

**CITY OF BRIGHTON
PLANNING COMMISSION**

MINUTES

October 9, 2018

Approved as presented

I. CALL TO ORDER

Chairman Maslanik called the meeting to order at 6:08 p.m.

II. Pledge of Allegiance

III. ROLL CALL

Roll call was taken with the following Commissioners in attendance: Chris Maslanik, Fidel Balderas, William Leck, Rex Bell and Oliver Shaw. Alternate, Steve Ginevan was excused from attendance.

STAFF PRESENT: Jason Bradford, Planning Manager; Mike Tylka, Senior Planner; Lauren Simmons, Senior Planner; Josh Tetzlaff, Senior Planner; Daniel Harvey, Interim City Counsel; Diane Phin, Commission Secretary.

IV. MINUTES OF PREVIOUS MEETINGS

Minutes from the September 25, 2018 regular Planning Commission meeting were approved as presented.

Motion by Commissioner Balderas

Second by Commissioner Shaw

Voting Aye: All Present

Motion passes 5-0

Chairman Maslanik requested changing the order of the public hearings as some of the staff have to attend the City Council Study Session this evening. Commission agreed.

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

None recognized

VI. AGENDA ITEMS

1. Wireless Communication Facilities (WCF's) Code Amendment: Continued from September 25, 2018 - Mike Tylka presenting
2. Schara Property – Zone Change: Lauren Simmons presenting
3. Oil/Gas Code Amendment: Josh Tetzlaff presenting
4. Sign Code Amendment: Mike Tylka presenting
5. Planning Month Proclamation: Jason Bradford presenting

Schara Property – Zone Change

Chair invited Staff to present, summarized:

Ms. Simmons confirmed that legal posting and publication were completed for this hearing and discussed the item as outlined in the staff report. Ms. Simmons stood ready

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for questions.

Chair called for questions from Commission to Staff, summarized:

None recognized

Chair called for the Applicant to address Commission, summarized:

Meaghan Turner, Kimley Horn, 4582 S. Ulster St., Denver, CO 80237

Ms. Turner stated she had no more to add to the presentation and could answer questions.

Chair called for questions from Commission to the Applicant, summarized:

None recognized

Chair called for the public to address Commission, summarized:

Peter Gunderson, Neighboring Land Owner, 790 Niagara Street, Denver, CO 80220

Mr. Gunderson stated he hopes Commission approves this zoning request as he is in favor of it.

Chair closed the public portion at 6:28 p.m.

Chair called for discussion among Commissioners, summarized:

- It was clarified this will be a pre-stress concrete facility. The applicant said they will be improving the roadway from the western side to the most eastern side access point.
- Staff stated that the road, traffic and noise will be addressed at a later date. This hearing is only for the zoning.

Motion to forward to City Council with a recommendation of approval for the Schara Property Zone Change to a City designation of Heavy Industrial (I-2) from the designation of Light Industrial (I-1).

Motion by Commissioner Balderas

Second by Commissioner Shaw

Voting Aye: All Present

Motion passes 5-0

Oil/Gas Code Amendment

Chair invited Staff to present, summarized:

Mr. Tetzlaff confirmed that that legal publication was completed for this hearing and discussed the item as outlined in the staff report. He explained that after a well has been fractured there is waste water that has chemicals in it that needs to be disposed of. Companies are using injection wells in which they have searched for porous rock, dug holes in the ground, added a concrete encasement and then inject the polluted water in the holes where it is stored. There are some concerns with these injection wells which include, water quality risk, heavy truck traffic to and from the well, air quality, spills and risk of seismic activity. Mr. Tetzlaff told Commission that after the research he and Mr. Sura have completed, they are recommending the ban of any type of disposal facilities, including injection wells, in the city limits of Brighton.

William Leck arrived at 6:40 p.m.

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Chair called for questions from Commission to Staff, summarized:

Matt Sura, Special Counsel for oil/gas facilities for the City of Brighton, was introduced and stood ready for questions from Commission. It was clarified this amendment is only for disposal facilities.

Mr. Sura said that in the last four years, four of these injection wells in Weld County have been struck by lightning and they all exploded. No one is sure why the lightning hit them, but it is clear the explosions are because there are a lot of hydrocarbons involved in the toxic water. That is why there are concerns for air quality. Mr. Sura stated that it has been reported that the injection well facilities located near or around residential areas cause concerns about air quality due to high benzene levels. In addition, there is a strong odor at and around these stations. In Greeley there have been 80 small earthquakes within a year which they believe were human caused due to these injection wells. One registered a 3.2 and they did shut down one of the injection wells because of it. He confirmed there is a concrete encasement required by the state to protect the aquifers, but there is no guaranty that it does protect when there is an explosion.

