

ORDINANCE NO. 2404
INTRODUCED BY: Taddeo

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE SWINK PROPERTY ZONING MAP AMENDMENT FROM ADAMS COUNTY A-3 TO C-3, R-1-A, R-2, AND R-3 FOR AN APPROXIMATELY 150.586 ACRES OF PROPERTY, GENERALLY LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

WHEREAS, Swink Family Farms, LLLP and Alvin W. Swink (the “Owners,”) are the owners of approximately 150.586 acres of property, generally located north of East Bromley Lane, south of Southern Street, west of South 50th Avenue, and east of the South 45th Avenue alignment, and more specifically described in EXHIBIT A and shown in EXHIBIT B, attached hereto (the “Property”); and

WHEREAS, on behalf of the Owners, Anna Sparks of Innovative Land Consultants, LLC (the “Applicant,”) has requested approval of the Swink Property Zoning Map Amendment (the “Zoning Map Amendment”) attached hereto as EXHIBIT B and incorporated herein; and

WHEREAS, City Staff used the criteria for a Zoning Map Amendment as outlined in the *Land Use & Development Code* (the “*LUDC*”) for its review and procedures related to the application; and

WHEREAS, the Planning Commission conducted a public hearing on August 25, 2022, to review and consider the Application pursuant to the applicable provisions and criteria set forth in the *LUDC*, and provided a recommendation of approval to the City Council; and

WHEREAS, the City Council opened a public hearing on September 20, 2022 where it conducted its review and considered the Application pursuant to the applicable provisions and criteria set forth in the *LUDC*; and

WHEREAS, in accordance with the public notice requirements of the *LUDC*, a Notice of Public Hearing was mailed to all property owners within 1,000 feet of the Property, a public notice was published on the City’s website, and a sign was posted on the Property, all for no less than fifteen (15) days prior to the City Council public hearing; and

WHEREAS, at the public hearing, the City Council received and considered all relevant evidence and testimony from City staff, the Applicant, and other interested parties, including the public at large.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brighton, Colorado, as follows:

Section 1. The City Council finds and determines that the proposed Zoning Map Amendment is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan; that the proposed Zoning Map Amendment will support development in character with existing or anticipated development in the area, including the design of streets, civic spaces and other open space; the pattern, scale and

format of buildings and sites; and the integration, transitions and compatibility of other uses; that the City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district; that the change will serve a community need, amenity or development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property; and that the recommendations of any professional staff or advisory review bodies have been taken into consideration.

Section 2. The Property is hereby rezoned C-3, R-1-A, R-2, and R-3 as more particularly set forth in Exhibit A and as the Swink Property Zoning Map Amendment as generally shown in Exhibit B.

Section 3. The City Zoning Map shall be amended to reflect the above change.

Section 4. As provided in City Charter Section 5.9(A), this Ordinance either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect for five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED, THIS 20th DAY OF SEPTEMBER 2022.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 3RD DAY OF JANUARY 2023.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: September 29, 2022

Final Publication: January 12, 2023

APPROVED AS TO FORM:

YASMINA SHAUSH, Assistant City Attorney

EXHIBIT A

LEGAL DESCRIPTION R-1-A

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN; CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 10, FROM WHICH THE CENTER QUARTER CORNER OF SAID SECTION 10 BEARS SOUTH 89°19'25" WEST, A DISTANCE OF 2,638.88 FEET, WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE SOUTH 00°42'34" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 1,509.17 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. 76;

THENCE, ALONG SAID WESTERLY RIGHT-OF-WAY, THE FOLLOWING THREE (3) COURSES;

1. SOUTH 89°17'39" WEST, A DISTANCE OF 60.00 FEET;
2. SOUTH 06°08'13" WEST, A DISTANCE OF 251.79 FEET;
3. SOUTH 00°42'21" EAST, A DISTANCE OF 354.82 FEET;

THENCE SOUTH 89°27'16" WEST, A DISTANCE OF 963.37 FEET;

THENCE NORTH 00°40'35" WEST, A DISTANCE OF 2,111.84 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY OF SOUTHERN STREET;

THENCE NORTH 89°19'25" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 1,052.19 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 49.906 ACRES, (2,173,900 SQUARE FEET), MORE OR LESS.

