



PLANNING COMMISSION WORK SESSION & MEETING

Zoom Webinar and Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

AGENDA

PLANNING COMMISSION WORK SESSION & MEETING 2022-06

Wednesday, August 17, 2022, at 6:00 PM

A. CALL TO ORDER

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Public Comment**

The purpose of the Public Comment is for members of the public to speak to the Planning Commission on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minute for those attending in person or an appropriate time as deemed by the Chair. The Planning Commission shall make no decisions or take action on comments, but may choose to schedule the matter for a decision later. Those addressing the Planning Commission, please state your name and address.

- 5. Approval of Minutes**

- a. 7.13.22 Special Meeting Minutes

B. REGULAR MEETING

- 1. Annexation: Moody Project**
 - Legislative
 - Staff Presentation: Abdul Barzak, Town Planner
- 2. PUBLIC HEARING**
Resolution PC-2022-02R: Comprehensive Plan Amendment (Moody Project)
 - Quasi-Judicial
 - Staff Presentation: Abdul Barzak, Town Planner
- 3. PUBLIC HEARING**
Zoning: Moody Project
 - Quasi-Judicial
 - Staff Presentation: Abdul Barzak, Town Planner

4. Concept Plan: Moody Project

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner

5. Parking Requirements: Land Use Code

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner

6. Lighting Requirements: Land Use Code

- Legislative
- Staff Presentation: Abdul Barzak, Town Planner

C. COMMUNICATIONS

Commission approval may be sought for administrative actions in association with staff reports.

1. Town Attorney
2. Town Staff
3. Town Management
4. Commission Members
5. Chair

D. ADJOURN

Planning Commission MEETING

Wednesday, August 17, 2022, 6:00 PM (MDT)

Registration URL

https://us02web.zoom.us/webinar/register/WN_OCx-DpESRialWI915_tEgg



PLANNING COMMISSION SPECIAL MEETING

Zoom Webinar and Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

MINUTES
SPECIAL MEETING 2022-05
Wednesday, July 13, 2022, at 6:00 PM

Present:

Chair:	Julie Stout
Vice-Chair:	Derek Grimes
Commissioners:	David Rau
	Zach Goodell
	Joe Pirrone
	Terence Hennessy (alt)

Absent:

Audience:

Staff:

Nicholas Wharton, Town Manager
Lindsay Radcliff-Coombes, Deputy Town Manager
Abdul Barzak, Town Planner
Leah Vanarsdall, Town Clerk
Chris Messersmith, Town Engineer
Mary Lynn Macsalka, Town Attorney (virtual)

A. CALL TO ORDER

1. Roll Call

2. Pledge of Allegiance

3. Approval of Agenda

MOTION WAS MADE BY Commissioner Goodell, seconded by Commissioner Grimes to

Approve the Agenda. All Commissioners present voting Yes,

MOTION PASSED

4. Public Comment

The purpose of the Public Comment is for members of the public to speak to the Planning Commission on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minute for those attending in person or an appropriate time as deemed by the Chair. The Planning Commission shall make no decisions or take action on comments, but may choose to schedule the matter for a decision later. Those addressing the Planning Commission, please state your name and address.

NONE

5. Approval of Minutes

MOTION WAS MADE BY Commissioner Pirrone , seconded by Commissioner Grimes to Approve the June 15, 2022, Minutes. All Commission Members present voting Yes,

MOTION PASSED

a. 6.15.22 Minutes

B. REGULAR MEETING

1. New Planning Commission Members Swearing-in

-

- Staff Presentation:

Commissioner Rau & Hennessey were sworn in

2. Appointment of Vice-Chair

- Legislative

- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Commissioner Goodell, seconded by Commissioner Pirrone to Appointment Commissioner Grimes as Vice-Chair . All Commissioners present voting Yes,

MOTION PASSED

3. Special Use Review - 121 W 2nd Ave

- Legislative

- Staff Presentation: Abdul Barzak, Town Planner

MOTION WAS MADE BY Commissioner Grimes, seconded by Commissioner Goodell to Approve Resolution PC2022-01R: A Resolution of the Severance Planning Commission recommending approval with conditions of a Special Review Use Application to operate an office and workshop facility on real property located within the Town of Severance, commonly known as 121 W 2nd Ave to Town Council subject to conditions therein. All Commissioners present voting Yes,

MOTION PASSED

4. Multi-Family Requirements: Land Use Code

- Legislative

- Staff Presentation: Abdul Barzak, Town Planner

MOTION WAS MADE BY Commissioner Grimes, seconded by Commissioner Pirrone to forward a recommendation of approval of Multi-Family Requirements: Land Use Code. All

Commissioners present voting Yes,

MOTION PASSED

C. COMMUNICATIONS

Commission approval may be sought for administrative actions in association with staff reports.

1. Town Attorney
2. Town Staff
3. Town Management
4. Commission Members
5. Chair

D. ADJOURN

TOWN OF SEVERANCE PLANNING COMMISSION

Commissioner Julie Stout, Chair

ATTEST:

Leah Vanarsdall, Town Clerk



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Annexation: Moody Project	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development asks that the Severance Planning Commission review and discuss the Moody Project Annexation and forward a recommendation to the Town Council. Actions that may be taken: 1. Forward a recommendation of approval to the Town Council for Moody Project Annexation. 2. Take No Action		<u>Action Requested Annexation</u>
BRIEF SUMMARY		
Hidden Lake Investments, LLC and Eaton Law Reservoir Company jointly (owners) are petitioning the Town of Severance to annex approximately 310 acres north of and adjacent to E. Harmony Road (WCR 74) and east of and adjacent to Teller Street (WCR 21). A concept plan has been submitted with this annexation and will be viewed at this meeting.		
PUBLIC SUPPORT/CONCERN		
Residents have reached out to Town Staff and requested that the Town Council to not annex this property with the proposed concept plan. Please see packet for all received responses.		
ANALYSIS AND RECOMMENDATION		
The Community Development department asks that the Planning Commission review and discuss the Moody Annexation and forward a recommendation to the Town Council		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Letter of Intent 2. Annexation Map 3. Legal Description 4. Annexation Petition 5. Annexation Agreement (Draft) 6. Moody - Town Review Form (With Applicant Response) 7. Engineering Memo (With Applicant Response) 8. Planning Staff Report (With Applicant Response) 9. Moody Impact Report 10. Combined Neighborhood Responses 11. Combined Referral Responses		



August 23, 2021

Town of Severance
Attn: Nick Wharton
3 S. Timber Ridge Parkway
Severance, CO 80550

RE: Moody Property

Dear Mr. Wharton:

On behalf of Hidden Lake Investments, LLC and Eaton Law Reservoir Company Jointly ("Owners") enclosed please find a Petition for Annexation and submittal documents for zoning and concept plan for the Moody Property.

The Owners intends to annex 305.27 acres into the Town of Severance. Approximately 269.08 acres of single-family development, Approximately 17.13 acres of multi-family development, and approximately 19.06 acres of commercial development.

Should you have any questions regarding the foregoing, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Morgan Kidder", is positioned above the printed name.

Morgan Kidder.

Enclosure(s)

MOODY ANNEXATION MAP
ANNEXATION TO THE TOWN OF SEVERANCE, COLORADO
SITUATE WITHIN SECTION 35, TOWNSHIP 7 NORTH,
RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
(±309.52 ACRES)

PARCEL DESCRIPTION - Moody Annexation

A parcel of land being the Eaton-Law Reservoir, a portion of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 recorded June 6, 2019 as Reception No. 4495105 of the Records of Weld County, and a portion of Lot A and Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146 recorded June 6, 2019 as Reception No. 4495106 of the Records of Weld County, all situate within Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th/ P.M.), County of Weld, State of Colorado being more particularly described as follows;

COMMENCING at the Southwest Corner of said Section 35 and assuming the West line of the Southwest Quarter of Section 35 as bearing North 00° 15' 17" West a distance of 2675.16 feet, and being monumented on the South by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 12374 and on the North by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 28777 (last three numbers illegible) with all other bearings contained herein relative thereto;

THENCE North 00° 15' 17" West a distance of 30.00 feet to the North line of the Summit View Third Annexation to the Town of Severance recorded April 7, 2000 as Reception No. 2760552 of the Records of Weld County;
THENCE North 89° 06' 25" East along the North line of said Summit View Third Annexation a distance of 30.00 feet to the Easterly line of the Francis-Felte Fourth Annexation to the Town of Severance recorded January 31, 2001 as Reception No. 2822532 of the Records of Weld County and to the **POINT OF BEGINNING**.

THENCE North 00° 15' 17" West along said Easterly line of the Francis-Felte Fourth Annexation and along the Easterly line of the Schlagel II Annexation to the Town of Severance recorded February 28, 2003 as Reception No. 3036936 of the Records of Weld County a distance of 2644.75 feet;
THENCE North 00° 01' 47" East continuing along said Easterly line of the Schlagel II Annexation a distance of 2345.56 feet to the intersection of the Easterly line of Schlagel II Annexation and a Northerly line of said Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293;
The following Forty (40) courses are along the Northerly, Westerly and Easterly lines of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293.
THENCE North 89° 43' 41" East a distance of 374.00 feet;
THENCE North 00° 01' 47" East a distance of 330.00 feet to the North line of the Northwest Quarter of said Section 35;
THENCE North 89° 42' 39" East along said North line of the Northwest Quarter of Section 35 a distance of 1531.28 feet;
THENCE South 36° 15' 22" West a distance of 81.53 feet;
THENCE South 14° 46' 49" West a distance of 22.77 feet;
THENCE South 02° 03' 26" East a distance of 30.76 feet;
THENCE South 33° 15' 31" East a distance of 115.46 feet;
THENCE South 36° 37' 49" East a distance of 132.58 feet;
THENCE South 41° 09' 32" East a distance of 130.51 feet;
THENCE South 40° 01' 53" East a distance of 139.86 feet;
THENCE South 35° 02' 09" East a distance of 145.64 feet;
THENCE South 19° 38' 05" East a distance of 143.14 feet;
THENCE South 21° 19' 29" West a distance of 59.29 feet;
THENCE South 16° 39' 59" East a distance of 142.09 feet;
THENCE South 14° 24' 46" West a distance of 71.95 feet;
THENCE South 04° 06' 29" West a distance of 86.34 feet;
THENCE South 24° 00' 55" West a distance of 356.21 feet;
THENCE South 40° 10' 05" West a distance of 12.24 feet;
THENCE South 40° 31' 16" East a distance of 100.34 feet;
THENCE South 56° 50' 15" East a distance of 57.98 feet;
THENCE South 40° 59' 20" East a distance of 59.88 feet;
THENCE South 33° 40' 24" East a distance of 67.70 feet;
THENCE South 31° 37' 54" East a distance of 70.95 feet;
THENCE South 30° 37' 57" East a distance of 85.04 feet;
THENCE South 29° 34' 41" East a distance of 107.35 feet;
THENCE South 32° 35' 12" East a distance of 115.72 feet;
THENCE South 33° 05' 56" East a distance of 128.81 feet;
THENCE South 31° 44' 30" East a distance of 146.49 feet;
THENCE South 09° 09' 37" West a distance of 158.11 feet;
THENCE South 26° 21' 47" East a distance of 150.21 feet;
THENCE South 06° 10' 17" East a distance of 136.36 feet to a Westerly line of the Wright Fourth Annexation to the Town of Severance recorded March 3, 1995 as Reception No. 2428807 of the Records of Weld County, said line also being coincident with the Westerly line of the Amended Plat of Settlers Landing recorded December 20, 1995 as Reception No. 2468390 of the Records of Weld County;
The following Nine (9) courses are along the Westerly lines of said Wright Fourth Annexation and the Amended Plat of Settlers Landing.
THENCE South 00° 13' 21" West a distance of 637.13 feet;
THENCE South 05° 51' 39" East a distance of 485.00 feet;
THENCE South 10° 26' 39" East a distance of 425.00 feet;
THENCE South 24° 41' 39" East a distance of 139.00 feet;
THENCE South 26° 13' 21" West a distance of 262.00 feet;
THENCE South 40° 16' 39" East a distance of 209.41 feet;
THENCE South 40° 16' 39" East a distance of 145.59 feet;
THENCE South 21° 18' 21" West a distance of 175.00 feet;
THENCE South 17° 56' 39" East continuing along a Northerly line of said Wright Fourth Annexation a distance of 308.63 feet to the Northerly Right of Way line of Weld County Road 74, said line being parallel with and 30.00 feet Northerly of the South line of the Southeast Quarter of said Section 35;
THENCE South 89° 03' 21" West along said Northerly Right of Way line a distance of 450.32 feet;
THENCE South 89° 06' 25" West continuing along said Northerly Right of Way line and along the Northerly line of said Summit View Third Annexation a distance of 240.17 feet to the Easterly line of Lot A, Recorded Exemption No. 0705-35-3-RE1022;
The following Five (5) courses are along the Easterly, Northerly and Westerly lines of said Lot A.
THENCE North 04° 06' 13" West a distance of 340.10 feet;
THENCE South 88° 07' 15" West a distance of 210.84 feet;
THENCE South 46° 38' 40" West a distance of 72.01 feet;
THENCE South 32° 58' 40" East a distance of 315.51 feet;
THENCE South 00° 53' 35" East a distance of 20.00 feet to the Northerly Right of Way line of Weld County Road 74 and to the Northerly line of said Summit View Third Annexation, said line being parallel with and 30.00 feet Northerly of the South line of the Southwest Quarter of said Section 35;
THENCE South 89° 06' 25" West along said Northerly Right of Way line and Annexation line a distance of 2246.09 feet to the **POINT OF BEGINNING**.

The above described tract of land contains 13,482,839 square feet or 309.52 acres, more or less (±).

OWNERS APPROVAL:

The undersigned, being more than 50% of the landowner(s) owning more than 50% of the land described herein, have caused said land to be laid out and Annexed under the name of MOODY ANNEXATION.

In witness whereof, we have hereunto set our hands and seal this _____ day of _____, 20____.

Hidden Lake Investments, LLC. The Eaton-Law Reservoir Company

STATE OF COLORADO)
) SS
COUNTY OF WELD)
The foregoing instrument was acknowledged before me by _____ this
_____ day of _____, 20____.

My commission expires: _____ Notary Public

TOWN COUNCIL CERTIFICATE:

This is to certify that the "MOODY ANNEXATION" was approved on the _____ day of _____, 2022 by ordinance no. _____, passed and adopted at the regular Town Council meeting of Severance, Colorado, held on this _____ day of _____, 2022 and that the Mayor of the Town of Severance on behalf of the Town of Severance hereby acknowledges said annexation upon which this certificate is endorsed for all purposes indicated thereon.

Attest:

Town Clerk Mayor

CLERK AND RECORDER'S CERTIFICATION:

I hereby certify that this annexation map was filed in my office on this _____ DAY OF _____, 20____ at _____ O'CLOCK ____m.

Fee:

TOWN CLERK

TOWN ENGINEER'S REVIEW:

Reviewed this _____ day of _____, 20____.

TOWN ENGINEER

TOWN PLANNER'S REVIEW:

Reviewed this _____ day of _____, 20____.

TOWN PLANNER

PLANNING COMMISSION APPROVAL:

Reviewed this _____ day of _____, 20____.

CHAIRMAN, SEVERANCE PLANNING COMMISSION

OWNER/DEVELOPER

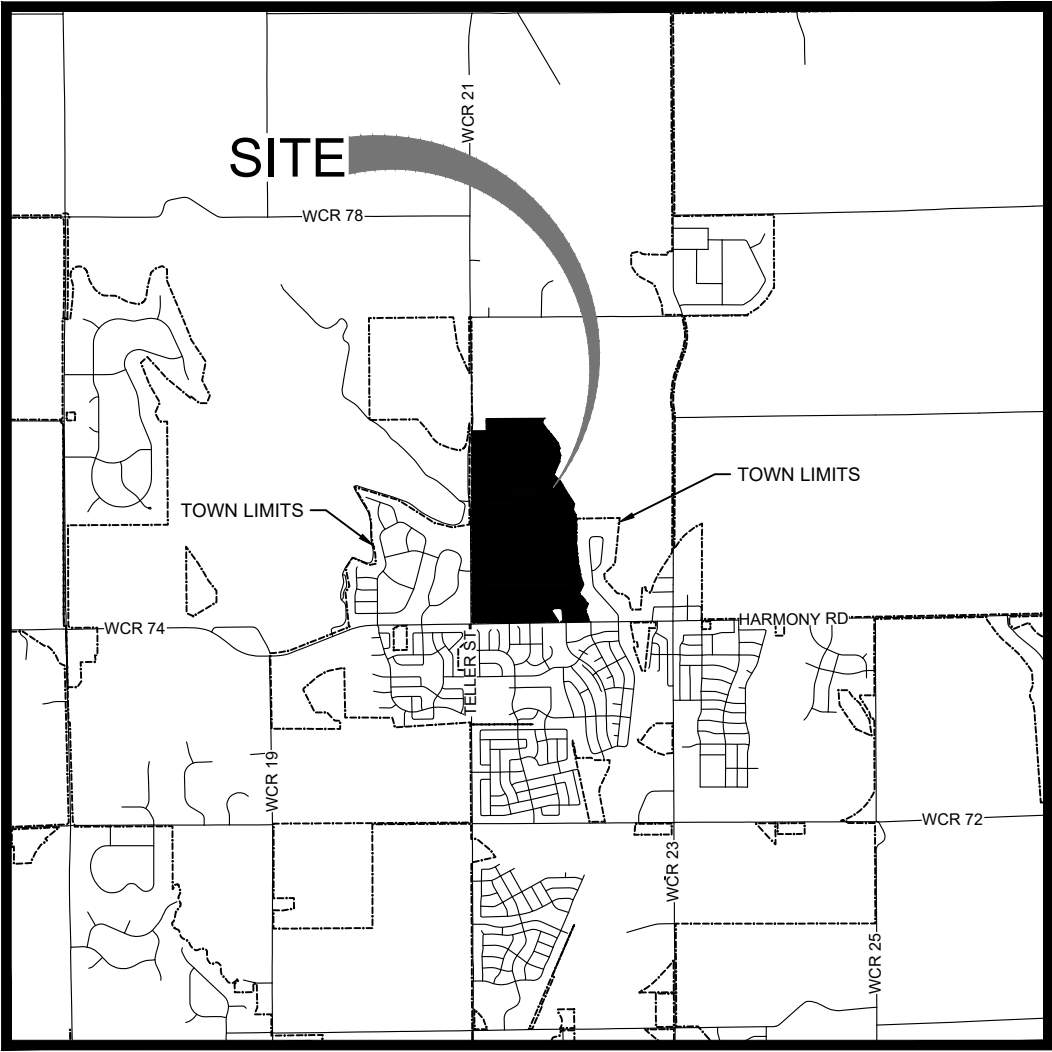
Hidden Lake Investments, LLC
Larry S. Buckendorf
7251 W 20th St, Suite 200
Greeley, CO 80634
(970) 539-0120
larry@journeyhomes.com

SITE ENGINEER

Northern Engineering Services, Inc.
Robbie Lauer
301 N. Howes St, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158
robbie@northernengineering.com

SURVEYOR

Northern Engineering
Aaron Lund, PLS
820 8th Street
Greeley, Colorado 80631
(970) 488-1115
aaronl@northernengineering.com



VICINITY MAP
1" = 5000'

MOODY ANNEXATION

TOTAL PERIMETER..... 16962.68'
CONTIGUOUS BOUNDARY..... 10713.64'
MINIMUM CONTIGUOUS PERIMETER FEET REQUIRED..... 2827.11'

INDICATES PRESENT TOWN BOUNDARY LINE

SYMBOL LEGEND

- FOUND PROPERTY MONUMENT
- FOUND SECTION CORNER
- FOUND #4 REBAR WITH BLUE PLASTIC CAP, LS 38209

LINE LEGEND

- SECTION LINE
- RIGHT OF WAY LINE
- ANNEXATION BOUNDARY LINE
- LOT LINE
- EXISTING ANNEXATION LINE
- ZONING LINE

SURVEY NOTES:

- Basis of Bearings: The West line of the Southwest Quarter of Section 35 as bearing North 00°15'17" West (assumed bearing) a distance of 2675.16 feet and Monumented as shown herein.
- Unit of measure is U.S. Survey Feet.
- No rights-of-way or easements, except those shown hereon, were determined by this survey, nor was any research conducted to determine the existence of additional easements, per the request of the client.
- This survey does not constitute a title search by the surveyor. For information regarding additional easements, Northern Engineering relied upon Policy Number: CO-FFAH-IMP-81306-1-21-H0641638 dated May 21, 2021, File Number: 459-H0646933-820-GRO, Amendment No. 1 dated July 2, 2021 and File Number: 459-H0587798-084-LL9, Amendment No. 1 dated July 2, 2021, all prepared by Heritage Title Company, Inc.
- According to FEMA Map No. 08123C1213E and 08123C1211E, dated January 20, 2016, this parcel lies within Zone X "Area of Minimal Flood Hazard".

