



## WESTMINSTER

CITY OF WESTMINSTER  
PLANNING COMMISSION  
Meeting Minutes  
February 27, 2024

1. ROLL CALL

The meeting was called to order at 7:00 pm by Chair Boschert. Present were Acting Vice Chair Carpenter, Commissioners, Chennou Xiong, Rick Mayo, David Carpenter, Larry Dunn, Tracy Colling, and David Tomecek. Also present: Staff members, Secretary/Associate Planner Jennifer Baden, Administrative Assistant Dawn Aguilar, Senior Planner Jacob Kasza, Senior Planner Nathan Lawrence, Assistant City Engineer Heath Klein, Interim Planning Manager John McConnell, and Deputy City Attorney Greg Graham. With the roll called, Chair Boschert stated that a quorum was present.

2. CONSIDERATION OF MINUTES

Meeting Minutes from February 13, 2024.

Commissioner Dunn made a motion to accept the minutes from the February 13, 2024, Planning Commission meeting. Commissioner Mayo seconded the motion. The minutes were unanimously accepted (7-0).

3. CONSIDERATION OF NEW BUSINESS AND PUBLIC HEARINGS

3a) Public Hearing and Recommendation of a Preliminary Development Plan for Foster Property.

Chair Boschert opened the public hearing at 7:02 pm.

Jacob Kasza, Senior 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 February 15, 2024. Mr. Kasza narrated a PowerPoint presentation for the proposal to:

- a. Hold a public hearing.
- b. Recommend that City Council approve the Fifth Preliminary Development Plan for Foster Property.

The applicant team, represented by Eric Chekal with Schuck Chapman Companies, gave a presentation.

Commissioner Colling asked the applicant what the new name of the property, Novera, means. The applicant responded with "No" meaning northern Denver, and "Vera" meaning new faith.

Chair Boschert opened the public testimony at 7:09 pm.

There was public testimony concerning the large number of chain and franchised retail that surround the area and requested, if possible, to put limitations on this type of retail and allow for a more unique feel.

Chair Boschert closed the public hearing at 7:12 pm.

Commissioner Carpenter asked staff to address the concerns about the large number of chain and franchised retail adjacent to the site and how uniqueness is being achieved. Mr. Kasza responded that there are requirements in the Retail Commercial Design Guidelines (RCDG) that require a public plaza be accessible, and although there is also a public art requirement, the current internal policy is that the City collects cash in lieu. Another way to achieve uniqueness to the site is through architectural style or through the pattern of development rather than being a lot of pad sites, the site may offer a main street approach. The Official Development Plan (ODP) portion for the retail commercial section of this site is anticipated to be submitted soon to the city and staff has been working with the applicant on designs to fit in with the existing pattern and character of the surrounding area. Mr. Kasza also added that the Novera business district has established architectural requirements which are trying to create a concept that is different than other surrounding sites.

Commissioner Carpenter asked if the ODP will be administratively approved, and Mr. Kasza responded yes.

Commissioner Colling made a motion recommending that the Planning Commission recommend City Council approve the Fifth Preliminary Development Plan Amendment for Foster Property. This recommendation is based on a finding that the Preliminary Development Plan is supported by the criteria set forth in Sections 11-5-14 of the Westminster Municipal Code. Commissioner Dunn seconded the motion.

The motion passed (7-0).

3b) Public Hearing and Recommendation of an Official Development Plan for Uplands Filing 3, Block 2 / PA-C(2)

Chair Boschert opened the public hearing at 7:17 pm.

Nathan Lawrence, Senior 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 February 15, 2024. Mr. Lawrence 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 3, Block 2 / PA-C(2).

The applicant team, represented by Marcus Pachner with The Pachner Company, gave a presentation.

Chair Boschert asked the applicant if these are owner occupied or rentals. The applicant responded they will be rentals.

Commissioner Colling asked the applicant if the six-foot retaining wall will be a full step or dropped down. The applicant responded that there will be three tiers; two (2) six-foot walls with four feet of horizontal space between for planting to avoid an 18-foot wall height. Safety railing will be installed along the edge of the detention basin.

