COUNCIL COMMUNICATION

Meeting Date: March 20, 2018
Agenda Item: Public Hearings

Subject: A public hearing regarding a Comprehensive Plan Amendment, a Planned Development Zoning Amendment, and an amended Overall Development Plan/Conceptual Site Plan for property generally located south of East 136th Avenue and west of Quebec Street (Amber Creek).

1. A resolution approving a Comprehensive Plan Amendment to 42.44 acres of property to change 22.77 acres designated Commercial to 26.68 acres designated Regional Commercial and to change 19.67 acres designated Residential High to 15.76 acres designated Residential Medium for property located south of East 136th Avenue and west of Quebec Street.

2. An ordinance approving a Planned Development Zoning Amendment for 42.44 acres of the Amber Creek property, whereby amending the Overall Development Plan/Conceptual Site Plan, Planned Development Standards, and Planned Development Zoning Map pertaining to Planning Areas D and F, to develop Planning Area D for commercial uses, and Planning Area F for Single-Family Attached uses, for property located generally south of East 136th Avenue and west of Quebec Street.

SYNOPSIS:

Comprehensive Plan Amendment:

The future land use designation for 22.77 acres of the property is currently Commercial. The applicant is proposing to change the area designated Commercial to Regional Commercial, and enlarge the area to 26.68 acres to develop a commercial site with a large format grocery anchor store, as proposed with the consequent Conceptual Site Plan (CSP).

The future land use designation for 19.67 acres of the property is currently Residential High. The applicant is proposing to change the area to Residential Medium, and reduce the area to 15.76 acres to develop the site with Single-Family Attached (SFA) dwelling units.

This Comprehensive Plan Amendment combined with the proposed Planned Development (PD) Zoning Amendment and concurrent amended Overall Development Plan/Conceptual Site Plan (ODP/CSP) for the Commercial and Residential areas respectively, would allow for the development of commercial and residential land uses. If the Comprehensive Plan Amendment is not approved, then Council cannot approve the requested PD Zoning Amendment or Amended ODP/CSP.

The City of Thornton applies the Comprehensive Plan land use designation to the centerline of any street adjacent to the property boundary; therefore, the property acreage described for the land use designation (42.44-acres) is more than the legally described boundary of the property (35.9-acres).
**Zoning Amendment:**

The applicant is proposing to amend the PD zoning for approximately 42.44 acres of property applicable to, and corresponding with, the proposed Regional Commercial and Residential Medium land use designations as described above. The proposed changes to the Amber Creek PD Standards pertain only to Planning Areas D and F, and make no substantive changes to the zoning or uses allowed in the respective Planning Areas. Modifications to the PD Standards intend to update the land area associated with the Planning Areas and clarify development and dimensional standards. The remaining development and design standards that augment the City’s Development Code remain unchanged.

This PD Zoning Amendment would permit the development of a large format grocery store and other commercial uses within Planning Area F. Within the adjoining Planning Area D, the applicant is proposing 102 SFA homes in a paired home (duplex) style format. The proposed SFA development has a residential density of 7.7 dwelling units per acre (DU/acre).

The City of Thornton applies the zoning designation to the centerline of any street adjacent to the property boundary; therefore, the property acreage described for the zoning designation (42.44-acres) is more than the legally described boundary of the property (35.9-acres).

**Overall Development Plan/Conceptual Site Plan (ODP/CSP):**

As contained in Section 18-42 of the Development Code, each planned development district shall be established by a separate ordinance and an approved overall development plan for the property as a whole shall be part of the ordinance establishing a PD district. The Amber Creek ODP, approved by Council in 2003, consists of Planning Areas A, B, D, F, and H. This ODP Amendment proposes a slight modification to the existing Amber Creek ODP by shifting the boundary between Planning Area F (Commercial) and Planning Area D (Residential) to allow a larger commercial development area to provide ample space for a large format grocery anchor store and several commercial development pad sites. Planning Area F will remain as a commercial use area and Planning Area D will remain a residential use area. The remaining Planning Areas A and B remain unchanged as Single-Family Detached and these areas are largely developed. Planning Area H remains unchanged as Open Space/Park. Vehicular access into Planning Areas F and D remain consistent with the original ODP.