SURVEYOR'S STATEMENT

I, Aaron M. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description and Map of land proposed to be annexed to the Town of Severance, County of Weld, State of Colorado, was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge, information, belief, and in my professional opinion.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Severance, County of Weld, State of Colorado.

I further state that this map complies with C.R.S. 31-12-107(a)(1).

Aaron M. Lund, a Colorado Registered Professional Land Surveyor #38679

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown herein.

SECTION: 35
TOWNSHIP: 7 N
RANGE: 67 W of the 6th PM

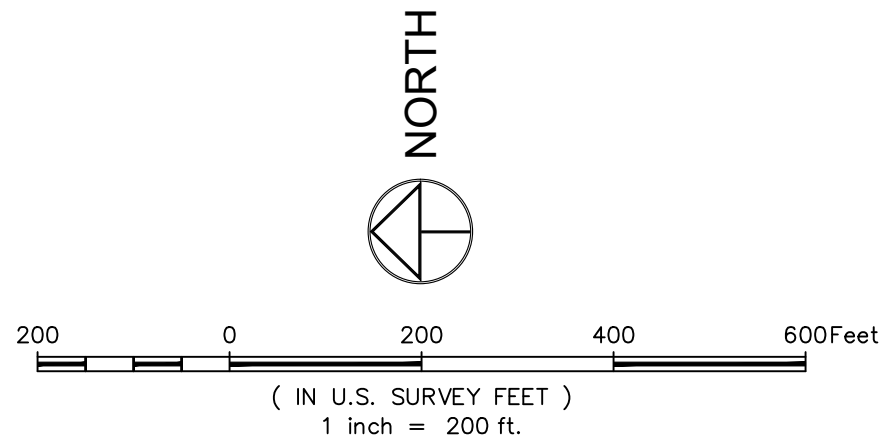
NORTHERN ENGINEERING
970.221.4158
nortneng@northernengineering.com
FORT COLLINS 301 North Howes Street, Suite 100, 80521
GREELEY 820 8th Street, 80631

DATE: 06/27/2022
PROJECT: 1152-003
SCALE: 1" = 200'
REVIEWED BY: A. Lund
DRAWN BY: A. Lund

MOODY ANNEXATION MAP
FOR
HIDDEN LAKE INVESTMENTS, LLC
10201 WCR 74, WELD COUNTY, CO

Sheet
1
Of 2 Sheets

MOODY ANNEXATION MAP
ANNEXATION TO THE TOWN OF SEVERANCE, COLORADO
SITUATE WITHIN SECTION 35, TOWNSHIP 7 NORTH,
RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
(±309.52 ACRES)

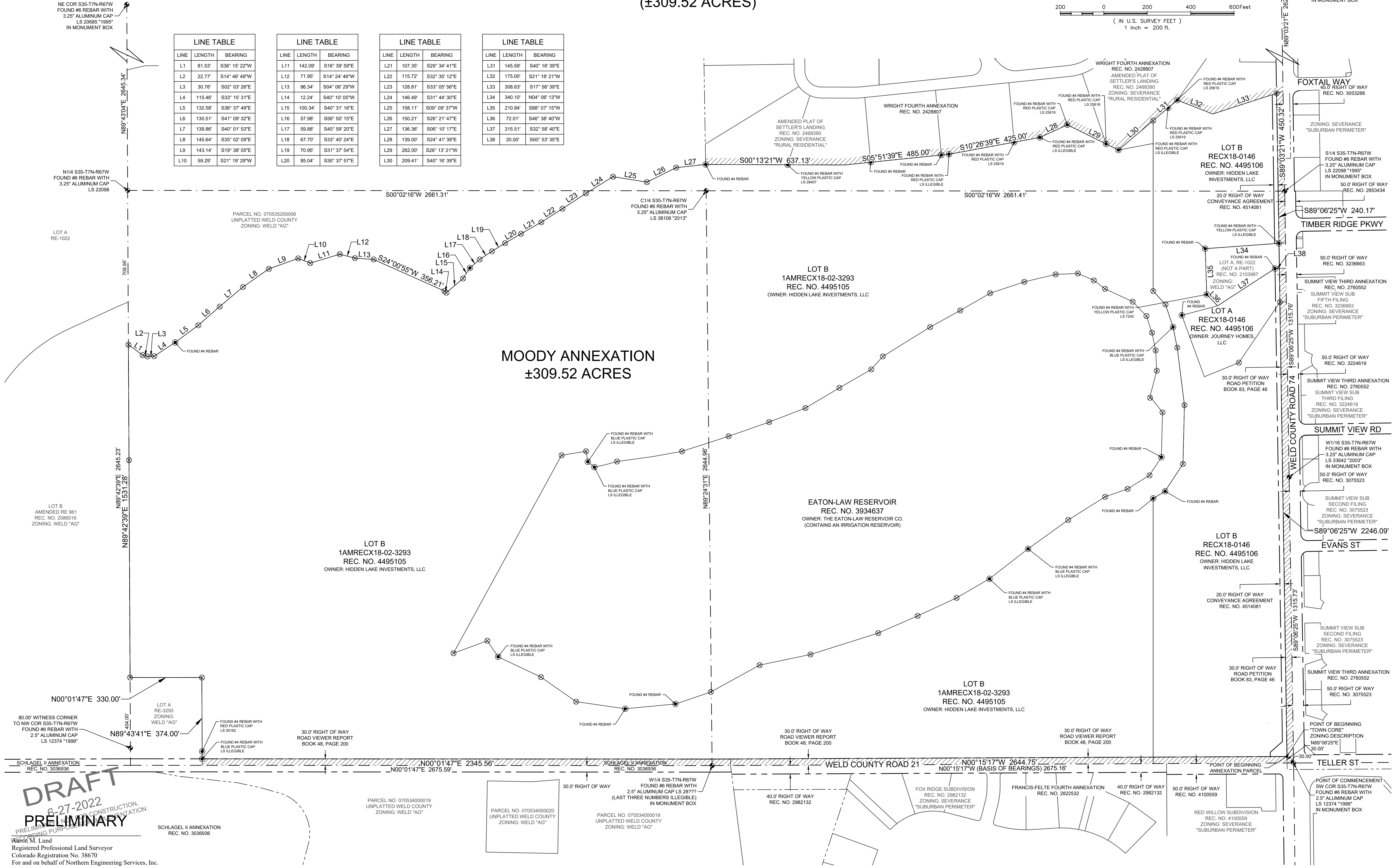


LINE TABLE		
LINE	LENGTH	BEARING
L1	81.53'	S36° 15' 22"W
L2	22.77'	S14° 46' 49"W
L3	30.76'	S02° 03' 26"E
L4	115.46'	S33° 15' 31"E
L5	132.58'	S36° 37' 49"E
L6	130.51'	S41° 09' 32"E
L7	139.86'	S40° 01' 53"E
L8	145.64'	S35° 02' 09"E
L9	143.14'	S19° 38' 05"E
L10	59.29'	S21° 19' 29"W

LINE TABLE		
LINE	LENGTH	BEARING
L11	142.09'	S16° 39' 59"E
L12	71.95'	S14° 24' 46"W
L13	86.34'	S04° 06' 29"W
L14	12.24'	S40° 10' 05"W
L15	100.34'	S40° 31' 16"E
L16	57.98'	S56° 50' 15"E
L17	59.88'	S40° 59' 20"E
L18	67.70'	S33° 40' 24"E
L19	70.95'	S31° 37' 54"E
L20	85.04'	S30° 37' 57"E

LINE TABLE		
LINE	LENGTH	BEARING
L21	107.35'	S29° 34' 41"E
L22	115.72'	S32° 35' 12"E
L23	128.81'	S33° 05' 56"E
L24	146.49'	S31° 44' 30"E
L25	158.11'	S09° 09' 37"W
L26	150.21'	S26° 21' 47"E
L27	136.36'	S06° 10' 17"E
L28	139.00'	S24° 41' 39"E
L29	262.00'	S26° 13' 21"W
L30	209.41'	S40° 16' 39"E

LINE TABLE		
LINE	LENGTH	BEARING
L31	145.59'	S40° 16' 39"E
L32	175.00'	S21° 18' 21"W
L33	308.63'	S17° 56' 39"E
L34	340.10'	N04° 06' 13"W
L35	210.84'	S88° 07' 15"W
L36	72.01'	S46° 38' 40"W
L37	315.51'	S32° 58' 40"E
L38	20.00'	S00° 53' 35"E



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SECTION:
30
TOWNSHIP:
7 N
RANGE:
67 W of the 6th PM

NORTHERN ENGINEERING

970.223.4158
nortnengr.com

DATE:
06/27/2022
SCALE:
1" = 200'
REVIEWED BY:
A. Lund

PROJECT:
1159-003
CLIENT:
HIDDEN LAKE INVESTMENTS, LLC
DRAWN BY:
A. Lund

MOODY ANNEXATION MAP
FOR
HIDDEN LAKE INVESTMENTS, LLC
10201 WCR 74, WELD COUNTY, CO

Sheet
2
Of 2 Sheets



Exhibit A: PARCEL DESCRIPTION – Moody Annexation

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COMMENCING at the Southwest Corner of said Section 35 and assuming the West line of the Southwest Quarter of Section 35 as bearing North 00° 15' 17" West a distance of 2675.16 feet, and being monumented on the South by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 12374 and on the North by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 28??? (last three numbers illegible) with all other bearings contained herein relative thereto:

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THENCE South 30° 37' 57" East a distance of 85.04 feet;
THENCE South 29° 34' 41" East a distance of 107.35 feet;
THENCE South 32° 35' 12" East a distance of 115.72 feet;
THENCE South 33° 05' 56" East a distance of 128.81 feet;
THENCE South 31° 44' 30" East a distance of 146.49 feet;
THENCE South 09° 09' 37" West a distance of 158.11 feet;
THENCE South 26° 21' 47" East a distance of 150.21 feet;
THENCE South 06° 10' 17" East a distance of 136.36 feet to a Westerly line of the Wright Fourth Annexation to the Town of Severance recorded March 3, 1995 as Reception No. 2428807 of the Records of Weld County, said line also being coincident with the Westerly line of the Amended Plat of Settlers Landing recorded December 20, 1995 as Reception No. 2468390 of the Records of Weld County;

The following Nine (9) courses are along the Westerly lines of said Wright Fourth Annexation and the Amended Plat of Settlers Landing.

THENCE South 00° 13' 21" West a distance of 637.13 feet;
THENCE South 05° 51' 39" East a distance of 485.00 feet;
THENCE South 10° 26' 39" East a distance of 425.00 feet;
THENCE South 24° 41' 39" East a distance of 139.00 feet;
THENCE South 26° 13' 21" West a distance of 262.00 feet;
THENCE South 40° 16' 39" East a distance of 209.41 feet;
THENCE South 40° 16' 39" East a distance of 145.59 feet;
THENCE South 21° 18' 21" West a distance of 175.00 feet;
THENCE South 17° 56' 39" East continuing along a Northerly line of said Wright Fourth Annexation a distance of 308.63 feet to the Northerly Right of Way line of Weld County Road 74, said line being parallel with and 30.00 feet Northerly of the South line of the Southeast Quarter of said Section 35;
THENCE South 89° 03' 21" West along said Northerly Right of Way line a distance of 450.32 feet;

THENCE South 89° 06' 25" West continuing along said Northerly Right of Way line and along the Northerly line of said Summit View Third Annexation a distance of 240.17 feet to the Easterly line of Lot A, Recorded Exemption No. 0705-35-3-RE1022;

The following Five (5) courses are along the Easterly, Northerly and Westerly lines of said Lot A.
 THENCE North 04° 06' 13" West a distance of 340.10 feet;
 THENCE South 88° 07' 15" West a distance of 210.84 feet;
 THENCE South 46° 38' 40" West a distance of 72.01 feet;
 THENCE South 32° 58' 40" East a distance of 315.51 feet;
 THENCE South 00° 53' 35" East a distance of 20.00 feet to the Northerly Right of Way line of Weld County Road 74 and to the Northerly line of said Summit View Third Annexation, said line being parallel with and 30.00 feet Northerly of the South line of the Southwest Quarter of said Section 35;
 THENCE South 89° 06' 25" West along said Northerly Right of Way line and Annexation line a distance of 2246.09 feet to the **POINT OF BEGINNING**.

The above described tract of land contains 13,482,839 square feet or 309.52 acres, more or less (±).

SURVEYOR'S CERTIFICATE

I, Aaron M. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief. Furthermore, this description was completed for the purpose of describing an annexation boundary and should not be used for the conveyance of real property or any rights therein. This is not intended to represent a Land Survey Plat, Improvement Survey Plat or Improvement Location Certificate and is based upon my knowledge, information, and belief. It was completed by me or under my direct supervision using applicable standards of care and is not a guaranty or warranty, either expressed or implied.

 Aaron M. Lund – on Behalf of Northern Engineering
 Colorado Registered Professional
 Land Surveyor #38670



NORTHERN ENGINEERING
 820 8th Street
 Greeley, Colorado 80631
 (970) 488-1115

January 14, 2022
 AML

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PETITION FOR ANNEXATION

MOODY ANNEXATION

TO THE BOARD OF TRUSTEES OF THE TOWN OF SEVERANCE, COLORADO:

The undersigned (the "Petitioner"), in accordance with the Municipal Annexation Act of 1965 as set forth in Article 12, Title 31, Colorado Revised Statutes, as amended and as in effect on the submission date set forth below ("Annexation Act"), hereby petition ("Petition") the Board of Trustees of the Town of Severance, Colorado ("Town Board"), to annex to the Town of Severance ("Town") the unincorporated territory located in the County of Weld, State of Colorado, Which property is more particularly described in Exhibit A attached hereto and incorporated herein by reference ("Property"). In support of this Petition, Petitioner alleges that:

1. It is desirable and necessary that the Property be annexed to the Town.
2. The requirements of Sections -104 and -105 of the Annexation Act exist or have been met.
3. Not less than one-sixth (1/6) of the perimeter of the Property is contiguous with the Town's current municipal boundaries.
4. A community of interest exists between the Property and the Town.
5. The Property is urban or will be urbanized in the near future.
6. The Property is integrated with or is capable of being integrated with the Town.
7. Petitioner comprises more than fifty percent (50%) of the landowners in the Property owning more than fifty percent (50%) of the Property, excluding public streets, and alleys and any land owned by the annexing municipality, and Petitioner hereby consents to the establishment of the boundaries of the Property as shown on the annexation plat submitted herewith.
8. The Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for incorporation or annexation of an area that is part or all of the Property; nor has any election for annexation of the Property or substantially the same territory to the Town been held within the twelve (12) months immediately preceding the filing of this Petition.
9. The proposed annexation will not result in detachment of area from any school district or attachment of same to another school district.
10. Except to the extent necessary to avoid dividing parcels within the Property held in identical ownership, at least fifty percent (50%) of which are within the three (3) mile limit, the proposed annexation will not extend the municipal boundary of the Town more than three (3) miles in any direction from any point of the current municipal boundary.
11. The proposed annexation will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or alley which has been annexed by the Town but is not bounded on both sides by the Town.

12. In establishing the boundaries of the Property, no land which is held in identical ownership, whether consisting of a single tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - a. is being divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, road or other public way; or
 - b. comprising twenty (20) acres or more and together with buildings and improvements situate thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year next preceding the proposed annexation, is included in the Property without the written consent of the landowner or landowners.
13. If a portion of a platted street or alley is to be annexed, the entire width thereof is included within the Property.
14. The legal description of the land owned by Petitioner is set forth on Exhibit B, attached hereto and incorporated herein by this reference.
15. The affidavit of the circulator of this Petition certifying that the signature on this Petition is the signature of the person whose name it purports to be and certifying the accuracy of the date of such signature is attached hereto as Exhibit C and is incorporated herein by this reference.
16. This Petition is accompanied by four prints of an annexation map containing, among other things, the following information:
 - a. A written legal description of the boundaries of the Property;
 - b. A map showing the boundary of the Property;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
 - d. Next to the boundary of the Property, a drawing of the contiguous boundary of the annexing municipality abutting the Property.
17. In connection with the processing of this Petition, Petitioner requests that the Town:
 - a. Institute zoning approval processes for the Property in accordance with Section - 115 of the Annexation Act and Chapter 16 of the Severance Municipal Code ; and
 - b. Undertake negotiations with respect to an annexation agreement between the Town and Petitioner.
18. Petitioner has filed this Petition subject to the following conditions:
 - a. The Town approves Sub-Urban Perimeter and Town Core zoning for the Property within the period of time provided in Section - 115 of the Annexation Act; and
 - b. The Town approves and authorizes execution of an annexation agreement acceptable to the Town and Petitioner at the time of adoption of the annexation ordinance.

It is expressly understood that the term Petitioner, as used in this Petition, means the then current owner of the Property and specifically, all applicable rights of Petitioner set forth in this Section 17 and Section 18 shall only be available to the then current owner of the Property as applicable.

19. Upon the annexation of the Property becoming effective, and subject to the conditions set forth in this Petition and to be set forth in the Annexation Agreement, the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town, except as otherwise set forth in the Annexation Agreement, and except for general property taxes of the Town, which shall become effective on January 1 of the next succeeding year following adoption of the annexation ordinance.
20. Except for the terms and conditions of this Petition and of the Annexation Agreement, which terms and conditions Petitioner expressly approves and therefore do not constitute an imposition of additional terms and conditions within the meaning of Section -107 (l)(g) of the Annexation Act, Petitioner requests that no additional terms and conditions be imposed upon annexation of the Property to the Town.
21. Petitioner hereby reserves the sole, exclusive and unilateral right to withdraw this Petition by so notifying the Town Clerk in writing at any time prior to: (i) the effective date of the ordinances annexing and zoning the Property or (ii) in the event the Town does not approve or grant the desired zoning for the Property.

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THEREFORE, Petitioner requests that the Board of the Town of Severance, Colorado, complete and approve the annexation of the Property pursuant to the provisions of the Municipal Annexation Act of 1965, as amended.

Respectfully submitted this 16 day of FEBRUARY 2022

Signature of Landowner/Petitioner:

Hidden Lake Investments, LLC.

Signature: [Signature]

Name: Larry S. Buckendorf, it's Authorized Agent Date: 2/16/22

Journey Homes, LLC.

