

BRIGHTON CITY COUNCIL ORDINANCE

ORDINANCE NO.: _____

INTRODUCED BY: _____

AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL APPROVING THE RE-ZONING OF APPROXIMATELY 10.29 ACRES OF LAND, FROM A ZONING DESIGNATION OF I-1 LIGHT INDUSTRIAL TO A ZONING DESIGNATION OF DT DOWNTOWN DISTRICT, TO BE KNOWN AS THE SOUTH MAIN STREET REALIGNMENT AREA – PHASE II, FOR LAND WHICH IS LOCATED IN THE WEST HALF OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 66 WEST, 6TH PRINCIPAL MERIDIAN, BRIGHTON, COLORADO.

WHEREAS, since the completion of the realignment of South Main Street and the re-establishment of a full-movement intersection at South Main Street and Bromley Lane, a change of the zoning designation for the subject area, as more specifically described in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein by this reference, has become necessary and desirable; and

WHEREAS, the existing I-1 Light Industrial zoning district regulations within the Rezoning Area is incompatible with the dense and vibrant pedestrian oriented mixed-use downtown development that is desired for this area; and

WHEREAS, at the May 8, 2012 City Council Study Session meeting, the City Council directed city staff to pursue a zone change for the subject area that is compatible with the City’s vision for the area as identified in the *Comprehensive Plan*; and

WHEREAS, at the September 17, 2013 City Council meeting, the City Council passed an ordinance for Phase I of the South Main Street Rezoning, changing the zoning designation from I-1 Light Industrial to DT Downtown District, for that portion of South Main Street north of and adjacent to Bromley Lane; and

WHEREAS, the zoning designation of DT Downtown District for the subject area is compatible with the City’s vision of a dense and vibrant pedestrian oriented downtown development that is desired for this area, and with the designations of Commercial and Core City for the subject area described in the *Comprehensive Plan*; and

WHEREAS, all directly affected property owners within the proposed Re-zoning Area were sent via certified mail notice of the City’s intent to re-zone the subject area, including dates for Planning Commission and City Council public hearing, and all directly affected property owners were invited to contact staff to discuss the impact of any re-zoning on their individual properties; and

WHEREAS, all such property owners were also sent an information packet, including a detailed description of the proposed rezoning and a map of the proposed re-zoning area; and

WHEREAS, the notice and information packet were sent via first class mail to all property owners within 300' of the proposed Rezoning Area, published in the *Brighton Standard Blade*, posted with at least two (2) signs within the subject area, all for not less than thirty (30) days prior to the Planning Commission and City Council public hearings; and

WHEREAS, the Planning Commission held a public hearing, on November 10, 2015, and passed a resolution (Resolution #15-13) recommending denial, to the City Council, regarding the zone change; and

WHEREAS, the Planning Commission reasoned that staff should go beyond the requirements of the *Land Use and Development Code* to contact property owners directly; and

WHEREAS, the City Council finds and determines that, after reviewing the proposal to change the zoning of the subject area from a zoning designation of I-1 Light Industrial to a zoning designation of DT Downtown District, at a public hearing, proper notice of the City Council public hearing, to consider the proposed re-zoning was provided, and that the proposed zone change is consistent with the City's vision for the area, and with the *Comprehensive Plan*, and with the provisions of the *Land Use and Development Code*; and

WHEREAS, the City Council finds and determines that the proposed zone change complies with the *Comprehensive Plan* and other master plans of the City; and complies with the requirements of the *Land Use and Development Code* and the DT Downtown District zone district; and provides consistency with the purpose and intent of the *Land Use and Development Code*; and provides compatibility with the surrounding areas, is harmonious with the character of the neighborhood, and is not detrimental to the immediate area, or future development of the area, or 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, AS FOLLOWS:

Section 1. That the approximately 10.29 acre re-zoning area, known as the South Main Street Realignment Area – Phase II, as more particularly described in **Exhibit A** and shown in **Exhibit B**, attached hereto and incorporated herein by this reference, is hereby re-zoned to a zoning designation of DT Downtown District.

