



Legislation Text

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## City of Brighton

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



### Meeting Minutes - Draft

**Tuesday, August 4, 2020**

**6:00 PM**

**Council Chambers / Virtual Meeting**

### City Council

**MAYOR - GREGORY MILLS  
MAYOR PRO TEM - MATT JOHNSTON  
COUNCIL MEMBERS:  
CLINT BLACKHURST, ADAM CUSHING,  
MARK HUMBERT, KRIS JORDINELLI, MARY ELLEN POLLACK,  
ANN TADDEO, TIM WATTS**

## 1. CALL TO ORDER

*Mayor Pro Tem Johnston called the meeting to order at 6:00 p.m.*

### A. Pledge of Allegiance to the American Flag

*Councilmember Watts led the recitation of the Pledge of Allegiance to the American Flag.*

### B. Roll Call

**Present:** 8 - Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

**Not Present:** 1 - Mayor Mills

## 2. APPROVAL OF REGULAR AGENDA

**Motion by Councilmember Humbert, seconded by Councilmember Blackhurst, to approve the Regular Agenda as presented. Motion passed by the following vote:**

**Aye:** 8 - Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

**Absent:** 1 - Mayor Mills

## 3. CONSENT AGENDA

### A. Approval of the June 16, 2020 City Council Minutes

### B. Approval of the July 7, 2020 City Council Minutes

### C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF SUPERIOR ROOFING, INC. AND AWARDING THE CONTRACT FOR THE REROOF AND WATERPROOF CITY HALL PROJECT #20-006295, TO SUPERIOR ROOFING, INC. FOR THE CONTRACT AMOUNT OF TWO HUNDRED NINETEEN THOUSAND SEVEN HUNDRED SEVENTEEN DOLLARS (\$219,717.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

**Resolution No: 2020-77**

**D. A RESOLUTION ACCEPTING THE 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AWARD AND SPECIAL CONDITIONS DOCUMENTS ON BEHALF OF THE CITY**

Resolution No: 2020-78

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

**Aye:** 8 - Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

**Absent:** 1 - Mayor Mills

**4. CEREMONIES**

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

*Joseph Martin, Brighton. Mr. Martin spoke about the mask mandate and asked why City Council made the decision to opt out of the Tri-County Health mask mandate.*

*Michael Boutwell, Brighton. Mr. Boutwell spoke about the mask mandate and asked why City Council is not returning his phone calls.*

**6. PUBLIC HEARINGS**

**A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE REZONING OF A PORTION OF THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 2ND AMENDMENT TO THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 25TH AMENDMENT FOR THE APPROXIMATELY 137.707-ACRE PROPERTY GENERALLY LOCATED TO THE SOUTHEAST OF THOMAS DONELSON PARK, SOUTHWEST OF THE INTERSECTION OF LONGS PEAK STREET AND N. 50TH AVENUE, AND NORTHEAST OF THE INTERSECTION OF N. 45TH AVENUE AND E. BRIDGE STREET IN BRIGHTON, COLORADO. THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 25TH AMENDMENT IS GENERALLY LOCATED IN SECTION 3, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, ALL IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO**

*Mayor Pro Tem Johnston read the title of the Ordinance into the record.*

*Mayor Pro Tem Johnston opened the public hearing at 6:20 p.m. and City Clerk Natalie Hoel verified the required postings and publications (July 15, 2020 in the Brighton Standard Blade) for this public hearing were completed.*

*Acting City Manager Marv Falconburg introduced Senior Planner Mike Tylka.*

*Senior Planner Mike Tylka presented the Bromley Park PUD 25<sup>th</sup> Amendment. The applicant is Dewberry J3 represented by project lead Sue Sibel and the property owner is Brookfield Residential represented by project lead Lisa Albers. In the City's transition to the newly adopted code, applications submitted prior to the effective*

date of January 1, 2020, were reviewed by staff using the previous Land Use and Development Code and such sections and criteria are referenced in this presentation.

