

ORDINANCE NO. 2395  
INTRODUCED BY: Blackhurst

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE MAGPIE PROPERTY ZONING MAP AMENDMENT FROM ADAMS COUNTY A-3 TO I-1 FOR AN APPROXIMATELY 95.105 ACRES OF PROPERTY, GENERALLY LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 11, THE EAST ONE-HALF OF SECTION 11, THE WEST ONE-HALF OF SECTION 12, AND THE NORTH HALF OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

WHEREAS, Magpie Run Properties LLC, Connie Surabian, Lazarus Surabian, Ryan Steel, Stacey Wenzel Steel, and Betty Mathis (the “Owners,”) are the owners of approximately 95.105 acres of property generally located to the north of East 152<sup>nd</sup> Avenue and east of Burlington Northern Santa Fe Railroad right-of-way, and more specifically described in EXHIBIT A and depicted in EXHIBIT B, attached hereto and incorporated herein (the “Property”); and

WHEREAS, Madison Jones of Lovett Industrial (the “Applicant”), has filed a Zoning Map Amendment (the “Application”) for the rezoning of the Property on behalf of the Owner; and

WHEREAS, the Applicant and Owner seek to change the zoning of the Property from the existing zoning of Agriculture 3 (A-3) to Light Industrial (I-1), as set forth in EXHIBIT B, attached hereto; and

WHEREAS, City Staff used the criteria for a Zoning Map Amendment as outlined in the *Land Use & Development Code* for their review and the procedures related to the application; and

WHEREAS, the Planning Commission conducted a public hearing on July 14, 2022, 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 August 16, 2022 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 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 Application 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:

Section 1. The Property is hereby rezoned as Light Industrial (I-1).


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

Section 3. 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 16<sup>th</sup> DAY OF AUGUST, 2022.

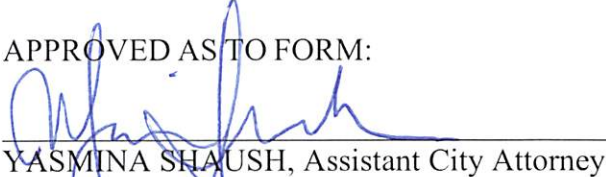
PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 6<sup>th</sup> DAY OF SEPTEMBER, 2022.

CITY OF BRIGHTON, COLORADO

  
GREGORY MILLS, Mayor

ATTEST:  
  
NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*  
First Publication: August 25, 2022  
Final Publication: September 15, 2022

APPROVED AS TO FORM:  
  
YASMINA SHAUSH, Assistant City Attorney



**EXHIBIT A**  
**Legal Description**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 11, THE EAST ONE HALF OF SECTION 11, AND THE WEST ONE HALF OF SECTION 12, ALL IN TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11;

THENCE NORTH 00°44'02" WEST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 11 A DISTANCE OF 1,924.31 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 35°23'10" WEST A DISTANCE OF 2,321.85 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 152ND AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINES OF EAST 152ND AVENUE THE FOLLOWING EIGHT (8) COURSES:

1. NORTH 86°57'07" WEST A DISTANCE OF 696.88 FEET;
2. NORTH 00°18'27" EAST A DISTANCE OF 20.00 FEET;
3. NORTH 86°57'07" WEST A DISTANCE OF 428.69 FEET;
4. SOUTH 00°02'53" WEST A DISTANCE OF 5.00 FEET;
5. NORTH 86°57'07" WEST A DISTANCE OF 10.00 FEET;
6. NORTH 00°02'53" EAST A DISTANCE OF 5.00 FEET;
7. NORTH 86°57'07" WEST A DISTANCE OF 232.13 FEET;
8. NORTH 89°58'28" WEST A DISTANCE OF 719.87 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE SPEER CANAL;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SPEER CANAL THE FOLLOWING TWO (2) COURSES:

1. ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 8°53'34", A RADIUS OF 247.57 FEET, AN ARC LENGTH OF 38.42 FEET, AND A CHORD WHICH BEARS NORTH 35°47'39" WEST A DISTANCE OF 38.39 FEET;
2. NORTH 40°14'54" WEST A DISTANCE OF 21.47 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN (C.B. AND Q.) RAILWAY;

THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. NORTH 49°24'57" EAST A DISTANCE OF 1,887.76 FEET;
2. NORTH 49°23'21" EAST A DISTANCE OF 2,366.86 FEET;

THENCE SOUTH 83°56'12" EAST A DISTANCE OF 619.38 FEET;

THENCE SOUTH 35°23'10" WEST A DISTANCE OF 768.38 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 11;

THENCE SOUTH 00°44'02" EAST ALONG SAID EAST LINE A DISTANCE OF 67.87 FEET TO THE POINT OF BEGINNING;

CONTAINING 3,082,898 SQUARE FEET, OR 90.676 ACRES, MORE OR LESS.

**EXHIBIT B**  
Zoning Map Amendment as provided by the Applicant

