

City of Brighton

*500 S. 4th Avenue
Brighton, CO 80601*



Meeting Minutes

Tuesday, July 5, 2022

6:00 PM

Council Chambers

City Council

**MAYOR - GREGORY MILLS
MAYOR PRO TEM - ADAM CUSHING
COUNCIL MEMBERS:
CLINT BLACKHURST, MATT JOHNSTON,
PETER PADILLA, JAN PAWLOWSKI,
MARY ELLEN POLLACK, ANN TADDEO**

1. CALL TO ORDER

Mayor Pro Tem Cushing called the meeting to order at 6:00 p.m.

A. Pledge of Allegiance to the American Flag

Councilmember Pollack led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 5 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Not Present: 3 - Mayor Mills, Councilmember Johnston and Councilmember Pawlowski

2. APPROVAL OF REGULAR AGENDA

Motion by Councilmember Blackhurst, seconded by Councilmember Padilla, to approve the Regular Agenda as presented. Motion passed by the following vote:

Aye: 5 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 3 - Mayor Mills, Councilmember Johnston and Councilmember Pawlowski

3. CONSENT AGENDA

A. Approval of the May 17, 2022 City Council Minutes

B. Approval of the May 24, 2022 City Council Minutes

C. Approval of the June 7, 2022 City Council Minutes

Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to approve the Consent Agenda as presented. Motion passed by the following vote:

Aye: 5 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 3 - Mayor Mills, Councilmember Johnston and Councilmember Pawlowski

4. CEREMONIES

A. Park and Recreation Month Proclamation

Mayor Pro Tem Cushing read the Proclamation into the record.

Motion by Councilmember Padilla, seconded by Councilmember Pollack, to approve the Proclamation. Motion passed by the following vote:

Aye: 5 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 3 - Mayor Mills, Councilmember Johnston and Councilmember Pawlowski

**5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA
(Speakers limited to five minutes)**

Tony Ted, Brighton. Mr. Ted is concerned with wear on the roads, bridges and the water quality and cannot see how a larger population would help with these issues.

Terry Wright, Brighton. Mr. Wright expressed concern regarding illegal fireworks in the City and ways that he feels could help with this issue.

6. PUBLIC HEARINGS

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE REZONING OF A PORTION OF THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 2ND AND 6TH AMENDMENTS TO THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 26TH AMENDMENT FOR THE APPROXIMATELY 18.9-ACRE PROPERTY, GENERALLY LOCATED TO THE SOUTH OF BRIDGE STREET, WEST OF INTERSTATE 76, EAST OF GOLDEN EAGLE PARKWAY, AND NORTH OF THE SPEER CANAL SOUTH OF LONGSPUR DRIVE, AND BEING A PART OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

Mayor Pro Tem Cushing read the title of the Ordinance into the record.

Mayor Pro Tem Cushing opened the public hearing at 6:14 p.m. and Deputy City Clerk Erin Kelm verified the required postings and publications (June 14, 2022 on the City of Brighton Website) for this public hearing were completed.

Associate Planner Nicholas Di Mario presented the Bromley Park Planned Unit Development 26th Amendment. Planner Di Mario announced that a small revision was made to the Ordinance to add an owner to the owner's section. The property is generally located south of Bridge Street, east of Golden Eagle Parkway, west of I-76 Frontage Road and north of the Speer Canal south of Longspur Drive and is approximately 18.9 acres. The owner desires to change the allowed use from those allowed under the commercial and office research and development designations of the Bromley Park Land Use Regulations to those allowed under the single family detached and single family attached designations. The property was annexed in 1985 as part of the Bromley Park annexation, was platted in 2000 as part of the Bromley Park Filing No. 5 residential subdivision and was zoned under the Bromley Park PUD 2nd and 6th Amendments. The surrounding zone districts include the Bromley Park PUD 1st Amendment and the Bromley Park PUD 2nd Amendment.

The current zoning of commercial allows for uses such as retail, services and office. The commercial designation of the Bromley Park PUD also allows for multi-family uses up to a maximum density of 40 dwelling units per acre. As a portion of the property is designated as office research and development, it allows for medical, dental, professional and governmental activities, but can also include light manufacturing, fabrication, and processing. The existing acreage of the zoning condition is 12.63 acres allowing for up to a maximum of 505 multi-family units.