The CSP for Planning Area F proposes a King Soopers Marketplace with a fuel facility (Anchor Site) and four commercial parcels for future development. The applicant is proposing a landscaped pedestrian plaza for Parcel 2, located at the northeast corner of the property. On-site detention is proposed at the southeast corner of the property, shown as Tract B-A on the CSP. The CSP proposes vehicular access from East 136th Avenue on the north, Quebec Street on the east, and East 134th Avenue on the south. Internal pedestrian circulation includes detached six-foot wide sidewalks providing connections from the King Soopers Marketplace to the commercial parcels and the perimeter of the site. The perimeter of the site has 10-foot wide detached sidewalks along East 136th Avenue, Quebec Street, and East 134th Avenue.

The CSP for Planning Area D proposes a residential paired home community consisting of 102 SFA dwelling units with parks and amenities on approximately 13.2-acres.
RECOMMENDATION:

Staff recommends Alternative No. 1, to approve the proposed Comprehensive Plan Amendment, PD Zoning Amendment, and amended ODP/CSP.

BUDGET/STAFF IMPLICATIONS:

Approval of this proposal would allow the development of a large format grocery store and other commercial uses that would contribute positively to the City's tax base.

ALTERNATIVES:

1. Approve the Comprehensive Plan Amendment, PD Zoning Amendment, and amended ODP/CSP.
2. Deny the Comprehensive Plan Amendment, PD Zoning Amendment, and Amended ODP/CSP.
3. Revise the Comprehensive Plan Amendment in response to specific Council direction.
4. Revise the PD Zoning Amendment in response to specific Council direction.
5. Revise one or both of the amended ODP/CSP in response to specific Council direction.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY)

Existing Conditions:

The 35.9-acre site is bound by East 136th Avenue on the north, East 134th Avenue on the south, Newport Street on the west, and Quebec Street on the east. A developed portion of the Amber Creek residential community is just beyond these boundaries to the south and west. The property has historically been used agriculturally and is not developed. There are no oil and gas wells located on the property, and subsurface rights are under the same ownership as the land. There are no significant areas of vegetation or water on the property.

Comprehensive Plan Amendment:

The proposed Comprehensive Plan Amendment meets the City Code criteria for a major amendment (Section 18-37), listed below.

1. There has been a change in the area or in the conditions on which the current designation was based which warrants the amendment.

Planning Area F – Regional Commercial: The current land use designation of Commercial contemplates smaller scale commercial uses that are not in large demand in the current market. Due to residential growth and expansion in the region, this location is desirable for a major grocery store to serve the community, which was not anticipated at the time of original entitlements, in 2003. A major grocery anchor requires a Regional Commercial land use designation. Significant residential growth in the area warrants the Comprehensive Plan Amendment to allow a major grocery store anchor and other commercial uses at this location.

Planning Area D – Residential Medium: The current land use designation of Residential High contemplates a higher intensity residential development than the proposed Residential Medium. The physical configuration of Planning Area D is irregularly shaped and the site contains steep
grades that make the land better suited to a lower density development. Conditions of the site warrant the Comprehensive Plan Amendment to allow the Residential Medium land use designation.

2. The proposed Comprehensive Plan amendment is sensitive to the existing land uses and is compatible with the existing adjacent land use designations.

Planning Area F – Regional Commercial: The proposed Regional Commercial land use designation is appropriate and common for locations of intersecting major arterial roadways such as this Amber Creek location, at the southwest corner of East 136th Avenue and Quebec Street. The applicant is proposing additional landscape buffering between the Regional Commercial designation and residential areas located to the south and west of the site to help mitigate impacts between commercial and residential uses.

Planning Area D – Residential Medium: The proposed Residential Medium land use designation is an increase in density from residential areas to the south and west. This Planning Area is adjacent to Planning Area F, proposed as a Regional Commercial land use designation, and offers an appropriate transition between residential and commercial uses. As demonstrated on the accompanying ODP/CSP for Planning Area D, the applicant proposes a generous landscape buffer along the eastern boundary to provide increased buffering between uses.

3. The amendment will provide for orderly physical growth of the city, and foster safe, convenient and walkable neighborhoods and shopping districts.

