



PLANNING COMMISSION

Mike Simone, Chairperson
Bushrod White, Vice-Chairperson
Kathy Kvasnicka
Thomas Holton
Jimmy Dominguez
Shannon Rhoda
Zachary Potter

Planning Commission Agenda

Regular Meeting

130 South McKinley Avenue

Thursday, November 9, 2023

6:00 PM

(Order & Contents Subject to Change by Action of the Commission)

** Login information on how to attend this meeting virtually (optional) is on the last page of this Agenda.*

Call to Order

Approval of Agenda

Consent Agenda - Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Councilmember so requests, in which case the item may be removed/moved from the Consent Agenda.

a. Approval of the September 28th, 2023 Meeting Minutes

Public Comment This portion of the Agenda is provided to allow members of the audience to present comments to the Board. The Board may not respond to your comments this evening, rather they may take your comments and suggestions under advisement or your question may be directed to the appropriate staff member for follow-up.

Action Item(s)

a. P2023-007 Coyote Creek Filing No. 5 Preliminary Plat

Discussion Items

a. Discussion on Board of Adjustment Procedures

Future Business

a. Next Planning Commission Meeting November 23rd, 2023 at 6:00 PM

Adjourn

Virtual Meeting Instructions

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[+1 \(224\) 501-3412](tel:+12245013412)

Access Code: 885-796-925

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<https://meet.goto.com/install>

If you would like to participate remotely, we encourage you to test the phone number and links provided above prior to the start of the meeting, as each device requires initial adjustment. It is also recommended to log into the meeting early, and if you encounter any issues to call 303-304-4498 or email PlanningDept@fortluptonco.gov immediately.

When calling in, please be sure to mute your microphone on your computer, phone or tablet. Planning staff and/or the Chairman of the Planning Commission will provide instructions on when and how comments can be made by the public virtually.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
September 28, 2023

The Planning Commission of the City of Fort Lupton met in session at City Hall Chambers, 130 South McKinley Avenue, the regular meeting place of the Planning Commission and virtually via GoToMeeting, on Thursday September 28th, 2023.

In the physical absence of Chair Mike Simone, Vice-Chair Bush White conducted the meeting, calling it to order at 6:00 PM

ROLL CALL

Commissioners Present: Vice-Chair Bush White, members Kathy Kvasnicka
Chair Mike Simone, member Jimmy Dominguez, and member Thomas Holton who arrived at 6:06 PM, all attended virtually via GoToMeeting.

City Staff Present: Planner Clay Hartley, Planning Administrative Assistant Hailey McKay, and Public Works Director Roy Vestal

APPROVAL OF AGENDA

Kathy Kvasnicka moved to approve the agenda, Chair Mike Simone seconded.

CONSENT AGENDA

Chair Mike Simone moved to approve the consent agenda and Kathy Kvasnicka seconded.

PUBLIC COMMENT

There were no public comments.

ACTION ITEMS

P2023-006 Murata Farms Townhomes Preliminary Plat

City Planner Clay Hartley introduced the action item for reviewal and recommendation of the Murata Farms Townhomes Preliminary Plat for City Council. The Murata farms development is located on land that is south and adjacent to Highway 52 and west and adjacent to County Rd. 29 1/2. The property is approximately 5.53 acres. Mr. Hartley stated that the application seeks to continue the development within the Murata Farms Community. This property is zoned PUD, and all notification requirements have been met including publication in the newspaper and posting of notification on the property. Additionally, all property owners within a 500' radius of the proposed development have been notified by mail

The applicant had representative Tim Buschar from Cola, LLC in attendance to present their proposal to Commissioners. Mr. Buschar addressed how this is filing number 2. Mr. Buschar addressed the two styles of townhomes being provided which are tri-plex and four-plex units. He also provided the options for elevations for the units as well as pictures of similar units being built in Colorado Springs. Mr. Buschar mentioned the trail system that will be provided and the many pocket parks around the area.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
September 28, 2023

Vice-Chair White opened to Commissioner Comments.

Commissioners addressed their comments and questions with the applicant which included:

- Parks
- The existing oil field located in the vicinity
- Open space

Vice-Chair White opened the public comments section at 6:16 PM.

There were no public comments.

Vice-Chair White closed the public comments section at 6:16 PM.

Commissioner Kvasnicka moved to approve P2023-006 Murata Farms Townhomes Preliminary Plat, Commissioner Holton seconded.

Motion passed unanimously.

DISCUSSION ITEMS

There were no discussion items.

FUTURE BUSINESS

The next meeting of the Planning Commission will be on October 12th, 2023 at 6:00 PM.

ADJOURNMENT

Commissioner Kvasnicka moved to adjourn the meeting, Commissioner Dominguez seconded.

Vice-Chair White adjourned the meeting at 6:18 PM.

Submitted by

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
September 28, 2023**

Hailey McKay, Planning Administrative Assistant

Approved by Planning Commission

Mike Simone, Chair

DRAFT

RESOLUTION NO. P2023-007

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF THE COYOTE CREEK PUD FILING NO. 5 PRELIMINARY PUD PLAT LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, JR Engineering (“Applicants”) have applied for approval of the Coyote Creek PUD Filing No. 5 Preliminary Plat for 76 single family detached residential lots (the “Application”); and

WHEREAS, the Planning Commission held a public meeting on November 9, 2023 for the purpose of reviewing the Coyote Creek PUD Filing No. 5 Preliminary Plat; and

WHEREAS, after review of the Application and consideration of staff comments, Applicant’s presentation and any public input, Planning Commission finds the request for the Coyote Creek PUD Filing No. 5 Preliminary Plat conforms with City codes and requirements and policies therein; and

WHEREAS, all legal notification requirements have been met, including publishing the time and place of the public hearings in the Fort Lupton Press, posting notice at least fifteen (15) days before the hearings on the property, mailing notice to property owners within five-hundred (500) feet of the property; and

NOW THEREFORE BE IT RESOLVED, the Planning Commission has considered the application and has taken into consideration staff comments, the applicant presentation, all referral comments and any citizen testimony in response to this application. Based upon the review of applicable policies and goals in the Fort Lupton Comprehensive Plan, review of the Subdivision and Zoning Regulations, and the facts presented on this date, the Planning Commission hereby recommends approval of Coyote Creek PUD Filing No. 5 Preliminary Plat for a planned unit development located in the northeast quarter of section 5, Township 1 North, Range 66 West of the 6th Principal Meridian, City of Fort Lupton, County of Weld, State of Colorado, with the following conditions:

- I. Prior to finalizing the Preliminary Plat:
 - A. Any redline comments provided by City staff shall be made to the preliminary plat.
 - B. Applicant shall adequately address all Public Works comments.

DONE THIS 9th DAY OF NOVEMBER, 2023, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director



**COYOTE CREEK PUD FILING NO. 5 PRELIMINARY PLAT
STAFF REPORT
PPL2023-001**

PROJECT DESCRIPTION

Project No.: PPL2023-001

Project Name: Coyote Creek PUD Filing No. 5 Preliminary Plat

Owner's Name: Bob Quinette with Lupton Land LLC

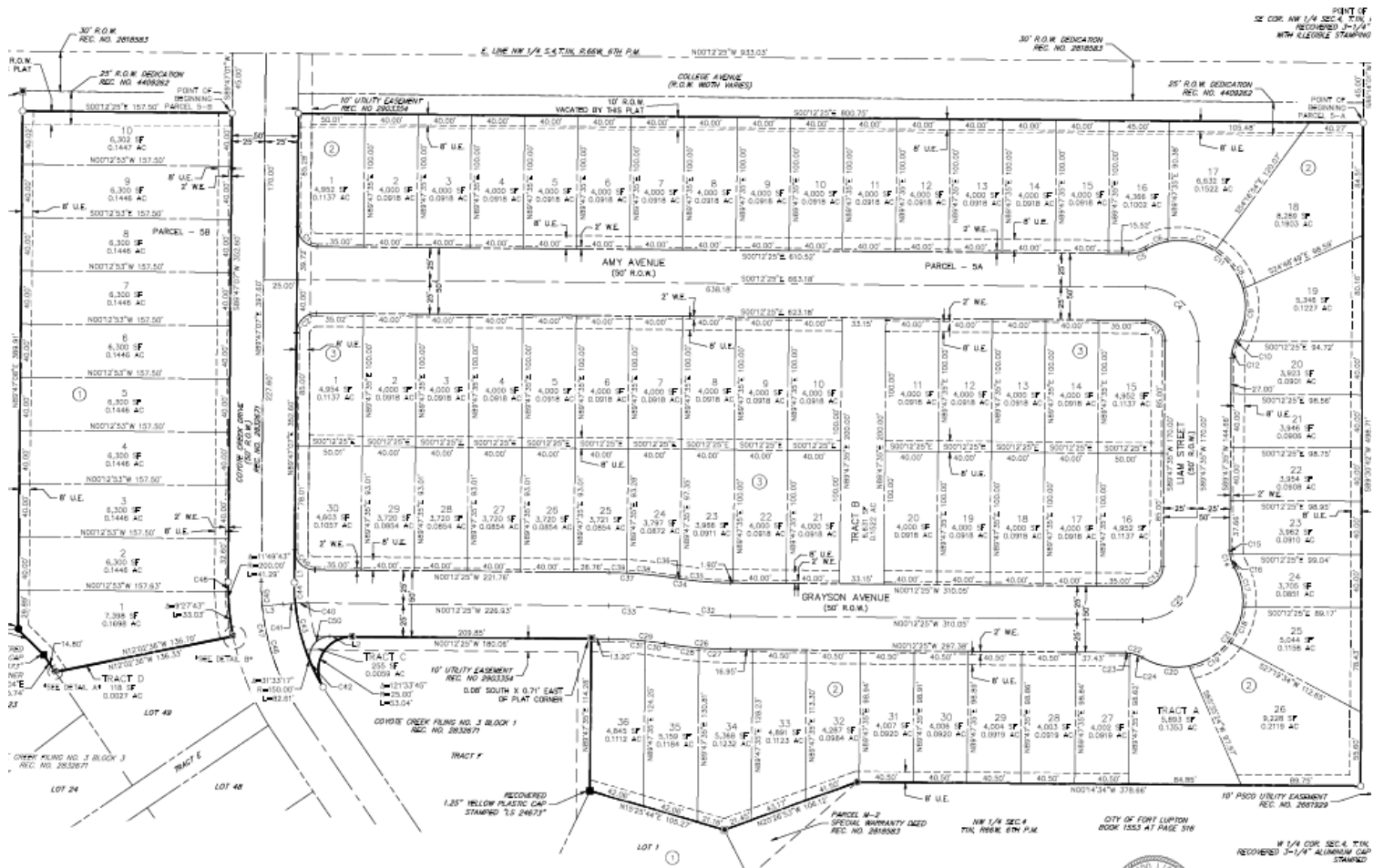
Representative's Name: Kenneth Merritt with JR Engineering

Location of Request:

The site consists of land located adjacent to the north and south of Coyote Creek Drive approximately 25 feet west of College Ave (the "Property"). The Property is located in the Northwest Quarter of Section 4, Township 1 North, Range 66 West of the 6th Principal Meridian, City of Fort Lupton., County of Weld, State of Colorado.



The Applicant has submitted a request for a preliminary plat for 76 single-family detached residential lots and will include .22 acres of common open space.



Site Size: 10 acres, more or less.

Zone District: PUD Planned Unit Development.

Proposed Use: Residential uses to include 76 single-family detached residential lots, including open space amenity area.

Existing Use: Vacant

Hearing Dates: Planning Commission – November 9, 2023 at 6:00 PM; and
City Council – November 21, 2023 at 6:00 PM.

Hearing Location: Fort Lupton City Hall – Council Chambers, 130 S. McKinley Ave., Fort Lupton, Colorado, with an option to attend virtually via GoToMeeting.

Staff Recommendation: Approval with conditions, as shown on the proposed resolution.

SUMMARY OF PREVIOUS APPLICATIONS

This property was originally annexed in 1994 with a larger area that was known as the Twombly Annexation. The Coyote Creek Development Plan from 1996 serves as the master PUD plan for this property. This piece is considered the fifth filing of the Coyote Creek development.

APPLICATION PROCESS

The Applicant is requesting approval of a preliminary plat for a residential subdivision that will include 76 single-family detached homes, including open space amenity area.

This application is being review under the Fort Lupton Municipal Code ("FLMC"). Pursuant to Sec. 17-22(b)(14) of the FLMC after required public notice of the preliminary plat, the Planning Commission shall consider the application, referral comments and any public testimony at a public hearing and make a recommendation to City Council to approve, approve with conditions or deny the preliminary plat. The Planning Commission's comments shall be based on the evidence presented, conformance with the Comprehensive Plan and compliance with the City's standards, regulations and policies.

The City Council shall then conduct a public hearing and evaluate the preliminary plat, referral agency comments, Planning Commission recommendation and any public testimony. City Council shall approve, conditionally approve, continue for additional information or for further study or deny the application based on the evidence presented and compliance with the City's standards, regulations and policies and other guidelines.

NOTIFICATION REQUIREMENTS

The Subdivision Regulations require published notice of the hearings in a timely manner prior to the hearings. The Planning Commission and City Council hearings were published in the Fort Lupton press on October 19, 2023.

Notice of the public hearings were posted on the Property on October 25, 2023, pursuant to the Subdivision Regulations, which require the Applicant post the Property with notice of the hearings at least fifteen (15) days prior to the hearings.

Notice was mailed to neighbor within 500 feet of the Property, and owners and lessees of mineral interests on October 24, 2023.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The area is zoned PUD Planned Unit Development with residential uses. The objective of a PUD is to provide for the planning and development of substantial tracts of land, suitable in location and character for the uses proposed, as unified and integrated entities in accordance with detailed development plans.

The Preliminary Plat is for a residential subdivision to include 76 single-family detached residential lots, including common areas and interconnecting trails. The Applicant has submitted the required documents pursuant to the Code.

The PUD plan was previously approved.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Future Land Use Map designates this area for Single-Family Attached land uses. This designation allows for single-family attached homes in formal, planned developments. These provide higher density and more affordable housing options to complement traditional single-family detached neighborhoods.

The proposed development plans for single-family detached homes within Filing No. 5. The Master Planned Coyote Creek Development originally proposed multi-family housing at this location, however did provide for the ability to develop single-family attached or detached housing.

REFERRALS

Referrals were provided to the list below.

City Attorney	Police Chief	Public Works Director
Building Inspector	Golf Course Manager	GIS Specialist
Fort Lupton Fire Protection District	CDOT	Weld County School District RE-8
Weld County GIS	Colorado Parks and Wildlife	NCWCD
United Power	Comcast	CenturyLink
Xcel Energy	Postmaster	

Additional documents are available for review at
<https://www.fortluptonco.gov/DocumentCenter/Index/740>.

