

**CITY COUNCIL ORDINANCE
CHAPEL HILL
PLANNED UNIT DEVELOPMENT**

ORDINANCE NO.: 2208

INTRODUCED BY: Edwards

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A REZONING FROM R-1-A, R-3 AND C-O TO THE CHAPEL HILL PLANNED UNIT DEVELOPMENT (PUD) WITH AN UNDERLYING ZONING OF R-1 (SINGLE-FAMILY RESIDENTIAL), FOR THE APPROXIMATE 10.44 ACRE PROPERTY, LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, SUBJECT TO SPECIFIC CONDITIONS AS SET FORTH HEREIN.

WHEREAS, the Applicant, Mr. Brad Whitfield (the “Applicant”), representing the primary property owner, Larsen Real Estate, LLC (the “Owner”), as well as the owners of two residences on the property; The Joann and Danny Briggs Living Trusts and Susan Cvancara (the “Residence Owners”), is requesting a favorable recommendation of approval of the Chapel Hill Planned Unit Development (the “PUD”), to the City Council of the City of Brighton, as more specifically described in **Exhibit A (Legal Description)** and **Exhibit B (PUD)**, attached hereto and incorporated herein, and subject to specific conditions as set forth herein; and

WHEREAS, the proposed PUD contains approximately 10.44 acres which was zoned R-1-A (Single- and Two- Family Residential), R-3 (Multiple-Family Residential), and C-O (Commercial Office) via Ordinance 1709 on September 18, 2001 and the Applicant has proposed to rezone the property to PUD with an underlying zoning of R-1 (Single-Family Residential); and

WHEREAS, the proposed PUD remains in conformance with the City’s *Comprehensive Plan*, which designates the Property for Medium Density Residential; and

WHEREAS, the PUD is in compliance with the *Land Use and Development Code* in terms of the PUD requirements set forth in the City’s PUD zone district regulations, and the Residential Design Standards; and

WHEREAS, the Planning Commission conducted a public hearing on the PUD application on May 12, 2015 and thereupon made a unanimous recommendation of approval by Resolution No. 15-06 to the City Council; and

WHEREAS, the City Council conducted a public hearing on the PUD application on June 2, 2015 and thereupon confirmed that written Notice of such public hearing was properly

published in the *Brighton Standard Blade* on May 20, 2015, and posted on the Property, and otherwise mailed and delivered to property owners within 300 feet of the Property, and meets the notification requirements of the *Land Use and Development Code*; and

WHEREAS, at the public hearing, the City Council properly received and considered all relevant evidence and testimony from City staff, the Applicant, and other Interested Parties, including the public at large; and

WHEREAS, the City Council finds and declares that the PUD follows the intent of the *Comprehensive Plan* in providing for the future of the City; complies with the requirements of the City of Brighton *Land Use and Development Code*; provides consistency with the purpose and intent of these regulations; promotes compatibility with surrounding areas; is harmonious with the existing character of the neighborhood; and is not detrimental to the immediate area or its future development, or to 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 that the property, as described in **Exhibit A**, attached hereto, *is APPROVED as follows:*

Section 1. That the property, as described in Exhibit A, is hereby re-zoned to the Chapel Hill PUD, as shown in Exhibit B attached hereto.

Section 2. That the Zoning Map of the City shall be amended to reflect said zone change.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 2ND DAY OF JUNE, 2015.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, Esq., City Attorney

Published in the *Brighton Standard Blade*
First Publication: June 10, 2015

**INTRODUCED, PASSED ON SECOND READING, AND ORDERED PUBLISHED
BY TITLE ONLY THIS 23rd DAY OF JUNE, 2015.**

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Published in the *Brighton Standard Blade*
Second Publication: July 1, 2015

