

PLANNING COMMISSION

Mike Simone, Chairperson
Bushrod White, Vice-Chairperson
Carlos Barron
Lynne Derby
Kathy Kvasnicka
Thomas Meyers
Paul Weber

**Planning Commission Agenda
Regular Meeting
Virtual Meeting via GoToMeeting*
Thursday, May 13, 2021
6:00 P.M.**

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

**This meeting will be held virtually only.
Login information on how to attend this virtual meeting is on the second page of this Agenda.*

Call to Order – Roll Call

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 Commission member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

- a. Approval of the Minutes of the April 8, 2021 Meeting

Public Comment – This portion of the Agenda is provided to allow members of the audience to present comments to the Planning Commission related to items not otherwise listed on the Agenda.

Action Items

- a. **P2021-012 Brandywine Farms Minor Subdivision**
- b. **P2021-013 Brandywine Farms Change of Zone**
- c. **P2021-014 Chapter 16 Article II Amendments**

Discussion Items

- a. Review of Meeting Discussion
- b. Development Code Update

Future Business

- a. Next Meeting of the Planning Commission is June 10, 2021 at 6:00 PM.

Adjourn

VIRTUAL MEETING LOG-IN INSTRUCTIONS

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/247460885>

You can also dial in using your phone.

United States (Toll Free): 1 877 309 2073

United States: +1 (312) 757-3129

Access Code: 247-460-885

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<https://global.gotomeeting.com/join/247460885>

If you have issues getting into the virtual meeting, please email PlanningDept@Fortluptonco.gov or call (303) 304-4498 for assistance.

Virtual Meeting Instructions

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
April 8, 2021**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, April 8, 2021.

Chair Mike Simone called the meeting to order at 6:00 p.m.

ROLL CALL

Roll was taken and those present were Chair Mike Simone and Commission Members Carlos Barron, Kathy Kvasnicka, Thomas Meyers and Paul Weber. Also in attendance were Planning Director Todd Hodges, City Planner II Alyssa Knutson, City Planner I Maria Lancto, and Planning Administrative Assistant Magaly Morales-Tejada. Vice- Chair Bush White arrived at 6:05 PM.

APPROVAL OF AGENDA

Chair Simone called for a motion to approve the agenda. It was moved by Paul Weber and seconded by Kathy Kvasnicka.

CONSENT AGENDA

Chair Simone called for a motion to approve the consent agenda. It was moved by Kathy Kvasnicka and seconded by Carlos Barron.

PUBLIC COMMENT

Chair Simone asked if there was anyone who would like to comment on an item not on the agenda tonight. Hearing none, he closed Public Comment.

ACTION ITEMS

Chair Simone gave the following advisement:

Tonight's meeting shall be held virtually so as to ensure the health and safety of the general public and the City of Fort Lupton Planning Commission and staff.

The intent and purpose of the virtual appearance options is to allow the City to be innovative in providing the general public the most meaningful access possible in light of the current challenges present as a result of the Covid-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered the opportunity to be electronically present for meetings at the City, subject to existing health conditions.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
April 8, 2021

An electronic link has been made available for tonight's meeting on the City's website and social media platforms and as posted at City Hall, so that the general public, Planning Commission and staff may participate electronically via the internet or on the phone.

Chair Simone addressed the applicant, Kyle Schmidt, he stated that the following questions would apply to both of the action items on tonight's agenda.

He asked if Mr. Schmidt understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Schmidt stated yes.

Chair Simone asked if he consented to the applicable members voting on their submittal, even though said members are not present in person.

Mr. Schmidt stated yes.

Chair Simone asked if he understood that he had the right to continue this public hearing to such a date to allow a full in-person public hearing.

Mr. Schmidt stated yes.

Chair Simone asked if he voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Mr. Schmidt stated yes.

Chair Simone asked if he waived his right to proceed in an in-person public hearing and have consented to proceed forward voluntarily tonight in this virtual planning commission meeting.

Mr. Schmidt stated yes.

P2021-010: Transwest Truck and Trailer Phase 3 Lot 1 Site Plan

Planner Maria Lancto presented this item. She stated that this application was submitted concurrently with a site plan for Lot 2 as well as an amended plat which has been conditionally approved by City Staff. Ms. Lancto stated that Lot 1 is located at 13525 County Road 8 and is in the I-1 zone district. She stated that the applicants are proposing the addition of a 30,000 sq. ft. building on the northern portion of Lot 1. She stated that this building would be used for the repair of auto transport trailers. Ms. Lancto stated that all notification requirements had been met, including publishing in the newspaper, posting at

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
April 8, 2021

the property and mailing to neighbors. Ms. Lancto stated that the applicant, Kyle Schmidt, is available to speak further about the proposal and answer any questions.

Mike Simone addressed the applicant, Kyle Schmidt. He asked if he had anything to add or present on behalf of his application.

Mr. Schmidt stated that they want to add the 30,000 sq. ft. building and bring 20 employees to the existing Transwest campus. He stated that the metal building would be similar to the existing building at the site. Mr. Schmidt stated that they are planning to continue with the current landscaping on the east property line and wrap around the north property line.

Chair Simone asked Mr. Schmidt if he felt he had a full opportunity to participate in the public hearing.

Mr. Schmidt stated yes.

Chair Simone asked Mr. Schmidt if there was anything he would have liked to present in support of his presentation that he felt he was prevented from doing.

Mr. Schmidt stated no.

Chair Simone opened up the public comment portion of the Hearing for the action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions. With no questions from Planning Commissioners, Chair Simone called for a motion to approve P2021-0010.

It was moved by Paul weber and seconded by Carlos Barron. Motion passed unanimously.

P2021-011 Transwest Truck and Trailer Phase 3 Lot 2 Site Plan

Planner Maria Lancto presented this item. She stated that this application was for Lot 2, located at 13517 County Road 8, which is west and adjacent to Lot 1 and zoned I-1. Ms. Lancto stated that the use for this lot would not be changing but a separate site plan is required due to the lot line adjustment conditionally approved by City Staff. She stated that all notification requirements had been met, including publishing in the newspaper, posting at the property and mailing to neighbors.

Chair Simone asked the applicant, Kyle Schmidt, if there was anything he would like to add on behalf of his application.

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FORT LUPTON PLANNING COMMISSION
April 8, 2021**

Mr. Schmidt stated that this lot would be staying as is, with the exception of a previously approved storage building, which has been delayed due to material shortage.

Chair Simone asked Mr. Schmidt if he felt he had a full and fair opportunity to present all fact, submittals, documents and testimony in support of his application.

Mr. Schmidt stated yes.

Chair Simone asked Mr. Schmidt if there was anything he would have liked to present in support of his presentation that he felt he was prevented from doing.

Mr. Schmidt stated no.

Chair Simone opened up the public comment portion of the Hearing for the action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Simone asked Mr. Schmidt if he felt he had a full opportunity to participate in tonight's public hearing.

Ms. Schmidt stated yes.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions. With no questions from Planning Commissioners, Chair Simone called for a motion to approve P2021-011.

It was moved by Carlos Barron and seconded by Vice-Chair Bush White. Motion passed unanimously.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Development Code Update

A discussion of the Development Code Update took place.

FUTURE BUSINESS

The next meeting of the Planning Commission is scheduled for May 13, 2021 at 6:00 PM.

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
April 8, 2021**

ADJOURNMENT

Chair Mike Simone adjourned the meeting at 6:15 PM.

Submitted by

Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission

Mike Simone, Chair

RESOLUTION NO. P2021-012

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF THE BRANDYWINE FARMS MINOR SUBDIVISION TO CREATE THREE LOTS ON A PROPERTY LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing on May 13, 2021, for the purpose of reviewing the Brandywine Farms Minor Subdivision application; and

WHEREAS, the minor subdivision will divide the property into three (3) separate lots planned; and

WHEREAS, after review of the application and supporting documentation, the Planning Commission finds the request for a minor subdivision to create three (3) separate lots, generally conform with City codes and requirements and policies therein; and

WHEREAS, all legal requirements for the public hearing have been met, including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 100 feet and posting of the hearing on the site; and

NOW THEREFORE BE IT RESOLVED, the Planning Commission has considered the application and has taken into consideration all referral comments and any citizen testimony in response to this application. Based upon the facts presented on this date, the Planning Commission hereby recommends approval of the Brandywine Farms Minor Subdivision to create three (3) separate lots on a property located in the East Half of the Northeast Quarter of Section 2, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado with the following conditions:

I. Prior to recording the minor subdivision plat:

- A. The title of the minor subdivision map shall include the Project No.: LUP2021-0010 & Plan No.: MSD2021-0001.
- B. Any redline comments provided by staff shall be made to the minor subdivision plat.
- C. Applicant shall dedicate by separate document 55' of right-of-way on County Road 23.
- D. Applicant shall provide written acknowledgement of the comments from the Fort Lupton Fire Protection District.
- E. Applicant shall provide written acknowledgement of the comments from the Northern Colorado Water Conservancy District.

- F. Applicant shall provide written evidence that the comments from United Power have been adequately addressed.
- G. Applicant shall provide written evidence that the comments from Public Service Company of Colorado dba Xcel Energy have been adequately addressed.
- H. Applicant shall submit evidence that the comments from the Colorado Division of Water Resources have been adequately addressed including submitting a Well Abandonment Report for well no. 130770 and submitting a well permit application to re-permit the existing well (well permit no. 130770-A).
- I. Applicant shall provide an exhibit indicating the location of nonconforming buildings on Lots 1, 2 and 3.
- J. The following notes shall be added to the minor subdivision map:
 - 1. The well on Lot 1 shall be re-permitted as required by the Colorado Division of Water Resources, and the property owner must submit evidence of adequate water supply for Lots 2 and 3 prior to any change of use on those lots.
 - 2. The site shall maintain compliance with the Division of Water Resources.
 - 3. Buildings in the right-of-way must be moved or removed at property owner's expense at the time of road expansion.
 - 4. All access and utility easements are dedicated for the benefit of all owners of lots depicted on this plat, including owner of future lots created therefrom, regardless of lot configuration or number of users, and without limitation of the use or intensity of the use of such easements. No lot owner may install a gate or otherwise impede the use of such easements without the approval of all persons with rights of use of such easements.

DONE THIS 13TH DAY OF MAY, 2021 BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director



COME PAINT YOUR FUTURE WITH US

BRANDYWINE FARMS MINOR SUBDIVISION
PROJECT NO. LUP2021-0010 / PLAN NO. MSD2021-0001

PROJECT DESCRIPTION

Project No.: LUP2021-0010 / Plan No.: MSD2021-0001

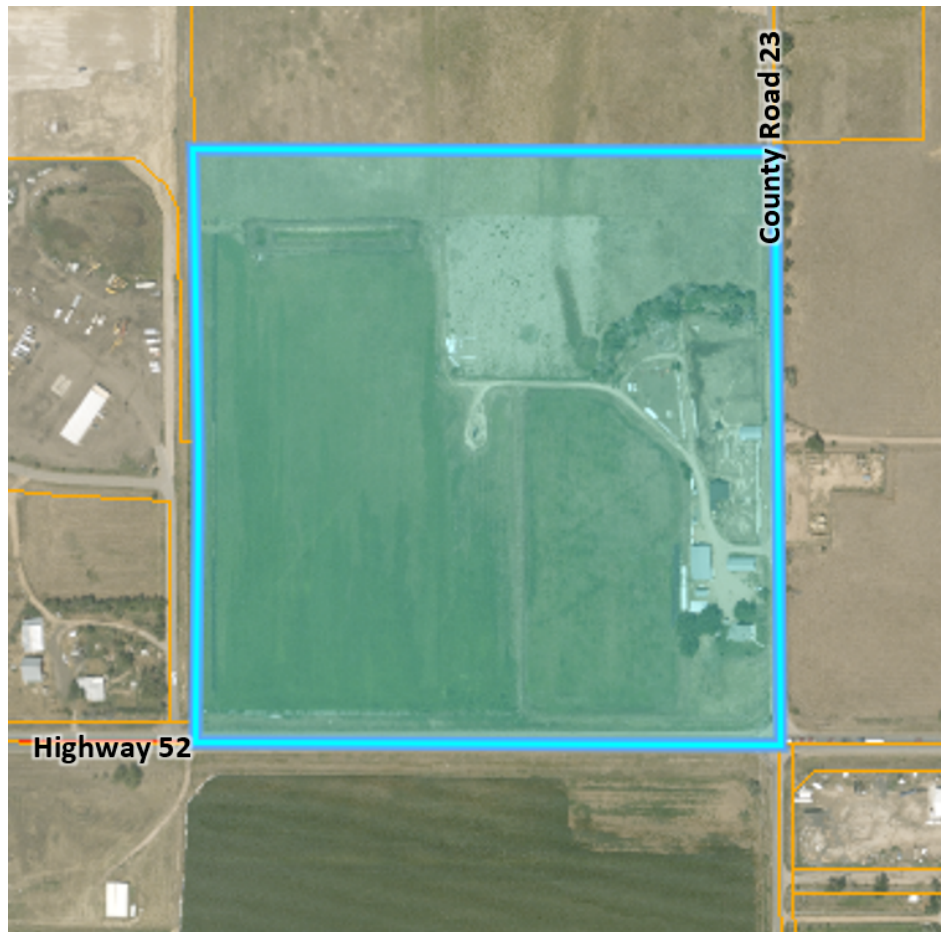
Project name: Brandywine Farms Minor Subdivision

Owner: Leonard Toews and Sherri Toews ("Applicants")

Representative: N/A

Location of Request:

The site consists of a parcel of land located at the northwest corner of the intersection of Highway 52 and County Road 23 (Parcel No. 146902100005) (the "Property"). The site is located in the East Half of the Northeast Quarter of Section 2, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. It is directly adjacent to the City Limits on the south.



Nature of Request:

The Applicants have submitted a request for a minor subdivision of the Property into three separate lots. The applicants are requesting that Lot 1 be zoned C-2 Heavy Commercial, which will be reviewed at a separate public hearing. No development is planned for Lot 1 at this time, and any future proposed land uses will be reviewed at separate public hearings before the Planning Commission and City Council. Lots 2 and 3 will remain in the Agriculture Zone District.

Site Size: 33.04 acres, more or less, with the planned subdivided lots measuring as follows:

- Lot 1: 1.00 acres, more or less
- Lot 2: 4.30 acres, more or less
- Lot 3: 25.26 acres, more or less

Zone District: The property is currently zoned 'A' Agriculture. Lots 2 and 3 will remain in the Agriculture Zone District. The Applicants are proposing that Lot 1 be rezoned to 'C-2' Heavy Commercial, which will be reviewed at a separate public hearing.

Proposed Use: The use of the property will not change at this time. Any proposed development will be reviewed at separate public hearings at a later date.

Existing Use: Lot 1 contains an existing residence. Lots 2 and 3 are used agriculturally and contain a greenhouse and several sheds.

Hearing Dates: Planning Commission – May 13, 2021 at 6:00 PM; and
City Council – May 18, 2021 at 7:00 PM.

Hearing Location: Planning Commission: Held virtually via GoToMeeting due to COVID 19.
City Council: Fort Lupton City Hall – Council Chambers, 130 S. McKinley Ave., Fort Lupton, Colorado.

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

SUMMARY OF PREVIOUS APPLICATIONS

The property was annexed into Fort Lupton in 2021, and was initially zoned to the 'A' Agriculture Zone District (Toews Annexation and Initial Zoning).

APPLICATION PROCESS

The Applicant is requesting approval of a minor subdivision for three lots.

A minor subdivision is processed under Section 17-30 of the Fort Lupton Municipal Code ("Code").

After required public notice of the minor subdivision request, 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 minor subdivision. 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 application, referral agency comments, Planning Commission recommendation and any public testimony, and 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 and Zoning Regulations require published notice of the hearings at least fifteen (15) days prior to the hearings. The Planning Commission and City Council hearings were published in the Fort Lupton Press on Wednesday, April 28, 2021.

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

Notice was mailed to neighbors within one-hundred (100) feet of the Property on April 28, 2021. Mineral notifications were sent as a courtesy at least 15 days prior to the Planning Commission hearing date.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The intent of a minor subdivision is to expedite the process of subdivisions that are minor in size and scope (Section 17-30). A minor subdivision must consist of four or fewer lots, meet zoning and subdivision regulations of the city, and must not include a dedication of public right-of-way. There also may not be other minor plats within the same subdivision that, in combination with the proposed minor plat, would circumvent the intent of Chapter 17 – Subdivision of the Code. The Brandywine Farms Minor Subdivision meets all of the necessary criteria as long as the conditions of approval are met.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates the northern portion of this property for agricultural and rural residential land uses. The southern portion on the property is designated for commercial transitional land uses.

The agricultural and rural residential designation allows for agricultural and related uses as well as low density residential on the periphery of the planning area, intended to preserve a generally rural character. This also includes a variety of miscellaneous uses, such as isolated industrial businesses and semi-rural properties located under Estate Zoning.

The commercial transition designation identifies potential growth areas for commercial development outside the municipal boundaries or primary commercial districts of Fort Lupton. These areas should support gradual, long-term commercial investment outward from the City's urban core, including incremental transitioning of agricultural uses to commercial development.

The existing use of the property conforms to the agricultural and rural residential land use designation.

REFERRALS

Referrals were provided to the list below. Any comments received are enclosed with the Planning Commission packet.

Buildings / Grounds Manager	Building Inspector	OMI
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City Attorney	Police Chief	GIS Specialist
Public Works Director	Fort Lupton Fire Protection District	CDOT
Colorado DRMS	United Power	Comcast
CenturyLink	Xcel Energy	Postmaster
Weld County Department of Planning	Weld County School District RE-8	NCWCD
Weld County Dept. of Public Health & Env.		

RECOMMENDATION

Staff recommends conditional approval of the Brandywine Farms Minor Subdivision. Conditions are listed on the proposed Resolution provided to Planning Commission.

***For more information on this development, please refer to the Planning Commission packet provided.
Additional documents are available for review at the Fort Lupton City Hall.***



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

1) Property Owner Name: Leonard Toews, Sherri Toews
Company: _____

Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com

Address: 5535 County Road 23, Fort Lupton CO 80621

Preferred method of contact? Email: _____ Phone: ☒ Mail: _____

2) Representative Name: Len Toews

Company: _____

Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com

Address: 5535 County Road, Fort Lupton, CO 80621

Preferred method of contact? Email: _____ Phone: ☒ Mail: _____

3) Billing Contact (where invoices should be directed to): _____

Billing Company: _____

Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com

Address: 5535 County Road 23, Fort Lupton, CO 80621

B. SITE DESCRIPTION

Site Address: 5535 County Road 23, Fort Lupton, CO 80621

Parcel Number: 146902100005

Existing Zone Classification: Agricultural Proposed Zone Classification: 2 Remaining - Ag
1 Commercial - C2

Water Type: Well Name: Toews

Sewage Type: Septic District Name or Location Hauled to: _____

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

Sketch Plat

Administrative Site Plan

PUD Plan (Preliminary & Final)

Preliminary Plat

Special Use Permit

Variance

Final Plat

Oil & Gas Permit

Administrative Variance

Minor Subdivision

Annexation & Initial Zone

Appeal

Amended Plat

Change of Zone

Other: _____

Site Plan

Comp Plan Amendment

D. PROJECT DESCRIPTIONProject Name: ~~Toews~~ Brandywine Farms

Please provide a short description of the proposed project in the space provided below:

Minor Subdivision - into 3 Total Parcels

2 parcels remain Agriculture

1 parcel zone change to Commercial - C2

E. REQUIRED DOCUMENTS

For an application to be considered complete, and for planning staff to begin review and schedule any applicable public hearings, this Land Use Application Form must be fully completed and all required attachments included. Planning staff will review the application for completeness and will provide notice to the representative and/or owner whether the application has been deemed complete.

F. CERTIFICATIONS**Representative Certification**

By signing this application, I attest that I am acting with the knowledge and consent of all owners of the property that is the subject of this application, and that I have been designated to act as the representative for the project described in this land use application. I further certify that all information submitted with this application is true and accurate to the best of my knowledge.

Representative: _____ Date: _____

Owner Certification

I hereby certify that I am the legal owner of record of the property that is the subject of this application. I authorize the representative listed on this application, if any, to communicate directly with City officials and to submit documentation and information regarding this application on my behalf.

Owner: Leonard Toews Date: March 8, 2021

For Office Use Only

Received Date: _____

If the application is not complete, state reasons why it is incomplete:

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____

Project Description of Proposed Brandywine Farms Minor Subdivision

Brandywine Farms Minor Subdivision sits on the northwest corner of Highway 52 and County Road 23 (arterial road for Fort Lupton). Brandywine Farms has been in the Fort Lupton Comprehensive Plan for many years and has recently been annexed. This property is basically at the Gateway or entrance to Fort Lupton while heading east on Highway 52.