Under the proposed PUD amendment, the allowed uses would change to single family detached and single family attached designations. Those being single family dwellings, duplexes, zero lot line, patio homes, triplex, four-plex, townhouse complexes and accessory uses. These residential uses would be allowed to develop at a maximum density of 12 dwelling units per acre. This PUD amendment proposes to cap that density at 12 dwelling units as opposed to the current zoning, which allows multi-family development at a cap of 40 dwelling units per acre. Under this proposed density and 18.9 acres, a maximum of 227 total units would be allowed under the new zoning designation. The Comprehensive Plan designates the subject property a mix of high density residential, commercial and low density residential. Surrounding zoning includes low density residential, public land, parks and open space and industrial.

The criteria in Section 2.04 C of the Land Use and Development Code should be used in making this decision.

- a. *The proposed PUD amendment will encourage development at the site that meets a number of policies of the Comprehensive Plan and will allow the property some flexibility to further encourage development that a general zoning district would not.*
- b. *With the proposed decrease in density and change of use, the proposed PUD amendment will allow the property to develop with similar uses and densities to the surrounding residential neighborhoods.*
- c. *The proposed PUD amendment would allow the project to develop as outlined in the Bromley Park Land Use Regulations single-family detached and attached designations. The same districts allowing single-family detached and attached residential uses have historically been used for residential areas in the adjacent neighborhoods.*
- d. *The proposed standards do not undermine the original intent or design objectives.*
- e. *The proposed PUD amendment will allow the property to develop in a manner that will support and advance a number of policies of the Comprehensive Plan and widely held sound plan and design principles.*

The criteria for a zoning map amendment in the Land Use and Development Code must be met.

1. *The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.*
2. *The development of the land as allowed under the proposed PUD amendment will ensure that the site develops similarly to other properties under the Bromley Park PUD. The surrounding allowed uses are compatible with the use of the property as single-family detached and attached residential.*
3. *The property can be adequately served and any future site developer will pay the applicable costs to connect to City infrastructure.*
4. *The property is currently limited to commercial, office research, and multi-family uses and the proposed PUD amendment would change the allowed uses to those listed under the single-family detached and attached designations. This will serve a community need for housing diversity.*
5. *City staff finds the site as appropriate for single-family detached and attached uses given its specific location and based on the desires of the community as expressed in the Comprehensive Plan. Site development, including buffering and building design will occur in accordance with the applicable standards as outlined in the PUD amendment. Any project on the property will only be permitted with a design that ensures it fits within the context and development patterns of the area.*

Written notice was mailed to all property owners within 1,000 feet and a notice was published on the City's website on June 14, 2022. On June 15, 2022 four signs were posted on the property. Staff has not received any formal comments. A neighborhood meeting was held on November 17, 2021. Staff posted information for the public hearing on various social media sites.

The Development Review Committee has reviewed this project and recommended approval. The Planning Commission heard the request on May 26, 2022 and unanimously recommended approval. Staff finds the PUD amendment is in general compliance with the requirements as outlined in the Land Use and Development Code and the goals and objectives as set forth by the Comprehensive Plan. Staff recommends approval of the Bromley Park Planned Unit Development 26th Amendment.

The applicant Lauren Brockman provided a brief background of his company and the project.

Mayor Pro Tem Cushing asked if anyone in the audience had questions for the applicant.

Terry Wright, Brighton. Mr. Wright asked what this area would look like in 5 years. Planner Di Mario explained that the plans being shown are a conceptual site plan of the area. There will be a mix of single-family attached product and single-family dwellings. Mr. Wright asked what single family products are. Mr. Di Mario explained what single-family attached and detached products are. Mr. Wright asked how many people will be living there. Planner Di Mario stated that the units cap at 12 dwelling units per acre, but a site plan has not been done to determine the number of dwellings.

