



## Agenda Memorandum

Agenda Item – {{section.number}}.B.

City Council Meeting  
May 19, 2025



### Strategic Priority 1: Access to Opportunity

Advance access to opportunity and prosperity for all in Westminster through diverse housing choices, increased mobility options, safe and walkable neighborhoods, and strong social networks.

**Subject:** Public Hearing and Consideration of a Preliminary Development Plan Amendment and Official Development Plan Amendment for Valley View Estates

**Prepared By:** Rebecca Batzel, Planner  
John McConnell, AICP; Planning Manager  
Lindsey Kimball, CEcD, EDFP; Community Services Director

### Recommended City Council Action:

1. Hold a public hearing.
2. Approve the Second Amended Preliminary Development Plan for the Valley View Estates Planned Unit Development. This recommendation is based on the finding that the Preliminary Development Plan generally complies with the criteria in Section 11-5-14 of the Westminster Municipal Code.
3. Approve the Third Amended Official Development Plan for the Valley View Estates Planned Unit Development. This recommendation is based on the finding that the Official Development Plan generally complies with the criteria in Section 11-5-15 of the Westminster Municipal Code.

### Summary Statement:

- The proposed development consists of 1.67 acres of vacant land, located at the northeast corner of West 104th Avenue and Eliot Street, see Attachment 1.
- The applicant is requesting approval of the Second Amended Preliminary Development Plan (PDP) and the Third Amended Official Development Plan (ODP) to replat the property from five

lots to 12 lots, and construct six duplex buildings, consisting of a total of 12 individually-owned units with three bedrooms per unit, see Attachments 2 and 3.

- Planning Commission recommended approval by a vote of (4 to 3) on April 8, 2025. A copy of the Planning Commission meeting minutes is included, see Attachment 5.

**Fiscal Impact:**

\$0 in expenditures

**Source of Funds:**

Not applicable

**Policy Issue(s):**

Should City Council approve the PDP and ODP Amendments for the subject property known as Valley View Estates Planned Unit Development (PUD)?

**Alternative(s):**

1. City Council could choose to deny both the PDP Amendment and the ODP Amendment. Staff does not recommend this option because the PDP Amendment and ODP Amendment are generally supported by the criteria set forth in Sections 11-5-14 and 11-5-15, Westminster Municipal Code (W.M.C.).

**Background Information:**

Overview of Development Review and Entitlement Process

The development review and approval process can vary throughout the city, depending upon the specific property and the proposed development, but typically requires a PDP and ODP pursuant to the land use allowances established by the Comprehensive Plan. The Comprehensive Plan includes specific land use designations that provide a broad range of uses and identify allowed densities and intensities of use. The W.M.C. requires that all development be in compliance with the Comprehensive Plan. If City Council chooses to approve these PDP and ODP Amendments, the next steps in the development review process will be to secure the approval of civil construction and building construction documents prior to commencing construction on the site.

History of Subject Property

The property was annexed into the City in 1970 as a part of the North Areas to Broomfield Annexation. The existing lots within the subject property were platted in Adams County in 1963 but were never built upon. The property was rezoned from R-3 to PUD in 1997 to facilitate development. In 2008, the City approved a combined PDP/ODP that allowed 10 duplex units: one duplex pair on each of the five lots. The property owner did not obtain building permits within three years of the approval of that combined PDP/ODP, which requires it to be resubmitted for review and consideration per Section 11-5-17, W.M.C. The parcel is currently designated Medium Density Residential under the Comprehensive Plan, which may allow single-family detached, single-family attached, paired

homes, duplexes, triplexes, fourplexes, patio homes, and townhomes with City Council approval of a PDP. The property is currently vacant land.

#### Planning Commission Recommendation

Planning Commission reviewed this application on April 8, 2025, and voted in favor of recommendation for approval (4 to 3).

#### Nature of Request

The applicant is seeking approval of two development applications. The first application proposes a new PDP Amendment for the property that will allow single-family attached dwellings. The second application proposes a new ODP Amendment for the parcels to replat the property from five lots to 12 lots and construct six duplex buildings, consisting of a total of 12 individually owned units, with three bedrooms per unit. The proposal also includes a 9,758 square-foot private park, a rain garden, and other associated site improvements and landscaping.

The applicant is requesting five exceptions with the PDP. The exceptions and justifications for them are provided on Sheet 2 of the PDP, see Attachment 2.

#### Applicant/ Property Owner

Ricardo Velez  
220 W. Sutton Cir.  
Lafayette, CO 80026  
510-340-1173  
[ricardo@greatascentdevelopment.com](mailto:ricardo@greatascentdevelopment.com)

#### Location

The proposed development is located at the northeast corner of West 104th Avenue and Eliot Street, see Attachment 1.

