

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
Hybrid - Virtual Meeting
April 17, 2023

Mayor Starker called the Study Session to order at 6:31 p.m.

This meeting was conducted both as a virtual meeting and hybrid, where some members of the Council or City staff were physically present at the Municipal building, and some members of the public attended in person as well. A quorum of members (eight) of Council were present in Council Chambers for this session.

Mayor Starker welcomed the Council, other elected officials, staff, guests and interested citizens.

The Mayor also explained the virtual/hybrid meeting format, how citizens will have the opportunity to be heard, and the procedures and policies to be followed.

Council members present Janeece Hoppe, Scott Ohm, Judy Hutchinson, Korey Stites, Amanda Weaver, Leah Dozeman, Valerie Nosler Beck, and Rachel Hultin.

Also present: City Clerk, Steve Kirkpatrick, City Manager Patrick Goff; Director of Community Development, Luran Mikulak; Senior Planner, Scott Cutler; and one interested resident.

Public's Right to Speak

None tonight.

Note about Wheat Ridge Speaks:

Members of the public may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. The deadline for the public to submit comments is 12:00 Noon Mountain Time on the day of a Council session so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item.

No comments appeared in Wheat Ridge Speaks for this session of Council.

1. Subdivision Review Requirements

Issue

This memo provides a summary of the items that could constitute an ordinance updating the subdivision review requirements in Article IV of the City Code, which have not been substantively reviewed or updated since 2014. The memo includes additional research on best practices for subdivision review requirements and public notification

and an update on peer city requirements. It also provides information on what the City has changed to date to improve public processes and opportunities for input.

Staff Reports

Senior Planner, Scott Cutler presented the background of subdivision reviews where the City's procedures are increasingly out of alignment with other cities in the metro area and even more so nationwide. Moreover, many of the requirements and thresholds are arbitrary and challenging to navigate. Wheat Ridge is a rarity in that many subdivisions are required to go to public hearings at Planning Commission and/or City Council, with few exceptions. Currently, subdivisions containing 3 lots or fewer are administrative (staff) review only, 4-5 lots require a Planning Commission hearing, and 6 or more lots require Planning Commission and City Council approval

Items spoken about included:

- Public Input
- Public Hearings
- Peer Communities and National Standards
- Recommendations
- Next Steps

Councilmembers had questions and comments:

- Several CM thanked Staff for their hard work that yielded the report we heard tonight. The report was well formatted and easy to read yet full of essential ideas and recommendations.
- CM asked detailed questions about technicalities and how to achieve the City's objectives. A lengthy discussion among staff and CM addressed several of these questions.
- Several questions concerned how to implement specific recommendations, either the staff recommendations, CM consensus about the recommendations or Council's own directions, or some of each.
- CM opined that when subdivisions come before the Planning Commission the public has the misimpression that the Commission can change details, when it cannot. Since subdivisions do not necessarily involve a zoning change (which they almost never do), there is no process or procedure to alter such a subdivision plan.
- CM were aligned in their support of the proposed recommendations.

CM proposed a consensus to remove public hearing requirements for subdivision plats, with the following exceptions:

- *When a variance is required*, in which case it should be reviewed by Planning Commission instead of City Council. Wheat Ridge is unique in that City Council reviews

subdivision variances, instead of Planning Commission which is best equipped to review minor discretionary approvals associated with development.

- *When City right-of-way is being vacated*, in which case staff recommends retaining City Council's review of right-of-way vacations which is currently the case and common elsewhere.

Consensus attained.

CM proposed a consensus that in lieu of public hearings, require public notice of subdivision approval for subdivisions over a certain size (i.e., a "Notice of Administrative Action"); consensus was that a 2 acre or larger subdivision should trigger these notices.

- A 600-foot letter notice to owners and occupants is recommended. This is the same as for public hearings and generally covers a distance of one to two blocks.
- Consistent with the Community Involvement Strategy, the letter should provide the community with balanced, accurate and objective information meant to inform and educate. This means it would use layman's terms to describe a project, the underlying zoning, the project's compliance with underlying zoning, and information on next steps such as construction hours.

Consensus attained.

CM Hoppe proposed a consensus to include in communications, including 600-foot notice letters, information on where residents might find more information about how this process works.

Consensus attained.

2. Deed-Restricted Affordable Housing Parking Requirements

Issue

On February 6, 2023, City Council gave staff direction to return to a Study Session with more detail regarding recommended updates to the City's parking requirements for deed-restricted affordable dwelling units, to align with recommendations in the adopted Affordable Housing Strategy. Since February, Planning Division staff have completed additional research to accompany the recommendations in this memo, at the direction of City Council..

Staff Reports

Senior Planner, Scott Cutler summarized the research completed by staff regarding parking requirements for deed-restricted affordable housing, including a deeper dive into parking utilization rates, peer city requirements, and model ordinances. The research and the recommendations within the memo would apply only to deed-restricted dwelling units in mixed use or TOD areas, not market-rate housing (even if called "workforce housing")

The following topics were also described:

- APA Equity in Zoning Policy Guide
- Affordable Housing Strategy
- Foothills Regional Housing
- Wheat Ridge – Ward Commuter Rail Station

Many communities in Colorado have reduced parking requirements for deed-restricted affordable housing. Recent data provided to staff by the State of Colorado noted that 15 communities in Colorado had been identified as lessening minimum parking requirements for deed-restricted affordable housing, and 24 more were pursuing reductions within the next couple of years. This means that not just Denver and Boulder are pursuing these changes (they tend to be on the leading edge of trends), and the list includes smaller suburban and rural communities, such as Leadville, Fort Collins, and Littleton.

