

**CITY OF BRIGHTON
PLANNING COMMISSION**

MINUTES

January 13, 2022

Approved as presented

I. CALL TO ORDER

Chairman Maslanik called the meeting to order at 6:10 p.m.

II. PLEDGE OF ALLEGIANCE

Chairman Maslanik asked Commissioner Wahl to lead the Pledge of Allegiance.

III. SWEARING IN OF MICHAEL PISHAKI AS PLANNING COMMISSIONER OF WARD 1

IV. ROLL CALL

Roll call was taken with the following Commissioners in attendance: Chris Maslanik, Bill Leck, and Mike Pishaki. Alternates Liane Wahl and Valerie Wolf were present but not seated to vote. Commissioner Fidel Balderas was excused. Youth Commissioner Dahaan Medina was present. Youth Commissioner Giana Rocha was excused.

STAFF PRESENT:

Alicia Calderon, City Attorney; Yasmina Shaush, Assistant City Attorney; Natalie Hoel, City Clerk; Mike Tylka, Assistant Director of Community Development; Scott Olson, Storm Water Coordinator; Nick Di Mario, Associate Planner; Kate Lesser, Commission Secretary

V. MINUTES OF PREVIOUS MEETINGS

Minutes from the December 9, 2021 regular Planning Commission meeting were approved as presented.

Motion by Commissioner Leck

Second by Commissioner Pishaki

Voting Aye: All Present

Motion passes: 3-0

VI. PUBLIC INVITED TO BE HEARD ON ITEMS NOT ON THE AGENDA

None presented.

VII. AGENDA ITEMS

1. Election of Planning Commission Chair and Vice Chair
2. Establishment of the Regular Meeting Dates
3. Mountain View Estates Planned Development: Nick Di Mario Presenting

1. Election of Planning Commission Chair and Vice Chair

Chairman Maslanik opened the floor for nominations of Chair and Vice Chair:

Commissioner Leck submitted a nomination for Commissioner Maslanik to continue serving as Chair. Commissioner Maslanik submitted a nomination for Commissioner Leck to serve as Vice Chair. No other nominations were submitted.

**Commissioner Maslanik was elected as Chair of the Planning Commission.
Commissioner Leck was elected as Vice Chair of the Planning Commission.**

2. Establishment of Regular Meeting Dates

Chairman Maslanik proposed tabling this item until after the public hearing item.

Motion by Commissioner Leck to switch the order of numbers two and three under item seven on the agenda

Second by Commissioner Pishaki

Voting Aye: All Present

Motion passed 3-0

All further discussion on this item occurred after item number three on the agenda.

Chair called for discussion among Commissioners, summarized:

Commissioner Pishaki commented that he prefers to keep the existing meeting schedule.

Commissioner Leck spoke in favor of holding study sessions.

Commissioner Maslanik spoke in favor of having the Planning Commission attend additional trainings as well as study sessions with City Council.

3. Mountain View Estates Planned Development

Chair opened the public hearing at 6:18 p.m.

Chair invited Staff to present, summarized:

Mr. Di Mario presented the item as outlined in the staff report and confirmed that legal publication and posting were completed for this hearing. Mr. Di Mario stood ready for questions.

Chair called for questions from the Commission of Staff, summarized:

Commissioner Pishaki questioned how this zone change will benefit the community's welfare in accordance with the Land Use and Development Code.

Mr. Tylka stated that the low-water xeric landscaping in the subdivision will benefit the community by not pulling from the water systems that are already strained.

Mr. Di Mario elaborated that the proposed zone change would not change the existing allowed densities on the property and the new setback requirements would decrease water usage as well.

Commissioner Pishaki inquired as to whether any metrics exist to show how much water would be saved with this new plan versus if the property were to be developed as it exists now.

Mr. Di Mario replied that no hard numbers are available but the right-of-way and private landscaping regulations could be reviewed.

Commissioner Maslanik requested clarification on whether these are single-family homes with either attached or detached garages.

Mr. Di Mario replied that there single-family detached homes and attached paired homes (duplexes) over two lots with attached garages.

Chair asks if the Applicant has prepared a presentation:

Jarrold Likar with AMREPCO, Inc. at 333 Rio Rancho Drive #202, Rio Rancho, NM 87124
Josie Kohnert with Redland at 1500 West Canal Court, Littleton, CO 80120

The Applicant team provided a brief presentation and stood ready for questions.

Chair called for questions from the Commission of the Applicant or Staff, summarized:

Commissioner Maslanik questioned whether the Applicant was aware of the City's Development Review Committee and the process for reviewing the application when it was submitted.

Ms. Kohnert replied yes.

Commissioner Maslanik requested clarification on whether the pond on the property would be a detention or retention pond.

The Applicant stated that the current design would be a detention pond.

Mr. Olson confirmed that the detention pond is in accordance with state laws and all water would be evacuated from the pond within 120 hours.

Chair called for the public to ask any questions the Applicant or Staff, summarized:

Les Fraley at 1045 CR 2, Brighton, CO 80603, asked whether there has been any consideration to traffic control where 35th goes into County Road 2. Is speed being considered on County Road 2?

Mr. Di Mario replied that yes, this was part of the development agreement and the developer will have to contribute a signal at that intersection. The developer's funds for half of the cost to design and construct the signal will be escrowed before the development is allowed to go vertical.

Mr. Tylka stated that the Public Works department is currently reviewing the Master Transportation Plan which will likely result in downgrading speeds.

Sarah Lyon at 18053 Zeno Court, Brighton, CO 80601, questioned how much land could be taken to widen Baseline Road and where entrance/exit points would be. Have water tables been considered, and will the status of unincorporated property change?

