

ORDINANCE NO. _____
INTRODUCED BY: Pawlowski

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE OTTEN ZONING MAP AMENDMENT FROM ADAMS COUNTY A-2 TO C-2 FOR AN APPROXIMATELY 4.918 ACRE PROPERTY, GENERALLY LOCATED TO THE NORTH OF EAST 136TH AVENUE, SOUTH OF PRAIRIE CENTER PARKWAY, EAST OF SOUTH 27TH AVENUE AND WEST OF I-76, MORE PARTICULARLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

WHEREAS, Donald M. Otten Revocable Trust (the "Owner") is the owner of approximately 4.918 acres of real property more specifically described in EXHIBIT A, attached hereto and incorporated herein (the "Property"); and

WHEREAS, Thomas Otten (the "Applicant"), on behalf of Owner, has requested approval of the Otten Zoning Map Amendment, attached hereto as EXHIBIT B (the "Zoning Map Amendment"); and

WHEREAS, City Staff used the criteria for a Zoning Map Amendment as outlined 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 April 11, 2024, to review and consider the Application 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 May 21, 2024 where it conducted its review and considered the Application 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 signs were 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

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

Section 1. The City Council finds and determines that the proposed Zoning Map Amendment is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan; that the proposed Zoning Map Amendment will support development in character with existing or anticipated development in the area, including the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the

integration, transitions and compatibility of other uses; that the City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district; that the change will serve a community need, amenity or development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property; and that the recommendations of any professional staff or advisory review bodies have been taken into consideration.

Section 2. The Property is hereby rezoned C-2 as more particularly set forth in EXHIBIT A and as the Otten Property Zoning Map Amendment as generally shown in EXHIBIT B.

Section 3. The City Zoning Map shall be amended to reflect the above change.

Section 4. 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 for 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 21st DAY OF MAY, 2024.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 2nd DAY OF July 2024.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: June 6, 2024

Final Publication: July 18, 2024

APPROVED AS TO FORM:

YASMINA GIBBONS, Deputy City Attorney

EXHIBIT A
LEGAL DESCRIPTION

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

PARCEL A:

THAT PART OF THE SW 1/4 OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SW 1/4; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ON AN ASSUMED BEARING ALONG THE WEST LINE OF SAID SW 1/4 A DISTANCE OF 245.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 56 MINUTES 50 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID SW 1/4 A DISTANCE OF 156.98 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 30 SECONDS WEST, A DISTANCE OF 77.55 FEET; THENCE SOUTH 45 DEGREES 46 MINUTES 34 SECONDS EAST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 10 SECONDS EAST A DISTANCE OF 120.00 FEET TO A POINT 30.00 FEET NORTH OF THE SOUTH LINE OF SAID SW 1/4; THENCE NORTH 89 DEGREES 56 MINUTES 50 SECONDS EAST, PARALLEL WITH SAID SOUTH LINE A DISTANCE OF 165.51 FEET TO THE INTERSECTION OF THE CENTERLINE OF VACATED PINE STREET, BARR CITY, A SUBDIVISION OF THE S 1/2 OF SAID SECTION 21; THENCE NORTH 00 DEGREES 02 MINUTES 40 SECONDS EAST, ALONG SAID CENTERLINE A DISTANCE OF 204.47 FEET TO A POINT ON THE WESTERLY LINE OF THE BRIGHTON LATERAL; THENCE ALONG SAID WESTERLY LINE AS FOLLOWS: NORTH 13 DEGREES 31 MINUTES 00 SECONDS WEST, 89.66 FEET; THENCE NORTH 01 DEGREES 28 MINUTES 00 SECONDS WEST, 171.61 FEET; THENCE NORTH 03 DEGREES 40 MINUTES 22 SECONDS EAST, 167.13 FEET TO APPOINT ON THE CENTERLINE OF FIRST AVENUE, SAID BARR CITY; THENCE SOUTH 89 DEGREES 56 MINUTES 50 SECONDS WEST, ALONG SAID CENTERLINE A DISTANCE OF 326.00 FEET TO A POINT ON THE WEST LINE OF SAID SW 1/4; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG SAID WEST LINE A DISTANCE OF 415.00 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

PARCEL B:

A PARCEL OF LAND IN THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M. MORE PARTICULARLY DESCRIBED AS: BLOCK 64, OF VACATED BARR CITY, TOGETHER WITH THOSE PORTIONS ADJOINING SAID BLOCK 64 OF THE SOUTHERLY 1/2 OF VACATED FIRST STREET, THE WESTERLY 1/2 OF VACATED PINE STREET, VACATED BRIGHTON BOULEVARD AND VACATED JEFFERSON BOULEVARD, ALL AS VACATED BY VACATION PLAT BARR CITY RECORDED JULY 26, 1966 IN FILE 12 AS MAP NO. 26, AT RECEPTION NO. 791307;

