

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
November 5, 2018

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

Councilmembers present: Tim Fitzgerald, Zachary Urban, George Pond, Leah Dozeman, Janeece Hoppe and Larry Mathews.

Absent: Monica Duran (excused); Kristi Davis, (excused)

Also present: Deputy City Clerk, Robin Eaton; City Manager, Patrick Goff; City Attorney, Gerald Dahl; Community Development Director, Ken Johnstone; guests and interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

Citizens wishing to speak on agenda item #2 for the applicant of a recently subdivided house lot, and request that the adopted emergency moratorium from October 22nd be lifted. Those people included:

The applicant Stephanie Garcia, Valarie Garcia, Jennifer Abo, Angelica Apel. Additional time was donated by both Anne Garcia and Taylor Garcia.

Reasons for speaking in favor of the applicant ran from personal and professional acclamations, character witness including the family orientated reason for the subdivision application, enhancing property values with the ability to preserve older properties and the envision wheat ridge plan.

Steve Kenny is the other person impacted by the emergency moratorium against building permits in R-1. He spent lots of time and money searching for his location and feels that his property rights have been infringed. He also spoke of possible legal actions against the City if the ban were not lifted.

Citizens wishing to speak against the property subdivision included, Jim Kaczmarek, Gail Thompson, Chris Chidley and Sandy Nance

Items for speaking against the subdivision included; allowing it would remove the rural type of atmosphere, views of the mountains, the new house would not be in character of the neighborhood, protection against subdivisions and diminished property values.

Citizen wishing to speak on agenda item #1 included Val Nosler Beck, Rachel Hultin, Kathleen Martel and Greig Veeder.

Items they spoke about included neighborhood meetings, shared visions, not hearing from the neighborhoods, working infrastructure, encouraging community engagement,

passion points, and the high jacking of time by preventing asking direct questions about the NRS.

Public Comment was closed after there was no one else who wished to speak.

1. Neighborhood Revitalization Strategy Joint Meeting with Planning Commission

After introductions from council, the planning commission members and the consultants from czb, Mr. Goff asked for midterm updates on the process with feedback and comments from both city council and the NRS. The meeting was turned over to Eric Ami, where he started by describing the firm of czb. He spoke about the project basics including background from the 2005: Repositioning Wheat Ridge, processes and timelines, along with market characteristics. The czb report spells out what the numbers say and seeks feedback on the analyses, key issues and their process.

Items spoken about for the importance of retail were generating sales-tax revenue, the competitive necessity of place making with independent and small chain-lets, unique concepts along with pedestrian orientation.

Addressing the market weakness requires strategic public investments in the form of direct spending and infrastructure at a significant expense. Housing investments that could possibly change the character of neighborhoods might come with higher standards and possibly more regulation to receive real benefits for the real costs.

In the course of the last 13 years, the City and metro area have changed significantly, so in early 2018 Council gave direction to update the NRS document. Much of the work is being driven by a City Council appointed citizen Steering Committee with guidance from the original consultant group, czb. The Steering Committee is comprised of over 20 members including residents, business owners, and other stakeholders who represent a broad cross-section of the community. The Committee has met four times with czb and staff since July. They have self-organized into six teams and have convened dozens of small group “kitchen table” meetings to engage the public in peer-to-peer community conversations.

Discussion and questions from Council followed:

- Where is the data on what programs are working and public investments for infrastructure?
- Hard to reconcile from one context to another concerning the home markets and rentals.
- Business growth and possible subsidies along with property management programs.
- Rental affordability is housing, investment in properties, falling behind of neighboring communities.

- Revenue follows rooftops, affordability in Wheat Ridge, interest more young families and think creatively about our housing stock.

Mayor Starker wants to encourage future meeting structures and that they allow the residents to give robust opportunities for free-ranging input on the processes. Legislation and housing proposals from years past, basically put the end to condos and townhome construction whereas Wheat Ridge has many smaller, multi-family home developments where first time homebuyers could be more available to foster walk-able place makers.

Members of the Planning Commission discussed:

- How to make homes look better to be more desirous.
- Negative absentee owners versus rentals homes
- Affordable housing and its prospectus.
- Age of homes, and a request for a summary statement on the health of the City of Wheat Ridge.
- Statistics and areas not mentioned in the report being Denver, Berkeley Park and Boulder.
- Focus on dead areas that need real attention be given to it such as rehabilitation.
- More young people need to get involved in the process to keep Wheat Ridge a very vibrant place.
- Consider a quantification of what has to happen, such as the percentage of where funds go, or political venues, for this process to move forward

Mayor Starker called the item closed at 9:00 pm and wanted to thank everyone in attendance. He looks forward to the feedback and what is brought to council in the future.