Tom Kendall, Brighton. Mr. Kendall asked how this would tie in with bike paths and fixing transportation issues. This development will add to existing issues. Planner Di Mario explained that the item being proposed tonight is for zoning. Transportation issues will be dealt with during the platting

phase. The frontage road is under the jurisdiction of the Colorado Department of Transportation. CDOT has been and will be a referral agency on the project moving forward. All parking will be required to remain onsite for this development. Mr. Kendall asked if there is plenty of water for this. Planner Di Mario explained that the developer would be required to pay fee-in-lieu of water dedication.

Jaclyn McGrady, Brighton. Ms. McGrady is concerned about the addition of 700 homes and families in the community. There are challenges with infrastructure, staffing of police, rising mortgage rates, school children, and traffic. This is not in the best interest of the City and the zoning should remain commercial.

Thomas Kendall, Brighton. Mr. Kendall would like to see this development done right. Mr. Kendall is concerned about kids that have been hit near alleyways. The neighborhood wants signage and there is concern regarding the non-potable water that is used for irrigation. The development is too close to I-76 without a sound barrier wall and the City needs to look at a no horn area for the trains. Planner Di Mario reported that 27J Schools did not have any issues with the zone change and the developer will be required to contribute to the Capital Facility Fee Foundation to offset the impact to the schools. The current zoning of commercial allows for multi-family up to 40 dwelling units per acre.

Mr. Brockman explained that the current design is for 128 homes, not 700. The non-potable system will be installed by the developer to be connected later when the City can get water pressure up. The noise within units must meet the HUD standards, which is 45 decibels. A traffic study was performed and the developer will contribute to a traffic signal. The traffic will be less than the current zoning. Mr. Brockman is open to signage to help the community.

Mayor Pro Tem Cushing asked if any correspondence had been received, there was none.

Mayor Pro Tem Cushing asked if there were questions from City Council.

Councilmember Blackhurst feels the residents in Bromley Park have some valid concerns. This property was annexed in 1985 at the same time the residents properties were. The property is currently zoned PUD and platted, so changing the zoning to allow less than half of the number of residents is a big improvement. The developer could build a 505 unit apartment complex on that land and that would be worse for traffic, water and schools. Councilmember Blackhurst asked if anything on the map showed that it would be used for commercial. Planner Di Mario explained that the amendment would get rid of the office research and development. Councilmember Blackhurst hopes that the non-potable lines will not tie into a system that does not have enough water. Councilmember Blackhurst asked if the area would have to be re-platted and Planner Di Mario stated that it would.

Councilmember Padilla asked if the maximum units allowed is 500 and Planner Di Mario stated that it is. Councilmember Padilla asked if the proposed zoning would lower that number to 227. Planner Di Mario stated that is the maximum. Councilmember Padilla explained that Council is making a decision to change the zoning to reduce by half the possible number of units in the area. Councilmember Padilla asked if the units were being presented as attached and detached rental properties and Planner Di Mario explained that this will be a for rent community. Councilmember Padilla asked if the product would fit the style and feel of the neighborhood. Mr. Brockman explained that the rents start at \$2,500 and up to \$3,800. Councilmember Padilla is concerned about the access at Bridge Street into the development. People cannot be restricted from parking on the street, but parking on Longspur is an issue. Councilmember Padilla is in favor of making the zone change that would reduce by at least half the number of homes in the neighborhood.

Mayor Pro Tem Cushing asked if the developer would need to meet the standards of the original development for this to be approved. Planner Di Mario stated that is correct, whether the proposal comes forward as commercial or single-family, the developer is required to meet all standards of the Land Use and Development Code, Master Transportation Plan and any other Codes that have been adopted. Mayor Pro Tem Cushing asked how likely it is that the developer would be able to meet those standards in order to build a 500 unit apartment complex on the site. Planner Di Mario stated they will not know until the developer goes further into the site plan and engineering processes. Mayor Pro Tem Cushing asked what the original plan for this property was since this is the 26th amendment. Planner Di Mario explained that a small portion of the property was originally zoned commercial and the rest was office research and development. That was modified in the Bromley Park PUD 6th Amendment

from 2002. Mayor Pro Tem Cushing asked if this property is grandfathered in and that is why they will be required to pay a fee-in-lieu for water as part of their original plat. Planner Di Mario reported that they are grandfathered in and are eligible to pay a fee-in-lieu. The Bromley Park Land Use Regulations allow for amendments, whether they be minor, which are handled administratively, or major that come before Council for approval. Mayor Pro Tem Cushing understands that parking and water are valid concerns, but those are not the issues being decided at this time. Apartments are not a good fit for the area and there is concern that other commercial uses could draw more traffic into the area. The smaller density homes would be a better fit and cause fewer issues.

