



**PLANNING DIVISION
LEGISLATIVE ITEM STAFF REPORT**

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS PERTAINING TO THE DESIGN AND PLATTING OF MULTIFAMILY DEVELOPMENT AND ATTACHED SINGLE FAMILY HOMES

CASE NO: ZOA-20-02

PUBLIC HEARING

CODE CHANGE ORDINANCE

Case Manager: Lauren Mikulak

Review Dates: February 20, 2020 (Planning Commission) / March 9, 2020 (City Council)

SUMMARY:

Over the last few years, the City has seen an increase in townhome development as evidenced by inquiries, applications, and construction. Townhomes are permitted in planned developments, mixed use districts, and some residential zone districts.

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 to attached single-family products. Given the prevalence of townhomes and the steady inquiries staff continue to receive, this code amendment updates certain provisions that apply to the design and platting of townhomes and attached single family dwellings.

Notice for this public hearing was provided as required by the Wheat Ridge Code of Laws (“Code”).

BACKGROUND:

Site and Building Design

Depending on the underlying zoning, the building and site design of townhome projects are regulated by the mixed use code, the Architectural and Site Design Manual (ASDM), or by a property-specific planned development document. While some planned developments are written specifically with townhomes in mind, the mixed use code and ASDM do not distinguish townhomes and attached single family dwellings from other multifamily building forms.

Denver has experienced a proliferation of infill townhome development over the last several years, and they recently modified design standards to address townhomes and specifically to prohibit “slot

home” designs. Slot homes are also called “sideways facing townhomes.” Denver defined “slot homes” by the combination of several tell-tale features:

- Slot homes are multi-unit residential structures consisting of attached dwelling units arranged side-by-side and often perpendicular to the street.
- Most units have an individual, direct entrance to the exterior, but entrances usually face a side lot line or narrow pedestrian path instead of facing or engaging the street.
- In addition to a lack of street-facing front doors, slot home also often lack any street-facing articulation such as porches, patios, or windows.
- This lack of street-facing elements is often because individual vehicular garages are generally located beneath each unit and are either visible from the street or comprise the predominant ground floor use.
- Slot homes are often characterized by a lack of pedestrian scaled proportions in their massing and design, including a lack of material change or floor height distinction.

In 2014, the Wheat Ridge City Council adopted a Housing Diversification Strategy which calls for a diverse housing stock in terms of type and price, and townhomes are an important component of that housing stock. Some townhome projects in Wheat Ridge have been criticized or labeled as “slot homes,” but there are actually several code provisions that prohibit stereotypical “slot home” development in the form and density that Denver has experienced in recent years. Those existing requirements include:

- Stepback and bulk plane requirements ensure increased setbacks and stepbacks for multi-story structures.
- Building design is required to be “human scale” and required to include articulation features and vertical changes in material.
- Vehicular entrances to buildings are required to be screened from view of the street or adjacent public space, meaning garage doors may not face the street or be a predominantly visible feature.
- Stormwater detention requirements and minimum open space standards in Wheat Ridge ensure there is more landscaping and less intensive development than what Denver has experienced in some areas.

The proposed code amendment buttresses existing provisions with several more standards specific to attached single family dwellings. This ensures that proposed projects are consistent with the City’s design goals. The code amendment addresses four specific design issues:

1. The ordinance includes provisions that require front facades (those with front doors) be oriented to the street. This ensures that pedestrian features engage the public realm as is typical of a residential neighborhood.
2. The ordinance includes variation in rooflines as a means to achieving articulation (this was previously incorporated into the ASDM by administrative amendment in Section 4.A.5, but the ASDM does not apply to mixed use districts).
3. The ordinance includes provisions that require variation in plane depth specifically for attached single family dwellings regardless of the length of the building. This provides shadow lines and visual interest particularly along the long side of building.

4. The ordinance establishes a maximum of eight (8) side-by-side units within a building. This ensures that building massing remains residential and human in scale.

Historically, staff has been successful in obtaining developer compliance with these design goals based on more generic language in the code. That said, codifying these requirements specifically for townhomes or attached single-family development is beneficial and would clarify expectations for applicants, the public, and staff.

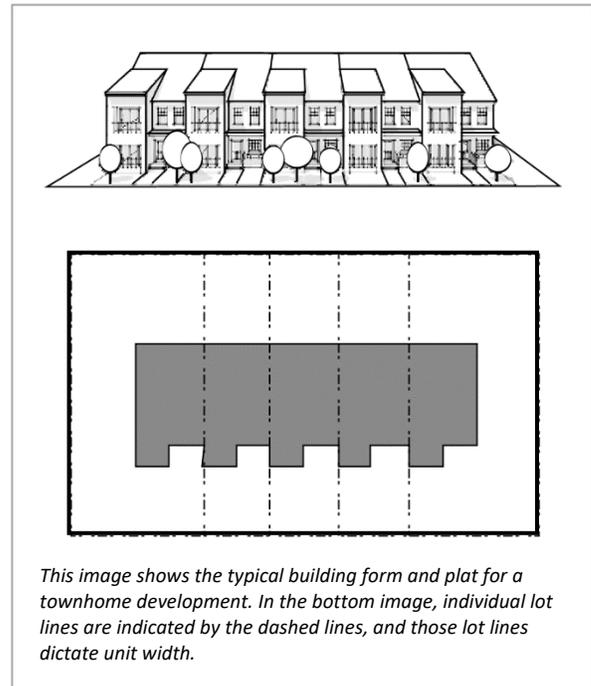
If the ordinance is approved, the Architectural and Site Design Manual will be updated by staff to reflect these same four design provisions. Per Section 26-224 of the code, the ASDM is a regulatory document that may be amended and updated by staff.

