

# COUNCIL COMMUNICATION

<b>Meeting Date:</b> September 10, 2019	<b>Agenda Item:</b>	<b>Agenda Location:</b> Action Items	<b>Goal(s):</b>	<b>Legal Review:</b>	<input type="checkbox"/> 1 <sup>st</sup> Reading <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading
<b>Subject:</b> An ordinance approving a rezoning of approximately 16 acres of land generally located south of East 126 <sup>th</sup> Avenue between Lafayette Street and Claude Court to modify the designation from Business Park to Planned Development, including an Overall Development Plan/Conceptual Site Plan, and Planned Development Standards to develop a residential neighborhood (Huffy Business Park Eastlake Station North).					
<b>Recommended by:</b> Jeff Coder			<b>Approved by:</b> Kevin S. Woods		<b>Ordinance previously introduced by:</b>  _____
<b>Presenter(s):</b> Grant Penland, Current Planning Manager					

**SYNOPSIS:**

On August 27, 2019, City Council voted seven to one to approve the Huffy Business Park Eastlake Station North rezoning

The applicant is requesting approval of a Zoning Amendment, Planned Development (PD) Standards, and an Overall Development Plan/Conceptual Site Plan (ODP/CSP) for a transit-oriented development with 61 single-family attached and 290 multifamily units near the future Eastlake at 124<sup>th</sup> Station.

The proposal would allow the development of townhomes and rowhomes, all of which have alley access, two condominium buildings, and a 50-unit affordable housing development on approximately 15 acres of land, generally located south of East 126<sup>th</sup> Avenue between Lafayette Street and Claude Court. The plan proposes an overall total density of 25.9 dwelling units per acre.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, to approve the Zoning Amendment, ODP/CSP, and PD Standards.

**BUDGET/STAFF IMPLICATIONS:**

None.

**ALTERNATIVES:**

1. Approve the Zoning Amendment, PD Standards, and ODP/CSP.
2. Deny the Zoning Amendment, PD Standards, and ODP/CSP.
3. Revise the Zoning Amendment, PD Standards, and ODP/CSP in response to specific Council direction.
4. Approve the Zoning Amendment, PD Standards, and ODP/CSP with conditions.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):**

**ODP\CSP:** The ODP/CSP proposes the development of 61 single-family attached, and 240 multifamily dwelling units, along with an affordable housing development comprised of at least 50 multifamily units for a total of 351 dwelling units. A total of 70 multifamily units may be developed within the affordable

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housing development area, resulting in a total of 371 dwelling units. The theme of the development is urban – agrarian to reflect and honor the agricultural heritage of the Eastlake area.

Three multifamily buildings are proposed closest to the FasTracks station, one of which will contain units that are affordable and restricted to occupancy by people with annual incomes at or below 60 percent of the area median income (AMI). The affordable component of the project is important in that it will allow people making less than the median income in the area to live close enough to public transit that they may be able to live with fewer cars, and therefore fewer expenses. The inclusion of affordable housing also fulfills several council goals, such as:

- encouraging developers to locate affordable housing near transit and other services,
- addressing existing low-income gaps identified in the Housing Needs Assessment, and
- increasing housing opportunities for income-restricted residents, such as seniors and the disabled.

The remainder of the site is proposed as alley loaded, two-story townhomes and three-story rowhomes. The rowhomes are stacked units with a townhome look, with entrances for the additional units located in the alleys. Additional amenities were added to the alleys where the entrances for rowhomes occur.

One small urban park is proposed that will provide non-traditional nature play elements, a gathering area, a shade structure, and site furnishings. The streetscape closest to the FasTracks station will be urban in nature to improve the pedestrian experience, transitioning to a less urban theme moving away from the station. The Claude Court frontage will include trees in grates to increase pedestrian space, raised planters with seat walls, and three plazas with decorative paving along with site furnishings such as seat blocks and café tables and chairs. Decorative paving and site furniture will continue down the spine road of the development.

