

AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL APPROVING THE GUZMAN RE-ZONING REQUEST FROM AGRICULTURAL/RESIDENTIAL (A/R) TO RURAL ESTATE (RE), FOR AN APPROXIMATELY 35.136 ACRE PROPERTY, GENERALLY LOCATED IN THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF WELD, STATE OF COLORADO.

ORDINANCE NO: 2285
INTRODUCED BY: EDWARDS

WHEREAS, Gabriela Guzman (the “Owner”) is the owner of approximately 35.136 acres in size, located at 648 Weld County Road 31, and more specifically described in **EXHIBIT A**, attached hereto (the “Property”); and

WHEREAS, Patrick Berrend, on behalf of the Owner (the “Applicant”), has requested that the Property be rezoned from Agricultural/Residential (A/R) to Rural Estate (RE) (the “Zone Change”); and

WHEREAS, the rezoning request is in general conformity with the Comprehensive Plan’s designation of the area as being appropriate for “Residential Agricultural” uses; and

WHEREAS, the Planning Commission, conducted a public hearing on the re-zoning application on November 14, 2017, and passed a resolution on January 9, 2018 recommending that the issues and concerns about zoning and setback compliance of the expanded accessory structure be reviewed and addressed by the City Council during their public hearing on 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 May 16, 2018, 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 one (1) public notice sign was posted in the rezoning area, at least than fifteen (15) 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 on June 5, 2018, 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 property, more particularly described in **Exhibit A**, from a zoning designation of A/R (Agricultural/Residential) to a zoning designation of RE (Rural Estate).

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 5TH DAY OF JUNE, 2018.**

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret Brubaker, Esq., City Attorney

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**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED
BY TITLE ONLY THIS 26TH DAY OF JUNE, 2018.**

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

Natalie Hoel, City Clerk

**Published in the *Standard Blade*
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EXHIBIT A LEGAL DESCRIPTION

LOT A, RECORDED EXEMPTION NO.: 1471-34-2-RE-769 AS RECORDED IN RECEPTION NO. 2017419, WELD COUNTY RECORDS, BEING A PART OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 34; THENCE NORTH 00°00'00" EAST ALONG THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER, A DISTANCE OF 242.10 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°00'00" EAST AND ALONG SAID WEST LINE, A DISTANCE OF 1072.32 FEET;

THENCE NORTH 89°49'29" EAST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, GOPHER'S RUN SUBDIVISION AS RECORDED IN RECEPTION NO. 2824020, WELD COUNTY RECORDS, THE SOUTH LINE OF SAID LOT 1, SAID GOPHER'S RUN SUBDIVISION, AND THE SOUTH LINE OF OUTLOT B, CORBIN KIDDER SUBDIVISION AS RECORDED IN RECEPTION NO. 3661211, WELD COUNTY RECORDS, A DISTANCE OF 1326.86 FEET TO THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER;

THENCE SOUTH 00°04'32" WEST ALONG SAID EAST LINE AND ALONG THE WEST LINE OF OUTLOT B, AND LOT 7, BLOCK 2, OF SAID CORBIN KIDDER SUBDIVISION, A DISTANCE OF 1192.44 FEET TO A POINT 121.98 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER; THENCE ALONG THE SOUTH LINE OF SAID TRACT A THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

- 1) THENCE NORTH 89°33'32" WEST, A DISTANCE OF 463.62 FEET;
 - 2) THENCE NORTH 38°26'07" WEST, A DISTANCE OF 85.42 FEET;
 - 3) THENCE NORTH 67°32'49" WEST, A DISTANCE OF 106.43 FEET;
 - 4) THENCE SOUTH 41°41'03" WEST, A DISTANCE OF 166.21 FEET;
 - 5) THENCE NORTH 77°51'14" WEST, A DISTANCE OF 613.41 FEET TO THE POINT OF BEGINNING.
- CONTAINS 35.136 ACRES MORE OR LESS.