



STAFF REPORT: FARMSTEAD ACRES MINOR SUBDIVISION

DATE: February 23, 2023

GENERAL INFORMATION

Applicant:	Terra Forma Solutions, Todd Johnson agent	Size: 9.015 acres
Site Location:	This property is located north and west of the Farmstead subdivision, south of Hwy 56, and east of Fickel Farm and a rural Larimer County property.	
Applicant's Request:	The Applicant is requesting a minor subdivision to separate the existing parcel into 4 lots.	
Current Zoning:	Sommers PUD: Light Industrial uses to the north, undefined mixed use to be determined at FDP to the south. A rezoning request to change the parcel to portions of UR, SR, M-1, and C-1 will go before the Town Board on February 28, 2023	

ZONING DISTRICT INFORMATION

	<u>PUD</u>	<u>UR</u>	<u>SR</u>	<u>M-1</u>	<u>C-1</u>
Max Density	Set at FDP	N/A	N/A	N/A	24 units per acre
Min. Lot Size	Set at FDP	2,000 sq.ft. for Duplex 2,500 sq.ft. for SFR	3,000 sq.ft.	N/A	N/A
Min. Lot Width	Set at FDP	N/A	20'	50'	25'
Front Setback	Set at FDP	8'-12' build-to line	10' rear loaded	25'	0'
Side Setback	Set at FDP	0' attached side, 5' unattached side, 10' corner side	5'	20'	20'
Rear Setback	Set at FDP	5'	5'	20'	20'
Building Height:	Set at FDP	30'	30'	40'	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: C-2, RR-2	General Commercial, Agricultural	150' to Hillsdale Park
South: R-2	Single-Family Residential	N/A
East: C-1, R-1	Event Center, Single-Family Residential	N/A
West: RR-2 (Larimer County)	Agricultural	N/A

Proposal

The applicant proposes to subdivide the existing parcel into 4 lots. This minor subdivision is in conjunction with a Neighborhood Master Plan and Rezoning request that were recommended for approval by the Planning Commission at the February 9, 2023 regular meeting. If the rezoning is approved by the Board of Trustees at their February 28, 2023 meeting, this minor subdivision would subdivide the parcel along the newly created zone district lines. This would result in a 4.82-acre Urban Residential lot, a 1.10-acre Suburban Residential lot, a 2.77-acre M-1 Industrial lot, and a 0.32-acre C-1 Commercial lot.

Background

This property is currently zoned as the Sommers PUD. The PUD was approved in 2008, in conjunction with an annexation of a nonconforming industrial building. The PUD approved the nonconforming industrial building with light industrial uses on three acres, and then set future mixed use residential on the southern six acres. The prior PUD process set development standards at the FDP stage, and no submittal was made on the southern mixed-use portion. The project has had six rounds of review, with five of the reviews sent to the public notice area for public comment. A Neighborhood Master Plan and Rezoning request were recommended for approval by the Planning Commission on February 9, 2023.

Minor Subdivision Process

The minor subdivision process is intended to divide land consistent with Town of Berthoud standards when the following conditions exist:

30-6-109(A) Required Elements	Finding	Rationale
1. The property has previously been platted within the Town	Yes	The property is a previously platted parcel.
2. The resulting subdivision will produce six or fewer lots.	Yes	The proposed subdivision will create 4 lots.

Minor Subdivision Plat Review Criteria

Section 30-6-109(C) states that the town shall use the following criteria to evaluate a minor subdivision request:

30-6-109(C) Review Criteria	Finding	Rationale
1. The minor subdivision is in compliance with this Code, The Town Comprehensive Plan, and the PORT Plan.	Yes	The minor subdivision is in compliance with the code, and the overall plans show trail access points. Additionally, the minor subdivision in conjunction with the rezoning will allow for more standardized development where zone district boundaries coincide with property lines.
2. The Planning Commission shall also consider how the Applicant has addressed comments received from the public, during the Public Comment portion of the process when considering the request.	Yes	The Town has not received any public comments specifically related to the Minor Subdivision. The applicant has addressed public comments related to other portions of the overall project when designing the minor subdivision.

PUBLIC NOTICE AND COMMENT

Notice of the Planning Commission 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. No comments were received specifically related to the minor subdivision application.