The property is approximately 137 acres generally located southeast of Donelson Park, southwest of the intersection of Longs Peak Street and North 50<sup>th</sup> Avenue, and northeast of the intersection of North 45<sup>th</sup> Avenue and East Bridge Street. A Preliminary Plat, Final Plat and Development Agreement will be required before site development can occur. A Preliminary Plat for the property was recently approved by the Planning Commission. The Final Plat and Development Agreement for the property will be presented to City Council at a public hearing on August 18, 2020. At this time, the internal road layouts and residential lots will be presented. This action is to amend the PUD in order to designate varying residential uses, new street cross sections and minor changes to architectural design standards. Zoning is necessary as a guide to property uses and allows neighbors to have a reasonable expectation of what can occur on the subject property. It establishes standards for construction including building height, lot coverage and building setbacks. City Council is tasked with making a final decision on rezoning via this PUD after this item is heard by the Planning Commission and sent to City Council with a recommendation. Staff collects and analyzes all the application materials; after review, staff findings are presented.

The property was annexed in 1985 as part of the original Bromley Park Annexation and is currently zoned as part of the Bromley Park PUD 2<sup>nd</sup> Amendment and is unplatted. There is currently 1,063 units allowed using all of the provisions available to the developer. Acreage in the current PUD is designated with approximately 23 acres for park and school sites. Approximately 60 acres is designated for single-family detached and approximately 51 acres is designated for single-family attached. Attached dwellings are currently allowed along Bridge Street, North 45<sup>th</sup> Avenue and Longs Peak Street. If the rezoning is not approved, townhouses could develop in all of these areas. This rezoning is necessary as the developer is seeking different areas of residential designation of what is currently allowed. The developer is also looking to have the different street cross sections than those approved in the 1999 traffic study and a minor amendment to the architectural standards for dwelling types. The surrounding uses include single-family detached residential and Donelson Park to the north, single-family detached residential, multi-family and commercial to the south, single-family residential and commercial to the east and single-family detached to the west.

The future land use portion of the Comprehensive Plan has designed the majority of the property as being appropriate for low-density residential use. In this use, .05 to 5 dwelling units per acre are outlined. Approximately 23.61 acres of the property are designated as public land. A single-family detached residential subdivision is an appropriate use in said main district. A portion of the public land designated area is proposed to be used for a city owned tract to support the adjacent park with a parking lot, and the developer has met its park land dedication requirements elsewhere through approved plats under the terms of the applicable Annexation Agreement.

The proposed PUD generally complies with the Comprehensive Plan's guidelines for low-density residential uses. The proposed PUD can be thought of to meet Principle 2: The Freestanding City Policy 2.4 as it seeks to expand residential uses in an area that is already completely surrounded by urban growth. The PUD allowing for a variety of residential densities and uses in a singular development aligns with Principle 6: Diverse Neighborhoods Policy 6.5. The proposed dwelling unit densities per acre are in line with the current PUD. City staff is comfortable with the product type of multi-family being added in the location proposed as the allowable residential unit count is in line with what is currently allowed in the in place zoning district. A large portion of this property could currently be developed as single-family attached dwellings and the developer is requesting to significantly reduce the townhouse portion of this area and replace it with single-family detached dwellings.

The PUD amendment would cap the allowed units at 1,063 as allowed by the current PUD. City staff takes the position that Brighton residents should have firm knowledge of the allowable densities on undeveloped properties. The allowed dwelling units per acre per product type are in alignment with those of the current PUD. The acreage shown for single-family detached is 94.23, this is up from 60.5 in the current PUD and is a majority of the site. There is 13.11 acres for single-family attached, this is down from 51.78 in the current PUD, and 20.93 acres for multi-family not in the current PUD.

The PUD Amendment presents a deviation from the current PUD in the alignment of the unconstructed

connection between the collector streets of Longs Peak Street and North 45<sup>th</sup> Avenue. As such, City staff has requested this to be shown as part of the rezoning document. The proposed indirect alignment of the connector to 45<sup>th</sup> Avenue and Longs Peak Street tend to discourage through traffic and reduces the speed of travel providing a safer environment for residents. There is a detention and water quality pond located in the northeast corner of the property. The intent of staff and working with the developer in outlining the PUD Amendment was to memorialize that the development of the property will follow the Land Use and Development Code in place at the time of project submittal. City staff believes that this is acceptable given that the developer submitted the applications well before a draft of the revised Land Use and Development Code was made public and it will allow the neighborhood to develop under the same standards as the adjacent developments in existing neighborhoods. The discussion also included that the developer would outline any proposed deviations of standards in the PUD Amendment.

