# ORDINANCE NO: <u>2389</u> INTRODUCED BY: <u>Blackhurst</u>

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  $2^{ND}$  AND  $6^{TH}$  AMENDMENTS TO THE BROMLEY PARK PLANNED UNIT DEVELOPMENT  $26^{TH}$  AMENDMENT FOR THE APPROXIMATELY 18.9-ACRE PROPERTY, GENERALLY LOCATED TO THE SOUTH OF BRIDGE STREET, WEST OF INTERSTATE 76, EAST OF GOLDEN EAGLE PARKWAY, AND NORTH OF THE SPEER CANAL SOUTH OF LONGSPUR DRIVE, AND BEING A PART OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE  $6^{TH}$  PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

WHEREAS, Sunflower Meadows Real Estate, LLC. and Frontage Equities, LLC. (the "Owners") are the owners of certain real property of approximately 18.9-acres in size, located to the south of Bridge Street, west of Interstate 76, east of Golden Eagle Parkway, and generally, east of the Speer Canal, and north and south of Longspur Drive, and as more particularly described in <u>Exhibit A</u>, attached hereto (the "Property"); and

WHEREAS, Lauren Brockman of Convergence Multifamily Real Estate Group (the "Applicant"), has filed an application (the "Application") for the Bromley Park Planned Unit Development 26<sup>th</sup> Amendment (the "PUD") and a zone change of the Property on behalf of the Owner; and

WHEREAS, the Applicant and Owners seek to change the zoning of the Property from the existing zoning from the Bromley Park Planned Unit Development 2<sup>nd</sup> and 6<sup>th</sup> Amendments to the proposed Bromley Park PUD 26<sup>th</sup> Amendment, as set forth in <u>Exhibit B</u>, attached hereto; and

WHEREAS, City Staff used 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 May 26, 2022, 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 July 5, 2022 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 1,000 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:

<u>Section 1.</u> The Property is hereby rezoned as the Bromley Park Planned Unit Development 26<sup>th</sup> Amendment.

<u>Section 2.</u> The City Zoning Map shall be amended to reflect said zoning change.

<u>Section 3</u>. As provided in City Charter Section 5.9(A), this Ordinance either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED, THIS 5<sup>th</sup> DAY OF JULY, 2022.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS  $2^{\rm ND}$  DAY OF AUGUST, 2022.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade* First Publication: <u>July 14, 2022</u> Final Publication: <u>August 11, 2022</u> APPROVED AS TO FORM:

YASMINA SHAUSH, Assistant City Attorney

# EXHIBIT A Legal Description

## LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

LOT 1, BLOCK 25 AND LOT 2, BLOCK 24, BROMLEY PARK FILING NO. 5

#### AND

## PARCEL 1:

THAT PART OF LOT 1, BLOCK 24, PLAT AMENOMENT FOR EASEMENTS, REPLAT OF LOT 1, BLOCK 24, BROMLEY PARK FLING NO. 5, RECORDED IN FLE 19, NAP 17, RECEPTION NO. C127659, IN THE ADAMS COUNTY CLERK AND RECORDERS OFFICE, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF SAID LOT 1 WHICH BEARS N 52-0925" W BEING MONUMENTED AT THE SOUTHEAST AND SOUTHWEST CORNERS OF SAID LOT 1;

