

ORDINANCE NO: _____

INTRODUCED BY: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE REZONING OF A PORTION OF THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 13TH AMENDMENT TO THE BROMLEY PARK PLANNED UNIT DEVELOPMENT 26TH AMENDMENT FOR THE APPROXIMATELY 11.412-ACRE PROPERTY, GENERALLY LOCATED TO THE SOUTHEAST OF THE INTERSECTION OF BRIDGE STREET AND S. 40TH AVENUE, DIRECTLY NORTH AND EAST OF FIRE STATION 52, AND IN THE NORTHWEST 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, Page Southerland Page, Inc. (the “Applicant”), has filed an application (the “Application”) for the Bromley Park Planned Unit Development (“PUD”) 26th Amendment and a zone change of certain real property of approximately 11.412-acres in size, located to the southeast of the intersection of Bridge Street and S. 40th Avenue, directly north and east of Fire Station 52, and as more particularly described in Exhibit “A,” attached hereto (the “Property”); and

WHEREAS, the Applicant and Property owner, Columbo 11 LLC, seek to change the zoning of the Property from the existing Bromley Park PUD 13th Amendment to the proposed Bromley Park PUD 26th Amendment, as set forth in Exhibit “B,” attached hereto; and

WHEREAS, the City Council finds it appropriate to allow a Major PUD Amendment as outlined in the adopted Bromley Park Land Use Regulations in place for the Property and to use the criteria outlined for a Planned Development in the *Land Use & Development Code* for its review and procedures related to the application; and

WHEREAS, the Planning Commission conducted a public hearing on January 28, 2021, to review and consider the PUD pursuant to the applicable provisions and criteria set forth in the *Land Use & Development Code*, and provided a recommendation of approval to the City Council; and

WHEREAS, the City Council opened a public hearing on February 16, 2021 and continued it to March 2, 2021 where it conducted its review and considered the PUD pursuant to the applicable provisions and criteria set forth in the *Land Use & Development Code*; and

WHEREAS, in accordance with the public notice requirements of the *Land Use & Development Code*, a Notice of Public Hearing was mailed to all property owners within 300 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; and

WHEREAS, City Council hereby finds and determines that the PUD does follow the intent of the Comprehensive Plan in providing for the future of the City; complies with the requirements of the *Land Use & Development Code*; is generally consistent with the Comprehensive Plan and will better implement said plan beyond what could be accomplished under application of a general zoning district and development standards; provides benefits from any flexibility that promotes general public health, safety, and welfare of the community, and that said flexibility is not strictly to benefit the Applicant or a single project; the flexibility provided allows future projects on the Property to better meet or exceed the intent of the base zoning district; the proposed adjustments to the standards do not undermine the intent or design objects of those standards when applied to the Property; reflects generally accepted and sound planning and urban design principles with respect to applying the goals and objects of the Comprehensive Plan; and meets all of the review criteria for a zoning map amendment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. The Property is hereby rezoned as the Bromley Park PUD 26th Amendment.

Section 2. The City Zoning Map shall be amended to reflect said zoning change.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED, THIS 2ND DAY OF MARCH, 2021.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 16TH DAY OF MARCH, 2021.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: March 10, 2021

Final Publication: March 24, 2021

APPROVED AS TO FORM:

LENA McCLELLAND, Acting City Attorney

EXHIBIT A

Legal Description

LEGAL DESCRIPTION (PARCEL):

BEING PORTIONS OF PARCELS ONE-A AND ONE-B AS DESCRIBED AND CONVEYED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED DECEMBER 28, 2007 AT RECEPTION No. 2007000118091 IN THE OFFICIAL RECORDS OF THE COUNTY OF ADAMS, STATE OF COLORADO, LYING WITHIN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW 1/4), FROM WHENCE THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER (NW 1/4) BEARS SOUTH 00°25'16" EAST A DISTANCE OF 2638.49 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO;

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW 1/4), SOUTH 00°25'16" EAST, 50.00 FEET TO A POINT ON THE SOUTH LINE OF BRIDGE STREET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID PARCEL ONE-A, AND BEING THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTH LINE OF BRIDGE STREET, NORTH 89°42'46" EAST, 1076.36 FEET TO A POINT ON THE BOUNDARY OF BRIGHTON CROSSING FILING No. 4;

THENCE ALONG SAID BOUNDARY THE FOLLOWING EIGHT (8) COURSES:

