



Town of Berthoud
807 Mountain Avenue
Berthoud, CO 80513
970.532.2643

TOWN OF BERTHOUD PLANNING COMMISSION

TOWN HALL

807 Mountain Avenue

THURSDAY, August 8th, 2019

7:00 P.M.

1. Call to Order

2. Roll Call

Scott Banzhaf, Chair
Sean Murphy
Patrick Dillon
Jeff Butler

Jan Dowker, Vice Chair
Kelsey Byron, Secretary
Richard Shepard

All matters listed under Item 3, Consent Agenda, are considered to be routine by the Planning Commission and will be enacted with a single vote. If discussion is deemed necessary on an item, that item should be removed from the consent Agenda and considered separately.

3. Approval of Minutes of the July 25th, 2019 Planning Commission Meeting

4. Public Hearing: Heron Lakes Rezoning Requests, Jim Birdsall/Jon Turner Agents

5. Public Hearing: Heron Lakes 12th Filing Preliminary Plat, and 13th Filing Final Plat

6. Tabled: Public Hearing, Development Code Updates to Sections 2, 3, 4, and 6.

7. Reports.

8. Adjourn.

If you require a special accommodation, please contact the Town Clerk 24 hours in advance at (970) 532-2643.

1. **Call to Order** – The Planning Commission convened a regular meeting on July 25, 2019. Chairman Banzhaf called the meeting to order at 7:00 p.m.
2. **Roll Call** – Members Present: Scott Banzhaf, Chairman, Kelsey Byron, Jeff Butler, Jan Dowker, Patrick Dillon, Sean Murphy, and Dick Shepard.
Staff Present: Curt Freese, Patti Swiger
3. **Consent Agenda** – Minutes from meeting of July 11, 2019. Motion to approve with two corrections by Commissioner Byron. Seconded by Commissioner Dillon. With all in favor, THE MOTION CARRIED.
4. **Development Code Amendments – Sections 2, 3, 4 & 6**
Mr. Freese presented the agenda item, which was amendments to the Berthoud Development Code, Chapter 30, Sections 2, 3, 4 and 6, regarding the Design Requirements, Parks, Open Space, Subdivision Regulations and Signage and Neighborhood Master Plan. He spoke regarding water dedication and the required costs. He explained that it was a substantial cost to developers and many times the cost was differed to a Metro. District.

Commissioner Banzhaf mentioned affordability and having a minimum threshold. He remarked that having the additional open space within developments was nice; however, it created unintended consequences. He asked about Section 30-2-105.2 Street Connections. He wondered about strengthening the language in the section to state that it was desirable to allow for future street connections between existing subdivisions and new subdivisions.

Mr. Freese suggested adding language such as ‘Where applicable, the Town shall require street connections to adjoining, existing streets and shall require street stubs to all future developments’.

Commission Banzhaf had questions regarding Table 2.1 Sight Distance Triangles. He suggested that the table be checked for accuracy and completed in a diagram. He also mentioned concerns with street names and numbering.

Mr. Freese explained the current process for addressing.

Commissioner Banzhaf referenced new Section 30-2-109.2 Park Development Requirements. He mentioned parks that back up to homes, etc., which sometimes caused boundary confusion. He suggested that public park space should be surrounding by right of way to help make it evident that it was a public space and would provide parking support for activities

Mr. Freese suggested adding a 2a stating ‘The majority of park space by private lots shall be surrounded by right of way’.

Commissioner Banzhaf referenced new section 30-2-109.4 Park Development Requirement Elements. He noted that the Town already had some of the suggested elements listed; however, had none of others, ie: dog parks, disc golf. He asked if there was a way to prioritize the elements to encourage an inventory of elements that were needed.

Mr. Freese stated that he would try to develop components and a way to incentivize or encourage it.

Commissioner Dowker suggested adding language at the beginning of the section stating that given current inventory more weight would be given to certain elements.

Mr. Freese suggested pairing several elements together.

Commissioner Murphy stated that it would be nice to have more of a cost balance between the elements.

Discussion ensued between the Commission and Staff regarding the element categories and their weights, costs to provide, etc. The Commission expressed desire to have language in the Code explaining the intent to add diversity to improve the Town's inventory of park amenities.

Mr. Freese suggested having high and low categories and to rank each component.

The Commission ranked each element under List C-Components of Choice as a high or low ranked element.

Commissioner Dillon mentioned that Fort Collins had a park designed for wheelchairs, and he felt that it would be a great addition.

Mr. Freese stated that it an ADA Compliant Park could be added to List D-Specialty components. He also suggested structuring the components as such that a developer would be required to have one high component and two low components.

Commissioner Byron reiterated the importance to show the intent of amenity diversity within the Code language.

Commissioner Dowker suggested adding to the sentence within the 'Intent' section (30-2-109.B.1):

'The Town of Berthoud reaffirms its belief that high-quality useable parks and open spaces contribute to the overall quality of life for Berthoud residents. The Town prioritizes the diversity of their amenities throughout the community as development occurs.'

Commissioner Byron questioned 'Portable restroom enclosures' under List E-Comfort and Convenience Features.

Mr. Freese stated that the word 'portable' could be removed.

Commissioner Banzhaf questioned Section 30-2-109.C.2 Buffering, and the language stating *'Developers shall provide an open space buffer zone of 150 feet around all natural areas unless otherwise authorized by the Town.'*

Mr. Freese stated that there was in error when writing, and it should say 'natural habitat areas'. He stated that the sentence could be amended to just state: *'Developers shall provide an open space buffer zone'*.

Discussion ensued regarding native/natural grass.

Commissioner Dowker reference Section 30-2-116.D.1.i.b. *'In addition, diversity and density is to be spread within developments in a harmonious fashion and not located in one area. Disconnected areas of density or different lot and uses will not be permitted.'* She asked if harmonious could be defined or better described. It needed to be more clear that the desire was to have a more evenly blended/feathered multi-use district. She recommended the sentence be revised to state, 'In addition, it is recommended that density and lot diversity be spread within a development.'

Commissioner Dowker asked for clarification on the Energy Sustainability added to Section 30-2-116.

Mr. Freese stated that it was only an option, not a requirement. He stated he would amend the language to clarify that it was only an option.

Several Commissioners were complimentary of the Water Conservation Sustainability Standard, which was being added to the Code.

Commissioner Banzhaf questioned the 'Garages' section of the Code regarding their setback and wall face.

Mr. Freese suggested amending that section to state that garages on 40-foot wide lots or less make up no more than 50% of the wall face on the building.

Commissioner Banzhaf noted that the 150-foot buffer zone added in Section 30-2-119.B.b should be removed per earlier buffering discussion.

Mr. Freese noted that that the addition of Appeals to Final Plats was being added to the Code.

Commissioner Banzhaf discussed questions regarding the Neighborhood Master Plan, its requirements, and the consequences of those requirements.

Commissioner Dowker asked how the Neighborhood Master Plan would effect developers.

Mr. Freese replied that it gave developers a road map for future development, which they liked.

Commissioner Banzhaf questioned the Neighborhood Master Plan Submittal Requirement, which required a statement indicating whether or not any commercial mineral deposits were located on the site.

It was suggested that the statement be amended to state that a disclosure be required on mineral easements and mineral ownership.

Mr. Freese stated that the Neighborhood Master Plan language was sent out to developers for review. He stated he received some feedback suggesting the option of an administrative amendment so small, general changes did not have to go back to the Board.

Commissioner Dowker asked if the Town would coordinate and examine traffic impacts with surrounding developments or potential surrounding developments from a traffic study submitted with a Neighborhood Master Plan,

Mr. Freese stated that surrounding areas and developments should be examined with the traffic studies. He stated that the Town's traffic engineer would take it into consideration when they completed their review.

Commissioner Murphy asked if the elements chosen from the point system implementation would be tracked of by Staff. He felt that it would be good data to have in the future.

Mr. Freese agreed that it would be a good idea.

Mike Autrey, worked for the Edwards Development, suggested looking at different architecture prior to voting on the 30-foot front loaded product and 40-foot lots as some plans could create a desirable front façade with a garage. He noted that when creating smaller lots it was a good idea to have smaller stub streets, which could help create more affordable product. He listed some different products, and stated that he would provide examples to the Planning Department.

MOTION by Commissioner Shepard to Table the Development Code Updates: Sections 2, 3, 4 and 6 to August 8, 2019 to allow Staff to provide a clean copy of all changes discussed at the meeting.

Seconded by Commissioner Murphy.

With all in favor, THE MOTION CARRIED.

5. Reports

Mr. Freese mentioned that the Mountain Avenue Corridor Plan would be presented on August 22, 2019.

Commissioner Dillon presented statistics on housing affordability in Berthoud.

Meeting adjourned at 9:45 p.m.

Kelsey Byron, Secretary

Jill Wilson, Planning Technician



STAFF REPORT: WWW Properties and Weibel Annexation, Zoning

DATE: August 8, 2019

GENERAL INFORMATION

Applicant:	Troy Campbell, agent for Weibel and WWW properties	
Site Location:	Located off 1 st Street, South of 287.	
Applicant's Request:	Annex two properties into the Town of Berthoud with a Light Industrial, (M-1), and Industrial (M-2) zoning district	
Current Zoning:	FA-1 (Larimer County Agricultural) and Multi-Family Residential (Larimer County)	
Preferred Land Use:	Employment (Industrial or Commercial)	
Size (in acres):	1.87 acres (to M-1), and 15.95 acres (to M-2)	
Current use of property:	Single Family Home, and vacant	
	<i>M-1 Standards</i>	<i>M-2 Standards</i>
Min. / Max. Lot Size	N/A	N/A
Min. Lot Width:	50'	50'
Net Density:		
Max. Building height:	40'	50'
Front Setback:	25'	20'
Side Setback	0'/20' adjacent different zoning district	0'/20' adjacent different zoning district
Rear Setback	20'	20'

SURROUNDING ZONING AND LAND USE

<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>
North: C-2	Pro-Swing baseball complex
South: M-2	Car lot
East: County/FA-1	Agriculture
West: County	Electric substation, railroad

INFRASTRUCTURE

Water: Little Thompson (will come into Town).	Sewer: Town of Berthoud service area.
Electric: Xcel	Gas: Xcel.
Floodplain: n/a.	Transportation: Clayton Place, 1 st Street

Public Notice: letters mailed to property owners within 500' of property both with original submittal for comments, and for each public hearing; a legal advertisement was published in the Berthoud Surveyor and run for four consecutive weeks; and a sign was posted on the property.

PROPOSAL

The Applicant has submitted a petition to annex two adjoining properties of 1.87 acres located on 2541 North First Street, and 15.95 acres located off Clayton Place into the Town of Berthoud. The zoning proposed for the 1.87 acre property is Limited Industrial (M-1), and that property is currently zoned FA (an Agricultural District In the County) and consists of an older single- family house. The 15.93 acre property is currently zoned Multi-family in Larimer County, and is directly West (or behind on 1st Street) or to the West of the 1.87 acre parcel, and South of the Pro-Swing baseball facility. The Applicant is proposing the Industrial District zoning of M-2 on the 15.93 acre portion which is currently vacant. Both properties are surrounded by Town, and the majority of North First Street is zoned M-1 or M-2. The M-1 and M-2 zoning districts allows for commercial and industrial uses, with the zoning use sheet included with this packet. The Weibel family is the controlling agent for both requests. The WWW properties annexation currently consists of an older house, and the Weibel properties is vacant, and can only be accessed through Clayton Place. To ascertain the property site in relation to the existing approved annexation, please see the attached maps and exhibits.

BACKGROUND

Infrastructure

The Town can serve both properties with water and sewer. A Town sewer line is located on the Eastern portion of the Weibel 15 acre property, and a water line would have to be run from 10E should this property be developed. The cost to run the water line would be the responsibility of the developer, not the Town.

In 2012 much of the infrastructure at the Water Plant were reconstructed to modernize and improve the treatment processes. In 2015 upgraded computerized process monitoring was deployed. Berthoud uses from approximately 600,000 gallons up to 1.2 million gallons of water each day. The Town's clean water storage can hold up to 3 million gallons of water. The Town has agreements with other water providers such as the Little Thompson Water District to provide clean water during plant maintenance or at times of very high usage.

The Town has one main treatment plant with four surrounding lift stations to serve the Town's wastewater needs. The Wastewater plant was completed in 2004 with additional expansion of the solids handling facility. Following the Little Thompson Flooding in 2013 the Waste Water Treatment plant has received a significant upgrade using latest treatment technologies and equipment. The treatment plant

can treat up to 3 million gallons per day using a conventional activated sludge treatment process with aerobic sludge digestion. The bio-solids from the facility are land applied for beneficial use.

Utilities

The anticipated utility services for the annexation of the property will be provided from both existing and new utility facilities. Town water and sewer service will be provided to the property once it is annexed. The Town anticipates minimal impact on the existing transportation system, should this be annexed.

Urbanization/Contiguity

This area is expected to be urbanized at some point in the future. There is existing development, almost entirely of an industrial nature surrounding this property. In addition, the WWW properties is 100% contiguous to existing Town Boundaries, and the Weibel property is ~49.9% contiguous satisfying the 1/6 contiguity requirement of Colorado Revised Statutes.

Annexation Findings

Staff recommends annexation with findings this property satisfies the requirements of Colorado Revised Statutes (31-12-107) as described below:

1. The proposed annexation **satisfies** the 1/6 contiguity to existing municipal limits;
2. **There is a community of interest** between this property and the Town of Berthoud; and
3. This property **is expected to be urbanized** in the future.

Zoning

WWW Properties:

This property is currently zoned FA-1 Farming, and Multi-family in Larimer County. The Applicant is proposing an M-2 and M-2 industrial district. The M-1 District for the WWW Properties (1.87 acres) request on First street, was chosen at the recommendation of Town Staff as the Applicant. Staff felt that the M-1 district was most appropriate as the Applicant expressed interest in both commercial and industrial uses owing to its location on 1st Street, which is heavily travelled.

Weibel:

The larger 15+ acre property is currently zoned multi-family in Larimer County. As the multi-family uses would require Town services, the property would have to be annexed per the Intergovernmental Agreement (IGA) Berthoud has with Larimer County. To that end, the property has never developed, and due to the majority of the uses within the surrounding area being industrial in nature, Staff does not believe the property is a good fit or appropriate for multi-family residential development. The Applicant is interested in industrial type development, and M-2 was agreed on for this larger parcel to serve those uses.

Preferred Land Use/Comprehensive Plan

When determining the future land use and zoning of a property to be annexed, the Planning Commission is to consider the Comprehensive Plan and its Preferred Land Use designation for this area, as well as surrounding zoning and land uses.

- ✓ The Preferred Land Use Plan envisions Employment for this area. Employment consists of Industrial and Commercial uses and would be consistent with the proposed industrial zoning for both properties.

Adjoining Uses

As aforementioned, the proposed annexation is adjacent to almost entirely industrial uses, apart from the Pro-Swing baseball facility zoned C-2. The surrounding properties in the Town are all zoned M-2 or Transitional (the car lot), with the remainder of properties located in the County.

- ✓ The Industrial Districts (M-1 and M-2) proposed, would be in harmony with the adjoining uses and the surrounding area.

PUBLIC NOTICE

Notice of the Planning Commission Public Hearing has been mailed to property owners within 500 feet of the subject property, a legal ad published, and the property was posted as required by the Development Code.

FINDINGS AND RECOMMENDATIONS

ANNEXATION:

WWW Properties

Move to recommend approval of the request to annex 1.87 acres known as WWW Properties, into the Town of Berthoud as per the findings it satisfies the Comprehensive Plan and Colorado Revised Statutes for Annexation.

Weibel:

Move to recommend approval of the request to annex 15.95 acres (to M-2) known as the Weibel Annexation, into the Town of Berthoud as per the findings it satisfies the Comprehensive Plan and Colorado Revised Statutes for Annexation.

ZONING:

WWW Properties:

Move to place the Light Industrial (M-1) district on the 1.87 acres known as WWW properties, finding that:

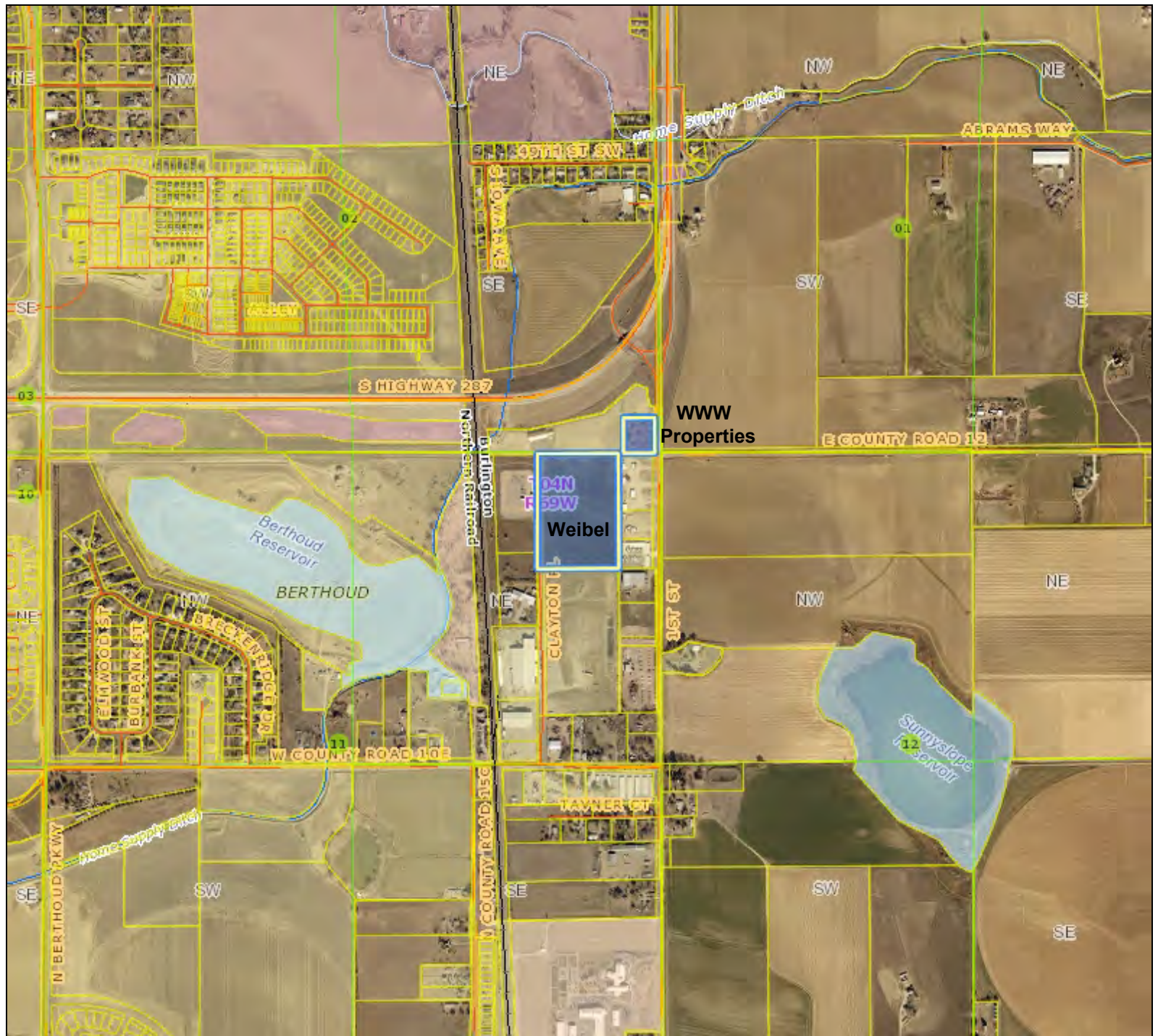
1. The Light Industrial (M-1) district proposed, would be in harmony with the adjoining land uses and industrial zoning.
2. The Light Industrial District is expressly supported by the Comprehensive Plan for this area.

Weibel:

Move to place the Industrial (M-2) district on the 15.95 acres known as the Weibel Annexation, finding that:

1. The Light Industrial (M-1) district proposed, would be in harmony with the adjoining land uses and industrial zoning.
2. The Light Industrial District is expressly supported by the Comprehensive Plan for this area.

Larimer County Web Map



Legend

- | | |
|-------------------------|------------------------------|
| Tax Parcels | Rivers and Streams |
| PLSS Township and Range | County Boundary |
| PLSS Sections | Rocky Mountain National Park |
| PLSS Quarter Sections | Incorporated Areas |
| Railroads | City or Town |

Notes

0.2 0 0.2 Miles

Scale
1: 14,273



Date Prepared: 4/10/2019 11:24:06 AM

This map was created by Larimer County GIS using data from multiple sources for informal 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 the content represented.

EXHIBIT “A”

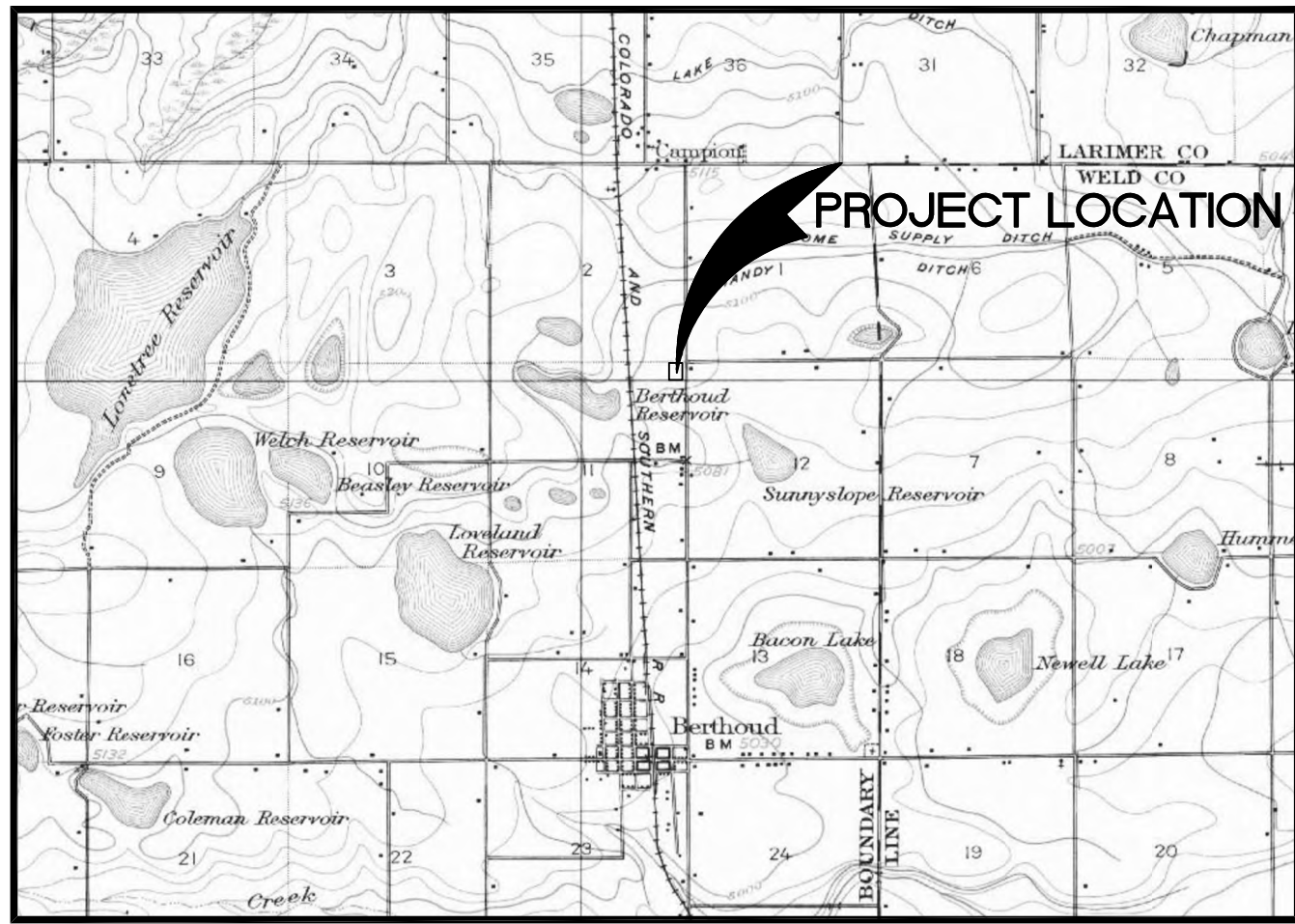
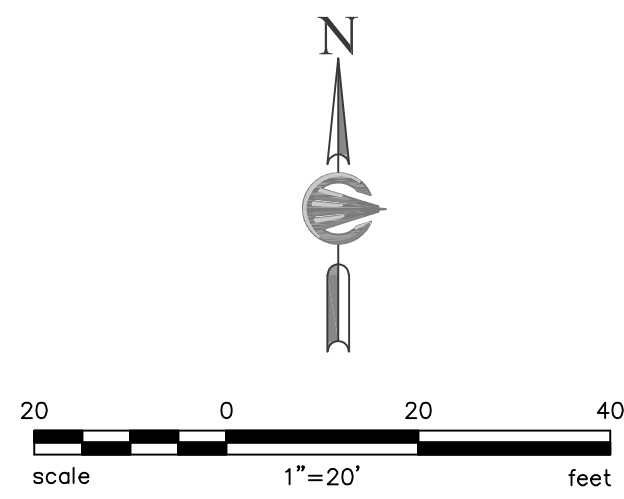
ANNEXATION AND

ZONING MAP



WWW PROPERTIES ZONING MAP

SITUATE IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 4 NORTH,
RANGE 69WEST, 6TH P.M., TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO
1.87 ACRES



PROPERTY DESCRIPTION:

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING THE OWNERS AND PETITIONERS OF PORTIONS OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 2, AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 2 AS HAVING AN ASSUMED BEARING OF SOUTH 89°27'40" WEST, (THE EAST END OF SAID LINE BEING MARKED BY A NUMBER 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 2 1/2" ALUMINUM CAP STAMPED LS 12374 IN MONUMENT BOX, THE WEST END OF SAID LINE BEING MARKED BY A NUMBER 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 2 1/2" ALUMINUM CAP STAMPED LS 32825), WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 2, SOUTH 89°27'40" WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID SOUTH LINE, SAID LINE ALSO BEING THE NORTHERLY LINE OF THE MEYERS FIRST ADDITION - SERIAL 2 AND SERIAL 3, RECORDED SEPTEMBER 2, 2008 AT RECEPTION NUMBER 20080056202, SOUTH 89°27'40" WEST A DISTANCE OF 269.13 FEET;
THENCE ALONG THE EASTERLY, SOUTHERLY AND WESTERLY LINE OF THE PRO SWING FIRST ANNEXATION, SERIAL 3, RECORDED MAY 5, 2014 AT RECEPTION NUMBER 20140027730, THE FOLLOWING 3 (THREE) COURSES:
1. NORTH 00°19'35" WEST A DISTANCE OF 302.74 FEET;
2. NORTH 89°32'06" EAST A DISTANCE OF 268.54 FEET;
3. SOUTH 00°26'20" EAST A DISTANCE OF 302.39 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED TRACT CONTAINS 1.87 ACRES MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

OWNER _____ BY _____

NOTARIAL CERTIFICATE::

STATE OF COLORADO)
) SS
COUNTY OF _____)

THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION WAS ACKNOWLEDGED BEFORE ME BY _____ AS
THIS _____ DAY OF _____, 20____

WITNESS MY HAND AND SEAL
MY COMMISSION EXPIRES _____

NOTARY PUBLIC _____

APPROVAL CERTIFICATES:

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, THIS _____ DAY OF _____, A.D., 20____

MAYOR _____

THE FOREGOING MAP IS APPROVED FOR FILING AND ACCEPTED BY THE TOWN OF BERTHOUD, COLORADO, THIS _____ DAY OF _____, A.D., 20____

ATTEST:

TOWN CLERK _____

SURVEYOR'S CERTIFICATE:

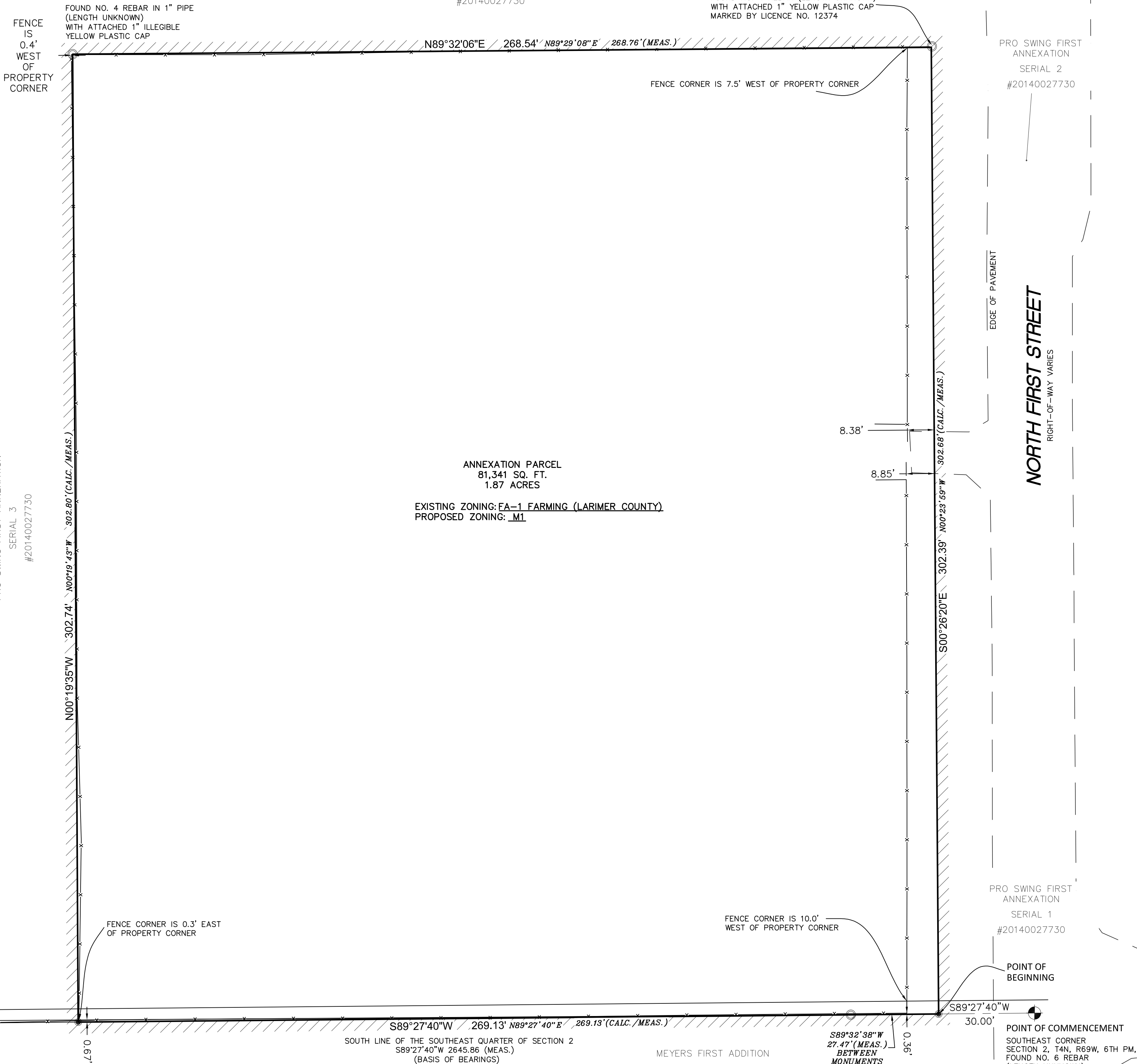
I, READE COLIN ROSELLES, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ZONING MAP WAS PREPARED UNDER MY SUPERVISION.