Signature: [Signature]

Name: Larry S. Buckendorf, it's Authorized Agent Date: 2/16/22

Eaton Law Reservoir Company

Signature: [Signature]

Name: Larry S. Buckendorf, it's Authorized Agent Date: 2/16/22

Mailing Address: 7251 W. 20th Street, L-200, Greeley, CO 80634

Resident of the Property? NO

STATE OF COLORADO)

) ss.

COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 16 day of Feb, 2022 by an Owner, Hidden Lake Investments, LLC (Larry S. Buckendorf, Authorized Agent.)

Witness my hand and official seal

[Signature]
Notary Public
Commission

Expires: 1-21-24

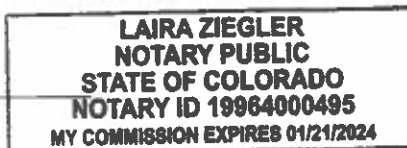




Exhibit A: PARCEL DESCRIPTION – Moody Annexation

A parcel of land being the Eaton-Law Reservoir, a portion of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 recorded June 6, 2019 as Reception No. 4495105 of the Records of Weld County, and a portion of Lot A and Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146 recorded June 6, 2019 as Reception No. 4495106 of the Records of Weld County, all situate within Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado being more particularly described as follows;

COMMENCING at the Southwest Corner of said Section 35 and assuming the West line of the Southwest Quarter of Section 35 as bearing North 00° 15' 17" West a distance of 2675.16 feet, and being monumented on the South by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 12374 and on the North by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 28??? (last three numbers illegible) with all other bearings contained herein relative thereto:

THENCE North 00° 15' 17" West a distance of 30.00 feet to the North line of the Summit View Third Annexation to the Town of Severance recorded April 7, 2000 as Reception No. 2760552 of the Records of Weld County;

THENCE North 89° 06' 25" East along the North line of said Summit View Third Annexation a distance of 30.00 feet to the Easterly line of the Francis-Felte Fourth Annexation to the Town of Severance recorded January 31, 2001 as Reception No. 2822532 of the Records of Weld County and to the **POINT OF BEGINNING**.

THENCE North 00° 15' 17" West along said Easterly line of the Francis-Felte Fourth Annexation and along the Easterly line of the Schlagel II Annexation to the Town of Severance recorded February 28, 2003 as Reception No. 3036936 of the Records of Weld County a distance of 2644.75 feet;

THENCE North 00° 01' 47" East continuing along said Easterly line of the Schlagel II Annexation a distance of 2345.56 feet to the intersection of the Easterly line of Schlagel II Annexation and a Northerly line of said Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293;

The following Forty (40) courses are along the Northerly, Westerly and Easterly lines of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293.

THENCE North 89° 43' 41" East a distance of 374.00 feet;

THENCE North 00° 01' 47" East a distance of 330.00 feet to the North line of the Northwest Quarter of said Section 35;

THENCE North 89° 42' 39" East along said North line of the Northwest Quarter of Section 35 a distance of 1531.28 feet;

THENCE South 36° 15' 22" West a distance of 81.53 feet;

THENCE South 14° 46' 49" West a distance of 22.77 feet;

THENCE South 02° 03' 26" East a distance of 30.76 feet;

THENCE South 33° 15' 31" East a distance of 115.46 feet;

THENCE South 36° 37' 49" East a distance of 132.58 feet;

THENCE South 41° 09' 32" East a distance of 130.51 feet;

THENCE South 40° 01' 53" East a distance of 139.86 feet;

THENCE South 35° 02' 09" East a distance of 145.64 feet;
THENCE South 19° 38' 05" East a distance of 143.14 feet;
THENCE South 21° 19' 29" West a distance of 59.29 feet;
THENCE South 16° 39' 59" East a distance of 142.09 feet;
THENCE South 14° 24' 46" West a distance of 71.95 feet;
THENCE South 04° 06' 29" West a distance of 86.34 feet;
THENCE South 24° 00' 55" West a distance of 356.21 feet;
THENCE South 40° 10' 05" West a distance of 12.24 feet;
THENCE South 40° 31' 16" East a distance of 100.34 feet;
THENCE South 56° 50' 15" East a distance of 57.98 feet;
THENCE South 40° 59' 20" East a distance of 59.88 feet;
THENCE South 33° 40' 24" East a distance of 67.70 feet;
THENCE South 31° 37' 54" East a distance of 70.95 feet;
THENCE South 30° 37' 57" East a distance of 85.04 feet;
THENCE South 29° 34' 41" East a distance of 107.35 feet;
THENCE South 32° 35' 12" East a distance of 115.72 feet;
THENCE South 33° 05' 56" East a distance of 128.81 feet;
THENCE South 31° 44' 30" East a distance of 146.49 feet;
THENCE South 09° 09' 37" West a distance of 158.11 feet;
THENCE South 26° 21' 47" East a distance of 150.21 feet;
THENCE South 06° 10' 17" East a distance of 136.36 feet to a Westerly line of the Wright Fourth Annexation to the Town of Severance recorded March 3, 1995 as Reception No. 2428807 of the Records of Weld County, said line also being coincident with the Westerly line of the Amended Plat of Settlers Landing recorded December 20, 1995 as Reception No. 2468390 of the Records of Weld County;

The following Nine (9) courses are along the Westerly lines of said Wright Fourth Annexation and the Amended Plat of Settlers Landing.

THENCE South 00° 13' 21" West a distance of 637.13 feet;
THENCE South 05° 51' 39" East a distance of 485.00 feet;
THENCE South 10° 26' 39" East a distance of 425.00 feet;
THENCE South 24° 41' 39" East a distance of 139.00 feet;
THENCE South 26° 13' 21" West a distance of 262.00 feet;
THENCE South 40° 16' 39" East a distance of 209.41 feet;
THENCE South 40° 16' 39" East a distance of 145.59 feet;
THENCE South 21° 18' 21" West a distance of 175.00 feet;
THENCE South 17° 56' 39" East continuing along a Northerly line of said Wright Fourth Annexation a distance of 308.63 feet to the Northerly Right of Way line of Weld County Road 74, said line being parallel with and 30.00 feet Northerly of the South line of the Southeast Quarter of said Section 35;
THENCE South 89° 03' 21" West along said Northerly Right of Way line a distance of 450.32 feet;

THENCE South 89° 06' 25" West continuing along said Northerly Right of Way line and along the Northerly line of said Summit View Third Annexation a distance of 240.17 feet to the Easterly line of Lot A, Recorded Exemption No. 0705-35-3-RE1022;

The following Five (5) courses are along the Easterly, Northerly and Westerly lines of said Lot A.
THENCE North 04° 06' 13" West a distance of 340.10 feet;
THENCE South 88° 07' 15" West a distance of 210.84 feet;
THENCE South 46° 38' 40" West a distance of 72.01 feet;
THENCE South 32° 58' 40" East a distance of 315.51 feet;
THENCE South 00° 53' 35" East a distance of 20.00 feet to the Northerly Right of Way line of Weld County Road 74 and to the Northerly line of said Summit View Third Annexation, said line being parallel with and 30.00 feet Northerly of the South line of the Southwest Quarter of said Section 35;
THENCE South 89° 06' 25" West along said Northerly Right of Way line and Annexation line a distance of 2246.09 feet to the **POINT OF BEGINNING**.

The above described tract of land contains 13,482,839 square feet or 309.52 acres, more or less (±).

SURVEYOR'S CERTIFICATE

I, Aaron M. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief. Furthermore, this description was completed for the purpose of describing an annexation boundary and should not be used for the conveyance of real property or any rights therein. This is not intended to represent a Land Survey Plat, Improvement Survey Plat or Improvement Location Certificate and is based upon my knowledge, information, and belief. It was completed by me or under my direct supervision using applicable standards of care and is not a guaranty or warranty, either expressed or implied.

Aaron M. Lund – on Behalf of Northern Engineering
Colorado Registered Professional
Land Surveyor #38670



NORTHERN ENGINEERING
820 8th Street
Greeley, Colorado 80631
(970) 488-1115

January 14, 2022
AML

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Exhibit B

4717678 05/21/2021 01:15 PM

Total Pages: 1 Rec Fee: \$13.00 Doc Fee: \$840.00

Carty Koppes - Clerk and Recorder, Weld County, CO

HTC
Escrow No.: H0841638-084-LL9

Doc Fee: \$840.00

SPECIAL WARRANTY DEED

This Deed, made May 18, 2021

Between SSAA Investments, LLC, a Colorado limited liability company, of the County Weld, State of Colorado, grantor(s) and Hidden Lake Investments, LLC, a Colorado limited liability company, whose legal address is 7251 W. 20th St. Building L, Ste 200, Greeley 80634 County of Weld, and State of Colorado, grantee(s)

WITNESSETH, That the grantor(s), for and in the consideration of the sum of Eight Million Four Hundred Thousand Dollars and No/100's (\$8,400,000.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Weld, State of Colorado described as follows:

Parcel 1:

Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146, recorded June 6, 2019 at Reception Number 4495106 located in the South Half of Section 35, Township 7 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado.

Parcel 2:

Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRE CX18-02-3293, recorded June 6, 2019 at Reception No. 4495106 located in Section 35, Township 7 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado.

also known by street and number as vacant land, Severance, CO 80550

TOGETHER with all and singular hereditaments and appurtenances, thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, their heirs and assigns forever. The grantor(s), for themselves, their heirs and personal representatives or successors, does covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:

SSAA Investments, LLC, a Colorado limited liability company

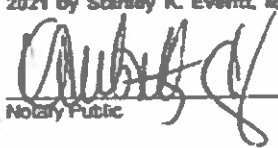

Stanley K. Everitt, Manager

STATE OF COLORADO
COUNTY OF Weld

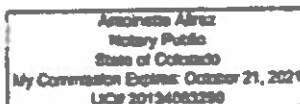
139:

The foregoing instrument was acknowledged before me May 18, 2021 by Stanley K. Everitt, Manager of SSAA Investments, LLC, a Colorado limited liability company.

Witness my hand and official seal


Notary Public

My Commission expires:



**ANNEXATION AGREEMENT
(Moody Annexation)**

This Agreement is made and entered into this ____ day of _____, 2022, by and between the individuals and entities listed in the signature page to this Agreement (each an “Annexor” and collectively, “Annexor”), and the **TOWN OF SEVERANCE**, a Colorado municipal corporation, with a legal address of 3 South Timber Ridge Pkwy, PO Box 339, Severance, CO 80546 (the “Town”). The Town and Annexor may be termed individually a “Party” or collectively the “Parties.”

WHEREAS, each Annexor holds fee title to one hundred percent of such Annexor’s portion of the property to be annexed to the Town pursuant to the “Moody Annexation” and as more particularly described in **Exhibit A**, attached hereto (hereinafter the “Annexation Property” or the “Property”); and

WHEREAS, the Annexor desires to have the Property annexed to and be subject to the jurisdiction of the Town, upon and subject to the terms and conditions set forth herein, all of which conditions are agreeable to the Annexor; and

WHEREAS, the Annexor has filed or intends to file a Petition to annex the Property to the Town; and

WHEREAS, the Parties desire to include in this Agreement certain provisions, understandings and agreements regarding the Property and its annexation; and

WHEREAS, the Town Council has determined that it is in the best interest of the Town to annex the Property, to provide certain municipal services thereto, and to receive revenues from the Property upon the terms and conditions contained herein.

THEREFORE, in consideration of the recitals, promises, mutual covenants and agreements herein contained, the parties agree as follows:

1. Warranties of Parties.

(a) Annexor.

(i) Each Annexor is the legal and equitable owner of each Annexor’s portion of the Annexation Property.

(b) Town of Severance

(i) The Town of Severance is a Colorado home-rule municipality and has the power to take all actions required to authorize this Agreement and to carry out the obligations hereunder.

2. Annexation. The annexation of the Annexation Property shall be in accordance with the Colorado Municipal Annexation Act of 1965, as amended, the Severance Municipal Code and all applicable laws.

(a) Conditions Precedent. Annexation of the Property shall not become effective, and neither the Annexor nor the Town shall record or cause to be recorded the items described in C.R.S. § 31- 12- 113(2)(a)(II)(A) or this Agreement, until all of the following conditions have been satisfied (it being acknowledged that the Town shall record the requisite documents to effect annexation of the Property upon satisfaction of the conditions precedent):

- (i) The Annexor and the Town have mutually executed and delivered this Agreement;
- (ii) The ordinance approving the annexation of the Property has become effective in accordance with the provisions of the Severance Municipal Code; and
- (iii) The Town Council approves Sub-Urban Perimeter and Town Core zoning for the Property.

(b) Failure of Conditions. Until the conditions precedent set forth in subparagraph 2.a have been satisfied, this document shall constitute an offer by the Annexor and the Town to enter into this Agreement (notwithstanding the parties' mutual execution and delivery of this document), and the annexation of the Property to the Town shall not become effective. In such case, neither the Annexor nor the Town shall record or cause to be recorded this Agreement or the items described in C.R.S. § 31- 12- 113(2)(a)(II)(A).

3. Purpose. The purpose of this Agreement is to set forth the terms, conditions, and fees to be paid by the Annexor upon the initial development of the Property. Unless otherwise expressly provided to the contrary herein, all conditions contained herein are in addition to any and all requirements of the Severance Municipal Code, as amended.

4. Consent to Annexation. Annexor hereby consents to the annexation of the Property subject to the terms of any Petition for Annexation filed with the Town, pursuant to C.R.S. § 31-12-107(1), and this Agreement.

5. Zoning.

(a) Annexor hereby consents to the zoning of the Property as Sub-Urban Perimeter and Town Core, in accordance with the Town's established zoning designations. Initial zoning of the Property may be considered simultaneously with the Petition for Annexation by the Town as allowed by the Colorado Municipal Annexation Act of 1965.

(b) Annexor is entering into this Agreement and is undertaking the obligations imposed upon Annexor herein in reliance upon the Town's adoption of an ordinance annexing the

Property into the Town and an ordinance zoning the Property as provided in this Paragraph. Performance of Annexor's obligations hereunder is expressly conditioned upon the Town's adoption of the ordinances described in this Paragraph. If the Town fails to adopt the ordinances described in this Paragraph, then the petition for annexation will be deemed withdrawn and the annexation process will be terminated.

(c) Because the zoning of property in Colorado constitutes legislative action by a municipality, nothing in this Agreement shall be construed to be an agreement, commitment, or contract binding the Town to approval of any specific zoning. Moreover, nothing in this Paragraph shall constitute or be interpreted as a waiver or abrogation of the Town's legislative, governmental, or police powers to later rezone the Property to promote and protect the health, safety and general welfare of the Town or its inhabitants.

5. Application of Town Laws. Except as expressly provided herein, all Town ordinances, regulations, policies, and procedures, and all requirements contained in the Severance Municipal Code, currently in effect and as the same may be amended from time to time, shall be applicable to the use and development of the Property, upon annexation.

6. Water Services. The Town will provide water services to the Annexation Property, if Annexor satisfies all requirements of the Severance Municipal Code including, but not limited to, the dedication of water rights and/ or the payment of fees in lieu thereof, and the construction of water lines and facilities necessary to service the land use proposed for the Property.

(a) No Vested Rights. IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANNEXOR HAS NO CLAIM OR ENTITLEMENT TO RECEIVE WATER UTILITY SERVICES FROM THE TOWN OR RIGHT TO ANY PORTION OF THE SUPPLY OF WATER OR CAPACITY IN THE TOWN'S WATER SYSTEM TO SERVE THE POTENTIAL MAXIMUM DEVELOPMENT OF THE PROPERTY OR FUTURE SUBDIVISION PHASES UNDER THIS AGREEMENT. Annexor acknowledges and agrees that no vested property rights are granted by this Agreement. Further, Annexor hereby waives and releases any common law vested rights, whether known or unknown, suspected or unsuspected, contingent or fixed, relating to water treatment and conveyance capacity, which Annexor may or might hereafter have or acquire against the Town arising from or relating to the granting of any land-use approvals, building permits, certificates of occupancy, or the construction of public improvements.

(b) System Connection. Annexor acknowledges and agrees that capacity in the Town's water system may not be available or capable of serving the potential maximum development of the Property, and that the Town is not making and it expressly disclaims any express or implied warranty, representation, or commitment of any kind that the Property is capable of receiving water utility services from the Town, to sell or furnish utility services or extend utility infrastructure to the Property for future development, or to make available capacity from the existing Town water utility system sufficient to meet the projected water needs of the Property or any future development of the Property.

(c) No Guarantee of Water. Nothing in this Agreement shall be construed to provide or warrant, and the Town specifically disclaims, that it is obligated under this Agreement to supply any guaranteed minimum or maximum volume or quantity of potable water to the Property at any time, nor is the Town making any express or implied warranty, representation, or commitment of any kind regarding the available supply, flow rates or quantity of potable water.

(d) Existing North Weld Connections. Upon development of the Annexation Property, Annexor shall terminate any and all existing North Weld County Water District water service connections to the Annexation Property, and shall take any and all other steps as necessary to effectuate a change of service provider for the Annexation Property to the Town.

7. Sewer Services. Town will provide sewer services to the Annexation Property, if Annexor satisfies all requirements of the Severance Municipal Code.

(a) No Vested Rights. IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT ANNEXOR HAS NO CLAIM OR ENTITLEMENT TO RECEIVE WASTEWATER UTILITY SERVICES FROM THE TOWN OR RIGHT TO CAPACITY IN THE TOWN'S WASTEWATER SYSTEM TO SERVE THE POTENTIAL MAXIMUM DEVELOPMENT OF THE PROPERTY OR FUTURE SUBDIVISION PHASES UNDER THIS AGREEMENT. Annexor acknowledges and agrees that no vested property rights are granted by this Agreement. Further, Annexor hereby waives and releases any common law vested rights, whether known or unknown, suspected or unsuspected, contingent or fixed, relating to wastewater treatment and conveyance capacity, which Annexor may or might hereafter have or acquire against the Town arising from or relating to the granting of any land-use approvals or the construction of public improvements.

(b) System Connection. Annexor acknowledges and agrees that capacity in the Town's wastewater system may not be available or capable of serving the potential maximum development of the Property, and that the Town is not making and it expressly disclaims any express or implied warranty, representation, or commitment of any kind that the Property is capable of receiving wastewater utility services from the Town, to sell or furnish utility services or extend utility infrastructure to the Property for future development, or to make available capacity from the existing Town wastewater utility systems sufficient to provide the Property or any future development thereof with adequate wastewater treatment. Moreover, Annexor acknowledges and agrees that that there may be many years in which wastewater utility services are not available to the Property or that there may not be any time when the Town may have surplus collection and conveyance capacity available under in its wastewater treatment plant sufficient to meet the sewage disposal needs of the Property or future development thereof.

8. Other Services. Upon annexation, the Town shall provide all customary public safety (but excluding fire protection) and public roadway and maintenance services to the Annexation

Property, to the same extent and upon the same terms and conditions as such services are provided to other properties throughout the Town.

9. Special District Formation. The Town will allow the formation of a special district on the Property to finance the construction of public improvements, subject to the applicable provisions of the Severance Municipal Code, as amended.

(a) Annexor shall submit a proposed service plan for the special district, and the Town shall review and timely act upon such service plan and the organization of the special district in accordance with C.R.S., § 32-1-204.5, and any other applicable state statutes

10. Special District Inclusion. Upon annexation or upon thirty (30) days' written notice of the Town to Annexor, as determined by the Town, Annexor shall initiate an action necessary to assure inclusion of the Annexation Property into the Northern Colorado Water Conservancy District, the Municipal Subdistrict, Northern Colorado Water Conservancy District, the Windsor-Severance Fire Protection District, (if the Property is not yet within one or more of these district), and any other special districts as determined by the Town.

