



Legislation Text

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City of Brighton

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



Meeting Minutes - Draft

Tuesday, May 16, 2017

7:00 PM

Amended

Council Chambers

City Council

MAYOR - RICHARD N MCLEAN

MAYOR PRO-TEM - KEN KREUTZER

COUNCIL MEMBERS:

LYNN BACA, REX BELL, JW EDWARDS

MARK HUMBERT, JOAN KNISS,

MARY ELLEN POLLACK, KIRBY WALLIN

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:00 p.m.

A. Pledge of Allegiance to the American Flag.

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

B. Roll Call.

Present: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

2. CONSENT AGENDA

A. Approval of the April 18, 2017 City Council Minutes

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

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

3. APPROVAL OF REGULAR AGENDA

Motion by Councilmember Humbert, seconded by Councilmember Edwards, to approve the Regular Agenda as amended. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

4. CEREMONIES

A. National Kids to Parks Day Proclamation

Mayor McLean read the Proclamation into the record and presented it to Parks and Recreation Director Gary Wardle.

Motion by Councilmember Bell, seconded by Councilmember Baca, to approve the Proclamation. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

B. Archeology & Historic Preservation Month Proclamation

Mayor McLean read the Proclamation into the record and presented it to Historic Preservation Commission member Danielle Henninger.

Motion by Councilmember Edwards, seconded by Councilmember Wallin, to approve the Proclamation. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

C. Recognition of Graduating Brighton Youth Commission Members

Tawnya Russell introduced the graduating Youth Commission Members.

Mayor McLean and City Council congratulated the Youth Commission members.

D. Introduction of New Employees by Administrative Services Director Karen Borkowski Surine

Administrative Services Director Karen Borkowski Surine introduced Doug Brown, Parks Maintenance Worker 3, Larry Ajaii, Water Treatment Plant Operator, and Michael Woodruff, Assistant Director of Streets and Fleet and gave a brief history of their background.

Mayor McLean and City Council welcomed the new employees to the City of Brighton.

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

Thomas Thompson, 11550 Peoria Street, Henderson. Mr. Thompson expressed his concern regarding drainage issues with the ditch in front of his home.

Hub Thompson, 12302 E 115th Avenue, Henderson. Mr. Thompson expressed his concern regarding the issues in Fuller Estates with homeowners running construction businesses with large equipment out of their homes.

6. PUBLIC HEARINGS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING, WITH CONDITIONS AS SET FORTH HEREIN, A CONDITIONAL USE FOR MOONSHINE BAR, LLC, TO OPERATE A TAVERN AT THE PROPERTY ADDRESSED AS 119 N. MAIN STREET, BRIGHTON, COLORADO

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

Mayor McLean opened the public hearing at 7:38 p.m. and City Clerk Natalie Hoel verified the required postings and publications (April 26, 2017 in the Brighton Standard Blade) for this public hearing were completed.

Acting City Manager Clint Blackhurst introduced Assistant City Planner Andrew Baker.

Assistant City Planner Andrew Baker presented the Conditional Use Permit for Moonshine Bar. The property is located at 119 North Main Street and is zoned Downtown in which a tavern is allowed as a conditional use. The Moonshine Bar will have three (3) employees onsite and will be open from 10:00 a.m. to 2:00 a.m., seven (7) days per week. Mr. Dyson purchased the property last fall and has rehabilitated the building. The business will serve signature cocktails, beer and wine and will include a themed décor. A complimentary shuttle service will be provided for their patrons. Although not required, the rear of the property was paved and striped to add an additional eight (8) spaces of parking. Public notice was published on April 26, 2017, and on April 28, 2017 notice was posted on the property and mailed to property owners within 300'. Staff has not received any comments for or against this request. Staff recommends approval of the request with the following five (5) conditions:

- 1. Approval of this conditional use application shall not run with the land and is limited to the operation of a tavern by Moonshine Bar, LLC, at the existing building, addressed as 119 N. Main Street, Brighton, Colorado, as more particularly described in Exhibit A, attached hereto (the "Premises").*
- 2. Moonshine Bar, LLC, must obtain the proper liquor license from the Brighton Local Liquor Licensing Authority for operation of a tavern on the Premises before sale of alcohol will be permitted on the Premises.*
- 3. Operation of the tavern by Moonshine Bar, LLC, shall be in compliance with the City's noise ordinance at all times.*
- 4. Moonshine Bar, LLC, shall obtain and keep current all necessary licenses and permits and meet all applicable federal, state, and local laws, regulations, licenses and policies at all times.*
- 5. Moonshine Bar, LLC, shall construct (and maintain) a trash enclosure on the Premises before a business license for the tavern will be issued by the City.*

Mayor McLean asked if the applicant would like to add anything to the presentation, she did not.

