

City of Brighton

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



Meeting Minutes

Tuesday, June 28, 2022

6:00 PM

Special City Council Meeting

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

A. Pledge of Allegiance to the American Flag

Mayor Pro Tem Cushing led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Not Present: 2 - Councilmember Johnston, and Councilmember Pawlowski

2. APPROVAL OF REGULAR AGENDA

Motion by Councilmember Blackhurst, seconded by Mayor Pro Tem Cushing, to approve the Regular Agenda as presented. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 2 - Councilmember Johnston, and Councilmember Pawlowski

3. CONSENT AGENDA

4. CEREMONIES

A. Introduction of City of Brighton Interns

Youth Services Coordinator Rachel Nulle introduced the City of Brighton Growing Grads interns.

B. Recognition of Graduating Youth Commission Members

Youth Resource Coordinator Tawnya Russell introduced the graduating Youth Commission Members.

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

Tom Green with United Power presented a check to the City in amount of \$32,750.08.

6. PUBLIC HEARINGS

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE BRIGHTON RIDGE ZONING MAP AMENDMENT FOR AN APPROXIMATELY 103.57 ACRE PROPERTY, GENERALLY LOCATED IN A PORTION OF THE EAST HALF OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 WEST, AND IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 66 WEST, ALL OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

Mayor Mills read the title of the Ordinance into the record.

Mayor Mills opened the public hearing at 6:24 p.m. and City Clerk Natalie Hoel verified the required postings and publications (June 6, 2022 on the City of Brighton website) for this public hearing were completed.

Senior Planner and Historic Preservationist Emma Lane presented the Brighton Ridge Zoning Map Amendment. The applicant is Travis Frazier of Redland and the owner is Walk Off LLC. The property is located south of East 120th Avenue, west of Sable Boulevard and east of Southgate Boulevard, is approximately 103.57 acres and is comprised of three lots, two that have not been platted. The property owner desires to create a mixed use development and is requesting a Zoning Map amendment from the Fuller Estates East PUD to MU-CC – Mixed Use Community Center, C-2 – Restricted Retail and Services, R-2 – Mixed Density Residential and R-3 – Multiple Family Residential. Staff used the review criteria in the Land Use and Development Code Section 2.03(B). The proposed zoning categories present a mix of uses within the development.

- Parcel 1, 17.781 acres, R-3 multi-family residential
- Parcel 2, 5.601 acres, C-2 commercial, retail and services
- Parcel 3 12.774 acres, MU-CC mixed use
- Parcel 4, 20.423, R-2 mixed density residential
- Parcel 5, 4.16 acres, C-2 commercial retail and services
- Parcel 6, 11.285 acres, OS open space
- Parcel 7, 31.54 acres, MU-CC mixed use

The property is currently zoned mixed use office and mixed use commercial within the Fuller Estates East PUD. The property was annexed in 1988 and one of the three parcels was platted. The small three acre parcel west of Potomac Street was platted as Lot 1 of the Green Homestead Subdivision in 1989. To determine if the rezoning is appropriate for the property, staff analyzed the surrounding areas. The future land use portion of the Comprehensive Plan has designated this area as appropriate for mixed use commercial with a small area as low density residential and natural resource conservation. The property is intended to have a mix of uses focusing on commercial uses with secondary residential uses. While the zoning of the property focuses more on the residential uses, there are a number of site constraints. The grading of the site, as well as access and visibility severely limits the commercial viability of much of the land. Commercial access to the lower portions of the property would be difficult given the depth of the property. The commercial uses are being proposed along the highest trafficked roadways along 120th Avenue, Sable Boulevard and the I-76 on-ramp. The areas less desirable for commercial uses are proposed to be zoned for residential. Given the proposed mixed use zoning in Parcel 3, residential uses to the west of Potomac Street could range from 50% to 90% of the area. In order to ensure a balance of uses with residential on the western portion, residential uses have been proposed to be prohibited on the east side of Potomac Street. The portion of the property to the east of Potomac Street is proposed to be 76% commercial with the balance proposed to be open space. If Parcel 3 is developed as residential, it would be developed with 49% residential, 40% commercial and 11% open space. If Parcel 3 is developed as commercial, it would be developed with 37% residential, 52% commercial and 11% open space. The proposed zoning amendment meets numerous other policies.

City Council shall use the following criteria in the Land Use and Development Code in Section 2.03(B).