11. Special District Exclusion.

(a) Upon annexation, Annexor will initiate and diligently pursue actions necessary to assure exclusion of the Annexation Property from any and all special districts that provide municipal services to the Annexation Property of a type described in sections 6, 7 and 8; provided, however, that Annexor shall not be required to complete any such exclusion until such time that the Town is able to actually provide such services to the Annexation Property.

(b) Upon annexation, the Town may, at its option, initiate actions necessary to assure exclusion of the Property from any and all special districts that provide municipal services to the Annexation Property of a type described in sections 6, 7 and 8. The Annexor shall bear the related costs and legal fees for said exclusion, including any amounts as may be required to pay to any special district to effectuate exclusion, if the exclusion proceedings are initiated within 12 months of the effective date of the annexation.

12. Water Dedication. Annexor represents that there are appurtenant to the Property certain surface and/or groundwater "water rights" owned by Annexor, as more particularly described on **Exhibit B**, attached hereto and made a part of this Agreement ("the Water Rights"). Annexor further represents that the Water Rights constitute all of the water rights appurtenant to the Property, that the Water Rights are and will be used in connection with current uses of the Property until the Property is developed.

(a) Grant of Right of First Refusal. Annexor hereby agrees to grant to the Town a right of first refusal to acquire the Water Rights owned by Annexor.

(b) Exercise of Right of First Refusal. Annexor will not sell the Water Rights, or

any part thereof, without first offering it to the Town for purchase. The right of first refusal granted to the Town shall be honored by Annexor and exercised in the following manner:

- (i) If, at any time, Annexor elects to place the fee title interest in the Water Rights for sale to a third-party, or Annexor receives a bona fide third-party offer to purchase or otherwise acquire title to the Water Rights, or any part thereof, any contract which may be entered into between Annexor and such bona fide purchaser shall specifically provide that the transaction shall be subject to the right of first refusal set forth in this Agreement.
- (ii) In the event that Annexor enters into such contract with a bona fide third-party purchaser, the Town shall have the prior right to purchase and acquire title to the Water Rights, or the portion thereof described in such contract, upon the same terms and conditions as therein provided or, at Annexor's option, for cash, except in the event the Water Rights are to be conveyed or purchased in conjunction with a transfer of the Annexation Property; in such case where the fee title interest in the Water Rights is to be conveyed or purchased in conjunction with the sale or purchase of the fee title interest in the Annexation Property, the Town shall have the prior right to purchase and acquire title only to the Water Rights without having to acquire the Annexation Property with the Water Rights, and if the Town exercises the right of first refusal under such circumstances, Annexor shall be required to execute and deliver a Dry-Up covenant as part of the proposed sale and conveyance of the Water Rights to the Town.
- (iii) Annexor shall submit to the Town a duplicate original of an executed contract with the bona fide purchaser, together with duplicate originals executed by Annexor of a contract between Annexor and the Town, containing the same terms and conditions as the purchase and sale contract with the third-party bona fide purchaser, except as provided in paragraph (ii) above. If, after the receipt of such documents, the Town shall fail to exercise its right of first refusal by signing and returning to Annexor within 60 days of receipt, a signed copy of said contract, Annexor shall have the right to conclude the proposed sale and conveyance on the same terms and conditions, and no other, as in the contract with the bona fide third-party purchaser.
- (iv) The Town's failure to exercise its right of first refusal, or its written disclaimer of such right, shall be deemed a waiver and cancellation of such right of first refusal if the proposed sale and conveyance to the

same bona fide third party purchaser is consummated. If the proposed sale and conveyance to the same bona fide third-party purchaser is not consummated, the right of first refusal herein set forth shall not be deemed waived or cancelled, but shall remain in full force and effect. The Town's failure to exercise, or disclaimer of, such right with respect to any transfer of less than all of the Water Rights shall not be deemed a waiver of such right with respect to that part of the Water Rights owned by Annexor after such transfer.

- (v) This right of first refusal shall apply to all transactions involving a conveyance of title to the Water Rights, or any portion thereof, including but not limited to a purchase, an exchange, or any other transfer of an interest in the Water Rights for consideration.

(c) Non-Transferability. This Right of First Refusal shall be deemed a right extended solely and exclusively to the Town and to no third parties whether or not affiliated with the Town. The Town shall not convey or assign, in whole or in part, any of its rights associated with this Agreement to any person or third-party without Annexor's prior written consent, which shall not be unreasonably withheld.

13. Special Provisions.

(a) School Site. Upon development of the Annexation Property, Annexor shall provide a minimum of 9.77 acres of land for a future school site, which shall be conveyed to the Weld County RE-4 School District. Annexor shall dedicate and convey the school site property to the Weld County RE-4 School District at the time of the first final plat for that portion of the Property zoned Sub-Urban Perimeter.

(b) Open Space. Annexor shall provide a minimum of 69.60 acres of open space on the Property, which shall be conveyed to the Town. Annexor shall dedicate the open space property to the Town at the time of the first final plat for that portion of the Property zoned Sub-Urban Perimeter.

14. Assignment. The rights, duties, and obligations of the Annexor hereunder may be assigned to another person or entity only with the prior written consent of the Town. In such event, the assignee shall assume all of the rights, duties, and obligations of the Annexor hereunder and the Annexor shall be correspondingly relieved from all such liabilities, duties and obligations.

15. Notices. All notices, demands or other documents required or desired to be given to either party under this Agreement shall be made in writing and shall be deemed effective upon receipt and shall be personally delivered or mailed by certified mail as follows:

Town: Town Manager

Town of Severance
3 S. Timber Ridge Pkwy, PO Box 339
Severance, CO 80546

Annexor:

16. Remedies. The sole and exclusive remedies of Annexor against the Town for any breach of this Agreement shall be limited to breach of contract claims. The Town's remedies under this Agreement include, but are not limited to, the following:

- (a) The refusal to issue any building permit or certificate of occupancy;
- (b) The revocation of any building permit previously issued under which construction directly related to such building permit has not commenced, except a building permit previously issued to a third party;
- (c) A demand that the security given for the completion of any public improvements be paid or honored; and
- (d) Any other remedy available at law.

17. Cooperation. This Agreement is the product of the voluntary and cooperative effort of the Parties and shall not be construed or interpreted against either Party solely on the basis of that Party having drafted any portion of this Agreement

18. Binding Effect of Agreement. This Agreement shall inure to the benefit of and be binding upon the successors and the assigns of the respective parties. The parties' respective rights and obligations set forth in this Agreement shall constitute covenants that shall run with the land.

19. Recordation. Upon annexation of the Property, this Agreement shall be recorded in the records of the Clerk and Recorder of Weld County, State of Colorado.

20. Future Acts. Following execution of this Agreement, the parties covenant and agree that they will cooperate with each other in accomplishing the terms, conditions and provisions of the Agreement, and will execute such additional documents as necessary to effectuate the Agreement

21. Third Parties. The covenants, stipulations and agreements contained in this Agreement are and shall be for the sole and exclusive benefit of the parties hereto and their respective successors and assigns, and nothing in this Agreement, express or implied, is intended nor shall be construed of confer upon or give any other person any rights, remedy or claim under or by reason of the Agreement. The Town shall not be obligated or liable under the terms of this

Agreement to any person or entity not a party hereto. Further, the Town shall not be bound by any contracts or conditions that Annexor may negotiate with third parties related to matters set forth in this Agreement.

22. Police Power. Nothing contained in the Agreement shall constitute or be interpreted as a repeal of existing Codes or ordinances or as a waiver or release of the Town's legislative, governmental or police powers to promote and protect, the health, safety, morals or general welfare of the municipality or its inhabitants. This Agreement shall not prohibit the enactment by the Town of any tax, fee, ordinance, resolution, rule, or regulation which is of uniform and general application.

23. No Partnership or Agency. Notwithstanding any language in this Agreement, neither party shall be deemed a member, partner or joint venture of each other and neither party shall be responsible for the debts or liabilities of the other nor the other's contractor or agent.

24. Venue. This Agreement is being executed and delivered and is intended to be performed in the State of Colorado, and the laws of Colorado shall govern the validity, construction, enforcement, and interpretation of this Agreement. Exclusive jurisdiction and venue for resolution of any dispute arising hereunder shall be in the District Court for Weld County, Colorado.

25. Attorney's Fees. In the event that it is necessary to initiate legal proceedings to enforce the provisions of this Agreement, the non-prevailing party shall be responsible for all reasonable legal expenses and costs incurred by the prevailing party, including reasonable attorney's fees.

26. Effective Date. This Agreement shall be effective and binding upon the parties immediately upon the effective date of an ordinance annexing the Property, regardless of whether the Agreement is executed prior to the effective date of said ordinance annexing the Property.

27. Entire Agreement. This Agreement including the Exhibits and Recitals, which are incorporated herein, set forth the entire agreement of the parties concerning the Denmore Annexation. There are no promises, terms, conditions, or obligations other than those contained herein that exist with respect to the annexation. This Agreement shall supersede all other provisions, communications, representations, or agreements, either verbal or written, between the parties with respect to the annexation and the economic incentives.

28. Waiver Limitations. A written waiver by either party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver or any subsequent breach by another party.

29. Headings. The headings of the sections or subsections of this Agreement are only for the convenience and reference of the parties and are not intended to define, limit, or describe the scope or intent of this Agreement.

30. Severability. If any part, term or provision of this Agreement is held by any court of competent jurisdiction to be illegal, invalid or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid, and the parties shall cooperate to cure any such defect.

31. No Vested Property Rights. It is understood and agreed by the parties that no vested property rights are granted by this Agreement. The Annexor represents to the Town that there are no vested rights to the Annexation Property from the County of Weld or any other governmental entity. Annexor hereby waives and releases any prior vested rights which may have been so granted or acquired in Weld County so long as the Property remains annexed into the Town.

32. Disconnection. No right or remedy of disconnection of the Annexation Property from the Town shall accrue from this Agreement, other than that provided by C.R.S. § 31-12-119. In the event the Annexation Property or any portion thereof is disconnected from the Town at the Annexor's request, the Town shall have no obligation to serve the disconnected Annexation Property.

33. Referendum. If the annexation of the Annexation Property or any portion thereof is challenged by a referendum, all provisions of the Agreement, together with the duties and obligations of each party, shall be suspended pending the outcome of the referendum election. If the referendum challenge to the annexation results in disconnection of the Annexation Property from the Town, then this Annexation Agreement shall be null and void and of no further effect. If the referendum challenge fails, then the Annexor and the Town shall continue to be bound by this Annexation Agreement.

34. Court Order. In the event that the annexation of the Property or any portion thereof is voided by Final Action ("Final Action" means that no appeal can be made or the time to appeal has expired) of a court of proper jurisdiction (such Final Action not being associated with referendum or initiative matters), the Town and the Annexor shall cooperate to cure any legal defects cited by the court or that resulted in disconnection of the Annexation Property, and immediately upon such cure this Annexation Agreement shall be deemed to be an agreement to annex the Property to the Town pursuant to the Colorado Municipal Annexation Act of 1965. The Annexor shall reapply for annexation when the Initial Annexation Property becomes eligible for annexation as determined by the Town.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

[Remainder of page left intentionally blank—Signature Pages to follow]

[INSERT]

By:_____

[illegible][illegible]

The foregoing Annexation Agreement was signed and sworn to before me by _____, as _____, of [INSERT], a Colorado limited liability company, this ____ day of _____, 20____.

Witness my hand and official seal.

(Notary Public Official Signature)

(Title of office)

(Commission Expiration)

[Remainder of page left intentionally blank—Signature Pages to follow]

By:_____

The foregoing Annexation Agreement was signed and sworn to before me by _____, as _____, of [INSERT], a Colorado limited liability company, this ____ day of _____, 20____.

(Notary Public Official Signature)

(Commission Expiration)

[Remainder of page left intentionally blank—Signature Pages to follow]

By:_____

The foregoing Annexation Agreement was signed and sworn to before me by _____, as _____, of [INSERT], a Colorado limited liability company, this ____ day of _____, 20____.

(Notary Public Official Signature)

(Commission Expiration)

[Remainder of page left intentionally blank—Signature Pages to follow]

**TOWN OF SEVERANCE, a Colorado municipal
corporation**

By: _____
Matthew Fries, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

DRAFT



Town of Severance Review Comments

Date: 5.27.2022 – Received
 6.27.2022 – Submitted by Applicant

Project Name/Contact: Moody Annex/Zoning/Concept Plan/Morgan Kidder

Project Address: Northeast Corner of Teller Street & E. Harmony Road

Customer: 233- Journey Homes Moody Property

Review Number: 4th Submittal

Project Coordinator: Abdul Barzak, Town Planner

Recipients:

- ☒ MANAGEMENT
- ☒ PLANNING
- ☒ ENGINEERING
- ☒ TRAFFIC
- ☒ TOWN ATTORNEY
- ☒ PUBLIC WORKS
- ☒ POLICE
- ☒ BUILDING
- ☐ OTHER

The following comments must be addressed in order to proceed with the development process. All subsequent submittals should be submitted electronically.

Please submit a revised document addressing all comments along with a comment response letter to the project coordinator. Large plan sets should be submitted through Dropbox and a link provided.

With the project resubmittal, please indicate whether or not the change was made and provide a response as applicable. Please contact me if you have any questions.

Project Coordinator – Abdul Barzak, Town Planner, Town of Severance

Item 1	Items to be addressed prior to Public Hearings	Resolved?
Notes	- Annexation Map to be revised (See Engineering/Legal Comments) - Zoning Map to be separated from Annexation Map (See Engineering/Legal Comments) - Annexation Petition, needs revision see Engineering dropbox link regarding Legal Description	☐ YES ☒ NO ☐ SEE ATTACHED
Applicant Response	Revised Annexation Map, Zoning Map and Annexation Petition was delivered to Town staff on June 27th.	
Item 2	Oil & Gas Setbacks	

Notes	See item #30 in Engineering Memo located in dropbox link. To be revised at Preliminary Plat	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Applicant Response	Concept plan has been adjusted to account for oil and gas setbacks.	
Item 3	Annexation Agreement	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	Town staff will work with the application to generate an Annexation Agreement, ready to execute at approval stage.	
Applicant Response	Annexation Agreement with Applicant redlines is forthcoming.	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Item 4	Comp Plan Amendment	
Notes	Please see Legal Comments, Applicant will be required to work with staff to provide all necessary items relating to a Comprehensive Plan Amendment prior to Planning Commission.	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Applicant Response	Comprehensive Plan Amendment is included with resubmittal.	
Item 5	Referral Comments	Resolved? ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Applicant will need to address all referral/stakeholder comments received, once a resubmittal has been received, Town staff will push out for revised stakeholder comments.	
Applicant Response	All referral comments have been responded to under separate letter(s).	

Town Management – Nick Wharton & Lindsay Radcliff-Coombes, Town Management , Town of Severance

Item 1	Water Service	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	Currently the Town does not have the storage capacity nor the volume delivery capacity to serve this subdivision. Applicant will need to examine the storage capacity with the Town and the volume delivery capacity will need to be discussed with the Town and their delivery provider, North Weld County Water District. This comment should be addressed during the preliminary plat process.	
Applicant Response	Noted.	
Item 2	Sewer Connection	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	Current capacity at the Severance treatment Plant will not allow this proposed subdivision to be treated. In turn, Applicant will need to build a bypass line to connect to the Town's trunkline which will then be treated by the Town of Windsor per the Town's IGA. This comment should be addressed during the preliminary plat process.	
Applicant Response	Noted.	

Planning – Josh Olhava & Logan Graves, Community Planner , Ayres Associates

Item 1	Redlines from 1st Review	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	Repeat Comment - Redlines were provided on the 1 st Review for both the Annexation map and the Concept plan. There were no responses to those comments or changes made to the plans to address those comments.	
Applicant Response	Repeat Response - All redlines were addressed with previous resubmittal. What specific comments were not addressed?	
Item 2	Annexation Map	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	Changes were made to the certification blocks that need to be changed back to the 1 st review. See Attorney Comments regarding a Comp Plan amendment and the rezoning request.	
Applicant Response	The certification block was changed back to the original form. Why are we receiving conflicting direction?	
Item 3	Zoning Boundary / Map	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	Repeat Comment - A zoning map has not yet been provided. The zoning line shown on the annexation plat provides a narrow area along WCR74 that will not lend itself to the commercial node and design detailed in the Corridor Plan and Comprehensive Plan. Direction was provided regarding two existing commercial centers in the area to use for reference.	
Applicant Response	Repeat Response - Zoning Map was submitted to the Town on June 27 th . The Applicant has met with Town Staff and Management on numerous occasions regarding the commercial area along Harmony Road. The Applicant, Town Staff and Management are in agreement with the concept of the proposed commercial area.	
Item 4	Concept Plan Issues	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	Repeat Comment - The response to comments noted that many of the comments were premature; however, that is incorrect. You are providing a concept that will help guide your future plans. If you do not make the changes now, there is no guarantee you will with the formal development plans. The concept should reflect the preferred layout and development pattern to show the potential for the site, following Town guidance and requirements.	
Applicant Response	Repeat Response - The comments are premature. This is a concept plan, nothing more. There will be many changes throughout the development process that shape the subdivision into the final form, many of which will come from Town Staff, Planning Commission and Town Council. The Applicant, Town staff, and Management are in agreement with the concept of the proposed commercial area.	
Item 5	Concept Plan – Commercial Area	

