

BRIGHTON CITY COUNCIL ORDINANCE

ORDINANCE NO.: 2213

INTRODUCED BY: Martinez

AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL, APPROVING THE REZONING OF AN APPROXIMATELY 0.56 ACRE AREA OF LAND, KNOWN AS LOT 1, KUM & GO STORE #940, 1ST AMENDMENT, WHICH IS GENERALLY LOCATED IN SECTION 7, TOWNSHIP 1 SOUTH, RANGE 66, WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, FROM A ZONING DESIGNATION OF DT (DOWNTOWN) TO A ZONING DESIGNATION OF C-3 (GENERAL RETAIL AND SERVICES).

WHEREAS, this matter came before the City Council upon that certain request by the Applicant and Owner, Kum & Go, L.C, by and through its duly authorized representative, Ryan Halder; and

WHEREAS, the Applicant, with premises at 70 West Bridge Street, has purchased the adjacent property to the west, known as Platte View Farm, Lot 2, and consisting of approximately 1.27 acres; and

WHEREAS, the Applicant wishes to create two lots in order to expand its current parking by adding approximately 0.56 acres of the Platte View Farm Lot 2 (the “Rezoning Area”) to its current property (Kum & Go Store #940, Lot 1) and designating the remaining approximate .7 acres of Platte View Farm Lot 2 as a separate lot; and

WHEREAS, the new lots formed by the replat will be designated as Kum & Go Store #940, 1st Amendment, Lots 1 and 2; and

WHEREAS, Platte View Farm, Lot 2 is currently zoned DT (Downtown) and the Kum & Go property is currently zoned C-3 (General Retail and Services) ; and

WHEREAS, a gasoline station with convenience store is a use-by-right in a C-3 zoning district, but is a conditional use in a DT district; and

WHEREAS, the Applicant wishes to bring its property into full compliance with the *Land Use and Development Code* by rezoning all of Kum & Go Store 940, 1st Amendment, Lot 1 to C-3, and retain the existing DT Zoning designation for Lot 2; and

WHEREAS, the *Land Use and Development Code*, Article 17-16, states that lot lines shall mark the boundaries of zone districts, that City Council shall determine the location of district boundaries in the case of any dispute; and

WHEREAS, the proposed zoning designation of C-3 (General Retail and Services) for the Rezoning Area is compatible with the land uses that exist in this area and with the “Town Center” designation of the Rezoning Area as described in the *Comprehensive Plan* including policies 5.2, 5.3, 5.4, and 7.3; and

WHEREAS, pursuant to the City of Brighton *Land Use and Development Code*, Public Notice of the City Council public hearing was published in the *Brighton Standard Blade* on February 11, 2015, for not less than fifteen (15) days prior to the City Council public hearing; and

WHEREAS, pursuant to the City of Brighton *Land Use and Development Code*, Public Notice of the City Council public hearing was posted with a sign within the Rezoning Area, on January 29, 2015, for not less than fifteen (15) days prior to the City Council public hearing; and

WHEREAS, pursuant to the City of Brighton *Land Use and Development Code*, Public Notice of the City Council public hearing was sent via regular U.S. mail to all property owners within 300’ of the proposed Rezoning Area, on February 2, 2015, for not less than fifteen (15) days prior to the City Council public hearing; and

WHEREAS, the City Council finds and determines that the proposed zone change complies with the *Comprehensive Plan* and other master plans of the City; and complies with the requirements of the *Land Use and Development Code* and the DT (Downtown) zone district; and provides consistency with the purpose and intent of the *Land Use and Development Code*; and provides compatibility with the surrounding areas, is harmonious with the character of the neighborhood, and is not detrimental to the immediate area, or future development of the area, or 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, AS FOLLOWS:

Section 1. That the approximately 0.56 acre re-zoning area, known as Kum & Go Store #940, as more particularly described in **Exhibit A** and shown in **Exhibit B**, attached hereto and incorporated herein by this reference, is hereby re-zoned to a zoning designation of C-3 (General Retail and Services).

Section 2. That the Zoning Map of the City of Brighton shall be amended to reflect said re-zoning.

**INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED,
THIS 3RD DAY OF MARCH 2015.**

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Published in the *Brighton Banner*
First Publication: March 12, 2015

APPROVED AS TO FORM:

Margaret Brubaker, Esq., City Attorney

**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED,
BY TITLE ONLY, THIS 18TH DAY OF AUGUST, 2015.**

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Published in the *Brighton Standard Blade*
Last Publication: August 26, 2015

EXHIBIT A
LEGAL DESCRIPTION OF THE RE-ZONING AREA

A PARCEL OF LAND BEING A PORTION OF LOT 2, PLATTE VIEW FARM AS DEPICTED IN RECORD PLAT OF PLATTE VIEW FARM AS RECORDED AT FILE 18, MAP 717 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER SITUATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 7, BEING MONUMENTED BY A NUMBER 6 REBAR WITH AN ALUMINUM CAP STAMPED "AMERICAN WEST LAND SURVEYING LS 37971 2012," FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 7, BEING MONUMENTED BY A 3" ILLEGIBLE ALUMINUM CAP, BEARS AN ASSUMED N89°52'52"E, A DISTANCE OF 2650.40 FEET (BASIS OF BEARINGS) WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE N89°52'52"E, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 7, A DISTANCE OF 528.38 FEET; THENCE S00°07'08"E, A DISTANCE OF 55.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2, PLATTE VIEW FARM AND THE POINT OF BEGINNING;

