

COMMUNITY DEVELOPMENT
Planning Division

Brighton

Brighton Crossing Filing No. 6 Final Plat and Development Agreement

CITY COUNCIL MEETING - August 15, 2023

Applicant: Ware Malcomb
Property Owner: Brookfield Residential (Colorado) LLC
City Staff Representative: Mike Tyka, AICP, Assistant Director

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Code Transition Statement

In the City's transition to the code adopted with an effective date of January 1, 2020, applications submitted prior to said effective date, such as the subject applications, were reviewed by City staff using the previous *Land Use and Development Code* and such sections and criteria are referenced in this presentation and accompanying report.

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Purpose

- Consideration of a Final Plat for the creation of a 263 lot subdivision and approval of an accompanying Development Agreement.

Processes

Annexation → Zoning → **Platting** → Permits

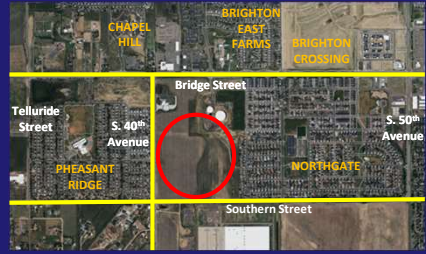
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Subject Property Location

- The Property is generally located at the northeast corner of the intersection of South 40th Avenue and Southern Street, south of Fire Station 32, and west of Mt. Elbert Street.



Aerial Map (Bing Maps, 2023)

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Subject Property Location

- The Property is approximately 63.821 acres in size.



Aerial Map (City Staff via ArcGIS, 2023)

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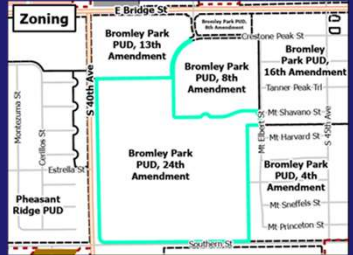
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Background

The Property:

- Was annexed in 1986 as part of the Bromley Park II Annexation;
- Has been residentially zoned as 'Single Family Detached' since 2020 via the Bromley Park PUD 24th Amendment; and
- Was previously zoned a mix of single family detached and attached and then as multi-family.



Zoning Map (City Staff via ArcGIS, 2023)

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Final Plat Items

The Plat includes:

- 263 lots for low density residential development;
- Appropriate rights-of-way and easements for utilities and drainage; and
- Tracts for a park, landscaping, and drainage.

SUBDIVISION DATA TABLE		
DESCRIPTION	NUMBER	ACRES
LOTS	263	39.491 ACRES
TRACTS	8	12.650 ACRES
RIGHT-OF-WAY		11.680 ACRES
TOTAL		63.821 ACRES

Srips of Final Plat

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Development Agreement

- In summary, the Development Agreement provides, generally, that the Owner/Developer or assigns will:
 - Dedicate right of way, design, and construct the remaining eastern one-half (1/2) of South 40th Avenue to full width from Southern Street to Developer's north property boundary line;

Current Condition (Google Maps, 2023)

Srip of Civil Set

- Construct raised non-irrigated medians on South 40th Avenue with reimbursement by the City for one-half (1/2) of said work;

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Development Agreement

- Design and construct interim right lane at South 40th's intersection with Bridge Street prior to the issuance of the first building permit for any residential development in the Subdivision;

Current Condition (Google Maps, 2023)

Srip of Civil Set

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Development Agreement

- Dedicate right of way, design, and construct the remaining northern one-half (1/2) of Southern Street to full width from South 40th Avenue to the adjacent southeast corner of the Subdivision;

Current Condition (Google Maps, 2023)

Srip of Civil Set

- Construct striped non-irrigated medians on Southern Street with reimbursement by the City for one-half (1/2) of said work;

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Development Agreement

- Deposit funds with the City for the Subdivision's pro-rata share (50%) for the future construction of Lake Dillon Avenue's northward connection to South 42nd Avenue;
- Deposit funds with the City for the Subdivision's pro-rata share (5.7%) for the future construction of a traffic signal at South 40th Avenue and Southern Street;
- Deposit funds with the City for the Subdivision's pro-rata share (3.5%) for the future construction of a traffic signal at South 40th Avenue and Bridge Street;

Aerial Map (City Staff via ArcGIS, 2023)

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Development Agreement

- Expand an existing detention pond and construct a new detention pond on City owned property at the Southeast corner of the intersection of South 40th Avenue and Southern Street for the purposes of capturing runoff from the existing and expanded roadways adjacent to the Subdivision;

Current Condition (Google Maps, 2023)

Srip of Civil Set

- Construct the necessary connections for off-site drainage improvements;

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Development Agreement

- Construct a ten-foot (10') trail running north-south through Subdivision Tracts C and F; and
- Install water and sewer lines for on-site service.

