



**Garden
Spot of
Colorado**

807 Mountain Avenue | PO Box 1229 | Berthoud, CO 80513 | O: 970.532.2643 | F: 970.532.0640 | Berthoud.org

TOWN OF BERTHOUD PLANNING COMMISSION

TOWN HALL

807 Mountain Avenue

THURSDAY, January 13, 2022

6:00 P.M.

1. Call to Order

2. Roll Call

Jan Dowker, Chairwoman
Sean Murphy, Secretary
Karen Anderson
Abigail Smith

Jeff Butler, Vice Chair
Karl Ayers
Chris Kurtz

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 December 9, 2021 Planning Commission Meeting.

4. Public Hearing: R & R Storage Conditional Use and Waiver Request, Byron Shockley.

5. Reports.

6. Adjourn.

The Planning Commission Meeting will be held both in person in the basement of Town Hall and virtually through Zoom at <https://us02web.zoom.us/j/87204300248> and can be accessed by the following Meeting ID number or by using the call-in phone number:

Meeting ID: 872-0430-0248

Call-in Number: +1 (669) 900-6833

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



Planning Commission Minutes – December 09, 2021

1. Call to Order – The Planning Commission convened a regular meeting on December 09, 2021. Chairwoman Dowker called the meeting to order at 6:02 p.m.

2. Roll Call – Members present:

Jan Dowker	(Chairwoman)
Jeff Butler	(Vice Chair)
Sean Murphy	(Secretary)
Karl Ayers	(Commissioner)
Karen Anderson	(Commissioner)
Chris Kurtz	(Commissioner)

Staff present:	Curt Freese	(Director)
	Adam Olinger	(Planner)
	Jonathan Mitchell	(Permit Technician)

3. Consent Agenda – Minutes from the October 28, 2021 Planning Commission Meeting.

MOTION made by Commissioner Anderson.

SECONDED by Commissioner Murphy.

With all in favor, THE MOTION CARRIED.

Commissioner Dowker proposed switching the order of agenda items 04 and 05. With no one opposed, the items were changed.

4. Public Hearing: Hammond 6th Filing Preliminary Plat (Kristin Turner, Agent)

Planner Olinger introduced the project, which proposes the creation of 61 new single family attached lots, a small park, and open space on 14.16 acres of land.

Agent Turner continued explaining the plat.

Public Comment was opened at 6:27 p.m.

Kathy Benefield was concerned with the rapid growth adding to issues dealing with water pressure, and on-street parking issues.

Public Comment was closed at 6:28 p.m.

Agent Turner explained the development's parking plan and on-street parking space availability.

Robbie Lauer (Engineer) addressed the water pressure concerns with this project.

Planner Olinger said he would get further information regarding water pressure in the existing subdivision from the Town Director of Water Utilities at time of final plat.

Commissioner Ayers clarified that the Planning Commission role for this project is not to vote on whether or not growth should be allowed at this location in Berthoud, but to vote on the layout and design of the project.

Commissioner Butler shared the same concern with the parking space issues.

Planner Olinger and Agent Turner provided additional information on the parking shown on the plan.

MOTION made by Commissioner Butler to APPROVE the Hammond 6th Filing Preliminary Plat, finding that it satisfies Section 30-6-107 B., with the following conditions:

- 01. All lots abutting an alley are to be rear-loaded from the alley;**
- 02. All sidewalks are detached;**
- 03. More landscaping is installed at the end of the northeastern alley (adjacent to Lot 14) to better screen the alley from CR 10E.**

SECONDED by Commissioner Murphy.

With all in favor, THE MOTION CARRIED.

Commissioner Dowker excused herself from the meeting at this time.

5. Public Hearing: Creekview Preliminary Plat (Kristin Turner, agent)

Planner Olinger introduced the Trails at Creekview Preliminary Plat, proposing the creation of 481 new single family detached and attached lots, three parks, and open space on 141.19 acres of land.

Agent Turner further explained the preliminary plat—381 lots will be developed, mainly single family detached lots with a mixture of townhomes and paired homes.

Public Comment was opened at 7:33 p.m.

Public Comment was closed at 7:35 p.m.

All the commissioners expressed favorable opinions over the new layout near Hillsdale Park.

MOTION made by Commissioner Anderson to APPROVE the Trails at Creekview Preliminary Plat, finding that it satisfies Section 30-6-107 B with the following conditions:

- 01. The applicant continues to make every effort to obtain the trail easements for the two connections to Hillsdale Park;**
- 02. All lots abutting an alley must be rear loaded from the alley.**

SECONDED by Commissioner Ayers.

With all in favor, THE MOTION CARRIED.

5. Reports –

Everyone have a wonderful and safe holiday!

There will be no meeting on Christmas Eve.

Planner Olinger shared the wonderful tour of the Habitat for Humanity homes, and the grand opening for the Town of Berthoud Recreation Center.

6. Adjourn –

The meeting was adjourned at 8:05 p.m.



STAFF REPORT: R&R STORAGE CONDITIONAL USE AND WAIVER REQUEST

DATE: January 13, 2022

GENERAL INFORMATION		
Applicant:	Byron Shockley	Size: 1.32 acres
Site Location:	This property is located at the northwest corner of County Road 10E and Clayton Pl; just south of 2221 Clayton Pl; Parcel #9411105003	
Applicant's Request:	The Applicant is requesting a conditional use to allow outdoor storage as the principal use on the property	
Current Zoning:	R-4 (Mixed Use)	
ZONING DISTRICT INFORMATION		
	<u>M-2 (Heavy Industrial)</u>	
Min. Lot Width	50'	
Front Setback	20'	
Side Setback	0' for same district; 20' different district; 30' for residential district; 20' corner side	
Rear Setback	5'	
Building Height:	50'	
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: M-2 (Heavy Industrial)	Creative Foam	N/A
South: M-2 (Heavy Industrial)	Berthoud Lake Self Storage	N/A
East: Larimer County CC (Commercial Corridor)	Larimer County Industrial Property	N/A
West: N/A, Larimer County CC (Commercial Corridor)	BNSF Railroad, Larimer County Industrial Property	N/A

PROPOSAL

The applicant is requesting conditional use approval for an outdoor vehicular storage site on approximately 1.32 acres and for three waivers to the development code. The applicant is proposing to provide additional landscaping along County Road 10E and Clayton Place, a gate at the site's entrance, and striping to the existing concrete lot.

