



**Agenda Memorandum**

Agenda Item – {{section.number}}.D.

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 Three Separate Official Development Plans for Filing 1, Block 1, Block 5, and Block 7 (PA-A1, PA-A5, and PA-A7) within the Uplands Subdivision Located Southwest of the Intersection of West 88th Avenue and Federal Boulevard

**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 1, Block 1 / PA-A1, subject to the condition set forth in the Summary of Staff Recommendations herein. 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.
3. Approve the Official Development Plan for Uplands Filing 1, Block 5 / PA-A5, subject to the condition set forth in the Summary of Staff Recommendations herein. 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.

4. Approve the Official Development Plan for Uplands Filing 1, Block 7 / PA-A7, subject to the condition set forth in the Summary of Staff Recommendations herein. 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 three planning areas of the Uplands development located southwest of the intersection of West 88th Avenue and Federal Boulevard, see Attachment 1.
- The applicants are requesting approval of three separate Official Development Plans (ODPs). The Block 1 ODP would allow for the development of 78 single-family detached and attached dwellings on 8.73 acres, see Attachment 2.
- The Block 5 ODP would allow for the development of 166 single-family detached and attached dwellings on 16.18 acres, see Attachment 3.
- The Block 7 ODP would allow for the development of 180 single-family detached and attached dwellings on 16.75 acres, see Attachment 4.
- Planning Commission unanimously recommended approval of the Block 1 ODP with conditions by a vote of (7 to 0) on July 23, 2024. Planning Commission recommended approval of the Block 5 and Block 7 ODPs with conditions by a vote of (6 to 1) on July 23, 2024. A copy of the Planning Commission meeting minutes is included, see Attachment 12.

**Fiscal Impact:**

\$0 in expenditures.

**Source of Funds:**

Not applicable.

**Policy Issue(s):**

1. Should City Council conditionally approve the ODP for the subject property known as Uplands Filing 1, Block 1 / PA-A1?
2. Should City Council conditionally approve the ODP for the subject property known as Uplands Filing 1, Block 5 / PA-A5?
3. Should City Council conditionally approve the ODP for the subject property known as Uplands Filing 1, Block 7 / PA-A7?

**Alternative(s):**

1. City Council could choose to deny any of the ODPs. Staff does not recommend this option because the ODPs are generally supported by the criteria set forth in Section 11-5-15 of the Westminster Municipal Code (W.M.C.).
2. City Council could choose to approve the ODPs without the conditions recommended by Staff. Staff does not recommend this option because the conditions of approval outlined in this agenda memo ensure that the ODPs meet the Standards for Approval of ODPs as well as requirements for recordation, site development standards, and unaddressed technical corrections.

## **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 these ODPs, the applicant will need to secure approval of civil construction drawings and building construction documents before any construction could occur.

### History of Subject Property

The subject property is within the original town limits. 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 been used for agricultural uses for approximately 100 years.

### Planning Commission Recommendation

#### **Block 1 / PA-A1:**

Planning Commission reviewed this application on July 23, 2024, and voted unanimously in favor of recommendation for approval with conditions by a vote of (7 to 0). The conditions included one that Staff lists in the agenda memo and the second that the applicant come into compliance with the items associated with the stop work order issued to the applicant for storm water violations that occurred after the severe storm on July 20, 2024.

#### **Block 5 / PA-A5:**

Planning Commission reviewed this application on July 23, 2024, and voted in favor of recommendation for approval with conditions by a vote of (6 to 1). The conditions included one that Staff lists in the agenda memo, upon City Council understanding the Planning Commission's concerns with the parking methodology, and that the applicant come into compliance with the items associated with the stop work order issued to the applicant for storm water violations that occurred after the severe storm on July 20, 2024.

## **Block 7 / PA-A7:**

Planning Commission reviewed this application on July 23, 2024, and voted in favor of recommendation for approval with conditions by a vote of (6 to 1). The conditions included one that Staff lists in the agenda memo, upon City Council understanding the Planning Commission's concerns with the parking methodology, and that the applicant come into compliance with the items associated with the stop work order issued to the applicant for storm water violations that occurred after the severe storm on July 20, 2024.

The Planning Commission specifically included the parking methodology condition as they wanted City Council to be aware of their concerns on these applications. Their concerns include:

1. Blocks 5 and 7 are both proposed with a large reduction in provided parking for both the homeowners and guests.
  - a. For Block 5, 543 off-street spaces are required and only 332 spaces are provided off-street.
  - b. For Block 7, 607 off-street spaces are required and 350 are provided off-street.