S 40th Ave

Southern Street

Snip of Civil Set

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Development Agreement

- In addition, the Development Agreement:
 - Outlines a three (3) phased development approach.
 - Obligates the Developer to satisfy School District 27's cash-in-lieu of land dedication requirement.
 - Memorializes that the Developer has voluntarily agreed to be a participating development entity in School District 27's Capital Facility Fee Foundation and will pay the associated fees; and
 - That the City and Developer agree that the neighborhood parks and community parks impact fees for the Subdivision shall be used for construction costs for Venture Park.

Bridge Street

Fire Station

Water Towers

S 40th Avenue

Southern Street

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Comprehensive Plan

- Designated as Low Density Residential.
 - Aligns with:
 - Principle 1: Managing Growth Policies 1.1 and 1.3
 - Principle 2: The Freestanding City Policy 2.4
 - Principle 6: Promote Neighborhoods that Have Distinctiveness and Character Policies 6.1 and 6.3

Future Land Use Map (City Staff via ArcGIS, 2023)

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Land Use and Development Code

- Section 17-40-210, Final Plat, of the *Land Use and Development Code*, describes the requirements for a final plat and states that it shall conform to the existing Zoning Ordinance and Subdivision Regulations.
 - The subject property is in compliance with the *Land Use and Development Code*, and it meets the requirements for the applicable PUD zoning district.
 - The development of this Property will facilitate orderly growth and expansion of the City. It will allow the Developer to take advantage of the location of the Property adjacent to a Master Transportation Plan designated minor arterial roadway (South 40th Avenue) and a designated collector roadway (Southern Street).
 - The proposed subdivision, where its neighbors are mainly residential, planned commercial, and planned open space users, is generally compatible with the surrounding area. The Final Plat continues the development pattern of the subdivision to the east (The Village aka Northgate) along Southern Street with residential lots backing it with a landscaped buffer.

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Summary of Findings

- The Final Plat lays out appropriate rights-of-way and easements for utilities, trails, and drainage.
- The Final Plat complies with the approved Preliminary Plat.
- The Development Review Committee Staff finds the Final Plat application to be in compliance with the requirements for a Final Plat as described in the *Land Use and Development Code*, Section 17-40-210, Final Plat, and with the zoning district regulations as outlined in the applicable PUD zoning district.
- Staff finds that the Development Agreement meets the criteria for an agreement as outlined in Section 17-40-220 of the *Land Use and Development Code*.
- Staff also finds that the Final Plat complies with policies of the Comprehensive Plan.

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Public Notice and Comment

- Public Notice was provided in accordance with the *Land Use & Development Code*.

On July 31st:

- Three signs were posted on the Subject Property.
- Written notice was mailed to all property owners within 1,000 feet of the Subject Property.
- Notice was published on the City's website.

- City staff posted information for the public hearing on Facebook and Nextdoor.
- No comments were received by City staff as of the posting of the agenda packet.

Posted Signs

S 40th Ave.

Southern St.

Mt. Elbert St.

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Recommendations

- ✓ The Planning Commission heard the associated Preliminary Plat request on October 24, 2019 and issued its approval unanimously with two conditions after a public hearing was held. City staff finds all conditions to be satisfied.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Brighton, Colorado, does hereby APPROVE the Preliminary Plat, attached hereto as EXHIBIT B, for the Brighton Crossing Filing No. 6 Subdivision, more particularly described in EXHIBIT A, attached hereto, with the conditions as follows:

1. The On-site and Off-site Drainage will be approved by the DRC prior to approval of the Final Plat by the City Council.
2. This Preliminary Plat approval will remain in effect for the Final Plat as long as:
 - a. The number of lots does not change by more than 10%;
 - b. The current proposed housing types do not change; and
 - c. The connecting roads to outside of the development remain the same.

RESOLVED, this 24th day of October, 2019.

- ✓ City Staff, including the Development Review Committee (DRC), recommends approval of the Final Plat and Development Agreement, and as such, it has prepared a draft resolution based on said findings.

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Options for City Council

City Council has four (4) actions it can take after reviewing this application. It may:

- ☐ Approve the Final Plat and Development Agreement via resolution as drafted;
- ☐ Approve a modified Final Plat and Development Agreement via resolution;
- ☐ Deny the Final Plat and Development Agreement via resolution with specific findings to justify the denial; or
- ☐ Continue the item to be heard at a later, specified date if the Council feels it needs additional information to ensure compliance with the approval criteria as set forth in the *Land Use and Development Code*.

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