



WESTMINSTER

**CITY OF WESTMINSTER
PLANNING COMMISSION
Meeting Minutes
September 9, 2025**

1. ROLL CALL

The meeting was called to order at 7:00 pm by Vice-Chair David Carpenter. Present were Commissioners Rick Mayo, Kevin Kinnear, David Tomecek, Tracy Colling, Chennou Xiong, and Tim Pegg. Excused from attendance was Chair Jim Boschert and Commissioner Larry Dunn. Also present: Staff members, Associate Planner/Secretary Jennifer Baden, Principal Planner Jacob Kasza, Planning Aide Veronica Garcia, Planner Carson Byerhof, Senior Planner Trevor Harlow, Assistant City Engineer-Civil Heath Klein, Planning Manager John McConnell, and Deputy City Attorney Greg Graham. With the roll being called, Vice-Chair Carpenter stated that both alternate Commissioners would be voting. Commissioners Kinnear and Pegg served as Alternates.

2. CONSIDERATION OF MINUTES

Meeting Minutes from August 12, 2025.

Commissioner Pegg made a motion to approve the minutes from the August 12, 2025, Planning Commission meeting. Commissioner Kinnear seconded the motion. The minutes were unanimously accepted (7-0).

3. CONSIDERATION OF NEW BUSINESS AND PUBLIC HEARINGS

3a) Public Hearing and Recommendation on a proposed Comprehensive Plan Amendment for the former Zerger Elementary School Site

Vice-Chair Carpenter opened the public hearing at 7:02 pm.

Carson Byerhof, 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. Notices were provided by the required deadline. Mr. Byerhof narrated a PowerPoint presentation for the proposal to:

- a. Hold a public hearing.
- b. Recommend the City Council approve the Comprehensive Plan Amendment for the former Zerger Elementary school site to change the current land use designation from Public/Quasi-Public to Residential Low Density, subject to the condition set forth in the Summary of Staff Recommendations herein.

Commissioner Carpenter asked the applicant to clarify the intent with the skate park, park, and sidewalk along the east side of the site. The applicant stated the existing park would not be removed, they would be adding additional park space, access points would be located to the east and south, and the site plans could be updated as they work through the process with Staff. Commissioner Carpenter asked the applicant to clarify pre-development rates of stormwater detention as related to redevelopment. The applicant stated that rates would be measured from raw-land and not based off current conditions.

Commissioner Colling highlighted public comments that were made about the water main on Field Street. The applicant responded that this portion of the infrastructure was aging, and the City is asking for the developer to pay for the improvements. The applicant relayed the

infrastructure improvements would benefit the existing community in addition to providing the needed services for the proposed development.

Commissioner Pegg asked the applicant to clarify the looped water improvements. The applicant explained the water lines would connect to the water mains down west 90th Place down north Everett while maintaining pressure. Commissioner Pegg asked the applicant to explain how this system is better for resiliency. The applicant responded that having multiple connections allows water to be served in multiple directions while maintaining flow and pressure which is beneficial in emergency situations.

Commissioner Pegg asked the applicant to explain how their project would address important policy, reduce urban sprawl, and reduce the loss of open space. The applicant clarified they would be taking the infill site that has existing services and would repurpose the site without needing to add additional services. Commissioner Pegg then asked the applicant how they would be reducing open space loss. The applicant responded the process described does not reduce open space loss but reduces open sprawl.

Commissioner Mayo asked the applicant to clarify the original zoning for this site. The applicant responded the original Kings Mill PDP showed the surrounding area as a mix of housing with a mix of densities and that the broader site was envisioned as a larger community.

Vice-Chair Carpenter opened the public testimony at 7:49 pm.

Public testimony expressed concerns relating to: Impacts and management of traffic, parking, and snow removal; impacts on existing utility and transportation infrastructure; water, wildlife, and tree canopy conservation; construction management and its mitigation relating to environmental concerns; construction impacts on the existing community's equity opportunities; loss of space for the existing users of the school lawn; how the site would blend with the character of the existing community; and the consequences of increased residential densities including lot size and architectural compatibility.

Public testimony included: questions relating to the feasibility of repurposing the existing building; and questions relating to affordability of new homes and potential increased cost burdens on existing residents.