Brandywine Farms Minor Subdivision consists of 3 parcels of land. Parcel 1 is approximately 1 acre to be zoned C-2. Parcel 2 (4.30 acres) and parcel 3 (25.26 acres) are to remain zoned Agricultural. All 3 parcels of land are to be accessed from an entrance 300' north of the intersection of Highway 52 and County Road 23. All 3 parcels can be accessed by the road shown on the subdivision plat. Brandywine Farms Minor Subdivision is one of the first properties to the west of Fort Lupton that sit outside of the floodplain.

Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 1

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE CONTINUING COINCIDENT WITH SAID EAST LINE NORTH 00°00'00" EAST, A DISTANCE OF 1049.72 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1489-02-1, RECX--0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1312.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.04 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WE, LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE LAID OUT AND PLATTED UNDER THE NAME OF BRANDYWINE FARMS MINOR SUBDIVISION, 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 LANDOWNERS SHALL BEAR ALL EXPENSES INVOLVED IN IMPROVEMENTS.

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

LEONARD TOEWS _____ SHERRI TOEWS _____

STATE OF COLORADO SS.
COUNTY OF WELD

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT WE LEONARD TOEWS AND SHERRI TOEWS, 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.

LEONARD TOEWS _____ SHERRI TOEWS _____

STATE OF COLORADO SS.
COUNTY OF WELD

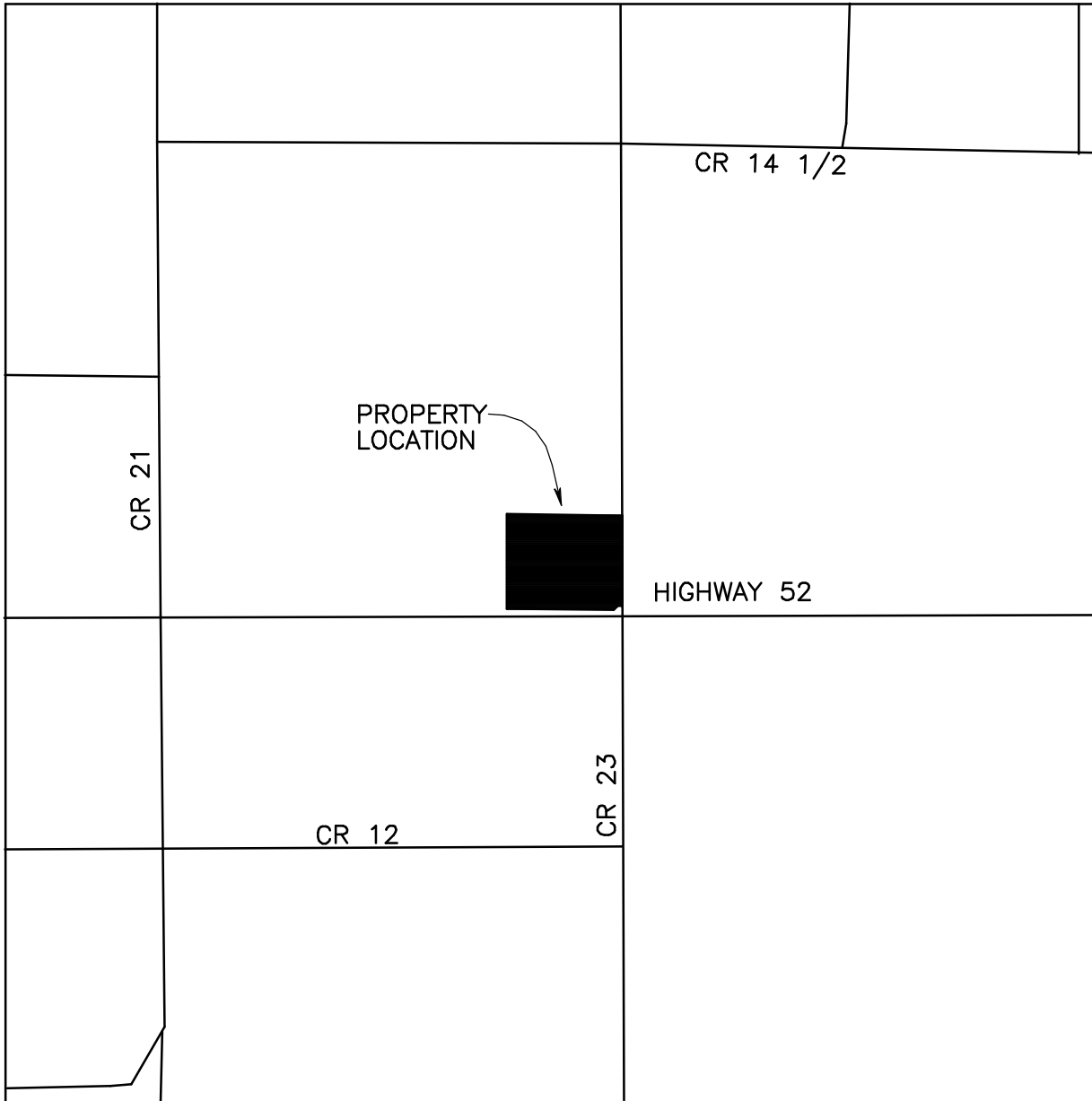
THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC



VICINITY MAP
SCALE: 1"=2000'

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ADMINISTRATOR

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ENGINEER

NOTES:

1) BASIS OF BEARING: THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR SOUTH 00°32'57" EAST, AS MONUMENTED HEREON WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

2) DISTANCES ON THIS MINOR ADJUSTMENT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.

3) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

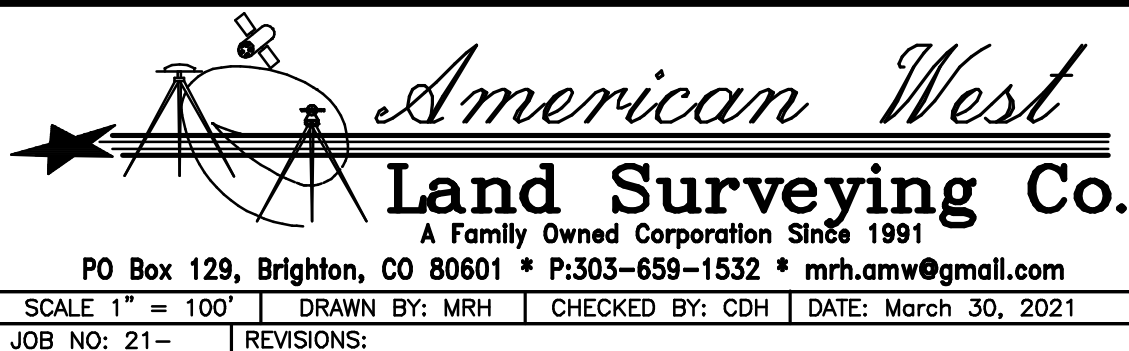
4) ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT, AS DEFINED BY SECTION 38-53-103 (18), C.R.S., OR CONTROL CORNER, AS DEFINED IN SECTION 38-53-103 (6), C.R.S., OR A RESTORATION OF ANY SUCH MONUMENT OR WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY BEARING TREE KNOWING SUCH IS A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-53-103 (1), C.R.S., EVEN IF SAID PERSON HAS TITLE TO THE LAND ON WHICH SAID MONUMENT OR ACCESSORY IS LOCATED, COMMITS A CLASS 2 MISDEMEANOR UNLESS, PRIOR TO SUCH REMOVAL, SAID PERSON HAS CAUSED A COLORADO PROFESSIONAL LAND SURVEYOR TO ESTABLISH AT LEAST TWO WITNESS CORNERS OR REFERENCE MARKS FOR EACH SUCH MONUMENT OR ACCESSORY REMOVED AND HAS FILED OR CAUSED TO BE FILED A MONUMENT RECORD PURSUANT TO ARTICLE 53 OF TITLE 38, C.R.S.

5) CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.

SURVEYOR'S CERTIFICATE:

I, MERLE R. HOOS, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF BRANDYWINE FARMS MINOR SUBDIVISION WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY AND WITHIN MY CONTROL, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

MERLE R. HOOS P.L.S. 38046
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.,
A COLORADO CORPORATION



Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

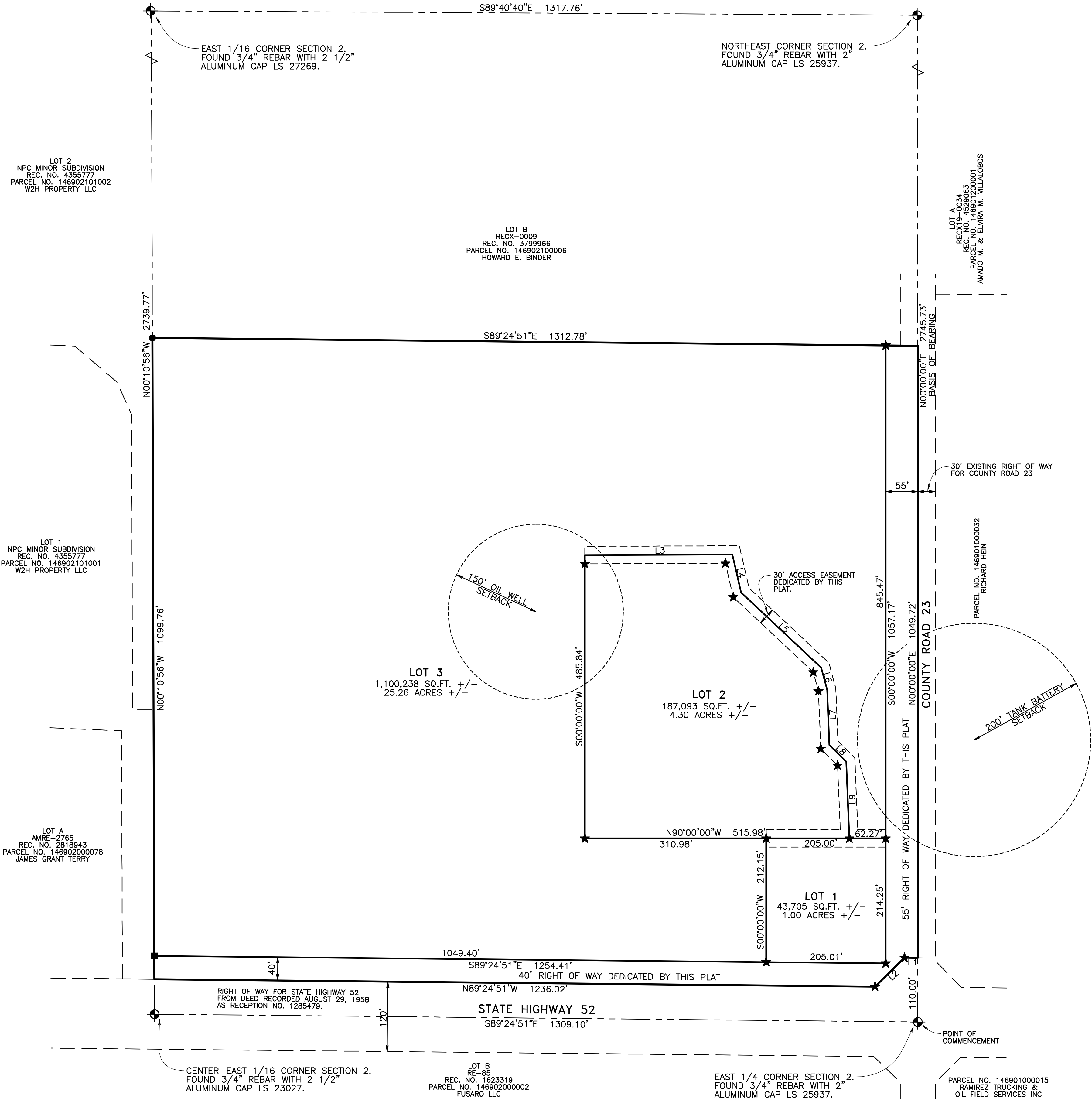
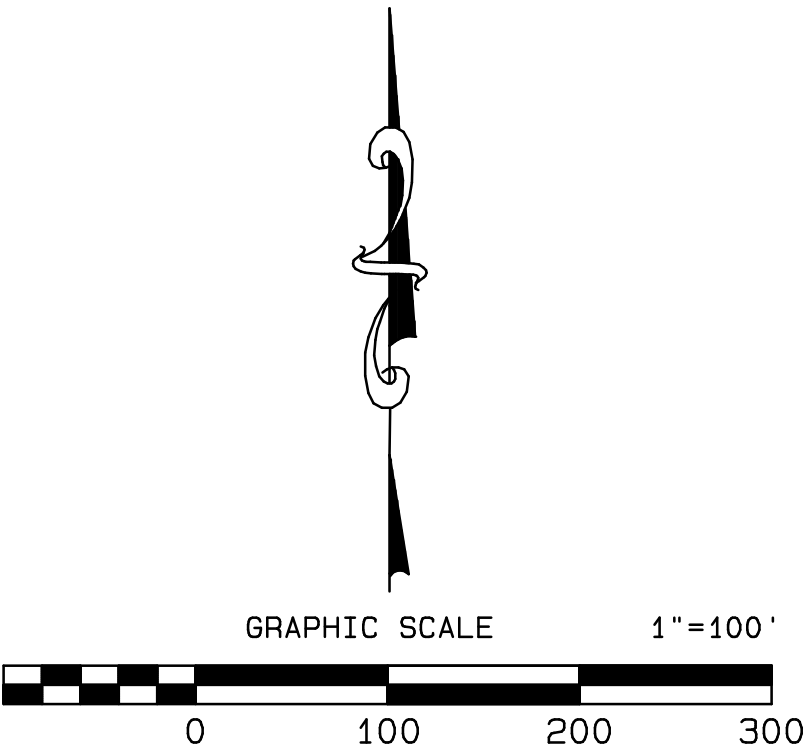
Sheet 1 of 1

LEGEND:

- ⊕ = SECTION CONTROL MONUMENT AS NOTED HEREON.
- ★ = SET 5/8" X 24" REBAR WITH 2" ALUMINUM CAP LS 38046.
- = FOUND 5/8" REBAR WITH PINK PLASTIC CAP LS 38046.
- = FOUND 5/8" REBAR WITH RED PLASTIC CAP LS 27269.

LINE TABLE:

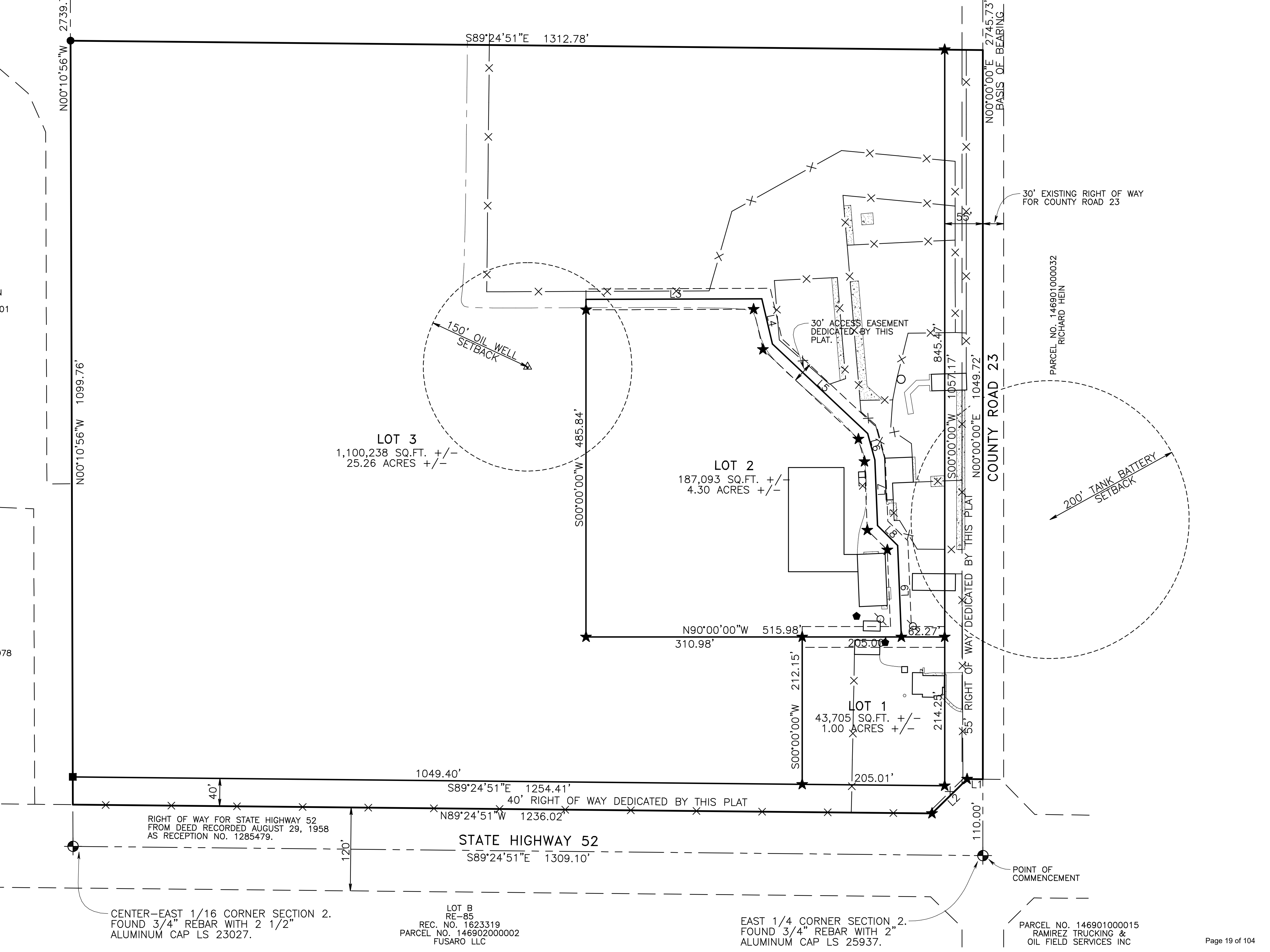
LINE	BEARING	DISTANCE
L1	N89°26'53"W	22.75'
L2	S45°36'09"W	70.70'
L3	N89°46'46"E	253.04'
L4	S13°00'51"E	66.85'
L5	S46°48'32"E	188.14'
L6	S15°02'45"E	39.50'
L7	S02°21'23"E	94.55'
L8	S45°19'24"E	40.54'
L9	S02°22'48"E	131.90'



American West
Land Surveying Co.
A Family Owned Corporation Since 1991
PO Box 129, Brighton, CO 80601 * P:303-659-1532 * mrh.amw@gmail.com

SCALE 1" = 100' DRAWN BY: MRH CHECKED BY: CDH DATE: March 30, 2021
JOB NO: 21- REVISIONS:

FILE: \\SERVER\Users\Public\Survey\T1-2N\T1N_R67W\S2\TOEWS SUB.pro



Water Supply

Brandywine Farms water supply is from well permit 130770A. We have confirmed with the Colorado Department of Water Resources that we have approximately 8.4 Acre feet of water (2.7 million gallons per year). The 2 agricultural lots are also served by 2.5 shares of the New Brantner ditch. Brandywine Farms has retained a water attorney who has advised us that it is not a problem to provide water as required for the minor subdivision.

Sanitary Sewer Service

Septic field will be designed and built to standards provided by Colorado Department of Public Health and Environment.

Drainage Plan

Public Works comments are below:

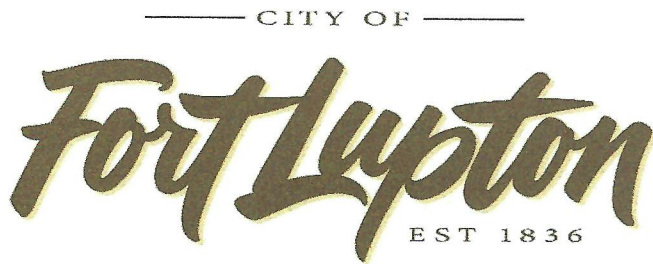
1. Drainage

- A. Final Drainage Study may be required, dependent upon proposed pavement changes.**
- B. This location is not located within a designated Floodplain.**
- C. A SWMP and Stormwater Discharge permit must be acquired from CDPH&E if area of disturbance or grading is required.**

Brandywine Farms comments:

The west 700' of property gently slopes to the north and we presently have a large retention pond at the north edge of the property.

The east 550' of the property gently slopes to the south towards the large ditch along Highway 52. It is possible to locate a detention pond within this area if required.



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

MEMO

To: Todd Hodges
Alyssa Knutson

From: Roy Vestal

Date: February 4, 2021

Subject: Toews
Pre Application

Public Works has reviewed the submitted preapplication information for the above referenced development project with the following comments for inclusion with the Site Plan submittal.

1. Drainage

- a. Final Drainage Study may be required, dependent upon proposed pavement changes.
- b. This location is not located within a designated Floodplain.
- c. A SWMP and Stormwater Discharge permit must be acquired from CDPH&E if area of disturbance or grading is required.

2. Transportation

a. Traffic Control - Chapter 8

- i. A Traffic Study will be required with Site Plan. Addressing turns from and to Hwy 52
- ii. Additional ROW dedications by separate document for CR 23 will be required with the MSD. 110 ROW for arterial. Additional 25-feet required.

b. Roadway - Chapter 6

- i. Improvements to CR 23 frontage may be required (depending on the traffic study recommendations).



