



## Legislation Text

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### Department of Community Development

Reference: Brighton Ridge Subdivision Plan

**To:** Mayor Gregory Mills and Members of the City Council  
**Through:** Michael P. Martinez, City Manager  
**Prepared By:** Emma Lane, Senior Planner - Historic Preservation  
**Date Prepared:** November 1, 2022

### INTRODUCTION / PURPOSE

The Subdivision Plan application before the City Council is for an approximately 103.57 acre property, generally located south of E. 120<sup>th</sup> Avenue, west of Sable Boulevard and east of Southgate Boulevard, on both sides of Potomac Street, (renamed South Platte Valley Avenue via the Subdivision Plan document) (the "Property"). Travis Frazier of Redland is the applicant (the "Applicant") working on behalf of the Property owner, Walk Off, LLC (the "Owner").

The Brighton Ridge Subdivision Plan anticipates a mixed-use development with residential, mixed-use, commercial and open space uses. Residential use categories will range from R-3, multi-family residential, to R-2, mixed-use residential, with 13.63 acres designated as multi-family, and 17.74 acres designated as single-family detached and attached units. The Subdivision Plan also calls for 5.54 acres specifically for commercial use, and 30.10 acres designated for mixed-use commercial or residential uses. The proposal designates a total of 26.84 acres in tracts, made up of 7.54 acres for detention ponds, 11.28 acres of dedicated open space, 3.08 acres in tracts for landscaping, and a 5 acre tract for a neighborhood park. The remaining acreage is dedicated to road right-of-way.

### STRATEGIC FOCUS AREA

- Recognizable and Well-Planned Community

### BACKGROUND / PROCESSES

The subject Property was annexed as part of the Fuller Estates East Annexation. The Property was annexed in 1988 via City Council Ordinance 1314, and zoned the Fuller Estates East PUD via City Council Ordinance 1315, which allowed this property uses such as Mixed Use - Office and Mixed Use - Commercial. The Property was rezoned in 2022 via City Council Ordinance 2388 to OS, MU-CC, C-2, R-2, and R-3.

Platting is necessary as it results in the creation of lots and/or tracts for future use(s), easements, and rights-of-way for streets within the proposed subdivision. Platting is the third step in the land development process with the City (Annexation > Rezoning > Platting > Site Plan Review > Permits).

Due to the number of lots being created and right of way being dedicated, a Subdivision Plan application and process is triggered. In the City's platting process, as set forth in *Land Use & Development Code's* Section 2.02.D.2, a subdivision plan is first brought before the Planning Commission for their consideration of approval and then to the City Council for their consideration of acceptance. If a subdivision plan is approved and

accepted, a final plat can be administratively reviewed and approved by City staff provided no substantive changes are made between acceptance by City Council and final engineering design, facilities, or dedication finalization in association with the final plat. Public hearings are held at both the Planning Commission and City Council for a subdivision plan.

**Surrounding Land Use(s):**

<i>Surrounding Direction</i>	<i>Land Use(s)</i>	<i>Zoning</i>	<i>Annexation Status</i>
North	<i>Single Family Residential</i>	<i>Adams County A-1</i>	<i>Unincorporated Adams County</i>
	<i>Vacant Land (Undeveloped Commercial)</i>	<i>C-3 (General Retail &amp; Services)</i>	<i>City of Brighton</i>
South	<i>Public/Institutional (School Bus Storage)</i>	<i>Fuller Estates East PUD</i>	<i>City of Brighton</i>
East	<i>Right-Of-Way</i>	<i>N/A</i>	<i>City of Brighton</i>
West	<i>Single Family Residential</i>	<i>Village at Southgate PUD</i>	<i>City of Brighton</i>

**STAFF ANALYSIS**

The Brighton Ridge Subdivision Plan proposes to build a full mixed-use development, addressing everything from basic needs, such as water and wastewater service, to quality of life amenities, such as parks, open space, and trails. The commercial and mixed-use designations allow for a sustainable and walkable community which will promote multi-modal connection.