The applicant has proposed with both applications that their on-street parking is sufficient to meet this proposed reduction in parking spaces.

2. There is a concern about the proximity of guest parking to the units and ease of access.
3. There is a concern that the applicant is asking the City to count their on-street spaces as counting towards their off-street parking requirement.

The City has removed the stop work order that was associated with the violation that occurred after the severe storm on July 20, 2024, see Attachment 13.

### Nature of Request

The applicant is seeking approval of three separate ODPs for three blocks within Filing 1 of the Uplands Subdivision. The first ODP is for Uplands Filing 1, Block 1 / PA-A1. The proposed ODP allows for the construction of 39 single-family detached dwellings and 39 single-family attached dwellings. The proposal also includes a publicly accessible private park and associated landscaping. The applicant has provided a scope of the project on Sheet 4 of Attachment 2.

The second ODP is for Uplands Filing 1, Block 5 / PA-A5. The proposed ODP allows for the construction of 93 single-family detached dwellings and 73 single-family attached dwellings. The proposal also includes two publicly accessible private parks and associated landscaping. The applicant has provided a scope of the project on Sheet 4 of Attachment 3.

The third ODP is for Uplands Filing 1, Block 7 / PA-A7. The proposed ODP allows for the construction of 112 single-family detached dwellings and 68 single-family attached dwellings. The proposal also

includes a publicly accessible private park and associated landscaping. The applicant has provided a scope of the project on Sheet 4 of Attachment 4.

Applicant/ Property Owner

VPDF Uplands LLC  
 Chad Ellington  
 1480 Humbolt Street  
 Denver, CO 80218  
 303.503.1016  
 Chad@peakdevgrp.com

Location

The proposed development consists of three planning areas of the Uplands development located southwest of the intersection of West 88th Avenue and Federal Boulevard, see Attachment 1.

Surrounding Land Uses and Designations

**Block 1 / PA-A1**

<b>Direction</b>	<b>Development Name</b>	<b>Zoning</b>	<b>Comp Plan Designation</b>	<b>Current Use</b>
<b>North</b>	Shaw Heights	Adams County	Adams County	Residential
<b>East</b>	Uplands	PUD	Mixed-Use Neighborhood	Vacant
<b>South</b>	Uplands	PUD	Mixed-Use Neighborhood	Vacant
<b>West</b>	Shaw Heights	Adams County	Adams County	Residential/School

**Block 5 / PA-A5**

<b>Direction</b>	<b>Development Name</b>	<b>Zoning</b>	<b>Comp Plan Designation</b>	<b>Current Use</b>
<b>North</b>	Shaw Heights/ Cottonwood Townhomes	Adams County/PUD/C- 1	Residential Low Density/ Residential Medium Density/ Commercial	Residential/Commercial
<b>East</b>	Uplands	PUD	Commercial Mixed- Use	Vacant
<b>South</b>	Uplands	PUD	Mixed-Use Neighborhood	Vacant
<b>West</b>	Uplands	PUD	Mixed-Use Neighborhood	Vacant

**Block 7 / PA-A7**

Direction	Development Name	Zoning	Comp Plan Designation	Current Use
North	Uplands	PUD	Mixed-Use Neighborhood	Vacant
East	Summit Square Shopping Center	C-1	Commercial	Retail Commercial
South	Pillar of Fire	R-1	Residential Low Density	Institutional
West	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.*

Block 1 / PA-A1: The ODP generally meets all City Codes, ordinances, and policies. The applicant identifies several exceptions to codes and policies that are requested for approval on sheets 5-7 of Attachment 2.

Block 5 / PA-A5: The ODP generally meets all City Codes, ordinances, and policies. The applicant identifies several exceptions to codes and policies that are requested for approval on sheets 5-7 of Attachment 3.

Block 7 / PA-A7: The ODP generally meets all City Codes, ordinances, and policies. The applicant identifies several exceptions to codes and policies that are requested for approval on sheets 5-7 of Attachment 4.

- 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).*

Block 1 / PA-A1: The ODP requests a lower number of units in Block 1, than was required in the Master ODP (MODP). This is listed as an exception on sheet 6 of Attachment 2. The proposed ODP meets all the standards of the PDP.