April 13, 2021

Magaly Morales-Tejada, Planning Assistant
City of Fort Lupton Planning Commission
Transmission via email: mmtejada@fortluptonco.gov

Re: Brandywine Farms Minor Subdivision and Rezone
Case Nos. LUP2021-0010, MSD2021-0001, & COZ2021-0002
Part of the SE ¼ NE ¼ of Sec. 2, T 1N, R 67W, 6th P.M.
Water Division 1, Water District 2, Weld County

Dear Magaly Morales-Tejada:

Pursuant to Section 30-28-136, C.R.S. the State Engineer's office will provide an opinion on water supply plans for new subdivisions regarding material injury to existing water rights or the adequacy of the proposed plan if a referral is submitted to this office by the board of county commissioners. This referral was submitted to this office by the City of Fort Lupton ("City"); therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to the county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, **the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or the physical availability of water.**

The proposal is for a 3-lot subdivision and rezone of a 34.9-acre parcel located in part of the SE ¼ NE ¼ of Sec. 2, T 1N, R 67W, 6th P.M. Lot 1 will be 1 acre and rezoned to commercial. The estimated water demand, proposed uses, and water supply source for Lot 1 were not clearly defined. Lot 2 will be 4.3 acres and Lot 3 will be 25.26 acres, both lots will remain zoned as agricultural. The estimated water demand and proposed uses for Lots 2 and 3 were not clearly defined. The proposed water supply source for agricultural purposes is 2.5 New Brantner ditch shares.

The proposed water supply source for the subdivision also includes well permit no. 130770-A. Well permit no. 130770-A was issued November 23, 1998 pursuant to section 37-92-602(3)(c), C.R.S. for the replacement of an existing well, permit no. 130770. The use of the well is limited to its historic uses that existed as of May 8, 1972 and have continued since that time, which are: ordinary household purposes inside one (1) single-family dwelling, the watering of poultry, domestic animals, and livestock on a farm or ranch. The well is constructed in the nontributary Laramie-Fox Hills aquifer. Upon approval of this subdivision the conditions under which this permit was issued would no longer exist, making the well out of compliance with its permit. Should the applicant wish to use the existing well as a water supply for the proposed lots the existing well owner must re-permit the well consistent with the newly created parcel on which it will be located. This office recommends the following.

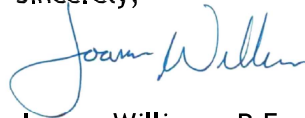
1. The City require that the requirement to re-permit the well be placed on the plat in a manner that is plainly visible such that the current owner and any prospective buyer will be aware of the requirement.
2. Prior to this subdivision being approved by the City, the City require the current well owner to submit to our office a well permit application to re-permit the well. Our office will hold that permit until the applicant provides to our office documentation that the county has approved the subdivision, at which time we will act upon the application.



Permit no. 130770-A was issued on the condition that the existing well under permit no. 130770 be plugged and abandoned. A Well Abandonment Report was not received for well no. 130770, therefore it is unknown if the well was plugged. To ensure well no. 130770 was plugged and abandoned, the well owner must submit a Well Abandonment Report (Form GWS-09) available for download at: <https://dwr.colorado.gov/services/well-construction-inspection>.

If you or the applicant have any questions, please contact Wenli Dickinson at 303-866-3581 x8206 or at Wenli.Dickinson@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Joanna Williams". The signature is fluid and cursive, with the first name "Joanna" and last name "Williams" clearly distinguishable.

Joanna Williams, P.E.
Water Resource Engineer

Ec: Referral no. 27642
Well permit no. 130770-A file



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

Office: (303)857-4603 • Fax: (303)857-6619 • Website: www.fortluptonfire.org

Date: 04/26/2021

Project name: Brandywine Farms Minor Subdivision & Change of Zone

Project address: Hwy 52 & Cr 23, Fort Lupton, Co 80621

FLFPD Project #

Plan reviewer: Taw Tamlin, Fire Marshal

The Fire District has reviewed the site plan submittal for **Brandywine Farms Minor Subdivision & Change of Zone** located at **Hwy 52 & Cr 23**, Fort Lupton, CO 80621. The submittal was reviewed for compliance with *2012 International Fire Code (IFC)* and the current National Fire Protection Association (*NFPA*) standards as adopted by the Fort Lupton Fire Protection District, City Council of Fort Lupton, and Weld County Commissioners. The Fort Lupton Fire Protection District has no concerns with the Brandywine Farms Minor Subdivision & Change of Zone. As the project develops the following specific and general requirements and conditions shall be met at time of construction.

Specific Requirements:

1. Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the fire code official and obtain the required permits.
2. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.
 - *Exception: A reduction in required fire-flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.*

TABLE B105.1
MINIMUM REQUIRED FIRE-FLOW AND FLOW DURATION FOR BUILDINGS

FIRE-FLOW CALCULATION AREA (square feet)					FIRE-FLOW (gallons per minute) ^b	FLOW DURATION (hours)
Type IA and IB ^a	Type IIA and IIIA ^a	Type IV and V-A ^a	Type IIB and IIIB ^a	Type V-B ^a		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	3
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	4
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

3. The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted. *2012 IFC, C103.1*
4. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2. *2012 IFC, 501.4*
5. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

Office: (303)857-4603 • Fax: (303)857-6619 • Website: www.fortluptonfire.org

weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. 2012 IFC, 3310.1

Please contact Fire Marshal, Taw Tamlin at 303-857-4603 if you have questions or need further assistance.

Fort Lupton

EST 1836

FROM: Maria Lancto
DATE: 04/12/21
PROJECT: Brandywine Minor Subdivision and Change of Zone
Project No. LUP2021-0010; Plan Nos. MSD2021-0001 & COZ2021-0002

INTERNAL DISTRIBUTION:

- | | | |
|---|--|---|
| ☒ Buildings/Grounds Manager | ☒ City Attorney | ☒ Police Chief |
| ☐ City Administrator | ☐ City Clerk | ☒ Public Works Director |
| ☒ Building Inspector | ☐ Recreation Manager | ☐ Golf Course Manager |
| ☒ OMI | ☒ GIS Specialist | ☐ Finance Director |

OUTSIDE DISTRIBUTION:

- | | |
|--|---|
| ☒ Fort Lupton Fire Protection District | ☒ Weld County Dept. of Public Health & Env. |
| ☒ CDOT | ☐ Weld County Public Works |
| ☐ Colorado DRMS | ☒ Weld County School District RE-8 |
| ☐ Colorado Parks and Wildlife | ☒ NCWCD |
| ☒ Division of Water Resources | ☐ Fulton Ditch Company |
| ☐ Army Corp of Engineers | ☐ Platteville Ditch Company |
| ☒ United Power | ☐ City of Brighton |
| ☒ Comcast | ☐ Town of Frederick |
| ☒ CenturyLink | ☐ Town of Platteville |
| ☒ Xcel Energy | ☐ City of Dacono |
| ☒ Postmaster | ☐ Town of Firestone |
| ☒ Weld County Department of Planning | ☐ Other: |

If you have comments, please respond by: May 3, 2021

Comments may be sent via mail, faxed to 303.857.0351 or emailed to planningdept@fortluptonco.gov. A non-response to this referral may be considered a favorable response.

COMMENTS:

Property Owners will need to file Petitions for Inclusion of Lands with Northern Colorado Water Conservancy District + Municipal Subdistrict.

Magaly Morales-Tejada

From: Lauren Light
Sent: Friday, April 30, 2021 4:02 PM
To: Magaly Morales-Tejada
Subject: RE: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

If there is a sewer line within 400 feet connection is required unless Fort Lupton agrees to Septic Systems

Lauren Light, M.B.S.
Program Manager/Environmental Planner, Environmental Health Services
Weld County Department of Public Health & Environment
1555 N. 17th Ave.
Greeley, CO 80631
llight@weldgov.com
970-400-2211 (office)



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From: Magaly Morales-Tejada
Sent: Friday, April 30, 2021 10:50 AM
Cc: Maria Lancto ; Alyssa Knutson ; Todd Hodges
Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am following up on the referral response request below, as a reminder the deadline for any comments on this application is this following **Monday, May 3, 2021**.

If you do not have any comments, please disregard this email and have a wonderful weekend!

Thank you,

Magaly Morales-Tejada

Planning assistant
130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Magaly Morales-Tejada
Sent: Monday, April 12, 2021 9:30 AM
Cc: Maria Lancto; [Todd Hodges](#) ; [Alyssa Knutson](#)
Subject: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Good Morning,

The documentation located at the following link is submitted to you for review and recommendation for a minor subdivision being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link: <https://www.fortluptonco.gov/DocumentCenter/Index/587>.

Any comments you consider relevant to this request would be appreciated. Please reply by **May 3, 2021**, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department.

The Public Hearings for this matter are scheduled for:

- Planning Commission: Thursday, May 13, 2021 at 6:00 PM; and
- City Council: Tuesday, May 18, 2021 at 7:00 PM

Your time in this matter is greatly appreciated!

Magaly Morales-Tejada
Planning assistant
130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



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Maria Lancto

From: Magaly Morales-Tejada
Sent: Monday, May 3, 2021 11:08 AM
To: Maria Lancto
Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Referral Response from Weld CO Planning

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Jim Flesher [mailto:jflesher@weldgov.com]
Sent: Monday, May 3, 2021 11:07 AM
To: Alyssa Knutson <AKnutson@Fortluptonco.gov>
Cc: Magaly Morales-Tejada <MMTejada@Fortluptonco.gov>
Subject: RE: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Hi, Alyssa:

I don't have any formal comments for you on this minor replat. I looked at the plat and don't have any issues. We have had issues with access easements in the past. You might encourage the property owner to record a separate agreement describing the details for maintenance, etc. Here is some language one of our attorneys came up with to put on plats with access easements: "All access and utility easements are dedicated for the benefit of all owners of lots depicted on this plat, including owners of future lots created therefrom, regardless of lot configuration or number of users, and without limitation of the use or intensity of the use of such easements. No lot owner may install a gate or otherwise impede the use of such easements without the approval of all persons with rights of use of such easements."

Thanks,
Jim Flesher, AICP
Long-Range Planner
Weld County Planning Services
1555 N. 17th Ave.
Greeley, CO 80631
Phone: (970) 400-3552
www.weldgov.com

From: Tom Parko Jr. <tparko@weldgov.com>
Sent: Friday, April 30, 2021 10:54 AM
To: Jim Flesher <jflesher@weldgov.com>

Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

From:

Sent: Friday, April 30, 2021 10:50 AM

Cc: Maria Lancto <MLancto@Fortluptonco.gov>; Alyssa Knutson <AKnutson@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>

Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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If you do not have any comments, please disregard this email and have a wonderful weekend!

Thank you,

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Magaly Morales-Tejada

Sent: Monday, April 12, 2021 9:30 AM

Cc: Maria Lancto <MLancto@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>; Alyssa Knutson <AKnutson@Fortluptonco.gov>

Subject: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Good Morning,

The documentation located at the following link is submitted to you for review and recommendation for a minor subdivision being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link: <https://www.fortluptonco.gov/DocumentCenter/Index/587>.

Any comments you consider relevant to this request would be appreciated. Please reply by **May 3, 2021**, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department.

The Public Hearings for this matter are scheduled for:

- Planning Commission: Thursday, May 13, 2021 at 6:00 PM; and
- City Council: Tuesday, May 18, 2021 at 7:00 PM

Your time in this matter is greatly appreciated!

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



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May 3, 2021

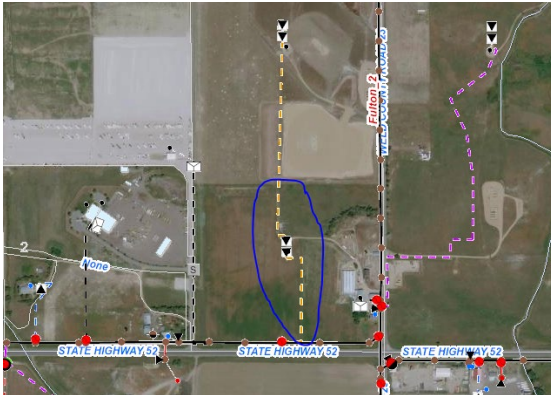
Fort Lupton Planning Department
130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortlupton.org

Re: Brandywine Minor Subdivision and Change of Zone Project No. LUP2021-0010; Plan Nos. MSD2021-0001 & COZ2021-0002

Dear Magaly Morales-Tejada:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the Brandywine Minor Subdivision and Change of Zone. After review of the information, we have the following comments:

- United Power requires continuous dry utility easements for reliable electric facility installation. This allows us to install electric facilities in a continuous manner for our loop feed which provides reliability. We prefer the separation of gas and electric. We are needing 8' to 10' wide dry utility easements around the perimeter of the entire parcel.
- We also have an existing underground line running from the south end of the parcel heading north through the entire parcel. We would need that line called out on the plat or it could be added as note #6 on the plat.



Please note, the property owner/developer/contractor must submit an application along with CAD data for new electric service via <https://www.unitedpower.com/construction>. United Power would like to work with these persons early in the construction process on getting an electric design prepared so that we can request any additional easements needed and hopefully have those easements dedicated on the plat rather than obtaining separate document(s). Obtaining easements via a separate document can be time consuming and could cause delays.

As a Reminder: No permanent structures are acceptable within the dry utility easement(s); such as, window wells, wing walls, retaining walls, basement walls, roof overhang, anything affixed to the house like decks, etc. United Power considers any structure that impedes the access, maintenance, and safety of our facilities a permanent structure. No exceptions will be allowed, and any encroachments could result in penalties.

Service will be provided according to the rules, regulations, and policies in effect by United Power at the time service is requested. We look forward to safely and efficiently providing reliable electric power and outstanding service.

Thank you,

Amber Mendoza

Amber Mendoza, RWA
ROW Agent
720.249.9315 | platreferral@unitedpower.com



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

May 3, 2021

City of Fort Lupton Planning Department
130 South McKinley Avenue
Fort Lupton, CO 80621

Attn: Alyssa Knutson and Todd Hodges

Re: Brandywine Farms Minor Subdivision and Change of Zone
Case #s LUP2021-0010 / MSD2021-0001 / COZ2021-0002

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the request for the **Brandywine Farms Minor Subdivision and Change of Zone** and requests that utility use is added to the 30-foot access easement in order to serve natural gas to Lot 2.

PSCo has no objection to this proposed rezone, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

The property owner/developer/contractor must complete the application process for any new natural gas service via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

Additional easements may need to be acquired by separate document for new facilities – be sure to contact the Designer and request that they connect with a Right-of-Way and Permits Agent in this event.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

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

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

Description: FLP222292 Pub Hear Toews minor subdivision

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 4/28/2021, 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.



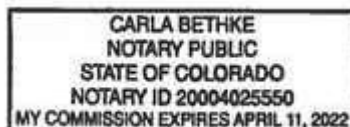
For the Fort Lupton Press

State of Colorado }
County of Weld } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before by the above named Gerard Healey, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 4/28/2021. Gerard Healey has verified to me that he has adopted an electronic signature to function as his signature on this document.

20004025550-187273

Carla Bethke
Notary Public
My commission ends April 11, 2022



CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for a minor subdivision for a property located at 5535 County Road 23 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, May 13, 2021, at 6:00 P.M., and before the City Council on Tuesday, May 18, 2021, at 7:00 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 to the public at the time of the hearings due to COVID-19, 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.

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 44°26'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE COINCIDENT WITH SAID EAST RIGHT OF WAY NORTH 00°00'00" EAST, A DISTANCE OF 1054.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1469-02-1 REC-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02

Legal Ad No.: FLP222292
First Publication: April 28, 2021
Last Publication: April 28, 2021
Published In: Fort Lupton Press

Sign Posting Affidavit

Brandywine Farms Minor Subdivision & Change of Zone
LUP2021-0010; MSD2021-0001 & COZ2021-0002



County Road 23



Highway 52

I, Leonard Toews hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 28th day of April, 2021.

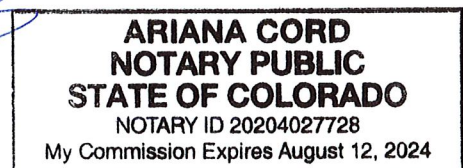
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Leonard Toews, this 28th day of April, 2021. Witness my hand and seal.

My commission expires August 12, 2024.

Notary Public

(SEAL)



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 28th day of April, 2021, a true and correct copy of the foregoing Notice of Public Hearings and Maps for the Brandywine Farms Minor Subdivision and Change of Zone was sent via U.S. Mail, postage pre-paid, to the following addresses:

RESOLUTION FUND LLC
1808 BOISE AVE
#200
LOVELAND, CO 80538

RICHARD HEIN
5290 E YALE CIR
STE 103
DENVER, CO 80222

FRANCES J WIELAND
DAN ODELL
R.T WIELAND
5406 COUNTY ROAD 23
FORT LUPTON, CO 80621

ELVIRA M VILLALOBOS
AMADO M VILLALOBOS
1224 E 18TH WAY
RIFLE, CO 81650

REGINA D SCHMOTZER
DOUGLAS D SCHMOTZER
5962 COUNTY ROAD 23
FORT LUPTON, CO 80621
PEHR LAND TRUST
5238 COUTNY ROAD 23
FORT LUPTON, CO 80621

WELD COUNTY
1150 O ST
GREELEY, CO 80631

FUSARO LLC
PO BOX 192
FORT LUPTON, CO 80621

TERRY JAMES GRANT
10711 HWY 52
FORT LUPTON, CO 80621

HOWARD E BINDER
6155 COUNTY ROAD 23
FORT LUPTON, CO 80621

NPC LLC
10741 HWY 52
FORT LUPTON, CO 80621

W2H PROPERTY LLC
23744 COUNTY ROAD 6
HUDSON, CO 80642



City Official



**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for a change of zone to the 'C-2' Heavy Commercial Zone District for lot 1 of the Brandywine Farms Minor Subdivision located at the northwest corner of State Highway 52 and County Road 23 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, May 13, 2021, at 6:00 P.M., and before the City Council on Tuesday, May 18, 2021, at 7:00 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 to the public at the time of the hearings due to COVID-19, 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.

ALL INTERESTED PERSONS MAY ATTEND.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: BRANDYWINE MINOR SUBDIVISION AND CHANGE OF ZONE

LEGAL DESCRIPTION

LOT 1, BRANDYWINE FARMS MINOR SUBDIVISION



CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for a minor subdivision for a property located at 5535 County Road 23 Fort Lupton, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

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LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 44°26'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE COINCIDENT WITH SAID EAST RIGHT OF WAY NORTH 00°00'00" EAST, A DISTANCE OF 1054.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1469-02-1 RECX-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE



OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02

Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 1

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE CONTINUING COINCIDENT WITH SAID EAST LINE NORTH 00°00'00" EAST, A DISTANCE OF 1049.72 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1489-02-1, REC'D-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1312.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.04 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WE, LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE LAID OUT AND PLATTED UNDER THE NAME OF BRANDYWINE FARMS MINOR SUBDIVISION, 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 LANDOWNERS SHALL BEAR ALL EXPENSES INVOLVED IN IMPROVEMENTS.

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

LEONARD TOEWS SHERRI TOEWS

STATE OF COLORADO SS.
COUNTY OF WELD

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT WE LEONARD TOEWS AND SHERRI TOEWS, 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.