Notes	Repeat Comment - The commercial layout is unacceptable. This does not follow the guidance given to you and looks like a typical suburban commercial strip development. The Corridor Plan and Comprehensive Plan establish criteria, goals and policies for what these areas are to look like. The layout is nowhere close to meeting the criteria. Appropriate depth must be provided with the zoning and concept layout to allow parking to be internal to the site, not fronting the roadways. Rear loading and ancillary areas should have adequate room for deliveries and screening from adjacent residential areas. Buildings must front public roadways, as appropriate, and provide pedestrian spaces throughout to make these truly walkable areas. As shown, there is no room for pedestrian amenities or to make this truly a walkable destination for the community. It looks like a handful of building sizes were chosen and a parking exercise was done. Attention and detail are being given to the residential layouts and design, the same needs to be done with the commercial space to avoid future issues and challenges by the Town and commercial developer.	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Applicant Response	Repeat Response - Unacceptable? According to what code provision, guideline or specification? The conceptual layout of the commercial area is an exercise in determining the maximum leasable square footage per the Town's parking standards. This is an opinionated and inappropriate comment by Olhava. Remember we are the land owner. We fully intend to follow all Town codes and specs. We have followed guidance from Town Staff and Management. Again, this is an annexation and zoning application. This is a conceptual layout nothing more. We have no idea of any potential uses or building layouts. This comment is presumptive. Comments regarding depth, roadways, loading, ancillary areas, pedestrian spaces, etc. cannot be addressed at this stage in the entitlement process.	
Item 6	Concept Plan – Residential Area	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	Repeat Comments – Transitions must be provided to adjacent uses and development patterns. Look at the lot layouts to the east and west in relation to your proposed lot sizes. These perimeter areas to the residential development shall transition to the other areas. To transition to larger estate lots and rural areas, incorporate adequate buffering (you removed or reduced these instead with the recent submittal) and reduce the number of lots backing into these areas. This provides a larger housing product and lot size that helps you achieve the product diversity and appropriate transition requirements. We have seen developments elsewhere by this developer that incorporate these transitions. The area to the south needs to transition into the future commercial center. This creates a walkable community and	

	a true neighborhood. Backing lots up to a collector with commercial across the street creates an uninviting space that is contrary to the Corridor Plan criteria and the goals and vision of the Comprehensive Plan.	
Applicant Response	Repeat Response - Per the current Future Land Use Map the southern 2/3rds of the site is planned for Suburban Perimeter. The layout meets the standards of Suburban Perimeter zoning. The Applicant, Town Staff and Management are in agreement on the concept of the proposed residential area.	
Item 7	Concept Plan	Resolved?
Notes	There are lots placed in the O&G buffer area. This is not acceptable and will not be supported. In addition, placing roadways and public infrastructure next to these areas is not a good idea. Broomfield experienced this a few years ago and required the entire road and public utilities to be dug up, disrupting nearby residents and placing a burden on the community. See Engineering Comments	☐ YES ☒ NO ☐ SEE ATTACHED
Applicant Response	The concept plan has been modified to remove lots from oil and gas setbacks. P&A well in roadways and ROW are a common occurrence throughout Weld County and the state with minimal or no issues. An isolated incident in Broomfield should have no bearing on the location of P&A wells.	
Item 8	Concept Plan – School Site	Resolved?
Notes	Confirm location is acceptable with the School District, especially having a school site completely surrounded by roadways and one major roadway (WCR21)	☐ YES ☒ NO ☐ SEE ATTACHED
Applicant Response	Several different locations were proposed by the Applicant. Per meetings with Weld RE-4, Town Staff and Management the preferred school site location is presented. The direction provided by Weld-RE4 was to have a site surrounded on all 4 sides by roads to allow flexibility for site design.	
Item 9	Concept Plan – Pedestrian Circulation	Resolved?
Notes	Repeat Comment – The concept plan is squeezing in lots and it is not clear if there will be adequate room for pedestrian amenities. These should be part of your concept layout or as an accompanying exhibit that shows the general layout and how the trails and sidewalks are connecting internally and externally. If there are gaps in sidewalks or trails beyond the project boundaries, they may need to be included as an off-site improvement, similar to off-site roadway improvements. A trail should loop the perimeter of the site and the internal pond; may need to connect between lots on large blocks and at the ends of any cul-de-sacs. A pedestrian circulation exhibit will be required with the formal development plans that show how this development ties into the Town's trail	☐ YES ☒ NO ☐ SEE ATTACHED

	system and the appropriate connections. Safe pedestrian crossings will be reviewed and required.	
Applicant Response	Repeat Response – Again, this is a presumptive comment. Lots are not “squeezed” in the site. There will be significant work to refine the concept plan. See response to Item #4.	
Item 10	Concept Plan	Resolved?
Notes	Repeat Comment from 1st Round Redlines – There are two remnant parcels that are being ignored by this development. The NW corner and along the south between the commercial and school sites. How are these areas being considered with future integration to the project? While they may be under separate ownership now, we need to consider how they tie in with this development – development patten, circulation and infrastructure. In addition, how is ROW being transitioned in these areas? This will be problematic if ROW is not secured now for this development since the improvements will be needed. Look for ways to build future connections to these sites from the internal project – roads and sidewalks/trails and utilities. The NW property is being surrounded by lots with no consideration for this or futureproofing.	☐ YES ☒ NO ☐ SEE ATTACHED
Applicant Response	Repeat Response – This comment is very difficult to address and does not consider property rights law. The “remnant” parcels are not being ignored. We do not own these properties. The owners have been contacted and have no interest in selling at this time. Additionally, the property adjacent to CR 21 cannot dedicate ROW as the current home sits within the proposed future alignment of WCR76. What is “development patten”? How can we address circulation when there are occupied homes on the properties? What does “futureproofing” mean? These comments will be discussed and addressed in the entitlement process.	

Civil Engineering – Chris Messersmith & Amber Messersmith , P.E , Colorado Civil Group, Inc.

Item 1	Please see attached Memo and Redlines	Resolved?
Notes	Engineering Comment Memo and all Redlines are included in the dropbox link: https://www.dropbox.com/sh/xwvl0rm6jek9cdj/AACy4g5R5vjIQCLtnkf6Z9zka?dl=0	☐ YES ☒ NO ☐ SEE ATTACHED
Applicant Response	Engineering comments are addressed in the Engineering Memo.	

Item 2	Concept Plan - Potable Water	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	The water service for this project will be provided by the Town of Severance. To provide service to this development, the Town needs to purchase Additional Standard Plant Investment Taps (ASPITs) from the North Weld County Water District (NWCWD). Additional ASPITs are not available for purchase at this time. The Town is working with the NWCWD on a new Water Service Agreement to resolve this issue. There is no estimate on when this Agreement will be executed. This is consistent with the referral comments from the NWCWD.	
Applicant Response	Noted.	
Item 3	Concept Plan - Sanitary Sewer	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	Sanitary Sewer – The sanitary sewer service for this project will be provided by the Town of Severance, however the Town does not have infrastructure in place to serve this development. The project will need to install a sanitary sewer main from the project to the existing 18" interceptor pipe south of the existing Severance Wastewater Treatment Facility. <i>The developer has stated that they will work with the Town to complete the additional offsite sanitary sewer connection required to serve this development.</i>	
Applicant Response	Noted.	
Item 4	Concept Plan - Oil/Gas	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	Oil/Gas – According to the COGCC website, there are 4 existing Plugged and Abandoned Wells on the property. The layout of the proposed lots and roadways does not appear to comply with Severance's Municipal Code Section 16.11.80.b.4. (see below) as there are lots within the 50' setback of the PA'ed wells and one PA'ed well is located in the public ROW instead of a separate non-buildable tract. See redlines. All existing oil and gas pipelines should be shown on the Concept Plan.	
Applicant Response	The concept plan has been modified to remove lots from oil and gas setbacks.	
Item 5	Concept Plan – School Site	Resolved? ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	School Site – A school site is shown on this Concept Plan. The proposed school site and access will need to be reviewed by the WELD RE-4 School District and the Town's Traffic Engineer. Vehicular access to the school site in this location may be difficult, including vehicles heading south on Teller Street.	
Applicant Response	Several different locations were proposed by the Applicant. Per meetings with Weld RE-4, Town Staff and Management the preferred school site location is presented. The direction	

	provided by Weld-RE4 was to have a site surrounded on all 4 sides by roads to allow flexibility for site design.	
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Traffic Engineering – Eli Farney, P.E, PTOE, JR Engineering, LLC

Item 1	No Comments at this time	Resolved?
Notes	No Comments at this time	☒ YES
Applicant Response	Noted.	☐ NO ☐ SEE ATTACHED

Town Attorney – Keith Martin, Attorney, Hayashi & Macsalka, LLC

Item 1	Annexation Map	Resolved?
Notes	See annotated map attached.	☐ YES ☒ NO ☐ SEE ATTACHED
Applicant Response	Redlines on the Annexation Map have been addressed and submitted to the Town on June 27 th .	
Item 2	Zoning – Zoning Map	Resolved?
Notes	Make and keep it separate from annexation map. Zoning maps should be simple. See SMC, Sec. 16.3.80(c)(2)(e) for mapping requirements. Show the legal and area info for property to be zoned. Denote existing and proposed zoning of property. Show property abutting the land to be zoned and denote for abutting property existing Town or County zoning, where applicable.	☐ YES ☒ NO ☐ SEE ATTACHED
Applicant Response	A separate Zoning map has been submitted to the Town on June 27 th .	
Item 3	Annexation Agreement	Resolved?
Notes	Town Attorney's Office will work with Staff in negotiating and preparing the annexation agreement.	☐ YES ☒ NO ☐ SEE ATTACHED
Applicant Response	Annexation Agreement with Applicant redlines is included with resubmittal.	
Item 4	Town Core Zoning	Resolved?
Notes	It is black letter law that all zoning (initial/rezones) decisions must be consistent with or promote goals of the Comp Plan and bear a reasonable relationship to the general welfare of the community. Is proposed Town Core zoning in this part of the Town consistent with the land use category for the	☐ YES ☒ NO ☐ SEE ATTACHED

	property designated in Comp Plan? See Future Land Use Map. For arguments sake, let's say it's not. In such case, I see two paths forward: Option 1 is a Comp Plan Amendment (16.1.90(2)), which allows Applicant to demonstrate that proposed zoning would be consistent with or promotes goals of comp plan. Option 2 is that Applicant somehow demonstrate the proposed zoning is an improvement over what was proposed in the Comp Plan Land Use Map in implementing goals of the Comp Plan. Look at zoning criteria set forth in SMC, Sec. 16.3.80(d)(4). Regardless, it should not be assumed that zoning to Town Core will be a foregone conclusion. Problem with Option 1 is that you have no criteria for CPA's. But, in general it must be rational—that is, it promotes the public health, safety and welfare. Some things to think about: when considering the surrounding land uses, is the proposed zoning more appropriate than the current Comp Plan designation? Will the amendment impact (negatively) public services and facilities? Does it align with other master planning docs or is it compatible with planned service provisions, etc? Is there a need: supported either by changed conditions or by new info (e.g., new planning concepts, economic conditions, etc.)? Is it in the public's best interest? If the Comp Plan is strictly adhered to, will it result in a situation neither intended nor in keeping with other key elements and policies of the plan? What's the anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan? What is the anticipated effect upon the ability of the town and/or other service providers, such as schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities	
Applicant Response	The Applicant has included a Comprehensive Plan Amendment with the resubmittal.	

Public Works – John Zacklene, Public Works Director, Town of Severance

Item 1	No Comments at this time	Resolved?
Notes		☒ YES
Applicant Response	Noted.	☐ NO
		☐ SEE ATTACHED

Police – Chief Gerdeman, Chief of Police, Severance Police

Item 1	No Comments at this time	Resolved? ☒ YES ☐ NO ☐ SEE ATTACHED
Notes		
Applicant Response	Noted.	

Building Department– Russ Weber, Chief Building Official, SAFEbuilt

Item 1	No Comments at this time	Resolved? ☒ YES ☐ NO ☐ SEE ATTACHED
Notes		
Applicant Response	Noted.	

Please revise the plans accordingly and respond to all of the above action items in the **Applicant Response** boxes provided at your earliest convenience.

Once the project is resubmitted it will be referred out as necessary and any outstanding issues will be addressed with a comment response.

If you should have any questions, please contact me at 970-692-1556, or email.

Thank you,



Abdul Barzak
 Town Planner
abarzak@townofseverance.org
 Town of Severance
 3 South Timber Ridge Parkway
 PO BOX 339
 Severance, CO 80546
 970-692-1556

TO: Mr. Nick Wharton, Severance Town Manager
Ms. Lindsay Radcliff-Coombes, Severance Deputy Town Manager
Mr. Abdul Barzak, Severance Town Planner

FROM: Chris Messersmith, Colorado Civil Group, Inc.
Amber Messersmith, Colorado Civil Group, Inc.

DATE: June 3, 2022 **Applicant submitted July 27, 2022**

SUBJECT: Moody Annexation, Zoning, and Concept Plan

CCG PROJECT NO: 0042.0014.02

TOWN CUSTOMER ID: 233

We have completed our engineering review of the Moody Annexation, Zoning, and Concept Plan 3rd submittal package received on April 1, 2022 and the 4th submittal package received on May 27, 2022. The following items were included with the submittal package:

- Annexation Petition (Revised)
- Annexation & Zoning Map
- Concept Plan dated March 29, 2022
- Concept Plan dated May 17, 2022
- Zoning Legal Description (Suburban Perimeter)
- Lot Closure (Suburban Perimeter)
- Zoning Legal Description (Town Core)
- Lot Closure (Town Core)
- Response to Engineering Comments
- Response to Staff Report

We offer the following comments:

General:

1. Potable Water – The water service for this project will be provided by the Town of Severance. To provide service to this development, the Town needs to purchase Additional Standard Plant Investment Taps (ASPITs) from the North Weld County Water District (NWCWD). Additional ASPITs are not available for purchase at this time. The Town is working with the NWCWD on a new Water Service Agreement to resolve this issue. There is no estimate on when this Agreement will be executed. This is consistent with the referral comments from the NWCWD.

- **Noted**



2. Larimer & Weld Irrigation Company demands that the Town of Severance require Hidden Lake Investments to obtain an agreement with Larimer & Weld Irrigation Company to address its concerns as a condition of zoning/annexation approval.
 - The applicant cannot enter into an agreement with LWIC at this time. There are no proposed modifications to the LWIC ditch system at this time. The annexation and zoning of the property has no bearing on any modifications to the current site conditions. The applicant has responded to the referral letter that they will work with LWIC on any modifications to the ditch system during the development process.
3. The Winter Farms protest letter dated May 5, 2022 was reviewed. Bullet Item #1 is the only engineering related item. We believe their request to have their water supply line relocated prior to construction is reasonable. The proposed re-alignment will not be designed until the preliminary plat process.
 - See included response letter.
4. Sanitary Sewer – The sanitary sewer service for this project will be provided by the Town of Severance, however the Town does not have infrastructure in place to serve this development. The project will need to install a sanitary sewer main from the project to the existing 18" interceptor pipe south of the existing Severance Wastewater Treatment Facility. *The developer has stated that they will work with the Town to complete the additional offsite sanitary sewer connection required to serve this development.*
 - Noted.
5. We have reviewed the referral comments from the NFRMPO. There does not appear to be any conflicts between these referral comments and our engineering comments.
 - Agreed.
6. The Applicant will need to schedule a scoping meeting with the Town prior to preparing the Traffic Impact Study for this project which is required for the Preliminary Plat process.
 - Noted.

Annexation Substantial Compliance:

7. The project was previously checked for substantial compliance, refer to Comment Memo dated October 28, 2021.
 - Noted.
8. See Comment #10.
 - Revised

Annexation Petition:

9. The revised Annexation Petition has been signed by Hidden Lake Investments, LLC, Journey Homes, LLC and the Eaton Law Reservoir Company.

Noted

10. The Annexation Petition Legal Description needs to be revised. There are two (2) bearings that need to be corrected to match the Lot Closure and the graphic Annexation map. *(repeat)*.

- The annexation petition legal description has been revised and submitted to the Town on June 27th.

Legal Description:

11. The revised Annexation Legal Description was included with the 2nd submittal and reviewed. All previous comments have been addressed. This legal description should be used in the Annexation Petition.

- Noted.

Title Commitment:

12. The Title Commitment prepared by Heritage Title Company, Issuing Office File Number 459-H0646933-820-GRO, Amendment No. 1 with Commitment Date of July 2, 2021 lists the vested owner as:

Hidden Lake Investments, LLC, a Colorado limited liability company

The aliquot legal descriptions are for Lot B, Recorded Exemption No. 0705-35-3 RECS18-0146 (Parcel #070535300004) and for Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 (Parcel #070535200008). The Title Commitment is missing Rec. No. 4717678 Special Warranty Deed. Town of Severance criteria requires that the Title commitment be dated within 30 days of application submittal (SMC 16.2.40.6.).

Noted.

13. The Title Commitment prepared by Heritage Title Company, Issuing Office File Number 459-H0587798-084-LL9, Amendment No. 1 with Commitment Date of July 2, 2021 lists the vested owner as:

The Eaton-Law Reservoir Company (incorporated March 17, 1980)

The legal description appears to be for Parcel #70535300003 per Sale Deed Rec. No. 3934637. Town of Severance criteria requires that the Title commitment be dated within 30 days of application submittal (SMC 16.2.40.6.).

Noted.

14. The Title Commitment prepared by Heritage Title Company, Issuing Office File Number 459-H0664301-820-GRO with Commitment Date of November 22, 2021 lists the vested owner as:

Journey Homes, LLC, a Colorado limited liability company

The aliquot legal description is for Lot A, Recorded Exemption No. 0705-35-3 RECX18-0146 (Parcel #70535300003). Town of Severance criteria requires that the Title Commitment be dated within 30 days of application submittal (SMC 16.2.40.6.).

Noted.

Annexation Map:

15. Sheet 1 (SMC 16.2.80.6 Owner Approval Block) - The Owner Approval Block has been updated per our previous comments. Please add the bold text to the block.

The undersigned, being **more than** 50% of the landowner(s) owning **more than** 50% of the land described herein, have caused said land to be laid out and Annexed under the name of MOODY ANNEXATION.

Bold text has been added to the Owner Approval Block.

16. Sheet 1 (Title Commitment Comment) – Modify per Redlines.

- **The Title Commitment Comment has been addressed on the June 27th resubmittal of the annexation map.**

Zoning Map (part of Annexation Map):

17. Sheet 2 (SMC 16.3.80.c.2.e.3) – Separate written metes and bounds legal descriptions (PDF) were submitted for each proposed zoning category. These legal descriptions were checked against the calls on the Annexation and Zoning Map and the Zoning Lot Closures. The Town may require WORD documents of the zoning category legal descriptions.

- The Town Core Zoning legal description needs to be revised. There is one (1) bearing that needs to be corrected to match the Lot Closure and the graphic Annexation map, see redlines.
- **The legal description has been revised on the June 27th resubmittal documents.**
- The Suburban Perimeter Zoning legal description is approved.
- **Noted.**

Concept Plan:

18. The comments on the Concept Plan are from the 4th submittal, plan dated May 17, 2022.

- **Noted.**

19. We have several layout concerns with the proposed Concept Plan. The access and intersection spacing comments below are general and all arterial access and intersection spacing will be evaluated in detail at the Preliminary Plat level with the TIS.

- **Noted.**

20. School Site – A school site is shown on this Concept Plan. The proposed school site and access will need to be reviewed by the WELD RE-4 School District and the Town's Traffic Engineer. Vehicular access to the school site in this location may be difficult, including vehicles heading south on teller street.

- **Per meetings with WELD RE4, Town Staff and Management, this is the preferred location of the school site.**

21. E Harmony Rd (WCR 74 Road) ROW – The Severance Transportation Master Plan identifies E Harmony Rd (WCR 74) as a Major Arterial with a 140' road ROW. There is 50' of existing ROW north of the section line. This project will be required to dedicate 20' of ROW along E Harmony Rd (WCR 74) for a total of 70' of ROW north of the section line. The ROW appears to be provided. Label the ROW for future dedication on the Concept Plan. *The Applicant's response to comments asked why additional ROW is required beyond what the Moody's dedicated in 2019. A TMP was done after 2019 that changed the classification of E Harmony Rd to a Major Arterial roadway requiring a wider section (140' road ROW). Additional ROW is required to comply with the TMP.*

- The concept plan is not an appropriate location for ROW designation. This will be shown on the preliminary and final plats.

22. Teller St (WCR 21) Road ROW – The Severance Transportation Master Plan identifies Teller St (WCR 21) as a Minor Arterial with a 120' road ROW. When right turn lanes are warranted on Minor Arterial roads an additional 10' of road ROW is required. There is 30' of existing ROW east of the section line. This project will be required to dedicate 30' of ROW along Teller St (WCR 21) and 40' of ROW where right turn lanes are warranted for a total of 60' of ROW or 70' of ROW east of the section line, accordingly. It appears that 60' of ROW is provided. Label the ROW for future dedication on the Concept Plan.

- The concept plan is not an appropriate location for ROW designation. This will be shown on the preliminary and final plats.

23. WCR 76 Road ROW - WCR 76 does not currently exist as a road. This project should reserve road ROW along WCR 76 for future dedication. This section of WCR 76 would be considered as a Minor Arterial with a 120' road ROW. When right turn lanes are warranted on Minor Arterial roads an additional 10' of road ROW is required. This project should reserve 60' of ROW for WCR 76 south of the section line and 70' of ROW for WCR 76 where right turn lanes are warranted south of the section line. It appears that 60' of ROW is reserved with the Concept Plan layout. Label the ROW for future dedication on the Concept Plan

The concept plan is not an appropriate location for ROW designation. This will be shown on the preliminary and final plats.

24. Arterial Access & Intersection Spacing (E Harmony Rd.) – The Concept Plan shows 3 proposed accesses via E Harmony Rd. Intersection Spacing will not meet the required $\frac{1}{4}$ mile spacing due to the existing accesses for the Summit View Subdivision to the south. Timber Ridge Pkwy. will likely be a full movement intersection and potentially be signalized in the future. The other 2 proposed accesses are acceptable as shown but may be restricted to Right-In/Right-Out or $\frac{3}{4}$ movement in the future. Similar restrictions may be required of the existing roads to the south (Evans St. and Summit View Rd.) in the future.