Planning Area F – Regional Commercial: The proposed Comprehensive Plan Amendment for the Regional Commercial designation will allow for the development of a major grocery anchor and additional commercial uses. As demonstrated by the accompanying ODP/CSP, the development will provide a safe, convenient, and walkable environment.

Planning Area D – Residential Medium: The proposed Comprehensive Plan Amendment for the Residential Medium designation will allow for the development of a paired home residential community. As demonstrated by the accompanying ODP/CSP, the development will provide a safe, convenient, and walkable environment with parks and amenities for residents.

4. There are or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed Comprehensive Plan designation.

Planning Area F – Regional Commercial: The commercial uses contemplated by the Regional Commercial designation will have adequate infrastructure to serve multiple modes of transportation and all utilities to serve the development, as planned.

Planning Area D – Residential Medium: The residential uses contemplated by the Residential Medium designation will have adequate infrastructure to serve multiple modes of transportation and all utilities to serve the development in addition to parks, trails, and amenities for residents, as planned.

5. The proposed change is in substantial conformance with the goals and policies of the Comprehensive Plan and other adopted plans and policies.
Planning Area F – Regional Commercial: The proposed Comprehensive Plan Amendment is in substantial compliance with the goals and policies of the Comprehensive Plan including Policy 6.2.1: Promote the development and maintenance of healthy, sustainable, and viable commercial centers and Policy 6.2.2: Assure adequately zoned commercial land in advance of residential development.

Planning Area D – Residential Medium: The proposed Comprehensive Plan Amendment is in substantial compliance with the goals and policies of the Comprehensive Plan including Policy 5.4.2: Ensure Thornton has a full range of housing choices so residents can remain in Thornton as their housing needs change over time.

6. The proposed amendment is consistent with current zoning of the site unless a zoning change application is under concurrent review.

Planning Area F – Regional Commercial: The property is zoned PD and a grocery store is currently a permitted use listed by the PD Standards. An application for an amendment to the PD Zoning is under concurrent review for slight modifications to the zoning and development standards.

Planning Area D – Residential Medium: The property is zoned PD and SFA dwelling units are currently a permitted use listed by the PD Standards. An application for an amendment to the PD Zoning is under concurrent review for slight modifications to the zoning and development standards.

7. The proposed amendment corrects an error in the current Comprehensive Plan adoption.

Planning Area F – Regional Commercial: Not applicable.

Planning Area D – Residential Medium: Not applicable.

8. Events, trends, or facts evident after adoption of the Comprehensive Plan have changed the city council's original findings made upon plan adoption.

Planning Area F – Regional Commercial: The property retains a commercial use designation, albeit for larger scale commercial use to accommodate a major grocery store anchor so that the proposed project complies with the Comprehensive Plan.

Planning Area D – Residential Medium: The property retains a residential use designation, albeit for lower density residential use to accommodate a paired home development. Planning Area D of the PD Zoning currently allows paired homes as a permitted use. The allowed density range specified by the PD Zoning remains unchanged at 5 to 15 dwelling units per acre and the applicant is proposing a project with a net density of 7.7 dwelling units per acre.

9. Events, trends or facts evident after adoption of the Comprehensive Plan have changed the character or condition of the community so as to make the proposed amendment necessary.

Planning Area F – Regional Commercial: The property retains a commercial use designation, albeit for larger scale commercial use to accommodate a major grocery store anchor so that the project complies with the Comprehensive Plan. The economic market has changed since the
adoption of the Comprehensive Plan and changing economic conditions warrant the proposed amendment.

Planning area D – Residential Medium: The property retains a residential use designation, albeit for lower density residential use to accommodate a paired home development. Planning Area D of the Amber Creek PD currently allows paired homes as a permitted use. The allowed density range specified by the PD Zoning remains unchanged at 5 to 15 dwelling units per acre and the applicant is proposing a project with a net density of 7.7 dwelling units per acre. The economic market has changed since the adoption of the Comprehensive Plan and changing economic conditions warrant the proposed amendment.

10. Other changes to the Comprehensive Plan are deemed necessary by the City.

Planning Area F – Regional Commercial: Not applicable.

Planning area D – Residential Medium: Not applicable.

