



First Amendment to the Brighton Crossing Filing No. 6 Development Agreement

City Council – October 15, 2024

Applicant:	Brookfield Residential LLC
Property Owner:	Brookfield Residential LLC
City Staff Representative:	Nick Di Mario, <i>AICP, Senior Planner</i>



Subject Property Location

- The Property is located at the northeast corner of the intersection of S. 40th Avenue and Southern Street, south of Fire Station 52, and west of Mt. Elbert Street.



Aerial Map



Purpose

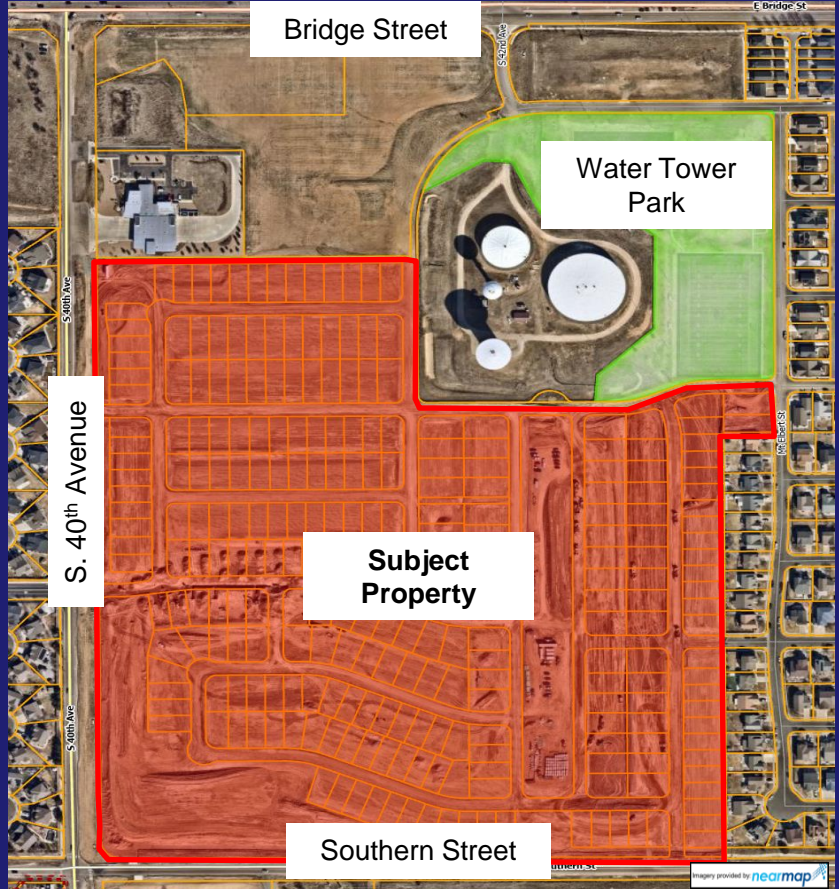
- As the original Agreement was approved by City Council, any amendments shall be reviewed by City Council with a resolution to approve or deny the request.
- The Brighton Crossing Filing No. 6 construction plans included the construction of an interim condition northbound right turn lane at the intersection of S. 40th Avenue and E. Bridge Street, while the Bridge Street Widening project included the construction of the same turn lane to its full condition.
- Staff and Applicant discussed that a more efficient route forward is to have the City construct to full build out, rather than removing the interim turn lane within the coming months.
- The request is to amend the existing Brighton Crossing Filing No. 6 Development Agreement to allow for a cash-in-lieu to be provided to the City in lieu of the design and construction for the interim northbound right turn lane at the intersection of S. 40th Avenue and E. Bridge Street.



Background

The Property:

- Was platted in August of 2023.
- Includes a development agreement that details the requirements and obligations surrounding the construction of certain public improvements.





Brighton Crossing Filing No. 6 – Development Agreement

The Agreement:

- Requires the design and construction of S. 40th Avenue.