- The layout of Evans St. and Summit View Road are aligned with existing roads within the Town. Potential future restriction of these intersections will greatly prohibit future commercial users from developing the site.

25. Arterial Access & Intersection Spacing (Teller St.) – The Concept Plan shows 4 proposed accesses via Teller St. Working south to north, the 1st access (to the Commercial lots) will likely be restricted to a Right-In/Right Out or a Right-In only movement. The 2nd access is acceptable as shown and aligns with the existing Fox Run roadway to the east. The spacing of the 3rd and 4th accesses meets the ¼ mile required spacing.

- Restricting this access will greatly prohibit future commercial development.

26. Collector Roadways, Timber Ridge Pkwy – It appears that Timber Ridge Pkwy. has been designed as a Collector roadway extending north/south through the development from E Harmony Rd to WCR 76 and the driveway accesses have been eliminated per our previous comments

- Noted.

27. Collector Roadways - The applicant's traffic engineer will need to evaluate the Average Daily Trips (ADT) on all of the internal street network. Any street that exceeds 1500 ADT will be required to be a Collector roadway. (repeat) *This can be addressed with the Preliminary Plat process.*

- Noted.

28. Arterial/Internal Streets Intersections - All roads that intersect the arterials roads of E Harmony Rd and Teller St will be required to have a Collector section at the intersection (80' ROW) for dedicated turn lanes, see Severance TMP Figure 19. (repeat) *This can be addressed with the Preliminary Plat process.*

- Noted.

29. Internal Street and Lot layout - Local roads must be spaced a minimum of 330' along a Collector roadway (repeat). *Per Applicant's response to comments, this will be addressed with Preliminary Plat. Engineering has no objection. It should be noted that lot layout may be impacted.*

- Noted.

30. Oil/Gas – According to the COGCC website, there are 4 existing Plugged and Abandoned Wells on the property. The layout of the proposed lots and roadways does not appear to comply with Severance's Municipal Code Section 16.11.80.b.4. (see below) as there are lots within the 50' setback of the PA'ed wells and one PA'ed well is located in the public ROW instead of a separate non-buildable tract. See redlines. All existing oil and gas pipelines should be shown on the Concept Plan.

- The concept plan has been revised to remove lots from the oil and gas setbacks. How are we to show existing oil and gas pipelines on the concept plan?

Sec. 16.11.80. - Development setbacks from wells and facilities.

(a) When wells are existing, buildings shall not be constructed within the following distances:

- (1) Buildings not necessary to the operation of the well shall not be constructed within three hundred fifty (350) feet of any such well and/or facility.

- (2) Any building to be used as a place of assembly, institution or school shall not be constructed within five hundred (500) feet of any well and/or facility.
- (b) When wells are existing, lots and roads shall not be platted within the following distances:
- (1) Lots shall not be platted within three hundred fifty (350) feet of an existing oil or gas well or its production facilities.
 - (2) Lots intended to be used as a place of assembly, institution or school shall not be platted to allow a building site within five hundred (500) feet of an existing oil or gas well or its production facilities.
 - (3) Streets shall not be platted within one hundred fifty (150) feet of an existing oil or gas well or its production facilities; provided, however, that streets may cross collection flowlines at right angles.
 - (4) **Lots shall not be platted within fifty (50) feet of well and production sites that have been plugged, abandoned, and reclaimed. Such platting shall only occur after the completion of the plugging, abandonment, and reclamation process. Plugged and abandoned wells shall be platted in their own separate non-buildable tract, with adequate access.**
 - (5) Plugged and abandoned wells that are not visible shall be exposed, with the facility owner's permission, and their exact location shall be surveyed by a professional land surveyor. The plugged and abandoned well shall be backfilled and compacted. The location of the plugged and abandoned wells shall be permanently marked with a visible post indicating the OGCC well API number.
 - (6) Oil and gas pipelines shall be located within a minimum 30-foot wide non-buildable tract, and no closer than fifty (50) feet to an occupied structure. The oil and gas pipeline shall be centered in the tract and in no case, less than ten (10) feet from the edge of the tract. Oil and gas pipelines shall not be placed within public right-of-way, other public lands, and/or lots intended for future development. This requirement does not apply to natural gas pipelines that provide retail service.

31. Potable Water – Potable Water service for this project will be provided by the Town of Severance. This project will need to connect to the existing 12" water main in Teller St. and the 12" water main in E Harmony Rd. A 12" or 16" water main will be required in Timber Ridge Parkway and in WCR 76 (or another location) to loop the system. *Water system will be designed with Preliminary Plat process.*

- **Noted.**

32. Irrigation Ditch - There appears to be existing irrigation ditches throughout the property. These ditches need to be accommodated as required by the ditch company(s), see referral comments.

- **Noted.**

33. Drainage – Detention ponds are not specifically identified on the Concept Plan. *The detention facilities will be reviewed at the time of Preliminary Plat.*

- **Noted.**

34. Multi-Family – The multi-family area was added back to the Concept Plan with this 4th submittal. It is located adjacent to an existing Rural Residential neighborhood. The Applicant should work with Planning on the best location of the Multi-Family.

- This is the best location for the multi-family area. The Applicant has met with Town Staff and Management and all are in agreement with the location of the multifamily.

Additional comments can be found on the document redlines, which are listed below and included in the dropbox link below:

All additional redlines have been addressed.

<https://www.dropbox.com/sh/xwvl0rm6jek9cdj/AACy4g5R5vjIQCLTnkf6Z9zka?dl=0>

- 0042.0014.02 ANNEX Redlines_(2022.05.25).pdf
- 0042.0014.02 CP Redlines_(2022.06.03).pdf
- 0042.0014.02 Annexation Petition Redlines_(2022.05.25).pdf
- 0042.0014.02 Legal Description_Zoning_Town Core_Redlines (2022.05.25).pdf

Please let us know if you have any questions regarding this memo.



COMMUNITY DEVELOPMENT STAFF REPORT

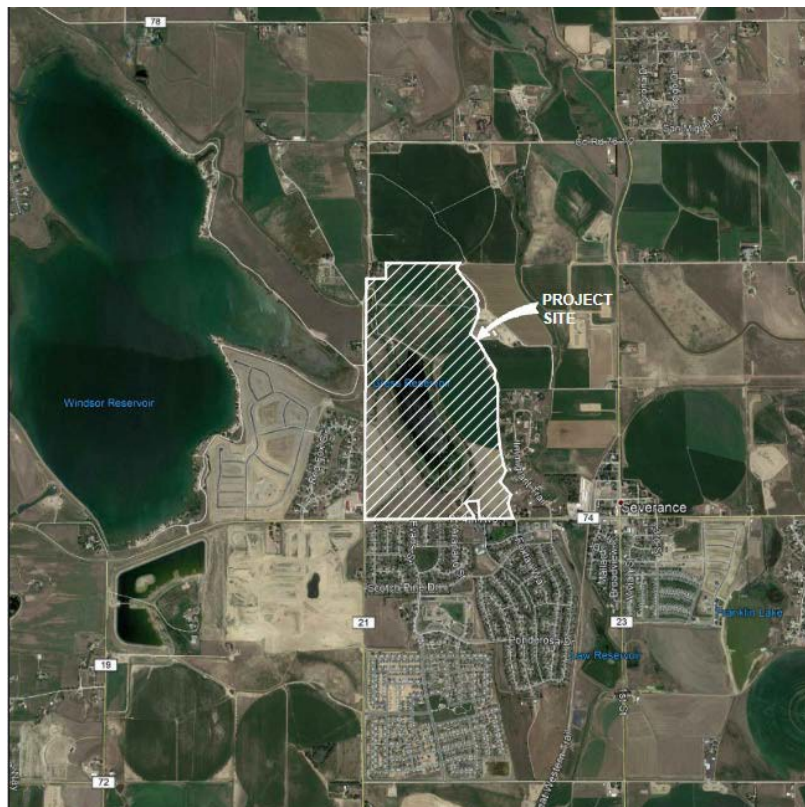
Project Name: Moody Annexation, Zoning and Concept Plan

Land Use Process: Annexation, Zoning & Concept

Public Hearing Dates : Planning Commission 8.17.2022, and Town Council 8.23.2022

Report Date: 11.02.2021 Revised: 06.14.22 Submitted by Applicant 6.27.22

Vicinity Map:



PUBLIC NOTIFICATION AND REFERRALS

Notice of the Planning Commission and Town Council public hearing was mailed to all property owners within 1000 feet of this proposed project.

A sign notifying the public that the property was under review for development was posted a minimum of 15 days ahead of the Planning Commission hearing.

The public hearing was also posted in the newspaper of record a minimum of 15 days ahead of the Planning Commission hearing.

Referral Agencies Involved

- ✓ Windsor-Severance Fire District
- ✓ United States Postal Service
- ✓ TDS Telecom
- ✓ Weld RE 4 School District
- ✓ XCEL
- ✓ PVREA
- ✓ Century Link
- ✓ Windsor Planning Department
- ✓ Colorado Department of Transportation
- ✓ SAFEBuilt
- ✓ State of Colorado DNR
- ✓ Great Western Trail Authority
- ✓ Clearview Library District
- ✓ Water Supply and Storage
- ✓ Northern Water
- ✓ Weld County Planning/Public Works
- ✓ North Weld County Water District
- ✓ Loup Reservoir
- ✓ Eaton Ditch
- ✓ Light Gig

Any and all referrals are located in the packet. The applicant should be aware that the utility companies will sign the final plat and that the applicant is responsible to coordinate with the utility companies to get their approval.

The referral comments will be forwarded to the applicant as received and included in the packet materials for each hearing.

For any questions regarding comments or concerns with the project please Abdul Barzak, Town Planner at abarzak@townseverance.org or by phone at 970-686-1218

NEIGHBOR COMMENTS

Please see items included in tonight's packet.

Please provide clarification.

PROJECT DESCRIPTION

Hidden Lake Investments, LLC is petitioning the Town of Severance to annex and zone approximately 310 acres north of and adjacent to Harmony Road or WCR 74, and east of and adjacent to WCR 21. The annexation area proposes land along WCR 74 to be zoned Town Core, while most of the property is proposed as Suburban Perimeter. The concept plan proposes commercial and multi-family uses along WCR 74 and predominately single-family detached residential throughout. Staff have provided comments on the Annexation map and proposed Management Plan, as outlined below. Further analysis of the project will be handled at the Preliminary plat.

Agreed. Good perspective.

OVERALL STAFF COMMENTS

TOWN ENGINEER

See packet

Noted.

TOWN MANAGER

See packet

Noted.

TOWN ATTORNEY

See packet

Noted.

TOWN PLANNER

As a part of the Severance: Hometown | Vision code (Code), an applicant is required to submit a Management Plan that addresses the following items. The applicant prepared a Draft Management Plan that is included in your packet. Overall, the Management plan appears to be complete. Staff has reviewed the Management Plan and has the following comments below. The Management Plan items are shown in bold italics with staff responses directly following each item. Noted.

What is the theme of the development?

Staff:

What is staff's comment?

How does the development theme and pattern support:

The Comprehensive Plan

Staff: The northern one-third of the property is currently identified as Rural Residential Zoning on the Town's Future Land Use Map. The current concept plan does not provide adequate transitions to adjacent properties and land use plan areas. Staff have provided direction for the applicant to incorporate larger lots along the northern portion of the site and along the east property line adjacent to the Settler's Landing neighborhood. By incorporating larger lots in these areas, the concept plan would have greater conformity to the future land use plan and the goals and visions of the Comprehensive Plan.

Additionally, at the request of staff, the applicant provided a conceptual layout of the commercial space along the southern edge of the site. However, the layout does not meet the community's goals and vision for the area. The applicant worked with staff to incorporate commercial in this area, consistent with the Town Core criteria, in exchange for the northern portion of the annexation area to be zoned as Suburban Perimeter. This commercial area is expected to develop as a pedestrian friendly area with buildings fronting the major roadways. This vision is reinforced by the adopted E. Harmony Road/WCR 74 and 1st Street/WCR 23 Corridor Plan. While the site-specific details will be worked out at a later time, it is important that any zone boundary or concept reflect the intended vision for the site, consistent with the Town's community goals and criteria.

Applicant has met with Town Staff and Management regarding the layout/size of the commercial land adjacent to Harmony Road. Applicant is committing to approximately 19 acres of commercial development containing as much as 170,000 sf of occupiable building space in exchange for the northern part of the site to be changed from Rural Residential to Suburban Perimeter. Per the existing Future Land Use Map there is no requirement for rural residential sized lots adjacent to the existing Fox Run and Settlers Landing subdivisions. Additionally, Fox Run is on the west side of CR21. The proposed lots meet the required lot sizes for Suburban Perimeter zoning.

The comments are premature. This is a concept plan, nothing more. There will be many changes throughout the development process that shape the subdivision into the final form, many of which will come from Town Staff, Planning Commission and Town Council. The Applicant, Town Staff and Management are in agreement on the concept of the proposed commercial area.

The Zoning District

Staff: The proposed zone districts generally align with the Comprehensive Plan. The overall concept will benefit from incorporating the appropriate transitions to adjacent properties, as previously noted. The location of the zone line proposed by the applicant, separating the Town Core and Suburban Perimeter areas, does not provide adequate room for the desired commercial uses in this area. Staff provided the applicant an analysis showing the necessary depth needed to accommodate the desired uses. The area proposed by the applicant is approximately two hundred to three hundred feet too shallow. This will greatly diminish the ability of the Town to attract the desired commercial users and program the site consistent with the visions and goals of the Comprehensive Plan and design guidelines found in the Town's Corridor Plan.

The Future Land Use Map shows this area planned for Suburban Perimeter.

Zoning Map was submitted to the Town on June 27th. The Applicant has met with Town Staff and Management on numerous occasions regarding the commercial area along Harmony Road. The Applicant, Town Staff and Management are in agreement with the concept of the proposed commercial area.

The applicant has noted this comment is premature, but the concept plan and layout proposed by the applicant is contrary to the goals of the community and vision for this corridor.

The goals and vision of this corridor is Suburban Perimeter as defined in the Future Land Use Map. The inclusion of Town Core for commercial zoning is being proposed by the Applicant as discussed with Town Staff and Management at numerous meetings.

Density

Staff: The overall development pattern is more dense than the adjacent, larger estate homes to the east (Settler's Landing) and west of the site (Fox Ridge). However, the current identified zoning (Suburban) in the Future Land Use Map allows for the proposed density. Additionally, the proposed zoning for the northern 1/3 of the site (Suburban) also allows for the proposed density if approved. The current concept plan shows approximately five to six new parcels abutting one single-family estate lot. To provide for appropriate transitions and minimize the visual impacts of the proposed higher density development, the applicant should increase the size of the perimeter lots to achieve a maximum of three parcels abutting an estate lot. This approach will also improve the overall lot and product diversity offered within the development, as noted below.

The Applicant is not interested in increasing the size of lots abutting Settler's Landing and Fox Ridge which is on the west side of CR21. The proposed lot size meets the requirements of Suburban Perimeter.

Diversity

Staff: The applicant is proposing 778 single-family detached housing units on over fifty percent of the entire site. The remaining half is allocated to open space, right-of-way, future commercial and a future school site. As noted above, the concept plan does not incorporate appropriate transitions between the proposed single-family units and the adjacent properties. The applicant can obtain greater diversity in housing products by incorporating larger lots adjacent to the Settler's Landing neighborhood on the east and the Rural areas to the north, northeast and northwest of the site. This approach is similar to what was accomplished in the Hunters Crossing and Severance Shores neighborhoods.

To make the commercial area viable and inviting to pedestrians, while feeling like an extension of the neighborhood and community, the residential lots directly north of the commercial area should be oriented to create a cohesive neighborhood focus. This creates an inviting entrance into the neighborhood, activity along the roadways and improves overall public safety.

Product diversity for the project is provided by several different uses; school site, commercial, multi-family, 63' lots and 72' lots, resulting in five different product types and three house types. Per Section 16.6.20.2(c)(1)b a minimum of three (3) housing types is required on any project development plan containing one hundred fifty (150) acres or more. The school site and commercial area enhance the overall diversity and meets the requirements of the land use code.

Land Use

Staff: Town staff has met with both Weld RE4 school district and the developer to discuss a school site, after revisions the developer has included a school site. Staff and the applicant will continue to work with and confirm location is acceptable with the School District, especially having a school site completely surrounded by roadways and one major roadway (WCR21). This may require a redesign of the site and removal of some single-family lots. To be determined at preliminary plat.

Several different locations were proposed by the Applicant. Per meetings with Weld RE-4, Town Staff and Management the preferred school site location is presented. The direction provided by Weld-RE4 was to have a site surrounded on all 4 sides by roads to allow flexibility for site design.

Connectivity

Staff: No major concerns on the proposed roadway connectivity. Due to the location of the development, both WCR 74 and WCR 21 limit the number and location of access points. The main area of concern is the northwest corner of the project. There is a privately owned parcel at the hard corner of future WCR 76 and WCR 21. The current concept shows the new right-of-way ending at this parcel, which will directly impact circulation at the intersection. The applicant should work with the property owner to dedicate necessary right-of-way to make improvements to this intersection.

The abutting property owner is not interested in selling. Additionally, the request that the applicant work with the property owner to obtain future ROW is

not possible. The requested ROW on the abutting property is directly in conflict with the current home on the property.

The proposed trail network needs to tie into the existing sidewalk and trail networks in the immediate vicinity. The applicant is encouraged to submit a regional trails and sidewalk exhibit that shows how this development will tie into the surrounding areas. This includes safe pedestrian crossings of both WCR 21 and WCR 74. Additionally, the internal trail network should incorporate a loop system around the perimeter that ties into the internal network. Safe crossings and pedestrian refuges should be provided along major roadways where pedestrians are made more visible to motorists.

The proposed trail network will connect to existing Town sidewalks and trails. These connections will be further refined during the development process.

A pedestrian circulation exhibit will be required with the formal subdivision and preliminary plat to ensure there are adequate connections throughout the site and to the perimeter trail system. Off-site improvements may be required to connect this development to adjacent areas. This includes appropriate safe crossing devices on major roadways.

Noted.

Open Space

Staff: No concerns with the allocation of open space within the proposal. Comments are provided below related to amenities and treatments in common areas.

Noted.

What is the roadway network associated with this development?

Staff: No major concerns with the ROW proposed with the Annexation map. ROW at the intersection of WCR21 and WCR 76 should be obtained as a part of this development to improve the overall circulation at the intersection and avoid wasted infrastructure improvements resulting in roadway improvements in the future. The internal roadway network includes long, uninterrupted, segments that should incorporate traffic calming elements to improve safety and overall quality of life for the future residents. This can include intersection enhancements that reduce the pedestrian walking distance across the roadway and mitigate visual barriers with vehicles parked near intersections. To be determined at preliminary plat.

The abutting property owner is not interested in selling. Additionally, the request that the applicant work with the property owner to obtain future ROW is not possible. The requested ROW on the abutting property is directly in conflict with the current home on the property.

What treatments are applied to the roadways on the perimeter and internal to the development?

Staff: No concerns at this time based on the proposed management plan. The applicant is encouraged to use drought tolerant landscaping and native grass seed mixes for these

areas, rather than irrigated turf lawns. These areas should incorporate an attractive space for pedestrians and bicyclists. Areas that open up to the neighborhood could incorporate active recreational areas or public amenities.

Noted.

What is the lot layout associated with this development?

Staff: The lot layout does not provide adequate transitions to the surrounding land use areas and uses. The applicant will be required to incorporate the appropriate transitions, as previously noted, to comply with the Comprehensive Plan's Future Land Use Map, goals, and policies, as well as the Town's Corridor Plan's design guidelines. To be determined at preliminary plat.