BACKGROUND

In 2016, the Town of Berthoud made a change to its municipal code that made storage a conditional use for industrial zoned properties. This change was in response to the demand of storage centers along the majority of commercial and industrial corridors and due to the limited amount of commercial and industrial land within town. Thus, while this property is in the M-2 (Heavy Industrial) zoning district, it still requires the Planning Commission's approval before it can move forwards to a site plan.

Should this conditional use proposal be approved, it will run with the land in perpetuity (i.e. another business could buy the site and continue to run the operation with any conditions of approval placed on it at this time).

CONDITIONAL USE APPROVAL PROCESS

Conditional uses, or uses by special review, are intended for zoning land uses which may fit into the surrounding area if specific conditions of approval are placed upon them. These are uses which may create negative externalities (noise, aesthetics, traffic, etc.), that may either be made to fit within the surrounding uses with reasonable conditions to mitigate the use; or they are uses that should be turned down as they are not compatible with the surrounding area. The Planning Commission acts as quasi-judicial body during Conditional Use applications. Therefore, any conditions placed on approval, must have reasonable nexus to the use being approved. Conditional Use conditions placed on the property run with the use and the property and continue throughout the legal existence of the use. Should a condition of approval not be followed, the PC and the Town has the authority to cause a rehearing, and potentially turn down the use, or place new conditions upon it.

WAIVERS

If the Planning Commission chooses to approve the conditional use request, the applicant is also requesting four waivers from the development code. These will only be heard if the Planning Commission chooses to approve the Conditional Use request. The waivers are as follows:

1. Section 30-2-112 E. 1. ii Shrub Requirements: The applicant is requesting to be required to plant only just over one quarter of the shrubs required by the municipal code.
2. Section 30-2-107 B. 2-3 Sidewalk Requirement: The applicant is requesting to be exempt from the construction of sidewalks along Clayton Pl and County Road 10E throughout their property's frontage.
3. Section 30-2-112 B. 3. e Irrigation Drip System and Moisture Sensor Requirement: The applicant is requesting to be exempt from installing an irrigation drip system and moisture sensor in the landscaped portion of the site.
4. Section 30-2-112 E. 1. v "Screening for Storage Areas": The applicant is requesting to be exempt from providing screening to the railroad tracks to the west and to the industrial property to the north.

As items such as landscaping, screening, and pedestrian connectivity have important roles within the Development Code and the Comprehensive Plan, and as all of the waivers requested are to alleviate hardship created by the applicant, staff would strongly caution against accepting any of the waivers requested.

PREFERRED LAND USE

The Town's Preferred Land Use Map designates this area as Innovation District (purple on the map), with employment centers that focus on research & development, technology, marketspaces, and other commercial and light industrial uses.

- x. An outdoor storage area does not comply with the Preferred Land Use Map, as it does not create spaces for industrial, manufacturing, or commercial businesses like the Innovation District entails.

PRELIMINARY PLAT CRITERIA

The criteria in Section 30-3-106 C. of the Development Code for a Preliminary Plat requires the following criteria to be met (with Staff analysis regarding each point below):

1. The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.
 - ✓ This conditional use request will satisfy all provisions of the zoning code and subdivision regulations that a variance is not being requested for.
2. The conditional use will conform with or further the goals, policies and strategies set forth in the Town of Berthoud Comprehensive Plan.
 - x. The conditional use will not conform with or further the goals of the Berthoud Comprehensive Plan. The Comprehensive Plan designates all of the land west of 1st St, east of the railroad tracks, north of Mountain Ave, and south of Hwy 287 as a part of the Innovation District. The goal of this district is to create spaces for technical businesses, employment centers, commercial uses, or other forms of land uses consistent with the existing uses in this area. An outdoor storage facility does not facilitate any of these uses. In addition, outdoor storage is a passive use that does not require much upkeep or maintenance. Because of this, it is unlikely (even if the property is sold to another owner) that this use changes to a comprehensive plan supported use anytime in the near future.
3. The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
 - ✓ The conditional use can be adequately served by public utilities, as there are utility lines under/along County Road 10E that the site can tie into.
 - ✓ The conditional use would not impose an undue burden above and beyond those of the permitted uses of the district.
4. The conditional use will not substantially alter the basic character of the district in which it is in or impair the development or redevelopment potential of the district.
 - ✓ The conditional use would not substantially alter the basic character of the district it is in
 - x. The conditional use may impair the development or redevelopment potential of the district if the variances are approved. The lack of proper landscaping, screening, and pedestrian connectivity could inhibit the development/redevelopment of the nearby sites.

5. The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
 - ✓ The conditional use will not have a significant traffic impact to the adjacent sites.
 - x. The conditional use would have negative effects on pedestrians if waiver #2 is approved.
6. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address impacts including: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.
 - x. The applicant has only proposed a landscape screening on the southern and eastern edges of the property, with the western and northern property lines left without vegetation. The applicant has also only proposed a chain link fence (with the preference of not installing nylon webbing) on all four sides. The applicant is requesting a waiver from this requirement.
7. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.
 - ✓ The applicant is aware of the need for a site plan submittal should this conditional use be approved

WAIVER CRITERIA

The criteria in Section 30-3-109 C. of the Development Code for a Preliminary Plat requires the following criteria to be met (with Staff analysis regarding each point below):

1. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.
2. The waiver, if granted, is the minimum waiver of applicable Code provision that will afford relief and is the least modification possible of the Code provisions which are in question.
3. That such practical difficulties or unnecessary hardship has not been created by the applicant.
4. The waiver would substantially alleviate an existing, defined and described problem of Town-wide concern or would result in a substantial benefit to the Town by reason of the fact that the proposed project would address an important community need.
5. The plan as submitted will promote the general purpose of the standard for which the modification is requested, equally well or better than a plan which complies with the standard for which a modification is requested.