1. LEAVING SAID SOUTH LINE OF BRIDGE STREET, SOUTH 00°17'14" EAST, 15.00 FEET TO A NON-TANGENT CURVE TO THE RIGHT CONCAVE SOUTHWESTERLY;
2. SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 55.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 45°17'14" EAST AND HAS A CHORD LENGTH OF 77.78 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", FOR AN ARC LENGTH OF 86.39 FEET TO A POINT OF TANGENCY;
3. SOUTH 00°17'14" EAST, 53.93 FEET TO A TANGENT CURVE TO THE LEFT CONCAVE EASTERLY;
4. SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 268.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 10°27'52" EAST AND HAS A CHORD LENGTH OF 94.71 FEET, THROUGH A CENTRAL ANGLE OF 20°21'17", FOR AN ARC LENGTH OF 95.21 FEET TO A POINT OF TANGENCY;
5. SOUTH 20°38'31" EAST, 12.29 FEET TO A TANGENT CURVE TO THE RIGHT CONCAVE NORTHWESTERLY;
6. SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 23.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 24°53'35" WEST AND HAS A CHORD LENGTH OF 32.83 FEET, THROUGH A CENTRAL ANGLE OF 91°04'12", FOR AN ARC LENGTH OF 36.56 FEET TO A REVERSE CURVE TO THE LEFT CONCAVE SOUTHEASTERLY;
7. SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 381.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 68°07'14" WEST AND HAS A CHORD LENGTH OF 30.68 FEET, THROUGH A CENTRAL ANGLE OF 04°36'53", FOR AN ARC LENGTH OF 30.69 FEET TO A POINT OF NON-TANGENCY;
8. SOUTH 24°11'13" EAST, 18.00 FEET TO A POINT ON THE BOUNDARY OF THE AFORMENTIONED PARCEL ONE-B;

THENCE ALONG SAID BOUNDARY OF SAID PARCEL ONE-B THE FOLLOWING FOUR (4) COURSES:

1. SOUTHWESTERLY ALONG A CURVE TO THE LEFT CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 363.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 32°41'39" WEST AND HAS A CHORD LENGTH OF 396.67 FEET, THROUGH A CENTRAL ANGLE OF 66°44'19", FOR AN ARC LENGTH OF 419.66 FEET TO A POINT OF TANGENCY;
2. SOUTH 00°25'32" EAST, 90.17 FEET TO A POINT;
3. SOUTH 89°34'28" WEST, 899.79 FEET TO THE AFORMENTIONED WEST LINE OF SAID NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 10;
4. ALONG SAID WEST LINE, NORTH 00°25'16" WEST, 711.22 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM LOT 1 AND ANY PUBLIC RIGHTS-OF-WAY DEDICATED ON THE PLAT OF BRIGHTON CROSSING – FILING NO. 5, LOT 1 AS RECORDED MAY 20, 2016 AT RECEPTION NO. 2016000039271 IN THE OFFICIAL RECORDS OF ADAMS COUNTY, COLORADO.

CONTAINING 497,112 SQUARE FEET OR 11.412 ACRES OF LAND, MORE OR LESS.

EXHIBIT B
PUD AMENDMENT

BROMLEY PARK P.U.D. 26TH AMENDMENT (MAJOR)

BEING A PORTION OF THE NORTHWEST QUARTER, ANVIA OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

THE AMENDMENT REPEALS THE 1ST AMENDMENT IN ITS ENTIRETY FOR THE AREA AS REFERRED TO IN THE BELOW LEGAL DESCRIPTION.

PURPOSE STATEMENT

THE PURPOSE OF THIS AMENDMENT IS TO COMPLY WITH THE DEVELOPMENT STANDARDS WHILE ALSO ALLOWING COMMERCIAL AND MULTIFAMILY USES AT THE PROPERTY AS IS CONSISTENT WITH THE FUTURE LAND USES OF THE PROPERTY AND NEARBY CORRIDORS AND FUTURE LAND USES.

LEGAL DESCRIPTION (PARCEL)

BEING PORTIONS OF PARCELS ONE-A AND ONE-B AS DESCRIBED AND CONVEYED IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED DECEMBER 28, 2007 AT ADAMS COUNTY, COLORADO, BOOK 3911, PAGE 199, THE NORTHWEST QUARTER AND 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW 1/4) BEARS SOUTH 00°25'16" EAST A DISTANCE OF 248.49 FEET, WITH ALL BEARINGS HEREIN RELATED THERETO.

THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW 1/4) SOUTH 00°25'16" EAST, 50.00 FEET TO A POINT ON THE SOUTH LINE OF BRIDGE STREET, BEING THE POINT OF BEGINNING.

