

**CITY OF BRIGHTON
PLANNING COMMISSION**

MINUTES

August 10, 2023

Approved as Presented

I. CALL TO ORDER

Chairman Maslanik called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Roll call was taken with the following Commissioners in attendance: Chris Maslanik, Valerie Wolf, Kathryn LeDonne and Jim Snyder. Alternate Jolene Cohen-McCoy excused.

STAFF PRESENT

Yasmina Gibbons, Deputy City Attorney; Alicia Calderon, City Attorney; Holly Prather, Director of Community Development; Mike Tylka, Assistant Director of Community Development; Sheryl Johnson, Secretary; Nicholas Di Mario, Senior Planner; Christopher Montoya, Assistant Director of Public Works; Scott Olson, Interim Director of Utilities; Andy Ulmer, C.B.O.; Greg Labrie, Director of Public Works; Elizabeth Bendarcy, Brighton Fire Rescue District Marshall; Michael O'Brien, Brighton Fire District Consultant.

IV. MINUTES OF PREVIOUS MEETINGS

Motion by Commissioner LeDonne to approve the July 27, 2023 minutes as presented

Second by Commissioner Snyder

Voting Aye: All present

Motion passes: 4-0

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

None presented.

VI. AGENDA ITEMS

1. Mile High Logistics Center Planned Development: Nicholas Di Mario presenting

1. Mile High Logistics Center Planned Development

Chair opened the public hearing at 6:08 p.m.

Chair invited Staff to present, summarized:

Ms. Prather summarized the purpose of the meeting. Director Prather provided an overview of the planned development application process. Mr. Di Mario presented.

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

Commissioner LeDonne: Why is this proposed in an I-1 area, rather than an I-2 area?

Mr. Di Mario: This PD further restricts beyond the requirements of the LUDC requirements of the I-2 zoning district.

Commissioner LeDonne: Is there a 100% guarantee that there would be no water contamination with the new proposed lessee?

Mr. Olson: The treatment plant is for treatment of water; it is not where the entry of water occurs. Water treatment plant is not an intake point. The building will have backflow prevention.

Chair Maslanik: Is there a gas station near this plant that houses hazardous materials?

Mr. Olson: Yes.

Commissioner LeDonne: Are the hazardous materials that would be stored at this location different?

Mr. Olson: Staff cannot speak to this now.

Commissioner Snyder: Is there an extreme difference in storing hazardous materials?

Mr. Olson: Cannot speak to the storage of hazardous materials.

Commissioner LeDonne: Considering Policy 8.3, are there any specific details regarding property values.

Mr. Di Mario: Cannot speak to this.

Chair Maslanik: says that LeDonne is out of order

Chair Maslanik: Questions regarding the improvements to the adjacent roadways.

Mr. Di Mario: Staff is requiring additional roadway improvements that are not required under existing zoning.

Commissioner Wolf: If 76 is a hazmat route, what kind of traffic are talking about on this route?

Mr. Di Mario: Drivers are trained for hazardous materials transportation.

Mr. Tyłka: Traffic impact analysis will be required at a later stage in the process.

Commissioner Snyder: Policy 3.5 requires that we protect and enhance the air quality of the community. Has staff inquired into the impacts to the air quality of the City?

Mr. Di Mario: Staff has not reviewed anything at this time as there is no site plan application.

Presentation by Applicant:

Brian Douglas, 5349 Missionwoods Rd., Missionwoods, KS

Presentation by B. Douglas

Presentation by K. Martin, 950 17th Street, Denver, CO (Otten Johnson)

Presentation by Savannah Benedick Welch (Norris Design)

Re: mitigation efforts included in the Planned Development

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

Commissioner Snyder: Have you adequately researched other properties in the City?

Ms. Martin: This is not a development site, but rather a re-use of an existing site?

Commissioner Snyder: It appears that there are number of uses that would not involve the use of hazardous materials, correct?

Mr. Di Mario: Yes.

Commissioner Ledonne: Is Amprius the catalyst for this zoning change?

Mr. Douglas: "So, my answer is twofold, um, you know yes, there is an Amprius consideration to this request but, really the core primary reason we are here is that distribution center is too restrictive for the property. So, whether Amprius is a tenant in this building or not, there is still going to be an extreme impairment towards leasing this facility to full occupancy with the current existing zoning via the PUD. So, it's kind of a twofold answer, the zoning needs to be changed on this property period and Amprius is a separate component."

Commissioner LeDonne: Can the owners of this property guarantee that there will be no contamination to the City's water supply?

Mr. Douglas: Want to be good stewards but is not in a position to make this kind of representation at this time.

Commissioner Snyder: If this PD is approved with an exclusion of hazardous material manufacturing?

Mr. Douglas: Answer would be speculation.

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

Gilda Ramirez, 4515 Mt. Princeton Street: How do we know what the hazardous materials will be?

Mr. Douglas: Does not know.

Ms. Ramirez: Does an evacuation plan include the residents?