LEONARD TOEWS SHERRI TOEWS

STATE OF COLORADO SS.
COUNTY OF WELD

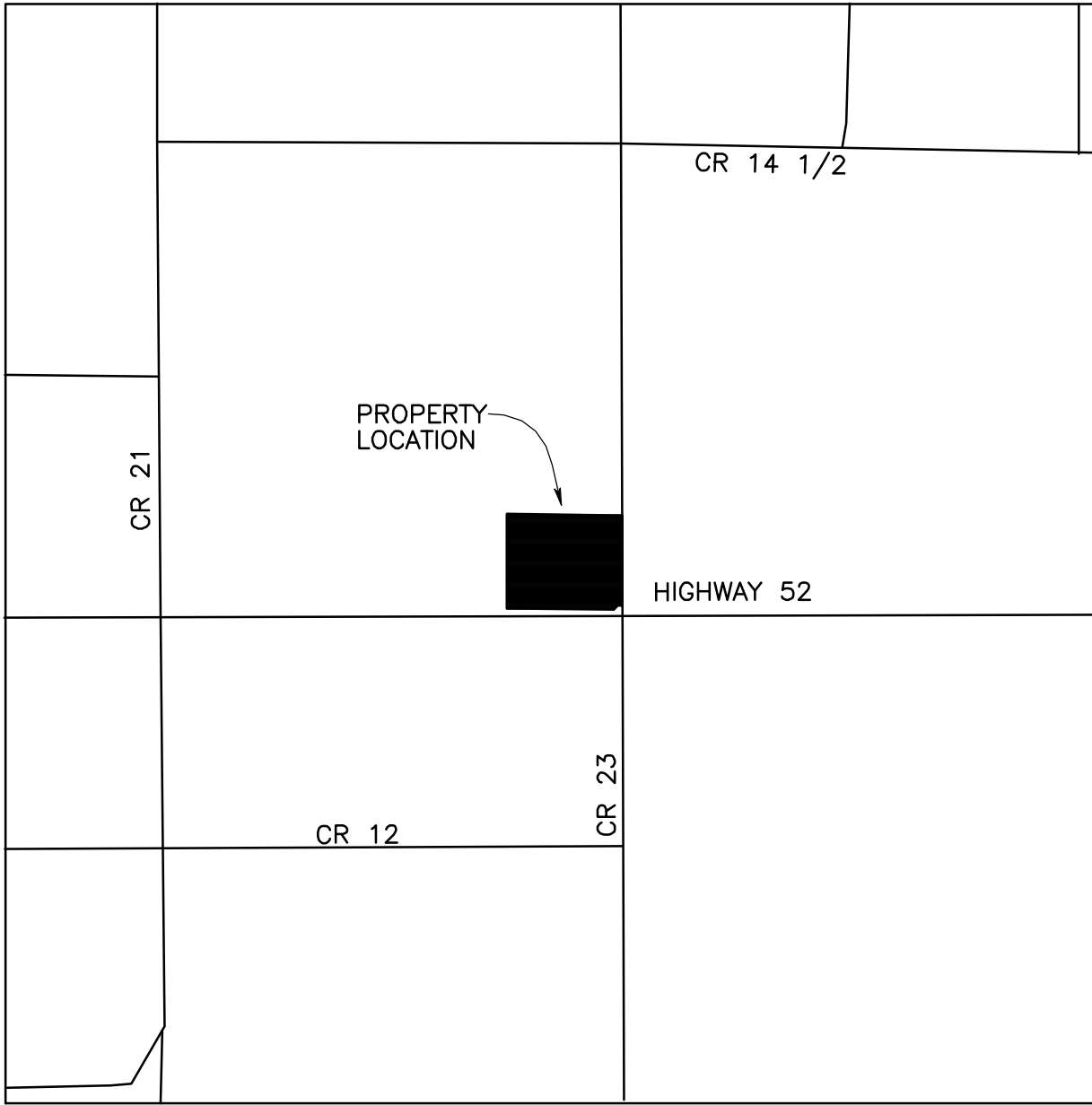
THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC



VICINITY MAP
SCALE: 1"=2000'

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ADMINISTRATOR _____

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ENGINEER _____

SURVEYOR'S CERTIFICATE:

I, MERLE R. HOOS, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF BRANDYWINE FARMS MINOR SUBDIVISION WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY AND WITHIN MY CONTROL, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

MERLE R. HOOS P.L.S. 38046
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.,
A COLORADO CORPORATION

NOTES:

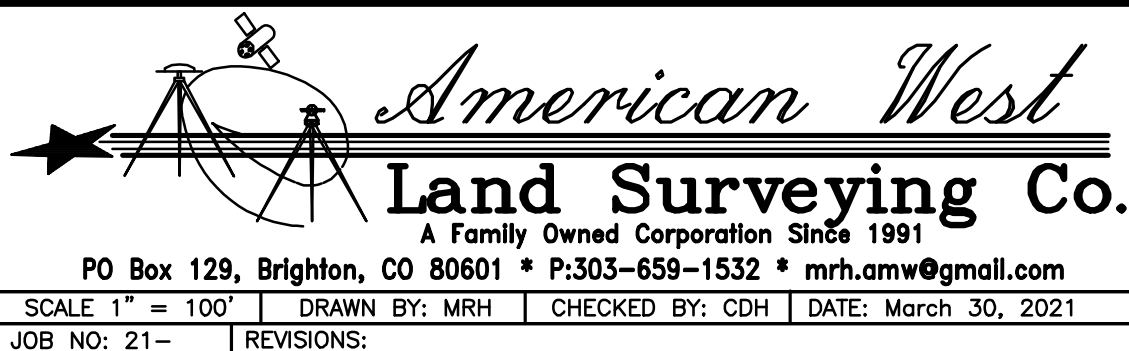
1) BASIS OF BEARING: THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR SOUTH 00°32'57" EAST, AS MONUMENTED HEREON WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

2) DISTANCES ON THIS MINOR ADJUSTMENT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.

3) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

4) ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT, AS DEFINED BY SECTION 38-53-103 (18), C.R.S., OR CONTROL CORNER, AS DEFINED IN SECTION 38-53-103 (6), C.R.S., OR A RESTORATION OF ANY SUCH MONUMENT OR WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY BEARING TREE KNOWING SUCH IS A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-53-103 (1), C.R.S., EVEN IF SAID PERSON HAS TITLE TO THE LAND ON WHICH SAID MONUMENT OR ACCESSORY IS LOCATED, COMMITS A CLASS 2 MISDEMEANOR UNLESS, PRIOR TO SUCH REMOVAL, SAID PERSON HAS CAUSED A COLORADO PROFESSIONAL LAND SURVEYOR TO ESTABLISH AT LEAST TWO WITNESS CORNERS OR REFERENCE MARKS FOR EACH SUCH MONUMENT OR ACCESSORY REMOVED AND HAS FILED OR CAUSED TO BE FILED A MONUMENT RECORD PURSUANT TO ARTICLE 53 OF TITLE 38, C.R.S.

5) CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.



Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

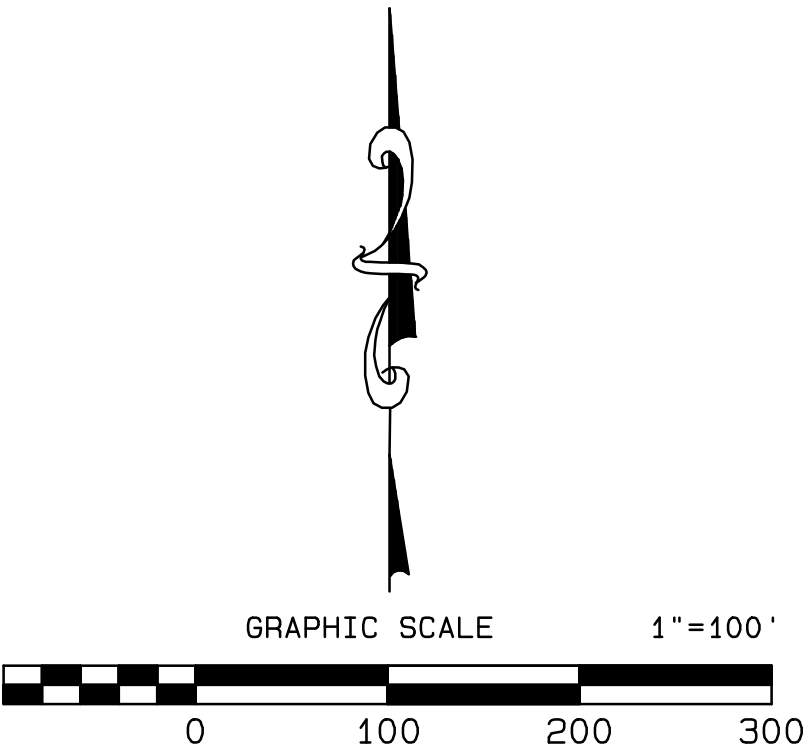
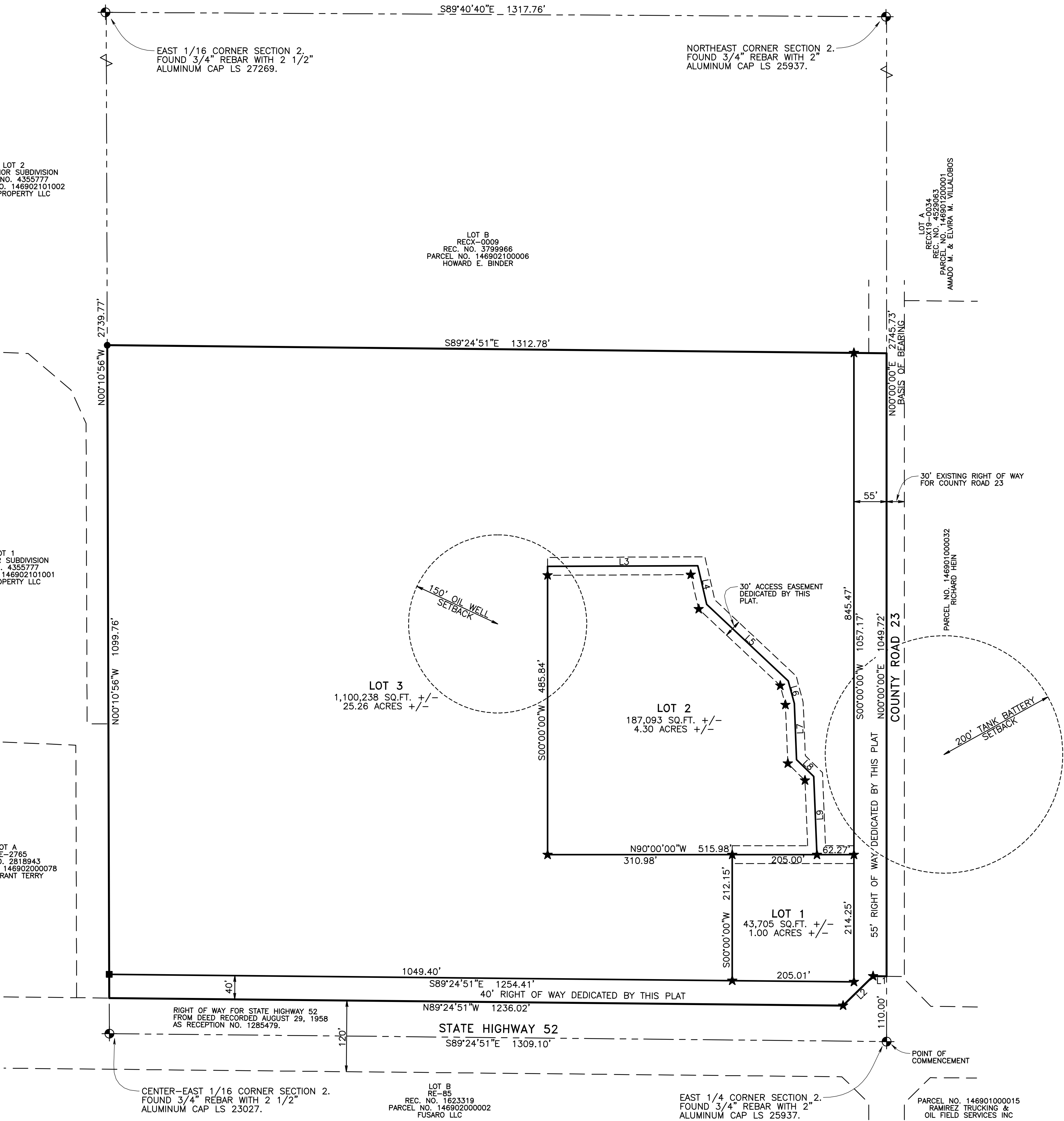
Sheet 1 of 1

LEGEND:

- ◆ = SECTION CONTROL MONUMENT AS NOTED HEREON.
- ★ = SET 5/8" X 24" REBAR WITH 2" ALUMINUM CAP LS 38046.
- = FOUND 5/8" REBAR WITH PINK PLASTIC CAP LS 38046.
- = FOUND 5/8" REBAR WITH RED PLASTIC CAP LS 27269.

LINE TABLE:

LINE	BEARING	DISTANCE
L1	N89°26'53"W	22.75'
L2	S45°36'09"W	70.70'
L3	N89°46'46"E	253.04'
L4	S13°00'51"E	66.85'
L5	S46°48'32"E	188.14'
L6	S15°02'45"E	39.50'
L7	S02°21'23"E	94.55'
L8	S45°19'24"E	40.54'
L9	S02°22'48"E	131.90'



American West
Land Surveying Co.
A Family Owned Corporation Since 1991
PO Box 129, Brighton, CO 80601 * P:303-659-1532 * mrh.amw@gmail.com

SCALE 1" = 100' | DRAWN BY: MRH | CHECKED BY: CDH | DATE: March 30, 2021
JOB NO: 21- | REVISIONS:

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 14th day of April 2021, a true and correct copy of the foregoing Mineral Notification Letter for the Brandywine Farms Minor Subdivision and Change of Zone was sent via United States Mail, postage pre-paid, to the following addresses:

BEVERLY LAMBRECHT
616 NORTH 13TH AVE
BRIGHTON, CO 80601

DRL & SON HOLDINGS, LLC
160 BRIAR GROVE DR
PRINCETON, TX 75407-2677

KP KAUFMANN
1675 BROADWAY
28TH FLOOR
DENVER, CO 80202

OCCIDENTAL PETROLEUM CORPORATION
1099 18TH ST
DENVER, CO 80202



City Official



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortlupton.org

April 14, 2021

Via U.S. Mail

Beverly Lambrecht
616 North 13th Ave
Brighton, CO 80601

Re: Brandywine Farms Minor Subdivision; Project No. LUP2021-0010; Plan Nos.
MSD2021-0001, COZ

To Whom It May Concern,

The City of Fort Lupton is currently reviewing a land use application submitted for a minor subdivision. A change of zone to the 'C-1' Commercial Zone District is being reviewed concurrently with this application. You are receiving this letter because you have been identified as a possible mineral estate owner for the subject property. I am enclosing application materials that were submitted by the applicant for the proposed subdivision. Additional application documents can be found online at bit.ly/FLDevelopment. You will then need to scroll to the row that addresses the Brandywine Farms Minor Subdivision and Change of Zone.

Any comments relevant to this request would be appreciated. Please reply by **May 3, 2021** so that we may give full consideration to your recommendation. The public hearings for this matter are to be held before the Planning Commission on Thursday, May 13, 2021 at 6:00 PM and before the City Council on Tuesday, May 18, 2021 7:00 PM.

Please do not hesitate to contact me with questions or concerns.

Sincerely,
Maria Lancto
Maria Lancto
Planner
City of Fort Lupton

Enclosures
Minor Subdivision Project Description
Minor Subdivision Map



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortlupton.org

April 14, 2021

Via U.S. Mail

DRL & Son Holdings, LLC
160 Briar Grove Dr
Princeton, TX 75407

Re: Brandywine Farms Minor Subdivision; Project No. LUP2021-0010; Plan Nos.
MSD2021-0001, COZ

To Whom It May Concern,

The City of Fort Lupton is currently reviewing a land use application submitted for a minor subdivision. A change of zone to the 'C-1' Commercial Zone District is being reviewed concurrently with this application. You are receiving this letter because you have been identified as a possible mineral estate owner for the subject property. I am enclosing application materials that were submitted by the applicant for the proposed subdivision. Additional application documents can be found online at bit.ly/FLDevelopment. You will then need to scroll to the row that addresses the Brandywine Farms Minor Subdivision and Change of Zone.

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Sincerely,
Maria Lancto
Maria Lancto
Planner
City of Fort Lupton

Enclosures
Minor Subdivision Project Description
Minor Subdivision Map



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortlupton.org

April 14, 2021

Via U.S. Mail

KP Kaufman
1675 Broadway
28th Floor
Denver, CO 80202

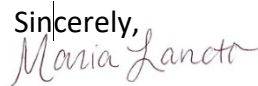
Re: Brandywine Farms Minor Subdivision; Project No. LUP2021-0010; Plan Nos.
MSD2021-0001, COZ

To Whom It May Concern,

The City of Fort Lupton is currently reviewing a land use application submitted for a minor subdivision. A change of zone to the 'C-1' Commercial Zone District is being reviewed concurrently with this application. You are receiving this letter because you have been identified as a possible mineral estate owner for the subject property. I am enclosing application materials that were submitted by the applicant for the proposed subdivision. Additional application documents can be found online at bit.ly/FLDevelopment. You will then need to scroll to the row that addresses the Brandywine Farms Minor Subdivision and Change of Zone.

Any comments relevant to this request would be appreciated. Please reply by **May 3, 2021** so that we may give full consideration to your recommendation. The public hearings for this matter are to be held before the Planning Commission on Thursday, May 13, 2021 at 6:00 PM and before the City Council on Tuesday, May 18, 2021 7:00 PM.

Please do not hesitate to contact me with questions or concerns.

Sincerely,

Maria Lancto
Planner
City of Fort Lupton

Enclosures
Minor Subdivision Project Description
Minor Subdivision Map



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortlupton.org

April 14, 2021

Via U.S. Mail

Occidental Petroleum Corporation
1099 18th St
STE 1800
Denver, CO 80202

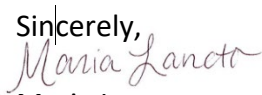
Re: Brandywine Farms Minor Subdivision; Project No. LUP2021-0010; Plan Nos.
MSD2021-0001, COZ

To Whom It May Concern,

The City of Fort Lupton is currently reviewing a land use application submitted for a minor subdivision. A change of zone to the 'C-1' Commercial Zone District is being reviewed concurrently with this application. You are receiving this letter because you have been identified as a possible mineral estate owner for the subject property. I am enclosing application materials that were submitted by the applicant for the proposed subdivision. Additional application documents can be found online at bit.ly/FLDevelopment. You will then need to scroll to the row that addresses the Brandywine Farms Minor Subdivision and Change of Zone.

Any comments relevant to this request would be appreciated. Please reply by **May 3, 2021** so that we may give full consideration to your recommendation. The public hearings for this matter are to be held before the Planning Commission on Thursday, May 13, 2021 at 6:00 PM and before the City Council on Tuesday, May 18, 2021 7:00 PM.

Please do not hesitate to contact me with questions or concerns.

Sincerely,

Maria Lancto
Planner
City of Fort Lupton

Enclosures
Minor Subdivision Project Description
Minor Subdivision Map

RESOLUTION NO. P2021-013

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF A CHANGE OF ZONE KNOWN AS THE BRANDYWINE FARMS CHANGE OF ZONE ON LOT 1 OF THE BRANDYWINE FARMS MINOR SUBDIVISION LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing May 13, 2021 for the purpose of reviewing a change of zone known as the Brandywine Farms Change of Zone to the C-2 Heavy Commercial Zone District on a property legally described under Exhibit A to this Resolution, and

WHEREAS, after review of the application and supporting information, the Planning Commission finds that the Brandywine Farms Change of Zone application conforms to Colorado Revised Statutes and City codes and policies therein, and

WHEREAS, all legal requirements for the public hearing have been met, including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 100 feet, and post notice of the public hearings on the site.

NOW THEREFORE BE IT RESOLVED, the Planning Commission has taken into consideration all referral comments and citizen testimony in response to this application. Based upon the facts presented on this date the Planning Commission hereby recommends approval of the Brandywine Farms Change of Zone to the C-2 Heavy Commercial Zone District.

DONE THIS 13TH DAY OF MAY, 2021, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

EXHIBIT A

LEGAL DESCRIPTION

LOT 1, BRANDYWINE FARMS MINOR SUBDIVISION



BRANDYWINE FARMS CHANGE OF ZONE STAFF REPORT
PROJECT NO. LUP2021-0010/ PLAN NO. COZ2021-0002

PROJECT DESCRIPTION

Project No.: LUP2021-0010 / Plan No. COZ2021-0002

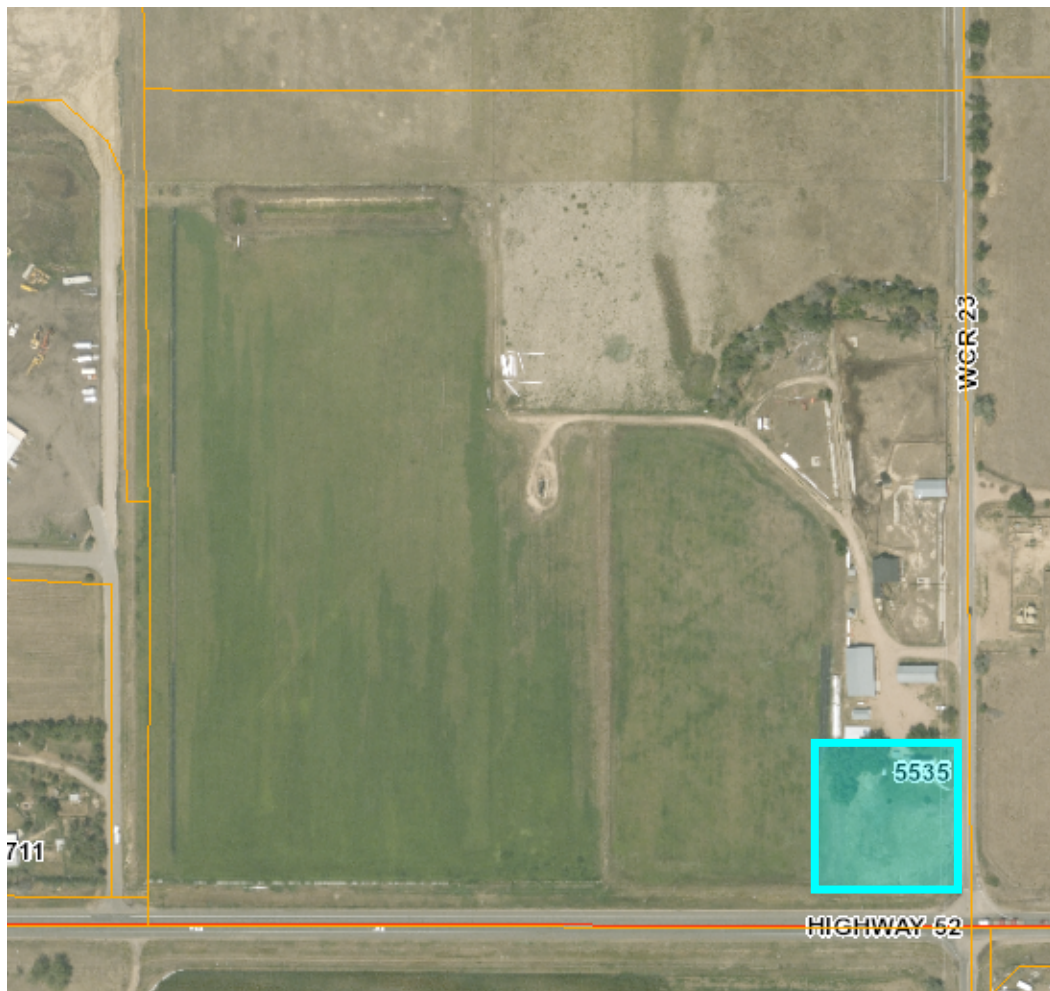
Project name: Brandywine Farms Change of Zone

Owner's Name: FORT Leonard Toews and Sherri Toews ("Applicants")

Representative: N/A

Location of Request:

The site consists of a parcel of land located at the northwest corner of the intersection of Highway 52 and County Road 23 (Parcel No. 146902100005) (the "Property"). The site is located in the East Half of the Northeast Quarter of Section 2, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. It is directly adjacent to the City Limits on the south.