Coyote Creek Filing No. 5 – Development Narrative

Coyote Creek Filing 5 is generally located south of Coyote Creek Drive in the southeast corner of the approved Coyote Creek PUD Master Development Plan and is designated as Parcels A & B being approximately 10 acres in size. Parcels A & B is currently identified on the approved PUD Master Development Plan as Multi-Family and allows for up to 149 Multi-Family Dwelling Units with an allowed Density of 14.9 Dwelling Unit per Acre. Coyote Creek Filing 5 is proposing to modify the current approved Land Use from Multi-Family to Single Family Detached Residential which if approved would allow for 61 Single Family Detached Residential Lots on 10 Acres with a Gross Density of 6.1 Dwelling Units per Acres.

Also included as part of Coyote Creek Filing 5 Development are 2.4 Acres of Public Street Right-of –Way Dedication (23% of Total Site Area), 0.22 Acres of Common Open Space (2.1% of Total Site Area) to also be owned and maintained by the Coyote Creek Filing 5 Home Owners Association (HOA). When approved by the City the Developers of Coyote Creek Filing 5 will also be responsible to construct all necessary Public Roads, Water, Sanitary Sewer, Storm Sewer and Gray Water Irrigation infrastructure needed to support the proposed Single Family Residential Development.

COYOTE CREEK PUD FILING NO. 5 PRELIMINARY PLAT
LOCATED IN THE NORTHWEST QUARTER SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO
10.216 ACRES- 76 LOTS/ 4 TRACTS
PROJECT NO.: PPL2023-001

DESCRIPTION:

TWO PARCELS OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE CENTER 1/4 CORNER BY A 3-1/4" ALUMINUM CAP WITH ILLEGIBLE STAMPING IN A RANGE BOX AND AT THE WEST QUARTER CORNER BY AN ALUMINUM CAP STAMPED 1S 13155" BEARING S89°17'03" A DISTANCE OF 2647.93 FEET AS REFERENCED TO COLORADO STATE PLANE NORTH ZONE. NAD(83).

PARCEL 5--A:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, N00°12'25"W A DISTANCE OF 82.71 FEET;

THENCE DEPARTING SAID EAST LINE, S89°17'03" A DISTANCE OF 45.00 FEET, TO A POINT ON A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF COLLEGE AVENUE, AND THE POINT OF BEGINNING;

THENCE S89°30'42"W A DISTANCE OF 498.71 FEET, TO A POINT ON THE EASTERLY LINE OF THAT PROPERTY DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 1553 AT PAGE 516, IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER;

THENCE ON SAID EASTERLY LINE, N00°14'34"W A DISTANCE OF 378.66 FEET, TO THE SOUTHEASTERLY CORNER OF PARCEL M--2 AS DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 2818583;

THENCE ON THE EASTERLY LINE OF SAID PARCEL M--2, N20°26'53"W A DISTANCE OF 106.12 FEET, TO THE SOUTHEASTERLY CORNER OF LOT 1 BLOCK 1 COYOTE CREEK FILING NO. 3 RECORDED UNDER RECEPTION NO. 2832671;

THENCE ON THE EASTERLY LINE OF SAID COYOTE CREEK FILING NO. 3, THE FOLLOWING FOUR (4) COURSES:

- N15°25'44"E A DISTANCE OF 105.27 FEET;
- N89°47'35"E A DISTANCE OF 114.28 FEET;
- N00°12'25"W A DISTANCE OF 180.06 FEET, TO A POINT OF CURVE;
- ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF N60°59'18"W AND A CHORD DISTANCE OF 43.64 FEET, A CENTRAL ANGLE OF 121°33'45" AND AN ARC LENGTH OF 53.04 FEET, TO A POINT OF REVERSE CURVE ON THE SOUTHERLY RIGHT-OF-WAY OF COYOTE CREEK DRIVE, AS SHOWN ON THE PLAT OF SAID COYOTE CREEK FILING NO. 3;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:

- ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.00 FEET, A CHORD BEARING OF N74°00'29"E AND A CHORD DISTANCE OF 81.57 FEET, A CENTRAL ANGLE OF 31°33'17" AND AN ARC LENGTH OF 82.61 TO A POINT OF TANGENT;
- N89°47'07"E A DISTANCE OF 352.60 FEET, TO A POINT ON A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID COLLEGE AVENUE;

THENCE ON SAID LINE, S00°12'25"E A DISTANCE OF 800.75 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 380,799 SQUARE FEET OR 8.7419 ACRES.

PARCEL 5--B:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, N00°12'25"W A DISTANCE OF 933.03 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COYOTE CREEK DRIVE AS SHOWN ON THE PLAT OF COYOTE CREEK FILING NO. 3 RECORDED UNDER RECEPTION NO. 2832671, IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, S89°47'07"W A DISTANCE OF 45.00 FEET, TO A POINT ON A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF COLLEGE AVENUE, AND THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:

- S89°47'07"W A DISTANCE OF 352.60 FEET, TO A POINT OF CURVE;
- ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 11°49'43" AND AN ARC LENGTH OF 41.29 FEET, TO A POINT OF NON-TANGENT BEING THE SOUTHEASTERLY CORNER OF LOT 49 BLOCK 3 AS SHOWN ON SAID PLAT COYOTE CREEK FILING NO. 3;

THENCE ON THE EASTERLY LINE OF SAID BLOCK 3 COYOTE CREEK FILING NO. 3, THE FOLLOWING THREE (3) COURSES:

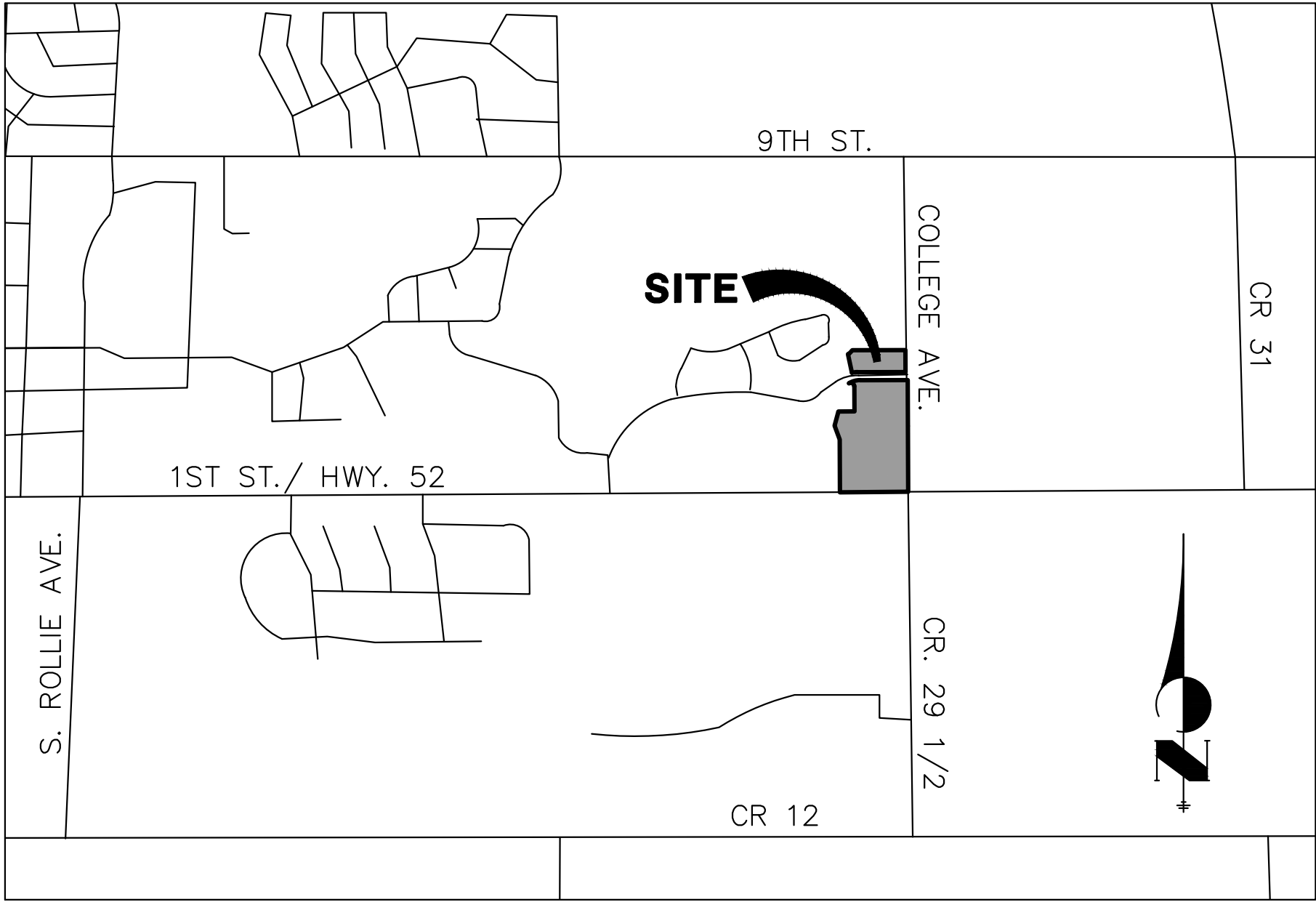
- N12°02'36"W A DISTANCE OF 136.33 FEET;
- N55°08'04"E A DISTANCE OF 15.74 FEET;
- N43°48'13"E A DISTANCE OF 26.92 FEET, TO THE SOUTHWESTERLY CORNER OF THAT PROPERTY DESCRIBED AS THE CITY OF FORT LUPTON TANK AND PUMPSTATION SITE RECORDED IN BOOK 708 UNDER RECEPTION NO. 1630100;

THENCE ON SAID SOUTHERLY LINE, N89°47'07"E A DISTANCE OF 389.91 FEET, TO A POINT ON A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF COLLEGE AVENUE;

THENCE ON SAID LINE, S00°12'25"E A DISTANCE OF 157.50 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 64,216 SQUARE FEET OR 1.4742 ACRES.

CONTAINING A COMBINED AREA OF 445,015 SQUARE FEET OR 10.2161 ACRES.



VICINITY MAP SCALE: 1"=1000'

LAND SUMMARY CHART			
TYPE	AREA (SF)	AREA (AC)	% OF TOTAL AREA
RESIDENTIAL LOTS	349,842	8.031	78.61%
TRACTS	12,897	0.296	2.90%
PUBLIC ROW	82,276	1.889	18.49%
TOTAL	445,015	10.216	100.00%

TRACT SUMMARY CHART					
TRACT	AREA (SF)	AREA (ACRES)	USE	OWNERSHIP	MAINTENANCE
Tract A	5,893	0.1353	UTILITIES, LANDSCAPE, & DRAINAGE	CCHOA	CCHOA
Tract B	6,631	0.1522	UTILITIES, LANDSCAPE, DRAINAGE, & PUBLIC ACCESS	CCHOA	CCHOA
Tract C	255	0.0059	DEEDED TO TRACT F BLOCK 1 COYOTE CREEK F3		
Tract D	118	0.0027	DEEDED TO LOT 49 BLOCK 3 COYOTE CREEK F3		
Total Area	12,897	0.2961			

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT I/WE _____, BEING THE SOLE OWNER(S) OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE LAID OUT AND PLATTED UNDER THE NAME OF COYOTE CREEK PUD FILING NO.5, AND DO HEREBY DEDICATE TO THE CITY OF FORT LUPTON AND ITS LICENSEES FOR PUBLIC USE FOREVER ALL STREETS, ALLEYS, AND UTILITY EASEMENTS, AS INDICATED HEREON. IN COMPLIANCE WITH THE CITY OF FORT LUPTON SUBDIVISION REGULATIONS AND BY CONTRACTUAL AGREEMENT, THE LANDOWNER(S) SHALL BEAR ALL EXPENSES INVOLVED IN IMPROVEMENTS.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS ____ DAY OF _____, 20____

ACKNOWLEDGMENT

STATE OF COLORADO)
COUNTY OF WELD) SS
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20____ BY
WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

OWNERS APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT I/WE _____, BEING THE SOLE OWNER(S) OF THE LAND DESCRIBED HEREIN, AND _____ ARE ALL OF THE MORTGAGEES AND HOLDERS OF LIENS UPON THE PROPERTY, AND EACH AND ALL HEREBY CONSENT TO THIS PLAT AND JOIN THE CONVEYANCE AND DEDICATION OF ALL STREETS, ROADS, ALLEYS, EASEMENTS, PUBLIC WAYS AND PLACES SHOWN HEREON.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS ____ DAY OF _____, 201__

ACKNOWLEDGMENT

STATE OF COLORADO)
COUNTY OF WELD) SS
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _ DAY OF _____, 20____ BY
WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

GENERAL NOTES:

- NOTICE: PER C.R.S. 13-80-105, 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.
- PER C.R.S. 38-51-106, "ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37/12 U.S. SURVEY FEET, EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY."
- PER THE BYLAWS AND RULES OF THE STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, CERTIFICATION IS DEFINED AS A STATEMENT THAT INCLUDES THE FOLLOWING: (A) IS SIGNED AND/OR SEALED BY A PROFESSIONAL LAND SURVEYOR REPRESENTING THAT THE SURVEYING SERVICES ADDRESSED THEREIN HAVE BEEN PERFORMED BY THE PROFESSIONAL LAND SURVEYOR OR UNDER THE PROFESSIONAL LAND SURVEYOR IN RESPONSIBLE. (B) IS BASED UPON THE PROFESSIONAL LAND SURVEYOR'S KNOWLEDGE, INFORMATION AND BELIEF. (C) IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE. (D) IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY JR ENGINEERING, LLC. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY OR TITLE OF RECORD, JR ENGINEERING, LLC RELIED UPON TITLE COMMITMENT NO. NCS-1095026-CO, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED OCTOBER 28, 2021 AT 5:00 P.M.
- LAND DESCRIBED IN THIS PLAT IS NOT IN A F.E.M.A. FLOODPLAIN AS PER FLOOD INSURANCE RATE MAP PANEL NUMBER 08123C2110E WITH A REVISION DATE OF JANUARY 20, 2016.
- A BLANKET DRAINAGE, UTILITY, LANDSCAPE, AND PUBLIC ACCESS EASEMENT IS HEREBY GRANTED OVER ALL OF TRACTS A, B, & C.

MAYOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT A PLAT OF THE ABOVE-DESCRIBED PROPERTY WAS APPROVED BY RESOLUTION _____ NO. _____ OF THE CITY OF FORT LUPTON PASSED AND ADOPTED ON THE 1ST DAY OF _____, A.D., 2022 AND THAT THE MAYOR OF THE CITY OF FORT LUPTON, AS AUTHORIZED BY SAID RESOLUTION ON BEHALF OF THE CITY OF FORT LUPTON, HEREBY ACKNOWLEDGES AND ADOPTS THE SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

ATTEST _____ MAYOR

CITY CLERK

CITY ENGINEER'S APPROVAL:

APPROVED ON THIS ____ DAY OF _____, 20____.

CITY ENGINEER

CITY ADMINISTRATOR'S APPROVAL:

APPROVED ON THIS ____ DAY OF _____, 20____.

CITY ADMINISTRATOR

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED ON THIS ____ DAY OF _____, 20____.

