



PLANNING COMMISSION MEETING AGENDA

1. ROLL CALL
2. CONSIDERATION OF PREVIOUS MEETING MINUTES
Meeting Minutes of July 13, 2021
3. CONSIDERATION OF NEW BUSINESS
 - a. Public Hearing and Action of Use by Special Permit for Animal Daycare, Outdoor and Kennel for a Dog Day Care and Kennel Service to be Known as "Dogtopia"
Prepared by: David German, AICP, 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 virtual participation guidelines please visit www.cityofwestminster.us/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@cityofwestminster.us to make a reasonable accommodation request.



WESTMINSTER

CITY OF WESTMINSTER
PLANNING COMMISSION STUDY SESSION
Meeting Minutes
July 13, 2021

1. ROLL CALL

The virtual meeting was called to order at 6:00 pm by Chair James Boschert. Present were Vice-Chair Joe McConnell, Commissioners Tracy Colling, Lawrence Dunn and Chennou Xiong. Excused from attendance were Commissioners David Carpenter, David Tomecek, Rick Mayo and Elisa Torrez. Also present: Staff members Rita McConnell, Planning Manager, Andrew Spurgin, Principal Planner, Jennifer Baden, Planning Aide, and Doris Wigglesworth, Systems Administrator. With the roll called, Chairperson Boschert stated that a quorum was present.

2. CONSIDERATION OF MINUTES

Meeting Minutes from June 22, 2021.

Commissioner Dunn made a motion to accept the minutes from the June 22, 2021 Planning Commission meeting. Commissioner Colling seconded the motion. The minutes were unanimously accepted (4-0). Commissioner Xiong joined the meeting after the vote and therefore did not cast a vote.

3. CONSIDERATION OF NEW BUSINESS

2040 Comprehensive Plan Presentation by Principal Planner, Andrew Spurgin, AICP

The Planning Commission stated support for the Plan as presented. Chair Boschert complimented the presentation. Commissioner Colling said the Plan was thorough and results from community input and found the Economic Resilience chapter interesting. Commissioner McConnell supported the changes resulting in the Employment-Flex land use type.

4. ADJOURNMENT

The meeting was adjourned at 7:19 pm.

THE WESTMINSTER PLANNING COMMISSION

James Boschert, Chairperson

A full recording of the meeting has been posted on the Planning Commission webpage.



WESTMINSTER

Agenda Memorandum

Agenda Item: 3a

Planning Commission Meeting July 27, 2021



Cultivate a thriving, inclusive, and engaged community through access to opportunity and a resilient and diverse economy.



Provide visionary, effective, and collaborative government.

SUBJECT: Public Hearing and Approval of Use by Special Permit for Animal Daycare, Outdoor and Kennel for a Dog Day Care and Kennel Service to be Known as “Dogtopia”

PREPARED BY: David German, AICP, Senior Planner

RECOMMENDED PLANNING COMMISSION ACTION:

1. Hold a public hearing.
2. Conditionally approve the Special Use Permit to locate Dogtopia at Brentcross Shops Subdivision. The recommended conditions of approval are:
 - A) If the City receives complaints due to noise emanating from the outdoor play area, the business owner shall, within 90 days of notice by the City, replace the proposed vinyl enclosure fencing with an eight-foot masonry wall enclosure to better control noise. This masonry wall shall have brick cladding to match the exterior of the existing Brentcross Shops building, and an opaque black metal gate for egress. Continued noise complaints received after this corrective measure is taken may be grounds for reconsideration of the Special Use Permit by the Planning Commission.
 - B) The applicant obtains the needed state license to operate and occupy their animal day care and kennel facility; this permit is obtained through the Department of Agriculture (see Pet Animal Care Facilities Act). Pursuant to Section 11-4-8(L) of the Westminster Municipal Code, no approval for a business license or a building permit shall be issued until the special use has been approved by the City and the appropriate State license has been issued, and evidence thereof has been provided to the Planning Manager.

SUMMARY STATEMENT:

- A franchisee of Dogtopia, Inc., an animal day care and boarding service for dogs, has applied for Use by Special Permit (Special Use Permit, SUP) to operate a facility within a tenant space at the existing commercial property, Brentcross Shops Subdivision.

