

City of Brighton

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



Meeting Minutes - Draft

Tuesday, April 15, 2025

6:00 PM

Amended

Council Chambers

City Council

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

1. CALL TO ORDER

Mayor Mills called the meeting to order at 6:03 p.m.

A. Pledge of Allegiance to the American Flag

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

B. Roll Call

Present: 8 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Green, Councilmember Pawlowski, Councilmember Snyder, Councilmember Taddeo, and Councilmember Worth

2. CONSENT AGENDA**A. Approval of the March 18, 2025 City Council Minutes**

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING ASSIGNMENT TO THE BRIGHTON HOUSING AUTHORITY THE PRIVATE ACTIVITY BOND ALLOCATION OF THE CITY FOR THE BENEFIT OF THE ADAMS POINT DEVELOPMENT PROJECT PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT; AUTHORIZING THE MAYOR TO EXECUTE SAID ASSIGNMENT ON BEHALF OF THE CITY

Resolution No. 2025-20

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF ENVIRONMENTAL WORKS, INC. AND APPROVING THE PROCUREMENT OF THE LEAD AND COPPER SERVICE LINE INVESTIGATION PROJECT FOR THE CONTRACT AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2025-21

D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE WATERTOWER PLACE ZONING MAP AMENDMENT FOR AN APPROXIMATELY 14.727 ACRE PROPERTY, GENERALLY LOCATED TO THE NORTHEAST OF THE BRIGHTON FIRE RESCUE DISTRICT STATION 52, SOUTH OF EAST BRIDGE STREET, WEST OF SOUTH 42ND AVENUE AND EAST OF SOUTH 40TH AVENUE, MORE PARTICULARLY LOCATED IN THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO (FINAL READING)

Ordinance No. 2472

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

Aye: 8 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Green, Councilmember Pawlowski, Councilmember Snyder, Councilmember Taddeo, and Councilmember Worth

3. APPROVAL OF REGULAR AGENDA

Motion by Mayor Pro Tem Padilla, seconded by Councilmember Pawlowski, to approve the Regular Agenda as amended to change Item 11A to vacate the special meeting scheduled for April 29, 2025 in place of discussing the rules for a hearing. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Green, Councilmember Pawlowski, Councilmember Snyder, Councilmember Taddeo, and Councilmember Worth

4. CEREMONIES

6. Recognition of the Adams County Mayors and Commissioners Youth Award Nominees

Tawnya Russell recognized the Adams County Mayors and Commissioners Youth Award nominees.

B. National Arbor Day Celebration Proclamation

Councilmember Green read the Proclamation into the record.

C. Recognition of the Arbor Day Poster Contest Winner

City Forester Adam Rhodebeck recognized Sylvester Chacon as the Arbor Day Poster Contest winner.

D. Suicide Prevention Education Awareness Knowledge Week Proclamation

Councilmember Worth read the Proclamation into the record.

E. National Day of Prayer Proclamation

Mayor Mills read the Proclamation into the record.

F. National Earth Day Celebration Proclamation

Mayor Pro Tem Padilla 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

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE SINGH PROPERTY ZONING MAP AMENDMENT FOR AN APPROXIMATELY 10.59 ACRE PROPERTY, GENERALLY LOCATED TO THE NORTH OF EAST 120TH AVENUE, SOUTH OF EAST 121ST PLACE, EAST OF WHEELING STREET, AND WEST OF POTOMAC STREET, MORE PARTICULARLY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO (FIRST READING, CONTINUED FROM MARCH 4, 2025)

Mayor Mills read the title of the Ordinance 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 (February 11, 2025 on the City of Brighton website) for this public hearing were completed.

Mayor Mills asked City Council if there are any conflicts of interest or any ex-parte communications that need to be disclosed, there were none.

