

**ORDINANCE NO. 1215**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF BERTHOUD TO REZONE A PORTION OF PROPERTY KNOWN AS "HERON LAKES", PORTION OF R-2 PARCEL 2 FROM LIMITED MULTI-FAMILY (R-2) TO AGRICULTURAL (AG); EXISTING PORTION OF R-1 PARCEL 6, FROM SINGLE FAMILY RESIDENTIAL (R-1) TO AGRICULTURAL (AG); EXISTING R-2 PARCEL 3, FROM LIMITED MULTI-FAMILY (R-2) TO MULTI-FAMILY RESIDENTIAL (R-3); AND EXISTING AG PARCEL 10, FROM AGRICULTURAL TO NEIGHBORHOOD COMMERCIAL (C-1).**

**WHEREAS**, certain property known as "HERON LAKES" has heretofore been zoned by the Town of Berthoud as Agricultural (AG), Single Family (R-1), and Limited Multi-family district (R-2); and

**WHEREAS**, the Planning Commission has considered the rezoning request of the current owners and, after proper notice and hearing, has recommended that the following Parcels be rezoned: portion of R-2 Parcel 2 from Limited Multi-Family (R-2) to Agricultural (AG); existing portion of R-1 Parcel 6, from Single-family Residential (R-1) to Agricultural (AG); Existing R-2 Parcel 3, from Limited Multi-family (R-2) to Multi-family Residential (R-3); and existing AG Parcel 10, from Agricultural to Neighborhood Commercial (C-1).

**WHEREAS**, notice was properly posted in the manner required by law and a public hearing was conducted on March 10, 2016, before the Berthoud Planning Commission and a public hearing was conducted on March 22, 2016 before the Board of Trustees as required by law; and

**WHEREAS**, after the public hearing, the Berthoud Planning Commission, on a 6-0 vote, recommended approval of the zoning change sought by the applicant to

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

**Section 1: Map Revision:** The official zoning map of the Town of Berthoud shall be amended hereinafter and which property is commonly known as "A Portion of Property known R-2 Parcel 2 of Heron Lakes" shall be rezoned from Limited Multi-Family (R-2) to Agricultural (AG).

**PORTION OF R-2 PARCEL 2. AG PARCEL DESCRIPTION (R-2 TO AG):**

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 Northwest corner of Section 3; thence, North 89° 39' 59" East, 786.08 feet; thence, North 89° 39' 59" East, 58.00 feet to the POINT OF BEGINNING; thence, North 89° 39' 59" East, 446.42 feet; thence, South 00° 00' 45" West, 315.70 feet; thence, South 89° 40' 29" West, 364.67 feet; thence, South 89° 40' 29" West, 0.73 feet; thence along a curve concave to the northeast having a central angle of 33° 20' 58" with a radius of 136.00 feet, an arc length of 79.16 feet and the chord of which bears North 73° 39' 02" West, 78.05 feet; thence, North 56° 58' 32" West, 42.91 feet; thence along a curve concave to the west having a central angle of 27° 18' 19" with a radius of 279.00 feet, an arc length of 132.96 feet and the chord of which bears North 13° 24' 19" East,

131.71 feet; thence, North 00° 14' 50" West, 141.70 feet to the Point of Beginning, containing 141,650 square feet or 3.252 acres more or less.

**SECTION 2 Map Revision:** The official zoning map of the Town of Berthoud shall be amended hereinafter and which property is commonly known as "An existing portion of R-1 Parcel 6 of Property known as Heron Lakes" shall be rezoned from Single-family Residential (R-1) to Agricultural (AG).

**EXISTING PORTION OF R-1 PARCEL 6, AG PARCEL DESCRIPTION (R-1 TO AG):**

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 North Quarter corner of Section 10; thence, North 00° 42' 57" West, 302.44 feet; thence, North 00° 42' 57" West, 105.00 feet; thence, North 00° 42' 57" West, 74.29 feet; thence, North 89° 17' 03" East, 538.35 feet; thence South 58° 55' 09" East, 182.99 feet; thence, South 46° 02' 36" East, 308.85 feet; thence along a curve concave to the southeast having a central angle of 06° 45' 53" with a radius of 1917.50 feet, an arc length of 226.39 feet and the chord of which bears South 40° 34' 27" West, 226.26 feet; thence, South 89° 25' 18" West, 764.21 feet to the Point of Beginning, containing 375,325 square feet or 8.616 acres more or less.

