

**CITY OF WHEAT RIDGE
PLANNING DIVISION STAFF REPORT**

TO: Planning Commission **MEETING DATE:** December 19, 2019

CASE MANAGER: Lauren Mikulak

CASE NO. & NAME: WZ-19-08 / 52nd Avenue

ACTION REQUESTED: Approval of zoning designations for two segments of W. 52nd Avenue to be zoned Industrial Employment, Mixed Use-Commercial Transit Oriented Development, and Mixed Use-Neighborhood

LOCATION OF REQUEST: 52nd Avenue between Ward Road and Tabor Street

APPLICANT (S): Jefferson County

OWNER (S): Jefferson County

APPROXIMATE AREA: 49,457 square feet (1.14 acres)

PRESENT ZONING: N/A

COMPREHENSIVE PLAN: Mixed Use Employment / TOD Site

ENTER INTO RECORD:

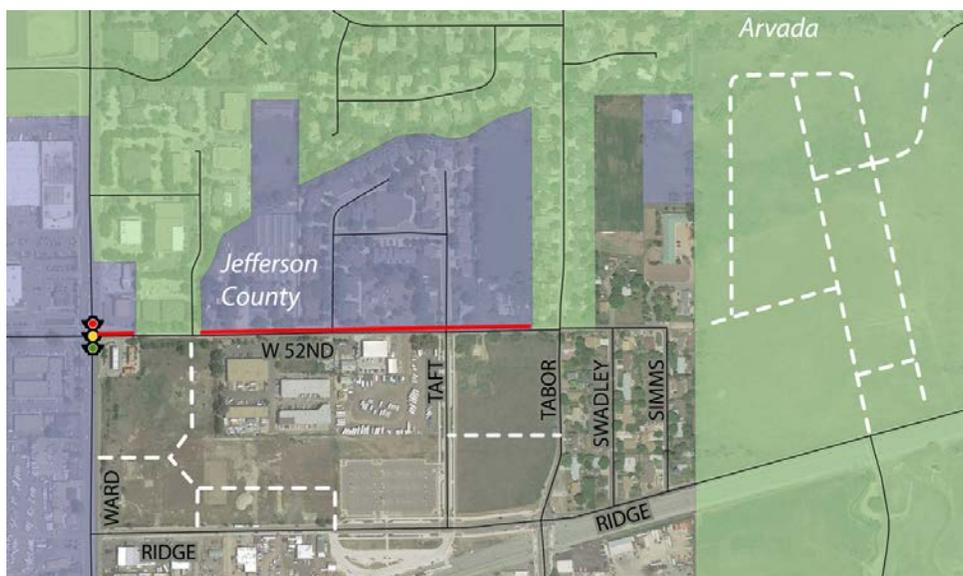
(X) CASE FILE & PACKET MATERIALS

(X) COMPREHENSIVE PLAN

(X) ZONING ORDINANCE

(X) DIGITAL PRESENTATION

Location Map



JURISDICTION:

All notification and posting requirements have been met; therefore, there is jurisdiction to hear this case.

I. REQUEST

Jefferson County has requested that Wheat Ridge annex the right-of-way (ROW) along 52nd Avenue that is currently in Jefferson County's jurisdiction. State law requires that annexed property be assigned a zoning designation within 90 days. This application, if approved, will assign zoning to the street which corresponds to the zoning of adjacent properties within Wheat Ridge: Industrial Employment (IE), Mixed Use-Commercial Transit Oriented Development (MU-C TOD), and Mixed Use-Neighborhood (MU-N).

The process for annexation is outlined in state statute, and the Planning Commission does not review annexation requests. The proposed annexation (Case No. ANX-19-01) and this zoning assignment will be reviewed by City Council on January 13, 2020.

II. EXISTING CONDITIONS

The Wheat Ridge · Ward Station area is one of four projects in the City's *Investing 4 the Future* bond program; the station area receives \$12 million from the voter-approved, temporary ½-cent sales and use tax rate increase. Improvements to 52nd Avenue have been identified and prioritized as an infrastructure project for the Wheat Ridge · Ward Station area and were specifically listed in the ballot language for the 2016 2E sales tax bond measure.

