



## PLANNING COMMISSION MEETING AGENDA

1. ROLL CALL
2. CONSIDERATION OF PREVIOUS MEETING MINUTES  
Meeting Minutes of September 12, 2023
3. CONSIDERATION OF NEW BUSINESS
  - a. Public Hearing and Recommendation for the Ninth Amended Preliminary Development Plan for the Mission Commons/Silo Commercial Subdivision, Second Replat Lot 6A

*Prepared by: Stephanie Ashmann, Senior Planner*

4. OLD BUSINESS
5. MISCELLANEOUS BUSINESS
6. ADJOURNMENT

### PLEASE NOTE

The following are the procedures used by the Planning Commission for in-person meetings.

For participation guidelines please visit [www.westminsterco.gov/pc](http://www.westminsterco.gov/pc)

1. Staff will present agenda items. The Developer may present after Staff.
2. Those in attendance who favor the proposed development may address the Commission, followed by those who do not favor the proposed development. The Chair may impose time limits on speakers.  
**PLEASE SIGN THE SHEET IN THE FRONT OF THE COUNCIL CHAMBERS WHEN YOU SPEAK.**
3. All questions shall be addressed to the Chair of the Planning Commission. The Chair will call on Staff to address questions at the end of the hearing. Planning Commission reserves the right to question anyone at any time during the Public Hearing.
4. The Commission is charged with the review of Comprehensive Plan Amendments, Rezoning, Preliminary Development Plans, Amended Preliminary Development Plans, Official Development Plans, Amended Official Development Plans, Preliminary Plats and Amended Preliminary Plats that are not approved administratively by the City Manager.
5. There are two different procedures involved in the review of applications for development plan approval and the procedure depends on the type of plan under consideration:
  - a. After review and a public hearing, the Planning Commission may recommend approval of an application, approval subject to specified conditions, or denial of an application. The Planning Commission is **not** the final authority on these applications. The City Council is the final decision maker.
  - b. On applications for Official Development Plans and Amended Official Development Plans, the Planning Commission **does** make the final decision, unless the decision of the Planning Commission is appealed to the City Council within 10 days of the Planning Commission decision by a "party-in-interest," as described in Section 11-5-13(B.1) of the Westminster Municipal Code. If a decision of the Planning Commission is properly appealed to the City Council, the City Council will schedule the item for consideration at one of their upcoming meetings and, after holding a public hearing, make a final decision on the application.

If you need further information regarding this process, or any other matter related to the City's development review process, please contact the City Planning Division at 303-658-2092.

**NOTE:** Persons needing an accommodation, such as an interpreter for another language, or who have an impairment that requires accommodation, must notify the Planning Aide no later than noon on the Thursday prior to the scheduled Planning Commission hearing to allow adequate time to discuss arrangements. Please

call 303-658-2092/TTY711 or State Relay or email [jbaden@westminsterco.gov](mailto:jbaden@westminsterco.gov) to make a reasonable accommodation request.



## WESTMINSTER

**CITY OF WESTMINSTER**  
**PLANNING COMMISSION**  
Meeting Minutes  
September 12, 2023 - DRAFT

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 Donnelly.

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 103<sup>rd</sup> Avenue face (front doors to the north) 104<sup>th</sup> Circle. Mr. Krieger verified that there will be a privacy fence that runs along 103<sup>rd</sup> 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 104<sup>th</sup>, 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 103<sup>rd</sup> 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 104<sup>th</sup> Avenue. As far as the bike plan, the long-term goal is to have a 10-foot-wide sidewalk along 104<sup>th</sup> 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 104<sup>th</sup> 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 104<sup>th</sup> Avenue, not a bike path through the development from 104<sup>th</sup> Avenue and 103<sup>rd</sup>.

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 104<sup>th</sup>. 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 104<sup>th</sup> 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 104<sup>th</sup> and Perry exit. Mr. Klein stated that there is a traffic signal at 104<sup>th</sup> 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 104<sup>th</sup>. 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 88<sup>th</sup> 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 87<sup>th</sup>, 86<sup>th</sup>, or 85<sup>th</sup> 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](http://www.cityofwestminster.us/pc)





WESTMINSTER

Agenda Memorandum

Agenda Item

Planning Commission Meeting  
September 26, 2023



*Strategic Priority 1: **Preparedness and Resilience** – Build a system of intentional support for residents, businesses, and the environment that mitigates risks and proactively seeks out ways to ensure the community not only endures, but thrives.*



*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.*

**SUBJECT:** Public Hearing and Recommendation for the Ninth Amended Preliminary Development Plan for the Mission Commons/Silo Commercial Subdivision, Second Replat Lot 6A

**PREPARED BY:** Stephanie Ashmann, Senior Planner

**RECOMMENDED PLANNING COMMISSION ACTION:**

1. Hold a public hearing.
2. Recommend approval of the Sixth Amended Preliminary Development Plan for the Mission Commons/Silo Commercial subdivision, Second Replat, Lot 6A.

**SUMMARY STATEMENT:**

- The subject property contains an existing retail commercial shopping center and is located on the northwest corner of West 88<sup>th</sup> Avenue and Wadsworth Parkway, see Attachment 2.
- Centennial Mission, LLC has submitted a Preliminary Development Plan (PDP) amendment to the Mission Commons/Silo Commercial Subdivision, Second Replat, Lot 6A for the addition of outdoor recreation, including outdoor sport recreational courts to the list of allowed land uses, see Attachment 1.
- The applicant has submitted an Official Development Plan (ODP) amendment requesting to locate the court within the parking lot on the east side of the multitenant commercial building. This application is under administrative review and may be approved if City Council approves the proposed PDP amendment.