**Water and Wastewater:**

*See Sheets 2 and 16*

The Subdivision Plan ensures that water be dedicated to the City to serve the development. The developer will connect to the existing City water and sewer lines that are within East 120th Avenue, and extend service into the Property. The extension of all water and sewer lines into the site will be paid for and constructed by the developer.

**Stormwater:**

*See Sheets 2, 14, and 15*

For storm drainage, the Subdivision Plan requires construction of infrastructure in phases. Three on-site ponds will be constructed with the first phase. In the second phase, one permanent infiltration pond will be built on-site, and a second, temporary pond will be built, which will be used until a storm outfall is constructed in Phase 6. Additionally, in Phase 4, a drainage and detention pond will be constructed.

Much of the land on the east side of South Platte Valley Avenue is located within a Federal Emergency Management Agency (FEMA) regulatory floodplain or a floodplain overlay district. The Subdivision Plan requires the developer to reform a natural drainage channel. Over the years, this channel has been straightened and shallowed because of farming activity in the area. Returning the channel to its natural state, along with the East 120th Avenue bridge construction will require a Conditional Letter of Map Revision

(CLOMR) and a Letter of Map Revision (LOMR). Until the floodplain map has been revised, no construction in the floodplain overlay district will be permitted.

**Streets:**

*See Sheets 2 and 12-14*

To facilitate access to and through the Subdivision Plan area, one major arterial and several neighborhood connector streets will be built or improved. In Phase 1, the portion of East 120th Avenue west of South Platte Valley Avenue to approximately 300 feet east of South Platte Valley Avenue including the intersection will be improved, South Platte Valley Avenue from East 120th Avenue to Gateway Street, Gateway Street from the western Property boundary to South Platte Valley Avenue, and Foley Road adjacent to Phase 1 will be constructed. The south half of East 120th Avenue will be constructed to the full major arterial street section. This includes a striped median in the center of the road, and a ten foot trail within the landscape buffer on the south side of the road. South Platte Valley Avenue will be constructed as the entrance into the neighborhood, which will include turn lanes, bike lanes, and an 8 foot sidewalk on either side. Foley Road will be constructed to the full collector street section, which typically includes one lane in each direction and a center turn lane, as well as a six foot walk on either side of the street. Gateway Street will be constructed to a full commercial street section, which typically includes one lane in each direction and a six foot sidewalk in either direction. Both the Foley Road and Gateway Street cross sections align with the existing cross sections to the west within the Village at Southgate Subdivision.

In the following phases, construction or improvement of East 120th Avenue, South Platte Valley Avenue, Foley Road, and Gateway Street will be continued in their respective street cross sections mentioned above. This will include East 120th Avenue from 300 feet east of the South Platte Valley Avenue intersection, South Platte Valley Avenue from Gateway Street to the fire turnaround at the southern boundary of the Property, and the remainder of both Gateway Street and Foley Road. Final street cross sections will be determined at the time of final plat.

**Parks, Open Space, and Trails:**

*See Sheets 2, 13, 14 and 17*

The Subdivision Plan includes dedication of a neighborhood park and open space. The open space area to be dedicated to the City is 11.28 acres of mostly floodplain in the northeast corner of the property. This open space will be dedicated to the City in Phase 3.

With each final plat, staff will evaluate the amount of parks and open space land required and compare that to the amount dedicated. If there is a deficit in the amount of land dedicated, a fee-in-lieu would be required prior to a building permit being issued. As specified by the Subdivision Plan, the neighborhood park will be constructed by the developer in Phase 2 of the development. Because the park will be dedicated in Phase 2, the dedication requirement for Phase 1 will be used toward the Phase 2 park.

The Brighton Ridge Subdivision Plan includes a regional trail that connects from East 120th Avenue on the eastern side of South Platte Valley Avenue and continues along the east boundary of the property to the southernmost point. The trail continues along the Brighton Ridge Property, just north of the School District 27J property, and connects into the existing regional trail within the Village at Southgate Subdivision. Additionally, as mentioned in the above section, a regional trail will be constructed along the south side of East 120th Avenue, connecting the existing Villages at Southgate Subdivision trail to the existing ramp at the intersection of East 120th Avenue and Sable Boulevard.