DATED THIS _____ DAY OF _____, 20____

BY _____
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR #37911

SURVEY NOTES:

- COFFEY ENGINEERING AND SURVEYING, LLC DOES NOT HAVE THE EXPERTISE TO ADDRESS MINERAL RIGHTS, AND RECOMMENDS THE OWNER RETAIN AN EXPERT TO ADDRESS THESE MATTERS. COFFEY ENGINEERING AND SURVEYING, LLC ASSUMES NO RESPONSIBILITY FOR THE MINERAL RIGHTS UPON THIS TRACT OF LAND.
- THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY COFFEY ENGINEERING AND SURVEYING, LLC. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, OR TITLE OF RECORD, COFFEY ENGINEERING AND SURVEYING, LLC RELIED ON TITLE COMMITMENT POLICY NO. 17134UTG PREPARED BY UNIFIED TITLE COMPANY OF NORTHERN COLORADO, LLC, EFFECTIVE MARCH 8, 2019 AT 8:00 AM.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS SURVEY IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- BASIS OF BEARINGS: CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN TO HAVE AN ASSUMED BEARING OF SOUTH 89°27'40" EAST AND MONUMENTED AS SHOWN HEREON.



LEGEND:

- | | | | |
|------------------------------------|------------------------------------|---|---|
| (MEAS.) | MEASURED INFORMATION (THIS SURVEY) | ● | SET MONUMENT - 18" LONG REBAR W/ 2" YELLOW PLASTIC CAP LS 37911 |
| HEAVY TEXT | CALCULATED ANNEXATION BOUNDARY | ○ | DENOTES FOUND MONUMENT AS DESCRIBED |
| (CALC.) | CALCULATED INFORMATION | ⊗ | DENOTES FOUND SECTION MONUMENT AS DESCRIBED |
| EXISTING TOWN OF BERTHOUD BOUNDARY | | | |

CONTIGUITY:

TOTAL PARCEL BOUNDARY-1,142.80'
1/6 TOTAL PARCEL BOUNDARY-190.47'
TOTAL CONTIGUOUS TO THE PRESENT TOWN OF BERTHOUD-1,142.80'

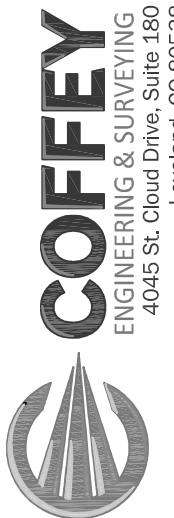
OWNER:

WWW PROPERTIES LLC
2541 1ST ST
BERTHOUD, CO 80513
970-215-1574

SURVEYOR/ENGINEER:

COFFEY ENGINEERING & SURVEYING
4045 ST. CLOUD DR., SUITE 180
LOVELAND, CO. 80538
970-622-2095

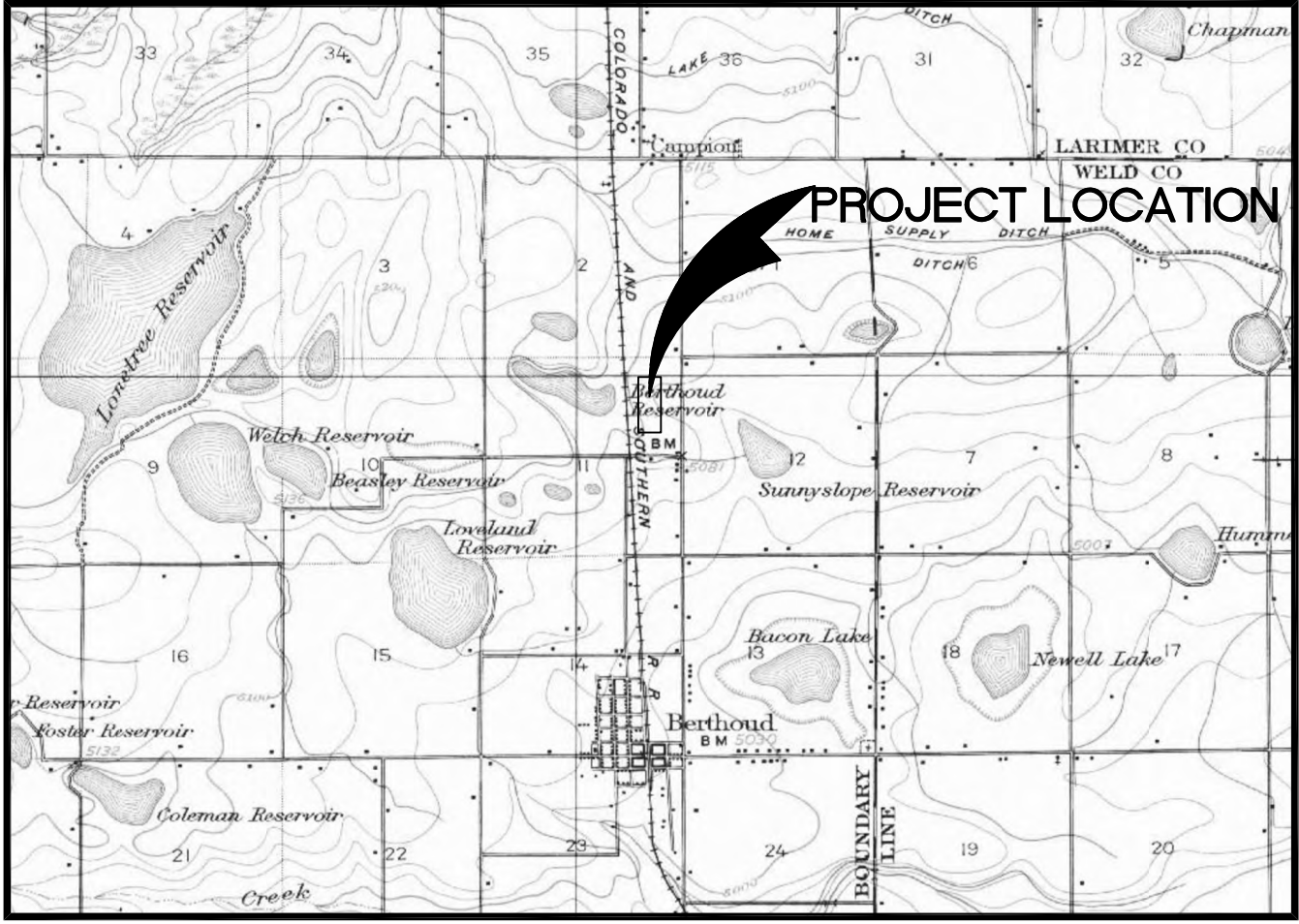
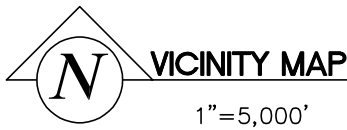
WWW PROPERTIES ZONING MAP
SITUATE IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 4 NORTH,
RANGE 69WEST, 6TH P.M., LARIMER COUNTY, COLORADO



Sheet:
1 / 1

REVISION	DATE	REQUEST BY	CHECK

Project: 2550.00
Drawing: REZONE 1
Drafted By: RR
Date: 02/07/19
Rev. Date: -
Check By: MM/TTC



WEIBEL ANNEXATION

TO THE TOWN OF BERTHOUD

SITUATE IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH,
RANGE 69WEST, 6TH P.M., LARIMER COUNTY, COLORADO
15.93 ACRES

NORTH QUARTER CORNER
SECTION 11, T4N, R69W, 6TH PM,
FOUND NO. 6 REBAR
(LENGTH UNKNOWN)
WITH ATTACHED 2 1/2"
ALUMINUM CAP
MARKED BY LICENCE
NO. 32825

NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 11
S89°27'40"W 2645.86' (MEAS.)
(BASIS OF BEARINGS)

PRO SWING FIRST ANNEXATION
SERIAL 3
#20140027730

FOUND NO. 4 REBAR (LENGTH UNKNOWN)
WITH ATTACHED 1" BLUE PLASTIC CAP
MARKED BY LICENCE NO. 34174
POINT OF
BEGINNING

POINT OF COMMENCEMENT
NORTHEAST CORNER
SECTION 11, T4N, R69W, 6TH PM,
FOUND NO. 6 REBAR
(LENGTH UNKNOWN)
WITH ATTACHED 2 1/2"
ALUMINUM CAP
MARKED BY LICENCE
NO. 12374 IN MONUMENT BOX

WEIBEL ANNEXATION LEGAL DESCRIPTION:

KNOW ALL PERSONS BY THESE PRESENTS: THAT THE UNDERSIGNED, BEING THE OWNERS AND PETITIONERS OF PORTIONS OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11, AND CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11 AS HAVING AN ASSUMED BEARING OF SOUTH 89°27'40" WEST, (THE EAST END OF SAID LINE BEING MARKED BY A NUMBER 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 2 1/2" ALUMINUM CAP STAMPED LS 12374 IN MONUMENT BOX, THE WEST END OF SAID LINE BEING MARKED BY A NUMBER 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 2 1/2" ALUMINUM CAP STAMPED LS 32825), WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 11, SOUTH 89°27'40" WEST A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID NORTH LINE, SAID LINE ALSO BEING PARTIALLY ALONG THE SOUTHERLY LINE OF THE PRO SWING FIRST ANNEXATION, SERIAL 3, RECORDED MAY 5, 2014 AT RECEPTION NUMBER 20140027730, SOUTH 89°27'40" WEST A DISTANCE OF 700.00 FEET;
THENCE SOUTH 00°21'48" EAST A DISTANCE OF 990.85 FEET TO A POINT ON THE NORTHERLY LINE OF THE CHAMPION HOMES 4TH ANNEXATION, RECORDED SEPTEMBER 28, 1999 AT RECEPTION NUMBER 0099085389;
THENCE ALONG SAID NORTHERLY LINE, NORTH 89°31'55" EAST A DISTANCE OF 700.00 FEET;
THENCE NORTH 00°21'48" WEST A DISTANCE OF 4.68 FEET;
THENCE ALONG THE WESTERLY LINE OF THE MEYERS FIRST ADDITION SERIAL 3 ANNEXATION, RECORDED SEPTEMBER 2, 2008 AT RECEPTION NUMBER 20080056202,
NORTH 00°21'48" WEST A DISTANCE OF 987.04 FEET TO THE POINT OF BEGINNING

SAID DESCRIBED TRACT CONTAINS 15.93 ACRES MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

OWNER _____ BY _____

NOTARIAL CERTIFICATE::

STATE OF COLORADO }
COUNTY OF _____ } SS

THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION WAS ACKNOWLEDGED BEFORE ME BY _____ AS
_____, THIS ____ DAY OF _____, 20__

WITNESS MY HAND AND SEAL

MY COMMISSION EXPIRES _____

NOTARY PUBLIC _____

CERTIFICATE OF APPROVAL BY TOWN OF BERTHOUD:

THIS IS TO CERTIFY THAT THE ANNEXATION AND REZONE OF THE ABOVE DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. _____ OF THE TOWN OF BERTHOUD, PASSED AND ADOPTED ON THE ____ DAY OF _____ A.D., 20__, AND THAT THE MAYOR OF THE TOWN OF BERTHOUD AS AUTHORIZED BY SAID ORDINANCE ON BEHALF OF THE TOWN HEREBY FOR ALL ACKNOWLEDGES AND ADOPTS THE SAID ANNEXATION UPON WHICH THE CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED HEREON.

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, THIS ____ DAY OF _____, A.D., 20__

MAYOR _____

THE FOREGOING MAP IS APPROVED FOR FILING AND ACCEPTED BY THE TOWN OF BERTHOUD, COLORADO, THIS ____ DAY OF _____, A.D., 20__

ATTEST:

TOWN CLERK _____

SURVEYOR'S CERTIFICATE:

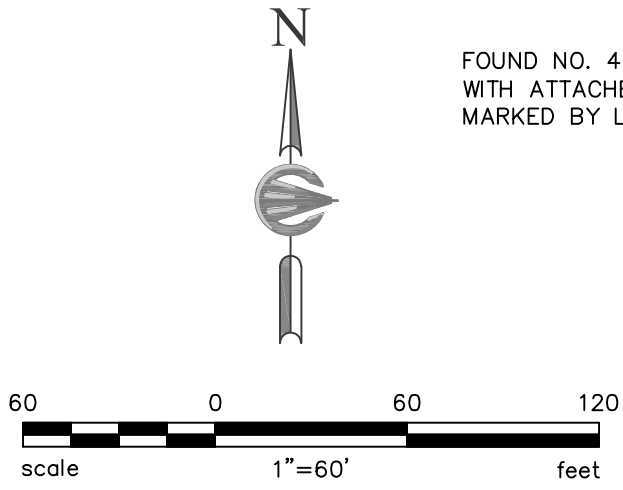
I, READE COLIN ROSELLES, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ANNEXATION MAP OF WEIBEL ANNEXATION WAS PREPARED UNDER MY SUPERVISION.

DATED THIS ____ DAY OF _____, 20__

BY _____
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR #37911

SURVEY NOTES:

- COFFEY ENGINEERING AND SURVEYING, LLC DOES NOT HAVE THE EXPERTISE TO ADDRESS MINERAL RIGHTS, AND RECOMMENDS THE OWNER RETAIN AN EXPERT TO ADDRESS THESE MATTERS. COFFEY ENGINEERING AND SURVEYING, LLC ASSUMES NO RESPONSIBILITY FOR THE MINERAL RIGHTS UPON THIS TRACT OF LAND.
- THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY COFFEY ENGINEERING AND SURVEYING, LLC. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, OR TITLE OF RECORD, COFFEY ENGINEERING AND SURVEYING, LLC RELIED ON TITLE COMMITMENT POLICY NO. 373120 PREPARED BY STEWART TITLE GUARANTEE COMPANY EFFECTIVE FEBRUARY 26, 2019 AT 8:00 AM.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS SURVEY IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- BASIS OF BEARINGS: CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN TO HAVE AN ASSUMED BEARING OF SOUTH 89°27'40" EAST AND MONUMENTED AS SHOWN HEREON.



FOUND NO. 4 REBAR (LENGTH UNKNOWN)
WITH ATTACHED 1" YELLOW PLASTIC CAP
MARKED BY LICENCE NO. 16415

S00°21'49"E
15.03' (MEAS.)

FOUND NO. 4 REBAR (LENGTH UNKNOWN)
WITH ATTACHED 1" BLUE PLASTIC CAP
MARKED BY LICENCE NO. 34174 (NOT ACCEPTED)

CHAMPION HOMES
4TH ANNEXATION
#0099085389

CHAMPION HOMES
4TH ANNEXATION
BOUNDARY

GAP BETWEEN DEED
DESCRIPTION
#20160050940 AND
CHAMPION HOMES
4TH ANNEXATION
#0099085389

FOUND NO. 4 REBAR (LENGTH UNKNOWN)
WITH ATTACHED 1" BLUE PLASTIC CAP
MARKED BY LICENCE NO. 34174 (NOT ACCEPTED)

N02°14'18"W
3.81' (MEAS.)
N00°21'48"W
4.68'

FOUND NO. 4 REBAR
(LENGTH UNKNOWN)

- (MEAS.) MEASURED INFORMATION (THIS SURVEY) SET MONUMENT - 18" LONG REBAR W/ 2" YELLOW PLASTIC CAP LS 37911
HEAVY TEXT CALCULATED ANNEXATION BOUNDARY DENOTES FOUND MONUMENT AS DESCRIBED
(CALC.) CALCULATED INFORMATION DENOTES FOUND SECTION MONUMENT AS DESCRIBED

EXISTING TOWN OF BERTHOUD BOUNDARY

CONTIGUITY:

TOTAL PARCEL BOUNDARY-3,382.57'
1/6 TOTAL PARCEL BOUNDARY-583.76'
TOTAL CONTIGUOUS TO THE PRESENT TOWN OF BERTHOUD-1,687.04'

OWNER:

WEIBEL ENTERPRISES, LLC
2541 1ST ST
BERTHOUD, CO 80513
970-215-1574

SURVEYOR/ENGINEER:

COFFEY ENGINEERING & SURVEYING
4045 ST. CLOUD DR., SUITE 180
LOVELAND, CO 80538
970-622-2095

WEIBEL ANNEXATION

TO THE TOWN OF BERTHOUD
SITUATE IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH,
RANGE 69WEST, 6TH P.M., LARIMER COUNTY, COLORADO



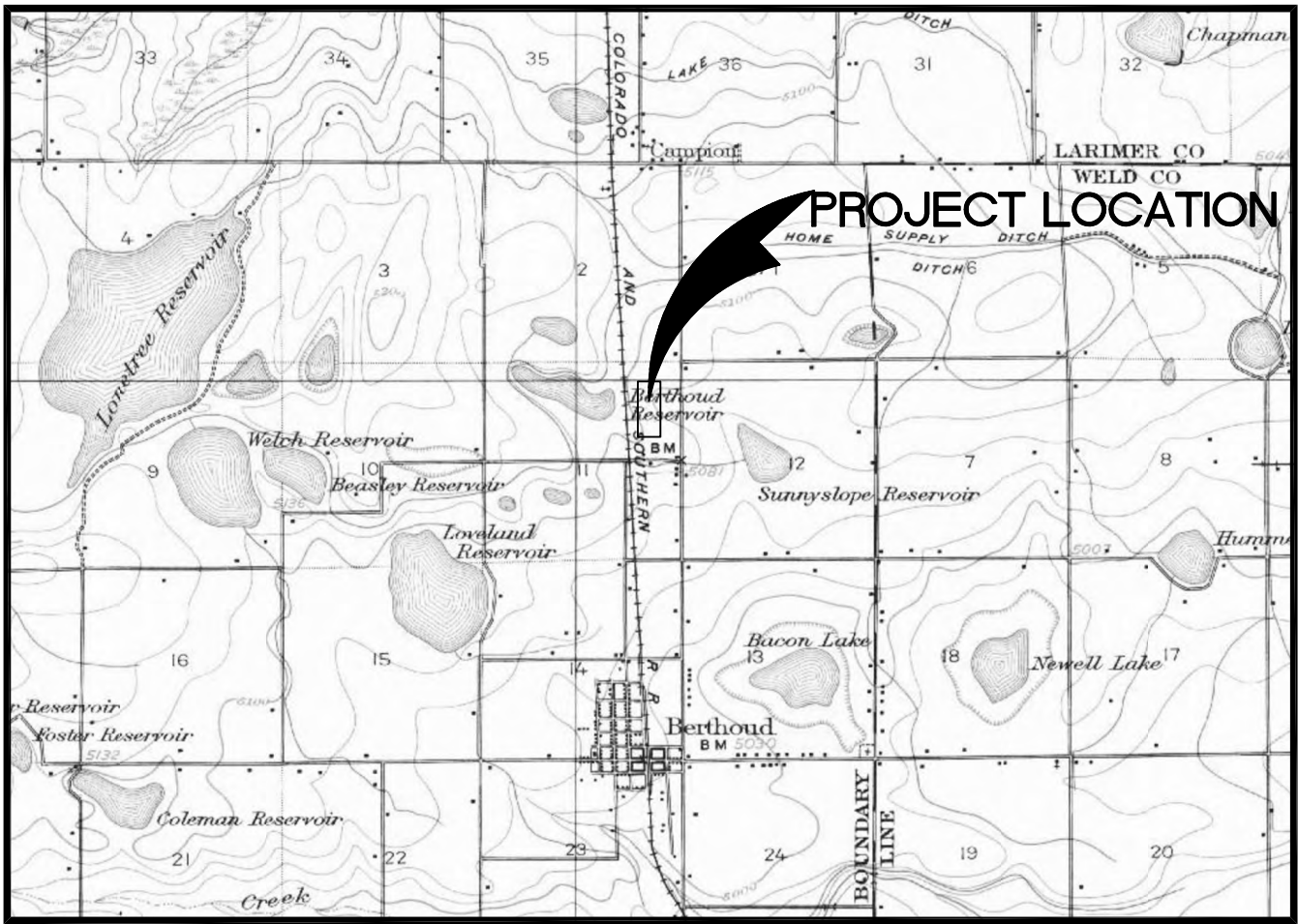
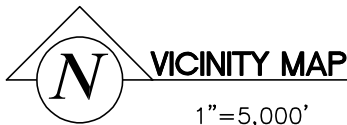
COFFEY
ENGINEERING & SURVEYING
4045 ST. CLOUD DR., SUITE 180
LOVELAND, CO 80538
970-622-2095

Sheet:

1 / 1

REVISION	DATE	REQUEST BY	CHECK	DATE	REQUEST BY	CHECK

Project: 2559.00
Drawing: ANNEX 2
Drafted By: RR
Date: 03/08/19
Rev. Date: -
Check By: MM/TC



PROPERTY DESCRIPTION:

KNOW ALL PERSONS BY THESE PRESENTS: THAT THE UNDERSIGNED, BEING THE OWNERS AND PETITIONERS OF PORTIONS OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11, AND CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11 AS HAVING AN ASSUMED BEARING OF SOUTH 89°27'40" WEST, (THE EAST END OF SAID LINE BEING MARKED BY A NUMBER 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 2 1/2" ALUMINUM CAP STAMPED LS 12374 IN MONUMENT BOX, THE WEST END OF SAID LINE BEING MARKED BY A NUMBER 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 2 1/2" ALUMINUM CAP STAMPED LS 32825), WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 11, SOUTH 89°27'40" WEST A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, SAID LINE ALSO BEING PARTIALLY ALONG THE SOUTHERLY LINE OF THE PRO SWING FIRST ANNEXATION, SERIAL 3, RECORDED MAY 5, 2014 AT RECEPTION NUMBER 20140027730, SOUTH 89°27'40" WEST A DISTANCE OF 700.00 FEET; THENCE SOUTH 00°21'48" EAST A DISTANCE OF 990.85 FEET TO A POINT ON THE NORTHERLY LINE OF THE CHAMPION HOMES 4TH ANNEXATION, RECORDED SEPTEMBER 28, 1999 AT RECEPTION NUMBER 0099085389; THENCE ALONG SAID NORTHERLY LINE, NORTH 89°31'55" EAST A DISTANCE OF 700.00 FEET; THENCE NORTH 00°21'48" WEST A DISTANCE OF 4.68 FEET; THENCE ALONG THE WESTERLY LINE OF THE MEYERS FIRST ADDITION SERIAL 3 ANNEXATION, RECORDED SEPTEMBER 2, 2008 AT RECEPTION NUMBER 20080056202, NORTH 00°21'48" WEST A DISTANCE OF 987.04 FEET TO THE POINT OF BEGINNING

SAID DESCRIBED TRACT CONTAINS 15.93 ACRES MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

OWNER _____ BY _____

NOTARIAL CERTIFICATE::

STATE OF COLORADO)
) SS

COUNTY OF _____)

THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION WAS ACKNOWLEDGED BEFORE ME BY _____ AS
_____, THIS ____ DAY OF _____, 20__.

WITNESS MY HAND AND SEAL
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

APPROVAL CERTIFICATES:

APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, THIS ____ DAY OF _____, A.D., 20__.

MAYOR

THE FOREGOING MAP IS APPROVED FOR FILING AND ACCEPTED BY THE TOWN OF BERTHOUD, COLORADO, THIS ____ DAY OF _____, A.D., 20__.

ATTEST:

TOWN CLERK

SURVEYOR'S CERTIFICATE:

I, READE COLIN ROSELLES, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ZONING MAP WAS PREPARED UNDER MY SUPERVISION.

DATED THIS ____ DAY OF _____, 20__.

