



## Agenda Memorandum

Agenda Item – {{section.number}}.C.

City Council Meeting  
September 9, 2024



### **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



### **Strategic Priority 4: Economic Vitality**

Promote and support a resilient economy that attracts and retains a diversity of businesses, workers, and industries, expands living wage jobs, and diversifies the City's tax base

**Subject:** Public Hearing and Consideration of an Official Development Plan for Uplands Filing 3, Block 1, Tract B / PA-C(1-A) Located Southwest of the Intersection of West 88th Avenue and Decatur Street

**Prepared By:** Jacob Kasza, Principal 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 Official Development Plan for Uplands Filing 3, Block 1, Tract B / PA-C(1-A). 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 a two-acre parcel located southwest of the intersection of West 88th Avenue and Decatur Street, see Attachment 1.

- The applicant is requesting approval of an Official Development Plan (ODP) that would facilitate the development of 70 multifamily residential units and 7,373 square feet of commercial space in one mixed-use building, see Attachment 2.
- Planning Commission unanimously recommended approval by a vote of (7 to 0) on July 9, 2024. 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 ODP for the subject property known as Uplands Filing 3, Block 1, Tract B / PA-C(1-A)?

**Alternative(s):**

City Council could choose to deny the ODP. Staff does not recommend this option because the ODP is generally supported by the criteria set forth in Section 11-5-15 of the 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 Preliminary Development Plan (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 this ODP, the applicant will need to secure approval of civil construction drawings and building permits before any construction could occur.

History of Subject Property

The subject property was annexed into the City in 1970. The property is currently zoned Planned Unit Development (PUD) with the PDP having been approved in December 2021. The property is vacant land and has generally been used for agricultural uses for approximately 100 years.

Planning Commission Recommendation

Planning Commission reviewed this application on July 9, 2024, and voted unanimously in favor of recommendation for approval by a vote of (7 to 0).

### Nature of Request

The applicant is seeking approval of an ODP for Uplands Filing 3, Block 1, Tract B / PA-C(1-A). The proposed ODP allows for the construction of 70 multifamily dwelling units and approximately 7,373 square feet of commercial space in one mixed-use building. The proposal also includes five amenity areas containing a dog run, a courtyard with tables and grills, a shared common room, a fourth story roof deck, and a publicly accessible private pocket park.

The applicant is requesting 19 exceptions with the ODP. The exceptions and justifications for them are provided on Sheets 5-9 of the ODP, see Attachment 2.

### Applicant/ Property Owner

Adams County Housing Authority  
DBA Maiker Housing Partners  
Adam Zard  
3033 West 71st Avenue, Suite 1000  
Westminster, CO 80030

### Location

The two-acre project site is located southwest of the intersection of West 88th Avenue and Decatur 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>	City of Federal Heights	City of Federal Heights	N/A	Vacant/Park/Commercial
<b>East</b>	Uplands/ Prospectors Point Condominiums	PUD	Suburban Multifamily	Vacant/ Multifamily Residential
<b>South</b>	Uplands/ Crown Pointe Academy	PUD/C-1	Commercial Mixed-Use/ Public/Quasi-Public	Vacant/ School
<b>West</b>	Uplands	PUD	Mixed-Use Neighborhood	Vacant

### 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

##### *11-5-15. - 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 proposed ODP will generally meet all City Codes, ordinances, and policies with approval of the 19 exceptions listed on sheets 5-9 of the ODP. The 2040 Comprehensive Plan identifies the subject property as appropriate for "Commercial Mixed Use" development. The Uplands PDP allows up to 370 units on PA-C(1), if 0.1 floor area ratio (FAR) of commercial is also constructed. This application requests an exception to the minimum FAR requirement. The tract is 88,375 square feet and requires 8,838 square feet of commercial. The applicant proposes only 7,373 square feet of commercial. The PDP also requires 11,000 square feet of office within PA-C(1) and it is unclear where the applicant/master developer will provide this.

- 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).*

With approval of the exceptions outlined on sheets 5-9 of the ODP, the ODP will generally comply with the Uplands PDP.

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

The site plan of the proposed development was laid out in an efficient manner to accommodate the required number of affordable units, required parking, and fire aerial apparatus access. The building has been deliberately located close to Decatur so the building

can be served by the City's ladder truck.

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 19 exceptions with the ODP. The exceptions and justifications for them are provided on sheets 5-9 of the ODP.

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

Staff finds that the plan is generally compatible with existing public and private development in the surrounding area. Neighboring development includes Prospectors Point to the east, a multifamily project constructed at a slightly smaller density and scale. The City recently approved an ODP for the Overlook at Uplands multifamily development on PA-C(2) further to the east. A public park is planned for the three acres in between this development and the Overlook development.