At the far northwest portion of the City, W. 52nd Avenue is the northern boundary of the Wheat Ridge · Ward Station area. The street extends through three jurisdictions: Wheat Ridge owns the southern portion of the street and the northern portion is within the City of Arvada and Unincorporated Jefferson County (*Exhibit 1, Aerial*). The street currently functions as a two-lane road with intermittent curb, gutter, and sidewalk.

Partnership with neighboring jurisdictions has been critical for street improvements in the station area, and in early 2018, the City Managers of Arvada and Wheat Ridge along with the County Manager of JeffCo signed a memorandum of understanding (MOU) agreeing to coordinate and cooperate on designing and funding mutually beneficial road improvements in the area surrounding the Wheat Ridge · Ward station area. In early 2019, Jefferson County notified both cities that they would no longer be participating in funding the 52nd Avenue project. More recently and due to ongoing budget issues, the County requested that the City own and maintain the 52nd Avenue improvements, and annexation proceedings were initiated in October 2019.

The road will be reconstructed in 2020 to include street, sidewalk, and storm sewer improvements between Ward Road and Tabor Street. The reconstructed roadway will include:

- a center turn lane,
- continuous curb and gutter,
- upgraded and continuous storm sewer,
- a continuous 6-foot wide buffered sidewalk on the north side, and

- an 8-foot wide detached sidewalk with streetscape on the south side.

The road will serve a variety of existing and proposed residential and commercial uses. All improvements will be located within existing right-of-way; no private property is being acquired, annexed or zoned on 52nd Avenue.

III. PROPOSED ZONING

While zoning designations only affect the use and development of private property, it is customary for zoning boundaries to extend to the centerline of a street. When a property is at the edge of the City, the zoning designation extends to the City boundary. In this case, the zoning designations for the two road segments are proposed to correspond to the existing zoning on the adjacent properties in Wheat Ridge, including Industrial Employment (IE), Mixed Use-Commercial Transit Oriented Development (MU-C TOD), and Mixed Use-Neighborhood (MU-N). This is shown in *Exhibit 2, Zoning Map*. While there are adjacent planned developments (PCD), the boundaries of those property-specific zoning designations cannot be changed.

IV. ZONE CHANGE CRITERIA

Staff has provided an analysis of the zone change criteria outlined in Section 26-112.E. The Planning Commission shall base its recommendation in consideration of the extent to which the following criteria have been met:

1. The change of zone promotes the health, safety, and general welfare of the community and will not result in a significant adverse effect on the surrounding area.

The annexation and associated zoning assignment will not result in significant adverse effects. The approvals enable the road improvements to proceed which ultimately promote the health, safety, and welfare of the community including long overdue pedestrian and storm sewer improvements.

Staff concludes that this criterion has been met.

2. Adequate infrastructure/facilities are available to serve the types of uses allowed by the change of zone, or the applicant will upgrade and provide such where they do not exist or are under capacity.

The proposed zoning will not affect private property development, nor does the zoning designation affect the design of the roadway. As part of the project, upgrades are being made to the street, storm, and water infrastructure.

Staff concludes that this criterion has been met.

3. The Planning Commission shall also find that at least one (1) of the following conditions exists:

- a. The change of zone is in conformance, or will bring the property into conformance, with the City of Wheat Ridge comprehensive plan goals, objectives and policies, and other related policies or plans for the area.**

The annexation and zoning designation enables the roadway improvements to proceed. The upgrades meet the goals of the comprehensive plan, subarea plan, and bicycle and pedestrian master plan by improving multimodal facilities in the area of the commuter rail station.

Staff concludes that this criterion has been met.

- b. The existing zone classification currently recorded on the official zoning maps of the City of Wheat Ridge is in error.**

Staff concludes that this criterion is not applicable.

- c. A change of character in the area has occurred or is occurring to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changing character of the area.**

Staff concludes that this criterion is not applicable.