Exhibit A

Legal Description

DESCRIPTION OF CHAPEL HILL PUD

A PORTION OF CHAPEL HILL SUBDIVISION FILING NO. 2 AND CHAPEL HILL SUBDIVISION FILING NO. 2, AMENDMENT NO. 1 DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF BLOCKS 2 AND 3, CHAPEL HILL SUBDIVISION FILING NO. 2 TO BEAR NORTH 89°31'49" WEST AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, BLOCK 3, CHAPEL HILL SUBDIVISION FILING NO. 2; THENCE NORTH 89°31'49" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID BLOCKS 2 AND 3, A DISTANCE OF 496.06 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 2, CHAPEL HILL SUBDIVISION FILING NO. 2; THENCE SOUTH 00°17'43" WEST, COINCIDENT WITH THE EAST LINE OF TRACT C, CHAPEL HILL SUBDIVISION FILING NO. 2, A DISTANCE OF 203.14 FEET TO THE SOUTHEAST CORNER OF SAID TRACT C; THENCE NORTH 89°42'17" WEST, A DISTANCE OF 56.00 FEET TO THE WEST RIGHT-OF-WAY LINE CHAPEL HILL DRIVE AND THE

BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 219.00 FEET AND A CENTRAL ANGLE OF 35°10'48", WHOSE CHORD BEARS NORTH 17°17'41" WEST, A DISTANCE OF 132.37 FEET; THENCE NORTHERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND COINCIDENT WITH SAID RIGHT-OF-WAY LINE, A DISTANCE OF 134.47 FEET; THENCE NORTH 34°53'05" WEST, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, A DISTANCE OF 122.36 FEET TO THE BEGINNING OF A CURVE ON THE EAST LINE OF TRACT G, CHAPEL HILL SUBDIVISION FILING NO. 2, SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 22.50 FEET AND A CENTRAL ANGLE OF 49°04'26", WHOSE CHORD BEARS SOUTH 30°34'42" WEST, A DISTANCE OF 18.69 FEET; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND COINCIDENT WITH THE SOUTH LINE OF TRACT G, A DISTANCE OF 19.27 FEET; THENCE SOUTH 55°06'54" WEST COINCIDENT WITH THE SOUTH LINE OF TRACT G, A DISTANCE OF 13.06 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 62.50 FEET AND A CENTRAL ANGLE OF 59°51'35", WHOSE CHORD BEARS SOUTH 25°11'07" WEST, A DISTANCE OF 62.37"; THENCE SOUTHWESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE AND COINCIDENT WITH THE SOUTH LINE OF SAID TRACT G, A DISTANCE OF 65.30 FEET; THENCE SOUTH 68°19'07" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID TRACT G, A DISTNACE OF 60.41 FEET TO THE SOUTHWEST CORNER OF SAID TRACT G; THENCE NORTH 00°20'40" EAST, COINCIDENT WITH THE WEST LINE OF CHAPEL HILL SUBDIVISION FILING NO. 2, A DISTANCE OF 645.60 FEET TO THE NORTHWEST CORNER OF CHAPEL HILL SUBDIVISION FILING NO. 2; THENCE SOUTH 89°36'37" EAST, COINCIDENT WITH THE NORTH LINE OF CHAPEL HILL SUBDIVISION FILING NO. 2, A DISTANCE OF 764.37 FEET TO THE NORTHEAST CORNER OF CHAPEL HILL SUBDIVISION FILING NO. 2; THENCE SOUTH 00°17'43" WEST, COINCIDENT WITH THE EAST LINE OF CHAPEL HILL SUBDIVISION FILING NO. 2, A DISTANCE OF 566.05 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 454,575 SQUARE FEET OR 10.44 ACRES, MORE OR LESS.