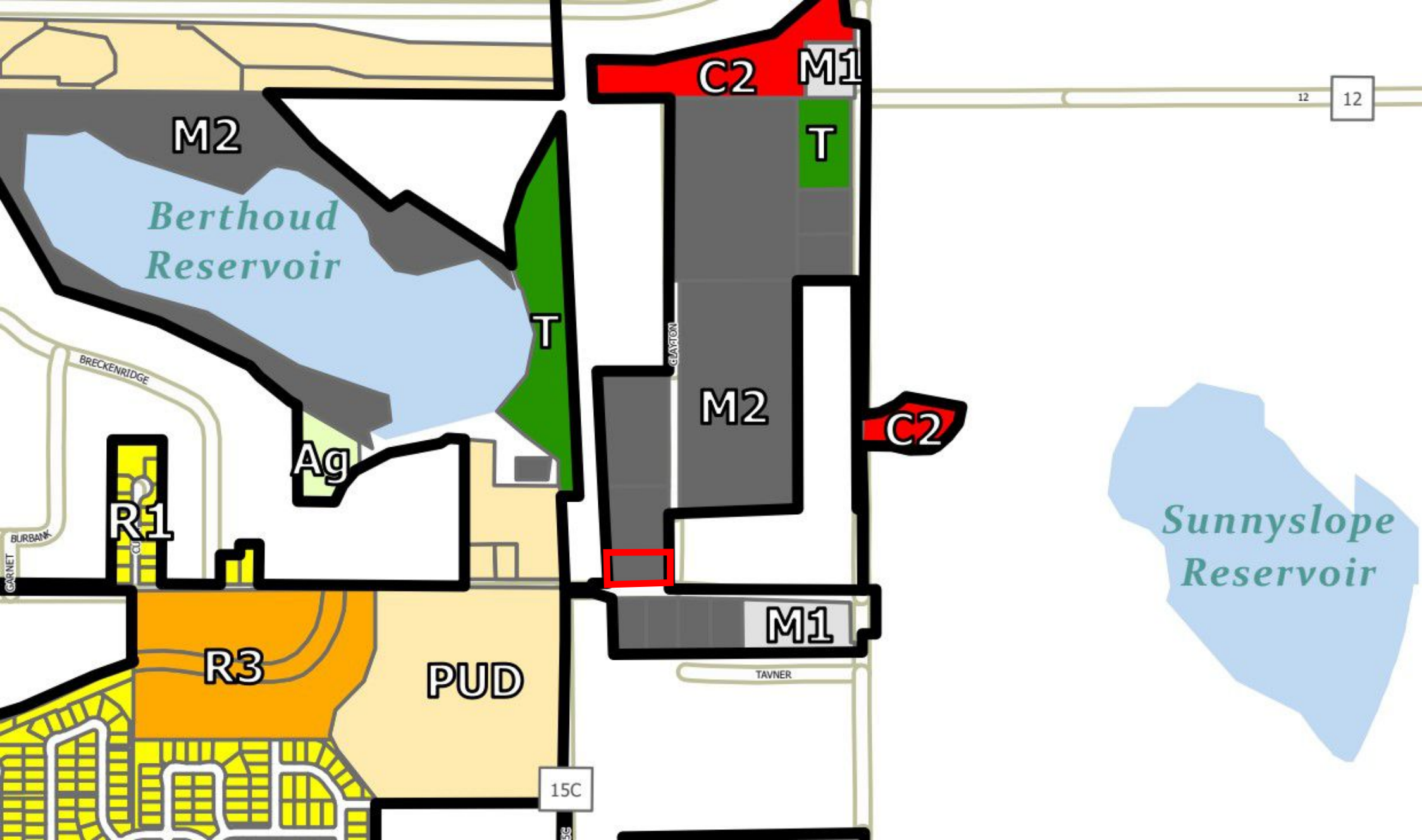
PUBLIC NOTICE AND COMMENT

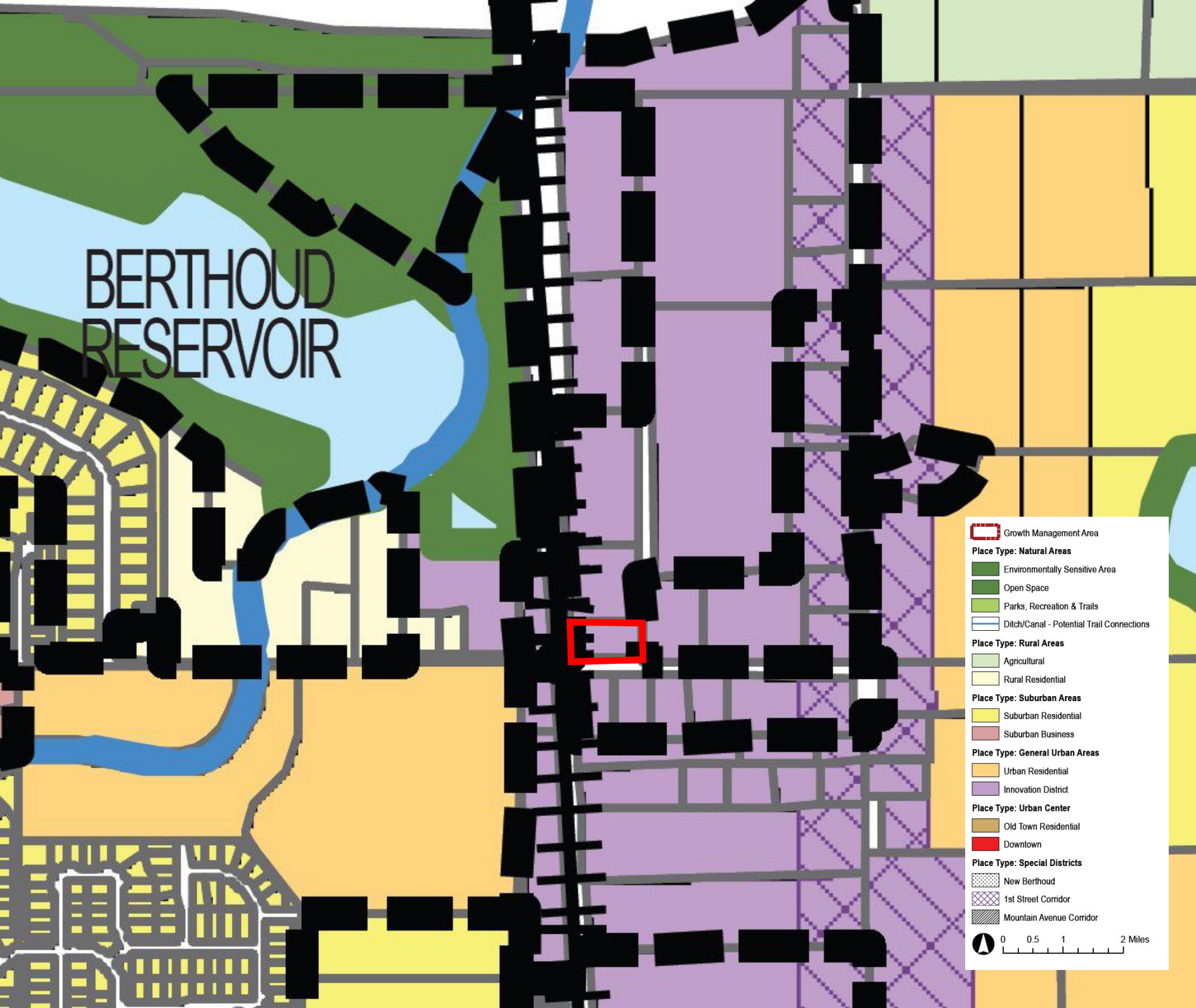
Notice of the Town Board Public Hearing has been mailed to property owners within 300 feet of the subject property, a legal ad published, and the property was posted as required by the Development Code. In addition, the application was sent out to all property owners within 300 feet, with an invitation to comment on the request within three weeks of receipt.

