



Legislation Text

File #: ID-201-24, Version: 1

Department of Community Development

Reference: Otten Annexation Agreement

To: Mayor Gregory Mills and Members of City Council

Through: Michael P. Martinez, City Manager

Prepared By: Summer McCann, Senior Planner

Date Prepared: May 14, 2024

PURPOSE

To consider a resolution approving an annexation agreement for the Otten property (the "Annexation Agreement"). An annexation agreement identifies general terms, applicable codes, ordinances, and master plans that will apply to the future development of the Property.

The 4.918-acre property (the "Property") is generally located to the north of East 136th Avenue, south of Prairie Center Parkway, east of South 27th Avenue, and west of I-76. Thomas Otten is the project contact working on behalf of the Property owner and annexor, Donald M. Otten Revocable Trust (the "Annexor"). The Property is 100% contiguous with the existing Brighton city limits. The City of Brighton's Comprehensive Plan, *Be Brighton*, designates the Property as appropriate for Commercial.

A Petition for Annexation (the "Petition") was accepted by the City Council at a regular meeting held on April 2, 2024, at which time the City Council found that the Petition was in substantial compliance with the applicable laws of the State of Colorado. See attached City Council Resolution No. 2024-43 for further information. On May 21, 2024, City Council held a public hearing and approved at first reading both the Annexation Ordinance and Zoning Map Amendment Ordinance.

OVERVIEW OF ANNEXOR'S OBLIGATIONS UNDER THE ANNEXATION AGREEMENT

The purpose of an annexation agreement is to generally identify the terms, conditions, and adopted City codes, ordinances, and master plans that will apply to the development of the Property. It is necessary to review the agreement through the lens of any possible future user as this Annexation Agreement will be tied to the land in perpetuity. Annexation agreements contain development obligations that are broad. As the Property continues through the development process, the development obligations will become more specific and will be set out in development agreements which accompany the final plat. This is due to the fact that at the time of final plat, more detailed information is known about the lot sizes, end users, etc. Terms specific to infrastructure items of the Annexation Agreement are as follows:

Transportation. In conformance with the *Land Use & Development Code*, as well as the City's *Transportation Master Plan*, the Annexor will dedicate right-of-way necessary to allow for the extension of East 136th Avenue as a Major Arterial Street section. In addition, if the Annexor acquires property adjacent to South 27th Avenue, they will be required to dedicate the necessary right-of-way to accommodate a Major Arterial Street section. The Annexation Agreement outlines possible improvements to both East 136th Avenue and South 27th Avenue that will be further determined at the time of a final plat and in the accompanying development agreement. Additionally, the Annexation Agreement outlines construction and financial obligations at the intersection of East 136th Avenue and South 27th Avenue, including improvements to the existing traffic signal. At the time of

development, the Annexor will construct the necessary access point(s) to the Property, underground adjacent overhead utility lines and install adjacent street lighting.

Utility Service and Stormwater. In conformance with the *Municipal Code* and the *Land Use & Development Code* with regards to Water, Stormwater and Sewer Connections: the City agrees to provide water and sewer service to the Property as long as the Annexor constructs all infrastructure needed to bring those services to the Property. Additionally, the Annexor may be responsible for upsizing any utility infrastructure if there is not sufficient capacity for the development. A non-potable water system will also be required internal to the site at the time of development. Water dedication will be satisfied at the time of site plan, or at such other time as may be required by the *Municipal Code*, as amended.

Zoning. In conformance with the *Municipal Code*, the *Land Use & Development Code*, and the Comprehensive Plan, the City agrees to consider the proposal for C-2 (Restricted Retail & Services), zoning of the Property.

Fees. In conformance with the *Municipal Code*, the *Land Use & Development Code*, and any other relevant fee resolutions in effect at the time of development, the Annexor will provide appropriate dedication, or fee-in-lieu of dedication, of parks and open space. The Annexor agrees to adhere to Resolution 2016-42 (South Brighton Infrastructure) and will pay all applicable fees at the time specified in said Resolution. The Property is also subject to the Prairie Center Comprehensive Funding Agreement. As a condition precedent to the approval of a subdivision plan or final plat, the Annexor will either pay its pro-rata share of costs for public improvements or enter into a reimbursement agreement with the applicable entities. The Annexor is aware of the School District 27J Capital Facility Fee required with residential development.

STAFF RECOMMENDATION

City staff finds that the Annexation Agreement is in line with City codes, plans, and policies and, therefore, recommends approval.

OPTIONS FOR COUNCIL CONSIDERATION

The City Council has four options when reviewing this Annexation Agreement application. City Council may:

- 1.) Adopt the Resolution approving the Annexation Agreement;
- 2.) Adopt a modified resolution approving the Annexation Agreement ;
- 3.) Deny the Resolution 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.

ATTACHMENTS

- Draft Resolution Approving the Annexation Agreement
- Draft Annexation Agreement
- Aerial Map by City Staff
- Annexation Map
- Resolution 2024-43 (Substantial Compliance)
- Resolution 2024-53 (Findings of Fact / Annexation Eligibility)
- Draft City Staff Presentation