Senior Planner Summer McCann presented the Singh Property Zoning Map Amendment. The applicants are Singh Rashpal and Kaur Rajwant. The property is located to the north of East 120th Avenue, south of East 121st Place, east of Wheeling Street, and west of Potomac Street. The applicant is asking to establish zoning as C-2 (Restricted Retail and Services). Staff used the review criteria in Section 2.03 B in the Land Use & Development Code. The property was annexed in 2004 under the Singh & Kaur Annexation. Prior to annexation, a portion of the property was platted in Adams County under the Farner Estates Amended Subdivision Plat; the property has not been platted in the City of Brighton. At the time of annexation, the property was zoned Singh & Kaur PUD. In 2011, the vested property rights associated with the PUD expired, meaning the property can no longer be developed under that zoning. It is now necessary to rezone the property in order to develop. The C-2 district allows small to moderate scale retail, service, and office uses. These are typically located along arterial streets or at key intersections.

In making its decision, City Council shall use the review criteria found in Section 2.03 B of the Land Use & Development Code. The rezoning of the property will help support the policies in the Comprehensive Plan. The Future Land Use portion of the Comprehensive Plan has designated this property as mixed use residential. The applicants are proposing to rezone the property to C-2. While the proposed zoning does not meet the intent of the future land use designation, there are several important site conditions that should be considered. The mixed-use designation is intended to provide different housing options and integrate residential living with nearby commercial and civic uses. A mixed-use district typically requires sufficient land to incorporate a mix of land uses. At just over ten acres, the size of the property limits its ability to fully integrate a mixed-use development. The city zoning would encourage a high density development through the required site and building design standards. The dense, urban style development that would be encouraged under a mixed-use district would not be compatible with the rural residential estate adjacent to the property. Given these constraints, a fully commercial development is more appropriate and less impactful to the surrounding neighborhood.

The rezoning meets other policies in the Comprehensive Plan, it emphasizes the need to foster long-term economic growth along the 120th Avenue corridor. The rezoning aims to concentrate commercial development at a key intersection of a regional arterial and a collector roadway with proximity to I-76 and E-470. All adjacent properties within the city are already zoned for commercial use, further supporting the appropriateness of the proposed

zoning. The property is located within an area that already has existing infrastructure. Future development will enhance this infrastructure including adjacent roadways and utilities that support the growth in the area. The rezoning will help to balance residential and non-residential uses in the southern portion of the city. As nearby developments move forward, this property will play a key role in shaping a well-rounded community with a mix of uses. The goal is to create a space where residents, businesses, and services co-exist.

The Singh and Kaur PUD was approved in 2004 and allowed for uses consistent with the C-2 zone district. Given the current and anticipated growth, C-2 zoning is appropriate. Since the approval of the PUD over twenty years ago, every city incorporated property has been zoned or rezoned. The city's vision has changed and what may have been an appropriate zone district twenty years ago is no longer compatible with the anticipated development along the corridor. Given the location of the property, the proposed rezoning will better serve the growing community by providing essential retail services and employment opportunities. These uses are increasingly needed as residential neighborhoods and regional infrastructure continue to expand. The rezoning will ensure that the site complies with current land use and development standards promoting cohesive development and a unified approach across all adjacent commercial parcels. This will also drive improvements to public infrastructure, enhancing the overall connectivity of the area. Careful attention will be given to building design and site layout to ensure compatibility with neighboring residential areas. This process will focus on creating a smooth transition between commercial and residential.

All posting was completed in accordance with the Land Use & Development Code and information was published on various social media sites. A neighborhood meeting was held on May 3, 2024. Planning staff has received four formal comments from the public and three comments in support of the rezoning. The Planning Commission heard the request on January 23, 2025, and voted 3-2 to recommend denial of the zoning map amendment. The Development Review Committee reviewed the project and is recommending approval. Staff finds that the proposal meets the review criteria found in the Land Use & Development Code and therefore recommends approval of the Zoning Map Amendment for the property to C-2.

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

Amelia Stefan with Foster, Graham, Milstein, & Calisher is representing the owners and applicants.

Rajwant Kaur gave a brief history of the thirty years their family has spent in the community and the small businesses they ran in that time.

Jasmeet Bajwa gave a brief history of her time in the community and the commitment of her family to the city. They would like to create something that is uplifting to the community.