FINDINGS AND RECOMMENDATIONS

Staff recommends Planning Commission approve the Minor Subdivision with the following conditions:

- 1. The applicant shall provide an updated title commitment dated no more than 30 days from the date of conditional approval.**

Attachments

1. Application form
2. Minor Subdivision



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

DEVELOPMENT REVIEW APPLICATION

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

Parcel Number(s): 9424000008		
Site Address: 533 East County Road 8, Berthoud, CO 80513		
Project Name: TBD using property address for initial applications		
Brief description of project: Rezone property from PUD to commercial/industrial/residential uses. Minor Subdivision. Neighborhood Plan.		
APPLICATION TYPE (Check as appropriate):		
<input type="checkbox"/> Annexation	<input type="checkbox"/> Preliminary Subdivision Plat	<input type="checkbox"/> Final Site Plan
<input checked="" type="checkbox"/> Rezoning	<input type="checkbox"/> Final Subdivision Plat	<input type="checkbox"/> PUD Amendment
<input type="checkbox"/> Concept Plan	<input type="checkbox"/> Plat Amendment	<input type="checkbox"/> PUD Preliminary Development Plan
<input checked="" type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Oil and Gas	<input type="checkbox"/> PUD Final Development Plan
<input type="checkbox"/> Special Use Review	<input type="checkbox"/> ROW Vacation	<input checked="" type="checkbox"/> Other <u>Neighborhood Plan</u>
APPLICANT		
Name: Todd Johnson - Terra Forma Solutions, Inc.		
E-mail: todd@terraformas.com	Mailing Address: 3465 South Gaylord Court, A304	
Phone: 303-257-7653	City/State/Zip: Englewood, CO 80113	
CONTACT PERSON (will receive correspondence from Town Staff/Referral Agencies)		
Name: Same as applicant		
E-mail:	Mailing Address:	
Phone:	City/State/Zip:	
OWNER(S) (If different than applicant)		
Name: 533 Highway 56 LLC, c/o Ryan Bond, Manager		
E-mail: ryan.bond@firehook.co	Mailing Address: 1540 Main St. STE 218-165, Windsor, CO 80550	
Phone: 970-222-9923	City/State/Zip: 1540 Main St. STE 218-165, Windsor, CO 80550	
CONSULTANT (Engineer, Surveyor, or Planner)		
Name: Same as applicant		
E-mail:	Mailing Address:	
Phone:	City/State/Zip:	

LAND USE INFORMATION	
Existing Use: House, Industrial Building and Farming/Ranching	
Proposed Use: Ind./Comc./Office/Resd.	Adjacent zoning / land use:
Existing Zoning: PUD	East Side: C1 & R1 North Side: C2 & County RR1
Proposed Zoning: (if applicable): C1/M1/Urban Residential	West Side: County RR1 South Side: R2
Number of acres: 9.015	
Proposed Access: CR8, Remuda & Tender	

UTILITY SERVICE INFORMATION	
Water: Berthoud	Sewer: Septic

PROJECT INFORMATION							
Number of proposed units: TBD 80+/- (Varies with final type) Number of phases: 1 to 2 Number of Units per phase: 40-60% Number of lots proposed: Same as above Lot size minimum: 1200 SF Lot size maximum: 2500 SF Lot size average: TBD Gross density (units/acre): TBD 10-14 Net density (units/acre): TBD 10-14 Area and percent open space: 15-20% Depends on overall areas	Non-Residential Building Area (Sq. Ft.) Proposed: Multiple +/- 22,000 SF Non-Residential Construction Floor Area Ratio Proposed: 0.20-0.25 Total Number of Parking Spaces: 30+/- <u>Acreeage of Site:</u> a. Gross: 9.015 Acres b. Right-of-Way: TBD c. Net (a-b) TBD						
	Type of Housing Proposed (please check):						
	<table style="width:100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input checked="" type="checkbox"/> Future Single Family</td> <td style="width: 50%; border: none;"><input checked="" type="checkbox"/> Townhouse</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/> Duplex</td> <td style="border: none;"><input checked="" type="checkbox"/> Condominium</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/> Multi-family</td> <td style="border: none;"></td> </tr> </table> (# of units: 80+/-)	<input checked="" type="checkbox"/> Future Single Family	<input checked="" type="checkbox"/> Townhouse	<input checked="" type="checkbox"/> Duplex	<input checked="" type="checkbox"/> Condominium	<input checked="" type="checkbox"/> Multi-family	
<input checked="" type="checkbox"/> Future Single Family	<input checked="" type="checkbox"/> Townhouse						
<input checked="" type="checkbox"/> Duplex	<input checked="" type="checkbox"/> Condominium						
<input checked="" type="checkbox"/> Multi-family							

