



WESTMINSTER

CITY OF WESTMINSTER
PLANNING COMMISSION
Meeting Minutes
September 12, 2023

1. ROLL CALL

The meeting was called to order at 7:00 pm by Chairperson Jim Boschert. Present were Vice-Chairperson McConnell, Commissioners Lawrence Dunn, Tracy Colling, Chennou Xiong, David Carpenter, and David Tomecek. Excused from attendance were Commissioners Rick Mayo and Elisa Torrez. Also present: Staff members Interim Planning Manager John McConnell, City Clerk Abby Fitch, Acting Assistant City Engineer Heath Klein, Fire Lieutenant Sarah Krzanowsky, Senior Planner Jacob Kasza, Senior Planner Amy Johnson, and Deputy City Attorney Greg Graham. With the roll called, Chairperson Boschert stated that a quorum was present.

CONSIDERATION OF MINUTES

Meeting Minutes from August 22, 2023.

Commissioner Dunn made a motion to accept the minutes from the August 22, 2023, Planning Commission meeting. Commissioner Tomecek seconded the motion. The minutes were unanimously accepted (7-0).

2. CONSIDERATION OF NEW BUSINESS AND PUBLIC HEARINGS

3a) Public Hearing and Recommendation on a Rezoning, Preliminary Development Plan, and an Official Development Plan for Orchard Estates Subdivision Planned Unit Development

Jacob Kasza, Senior Planner, entered into the record the agenda memorandum, attachments, PowerPoint presentation, certification of mailed notice, certification of posted notice, and public notice affidavit of publication from the *Westminster Window* on August 31, 2023. Mr. Kasza narrated a PowerPoint presentation for the proposal to:

- a. Hold a public hearing.
- b. Recommend that City Council approve the Rezoning, Preliminary Development Plan, and Official Development Plan for Orchard Estates.

The applicant, Shawn Krieger from DCI Engineers, gave a presentation. Also in attendance were Chuck Haag and Lloyd Donnely.

Commissioner Colling asked about the open space connecting the two cul-de-sacs, have you considered the concerns around noise from pickleball courts being close to those homes? Mr. Krieger did verify that they have since changed the access and will be removing the pickleball court. Commissioner Colling asked if the Lots 17-19 that run along 103rd Avenue face (front doors to the north) 104th Circle. Mr. Krieger verified that there will be a privacy fence that runs along 103rd Avenue for those homes. In addition, Mr. Haag stated that 50% of the homes have side-loaded or rear loaded garages.

Commissioner Carpenter asked about the existing house on the lot and if that home going to get remodeled. Mr. Haag confirmed that at a minimum they will need to flip the garage door access. There is currently a renter in that home that will be vacating soon. Commissioner Carpenter also asked about the outbuilding and the pool on the property. Mr. Haag confirmed that the outbuilding will be removed, and they will consider removing the pool after inspection.

Commissioner Carpenter asked why for the internal streets, is the current standard (59 foot) for ROW not being used? Mr. Haag confirmed that they are using the 53-foot ROW and the 45-foot sidewalk is simply for a small stretch of sidewalk since there are only a few homes where the parking doesn't matter as much.

Commissioner Carpenter asked about the request to not do shade trees, are you mitigating somehow? Mr. Haag stated that they have increased the minimum count of trees to 5 per home. The difference will be that the trees won't be planted in the tree lawn.

Commissioner Carpenter asked about the exception for the 80-foot cul-de-sac as it relates to the Fire Department. Mr. Haag and Mr. Krieger both confirmed that the Fire Department is happy with the current layout. No parking signs will be placed at the access and signs will also call out the emergency access.

Commissioner Carpenter asked about a schedule for start of construction. Mr. Haag stated that it will be as soon as possible once the approval goes through. Once we break ground, it should be a year when the first homes are being constructed.

Commissioner Carpenter asked the water line loop. Will that loop be isolated? Mr. Krieger stated that the water line loop will be isolated as well as several fire hydrants throughout the site. All those items have been worked through in the utility report.

Commissioner Carpenter asked about the sanitary sewer manhole being added. Is there no way the existing manhole can be used? Mr. Krieger stated that on 104th, there is a large water transmission line and storm sewer. For the simple direct path, adding a new manhole is most efficient.