- d. The proposed rezoning is necessary in order to provide for a community need that was not anticipated at the time of the adoption of the City of Wheat Ridge comprehensive plan.**

Staff concludes that this criterion is not applicable.

Staff concludes that the criteria used to evaluate zone change support this request.

V. PUBLIC NOTICING

Prior to submittal of an application for a zone change, a neighborhood input meeting is required in accordance with the requirements of section 26-109.

A meeting for neighborhood input was held on October 2, 2019. Fifteen members of the public attended the meeting in addition to the applicant and staff. In general, the attendees were supportive of the request and had minimal questions related to zoning; questions related predominantly to the status of the roadway construction (*Exhibit 3, Neighborhood Meeting Notes*).

As of the date of distribution of this staff report, December 10, 2019, the City has not received additional comments or inquiries from surrounding property owners.

VI. AGENCY REFERRAL

All affected service agencies were contacted for comment on the zone change request and regarding the ability to serve the property. Specific referral responses follow:

Wheat Ridge Public Works Department: No concerns.

Arvada Fire District: No concerns.

Xcel Energy: No concerns.

Valley Water District: No concerns.

Fruitdale Sanitation District: No concerns.

Century Link: No comments.

Comcast Cable: No comments.

VII. STAFF CONCLUSIONS AND RECOMMENDATION

Staff concludes that the proposed zoning designation promotes the health, safety and general welfare of the community and will not result in a significant adverse effect on the surrounding area. Staff further concludes that infrastructure is appropriate and the zoning designation is consistent with adopted plans. Ultimately, zoning is required to be assigned by state statute subsequent to annexation and the three zoning designations are appropriate.

Because the zone change evaluation criteria support the zone change request, staff recommends approval of Case No. WZ-19-08.

VIII. SUGGESTED MOTIONS

Option A:

“I move to recommend APPROVAL of Case No. WZ-19-08, a request for approval of zoning designation for two segments of W. 52nd Avenue to be zoned Industrial Employment, Mixed Use-Commercial Transit Oriented Development, and Mixed Use-Neighborhood, for the following reasons:

1. A zoning designation is required by state statute in association with the proposed annexation.
2. The proposed zoning will promote the public health, safety, or welfare of the community and does not result in an adverse effect on the surrounding area.
3. Utility and transportation infrastructure being improved subsequent to the annexation and zoning.
4. The proposed zone change is consistent with the City’s Comprehensive Plan and subarea plan.
5. The zoning designation is appropriate and compatible with the adjacent designations on private property.”

Option B:

“I move to recommend DENIAL of Case No. WZ-19-08, a request for approval of zoning designation for two segments of W. 52nd Avenue to be zoned Industrial Employment, Mixed Use-Commercial Transit Oriented Development, and Mixed Use-Neighborhood, for the following reasons:

- 1.
2. ...”

EXHIBIT 1: AERIAL

The portions of W. 52nd Avenue to be annexed and zoned are shown in red. These two segments are the northern half of the road which are currently within Jefferson County's jurisdictions (shown in purple). The portions of roadway within Arvada's jurisdiction (shown in green) are not being annexed or zoned.



EXHIBIT 2: ZONING MAP

The colors of the dotted line correspond to the zoning designations to be assigned to the annexed segments of roadway: Industrial-Employment (IE) in purple, Mixed Use-Commercial TOD (MU-C TOD) in light blue, and Mixed Use-Neighborhood (MU-N) in royal blue.

