

ORDINANCE NO. 1187

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF BERTHOUD TO REZONE PROPERTY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11 AND THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO MORE COMMONLY KNOWN AS “WESTHAVEN SUBDIVISION,” FROM PUD – PLANNED UNIT DEVELOPMENT TO R-1 SINGLE-FAMILY AND R-2 LIMITED MULTI-FAMILY

WHEREAS, certain property known as “Westhaven Subdivision” has heretofore been zoned by the Town of Berthoud as PUD-Planned Unit Development; and

WHEREAS, the Planning Commission has considered the rezoning request of the current owners and, after proper notice and hearing, has recommended that such property be rezoned to R-1 and R-2; and;

WHEREAS, notice was properly posted in the manner required by law and a public hearing was conducted on October 16, 2014 before the Berthoud Planning Commission and a public hearing was conducted on November 18, 2014 before the Board of Trustees as required by law; and

WHEREAS, after the Public hearing, the Berthoud Planning Commission approved, on a 6 – 0 vote, to recommend the zoning change sought by the applicant to:

R-1 Single-Family district for the following property:

A tract of land located in the Southwest Quarter of Section 11 and the Northwest Quarter of Section 14, Township 4 North, Range 69 West of the 6th Principal Meridian, Town of Berthoud, County of Larimer, State of Colorado, more particularly described as follows:

Considering the West line of the Southwest Quarter of Section 11 as bearing North 00° 15' 09" West with all bearings contained herein relative thereto;

COMMENCING at the Northwest corner of the Southwest Quarter of Section 11; thence along the West line of the Southwest Quarter of Section 11, South 00° 15' 09" East, 915.81 feet; thence, North 67° 46' 24" East, 31.29 to the POINT OF BEGINNING; thence, North 67° 46' 24" East, 320.15 feet; thence, North 73° 53' 14" East, 309.07 feet;

thence, North 67° 23' 50" East, 246.84 feet; thence, North 65° 00' 08" East, 331.36 feet;

thence, North 70° 07' 22" East, 189.95 feet; thence, South 00° 10' 17" East, 80.81 feet;

thence, South 00° 06' 54" East, 437.61 feet; thence, South 00° 16' 17" East, 653.49 feet;

thence, South 00° 18' 29" East, 776.40 feet; thence, South 00° 21' 23" East, 525.05 feet;

thence, South 00° 18' 38" East, 1590.28 feet; thence, South 00° 14' 22" East, 548.76 feet;