Signatures are required for ALL Property Owners and the Applicant

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

Property Owner(s): 533 Highway 56 LLC by Date: 01 / 16 / 2022

Property Owner(s): *Ryan Bond* Manager Date: _____

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

Applicant: _____ Date: _____

FOR OFFICE USE ONLY	Received By: _____	Date: _____
----------------------------	---------------------------	--------------------

FARMSTEAD ACRES SUBDIVISION

SITUATE IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH P.M.
TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO

LEGAL DESCRIPTION AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, being the owners of the herein described parcel situate in the Northwest Quarter (NW1/4) of Section Twenty-four (24), Township Four (4) North, Range Sixty-nine West of the 6th Principal Meridian, Town of Berthoud, County of Larimer, State of Colorado, more particularly described as follows:

Commencing at the NE corner of the NW 1/4 of Section 24, Township 4 North, Range 69 West of the 6th P.M., running thence West 327.5 feet; thence South 1,330 feet; thence East 327.5 feet; thence North 1,330 feet to the Point of Beginning.

EXCEPT that portion conveyed in deed recorded September 17, 1962 in Book 1182 at Page 506. and EXCEPT that portion conveyed in deed recorded July 2, 1963 in Book 1213 at Page 46 and in deed recorded March 2, 1995 under Reception No. 95012284. and EXCEPT that portion in Outlot B, The Farmstead recorded April 1, 2019 at Reception No. 20190016179

Said parcel contains 392,673 Square Feet or 9.015 Acres more or less by this survey.

Have laid out, platted, and subdivided the above described land, under the name and style of FARMSTEAD ACRES SUBDIVISION, 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 plat, and grants to the Town of Berthoud such easements as are created hereby and depicted or, by note, referenced hereon, along with the right to install, maintain, 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, and sanitary services within this subdivision or property contiguous thereto, through, over, under, and across streets, utility and other easements, and other public places as shown on the plat.

OWNER: 533 Highway 56, LLC, a Colorado limited liability company

BY: Ryan Bond AS: Member

NOTARIAL CERTIFICATE

STATE OF COLORADO)

ss

COUNTY OF LARIMER)

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

Witness my Hand and Official Seal.

Notary Public

My commission expires: _____.

DEED OF TRUSTS DEDICATION:

The undersigned mortgagee, for good and valuable consideration does by these presents, hereby subordinate all of its rights to such fee simple dedications and grants of easements to the Town of Berthoud as are depicted and referenced hereon and to the terms and conditions of the development agreement and this final plat and agrees that the development agreement and this final plat shall constitute a first and prior lien upon the Farmstead Acres Subdivision to the same extent as though it were actually executed and recorded prior to said deed of trust.

Lienholder: High Plains Bank

BY: _____ AS: _____

NOTARIAL CERTIFICATE

STATE OF COLORADO)

ss

COUNTY OF LARIMER)

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

Witness my Hand and Official Seal.

Notary Public

My commission expires: _____.

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of the Northwest Quarter of Section 24, Township 4 North, Range 69 West of the 6th P.M., monumented as shown on this drawing, as bearing North 89°20'37" East, being a Grid Bearing of the Colorado State Plane, North Zone, North American Datum 1983/2011, a distance of 2660.67 feet and with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot".

TITLE COMMITMENT NOTE

For all information regarding easements, rights-of-way and title of records, Majestic Surveying, LLC relied upon Title Commitment Number FCC25194265, dated January 4, 2022, as prepared by Land Title Guarantee Company to delineate the aforesaid information.

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

SURVEYOR'S CERTIFICATE

I, Steven Parks, a Licensed Land Surveyor in the State of Colorado, do hereby certify that the survey of FARMSTEAD ACRES SUBDIVISION was made under my supervision and the accompanying plat accurately and properly shows said subdivision.