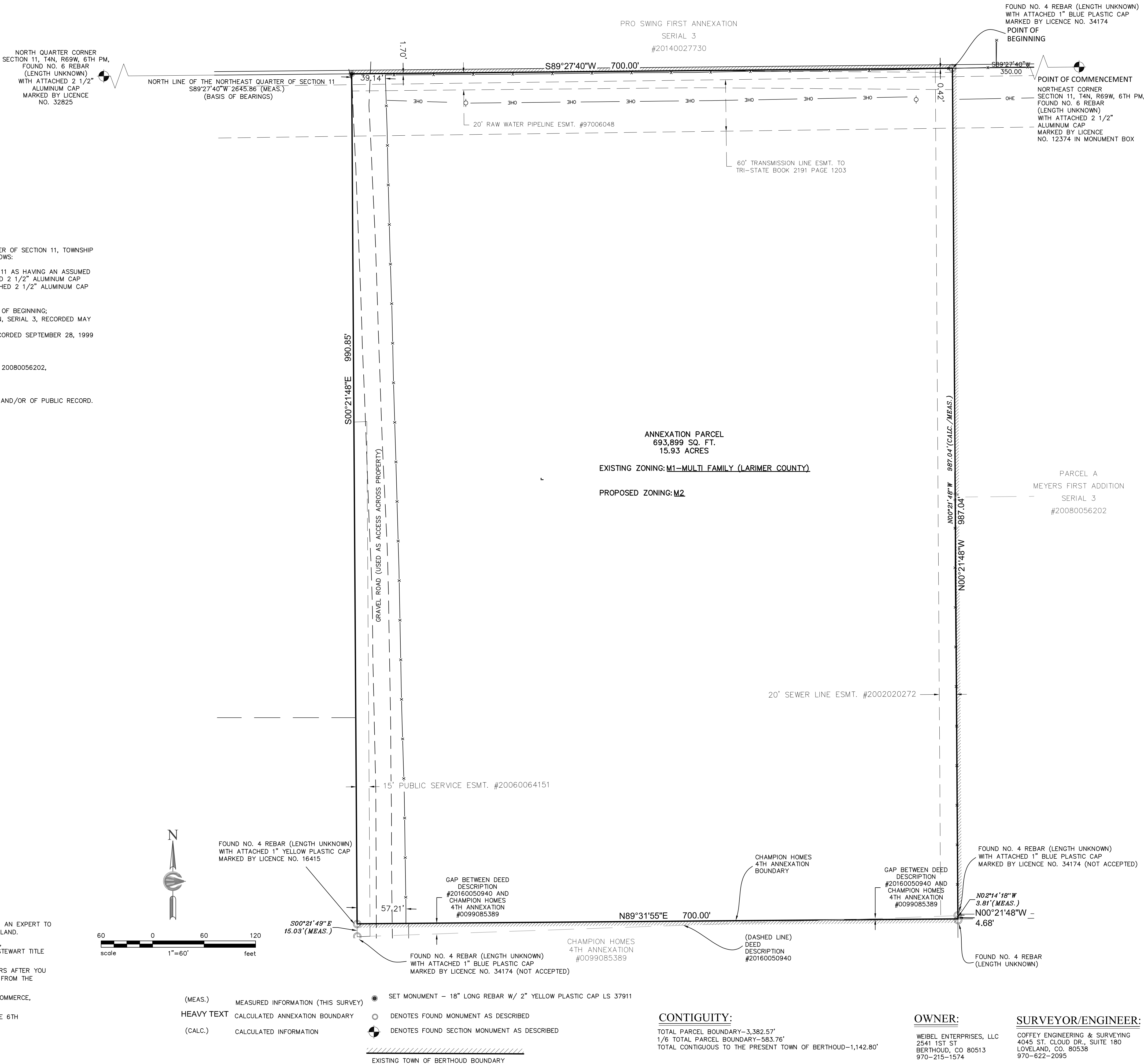
BY _____
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR #37911

SURVEY NOTES:

- COFFEY ENGINEERING AND SURVEYING, LLC DOES NOT HAVE THE EXPERTISE TO ADDRESS MINERAL RIGHTS, AND RECOMMENDS THE OWNER RETAIN AN EXPERT TO ADDRESS THESE MATTERS. COFFEY ENGINEERING AND SURVEYING, LLC ASSUMES NO RESPONSIBILITY FOR THE MINERAL RIGHTS UPON THIS TRACT OF LAND.
- THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY COFFEY ENGINEERING AND SURVEYING, LLC. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, OR TITLE OF RECORD, COFFEY ENGINEERING AND SURVEYING, LLC RELIED ON TITLE COMMITMENT POLICY NO. 373120 PREPARED BY STEWART TITLE GUARANTEE COMPANY EFFECTIVE FEBRUARY 26, 2019 AT 8:00 AM.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
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- BASIS OF BEARINGS: CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN TO HAVE AN ASSUMED BEARING OF SOUTH 89°27'40" EAST AND MONUMENTED AS SHOWN HEREON.

WEIBEL ZONING MAP

SITUATE IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH,
RANGE 69WEST, 6TH P.M., LARIMER COUNTY, COLORADO
15.93 ACRES



ANNEXATION PARCEL
693,899 SQ. FT.
15.93 ACRES

EXISTING ZONING: M1-MULTI FAMILY (LARIMER COUNTY)

PROPOSED ZONING: M2

PARCEL A
MEYERS FIRST ADDITION
SERIAL 3
#20080056202

CHAMPION HOMES
4TH ANNEXATION
#20160050940
GAP BETWEEN DEED
DESCRIPTION
#20160050940 AND
CHAMPION HOMES
4TH ANNEXATION
#0099085389

FOUND NO. 4 REBAR (LENGTH UNKNOWN)
WITH ATTACHED 1" BLUE PLASTIC CAP
MARKED BY LICENCE NO. 34174 (NOT ACCEPTED)

CHAMPION HOMES
4TH ANNEXATION
#20160050940

FOUND NO. 4 REBAR (LENGTH UNKNOWN)
WITH ATTACHED 1" BLUE PLASTIC CAP
MARKED BY LICENCE NO. 34174 (NOT ACCEPTED)

N00°21'48"W
3.81' (MEAS.)
N00°21'48"W
4.68'

FOUND NO. 4 REBAR
(LENGTH UNKNOWN)

- (MEAS.) MEASURED INFORMATION (THIS SURVEY) SET MONUMENT - 18" LONG REBAR W/ 2" YELLOW PLASTIC CAP LS 37911
- HEAVY TEXT CALCULATED ANNEXATION BOUNDARY DENOTES FOUND MONUMENT AS DESCRIBED
- (CALC.) CALCULATED INFORMATION DENOTES FOUND SECTION MONUMENT AS DESCRIBED

CONTIGUITY:

TOTAL PARCEL BOUNDARY-3,382.57'
1/6 TOTAL PARCEL BOUNDARY-583.76'
TOTAL CONTIGUOUS TO THE PRESENT TOWN OF BERTHOUD-1,142.80'

OWNER:

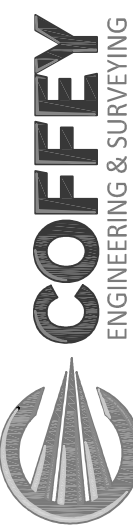
WEIBEL ENTERPRISES, LLC
2541 1ST ST
BERTHOUD, CO 80513
970-215-1574

SURVEYOR/ENGINEER:

COFFEY ENGINEERING & SURVEYING
4045 ST. CLOUD DR., SUITE 180
LOVELAND, CO. 80538
970-622-2095

WEIBEL ZONING MAP

SITUATE IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH,
RANGE 69WEST, 6TH P.M., LARIMER COUNTY, COLORADO



Sheet:
1 / 1

DATE	REQUEST BY	REVISION	CHECK	DATE	REQUEST BY	REVISION	CHECK

Project: 2559.00
Drawing: REZONE 2
Drafted By: RR
Date: 03/08/19
Rev. Date: -
Check By: MM/TC

PETITION FOR ANNEXATION

PETITION FOR ANNEXATION

We represent that we are the landowners of 100% of the land described in this Petition, excluding public streets, alleys, roads and easements, which is legally described on Exhibit "A", and affirm the following to be true and correct as of April 1, 2019, our petition for annexation is filed with the Town of Berthoud.

CONTIGUITY :

1. The perimeter of the proposed annexation has a distance of 1,142.80 feet of which 1,142.80 are contiguous to the existing Town Limits of Berthoud.
2. This contiguity results in a minimum of 100.0% of the perimeter (at least 1/6) of proposed annexation being contiguous to the Town of Berthoud.
3. The proposed annexation contains approximately 1.87 acres.
4. The requirements of §31-12-104 and §31-12-105 C.R.S., exist or have been met.
5. We further allege:
 - a. It is desirable and necessary that the territory be annexed to the Town of Berthoud.
 - b. A community of interest exists between the territory and the Town of Berthoud.
 - c. The territory is integrated or capable of being integrated with the Town of Berthoud.
 - d. The territory is urban or will be urbanized in the near future.
 - e. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.
 - f. No proceedings for annexation of the land described in this Petition have been commenced for annexation to another municipality.
6. The Petitioners understand that there may be a significant period of time before municipal utilities will be available but anticipate that urbanization will be able to take place at a pace acceptable to them without immediate access to these utilities. Until urbanization takes place the petitioners intend to maintain their properties in their current uses, which uses are acceptable to the Town of Berthoud.

7. The Petitioners have submitted the petition with the intention that the property will be developed in accordance with Berthoud's Development Code, Comprehensive Plan, Municipal Code, resolutions and ordinances.
8. The Petitioners are aware that Berthoud has enacted fees and policies with the intention that growth should pay its own way and that growth should improve the health, safety and welfare of its citizens. Examples of Berthoud's fees which are acceptable to the petitioners include fees for: building, electric, construction meter, plan review, building permit administration, parks, trails and open space, public facilities infrastructure, streets, drainage, police facility infrastructure, general administration facility infrastructure, water administration, water meter, water tap, sewer tap, raw water, and other supplemental fees as appropriate.
9. The Petitioners understand that Berthoud is required by Colorado Revised Statutes to prepare and file an annexation impact report. The Petitioners will prepare a proposed annexation impact report and provide it to Berthoud for review and consideration six (6) weeks prior to the hearing.
10. The Petitioners agree to dedicate free and clear of all liens and encumbrances of any kind, and at no charge to the Town, all easements and rights-of-way for streets and other public ways and for other public purposes, within the Property as outlined in a Subdivision Improvements Agreement (approved at the time of final subdivision plat).
11. The Petitioners agree to dedicate, with the subdivision of the Property and at no cost to the Town, all required easements and right-of-way for installation and maintenance of infrastructure.
12. The Petitioners agree to design and install transportation infrastructure, utility infrastructure, and stormwater improvements to serve the Property prior to the issuance of any building permits for all or any portion of the property in accordance with Town standards. The Petitioners shall make such other improvements as required by Town ordinances and resolutions, to guarantee construction of all required improvements, and, if requested by Berthoud, to dedicate to Berthoud any or all other required improvements. The Petitioners agrees to enter into a subdivision improvements agreement pertaining to such improvements and other matters at time of final plat.
13. The Petitioners agree that oversizing agreements may exist that the Petitioners may be responsible for his/her fair share for oversizing of infrastructure. Likewise, Petitioners acknowledges that the Town may require the Petitioners to oversize infrastructure, which would be reimbursed by subsequent developers. The Petitioners acknowledge that the Town shall facilitate reimbursement of any financial participation by the Petitioners, over and above the proportionate impact of the development. Such reimbursement shall come from new development directly connecting to the improvements.

14. The Petitioners agree to satisfy the public land dedication and landscaping requirements specified in the Town's Development Code.
15. The Petitioners agree that future development of the site will comply with any adopted infrastructure plans including but not limited to transportation, drainage, water, sewer, land use, parks, trails, open space and comprehensive plans.
16. The Petitioners agree that the design, improvement, construction, development, and use of the property shall be in conformance with, and that Petitioners shall comply with, all municipal, county, state and federal statutes, ordinances, rules and regulations.
17. The Petitioners agree that all land use approvals and building permits for the development of the Property shall be subject to requirements including, but not limited to, the payment of impact fees and development charges and other land use and development requirements in effect at the time that such proposed development applies for a building permit.

~~18. The Petitioners agree to convey to the Town, all water rights necessary for development and all irrigation water rights and associated carrying rights and groundwater rights associated with the property, and any related stock certificates evidencing ownership of the water rights, free and clear of all encumbrances and with all taxes and assessments related hereto paid in full, unless the Town in writing rejects any or all such water rights. Water rights may be conveyed on a pro-rata basis as building permits are issued.~~

The Petitioners agree to convey to the Town, all water rights that came with the property from Jerry Gall to Weibel Enterprises, LLC, necessary for development and all irrigation water rights and associated carrying rights and groundwater rights associated with the property, and any related stock certificates evidencing ownership of the water rights, free and clear of all encumbrances and with all taxes and assessments related hereto paid in full, unless the Town in writing rejects any or all such water rights. Water rights may be conveyed on a pro-rata basis as building permits are issued. No other water rights, irrigation water rights, or associated carrying rights known or unknown are not to be considered or conveyed.

19. Berthoud has various enterprise funds through which the utilities provided by Berthoud are financed. Examples of Berthoud's services are its water, wastewater and drainage utilities. Berthoud's Board of Trustees believe that the provision of utilities by Berthoud assists in complying with the *Berthoud Comprehensive Plan* and *Berthoud Development Code* and the petitioners request that Berthoud provide all utility services which are available now or in the future through Berthoud at a cost comparable to that which can be provided by any third party.
20. The Petitioners understand that the R2-J School District forms an integral part of the Berthoud community. Berthoud has enacted fees to support the acquisition of land by this School District. The Petitioners are aware of these fees and agree to financially support the District's land acquisition programs

The terms of this Petition are binding on the heirs, devisers, successors and assigns of the parties. Therefore, the undersigned hereby request that the Town of Berthoud approve the annexation of the areas described herein.



Petitioner

4-5-19
Date Signed

Petitioner

PETITION FOR ANNEXATION

We represent that we are the landowners of 100% of the land described in this Petition, excluding public streets, alleys, roads and easements, which is legally described on Exhibit "A", and affirm the following to be true and correct as of April 1, 2019, our petition for annexation is filed with the Town of Berthoud.

CONTIGUITY :

1. The perimeter of the proposed annexation has a distance of 3,382.57 feet of which 1,687.04 are contiguous to the existing Town Limits of Berthoud.
2. This contiguity results in a minimum of 49.9% of the perimeter (at least 1/6) of proposed annexation being contiguous to the Town of Berthoud.
3. The proposed annexation contains approximately 15.93 acres.
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 - a. It is desirable and necessary that the territory be annexed to the Town of Berthoud.
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The terms of this Petition are binding on the heirs, devisers, successors and assigns of the parties. Therefore, the undersigned hereby request that the Town of Berthoud approve the annexation of the areas described herein.

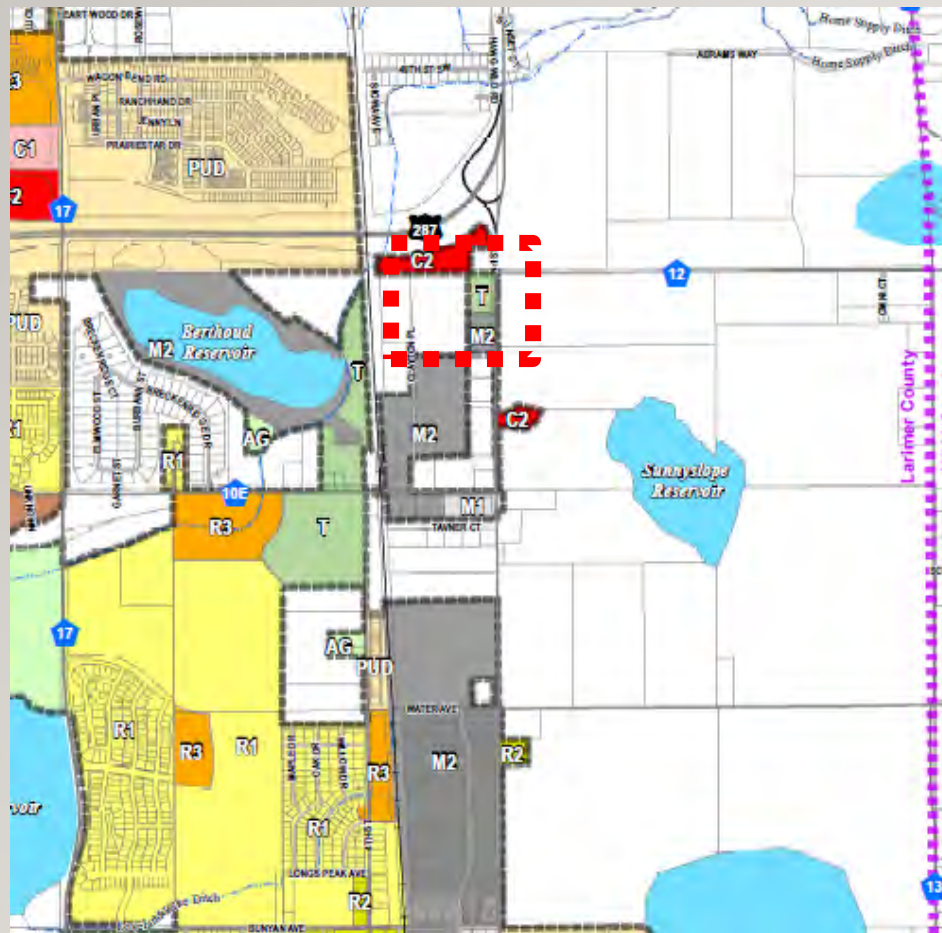


Petitioner

4-5-19
Date Signed

Petitioner

ZONING



OFFICIAL ZONING MAP Town of Berthoud



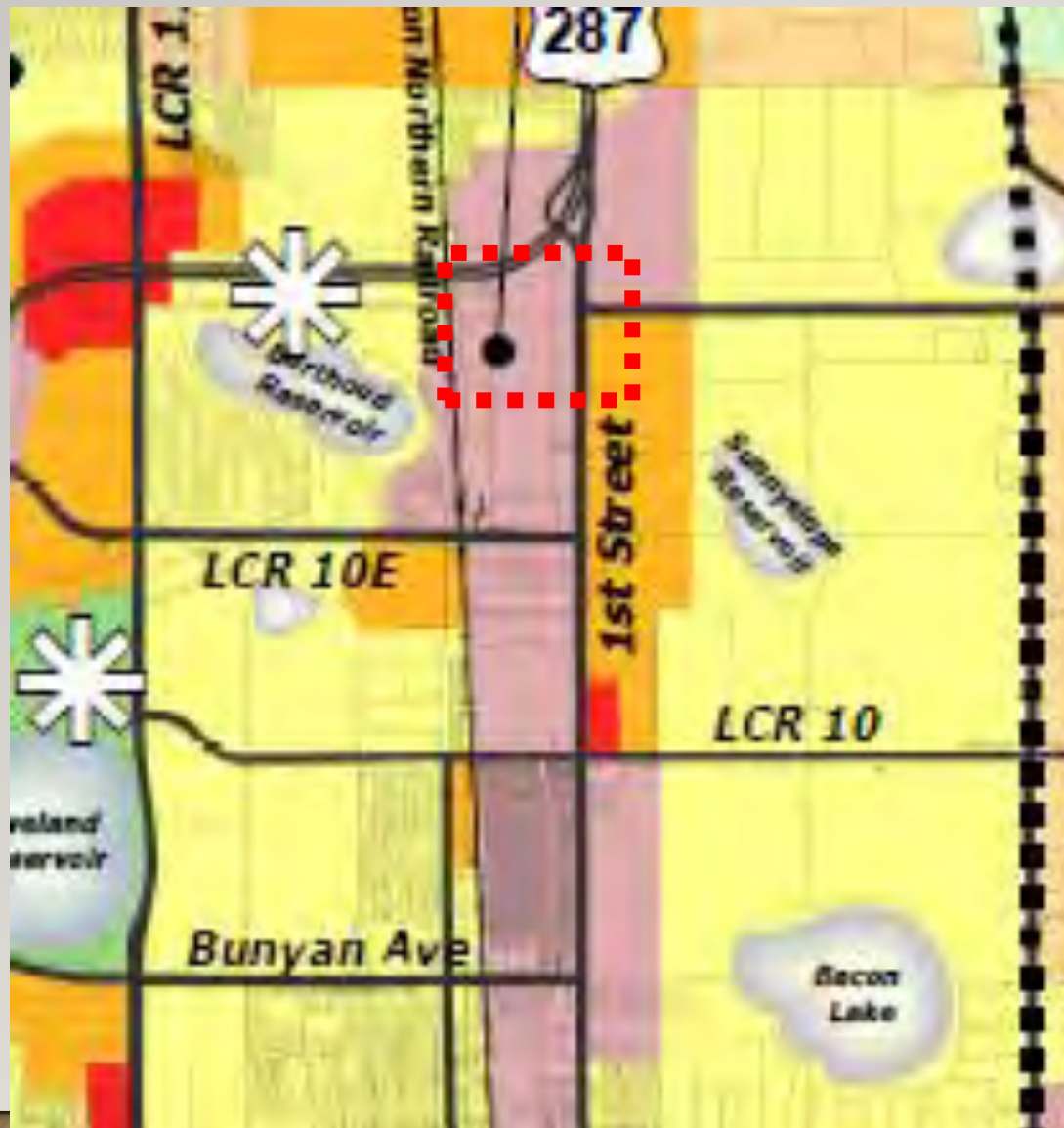
ZONING DISTRICTS

AG	Agricultural District	C1	Neighborhood Commercial District
R1	Single Family District	C2	General Commercial District
R2	Limited Multi-Family District	M1	Light Industrial District
R3	Multi-Family District	M2	Industrial District
R4	Mixed Use District	PUD	Planned Unit Development District
R5	Manufactured Home District	T	Transition District
TN	Traditional Neighborhood District		

25	Interstate Freeway	00	Larimer County Road		County Line
00	State Highway	00	Weld County Road		Berthoud Municipal Boundary
287	US Highway				

April, 2019

PREFERRED LAND USE



LEGEND

Land Use Designations

-  Low Density Rural Residential (Up to 0.5 DU/AC)
-  Low Density Suburban Residential (Up to 2 DU/AC)
-  Moderate Density Residential (2 to 6 DU/AC)
-  High Density Mixed Use Residential (6 + 14 DU/AC)
-  Commercial/Office
-  Employment
-  Town of Berthoud Area of Community Influence (ACI)
-  Berthoud Growth Management Area/Boundary
-  Natural Preserve/Open Lands (Parks, Bodies of Water, Hwy 287 Buffer, Trail Corridor)
-  Conservation Easement (CE)
-  Irrigation Ditches
-  View Corridor Areas that may serve to preserve views to agricultural lands, natural areas and mountains along major roadway corridors.

Table 3.3: Principal and conditional uses by zone district

	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
■ PRINCIPAL USE BY RIGHT											
□ CONDITIONAL USE											
Residential land uses											
Accessory dwelling (incl. "carriage units") assoc. with a permitted use	■	■	■	■	■	■		■	□	□	□
Bed & breakfast establishments	■	□	□	■	■	■		■	■		
Boarding and rooming houses					□				■		
Child care home (up to 6 persons)	■	■	■	■	■	■		■			
Child care home, large	■	□	□	□	□	□		■			
Class A Recreational vehicles						□	■				
Family care, elderly day care homes	■	■	■	■	■	■		■			
Flex buildings (start as residential and shift to commercial over time)						□		□	■		
Group homes	■			■	■	■		■	■		
Long-term care facilities		■	■	■	■	■		■	■		
Manufactured/mobile home and park							■				
Multi family dwellings (4 or more units)					■	■		■	■		
Multi family dwellings (less than 4 units)				■	■	■		■	■		
Safe house for adults or children up to 8 persons				■	■						
Senior housing					■	■	■	■			
Single family detached dwellings	■	■	■	■	■	■	■	■	□		
Single room occupancy boarding house		■	■	■	■	■		■	■		
Two family (duplex) dwellings				■	■	■		■			
Zero lot line single or 2 family dwellings				■	■	■		■			
Mixed land uses											
Live/work units and buildings						■		■	■	□	
Mixed use buildings (residential, commercial, office, workshops, etc.)						■		■	■	□	□
Commercial, retail or service land uses											
Administrative, office and research facilities						■		■	■	■	■
Adult entertainment											□
Agricultural uses: ranching, farming, grazing, etc.	■										
Appliance sales and service						□		■	■	■	■
Automobile service and repair - minor						□		□	■	■	■
Automobile service and repair - major									□	■	■
Banks and financial institutions						■		■	■	■	■
Bars/taverns/micro-breweries						■		■	■	■	■
Business offices (contractors, electronic repair, small engine, motorcycle)								□	■	■	■
Car/motor vehicle washes									■	■	■
Child care center	□	□	□	□	□	■		■	■	■	
Cremation facility										□	□

Commercial and retail businesses, indoor sales and service						■		■	■	■	■
	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
Comm., retail or service land uses, cont.											
Distillery including tasting room and retail sales						■		■	■	■	■
Entertainment facilities, comm. theaters, etc.						■		■	■		
Equipment (small) rental establishments without outdoor sales								□	■	■	■
Equipment rental (heavy) establishments with outdoor sales										□	■
Fireworks sales - temporary								■	■	■	
Gasoline/fueling station						□		□	■	■	■
Gas, oil and other hydrocarbon well drilling and production	■									□	□
Greenhouses, whether public or private	■					■		■	■	■	■
Grocery store of less than 25,000 sq. ft. of floor area						■		■	■	□	□
Grocery store of more than 25,000 sq. ft. of floor area						□		□	■	□	□
Home occupations	■	■	■	■	■	■	■	■			
Hospital		□	□	□	□	□		■	■	■	□
Hotel/motel (no room limit)						□		□	■	■	
Inn (up to 12 rooms)						■		■	■	■	
Kennel - small animal	■								■	■	□
Laundromat and dry cleaning retail outlets						□		■	■	■	
Marina	■					■			■		
Medical and dental offices and clinics		□	□	□	□	■		■	■	□	□
Medical marijuana center										□	□
Medical marijuana infused product manufacturing										□	□
Medical marijuana optional premises cultivation operation										□	□
Mini-storage facilities - enclosed								□	□	□	□
Movie theater						■		■	■	■	
Office building						■		■	■	■	■
Parking lots and parking garages (as principal use)						□		□	■	■	■
Passenger terminal or park-n-ride						■		■	■	■	■
Personal and business service shops						■		■	■	■	■
Professional offices						■		■	■	■	■
Push cart (sidewalk vending)						■		■	■	■	
Recycling facilities (including biofuel) processing and sales										□	□
Restaurant not including drive through						■		■	■	■	■
Restaurant with drive-through						□		□	■	■	■
Retail sales - general						■		■	■	■	■
Retail sales building/center ≤ 50,000 gross						■		■	■	■	■

s.f.											
Retail sales building/center ≥ 50,000 gross s.f.						□		□	■	■	■
Retail and supply yard establishments with outdoor storage											□
	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
Comm., retail or service land uses, cont.											
Roadside or temporary retail stand/tent	■					□		■	■	■	■
Sales of farm implements, heavy equipment, Mobile/manufactured homes											■
Storage facilities, outdoor storage for RV's, boats, trailers, etc.										□	□
Truck depot									□	■	■
Truck maintenance									□	■	■
Vehicle sales including automobiles, motorcycles, RV's boats and trucks									■	■	■
Veterinary clinic for small animals with no outside kennels	■					■		■	■	■	■
Veterinary hospitals - large animals	■									□	■
Public, quasi-public, other land uses											
Accessory buildings and uses incidental to the principal use	■	■	■	■	■	■	■	■	■	■	■
Alternative power generation facilities	□		□	□	□	□	□	□	□	□	□
Bus shelters	■	■	■	■	■	■	■	■	■	■	■
Cemetery	■	□	□	□	□						
Clubs and lodges						■		■	■	■	
Community garden	■	■	■	■	■	■	■	■	■		
Conference/convention center						■		□	■	■	
Farmer's market						□		■	■	■	□
Fire station	■	□	□	□	□	□		■	■	■	■
Municipal uses w/out equipment yards						□		■	■	■	■
Municipal uses with equipment yards										■	■
Museum	■	■	■	■	■	■		■	■	■	
Parks and open space	■	■	■	■	■	■	■	■	■	■	■
Parks and playgrounds - neighborhood		■	■	■	■	■	■	■	■		
Outdoor amphitheater	■					■		■	■	■	
Public or other non-profit recreational uses	■	■	■	■	■	■	■	■	■	■	■
Public utility main lines and substations	■	■	■	■	■	■	■	■	■	■	■
Religious assembly (neighborhood scale)	■	■	■	■	■	■	■	■	■	■	■
Religious assembly (community scale)								■	■	■	■
Rest stop	■					■		■	■		
Schools, public & private (preschool - grade 12)	■	■	■	■	■	■		■	■	■	
Schools, including colleges, vocational and technical training								□	■	■	■
Wireless telecommunications facility	■					□		□	■	■	■

Industrial land uses											
Heavy industrial facility											■
Laboratory and/or research facility						□			□	■	■
Light industrial facility						□			■	■	■
Manufacturing plants incl. assembly, sales and service of commodities										■	■
	AG	TN	R1	R2	R3	R4	R5	C1	C2	M1	M2
Comm., retail or service land uses, cont.											
Warehouse, distribution and wholesale uses									□	■	■
Workshops and custom small industry including art studio with/without sales	□					■		■	■	■	■
■ PRINCIPAL USE BY RIGHT											
□ CONDITIONAL USE											

30-3-105

Setbacks and encroachments – all districts

A. Setback requirements (all districts).

1. Permanent features allowed within setbacks shall include:
 - i. Cornices, canopies, eaves or other similar architectural features if they extend no more than two feet into a required setback and if they do not encroach into or overhang an easement;
 - ii. Steps or ramps to the principal entrance and necessary landings, provided they do not extend more than six feet into the required setback;
 - iii. Utility service lines to a structure and utility lines, wires and associated structures within a utility easement;
 - iv. Fire escapes, provided they do not extend more than six feet into the required setback;
 - v. Uncovered patios, porches and decks not more than thirty inches above grade, provided they do not extend more than thirty percent of the required setback distance into the required setback area; and
 - vi. HVAC units may encroach up to 2 feet into the required setback.
2. Permanent features allowed within both setbacks and easements include:
 - i. Landscaping; and
 - ii. Fences and decorative walls, subject to height and other restrictions of this Chapter.