DIRECTOR OF PUBLIC WORKS

CLERK AND RECORDER'S CERTIFICATE:

THIS PLAT IS ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF WELD COUNTY, COLORADO,

AT ____O'CLOCK __M., ON THE ____ DAY OF _____, 20____

AS RECEPTION NO. _____

CLERK AND RECORDER

BY: DEPUTY

SURVEYORS CERTIFICATE:

I, JARROD ADAMS, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF COYOTE CREEK FILING NO. 5 WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY WITHIN MY CONTROL, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF



JARROD ADAMS, COLORADO PLS NO. 38252
FOR AND ON BEHALF OF JR ENGINEERING,LLC

COYOTE CREEK FILING NO. 5
JOB NO. 16093.01
SEPTEMBER 15, 2023
SHEET 1 OF 2



Centennial 303-740-9393 • Colorado Springs 719-593-2593
Fort Collins 970-491-9888 • www.jrengineering.com

OWNER: SURVEYOR/CIVIL ENGINEER/LANDSCAPE ARCHITECT
LUPTON LAND, LLC JR ENGINEERING
10221 PRESTWICK TRAIL 2900 SOUTH COLLEGE AVENUE, SUITE 3D
LONE TREE, CO 80124 FORT COLLINS, CO 80525
ATTN: BOB QUINETTE ATTN: KEN MERRITT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°47'07"E	24.59'
L2	N00°12'25"W	16.59'
L3	N06°06'38"W	15.98'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	88°54'54"	15.00'	23.28'
C2	90°00'28"	15.00'	23.56'
C3	90°00'00"	15.00'	23.56'
C4	90°00'00"	40.00'	62.83'
C5	30°27'58"	25.00'	13.29'
C6	20°37'27"	50.00'	18.00'
C7	41°49'13"	50.00'	36.49'
C8	41°39'49"	50.00'	36.36'
C9	46°23'30"	50.00'	40.48'
C10	30°27'58"	25.00'	13.29'
C11	150°55'56"	50.00'	131.71'
C12	30°27'58"	25.00'	13.29'
C13	90°00'00"	15.00'	23.56'
C14	30°27'58"	25.00'	13.29'
C15	5°22'30"	25.00'	2.35'
C16	25°05'28"	25.00'	10.95'
C17	35°25'00"	50.00'	30.91'
C18	32°53'38"	50.00'	28.71'
C19	40°55'55"	50.00'	35.72'
C20	41°41'24"	50.00'	36.38'
C21	150°55'56"	50.00'	131.71'
C22	30°27'58"	25.00'	13.29'
C23	7°03'22"	25.00'	3.08'
C24	23°24'37"	25.00'	10.21'
C25	90°00'00"	40.00'	62.83'

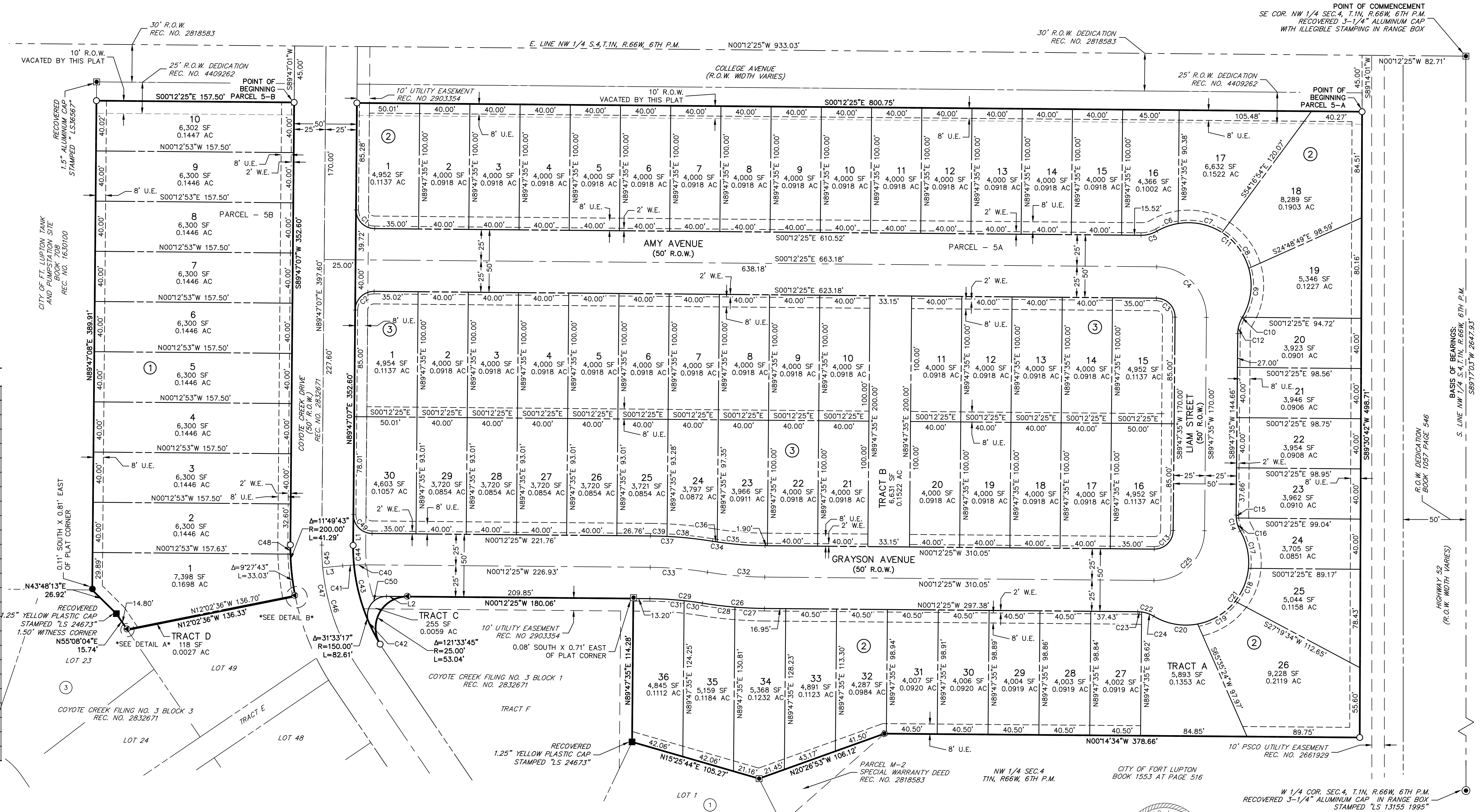
CURVE	
CURVE	DELTA
C26	8°45'26"
C27	4°09'21"
C28	4°36'05"
C29	8°45'26"
C30	3°03'38"
C31	5°41'48"
C32	8°45'26"
C33	8°45'26"
C34	8°45'26"
C35	7°57'53"
C36	0°47'33"
C37	8°45'26"
C38	6°25'18"
C39	2°20'08"
C40	5°54'13"
C41	5°54'13"
C42	7°19'18"
C43	24°13'59"
C44	24°13'59"
C45	5°53'45"
C46	25°45'23"
C47	31°39'09"
C48	2°07'09"
C49	89°59'32"
C50	114°14'14"

COYOTE CREEK PUD FILING NO. 5 PRELIMINARY PLAT

LOCATED IN THE NORTHWEST QUARTER SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO

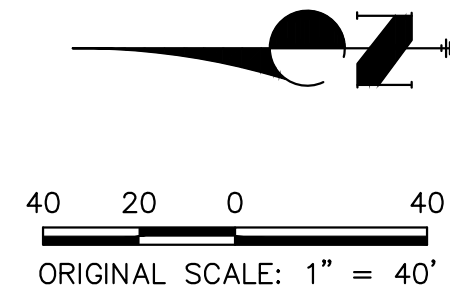
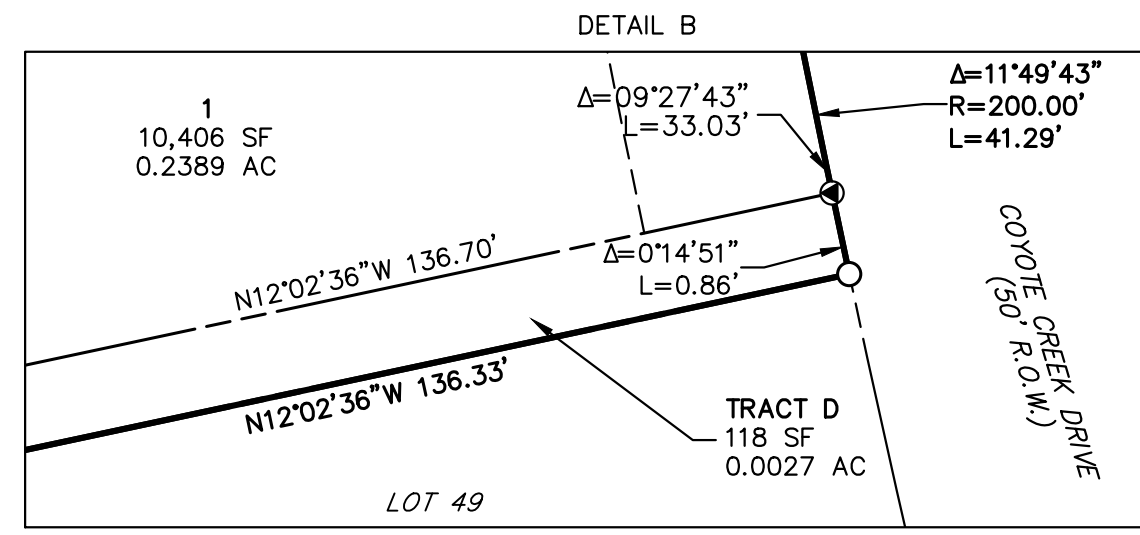
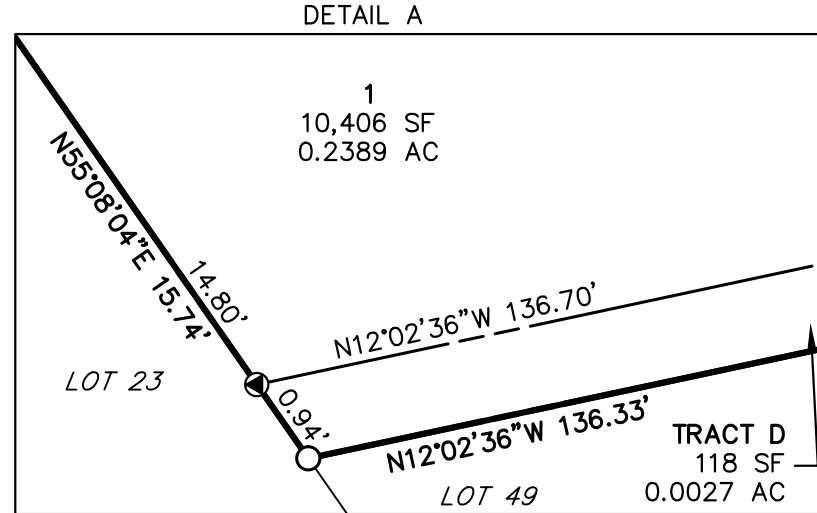
10.216 ACRES- 76 LOTS/ 4 TRACTS

PROJECT NO.: PPL2023-001



LEGEND

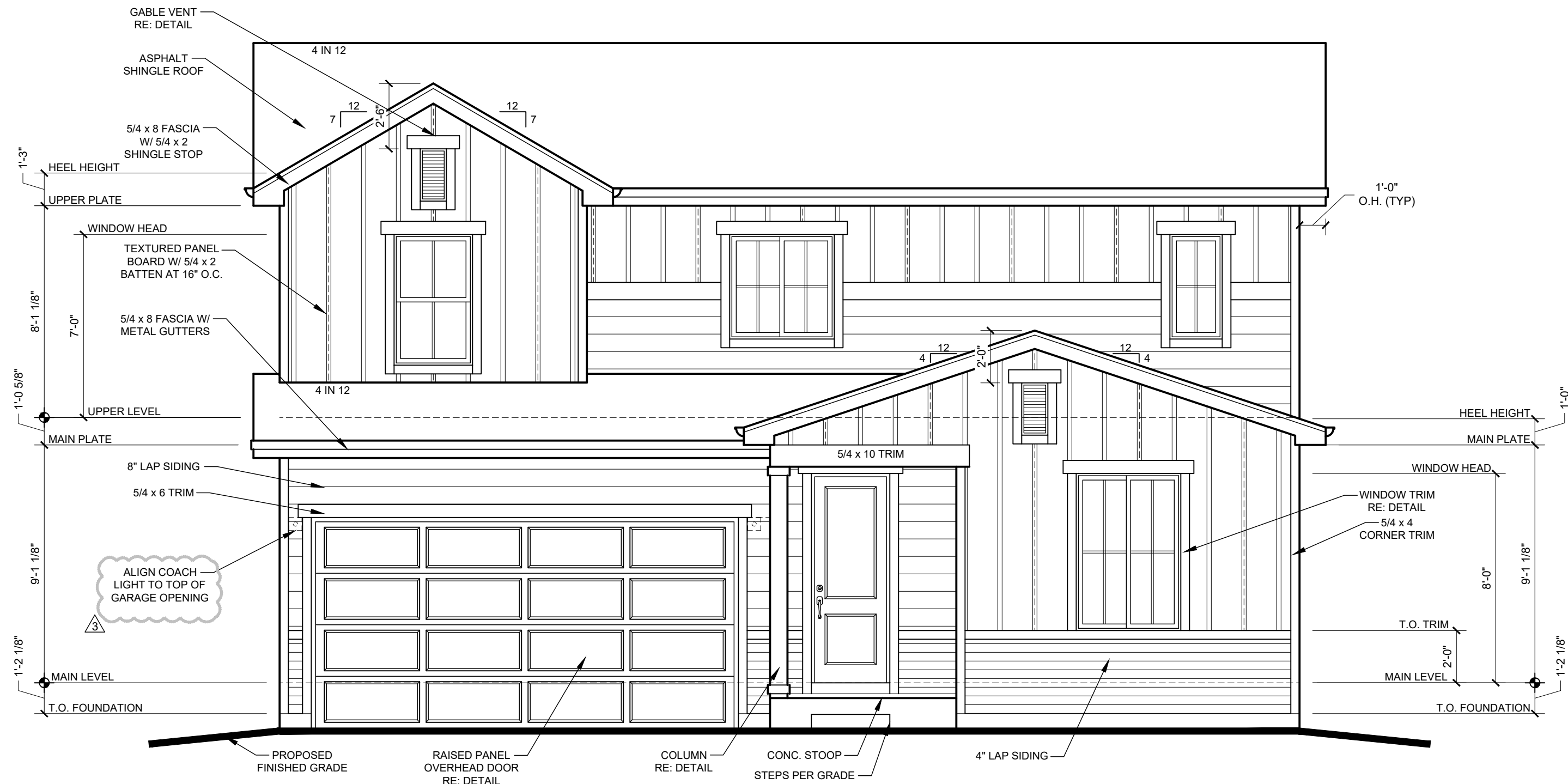
- RECOVERED 1.25" YELLOW PLASTIC CAP STAMPED "LS 37908"
- RECOVERED 2" ALUMINUM CAP STAMPED "LS 29036"
- RECOVERED 1.5" ALUMINUM CAP ILLEGIBLE
- RECOVERED #5 REBAR
- SET 1.5" ALUMINUM CAP STAMPED "LS 38252"
- EXISTING BOUNDARY
- PROPOSED LOT LINE
- EXISTING PROPERTY LINE
- EXISTING RIGHT-OF-WAY LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- UTILITY EASEMENT
- BLOCK NUMBER



