



WESTMINSTER

CITY OF WESTMINSTER PLANNING COMMISSION Meeting Minutes January 14, 2025

1. ROLL CALL

The meeting was called to order at 7:00 pm by Chair Jim Boschert. Present were Commissioners David Carpenter, Rick Mayo, Lawrence Dunn, Tracy Colling, David Tomecek, Kevin Kinnear and Tim Pegg. Excused from attendance was Commissioner Chennou Xiong. Also present: Staff members, Associate Planner/Secretary Jennifer Baden, Principal Planner Jacob Kasza, Planner Carson Byerhof, Planning Manager John McConnell, Principal Planner Andrew Spurgin and Senior Assistant City Attorney Jenna Roth. With the roll called, Chair Boschert stated that a quorum was present and that the first alternate would be voting.

2. CONSIDERATION OF MINUTES

Meeting Minutes from July 23, 2024.

Commissioner Kinnear made a motion to accept the minutes from the July 23, 2024, Planning Commission meeting. Commissioner Carpenter seconded the motion. The minutes were unanimously accepted (7-0).

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Chair Boschert asked the Commission for nominations for the Chairperson and Vice Chairperson positions on the board as per the approved Planning Commission Bylaws.

Commissioner Carpenter nominated Jim Boschert as Chairperson and made a motion. Commissioner Mayo seconded the motion. The motion passed unanimously (7-0).

Chair Boschert nominated David Carpenter as Vice-Chairperson. Commissioner Dunn seconded the motion and made a motion. The motion passed unanimously (7-0).

Vice-Chair Carpenter announced to the audience that he does not have any conflict of interest(s) with the applicant in either of the items being heard at this meeting.

3. CONSIDERATION OF NEW BUSINESS AND PUBLIC HEARINGS

3a) Public Hearing and Action on a requested Sign Variance for Uplands Filing No.1, Tract A, Block 4; Tract D, Block 5; and Tract M, Block 7.

Chair Boschert opened the public hearing at 7:05 pm.

Carson Byerhof, Planner, entered into the record the agenda memorandum, attachments, PowerPoint presentation, certification of mailed notice, certification of posted notice, and public notice affidavit of publication from the *Westminster Window* on by the required date. Mr. Byerhof narrated a PowerPoint presentation for the proposal to:

- a. Hold a public hearing.
- b. Recommend that The Planning Commission deny a Sign Variance for the Uplands Subdivision Entry Signs located at the Uplands Filing No.1, Tract A, Block 4; Tract D, Block 5; and Tract M, Block 7.

The applicant team gave a presentation.

Commissioner Pegg asked the applicant about where existing bus stops or planned bus stops would be along Federal in conjunction with the Federal BRT project. The applicant responded the existing are north of 86th Avenue.

Commissioner Pegg also asked the applicant where the sidewalks would be located in relation to the location in question for the variance. The applicant displayed a slide that showed the planned sidewalk locations.

Commissioner Kinnear asked the applicant what streets are not considered collector streets. The applicant responded interior streets are not considered collector streets.

Commissioner Kinnear cited other locations that he felt might be better location choices for signage. The applicant gave reasons as to why other locations were not chosen.

Chair Boschert asked the applicant if monument signs will be installed at the four places (no specific locations were given) along Federal. The applicant responded no.

Commissioner Dunn asked staff what precludes the locations being asked for from being a special circumstance. Staff stated there are other opportunities to enter the subdivision that meet the criteria and staff does not support variance requests for definitions.

Commissioner Tomecek asked the applicant about the precedence that was mentioned in their presentation. The applicant gave an example that is not located in the City.

Commissioner Tomecek asked the applicant to explain why they feel they are unable to place signs in locations that are code compliant. The applicant responded they don't believe the locations that are code compliant are effective locations for signage for a true Mixed-Use community.

Commissioner Colling asked the applicant to explain what the property along Federal Boulevard is going to look like other than signage that is going to alert people passing by that there is a community. The applicant displayed a slide that showed the planned design.

Commissioner Carpenter asked staff about the platting of Right-of-Way (ROW) dedicated at 88th and Federal, 84th and Federal and 84th and Lowell. Staff explained the platting and ROW for the site.

