing property. The sloping of the Church Building area is designed to have the 5th St entrance at road level. However, from that point (the 5th St entrance) down to the west end of the parking lot, the **existing slope is NOT FOLLOWED**, and therefore the need to elevate the west parking lot area, creating the Great Ugly Wall, (and providing a most convenient place to dump tons of excess dirt from the east end).

Going west from the 5th St entrance, the natural slope drops off rapidly, to well below the 5th St roadway level. The west parking lot, however, will protrude up above the roadway level, kind of like an Aircraft Carrier anchored along 5th St, with the parking lot being the landing deck.

The obvious reason for not following the slope is \$\$\$\$ saved and the convenience of a flat (originally 2 ½ % now 4% grade) west parking lot. But for every dollar saved by Calvary, the equivalent is taken out of the wallets of the neighbors, in the form of reduced property values caused by The Great Ugly Wall.

A little reality check here please !! If the Great Ugly Wall goes from zero to nearly 20 ft high, looming over neighboring houses, then why can Planning Development lay claim to “be mirroring the slope of the grade”??? This absolutely does NOT “minimize grading activity” -- it just allows the excess dirt from the east end to be graded down into a lower area that is the original area of the West parking lot.

The West parking lot absolutely requires a “step-down” to properly implement the requirement to follow the natural contour of the land. After a row or two of parking (handicapped etc) at the 5th St entrance level, there needs to be a sizeable step-down, approx 8-10 feet ?? From there the parking lot could revert to a more desirable 3% slope. Yes it will require some extra \$\$ to accomplish:

1. a new interior wall South to North to accommodate the 8-10 ft step-down wall (very similar to the existing shorter wall already on the east parking lot).
2. the 2 “ramps” down to the new level will also need a wall on their interior side
3. a new set of steps to get people up to church level
4. it will remove a few parking spaces (probably an overall benefit for the traffic problem).
5. there will be more dirt to haul away (which they are avoiding like the Plague)
6. the exterior wall will require fewer materials, to offset the cost somewhat

Please consider rejecting the existing SDP, and insist on revisions to alleviate the Great Ugly Wall problem.

Either the eventual 1,300 plus Calvary church members bear the additional cost, over time, or the neighbors donate their property values, unlawfully seized, to donate to Calvary Church. This is the choice you face.

We are not opposed to their building a church, just please don't place their mistakes, and their responsibilities on the backs of the neighbors !! They chose an extremely difficult property to build on - we did not choose it for them. They gain one of the absolute best views to be had in all of Castle Rock, a lasting benefit. But now they are looking for short-cuts to save them money, avoiding their responsibilities as required by the Town's building codes, and transferring the burdens they don't want to our neighborhood.

If Calvary doesn't want to pay the cost of doing it correctly, and to code, then they should move on and find an easier (flat) lot to build on. Planning Development needs to stop handing them undeserved favors at the expense of Castle Rock's citizens.

Richard Weide and Barbara
1360 Canyon Dr

From: SALLY WOOD Owner [mailto:sawood388@centurylink.net]

Sent: Monday, June 18, 2018 10:18 AM

To: TownCouncil Mailbox <towncouncil@crgov.com>

Subject: Resolution Approving the Calvary Chapel Castle Rock Site Development Plan

Hello, will you please vote YES on the Resolution Approving the Calvary Chapel Castle Rock Site Development Plan?

I believe it would enhance the community surrounding the site.

Sally Wood

sawood388@centurylink.net

From: elwood388@centurylink.net [mailto:elwood388@centurylink.net]

Sent: Monday, June 18, 2018 10:16 AM

To: TownCouncil Mailbox <towncouncil@crgov.com>

Subject: Resolution Approving the Calvary Chapel Castle Rock Site Development Plan

Dear Town Council,

Please vote **yes** on Resolution Approving the Calvary Chapel Castle Rock Site Development Plan.

There is another church right across the street so you have approved this in the past.