thence, South $89^{\circ} 13' 54''$ West, 1.39 feet; thence, South $00^{\circ} 25' 39''$ East, 10.69 feet; thence, South $71^{\circ} 00' 26''$ West, 42.48 feet; thence, South $48^{\circ} 42' 38''$ West, 359.83 feet; thence, South $89^{\circ} 44' 18''$ West, 397.22 feet; thence, North $00^{\circ} 15' 42''$ West, 94.90 feet, thence along a curve concave to the east having a central angle of $25^{\circ} 12' 49''$ with a radius of 391.00 feet, an arc length of 172.06 feet and the chord of which bears North $12^{\circ} 20' 43''$ East, 170.68 feet; thence, North $24^{\circ} 57' 07''$ East, 120.89 feet; thence along a curve concave to the west having a central angle of $22^{\circ} 18' 23''$ with a radius of 259.00 feet, an arc length of 100.83 feet and the chord of which bears North $13^{\circ} 47' 56''$ East, 100.20 feet; thence, South $89^{\circ} 20' 56''$ West, 189.57 feet; thence, North $00^{\circ} 39' 04''$ West, 173.00 feet; thence, North $89^{\circ} 20' 56''$ East, 86.00 feet; thence, North $00^{\circ} 39' 04''$ West, 74.53 feet; thence, North $01^{\circ} 47' 23''$ East, 61.03 feet; thence, North $08^{\circ} 52' 23''$ East, 61.13 feet; thence, North $15^{\circ} 01' 54''$ East, 64.58 feet; thence, North $16^{\circ} 53' 42''$ East, 64.58 feet; thence, North $16^{\circ} 46' 16''$ East, 66.93 feet; thence, North $08^{\circ} 52' 37''$ East, 88.25 feet; thence, North $00^{\circ} 39' 04''$ West, 265.08 feet; thence, North $09^{\circ} 23' 08''$ West, 211.30 feet; thence, North $07^{\circ} 34' 12''$ West, 64.77 feet; thence, North $02^{\circ} 32' 49''$ West, 62.94 feet; thence, North $01^{\circ} 27' 48''$ East, 59.79 feet; thence, North $06^{\circ} 00' 31''$ East, 76.57 feet; thence, North $06^{\circ} 10' 13''$ East, 82.07 feet; thence, North $06^{\circ} 09' 09''$ East, 258.95 feet; thence, North $02^{\circ} 05' 46''$ East, 66.38 feet; thence, North $00^{\circ} 32' 50''$ West, 66.30 feet; thence, North $04^{\circ} 59' 44''$ West, 309.52 feet; thence, North $03^{\circ} 35' 52''$ East, 30.07 feet; thence, North $06^{\circ} 50' 09''$ East, 87.08 feet; thence, North $16^{\circ} 41' 59''$ East, 82.80 feet; thence, North $26^{\circ} 18' 51''$ East, 82.80 feet; thence, North $35^{\circ} 54' 13''$ East, 82.40 feet; thence, North $40^{\circ} 29' 44''$ East, 105.41 feet; thence along a curve concave to the south having a central angle of $36^{\circ} 45' 54''$ with a radius of 984.00 feet, an arc length of 631.40 feet and the chord of which bears North $71^{\circ} 48' 26''$ West, 620.63 feet; thence, South $89^{\circ} 48' 37''$ West, 266.31 feet; thence, North $00^{\circ} 11' 23''$ West, 1131.69 feet to the Point of Beginning, containing 3,843,524 square feet or 88.235 acres more or less.

And to rezone to the R-2 Limited Multi-Family district for the following property:

A tract of land located in the Southwest Quarter of Section 11 and the Northwest Quarter of Section 14, Township 4 North, Range 69 West of the 6th Principal Meridian, Town of Berthoud, County of Larimer, State of Colorado, more particularly described as follows:

Considering the West line of the Southwest Quarter of Section 11 as bearing North $00^{\circ} 15' 09''$ West with all bearings contained herein relative thereto;

COMMENCING at the Northwest corner of the Southwest Quarter of Section 11; thence along the West line of the Southwest Quarter of Section 11, South $00^{\circ} 15' 09''$ East, 915.81 feet; thence, North $67^{\circ} 46' 24''$ East, 31.29; thence, South $00^{\circ} 11' 23''$ East, 1131.69 feet to the POINT OF BEGINNING; thence, North $89^{\circ} 48' 37''$ East, 266.31 feet; thence along a curve concave to the south having a central angle of $36^{\circ} 45' 54''$ with a radius of 984.00 feet, an arc length of 631.40 feet and the chord of which bears South $71^{\circ} 48' 26''$ East, 620.63 feet; thence, South $40^{\circ} 29' 44''$ West, 105.41 feet; thence, South $35^{\circ} 54' 13''$ West, 82.40 feet; thence, South $26^{\circ} 18' 51''$ West, 82.80 feet; thence, South $16^{\circ} 41' 59''$ West, 82.80 feet; thence, South $06^{\circ} 50' 09''$ West, 87.08 feet; thence, South $03^{\circ} 35' 52''$ West, 30.07 feet; thence, South $04^{\circ} 59' 44''$ East, 309.52 feet; thence, South $00^{\circ} 32' 50''$ East, 66.30 feet; thence, South $02^{\circ} 05' 46''$ West, 66.38 feet; thence, South $06^{\circ} 09' 09''$ West, 258.95 feet; thence, South $06^{\circ} 10' 13''$ West, 82.07 feet;