- The proposed land uses (Animal Day Care, Outdoor and Kennel) require approval of a Special Use Permit by the Planning Commission, pursuant to Section 11-4-8(B)(2) and (7), respectively, of the Westminster Municipal Code (W.M.C.). The Planning Commission is empowered to hear and decide applications for SUPs by Section 2-2-2(G) of the W.M.C.
- Staff has reviewed the SUP application using the criteria found in the Sections 11-4-8 (F) and (G) of the W.M.C. This analysis may be found in a latter part of this agenda memo.

FISCAL IMPACT:

\$0 in expenditures.

SOURCE OF FUNDS:

Not applicable.

POLICY ISSUE(S):

Should the Planning Commission approve a SUP for an Animal Daycare, Outdoor and for a Kennel, to allow Dogtopia to locate at Brentcross Shops Subdivision?

ALTERNATIVE(S):

Pursuant to Section 11-4-8(E) of the W.M.C., Planning Commission may choose to grant the application, with or without modifications and conditions, or deny it, within 30 days of its public hearing on the application. Conditions on the granting of a permit, include, but are not limited to:

- (1) Requiring buffers or screening between the new activity and adjacent uses;
- (2) Placing limitations on the hours of operation of the use; and
- (3) Making changes in design or layout.

Staff does not recommend denial of this application because according to Staff's analysis, this application meets the requirements of Sections 11-4-8 (F) and (G) of the W.M.C.

Staff recommends conditional approval of the SUP, as outlined previously.

BACKGROUND INFORMATION:

Overview of Development Review and Entitlement Process

The development review and approval process can vary throughout the City, depending upon the specific property and the proposed development, but typically requires a Preliminary Development Plan (PDP) and Official Development Plan (ODP) with land use allowances in compliance with the Comprehensive Plan. The Comprehensive Plan includes specific land use designations that provide a broad range of uses and identifies allowed densities and intensities of use. The W.M.C. requires that all development be in compliance with the Comprehensive Plan.

A SUP does not grant a permanent entitlement that “runs with the land” such as a PDP amendment would. Instead, an entitlement is granted to a specific business at a specific location. A special use permit shall not be transferred to another person, business, or location. A special use permit shall terminate automatically whenever the permitted use is inactive for a period of one year or more. Additionally, the Planning Commission may terminate any special use permit for cause if it determines that the conditions of approval under which the permit was initially approved are no longer being met, (see Attachment 1).

This application requests approval of a SUP to allow for the inclusion of two specific uses within the existing Brentcross Shops Subdivision property, (see Attachment 2). The two uses are defined in Section 11-2-1 of the W.M.C., and are as follows:

Animal day care, outdoor shall mean a facility where non-livestock animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, or sold. Outdoor runs and exercise areas are permitted.

Kennel shall mean premises where more than five non-livestock animals, excluding offspring not exceeding four months of age belonging to one of the adult animals, are kept for any purpose, including boarding or training. The term "kennel" does not include pet shop.

Because a SUP is being sought, no changes are required to the Comprehensive Plan, Zoning, or approved PDP for the site. An administratively approved ODP will be separately processed for the addition of a fenced outdoor play area of approximately 700 square feet in area along the east side of the building.

History of Subject Property

The Brentcross Shops Subdivision property was annexed into the City in December of 1983, and initially developed in 1984. The overall design of the site has largely remained unchanged since its initial development.

Nature of Request

The applicant is seeking approval of a SUP to allow for an Animal Day Care, Outdoor and Kennel to allow for a Dogtopia dog day care facility. If the SUP is granted, the operation will be housed predominantly inside a tenant space within the existing Brentcross Shops Subdivision Building. The only notable site change proposed is the addition of an approximately 700 square foot outdoor exercise and play area, enclosed with vinyl fencing, to be located at and attached to the rear of the building. Approval of the SUP is sought from the Planning Commission under Section 11-4-8(B)(2) and (7) of the W.M.C.

Applicant

Alexander Becker
Real Estate Consultants of Colorado, LLC
8400 E. Crescent Parkway, 6th Floor
Greenwood Village, Colorado 80111

Business Owner / Franchisee

Cassidy Burns
5340 Gunbarrel Center Court #215
Boulder, Colorado 80301

Property Owner

Carlo Saurini
2271 Country Club Loop
Westminster, Colorado 80234

Location

The site is located at the northeast corner of W. 92nd Avenue and Wadsworth Parkway. The property is bounded by W. 92nd Avenue to the south, Wadsworth Parkway to the west, the Wadsworth Wetland Open Space and Boulevard Plaza Subdivision to the north, and the State Farm Business Park commercial subdivision to the east. The property is zoned PUD, and designated Retail/Commercial in the Comprehensive Plan.