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 1, THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 1, ALONG AN ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 33\*39'48", A RADIUS OF 758.50 FEET, AN ARC LENGTH OF 445.43 FEET (CHORD BEARS N 21\*01'10" E. 439.05 FEET) TO A POINT OF CURVE, THENCE S 74\*20'01" E A DISTANCE OF 70.80 FEET; THENCE N 89\*39'31" E Á DISTANCE OF 66.30 FEET; THENCE N 00\*20'29" W A DISTANCE OF 138.25 FEET; THENCE N 89\*39'31" E A DISTANCE OF 2.64 FEET; THENCE N 00\*20'29" W A DISTANCE OF 79.86 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 53\*07'29', A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 23.18 FEET (CHORD BEARS N 63\*4705" N A DISTANCE OF 23.36 FEET); THENCE S 89\*39'11" W A DISTANCE OF 9.02 FEET: THENCE S 00\*29'49" E A DISTANCE OF 7.90 FEET: THENCE S 89-39'11' W A DISTANCE OF 10.00 FEET: THENCE N 00-20'49' W A DISTANCE OF 7.90 FEET THENCE S 89\*39'11" W A DISTANCE OF 49:24 FEET, THENCE S 85\*06'41" W A DISTANCE OF 59:63 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1: THENCE ALONG SAID WEST LINE N 08\*5710' W A DISTANCE OF 27.62 FEET: THENCE N 89:39'11" E A DISTANCE OF 64.00 FEET: THENCE N 00:00'00" E A DISTANCE OF 5:50 FEET: THENCE N 89-3911" E A DISTANCE OF 6212 FEET: THENCE ALONG AN ARC OF A CURVE TO THE LEET HAVING A CENTRAL ANGLE OF R9-5940" A RADIUS OF 23 00 FEET, AN ARC LENGTH OF 36.13 FEET (CHORD BEARS N 44\*39/21\* E A DISTANCE OF 32.53 FEET); THENCE N 00\*20/29\* W A DISTANCE OF 171.32 FEET; THENCE S 89:5712" E A DISTANCE OF 28.00 FEET; THENCE N 00:1440" W A DISTANCE OF 6.89 FEET: THENCE N 89:3931" A DISTANCE OF 113.14 FEET; THENCE N 00:20'29" W A DISTANCE OF 90.36 FEET: THENCE S 89\*39'31" W A DISTANCE OF 113.14 FEET: THENCE N 00\*20'32" W A DISTANCE OF 94 38 FEET: THENCE N 89 39'31' E A DISTANCE OF 113 14 FEET: THENCE N 00 20'29' W A DISTANCE OF 134 50 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1: THENCE & ONG THE NORTH LINE OF SAID LOT 1 S 83-58'37" E A DISTANCE OF 109.40 FEET: THENCE S 06-01'18" W A DISTANCE OF 145.20 FEET: THENCE \$ 83\*58'25" E A DISTANCE OF 121.61 FEET: THENCE ALONG AN ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 06+21'54", A RADIUS OF 110.00 FEET, AN ARC LENGTH OF 12.22 FEET (CHORD BEARS \$ 87\*09'33" E A DISTANCE OF 12.21); THENCE N 89\*39'30" E A DISTANCE OF 198.58 FEET TO A POINT ON EASTERLY LINE OF SAID LOT 1; THENCE ALONG THE EASTERLY BOUNDARY OF SAID LOT 1 THE FOLLOWING THREE (3) COURSES:

S 08+07'49' W A DISTANCE OF 381.37 FEET;

S 32\*42'20" W A DISTANCE OF 516.39 FEET:

S 38-48257 W A DISTANCE OF 467.35 FEET TO THE SOUTHEAST CORNER OF SAD LOT 1; THENCE ALONG THE SOUTH LINE OF SAD OF LOT 1, N 52-09257 W A DISTANCE OF 288.44 FEET TO THE POINT OF

BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

## LEGAL DESCRIPTION

### PARCEL 2:

### PHASE 14 - SUNFLOWER MEADOWS CONDOMINIUMS:

PARCEL I:

THAT PART OF LOT 1, BLOCK 24, PLAT AMENDMENT FOR EASEMENTS, REPLAT OF LOT 1, BLOCK 24, BROILEY PARK FLING NO. 5, RECORDED IN FILE 19, MAP 17, RECEPTION NO. C1276599, DATED FEBRUARY 11, 2004, MOB BEING WORE PARTICULARLY DESCRIED AS POLLOWS: COMMENCING AT THE NORTHWESTERN-MIOST CORVER OF SAID REPLAT OF LOT 1, BLOCK 24, PLAT AMENDMENT FOR EASEMENT, BROILLY PARK FLING NO. 5, FROM WHENCE THE NORTH OLIARTER CORVER OF SECTION 11, TOWISHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M., BEARS MORTH 14-9807 WEST 47240 FEET, THENCE SOUTH 47-9859? EAST 281.80 FEET TO THE POINT OF BEGINNING;

- 1) THENCE NORTH 89\*3931\* EAST 113.14 FEET
- THENCE SOUTH 00\*20'29" EAST 90.36 FEET;
- 3) THENCE SOUTH 89\*39/31" WEST 113.14 FEET

4) THENCE NORTH 00\*20'29' WEST 90.36 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS. STATE OF COLORADO.

NOTE: THE FOLLOWING DISCLOSURE IS INDE PURSUANT TO C.R.S. 38-36-106.5 SAID DESCRIPTION OREATED BY SURVEY PREPARED BY FLATIRONS, INC., JOB NO. 08-46.338, DATED JULY 10, 2006.

#### PARCEL II:

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND UTLITY SERVICE OVER AND ACROSS THE PRIVATE DRIVES AS DEPICTED AND SHOWN ON PUAT ANENDMENT FOR EASEMENTS, REPLAT OF LOT 1, BLOCK 24, BROWLEY PARK FLING NO. 5, RECORDED FEBRUARY 11, 2004 AT RECEPTION NO. C127659.