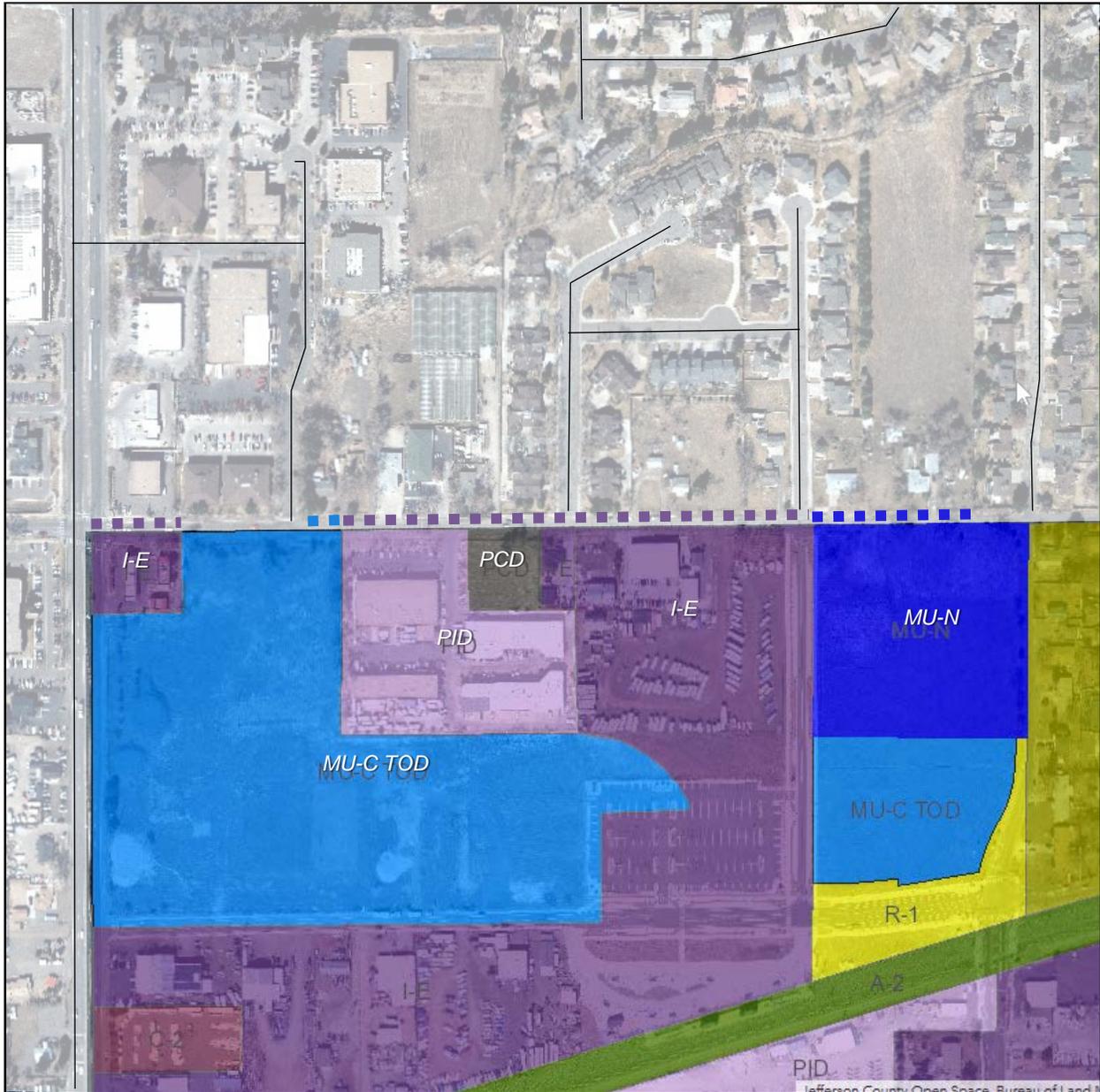


EXHIBIT 3: NEIGHBORHOOD MEETING

NEIGHBORHOOD MEETING NOTES

Meeting Date:	October 3, 2019
Attending Staff:	Lauren Mikulak, Planning Manager Mark Westberg, PW Projects Supervisor
Location of Meeting:	Wheat Ridge Recreation Center
Property Address:	52 nd Avenue between Ward Road and Tabor Street
Property Owner(s):	Jefferson County
Property Owner(s) Present?	Yes
Applicant:	Jefferson County
Applicant Present?	Yes, Steve Durian, Director of Transportation and Engineering Division on behalf of Jeffco
Existing Zoning:	N/A (not currently in Wheat Ridge)
Existing Comp. Plan:	N/A (not currently in Wheat Ridge)

Existing Site Conditions: The subject property are two segments of the north side of W. 52nd Avenue in Jefferson County between Ward Road and Tabor Street. The western segment is approximately 180 feet in length extending east from Ward Road. The eastern segment is approximately 1,468 feet in length.