THENCE ALONG SAID SOUTH LINE OF BRIDGE STREET, NORTH 89°42'48" EAST, 50.00 FEET TO A POINT ON THE BOUNDARY OF BRIGHTON CROSSING HIGHWAY NO. 76, 50.00 FEET TO A POINT ON THE BOUNDARY OF THE FOLLOWING EIGHT (8) COURSES:

1. LEAVING SAID SOUTH LINE OF BRIDGE STREET, SOUTH 91°17'17" EAST, 18.00 FEET TO A NON-TANGENT CURVE TO THE RIGHT CONCANE SOUTHWESTERLY, HAVING A RADIUS OF 30.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 12°29'17" WEST, 18.00 FEET TO A POINT OF BEGINNING.
2. SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 50.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 45°00'00" WEST, 110.00 FEET TO A POINT OF BEGINNING.
3. SOUTH 00°17'14" EAST, 53.03 FEET TO A TANGENT CLAVE TO THE LEFT CONCANE SOUTHWESTERLY.
4. SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 268.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 10°27'52" EAST AND HAS A CHORD LENGTH OF 264.11 FEET TO A POINT OF BEGINNING.
5. SOUTH 20°28'37" EAST, 12.29 FEET TO A TANGENT CLAVE TO THE RIGHT CONCANE SOUTHWESTERLY.
6. SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 21.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 28°03'57" WEST AND HAS A CHORD LENGTH OF 32.83 FEET, THROUGH A CENTRAL ANGLE OF 91°04'12", FOR AN ARC LENGTH OF 30.50 FEET TO A POINT OF BEGINNING.
7. SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 31.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 49°07'14" WEST AND HAS A CHORD LENGTH OF 30.68 FEET, THROUGH A CENTRAL ANGLE OF 94°39'53", FOR AN ARC LENGTH OF 30.50 FEET TO A POINT OF BEGINNING.
8. SOUTH 24°11'13" EAST, 18.00 FEET TO A POINT ON THE BOUNDARY OF THE AFOREMENTIONED PARCEL, ONE-B.

THENCE ALONG SAID BOUNDARY OF SAID PARCEL, ONE-B THE FOLLOWING FOUR (4) COURSES:

1. SOUTHWESTERLY ALONG A CURVE TO THE LEFT CONCANE SOUTHWESTERLY, HAVING A RADIUS OF 30.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 12°29'17" WEST, 18.00 FEET TO A POINT OF BEGINNING.
2. SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 50.00 FEET, AND WHOSE LONG CHORD BEARS SOUTH 45°00'00" WEST, 110.00 FEET TO A POINT OF BEGINNING.
3. SOUTH 00°25'16" WEST, 50.00 FEET TO THE AFOREMENTIONED WEST LINE OF SAID NORTHWEST QUARTER (NW 1/4).
4. ALONG SAID WEST LINE, NORTH 00°25'16" WEST, 711.22 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM LOT 1 AND ANY PUBLIC RIGHTS-OF-WAY DEDICATED ON THE PLAT OF BRIGHTON CROSSING, PLAT NO. 5, LOT 1 AS RECORDED MAY 20, 2016 AT RECEPTION NO. 201600000271 IN THE OFFICIAL RECORDS OF ADAMS COUNTY, COLORADO.

CONTAINING 487,112 SQUARE FEET OR 11.112 ACRES OF LAND, MORE OR LESS.



DEVELOPMENT STANDARDS

EXCEPT AS OTHERWISE SPECIFIED, DEVELOPMENT STANDARDS SHALL BE IN ACCORDANCE WITH THE BROMLEY PARK PUD AMENDMENT, RECORDED APRIL 13, 1997 IN BOOK 3901 AT PAGE 199 IN THE OFFICIAL RECORDS OF ADAMS COUNTY, COLORADO, CLERK AND RECORDER'S OFFICE.

2. COMMERCIAL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE BROMLEY PARK TOWN CENTER REGULATIONS. COMMERCIAL DEVELOPMENT NOT ADDRESSED IN THE BROMLEY PARK TOWN CENTER REGULATIONS SHALL BE IN ACCORDANCE WITH THE CITY OF BRIGHTON LAND USE AND DEVELOPMENT CODE AT THE TIME OF PROJECT SUBMITTAL.

3. MULTIFAMILY DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE CITY OF BRIGHTON LAND USE AND DEVELOPMENT CODE AT THE TIME OF PROJECT SUBMITTAL.

4. MINIMUM REQUIRED PARCEL SIZE IS 0.5 ACRES.

BROMLEY PARK NOTE:
PURSUANT TO EXHIBIT C OF THE FIRST AMENDMENT TO THE BROMLEY PARK PUD AMENDMENT, DEVELOPMENT STANDARDS IN BOOK 3901, COMMENCING AT PAGE 199, THIS AMENDMENT SHALL BE IN ACCORDANCE WITH THE BROMLEY PARK TOWN CENTER REGULATIONS, ANYTHING ADDITIONAL NOT COVERED BY THE BROMLEY PARK TOWN CENTER REGULATIONS SHALL BE IN ACCORDANCE WITH THE CITY OF BRIGHTON LAND USE AND DEVELOPMENT CODE AT THE TIME OF PROJECT SUBMITTAL.

