



**PLANNING COMMISSION  
A G E N D A  
May 19, 2011**

**Notice is hereby given of a Public Meeting to be held before the City of Wheat Ridge Planning Commission on May 19, 2011, at 7:00 p.m., in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.**

*Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Heather Geyer, Public Information Officer at 303-235-2826 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.*

- 1. CALL THE MEETING TO ORDER**
- 2. ROLL CALL OF MEMBERS**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVE THE ORDER OF THE AGENDA (Items of new and old business may be recommended for placement on the agenda.)**
- 5. APPROVAL OF MINUTES – April 21, 2011**
- 6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda. Public comments may be limited to 3 minutes.)**
- 7. STUDY SESSION**
  - A. Accessory Structures in the Mixed Use Zone Districts**
- 8. ADJOURNMENT**



**City of  
Wheat Ridge**  
**PLANNING COMMISSION**  
**Minutes of Meeting**  
**April 21, 2011**

**1. CALL THE MEETING TO ORDER**

The meeting was called to order by Chair BUCKNAM at 7:00 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**2. ROLL CALL OF MEMBERS**

Commission Members Present: Anne Brinkman  
Alan Bucknam  
Marc Dietrick  
Tracy Guildner  
Dick Matthews  
Scott Ohm  
George Pond  
Steve Timms

Staff Members Present: Ken Johnstone, Community  
Development Director  
Sarah Showalter, Planner II  
Kathy Field, Administrative Assistant

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVE THE ORDER OF THE AGENDA**

**It was moved by Commissioner MATTHEWS and seconded by Commissioner OHM to approve the order of the agenda as printed. The motion carried 8-0.**

**5. APPROVAL OF MINUTES – April 7, 2011**

**It was moved by Commissioner MATTHEWS and seconded by Commissioner OHM to approve the minutes of April 7, 2011 as presented. The motion carried 5-0 with Commissioners TIMMS, DIETRICK and BRINKMAN abstaining.**

**6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda. Public comments may be limited to 3 minutes)**

No members of the public wished to speak at this time.

**7. PUBLIC HEARING**

- A. Case No. ZOA-11-02:** An ordinance amending Chapter 26 concerning Urban Agriculture.

The case was presented by Sarah Showalter. She entered all pertinent documents into the record and advised the Commission there was jurisdiction to hear the case. She reviewed the staff report and digital presentation.

Commissioner BRINKMAN commented that in the hot summer months, many people prefer to start gardening around 5:00 a.m. to escape the heat.

Commissioner BUCKNAM asked about parking requirements. Ms. Showalter stated that no parking ratios are set forth. Code enforcement will manage any complaints received from neighbors regarding temporary parking.

Chair BUCKNAM opened the public hearing.

**Ted Heyd**

**917 South Cole Drive, Lakewood**

Mr. Heyd is a member of Access to Fresh Fruits and Vegetables Task Force. He spoke in support of the ordinance. Urban agriculture is part of a national trend. He expressed concern about the special use fee of \$300 per acre for property owners who want to start a neighborhood or community garden on the same property as a single- or two-family home.

**Amanda Weaver**

**11100 W. 38<sup>th</sup> Ave.**

Ms. Weaver is also a member of the Task Force. She spoke in favor of the ordinance but asked that the special use fee be revisited. She expressed concern that the fees would be cost prohibitive in attempting to bring urban agriculture to her 13 acres that are zoned R-3.

**Tim Tindle**

**4300 Reed St.**

Mr. Tindle is associated with the Task Force and spoke in favor of the ordinance. He commented that Wheat Ridge could be on the leading edge of the urban agriculture and food movement. He expressed concern about the special use fee. He has started a business with Amanda Weaver called The City Mouse Garden which will involve multi-plot gardening where they would garden a quarter of an acre but also sell produce from other gardens. He expressed concern about the single family limitation that could limit selling produce from the owner's garden.

Ms. Showalter commented that they are trying to distinguish urban gardening from “yard sharing” in that there is a person or group formally managing the garden. The ordinance could be amended if these types of issues arise.

**Andrew Horn**  
7175 W. 42<sup>nd</sup> Ave.

Mr. Horn asked the price of a home occupation license. Mr. Johnstone replied that the fee is \$25 annually.

**Tim Sabus**

Mr. Sabus spoke in favor of the ordinance that could be a boon for Wheat Ridge and set an example for other municipalities. He expressed concern that a 6 square foot sign advertising a produce stand is too small. He suggested that square footage for accessory structures be the same size for commercial and residential zones. He stated that he was in favor of hoop houses for growing fruits and vegetables.