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

Mayor McLean asked if anyone in the audience wished to speak on behalf of the request.

Wayne Scott, 274 South 3rd Avenue. Mr. Scott is Chairman of the Downtown Partnership Committee and is excited about this business opening downtown.

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

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

Mayor McLean asked if there were questions from City Council.

Councilmember Kniss asked what is unique about this business that will help it succeed in Brighton.

Michelle Williams, Applicant, 119 North Main Street. Ms. Williams feels that there is always room for diversity in business and stated that this will be an upscale establishment where patrons can relax and feel comfortable.

Councilmember Edwards asked if the conditional use will transfer if the Moonshine Bar sells to another owner. Assistant Planner Baker reported that it would not transfer. Councilmember Edwards asked if the bar will be required to serve food like other liquor establishments. Assistant Planner Baker reported that a tavern does not have to serve food.

Mayor Pro Tem Kreutzer asked why the bar will be open such late hours since there could be trouble staying open so late. Ms. Williams explained that a lot of people are excited about the establishment and she does not feel that being open until 2:00 a.m. will harm anything. Ms. Williams will also be providing a shuttle service for customers so they get home safely and the employees will all be TIPS trained so they will not overserve customers. Mayor Pro Tem Kreutzer expressed his concern that the late hour could bring in a different crowd.

Councilmember Pollack explained that she thinks staying open until 2:00 a.m. will make Ms. Williams competitive with the other establishments in the City.

Mayor McLean closed the public hearing at 7:49 p.m.

Motion by Councilmember Baca, seconded by Councilmember Pollack, to approve Resolution 2017-56 approving, with conditions as set forth herein, a conditional use for Moonshine Bar, LLC, to operate a tavern at the property addressed as 119 N. Main Street, Brighton, Colorado. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

B. AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL APPROVING THE DESIGNATION OF THE BICYCLE SHOP (119 NORTH MAIN STREET) AS A LOCAL HISTORIC LANDMARK; SETTING FORTH CERTAIN FINDINGS IN SUPPORT OF SAID DESIGNATION; AUTHORIZING THE INCLUSION OF THE PROPERTY IN THE BRIGHTON REGISTER OF LOCALLY AND DESIGNATED HISTORIC LANDMARKS AND DISTRICTS; INSTRUCTING THE CITY MANAGER OR HIS DESIGNEE TO NOTIFY THE OWNER OF THE PROPERTY OF ITS OBLIGATIONS AND RESTRICTIONS ASSOCIATED WITH THE DESIGNATION; AND SETTING FORTH OTHER DETAILS RELATED THERETO (FIRST READING)

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

Mayor McLean opened the public hearing at 7:51 p.m. and City Clerk Natalie Hoel verified the required postings and publications (April 26, 2017 in the Brighton Standard Blade) for this public hearing were completed.

Acting City Manager Clint Blackhurst introduced Long Range and Historic Preservation Planner Aja Tibbs.

Long Range and Historic Preservation Planner Aja Tibbs presented the review of the Historic Preservation designation for the Historic Bicycle Shop at 119 North Main Street. The applicant and landowner is DYCO Holdings represented by Mark Dyson. The request is to review the local landmark designation application for 119 North Main Street.

The structure was first found on the 1908 Sanborn map and was constructed between 1904 and 1908. At the time it was built it was a free standing one story building with the creamery north of the site. The building was 25' wide and 40' deep fronting Division Street, now Main Street. The building was uniquely built of Brighton hydrostone, a very unique and rare stone made, processed and manufactured in Brighton. The stone is found on a few building in the City but not many Downtown. There have been two (2) additions to the building over time, the first addition is shown on the next map in 1913 and the material used was the decorative Brighton hydrostone. The second addition was made sometime between 1948 and 1956 and was not done using the Brighton hydrostone, it is much less decorative and not as special as the original stone.

The use of the building was a bicycle shop which is very iconic considering the era it was built. At that time automobiles were not very prevalent in a small town like Brighton. By 1913 the building use was changed to a machine shop. Bicycling was very important to the history of Brighton including the famous "Sandpaper Track" which ran from Brighton to Denver along Brighton Road. The Brighton Wheel Club was the bicycle racing club in Brighton at that time.

The conversion of the building to a machine shop in 1913 is about the time automobiles began to show up in Brighton. That use may have expanded and needed more room and that is where by 1920 there is the

construction of a very large, two story garage just south of this building. There is no way to know what uses existed during this time but there are rumors that it was used as a dance hall. Rich Rags was the last use to be located in the building selling antiques and second hand items.