Respectfully,

Earl L. Wood

elwood388@centurylink.net

----- Original message -----

From: REBECCA ANNE WYNN <beckywynn1@msn.com>

Date: 6/18/18 10:11 PM (GMT-07:00)

To: Jennifer Green <JGreen@crgov.com>, Renee Valentine <RValentine@crgov.com>, Jess Loban <JLoban@crgov.com>, James Townsend <JTownsend@crgov.com>, Jason Bower <JBower@crgov.com>, George Teal <GTeal@crgov.com>, Brett Ford <BFord@crgov.com>

Cc: Planning Mailbox <planning@crgov.com>, Lisa Anderson <landerson@crgov.com>, Kevin Wrede <KWrede@crgov.com>

Subject: Calvary Chapel SDP

June 18, 2018

To: Town of Castle Rock Mayor and Town Council

From: Rebecca A Wynn

Regarding: Calvary Chapel SDP

Please accept this email as part of the official record for the June 19, 2018 Town Council Meeting.

I live in the Craig and Gould area of Castle Rock. I am not directly affected by the Calvary Chapel construction project, but many friends and neighbors are and they will be affected from several disruptive directions. This is not a small chapel, this is a very large building. An intrusive project like this sets a precedent for all future projects within existing Castle Rock neighborhoods. It is prudent that the impact of such a large project be examined with great care. The stability and welfare of all of our residential neighborhoods needs to be preserved. All of our existing homes, including those of Council Members, will not be safe from this kind of intrusive jeopardy if the construction of this building, parking lot, drainage system, road ways aren't designed in a way that improves the neighborhood it wishes to join rather than damaging it.

As residents of a Castle Rock neighborhood, home owners and members of our Town Council:

I ask you to imagine an 18 foot retaining wall abutting your property within 6 feet of the edge of your closest boundary. How much of your view or sunlight will be blocked? What impact will you experience?

I ask you to imagine that you live down hill from a project that turns a 5 acre parcel into a concrete slab. Knowing that the planned drainage pond will not suffice. Think about where that run off water is going to go every time it storms. Think about the run off and construction disturbance of existing underground water lenses. What kind of worries will there be if you have already experienced significant flooding and water damage to your yards and basements from previous construction projects on the hills above you?

I ask you to imagine a large, active gathering place being provided ingress and egress directly onto your quiet neighborhood streets. For a healthy, active parish, this is not just a one day per week occurrence. It is a Sunday plus nightly and daily activities. This is not entirely unlike a busy commercial/retail or entertainment venue being plopped in the middle of your neighborhood with times of business from early morning through late evenings.

I ask you to imagine the increased light pollution from a large parking lot lighting system shining directly into your windows at night instead of the light of stars and moon.

I ask you to imagine the value of your home and property being decreased by 20%, in a thriving economy, because of an intrusive construction project that erodes the esthetic value and safety of your home, property and neighborhood. I, for one, think of my home in Castle Rock as an investment in my future and security for my retirement. Why did you buy your homes where you did? Maybe for some of the same reasons. Are you personally willing to take that kind of financial hit or is the Town of Castle Rock willing to provide adequate compensation for this loss in value?

I ask you to think about who you would hold economically accountable for the damage to and the devaluation of your property and homes if preventative action was not taken by the paid City Planners, Developers, the Planning Commission or your elected Town Council? Surely, you don't intend that the homeowners take responsibility after many pleas for support and preventative action to be taken by our City Planners, our Planning Commission and our Town Council?

I ask you to think about the quality of life you have invested in your home and the plans for your family's future and the future of this town. Are there tax or other economic improvements coming from this project that benefit the town or the neighborhood? What are the advantages for approving this kind of construction project for the immediate neighborhood? For the town? For the future of other Castle Rock neighborhoods?