Surrounding Land Uses and Designations

| Direction | Development Name | Zoning | Comp Plan Designation | Current Use |
|------------------|--|---------------|---|--|
| North | Wadsworth Wetland Open Space; Boulevard Plaza Subdivision | PUD | City Open Space; Flex/Light Industrial | City Public Open Space; Flex/Light Industrial Space |
| East | State Farm Business Park Subdivision | PUD | Office | Commercial/Office Space |
| South | Westglenn Subdivision | PUD | Mixed-Use | Retail/Commercial Space |
| West | Silo North Subdivision | PUD | R-18 Residential | Continuing Care Retirement Community |

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 shall be published and posted at least ten days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the *Westminster Window* on July 15, 2021.
- **Property Posting:** Notice of the public hearing shall be posted on the property with a minimum of one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. Sign(s) were posted on the subject property by July 14, 2021. The applicant has provided the City's Planning Manager with a certification that the sign(s) were posted and properly maintained throughout the posting period.
- **Written Notice:** At least ten days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner's associations registered with

the City within 300 feet of the subject property. The applicant has provided the City's Planning Manager with a certification that the required notices were mailed on or by July 14, 2021.

Neighborhood Meetings and Public Comments

A virtual neighborhood meeting was held on June 2, 2021. No public comments were received at this meeting. Outside of the neighborhood meeting, a property owner south of 92nd Avenue inquired about the distance between the proposed Dogtopia and the boundary of his property. No other comments have been received to date.

Westminster Municipal Code Analysis

11-4-8. – Uses by Special Permit

(F) Special Use Permit Criteria: When considering any application for a special use permit, the Planning Commission shall consider each of the criteria listed below, insofar as each is relevant to the proposed use:

(1) Impact on the character of the neighborhood.

The proposed use Animal Day Care, Outdoor and Kennel is commonly found in other locations both within the City and in adjacent communities. These types of uses do not generally generate negative impacts to the communities they are located in.

(2) Compatibility of the proposed use with existing and planned uses on adjacent properties.

The proposed use is well-suited and adapted to retail / commercial settings, and is generally compatible with surrounding retail uses.

(3) Activities or uses on the site that generate potential adverse impacts or nuisance effects, such as visual impacts, noise, vibrations, light intensity, odors, loitering, or level of police activity.

The most significant concerns with this proposed use stem from possible issues of odors and noise. The franchise is part of a larger business enterprise with many established locations. The parent business has developed regular and effective cleaning regimens to ensure a sanitary environment for the animals kept onsite, supporting human and animal health, and minimizing odors. Sound nuisances are minimized because the operation is generally maintained indoors. An outdoor animal play area may contribute to sound issues, but one of the suggested conditions of approval would help to mitigate this problem, should it develop, with the installation of a masonry wall. No other nuisance effects are anticipated.

(4) Amount or degree of outdoor activity.

Minimal outdoor activity is anticipated because the bulk of the operation is maintained indoors. A small outdoor play area of approximately 700 square feet will be utilized, but this is situated away from the primary public spaces of the site, and not expected to result in significant impacts.

(5) Hours of operation and deliveries.

Hours of operation and deliveries are typical for the commercial setting that the use is proposed for. There are no nearby residential properties that might be disturbed by normal business operations.

(6) Location and intensity of storage, loading, and delivery areas.

No exterior or unscreened storage areas are being proposed with this application. There are no anticipated loading or shipping activities anticipated for normal day-to-day operations. Animals are generally dropped-off through the primary front building entrance and are maintained onsite until picked-up through the same entrance doors when the time for departure arrives. Delivery of supplies and solid waste disposal is handled behind the building in a service alley away from primary public spaces.

(7) Adequacy of parking and vehicular access and circulation.

The site has adequate parking, circulation, and vehicular access to meet the expected needs of the proposed use.

(8) Traffic volume generated by the proposed use.

The proposed use is not anticipated to generate elevated or abnormal traffic volumes, and should have negligible impacts on adjacent roadways which are both rated as major arterials.

(9) Pedestrian safety.