**FISCAL IMPACT:**

\$0 in expenditures.

**SOURCE OF FUNDS:**

Not applicable.

**POLICY ISSUE(S):**

Should Planning Commission recommend approval of the PDP amendment to allow for the addition of outdoor recreation, including outdoor sport recreational courts to the list of allowed land uses for Lot 6A?

**ALTERNATIVE(S):**

Planning Commission could recommend denial for the addition of outdoor recreation, including outdoor sport recreational courts to the list of allowed land uses for Lot 6A. Staff does not recommend this alternative because of the changing nature of commercial centers within our community. The ability to adapt and be flexible with commercial property owners is pertinent to their success, and in turn the success of the City.

**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 PDP and an 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 Westminster Municipal Code (W.M.C.) requires that all development is in compliance with the Comprehensive Plan. If the City Council chooses to approve this PDP amendment, the next steps in the development review process will include administrative ODP review and approval. After approval, the next step is to secure the approval of civil construction and building construction documents prior to commencing construction on the site.

History of Subject Properties

The Mission Hill/Silo Commercial subdivision is a Planned Unit Development within the City of Westminster originally approved in 1983. For the past 40 years it has been operating as a traditional commercial subdivision with varying periods of unit vacancy. In 2010, the property was purchased and is currently owned by Centennial Mission, LLC and managed by Brown & Associates. In 2016, a PDP amendment was approved by City Council to expand the list of allowable uses. Over the last 20 years the development has sustained a 70 percent overall occupancy rate with the current three main anchors being in operation since construction in the early 1980's.

Nature of Request

Centennial Mission, LLC has submitted a PDP amendment to the Mission Commons/Silo Commercial subdivision, Second Replat Lot 6A for the addition of outdoor recreation, including outdoor sport recreational courts to the list of allowed land uses, see Attachment 1. The specific location of any sport court will be subject to ODP review and approval.

Applicant/Property Owner

Brown & Associates/Centennial Mission, LLC  
Contact: Drew Williamson  
7687 West 88<sup>th</sup> Avenue  
Westminster, CO 80005

Location

The lots in this application are contiguous and are located at the northwest corner of West 88th Avenue and Wadsworth Parkway in the Mission Hill/Silo Commercial Subdivision, see Attachment 2.

Surrounding Land Uses and Designations

<b>Direction</b>	<b>Development Name</b>	<b>Zoning</b>	<b>Comp Plan Designation</b>	<b>Current Use</b>
<b>North</b>	Silo Business Park Filing 2	PUD – Planned Unit Development	Commercial & Public/Quasi-Public	Restaurant and Fire Station
<b>East</b>	Brookhill Town Center	PUD - Planned Unit Development	Commercial	Commercial Shopping Center
<b>South</b>	Standley Lake Shops & Pomona Gardens	PUD - Planned Unit Development	Commercial & Neighborhood Office	Shopping Center & Office Building
<b>West</b>	Silo Filing 1 & Hemor Filing 2	PUD - Planned Unit Development	Residential Low Density & Residential Medium Density	Single Family Attached & Single Family Detached Residences

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. A sign was posted on the subject property by the required deadline. The applicant has provided the City's Planning Manager with a certification that the sign was posted and properly maintained throughout the posting period.

- **Written Notice:** Mailed notices were sent to property owners and addresses within 1,000 feet of the property boundary. 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

*11-5-14. - Standards for Approval of Planned Unit Development Zoning, Preliminary Development Plans and Amendments to Preliminary Development Plans.*

*(A) In reviewing an application for approval of Planned Unit Development zoning and its associated Preliminary Development Plan, or an amended Preliminary Development Plan, the following criteria shall be considered:*

1. *The Planned Unit Development (PUD) zoning and the proposed land uses in the associated Preliminary Development Plan are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.*

The PUD zoning and the associated land uses within the PDP are in conformance with the City's Comprehensive plan and all City Codes, ordinances, and policies.

2. *The Preliminary Development Plan exhibits the application of sound, creative, innovative, and efficient planning principles.*

Staff finds that the proposed PDP amendment generally exhibits sound and efficient planning principles.

3. *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 Preliminary Development Plan (PDP).*

There are no exceptions being requested as part of this PDP amendment.

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

The PDP amendment is compatible and harmonious with existing public and private development in the surrounding area. By moving the intended location of the outdoor courts to the east side of the commercial building, compatibility with adjacent residential properties is maintained.

5. *The PDP 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.*

The PDP amendment provides for the protection of the development from potentially adverse surrounding influences and protects areas from potentially adverse influence from the development by facilitating the inclusion of outdoor courts in an appropriate location on the site

6. *The PDP has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.*

The PDP amendment does not create any adverse impacts upon existing or future land uses nor the future development of the immediate area.

7. *Streets, 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.*

The PDP amendment does not impact streets, driveways, access points and turning movements already established within the existing PDP.

8. *The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.*

Nothing within the PDP amendment shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

9. *Performance standards are included that ensure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in Section 11-5-15, W.M.C.*

Performance standards have been included within the PDP amendment to ensure reasonable expectations for future ODPs.

10. *The applicant is not in default or does not have any outstanding obligations to the City.*

The applicant is not in default and does not have any outstanding obligations to the City.