The existing asphalt trail along the Signal Ditch located on the western boundary of the development will be replaced with a 10-foot concrete regional trail. The concrete trail replacement will continue for 450-feet to the north of the development. The developer will provide a temporary sidewalk to reach an appropriate crossing location on Claude Court to reach the FasTracks station. Flashing beacon signs will also be provided at the crossing to aid pedestrians in reaching the station.

The proposed PD Standards allow/require:

1. Most homes are required to have garage access from the alley rather than the public street. This makes the streetscape more pedestrian friendly, in keeping with the transit-oriented development theme, since no driveways will break up the detached sidewalks. This also provides more street parking availability. Multifamily homes will have parking available within a parking lot located behind the buildings.
2. The minimum lot size is 1,020 square feet for single-family attached (townhome) products, all other products will be sold as condominiums or rented and won't have physical lots.
3. The front building setback from Claude Court is between zero and 15 feet to create an urban edge for buildings near the FasTracks station, and to activate the proposed plazas with street furnishings so people can enjoy the outdoor spaces. Similarly, the alley-loaded homes have reduced building setbacks to create an urban street frontage, and pedestrian friendly streetscape. Alley sections are small to prevent parking in the alleys that would block access. All buildings are separated by at least seven feet, side-to-side.

4. Some uses are allowed within the PD Standards that are not currently contemplated, such as institutional, office, retail and personal service uses. These uses are only allowed as accessory uses within the affordable housing area, to ensure that the affordable housing area is developed with affordable housing and not a retail or office use. As limited accessory uses, the affordable housing development area could include a barbershop or small medical clinic, etc., but could not be developed as a commercial area.
5. Parking ratios are reduced as recommended by the STAMP and based on the project qualifying as a transit-oriented development and the close proximity to the Eastlake at 124<sup>th</sup> transit station. Single-family attached homes (townhomes) require two spaces per unit, both of which are enclosed within a garage. All other housing types (rowhouse and multifamily) are required to have one space per unit, which must be enclosed for the rowhomes. On street parking will be available for visitors.
6. The architectural style established in the PD Standards, Farmhouse/Agrarian, is reflected in the ODP/CSP. This style is simple, with proportions that reflect the vertical nature of silos and grain elevators. Colors are typically monochromatic, but accent colors are provided in appropriate locations to enliven the design with some playful elements.
7. Recreational amenities proposed in the PD are comparable but different from those required by City Code, due to the more urban typology of the project. Numerous plaza gathering spaces, shelter structures, turf areas, and a natural play area are proposed. In addition, the alleys are amenitized with community herb gardens, seating areas and a sidewalk. Sidewalk connections are provided to the Signal Ditch trail as well as to the FasTracks transit station. All sidewalks within the project are proposed to be detached from the street curb.
8. Subdivision quality enhancements proposed are comparable but different to those required by Code, again due to the more urban typology of the project. The enhancements proposed in the ODP/CSP include:
  - a. A portion of the development (Planning Area C) is prescribed for the development of an affordable housing development consisting of at least 50 affordable housing units
  - b. Forty-one percent of the units provided in the community are prescribed to be alley-loaded.
  - c. A ten-foot wide concrete regional trail will be provided along the Signal Ditch located on the development's western boundary. The trail will be extended 450 feet north of the development adjacent to the School District 12 property.

**Water and Sewer:** Water and sewer are available to the site within the perimeter streets. The applicant will be responsible for extending all necessary water and sewer lines within the site.

**Traffic and Circulation:** A Traffic Impact Study was reviewed by Development Engineering. The development proposes five, full movement access points, none of which will be signalized. The site is well positioned to take advantage of the numerous alternative travel modes available in the area. The project proposes to construct a sidewalk along Claude Court to the crossing point, where a flashing beacon will be installed, and provide multiple non-motorized connections to the regional trail along Lafayette Street.

The project is estimated to generate approximately 2,230 additional daily trips to the area with 141 trips occurring in the morning peak hours and 175 trips occurring in the afternoon peak hours at build-out. The Traffic Impact Study did not take reductions due to transit use into account in estimating the daily traffic volume.

**Drainage:** Historically, the majority of the site drains from the southwest to the northeast across the site. Detention ponds are existing within the Huffly Business Park subdivision on the School District 12 property to the north. A Preliminary Drainage Plan was submitted to the City and reviewed by Development Engineering.