In response to a question from Commissioner POND, Ms. Showalter stated that in looking at similar ordinances from other cities, there were none that differentiated between yard sharing and urban gardens. She commented that clarifying language could be considered.

In response to concern expressed by Commissioner POND regarding special use permit fees for urban gardens, Mr. Johnstone explained that administrative fees are set by the Community Development Director. Amendments to those fees must be considered by City Council.

Commissioner OHM expressed concern that a permit could be required for a home garden. Ms. Showalter stated that this was not the intent of the ordinance and it may be necessary to tweak the language. The special use permit would not be required for private home gardens.

Commissioner OHM suggested that special use fees should be reduced for small plots.

**It was moved by Commissioner BRINKMAN and seconded by Commissioner GUILDNER to recommend approval of the proposed ordinance amending Chapter 26 to support urban agricultural uses and activities, with the following conditions:**

- 1. Urban gardens are allowed as a special use on residentially-zoned lots where the primary use is a single or two-family home.**

**The motion carried 8-0.**

**It was moved by Commissioner POND and seconded by Commissioner OHM to amend the definition of urban garden to read as follows: *An area of land formally managed, organized and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers. Urban gardens may be divided into separate plots for cultivation by one or more individuals or may be maintained and cultivated collectively. Urban garden examples include community gardens where crops are consumed or donated, market gardens where crops are sold for profit, and community-supported agriculture (CSA), where crops are sold or donated for shareholder consumption.***

**The motion carried 8-0.**

**It was moved by Commissioner POND and seconded by Commissioner OHM to recommend that staff look at substantially reducing the fees for Special Use Permits related to urban gardens on residentially-zoned lots where the primary use is a single or two-family home with the intent to encourage urban agriculture moving forward.**

**Commissioner TIMMS offered a friendly amendment that when a decision is made after it goes to Council to report results back to Planning Commission. The amendment was accepted by Commissioner MATTHEWS.**

**The amended motion passed 8-0.**

**8. STUDY SESSIONS** (The regular meeting was adjourned to study session at 8:25 p.m.)

**A. Potential Rezoning of 11100 W. 38<sup>th</sup> Ave.**

Sarah Showalter reviewed the staff report for this item. The owner of this property would like to add a variety of uses to the site. The front of the 12-acre property is zoned R-3 and the back part is zoned R-1. There has been a small farm component on this site since the original farm house was built in 1922. A conservation easement was placed on this land in the 1990's to preserve the agricultural use of the site. The owner is proposing a CSA or market garden for the property as well as the ability to have a commercial kitchen/classroom space in one of the buildings behind the existing farm house. The property owner lives in the farm house which would allow use as a home occupation. Some possibilities include allowing the uses under an SUP; the property could be rezoned to A-1; or a planned development could be used.

**Amanda Weaver  
11100 W. 38<sup>th</sup> Ave.**

Ms. Weaver, who owns the property with Louise Turner, stated that she is a geographer specializing in urban agriculture and teaches at the University of

Colorado at Denver. Because of the conservation easement placed in perpetuity on the land, she is prohibited from building another dwelling on the property. However, buildings related to agriculture could be constructed. She would like to have a commercial kitchen to allow her to make and package cheese that she could sell. She would also like to provide educational opportunities to the public where people could observe the agricultural process and attend various classes. She commented that A-1 zoning might not accommodate all of this.

There was discussion about home occupation requirements and the advantages of planned development for the property.

**B. 38<sup>th</sup> Avenue Corridor Plan**

Ms. Showalter, Commissioner BRINKMAN and Commissioner OHM presented updates on the 38<sup>th</sup> Avenue Corridor Task Force meeting.

**9. ADJOURNMENT**

**It was moved by Commissioner POND and seconded by Commissioner BRINKMAN to adjourn the meeting at 9:17 p.m. The motion carried 8-0.**

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**Alan Bucknam, Chair**

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**Ann Lazzeri, Secretary**

# Memorandum

**TO:** Planning Commission

**THROUGH:** Ken Johnstone, Community Development Director

**FROM:** Sarah Showalter, Planner II

**DATE:** May 13, 2011 (for May 19 study session)

**SUBJECT:** Accessory Structures in Mixed Use Zone Districts

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## Introduction

In September 2010, City Council adopted new mixed use zone districts. The intent behind the new mixed use zoning was to create flexible zone districts that would allow a streamlined development review process and encourage mixed use development in targeted areas of the city, including Wadsworth, 38<sup>th</sup> Avenue, and the future Transit-Oriented Development (TOD) area near 50<sup>th</sup> Place and Ward Road. The mixed use code, found in Article XI of Chapter 26, includes site and architectural standards to encourage high-quality development. The architectural standards include requirements for façade articulation, minimum transparency at the ground floor, and material variation. As the code was written and adopted, these standards would apply to any new structure – primary or accessory – developed under the mixed use zoning.

