



Legislation Text

File #: ID-311-18, **Version:** 1

Department of Community Development

Reference: Parkland Metropolitan District Nos. 1-2

To: Mayor Kenneth J. Kreutzer and Members of City Council

Through: Philip A. Rodriguez, City Manager

Marv Falconburg, AICP, Assistant City Manager

Holly Prather, AICP, Community Development Director

Prepared By: Mike Tylka, AICP, Senior Planner

Date Prepared: August 27, 2018

PURPOSE

Pursuant to Article 1, Title 32, Colorado Revised Statutes, as amended, the City of Brighton has the authority to approve service plans for special districts (also known as metropolitan or metro districts) that are organized within the City's boundaries and now has before it approval of a Service Plan for the Parkland Metropolitan District Nos. 1-2. The Service Plan was drafted according to the City's adopted Model Service Plan.

STRATEGIC FOCUS AREAS

Recognizable and Well-Planned Community
Supportive, Sustainable Infrastructure

BACKGROUND

This plan was submitted in a multiple district format as the applicant desires to create two new districts that are planned to have distinct boundaries. These two districts are envisioned to one day align with the Bromley Farms Planned Unit Development's (PUD) boundaries. The plan is for one district to cover the first phase of the development and for the second district to cover the second phase of development.

The Applicant and the districts' organizer is Privateer Bromley, LLC (the "Applicant"). Their team is additionally comprised of district counsel, White Bear Ankele Tanaka & Waldron, financial advisor, D.A. Davidson and Co., and engineering firm, Redland Consulting Group Inc. Privateer Bromley, LLC is also the applicant for the Bromley Farms PUD Vested Property Rights Extension Request before City Council on September 18, 2018. The Applicant has stated that the formation of these Districts are necessary in order to move forward with the development of the property according to the Bromley Farms PUD.

The districts are seeking to officially form in the coming months and have elections on November 6, 2018.

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM

Per the Special District Act, Article 1, Title 32 of the Colorado Revised Statutes, service plans must include the following items:

- Description of services,

- Financial information,
- Preliminary engineering or architectural survey showing how the services, are to be provided,
- Map of boundaries,
- Estimated population at build-out,
- Estimated assessed valuation at build-out,
- General description of facilities to be constructed,
- Estimated costs of land acquisition, engineering, legal and administrative costs, and costs related to the organization and initial operation of the district,
- Description and form of any proposed Intergovernmental Agreements (IGAs), and
- Other information set by State Statutes or required by the approving jurisdiction(s).

PUBLIC NOTICE AND INQUIRY

Notice of the public hearing was published in the August 22, 2018 edition of the *Brighton Standard Blade* by the Applicant as directed by state statute for Metro District Service Plans. As of the date of this report, City staff has not received any public comment on the matter.

SUMMARY OF FINDINGS

City staff has reviewed the service plan and intergovernmental agreement along with representatives from Butler Snow, LLP and Ehlers & Associates, Inc. Butler Snow offers specialization in metro district formation and Ehlers offers experience in metro district financial review.

The submitted service plan addresses all items required by State Statute to be included in service plans, and it aligns with the Model Service Plan adopted by City Council. There were minor language changes made to accommodate the multiple district structure, but these caused no substantive revisions. Specifically mill levy caps, audit, reporting, meeting location, and notification requirements are outlined according to the model service plan.

The inclusion area for the Districts covers the boundaries of the Bromley Farms PUD. To start, both Districts will only encompass one small parcel. Once development starts to move forward, the Districts can amend their boundaries to cover any land within the inclusion area. Before residents move in, the Districts will alter their boundaries to correspond to newly platted lots.

Approximately 139.79 acres of planned residential land is in the project area, and the population at built-out is estimated by the Applicant to be approximately 1,150 people.

The Financial Plan (Exhibit D) to the Service Plan sets a total infrastructure cost estimate for District Nos. 1-2 in the amount of \$31,750,614.00.

City staff has worked with the Applicant to outline the required public improvements that would be constructed and funded by the District, which are included in the Service Plan and the Intergovernmental Agreement (IGA)(Exhibit F to the Service Plan). The required major roadway improvements (off-site or adjacent to the Districts' boundaries) are generally: Bromley Lane (from Chambers Road to east of the Oasis Entrance), Chambers Road (from the Indigo Trails Subdivision to Bromley Lane), Indian Paintbrush Drive (western to eastern boundaries of the Bromley Farms Subdivision), South 15th Avenue (into the Bromley Farms Subdivision from Bromley Lane), and South 19th Avenue (from the Indigo Trails Subdivision to its turn into the Case Farms Subdivision). Also required are all onsite and required off-site improvements for water, sewer and storm drainage. In addition, considerable improvements to recreation, trails, and parks facilities are proposed.

One deviation from the Model Service Plan and past service plans is that the accompanying IGA grants the Districts the authority to utilize the power of eminent domain without prior consent from the City for drainage purposes. It should be noted that in order for this development to move forward, major off-site drainage infrastructure will be required; whereas, most of the previously approved service plans didn't require major off-site infrastructure to be constructed, or if it was required, it was within land owned by the master develop or areas e.g., rights-of-way, where the acquisition or condemnation of off-site property wouldn't be required.

Staff finds that in the area of the proposed Districts there is sufficient existing and projected need for organized service, the existing service is inadequate for present and projected needs, the proposed Districts are capable of providing

economical and sufficient service, and it has the financial ability to discharge the proposed indebtedness on a reasonable basis.

STAFF RECOMMENDATION

Staff is recommending adoption of the resolution granting approval of the Service Plan for the Parkland Metropolitan District Nos. 1-2 and the associated IGA.

OPTIONS FOR COUNCIL CONSIDERATION

The City Council has the following four (4) options before it, to:

- Approve the Resolution as drafted;
- Approve the Resolution with changes;
- Deny the Resolution as drafted; or
- Continue the item to a later date certain.

ATTACHMENTS

- Draft City Council Resolution
- Proposed Service Plan with Exhibits (*Includes IGA*)
- Applicant's Newspaper Notification
- Proof of Newspaper Publication
- Draft City Staff PowerPoint Presentation