

PLANNING COMMISSION RESOLUTION

CASE FARMS PUD, 2nd Amendment

RESOLUTION NO. 15-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRIGHTON, COLORADO, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE CHANGE REQUEST, TO MODIFY THE CASE FARMS PUD (PLANNED UNIT DEVELOPMENT), TO CASE FARMS PUD 2ND AMENDMENT, FOR THE APPROXIMATELY 234-ACRE PROPERTY KNOWN GENERALLY AS CASE FARMS, AND LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, this matter came before the Planning Commission upon that certain request by the property owner, Clarke Carlson of Carlson Associates (the "Owner"), and

WHEREAS, the Owner filed that certain request for a zone change and vested property rights (the "Application"), affecting certain lands generally located South of Bromley Lane, north of the 148th Avenue alignment, east of Chambers Road, and west of the 19th Avenue alignment, known by this application as the Case Farms PUD, 2nd Amendment, more particularly described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, notice of a public hearing was published in the *Brighton Standard Blade* on March 25, 2015, public notice signs were posted on the Property, and public notices were mailed to all property owners within 300 feet of the Property, all for no less than fifteen (15) days prior to the April 14, 2015, Planning Commission public hearing; and

WHEREAS, the Planning Commission conducted a public hearing to consider the Application on April 14, 2015, and thereupon confirmed that proper public notice was provided in accordance with applicable law; and

WHEREAS, the Planning Commission reviewed the Application pursuant to the applicable provisions and criteria set forth in the City of Brighton's *Municipal Code, Land Use and Development Code*, and *Comprehensive Plan*; and

WHEREAS, at the public hearing, the Planning Commission received and considered all relevant evidence and testimony from City Staff, the Owner, and other Interested Parties, including the public at large; and

WHEREAS, the Property was zoned Case Farms PUD, approved by City Council on March 21, 2006 by Ordinance 1878, amended by Ordinance 2163 ("Case Farms PUD"); and

WHEREAS, the Application proposes to modify certain provisions in the Case Farms PUD, pursuant to the Case Farms PUD, 2nd Amendment, attached as Exhibit "B"; and

WHEREAS, specifically, the Owner proposes to modify certain commercial uses in the commercial planning area, and to mitigate impacts of that change through additional PUD regulations and development standards, set forth in Exhibit "B"; and

WHEREAS, the Planning Commission finds and determines that the Application follows the intent of the *Comprehensive Plan*; complies with the requirements of the City of Brighton *Land Use and Development Code*; complies with applicable PUD standards; is integrated with adjacent development; sufficiently mitigates adverse impacts; provides sufficient facilities and services to the Property; and is proposed to be phased appropriately.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Brighton, Colorado, hereby recommends to the City Council APPROVAL of the Application to rezone the Property from Case Farms PUD to Case Farms PUD, 2nd Amendment, as attached in Exhibit B, subject to the following condition(s):

The Owner, for itself and any successor-in-title, expressly acknowledges that the City may not process or approve any subdivision plat for this Property until Owner (or successor) pays or agrees to pay appropriate pro rata reimbursement for any eligible public improvement(s).

RESOLVED, this 14th day of April, 2015.

ATTEST:

**CITY OF BRIGHTON, COLORADO
PLANNING COMMISSION**


Diane Phin, Secretary


Archie Demarest, Chair

Exhibit "A"
Legal Description

Case Farms - 2nd Amendment
Final PUD Plan
Legal Description

A PORTION OF THE NORTHEAST ONE-QUARTER TOGETHER WITH THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 17 BY A 3-1/4" ALUMINUM SURVEYORS CAP ON A 2" PIPE - PLS 23519 AND AT THE NORTHEAST CORNER OF SAID SECTION 17 BY A 3-1/4" ALUMINUM SURVEYORS CAP - PLS 23519 IS CONSIDERED TO BEAR NORTH 89 DEGREES 21 MINUTES 19 SECONDS EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, THENCE SOUTH 00 DEGREES 22 MINUTES 45 SECONDS EAST, ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING:

THENCE SOUTH 00 DEGREES 22 MINUTES 45 SECONDS EAST, ALONG SAID EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 2610.00 FEET TO THE EAST ONE-QUARTER CORNER OF SECTION 17:

THENCE SOUTH 00 DEGREES 21 MINUTES 36 SECONDS EAST, ALONG THE EAST LINE OF THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 1320.50 FEET TO THE SOUTHEAST CORNER OF THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 17.

THENCE SOUTH 89 DEGREES 26 MINUTES 09 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 1333.23 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 17.

THENCE SOUTH 89 DEGREES 26 MINUTES 29 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 1329.69 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 17.

THENCE NORTH 00 DEGREES 19 MINUTES 28 SECONDS WEST, ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 1320.78 FEET TO THE CENTER OF ONE-QUARTER CORNER OF SECTION 17.

THENCE NORTH 00 DEGREES 19 MINUTES 10 SECONDS WEST, ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 1976.07 FEET.

THENCE ALONG THE FOLLOWING TWO COURSES:

1. NORTH 89 DEGREES 21 MINUTES 19 SECONDS EAST, A DISTANCE OF 165.00 FEET.

2. NORTH 00 DEGREES 19 MINUTES 10 SECONDS WEST, A DISTANCE OF 630.00

FEET:

THENCE NORTH 89 DEGREES 21 MINUTES 19 SECONDS EAST, 30.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 2194.78 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION CONVEYED BY GENERAL WARRANTY DEED RECORDED APRIL 12, 2013 UNDER RECEIPTION NO. 2013000030960.

**Exhibit “B”
PUD Document**

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(the PUD document is inserted for the next 14 pages)**

