



## Legislation Text

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**File #:** ID-74-18, **Version:** 1

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### *Department of Community Development*

**Reference:** Brighton Crossing Filing No. 2, 5<sup>th</sup> Amendment

**To:** Mayor Kenneth J. Kreutzer 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:** February 14, 2018

### **PURPOSE**

The applicant, J3 Engineering, on behalf of the owner, Brookfield Residential LLC, is requesting approval of the Brighton Crossing Filing No. 2, 5<sup>th</sup> Amendment subdivision plat amendment and the accompanying Development Agreement amendment. In accordance with the *Municipal Code*, Section 17-40-250, Plat Amendment, the Community Development Director ("Director") may refer an application for a Plat Amendment to City Council if the Director feels the amendment substantially alters the approved final plat. Upon review, the Director has decided to refer this plat amendment to the City Council. The City Council shall, following a public hearing, make a decision with a resolution approving, approving with conditions, or denying the Plat Amendment application.

### **BACKGROUND**

The Brighton Crossing Filing No. 2 subdivision is generally located immediately east of N. 50<sup>th</sup> Avenue, north of Bridge Street and south of Baseline Road. The portion of the subdivision the applicant is requesting be amended is in the northeast corner of the overall subdivision, along Baseline Road, that is surrounded on three (3) sides by the Speer Canal. The proposed amendment will reduce the number of lots by thirteen (13) total lots, from 216 lots to 203 lots. The proposed layout of this portion of the subdivision will still include a park site that will be built by the Developer/Metro District and then maintained by the City, open space tracts, drainage tracts, and keeping the original platting of the Speer Canal, all totaling approximately 66 acres in size (the "Property"). Platting 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 sets forth the allowed land uses for the property. During the final plat portion of the platting stage, the applicant will propose the general layout of the subdivision, with designated lot sizes and lot lines, easements, dedicated public lands, utility and drainage improvements, etc. to be approved or denied by the City Council. Also during the final plat stage, the City of Brighton enters into an agreement with the developer to address how and when public infrastructure will be constructed. In this instance, the property owner has already received approval of the final for the property and entered into a Development Agreement with the City. Now, the property owner would like to amend the approved plat to change the lot layout and in doing so, the Development Agreement also needs to be amended slightly to address that change.

The Property was part of the Bromley Park Annexation in 1985. The land at that time was zoned as part of the Bromley

Park Planned Unit Development (PUD). PUDs are a form of zoning which allows applicants to write specific regulations for specific properties instead of necessarily following the City's standards for a specific zoning district. Generally, in consideration of being allowed to write custom zoning regulations, PUDs will go above and beyond the City's standard zoning regulations. Since being zoned as the Bromley Park PUD, this PUD has been through numerous amendments, some affecting the entire Bromley Park area and some only affecting smaller portions of the whole PUD.

In July 2017, the applicant submitted its request for a subdivision plat amendment to the City. The applicant and owner worked with the City's Development Review Committee (DRC) and the FRICO Ditch Company to attain a set of development documents, including the plat amendment, which complies with the *Municipal Code (Code)*. Because this was a plat amendment, according to the *Code*, there is no requirement that it be reviewed by the Planning Commission for review.

This plat amendment will be reducing the overall lot count in this portion of the subdivision from 216 lots to 203 lots as well as reorienting some of the lots. The amendment also changes the locations of the Speer Canal bridge crossings to make them more feasible, both from an engineering standpoint as well as aligning with the new lot layout.

The Development Agreement associated with the 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 when streets will be constructed. For this particular development, an Agreement is already in place but minor amendments were needed in the Agreement to account for the changes in the subdivision layout. These amendments include, but are not limited to, requiring a private storm drainage agreement, adding language addressing community mailboxes, and language discussing the continued work with the City involving regional trail construction.

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

Section 17-40-250, Plat Amendment, of the *Code* states that amendments to approved final plats shall be reviewed for conformance with the Zoning Ordinance and the Subdivision Regulations. In this instance, the zoning would be the Bromley Park PUD.

#### **STAFF ANALYSIS**

Upon review of the Bromley Park PUD regulations, which address dimensional standards of lots, as well as the City's Subdivision Regulations, which address streets, open space, lot and block layout, and other design regulations, staff finds that the Plat Amendment application complies with both the Bromley Park PUD zone district regulations and the Subdivision Regulations found in Section 17-40 of the *Code*. The Development Agreement amendment has also been reviewed and approved by the City's Development Review Committee (DRC) and City Attorney.

#### **PUBLIC NOTICE**

Although the *Code* only requires public notice for a Plat Amendment be mailed to adjacent property owners at least five (5) days prior to the public hearing, which happened on February 16, 2018, notice of the public hearing was also published in the *Brighton Blade* on February 21, 2018 and posted on the Property on February 21, 2018. 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 application meets the review criteria found in Section 17-40-250 of the *Code*, and therefore recommends approval of this Plat Amendment application and the amended Development Agreement, with two conditions: (1) The Owner/Developer shall address all comments on the application, as discussed in the "Summary Letter of DRC Comments for Review #3" letter sent to the application on February 1, 2018, to City Staff's satisfaction; and (2) the Owner/Developer shall enter into a written agreement with the landowner to the east of the Property that sets forth a specific drainage plan for the Property that is satisfactory to both parties, and the City. Satisfaction of these two conditions is a condition precedent to the issuance of any building permits by the City for any development on the Property. Based on staff's recommendation, a draft resolution approving the Plat Amendment and Development

Agreement Amendment have been provided.

**OPTIONS FOR COUNCIL CONSIDERATION**

The Council has four (4) choices it can make after reviewing this application. The Council may: (1) approve the Plat Amendment and Development Agreement Amendment, (2) approve the Plat Amendment and Development Agreement Amendment with conditions, (3) deny the Plat Amendment and Development Agreement Amendment, or (4) continue the Plat Amendment and Development Agreement Amendment applications to a specific date in the future.

**ATTACHMENTS**

- Plat Amendment
- Vicinity Map
- Plat Amendment and Development Agreement Amendment Resolution
- Development Agreement Amendment (Exhibit C of the Plat Amendment and Development Agreement Amendment Resolution)
- Neighborhood Mailing Notice
- Newspaper Legal Notice