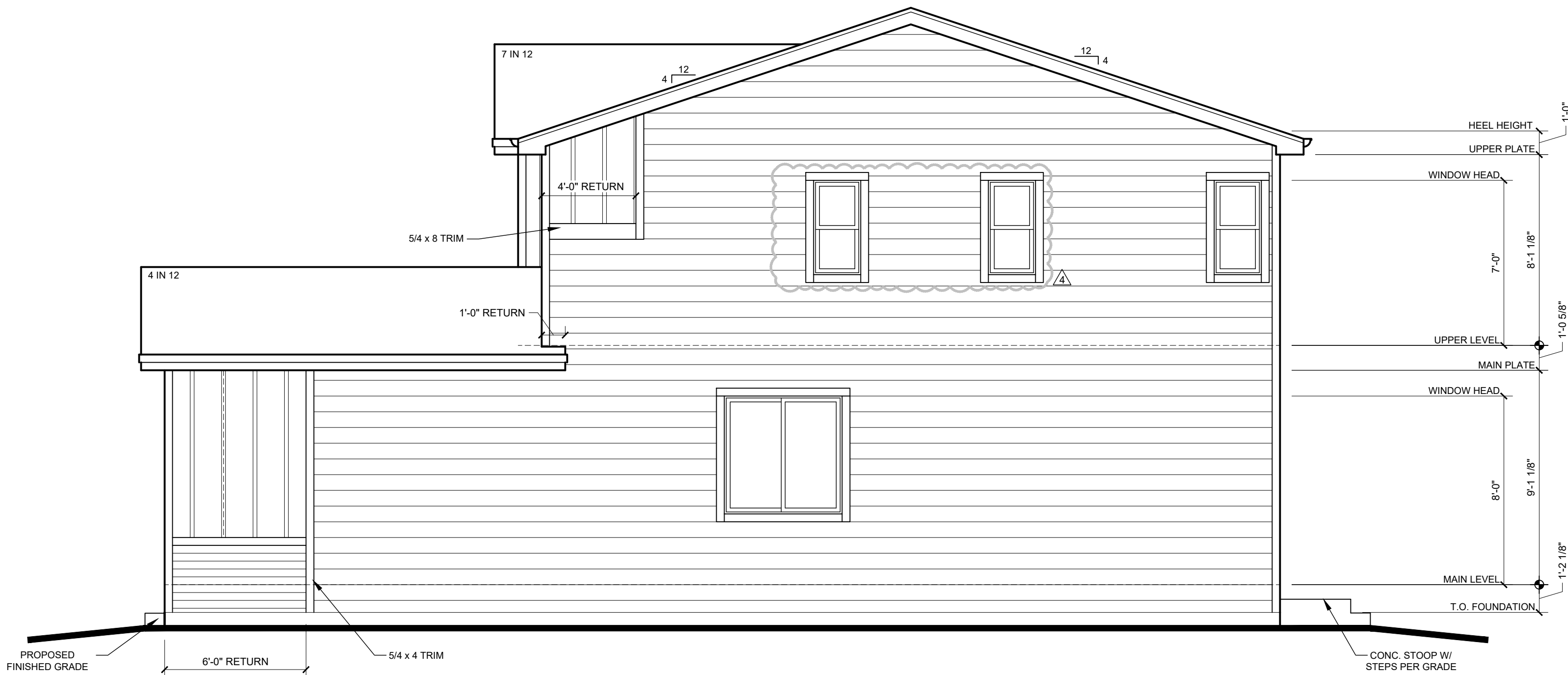
COYOTE CREEK FILING NO. 5
JOB NO. 16093.01
SEPTEMBER 15, 2023
SHEET 2 OF 2



Centennial 303-740-9993 • Colorado Springs 719-593-2593
Fort Collins 970-491-9888 • www.jrengineering.com



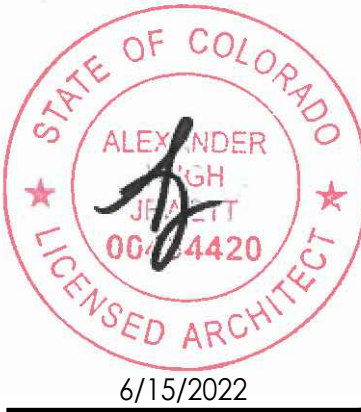
1 FRONT ELEVATION - 'A'
FARMHOUSE
SCALE: 1/4" = 1'-0"



2 NON-GARAGE SIDE ELEVATION - 'A'
SCALE: 1/4" = 1'-0"

- ELEVATION NOTES
- REFER TO GENERAL NOTES FOR ADDITIONAL INFORMATION NOT REPRESENTED ON ELEVATIONS.
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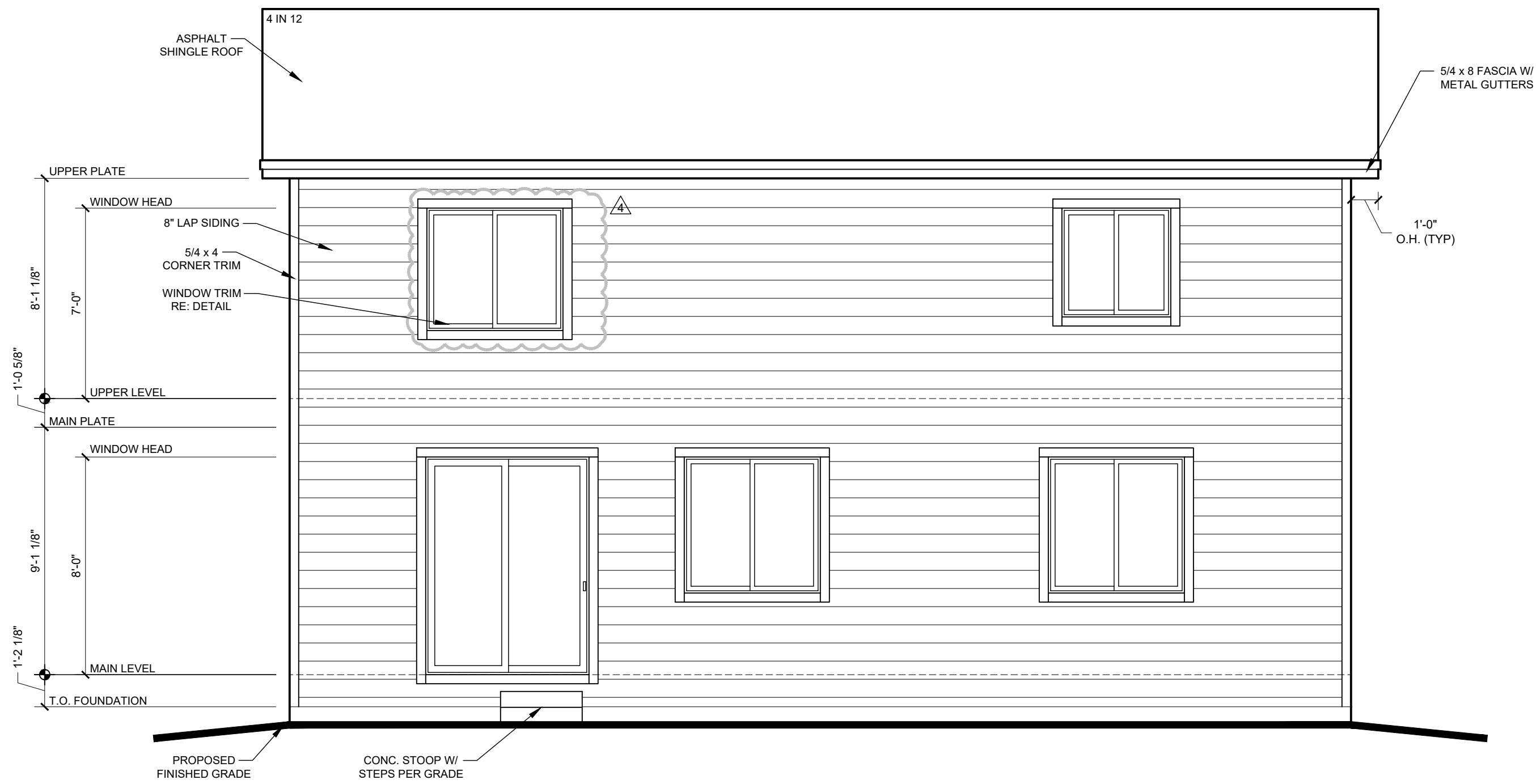
CENTURY
COMMUNITIES
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PHONE: 303.779.8900

RBN_39208
RED BARN - MEAD, COLORADO
CO 40' CENTURY 360 (PG#: 13922410)

PERMIT SET
DRAWN BY:
CHC, JV
CHECKED BY:
AHJ
ISSUE DATE:
2022.03.30

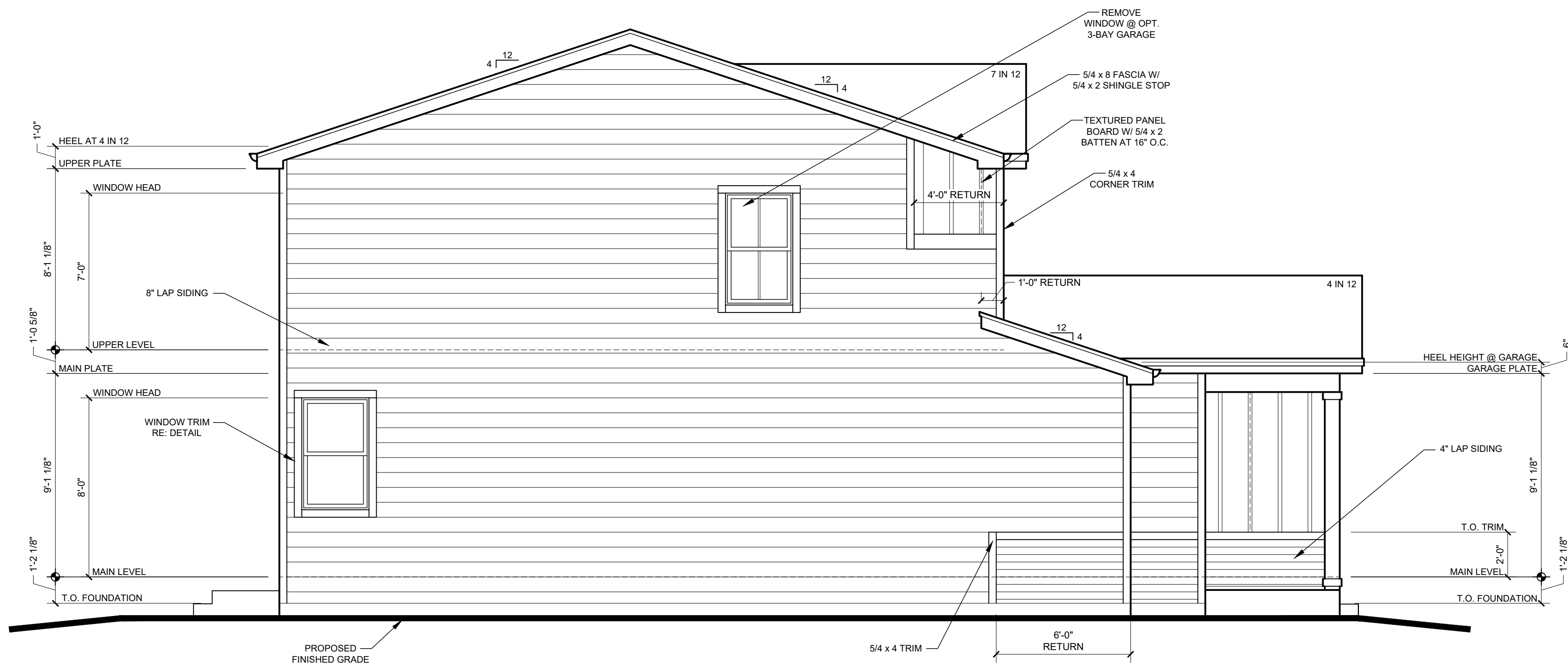
REVISIONS:	
△	2023.02.20
△	2023.03.24

EXTERIOR
ELEVATIONS -
'A'
32
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1 REAR ELEVATION - 'A'

SCALE: 1/4" = 1'-0"



2 GARAGE SIDE ELEVATION - 'A'

SCALE: 1/4" = 1'-0"

ELEVATION NOTES

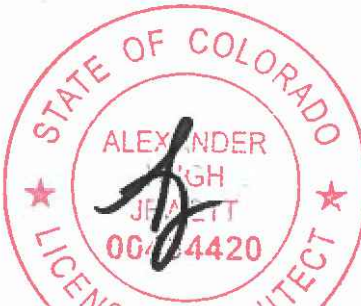
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6/15/2022



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PHONE: 303.779.8900

RBN_39208

RED BARN - MEAD, COLORADO
CO 40' CENTURY 360 (PG#: 13922410)