**Development Agreement:**

Because of the large nature of the development, the City and developer will negotiate a development agreement with each future filing. A list of the developer contributions has been included within the Subdivision Plan, and these contributions will be further defined, including the terms and timing of improvements, in a future phase-specific development agreement.

**Development Review Committee:**

The Development Review Committee (DRC) has participated in several formal rounds of review as well as countless topic-specific meetings for this project. The DRC provided guidance to the applicant and worked closely with the applicant to solve these challenging issues. The DRC recommends acceptance of the Brighton Ridge Subdivision Plan based on the applicable codified criteria. A complete list of comments and the agencies who made them is available upon request.

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

**Comprehensive Plan:**

The future land use portion of *Be Brighton*, the Comprehensive Plan, has designated the Property as Mixed-Use Commercial, with a small portion as Low Density Residential and Natural Resource Conservation. The Property is zoned to have a mix of uses, focusing more on commercial uses with residential uses being secondary. While the Property's Subdivision Plan focuses more on the residential uses within the Development, there are a number of site constraints that explain this. The grading of the site as well as access and visibility severely limit the commercial viability of much of the land. Commercial access to the lower portions of the property, away from East 120th Avenue, would be difficult given the depth of the Property. The commercial uses are shown along the highest trafficked roadways, along East 120<sup>th</sup> Avenue, and along Sable Boulevard and the I-76 on-ramp. Because of this, staff believes that the Brighton Ridge Subdivision Plan aligns with this section of the Comprehensive Plan.

The proposed Subdivision Plan meets other policies and strategies of the Comprehensive Plan as well. Within the Opportunity Area Policies Section of Chapter Three, the following Opportunity Area Policies are met through this project:

*Number 6. Ensure the Adams Crossing Urban Center Concentrates Employment North of E-470 with a Variety of Transit-Supportive Neighborhoods to the South*

- Bordering the Adams Crossing Urban Center, Brighton Ridge provides many of the same visions as the Urban Center. Particular to this policy, Brighton Ridge provides a variety of housing, all which can be supported by transit, and support the transit in the area. Being along East 120th Avenue, the neighborhoods that will be developed within Brighton Ridge will be conducive to transit and the developer has agreed to work with RTD in order to add any necessary facilities onsite during time of platting.

*Number 15. 120<sup>th</sup> Avenue Opportunities*

- This policy states that the corridor will provide substantial revenue for the City over time. The section also states that staff should encourage quality development that is distinctive and economically viable for the long term. This is supported by the commercial (C-2) and mixed-use (MU-CC) districts within the Development and along 120<sup>th</sup> Avenue.

Within the Comprehensive Plan Chapter on 'Citywide Principles, Policies & Strategies', the proposed Subdivision Plan advances a number of these goals:

*Policy 1.3 - Private Development Should "Pay its Own Way" by Bearing an Equitable Portion of the Costs of Expanding Municipal Infrastructure*

- Any development on the Property will pay its own way via extension of utilities, expansion of roads, and will be required to dedicate water to the City. The Subdivision Plan includes improvements to East 120th Avenue, including a new bridge across Second Creek, the extension of Foley Road and Gateway Street from the Villages at Southgate Development, improvements to South Platte Valley Avenue, improvements to Second Creek, and the construction of trails and open space throughout the development.

*Policy 2.1 - Brighton Will Continue to Develop in a Self-Sufficient and Sustainable Manner (Live, Learn, Work, Shop and Play) with an Appropriate Balance between Residential and Non-Residential Uses*

- With a mixed use development as is proposed, the mix of commercial and residential zoning will allow for a walkable and sustainable neighborhood which promotes the live, learn, work, shop, and play concept.

*Policy 5.2 - Support Brighton's Non-Downtown Commercial Centers, Focusing Growth within Existing Investment Areas Where Possible*

- The commercial uses are mostly along 120<sup>th</sup> Avenue, and along Sable Boulevard and the Highway I-76 on-ramp. The commercial uses being along the 120<sup>th</sup> Avenue corridor, as listed above, supports the commercial corridor of 120<sup>th</sup> Avenue. In addition, the proximity to the Adams Crossing Urban Center is beneficial for both projects given how they can support one another and this Policy.

