



WESTMINSTER

**CITY OF WESTMINSTER
PLANNING COMMISSION
Meeting Minutes
April 8, 2025**

1. ROLL CALL

The meeting was called to order at 7:00 pm by Chair Jim Boschert. Present were Commissioners Chennou Xiong, Rick Mayo, David Carpenter, Tracy Colling, Larry Dunn, and David Tomecek. Also present: Staff members, Secretary/Associate Planner Jennifer Baden, Planner Reb Batzel, Principal Planner Jacob Kasza, Planning Manager John McConnell, Development Engineering Admin Heather Otterstetter, and Deputy City Attorney Greg Graham. With the roll called, Chair Boschert stated that a quorum was present.

CONSIDERATION OF MINUTES

Meeting Minutes from March 25, 2025.

Commissioner Dunn made a motion to approve the minutes from the March 25, 2025. Planning Commission meeting. Commissioner Tomecek seconded the motion. The minutes were unanimously accepted (7-0).

2. CONSIDERATION OF NEW BUSINESS AND PUBLIC HEARINGS

3a) Public Hearing and Consideration of a Preliminary Development Plan Amendment and an Official Development Plan Amendment for Valley View Estates Planned Unit Development.

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

Reb Batzel, 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. Notices were provided by the required deadline. Ms. Batzel narrated a PowerPoint presentation for the proposal to:

- a. Hold a public hearing.
- b. Recommend that City Council 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.
- c. Recommend that City Council 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.

The applicant team gave a presentation.

Commissioner Colling asked the applicant to confirm the date of the Project Meeting and to explain the delay between the Project Meeting and the public hearing. The applicant confirmed the Project Meeting was held in 2022 and explained that the delay was due to multiple rounds of review on the project.

Commissioner Colling asked staff to explain why the site plan has changed from five (5) detached lots to six (6) duplex lots for a total of twelve (12) lots. Mr. Kasza explained that the

application under consideration is an amendment to an already existing approved but expired Official Development Plan. He went on to explain that this application for consideration is proposing to change the plan to twelve (12) duplex lots with six (6) buildings.

Commissioner Colling asked the applicant why they are proposing to change from five (5) Single Family lots to six (6) duplex lots and how they arrived at twelve (12) units.

The applicant responded that the already entitled five (5) lots was proposed by a different applicant/development team. They went on to explain that to make the site pencil out on paper increasing density made the most sense.

Commissioner Dunn asked staff to confirm the density. Mr. Kasza responded this application is requesting a density of 7.18 units per acre.

Commissioner Carpenter asked the applicant about the size of the homes that are proposed. The applicant responded 2,400 square feet for each unit not including the garage, and the unfinished basement is 1100 square foot.

Commissioner Carpenter asked staff what the current entitlements would allow for the 5 detached units.

Mr. Kasza responded that the existing lots on the site are from a 1963 plat for Valley View Estates and the lots approximately .24 acres in size which would allow for a large footprint. The plan that is being proposed to be amended is from 2008 and was for 5 duplex units or 10 total duplexes and 5 buildings with a 3,400 square foot-building footprint area.

Commissioner Carpenter asked the applicant about the onsite detention plan. The applicant responded they are proposing a rain garden with 100-year detention.

Commissioner Carpenter asked the applicant to clarify the trip count increase from the traffic report. The applicant responded the average weekday increase would be 113 trips.

Commissioner Colling asked the applicant if a ranch style home was considered so that the units would not be as tall and peering down into the already existing adjacent neighborhood lots. The applicant responded that the market is driving the product type that is being proposed and that thoughtful landscape design to minimize impacts is also proposed.

Commissioner Tomecek asked the applicant about the drainage design. The applicant responded that drainage is separated from the fence line by six (6) or seven (7) feet and is a four (4) foot wide grass swale and the intention in the rear yard is to avoid drainage into the adjacent neighborhood, keeping water on the site and into the rain garden.

Commissioner Tomecek asked who will be responsible for maintaining the drainage. The applicant responded the HOA will be responsible.

Commissioner Tomecek asked who will manage the HOA. The applicant responded they do not know right now. Commissioner Tomecek stated his concern is that the HOA will be managed by the homeowners, and they likely will not have interest in maintaining the swale.

Commissioner Tomecek asked how much of the drainage study accounted for water that is pushed out of the rain garden and down the hillside. The applicant responded the drainage report study looked at both the onsite water and water quality and from this a spillway structure that leads into the existing storm drainage is proposed.