PREPARED BY: CURTIS D. HOOS, PLS 37971
FOR AND ON BEHALF OF:
AMERICAN WEST LAND SURVEYING CO.
BRIGHTON, CO 80601

Exhibit A

Legal Description

MAP OF CHAPEL HILL PUD

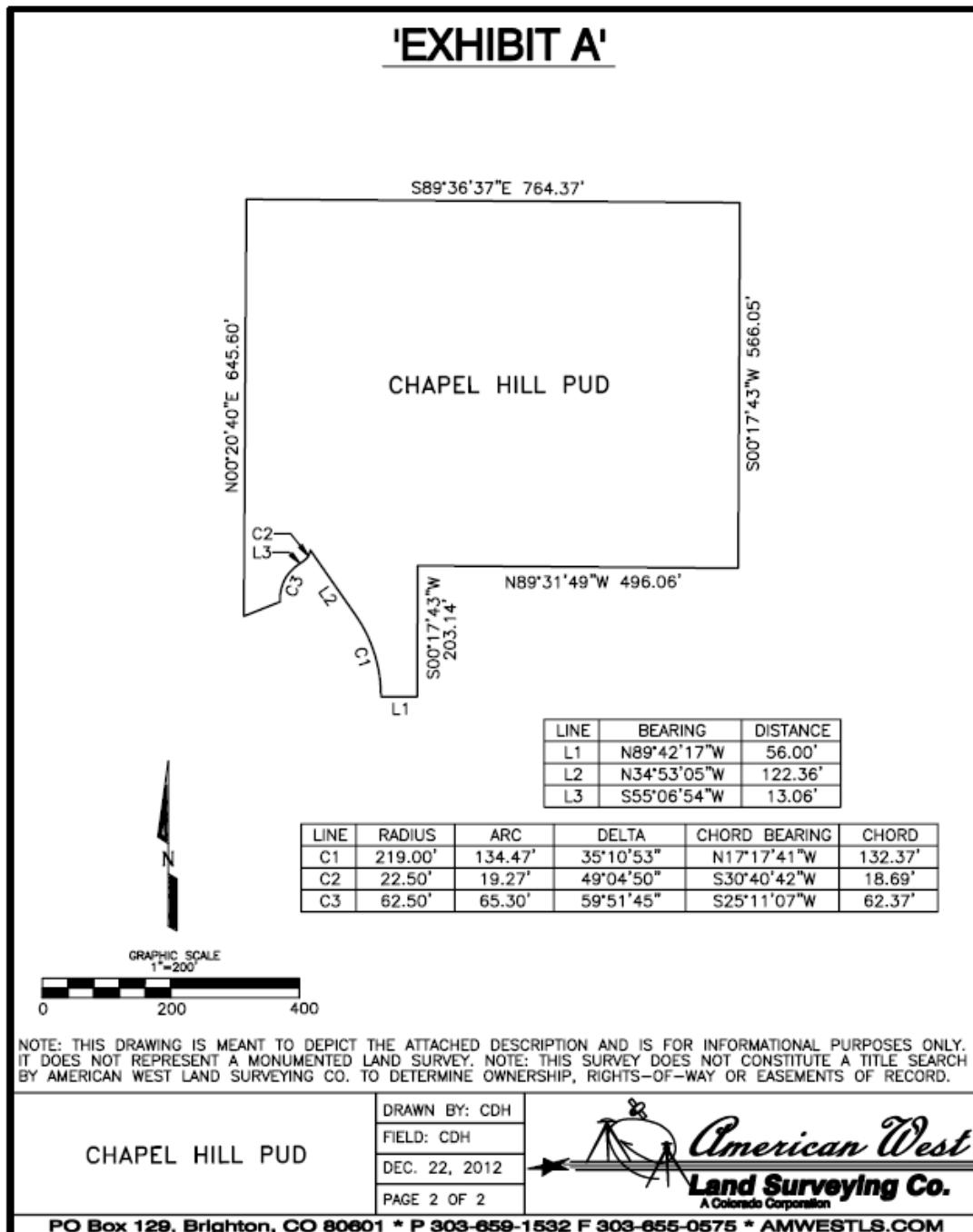


Exhibit B

Chapel Hill PUD

CHAPEL HILL PUD

FINAL PUD PLAN

LANDSCAPING REQUIREMENTS

1. TREE PLANTING REQUIREMENTS

A. ONE (1) SPECIMEN TREE WILL BE REQUIRED PER 1500 SQUARE FEET OF FRONT YARD AREA. THE FRONT YARD AREA IS THE AREA FROM THE PROPERTY LINE TO THE FRONT YARD LINE. THESE TREES MAY BE PLANTED IN THE FRONT YARD AREA, PROVIDED THAT THEY ARE NOT SPACED NEAR THE PROPERTY LINE, AND THAT THE SPECIMEN TREES ARE PLANTED IN A MINIMUM 20' X 20' AREA. THE SPECIMEN TREES MAY BE PLANTED IN THE FRONT YARD AREA, PROVIDED THAT THEY ARE PLANTED IN A MINIMUM 20' X 20' AREA. THE SPECIMEN TREES MAY BE PLANTED IN THE FRONT YARD AREA, PROVIDED THAT THEY ARE PLANTED IN A MINIMUM 20' X 20' AREA.

B. OVER THE REMAINDER OF THE SITE, THERE SHALL BE A MINIMUM OF ONE (1) TREE PER 2,000 SQUARE FEET OF YARD AREA. THE SPECIMEN TREES MAY BE PLANTED IN THE FRONT YARD AREA, PROVIDED THAT THEY ARE PLANTED IN A MINIMUM 20' X 20' AREA. THE SPECIMEN TREES MAY BE PLANTED IN THE FRONT YARD AREA, PROVIDED THAT THEY ARE PLANTED IN A MINIMUM 20' X 20' AREA.

C. TREES SHOULD BE PLANTED IN PLANTING BEDS whenever possible. If trees stand alone in a turf area, the base of the tree should be surrounded with mulch. Mulch will allow easier maintenance around the tree trunk.

