

1996 Niwot Alley Study

Final Report

X Background

Two events led to undertaking this study. First, the Niwot Business Association was interested in the possibilities for alley improvements in certain geographic areas. Secondly, new developments were affecting the alleys by generating more traffic and making use of the alley for access to parking areas.

X Policy History

Within historic districts, vehicular parking typically takes place at the rear of a site. This is true for both business and residential development. During the adoption of the Niwot Rural Community District, discussion amongst Land Use and Transportation staffs, business owners, and a few members of the residential community touched on parking locations. At that time, it was generally agreed upon that parking should occur at the rear of lots, as was typical. This configuration would promote an aesthetically pleasing street scape along Second Avenue instead of a long expanse of pavement along the front of each building. There are statements in the NRCD file as well as letters from Transportation Department staff in associated files that support the position of rear-lot parking.

The records do not indicate, however, that there was an in-depth discussion of the role that the alleys play in accessing the rear of lots. Once development within the NRCD became more common-place, it became obvious to county staff and to many directly effected landowners that another examination of the alley issue was important.

X Project Goals

The goals of the 1996 Alley study, begun in January of this year, were three-fold.

1. Identify errors in the parcel map and clarify the physical condition of the alleys.
2. Determine if there were currently unvacated alleyways that were no longer being used. These alleys would then become potential candidates for vacation.
3. Clarify the County's position on the use of alleys to access parking areas for new

A quick review of the facts:

- Niwot's alleys are public-rights-of-way that were originally created in 1875!
- Niwot's townsite roads are maintained by the County, but the alleys are privately maintained.
- A "vacation" means that the alley is passed from public ownership to private ownership. A vacated alley will no longer appear on plats for the townsite.
- Typically, adjacent property owners will split a vacated alley down the center. Each half becomes part of someone's private property.

development.

X Research Methodology

Staff utilized both primary and secondary sources to gather information related to the alleys. An intern walked the alleys and made notes of the physical condition of the rights-of-way. The intern also conducted an extensive search of the vacation files for the Niwot Townsite and was able to determine where past vacations had not been included on the parcel maps. Through this search, the intern was also able to identify alleys that had not been legally vacated but were being used, and had been used for over twenty years, as private land.

The next step in the process was to gather public opinion related to the alleys. A short survey was mailed to all property owners within the Niwot Rural Community District as well as all owners or Rural Residential property directly adjacent to the NRCD boundary. Forty-six survey's were mailed and 72% were returned.

The last step in the research process was to hold a public open-house to present the findings of the file search and the survey. At the open-house, held at Pioneer Bank on July 10, 1996, property owners were encouraged to make comments about the map and discuss any outstanding issues with staff. While both business owners and residence owners attended the open-house, the majority of the attendees were concerned about how increased alley use would negatively impact the residential character and quality of life.

X County Response to Concerns

Concerns about alley use fall into three groups: 1) Issues that are unfortunate (or fortunate, depending on your point-of-view) facts of modern life (External factors), 2) Issues that can be addressed by other organizations or agencies, and 3) Issues that the Land Use and Transportation Departments have the ability to address.

Since the issues that fall into category (3) above are very difficult to address, let's briefly discuss these right up front and then focus the report on solvable issues.

X External Factors

Market Demand - Boulder County is a popular place to live and work for a variety of reasons. Regardless of growth control measures that have been in place for decades, as long the economy remains reasonably strong, growth will occur. Niwot is generally thought of as an attractive locale with a citizenry with a strong sense of community. These factors contribute to a demand to locate businesses within the very limited number of business and commercially zoned areas in Niwot. Although actions taken by the County obviously have an impact on market demand and cost, many external factors will continue to make Niwot a popular location. It is more than likely that Niwot's historic downtown will continue to see new, infill development. This will, unfortunately, result in

increased traffic and a continued alteration of the original semi-rural character. This, of course, raises the question: At what point will the original character that attracted people to Niwot be altered to a point that the popularity will down-turn?

Behavior - Several individuals, both residents and business owners, are concerned about the behavior of visitors to downtown. Boulder County has a limited ability to deal with people's behavior. We can enforce zoning restrictions on those people that aren't following the rules, and we can enforce traffic violations through the Sheriff's department. The bottom line is some people behave insensitively but not illegally. We may, however, be able to improve behavior through better education.

X Issues That Can Be Addressed By Other Organizations

Traffic Violations - The Sheriff's Department is the proper authority to phone if illegal parking on public rights-of-way is occurring. For example, if someone is blocking your driveway on Second Avenue, you may want to phone the Sheriff's department.

Alley Improvements - In some blocks, the respondents to the survey indicated that they would like to see the alley improved physically. Boulder County does not maintain the alleys, so it would be up to individual property owners or a group like the NBA to make an action plan and finance improvements.

Business/Resident Communications - The NCA and the NBA have the ability to continue communications related to conflicts that may arise between the two interests. Some problems may be successfully addressed between neighbors, precluding the need for county involvement.

X Issues That Land Use/Transportation Can Address

New Development Design - Uses that are not "grand-fathered" have to follow the NRCD regulations which were adopted in 1993. These regulations are different from the Commercial Zoning regulations that were in place previous to '93. The intent of the NRCD regulations is to guide development toward an aesthetic that is compatible with the neighborhood while still recognizing that property owners within the NRCD have the right (and have held the right for decades) to construct and operate business uses within the district.