**SECTION 3 Map Revision:** The official zoning map of the Town of Berthoud shall be amended hereinafter and which property is commonly known as "A Portion of Property Existing R-2 Parcel 3 known as the Heron Lakes", from Limited Multi-family (R-2) to Multi-family Residential (R-3).

**EXISTING R-2 PARCEL 3, MULTI-FAMILY RESIDENTIAL (R-3) DESCRIPTION (R-2 TO R-3):  
AG PARCEL 4 DESCRIPTION (PUD TO AG)**

A tract of land located in Section 10, 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 10; thence, North 21° 26' 43" West, 134.70 feet to the POINT OF BEGINNING; thence, South 77° 56' 12" West, 217.03 feet; thence along a curve concave to the south having a central angle of 08° 32' 10" with a radius of 500.00 feet; an arc length of 74.49 feet and the chord of which bears South 73° 40' 07" West, 74.42 feet; thence, South 69° 24' 03" West, 336.54 feet; thence along a curve concave to the north having a central angle of 75° 26' 51" with a radius of 275.00 feet; an arc length of 362.12 feet and the chord of which bears North 72° 52' 32" West, 336.52 feet; thence, North 32° 27' 20" East, 488.13 feet; thence, North 07° 37' 06" East, 336.24 feet; thence, North 07° 57' 29" East, 540.01 feet; thence, North 07° 19' 21" East, 503.46 feet; thence North 52° 06' 35" East, 338.12 feet; thence, South 89° 51' 56" East, 229.47 feet; thence, South 00° 42' 57" East, 364.22 feet; thence, South 00° 42' 57" East, 208.20 feet; thence along a curve concave to the northeast having a central angle of 33° 35' 14" with a radius of 600.00 feet; an arc length of 351.72 feet and the chord of which bears South 17° 30' 34" East, 346.71 feet; thence, South 34° 18' 11" East, 91.67 feet; thence, South 37° 11' 41" West, 140.77 feet; thence along a curve concave to the east having a central angle of 34° 21' 55" with a radius of 600.00 feet; an arc length of 359.87 feet and the chord of which bears South 20° 00' 44" West, 354.50 feet; thence, South 02° 49' 46" West, 226.40 feet; thence along a curve concave to the east having a central angle of 14° 53'

34" with a radius of 600.00 feet; an arc length of 155.96 feet and the chord of which bears South 04° 37' 01" East, 155.52 feet; thence, South 12° 03' 48" East, 69.94 feet; thence, South 12° 03' 48" East, 27.95 feet to the Point of Beginning, containing 1,253,255 square feet or 28.771 acres more or less.

**SECTION 4. Map Revision:** The official zoning map of the Town of Berthoud shall be amended hereinafter and which property is commonly known as "A Portion of Property known as existing AG Parcel 10, of Heron Lakes" from Agricultural to Neighborhood Commercial (C-1).

**EXISTING AG PARCEL 10 NEIGHBORHOOD COMMERCIAL DESCRIPTION (AG TO C-1)**

A tract of land located in the North Half of Section 10, 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 10; thence, North 21° 26' 43" West, 134.70 feet; thence, North 12° 03' 48" West, 27.95 feet; thence, North 88° 53' 27" East, 249.48 feet; thence, North 06° 35' 33" West, 877.28 feet to the POINT OF BEGINNING; thence, North 83° 24' 27" West, 160.76 feet; thence, North 34° 18' 11" West, 91.67 feet; thence along a curve concave to the northeast having a central angle of 33° 35' 14" with a radius of 600.00 feet, an arc length of 351.72 feet and the chord of which bears North 17° 30' 34" West, 346.71 feet; thence North 00° 42' 57" West, 208.20 feet; thence, North 90° 00' 00" East, 400.17 feet; thence, South 11° 04' 51" West, 110.94 feet; thence, South 06° 35' 33" West, 527.62 feet to the Point of Beginning, containing 198,210 square feet or 4.550 acres more or less.

**Section 5: Interpretation:** This Ordinance shall be so interpreted and construed to effectuate its general purpose.

**Section 6: Publication:** The Town Clerk shall certify to the passage of this Ordinance, and cause its contents to be published and shall cause the appropriate change to be made to the official Berthoud Zoning District Map.


**Section 7: Effective Date:** This Ordinance shall take effect and be in force thirty (30) days after its publication as required by law.

**PASSED, ADOPTED, SIGNED AND APPROVED on this the 22nd day of March, 2016.**

TOWN OF BERTHOUD

By  \_\_\_\_\_  
David Gregg, Mayor

ATTEST:

By:  \_\_\_\_\_  
Tamiko Brewster, Deputy Town Clerk