



## Legislation Text

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**File #:** ID-494-17, **Version:** 1

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### *Department of Community Development*

**Reference:** Prairie Center Village I Subdivision Filing No. 1

**To:** Mayor Richard N. McLean and Members of City Council

**Through:** Philip Rodriguez - City Manager

Marv Falconburg, AICP - Assistant City Manager

Holly Prather, AICP - Community Development Director

**Prepared By:** Joshua M. Tetzlaff, AICP - Associate City Planner

**Date Prepared:** December 1, 2017

### **PURPOSE**

The applicant, Michael Tamblyn, on behalf of the owner, GKT Brighton Residential Development LLC, is requesting approval of the Prairie Center Village I Subdivision Filing No. 1 Final Plat and the accompanying Development Agreement. In accordance with the *Municipal Code*, Section 17-40-210, *Final Subdivision Plat*, a Final Plat application shall be presented to the City Council, at a public hearing, along with a resolution approving, approving with conditions, or denying the Final Plat application.

### **BACKGROUND**

The Prairie Center Village I Subdivision Filing No. 1 is generally located at the northeast corner of 27<sup>th</sup> Avenue and Eagle Boulevard. This project is proposing 370 residential lots, a school site, a park site, and numerous open space and drainage tracts, all totaling about 141 acres in size (the "Property"). The final plat is generally the third step in the development process that is as follows:

Annexation > Zoning > Platting (Preliminary and then Final) > Building Permits

At this stage, the property has been annexed into the City and given a zoning designation, which generally lays out the allowed land uses for the property. During the final plat portion of the platting stage, the applicant will propose property lines, which are approved or denied by the City Council. Also during the final plat stage, the City of Brighton enters into an agreement with the applicant on how and when public infrastructure will be constructed.

The Property was part of a half-section of land annexed to the City as the First Annexation for Third Creek in January of 1986. In July of 2009, the land was zoned as part of the Prairie Center Mixed-Use PUD. Over the past eight (8) years, commercial properties have developed throughout Prairie Center and recently, a multifamily project on the southeast corner of Eagle Boulevard and 27<sup>th</sup> Street, to the south of the proposed Property went under construction. This will be the first single-family residential development in Prairie Center.

In August of 2016, Michael Tamblyn, the applicant for this project submitted a preliminary plat and final plat application for the project. Mr. Tamblyn and his team worked with the City's Development Review Committee (DRC) and the Brighton Lateral Ditch Company to attain a set of development documents, including the final plat, that comply with the *Municipal Code* (*Code*). According to the *Code*, preliminary plats are valid for one (1) year and the applicant must act upon some portion of the preliminary plat with a final plat in that time for it to remain valid. The preliminary plat was approved by the

Planning Commission on April 25, 2017, so this final plat meets that submittal requirement.

The Development Agreement associated with the Final Plat sets forth the Developer's responsibilities regarding the construction and maintenance of various improvements within the Development, including the phasing plan for the subdivision, park and trail design/maintenance, and how the underdrain system will be installed and maintained. Some of the other subjects that were discussed in length include the amount of water required to be dedicated for the project and installation of a non-potable system for future use.

In August 2017, the City Council passed the Final Plat and Development Agreement for the Prairie Center Village I Subdivision, Filing No. 1. Part of that approval included the condition that the documents needed to be recorded within ninety (90) days or they would be voided. While the applicant tried to meet this deadline, they were unable to do so. Thus the approval of the Final Plat and Development Agreement became null and void. Per discussions with the City Attorney's office, the applicant was informed that they would be required to file new applications for approval in order to develop the property.

The Final Plat and Development Agreement that are included in this packet are essentially the same documents as those reviewed and approved by the City Council in August with changes only to the signature blocks. The applicant shall provide further information on their inability to record the original documents at the public hearing.

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

Section 17-40-210, Final Subdivision Plat, of the *Municipal Code* states that a Final Plat shall be reviewed for conformance with the Zoning Ordinance and the Subdivision Regulations. In this instance, the zoning would be the Prairie Center Mixed-Use PUD.

#### **STAFF ANALYSIS**

Staff finds that the Final Plat Application complies with the subdivision regulations found in Section 17-40-210 and with the Prairie Center Mixed-Use PUD zone district regulations. The Development Agreement has also been reviewed and approved by the City's Development Review Committee (DRC) and City Attorney. Lastly, the Final Plat is consistent with the Preliminary Plat that was approved by the Planning Commission in April of this year and that approval is still in effect.

#### **PUBLIC NOTICE**

Though the *Municipal Code* only requires public notice for a Final Plat be mailed to adjacent property owners at least five (5) days prior to the public hearing, notice of the public hearing was also published in the *Brighton Blade*, and posted on the Property; all for no less than five (5) days prior to the date of the public hearing. Also, in accordance with Section 24-65.5-101 et. seq., all mineral rights owners were notified of the public hearing regarding the surface development of the Property. No public comments have been received by staff, as of the date of this staff report.

#### **STAFF RECOMMENDATION**

Staff finds that the proposal meets the review criteria found in Section 17-40-210 of the *Municipal Code*, and therefore recommends approval of this Final Plat application. Based on staff's recommendation, a draft resolution approving the Final Plat and Development Agreement has been provided if you wish to use it.

#### **OPTIONS FOR COUNCIL CONSIDERATION**

The Council has three (3) choices it can make after reviewing this application. The Council may: (1) approve the Final Plat and Development Agreement, (2) approved the Final Plat and Development Agreement with conditions, or (3) deny the Final Plat and Development Agreement.

#### **ATTACHMENTS**

- Final Plat
- Vicinity Map
- Final Plat and Development Agreement Resolution

- Development Agreement (Exhibit C of the Final Plat and Development Agreement Resolution)