

Brighton Charter High School Subdivision Development Agreement Amendment

City Council - October 18, 2022

Applicant: Eric Nakos, JVA, Inc.

Property Owner(s): Brighton Charter High School Building Corporation

City Staff Representative: Nick Di Mario, Senior Planner



Strategic Focus Area

Recognizable and Well-Planned Community





Subject Property Location

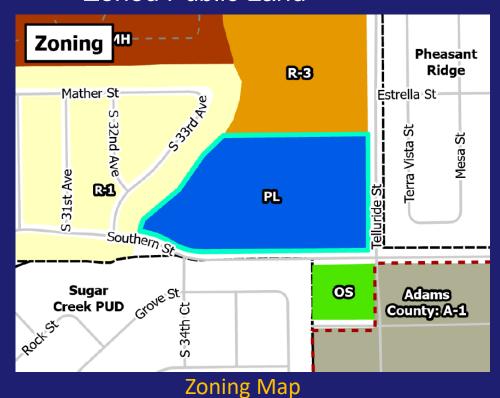
The property is generally at the northwest corner of the intersection of Telluride St and Southern St.





Brighton Background

- 13.429 acres in size
- **Zoned Public Land**



Designated Public Land





Development Agreement

- Passed via Resolution 07-51 on June 5, 2007
- Exhibit G Special Provisions 3.a.
 - Developer shall provide permanent easements, on the Final Plat, for both the westernmost and the easternmost drainage ponds and necessary access thereto.
- Exhibit G Special Provision 3.c.
 - Developer/Owner of Brighton Charter High School shall have no responsibility to construct easternmost detention pond.
 - Developer/Owner shall allow unimpeded access to the easternmost detention pond and provide reasonable accommodation to the party that constructs the pond.
 - City is responsible for construction and maintenance and a reasonable attempt to construct pond outside of normal school schedule.

CITY COUNCIL RESOLUTION

BRIGHTON CHARTER HIGH SCHOOL SUBDIVISION (FINAL PLAT AND DEVELOPMENT AGREEMENT)

RESOLUTION NO.: 07-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FINAL PLAT AND DEVELOPMENT AGREEMENT FOR THE BRIGHTON CHARTER HIGH SCHOOL SUBDIVISION, WITH ONE CONDITION, MORE PARTICULARLY SET FORTH HEREIN.

WHEREAS, this matter comes before the City Council upon that certain request by the Applicant, Brighton Charter High School, by and through its duly authorized Members and lawful representatives; and

WHEREAS, the specific request submitted by the Applicant is for approval of the Applicant's Final Plat and Development Agreement for the Brighton Charter High School Subdivision; and

WHEREAS, at the time of the October 17, 2006 public hearing, the Development Agreement was not finalized; and

WHEREAS, approval of the Applicant's Final Plat for the Brighton Charter High School Subdivision, was granted by the City Council of the City of Brighton at a public hearing held on October 17, 2006, with the condition that the Development Agreement be finalized by December 19, 2006; and

WHEREAS, at the time of the December 19, 2006 public hearing, the City Council granted the Applicant's request for a continuation of the public hearing to provide additional time for the creation of the Development Agreement to the March 20, 2007 public hearing agenda; and

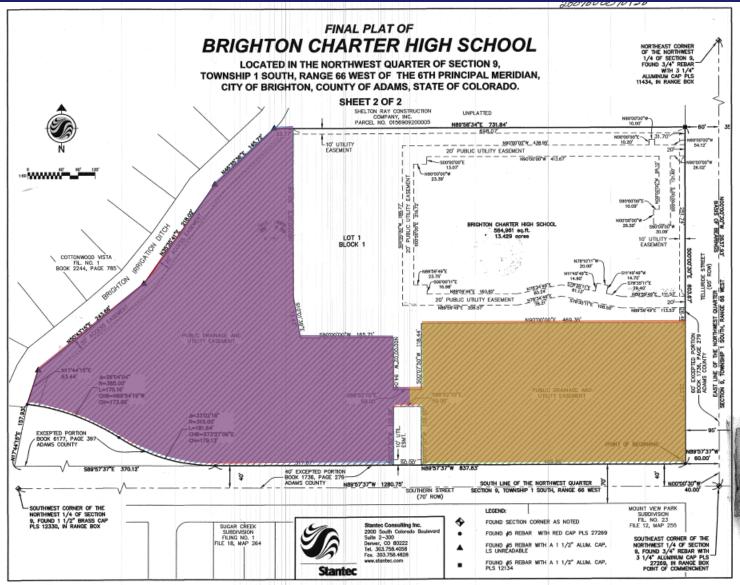
WHEREAS, the City and the Applicant have finalized and executed a Development Agreement; and

WHEREAS, the City Council has reviewed the Final Plat and Development Agreement for the Brighton Charter High School Subdivision, as the same was presented by the Applicant, and considered such application pursuant to and in accordance with the applicable provisions of the City of Brighton Municipal Code, including but not limited to the applicable procedures and criteria set forth in the City of Brighton Land Use and Development Regulations & Guidelines and Comprehensive Plan; and

WHEREAS, based upon such review, the City Council finds and determines, as set forth herein, that the Final Plat and Development Agreement for the Brighton Charter High School

Development Agreement

Final Plat



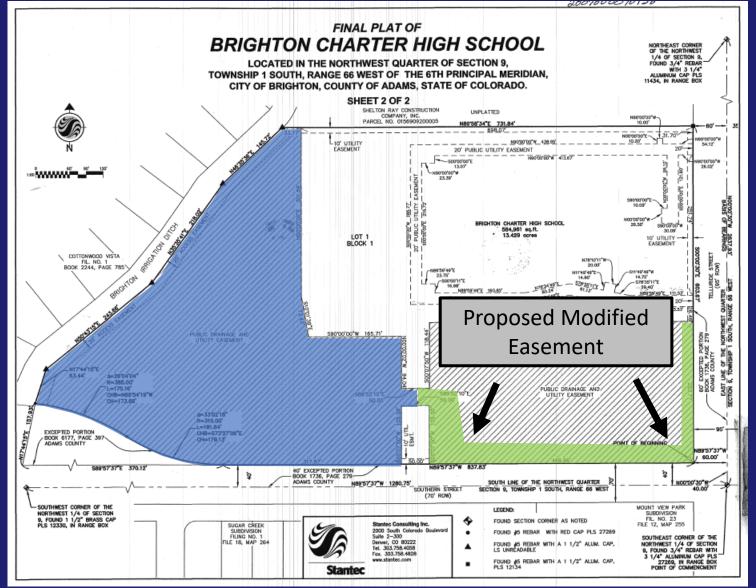


Development Agreement Amendment

- Exhibit G Special Provisions 3.a.
 - Developer shall maintain the permanent easement for the westernmost detention pond and necessary access thereto.
 - Developer shall modify, by separate document, the easement for the easternmost detention pond, and said easement will only be for the proposed public storm drainage pipes.
- Exhibit G Special Provisions 3.c.
 - The City of Brighton has retained an engineer consultant to analyze existing and future drainage patterns.
 - Analyzation has demonstrated that the easternmost detention pond is no longer needed.
 - Developer/Owner is responsible for design, construction and all costs associated with the new storm drainage pipes.



Easement Modification





Options for City Council

- Approve the Development Agreement Amendment via Resolution as drafted;
- Approve a Development Agreement Amendment via Resolution;
- Deny the Development Agreement Amendment via Resolution with specific findings to justify the denial; or
- Continue the Development Agreement Amendment to be heard at a later, specified date if the City Council feels it needs more information make a determination regarding the agreement.