



Board of County Commissioners

**Jim Congrove**

District No. 1

**J. Kevin McCasky**

District No. 2

**Kathy Hartman**

District No. 3

25 October, 2007

Keith Thompson, AIA  
Intergroup Architects  
2000 West Littleton Blvd  
Littleton, CO 80120

RE: The Rock of the Southwest Church, 10393 West Alamo Place

Dear Keith,

I have received your letter inquiring regarding the current zoning of the properties located at 10393 West Alamo Place. First, I would like to recognize the unusual situation that has been presented with the properties in question, given the annexations that were attempted by the City and County of Denver and the subsequent court cases that stemmed from them. To attempt to explain and clarify the zoning of the site and uses permitted we must look at the history.

The area in question was zoned Agricultural Two (A-2) when zoning was first adopted in this area in May of 1946. In 1972, Witkin Homes rezoned approximately 320 acres in the south half of Section 16, Township 5 south, Range 69 West. Case B72-34 rezoned the area to Planned Development (PD), and the written restrictions for this area were recorded under what is known as the Foothill Green Official Development Plan at Reception No. 72520611.

In 1973, the City and County of Denver attempted to annex roughly 1,800 acres of Jefferson County land under Ordinance No. 874-73, including the area in question. Much of the area was subsequently developed in the City and County of Denver under various purported zoning classifications.

In 1978, Jefferson County District Court Case No. 43439 found that the attempted 1973 annexation was void. The area in question was not "de-annexed"; the previous annexation proceedings were declared void, meaning that the attempted annexation is viewed as never having occurred, and the property was never within Denver. See City and County of Denver v. Board of County Commissioners, 661 P2d 1185, 1187 (Colo.App. 1982).



Any Denver zoning ordinances rezoning the property are also void. See Board of County Commissioners v. City of Lakewood, 813 P.2d 793, 796 (Colo.App. 1991). The Jefferson County zoning that was in effect prior to the attempted annexation remains in effect. All new property development in the subject area must abide by the original Planned Development known as Foothill Green.

This now takes us to the acquisition of the former YMCA located at the current location of the Southwest Baptist Church. When the Church originally obtained this property, it was acknowledged that a church was not a permitted use and therefore, the site was rezoned under case No. 01-109538RZ to permit the conversion of the former YMCA into the present Southwest Baptist Church. Subsequent to this case, the Church purchased a portion of a tract of land immediately adjacent to the existing church from the Jefferson County R-1 School District. A Minor Amendment was completed to alter the property boundaries between the holdings of Jefferson County Schools and the Church. An expansion of the parking lot was permitted; however, expansion of the church building onto the newly acquired area was specifically addressed and not permitted. All of these actions were consistent with an understanding that the former School District property was subject to the Foothill Green ODP.

I make the following determinations regarding the zoning for the land owned by the Church. The site in question contains approximately 8.2 acres, of which 3.8 acres is now governed by the Southwest Baptist Church Official Development Plan (ODP). The remaining 4.4 acres is comprised of zoning classifications identified in the Foothill Green OPD as park and elementary school uses. Any proposed expansion of the church beyond the boundaries of the Southwest Baptist Church ODP requires a rezoning of the land currently governed by the Foothill Green ODP.

Hopefully, this letter serves to clarify any confusion that remains concerning the zoning of the property in question. If you have any further questions, please feel free to contact me at 303-271-8704.

Sincerely,



Michael J. Chadwick, AICP  
Zoning Administrator

cc: John Wolforth, Planning Director  
Mike Schuster, Planning Manager  
Alan Tiefenbach, Planner  
file