PD Zoning Amendment:

The proposed PD Zoning Amendment meets the City Code criteria listed below for a change in a zoning district classification or boundary (Section 18-41(c)(5)(b)) as demonstrated by the proposed Amber Creek ODP and PD Standards.

1. Growth and other development factors in the community support changing the zoning.

The proposed PD Zoning Amendment represents little change from the current entitlements for commercial and residential uses on the property. More specifically, a change from high density residential to medium density residential uses within Planning Area D will not change the overall character of the project, as it retains approximate proportions of commercial and residential. The density range specified by the PD Zoning remains unchanged at 5 to 15 dwelling units per acre. The applicant is proposing to update the PD Standards to reflect the respective acreage of commercial and residential land use areas and to adjust the development and dimensional standards appropriately.

2. The change in zoning represents orderly development of the City and there are, or are planned to be, adequate services and infrastructure to support the proposed zoning change and existing uses in the area.

The commercial and residential uses contemplated by the PD Zoning Amendment will have adequate infrastructure to serve multiple modes of transportation and all utilities to serve the development in addition to parks, trails, and amenities for residents, as planned.

3. The change in zoning provides for an appropriate use of the property.

The proposed PD Zoning Amendment does not substantively change the uses of the property from current entitlements as the uses proposed are permitted by the Amber Creek PD Zoning. Planning Areas F and D will retain commercial and residential uses, respectively. The PD Zoning Amendment intends to update the PD Standards with the respective acreage of commercial and
residential land use areas and to adjust the development and dimensional standards appropriately.

4. **The change in zoning is in substantial conformance with the goals and policies of the Comprehensive Plan and other adopted plans and policies of the city.**

The applicant is proposing an amendment to the City’s Comprehensive Plan concurrent with the proposed PD Zoning Amendment so the change will be in substantial conformance with the Comprehensive Plan. The proposal promotes the applicable Comprehensive Plan policies, including the following:

5.4.2 *Ensure Thornton has a full range of housing choices so residents can remain in Thornton, as their housing needs change over time.*

6.2.1: *Promote the development and maintenance of healthy, sustainable, and viable commercial centers.*

6.2.2: *Assure adequately zoned commercial land in advance of residential development.*

5. **The proposed zoning is sensitive to and compatible with the existing and planned use and development of adjacent properties.**

The proposed PD Zoning Amendment retains the current land use entitlements while ensuring a higher degree of buffering between residential and commercial uses including increased landscaping and minimum building separation between residential and commercial uses.

6. **The amendment to the official map is being initiated by the City to rectify an error.**

Not applicable.

The proposed PD Zoning Amendment is justified by additional enhancements to the residential and commercial Planning Areas by utilizing the following methods, as proposed by the applicant:

- Residential units will face Newport Street and East 134th Avenue to create a more pedestrian friendly streetscape.
- Residential roads internal to Planning Area D will be private.
- An additional architectural quality enhancement standard from the options available in Sec. 18-470.
- Additional housing option not currently available in Amber Creek (paired home).
- Increased landscaping material between the commercial and residential Planning Areas.
- Increased landscaping materials along East 136th Avenue and Quebec Street adjacent to commercial uses.
- A 20 percent increase in landscaping material within the residential Planning Area D.
- An extra recreational amenity within the residential Planning Area D.
- A masonry wall along East 136th Avenue where adjacent to residential uses.
- All homes within the residential Planning Area D will have garage doors with windows.
Overall Development Plan/Conceptual Site Plan (ODP/CSP):

The amended ODP/CSP affects Planning Area F and Planning Area D. The Plans may be evaluated in accordance with the City Code criteria for CSP’s (Section 18-43(g)), listed below, as demonstrated by the proposed CSP for Planning Areas D (residential) and F (commercial).

1. The proposed project is consistent with the Comprehensive Plan and all requirements of this chapter.

   Planning Area F – Regional Commercial: Concurrent with this application is a request for a Comprehensive Plan Amendment to change the designation of the site from Commercial to Regional Commercial so that the proposed project complies with the Comprehensive Plan.

   Planning Area D – Residential Medium: Concurrent with this application is a request for a Comprehensive Plan Amendment to change the designation of the site from Residential High to Residential Medium so that the proposed project complies with the Comprehensive Plan.

2. The proposed project is consistent with the current zoning on the property or conditioned on the approval of an existing application for a zoning district amendment.