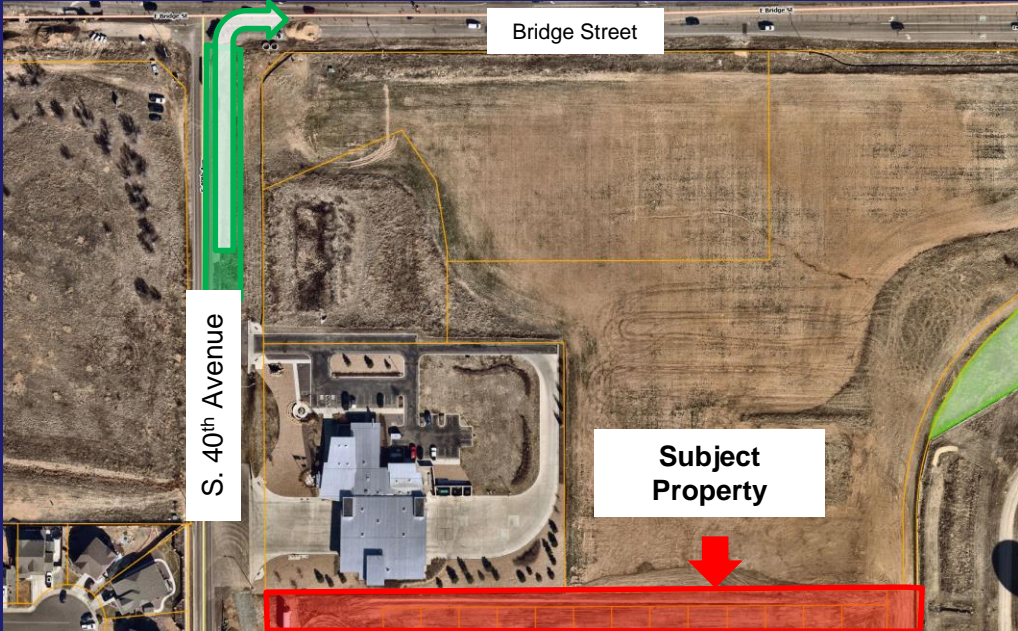




Brighton Crossing Filing No. 6 – Development Agreement

The Agreement:

- Requires the design and construct of an interim northbound right turn lane at the intersection of S. 40th Avenue and E. Bridge Street.

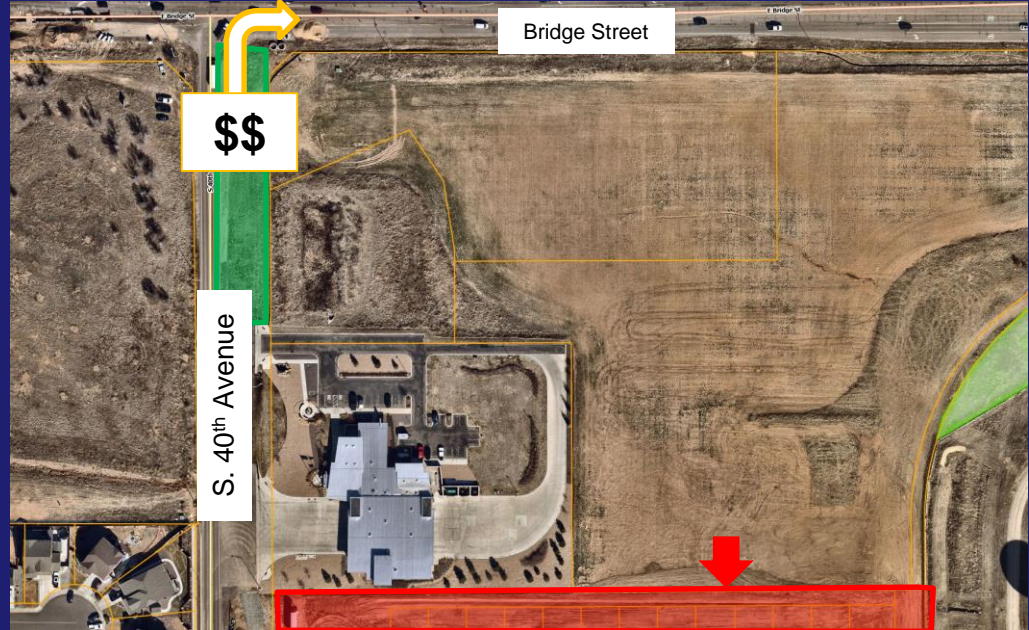




First Amendment to the Brighton Crossing Filing No. 6 – Development Agreement

The First Amendment:

- Revises the existing turn lane language to allow cash-in-lieu payment to City in lieu of design and construction of northbound right turn lane.
- The Bridge Street Widening Project will be completing the right turn lane to its final condition.





Summary of Amendment Provisions

- Maintains the requirement to dedicate and construct the eastern one-half of S. 40th Avenue adjacent to the property.
- Requires cash-in-lieu in the amount of \$142,652.70 to be provided to the City in lieu of the design and construction of an interim right turn lane at the intersection of S. 40th Avenue and E. Bridge Street.
- All other provisions of the original Brighton Crossing Filing No. 6 Development Agreement not specifically amended in the First Amendment shall remain in full force and effect.



Public Notice and Comment

- On September 30th:
 - ✓ *Notification was published on the City's Website.*
 - ✓ *City staff posted information for the agenda item information on Facebook and Next Door.*
- Planning staff has not received any formal comments in advance of this meeting.



Summary of Findings

- ✓ The Development Review Committee has reviewed this proposal and recommends approval.

City Staff Recommendation

- ✓ Staff recommends approval of the First Amendment to the Brighton Crossing Filing No. 6 Development Agreement.



Options for City Council

- Approve the Development Agreement Amendment as presented via resolution;
- Deny the Development Agreement Amendment and provide justification for such action;
- Approve the Development Agreement Amendment with conditions; or
- Continue the item to a later, specified date if the City Council feels it needs more information to make an informed decision.