I ask you to think about your personal reaction to having this building project next door to your house? Would you chose to live where someone could swoop in and construct an 18 foot wall, a parking lot with commercial lighting, ingress and egress for 250 plus cars going in and out for activities on a daily basis? Is overflow parking on the street in front of your home an appealing thought? How would this change your lives?

I ask you to look at the esthetics and the design and think about whether it has an appropriate level of appeal and value to be an asset in your personal neighborhood.

I ask you to send this project back to the drawing board with instructions to collaborate, coordinate and design a construction plan that enhances the neighborhood into which it wants to become a member.

This buck ultimately stops with you as elected members of our Town Council. It is your job to protect the rights and life style that has been established and expected in our residential community. A project of this size and it's potential consequences should be carefully examined with all of our future safety, quality of life and economic impact taken into account. Please do your due diligence with great seriousness, with all-inclusive examination and with all of our resident's and tax payer's future in mind.

Sincerely,
Rebecca A Wynn
601 Gilbert St
Castle Rock, CO 80104

From: BLAIR <blairbennink@comcast.net>
Date: June 19, 2018 at 11:59:42 AM CDT
To: <TownCouncil@CRgov.com>
Subject: Calvary Chapel Castle Rock Site

Dear Town Council,

My name is Blair Bennink and I am an 11 year resident of Castle Rock.

I am asking for the city council to vote yes on allowing Calvary Castle Rock to build on the site at Fifth & Woodlands.

Calvary Castle Rock has shown us they have great outreaching ministries to children, young adults and men and women of various means and backgrounds. These programs have been very successful in making a stronger community for Castle Rock, Douglas County and Colorado. Allowing the church to grow and build will only further these ministries and meet the growth of Castle Rock as a whole.

Please vote yes to allow the church to build at 5th and Woodlands.

Thank you for your consideration.

Blair
Bennink
Castle Rock resident

From: John Brown [mailto:johnb48@outlook.com]

Sent: Tuesday, June 19, 2018 11:07 AM

To: Jennifer Green <JGreen@crgov.com>; Renee Valentine <RValentine@crgov.com>; Jess Loban <JLoban@crgov.com>; James Townsend <JTownsend@crgov.com>; Jason Bower <JBower@crgov.com>; George Teal <GTeal@crgov.com>; Brett Ford <BFord@crgov.com>

Cc: Lisa Anderson <landerson@crgov.com>

Subject: Of Character, Principles and Our Moral Compass

Honorable Mayor Greene and the Members of the Castle Rock Town Council,

(I hereby request that this letter be included into the official records of the Town of Castle Rock, Calvary Church Development)

Character

"A [community's] greatness is measured not just by its [wealth] or ... power, but by the strength of its devotion to the principles and values that bind its people and define their character."

Thus said President Ronald Reagan. I fully embrace that perspective.

Character is not much discussed today, and that is a shame. Yet character, or more accurately, the guiding principles and values that underlie upstanding character are the very ideas that undergird our system of laws and government ... integrity, humility, loyal caring, fairness, government of, by and for the people. To the extent that we are blasé about the law, and that we set it aside when it seems inefficient and difficult is the extent to which we undermine our own character both individually and corporately. Of course, being blasé with the law is only one way to squander one's hard-won character and reputation.

Public service is always difficult. Done properly, it often requires more work than ever imagined. And, it often seems thankless. Who to 'please'? How do I bear up and do the right thing under enormous pressure from those with plenty of money and time? Many won't take on public service for those reasons. Others just start taking short-cuts. Some hold fast to "... devotion to the principles and values that bind its people and define their character." It's hard to do the "right thing."

So let's go back to history to see how others addressed these painful choices, and the risks undertaken.

"Our Lives, Our Fortunes and Our Sacred Honor" (The Continental Congress, 1776)

The Declaration of Independence begins thusly:

*"We hold these truths to be self-evident, ... that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers **from the consent of the governed** ..."* (emphasis added)

Stirring words. And, even more moving considering the bodily harm and financial ruin that the Founders risked.