#### Surrounding Land Uses and Designations

<b>Direction</b>	<b>Development Name</b>	<b>Zoning</b>	<b>Comp Plan Designation</b>	<b>Current Use</b>
<b>North</b>	Valley View Park	PUD/ O-1	Service Commercial/ Parks	Retail Commercial/ Park
<b>East</b>	Meadowlark	PUD	Residential Low Density	Residential Low Density
<b>South</b>	N.A. (Federal Heights)	PUD	N.A. (Federal Heights)	Retail Commercial
<b>West</b>	Metro Ventures Subdivision, Filing No. 1	PUD/ C-1	Service Commercial/ Office	Retail Commercial/ Office

#### Public Notification

Section 11-5-13(A), W.M.C. requires the following three public notification procedures:

- Published Notice: Notice of public hearings scheduled before Planning Commission or City Council shall be published and posted at least ten days prior to such hearing. Notice was published in the *Westminster Window* by the required deadline.
- Property Posting: Notice of the public hearing shall be posted on the property by the applicant with a minimum of one sign per every 660 linear feet of street frontage in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. Sign(s) were posted on the subject property by the required deadline. The applicant has provided the City's Planning Manager with a certification that the sign(s) were posted and properly maintained throughout the posting period.
- Written Notice: At least ten days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to all addresses within 1,000 feet of the subject property. The mailing list to be used shall be provided to the applicant by City staff. The applicant has provided the City's Planning Manager with a certification that the required notices were mailed by the required deadline.

#### Westminster Municipal Code Analysis

*11-5-14. - Standards for Approval of Planned Unit Development Zoning, Preliminary Development Plans and Amendments to Preliminary Development Plans.*

*(A) In reviewing an application for approval of Planned Unit Development zoning and its associated Preliminary Development Plan, or an amended Preliminary Development Plan, the following criteria shall be considered:*

- 1. The Planned Unit Development (PUD) zoning and the proposed land uses in the associated Preliminary Development Plan are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.*

The PDP Amendment conforms to the density and uses of the existing Comprehensive Plan designation and conforms with the W.M.C., ordinances, and policies. The proposed development is a good infill housing opportunity for the city, while maintaining a similar size and scale of existing adjacent residential structures. The addition of the paired home typology creates an appropriate transition on the edge of the neighborhood as it converges with adjacent commercial land uses across Eliot Street.

- 2. The Preliminary Development Plan exhibits the application of sound, creative, innovative, and efficient planning principles.*

The PDP Amendment exhibits sound and efficient planning principles. The PDP will facilitate a good opportunity for infill development while maintaining similar density and character as surrounding development, providing a new and diverse housing opportunity for residents.

- 3. Any exceptions from standard Code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan (PDP).*

The PDP Amendment requests five exceptions from City codes and standards, clearly listed on Sheet 2, see Attachment 2. The exceptions are supported by Staff largely due to the configuration of the site and adjacent streets, and size and scale of the development. The development is comprised of 1.67 acres of land and includes 12 residential units. The Single

Family Attached Residential Design Standards were primarily intended to accommodate larger residential subdivisions and reasonable consideration of exceptions for developments of this scale may be warranted. The applicant has listed out the standards and provided a justification for each exception.

4. *The PDP is compatible and harmonious with existing public and private development in the surrounding area.*

Staff finds that the proposed PDP Amendment is compatible and harmonious with existing development in the surrounding area. The residential uses and densities in the proposed development are similar to the densities and uses to the east. The incorporation of the paired home typology provides an appropriate edge transition to the commercial development across Eliot Street.

5. *The PDP provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.*

Staff finds that the development does not represent an adverse impact to the surrounding community, and, in turn, is not affected adversely by the surrounding community. The development consists of 12 new lots that are similar to the adjoining residential uses to the east.

6. *The PDP has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.*

Staff finds that the PDP Amendment will not have significant adverse impacts upon existing or future land uses.

7. *Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions, and in a manner that creates minimum hazards for vehicles and pedestrian traffic.*

The development will have direct driveway access to Eliot Street and additional frontage on Decatur Street. Both streets are designated as collector streets. Access is designed in a safe manner that will not create interruptions to traffic. The development will generate approximately 113 new vehicle trips per day.

8. *The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.*

The PDP Amendment does not preclude future land dedications for public roadways or utilities. The application identifies that cash-in-lieu of Public Land Dedication (PLD) will be provided with the Plat.

9. *Performance standards are included that ensure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in Section 11-5-15, W.M.C.*

The PDP Amendment includes all the necessary performance standards to ensure reasonable expectations for the ODP to meet the standards for approval. Most performance standards will be reviewed and shown on the ODP rather than the PDP.

*10. The applicant is not in default or does not have any outstanding obligations to the City.*

The applicant is not in default and does not have outstanding obligations to the City.

*(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.*

*11-5-15. - Standards for Approval of Official Development Plans and Amendments to Official Development Plans.*

○ *(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan, the following criteria shall be considered:*

*1. The plan is in conformance with all City Codes, ordinances, and policies.*

The ODP Amendment generally meets all City codes, ordinances, and policies. The applicant identifies several exceptions to codes and policies that are requested for approval and acceptable based on Staff review.

*2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district, if other than Planned Unit Development (PUD).*

The applicant has prepared the PDP Amendment and the ODP Amendment at the same time. The ODP Amendment is in conformance with their proposed PDP Amendment.