Commissioner Colling asked the applicant to elaborate about the building setback along Clay Street. The applicant responded that buildings two and three will have just under a 15-foot setback. Mr. McConnell showed the Commissioners the paper site plan because the site plan shown on the applicant's slide show was outdated and contained incorrect information.

Commissioner Colling asked the applicant if the building heights are also stepped down architecturally. The applicant responded that there is no full-story step down but rather the roof steps down at either end of the buildings to produce roof line breaks.

Commissioner Colling asked the applicant about the entrance median and landscaping being excluded. The applicant responded that the code is very specific about entrance signage and landscaping, and they believe they are achieving the intent of the standard but through a different application of landscape features. The applicant also stated they are facing challenges with entrance signage and landscaping in that they cannot be constructed over water mains so landscaping will be accommodated differently for this.

Commissioner Colling asked the applicant to confirm the size of the proposed garages and which buildings will have garages. The applicant responded with the standard is 12 feet by 20 feet and the applicant is requesting 10- feet 11- inches by 20 feet and that this is the industry standard. Parking for residents who will not have a garage space will be accommodated through surface parking. able to utilize tuck under parking and there will be on-street parking allowed on Clay Street. Commissioner Colling also asked staff if the City is comfortable with parking layout for the site given that some buildings have little directly adjacent surface parking. Mr. Lawrence responded that staff has raised the concern with the applicant.

Commissioner Colling asked the applicant about the size of the balconies. The applicant responded with the proposed size of the balconies is nine feet by six feet, which while not meeting the design standard, is a generous size

Commissioner Colling commented that it would be beneficial for future residents to have access to the work out center during hours that accommodate residents who work.

Commissioner Tomecek asked the applicant to consider the ADA accessible units be relocated away from the Clay Street side where those units do not have garages to buildings that will have garages.

Chair Boschert opened the public testimony at 7:54 pm.

There was public testimony in favor of the architectural designs being proposed. Concerns about the safety of electric vehicle charging. A request was made to add a privacy fence between the mobile home park that is adjacent to the subject property.

Concerns about the high crime rate in a neighboring City and traffic congestion, specifically about the intersection of 88<sup>th</sup> & Federal, and suggested that West 88<sup>th</sup> Avenue be extended to Zuni Street.

Several additional concerns were noted in the public testimony. These included concerns with the proposed small balconies, fire safety, and ADA compliance; concerns with daycare and school needs for future residents; concerns about the placement of affordable housing near marijuana retail; concerns about crime in an adjacent city and at other affordable housing sites; concerns about whether a pool is necessary, concerns about a possible conflict of interest between Commissioner Carpenter and St. Charles Town Company; and concerns with the construction timeline and construction noise ordinances.

Chair Boschert closed the public hearing at 8:10 pm.

Commissioner Xiong asked staff how the City is addressing the uptick in traffic. Mr. Klein responded that the City recognizes that traffic is going to be added to the area, bicycles lanes are being added, and improvements to West 88<sup>th</sup> Avenue, improvements to Lowell Boulevard, and considerations for Federal Boulevard improvements are in discussion.

Chair Boschert asked staff about extending the turn lane at West 88<sup>th</sup> Avenue. Mr. Klein responded that the City is working with Colorado Department of Transportation (CDOT) about possible solutions.

Commissioner Colling asked staff if the section of West 88th Avenue that is on the west side of Federal will be pushed south. Mr. Klein responded that is correct. Mr. Klein also stated that there are no concerns with this configuration by the Fire or Police Departments.

Commissioner Carpenter asked staff about the 10-foot trail being ADA accessible. Mr. Klein stated that the City is considering an ADA route in addition to an able-bodied route.

Commissioner Xiong asked if the City is concerned about overflow parking at the site. Mr. Lawrence stated that the application meets City Code for parking requirements. Clay Street would be wide enough to allow on-street parking.

Commissioner Xiong asked about construction noise ordinance. Mr. Klein stated that the City does not have a code requirement for noise.

Commissioner Xiong asked the applicant about the construction timeline. The applicant responded that for this parcel the timeline is 21 months, beginning in the early summer.