The PUD Amendment outlines minor deviations of design standards grouped in three sections. Staff believes this property should generally develop in a similar manner to the adjacent neighborhoods. Regarding single-family residential design standards for single-family detached homes: Item 1 increases the percentage by 2% for the portion of the front façade of a dwelling that consists of a garage door for those with a three-car garage. The intent of the code is to create neighborhood streets that are not visually overwhelmed by garage doors and staff does not find a 2% deviation an issue as the market has moved away from homes of which the garage dominates the front of the home, aka snout homes of the early to mid-nineties. Item 2 would eliminate a current feature required for rear elevations. The Developer's proposal is to have this feature be required for rear elevations fronting public open space, parks, streets, and similar high visibility areas. Staff is comfortable with this request, as the intent of the provision will be met, as only rear elevations that face other homes will be exempted. Item 3 adds two areas of possible distinction to the list of usable architectural and design features in k and l. City staff finds the two added areas of distinction acceptable as they will create further options to meet the required number of architectural and design features and will contribute to the overall mix of housing models.

Regarding multi-family building design standards: Item 4 would allow single-family attached structures to be ten feet higher than currently allowed by moving the height maximum from 35 feet to 45 feet. Staff is comfortable with this request, as it will only be used in the designated area that is located primarily adjacent to roadways, open space, multi-family or commercial uses. Item 5 would allow garage door orientations to the street for townhomes. Currently, the code requires them to be shielded from public view to the maximum extent feasible. The current code allows for an exception if needed, but not for an entire area to be planned with such a feature as proposed. Staff is comfortable with this change given the demand in the market to allow this to ensure that townhomes have useable back yards. Item 6 eliminates the need for a two foot offset for garage doors from the plane of a garage door adjacent to it and it replaces that with one of one foot. City staff finds this acceptable. Item 7 seeks to lower the allowed minimum driveway width from ten feet to nine feet for this product. City staff finds this acceptable. Item 8 alters the quality enhancement feature item f. It would allow a similar projection to be treated the same as a bay window. City staff finds this acceptable. Other features that could meet this provide visual enhancement to the structures and are used to increase the aesthetic appeal of the neighborhood. Staff feels the standard is not being reduced by this minor text change.

Regarding the accessible design standards: The subject notes on this topic ensure that modifications will be made to available plans to meet the accessibility needs of a future buyer at no cost. This alters the provision of the current code that requires plans to be provided upfront being Section 17-44-300. The developer is asking that they simply be allowed to work and customize plans with a buyer and modify a plan accordingly at no cost at the time an interested buyer comes forward. This simply eliminates the need of the developer to design one upfront and allows them the flexibility to design one custom with a person requesting such standards. City staff is of the opinion that this meets the intent of the code and should cause no hardship to a potential buyer looking for an accessible design.

The street cross sections proposed in the PUD Amendment are different from the original cross sections drafted for Bromley Park, but are in line with those used in more recent neighborhoods and were also approved at the first reading of the 24<sup>th</sup> Amendment at the last meeting. These sections are found to be acceptable by City staff.

Section 17-16-110(d)(4), Approval Criteria, of the Land Use and Development Code describes the

requirements for a PUD. A PUD plan and classification to a PUD District may be recommended for approval only if the City Council finds that all of the following criteria have been met:

- a. *The PUD addresses a unique situation, confers a substantial benefit to the City or incorporates creative site design such that it achieves the purposes set out in the code and represents an improvement in quality over what could have been accomplished through a strict application of the otherwise applicable district or development standards. This may include, but is not limited to, improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads and other utilities and services; or increased choice of living and housing environments.*