*Policy 6.5 - Encourage Projects that Enhance the Diversity of Housing Types and Costs*

- With a mix of residential zone districts (MU-CC, R-2 and R-3), the Development supports and encourages diversity of housing types and costs. Based on the zone district-specific standards found in the *Land Use & Development Code*, a variety of densities is anticipated throughout each of the planning areas.

**Land Use & Development Code:**

Section 2.02.D, Major Subdivision - Subdivision Plan, of the *Land Use & Development Code*, describes the requirements for a Subdivision Plan and states that it shall be reviewed to the following criteria:

- a. The application is in accordance with the Comprehensive Plan, and in particular, the physical development patterns, the arrangement of streets, blocks, lots and open spaces, and the public realm design and investments, reflect the principles and concepts of the plan.*

As stated above, the density and design features of the Subdivision Plan such as roadway construction, parks, open space, and trails will help support the policies of the Comprehensive Plan.

- b. Compliance with the requirements of this development code, and in particular, the blocks and lots proposed are capable of meeting all development and site design standards under the zoning district.*

The Subdivision Plan complies with the various zoning districts within Brighton Ridge. The public roadways meet the specifications included in the *Land Use & Development Code*. The Subdivision Plan was designed with respect to infrastructure such as roadways, drainage, utilities, and open space. Because of the large size of the Property, exact lot layout including widths and sizes will be reviewed in more detail as each Site Plan and/or Final Plat is submitted for review.

- c. The application includes performance, construction and any maintenance assurances for the design, construction and acceptance of the improvements by the City.*

The Subdivision Plan clearly describes the improvements required to be constructed with each phase of development. A filing-specific development agreement will be required for each future filing within the development. The future development agreements will include a schedule of improvements for each construction phase and will further specify timing for the submittal of the financial guarantees.

- d. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property, and that the timing, location and construction of amenities is consistent throughout phases.*

The Subdivision Plan includes a phasing plan that indicates the six phases of the development. The Subdivision Plan indicates that Phases 1-4 must be constructed in sequential order, but based on market demand, Phases 5 and 6 may not happen in sequential order. As there are no public improvements associated with Phase 5 and very few public improvements associated with Phase 6, the swapping of these phases would not detract from the coordinated approach to phasing.

The Subdivision Plan proposes a logical approach to roadway construction, as all of the public roadway improvements will be made in the first four phases. The portion of East 120th Avenue west of South Platte Valley Avenue to approximately 300' past Potomac including the intersection, Gateway Street from the western Property boundary to South Platte Valley Avenue, and Foley Road adjacent to Phase 1 will be constructed with the first phase. In Phase 2, the developer proposes to construct the remainder of South Platte Valley Avenue, including the fire turnaround adjacent to the Bus Barn, and Foley Road along the Phase 2 boundary. The remainder of East 120th Avenue, including a bridge over Second Creek, will be constructed with Phase 3. Finally, the interior roadways of Foley Road and Gateway Street to the east of South Platte Valley Avenue will be constructed with Phase 4.

All other public improvements, including infiltration ponds, parks and open space, and trails have been well-thought out. The Tract A park will be constructed in Phase 2, simultaneously with the majority of the residential development within the Property, and open space will be dedicated to the City in Phase 3, before any commercial development occurs. Trails and sidewalks are distributed throughout most phases, and will be constructed in accordance with the phasing plan. Infiltration ponds will be constructed in accordance with the approved drainage report, and are based on proposed usage of each planning area.

In general, heavy investments in infrastructure and improvements will be made in the first three phases with additional, minimal improvements being made in the last three phases.

- e. Any impacts identified by specific studies or technical reports, including a review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.*

The recommendations included in the technical reports conducted for Brighton Ridge have been incorporated into the Subdivision Plan and have been agreed upon by the City and the developer. The major improvements recommended in the technical reports include the roadway improvements recommended and implemented into the Subdivision Plan, as well as the drainage and floodplain improvements recommended and implemented into the Subdivision Plan.