STAFF REPORT REZONING HERON LAKES, AMENDMENT 5

DATE: August 8, 2019

GENERAL INFORMATION

Applicant:	Heron Lakes Investments LLC, Jon Turner/Jim Birdsall agent	Size: See description below
Site Location:	This property is located West and Northwest of Highway 287, and South of LCR 14.	
Applicant's Request:	The Applicant is requesting to rezone three separate parcels for future development: Parcel 1: R-3 to R-2 (this would be Heron Lakes 12th Filing) 22.964 acres Parcel 2: R-3 to R-4: 14.179 acres Parcel 3: R-1 to R-4: 38.865 acres Parcel 4: R-1 to R-2: 24.342 acres Parcel 5: R-1 to R-4: 8.055 acres Parcel 6: R-3 to R-4: 21.581 acres	
Current Zoning:	R-1/R-2/R-3	

ZONING DISTRICT INFORMATION

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
Max Density	8 units per acre	16 units Per acre	20 Units Per Acre	24 units per acre
Min. Lot Size	3,500	2,000	1,400	1,200
Min. Lot Width	30'	20'	16'	16'
Front Setback	20' front; 15' side or rear load	20' front; 10' side or rear load	20' front; 10' side or rear load	20' front; 10' side or rear load
Side Setback	5' side' 10' corner side	5' side' 10' corner side	5' side' 10' corner side	5' side' 10' corner side
Rear Setback	20' front loaded; 5'-8' rear loaded	10' front loaded; 5'-8' rear loaded	10' front loaded; 5'-8' rear loaded	10' front loaded; 5'-8' rear loaded
Building Height:	40' 30' acc.	40' 30' acc.	40' 30' acc.	50' 30' acc

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS

<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning /Buffer required if rezoned</u>
North: Heron Lakes AG	Golf Course	N/A
South: Heron Lakes R-1	Estate Lots/Golf Course	N/A
East: Heron Lakes AG	Golf Course	N/A
West: Heron Lakes AG	Golf Course	N/A

PROPOSAL

The Applicant is requesting to rezone six previously zoned areas, five of the parcels to Mixed Use R-4, and one area as a down-zoning from Multi-Family (R-3) to Limited Multi-Family R-2 (presented as the HL 12th Preliminary Plat also on the agenda for this PC meeting).

The applicant is proposing to rezone six areas (please refer to the zoning map amendment plat):

Parcel 1: R-3 to R-2 (this would be Heron Lakes 12th Filing) 22.964 acres

Parcel 2: R-3 to R-4: 14.179 acres

Parcel 3: R-1 to R-4: 38.865 acres

Parcel 4: R-1 to R-2: 24.342 acres

Parcel 5: R-1 to R-4: 8.055 acres

Parcel 6: R-3 to R-4: 21.581 acres

The Applicant has stated the zoning changes are set forth to make this are more consistent with a new vision for Heron Lakes. It is Staff's understanding that the Applicant is proposing a move to a more resort style development, with luxury condominiums, lock and leave townhouses, mixed use with neighborhood style commercial etc, instead of the traditional suburban single-family development pattern for the majority of this rezoning. The Mixed Use R-4 District allows the most density, height, and also allows commercial development as well. The zoning use matrix has been attached for your reference.

Finally, as this was submitted in January of this year, and well before any mention of the Neighborhood Master Plan process, there is no requirement for such a plan with this rezoning. The Applicant is also not providing any additional information. It is Staff's understanding the Applicant would like the flexibility in the zoning to plan and design such a resort, but does not have any current plans on what this resort might become.

BACKGROUND

The Heron Lakes property was first brought to the Town more than twenty years ago and has experienced many changes and approvals before the golf course was built. In total, the project has had over thirty-six public hearings before the Berthoud PC and Town Board. In 2015, Bader Farms (the property to the East along Berthoud Parkway) and Heron Lakes, under the ownership of the applicant, were combined by an approved rezoning and Concept Plan. The two projects had a combined total of 1,258 approved dwelling units over 721.867 acres, along with commercial and multi-family sections.

The rezoning approved in 2015, divided up the project into “superpad” sites, and each were approved with a specific zoning district. The “superpads” were intended as large acreage parcels with appropriate zoning for future development or conveyance. These “superpad” sites do not allow for any future buildings/homes to be built, without first going through an additional platting and approval process (preliminary, final, with traffic plans, landscape, and construction/infrastructure to be approved with each approval).

PREFERRED LAND USE

The Town’s Preferred Land Use Map designates this area as Low Density Residential (a light orange or peach on the Preferred Land Use map), with density at 0-2 dwelling units per acre, and High Density Residential (the orange on the Preferred Land Use Map) with density at 6-14 units per acre. The Preferred Land Use Plan approved in the 2014 Comprehensive Plan, was drafted and adopted to match the uses and density of the previously approved Heron Lakes and Bader PUD’s. The overall density would not match the proposed density of the R-4 filings.

REZONING CRITERIA/FINDINGS

The criteria in Section 30-3-110.B of the Development Code for amending the official zoning map requires at least one of the following criteria to be met (with Staff analysis regarding each point below):

1. To correct a manifest error in an ordinance establishing the zoning for a specific property; or
 - x. Staff is not aware of any error. The properties were recently rezoned.
2. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally; or
 - ✓ This is a major development project that due to its size, complexity, mixture of uses, and the golf and TPC nature of the course, has experienced changing conditions as the development progresses. Rezoning the areas affected by such change, serves to benefit the development and the Town.
3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town Comprehensive Plan; or
 - x. Staff is not aware of any error.
4. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Town Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan; or
 - ✓ The zoning changes requested are for the applicant to better realize the vision of a national attraction and development.

-
- x. The R-4 density would allow more density than the Comprehensive Plan has envisioned for this area.
5. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
- ✓ Heron Lakes is a major and complex mixed-use development that will experience changing conditions throughout its build-out, which will likely take many years. It is therefore in the public interest to allow changes related to this complexity as submitted with this rezoning. The Mixed Use (R-4) allows the developer the creativity it desires to create such a national attraction, and thus serve as a redevelopment catalyst for Berthoud.
6. A rezoning to Planned Unit Development Overlay (PUD) district is requested and approved per provisions of this code.
- x. This factor is not applicable.

Staff Analysis:

Staff recommends approval of the Rezoning of Parcel 1 of 22.964 acres from R-3 to R-2, and Parcel 2 14.179 acres (on the ridge adjacent to the water tower), from R-3 to R-4. The Parcel 1 rezoning represents a downzoning in density to a district which matches the product proposed, and the R-4 district is only slightly denser than R-3, and potential commercial or R-4 zoning would make sense for such an integral location of the golf course.

However, Staff is aware of Planning Commission and Board concerns regarding zoning parcels 3-6 without any detail. It appears the Applicant would like the flexibility to design a resort style development, instead of a standard subdivision, but is not desiring to spend a considerable amount of money without knowing the zoning is present and would allow the plan. Such projects do require buy-in from the community, creativity (which R-4 would allow for) and a general acceptance that a traditional development style will not work or realize such a project. While Staff is comfortable with this request, Staff believes this would be an opportunity to provide the Applicant with the Board and PC's expectation regarding the R-4 areas, so the Applicant has the information to work out that vision. Once that vision is defined, all parties, and the community will have certainty in what could be not only a unique development, but a regional or even nationally known one.

PUBLIC NOTICE AND COMMENT

Notice of the Town Board Public Hearing has been mailed to property owners within 500 feet of the subject property, a legal ad published, and the property was posted as required by the Development Code. In addition, the application was sent out to all property owners within 500', with an invitation to

comment on the request within three weeks of receipt. The public comments are included with this packet. Note: the applicant has held off on scheduling the application since January of this year, and recently decided to move forward.

FINDINGS AND RECOMMENDATIONS

Staff recommends approval of the Rezoning of Parcel 1 of 22.964 acres from R-3 to R-2, and Parcel 2 14.179 acres (on the ridge adjacent to the water tower), from R-3 to R-4.

- 1. Satisfies the applicable zoning amendment criteria of Section 30-3-110.B of the Town's Development Code as found on pages 4-5 of this Staff Report; and**
- 2. Is consistent with the Town of Berthoud's Comprehensive Plan and Preferred Land Use Map.**

In regards to Parcels 3-6, Staff is aware of Planning Commission and Board concerns regarding zoning parcels without any detail for the remainder of the property, and would recommend both bodies provide direction to the Applicant at this time.

PROPOSED REZONING MAP

HERON LAKES REZONING MAP, AMENDMENT 5

PARCELS OF LAND LOCATED IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

DESCRIPTION:

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, being the owners and petitioners of that portion of Section 3, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

HERON LAKES REZONING MAP, AMENDMENT 5:

That portion of Section 3, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

Considering the West line of the Northeast Quarter of Section 3 as bearing North 00° 42' 57" West and with all bearings contained herein relative thereto:

PARCEL 1: R3 TO R2

A tract of land located in Section 3, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

BEGINNING at the Center-West Sixteenth corner of Section 3; thence, South 78° 51' 15" West, 264.33 feet; thence, South 29° 19' 42" West, 282.14 feet; thence, South 01° 27' 19" West, 255.39 feet; thence, South 07° 38' 13" East, 165.16 feet; thence, South 80° 52' 08" West, 307.73 feet; thence, North 08° 16' 45" West, 713.96 feet; thence, North 09° 26' 49" East, 407.15 feet; thence, South 84° 05' 11" East, 112.95 feet; thence, North 13° 03' 39" East, 26.84 feet; thence, North 12° 21' 28" East, 945.00 feet; thence, South 77° 38' 32" East, 277.75 feet; thence, South 89° 59' 15" East, 130.18 feet; thence, South 00° 00' 45" West, 1221.38 feet to the Point of Beginning, containing 1,000,326 square feet or 22.964 acres more or less.

PARCEL 2: R3 TO R4

A tract of land located in Section 3, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

COMMENCING at the South Quarter corner of Section 3; thence, North 00° 42' 57" West, 407.44 feet; thence, South 89° 18' 23" West, 39.96 feet to the POINT OF BEGINNING; thence, South 89° 18' 23" West, 119.98 feet; thence, North 00° 41' 37" West, 220.00 feet; thence, North 68° 04' 25" West, 194.46 feet; thence, South 21° 55' 35" West, 137.00 feet; thence, North 68° 02' 58" West, 219.97 feet; thence, South 79° 54' 14" West, 82.66 feet; thence, North 13° 15' 34" West, 784.79 feet; thence, North 22° 46' 39" East, 92.22 feet; thence along a curve concave to the Northeast having a central angle of 22° 46' 48" with a radius of 300.00 feet, an arc length of 119.28 feet and the chord of which bears South 79° 19' 33" East, 118.49 feet; thence, North 89° 17' 03" East, 67.74 feet; thence, North 89° 17' 03" East, 311.42 feet; thence along a curve concave to the Southwest having a central angle of 90° 00' 00" with a radius of 275.00 feet, an arc length of 431.97 feet and the chord of which bears South 45° 42' 57" East, 388.91 feet; thence, South 00° 42' 57" East, 792.01 feet to the Point of Beginning, containing 617,656 square feet or 14.179 acres more or less.

PARCEL 3: R1 TO R4

A tract of land located in Section 3, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

COMMENCING at the Center Quarter corner of Section 3; thence, South 00° 42' 57" East, 422.48 feet to the POINT OF BEGINNING; thence, North 89° 17' 02" East, 901.52 feet; thence along a curve concave to the Northwest having a central angle of 25° 44' 37" with a radius of 400.00 feet, an arc length of 179.73 feet and the chord of which bears North 76° 18' 28" East, 178.22 feet; thence, North 63° 26' 09" East, 180.11 feet; thence along a curve concave to the Southeast having a central angle of 24° 47' 14" with a radius of 393.48 feet, an arc length of 170.23 feet and the chord of which bears North 75° 37' 54" East, 168.90 feet; thence, South 89° 47' 26" East, 42.31 feet; thence, South 00° 12' 34" West, 575.38 feet; thence, South 00° 12' 34" West, 392.38 feet; thence, South 89° 17' 03" West, 2.77 feet; thence along a curve concave to the Southeast having a central angle of 35° 34' 53" with a radius of 600.00 feet, an arc length of 372.61 feet and the chord of which bears South 71° 29' 36" West, 366.65 feet; thence, South 53° 42' 10" West, 635.74 feet; thence along a curve concave to the Northwest having a central angle of 35° 34' 53" with a radius of 600.00 feet, an arc length of 372.61 feet and the chord of which bears South 71° 29' 36" West, 366.65 feet; thence, South 89° 17' 03" West, 210.04 feet; thence, North 00° 42' 57" West, 1403.87 feet to the Point of Beginning, containing 1,692,962 square feet or 38.865 acres more or less.

PARCEL 4: R1 TO R2

A tract of land located in Section 3, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

BEGINNING at the Center Quarter corner of Section 3; thence, North 00° 41' 40" West, 331.00 feet; thence, North 89° 49' 44" East, 1519.96 feet; thence, South 00° 16' 02" East, 237.20 feet; thence along a curve concave to the West having a central angle of 19° 53' 38" with a radius of 200.00 feet, an arc length of 69.44 feet and the chord of which bears South 09° 40' 47" West, 69.09 feet; thence, South 19° 37' 36" West, 28.37 feet; thence, South 19° 37' 36" West, 110.43 feet; thence along a curve concave to the East having a central angle of 19° 25' 01" with a radius of 200.00 feet, an arc length of 67.78 feet and the chord of which bears South 09° 55' 05" West, 67.45 feet; thence, South 00° 12' 34" West, 79.73 feet; thence, North 89° 47' 26" West, 42.31 feet; thence along a curve concave to the Southeast having a central angle of 24° 47' 14" with a radius of 393.48 feet, an arc length of 170.23 feet and the chord of which bears South 75° 37' 54" West, 168.90 feet; thence, South 63° 26' 09" West, 180.11 feet; thence along a curve concave to the Northwest having a central angle of 25° 44' 37" with a radius of 400.00 feet, an arc length of 179.73 feet and the chord of which bears South 76° 18' 28" West, 178.22 feet; thence, South 89° 17' 02" West, 901.52 feet; thence, North 00° 42' 57" West, 422.48 feet to the Point of Beginning, containing 1,060,334 square feet or 24.342 acres more or less.

PARCEL 5: R1 TO R4

A tract of land located in Section 3, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

COMMENCING at the Center Quarter corner of Section 3; thence, North 89° 51' 42" East, 1495.94 feet to the POINT OF BEGINNING; thence, North 19° 37' 36" East, 28.37 feet; thence along a curve concave to the West having a central angle of 19° 53' 38" with a radius of 200.00 feet, an arc length of 69.44 feet and the chord of which bears North 09° 40' 47" East, 69.09 feet; thence, North 00° 16' 02" West, 237.20 feet; thence, North 89° 49' 44" East, 1051.20 feet; thence, South 00° 37' 55" East, 281.80 feet; thence along a curve concave to the East having a central angle of 01° 08' 50" with a radius of 2541.77 feet, an arc length of 50.90 feet and the chord of which bears South 01° 12' 16" East, 50.90 feet; thence, South 89° 52' 00" West, 1075.41 feet to the Point of Beginning, containing 350,418 square feet or 8.044 acres more or less.

PARCEL 6: R3 TO R4

A tract of land located in Section 3, Township 4 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, more particularly described as follows:

COMMENCING at the Center Quarter corner of Section 3; thence, North 89° 51' 42" East, 1495.94 feet to the POINT OF BEGINNING; thence, North 89° 52' 00" East, 1075.41 feet; thence along a curve concave to the East having a central angle of 03° 57' 56" with a radius of 2541.77 feet, an arc length of 175.92 feet and the chord of which bears South 03° 45' 39" East, 175.88 feet; thence, South 05° 44' 32" East, 249.38 feet; thence, South 00° 47' 37" East, 388.39 feet; thence, South 89° 12' 40" West, 1168.49 feet; thence, North 00° 12' 34" East, 655.11 feet; thence along a curve concave to the East having a central angle of 19° 25' 01" with a radius of 200.00 feet, an arc length of 67.78 feet and the chord of which bears North 09° 55' 05" East, 67.45 feet; thence North 19° 37' 36" East, 110.43 feet to the Point of Beginning, containing 940,048 square feet or 21.581 acres more or less.

OWNER: Heron Lakes Investments, LLC

BY: _____
Jon A. Turner, Manager

STATE OF COLORADO)
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by

Jon A. Turner as Manager of Heron Lakes Investments, LLC.

Witness my hand and official seal

My commission expires: _____

Notary Public

APPROVAL CERTIFICATES:

This is to certify that the rezoning of the above described property was approved by Ordinance No. _____ of the Town of Berthoud, passed and adopted on the ____ day of _____, 2019, and that the Mayor of the Town of Berthoud as authorized by said ordinance on behalf of the Town of Berthoud hereby for all acknowledges and adopts the said annexation upon which the certificate is endorsed for all purposes indicated hereon.

Approved by the Board of Trustees of the Town of Berthoud, Colorado this ____ day of _____, 2019.

Mayor

The foregoing map is approved for filing and accepted by the Town of Berthoud, Colorado this ____ day of _____, 2019.

ATTEST: _____
Town Clerk

APPROVAL CERTIFICATES:

Approved by the Planning Commission of the Town of Berthoud, Colorado this ____ day of _____, 2019.

Chairman

The foregoing map is approved for filing and accepted by the Town of Berthoud, Colorado this ____ day of _____, 2019.

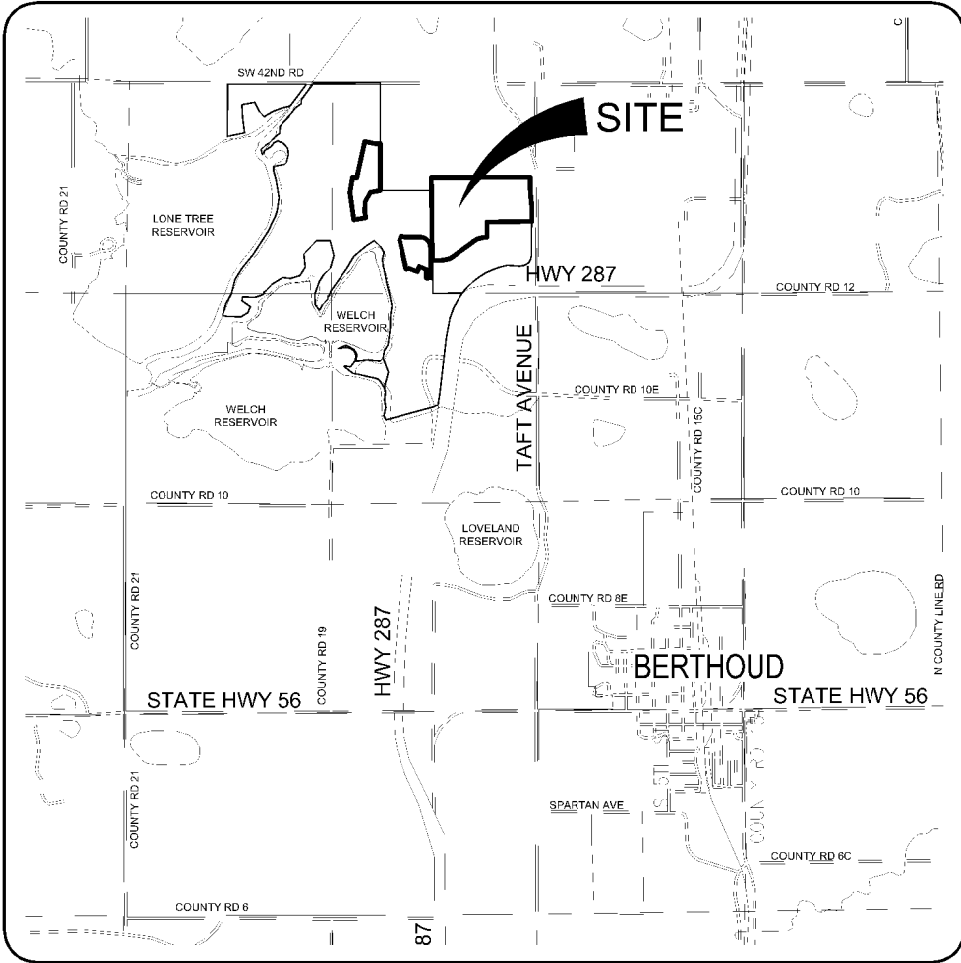
ATTEST: _____
Planning Technician

LARIMER COUNTY CLERK & RECORDER CERTIFICATE:

This Rezoning Map was accepted for filing in the Office of the Larimer County Clerk & Recorder on this ____ day of _____,

_____, 2019, A.D. at _____ M. in Book _____, Page _____, Reception No. _____

By: _____
Larimer County Clerk and Recorder



OWNER/DEVELOPER

Heron Lakes Investments, LLC
8020 S. CR 5, Suite 200
Windsor, CO 80528

SURVEYOR

Robert C. Tessely, PLS
Northern Engineering Services, Inc.
301 North Howes St. Suite 100
Fort Collins, CO 80521
(970) 221-4158

NOTES:

- 1) Basis of Bearings is the West line of the Northeast Quarter of Section 3-4-69 as bearing North 00° 42' 57" West and monumented as shown on drawing (assumed bearing).
- 2) The lineal unit of measurement for this plat is U.S. Survey Feet.
- 3) This survey does not constitute a title search by Northern Engineering to determine ownership or easements of record. The following documents were utilized in preparation of this Zoning Map: Heron Lakes Second Filing, Rec. No. 20160009367; and Heron Lakes Third Filing, Rec. No. 20160036869.
- 4) Zoning information per Town of Berthoud Zoning Map dated October 2017.

SURVEYOR'S STATEMENT

I, Robert C. Tessely, a Registered Land Surveyor in the State of Colorado, do hereby certify that this Rezoning Map of HERON LAKES REZONING MAP, AMENDMENT 5, Town of Berthoud, County of Larimer, State of Colorado, was made under my direct supervision and the accompanying map accurately and properly shows the annexation.

For and on Behalf of Northern Engineering
Robert C. Tessely
Colorado Registered Professional
Land Surveyor No. 38470

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown herein.

SECTION: 3
TOWNSHIP: 4N
RANGE: 69 W of the 6th PM

NORTHERN
ENGINEERING
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
PHONE: 970.221.4158
www.northerneng.com

PROJECT: 103-032
DESIGNED BY: N.A.
DRAWN BY: L. Smith
DATE: 5/17/19
SCALE: N.A.
REVIEWED BY: R. Tessely

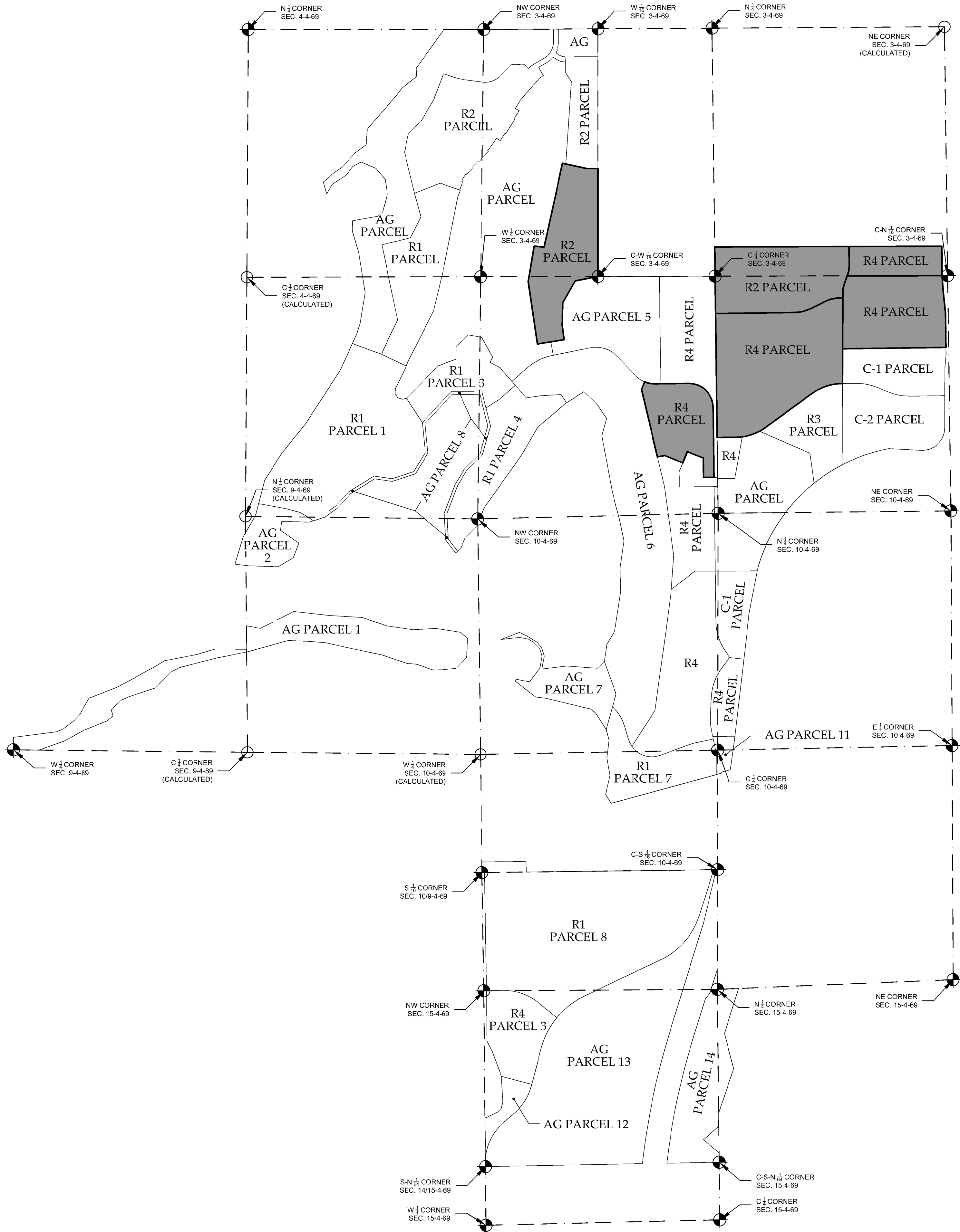
HERON LAKES REZONING MAP, AMENDMENT 5

TOWN OF BERTHOUD
STATE OF COLORADO

Sheet
1
Of 3 Sheets

HERON LAKES REZONING MAP, AMENDMENT 5

PARCELS OF LAND LOCATED IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO



LEGEND

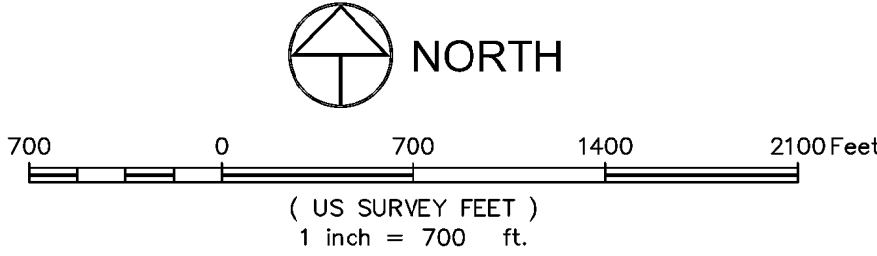
SECTION LINE

PROPOSED PARCEL LINE

EXISTING PARCEL LINE

SECTION CORNER

CALCULATED POSITION



PRELIMINARY

Robert C. Tesdely
Registered Professional Land Surveyor
Colorado Registration No. 38470
For and on behalf of Northern Engineering Services, Inc.

