

PLANNING COMMISSION RESOLUTION

A RESOLUTION OF THE CITY OF BRIGHTON PLANNING COMMISSION, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF THE REZONING OF AN APPROXIMATELY 0.56 ACRE AREA OF LAND, KNOWN AS LOT 1, KUM & GO STORE #940, 1ST AMENDMENT, WHICH IS GENERALLY LOCATED IN SECTION 7, TOWNSHIP 1 SOUTH, RANGE 66, WEST OF THE 6TH PRINCIPAL MERIDIAN, FROM A ZONING DESIGNATION OF DT (DOWNTOWN) TO A ZONING DESIGNATION OF C-3 (GENERAL RETAIL AND SERVICES).

RESOLUTION NO. 15-01

WHEREAS, this matter came before the Planning Commission upon that certain request by the Applicant and Owner, Kum & Go, Inc., by and through its duly authorized representative, Ryan Halder; and

WHEREAS, the Applicant, with premises at 70 West Bridge Street, has purchased the neighboring property, known as Platte View Farm, Lot 2; and

WHEREAS, the Applicant wishes to replat the two lots in order to expand its current parking by dividing Platte View Farm Lot 2, adding approximately 0.56 acres to its current property, which is currently known as Kum & Go Store #940, Lot 1; and

WHEREAS, the new lots formed by the replat will be known as Kum & Go Store #940, 1st Amendment, Lots 1 and 2; and

WHEREAS, Platte View Farm, Lot 2, has a DT (Downtown) zoning designation, and the Kum & Go property has a C-3 (General Retail and Services) zoning designation; and

WHEREAS, a gasoline station with convenience store is a use-by-right in a C-3 zoning district, but a conditional use in a DT district; and

WHEREAS, the Applicant wishes to bring its property into full compliance with the *Land Use and Development Code* by rezoning all of Kum & Go Store 940, 1st Amendment, Lot 1 to C-3; and

WHEREAS, the proposed zoning designation of C-3 (General Retail and Services) for the Rezoning Area is compatible with the land uses that exist in this area and with the "Town Center" designation of the Rezoning Area as described in the *Comprehensive Plan*; and

WHEREAS, the proposed C-3 (General Retail and Services) zoning designation for the Rezoning Area complies with several principles and policies described in the *Comprehensive Plan*, specifically the following:

Policy 5.2: Protect and Enhance Edges and Gateways Around the Downtown.

1. Create detailed gateway plans for all entrances to the Downtown core and...improve the entranceways to Brighton.

Policy 5.3: Improve Traffic and Transportation in the City Core

4. Maintain and, where needed, improve pedestrian circulation among neighborhoods and throughout the core.

Policy 5.4: Improve the Appearance and Health of Commercial Corridors in the City Core.

2. Adopt a Bridge Street improvement program that creates consistency of sidewalks, shoulders and landscaping along the road edge.

Policy 7.3: Carefully Manage Community Wide Impacts and Opportunities in Commercial and Transportation Corridors.

1. Bridge Street: Assist the commercial corridor to improve its appearance, value of investment, pedestrian systems, and traffic management systems.
2. US 85 Corridor: Work to improve the appearance of businesses along the US 85 corridor.

WHEREAS, pursuant to the City of Brighton *Land Use and Development Code*, Public Notice of the Planning Commission public hearing was published in the *Brighton Banner* on January 8th, 2015, for not less than fifteen (15) days prior to the Planning Commission public hearing; and

WHEREAS, pursuant to the City of Brighton *Land Use and Development Code*, Public Notice of the Planning Commission public hearing was posted with a sign within the Rezoning Area, on January 8th, 2015, for not less than fifteen (15) days prior to the Planning Commission public hearing; and

WHEREAS, pursuant to the City of Brighton *Land Use and Development Code*, Public Notice of the Planning Commission public hearing was sent via regular U.S. mail to all property owners within 300' of the proposed Rezoning Area, on January 8th, 2015, for not less than fifteen (15) days prior to the Planning Commission public hearing; and

WHEREAS, the Planning Commission finds and determines that, after reviewing the proposal to change the zoning of the Rezoning Area from a zoning designation of DT (Downtown) to a zoning designation of C-3 (General Retail and Services) at a public hearing, proper notice of the Planning Commission public hearing to consider the proposed rezoning was provided and 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 RESOLVED, that the City of Brighton Planning Commission does hereby recommend, to the City Council, approval of the rezoning of the Rezoning Area, described in **Exhibit A** and shown in **Exhibit B**, from a zoning designation of DT (Downtown) to a zoning designation of C-3 (General Retail and Services).

RESOLVED, this 27th day of January 2015.

**CITY OF BRIGHTON, COLORADO
PLANNING COMMISSION**



Dick Hodge, Chairperson

ATTEST:



Diane Phin, Secretary

EXHIBIT A
Legal Description of the Rezoning Area

Kum & Go Store #940 Subdivision, 1st Amendment, Lot 1.