APPROVED BY THE BRIGHTON CITY COUNCIL

APPROVED BY THE BRIGHTON CITY COUNCIL, THIS DAY OF _____, 20____.

CITY CLERK

ADAMS COUNTY CLERK AND RECORDER'S CERTIFICATE

THIS PUD AMENDMENT WAS FILED FOR RECORD IN THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER, IN THE STATE OF COLORADO AT _____ M. ON THIS DAY OF _____, A.D. 20____.

COUNTY CLERK AND RECORDER

BY: _____

RECEPTION NO. _____

WITNESS MY HAND AND SEAL, MY COMMISSION EXPIRES _____

NOTARY PUBLIC (SEAL)

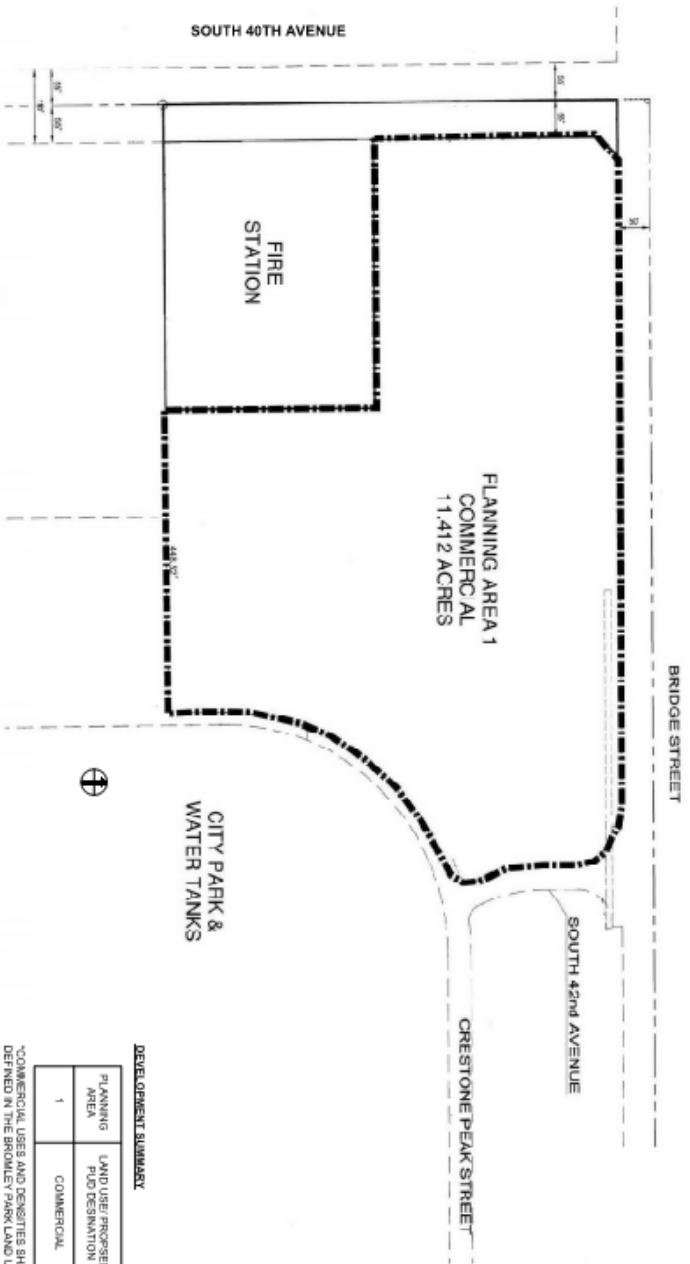
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BROMLEY PARK P.U.D.
26TH AMENDMENT (MAJOR)

THIS DOCUMENT IS THE PROPERTY OF THE CITY OF BRIGHTON, COLORADO. IT IS TO BE USED FOR THE PURPOSES FOR WHICH IT WAS PREPARED AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CITY OF BRIGHTON, COLORADO.

BROMLEY PARK P.U.D. 26TH AMENDMENT (MAJOR)

BEING A PORTION OF THE NORTHWEST QUARTER, NW1/4, OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO



DEVELOPMENT SUMMARY

PLANNING AREA	LAND USE/PROPOSED FUD DESIGNATION	ACRES
1	COMMERCIAL	11.412

*COMMERCIAL USES AND DENSITIES SHALL BE AS DEFINED IN THE BROMLEY PARK LAND USE REGULATIONS

BROMLEY PARK P.U.D. 26TH AMENDMENT (MAJOR)

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BROMLEY PARK P.U.D.

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