But these words are more than stirring because these words hold in them truths, truths that still redound to us today. At the time, the English government, was playing loose and easy with the law. The Colonists tried

everything in their power to work with England to change how they were being treated. Of course, we know the final turn of events.

"The Consent of the Governed" (John Locke, 1690, the "Two Treatises of Government")

Underlying the principles of the Continental Congress and "the consent of the governed" was the work of John Locke and The Social Contract. These concepts are timeless:

"... the social contract concerns the origin of society and the legitimacy of the authority of the state over the individual. ... individuals have consented, either explicitly or tacitly, to surrender some of their freedoms and submit to the authority of the ruler or magistrate (or to the decision of a majority), in exchange for protection of their remaining rights."

The taking of additional "freedoms" or liberties, the taking of "remaining rights", from the governed that has not been first negotiated and agreed becomes an immoral act of authority. That is what England did. It is called a breach of faith, a breach of moral duty within the law.

Castle Rock Development within Context

In Castle Rock, we are blessed that, unlike most laws, Title 17 of the Town's ordinances is quite well-written with respect to the "protection of rights" in place with the Castle Rock community and its citizens. Title 17 is quite balanced, and, as in this case, it is quite accessible to the average citizen who finds themselves in a position where they must defend those rights.

Town Administration is breaching faith, either consciously or without awareness, with its current community members. This breach of faith shows up in various ways ...

Uneven enforcement of the law - This always biases social outcomes against one or more parties while benefitting one or more other parties. This is often defined as discrimination;

Pronounced lack of due process - The "quasi-judicial" posture requires rigorous "due process" so as not to institutionally or systematically bias outcomes in various legal and other situations. Today, due process is missing markedly from Town processes and procedures;

Lack of adequate response to legitimate citizen enquiries - In multiple circumstances with many explicit questions, the Town has waived them off without discussion and only a dismissive "we are doing everything fine", or words to that effect; and,

Processes used by the Town work to the detriment of citizens - community members are neither formally organized, nor funded. On the other hand, the Town's Development Department is both well-organized and well-funded, and it is motivated to make its workweek smooth and trouble-free. Likewise, developers are both well-organized and well-funded, and they are highly motivated to make as much return on their efforts and money as possible. With community members scattered over the workweek and unfunded, they are the vulnerable parties to these development processes.

Hence, the blasé treatment of the law by Town officials becomes a cause of great alarm to its citizens. And, it begins the process of eroding trust between the governed and their government.

Of Hirelings, Hessians and Carpetbaggers

Since the beginning of this project, none of the Development staff assigned to this project live, or have lived, in Castle Rock. What's wrong with living in Castle Rock? We, the neighbours, have invested "our lives, our

fortunes" to live here. Yet, too many important administrators apparently feel that it is okay to not be invested in any way in Castle Rock ... that a job is enough. Is it right that so many have such a great impact on our community's life but aren't invested in anything about our community? We don't think so. For goodness' sake, even the Bible warns about the lack of commitment of hirelings.

If this project is a failure, all that the Town staff risks in this process is embarrassment and perhaps the need to re-work its processes. Developers risk a quick buck or in this case, a bruised ego. **But the members of the community have the lives they have worked to build in Castle Rock at stake ... reduced home values, compounded ground water issues, overwhelming traffic, reduced enjoyment of their homes and yards, a government they can't trust.**

This is a process that has important moral dimensions

Mahatma Gandhi said: "The true measure of any society can be found in how it treats its most vulnerable members." How do we, how will we, measure up as a community? If this project goes through the answer will be quite clear: We don't measure up. Our Founding Fathers would be up in arms. And, we will appear to fail in our hubris, as Elliott Abrams once remarked: "The notion that public service requires men and women of good character now seems quaint."

I appeal to your higher selves: Do the right and moral thing. Deny approval of this project. Show what the character of Castle Rock the Community is and aspires to be. To paraphrase President Ronald Reagan: "Let Castle Rock be a shining town upon a hill whose beacon light guides good and compassionate people everywhere."