   Planning Area F – Regional Commercial: The PD Zoning of the property permits commercial uses so the proposed project complies with the zoning.

   Planning Area D – Residential Medium: The PD Zoning of the property permits SFA residential uses so the proposed project complies with the zoning.

3. The CSP is in compliance with all applicable uses, development and design standards set forth in this Code.

   Planning Area F – Regional Commercial: The CSP for this Planning Area proposes uses, development, and design standards that are compliant with the PD Zoning and the City Development Code, as applicable.

   Planning Area D – Residential Medium: The CSP for this Planning Area proposes uses, development, and design standards that are compliant with the PD Zoning and the City Development Code, as applicable.

4. Adequate facilities and services exist, or are planned by the project to serve the development at the time of construction.

   Planning Area F – Regional Commercial and Planning Area D – Residential Medium.

Public Improvements: The Developer will complete all public improvements that serve this site. The scope and timing of improvements will be determined during the subdivision process through a Development Agreement. Public improvements generally include improvements to the East 136th Avenue, Newport Street, East 134th Avenue, and Quebec Street rights-of-way, construction of new internal rights-of-way, and extension of water and sewer to the respective development sites.
Drainage: The design of the drainage improvements shall be made in accordance with the requirements of the City. Generally, the run-off from the site will be conveyed to a detention and water quality pond located in the southeastern portion of the property. The outlet structure for this detention and water quality pond releases stormwater runoff into the existing 60-inch diameter storm sewer within Quebec Street, which discharges into the Pheasants Run drainage way at a point approximately 400 feet to the south. No adverse impacts are anticipated with the development of the property resulting from drainage improvements.

Water and Sewer: Water and sewer facilities are available to serve the site. The Developer is responsible for extending all necessary water and sewer lines within the site.

Utilities: All utilities are available to serve the site. The Developer is responsible for extending all necessary gas, electric, telephone, and cable utilities within the site.

5. Compatibility with the surrounding area is demonstrated by proposed improvements, including screening and buffering that has been provided to minimize impacts to adjacent uses.

Planning Area F – Regional Commercial: To mitigate conflicts between commercial and residential uses, the applicant is proposing increased buffering methods between the commercial and residential Planning Areas. The amended ODP/CSP proposes a 100-foot minimum structure proximity separation between commercial structures in this Planning Area and residential structures in Planning Area D. Additionally, the rooftop of the grocery store anchor includes extra screening to help conceal views of the rooftop equipment. Lastly, the applicant is proposing enhanced landscape requirements for Planning Area F to include additional tree equivalents along the major arterial roadways, and a masonry wall along residential areas adjacent to East 136th Avenue.

Planning Area D – Residential Medium: To mitigate conflicts between residential and commercial uses, the applicant is proposing increased buffering methods between the residential and commercial Planning Areas. The amended ODP/CSP proposes a 25-foot wide landscape buffer along all site property lines in Planning Area D adjacent to a commercial use. Landscape buffers will be landscaped with a minimum of one tree equivalent for every 500 square feet of buffer area and consist of a minimum 75 percent evergreen plantings. Additionally, the residential developer will add 25 percent more landscaping to the detention area, adding to the landscape proposed by the commercial developer.

PUBLIC NOTICE AND RESPONSE:

Public Notification: All property owners within at least 1,500 feet of this site were sent notice of the public hearing ten days prior to March 20, 2018. A public notice of the hearing was advertised in the Northglenn-Thornton Sentinel on March 8, 2018. Notification of the City Council hearing was posted on the property for ten days prior to the March 20, 2018, public hearing.

Public Response: A neighborhood meeting was held on December 11, 2017, to present and discuss the proposed Comprehensive Plan Amendment, PD Zoning Amendment, and ODP Amendment/CSP for the development. Approximately 23 citizens from adjacent neighborhoods attended the meeting with concerns regarding traffic impacts, number of homes, price point of the homes, types of commercial uses, buffering from commercial uses, lighting, and project timeline. Although there was overall support of the project,
there was opposition to the project expressed by a couple of those in attendance citing traffic concerns. The developer addressed as many questions as possible at the meeting.

