



## Legislation Text

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File #: ID-176-18, Version: 1

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### *Department of Community Development*

Reference: Fulton Plaza Subdivision Filing No. 1 Final Plat and Development Agreement

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 30, 2018

### **PURPOSE**

The applicant, Mr. Christopher Pletcher of Ayres Associates, on behalf of the owner, Adams County, is requesting approval of the Fulton Plaza 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.

### **STRATEGIC FOCUS AREA**

Recognizable and Well-Planned Community

### **BACKGROUND**

The Fulton Plaza Subdivision Filing No. 1 is generally located at the northeast corner of the intersection of Bridge Street and N. 19<sup>th</sup> Avenue. The application is to subdivide the property into two lots and a tract reserved for drainage, all totaling about 12.29 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) > Site Plan Review > 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 lot lines, right of way dedications, access points, sidewalks and trails, and the general layout of the development. Also during the final plat stage, the City of Brighton enters into an agreement with the applicant that addresses how, by whom, and when public infrastructure will be constructed and maintained.

The Property was incorporated into the City as part of the Court House Annexation approved by City Council in October of 1960. In June of 1976, the land was zoned as part of a Citywide rezoning to Public Land. The entire Property has been used for a variety of purposes with the Public Land zoning designation by Adams County Government over the years. The County plans to continue its existing maintenance operations in its present facilities on the new northern lot, Lot 2. The area of the proposed southern lot, Lot 1, is currently vacant, except for generally unused asphalted parking areas; this lot was used previously to house Adams County's Administration and Court Facilities. The County intends to sell Lot 1, directly adjacent to Bridge Street, to an independent developer for commercial purposes. Lot 1 is currently undergoing review for a zone change request to allow for commercial development.

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

### **Land Use and Development Code:**

Section 17-40-210, Final Subdivision Plat, of the *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 Public Land for Lot 2 and the drainage tract (Tract A), and C-3 (General Retail and Services) for Lot 1.

## **STAFF ANALYSIS**

Staff finds that the Final Plat Application complies with the Subdivision Regulations found in Section 17-40-210 and with the applicable Public Land and C-3 zone district regulations. The plat proposes dedicating additional Right-of-Way along Bridge Street to the City. This dedication is being made in accordance with the approved Master Transportation Plan.

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 consolidation and placement of access points, the undergrounding of utility poles along the western side of the Development, and roadway, sidewalk, and trail improvements. This Development Agreement requires that the agreed to improvements will be completed by the future, yet to be known Developer. Final designs of the improvements outlined will be submitted at the time that a future Developer submits a Final Development Plan (Site Plan) that specifies the proposed facilities at the site, including such things as, but not limited to, buildings, parking, lighting, and landscaping. Staff will review a Final Development Plan administratively prior to the Developer being eligible to apply for building permits.

### **Development Review Committee (DRC) Review:**

Both items have been reviewed and approved by the City's Development Review Committee (DRC) and City Attorney. Referral agencies have also reviewed the Final Plat and all comments have been resolved. A complete list of comments and the agencies who made them are available upon request.

### **Comprehensive Plan:**

The *Plan* outlines that growth should be prioritized in coordination with transportation and further outlines the Bridge Street Corridor as an opportunity area where infill development and redevelopment can work to improve the area's appearance, investment, and pedestrian and bicycle systems. Additionally, Policy 1.1 of the 'Managing Growth Principle' of the *Plan* states that "new growth should favor existing areas of infrastructure investment and planning." Policy 1.3 outlines that "private development should pay its own way." The 'Multimodal Development Principle' of the *Plan* states that development patterns that support all modes of transportation should be encouraged. The Final Plat supports these goals and principles by the location of the development and the Development Agreement supports them by ensuring that the future developer will improve the lot and applicable transportation elements, such as sidewalks.

## **PUBLIC NOTICE AND INQUIRY**

Although the *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, which happened on April 25, 2018, notice of the public hearing was also published in the *Brighton Blade* on April 25, 2018 and two signs were posted on the Property on April 25, 2018 along Bridge Street and N. 19<sup>th</sup> Avenue adjacent to the proposed project. 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. Please see all public notice attachments for further detail.

## **PLANNING COMMISSION RECOMMENDATION**

On March 13, 2018, the Planning Commission heard the Preliminary Plat request and unanimously approved the item (see the attached Resolution #18-03). The Final Plat is consistent with the Preliminary Plat that was approved by the Planning Commission.

## **SUMMARY OF FINDINGS AND 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 four (4) 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 any changes or conditions, (3)

deny the Final Plat and Development Agreement, or (4) continue the Final Plat and Development Agreement applications to a specific date in the future.

**ATTACHMENTS**

- Draft Final Plat and Development Agreement Resolution
- Copy of Planning Commission Resolution #18-03
- Aerial Map
- Final Plat
- Development Agreement (Exhibit C of the Final Plat and Development Agreement Resolution)
- Neighborhood Mailing Notice
- Neighborhood Mailing Notice Addresses
- Radius Map of Notice Mailing
- Newspaper Legal Notice Proof
- Draft City Staff PowerPoint