Finally, I leave you with a prayer that has been prayed by thousands of leaders over the years, from the Cadet Prayer of West Point, the prayer that I pray for us all:

"Strengthen and increase our admiration for honest dealing and clean thinking, and suffer not our hatred of hypocrisy and pretence ever to diminish. Encourage us in our endeavor to live above the common level of life. Make us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole can be won."

I am your neighbour.

Sincerely,
John Brown

1280 Canyon Drive
Castle Rock, Colorado 80104-1876

Non nobis, DOMINE
johnb48@outlook.com
cell: 720.244.0842

From: Ken and Judy Claar <kjclaar@hotmail.com>

Date: June 19, 2018 at 10:55:40 AM CDT

To: "towncouncil@crgov.com" <towncouncil@crgov.com>

Subject: **Calvary Castle Rock Site Development Plan**

Just a quick note to let you know we would be in favor of a yes vote on the Calvary Castle Rock site development.

Thank you,

Ken & Judy Claar

Sent from my iPad

From: Richard Dubois <rdubois@sunsetstone.net>
Date: June 19, 2018 at 7:48:44 AM CDT
To: "Towncouncil@crgov.com" <Towncouncil@crgov.com>
Subject: Calvary Castle Rock Site

Hello my name is Richard Dubois and I live and work in the city of Castle Rock and I am asking you to vote yes in favor of the development plans.

I can think of no better building to place on that site, Calvary Castle Rock Church gives back to the community in so many positive ways.

- 1) Just reaching out to help the less fortunate, we actively support the Task Force. We hold services in the park for those who do feel comfortable entering a church
- 2) We hold free concerts downtown with a positive message for the young
- 3) Supply shuttle service to the Star lighting
- 4) Hold a Christmas service in the Park for all who want to come
- 5) Hold an Easter Service at the MAC
- 6) Once a month we go to Denver to feed those down in Colfax
- 7) Hold a sports theme Vacation Bible School aimed at those not current going to a church
- 8) Hold a Saturday night young adults meeting for those 18-30
- 9) We are always trying raise up and support good citizenship
- 10) We are involved in activities to assist the city, we strive to be a great neighbor.

In Conclusion please vote yes!



"Premier Quality Precast Stone Veneer since 1970."

Richard Dubois

Sales Account Manager

Cell 720-217-5920

Direct Line 720-486-0781



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From: <heidieisner@comcast.net>
Date: June 19, 2018 at 1:30:45 PM CDT
To: <towncouncil@crgov.com>
Subject: Approval vote for CCR

To Whom It May Concern:

I am writing this email to please ask the council to vote yes on the resolution approving the site development plan for Calvary Castle Rock.

This church and its members have been such a blessing to our family and so many others! They do so much good for their community and beyond. We have attended this church for close to 8 years and the changes I have seen this church's leadership make are incredible!

Our community would only benefit from the positive influence and beliefs of this church and I truly hope that the council agrees!

Thank you so much for your time.

Sincerely,
Heidi Eisner
303-594-9138

From: RAMONA A GARCIA <RAMONARAC@msn.com>
Date: June 19, 2018 at 3:48:25 PM CDT
To: "TownCouncil@CRgov.com" <TownCouncil@CRgov.com>
Cc: Joey McKee <joey@calvarycastlerock.com>
Subject: Calvary Castle Rock Resolution for Approval

Hello Town Council,

We are unable to attend tonight's meeting and want to first send our thanks for all the time you put into helping keep our beautiful town of Castle Rock in balance for development. Secondly we want to encourage you to say YES to the Resolution Approving the Calvary Castle Rock Site Development Plan. The following is a personal testimony for why we believe this CCR Resolution will continue to contribute to the benefit of Castle Rock as a whole and for individuals who attend this church.

