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City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes - Draft

Tuesday, May 21, 2024

6:00 PM

Council Chambers

City Council

MAYOR - GREGORY MILLS
MAYOR PRO TEM - PETER PADILLA
COUNCIL MEMBERS:
CHRIS FIEDLER, TOM GREEN,
MATT JOHNSTON, JAN PAWLOWSKI,
JIM SNYDER, ANN TADDEO, LLOYD WORTH

1. CALL TO ORDER

Mayor Mills called the meeting to order at 6:02 p.m.

A. Pledge of Allegiance to the American Flag

Councilmember Fiedler led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 7 - Mayor Mills, Councilmember Fiedler, Councilmember Green, Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Mayor Pro Tem Padilla, and Councilmember Taddeo

2. CONSENT AGENDA

A. Approval of the April 16, 2024 City Council Minutes

Motion by Councilmember Green, seconded by Councilmember Pawlowski, to approve the Consent Agenda as presented. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Fiedler, Councilmember Green, Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Mayor Pro Tem Padilla, and Councilmember Taddeo

3. APPROVAL OF REGULAR AGENDA

Motion by Councilmember Fiedler, seconded by Councilmember Pawlowski, to approve

the Regular Agenda as presented. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Fiedler, Councilmember Green, Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Mayor Pro Tem Padilla, and Councilmember Taddeo

4. CEREMONIES

A. Amyotrophic Lateral Sclerosis Awareness Month Proclamation

Councilmember Worth read the Proclamation into the record.

B. Public Works Week Proclamation

Mayor Mills read the Proclamation into the record.

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

Tom Lampo prayed for the city.

6. PUBLIC HEARINGS

7. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, MAKING CERTAIN FINDINGS OF FACT REGARDING THE PROPOSED ANNEXATION OF AN APPROXIMATELY 4.918 ACRES OF CONTIGUOUS LAND, KNOWN AS THE OTTEN PROPERTY ANNEXATION, IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO

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

Senior Planner Summer McCann presented the Otten Property Annexation. The project contact is Thomas Otten, working on behalf of the property owner. The property is generally located north of East 136th Avenue, south of Prairie Center Parkway, east of South 27th Avenue, and west of I-76. The property is approximately 4.91 acres, is unplatted and is zoned Adams County A-2 (Agriculture-2). Annexations are regulated by Colorado Revised Statutes and is a four-step process. The Otten petition for annexation was presented to City Council on April 2, 2024 and was approved. If Council deems that the annexation request meets state law, they may vote on the annexation eligibility resolution. City Council will then consider the first reading of the annexation ordinance with a public hearing. A final reading of the ordinance must occur before the annexation is passed.

In accordance with the review criteria outlined in the Land Use & Development Code City Council must determine whether the annexation complies with statutory requirements. Under the Municipal Annexation Act, the Colorado Revised Statutes Section 31-12-104 details annexation eligibility. The property meets the 1/6 contiguity requirement and creates a community of interest as the property is 100% contiguous. The property is capable of being urbanized and can be integrated with the city through zoning and utilities.

Staff finds that the request meets the statutory limitations as the request does not separate property held in identical ownership, all property owners have signed and given consent, no other municipality has commenced annexation proceedings, and this request does not extend municipal boundaries by more than three miles per year. If Council approves the zoning ordinance, zoning will be in place within ninety days. All alleys and streets adjacent to the property are fully annexed and annexation of the property would not deny reasonable access to adjoining landowners.

The Future Land Use portion of the Comprehensive Plan has designated this property as commercial. The related zoning map amendment proposes to establish C-2, Restricted Retail and Services zoning on the property. Within the Opportunity Area of Chapter 3, the proposed annexation and zoning map amendment work together to meet the goals of the plan. South 27th Avenue is a major arterial and should include a mixture of uses with concentrated commercial development at the intersections. The Otten Annexation would eliminate the current gap in city limits and ensure cohesive commercial development along 136th Avenue and South 27th Avenue. The property is also within a Denver Regional Council of Governments (DRCOG) designated urban center, which promotes centralized urban development and connectivity. Annexation and zoning would fully integrate the property into the existing commercial framework of the area.

The proposed annexation enhances several policies in the Comprehensive Plan. The property is within an area of existing infrastructure and is bound by two major arterial roadways. Future development of the property will bring further investment into the area by improving adjacent public infrastructure. The development of this property will support the balance between residential and non-residential zoning and the proposed C-2 zoning would integrate into the existing mixed-use vision for this area.

The property can be integrated into the city and adequately served by city utilities. At the time of platting, the developer will be required to submit technical engineering studies to ensure that there is appropriate infrastructure based on a proposed use. As the property is 100% contiguous to city limits and abutting two major arterial roadways, it is important that future development occurs in a manner that is consistent with the surrounding area. If annexed, development would be subject to city standards to ensure compatibility with surrounding land uses, building design and transportation patterns.

