



Legislation Details (With Text)

**File #:** ID-90-18      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Agenda Ready  
**File created:** 3/13/2018      **In control:** City Council  
**On agenda:** 3/20/2018      **Final action:**

**Title:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE BROMLEY PARK, FILING 102, 1ST AMENDMENT DEVELOPMENT AGREEMENT, FOR APPROXIMATELY 122.377 ACRES OF PROPERTY, GENERALLY LOCATED WITHIN SECTION 1, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BRIGHTON, COLORADO, AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 4-76 Commerce Center\_Resolution for Development Agreement Revised 3-20-18, 2. 3-Exhibit C 76 Commerce Center Development Agreement, 3. 1-76 Commerce Center \_Location Map, 4. 2-76 Commerce Center EDC Incentive Agreement, 5. 5-76 Commerce Center Traffic Improvement Summary Letter, 6. 6-76 Commerce Center\_Staff Power Point, 7. 7-76 Commerce Center Applicant Power Point-Mar 2018

Date	Ver.	Action By	Action	Result
3/20/2018	1	City Council		
3/20/2018	1	City Council		

**Department of Community Development**

**Reference:** 76 Commerce Center Development Agreement

**To:** Mayor Kenneth J. Kreutzer and Members of City Council

**Through:** Holly Prather, AICP, Community Development Director

Marv Falconburg, AICP, Assistant City Manager

Philip Rodriguez, City Manager

**Prepared By:** Lauren Simmons, AICP, Senior Planner

**Date Prepared:** February 26, 2018

**PURPOSE**

The subject Development Agreement for Bromley Park, Filing 102, 1<sup>st</sup> Amendment, also known as 76 Commerce Center (the "Agreement") is for the subdivision located off the Eastbound I-76 Frontage Road, north of Bridge Street and south of Baseline Road. The applicant for the project is the development company known as Hyde Development, LLC. The applicant is seeking approval of a Development Agreement to develop a 122.377 acre parcel for 1.8 million square feet of industrial development. The property was originally platted under the terms of the Bromley Park Annexation Agreement which allowed for platting to occur administratively. The purpose of a Development Agreement is to formalize the public improvements required for the 76 Commerce Center's current administrative plat and future subdivisions of the property.

**BACKGROUND**

The property is located in the Bromley Park Metropolitan District No. 6 and the South Beebe Draw Metropolitan District. The property was originally platted into two lots on July 12, 2005 as an administrative plat. Lot 1 is the existing East Cherry Creek Valley Treatment Plant. The property is subject to the Bromley Park PUD, Amendment No. 1 and all applicable provisions of the Annexation Agreement and subsequent Amendments. On August 15, 2017, the City Council approved an Economic Development Corporation incentive agreement for this project, attached. Due to the impacts of the 76 Commerce Center and the off-site improvements needed, a Development Agreement is required to outline those obligations and the timing for the design and construction of the improvements.

**Surrounding Land Use(s):**

Surrounding	Current Land Use(s)	Zoning	Annexation Status
<b>North</b>	Agricultural	Commercial Mixed Use	Town of Lochbuie
<b>South</b>	Agricultural/Adams County	A-3	Adams County
<b>East</b>	Agricultural/Adams County	A-3	Adams County
<b>West</b>	Agricultural/Industrial	Bromley Park PUD	City of Brighton

**CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM**

**Comprehensive Plan:**

The Bromley Park Filing 102, 1<sup>st</sup> Amendment is zoned as the Bromley Park Planned Unit Development (PUD) that designates the area for industrial land uses. This zoning aligns with the designation of Industrial by the City's Comprehensive Plan, *Be Brighton*. According to *Be Brighton*, the City would like "light and heavy manufacturing, processing, assembly, large distribution warehouses and truck terminals" to be located on the property. The Development Agreement seeks to maintain the vision for the area by allowing lots for various warehouse and manufacturing buildings within the 76 Commerce Center development.

**Development Agreement:**

When reviewing this Agreement, the City Council should consider what the developer is bringing to the City and the impacts of the 1.8 million square feet of industrial development.

**Development Review Committee (DRC) Review:**

The Development Review Committee (DRC) and referral agencies, including the Colorado Department of Transportation (CDOT) Regions 1 and 4, the East Cherry Creek Valley Sanitation District and the Town of Lochbuie have reviewed the Plat, Construction Plans and Traffic Impact Study considering existing entitlements, easements, brine wells, required public improvements and the permits required for those improvements. CDOT is the permitting agency for all improvements to the Frontage Road and the interchanges along I-76.

The Traffic Impact Study, performed by Kimley Horn, evaluated the impacts of the development on the Frontage Road, as well as the interchanges at I-76 and Bromley, I-76 and Bridge and I-76 and Baseline Road and the traffic related scenarios in the years 2020 as well as 2040. Staff requested that the Study measure the impacts of the development on those interchanges and collaborated with CDOT regarding the interchange at Baseline Road since that interchange lies within the jurisdiction of the Town of Lochbuie. All impacts to the interchange at Baseline Road will be assessed and permitted by CDOT.

The Development Agreement specifies that the impacts of the development on the intersection with the I-76 East Frontage Road and Bridge Street be designed and constructed as an all-way stop condition. To address the impacts of the development on the I-76 and Bromley interchange, the recommended improvements are to install a traffic signal, signage, striping and road widening, however, since the calculated impacts from the Traffic Study are very minimal, about 3.1% for the Eastbound Ramp intersection and 2.3% for the Westbound Ramp, the recommendation is that those impacts be paid with a fee-in-lieu (see the attached memo from Kimley Horn). Additionally, the estimate of Traffic Impact Fees that would be required to be paid for the completed industrial project is estimated at nearly \$700,000.

**PUBLIC NOTICE AND INQUIRY**

As this item is not a public hearing, no notice was published other than that of the general meeting agenda. Planning staff has received no formal comments on the matter as of the date of this report.

**SUMMARY OF FINDINGS**

The significant provisions of the proposed Development Agreement include:

1. The Developer shall construct three access points and the associated turn lanes prior to the issuance of building permits for that phase of development, ensuring that each lot has two points of access and that there is emergency access from Bridge Street.
2. The Developer shall design and construct all way stop controls at Bridge Street and the I-76 Eastbound Ramp.
3. The Developer shall pay a fee-in-lieu of in the amount of \$32,400, for the pro rata share of the cost of the improvements to Bromley Lane and the I-76 interchange and provide the City with a preliminary design of the interchange.
4. The Developer shall dedicate 25.17 water shares prior to the completion of the first building in the development.

### **STAFF RECOMMENDATION**

As this request is consistent with the approved Plat Amendment that meets the review criteria for its application found in the *Land Use and Development Code*, staff recommends approval of the Development Agreement. A draft Resolution has been provided to the City Council should it decide to proceed with the Development Agreement as presented. Approval by City Council of this Agreement will allow for 76 Commerce Park to begin construction of the infrastructure associated with Phase 1 of the Development.

### **OPTIONS FOR COUNCIL CONSIDERATION**

The City Council has four options when reviewing this Development Agreement:

- 1) To approve the item as presented via resolution;
- 2) To approve the item with changes or conditions via resolution;
- 3) To deny the item; or
- 4) To continue the item to be heard at a later specified date.

### **ATTACHMENTS**

- Project Map
- EDC Incentive Agreement
- Draft Development Agreement-Signed by Applicant
- Draft Resolution for Approval
- Traffic Impact Letter from Kimley Horn