

**CITY OF BRIGHTON
PLANNING COMMISSION**

MINUTES

January 20, 2022

Approved as presented

I. CALL TO ORDER

Chairman Maslanik called the meeting to order at 6:07 p.m.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Roll call was taken with the following Commissioners in attendance: Chris Maslanik, Bill Leck, Fidel Balderas, and Mike Pishaki. Alternate Liane Wahl was present and seated to vote. Alternate Valerie Wolf was excused. Youth Commissioners Giana Rocha and Dahaan Medina were absent.

STAFF PRESENT

Alicia Calderon, City Attorney; Yasmina Shaush, Assistant City Attorney; Holly Prather, Director of Community Development; Mike Tylka, Assistant Director of Community Development, Marc Johns, Assistant Director of Utilities; Thu Lam, Utilities Engineering Manager; Christopher Montoya, Public Works Engineering Manager, Scott Olson, Stormwater Coordinator; Kate Lesser, Commission Secretary

PLANNING COMMISSION'S LEGAL COUNSEL

Austin Flanagan, *Hoffmann, Parker, Wilson, Carberry P.C.*

IV. VISTAS AT DONELSON PARK APPEAL OF ADMINISTRATIVE DECISION

1. Vistas at Donelson Park Appeal of Administrative Decision

Motion by Commissioner Leck to move to Executive Session for the purpose of holding a conference with the legal counsel to receive advice on specific legal questions related to an appeal of the site plan for Vistas at Donelson Park pursuant to C.R.S. § 24-6-402(4)(b).

Second by Commissioner Balderas.

The Planning Commission moved to Executive Session at 6:09 p.m.

The Planning Commission returned to the Council Chambers at 6:23 p.m.

Chair invited Staff to present, summarized:

Mr. Tylka requested that five of Staff's allowed 25 minutes of presentation time be reserved for Staff to comment after the Appellant's presentation.

Chairman Maslanik denied the request.

Mr. Tylka presented the item as outlined in the staff report starting with details on the review process that the project went through and cited the LUDC and applicable standards, noting that no clear error was made based upon the review criteria pertaining to the project type.

Ms. Shaush stated that the decision to overturn the appeal must be based on evidence which the Appellant has failed to provide.

Chair invited the Appellant to present, summarized:

Mr. Ryan presented a PowerPoint citing concerns for public safety, health, general welfare, parking, traffic, and property value with relation to LUDC 1.01 and 1.02. Presentation included concerns regarding safe paths to schools, location of project, emergency accessibility, air pollution, vehicle emissions, noise pollution, neighborhood meeting requirement, notification, and school capacity, and cited the organizational chart and mission statement of the City.

Chair invited the Applicant to present, summarized:

Gregory Himmel, the Applicant representing Greystar, stated that the developer made amendments to the original proposal according to Staff's comments. Mr. Himmel summarized the entitlements allowing the development to proceed and that no exceptions were made.

Nate Hunt, legal counsel for the Applicant, stated that the appeal must be denied unless a clear error was made.

Chair called for comments from the public, summarized:

Martin Campos, 4202 Clover Lane, Brighton, CO, 80601

Mr. Campos spoke in opposition to the development, citing concerns for the safety related to the detention pond, increased crime, decreased property value, and the developer's reputation. Mr. Campos cited project impacts to special needs children.

Robert Rentz, 4211 Threshing Drive, Brighton, CO, 80601

Mr. Rentz submitted comment to be read aloud by the Commission Secretary. Mr. Rentz's comment was in opposition to the development, citing concerns for traffic, overcrowding, the ability to provide enough services for everyone, parking on 42nd, and general health and welfare of the community.

Sylvia Lyons, 210 Zuniga Street, Brighton, CO, 80601

Ms. Lyons spoke in opposition to the development, citing concerns for safety, ability to provide emergency services (including access), overcrowded schools, waste disposal, school ratings, change in neighborhood, Chavez Street, cost of roads, and the developer's reputation and tenant allowances.

Ms. Lyons cited project impacts to special needs children.

Phyllis Hall, 4222 Clover Lane, Brighton, CO, 80601

Ms. Hall spoke in opposition to the development, citing concerns for increased safety (related to past experiences), crime, parking, and resell value. Ms. Hall stated that she was told the site would be townhomes.

Kristen Cook, 3977 Sandoval Street, Brighton, CO, 80601

Ms. Cook spoke in opposition to the development, citing concerns for loud noise on road (backs Long's Peak Street), overcrowding, increased crime, Chavez Street, and the developer's reputation (former resident). Ms. Cook expressed a desire for small farm town feel.

Lyle Fair, 4651 Harvest Lane, Brighton, CO, 80601

Mr. Fair spoke in opposition to the development, citing concerns for project context (location), overcrowding, economic impacts, and welfare of the community. Mr. Fair stated that he was promised a school and requested that the Commission do the right thing (best interest of the community).

Kelly Schulte, 4236 Clover Lane, Brighton, CO, 80601

Ms. Schulte spoke in opposition to the development, citing concerns for the safety of the detention pond, traffic (outdated study and effects of new developments- including those in Lochbuie), increased burden to emergency services, project context (location), and the developer's reputation. Ms. Schulte stated that she was told the site would be townhomes. Ms. Schulte cited project impacts to special needs children.

Cindi Shutt, 224 Blue Bonnet Drive, Brighton, CO, 80601

Ms. Shutt spoke in opposition to the development, citing concerns for increased crime, ability to provide emergency services and infrastructure, unit count, noise, Louchbuie's Master Plan, water prices, traffic, storm drainage, light pollution, and developer's reputation.

