



Agenda Memorandum

Agenda Item – {{section.number}}.A.

City Council Study Session
February 5, 2024



Strategic Priority 3: Shared Sense of Community

Foster equitable opportunities that help residents feel at home and connected in their community and empowered to live their best lives.



Strategic Priority 4: Quality of Life

Ensure that Westminster offers a diverse range of amenities and activities for residents, businesses and visitors that honor the city's history and support the arts, parks, recreation, open spaces, and libraries.



Strategic Priority 5: Robust Infrastructure

Provide safe and equitable access to core services and amenities by safeguarding, maintaining and improving the city's water, wastewater, stormwater, mobility and roadway systems.

Subject: Presentation of a Concept Plan for the West 108th Avenue and Wadsworth Boulevard Annexation

Prepared By: John McConnell, AICP; Interim Planning Manager
Stephanie Ashmann, Senior Planner

Recommended City Council Action:

Receive a presentation of the Concept Plan for the annexation and development of a 4.125-acre parcel of land located on the northwest corner of West 108th Avenue and Wadsworth Boulevard and provide comment to the applicant in accordance with Section 11-5-6.5 of the Westminster Municipal Code.

Summary Statement:

- The Concept Plan Review process is intended to allow City Council the opportunity to learn about projects at the conceptual stage and, if desired, provide comments to the applicant team.
- The focus of this Concept Plan Review should be on Strategic Plan alignment, Comprehensive Plan compliance, proposed land uses, general site design, and neighborhood compatibility.

Due to its preliminary nature, the Concept Plan may not identify all potential issues that may arise in future technical development review cycles.

- A Concept Plan Review is required for all development proposals that require future quasi-judicial approval of City Council. Development proposals that meet the criteria for administrative approval as prescribed in the Westminster Municipal Code (W.M.C.) or that would not otherwise be subject to a public hearing before City Council are not required to complete the Concept Plan Review process.
- A Concept Plan Review takes place upon the completion of a pre-application review in accordance with City policies and prior to submittal of an application for annexation, rezoning, Comprehensive Plan amendment, Preliminary Development Plan (PDP), PDP amendment, Official Development Plan (ODP), or ODP amendment for technical review.
- This memorandum, the attached documents including the pre-application submittal, the pre-application review summary, and the applicant's presentation are intended to provide City Council with a high-level overview of the plan being proposed and to allow City Council an opportunity to provide initial feedback directly to the applicant.
- No official action is taken by City Council in conjunction with the Concept Plan Review process and no approvals of any type are granted at its conclusion.
- Any comment, suggestion, or recommendation made to the applicant by any member of City Council on any Concept Plan Review is entirely gratuitous and does not bind or otherwise obligate City staff, the Planning Commission, or City Council to any course of action or decision after an applicant makes an official submittal of a development plan to the City for technical review.

Fiscal Impact:

\$0 in expenditures.

Source of Funds:

Not applicable.

Policy Issue(s):

Does City Council wish to receive a presentation of the Concept Plan for the annexation and development of a 4.125-acre parcel of land located on the northwest corner of West 108th Avenue and Wadsworth Boulevard and provide comment to the applicant in accordance with Section 11-5-6.5, W.M.C.?

Alternative(s):

City Council could choose not to receive a presentation of the Concept Plan for the annexation and development of a 4.125-acre parcel of land located on the northwest corner of West 108th Avenue

and Wadsworth Boulevard and withhold comment to the applicant. This is not recommended because this Concept Plan Review process is required in accordance with Section 11-5-6.5, W.M.C.

Background Information:

Title/Location

The West 108th Avenue and Wadsworth Boulevard Annexation (subject property) is located on the northwest corner of West 108th Avenue and Wadsworth Boulevard adjacent to and east of the My Business Park at Mandalay Subdivision, and north of the Frightmare Compound.

Applicant Name

Dan Kraus, Development Manager
8620 Wolff Court, Suite 250
Westminster, CO 80031

Owner Name

Peter Leider
7076 Boreas Road
Larkspur, CO 80118

Comprehensive Plan Designation

Currently located in unincorporated Jefferson County. Jefferson County Comprehensive Plan designation of Activity Center.

Zoning Designation

Jefferson County zoned Planned Development

Subdivision

Unplatted land

Public Notification

Concept Plan Reviews require notification in accordance with Section 11-5-13(A), W.M.C., which requires the following three public notification procedures:

- Published Notice: Notice of Concept Plan Reviews scheduled before 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 Concept Plan Reviews 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 Interim 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 Concept Plan Review, 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 Interim Planning Manager with a certification that the required notices were mailed by the required deadline.