Applicant/Owner Preliminary Proposal: Wheat Ridge voters approved a temporary sales tax increase to fund four priority projects, including providing \$12M to fund projects in the Wheat Ridge Ward Station area. The City of Wheat Ridge, City of Arvada, and Jefferson County have partnered to complete roadway improvements near the station, including adding sidewalks and a center turn lane to W. 52nd Avenue between Ward Road and Tabor Street. In order to facilitate this investment, Jefferson County has requested that the City of Wheat Ridge annex two segments of the existing right-of-way along the north side of W. 52nd Avenue that are within the project area and are currently in Jefferson County's jurisdiction. There is no change to private property and no annexation of private property.

The required process for annexation is established by state law and requires that in addition to annexing, Wheat Ridge must also assign a zoning designation to those street segments. The proposed zoning will be consistent with the zoning of the adjacent parcels in Wheat Ridge.

The following is a summary of the neighborhood meeting:

- In addition to Wheat Ridge and Jefferson County staff, 15 members of the public attended the neighborhood meeting. Neighbors included residents of Wheat Ridge, Arvada, and Jefferson County many of whom have attended prior meetings regarding the proposed roadway investments and design of 52nd Avenue.
- Staff discussed the reason and process for the annexation as well as the reason and rationale for the assignment of zoning designations.
- The members of the public were informed of their opportunity to make comments during the process and at the public hearing, if required.

The following issues were discussed regarding the annexation and zoning designation:

- Why does the road need to be zoned and will it affect private property development?
State statute compels the City to assign a zoning designation to any land that is annexed. In the City's zoning map, all roadways are assigned the zoning designation of adjacent private properties, typically extending to the centerline of the road or to the City boundary. These segments will be zoned I-E, MU-C TOD, and MU-N based on the zoning of adjacent parcels but the zoning designation of the road will have no impact on the design of the road nor any change or impact to private property.
- Why is the street being annexed and will Jefferson County still participate in the roadway project?
The County is not in a financial position to be able to retain or maintain the proposed roadway improvements. Annexing the roadway into Wheat Ridge will simplify and expedite the construction of improvements and long term maintenance. Wheat Ridge and Arvada will share the cost of 52nd improvements equally (50/50). Jefferson County may be able to contribute a one-time lump sum, to be determined through the annexation agreement.
- The roadway improvements have been delayed already; will the annexation and zoning delay the project further?
Construction has been delayed, but the designs are now complete and ready to bid. The project will be put to bid while the annexation and zoning are in process, so a contract could be awarded on the same night that the annexation and zoning are reviewed. With that overlapping schedule, the added delay is about six weeks.

The majority of questions were not related specifically to the annexation and zone change and rather to the proposed design and construction of the roadway improvements and to nearby development:

- Will the 52nd design include on street parking?
No, in order to fit within existing right-of-way, the design between the curbs includes one travel lane in each direction and a center turn lane but no on-street parking. The street will function like a collector. On-street parking is included in the new and upgraded local streets on the Wheat Ridge side.
- Where will parking be accommodated? Will RTD expand their parking lot?
On-street parking is included in the new and upgraded local streets on the Wheat Ridge side. Agreements between Wheat Ridge and RTD obligate RTD to add 150 spaces to the surface

parking lot if it meets certain utilization thresholds. The City and RTD will be meeting to discuss short and long term solutions, including potentially a parking garage. There is no known timing for parking lot expansion.