PARCEL 3:

PHASE 15 - SUNFLOWER MEADOWS CONDOMINIUMS

#### PARCEL I

THAT PART OF LOT 1, BLOCK 34, PLAT AMENDMENT FOR EASEMENTS, REPLAT OF LOT 1, BLOCK 24, BROINLEY PARK FLING NO. 5, RECORDED IN FILE 19, MAP 17, RECEPTION NO. C1276699, DATED FEBRUARY 11, 2004, AND BEING MORE PARTICULARLY DESORIBED AS POLLOWS: COMMENCING AT THE NORTHWESTERN-MIXIST CORNER OF SAID REPLAT OF LOT 1, BLOCK 24, PLAT AMENDMENT FOR EASEMENT, BROINLEY PARK FLING NO. 5, FROM WHENCE THE NORTH QUARTER CORNER OF SECTION 11, TOWINSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M. BEARS NORTH 74:9801' WEST 472.00 FEET; THENCE NORTH 76:V052' EAST 212.97 FEET TO THE POINT OF BERINING.

#### THENCE SOUTH 83\*58'42' EAST 113.84 FEET;

- THENCE SOUTH 00\*20'29" EAST 134.50 FEET.
- 3) THENCE SOUTH 89\*39/31" WEST 113.14 FEET

4) THENCE NORTH 00\*2029" WEST 147.11 FEET TO THE POINT OF BEGINNING, COUNTY OF ADM/S. STATE OF COLORADO.

NOTE: THE FOLLOWING DISCLOSURE IS MADE PURSUANT TO C.R.S. 38-35-106.5 SAID

DESCRIPTION CREATED BY SURVEY PREPARED BY FLATIRONS, INC., JOB NO. 08-46.308, DATED JULY 10, 2006.

#### PARCEL II:

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND UTLITY SERVICE OVER AND ACROSS THE PRIVATE DRIVES AS DEPICTED AND SHOWN ON PLAT ANEXAMENT FOR EASEMENTS, REPLAT OF LOT 1, BLOCK 24, BROWLEY PARK FLING NO. 5, RECORDED FEBRUARY 11, 2004 AT RECEPTION NO. C127659.

## LEGAL DESCRIPTION

PARCEL4:

PHASE 16 - SUNFLOWER MEADOWS CONDOMINIUMS

PARCELL

THAT PART OF LOT 1, BLOCK 24, PLAT ANENDMENT FOR EASENENTS, REFLAT OF LOT 1, BLOCK 24, BROMLEY PARK FILING NO. 5, RECORDED IN FILE 19, MAP 17, RECEPTION NO. C127699, DATED FEBRUARY 11, 2004, AND BEING MORE PARTICULARLY DESCRIEED AS FOLLOWS: COMMENCING AT THE NORTHNESTERNMINIST CORVER OF SAID REPLAT OF LOT 1, BLOCK 24, PLAT AMENDMENT FOR EASENENT, BROMLEY PARK FILING NO. 5, FROM WHENCE THE NORTH OUARTER CORVER OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M., BEARS NORTH 14\*801' WEST 472.40 FEET, THENCE NORTH 66\*1511' EAST 429.50 FEET TO THE POINT OF REGISIONIC

- THENCE SOUTH 83\*58'42' EAST 110.34 FEET:
- THENCE SOUTH 06+01'16' WEST 84.85 FEET:
- THENCE SOUTH 22+33'33" WEST 21.08 FEET
- THENCE SOUTH 06+01'18' WEST 42.21 FEET
- 5 THENCE NORTH 83\*58'33' WEST 104.34 FEET

6 THENCE NORTH 06-0118" EAST 146.26 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS. STATE OF COLORADO.

NOTE: THE FOLLOWING DISCLOSURE IS MADE PURSUANT TO C.R.S. 38-35-106.5 SAID DESCRIPTION CREATED BY SURVEY PREPARED BY FLATIRONS, INC., JOB NO. 08-46.308, DATED JULY 10, 2006.

PARCEL II:

TOGETHER WITH A NON-EXCLUSIVE EASENIENT FOR THE PURPOSE OF INGRESS, EGRESS AND UTILITY SERVICE OVER AND ACROSS THE PRIVATE DRIVES AS DEPICTED AND SHOWN ON PLAT AMENOMENT FOR EASEMENTS, REPLAT OF LOT 1, BLOCK 24, BROWLEY PARK FLUNG NO. 5, RECORDED FEBRUARY 11, 2004 AT RECEPTION NO. C127699.