thence, South 06° 00' 31" West, 76.57 feet; thence, South 01° 27' 48" West, 59.79 feet; thence, South 02° 32' 49" East, 62.94 feet; thence, South 07° 34' 12" East, 64.77 feet; thence, South 09° 23' 08" East, 211.30 feet; thence, South 00° 39' 04" East, 265.08 feet; thence, South 08° 52' 37" West, 88.25 feet; thence, South 16° 46' 16" West, 66.93 feet; thence, South 16° 53' 42" West, 64.58 feet; thence, South 15° 01' 54" West, 64.58 feet; thence, South 08° 52' 23" West, 61.13 feet; thence, South 01° 47' 23" West, 61.03 feet; thence, South 00° 39' 04" East, 74.53 feet; thence, South 89° 20' 56" West, 86.00 feet; thence, South 00° 39' 04" East, 173.00 feet; thence, North 89° 20' 56" East, 189.57 feet; thence along a curve concave to the west having a central angle of 22° 18' 23" with a radius of 259.00 feet, an arc length of 100.83 feet and the chord of which bears South 13° 47' 56" West, 100.20 feet; thence, South 24° 57' 07" West, 120.89 feet; thence along a curve concave to the east having a central angle of 25° 12' 49" with a radius of 391.00 feet, an arc length of 172.06 feet and the chord of which bears South 12° 20' 43" West, 170.68 feet;

thence, South 00° 15' 42" East, 94.90 feet; thence, South 89° 44' 18" West, 589.00 feet; thence, North 00° 25' 08" West, 258.83 feet; thence along a curve concave to the east having a central angle of 20° 10' 15" with a radius of 1402.50 feet, an arc length of 493.75 feet and the chord of which bears North 09° 39' 59" East, 491.20 feet; thence, North 19° 45' 07" East, 35.94 feet; thence along a curve concave to the west having a central angle of 27° 48' 00" with a radius of 1667.10 feet, an arc length of 808.88 feet and the chord of which bears North 05° 51' 07" East, 800.97 feet; thence, North 08° 02' 53" West, 1193.09 feet; thence along a curve concave to the east having a central angle of 07° 51' 30" with a radius of 2835.00 feet, an arc length of 388.83 feet and the chord of which bears North 04° 07' 08" West, 388.53 feet; thence, North 00° 11' 23" West, 98.24 feet to the Point of Beginning, containing 1,841,442 square feet or 42.274 acres more or less.

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 the "Westhaven Subdivision" shall be rezoned from PUD-Planned Unit Development to R-1 Single-Family and R-2 Limited Multi-Family.

Section 2: Property Description: The property is more fully described as:

A tract of land located in the Southwest Quarter of Section 11 and the Northwest Quarter of Section 14, Township 4 North, Range 69 West of the 6th Principal Meridian, Town of Berthoud, County of Larimer, State of Colorado, more particularly described as follows:

R-1 Single-Family zoning for the following property:

Considering the West line of the Southwest Quarter of Section 11 as bearing North 00° 15' 09" West with all bearings contained herein relative thereto;

COMMENCING at the Northwest corner of the Southwest Quarter of Section 11; thence along the West line of the Southwest Quarter of Section 11, South 00° 15' 09" East, 915.81 feet; thence, North 67° 46' 24" East, 31.29 to the POINT OF BEGINNING; thence, North 67° 46' 24" East, 320.15 feet; thence, North 73° 53' 14" East, 309.07 feet;