History

The subject property is in unincorporated Jefferson County, and the Jefferson County zoning is Planned Development with a County comprehensive plan designation of Activity Center. The property is vacant, unplatted, and undeveloped.

Concept Narrative

Here Civil Consultants, LLC, on behalf of the property owner, submitted a Concept Plan for City Council review. The proposal includes, but is not limited to, four personal warehouse buildings, drive isles, parking stalls, and landscaping. The personal warehouse building concept is a non-livable, flexible space that can be used by future owners in numerous ways. Uses range from small local business start-ups to collection show rooms, offices, and the like. The typical personal warehouse consists of a standard entry door, a roll-up garage door, a main floor, and a mezzanine level that can be accessed via an internal stairway. The exterior building is comprised of concrete masonry unit (CMU) walls and has a modern appeal with a solid color stripe that may vary along the length of the building. The proposed buildings are 24-feet tall and range from 8,200 square feet to 13,120 square feet.

The pre-application review for this Concept Plan was conducted in November of 2021. At the time of the review, if the property were to have been annexed into the City, it would have been assigned the 2013 Comprehensive Plan land use designation of Flex/Light Industrial, which was in effect at the time. Among other things, Staff advised the applicant that the personal warehouse concept did not align with the expectations of the 2013 Comprehensive Plan land use designation, which was intended to allow the development of flexible spaces designed to accommodate primary employers in the areas of research and development labs, technology, medical, and professional offices. Today, if the property were to be annexed into the City, the 2040 Comprehensive Plan designates this property as Employment-Flex, which carries over a similar land use expectation. Based on this direction, it is Staff's understanding that the applicant will pursue a development that aligns with this land use designation.

Required Development Applications

For this development concept to advance, the following applications will be required to be submitted for review by Staff and approval by City Council:

Annexation: The property is subject to Section 31-12-107, Colorado Revised Statutes (C.R.S.), which requires a public hearing for City Council to find the proposed annexation meets the "substantial

compliance” conditions of the C.R.S. and is eligible to annex. At the hearing, City Council will set the date for the following annexation public hearing pursuant to Section 31-12-101, et. Seq., C.R.S. The City of Westminster 2040 Comprehensive Plan Appendix A outlines the City’s annexation policy and provides criteria for consideration of proposed annexations.

Comprehensive Plan: For the property to be used and developed in accordance with the applicant’s Concept Plan, the Comprehensive Plan land use designation of the site will need to be established by City Council. The Comprehensive Plan assigned the Employment-Flex land use designation including the allowance for flex light industrial uses. The precise boundaries of the proposed land use designation will be confirmed at the time of technical development plan submittal. Any change in Comprehensive Plan designations may impact utility, transportation, and water supply assumptions.

Zoning: The subject property would need to be zoned to Planned Unit Development (PUD) in accordance with Section 11-5-2, W.M.C, which requires parcels of land exceeding two acres in size to be rezoned to PUD.

PDP: The PDP defines allowable land uses, establishes the general layout of the site, identifies access points, and defines specific development standards such as building height and setbacks. The approval of a new PDP will be required to accommodate this development proposal.

ODP: The ODP provides additional site development details such as drainage, utility connections, landscaping, and architectural style and acts as the formal document entitling development. The approval of a new ODP will be required to accommodate this development proposal which will be reviewed for compliance with the Retail Commercial Design Standards and other applicable codes and standards. If the ODP complies with the City Council approved PDP, the ODP may be approved administratively.

The City's Strategic Plan priorities of Shared Sense of Community, Quality of Life, and Robust Infrastructure are supported through further engagement in the development process by City Council, with the opportunity to engage applicants in the initial stages of the development review process, accept public comment, and provide feedback to ensure proposed projects align with the City Vision and Strategic Plan.

Respectfully submitted,

A handwritten signature in black ink that reads "Mark A. Freitag". The signature is written in a cursive, flowing style.

Mark A. Freitag
City Manager

Attachments:

Attachment 1: Vicinity Map

Attachment 2: Pre-application Submittal

Attachment 3: Pre-application Summary

Staff Presentation of a Concept Plan for West 108th Avenue and Wadsworth Boulevard Annexation

Applicant Presentation of a Concept Plan for West 108th Avenue and Wadsworth Boulevard Annexation