*The PUD Amendment is seeking to change designations and standards put into place under the earlier PUD. This Amendment as drafted by the developer and recommended by staff will shift and add areas for a variety of residential dwelling types, allow for street and curb sections more oriented to neighborhoods, and minor design standard changes for architecture within the property and its layout. As the existing PUD's have other unique elements and standards in place, it is a better option to amend the existing PUD than to rezone to a straight zone, as those standards would be lost. Staff wants to ensure that the neighborhood develops under the general expectations currently in place in the existing neighborhoods.*

- b. *The PUD complies with the Comprehensive Plan and all applicable use, development and design standards set forth in this Article, including applicable zoning district standards, in the Subdivision Regulations and in the Residential Design Standards that are not otherwise modified or waived according to the approved terms of the PUD plan.*

*The proposed PUD Amendment does generally comply with the Comprehensive Plan.*

- c. *The PUD District and PUD Final Development Plan shall comply with all applicable PUD use and development standards set forth in this Section.*

*Civil drawings and future development will be reviewed to the standards in the PUD Amendment if passed. A majority of the property could develop under the in place PUD and existing code standards.*

- d. *The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails and similar features. It will provide for improvements to the adjacent roadway and sidewalk.*

*The PUD provides street and curb sections that will integrate into the greater City roadway network. Areas of higher density are located in closer proximity to larger roadways. Roadway connections are being continued through in favorable alignment and the currently half-built portions of North 45<sup>th</sup> Avenue and Longs Peak Street will be completed.*

- e. *To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community.*

*The proposed PUD Amendment creates manageable street and curb sections for neighborhood use. The proposed designated area of single-family residential use will be adjacent to developed single-family detached dwellings. Single-family attached is being positioned closer to major roadways and as a buffer to areas of single-family detached from proposed and soon to be built adjacent multi-family structures and commercial development. The proposed designated areas of multi-family are adjacent to future commercial and multi-family uses on the neighboring property. Additionally, the multi-family areas will be separated from currently developed single-family detached areas and are proposed to be bordered mainly by future and existing roadways.*

- f. *Sufficient public safety, transportation, educational and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development.*

The proposed PUD Amendment as submitted by the applicant would not increase the current allowable residential units on the property. City staff is pleased that the maximum unit count is no greater than what is allowed under the current zoning thus causing no greater impact than expected to overall infrastructure systems.

- g. As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure capacity, marketing and financing.

The proposed PUD Amendment does not include a phasing plan. A development phasing proposal will be included in a future development agreement in terms of infrastructure and lot take down.

- h. The same development could not be accomplished through the use of other techniques, such as height exceptions, variances or minor modifications.

The proposed PUD Amendment allows the owner to develop the properties in a consistent manner with the other areas subject to the various Bromley Park PUD Amendments, including the directly adjacent areas of Brighton East Farms. Given the changes to the layout of collector roadways, street cross sections, code standards, and the placement of different types of residential product and density, an amendment to the PUD is necessary.

- i. The applicant has submitted a schedule of development and agrees to the schedule subject to the revocation and withdrawal clauses of this Section.

A Schedule of Improvements and a Phasing Plan are both under review and will be approved with a final plat and development agreement at a future date. A preliminary plat for this area was already reviewed and approved by the Planning Commission.

Public notice was sent to property owners within 300' of the proposed amendment as required by code. Signs were posted on the property on July 10, 2020 and notice was published in the Brighton Standard Blade on July 15, 2020. Staff has not received any formal comments.

The Development Review Committee has reviewed the project and recommends approval. The Planning Commission heard the request on July 9, 2020 and recommended approval unanimously. City staff finds that the PUD Amendment is in general compliance with the requirements as outlined as approval criteria in Section 17-16-110(d)(4) of the Land Use and Development Code. City staff recommends approval of the PUD Amendment.

Mayor Pro Tem Johnston asked if the applicant would like to add anything to the presentation, they did not.

Mayor Pro Tem Johnston asked if anyone in the audience had questions for the applicant.