Public testimony expressed need to preserve pedestrian connections through the site and to neighboring communities and services; need to preserve walkable opportunities in neighborhood; need for site to be repurposed. Public testimony included support of proposal to add to Westminster's housing opportunities; support of smaller lots and the resulting smaller maintenance needs; support of the proposal using some of the school site to add to the existing Kings Mill Park.

Vice-Chair Carpenter closed the public testimony at 9:01 pm.

Vice-Chair Carpenter asked called for a short recess to allow staff and the applicant time to respond to the public comment.

Staff responses to public comment:

- The application under consideration is for a Comprehensive Plan Amendment, going from public to residential low density. The zoning will remain Planned Unit Development (PUD).
- The proposed Comprehensive Plan Amendment under consideration is specific to the proposed change in the site's Comprehensive Plan character area designation, which includes contextual analysis to the existing community and the goals and strategies within the Comprehensive Plan. The specific design considerations of the applicant's

proposal will be reviewed with the PDP and ODP amendments once they are submitted for review.

- The applicant's proposal supports the Comprehensive Plan and the Sustainability Plan considerations to look for opportunities to upgrade and repair aging infrastructure; and by requiring infill redevelopment to take on these costs that would otherwise retract from the City's budget.
- Infill development is supported by existing infrastructure, services, and uses; whereas provision of new development in greenfield areas requires additional infrastructure, services, and uses, which results in more sprawl.
- Reverter clause for Sheridan Green site required the Sheridan Green school to go back to the City and this responsibility put strains on City resources.

Applicants' response to public comment:

- Jefferson County's RFP/RFQ process and evaluation on the best-use of the site.
- The applicant was told by Jefferson County that the school building itself was in such disrepair that it was not feasible to remain open.
- Asbestos removal would be done in compliance to state regulations.
- The existing King's Mill park will remain as is and a land dedication is proposed to enlarge the park.
- The east/west access that is in place to the community to the east will be maintained as well as access for existing residents to the [Farmers' High Line Canal] trail and [Kings Mill] park.
- Proposed home lots will be approximately 4000 square-feet and home sizes will be approximately 2200 square-feet. The proposal includes 4 on-site parking spaces in addition to street parking.
- Setbacks will meet City standards requirements.
- A Homeowners Association (HOA) will take care of maintenance.
- All homes will be fully sprinklered per City Code.
- Impacts to utilities were compared to what was used by the school and analysis would be done to ensure negative impacts will not be made to existing infrastructure.

Staff made clarifications on how density is calculated in the Comprehensive Plan analysis and how it's not within the City's jurisdiction to regulate school capacity or facility needs; these decisions are made by the Jefferson County School District.

Commissioner Pegg asked the applicant about the sidewalks. The applicant answered they would be installing 5-foot sidewalks.

Commissioner Colling stated she appreciated the community participation. She asked staff to address concerns with snow removal. Staff stated the City would maintain snow removal when they reach an excess of 8 inches of snow, which is the requirement for streets classified as local. Commissioner Colling made comments on the school's current vacancy duration and acknowledged Jefferson County's decision on the future of the site. Commissioner Colling noted the amount of money spent each year to maintain empty schools.

Commissioner Colling made comments acknowledging the needs of the District and there are a lot of public facilities that are in the surrounding area that serve the existing community. Commissioner Colling commented that requiring larger lot sizes will result in increased costs.

Commissioner Tomecek asked staff if there has been any indication if the City was interested in the property during the twelve (12) years of vacancy. Staff responded that the site's acquisition was not considered with any budgeting analysis.

Commissioner Carpenter asked the applicant to clarify the Kings Mill Park boundary. The applicant stated they would be preserving roughly 60% of the recreation field area on the current site and the project would look to preserve the mature trees along the north side.

Commissioner Carpenter asked the applicant how the lot sizes compare to the rest of the community. The applicant responded they didn't have an exact number, but noted existing homes on cul-de-sacs result in wedge-shaped backyards, which leads to more homes abutting back neighbors.

Commissioner Carpenter asked the applicant to clarify home prices. The applicant responded they would be priced at market rate and construction costs would be a factor. Commissioner Carpenter then noted that the design guideline calls for one to two story homes and asked the applicant if they would be adhering to these standards. The applicant said they will be proposing ranch and two-story homes, and the max height would be roughly 28- feet, in alignment with City design standards.