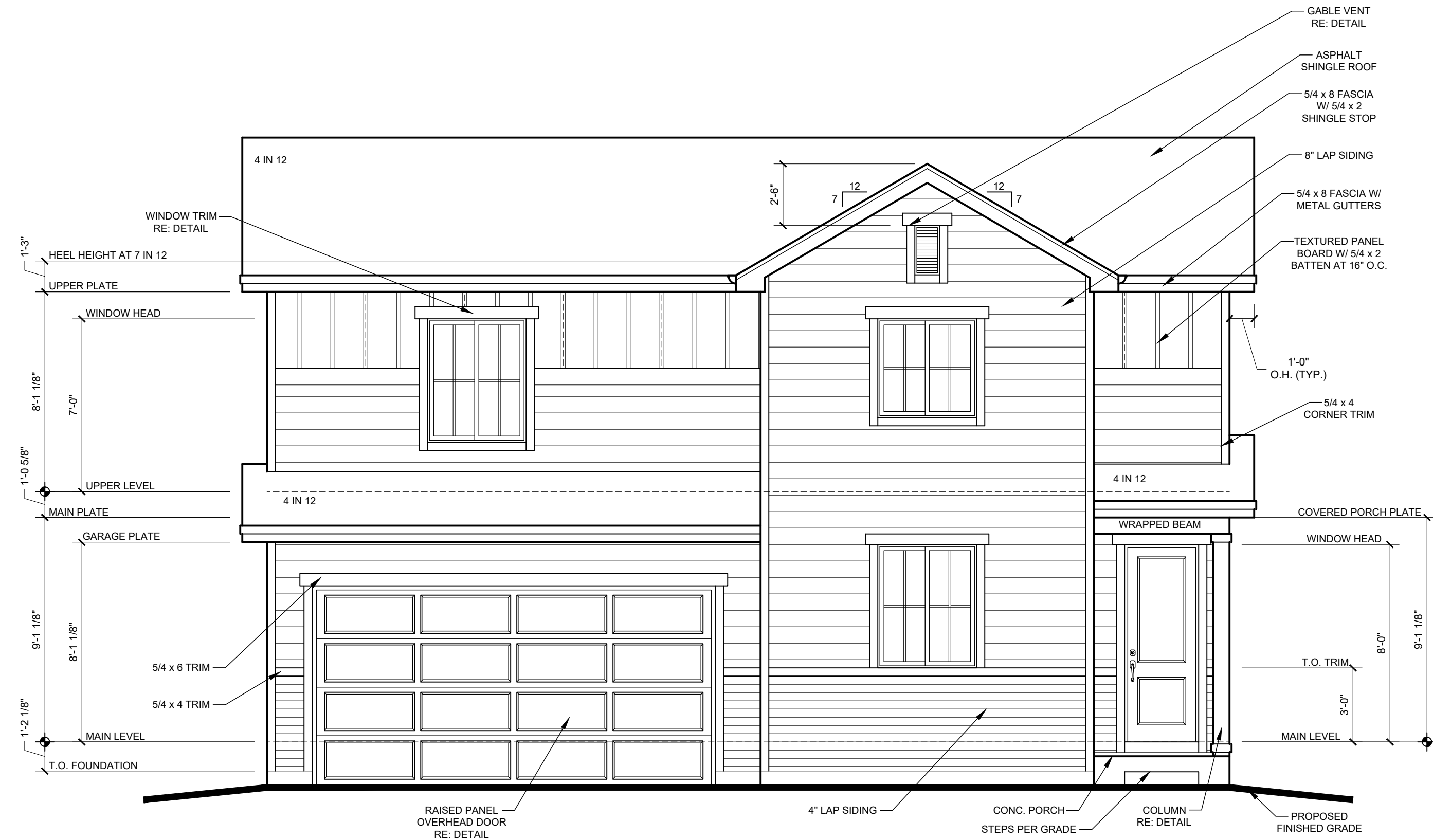
PERMIT SET
DRAWN BY:
CHC, JV
CHECKED BY:
AHJ
ISSUE DATE:
2022.03.30

REVISIONS:	
△	2023.03.24

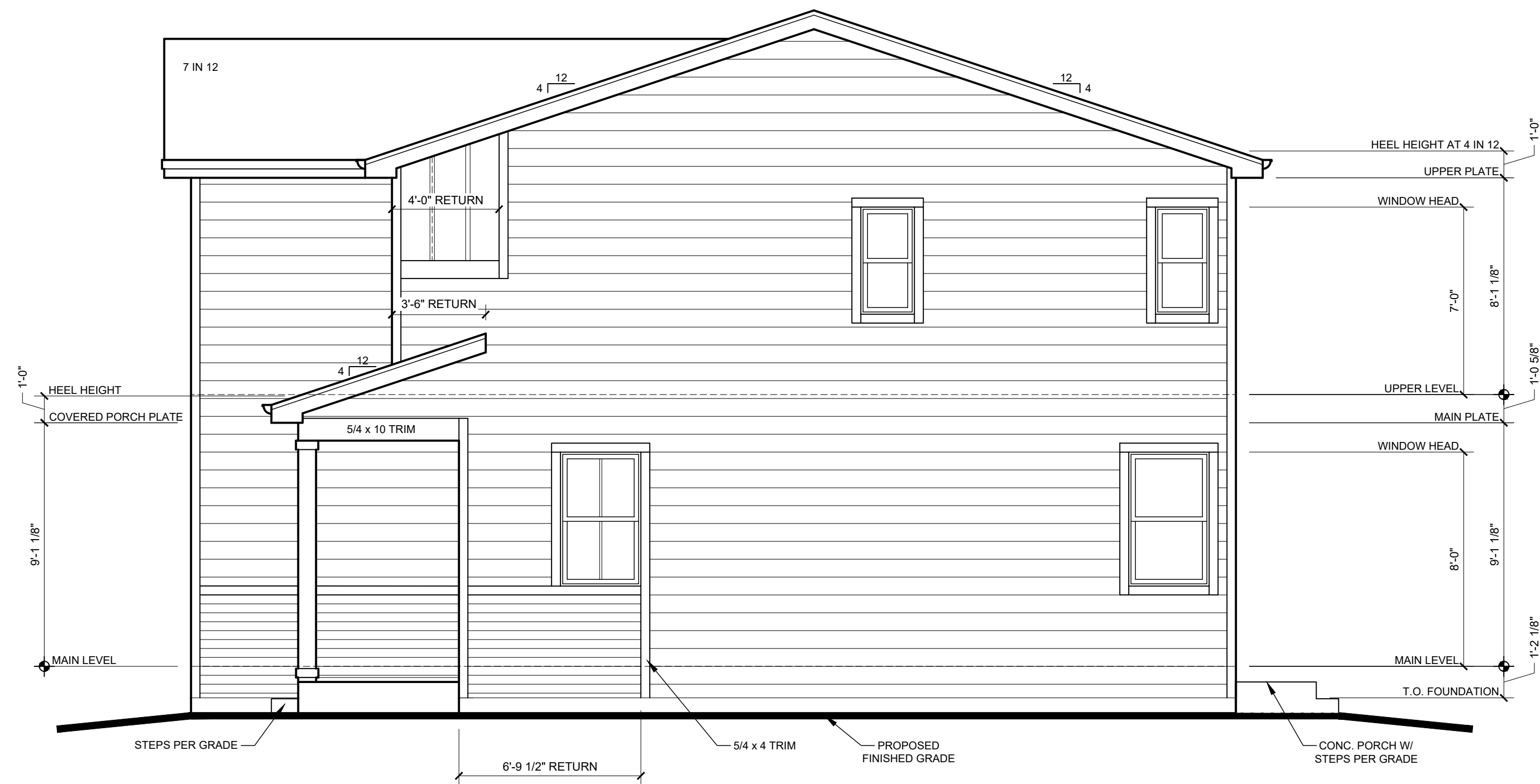
EXTERIOR
ELEVATIONS -
'A'

33

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1 FRONT ELEVATION - 'A'
FARMHOUSE
SCALE: 1/4" = 1'-0"

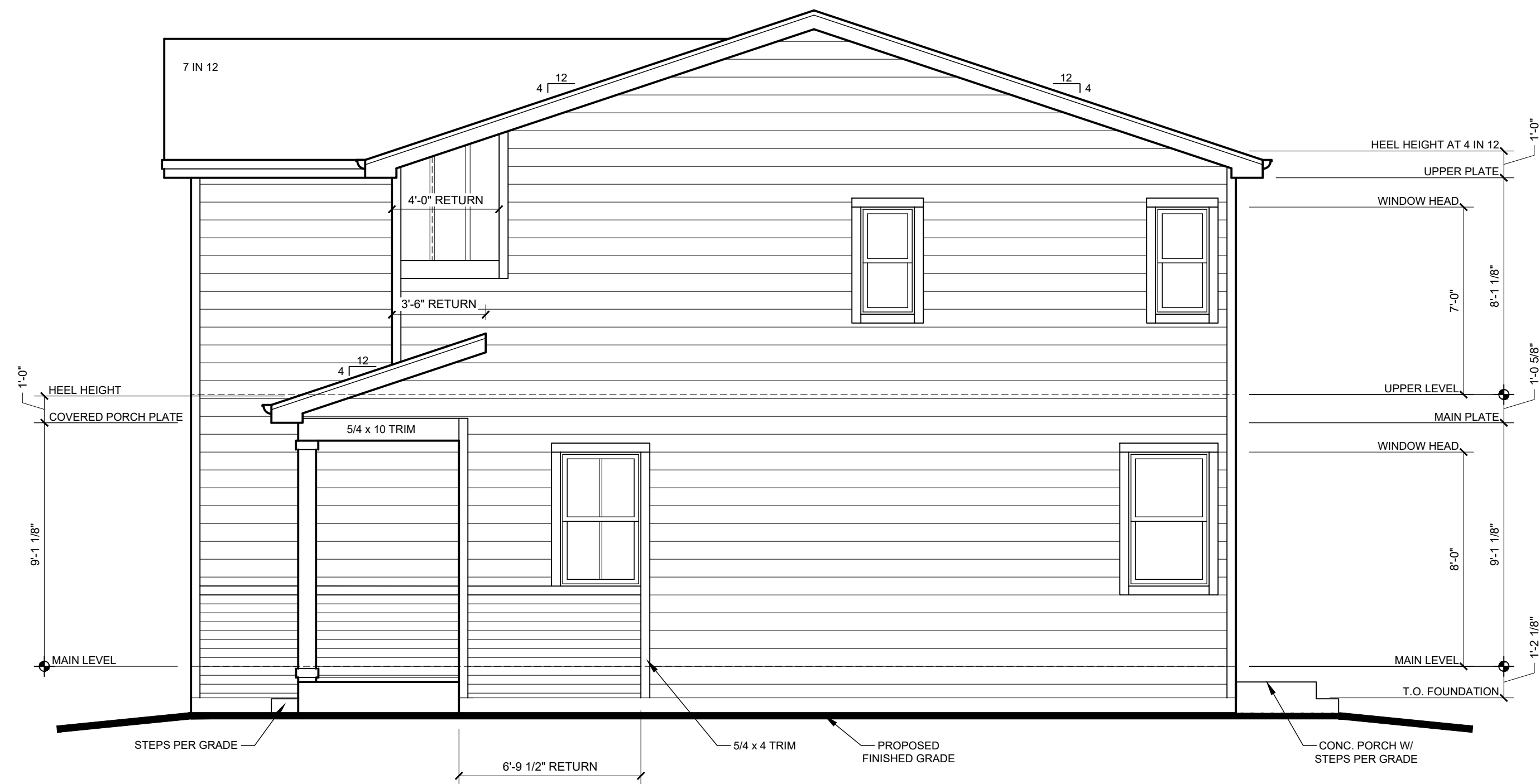


2 NON-GARAGE SIDE ELEVATION - 'A'
SCALE: 1/4" = 1'-0"

ELEVATION NOTES	
○	REFER TO GENERAL NOTES FOR ADDITIONAL INFORMATION NOT REPRESENTED ON ELEVATIONS.
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○	WHEN WINDOWS ARE ADJACENT TO A DOOR, THE BUILDER MAY ADJUST ADJACENT WINDOW HEADS AND ALL OTHER WINDOWS IN SAME ROOM TO ALIGN.
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1 FRONT ELEVATION - 'A'
FARMHOUSE
SCALE: 1/4" = 1'-0"



2 NON-GARAGE SIDE ELEVATION - 'A'
SCALE: 1/4" = 1'-0"

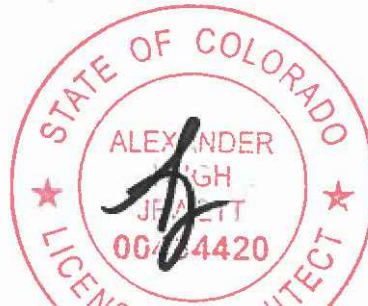
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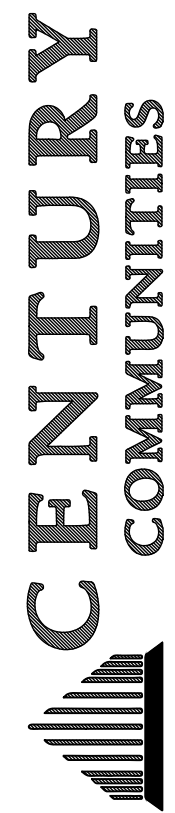


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6/15/2022



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PHONE: 303.779.8900

RBN_39206

RED BARN - MEAD, COLORADO
CO 40' CENTURY 360 (PG#: 13922275)

PERMIT
SET

DRAWN BY:
CHC, JV
CHECKED BY:
AHJ
ISSUE DATE:
2022.03.30

REVISIONS:

EXTERIOR
ELEVATIONS -
'A'

35

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1 FRONT ELEVATION - 'A'
FARMHOUSE
SCALE: 1/4" = 1'-0"



2 NON-GARAGE SIDE ELEVATION - 'A'
SCALE: 1/4" = 1'-0"

ELEVATION NOTES

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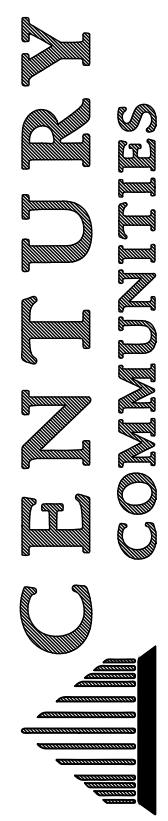
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6/2/2022



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PHONE: 303-770-6300

RBN_39205

RED BARN - MEAD, COLORADO
CO 40' CENTURY 360 (PG#: 13921994)

PERMIT
SET

DRAWN BY:
CHC, JV

CHECKED BY:
AHJ

ISSUE DATE:
2022.03.30

REVISIONS:

△	2022.02.08

EXTERIOR
ELEVATIONS -
'A'

36

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1 REAR ELEVATION - 'A'

SCALE: 1/4" = 1'-0"



2 GARAGE SIDE ELEVATION - 'A'

SCALE: 1/4" = 1'-0"

ELEVATION NOTES

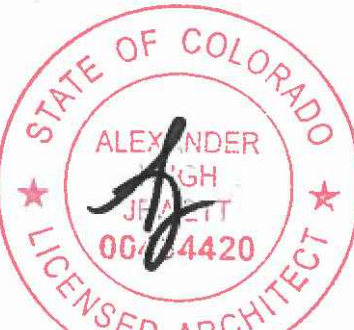
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PHONE: 303-770-6300

RBN_39205

RED BARN - MEAD, COLORADO
CO 40' CENTURY 360 (PG#: 13921994)

PERMIT
SET

DRAWN BY:
CHC, JV

CHECKED BY:
AHJ

ISSUE DATE:
2022.03.30

REVISIONS:

EXTERIOR
ELEVATIONS -
'A'