Nature of Request:

The Applicants have submitted a change of zone request to the 'C-2' Heavy Commercial Zone District for Lot 1 of the Brandywine Farms Minor Subdivision. The current zoning of the Property is 'A' Agriculture. This rezoning has been submitted concurrently for review with the Brandywine Farms Minor Subdivision, which was brought before the Planning Commission as a separate public hearing.

No development is proposed at this time, and any future proposed land uses will be reviewed at separate public hearings before the Planning Commission and City Council.

Site Size: The Property is 1.00 acre, more or less.

Current Zone District: 'A' Agriculture.

Proposed Zone District: 'C-2' Heavy Commercial.

Proposed Use: The use of the property will not change at this time. Any proposed development will be reviewed at separate public hearings at a later date.

Existing Use: Agricultural and rural residential.

Hearing Dates: Planning Commission – May 13, 2021 at 6:00 PM; and
City Council – May 18, 2021 at 7:00 PM.

Hearing Location: Planning Commission: Held virtually via GoToMeeting due to COVID 19.
City Council: Fort Lupton City Hall – Council Chambers, 130 S. McKinley Ave., Fort Lupton, Colorado.

Staff Recommendation: Approval.

SUMMARY OF PREVIOUS APPLICATIONS

The property was annexed into Fort Lupton in 2021, and was initially zoned to the 'A' Agriculture Zone District (Toews Annexation and Initial Zoning).

An application for a minor subdivision to create this lot was submitted for concurrent review.

APPLICATION PROCESS

The Applicant is requesting approval of a change of zone to the 'C-2' Heavy Commercial Zone District.

A change of zone is processed under [Section 16-9](#) of the Fort Lupton Municipal Code ("Code"). After required public notice of the change of zone, 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 change of zone. 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 change of zone, referral agency comments, Planning Commission recommendation and any public testimony, and 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 Zoning Regulations require published notice of the hearings at least fifteen (15) days prior to the hearings. The Planning Commission and City Council hearings were published in the Fort Lupton Press on April 28, 2021.

Notice of the public hearings were posted on the Property pursuant to the Zoning Regulations at least fifteen (15) days prior to the hearings.

Notice was mailed to neighbors within one-hundred (100) feet of the Property on April 28, 2021.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The Property is located within the 'A' Agriculture Zone District, governed by [Section 16-32](#) of the Fort Lupton Municipal Code.

The Applicant wishes to change the zone of the Property to the 'C-2' Heavy Commercial Zone District, governed by [Section 16-45](#) of the Fort Lupton Municipal Code. The intent of the Heavy Commercial Zone District is to provide an environment adaptable to commercial uses which, by their nature, require heavy auto and truck traffic or outdoor storage and display.

The Applicant has submitted the required documents pursuant to the Code.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Future Land Use Map designates this area for commercial transitional land uses. The commercial transition designation identifies potential growth areas for commercial development outside the municipal boundaries or primary commercial districts of Fort Lupton. These areas should support gradual, long-term commercial investment outward from the City's urban core, including incremental transitioning of agricultural uses to commercial development.

The proposed zoning is compatible with this land use designation.

REFERRALS

Referrals were provided to the list below. Any comments received are enclosed with the Planning Commission packet.

Buildings / Grounds Manager	Building Inspector	OMI
City Attorney	Police Chief	GIS Specialist
Public Works Director	Fort Lupton Fire Protection District	CDOT
Colorado DRMS	United Power	Comcast
CenturyLink	Xcel Energy	Postmaster
Weld County Department of Planning	Weld County School District RE-8	NCWCD
Weld County Dept. of Public Health & Env.		

STAFF RECOMMENDATION

Staff recommendation approval of the Brandywine Farms Change of Zone.

***For more information on this development, please refer to the Planning Commission packet provided.
Additional documents are available for review at the Fort Lupton City Hall.***



Planning & Building

 130 S. McKinley Avenue
 Fort Lupton, CO 80621

 Phone: 303.857.6694
 Fax: 303.857.0351

www.fortluptonco.gov

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

 1) Property Owner Name: Leonard Toews, Sherri Toews
 Company: _____

 Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com

 Address: 5535 County Road 23, Fort Lupton CO 80621

 Preferred method of contact? Email: _____ Phone: ☒ Mail: _____

 2) Representative Name: Len Toews

Company: _____

 Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com

 Address: 5535 County Road, Fort Lupton, CO 80621

 Preferred method of contact? Email: _____ Phone: ☒ Mail: _____

3) Billing Contact (where invoices should be directed to): _____

Billing Company: _____

 Phone: (303) 919-7568 Email: Len@Brandywine-Farms.com

 Address: 5535 County Road 23, Fort Lupton, CO 80621

B. SITE DESCRIPTION

 Site Address: 5535 County Road 23, Fort Lupton, CO 80621

 Parcel Number: 146902100005

 Existing Zone Classification: Agricultural Proposed Zone Classification: 2 Remaining - Ag
1 Commercial - C2

 Water Type: Well Name: Toews

 Sewage Type: Septic District Name or Location Hauled to: _____

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

Sketch Plat

Administrative Site Plan

PUD Plan (Preliminary & Final)

Preliminary Plat

Special Use Permit

Variance

Final Plat

Oil & Gas Permit

Administrative Variance

Minor Subdivision

Annexation & Initial Zone

Appeal

Amended Plat

Change of Zone

Other: _____

Site Plan

Comp Plan Amendment

D. PROJECT DESCRIPTIONProject Name: ~~Toews~~ Brandywine Farms

Please provide a short description of the proposed project in the space provided below:

Minor Subdivision - into 3 Total Parcels

2 parcels remain Agriculture

1 parcel zone change to Commercial - C2

E. REQUIRED DOCUMENTS

For an application to be considered complete, and for planning staff to begin review and schedule any applicable public hearings, this Land Use Application Form must be fully completed and all required attachments included. Planning staff will review the application for completeness and will provide notice to the representative and/or owner whether the application has been deemed complete.

F. CERTIFICATIONS**Representative Certification**

By signing this application, I attest that I am acting with the knowledge and consent of all owners of the property that is the subject of this application, and that I have been designated to act as the representative for the project described in this land use application. I further certify that all information submitted with this application is true and accurate to the best of my knowledge.

Representative: _____ Date: _____

Owner Certification

I hereby certify that I am the legal owner of record of the property that is the subject of this application. I authorize the representative listed on this application, if any, to communicate directly with City officials and to submit documentation and information regarding this application on my behalf.

Owner: Leonard Toews Date: March 8, 2021

For Office Use Only

Received Date: _____

If the application is not complete, state reasons why it is incomplete:

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____

Change of Zone Description for Lot 1, Brandywine Farms Minor Subdivision

Lot 1 is the first lot west of County Road 23 and Highway 52. A change to Commercial zoning will allow for future development along the frontage of Highway 52. This lot change is a step towards the commercial transition within the City's Comprehensive Plan.

Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 1

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE CONTINUING COINCIDENT WITH SAID EAST LINE NORTH 00°00'00" EAST, A DISTANCE OF 1049.72 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1489-02-1, REC'D-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1312.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.04 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WE, LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE LAID OUT AND PLATTED UNDER THE NAME OF BRANDYWINE FARMS MINOR SUBDIVISION, 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 LANDOWNERS SHALL BEAR ALL EXPENSES INVOLVED IN IMPROVEMENTS.

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

LEONARD TOEWS _____ SHERRI TOEWS _____

STATE OF COLORADO }
COUNTY OF WELD } SS.

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT WE LEONARD TOEWS AND SHERRI TOEWS, 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.

LEONARD TOEWS _____ SHERRI TOEWS _____

STATE OF COLORADO }
COUNTY OF WELD } SS.

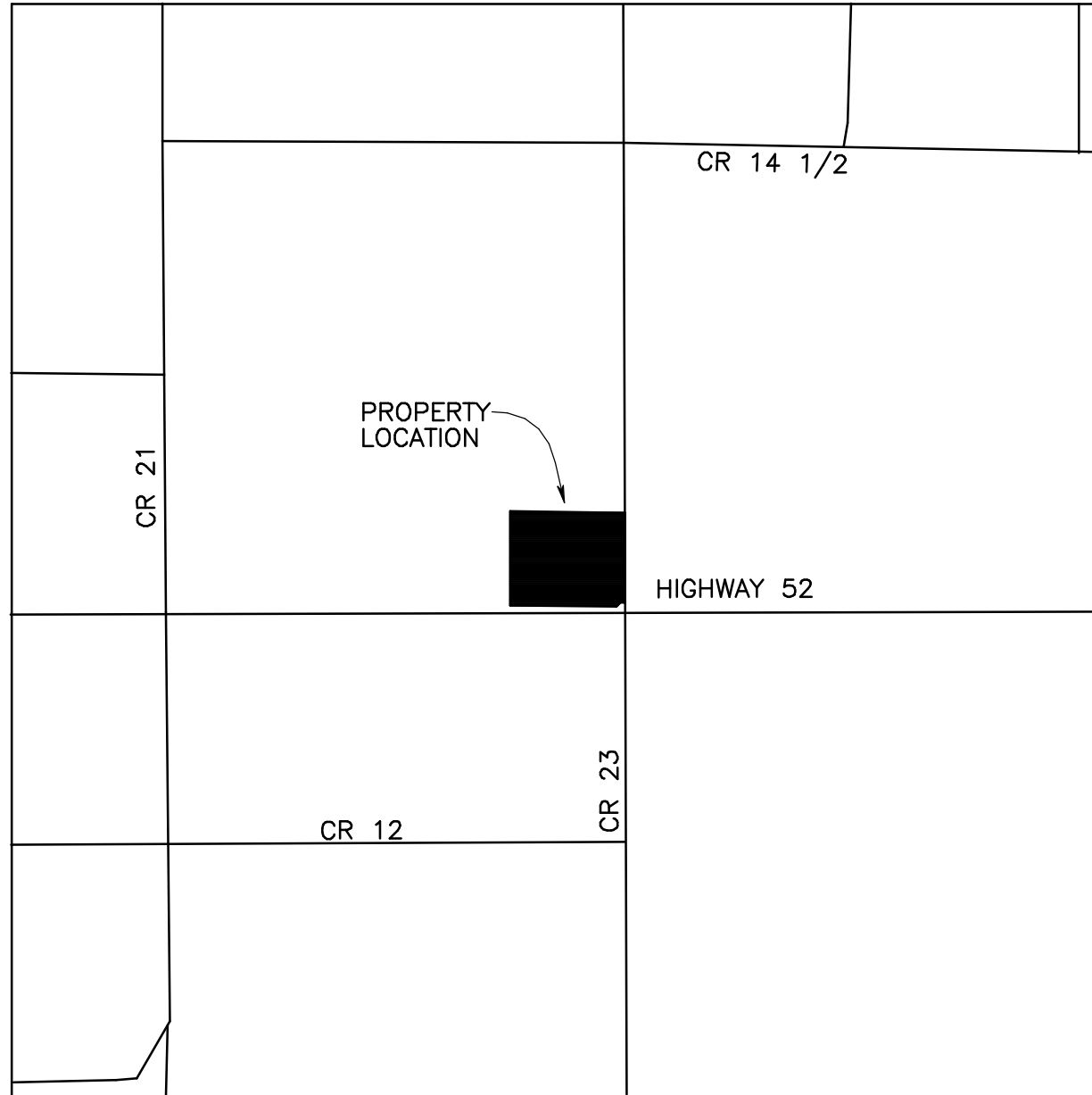
THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC



VICINITY MAP
SCALE: 1"=2000'

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ADMINISTRATOR

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ENGINEER

NOTES:

1) BASIS OF BEARING: THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR SOUTH 00°32'57" EAST, AS MONUMENTED HEREON WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

2) DISTANCES ON THIS MINOR ADJUSTMENT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.

3) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

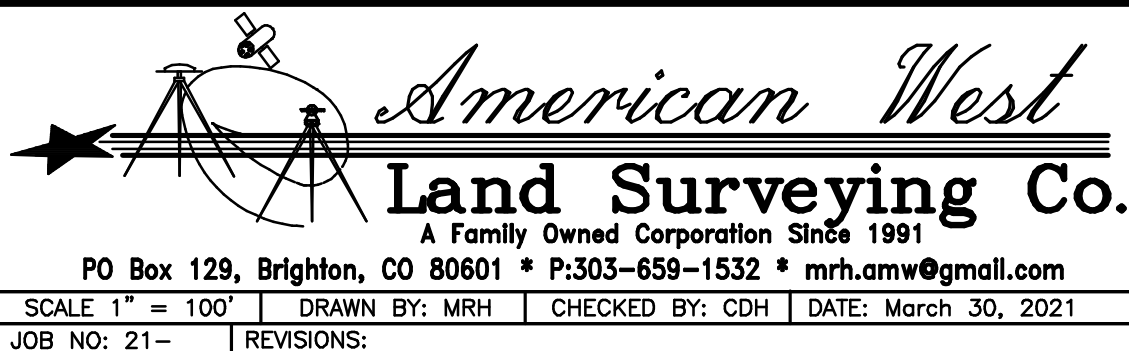
4) ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT, AS DEFINED BY SECTION 38-53-103 (18), C.R.S., OR CONTROL CORNER, AS DEFINED IN SECTION 38-53-103 (6), C.R.S., OR A RESTORATION OF ANY SUCH MONUMENT OR WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY BEARING TREE KNOWING SUCH IS A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-53-103 (1), C.R.S., EVEN IF SAID PERSON HAS TITLE TO THE LAND ON WHICH SAID MONUMENT OR ACCESSORY IS LOCATED, COMMITS A CLASS 2 MISDEMEANOR UNLESS, PRIOR TO SUCH REMOVAL, SAID PERSON HAS CAUSED A COLORADO PROFESSIONAL LAND SURVEYOR TO ESTABLISH AT LEAST TWO WITNESS CORNERS OR REFERENCE MARKS FOR EACH SUCH MONUMENT OR ACCESSORY REMOVED AND HAS FILED OR CAUSED TO BE FILED A MONUMENT RECORD PURSUANT TO ARTICLE 53 OF TITLE 38, C.R.S.

5) CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.

SURVEYOR'S CERTIFICATE:

I, MERLE R. HOOS, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF BRANDYWINE FARMS MINOR SUBDIVISION WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY AND WITHIN MY CONTROL, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

MERLE R. HOOS P.L.S. 38046
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.,
A COLORADO CORPORATION



Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

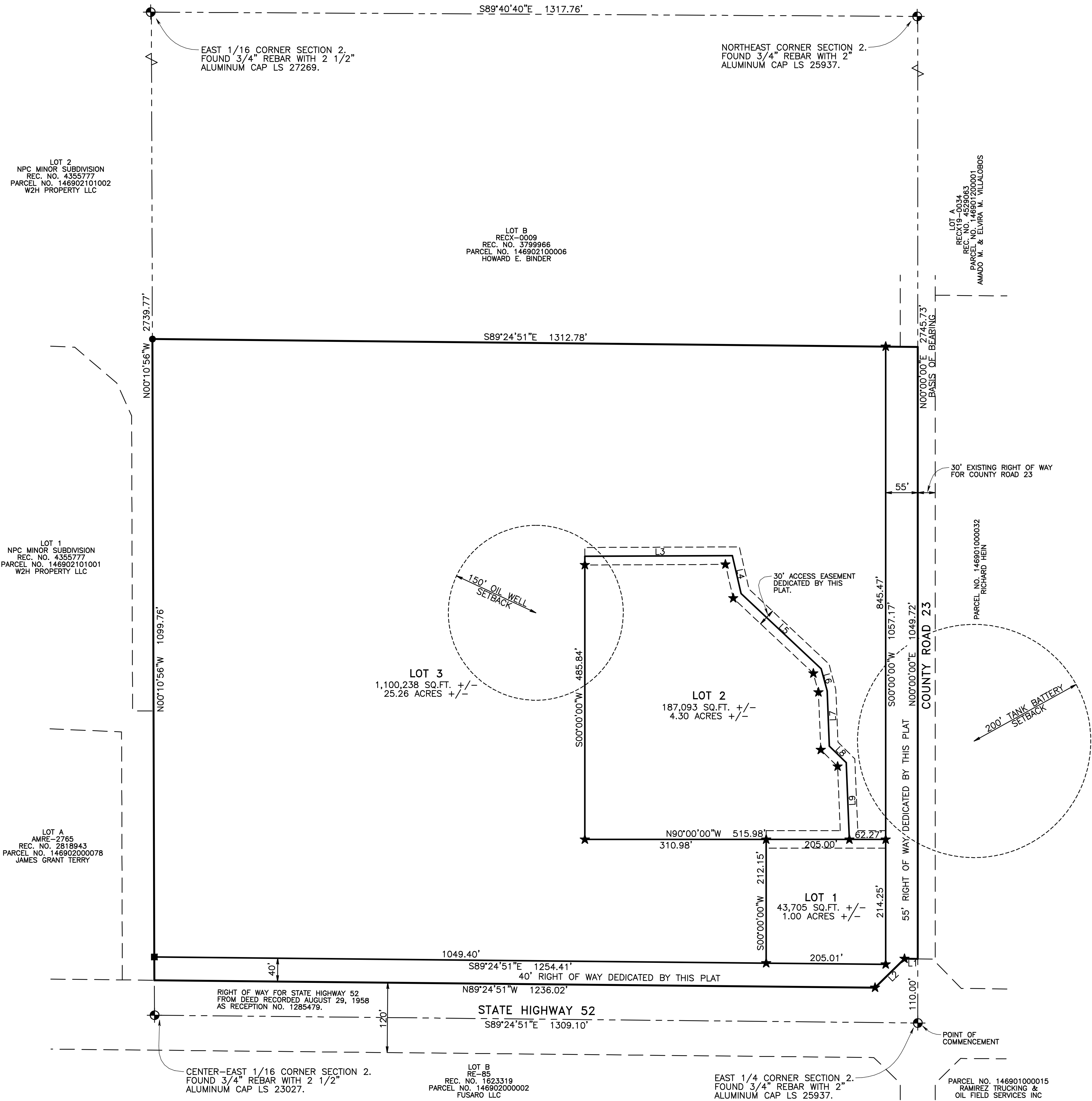
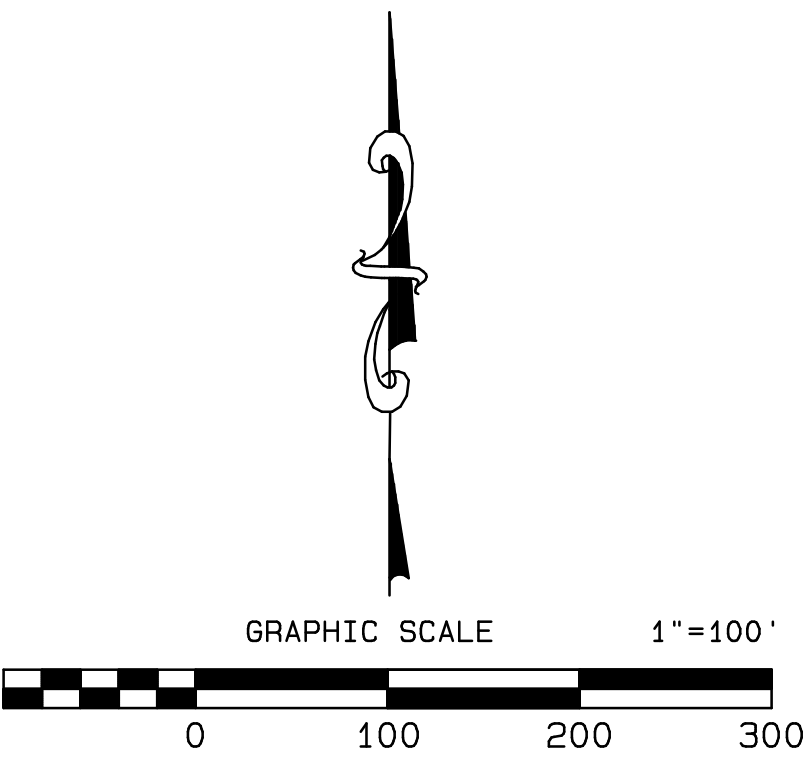
Sheet 1 of 1

LEGEND:

- ◆ = SECTION CONTROL MONUMENT AS NOTED HEREON.
- ★ = SET 5/8" X 24" REBAR WITH 2" ALUMINUM CAP LS 38046.
- = FOUND 5/8" REBAR WITH PINK PLASTIC CAP LS 38046.
- = FOUND 5/8" REBAR WITH RED PLASTIC CAP LS 27269.