*(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.*

#### Neighborhood Meeting(s) and Public Comments

A project meeting was held on April 26, 2023 to present the PDP and ODP applications to the community. The application originally showed the location of the pickleball court on the west side of the large multitenant commercial building, adjacent to Silo Townhomes. Five community members attended the meeting with two attendees expressing concerns over the location, visual impacts, hours of operation and noise. In response to the community's concerns, the application was revised to move the location of the courts to the east side of the building within the parking lot, between the building and Wadsworth Parkway. Public comment was also received prior to tonight's hearing, see Attachment 3.

#### Summary of Staff Recommendation

1. Hold a public hearing.
2. Recommend approval of the Sixth Amended Preliminary Development Plan for the Mission Hill/Silo Commercial Subdivision.

**STRATEGIC PLAN PRIORITIES:**

The proposed PDP amendment meets the Strategic Plan priority of Preparedness and Resilience by allowing aging commercial centers to adapt to market demands overtime to enable continued retail sales tax collection for the City of Westminster and promote private property owner business success. The amendment also meets the Strategic Plan priority of Shared Sense of Community by allowing the business owner to expand on a popular outdoor recreational activity for the community.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John McConnell".

John McConnell, AICP  
Interim Planning Manager

**ATTACHMENTS:**

- Attachment 1: Preliminary Development Plan Submittal
- Attachment 2: Vicinity Map
- Attachment 3: Public Comment

**LEGAL DESCRIPTION**

LOT 6A, SECOND REPLAT FOR MISSION HILL/SILO COMMERCIAL SUBDIVISION, RECEPTION #2014052691, DATED JULY 25, 2014, COUNTY OF JEFFERSON, STATE OF COLORADO, CONTAINING 9.37 ACRES

**PROPERTY OWNER**

CENTENNIAL MISSION, LLC  
7687 W. 88TH AVE.  
ARVADA, CO 80005  
TEL: (303) 938-9946  
ATTN: SAM BROWN

**CONSULTANTS**

ETHOS ARCHITECTURE GROUP  
8025 W. 25TH PL.  
LAKEWOOD, CO 80214  
TEL: (303) 374-9896  
ATTN: JOHN SPONSELLER  
EMAIL: john@ethos-arch-group.com

**PERMITTED USES**

- PERSONAL SERVICES INCLUDING THE FOLLOWING BUT NOT LIMITED TO:
  - BARBER AND BEAUTY SHOP
  - BEAUTY SUPPLY SALES
  - MASSAGE THERAPIST
  - OXYGEN BAR
  - TANNING SALON
  - NAIL SALON
- INSTRUCTION/CLASSES/STUDIOS INCLUDING THE FOLLOWING BUT NOT LIMITED TO:
  - HEALTH AND FITNESS/GYMNASIMUM
  - AEROBICS, BALLET, DANCE, EXERCISE, AND MARTIAL ARTS
  - MUSIC, ART, AND PHOTOGRAPHY
- PROFESSIONAL OFFICES AND PROFESSIONAL SERVICES INCLUDING THE FOLLOWING BUT NOT LIMITED TO,
  - ACCOUNTING FIRM
  - CONSULTING
  - REAL ESTATE AGENCY
  - PACKING AND POSTAL SUBSTATIONS
  - PRINTING AND COPYING
  - BANKS AND FINANCIAL USES
- MEDICAL OFFICES INCLUDING THE FOLLOWING BUT NOT LIMITED TO,
  - DENTAL
  - VISION
  - COUNSELING
  - DOCTORS CLINIC
- PLACES OF INDOOR AMUSEMENT AND RECREATION INCLUDING THE FOLLOWING BUT NOT LIMITED TO:
  - BOWLING
  - VIDEO GAMING AND ARCADE
  - INDOOR FAMILY ENTERTAINMENT
  - TEAM SPORTS
  - EXCLUDING INDOOR FIRING RANGES OR OTHER INDOOR FACILITIES THAT CAUSE EXCESSIVE NOISE VIBRATION AND NOXIOUS ODORS
- GENERAL RETAIL AND RESTAURANTS INCLUDING THE FOLLOWING BUT NOT LIMITED TO:
  - GROCERY FOOD AND SALES
  - LIQUOR STORE
  - PHARMACY
  - BAKERY/CATERER
  - BAR/NIGHTCLUB/TAVERN
  - PET GROOMING AND PET SUPPLIES
  - RESTAURANT WITH FOOD AND BEVERAGE SALES
  - CONSIGNMENT SHOP
  - SALES/SERVICE/RENTAL
  - OUTDOOR SMOKER
- OUTDOOR RECREATION INCLUDING THE FOLLOWING BUT NOT LIMITED TO:
  - OUTDOOR SPORTS RECREATION COURTS

**PROHIBITED USES**

- ADULT BUSINESS PER CITY CODE
- AMBULANCE SERVICE
- AUTOMOBILE WASH FACILITY
- AUTOMOBILE BOAT, CAMPER, AND RV SOWROOMS SALES AND RENTAL, WITHOUT PARTS, SERVICE, OUTDOOR STORAGE OR OPERATIONAL DEMONSTRATION
- BINGO ESTABLISHMENT
- BOARDING & GROOMING HORSES

