

**STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
Hybrid - Virtual Meeting**

April 18, 2022

Mayor Bud Starker called the Study Session to order at 6:30 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 and interested citizens.

Mayor Starker 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 Scott Ohm, Amanda Weaver (virtually), Judy Hutchinson, Korey Stites (virtually), Valerie Nosler Beck, Janeece Hoppe, Leah Dozeman, and Rachel Hultin.

Also present: City Clerk, Steve Kirkpatrick; City Attorney, Gerald Dahl; City Manager Patrick Goff; Director of Administration, Allison Scheck; Chief of Police, Chris Murtha; WR Police Department; Assistant to the City Manager, Marianne Schilling; Director of Parks and Recreation, Karen O'Donnell; Director of Community Development, Ken Johnstone; Planning Manager, Lauren Mikulak; Senior Neighborhood Planner, Jeff Hirt, interested citizens and guests.

Public's Right to Speak

Todd Young, 6930 W. 38th Ave. Came to advocate for ADU's that extended family members might live in now, and perhaps in the future. In his family there are a number of elder care challenges which would be eased if the elderly members of his family could live in an ADU on his property. We have been in Wheat Ridge for over 30 years and own a business here. We would like to have the opportunity to house our relatives on our property.

Bob Brazell, 3830 Carr St. – Came to oppose an ordinance to allow ADU. When people buy a house, they know the zoning for their property. So now you want anyone who happens to live here to violate the zoning ordinances because their rights now supersede the rights of the adjoining property owners and the entire neighborhood. You people are all off base on this proposed change to allow ADU.

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.

1. Let's Talk Resident Engagement Program Update

Discussion of this item began at approximately 6:38 pm.

Issue

The purpose of this study session agenda item is to update City Council on the Let's Talk Resident Engagement Program and to:

1. Share detailed reports from the recently completed Anderson Park and Fruitdale neighborhood resident engagement "blitzes"; and
2. Provide an update on the Let's Talk Program Work Plan following completion of neighborhoods five and six of ten

Staff Reports

Senior Neighborhood Planner Jeff Hirt described how the Let's Talk Resident Engagement Program launched in September 2020 and has now completed engagement "blitzes" in six of ten neighborhoods.

The program continues to affirm the 2019 Neighborhood Revitalization Strategy (NRS) finding that there is a high demand among residents for this type of focused engagement. From October 2021 to March 2022, City staff heard from 232 Anderson Park and Fruitdale residents. Since the program launched, City staff have heard from over 1,100 residents in the six completed neighborhoods.

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:

- Thanked the staff for their report and more so for their hard work.
- How has Let's Talk Wheat Ridge been received? (Very well and growing.)
- This good work grew out of the NRS report and CM are very glad to get the information and to see that the NRS recommendation has borne fruit.
- This process has evolved well in response to actual interactions with residents and will only get better from here. Kudos to the staff for the excellent work and ongoing efforts.
- CM also expressed their gratitude for the informative and valuable information this program has gathered and will continue to collect.
- How is the data from the different stages of the process analyzed and interpreted to determine which priorities, short- and long-term, residents highlight?

- Staff reported that they share the results with other departments and then return to the neighborhoods to address the details of their concerns or requests and how to respond effectively.
- What are the next steps in 2022 and into 2023?
- Does the staff begin the process in a neighborhood with mass post card mailing before we move to live interactions and neighborhood meetings?
- Have you looked at what is the best way to gather more data from more residents?
- Some disappointment in the numbers, the percentages of residents who participate in this kind of program. Staff reported that our response rates mirror what municipalities see in other parts of the state and country.

2. Accessory Dwelling Units (ADUs) – Ordinance Update

Discussion of this item began at approximately 7:18 pm

Issue

The ordinance defines terms related to ADUs and establishes regulations where there currently are none. It also provides a pathway to legitimizing existing nonconforming or unsanctioned dwelling units in some capacity. This memo also provides recommendations on some issues where council asked for additional information. Lastly, this memo poses additional questions and topics related to ADUs that were not discussed at the November study session but arose as related issues.

Staff Reports

Director of Community Development, Ken Johnstone and Scott Cutler, Senior Planner, spoke on the issue including prior action of the November 15, 2021, study session, along with other proposed regulations, definitions, and code sections.

Councilmembers had questions and comments:

Staff came prepared to ask Council for guidance on seven different detailed questions and potential issues related to any policy decisions or ordinances, and staff and CM engaged in a detailed discussion of those seven questions. (Those questions appeared in the Council Packet for this meeting.)