Commissioner Carpenter asked the applicant about the sidewalks and the existing pedestrian corridor along the east side. The applicant elaborated that it would be more conducive to avoid narrow corridors along the backs of homes as they could pose safety concerns due to reduced visibility and absent lighting. The applicant responded that they could provide an alternative alignment or otherwise keep the current alignment with an improved accessible connection through the site. The applicant relayed they would work with City Staff on the most feasible alignment that would maintain a pedestrian connection from 91st Ave to the North to the Farmers High Line Canal trail to the south. More studies would be needed to determine the specifics of where the connection would go.

Staff clarified the conditional approval would include preservation and improvements for a pedestrian connection from the north to the south and that any specific locations would need to be reviewed in the PDP and ODP processes.

Commissioner Pegg asked for clarification on the sidewalk along 91st Ave. and Everett St., and if it would satisfy the recommended connections. Staff replied yes, but the specifics would come later with the PDP and ODP reviews. Commissioner Pegg asked staff to elaborate on ways that this connection requirement could be satisfied.

Staff responded the replacement of the drainage ditch with an accessible sidewalk that is being informally used as a walkway could be a way that the public access connection is maintained, provided that improvements are made to formalize the pedestrian connectivity as opposed to its current standards as a drainage ditch. Staff also relayed that the applicant proposal for a sidewalk that cuts through the community would satisfy the requirement, provided that a clear public access connection is provided via a public access easement and/or right-of-way connection; the community would need to be designed in a way that maintains and/or provides this connection as publicly.

Commissioner Mayo commented on the size of the proposed development being more compatible in comparison to a more dense multi-family development; expressed support for the 5- foot sidewalks down Everett Street; added personal experience living on a cul-de-sac with the wedge-shaped configuration resulting in multiple homes behind him; acknowledged there were public comments on both sides concerning property value equity and taxation; and that the school site is the District's property and not open space.

Commissioner Pegg motioned for an executive session.

Commissioner Xiong seconded the executive session motion.

The motion passed unanimously passed (7-0).

The Executive Session convened at 9:49 pm

The Executive Session adjourned at 9:53 pm

Commissioner Pegg motioned that Planning Commission recommend City Council approve the Comprehensive Plan Amendment for the Zerger Elementary School Redevelopment subject to the condition listed in the agenda memo. This recommendation is based on a finding that the Comprehensive Plan Amendment is supported by the criteria set forth in Sections 11-5-21 of the Westminster Municipal Code.

Commissioner Kinnear seconded the motion.

Commissioner Kinnear recognized the public comments that were made in person as well as sent through email, and highlighted the City does not own the parcel of land and it is the School District's decision to sell the school and work with the developer. After referring to the City's Municipal Code and Staff's recommendations, the development does appear to fit within the context of the surrounding area.

Commissioner Kinnear acknowledged that many of the concerns that were raised with public comments are items that will be considered and reviewed with the required PDP and ODP review items that are forthcoming.

Commissioner Tomecek added to Commissioner Kinnear's statements and noted any alternate use proposal for the site should be directed to the school district as well as City Council.

Commissioner Carpenter agreed with Commissioner Kinnear and Tomecek's comments. Commissioner Carpenter also stated for the record that members of the Planning Commission are not elected but are instead appointed by City Council; therefore, they do not receive campaign donations nor financial compensation.

The motion passed unanimously (7-0).

A short recess was called.

3b) Public Hearing and Consideration of an Appeal for an Official Development Plan Amendment for Sheridan Park Filing No. 6A, Block 3, Lot 3

Vice-Chair Carpenter opened the public hearing at 10:14 pm.

Before the Staff presentation the following Planning Commission members disclosed on the record that they were contacted by the applicant on this matter:

Commissioner Pegg

Commissioner Kinnear

Commissioner Mayo

Commissioner Colling

Trevor Harlow, 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. Notices were provided by the required deadline. Mr. Harlow narrated a PowerPoint presentation for the proposal to:

- c. Hold a public hearing.
- d. Deny the appeal for an Official Development Plan Amendment for Sheridan Park Filing No. 6A, Block 3, Lot 3.

Vice-Chair Carpenter opened the public testimony at 10:49 pm

Seeing there was no public testimony, Vice-Chair Carpenter closed the public testimony at 10:50 pm.

Commissioner Carpenter asked Staff to clarify the timeline of communications with the applicant. Mr. German narrated a timeline of communications.