LEGAL DESCRIPTION R-2

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN; CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER QUARTER CORNER OF SAID SECTION 10, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 10 BEARS SOUTH 00°46'00" EAST, A DISTANCE OF 2,638.77 FEET, WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 89°19'25" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 1,586.69 FEET;

THENCE SOUTH 00°40'35" EAST, A DISTANCE OF 2,111.84 FEET;

THENCE SOUTH 89°27'16" WEST, A DISTANCE OF 235.84 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 665.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 76°24'28" WEST;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°30'50", AN ARC LENGTH OF 539.86 FEET;

THENCE NORTH 60°06'23" WEST, A DISTANCE OF 828.11 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 665.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 59°20'23", AN ARC LENGTH OF 688.72 FEET TO A POINT ON SAID WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10;

THENCE NORTH 00°46'00" WEST, ALONG SAID WEST LINE, A DISTANCE OF 694.68 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 56.937 ACRES, (2,480,169 SQUARE FEET), MORE OR LESS.

LEGAL DESCRIPTION R-3

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN; CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 10, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 10 BEARS SOUTH 00°46'00" EAST, A DISTANCE OF 2,638.77 FEET, WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE SOUTH 00°46'00" EAST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 694.68 FEET TO THE POINT OF BEGINNING, BEING THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 665.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 59°20'23", AN ARC LENGTH OF 688.72 FEET;

THENCE SOUTH 60°06'23" EAST, A DISTANCE OF 828.11 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 665.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°30'50", AN ARC LENGTH OF 539.86 FEET;

THENCE SOUTH 89°27'16" WEST, A DISTANCE OF 1,347.53 FEET TO A POINT ON SAID WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 10;

THENCE NORTH 00°46'00" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1,413.54 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 19.841 ACRES, (864,283 SQUARE FEET), MORE OR LESS.

LEGAL DESCRIPTION C-3

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN; CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 10, FROM WHICH THE CENTER QUARTER CORNER OF SAID SECTION 10 BEARS NORTH 00°46'00" WEST, A DISTANCE OF 2,638.77 FEET, WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 00°46'00" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 10, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°46'00" WEST, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 500.34 FEET;

THENCE NORTH 89°27'16" EAST, A DISTANCE OF 2,546.75 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. 76;

THENCE, ALONG SAID WESTERLY RIGHT-OF-WAY, THE FOLLOWING FOUR (4) COURSES;

1. SOUTH 00°42'21" EAST, A DISTANCE OF 14.04 FEET;
2. SOUTH 60°26'44" WEST, A DISTANCE OF 324.06 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 908.51 FEET;
3. SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°25'57", AN ARC LENGTH OF 450.84 FEET;
4. SOUTH 85°31'24" WEST, A DISTANCE OF 300.78 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF BROMLEY LANE;

