



## Memorandum

**TO:** Mayor and City Council

**FROM:** Kenneth Johnstone, Director of Community Development

**THROUGH:** Patrick Goff, City Manager

**DATE:** November 15 (for November 20 City Council Study Session)

**SUBJECT:** Residential Development Standards (Bulk Plane, Building Heights, etc.)

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### **ISSUE:**

City staff began researching the topic of residential bulk plane and residential building heights early in 2016. This research was initiated, in part, based on feedback we were receiving in regards to recent infill residential development, in particular on the City's east side. Historically, the city has regulated residential development based on setbacks from property lines, maximum building coverage and maximum building heights, but has not utilized the concept of "bulk/plane". The intent of the research was to benchmark our residential development standards relative to surrounding jurisdictions.

### **BACKGROUND AND PRIOR ACTIONS:**

At a July 18, 2016 study session, staff brought forward the results of that research and after discussion, City Council provided consensus to move forward drafting regulations regarding residential bulk plane standards. It was noted during that meeting that looking at bigger issues related to building heights and residential development standards on a Citywide level could also be pursued, but that such a review would be a secondary priority to drafting bulk plane regulations, which could be crafted more quickly and were of higher priority.

On August 22, 2016, City Council approved an emergency ordinance (effective for 90 days) that implemented a 45-degree bulk plane restriction, measured at a height of 15 feet above grade. These bulk plane regulations were applied in the R-1C zone district, which predominantly is located on the City's east side, where residential lots are generally smaller and more narrow.

At the October 3, 2016 City Council study session, residential bulk plane regulations were again discussed with City Council, with the intent of drafting permanent bulk plane standards to replace the temporary ordinance. At that time, staff recommended applying the bulk plane ordinance to all residentially zoned property in the City. The rationale for that recommendation was that on larger lots (generally on the west side of town), it would have less of an impact on property rights and the developability of properties; however, on lots where there might be a non-conforming structure, located in close proximity to a property line, it would restrict the ability to add a multi-story addition, which might otherwise have a negative impact on an adjacent property.

City Council's direction at that time was to pursue an ordinance that would only be applicable on R-1C and R-3 zoned properties with single-family homes. These properties are predominantly located on the City's east side.

Residential bulk plane was discussed a second time on October 17, 2016, for staff to receive further direction on some of the details of the draft regulations, such as the ability to apply for variances and the applicability of the regulations on sloped lots.

Planning Commission conducted a public hearing on October 20, 2016. City Council held a first reading on an ordinance on October 24, where it failed by a vote of 3-4. Subsequently, a special City Council meeting was called for on November 21, 2016, where an emergency ordinance was approved by a vote of 7-1.

Throughout the various study sessions and public hearings noted above, numerous members of the public spoke on the topic of residential bulk plane as well as the related topic of residential building heights. There was an active contingent of citizens who lobbied for a stricter bulk plane standard as well as consideration of further limitations on residential building heights. Ultimately, City Council decided not to take any action further restricting residential building heights, which would be a more restrictive approach than the adoption of bulk plane standards. Bulk plane restrictions also place greater limits on building heights but only on a portion of the perimeter of a residential lot.

Based on direction from City Council to date, staff has not pursued any additional regulatory changes regarding residential building heights or a broader application of residential bulk plane standards. Our research of adjacent Cities determined that we were generally similar to our peer communities in regards to residential building heights. Such a change would also have a significant impact on property rights, generally limiting the ability to put a third story on a residential structure, which the 35-foot building height allowance that currently exists Citywide allows for.

At the October 23, 2017 City Council meeting, Council directed that City Staff create a web-based survey tool on the topic of residential bulk plane and building heights. City Council members provided draft questions and staff refined and augmented those questions into a Survey Monkey survey tool available through the City's web site. The survey has been available since Friday, November 3, 2017 for members of the public to participate. Notice of the survey was provided via the City's Facebook page, the City's website and City Council was notified of the survey and provided a web-link to be able to notify constituents.

The following is the introductory language on the City's website related to the survey, which is titled "Houses in Wheat Ridge: What Should they Look Like?"