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown herein.

SECTION: 3	TOWNSHIP: 4N	RANGE: 69 W of the 6th PM
---------------	-----------------	------------------------------

N

NORTHERN
ENGINEERING

303 North Haves Street, Suite 100
Fort Collins, Colorado 80521
PHONE: 970.221.4158
www.northerneng.com

PROJECT: 103-032	DATE: 5/17/19	DESIGNED BY: L. Smith	SCALE: 1"=700'	REVIEWED BY: R. Tesdely
---------------------	------------------	--------------------------	-------------------	----------------------------

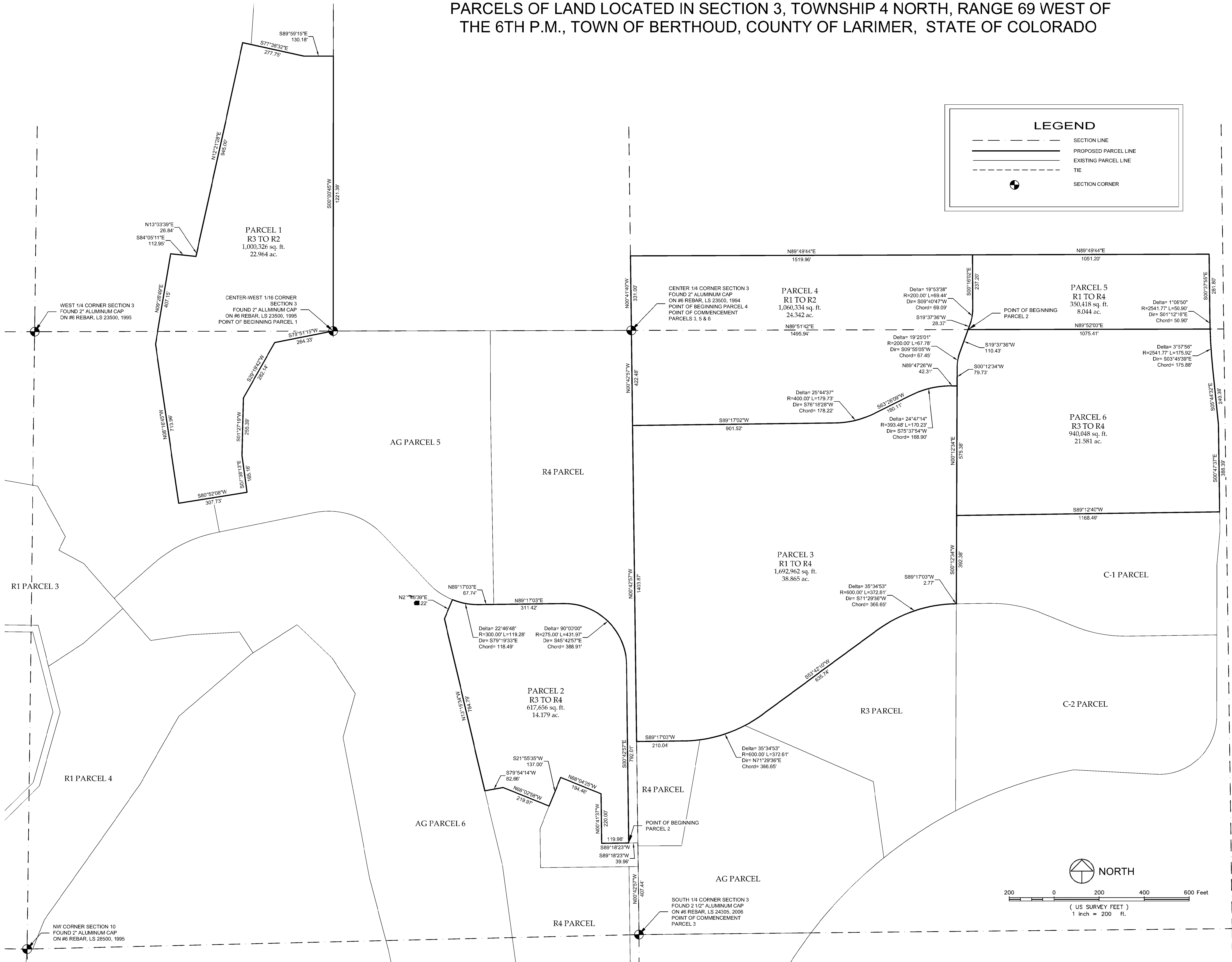
HERON LAKES REZONING MAP, AMENDMENT 5

TOWN OF BERTHOUD

STATE OF COLORADO

HERON LAKES REZONING MAP, AMENDMENT 5

PARCELS OF LAND LOCATED IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO



LEGEND

SECTION LINE

PROPOSED PARCEL LINE

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown herein.

SECTION:
3

TOWNSHIP:
4N

RANGE:
69 W of the 6th PM

NORTHERN
ENGINEERING

NE

303 North Haves Street, Suite 100
Fort Collins, Colorado 80521

PHONE: 970.221.4158
www.northernengineering.com

PROJECT:	DATE:
103-032	5/17/19
DESIGNED BY:	SCALE:
	1"=200'
DRAWN BY:	REVIEWED BY:
L. Smith	R. Tessey

HERON LAKES REZONING MAP, AMENDMENT 5

TOWN OF BERTHOUD

STATE OF COLORADO

PRELIMINARY

Robert C. Tessey
Registered Professional Land Surveyor
Colorado Registration No. 38470
For and on behalf of Northern Engineering Services, Inc.

**APPROVED
BADER
PRELIMINARY
PLAT FOR
REFERENCE**

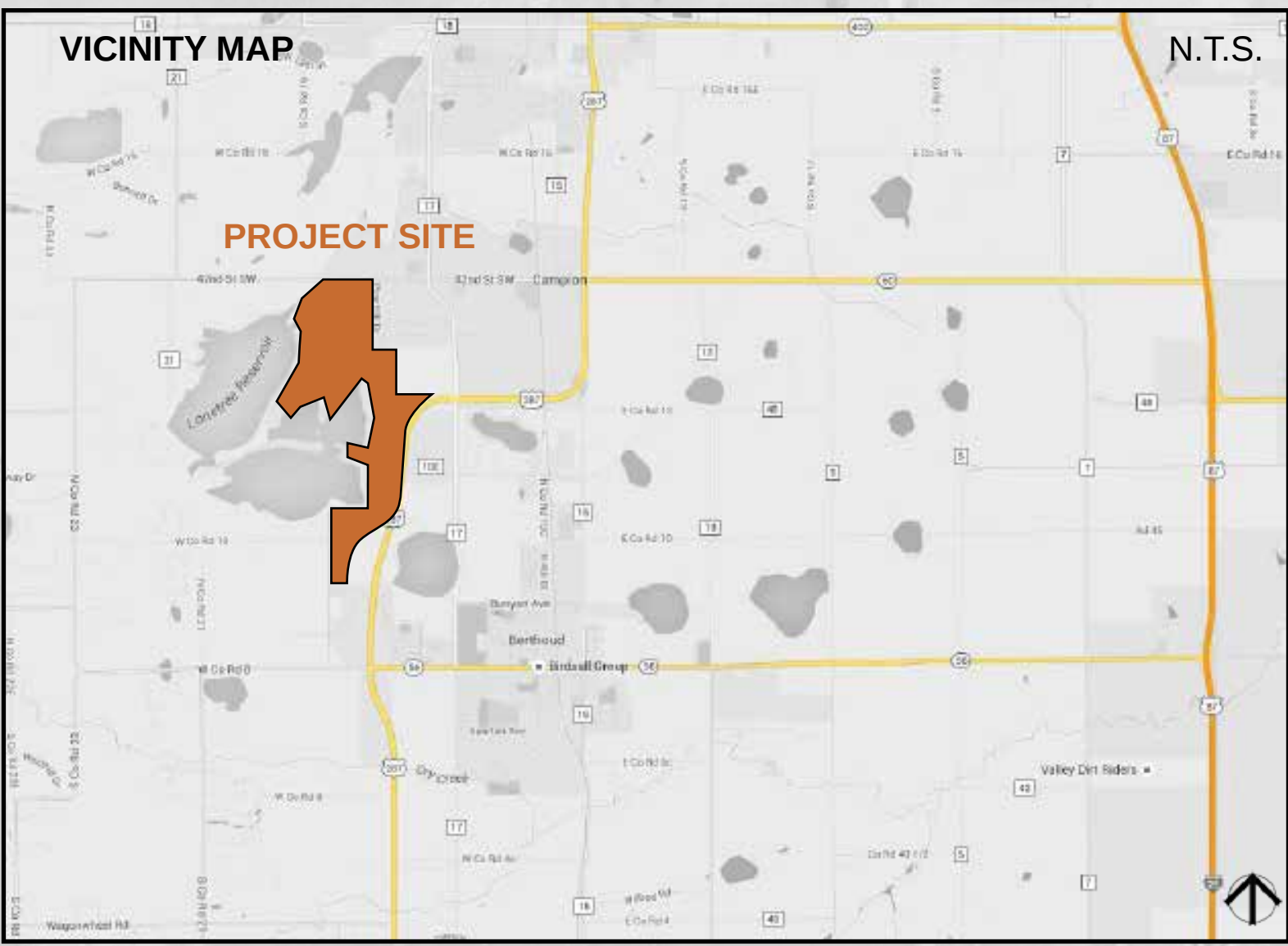
BADER FARMS SUBDIVISION

A TRACT OF LAND LOCATED IN THE EAST HALF OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 69 WEST
OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	25°57'34"	165.00'	74.76'	S12°48'54"W	74.12'
C2	25°35'06"	300.00'	133.96'	S13°00'07"W	132.85'
C3	24°44'20"	300.00'	129.53'	N21°12'55"E	128.53'
C4	34°18'02"	400.00'	239.46'	N16°26'04"E	235.90'
C6	13°52'52"	600.00'	145.36'	N06°13'29"E	145.01'
C9	27°34'51"	300.00'	144.41'	S14°24'57"E	143.02'
C10	24°17'11"	599.00'	253.90'	S78°25'11"E	252.00'
C11	24°17'11"	600.00'	254.33'	S78°25'11"E	252.43'
C12	25°57'34"	136.00'	61.62'	S12°48'54"W	61.09'
C13	90°00'00"	20.00'	31.42'	S70°47'40"W	28.28'
C14	49°38'45"	32.00'	27.73'	N39°22'57"W	26.87'
C15	279°04'37"	62.00'	301.99'	S25°54'07"W	80.47'
C16	49°25'52"	32.00'	27.61'	S88°55'16"E	26.76'
C17	90°49'50"	20.00'	31.71'	S18°47'25"E	28.49'
C18	26°24'56"	329.00'	151.68'	S13°25'02"W	150.34'
C19	89°09'54"	20.00'	31.12'	S44°47'32"W	28.08'
C20	25°56'19"	429.00'	194.22'	S76°24'19"W	192.56'
C21	26°00'05"	371.00'	168.36'	S76°26'12"W	166.92'
C22	89°50'49"	20.00'	31.36'	N45°38'21"W	28.25'
C23	34°18'02"	371.00'	222.10'	N16°26'04"E	218.80'
C24	23°29'17"	330.61'	135.53'	N21°48'37"E	134.59'
C25	49°32'19"	32.00'	27.67'	N33°36'54"E	26.81'
C26	279°00'26"	62.00'	301.91'	N81°07'09"W	80.53'
C27	46°34'06"	32.00'	26.01'	S17°20'20"E	25.30'
C28	23°11'32"	271.00'	109.70'	S21°59'19"W	108.95'
C29	34°18'02"	429.00'	256.82'	S16°26'04"W	253.01'
C30	90°09'11"	20.00'	31.47'	S44°21'39"W	28.32'
C31	89°50'49"	20.00'	31.36'	N45°38'21"W	28.25'
C32	17°26'01"	771.00'	234.59'	N08°00'04"E	233.69'
C33	49°32'19"	32.00'	27.67'	N41°29'13"E	26.81'
C34	279°04'38"	62.00'	301.99'	N73°16'56"W	80.47'
C35	49°32'19"	32.00'	27.67'	S08°03'05"E	26.81'
C36	17°26'01"	829.00'	252.24'	S08°00'04"W	251.27'
C37	90°09'11"	20.00'	31.47'	S44°21'39"W	28.32'
C38	89°50'49"	20.00'	31.36'	N45°38'21"W	28.25'
C39	12°49'03"	571.00'	127.74'	N05°41'35"E	127.47'
C40	51°03'23"	32.00'	28.52'	N37°37'48"E	27.58'
C41	279°02'55"	62.00'	301.96'	N76°21'58"W	80.49'
C42	48°16'30"	32.00'	26.96'	S11°45'11"E	26.17'
C43	13°06'01"	629.00'	143.82'	S05°50'04"W	143.50'
C44	90°09'11"	20.00'	31.47'	S44°21'39"W	28.32'
C45	90°09'11"	20.00'	31.47'	N44°21'39"E	28.32'
C46	89°50'49"	20.00'	31.36'	S45°38'21"E	28.25'
C47	90°09'11"	20.00'	31.47'	N44°21'39"E	28.32'
C48	89°50'49"	20.00'	31.36'	S45°38'21"E	28.25'
C50	90°09'11"	20.00'	31.47'	N44°21'39"E	28.32'
C51	26°13'09"	429.00'	196.32'	N76°19'39"E	194.61'
C52	99°28'49"	20.00'	34.73'	S67°02'31"E	30.52'
C53	16°40'35"	271.00'	78.88'	S08°57'49"E	78.60'
C54	65°15'32"	5.00'	5.69'	S32°00'15"W	5.39'
C55	19°17'27"	329.00'	110.77'	N10°16'15"W	110.25'
C56	83°21'08"	20.00'	29.10'	N21°45'36"E	26.60'
C57	89°09'54"	20.00'	31.12'	N44°47'32"E	28.08'
C58	90°50'06"	20.00'	31.71'	N45°12'28"W	28.49'
C59	25°35'06"	271.00'	121.01'	N13°00'07"E	120.01'
C60	25°57'34"	194.00'	87.90'	N12°48'54"E	87.15'
C61	89°50'49"	20.00'	31.36'	N45°38'21"W	28.25'
C62	90°09'11"	20.00'	31.47'	S44°21'39"W	28.32'
C63	89°50'49"	20.00'	31.36'	N45°38'21"W	28.25'
C64	89°50'49"	20.00'	31.36'	S45°38'21"E	28.25'
C65	90°09'11"	20.00'	31.47'	N44°21'39"E	28.32'
C66	90°09'11"	20.00'	31.47'	S44°21'39"W	28.32'
C67	24°48'13"	539.00'	233.34'	S77°02'08"W	231.52'
C68	89°59'56"	5.00'	7.85'	N45°42'54"W	7.07'
C69	89°59'34"	5.00'	7.85'	N44°17'16"E	7.07'
C70	5°27'38"	371.00'	35.36'	N66°09'58"E	35.34'
C71	90°46'20"	30.00'	47.53'	N45°10'36"W	42.71'
C72	24°17'11"	640.00'	271.28'	N78°25'11"W	269.25'
C73	24°17'11"	559.00'	236.95'	N78°25'11"W	235.18'
C74	1°26'39"	2541.77'	64.06'	S05°01'17"E	64.06'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C75	16°40'27"	1917.50'	558.03'	S70°50'36"W	556.06'
C76	24°17'11"	641.00'	271.70'	S78°25'11"E	269.67'
C77	24°17'11"	558.00'	236.52'	S78°25'11"E	234.76'
C78	76°14'41"	62.00'	82.50'	N52°40'55"W	76.55'
C79	52°33'20"	62.00'	56.87'	S62°55'04"W	54.90'
C80	54°46'55"	62.00'	59.28'	S09°14'57"W	57.05'
C81	18°49'17"	62.00'	20.37'	S27°33'09"E	20.28'
C82	46°20'44"	62.00'	50.15'	S60°08'10"E	48.79'
C83	30°19'40"	62.00'	32.82'	N81°31'38"E	32.44'
C84	14°31'20"	329.00'	83.39'	S19°21'51"W	83.16'
C86	75°31'21"	20.00'	26.36'	S37°58'15"W	24.49'
C87	13°38'33"	20.00'	4.78'	S82°33'12"W	4.75'
C88	8°00'17"	429.00'	59.93'	S85°22'20"W	59.89'
C89	8°41'22"	429.00'	65.06'	S77°01'31"W	65.00'
C90	8°41'22"	429.00'	65.06'	S68°20'09"W	65.00'
C91	0°33'18"	429.00'	4.16'	S63°42'49"W	4.16'
C92	2°54'11"	371.00'	18.80'	S64°53'15"W	18.80'
C93	10°26'14"	371.00'	67.58'	S71°33'27"W	67.49'
C94	12°39'40"	371.00'	81.98'	S83°06'24"W	81.82'
C95	8°44'22"	371.00'	56.59'	N03°39'14"E	56.53'
C96	13°37'17"	371.00'	88.20'	N14°50'04"E	87.99'
C97	11°56'22"	371.00'	77.31'	N27°36'54"E	77.17'
C98	9°50'54"	330.61'	56.83'	N28°37'49"E	56.76'
C99	11°43'26"	330.61'	67.65'	N17°50'40"E	67.53'
C100	1°54'58"	330.61'	11.06'	N11°01'28"E	11.06'
C101	26°37'17"	62.00'	28.81'	N45°04'25"E	28.55'
C102	52°56'09"	62.00'	57.28'	N05°17'42"E	55.27'
C103	51°53'58"	62.00'	56.16'	N47°07'21"W	54.26'
C104	66°35'57"	62.00'	72.07'	S73°37'41"W	68.08'
C105	80°57'05"	62.00'	87.60'	S00°08'50"E	80.49'
C106	46°34'06"	32.00'	26.01'	S17°20'20"E	25.30'
C107	4°26'50"	32.00'	2.48'	S08°10'08"W	2.48'
C108	20°33'03"	271.00'	97.20'	S20°40'05"W	96.68'
C109	2°38'29"	271.00'	12.49'	S32°15'51"W	12.49'
C110	4°36'30"	429.00'	34.50'	S31°16'50"W	34.50'
C111	8°19'25"	429.00'	62.32'	S24°48'53"W	62.27'
C112	8°19'25"	429.00'	62.32'	S16°29'27"W	62.27'
C113	8°11'18"	429.00'	61.31'	S08°14'05"W	61.26'
C114	4°51'22"	429.00'	36.36'	S01°42'45"W	36.35'
C115	4°27'36"	771.00'	60.02'	N01°30'51"E	60.00'
C116	5°31'04"	771.00'	74.25'	N06°30'11"E	74.22'
C117	5°31'04"	771.00'	74.25'	N12°01'15"E	74.22'
C118	1°56'17"	771.00'	26.08'	N15°44'55"E	26.08'
C119	22°35'13"	62.00'	24.44'	N54°57'47"E	24.28'
C120	53°41'41"	62.00'	58.10'	N16°49'20"E	56.00'
C121	56°06'35"	62.00'	60.72'	N38°04'48"W	58.32'
C122	59°31'23"	62.00'	64.41'	S84°06'13"W	61.55'
C123	51°31'18"	62.00'	55.75'	S28°34'53"W	53.89'
C124	35°38'29"	62.00'	38.57'	S15°00'01"E	37.95'
C125	0°38'32"	829.00'	9.29'	S16°23'48"W	9.29'
C126	4°23'27"	829.00'	63.53'	S13°52'49"W	63.52'
C127	4°23'24"	829.00'	63.52'	S09°29'23"W	63.50'
C128	4°23'27"	829.00'	63.53'	S05°05'58"W	63.52'
C129	3°37'11"	829.00'	52.37'	S01°05'39"W	52.36'
C130	1°49'59"	571.00'	18.27'	N00°12'03"E	18.27'
C131	6°33'01"	571.00'	65.28'	N04°23'33"E	65.24'
C132	4°26'03"	571.00'	44.19'	N09°53'05"E	44.18'
C133	50°33'33"	32.00'	28.24'	N71°22'53"E	27.33'
C134	0°29'50"	32.00'	0.28'	N62°54'34"E	0.28'
C135	72°19'58"	62.00'	78.27'	N26°59'31"E	73.18'
C136	62°06'34"	62.00'	67.21'	N40°13'45"W	63.97'
C137	29°38'21"	62.00'	32.07'	N86°06'13"W	31.72'
C138	51°20'18"	62.00'	55.55'	S53°24'28"W	53.71'
C139	61°12'35"	62.00'	66.24'	S02°51'58"E	63.13'
C140	2°25'10"	62.00'	2.62'	S34°40'51"E	2.62'
C141	3°27'05"	629.00'	37.89'	S10°39'32"W	37.88'
C142	5°57'43"	629.00'	65.45'	S06°57'08"W	65.42'
C143	3°41'13"	629.00'	40.48'	S01°07'40"W	40.47'
C144	23°24'25"	559.00'	228.37'	N77°44'02"E	226.78'
C145	113°20'40"	5.00'	9.89'	S57°17'51"E	8.36'

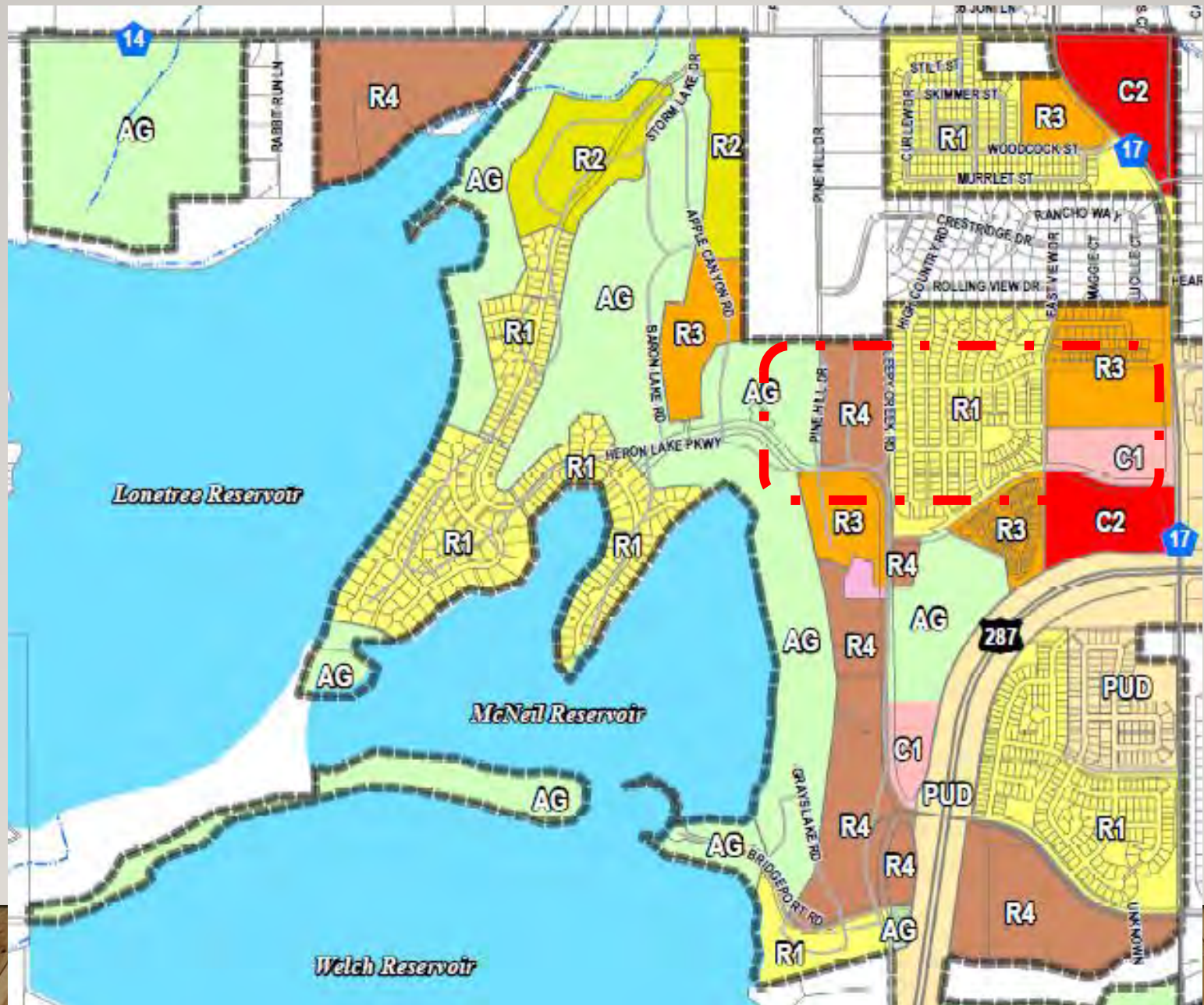
CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C146	90°03'18"	5.00'	7.86'	S44°24'38"W	7.07'
C147	89°50'45"	5.00'	7.84'	N45°38'19"W	7.06'
C148	90°09'11"	5.00'	7.87'	N44°21'39"E	7.08'
C149	89°50'49"	20.00'	31.36'	N45°38'21"W	28.25'
C150	90°03'45"	20.00'	31.44'	S44°24'21"W	28.30'
C151	89°56'09"	5.00'	7.85'	S45°35'41"E	7.07'
C152	89°13'40"	20.00'	31.15'	S44°49'24"W	28.09'
C153	89°56'15"	20.00'	31.39'	N45°35'39"W	28.27'
C154	88°32'50"	5.00'	7.73'	N45°09'49"E	6.98'
C155	110°28'41"	5.00'	9.64'	S55°51'52"E	8.22'
C156	74°27'42"	5.00'	6.50'	N36°36'20"E	6.05'
C157	15°22'24"	371.00'	99.54'	N81°31'23"E	99.25'
C158	91°00'00"	20.00'	31.77'	S45°17'26"E	28.53'
C159	2°52'19"	429.00'	21.50'	N88°00'05"E	21.50'
C160	6°27'29"	429.00'	48.35'	N83°20'11"E	48.33'
C161	6°30'52"	429.00'	48.78'	N76°51'00"E	48.75'
C162	6°44'29"	429.00'	50.48'	N70°13'19"E	50.45'
C163	3°38'00"	429.00'	27.20'	N65°02'05"E	27.20'
C164	7°07'58"	539.00'	67.10'	S68°12'00"W	67.06'
C165	24°09'06"	271.00'	114.23'	N12°17'07"E	113.39'
C166	1°26'00"	271.00'	6.78'	N25°04'40"E	6.78'
C167	5°14'29"	539.00'	49.31'	S74°23'14"W	49.29'
C168	5°07'58"	539.00'	48.28'	S79°34'27"W	48.27'
C169	4°58'48"	539.00'	46.85'	S84°37'50"W	46.83'
C170	2°19'00"	539.00'	21.79'	S88°16'44"W	21.79'
C171	2°14'21"	559.00'	21.85'	N88°19'03"E	21.85'
C172	5°23'20"	559.00'	52.58'	N84°30'13"E	52.56'
C173	5°27'23"	559.00'	53.24'	N79°04'51"E	53.22'
C174	5°34'44"	559.00'	54.43'	N73°33'47"E	54.41'
C175	4°44'36"	559.00'	46.28'	N68°24'07"E	46.26'
C176	90°03'45"	20.00'	31.44'	S44°24'21"W	28.30'
C177	89°56'00"	5.00'	7.85'	N45°35'45"W	7.07'
C178	7°15'30"	329.00'	41.68'	N41°15'16"W	41.65'
C179	7°25'57"	329.00'	42.68'	N11°36'00"W	42.65'
C180	4°36'00"	329.00'	26.41'	N17°36'58"W	26.41'
C181	0°50'27"	2541.77'	37.31'	S01°03'04"E	37.31'
C182	2°49'40"	2541.77'	125.45'	S02°53'08"E	125.43'
C183	93°40'27"	80.00'	130.72'	S42°32'15"W	116.71'
C184	84°53'00"	80.00'	118.59'	S48°11'10"E	107.97'
C185	0°00'02"	6097953.35'	72.55'	S05°40'40"E	72.55'
C186	88°11'22"	120.00'	184.70'	S45°21'17"W	167.00'
C187	90°41'01"	120.00'	189.93'	S45°13'15"E	170.07'
C188	25°18'52"	1917.50'	847.19'	S49°50'57"W	840.32'
C191	3°32'56"	329.00'	20.38'	S01°59'03"W	20.38'
C192	8°20'40"	329.00'	47.92'	S07°55'51"E	47.87'