Today, the building stands much the same as it did in 1956 at 24' wide and 95.5' in length. The owner has done rehabilitation work revealing the front façade and has revealed the hydrostone. There is a new storefront window system. While the designation does not specifically apply to the exterior of the structure, the owner has done a great job of trying to accentuate and show honor to the history of the building. Mr. Dyson has reopened the original windows which highlights that it was originally a free standing structure. A freight door that is believed to be original has salon been rehabilitated with the original metalwork for the hinges and locks.

All applications must go before the Historic Preservation Commission and City Council at a public hearing. The required fifteen (15) day notice was published in the newspaper and posted on the property. Staff has not received any comments regarding the request.

In review of the request there is criteria that applies. If the building or structure is more than fifty (50) years old it needs to meet one (1) criteria within the three (3) categories for designation. Staff found that the Architectural Criteria category (d) was met primarily due to the historically significant materials that are in the building on both the front and side elevations. This is the Brighton hydrostone which was a locally manufactured and produced material and cannot be found anywhere else. It also being used in possibly the only building along Main Street is significant in what it represents. In the Social and Historic Category staff found it meeting criteria (b). This building is representative of what one might have seen early in the early 20th century built in downtown. A small one story, small form structure not like anything else even in the 1920's with the fancy brick, two story elevations. Being a small, local bicycle shop is also significant and representative of this form. Staff did not find anything significant in the Geographic and Environmental Category. Staff finds that the two (2) categories that were met do meet the criteria for designation and recommends approval of the Ordinance. The Historic Preservation Commission reviewed this at a public hearing on April 13, 2017 and recommends approval of the designation application. Part of the Ordinance outlines the significant aspects of the building which are areas that all should strive to preserve moving forward. These include the historic materials along the front and side façade as well as the general form of the building. This does not restrict any additions, but in general the front façade adjacent to Main Street should be kept intact.

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

Mark Dyson, DYCO Holdings. Mr. Dyson feels this is a significant building to Brighton and is excited to have unearthed it and brought it back to life. This building needs to be a different use than it has been in the past. The entire downtown area is a place that mattered in Brighton's history and although it may have lost its importance, this part of the town will matter again. The reuse of the cannery is going to make downtown Brighton a place where people walk and want to spend time. This will make businesses viable again and the area will be a destination for a lot of people. Mr. Dyson is happy to be part of that. There are some businesses that are concerned about the parking issues that may come with the reuse of the cannery, but more importantly there will be an increase in the sales that the businesses will have.

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

Mayor McLean asked if anyone in the audience wished to speak on behalf of the request.

Wayne Scott, 274 South 3rd Avenue, Brighton. Mr. Scott feels that this is a significant building downtown and the rehabilitation of this building will help to lead a revitalization of the downtown area. Bicycling was an important part of the City's history and this building is significant as the first bicycle shop in town.

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

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

Mayor McLean asked if there were questions from City Council.

Councilmember Pollack asked if by designating this building as a historic landmark will create any additional responsibility to maintain the property or the building. Planner Tibbs explained that there is additional responsibility for the landowner, not the city. One designated, any permits or alterations to the building will have to be submitted to the Historic Preservation Commission for review and approval. Councilmember Pollack asked if the designation will affect any of the adjacent buildings. Planner Tibbs explained that this designation does not impact any other buildings.

Councilmember Humbert expressed his appreciation to the Historic Preservation Commission and the property owner for helping to preserve the structure and human history of the buildings in the City.

Mayor Pro Tem Kreutzer serves on the Historic Preservation Commission and is excited about the history of the bicycle shop. Mayor Pro Tem Kreutzer looks forward to the continued redevelopment in downtown Brighton.

Councilmember Edwards asked if the hydrostone is cut from a quarry or made from materials. Planner Tibbs explained that it is a concrete block, made similar to concrete with different colors and cuts. Some decorate items have been added to the Brighton hydrostone. Councilmember Edwards asked where the materials come from and Planner Tibbs said she will get that information.

Mayor McLean closed the public hearing at 8:16 p.m.

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Humbert, to approve the Ordinance approving the designation of the Bicycle Shop (119 North Main Street) as a local historic landmark; setting forth certain findings in support of said designation. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

7. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE CHRISTINE PLACE SUBDIVISION AND THE CHRISTINE PLACE SUBDIVISION DEVELOPMENT AGREEMENT FOR APPROXIMATELY 4.35 ACRES OF PROPERTY, GENERALLY LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT; AND SETTING FORTH OTHER DETAILS RELATED THERETO (PUBLIC HEARING, CONTINUED FROM MAY 2, 2017)**

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

This public hearing was opened at 7:35 p.m. on May 2, 2017 and was continued to May 16, 2017. City Clerk Natalie Hoel verified the required postings and publications (April 19, 2017 in the Brighton Standard Blade) for this public hearing were completed.

