

**CITY OF BRIGHTON
PLANNING COMMISSION**

MINUTES

April 11, 2019

Approved as Presented

I. CALL TO ORDER

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

II. ROLL CALL

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

Fidel Balderas called in and said he would be arriving late to the meeting.

In addition, Chair introduced and welcomed the new Youth Commissioner, Giana Rocha.

STAFF PRESENT: Jason Bradford, Planning Manager; Lauren Simmons, Senior Planner; Mike Tylka, Senior Planner; Nick Hufford, Associate Planner; Jack Bajorek, City Attorney; Diane Phin, Commission Secretary.

III. MINUTES OF PREVIOUS MEETINGS

Minutes from the January 24, 2018 regular Planning Commission meeting were approved as presented.

Motion by Commissioner Shaw

Second by Commissioner Ginevan

Voting Aye: All Present

Motion passes 4-0

Chair asked Commission to change the order of the hearings by exchanging item's two and three. Commission agreed.

Motion by Commissioner Leck

Second by Commissioner Bell

Voting Aye: All Present

Motion passes 4-0

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

None recognized

V. PUBLIC HEARING ITEMS

1. Orchard Subdivision, Zone Change: Nick Hufford presenting
2. Market Place 85 Subdivision, 2nd Amendment Preliminary Plat: Mike Tylka presenting
3. Johnson Auto Plaza PUD, 2nd Amendment: Mike Tylka presenting
4. Brighton Lakes PUD, Rezoning and Vested Property Rights Extension: Lauren Simmons presenting

Orchard Subdivision Zone Change: Nick Hufford presenting

Chair invited Staff to present, summarized:

Mr. Hufford confirmed that legal publication and posting were completed for this hearing and he presented the item as outlined in the staff report. Mr. Hufford stood ready for questions.

Chair called for questions from Commission to Staff, summarized:

None recognized

Chair called for the Applicant to address Commission, summarized:

Jac Cuney, Applicant, 875 Rose Court, Brighton, CO 80601

Mr. Cuney thanked staff and mentioned the church has decided to market the property as residential since they feel that due to the demographics, commercial development is not a good option at this time. Mr. Cuney stood ready for questions.

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

None recognized

Chair called for the public to address Commission, summarized:

Barbara Hammond, Resident, 11990 Racine Court, Henderson, CO 80640

Ms. Hammond has major concerns about the traffic by her home due to the residential growth that is happening. She stated they cannot even turn right off their dead end street anymore with all the traffic. She would like to see an entrance built in another area and have Racine Court completely closed. In addition, Ms. Hammond is very frustrated about the high school traffic using her driveway as a turnaround every day. They have no respect that this is a private property. She wonders why the city can't have these roads widened for all of this heavy traffic before they let new homes be constructed. She stated she has lived here for a very long time and if the city can't respect the original residents who are being impacted in a negative way, then they can buy her out so she can get out of Brighton.

Chairman thanked Ms. Hammond for her comments and explained that this hearing is just for zoning, but suggested that she go to a City Council meeting and let them know about her concerns as the Streets Director will be there along with the Council members and other Directors. They may be able to address her concerns better than the Commission could.

Joel Evinoff, Resident, 11941 Racine Court, Henderson, CO 80640

Mr. Evinoff explained he has lived in this area since 1960 and has seen the growth and understands that more will happen. He questioned if there will be a traffic survey done. 120th Avenue traffic is already terrible and he can't imagine it getting worse. Mr. Evinoff mentioned the Foley development of over 300 homes is adding to the traffic issues also. He stated that the speed limit has been changed to 30 mph and that has caused even more problems. They need to raise the speed limit back up again to stop causing so many back-ups.

Staff explained 120th is under Adams County's (ADCO) jurisdiction, but the city does require a traffic study with new subdivisions and would work with ADCO and CDOT on any road issues. Chair suggested he also go to City Council as he may have more of an impact there as the Planning Commission is only a recommending body.

Leonard Dietz, Resident, 12271 Peoria, Commerce City, CO 80640

Mr. Dietz said his concern is density. He suggested there should be a buffer between these two lots and the growth that will happen and the long-time residents who own and

live on acreage by them. He is worried about too many people crammed into these lots.

Chair closed the public portion at 6:19 p.m.