Commissioner Tomecek asked if the City had considered that the drainage in this area does not work well and that this application may be adding to an already existing issue. Commissioner Tomecek stated that he lives in the area and has witnessed firsthand the drainage issues. He went on to say that leaving homeowners responsible for the drainage, even with an HOA, is not a great idea and adds to the problem.

Commissioner Tomecek stated he is also concerned about traffic in the area.

Chair Boschert closed the public hearing at 7:35 pm.

Chair Boschert opened the public testimony at 7:36 pm.

There was public testimony in opposition of the application. Concerns with traffic, density, drainage, building height, lack of street parking, over crowding in the City, the number of exceptions being requested, and water concerns.

Chair Boschert closed the public testimony at 8:20 pm.

Commissioner Mayo stated that the application being considered is to consider going from five buildings to six buildings due to the existing entitlements and that some of the concerns heard during the public testimony will not greatly affect this proposed change.

Chair Boschert stated that infill on a site like this is difficult to accomplish and there is a housing shortage in the City. He stated he feels this application may improve the conditions on the site.

Commissioner Colling clarified for the audience that Planning Commission will only make a recommendation tonight and that the final vote will be with City Council. She asked staff why the site has gone undeveloped for so long. Mr. McConnell stated that the City speculates that this is because of the site conditions and challenges. Commissioner Colling stated she is having a hard time finding a reason to support the application.

Commissioner Xiong stated while he is unsure of his vote, he acknowledged the housing shortage in the City and stated this may address this need. He cited concerns with all the exceptions being requested.

Commissioner Carpenter asked the applicant to clarify if there is going to be both a Metro District and an HOA. The applicant stated that they anticipate an HOA and are open the possibility of a Metro District.

Commissioner Carpenter asked for clarification of the road classification and the lack of driveways directly onto Eliot or Decatur. Mr. Kasza responded that the road classification is considered a local street and is very common to have driveways on local streets.

Staff and the applicant asked the Commission for permission to respond to public testimony comments.

Mr. Kasza stated:

- The application is requesting five (5) exceptions; two (2) are for setbacks, one (1) is to decrease the required number of dog clean up stations, one (1) is for a reduction in the distance in between retaining walls, and one (1) is for a median requirement into a subdivision;
- The front yard and rear setbacks being proposed are more stringent than what was previously approved, and this application is requesting more space in the front and rear;
- No exception to height limit;
- Parking spaces provided are forty-eight (48), two (2) in the driveway and two (2) in the garage;
- Drainage-the City does have an active drainage inspection program. The HOA will be responsible to maintain the drainage;
- Mailed Notice requirements were updated in 2023, so this explains why some resident did not receive the project meeting mailing;
- There are two-story and split-level units in the existing neighborhood adjoining this subdivision;
- The increase in density is within the Comprehensive Plan (CP) allowance; and
- A Concept Plan Review (CPR) was not required for this application because the application was made in 2021, and the CPR requirement was adopted in 2023.

The applicant stated:

The location of the buildings is proposed to be located as such to balance the front and rear edges (setbacks) on the site.

Commissioner Carpenter asked if traffic calming will be required for the public improvements. The applicant responded there are no traffic calming plans at this time but there have been conversations with Public Works. They stated a fee in lieu payment is proposed because of the inability to dedicate land.

Commissioner Carpenter stated that he echoed Commissioner Mayo's comments about previous entitlements. He stated that he believes this application supports the Comprehensive Plan and is not concerned with water.

Commissioner Carpenter made a motion that the Planning Commission recommend City Council approve the Second Amended Preliminary Development Plan and Third Amended Official Development Plan for the Valley View Estates Planned Unit Development. This recommendation is based on a finding that the Preliminary Development Plan is supported by the criteria set forth in Section 11-5-14 of the Westminster Municipal Code and the Official Development Plan is supported by the criteria set forth in Section 11-5-15 of the Westminster Municipal Code.

Commissioner Dunn seconded the motion.

Commissioner Dunn stated he is also conflicted due to drainage concerns but does recognize that this application has been designed by and reviewed by professionals.

Commissioner Colling stated she will not be supporting the motion and that she believes the application does meet criteria numbers 2, 4 and 7.

Chair Boschert stated the Planning Commission will only be making a recommendation on this item and that the final decision lies with City Council.

The motion passed (4-3).

Commissioners Colling, Tomecek, and Xiong were not in favor.

Commissioner Tomecek stated his reasons for dissent were the same reasons Commissioner Colling previously stated about the approval criteria not being met.

4. ADJOURNMENT

The meeting was adjourned at 8:47 p.m.

THE WESTMINSTER PLANNING COMMISSION


James Boschert, Chairperson

A full recording of the meeting has been posted on The City of Westminster website.
www.cityofwestminster.us/pc