LINE TABLE:

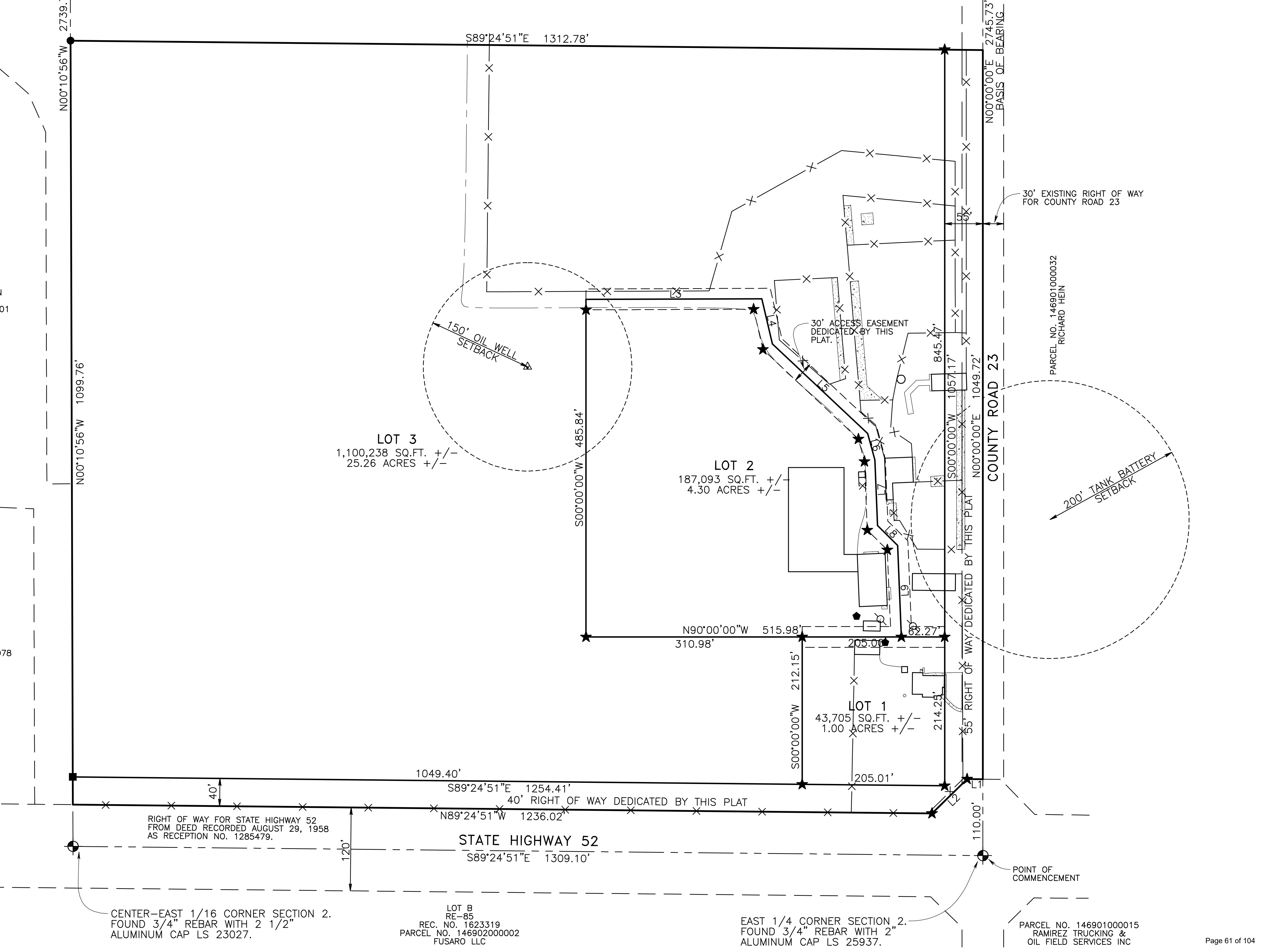
LINE	BEARING	DISTANCE
L1	N89°26'53"W	22.75'
L2	S45°36'09"W	70.70'
L3	N89°46'46"E	253.04'
L4	S13°00'51"E	66.85'
L5	S46°48'32"E	188.14'
L6	S15°02'45"E	39.50'
L7	S02°21'23"E	94.55'
L8	S45°19'24"E	40.54'
L9	S02°22'48"E	131.90'



American West
Land Surveying Co.
A Family Owned Corporation Since 1991
PO Box 129, Brighton, CO 80601 * P:303-659-1532 * mrh.amw@gmail.com

SCALE 1" = 100' DRAWN BY: MRH CHECKED BY: CDH DATE: March 30, 2021
JOB NO: 21- REVISIONS:

FILE: \\SERVER\Users\Public\Surveys\T1-2N\T1N_R67W\S2\TOEWS SUB.pro



Drainage Plan

Public Works comments are below:

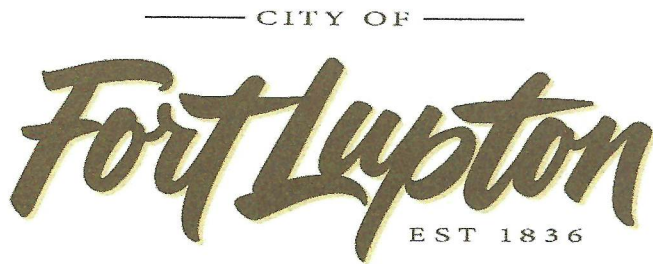
1. Drainage

- A. Final Drainage Study may be required, dependent upon proposed pavement changes.**
- B. This location is not located within a designated Floodplain.**
- C. A SWMP and Stormwater Discharge permit must be acquired from CDPH&E if area of disturbance or grading is required.**

Brandywine Farms comments:

The west 700' of property gently slopes to the north and we presently have a large retention pond at the north edge of the property.

The east 550' of the property gently slopes to the south towards the large ditch along Highway 52. It is possible to locate a detention pond within this area if required.



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortluptonco.gov

MEMO

To: Todd Hodges
Alyssa Knutson

From: Roy Vestal

Date: February 4, 2021

Subject: Toews
Pre Application

Public Works has reviewed the submitted preapplication information for the above referenced development project with the following comments for inclusion with the Site Plan submittal.

1. Drainage

- a. Final Drainage Study may be required, dependent upon proposed pavement changes.
- b. This location is not located within a designated Floodplain.
- c. A SWMP and Stormwater Discharge permit must be acquired from CDPH&E if area of disturbance or grading is required.

2. Transportation

a. Traffic Control - Chapter 8

- i. A Traffic Study will be required with Site Plan. Addressing turns from and to Hwy 52
- ii. Additional ROW dedications by separate document for CR 23 will be required with the MSD. 110 ROW for arterial. Additional 25-feet required.

b. Roadway - Chapter 6

- i. Improvements to CR 23 frontage may be required (depending on the traffic study recommendations).

Sanitary Sewer Service

Septic field will be designed and built to standards provided by Colorado Department of Public Health and Environment.

Water Supply

Brandywine Farms water supply is from well permit 130770A. We have confirmed with the Colorado Department of Water Resources that we have approximately 8.4 Acre feet of water (2.7 million gallons per year). The 2 agricultural lots are also served by 2.5 shares of the New Brantner ditch. Brandywine Farms has retained a water attorney who has advised us that it is not a problem to provide water as required for the minor subdivision.



April 13, 2021

Magaly Morales-Tejada, Planning Assistant
City of Fort Lupton Planning Commission
Transmission via email: mmtejada@fortluptonco.gov

Re: Brandywine Farms Minor Subdivision and Rezone
Case Nos. LUP2021-0010, MSD2021-0001, & COZ2021-0002
Part of the SE ¼ NE ¼ of Sec. 2, T 1N, R 67W, 6th P.M.
Water Division 1, Water District 2, Weld County

Dear Magaly Morales-Tejada:

Pursuant to Section 30-28-136, C.R.S. the State Engineer's office will provide an opinion on water supply plans for new subdivisions regarding material injury to existing water rights or the adequacy of the proposed plan if a referral is submitted to this office by the board of county commissioners. This referral was submitted to this office by the City of Fort Lupton ("City"); therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to the county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, **the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or the physical availability of water.**

The proposal is for a 3-lot subdivision and rezone of a 34.9-acre parcel located in part of the SE ¼ NE ¼ of Sec. 2, T 1N, R 67W, 6th P.M. Lot 1 will be 1 acre and rezoned to commercial. The estimated water demand, proposed uses, and water supply source for Lot 1 were not clearly defined. Lot 2 will be 4.3 acres and Lot 3 will be 25.26 acres, both lots will remain zoned as agricultural. The estimated water demand and proposed uses for Lots 2 and 3 were not clearly defined. The proposed water supply source for agricultural purposes is 2.5 New Brantner ditch shares.

The proposed water supply source for the subdivision also includes well permit no. 130770-A. Well permit no. 130770-A was issued November 23, 1998 pursuant to section 37-92-602(3)(c), C.R.S. for the replacement of an existing well, permit no. 130770. The use of the well is limited to its historic uses that existed as of May 8, 1972 and have continued since that time, which are: ordinary household purposes inside one (1) single-family dwelling, the watering of poultry, domestic animals, and livestock on a farm or ranch. The well is constructed in the nontributary Laramie-Fox Hills aquifer. Upon approval of this subdivision the conditions under which this permit was issued would no longer exist, making the well out of compliance with its permit. Should the applicant wish to use the existing well as a water supply for the proposed lots the existing well owner must re-permit the well consistent with the newly created parcel on which it will be located. This office recommends the following.

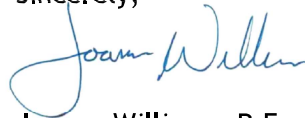
1. The City require that the requirement to re-permit the well be placed on the plat in a manner that is plainly visible such that the current owner and any prospective buyer will be aware of the requirement.
2. Prior to this subdivision being approved by the City, the City require the current well owner to submit to our office a well permit application to re-permit the well. Our office will hold that permit until the applicant provides to our office documentation that the county has approved the subdivision, at which time we will act upon the application.



Permit no. 130770-A was issued on the condition that the existing well under permit no. 130770 be plugged and abandoned. A Well Abandonment Report was not received for well no. 130770, therefore it is unknown if the well was plugged. To ensure well no. 130770 was plugged and abandoned, the well owner must submit a Well Abandonment Report (Form GWS-09) available for download at: <https://dwr.colorado.gov/services/well-construction-inspection>.

If you or the applicant have any questions, please contact Wenli Dickinson at 303-866-3581 x8206 or at Wenli.Dickinson@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Joanna Williams". The signature is fluid and cursive, with the first name "Joanna" and last name "Williams" clearly distinguishable.

Joanna Williams, P.E.
Water Resource Engineer

Ec: Referral no. 27642
Well permit no. 130770-A file



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

Office: (303)857-4603 • Fax: (303)857-6619 • Website: www.fortluptonfire.org

Date: 04/26/2021

Project name: Brandywine Farms Minor Subdivision & Change of Zone

Project address: Hwy 52 & Cr 23, Fort Lupton, Co 80621

FLFPD Project #

Plan reviewer: Taw Tamlin, Fire Marshal

The Fire District has reviewed the site plan submittal for **Brandywine Farms Minor Subdivision & Change of Zone** located at **Hwy 52 & Cr 23**, Fort Lupton, CO 80621. The submittal was reviewed for compliance with *2012 International Fire Code (IFC)* and the current National Fire Protection Association (*NFPA*) standards as adopted by the Fort Lupton Fire Protection District, City Council of Fort Lupton, and Weld County Commissioners. The Fort Lupton Fire Protection District has no concerns with the Brandywine Farms Minor Subdivision & Change of Zone. As the project develops the following specific and general requirements and conditions shall be met at time of construction.

Specific Requirements:

1. Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the fire code official and obtain the required permits.
2. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.
 - *Exception: A reduction in required fire-flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.*

TABLE B105.1
MINIMUM REQUIRED FIRE-FLOW AND FLOW DURATION FOR BUILDINGS

FIRE-FLOW CALCULATION AREA (square feet)					FIRE-FLOW (gallons per minute) ^b	FLOW DURATION (hours)
Type IA and IB ^a	Type IIA and IIIA ^a	Type IV and V-A ^a	Type IIB and IIIB ^a	Type V-B ^a		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	3
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	4
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

3. The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted. *2012 IFC, C103.1*
4. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2. *2012 IFC, 501.4*
5. Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

Office: (303)857-4603 • Fax: (303)857-6619 • Website: www.fortluptonfire.org

weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. 2012 IFC, 3310.1

Please contact Fire Marshal, Taw Tamlin at 303-857-4603 if you have questions or need further assistance.

Fort Lupton

EST 1836

FROM: Maria Lancto
DATE: 04/12/21
PROJECT: Brandywine Minor Subdivision and Change of Zone
Project No. LUP2021-0010; Plan Nos. MSD2021-0001 & COZ2021-0002

INTERNAL DISTRIBUTION:

- | | | |
|---|--|---|
| ☒ Buildings/Grounds Manager | ☒ City Attorney | ☒ Police Chief |
| ☐ City Administrator | ☐ City Clerk | ☒ Public Works Director |
| ☒ Building Inspector | ☐ Recreation Manager | ☐ Golf Course Manager |
| ☒ OMI | ☒ GIS Specialist | ☐ Finance Director |

OUTSIDE DISTRIBUTION:

- | | |
|--|---|
| ☒ Fort Lupton Fire Protection District | ☒ Weld County Dept. of Public Health & Env. |
| ☒ CDOT | ☐ Weld County Public Works |
| ☐ Colorado DRMS | ☒ Weld County School District RE-8 |
| ☐ Colorado Parks and Wildlife | ☒ NCWCD |
| ☒ Division of Water Resources | ☐ Fulton Ditch Company |
| ☐ Army Corp of Engineers | ☐ Platteville Ditch Company |
| ☒ United Power | ☐ City of Brighton |
| ☒ Comcast | ☐ Town of Frederick |
| ☒ CenturyLink | ☐ Town of Platteville |
| ☒ Xcel Energy | ☐ City of Dacono |
| ☒ Postmaster | ☐ Town of Firestone |
| ☒ Weld County Department of Planning | ☐ Other: |

If you have comments, please respond by: May 3, 2021

Comments may be sent via mail, faxed to 303.857.0351 or emailed to planningdept@fortluptonco.gov. A non-response to this referral may be considered a favorable response.

COMMENTS:

Property Owners will need to file Petitions for Inclusion of Lands with Northern Colorado Water Conservancy District + Municipal Subdistrict.

Magaly Morales-Tejada

From: Lauren Light
Sent: Friday, April 30, 2021 4:02 PM
To: Magaly Morales-Tejada
Subject: RE: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

If there is a sewer line within 400 feet connection is required unless Fort Lupton agrees to Septic Systems

Lauren Light, M.B.S.
Program Manager/Environmental Planner, Environmental Health Services
Weld County Department of Public Health & Environment
1555 N. 17th Ave.
Greeley, CO 80631
llight@weldgov.com
970-400-2211 (office)



Confidentiality Notice: This electronic transmission and any attached documents or other writings are intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. If you have received this communication in error, please immediately notify sender by return e-mail and destroy the communication. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication or any attachments by anyone other than the named recipient is strictly prohibited.

From: Magaly Morales-Tejada
Sent: Friday, April 30, 2021 10:50 AM
Cc: Maria Lancto ; Alyssa Knutson ; Todd Hodges
Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am following up on the referral response request below, as a reminder the deadline for any comments on this application is this following **Monday, May 3, 2021**.

If you do not have any comments, please disregard this email and have a wonderful weekend!

Thank you,

Magaly Morales-Tejada

Planning assistant
130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Magaly Morales-Tejada
Sent: Monday, April 12, 2021 9:30 AM
Cc: Maria Lancto; [Todd Hodges](#) ; [Alyssa Knutson](#)
Subject: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Good Morning,

The documentation located at the following link is submitted to you for review and recommendation for a minor subdivision being reviewed by the City of Fort Lupton. The application documents can be reviewed at the following link: <https://www.fortluptonco.gov/DocumentCenter/Index/587>.

Any comments you consider relevant to this request would be appreciated. Please reply by **May 3, 2021**, so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department.

The Public Hearings for this matter are scheduled for:

- Planning Commission: Thursday, May 13, 2021 at 6:00 PM; and
- City Council: Tuesday, May 18, 2021 at 7:00 PM

Your time in this matter is greatly appreciated!

Magaly Morales-Tejada
Planning assistant
130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



The information transmitted is intended only for the person or entity to which it is addressed and may contain CONFIDENTIAL material. If you receive this information in error, please delete or destroy the information.

Maria Lancto

From: Magaly Morales-Tejada
Sent: Monday, May 3, 2021 11:08 AM
To: Maria Lancto
Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Referral Response from Weld CO Planning

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Jim Flesher [mailto:jflesher@weldgov.com]
Sent: Monday, May 3, 2021 11:07 AM
To: Alyssa Knutson <AKnutson@Fortluptonco.gov>
Cc: Magaly Morales-Tejada <MMTejada@Fortluptonco.gov>
Subject: RE: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Hi, Alyssa:

I don't have any formal comments for you on this minor replat. I looked at the plat and don't have any issues. We have had issues with access easements in the past. You might encourage the property owner to record a separate agreement describing the details for maintenance, etc. Here is some language one of our attorneys came up with to put on plats with access easements: "All access and utility easements are dedicated for the benefit of all owners of lots depicted on this plat, including owners of future lots created therefrom, regardless of lot configuration or number of users, and without limitation of the use or intensity of the use of such easements. No lot owner may install a gate or otherwise impede the use of such easements without the approval of all persons with rights of use of such easements."

Thanks,
Jim Flesher, AICP
Long-Range Planner
Weld County Planning Services
1555 N. 17th Ave.
Greeley, CO 80631
Phone: (970) 400-3552
www.weldgov.com

From: Tom Parko Jr. <tparko@weldgov.com>
Sent: Friday, April 30, 2021 10:54 AM
To: Jim Flesher <jflesher@weldgov.com>

Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

From:

Sent: Friday, April 30, 2021 10:50 AM

Cc: Maria Lancto <MLancto@Fortluptonco.gov>; Alyssa Knutson <AKnutson@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>

Subject: FW: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am following up on the referral response request below, as a reminder the deadline for any comments on this application is this following **Monday, May 3, 2021**.

If you do not have any comments, please disregard this email and have a wonderful weekend!

Thank you,

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



From: Magaly Morales-Tejada

Sent: Monday, April 12, 2021 9:30 AM

Cc: Maria Lancto <MLancto@Fortluptonco.gov>; Todd Hodges <thodges@Fortluptonco.gov>; Alyssa Knutson <AKnutson@Fortluptonco.gov>

Subject: Referral Response Request: Brandywine Farms Minor Subdivision & Change of Zone (LUP2021-0010; MSD2021-0001 & COZ2021-0002)

Good Morning,

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- City Council: Tuesday, May 18, 2021 at 7:00 PM

Your time in this matter is greatly appreciated!

Magaly Morales-Tejada

Planning assistant

130 S. McKinley Ave.
Fort Lupton, CO 80621
Direct: 720-466-6111



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May 3, 2021

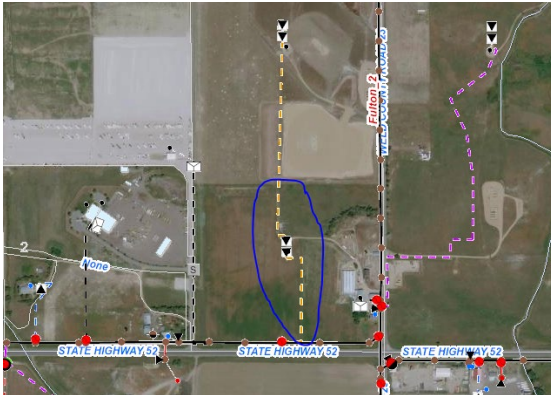
Fort Lupton Planning Department
130 S. McKinley Avenue
Fort Lupton, CO 80621
www.fortlupton.org

Re: Brandywine Minor Subdivision and Change of Zone Project No. LUP2021-0010; Plan Nos. MSD2021-0001 & COZ2021-0002

Dear Magaly Morales-Tejada:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the Brandywine Minor Subdivision and Change of Zone. After review of the information, we have the following comments:

- United Power requires continuous dry utility easements for reliable electric facility installation. This allows us to install electric facilities in a continuous manner for our loop feed which provides reliability. We prefer the separation of gas and electric. We are needing 8' to 10' wide dry utility easements around the perimeter of the entire parcel.
- We also have an existing underground line running from the south end of the parcel heading north through the entire parcel. We would need that line called out on the plat or it could be added as note #6 on the plat.



Please note, the property owner/developer/contractor must submit an application along with CAD data for new electric service via <https://www.unitedpower.com/construction>. United Power would like to work with these persons early in the construction process on getting an electric design prepared so that we can request any additional easements needed and hopefully have those easements dedicated on the plat rather than obtaining separate document(s). Obtaining easements via a separate document can be time consuming and could cause delays.

As a Reminder: No permanent structures are acceptable within the dry utility easement(s); such as, window wells, wing walls, retaining walls, basement walls, roof overhang, anything affixed to the house like decks, etc. United Power considers any structure that impedes the access, maintenance, and safety of our facilities a permanent structure. No exceptions will be allowed, and any encroachments could result in penalties.

Service will be provided according to the rules, regulations, and policies in effect by United Power at the time service is requested. We look forward to safely and efficiently providing reliable electric power and outstanding service.

Thank you,

Amber Mendoza

Amber Mendoza, RWA
ROW Agent
720.249.9315 | platreferral@unitedpower.com



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

May 3, 2021

City of Fort Lupton Planning Department
130 South McKinley Avenue
Fort Lupton, CO 80621

Attn: Alyssa Knutson and Todd Hodges

**Re: Brandywine Farms Minor Subdivision and Change of Zone
Case #s LUP2021-0010 / MSD2021-0001 / COZ2021-0002**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the request for the **Brandywine Farms Minor Subdivision and Change of Zone** and requests that utility use is added to the 30-foot access easement in order to serve natural gas to Lot 2.

PSCo has no objection to this proposed rezone, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

The property owner/developer/contractor must complete the application process for any new natural gas service via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

Additional easements may need to be acquired by separate document for new facilities – be sure to contact the Designer and request that they connect with a Right-of-Way and Permits Agent in this event.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

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

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

Description: FLP222291 Pub Hear Toews zone change hearing

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 4/28/2021, 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.



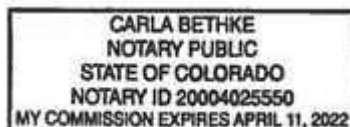
For the Fort Lupton Press

State of Colorado }
County of Weld } ss

The above Affidavit and Certificate of Publication was subscribed and sworn to before by the above named Gerard Healey, publisher of said newspaper, who is personally known to me to be the identical person in the above certificate on 4/28/2021. Gerard Healey has verified to me that he has adopted an electronic signature to function as his signature on this document.

20004025550-172421

Carla Bethke
Notary Public
My commission ends April 11, 2022



CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for a change of zone to the 'C-2' Heavy Commercial Zone District for lot 1 of the Brandywine Farms Minor Subdivision located at the northwest corner of State Highway 52 and County Road 23 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, May 13, 2021, at 6:00 P.M., and before the City Council on Tuesday, May 18, 2021, at 7:00 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 to the public at the time of the hearings due to COVID-19, 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.

LEGAL DESCRIPTION
LOT 1, BRANDYWINE FARMS MINOR
SUBDIVISION

Legal Ad No.: FLP222291
First Publication: April 28, 2021
Last Publication: April 28, 2021
Published In: Fort Lupton Press

Sign Posting Affidavit

Brandywine Farms Minor Subdivision & Change of Zone
LUP2021-0010; MSD2021-0001 & COZ2021-0002

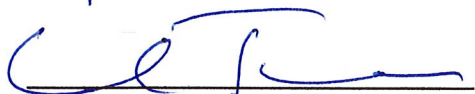


County Road 23



Highway 52

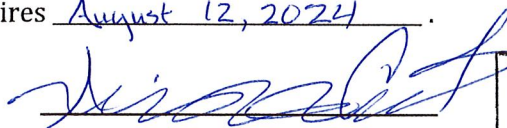
I, Leonard Toews hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 28th day of April 2021.



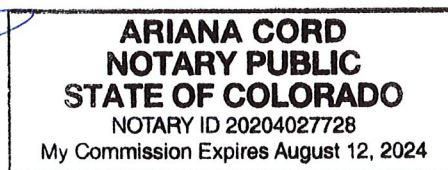
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Leonard Toews, this 28th day of April, 2021. Witness my hand and seal.

My commission expires August 12, 2024.


Notary Public

(SEAL)



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 28th day of April, 2021, a true and correct copy of the foregoing Notice of Public Hearings and Maps for the Brandywine Farms Minor Subdivision and Change of Zone was sent via U.S. Mail, postage pre-paid, to the following addresses:

RESOLUTION FUND LLC
1808 BOISE AVE
#200
LOVELAND, CO 80538

RICHARD HEIN
5290 E YALE CIR
STE 103
DENVER, CO 80222

FRANCES J WIELAND
DAN ODELL
R.T WIELAND
5406 COUNTY ROAD 23
FORT LUPTON, CO 80621

ELVIRA M VILLALOBOS
AMADO M VILLALOBOS
1224 E 18TH WAY
RIFLE, CO 81650

REGINA D SCHMOTZER
DOUGLAS D SCHMOTZER
5962 COUNTY ROAD 23
FORT LUPTON, CO 80621
PEHR LAND TRUST
5238 COUTNY ROAD 23
FORT LUPTON, CO 80621

WELD COUNTY
1150 O ST
GREELEY, CO 80631

FUSARO LLC
PO BOX 192
FORT LUPTON, CO 80621

TERRY JAMES GRANT
10711 HWY 52
FORT LUPTON, CO 80621

HOWARD E BINDER
6155 COUNTY ROAD 23
FORT LUPTON, CO 80621

NPC LLC
10741 HWY 52
FORT LUPTON, CO 80621

W2H PROPERTY LLC
23744 COUNTY ROAD 6
HUDSON, CO 80642



City Official



CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

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

ALL INTERESTED PERSONS MAY ATTEND.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: BRANDYWINE MINOR SUBDIVISION AND CHANGE OF ZONE

LEGAL DESCRIPTION

LOT 1, BRANDYWINE FARMS MINOR SUBDIVISION



CITY OF FORT LUPTON NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Leonard Toews and Sherri Toews for a minor subdivision for a property located at 5535 County Road 23 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, May 13, 2021, at 6:00 P.M., and before the City Council on Tuesday, May 18, 2021, at 7:00 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 to the public at the time of the hearings due to COVID-19, 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.

ALL INTERESTED PERSONS MAY ATTEND.

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT BIT.LY/FLDEVELOPMENT AND SCROLLING DOWN TO THE ROW TITLED: BRANDYWINE MINOR SUBDIVISION AND CHANGE OF ZONE

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 25.34 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 44°26'09" EAST, A DISTANCE OF 6.66 FEET TO THE EAST RIGHT OF WAY OF COUNTY ROAD 23; THENCE COINCIDENT WITH SAID EAST RIGHT OF WAY NORTH 00°00'00" EAST, A DISTANCE OF 1054.41 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1469-02-1 RECX-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1342.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE



OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02

Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

Sheet 1 of 1

PROPERTY DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE COINCIDENT WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 NORTH 00°00'00" EAST, A DISTANCE OF 110.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF STATE HIGHWAY NO. 52, AND THE POINT OF BEGINNING; THENCE CONTINUING COINCIDENT WITH SAID EAST LINE NORTH 00°00'00" EAST, A DISTANCE OF 1049.72 FEET TO THE NORTH LINE OF LOT A OF RECORDED EXEMPTION NO. 1489-02-1, REC'D-0009 RECORDED OCTOBER 20, 2011 AS RECEPTION NO. 3799966; THENCE COINCIDENT WITH THE NORTH LINE OF SAID LOT A NORTH 89°24'51" WEST, A DISTANCE OF 1312.79 FEET TO THE NORTHWEST CORNER OF SAID LOT A; THENCE COINCIDENT WITH THE WEST LINE OF SAID LOT A SOUTH 00°10'56" EAST, A DISTANCE OF 1099.76 FEET TO THE NORTH RIGHT OF WAY OF SAID STATE HIGHWAY NO. 52; THENCE COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°24'51" EAST, A DISTANCE OF 1236.02 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY NORTH 45°36'09" EAST, A DISTANCE OF 70.70 FEET; THENCE CONTINUING COINCIDENT WITH SAID NORTH RIGHT OF WAY SOUTH 89°26'53" EAST, A DISTANCE OF 22.75 FEET TO THE POINT OF BEGINNING; CONTAINING 33.04 ACRES, MORE OR LESS, COUNTY OF WELD, STATE OF COLORADO.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WE, LEONARD TOEWS AND SHERRI TOEWS, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE LAID OUT AND PLATTED UNDER THE NAME OF BRANDYWINE FARMS MINOR SUBDIVISION, 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 LANDOWNERS SHALL BEAR ALL EXPENSES INVOLVED IN IMPROVEMENTS.

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

LEONARD TOEWS SHERRI TOEWS

STATE OF COLORADO SS.
COUNTY OF WELD

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

OWNER'S APPROVAL:

KNOW ALL MEN BY THESE PRESENTS, THAT WE LEONARD TOEWS AND SHERRI TOEWS, 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.

LEONARD TOEWS SHERRI TOEWS

STATE OF COLORADO SS.
COUNTY OF WELD

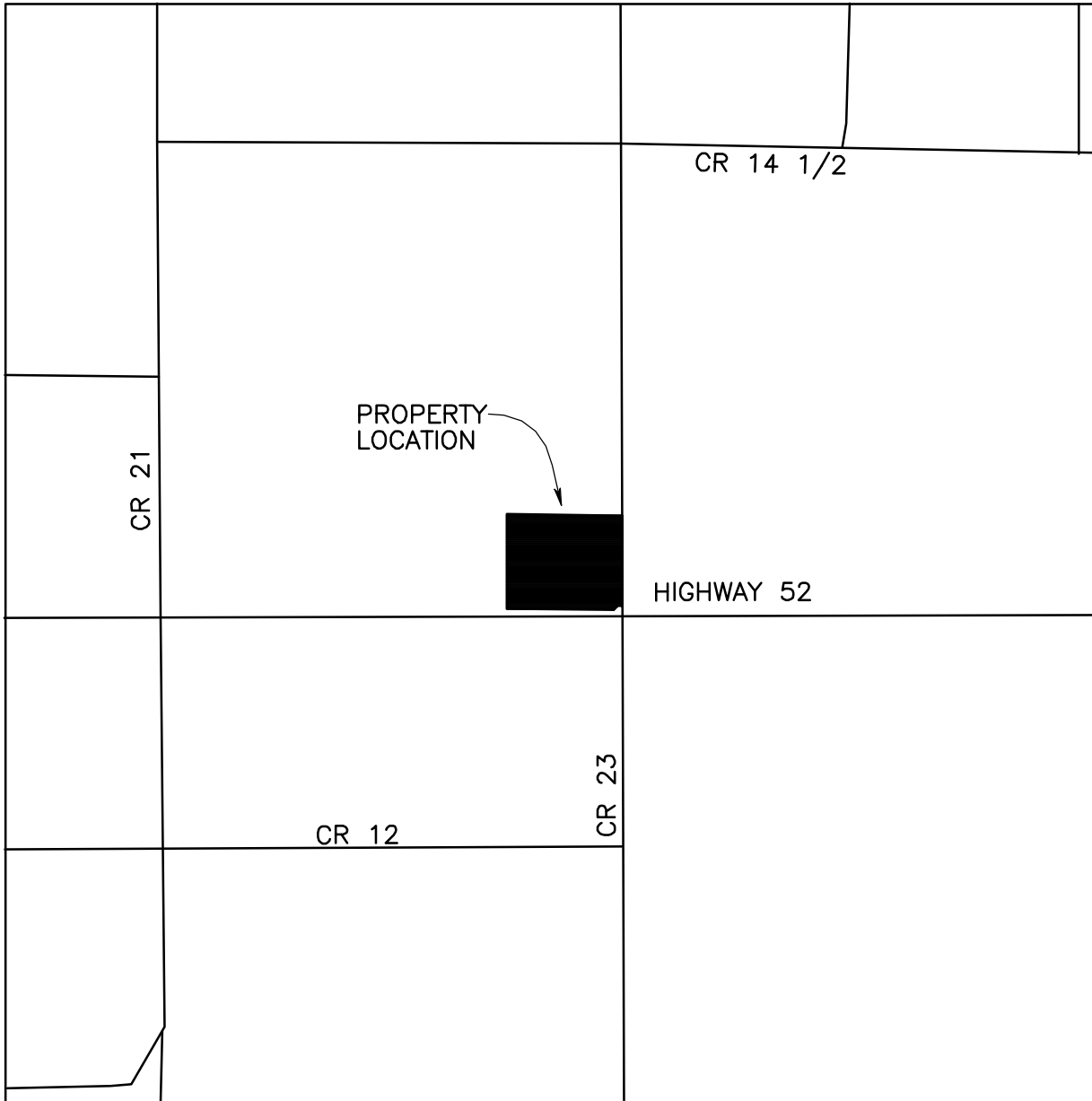
THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME BY _____

THIS ____ DAY OF _____, 20____.

WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC



VICINITY MAP
SCALE: 1"=2000'

CITY ADMINISTRATOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ADMINISTRATOR _____

CITY WATER AND SEWER DEPARTMENT APPROVAL:

APPROVED THIS ____ DAY OF _____, 20____.

CITY ENGINEER _____

SURVEYOR'S CERTIFICATE:

I, MERLE R. HOOS, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF BRANDYWINE FARMS MINOR SUBDIVISION WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY AND WITHIN MY CONTROL, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

MERLE R. HOOS P.L.S. 38046
FOR AND ON BEHALF OF
AMERICAN WEST LAND SURVEYING CO.,
A COLORADO CORPORATION

NOTES:

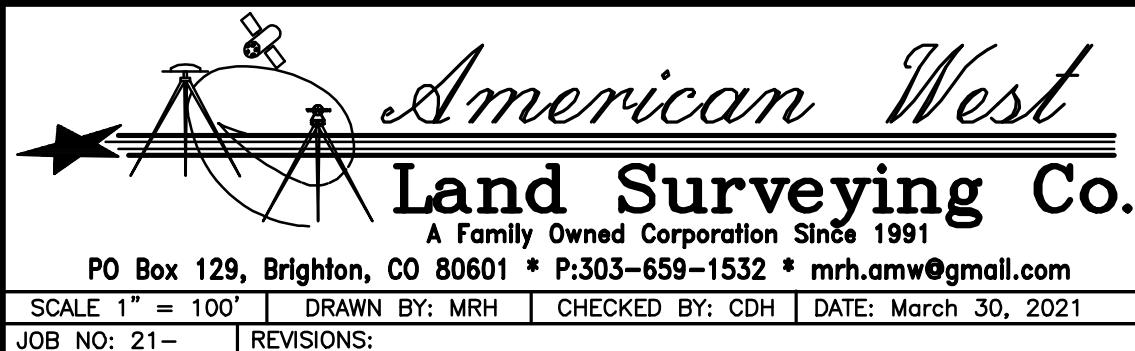
1) BASIS OF BEARING: THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR SOUTH 00°32'57" EAST, AS MONUMENTED HEREON WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

2) DISTANCES ON THIS MINOR ADJUSTMENT ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.

3) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

4) ANY PERSON WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY PUBLIC LAND SURVEY MONUMENT, AS DEFINED BY SECTION 38-53-103 (18), C.R.S., OR CONTROL CORNER, AS DEFINED IN SECTION 38-53-103 (6), C.R.S., OR A RESTORATION OF ANY SUCH MONUMENT OR WHO KNOWINGLY REMOVES OR KNOWINGLY CAUSES TO BE REMOVED ANY BEARING TREE KNOWING SUCH IS A BEARING TREE OR OTHER ACCESSORY, AS DEFINED BY SECTION 38-53-103 (1), C.R.S., EVEN IF SAID PERSON HAS TITLE TO THE LAND ON WHICH SAID MONUMENT OR ACCESSORY IS LOCATED, COMMITS A CLASS 2 MISDEMEANOR UNLESS, PRIOR TO SUCH REMOVAL, SAID PERSON HAS CAUSED A COLORADO PROFESSIONAL LAND SURVEYOR TO ESTABLISH AT LEAST TWO WITNESS CORNERS OR REFERENCE MARKS FOR EACH SUCH MONUMENT OR ACCESSORY REMOVED AND HAS FILED OR CAUSED TO BE FILED A MONUMENT RECORD PURSUANT TO ARTICLE 53 OF TITLE 38, C.R.S.

5) CERTIFICATION DEFINED: THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE PRACTICE OF LAND SURVEYING, CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THOSE FACTS OF FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED.



Brandywine Farms Minor Subdivision

PROJECT NO. LUP2021-XXXX & PLAN NO. XXXXXXX-XXXX

Located in the East 1/2 of the Northeast 1/4 of Section 2,
Township 1 North, Range 67 West of the 6th P.M.,
City of Fort Lupton, County of Weld, State of Colorado

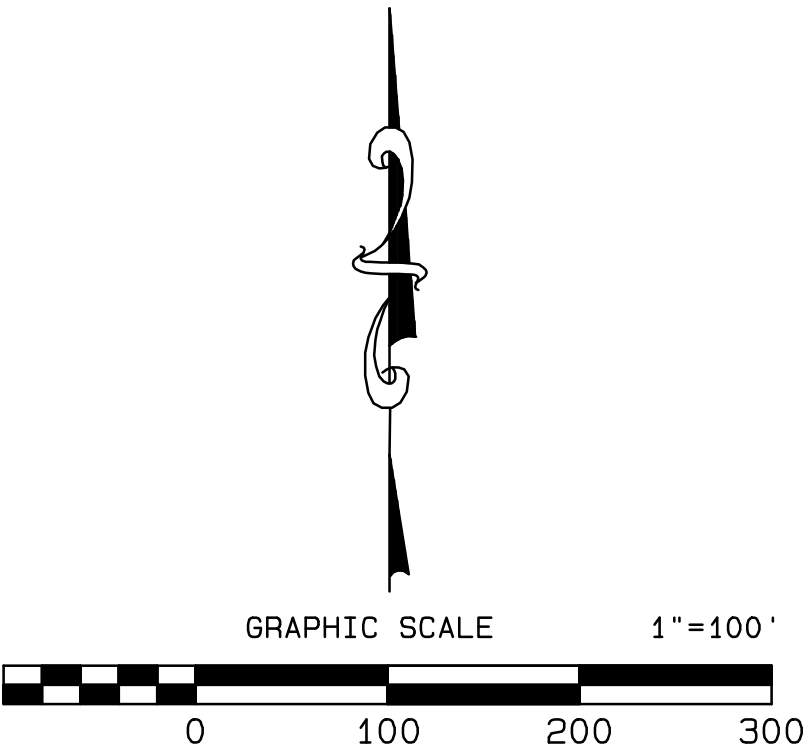
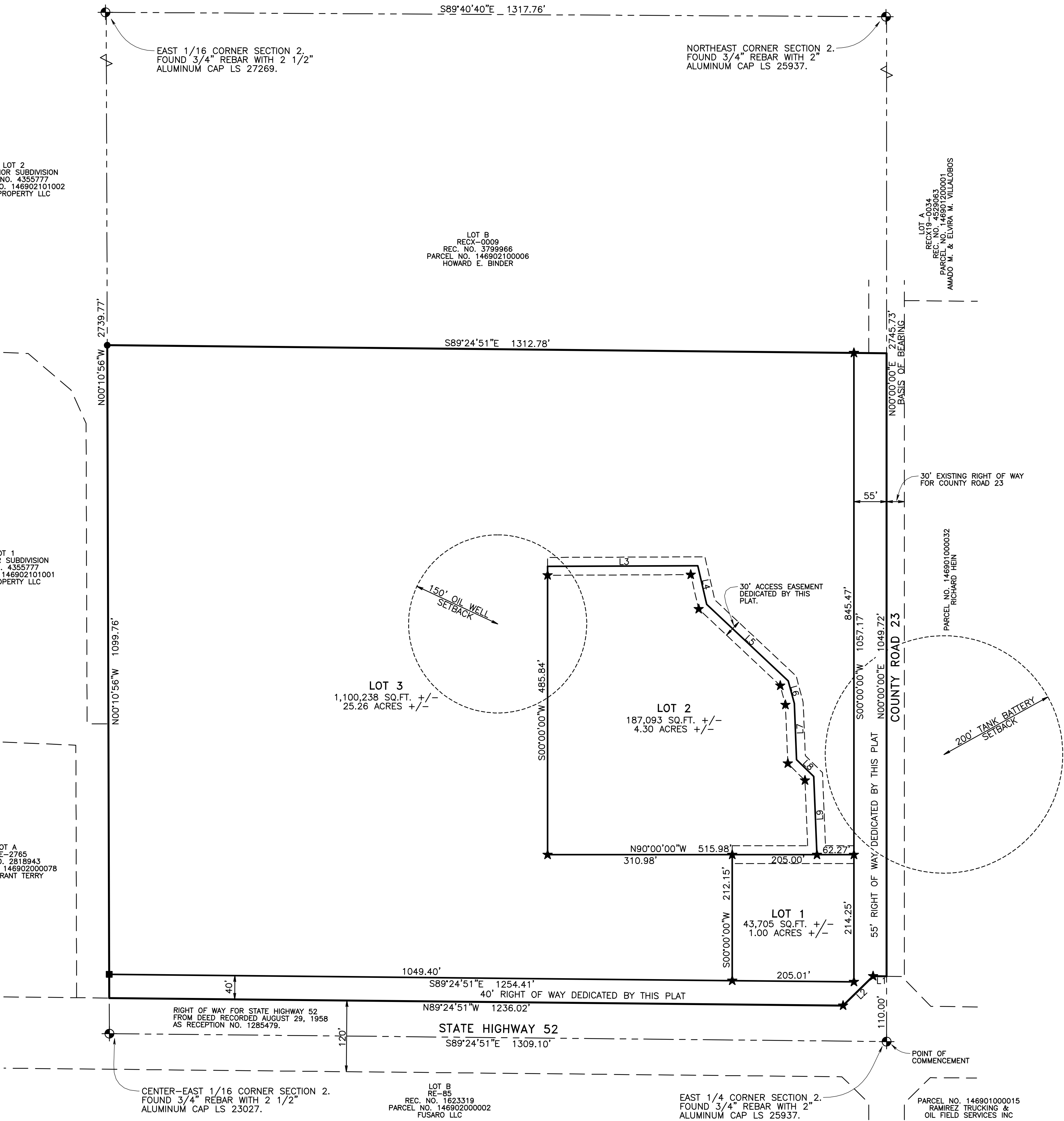
Sheet 1 of 1

LEGEND:

- ◆ = SECTION CONTROL MONUMENT AS NOTED HEREON.
- ★ = SET 5/8" X 24" REBAR WITH 2" ALUMINUM CAP LS 38046.
- = FOUND 5/8" REBAR WITH PINK PLASTIC CAP LS 38046.
- = FOUND 5/8" REBAR WITH RED PLASTIC CAP LS 27269.