Chair called for discussion among Commissioners, summarized:

Commission discussed the traffic impact on 120th Avenue. Staff reiterated that the City, County and CDOT have to work together for roadway improvements. Chair talked about the buffer that was questioned earlier. The map shows there is a detention pond and some vacant land in that buffer area. They do not know what will be done with it until a developer submits an application.

Commissioner Balderas arrived at 6:28 p.m.

Motion to forward to City Council with a recommendation of approval for the Orchard Subdivision Zone Change from Restricted Retail and Services (C-2) to Single to Eight-Family Residential (R-2).

**Motion by Commissioner Bell
Second by Commissioner Shaw**

**Voting Aye: All Present
Motion passes 4-0**

Johnson Auto Plaza PUD, 2nd Amendment: Mike Tylka presenting

Chair invited Staff to present, summarized:

Mr. Tylka confirmed that legal publication and posting were completed for this hearing and he presented the item as outlined in the staff report. Mr. Tylka informed Commission that Terri Broersma and Richard Davis submitted an e-mail with their concerns and asked the Planning Commission to deny this application. Secretary Phin handed copies of the e-mail to the Commissioners and entered it into the record as Exhibit A. Mr. Tylka stood ready for questions.

Chair called for questions from Commission to Staff, summarized:

Commission mentioned that at the first expansion of Johnson Auto Plaza, they did not see any road improvements on 136th Avenue. They inquired if there is any plan to do upgrades to the road. Staff explained the city's two traffic engineers are researching the number of trips that are coming and going from the business and setting up the trigger point in order to determine the improvements needed. Staff also stated they are currently in discussions with the property owners about the timing for the improvement work on 136th Avenue.

Chair called for the Applicant to address Commission, summarized:

David Spratlen, Consultant for Applicant, Commercial Building Services, 7563 S. Grant Street, Littleton, CO 80123

Mr. Spratlen thanked staff and invited the property owner to speak.

Ryan Johnson, Owner, 2280 Moss Place, Erie, CO 80516

Mr. Johnson iterated that they have been here for thirty years and want to continue to grow and keep pace with the growth of the community. He stated he hoped Commission would pass this application so they can be here another thirty years. Mr. Johnson thanked Commission and was available for any questions they had.

Chair called for questions from Commission to the Applicant, summarized:
None recognized

Chair called for the public to address Commission, summarized:
Audrey Franklin, Resident, 144th and Meadowlark Lane, Brighton, CO 80601
Ms. Franklin stated they need to re-open 144th so people can turn onto Highway 85 and that they need to improve 136th Avenue.

Chair closed the public portion at 6:55 p.m.

Motion to forward to City Council with a recommendation of approval for the Johnson Auto Plaza, 2nd Amendment, but the Planning Commission's recommendation for approval is contingent on the City Council's consideration of improvement of 136th Avenue as part of the Applicant's overall development approval process.

**Motion by Commissioner Shaw
Second by Commissioner Balderas**

**Voting Aye: All Present
Motion passes 5-0**

Market Place 85 Subdivision 2nd Amendment Preliminary Plat: Mike Tylka presenting

Chair invited Staff to present, summarized:
Mr. Tylka confirmed that legal publication and posting were completed for this hearing and he presented the item as outlined in the staff report. Mr. Tylka stood ready for questions.

Chair called for questions from Commission to Staff, summarized:
None recognized

Chair called for the Applicant to address Commission, summarized:
David Spratlen, Consultant for Applicant, Commercial Building Services, 7563 S. Grant Street, Littleton, CO 80123
Mr. Spratlen commented that they will move the current access on the east to the west side. There will be a total of three access points into the plaza.

Chair called for the public to address Commission, summarized:
None recognized

Chair closed the public portion at 7:09 p.m.

Chair called for discussion among Commissioners, summarized:

Motion to forward to City Council with a recommendation of approval of the Preliminary Plat for the Market Place 85 Subdivision, 2nd Amendment.

**Motion by Commissioner Balderas
Second by Commissioner Shaw**

**Voting Aye: All Present
Motion passes 5-0**

Brighton Lakes PUD, Rezoning and Vested Property Rights Extension: Lauren Simmons presenting

Chair invited Staff to present, summarized:

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

Chair called for questions from Commission to Staff, summarized:

- The applicant originally asked for ten years vesting as they want to ensure the PUD stays in place during the development timeframe of more than the usual three year vesting request.
- Commission asked about any oil/gas applications currently submitted for this site. Staff clarified the oil/gas applications are not part of this PUD. What is before the Commission tonight are the setbacks for future standards. Staff suggested the applicant may want to talk about any oil/gas applications that may exist on this property.