**HISTORY:**

The property was annexed to the City and zoned PD on January 14, 2003 through Ordinance No. 2754.
RESOLUTION

A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO 42.44 ACRES OF PROPERTY TO CHANGE 22.77 ACRES DESIGNATED COMMERCIAL TO 26.68 ACRES DESIGNATED REGIONAL COMMERCIAL AND TO CHANGE 19.67 ACRES DESIGNATED RESIDENTIAL HIGH TO 15.76 ACRES DESIGNATED RESIDENTIAL MEDIUM FOR PROPERTY LOCATED SOUTH OF EAST 136TH AVENUE AND WEST OF QUEBEC STREET (AMBER CREEK).

WHEREAS, City Council adopted the Thornton Comprehensive Plan on September 11, 2012; and

WHEREAS, Stratus Amber Creek, LLC is the owner and developer (Owner) of certain real property (Property) within the City of Thornton (City), described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Owner has submitted to the City an application to amend the Comprehensive Plan for approximately 42.44 acres of land as described in Exhibit B to develop a Single-Family Attached use area and a Commercial use area; and

WHEREAS, the Owner has submitted to the City an application for consideration of an Amendment to the Future Land Use Map exhibit of the Comprehensive Plan to change the designation on the Property from Commercial to Regional Commercial and from Residential High to Residential Medium; and

WHEREAS, the Owner believes the site is conducive to commercial and medium density residential development to be compatible with existing residential developments in the vicinity; and

WHEREAS, the aforesaid application is a matter of public record in the custody of the City Development Department, and is available for public inspection during business hours of the City; and

WHEREAS, the aforesaid application, Comprehensive Plan map in Exhibit C and all supporting documents are hereby incorporated as if fully set forth herein; and

WHEREAS, the proposed Comprehensive Plan Amendment is consistent with the goals and desires of the City and provides for orderly growth within the City and is a beneficial and efficient use of the Property; and

WHEREAS, on March 20, 2018, the City Council conducted a public hearing and reviewed said application pursuant to the procedural and notice requirements of the City Charter and Chapter 18 of the Thornton City Code, and the Council having considered the evidence presented in support of and in opposition to the application, the applicable zoning, the City's Comprehensive Plan, and staff recommendations and so having considered the record and given appropriate weight to the evidence.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. That the City Council finds that the proposed change to the Future Land Use Map meets the criteria outlined for amendments to the Comprehensive Plan.
   
   a. There has been a change in the area or in the conditions on which the current designation was based which warrants the amendment.
   
   b. The density and intensity of the proposed Comprehensive Plan amendment for the residential and commercial portions of the development is sensitive to the existing land uses and is compatible with the existing adjacent land use designations.
   
   c. The proposed Comprehensive Plan amendment to change the designation from Commercial to Regional Commercial and from Residential High to Residential Medium for those portions of the development will be compatible with adjacent residential land uses.
   
   d. The amendment will provide for orderly physical growth of the City and foster safe, convenient, and walkable neighborhoods.
   
   e. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Comprehensive Plan designation.
   
   f. The proposed change is in substantial conformance with the core Comprehensive Plan goals, major strategies, or key policies as discussed below.

   i. Policy 5.4.2: Ensure that Thornton has a full range of housing choices so residents can remain in Thornton as their housing needs change over time.

   ii. Policy 6.2.1: Promote the development and maintenance of healthy, sustainable, and viable commercial centers

   iii. Policy 6.2.2: Assure adequately zoned commercial land in advance of residential development.

2. That the Thornton Comprehensive Plan is hereby amended as follows:

The Future Land Use Map exhibit of the Comprehensive Plan shall be amended for 42.44 acres of property to change 22.77 acres designated Commercial to 26.68 acres designated Regional Commercial and to change
19.67 acres designated Residential High to 15.76 acres designated Residential Medium.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on ________________, 2018.