Section 2. That the Zoning Map of the City of Brighton shall be amended to reflect said re-zoning.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED, THIS 1ST DAY OF DECEMBER, 2015.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Published in the _____

First Publication: _____

APPROVED AS TO FORM:

Margaret Brubaker, Esq., City Attorney

**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED,
BY TITLE ONLY, THIS 15TH DAY OF DECEMBER, 2015.**

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Published in the _____

Last Publication: _____

EXHIBIT A

A PORTION OF LAND BEING SITUATED IN THE WEST HALF OF SECTION SEVEN (7), TOWNSHIP ONE SOUTH (T.1S.), RANGE SIXTY-SIX WEST (R.66W.) OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO.

BASIS OF BEARINGS: ASSUMING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION SEVEN (7), TOWNSHIP ONE SOUTH (T.1S.), RANGE SIXTY-SIX WEST (R.66W.) OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR NORTH 90°00'00" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7:

THENCE NORTH 90°00'00" EAST ALONG SAID SOUTH LINE A DISTANCE OF 563.68 FEET TO THE WESTERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

THENCE NORTH 13°32'00" EAST ALONG SAID WESTERLY RIGHT OF WAY A DISTANCE OF 51.46 TO THE SOUTHEAST CORNER OF THE BRIGHTON CITY COUNCIL ORDINANCE NO. 2159, AS DESCRIBED IN RECEPTION NO. 2013000082752.

THENCE NORTH 13°32'00" EAST ALONG EASTERLY LINE OF SAID BRIGHTON CITY COUNCIL ORDINANCE NO. 2159 AND SAID RAILROAD RIGHT OF WAY A DISTANCE OF 1009.27 FEET TO THE **POINT OF BEGINNING**;

THENCE ALONG THE NORTHERLY LINE OF SAID BRIGHTON CITY COUNCIL ORDINANCE NO. 2159 THE FOLLOWING THREE (3) COURSES.

1. THENCE NORTH 64°38'00" WEST A DISTANCE OF 220.48 FEET;
2. THENCE SOUTH 25°22'00" WEST A DISTANCE OF 104.70 FEET;
3. THENCE NORTH 89°42'00" WEST A DISTANCE OF 262.66 FEET TO A POINT OF A CURVE, SAID CURVE BEING ON THE EASTERLY RIGHT OF WAY LINE OF US HIGHWAY 85;

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES.

1. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 5663.32 FEET, A DELTA OF 03°18'51", A LENGTH OF 327.60 FEET AND A CHORD BEARING NORTH 10°46'22" EAST A DISTANCE OF 327.55 FEET TO A POINT OF NON-TANGENCY;
2. THENCE NORTH 12°40'25" EAST A DISTANCE OF 508.82 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF JESSUP STREET;

THENCE SOUTH 89°37'30" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF JESSUP STREET A DISTANCE OF 485.04 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SOUTH MAIN STREET.

THENCE SOUTH 25°29'30" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE OF MAIN STREET A DISTANCE OF 52.18 FEET;

THENCE SOUTH 64°30'30" EAST A DISTANCE OF 57.35 FEET TO SAID WESTERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

THENCE SOUTH 13°37'32" WEST ALONG SAID WESTERLY LINE OF THE UNION PACIFIC RAILROAD A DISTANCE OF 766.03 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS 9.491 ACRES, MORE OR LESS.