Commissioner Colling asked about the trees along W 103rd that are being kept. What commitment is the city putting on you to maintain those trees? Mr. Kasza stated that in the landscape regulations state that the tree drip lines are staked during construction and the developer is not to disturb the area where the existing trees are located. The city has come up with a mitigation plan for which trees are being kept.

Chairperson Boschert opened the public hearing at 7:32 pm.

City Clerk Abby Fitch confirmed that there were no voicemails received and all emails were attached to the packet.

There were five individuals that signed up to speak. Comments of concern included the lack of the addition of xeriscaping, addition of solar panels on homes (infrastructure only provided by builder), lack of inclusivity of modern-income housing option, addition of bike paths, traffic and traffic flow, construction access, construction parking, will this be a gated community, will this be an HOA, will they request a Metro District, additional amenities per Code, abatement of asbestos or contaminants.

Chairperson Boschert closed the public hearing at 7:42 pm.

Commissioner Colling asked for Acting Assistant City Engineer Heath Klein to speak about traffic concerns and emergency access. Mr. Klein stated that a traffic study was completed and determined that with the 19 units, there will be approximately 180 trips generated per day, in the morning peak hour would be 13 and the pm peak hour about 18 trips. With these numbers, we determined that there was not enough of an impact to not use the existing network that we already have. As far as the emergency access point, only having one access point falls within our regulations and standards. To limit the amount of potential cut through traffic into the existing neighborhood, we decided not to pursue an additional right-in, right-out access point to 104th Avenue. As far as the bike plan, the long-term goal is to have a 10-foot-wide sidewalk along 104th Avenue from Sheridan to Federal Blvd. As part of this new development, the developer will be

required to do the property improvements along the frontage which will include a 10-foot-wide sidewalk that will be a multi-use trail. Mr. Klein also confirmed that this will not be a gated community.

Mr. Kasza did clarify that there is a proposed gate on 104th Avenue that has been identified as a pedestrian gate along the perimeter fence since this area is a private tract of land owned by an HOA. Commissioner Tomecek asked what would stop the HOA from adding a lock to the gate? Mr. Kasza responded that it would be at the prevue of the HOA as this is private property. There is a utility easement in that area and currently there is no lock called out on the plan. The Bicycle Master Plan is only for the sidewalk on 104th Avenue, not a bike path through the development from 104th Avenue and 103rd.

Chairperson Boschert asked the applicant if they were aware of the developer considering offering full solar install as it is cheaper to install at construction. Mr. Haag responded that as the land developers, they didn't feel that mandating an option that wasn't what everyone could want wasn't practical, so they are completing the pre-wire for the homeowner to decide.

Chairperson Boschert asked if they are going to encourage the builders to go all electric and eliminate natural gas. Mr. Haag said that would be advisable, but they don't have the authority to dictate that. Mr. Kasza did confirm that the city allows the use of natural gas in new home construction and isn't aware of any initiatives to advise against the use of natural gas.

Commissioner Colling asked staff about the construction access. Mr. Kasza stated that during the PDP and ODP process, staff doesn't look at construction access plans but that they would offer input as to where the construction access could be located. Commissioner Colling asked the applicant about where they would suggest the construction access be for the heavy equipment needed. Mr. Haag stated that he feels it makes sense to have the construction equipment access on 104th. As far as construction parking, we would suggest that there is parking onsite.

Commissioner Colling asked about the HOA and Metro District in this development. Mr. Haag confirmed that there would be an HOA but no Metro District.

Commissioner Colling asked about amenities. Mr. Kasza stated that they are including an open play area as well as a basketball court. In addition, there will be covered mail kiosks, access to 104th for walking as well as the detention pond to divert water flow.

Commissioner Colling wanted to confirm that demolition and abatement guidelines are following when taking down the old building on the property. Mr. Haag confirmed that the building is a block building which will be inspected prior to demolition. Mr. Chuck Donnelly stated that there are two separate buildings - one is a metal building and the other is an original pump house.

Commissioner Colling wanted to confirm that the development was too small to require an affordability. Mr. Kasza stated that the City of Westminster does have a specific housing affordability requirement across the city. Staff in Economic Development did not ask to require any affordable housing with this development due to the size.

Commissioner Colling asked the applicant what the cost of the homes would be. Mr. Haag stated that he thought that homes would be in the \$1.5M-\$2M range.