**Landscaping:** The project's interior landscaping and exterior streetscape will act to enhance views from Claude Court, Lafayette Street, East 126<sup>th</sup> Avenue, and adjacent properties. Approximately 20 percent of the site will be landscaped. The street frontage along Claude Court will be treated as an urban street, with trees in grates, decorative pavement, raised planters with seat walls, seat blocks, public art, café tables, a trellis, and picnic tables. The landscape theme becomes less urban to the west, eventually becoming a standard tree lawn along the streets. Trees and shrubs will be provided at a rate of one tree equivalent (TE) per 700 square feet, except in the park, where the ratio will be one TE per 600 square feet.

The plan includes an amenitized axis running from east to west through the site. A pedestrian pathway is proposed starting on the east with the plaza between the two multifamily buildings, continuing through the multifamily parking lot within a raised walk with decorative paving, seat blocks and landscaping. After crossing the first internal street, the pathway continues with decorative paving, seat blocks, and benches as well as landscaping. Alleys are amenitized with a sidewalk on one side, seat blocks, a table with chairs, and a small herb garden in raised planters at each end of the alley.

The conceptual landscape plan provides a variety of plant materials and will comply with the proposed PD Standards and the requirements of the City Development Code. The final landscape plan and design will be reviewed with the Development Permit (DP).

**Public Land Dedication:** Public Land Dedication (PLD) shall be satisfied as outlined within the ODP/CSP. The applicant has proposed numerous amenities including plaza gathering spaces, shelter structures, turf areas, and a natural play area. In addition, community herb gardens, and amenitized alleys and streets are proposed. Final design will be done at the time of the DP.

**Rezoning:** The proposed zoning amendment, PD Standards, and ODP/CSP comply with the following criteria for a zoning amendment:

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

The current BP zoning does not support the type of development envisioned by the STAMP to support transit and ridership. The STAMP recommends development in this area include higher density residential and a more urbanized street layout, which is proposed by the PD zoning to create a Transit Oriented Development at this location. The opening of the RTD north metro commuter rail is a significant development factor in the community that supports the zone change to PD for a residential community.

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.*

There are planned to be adequate services to support the proposed development. Water and sewer lines exist within the adjacent perimeter streets and will be extended into the site to serve the subdivision. The project is located within walking distance of the RTD North Metro Corridor Eastlake station, which will allow residents easy access to transit with direct service to downtown Denver. The project site will connect to existing trails in the vicinity and make enhancements to a section of the existing trail along Lafayette Street.

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

The proposed PD zoning for a higher density residential community located near the RTD North Metro Corridor Eastlake transit station realizes the vision set forth in the STAMP. The PD zoning provides for an appropriate land use of the property as the location provides multi modal access to numerous amenities in the vicinity.

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 City's Comprehensive Plan designates this area as Employment Center on the Future Land Use Map, the Comprehensive Plan Amendment proposes to change that land use designation to Residential High. The proposal promotes applicable Comprehensive Plan policies, including the following:

- 5.4.1 *Ensure the design and development standards for residential development in Thornton contribute to the long-term stability and desirability of its neighborhoods.*

The development is planned to encourage pedestrian activity and connectivity. Wide sidewalks and enhanced paving lead to a recreational area and connections to both the regional trail system and the FasTracks station. The architectural design standards and other requirements of the PD Standards and ODP/CSP will result in a high quality development that will contribute to the long term stability and desirability of Thornton neighborhoods.

- 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.*

Diversity of housing types helps respond to the housing needs of communities at different stages of life, and provides opportunities for communities where people can relocate without leaving the immediate area. The proposed development will facilitate active lifestyles, social interaction, and create a safe living environment with numerous amenities.

- 7.2.3 *Enhance the physical environment of the public realm, including community gateways, corridors, and intersections through creative design standards that will enhance Thornton's image.*

The proposed PD Standards require design standards including 360-degree architecture and high quality materials. The provision of alley garages and detached sidewalks with tree lawns provide a streetscape that is especially pedestrian friendly.