Staff has had the opportunity to test the new code through a couple of development proposals for sites that have been, or are proposed to be, rezoned to mixed use. Staff has noticed a significant difference between primary and accessory structures, indicating a need for separate design standards. For example, the mixed use code contains build-to requirements that encourage buildings to be placed close to the street. While this makes sense for main buildings, such as office or residential buildings, it does not make sense for accessory structures such as garages or car ports. All other zone districts in Chapter 26 contain separate regulations for accessory structures. Staff recommends taking a similar approach for the mixed use zone districts.

This memo is structured as follows:

- 1. Summary of Research**
- 2. Proposed Approach**
- 3. Policy Direction Requested**

## Summary of Research

Staff reviewed ten sample zoning codes to see how other jurisdictions treat accessory structures within mixed use zone districts. A summary of this research may be found in the table in Attachment 1. A few codes are similar to the current mixed use zoning in that they do not

contain separate mention or standards for accessory structures, implying that they would follow the same standards as primary structures. Other mixed use districts – including those in Boulder, Denver, Englewood, Longmont, and Louisville – contain separate standards for accessory structures. It is a common theme to set distinct setback requirements for accessory structures so that they are not located in front of the primary structure and so that they are not allowed immediately adjacent to rear and side property lines. It is also common to require accessory buildings to be made of materials that are compatible with the materials of the primary building(s). A couple of jurisdictions place size restrictions on accessory structures. Denver, for example, requires a maximum size of 1,000 square feet and a maximum length of 36 feet. Most, however, do not place limits on the size of accessory structures.

### **Proposed Approach**

Staff recommends adding a new section to Article XI that would establish separate setback and design standards for accessory structures. Please note that Article XI already has a section with separate design requirements for parking structures (Section 26-1107.E). The proposed new section would apply to single-story accessory buildings such as garages, carports, gazebos, and storage facilities. Below is a summary of staff's proposed regulations for accessory structures:

#### *Placement, Setbacks, and Dimensional Standards*

- Accessory structures may not be located between a primary structure and the primary street
- Setbacks:
  - Front – must be located behind the rear wall of the primary structure
  - Side – minimum of 5 feet. Minimum of 10 feet where adjacent to a street.
  - Rear – minimum of 5 feet
  - Require that the setback area between the accessory structure and property line is landscaped. Where adjacent to a street, the setback area shall contain regularly spaced shrubs and/or trees
- Maximum height
  - May not be taller than one story and may not exceed 15 feet in height
- Maximum size – please see policy input section below

#### *Architectural Requirements*

- Require that all accessory structures are made of materials that are compatible with the primary structure(s) on the site.
- Minimum transparency – no requirements.
- Where adjacent to a street:
  - Any façade that faces a street and is 100 feet or longer must contain a change in material or color for each 8 feet of vertical feet of wall height
  - Any façade that faces a street and is 100 feet or longer must contain at least one variation in plane depth of at least 1 foot for every 50 linear feet of the façade

### **Policy Direction Requested**

There are few items that staff would like input from the Planning Commission on, summarized below.



*(1) Size Limits*

Staff generally does not want to set specific absolute size limits on accessory structures – such as a maximum of 1,000 square feet per structure – since there is a wide range of sites and uses covered under the mixed use zoning. It can be difficult to set a number that is reasonable under different contexts and that will not create a burden for future potential developments. As noted above in the summary of research, several jurisdictions do not have area limits for accessory structures.

That said, there is some concern that a lack of a size limit could lead to large accessory structures that could dominate a site. One option that staff considered is to require that the total area of accessory structures cannot exceed 25% of the ground floor area of the primary building(s) on site. Staff would like feedback whether to explore a relative size limit such as a percentage of building or lot area.

*(2) Setbacks and Architectural Requirements*

Staff would generally like feedback from Planning Commission as to whether the proposed regulations outlined above seem reasonable.

*(3) Temporary Greenhouses/Hoop Houses*

Based on the urban agriculture code amendments for which Planning Commission recently recommended approval, urban gardening will become a permitted use within mixed use zone districts. This means that there could be instances where a property owner would like to construct a greenhouse or temporary greenhouse/hoop house as an accessory structure on their property. Staff has some concern about treating this type of accessory building in the same way as other structures. For example, the architectural requirement that the materials must be consistent with the primary structure would not make sense for a greenhouse (made of glass) or a hoop house (made of plastic or fabric). Also, staff is reluctant to allow a situation in which hoop houses would be visible along major commercial corridors, especially if there are no specific size limits for accessory structures since the hoop houses could be quite large.