RIGHT TO FARM STATEMENT

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

SITE SPECIFIC DEVELOPMENT PLAN

This plan constitutes a site specific development plan as defined in Article 68 of Title 24, C.R.S., as amended, and Chapter 30 of the Berthoud Development Code available at the Berthoud Town Hall, 807 Mountain Avenue, Berthoud, Colorado 80513.

TOWN APPROVAL

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

Chairman _____

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

Attest: Town Clerk _____

NOTICE

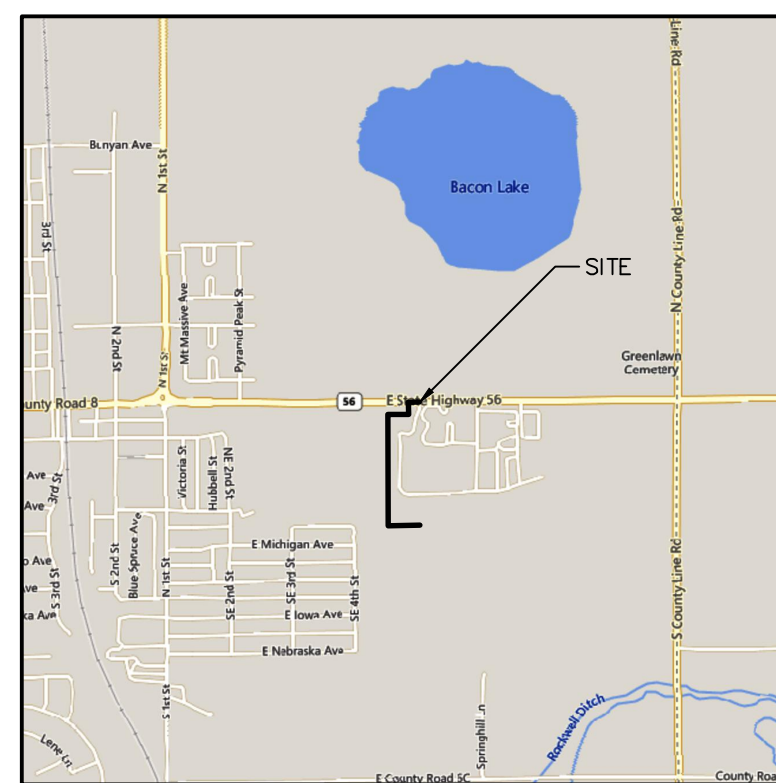
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

FLOOD PLAIN NOTE

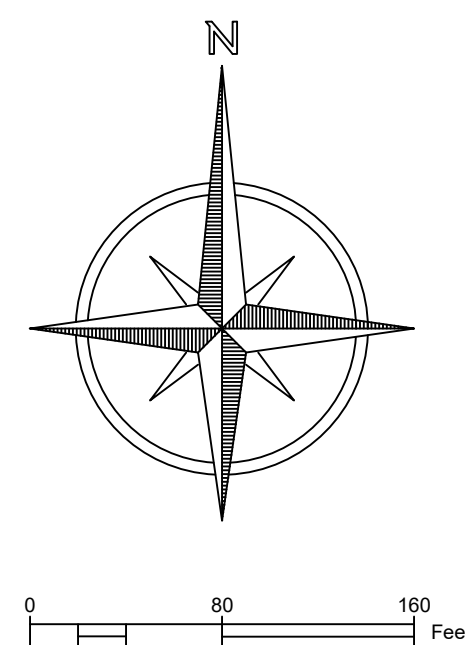
The Subject Property is in flood zone X, "area of minimal flood hazard" per FEMA flood map 08069C387H, effective January 15, 2021.

Owner: 533 East County Road 8, LLC
125 South Howes Street Suite 500
Fort Collins, CO

Surveyor: Majestic Surveying, LLC
C/O Steven Parks, PLS
1111 Diamond Valley Drive, Suite 104
Windsor, CO 80550
970-833-5698