Harmann Bajwa explained that the C-2 zoning and the development will help to manage traffic through smart traffic solutions, will bring small businesses that will create jobs for the residents, and will serve the people that live here. They are trying to bring responsible growth to the city.

Amelia Stefan spoke specifically about the criteria and how this application very clearly meets all the rezoning criteria.

Mayor Mills asked if anyone in the audience wished to speak on behalf of or against the request.

Carol Ann Hartnagle expressed concern regarding the rezoning and spoke in opposition of the request. This will change the character of the neighborhood, immediately decline property values and increase traffic, noise and light pollution.

Derick Okada expressed concern regarding traffic, stormwater runoff and there not being enough room for sidewalks.

Ivan Webster expressed concern regarding traffic and environmental concerns.

Caroline Pira expressed concern regarding the possible uses, sound pollution, risk to pedestrians, and crime.

Kiara Pira expressed concern regarding a possible gas station on the site that could contaminate the well water in the area.

Natalija Finlay feels the conditions set at the time the PUD was approved were appropriate, but the possible uses of a hotel, strip mall and large gas station are not fair to the neighbors.

Art Lanbauch feels this goes against the Comprehensive Plan, the allowable uses are not acceptable, and this process has lacked transparency.

Greta Finlay feels a gas station would be dangerous.

Hector Marquez is opposed to the development.

Mayor Mills asked if any correspondence had been received. City Clerk Natalie Hoel presented the correspondence to Mayor Mills.

Mayor Mills asked if staff or the applicant would like to reply to any of the comments that have been made.

Planner McCann stated that development does pay its own way. This property is required to have a subdivision plan, and they will be required to complete improvements to 120th Avenue and Potomac Street. Any sewer or water improvements needed will be the responsibility of the developer. This property has not been platted in the city so the concerns around drainage have not been addressed. A drainage report is not required paperwork for a zoning map amendment, this will come at the time of platting. A gas station would be an allowed use on the property. As development is taking place in the area, traffic improvements are being made to 120th Avenue. Plans to expand Potomac Street will be included as part of the future subdivision plan. The current code will require a 15 ft. buffer to the west and the north adjacent to the residential parcels. The Director can allow for additional buffering, so staff will be asking for a 30 ft. buffer in the subdivision plan. This is the city's highest intensity buffer, this will help with sound mitigation and light pollution. RE zoning and the PUD are not in alignment with the future land use designation. When the pre-application meeting took place for this development, staff determined that the mixed-use building types would be substantially taller and allow for commercial development and apartment buildings on the site. Staff felt this would have been more impactful to the surrounding residents so staff made the recommendation to the developer to move forward with an entirely commercial development. Three quarters of this intersection is already zoned for commercial development, so the city's vision for this area is that it would be a viable commercial intersection. Regarding the mention of the historic designation, the applicant provided a cultural resource survey, which was required since the building on the property is over fifty years old. The property does not have to be placed on a watch list. The Code states that all properties that are on the watch list must be over fifty years old, not that every property over fifty years old has to be on the watch list. This process would need to be initiated by the

property owner if they would like to designate their property as historic unless it was found to be exceptionally significant, which it was not. The zoning does not allow the applicant to demolish the house, they would need to acquire a demolition permit. Some concerns have been raised around the neighborhood meeting notices. There is some discrepancy in the area regarding the zip codes. Staff and the applicant used the zip codes provided on the Adams County website where the zip code is 80601, but some of the zip codes are 80640. Staff have tried to make those changes when mailing out neighborhood notices. The applicant did send notice to those residents that did not receive the original notice. Staff does post notices on social media, the City of Brighton website, and signs are posted on the property.

David Foster explained that this is the rezoning stage and whoever develops the site will be back in front of City Council for the subdivision plan and other processes that will occur on the site. The number of people in attendance indicates that notice of the hearing was received by the residents. Many uses were identified, but not all of those uses will fit on the ten-acre site. It is obvious when looking at the map that commercial development is going to occur at 120th Avenue and Potomac Street. This was not something that was possible in the past twenty-one years, but growth is now happening in the area and this corner is the only one at the intersection without commercial zoning.