The Applicant is not interested in increasing the size of lots abutting Settler's Landing and Fox Ridge which on the west side of CR21. The proposed lot size meets the requirements of Suburban Perimeter.

How does the lot layout interface with the roadway network?

Staff: No major concerns as most lots front internal roadways. The southern edge of the single-family lots back up to the roadway and create an unwelcoming entrance to the commercial and residential portions of the neighborhood. This area should be revised to allow homes to front along the roadway.

This comment is not objective and difficult to address. We have yet to design any part of entrances to the commercial or residential areas. The road on the north side of the commercial land is not conducive to residential access. Changes to the lot layout is not warranted at this time.

How is lot diversity accomplished?

Staff: The management plan and concept plan provide little lot diversity as presented. This development should incorporate appropriate transitions to adjacent properties and to the commercial area to the south, as previously stated. Addressing these areas will provide a variety of lot sizes and housing products within the neighborhood that will help the Town pursue commercial opportunities to the south along WCR 74. This will also provide a variety of housing opportunities within this one neighborhood. Otherwise, how does this neighborhood differentiate itself from any other in the community or region where the same house product and design is offered numerous times.

Product diversity for the project is provided by several different uses; school site, commercial, multi-family, 63' lots and 72' lots, resulting in five different products and three house types. Per Section 16.6.20.2(c)(1)b a minimum of three (3) housing types is required on any project development plan containing one hundred fifty (150) acres or more. The school site and commercial area enhance the overall diversity and meets the requirements of the land use code.

What are the setbacks proposed for each lot?

Staff: No major concern with the proposed setbacks. The plans propose a fifteen-foot building setback and a twenty-foot garage setback. This ensures any vehicles parked in

the driveway are not extending onto the sidewalk area or into the street. The applicant is encouraged to vary the setback to create interest along the street and set the garages back further than the front plane of the home to accentuate the architecture of the home, rather than the visual presence of the garage door. A minimum front building setback of twenty feet will be required.

The hard set minimum 20' front building setback reduces the ability to vary the setback and create interest along the street. The ability to set the front of the house at 15' does not affect the requirement that a vehicle cannot extend onto the sidewalk area. In any case the garage cannot be any closer than 20'.

How do the street designs, lot sizes and setbacks enhance the streetscape?

Staff: The plans mention detached sidewalks as an enhancement. Further enhancements should include pedestrian refuges and areas where pedestrians can safely cross the roadway by narrowing down intersections with curb and gutter extensions. Trail connections should be carefully integrated with appropriate cut through areas along long, uninterrupted, blocks. This will also ensure that tee intersections are designed with the pedestrian in mind, allowing space for crosswalks and ramps that could otherwise be in conflict with driveways. To be determined at preliminary plat.

Noted.

Where are the common areas in the subdivision?

Staff: No major concerns at this time, based on the concept layout. Common areas should be thoughtfully designed as both passive and active open areas, consistent with current code requirements and the vision and values established in the Comprehensive Plan and Corridor Plan.

Noted.

What are the purposes of the common areas in the subdivision?

Staff: The applicant notes that many of these common areas are passive, meaning they do not provide amenities for residents and visitors. Instead, the applicant is relying on adjacent neighborhood parks and amenities to serve the new residents of this neighborhood. The applicant should look for ways to activate open areas rather than planting unusable turf lawns. Detention areas can be designed to be neighborhood amenities with areas for gathering and for play. There are many great examples along the front range area. In addition, open areas should be designed in a way to provide unobstructed lawns for play, with shade areas for relaxation. The applicant should further refine what amenities and features are added to provide diverse offerings in the neighborhood. Parks should also include diverse amenities and shade for the play areas. To be determined at preliminary plat.

Noted.

How are the common areas finished?

Staff: No major concerns at this time as the purpose of the common areas are not fully understood in the draft management plan and concept plan. These areas should be a

more central focus with the concept plan and management plan, rather than an afterthought. To be determined at preliminary plat.

Noted.

How are the common areas managed?

Staff: No major concerns. Common areas should be designed to meet Town technical requirements, even though they will be managed by the Metro District.

Noted.

What is the fencing plan for the development?

Staff: No concerns.

Noted.

What amenities are included in the development?

Staff: The applicant notes amenities as being buffer zones, signage and entry features. While these are features of the development, they are not amenities for the residents and visitors. Details regarding amenities and overall design of common open areas needs to be further developed and refined by the applicant. The concept plan should identify these areas and how they are integrated into the overall development pattern. Illustrative images and examples should be included to show the type of amenities for residents of all ages and abilities.

The concept plan is just that, a concept plan. Amenities will be further defined during the development process. Applicant will work with Town Staff, Planning Commission and Town Council to incorporate amenities.

How are amenities managed?

Staff: No major concerns at this time as there are few amenities identified in the draft management plan. Additional work is required to incorporate amenities for the residents and visitors. To be determined at preliminary plat.

Noted.

How are the entries to the development enhanced?

Staff: No concerns at this stage of the process. Additional details will be provided and evaluated if the proposal proceeds.

Noted.

How is connectivity within and outside the development achieved?

Staff: No major concerns on vehicular connectivity. Additional details need to be provided regarding the pedestrian connectivity outside the development area. The applicant is encouraged to submit a trails and sidewalk exhibit that shows how this development ties into the surrounding pedestrian network. Including safe crossings due to the adjacency of WCR 21 and WCR 74. Internal sidewalk and trail connections and crossing of roadways needs to be carefully designed, incorporating safe pedestrian refuges and adjustments to curb and gutter to make crosswalks more visible to vehicles.

The proposed trail network will connect to existing Town sidewalks and trails. These connections will be further refined during the development process.

How are architectural and landscape designs on individual lots managed?

Staff: Many of the proposed buildings provide little variation between the garage and front plane of the home. This setback variation should be incorporated by certain models to create additional interest within the neighborhood.

Home designs have not been provided for review; hence the comment is unclear? The hard set minimum 20' front building setback reduces the ability to vary the setback and create interest along the street. The ability to set the front of the house at 15' does not affect the requirement that a vehicle cannot extend onto the sidewalk area. In any case the garage cannot be any closer than 20'.

What is the irrigation system, including sources of water?

Staff: No concerns. Developer will provide a non-potable system.

Agreed.

How is potable water supplied to the project?

Staff: No concerns at this time. Current restrictions and limitations regarding water will need to be addressed. These limitations include the construction of a third water tower and the acquisition of additional plant investment fees from North Weld County Water District. (NWCWD)

Noted.

Is there adequate potable water obtainable for the project?

Staff: No concerns at this time. Additional review and analysis will be conducted when utility plans and reports are provided for the Town's review.

Agreed.

How is storm water being managed?

Staff: No concerns at this time. Additional review and analysis will be conducted when appropriate plans and reports are provided for the Town's review.

Agreed.

How will common area landscape be maintained?

Staff: No concerns.

Agreed.

How will the development handle sanitary sewer?

Staff: No concerns. Additional review and analysis will be conducted when utility plans and reports are provided for the Town's review. Current restrictions and limitations regarding sanitary sewer will need to be addressed by the developer. The developer will

need to construct and connect to the Windsor/Severance Truck Line as the current Severance Wastewater Treatment Plant is at capacity.

Noted.

How is off street parking being addressed?

Staff: No concerns at this time. The single-family detached lots appear to provide adequate off street parking. Additional parking analysis will be conducted with the commercial and any other proposed uses when they are designed. Providing adequate space for these uses and their off street parking needs is crucial with the annexation and zoning petition. The proposed zoning line between Suburban Perimeter and Town Core areas needs to be revised to allow additional room within the Town Core area, based on comparisons with other communities and the desired commercial uses for this area. To be determined at preliminary plat.

The annexation and zoning of the property has no impact on parking for the proposed commercial and multi-family areas. As stated by Planning Staff's response "Additional parking analysis will be conducted with the commercial and any other proposed uses when they are designed."

How is exterior lighting being addressed?

Staff: It is unclear at this time what, if any, lighting is being proposed along the internal trail corridors. New LED fixtures produce more intense lighting levels within a neighborhood. All lighting within the neighborhood, including streetlights, should incorporate soft white bulbs with temperatures around 3500K. Anything over 4000K creates glare and is too intense for a residential neighborhood. To be determined at preliminary plat.

Exterior lighting will meet Town Code.

What is the potential impact on adjacent neighborhoods?

Staff: No major concerns with the concept plan. Further analysis will be conducted if the applicant proceeds, including review of the traffic study and formal development plans. The applicant should incorporate appropriate transitions to adjacent estate neighborhoods.

The Applicant is not interested in increasing the size of lots abutting Settler's Landing and Fox Ridge which is on the west side of CR21. The proposed lot size meets the requirements of Suburban Perimeter.

Noise or smells are associated with the development, what are the plans for mitigation?

Staff: No concerns at this time.

Noted.

Are there existing or proposed mineral development/Oil & Gas?

Staff: There are four plugged and abandoned sites within the development area. The required buffer for three of these overlaps with homes within the neighborhood. In a

couple instances, the site is located under a road and next to utilities, making any potential mitigation in the future challenging and impactful to the residents in the area.

The concept plan has been revised to remove lots from oil and gas setbacks.

What is the state of ownership of Oil & Gas minerals?

Staff: No concerns at this time.

Noted.

How are conflicts between project and Oil and Gas development managed?

Staff: No concerns at this time.

Noted.

Moody Annexation Impact Report

March 30, 2020, Revised: February 1, 2022 & July 28, 2022

Project Location

The Moody property contains 309.52 acres and is located in Weld County, Colorado. Journey Homes intends to annex 309.52 acres into the Town of Severance. Approximately 134.36 acres of single-family development. Approximately 14.59 acres of multi-family development. Approximately 9.77 acres for a school site, and approximately 18.24 acres of commercial development. The property's borders include:

- North: Weld County Road (WCR) 76 1/2.
- East: Settlers Landing Subdivision and private, undeveloped land in Weld County.
- South: E. Harmony Road (Weld County Road (WCR) 74).
- West: Teller Street (Weld County Road (WCR) 21)

The area to be developed lies within the Town of Severance Sub-Urban Perimeter zone as designated by the Hometown Vision Comprehensive Plan; a portion of the property that will also be developed lies outside the Sub-Urban Perimeter in the Rural Residential zone. The applicant has requested that the area along E. Harmony Road will be zoned as Town Core, and the remainder of the property north be all zoned as Sub-Urban Perimeter See map below indicating location and vicinity.



Proposed Land Uses

The Moody Annexation is a mainly single-family detached residential neighborhood that will also provide multi-family, a school site, and commercial lots. It is proposed to have approximately 776 residential lots. Commercial lots are anticipated to be located near the E. Harmony Road (WCR74) between Teller Street (WCR 21) and Timber Ridge Parkway.

Annexation Agreement

Per Colorado Revised Statutes 2013 134 Title 134, an agreement will be drafted between the property owner and municipality outlining the responsibilities of each party.

Municipal Services

The area to be annexed as will receive the following municipal services from the stated responsible agencies:

- **Water:** The annexation property is within the Severance Water Service Area.
 - Potable water will be provided to the development by the Town of Severance. It is anticipated that a water system will be designed according to standard practices including a loop system that will tie into existing mainlines.
 - Non-Potable water is anticipated to be provided to residents directly from the metro district.
 - Raw Water, at current market value a share of water is \$62,500.00 (7/2022) subject to change. Raw water dedication will be required.
Applicant is aware Ordinance 2022-13
- **Sewer:** Severance Sanitation Service Area. The internal system will be designed to respond to topography to drain effluent to a low point in the subdivision.
Applicant is aware Ordinance 2022-13
- **Police:** Severance Police Department. See more below.
- **Fire & Emergency Services:** Windsor Severance Fire Rescue. Neighborhood access and street design will be required to conform to Town standards. All construction and fire prevention will be required to adhere to building and fire codes. See more below.
- **Schools:** Weld County RE-4 District. Schools serving this site are listed below
- **Library District:** Clearview Library District. No adverse impacts are anticipated at this time.

- Electric/Communication Service: The developer will be required to work with service providers to establish the most efficient manner for extending service to the community
- Internet service: The developer will be required to work with service providers to establish the most efficient manner for extending service to the community

Financing Method

Any Metro District formation including and I.G.A or service plan is at the discretion of the Town of Severance Town Council. It is anticipated that a new Metropolitan District will be established as the authority to finance all public improvements within and adjacent to the property. It is anticipated that the district will convey public infrastructure to the Town and will establish the means for ongoing maintenance. The district will also provide the administration and control services for the community such as establishing and enforcing the architectural standards and lot landscaping requirements. It is anticipated that the details of the district's organization, obligations and financial structure will be provided in a formal Service Plan conforming to all legal standards.

School District Impact

The Moody property is within the Weld County School District RE-4. Students that will reside within the annexation area will be currently served by the following schools:

- Elementary -Rangeview
700 Ponderosa Drive, Severance, CO
- Middle – Severance Middle School
1801 Avery Plaza Street, Severance, CO
- High- Severance High School
1200 Hidden Valley Parkway, Severance, CO

The statement that follow was generated by Weld County School District RE-4

“The proposed Moody Development is estimated to bring approximately 262 elementary students to the boundaries of RangeView Elementary, with a core capacity of 600 students and enrollment currently at 713. The proposed development will also bring an estimated 293 secondary students to Severance Middle and Severance High Schools respectively. All three schools are already beyond their capacity limits due to accelerated residential growth within the Town of Severance.

With the proposed development numbers and estimated growth and calculations, Weld RE-4 School District is requesting a 10-acre parcel dedicated to the district for a future elementary school to meet the needs of the Town of Severance. The developer has presented in their 4th submittal a location for a future school which is 10 acres. This 10-acre parcel will meet the requirement of the district if the plan includes a continuous road at the southeast corner.

The calculations call for a 14.7-acre site based on a buildout of 795 single family homes. By providing these 10 acres, this meets the site dedication requirements for 544 of

the single family homes. For the remaining 251 single family homes a cash-in-lieu in the amount that is agreed”

Severance Police Department Impact

The Town of Severance reached out to the Severance Police Department and Police Chief Jim Gerdeman stated,

“I do not have any issues with the Moody Annexation, and I will have to address the Public Safety needs once the final information is provided on the Commercial Businesses.”

Chief Gerdeman went on to say that public safety needs are based,

“On the calls for service, the new development would produce. I will not know that until the homes are built. I can state the Commercial properties will increase calls for service and we will need to increase staffing but that will not be known until we know what commercial businesses are coming to the town. A flower shop is not going to be a problem, unlike a retail store or liquor store.”

Windsor Severance Fire Rescue Impacts

The Town of Severance reached out to the Windsor Severance Fire Rescue, they have adopted Impact fees (as seen below) that will be assessed and collected at the time of building permit.

Calculation of Impact Fees

Impact Fee by Land Use

Single family residential (per dwelling unit)	\$693
Multifamily residential (per dwelling unit)	\$272
Commercial (per square foot)	\$0.35
Industrial (per square foot)	\$0.35

WHY IS WSFR IMPLEMENTING IMPACT FEES?

WSFR provides fire rescue services serving the towns of Windsor, Severance, and unincorporated parts of Weld and Larimer Counties. WSFR services a population of more than 50,000 residents in a total area of 100 square miles and responds to approximately 4,000 calls per year. Because of a heightened interest in development, the District is implementing development impact fees, effective August 1, 2021, as part of a larger strategy to ensure that future development pays its own way and existing residents and services are not financially burdened by new growth.

Traffic Impacts

The Town of Severance Transportation Plan adopted June 22, 2021, provides an in-depth analysis of existing conditions and anticipated needs through the year 2040. The analysis projects build-out of

residential and commercial uses, the traffic that would be generated, and the road improvements necessary to accommodate the traffic at acceptable levels. The Concept Plan and Management Plan submitted to the Town anticipates right-of-way dedications on E. Harmony Road (WCR74) and Teller Street (WCR 21) to accommodate the ultimate cross sections for all road improvements. At this time staff has no concerns. However, during development review traffic studies will be required to show improvements required.

Environmental Impacts

Existing land use has been agriculture. Currently, staff has no concerns. During development review, environmental study may be required.

Resident Impacts

Similar to all new subdivisions being built, construction would potentially be the largest impact on current residents and neighboring subdivisions. Most affected would be the Fox Ridge Neighborhood to the west, the Settler's Landing Neighborhood to the east, and the Summit View Neighborhood to the south. Construction noise, dust, and trash is a common resident impact. Community Development Inspector as well as Severance Police Department Code Enforcement would work together to keep impacts minimal by doing routine site visits as well as inspections. Traffic studies during developmental review will pinpoint exact improvements required, but it is expected that improvements along E. Harmony Road from Teller Street to Timber Ridge Parkway as well as improvements north along Teller Street from E. Harmony Road to Weld County Road 76 would be required as well as a traffic light being installed at the Timber Ridge Parkway and E. Harmony Road intersection. Road improvements may cause delays in commutes to current residents as an initial impact but could also improve commutes in the future as a long-term impact and would support a better flow of traffic along the E. Harmony Road Corridor. Commercial lots along the E. Harmony Road Corridor could be a potential resident impact and may provide retail opportunities as well as potential employment opportunities of residents. During development review community outreach efforts may be required to determine specific resident impacts.

Economic Impact

The Economic Impact of a proposed neighborhood of 776 residential lots with commercial lots and multi-family along the E. Harmony Road Corridor can be broken down into potential costs and potential gains. First, looking at potential costs it can be split into short-term impacts vs. long-term impacts.

Short-term economic impacts would be the cost of sewer and water. Placing a subdivision of the purposed 776 residential lots would require an upfront cost of getting water and sewer to each lot. The need to increase current water storage would be required. Severance currently does not operate a water treatment plant and is a wholesale purchaser of potable water. The Town's supply for potable water comes from North Weld County Water District (NWCWD). Severance owns its water

rights for raw water and sends needed water to NWCWD each year for treatment and delivery. Severance has two 500,000 gallon treated-water storage tanks with a total capacity of one million gallons. The existing water storage tanks provide water for fire protection, daily operating levels, and emergency water storage. Severance also has a pump station that is located immediately adjacent to Severance's storage tanks. The Town currently has two master meters that connect the Town's system to NWCWD. The Town also has an emergency meter connection for redundancy. This current infrastructure will not support a purposed residential subdivision of 776 lots. If annexation is approved the developer will need to work with Town Staff to address water infrastructure needs.

Sanitary sewer is treated in an existing town-operated treatment plant and also transported in a trunkline to a regional treatment plant in Windsor. These combined facilities have the capacity to treat the equivalent to a 1.2 million gallons of wastewater per day. With the addition of the purposed 795 residential lots and commercial lots, this would place the current town-operated treatment plant beyond its capability and all wastewaters will need to be sent to the Windsor Treatment Plant. If approved, the developer will need to work with Town Staff to address sanitary sewer infrastructure and the need to either upsize current lines or build a connection line to the current Windsor Trunkline.

A final short-term economic impact would be the plowing of new streets. New streets would need to be maintained by the Town from the start of construction. This impact would continue to need maintenance transitioning into a long-term economic impact which would be the continued upkeep of additional roads. It is estimated that a crack seal operation will need to take place on average every 5 years, and roughly every 15 years the roads would need to be rebuilt. A traffic study will determine all needs and requirements but is anticipated that improvements on E. Harmony Road and Teller Street will be required. It may also require a traffic light to be placed at the Timber Ridge Parkway and E. Harmony Road intersection.