*3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.*

The ODP Amendment exhibits creativity and sound use of planning and design principles. The proposed development will ensure compatibility with the existing neighborhood by facilitating a new housing type while maintaining a similar scale and intensity as neighboring uses.

*4. For plans in PUD zones, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.*

The applicant is requesting five exceptions with the PDP and ODP Amendments. The exceptions and justifications for the exceptions are provided in the PDP and ODP Amendments. The exceptions are supported by Staff largely due to the configuration of the site and adjacent streets, and size and scale of the development. The Single Family Attached Design Standards were primarily intended for larger residential development plans, which warrants consideration of reasonable exceptions to accommodate development of challenging infill sites such as this one.

*5. The plan is compatible and harmonious with existing public and private development in the surrounding area.*

Staff finds that the proposed ODP Amendment is compatible and harmonious with existing development in the surrounding area. The residential uses and densities in the proposed development are very similar to the densities and uses to the east. The incorporation of the paired home typology provides an appropriate edge transition to the commercial development across Eliot Street.

6. *The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.*

The ODP and PDP Amendments provide appropriate setbacks, landscaping, and screening from surrounding development. Staff finds that the proposed plan does provide for protection from adverse influences from the surrounding area and from within the development.

7. *The plan has no significant adverse impacts on future land uses and future development of the immediate area.*

The proposed ODP Amendment has no significant adverse impacts on future land uses and future development. The surrounding properties are fully developed and the ODP Amendment will facilitate an appropriately scaled infill development.

8. *The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.*

The ODP Amendment proposes 12 new single-family homes. The proposed site plan is safe, convenient, and harmonious to existing structures and allows for the appropriate relation of space to intended uses.

9. *Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.*

The ODP Amendment includes design standards for the new homes. The standards generally meet the requirements of the Single Family Attached Design Standards, except where exceptions are requested, and these exceptions were written with sound design principles and practice, see Sheet 2 of Attachment 3.

10. *The architectural design of all structures is internally and externally compatible, in terms of shape, color, texture, forms, and materials.*

The ODP Amendment includes design standards for the new homes. The standards generally meet the requirements of the Single Family Attached Design Standards, except where exceptions are requested, and these exceptions were written with sound design principles and practice. Roof forms, building articulation, and exterior cladding materials are similar to the existing homes in the neighborhood.

11. *Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.*

The ODP Amendment clearly shows the fencing and landscaping that will be installed to mitigate any undesirable environmental effects attributable to the development. Intense berming and landscaping is provided on the eastern edge of the development to ensure reasonable screening and accommodate stormwater runoff.

12. *Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.*

Landscaping, as proposed, meets City Code requirements and is adequate and appropriate. The property does not include existing trees or significant vegetation. The applicant proposes an acceptable landscaping plan that includes landscaping, a private park, and trails that make up a total of 62.4 percent of the site.

*13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.*

The new development would generate approximately 113 new vehicle trips per day. All the existing streets in the surrounding vicinity have the capacity to accommodate the additional trips.

*14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions, and in a manner that creates minimum hazards for vehicles and pedestrian traffic.*

The development will have direct driveway access to Eliot Street and additional frontage on Decatur Street. Both streets are designated as collector streets. The access has been designed and located to minimize any conflicts and hazards.

*15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.*

The development will continue the sidewalk alignment along the site frontage, including a portion of Decatur Street to connect with the existing sidewalks.

*16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.*

Existing and proposed utility and drainage systems are adequate to serve this development.

*17. The applicant is not in default or does not have any outstanding obligations to the City.*

The applicant is not in default and does not have outstanding obligations to the City.

*(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.*

#### Neighborhood Meeting(s) and Public Comments

A neighborhood meeting was held virtually using the City's GoTo Webinar platform on August 11, 2021, in which 26 people were in attendance. The general topics of concern from the public were traffic, existing site conditions, drainage, and grading.

Staff received several public comments on the proposed development, and those are included in Attachment 4.

#### Summary of Staff Recommendation

Staff recommends approval of the proposed Second Amended PDP and Third Amended ODP as the proposed development conforms with the Comprehensive Plan and provides a good opportunity for compatible infill development. Staff finds that the proposed PDP and ODP Amendments are in general conformance with all City policies, standards, and sound planning principles and practice, and that there is existing capacity in the City's street, drainage, and utility systems to accommodate the proposed development in accordance with Sections 11-5-14 and 11-5-15, W.M.C.

The City's Strategic Plan priority of Access to Opportunity is met by facilitating infill development within existing neighborhoods that provides additional housing types so diverse households can live and thrive in the City of Westminster.



Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Andrews', with a long horizontal flourish extending to the right.

Jody L. Andrews  
City Manager

**Attachments:**

Attachment 1: Vicinity Map

Attachment 2: Proposed Preliminary Development Plan Amendment

Attachment 3: Proposed Official Development Plan Amendment

Attachment 4: Public Comment

Attachment 5: Planning Commission Meeting Minutes