37

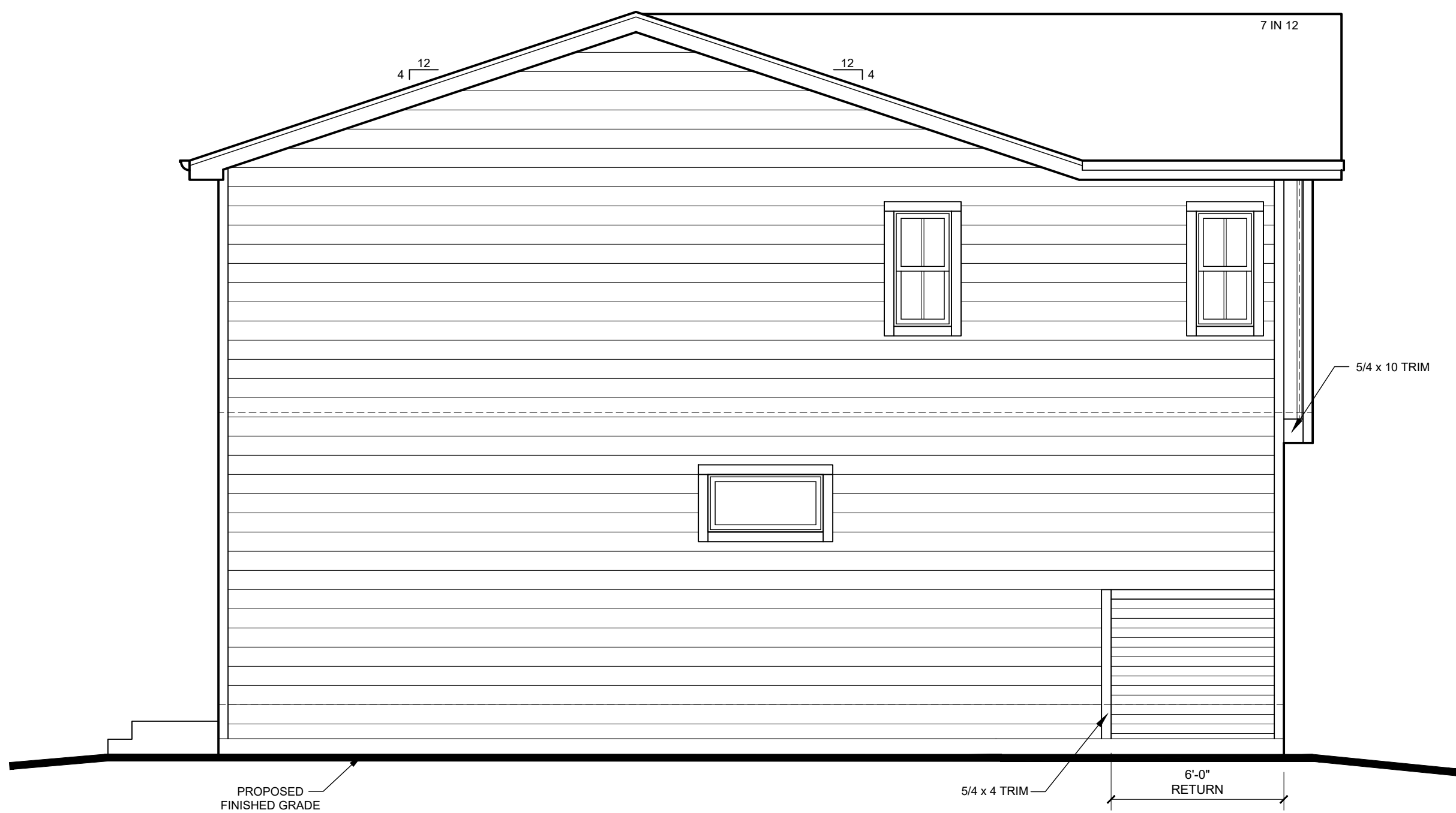
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3 REAR ELEVATION - 'A' SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION - 'A' SCALE: 1/4" = 1'-0"



4 GARAGE SIDE ELEVATION - 'A' SCALE: 1/4" = 1'-0"



2 NON-GARAGE SIDE ELEVATION - 'A' SCALE: 1/4" = 1'-0"

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PHONE: 303.779.8900

RBN_36204

RED BARN - MEAD, COLORADO
CO 40' CENTURY 360 (PG#: 13621913)

PERMIT SET

DRAWN BY:
CHC, JV

CHECKED BY:
AHJ

ISSUE DATE:
2022.03.30

REVISIONS:

NO.	DESCRIPTION	DATE

EXTERIOR ELEVATIONS - 'A'



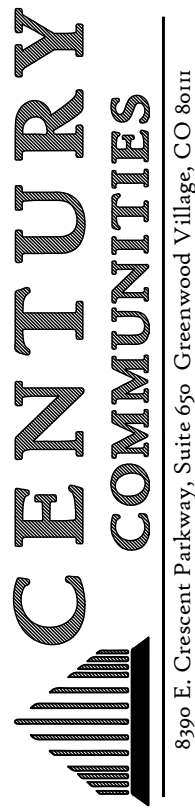
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Centennial, CO 80111



6/15/2022



8900 E. Crescent Parkway, Suite 600, Greenwood Village, CO 80111
PHONE: 303.779.8900

RBN_36204

RED BARN - MEAD, COLORADO
CO 40' CENTURY 360 (PG#: 13621913)

DRAWN BY:
CHC, JV
CHECKED BY:
AHJ
ISSUE DATE:
2022.03.30
REVISIONS:

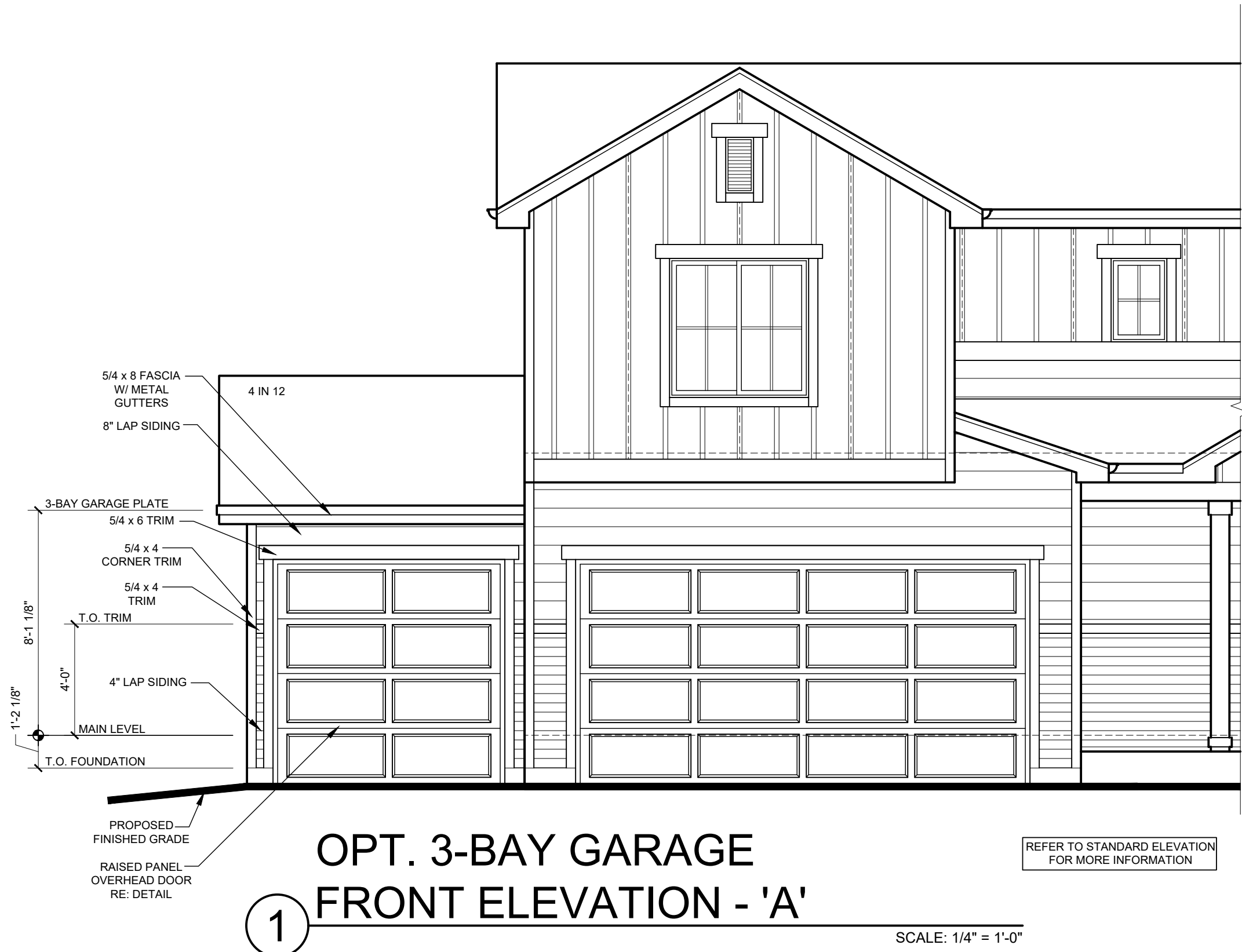
OPT. 3-BAY GARAGE
GARAGE - 'A'

39

© Copyright 2022

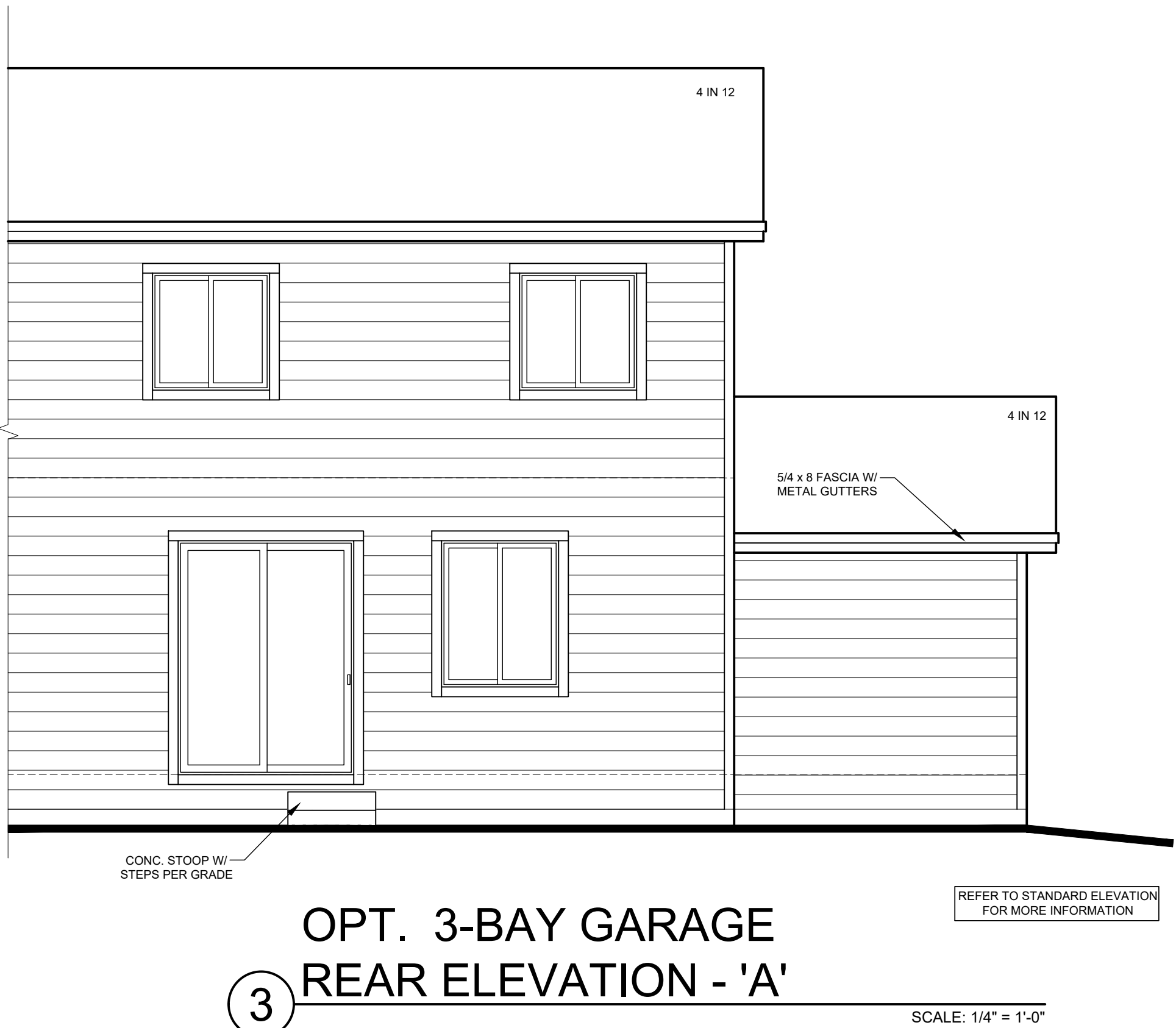
ELEVATION NOTES

- REFER TO GENERAL NOTES FOR ADDITIONAL INFORMATION NOT REPRESENTED ON ELEVATIONS.
- REFER TO BUILDING SECTIONS FOR PLATE HEIGHTS, HEEL HEIGHTS AND ADDITIONAL INFORMATION NOT REPRESENTED ON ELEVATIONS.
- REFER TO PLANS AND DETAILS FOR FIRE RATED ASSEMBLY LOCATION, PER LOT SPECIFIC CONDITION.
- PENETRATIONS OF PIPES AND SIMILAR TO BE SEALED AT ALL OPENINGS IN A BUILDING ENVELOPE WALL, FLOOR OR CEILING ASSEMBLY, PER P2606. PIPES AND VENTS SHALL BE PAINTED TO MATCH ADJACENT MATERIALS.
- WATERPROOFING OF OPENINGS AT ROOF AND EXTERIOR WALL PENETRATIONS SHALL BE MADE WATER TIGHT, PER P2607.
- WHEN WINDOWS ARE ADJACENT TO A DOOR, THE BUILDER MAY ADJUST ADJACENT WINDOW HEADS AND ALL OTHER WINDOWS IN SAME ROOM TO ALIGN.
- EXTERIOR WALL COVERING PER R703:
EXTERIOR WALL ASSEMBLIES SHALL PROVIDE THE BUILDING WITH A WEATHER RESISTANT EXTERIOR WALL ENVELOPE, PER R703.2, AND SHALL INCLUDE FLASHING PER R703.4. RE: FLASHING DETAILS, IF APPLICABLE.
- CLEARANCE TO GRADE:
UNLESS NOTED OTHERWISE, EXTERIOR WALL CLADDINGS SHALL BE ELEVATED FROM ADJACENT FINISHED GRADE (INCLUDING LANDSCAPE MATERIAL) A MINIMUM OF 4" FOR BEARING MASONRY VENEER AND 6" FOR ADHERED MASONRY VENEER AND OTHER WALL CLADDINGS OR 2" ABOVE ADJACENT FLATWORK OR ROOF SURFACES FOR ADHERED MASONRY VENEER AND OTHER WALL CLADDINGS PER R317.1, R404.1.6, R703.9, R703.12.1 AND PER MFG. SPECS.