1. We have attended CCR for a number of years and have grown in the understanding of the Bible so that we not only serve within the walls of the church but within the Castle Rock community.
2. CCR has equipped us to go out into the Mission Field – Castle Rock and the world around us. To witness to many who so desperately need examples of hope and a reason to live. We do this by sharing God's truth in love as His Son Jesus Christ lived out during His ministry.
3. The reason CCR has grown, continues to grow and why we request this property is that we are reaping the beautiful harvest of being true to God's work. No more, no less. Now we need more space to provide for the needs of those who choose to attend.
4. CCR is truly a spiritual hospital and as Jesus Christ said, "Come to Me all you who labor and are heavy laden and I will give you rest. Take my yoke upon you and learn from Me, for I am gentle and lowly in heart, and you will find rest for your souls. For My yoke is easy and My burden is light." Matthew 11: 28-30

We ask that you would please vote YES so that we have the room we need to provide for those who presently attend and the newcomers that we see on a regular basis. Thank you for taking the time to read this and may God bless you for doing the right thing.

Grace and peace,

Daniel and Ramona A. Garcia

From: Bruce Guy [mailto:bagsss@hotmail.com]

Sent: Tuesday, June 19, 2018 8:32 AM

To: Lisa Anderson <landerson@crgov.com>

Subject: Resolution Approving the Calvary Chapel Castle Rock Site Development Plan

I respectfully ask that you say YES to this plan.

Thank You for your time

Bruce Guy

Sent from my T-Mobile 4G LTE device

From: Timothy Hanson <tbhanson@hotmail.com>
Date: June 19, 2018 at 2:18:23 PM MDT
To: "towncouncil@crgov.com" <towncouncil@crgov.com>
Subject: **Building of calvery chapel church**

Good afternoon,

I'm writing to you in regards to the building of this church on this site. I think the building of this church would be more beneficial to the residents versus a commercial business. Many probably have an issue with the site being developed all, that is not a good reason for not allowing it. I believe this should be allowed to pass this vote tonight. Thank you for your time and have a good evening.

Tim B. Hanson
tbhanson@hotmail.com
(303) 514-8923

From: James Jamison <jdjami777@gmail.com>

Date: June 19, 2018 at 3:06:52 PM MDT

To: <towncouncil@ergov.com>

Subject: Please vote Yes Calvary Chapel Castle Rock resolution


Dear Town Council Members,

Thank you for giving the community a chance to voice a view on the proposed resolution. The reports and information has been very helpful. I am a 50+ year native resident of Colorado and current resident of Castle Rock here in Douglas County. Please vote yes on the Resolution Approving the Calvary Chapel Castle Rock Site Development Plan.

Hopefully I will be able to attend in person to show my support as well.

James Jamison

email - jdjami777@gmail.com

Phone - 303-888-1845 

From: Lisa Jamison <jaminjl@yahoo.com>

Date: June 19, 2018 at 2:10:42 PM MDT

To: <towncouncil@ergov.com>

Subject: Please vote Yes

To whom it may concern,

Please vote "Yes" on the resolution to approve the Calvary Chapel Castle Rock Site Development Plan. Since moving to Castle Rock a few years ago, we have witnessed this church seek to continually serve the community and do it well. They bring warmth to this rapidly growing city and help to keep the feel of a small town. As this town grows, so will the needs. I look forward to being a part of it.

Lisa Jamison

Sent from my iPhone

From: Terry Kyriss <kyriss98@hotmail.com>
Date: June 19, 2018 at 2:38:28 PM MDT
To: "towncouncil@crgov.com" <towncouncil@crgov.com>
Subject: Calvary Chapel

I am in favor of the Calvary Chapel Church site plan.