- BODY PIERCING PARLOR
- BULK FUEL SALES
- CHECK CASHING SERVICE AS THE PRIMARY BUSINESS
- DAY LABOR EMPLOYMENT SERVICES
- FUNERAL HOME/MORTUARY
- GASOLINE SERVICE STATIONS
- GREENHOUSE
- GROUP CARE FACILITY
- HOTEL, MOTEL OR RESORT
- INSTITUTIONAL CARE FACILITY
- MASSAGE PARLOR
- MOTOR VEHICLE, RV, AND COMMERCIAL EQUIPMENT DEALER
- OUTDOOR ENTERTAINMENT ESTABLISHMENTS
- SOCIAL GAMING OUTLET
- TATTOO PARLORS
- GUN SHOP

**CONDITIONAL USES:**

- ANIMAL DAYCARE, INDOOR FOR THE ALLOWANCE OF NON-LIVESTOCK ANIMALS MAY BE GROOMED, TRAINED, EXERCISED, AND SOCIALIZED, BUT NOT KEPT OR BOARDED OUTSIDE OVERNIGHT, BRED, OR SOLD. OUTDOOR RUNS OR OTHER OUTDOOR AREAS ARE NOT PERMITTED.
- VETERINARY OFFICE AND CLINIC, INDOOR FOR THE ALLOWANCE OF A FACILITY FOR THE CARE OF SICK OR INJURED ANIMALS. SUCH FACILITIES MAY INCLUDE VETERINARIANS' OFFICES, ADMINISTRATIVE OFFICES, SPACE FOR EXAMINATION, SURGERY, AND RECOVERY, AND FOR OVERNIGHT INDOOR BOARDING OF ANIMALS WHILE UNDER TREATMENT.
- THRIFT STORE LESS THAN 5,000 SQUARE FEET WITH NO OUTDOOR STORAGE OF MATERIALS, NO OUTDOOR DONATION BINS, AND NO OUTDOOR DISPLAY OF MERCHANDISE. THRIFT STORE SHALL NOT BE WITHIN 1000 FEET OF ANOTHER THRIFT STORE EITHER LESS THAN OR GREATER THAN 5,000 SF.
- THRIFT STORE GREATER THAN 5,000 SQUARE FEET SHALL BE A CONDITIONAL APPROVAL BASED ON SITE IMPACTS AND IS NOT GAURANTEED. THRIFT STORE SHALL NOT BE WITHIN 1000 FEET OF ANOTHER THRIFT STORE EITHER LESS THAN OR GREATER THAN 5,000 SF.
- RESTAURANT WITH DRIVE-THROUGH (MAXIMUM OF 1 TOTAL FOR LOTS 2, 5R, AND 6A)
- BREWPUB ALLOWING A FACILITY THAT IS PRIMARILY A RESTAURANT WHERE MALT LIQUOR IS MANUFACTURED ON THE PREMISES AS AN ACCESSORY USE. A BREWPUB MAY INCLUDE SOME OFF-SITE DISTRIBUTION OF ITS MALT LIQUOR CONSISTENT WITH STATE LAW.
- NEIGHBORHOOD BREWERY (SMALL SCALE) : 7,800 SQUARE FEET MAXIMUM INCLUDING TAPROOM, NO LIMITATION ON TAPROOM SIZE.
- ASSEMBLY USES INCLUDING BUT NOT LIMITED TO EDUCATIONAL FACILITIES (EXCLUDING PUBLIC/PRIVATE/CHARTER, PRIMARY OR SECONDARY EDUCATIONAL FACILITIES), RELIGIOUS INSTITUTIONS, BANQUET HALLS, CONFERENCE CENTERS AND THE LIKE ARE ALLOWED AND SHALL BE LIMITED TO 20% OF THE TOTAL BUILDING AREA FOR LOTS 6A, 5R, AND 2. NO MORE THAN TWO ASSEMBLY USES SHALL BE ALLOWED WITHIN THIS PDP.

**PURPOSE OF AMENDMENT**

ADDING AN OUTDOOR SPORTS RECREATIONAL COURTS ON LOT 6A.

**SUMMARY OF AMENDMENTS**

1. 4TH AMENDMENT: REVISE LIST OF ALLOWED LAND USES.
2. 5TH AMENDMENT: REVISE LIST OF ALLOWED LAND USES TO ADD BREWERY.