Alley Access - When new developments are proposed, the county has the authority to review the access and parking plans for visual impacts, as well as traffic impacts.

Signs - Staff has been informed on several occasions that illegal parking or other traffic violations could be resolved through better signs. The Transportation Department can discuss this possibility further.

PROPOSED ACTIONS

Administrative Policies

Based upon background information and information obtained through this study, staff suggests the following administrative policy statements to clarify the county's position. The policies are not regulations. Instead, they are statements made with the intention of creating a consistent, clear position during design review or any other process.

1. Where physically possible, Second Avenue or another primary road, should be used to access a property instead of an alley. The roads are better designed to handle traffic flow and are maintained by Boulder County. The County recognizes the fact that lot-line to lot-line development on Second Avenue, west of Franklin requires access from the alley.
2. Parking at the rear of a lot is an historical precedent in Niwot that is still appropriate today. Some lots which are already built-out depend on rear-lot parking. As such, based upon the NRCD regulations, the County will generally support rear lot parking for new businesses. In the block identified as Area 3 in this study, newly created parking areas should not have direct traffic flow from the lot to the alley. In addition, the parking area should be screened from the view of adjacent residents as much as possible through the use of fences and vegetation.
3. NRCD clarification: The NRCD fence height limitation of 48" applies only to FRONT YARDS. Along the alleys, in the rear of properties, a 60" fence may be used to screen parking areas from view.
4. Trash pick-up off of the alley is a reasonable use of the public right-of-way. However, a property owner exercising such an option should keep the trash facility orderly and attractive. Prior to permanently altering the alley to facilitate trash pickup, the owner must obtain permission from the Transportation Department.
5. Prior to undertaking any alteration of the alley, permission for the alteration **must** be granted by the Transportation Department. Remember, alleys are public land owned by Boulder County.

Vacations

At least two areas are clear candidates for alley vacation. At this time, county staff is discussing the appropriate way to proceed regarding these vacations. Property owners in this area will be contacted by County staff for further discussions.

Other Ideas

1. Property owners in both the Rural Residential and NRCD Zoning districts may wish to avoid creating a driveway that runs from the main road directly through to the alley. These driveways appear to be shortcuts to the alley for many drivers. The use of gates, vegetation, or even a “jog” in the driveway may solve the problem.
2. Property owners, either individually or with the assistance of the county, should consider posting “No Parking” signs in their driveways. In some cases, this may prevent driveways from being blocked. Changing the painted stripes on Second Avenue may also help clarify where people may and may not park.
3. A sign reading “No Outlet” posted at the west end of the alley in study area 3 (near WhyNot Cafe) could prevent visitors from using the alley with the intention of shortcutting to Niwot Road. If people know for certain that the alley doesn’t go anywhere, they will be less likely to use it.
4. The use of the alleys in study areas 1 and 2 was well established. Property owners were relatively satisfied with the use of the rights-of-way, but indicated that physical improvements would be desirable. The Niwot Business Association may wish to focus efforts to establish a “grass-roots” maintenance effort in these two areas.

Next Step

We have made efforts to summarize the comments we were given and have arrived at what we believe are compromises between the fact that the alleys are public rights-of-way that people have the right to use and the fact that increased build-out of the area is resulting in more conflict between users. There is no way to eliminate this conflict - only mitigate impacts. We will continue to pursue alley vacation where appropriate.

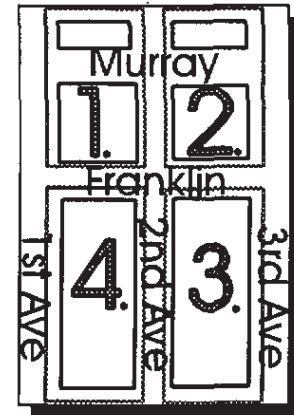
Survey Results

A limited number of people picked up the survey results at the public open house, so a copy has been included with this report.

1996 Niwot Alley Survey Results & Interpretation

✧ SUMMARY

- Due to the small size and limited number of respondents in the study area, some of the data may reflect as few as one individual's response, accounting for a large percent of a statistical category, and weighing heavily on the interpretation.
- Current alley use is almost equal between vehicle access and pedestrian access with more intense vehicle usage for access to parking in areas 1 and 2.
- Generally people feel access to the alleys should not be restricted, except in area 3 where there is a concern for traffic flow related to businesses.
- Area 3 has the most potential for future business/residential conflicts since it is used more for incidental access to backyards instead of parking access.
- Area 3 is a candidate for future alley use policy implementation to solve current and future conflicts of interests between business and residential owners.
- Areas 1 and 4 have concerns that could be solved by legally vacating portions of the alley; keeping only the needed easements, and imposing very little impact on the areas as a whole.
- Many people feel the alleys need physical improvements; (this responsibility is in the hands of the property owners adjacent to the alleys).
- All new data collected from the Open House on July 10, 1996 will be included in the final report. **THANK YOU FOR YOUR PARTICIPATION AND INPUT!**



Statistical Areas