- How does a continuous center turn lane function? Will people drive on it the whole length?
A continuous center turn lane is also called a two-way left-turn lane. It provides a center lane exclusively for left turning vehicles coming from either direction. You can also turn into it from a side street until you merge into the through lane. It is beneficial on roads with closely spaced driveways and streets. It is unlikely that anyone will travel in the center lane because of the frequency of driveways and streets. It will function similar to W. 38th Avenue between Wadsworth and Sheridan, where the majority of the street has a two-way left-turn lane.
- What is a bulb out and why are they proposed on the north side of the street (eg at Tabor, Taft and Union)?
A bulb out is a curb extension where the curb is extended in towards the centerline to narrow the street at an intersection. It shortens the crossing distance for pedestrians and slows traffic. Bulb outs are specifically designed at the intersections on the north side of street to deter traffic from entering or cutting through the residential neighborhoods. Often the visual narrowing is a deterrent, particularly once W. 52nd Avenue is improved to function as a more desirable option. [There was some discussion from a Tabor Street resident in Arvada who did not prefer the bulb out design. The design has been collaborative and Wheat Ridge staff have followed Arvada staff requests in terms of the intersection design in their jurisdiction.]
- Will school buses and fire trucks be able to fit through bulb outs?
Yes, the turning radii will accommodate larger trucks and vehicles, such as buses and fire trucks.
- Will the construction be coordinated with adjacent development, will Hance Ranch build their portion?
Yes, construction will be coordinated. Hance Ranch will construct the sidewalk adjacent to the townhomes but paid fees to the City. Toll Brothers will also pay fees for their portion of 52nd Avenue so the City can construct the roadway improvements at one time and not incrementally by three different contractor teams.
- Will access along 52nd Avenue to driveways, homes, and businesses be maintained?
Yes, the goal is always to maintain access even if it may be limited. The contractor that is hired will be responsible for proposing the phasing and will be responsible for communicating with neighbors and businesses the schedule for access changes or closures.
- Will the sewer be changed?
No, the sewer is deep enough that there will be no change.
- Can the overhead lines be undergrounded?
No, it is too expensive to be included in this scope of work.
- What are the construction hours? Is work allowed at night and on weekends?
Hours of construction are limited by permit type: generally a window of 7am to 7pm for building permits (vertical construction and site work) and a window of 7am to 5pm (sometimes

shorter depending on the road) for right-of-way permits. Road work is limited to weekdays. Any exceptions to these, such as longer hours or weekend work in the road, have to be approved by the City. [Subsequent to the meeting, Public Works field staff confirmed night work was authorized on Ridge Road to reduce daytime impact on businesses and because no residences are adjacent.]

- There was discussion of noise violations and RV camping and a request for more police patrols in the area.
Wheat Ridge staff will advise the Police Department of these observations and request added patrol.

Aside from the neighbors at the meeting, staff received one written inquiry from a property owner in the area; they did not express any objections.

October 2, 2019 – 6 PM
Neighborhood Meeting

Please
sign in!

52nd Avenue –
Annexation & Zoning of
Segments between Ward and Tabor

PLEASE PRINT

	<u>Name</u>	<u>Address</u>
1.	Kathy Robert	5263 Union Ct, Unit 2, Arvada, CO 80002
2.	Tony Rubin	5203 Glimon Ct. #6 ((((((
3.	Charlotte & Becky Mayo	11415 W 52 nd Ave Wheatridge CO 80033
4.	Michael Ricks & Patrick O'Connor	11855 W 52 nd Ave 80033
5.	Terry Fouke	5274 Taft Ct. Arvada CO 80002
6.	Tom Pettker	5202 Union Ct Unit 3 Arvada 80002

Name

Address

7. Marie Feltenstein 5320 Tabor St Arvada
8. Inove DRABEK 5230 TABOR STREET Arvada, 80002
9. Harry Shriver 5230 Tabor St, Arvada
10. Jeff Warrington 5265 Taffel St. Arvada, 80002
11. Dennis Duman 5355 WILD WYR Arvada CO 80002
12. Frank ~~Shae~~ Taylor 124555th Ave Arvada, ~~80002~~
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____