FINDINGS AND RECOMMENDATIONS

Staff recommends a motion to deny the R&R Storage conditional use request, finding that it does not satisfy Section 30-6-107 B. 2, 4, 5, & 6. (found on page 4 and 5 of this staff report).

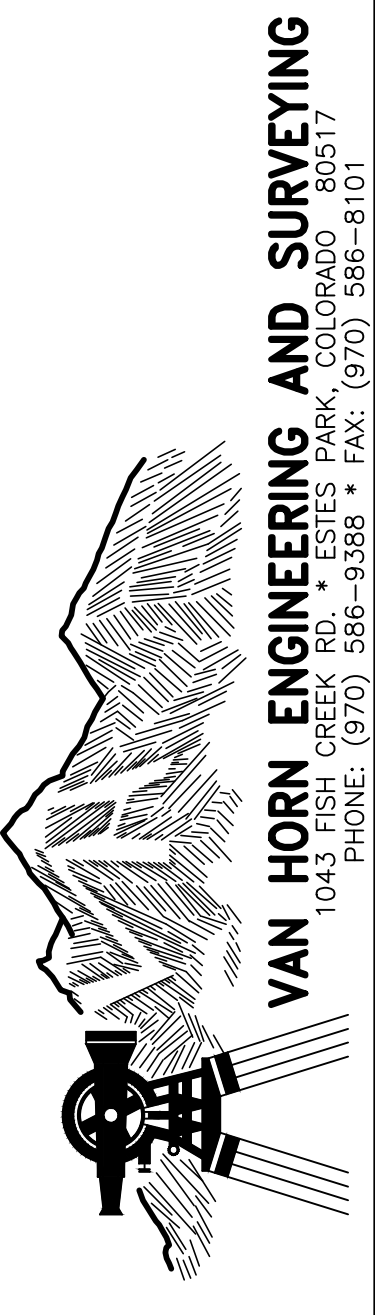
**ZONING
AND
PREFERRED
LAND USE
MAP**





**CONDITIONAL
USE
SUBMITTAL**

DATE	REVISION	BY
11-11-21	THIRD SUBMITTAL	LAS



FILE NO. 580-F0638686-383-JNB

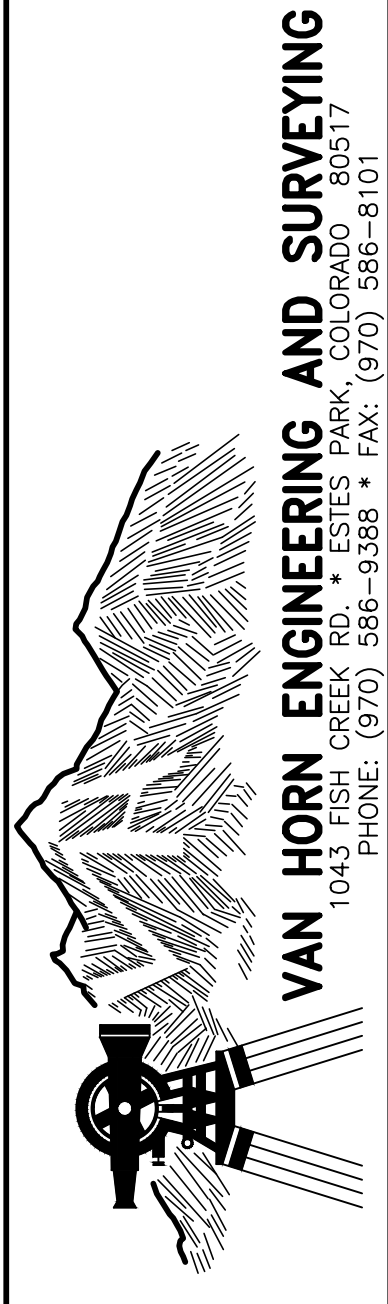
LOT 3, HIGH GROUND INDUSTRIAL PARK,
TOWN OF BERTHOUD,
COUNTY OF LARIMER,
STATE OF COLORADO

LOT AREA: 1.32 ACRES

DRAWN BY:	LAS
CHECKED BY:	JSS
SCALE	1"=20'
DATE:	6-03-2021
SHEET	
1	
OF	
3	
PROJ. NO.	2019-06-17

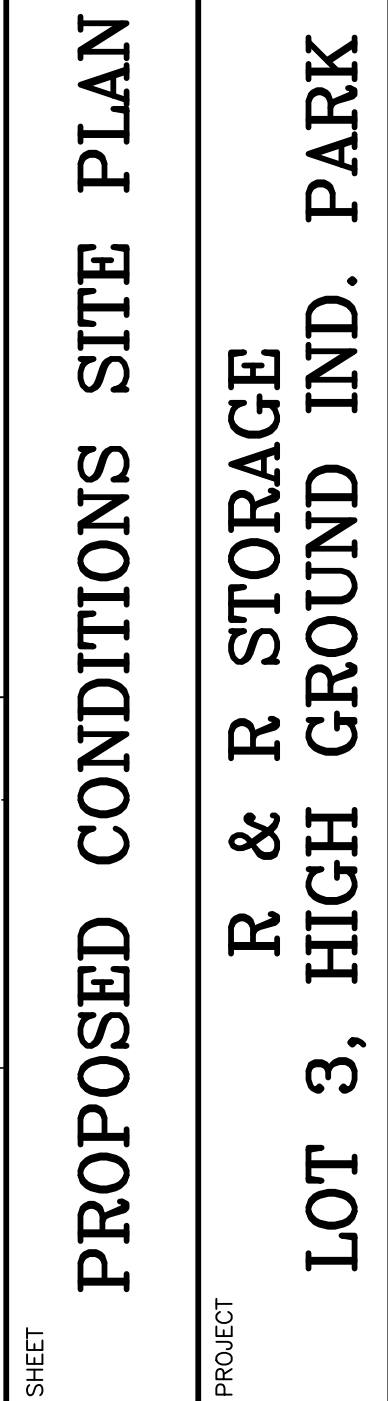
DATE	REVISION	BY
11-11-21	THIRD SUBMITTAL	LAS