Councilmember Padilla asked if the commercial zoning would allow light manufacturing. Planning Di Mario explained that it would be allowed under the office research and development zoning.

Mayor Pro Tem Cushing closed the public hearing at 7:02 p.m.

Motion by Councilmember Blackhurst, seconded by Councilmember Taddeo, to approve the Ordinance. Motion passed by the following vote:

Aye: 4 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, and Councilmember Taddeo

No: 1 - Councilmember Pollack

Absent: 3 - Mayor Mills, Councilmember Johnston and Councilmember Pawlowski

7. ORDINANCES FOR INITIAL CONSIDERATION

8. ORDINANCES FOR FINAL CONSIDERATION

9. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION, AND SETTING A PUBLIC HEARING FOR AUGUST 16, 2022, TO DETERMINE IF THE PROPOSED APPROXIMATE 95.105 ACRES OF PROPERTY, TO BE KNOWN AS THE MAGPIE ANNEXATION, COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION

Mayor Pro Tem Cushing read the title of the Resolution into the record.

Associate Planner Nicholas Di Mario presented the Magpie Annexation Substantial Compliance. The property is located to the north of East 152nd Avenue and east of the Burlington Northern Santa Fe Railroad, is approximately 95.105 acres and is zoned under Adams County A-3, Agriculture. City Council must find if the Annexation Petition is in compliance with the Colorado Statutes and consider a Resolution to set a public hearing. C.R.S. § 31-12-104 which is referenced by C.R.S. § 31-12-107 includes criteria for annexation eligibility. The requirements include contiguity that not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality. The proposed annexation meets this requirement. A community of interest exists between the area proposed to be annexed and the annexing municipality: that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The proposed annexation meets this requirement. The subject property is designed as agriculture under the Comprehensive Plan and is within the City's growth boundary. Staff finds that the submitted Annexation Petition meets the requirements of the Colorado Revised Statutes and that August 16, 2022 is an appropriate date for the public hearing on the annexation. The proposed annexation complies with the Comprehensive Plan. Publication and notification of the public hearing will be provided to all applicable entities as required in the Colorado Revised Statutes.

Motion by Councilmember Blackhurst, seconded by Councilmember Padilla, to approve Resolution 2022-78. Motion passed by the following vote:

Aye: 5 - Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 3 - Mayor Mills, Councilmember Johnston and Councilmember Pawlowski

10. UTILITIES BUSINESS ITEMS

11. GENERAL BUSINESS

A. Co-Responder Program Update

Commander Monce Portillo presented the process and goals for a successful Co-Responder Program.

City Council and Police Department staff discussed the proposed program.

12. REPORTS

A. By the Mayor

Mayor Pro Tem Cushing attended the 4th of July celebration and thanked staff for doing a great job.

B. By Department Directors

C. By the City Attorney

D. By the City Manager

City Manager Michael Martinez thanked staff for their hard work on the 4th of July event and reminded everyone that Saturday is the Police Department awards banquet.

E. By City Council

Councilmember Padilla reported that July is Purposeful Parenting Month and Bereaved Parents Awareness Month.

Councilmember Blackhurst would like more discussion with the Police Department regarding illegal fireworks in the City, a problem that seems to be getting worse each year.


Councilmember Taddeo feels fireworks were the worst this year and recommended using drones for enforcement in the future.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Mayor Pro Tem Cushing adjourned the meeting at 8:09 p.m.

CITY OF BRIGHTON, COLORADO


Adam Cushing, Mayor Pro Tem

ATTEST:

Erin D. Kelm
Erin Kelm, Deputy City Clerk

August 2, 2022
Approval Date