Councilmembers asked detailed questions about several topics, engaging in discussion among themselves and with staff including:

- Several CM expressed their support for the staff recommendations.
- Staff is recommending a reduction in the parking requirements for deed-restricted affordable dwelling units as follows:
 1. Within ¼ mile of a fixed guideway transit station or bus rapid transit - 0.25 spaces/unit minimum, 1 space/unit maximum
 2. Within mixed use zone districts - 0.5 spaces/unit minimum, 1.5 spaces/unit maximum
 3. Multi-unit projects within Residential-Three (R-3) - 0.75 to 1 space per unit (depending on bedrooms)

CM **proposed a consensus** to require parking for deed-restricted affordable units at rates of 0.25 to 0.75 spaces per unit..

Consensus attained.

3. Updating Zoning Requirements for Childcare Facilities

Issue

From time to time, staff recommends updating the zoning code (Chapter 26) as it relates to best practices, lessons learned from peer cities or previous code changes, updated policies and processes, to correct errors, to clarify code language, and as a result of long-range plan adoption.

In this case, staff has identified a major gap in the City's allowance for childcare facilities in commercial zones and in some nonresidential contexts in residential zones. Further, some definitions in the zoning code do not align with state regulations, which introduces confusion into the process.

Staff Reports

Scott Cutler, Senior Planner reported on the item where City Code differentiates between a “day care home” where the operator lives on site and a “day care center” which is more commercial in nature. These terms are defined in Section 26-123 of the zoning code, and they appear in the permitted use charts for residential, commercial, and mixed-use zones.

Mr. Cutler stated that the Restricted Commercial (RC) and Neighborhood Commercial (NC) zones were established with the original zoning code and map inherited from Jefferson County in 1972. These zones are primarily located on commercial corridors or collector roads (44th Ave, Kipling, Harlan, portions of 32nd Ave, etc.) but not in areas of the highest intensity of development. They are intended to be lower-intensity zone districts than the standard Commercial-One (C-1) district but still allow for some commercial uses.

RC and NC zoned properties in the City often have optimal location, size, and configuration to accommodate childcare facilities. They are often located near residential areas on collector and arterial roads and are not embedded in neighborhoods, and they often include converted houses, small commercial buildings, or vacant lots which are ideal conversions into daycare centers.

Also, there is a discrepancy between state regulations and local regulations for what constitutes a small versus large childcare/daycare center. The State of Colorado recognizes small childcare centers as having 5-15 children and large childcare centers as having 16+ children. Wheat Ridge defines large childcare centers as starting at 24 children. In order to provide consistency with state law and regulations, staff recommends that the City’s definitions be modified to align with the State.

Those proposed Regulations and Changes include:

- The zoning code be amended such that large and small daycare centers are permitted uses in both RC and NC zones.
- Recommendation to align the definitions of childcare centers with state requirements Vertical screening requirements

Topics also touched on included:

- Day cares in places of worship and institutional uses

Councilmembers had questions and comments:

- Councilmembers asked detailed questions about several topics, engaging in discussion among themselves and with staff, who answered their questions in detail.
- CM thanked staff for their hard work on this issue.
- CM had several questions about how the proposed changes would impact various properties and residences. For instance, would a childcare facility have

to be located a minimum distance from a licensed marijuana dispensary, a liquor store, or a bar? What happens with a childcare center is located in a house of worship?

Mayor Starker asked for a consensus to direct staff to keep pursuing the changes proposed in this memo in a single code amendment and return to Council with their proposals for necessary Council action.

Consensus attained.

4. Staff Report(s)

Mr. Goff announced that the 44th Avenue Area Plan has been distributed to CM for their review. The document comes to CM early to give them more time to study it prior to the regular Council Meeting on Monday, April 24, 2023.

He gave an update on SB 23-213. We sent a letter with the resolution passed last Monday to Representative Duran and Senator Danielson.

5. Elected Officials' Report(s)

City Clerk Kirkpatrick announced that he will have a report on the referendum petition submitted against Ord. 1744, legalizing ADU, at a regular City Council meeting soon.

CM Nosler Beck again reminded all that on May 10 there will be a gathering to say goodbye to Willmore Davis Elementary School, which closes in May.

CM Hutchinson announced the 365 Health Fair once again and encouraged people to take advantage of this healthcare opportunity.

CM Hultin recognized staff and other CM for their hard work on affordable housing and our work to forestall SB 23-213.

CM Weaver thanked the Comm Dev staff for their work bringing these issues to Council tonight.

Mayor Starker reminded all that Representative Brittany Pettersen will be here at City Hall next Monday afternoon before the Regular Meeting of Council to discuss issues important to the City and our residents.

ADJOURNMENT

The Study Session adjourned at 7:52 pm.

APPROVED BY CITY COUNCIL ON April 24, 2023.


Steve Kirkpatrick, City Clerk


Corey Stites, Mayor Pro Tem