Public notice was provided in accordance with Colorado Revised Statutes Section 31-12-108 and the Land Use & Development Code. Planning staff has not received any formal comments regarding the annexation. Staff finds that the Otten Property Annexation complies with the Colorado Revised Statutes Sections 31-12-104 through 31-12-110 and all applicable criteria as outlined in the Land Use & Development Code and therefore recommends approval of the Otten Annexation.

Motion by Councilmember Green, seconded by Councilmember Fiedler, to approve Resolution 2024-53. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Fiedler, Councilmember Green, Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Mayor Pro Tem Padilla, and Councilmember Taddeo

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ANNEXING TO THE CITY OF BRIGHTON APPROXIMATELY 4.918 ACRES OF CONTIGUOUS LAND, KNOWN AS THE OTTEN PROPERTY ANNEXATION, IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 21,

**TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF ADAMS, STATE OF COLORADO (PUBLIC HEARING, FIRST READING)**

Mayor Mills read the title of Items 7B and 7C into the record.

Mayor Mills opened the public hearing at 6:39 p.m. and City Clerk Natalie Hoel verified the required postings and publications (April 18th, April 25th, May 2nd, and May 9th, 2024 in the Brighton Standard Blade) for Item 7B and (May 6, 2024 on the City of Brighton website) for Item 7C for this public hearing were completed.

Senior Planner Summer McCann presented the Otten Zoning Map Amendment. The project contact is Thomas Otten, working on behalf of the property owner. The 4.91-acre site is generally located north of East 136th Avenue, south of Prairie Center Parkway, east of South 27th Avenue, and west of I-76. The request is to zone the property C-2, Restricted Retail and Services within the City of Brighton. Staff used the review criteria outlined in the Land Use & Development Code. The property is currently zoned Adams County A-2 (Agriculture-2). The property is currently unplatted and is in the process of annexation. Although the land surrounding the site is primarily vacant, all abutting land is zoned for commercial uses. The allowed uses in the C-2 (Restricted Retail and Services) zoning provides a wide variety of small and moderate scale retail, services, civic and employment uses. These uses are centrally located along arterial streets and intersections. Allowed uses in Article 4 of the Land Use & Development Code generally include retail, service and office uses.

City Council shall use the criteria in the Land Use & Development Code when making its decision. The rezoning of the property will help to support the policies of the Comprehensive Plan. The Future Land Use portion of the Comprehensive Plan has designated this area as appropriate for commercial uses. The property is primarily surrounded by the same designation with some mixed-use commercial to the west and employment commercial to the south. The proposed zoning map amendment meets other policies of the Comprehensive Plan. In the opportunity area section of Chapter 3, the property meets a number of these standards. An intense mix of uses should be located within the DRCOG designated urban center. With the existing commercial development to the north, the proposed rezoning would extend services to Brighton residents and further promote urban development. Large scale retail should be concentrated along major arterials such as Bromley Lane, Bridge Street, and South 27th Avenue. The proposed zoning along with the existing commercial zoning will create a viable commercial area. In addition to the property being located on a key intersection, it is located within close proximity to I-76, making it a prime location for commercial development. Any future development will benefit from the established regional commerce and continued development of Prairie Center.

Within Chapter 4 of the Comprehensive Plan, the proposed zoning map amendment advances several goals. The property is within an area of existing infrastructure and is bound by two major arterial roadways. Any development of the property will be responsible for the improvement of adjacent public infrastructure. The subsequent land use applications will further specify the need for roadway and utility improvements associated with any development. The zoning of this property will support the balance between residential and non-residential districts, and the proposed C-2 zoning will integrate into the existing mixed-use vision for the city. The property can be adequately served and any future site developer will pay applicable costs to connect to city infrastructure. The development of the property as commercial blends with the character of the area and the desire for more commercial uses on key intersections and with proximity to highway interchanges. The Comprehensive Plan envisions this property as a part of the overall Prairie Center mixed use area. The current agricultural zoning is not in alignment with the Comprehensive Plan or its vision for this corridor. The proposed rezoning will support the principles of the DRCOG urban center as a mixed-use commercial corridor. Staff finds this site is appropriate for commercial uses given its 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 & Development Code.

All public notices and postings were completed in accordance with the Land Use & Development Code. Information was also posted on various social media sites. A neighborhood meeting was held on February 1, 2023. Planning staff has not received any formal comment. The Development Review Committee reviewed the project and recommended approval. The Planning Commission heard the request on April 11, 2024 and unanimously recommended approval. Staff finds the proposal meets the review criteria in the Land Use & Development Code and therefore recommends approval of the zoning map amendment.

Mayor Mills asked if any correspondence had been received, there was none.

Mayor Mills asked if there were questions from City Council.