Acting City Manager Clint Blackhurst introduced Associate Planner Josh Tetzlaff.

Associate Planner Josh Tetzlaff explained that this final plat application is for a single lot subdivision on which the applicant intends to build a multi-family apartment complex at the southeast corner of 19th Avenue and Jennifer Court. The property was annexed into the City in 1983 as part of the Baysinger-Teater annexation and was zoned R-3 (Multiple Family Residential) at that time. This area was planned for apartments since the early 1980's. The property is currently undeveloped and there is single-family residential on the north, west

and south sides of the property. To the east the land is not annexed and is undeveloped.

The Comprehensive Plan designates this area as appropriate for high density residential which this project would comply with. Along with the apartments that are planned, the developer would also improve 19th Avenue and Jennifer Court including construction of sidewalks. These improvements as well as drainage improvements are discussed in the accompanying Development Agreement. Also discussed in that Agreement are some fee reductions for bringing a sustainable project to Brighton. The Final Plat review criteria is set forth in the Land Use and Development Code and it must comply with the zoning Ordinance and subdivision regulations. Since the land for this project is zoned R-3 (Multiple-Family Residential), those are the regulations it must comply with. Staff finds that the plat does meet the requirements of the zone district and regulations.

The public hearing notice was sent to all property owners immediately adjacent to the proposed project as required by Code. Notification signs were posted on the property and although not required by Code, a notice was published in the Brighton Standard Blade. Staff has not received any comments in favor of, or against this project. Staff did receive inquiries following the continuation of the public hearing at the last meeting regarding a construction timeline. The applicant still needs to have these entitlements approved and building permits will have to be approved before construction can begin. Staff recommends approval of the Final Plat for the Christine Place subdivision and the accompanying Development Agreement.

Mayor McLean asked if the applicant would like to add anything to the presentation, he did not.

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

Mayor McLean asked if anyone in the audience wished to speak against the request.

Brian Keller, 678 North 21st Avenue, Brighton. Mr. Keller expressed his concern regarding increased traffic, noise and the possibility that the value of his home will decrease. Mr. Keller asked that, if this is approved, a gate be put in so the traffic does not come through as often.

Matthew Oberg, 658 North 21st Avenue. Mr. Oberg moved to Brighton and this neighborhood because it is quiet and feels more rural than Lakewood. Mr. Oberg is concerned that this is the first he is hearing of this hearing. Mr. Oberg expressed his concern regarding the ability to fit four (4) buildings with ninety-six (96) units in the area, the dumpsters and utility locations near his property, sufficient parking so residents are not parking in front of his home, the apartments being low income housing, the location of utilities, driveways and increased traffic, property values, light pollution, construction times and privacy concerns since his home is directly next to the site.

Kristen White, 668 North 21st Avenue. Ms. White moved to Brighton because she liked the location and quiet neighborhood where her kids can play outside. Ms. White expressed her concern regarding increased traffic since it is already difficult to get out of the area with the school across the street, parking issues, lighting, decreased property values, and noise. Ms. White does not feel that this development is compatible or harmonious with the existing neighborhood.

Mayor McLean asked if the applicant would like to address any of the comments.

Jeff Teater, 15846 Delta Court. Mr. Teater introduced Jack Reutzel.

Jack Reutzel, 1801 California Street, Denver, Colorado, representative for the property owners. Mr. Reutzel explained that this is the last step in the entitlement process. The property was annexed and there was a comprehensive plan in 1983 showing this area as high-density residential. The zoning followed with a zone district that makes this a use-by-right. Mr. Reutzel empathizes with the concerns of the neighbors, but this zoning and use is not a surprise since it has been on the books for 30 years. This is the realization of the last part of the development sequence. The applicant looks forward to getting this process underway as soon as this is approved and the Development Agreement is signed.

City Attorney Margaret Brubaker suggested that Planner Tetzlaff show the Final Plat so everyone can see the layout of the development. Planner Tetzlaff explained that the site plan is a use-by-right and is handled

administratively as it does meet all of the zoning requirements. Staff is only presenting the final plat at this time. Mr. Reutzel explained that he does not have a full size site plan but there is one included in the Development Agreement. Planner Tetzlaff explained that there is not a site plan in the Development Agreement as they are not typically part of a Development Agreement and not on the agenda for approval. Staff has been working with the applicant on the site plan. There is nothing to present since the site plan will be approved administratively.

Mayor McLean asked if there were questions from City Council.