Block 5 / PA-A5: The proposed ODP meets all the standards of the PDP.

Block 7 / PA-A7: The proposed ODP meets all the standards of the PDP.

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

All three ODPs exhibit a creative new-urbanist community and incorporate efficient and innovative design principles. The site plans provide for easy pedestrian access across the development while managing the impacts of the fire aerial apparatus access roads.

- 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.*

Block 1 / PA-A1: The applicant is requesting six exceptions with the ODP. The exceptions and justifications for the exceptions are provided on sheets 5-7 of Attachment 2. The exceptions either require City Council review and consideration or are being referred by the Planning Commission to City Council for its review and consideration. The applicant has provided an additional narrative and justification in Attachment 9.

Block 5 / PA-A5: The applicant is requesting five exceptions with the ODP. The exceptions and justifications for the exceptions are provided on sheets 5-7 of Attachment 3. The exceptions either require City Council review and consideration or are being referred by the Planning Commission to City Council for its review and consideration. The applicant has provided an additional narrative and justification in Attachment 10.

Block 7 / PA-A7: The applicant is requesting five exceptions with the ODP. The exceptions and justifications for the exceptions are provided on sheets 5-7 of Attachment 4. The exceptions either require City Council review and consideration or are being referred by the Planning Commission to City Council for its review and consideration. The applicant has provided an additional narrative and justification in Attachment 11.

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

Staff finds that all three proposed ODPs are generally compatible with existing public and private development in the surrounding area. The ODPs conform to the required perimeter setbacks and "Perimeter Sensitivity Zone" identified in the MODP.

- 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 all three proposed ODPs generally provide for protection from influences surrounding the development. Blocks 5 and 7 include a landscaped setback from Federal Boulevard, helping to mitigate some of the impacts of that state highway.

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

All three proposed ODPs have no significant adverse impacts on future land uses and future development. Setbacks are provided around the perimeter of the development and all access points are designed to City Standards.

- 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.*

All three proposed ODPs provide for a safe grouping of structures and uses. Where needed, the alleys have been designed to meet the requirements of fire access roads or fire aerial apparatus access roads. Homes will gain vehicular access via the alleys, and all have a direct pedestrian connection to either a private tract or the right-of-way.

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

Block 1 / PA-A1: The proposed residential lots are between 1,100 to 4,085 square feet. Setbacks are shown on sheet 8 of Attachment 2. The applicant is requesting exceptions to the design standards for setbacks, off street parking, and lot size as shown on sheets 5-7 of Attachment 2.

Block 5 / PA-A5: The proposed residential lots are between 1,000 to 3,569 square feet. Setbacks are shown on sheet 8 of Attachment 3. The applicant is requesting exceptions to the design standards for setbacks, off street parking, and lot size as shown on sheets 5-7 of Attachment 3.

Block 7 / PA-A7: The proposed residential lots are between 1,400 to 2,720 square feet. Setbacks are shown on sheet 8 of Attachment 4. The applicant is requesting exceptions to the design standards for setbacks, off street parking, and lot size as shown on sheets 5-7 of Attachment 4.

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

Block 1 / PA-A1: The proposed design of the houses is shown on sheets 64 through 118 of Attachment 2. The applicant is requesting exceptions to the MODP design standards for architecture as shown on sheets 6 and 7 of Attachment 2.

Block 5 / PA-A5: The proposed design of the houses is shown on sheets 81 through 134 of Attachment 3. The applicant is requesting exceptions to the MODP design standards for architecture as shown on sheet 6 of Attachment 3.

Block 7 / PA-A7: The proposed design of the houses is shown on sheets 76 through 103 of Attachment 4. The applicant is requesting one exception to the MODP design standards for architecture as shown on sheet 6 of Attachment 4.

*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.*

Block 1 / PA-A1: Fencing within Block 1 is proposed only within side yards for the single-family detached homes. Screening is largely accomplished through landscaping as the development is built as a new urbanist community.

Block 5 / PA-A5: Fencing within Block 5 is proposed for side yards for the single-family detached homes and a 42-inch front yard fence for the homes fronting onto West 88th Avenue. Along Federal Boulevard, berming, 8-foot screen panels, and landscaping are provided.

Block 7 / PA-A7: Fencing within Block 7 is proposed for some side yards and wing fences. A 42-inch front yard fence is provided for some homes throughout the development. Along Federal Boulevard, berming, 8-foot screen panels, and landscaping are provided.