**FULL FORCE & EFFECT**

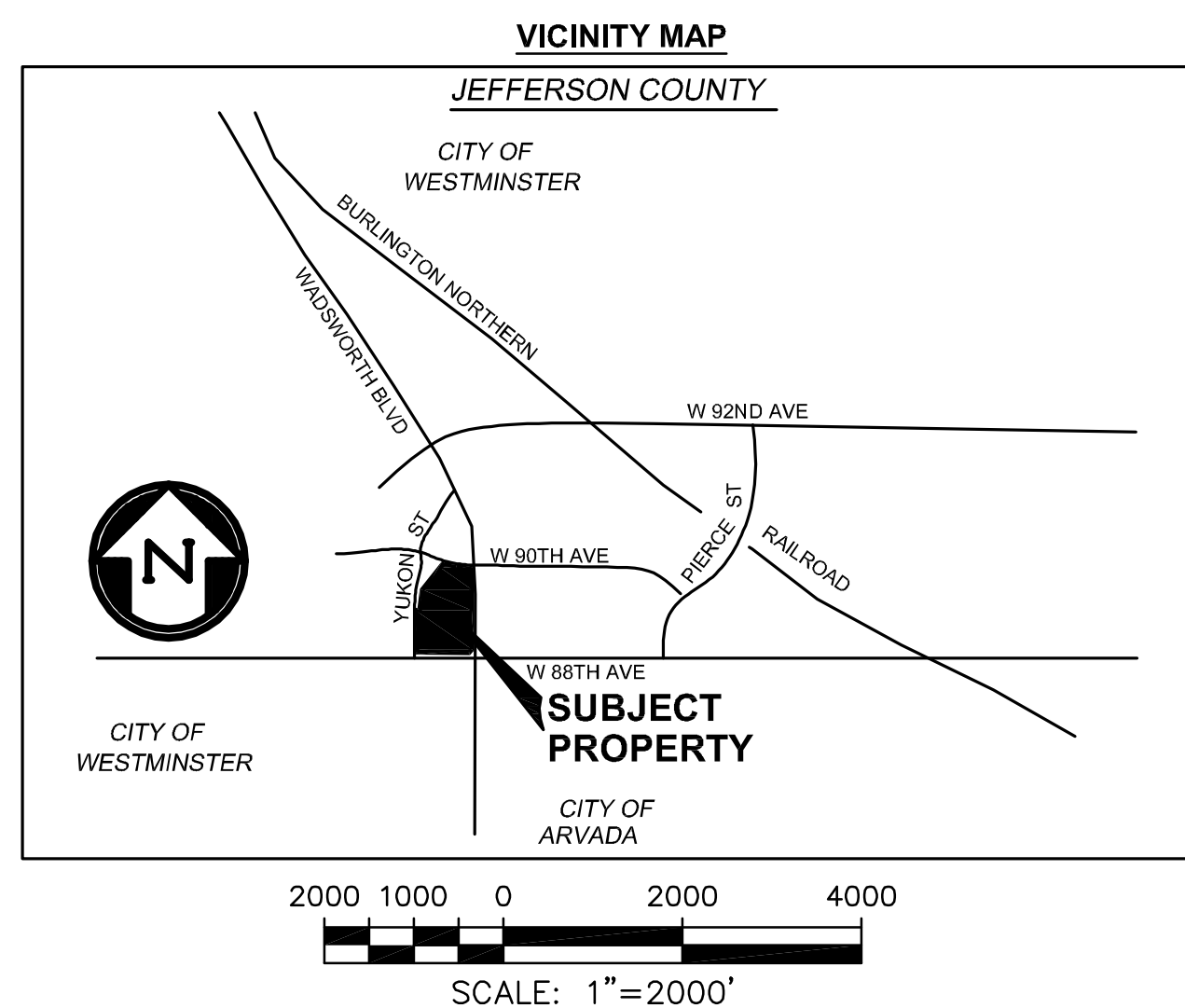
ALL PROVISIONS OF THE ORIGINAL ODP/PDP, RECORDED AT RECEPTION NO. 83023453, AND SUBSEQUENT PDP AMENDMENTS SHALL REMAIN IN FULL FORCE AND EFFECT, EXCEPT AS OTHERWISE NOTED HEREIN.

**ZONING & LAND USE**

CURRENT ZONING & LAND USE: P.U.D.  
COMPREHENSIVE PLAN DESIGNATION: RETAIL/ COMMERCIAL

# NINTH AMENDED PRELIMINARY DEVELOPMENT PLAN MISSION HILL/SILO COMMERCIAL, SECOND REPLAT, LOT 6A

A PLANNED UNIT DEVELOPMENT  
IN THE CITY OF WESTMINSTER  
COUNTY OF JEFFERSON, STATE OF COLORADO  
SHEET 1 OF 2



**ZONING & LAND USE**

	ZONING	LAND USE	COMP. PLAN DESIGNATION
NORTH:	PUD	COMMERCIAL RETAIL AND OFFICE	RETAIL COMMERCIAL/OFFICE
SOUTH:	PUD	COMMERCIAL RETAIL AND OFFICE	RETAIL COMMERCIAL/OFFICE
EAST:	PUD	COMMERCIAL RETAIL AND OFFICE	MIXED USED
WEST:	PUD	RESIDENTIAL	R-3.5, PUBLIC/ QUASI PUBLIC, AND R-8

I, \_\_\_\_\_, AS \_\_\_\_\_ OF \_\_\_\_\_ A \_\_\_\_\_, PROPERTY OWNER, DO SO APPROVE THIS ODP FOR REVIEW AND APPROVAL BY THE CITY OF WESTMINSTER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
SIGNATURE TITLE

ACCEPTED BY THE PLANNING COMMISSION OF THE CITY OF WESTMINSTER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
COMMISSIONER

ACCEPTED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MAYOR CITY CLERK

**CLERK AND RECORDER'S CERTIFICATE**

RECEPTION NO. \_\_\_\_\_

ACCEPTED FOR FILING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AT \_\_\_\_ O'CLOCK \_\_M.