The proposed use does not introduce any new pedestrian or vehicular circulation patterns within the Brentcross Shops site. Pedestrians and their animals would typically need to navigate from the parking lot into the Dogtopia tenant space. Under normal conscientious driving conditions, this should not pose undue hazards for pedestrians.

(G) Standards of Review: After consideration of the foregoing criteria, the Commission will grant the special use permit if it determines:

(1) That the proposed use will be reasonably compatible with the surrounding neighborhood;

The proposed use is expected to be reasonably compatible with the surrounding neighborhood.

(2) That the proposed use will not be in conflict with the policies of the Comprehensive Plan; and

The proposed use is not in conflict with the policies of the Comprehensive Plan, specifically, the Retail Commercial land use designation.

(3) That the proposed use will meet the following distance limitations:

The following distance limitations are not applicable to this proposed land use:

(a) The location of any other Group Care Facility or Institutional Care Facility within 750 feet of a Group Care Facility shall preclude the approval of the special use permit.

(b) The location of any other Group Care Facility or Institutional Care Facility within 750 feet of an Institutional Care Facility shall preclude the approval of the special use permit.

(c) The location of any other Tattoo or Body Piercing Parlor within 1,000 feet of another such use shall preclude the approval of the special use permit.

(d) The location of any other Thrift Store within 1,000 feet of another such use shall preclude approval of the special use permit.

(e) The location of an ambulance service within 500 feet of the boundary of any residential district or the property line of a lot devoted to a residential use, regardless of the zoning designation, will preclude the approval of the special use permit.

(4) In the case of an Ambulance Service, that the primary vehicular access from the subject property is direct to a four-or-more-lane street and that no outside storage of ambulances occurs.

This criterion is not applicable.

(5) In the case of a use identified as a special use under a specific plan, that the criteria identified in the respective specific plan have been met.

This criterion is not applicable.

Summary of Staff Recommendation

Staff recommends that the Planning Commission:

1. Hold a public hearing.
2. Conditionally approve the SUP to locate Dogtopia at Brentcross Shops Subdivision. The recommended conditions of approval are:
 - A) If the City receives complaints due to noise emanating from the outdoor play area, the business owner shall, within 90 days of notice by the City, replace the proposed vinyl enclosure fencing with an eight-foot masonry wall enclosure to better control noise. This masonry wall shall have brick cladding to match the exterior of the existing Brentcross Shops building, and an opaque black metal gate for egress. Continued noise complaints received after this corrective measure is taken may be grounds for reconsideration of the SUP by the Planning Commission.
 - B) The applicant obtains the needed state license to operate and occupy their animal day care and kennel facility; this permit is obtained through the Department of Agriculture (see Pet Animal Care Facilities Act). Pursuant to Section 11-4-8(L) of the W.M.C., no approval for a business license or a building permit shall be issued until the special use has been approved by the City and the appropriate State license has been issued, and evidence thereof has been provided to the Planning Manager.

Staff recommends Planning Commission approval of the SUP. According to Staff's analysis, this application meets the requirements of Sections 11-4-8 (F) and (G) of the W.M.C.

STRATEGIC PLAN GOALS:

Approval of the proposed SUP helps to Cultivate a Thriving, Inclusive, and Engaged Community Through Access to Opportunity and a Resilient and Diverse Economy by providing new economic opportunities, and by bringing new services to the community. The goal to Provide Visionary, Effective, and Collaborative Government is met by approving the proposed SUP, which meets the W.M.C. and other applicable requirements.

Respectfully Submitted,



Rita McConnell, AICP
Planning Manager

ATTACHMENTS:

Attachment 1: Special Use Permit Approval Form

Attachment 2: Vicinity Map

Attachment 3: Approval Criteria and Standards


ZONING AMENDMENT (NOTICE OF SPECIAL USE PERMIT APPROVAL)
Special Use Permit (SUP) Approval
Property Information

Property Owner: Carlo Saurini

Business Name: DOGTOPIA / Project No. PLN21-0030

Legal Description of Property:

Lot: N/A Block: N/A Subdivision: Brentcross Shops

Filing No.: N/A Replat No.: N/A

Address of Property: 7701 W 92nd Ave, Units 7715 & 7719

Types of Use(s) Requested (See W.M.C. 11-4-8(B) for Allowable Uses)