Commissioner Pegg asked staff to explain what is meant in the staff notes section about wayfinding for vehicular traffic versus what the code describes. Staff explained the Traditional Mixed Use Neighborhood (TMUND) guidelines and how they apply to the proposed signage and staff explained that the illustrations and definitions in the code are meant to be taken in tandem; one does not exist without the other so that when the definition of a Subdivision Entry sign is read in the code, the illustration is meant to visually show the reader where the entry is and what it means. Staff also stated that the code does allow for other pedestrian entry signs that the applicant could employ at the site.

Chair Boschert opened the public testimony at 8:06 pm.

There was public testimony that was in favor of denying the variance request. Testimony was given about traffic concerns.

Chair Boschert closed the public hearing at 8:17 pm.

Commissioner Mayo asked stated he felt the images in the code were not clear.

Chair Boschert asked staff asked staff if the biggest concern about allowing the variance is setting a bad precedent. Staff responded they were not aware of a precedent deviating from a definition and definitions set the tone for the criteria that follows. Staff stated that there are monument entry types that could be used to identify the subdivision and that this variance request is asking for a greater allowance by changing what is deemed a subdivision entry sign as another type of already existing monument identification sign. Staff finished by saying the desire is to not set a precedent by deviating from the definition as defined in the Westminster Municipal Code.

Commissioner Tomecek asked about subdivision entry signs at another location in the City and how they compare to the application being considered. Staff responded that those signs were approved under a previous Sign Code. Staff also clarified that the action by the Planning Commission does not set a precedent, the Commission is acting on a variance request for this applicant and the particular property. If the Commission grants the variance, it does not change the code.

Commissioner Colling stated her support of granting the variance request. She stated she felt the signs were necessary for traffic reasons.

Commissioner Kinnear stated he is in support of denying the variance request because Westminster Municipal Code is clear, and this request does not meet the code.

Commissioner Pegg asked staff what other pedestrian sign types would be available in this situation. Staff responded wayfinding and monument signs.

Commissioner Pegg stated he felt that since there are other sign types for pedestrian navigation and that subdivision entry signs are specific for vehicular entry, he was not in support of granting the variance.

Chair Boschert stated he felt conflicted because he understood the need for City code to be enforced consistently but the sign is not a driving distraction.

Commissioner Dunn stated he is in support of granting the variance due to the practical nature of the signage to drivers in the area.

Commissioner Colling made a motion to approve the sign as represented by the Uplands subdivision entry signs located at the Uplands Filing No.1, Tract A, Block 4; Tract D, Block 5; and Tract M, Block 7, as presented.

Commissioner Dunn seconded the motion.

Commissioner Carpenter stated he believes the variance request does not deviate from the Sign Code and will support the motion to approve.

Commissioner Kinnear stated that the variance request should be denied because it does not meet City code.

The motion passed (4-3).

Commissioners Kinnear, Mayo and Tomecek were not in favor.

Chair Boschert called for a 10-minute bio break at 8:37 pm.

The meeting was called back to order at 8:47 pm.

3b) Public Hearing and Recommendation of an Official development Plan for Uplands Filing 1, Block 3 (PA-3)

Chair Boschert opened the public hearing at 8:48 pm.

Jacob Kasza, Principal Planner, entered into the record the agenda memorandum, attachments, PowerPoint presentation, certification of mailed notice, certification of posted notice, and public notice affidavit of publication from the *Westminster Window* by the required deadline. Mr. Kasza narrated a PowerPoint presentation for the proposal to:

- c. Hold a public hearing.
- d. Recommend that City Council approve the Official Development Plan for Uplands Filing 1, Block 3/ PA-A3, subject to the condition set forth in the Summary of Staff Recommendations herein.

The applicant team gave a presentation.

Commissioner Colling asked the applicant the exception requests. The applicant showed a slide that displayed all the exception requests in detail.

Chair Boschert opened the public testimony at 9:06 pm.

There was public testimony not in favor of approving the application, citing concerns with traffic, parking, blocking the view corridors as a way of retaliating against a resident for being outspoken about the development, well water being used on the site, a new water line not being installed on Lowell Blvd and improper stormwater storage on the site.