EXCEPT THAT PORTION THEREOF CONVEYED BY DEED RECORDED JULY 6, 1971 IN BOOK 1711 AT PAGE 251 DESCRIBED AS FOLLOWS:

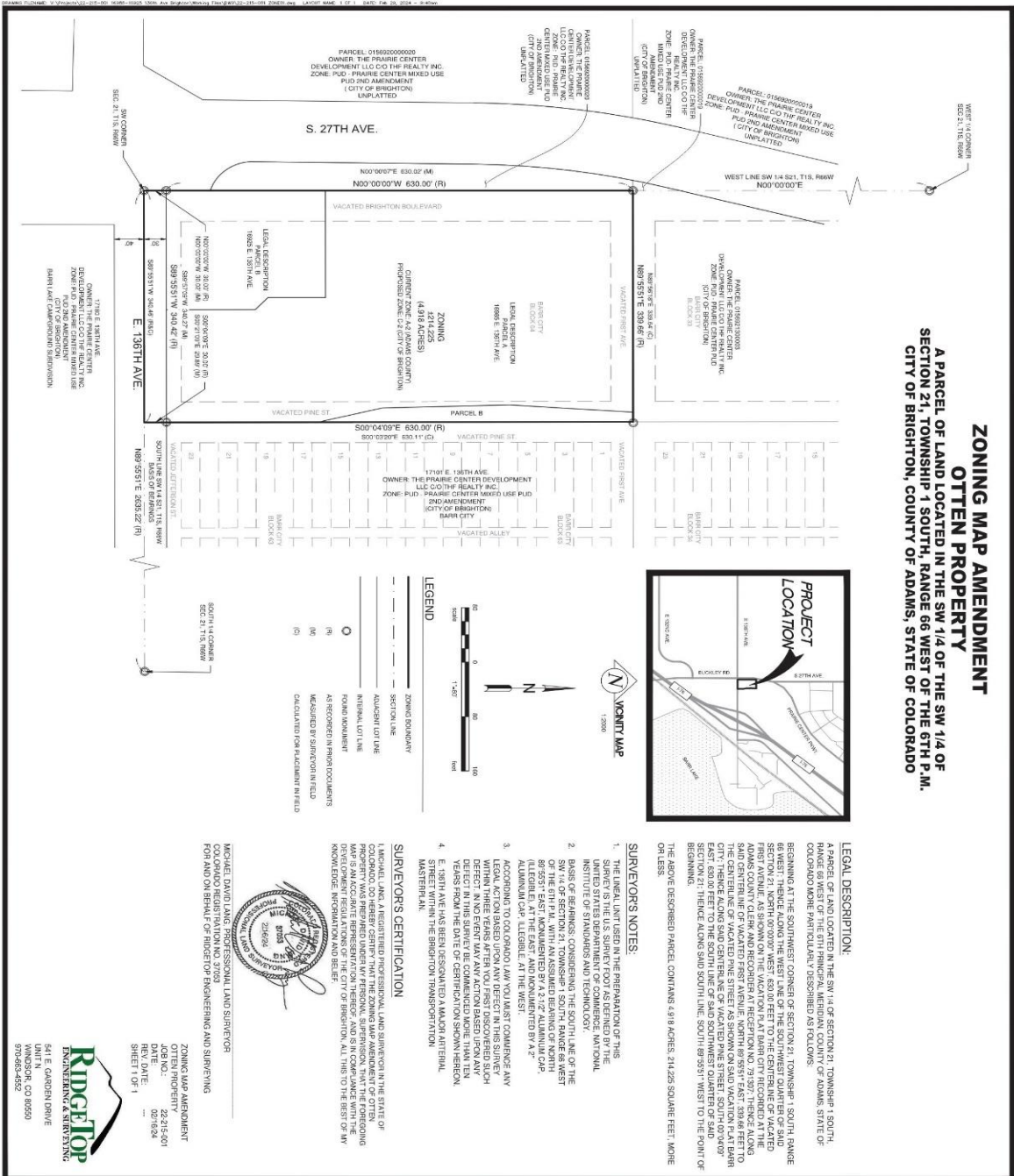
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 00°00'00" EAST ON AN ASSUMED BEARING ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 245.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°56'50" EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 156.98 FEET; THENCE SOUTH 00°01'30" WEST A DISTANCE OF 77.55 FEET, THENCE SOUTH 45°46'34" EAST A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°03'10" EAST A DISTANCE OF 120.00 FEET TO A POINT 30.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 89°56'50" EAST PARALLEL WITH SAID SOUTH LINE A DISTANCE OF 165.51 FEET TO THE INTERSECTION OF THE CENTERLINE OF VACATED PINE STREET, BARR CITY, A SUBDIVISION OF THE SOUTH 1/2 OF SAID SECTION 21; THENCE NORTH 00°02'40" EAST ALONG SAID CENTERLINE A DISTANCE OF 204.47 FEET TO A POINT ON THE WESTERLY LINE OF THE BRIGHTON LATERAL; THENCE ALONG SAID WESTERLY LINE AS FOLLOWS: NORTH 13°31'00" WEST, 89.66 FEET; THENCE NORTH 01°28'00" WEST, 171.61 FEET; THENCE NORTH 03°40'22" EAST, 167.13 FEET TO A POINT ON THE CENTERLINE OF FIRST AVENUE, SAID BARR CITY; THENCE SOUTH 89°56'50" WEST ALONG SAID CENTERLINE A DISTANCE OF 326.00 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE SOUTH 00°00'00" WEST ALONG SAID WEST LINE A DISTANCE OF 415.00 FEET TO THE TRUE POINT OF BEGINNING;