Donna Garcia, 441 Farmhouse Way, Brighton, CO, 80601

Ms. Garcia spoke in opposition to the development, citing concerns for traffic, safety, and ability to provide emergency services. Ms. Garcia stated that she was told the site would be a school.

Naomi Hilgart, 372 Zuniga Street, Brighton, CO, 80601

Ms. Hilgart spoke in opposition to the development, citing concerns for decreased property value, traffic, and the developer's reputation (citing specific incidences in the past). Ms. Hilgart cited that she moved to Brighton for the small town rural feel.

Brenda McGee, 35 Pioneer Place, Brighton, CO, 80601

Ms. McGee spoke in opposition to the development, citing concerns for the appeal process, delay of 45th Avenue, timing of 40th Avenue, traffic (including warrants and traffic signal contributions-taxpayer funding), RTD bus stop locations, accesses, the cost and ability to provide infrastructure, and that the site was not planned for this density.

Amanda Black, 362 Zuniga Street, Brighton, CO, 80601

Ms. Black spoke in opposition to the development, citing concerns for noise, overcrowding, the ability to provide enough services for everyone (pharmacies in particular), views in the homes, safety, crime, rodents/pests, loss of small town feel, and the developer's reputation. Ms. Black cited that she moved to Brighton for the quiet, rural feel and that the project impacts special needs children.

Kynzie Black, 362 Zuniga Street, Brighton, CO, 80601

Ms. Black spoke in opposition to the development, citing concerns for safety (walking, cars).

Gavin Lee, 362 Zuniga Street, Brighton, CO, 80601

Mr. Lee spoke in opposition to the development, citing concerns for traffic and rodents/pests.

Chairman Maslanik called for a 5-minute recess.

Jan Ryan, 352 N. 42nd Avenue, Brighton, CO, 80601

Ms. Ryan spoke in opposition to the development, citing concerns for the density of the site, land entitlement process, other nearby developments, decreased property value, the developer's

reputation, the ability to provide enough services for everyone (grocery stores in particular), and the general health and welfare of the community. Ms. Ryan stated that residents are not being represented in the decisions made.

Marisa Nickerson, 4645 Longs Peak Street, Brighton, CO, 80601

Ms. Nickerson spoke in opposition to the development, citing concerns for overcrowding, growth rates, nearby new unit counts, the ability to provide enough services for everyone (grocery stores in particular), and food shortages. Ms. Nickerson spoke to a desire to limit new building permits until additional grocery stores are in place.

Lora Dawson, 354 Tumbleweed Drive, Brighton, CO, 80601

Ms. Dawson spoke in opposition to the development, citing concerns for decreased quality of life and property value, infrastructure, crime, traffic, and the developer's reputation. Ms. Dawson cited that she wouldn't have moved to Brighton if she knew that apartment development was coming in.

Larry and Betty Bobo, 4180 Combine Place, Brighton, CO, 80601

Mr. and Ms. Bobo spoke in opposition to the development, citing concerns for the approval process, last application on the property, zoning, appeal process, and the developer's reputation. Mr. and Mrs. Bobo stated that no notice was given to neighboring residents nor posted on the site. They requested clarification as to why a special warranty deed was issued for a site that was zoned agricultural according to Adams County records.

Mr. Flanagan stated that the Commission would not be responding to comments, but the special warranty deed is a type of warranty deed with specific legal attachments and that the property is zoned as a Planned Unit Development.

Michelle Jaramillo, 447 Silo Court, Brighton, CO, 80601

Ms. Jaramillo spoke in opposition to the development, citing concerns for increased populations and water usage and infrastructure since funding was not received for the water treatment plant.

Nancy Sanderson, 687 Hayloft Way, Brighton, CO, 80601

Ms. Sanderson spoke in opposition to the development, citing concerns for loss of rural community, residency of decision makers and staff, lack of information/notification, noise, traffic, crime, and the Mayor not being present. Ms. Sanderson requested that the Commission listen to the people who pay taxes.

Roger Gill, 393 Tumbleweed Drive, Brighton, CO, 80601

Mr. Gill spoke in opposition to the development, citing establishment of the City as a farming community and concerns for traffic (cited recent incidences), crime, resident consideration, and overdevelopment.

Matt Mooney, 472 Sunshine Way, Brighton, CO, 80601

Mr. Mooney spoke in opposition to the development, citing concerns for maintenance in the area, traffic, waste disposal, ability to provide infrastructure, the developer's reputation, and pests/rodents.

Chair called for deliberation among the Commissioners, summarized:

Commissioner Balderas stated that he has been living in Brighton for 45 years and has seen it change considerably, and sited personal accountability for the traffic and pollution to which everyone contributes. Taxes are paid by all residents, one way or another. Commissioner Balderas cited that the requirements are set on purpose with input from the community (including the volunteer Commission).

Chairman Maslanik stated that the Commission must determine if a clear error was made in the approval of this plan as this is the limited legal matter before them. Citizens participated in the process of creating the Comprehensive Plan and Land Use and Development Code. There is a predetermined approval process which must be followed. Growth and progress are required to attract businesses. Chairman Maslanik spoke to the entitlement process for development related to the site and desire for realtors to show zoning maps.

Motion by Commissioner Leck to deny the appeal

Second by Commissioner Balderas

Voting Aye: None

Voting Nay: All Present

Motion passes: 5-0

Chairman Maslanik thanked the Appellant and the residents for their time and noted his appreciation for Commissioner Balderas' time serving on the Commission as he has reached his term limits. Commissioner Leck also thanked Commissioner Balderas for his service. Commissioner Balderas stated that he has enjoyed serving the community.

V. ADJOURNMENT

Motion to adjourn at 9:07 p.m.

Motion by Commissioner Balderas

Second by Commissioner Wahl

Voting Aye: All Present

Motion passes: 5-0