Commissioner Xiong asked if the City has ordinances against grilling on balconies.

Commissioner Tomecek responded that there are ordinances within the fire code. The applicant also stated that barbeque grills, electric or gas, will not be allowed at the site and this exclusion is strictly enforced. The site plan does show three areas for barbeque grilling inside of the various amenity areas.

Commissioner Mayo asked the applicant if the garages will be counted in the parking number and expressed concern that if the proposed garages will not accommodate a car, the garages will not be utilized properly, and this could affect parking. The applicant responded that the garages will not be able to be used for storage and used for the intended purpose of housing a car, which will help with parking issues, and this will be strictly enforced by way of lease agreements or a Homeowners Association.

Commissioner Colling asked the applicant to expand on the privacy fencing to the east. The applicant responded that while no perimeter fencing is proposed which will allow for connections and the Public Land Dedication (PLD) to the west of the site, a thirty-five (35) foot landscape buffer and a 100- foot building setback is being proposed.

Commissioner Colling asked staff about what schools and school districts will service this site. After the vote, Mr. Lawrence responded that the two districts that will serve this site are Westminster Public Schools and Adams 12.

Commissioner Colling asked if the garages will be equipped with electric vehicle chargers. Mr. Lawrence answered that the current proposal shows 11% of the provided parking spaces will be equipped with level 2 electric vehicle chargers, in excess of the 5% required in the Uplands PDP. Solar panels will also be placed on the roof of the clubhouse in compliance with the PDP. The applicant stated the utilization of solar car ports is being explored on some of the covered surface parking spaces.

Commissioner Colling asked who develops the three-acre park. The applicant responded that the park is dedicated to the City so the City will develop the park.

Commissioner Carpenter addressed the concern about a possible conflict of interest. He stated that he is a member of the Westminster Chamber of Commerce, he does not receive remuneration for being a member, he has no financial interest in the Uplands project, has never discussed any project or application that may come before the Planning Commission and that

he is able to evaluate this project/application fairly. Mr. Graham asked Commissioner Carpenter if he is able to base his decision solely on the evidence presented at this hearing. Commissioner Carpenter responded yes.

Commissioner Carpenter asked the applicant about the concerns about crime and if there are plans for extra security. The applicant stated that on-site security is utilized, security patrols and/or fully manned 24/7 on an as needed basis.

Commissioner Carpenter asked the applicant if all the ADA units will be ground floor and to confirm that no elevators are planned for the buildings. The applicant responded this is correct, the buildings will be three (3) story walk up units with enclosed and secure breezeways.

Commissioner Carpenter asked the applicant to confirm if there is a 10-foot grade change between the buffer and the mobile home park and the east boundary of the site. The applicant responded that this is correct and slopes off to both the east and northeast. The slope is more significant on the northeast side and to compensate for this a 35- foot landscape buffer is being proposed.

Commissioner Carpenter asked if the mobile home park has existing fencing and the applicant responded with yes.

Commission Colling asked the applicant to expand on the secure breezeways. The applicant responded that the buildings would have an enclosed interior breezeway that has secure access entry on the ground floor.

Commissioner Colling commented that in general that she supports this affordable housing project/application and appreciates the architecture.

Commissioner Carpenter made a motion recommending that the Planning Commission recommend City Council approve the Official Development Plan for Uplands Filing Number 3, Block 2 Planned Unit Development. This recommendation is based on a finding that the Official Development Plan is generally supported by the criteria set forth in Sections 11-5-15 of the Westminster Municipal Code.

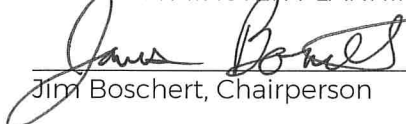
Commissioner Mayo seconded the motion.

The motion passed (7-0).

4. ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

THE WESTMINSTER PLANNING COMMISSION

  
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Jim Boschert, Chairperson

A full recording of the meeting has been posted on The City of Westminster website. [www.cityofwestminster.us/pc](http://www.cityofwestminster.us/pc)