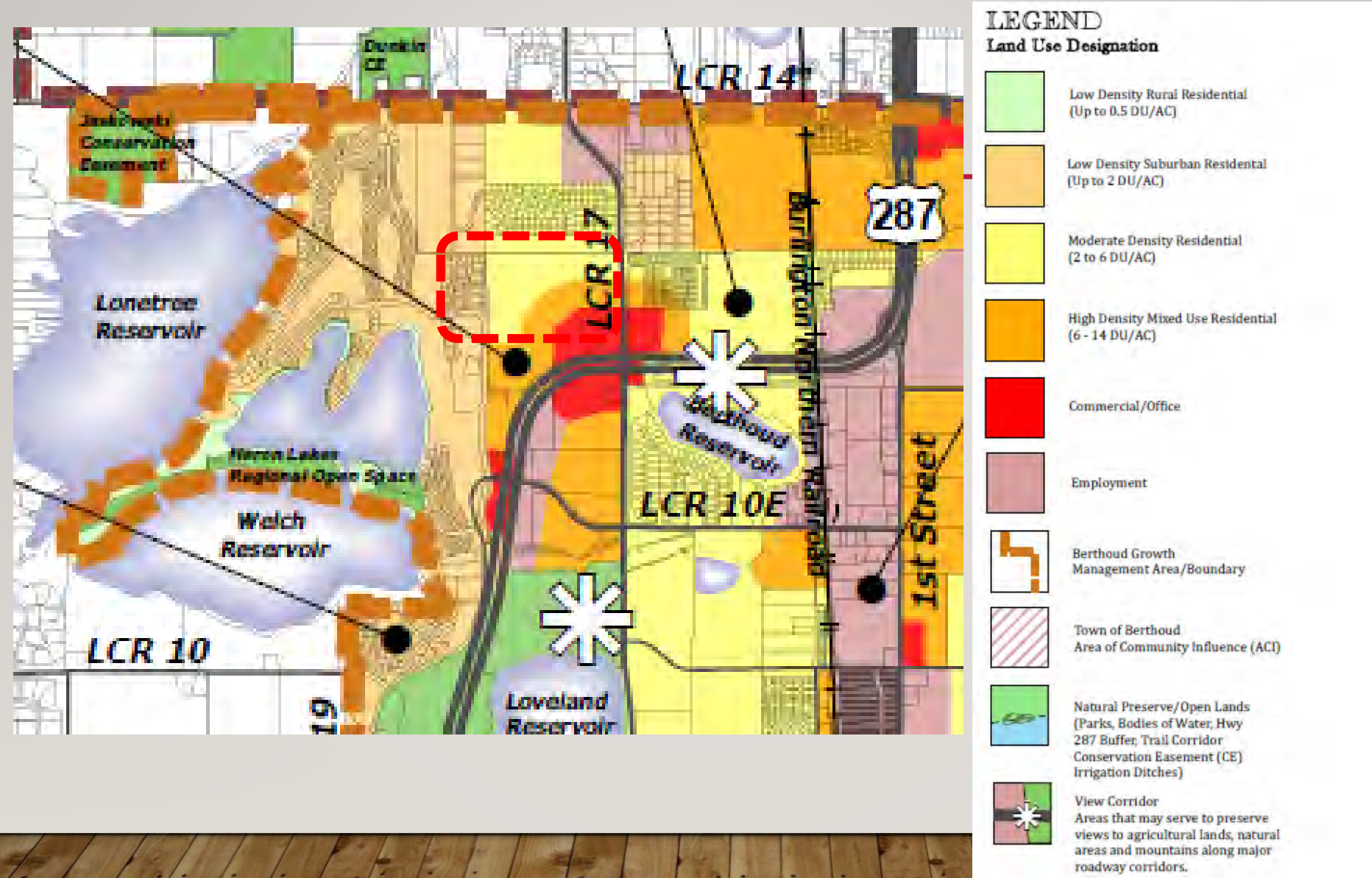
HERON LAKES PLAT KEY	
	HERON LAKES 1ST FILING
	HERON LAKES 2ND FILING
	HERON LAKES 2ND FILING GOLF TRACTS
	HERON LAKES 3RD FILING / PH1 INFRASTRUCTURE
	HERON LAKES 4TH FILING
	HERON LAKES 5TH FILING
	HERON LAKES 6TH FILING
	HERON LAKES 7TH FILING
	HERON LAKES 8TH FILING
	HERON LAKES 9TH FILING
	HERON LAKES 10TH FILING
	HERON LAKES 11TH FILING
	HERON LAKES 1ST ADDITION



ZONING



PREFERRED LAND USE





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

NEIGHBORHOOD COMMENT REPORT

Date: 02/21/19

Project: Heron Lakes Rezoning Map Amendment 5

Applicant: TB Group

As per Chapter 30, Section 6 of the Town of Berthoud Development Code, a neighborhood notice letter was sent to property owners within 500 feet of the proposed development.

The applicant is responsible for addressing all public comment received and must provide the Town with a copy of how the public comments have been addressed.

Attached are comments received by surrounding property owners.

February 10, 2019

Dear Ladies and Gentlemen,

My family is responding to the Neighborhood Notice informing us of the proposal for Heron Lakes Rezoning Amendment 5. We live in the Prairie Star neighborhood across the street from the proposed rezoning area and thank you for the opportunity to voice our position.

We are opposed to the proposal to rezone the area to R4 not only for the fact that additional businesses are not needed as downtown Berthoud and the expanse of Loveland already provide more than enough conveniences, but we also put forth the following reasons:

- 1) The Prairie Star development already has plans for a business area on the east side of Berthoud Parkway. Even this development we hope never happens at best, or is a long way off at worst. More business development along this stretch of the road will create more traffic and noise by the neighborhood, as well as possibly decrease the value of the homes in this area.
- 2) Additional businesses along this stretch of Berthoud Parkway would further congest the area and detract from the theme of Colorado openness and scenery. Already we were disappointed to hear of the plan to put more apartment buildings on the west side of Berthoud Parkway because of the increased blockage they will create of the view of prairie and mountains. Businesses and associated parking lots will also create more light pollution and degrade the night sky beauty at night. Thus day time and night time are affected by additional businesses in this area.
- 3) What may not be felt by the developers, but has been felt definitively by us, is the resentment of long time Colorado residents towards newcomers. They resent us for the new developments causing disappearance of open spaces, farm land and mountain views. Prairie Star is already here and there is nothing that can be done about it, but going forward my family urges restraint in future unchecked development of land. In this, the development of businesses crowding the streets and increasing traffic are less favorable to homes, but the continuation of either will only increase the resentment we feel. The comments on social media are unmistakable on this point. Increasing resentment could lead to anger and unhappiness in our town. We have already witnessed acts of vandalism and theft in our neighborhood. Their frequency is alarming. Continued growth in this area will only worsen these issues and cause further discontentment.

In conclusion, at a minimum we urge the developer and the Berthoud officials to not approve the requested rezoning for the reasons stated above. In full sincerity and love of this region of Colorado and of Berthoud, we further recommend that residential developments that do occur give consideration to a wide easement of green space along Berthoud Parkway so as to maintain a theme of Colorado being the state of nature and beauty. Do not make the mistakes that the Prairie Star developers were allowed to make in crowding the street and developing every inch possible. Colorado is, and should remain, the state of mountain and prairie views, of open blue skies at day and stars at night. We, and developers, should be looking for ways to maintain this state pride and not be looking for ways to further degrade it, and the happiness of the people that live here.

Sincerely,

The O'Haras

Comments re Neighborhood Notice from Berthoud re Heron Lakes Rezoning Amendment 5:

As a 26+ year resident property owner in the Colony Ridge subdivision I must express grave concerns and opposition to the proposed rezoning. My property at 4809 High Country Road borders the area under discussion.

Colony Ridge is a subdivision in unincorporated Larimer County that was established in the mid 80's and consists of about 130 single family homes. It has always been our understanding that the "Heron Lakes" property adjoining Colony Ridge would be developed as residential. The proposed rezoning of this area to "mixed use" to provide for "a variety of residential, commercial and business uses" would throw open the door and enable the developer to do whatever they wish without regard to the well established community of single family homes in Colony Ridge. I can only perceive this action as not only undercutting the well established nature of this area, but also established property values. This should not be permitted to occur.

Submitted by: Gary A. Richardson, 4809 High Country Rd., Loveland, CO 80537

I am writing with comments about the proposal to rezone Heron Lakes from R1 and R3 to R4. This is of GREAT concern to me as a neighbor in Colony Ridge. Going from 8 DU/AC to a potential of 24 DU/AC? What? How can this even be considered? 8 DU/AC is more than desired. Please DO NOT allow this rezoning as it will be of no benefit to anyone living in this area.

Traffic on Berthoud Parkway north of 287 is already horrendous, and the new roundabout only makes it worse. When Heron Lakes gets built out, as well as the rest of Prairie Star, I can't even imagine what it's going to be like. And now you are considering a rezoning that would allow up to 3 times as many residences? That is beyond belief. Please, please, please do not allow this to happen.

I have friends who wanted to move to Berthoud because it is such a cute little town, but with all the growth that is not necessarily smart growth, they have changed their minds. Please do not make it worse by allowing such dense development, especially adjacent to the rural feel of Colony Ridge.

When Heron Pointe was developed, suddenly I (and many others on my street) had to put up No Dog Poop signs because suddenly people were not cleaning up after their pets. That did not happen before Heron Pointe residents started walking their dogs in Colony Ridge. We also now have children walking, running, and riding in our streets and not paying attention to cars. I have heard of (but not experienced) an increase in crime, especially breaking into parked cars. I realize Heron Lakes will bring more of the same, but please don't exacerbate the problem by allowing such dense development in Heron Lakes.

In closing, I will reiterate - PLEASE DO NOT ALLOW THIS REZONING.

Thanks,

Teresa Roberson

I am in receipt of your neighborhood notice dated January 31, 2019 regarding the above.

I oppose the rezoning. It is not in harmony with Berthoud's Master Plan, adequate infrastructure including water is not available for the project. Traffic in the area already is already an issue, even before the developments are built. The arterials that service the area are not adequate. It is a misuse of desirable less dense lots. It is not in harmony with the surrounding homes. The costs of infrastructure supporting the development will be passed along to taxpayers and metrodistrict payers who are unwilling and unable to enjoy the 'golf lodge' and course. The continual rezoning to smaller lots seems to be a theme with developers in the area and a dangerous habit when services, the environment and natural resources can not support the growth.

I support the development with its current zoning.

Kris Distel
4616 High Country Road.
(303) 775-8318
krisaberg@msn.com

I have a few concerns with your rezoning amendment 5 R1 and R3 to R4

1) We are already have traffic issues from the increased density of Huron pointe and Prairie Star developments increasing the multifamily units from the original development plans. Which Huron lakes is at the beginning stages the first House has just been moved into. What is your resolution to protect and keep the areas safe. If I'm not mistaken a young boy was hit by a car due to lack of bike trails. There was also A CSU professor hit and died off of Berthoud parkway. Instead of in increasing population we need to focus on the infrastructure to provide adequate roads, bike paths and walkways for the current members of the town and surrounding rural areas.

2) the public land and walkways will this be accessible to everyone or just a few select groups? If this is public trails will everyone have access? If not can you provide documents to support these areas only be paid for by Huron Lakes.

3) Water and Sewer is already an issue. Will you limit and do all zeroscape landscaping to preserve our resources for future generations?

4) Metro District- will there be a Cap so that new owners that purchase homes can afford to live in them beyond the first year. IE will the taxes and Metro District double the payment so we as a town don't create a foreclosure epidemic. Like what happened in 2007 till about 2013 at gateway park and Mathews farm.

Please don't let a TCP push you around and sway the reason we are all in this area is due to the small town charm Berthoud has always been known for.

Steve Distel

Hello Mr. Freese,

As you were informed, my husband and I have a contract on a property abutting this proposed new development. I hope it's not too late to give input on this proposal as it will certainly impact us.

The Colony Ridge neighborhood is a very special and rare community along the Front Range. They just don't build these kinds of neighborhoods anymore. We chose this property with the understanding that the new development to the south of our property would be single family homes, and possibly a golf course. Single family homes are definitely preferable to a resort style development with the possibility of commercial zoning. There are plenty of locations that don't abut pristine quiet neighborhoods where that sort of development would be welcome. This is not that location. Changing the feel and ambience of this community would be a terrible shame. The people interested in single family homes in that new development would likely be more interested in properties there simply because there is such a wonderful neighborhood directly to their north. There is nothing special or particularly attractive about a development teeming with people, which multi-family housing and commercial development will attract.

The Town of Berthoud is a rare gem that is already being slated to be surrounded by homes, homes and more homes. That's a given. Please don't let this precious community be devoured by just another neighborhood crowded by traffic and commercial businesses. The TPC golf course will attract so much attention and people expect that kind of golf course to be surrounded by prestige neighborhoods. Please help protect the special character of this area by sticking with the single family home development and including a wide swath of green belt between Colony Ridge and the new neighborhood.

Open space is one of the most appealing aspects of any neighborhood. It's what makes Boulder County so coveted and allows them to charge more for real estate. I implore you and those making the decision to save as much as is possible, the appealing charm of this special area.

The wrong development will devalue not only the homes in Colony Ridge, but all homes in the vicinity.

Thanks for listening.

Eve and Kevin Leedy



STAFF REPORT PRELIMINARY PLAT/ FINAL PLAT

HERON LAKES 12th and 13th FILING

DATE: August 8, 2019

GENERAL INFORMATION			
Applicant:	Heron Lakes Investments LLC, Jim Birdsall/Jon Turner agents	Size: 12 th Filing 22.96 acres 13 th Filing: 24.287 acres	
Site Location:	This property is located West and Northwest of Highway 287, and South of LCR 14.		
Applicant's Request:	The Applicant is requesting preliminary plat approved for 84 single family homes, and a Final Plat for the creation of a lot for the pool club.		
Current Zoning:	R-3		
ZONING DISTRICT INFORMATION			
	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
Max Density	16 units Per acre	20 Units Per Acre	24 units per acre
Min. Lot Size	2,000	1,600	1,200
Min. Lot Width	20'	16'	16'
Front Setback	20' front; 10' side	20' front; 10' side	20' front; 10' side or rear load
Side Setback	5' side' 10' corner side	5' side' 10' corner side	5' side' 10' corner side
Rear Setback	10' front loaded; 5'-8' rear loaded	10' front loaded; 5'-8' rear loaded	10' front loaded; 5'-8' rear loaded
Building Height:	40' 30' acc.	40' 30' acc.	50' 30' acc
SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS			
<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning /Buffer required if rezoned</u>	
North: Heron Lakes AG	Golf Course	N/A	
South: Heron Lakes R-1	Estate Lots/Golf Course	N/A	
East: Heron Lakes AG	Golf Course	N/A	
West: Heron Lakes AG	Golf Course	N/A	

PROPOSAL

The Applicant is requesting approval of the Heron Lakes Twelfth Filing Preliminary Plat for 84 single family homes, and Heron Lakes 13th filing, which separates out one lot for the metro district/neighborhood pool club.

Preliminary Plat (HL 12th):

The proposed Heron Lakes 10th Filing is for eighty four (84) single family home lots, which are limited to 11.17 acres, or 48.65% of the entirety of Twelfth Filing. The homes are front loaded along local streets with the golf course to the rear of these homes. Unlike 10th and 11th filing which were off of the Heron Lakes Parkway, 12th filing will eventually connect to Heron Lakes Parkway through a subsequent filing to the North. This section will result in improvements at the developer's expense, to LCR 14 when built. All homes will have detached sidewalks with tree lawns. The applicant is providing ~33% open space with this filing (in addition to being surrounded by the golf course), and the central open space areas surrounding the lots are all turf. Finally, this is located with the Metro district, and all open space will be maintained by said district.

Heron Lakes 13th Filing Final Plat

The Final Plat separates out a 1.265 lot out of Tract A. This lot will be used for the neighborhood/metro district pool and clubhouse. 13th filing was previously approved as just one tract as part of Sixth Filing.

PREFERRED LAND USE

The Town's Preferred Land Use Map designates this area as Moderate Density Residential (a light orange on the map), with residential uses/development at 2–6 units per gross acre. The Preferred Land Use Plan approved in the 2014 Comprehensive Plan, was drafted and adopted to match the uses and density of the previously approved Heron Lakes and Bader PUD's.

- ✓ The density and uses proposed would satisfy the future land use plan.

FINDINGS NECESSARY FOR THE PRELIMINARY PLATS

- 1. The Preliminary Plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code.**

- ✓ The layout and uses are functional and satisfy all requirements of the Development Code.

- 2. The application incorporates the Town's recommendations and any conditions of approval.**

-
- ✓ The applicant has revised the Plan to satisfy all Staff comments. No other conditions are existing or applicable.

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.

- ✓ The single family use is permitted in the R-3 zoning district and is well under the allowed density requirements of R-3.
- ✓ The plat is consistent with the overall density planned for this area in the Preferred Land Use Map.

4. The utility and transportation design is adequate, given existing and planned capacities of those systems.

- ✓ Sanitary Service: Service for the project will be provided from the Town of Berthoud. Sanitary sewer throughout the project will drain to a lift station that is centrally located between Welch and Lonetree Reservoirs. The force main will then run east from the lift station to a manhole located in Grand Market Avenue. The manhole is located within the Heron Lakes-1st Addition (aka-Bader property) and is the most upstream terminus of the Taft Sewer Extension currently under construction.
- ✓ Water Service: Domestic water service for the project will be provided by the Town of Berthoud. A connection will be made to an existing 8" water main from the neighboring subdivision to the east. An additional connection will be made in County Road 14. On-site water mains will be looped through the development to provide domestic water service and fire flows for the current Heron Lakes Filing and will be sized to accommodate future filings as well.
- ✓ Traffic impacts of the Heron Lakes rezone will be minimal with the surrounding transportation system infrastructure already in place. This filing will trigger off-site improvements to LCR 14.

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.

- ✓ Impacts on existing adjacent properties are anticipated to be minimal. Each of the proposed areas of change are adjacent to AG zoning which is the golf course. The Heron Lakes development is consistent with the surrounding density and will establish the pattern of a high-quality residential neighborhood for the area.

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.

- ✓ This is one of the limited single family options for Heron Lakes, who is proposing to move away from single family detached to more attached and mixed use product types.

PUBLIC NOTICE AND COMMENT

Notice of the Town Board Public Hearing has been mailed to property owners within 500 feet of the subject property, a legal ad published, and the property was posted as required by the Development Code. In addition, the application was sent out to all property owners within 500', with an invitation to comment on the request within three weeks of receipt. Staff did not receive any public comments.

FINDINGS AND RECOMMENDATIONS

Staff recommends approval of the Heron Lakes 12th Preliminary Plat consisting of 22.96 acres, and the Heron Lakes 13th Final Plat consisting of 24.287 acres with the following findings:

12th Filing:

Finding it is consistent with the requirements for Preliminary Plats in Section 30-6-107 and the Comprehensive Plan (found on pages-2-3 of this Staff Report)

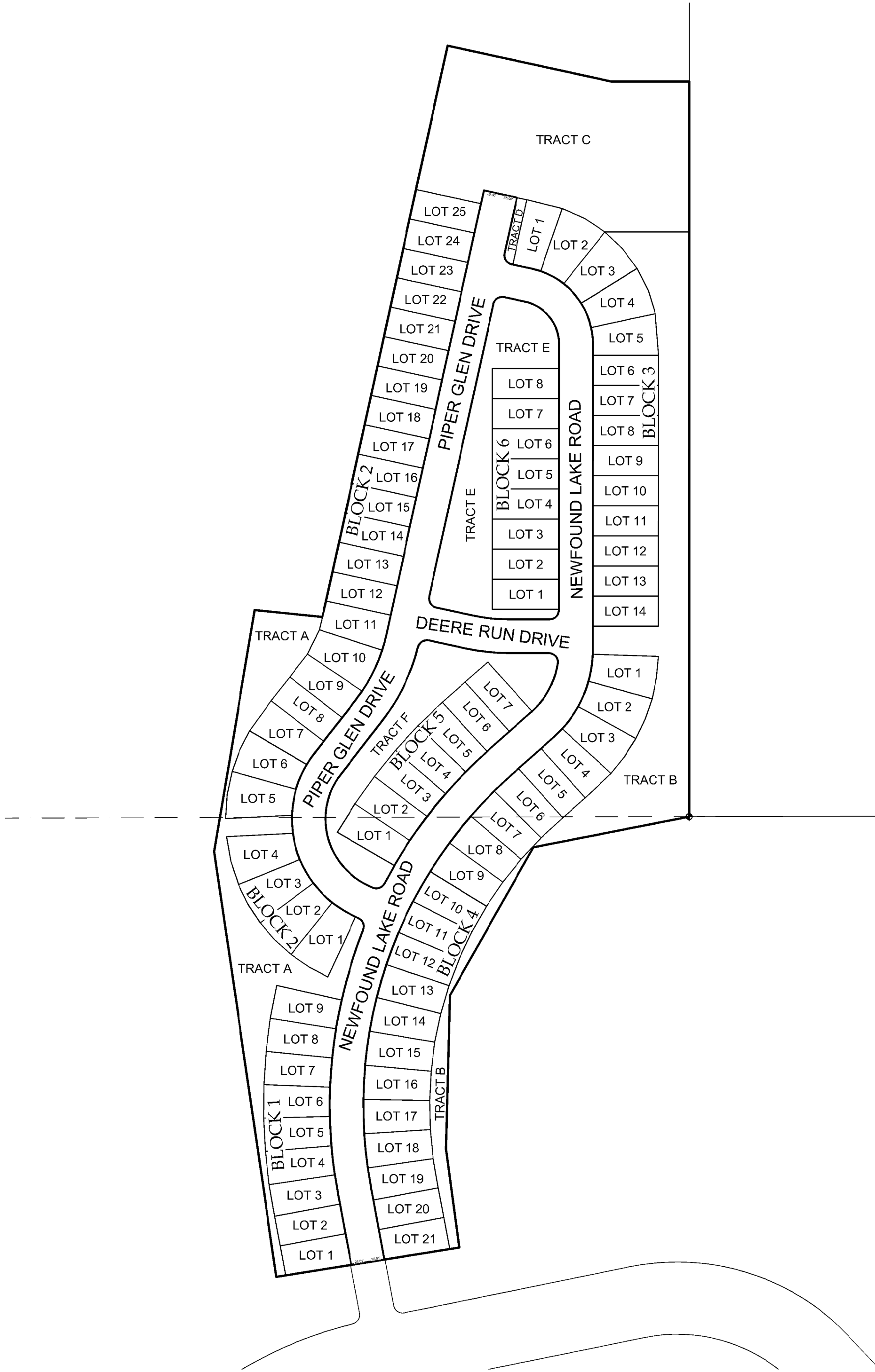
13th Filing:

Finding it is consistent with the requirements of Section 30-6-108 and the Comprehensive Plan (found on pages-2-3 of this Staff Report)

**PROPOSED
PRELIMINARY
PLAT
HL 12th**

HERON LAKES TWELFTH FILING

A REPLAT OF TRACT C, HERON LAKES TENTH FILING, LOCATED IN SECTION 3, TOWNSHIP 4 NORTH,
RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

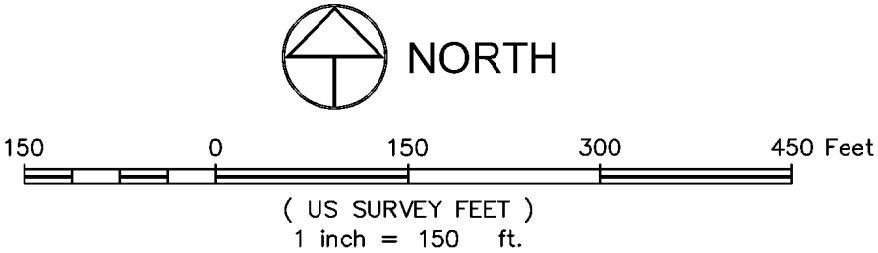


CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	BEARING
C1	35°13'00"	765.00'	470.21'	N07°02'58"E
C2	35°13'00"	765.00'	470.21'	N07°02'58"E
C3	23°35'15"	765.00'	314.94'	N36°27'08"E
C4	48°13'59"	165.00'	138.90'	N24°07'44"E
C5	77°39'17"	100.00'	135.53'	N38°48'54"W
C6	103°11'05"	150.00'	270.14'	S13°44'59"E
C7	25°29'05"	300.00'	133.44'	S25°06'01"W
C8	32°09'58"	793.00'	445.19'	S05°31'27"W
C9	86°52'58"	15.01'	22.76'	S21°52'03"E
C10	103°11'05"	178.00'	320.56'	S13°44'59"E
C11	21°44'30"	272.00'	103.21'	S23°13'43"W
C12	90°00'00"	15.00'	23.56'	N32°38'32"W
C13	77°39'17"	128.00'	173.48'	N38°48'54"W
C14	48°13'59"	193.00'	162.47'	N24°07'44"E
C15	58°48'15"	737.00'	756.40'	N18°50'38"E
C16	86°56'58"	15.00'	22.76'	S11°10'59"W
C17	103°11'05"	122.00'	219.71'	N13°44'59"W
C18	23°54'03"	328.00'	136.82'	N25°53'32"E
C19	88°24'58"	15.00'	23.15'	N58°08'59"E
C20	12°24'14"	328.00'	71.01'	S83°50'39"E
C21	99°11'00"	15.00'	25.97'	S40°27'16"E
C22	39°06'29"	137.00'	93.51'	S23°41'29"W
C23	20°32'13"	793.00'	284.24'	S37°58'37"W
C24	90°00'00"	15.00'	23.56'	N32°38'32"W
C25	90°00'00"	15.00'	23.56'	N57°21'28"E
C26	77°39'17"	72.00'	97.58'	S38°48'54"E
C27	89°56'29"	15.00'	23.55'	S44°58'59"W
C28	12°24'14"	272.00'	58.89'	N83°50'39"W
C29	2°11'35"	793.00'	30.35'	S09°27'45"E
C30	3°31'18"	793.00'	48.74'	S06°36'18"E
C31	3°31'18"	793.00'	48.74'	S03°05'00"E
C32	3°31'18"	793.00'	48.74'	S00°26'17"W
C33	3°31'18"	793.00'	48.74'	S03°57'35"W
C34	3°31'18"	793.00'	48.74'	S07°28'53"W
C35	3°31'09"	793.00'	48.71'	S11°00'05"W
C36	8°50'46"	793.00'	122.43'	S17°11'03"W
C37	13°55'59"	178.00'	43.29'	S58°22'32"E
C38	14°33'07"	178.00'	45.21'	S44°07'59"E
C39	14°33'07"	178.00'	45.21'	S29°34'53"E
C40	14°34'09"	178.00'	45.26'	S15°01'14"E
C41	9°40'05"	178.00'	30.04'	S02°54'07"E
C42	14°01'06"	178.00'	43.55'	S08°56'28"W
C43	14°33'07"	178.00'	45.21'	S23°13'35"W
C44	7°20'25"	178.00'	22.80'	S34°10'21"W
C45	3°44'35"	272.00'	17.77'	S35°58'16"W

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	BEARING
C46	16°00'35"	272.00'	76.00'	S26°05'41"W
C47	5°43'56"	272.00'	27.21'	S15°13'26"W
C48	6°36'38"	128.00'	14.77'	N74°20'13"W
C49	19°36'26"	128.00'	43.80'	N61°13'41"W
C50	19°36'26"	128.00'	43.80'	N41°37'15"W
C51	19°36'26"	128.00'	43.80'	N22°00'49"W
C52	12°13'21"	128.00'	27.31'	N06°09'56"W
C53	13°30'42"	193.00'	45.51'	N08°36'28"E
C54	13°30'42"	193.00'	45.51'	N22°07'10"E
C55	13°30'42"	193.00'	45.51'	N35°37'53"E
C56	5°51'30"	193.00'	19.73'	N45°18'59"E
C57	3°04'40"	737.00'	39.59'	N46°42'23"E
C58	4°26'21"	737.00'	57.10'	N42°56'53"E
C59	4°26'21"	737.00'	57.10'	N38°30'32"E
C60	4°26'21"	737.00'	57.10'	N34°04'11"E
C61	4°26'21"	737.00'	57.10'	N29°37'50"E
C62	4°26'21"	737.00'	57.10'	N25°11'30"E
C63	4°26'21"	737.00'	57.10'	N20°45'09"E
C64	4°26'21"	737.00'	57.10'	N16°18'48"E
C65	4°26'21"	737.00'	57.10'	N11°52'27"E
C66	4°26'21"	737.00'	57.10'	N07°26'07"E
C67	4°26'21"	737.00'	57.10'	N02°59'46"E
C68	4°26'21"	737.00'	57.10'	N01°26'35"W
C69	4°26'21"	737.00'	57.10'	N05°52'56"W
C70	2°27'26"	737.00'	31.61'	N09°19'49"W
C71	2°28'06"	793.00'	34.16'	S26°56'33"W
C72	3°32'36"	793.00'	49.04'	S31°56'54"W
C73	3°32'36"	793.00'	49.04'	S35°29'30"W
C74	3°32'36"	793.00'	49.04'	S39°02'07"W
C75	3°32'36"	793.00'	49.04'	S42°34'43"W
C76	3°32'36"	793.00'	49.04'	S46°07'19"W
C77	0°21'06"	793.00'	4.87'	S48°04'10"W
C78	0°38'40"	137.00'	1.54'	S47°55'23"W
C79	38°27'49"	137.00'	91.97'	S28°22'08"W
C80	12°24'14"	300.00'	64.95'	N83°50'39"W
C81	1°50'22"	193.00'	6.20'	N00°55'56"E

LINE TABLE		
LINE	LENGTH	BEARING
L1	7.75'	S65°20'32"E
L2	7.75'	N65°20'32"W

LAND USE TABLE				
PARCEL	AREA	PERCENT	USE	OWNED & MAINTAINED BY
TRACT A	52,911 S.F.	1.21 AC.	Drainage & Utility Easement	Metro District
TRACT B	92,492 S.F.	2.12 AC.	Drainage & Utility Easement	Metro District
TRACT C	103,198 S.F.	2.37 AC.	Drainage & Utility Easement	Metro District
TRACT D	1,822 S.F.	0.04 AC.	Drainage & Utility Easement	Metro District
TRACT E	41,166 S.F.	0.95 AC.	Drainage, Utility & Access Easement	Metro District
TRACT F	33,830 S.F.	0.78 AC.	Drainage, Utility & Access Easement	Metro District
LOTS (84)	486,696 S.F.	11.17 AC.	Single-Family Residential	Property Owner
ROW	188,211 S.F.	4.32 AC.		Town of Berthoud
TOTAL	1,000,326 S.F.	22.96 AC.	100.00%	



PRELIMINARY

Robert C. Tesedy
Registered Professional Land Surveyor
Colorado Registration No. 38470
For and on behalf of Northern Engineering Services, Inc.