Chair called for the Applicant to address Commission, summarized:

Susan Wade, Consultant, Redland, 1500 W. Canal Court, Littleton, CO 80120

Ms. Wade gave a short presentation and explained they want to build this project on the agricultural heritage of Brighton. This project is in the low density residential range and they are dedicating 125.8 acres of open space.

Mick Richardson, Owner, 200 W. Hampden Avenue, Englewood, CO 80110

Mr. Richardson confirmed there is an approved oil/gas site on the property that has been there for 1½ years. He stated in the current agreement there would be no development within 1000 feet of any well.

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

Mr. Richardson addressed the time of vesting requested. On the old PUD they had a ten year vesting so on this new PUD they asked for the same. He also added no-one knows what the economy and market hold in the future.

Chair called for the public to address Commission, summarized:

Bette Kaiser, Resident, 14225 Meadowlark Lane, Brighton CO 80601

Ms. Kaiser questioned if 19th will be a two or four lane roadway. Mr. Richardson replied it will be a two lane road. There is not a timeframe, as of now, on the widening of 144th Avenue. Ms. Kaiser asked how far the existing oil/gas well is from her home. Mr. Richardson stated it is almost a mile away.

Dave Petroco, Resident, 15855 E. 134th Avenue, Brighton, CO 80601

Mr. Petroco stated his family has been farming this land for 116 years. His concern is with the terrible traffic. He said the infrastructure is not even close to what is going to be needed to start moving people and cars in. It is especially not safe around 136th,

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144th, Sable and 19th. He has witnessed an average of one accident per week. Also, it is very dangerous for them at harvest time when they have their large 15 foot wide farm equipment on the roads. They have to be able to get from field to field. Mr. Petroco said he does not want anyone to get hurt.

Pauline Seeger, Resident, 13930 Sable Blvd., Brighton, CO 80601

Ms. Seeger stated she lives on the “death corner” at 136th and Sable. She has many videos of red light runners. The cars and trucks speed every hour of the day. There have been accidents in her front yard. She is pleading with the city to build the roads first and then

the houses. The current resident’s safety is in major harms way.

Carol Stagslo, 13350 Fairplay St, Brighton, CO 80601

She has major concerns about the traffic and roads along with her neighbors. She asked about schools. Staff stated there would be an elementary school site.

Chair closed the public portion at 8:35 p.m.

Chair called for discussion among Commissioners, summarized:

Commission asked how many vesting extensions are allowed. Staff said there is a code amendment being worked on at this time which will address this question. But in the current code it says extensions are allowed, but does not give an exact number.

Motion to forward to City Council with a recommendation of approval the application for the Brighton Lakes Overall Development Plan (ODP) and the Planned Unit Development (PUD), 1st Amendment rezoning.

Section 1. The Planning Commission finds and determines that the Application for the Brighton Lakes PUD, 1st Amendment ODP follows the intent of the Comprehensive Plan in providing for the future of the City and complies with the requirements of the Code.

Section 2. The Planning Commission finds and determines that the Application follows the intent of the Comprehensive Plan in providing for the future of the City and complies with the requirements of the Code for the Application to rezone the Brighton Lakes PUD and adjacent parcel zoned Adams County A-3 in accordance with the Brighton Lakes PUD, 1st Amendment.

Motion by Commissioner Bell

Second by Commissioner Balderas

Voting Aye: All Present

Motion passes 5-0

Motion to forward to City Council with a recommendation of approval regarding the application for Vested Property Right for the Brighton Lakes PUD, 1st Amendment for the period of three years from the date of City Council approval.

Motion by Commissioner Balderas

Second by Commissioner Leck

Voting Aye: All Present

Motion passes 5-0

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VI. OLD BUSINESS

None

VII. NEW BUSINESS

Chair mentioned that city e-mail accounts have been requested for the Planning Commissioners.

Mr. Bradford introduced the new Assistant Planner, Sean Pesek.

VIII. REPORTS

None

IX. ADJOURNMENT

Motion to adjourn at 8:59 p.m.

**Motion by Commissioner Balderas
Second by Commissioner Shaw**

Voting Aye: All Present

Motion passes: 5-0