One potential solution would be to create a separate category under accessory structures for hoop houses and greenhouses and set a specific size limit (such as 400 or 500 square feet maximum). These structures could be exempted from the architectural requirements that apply to other accessory structures, but might have stricter setback requirements to ensure that they are not a dominant visual element from the street. Staff would like Planning Commission's feedback on this issue.

**Attachments**

1. Summary Research Table

Summary Research – Accessory Structures in Mixed Use Zone Districts		Design Standards	
Jurisdiction/Source	Accessory Structures Allowed?	Development Standards	Design Standards
<b>APA Model Mixed Use Ordinance</b>	No mention of accessory structures	N/A	N/A
<b>Aurora TOD Zone District</b>	Only Accessory Dwelling Units are mentioned in the code (with no specific standards)	N/A	N/A
<b>Boulder Mixed Use Zone Districts (MU-1, MU-2, MU-3, MU-4)</b>	Yes	<ul style="list-style-type: none"> <li>Minimum front yard setback = must be located behind the rear wall of the principal structure</li> <li>Minimum side yard setback = 0 to 3 feet</li> <li>Minimum rear yard setback = 0 to 3 feet</li> <li>Minimum separation between accessory building and any other building = 6 feet</li> <li>Maximum height = 20 feet</li> <li>Maximum coverage or square footage = none</li> <li>Maximum stories = 1 story</li> </ul>	<ul style="list-style-type: none"> <li>It appears that the building design requirements (minimum transparency where facing a street) apply for accessory structures as well</li> </ul>
<b>Denver Mixed Use and Main Street Districts</b>	Yes, but not garages or ADUs. Code contains a list of specific structures allowed (such as sheds, patios, and car ports) and also states that the zoning administrator can allow other types of accessory structures as long as the accessory use is allowed	<ul style="list-style-type: none"> <li>Minimum front yard setback = must be at least 10 feet behind the front wall of the primary structure</li> <li>Minimum side yard setback = 5 feet</li> <li>Minimum rear yard setback = 5 feet</li> <li>Maximum size = 1000 square feet</li> <li>Maximum length = 36 feet</li> <li>Maximum height = 17 feet (and max 1 story)</li> </ul>	<ul style="list-style-type: none"> <li>Must utilize materials that are compatible with the primary building and that are durable</li> </ul>
<b>Englewood Transit Mixed Use District (TSA)</b>	Yes Garages, carports, and storage sheds are allowed. Additional accessory structure types may be approved if the accessory use is allowed	<ul style="list-style-type: none"> <li>Must comply with all development standards for principal structures = no minimum front setback, 10 minimum side setback only if adjacent to a public street, no minimum rear setback</li> <li>Sheds may not be larger than 150 square feet. There may only be a maximum of 1 shed per property. Maximum height for a shed is 10 feet</li> </ul>	<ul style="list-style-type: none"> <li>No accessory structure can be made of cloth, canvas, tarp, vinyl, plastic, or other materials not approved by the City Manager or designee</li> </ul>

Jurisdiction/Source		Summary Research – Accessory Structures in Mixed Use Zone Districts	
Accessory Structures Allowed?	Development Standards	Design Standards	
<b>Lakewood Transit Mixed Use District (TMU)</b>	ADUs specifically listed as allowed in medium and low density sub-areas only.	<ul style="list-style-type: none"> <li>ADUs must meet same setbacks as primary structures</li> </ul>	N/A
<b>Lakewood Colfax Mixed Use District (CMU)</b>	No mention of accessory structures	N/A	N/A
<b>Longmont Mixed Use District</b>	Yes	<ul style="list-style-type: none"> <li>May not be located in the front yard area or a side yard adjacent to a public street</li> <li>Must be located at least 6 feet from the primary structure</li> <li>Setbacks to follow those for primary structures</li> <li>No maximum size or height specified</li> </ul>	N/A
<b>Louisville Mixed Use District (Commercial Community)</b>	Yes	<ul style="list-style-type: none"> <li>All dimensional standards for primary buildings apply to accessory buildings</li> <li>Minimum front setback of 0 feet and maximum front setback of 30 feet</li> <li>Minimum side setback of 10 feet</li> <li>Minimum rear setback of 20 feet</li> <li>Maximum height of 20 feet</li> <li>No maximum size specified</li> </ul>	N/A
<b>Northglenn Mixed Use District</b>	Yes	<ul style="list-style-type: none"> <li>Minimum front yard setback of 25 feet</li> <li>Minimum side and rear setback of 10 feet</li> </ul>	<ul style="list-style-type: none"> <li>Accessory structures shall be finished in the same material as the primary building</li> </ul>