

Department of Community Development

Reference: Brighton Crossing Filing No. 2 – 8th Amendment Final Plat and Development Agreement Amendment

To:	Mayor Gregory Mills and Members of City Council
Through:	Michael Martinez, City Manager
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Date Prepared:	October 14, 2024

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 & Development Code* (the "LUDC") and such sections and criteria are referenced in this report.

PURPOSE

The final plat application before the City Council is for an approximately 33.248-acre property, generally located at the southeast corner of the intersection of Longs Peak Street and N Golden Eagle Parkway. The property, to be known as Brighton Crossing Filing No. 2 8th Amendment ("Property"), is owned by Brookfield Residential (Colorado) LLC (the "Applicant" or "Developer"). The proposal is for the creation of a 161-lot subdivision for low density residential development, and to designate lots for future development landscaping tracts, easements for utilities, and to dedicate rights-of-way ("Final Plat").

Platting is necessary as it creates several items including but not limited to lots for future use, easements for items such as utilities, and rights-of-way for streets associated with the subdivision.

Per the former LUDC, City Council is tasked with the final decision on requests to final plat properties within City limits. The former LUDC outlined review criteria upon which the decision should be made. A resolution to final plat, aka subdivide, the Property must be approved by City Council to be considered approved.

A development agreement is included for review and approval with the final plat. The purpose of this agreement is to outline the expectations the City has for the Developer regarding the Property as it develops.

BACKGROUND

The Property was annexed in 1985 as part of the Bromley Park Annexation. Most recently, the Property was zoned as the Bromley Park P.U.D. 18th Amendment (PUD) in 2015 and is designated via the PUD for 'Single Family Detached' residential according to the Bromley Park Land Use Regulations. The Property was most recently platted into 'super blocks' by the Brighton Crossing Filing No. 2 6th Amendment Final Plat. Platting land into super blocks is common practice by developers and allowed by the Bromley Park PUD, and the Applicant platted the Property in such a way with the intention of returning later to plat the Property into individual lots for single family detached residential uses. Platting is the third step in the land development process with the City for this type of development (Annexation > Rezoning > Platting > Permits).

Surrounding Land Use(s):

<i>Surrounding Direction</i>	<i>Land Use(s)</i>	<i>Zoning</i>	<i>Annexation Status</i>
North	Single Family Residential	Bromley Park PUD 20 th Amendment	City of Brighton
South	Public Utility (stormwater pond)	Agricultural	Adams County
East	Single Family Residential Public Utility (stormwater pond)	Bromley Park PUD 7 th Amendment	City of Brighton
West	Single Family Residential	Bromley Park PUD 5 th Amendment	City of Brighton

STAFF ANALYSIS**Final Plat:**

The Final Plat is for a 33.248-acre subdivision comprising 161 lots of varying size for the development of low-density residential uses. Additionally, the Final Plat includes two super blocks totaling 2.199 acres that are being set aside for future platting and landscaping. It is important to note that these super blocks will be re-platted in the future and will be required to adhere to the appropriate PUD and LUDC standards. The Final Plat also dedicates 5.822 acres of tracts that will be used for pedestrian connectivity and landscaping, as well as right of way for local roads totaling 5.554 acres. Additionally, a 5.35 acre drainage pond rests to the south of the Property ("Pond 308"). There are several properties and developments within the various Brighton Crossing Filing No. 2 neighborhoods that drain to this pond, including the Property discussed in this memo. More specifics are provided on Pond 308 later in this memo.

Please refer to the attached Final Plat for further detail.

Development Agreement Amendment:

The Final Plat is accompanied by a development agreement titled the Brighton Crossing Filing No. 2 Development Agreement, 5th Amendment (the "Agreement Amendment"). It is important to note that despite the Final Plat and Agreement Amendment having different titles, the attached Agreement Amendment is the specific development agreement for the Property as included in the Final Plat. Any items from the original agreement not amended by the Agreement Amendment will remain in full force and effect.

As of the date of this memorandum, the Agreement Amendment has been partially executed by the Applicant as well as the applicable metropolitan districts, to which the Agreement Amendment assigns certain maintenance responsibilities. The specific metropolitan districts that are a party to the Agreement Amendment are the Brighton Crossing Metropolitan District No. 4 ("District 4") and Brighton Crossing Metropolitan District No. 7 ("District 7") (collectively, the "Districts"). The Agreement Amendment will only be fully executed, with signatures from the City, upon approval by the City Council.

Below is a summary of the Agreement Amendment as it relates to the Final Plat.