Thank you,

Terry Kyriss
720-252-9610

-----Original Message-----

From: Christian McKee [<mailto:theguynamedchristian@gmail.com>]

Sent: Tuesday, June 19, 2018 3:11 PM

To: TownCouncil Mailbox <towncouncil@crgov.com>

Subject: Calvary Castle Rock Vote

Hello,

My name is Christian McKee. I would like to ask you guys to vote yes on the development plan. This church has greatly impacted the community over the years. They constantly have ministries serving homeless, drug addicts, and helping people who have been set a bad hand. They also are helping out on community events such as the star lighting. They hand out free popcorn and drinks while people are out and about. They will also shuttle people to and from the same event. They also have fun and exciting events that they put on to get the community involved with each other such as their Echo events at festival park a few years ago. The point being, they've impacted this community for the better and you should vote yes so they can continue to grow and continue to impact this community.

Thank you!

Christian

Sent from my iPhone

Call Received 06/19/2018 11:24 AM

Linda Rudd is an attendee of the Calvary Church, and stated that she is calling to ask Council to vote "Yes" on the Calvary Church Site Development Plan. Linda continued describe a long list of community efforts and activities which Calvary Church leads and many compliments to the pastor and leader.

From: Tracy Schmitt <tschmitt720@yahoo.com>

Date: June 19, 2018 at 12:34:06 PM CDT

To: <towncouncil@crgov.com>

Subject: Calvary Castle Rock

To whom it may concern,

My name is Tracy Schmitt and I am writing to let you know that I am one of the very enthusiastic supporters of the proposed church sight at 5th and Woodlands! I have been attending Calvary Castle Rock for approximately 6 years now and prior to that, I attended Horizon Christian Fellowship in Littleton, where David Love previously pastored, since our move to Colorado in 2004. My understanding is that our church has made every attempt to meet the necessary requirements regarding the site development plan as well as address the concerns of the neighborhood that would be directly affected regarding zoning, aesthetics, etc. Our church has consistently attempted to be a positive influence within the Castle Rock community through various outreaches including but not limited to weekly pastoral gatherings where local pastors/priests/reverends meet to pray over the town of Castle Rock, Vacation Bible School outreaches intentionally conducted in parks where neighborhood children and their families can participate and get to know other families in their specific vicinity, Angel Tree ministries that provide Christmas gifts on behalf of children whose parent(s) are incarcerated, local outreach to community members who are unable (i.e.: widows, single mothers, handicapped individuals) to maintain or care for their properties and/or other financial needs, food bank drives, etc. and our pastor is an official chaplain for your police department. We, as a church body, are committed to praying over and serving your town and would love nothing more than a permanent home at the proposed site of 5th and Woodlands. Please know that there is a large contingent of people who are most enthusiastically awaiting your approval of a site we can call home and we are looking forward to continuing to be a light and resource to your community.

Prayerfully and with gratitude,

Tracy Schmitt
(303) 718-7487

Call Received 06/19/2018 02:47 PM

Rich Trow called to express his support of the Calvary Church Site Development Plan and asks Council to Vote "Yes" on the resolution. Rich states that the Calvary Church is a good church that does good things in the community.

From: Erika Weberg <weberg4@me.com>

Date: June 19, 2018 at 2:33:28 PM MDT

To: <towncouncil@crgov.com>

Subject: Support for Calvary Castle Rock building proposal

To Whom it May Concern,

We would like to express our support for the approval for Calvary Castle Rock's new building proposal. We have attended Calvary since 2004 and can attest to the fact that it has been and will be a blessing to the Castle Rock Community in its new location.

Kind Regards,

Rob and Erika Weberg

3762 Black Feather Trail

Castle Rock, CO

80104

From: Pat Passamani
To: [TownCouncil Mailbox](#)
Subject: Calvary Chapel Castle Rock new build
Date: Wednesday, June 20, 2018 11:42:46 AM

Please vote YES on the Resolution approving the Calvary Chapel Castle Rock site development plan.

Bless you,

Patricia Passamani
6009 Castlegate Dr West, c13
Castle Rock, CO 80108

Sent from my iPhone