LOT AREA: 1.32 ACRES



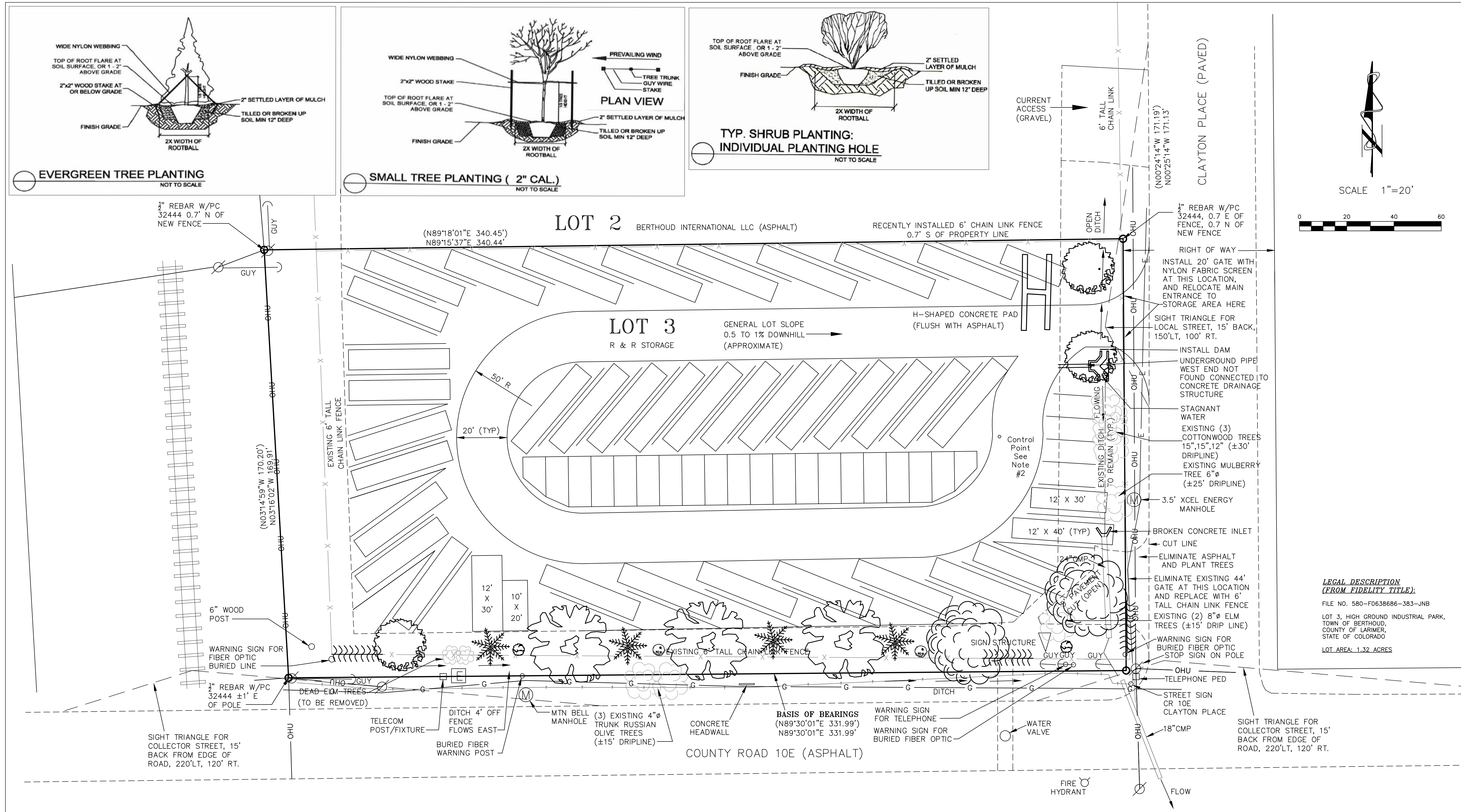
5. NO EXPLOSIVES OR FUEL STORAGE WILL BE ALLOWED. THIS REQUIREMENT/CONDITION WILL BE ON EVERY RENTAL AGREEMENT.

7. NO UTILITY CONNECTIONS ARE PROPOSED AT THIS TIME OR NEEDED FOR THE PROPOSED PARKING AND STORAGE USES.



PROJ. NO.	2019-06-17
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PROPOSED LANDSCAPE SITE PLAN FOR R & R STORAGE
LOT 3, HIGH GROUND INDUSTRIAL PARK, TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO.



PLANT SCHEDULE:

TYPE OF PLANTING	QUANTITY	SIZE	HEIGHT/SPREAD	BOTANICAL OR COMMON NAME
CANOPY TREES (DECIDUOUS)				
ELM	3	2" TRUNK	50'/30'	ULMUS MINOR - FIELD ELM
AMUR CHOKECHERRY	3	2" TRUNK	25'/20'	PRUNUS MAACKII - 4 SEASON CHOKEBERRY TREE
EVERGREEN TREES (CONIFER)				
BLUE SPRUCE	2	6" TALL	60'/30'	PICEA PUNGENS
JUNIPER	4	15 GALLON	30'/15'	JUNIPERUS SCOPOLORUM-ROCKY MOUNTAIN JUNIPER
SHRUBS				
DOGWOOD	2	5 GALLON	5'/7'	CORNUS SERICEA ISANTI - ISANTI RED TWIG DOGWOOD
SUMAC	2	5 GALLON	10'/8'	RHUS TRILOBATA - SKUNKBUSH OR 3 LEAF SUMAC
VINES				
TRUMPET VINE	1	5 GALLON	20'/8'	CAMPISIS X TAGUIABUANA
VIRGINIA CREEPER VINE	2	5 GALLON	15'/6'	PARTHENOCISSUS QUINQUEFOLIA
TOTAL NEW PLANTINGS	19			
PERCENTAGE OF TREES = 12 OF 19 OR 63% OF NEW PLANTINGS ARE TREES.				