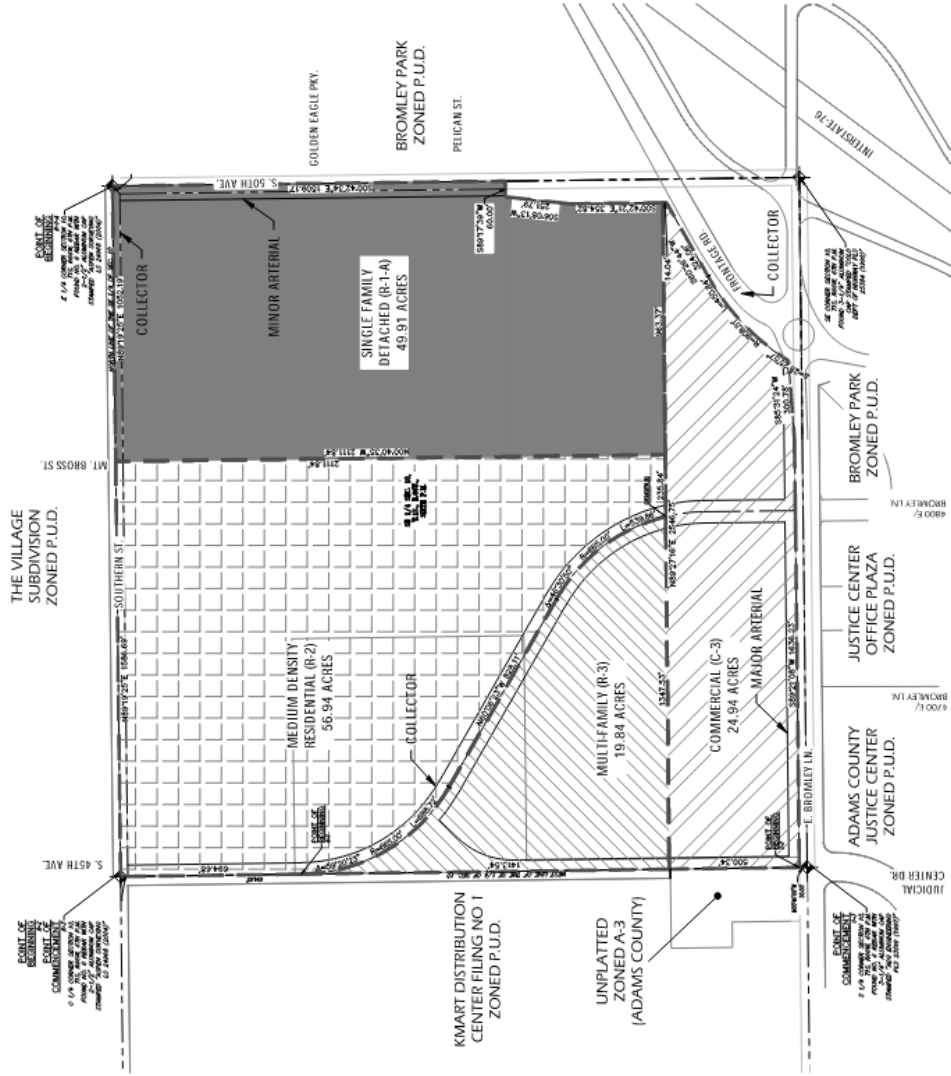
THENCE SOUTH 89°21'08" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 1,636.23 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 24.936 ACRES, (1,086,216 SQUARE FEET), MORE OR LESS.

OVERALL LEGAL DESCRIPTION:

THE SOUTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EXCEPT FOR THAT PORTION TAKEN BY STATE DEPARTMENT OF HIGHWAYS DIVISION OF HIGHWAYS, STATE OF COLORADO, BY RULE AND ORDER RECORDED NOVEMBER 25, 1986 IN BOOK 3235 AT PAGE 635, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

ZONING MAP FOR THE SWINK PROPERTY A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO



ZONING DESIGNATION
 R-1A SINGLE FAMILY DETACHED
 R-2 MEDIUM DENSITY RESIDENTIAL
 R-3 MULTIFAMILY RESIDENTIAL
 C-3 COMMERCIAL





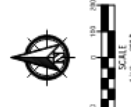
INTEGRAL LAND CONSULTANTS, INC.
 10771 HURON STREET, SUITE 400
 BRIGHTON, CO 80601
 303.437.0000
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Swink Property
 Brighton, Colorado
 Zoning Map
 Zoning Map

Designed By: WMB
 Date: May 10, 2022
 Project: 2022-01
 Scale: N/A
 Map No.: 10010-01

Approved By: ACS
 Date: May 10, 2022
 Project: 2022-01
 Scale: N/A
 Map No.: 10010-01

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