Commissioner Carpenter asked Staff about other fencing in the business park area and why a commercial grade metal fence is required here. Staff responded the requirement is found in the commercial retail design guidelines. Staff noted fences in non-residential areas are permitted

through the ODP process and are in conjunction with a full development entitlement and not a vacant lot.

Staff commented any wooden materials found around neighboring sites are used in minor states such as patios and screenings and not used for securing areas. Current design standards require that perimeter fences call for masonry or materials that match the surrounding buildings.

The applicant stated warehousing was not sought for on the property and neither was agriculture. Staff asked the applicant to explain the intent of fencing the interior of the property as opposed to the perimeter. The applicant explained the exterior portion would allow public accessibility of easements and allow for dog walking. The applicant also stated wood would be better equipped to resist plutonium pollution.

Commissioner Mayo stated easements can be fenced in as long as they are made accessible. Commissioner Mayo asked the applicant to explain why dogs would be allowed on the exterior of the property. The applicant stated it is important to be an agreeable neighbor and noted the importance of public health.

Commissioner Pegg asked for clarification of passing the ODP amendment and the intent of the site. The applicant said they intend for the lot to remain vacant.

Commissioner Xiong commented on the area surrounding the site and noted homelessness in the area, lack of activity, a wooden residential fence to the back and asked if there was a way for the City to compromise on allowing the applicant to have a fence for the property. Staff responded the applicant is exercising due process to appeal the denial by asking the Planning Commission to overturn the denial. Commissioner Xiong asked if there were public concerns expressed over the proposed project. Staff responded concerns were received opposing activities outside of the typical commercial development.

Commissioner Xiong asked Staff if a wooden fence would harm the neighbors to the east. Staff stated the area to the east is zoned as residential, which the applicant's site is not, and noted the residential area is considered Adams county and not a part of Westminster.

Commissioner Tomecek asked Staff if a compromise could be made in materials since there are wood elements in the surrounding neighborhoods and asked if there are different leniencies offered to residential areas compared to commercial areas. Staff explained the need to enforce the same rules and zoning regulations in respect to the surrounding businesses that have also invested in their properties.

Commissioner Colling noted the fence on this site would have a different character than the surrounding properties and noted the fence being proposed along the east side would create a corridor that would not be closed off to the public.

Commissioner Carpenter agreed with Commissioner Colling's statements.

Commissioner Pegg noted that if a perimeter fence was granted on this site, it would then set a precedent that other commercial sites could also request a fence and possibly prevent pedestrian circulation. Staff replied a temporary ODP amendment could be an avenue for the applicant. The City Attorney stated while a temporary fence could be granted, an ODP amendment cannot be applied if it does not follow code.

Commissioner Kinnear commented an interior fence on the vacant property would not solve the applicant's concerns of avoiding trash and excrement on the property, since it leaves the exterior portion of the site exposed. Commissioner Kinnear also noted that the concerns raised by the applicant regarding the perimeter fence material and the applicant not wanting to cut off easements, could be solved if another proposal was brought back,

Commissioner Tomecek noted the applicant might have misunderstood the requirements of fencing around easements and while a wood fence would be an oddity in the area, it is not uncommon in other areas.

Commissioner Carpenter asked Staff to explain the standards that were not met. Staff responded criteria 1-6 were not met as well as criteria 9 and 10.

Commissioner Pegg noted the complicated nature of land use and noted while a fence in this area would not be out of place, there were still other criteria in the code that were not overcome.

Commissioner Pegg motioned that the Planning Commission deny the appeal for an Official Development Plan Amendment for Sheridan Park Filing No. 6A, Block 3, Lot 3. This recommendation is based on the finding that the Official Development Plan Amendment does not comply with the criteria in Section 11-5-15 of the Westminster Municipal Code. Commissioner Colling seconded the motion.

The motion passed (4-3).

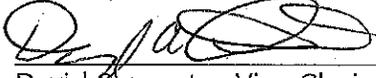
Commissioners Xiong, Carpenter and Tomecek were the dissenting votes.

Commissioner Xiong thanked Staff for their diligence and patience.

4. ADJOURNMENT

The meeting was adjourned at 11:48 p.m.

THE WESTMINSTER PLANNING COMMISSION



David Carpenter, Vice-Chair

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