1. The rezoning of the property will help support the policies of the Comprehensive Plan.
2. The development of the land is in line with the character of the Adams Crossing development. This area to the north is designated as a DRCOG urban center, which promotes mixed use and higher density. The proposed zoning supports similar uses.
3. The property can be adequately served and any future site developer would pay applicable costs to connect to City infrastructure.
4. The property is currently zoned for mixed use office and commercial uses within the Fuller Estates East PUD. The allowed uses are not in line with the current Comprehensive Plan, which calls for a mix of commercial and residential uses. As the property was zoned under a previous Land Use and Development Code, an update to use the current standards of today's Land Use and Development Code would allow uses and design that better align with the Comprehensive Plan. The residential growth occurring in this part of the City was not anticipated when the property was initially zoned. The original PUD designated most of this property and the property to the west as commercial. This application balances the community needs and desires for both residential and commercial uses.

5. Staff finds this property appropriate for mixed use commercial and residential 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 zone district standards as outlined in the Land Use and Development Code. Any site on the property will only be permitted with a design that ensures that it fits in with the context and development patterns in the area.

Mailings were sent to all property owners within 1,000 feet of the proposal as required by Code on June 6, 2022 and a notice was posted on the City's website and social media. Three signed were posted on the property on June 7, 2022. The Development Review Committee reviewed the proposal and recommends approval. The Planning Commission heard the request on May 26, 2022 and unanimously recommends approval. Staff finds that the proposal meets the review criteria in the Land Use and Development Code and recommends approval.

Mayor Mills asked if the applicant would like to add anything to the presentation.

Patrick Schmitz with Westside Investment Partners is excited about the zone change and fixing the expired PUD. There will be a great variety of uses coming in with residential uses, retail, restaurants and office space.

Mayor Mills asked if anyone in the audience had questions for the applicant, there was none.

Mayor Mills asked if anyone in the audience wished to speak on behalf of or against the request.

Patrick Stoffregen, Pedcor Investments, is a developer of affordable housing and excited to be partnering with the Brighton Housing Authority on affordable housing in this development.

Mayor Mills asked if there were questions from City Council.

Councilmember Taddeo asked if there would not be any R-1 in the development and Planner Lane stated there would not. Councilmember Taddeo asked if the developer would provide water and Planner Lane explained that will come with the Subdivision Plan.

Mayor Pro Tem Cushing asked if the developer would be able to solve the congestion problems on 120th Avenue and Planner Lane explained that part of the Subdivision Plan will have a Traffic Impact Study and would require improvements. Mayor Pro Tem Cushing asked if this would be complicated given the issues with jurisdiction on that roadway. City Attorney Alicia Calderón explained that the item before Council at this time is zoning and a lot of these details are not being addressed at this time so comments should not be made on something that is under review. Public Works Director Michael Woodruff stated that staff will work with all jurisdictions involved as they have done in the past.

Councilmember Padilla stated that it is important to maintain this area for the highest value possible and is supportive of mixed use development and affordable housing as part of the development. Councilmember Padilla asked what type of commercial use is C-3 and Planner Lane explained that it is the most intensive use include the largest grocery store, the largest retail store and medical care.

Councilmember Blackhurst feels the traffic concerns on 120th Avenue are paramount and this will contribute to the solution. Councilmember Blackhurst is in support of the affordable housing in the area.

Mayor Mills asked if part of the land is owned by 27J Schools and Planner Lane explained that it is not, the school property is south of the property.

Mayor Mills closed the public hearing at 6:51 p.m.

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

Aye: 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 2 - Councilmember Johnston, and Councilmember Pawlowski

7. ORDINANCES FOR INITIAL CONSIDERATION

8. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 2-10 OF THE BRIGHTON MUNICIPAL CODE REGARDING THE CITY OF BRIGHTON CODE OF ETHICS AND CREATING A PROCESS FOR REVIEW OF COMPLAINTS

Mayor Mills read the title of the Ordinance into the record.

City Attorney Calderón explained that this is the final reading of the Ordinance and the only change was requested by City Council to amend Section 2-10-100, the appointment of the independent ethics counsel shall be appointed by a vote of 2/3 of the members in office at the time. The same change was made regarding the appointment of the hearing officer.

