



Agenda Memorandum

Agenda Item – {{section.number}}.B.

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 4 / PA-C(1-D) Located Northeast of the Intersection of West 86th 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 3, Block 4 / PA-C(1-D). 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 four-acre parcel located northeast of the intersection of West 86th Avenue and Federal Boulevard, see Attachment 1.

- The applicant is requesting approval of an Official Development Plan (ODP) that would facilitate the development of a 25,799 square foot public charter school for 300 students in one building, see Attachment 2. The school is an expansion of the existing Crown Pointe Academy.
- Planning Commission unanimously recommended approval by a vote of (7 to 0) on July 23, 2024. A copy of the draft Planning Commission meeting minutes is included, see Attachment 3.

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 4 / PA-C(1-D)?

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 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 23, 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 4 / PA-C(1-D). The proposed ODP allows for the construction of a 25,799 square foot public charter school for 300 students in one building. The proposal also includes an onsite school drop-off, parking, a playground, and a detention pond.

Applicant/ Property Owner

Crown Pointe Academy of Westminster
Keith Oweneel
2900 West 86th Avenue
Westminster, CO 80031

Location

The four-acre project site is located northeast of the intersection of West 86th Avenue and Federal Boulevard, see Attachment 1.

Surrounding Land Uses and Designations

Direction	Development Name	Zoning	Comp Plan Designation	Current Use
North	Uplands	PUD	Commercial Mixed-Use	Vacant
East	Prospectors Point Condominiums	PUD	Suburban Multifamily	Multifamily Residential
South	Crown Pointe Academy	C-1	Public/Quasi-Public	School
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.*

The proposed ODP meets all City Codes, ordinances, and policies.

- 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 site plan of the proposed development was laid out in an efficient manner to accommodate the vehicular drop-off of students, required parking, and fire access.

- 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.*

There are no exceptions proposed with this 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. The City recently approved an ODP for the Overlook at Uplands multifamily development on PA-C(2) further to the east. To the south is the existing Crown Pointe Academy school. To the north and west is vacant land that is part of the Uplands 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. The vehicular drop-off and pick up has been designed to limit the impacts of additional vehicles in this area. The school should not create other adverse influences on the surrounding area.

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. The new West 86th Place roadway will limit the impacts of the school on future development on the remainder of Parcel C.

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 school building with parking to the north and south. The detention pond and landscaping create a substantial buffer for the playground from Federal Boulevard.

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

The proposed building has been sited and designed to meet all setbacks and exhibits sound design principles.

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 school building is generally compatible with the surrounding area. The colors and materials reflect modern design practices and complement the existing school building to the south.

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.*

All fencing and screening have been provided where needed and will provide partial screening of the school.

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

Staff finds that the proposed 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 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 new sidewalks connecting the building to the public streets surrounding the project site. 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 all three of the ODP's 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.

Neighborhood Meeting(s) and Public Comments

A neighborhood meeting was held on August 16, 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, future traffic, and the future school.

No public comments have been received prior to the City Council hearing.

Summary of Staff Recommendation

Staff recommends approval of 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 approval of a new school and the educational opportunities it will provide to generations of children in our community.

Respectfully submitted,

Jody Andrews

Jody L. Andrews
Acting City Manager

Attachments:

Attachment 1: Vicinity Map

Attachment 2: Proposed Official Development Plan

Attachment 3: Draft Planning Commission Meeting Minutes

Staff Presentation for Consideration of an Official Development Plan for Uplands Filing 3, Block 4 / PA-C(1-D) Located Northeast of the Intersection of West 86th Avenue and Federal Boulevard

Applicant Presentation for Consideration of an Official Development Plan for Uplands Filing 3, Block 4 / PA-C(1-D) Located Northeast of the Intersection of West 86th Avenue and Federal Boulevard