## PARCELS:

PHASE 17 - SUNFLOWER MEADOWS CONDOMINIUMS

PHASE I:

THAT PART OF LOT 1, BLOCK 24, PLAT AMENOMENT FOR EASEMENTS, REPLAT OF LOT 1, BLOCK 24, BROMLEY PARK FLUNG NO. 5, RECORDED IN FILE 19, IMP 17, RECEPTION NO. C1276939, DATED FEBRUARY 11, 2004, AND BENG IMARE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENDING AT THE NORTHWESTERN MOST CORVER OF SAD REPLAT OF LOT 1, BLOCK 24, PLAT AMENDMENT BROMLEY PARK FLUNG NO. 5, WHENCE THE NORTH OLARTER CORVER OF SECTION 11, TOWNSHP 1 SOUTH, RANGE 66 WEST OF THE 6TH P M. BEARS NORTH 74-5801 WEST 472 20 FEET; THENCE NORTH RE<sup>11</sup> LEY TEAST SAGE FEET TO THE POINT OF BECININS;

- THENCE SOUTH 83+58/42" EAST 185.35 FEET;
- THENCE SOUTH 24\*34'47" EAST 74.01 FEET;
- THENCE SOUTH 08\*07'50' WEST 59.92 FEET
- THENCE SOUTH 89\*39'30' WEST 198.56 FEET

5) THENCE ALONG A CURVIE TO THE RIGHT, HAVING A RADIUS OF 1000 FEET, AN ARC LENGTH 12 22 FEET, SUBTENDED BY A CHORD BEARING AND CHORD DISTANCE OF NORTH 87-19935" WEST 12 21 FEET.

- THENCE NORTH 83\*58'24' WEST 17.29 FEET
- THENCE NORTH 05-01'18" EAST 41.21 FEET
- THENCE NORTH 22\*33'33" EAST 21.08 FEET;

 THENCE NORTH 06-0118" EAST 84.85 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

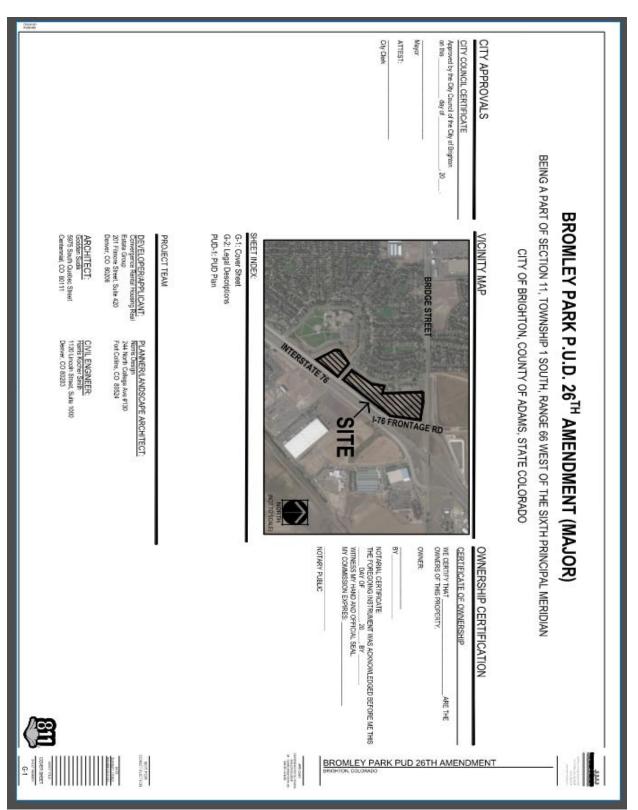
NOTE: THE FOLLOWING DISCLOSURE IS MADE PURSUANT TO C.R.S. 38-35-106.5 SAID DESCRIPTION CREATED BY SURVEY PREPARED BY FLATIRONS, INC., JOB NO. 08-46.308, DATED JULY 10, 2006.

#### PARCEL II:

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TOCETHER WITH A NON-EXCLUSIVE EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND UTILITY SERVICE OVER AND ACROSS THE PRIVATE DRIVES AS DEPICTED AND SHOWN ON PLAT AMENDMENT FOR EASEMENTS, REPLAT OF LOT 1, BLOCK 24, BROMLEY PARK FLING NO. 5, RECORDED FEBRUARY 11, 2004 AT RECEPTION NO. C127699.



**EXHIBIT B** Planned Development as provided by the Applicant