Timing and Maintenance of Drainage Facilities:

The Property will be required to construct drainage infrastructure that carries storm flows to Pond 308; however, the Applicant does not own Pond 308, nor does the City have jurisdiction over

Pond 308. This is due to the fact that Pond 308 is not within the municipal boundary of the City, rather it is adjacent. The City and Applicant are party to multiple documents that ensure the timing, long-term maintenance and infrastructure improvements related to Pond 308. The Infrastructure Improvements Agreement, recorded with Adams County at Reception number 2024000039315 (the "Infrastructure Improvement Agreement"), was executed between the City and the Applicant in July of 2024. The Infrastructure Improvement Agreement ensures that the Applicant will construct the necessary improvements to Pond 308 to serve the development of the Property. Additionally, the City and Adams County executed the Memorandum of Understanding to Allow for Improvements and Expansion of Regional Detention Pond 308 (the "MOU") on June 18, 2024. The MOU details the responsibilities of both the City and Adams County. It will be the City's responsibility to inspect all stormwater infrastructure associated with Pond 308 that occurs within the municipal boundary, while Adams County will be responsible for enforcement over any area of Pond 308 occurring outside of the City's municipal boundary. In summary, the Agreement Amendment references multiple agreements that ensure the Applicant will construct the Pond 308 improvements, as well as ensuring the long-term maintenance responsibilities of the City and Adams County.

Community Mailboxes:

The Applicant will be required to construct community mailboxes at locations and designs approved by the US Postal Service for the use of all residents within both phases of the project. No residential building permits will be issued until said mailboxes have been constructed.

Trail and Sidewalk Improvements:

The Applicant will be required to design and construct all trails and sidewalks as shown on the approved construction plans associated with the Final Plat.

Water Dedication:

Pursuant to the Third Amendment to the Bromley Park Annexation Agreement dated May 28, 1996, the Applicant will be required to pay fee in lieu of water dedication. At the time of development permit (i.e. the permit pulled to construct roadways, water and sewer lines, and any other horizontal improvements), the Applicant will be required to pay a fee in lieu of water dedication for any water that will be used for the irrigation of landscape tracts and right of way landscaping. At the time of residential building permit issuance, the Applicant, or a future home builder, will be required to pay a fee in lieu of water dedication in conformance with City ordinance.

Water Taps:

The Agreement Amendment details the obligation of the Districts to purchase and maintain water taps used for the irrigation of landscape tracts.

Tract Maintenance:

The Agreement Amendment details the obligation of the Districts to maintain any tracts as denoted on the Final Plat.

Future Development Signs:

The Applicant will be required to construct future development signs at the terminus of roads extending into the next phase of development. Any roadways constructed in any phase that will be extended with the next phase will need such a sign.

Capital Facility Fee Foundation (School District 27J):

As the Agreement Amendment requires participation in the Capital Facility Fee Foundation, the Applicant, or a future home builder, will be required to present proof to the City that fees were paid to such foundation as a condition of the issuance of any residential building permit.

As mentioned, any items of the original agreement not amended by the Agreement Amendment will remain in full force and effect.

Please refer to the attached draft agreement amendment for further detail.

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM
COMPREHENSIVE PLAN:

The future land use portion of the Comprehensive Plan, *Be Brighton* (the “Comprehensive Plan”), has designated the Property as ‘Low Density Residential’ and ‘Parks and Open Space’. A single-family detached residential subdivision is an appropriate use in said designations. Furthermore, the portion of the Property designated as Parks and Open Space is designated as landscape tracts to maintain the feel of the natural environment, specifically along the Speer Canal.

The layout of the subdivision complies with Comprehensive Plan design elements such as connectivity and design. The current zoning of the Property allows low density residential development according to the ‘Single Family Detached’ residential use standards as outlined in the Bromley Park Land Use Regulations. The Comprehensive Plan includes a number of guiding aspects for development. The proposed Final Plat aligns well with the Property’s designation as Low Density Residential as 1.) The Property will develop with a highly connected street pattern, as new roadways will continue the build out of future streets; 2.) The Property will construct trails that connect to existing regional trails, such as the Speer Canal Trail, creating a safe and walkable neighborhood environment; 3.) The Property will develop in close proximity to parks and schools, with multiple parks and an elementary school to the north and northwest; and 4.) The Property is buffered to both an interstate and arterial street by the presence of regional storm drainage and open spaces to the south and east.

The Final Plat also aligns with several principles and policies from Chapter Four of the Comprehensive Plan. Below is a synopsis of the applicable principles:

Managing Growth Principle 1: Policies 1.1, 1.2, 1.3 and 1.5

The Final Plat pursues the above mentioned policies by proposing development in an area with readily available utility and roadway connections, furthering the Comprehensive Plan’s vision of guiding low density residential development to an area designated for such development, by requiring the Developer to finance the construction of future municipal infrastructure that will serve the development of the Property, and as included in the Agreement, requiring the coordination between the City, Adams County, and the Applicant to ensure the function of public drainage facilities.

The Freestanding City Principle 2: Policies 2.1, 2.2 and 2.4

The Final Plat pursues the abovementioned policies as development of the Property as single family residential will contribute to the balance between residential and non-residential uses, and any future development occurring within the Property can be adequately served as it is within the Urban Service Area. Lastly, the Property is located within an urbanized area and was most

recently platted into super blocks for future platting. That said, the Property has been contemplated for development in the years leading up to this application.