CITY OF THORNTON, COLORADO

________________________________________
Heidi K. Williams, Mayor

ATTEST:

________________________________________
Kristen N. Rosenbaum, City Clerk
A PARCEL OF LAND IN THE NORTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED UPON THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 29, SAID TO BEAR SOUTH 00°32'43" EAST, A DISTANCE OF 2639.59 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 29 MONUMENTED BY A 2.5" ALUMINUM CAP, 0.8' BELOW ASPHALT ROADWAY, STAMPED "PETROLEUM FIELD S_, T1S R67W, S20|S__ , --, S29|S2_, 20__, PLS 38___", TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 29 MONUMENTED BY A 3.25" ALUMINUM CAP, 0.3' DOWN IN A RANGE BOX WITH A LID MARKED "SURVEY", STAMPED "PETROLEUM FIELD SERVICES, T1S R67W, ¼, S29|S28, 2015, PLS 38304".

COMMENCING (P.O.C.) AT SAID NORTHEAST CORNER OF SECTION 29; THENCE SOUTH 89°06'52" WEST ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 29, A DISTANCE OF 907.41 FEET; THENCE SOUTH 00°53'08" EAST, A DISTANCE OF 60.00 FEET TO THE NORTH LINE OF LOT 1, BLOCK 14, AMBER CREEK SUBDIVISION FILING NO. 1-FIRST AMENDMENT, RECORDED UNDER RECEPTION NO. 20060815000824990, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF EAST 136TH AVENUE TO THE POINT OF BEGINNING (P.O.B.);

THENCE ALONG SAID NORTH LINE OF LOT 1, BLOCK 14, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF EAST 136TH AVENUE, THE FOLLOWING THREE (3) COURSES:

1) NORTH 89°06'52" EAST, A DISTANCE OF 648.58 FEET;
2) SOUTH 88°01'24" EAST, A DISTANCE OF 20.04 FEET;
3) NORTH 89°06'52" EAST, A DISTANCE OF 156.95 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 14;

THENCE SOUTH 00°32'43" EAST ALONG THE EAST LINE OF SAID LOT 1, BLOCK 14, AND CONTINUING ALONG TRACT B-A OF SAID AMBER CREEK SUBDIVISION FILING NO. 1-FIRST AMENDMENT, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF QUEBEC STREET, A DISTANCE OF 1208.25 FEET TO THE SOUTHEAST CORNER OF SAID TRACT B-A, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF EAST 134TH AVENUE;
THENCE ALONG THE SOUTH LINE OF SAID TRACT B-A, CONTINUING ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 14, AND THE SOUTH AND WEST LINES OF LOT 1, BLOCK 15 OF SAID AMBER CREEK SUBDIVISION FILING NO. 1-FIRST AMENDMENT, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF EAST 134TH AVENUE, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF NEWPORT STREET THE FOLLOWING ELEVEN (11) COURSES:

1) SOUTH 89°06’38" WEST, A DISTANCE OF 367.08 FEET TO A POINT OF CURVATURE TO THE LEFT, HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 44°39’51’’;
2) SOUTHWEST ALONG THE ARC A DISTANCE OF 233.86 FEET;
3) SOUTH 44°26’47" WEST, A DISTANCE OF 136.77 FEET TO A POINT OF CURVATURE TO THE RIGHT, HAVING A RADIUS OF 220.00 FEET AND CENTRAL ANGLE OF 90°00’00’’;
4) WEST ALONG THE ARC A DISTANCE OF 345.58 FEET;
5) NORTH 45°33’13" WEST, A DISTANCE OF 199.43 FEET TO A POINT OF CURVATURE TO THE RIGHT, HAVING A RADIUS OF 960.00 FEET AND A CENTRAL ANGLE OF 3°57’34’’;
6) NORTHWEST ALONG THE ARC A DISTANCE OF 66.34 FEET;
7) NORTH 41°35’39" WEST, A DISTANCE OF 222.22 FEET TO A POINT OF CURVATURE TO THE RIGHT, HAVING A RADIUS OF 220.00 FEET AND A CENTRAL ANGLE OF 86°02’26’’;
8) NORTH ALONG THE ARC A DISTANCE OF 330.37 FEET;
9) NORTH 44°26’47" EAST, A DISTANCE OF 159.73 FEET TO A POINT OF CURVATURE TO THE LEFT, HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 45°20’28’’;
10) NORTHEAST ALONG THE ARC A DISTANCE OF 237.40 FEET;
11) NORTH 00°53’39" WEST, A DISTANCE OF 405.56 FEET TO THE NORTH LINE OF SAID LOT 1, BLOCK 15, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF EAST 136TH AVENUE;

THENCE NORTH 89°06’52" EAST ALONG SAID NORTH LINE OF SAID LOT 1, BLOCK 15, AND CONTINUING ALONG SAID NORTH LINE OF LOT 1, BLOCK 14, ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF EAST 136TH AVENUE, A DISTANCE OF 283.35 FEET TO THE POINT OF BEGINNING (P.O.B.).