Councilmember Kniss asked Mr. Teater to explain the layout for the apartments. Mr. Teater explained that there will be four (4) twenty-four (24) unit buildings that are three (3) stories tall and a clubhouse. There will be a picnic area and three (3) trash enclosures on the site. There will be an entrance from North 19th Avenue and an entrance from North 21st Avenue. The parking lot does meet all of the parking requirements set forth by the City. Mr. Teater and his family own an apartment complex down the street and has not experienced any parking issues in the surrounding neighborhoods there. Mr. Teater has always tried to be a good neighbor and feels this development will be a benefit to Brighton. Mr. Teater acknowledged that growth is hard and there are always positives and negatives. Mr. Teater feels this will be a great development and will be a benefit for children in the area to be able to walk to school and alleviate some of the driving issues.

Planner Tetzlaff reported that when site plans are submitted to the City, traffic studies, parking studies and lighting studies are required. These are done to ensure that as little light as possible is bleeding off the site, any traffic generated by the site will be handled by the existing streets or any improvements that need to be done to handle the increased traffic. This also makes sure that the development meets all parking Codes, landscaping and fencing Codes in the City. These all ensure that the project will fit into the existing neighborhood.

Councilmember Bell asked where the other development is located. Mr. Teater reported that it is located at 400 North 19th Avenue. Councilmember Bell asked if Mr. Teater developed the Peach Hollow area. Mr. Teater stated that he did not. Councilmember Bell asked for help feeling good about this development without seeing it. Mr. Teater explained that the site will flow nicely and will have a lot of landscaping. The Fire Department has also approved the site as planned. Planner Tetzlaff presented a conceptual view of the site. Councilmember Bell asked if Mr. Teater met with the neighbors in the area. Mr. Teater reported that he did meet with one neighbor. Councilmember Bell is familiar with the area and reported that the ditch can be a hazard for kids in the area, but this is not the responsibility of Mr. Teater. Councilmember Bell asked Mr. Teater if his family developed the Park Place neighborhood, Mr. Teater stated that he is. Councilmember Bell feels Mr. Teater will duplicate the quality and care of that development when building this subdivision.

Councilmember Wallin asked if the trees on the east side will have to be removed. Mr. Teater explained that most of the trees are in the drainage channel and they will not be building in that area. Some of the trees on the south property line are not nice and will need to be removed. Councilmember Wallin asked if directional LED lights and shielding technology will be used to focus the lights on the site and keep it from disturbing the neighbors. Planner Tetzlaff explained that the City standards require all lighting to be shielded and downward facing. The lighting plan has to ensure the light stays on the property.

Councilmember Humbert asked how many parking spots there will be. Planner Tetzlaff explained that the Code requires 1.5 parking spaces per one bedroom unit, two parking spaces per two bedroom unit, and 2.5 parking spaces per three bedroom unit. Councilmember Humbert asked if these apartments will be market rate, Mr. Teater reported that they will be. Councilmember Humbert asked what this development will do to the neighbor's site line. Mr. Teater explained that there are no neighbors to the east. Councilmember Humbert asked Mr. Teater to explain roughly on the plat where the buildings will be placed.

Councilmember Baca asked if the applicant is required to provide a site plan at this stage of the approval process because it would be unfair to penalize the applicant if it is not required. Planner Tetzlaff reported that a site plan is not required at this stage of the process. The process includes annexing and zoning of the land which happened in 1983. The current stage is platting and getting a legal description of the property. After the property is platted, a site plan can be submitted and approved. Then the building plans will be submitted. Councilmember Baca appreciates the residents coming tonight and speaking about the project.

Councilmember Baca feels light pollution is a concern but explained that it can be done well like the lighting at the 7-eleven on Bromley Lane and Tower Road. Councilmember Baca expressed concern about construction times and also privacy fencing that will buffer the neighborhood from the apartment complex. Mr. Teater reported that fencing is not planned and stated that generally apartment complex tend to be more open. Mr. Teater explained that the City has an Ordinance in place regarding construction times and he will follow those rules. There will be a construction fence to keep kids out of the construction site. Councilmember Baca explained that when it comes to use-by-right, the landowner has rights to develop their property within the Codes and guidelines set forth by the City. This is a vested property owner and they have had this use for their property for quite some time. The new residents of this complex are going to love living in Brighton for the same reasons the existing residents do and we, as a City need to be welcoming to all. Councilmember Baca appreciates Mr. Teater for coming forward with this development and thanked him for his other beautiful developments in the City.

Mayor Pro Tem Kreutzer thanked everyone for coming out tonight and explained that City Council's role is to make their decision based on what has been heard during the public hearing. Mayor Pro Tem Kreutzer asked how much the units will rent for. Mr. Teater explained that the one bedroom units will rent for approximately \$1,000.00 per month and the two bedroom units will rent for approximately \$1,300.00 per month, depending on the market.