*With input from Wheat Ridge City Council, City staff created the survey to help identify community preferences related to the development and appropriate scale of single- and two-family homes in Wheat Ridge, including new construction and additions. This survey*

*was created in response to a meeting about housing held in District I. The survey was not reviewed by the City Attorney and is an informal survey intended to preliminarily gauge the community's opinions on this topic. Community interest in ADUs will likely be discussed further by City Council and the public in the coming year. For this informal survey, each Council member was asked to submit a question and those were compiled into the survey distributed by City staff. Completed surveys are limited to one submission per device. The Citywide citizen's survey conducted every other year, is budgeted for 2018 and will include a broader range of topics of concern to Wheat Ridge residents and business owners. The citizen's survey may also contain additional questions on housing-related topics such as ADUs.*

The survey will be active through 11:59 p.m., Sunday, November 19. Monday morning, November 20, City Staff will compile preliminary results to present to City Council that evening.

**REQUEST FOR COUNCIL DIRECTION:**

Results of the survey will only be available very shortly before the City Council study session on Monday evening, November 20. As such, it may be difficult for City Council to fully absorb the survey results that evening. Staff suggests the following as possible next steps on the topic of residential bulk plane:

- Schedule a follow up study session affording City Council more advance time to absorb the survey results. This would also allow staff to extract some cross tabulations of the survey data broken down by demographics.
- Consider refining this informal survey into a more statistically valid survey tool, utilizing a professional surveying firm and a broader surveying mechanism, such as mail survey conducted with a statistically valid random sampling of Wheat Ridge residential property owners.
- Consider adding a portion of these questions into the Citizen's Survey, which is budgeted to be conducted in 2018.
- Defer further consideration of this topic to be included with the various housing related discussions pertaining to the Neighborhood Revitalization Strategy, which is on the list of "Future City Council Agenda Items" to be discussed in 2018.
- Conclude any further discussion of residential bulk plane and residential building heights.

