



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: April 27, 2021
SUBJECT: Amendment Two to the Welby Business Park Development Agreement
FROM: Ryan Nalty, Interim Director
AGENCY/DEPARTMENT: Community and Economic Development
HEARD AT STUDY SESSION ON: N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners approves the Amendment Two to the Development Agreement for the Welby Business Park, to allow the developer to pay the County to redesign a portion of storm sewer being constructed with the York Street Capital Improvements Project.

BACKGROUND:

The Welby Business Park, located on York Street between E. 77th Ave and E. 76th Ave, is a commercial development constructed in two phases between 2016 and 2018. At the time of the design of this development, a viable gravity operated storm sewer outfall did not exist. As a result, the development was approved with a “pumped” outfall system, where electrically driven pumps are used to drain the site storm water. This system was approved under the condition that when a storm sewer becomes available, that allows for a gravity operated outfall system, the developer would be required to connect to that system.

At the time the development application was submitted for the Welby Business Park, the County was in the design phase of the York Street Phase 1 Capital Improvement Project (CIP). The design of the CIP has since been completed and the project is set to go to construction in the Spring of 2021. This Capital Improvement Project does include a storm sewer that could allow the Welby Business Park to connect to for a gravity operated storm sewer system.

Upon review of the York Street CIP plans, the developers engineer found that if a few minor modifications were made to the York Street construction plans, the Welby Business Park could tie their storm sewer into the proposed County storm sewer in York Street. This would allow the Welby Business Park to have a fully gravity operated storm sewer system. The developer is asking the County to revise the York Street CIP construction plans to accommodate their site. The developer is agreeing to pay all costs incurred by the County with this requested design change. This includes design fees for the consultants, additional materials, and labor.

The developers originally entered into a Development Agreement with the County to pay fees-in-lieu for required public roadway improvements. As mentioned, the development was

constructed in two (2) phases. The Development Agreement was amended once previously to accommodate the phase two (2) of the development.

The subject request is consistent with the requirement for approval of a Development Agreement with Adams County. In addition, staff reviewed the Development Agreement and determined that the proposed improvements conform to the requirements outlined in the County's Development Standards and Regulations.

The Department of Community and Economic Development also reviewed construction documents associated with the development. Final acceptance of the project is contingent upon approval of the Development Agreement.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

County Attorney's Office
Public Works

ATTACHED DOCUMENTS:

Second Amended and Restated Development Agreement for Welby Business Park
Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact ☒. If there is fiscal impact, please fully complete the section below.

Fund:**Cost Center:**

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

Additional Note: