



## MEETING OF THE PLANNING COMMISSION

Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Thursday, July 10, 2025, 6:00 p.m.

This is an IN-PERSON meeting at the location and time noted above.

**This meeting will be streamed live on YouTube. The live stream is accessible by visiting [www.berthoud.org/stream](http://www.berthoud.org/stream)**

1. Call Meeting To Order
2. Pledge Of Allegiance
3. Roll Call
4. Approval Of Meeting Minutes  
Approval of Meeting Minutes from June 26, 2025

Documents:

[2025 06 26 MINUTES PC DRAFT.PDF](#)

5. Public Hearing: Farmstead Acres Preliminary Plat  
Public Hearing to consider a Preliminary Plat for Farmstead Acres, continued from June 10, 2025

Documents:

[01 PRELIMINARY PLAT PC INFORMATION FORM.PDF](#)  
[02 PRELIMINARY PLAT PC STAFF REPORT.PDF](#)  
[02.1 COMBINED STAFF REPORT ATTACHMENTS.PDF](#)  
[03 RESOLUTION 2025.PDF](#)  
[04 FARMSTEAD ACRES\\_NEW REVISED PRELIMINARY PLAT.PDF](#)  
[05 FARMSTEAD ACRES\\_NEW REVISED LANDSCAPE PLAN.PDF](#)

6. Buckardt Minor Subdivision  
Public Hearing to request a Minor Subdivision Plat for property known as Buckardt

Documents:

[01 PRELIMINARY PLAT PC INFORMATION FORM.PDF](#)

[02 PRELIMINARY PLAT PC STAFF REPORT.PDF](#)  
[02.1 COMBINED STAFF RPT ATTACHMENTS.PDF](#)  
[03 RESOLUTION 01 2025.PDF](#)

7. Proposed Amendments To Chapter 30 Of The Berthoud Municipal Code

Consider proposed amendments to the Short Term Rental regulations found in Section 30-3-113 and the Mountain Avenue Overlay District found in Section 30-3-115 in Chapter 30 of the Berthoud Municipal Code.

Documents:

[ORDINANCE REGARDING STR AND MOUNTAIN AVE OVERLAY  
AMENDMENT.PDF](#)

8. Report By Staff

9. Adjourn

Individuals needing special accommodation may request assistance by contacting the Town Clerk at 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.



**Garden  
Spot of  
Colorado**

**Town of Berthoud Planning Commission  
Town Hall  
Board Room  
807 Mountain Avenue, Berthoud, CO 80513  
June 26, 2025 at 6:00 p.m.**

1. Meeting called to order – Chairperson Anderson at 6:05 p.m.
2. Pledge of Allegiance
3. Roll Call

The following Planning Commission members were present:

Karen Anderson, Chair  
Mark Brodie, Commissioner  
David Pond, Commissioner  
Stacy Sigman, Commissioner  
Marc Hofmans, Commissioner

The following Planning Commission members were absent:

Abigail Smith, Vice Chair  
Nick Semedallas, Commissioner

The following staff members were present:

Anne Johnson, Community Development Director  
Tawn Hillenbrand, Planning Manager  
Bella Manzo, Planner  
Lakin Dickson, Planning Intern  
Justin Williamson, Sergeant

4. Approval of Minutes from June 12, 2025 were moved for approval by Commissioner Brodie and a second to the motion was made by Commissioner Sigman.
5. An Action Plan Update to the Comprehension Plan was presented by Community Development Director Anne Johnson. The presentation began at 6:12 p.m. and ended at 6:22 p.m.
6. An Action Plan Update to the Housing Diversity Plan was presented by Community Development Director Anne Johnson. The presentation began at 6:24 p.m. and ended at 6:32 p.m.
7. Public Hearing: A Public Hearing to consider a request for a Neighborhood Master Plan and Change of Zone known as Farmstead 3<sup>rd</sup> Filing, located at the southeast corner of Weld County Road 1 and Highway 56.
  - a. Planning Manager Tawn Hillenbrand provided a staff presentation at 6:44 p.m.
  - b. The applicant was represented by Steven Schroyer and they provided a presentation at

6:57 p.m.

- c. Public testimony was opened at 7:20 p.m. and closed at 7:38 p.m. The following members of the public provided testimony: Kevin Buhrer, Emily Stuhr, Mackenzie Daley, Sarah Lincoln, Butch Hause, Melissa Town.
- d. Applicant Steven Schroyer responded to from 7:40 p.m. to 7:54 p.m.
- e. Planning Commissioners deliberated and discussed the Criteria of Approval for the proposed Neighborhood Master Plan. Discussion opened at 7:56 p.m. and closed at 8:12 p.m.
- f. Commissioner Pond moved to send a recommendation of approval to the Town Trustees of the Farmstead 3<sup>rd</sup> Filing Neighborhood Master Plan request as proposed. A second to this motion was made by Commissioner Hofmans.
- g. Planning Commissioners deliberated and discussed the Criteria of Approval for the proposed Change of Zone. Discussion opened at 8:13 p.m. and closed at 8:17 p.m.
- h. Commissioner Pond moved to send a recommendation of approval to the Town Trustees of the Farmstead 3<sup>rd</sup> Filing Change of Zone request from PUD – Planned Unit Development to SR – Suburban Residential, SC -Suburban Commercial, and UR -Urban Residential as proposed. A second to this motion was made by Commissioner Hofmans.
- i. The public hearing closed at 8:17 p.m.

8. Report by Staff:

- a. The next scheduled Planning Commission will be on July 10, with one Land Use Hearing confirmed and one additional Land Use Hearing possible. There will also be presentations on updates to the Short Term Rentals code and Mountain Avenue Overlay. There will not be a Planning Commission meeting on July 24, 2025.

9. Adjourn

The meeting was adjourned by Motion of Commissioner Sigman and seconded by Commissioner Pond at 8:24 p.m.

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Chairperson

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Secretary



# PLANNING COMMISSION INFORMATION

## COMMUNITY DEVELOPMENT DEPARTMENT



|                              |                                                                                                                                                                                                                      |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | <b>July 10, 2025</b>                                                                                                                                                                                                 |
| <b>Agenda Title/Subject:</b> | <b>Public Hearing to consider a request for a Preliminary Plat, known as Farmstead Acres, located approximately 560 feet west of the N. Dorothy Drive and Remuda Road intersection. Continued from May 22, 2025.</b> |
| <b>Type of Item:</b>         | <b>Public Hearing</b>                                                                                                                                                                                                |
| <b>Purpose:</b>              | <b>Request for approval of a Preliminary Plat to create 32 single-family attached (duplex) lots, 5 single-family detached lots, and multiple outlots to accommodate a pocket park and trail connections.</b>         |
| <b>Presented by:</b>         | <b>Tawn Hillenbrand, Planning Manager</b>                                                                                                                                                                            |

### ATTACHMENTS:

- Staff Report with application materials
- Resolution ## (Series 2025)
- NEW Preliminary Plan
- NEW Preliminary Landscape Plan

### BACKGROUND:

On May 20, 2025, Staff and the Applicant received correspondence from an adjacent property owner and his attorney requesting the Planning Commission recommend denial of the Farmstead Acres Preliminary Plat. The request came on the concern that the adjacent lot to the north does not have access, which would be further exasperated by the Farmstead Acres development. While the adjacent lot to the north does currently have access from Highway 56, the Applicant was amenable to amending the Preliminary Plat to accommodate the requests of the adjacent property owner and design a new access for the adjacent lot through the Farmstead Acres development. For this reason, at the meeting on May 22, 2025, the Planning Commission moved to continue the Planning Commission meeting to July 10, 2025, with the expectation that the Applicant and adjacent property owner work to design a solution.

The Applicant provided a revised, or new, Preliminary Plat and Preliminary Landscape Plan reflecting the proposed access to the adjacent lot. Both documents are attached to this report.

Farmstead Acres received Neighborhood Master Plan and Rezone approval in February 2023. The currently undeveloped property is approximately 5.928 acres and is currently zoned Urban Residential and Suburban Residential. The proposed Preliminary Plat is in substantial compliance with the Neighborhood Master Plan approved in February 2023. The

road network, lot configuration, density, and proposed open space areas are aligned with the previously approved plan. The Preliminary Plat includes 32 single-family attached residential (duplex) lots, 5 single-family detached lots, and multiple outlots to accommodate a pocket park and two trail connections.

Preliminary Plat is the next phase of the overall land use approval process for a subdivision following Neighborhood Master Plan and Rezone approval.

**UPDATE/NEXT STEPS:**

At the Planning Commission meeting on May 22, 2025, Vice Chair Smith opened and closed public testimony, and the Commission moved into deliberation. Typically, with a continuance, public testimony is not reopened since it was closed in the previous meeting. However, following the Staff and Applicant presentation regarding the new information, the Commission may decide to reopen public testimony. If public testimony is reopened, the discussion should focus only on the new information provided since the last meeting; meaning, the new access should be the only information discussed.

Following the Planning Commission public meeting, the Town Board of Trustees will hear the request at their regularly scheduled hearing on August 26, 2025. The applicant will be required to provide documents for recording by Staff if approved by the Town Board of Trustees, and any Conditions of Approval will need to be addressed prior to submitting an application for the final process. The final planning process step would be a public hearing before the Planning Commission for a Final Plat. The Final Plat phase includes review of the Construction Documents (100%), referral agency review, analysis of the utilities and infrastructure planned for the project, off-site and on-site improvements, for example. The Final Plat can encompass all or a portion of the project. Both the Preliminary and Final platting must adhere to the Neighborhood Master Plan.

Referral agencies such as the school district, fire protection district, utility and infrastructure providers, for example have reviewed the Preliminary Plat applications. Referral agency comments at this phase are incorporated into the Staff Report and are used by the applicant when they are preparing their next land use application materials for review. Sanitary sewer and water main engineering designs, the need for water dedication, and school bus stop locations, if needed, for example are reviewed at the Preliminary Plat and Final Plat stages. The developer has provided Construction Documents with this phase and will be required to with the next or final phase of development, and these will be reviewed by the Town Engineer and supportive agencies.

**FISCAL IMPACT AND FUND SOURCE:**

There is no negative impact to the Town in consideration of this request for Preliminary Plat. Public notice is funded through fees paid by the applicant. Development review is funded through fees paid by the applicant.

**COMMUNITY TOUCHSTONES:**

Consideration of this request does not negatively impact community touchstones and in fact is supportive of the 2021 Comprehensive Plan. The proposed Preliminary Plat is consistent with the previously approved Neighborhood Master Plan which aligns with the vision of the Comprehensive Plan.

**RECOMMENDED ACTION(S):**

Staff recommends approval of the request. See suggested motions in the Staff Report.



## STAFF REPORT: FARMSTEAD ACRES PRELIMINARY PLAT

**DATE: May 22, 2025 continued to  
July 10, 2025**

### GENERAL INFORMATION

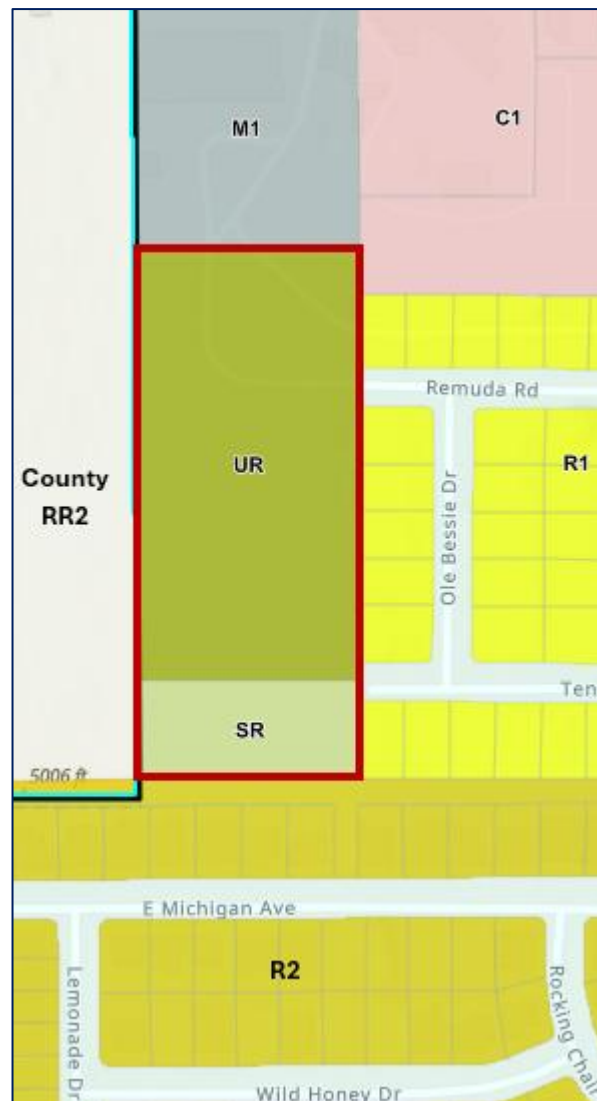
| GENERAL INFORMATION         |                                                                                                                                                                                                                 |                                    |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| Applicant:                  | Todd Johnson – Terra Forma Solutions, Inc.                                                                                                                                                                      | Size: 5.928 acres                  |
| Site Location:              | <p>The property is located approximately 560 feet west of the N. Dorothy Drive and Remuda Road intersection.</p>             |                                    |
| Applicant's Request:        | The Applicant is requesting Preliminary Plat approval to create 32 single-family attached (duplex) lots, 5 single-family detached lots, and multiple outlots to accommodate a pocket park and tail connections. |                                    |
| Current Zoning:             | UR – Urban Residential and SR – Suburban Residential                                                                                                                                                            |                                    |
| ZONING DISTRICT INFORMATION |                                                                                                                                                                                                                 |                                    |
|                             | <u>UR (Single-family Attached)</u>                                                                                                                                                                              | <u>SR (Single-family Detached)</u> |

|                      |                                    |                             |
|----------------------|------------------------------------|-----------------------------|
| Max Density          | Defined by approved NMP            | Defined by approved NMP     |
| Min. Lot Area        | 2,000sf                            | 2,500 sq. ft./3,500 sq. ft. |
| Front Setback        | 8'-12'                             | 20' front loaded            |
| Side Setback         | 5' / 10' corner side (0' attached) | 5' / 10' corner side        |
| Rear Setback         | 5' rear loaded garage              | 20' front loaded            |
| Max Building Height: | 30'                                | 30'                         |

***SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS***

|       | <u>Adjacent Zoning</u> | <u>Adjacent Land Uses</u>                           | <u>Setbacks for Adjacent Zoning</u> |
|-------|------------------------|-----------------------------------------------------|-------------------------------------|
| North | M1                     | Storage building                                    | N/A                                 |
| South | R2                     | Single-family Residential                           | N/A                                 |
| East  | C1 / R1                | Commercial Event Center / Single-family Residential | N/A                                 |
| West  | County RR2             | Single-family residential, vacant                   | N/A                                 |

Zoning Map:



Subject property outlined in red.

## Proposal

The applicant proposes to create 32 single-family attached (duplex) lots, 5 single-family detached lots, and multiple outlots to accommodate a pocket park and two trail connections. The proposed Preliminary Plat is in substantial compliance with the approved Neighborhood Master Plan approved in April 2023. The Preliminary Plat, if approved, would allow the applicant to apply for a Final Plat that would formally subdivide the lots.

## Background

The currently undeveloped property is approximately 5.928 acres and is currently zoned Urban Residential and Suburban Residential. Farmstead Acres received Neighborhood Master Plan and Rezone approval in February 2023. The approved Neighborhood Master Plan includes 32 single-family attached and 5 single-family detached residential lots, along with a pocket park and a trail connection.

The proposed Preliminary Plat is consistent with the approved Neighborhood Master Plan with three minor modifications:

1. The first minor modification is a second trail connection located at the southwest corner of the property. This modification was made at the request of Staff and is not substantial in nature; therefore, is considered to be consistent with the approved Neighborhood Master Plan.
2. The second minor modification is the access point located at the northwest corner of the property connecting the adjacent commercial/industrial lot to the north to Remuda Road. This access was made at the request of the adjacent property owner. While the adjacent lot to the north has access to Highway 56, the Applicant was willing to work with the adjacent property owner to create this alternative access.
3. The third minor modification was made to the location of the proposed pocket park. In creating the access point referenced above, the pocket park was shifted to the west, rather than being centered on the block, to create a buffer between the access drive and residential Lot 1. The proposed pocket park reflected in the most recent or new submittal is slightly larger than the pocket park reflected in the previous submittal that was presented at the May 22, 2025, Planning Commission meeting. The previous submittal and the current, or new, Preliminary Plat and Preliminary Landscape Plan are included as attachments.

These modifications do not change the overall layout of the development, road network, lot configuration, or density; therefore, are not substantial changes and are considered to be consistent with the approved Neighborhood Master Plan.

## Preliminary Plat Review Criteria

In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's request:

| 30-6-107(B) Review Criteria                                                                                                                  | Finding | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code. | Yes     | The preliminary plat is a functional system of land use. The road network, lot configuration, density, and proposed open space areas are aligned with the previously approved Neighborhood Master Plan.<br><br>Those residential lots being created with this plat meet the standards of the UR – Urban Residential and SR – Suburban Residential zone district.                                                                                                                                                             |
| 2. The application is consistent with the approved concept plan and incorporates the Town's recommendations and any conditions of approval.  | Yes     | The plan is consistent with the approved Neighborhood Master Plan (2023) with three minor modifications, as noted earlier.<br><br>The approved Neighborhood Master Plan contains one (1) condition of approval. The condition states that the applicant shall develop a solution for the eastern border of the project, considering screening, aesthetics, and maintenance such as snow removal.<br><br>Staff find that the condition has been addressed. The project is proposing a 6-foot-tall privacy fence, with lattice |

|                                                                                                                                                                                           |         | <p>detail, along the entire eastern property line and a curb head inside the fence on the alley side. The fence will provide privacy and screening, while the curb head will assist in protecting the fence from damage during snow plowing operations or by other vehicles. Snow will be stored on applicants' lots and will not spill over to the eastern lots with the fence being present. Landscaping was considered; however, this was not logical due to site constraints.</p>                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 30-6-107(B) Review Criteria                                                                                                                                                               | Finding | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3. The land use mix within the project conforms to Berthoud's Zoning District Map and Preferred Land Use Map and furthers the goals and policies of the Comprehensive Plan and PORT Plan. | Yes     | <p>The creation of single-family residential lots conforms to Berthoud's Development Code for the UR – Urban Residential and SR – Suburban Residential districts.</p> <p>The Future Land Use Map envisions this area as Suburban Residential. The approved Neighborhood Master Plan is consistent with the Future Land Use Map, and the Preliminary Plat is consistent with the approved Neighborhood Master Plan.</p> <p>The project provides adequate public sidewalks, trails, and pedestrian connections to allow walkability within the project area and well beyond. Once developed, the project will be well connected to the neighboring residential areas.</p>                                                                                                                                                                                                 |
| 4. The utility and transportation design is adequate, given existing and planned capacities of those systems.                                                                             | Yes     | <p>As part of the Preliminary Plat application, the applicant provided a Preliminary Traffic Impact Study (TIS) / Analysis, Preliminary Water and Sewer Utility Report, and Preliminary Construction Documents. Additionally, the required dry utility easement locations are included on the Plat. The plans were reviewed by Town Staff as well as outside referral agencies. Staff and referral agencies find that the applicant has provided adequate plans for utilities and transportation designs for Preliminary Plat. Final versions of these reports/plans, at 100% completeness, will be required at Final Plat submittal.</p>                                                                                                                                                                                                                               |
| 5. Negative impacts on adjacent land uses including, but not limited to: solar access, heat, dust, glare, traffic and noise have been identified and satisfactorily mitigated.            | Yes     | <p>The applicant provided the following required preliminary plans and reports which were reviewed by Town Staff and referral agencies specializing in the specific areas of study:</p> <ul style="list-style-type: none"> <li>- Preliminary Grading and Drainage Plan</li> <li>- Preliminary Water and Sewer Utility Report</li> <li>- Soils Report (Geotechnical Report)</li> <li>- Preliminary Landscape Plan</li> <li>- Preliminary Traffic Impact Study (TIS) / Analysis</li> <li>- Environmental Ecological Resource Survey Report</li> </ul> <p>Staff and referral agencies found that the reports and plans identify and satisfactorily mitigate impacts to adjacent land uses.</p> <p>Additionally, the applicant addressed the one condition of approval placed on the Neighborhood Master Plan regarding impacts to the neighboring properties along the</p> |



|                                                                                                                                                                                           |         | east property line. The inclusion of a 6-foot tall privacy fence and curb head along the east property line is intended to migrate concerns related to privacy and snow removal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 30-6-107(B) Review Criteria                                                                                                                                                               | Finding | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Berthoud. | Yes     | The Comprehensive Plan and Future Land Use Map anticipate the Suburban Residential Character areas to be vibrant places that are made up of lower intensity commercial and lower density residential uses that are in close proximity to each other to encourage walking and bicycling to nearby neighborhood services. Development within the Suburban Residential areas should provide neighborhoods with primarily single-family detached and single-family attached homes. This development reflects desirability within the community as it is defined in the Comprehensive Plan and contributes to a balance of land use and housing types. |
| 7. How the applicant has addressed comments received from the public, during the Public Comment portion of the process.                                                                   | Yes     | Comments received as part of the Public Comment portion of the process have been provided to the applicant and included with this report as an attachment. Comments received to date have been addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                         |

#### **PUBLIC NOTICE AND COMMENT**

Notice of the Planning Commission Public Hearing and Town Board of Trustees hearing has been mailed to property owners within 500 feet of the subject property on May 5, 2025, a legal ad published on May 4, 2025, and the property was posted as required by the Development Code by May 5, 2025. In addition, notice of application was sent out to all property owners within 500 feet upon initial submittal in February 2024 with an invitation to comment on the request within three weeks of receipt.

#### **FINDINGS AND RECOMMENDATIONS**

**Staff recommends Planning Commission make a motion to recommend approval of the Farmstead Acres Preliminary Plat to the Board of Trustees.**

#### **Attachments**

1. Development Review Application form
2. Previous Preliminary Plat
3. Previous Preliminary Landscape Plan
4. Approved Neighborhood Master Plan (for reference only)
5. Traffic Analysis
6. Combined Public Comments



Town of Berthoud  
807 Mountain Ave.  
P.O. Box 1229  
Berthoud, CO 80513  
970.532.2643

## DEVELOPMENT REVIEW APPLICATION

All required information must be provided before submittal will be accepted and deemed complete.  
To be complete, the application must include all items identified on the submittal checklist.  
Please complete both sides of application form.

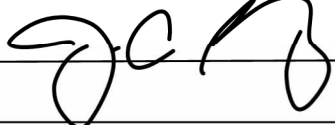
|                                                                                                                |                                                                  |                                                           |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------|
| <b>Parcel Number(s):</b> 9424267003 and 9424267004                                                             |                                                                  |                                                           |
| <b>Site Address:</b> TBD, West of Farmstead Subdivision, Extension of Remuda Road and Tenderfoot Drive         |                                                                  |                                                           |
| <b>Project Name:</b> Farmstead Acres Subdivision - Second Filing                                               |                                                                  |                                                           |
| <b>Brief description of project:</b><br>Preliminary Plat for residential areas shown on the neighborhood plan. |                                                                  |                                                           |
| <b>APPLICATION TYPE (Check as appropriate):</b>                                                                |                                                                  |                                                           |
| <input type="checkbox"/> Annexation                                                                            | <input checked="" type="checkbox"/> Preliminary Subdivision Plat | <input type="checkbox"/> Final Site Plan                  |
| <input type="checkbox"/> Rezoning                                                                              | <input type="checkbox"/> Final Subdivision Plat                  | <input type="checkbox"/> PUD Amendment                    |
| <input type="checkbox"/> Concept Plan                                                                          | <input type="checkbox"/> Plat Amendment                          | <input type="checkbox"/> PUD Preliminary Development Plan |
| <input type="checkbox"/> Minor Subdivision                                                                     | <input type="checkbox"/> Oil and Gas                             | <input type="checkbox"/> PUD Final Development Plan       |
| <input type="checkbox"/> Special Use Review                                                                    | <input type="checkbox"/> ROW Vacation                            | <input type="checkbox"/> Other _____                      |
| <b>APPLICANT</b>                                                                                               |                                                                  |                                                           |
| Name: Todd Johnson - Terra Forma Solutions, Inc.                                                               |                                                                  |                                                           |
| E-mail: todd@terraformas.com                                                                                   | Mailing Address: 3465 South Gaylord Court, A304                  |                                                           |
| Phone: 303-257-7653                                                                                            | City/State/Zip: Englewood, CO 80113                              |                                                           |
| <b>CONTACT PERSON (will receive correspondence from Town Staff/Referral Agencies)</b>                          |                                                                  |                                                           |
| Name: Same as applicant                                                                                        |                                                                  |                                                           |
| E-mail:                                                                                                        | Mailing Address:                                                 |                                                           |
| Phone:                                                                                                         | City/State/Zip:                                                  |                                                           |
| <b>OWNER(S) (If different than applicant)</b>                                                                  |                                                                  |                                                           |
| Name: 533 E County Road 8 LLC                                                                                  |                                                                  |                                                           |
| E-mail: jguernsey@waypointe.com                                                                                | Mailing Address: 125 South Howes Street, Suite 500               |                                                           |
| Phone: 970-632-5050                                                                                            | City/State/Zip: 125 South Howes Street, Suite 500                |                                                           |
| <b>CONSULTANT (Engineer, Surveyor, or Planner)</b>                                                             |                                                                  |                                                           |
| Name: Same as applicant                                                                                        |                                                                  |                                                           |
| E-mail:                                                                                                        | Mailing Address:                                                 |                                                           |
| Phone:                                                                                                         | City/State/Zip:                                                  |                                                           |



| LAND USE INFORMATION                                                         |                                                                |                                      |
|------------------------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------|
| <b>Existing Use:</b> Farming/Ranching                                        |                                                                |                                      |
| <b>Proposed Use:</b> Residential                                             |                                                                |                                      |
| <b>Existing Zoning:</b> PUD(Urban/Sub. Resid.)                               | <b>Adjacent zoning / land use:</b>                             |                                      |
| <b>Proposed Zoning: (if applicable):</b><br>PUD (Urban/Suburban Residential) | East Side: C1 & R1                                             | North Side: Industrial               |
|                                                                              | West Side: County RR1                                          | South Side: R2                       |
| <b>Number of acres:</b> 5.928                                                |                                                                |                                      |
| <b>Proposed Access:</b> Remuda & Tenderfoot                                  |                                                                |                                      |
| UTILITY SERVICE INFORMATION                                                  |                                                                |                                      |
| Water: Berthoud                                                              |                                                                | Sewer: Berthoud                      |
| PROJECT INFORMATION                                                          |                                                                |                                      |
| Number of proposed units:<br>37                                              | Non-Residential Building Area (Sq. Ft.) Proposed:<br>N/A       |                                      |
| Number of phases:<br>1                                                       | Non-Residential Construction Floor Area Ratio<br>Proposed: N/A |                                      |
| Number of Units per phase:<br>100%                                           | Total Number of Parking Spaces: N/A                            |                                      |
| Number of lots proposed:<br>Same as above                                    | <u>Acreage of Site:</u>                                        |                                      |
| Lot size minimum:<br>3,041 Square Feet                                       | a. Gross: 5.928 Acres                                          |                                      |
| Lot size maximum:<br>6,794 Square Feet                                       | b. Right-of-Way: 1.382 Acres                                   |                                      |
| Lot size average:<br>3,936 Square Feet                                       | c. Net (a-b) 4.546 Acres                                       |                                      |
| Gross density (units/acre):<br>6.24                                          | <b>Type of Housing Proposed (please check):</b>                |                                      |
| Net density (units/acre):<br>8.14                                            | <input checked="" type="checkbox"/> Future Single Family       | <input type="checkbox"/> Townhouse   |
| Area and percent open space:<br>0.547 9.2%                                   | <input checked="" type="checkbox"/> Duplex                     | <input type="checkbox"/> Condominium |
|                                                                              | <input type="checkbox"/> Multi-family                          |                                      |
|                                                                              | (# of units: 37 )                                              |                                      |

### Signatures are required for ALL Property Owners and the Applicant

I hereby certify that I am the lawful owner of the parcel(s) of land that this application concerns and consent to the action. I hereby permit Town of Berthoud staff to enter upon the property for the purposes of inspection relating to the application. Building Permits will not be accepted while this application is in process.

Property Owner(s):  Date: 1/12/23

Property Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

In submitting the application materials and signing this application agreement, I acknowledge and agree that the application is subject to the applicable processing and public hearing requirements set forth in the Development Code.

Applicant:  Date: 1/12/23

Digitally signed by Todd A. Johnson  
DN: C=US, E=todd@terraformas.com,  
O="Terra Forma Solutions, Inc.",  
CN=Todd A. Johnson  
Reason: I am approving this document  
Date: 2024.01.12 13:57:51-07'00'

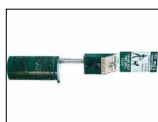
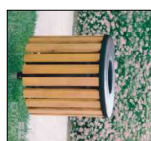
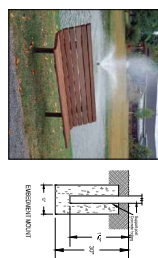
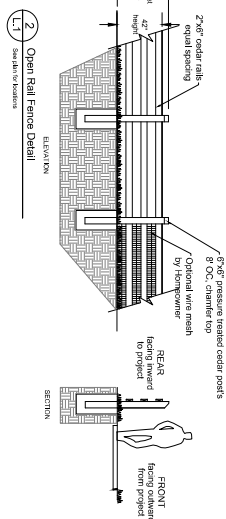
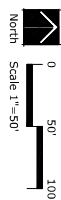
FOR OFFICE USE ONLY

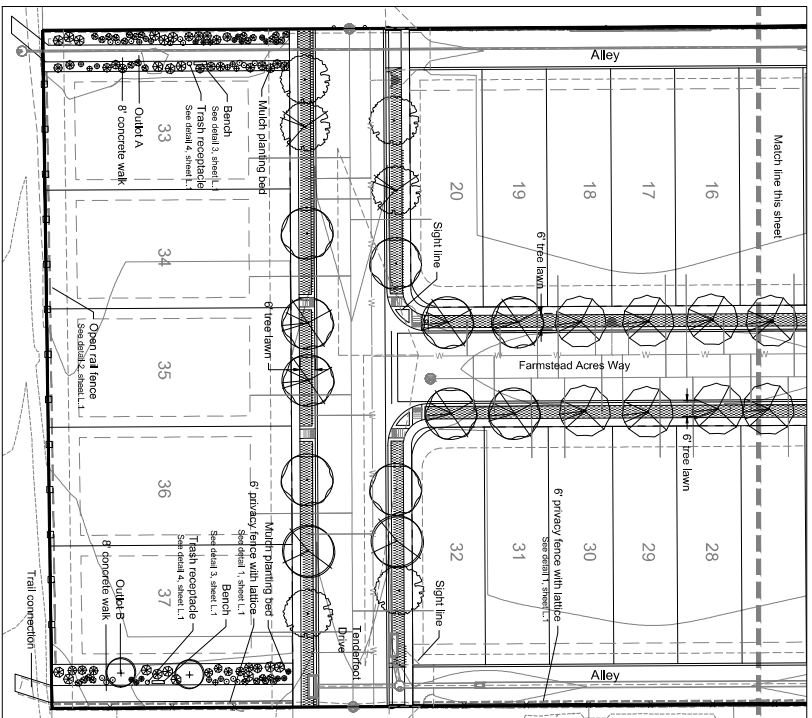
Received By:

Date:



|                                                                                                                                                                                                                                                                                                             |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Total Site Area - 268,227 sf                                                                                                                                                                                                                                                                                |  |
| Total Open Space Provided - 26,222 sf                                                                                                                                                                                                                                                                       |  |
| Open Space Elements                                                                                                                                                                                                                                                                                         |  |
| <ul style="list-style-type: none"> <li>Outlet A - 2,339 sf Greenway connection</li> <li>Outlet B - 2,475 sf Greenway connection</li> <li>Outlet C - 4,985 sf Parking lot</li> <li>Outlet D - 16,381 sf Driveway &amp; Utility Element</li> </ul>                                                            |  |
| Total Open Space - 26,222 sf                                                                                                                                                                                                                                                                                |  |
| Subdivision Identify Elements & Place Standards                                                                                                                                                                                                                                                             |  |
| <ul style="list-style-type: none"> <li>Required - 4</li> <li>Provided - Allily loaded garages with HOA maintenance (elements 1 and 2)</li> <li>2 palm trees gardens (element 3)</li> <li>Public art in pocket park (element 4)</li> </ul>                                                                   |  |
| <ul style="list-style-type: none"> <li>Provided Pocket park (element 1)</li> <li>Greenway trails with 8' walks (2 provided, element 2)</li> </ul>                                                                                                                                                           |  |
| <ul style="list-style-type: none"> <li>Total Impacted native lawn mix area - 10,791 sf</li> <li>Total temporary impacted native area - 14,485 sf</li> <li>Total bank mulch bed area - 6,351 sf</li> </ul>                                                                                                   |  |
| <ul style="list-style-type: none"> <li>Site open space = 26,222 sf (not including ROW tree lawn)</li> <li>1 tree / 100 sf = 26 trees required, 26 trees provided</li> <li>Shrub 150 sf = 173 shrubs required, 163 shrubs provided</li> <li>Street tree plantings = 1 tree per 40 lf in tree lawn</li> </ul> |  |





### PLANT LEGEND

See PLANT SYMBOLS on Sheet 1.3

|                                                                                   |                     |                                                                                     |                                                       |
|-----------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------|
|  | BUR OAK             |  | TALL OAKS: REDBELLTOP<br>WHITE CHERRYBERRY            |
|  | ACQUILA BLM         |  | STANDARD OAKS: REDBELLTOP<br>WHITE CHERRYBERRY        |
|  | SHAWANO OAK         |  | SHAWANO OAKS: REDBELLTOP<br>WHITE CHERRYBERRY         |
|  | QUAKING ASPEN       |  | QUAKING ASPENS: REDBELLTOP<br>WHITE CHERRYBERRY       |
|  | SHAGBARK HORNWOOD   |  | SHAGBARK HORNWOODS: REDBELLTOP<br>WHITE CHERRYBERRY   |
|  | GLAZIO SPREAD BLADE |  | GLAZIO SPREAD BLADES: REDBELLTOP<br>WHITE CHERRYBERRY |
|  | WATERMELON ASPEN    |  | WATERMELON ASPENS: REDBELLTOP<br>WHITE CHERRYBERRY    |
|  | AUTUMN PINE         |  | AUTUMN PINES: REDBELLTOP<br>WHITE CHERRYBERRY         |
|  | ROCKY MOUNTAIN PINE |  | ROCKY MOUNTAIN PINES: REDBELLTOP<br>WHITE CHERRYBERRY |

| HYDROZONE ANALYSIS TABLE |              |                            |                            |
|--------------------------|--------------|----------------------------|----------------------------|
| SP                       | ACRILIC ACID | MONOMER TYPE               | WATER REQUIREMENT (liters) |
| 10.79% wt                | 0.25         | HYDROLYZABLE MONOMER (LOW) | 0.8                        |
| 6.33% wt                 | 0.15         | SILICONES (MODERATE)       | 2.0                        |

LANDSCAPE PLAN

SHEET NUMBER

## 7.2

OFF

CONSTRUCTION DOCUMENTS  
FARMSTEAD ACRES  
LANDSCAPE PLAN

533 EAST COUNTY ROAD 8  
BERTHOUD, COLORADO

[illegible]

**Tim Dunn Design**  
**Landscape Architecture**  
Tim Dunn A.S.L.A. R.L.A.  
State of Colorado License #400  
tadunn1958@gmail.com  
720-350-2411

## Landscape Maintenance Notes

- [illegible]

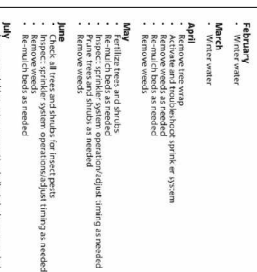
|    |     |             |
|----|-----|-------------|
| 43 | GOL | RED BEEHIVE |
| 71 | BEE | RED BEEHIVE |

[illegible]

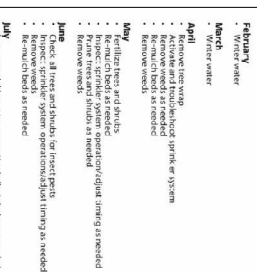
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LS

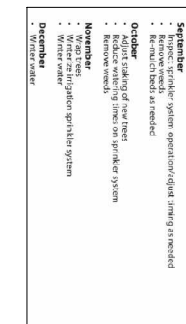
### Evergreen Tree Planting Detail



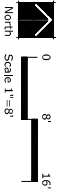
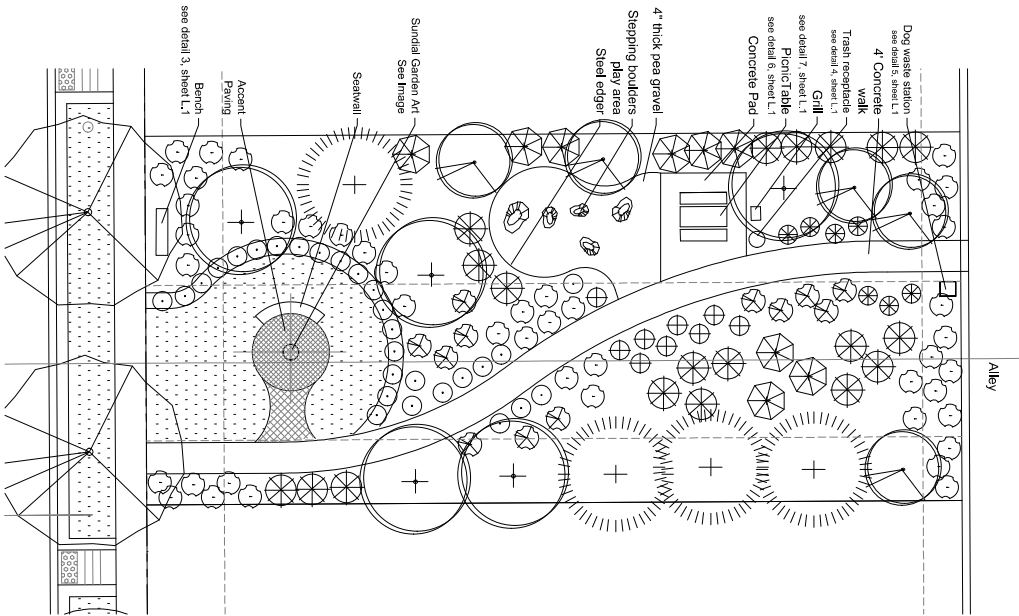
3



## 4 Planting Detail







**POCKET PARK DETAIL**



**Sundial Mounted on Pedestal Image**

Image shown is to convey design intent, sundial size and type to be determined.



**Accent Paving and Seat Wall Image**

Image shown is to convey design intent, paving and seat wall materials and final design to be determined.

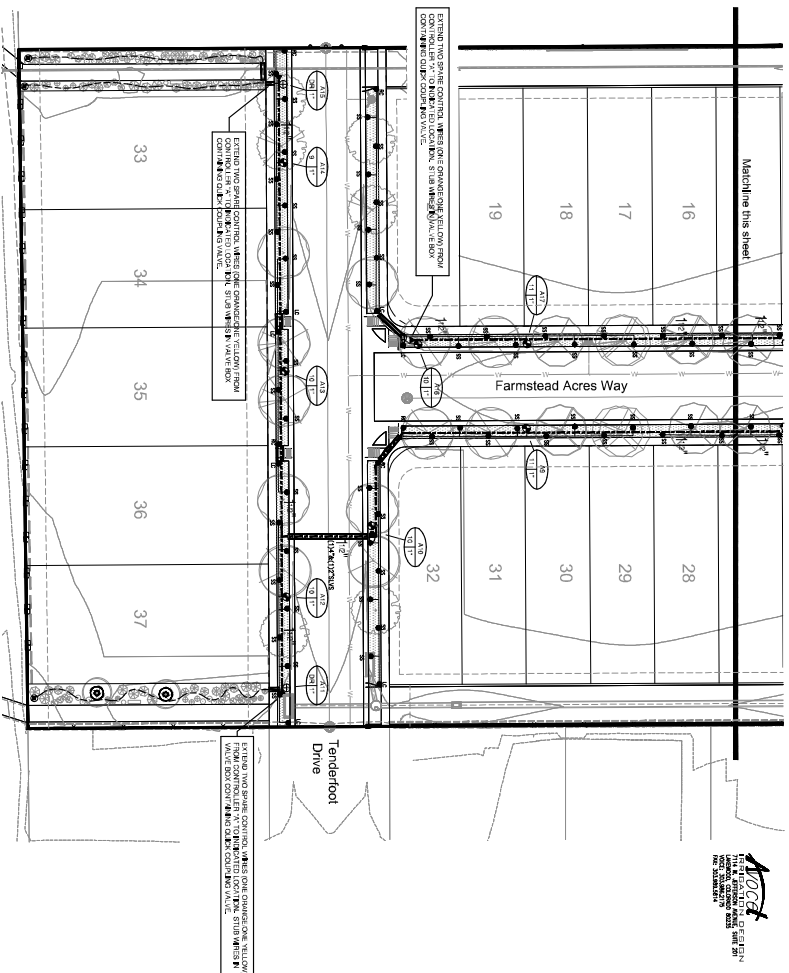
Tim Dunn Design  
Landscape Architecture  
Tim Dunn A.S.L.A. R.L.A.  
State of Colorado License #400  
tdunn1958@gmail.com  
720-360-2411

| REV. NO. | DESCRIPTION | DATE |
|----------|-------------|------|
|          |             |      |
|          |             |      |
|          |             |      |
|          |             |      |
|          |             |      |

CONSTRUCTION DOCUMENTS  
**FARMSTEAD ACRES**  
**POCKET PARK**  
  
533 EAST COUNTY ROAD 8  
BERTHOUD, COLORADO

PROJECT: FARM ACRES  
ENG: \_\_\_\_\_  
CHKD: \_\_\_\_\_  
DATE: 12/01/2023

SHEET NUMBER  
**L.4**



North

Scale 1"=30'

0 30' 60'

 Know what's below  
Call before you dig.

[illegible]

| Irrigation Equipment and Materials Schedule |               |                                   |      |     |     |     |
|---------------------------------------------|---------------|-----------------------------------|------|-----|-----|-----|
| SYMBOL                                      | QUANTITY/UNIT | DESCRIPTION                       | UNIT | QTY | QTY | QTY |
| 1                                           | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 2                                           | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 3                                           | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 4                                           | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 5                                           | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 6                                           | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 7                                           | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 8                                           | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 9                                           | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 10                                          | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 11                                          | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 12                                          | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 13                                          | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
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| 56                                          | 1000 GAL      | 1000 GAL RING W/ 1/2" DIA. NIPPLE |      |     |     |     |
| 57                                          | 1000 GAL      | 100                               |      |     |     |     |

**Arco**  
IRRIGATION DESIGN  
7714 W. JEFFERSON AVE., SUITE 201  
LAKEMOOD, COLORADO 80235  
VOIC: 303.944.1719  
FAX: 303.981.0814

**Tim Dunn Design  
Landscape Architecture**  
Tim Dunn A.S.L.A. R.L.A.  
State of Colorado License #400  
tadunn1958@gmail.com  
720-350-2411

| REV. NO. | DESCRIPTION                   | DATE |
|----------|-------------------------------|------|
| 1        | DETENTION POND AREA REVISIONS |      |
| 2        | REVISIONS 8-7-24              |      |
| 3        | REVISIONS 12-4-24             |      |
| 4        | REVISIONS 01-31-25            |      |
|          |                               |      |
|          |                               |      |
|          |                               |      |

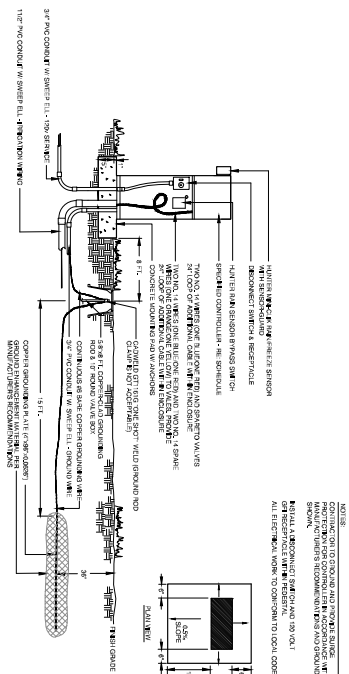
CONSTRUCTION DOCUMENTS  
FARMSTEAD ACRES  
IRRIGATION PLAN  
533 EAST COUNTY ROAD 8  
BERTHOUD, COLORADO

PROJ NO: FARM ACRES  
ENG :  
CHKD:  
DATE : 5-21-2024

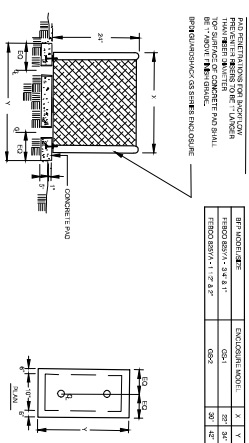
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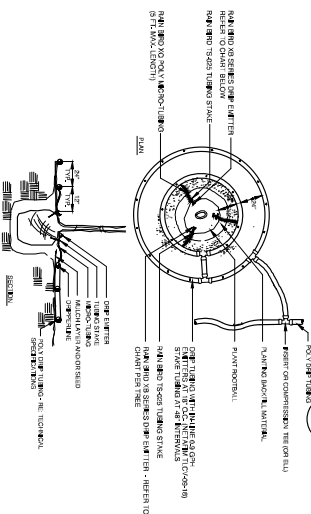




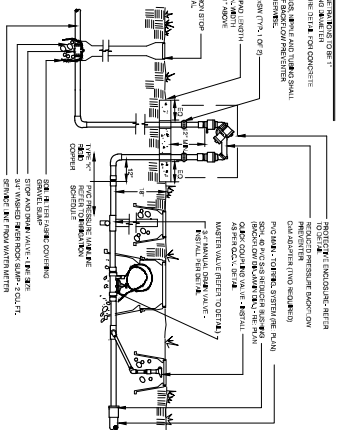
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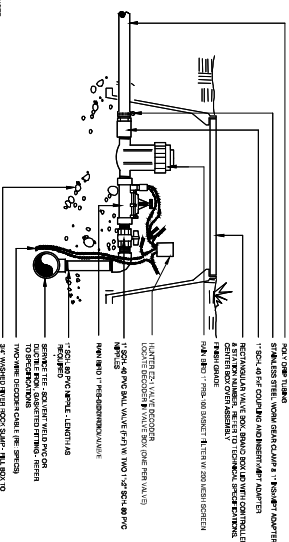
**BACKFLOW ENCLOSURE**



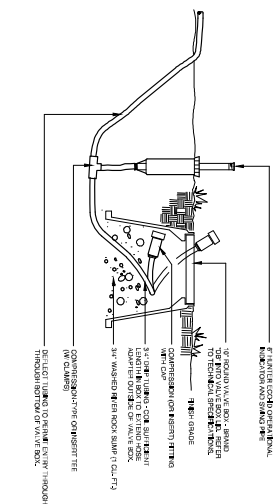
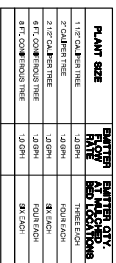
**IN-LINE DRIP TREE RING DRIP ASSEMBLY**  
**INSTALL AT LOCATIONS SHOWN ON PLAN**



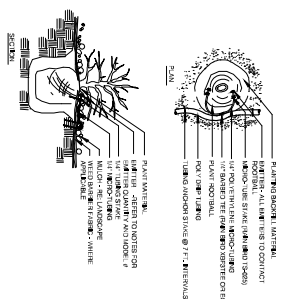
## BACKFLOW PREVENTER



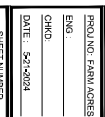
## DRIP VALVE ASSEMBLY

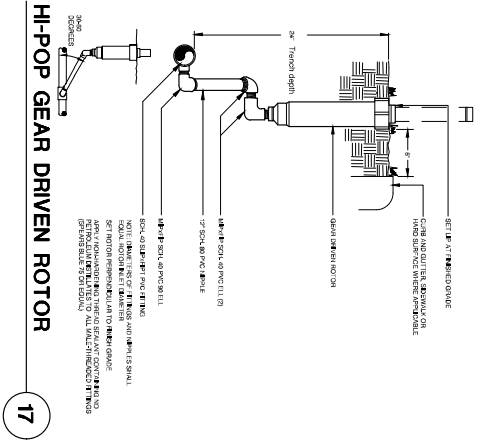


## **DRIP LINE FLUSH-OUT AND OPERATIONAL INDICATOR**

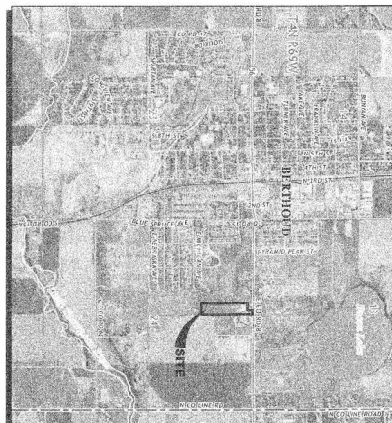


## DRIP EMITTER





17



VICINITY MAP  
T-1-100

# NEIGHBORHOOD PLAN

## FARMSTEAD ACRES

LOCATED IN THE NORTHWEST QUARTER OF SECTION 24

TOWNSHIP 9 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,

COUNTY OF LINCOLN, STATE OF COLORADO

### OVERALL

THE OVERALL PROJECT IS MADE UP OF EXISTING RESIDENTIAL AND INDUSTRIAL USES ON THE NORTHWEST PARTS OF THE SITE WITH PROPOSED RESIDENTIAL USES ON THE SOUTH. THE EXISTING NORTHERN RESIDENTIAL USE WILL REMAIN UNTIL ITS FUTURE CONVERSION TO COMMERCIAL OFFICE. INDUSTRIAL USES ARE LOCATED IN THE NORTH CENTRAL AREA AND WILL REMAIN AS IS AND CONTINUE TO PROVIDE A BASIS FOR JOBS AND TAX REVENUE. THE PROPOSED RESIDENTIAL USES WILL BE SUBURBAN RESIDENTIAL, AND HAVE SINGLE FAMILY DETACHED HOMES, ADDITIONALLY WE ARE REQUESTING THE ALLOWANCE FOR ACCESSORY DWELLING UNITS/ADU ON ALL LOTS.

### IMPACT OF ACCESS AND TRAFFIC

A MASTER NEIGHBORHOOD PLAN WITH A TRAFFIC IMPACT ANALYSIS IS ALSO PROVIDED WITH THIS APPLICATION. OUTLINED WITHIN THAT APPLICATION YOU WILL GET THE TRAFFIC PATTERNING AND HOW IT HAVE BEEN IDENTIFIED. IN OUR OPINION TRAFFIC PATTERNS WILL BE ENHANCED AND PRIORITIZED WITH THE REZONING. ANY ADDITIONAL TRAFFIC CAN BE HANDLED ON THE EXISTING AND PROPOSED INFRASTRUCTURE.

### AVAILABILITY OF UTILITIES

WATER, SANITARY SEWER, AND STORM DRAINAGE ARE ALL AT THE BORDER OF THE PROJECT AND EXTENSION AND/OR CONNECTION WITH THE EXISTING SYSTEMS IS NOT PROJECTED TO ADVERSELY IMPACT THOSE FACILITIES.

### PRESENT AND FUTURE IMPACTS TO PUBLIC FACILITIES/ SERVICES

THE PROJECTS IS CURRENTLY WITHIN THE TOWN OF BERTHOOD AND THE PROPOSED USES ARE IN GENERAL CONFORMANCE WITH THE COMPREHENSIVE PLAN AND NEW ZONING CRITERIA. ALL FACILITIES WILL BE DESIGNED PER THE TOWN'S STANDARDS AND ANY FEES REGARDING IMPACTS OR SYSTEMS FEES ARE CONSIDERED TO MATCH THOSE CRITERIA STANDARDS TO ACQUIT FOR THIS PROJECT IMPACTS. ADDITIONALLY, ANY ON-SITE PUBLIC IMPROVEMENTS REQUIRED FOR DEVELOPMENT WILL BE BUILT FOR THIS PROJECT TO CONTRIBUTE TOWARDS ITS IMPACT.

### COMPREHENSIVE PLAN

THE COMPREHENSIVE PLAN PROJECTS THIS AREA TO BE COMMERCIAL/OFFICE/RESIDENTIAL AND THE EXISTING AND PROPOSED USES ARE GENERALLY COMPATIBLE WITH THESE PROJECTIONS AND NEW ZONING CLASSIFICATIONS.

### PUBLIC BENEFITS

THE PROJECT PROVIDES AN EXTREMELY VALUABLE ELEMENT TO THE LIMITED RESIDENTIAL HOUSING NEEDS IN THE REGION. PROVIDES A PORTAL/OPEN BASE TO FURTHER PATRONS/IZZ BERTHOOD BUSINESS AND WILL PAY AS STATED ABOVE THIS PROJECT WILL FURTHER EXTEND PUBLIC INFRASTRUCTURE TO GET THE TOWN CLOSER TO CLOSING CONNECTIONS WITHIN THIS AREA.

### APPROVAL CERTIFICATES

OWNER: 633 BIRCHWAY 26, LLC

BY: *[Signature]*  
RTM BOND MANAGER

STATE OF COLORADO  
COUNTY OF LINCOLN  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 16th DAY OF MAY, 2023, BY

RTM BOND MANAGER

THE SIGNATURE AND ACKNOWLEDGMENT FOR THE PLAN AND ACCEPTED BY THE TOWN OF BERTHOOD, COLORADO THIS 15th DAY OF MAY, 2023.

ATTEST: *[Signature]*  
TOWN CLERK

APPROVED BY THE PLANNING COMMISSION OF THE TOWN OF BERTHOOD, COLORADO THIS 15th DAY OF MAY, 2023.

ATTEST: *[Signature]*  
PLANNING COMMISSION

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOOD, COLORADO THIS 15th DAY OF MAY, 2023.

ATTEST: *[Signature]*  
TOWN CLERK

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOOD, COLORADO THIS 15th DAY OF MAY, 2023.

ATTEST: *[Signature]*  
TOWN CLERK

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOOD, COLORADO THIS 15th DAY OF MAY, 2023.

ATTEST: *[Signature]*  
TOWN CLERK

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOOD, COLORADO THIS 15th DAY OF MAY, 2023.

ATTEST: *[Signature]*  
TOWN CLERK

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOOD, COLORADO THIS 15th DAY OF MAY, 2023.

ATTEST: *[Signature]*  
TOWN CLERK

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOOD, COLORADO THIS 15th DAY OF MAY, 2023.

ATTEST: *[Signature]*  
TOWN CLERK

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOOD, COLORADO THIS 15th DAY OF MAY, 2023.

ATTEST: *[Signature]*  
TOWN CLERK

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOOD, COLORADO THIS 15th DAY OF MAY, 2023.

ATTEST: *[Signature]*  
TOWN CLERK

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOOD, COLORADO THIS 15th DAY OF MAY, 2023.



THE PLAN / ZONING

| SHEET INDEX  |                                                    |
|--------------|----------------------------------------------------|
| SHEET NUMBER | SHEET TITLE                                        |
| 1            | COVER SHEET                                        |
| 2            | STREET AND LAND USE PLAN                           |
| 3            | PROPOSED LAND USE PLAN                             |
| 4            | PROPOSED LAND USE AND ACCESSORY DWELLING UNITS/ADU |

COVER SHEET

FARMSTEAD ACRES

SHEET 1 OF 4  
DATE: APRIL 15, 2023

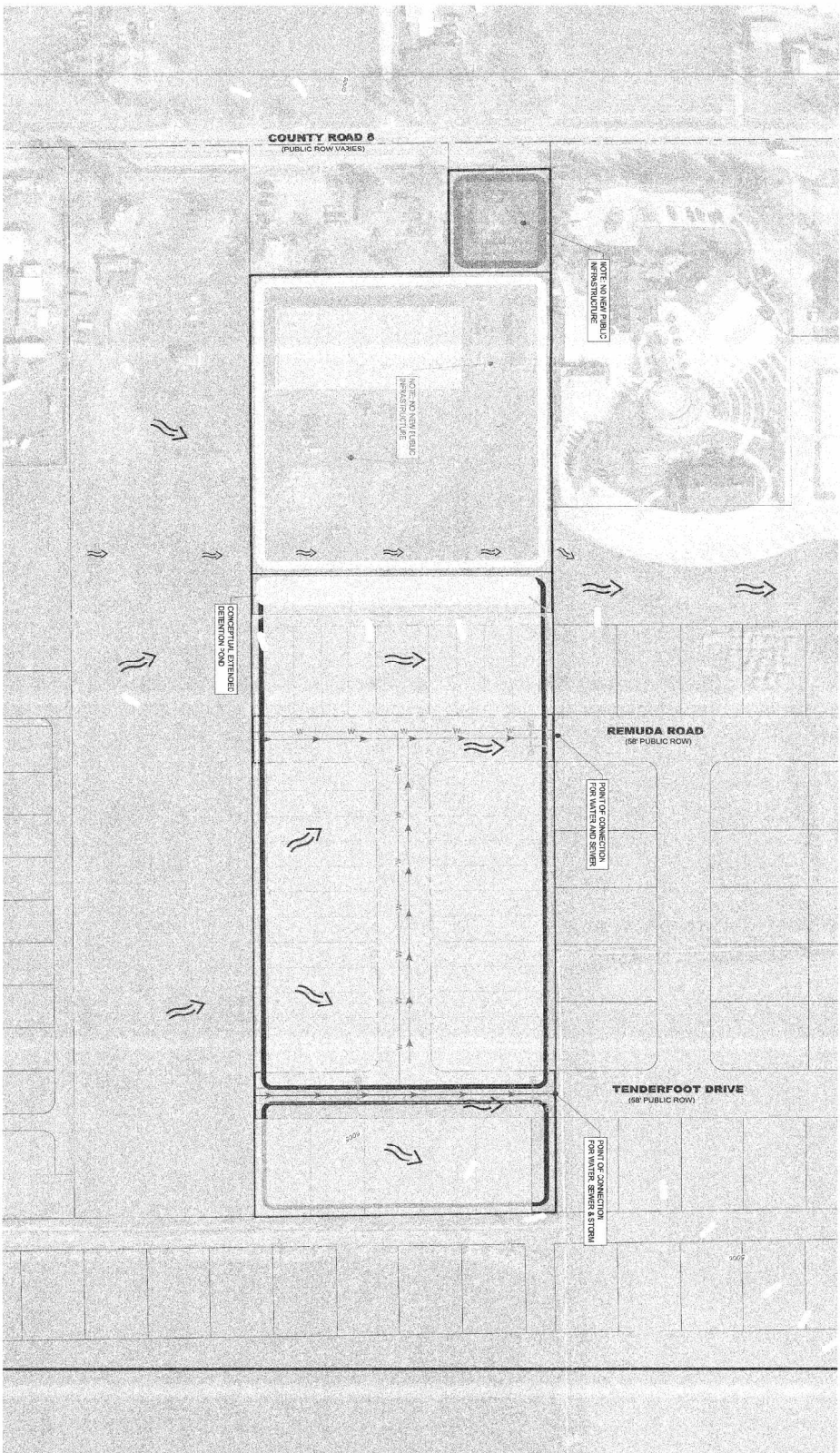




# NEIGHBORHOOD PLAN

## FARMSTEAD ACRES

LOCATED IN THE NORTHWEST QUARTER OF SECTION 24  
TOWNSHIP 9 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF LARIMER, STATE OF COLORADO



### LEGEND

- PROPOSED DRAINAGE CONVEYANCE DIRECTION
- SANITARY SEWER
- WATER MAIN
- STORM SEWER

### NOTES

1. THE SUBJECT PROPERTY IS IN FLOOD ZONE X, WHICH IS A MAJOR FLOOD HAZARD PER FIRM 17-022 (FLOOD INSURANCE RATE MAP) AND FIRM 17-022 (FLOOD INSURANCE RATE MAP) AND FIRM 17-022 (FLOOD INSURANCE RATE MAP).
2. THERE ARE NO KNOWN GEOTECHNICAL HAZARDS WITHIN THE PROPERTY BOUNDARY.
3. THERE ARE NO KNOWN CONSTRUCTION HAZARDS WITHIN THE PROPERTY BOUNDARY.
4. CONTOURS (5' AND 10' ELEVATION) ARE SHOWN ON THE MAP. CONTOURS REPRESENTING A COMBINATION OF LOSS, TYPICALLY AND SHOWN ON THE MAP.
5. NO UTILITY STATIONS ARE REQUIRED.

### HYDROLOGY AND UTILITY PLAN

## FARMSTEAD ACRES



SHEET  
3 OF 4

DATE: APRIL 15, 2023





January 15, 2024

## **RE: Farmstead Acres Subdivision, Second Filing – Traffic Impact Study/Analysis**

To Town of Berthoud,

Terra Forma Solutions, Inc, (TFS) is providing the following Traffic Impact Study/analysis for the subject project as part of the Preliminary Plat Application and Process. The study is an analysis of the potential impacts based upon general transportation criteria and standards.

### **SITE/USES**

The subject property is located west of Farmstead with extensions of Remuda and Tenderfoot, which access of Dorothy Drive, ultimately to Mountain Avenue (County Road 8) to the northeast. The site is currently zoned PUD with proposed residential and uses. The area will be formalized from urban and suburban residential of 37 paired and single family detached homes. Currently the industrial access through the residential area from Remuda, this access will be severed with this project.

### **ACCESS**

Proposed access points are projected to formalize into the following:

- Remuda Road (Local Residential) continuation of roadway into site for individual access and overall project circulation. Additionally, this roadway is projected to extend to the west and provide additional connections and alternatives in the future by others.
- Tenderfoot Drive (Local Residential) continuation of roadway into site for individual access and overall project circulation. Additionally, this roadway is projected to extend to the west and provide additional connections and alternatives in the future by others.
- North/South (Local Residential) connecting Remuda and Tenderfoot.
- Alley access to join local roadways and private individual accesses.



## PEDESTRIAN/BICYCLES

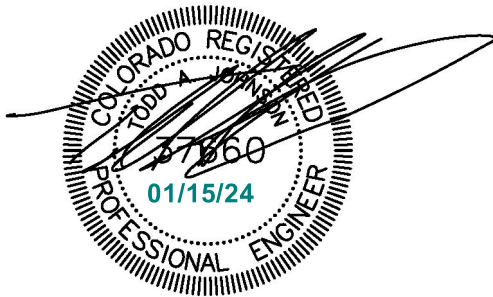
Pedestrians and bicyclists will be able to access internal trail/walk systems within the site on the local residential street network to the local and major transportation networks adjacent to and linked to the site as outlined above. Additionally, a trail connection to the south will provide access to a regional east/west trail system.

## TRIP GENERATION

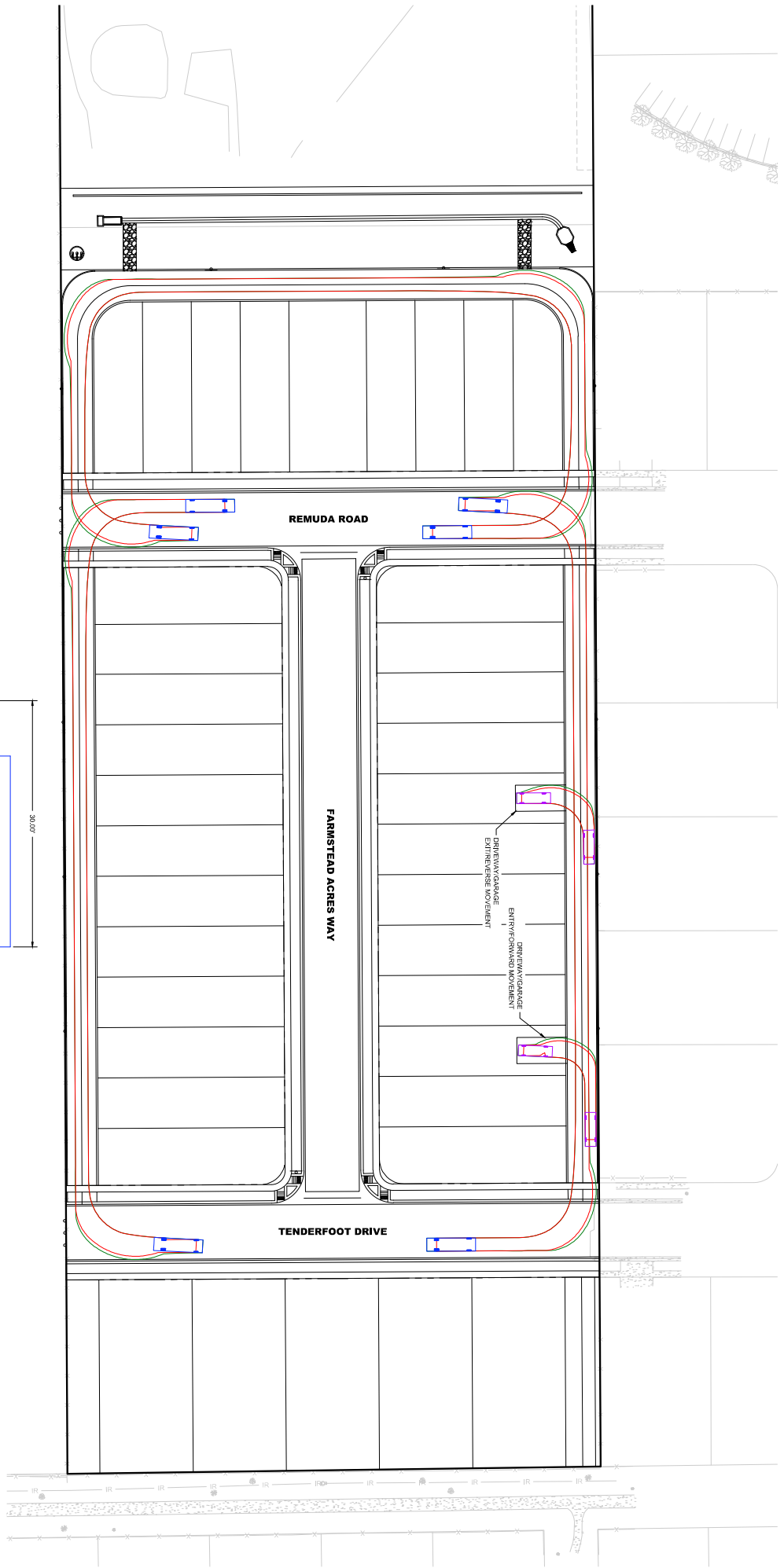
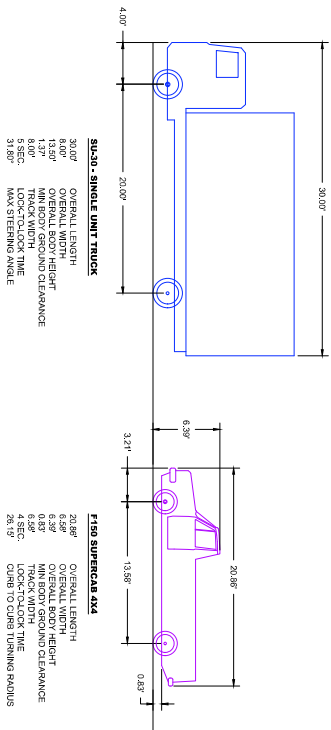
The project is projected to generate 222 average daily trips and 16 AM peak hour trips and 20 PM peak hour trips per the table below. In the interim (prior to offsite western connections) the trips will be directed northeast with a projected split of 60% to Remuda and 40% to Tenderfoot.

| Trip Generation |          |       |       |      |     |               |           |                |           |               |           |                |           |
|-----------------|----------|-------|-------|------|-----|---------------|-----------|----------------|-----------|---------------|-----------|----------------|-----------|
| Use             | ITE Code | Acres | Units | Rate | ADT | AM In<br>Rate | AM<br>ADT | AM Out<br>Rate | AM<br>ADT | PM In<br>Rate | PM<br>ADT | PM Out<br>Rate | PM<br>ADT |
| Residential     | 210      | 5.928 | 5     | 9.44 | 47  | 0.19          | 1         | 0.56           | 3         | 0.62          | 3         | 0.37           | 2         |
| Residential     | 221      |       | 32    | 5.44 | 174 | 0.09          | 3         | 0.27           | 9         | 0.27          | 9         | 0.17           | 5         |
| Total           |          | 5.928 |       |      | 222 |               | 4         |                | 12        |               | 12        |                | 8         |

Based on the findings contained herein, it is my professional opinion that the development of project can function within the existing and proposed transportation network and not have significant impacts to the transportation systems or adjacent developments. Please feel free to contact me at 303-257-7653 or [todd@terraformas.com](mailto:todd@terraformas.com) with any questions or comments related to this document.



Todd A. Johnson, P.E, President  
For and on behalf of:  
**Terra Forma Solutions, Inc.**





## Attachment 6

### Public Comment - 1

---

**From:** Kate Browning <kajuhlke@gmail.com>  
**Sent:** Friday, March 1, 2024 8:25 PM  
**To:** Tawn Hillenbrand  
**Subject:** Farmstead Acres

You don't often get email from kajuhlke@gmail.com. [Learn why this is important](#)

Hello,

My name is Kathryn Browning and I live on Ole Bessie Dr. I have been paying close attention to this project and have attended several meetings since this development will be adjacent to my property. My main issue with the current proposal is that there is no stand off between the alley and my property. At the last in person meeting, I had mentioned this as an issue to the board. A couple of members actually agreed with me. If there is a lot of snow, where will it go? If there are issues with vehicle interaction, my fence is going to get hit. Contrary to what the developer thinks, I built that fence, not our HOA. I request a 2 foot stand off between the alley and the edge of the property as a buffer between what happens in the alley and hitting my fence.

Beyond the issue with the alley, I am a little confused by their verbiage of what type of houses are going where. Their proposal states that the northern and central portion will have duplex units. To me, this would be the section designated north of Tenderfoot Dr. Their proposal also states that they will have single family units south of Remuda. These areas would then overlap each other. Honestly, I would love to have a clear explanation of what is planned to be built west of my property.

Thank you for your time and consideration on this matter.

Kathryn Browning  
219 Ole Bessie Dr. Berthoud

*From their proposal - The urban residential units on the northern and central portion of the site will allow a transition from higher intensity uses of industrial and commercial to a lower residential setting along the southern and eastern edges. The urban residential units are proposed as paired (duplex) units ranging from 1300-1500 square foot, two stories with attached or detached garages loaded from alleys at the rear of the units. The proposed single-family units south of Remuda could range in square footage from 1700-2500 square foot, two stories with proposed vehicle access from the adjacent public roadways. Garages can be located in the front of the units or at the rear of the lots.*

## Public Comment - 2

---

**From:** Jessica Carpenter <irispaints2@gmail.com>  
**Sent:** Sunday, March 3, 2024 5:41 PM  
**To:** Tawn Hillenbrand  
**Subject:** Farmstead Acres Development Project

**Categories:** Neighbor Comment

[You don't often get email from irispaints2@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Good Evening,

We had an opportunity to review the proposed development of Farmstead Acres and we are effected homeowners who live at 201 Ole Bessie Dr in Berthoud. The current plan proposes to have an alley way directly backing to our property with concrete beginning at the fence line. This is unacceptable for many reasons. We have a family home, as do our neighbors and having traffic immediately behind our yards is loud, potentially dangerous for young children, hot and unsightly. People work in their garages and on their cars and we will have people, including renters with less care for personal property, directly behind our fence doing these things, which defeats the purpose of a serene family neighborhood. This is why my husband and I chose to spend our money in Berthoud on our family home. For a peaceful, small town lifestyle. Also, with the large duplex units immediately behind our property, privacy is greatly effected, which is not a safe feeling for the women and children who reside in the family homes directly east of the proposed project. There should at least be a 6-8 foot berm for shrub and tree planting to assist in noise reduction as well as maintain some privacy for the families directly backing the project. Thank you for your attention Jessica and Ryan Carpenter  
201 Ole Bessie Dr.  
Berthoud, CO 80513

Sent from my iPhone



To the Berthoud Town Planning Commission:

**Regarding Farmstead Acres**

I have submitted the information below to Client Services at Advanced HOA. It appears to me from the schematics that the split (open) rail fence is not to be replaced. I think the fencing should match the requirements in The Farmstead Covenants. --

Diana Tasciotti and Ken Edwards, 602 E Michigan, Diana's Cell: (970) 353-5784

To Client Services at Advance HOA (The HOA for The Farmstead):

**REGARDING FARMSTEAD ACRES.**

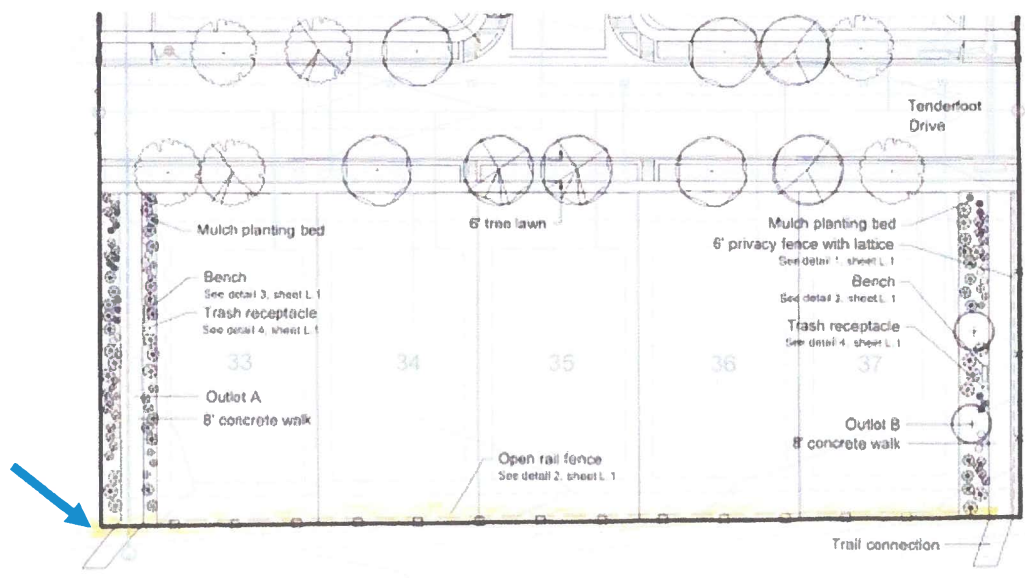
At the south end, along the trail between Tenderfoot and Michigan Ave, it appears there are no plans to replace the current split rail fence with a 6' privacy fence in the back yards of the single family homes.

I feel it is essential that the split rail fence be replaced with a fence that matches the fences on the south side of the trail that Farmstead homeowners have built. The specifications are found in The Farmstead covenants. It is essential to have privacy fences both for privacy and for visual continuity of the trail.

I believe the split rail fence belongs to the Farmstead HOA and was constructed because there was only open space behind it.

The plans for Farmstead Acres at the trail should require privacy fences to match The Farmstead specifications.

I have attached a printout of the area I am referring to. -- Diana Tasciotti



| PLANT LEGEND                         |                               |
|--------------------------------------|-------------------------------|
| See full Plant Schedule on Sheet L 3 |                               |
|                                      | BUR OAK                       |
|                                      | ACCOLADE ELM                  |
|                                      | TALL GREEN RABBIT BRUSH       |
|                                      | NATIVE CHOKECHERRY            |
|                                      | STANDING OVATION SERVICEBERRY |
|                                      | DWARF FRAGRANT SUMAC          |

| LEGEND                                                            |                  |
|-------------------------------------------------------------------|------------------|
|                                                                   | 6' Privacy Fence |
|                                                                   | Open Rail Fence  |
| Note: 3" diameter posts set back 18" in all beds, 48" apart bump. |                  |

| HYDROZONE ANALYSIS TABLE |            |                                   |
|--------------------------|------------|-----------------------------------|
| SP                       | AERIAL IAC | LANDSCAPE TYPE                    |
| NO PFT 4P                | 9.25       | (IRRIGATED) NATIVE LAWN MIX (LOW) |
| 9.25 1 W                 | 9.15       | TRIPLAR BIDS                      |



Stacey L. Shea, Esq.  
2725 Rocky Mountain Ave., Suite 300  
Loveland, CO 80538  
970-663-7300  
[sshea@nocoattorneys.com](mailto:sshea@nocoattorneys.com)  
[www.nocoattorneys.com](http://www.nocoattorneys.com)

May 20, 2025

**PLANNING COMMISSION  
Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado**

**VIA Electronic Mail Only  
[thillenbrand@berthoud.org](mailto:thillenbrand@berthoud.org)**

**RE: Request to Recommend for Denial**

533 Highway 56 LLC, a limited liability company organized and in good standing under the laws of the state of Colorado ("533") hereby formally objects to the approval of the Farmstead Acres Preliminary Plat as submitted by Terra Forma Solutions, Inc. on behalf of 533 E County Road 8, LLC (the "Applicant") coming before the Planning Commission on May 22, 2025 and requests that the Planning Commission recommend this application for denial pending an agreement between the Applicant and 533 for the establishment of access to and from the 533 parcel from Remuda Road.

533 is the record title owner of that property that is immediately north of the Applicant's parcel. The 533 parcel is zoned M1, Light Industrial District. As stated in Chapter 30 of the Berthoud Development Code, this district is intended to use ranges from light industrial, research and development offices and related ancillary uses.

Approval of the Farmstead Acres plat as presented could have far reaching negative impact on 533's ability to continue to make beneficial economic use of its property and will perpetuate what is very clearly a mistake on the part of the Town of Berthoud (the "Town") in approving the initial subdivision and rezoning of the parcels at issue without ensure access to all parcels has been secured.

In January of 2022, 533 purchased a parcel of approximately 9 acres from Applicant who had acquired the property from Mark and Jeannine Sommers in 2021. In May of 2023, 533, in conjunction with the Applicant, submitted an application to subdivide 533's parcel into four parcels and rezone the same. The southern two parcels were later conveyed to Applicant and are now the subject of the May 22, 2025, preliminary plat hearing before the Planning Commission.

However, a crucial part of the history was missing and not disclosed by the Town.

In 2008, the property owner, Mark Sommers ("Sommers") pursued a land use application for Brothers Door Supply facility. In order to obtain approval from the Town for this application, Mr. Sommers was required to establish access from what was then known as 6<sup>th</sup> street to the property. Mr. Sommers accomplished this initially by means of a rough Easement for Driveway recorded in Larimer County at Reception

#20080082053 on December 31, 2008 (Exhibit A) and a subsequent, more detailed Easement or Right-of-Way for Access to Property recorded on August 7, 2008, at Reception # 20080050572 (Exhibit B). Each of these easements were drafted to bind and benefit the successors and assigns of the drafting parties. At this time, we have not located any mutually executed documents vacating either easement.

These easements were clearly established to allow for access to Parcel 2 of the Sommers development from what was then known as 6<sup>th</sup> street and now known as Dorthy Drive. At the time, Sommers had no reason to extend these easements to Parcel 1 due to Sommers owning both parcels and not having a need to grant himself an easement over his own parcel. However, it is evidence from the 2008 Sommers Final Development Plan, that the intention was for this access to benefit what is now the 533 parcel (See Exhibit C).

Having not independently surveyed these easements, it would appear that the formal easement may have been built over and users of the easement adjusted their routes to the used of Remuda Road as opposed to raising objections at the time (See GIS Exhibit D).

At no point during what likely amounted to significant communications between 533, the Applicant, and the Town for the application to subdivide and rezone the parcels did the Town disclose the prior applicable documents and direction of the Town in relation to the property. It also appears that the Town chose to refrain from bringing this up during the initial phases of development of the Farmstead when it approved that site plan establishing residential lots over the easement.

It was not until well after the Town approved the subdivision and rezoning of the parcels at issue that the Town raised issue with the historical use of the property and said uses impact of the viability of access from Highway 56 due to the CDOT access control plan that the Town is partly to and very much aware of.

It is evident that all of the parties, 533, the Applicant, and the Town, are at fault for what amounts to a series of mutual mistakes by the parties in 1) allowing development over an established and recorded easement and 2) failing to revive this access issue when the parties ultimately created what could result in a land-locked parcel should the Board recommend the application for approval as submitted.

If these mistakes are allowed to continue to carry forward, the Town and Planning Commission will support violation of the commonly held public policy against the creation of landlocked parcels and inhibiting the rights of a property owner to make full beneficial economic use of one's property.

Not allowing for access to the parcel from Remuda Road is highly likely to result in a landlocked parcel as the access point off of High 56 for the benefit of the separate parcel that is adjacent to Highway 56 is designated for residential use in the CDOT Access Control Plan. Where 533 able to work with CDOT, the Town and Larimer

County to modify the Access Control Plan, this single access would still impede 533's ability to adhere to Town code in relation to access to the parcel by vehicle, pedestrian and bicycle traffic and establishing connections by extending municipal streets and sidewalks. Access from the east is not viable as that adjacent parcel is fully developed, and access from the west is problematic due to said parcel not being within the municipality.

Additionally, the town will be backpedaling from what it originally identified as necessary access for an approved commercial use and eliminating 533's ability to comply with existing code requirements related to site plan applications necessary to continue the existing, or ultimately any commercial use of 533's parcel.

Please understand that 533 in no way claims to have no fault in the issues at hand. 533 admits to purchasing the property seeing a multi-tenant commercial property as an excellent investment and not questioning the validity of said use. Further, 533 saw the access points off of both Remuda Drive and Highway 56 and made an assumption that access was without question. Unfortunately, 533 became so wrapped up in what can be a bit of a cumbersome process in subdividing and rezoning property, that 533 mistakenly did not account for access off of Remuda Road during the application process.

However, the Town's failure to fully disclose the prior access history, the issues stemming from the Access Control Plan, and approving a property subdivision in which one of the four resulting parcels very clearly did not have well established access are mistakes of grave consequence that the Town now has the opportunity to correct.

533 in no way desires to prevent the Farmstead Acers development in its entirety. However, 533 is asking that the Planning Commission recommend the preliminary plat as presented be denied in order to allow 533 and the Town an opportunity to correct the mistakes of the past and establish clear access to the 533 parcel for continued commercial use of the same.

Sincerely,  
**Otis & Bedingfield, LLC**



Stacey L. Shea  
Attorney at Law



EXHIBIT A

Indexing Instructions: \_\_\_\_\_

STATE OF Colorado

COUNTY OF Larimer

**EASEMENT FOR DRIVEWAY**

KNOW ALL MEN BY THESE PRESENTS THAT Lawrence L. Bell his/her heirs, successors and assigns for valuable consideration of One Dollar, in hand paid, and other good and valuable consideration of the receipt and sufficiency of which is hereby acknowledged does hereby put, assign, convey, and warrant unto Mark Sammers & Brian Sammers and its successor and assigns, collectively "Grantee", a non-exclusive easement and servitude for the purpose of entry to the property of Grantee by a driveway, over the following described property located in the County of Larimer, State of Colorado, described as follows, to-wit:

[describe property or driveway] 6th Street access in the Town of Berthoud which also runs across property by Grantor

Grantee shall indemnify and hold Grantor harmless for all claims for injuries and damages caused by the use of said driveway by Grantee.

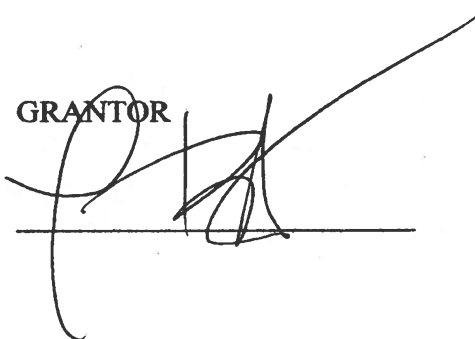
Grantee shall make the following improvements to said driveway and shall maintain said improvements in a reasonable condition, to wit:

[describe improvements]

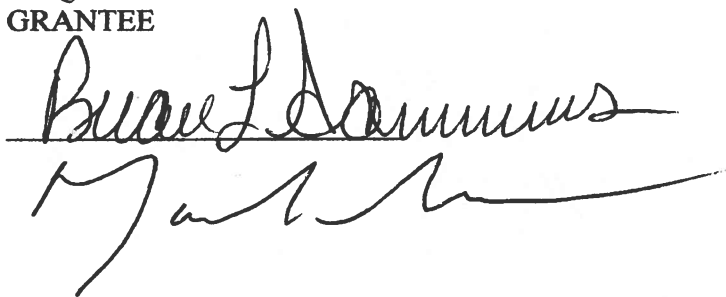
IN WITNESS WHEREOF, Grantor has executed this document on this the \_\_\_\_\_ day of December, 2008.

30th

GRANTOR



GRANTEE



✓ Brothers Door Supply  
533 E. City Rd 8  
Berthoud, CO 80513

2

STATE OF Colorado  
COUNTY OF Larimer

Personally appeared before me, the undersigned authority in and for the said County and State, on this 31 day of December, 2008, within my jurisdiction, the within named Larry Bebo, who acknowledged that he is President of Na, a corporation and that for and on behalf of the said corporation, and as its act and deed, he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.



  
NOTARY PUBLIC

My Commission Expires: **MY COMMISSION EXPIRES**  
**03/29/2011**



EXHIBIT B

**EASEMENT OR RIGHT-OF-WAY FOR ACCESS TO PROPERTY**

FOR AN IN CONSIDERATION of the mutual covenants and agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Larry Bebo ("Grantor") hereby grants and conveys to Mark Sommers, ("Grantee"), its successors and assigns, a perpetual, non-exclusive right of way and easement ("Easement") in, under, upon, about, over and through the property described on the attached Exhibit "A", hereto and incorporated herein by reference ("Property").

1. Grant. The easement granted hereby shall be for ingress and egress to, from, upon and over the Property described to provide access to other property owned by Grantee.

2. Streets. The Grantee may construct a permanent street or road on the Property.

3. Failure to Improve. If the Grantee or its successors or assigns should fail to construct a permanent street or road allowing access to Grantee's property within \_\_\_\_\_ months from the date hereof, all right, title and interest in and to the Easement described herein shall immediately revert to the Grantor, its successors or assigns.

4. No Interference. Grantor shall not interfere with the Grantee's construction of such permanent street or road within the Easement.

5. Termination. This Easement shall be terminated at any time by an instrument executed for such purpose and signed by the parties.

6. Amendment. This Easement shall be amended only by a written and recorded instrument signed by the parties or the then current owner of the Property and the Easement.

7. This Easement shall be binding upon and inure to the benefit of the parties successors and assigns, heirs, beneficiaries and personal representatives.

8. Governing. This Easement shall be governed by and construed and enforced in accordance with the laws of the State of Colorado.

SIGNED on this the 7<sup>th</sup> day of August, 2008.

GRANTOR

GRANTEE



Brian Sommers  
533 E. County Rd. 8  
Berthoud, CO 80513

STATE OF Colorado

COUNTY OF Larimer

Personally appeared before me, the undersigned authority in and for the said County and State, on this 8 day of August, 2008, within my jurisdiction, the within named \_\_\_\_\_, Grantor, who acknowledged that he executed, signed and delivered the above and foregoing instrument on the date there provided.



NOTARY PUBLIC

MY COMMISSION EXPIRES

My Commission Expires:

03/29/2011

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Personally appeared before me, the undersigned authority in and for the said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, within my jurisdiction, the within named \_\_\_\_\_, Grantee, who acknowledged that he executed, signed and delivered the above and foregoing instrument on the date there provided.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

## EXHIBIT A

07/30/08

### LEGAL DESCRIPTION:

A 30' ACCESS EASEMENT LOCATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER AND CONSIDERING THE WESTERLY LINE OF SAID NORTHEAST QUARTER TO BEAR SOUTH 00°57'50" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE SOUTH 00°57'50" EAST ALONG SAID WESTERLY LINE A DISTANCE OF 34.30 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE SOUTH 00°57'50" EAST A DISTANCE OF 879.76 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89°00'29" EAST A DISTANCE OF 557.80 FEET;  
THENCE SOUTH 00°37'01" EAST A DISTANCE OF 30.00 FEET;  
THENCE SOUTH 89°00'29" WEST A DISTANCE OF 557.61 FEET;  
THENCE NORTH 00°57'50" WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

SAID ACCESS EASEMENT CONTAINING 16,731.15 SQUARE FEET,  
0.34 ACRES MORE OR LESS.



**JP CIVIL** LLC

PROFESSIONAL ENGINEERING SERVICES  
LOVELAND, COLORADO

PH 970.292.8321 FAX 800.573.5316

**SOMMERS**

EXHIBIT A  
30' ACCESS EASEMENT

PREPARED FOR:

**MARK SOMMERS**

DRAWING SCALE:

JOB NUMBER:

DATE:

SHEET NUMBER:

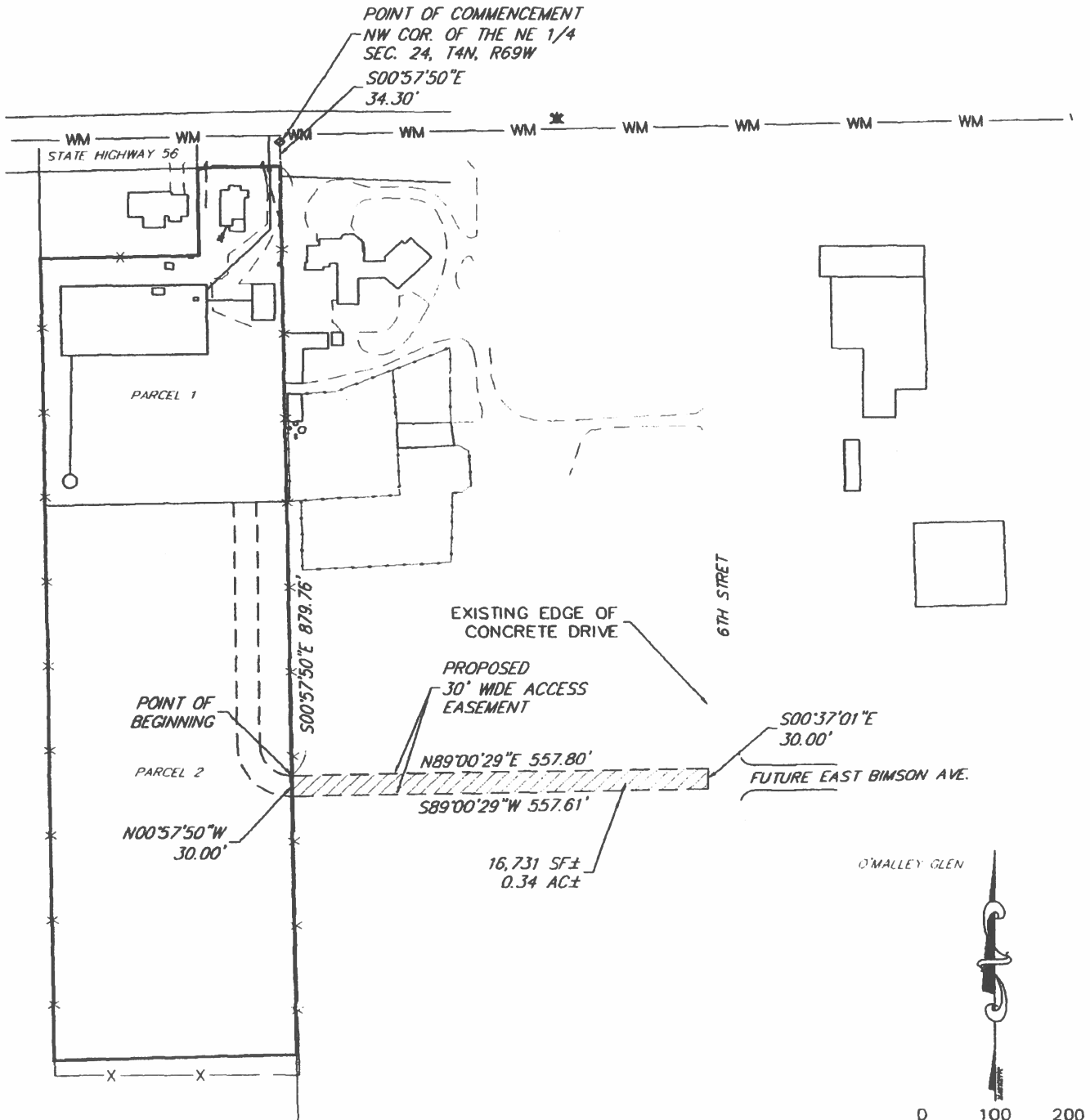
**19809**

**07-30-08**

**1**

4.

# EXHIBIT B



PI 970.292.8321 FAX 800.573.5316

SOMMERS

EXHIBIT B  
30' ACCESS EASEMENT

PREPARED FOR:

MARK SOMMERS

DRAWING SCALE:

1" = 200'

JOB NUMBER:

19809

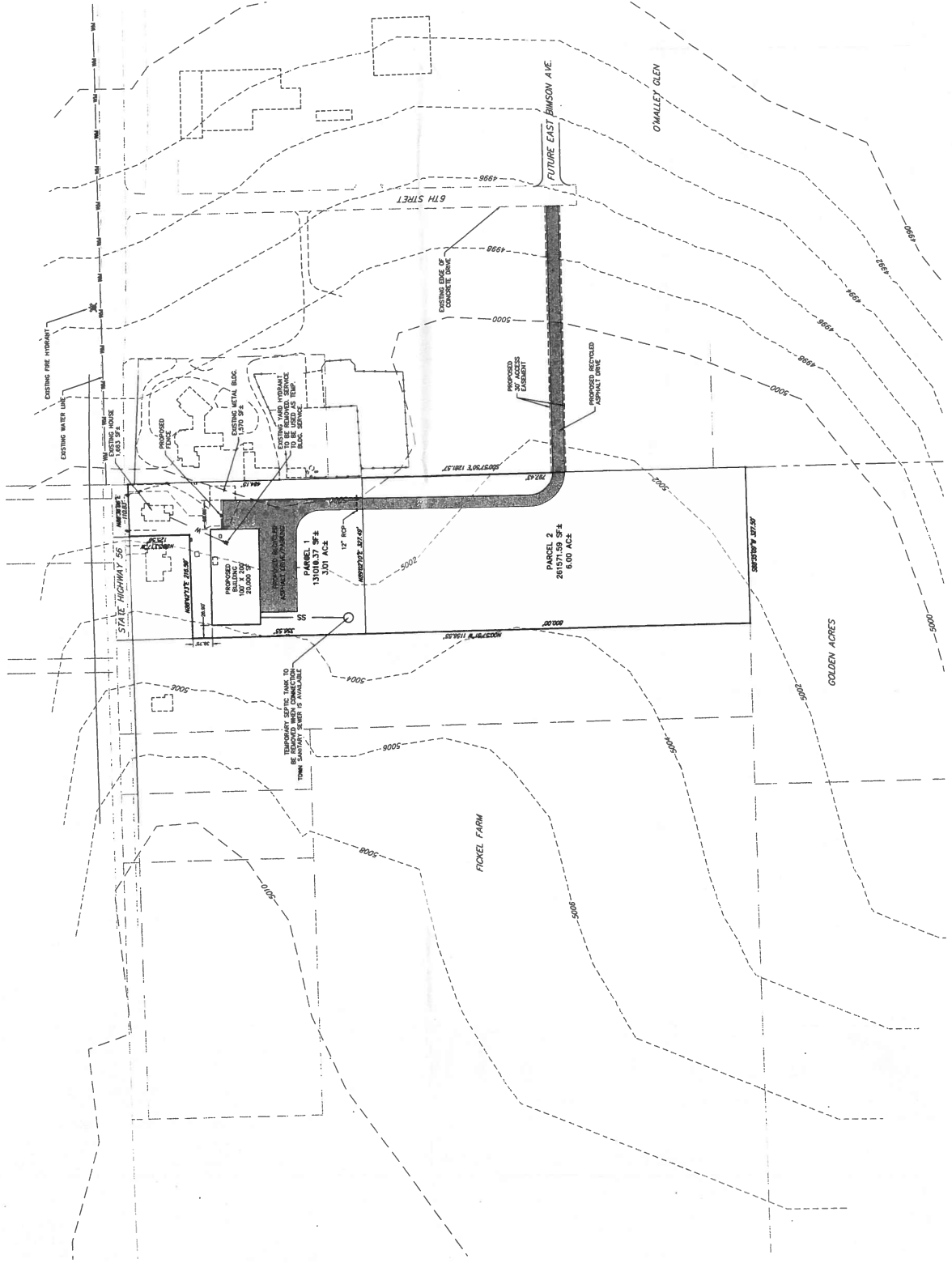
DATE:

07-30-08

SHEET NUMBER:

2

# SOMMERS FINAL DEVELOPMENT PLAN SITE & UTILITY PLAN



LAND USE TABLE

| DESCRIPTION      | AREA SF   | %   |
|------------------|-----------|-----|
| EXIST. BLDGS.    | 3,233     | 3   |
| PROPOSED BLDG.   | 20,000    | 15  |
| DRIVEWAY/PARKING | 25,937    | 20  |
| OPEN SPACE       | 13,018    | 10  |
| TOTAL            | 131,010   | 100 |
| PARCEL 1         | 13,018.37 | 10  |
| PARCEL 2         | 28,571.59 | 22  |
| OPEN SPACE       | 25,937    | 20  |
| TOTAL            | 267,527   | 100 |

800-922-1987  
CALL FOR THE BLUE STAKES  
AS SHOWN BEFORE YOU DO  
DATE BY  
REVISIONS

JP CIVIL LLC  
PROFESSIONAL ENGINEERING SERVICES  
LOVELAND, OHIO 45150  
PH 770.922.1987 FAX 800.922.1987

SOMMERS  
FINAL DEVELOPMENT PLAN  
SITE AND UTILITY PLAN  
MARK SOMMERS  
100% COMPLETE

BDW  
19809  
07-01-08  
SHEET NO. 2

# Exhibit D



## Legend

- Addresses
- Subdivisions
- Tax Parcels
- Recorded Dimensions
- Railroads
- Major Road System
- Road System
- Lakes and Ponds
- Major Rivers and Streams
- Rivers and Streams
- County Boundary
- Rocky Mountain National Park
- Incorporated Areas
- PLSS Township and Range
- PLSS Sections
- PLSS Quarter Sections
- City or Town
- County
- State
- Federal
- Other
- 30969E146467N.sld
- Red: Band\_1
- Green: Band\_2

## Notes

This map was created by Larimer County GIS using data from multiple sources for informational purposes only. This map may not reflect recent updates prior to the date of printing. Larimer County makes no warranty or guarantee concerning the completeness, accuracy, or reliability of this content.

Date Prepared: 5/18/2025 7:47:54 AM 1: 2,400

NAD\_1983\_HARN\_StatePlane\_Colorado\_North\_FIPS\_0501\_Feet



Stacey Shea - no easement because it was common ownership; "2009 was required by the Town"

Ryan Bond - "very little from my understanding"  
1 semi per week

Katherine Browning - on Old Bessy drive.

- + who maintains if damage
- + is curb enough.

RESOLUTION NUMBER ##

(SERIES 2025)

A RESOLUTION OF THE TOWN OF BERTHOUD BOARD OF TRUSTEES APPROVING A PRELIMINARY PLAT FOR A DEVELOPMENT KNOWN AS THE “FARMSTEAD ACRES DEVELOPMENT” IN THE TOWN OF BERTHOUD.

WHEREAS, the property under consideration is known as the “Farmstead Acres” development; and more particularly described in Exhibit A attached hereto; and

WHEREAS, the Town of Berthoud (“Town”) approved on February 28, 2023, a Neighborhood Master Plan; and,

WHEREAS, the Town approved Ordinance No. 1316 on February 28, 2023, amending the zoning map of the Town of Berthoud to Suburban Residential (SR) and Urban Residential (UR); and

WHEREAS, the Preliminary Plat attached herein as Exhibit B has been reviewed by referral agencies to ensure the proposed development does not present a burden on service provision; and

WHEREAS, notice was properly posted in the manner required by law and a public hearing was conducted on August 26, 2025; a legal ad was published on May 4, 2025, and affected property owners within 500 feet of the site were notified by first-class mail before the Berthoud Planning Commission hearing on May 5, 2025; and

WHEREAS, after the public hearing on July 10, 2025, the Berthoud Planning Commission made a unanimous recommendation to the Town Board of Trustees to approve the Preliminary Plat; and

WHEREAS, based on the testimony and evidence presented at the public hearing on August 26, 2025, the Board of Trustees determines and finds that compliance with the Preliminary Plat review criteria as provided in Section 30-6-107(B) of the Berthoud Municipal Code has been demonstrated.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. Preliminary Plat Approval: The Preliminary Plat is hereby approved.

Section 2. Interpretation: This Resolution shall be interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this Resolution shall take effect upon adoption.

APPROVED AND ADOPTED this 26<sup>th</sup> day of August 2025.

TOWN OF BERTHOUD

By \_\_\_\_\_

William Karspeck, Mayor

ATTEST:

By: \_\_\_\_\_

Christian Samora, Town Clerk

**Exhibit A: Legal Description**

Lots 3 and 4, Farmstead Acres Subdivision, as recorded June 16, 2023 as Reception No. 20230025109 of the Larimer County Clerk & Recorder, Town of Berthoud, County of Larimer, State of Colorado

**Exhibit B: Preliminary Plat**

(to be inserted)

BEING A REPLAT OF LOTS 3 & 4, FARMSTEAD ACRES SUBDIVISION  
SITUATE IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M.  
TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being the owners of the herein described parcel situate in the Northwest Quarter (NW 1/4) of Section Twenty-four (24), Township Four (4) North, Range Sixteen West of the 6th Principal Meridian, Town of Beechford, County of Larimer, State of Colorado, more particularly described as follows:

Lot 3 and 4, farmeded Acres, subdivision, as recorded June 16, 2013, at Reception No. 202-0025199 of the records of the Larimer County Clerk & Recorder.

**RIGHT TO FARM STATEMENT**

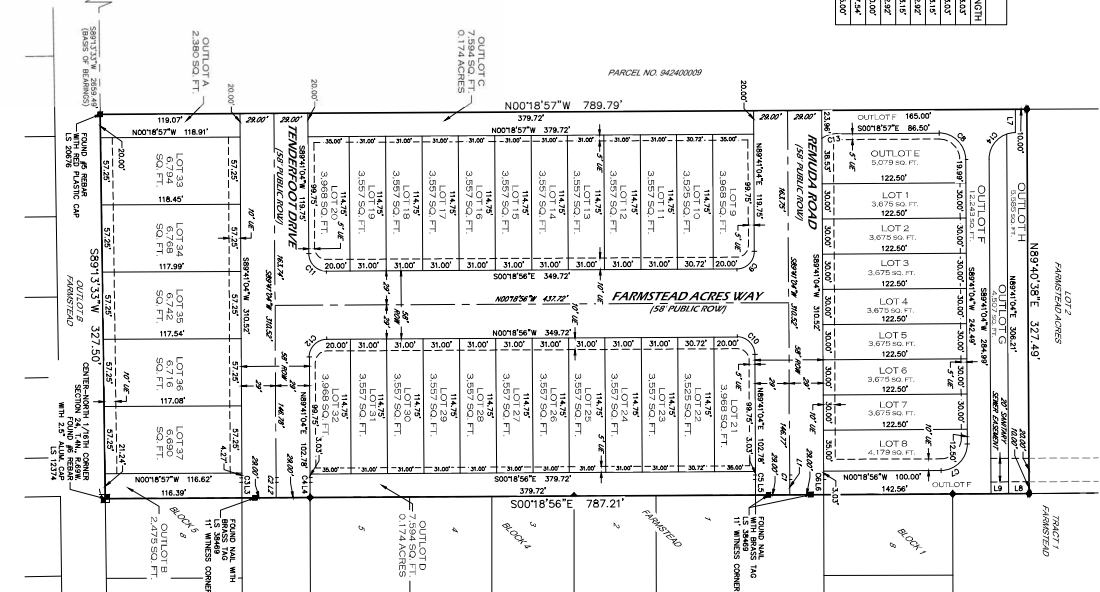
The Town of Berthoud has adopted a "Right to Farm" policy. All new and existing residents are expected to read and understand the policy. For a copy of the policy, please contact the Town of Berthoud.

**SITE SPECIFIC DEVELOPMENT PLAN**

|      | LINE | BEARING     | LENGTH |
|------|------|-------------|--------|
| ———— | 1    | 599°45'30"W | 13.05  |
| ———— | 2    | 599°45'30"W | 13.05  |
| ———— | 3    | 599°45'30"W | 13.05  |
| ———— | 4    | 599°45'30"W | 13.05  |
| ———— | 5    | 599°45'30"W | 13.05  |
| ———— | 6    | 599°45'30"W | 13.05  |
| ———— | 7    | 599°45'30"W | 13.05  |
| ———— | 8    | 599°45'30"W | 13.05  |
| ———— | 9    | 599°45'30"W | 13.05  |
| ———— | 10   | 599°45'30"W | 13.05  |

| LINE TABLE |               |        |
|------------|---------------|--------|
| LINE       | BEARING       | LENGTH |
| L1         | S89°34.36"W   | 13.03' |
| L2         | S89°34.36"W   | 13.03' |
| L3         | S89°34.36"W   | 13.15' |
| L4         | N89°34.36"E   | 12.92' |
| L5         | S89°34.36"W   | 13.15' |
| L6         | S89°34.36"W   | 12.92' |
| L7         | N89°41.03"E   | 20.00' |
| L8         | N001°8'50.5"E | 17.54' |
| L9         | N001°8'56"W   | 16.00' |

| CURVE TABLE |       |                      |         |       |          |          |  |           |  |  |  |
|-------------|-------|----------------------|---------|-------|----------|----------|--|-----------|--|--|--|
|             |       | CURVE LENGTH (MILES) |         | DELTA |          | PROBID   |  | OF RECORD |  |  |  |
| C1          | 3.84  | 1000.00              | 0.1732  | 1.82  | 3.84     | 999.7976 |  |           |  |  |  |
| C2          | 3.84  | 1000.00              | 0.1732  | 1.82  | 3.84     | 999.7976 |  |           |  |  |  |
| C3          | 3.84  | 1000.00              | 0.1732  | 1.82  | 3.84     | 999.7976 |  |           |  |  |  |
| C4          | 3.84  | 1000.00              | 0.1732  | 1.82  | 3.84     | 999.7976 |  |           |  |  |  |
| C5          | 3.84  | 1000.00              | 0.1732  | 1.82  | 3.84     | 999.7976 |  |           |  |  |  |
| C6          | 3.84  | 917.07               | 0.1732  | 1.82  | 3.84     | 999.7976 |  |           |  |  |  |
| C7          | 3.84  | 1029.80              | 0.1732  | 1.82  | 3.84     | 999.7976 |  |           |  |  |  |
| C8          | 3.84  | 22.50                | 0.00707 | 3.182 | 3.84     | 946.7676 |  |           |  |  |  |
| C9          | 3.84  | 22.50                | 0.00707 | 3.182 | 3.84     | 946.7676 |  |           |  |  |  |
| C10         | 23.95 | 15.00                | 0.00307 | 21.71 | 344.0576 |          |  |           |  |  |  |
| C11         | 23.95 | 15.00                | 0.00307 | 21.71 | 344.0576 |          |  |           |  |  |  |
| C12         | 23.95 | 15.00                | 0.00307 | 21.71 | 344.0576 |          |  |           |  |  |  |
| C13         | 23.95 | 15.00                | 0.00307 | 21.71 | 344.0576 |          |  |           |  |  |  |
| C14         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C15         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C16         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C17         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C18         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C19         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C20         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C21         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C22         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C23         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C24         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C25         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C26         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C27         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C28         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C29         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C30         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C31         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C32         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C33         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C34         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C35         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C36         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C37         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C38         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C39         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C40         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C41         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C42         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C43         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C44         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C45         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C46         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C47         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C48         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C49         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C50         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C51         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C52         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C53         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C54         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C55         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C56         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C57         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C58         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C59         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C60         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C61         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C62         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C63         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C64         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C65         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C66         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C67         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C68         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C69         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C70         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C71         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C72         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C73         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C74         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C75         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C76         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C77         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C78         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C79         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C80         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C81         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C82         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C83         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C84         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C85         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C86         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C87         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C88         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C89         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C90         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C91         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C92         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C93         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C94         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C95         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C96         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C97         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C98         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C99         | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |
| C100        | 14.81 | 22.50                | 0.00499 | 3.182 | 519.7976 |          |  |           |  |  |  |



**TITLE COMMITMENT NOTE**

For all information regarding ownership, redundancy and title of research, Magister Surveying, LLC filed upon Title Commitment Number PC27231301, dated August 13, 2014, as prepared by Land Title Associates Company to deliver the aforesaid information.

This survey does not constitute a title search by Magister Surveying, LLC to determine ownership or easements of record.

**LANDOWNER CERTIFICATE**

| Name     | Description/Land Use                             | Area                      | Intended Future Ownership |
|----------|--------------------------------------------------|---------------------------|---------------------------|
| Outlot A | Access, Drainage, Landscape and Utility Easement | 2,380 sq. ft., 0.05 acres | HOA                       |
| Outlot B | Access, Drainage, Landscape and Utility Easement | 2,475 sq. ft., 0.06 acres | HOA                       |
| Outlot C | Access, Drainage and Utility Easement            | 7,594 sq. ft., 0.17 acres | HOA                       |

| FARMSTEAD ACRES SECOND FLING |                                                  |                |              |               |                      |
|------------------------------|--------------------------------------------------|----------------|--------------|---------------|----------------------|
| Land Use Table               |                                                  |                |              |               |                      |
| Name                         | Description/Land Use                             | Area           | Intended Use | Permitted Use | Maintenance & Access |
| Outlot A                     | Access, Drainage, Landscape and Utility Easement | 2,380 sq. ft.  | HOA          | HOA           | HOA                  |
| Outlot B                     | Access, Drainage, Landscape and Utility Easement | 2,715 sq. ft.  | 0.06 acres   | HOA           | HOA                  |
| Outlot C                     | Access, Drainage and Utility Easement            | 7,594 sq. ft.  | 0.17 acres   | HOA           | HOA                  |
| Outlot D                     | Access, Drainage and Utility Easement            | 7,594 sq. ft.  | 0.17 acres   | HOA           | HOA                  |
| Outlot E                     | Open Space, Drainage & Utility Easement          | 5,079 sq. ft.  | 0.12 acres   | HOA           | HOA                  |
| Outlot F                     | Access, Drainage & Utility Easement              | 12,243 sq. ft. | 0.28 acres   | HOA           | HOA                  |
| Outlot G                     | Drainage & Utility Easement                      | 4,507 sq. ft.  | 0.10 acres   | HOA           | HOA                  |
| Outlot H                     | Drainage & Utility Easement                      | 5,585 sq. ft.  | 0.13 acres   | HOA           | HOA                  |

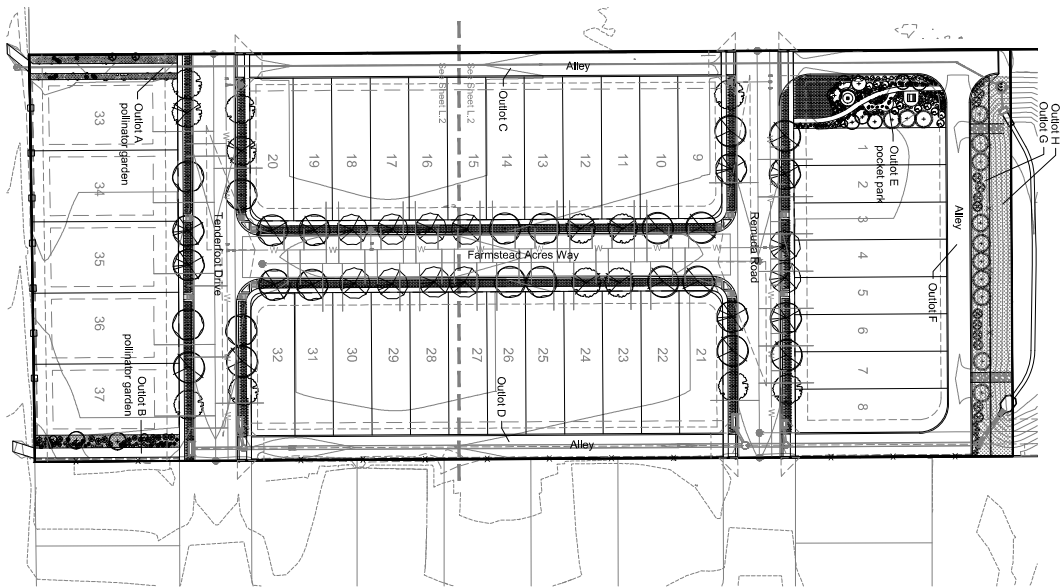
# RAFT

Steven Parks • On Behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38348

|                    |                          |                               |
|--------------------|--------------------------|-------------------------------|
| PROJECT NO 2020109 | PROJECT NAME 533 CRB     | DATE                          |
| DATE 6-25-2025     | CLIENT TERRA FORMA       | REVIEWS<br>0-22-24<br>1-25-24 |
| DRAWN BY SIP       | CILE NAME 2020505USJ-2ND |                               |
| CHECKED BY SIP     | SCALE 1" = 50'           |                               |



## NEW Revised Preliminary Landscape Plan



## OVERALL LANDSCAPE PLAN

## LEGEND

- 

## Town of Berthoud Requirements

Total Site Area - 258,227 sf

Total Open Space Provided - 20,026 sf

Outlet A - 2,380 sf, Greenway connection  
Outlet B - 2,475 sf, Greenway connection

Outlet E - 4,986 sf. Pocket Park

Outlot G - 16,381 sf Drainage & Utility Easement

Total Open Space - 20,026 sf

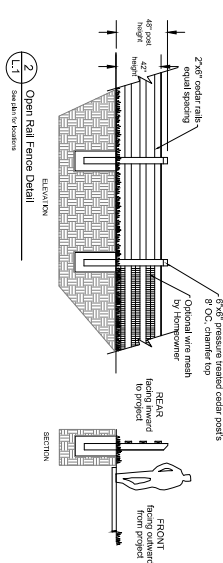
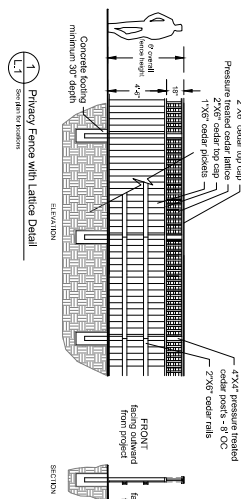
Open Space Elements  
 Paved ?

Provided Pocket park (element 1)  
Greenway trails with 8' walks (2 provided, element 2)

## Subdivision Identity Elements & Place Standards

Provided - Alley loaded garages with HOA maintenance (elements 1 and 2)

Public art in pocket park (element 4)



- [illegible]

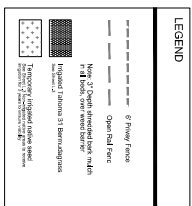
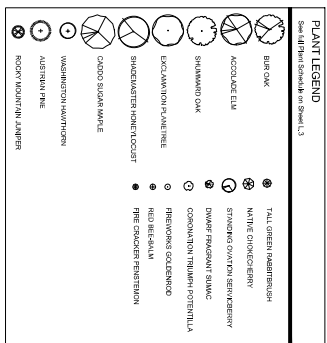
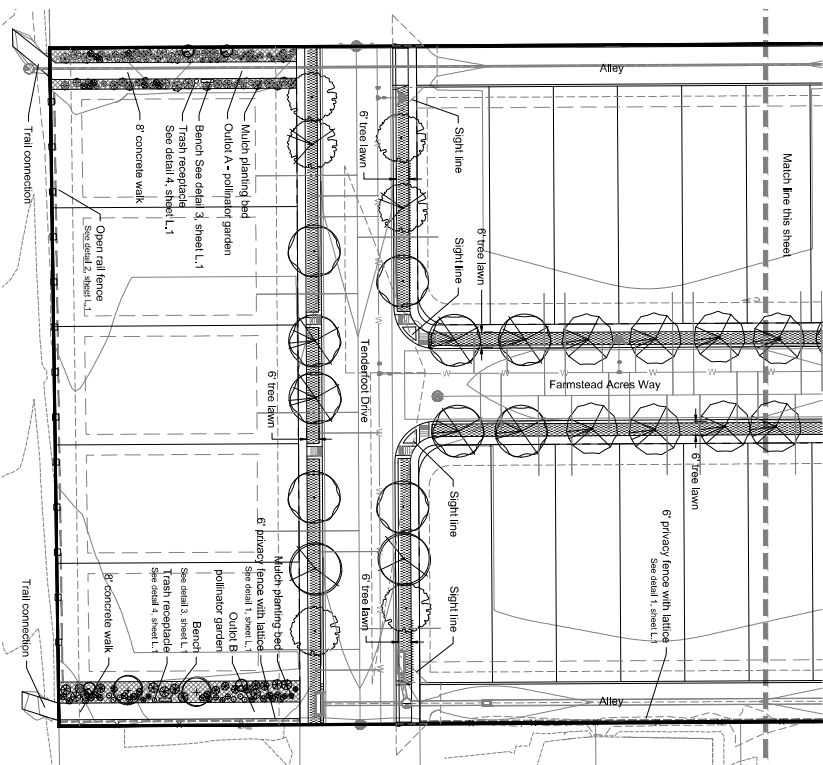
[illegible]

**Tim Dunn Design**  
**Landscape Architecture**  
Tim Dunn A.S.L.A. R.L.A.  
State of Colorado License #400  
tadunn1958@gmail.com  
720-350-2411

CONSTRUCTION DOCUMENTS  
**FARMSTEAD ACRES**  
OVERALL LANDSCAPE PLAN

533 EAST COUNTY ROAD 8  
BERTHOUD, COLORADO

PROJ NO.: FARM ACRES  
ENG :  
CHKD:  
DATE : 12/01/2023  
SHEET NUMBER  
L.1  
OF

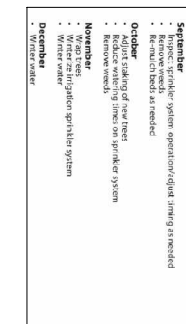
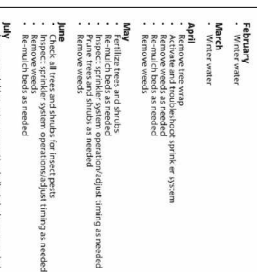


| ST       | AGE (MO) | LANDSCAPE TYPE        | NUMBER OF PLANTS | NUMBER OF SEEDS |
|----------|----------|-----------------------|------------------|-----------------|
| 10/29/91 | 0.25     | ROCKY MOUNTAIN (LOW)  | 0.8              | 0.2             |
| 6/30/91  | 0.15     | SHRUB BEDS (MODERATE) | 1.3              | 2.0             |

## Landscape Maintenance Notes

- [illegible]

|            |     |               |
|------------|-----|---------------|
| 43         | MLM | MORNING LIGHT |
| PERENNIALS |     |               |



## Perennial & Grass

## ② Evergreen Tree Planting Detail

[illegible][illegible]

## RESULTS



# PLANNING COMMISSION INFORMATION

## COMMUNITY DEVELOPMENT DEPARTMENT



|                              |                                                                                                                                                                                      |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | <b>July 10, 2025</b>                                                                                                                                                                 |
| <b>Agenda Title/Subject:</b> | <b>Public Hearing to consider a request for a Minor Subdivision Plat, for the property known as Buckardt, located at 806 2<sup>nd</sup> Street and 806 2<sup>nd</sup> Street 'A'</b> |
| <b>Type of Item:</b>         | <b>Public Hearing</b>                                                                                                                                                                |
| <b>Purpose:</b>              | <b>Request for approval of a Minor Subdivision Plat to resolve an illegal lot split, completed in 1973, and thereby resolve an existing lot line encroachment.</b>                   |
| <b>Presented by:</b>         | <b>Tawn Hillenbrand, Planning Manager</b>                                                                                                                                            |

### ATTACHMENTS:

- Staff Report with application materials
- Resolution 01 (Series 2025)

### BACKGROUND:

Through research on parcel conveyance history, performed by the applicant's consultant, it was found that the subject property was subdivided in 1973 without going through a legal land division process through the Town or County. The State enacted legislation requiring land division to proceed through legally-created land division processes in 1972. Additionally, a greenhouse building was constructed over the common "lot line" around the same time. The Minor Subdivision Plat process was the most expeditious method to correct the land division and the result will be two legal lots, Lot 1 and Lot 2, thereby establishing legal lot boundaries which will correct the existing lot line encroachment.

### UPDATE/NEXT STEPS:

Tonight, the Planning Commission will hear one request of the applicant. The Planning Commission is the approving body for all Minor Subdivision Plat requests, therefore a hearing before the Town Board is not required. If approved by the Planning Commission, the applicant will be required to record the Minor Subdivision Plat following the Planning Commission public meeting.

### FISCAL IMPACT AND FUND SOURCE:

There is no negative impact to the Town in consideration of this request for Minor Subdivision Plat. Public notice is funded through fees paid by the applicant. Development review is funded through fees paid by the applicant.

### COMMUNITY TOUCHSTONES:

Consideration of this request does not negatively impact community touchstones.

**RECOMMENDED ACTION(S):**

Staff recommend approval of the request. See suggested motions in the Staff Report.





## STAFF REPORT: Buckardt Minor Subdivision Plat

DATE: July 10, 2025

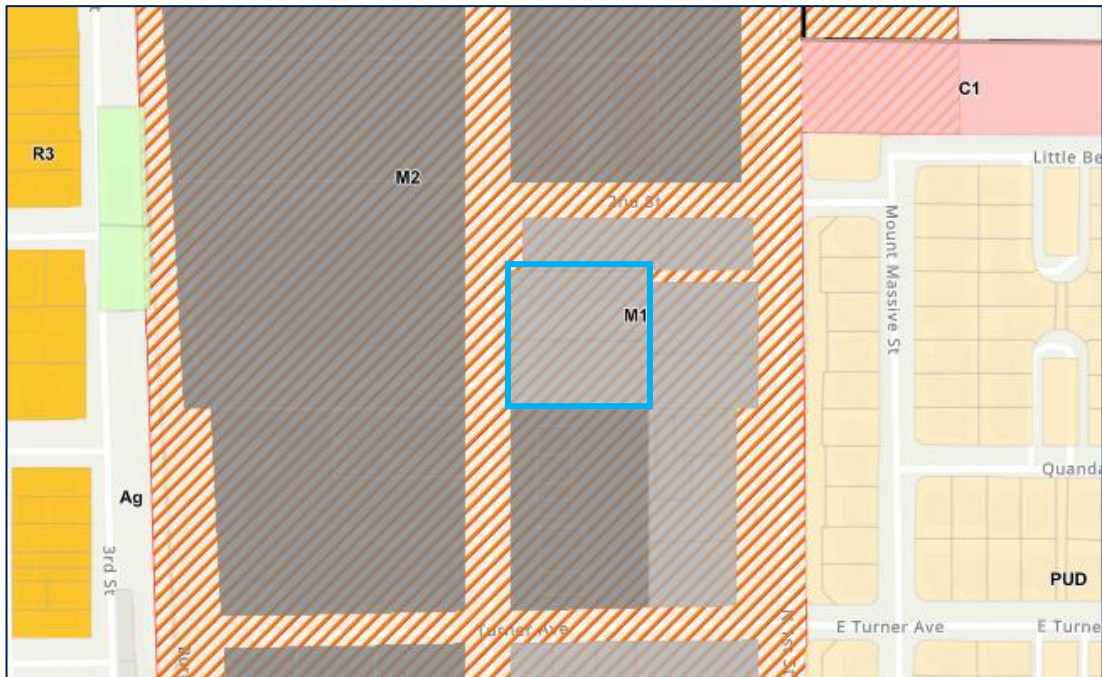
### GENERAL INFORMATION

| GENERAL INFORMATION                  |                                                                                                                                                                   |                  |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Applicant:                           | Cindy Buckardt – property owner                                                                                                                                   | Size: 1.38 acres |
| Site Location:                       | 806 2 <sup>nd</sup> Street and 806 2 <sup>nd</sup> Street ‘A’; located on the east side of 2 <sup>nd</sup> Street approximately 100 feet south of Franklin Avenue |                  |
|                                      |                                                                                |                  |
| Parcel Numbers:                      | 806 2 <sup>nd</sup> Street: 9414479002; 806 2 <sup>nd</sup> Street ‘A’: 9414479008                                                                                |                  |
| Applicant's Request:                 | The Applicant is requesting Minor Subdivision Plat approval to resolve an illegal lot split and thereby resolve an existing lot line encroachment.                |                  |
| Current Zoning and Overlay District: | M1 – Light Industrial; 1 <sup>st</sup> Street Corridor Overlay                                                                                                    |                  |
| ZONING DISTRICT INFORMATION          |                                                                                                                                                                   |                  |
|                                      | M1                                                                                                                                                                |                  |
| Max Density                          | NA                                                                                                                                                                |                  |
| Min. Lot Width                       | 50’                                                                                                                                                               |                  |
| Front Setback                        | 25’                                                                                                                                                               |                  |
| Side Setback                         | 0/20’ (from adjacent zoning district)                                                                                                                             |                  |
| Rear Setback                         | 20’                                                                                                                                                               |                  |
| Max Building Height:                 | 40’                                                                                                                                                               |                  |

***SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS***

|       | <u>Adjacent Zoning</u> | <u>Adjacent Land Uses</u>            | <u>Required Buffer for Adjacent Zoning</u> |
|-------|------------------------|--------------------------------------|--------------------------------------------|
| North | M1 – Light Industrial  | Proposed Automotive Service Shop     | N/A                                        |
| South | M2 - Industrial        | Multi-tenant Commercial/Industrial   | N/A                                        |
| East  | M1 – Light Industrial  | Single-family Residential/Industrial | N/A                                        |
| West  | M2 - Industrial        | Light Manufacturing                  | N/A                                        |

**Zoning Map:**



Subject property outlined in blue

## Proposal

The applicant requests Minor Subdivision approval to resolve an illegal lot split, completed in 1973, and thereby resolve an existing lot line encroachment.

## Background

The two subject properties are currently developed. The first property, 806 2<sup>nd</sup> Street, is developed with two commercial office type buildings and a large greenhouse building. The second property, 806 2<sup>nd</sup> Street 'A', is developed with a commercial warehouse type building.

Through research on parcel conveyance history, performed by the applicant's consultant, it was found that the subject property was subdivided in 1973 without going through a legal land division process through the Town or County. The existing lots were "created" through a warranty deed; however, a deed alone would not have made the lots legal. In addition to the warranty deed, a Town or County land division process would have been required.

Around the same time in 1973, a greenhouse building was constructed over the common "lot line". This is known as a lot line encroachment. Per current land use and building code, buildings cannot be constructed over a lot line. In order to move forward with the sale and/or redevelopment of one or both "lots", the lot line encroachment is required to be resolved.

The Minor Subdivision Plat process would result in two legal lots, Lot 1 and Lot 2, thereby establishing legal lot boundaries which will result in correcting the lot line encroachment.

## Minor Subdivison Plat Review Criteria

The Town shall use the following criteria to evaluate the applicant's request:

| 30-6-109(C) Review Criteria                                                                                                                                                                                                                                                      | Finding | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. The minor subdivision plat is in compliance with this Code, the Town Comprehensive Plan, the PORT Plan, and any additional master plans or overlay districts affecting the property.                                                                                          | Yes     | The proposed Minor Subdivision Plat request would bring the properties into compliance with the Development Code. The request would resolve an existing illegal lot split of two properties that have been developed since the 1970s-1980s. Additionally, this process would correct an existing lot line encroachment ensuring the existing greenhouse buildings are located on one lot rather than two per the requirements of the Development Code. No new development or redevelopment is proposed with this request. |
| 2. The Planning Commission shall also consider how the Applicant has addressed comments received from the public, during the Public Comment portion of the process, as well as referral agency comments made during the development review process when considering the request. |         | As of the drafting of this report, staff have received no written public comments on the proposed request. The proposed request was reviewed by Town Staff as well as referral agencies, completing two total rounds of review. All Staff and referral agency comments were adequately addressed by the applicant.                                                                                                                                                                                                        |

## PUBLIC NOTICE AND COMMENT

Notice of the Planning Commission public meeting has been mailed to property owners within 500 feet of the subject property on June 23, 2025, a legal ad published on June 22, 2025, and the property was posted as required by the Development Code by June 24, 2025. As of the drafting of this report, staff have received no written public comments on the proposed request.

---

The Buckardt Minor Subdivision Plat application completed two (2) rounds of referral agency review in the following sequence:

- 1<sup>st</sup> submittal received March 20, 2025 – staff and referral agency review letter sent to applicant on April 24, 2025
- 2<sup>nd</sup> submittal received May 8, 2025 – staff and referral agency review letter sent to applicant on June 9, 2025

#### ***FINDINGS AND RECOMMENDATIONS***

**Staff recommend Planning Commission make a motion to approve the Buckardt Minor Subdivision Plat.**

#### **Attachments**

1. Development Review Application form
2. Project Narrative
3. Minor Subdivision Plat





Town of Berthoud  
807 Mountain Ave.  
P.O. Box 1229  
Berthoud, CO 80513  
970.532.2643

## DEVELOPMENT REVIEW APPLICATION

All required information must be provided before submittal will be accepted and deemed complete.  
To be complete, the application must include all items identified on the submittal checklist.  
Please complete both sides of application form.

|                                                                                                                 |                                                       |                                                           |
|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------|
| <b>Parcel Number(s):</b> 9414479008 and 9414479002                                                              |                                                       |                                                           |
| <b>Site Address:</b> 806 2nd St                                                                                 |                                                       |                                                           |
| <b>Project Name:</b> Buckardt Minor Sub                                                                         |                                                       |                                                           |
| <b>Brief description of project:</b><br>Adjust lot line between two parcels to accomodate existing improvements |                                                       |                                                           |
| <b>APPLICATION TYPE (Check as appropriate):</b>                                                                 |                                                       |                                                           |
| <input type="checkbox"/> Annexation                                                                             | <input type="checkbox"/> Preliminary Subdivision Plat | <input type="checkbox"/> Final Site Plan                  |
| <input type="checkbox"/> Rezoning                                                                               | <input type="checkbox"/> Final Subdivision Plat       | <input type="checkbox"/> PUD Amendment                    |
| <input type="checkbox"/> Concept Plan                                                                           | <input type="checkbox"/> Plat Amendment               | <input type="checkbox"/> PUD Preliminary Development Plan |
| <input checked="" type="checkbox"/> Minor Subdivision                                                           | <input type="checkbox"/> Oil and Gas                  | <input type="checkbox"/> PUD Final Development Plan       |
| <input type="checkbox"/> Special Use Review                                                                     | <input type="checkbox"/> ROW Vacation                 | <input type="checkbox"/> Other _____                      |
| <b>APPLICANT</b>                                                                                                |                                                       |                                                           |
| Name: Cindy Buckardt                                                                                            |                                                       |                                                           |
| E-mail: csh@frii.com                                                                                            | Mailing Address: 4709 ROSEWOOD DR                     |                                                           |
| Phone: 970-481-7993                                                                                             | City/State/Zip: Loveland, CO 80537                    |                                                           |
| <b>CONTACT PERSON (will receive correspondence from Town Staff/Referral Agencies)</b>                           |                                                       |                                                           |
| Name: Tom Donnelly                                                                                              |                                                       |                                                           |
| E-mail: todonnelly@gmail.com                                                                                    | Mailing Address: 2092 Firestone Ct                    |                                                           |
| Phone: 970-290-2431                                                                                             | City/State/Zip: Loveland, CO 80538                    |                                                           |
| <b>OWNER(S) (If different than applicant)</b>                                                                   |                                                       |                                                           |
| Name: CSH LLC                                                                                                   |                                                       |                                                           |
| E-mail: same as above                                                                                           | Mailing Address:                                      |                                                           |
| Phone:                                                                                                          | City/State/Zip:                                       |                                                           |
| <b>CONSULTANT (Engineer, Surveyor, or Planner)</b>                                                              |                                                       |                                                           |
| Name: CDS Engineering                                                                                           |                                                       |                                                           |
| E-mail: swood@cds-eng.net                                                                                       | Mailing Address:                                      |                                                           |
| Phone: 970-667-8010                                                                                             | City/State/Zip:                                       |                                                           |



| LAND USE INFORMATION                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                          |  |                                                                                                                                                   |                                                                            |               |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------|----------------|
| <b>Existing Use:</b> two separate commercial buildings<br><b>Proposed Use:</b> same<br><b>Existing Zoning:</b> M1<br><b>Proposed Zoning: (if applicable):</b> no change<br><b>Number of acres:</b> 1.38 acres<br><b>Proposed Access:</b> as exists                                                                          | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; background-color: #e0e0e0;">Adjacent zoning / land use:</th> </tr> </thead> <tbody> <tr> <td style="width: 50%;">East Side: M1</td> <td style="width: 50%;">North Side: M1</td> </tr> <tr> <td>West Side: M2</td> <td>South Side: M2</td> </tr> </tbody> </table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Adjacent zoning / land use:              |  | East Side: M1                                                                                                                                     | North Side: M1                                                             | West Side: M2 | South Side: M2 |
| Adjacent zoning / land use:                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                          |  |                                                                                                                                                   |                                                                            |               |                |
| East Side: M1                                                                                                                                                                                                                                                                                                               | North Side: M1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                          |  |                                                                                                                                                   |                                                                            |               |                |
| West Side: M2                                                                                                                                                                                                                                                                                                               | South Side: M2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                          |  |                                                                                                                                                   |                                                                            |               |                |
| UTILITY SERVICE INFORMATION                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                          |  |                                                                                                                                                   |                                                                            |               |                |
| Water: Berthoud                                                                                                                                                                                                                                                                                                             | Sewer: Berthoud                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                          |  |                                                                                                                                                   |                                                                            |               |                |
| PROJECT INFORMATION                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                          |  |                                                                                                                                                   |                                                                            |               |                |
| Number of proposed units:<br>2<br>Number of phases:<br>1<br>Number of Units per phase:<br><br>Number of lots proposed:<br>2<br>Lot size minimum:<br>.5 acres<br>Lot size maximum:<br>.88 acres<br>Lot size average:<br><br>Gross density (units/acre):<br><br>Net density (units/acre):<br><br>Area and percent open space: | Non-Residential Building Area (Sq. Ft.) Proposed:<br><br>Non-Residential Construction Floor Area Ratio Proposed:<br><br>Total Number of Parking Spaces:<br><br><u>Acreage of Site:</u><br>a. Gross:<br>b. Right-of-Way:<br>c. Net (a-b)<br><br><table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center; background-color: #e0e0e0;">Type of Housing Proposed (please check):</th> </tr> </thead> <tbody> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Future Single Family<br/> <input type="checkbox"/> Duplex<br/> <input type="checkbox"/> Multi-family<br/>           (# of units:       )         </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Townhouse<br/> <input type="checkbox"/> Condominium         </td> </tr> </tbody> </table> | Type of Housing Proposed (please check): |  | <input type="checkbox"/> Future Single Family<br><input type="checkbox"/> Duplex<br><input type="checkbox"/> Multi-family<br>(# of units:       ) | <input type="checkbox"/> Townhouse<br><input type="checkbox"/> Condominium |               |                |
| Type of Housing Proposed (please check):                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                          |  |                                                                                                                                                   |                                                                            |               |                |
| <input type="checkbox"/> Future Single Family<br><input type="checkbox"/> Duplex<br><input type="checkbox"/> Multi-family<br>(# of units:       )                                                                                                                                                                           | <input type="checkbox"/> Townhouse<br><input type="checkbox"/> Condominium                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                          |  |                                                                                                                                                   |                                                                            |               |                |

**Signatures are required for ALL Property Owners and the Applicant**

I hereby certify that I am the lawful owner of the parcel(s) of land that this application concerns and consent to the action. I hereby permit Town of Berthoud staff to enter upon the property for the purposes of inspection relating to the application. Building Permits will not be accepted while this application is in process.

Property Owner(s): Cindy S. Buckner Date: 2/26/25  
 Property Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

In submitting the application materials and signing this application agreement, I acknowledge and agree that the application is subject to the applicable processing and public hearing requirements set forth in the Development Code.

Applicant: Cindy S. Buckner Date: 2/26/25

**FOR OFFICE USE ONLY**

Received By: \_\_\_\_\_

Date: \_\_\_\_\_



## **Attachment 2**

### **Buckardt Minor Subdivision Plat**

#### **Project Overview**

This project proposes a Minor Subdivision between two adjacent parcels to resolve an encroachment issue where an existing building has been constructed across the current property boundary. The adjustment will modify the common property line to place the entire structure within a single parcel, ensuring compliance with zoning regulations, ownership integrity, and future development potential.

#### **Property Information**

- Lot 1 (northern parcel): Parcel #9414479008, owned by CSH, L.L.C.
- Lot 2 (southern parcel): Parcel #9414479002, owned by CSH, L.L.C
- Site Address: 806 2nd St. Berthoud, CO 80513
- Jurisdiction: Berthoud, Larimer County, Colorado
- Zoning Designation: M1
- Existing Land Use: Commercial and Industrial uses

#### **Purpose and Justification**

The need for this boundary line adjustment arises due to a building that was inadvertently constructed across the existing property line. This encroachment presents legal, zoning, and financing challenges for the affected property owners. Adjusting the property line will:

1. Ensure Legal Compliance – Align the parcel boundaries with the actual built environment, avoiding future legal complications.
2. Maintain Zoning Conformity – Ensure both parcels comply with applicable zoning regulations, setbacks, and lot coverage requirements.
3. Clarify Ownership and Title – Prevent potential disputes and allow for clear property ownership records.
4. Facilitate Future Use and Development – Support property owners in maintaining or improving their properties without boundary-related constraints.

#### **Proposed Adjustment**

The proposed boundary line adjustment will shift the common property line by approximately 34' to the north, resulting in the following:

- Lot 1 will decrease in size from 29,839 sq.ft. to 21,688 sq.ft.

- Lot 2 will increase in size from 33,579 sq.ft. to 38,188sq.ft..
- No new parcels will be created, and no existing parcels will be eliminated.

### **Compliance with Local Regulations**

The boundary line adjustment will comply with all applicable zoning and subdivision regulations, including but not limited to:

- Minimum lot size requirements
- Setback and lot coverage standards
- Access and easement provisions
- Any applicable utility and infrastructure considerations

### **Conclusion**

This boundary line adjustment is a straightforward solution to an existing encroachment issue and will benefit both property owners while ensuring compliance with legal and regulatory requirements. The proposed adjustment does not alter the character of the neighborhood, create new development impacts, or increase the intensity of land use. We respectfully request approval of this boundary line adjustment to formalize the necessary correction.



PLANNING COMMISSION RESOLUTION NUMBER 01

(SERIES 2025)

A RESOLUTION OF THE TOWN OF BERTHOUD PLANNING COMMISSION  
APPROVING A MINOR SUBDIVISION PLAT FOR THE “BUCKARDT” PROPERTY IN  
THE TOWN OF BERTHOUD.

WHEREAS, the property under consideration is known as the “Buckardt” property; and more particularly described in Exhibit A attached hereto; and

WHEREAS, the Minor Subdivision Plat attached herein as Exhibit B has been reviewed by referral agencies to ensure the proposed request does not present a burden on service provision; and

WHEREAS, notice was properly posted in the manner required by law and a public hearing was conducted on July 10, 2025; a legal ad was published on June 22, 2025, and affected property owners within 500 feet of the site were notified by first-class mail before the Berthoud Planning Commission hearing on June 23, 2025; and

WHEREAS, based on the testimony and evidence presented at the public meeting on July 10, 2025, the Planning Commission determines and finds that compliance with the Minor Subdivision Plat review criteria as provided in Section 30-6-109(C) of the Berthoud Municipal Code has been demonstrated.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. Minor Subdivision Plat Approval. The Minor Subdivision Plat is hereby approved.

Section 2. Interpretation: This Resolution shall be interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this Resolution shall take effect upon adoption.

APPROVED AND ADOPTED this 10th day of July 2025.

TOWN OF BERTHOUD

By \_\_\_\_\_

Karen Anderson, Chairperson

ATTEST:

By: \_\_\_\_\_

Anne Johnson, Community Development Director

## Exhibit A: Legal Description

properties being a portion of Lot 7, Turner Subdivision, located in Section 14, Township 4 North, Range 69 West of the 6th Principal Meridian, Town of Berthoud, County of Larimer, State of Colorado, more particularly described as follows:

Commencing at the Southeast corner of Lot 7, TURNER SUBDIVISION OF NORTHEAST ADDITION of the Town of Berthoud; Thence West along the South line of said Lot 7, a distance of 194 feet to the true point of beginning; Thence continuing along the South lot line of said Lot 7, a distance of 246 feet, more or less to the East line of 2nd Street; Thence North along the East line of 2nd Street a distance of 122 feet; Thence East parallel to the South line of said Lot 7, a distance of 246 feet, more or less, then South parallel to the East line of 2nd Street a distance of 122 feet to the true point of beginning,

AND

Commencing at the Southeast corner of Lot 7, TURNER SUBDIVISION OF NORTHEAST ADDITION to the Town of Berthoud, Thence West along the South lot line of said Lot 7, a distance of 440 feet, more or less to the East line of 2nd Street; Thence North along the East line of 2nd Street, a distance of 122 feet to the true point of beginning; Thence North 121.4 feet; Thence East 246 feet more or less; Thence South 121.3 feet; Thence West 246 feet more or less to the true point of beginning. County of Larimer. State of Colorado.



**Exhibit B: Preliminary Plat**

(to be inserted)

# PLANNING COMMISSION INFORMATION

## COMMUNITY DEVELOPMENT DEPARTMENT



|                              |                                                                                                                                                                                                                                                       |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | July 10, 2025                                                                                                                                                                                                                                         |
| <b>Agenda Title/Subject:</b> | <b>Ordinance ## (Series 2025) Public Hearing to present proposed amendments to the Short-term Rental regulations and the Mountain Avenue Overlay District, amending Chapter 30, Section 3 (Use-Specific Standards) of the Berthoud Municipal Code</b> |
| <b>Type of Item:</b>         | Public Hearing                                                                                                                                                                                                                                        |
| <b>Purpose:</b>              | <b>Recommendation to the Planning Commission to repeal and replace Section 30-3-113, Short-term Rental regulations, and Section 30-3-115, Mountain Avenue Overlay District of Chapter 30 of the Berthoud Municipal Code</b>                           |
| <b>Presented by:</b>         | <b>Anne Johnson, Community Development Director<br/>Tawn Hillenbrand, Planning Manager</b>                                                                                                                                                            |

### ATTACHMENTS:

- Ordinance 13## (Series 2025)
- Appendix A: Code Amendments in redline format, Section 3, Short-term Rental Regulations
- Appendix B: Code Amendments in clean format, Section 3, Short-term Rental Regulations
- Code Amendments in redline format, Section 3, Mountain Avenue Overlay District
- Code Amendments in clean format, Section 3, Mountain Avenue Overlay District
- Public Notice

### SHORT-TERM RENTAL REGUALTIONS BACKGROUND:

The Town Board of Trustees adopted Short-term Rental regulations, Ordinance 1342 (Series 2024), on August 13, 2024. The regulations went into effect one month later on September 23, 2024. The process to develop the Short-term Rental regulations included a community questionnaire, special interest group discussions, extensive research regarding industry best practices, and multiple work sessions with the Town Board of Trustees. Staff produced a first draft of regulations following a work session in November 2023, a second draft following a work session in January 2024, and a final draft following a work session in March 2024. Each draft incorporated both community and Town Board of Trustees feedback.

As part of the work sessions, extensive discussion was made regarding separation requirements between approved short-term rentals as a mechanism to manage the saturation of short-term rentals in neighborhood environments. Through the research process Staff found that this was a common practice in some communities within Colorado to manage saturation. While a separation

requirement could help manage the number of approved short-term rentals in a neighborhood, the requirement could also create challenges. After evaluation and consideration of differing separation distances, the Planning Commission and Town Board moved to adopt a 200-foot separation requirement between approved short-term rentals.

Since implementing the regulations in September 2024, the Town has received consistent feedback from one (1) community member opposing the separation requirement and requesting its removal. In total, the Town has received twelve (12) short-term rental applications. Of the twelve (12) short-term rental applications, eight (8) have been approved and four (4) have been denied due to not meeting the current separation requirement. The four (4) that have been denied are all located in the same neighborhood, Heron Lakes Townhomes. No other short-term rental applications elsewhere in the Town have been denied due to not meeting the separation requirement.

Based upon this one community member's feedback and direction from the Town Board, the current 200-foot separation requirement is being proposed for removal from the Short-term Rental regulations. A redline format of the Short-term Rental regulations, reflecting this one change, are attached to this report. No other changes to the short-term rental regulations are proposed.

### **MOUNTAIN AVENUE OVERLAY DISTRICT BACKGROUND**

In 2019, the Town Trustees adopted the Mountain Avenue Overlay District with the goal of protecting and enhancing the existing historic context of downtown while guiding the general character of Mountain Avenue, the Town's Main Street. Staff and Trustees toured the Downtown Commercial and Residential Conversion Districts in February 2025 and determined that the majority of the Neighborhood Conversion District had already been converted to commercial uses. Therefore, integrating the Residential Conversion District into the Downtown Commercial District was a logical step in managing the future development of downtown Berthoud.

The Code presentation before you includes minor clean-up work as well as replacing the Mountain Avenue Overlay District map and deleting the Residential Conversion District.

### **UPDATE/NEXT STEPS:**

The Planning Commission's recommendation on the proposed amendment to the Short-term Rental regulations and those amendments to the Mountain Avenue Overlay District will be provided to the Town Board of Trustee's introduction hearing on July 22, 2025 and at the public hearing on August 12, 2025.

### **FISCAL IMPACT AND FUND SOURCE:**

There is no negative fiscal impact to the Town in amending the Town Development Code, Chapter 30 of the Municipal Code to amend the Short-term Rental Regulations and the Mountain Avenue Overlay District standards.

### **COMMUNITY TOUCHSTONES:**

Consideration of the amendment request does not negatively impact community touchstones. Consideration of approval of the request does provide support for enhancing community identity, provides support to strengthen the Town's sustainability and resiliency goals and affords the community with a transparent set of standards to know what the expectations are for establishing and maintaining a short-term rental in the Town of Berthoud and developing within the Mountain Avenue Overlay District.

### **RECOMMENDED ACTION(S):**

Staff recommends the Planning Commission approve the recommended amendments contained in the attached Ordinance with all attached Ordinance Appendices and forward their recommendation of approval to the Town Board of Trustees.

**TOWN OF BERTHOUD ORDINANCE  
NUMBER 13XX (2025)**

**AN ORDINANCE TO REPEAL AND REPLACE BERTHOUD MUNICIPAL CODE SECTION  
30-3-113 REGARDING SHORT TERM RENTALS AND SECTION 30-3-115 REGARDING THE  
MOUNTAIN AVENUE OVERLAY DISTRICT**

**WHEREAS**, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

**WHEREAS**, the Town amends the Municipal Code when necessary for clarification and to keep current with best management practices as well as the changing nature of the community; and

**WHEREAS**, the Town implemented Ordinance 1342 on August 13, 2024 establishing the use of Short Term Rentals in Town and staff has since evaluated the buffer requirement; and

**WHEREAS**, the Town adopted the Mountain Avenue Overlay District in 2019. Staff and Trustees toured the District in February 2025 and determined the consideration of absorbing the Residential Conversion District into the Downtown Commercial District is appropriate as the majority of the properties have already been converted to commercial uses; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. The attached Exhibit A contains a new Section 30-3-113 regarding Short Term Rentals has been approved. Section 30-3-113 shall be repealed and replaced in it's entirety reflective of Exhibit A.

Section 2. The attached Exhibit B contains a new Section 30-3-115 regarding the Mountain Avenue Overlay District has been approved. Section 30-3-115 shall be repealed and replaced in its entirety reflective of Exhibit B.

Section 2. Interpretation: This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this Ordinance shall take effect thirty (30) days following the date of public hearing to adopt Ordinance 13XX (2025).

[INTENTIONALLY LEFT BLANK]

INTRODUCED, READ, AND APPROVED on first reading this 22<sup>nd</sup> day of July, 2025.

**TOWN OF BERTHOUD**

By \_\_\_\_\_  
**William Karspeck, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Christian Samora, Town Clerk**

INTRODUCED, READ, ADOPTED, AND APPROVED on second reading this 12<sup>th</sup> day of August, 2025.

**TOWN OF BERTHOUD**

By \_\_\_\_\_  
**William Karspeck, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Christian Samora, Town Clerk**

## **Ordinance 13XX (2025) Exhibit A**

### **Section 3: Use-Specific Standards**

#### **30-3-113 – Short-term Rentals**

- A. Purpose. The purpose of these regulations is to allow short-term rentals through a licensing process within the regulatory boundaries of the Town. These regulations are to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants.
- B. Applicability. These regulations apply to all uses meeting the definition of short-term rental. Private covenants running with the land may restrict or prohibit short-term rentals; it is the responsibility of the property owner, not the Town, to ensure compliance with restrictive covenants.
- C. License Required. No person shall rent a principal dwelling as a short-term rental as defined in this Chapter to a transient guest(s) without first obtaining a short-term rental business license issued by the Town and complying with any conditions or restrictions thereof. A short-term rental business license may be issued by the Town Administrator, or Designee, upon finding that the requirements of this Section (30-3-113) are met.
  - 1. The short-term rental business license shall be valid for one year and is subject to annual license renewal as prescribed by the Town. Failure to complete the license renewal shall be cause for revocation of the license approval and may subject the short-term rental to the limitations of the cap.
  - 2. In determining whether to renew a short-term rental business license, the Town Administrator, or Designee, will consider the history of any violations of the short-term rental business license and any documented complaints from nearby property owners or lessees.
  - 3. The short-term rental business license is not transferable to any person upon sale or other transfer of ownership of the property nor is a short-term rental business license transferable from one property to another without first receiving written approval from the Town.
  - 4. A property owner shall obtain no more than two (2) short-term rental business licenses in the Town at any given time.
  - 5. A copy of the business license shall be prominently displayed within the short-term rental unit (such as next to the front entrance).
  - 6. The short-term rental business license number shall be included in all advertisements with any lodging or booking agency or website designed to find customers.
- D. General Standards.
  - 1. The maximum number of short-term rentals in the Town shall not exceed fifty (50). An application for a new short-term rental shall be processed on a first-come-first-served basis. No applications for a short-term rental will be accepted if the maximum number has been met
  - 2. Only one short-term rental shall be allowed on a property. A short-term rental shall not be allowed in multi-family apartment dwellings, as defined by this code.
  - 3. A short-term rental shall only be conducted in a legally constructed dwelling unit.
  - 4. The total number of occupants or guests of the short-term rental unit shall not exceed two (2) persons per bedroom plus two (2) additional persons per property, but in no instance shall the maximum number of occupants or guests exceed ten (10) total persons.
  - 5. The required minimum number of guest parking spaces for the short-term rental, noted in the table below, shall be provided on-site in a garage, on the driveway, or in a parking lot for multi-unit buildings or developments. One (1) on-street parking space located within one block of the short-term rental shall be counted toward the required minimum number of on-site parking spaces for those properties that do not have a garage and/or driveway. If the short-term rental does not have the required minimum number of on-site guest parking spaces, as required in the table below, but can provide a portion of the required number, the provided number of guest parking spaces shall determine the maximum number of allowed guests. The minimum number of off-street parking spaces required are as follows:



| Number of Bedrooms in STR Unit | Number of Off-Street Parking Spaces |
|--------------------------------|-------------------------------------|
| 1-2                            | 1                                   |
| 3-4                            | 3                                   |
| 5                              | 4                                   |

6. In multi-unit buildings or developments, only parking spaces that are specifically designated for the dwelling unit shall be used for the short-term rental guest parking. Guest or overflow parking for the development shall not be used as parking for the short-term rental.
7. No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a recreational vehicle, travel trailer, tent, or other outdoor structures on the short-term rental property.
8. The short-term rental shall not be used and/or advertised as an event space, be it a commercial event or large social gathering such as weddings, commercial or corporate events.
9. There shall be no change to the outside appearance of the dwelling or premises or other visible evidence of the conduct of such short-term rental and shall not disturb the neighborhood character.

E. Safety Standards.

1. The short-term rental must undergo and pass a life-safety inspection or other required building inspections at the time of initial licensing and on an annual basis accompanying the annual license renewal to ensure compliance with the Town's Building Code. The Life Safety Inspection shall be conducted by the Town Building Official, or Designee.
2. Unless already equipped with an approved automatic fire sprinkler system or installing one with a building permit and/or fire permit, approved fire extinguishers shall be installed in readily accessible and visible locations for immediate use in the following locations within the short-term rental:
  - a) In each room with a cooking appliance, fireplace, heating appliance, or water heater.
  - b) Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.
  - c) At least one on each story.
3. The property owner shall ensure that the short-term rental contains the following on the premises at all times:
  - a) The required number of smoke detectors in good working order;
  - b) The required number of carbon monoxide detectors in good working order;
  - c) Adequate and functional building egress from each sleeping room in the dwelling; and
  - d) Posted egress maps.
4. A sign containing the following information shall be posted at each interior entrance and exit of the short-term rental:
  - a) The property address.
  - b) The maximum number of occupants or guests permitted to stay in the short-term rental as approved by the Town.
  - c) Contact information for the Fire Department and Police/Sheriff Department.
  - d) Contact information for the short-term rental property manager or property owner.
5. The short-term rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table). The operations manual shall include standard contents as determined and approved by the Town at the time of application.
6. The property owner shall designate a local property manager who shall be available 24 hours per day, 7 days per week to respond to complaints about or violations of law or of license terms. *Local* as used herein means having a permanent address within a 20-mile radius from the short-term rental property and a 24-hour contact phone number. The designated local property

manager must be able to affirmatively respond to complaints within one hour of notification of such complaint. The designated local property manager's contact information shall be posted in the operations manual located in the short-term rental. Changes to the contact information for the designated local property manager shall be provided to the Town Community Development Department within five business days of the change in contact information. The designated local property manager may be the owner of the property if they meet the *local* criteria.

7. The property owner shall provide a written notice, on a form approved by the Town, of the short-term rental approval to all property owners within 500 feet of the subject property. Such notice shall be mailed within ten (10) days following the date of short-term rental approval.
8. The property owner shall maintain and provide proof of property liability insurance adequate for a short-term rental or provide proof that property liability coverage is provided by any and all hosting platforms through which the owner will rent the short-term rental unit.

F. Taxes, Records, Enforcement.

1. A short-term rental is subject to lodging, sales, and other applicable taxes. A short-term rental business license holder who fails to collect and remit lodging taxes on a short-term rental during the license period shall not be permitted to renew the license for the following two-years, and the property may become subject to the limitations of the cap.
2. The property owner shall maintain records of occupancy for the short-term rental unit, including total number of nights the short-term rental was rented to a guest and the dates in which the short-term rental was rented by a guest. The records shall be made available to the Town, upon request, for review and inspection at any time.
3. A short-term rental business license constitutes a permit, and this Section shall be enforced in accordance with Section 5 of the Berthoud Development Code.

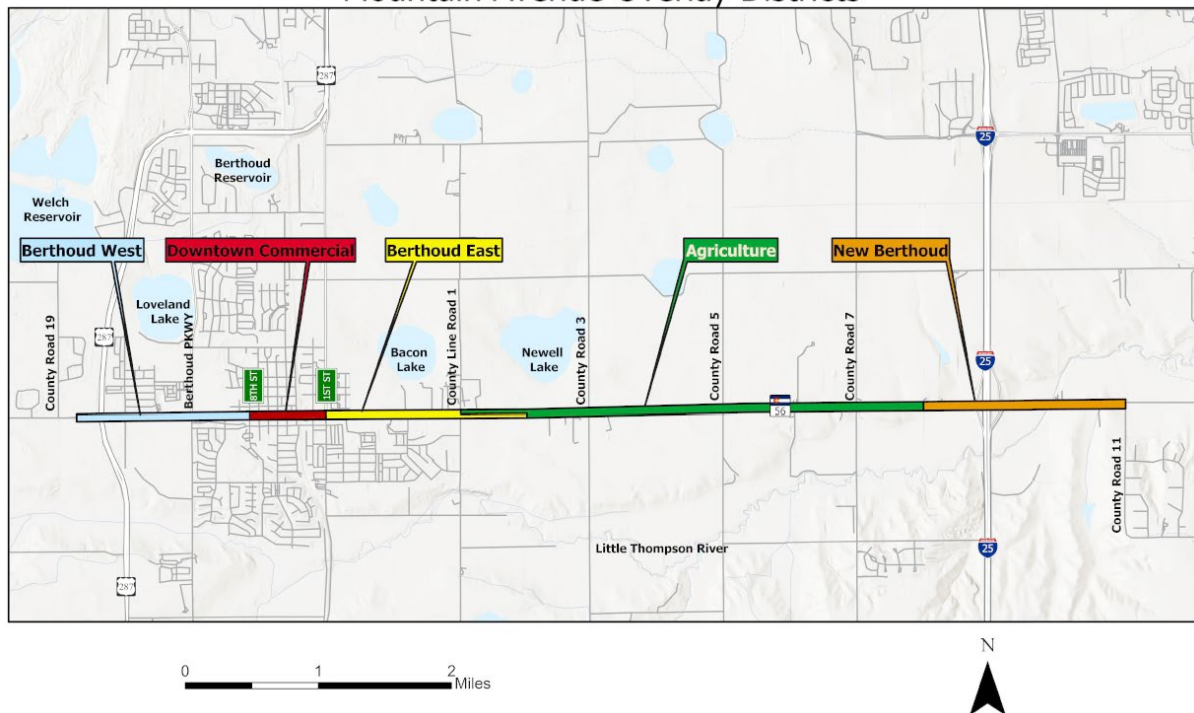
## Ordinance 13XX (2025) Exhibit B

### Section 3: Use-Specific Standards

#### 30-3-115 Mountain Avenue Overlay District

1. *Intent:* The Mountain Avenue Overlay District is a corridor focused on protecting and enhancing the existing historical districts and directing the general character of new development and redevelopment along Mountain Avenue/Highway 56. The overlay district defines and emphasizes unique character districts along the corridor and sets specific guidelines as to architecture, site planning, parking, urban design and streetscapes within this area. The underlying zoning remains, and specific design, architecture and setback requirements are governed by the overlay district.
2. *Applicability/Boundaries:*
  - A. *Boundary of Mountain Avenue Overlay District.* The boundary of this Mountain Avenue Overlay District (herein referred to as the "Mountain Avenue Overlay District") shall be the area so labeled and depicted in the map below, and as approved in the official zoning map, which is incorporated herein by reference; which generally extends along HWY 56 and is applicable to all properties within 150 feet of the centerline of Hwy 56, Larimer County Road 8, and Weld County Road 44 within Town Limits.

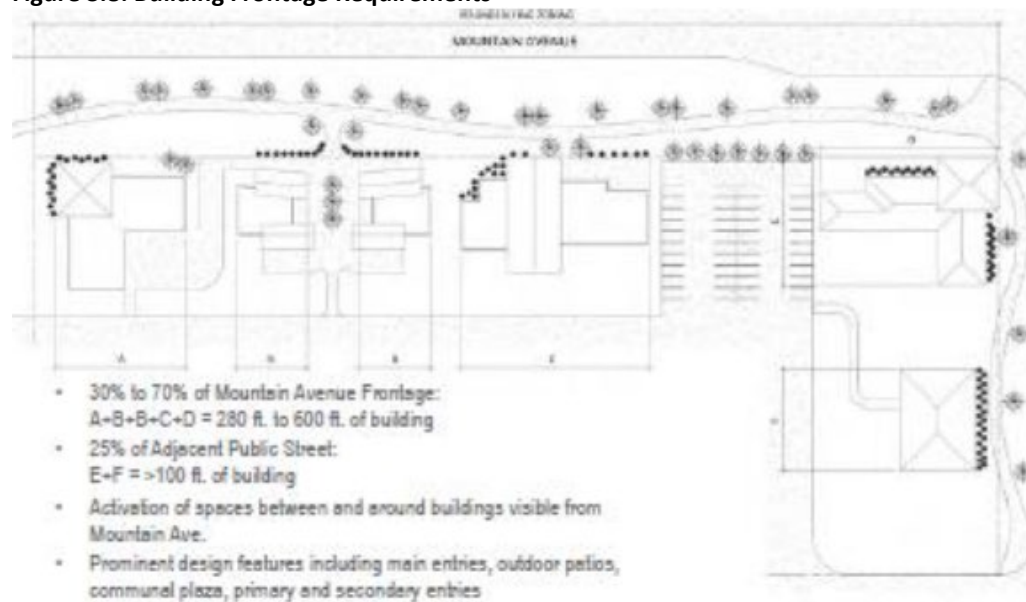
Mountain Avenue Overlay Districts



- B. *Applicability.* All of the regulations and requirements of this Section shall fully apply when any of the following occur (the property must be brought into full compliance with this Article when any of the following occur):
  1. Construction of any new Structure.
  2. Parking area reconfiguration (repair and restriping of existing parking lot is exempt).
  3. Structural Alterations. Any structural alteration shall follow the Mountain Avenue Overlay District regulations as follows:

- 
- i. *Exterior Walls.* When any change is made to the façade or an exterior wall of an existing structure, all of the façade visible from Mountain Avenue, shall be brought into full compliance with the Mountain Avenue Overlay District found herein.
      - ii. *Addition(s):* Any addition must be in full compliance with the Mountain Avenue Overlay.
    4. See the Section on Signs in this Mountain Avenue Overlay District regulations as well as the separate Section on Signs in this Chapter.
    5. Change of Use. Any change of use will require compliance with applicable standards of the Mountain Avenue Overlay District.
  - C. *Exemptions:*
    1. General property maintenance and/or general property repair, such as roof repairs, interior remodels and repair, paint, and any other non-structural repair, or;
    2. The maintenance, repair, upgrading or replacement of any water, sewer, HVAC, or electrical facilities will not trigger a requirement that such property or structure be brought into compliance with the Mountain Avenue Overlay District.
    3. Existing single-family homes are exempt from the requirements of this overlay and shall follow the development standards of the underlying zoning district.
  - D. *Legal Non-conformities.*
    1. Except as provided in this District to the contrary; all nonconforming uses, nonconforming structures and nonconforming lots, shall be governed by the Section regarding Nonconformities in this Chapter.
  3. *Overlay Requirements—Character Districts.* The 7.75-mile corridor passes through several distinct environments, each with a unique and definable character that separate them from other places along the corridor. These districts are often defined by architecture, land uses, scale, density, streetscapes, and landscaping. This Overlay protects and enhances the character of each district.
    - A. *Berthoud West Character District.* This is a largely undeveloped district with views of the Rocky Mountains, and in close proximity to downtown and Highway 287. This area is envisioned as a vibrant walkable commercial district with opportunities for shopping, employment and other services. Though this district is in close proximity to the town core, it will build on the unique characteristics of downtown, but not replicate it.
      1. *District Extent:* This district extends approximately 800 feet west of Hwy 287 and east to 8th Street. Refer to the Mountain Avenue Overlay District map found in this Section.
      2. *Architecture Intent:* As primarily a commuter route with limited business access, high vehicular speeds have been the norm, but are expected to be reduced with development to encourage pedestrians and cyclists. Building location and entry orientation will also play a key role in enhancing the patron's experience.
        - a. *Building Façades.* Buildings'-façades along Mountain Avenue shall extend along a minimum of 35 percent but not more than 75 percent of the total property frontage and be built to the required setback line with minor variations for façade-articulation.

**Figure 3.8: Building Frontage Requirements**



**b. Overall Building Location and Placement of Key Features.**

- i. *Configuration:* Configuration and placement of buildings shall give intentional shape and layout to adjacent exterior gathering spaces and pedestrian/bicycle connections, while being site-specific in response to landscape and hardscape features. "Cookie-cutter" flat-façade buildings that lack articulation and site-specific features will not be allowed. Building placement should follow the principles in Figure 3.9 below.
- ii. *Site Planning:* Modern site planning principles include efforts to combine the infrastructure required to develop from building to building or lot to lot. Sharing infrastructure such as detention, parking, internal pedestrian spaces are strongly encouraged.
- iii. *Staggered Setbacks and Heights:* A variation in building placement by staggering setbacks as well a variation in building heights is required for any multi-tenant site plan or Master Plan.
- iv. *Limited Access:* Limited access directly from Mountain Avenue allows for long stretches of uninterrupted streetscapes, improves traffic flow on Mountain Ave, and increases the need for automobile access to developments from cross-streets and back streets.

**Figure 3.9: Building Placement Example**



c. *Exterior Activation.*

- i. *Requirement for Exterior Activation:* Each building/site plan property must possess at least one of the following locating the features so they are readily-visible to and from Mountain Avenue to ensure a strong visual connection: outdoor patios, primary and secondary entries, canopies and other features help "activate" a development.
- ii. *Screening:* Three-dimensional building elements to act as screening for service type accessories including roof- and ground-mounted HVAC equipment, electrical/gas meters, loading docks/service entries, etc. These service equipment components shall not be visible from the public R.O.W. or from adjacent properties/uses.

d. *Massing and Articulation.*

- i. *Compatibility and Configuration:* A building's three-dimensional configuration plays a significant role in determining the impact it will have on the surrounding environment. The proposed building shall be designed to be compatible with other structures in the surrounding vicinity in size, scale and character. Building mass shall be well-proportioned and organized to define various horizontal and vertical elements while clearly expressing the internal function of the building. See Figure 3.10.



- ii. *Multiple Buildings:* Multiple buildings in a common commercial development shall be consistent in architectural form/detailing, materials, roof styles and colors to achieve a harmonious design vocabulary and continuity within itself.
- iii. *Multi-tenant buildings/Buildings over 60 Feet Long:* Large retail buildings shall be broken down into a series of complementary forms with a clearly defined pattern. Blend larger flat roof areas with smaller pitched roof elements that denote key functions such as entries or primary window groupings. Horizontal step backs of the façade shall be significant in relation to the overall length and scale of the building. For instance, a 60 feet long building should have two to three primary massing elements with at least four feet to six feet of grade plane changes (i.e. eight to ten percent of the overall length). Screening elements for items such as ground-mounted or roof-mounted mechanical equipment shall be integrated into the building design and not appear as an after-thought. Creating large expanses of windows with a branded display wall in close proximity to the glass so that it is readily visible from the exterior is not permitted.

**Figure 3.10: Four-Sided Architecture Example**



e. *Materials and Colors.*

- i. *Exterior Materials:* façade-materials shall be high-quality, durable products such as brick, stone or decorative precast concrete. The primary building skin shall be a high-quality, aesthetically pleasing, durable material such as brick, natural stone, manufactured stone, especially at the base of the building that is susceptible to damage by maintenance equipment such as plows, shovels, mowers, etc.
- ii. *Primary Material:* The primary material shall constitute at least 65 percent of the total wall area for the front and side façades visible from Mountain Avenue and at least 50 percent for the rear façade; excluding the glazing area of the façade.
- iii. *Glazing:* Exterior glazing shall be high-performance clear glass (not tinted or reflective) with a low-E coating and visible light transmittance (Tvis) of 60 percent or higher. Use of opaque/spandrel glass to simulate ground-level vision windows is discouraged. Creating large expanses of windows with a branded display wall in close proximity to the glass so that it is readily visible from the exterior is not permitted.
- iv. *Secondary façade*

*materials:* may include cement-based stucco, hardboard siding or decorative metal panels with concealed fasteners and low-gloss finish.

**Figure 3.11: Façade Examples**

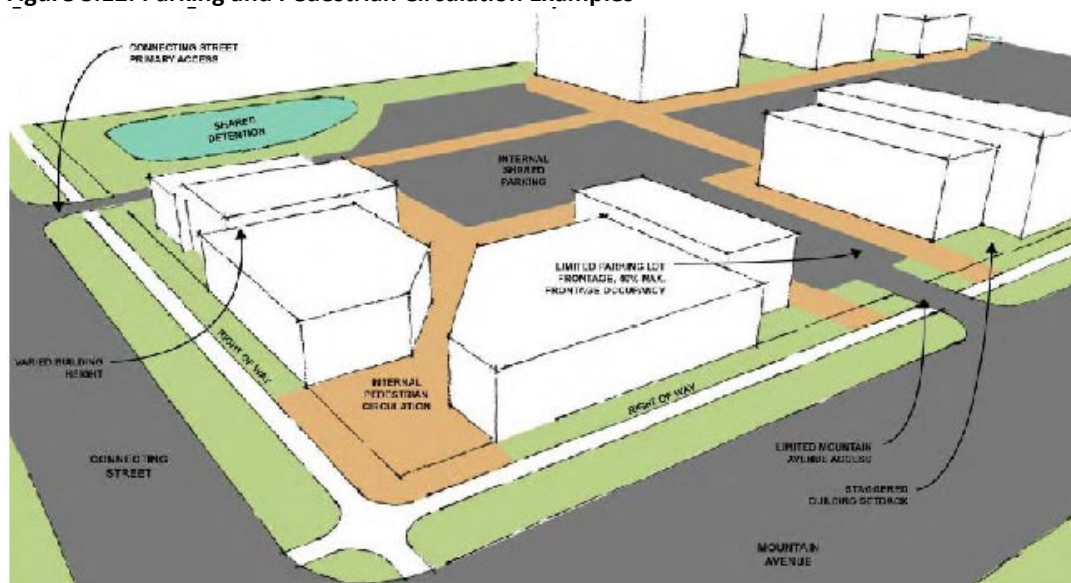


- v. *Screening elements:* such as site walls for parking lots and trash enclosures shall be of the same high-quality durable material as the primary building skin.
- vi. *Primary Façade Colors:* Primary building façade colors shall be non-reflective, muted neutral or earth tones with only small "pops" of bright, higher intensity colors. High-gloss, metallic finishes or fluorescent colors are not allowed.

3. *Parking:*

- a. *Parking:* On-street diagonal parking is proposed on Gateway Park Blvd within the proposed village center. To reduce its visual presence on Mountain Avenue, required parking shall be located behind and between buildings. Required parking areas shall not occupy more than 40 percent of the Mountain Avenue frontage and must not be forward of any building or structure. In addition, such parking areas shall be screened by a landscape hedge, wrought iron fence, or wall as detailed in Table 3.4.
- b. *Drive through Areas:* Restaurant and bank drive through areas shall be oriented away from Mountain Avenue and shall only be accessed by a rear access drive, with no visible drive-through areas fronting Mountain Avenue, as described in Table 3.4.
- c. *Shared Parking:* New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

**Figure 3.12: Parking and Pedestrian Circulation Examples**



4. *Signage:*

Refer to the Sign Section in this Chapter for specific signage requirements.

Table 3.4 Berthoud West Character District Dimensional Standards

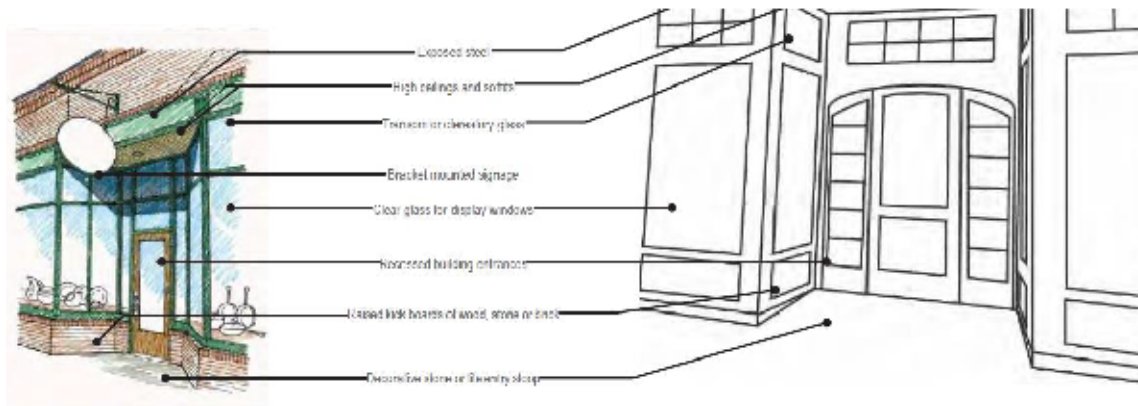
| Mountain Avenue Development Criteria     |                                                |                                                                        |
|------------------------------------------|------------------------------------------------|------------------------------------------------------------------------|
| Description                              |                                                | Berthoud West                                                          |
|                                          | Density and Lot Coverage                       | Per Underlying Zoning                                                  |
| A                                        | Building Height <sup>5</sup>                   | Maximum: 3 Stories (40 feet)                                           |
| B                                        | Minimum Lot Width                              | Per Underlying Zoning                                                  |
|                                          | Building Orientation                           | Parallel to Front lot line                                             |
| Building Setbacks                        |                                                |                                                                        |
| C                                        | Mountain Ave / Highway 56 <sup>6,7</sup>       | 14 ft. min, 20 ft. max                                                 |
| D                                        | Secondary or side street                       | 20 ft. min <sup>8</sup>                                                |
| E                                        | Side yard (3 stories)                          | 10 ft. min                                                             |
| E                                        | Side yard (2 Stories)                          | Per Underlying Zoning                                                  |
| E                                        | Side yard (1 Story)                            | Per Underlying Zoning                                                  |
| F                                        | Rear                                           | Per Underlying Zoning                                                  |
| G                                        | Rear Alley                                     | Per Underlying Zoning                                                  |
| Off-Street Parking and Driveway Setbacks |                                                |                                                                        |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | 20 ft min. or 5 ft greater than building setback, whichever is greater |
| I                                        | Secondary or side street                       | 20 ft. min                                                             |
| J                                        | Side yard                                      | 5 ft. min 0 ft. if shared                                              |
| K                                        | Rear                                           | 5 ft. min 0 ft. if shared                                              |
|                                          | Max parking and driveway frontage <sup>4</sup> | 40% of lot frontage                                                    |
| Mountain Avenue ROW Encroachments        |                                                |                                                                        |
|                                          | Outdoor dining areas and display areas         | 0 ft.                                                                  |
|                                          | Awnings                                        | 0 ft.                                                                  |
|                                          | Balconies                                      | 0 ft.                                                                  |
|                                          | Bay windows and building projections           | 0 ft.                                                                  |
|                                          | Building eaves                                 | 0 ft.                                                                  |

|  |                  |       |
|--|------------------|-------|
|  | Patio cover roof | 0 ft. |
|--|------------------|-------|

Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
  2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
  3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
  4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
  5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
  6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
  7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
  8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
  9. Drive-through windows shall not be oriented towards Mountain Avenue and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.
- B. *Downtown Commercial Character District.* Berthoud's Downtown District represents a concentration of character and personality, and shapes much of the Town's identity. Its buildings give a sense of history, its businesses and restaurants show the liveliness of the town, and its quirks set it apart from other towns in Northern Colorado.
1. *District Extent:* The Downtown Commercial character district extends along Mountain Avenue between 7th Street and 1st Street in the downtown area. Refer to the Mountain Avenue Overlay District map found in this Section
  2. *Architectural Guidelines:*
    - a. *Ground level storefronts:* Ground level retail storefronts are indicative of the mercantile economy of historic downtowns of the late 19th and early 20th centuries. They often feature formal, symmetrical façades, large expanses of display windows flush with the building front walls, recessed entrances and decorative glass transoms. Such storefronts should possess the following characteristics as depicted in the Gound Level Storefront Example graphic described below:
      - i. Retail storefronts create an intimate, pedestrian scale along the street, encouraging residents to slow down, interact and window shop.
      - ii. Primarily glazed, ground level storefronts create a distinction between the public retail façade and the more private areas of the upper levels, often expressed by individual punched window openings.
      - iii. The higher ceilings of historic, ground level retail storefronts have a character not often found in more modern construction.

**Figure 3.15: Ground Level Storefront Example**

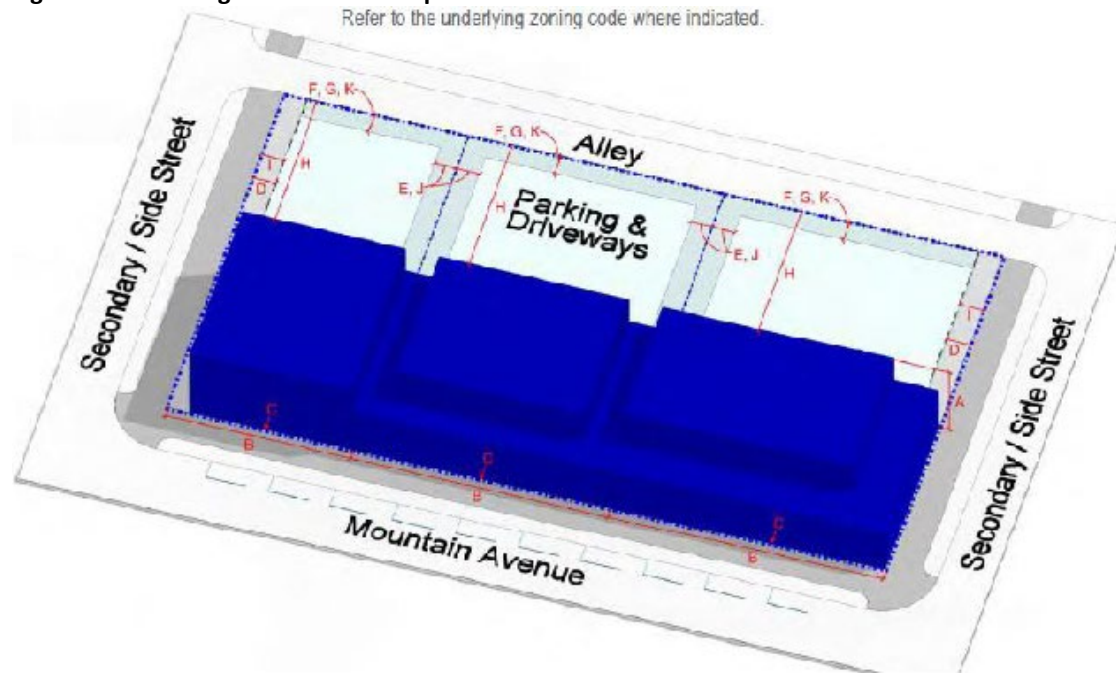


- b. *Infill development/Design:* Communities are encouraging infill development of vacant downtown properties and redevelopment of inappropriate or underutilized buildings to revitalize their historic downtowns. Designed properly, new construction can blend seamlessly with original, historic buildings to create a vibrant downtown environment.
  - i. Maintain natural materials and colors that often utilize local materials and represent the workmanship of local craftsmen. Modern metal siding and other industrial materials are inappropriate as primary façade materials in the historic downtown area.
  - ii. New infill development shall not mimic the exact historic designs and details of existing structures but pick up on the rhythm and spacing of elements to be compatible with and complementary to them.
  - iii. Orient building parallel to street and align front façade with established sidewalk edge.
  - iv. If a portion of the building must be set back, use traditional urban site features to maintain defined sidewalk edge noted above
  - v. Create a clearly defined front entry recessed at least three feet so out-swinging doors do not project into the perpendicular circulation path
  - vi. Predominate massing at the front property line should be one- or two-stories with setbacks for additional stories
  - vii. Floor-to-floor heights shall appear to be consistent with heights traditionally seen in older adjacent buildings
  - viii. Building Materials: Utilize similar high-quality, durable materials such as brick or stone with only accents of more modern materials
- c. *Building Awnings:* Awnings have been used for centuries to shade the façades and display windows of buildings and provide residents with protection from the elements. Awnings also provide a unifying design element to enhance the downtown streetscape and provide opportunities for colorful accents and signage.
  - i. Awnings Encouraged: Awnings are encouraged on all development.
  - ii. Awnings should be consistent with primary building, and color should accent the primary building. On-Street Parking:

3. *Parking and Access:*

- a. On-site parking areas shall be located at the rear of any building as depicted on Figure 3.165.
- b. Curb Cuts: No new curb cuts from Mountain Avenue shall be allowed.
- c. Drive-through Areas: Restaurant and bank drive-through areas are not permitted.
- d. Shared Parking: New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

**Figure 3.16: Parking and Access Examples**



4. *Signage:*
  - a. In general, building mounted signs are recommended in this district. This includes wall mounted signs, window signs, and awning signs. The type, scale and style of the signage should be designed to complement the character of this district and the building that the sign is associated with.
  - b. Sidewalk Signs: Please see Section 30-7-110
  - c. Monument signs are prohibited in this district.
  - d. See Section 7 Signs for additional signage requirements.

Table 3.6 Downtown Commercial Character District Dimensional Standards

| Mountain Avenue Development Criteria |                                          |                                                           |
|--------------------------------------|------------------------------------------|-----------------------------------------------------------|
| Description                          |                                          | Downtown Commercial                                       |
|                                      | Density and Lot Coverage                 | Per Underlying Zoning                                     |
| A                                    | Building Height <sup>5</sup>             | Maximum: 3 Stories (40 feet) Minimum: 2 Stories (20 feet) |
| B                                    | Minimum Lot Width                        | Per Underlying Zoning                                     |
|                                      | Building Orientation                     | Parallel to Front lot line                                |
| Building Setbacks                    |                                          |                                                           |
| C                                    | Mountain Ave / Highway 56 <sup>6,7</sup> | 0 ft. min, 10 ft. max <sup>1</sup>                        |



|                                          |                                                |                                                    |
|------------------------------------------|------------------------------------------------|----------------------------------------------------|
| D                                        | Secondary or side street                       | 0 ft. min, 10 ft. max <sup>1</sup>                 |
| E                                        | Side yard (3 Stories)                          | 0 ft.                                              |
| E                                        | Side yard (2 Stories)                          | 0 ft.                                              |
| E                                        | Side yard (1 Story)                            | 0 ft.                                              |
| F                                        | Rear                                           | Per Underlying Zoning                              |
| G                                        | Rear Alley                                     | Per Underlying Zoning                              |
| Off-Street Parking and Driveway Setbacks |                                                |                                                    |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | Behind building, not accessed from Mountain Avenue |
| I                                        | Secondary or side street                       | 5 ft. min                                          |
| J                                        | Side yard                                      | 0 ft. min                                          |
| K                                        | Rear                                           | 0 ft. min                                          |
|                                          | Max parking and driveway frontage <sup>4</sup> | 0%                                                 |
| Mountain Avenue ROW Encroachments        |                                                |                                                    |
|                                          | Outdoor dining areas and display areas         | 8 ft. max <sup>2</sup>                             |
|                                          | Awnings                                        | 6 ft. max                                          |
|                                          | Balconies                                      | 4 ft. max <sup>3</sup>                             |
|                                          | Bay windows and building projections           | 2 ft. max                                          |
|                                          | Building eaves                                 | 2 ft. max                                          |
|                                          | Patio cover roof                               | 2 ft. max.                                         |

Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
  2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
  3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
  4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
  5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
  6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
  7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
  8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
  9. Drive-through windows shall not be oriented towards Mountain Avenue and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.
- C. *Berthoud East Character District.* A transition district from the rural agrarian areas to the downtown core. The undeveloped land on the south side of Hwy 56 is envisioned as a vibrant walkable residential district with a mixed-use area near the intersection of County Line Road 1 providing opportunities for shopping, dining, employment and other services. Appropriate land use, scale and density transitions from existing residential neighborhoods are critical.
1. *District Extents:* The parcels that are located within this district are found on the Mountain Avenue Overlay District map found in this Section. Generally, the boundary is described as from 1<sup>st</sup> Street to County Line Road 1 on the north side of Mountain Avenue/ State Highway 56 and

from 1<sup>st</sup> Street to one – half mile east of County Line Road on the south side of Mountain Avenue/ State Highway 56.

2. *Architectural Guidelines for Berthoud East District:* Similar to the Berthoud West District, the "East District" focuses on building massing and articulation, and to carefully balance economic interests with the public good by ensuring strong pedestrian and bicycle connectivity with the downtown and residential districts to the west.
  - a. *Scale and Density Focus.*
    - i. Multi-story, mixed use buildings will be encouraged in the denser mixed-use areas immediately adjacent to Mountain Avenue and then taper off in height, size and intensity of use as development extends further away from the overlay district.
    - ii. Long façades shall be broken down into smaller architectural expression through stepping. Stepping can be accomplished in both building elevation and in plan. Third story step-backs provide a gradual scale transition between building heights and opportunities for rooftop patio space.

**Figure 3.17: Stepping Examples**

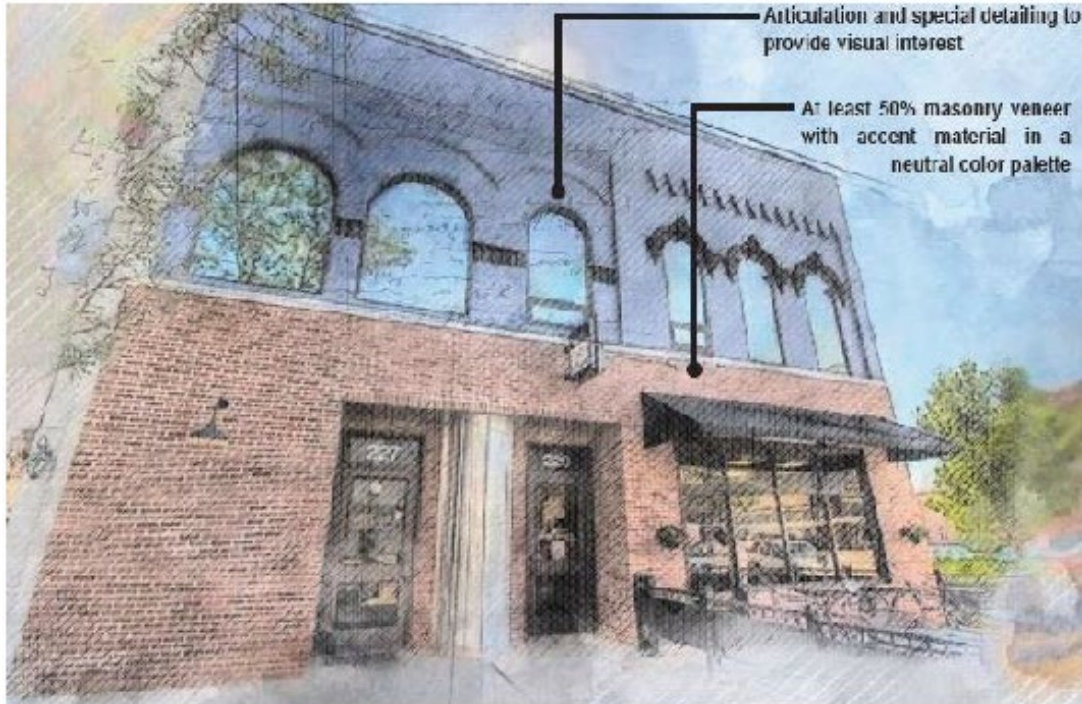


- b. *Building Materiality.* Buildings are meant to convey a sense of permanence and vitality with the use of appropriate materials reinforcing this goal. Materials should be predominantly brick, stone and architectural concrete with accents of wood, stucco or metal wall panels. Variation in materiality is encouraged but should be limited to a maximum of four materiality changes over the total building façade.
  - i. Recommended percentage of material variation is as follows:  
50 percent to 60 percent — Masonry veneer (brick or stone), architectural concrete
  - ii. Up to three accent materials required:  
15 percent to 20 percent — Accent material 'A' (wood, stucco or metal wall panel)  
15 percent to 20 percent — Accent material 'B' (wood, stucco or metal wall panel)

15 percent to 20 percent — Accent material 'C' (wood, stucco or metal wall panel)

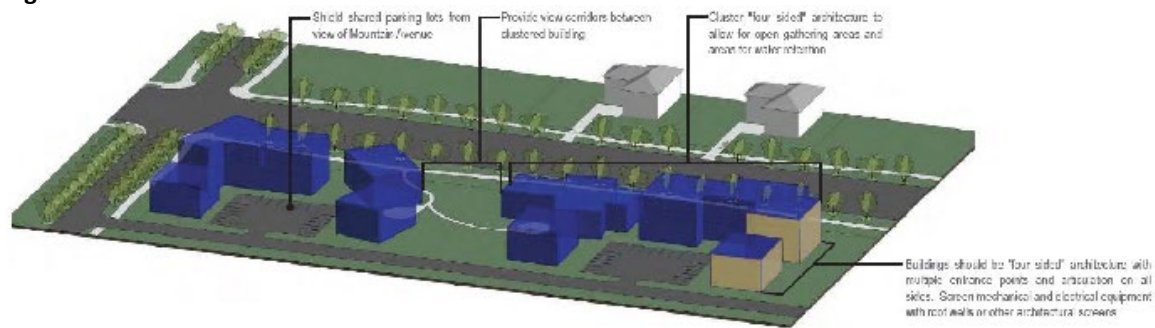
- iii. Articulation and special detailing that provides visual interest and breaks up large expanses of a single building material is supported.
- iv. Color: Color palettes should be primarily of neutral tones with pops of accent color. Accent color and location are to be reviewed and approved with the Site Plan approval process.

**Figure 3.18: Materiality Examples**



- c. *Balancing Developed Spaces:* Shaping multiple buildings into dense clusters of development, formed around pedestrian and bicycle pathways while leaving reasonable expanses of open areas, will provide view corridors from Mountain Avenue and allow space for water retention.
  - i. Buildings shall define a strong street edge with upper floor step back and architectural embellishments at corners and main entry features.
  - ii. Buildings shall be oriented on front edge of setback to Mountain Avenue to allow parking in the rear. This provides for a more aesthetic streetscape by screening parking from Mountain Avenue.
  - iii. Provide "four-sided" architecture with multiple entrance points or articulation and mechanical and electrical equipment screening. All mechanical equipment is to be screened from views from across the street and/or middle of intersections or adjacent properties, whichever is further.

**Figure 3.19: Four Sided Architecture**



d. *Materials and Colors.*

- i. Exterior façade materials shall be high-quality, durable products such as brick, stone or decorative precast concrete.
- ii. The primary building façade shall be of high-quality durable materials such as brick/stone veneer or decorative precast concrete, especially at the base of the building that is susceptible to damage by maintenance equipment such as plows, shovels, mowers, etc.
- iii. The primary material shall constitute at least 70 percent of the total wall area for the front and side façades visible from Mountain Avenue and at least 50 percent for the rear façade; excluding glass.
- iv. Exterior glazing shall be high-performance clear glass (not tinted or reflective) with a low-E coating and visible light transmittance (Tvis) of 60 percent or higher. Use of opaque/spandrel glass to simulate ground-level vision windows is discouraged. Creating large expanses of windows with a branded display wall in close proximity to the glass so that it is readily visible from the exterior is not permitted.
- v. Secondary façade materials can include cement-based stucco, hardboard siding or decorative metal panels with concealed fasteners.
- vi. Screening elements such as site walls for parking lots and trash enclosures shall be of the same high-quality durable material as the primary building skin.
- vii. Primary building façade colors shall be non-reflective, muted neutral or earth tones with only small "pops" of bright, higher intensity colors. Metallic or fluorescent colors are not allowed.

3. *Parking:*

- a. *Parking:* Required parking shall be located behind and between buildings. Only 40 percent of required on-site parking may be allowed along Mountain Avenue frontage and shall not be forward of any building or structure. In addition, such parking areas shall be screened by a landscape hedge, wrought iron fence, or wall as detailed in Table 3.5.
- b. *Drive-through Areas:* Restaurant and bank drive through areas are not permitted.
- c. *Shared Parking:* New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

4. *Signage:*

- a. Building mounted signs and ground mounted monument signs with horizontal massing are preferred.



- b. See Section 7 Signs for additional signage requirements.
- E. *Agricultural Character District*. Farms, big skies, distant views, and scattered farmsteads provide a pleasant separation between Interstate 25 and the Town which adds to Berthoud's small-town appeal. The primary goal of this district is to retain the rural and agrarian character and to protect the iconic views to the Rocky Mountains.
1. *District Extents*: The Agriculture Character District extents vary on the north and south frontages. Refer to the Mountain Avenue Overlay District map found in this Section. In general, the District extends from County Line Road 1 to one-half mile west of Interstate 25 on the north side of Mountain Avenue/ Highway 56 and one-half mile east of County Line Road 1 to one-half mile west of Interstate 25 on the south side of Highway 56.
  2. *Agricultural Character District Architectural Guidelines*: The architectural style of this area is of an agricultural or farmstead nature. It is recommended that all new development compliment this agricultural/farmstead nature.
    - a. Building materials should be of residential grade and include cement-based stucco, hardboard siding, brick, stone, or decorative metal panels with concealed fasteners.
    - b. Roof lines should be of gable end, hip, and valley styles, with dormers, and shed roofs. Clay and concrete tiles are not encouraged.
    - c. Primary Building Façade Colors shall be non-reflective, muted neutral or earth tones, with limited accent colors. Metallic or fluorescent colors are prohibited.

**Figure 3.20: Examples of Agricultural Style Development**



3. *Signage*:
  - a. Building mounted signs and ground mounted monument signs with horizontal massing are preferred.
  - be. Please see Section 7 Signs for additional signage requirements.

**Figure 3.21: Agricultural Character Setback Graphic**

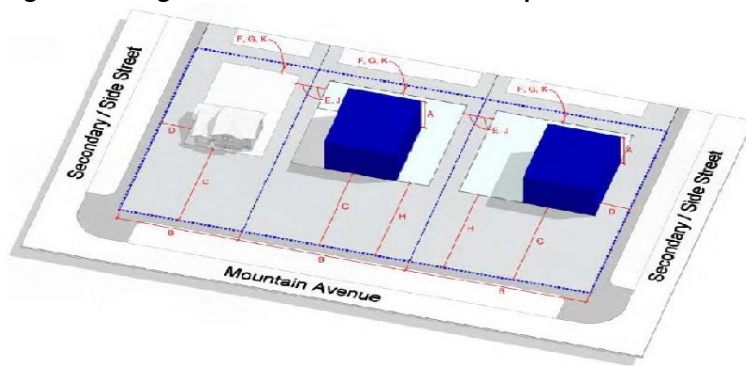


Table. 3.7 Agricultural Character District Dimensional Standards

| Mountain Avenue Development Criteria     |                                                |                              |
|------------------------------------------|------------------------------------------------|------------------------------|
| Description                              |                                                | Agriculture                  |
|                                          | Density and Lot Coverage                       | Per Underlying Zoning        |
| A                                        | Building Height <sup>5</sup>                   | Maximum: 2 Stories (35 feet) |
| B                                        | Minimum Lot Width                              | Per Underlying Zoning        |
|                                          | Building Orientation                           | Parallel to Front lot line   |
| Building Setbacks                        |                                                |                              |
| C                                        | Mountain Ave / Highway 56 <sup>6,7</sup>       | 80 ft. min                   |
| D                                        | Secondary or side street                       | 20 ft. min                   |
| E                                        | Side yard (3 Stories)                          | NA                           |
| E                                        | Side yard (2 Stories)                          | Per Underlying Zoning        |
| E                                        | Side yard (1 Story)                            | Per Underlying Zoning        |
| F                                        | Rear                                           | Per Underlying Zoning        |
| G                                        | Rear Alley                                     | Per Underlying Zoning        |
| Off-Street Parking and Driveway Setbacks |                                                |                              |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | 80 ft. min                   |
| I                                        | Secondary or side street                       |                              |
| J                                        | Side yard                                      | 5 ft. min, 0 ft. if shared   |
| K                                        | Rear                                           | 5 ft. min, 0 ft. if shared   |
|                                          | Max parking and driveway frontage <sup>4</sup> | 40% lot frontage             |
| Mountain Avenue ROW Encroachments        |                                                |                              |
|                                          | Outdoor dining areas and display areas         | 0 ft.                        |
|                                          | Awnings                                        | 0 ft.                        |
|                                          | Balconies                                      | 0 ft.                        |
|                                          | Bay windows and building projections           | 0 ft.                        |
|                                          | Building eaves                                 | 0 ft.                        |
|                                          | Patio cover roof                               | 0 ft.                        |

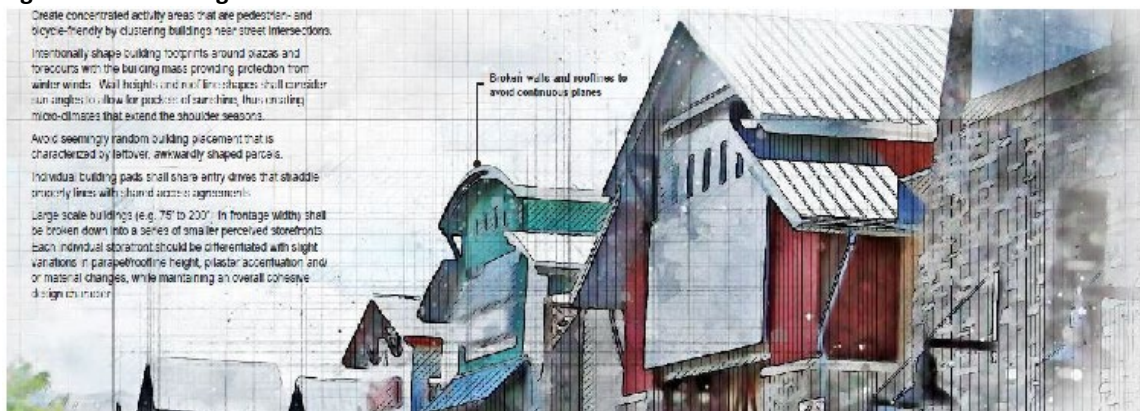
## Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.



9. Drive-through windows shall not be oriented towards Mountain Avenue, and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.
- F. *New Berthoud Character District.* New Berthoud straddles the I-25/Hwy 56 interchange and is the gateway into Town. The lasting impression should relate to "Berthoud Proper" and offer a fresh new twist.
1. *District Extent:* The New Berthoud Character District extends one-half mile west of Interstate 25 to County Road 11. Refer to the Mountain Avenue Overlay District map found in this Section
  2. *Architectural Guidelines for New Berthoud District:* Expansive master planned developments are anticipated in the New Berthoud District with large scale retail/lifestyle uses near the I-25/Mountain Avenue interchange, then transitioning to mixed-use and residential developments further away.
    - a. *Massing and Form.*
      - i. The configuration and massing of these large buildings should give the appearance of individual buildings in the manner of traditional town centers.
      - ii. Wall and rooflines should be broken to avoid continuous planes, giving the appearance of individual buildings being built over an extended period of time but with a consistent architectural vocabulary.
      - iii. Pedestrian approaches should be well-defined with large overhangs or dynamic canopy elements provided for weather protection.
      - iv. Buildings should be clustered near street intersections to create concentrated activity areas that are pedestrian- and bicycle-friendly.
      - v. Building footprints around plazas and forecourts with the building mass providing protection from winter winds. Wall heights and roofline shapes shall consider sun angles to allow for pockets of sunshine, thus creating micro-climates that extend the shoulder seasons.

**Figure 3.22: Massing New Berthoud Character District**



- b. *Massing and Form for Buildings over 75 feet in length.*
  - i. Individual building pads shall share entry drives that straddle property lines with shared access agreements.
  - ii. Large scale buildings (e.g. 75 feet to 200 feet or more in frontage width) shall be broken down into a series of smaller perceived storefronts. Each individual storefront should be differentiated with slight variations in parapet/roofline height, pilaster accentuation and/or material changes, while maintaining an overall cohesive design character.

- iii. Large scale buildings (e.g. 75 feet to 200 feet or more in frontage width) shall be designed to have scale-defining elements that reduce the perceived size.
- iv. Provide cornice details that terminate in the main field wall while more prominent overhangs cap the defining architectural wall elements.
- v. Provide transom windows to direct natural light deeper into space.
- vi. Pedestrian-scale canopy elements are encouraged to provide shelter from adverse weather conditions, while defining the break between the base and the body of the building.
- vii. First floor storefront base with large expanses of vertically oriented glass (more than 50 percent of façade-area) are encouraged for commercial development.

**Figure 3.23: Massing for Buildings 75' in width or larger**



### 3. *Parking:*

- a. *Parking:* On-street diagonal parking is proposed on Gateway Park Blvd within the proposed village center. To reduce its visual presence on Mountain Avenue, required parking shall be located behind and between buildings. Required parking areas shall not occupy more than 40 percent of the Mountain Avenue frontage and must not be forward of any building or structure. In addition, such parking areas shall be screened by a landscape hedge, wrought iron fence, or wall as detailed in Table 3.4.
- b. *Drive-through Thru Areas:* Restaurant and bank drive-through ~~thru~~ areas shall be oriented away from Mountain Avenue and shall only be accessed by a rear access drive, with no visible drive-through ~~thru~~ areas fronting Mountain Avenue, as described in Table 3.4.
- c. *Shared Parking:* New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

### 4. *Signage:*

- a. Building mounted signs and ground mounted monument signs with horizontal massing are preferred.
- b. See Section 7 Signs for additional signage requirements.

Table 6.8 New Berthoud Character District Dimensional Standards

| Mountain Avenue Development Criteria     |                                                |                              |
|------------------------------------------|------------------------------------------------|------------------------------|
| Description                              |                                                | New Berthoud                 |
|                                          | Density and Lot Coverage                       | Per Underlying Zoning        |
| A                                        | Building Height <sup>5</sup>                   | Maximum: 3 Stories (40 feet) |
| B                                        | Minimum Lot Width                              | Per Underlying Zoning        |
|                                          | Building Orientation                           | Parallel to Front lot line   |
| Building Setbacks                        |                                                |                              |
| C                                        | Mountain Ave / Highway 56 <sup>6,7</sup>       | 80 ft. min                   |
| D                                        | Secondary or side street                       | 20 ft. min                   |
| E                                        | Side yard (3 Stories)                          | Per Underlying Zoning        |
| E                                        | Side yard (2 Stories)                          | Per Underlying Zoning        |
| E                                        | Side yard (1 Story)                            | Per Underlying Zoning        |
| F                                        | Rear                                           | Per Underlying Zoning        |
| G                                        | Rear Alley                                     | Per Underlying Zoning        |
| Off-Street Parking and Driveway Setbacks |                                                |                              |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | 80 ft. min                   |
| I                                        | Secondary or side street                       |                              |
| J                                        | Side yard                                      | 5 ft. min, 0 ft. if shared   |
| K                                        | Rear                                           | 5 ft. min, 0 ft. if shared   |
|                                          | Max parking and driveway frontage <sup>4</sup> | 40% lot frontage             |
| Mountain Avenue ROW Encroachments        |                                                |                              |
|                                          | Outdoor dining areas and display areas         | 0 ft.                        |
|                                          | Awnings                                        | 0 ft.                        |
|                                          | Balconies                                      | 0 ft.                        |
|                                          | Bay windows and building projections           | 0 ft.                        |
|                                          | Building eaves                                 | 0 ft.                        |
|                                          | Patio cover roof                               | 0 ft.                        |

Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
9. Drive-through windows shall not be oriented towards Mountain Avenue and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.

## Section 3: Use-Specific Standards

### 30-3-113 – Short-term Rentals

- A. Purpose. The purpose of these regulations is to allow short-term rentals through a licensing process within the regulatory boundaries of the Town. These regulations are to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants.
- B. Applicability. These regulations apply to all uses meeting the definition of short-term rental. Private covenants running with the land may restrict or prohibit short-term rentals; it is the responsibility of the property owner, not the Town, to ensure compliance with restrictive covenants.
- C. License Required. No person shall rent a principal dwelling as a short-term rental as defined in this Chapter to a transient guest(s) without first obtaining a short-term rental business license issued by the Town and complying with any conditions or restrictions thereof. A short-term rental business license may be issued by the Town Administrator, or Designee, upon finding that the requirements of this Section (30-3-113) are met.
  - 1. The short-term rental business license shall be valid for one year and is subject to annual license renewal as prescribed by the Town. Failure to complete the license renewal shall be cause for revocation of the license approval and may subject the short-term rental to the limitations of the cap.
  - 2. In determining whether to renew a short-term rental business license, the Town Administrator, or Designee, will consider the history of any violations of the short-term rental business license and any documented complaints from nearby property owners or lessees.
  - 3. The short-term rental business license is not transferable to any person upon sale or other transfer of ownership of the property nor is a short-term rental business license transferable from one property to another without first receiving written approval from the Town.
  - 4. A property owner shall obtain no more than two (2) short-term rental business licenses in the Town at any given time.
  - 5. A copy of the business license shall be prominently displayed within the short-term rental unit (such as next to the front entrance).
  - 6. The short-term rental business license number shall be included in all advertisements with any lodging or booking agency or website designed to find customers.
- D. General Standards.
  - 1. The maximum number of short-term rentals in the Town shall not exceed fifty (50). An application for a new short-term rental shall be processed on a first-come-first-served basis. No applications for a short-term rental will be accepted if the maximum number has been met
  - ~~2. A short-term rental must be a minimum of 200 feet from another short-term rental. This distance is measured from center of principal dwelling to center of principal dwelling.~~
  - ~~3.~~2. Only one short-term rental shall be allowed on a property. A short-term rental shall not be allowed in multi-family apartment dwellings, as defined by this code.
  - ~~4.~~3. A short-term rental shall only be conducted in a legally constructed dwelling unit.
  - ~~5.~~4. The total number of occupants or guests of the short-term rental unit shall not exceed two (2) persons per bedroom plus two (2) additional persons per property, but in no instance shall the maximum number of occupants or guests exceed ten (10) total persons.
  - ~~6.~~5. The required minimum number of guest parking spaces for the short-term rental, noted in the table below, shall be provided on-site in a garage, on the driveway, or in a parking lot for multi-unit buildings or developments. One (1) on-street parking space located within one block of the short-term rental shall be counted toward the required minimum number of on-site parking spaces for those properties that do not have a garage and/or driveway. If the short-term rental does not have the required minimum number of on-site guest parking spaces, as required in the table below, but can provide a portion of the required number, the provided number of guest parking spaces shall determine the maximum number of allowed guests. The minimum number of off-street parking spaces required are as follows:

| Number of Bedrooms in STR Unit | Number of Off-Street Parking Spaces |
|--------------------------------|-------------------------------------|
| 1-2                            | 1                                   |
| 3-4                            | 3                                   |
| 5                              | 4                                   |

~~7.6.~~ In multi-unit buildings or developments, only parking spaces that are specifically designated for the dwelling unit shall be used for the short-term rental guest parking. Guest or overflow parking for the development shall not be used as parking for the short-term rental.

~~8.7.~~ No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a recreational vehicle, travel trailer, tent, or other outdoor structures on the short-term rental property.

~~9.8.~~ The short-term rental shall not be used and/or advertised as an event space, be it a commercial event or large social gathering such as weddings, commercial or corporate events.

~~10.9.~~ There shall be no change to the outside appearance of the dwelling or premises or other visible evidence of the conduct of such short-term rental and shall not disturb the neighborhood character.

#### E. Safety Standards.

1. The short-term rental must undergo and pass a life-safety inspection or other required building inspections at the time of initial licensing and on an annual basis accompanying the annual license renewal to ensure compliance with the Town's Building Code. The Life Safety Inspection shall be conducted by the Town Building Official, or Designee.
2. Unless already equipped with an approved automatic fire sprinkler system or installing one with a building permit and/or fire permit, approved fire extinguishers shall be installed in readily accessible and visible locations for immediate use in the following locations within the short-term rental:
  - a) In each room with a cooking appliance, fireplace, heating appliance, or water heater.
  - b) Inside and adjacent to the door leading to a deck, porch, or patio with such appliances.
  - c) At least one on each story.
3. The property owner shall ensure that the short-term rental contains the following on the premises at all times:
  - a) The required number of smoke detectors in good working order;
  - b) The required number of carbon monoxide detectors in good working order;
  - c) Adequate and functional building egress from each sleeping room in the dwelling; and
  - d) Posted egress maps.
4. A sign containing the following information shall be posted at each interior entrance and exit of the short-term rental:
  - a) The property address.
  - b) The maximum number of occupants or guests permitted to stay in the short-term rental as approved by the Town.
  - c) Contact information for the Fire Department and Police/Sheriff Department.
  - d) Contact information for the short-term rental property manager or property owner.
5. The short-term rental shall be equipped with an operations manual/users guide that is in a visible location (such as a kitchen counter or entry table). The operations manual shall include standard contents as determined and approved by the Town at the time of application.
6. The property owner shall designate a local property manager who shall be available 24 hours per day, 7 days per week to respond to complaints about or violations of law or of license terms. *Local* as used herein means having a permanent address within a 20-mile radius from the short-term rental property and a 24-hour contact phone number. The designated local property

manager must be able to affirmatively respond to complaints within one hour of notification of such complaint. The designated local property manager's contact information shall be posted in the operations manual located in the short-term rental. Changes to the contact information for the designated local property manager shall be provided to the Town Community Development Department within five business days of the change in contact information. The designated local property manager may be the owner of the property if they meet the *local* criteria.

7. The property owner shall provide a written notice, on a form approved by the Town, of the short-term rental approval to all property owners within 500 feet of the subject property. Such notice shall be mailed within ten (10) days following the date of short-term rental approval.
8. The property owner shall maintain and provide proof of property liability insurance adequate for a short-term rental or provide proof that property liability coverage is provided by any and all hosting platforms through which the owner will rent the short-term rental unit.

F. Taxes, Records, Enforcement.

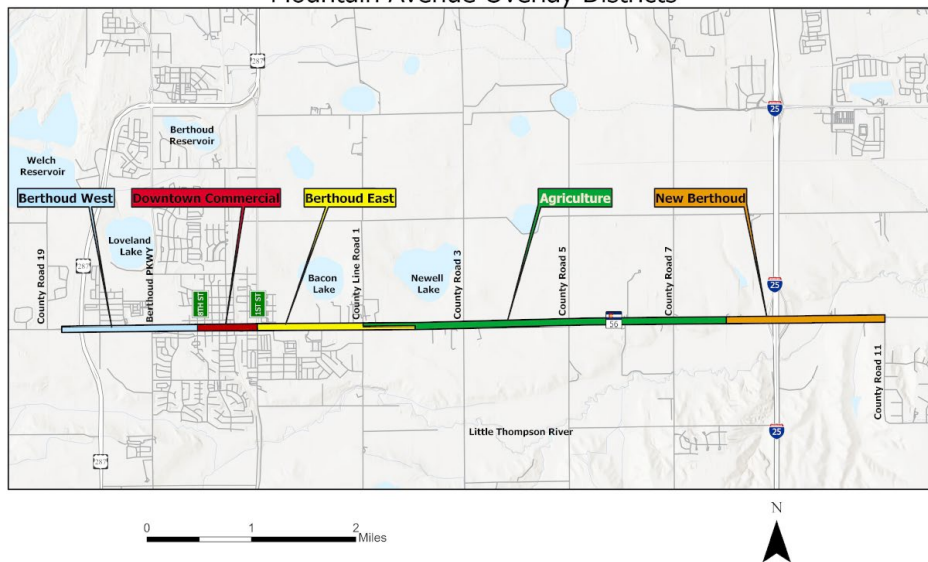
1. A short-term rental is subject to lodging, sales, and other applicable taxes. A short-term rental business license holder who fails to collect and remit lodging taxes on a short-term rental during the license period shall not be permitted to renew the license for the following two-years, and the property may become subject to the limitations of the cap.
2. The property owner shall maintain records of occupancy for the short-term rental unit, including total number of nights the short-term rental was rented to a guest and the dates in which the short-term rental was rented by a guest. The records shall be made available to the Town, upon request, for review and inspection at any time.
3. A short-term rental business license constitutes a permit, and this Section shall be enforced in accordance with Section 5 of the Berthoud Development Code.

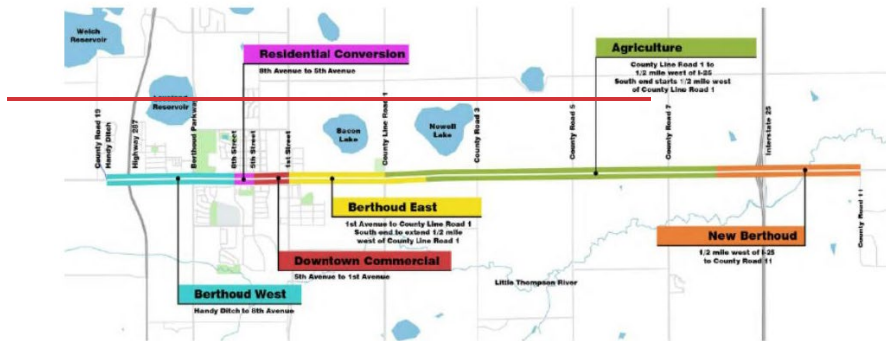


### 30-3-115 Mountain Avenue Overlay District

1. *Intent:* The Mountain Avenue Overlay District is a corridor focus on protecting and enhancing the existing historical districts and directing the general character of new development and redevelopment along Mountain Avenue/Highway 56. The overlay district defines and emphasizes unique character districts along the corridor and sets specific guidelines as to architecture, site planning, parking, urban design and streetscapes within this area. The underlying zoning remains, and but specific design, architecture and setback requirements are governed by the overlay district.
2. *Applicability/Boundaries:*
  - a. *Boundary of Mountain Avenue Overlay District.* The boundary of this Mountain Avenue Overlay District (herein referred to as the "Mountain Avenue Overlay District") shall be the area so labeled and depicted in the map below, and as approved in the official zoning map, which is incorporated herein by reference; which generally extends along HWY 56 and is applicable to all properties within 150 feet of the centerline of Hwy 56, Larimer County Road 8, and Weld County Road 44 within Town Limits.

Mountain Avenue Overlay Districts





- b. *Applicability.* All of the regulations and requirements of this Section shall fully apply when any of the following occur (the property must be brought into full compliance with this Article when any of the following occur):
  1. Construction of any new Structure.
  2. Parking area reconfiguration (repair and restriping of existing parking lot is exempt).
  3. Structural Alterations. Any structural alteration shall follow the Mountain Avenue Overlay District regulations as follows:
    - i. *Exterior Walls.* When any change is made to the façade or an exterior wall of an existing structure, all of the façade visible from Mountain Avenue, shall be brought into full compliance with the Mountain Avenue Overlay District found herein.
    - ii. *Addition(s):* Any addition must be in full compliance with the Mountain Avenue Overlay.
  4. See [the Section on Signs in this Mountain Avenue Overlay District regulations as well as the separate Section on Signs in this ChapterSection 7 Signs.](#)
  5. Change of Use. Any change of use will require compliance with applicable standards of the Mountain Avenue Overlay [District.](#)
- c. *Exemptions:*
  1. General property maintenance and/or general property repair, such as roof repairs, interior remodels and repair, paint, and any other non-structural repair, or;
  2. The maintenance, repair, upgrading or replacement of any water, sewer, HVAC, or electrical facilities will not trigger a requirement that such property or structure be brought into compliance with the Mountain Avenue Overlay District.
  3. Existing single-family homes are exempt from the requirements of this overlay and shall follow the development standards of the underlying zoning district.
- d. *Legal Non-conformities.*
  1. Except as provided in this District to the contrary; all nonconforming uses, nonconforming structures and nonconforming lots, shall be governed by [the Section regarding Nonconformities in this ChapterSection 30-3-107.](#)
3. *Overlay Requirements—Character Districts.* The 7.75-mile corridor passes through several distinct environments, each with a unique and definable character that separate them from other places along the

corridor. These districts are often defined by architecture, land uses, scale, density, streetscapes, and landscaping. This Overlay protects and enhances the character of each district.

- A. *Berthoud West Character District.* This is a largely undeveloped district with views of the Rocky Mountains, and in close proximity to downtown and Highway 287. This area is envisioned as a vibrant walkable commercial district with opportunities for shopping, employment and other services. Though this district is in close proximity to the town core, it will build on the unique characteristics of downtown, but not replicate it.

1. *District Extent:* This district extends approximately 800 feet west of Hwy 287 and east to 8th Street. Refer to the Mountain Avenue Overlay District map found in this Section. The parcels that are located within this district are highlighted in the map below.

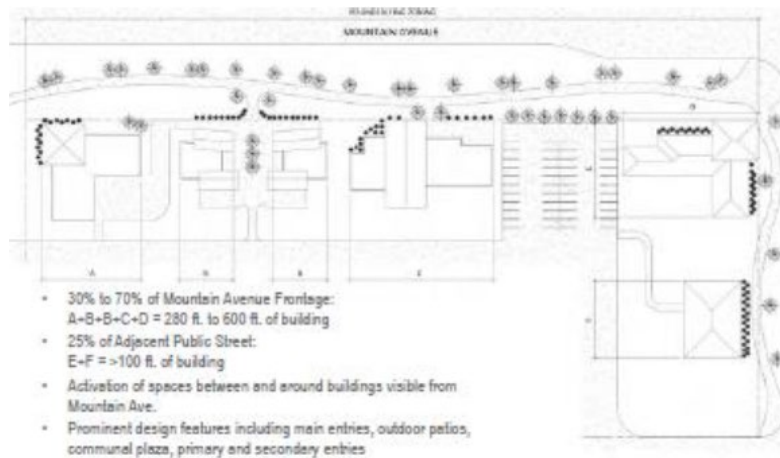


2. *Architecture:*

*Intent:* As primarily a commuter route with limited business access, high vehicular speeds have been the norm, but are expected to be reduced with development to encourage pedestrians and cyclists. Building location and entry orientation will also play a key role in enhancing the patron's experience.

- a. *Building Façades.* Buildings'-façades along Mountain Avenue shall extend along a minimum of 35 percent but not more than 75 percent of the total property frontage and be built to the required setback line with minor variations for façade-articulation.

**Figure 3.8: Building Frontage Requirements**



- b. *Overall Building Location and Placement of Key Features.*
- Configuration:* Configuration and placement of buildings shall give intentional shape and layout to adjacent exterior gathering spaces and pedestrian/bicycle connections, while being site-specific in response to landscape and hardscape features. "Cookie-cutter" flat-façade buildings that lack articulation and site-specific features will not be allowed. Building placement should follow the principles in Figure 3.9 below.
  - Site Planning:* Modern site planning principles include efforts to combine the infrastructure required to develop from building to building or lot to lot. Sharing infrastructure such as detention, parking, internal pedestrian spaces are strongly encouraged.
  - Staggered Setbacks and Heights:* A variation in building placement by staggering setbacks as well a variation in building heights is required for any multi-tenant site plan or Master Plan.
  - Limited Access:* Limited access directly from Mountain Avenue allows for long stretches of uninterrupted streetscapes, improves traffic flow on Mountain Ave, and increases the need for automobile access to developments from cross-streets and back streets.

Figure 3.9: Building Placement Example



c. *Exterior Activation.*

- i. *Requirement for Exterior Activation:* Each building/site plan property must possess at least one of the following locating the features so they are readily-visible to and from Mountain Avenue to ensure a strong visual connection: outdoor patios, primary and secondary entries, canopies and other features help "activate" a development.
- ii. *Screening:* Three-dimensional building elements to act as screening for service type accessories including roof- and ground-mounted HVAC equipment, electrical/gas meters, loading docks/service entries, etc. These service equipment components shall not be visible from the public R.O.W. or from adjacent properties/uses.

d. *Massing and Articulation.*

- i. *Compatibility and Configuration:* A building's three-dimensional configuration plays a significant role in determining the impact it will have on the surrounding environment. The proposed building shall be designed to be compatible with other structures in the surrounding vicinity in size, scale and character. Building mass shall be well-proportioned and organized to define various horizontal and vertical

elements while clearly expressing the internal function of the building. See Figure 3.10.

- ii. *Multiple Buildings:* Multiple buildings in a common commercial development shall be consistent in architectural form/detailing, materials, roof styles and colors to achieve a harmonious design vocabulary and continuity within itself.
- iii. *Multi-tenant buildings/Buildings over 60 Feet Long:* Large retail buildings shall be broken down into a series of complementary forms with a clearly defined pattern. Blend larger flat roof areas with smaller pitched roof elements that denote key functions such as entries or primary window groupings. Horizontal step backs of the ~~façade~~<sup>façade</sup> shall be significant in relation to the overall length and scale of the building. For instance, a 60 feet long building should have two to three primary massing elements with at least four feet to six feet of grade plane changes (i.e. eight to ten percent of the overall length). Screening elements for items such as ground-mounted or roof-mounted mechanical equipment shall be integrated into the building design and not appear as an after-thought. Creating large expanses of windows with a branded display wall in close proximity to the glass so that it is readily visible from the exterior is not permitted.

**Figure 3.10: Four-Sided Architecture Example**



e. *Materials and Colors.*

- i. *Exterior Materials:* ~~façade~~<sup>façade</sup> materials shall be high-quality, durable products such as brick, stone or decorative precast concrete. The primary building skin shall be a high-quality, aesthetically pleasing, durable material such as brick, natural stone, manufactured stone, especially at the base of the building that is susceptible to damage by maintenance equipment such as plows, shovels, mowers, etc.
- ii. *Primary Material:* The primary material shall constitute at least 65 percent of the total wall area for the front and side ~~façades~~<sup>façades</sup> visible from Mountain Avenue and at least 50 percent for the rear ~~façade~~<sup>façade</sup>; excluding the glazing area of the ~~façade~~<sup>façade</sup>.
- iii. *Glazing:* Exterior glazing shall be high-performance clear glass (not tinted or reflective) with a low-E coating and visible light transmittance (Tvis) of 60 percent or higher. Use of opaque/spandrel glass to simulate ground-level vision windows is discouraged. Creating large expanses of windows



with a branded display wall in close proximity to the glass so that it is readily visible from the exterior is not permitted.

- iv. *Secondary façade materials:* may include cement-based stucco, hardboard siding or decorative metal panels with concealed fasteners and low-gloss finish.

**Figure 3.11: Façade Examples**

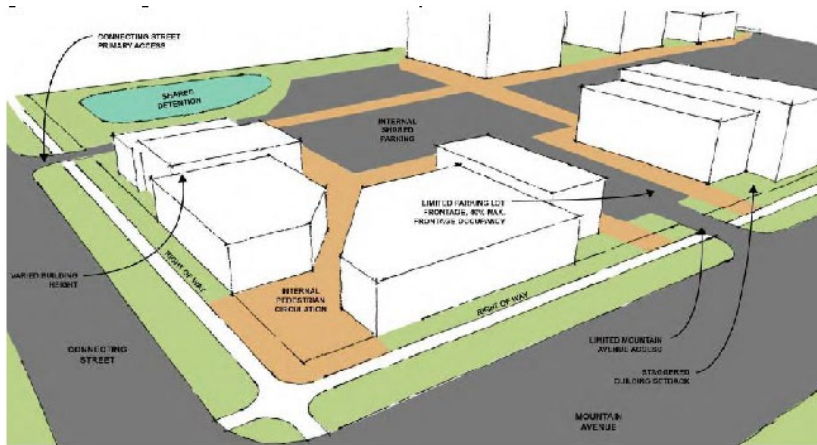


- v. *Screening elements:* such as site walls for parking lots and trash enclosures shall be of the same high-quality durable material as the primary building skin.
- vi. *Primary Façade Colors:* Primary building façade colors shall be non-reflective, muted neutral or earth tones with only small "pops" of bright, higher intensity colors. High-gloss, metallic finishes or fluorescent colors are not allowed.

### 3. *Parking:*

- a. *Parking:* On-street diagonal parking is proposed on Gateway Park Blvd within the proposed village center. To reduce its visual presence on Mountain Avenue, required parking shall be located behind and between buildings. Required parking areas shall not occupy more than 40 percent of the Mountain Avenue frontage and must not be forward of any building or structure. In addition, such parking areas shall be screened by a landscape hedge, wrought iron fence, or wall as detailed in Table 3.4.
- b. *Drive Thru Drive through Areas:* Restaurant and bank drive-through areas shall be oriented away from Mountain Avenue and shall only be accessed by a rear access drive, with no visible drive-through areas fronting Mountain Avenue, as described in Table 3.4.
- c. *Shared Parking:* New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

Figure 3.12: Parking and Pedestrian Circulation Examples



4. *Signage:*

[Refer to the Sign Section in this Chapter Section 7 Signs](#) for specific signage requirements.

Table 3.4 Berthoud West Character District Dimensional Standards

| Mountain Avenue Development Criteria     |                                                |                                                                        |
|------------------------------------------|------------------------------------------------|------------------------------------------------------------------------|
| Description                              | Berthoud West                                  |                                                                        |
|                                          | Density and Lot Coverage                       | Per Underlying Zoning                                                  |
| A                                        | Building Height <sup>5</sup>                   | Maximum: 3 Stories (40 feet)                                           |
| B                                        | Minimum Lot Width                              | Per Underlying Zoning                                                  |
|                                          | Building Orientation                           | Parallel to Front lot line                                             |
| Building Setbacks                        |                                                |                                                                        |
| C                                        | Mountain Ave / Highway 56 <sup>6,7</sup>       | 14 ft. min, 20 ft. max                                                 |
| D                                        | Secondary or side street                       | 20 ft. min <sup>8</sup>                                                |
| E                                        | Side yard (3 stories)                          | 10 ft. min                                                             |
| E                                        | Side yard (2 Stories)                          | Per Underlying Zoning                                                  |
| E                                        | Side yard (1 Story)                            | Per Underlying Zoning                                                  |
| F                                        | Rear                                           | Per Underlying Zoning                                                  |
| G                                        | Rear Alley                                     | Per Underlying Zoning                                                  |
| Off-Street Parking and Driveway Setbacks |                                                |                                                                        |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | 20 ft min. or 5 ft greater than building setback, whichever is greater |
| I                                        | Secondary or side street                       | 20 ft. min                                                             |
| J                                        | Side yard                                      | 5 ft. min 0 ft. if shared                                              |
| K                                        | Rear                                           | 5 ft. min 0 ft. if shared                                              |
|                                          | Max parking and driveway frontage <sup>4</sup> | 40% of lot frontage                                                    |
| Mountain Avenue ROW Encroachments        |                                                |                                                                        |
|                                          | Outdoor dining areas and display areas         | 0 ft.                                                                  |
|                                          | Awnings                                        | 0 ft.                                                                  |
|                                          | Balconies                                      | 0 ft.                                                                  |

|  |                                      |       |
|--|--------------------------------------|-------|
|  | Bay windows and building projections | 0 ft. |
|  | Building eaves                       | 0 ft. |
|  | Patio cover roof                     | 0 ft. |

Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
9. Drive-through windows shall not be oriented towards Mountain Avenue and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.

- B. ~~Residential Conversion District. This district is characterized by charming older homes occupied by businesses and commercial uses. Majestic street trees create a seemingly continuous canopy over Mountain Avenue, and expanded green spaces surrounding the homes and detached walks with tree lawns create a walkable neighborhood.~~

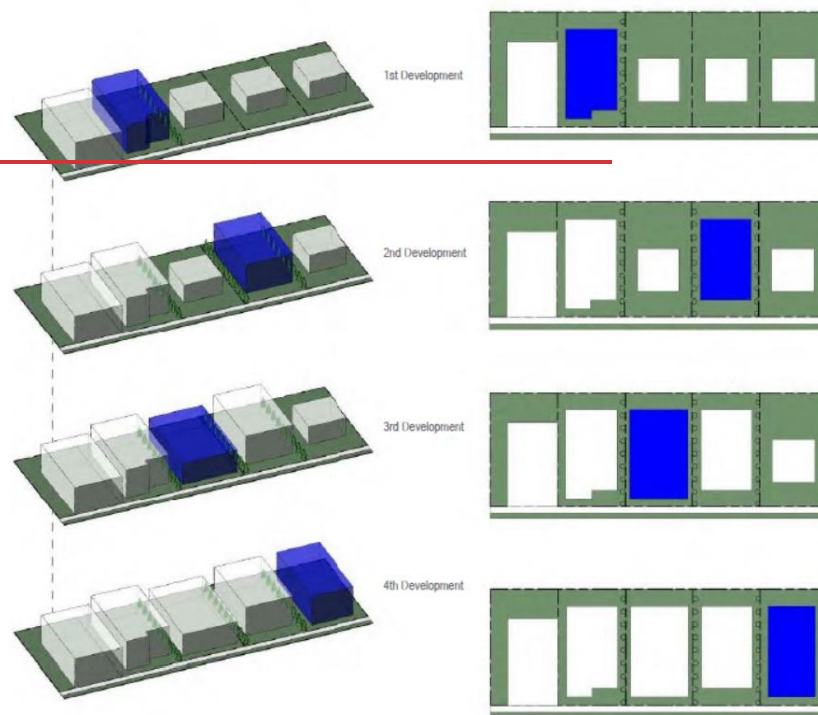
- ~~1. District Extents: The Residential Conversion character district extends along Mountain Avenue between 8<sup>th</sup> Street and 5<sup>th</sup> Street in the downtown area. The parcels that are located within this district are highlighted in the map below.~~



2. *Preservation of Historic Homes and Context:*

- i. ~~Additions should be located to the side and/or rear of the house and should be consistent with the scale of the original home. Side additions should be setback from the front face enough to allow the profile of the original structure to be clear and obvious.~~
  - ii. ~~When converting a single-family house to a new use, original location and character of the front porch/ stoop shall be maintained.~~
  - iii. ~~Providing handicapped accessibility to existing historic homes that typically have elevated stoops and porches must maintain the integrity of the original historic structure.~~
3. *Building Setbacks:* Building setbacks within the Residential Conversion District will need to maintain a portion of the typically large front lawn space of original historic homes, while allowing for the transition to smaller front and side yard lot line necessary for newer developments. Building Setbacks must follow Figure 3.13 below.