Interim Planning Manager, John McConnell added that City Council hasn't officially adopted a housing policy but are on track to do that They have commissioned a housing assessment which should provide the housing needs analysis data by the end of the year.

Commissioner Carpenter asked about the background traffic on the 104th and Perry exit. Mr. Klein stated that there is a traffic signal at 104th and Lowell Boulevard. Lowell Boulevard is well

traveled as well. There is some concern, but staff has looked at if there is a traffic signal warrant and neither of those areas meet a warrant for a new traffic signal. Commissioner Carpenter asked if there are plans for an additional signal at Perry and 104th. Mr. Klein stated that area doesn't meet the current spacing within the Standards and Specs. However, if it were to meet the warrant, staff could look into it.

Commissioner Colling made a motion recommending that City Council approve the Rezoning, Preliminary Development Plan, and Official Development Plan for Orchard Estates.

Commissioner Carpenter seconded the motion.

The motion passed (7-0)

3b) Public Hearing and Recommendation of an Official Development Plan for Uplands Filing 1, Block 2/PA-A(2)

Amy Johnson, Senior Planner, entered into the record the agenda memorandum, attachments, PowerPoint presentation, certification of mailed notice, certification of posted notice, and public notice affidavit of publication from the *Westminster Window* on August 31, 2023. Ms. Johnson narrated a PowerPoint presentation for the proposal to:

- c. Hold a public hearing.
- d. Recommend that City Council approve the Official Development Plan subject to the additional conditions located in the Summary of Staff Recommendation in the agenda memo.

The applicants, Marcus Pachner, Bonnie Niziolek, and Matt Childers gave a presentation.

Ms. Johnson added that there are 14 exceptions that are in the agenda memo, and these are the only exceptions that they are asking for - the wall spacing, and plant materials were not included as exceptions in the final version of the staff agenda memo.

Commissioner Carpenter asked about the exception about the landscape in the median. Is this a legacy in the landscape design standards? Ms. Johnson stated that a "legacy" provision is a fairly accurate description and staff is supportive of corner landscape features instead of the medians.

Commissioner Carpenter asked about the side yards. Are there fenced yards in any of the single-family homes? Ms. Niziolek confirmed that there are fenced-in side yards in both the paired homes and single-family homes.

Commissioner Tomecek asked staff why there hasn't been a requirement to go back and modify the Master ODP instead of having so many exceptions. Mr. McConnell responded that the original approval of the Master ODP was not requesting exceptions to the TMUND standards for lot sizes and setbacks, and the applicant knew that the site specific ODPs would be requesting exceptions. But site specific ODPs are technically ODP amendments, amending the Master ODP.

Commissioner Tomecek also asked staff how close they are to completing the rest of the Master ODP documents, including the drainage study. Mr. Klein responded that staff is several reviews into the drainage study and the applicant has applied to FEMA for their Conditional Letter of Map Revision (CLOMR) and they are confident that the project will be approved in the coming months. Staff doesn't anticipate major changes to the items in the drainage report or the CLOMR and that is why staff was comfortable with the project moving forward.

Commissioner Tomecek stated that he doesn't remember another hearing with this many outstanding issues. Mr. McConnell confirmed that the applicant asked to advance even with these outstanding issues. Staff is not concerned that the issues can't be resolved and are working in good faith with the applicant to honor their request to advance to public hearing.

Vice-Chairperson McConnell asked the applicant about the setback reductions. Ms. Niziolek responded that the setbacks are consistent to what was approved in the B-1 neighborhood - rear setback reductions are tied to utility and fire access within the alley. The front setbacks are being requested at 5 feet instead of the 7 ½ feet consistent with TMUND or a denser neighborhood.

Chairperson Boschert asked if solar panels installed on the homes would be an amenity offered before the homes are sold. Mr. Childers stated that the homes will be pre-wired, and the expectation will be that the homeowner will be asked at the point of sale if they would like to have solar panels installed at construction of the home.

Chairperson Boschert asked about the phasing out of natural gas and the implantation of moving to all electric. Mr. Childers stated that most of the buying populous have not accepted all electric yet. There are initiatives in place to work towards that sustainably. Chairperson Boschert also asked if there would be expansion room in the panel to add additional 220V lines to add additional electricity. Mr. Childers stated that they haven't considered that at this time.