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

The STAMP recommends new development in the vicinity adhere to principles of Transit Oriented Development that deemphasize vehicular use in favor of pedestrian friendly infrastructure. The proposed PD zoning, in concert with the proposed Comprehensive Plan amendment, achieves the vision established by the STAMP.

### **PUBLIC NOTICE AND RESPONSE:**

Public Notification: A public notice of the hearing was advertised on the City's website at City Hall, the Margaret W. Carpenter Recreation Center, and the Thornton Active Adult Center beginning on August 17, 2019. All property owners within at least 1,500 feet of this site were sent notice of the public hearing ten days prior to August 27, 2019. Notification of the City Council hearing was posted on the property for ten days prior to the August 27, 2019, public hearing.

Public Response: A neighborhood meeting was held on April 18, 2019 to present and discuss the proposed PD Standards, ODP/CSP, and Comprehensive Plan Amendment with nearby residents. Approximately 25 residents, mostly from the Eastlake neighborhood, attended the meeting.

The majority of questions included the change to the quality of life enjoyed by Eastlake residents and concern over unbridled growth. There were concerns regarding the height of buildings, parking, the planned affordable housing, and preservation of the area's history. The largest concern heard from almost everyone was traffic on York Street, East 128<sup>th</sup> Avenue, East 136<sup>th</sup> Avenue, and East 144<sup>th</sup> Avenue. Keeping construction traffic out of the Town of Eastlake was also a large concern.

### **HISTORY:**

The property was subdivided as part of the Town of Eastlake on June 22, 1911.

The property was annexed by two separate ordinances on February 15 and February 16, 1971 by Ordinance No. 398 and 399 and zoned Industrial-1 by Ordinance No. 402.

The property was rezoned to Residential at some point in the 1980's, as evidenced by the change to the Comprehensive Plan Future Land Use Map to Mid-Density Residential on October 14, 1985 by Resolution No. 85-368.

The property was categorically rezoned to Business Park (BP) in the City-wide zoning transition on January 25, 1993 by Ordinance No. 2230, and the Comprehensive Plan Future Land Use Map designation was changed to Business Park to match the zoning on June 12, 1995.

The property was subdivided within the City by Ordinance No. 2204 on October 12, 1992.

A Specific Use Permit and Development Permit for a light industrial manufacturing facility were approved on October 6, 1998.

INTRODUCED BY: Matkowsky

AN ORDINANCE APPROVING A REZONING OF APPROXIMATELY 16 ACRES OF LAND GENERALLY LOCATED SOUTH OF EAST 126<sup>TH</sup> AVENUE BETWEEN LAFAYETTE STREET AND CLAUDE COURT TO MODIFY THE DESIGNATION FROM BUSINESS PARK TO PLANNED DEVELOPMENT, INCLUDING AN OVERALL DEVELOPMENT PLAN/CONCEPTUAL SITE PLAN, AND PLANNED DEVELOPMENT STANDARDS TO DEVELOP A RESIDENTIAL NEIGHBORHOOD (HUFFY BUSINESS PARK – EASTLAKE STATION NORTH).

WHEREAS, The Adams 12 Five Star Schools is the owner (Owner) and Century Communities is the developer (Developer) 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 Property is currently zoned Business Park (BP); and

WHEREAS, the Developer, with the consent of the Owner, has submitted to the City an application to rezone the Property from BP to Planned Development (PD); and

WHEREAS, the PD Standards are hereby incorporated and attached as Exhibit B; and

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

WHEREAS, the aforesaid request and all supporting documents are hereby incorporated as if fully set forth herein; and

WHEREAS, the 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, on August 27, 2019, the City Council conducted a public hearing on said application, pursuant to the procedural and notice requirements of Chapter 18 of the City Code, and the Council having considered the evidence presented in support of and in opposition to the application, the applicable zoning requirements, the City's Comprehensive Plan, and staff recommendations and have considered the record and given appropriate weight to the evidence.

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

1. That it is found that the Owner, the Developer, and the City have complied with the provisions of Section 18-41 of the City Code pertaining to zoning

applications.