Mr. Di Mario stated that there will be major exit points at N. 35th Avenue, Telluride, and Longs Peak to access Bridge Street. The developer does have an obligation to improve 168th (Baseline).

Mr. Tylka stated that power of eminent domain is not being considered to expand 168th. Forced annexation is not being considered and would require a public hearing with City Council.

The Applicant stated that the properties will be on city water so they will not pull from the wells or effect the water tables.

Gary Baker at 16428 Ventura Court, Brighton, CO 80601, inquired as to how soon a four-lane road on each side of

Mr. Di Mario stated that the developer has an obligation to improve Telluride, North 35th, and other surrounding roads per the development agreement. This will occur in a phasing order and development of those phases cannot occur until the obligations have been met.

Mr. Tylka commented that no new plans have been made by the City to expand County Road 2.

Shirley Bailey at 17280 E. 168th Avenue, Brighton, CO 80601, questioned how expansion will be done on County Road 2 without eminent domain, and how prairie dogs on the property will be dealt with.

Mr. Di Mario stated that the developer is not required to expand County Road 2 as part of this application. The applicant must provide acceleration and deceleration lanes and additional improvements. The traffic impact study has expired and, if approved, the developer must provide an updated study which may change their obligations. Prairie dogs are under the purview of the Fish and Wildlife Department.

Paula Stueve, 210 S. 5th Avenue, Brighton, CO 80601, inquired about the Fire Department's ability to serve these additional houses. Also, what is the City doing to assist with drainage.

Mr. Tylka stated that Brighton Fire Authority did review and approve the application and impact fees are paid to them for any new development.

Mr. Olson explained that the City is working with Mile High Flood District to design a regional outfall for the area and described the drainage plan for the property.

Mr. Di Mario stated that the developer is also obligated to cover sewer system improvements and provided additional details on the sewage system for the proposed property.

Gary Baker at 16428 Ventura Court, Brighton, CO 80601, asked who he can bill for damages caused by the weeds in the proposed property.

Mr. Tylka stated that a code enforcement violation has been cited on the property and the City is seeking corrective action for the issue.

David Gildea at 15203 Arrowhead Drive, Brighton, CO, 80601, questioned whether the overall traffic impact is included in the traffic impact study.

Mr. Tylka stated that a staff member from Public Works is not present. The Master Transportation Plan is currently being reviewed to determine what areas need capital improvement funds for improvements.

The Applicant commented that the City did accept the previous study and will submit an update to the study if the project is approved.

Roni Garmann at 17731 E. 164th Avenue, Brighton, CO 80601, asked what will be done to Telluride and 164th to reduce traffic, what will happen to nesting eagles, and specific drainage issues.

Mr. Di Mario stated that a traffic circle will be installed. The City cannot speak to drainage issues in unincorporated Adams County.

Mr. Tylka stated that preliminary conversations with the County have pointed to closing off Telluride at Longs Peak to limit access.

The Applicant stated that Telluride would still connect to Baseline and Venura would connect to Longs Peak. A pipe is planned to direct stormwater to the regional outfall area.

Mr. Olson stated that construction must follow certain requirements based on the time of year if it coincides with eagle nesting times.

Chair called for any further questions from the Commission or the audience.

None presented.

Chair called for any member of the audience to speak on behalf of this item being presented.

No proponents were present.

Chair called for any member of the audience to speak in opposition of this item being presented.

Seven opponents were present.

Sarah Lyon at 18053 Zeno Court, Brighton, CO 80601

Shirley Bailey at 17280 E. 168th Avenue, Brighton, CO 80601

David Gildea at 15203 Arrowhead Drive, Brighton, CO, 80601

Les Fraley at 1045 CR 2, Brighton, CO 80603

Roni Garmann at 17731 E. 164th Avenue, Brighton, CO 80601

Dawn O'Callaghan at 16529 Ventura Court, CO 80601

Kathy Baker at 16428 Ventura Court, Brighton, CO 80601

Chair called for any further comments from the Applicant.

The Applicant stated that the proposed density is below that allowed maximum and the traffic compliance letter substantiates the study done previously and was submitted with this application and improvements will still be done as determined in 2013, along with other infrastructure improvements.

Chair called for questions from the Commission of Staff, summarized:

Commissioner Wahl questioned the law suit on Chavez Street and why the traffic study would not be done prior to this stage in the process.

Ms. Shaush stated that the law suit will be going to trial in the next month to determine a resolution to the issue on Chavez.

Mr. Di Mario clarified that traffic studies are completed during the platting process and this property has been platted since 2013.

The Applicant provided details on the traffic compliance letter.

Commissioner Pishaki inquired as to whether the development was approved in 2013.

Mr. Di Mario explained that the land was entitled in 2013 and is platted and legal to build on. The Planned Development presented would just amend the development standards.

Mr. Tylka confirmed that the land owner can still legally build on the property after denial of the Planned Development from the Planning Commission or City Council by submitting civil documents through an administrative process.

Chair called for discussion among Commissioners, summarized:

None presented.

**Motion by Commissioner Leck to approve the resolution as presented
Second by Commissioner Pishaki**

Voting Aye: All present

Motion passes: 3-0

VIII. OLD BUSINESS

IX. NEW BUSINESS

1. Conflict of Interest Form 2022
2. Study Sessions, Informational Sessions, and/or Trainings
3. Recognition of Commissioner Balderas for His Service

X. REPORTS

1. General Development Update from Staff

XI. ADJOURNMENT

Motion to adjourn at 8:32 p.m.

Motion by Commissioner Pishaki

Second by Commissioner Leck

Voting Aye: All Present

Motion passes: 3-0