Mayor Pro Tem Kreutzer asked for an explanation of the fee reductions. Planner Tetzlaff explained that the approximate fee reductions are as follows: building permit fee - 50%, plan review fee - 95%, water plant investment fee - 34%, sewer plant investment fee - 34%. These fee reductions were given because the applicant went above and beyond to bring a sustainable product which reduces water consumption, and reduces energy consumption. Staff saw this as a beneficial project for the City so staff worked with the applicant on these fee reductions. These fee reductions are similar to other apartment complexes in the City that have received fee reductions for building a more sustainable product. Mr. Reutzel explained that Exhibit G1 also details the water and sewer usage analysis which shows the water savings for the features that will be used in this development. The result of these water savings is the basis for the proposed fee reductions. Exhibit G3 details the additional sustainable techniques that will be used in the development.

City Attorney Brubaker asked for a representation from the applicant that everything detailed in Exhibit G3 will be included in this development and the understanding about the separate meters and the surcharge. Mr. Reutzel agreed and stated that this information is in the Development Agreement and the applicant is committed to this.

Mayor Pro Tem Kreutzer asked if the standards have not been raised by the approval of the Be Brighton Comprehensive Plan and this type of development should be standard. Planner Tetzlaff explained that the Be Brighton Plan is looking toward the future, but the talks with the applicant began prior to the adoption of the Plan. Staff did not feel it was good customer service to go back on discussions that had been decided on previously. Mayor Pro Tem Kreutzer asked where the \$300,000.00 in fee reductions will be made up by the City. Assistant City Manager of Development Marv Falconburg explained that this is a high quality development that is going above and beyond the current standards. A new Building Code will likely be adopted later this year that will increase some of the energy efficiency requirements that will then become the new standard. This development has gone above and beyond similar to Solaire and Elements. The fee reductions are based on criteria that the Utilities Director has looked at very closely. The applicant has shown a reduction of a certain percentage of water usage and if they are unable to meet that standard, they will be assessed a surcharge. It is a fair and equitable system to charge someone 100% for a tap fee if they will be using 100%. It is difficult to ask someone to spend more money to build a higher quality and more energy efficient development and charge them the same fee. If the applicant can show a reduction in usage, it seems reasonable, logical and fair to reduce the fee proportionately. This is a challenging process for the applicant and for staff. Assistant City Manager Falconburg believes in this process for the City but feels that there needs to be a more comprehensive, citywide approach that applies to everyone with very clear rules, fees and processes. Assistant City Manager Falconburg offered to meet with the neighbors at another time to show them the drawings of the development. It puts Council in a difficult position to get into those details at this time because they are hearing things that should not be presented at the public hearing. If an item is approved or denied because of the information presented at a public hearing that is not regarding the hearing, there could be a legal challenge. Assistant City Manager Falconburg feels this is a very good development done to a high

standard that will bring value to the area.

Councilmember Edwards stated that this zoning was approved in 1983 prior to any homes being built in the area. The City has had issues like this before when residents in an area were upset about streets being built and taking away open space and adding traffic and lights. When looking at the subdivision, the road was planned prior to the homes being built. It is the homeowner's responsibility if they live in an area that is not completely built out to investigate the possibility of things to come. Councilmember Edwards read the traffic studies and Fire Codes. Councilmember Edwards commends the Park Place development and appreciates the work Teater has done in the City. This development will bring value to the area.

Mayor McLean closed the public hearing at 9:16 p.m.

Motion by Councilmember Bell, seconded by Councilmember Kniss, to approve Resolution 2017-57 approving the Christine Place subdivision and the Christine Place subdivision Development Agreement for approximately 4.35 acres of property, generally located within the northeast quarter of section 5, township 1 south, range 66 west. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, VACATING THAT CERTAIN REAL PROPERTY AND PUBLIC RIGHTS-OF-WAY, SITUATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, ADAMS COUNTY, COLORADO, AND VESTING TITLE TO SUCH VACATED LANDS IN ABUTTING LANDOWNERS PURSUANT TO C.R.S. § 43-2-301, ET SEQ (FINAL READING)

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

Acting City Manager Clint Blackhurst introduced Associate Planner Josh Tetzlaff.

Associate Planner Josh Tetzlaff reported that this is the final reading of the Ordinance and there have not been any changes since first reading.

Mayor McLean asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Motion by Councilmember Edwards, seconded by Councilmember Wallin, to approve Ordinance 2256 vacating that certain real property and public rights-of-way, situated in the northeast quarter of section 5, township 1 south, range 66 west of the 6th principal meridian, City of Brighton, Adams County. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

8. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REPEALING ORDINANCE NO. 2100 AND REPEALING AND REENACTING CITY OF BRIGHTON MUNICIPAL CODE, ARTICLE 1.16 REGARDING ELECTION WARDS AND PRECINCTS; CLARIFYING THE

APPLICATION OF SAID BOUNDARY REVISIONS; AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

Acting City Manager Clint Blackhurst introduced Community Development GIS Technician Josh Ryan.