2. The City Council finds that the Application meets the criteria in Sections 18-41 of the City Code for Zoning Amendments as follows:
  - a. Growth and other development factors in the community support changing the zoning.
  - b. 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.
  - c. The change in zoning provides for an appropriate use of the Property.
  - d. 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.
    - 5.4.1 Ensure the design and development standards for residential development in Thornton contribute to the long-term stability and desirability of its neighborhoods.
    - 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.
    - 7.2.3 Enhance the physical environment of the public realm, including community gateways, corridors, and intersections through creative design standards that will enhance Thornton's image.
  - e. The proposed zoning is sensitive to and compatible with the existing and planned use and development of adjacent properties.
3. The Huffy Business Park – Eastlake Station North Application to rezone the Property from BP to PD is hereby approved with the following conditions:
  - a. Approval of the Application does not waive any additional requirements of the development as established with the Subdivision Plat, Developer's Agreement, or any Development Permit associated with the Property.
  - b. At the time of submitting a request for a Development Permit, the Owner shall provide a landscape plan that is consistent with the City's water-wise landscape regulations which emphasizes the use of drought-tolerant materials.
  - c. Prior to the development of the Property, a Subdivision Plat shall be recorded to create a developable lot and grant easements necessary



to serve the development.

- d. Public Land Dedication shall be satisfied as outlined with the approved Overall Development Plan/Conceptual Site Plan. Timing of the improvements shall be determined in the Developer's Agreement required for the development.
- 4. The conditions in this ordinance shall run with the land and be binding upon the Owner, its successors and assigns.
- 5. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on August 27, 2019.

PASSED AND ADOPTED on second and final reading on \_\_\_\_\_, 2019.

CITY OF THORNTON, COLORADO

\_\_\_\_\_  
Heidi K. Williams, Mayor

ATTEST:

\_\_\_\_\_  
Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Luis A. Corchado, City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, and Thornton Active Adult Center after first and second readings.

Published on the City's official website after first reading on August 28, 2019, and after second and final reading on \_\_\_\_\_, 2019.

## EXHIBIT A

### ZONING BOUNDARY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 1 AND EAST 126<sup>TH</sup> AVENUE, HUFFY BUSINESS PARK SUBDIVISION SITUATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 35; THENCE NORTH 00°12'30" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 790.75 FEET TO A POINT ON THE SOUTH LINE OF EAST 126<sup>TH</sup> AVENUE AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°12'30" WEST ALONG SAID WEST LINE, A DISTANCE OF 528.93 FEET;

THENCE NORTH 89°19'47" EAST, A DISTANCE OF 1.59 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 89.73 FEET, SAID CURVE HAVING A RADIUS OF 170.50 FEET, A CENTRAL ANGLE OF 30°09'09", AND A CHORD WHICH BEARS SOUTH 75°35'39" EAST A CHORD DISTANCE OF 88.70 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 115.14 FEET, SAID CURVE HAVING A RADIUS OF 176.50 FEET, A CENTRAL ANGLE OF 37°22'37", AND A CHORD WHICH BEARS SOUTH 79°12'23" EAST A CHORD DISTANCE OF 113.11 FEET;

THENCE NORTH 82°06'19" EAST, A DISTANCE OF 441.14 FEET;

THENCE NORTH 81°57'14" EAST, A DISTANCE OF 533.66 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 22.35 FEET, SAID CURVE HAVING A RADIUS OF 83.50 FEET, A CENTRAL ANGLE OF 15°20'03", AND A CHORD WHICH BEARS NORTH 74°17'13" EAST A CHORD DISTANCE OF 22.28 FEET;

THENCE NORTH 66°37'11" EAST, A DISTANCE OF 72.19 FEET TO THE CENTERLINE OF CLAUDE COURT;

THENCE SOUTH 23°22'26" EAST ALONG SAID CENTERLINE, A DISTANCE OF 151.13 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 379.16 FEET, SAID CURVE HAVING A RADIUS OF 1,450.00 FEET, A CENTRAL ANGLE OF 14°58'57", AND A CHORD WHICH BEARS SOUTH 15°52'58" EAST A CHORD DISTANCE OF 378.09 FEET TO THE SOUTH LINE OF SAID LOT 1;