2. TREE LAWN REQUIREMENTS

A. THE AREA BETWEEN THE BACK OF THE CURB AND THE PUBLIC WALK SHALL BE IDENTIFIED AS THE "TREE LAWN". THIS AREA SHALL BE LANDSCAPED AND IRRIGATED BY THE PROPERTY OWNER.

B. FOR EVERY 40' OF STREET FRONTAGE ASSOCIATED WITH EACH PROPERTY, ONE (1) TREE SHALL BE INSTALLED. THESE TREES DO NOT FLOW TOWARD THE FURNACE DUE TO THE REQUIREMENTS ASSET SILVER, AND ONE (1) MINIMUM 20' X 20' PLANTING BED SHALL BE PROVIDED. THE PLANTING BED SHOULD BE PLANTED IN A MINIMUM 20' X 20' AREA. THE PLANTING BED SHOULD BE PLANTED AND WILL ALLOW EASIER MAINTENANCE.

C. PLANTING BED REQUIREMENTS

A. PLANTING BEDS SHOULD COMPRISING BETWEEN 25% - 50% OF THE SITE, EXCLUDING BUILDING FOOTPRINT AND DRIVEWAYS. LINES OF PLANTING BEDS SHOULD BE PLANTED IN A MANNER THAT ALLOWS FOR PLANTING OF EVERGREENS, WIND BLOCKS, SUN BLOCK, OR EROSION CONTROL.

IF ACQUISITION PROPERTIES ARE LANDSCAPED OR BEING PLANTED, COORDINATION OF ADDING PLANTING BEDS IS REQUIRED TO AVOID CONFLICTS. PLANTED LANDSCAPE FEATURES, METAL EDGING, LANDSCAPING SHOULD BE COORDINATED WITH EXISTING COMMUNITY LANDSCAPING.

4. FENCING

A. BECAUSE OF THE PARK-LIKE SETTING AND OPEN FEELING OF CHAPEL HILL, PERIMETER FENCING IS UNACCEPTABLE.

B. A SUBMORAIN PERIMETER FENCE SHALL BE CONSTRUCTED AND INSTALLED BY THE DEVELOPER, AND MAINTAINED BY THE HOA ACCORDING TO THE PERIMETER FENCE DETAIL INDICATED IN THIS PLAN.