Lot Line Adjustments

Prior to the 2014 overhaul of the subdivision regulations, these regulations were silent to townhomes. As part of the 2014 code amendment, a townhouse plat was defined and provisions were added which acknowledge that townhome plats are unique. Townhomes are attached single-family homes in which the occupant owns the dwelling unit *and* the underlying or surrounding land, so the underlying lot is often quite small compared with the lot size for a detached single-family home. The lot width for a townhome is based on the unit width and often ranges from 16 to 24 feet. (See image below right.)

The subdivision regulations now exempt individual townhouse lots from lot size and width requirements, so long as the site as a whole meets all zone district and density standards (Section 26-411.C.2.a). The same section requires a plat note to ensure that the townhome lots are not sold or developed for any purpose other than townhomes.

Townhome plats are usually approved and recorded prior to construction, and unit width is set by the lot width on the plat. Many townhome builders have various floorplan options and unit widths, and homebuyer preferences determine which units are ultimately sold and constructed. As these projects are developed over time, homebuyer and market preferences can shift, and because of this we see requests for lot line adjustments more frequently for townhome projects than for detached single family projects.



For example, Thrive Home Builders, who are building townhomes at 43rd and Yarrow, recently met with staff to share that they are seeing higher market demand for narrower units, and they will therefore be seeking to narrow the width of several lots to accommodate those narrower units. The overall site plan and density will not change. Similarly, Toll Brothers, who is building townhomes at

Ward and Ridge by the Wheat Ridge Ward station, has also indicated that they may need to modify the lots lines in future phases based on sales patterns. Additionally, they will need to modify internal lot lines because of a CAD error that puts the divisional wall between units a few inches offset from the location that lot lines were drawn. Because lot lines are coterminous with divisional walls, townhome lots leave no leeway for design adjustments.

The only way to accommodate design adjustments for townhomes is to process a lot line adjustment (LLA). Under current regulations, a LLA is processed in the same manner as any subdivision application: LLAs that affect more than three lots require the plat to be reviewed at public hearings. The resources expended by staff and decisions makers to review LLAs for townhomes at a public hearing may be inefficient and is disproportionate with the extent of the proposed substantive changes.

Because of the unique and minor nature of a lot line adjustment for an approved townhome development and because of the significant staff resources associated with reviewing plats, the code amendment modifies this process. The proposed ordinance establishes a new and narrow classification of administrative plats for lot line adjustments of previously approved townhouse plats that do not create new or additional lots or parcels, do not materially alter the subdivision design, and conform to all subdivision and zoning regulations.

Review Process

These issues of design and platting were presented to City Council at a study session on January 6, 2020 at which time Council gave staff direction to proceed with a code amendment.

The Planning Commission's recommendation will be forwarded to City Council. This ordinance is scheduled for a first reading at City Council on February 24 and a public hearing at City Council on March 9.

RECOMMENDED MOTION:

"I move to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the design and platting of multifamily development and attached single family homes."

Exhibit:

1. Proposed Ordinance

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. __
ORDINANCE NO. _____
Series 2020

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS PERTAINING TO THE DESIGN AND PLATTING OF MULTIFAMILY DEVELOPMENT AND ATTACHED SINGLE FAMILY HOMES

WHEREAS, the City of Wheat Ridge (“City”) is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to adopt ordinances for the regulation of land use and protection of the public health, safety and welfare; and

WHEREAS, in exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws (the “Code”) pertaining to zoning, land use, and development; and

WHEREAS, Chapter 26 includes regulations pertaining to the design and platting of residential development; and

WHEREAS, the City Council recognizes the need for elevating certain design standards related to attached single family homes (townhomes); and

WHEREAS, the City Council also finds it appropriate to modify the process by which attached single family homes (townhomes) may be replatted;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 26-405.A of the Wheat Ridge Code of Laws, regarding types of plats, is amended with the insertion of a new subsection 2 and renumbering the section accordingly:

A. *Administrative plat.*

[...]

2. **A lot line adjustment of a previously approved townhouse plat shall be considered an administrative plat regardless of the number of lots affected, so long as the replat meets all of the following criteria:**
 - a. **Does not create new or additional lots or parcels;**
 - b. **Does not materially alter the subdivision design; and**
 - c. **Conforms to all subdivision and zoning regulations and includes no waiver or variance.**

Section 2. Section 26-1105 of the Wheat Ridge Code of Laws, regarding building placement and orientation in mixed use zone districts, is amended by the addition of a new subsection F:

F. Attached residential development. The following requirements shall apply to single attached dwellings as defined in Section 26-1119.