AND ALSO EXCEPT ANY PORTION THEREOF LYING EAST OF THE WESTERLY LINE OF THE BRIGHTON LATERAL;

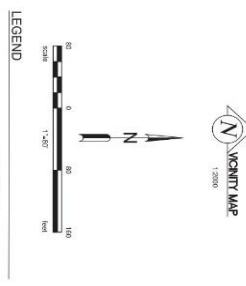
AND ALSO EXCEPT ANY PORTION THEREOF LYING WITHIN THE 136TH AVENUE RIGHT OF WAY, COUNTY OF ADAMS, STATE OF COLORADO.

EXHIBIT B ZONING MAP



**ZONING MAP AMENDMENT
OTTEN PROPERTY**

A PARCEL OF LAND LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M. CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO



LEGAL DESCRIPTION:

1. A PARCEL OF LAND LOCATED IN THE SW 1/4 OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST, THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21, NORTH 90°00'00" WEST, 630.00 FEET TO THE CENTERLINE OF VACATED ADAMS COUNTY CLEW AND RECORDS AT RECEPTION NO. 273507, THENCE ALONG SAID CENTERLINE OF VACATED FIRST AVENUE, NORTH 89°55'11" EAST, 298.66 FEET TO THE CENTERLINE OF VACATED PINE STREET, AS SHOWN ON SAID VACATION P.L.A. BARR CITY, COLORADO, AND RECORDS AT RECEPTION NO. 273507, THENCE ALONG SAID CENTERLINE OF VACATED PINE STREET, SOUTH 89°55'11" WEST TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 49.8 ACRES, 24,225 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

1. THE INSTRUMENT USED IN THE PREPARATION OF THIS SURVEY WAS THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
2. BASIS OF BEARINGS: CONSIDERING THE SOUTH LINE OF THE SW 1/4 OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M. CITY OF BRIGHTON, COUNTY OF ADAMS, IS EAST, MONUMENTED BY A 2" ALUMINUM CAP (ALLEGEDLY AT THE EAST AND MONUMENTED BY A 2" ALUMINUM CAP, ALLEGEDLY AT THE WEST).
3. ACCORDING TO COLORADO LAW, YOU MUST CORRECT ANY ERRORS IN THIS SURVEY. YOU MUST CORRECT ANY DEFECT IN NO EVENT MAY ANY ACTION BE TAKEN FROM ANY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT FROM THE DATE OF CERTIFICATION SHOWN HEREON.
4. E. 136TH AVE HAS BEEN DESIGNATED A MAJOR ARTERIAL STREET WITHIN THE BRIGHTON TRANSPORTATION MASTERPLAN.

SURVEYORS CERTIFICATION

I, MICHAEL DAVID LIND, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ZONING MAP AMENDMENT OF OTTEN PROPERTY WAS PREPARED UNDER MY PERSONAL SUPERVISION THAT THE FOREGOING DEVELOPMENT INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

MICHAEL DAVID LIND, PROFESSIONAL LAND SURVEYOR
COLORADO REGISTRATION NO. 27020
FOR AND ON BEHALF OF RIDGETOP ENGINEERING AND SURVEYING

RIDGETOP
ENGINEERING & SURVEYING
541 E. GARDEN DRIVE
WINDSOR, CO 80550
303-685-4322

ZONING MAP AMENDMENT
OTTEN PROPERTY
JOB NO.: 22-215-001
DATE: 02/16/24
SHEET 1 OF 1