Mayor Mills asked if there were questions from City Council.

Mayor Pro Tem Padilla asked if the owner of the property could do something today or does the rezoning have to take place since the PUD has expired. Planner McCann explained that the PUD expired in 2011. There was an extension of the vested property rights in 2008. This property is so nuanced that although there is an underlying zoning of RE, the Ordinance did not allow for uses in RE, it only allowed for uses in C-1. Because it is so complicated and odd and since the PUD has expired, the way to clean it up is for the applicant to request a rezoning to comply with the current development standards. Mayor Pro Tem Padilla asked if a zoning change is required, and Planner McCann stated that it is. Mayor Pro Tem Padilla asked who typically brings forward a zoning change, and Planner McCann explained that it is the property owner. Mayor Pro Tem Padilla asked if the property owner wanted to build homes or an apartment complex, they would request that type of zoning, and Planner McCann stated they would. Mayor Pro Tem Padilla explained that there are three undeveloped areas left in the city that add value to the city, Prairie Center, Adams Crossing and the area around Southgate and this property is in one of those areas. Planner McCann feels that this property is an extension of Adams Crossing and feels that is where the future land use designation of mixed-use residential came from. Sites that are one hundred acres are much easier to incorporate with the mixed-use commercial designation. Mayor Pro Tem Padilla explained that the intent of some of the mixed-use development from 2016 was for vertical development and asked why that has since been modified. Planner McCann explained that the Urban Land Institute did conduct a technical advisory program in 2023, and their findings were that the city's vision for the vertical mixed-use was unrealistic due to the low-density population in the area and the remaining developable land. A modified version of that could take place, but the city will not get vertical mixed-use that was intended in this area. Mayor Pro Tem Padilla explained that it is easier to get to a grocery store in Commerce City than it is to shop in Brighton from this area. There is missing commercial development along this corridor and traffic improvements need to be made. Planner McCann stated that there is a consideration where these residents will shop and get their services, so completing this intersection with commercial is important. The Kestrel Development was originally zoned for commercial but has been rezoned to address the missing middle housing in the city, so the city has lost some commercial zoning on 120th Avenue. Mayor Pro Tem Padilla asked what the limitations on building height and square footage for C-2 zoning are. Planner McCann explained that the tallest building that would be allowed by height is three stories, thirty-five feet for a civic building. The other uses allowed would be two stories, or

twenty-five feet. A grocery store was mentioned, a large grocery store up to 90,000 sq. ft. would not be allowed in C-2. A hotel with up to 100 rooms would be allowed. General retail is allowed from 10,000 to 50,000 sq. ft. No outdoor sales or light industrial use is allowed. Mayor Pro Tem Padilla asked if the property were to be developed under the mixed-use residential, what is the largest residential building that would be allowed. Planner McCann explained that the large commercial mixed-use does allow for up to five stories, or sixty feet tall. Mayor Pro Tem Padilla asked if any of those possible uses are up for consideration by City Council at this time. Planner McCann explained that staff does not know of any potential uses on the site. Mayor Pro Tem Padilla asked if the question being proposed to Council is if this zoning makes sense at this location. Planner McCann explained that there are five criteria up for consideration at this time. Staff feels that the C-2 zone district is appropriate for this property.

Councilmember Green stated that a lot has changed in the past twenty years and there needs to be a cohesive commercial corridor on 120th Avenue to make the necessary upgrades to the roadway. It is much more convenient to have amenities closer to the residential development and the landscaping and screening can be addressed later. This is what the neighborhood needs.

Councilmember Snyder stated that some concerns are valid, but there is going to be traffic on 120th Avenue. There is a concern regarding a possible gas station since the surrounding properties have well water. A buffer zone of 30 feet with landscaping needs to be guaranteed. There is a concern that once this rezoning is done, there is no control over what is being built on the site. The Planning Commission did recommend denial of the rezoning.

Councilmember Pawlowski stated that there needs to be a lot of extra work done to 120th Avenue to make it safer for everyone.

Councilmember Fiedler thanked everyone for coming out tonight.