- 1) Animal Day Care, Outdoor
- 2) Kennel

Conditions of Approval

- A) Approval of this Special Use is subject to the information provided by the Applicant, and
- B) Approval of this Special Use is subject to the Westminster Municipal Code and all relevant provisions within, including but not limited to the following:
 1. In the event a proposed use is allowed as a Special Use, no approval for a business license or building permit shall be issued until the Special Use has been approved by the City and the appropriate State license has been issued and evidence thereof has been provided to the Planning Manager.
 2. A Special Use shall not be transferred to another person, business, or location.
 3. A Special Use shall terminate whenever the permitted use is inactive for a period of one (1) year or more.
 4. The Planning Commission may terminate any special use permit for cause if, after notice and hearing as provided by Code, it determines that the conditions of approval under which the permit was initially approved are no longer being met.
- C) Additional Conditions of Approval:
 1. If the City receives complaints due to noise emanating from the outdoor play area, the business owner shall, within ninety (90) days of notice by the City, replace the proposed vinyl enclosure fencing with an eight-foot masonry wall enclosure to better control noise. This masonry wall shall have brick cladding to match the exterior of the existing Brentcross Shops building, and an opaque black metal gate for egress. Continued noise complaints received after this corrective measure is taken may be grounds for reconsideration of the SUP by the Planning Commission.
 2. The applicant obtains the needed state license to operate and occupy their animal day care and kennel facility; this permit is obtained through the Department of Agriculture (see Pet Animal Care Facilities Act (PACFA)).

Approval

The above Special Use has been reviewed and considered during a public hearing, and the Planning Commission finds that the use meets the standards of review of meets the conditions of §11-4-8 (Uses by Special Permit) and is hereby approved.

 Chair/Vice Chair, Planning Commission

 Date



ZONING AMENDMENT (NOTICE OF SPECIAL USE PERMIT APPROVAL)

Acceptance

By signing below, I agree to all terms and conditions of this approval.

Signature of Property Owner (required)

Date

Signature of Property Owner (required)

Date

Signature of Business Owner (required)

Date

Signature of Business Owner (required)

Date



Vicinity Map:
DOGTOPIA
 (Within Brentcross Shops
 Subdivision)



WESTMINSTER



11-4-8. - Uses by Special Permit Approval Criteria and Standards

(F) Special Use Permit Criteria: When considering any application for a special use permit, the Planning Commission shall consider each of the criteria listed below, insofar as each is relevant to the proposed use:

- (1) Impact on the character of the neighborhood.*
- (2) Compatibility of the proposed use with existing and planned uses on adjacent properties.*
- (3) Activities or uses on the site that generate potential adverse impacts or nuisance effects, such as visual impacts, noise, vibrations, light intensity, odors, loitering, or level of police activity.*
- (4) Amount or degree of outdoor activity.*
- (5) Hours of operation and deliveries.*
- (6) Location and intensity of storage, loading, and delivery areas.*
- (7) Adequacy of parking and vehicular access and circulation.*
- (8) Traffic volume generated by the proposed use.*
- (9) Pedestrian safety.*

(G) Standards of Review: After consideration of the foregoing criteria, the Commission will grant the special use permit if it determines:

- (1) That the proposed use will be reasonably compatible with the surrounding neighborhood;*
- (2) That the proposed use will not be in conflict with the policies of the Comprehensive Plan; and*
- (3) That the proposed use will meet the following distance limitations:*
 - (a) The location of any other Group Care Facility or Institutional Care Facility within 750 feet of a Group Care Facility shall preclude the approval of the special use permit.*

(b) The location of any other Group Care Facility or Institutional Care Facility within 750 feet of an Institutional Care Facility shall preclude the approval of the special use permit.

(c) The location of any other Tattoo or Body Piercing Parlor within 1,000 feet of another such use shall preclude the approval of the special use permit.

(d) The location of any other Thrift Store within 1,000 feet of another such use shall preclude approval of the special use permit.

(e) The location of an ambulance service within 500 feet of the boundary of any residential district or the property line of a lot devoted to a residential use, regardless of the zoning designation, will preclude the approval of the special use permit.

- (4) In the case of an Ambulance Service, that the primary vehicular access from the subject property is direct to a four-or-more-lane street and that no outside storage of ambulances occurs.*
- (5) In the case of a use identified as a special use under a specific plan, that the criteria identified in the respective specific plan have been met.*