2. Moratorium on Single Family Building Permits Associated with Subdivision Approval – Ken Johnstone

Staff report

At the October 22, 2018 City Council meeting, Council adopted a temporary moratorium on the “acceptance, processing and approval of building permits for the construction of single family residences in the R-1 zone district within subdivisions approved administratively.” The ordinance was adopted as an emergency, going into effect immediately and expiring on January 20, 2019, unless further extended by additional City Council action through approval of a non-emergency ordinance.

The ordinance was adopted, in part, in response to concerns about a 2-lot subdivision that was recently approved administratively in the Bel Aire subdivision, at 4055 Everett Street. As drafted, the effect of the ordinance is such that it impacts two subdivisions,

the one previously noted and a second subdivision, known as the Gladys Subdivision, located at 2876-2880 Newland Street, where one of the two lots remains vacant.

While Council did not provide specific direction on what substantive changes to the zoning code might be pursued, if any, during the moratorium, staff has taken the liberty of proposing a few options for consideration, given the short duration of the moratorium and the need to also hold a Planning Commission hearing on any potential changes to Chapter 26 of the Code. If Code changes are desired, City Council could potentially hold a first reading on an ordinance on November 26, a Planning Commission hearing on December 6 and a City Council public hearing on January 14, 2019, prior to the moratorium's expiration on January 20, 2019

Mr. Johnstone asks for other interests or ideas from council on the presumptive options that are being presented.

Option 1: As noted previously, administrative subdivision approval can currently be granted for subdivision of up to 3 lots. No public hearings are required and no public notice is provided. It is certainly an option to require a Planning Commission hearing and commensurate public notice for all subdivisions, or hearings before both the Planning Commission and City Council for all subdivisions. The rationale behind not having hearings for smaller subdivisions is that subdivision approvals are considered ministerial actions by the City – if they meet minimum lot size/width, have street frontage/access and access to adequate utilities, the City has limited discretion to deny the applications.

Option 2: When subdivisions meet the size thresholds to require public hearings, as summarized previously, they trigger standard public notice requirements for land use applications (publication in paper, physical posting of the property and mailed notice to property owners within 300 feet of the subdivision). Unlike some other City land use applications, such as private property initiated rezoning's and special use permits, both of which modify the types of permitted uses on a property, subdivisions are not required to have a neighborhood meeting as a precursor to making application. Similar to the discussion in Option 1, the rationale behind that is generally that having a neighborhood input meeting for a ministerial type of application may send somewhat of a mixed message as to what level of substantive impact the neighborhood will actually have on the application under review.

Option 3: The City's subdivision regulations discourage, but do not prohibit "flag lots." Flag lots must meet the following criteria:

1. The minimum width at the pole portion abutting a public street is twenty-five feet.
2. The use of a flag lot is necessary for the effective development of the land.

3. The proposed design does not negatively affect public safety and includes clearly defined access for private use and for emergency service.

Option 4: The City has the ability to create overlay zone districts for certain geographic parts of the City. In so doing, the zoning “rules” can be fine-tuned to address specific issues or concerns related to said geographic area. The overlay zone “rules” would typically be in addition to the development standards contained in the underlying zoning district. To use the example of 4055 Everett, the property is zoned R-1 and the subdivision is the Bel Aire subdivision. It would be possible to define the Bel Aire subdivision as a distinct overlay zone and develop specific development regulations that apply to that subdivision, beyond the underlying R-1 zoning development standards. The range of what those additional “rules” might be is very broad: more stringent or different building height restrictions, architectural design standards, material standards, different setback standards, etc. If this option were to be pursued, staff would suggest that additional time would be needed, beyond the schedule outlined previously in this memo and as such, it would be necessary to extend the moratorium.

In terms of the procedures under which such an overlay zone would be adopted, staff would suggest two options: 1) processed as a City Council initiated legislative rezoning, which, at a minimum, requires a neighborhood meeting; or 2) processed similar to a planned development outline development plan amendment, which requires written approval of a at least 25% of the owners within the specified geographic area.

Option 5: There has been much discussion about residential bulk plane regulations in the City over the past several years, including adoption of an ordinance in 2016 that applied a bulk plane regulation in the R-1C zone district and for single-family homes in the R-3 zone district. There has been some discussion of applying the bulk plane regulations more broadly in additional residential zone districts, or additional geographic areas of the City. Though Council has not yet had consensus to move forward on such an approach, this also would be an option available, whether to apply the bulk plane regulations in all R-1 zone districts, or in a geographic area, such as the Bel Aire subdivision.

Summary Discussion and questions from Council followed:

- Councilmember Hoppe - even though not at the council meeting, watched and listened to the meeting in its entirety and is up to speed.
- Councilmember Dozeman - previous meeting was a great starter conversation on how procedural changes can be made to happen within our code, so future issues will not arise. Not in favor of any of the options given and retroaction should not be pursued.
- Councilmember Fitzgerald - the options are very narrow and feels that they are for a specific property but should be general in nature. Not in favor of taking any actions.