Tony from Brighton lives across from this area and is concerned that the 45' townhomes will bring lower priced housing to the area and lower his home value. The selling point when he bought his home was that there are great mountain views and there would be a park in the area. Tony asked if this proposal would add more townhomes to the area. Senior Planner Tylka explained that the proposed amendment reduces the allowable acreage dedicated to townhouses. The height will be increased by ten feet, but only in the area adjacent to North 50<sup>th</sup> Avenue. If the zoning amendment is not passed, townhouses could be built adjacent to North 45<sup>th</sup> Avenue to Longs Peak Street. This amendment reduces the number of attached product. Under the current zoning, there is no planned park adjacent to North 50<sup>th</sup> Avenue. Tony asked if the development would be part of Brighton Crossing. Senior Planner Tylka explained that it would be part of Metro District 6 of Brighton Crossing. Lisa Albers with Brookfield Residential stated that the development in the area is expected to be part of Brighton Crossing Metro District. Tony asked if this area would be using the existing pools, gym, and Ms. Albers explained that it would share the amenities. Tony asked if there are plans to increase the size of these facilities to accommodate the additional residents. Ms. Albers explained that the facilities were built to accommodate the development at full build out, but there will be additional parks and open space. Tony asked if there would be an increase in size for the pool and gym since they already get busy and are at capacity. Ms. Albers explained that they are both designed for full build out. Tony expressed his concern that the facilities

are unusable at this time because there are too many people and stated that it is not encouraging to live in this neighborhood. Ms. Albers stated that there are no plans to enlarge the facilities and encouraged Tony to attend the Metro District meetings. When large, expensive amenities are added, it adds into the debt and the monthly amenity fees for residents. Tony explained that there has been an increase in fees and it does not justify the cost with 1,000 additional homes. Ms. Albers explained that by adding the additional homes, the fees would be reduced. Tony asked if the HOA costs would decrease and Ms. Albers stated that it would. Tony thanked Senior Planner Tylka for his work on this and for his informative presentation.

Ryan Tatum, Brighton. Mr. Tatum asked staff to specify the zoning area that the height would be increased an extra ten feet. Senior Planner Tylka explained that it is PA12b directly to the west of North 45<sup>th</sup> Avenue. Mr. Tatum asked what type of barriers would be placed between the roads and if those homes would expect to see their neighbors in their yards or if there would be an obstruction of site. Senior Planner Tylka encouraged Mr. Tatum to attend the public hearing on August 18, 2020 to see the proposed lot layout for the homes across North 45<sup>th</sup> Avenue. There is a significant drainage tract that will run south of Thistle, directly to the west of 50<sup>th</sup> Avenue and Chicory that would not be developed. The drainage tract is approximately three acres and runs from Thistle to just north of Bowie. There would be seven lots with the rear facing the three-acre tract; this would separate the existing homes from North 50<sup>th</sup> Avenue. Mr. Tatum asked if he could contact staff with questions prior to the meeting on August 18, 2020. Senior Planner Tylka reported that his contact information is on the notice that was mailed and the agenda packet would be published on the City website the Friday prior to the meeting on August 18, 2020. Mr. Tatum asked if there is a newsletter that would provide notifications for future meetings. Senior Planner Tylka explained that all Land Use matters are posted on the Community Development page of the City website. Communications and Engagement Director Kristen Chernosky explained that Mr. Tatum could sign up to receive City Council agendas and the City's weekly newsletter on the City's website. Mr. Tatum thanked everyone for their work on this presentation. Ms. Albers explained that the plat will be in the packet for the meeting on August 18<sup>th</sup>. There will be a tract for sanitary sewer that runs on the west side of 50<sup>th</sup> Avenue that would be about a 100-foot wide buffer before the first house.

Mayor Pro Tem Johnston asked if anyone in the audience wished to speak on behalf of the request, there was none.

Mayor Pro Tem Johnston asked if anyone in the audience wished to speak against the request, there was none.

Mayor Pro Tem Johnston asked if any correspondence had been received, there was none.

Mayor Pro Tem Johnston asked if there were questions from City Council.