**ATTACHMENTS:**

1. Houses in Wheat Ridge Survey Instrument







**\* 2. To what extent do you support bulk plane regulations?**

Strongly support

Support

Neutral

Don't support

Strongly don't support

I don't understand bulk plane regulations

**3. Please explain why you do or do not support bulk plane regulations.**

**\* 4. Do you think the current bulk plane regulations in the R-1C and R-3 zone districts are strict enough?**

Yes

No

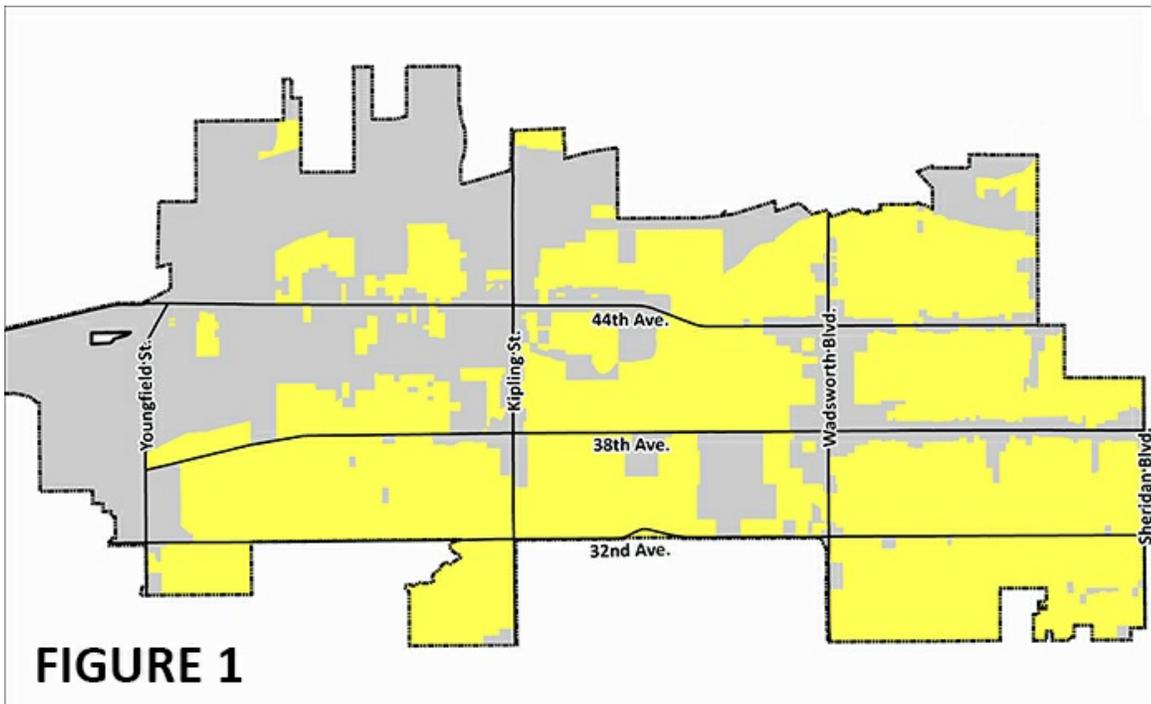
I don't know

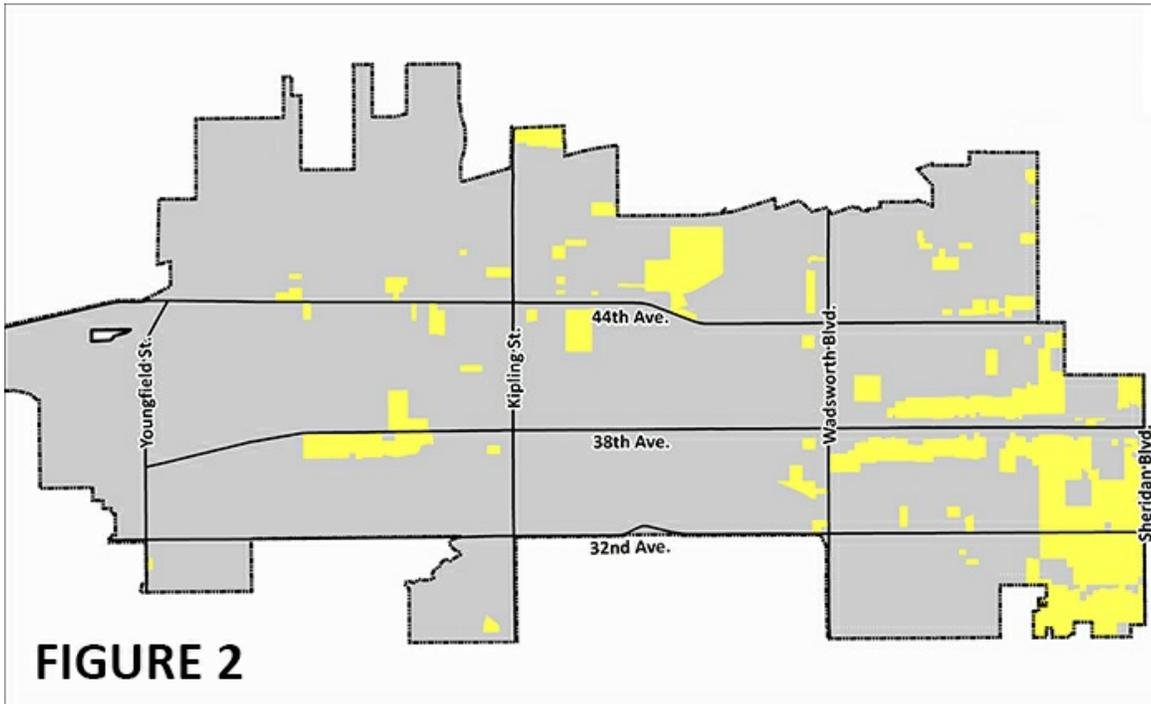


## Houses in Wheat Ridge: What Should They Look Like?

### Where should bulk plane apply?

As mentioned previously, bulk plane regulations were created in 2016 in reaction to infill construction that was occurring mostly in East Wheat Ridge. At the time, staff recommended City Council consider applying the bulk plane regulations in all residential zone districts. In Figure 1 below, the areas of residential zoning in the City are shown in yellow. In zone districts with larger lots and larger setbacks, the bulk plane would not have a significant impact, but on smaller lots it would ensure that single- and two-family development is scaled back as it gets taller regardless of zoning. Because East Wheat Ridge is predominantly zoned R-1C and R-3 (with predominately smaller lots), City Council implemented bulk plane regulations in only those two zone districts. Figure 2 shows the areas of R-1C and R-3 zoning, in yellow, where the current bulk plane standards apply.





**\* 5. As noted above, bulk plane regulations currently only apply in two of the City's eight residential zone districts. Do you wish to see bulk plane regulations apply to single and two-family construction in residential zone districts throughout the City?**

- Yes
- No
- I don't know

**\* 6. Are there any specific zone districts or areas of the City in which you think bulk plane regulations should or should not apply?**

- Yes
- No
- I don't know

**7. If you answered "yes" to the previous question, please explain where you think bulk plane regulations should or should not apply.**



## Houses in Wheat Ridge: What Should They Look Like?

### Other regulatory tools

As mentioned above, the City now has four ways to regulate the scale of single- and two-family development and where structures can be located on a lot:

1. By limiting the total size of footprint of the home,
2. By limiting the overall height of the home,
3. By requiring minimum separation, or setback, from the property lines, and
4. By enforcing a diagonal limit on height, or bulk plane, in some zone districts.

There are several other tools that can be utilized to control residential development, including regulating the massing or bulk of a structure, regulating architecture, and modifying the City's height standard.