Chair called for the public to address Commission, summarized:

Mike Lorenze, 1751 CR29, Ft. Lupton, CO 80621

Mr. Lorenze received an oil/gas notification letter and thought it was this hearing. Mr. Tetzlaff confirmed the letter was from Weld County, not from Brighton. He suggested that Mr. Lorenze contact Weld County for more information.

Chair closed the public portion at 6:56 p.m.

Chair called for discussion among Commissioners, summarized:

None recognized

Motion to forward to City Council with a recommendation of approval for the amendment of specified sections of the *Brighton Municipal Code* related to oil and gas disposal facilities

Motion by Commissioner Shaw

Second by Commissioner Balderas

Voting Aye: All Present

Motion passes 5-0

Sign Code Amendment

Chair invited Staff to present, summarized:

Mr. Tylka confirmed that legal publication was completed for this hearing and started discussion on the items outlined in the staff report. He stated the intention is to repeal and replace the whole sign section in the code.

Chair suggested that staff and the Commissioners have a general discussion and question session on the proposed amended sections at this time. Commission concurred. Mr. Tylka introduced Martin Landers who is the city's consultant for the Sign Code amendments. Mr. Tylka talked about the Supreme Court case of Reed vs. Gilbert in which different types of content were regulated differently and was ruled to be unconstitutional. Due to this, jurisdictions across the country have had to change their sign codes to be compliant. After going through Brighton's code, these proposed changes will make the sign code to be "not content based". Staff stated they would like to go through the sections with

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Commission and then come back on October 23rd and have the formal vote at that time. It was agreed 12 foot for the height of a feather sign and 5 foot setback would be allowable. Discussion on height and setbacks of different signs ensued. Commission asked about weathered or damaged signs. Staff stated the owner is required to repair or replace a damaged sign. On freestanding signs, it was suggested to delete the word identification in both locations where it is shown. Mr. Landers iterated that tethered balloons are allowed under inflatable signs, whereas blow up gorillas on the roof are not. Off premise signs are prohibited, for sale signs on vehicles are legal, yard sale signs on utility poles are prohibited. He explained that there are specific standards for electric message center signs so they are not too bright and distracting. In the new table, signs are broken down into residential zone districts and non-residential zone districts and there are definitely more non- residential types. It is thought that using this table is more user friendly and it will be posted on the website. Mr. Tylka stated there are two more sections that will be added and reviewed at the next meeting.

Chair called for the public to address Commission, summarized:

None recognized

Chair closed the public portion at 8:08 p.m.

Commission recommends this matter be continued to a date certain of October 23rd, 2018.

Motion by Commissioner Balderas

Second by Commissioner Shaw

Voting Aye: All Present

Motion passes 5-0

Wireless Communication Facilities (WCF's) Code Amendment

Chair invited Staff to present, summarized:

Mr. Tylka confirmed that this item was continued from September 25th, 2018 and discussed the new addendums. He also showed Commission the revised Table of Uses that is included in the staff report. Mr. Tylka stood ready for questions.

Chair called for questions from Commission to Staff, summarized:

- Staff stated that the definitions are regulated by State law and that is what City of Brighton follows.

Chair called for the public to address Commission, summarized:

None recognized

Chair closed the public portion at 8:20 p.m.

Motion to forward to City Council with a recommendation of approval for the amended sections of the *Brighton Municipal Code* for the Wireless Communication Facilities (WCF's) regulations.

Motion by Commissioner Shaw

Second by Commissioner Bell

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Voting Aye: All Present

Motion passes 5-0

Planning Month Proclamation

Mr. Bradford explained that every October is Planning Month. It is a time we can thank Commission for their time and efforts that help our city move forward. Mr. Bradford asked if the Commissioners would like to attend the City Council meeting on October 16th so he can present this proclamation to them.

VI. OLD BUSINESS

Discussion ensued on a new Planning Commission date for the meetings to be held. Mr. Bradford said there are some conflicts with the new timeframe. He suggested doing the 2nd and 4th Thursday of the month. More options will still be looked at.

VII. NEW BUSINESS

Commissioner Leck will not be attending the October 23rd meeting.

VIII. REPORTS

None

IX. ADJOURNMENT

Motion to adjourn at 8:36 p.m.

Motion by Commissioner Balderas

Second by Commissioner Shaw

Voting Aye: All Present

Motion passes: 5-0