Motion by Councilmember Blackhurst, seconded by Councilmember Padilla, to approve the Ordinance as amended to 2/3 in attendance. The motion failed by the following vote:

Aye: 3 - Councilmember Blackhurst, Councilmember Padilla, and Councilmember Taddeo

No: 3 - Mayor Mills, Mayor Pro Tem Cushing, and Councilmember Pollack

Absent: 2 - Councilmember Johnston, and Councilmember Pawlowski

Motion by Mayor Pro Tem Cushing, seconded by Mayor Mills, to approve the Ordinance. The motion failed by the following vote:

Aye: 2 - Mayor Mills, and Mayor Pro Tem Cushing

No: 4 - Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 2 - Councilmember Johnston, and Councilmember Pawlowski

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING ARTICLE 2-25 OF THE BRIGHTON MUNICIPAL CODE REGARDING THE BRIGHTON YOUTH COMMISSION

Mayor Mills read the title of the Ordinance into the record.

Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to approve Ordinance 2385. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 2 - Councilmember Johnston, and Councilmember Pawlowski

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CHAPTER 8 OF THE BRIGHTON MUNICIPAL CODE BY THE ADDITION OF SECTION 8-40 TO ENACT OPEN FIRE AND BURNING RESTRICTIONS

Mayor Mills read the title of the Ordinance into the record.

City Attorney Alicia Calderón explained that the language regarding ornamental fireplaces was changed to portable outdoor fireplace.

Motion by Councilmember Padilla, seconded by Mayor Pro Tem Cushing, to approve Ordinance 2386 as amended. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 2 - Councilmember Johnston, and Councilmember Pawlowski

D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADDING ARTICLE 10-15 TO THE BRIGHTON MUNICIPAL CODE REGARDING PEDESTRIANS HINDERING THE FLOW OF TRAFFIC AND ENHANCING PEDESTRIAN AND TRAFFIC SAFETY

Mayor Mills read the title of the Ordinance into the record.

Motion by Councilmember Taddeo, seconded by Councilmember Pollack, to approve Ordinance 2387. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 2 - Councilmember Johnston, and Councilmember Pawlowski

9. RESOLUTIONS

10. UTILITIES BUSINESS ITEMS

Resolutions

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING INTERGOVERNMENTAL AGREEMENT AMENDMENT NO. 19-05.22A REGARDING MAINTENANCE OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR THE BRIGHTON SOUTH OUTFALL BETWEEN THE CITY OF BRIGHTON AND URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID INTERGOVERNMENTAL AGREEMENT ON BEHALF OF THE CITY

Mayor Mills read the title of the Resolution into the record.

Stormwater Engineer Scott Olsen presented the IGA Amendment regarding the South Outfall Channel. This will focus on the area downstream of the US Highway 85 culverts to the McCann Ditch crossing at the Southern Street Trailhead. Safety grating will be considered over the highway culverts.

Andy Stewart and Collin Haggerty with Mile High Flood District explained the purpose of the Mile High Flood District, their contracting methods and their procurement processes.

Motion by Councilmember Blackhurst, seconded by Mayor Pro Tem Cushing, to approve Resolution 2022-77. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 2 - Councilmember Johnston, and Councilmember Pawlowski

11. GENERAL BUSINESS

A. 2021 Financial Audit Report

Ty Holman, with Haynie & Company presented the results of the 2021 Financial Statement Audit.

B. Schedule a Special City Council Meeting on June 30, 2022 at 6:00 p.m. to Discuss the Ward 1 Vacancy

Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to bring a Resolution for a Special Election to fill the vacancy in Ward 1 targeting scheduling to coincide with the Coordinated Election on November 8th and in order to facilitate that, bring a plan to complete redistricting in time for the candidates to ensure they would all still be in Ward 1 as the next election in 2023 comes forward. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

Absent: 2 - Councilmember Johnston, and Councilmember Pawlowski

12. REPORTS

A. By the Mayor

Mayor Mills attended the CML conference, the Almost Home awards diner, the Downtown Rockabilly event and the ribbon cutting for The Boutique.

B. By Department Directors

Public Works Director Michael Woodruff updated Council on the closure of Baseline Road and announced that the eScooter kickoff event is Thursday morning at City Hall.

C. By the City Attorney

D. By the City Manager

City Manager Michael Martinez announced that the 4th of July celebration begins at 5:00 p.m.

E. By City Council

Councilmember Taddeo attended the CML conference and the Chamber Luncheon.

Mayor Pro Tem Cushing attended the CML conference, the Downtown Rockabilly event and the ADCO Pride event.

Councilmember Blackhurst attended the CML conference.

Councilmember Padilla attended the CML conference, the Almost Home fundraiser and the ADCO Pride event.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:04 p.m.

CITY OF BRIGHTON, COLORADO



Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date