- Councilmember Pond – feels that none of the options given tonight are ones that should be pursued.
- Councilmember Hoppe - requests that at the next business meeting the moratorium be reconsidered and lifted. Would like this issue to be immediately addressed through study session.
- Councilmember Urban – try to preserve the property rights of the individual owners and down the road, encourage residents to participate in overlay projects.
- Councilmember Mathews - the intent of our code is to let citizens participate in what happens in the decision that affect their property. Wished to consider the idea of getting rid of the administrative subdivision approvals, possibly making them minor subdivision and to have them go through either planning commission or city council.
- Councilmember Dozeman – agrees on the need to stop kicking the can as many of these issues have come up repeatedly, with many being spoken about at several meetings and they need to be addressed proactively.

A consensus motion was asked by Mayor Starker from Councilmember Hoppe and then parliamentary procedure was asked of Mr. Dahl.

City Attorney Gerald Dahl responded that there are a few items going on, one that addresses policy to request continuing notice to bring these things forward, to flush out the options to be approved or not. The second is the procedure to reconsider the moratorium which can be placed on as an agenda item.

Consensus to immediately place an item on the agenda for the November 26 meeting, for possible reconsideration of the emergency moratorium passes unanimously.

Consensus to move forward with new options on how the city might balance property and neighborhood rights, to help provide more input from community and neighbors on proposed designs passes unanimously.

3. I-70 Kipling Corridor Strategy – Ken Johnstone

The Colorado Department of Transportation (CDOT) plans to reconstruct the I-70/Kipling Street interchange and make related improvements to the interchange area. A Diverging Diamond interchange configuration is the Preferred Alternative. An Environmental Assessment (EA) is being conducted to evaluate the benefits and impacts of these improvements and document any necessary impact mitigation. The EA is being reviewed by CDOT, and will be available for a 30-day public review later this year with a public meeting tentatively scheduled for December 11, 2018. Comments received will be considered by CDOT and the Federal Highway Administration prior to issuing their final decision to confirm if improvements can move forward.

The City of Wheat Ridge has engaged David Evans and Associates (DEA) to assist the City in creating a vision for Wheat Ridge's I-70 & Kipling Interchange. The north-south scope of the visioning effort extends from Clear Creek on the south to 51st Avenue on the north. This scope of work includes:

- Identifying potential aesthetic betterments to be included as part of CDOT's reconstruction of the interchange. The intent of this design effort would be to create a unified urban design aesthetic that transitions from the new interchange and into the City of Wheat Ridge, creating and highlighting the interchange and the corridor as a key City gateway.
- Creating a vision plan that will communicate to multiple audiences the City of Wheat Ridge's desired urban design expectations as redevelopment occurs.
- Identifying desired future land uses along the corridor and at the interchange that improve community safety and positively contribute to adjacent neighborhoods.
- Developing a strategy to engage with CDOT, landowners, residents, and partner jurisdictions in order to realize the City's desired aesthetic betterments at the interchange.

One possible regulatory change that would affect this area would be a zoning code amendment defining extended stay lodging facilities. Such an ordinance could define minimum physical and operational characteristics of an extended stay lodging facility vs. a standard hotel/motel. In so doing, it would be possible to disallow operation of a standard hotel/motel property, in an extended stay manner, if it does not meet those physical and operational requirements. This could be an effective enforcement tool that might improve the quality of the existing hotels/motels in the area.

Discussion and questions from Council followed:

Discussion by Council included:

- New reports show that 40% of people reporting homelessness have jobs but do not have affordable housing and to please keep that in mind.
- Do not take away the affordable options from struggling families and make policies that are too restrictive
- Land uses in that area need to be diversified with industrial, retail and housing and encourage investments to help revitalize this corridor.
- This is the first time in years where extended stay issues might get some responses and hope that this council can be more supportive and pro-active moving forward to get something done.

4. Staff Report(s)

Mr. Goff spoke about an email concerning a dog boarding business on 45th and Wadsworth where they essentially received a zoning comment letter from the building department but that no business license has been issued. It was their intent to open a dog training center with accessory care and boarding and those businesses with dog runs are not allowed in C-1. Kennels with outdoor runs are allowed in industrial areas.

Discussion followed on the proper zoning for these facilities and special use permits.

Mr. Johnstone described what types of dog uses would be allowed to hold a special use permit and possibly to add a definition of what a doggie day care is.

5. Elected Officials' Report(s)

Councilmember Dozeman reminds everyone to get your ballots in and that there is a drop off ballot box right outside.

Councilmember Fitzgerald added that everyone's vote will count.

Mayor Starker wanted to thank everybody for keeping the place together during his absence.

ADJOURNMENT: The Study Session adjourned at 10:14 p.m.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON November 26, 2018



Tim Fitzgerald, Mayor pro tem