Chair Boschert closed the public hearing at 9:11 pm.

Commissioner Carpenter asked the applicant for further clarify on the setback request and to address the concerns raised during the public testimony.

The applicant stated there was no retaliation at any time, explained how the site was designed and gave updates on improvements.

Chair Boschert asked the applicant is subsurface or well water will be in use on the site. The applicant responded no.

Commissioner Colling asked the applicant to provide information about the detention pond. The applicant explained the design for detention ponds.

Commissioner Carpenter circled back to the applicant for clarification about the setback reduction request. The applicant responded the reduction for the setback is for 5 feet from the lot to the building face, 10 feet between homes face to face.

Chair Boschert asked the applicant if there was any consideration for using cement siding. The applicant responded it is under consideration by the builder.

Commissioner Carpenter made a motion that the Planning Commission recommend City Council approve the Official Development Plan for Uplands Filing 1, Block 3, subject to the condition listed in the agenda memo. This recommendation is based on a finding that the Official Development Plan is supported by the criteria set forth in Sections 11-5-15 of the Westminster Municipal Code.

Commissioner Kinnear seconded the motion.

Commissioner Colling stated she felt that in a mixed-use neighborhood having 4 different housing types is ideal.

Chair Boschert stated he felt the development plans have been well thought out and will support the motion.

The motion passed unanimously (7-0).

3c) Public Hearing and Recommendation: Clean-up amendments to the 2040 Comprehensive Plan.

Chair Boschert opened the public hearing at 9:23 pm.

Andrew Spurgin, Principal Planner, entered into the record the agenda memorandum, attachments, PowerPoint presentation, certification of posted notice, and public notice affidavit of publication from the *Westminster Window* by the required deadline. Mr. Spurgin narrated a PowerPoint presentation for the proposal to:

- a. Hold a public hearing.
- b. Recommend that City Council approve an ordinance amending the 2040 Comprehensive Plan.

Commissioner Carpenter asked staff to clarify why the word community was inserted in front of hospital in the Public/Quasi Public designation. Staff responded that community hospital is already a term that is defined in the document and hospital is not and it was intended to align them together.

Commissioner Tomecek asked staff about the proposed change on page 37 to the maximum number of units that could be applied and if this applies to all categories. Staff responded this was intended to apply to Mixed-Use Neighborhoods and subject to City Council approval.

Commissioner Colling asked staff why about a note that appears on certain maps. Staff responded that the notes were added to clarify when the maps were created in conjunction with when the plan was approved.

Commissioner Kinnear asked staff to clarify what if seeking approval for higher densities is necessary and if this could be done with a variance or another mechanism. Staff responded the Comprehensive Plan is absolute.

Commissioner Pegg asked staff about the edits on page 28 to the number of beds and where the reductions are coming from. Staff responded that there are density provisions that go two ways; the first is units per acre and for congregate care (senior housing) there is a calculation by beds instead of by units. As more development proposals for senior housing are received, the modeling of beds lined up in a room is not how the facilities are being built anymore which has shown an increase in water use that was not accounted for.

Commissioner Carpenter asked staff about the view corridor map and specifically the Uplands. Staff responded that the Uplands through the PUD for the site did a phenomenal job working with staff to designate the view corridors and was put in place under the old Comprehensive Plan.

Chair Boschert opened the public testimony at 9:48 pm.

Seeing there was no public testimony Chair Boschert closed the public hearing at 9:49 pm.

Commissioner Kinnear made a motion recommending that the Planning Commission recommend City Council approve the cleanup amendments to the 2040 Comprehensive Plan as presented by staff.

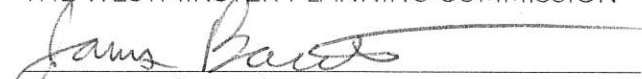
Commissioner Colling seconded the motion.

The motion passed unanimously (7-0).

4. ADJOURNMENT

The meeting was adjourned at 9:51 p.m.

THE WESTMINSTER PLANNING COMMISSION


James Boschert, Chairperson

A full recording of the meeting can be viewed on the The City of Westminster website.
www.cityofwestminster.us/pc