Mayor Mills closed the public hearing at 8:05 p.m.

Motion by Mayor Pro Tem Padilla, seconded by Councilmember Green, to approve the Ordinance. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Green, Councilmember Taddeo, and Councilmember Worth

No: 2 - Councilmember Pawlowski, and Councilmember Snyder

Mayor Mills called for a break at 8:06 p.m.

Mayor Mills reconvened the meeting at 8:19 p.m.

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING ALL PUBLIC LANDS AND FACILITIES ASSOCIATED WITH THE KESTREL SUBDIVISION PLAN FOR AN APPROXIMATELY 25.83 ACRE PROPERTY, GENERALLY LOCATED TO THE NORTH OF EAST 120TH AVENUE, SOUTH OF EAST 124TH AVENUE, EAST OF PEORIA STREET AND WEST OF PRAIRIE VIEW HIGH SCHOOL, MORE PARTICULARLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO**

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

Senior Planner Summer McCann explained that the website posting was not completed so this item will need to be continued to May 6, 2025.

Motion by Mayor Pro Tem Padilla, seconded by Councilmember Green, to continue the Resolution to May 6, 2025. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Green, Councilmember Pawlowski, Councilmember Snyder, Councilmember Taddeo, and Councilmember Worth

7. ORDINANCES FOR INITIAL CONSIDERATION

8. ORDINANCES FOR FINAL CONSIDERATION

9. RESOLUTIONS

10. UTILITIES BUSINESS ITEMS

11. GENERAL BUSINESS

A. Vacate the Special Meeting Scheduled for April 29, 2025

Mayor Mills reported that Councilmember Johnston resigned his position yesterday.

City Manager Michael Martinez explained that since the hearing is no longer needed, staff is asking Council to remove the hearing from the agenda.

Motion by Mayor Pro Tem Padilla, seconded by Councilmember Pawlowski, to vacate the special hearing scheduled for April 29, 2025. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Green, Councilmember Pawlowski, Councilmember Snyder, Councilmember Taddeo, and Councilmember Worth

12. REPORTS

A. By the Mayor

Mayor Mills attended the Metro Mayors caucus, the Police Department awards, and a tour of the 1886 Church. The United Power annual meeting is tomorrow, and Brighton is hosting the ADCOG dinner on April 30th.

B. By Department Directors

C. By the City Attorney

D. By the City Manager

City Manager Michael Martinez attended the Elks Lodge annual awards ceremony and recognized Gary Montoya for receiving the Citizen of the Year award. The 27J Art Show is this weekend at the Adams County fairgrounds.

E. By City Council

Councilmember Fiedler attended the Police Department awards.

Mayor Pro Tem Padilla attended the Hughes Station ribbon cutting. Upcoming events include the Women of the 90's concert at the Armory, the Trash Bash, Help for Homes and the Almost Home annual gala.

Councilmember Taddeo attended the Brighton Housing Authority event.

Councilmember Green attended the Richard Lambert Foundation Hands for Hope event. The United Power annual meeting is tomorrow, and the Food for Hope event is May 1st.

Councilmember Worth attended the Parks & Recreation Advisory Board meeting, the Youth Commission meeting, the Police Department awards, the tour of the Brighton Ridge apartment's location, the Hughes Station event, the Victims' Rights Week ceremony, and the Coffee with the Sustainability Coordinator event.

Councilmember Pawlowski attended the E-470 retreat.

13. EXECUTIVE SESSION

Motion by Mayor Pro Tem Padilla, seconded by Councilmember Pawlowski, to go into Executive Session at 8:34 p.m. pursuant to C.R.S. Section 24-6-402(4)(a) and (e) and Charter Section 5.4(C)(1) and (2) to discuss a possible real property acquisition and associated negotiations. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Pawlowski, Councilmember Snyder, Councilmember Taddeo, and Councilmember Worth

No: 1 - Councilmember Green

Mayor Mills reconvened the meeting at 8:56 p.m.

14. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:57 p.m.

CITY OF BRIGHTON, COLORADO

Gregory Mills, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date