Di Mario: Any user that utilizes hazardous materials will need to work with the Fire Department and emergency services to create a response plan for both the facility and the surrounding area.

Joe Williams, 4459 Mt. Sneffels: If we eliminate the hazardous materials, would other uses make more sense? Do the people live within 1,000 of this property? Would you let this happen 1,000 feet from your house?

George Ryan, 352 N. 42nd Ave.: Why can't we rezone for a recreation center or something along those lines?

Di Mario: the property would be able to be used for any of the uses proposed in the PD.

Kathline Hyde, 3947 Castillo Ct.: If this PD gets rezoned, you can lease to anyone you want to, the only option we have as the public is to restrict the hazardous materials allowance with this PD.

Denise Swetkovich, 4476 Mt. Oxford St.: Do you really think that adding a few trails, widening streets, and adding setbacks will make this right? Do not think you are doing us a favor.

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

Michael Holmes, 5521 Hawk Pkwy: Stated list of hazardous materials used in the creation of lithium batteries.

Cathy Rice, 156 S. 45th Ave.: Lithium-ion batteries are hazardous on a human being. Lithium is not safe.

Nathan Segal, 4281 Threshen Dr.: Commended Nick's presentation. What is the distance between this use and the water tower?

Mr. Di Mario: 2,100 feet

Mr. Segal: Distance from the water treatment plant and schools?

Mr. Di Mario: Water treatment plant within 500 feet, and elementary school is 3,280 feet away, 2 other schools are within a mile.

Brian Eakins, 353 Montezuma St.: Potential of accidents and hazards always happens. Residents are in the blast radius of this facility.

Angela Pirrone, 4970 Mt. Cameron Dr.: Has great concerns for the public in allowing industrial manufacturing of this size in the City of Brighton. What is the guarantee that the other tenants in the facility will not be worse than Amprius.

Jessie Williams, 4459 Mt. Sneffels St.: This application does not promote the health, safety, or welfare of the city.

Shane Bacon, 4121 Mt. Princeton St.: Why do we have to have this zoned to industrial?

James Arens, 4378 Mt. Princeton St.: Is the Fire Department trained and capable of putting out a fire at this facility?

Ms. Bendarcy: Brighton Fire District is prepared for all hazards all hazards response.

Mille Swycovich, 4476 Mt. Oxford St.: Thanked the Staff and Commission for the hearing. Spoke against facility.

Roger Ferall, 148 Mt. Elbert St.: Would not move here if he knew this facility was here.

Angela Palashtuck 1346 Mt. Sneffels St.: Spoke to Ms. Bendarcy point that there are not several batteries exploding in her home. Spoke against the purposed PD.

Neveah Williams, 4459 Mt. Sneffels St.: Disheartening that applicant thought this was an appropriate area for this application.

Cathy Paul, 317 Sirio St.: Fire Chief told here “we’re as well prepared as we can be.” There are a lot of things about the hazards of lithium that we do not understand at this time, do not know if they can handle it until it happens.

Ron Ramirez, 4514 Mt. Princeton.: Spoke about the ramifications of agent orange and the chances that we take if this passes.

Correspondence submitted to the Planning Commission is read into the record (both in favor and in opposition to the application).

Chair closed the public hearing at 8:26 p.m.

The Commission Secretary read the resolution into the record.

Chair called for discussion among Commissioners, summarized:

Commissioner Snyder: This is a difficult decision; does not have a problem with Amprius, but does not think that hazardous materials should be included in this area. Added by Commissioner Snyder: the water plant and the water supply are near this project; “ignorant” to think that the water supply will not be contaminated

Commissioner LeDonne: Does not like where this is being proposed and does not agree with this classification; points out 3.12 and 3.13 – manufacturing is discouraged in this residential area; believes this is the wrong zoning for this property; applicant and owner are lacking in information “big time.” Concerned about water. More precious than anything before the city.

Commissioner Wolf: In representing the citizens of Brighton, the resident’s safety must be of top concern. Added: Concerned that this PD is only benefitting one applicant.

Chair Maslanik: Listed all of the hazardous materials that already within the city; this is an opportunity for jobs, and it will be highly regulated.

Motion by Commissioner Snyder to deny the resolution as presented.

Second by Commissioner Wolf.

Voting:

Chair Maslanik: No

Wolf: No (rescinded); Yes

LeDonne: Yes

Snyder: Yes

Resolution denied: 3-1

VII. OLD BUSINESS

None presented.

VIII. NEW BUSINESS

None presented.

IX. REPORTS

1. Reports

None presented.

2. Tentative Next Meeting: TBD

Mr. Tylka stated that the next meeting will be August 24, 2023 at 6:00 pm.

X. ADJOURNMENT

Motion by Commissioner LeDonne

Second by Commissioner Snyder

Voting Aye: All Present

Motion passes: 4-0

Meeting adjourned at 8:47 p.m.

Recorded by Jordan Kowalenko