### Massing

Currently the City regulates only the footprint of a home by limiting the percentage of a lot that can be covered by a structure. The massing or bulk of a structure can be further regulated by limiting the total square footage of the home. This can be done by limiting the size of a home as a proportion of the lot area.

The image below illustrates this concept. For the orange houses, each of the four lots are the same size. On some lots the total building size may appear to be more proportionate to the size of the lot, and on other lots the homes may feel disproportionate to the lot area. This is a factor not only of height, but also of the overall size or massing of the home.



**\* 8. To what extent would you support the City regulating the massing of a home relative to its lot size?**

- Strongly support
- Support
- Neutral
- Don't support
- Strongly don't support
- I don't understand massing regulations

### **Architecture**

Some communities regulate the architecture of a home, meaning they regulate features such as general architectural style, color, roof pitch, garage placement, porches, siding materials, and roofing materials. In Wheat Ridge, the City regulates the architecture and materials of multifamily and commercial construction but has never regulated the architecture of single- and two-family homes due, in part, to the wide variety of styles in the existing housing stock.

**\* 9. To what extent would you support the City regulating the architecture of single- and two-family homes (such as exterior materials, colors, roof pitch, and windows)?**

- Strongly support
- Support
- Neutral
- Don't support
- Strongly don't support
- I don't understand architectural regulations

### **Height**

The maximum building height in all residential zone districts is 35 feet, and this has been the standard since the City was incorporated in 1969. This height is relatively consistent with neighboring communities:

- Arvada: 35-foot maximum height for single-family and duplex
- Lakewood: 35-foot maximum height for single-family and duplex
- Edgewater: 25-foot maximum height in small lot residential zone districts and 35-foot maximum height in other residential zone
- Denver: 30 to 35-foot maximum height based on lot width (for the neighborhoods adjacent to Wheat Ridge)

**\* 10. To what extent would you support the City lowering the maximum height limitation to make it more strict?**

- Strongly support
- Support
- Neutral
- Don't support
- Strongly don't support
- I don't understand height regulations

**11. If you answered "support" or "strongly support" to the previous question, please complete this phrase by selecting all that apply. "I'm interested in reducing the City's residential height limitation..."**

- ...in some areas of the City.
- ...in all areas of the City.
- ...instead of bulk plane regulations.
- ...in addition to bulk plane regulations.
- Other (please specify)

