



Agenda Memorandum

Agenda Item – 10.A.

City Council Meeting
March 17, 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.



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 1, Block 3 / PA-A3

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 3 / PA-A3, 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 one planning area of the Uplands development located southeast of the intersection of Lowell Boulevard and West 86th Avenue, see Attachment 1.

- The applicant is requesting approval of an Official Development Plan (ODP). The Block 3 ODP would allow for the development of 127 single-family dwellings on 20.21 acres, see Attachment 2.
- Planning Commission unanimously recommended approval by a vote of (7 to 0) on January 14, 2025. A copy of the Planning Commission meeting minutes is included, see Attachment 6.

Fiscal Impact:

\$0 in expenditures.

Source of Funds:

Not applicable.

Policy Issue(s):

Should City Council conditionally approve the ODP for the subject property known as Uplands Filing 1, Block 3 / PA-A3?

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, 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 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 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

Planning Commission reviewed this application on January 14, 2025, 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 1, Block 3 / PA-A3. The proposed ODP allows for the construction of 41 single-family detached dwelling units and 86 single-family attached dwelling units. The proposal also includes the landscaping for the Parcel A detention pond, two publicly accessible private parks, and other associated landscaping.

The applicant is requesting 12 exceptions with the ODP. The exceptions and justifications for them are provided on Sheets 5 and 6 of the ODP, see Attachment 2.

Applicant/ Property Owner

VPDF Uplands LLC
Chad Ellington
1480 Humboldt Street
Denver, CO 80218
303.503.1016
CHAD@PEAKDEVGRP.COM

Location

The proposed development is located southeast of the intersection of Lowell Boulevard and West 86th Avenue, see Attachment 1.

Surrounding Land Uses and Designations

Direction	Development Name	Zoning	Comp Plan Designation	Current Use
North	Uplands	PUD	Mixed Use Neighborhood	Vacant
East	Uplands	PUD	Mixed Use Neighborhood	Vacant
South	Uplands	PUD	Mixed Use Neighborhood	Vacant
West	Shaw Heights	R-A	Residential Low Density	Residential

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 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 5-6 of Attachment 2.

- 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 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.*

The proposed design plan exhibits a creative new-urbanist community and incorporates efficient and innovative design principles. The site plan provides for easy pedestrian access across the development while managing the impacts of the required 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.*

The applicant is requesting 12 exceptions with the ODP. The exceptions and justifications for the exceptions are provided on sheets 5-6 of Attachment 2. The exceptions either require City Council review and consideration or are being referred to City Council for its review and consideration. The applicant has provided an additional narrative and justification in Attachment 4.

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

Staff finds that the proposed ODP is generally compatible with existing public and private development in the surrounding area. The ODP conforms to the required perimeter setbacks and "Perimeter Sensitivity Zone" identified in the Master ODP (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 the proposed ODP generally provides for protection from influences surrounding the development. Landscaping has been included in all setbacks and rights-of-ways.

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. 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.*

The proposed ODP provides 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.*

The proposed residential lots are between 1,100 and 4,212 square feet. Setbacks are shown on sheet 7 of Attachment 2. The applicant is requesting exceptions to the design standards for setbacks, off street parking, and lot size as shown on sheets 5-6 of Attachment 2.

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 houses is shown on sheets 84 through 152 of Attachment 2. The applicant is requesting exceptions to the MODP design standards for architecture as

shown on sheets 5-6 of Attachment 2.

- 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.*

Fencing within Block 3 is proposed only within side yards for the single-family detached homes. Screening is largely accomplished through landscaping as the development is designed as a new urbanist community.

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

The proposed landscaping is in conformance with City Code requirements and is both 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 the traffic study for this 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 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 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 Attachment 4.

Neighborhood Meeting(s) and Public Comments

A neighborhood meeting was held at Crown Pointe Academy on July 11, 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. One community member raised concerns about the grade change for the homes directly fronting onto Lowell Boulevard.

Summary of Staff Recommendation

Staff recommends that City Council approve the Uplands Filing 1, Block 3 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 of the technical corrections outlined in Attachment 3.

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 L. Andrews
City Manager

Attachments:

Attachment 1: Vicinity Map

Attachment 2: Proposed Official Development Plan

Attachment 3: Outstanding Technical Corrections for Uplands Filing 1, Block 3 ODP

Attachment 4: Applicant's Narrative

Attachment 5: Public Comment

Attachment 6: Planning Commission Meeting Minutes

Staff Presentation - Consideration of an Official Development Plan for Uplands Filing 1, Block 3 / PA-A3

Applicant Presentation - Consideration of an Official Development Plan for Uplands Filing 1, Block 3 / PA-A3