

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
January 6, 2020

Mayor Bud Starker called the Study Session to order at 6:30 p.m.

Council members present: Amanda Weaver, Judy Hutchinson, Janeece Hoppe, Rachel Hultin, Korey Stites, Zachary Urban, Valerie Nosler Beck, and Leah Dozeman

Also present: City Attorney Jerry Dahl; City Clerk, Steve Kirkpatrick; City Manager Patrick Goff, Community Development Director, Ken Johnstone; Planning Manager Lauren Mikulak, guests and interested citizens.

Citizen Comment on Agenda Items

No one from the public came forward to speak.

1. Townhome Development Patterns and Proposed Code Amendments

Discussion began at 6:31 pm, approximately 1:00 minute into the recording of the session.

Over the last few years, the City has seen an increase in townhome development as evidenced by inquiries, applications, and construction. The City's larger parcels are mostly entitled and developed, and as the real estate market shifts, we are seeing an increase in small infill projects and inquiries. Throughout the City, there are also many parcels zoned R-3, which is a zoning described as a "district established to provide high quality, safe, quiet and stable medium to high density residential neighborhoods..." This district allows multi-family development at a density of up to 12 dwelling units (du) per acre, a fairly typical townhome development density. Planning staff frequently assesses the eligibility of parcels to contain a duplex, triplex or townhome, where it may have historically only contained a single family home or is undeveloped. These inquiries are just as likely to come from an existing property owner as a professional homebuilder or developer.

Historically, the zoning code has treated townhomes as general "multifamily" development, and very few standards relate specifically to the townhome building form. This means that most site, building, and subdivision design considerations apply equally to apartments and attached single-family products. Given the prevalence of townhomes and the steady inquiries we continue to receive, it may be appropriate to consider updates to the code that specifically relate to the design and platting of townhomes.

Staff delivered to Council a detailed presentation about this item, its purpose and the background of the reasons for bringing it to Council.

Councilmembers had questions and comments:

Will this change in the Code impact apartment complexes as well as town homes?

Will this change lead to more emphasis on multifamily development, or less emphasis on multifamily?

Will the depth of the lot for town home development figure into the number of units allowed on one lot, and thusly impacting the width and height of each unit?

How have we handled this kind of new development in the past?

Where did staff get the language in the proposed Code change?

Would this change impact subdivision plans?

Will this action have an impact on the number of "slot homes," proposed and built in the City?

One councilmember expressed the hope that this new Code will not overregulate the development of town homes.

Will this kind of development look like town homes but actually be multifamily rental properties?

How will the effective date of this new Code provision impact projects now under construction or in the planning stages?

Will this change give us more leverage to ask for more attractive architectural designs?

How will this change effect the number of units per acre or the requirements for lot size and number of units?

How did the City of Denver handle this kind of development in its code?

How does this kind of development differ from a "slot home?"

Looking at the ASDM, will this change impact the materials standards for new town homes?

What impact will this change have on lot line adjustments?

Councilmember Hoppe obtained a consensus among the Councilmembers to bring forth a recommended Code change(s) that:

- Require Street facing façades of townhomes as predominant orientation within the overall development

- Update the mixed use code to address variation and roof lines;
- Adopt provisions that require changes in plane depth for townhomes;
- Adopt provisions that establish eight as a max number of units for a townhome building and including billing separation requirements;
- Amend code section 26 – 405 to add language staff suggested concerning platting and design standards for townhome development.

2. Group Home Regulations

Discussion began at 7:17 pm, approximately 47:00 minutes into the recording of the session.

The City's current zoning regulations, in Chapter 26 of the Wheat Ridge Code of Laws ("Code"), treat groups of any number of unrelated handicapped individuals living together as a "family." Group homes of any size for such individuals may therefore locate in the same zone districts in which a single-family dwelling is a permitted use without a formal review or application process. City staff believes the location of larger group homes, of any type, in residential districts without a review process could result in land use impacts that are incompatible with the surrounding properties.