\_\_\_\_\_  
JEFFERSON COUNTY CLERK AND RECORDER

BY: DEPUTY CLERK \_\_\_\_\_



8.31.2023

DATE:

NINTH AMENDED PRELIMINARY DEVELOPMENT PLAN  
**MISSION HILL/SILO SUBDIVISION**  
 SECOND REPLAT, LOT 6A, 90TH/WADSWORTH AVE.  
 WESTMINSTER, COLORADO

ISSUE/DATE	CITY SUBMITTAL	8.31.2023
------------	----------------	-----------

**SHEET INDEX**  
SHEET 1 OF 2 - COVER PAGE  
SHEET 2 OF 2 - SITE PLAN

PLN22-0095

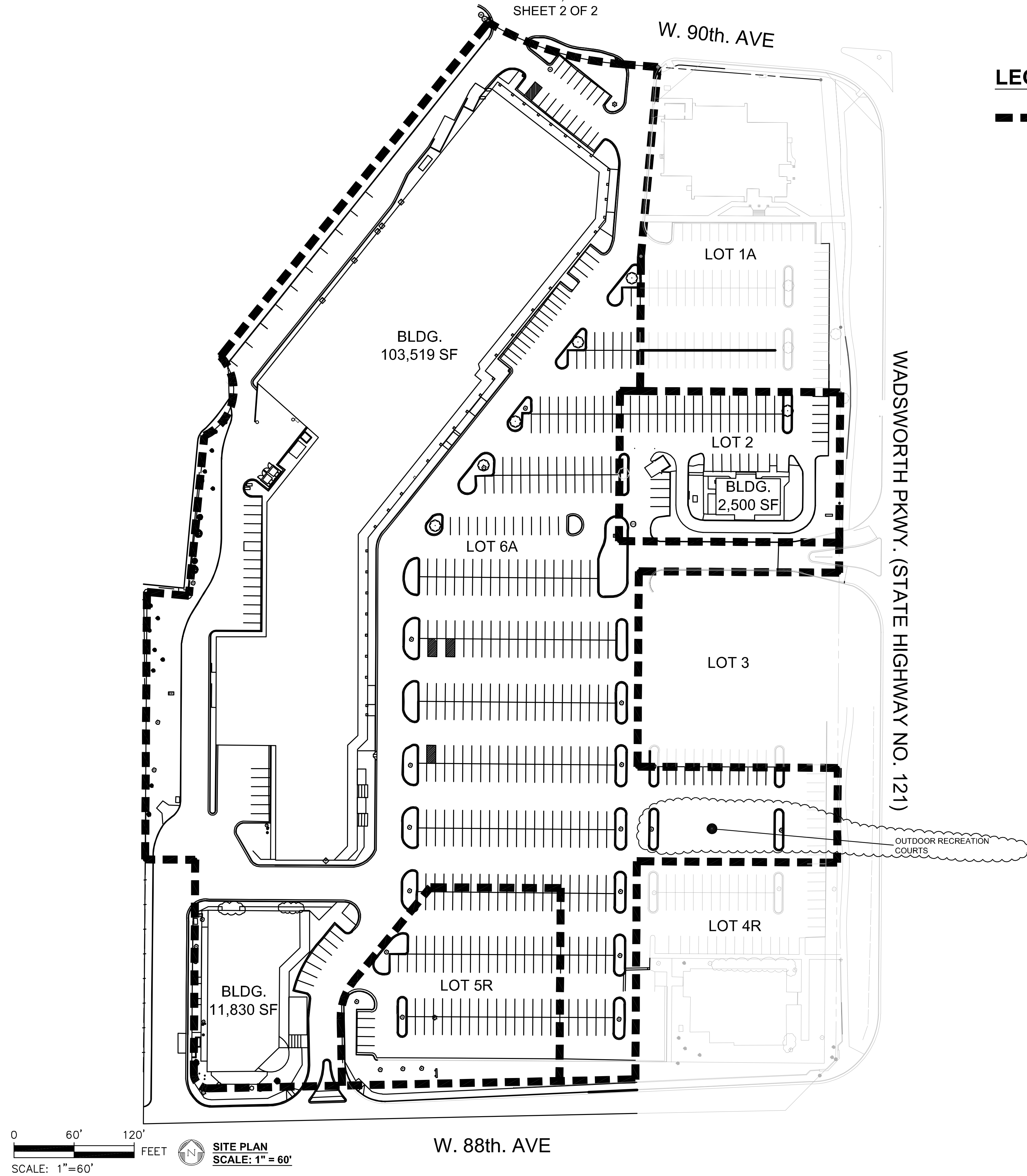
1 OF 2  
PERMITTED &  
PROHIBITED USES

NINTH AMENDED PRELIMINARY DEVELOPMENT PLAN  
MISSION HILL/SILO COMMERCIAL,  
SECOND REPLAT, LOT 6A

A PLANNED UNIT DEVELOPMENT  
IN THE CITY OF WESTMINSTER  
COUNTY OF JEFFERSON, STATE OF COLORADO  
SHEET 2 OF 2

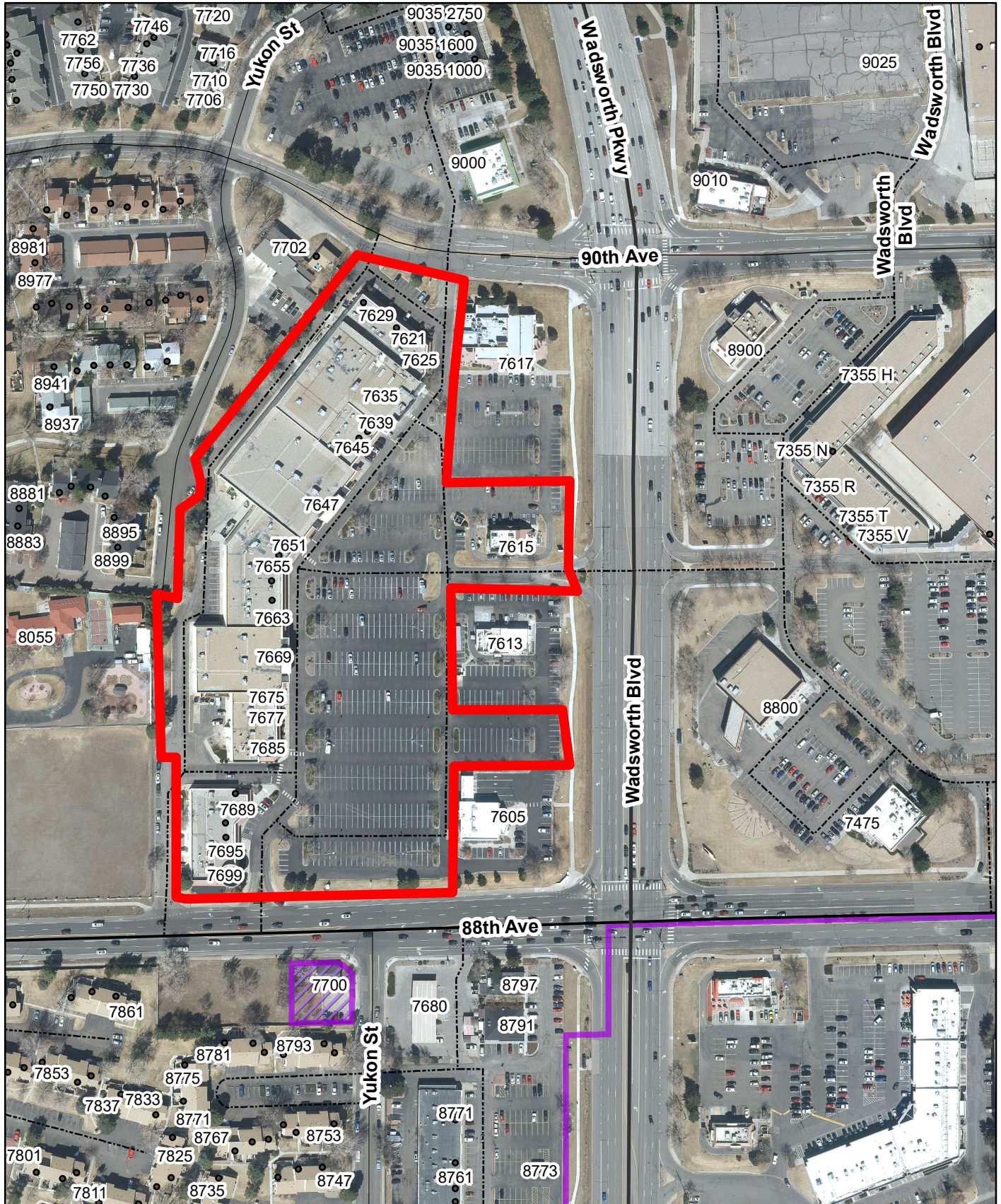
**LEGEND**

--- LIMITS OF PDP AMENDMENT



PLN22-0095