thence, North $67^{\circ} 23' 50''$ East, 246.84 feet; thence, North $65^{\circ} 00' 08''$ East, 331.36 feet; thence, North $70^{\circ} 07' 22''$ East, 189.95 feet; thence, South $00^{\circ} 10' 17''$ East, 80.81 feet; thence, South $00^{\circ} 06' 54''$ East, 437.61 feet; thence, South $00^{\circ} 16' 17''$ East, 653.49 feet; thence, South $00^{\circ} 18' 29''$ East, 776.40 feet; thence, South $00^{\circ} 21' 23''$ East, 525.05 feet; thence, South $00^{\circ} 18' 38''$ East, 1590.28 feet; thence, South $00^{\circ} 14' 22''$ East, 548.76 feet; thence, South $89^{\circ} 13' 54''$ West, 1.39 feet; thence, South $00^{\circ} 25' 39''$ East, 10.69 feet; thence, South $71^{\circ} 00' 26''$ West, 42.48 feet; thence, South $48^{\circ} 42' 38''$ West, 359.83 feet; thence, South $89^{\circ} 44' 18''$ West, 397.22 feet; thence, North $00^{\circ} 15' 42''$ West, 94.90 feet, thence along a curve concave to the east having a central angle of $25^{\circ} 12' 49''$ with a radius of 391.00 feet, an arc length of 172.06 feet and the chord of which bears North $12^{\circ} 20' 43''$ East, 170.68 feet; thence, North $24^{\circ} 57' 07''$ East, 120.89 feet; thence along a curve concave to the west having a central angle of $22^{\circ} 18' 23''$ with a radius of 259.00 feet, an arc length of 100.83 feet and the chord of which bears North $13^{\circ} 47' 56''$ East, 100.20 feet; thence, South $89^{\circ} 20' 56''$ West, 189.57 feet; thence, North $00^{\circ} 39' 04''$ West, 173.00 feet; thence, North $89^{\circ} 20' 56''$ East, 86.00 feet; thence, North $00^{\circ} 39' 04''$ West, 74.53 feet; thence, North $01^{\circ} 47' 23''$ East, 61.03 feet; thence, North $08^{\circ} 52' 23''$ East, 61.13 feet; thence, North $15^{\circ} 01' 54''$ East, 64.58 feet; thence, North $16^{\circ} 53' 42''$ East, 64.58 feet; thence, North $16^{\circ} 46' 16''$ East, 66.93 feet; thence, North $08^{\circ} 52' 37''$ East, 88.25 feet; thence, North $00^{\circ} 39' 04''$ West, 265.08 feet; thence, North $09^{\circ} 23' 08''$ West, 211.30 feet; thence, North $07^{\circ} 34' 12''$ West, 64.77 feet; thence, North $02^{\circ} 32' 49''$ West, 62.94 feet; thence, North $01^{\circ} 27' 48''$ East, 59.79 feet; thence, North $06^{\circ} 00' 31''$ East, 76.57 feet; thence, North $06^{\circ} 10' 13''$ East, 82.07 feet; thence, North $06^{\circ} 09' 09''$ East, 258.95 feet; thence, North $02^{\circ} 05' 46''$ East, 66.38 feet; thence, North $00^{\circ} 32' 50''$ West, 66.30 feet; thence, North $04^{\circ} 59' 44''$ West, 309.52 feet; thence, North $03^{\circ} 35' 52''$ East, 30.07 feet; thence, North $06^{\circ} 50' 09''$ East, 87.08 feet; thence, North $16^{\circ} 41' 59''$ East, 82.80 feet; thence, North $26^{\circ} 18' 51''$ East, 82.80 feet; thence, North $35^{\circ} 54' 13''$ East, 82.40 feet; thence, North $40^{\circ} 29' 44''$ East, 105.41 feet; thence along a curve concave to the south having a central angle of $36^{\circ} 45' 54''$ with a radius of 984.00 feet, an arc length of 631.40 feet and the chord of which bears North $71^{\circ} 48' 26''$ West, 620.63 feet; thence, South $89^{\circ} 48' 37''$ West, 266.31 feet; thence, North $00^{\circ} 11' 23''$ West, 1131.69 feet to the Point of Beginning, containing 3,843,524 square feet or 88.235 acres more or less.