LANDSCAPING NARRATIVE:

- ADDRESSING CHAPTER 30 OF THE BERTHOUD MUNICIPAL CODE, THE FOLLOWING AS RELATED TO LANDSCAPING/SCREENING FOR THIS PROPOSAL IS OFFERED.
- FIVE (5) TREES EXIST ON SITE NEAR THE PERIMETER BOUNDARY. ONE IS DEAD (TO BE REMOVED).
- A WAIVER TO THE SCREENING REQUIREMENT ON THE WEST SIDE IS PROPOSED. THE WEST SIDE OF THE PROPERTY IS A RAILROAD RIGHT-OF-WAY AND OPPOSITE THE RAILROAD IS EXISTING STORAGE WITH NO SCREENING. AN EXISTING FENCE DOES EXIST ALL AROUND THE SUBJECT PROPERTY AND WILL REMAIN.
- A WAIVER TO THE CODE REQUIREMENT OF AUTOMATIC DRIP IRRIGATION IS ALSO REQUESTED. THERE ARE NO CURRENT OR PROPOSED STRUCTURES(S) ON THE PROPERTY NOR AN EXISTING WATER TAP. THE OWNER WILL SIGN A GUARANTEE LETTER AND TAKE RESPONSIBILITY FOR IRRIGATING THE NEW TREES AND GUARANTEEING THEIR SURVIVAL ACCORDING TO THE CODE REQUIREMENT.
- GIVEN THE EXISTING TREES, FEATURES, AND UTILITIES ON SITE, THE PROPOSED LANDSCAPING/TREES/VINES CONSISTS OF 19 TOTAL. ACCORDING TO PAGE 267 OF CHAPTER 30, FOR A NEW STORAGE PROPOSAL IN ANY INDUSTRIAL ZONE WOULD IDEALLY REQUIRE 19 TREES TOTAL BASED ON THE 15% "LANDSCAPED AREA". THE SUBJECT PROPERTY IS PROPOSED TO INCLUDE 28 PLANTINGS TOTAL (INCLUDING THE EXISTING TREES), AND THIS SITE HAS BEEN USED FOR OUTSIDE STORAGE FOR DECADES. SEE PLANT SCHEDULE TABLE, THIS SHEET.
- THE EXISTING TREES, FEATURES, AND UTILITIES ON SITE, THE PROPOSED LANDSCAPING/TREES/VINES CONSISTS OF 19 TOTAL. ACCORDING TO PAGE 267 OF CHAPTER 30, FOR A NEW STORAGE PROPOSAL IN ANY INDUSTRIAL ZONE WOULD IDEALLY REQUIRE 19 TREES TOTAL BASED ON THE 15% "LANDSCAPED AREA". THE UTILITIES ALONG THE SOUTH LINE (FIBER, ELECTRIC, PHONE) ARE WITHIN THE RIGHT-OF-WAY AND AWAY FROM PROPOSED PLANTINGS.
- EACH NEW TREE WILL INCLUDE A 3 FOOT DIAMETER MULCH RING AS PER CODE.
- THE PROPOSED TREES AS SHOWN MEET THE MINIMUM CODE REQUIRED SIZE AND ARE SHOWN AT THE MATURE DRIP LINE SIZE, OR "SPREAD". A WAIVER IS REQUESTED FOR THE NUMBER OF SHRUBS (FROM 40 DOWN TO 4). VINES ON THE SECURITY FENCE ARE PROPOSED AND THERE IS NO RECIPROCAL NEIGHBORHOOD SCREENING.
- PROPOSED VINES ON THE EAST AND SOUTH SIDE OF THE EXISTING CHAIN LINK FENCE WILL BE TRUMPET (ALONG 10E) OR VIRGINIA CREEPER (ALONG CLAYTON). VINES.
- A WAIVER TO THE REQUIREMENT TO ADD SIDEWALKS ALONG CLAYTON PLACE AND COUNTY ROAD 10E IS ALSO INCLUDED WITH THIS SUBMITTAL. THERE ARE NO SIDEWALKS ANYWHERE NEAR THIS PROPOSAL TO CONNECT TO.

PROPOSED AND EXISTING TREES:

- PROPOSED BLUE SPRUCE (30' SPREAD) - 2 PROPOSED - 6" TALL MIN.
- EXISTING TREES AS NOTED - 9 EXISTING (CLUSTERS).
- PROPOSED ELM (30' SPREAD) - 3 PROPOSED - 2" MIN.
- PROPOSED CHOKECHERRY (20' SPREAD) - 3 PROPOSED - 2" MIN.
- PROPOSED ROCKY MOUNTAIN JUNIPER (15' SPREAD) - 4 PROPOSED
- PROPOSED VINES ON EAST AND SOUTH FENCES - 3 PROPOSED, SEE NOTE 9
- PROPOSED DOGWOOD SHRUBS ON CR 10E FRONTAGE - 2 PROPOSED
- PROPOSED SUMAC SHRUBS ON CR 10E FRONTAGE - 2 PROPOSED

LEGEND

EXISTING TREE OR BUSH	
ELECTRIC PEDESTAL	
MANHOLE	
OVERHEAD UTILITY LINE	
BURIED ELECTRIC LINE	
BURIED TELEPHONE LINE	
BURIED GAS LINE	
GUY WIRE	
OVERHEAD UTILITY POLE	
FOUND 1/2" REBAR WITH PLASTIC CAP #32444 (UNLESS OTHERWISE NOTED)	
MEASURED DIMENSIONS	00.00
PLATTED DIMENSIONS	(00.00)