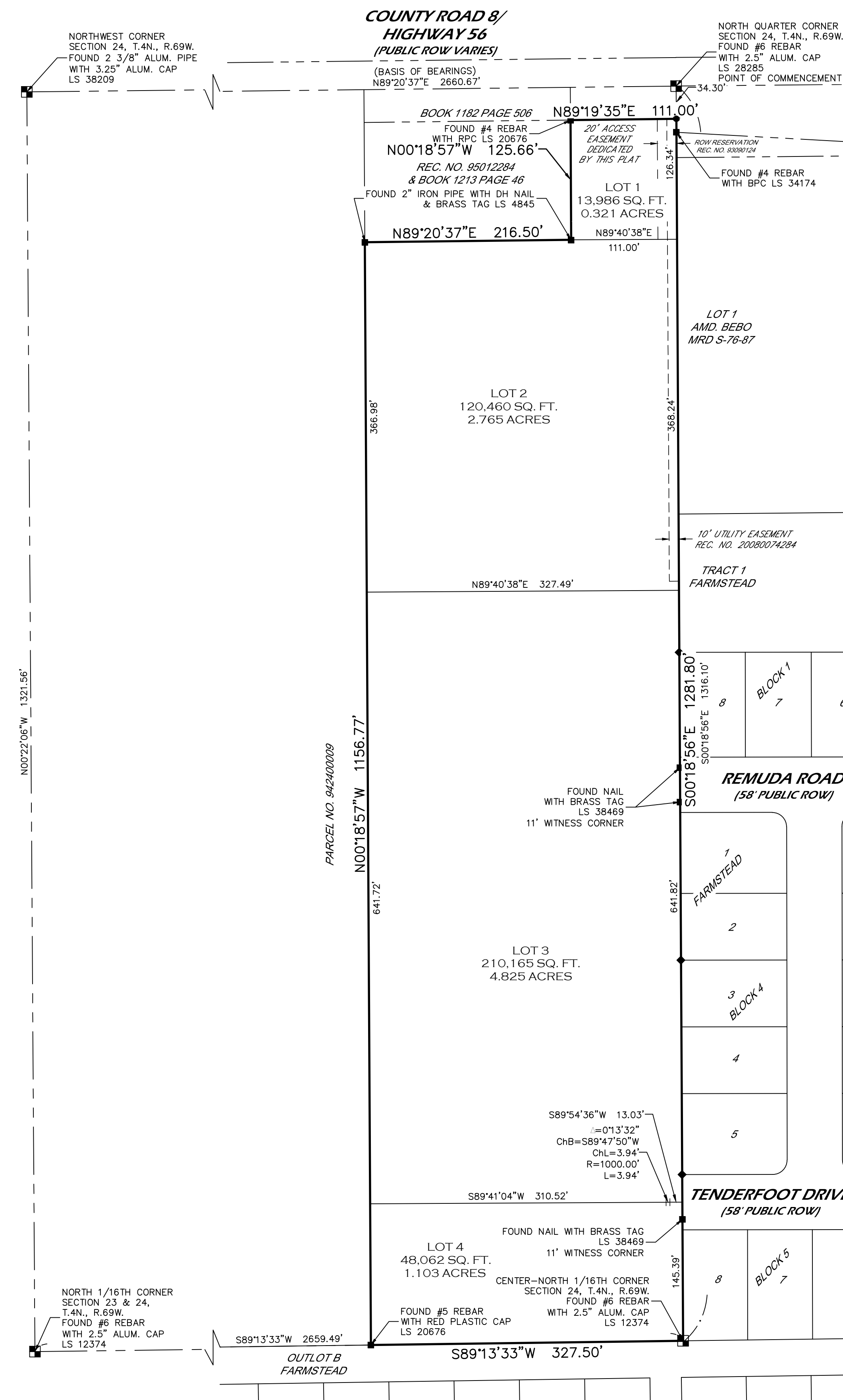


VICINITY MAP
SCALE: 1" = 500'



LEGEND

- BOUNDARY LINE
- - - - EASEMENT LINE
- - - - RIGHT OF WAY LINE
- - - - SECTION LINE
- ALIQUOT CORNER AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- ◆ FOUND #4 REBAR WITH ORANGE PLASTIC CAP LS 38469
- CALCULATED POSITION
- FOUND #4 REBAR WITH RED PLASTIC CAP LS 38348



PRELIMINARY

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



PROJECT NO: 2021059	PROJECT NAME: 533 CR8	REVISIONS:	DATE:
DATE: 1-19-2022	CLIENT: WAYPOINT	REDLINES	5-31-22
DRAWN BY: SIP	FILE NAME: 2021059	REVISOR SIGNATURE BLOCKS	7-26-22
CHECKED BY: SIP	SCALE: 1" = 80'	ADD LOT 4	2-14-23