The City Attorney's Office has advised it is permissible, but not required, under state and federal law, to regulate certain aspects of group homes for the handicapped and disabled, including imposing a numeric limitation on the size of such homes. Staff therefore recommended City Council consider the preparation of an ordinance to create zoning regulations for residential group homes for the handicapped and to make all residential group home zoning regulations generally consistent.

Mr. Dahl explained the purposes and legalities of the proposed changes to group home ordinances. Specifically, he explained the origin of the dividing line between 8 and 9 residents in one home, and why that number was chosen as the limit to require a Special Use Permit. Similarly, he mentioned the rationale for a break point for more than 14 residents in one facility. He also addressed the rationale for limits on the number of residents in treatment facilities, parking requirements, and similar provisions.

Mr. Dahl also explained the language with respect to phasing in a new ordinance on group homes if approved.

Councilmembers had questions and comments:

How does this impact existing homes and the requirement that they submit periodic reports or other information to the City? What authority would the City have to require proof of information staff at these facilities provide to the City, such as by conducting an inspection of the premises?

Is the proposed Code change specific enough in terms of requiring the operator to certify the number of residents in the facility at any given time? The specific language in the proposed ordinance was reviewed and discussed.

How does this proposed ordinance square with Federal (e.g. the Americans with Disabilities Act) and Colorado statutes?

Mr. Dahl commented that any change in the law like this is likely to result in a process of iterating details and regulations as implementation takes place over time. It would be impossible to foresee all the circumstances that will arise.

How do we enforce the provision limiting or prohibiting group gatherings at these facilities? How would the enforcement differentiate gatherings for one purpose vs. another?

There were detailed questions about other specific provisions/language in the proposed ordinance.

Will we make distinctions among or between facilities for different purposes, such as substance abuse treatment or Alzheimer's patient care?

How does the Special Use Permit process work? How does the public provide input to that process? Can neighbors near a facility provide input to the process?

Why did the proposed ordinance not include licensing of group home facilities?

Do we need to consider more frequent than annual reporting and certification of the use and number of residents present? Quarterly reporting? Could code enforcement visit facilities for random checks from time to time? Would quarterly reporting put an undue burden on the facilities' staffs? Would semi-annual reporting provide a better option?

Can we have language that allows annual reporting for facilities that have little or no resident turnover for the year and more frequently for facilities that have more frequent to regular turnover?

A lengthy discussion about frequency of reporting followed, seeking a balance between undue burdens of regulatory filing requirements and sufficient information in reports to effectively enforce the Code.

What incidents or patterns of complaints from citizens triggered this proposed ordinance at this time?

A consensus was reached to require semi-annual reporting as a minimum.

Mr. Dahl will report back revised proposed Code language at a later date.

3. Staff Report(s)

Mr. Goff reported that we have made an offer to a new Chief of Police, the offer was accepted, and he is now in the final background checking and vetting process before he

begins his tenure with Wheat Ridge later this calendar quarter (currently targeting a start date in early February).

Mr. Johnstone reported that the online system allowing remote participation in public meetings, known as Wheat Ridge Speaks, will go into use on Feb. 6th at the Planning and Zoning Commission meeting.

4. Elected Officials' Report(s)

Ms. Hoppe reported on discussions with RTD concerning the discontinuation of bus round 32, Wheat Ridge to Union Station. A number of WR students who ride that bus route have no other viable option for traveling to school. RTD essentially said that widespread cuts in service must be made, and everyone will make sacrifices and suffer inconveniences as a result.

Ms. Hultin asked about plans to make the public aware of Wheat Ridge Speaks.

In February we will issue the first edition of Mayor's Matters in 2020.

ADJOURNMENT

The Study Session adjourned at 8:25 pm.

APPROVED BY CITY COUNCIL ON January 13, 2020.



Steve Kirkpatrick, City Clerk



Janeece Hoppe, Mayor Pro Tem