Community Development GIS Technician Josh Ryan presented the ward boundary map update. The purpose of the update is to reflect the increase in population from July, 2011 to June, 2017. The last time the ward boundary was updated was July, 2015 and was based solely on annexed land. The 2011 update was based on the 2010 census figures. Since that time there has been considerable growth, primarily in Ward 1. The current estimated population is 36,944 residents with distributions in the Wards as follows: Ward 1 - 10,459; Ward 2 - 7,935; Ward 3 - 9,371; and Ward 4 - 9,179. To move forward with the ward boundary map update there are Statutes and laws that must be followed. The first is that a boundary line movement cannot push any Councilmember out of their current ward. The second is that the sum of the percent by which the largest district's population exceeds that of the ideal district and the percent by which the smallest district population fall short of the population of the ideal district must be less than 5%. Currently the sum of the percent by which the population of the largest ward (Ward 1 at 10,459 residents) exceeds the ideal ward (9,236 residents) and the percent by which the smallest ward (Ward 2 at 7,935 residents) falls short of the population of the ideal ward, is greater than 5%. Therefore an adjustment of the ward boundary map is required. The adoption of the proposed ward boundary will result in the following population distributions: Ward 1 - 8,985; Ward 2 - 9,444; Ward 3 - 9,371; and Ward 4 - 9,144. There should not be more than a 5% deviation in the most populous and least populous district in each house. The deviation based on the percentage distributions of the proposed ward map result in a 4.97% deviation and therefore the proposed redistricting is within the parameters set forth by the Colorado Constitution. Staff expects the population to grow in Ward 1 and in Ward 4 and that is the reason why the proposed ward map populations include lower populations in those wards. Ward 1 and Ward 4 can absorb the expected growth without forcing the population to deviate above 5%.

Motion by Councilmember Baca, seconded by Councilmember Humbert, to approve the Ordinance repealing Ordinance No. 2100 and repealing and reenacting City of Brighton Municipal Code, Article 1.16 regarding election wards and precincts; clarifying the application of said boundary revisions; and setting forth other details related thereto. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

9. UTILITIES BUSINESS ITEMS

Ordinances

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING, REPEALING AND ADOPTING SPECIFIED SECTIONS AND SUBSECTION OF CHAPTER 13, WATER AND SEWER, OF THE BRIGHTON MUNICIPAL CODE; AND, SETTING FORTH DETAILS IN RELATION THERETO (FIRST READING)

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

Acting City Manager Clint Blackhurst introduced Utilities Director Curt Bauers.

Utilities Director Curt Bauers presented the edits to Chapter 13 of the Brighton Municipal Code regarding water and sewer. There are some minor changes removing references to the Public Works Director, correctly identifying the Utilities Department, and correctly identifying business hours. The main changes are in Section 13-4-120 to modify the enforcement and collection of delinquent utility accounts and in Section 13-4-130 to

add the municipal rate for City water usage to the schedule of rates and fees.

The main change in the collection of delinquent accounts is the elimination of the door hanger process and the associated fee. The current process does not work well and there is a lot of effort and additional fees associated with the process. Most of the neighboring municipalities have already stopped using this process. Now, after 20 days past the due date a late fee will be assessed and an additional notice will be mailed. The remainder of the delinquency collection process will remain the same. The time to shutoff will be reduced by one day and that change is for staff efficiency since shutoffs on Thursdays is difficult. The process will now take place on Wednesday. A very significant percentage of delinquent bills and door hanger notices come from a small number of customers, so this should be a cost savings all around. Staff will do outreach to make sure everyone is aware of the new process.

The other change is the addition of a municipal rate for City water usage. Most municipal water use went unbilled in the past. A separate customer class for municipal water use is being created. Although a complete cost of service rate study has not been undertaken, the City's rate consultant has reviewed this recommendation with the Utilities staff and agrees that it is appropriate to handle the City's usage as a separate customer class. The recommended rate is \$3.50 per 1000 gallons. This rate has also been reviewed and does generally meet all the cost of service rate making requirements and principals. With the information the City has at this time, it has been deemed an appropriate rate. All of the customer classes will be reevaluated with the rate consultant at the end of 2018 when staff undertakes the next cost of service analysis.

