

# CITY COUNCIL ORDINANCE

## ZONING FOR THE CASE FARMS PROPERTY, PUD 2<sup>ND</sup> AMENDMENT

ORDINANCE NO.: \_\_\_\_\_

INTRODUCED BY: Wallin

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE CASE FARMS PUD (SINGLE FAMILY DETACHED RESIDENTIAL AND COMMERCIAL), 2ND AMENDMENT FOR THE APPROXIMATELY 237.66 ACRE PROPERTY, KNOWN AS THE CASE FARMS PUD, LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO.

**WHEREAS**, this matter came before the City Council upon that certain zoning request by Clarke Carlson/Carlson Associates (the “Owner”); and

**WHEREAS**, the specific request submitted by the Owner is for review and approval, of a proposed zoning application (the “Application”) for the approximate 237.66 acre property generally known as the Case Farms PUD, more particularly described in **Exhibit A**, attached hereto and by this reference made a part hereof (the “Property”); and

**WHEREAS**, the Owner is requesting a Zone Change from Case Farms PUD (single family detached and commercial) to Case Farms PUD (Single Family Detached Residential and Commercial), 2nd Amendment; and

**WHEREAS**, the Planning Commission made a recommendation of approval of the Application by Resolution to the City Council after holding a public hearing on April 14, 2015; and

**WHEREAS**, the City Council conducted a public hearing on the Application on May 5, 2015 and thereupon confirmed that written Notice of such public hearing was properly published in the *Brighton Standard Blade* on April 15, 2015, was posted upon the Property, and otherwise mailed and delivered to property owners within 300 feet of the Property, all for no less than fifteen (15) days prior to the City Council meeting, in accordance with applicable law; and

**WHEREAS**, the City Council reviewed the Application pursuant to the applicable provisions and criteria set forth in the City of Brighton’s *Land Use and Development Code* and the *Comprehensive Plan*; and

**WHEREAS**, at the public hearing, the City Council properly received and considered all relevant evidence and testimony from City Staff, the Applicant, and other Interested Parties, including the public at large; and

**WHEREAS**, the City Council finds and determines that this zoning Application, follows the intent of the *Comprehensive Plan* in providing for the future of the City; complies with the requirements of the City of Brighton *Land Use and Development Code*; provides consistency with the purpose and intent of these regulations; promotes compatibility with surrounding areas; is harmonious with the existing character of the neighborhood; and is not detrimental to the immediate area or its future development, or to the health, safety or welfare of the inhabitants of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO:**

1. That the Case Farms PUD, 2<sup>nd</sup> Amendment, as described in **Exhibit A**, attached hereto, is hereby approved, subject to the following conditions:
  - a. Prior to the processing or approval of a subsequent preliminary or final plat for all or any portion of the Case Farms property, the Developer shall satisfy its reimbursement obligation to the Prairie Center Metropolitan District(s) for its pro-rata share of the cost of financing, designing, constructing, operating and/or maintaining, as applicable, public improvements that either the Case Farms property benefited from or were oversized by the Prairie Center District to the benefit of the Case Farms property as set forth in the *Comprehensive Funding Plan, Master Development Agreement, Pre-Annexation Agreement and Inter-governmental Agreement for Prairie Center* and any amendments made there to. The Developer shall satisfy the reimbursement obligation by making a payment directly to the Metropolitan District or by executing a written agreement for payment with the Metropolitan District, and providing evidence of said payment or agreement to the City.
  - b. This approval is subject to the requirements and provisions set forth in §17-16-110(c)(7) of the Land Use and Development Code of the Brighton Municipal Code, as the same may be amended from time to time.
2. That the Zoning Map of the City shall be amended to reflect said zone changes as described in Exhibit B, Case Farms PUD, 2<sup>nd</sup> Amendment, attached hereto, and incorporated herein by this reference.
3. The height of all buildings in the Development, excluding the approved mini-storage in PA-1, shall be limited to forty-two feet (42'), with exceptions for a silo and such other distinctive architectural features, as are approved by the Community Development Director. The height of the any mini-storage in PA-1 shall be limited to twenty feet (20') in height, with the exception of one manager's dwelling unit which shall not exceed thirty-five feet (35') in height.

**INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED  
THIS 5<sup>TH</sup> DAY OF MAY, 2015.**

CITY OF BRIGHTON, COLORADO

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Richard N. McLean, Mayor

ATTEST:

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Natalie Hoel, City Clerk

APPROVED AS TO FORM:

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Margaret R. Brubaker, Esq., City Attorney

Published in the *Brighton Standard Blade*  
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***INTRODUCED, PASSED ON SECOND READING, AND ORDERED PUBLISHED  
BY TITLE ONLY THIS 19<sup>th</sup> DAY OF MAY, 2015.***

CITY OF BRIGHTON, COLORADO

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Richard N. McLean, Mayor

ATTEST:

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Natalie Hoel, City Clerk

Published in the *Brighton Standard Blade*  
Second Publication: May 27, 2015

Case Farms - 2nd Amendment  
Final PUD Plan  
Legal Description

A PORTION OF THE NORTHEAST ONE-QUARTER TOGETHER WITH THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 17 BY A 3-1/4 ALUMINUM SURVEYORS CAP ON A 2" PIPE - PLS 23519 AND AT THE NORTHEAST CORNER OF SAID SECTION 17 BY A 3-1/4" ALUMINUM SURVEYORS CAP - PLS 23519 IS CONSIDERED TO BEAR NORTH 89 DEGREES 21 MINUTES 19 SECONDS EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE SOUTH 00 DEGREES 22 MINUTES 45 SECONDS EAST, ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 22 MINUTES 45 SECONDS EAST ALONG SAID EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 2610.00 FEET TO THE EAST ONE-QUARTER CORNER OF SECTION 17;

THENCE SOUTH 00 DEGREES 21 MINUTES 36 SECONDS EAST ALONG THE EAST LINE OF THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 1320.50 FEET TO THE SOUTHEAST CORNER OF THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 17;

THENCE SOUTH 89 DEGREES 26 MINUTES 09 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 1333.23 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 17;

THENCE SOUTH 89 DEGREES 26 MINUTES 29 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 1329.69 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 17;

THENCE NORTH 00 DEGREES 19 MINUTES 28 SECONDS WEST ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 1320.78 FEET TO THE CENTER OF ONE-QUARTER CORNER OF SECTION 17;

THENCE NORTH 00 DEGREES 19 MINUTES 40 SECONDS WEST ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 1976.07 FEET;

THENCE ALONG THE FOLLOWING TWO COURSES:

1. NORTH 89 DEGREES 21 MINUTES 19 SECONDS EAST, A DISTANCE OF 165.00 FEET;
2. NORTH 00 DEGREES 19 MINUTES 40 SECONDS WEST, A DISTANCE OF 630.00 FEET;

THENCE NORTH 89 DEGREES 21 MINUTES 19 SECONDS EAST, 30.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 2494.78 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION CONVEYED BY GENERAL WARRANTY DEED RECORDED APRIL 12, 2013 UNDER RECEPTION NO. 2013000030960.

**Exhibit “B”**  
**PUD Document**

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**(the PUD document is inserted for the next 14 pages)**