5. COMMON AREA EQUIPMENT

A. THE PATH, GROUNDS EQUIPMENT SHALL BE INCLUDED WITH THE LOT 11, BLOCK 1, LOT DEVELOPMENT.

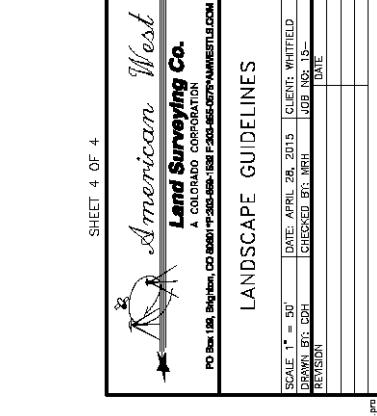
B. ALL EQUIPMENT SHALL BE COMMERCIAL GRADE AND MATCHING THE ARCHITECTURAL ELEMENTS OF THE NEIGHBORHOOD.

6. IRRIGATION SYSTEMS

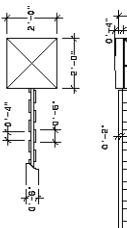
AN AUTOMATIC IRRIGATION SYSTEM IS REQUIRED FOR ALL PROPERTIES AND COMMON AREAS. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO SEPARATE TURF ZONES FROM SHRUB ZONES. ALL IRRIGATION CONTROLLERS SHALL BE EXTERNALLY MOUNTED SO AS TO ALLOW ACCESS BY THE MAINTENANCE PERSONNEL EMPLOYED BY THE ASSOCIATION.

PLANT LIST:

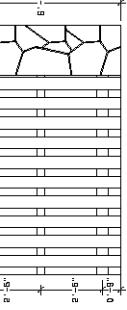
STR. CT#, COMMON NAME	BOTANICAL NAME	SIZE	COND.
DECIDUOUS TREES			
ANN 13	COMMON FRUIT TREE	5'-0"	BBB
ANN 22	COMMON FRUIT TREE	5'-0"	BBB
DECIDUOUS SHRUBS			
INCH 10	THREE-LEAF COHOSH (HORSESHOE BUSH)	2'-0"	BBB
INCH 5	INDIAN CHIEF HONEYSUCKLE (CLIMBING)	2'-0"	BBB
INCH 6	SPRING BLOW CORYDALUS	2'-0"	BBB
EVERGREEN TREES			
GBL 23	SCOTTISH HORNBEAM	8'-0"	BBB
GBL 24	SCOTTISH HORNBEAM	8'-0"	BBB
DECIDUOUS FOLIAGE			
BBS 11	BLEEDING HEART	1'-0"	BBB
BBS 14	BLEEDING HEART	1'-0"	BBB
BBS 15	BLEEDING HEART	1'-0"	BBB
BLK 11	COMMON LILAC	2'-0"	BBB
BLK 12	HELIOS AND ROSE - RED	2'-0"	BBB
BLK 13	HELIOS AND ROSE - WHITE	2'-0"	BBB
SUS 26	SUMMERHORN D SPLENDOR	2'-0"	BBB
WAD 5	WILDFLOWERS, DSCODON	2'-0"	BBB
EXPERIMENTAL PLANTS			
BBL 5	STITCHWEED, JUNIPER	1'-0"	BBB
BBL 8	STITCHWEED, JUNIPER	1'-0"	BBB
ANNUALS / PERENNIALS			
ANN 612	ONION, CULVER'S ROOT	1'-0"	BBB
ANN 613	ONION, CULVER'S ROOT	1'-0"	BBB
TLP 64	FLAMING LOTS, SPURRY	1'-0"	BBB
TLP 65	FLAMING LOTS, SPURRY	1'-0"	BBB
WAD 22	LITTLE MACHUS, SWALY	1'-0"	BBB
WAD 23	WILDFLOWERS, SWALY	1'-0"	BBB



PLANTING DETAILS



EVENGREEN TREE PLANTING



PERIMETER FENCE PLANTING

SHEET 4 OF 4



DECIDUOUS TREE PLANTING

LANDSCAPE GUIDELINES

SCALE: 1" = 50'	DATE: APRIL 26, 2015	CLIENT: WHITFIELD
DRAW. BY: CCH	CHECHED BY: MCH	JOB NO: 15-
REVISION:	DATE:	

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