THE ABOVE DESCRIBED PARCEL DESCRIPTION CONTAINS 1,563,434 SQUARE FEET (35.892 ACRES) MORE OR LESS.
EXHIBIT B

AMBER CREEK

LEGAL DESCRIPTION – COMPREHENSIVE PLAN

DESCRIPTION

A PARCEL OF LAND IN THE NORTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF THORNTON, COUNTY OF ADAMS, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED UPON THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 29, SAID TO BEAR SOUTH 00°32’43” EAST, A DISTANCE OF 2639.59 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 29 MONUMENTED BY A 2.5” ALUMINUM CAP, 0.8’ BELOW ASPHALT ROADWAY, STAMPED “PETROLEUM FIELD S__, T1S R67W, S20|S__, --, S29|S2__, 20__, PLS 38___”, TO THE EAST ONE-QUARTER CORNER OF SAID SECTION 29 MONUMENTED BY A 3.25” ALUMINUM CAP, 0.3’ DOWN IN A RANGE BOX WITH A LID MARKED “SURVEY”, STAMPED “PETROLEUM FIELD SERVICES, T1S R67W, ¼, S29|S28, 2015, PLS 38304”.

BEGINNING (P.O.B.) AT SAID NORTHEAST CORNER OF SECTION 29;

THENCE SOUTH 00°32’43” EAST ALONG SAID EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 29, A DISTANCE OF 1309.25 FEET TO THE CENTER LINE OF EAST 134TH AVENUE;

THENCE ALONG SAID CENTER LINE OF EAST 134TH AVENUE AND CONTINUING ALONG THE CENTER LINE OF NEWPORT STREET THE FOLLOWING ELEVEN (11) COURSES:

1) SOUTH 89°06’38” WEST, A DISTANCE OF 448.35 FEET TO A POINT OF CURVATURE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET AND A CENTRAL ANGLE OF 44°39’51’’;
2) SOUTHWEST ALONG THE ARC A DISTANCE OF 202.68 FEET;
3) SOUTH 44°26’47” WEST, A DISTANCE OF 136.77 FEET TO A POINT OF CURVATURE TO THE RIGHT, HAVING A RADIUS OF 260.00 FEET AND CENTRAL ANGLE OF 90°00’00’’;
4) WEST ALONG THE ARC A DISTANCE OF 408.41 FEET;
5) NORTH 45°33’13” WEST, A DISTANCE OF 199.43 FEET TO A POINT OF CURVATURE TO THE RIGHT, HAVING A RADIUS OF 1000.00 FEET AND A CENTRAL ANGLE OF 3°57’34”;
6) NORTHWEST ALONG THE ARC A DISTANCE OF 69.10 FEET;
7) NORTH 41°35’39” WEST, A DISTANCE OF 222.22 FEET TO A POINT OF CURVATURE TO THE RIGHT, HAVING A RADIUS OF 260.00 FEET AND A CENTRAL ANGLE OF 86°02’26”;
8) NORTH ALONG THE ARC A DISTANCE OF 390.44 FEET;
9) NORTH 44°26’47” EAST, A DISTANCE OF 159.73 FEET TO A POINT OF CURVATURE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET AND A CENTRAL ANGLE OF 45°20’26”;
10) NORTHEAST ALONG THE ARC A DISTANCE OF 205.75 FEET;
11) NORTH 00°53’39” WEST, A DISTANCE OF 465.57 FEET TO THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 29;

THENCE NORTH 89°06’52” EAST ALONG SAID NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 29, A DISTANCE OF 1230.77 FEET TO SAID NORTHEAST CORNER OF SECTION 29, ALSO BEING THE POINT OF BEGINNING (P.O.B.).

THE ABOVE DESCRIBED PARCEL DESCRIPTION CONTAINS 1,848,680 SQUARE FEET (42.440 ACRES) MORE OR LESS.