

BRIGHTON CITY COUNCIL ORDINANCE

ORDINANCE NO: 2201

INTRODUCED BY: MARTINEZ

AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL APPROVING THE REZONING OF LOTS 6 – 20, AND LOTS 35 – 37, BLOCK 16, OF THE WALNUT GROVE ADDITION, FROM A ZONING DESIGNATION OF C-1 (LOCAL RETAIL) AND C-O (COMMERCIAL OFFICE) TO A ZONING DESIGNATION OF DT (DOWNTOWN).

WHEREAS, according to the *Land Use and Development Code*, Section 17-8-80, Zone Changes, the City Council may initiate a change in the zoning designation for an area of the City; and

WHEREAS, the property owner of the St. Elizabeth's Episcopal Church ("St. Elizabeth's Church"), addressed as 70 and 76 S. 3rd Avenue, requested that the City rezone the church's property from C-1 (Local Retail) to DT (Downtown); and

WHEREAS, the City staff requested that St. Elizabeth's Church demonstrate additional support for the re-zoning from other property owners in the area; and

WHEREAS, St. Elizabeth's Church provided the City with two (2) letters of support from residential property owners in the area; and

WHEREAS, given demonstrated support from various property owners in the area, together with a determination by the City that the area proposed for re-zoning is part of a general area that has been studied by the City as a potential area where rezoning to the DT zoning designation may be appropriate, City staff has presented a proposal to rezone Lots 6 through 20, Block 16, of the Walnut Grove Addition to Brighton, as more particularly described in **Exhibit A**, from the existing zoning designation of C-1 (Local Retail) to a zoning designation of DT (Downtown); and

WHEREAS, in order to eliminate an inconsistency in the existing zoning map, and given demonstrated support from the property owner, City staff has presented a proposal to rezone Lots 35 through 37, Block 16, of the Walnut Grove Addition to Brighton, as more particularly described in **Exhibit A**, from the existing zoning designation of C-O (Commercial Office) to a zoning designation of DT (Downtown); and

WHEREAS, the land uses allowed under the DT (Downtown) zone district are compatible with the existing and surrounding land uses in the rezoning area; and

WHEREAS, the existing development patterns found in the rezoning area are compatible with the typical development patterns found in Brighton's Downtown; and

WHEREAS, the rezoning request is in general conformity with the Comprehensive Plan's designation of the area as being appropriate for "Commercial" uses or with the policies of the "City Core" Planning Area objectives, which emphasize maintaining existing character and support of the Downtown; and

WHEREAS, the Planning Commission, during a public hearing held on March 24, 2015, passed a resolution recommending, to the City Council, approval of the proposed rezoning; and

WHEREAS, pursuant to the *Land Use and Development Code*, Section 17-8-80, Zone Changes, public notice of the City Council public hearing was published in the *Brighton Standard Blade*, on February 18, 2015, and public notice was sent by regular U.S. mail to all property owners within 300' of the rezoning area, and all affected property owners within the rezoning area were provided public notice via certified mail, and two (2) public notice signs were posted in the rezoning area, all for not less than thirty (30) days prior to the City Council public hearing, as required for a City initiated rezoning effort; and

WHEREAS, after reviewing the rezoning request at a public hearing, the City Council finds and determines that the proposed rezoning is consistent with the *Comprehensive Plan* and with the provisions of the *Land Use and Development Code*.

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

Section 1. That the City Council of the City of Brighton does hereby approve the rezoning of the properties, more particularly described in **Exhibit A**, from a zoning designation of C-O (Commercial Office) and C-1 (Local Retail) to a zoning designation of DT (Downtown).

Section 2. That the City Zoning Map shall be amended to reflect the rezoning approved herein.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED IN FULL THIS 7TH DAY OF APRIL, 2015.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

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APPROVED AS TO FORM:

Margaret Brubaker, Esq., City Attorney

**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED
BY TITLE ONLY THIS 21ST DAY OF APRIL, 2015.**

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

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EXHIBIT A
Legal Description of the Properties to be rezoned

Lots 6 – 20, and Lots 35 – 37, Block 16, of the Walnut Grove Addition to Brighton, located in Section 7, Township 1 South, Range 66 West of the 6th Principal Meridian, City of Brighton, County of Adams, State of Colorado.