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.*

Staff finds that the proposed ODP generally provides for protection from influences surrounding the development. Due to the need for fire aerial apparatus access, exceptions to the setbacks have been requested. The site is one-half block off Federal Boulevard, which provides a good setback from the environmental impacts of the arterial roadway.

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

The proposed ODP has no significant adverse impacts on future land uses and future development. An extension of Decatur Street and West 87th Avenue has already been approved with the ODP for PA-C(2), setting the boundaries for future 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 proposes one mixed-use building with amenity space in the courtyard to the north and in the parking lot to the west. The alignment of the building takes advantage of the sun and the shade to make good use of amenity space.

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

The applicant is requesting multiple exceptions to setbacks and lot coverage requirements. All such exceptions and justifications are shown on sheets 5-9 of the ODP. The building height is in conformance with the PDP.

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

The proposed design of the multifamily building is generally compatible with the surrounding area. The use of a flat roof does vary from other residential structures in the area. The colors and materials reflect modern design practices. The applicant is requesting exceptions to a requirement to provide step downs at the building edge, to allow for a flat roof, for roofing materials, for patios and balconies, and for parapet screening.

- 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.*

No fencing, walls, or other screening aside from landscaping are proposed on the periphery of the project. The development is designed in an urban format as the Comprehensive Plan designation of Commercial Mixed-Use intends. The applicant is asking for an exception to screening requirements for roof-top mechanical units and the trash enclosure location.

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

Staff finds that landscaping is adequate and appropriate. The applicant is requesting three exceptions to the design standards for landscaping related to landscaping area, berms, and landscaping quantities. The development is designed in an urban format as the Comprehensive Plan designation of Commercial Mixed-Use intends. These exceptions are listed on sheets 5-9 of the ODP.

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

Staff have reviewed a traffic study for the development and find that the streets are adequate for the proposed development.

- 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.*

Staff finds that the proposed streets, parking, and access points have been designed to promote safety, accessibility, and minimum hazards and to meet the City's Engineering Standards and Specifications.

- 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 proposed development includes an abundance of new sidewalks connecting the building to the public streets on the north, east, and south sides of the project site. Wide multi-use trails are proposed along the length of West 88th Avenue leading to Federal Boulevard and along Clay Street, which acts as the gateway to the project. Staff finds that the ODP will

accommodate increased safety, convenience, and accessibility.

*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.*

The Public Works and Utilities Department (PWU) has reviewed the plans, Phase II Drainage Study, and Utility Study and found they can conform with the PDP and utility master plans associated with the Uplands development.

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

The applicant is actively working to fulfill the obligations of the conditions of approval for the PDP.

*(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.*

The applicant has provided a narrative regarding the standards of approval and supplemental information which may be viewed in Attachment 4.

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

A neighborhood meeting was held on September 14, 2023. In advance of the neighborhood meeting, the applicant mailed notice of the meeting to property owners, occupants, and homeowners associations registered with the City within 1,000 feet of the subject property. The meeting was also advertised on the City's website. Several members of the public attended the project meeting. The applicant started the meeting with a presentation about the proposed development and Staff gave an overview of the development review process.

Questions were raised about the site plan, the building design, future traffic, and mitigation of construction traffic.

Public comments were received prior to the City Council hearing, see Attachment 3.

#### Summary of Staff Recommendation

Staff recommends that City Council approve the ODP as it generally meets the standards for approval in Section 11-5-15, W.M.C.

The City's Strategic Plan priorities of Access to Opportunity and Economic Vitality are met through the creation of new affordable housing that will allow for a diversity of residents to make Westminster their home while also increasing the commercial property in the City in a mixed-use building.

Respectfully submitted,

*Jody Andrews*

Jody L. Andrews  
Acting City Manager

**Attachments:**

Attachment 1: Vicinity Map

Attachment 2: Proposed Official Development Plan

Attachment 3: Public Comment

Attachment 4: Applicants Narrative and Supplemental Information

Attachment 5: Planning Commission Meeting Minutes

Staff Presentation for Consideration of an Official Development Plan for Uplands Filing 3, Block 1, Tract B / PA-C(1-A) Located Southwest of the Intersection of West 88th Avenue and Decatur Street

Applicant Presentation for Consideration of an Official Development Plan for Uplands Filing 3, Block 1, Tract B / PA-C(1-A) Located Southwest of the Intersection of West 88th Avenue and Decatur Street