Chairperson Boschert asked about the affordable housing option in that the site requires 300 affordable units and would like clarification as to where they are. Mr. Pachner responded that there was a mistake in the slide and the affordable housing units are not part of this application. Currently in applications for the greater Uplands area, there are 317 units to be offered at 80% AMI across the Uplands parcels.

Chairperson Boschert asked about the pricing on the townhomes. Mr. Pachner stated that they would like to break ground in first or second quarter of 2025, at which time the market pricing will likely be different, and the median price of homes in Westminster is currently well over \$600K. The townhome has a smaller footprint, and they will work to push that price point down as much as possible.

Chairperson Boschert opened the public hearing at 8:56 pm.

Ms. Fitch confirmed that there were no voicemails received and all emails were attached to the packet.

There were three individuals that signed up to speak. Comments of concern included not enough traffic lights, potential increase in accidents, increase in property taxes, and the homes not blending or conforming with the current neighborhood. The speakers wanted to know how much the HOA/Metro District will cost, FEMA report sign-off, size of the garages/depth, on-street parking accommodating parking on both sides of the street, and environmental reports at 88th and Lowell regarding water contaminants and carcinogens.

Chairperson Boschert closed the public hearing at 9:10 pm.

Commissioner Carpenter made a motion recommending that City Council approve the Official Development Plan for the subject property known as the Uplands Filing 1, Block 2 subject to all eight of the conditions listed in the agenda memo.

Commissioner Colling seconded the motion.

Vice-Chairperson McConnell asked for staff to respond to the question about additional drill holes needed to test for contamination. Mr. Klein stated that staff is working closely with the state and that the environmental assessment is done in compliance with regulations. Mr. Kasza

stated that staff requested that the developer drill additional holes in the PLD Parcel near that location. There was a plume identified on the report that was associated with the dry cleaner. Staff is aware of this plume which is only a concern if exposed to air and the area is being used as a park which will keep the concerns low for exposure of that contaminant. In addition, there are no action items attached to this plume since the area is not meant to be inhabited, posing little concern.

Vice-Chair McConnell asked about street widths and side-street parking. Ms. Niziolek stated that the street widths are consistent with what was provided within the PDP and Master ODP. The plan does offer parking on both sides of the local streets. The flow line dimension for local streets is 30 feet plus curb and gutter. The Fire Department meetings were very specific concerning fire truck travel. Mr. Klein stated that the Standards and Specs outlines 34 feet from flow line to flow line, providing 20 feet clear travel lanes needed for emergency access with 7-foot parking on either side.

Commissioner Colling asked about traffic lights. Mr. Klein stated that staff looked at trip generation and warrant for new traffic lights. Based on this review of the grid system, none of the intersections at 87th, 86th, or 85th Avenues warrant a traffic signal at this time.

Ms. Johnson stated that Sarah Krzanowsky from the Fire Department is in attendance and could speak to the fire travel paths. Ms. Krzanowsky stated that there have been many discussions around the fire apparatus travel paths with turning radii, etc. and confirmed that with a few additional corrections to the plans, the fire trucks will be able go around turns without hitting any curbs and they have just a little more work to do to get to full compliance.

Commissioner Xiong asked staff to confirm if they will do another traffic study as traffic increases. Mr. Klein stated that a signal warrant analysis will be done based on requests or observation of those busy intersections.

Commissioner Tomecek stated having no on-street parking and having challenges with the fire truck access, we had similar arguments for Bradburn Village in the past. When you add the complaints from across the city about traffic and parking, who from the city is going to enforce parking laws, or will the HOA be empowered to enforce? Mr. Klein stated that the city has a parking enforcement team, and the PD could get involved if needed. The HOA does not have the authority to enforce parking in the public right-of-way.

Mr. Pachner stated that there would be a sub-HOA for this neighborhood and the neighborhood would be subject to the Metro District. One thing to note - the developer has been very thoughtful about the homes that buffer on Lowell near the Shaw Heights neighborhood and has worked closely with the Fire Department to meet standards in all places according to building heights.

The motion passed (7-0)

4. ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

THE WESTMINSTER PLANNING COMMISSION



Jim Boschert, Chairperson

A full recording of the meeting has been posted on The City of Westminster website. www.cityofwestminster.us/pc