The last change in this Chapter is the wholesale removal of the storm drainage management utility discussions and appropriately placing it in Chapter 14. Director Bauers answered questions from Council regarding:

- The reason for the reduction in the due date for the water bills.*
- The difference in the number of days the bills are due in the amended Code.*
- A breakdown of the timeframe for the billing, notice and fee assessments.*
- The amount of the late fee.*

Motion by Councilmember Baca, seconded by Councilmember Pollack, to approve the Ordinance amending, repealing and adopting specified sections and subsection of Chapter 13, Water and Sewer, of the Brighton Municipal Code; and, setting forth details in relation thereto. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING, REPEALING AND ADOPTING SPECIFIED SECTIONS AND SUBSECTION OF CHAPTER 14, STORM DRAINAGE, OF THE BRIGHTON MUNICIPAL CODE; AND, SETTING FORTH DETAILS IN RELATION THERETO (FIRST READING)

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

Utilities Director Curt Bauers explained that Chapter 14 is the storm drainage management section of the Code. The first modification is to relocate a piece of Chapter 13 addressing the storm drainage management utility and to add definitions for the common plan for development and best management practices definitions as they are needed to properly administer the MS4 Permit, which is the Municipal Separate Storms Sewer Systems Permit. Additionally, portions of Section 14-2 have been amended related to the various provisions of the Erosion and Settlement Control Permit, compliance with the MS4 Permit and the Grading Permit requirements. The processes should be clearer with these provisions.

Motion by Councilmember Bell, seconded by Councilmember Humbert, to approve the Ordinance

amending, repealing and adopting specified sections and subsection of Chapter 14, Storm Drainage, of the Brighton Municipal Code; and setting forth details in relation thereto. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING, REPEALING AND ADOPTING SPECIFIED SECTIONS AND SUBSECTION OF CHAPTER 15, BUILDINGS AND CONSTRUCTION, OF THE BRIGHTON MUNICIPAL CODE; AND, SETTING FORTH DETAILS IN RELATION THERETO (FIRST READING)

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

Utilities Director Curt Bauers explained that the proposed changes in Chapter 15 are all related to cross connection control and backflow prevention provisions. Backflow prevention and cross connection control is a big topic with major scrutiny right now with the Colorado Department of Public Health and Environment (CDPHE) and strict compliance timelines. It has never been strictly enforced previously. The City needs to be sure that its requirements are clear and stringent enough to meet the CDPHE mandates. The hazard definitions are being clarified related to cross connection control requirements and specifically tying them to the health hazard discussion. The owner's responsibility is also being tightened with regard to backflow prevention assemblies and the testing of those assemblies in compliance with regulations as well as the City's responsibility to respond to instances of non-compliance. Director Bauers answered questions from Council regarding:

- The backflow requirements being required by the state.*
- These changes bringing the City in compliance with state regulations.*

Motion by Councilmember Humbert, seconded by Mayor Pro Tem Kreutzer, to approve the Ordinance amending, repealing and adopting specified sections and subsection of Chapter 15, Buildings and Construction, of the Brighton Municipal Code; and setting forth details in relation thereto. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

No: 1 - Councilmember Bell

10. GENERAL BUSINESS

A. Cancel the June 20, 2017 City Council Meeting for the Colorado Municipal League Conference

Motion by Councilmember Humbert, seconded by Councilmember Bell, to cancel the June 20, 2017 City Council meeting for the Colorado Municipal League Conference. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

B. Schedule a Special City Council Meeting on June 13, 2017 at 6:00 p.m. to approve the following items: Eco-Site Cell Tower at 12153 Moline Street Conditional Use;

Participation in the 2017 Coordinated Election; the Sable Farm Land Acquisition; Cancel the July 4, 2017 City Council Meeting; and Schedule a Special City Council meeting on July 11, 2017 at 6:00 p.m.

Motion by Councilmember Wallin, seconded by Councilmember Humbert, to schedule a Special City Council meeting on June 13, 2017 at 6:00 p.m. to approve the following items: Eco-Site Cell Tower at 12153 Moline Street Conditional Use; Participation in the 2017 Coordinated Election; the Sable Farm Land Acquisition; Cancel the July 4, 2017 City Council meeting; and Schedule a Special City Council meeting on July 11, 2017 at 6:00 p.m. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

11. REPORTS

A. By the Mayor.

Mayor McLean announced that there will be a meet and greet with Lochbuie on Thursday at 6:00 p.m.

B. By Department Heads.

C. By the City Attorney.

D. By the City Manager.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Humbert reported that the following events will take place on Saturday: Sculpture Dedication 9:00 a.m., Historic Bromley Koizuma-Hishinuma Farm Grand Opening at 1:00 p.m. and Brighton Blues Blast at 11:00 a.m.

13. EXECUTIVE SESSION

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Humbert, to go into Executive Session at 9:57 p.m. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding land acquisition and for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) regarding city manager recruitment process. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

Mayor McLean reconvened the meeting at 10:32 p.m.

14. ADJOURNMENT

Motion by Councilmember Wallin, seconded by Councilmember Humbert, to adjourn at 10:33 p.m. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date