

ORDINANCE NO. 2309
INTRODUCED BY: Johnston

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE REZONING OF THE JOHNSON AUTO PLAZA PLANNED UNIT DEVELOPMENT - 1ST AMENDMENT AND UNZONED PROPERTY TO THE JOHNSON AUTO PLAZA PLANNED UNIT DEVELOPMENT - 2ND AMENDMENT, FOR THE APPROXIMATELY 38.695-ACRE PROPERTY GENERALLY LOCATED TO THE IMMEDIATE SOUTHWEST OF THE INTERSECTION OF 136TH AVENUE AND U.S. HIGHWAY 85 IN BRIGHTON, COLORADO. THE JOHNSON AUTO PLAZA PLANNED UNIT DEVELOPMENT - 2ND AMENDMENT IS GENERALLY LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, ALL IN THE CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, Commercial Building Services, Inc. (the "Applicant"), has filed an application (the "Application") for the Johnson Auto Plaza Planned Unit Development ("PUD") - 2nd Amendment and a zone change of certain real property of approximately 38.695 acres, generally located to the immediate southwest of the intersection of 136th Avenue and U.S. Highway 85 as more particularly described in Exhibit "A," attached hereto (the "Property"); and

WHEREAS, the Applicant seeks to change the zoning of the Property from the existing Johnson Auto Plaza PUD - 1st Amendment and unzoned land to the proposed Johnson Auto Plaza PUD - 2nd Amendment, as set forth in Exhibit "B," attached hereto; and

WHEREAS, the Planning Commission conducted a public hearing on April 11, 2019, to review and consider the PUD pursuant to the applicable provisions and criteria set forth in the Land Use and Development Code, and provided a recommendation of approval to the City Council; and

WHEREAS, the City Council conducted a public hearing on June 4, 2019, to review and consider the PUD pursuant to the applicable provisions and criteria set forth in the Land Use and Development Code; and

WHEREAS, in accordance with the public notice requirements of the Land Use and Development Code, a Notice of Public Hearing was mailed to all property owners within 300 feet of the Property, a public notice was published in the *Brighton Standard Blade*, 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

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 and Development Code; addresses a unique situation and complies with applicable standards; is integrated with adjacent development; sufficiently mitigates adverse impacts; provides for sufficient facilities and services to serve the Property; will be phased appropriately; and could not be accomplished in another manner.

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 Johnson Auto Plaza PUD – 2nd Amendment.

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

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED, THIS 4th DAY OF JUNE, 2019.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 25TH DAY OF JUNE, 2019.

CITY OF BRIGHTON, COLORADO


KENNETH J. KREUTZER, Mayor

ATTEST:


NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

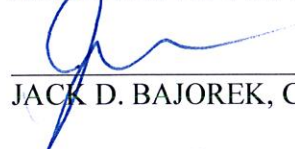

JACK D. BAJOREK, City Attorney

EXHIBIT A
Legal Description

ALL OF LOT 1 AND LOT 2 OF BLOCK 1 OF THE MARKET PLACE 85 SUBDIVISION LYING IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 67 WEST FROM WHENCE THE NORTH QUARTER CORNER OF SAID SECTION 25 BEARS N 89° 43' 45" E A DISTANCE OF 2648.01 FEET;
THENCE S 00° 52' 23" E ALONG THE WESTERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 25 A DISTANCE OF 60 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF E. 136TH AVE. SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE, N 89° 43' 45" E FOR A DISTANCE OF 1,580.92 FEET TO A POINT ON A LINE.
THENCE, S 00° 32' 56" E FOR A DISTANCE OF 77.24 FEET A POINT ON A LINE.
THENCE, S 23° 17' 04" W FOR A DISTANCE OF 1,293.35 FEET TO A POINT ON A LINE.
THENCE S 89° 32' 24" W A DISTANCE OF 1,052.47 FEET TO A POINT ON A LINE.
THENCE, N 00° 52' 23" W FOR A DISTANCE OF 1,266.34 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 1,685,539 SQ. FT. OR 38.695 ACRES MORE OR LESS.

THE ORIGINAL DEED BEARINGS HAVE BEEN ROTATED TO GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

JOHNSON AUTO PLAZA PUD 2ND AMENDMENT

AN AMENDMENT TO THE JOHNSON AUTO PLAZA PUD, NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 67 WEST SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

SHEET 3 OF 3