Councilmember Blackhurst asked what the total number of units that could be built with the current zoning. Senior Planner Tylka stated that there could be 1,063 with the current zoning and that number is the same if the amendment is approved. Councilmember Blackhurst asked if the change is to move from single-family attached to smaller acreage apartment units that can go up to three story buildings. Senior Planner Tylka stated that is correct. Councilmember Blackhurst asked if this is condensing the multi-family units in the new plan. Senior Planner Tylka explained that the new plan would reduce the number allowed for an attached product, so the attached product is where the additional height allowance would be changed. This does add twenty acres of multi-family along Bridge Street in the areas adjacent to the coming commercial development.

Councilmember Cushing asked if the multi-family units would be a for sale product. Ms. Albers explained that there is not a specific plan for the multi-family; it could be apartments or condominiums. There are adjacent apartments being constructed at this time in the commercial parcel on Bierstadt and Bridge Street. This development would match the surrounding areas. Councilmember Cushing likes townhomes mixed with single-family because it gives families that cannot afford an expensive home an affordable option to live in these communities. Councilmember Cushing is concerned about migrating away from townhomes and going to an apartment product. Councilmember Cushing would like to see the City's public hearings advertised more on social media.

Councilmember Watts would like to see the hearing notices posted on social media. Councilmember Watts

asked what the projected start date would be for this development. Ms. Albers explained that they would begin the process as soon as the plat is approved. The development would begin with the single-family detached lots. The construction of 45<sup>th</sup> Avenue and Longs Peak Street would begin the week of August 17, 2020. The Development Agreement ties the developer into obtaining a building permit once that project is complete and accepted. Brookfield would like to have houses along 45<sup>th</sup> Avenue and Longs Peak being built as part of Phase 1. Councilmember Watts asked if the frames would be up by the end of the year and Ms. Albers explained that this would take place in August 2021.

Councilmember Taddeo asked if Brookfield is built out in the other areas in Brighton. Ms. Albers explained that there are a few planning areas that have not been started. Councilmember Taddeo encouraged staff to post notices on social media to get more residents involved.

Mayor Pro Tem Johnston asked if Tony and Ryan Tatum could ask additional questions. City Attorney Bajorek explained that it is at the discretion of Mayor Pro Tem Johnston.

Ryan Tatum, Brighton. Mr. Tatum asked for clarification regarding the terms "apartment" and "townhome" and what product is being built in the area. Senior Planner Tylka explained that the area discussed earlier PA12b is approximately thirteen acres and is designated for attached housing. This is for townhouses that are generally four three-story units adjacent to each other. The area marked PA12c is designated for multi-family that would allow apartments, a multi-story development. Mr. Tatum asked if the zoning is open to discussion to change the zoning for the apartments. Senior Planner Tylka explained that Mr. Tatum could lobby Council to change anything in the document; it is open for comments. Senior Planner Tylka explained that 45<sup>th</sup> Avenue and Bridge Street are already zoned commercial and a 315-unit apartment complex is under construction and will be completed soon so there are already multi-story apartment buildings on the adjacent property. Mr. Tatum asked for the timeline for the apartments to be built. Senior Planner Tylka reported that the developer has applied for permits to go vertical. Mr. Tatum asked if this was an apartment complex and not long term. Senior Planner Tylka explained that it is a for rent multi-family product.

Councilmember Cushing asked for clarification that the three-story units are townhomes where one owner has all three stories or an apartment product where each story is owned by an individual. Ms. Albers explained that it is a regular townhome that one owner has all three levels and the land underneath.

Mayor Pro Tem Johnston appreciates the notes in the PUD and feels this is an improvement to the existing document; these changes are good for this development. Many things were approved in the past that cannot be changed. Mayor Pro Tem Johnston asked if these changes would help with the congestion in the area and allow the design of the roadways to complete the neighborhood. Senior Planner Tylka reported that it will and when the City approvals go through it eliminates the possibility for the City to have to float the loan as agreed to in the Roadway Agreement. This would ensure there is no need for further City intervention. Mayor Pro Tem Johnston likes that the plan does not separate socioeconomic groups but does include a separation between single-family homes from a three-story apartment complex. This is a much better plan than what was previously proposed. Mayor Pro Tem Johnston wants to ensure that there are enough parking spaces to accommodate all of the residents in the apartments. It is important for the residents in the area to attend the Metro District meetings.