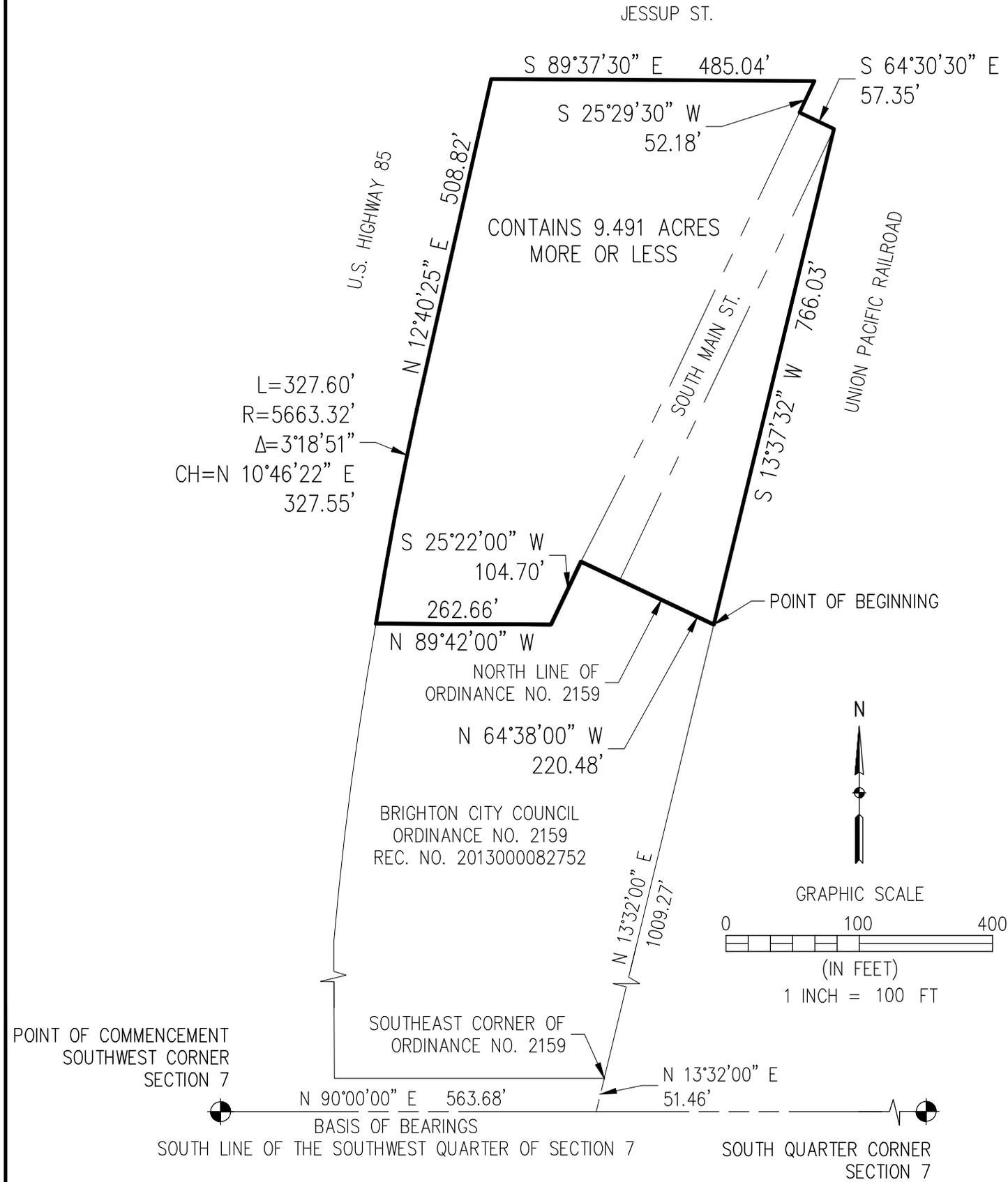
SURVEYOR'S STATEMENT

I, AARON A. DEMO, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY STATE THAT THIS PARCEL DESCRIPTION WAS PREPARED UNDER MY PERSONAL SUPERVISION AND CHECKING, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF, AND IN MY PROFESSIONAL OPINION, AND THAT IT IS NOT A MONUMENTED LAND SURVEY

AARON A. DEMO, PROFESSIONAL LAND SURVEYOR
COLORADO PLS NO. 38285
FOR AND ON BEHALF OF BASELINE ENGINEERING CORP.

Baseline Engineering Corp.
710 11th Avenue, Suite 105
Greeley, Colorado 80631
(970) 353-7600

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CITY OF BRIGHTON

CITY OF BRIGHTON

**SOUTH MAIN STREET REZONING
EXHIBIT B**

COUNTY OF ADAMS

DESIGNED BY	AAD	INITIAL SUBMITTAL	10/16/15
DRAWN BY	JMH	DRAWING SIZE	8.5" X 11"
CHECKED BY	AAD	SURVEY FIRM	BASELINE
		SURVEY DATE	NA
		JOB NO.	270
		DRAWING NAME	270 BR-15-02 REZONE LEGAL
		SHEET	3 OF 3