HERON LAKES TWELFTH FILING
TOWN OF BERTHOUD
STATE OF COLORADO

Sheet
2
Of 4 Sheets

PROJECT: 103-079
CLIENT: Hillside
Group
DRAWN BY: L. Smith
DATE: 6/7/19
SCALE: 1"=150'
REVIEWED BY: R. Tesedy

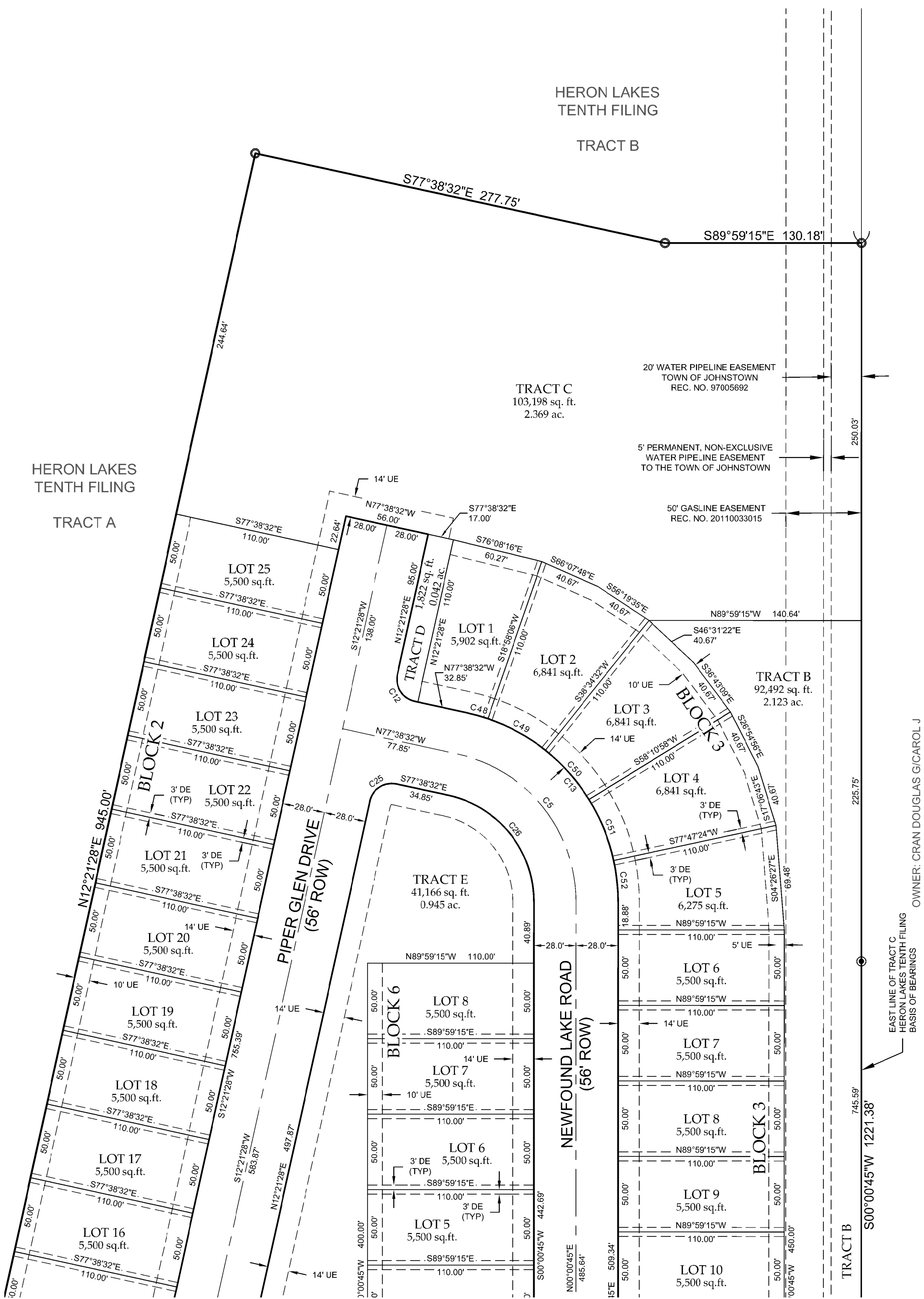
NORTHERN
ENGINEERING
FORT COLLINS, 301 North Hower Street, Suite 100, 80502
GRIFFIN, 520 8th Street, 80501
970.221.4158
northernengr.com

SECTION: 3
TOWNSHIP: 4N
RANGE: 69 W of the 6th PM

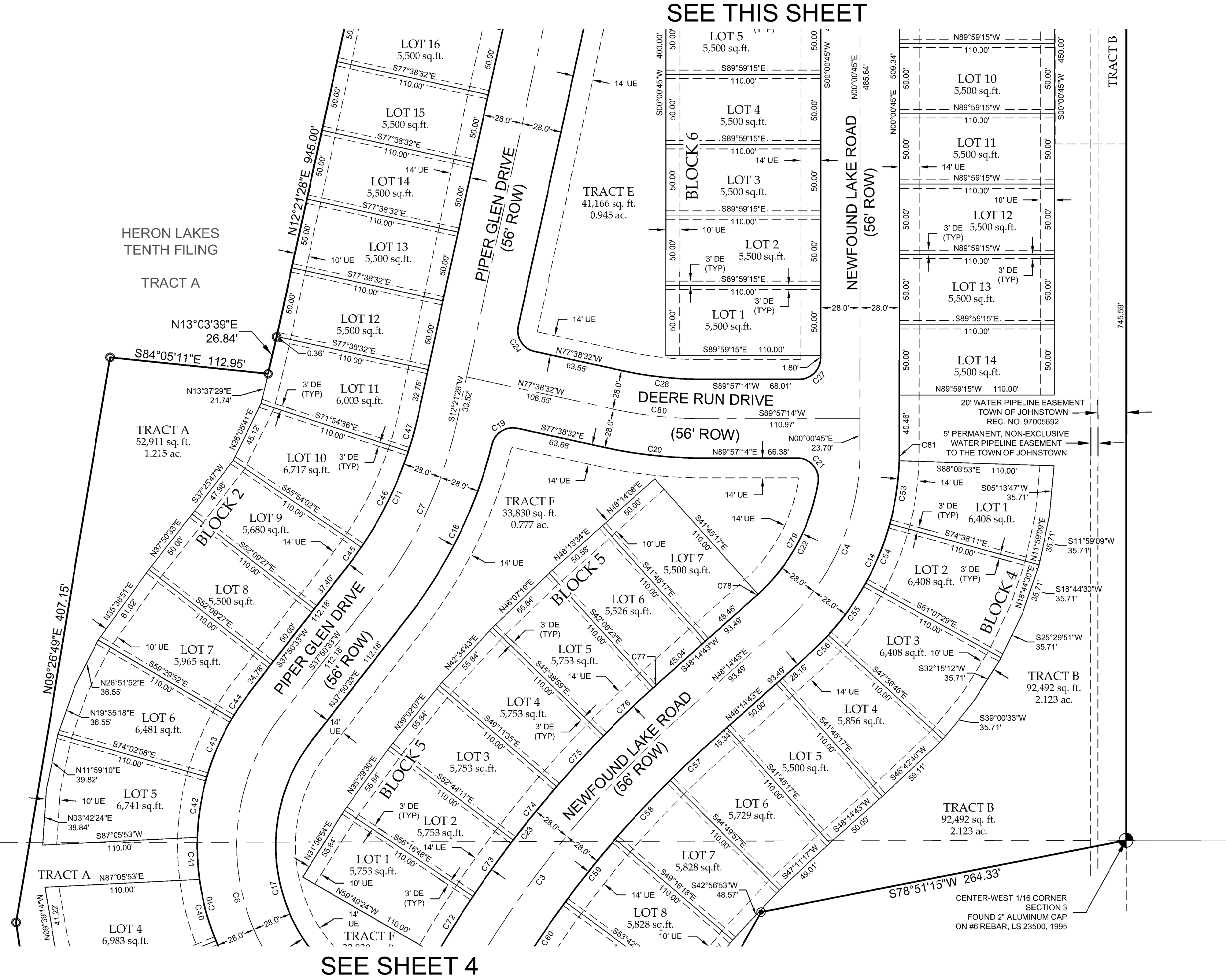
NOTICE:
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HERON LAKES TWELFTH FILING

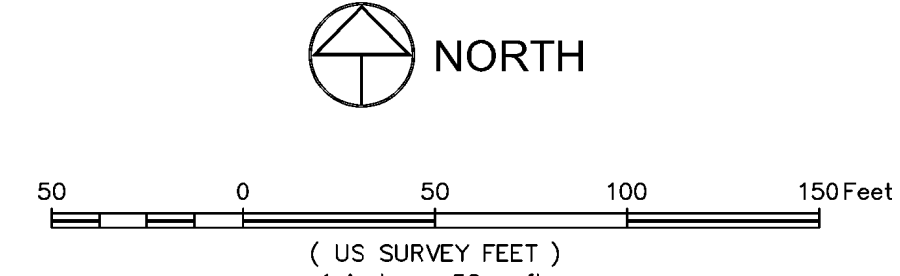
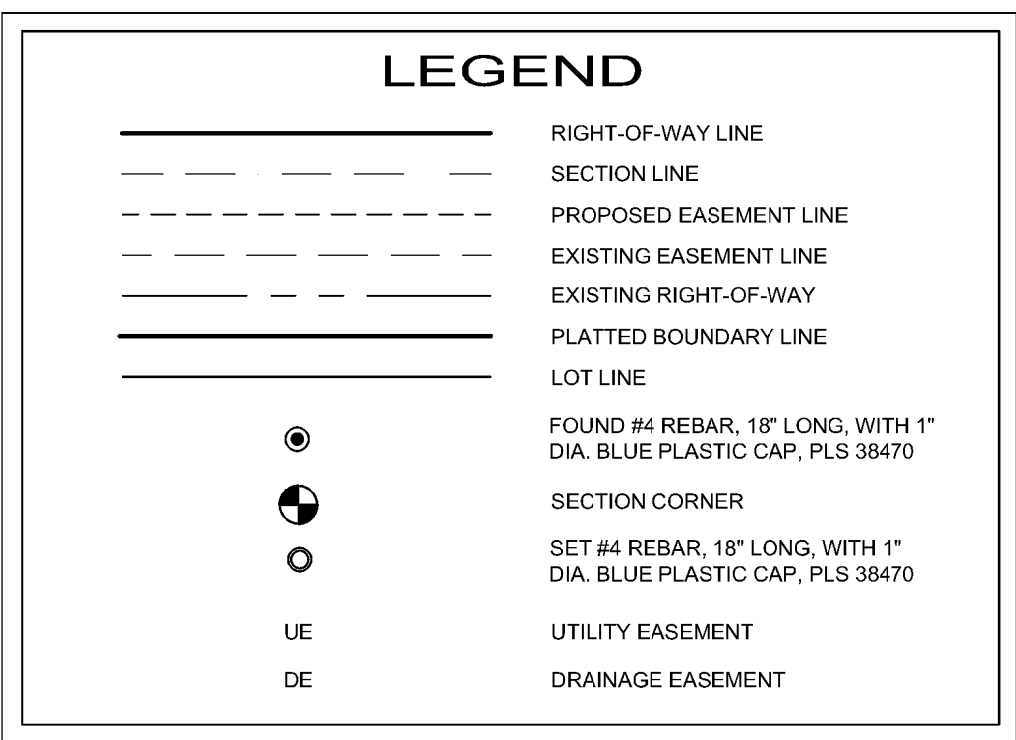
A REPLAT OF TRACT C, HERON LAKES TENTH FILING, LOCATED IN SECTION 3, TOWNSHIP 4 NORTH,
RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO



SEE THIS SHEET



SEE SHEET 4



NOTICE:
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SECTION: 3
TOWNSHIP: 4N
RANGE: 69 W of the 6th PM

NORTHERN ENGINEERING
FORT COLLINS, 301 North Hovea Street, Suite 100, 80521
GRIFFLEY, 620 8th Street, 80801
970.221.4158
nortnengr.com

PROJECT: 103-079
CLIENT: Hildebrand Group
DATE: 6/7/19
SCALE: 1"=50'
DRAWN BY: L. Smith
REVIEWED BY: R. Tessey

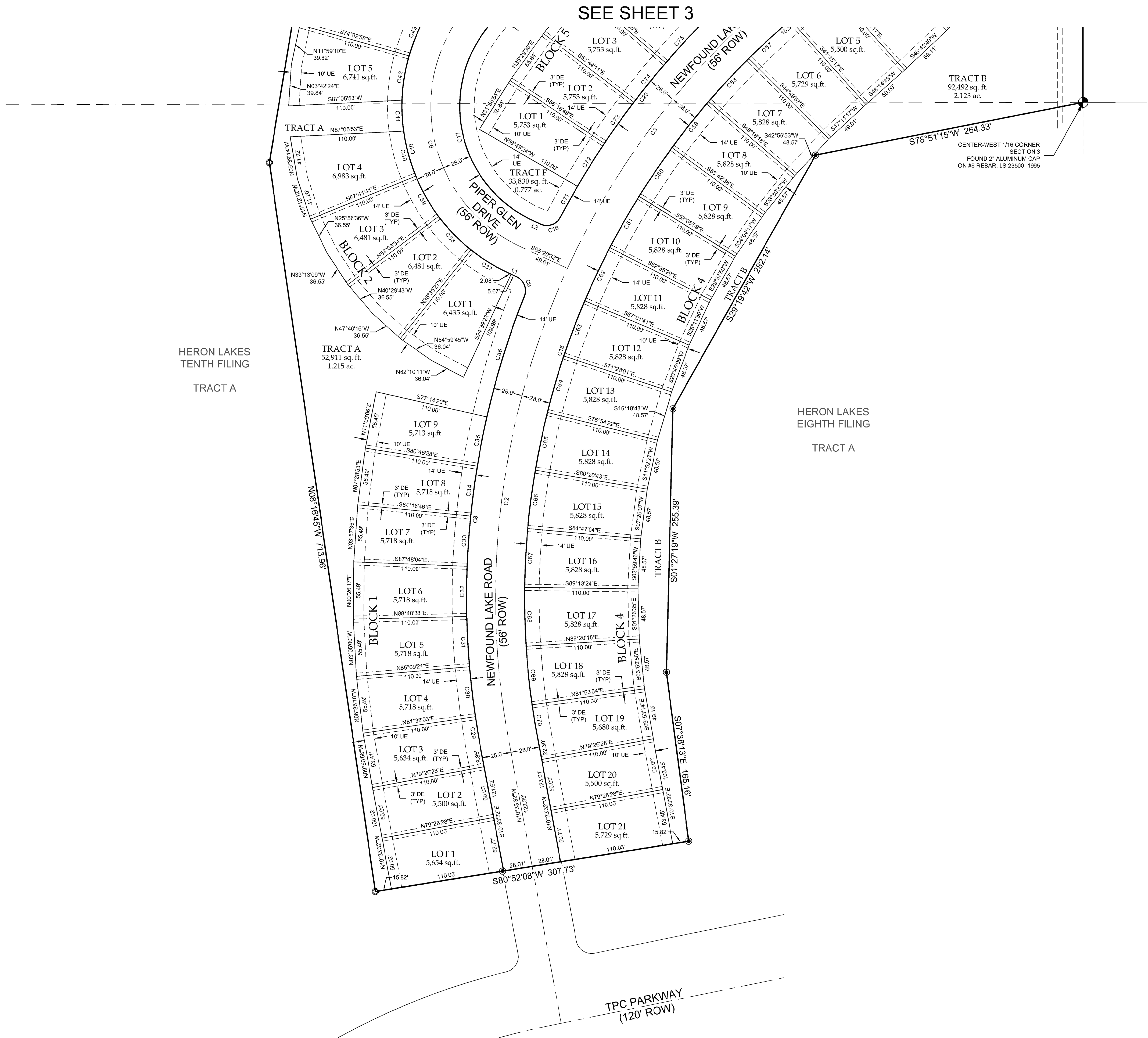
HERON LAKES TWELFTH FILING
TOWN OF BERTHOUD
STATE OF COLORADO

Sheet
3
Of 4 Sheets

PRELIMINARY
Robert C. Tessey
Registered Professional Land Surveyor
Colorado Registration No. 38470
For and on behalf of Northern Engineering Services, Inc.

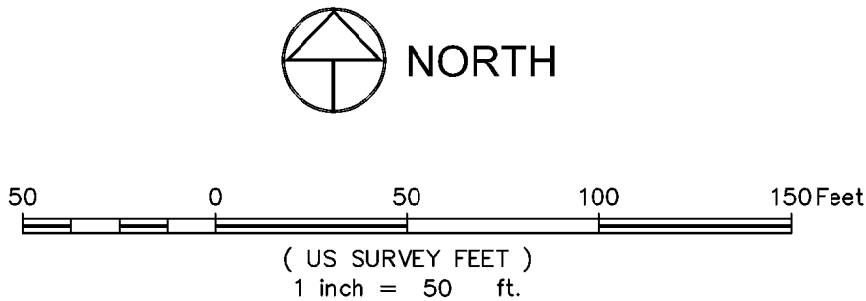
HERON LAKES TWELFTH FILING

A REPLAT OF TRACT C, HERON LAKES TENTH FILING, LOCATED IN SECTION 3, TOWNSHIP 4 NORTH,
RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO



LEGEND

---	RIGHT-OF-WAY LINE
---	SECTION LINE
---	PROPOSED EASEMENT LINE
---	EXISTING EASEMENT LINE
---	EXISTING RIGHT-OF-WAY
---	PLATTED BOUNDARY LINE
---	LOT LINE
●	FOUND #4 REBAR, 18" LONG, WITH 1" DIA. BLUE PLASTIC CAP, PLS 3847C
○	SECTION CORNER
○	SET #4 REBAR, 18" LONG, WITH 1" DIA. BLUE PLASTIC CAP, PLS 3847C
UE	UTILITY EASEMENT
DE	DRAINAGE EASEMENT



PRELIMINARY
Robert C. Tesdley
Registered Professional Land Surveyor
Colorado Registration No. 38470
For and on behalf of Northern Engineering Services, Inc.

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SECTION:
3
TOWNSHIP:
4N
RANGE:
69 W of the 6th PM

**NORTHERN
ENGINEERING**
FORT COLLINS, CO 100, 80521
GRIFFLEY, CO 80801
970.221.4158
northernengr.com

PROJECT:	DATE:
103-079	6/7/19
CLIENT: Hildebrand Group	SCALE: 1"=50'
DRAWN BY: L. Smith	REVIEWED BY: R. Tesdley

HERON LAKES TWELFTH FILING
TOWN OF BERTHOUD
STATE OF COLORADO

Sheet
4
Of 4 Sheets

**PROPOSED
FINAL PLAT
HL 13th**

HERON LAKES THIRTEENTH FILING

A REPLAT OF TRACT A, HERON LAKES SIXTH FILING, LOCATED IN SECTIONS 3 AND 10, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

LEGAL DESCRIPTION AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, being the owner of HERON LAKES THIRTEENTH FILING, located in Sections 3 and 10, 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:

Tract A, Heron Lakes Sixth Filing

containing 1,057,924 square feet or 24.287 acres more or less.

Have laid out, platted, and subdivided the above described land, under the name and style of HERON LAKES THIRTEENTH FILING, and by these presents do dedicate to the Town of Berthoud in fee simple the street and public "rights-of-way" as shown on the plats, and grant to the Town of Berthoud such easements and rights-of-way, and all right, title and interest in real property to the above described lands, including all surface interests and all minerals within or underlying said lands, as are created hereby and depicted or, by note, referenced hereon, along with the right to install, maintain, replace and operate mains, transmission lines, service lines, and appurtenances, either directly or through the various public utilities, as may be necessary to provide such utility, cable television, water, electric, natural gas and sanitary services within this subdivision or property contiguous thereto, through, over, under, and across streets, utility and other easements, and other public places shown on the plat.

OWNER: Heron Lakes Investments, LLC

BY: _____
Jim Birdsall, Manager

STATE OF COLORADO)
)SS
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by

Jim Birdsall as Manger of Heron Lakes Investments, LLC.

Witness my hand and official seal

My commission expires: _____

Notary Public

OWNER: Western Slope Mineral Company, LLC

BY: _____
Jon Turner, Manager

STATE OF COLORADO)
)SS
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by

Jon Turner as Manager of Western Slope Mineral Company, LLC.

Witness my hand and official seal

My commission expires: _____

Notary Public

OWNER: Windsor Plains, LLC

BY: _____
Jon Turner, Manager/Member

STATE OF COLORADO)
)SS
COUNTY OF LARIMER)

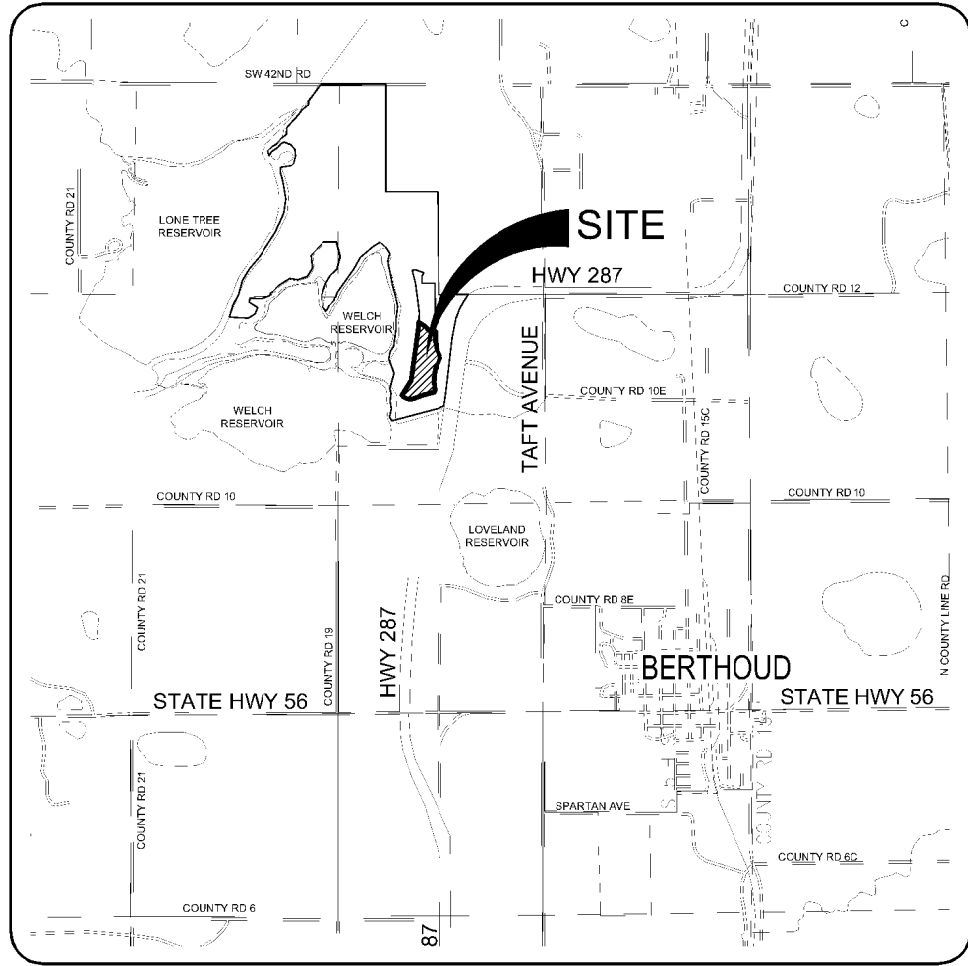
The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by

Jon Turner as Manager/Member of Windsor Plains, LLC.

Witness my hand and official seal

My commission expires: _____

Notary Public



APPROVAL CERTIFICATES:

Approved by the Town Administrator of the Town of Berthoud, Colorado this ____ day of _____, 20____.

Town Administrator

Approved by the Town Engineer of the Town of Berthoud, Colorado this ____ day of _____, 20____.

Town Engineer

The foregoing plat is approved for filing and accepted by the Town of Berthoud, Colorado this ____ day of _____, 20____.

ATTEST: _____
Planning Technician

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.

NOTES:

- 1) The Basis of Bearings is the East line of the Northwest Quarter of Section 10, Township 4 North, Range 69 West of the 6th P.M. as bearing South 00° 42' 57" West (assumed), as monumented on drawing.
- 2) All information regarding easements, right-of-way or title of record, Northern Engineering relied upon Heron Lakes Second Filing recorded at Reception No. 2018330011528, Larimer County Clerk and Recorder.
- 3) The lineal unit of measurement for this plat is U. S. Survey Feet.
- 4) All previous lot lines, rights-of-way and easements as shown and dedicated on Heron Lakes Sixth Filing recorded at Reception No. 2018330011528, at the Larimer County Clerk and Recorder, which are located within the boundary lines of this plat are hereby vacated upon recordation of this plat and dedicated as shown hereon.
- 5) The word "certify" or "certification" as shown and used hereon is an expression of professional opinion regarding the facts of the survey, and does not constitute a warranty or guaranty, expressed or implied.
- 6) Northern Engineering or the Professional Land Surveyor listed hereon, does not have the expertise to address mineral rights, and recommends the owner retain an expert to address these matters. Northern Engineering or the Professional Land Surveyor listed heron assumes no responsibility for the mineral rights upon the subject property.
- 7) A current title commitment was not provided to the surveyor. The surveyor has used the above listed subdivision plat as the best available evidence to determine rights and encumbrances that may or may not impact the subject property. The surveyor is not responsible for those rights or encumbrances of record or existing not listed in said title commitments. This survey is subject to all easements, rights-of-way, and encumbrances as recorded or existing.
- 8) This survey is a draft only. Monuments have not been set or upgraded. Monuments will be set and or upgraded prior to plat finalizing and recording.