Mayor Pro Tem Johnston closed the public hearing at 7:28 p.m.

**Motion by Councilmember Watts, seconded by Councilmember Taddeo, to approve the Ordinance. Motion passed by the following vote:**

**Aye:** 8 - Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

**Absent:** 1 - Mayor Mills

Mayor Pro Tem Johnston called for a break at 7:29 p.m.

*Mayor Pro Tem Johnston reconvened the meeting at 7:40 p.m.*

**7. ORDINANCES FOR INITIAL CONSIDERATION**

**8. ORDINANCES FOR FINAL CONSIDERATION**

**A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE REZONING OF PORTIONS OF THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 2ND AND 16TH AMENDMENTS TO THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 24TH AMENDMENT FOR THE APPROXIMATELY 63.62-ACRE PROPERTY GENERALLY LOCATED TO THE IMMEDIATE NORTHEAST OF THE INTERSECTION OF SOUTH 40TH AVENUE AND SOUTHERN STREET AND FOR TWENTY THREE LOTS GENERALLY LOCATED TO THE SOUTHEAST OF THE INTERSECTION OF SOUTH 45TH AVENUE AND BRIDGE STREET IN BRIGHTON, COLORADO. THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 24TH AMENDMENT IS GENERALLY LOCATED IN SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, ALL IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO**

*Mayor Pro Tem Johnston read the title of the Ordinance into the record.*

*Acting City Manager Falconburg explained that this is the final reading of the Ordinance and there have not been any changes since first reading.*

*Mayor Pro Tem Johnston asked if there were any comments from the audience on the second reading of the Ordinance, there were none.*

**Motion by Councilmember Humbert, seconded by Councilmember Blackhurst, to approve Ordinance 2339. Motion passed by the following vote:**

**Aye:** 8 - Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

**Absent:** 1 - Mayor Mills

**B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE REFINANCING OF CERTAIN MUNICIPAL PROJECTS PURSUANT TO A LEASE TRANSACTION; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A SITE AND IMPROVEMENT LEASE, A LEASE PURCHASE AGREEMENT, AND OTHER DOCUMENTS RELATED THERETO; SETTING FORTH CERTAIN PARAMETERS AND RESTRICTIONS; AND PROVIDING OTHER MATTERS RELATED THERETO**

*Mayor Pro Tem Johnston read the title of the Ordinance into the record.*

*Acting City Manager Falconburg explained that this is the final reading of the Ordinance and there have not been any changes since first reading.*

*Mayor Pro Tem Johnston asked if there were any comments from the audience on the second reading of the Ordinance, there were none.*

Finance Director Maria Ostrom answered questions from Council regarding:

- Leasing the Recreation Center and Police Station being a normal process.
- The City owning these buildings.

**Motion by Councilmember Humbert, seconded by Councilmember Watts, to approve Ordinance 2340. Motion passed by the following vote:**

**Aye:** 8 - Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

**Absent:** 1 - Mayor Mills

## **9. RESOLUTIONS**

## **10. UTILITIES BUSINESS ITEMS**

## **11. GENERAL BUSINESS**

### **A. Review of COVID Statistics**

*Emergency Management Coordinator Stephanie Hackett gave an overview of the COVID and Tri-County statistics in the City.*

*City Council members spoke about the mask mandate.*

## **12. REPORTS**

### **A. By the Mayor**

### **B. By Department Heads**

### **C. By the City Attorney**

### **D. By the City Manager**

## **13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS**

*Councilmember Watts attended a virtual 5K and reported that Thursday is the City's Flix and Kicks event.*

*Councilmember Taddeo attended the Food Bank of the Rockies food distribution event.*

*Councilmember Humbert attended the Full Moon Bike Ride.*

## **14. EXECUTIVE SESSION**

## **15. ADJOURNMENT**

*Mayor Pro Tem Johnston adjourned the meeting at 8:56 p.m.*

**CITY OF BRIGHTON, COLORADO**

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Matt Johnston, Mayor Pro Tem

**ATTEST:**

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Natalie Hoel, City Clerk

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Approval Date