Those seven topics/questions dealt with specific zoning, policy and likely scenarios that will develop for specific properties, especially certain unique or infrequently encountered situations.

CM thanked staff for their presentation and their excellent preparation and groundwork.

The second issue addressed whether the primary residence should be owner occupied on a property with an ADU.

The third question regarded parking, and Council's guidance from 2021 to require at least one additional off-street parking space for an ADU. Would Council consider an exception on a case-by-case basis for streets that have curbs, gutters and wide streets?

Also, within the scope of the fourth question from staff was the issue of requiring building code compliance for existing structures that the owner wants to license as an ADU.

A detailed discussion of building code compliance for ADU followed, including several specific situations (guest houses, fire code separation, new ADU construction, etc.) and sections of the building code (setbacks, electrical, heating...).

The fifth question related to an ADU that is within the structure of the primary residence (e.g., a finished basement) especially one that is now operating as a short-term rental (STR) and the owner wants to convert that space to an ADU.

Question six related to attached vs. detached duplexes. The current code says that duplexes must be attached. However, would Council like to allow an ADU as a detached duplex on a lot that is already allowed by zoning (which would be R-2 and R-3 only).

The seventh issue concerned whether to create a single definition of ADU to avoid confusion and simplify the regulations and code, and to adopt certain language such as detached ADU vs. single-family vs. multi-family home.

A thorough discussion followed.

CM Nosler Beck asked Council to give staff advice on currently existing and non-conforming, non-owner-occupied properties with ADU.

When an existing property has two dwellings that fit the criteria in the previous paragraph, will we require that the owner occupy the primary residence going forward?

During and following lengthy, thorough and detailed discussions, CM Hultin and CM Hoppe proposed several consensuses to provide staff guidance with respect to drafting future Council actions:

1. Location permitted in zone district residential, agricultural, MU-N and new PRDs
2. Owner Occupancy Required
3. Have no parking requirement
4. Approach to existing ADU support staff recommendation to waive zone requirements to a reasonable extent, provide compliance window of 2 years, stop work order after 2 years with double permit fee
5. ADU defined as partial home rental in STR regulations

6. Detached duplexes/ tandem home will be moved to a future study session for more discussion
7. Update outdated terminology of “family” when defining housing types and household types and recommended by staff
8. Provide through administrative action a waiver for owner occupancy for non-conforming ADUs if the owner of said property can provide evidence that the property has been a rental prior to the new regulations, waiver to expire upon sale of the property

Consensuses attained.

3. Preferred Concept Designs for the “Green” on 38th Avenue

This agenda item was postponed to a future Study Session due to the lateness of the hour upon completing Item 2, above.

Issue

The 38th Avenue Streetscape project has been a priority for City Council for over a decade. While the redevelopment of the Green does not directly implement that priority, it is a logical first step in extending streetscape improvements from the West 38 mixed-use project and creating a public gathering space on the City’s main street and in the heart of downtown. A consensus was reached by City Council in 2018 to engage a designer to develop conceptual designs for the Green. Architerra Group was hired by the City in August 2018. A comprehensive community engagement process (see Attachments 1-3) was completed since that time to obtain feedback from key stakeholders and the public. Based on that feedback, Architerra Group has created two preferred design options which they will present to City Council at the April 18, 2022 study session for further discussion and direction.

4. Staff Report(s)

Discussion began at 10:03 pm,

Mr. Goff commented on National Night Out is scheduled for August. In other cities this event is centered in neighborhoods, not city-wide. He asked whether Council would support having a National Night Out in each Council district. Council favored this suggestion.

5. Elected Officials’ Report(s)

CM Hoppe congratulated Alli Scheck on her selection as Colorado Deputy City Manager of the Year.

CM Dozeman asked for everyone to continue to support Officer Allan Fisher as he recovers from a knife attack while on duty. There are two ribbon cuttings this week:

- April 21 at 5:30 pm at American Home Mortgage

- April 22 at 10:30 am at Cosmos in Golds Marketplace.

CM Hultin thanked us for not bringing plastic water to our meetings. She bought a tree at last Saturday's tree sale, which was very successful. The 35th Avenue bike lane comment is online, so please, comment. On Saturday evening the WR PD will hold an open house in Council Chambers.

CM Weaver thanked everyone for including her and CM Stites online tonight.

The Mayor thanked everyone for a productive meeting, and encouraged us to drive, cycle and walk carefully to protect one another.


ADJOURNMENT

The Study Session adjourned at 10:11 p.m.

APPROVED BY CITY COUNCIL ON June 13, 2022.



Steve Kirkpatrick, City Clerk



Rachel Hultin, Mayor Pro Tem