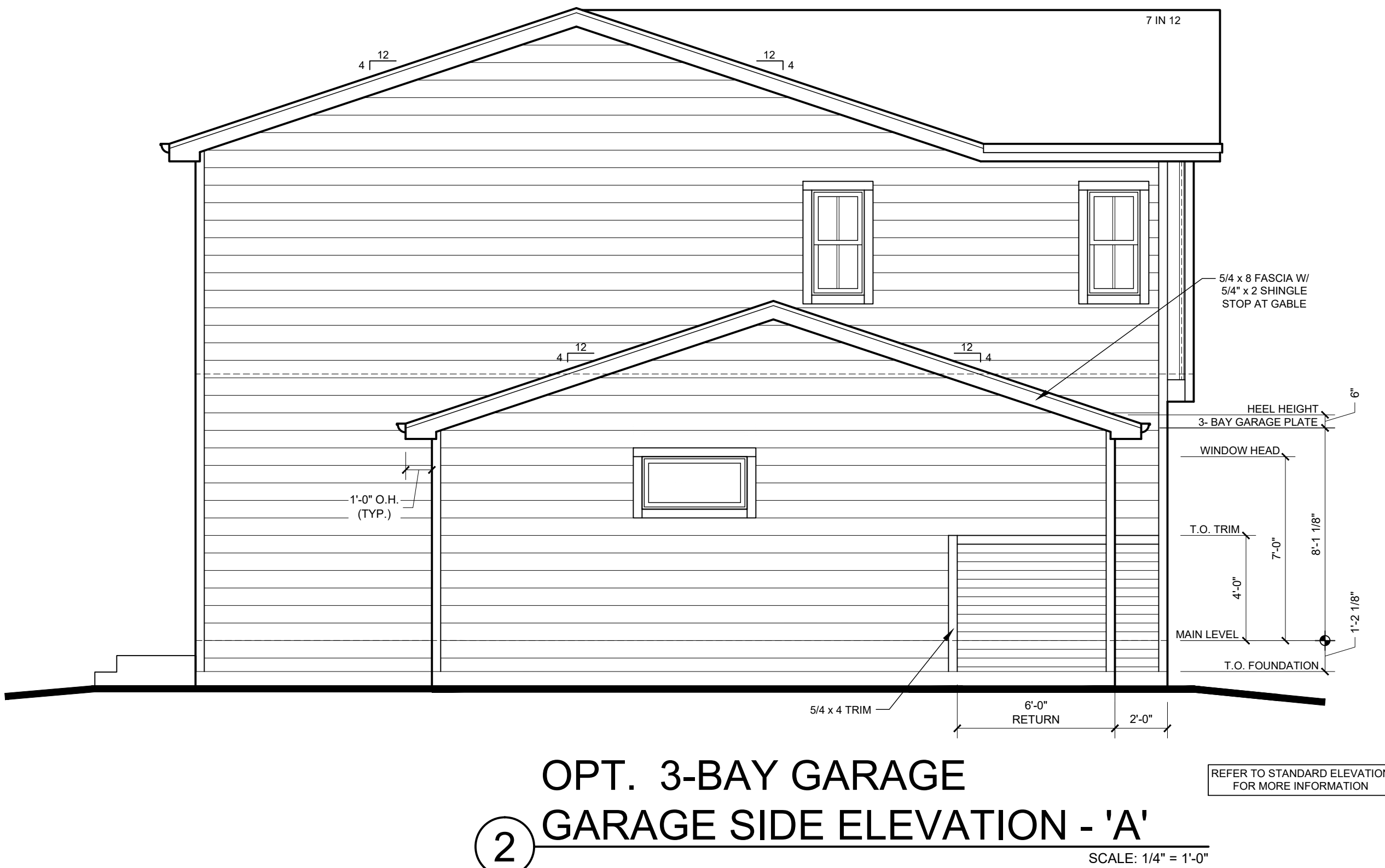
OPT. 3-BAY GARAGE
FRONT ELEVATION - 'A'

SCALE: 1/4" = 1'-0"



OPT. 3-BAY GARAGE
REAR ELEVATION - 'A'

SCALE: 1/4" = 1'-0"



OPT. 3-BAY GARAGE
GARAGE SIDE ELEVATION - 'A'

SCALE: 1/4" = 1'-0"

Colorado Community Media
750 W. Hampden Ave. Suite 225
Englewood, CO 80110

City of Fort Lupton Legals***
130 S McKinley Avenue
Fort Lupton CO 80621

AFFIDAVIT OF PUBLICATION

State of Colorado }
County of Weld } ss

This Affidavit of Publication for the Fort Lupton Press, a weekly newspaper, printed and published for the County of Weld, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made 10/19/2023, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.



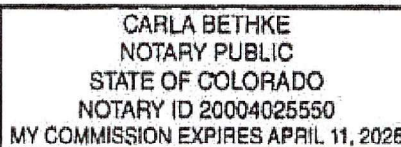
For the Fort Lupton Press

State of Colorado }
County of Arapahoe } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above named Linda Shapley, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 10/19/2023. Linda Shapley has verified to me that she has adopted an electronic signature to function as her signature on this document.

20004025550-734416

Carla Bethke
Notary Public
My commission ends April 11, 2026



Public Notice
CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for a Preliminary and Final Plat and PUD Plan, referred to as Coyote Creek Filing No. 3, located north and adjacent to Highway 52 and west and adjacent to College Ave. in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, November 9, 2023, at 5:00 P.M., and before the City Council on Thursday, November 11, 2023, at 5:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that the City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (303) 837-6664.

ALL INTERESTED PERSONS MAY ATTEND.

LEGAL DESCRIPTION

DESCRIPTION:
TWO PARCELS OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 56 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 56 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE CENTER 1/4 CORNER BY A 3" X 1/4" ALUMINUM CAP WITH ILLEGIBLE STAMPING IN A RANGE BOX, AND AT THE WEST QUARTER CORNER BY AN ALUMINUM CAP STAMPED 1S 1315S BEARING S89°17'03" A DISTANCE OF 2647.93 FEET AS REFERENCED TO COLORADO STATE PLANE NORTH ZONE, NAD(83).

PARCEL 5-A:
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 56 WEST OF THE 6TH PRINCIPAL MERIDIAN, THENCE ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, N00°12'25"W A DISTANCE OF 82.71 FEET; THENCE MEASURING SAID EAST LINE, S89°17'03" A DISTANCE OF 45.00 FEET, TO A POINT ON A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF COLLEGE AVENUE, AND THE POINT OF BEGINNING; THENCE S89°30'42"W A DISTANCE OF 458.71 FEET, TO A POINT ON THE EASTERLY LINE OF THAT PROPERTY DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 1553 AT PAGE 516, IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, THENCE ON SAID EASTERLY LINE, N00°14°19'43"W A DISTANCE OF 378.56 FEET, TO THE SOUTHEAST CORNER OF PARCEL M-2 AS DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 281563, THENCE ON THE EASTERLY LINE OF SAID PARCEL, M-2, N00°05°33'W A DISTANCE OF 106.12 FEET, TO THE SOUTHEAST CORNER OF LOT 1 BLOCK 1 COYOTE CREEK FILING NO. 3 RECORDED UNDER RECEPTION NO. 283267; THENCE ON THE EASTERLY LINE OF SAID COYOTE CREEK FILING NO. 3, THE FOLLOWING FOUR (4) COURSES:
1. N15°25'44"E A DISTANCE OF 105.27 FEET;
2. N89°47'07"E A DISTANCE OF 114.28 FEET;
3. N00°12'25"W A DISTANCE OF 180.06 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF N00°56°19'W AND A CHORD DISTANCE OF 43.64 FEET, A CENTRAL ANGLE OF 21°33'45" AND AN ARC LENGTH OF 53.04 FEET, TO A POINT OF REVERSE CURVE ON THE SOUTHERLY RIGHT-OF-WAY OF COYOTE CREEK DRIVE, AS SHOWN ON THE PLAT OF SAID COYOTE CREEK FILING NO. 3, THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES: 1. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.00 FEET, A CHORD BEARING OF N47°02'57"E AND A CHORD DISTANCE OF 81.57 FEET, A CENTRAL ANGLE OF 31°32'17" AND AN ARC LENGTH OF 82.61 TO A POINT OF TANGENT; 2. N89°47'07"E A DISTANCE OF 352.00 FEET, TO A POINT ON A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID COLLEGE AVENUE, THENCE ON SAID LINE, S00°12'25"E A DISTANCE OF 900.75 FEET, TO THE POINT OF BEGINNING. CONTAINING A CALCULATED AREA OF 380.799 SQUARE FEET OR 8.7419 ACRES.

PARCEL 5-B:
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 56 WEST OF THE 6TH PRINCIPAL MERIDIAN, THENCE ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, N00°12'25"W A DISTANCE OF 933.00 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COYOTE CREEK DRIVE AS SHOWN ON THE PLAT OF COYOTE CREEK FILING NO. 3 RECORDED UNDER RECEPTION NO. 283267, IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, S89°47'07"W A DISTANCE OF 45.00 FEET, TO A POINT ON A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF COLLEGE AVENUE, AND THE POINT OF BEGINNING; CONTINUING ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:
1. S89°47'07"W A DISTANCE OF 352.60 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 1°14'49"30" AND AN ARC LENGTH OF 41.29 FEET, TO A POINT OF NON-TANGENT BEING THE SOUTHEAST CORNER OF LOT 49 BLOCK 3 AS SHOWN ON SAID PLAT COYOTE CREEK FILING NO. 3, THENCE ON THE EASTERLY LINE OF SAID BLOCK 1 COYOTE CREEK FILING NO. 3, THE FOLLOWING THREE (3) COURSES:
1. N12°02'35"W A DISTANCE OF 136.33 FEET;
2. N55°08'54"E A DISTANCE OF 15.74 FEET;
3. N43°48'13"E A DISTANCE OF 26.92 FEET, TO THE SOUTHWESTERLY CORNER OF THAT PROPERTY DESCRIBED AS THE CITY OF FORT LUPTON TANK AND PUMPSTATION SITE RECORDED IN BOOK 708 UNDER RECEPTION NO. 1500100; THENCE ON SAID SOUTHERLY LINE, N89°47'07"E A DISTANCE OF 180.01 FEET, TO A POINT ON A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF COLLEGE AVENUE; THENCE ON SAID LINE, S00°12'25"E A DISTANCE OF 157.50 FEET, TO THE POINT OF BEGINNING. CONTAINING A CALCULATED AREA OF 64,216 SQUARE FEET OR 1.4742 ACRES.



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 24th day of October, 2023, a true and correct copy of the foregoing Notice of Public Hearings for the Coyote Creek Filing No. 5 Preliminary & Final Plats was sent via United States Mail, postage pre-paid, to the following addresses:

AIMS LOCAL COLLEGE DISTRICT
PO BOX 69
GREELEY, CO. 80632

ANDERSON TRENTON R
2354 HORSE SHOE CIR
FORT LUPTON, CO. 80621

BADDLEY JAMES E
2311 HORSE SHOE CIR
FORT LUPTON, CO. 80621

BETZ ELI JUSTIN
2363 HORSE SHOE CIR
FORT LUPTON, CO. 80621

CALLAWAY RICHARD C
2291 COYOTE CREEK DR
FORT LUPTON, CO. 80621

CHAVEZ VICTORIA
2321 SADDLE BACK CT
FORT LUPTON, CO. 80621

CW-BRIGGS LLC
8655 S PRIEST DR
TEMPE, AZ. 85284

DRAKE DUSTY
4007 E 113TH PL
THORNTON, CO. 80233

FADASE SOLOMON S
2319 COYOTE CREEK DR
FORT LUPTON, CO. 80621

FLETCHER LOUIS D
2330 HORSE SHOE CIR
FT LUPTON, CO. 80631

ANDERSON NOAH
2331 COYOTE CREEK DR
FORT LUPTON, CO. 80621

ARELLANO-ORNEALAS JOSE JUAN
14606 HIGHWAY 52
FORT LUPTON, CO. 80621

BARTOLO DARREN
2311 COYOTE CREEK DR
FORT LUPTON, CO. 80621

BONDER JOSEPH R
2359 COYOTE CREEK DR
FORT LUPTON, CO. 80621

CHACON JORDAN M
2355 SADDLE BACK CT
FORT LUPTON, CO. 80621

CRUZ MARCO
2316 HORSE SHOE CIR
FORT LUPTON, CO. 80621

DEAN SHODDIE MICHAEL
2345 SADDLE BACK CT
FORT LUPTON, CO. 80621

DUCOING TODD
2337 SADDLE BACK CT
FORT LUPTON, CO. 80621

FERRARA CALEB
456 GRANGE LN
JOHNSTOWN, CO. 80534

GARDEN WILLIAM L
2290 COYOTE CREEK DR
FORT LUPTON, CO. 80621



GENDREAU DEVIN D
2370 HORSE SHOE CIR
FORT LUPTON, CO. 80621

HARNDEN KEVIN KAYE
2353 HORSE SHOE CIR
FORT LUPTON, CO. 80621

HOWARTH LINDA K SEPERATE PROPERTY TRUST
3141 LUMP GULCH WAY
FREDERICK, CO. 80516

LAIRD JUSTIN R
2331 HORSE SHOE CIR
FORT LUPTON, CO. 80621

LUPTON LAND LLC
17 BEACON HILL LN
GREENWOOD VILLAGE, CO. 80111

MAUL MICHAEL R
2365 SADDLE BACK CT
FORT LUPTON, CO. 80621

MENDOZA JAVIER
2367 COYOTE CREEK DR
FORT LUPTON, CO. 80621

PADILLA ERIK
2376 HORSE SHOE CIR
FORT LUPTON, CO. 80621

REYES ALMA D
2322 SADDLE BACK CT
FORT LUPTON, CO. 80621

ROBERTS BRANDON
2336 SADDLEBACK CT
FORT LUPTON, CO. 80621

SANCHEZ CARLOS ARTURO
1640 WAGONWHEEL DR
FORT LUPTON, CO. 80621

GLEIM AMY CHRISTINE
2334 COYOTE CREEK DR
FORT LUPTON, CO. 80621

HELZER TINA
2342 COYOTE CREEK DR
FORT LUPTON, CO. 80621

HUMILDAD ALEJANDRO
2375 SADDLE BACK CT
FORT LUPTON, CO. 80621

LENTZ DIANA L
2328 SADDLE BACK COURT
FORT LUPTON, CO. 80621

MARTINEZ DAVID
2405 HORSE SHOE CIR
FORT LUPTON, CO. 80621

MENDEZ JUSTIN C
2318 COYOTE CREEK DR
FORT LUPTON, CO. 80621

OBENCHAIN JESSICA LAIRD
2346 HORSE SHOE CIR
FORT LUPTON, CO. 80621

RETANA LUIS
2371 HORSE SHOE CIR
FORT LUPTON, CO. 80621

RIFE BRIAN
2418 HORSE SHOE CIR
FORT LUPTON, CO. 80621

RODRIGUEZ MELCHOR EDUARDO
2401 COYOTE CREEK DRIVE
FORT LUPTON, CO. 80621

SCHURR MICHAEL
2375 COYOTE CREEK DR
FORT LUPTON, CO. 80621

SILVA HECTOR
2419 HORSE SHOE CIR
FORT LUPTON, CO. 80621

SPADY AUSTIN
2303 COYOTE CREEK DR
FORT LUPTON, CO. 80621

STEWART DALTON
2432 HORSE SHOE CIR
FORT LUPTON, CO. 80621

TENORIO LAWRENCE J
5380 COUNTY ROAD 29 1/2
FORT LUPTON, CO. 80621

TUDOR ADAM J
2412 HORSE SHOE CIR
FORT LUPTON, CO. 80621

WAGNER AMY L
2300 COYOTE CREEK DR
FORT LUPTON, CO. 80621

SKROCKI JOISAN
2310 COYOTE CREEK DR
FORT LUPTON, CO. 80621

SPOMER KYLIE
2404 HORSE SHOE CIR
FORT LUPTON, CO. 80621

SWEENEY EVAN
2303 HORSE SHOE CIR
FORT LUPTON, CO. 80621

TSCHIDA JOSHUA P
2351 COYOTE CREEK DR
FORT LUPTON, CO. 80621

VAZQUEZ JESUS G MORALES
2424 HORSESHOE CIR
FORT LUPTON, CO. 80621

WIEGERT MICHAEL R
2324 HORSE SHOE CIR
FORT LUPTON, CO. 80621


City Official



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortluptonco.gov

Phone: 303.857.6694
Fax: 303.857.0351

CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for a special use permit referred to as the **Preliminary and Final Plat** referred to as the **Coyote Creek Filing No. 5**, located north and adjacent to Highway 52 and west and adjacent to College Ave. in Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on Thursday, November 9, 2023, at 6:00 P.M., and before the City Council on Tuesday, November 21, 2023, at 6:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at the Fort Lupton City Hall, 130 S. McKinley Avenue in Fort Lupton, Colorado. In the event that City Hall is closed at the time of the hearings, the public hearings will be held remotely, accessible to the public by phone and internet. Information on how to attend the hearings will be provided in the agenda as posted on the City's website, www.fortluptonco.gov.