R-2 Limited Multi-Family zoning for the following property:

A tract of land located in the Southwest Quarter of Section 11 and the Northwest Quarter of Section 14, Township 4 North, Range 69 West of the 6th Principal Meridian, Town of Berthoud, County of Larimer, State of Colorado, more particularly described as follows:

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24" East, 31.29; thence, South 00° 11' 23" East, 1131.69 feet to the POINT OF BEGINNING; thence, North 89° 48' 37" East, 266.31 feet; thence along a curve concave to the south having a central angle of 36° 45' 54" with a radius of 984.00 feet, an arc length of 631.40 feet and the chord of which bears South 71° 48' 26" East, 620.63 feet; thence, South 40° 29' 44" West, 105.41 feet; thence, South 35° 54' 13" West, 82.40 feet; thence, South 26° 18' 51" West, 82.80 feet; thence, South 16° 41' 59" West, 82.80 feet; thence, South 06° 50' 09" West, 87.08 feet; thence, South 03° 35' 52" West, 30.07 feet; thence, South 04° 59' 44" East, 309.52 feet; thence, South 00° 32' 50" East, 66.30 feet; thence, South 02° 05' 46" West, 66.38 feet; thence, South 06° 09' 09" West, 258.95 feet; thence, South 06° 10' 13" West, 82.07 feet; thence, South 06° 00' 31" West, 76.57 feet; thence, South 01° 27' 48" West, 59.79 feet; thence, South 02° 32' 49" East, 62.94 feet; thence, South 07° 34' 12" East, 64.77 feet; thence, South 09° 23' 08" East, 211.30 feet; thence, South 00° 39' 04" East, 265.08 feet; thence, South 08° 52' 37" West, 88.25 feet; thence, South 16° 46' 16" West, 66.93 feet; thence, South 16° 53' 42" West, 64.58 feet; thence, South 15° 01' 54" West, 64.58 feet; thence, South 08° 52' 23" West, 61.13 feet; thence, South 01° 47' 23" West, 61.03 feet; thence, South 00° 39' 04" East, 74.53 feet; thence, South 89° 20' 56" West, 86.00 feet; thence, South 00° 39' 04" East, 173.00 feet; thence, North 89° 20' 56" East, 189.57 feet; thence along a curve concave to the west having a central angle of 22° 18' 23" with a radius of 259.00 feet, an arc length of 100.83 feet and the chord of which bears South 13° 47' 56" West, 100.20 feet; thence, South 24° 57' 07" West, 120.89 feet; thence along a curve concave to the east having a central angle of 25° 12' 49" with a radius of 391.00 feet, an arc length of 172.06 feet and the chord of which bears South 12° 20' 43" West, 170.68 feet;

thence, South 00° 15' 42" East, 94.90 feet; thence, South 89° 44' 18" West, 589.00 feet; thence, North 00° 25' 08" West, 258.83 feet; thence along a curve concave to the east having a central angle of 20° 10' 15" with a radius of 1402.50 feet, an arc length of 493.75 feet and the chord of which bears North 09° 39' 59" East, 491.20 feet; thence, North 19° 45' 07" East, 35.94 feet; thence along a curve concave to the west having a central angle of 27° 48' 00" with a radius of 1667.10 feet, an arc length of 808.88 feet and the chord of which bears North 05° 51' 07" East, 800.97 feet; thence, North 08° 02' 53" West, 1193.09 feet; thence along a curve concave to the east having a central angle of 07° 51' 30" with a radius of 2835.00 feet, an arc length of 388.83 feet and the chord of which bears North 04° 07' 08" West, 388.53 feet; thence, North 00° 11' 23" West, 98.24 feet to the Point of Beginning, containing 1,841,442 square feet or 42.274 acres more or less.

Section 3: Rezoning: The property described in Section 2 herein and commonly known as the "Westhaven Subdivision" is hereby rezoned to R-1 Single-Family and R-2 Limited Multi-Family.

Section 4: Interpretation: This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 5: 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 6: 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 this the 18th day of November, 2014.

TOWN OF BERTHOUD

By _____
David Gregg, Mayor

ATTEST:

By: _____
Mary K. Cowdin, Town Clerk