Open Space and Natural Environmental Principle 3: Policies 3.2 and 3.5

The Final Plat pursues the abovementioned policies as the Developer will be required to design and construct certain segments of a regional trail system that will connect to the existing Speer Canal Trail, and by doing so, further pursuing goals of reducing vehicle miles traveled and improving air quality.

Multimodal Transportation Principle 4: Policy 4.1

As noted, the Developer will be required to design and construct portions of the trail that connect to the Speer Canal Trail. With construction of said trail, residents will be able to utilize alternative modes of transportation to access nearby parks and a school.

Distinctive Neighborhoods Principle 6: Policies 6.1 and 6.2

The Final Plat pursues the abovementioned policies by developing the Property in a manner that creates a safe, walkable, and connected environment via the construction of trail segments, street landscaping and building off of a network of existing roadways. Furthermore, future residential development will be designed in such a way to enhance the streetscape. Said design will adhere to the applicable residential design standards.

LAND USE AND DEVELOPMENT CODE (the “LUDC”):

Section 17-40-250 *Plat Amendment* of the previous LUDC describes the requirements for any amendment to an approved final plat. It states that any plat amendment not substantially similar to the approved final plat shall be brought to City Council for review and approval. In this case, the Final Plat reconfigures roadways designated by the prior final plat and as such, the Final Plat is being presented to City Council. Furthermore, any plat amendment shall be reviewed against the applicable review criteria as included in Section 17-40-210 *Final Subdivision Plat* of the LUDC.

The Property, as presented in the Final Plat, is in compliance with the review criteria as included in the LUDC. Furthermore, it meets the development standards of the applicable zone district as included in the Bromley Park PUD 18th Amendment and the Bromley Park Land Use Regulations. Specifically, the lots created by the Final Plat conform to the Single Family Detached zone district by meeting minimum lot size and lot width requirements. The proposed Final Plat, where its neighbors are all residential, is generally compatible with the surrounding area. The Final Plat contains a similar development pattern, in terms of density and roadway and lot layout, to the surrounding Brighton Crossings and Brighton East Farms neighborhoods.

Section 17-40-220 of the *Land Use and Development Code* outlines that before the City Council accepts and approves a final plat, the Applicant shall have entered into an agreement with the City that outlines the timing and construction of all necessary public improvements. A detailed Schedule of Improvements and Phasing Plan has been included with the draft Agreement.

DEVELOPMENT REVIEW COMMITTEE (the “DRC”):

The DRC reviewed this project and recommended approval. This includes review and approval of the draft Agreement Amendment. The Public Works and Utilities Departments find that the improvements associated with the Property are sufficient to serve the future and surrounding residents. Multiple outside agencies, such as School District 27J and the Farmers Reservoir and

Irrigation Company (FRICO), were involved in the review of the proposal. None of the outside agencies voiced opposition.

A complete list of comments and the agencies who made them are available upon request.

PUBLIC NOTICE AND INQUIRY

As outlined in the LUDC, mailings were sent to all property owners within 1,000' of the Property. These mailings were sent on October 18, 2024 and included a letter describing the proposed Final Plat, the time and place for the public hearing, and a map of Property. Along with the public mailings, three (3) public hearing signs were posted on October 18, 2024 on the Property. Additionally, a notice was published on the City's website on October 18, 2024. Although not required, staff posted notice to various social media platforms the same day.

As of the date of this staff report, no formal comments have been received by staff.

SUMMARY OF FINDINGS AND STAFF RECOMMENDATION

Staff finds the Final Plat complies with the Subdivision Regulations found in Section 17-40-210 and that the draft Agreement Amendment complies with Section 17-40-220 of the previous LUDC. Staff also finds that the Final Plat complies with policies of the Comprehensive Plan. As such, staff is therefore recommending approval of the proposed Final Plat and Agreement Amendment. Staff has drafted a resolution for approval if the City Council agrees with this recommendation.

OPTIONS FOR COUNCIL CONSIDERATION

The City Council has four (4) options when reviewing this application. City Council may:

- 1.) Approve the Final Plat and Agreement Amendment via resolution as drafted;
- 2.) Approve a modified Final Plat and Agreement Amendment via resolution;
- 3.) Deny the Final Plat and Agreement Amendment with specific findings to justify the denial;
or
- 4.) 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 previous LUDC.

ATTACHMENTS

- Draft City Council Resolution
- Draft Development Agreement Amendment
- Brighton Crossing Filing No. 2 Development Agreement (the original agreement)
- Aerial Map by City Staff
- Proposed Final Plat by Applicant
- Previous Land Use and Development Code Sections 17-40-210, 220 and 250
- Bromley Park Land Use Regulations
- Neighboring Property Owner Notification
- Neighboring Property Owner Mailing Buffer Map
- Affidavit of Sign Posting
- Website Notice
- Website Notice Posting Proof
- Draft Staff Presentation