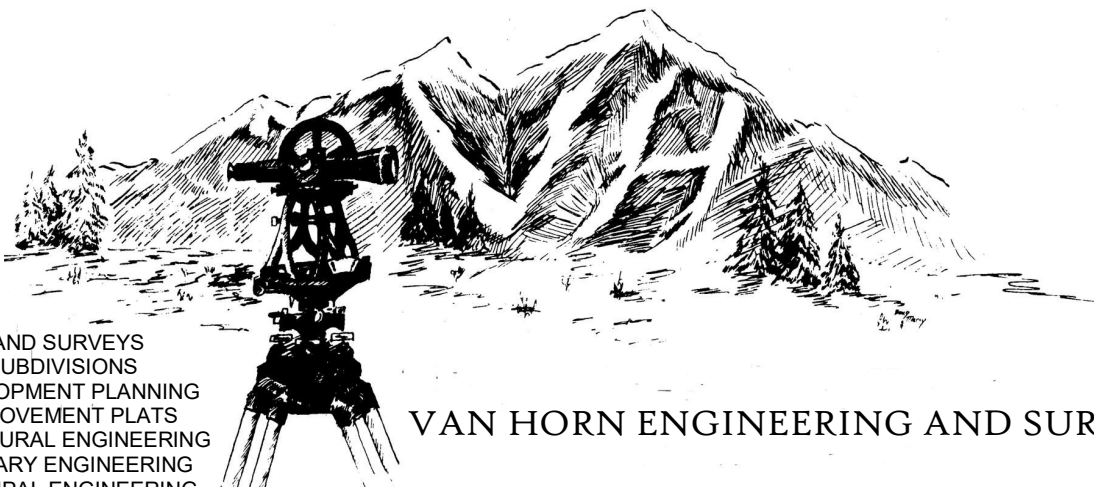
BY	LAS
REVISION	
DATE	11-11-2021
THIRD SUBMITTAL	

VAN HORN ENGINEERING AND SURVEYING
1043 FISH CREEK RD. • ESTES PARK, COLORADO 80517
PHONE: (970) 586-9388 • FAX: (970) 586-8101

PROPOSED LANDSCAPE SITE PLAN
R & R STORAGE
LOT 3, HIGH GROUND IND. PARK

SHEET	3
PROJECT	3
DRAWN BY:	LAS
CHECKED BY:	JSS
SCALE	1"=20'
DATE:	7/20/21
SHEET	3
OF	3
PROJ. NO.	2019-06-17

WAIVER SUBMITTAL



LAND SURVEYS
SUBDIVISIONS
DEVELOPMENT PLANNING
IMPROVEMENT PLATS
STRUCTURAL ENGINEERING
SANITARY ENGINEERING
MUNICIPAL ENGINEERING

VAN HORN ENGINEERING AND SURVEYING

November 29, 2021

TO: Adam Olinger, Planner 1, Town of Berthoud, Colorado (aolinger@berthoud.org)

RE: Variance – Waiver to four (4) Code requirements for R & R Storage, 2221 Clayton Place, Berthoud, Colorado.

This is a Narrative explaining reasoning, conditions, and hardship for four (4) Code required items for a Conditional Use including Outdoor Storage in the M2 zoning district as related to the proposed R & R Storage application.

Requested Waiver #1

Code Requirement 30-2-112 E.1.ii (Shrub Requirements):

The area of the subject parcel is 1.32 acres and the required Landscape Area is 15% of that or 8625 s.f. A tree per 1000 s.f. of Landscape Area is required which makes 9 trees required to meet Code. The applicant is proposing 12 trees or 3 more than the requirement. The Code allows the substitution of 6 bushes for one tree and we have 3, 'extra' trees which equates to 18 bushes. We are proposing 4 bushes to fit in with the trees along the frontage of CR 10E (which is our 'target' screening frontage). Planning suggested in an email (6-7-21) that since our storage is outside, trees – larger trees – would shield the proposed storage better. The west and north sides (half of the project) are not proposed to be screened (see Waiver #4 below), so if we emphasize tree use and use the Code requirement of 1 bush per 150 feet of Landscape Area, 86 would be required with this application. Cutting that in half for Waiver 4 as requested gives 43 bushes. 18 'credit' from the 3 extra trees and 4 as proposed on the attached Landscape Plan (Sheet 3 of 3) gives a 22-bush total or just more than half of the adjusted requirement.

We are also proposing three areas of vines to be planted alongside the existing chain link fence that exists. These vines will cover the fence and screen higher, fuller, and more completely than will bushes.

The Code (30-2-112.B.1 (for M2 Zone) states, “Landscape improvements shall be designed to complement and enhance character of the existing neighborhood”. In Code Section 30-2-112-E.1.v it states that the “Landscape improvements within M2 Zoning shall be designed to enhance the overall appearance of development and to integrate the project with adjacent land uses in the surrounding neighborhood”. It should be noted that similar land uses and zoning surrounds the subject lot and no significant screening is present on any side of the subject lot. The proposed landscaping and screening will enhance the overall appearance and be far in excess of the adjacent land uses landscaping or screening.

Requested Waiver #2

Code Requirement 30-2-107.B.2 and 3 (Sidewalk Requirement for 5’ wide along Local and Collector Roads and 8’ width on Arterial Roads):

In the Technical Review Response (August 10, 2021), the Planning Department stated that, *“A 5’ sidewalk will need to be constructed along Clayton Place and an 8’ sidewalk will need to be constructed along CR 10E, per Section 30-2-107B.3.”*

Note that the applicant had had several meetings and or correspondence with the Planning Department prior to this requirement being included (TRC comments dated 9-14-2020, Zoom meeting 4-7-2021, email 6-7-2021 (landscape comments), and in person meeting with Adam and Curt on 6-10-2021. This sidewalk requirement came after possibly 4 prior chances for this large-scale unexpected requirement.

It should also be noted that the nearest sidewalk to this proposed Conditional Use project is (from Google Earth): 2175’ to the west, more than a mile to the north and east, and 1500’ to the southwest.

There are no schools, public transit or walking attractions near to this site. Bicycles generally use the roadside and there are no walking paths along the road to show a need for a sidewalk. A sidewalk would not connect to another in any foreseeable future date. It is not likely that the few pedestrians or bike riders would shift and use the sidewalk(s) for the relatively short frontage distances only to shift back when not adjacent to the site. These sidewalk features are something the Town would have to maintain and they would take up space in the current right-of-way. Grading would be required to install these features which would impact the existing drainage situation on site.

There is a question on the 8’ width requirement for CR 10E (as an Arterial?). County Road 10E has been termed a Collector at most in previous correspondence.

There is also a question as to who has jurisdiction on the road rights-of-way.

- Question: In an earlier submittal, the County suggested that the Town annex the roadways (Clayton and 10E) adjacent to the site. The Town said they were not interested in annexation. We understand the current County GIS info shows that these roads are not annexed into the Town.