Further information is available through the City Planning and Building Department at (303) 857-6694.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: Coyote Creek Filing No. 5 Preliminary & Final Plats

ALL INTERESTED PERSONS MAY ATTEND

LEGAL DESCRIPTION

DESCRIPTION,

TWO PARCELS OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE CENTER 1/4 CORNER BY A 3-1/4" ALUMINUM CAP WITH ILLEGIBLE STAMPING IN A RANGE BOX, AND AT THE WEST QUARTER CORNER BY AN ALUMINUM CAP STAMPED LS 13155 BEARING S89°17'03" A DISTANCE OF 2647.93 FEET AS REFERENCED TO COLORADO STATE PLANE NORTH ZONE. NAD(83).

PARCEL 5-A:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, N00°12'25"W A DISTANCE OF 82.71 FEET; THENCE DEPARTING SAID EAST LINE, S89°17'03" A DISTANCE OF 45.00 FEET, TO A POINT ON A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF COLLEGE AVENUE, AND THE POINT OF BEGINNING; THENCE S89°30'42"W A DISTANCE OF 498.71 FEET, TO A POINT ON THE EASTERLY LINE OF THAT PROPERTY DESCRIBED IN THE WARRANTY

DEED RECORDED IN BOOK 1553 AT PAGE 516, IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER; THENCE ON SAID EASTERLY LINE, N00°14'34"W A DISTANCE OF 378.66 FEET, TO THE SOUTHEASTERLY CORNER OF PARCEL M-2 AS DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 2818583; THENCE ON THE EASTERLY LINE OF SAID PARCEL M-2, N20°26'53"W A DISTANCE OF 106.12 FEET, TO THE SOUTHEASTERLY CORNER OF LOT 1 BLOCK 1 COYOTE CREEK FILING NO. 3 RECORDED UNDER RECEPTION NO. 2832671; THENCE ON THE EASTERLY LINE OF SAID COYOTE CREEK FILING NO. 3, THE FOLLOWING FOUR (4) COURSES:

1. N15°25'44"E A DISTANCE OF 105.27 FEET;
2. N89°47'35"E A DISTANCE OF 114.28 FEET;
3. N00°12'25"W A DISTANCE OF 180.06 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF N60°59'18"W AND A CHORD DISTANCE OF 43.64 FEET, A CENTRAL ANGLE OF 121°33'45" AND AN ARC LENGTH OF 53.04 FEET, TO A POINT OF REVERSE CURVE ON THE SOUTHERLY RIGHT-OF-WAY OF COYOTE CREEK DRIVE, AS SHOWN ON THE PLAT OF SAID COYOTE CREEK FILING NO. 3; THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES: 1. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.00 FEET, A CHORD BEARING OF N74°00'29"E AND A CHORD DISTANCE OF 81.57 FEET, A CENTRAL ANGLE OF 31°33'17" AND AN ARC LENGTH OF 82.61 TO A POINT OF TANGENT; 2. N89°47'07"E A DISTANCE OF 352.60 FEET, TO A POINT ON A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID COLLEGE AVENUE; THENCE ON SAID LINE, S00°12'25"E A DISTANCE OF 800.75 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 380,799 SQUARE FEET OR 8.7419 ACRES.

PARCEL 5-B:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN: THENCE ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, N00°12'25"W A DISTANCE OF 933.03 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COYOTE CREEK DRIVE AS SHOWN ON THE PLAT OF COYOTE CREEK FILING NO. 3 RECORDED UNDER RECEPTION NO. 2832671, IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER; THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE, S89°47'07"W A DISTANCE OF 45.00 FEET, TO A POINT ON A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF COLLEGE AVENUE, AND THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING TWO (2) COURSES:

1. S89°47'07"W A DISTANCE OF 352.60 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 11°49'43" AND AN ARC LENGTH OF 41.29 FEET, TO A POINT OF NON-TANGENT BEING THE SOUTHEASTERLY CORNER OF LOT 49 BLOCK 3 AS SHOWN ON SAID PLAT COYOTE CREEK FILING NO. 3; THENCE ON THE EASTERLY LINE OF SAID BLOCK 3 COYOTE CREEK FILING NO. 3, THE FOLLOWING THREE (3) COURSES:

1. N12°02'36"W A DISTANCE OF 136.33 FEET;
2. N55°08'04"E A DISTANCE OF 15.74 FEET;
3. N43°48'13"E A DISTANCE OF 26.92 FEET, TO THE SOUTHWESTERLY CORNER OF THAT PROPERTY DESCRIBED AS THE CITY OF FORT LUPTON TANK AND PUMPSTATION SITE RECORDED IN BOOK 708 UNDER RECEPTION NO. 1630100; THENCE ON SAID SOUTHERLY LINE, N89°47'07"E A DISTANCE OF 389.91 FEET, TO A POINT ON A LINE BEING 10.00 FEET

EASTERLY OF AND PARALLEL WITH THE WESTERLY RIGHT-OF-WAY LINE OF COLLEGE AVENUE;
THENCE ON SAID LINE, S00°12'25"E A DISTANCE OF 157.50 FEET, TO THE POINT OF BEGINNING.

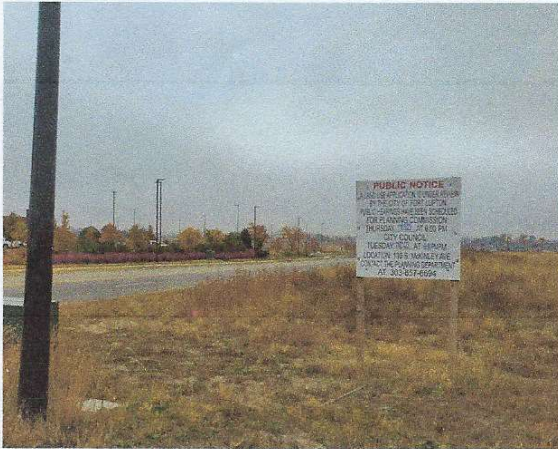
CONTAINING A CALCULATED AREA OF 64,216 SQUARE FEET OR 1.4742 ACRES.

CONTAINING A COMBINED AREA OF 445,015 SQUARE FEET OR 10.2161 ACRES.

Sign Posting Affidavit

Project Name

Project No. PPL2023-001



Facing North toward the corner of
Coyote Creek Dr. and College Ave.



Facing North toward the corner of
Coyote Creek Dr. and College Ave.

I, Robert Quinette hereby acknowledge that the aforementioned property was posted
in accordance with City Codes. Said public hearing notice was posted on this 25 day of
October, 2023.

Robert Quinette

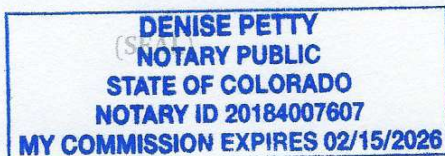
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Robert Quinette, this 26
day of October, 2023. Witness my hand and seal.

My commission expires 02/15/2026.

Denise Petty

Notary Public



Sec. 16-1.03. Administration.

- (a) *Staff.* The following city staff positions are responsible for administering specific aspects of this code.
- (1) *Planning Director.* The Planning Director (Director) is responsible for administration of the development code, and is the principal interpretation and enforcement official of these regulations. The Director may consult with any other department or relevant outside agencies in order to coordinate any plans, policies and programs that impact the Comprehensive Plan. The Director shall specifically:
 - a. Prepare and provide development applications and forms;
 - b. Oversee the application, review and administration processes, and prepare presentations and reports for review bodies;
 - c. Set the dates for meetings and hearings before the Planning Commission, Board of Adjustment, and Historic Preservation Commission;
 - d. Determine additional information and materials required for review of applications;
 - e. Waive submittal requirements, with appropriate justification supporting that the information is not necessary due to the context or type of project, and won't otherwise be needed to evaluate the application against standards or criteria.
 - f. Issue official interpretations and approve the use of other resources, guides, and industry standards used in administering this code.
 - g. Make all final interpretations and any final administrative decision referred to the Director under the procedures and standards of these regulations.
 - (2) *City Administrator and Other Staff.* The City Administrator is the chief executive and administrative officer for the City and may make any decision delegated to any city staff member under this code. All other department heads and staff may serve in an advisory role to the Planning Director under this code, as designated by the City Administrator.
 - (3) *Design Review Team.* The City Administrator or Director may assemble the Design Review Team, for any applications that the City Administrator or Director determines require referral, review, and comment from any of the departments or agencies on the committee. In addition to the Director and City Administrator, the team generally includes the City Planner, Public Works Director, Building Inspector, Fire Department, and staff from any other relevant departments or their authorized representatives.
- (b) *Planning Commission.* The Planning Commission is the appointed body of the City responsible for all long-range and comprehensive planning, as well as review, recommendations and decisions on implementation of the Comprehensive Plan. The Planning Commission is established according to Chapter 2, Article VIII of the Municipal Code. In addition to all other general planning authority granted by statute, local ordinance, or bylaws, the Planning Commission shall have the specific review responsibilities and final administrative decisions referred to the Planning Commission under the procedures and standards of these regulations.
- (c) *City Council.* The City Council is the elected and governing body of the City responsible for all legislative decisions that affect implementation of the Comprehensive Plan. In addition to other general authority granted by law, the City Council shall have the appeal authority and final decision authority referred to the City Council under the procedures and standards of these regulations.
- (d) *Board of Adjustment.* The Board of Adjustment is created under the authority of C.R.S. Section 31-23-307. The Board of Adjustment is established pursuant to these regulations according the following provisions.

(1) *Membership and Terms.*

- a. The Planning Commission shall act as the Board of Adjustment according to this code or state laws.
- b. The members of the Board shall be those individuals appointed to the Planning Commission. Terms of office for the Planning Commission and Board of Adjustment shall run concurrently, and within the same term parameters as regular members of the Planning Commission.
- c. The Chairperson of the Planning Commission shall serve as the Chairperson of the Board.
- d. Persons elected or appointed to the City Council or persons who are officers, executives or employees of the City shall not be eligible for appointment to the Board.

(2) *Proceedings.*

- a. The Board shall adopt the Robert's Rules of Order and shall keep minutes of its proceedings, showing the action taken regarding each question considered. The Board of Adjustment may adopt any others rules necessary to conduct affairs and in keeping with this Section and its authority under these regulations.
- b. Meetings shall be held at the call of the Chair and at such other times as the Board may determine. Meetings may be on the same date as any regular, special, or adjourned meeting of the Planning Commission.
- c. The Chair may administer oaths and compel the attendance of witnesses.
- d. All meetings shall be open to the public.
- e. A quorum of the Planning Commission shall constitute a quorum of the Board.
- f. The concurring vote of a majority of the members that constitute a quorum of the Board shall be necessary for any decision of the Board to be valid.

(3) *Appellate Power.* The Board of Adjustment is empowered to hear and decide appeals. Specifically, the Board is empowered to make the following decisions as specified in Article 2:

- a. Grant variances to the strict application of the standards in this code; and
- b. Hear and decide appeals when an error is alleged in any order or determination made by the Director in the interpretation or enforcement of this code.

- (e) *Historic Preservation Board.* The Historic Preservation Board is established by Chapter 18, Article XVII of the Municipal Code, and shall be responsible for preservation of the historical and architectural heritage of the City, as provided in that Article. In this role, the Historic Preservation Board advises the City Council and Planning Commission on matters related to preserving the cultural resources and historic character of the City and may be consulted by the Planning Commission or City Council during any process under this code that impacts these issues. code or other rules, policies and procedures of the City related to historic preservation.

(Ord. No. 2022-1143 , § 2(Exh. A), 6-7-2022)

Sec. 16-2.09. Variance.

- (a) *Applicability.* A variance is a process to provide relief from a strict interpretation of the zoning and site design and development standards of this code, which when applied to a particular property and in a specific context would create practical difficulties or unnecessary hardship on all reasonable use of the property. This application shall only apply to the design, dimension and other site development standards of this code and shall not be used to authorize a use that is prohibited by the applicable zoning district. Variances may be initiated by the property owner.
- (b) *Review Criteria.* A variance shall be reviewed and approved only on the finding that all of the following conditions are met:
 - (1) The requested variance arises from exceptional physical conditions that are unique to the subject property, that are not ordinarily found in the same zoning district, and that are not created by the property owner or those acting on behalf of the property owner;
 - (2) The strict application of the provisions of the zoning regulations for which the variance is requested will constitute an unnecessary hardship upon the property owner, hindering the ability to legally use or construct upon the property. Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the standards of this code;
 - (3) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - (4) The variance desired will not adversely affect the public health, safety, or general welfare;
 - (5) Granting the variance would not alter the essential character of the surrounding neighborhood, and the general spirit of the ordinance and intent of the standards will be maintained; and
 - (6) The requested variance is the minimum necessary to relieve the conditions and permit reasonable use of the property.
- (c) *Review Procedures.* In addition to the general requirements in Table 2-1 and Section 16-2.01, the following requirements are specific to variance applications:
 - (1) The concurring vote of four (4) members of the Board of Adjustment shall be necessary to grant a variance.
 - (2) In granting a variance, the Board of Adjustment may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.
 - (3) The Board shall issue all decisions in writing, including the grounds for its decision based on findings of fact regarding each criteria, within fifteen (15) days after the decision has been made at a public hearing.
- (d) *Effect of Decision.* No decision shall become effective until it is recorded with the county clerk and recorder. Upon filing with the county, the applicant may proceed with any necessary approvals or permits authorized in the variance. A variance shall run with the land to extent the zoning of the subject property remains in place. Any decision not acted on within one (1) year of the decision by the Board shall expire, except that the Director can allow a one-year extension if the zoning and conditions affecting the variance have not changed since the decision. Any person aggrieved by a final decision of the Board of Adjustment may appeal the decision to the district court of the county with jurisdiction, within thirty (30) days of the final decision.

(Ord. No. 2022-1143 , § 2(Exh. A), 6-7-2022)