- f. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.*

The Subdivision Plan meets the goals and policies of the Comprehensive Plan and allows for adjacent properties to meet those goals as well. As an example, the Subdivision Plan meets goals within the Adams Crossing Urban Center, though it is only adjacent to the Urban Center. Extending these higher standards into Brighton Ridge encourages the same standards of properties within the Urban Center, which are adjacent to the Property.

- g. The design does not impede the construction of anticipated or planned future public infrastructure*

*within the area.*

The Subdivision Plan constructs planned future public infrastructure in the area including roads, drainage facilities, parks, open space, and connections to water and sewer mains. The design does not prevent the construction of any future infrastructure in the area.

*h. The recommendations of professional staff or any other public entity or review agencies asked to officially review the subdivision plan.*

City staff finds this site as appropriate for mixed commercial and residential uses given its specific location and based on the desires of the community as expressed in the Comprehensive Plan. Site development, including buffering and building design, will occur in accordance with the applicable zone district standards as outlined in the *Land Use & Development Code*. Any site on the Property will only be permitted with a design that ensures it fits in with the context and development patterns of the area.

### **PUBLIC NOTICE AND COMMENT**

Mailings were sent to all property owners within 1000' of the proposed subdivision as triggered by the *Land Use & Development Code* due to the size of the parcels. These mailings were sent on October 31, 2022 and included a letter describing the proposed Subdivision Plan as well as a map of the subject area. Additionally, three (3) public hearing signs were posted on October 31, 2022, on the Property with one at the south side of East 120th Avenue, east of South Platte Valley Avenue, one at the south side of East 120th Avenue, west of South Platte Valley Avenue, and one at the east side of Southgate Boulevard north of Foley Road. Lastly, a notice was published on the City of Brighton website on October 28, 2022 and posted on social media platforms. In accordance with Section 2.01.F.4, all mineral rights owners were notified of the public hearing regarding the surface development of the properties at least 30 days prior to the first public hearing associated with this application. As of the date of this memorandum, staff has received no formal inquiries concerning this project.

In addition, the applicant team conducted a neighborhood meeting on May 6, 2021, before any formal application was submitted, and provided minutes of the meeting including evidence of notice mailed to property owners within 1000' of the subject Property, attendance, content and presentation, issues, and a discussion summary. These minutes were included as part of the formal application and adhere to the requirements set forth in Section 2.01.D.

### **PLANNING COMMISSION DECISION**

The Planning Commission approved the Subdivision Plan on October 27, 2022 (*see the attached Resolution #22-6*) in a 5-0 vote.

### **SUMMARY OF FINDINGS AND CITY STAFF RECOMMENDATION**

Staff finds the Subdivision Plan application to be in compliance with the requirements for a Subdivision Plan as described in the *Land Use & Development Code*, Section 2.02.D, Major Subdivision - Subdivision Plan, and with the zoning district regulations as outlined in each zone district within the property, OS, MU-CC, C-2, R-2, and R-3. Staff also finds that the Subdivision Plan complies with the Comprehensive Plan. Based upon these findings, City staff recommends acceptance of the Brighton Ridge Subdivision Plan and has prepared a draft resolution based on these findings.

### **OPTIONS FOR CONSIDERATION**

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

1. Accept the Subdivision Plan;
2. Deny acceptance of the Subdivision Plan and provide justification for such action;

3. Accept the Subdivision Plan with conditions; or
4. Continue the item to a later, specified date if the City Council feels it needs more information to make an informed decision.

**ATTACHMENTS**

- Draft City Council Resolution
- Copy of the Signed Planning Commission Resolution #22-6
- Aerial Map by City Staff
- Proposed Subdivision Plan by Applicant
- Neighbor Area Property Owner Notification
- Buffer Map
- Affidavit of Sign Posting
- Public Notice on Website
- Website Posting Proof
- Draft Staff Presentation