THENCE ALONG SAID SOUTH LINE THE FOLLOWING TWO (2) COURSES:

1) SOUTH 81°59'59" WEST, A DISTANCE OF 1,313.46 FEET;

2) NORTH 29°11'27" WEST, A DISTANCE OF 8.60 FEET TO THE SOUTH LINE OF EAST 126TH AVENUE AND A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG SAID SOUTH LINE THE FOLLOWING TWO (2) COURSES:

1) ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 55.80 FEET, SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 53°17'03", AND A CHORD WHICH BEARS SOUTH 87°27'05" WEST A CHORD DISTANCE OF 53.81 FEET;

2) NORTH 65°54'24" WEST, A DISTANCE OF 59.76 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 684,054 SQUARE FEET OR 15.70 ACRES, MORE OR LESS.

## ODP/CSP LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 1, HUFFY BUSINESS PARK SUBDIVISION SITUATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 35; THENCE NORTH  $00^{\circ}12'30''$  WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, A DISTANCE OF 790.75 FEET TO A POINT ON THE SOUTH LINE OF EAST 126TH AVENUE AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH  $00^{\circ}12'30''$  WEST ALONG SAID WEST LINE, A DISTANCE OF 498.93 FEET;

THENCE NORTH  $89^{\circ}19'47''$  EAST, A DISTANCE OF 1.84 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 73.94 FEET, SAID CURVE HAVING A RADIUS OF 140.50 FEET, A CENTRAL ANGLE OF  $30^{\circ}09'09''$ , AND A CHORD WHICH BEARS SOUTH  $75^{\circ}35'39''$  EAST A CHORD DISTANCE OF 73.09 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 134.71 FEET, SAID CURVE HAVING A RADIUS OF 206.50 FEET, A CENTRAL ANGLE OF  $37^{\circ}22'37''$ , AND A CHORD WHICH BEARS SOUTH  $79^{\circ}12'23''$  EAST A CHORD DISTANCE OF 132.33 FEET;

THENCE NORTH  $82^{\circ}06'19''$  EAST, A DISTANCE OF 441.18 FEET;

THENCE NORTH  $81^{\circ}57'14''$  EAST, A DISTANCE OF 533.70 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 30.38 FEET, SAID CURVE HAVING A RADIUS OF 113.50 FEET, A CENTRAL ANGLE OF  $15^{\circ}20'03''$ , AND A CHORD WHICH BEARS NORTH  $74^{\circ}17'13''$  EAST A CHORD DISTANCE OF 30.29 FEET;

THENCE NORTH  $66^{\circ}37'11''$  EAST, A DISTANCE OF 29.04 FEET;

THENCE SOUTH  $23^{\circ}22'26''$  EAST, A DISTANCE OF 118.28 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 370.30 FEET, SAID CURVE HAVING A RADIUS OF 1,405.00 FEET, A CENTRAL ANGLE OF  $15^{\circ}06'03''$ , AND A CHORD WHICH BEARS SOUTH  $15^{\circ}47'48''$  EAST A CHORD DISTANCE OF 369.23 FEET TO THE SOUTH LINE OF SAID LOT 1;

THENCE ALONG SAID SOUTH LINE THE FOLLOWING TWO (2) COURSES:

1) SOUTH  $81^{\circ}59'59''$  WEST, A DISTANCE OF 1,269.35 FEET;

2) NORTH  $29^{\circ}11'27''$  WEST, A DISTANCE OF 8.60 FEET TO THE SOUTH LINE OF EAST 126TH AVENUE AND A POINT OF

NON-TANGENT CURVATURE;

THENCE ALONG SAID SOUTH LINE THE FOLLOWING TWO (2) COURSES:

- 1) ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 55.80 FEET, SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF  $53^{\circ}17'01''$ , AND A CHORD WHICH BEARS SOUTH  $87^{\circ}27'05''$  WEST A CHORD DISTANCE OF 53.81 FEET;
- 2) NORTH  $65^{\circ}54'24''$  WEST, A DISTANCE OF 59.76 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 624,088 SQUARE FEET OR 14.33 ACRES, MORE OR LESS.