OWNER/APPLICANT

Heron Lakes Investment LLC
James Birdsall, Manager
444 Mountain Avenue
Berthoud, CO 80513
(970) 532-5891

OWNER/APPLICANT

Western Slope Mineral Company
Jon Turner, Manager
8020 S. County Road 5, Suite 200
Windsor, CO 80528

OWNER/APPLICANT

Windsor Plains, LLC
Jon Turner, Manager
8020 S. County Road 5, Suite 200
Windsor, CO 80528

PLANNER/LANDSCAPE

ARCHITECT

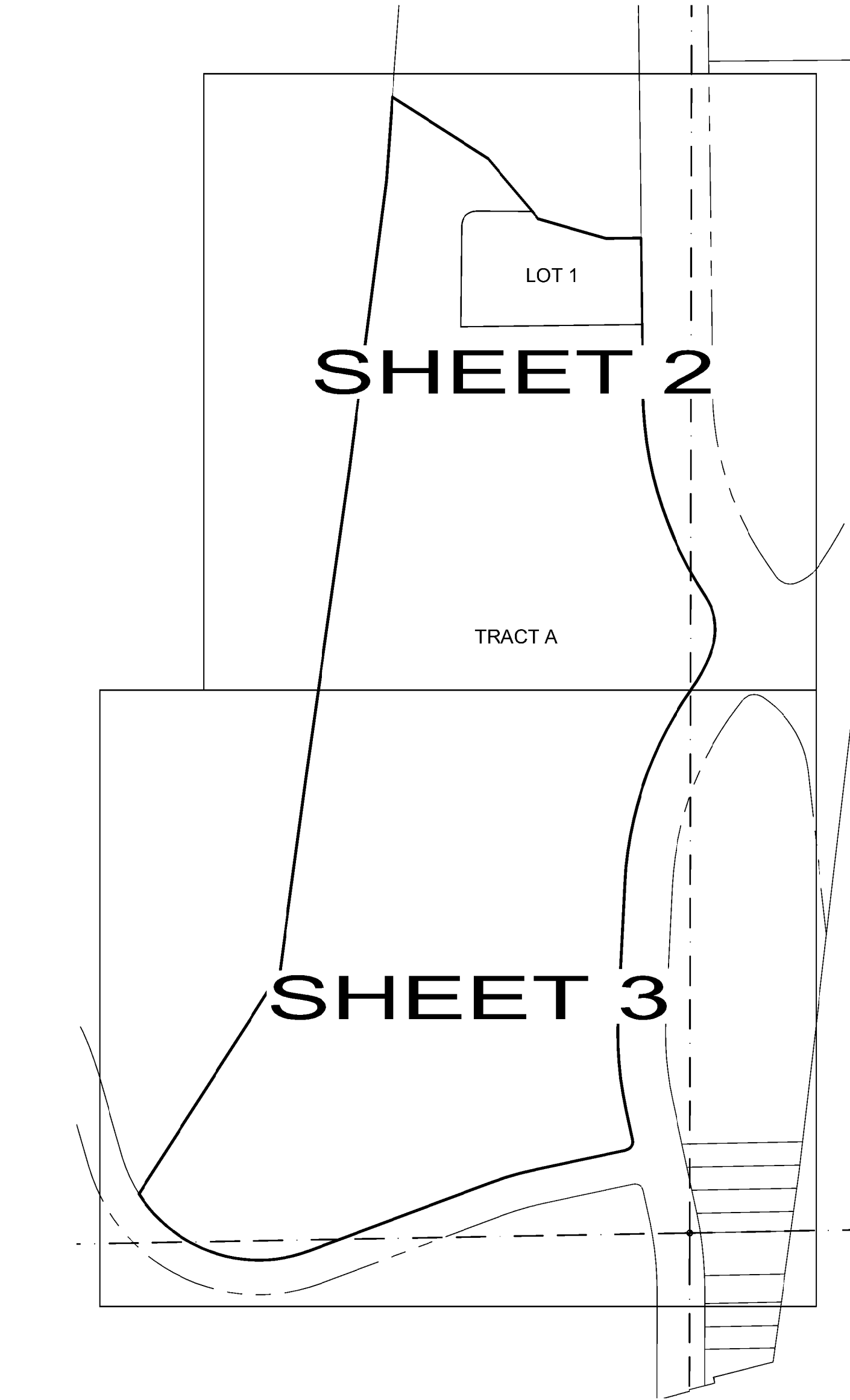
Jim Birdsall, ASLA
The Birdsall Group
444 Mountain Avenue
Berthoud, CO 80513
(970) 532-5891

SITE ENGINEER

Andy Reese
Northern Engineering Services, Inc.
301 North Howes St. Suite 100
Fort Collins, CO 80521
(970) 221-4158

SURVEYOR

Robert C. Tessely, PLS
Northern Engineering Services, Inc.
301 North Howes St. Suite 100
Fort Collins, CO 80521
(970) 221-4158



SURVEYOR'S STATEMENT

I, Robert C. Tessely, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey of HERON LAKES THIRTEENTH FILING was made under my supervision and the accompanying plat accurately and properly shows said subdivision and is in compliance with the Subdivision Regulations of the Town of Berthoud.

For and on Behalf of Northern Engineering Services
Robert C. Tessely
Colorado Registered Professional
Land Surveyor No. 38470

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SECTION:
3 & 10
TOWNSHIP:
4N
RANGE:
69 W of the 6th PM

**NORTHERN
ENGINEERING**
PHONE: 970.221.4158
www.northerneng.com
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521

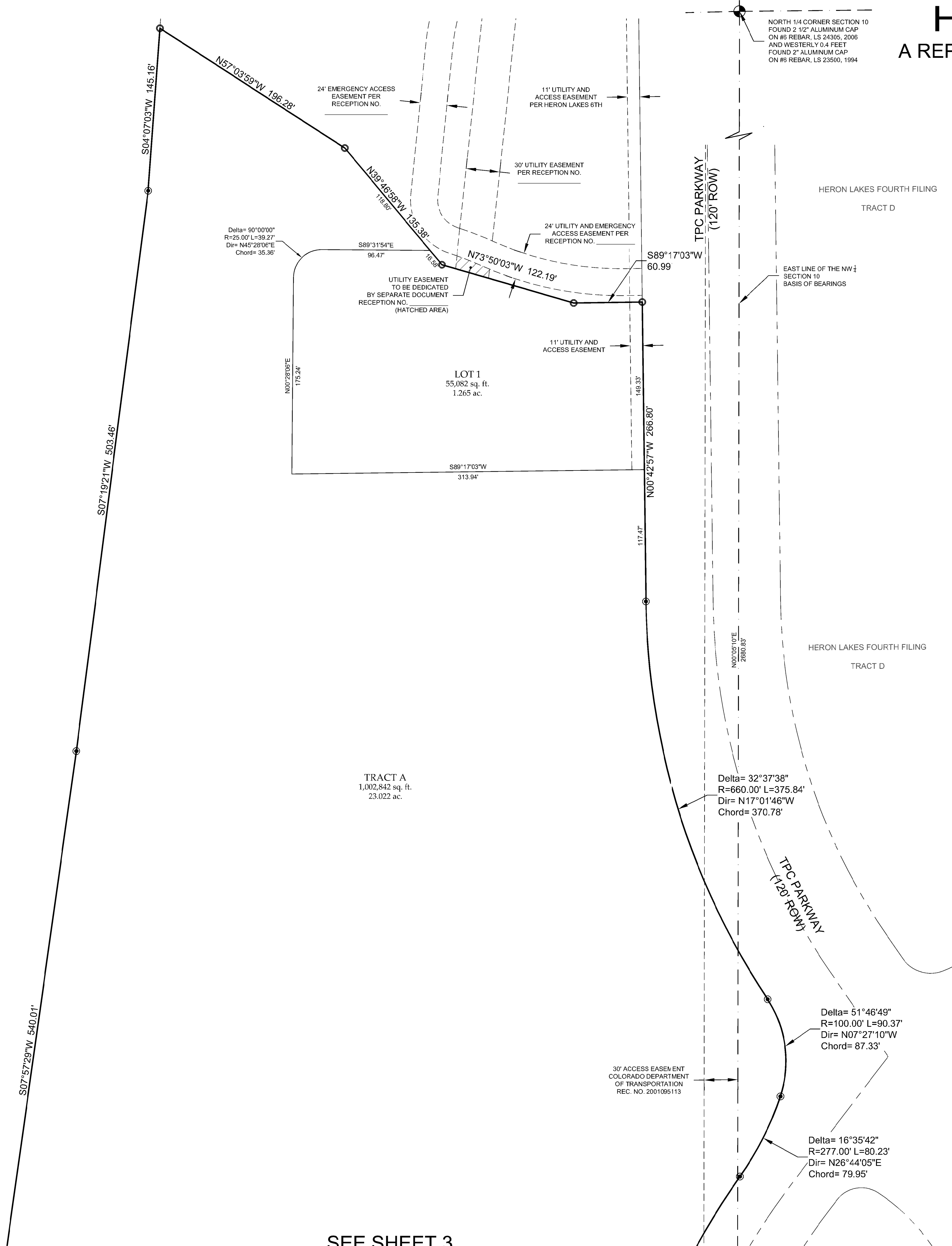
DATE: 5/31/19
SCALE: N.A.
REVIEWED BY: B. Tessely
PROJECT: 103-083
DESIGNED BY: L. Smith
DRAWN BY: L. Smith

HERON LAKES THIRTEENTH FILING
TOWN OF BERTHOUD
STATE OF COLORADO

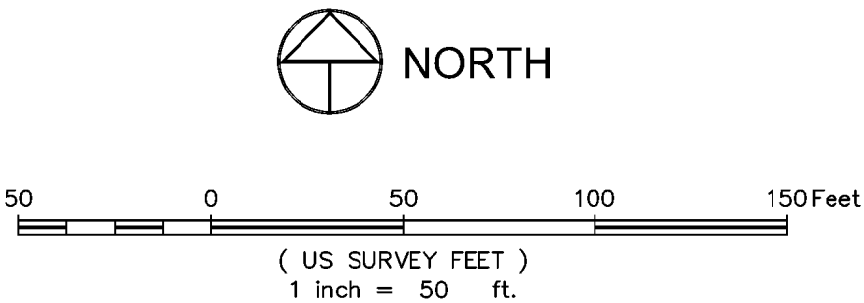
Sheet
1
Of 3 Sheets

HERON LAKES THIRTEENTH FILING

A REPLAT OF TRACT A, HERON LAKES SIXTH FILING, LOCATED IN SECTIONS 3 AND 10,
TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M.,
TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO



LEGEND	
	RIGHT-OF-WAY LINE
	SECTION LINE
	PROPOSED EASEMENT LINE
	EXISTING RIGHT-OF-WAY
	PLATTED BOUNDARY LINE
	LOT LINE
	FOUND #4 REBAR, 18" LONG, WITH 1" DIA. BLUE PLASTIC CAP, PLS 38470
	SECTION CORNER
	SET #4 REBAR, 18" LONG, WITH 1" DIA. BLUE PLASTIC CAP, PLS 38470



SEE SHEET 3

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SECTION:
3 & 10
TOWNSHIP:
4N
RANGE:
69 W of the 6th PM

**NORTHERN
ENGINEERING**
303 North Hoveas Street, Suite 100
Fort Collins, Colorado 80521
PHONE: 970.221.4158
www.northernengineering.com

PROJECT: 103-083	DATE: 5/31/19
DESIGNED BY: L. Smith	SCALE: 1"=50'
DRAWN BY: L. Smith	REVIEWED BY: B. Tessey

HERON LAKES THIRTEENTH FILING
TOWN OF BERTHOUD
STATE OF COLORADO

Sheet
2
Of 3 Sheets

PRELIMINARY
Robert C. Tessey
Registered Professional Land Surveyor
Colorado Registration No. 38470
For and on behalf of Northern Engineering Services, Inc.

A REPLAT OF TRACT A, HERON LAKES SIXTH FILING, LOCATED IN SECTIONS 3 AND 10, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M., TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

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TOWNSHIP:

RANGE:
69 W of the 6th PM



301 North Howes Street, Suite 100
Fort Collins, Colorado 80521

SCALE.

DRAWN BY:
I Smith

DRAWN BY:
L. Smith

TOWN OF BERTHOUD
STATE OF COLORADO

Of 3 Sheets

Robert C. Tessely
Registered Professional Land Surveyor
Colorado Registration No. 38470
For and on behalf of Northern Engineering Services, Inc.

Robert C. Tessely
Registered Professional Land Surveyor
Colorado Registration No. 38470
For and on behalf of Northern Engineering Services, Inc.

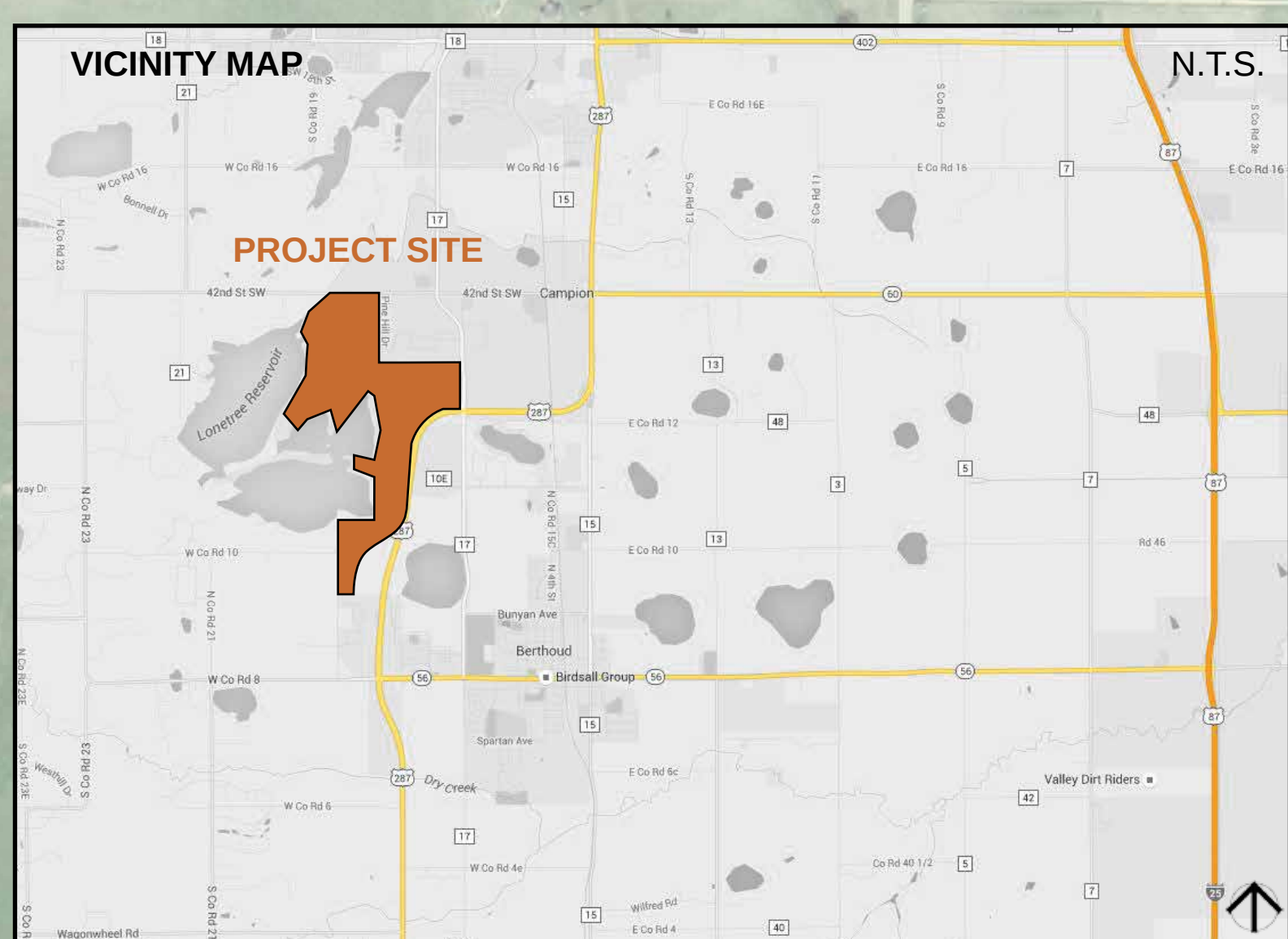
MASTER PLAN | JUNE 2017



Colorado



AT HERON LAKES



GOLF COURSE LEGEND

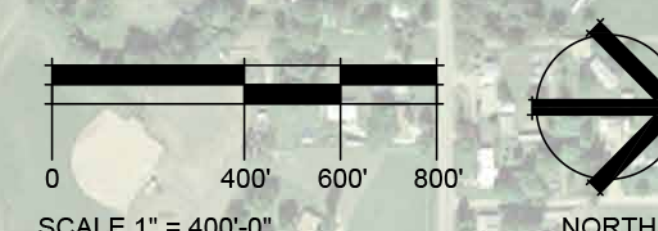


LAND USE SUMMARY

[illegible]

	HERON LAKES COMMUNITY TRAIL (DEVELOPER) 11,370 LF / 2.15 MI
	TOWN OF BERTHOUD TRAIL 19,065 LF / 3.61 MI
	COLORADO FRONT RANGE TRAIL (DEVELOPER) 10,930 LF / 2.07 MI
	REGIONAL TRAIL (DEVELOPER) 4,725 LF / 0.89 MI
	TOTAL TRAILS = 46,110 LF / 8.73 MI
REFERENCE LAND USE PART OF OVERALL / ORIGINAL HERON LAKES P.U.D. (NO LONGER A PART)	
	HERON LAKES OPEN SPACE GOCO PARCELS (PART OF ORIGINAL HERON LAKES PUD)
	TOTAL 43,266 AC
	TOWN OF BERTHOUD PARKS / OPEN SPACE (PART OF ORIGINAL HERON LAKES PUD)
	KNIEVEL 90,544 AC
	TOTAL OPEN SPACE 133,810 AC
*IF ORIGINAL HERON LAKES OPEN SPACE AND TOWN OF BERTHOUD PARK (KNIEVEL) WERE INCLUDED, 53% OF SITE WOULD BE OPEN SPACE	
	TOTAL ORIGINAL HERON LAKES ACREAGE 721,867 AC
	TOTAL ORIGINAL BADGER ACREAGE 155,50 AC
	TOTAL PROJECT ACREAGE 877,367 AC

*ALL ACREAGES ARE APPROXIMATE



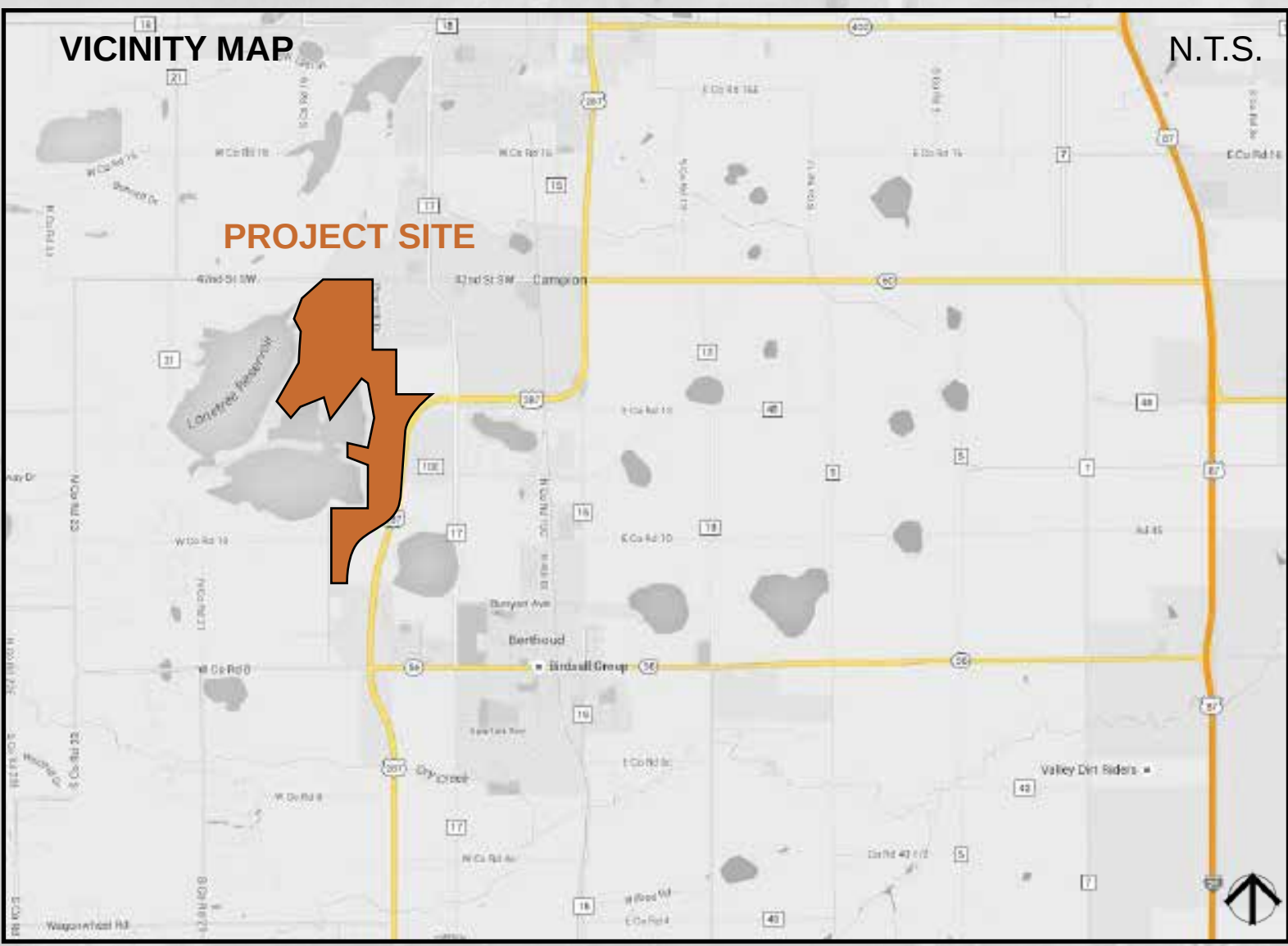
Arthur Schaupeter
GOLF COURSE ARCHITECTS
59 Willow Brook Drive - St. Louis, Missouri 63146
Telephone: 314-997-6229 Fax: 314-997-2704
American Society of Golf Course Architects



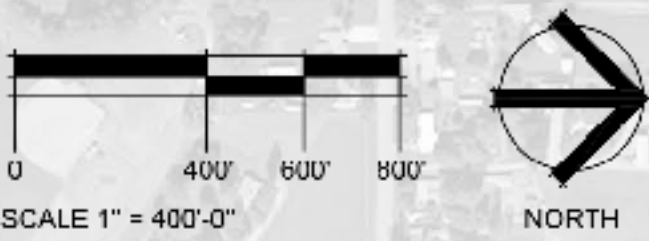
TB GROUP
landscape architecture | planning | illustration

444 Mountain Ave.
Berthoud, CO 80513

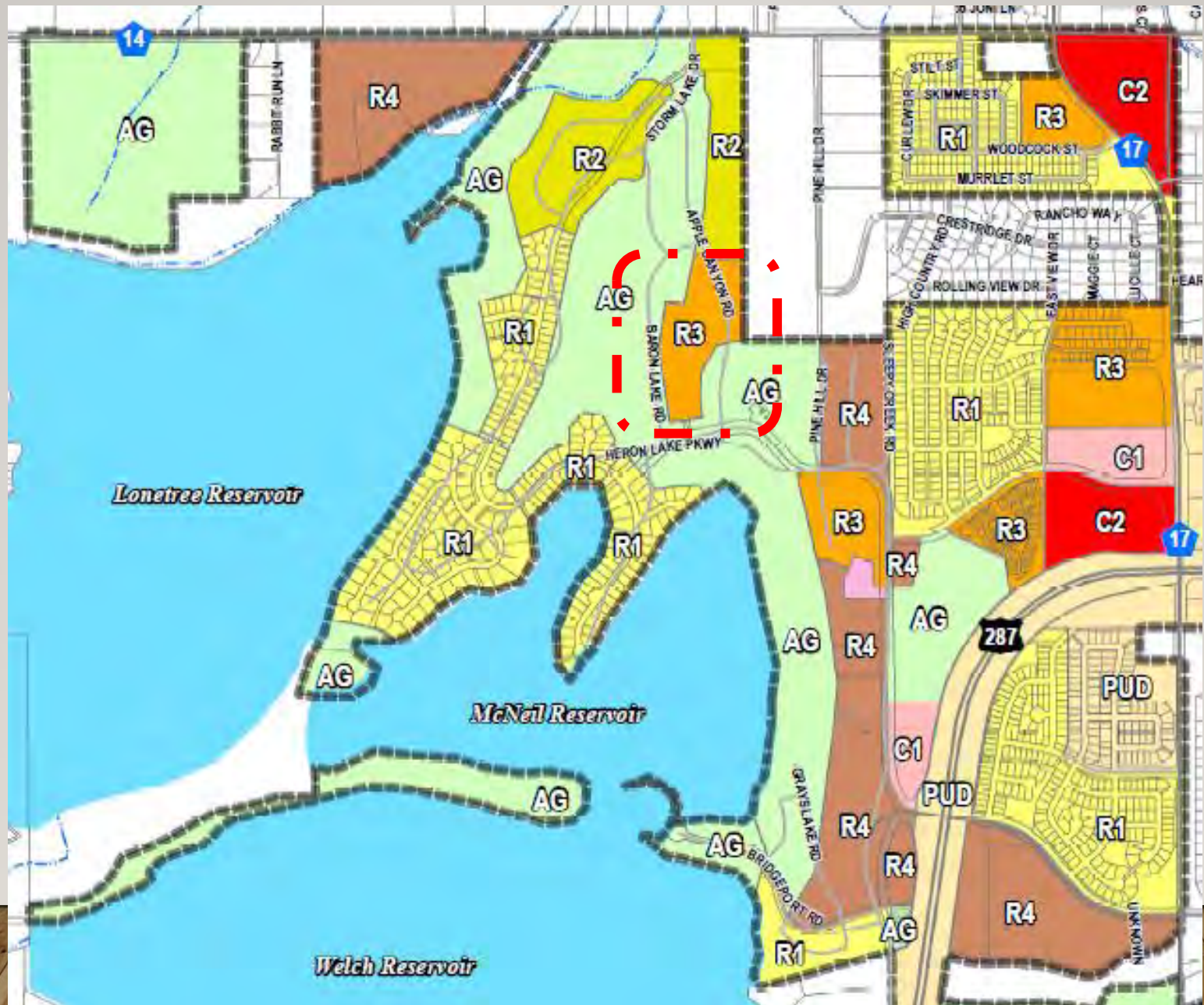
TEL 970.532.5899
WEB TBGroup.com



HERON LAKES PLAT KEY	
	HERON LAKES 1ST FILING
	HERON LAKES 2ND FILING
	HERON LAKES 2ND FILING GOLF TRACTS
	HERON LAKES 3RD FILING / PH1 INFRASTRUCTURE
	HERON LAKES 4TH FILING
	HERON LAKES 5TH FILING
	HERON LAKES 6TH FILING
	HERON LAKES 7TH FILING
	HERON LAKES 8TH FILING
	HERON LAKES 9TH FILING
	HERON LAKES 10TH FILING
	HERON LAKES 11TH FILING
	HERON LAKES 1ST ADDITION



ZONING



PREFERRED LAND USE