GIS-Apps\WestGIS\ArcGIS93Templates\Westminster\_Basic\_93.mxd

# Mission Hill/Silo Commercial City of Westminister





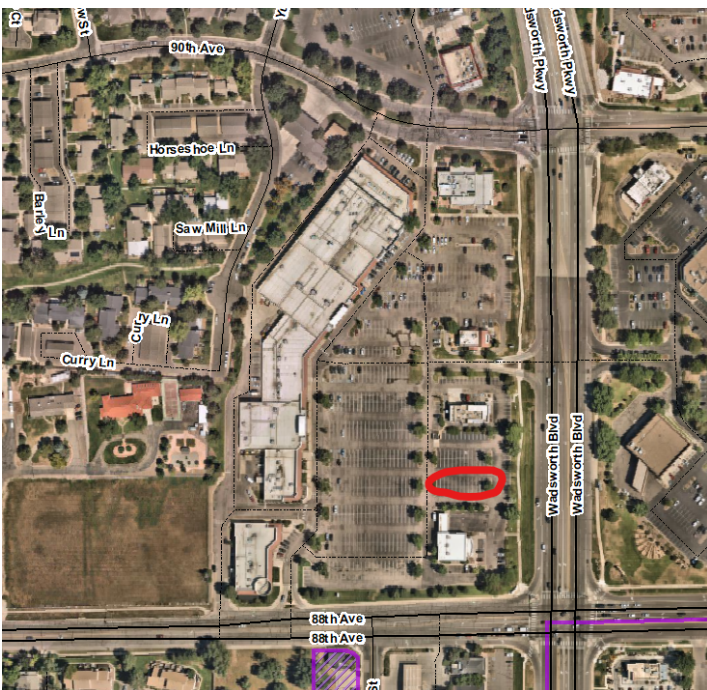
**Ashmann, Stephanie**

---

**From:** Ashmann, Stephanie  
**Sent:** Tuesday, September 19, 2023 12:07 PM  
**To:** Karen Aragon  
**Subject:** RE: [EXTERNAL] Outdoor pickleball court

Karen,

Thank you for your email. Please see the newly proposed location of the courts in the image copied below. After the virtual project meeting, the property owner decided to move the courts to the east side of the building near the bank, outlined in red. This is approximately 500 or more feet from the closest residential property. This was his response to the concerns expressed by the community.



I hope this clears up some of your concerns. Please let me know if you have any questions.