THENCE N89°52'52"E ALONG SAID NORTH LINE OF LOT 2, A DISTANCE OF 123.00 FEET TO THE NORTHEAST CORNER THEREOF;

THENCE S00°31'42"E, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 200.01 FEET TO THE SOUTHEAST CORNER THEREOF;

THENCE ALONG THE SOUTH LINE OF SAID LOT 2 THE FOLLOWING TWO (2) COURSES:

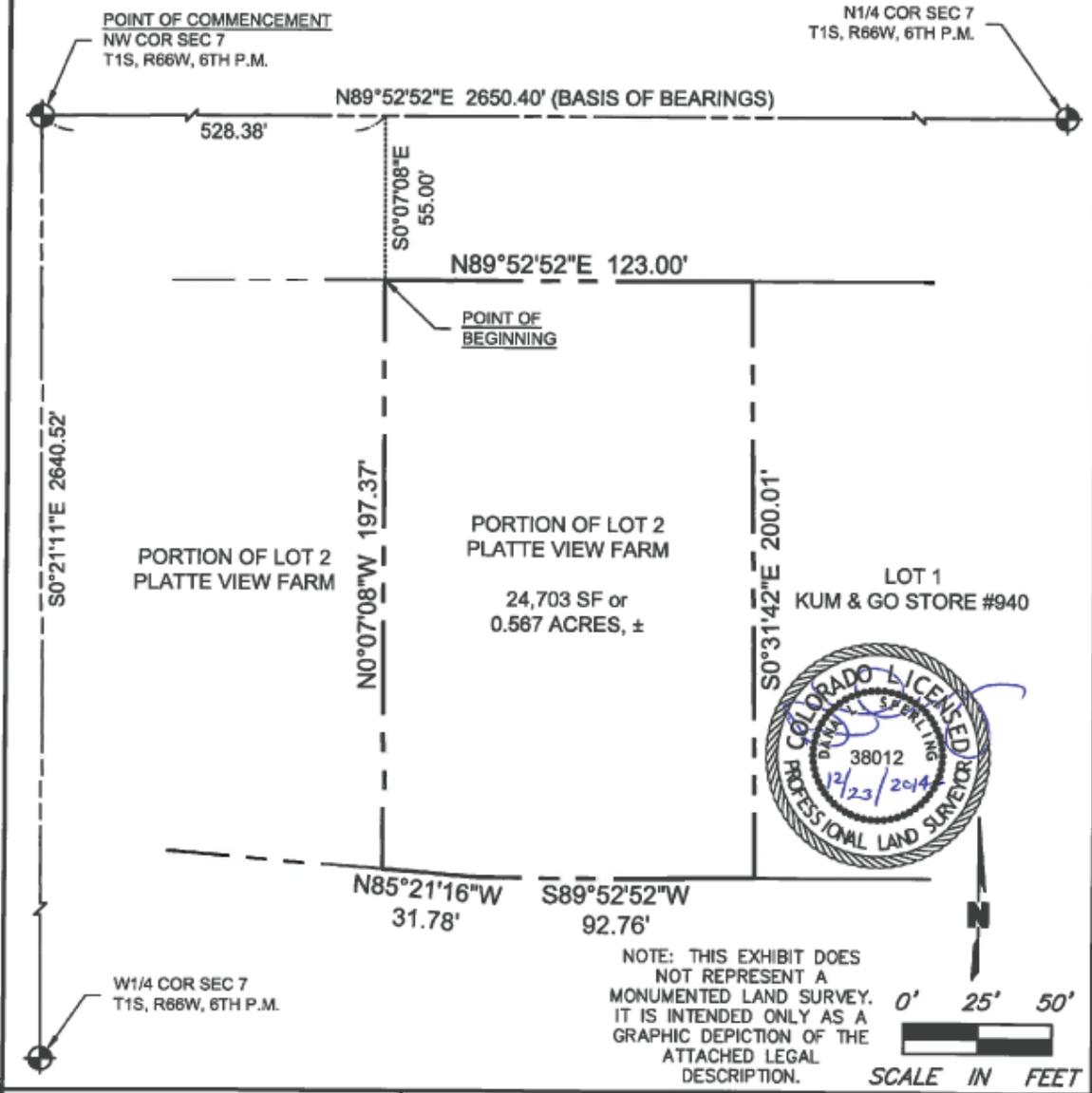
- 1) S89°52'52"W, A DISTANCE OF 92.76 FEET TO AN ANGLE POINT THEREON;
- 2) N85°21'16"W, A DISTANCE OF 31.78 FEET;

THENCE N00°07'08"W, A DISTANCE OF 197.37 FEET TO THE POINT OF BEGINNING.

CONTAINING 24,703 SQUARE FEET OR 0.567 ACRES, MORE OR LESS.

EXHIBIT A

SITUATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.



SHEET 2 OF 2		EXHIBIT A: PARCEL LEGAL DESCRIPTION	 OLSSON ASSOCIATES	
DATE: 12.23.2014				4990 Table Mountain Drive, Suite 200 Golden, CO 80402 TEL: 303.237.2072 FAX: 303.237.2059 www.olssonassociates.com
DRAWN BY: LHG				
CHECKED BY: DLS				
PATH: F:\Projects\013-1203\SRVY\Exhibits				
DRAWING: 131203_EXH.dwg				

