

STAFF REPORT

DATE OF COUNCIL MEETING: FEBRUARY 25, 2019 / AGENDA ITEM NO. 10
MARCH 25, 2019/ AGENDA ITEM NO. 18

To: Mayor and City Council

From: Robert D. Smith, Director of Economic Development, 303-987-7732

Subject: **VACATION OF RIGHTS-OF-WAY AT ALLISON, ZEPHYR, AND 13TH AVENUE**

This ordinance was approved on 1st Reading by a vote of 11 ayes 0 nays.

SUMMARY STATEMENT: Lakewood's Economic Development Department has requested that the City vacate 3 portions of existing right-of-way (ROW) to facilitate a more cohesive future development of the site, south of 13th Avenue, between Allison and Zephyr Streets. Staff is asking City Council to review and vote on the attached ordinance.

BACKGROUND INFORMATION: Three (3) separate portions of ROW are proposed to be vacated with case VA-18-004. A formal case for development of this site has not been submitted, but previous pre-planning cases determined that these three portions of ROW would need to be designed around, or should to be vacated before any project could be approved.

The portion of Allison Street to be vacated, is 40' wide by 300' long with an area of 11,996 s.f. The remaining 50' of ROW is centered on the existing Allison Street improvements and consistent with the ROW width to the south. It is also adequate in width to allow for any future improvements, which would need to be installed by the property owner upon development of the site.

The proposed vacation on Zephyr consists of a narrow (10' x 150') triangle at the intersection with 13th Avenue. The 750 s.f. area is outside of the 60' of ROW that would remain, and continues to the south. As with Allison, the remaining ROW is more than adequate to contain the existing and any future improvements.

The third portion of ROW proposed to be vacated is a 16' wide by 300' (4,800 s.f.) alley that bisects the property. Though the alley ROW was dedicated with the original Lakewood plat, no physical alley was constructed and none is planned. The ROW connects to 13th Avenue, but dead-ends to the south in private property and an existing building, thwarting any future connection.

Moving forward with vacating the ROW on this site better positions the property for future development, consistent with Lakewood's Comprehensive Plan. The Economic Development Team, in coordination with the Development Assistance Team, and working alongside our utility partners has determined the prescribed ROW is not currently being used and will not be needed in the future.

Vacating the ROW will eliminate an unnecessary division of the property, and create a larger development envelope. Essentially, this action creates a better "blank canvas" for future development proposals and future applicants will start their design work not constrained by a divided parcel. Previous would-be applicants for this parcel have been guided by the Development Assistance Team to make the project work by designing around

the ROW or vacating it. The Economic Development Office is the applicant in this case, to vacate the ROW, so as to facilitate positioning the property for better future site design.

Proposed projects will need to be from the permitted land uses for the existing M-R-U zone, and meet all zoning requirements. This vacation will not change what has been previously allowed, but encourage better overall site design.

The utility companies associated with the existing ROW have been consulted. An easement for existing utilities will be reserved over the vacated ROW, which can later be vacated, after such utilities have been relocated. This 17,546 s.f. of ROW is not needed for existing or future, nor is any replacement ROW needed. The site is immediately adjacent to RTD's W-Line and within 1,500' of the Wadsworth Station, and therefore a great location for continued TOD development.

FINANCIAL IMPACTS: There is no direct fiscal impact to the City of Lakewood associated with the vacation of these parcels.

STAFF RECOMMENDATIONS: Staff recommends that City Council approve the attached ordinance.

ALTERNATIVES: If the ROW is not vacated, future development of the site would be fragmented by the alley ROW and subject to excessively deep setbacks along Allison and Zephyr Streets.

PUBLIC OUTREACH: Notification through City Council, mailing notice to property owners within 500 feet, mailing to registered neighborhood organizations within 1,000 feet, posting signs onsite and the City of Lakewood, publication in Denver Post.

NEXT STEPS: Two readings at City Council and recording of a Vacation Ordinance with Jefferson County.

ATTACHMENTS: Ordinance O-2019-6
City Council Map

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Timothy P. Cox, City Attorney