LINE TABLE:

LINE	BEARING	DISTANCE
L1	N89°26'53"W	22.75'
L2	S45°36'09"W	70.70'
L3	N89°46'46"E	253.04'
L4	S13°00'51"E	66.85'
L5	S46°48'32"E	188.14'
L6	S15°02'45"E	39.50'
L7	S02°21'23"E	94.55'
L8	S45°19'24"E	40.54'
L9	S02°22'48"E	131.90'



American West
Land Surveying Co.
A Family Owned Corporation Since 1991
PO Box 129, Brighton, CO 80601 * P:303-659-1532 * mrh.amw@gmail.com

SCALE 1" = 100' | DRAWN BY: MRH | CHECKED BY: CDH | DATE: March 30, 2021
JOB NO: 21- | REVISIONS:



To: Planning Commission

From: Maria Lancto, Planner I

Meeting Date: May 13, 2021

Subject: Proposed revisions to Sections 16-40, 16-42 and 16-45, Article II of Chapter 16 of the Fort Lupton Municipal Code related to the 'C-1' General Commercial, 'I-1' Light Industrial, and 'PUD' Planned Unit Development Zone Districts.

I. Description

On November 3, 2020, the registered electors of the City of Fort Lupton approved ballot initiatives permitting for the establishment and operation of medical marijuana centers and retail marijuana stores subject to the requirements of the State of Colorado marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton.

In response, City staff have drafted ordinances regarding the regulations and licensing of medical and retail marijuana stores, including location and land use requirements. Specifically, staff is proposing that medical and retail marijuana stores are permitted only within the following zoning districts: the 'C-1' General Commercial District, 'C-2' Heavy Commercial District, 'I-1' Light Industrial District, 'I-2' Heavy Industrial District and 'PUD' Planned Unit Development District, which specifically permit medical and/or retail marijuana stores, and upon obtaining all land use approvals necessary for such use.

In order to approve the proposed ordinances enacting new articles XII and XIII of Chapter 6 of the Code regarding the regulation and licensing of medical and retail marijuana stores, City Council must also approve revisions to Sections 16-40, 16-42 and 16-45, Article II of Chapter 16 of the Code which will add medical marijuana stores and retail marijuana stores as permitted uses in the appropriate zone districts. Planning Commission shall review the proposed revisions to these sections and vote to recommend approval or not recommend approval. Planning Commission's recommendation will be provided to City Council.

II. Legal Considerations

Pursuant to C.R.S. 31-23-305, zoning regulations may be amended, supplemented, changed, modified or repealed from time to time. However, parties of interest and citizens shall have

an opportunity to be heard. This public meeting, and the public hearing before the City Council to be held on May 18, 2021 at 7:00 PM, was published in the Fort Lupton Press at least fifteen days prior to the public hearing for this matter.

III. Staff Recommendation

Staff recommends approval of the proposed revisions.

Section 16-40 – C-1 General Commercial District

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

- (1) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
- (2) Banks, office buildings and studios.
- (3) Bus stations and taxi stands.
- (4) Churches.
- (5) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
- (6) Liquor-licensed premises, including distilleries, breweries and wineries.
- (7) Medical and dental clinics.
- ~~(8)~~ (8) Medical marijuana store.
- ~~(89)~~ (9) Membership clubs, fraternities and lodges.
- ~~(910)~~ (10) Motels and hotels.
- ~~(1011)~~ (11) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
- ~~(1112)~~ (12) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
- ~~(1213)~~ (13) Printing and publishing establishments.
- ~~(1314)~~ (14) Public buildings, assembly halls and auditoriums.
- ~~(1415)~~ (15) Public recreation areas and facilities.
- ~~(1516)~~ (16) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
- ~~(1617)~~ (17) Restaurants, cafes and other places serving food (including drive-ins).
- ~~(1718)~~ (18) Retail business stores and shops.
- ~~(1819)~~ (19) Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.
- ~~(20)~~ (20) Retail marijuana stores.
- ~~(1921)~~ (21) Schools, public and private.
- ~~(2022)~~ (22) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.
- ~~(2123)~~ (23) Theaters (excluding drive-in theaters and amusement houses).

Section 16-42 – I-1 Light Industrial District

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

- (1) Auto, truck, boat, trailer and farm equipment sales, services and repairs.
- (2) Auto wash facilities.
- (3) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
- (4) Banks, office buildings and studios.
- (5) Building supply yards.
- (6) Bus stations and taxi stands.
- (7) Churches.
- (8) Funeral homes.
- (9) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
- (10) Liquor-licensed premises, including distilleries, breweries and wineries.
- (11) Manufacturing, fabrication, processing, distribution or assembly facilities; provided that all limitations of external effects required under these regulations are met.
- (12) Medical and dental clinics.
- (13) Medical marijuana stores.
- ~~(1314)~~ Membership clubs, fraternities and lodges.
- ~~(1415)~~ Motels and hotels.
- ~~(1516)~~ Outdoor commercial recreation facilities.
- ~~(1617)~~ Personal care boarding homes, two (2) boarders or less, in existing residential structures.
- ~~(1718)~~ Personal offices or service shops, such as barber, shoe shine and beauty parlors.
- ~~(1819)~~ Plant nurseries.
- ~~(1920)~~ Printing and publishing establishments.
- ~~(2021)~~ Public buildings, assembly halls and auditoriums.
- ~~(2122)~~ Public recreation areas and facilities.
- ~~(2223)~~ Residential uses in existing structures or if they are provided in conjunction with a commercial use.
- ~~(2324)~~ Restaurants, cafes and other places serving food (including drive-ins).
- ~~(2425)~~ Retail business stores and shops.
- ~~(2526)~~ Retail cold storage locker plants.
- (27) Retail marijuana stores.
- ~~(2628)~~ Retail uses which require limited manufacturing or processing of items to be sold.
- ~~(2729)~~ Schools, public and private.
- ~~(2830)~~ Scientific research facilities.
- ~~(2931)~~ Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.
- ~~(3032)~~ Storage and warehousing facilities, indoor and outdoor, however no selling of merchandise or other tangible goods or services from any unit is permitted; provided that all outside storage is screened in accordance with these regulations.
- ~~(3133)~~ Theaters (excluding drive-in theaters and amusement houses).
- ~~(3234)~~ Veterinary clinics and hospitals.

Section 16-45 – PUD Planned Unit Development District

(c)(1) PUD permit requirements. All development within a PUD District must be in accordance with an approved PUD plan. No building or development permits shall be issued within a PUD District unless they are in conformance with an approved PUD plan for that District. Small wind energy systems are permitted uses in PUDs, provided that they meet the qualifications and criteria for a building permit set forth in Section 18-9 of this Code and are approved as part of the PUD approval process. Medical marijuana stores and retail marijuana stores are permitted uses in PUDs, provided that they meet the qualifications and criteria set forth in Articles XII and XIII of Chapter 16 of this Code and are approved as part of the PUD approval process.



Marijuana Ordinances Overview

Medical and Retail

Fort Lupton
EST 1836

Medical Marijuana



will only
be allowed
within the same
building of a
Retail Marijuana Business

Number of
Establishments
Allowed in the
City is
4



PERMITTED LOCATIONS

- C-1 General Commercial District
- C-2 Heavy Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- PUD Planned Unit Development which specifically permits stores and upon obtaining all land use approvals necessary for such use

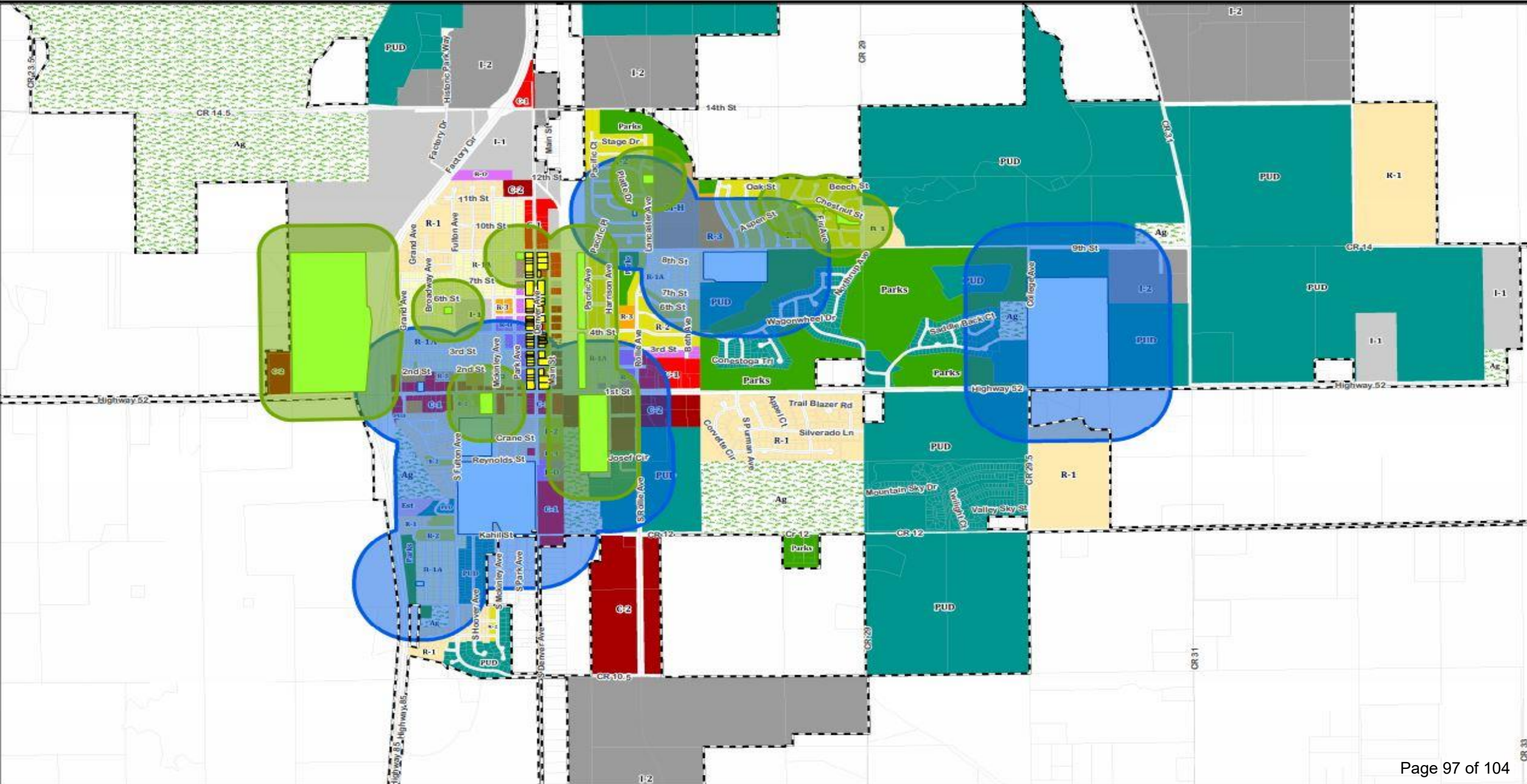
LOCATIONS NOT PERMITTED

- Within or adjacent to any residential district
- Properties adjacent to Denver Avenue between 1st Street and 9th Street
- Within 1,000 ft of any school, child care center, juvenile or adult halfway house, correctional facility or substance abuse rehabilitation center
- Within 500 ft of any public park with playground equipment
- Within 3,000 ft of another marijuana establishment if the population is 10,000 or fewer; or within 1,500 ft of another marijuana establishment if the population is greater than 10,000

Day Cares, Schools and Treatment Facilities - 1000 Ft Buffer
Parks with Playgrounds - 500 Ft Buffer and Denver Ave Parcels

- Facilities
- 1000' Buffer
- Parcels adjacent to Denver Avenue
- Parks with Playgrounds
- 500' Buffer

Scale = 1:18,000
Fort Lupton



TAX COLLECTION

- ✓ The City's tax rate is currently 4.0 %
This tax will continue to be collected by the State.
The additional tax of 3.1% on the sale of retail marijuana and retail marijuana products will be collected by the City.
- ✓ The rate of tax may decrease or increase without further voter approval so long as the rate of tax does not exceed 10%

TIMELINE

Zoning Ordinance Addition of Marijuana:

Public Meeting: Planning Commission
May 13, 2021
6:00 PM

Public Hearing: City Council
May 18, 2021
7:00 PM

Expected Effective
Date of Ordinances:
July 23, 2021

Medical, Retail and Tax Ordinances

City Council Meeting:
May 18, 2021
7:00 PM

NOTE: No Applications will be accepted
Until after the effective date of the
Ordinances.

**CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public meeting has been scheduled for Thursday, May 13, 2021 at 6:00 P.M. with the Fort Lupton Planning Commission, and a public hearing has been scheduled for Tuesday, May 18, 2021 at 7:00 P.M. with the Fort Lupton City Council to consider proposed amendments to Article II of Chapter 16 of the Fort Lupton Municipal Code related to Zoning Districts. A copy of the proposed amendments may be reviewed in the Fort Lupton Planning Department.

The public meeting and public hearing shall be held in the City Hall, 130 South McKinley Avenue, Fort Lupton, Colorado, or at such other time or place in the event this hearing is adjourned. In the event that City Hall is closed to the public at the time of the hearings due to COVID-19, 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 posted on the City's website, www.fortluptonco.gov.

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

ALL INTERESTED PERSONS MAY ATTEND

Legal Ad No.: FLP222289

First Publication: April 28, 2021

Last Publication: April 28, 2021

Published In: Fort Lupton Press

RESOLUTION NO. P2021-014

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF THE PROPOSED REVISIONS TO SECTIONS 16-40, 16-42 AND 16-45, ARTICLE II OF CHAPTER 16 OF THE FORT LUPTON MUNICIPAL CODE RELATED TO THE ‘C-1’ GENERAL COMMERCIAL, ‘I-1’ LIGHT INDUSTRIAL AND ‘PUD’ PLANNED UNIT DEVELOPMENT ZONE DISTRICTS.

WHEREAS, the Planning Commission held a public meeting May 13, 2021 for the purpose of reviewing proposed amendments to Sections 16-40, 16-42 and 16-45, Articles II of Chapter 16 of the Fort Lupton Municipal Code related to ‘C-1’ General Commercial, ‘I-1’ Light Industrial and ‘PUD’ Planned Unit Development Zone Districts, and

WHEREAS, notice of the time and place of this meeting was published in the Fort Lupton Press at least fifteen (15) days prior to this meeting date, and

WHEREAS, after review of the proposed amendments to the Code, which are attached to this Resolution as Exhibit A, the Planning Commission finds that the proposed changes generally conform with the Comprehensive Plan adopted by the City and are in the best interest of the health, safety and welfare of the citizens of Fort Lupton, and

NOW THEREFORE BE IT RESOLVED, the Planning Commission has taken into consideration the proposed amendments to Sections 16-40, 16-42 and 16-45, Article II of Chapter 16 of the Fort Lupton Municipal Code, attached as Exhibit A to this Resolution, and has taken into consideration conformance to the Comprehensive Plan, staff comments, and any citizen testimony in response to these amendments. Based on the facts presented on this date, the Planning Commission hereby recommends approval of the proposed amendments to the Fort Lupton City Council.

DONE THIS 13TH DAY OF MAY, 2021, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

Chairman

ATTEST:

Planning Director

EXHIBIT A

Section 16-40 – C-1 General Commercial District

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

- (1) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
- (2) Banks, office buildings and studios.
- (3) Bus stations and taxi stands.
- (4) Churches.
- (5) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
- (6) Liquor-licensed premises, including distilleries, breweries and wineries.
- (7) Medical and dental clinics.
- (8) Medical marijuana stores.
- (9) Membership clubs, fraternities and lodges.
- (10) Motels and hotels.
- (11) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
- (12) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
- (13) Printing and publishing establishments.
- (14) Public buildings, assembly halls and auditoriums.
- (15) Public recreation areas and facilities.
- (16) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
- (17) Restaurants, cafes and other places serving food (including drive-ins).
- (18) Retail business stores and shops.
- (19) Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.
- (20) Retail marijuana stores.
- (21) Schools, public and private.
- (22) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.
- (23) Theaters (excluding drive-in theaters and amusement houses).

Section 16-42 – I-1 Light Industrial District

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

- (1) Auto, truck, boat, trailer and farm equipment sales, services and repairs.
- (2) Auto wash facilities.
- (3) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
- (4) Banks, office buildings and studios.

- (5) Building supply yards.
- (6) Bus stations and taxi stands.
- (7) Churches.
- (8) Funeral homes.
- (9) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
- (10) Liquor-licensed premises, including distilleries, breweries and wineries.
- (11) Manufacturing, fabrication, processing, distribution or assembly facilities; provided that all limitations of external effects required under these regulations are met.
- (12) Medical and dental clinics.
- (13) Medical marijuana stores.
- (14) Membership clubs, fraternities and lodges.
- (15) Motels and hotels.
- (16) Outdoor commercial recreation facilities.
- (17) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
- (18) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
- (19) Plant nurseries.
- (20) Printing and publishing establishments.
- (21) Public buildings, assembly halls and auditoriums.
- (22) Public recreation areas and facilities.
- (23) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
- (24) Restaurants, cafes and other places serving food (including drive-ins).
- (25) Retail business stores and shops.
- (26) Retail cold storage locker plants.
- (27) Retail marijuana stores.
- (28) Retail uses which require limited manufacturing or processing of items to be sold.
- (29) Schools, public and private.
- (30) Scientific research facilities.
- (31) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in [Section 18-9](#) of this Code.
- (32) Storage and warehousing facilities, indoor and outdoor, however no selling of merchandise or other tangible goods or services from any unit is permitted; provided that all outside storage is screened in accordance with these regulations.
- (33) Theaters (excluding drive-in theaters and amusement houses).
- (34) Veterinary clinics and hospitals.

Section 16-45 – PUD Planned Unit Development District

(c)(1) PUD permit requirements. All development within a PUD District must be in accordance with an approved PUD plan. No building or development permits shall be issued within a PUD District unless they are in conformance with an approved PUD plan for that District. Small wind energy systems are permitted uses in PUDs, provided that they meet the qualifications and

criteria for a building permit set forth in Section 18-9 of this Code and are approved as part of the PUD approval process. Medical marijuana stores and retail marijuana stores are permitted uses in PUDs, provided that they meet the qualifications and criteria set forth in Articles XII and XIII of Chapter 16 of this Code and are approved as part of the PUD approval process.