1. **For units adjacent to public streets, front doors shall be located on the façade that faces the public right-of-way. For developments with more than one (1) building, street-facing orientation of front doors is not required for all buildings or dwelling units but shall be the predominant orientation across the overall development.**
2. **Structures shall be comprised of no more than eight (8) side-by-side units.**
3. **Separation between primary structures shall be a minimum of 10 feet.**

Section 3. Section 26-1106.B of the Wheat Ridge Code of Laws, regarding building design in mixed use zone districts, is amended as follows:

B. Façade design and articulation.

1. All façades of a building shall provide a level of finished architectural quality and be designed to human scale. Each façade shall contain at least one (1) change in color or texture. Additional detail should be incorporated into the façade design by the use of at least three (3) of the following methods:
 - Reveals.
 - Belt courses.
 - Cornices.
 - Expression of a structural or architectural bay.
 - Articulation of windows and doorways, which may include sills, mullions, or pilasters that create a three-dimensional expression.
 - Change in material.
 - **Variation in rooflines.**
2. All façades of a building that face a street or a public space shall have at least one (1) variation in plane depth of at least one (1) foot for every fifty (50) linear feet of the length of the façade. All other façades shall have one (1) variation in plane depth of at least one (1) foot for every one hundred (100) linear feet of the length of the façade. Any portion of a façade that is a glass curtain wall shall be exempted from this requirement.

For single attached dwellings as defined in Section 26-1119, the façade(s) containing front doors shall have a change in plane depth of at least one (1) foot for every unit. This may be achieved by a change in the wall plane within a single unit façade or by varying the plane depth of adjacent units. See Figure 26-1106.2.

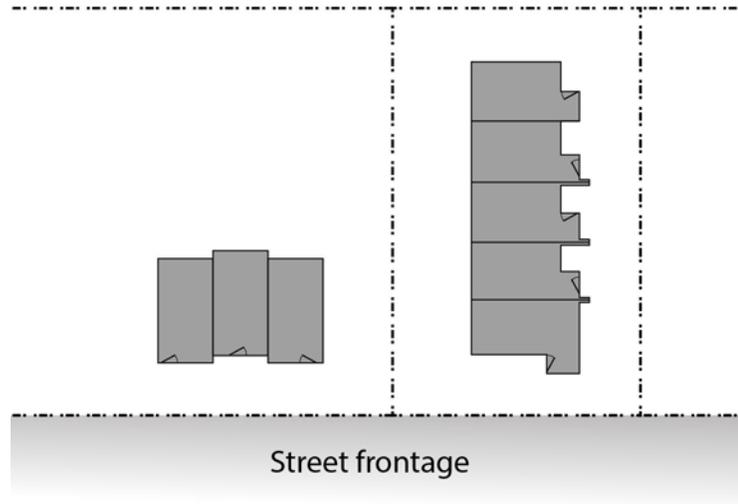


Figure 26-1106.2 – Variation in Plane Depth for Single Attached Dwellings: For the building on the left, changes in plane depth occur by varying the plane depth of adjacent units. For the building on the right, changes in plane depth occur within each unit façade. The requirement to vary plane depth does not necessarily require offsets in the building foundation and may be achieved by a variety of articulation and design elements noted in subsection 26-1106.B.3 below.

3. Non-permanent features such as canopies and awnings will not qualify as variation. Plane depth variation may be accomplished through elements such as:
 - Recessed entries.
 - Porticos.
 - **Projecting porches.**
 - Upper level stepbacks.
 - Dormers.
 - Offsets in the general plane of the façade, including columns, pilasters, protruding bays, reveals, fins, ribs, balconies, cornices or eaves.

4. The primary entrance of a building shall be emphasized through at least two (2) of the following architectural elements:
 - Changes in wall plane or building massing.
 - Differentiation in material and/or color.
 - Higher level of detail.
 - Enhanced lighting.

This requirement for an entry feature shall also apply to the primary exterior entrances for single attached dwellings.

Section 4. Section 26-1119 of the Wheat Ridge Code of Laws, regarding the definition of single attached dwellings, is amended as follows:

Dwelling, single attached. Three (3) or more dwelling units where each unit is attached to other units by party walls, and where habitable spaces of different units are arranged side-by-side, rather than a stacked configuration. **This can include, but is not limited to, townhomes with exterior entrances.**

Section 5. Section 26-1119 of the Wheat Ridge Code of Laws is amended by the adding a definition for multiple dwelling in the appropriate alphabetical location:

Dwelling, multiple. **Three (3) or more dwelling units where each unit is attached to other units, where habitable spaces are arranged in a stacked configuration, and where a building includes a common public entrance but interior entrances to each unit.**

Section 6. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Compliance Required – Applicability. This Ordinance shall apply to all development which does not by the effective have a vested property right, pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

Section 9. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 24th day of February 2020, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for March 9, 2020 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ___ to ___, this _____ day of _____, 2020.

SIGNED by the Mayor on this _____ day of _____, 2020.

Bud Starker, Mayor

ATTEST:

Steven James Kirkpatrick, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

Published:
Wheat Ridge Transcript and www.ci.wheatridge.co.us