Regards,

**Stephanie Ashmann, AICP** (she/her)  
**Senior Planner (Landscape and Conservation)**  
 City of Westminster | Community Development Department  
[sashmann@westminsterco.gov](mailto:sashmann@westminsterco.gov) | 303.658.2104  
 4800 West 92nd Avenue, Westminster, CO 80031

 **WESTMINSTER** | [WWW.WESTMINSTERCO.GOV](http://WWW.WESTMINSTERCO.GOV)

---

**From:** Karen Aragon <guitarchick1110@hotmail.com>  
**Sent:** Tuesday, September 19, 2023 10:14 AM  
**To:** Ashmann, Stephanie <sashmann@westminsterco.gov>  
**Subject:** Fw: [EXTERNAL] Outdoor pickleball court

Hello Stephanie, my name is Karen Aragon, I live right across the street from Mission Commons Shopping Center. I live at 8891 Yukon St unit 37. I emailed you before regarding the proposed pickleball court being built right outside my bay window. My townhome faces the back of the pickleball. I did watch the last meeting with Sam and I am still opposed. I received in the mail another letter regarding the pickleball court yesterday for another meeting next Tuesday Sept 26th. My question is, will the residents around this area where the pickleball court is being proposed to be built get to vote on this? How does it work? How do we get a say? The last meeting I watched, only a few of us were on live. There were only few questions asked and then it was all over. I have heard a lot on tv about outside pickleball being really loud even with a fence and I feel like this is really going to take away our privacy and the quietness of the neighborhood will be gone. I will be watching next Tuesday and hope more people around me are interested in this. Thank you. Have a great day, Stephanie.

---

**From:** Ashmann, Stephanie <[sashmann@CityofWestminster.us](mailto:sashmann@CityofWestminster.us)>  
**Sent:** Monday, April 17, 2023 7:25 AM  
**To:** Karen Aragon <[guitarchick1110@hotmail.com](mailto:guitarchick1110@hotmail.com)>  
**Subject:** RE: [EXTERNAL] Outdoor pickleball court

Karen,

Thank you for your comments. I will add them to the file. I encourage you to attend the virtual project meeting with the developer to express your concerns.

Regards,

## Stephanie Ashmann

### Senior Planner

City of Westminster | Community Development Department | Planning Division

[sashmann@cityofwestminster.us](mailto:sashmann@cityofwestminster.us) | 303.658.2104

4800 West 92nd Avenue, Westminster, CO 80031

**City Hall Hours:** Monday-Friday, 8 a.m.-5 p.m.

 WESTMINSTER | [WWW.CITYOFWESTMINSTER.US](http://WWW.CITYOFWESTMINSTER.US)  
<https://www.cityofwestminster.us>

---

**From:** Karen Aragon <[guitarchick1110@hotmail.com](mailto:guitarchick1110@hotmail.com)>  
**Sent:** Friday, April 14, 2023 6:56 AM  
**To:** Ashmann, Stephanie <[sashmann@CityofWestminster.us](mailto:sashmann@CityofWestminster.us)>  
**Subject:** [EXTERNAL] Outdoor pickleball court

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello there Stephanie, I hope you are doing well. My name is Karen Aragon, I live in the Silo Townhomes with my mom. Our town home faces the backdoor of the pickleball facility. I am sending you this email regarding the letter we received regarding the outdoor pickleball court. This is a private residence and this pickleball court would be right outside our front window so we would see them playing pickleball all day everyday and

we would hear them 24/7. We feel our privacy would be gone with this pickle ball court right outside our front window. We are very much opposed to this and do not want this. Thank you for your time.

Our address is 8891 Yukon Street #37

## Ashmann, Stephanie

---

**From:** Planning  
**Sent:** Monday, September 18, 2023 1:45 AM  
**To:** Bob Fox  
**Cc:** Ashmann, Stephanie  
**Subject:** RE: [EXTERNAL] PCPubComm@westminster.co.gov

Thank you for your comments related to the project. We appreciate your taking the time to share your thoughts and to participate in this public process. Your comments will be added to the public record for this project.

The correct email address is [pcpubcomm@westminsterco.gov](mailto:pcpubcomm@westminsterco.gov).

We encourage you to attend the Planning Commission meeting at 7:00PM on September 26th at City Hall. For details on how to participate in a public hearing please click on [www.westminsterco.gov/pc](http://www.westminsterco.gov/pc). Please click on the highlighted and bold text called 'Want to learn how to View, Listen, or Call-in to a Virtual Hearing? CLICK HERE!'.

Thank you,  
City of Westminster Planning Division

---

**From:** Bob Fox <bfox@webhostcolorado.net>  
**Sent:** Saturday, September 16, 2023 4:43 PM  
**To:** Planning <planning@westminsterco.gov>  
**Subject:** [EXTERNAL] PCPubComm@westminster.co.gov  
**Importance:** High

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This Email address does not work.

I would like to express my opposition to the proposal.

The location is way to close to the homes on the other side of the street.

I live on Yukon street.

Just look at what has happened in other municipalities around Denver, with Pickleball courts. The noise has caused an uproar in the neighborhoods.

*Bob Fox  
Webhost Colorado  
8690 Wolff Ct. Suite 130  
Westminster, Co. 80031  
303-4267722*

*Local Cloud Services (Private Cloud, On-line Backup, Email, Hosting)*

<https://www.webhostcolorado.net>