**\* 12. For single-family homes and duplexes, should the City prohibit the construction of TWO-STORY homes?**

- Yes
- No
- Maybe (please specify)

**\* 13. For single-family homes and duplexes, should the City prohibit the construction of THREE-STORY homes?**

- Yes
- No
- Maybe (please specify)

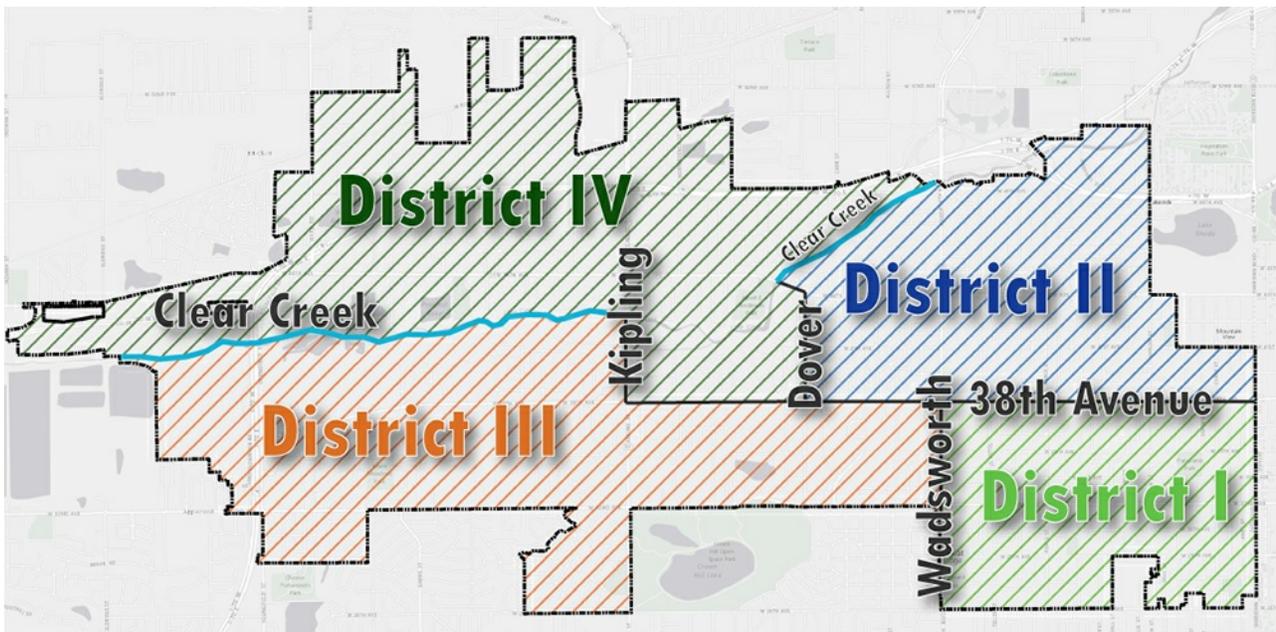


## Houses in Wheat Ridge: What Should They Look Like?

14. If you have additional comments or suggestions related to single- and two-family development in Wheat Ridge, please provide those below.

\* 15. In which City Council District do you live and/or own residential property? (Refer to map below if you are unsure.)

- District I
- District II
- District III
- District IV
- I don't live or own property in Wheat Ridge



**\* 16. What is your age?**

- Under 18
- 18 to 24 years
- 25 to 34 years
- 35 to 44 years
- 45 to 54 years
- 55 to 64 years
- 65 to 74 years
- 75 years or older

**\* 17. Including yourself, how many people reside in your household?**

- 1
- 2
- 3
- 4
- 5
- 6 or more

**\* 18. How long have you lived in Wheat Ridge?**

- 0 to 5 years
- 6 to 10 years
- 11 to 20 years
- 21 years or more
- I do not live in Wheat Ridge

Thank you for your time in completing this survey. Results of this survey will be presented to City Council at the November 20 study session.