Figure 3.13: Special Residential Conversion District Infill Setback Examples

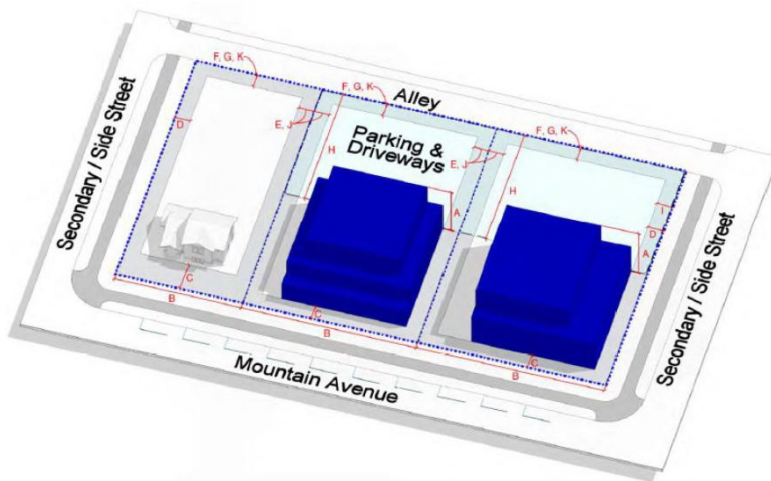


The diagram above shows the progression of new development adjacent to existing residential structures and how, over time, the block can infill with a higher density while respecting the residential character that currently exists.

4. *Architectural Guidelines For New Construction:*

- i. General proportions should be consistent with adjacent structures, including similar floor-to-floor heights and solid-to-void ratios.
  - ii. Divide larger structures into smaller components that more closely mimic the traditional single-family home dimensions. These series of smaller components should not be more than 25 feet to 30 feet wide and be expressed in wall panel changes of at least eight feet; as well as material changes.
  - iii. Although plate lines/roofs on new construction will be taller, they should be consistent in form and character. This can be accomplished by blending predominately flat roof areas over larger expanses with sloped roof elements at key accent locations such as entries and highly visible corners.
  - iv. Step down stories and rooflines from back to front and from side to side.
  - v. The diversity of architectural styles that currently exists shall be retained to the greatest extent possible.
  - vi. New buildings shall be oriented parallel to their lot lines with the primary entry integrated into a porch or portico design element facing Mountain Avenue.
5. **Parking:**
- a. **Parking:** Required parking shall be located behind and between buildings. Only 40 percent of required on-site parking may be allowed along Mountain Avenue frontage and shall not be forward of any building or structure. In addition, such parking areas shall be screened by a landscape hedge, wrought iron fence, or wall as detailed in Table 3.5.
  - b. **Drive-through Areas:** Restaurant and bank drive-through areas are not permitted.
  - c. **Shared Parking:** New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

Figure 3.14: Parking Location



6. Signage: The type, scale and style of signage should be designed to complement the residential character of this district.

a. Building mounted, monument signs are preferred; pole signs are prohibited

c. See Section 7 Signs for additional signage requirements.

Table 3.5 Residential Conversion Character District Dimensional Standards

| Mountain Avenue Development Criteria     |                                                |                                                              |
|------------------------------------------|------------------------------------------------|--------------------------------------------------------------|
| Description                              |                                                | Residential Conversion                                       |
| Density and Lot Coverage                 |                                                | Per Underlying Zoning                                        |
| A                                        | Building Height <sup>5</sup>                   | Maximum: 3 Stories (40 feet)<br>Minimum: 2 Stories (20 feet) |
| B                                        | Minimum Lot Width                              | Per Underlying Zoning                                        |
|                                          | Building Orientation                           | Parallel to Front lot line                                   |
| Building Setbacks                        |                                                |                                                              |
| C                                        | Mountain Ave / Highway 56 <sup>6,7</sup>       | 10 ft. min, 20' max                                          |
| D                                        | Secondary or side street                       | 10 ft min, 15 ft. max                                        |
| E                                        | Side yard (3 stories)                          | 10' ft. min                                                  |
| E                                        | Side yard (2 Stories)                          | 5 ft. min                                                    |
| E                                        | Side yard (1 Story)                            | 5 ft. min                                                    |
| F                                        | Rear                                           | Per Underlying Zoning                                        |
| G                                        | Rear Alley                                     | Per Underlying Zoning                                        |
| Off Street Parking and Driveway Setbacks |                                                |                                                              |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | Behind building, accessed from alley where possible          |
| I                                        | Secondary or side street                       | 5 ft. min                                                    |
| J                                        | Side yard                                      | 0 ft. min                                                    |
| K                                        | Rear                                           | 0 ft. min                                                    |
|                                          | Max parking and driveway frontage <sup>4</sup> | 0%                                                           |
| Mountain Avenue ROW Encroachments        |                                                |                                                              |
|                                          | Outdoor dining areas and display areas         | 8 ft. max. <sup>2</sup>                                      |
|                                          | Awnings                                        | 6 ft. max                                                    |
|                                          | Balconies                                      | 4 ft. max <sup>3</sup>                                       |
|                                          | Bay windows and building projections           | 2 ft. max                                                    |
|                                          | Building eaves                                 | 2 ft. max                                                    |
|                                          | Patio cover roof                               | 2 ft. max.                                                   |

Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and/or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.

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4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
9. Drive-through windows shall not be oriented towards Mountain Avenue and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.

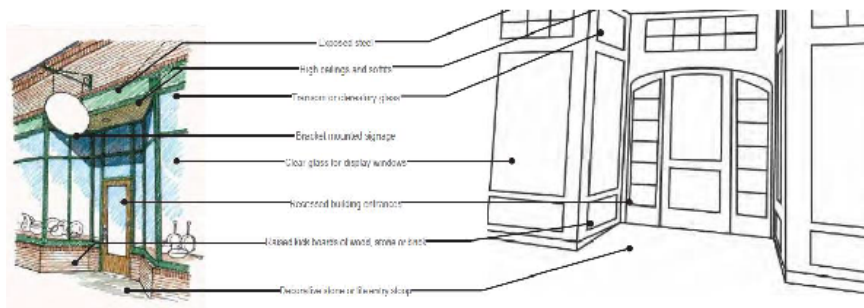
**BC. Downtown Commercial Character District.** Berthoud's Downtown District represents a concentration of character and personality, and shapes much of the Town's identity. Its buildings give a sense of history, its businesses and restaurants show the liveliness of the town, and its quirks set it apart from other towns in Northern Colorado.

1. **District Extent:** The Downtown Commercial character district extends along Mountain Avenue between 7<sup>th</sup> Street and 1st Street in the downtown area. Refer to the Mountain Avenue Overlay District map found in this Section.



2. **Architectural Guidelines:**
  - a. **Ground level storefronts:** Ground level retail storefronts are indicative of the mercantile economy of historic downtowns of the late 19th and early 20th centuries. They often feature formal, symmetrical ~~façades~~ <sup>facades</sup>, large expanses of display windows flush with the building front walls, recessed entrances and decorative glass transoms. Such storefronts should possess the following characteristics as depicted in Figure 3.156 and as described below:
    - i. Retail storefronts create an intimate, pedestrian scale along the street, encouraging residents to slow down, interact and window shop.
    - ii. Primarily glazed, ground level storefronts create a distinction between the public retail ~~façade~~ <sup>facade</sup> and the more private areas of the upper levels, often expressed by individual punched window openings.
    - iii. The higher ceilings of historic, ground level retail storefronts have a character not often found in more modern construction.

**Figure 3.15: Ground Level Storefront Example**

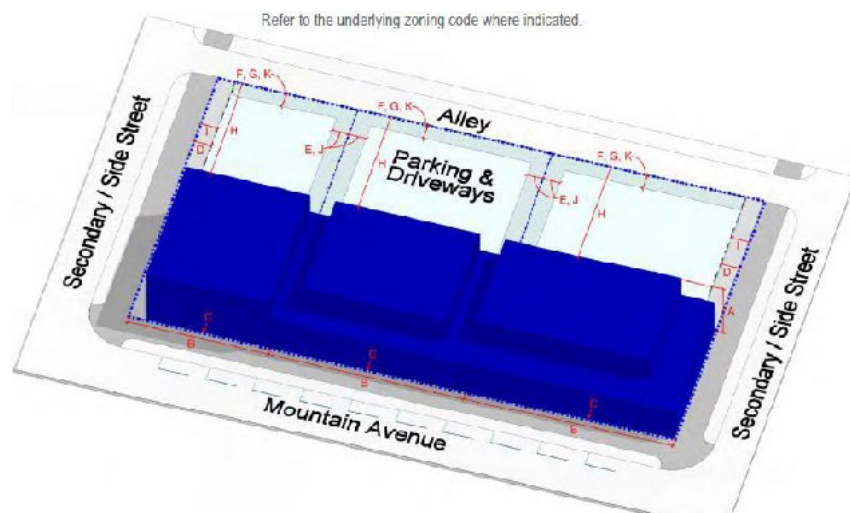


- b. *Infill development/Design:* Communities are encouraging infill development of vacant downtown properties and redevelopment of inappropriate or underutilized buildings to revitalize their historic downtowns. Designed properly, new construction can blend seamlessly with original, historic buildings to create a vibrant downtown environment.
  - i. Maintain natural materials and colors that often utilize local materials and represent the workmanship of local craftsmen. Modern metal siding and other industrial materials are inappropriate as primary façade materials in the historic downtown area.
  - ii. New infill development shall not mimic the exact historic designs and details of existing structures but pick up on the rhythm and spacing of elements to be compatible with and complementary to them.
  - iii. Orient building parallel to street and align front façade with established sidewalk edge.
  - iv. If a portion of the building must be set back, use traditional urban site features to maintain defined sidewalk edge noted above
  - v. Create a clearly defined front entry recessed at least three feet so out-swinging doors do not project into the perpendicular circulation path
  - vi. Predominate massing at the front property line should be one- or two-stories with setbacks for additional stories
  - vii. Floor-to-floor heights shall appear to be consistent with heights traditionally seen in older adjacent buildings
  - viii. Building Materials: Utilize similar high-quality, durable materials such as brick or stone with only accents of more modern materials
- c. *Building Awnings:* Awnings have been used for centuries to shade the façades and display windows of buildings and provide residents with protection from the elements. Awnings also provide a unifying design element to enhance the downtown streetscape and provide opportunities for colorful accents and signage.
  - i. Awnings Encouraged: Awnings are encouraged on all development.
  - ii. Awnings should be consistent with primary building, and color should accent the primary building.

3. *Parking and Access:*

- a. On-site parking areas shall be located at the rear of any building as depicted on Figure 3.16~~5~~.
- b. Curb Cuts: No new curb cuts from Mountain Avenue shall be allowed.
- c. Drive-through ~~The~~ Areas: Restaurant and bank drive-through areas ~~are~~ are not permitted.
- d. Shared Parking: New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

**Figure 3.16: Parking and Access Examples**



4. **Signage:**
  - a. In general, building mounted signs are recommended in this district. This includes wall mounted signs, window signs, and awning signs. The type, scale and style of the signage should be designed to complement the character of this district and the building that the sign is associated with.
  - b. Sidewalk Signs: Please see Section 30-7-110
  - c. Monument signs are prohibited in this district.
  - d. See Section 7 Signs for additional signage requirements.

**Table 3.6 Downtown Commercial Character District Dimensional Standards**

| Mountain Avenue Development Criteria |                              |                                                           |
|--------------------------------------|------------------------------|-----------------------------------------------------------|
| Description                          | Downtown Commercial          |                                                           |
|                                      | Density and Lot Coverage     | Per Underlying Zoning                                     |
| A                                    | Building Height <sup>5</sup> | Maximum: 3 Stories (40 feet) Minimum: 2 Stories (20 feet) |
| B                                    | Minimum Lot Width            | Per Underlying Zoning                                     |

|                                                 | Building Orientation                           | Parallel to Front lot line                         |
|-------------------------------------------------|------------------------------------------------|----------------------------------------------------|
| <b>Building Setbacks</b>                        |                                                |                                                    |
| C                                               | Mountain Ave / Highway 56 <sup>6,7</sup>       | 0 ft. min, 10 ft. max <sup>1</sup>                 |
| D                                               | Secondary or side street                       | 0 ft. min, 10 ft. max <sup>1</sup>                 |
| E                                               | Side yard (3 Stories)                          | 0 ft.                                              |
| E                                               | Side yard (2 Stories)                          | 0 ft.                                              |
| E                                               | Side yard (1 Story)                            | 0 ft.                                              |
| F                                               | Rear                                           | Per Underlying Zoning                              |
| G                                               | Rear Alley                                     | Per Underlying Zoning                              |
| <b>Off-Street Parking and Driveway Setbacks</b> |                                                |                                                    |
| H                                               | Mountain Ave / Highway 56 <sup>9</sup>         | Behind building, not accessed from Mountain Avenue |
| I                                               | Secondary or side street                       | 5 ft. min                                          |
| J                                               | Side yard                                      | 0 ft. min                                          |
| K                                               | Rear                                           | 0 ft. min                                          |
|                                                 | Max parking and driveway frontage <sup>4</sup> | 0%                                                 |
| <b>Mountain Avenue ROW Encroachments</b>        |                                                |                                                    |
|                                                 | Outdoor dining areas and display areas         | 8 ft. max <sup>2</sup>                             |
|                                                 | Awnings                                        | 6 ft. max                                          |
|                                                 | Balconies                                      | 4 ft. max <sup>3</sup>                             |
|                                                 | Bay windows and building projections           | 2 ft. max                                          |
|                                                 | Building eaves                                 | 2 ft. max                                          |
|                                                 | Patio cover roof                               | 2 ft. max.                                         |

Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
9. Drive-through windows shall not be oriented towards Mountain Avenue and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.

**CP. Berthoud East Character District.** A transition district from the rural agrarian areas to the downtown core. The undeveloped land on the south side of Hwy 56 is envisioned as a vibrant walkable residential district with a mixed-use area near the intersection of County Line Road 1 providing opportunities for shopping, dining, employment and other services. Appropriate land use, scale and density transitions from existing residential neighborhoods are critical.

1. **District Extents:** The parcels that are located within this district ~~are highlighted in the map below~~ are found on the Mountain Avenue Overlay District map found in this Section. Generally, the

boundary is described as from 1<sup>st</sup> Street to County Line Road 1 on the north side of Mountain Avenue/ State Highway 56 and from 1<sup>st</sup> Street to one – half mile east of County Line Road on the south side of Mountain Avenue/ State Highway 56.

North side of Hwy 56 — 1<sup>st</sup> Street to County Line Road 1.

South side of Hwy 56 — 1<sup>st</sup> Street to one half mile east of County Line Road 1.



2. *Architectural Guidelines for Berthoud East District:* Similar to the Berthoud West District, the "East District" focuses on building massing and articulation, and to carefully balance economic interests with the public good by ensuring strong pedestrian and bicycle connectivity with the downtown and residential districts to the west.
  - a. *Scale and Density Focus.*
    - i. Multi-story, mixed use buildings will be encouraged in the denser mixed-use areas immediately adjacent to Mountain Avenue and then taper off in height, size and intensity of use as development extends further away from the overlay district.
    - ii. Long façades shall be broken down into smaller architectural expression through stepping. Stepping can be accomplished in both building elevation and in plan. Third story step-backs provide a gradual scale transition between building heights and opportunities for rooftop patio space.

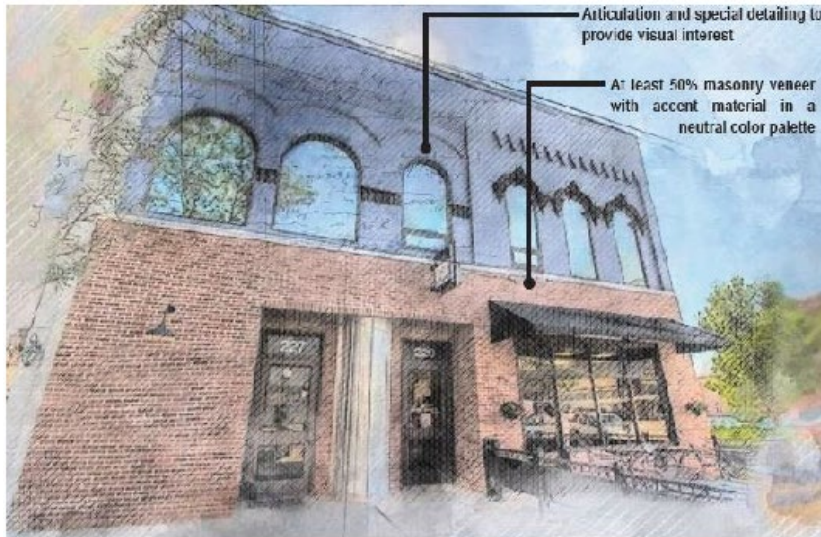
Figure 3.17: Stepping Examples



- b. *Building Materiality.* Buildings are meant to convey a sense of permanence and vitality with the use of appropriate materials reinforcing this goal. Materials should be predominantly brick, stone and architectural concrete with accents of wood, stucco or metal wall panels. Variation in materiality is encouraged but should be limited to a maximum of four materiality changes over the total building façade.
- i. Recommended percentage of material variation is as follows:  
50 percent to 60 percent — Masonry veneer (brick or stone), architectural concrete
  - ii. Up to three accent materials required:  
15 percent to 20 percent — Accent material 'A' (wood, stucco or metal wall panel)  
15 percent to 20 percent — Accent material 'B' (wood, stucco or metal wall panel)  
15 percent to 20 percent — Accent material 'C' (wood, stucco or metal wall panel)
  - iii. Articulation and special detailing that provides visual interest and breaks up large expanses of a single building material is supported.
  - iv. Color: Color palettes should be primarily of neutral tones with pops of accent color. Accent color and location are to be reviewed and approved with the Site Plan approval process.

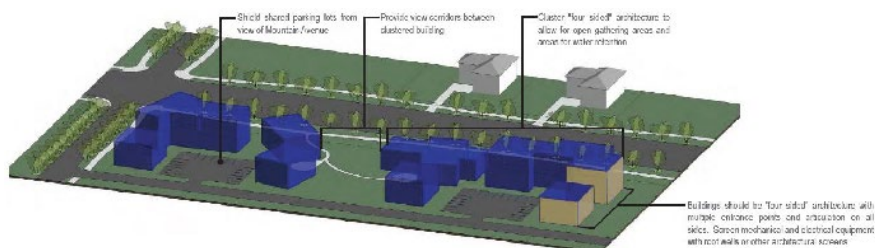


Figure 3.18: Materiality Examples



- c. *Balancing Developed Spaces:* Shaping multiple buildings into dense clusters of development, formed around pedestrian and bicycle pathways while leaving reasonable expanses of open areas, will provide view corridors from Mountain Avenue and allow space for water retention.
- i. Buildings shall define a strong street edge with upper floor step back and architectural embellishments at corners and main entry features.
  - ii. Buildings shall be oriented on front edge of setback to Mountain Avenue to allow parking in the rear. This provides for a more aesthetic streetscape by screening parking from Mountain Avenue.
  - iii. Provide "four-sided" architecture with multiple entrance points or articulation and mechanical and electrical equipment screening. All mechanical equipment is to be screened from views from across the street and/or middle of intersections or adjacent properties, whichever is further.

**Figure 3.19: Four Sided Architecture**



d. **Materials and Colors.**

- i. Exterior ~~façade~~~~façade~~ materials shall be high-quality, durable products such as brick, stone or decorative precast concrete.
- ii. The primary building ~~façade~~~~façade~~ shall be of high-quality durable materials such as brick/stone veneer or decorative precast concrete, especially at the base of the building that is susceptible to damage by maintenance equipment such as plows, shovels, mowers, etc.
- iii. The primary material shall constitute at least 70 percent of the total wall area for the front and side ~~façades~~~~façades~~ visible from Mountain Avenue and at least 50 percent for the rear ~~façade~~~~façade~~, excluding glass.
- iv. Exterior glazing shall be high-performance clear glass (not tinted or reflective) with a low-E coating and visible light transmittance (Tvis) of 60 percent or higher. Use of opaque/spandrel glass to simulate ground-level vision windows is discouraged. Creating large expanses of windows with a branded display wall in close proximity to the glass so that it is readily visible from the exterior is not permitted.
- v. Secondary ~~façade~~~~façade~~ materials can include cement-based stucco, hardboard siding or decorative metal panels with concealed fasteners.
- vi. Screening elements such as site walls for parking lots and trash enclosures shall be of the same high-quality durable material as the primary building skin.
- vii. Primary building ~~façade~~~~façade~~ colors shall be non-reflective, muted neutral or earth tones with only small "pops" of bright, higher intensity colors. Metallic or fluorescent colors are not allowed. ~~Trademark colors specific to a corporate brand shall only be permitted on building signage subject to the sign code.~~

3. **Parking:**

- a. **Parking:** Required parking shall be located behind and between buildings. Only 40 percent of required on-site parking may be allowed along Mountain Avenue frontage and shall not be forward of any building or structure. In addition, such parking areas shall be screened by a landscape hedge, wrought iron fence, or wall as detailed in Table 3.5.
- b. **Drive-through ~~The~~ Areas:** Restaurant and bank ~~drive through areas~~~~drive through areas~~ are not permitted.
- c. **Shared Parking:** New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

4. *Signage:*

- a. Building mounted signs and ground mounted monument signs with horizontal massing are preferred.
- b. See Section 7 Signs for additional signage requirements.

E. *Agricultural Character District.* Farms, big skies, distant views, and scattered farmsteads provide a pleasant separation between Interstate 25 and the Town which adds to Berthoud's small-town appeal. The primary goal of this district is to retain the rural and agrarian character and to protect the iconic views to the Rocky Mountains.

1. *District Extents:* The Agriculture Character District extents vary on the north and south frontages. Refer to the Mountain Avenue Overlay District map found in this Section. In general, the District extends from County Line Road 1 to one-half mile west of Interstate 25 on the north side of Mountain Avenue/ Highway 56 and one-half mile east of County Line Road 1 to one-half mile west of Interstate 25 on the south side of Highway 56.

• North side of Hwy 56 — County Line Road 1 to one-half mile west of I-25

• South side of Hwy 56 — One-half mile east of County Line Road 1 to one-half mile west of I-25.



2. *Agricultural Character District Architectural Guidelines:* The architectural style of this area is of an agricultural or farmstead nature. It is recommended that all new development compliment this agricultural/farmstead nature.
  - a. Building materials should be of residential grade and include cement-based stucco, hardboard siding, brick, stone, or decorative metal panels with concealed fasteners.
  - b. Roof lines should be of gable end, hip, and valley styles, with dormers, and shed roofs. Clay and concrete tiles are not encouraged.
  - c. Primary Building Façade Colors shall be non-reflective, muted neutral or earth tones, with limited accent colors. Metallic or fluorescent colors are prohibited.

Figure 3.20: Examples of Agricultural Style Development



3. *Signage:*
- a. Building mounted signs and ground mounted monument signs with horizontal massing are preferred.
  - be. Please see Section 7 Signs for additional signage requirements.

Figure 3.21: Agricultural Character Setback Graphic

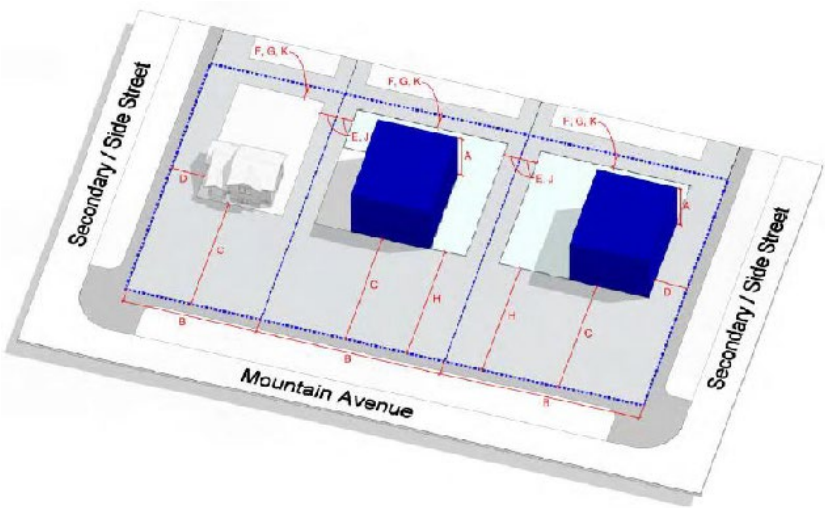


Table. 3.7 Agricultural Character District Dimensional Standards

| Mountain Avenue Development Criteria |                                          |                              |
|--------------------------------------|------------------------------------------|------------------------------|
| Description                          |                                          | Agriculture                  |
|                                      | Density and Lot Coverage                 | Per Underlying Zoning        |
| A                                    | Building Height <sup>5</sup>             | Maximum: 2 Stories (35 feet) |
| B                                    | Minimum Lot Width                        | Per Underlying Zoning        |
|                                      | Building Orientation                     | Parallel to Front lot line   |
| Building Setbacks                    |                                          |                              |
| C                                    | Mountain Ave / Highway 56 <sup>6,7</sup> | 80 ft. min                   |

|                                          |                                                |                            |
|------------------------------------------|------------------------------------------------|----------------------------|
| D                                        | Secondary or side street                       | 20 ft. min                 |
| E                                        | Side yard (3 Stories)                          | NA                         |
| E                                        | Side yard (2 Stories)                          | Per Underlying Zoning      |
| E                                        | Side yard (1 Story)                            | Per Underlying Zoning      |
| F                                        | Rear                                           | Per Underlying Zoning      |
| G                                        | Rear Alley                                     | Per Underlying Zoning      |
| Off-Street Parking and Driveway Setbacks |                                                |                            |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | 80 ft. min                 |
| I                                        | Secondary or side street                       |                            |
| J                                        | Side yard                                      | 5 ft. min, 0 ft. if shared |
| K                                        | Rear                                           | 5 ft. min, 0 ft. if shared |
|                                          | Max parking and driveway frontage <sup>4</sup> | 40% lot frontage           |
| Mountain Avenue ROW Encroachments        |                                                |                            |
|                                          | Outdoor dining areas and display areas         | 0 ft.                      |
|                                          | Awnings                                        | 0 ft.                      |
|                                          | Balconies                                      | 0 ft.                      |
|                                          | Bay windows and building projections           | 0 ft.                      |
|                                          | Building eaves                                 | 0 ft.                      |
|                                          | Patio cover roof                               | 0 ft.                      |

Notes:

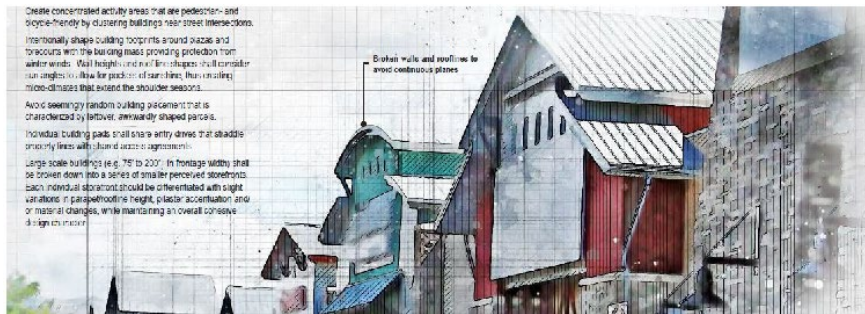
1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
9. Drive-through windows shall not be oriented towards Mountain Avenue, and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.
  - F. *New Berthoud Character District.* New Berthoud straddles the I-25/Hwy 56 interchange and is the gateway into Town. The lasting impression should relate to "Berthoud Proper" and offer a fresh new twist.

1. *District Extent:* The New Berthoud Character District extends one-half mile west of ~~Interstate 25-~~ 25- to County Road 11. Refer to the Mountain Avenue Overlay District map found in this Section Parcels located within this district are highlighted in the map below.



2. *Architectural Guidelines for New Berthoud District:* Expansive master planned developments are anticipated in the New Berthoud District with large scale retail/lifestyle uses near the I-25/Mountain Avenue interchange, then transitioning to mixed-use and residential developments further away.
  - a. *Massing and Form.*
    - i. The configuration and massing of these large buildings should give the appearance of individual buildings in the manner of traditional town centers.
    - ii. Wall and rooflines should be broken to avoid continuous planes, giving the appearance of individual buildings being built over an extended period of time but with a consistent architectural vocabulary.
    - iii. Pedestrian approaches should be well-defined with large overhangs or dynamic canopy elements provided for weather protection.
    - iv. Buildings should be clustered near street intersections to create concentrated activity areas that are pedestrian- and bicycle-friendly.
    - v. Building footprints around plazas and forecourts with the building mass providing protection from winter winds. Wall heights and roofline shapes shall consider sun angles to allow for pockets of sunshine, thus creating micro-climates that extend the shoulder seasons.

**Figure 3.22: Massing New Berthoud Character District**



**b. Massing and Form for Buildings over 75 feet in length.**

- i. Individual building pads shall share entry drives that straddle property lines with shared access agreements.
- ii. Large scale buildings (e.g. 75 feet to 200 feet or more in frontage width) shall be broken down into a series of smaller perceived storefronts. Each individual storefront should be differentiated with slight variations in parapet/roofline height, pilaster accentuation and/or material changes, while maintaining an overall cohesive design character.
- iii. Large scale buildings (e.g. 75 feet to 200 feet or more in frontage width) shall be designed to have scale-defining elements that reduce the perceived size.
- iv. Provide cornice details that terminate in the main field wall while more prominent overhangs cap the defining architectural wall elements.
- v. Provide transom windows to direct natural light deeper into space.
- vi. Pedestrian-scale canopy elements are encouraged to provide shelter from adverse weather conditions, while defining the break between the base and the body of the building.
- vii. First floor storefront base with large expanses of vertically oriented glass (more than 50 percent of façade area) are encouraged for commercial development.



Figure 3.23: Massing for Buildings 75' in width or larger



3. **Parking:**

- a. **Parking:** On-street diagonal parking is proposed on Gateway Park Blvd within the proposed village center. To reduce its visual presence on Mountain Avenue, required parking shall be located behind and between buildings. Required parking areas shall not occupy more than 40 percent of the Mountain Avenue frontage and must not be forward of any building or structure. In addition, such parking areas shall be screened by a landscape hedge, wrought iron fence, or wall as detailed in Table 3.4.
- b. **Drive-through~~Thru~~ Areas:** Restaurant and bank drive-through~~thru~~ areas shall be oriented away from Mountain Avenue and shall only be accessed by a rear access drive, with no visible drive-through~~thru~~ areas fronting Mountain Avenue, as described in Table 3.4.
- c. **Shared Parking:** New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

4. **Signage:**

- a. Building mounted signs and ground mounted monument signs with horizontal massing are preferred.
- b. See Section 7 Signs for additional signage requirements.

Table 6.8 New Berthoud Character District Dimensional Standards

| Mountain Avenue Development Criteria |                       |
|--------------------------------------|-----------------------|
| Description                          | New Berthoud          |
| Density and Lot Coverage             | Per Underlying Zoning |

|                                          |                                                |                              |
|------------------------------------------|------------------------------------------------|------------------------------|
| A                                        | Building Height <sup>5</sup>                   | Maximum: 3 Stories (40 feet) |
| B                                        | Minimum Lot Width                              | Per Underlying Zoning        |
|                                          | Building Orientation                           | Parallel to Front lot line   |
| Building Setbacks                        |                                                |                              |
| C                                        | Mountain Ave / Highway 56 <sup>6,7</sup>       | 80 ft. min                   |
| D                                        | Secondary or side street                       | 20 ft. min                   |
| E                                        | Side yard (3 Stories)                          | Per Underlying Zoning        |
| E                                        | Side yard (2 Stories)                          | Per Underlying Zoning        |
| E                                        | Side yard (1 Story)                            | Per Underlying Zoning        |
| F                                        | Rear                                           | Per Underlying Zoning        |
| G                                        | Rear Alley                                     | Per Underlying Zoning        |
| Off-Street Parking and Driveway Setbacks |                                                |                              |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | 80 ft. min                   |
| I                                        | Secondary or side street                       |                              |
| J                                        | Side yard                                      | 5 ft. min, 0 ft. if shared   |
| K                                        | Rear                                           | 5 ft. min, 0 ft. if shared   |
|                                          | Max parking and driveway frontage <sup>4</sup> | 40% lot frontage             |
| Mountain Avenue ROW Encroachments        |                                                |                              |
|                                          | Outdoor dining areas and display areas         | 0 ft.                        |
|                                          | Awnings                                        | 0 ft.                        |
|                                          | Balconies                                      | 0 ft.                        |
|                                          | Bay windows and building projections           | 0 ft.                        |
|                                          | Building eaves                                 | 0 ft.                        |
|                                          | Patio cover roof                               | 0 ft.                        |

Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
9. Drive-through windows shall not be oriented towards Mountain Avenue and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.