Councilmember Johnston asked what is located to the east of the property, Planner McCann reported that it is a reptile rehabilitation center. Councilmember Johnston asked if the city told the property owner this hearing was taking place and Planner McCann stated that every property within 300' were notified, all adjacent properties are owned by the same landowner. Councilmember Johnston asked if the Barr Lake RV Park was notified of the hearing and Planner McCann stated that they were notified. Councilmember Johnston asked if any comments were given, and Planner McCann stated that there were none. Councilmember Johnston asked when Council will see anything regarding this property again and Planner McCann stated that the subdivision plan will be brought before council for approval. Councilmember Johnston asked how much time would pass between the subdivision plan and final plat. Planner McCann stated that the timing depends on the applicant. Councilmember Johnston asked if Council would see this project again after approval of the subdivision plan. Planner McCann explained that everything would be finalized after approval of the subdivision plan. Councilmember Johnston stated that some things can change after the subdivision plan and before final plat and Council would not see the documents again. Planner McCann explained that if there were major changes, those would be brought back to City Council for approval. Councilmember Johnston asked that a policy be made to require the applicant to be present at the hearing and asked what the applicant is trying to do with this zoning. Planner McCann explained that staff has not received any type of application for any use on the property, they wanted to annex to the city and connect to city utilities. Councilmember Johnston expressed concern that there is no plan at this time for the property.

Councilmember Green asked if a marijuana business would be allowed on the property and City Manager Michael Martinez stated that it would be.

Councilmember Fiedler asked who the landowner is to the east and the south of the property and Planner McCann stated that it is THF.

Councilmember Johnston asked if there would be any investment fee or PIF attached to this land and Planner McCann explained that there will be an annexation agreement and they are obligated under the Prairie Center Comprehensive Funding Agreement to enter into some sort of agreement to pay a reimbursement to Prairie Center for the infrastructure.

Mayor Mills expressed concern that there are not any plans for the property at this time.

Mayor Mills closed the public hearing at 6:56 p.m.

Motion by Councilmember Green, seconded by Councilmember Fiedler, to approve the Ordinance. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Councilmember Fiedler, Councilmember Green, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

No: 1 - Councilmember Johnston

Absent: 2 - Mayor Pro Tem Padilla, and Councilmember Taddeo

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE OTTEN ZONING MAP AMENDMENT FROM ADAMS COUNTY A-2 TO C-2 FOR AN APPROXIMATELY 4.918 ACRE PROPERTY, GENERALLY LOCATED TO THE NORTH OF EAST 136TH AVENUE, SOUTH OF PRAIRIE CENTER PARKWAY, EAST OF SOUTH 27TH AVENUE AND WEST OF I-76, MORE PARTICULARLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO (PUBLIC HEARING, FIRST READING)

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

Motion by Councilmember Pawlowski, seconded by Councilmember Worth, to Approve the Ordinance. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Councilmember Fiedler, Councilmember Green, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

No: 1 - Councilmember Johnston

Absent: 2 - Mayor Pro Tem Padilla, and Councilmember Taddeo

8. ORDINANCES FOR INITIAL CONSIDERATION

9. ORDINANCES FOR FINAL CONSIDERATION

10. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO AN AGREEMENT WITH LUCERO CONCRETE CONTRACTORS, LLC FOR GENERAL CONCRETE AND ASPHALT SERVICES FOR AN ANNUAL NOT-TO-EXCEED AMOUNT OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

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

Motion by Councilmember Green, seconded by Councilmember Pawlowski, to approve Resolution 2024-54. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Councilmember Fiedler, Councilmember Green,

Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Mayor Pro Tem Padilla, and Councilmember Taddeo

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO AN AGREEMENT FOR DEVELOPMENT INCENTIVES BY AND BETWEEN THE CITY OF BRIGHTON, COLORADO AND AMPRIUS TECHNOLOGIES, INC.; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT ON BEHALF OF THE CITY

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

Councilmember Green recused himself.

City Manager Michael Martinez explained that Amprius will not be able to meet the June 1, 2024 date and indicated that the planning process is taking longer than anticipated. They are asking to extend the date to June 1, 2025.

Jessie Williams expressed concern about Amprius and their internal control issues.

Motion by Councilmember Fiedler, seconded by Councilmember Pawlowski, to approve Resolution 2024-55. Motion passed by the following vote:

Aye: 4 - Mayor Mills, Councilmember Fiedler, Councilmember Pawlowski, and Councilmember Worth

No: 2 - Councilmember Johnston, and Councilmember Snyder

Recused: 1 - Councilmember Green

Absent: 2 - Mayor Pro Tem Padilla, and Councilmember Taddeo

11. GENERAL BUSINESS

12. REPORTS

A. By the Mayor

B. By Department Directors

C. By the City Attorney

D. By the City Manager

City Manager Michael Martinez recognized the Public Works staff for their work on the Bridge Street closure and reported that the work on 144th Avenue is almost complete.

E. By City Council

Councilmember Snyder attended the BURA meeting.

Councilmember Fiedler attended the Historic Preservation Commission meeting and announced

that several 27J Schools graduations are coming up.

Councilmember Johnston reported that the Bridge Street closure went well.

Councilmember Green announced that the Memorial Day weekend is coming up.

Councilmember Pawlowski attended the E-470 meeting.

Councilmember Worth attended the Chamber luncheon, the Almost Home fundraising event, and the Legacy Foundation meeting.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Mayor Mills adjourned the meeting at 7:23 p.m.

CITY OF BRIGHTON, COLORADO

Gregory Mills, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date