



Agenda Memorandum

City Council Meeting
October 10, 2022



Strategic Priority: 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: 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: 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: First Reading of Councillor's Bill No. 49 Re: Amending Title XI of Westminster Municipal Code, Sections 11-1-6, 11-5-7, 11-5-8, 11-5-10, and Creating a New Section 11-5-6.5 to Establish a Concept Plan Review Process for Major Development Projects

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Recommended City Council Action:

Pass Councillor's Bill No. 49 on first reading to approve the proposed amendments to Title XI of the Westminster Municipal Code to establish a concept plan review process.

Summary Statement:

- City Council received a presentation on May 16, 2022 regarding land use approval types and potential options to ensure City Council is aware of development related decisions.
- As a result of the May 16th discussion, Staff prepared a resolution for City Council consideration on August 8, 2022 directing the City Manager to refer all Official Development Plans (ODPs) for multi-family development to City Council for approval, thus removing the administrative approval authority on such ODPs.
- As an additional follow-up to the May 16th discussion, Staff has prepared an ordinance amending Westminster Municipal Code (W.M.C.) to establish a development concept review process to route major projects to City Council at the beginning of the development process, before an applicant pursues detailed architectural and engineering plans.
- The focus of concept review would be on proposed land uses, site design, and neighborhood compatibility and would expand upon the existing pre-application process to include the opportunity for City Council to learn about projects at this initial stage and, if desired, provide comments to the applicant team.

Fiscal Impact:

\$0 in expenditures.

Source of Funds:

Not applicable.

Policy Issue(s):

Should City Council pass Councillor's Bill No. 49 on first reading to approve the proposed amendments to Title XI of W.M.C. to establish a concept plan review process?

Alternative(s):

City Council could choose not to approve the proposed amendments to Title XI, W.M.C. outlined above. Staff does not recommend this alternative because Staff believes that current procedures do not engage City Council with potential development projects prior to the formal application submittal. Information on proposed development projects is currently available on the City's [Project Status webpage](#) and the [online mapping application](#). Notices of project meetings and public hearings are also mailed to persons within 1,000 feet of proposed projects and published in the City's communication avenues such as the Westy and social media. While these avenues are widely utilized, the limitation is that these notifications occur after a development application has already been filed and, in many cases, applicant teams have already invested substantial sums on detailed architectural and/or engineering plans. The proposed ordinance would provide City Council a preview of potential development applications by engaging a concept review process as an extension of the existing pre-application process.

Background Information:

On May 16, 2022, City Council reviewed the approval authorities for different types of land development applications in a Study Session. In response to the concern of awareness over pending development projects, three options were presented to City Council. The three options included reconstituting the former residential service competition, instituting a development concept review process, or refining the existing option for the City Manager to refer any ODP to City Council. As a result of this discussion, Staff prepared a resolution for City Council on August 8, 2022 directing the City Manager to refer multi-family ODPs to City Council. As an additional follow-up, Staff has further researched the viability of a development concept review process and, based on City Council's interest at the May 16th discussion, Staff has reached out to the City and County of Broomfield staff to further understand how their concept plan review process operates and how Westminster's development process could incorporate such a process.

The Community Development Department instituted a pre-application review process in late 2016 as a result of an audit of the development process that recommended that such a process would assist applicants with an assessment of proposed projects and development requirements. Rather than creating an additional and separate step in the development review process, Staff proposes to expand the existing pre-application process to provide the opportunity for City Council to see conceptual development plans and offer comments to the applicant team to understand City Council's concerns in areas such as housing affordability, traffic, water, and access to park facilities. This would not be limited to ODPs but could also include rezonings, Preliminary Development Plans (PDPs), and amendments thereto, to provide a complete picture of all forthcoming major developments to City Council. A chart illustrating the development process is included, see Attachment 1.

In practice, the conceptual plans that are already provided at the pre-application stage would continue to be reviewed by Staff per existing practices, but would also be provided to City Council to afford the opportunity to review potential projects and offer comments. Staff has developed criteria to facilitate City Council's review of such plans, see Attachment 2. The benefit of this process is that City Council can learn about projects and identify concerns early in the process to allow Staff and/or the applicant team to identify needed changes to address concerns. The informality of individual reviews by City Councillors also avoids potential issues of City Council reviewing concept plans as a group that may taint future quasi-judicial consideration of development plans. This will also minimize the additional time added to the development process to incorporate the opportunity for comments from individual City Councillors. Comments from City Councillors will be provided to the applicant team verbatim so that they can be aware of concerns and make changes to the project concept to respond to such concerns as part of the process of forming detailed architectural and engineering plans.

Staff proposes to emulate some of the provisions enacted by the City and County of Broomfield to further ensure that the concept plan review does not obligate Staff nor City Council to a particular course of action when or if the concept turns into a formal development application. The proposed code language would state that no official action is taken at the concept plan stage and any comments, suggestions, or recommendations made by any City Council member on any concept plan is gratuitous and does not bind or otherwise obligate Staff nor the City Council to any course of conduct or decision after an applicant makes a subsequent submittal of a development application to the City.

Much of the discussion at the May 16th Study Session was related to multi-family development and, as such, the separate action on August 8 directing the City Manager to bring multi-family ODPs to City Council for approval was completed. The concept plan review process is envisioned to be more expansive to further support City Council awareness of major future projects in the community. Staff proposes the following exceptions from the concept plan review process for projects that are more minor in nature:

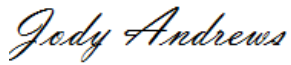
1. Proposals for four or fewer residential dwelling units;
2. Proposals for minor changes to an existing site including but not limited to small building additions, architectural updates, or minor modifications to a site;
3. Proposed amendments to PDPs or ODPs representing a change of no more than ten percent of the land area devoted to any use within the PDP or ODP; a change of density or intensity of a use within the PDP or ODP by no more than ten percent; or a change to the setback or height of any building within the PDP or ODP by no more than ten percent; or
4. Projects eligible for ODP waiver under Section 11-5-6, W.M.C. such as signs, minor façade improvements, etc.

Projects above the four thresholds stated above would be required to conduct the concept review, including the opportunity for comments from City Council. City Council is not obligated to provide comments, and the opportunity to review proposed development applications is a courtesy to the applicant team. Based on recent trends, during a period of an active real estate market, Staff would anticipate about 25 to 35 such concept plans per year being routed for City Council comments.

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 provide feedback to ensure proposed projects

align with the City Vision and Strategic Plan.

Respectfully submitted,



Jody L. Andrews
Interim City Manager

ATTACHMENTS:

Description	Upload Date	Type
Councillor's Bill No. 49 Re: Amending Title XI of Westminster Municipal Code, Sections 11-1-6, 11-5-7, 11-5-8, 11-5-10, and Creating a New Section 11-5-6.5 to Establish a Concept Plan Review Process for Major Development Projects	9/27/2022	Ordinance
Attachment 1: Development Process	9/15/2022	Attachment
Attachment 2: Proposed Concept Review Evaluation Form	9/15/2022	Attachment