



## Legislation Text

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### *Department of Community Development*

Reference: Prairie Center Major Retail 4 Subdivision

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

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Date Prepared: April 6, 2018

### **PURPOSE**

The applicant, Redland, on behalf of the owner, THF Prairie Center Development, LLC, is requesting approval of the Prairie Center Major Retail 4 Subdivision 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.

### **STRATEGIC FOCUS AREA**

Recognizable and Well-Planned Community

### **BACKGROUND**

The Prairie Center Major Retail 4 Subdivision is generally located at the southeast corner of Prairie Center Parkway and Eagle Boulevard. This project is proposing seven (7) commercial lots and two tracts for access to those lots, totaling about 17.5 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 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, which usually includes designating lot lines, easements, 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.

For this project, the Property was part of an annexation to the City known as the Second Annexation for Third Creek in May of 1986. In August of 2004, the land was zoned as part of the Prairie Center PUD. Since receiving its zoning designation in 2004, commercial properties have developed throughout Prairie Center and recently, a few residential projects have been approved near the 27<sup>th</sup> Avenue and Eagle Boulevard intersection. This project will create additional commercial lots that can be developed.

In April of 2017, Redland, the applicant for this project submitted a preliminary plat and final plat application for

the project. The applicant worked with the City's Development Review Committee (DRC) to attain a set of development documents, including the final plat that complied 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 March 13, 2018, so this final plat meets that submittal requirement.

#### **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 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 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 March of this year and that approval is still in effect.

The Final Plat covers an area of approximately seventeen (17) acres in size, and includes seven (7) commercial lots. The largest lot in the Project is about 7.6 acres and the smallest is about  $\frac{3}{4}$  of an acre. This means there is a wide range of options for businesses looking for a lot that'll fit their needs. The final plat also includes tracts for private street rights-of-way and easements for utilities.

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 construction of internal sidewalks, a non-potable water system for future use, and common landscaping.

#### **Development Review Committee:**

The project has been reviewed by the City's Development Review Committee (DRC), the City Attorney, and other referral agencies. All comments from those reviewers have been resolved. A complete list of comments and the agencies who made them are available upon request.

#### **Comprehensive Plan:**

*Be Brighton*, the City's Comprehensive Plan, designates this area for Commercial use on the Future Land Use Plan. In areas with this designation, commercial uses, such as retail, restaurants, and services are desired. This application meets the intent of *Be Brighton* by providing a variety of lot sizes that will be developed as commercial uses.

This development also aligns with Principles found in *Be Brighton*. The second principle is to "Strengthen the Vitality of Brighton as a Freestanding Community with an Appropriate Balance between Residential and Non-Residential Uses." This application aligns with that principle in that it gives Brighton the ability to attract further commercial uses, which allows Brighton residential to rely less on the Denver metro area for shopping and dining needs.

#### **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.

**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) approve 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)
- Signed Planning Commission Resolution
- Neighbor Mailing Notice
- Published Newspaper Notice