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

Block 1 / PA-A1: The applicant is requesting one exception to the landscaping regulations on sheet 5 of Attachment 2. Staff finds that if all recommended conditions are met, the landscaping is adequate and appropriate.

Block 5 / PA-A5: The applicant is requesting one exception to the landscaping regulations on sheet 5 of Attachment 3. Staff finds that if all recommended conditions are met, the landscaping is adequate and appropriate.

Block 7 / PA-A7: The applicant is requesting two exceptions to the landscaping regulations on sheet 5 and 6 of Attachment 4. Staff finds that if all recommended conditions are met, the landscaping is adequate and appropriate.

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

Staff have reviewed traffic studies for each 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 new sidewalks and pedestrian connections. Each home will be accessible by a private walk. The site plan accommodates multiple pedestrian connections to limit the distance a pedestrian would need to walk. Staff finds that the ODPs 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 Studies, and Utility Studies 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 Uplands Master Developer is actively working to fulfill the obligations of the conditions of approval for the PDP. 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.*

The applicant has provided a narrative regarding the standards of approval which may be viewed in Attachments 9, 10, and 11.

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

#### **Block 1 / PA-A1 and Block 5 / PA-A5**

A neighborhood meeting was held on January 24, 2024. 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 neighborhood 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, traffic, access, and construction concerns.

### **Block 7 / PA-A7**

A neighborhood meeting was held on February 29, 2024. 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 neighborhood 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, traffic, and construction concerns.

Public comments have been received prior to the City Council hearing and those are included in Attachment 8.

### Summary of Staff Recommendation

1. Staff recommends that City Council approve the Uplands Filing 1, Block 1 ODP, subject to the Additional Condition.  
"The Additional Condition" shall mean:  
Prior to recordation of the ODP and issuance of a building permit, the applicant shall submit for Staff review and approval the technical corrections outlined in Attachment 5.
2. Staff recommends that City Council approve the Uplands Filing 1, Block 5 ODP, subject to the Additional Condition.  
"The Additional Condition" shall mean:  
Prior to recordation of the ODP and issuance of a building permit, the applicant shall submit for Staff review and approval the technical corrections outlined in Attachment 6.
3. Staff recommends that City Council approve the Uplands Filing 1, Block 7 ODP, subject to the Additional Condition.  
"The Additional Condition" shall mean:  
Prior to recordation of the ODP and issuance of a building permit, the applicant shall submit for Staff review and approval the technical corrections outlined in Attachment 7.

Any commitment made by the applicant during the required City Council public hearing shall be identified and included as an Additional Condition.

The City's Strategic Plan priorities of Access to Opportunity and Economic Vitality are met by facilitating new and diverse housing opportunities and providing new publicly accessible park spaces.

Respectfully submitted,

*Jody Andrews*

Jody L. Andrews  
Acting City Manager

**Attachments:**

Attachment 1: Vicinity Map

Attachment 2: Proposed Uplands Filing 1, Block 1 Official Development Plan

Attachment 3: Proposed Uplands Filing 1, Block 5 Official Development Plan

Attachment 4: Proposed Uplands Filing 1, Block 7 Official Development Plan

Attachment 5: Outstanding Technical Corrections for Uplands Filing 1, Block 1 ODP

Attachment 6: Outstanding Technical Corrections for Uplands Filing 1, Block 5 ODP

Attachment 7: Outstanding Technical Corrections for Uplands Filing 1, Block 7 ODP

Attachment 8: Public Comment

Attachment 9: Applicant's Narrative for Block 1

Attachment 10: Applicant's Narrative for Block 5

Attachment 11: Applicant's Narrative for Block 7

Attachment 12: Draft Planning Commission Meeting Minutes

Attachment 13: Remove Stop Work Order

Staff Presentation for Consideration of Three Separate Official Development Plans for Filing 1, Block 1, Block 5, and Block 7 (PA-A1, PA-A5, and PA-A7) within the Uplands Subdivision Located Southwest of the Intersection of West 88th Avenue and Federal Boulevard

Applicant Presentation for Consideration of Three Separate Official Development Plans for Filing 1, Block 1, Block 5, and Block 7 (PA-A1, PA-A5, and PA-A7) within the Uplands Subdivision Located Southwest of the Intersection of West 88th Avenue and Federal Boulevard