Note that the north 30' of right-of-way on 10E was dedicated to the Town of Berthoud (not to Larimer County) in January of 2015 on the High Ground Industrial Park Plat. We are also aware of an Annexation Map at Reception No. 19990085385 that appears to indicate the entire property is within the limits of the Town of Berthoud (which we all knew). The question is if the Town has jurisdiction in the R-O-W (if the County accepted that land). If the Town accepted that land (annexed it), I suppose there is no question. Who owns, and who will maintain a sidewalk if it is installed with this application?

Lastly, on this topic, the Code (Section 30-2-117) states, "Walkways must be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access." There are no points of pedestrian origin or destination, and there is nothing to align with for over 1500' in any direction with this proposed outside storage proposal.

Requested Waiver #3

Code Requirement 30-2-112.B. 3.e (Irrigation Drip System and Moisture Sensor Requirement).

This application includes no structures and no change in impervious surfacing, and no change in stormwater drainage (the lot is basically all covered with pavement now). There will be no need for domestic water on the site as there will be no employees on site, no buildings or bathroom facilities are proposed.... There will be a need for irrigation to the proposed landscaping and the owner (applicant) will guarantee that the landscaping planted will survive for the Code required term. It is in his best interest to keep the trees, bushes and vines irrigated. He is planning for a tank/truck and hose setup and all plantings are within a short distance of the internal access loop on site. He is considering a tap onto the domestic waterline that was not painted located recently, but there are cuts in the asphalt that indicate it is located along the east line of the subject lot. In any case, this request is asked with good awareness that the applicant will need to spend time on site. He (or an associate or an employee) will be there often monitoring the proposed use on site and watering the landscaping that is proposed to be planted).

Requested Waiver #4

Code Requirement 30-2-112.E.1.v (Screening for storage areas from public right of way or adjacent properties).

Waiver #1 above relates to, and introduced, this additional waiver request. The west side of this development is a railroad right of way (ROW). That ROW appears (like most railroad grounds) to have been sprayed with ground sterilant to prevent weeds from growing. Any plantings along this western side would likely not grow anyway. To screen the storage from the train (not a full-time neighbor) or ROW does not seem to be important. Across on the west side of the ROW is more land with the same M2 zoning and there is outside storage there now with no screening. We realize that use is

long standing and not asking for approval now. A wood fence is not attractive due to cost, likely wind damage, maintenance (blow trash) and likely graffiti or tagging vandalism. There are no other wood fences near this area of Town. The existing chain link fence could be fitted with nylon webs or slats, but this would not be the preference of the applicant for the above listed lack of screening needs and conditions. Chain link fencing with or without slats is cited as not acceptable at the above referenced Code section. The same is basically true for the north side of the property where outside storage exists at present and the same M2 zoning exists for that property.

Thank you for your consideration of these waivers to the Code. Please also see Sheet 3 of 3 that has been submitted and is attached to show the proposed site development and landscaping offered.

PUBLIC COMMENT

From: [Justin Erion](#)
To: [Curt Freese](#); [Adam Olinger](#)
Subject: Comments regarding R&R Storage
Date: Wednesday, September 2, 2020 1:42:15 PM

Community Development Department,

We received the "Neighborhood Notice" regarding an OPEN storage proposal submitted by "R&R Storage". The proposal appears to be for boat and RV as well as some container type storage located across the street from our Storage facility Berthoud Lake Storage (BLS) We do not have an issue with storage in this area, however we do have concerns with the proposal site plan as provided with the Neighborhood Notice.

1. County Road 10E is and will become a gate way road to the new Berthoud Reservoir park master plan, TPC, and new housing developments we feel open storage without proper setbacks of new attractive fencing (not chain-link), adding proper landscaping along the road side and of course aesthetically pleasing screening (Not the proposed Nylon) of the stored contents would be a missed opportunity to start improvement of this corridor.
2. As discussed in our CRT review for BLS expansion it was mentioned that County road 10E is planned to be wider and may require a center turn lane at Clayton Place road which is why we are planning to align our new entry with Clayton Place. It seems to be the best time to require adequate setbacks of the Fence, landscaping, and screening to accommodate the future expansion of the road way and turn lane.
3. The proposed access to R&R storage from Clayton Place appears to have an adequate set back from county Rd 10E, however the access gate placed right at the edge of Clayton Place may cause some traffic issues as large RV and boat rigs try to come and go possibly blocking traffic. The gate should be set back far enough into the facility to allow a truck and RV or boat to pull completely off the road to access the gate.

From: [Justin Erion](#)
To: [Curt Freese](#); [Adam Olinger](#)
Subject: Comments on R & R Storage proposal neighborhood notice
Date: Monday, August 9, 2021 11:09:12 AM

Hello,

Dear City officials of Berthoud,

The recently updated proposal for R&R storage at the corner of Clayton Place and County road 10E looks much better however I would suggest the entrance be moved still further north to the very edge of the property to allow as much distance from the intersection and future high volume of traffic that we will someday soon develop along Clayton Place road. It is only a matter of time before the warehouse sells next door and more industrial space is built. More industrial space will add more jobs and of course more heavy duty industrial truck traffic and employee traffic coming and going at the intersection of Clayton place & County Road 10E. Given the future traffic volume and issues that come with that I would strongly recommend that the gate be placed at least 45 ft and preferably 65 ft into the property to keep large RV's and truck and trailer combo's from dangerously stopping all traffic in both directions waiting for a gate to open. Most truck and 5th wheel combo travel trailers are up to 65 ft long so a minimum of 45ft should be required so both lanes of traffic as you turn on to Clayton are not blocked at the same time thus stopping and backing up traffic on County road 10E in both directions as semi-trucks & vehicles wait to turn on to Clayton place because an RV storage customer is waiting on the gate. Trust me tenants forget the gate code, or the gate is having a malfunction or the software isn't working, or they are locked out because they haven't paid the bill this happens all the time on a daily basis even with the latest and greatest equipment and software which we use.

The developer can make up some of the loss by moving the West fence to the West property line which is significantly further West than the existing fence shown on the provided plat.

One further issue or question I have is whether or not the owners of R&R storage will be required to pay their fair share of the new road which the city of Berthoud planning department told me will be required by the developer/builder of any development or construction planned on the land further North along Clayton Place.

Sincerely,
Justin Erion
Manager of Myosotis LLC