Long-term economic impacts include continued park maintenance as well as open space maintenance. The Town's Public Works Department would have to account for the additional man hours this annexed property could require with additional parks, roads, and open space. If this project requires a lift station the added cost of upkeep and maintenance would be estimated between \$1500.00 - \$2000.00 per month for added chemicals, cleaning, and superbugs required."

From: [hollycoope](#) [REDACTED]
To: [Abdul Barzak](#)
Subject: New build at Teller/74
Date: Saturday, January 29, 2022 10:11:11 AM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender hollycooper955@yahoo.com

To whom it may concern

As a resident at 103 flat iron street I disagree with any new residential building until a new school is built to accommodate the children. I also disagree with the amount of multi family housing. I feel that our little farm community is going to loose its safety, charm, and personality. We do not approve of this at all.

Christian and Holly Cooper.

[Sent from Yahoo Mail for iPhone](#)

From: [Chris Kelley](#)
To: [Abdul Barzak](#)
Cc: [Chris Kelley](#)
Subject: Any new builds
Date: Saturday, January 29, 2022 10:38:13 AM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender chris_k69@hotmail.com

To whom it may concern,

I am writing to let you and the town planning committee know that I am opposed to any new builds, single family or multi family, until at least three new elementary schools, two new middle schools, and one new high school have been constructed and finished in our school district to accommodate the exploding population that has been more than encouraged by the past actions of your committee and the town council. These actions have been short sighted and planned for selfish financial gain.

Furthermore, the town nor North Weld water district has adequate water to accommodate any more housing builds. It is preposterous to continue to rubber stamp every housing development that comes before you because the developer takes you and the committee out for lunch. Enough is enough.

I urge you and the committee to strongly consider my stance. Trust me, thousands more Severance citizens agree with my view and dismay of the unchecked growth that the town had seen in the past five years.

Regards,

Christopher Kelley

Sent from my iPhone

From: [Jacqueline Hayes](#)
To: [Abdul Barzak](#)
Subject: Moody Annexation/new development concerns
Date: Monday, January 31, 2022 12:18:07 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender jacqueline.hayes9685@yahoo.com

Hello Abdul,

I am a newer Severance resident. I have lived here just over two years. I have seen how many homes have been built and continue to be built in such a short amount of time and I have a real concern. Aside from being a resident in severance, I am a mother of two school age children. Since living here, our schools have been overcrowded to the point that my children don't even get to go to school in the town that we live in! We were originally zoned to be part of Severance schools and were quickly moved to a Windsor school based on the continued building. The town is allowing homes to be built without thinking about the responsibilities that come with that. There isn't a clear plan in place that allows the district to grow with the amount of families moving into our area. This is a true concern not only as a parent, but as a taxpayer.

Along with the school issues, what is being done to keep our roads safe? The amount of traffic that has come from the ongoing building is ridiculous. I live in severance shores and there are times I'm sitting at my intersection for over 5 mins just trying to turn right because of the amount of cars and there isn't a plan for a light from what I've been told. I have witnessed so many near miss accidents on a regular basis. That's a joke in itself! Harmony/74 is already a busy road and when you add another 800 homes, well it's just crazy to even think about. The planning was not done prior to Hunters Crossing and Severance shores going in, let alone the other neighborhoods that have been added or being added, so my confidence that it will be done prior to this new development is nonexistent.

I would hope that before any further building was permitted, the town will take these concerns into consideration. I can't emphasize enough how important a resolution truly is.

Thank you,
Jacqueline Hayes

From: [Tessie Heeter](#)
To: [Abdul Barzak](#)
Subject: Severance town plans
Date: Monday, January 31, 2022 12:41:42 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender tessie.heeter@gmail.com

Hello! I'm a resident of Severance, living in Hunters Crossing. I was reaching out to express my concern regarding the amount of homes being built compared to the plan (or lack thereof) of schooling for our kids. My kids already are slotted for Windsor (Grandview) because Rangeview is overcrowded. I don't know how a council could approve building more homes when kids of their community currently don't fit in their neighborhood school.

We moved here because of the close community and amazing schools. It feels as though that's being taken away from us in our first year living here. Overcrowded schools cannot be successful schools. I would love to chat more if you have questions.

Thanks,
Tessie Heeter



From: [Kaela Hopkins](#)
To: [Abdul Barzak](#)
Subject: Moody property plan
Date: Monday, January 31, 2022 9:30:54 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender ktnova31@yahoo.com

Hello,

As a Severance resident I have great concerns with the potential Moody property plans. There are already too many new developments and too large of a population that our small town can not support. Our schools are already overcrowded with no current plans to build more, traffic is becoming a problem, and the current water moratorium are all valid reasons that adding another 800 homes is just not possible.

Thank you for hearing my concern,

Kaela Terranova

[Sent from Yahoo Mail for iPhone](#)

From: [Melo -](#)
To: [Abdul Barzak](#)
Subject: Re: moody annexation
Date: Tuesday, February 1, 2022 2:24:23 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender melissa.outman@gmail.com

Hello,

I am writing in regards to the proposal for the moody property. My family and I own a home in Summit View just south of the proposed development. As we will be directly affected by this plan I hope my families opinion will be considered. We would appreciate some commercial/retail property in the area. However we are very concerned about the large number of additional residential properties being approved. Especially without appropriate infrastructure for the addition of future residents. Our schools are already over capacity. We have very limited commercial/retail spaces to support this growth. Our town is in need of more businesses/schools first. We sincerely hope someone in town hall might actually be bothered to say no to one of these home builders from time to time.

Sincerely
M Outman-Colabello

From: [Contact form at Severance, CO](#)
To: [Abdul Barzak](#)
Subject: [Severance, CO] Moody Annexation/zoning/Concept Plan (Sent by Rachel Richards, rach.richards2113@gmail.com)
Date: Tuesday, February 1, 2022 3:06:07 PM

Hello abarzak,

Rachel Richards ([rach.richards](#) [REDACTED]) has sent you a message via your contact form (<https://www.townofseverance.org/user/101/contact>) at Severance, CO.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofseverance.org/user/101/edit>.

Message:

Hello,

I am writing in response to the proposed development.

The current infrastructure within the town of severance cannot support the amount of growth that this new development would bring.

1. There is not enough capacity in the already overcrowded schools.
2. The closest grocery stores are already under-stocked, under-staffed, and supply residents in multiple cities.
3. The availability of decent internet and cell phone reception out here is extremely limited and already pushing capacity - Internet is not sufficient to work from home, most cell phone carriers have absolutely terrible coverage out here.
4. There are already concerns about the availability of clean water supply as there are not enough facilities to treat our water and the water to residents of our surrounding cities. Demand for the clean water is going to rise with the development of new homes - how is this going to be supported without the necessary facilities?

City income considerations - Sales tax is being given to other cities not kept in our own hometown due to a lack of amenities.

Please consider the daily life of an individual/family currently living in the town of Severance and how all of these issues mentioned above would make living here even harder with any more residential development.

Regards,

Rachel

From: [Wendy L West](#)
To: [Abdul Barzak](#)
Subject: Hidden Lake Investments LLC Development
Date: Tuesday, February 1, 2022 5:34:14 PM

Good afternoon,

My name is Wendy West and I live at 277 Audubon Blvd and I want to express my concern and disapproval of the above development.

First, I unfortunately will not be at the Public Hearing in person. I have been to these public hearings and the last one I went to, I felt like this was just a formality. I was told that the developer followed Severance's Comprehensive Plan and therefore the project was a go. I am assuming this will be the same for this development. I just don't understand why things can't change after public comment when the project has not even started yet. Otherwise, why have the Public Hearing? I remember when Mike Lind came into town with an idea for a project and the town people flooded town hall and were able to shut the project down. Why this can't happen again, I don't understand. I believe the town should have the final say in what is best for the community.

I am deeply saddened with this development because it is more Journey Homes, and truly, just more homes on top of homes. This will make the main corridor into Severance wall-to-wall Journey Homes. The only reason people come to Severance is for the location of affordable housing. We service all the other major towns in our surrounding areas. There is truly nothing unique about Severance. The money generated is from new house construction which in turn goes to provide for town administration, policing, and schools. Where is our town identity?

On that note, and knowing the project will go through as planned, I would like to offer a suggestion. Is there any way that the homes can be different from all the other subdivisions? I understand it is convenient for the builder to have the same patterns because of the quick build. However, in the section of Summit View I live in, the builder made adjustments to the gables and front of the house to make it appear like a different style home. Also, the external paint could not match the neighbors on either side. Can there be some kind of stipulation similar to this example given to the builder in order to make several of the houses seem different so it's not a development of all the same design?

Thank you,

Wendy L West

From: [Amberly Fredrickson](#)
To: [Abdul Barzak](#)
Subject: Fwd: Moody proposal
Date: Tuesday, February 1, 2022 9:53:07 AM
Attachments: [zoning_map_2.2.21.pdf](#)

Good morning

I am writing to STRONGLY oppose the annex, rezoning, and development of the Moody property. I am directly impacted by the suggested proposal and while I understand the landowner has rights, the Town of Severance has the choice to keep the land they purchased at the time zones as rural and annexed. I STRONGLY encourage everyone to oppose the annex and rezoning.

When considering, I'd like you to ask yourself the following.

- ***Is this Moody plan in the requested zone change consistent with the Town of Severance? Does the community really want more houses?*** I do not believe that the current residents of Severance want this town to continue to grow at the rate it has been growing. Weld RE 4 is asking for the growth to slow down. The schools are asking Severance and Windsor to STOP building and that they can NOT serve the current or upcoming populations. My concern is we allow the growth but the community and services come after the fact. A case in point is the school and the current community is negatively impacted. Northern Weld County Water District has put the moratorium in place because they recognize the growth is out of control. There is a reason Weld County kept this property annexed and zoned as rural.
- The attached map shows that Moody proposal is NOT supposed to be developed. IT is not coded as "development node" and therefore the Town previously had NO intentions on developing this area and AGAIN is not prepared to do so.
- **IS there a need to rezone?** No, there are several communities already approved where people (taxpayers) can move into Severance. There are additional commercial properties next to Dollar General that can be used. This property does not need to be rezoned, the Franklin development which is already approved is similar. NO, the Town is projecting "development nodes" and the Moody project is NOT one of them.
- **Is the zone change consistent with the orderly development of public services?** NO, this again is the reason the Northern Weld County Water District put a stop to building in Severance. NO, Weld RE4 is at capacity and consistently in letters to the town stating they can not serve the community. NO, the roads will be destroyed and there will be more dangerous intersections. NO, this development will drive down property values in surrounding communities. This will not serve the community and will continue to decrease the quality of life for current residents. The Town can use other communities for commercial properties and taxes. The town can put commercial properties next to the Public Works, the Franklin development, and coming into town.
- **Is this consistent with other community development?** NO, the Moody is suggesting commercial and the surrounding community is Rural Residents (see attached map, again). NO, other community developments support nature and green belts between housing developments. The multi-family house directly backs an established Settler's Landing Neighborhood. There needs to be a least a green belt. Given that Settler's Landing backs that development the park could be moved towards the east to also be considerate of the established neighbors and provide a buffer. The multi-family needs

to be elsewhere on the land so it doesn't make the existing Settler's Landing properties go down. They purchased their home expecting that zone to remain rural. In surrounding communities, there are individual larger lots and fewer homes. In other communities, the school is able to serve the children. In other communities, the infrastructure.

I will once again ask you to oppose the annex and zoning of the Moody proposal. The attached zone mapping should remain. It was updated by, you, the town on 2.2.22 and needs to remain. The Town of Severance should not annex or change the zone. It is NOT in the plans. It NEGATIVELY impacts students and families. It NEGATIVELY impacts Settler's Landing.

I plan to remain actively involved in this proposal. I am extremely concerned about this proposal.

From: [Dan Russell](#)
To: [Abdul Barzak](#)
Subject: Moody Annexation Plan
Date: Monday, February 7, 2022 3:23:25 PM

Abdul,

As I may not be able to attend the neighborhood meeting on this subdivision plan, please accept these written comments and distribute where applicable.

As an adjacent homeowner, I have several areas of concern:

1. Traffic (vehicular). Adding 795 new homes (plus multi-family units and commercial ventures) within a few hundred yards of my home will increase vehicular traffic in this general area considerably. Are the planned improvements to the current roads and traffic signs/signals sufficient to support that increase in traffic? What is the timeline to make sufficient improvements if the Moody subdivision is approved?
2. Traffic (foot). This is a significant concern as my subdivision (Fox Ridge) does not have sidewalks. Residents and their children and animals walk on the streets themselves. This has never been an issue because there has been very little vehicular traffic. Historically, only residents and service providers (and a very few "looky-loos") drive our streets. Putting several hundred houses mere yards from Fox Ridge will increase the vehicular traffic in Fox Ridge significantly. Does the town of Severance plan to put sidewalks in Fox Ridge to ensure the safety of foot traffic in and around Fox Ridge? People from Severance Shores often walk across the open area behind my home. They often chose to walk right next to my back fence and some even stop and attempt to interact with my pets. This is happening with some frequency from the 265 houses in Severance Shores. One can only assume that 795 houses on the other side may produce a 300% (or more) increase in the number of people walking along my back fence. Is there a plan to put in a walkway further away from our property or some other plan to keep this additional foot traffic further away in the open space to be less intrusive to homeowners in Fox Ridge?
3. Infrastructure. Will the water needs of these 800+ buildings cause any issues to the Town of Severance infrastructure capacities and capabilities? What of law enforcement, sewage, electricity and internet service? Are all those systems readily capable of handling a 100%+ increase in demand in this immediate vicinity?
4. Lot size. The average lot size in Colorado is roughly 7500 square feet. Every single lot in this planned subdivision is under that average. While roughly 30% are just 2% less at 7200 sq ft, fully 70% of the planned lots are 6200 sq ft (or 15% smaller than average). It seems to me the only entity to benefit from these lot sizes is the builder. Not the residents, not the neighbors and not the town. By putting more and more houses on smaller and smaller lots, there can be additional challenges to infrastructure (see #3) and fire risk management (see #5) to say nothing of negative overall impact to nearby home values. Where is the Town going with this trend? Will it be accepted if the next subdivision has a 5000 sq ft lot size? How about 4000 sq ft? Does the Town of Severance have any standard for minimum lot size in new subdivisions? I respectfully submit there should be a minimum lot size around 7000 sq ft, which would help to mitigate several concerns.

5. Fire risk/management. Especially in light of current events near Denver, are there discussions underway regarding the increased fire hazard of having so many houses built so closely together? As an adjacent homeowner, I am very concerned about the increased chances of fire associated with this planned subdivision and the potentially increased size and scope of a fire should one occur. I do not believe there is sufficient firefighting manpower and machinery available at this time in Severance to alleviate that concern on behalf of current residents.

Sincerely,

Dan Russell

President – Fox Ridge HOA

[REDACTED]
[REDACTED]

From: [Jacqueline Hayes](#)
To: [Abdul Barzak](#)
Subject: Moody project/annexation
Date: Wednesday, February 9, 2022 8:17:28 AM

Hello Abdul,

I have written in regards to the Moody project/annexation prior to today, but it was brought to my attention the builder's response to Weld Re-4's request that would allow school expansion for the projected incoming families. This is absolutely absurd! They stated that schools would be located within a specific radius, which is true, but also this is pure ignorance. This shows just how money hungry and egotistical Journey Homes truly is! They do not care about our community, nor the future of our children. Majority of the new subdivisions are already bussing our children to Windsor to go to school, as Range View elementary is over capacity! Grandview elementary (Windsor) cannot house the amount of students projected for the next year without adding mobiles to the small property they have. I can assure you that this project would be devastating to our already strained school district! Please, PLEASE continue to halt the annexation of this land and approval for this project until they are ready and willing to come up with a solution to this major issue!

Thank you again for your time,
Jacqueline Hayes
Concerned mother and Severance resident

From: [Carrie Vicente](#)
Subject: Moody Project - Severance
Date: Tuesday, February 8, 2022 8:09:23 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender vicente.carrie@gmail.com

Good evening,

I am writing as a concerned resident of Severance. While I support town growth, the Moody Project does not have our town's best interest in mind.

1. Our current water treatment agreement cannot keep up with the growth. This is a classic case of putting the cart before the horse. Why should we add 800+ more homes to this issue?
2. Our current schools are bursting at the seams. Employees of the schools are getting burnt out and truly not able to perform at their best with the current one school per elementary, middle and high. I am a prior teacher and experienced mental and physical health detriments due to similar conditions. Currently, we live not even half a mile from Range View Elementary School yet we cannot attend there because it is too full. My son will be school age in 2 years, yet our zoned school Grandview is already full too. Why toss your families around (who are the heart of Severance)? We are the ones supporting growth of our town, so please support us back with a second elementary school.
3. Journey Homes have taken over Severance with a vengeance. They will find land anywhere they can grab and continue to build. Their lack of compassion in the Moody Project (quote: "The request for a 10 acre school site is an overreach"). Journey does not care about our town—they care about the potential money they can sweep in.

Please, please continue to oppose the Moody Project. It does not align with the needs of our town, nor the wants. We need schools to house these children who are our future. For a town that is so hungry for growth, they should be hungry for the growth of the children living in it.

Thank you,
Carrie Vicente

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Carrie Vicente

From: [Valerie Simons](#)
To: [Abdul Barzak](#)
Subject: Moody Project
Date: Tuesday, February 8, 2022 8:10:29 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender valerie.koester@gmail.com

To whom it may concern,

I am writing this letter as a concerned resident of Severance. We must stop the building of more residential homes in the Windsor/Severance area. We are already experiencing a moratorium on water taps due to the shortage of water, the bonds for building new schools was voted down which means our children's education will be diluted and dumbled down and our infrastructure is far from where it needs to be to support new residential buildings. I applauded the town's requirements to Journey Homes for more open spaces, more monetary donations for school and infrastructure. Please continue this fight, the builders are profiting from the declining status of this once great city. Windsor used to be the desired location for families because of it's renowned school curriculum, now all I hear from residents is how they are removing their students due to overcrowding and a diluted education. If the non-stop building of residential homes continues there will be horrendous consequences to the city, it's residents and it's reputation.

Please fight for the future of this town and stop adding homes for families we cannot sustain. There is nothing wrong with halting all residential building for 2 or 3 years so the rest of the town can catch up to the rapid inflow of families. As the leaders of this town you would be doing all current and future residents a major disservice by not controlling the growth now.

Thank you,

Valerie Simons

From: [Melo -](#)
To: [Abdul Barzak](#)
Subject: Re: moody annexation
Date: Wednesday, February 9, 2022 1:17:21 PM

Thanks for the feedback. So disgusted after I just saw Journey homes response to Weldre4 request for school space and funding. How is Weldre4's request possibly an over- reach considering how many added homes and developments Journey has built in this community with zero investment in educational infrastructure. Severance Shores, Severance Reserve, Hunters Crossing, Overlook, and now Moody. Exactly how do they expect our already over fire safe capacity schools to accommodate this new build. Please Please Please Severance planning commission, WeldRe4, and Severance council, stick to your guns and say no, without Journey making concessions. We need schools and businesses before more houses.

Thank you for your time and consideration.

On Tue, Feb 1, 2022, 3:03 PM Abdul Barzak <abarzak@townofseverance.org> wrote:

Hello,

Thank you for providing comment. Town staff takes these comments seriously and will present your comments to both the Planning Commission and Town Council. Please feel free to call my direct line at 970-692-1556.

Thank you,



From: Melo - <melissa.outman>

Sent: Tuesday, February 1, 2022 2:24 PM
To: Abdul Barzak <abarzak@townofseverance.org>
Subject: Re: moody annexation



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender melissa.outman@gmail.com

Hello,

I am writing in regards to the proposal for the moody property. My family and I own a home in Summit View just south of the proposed development. As we will be directly affected by this plan I hope my family's opinion will be considered. We would appreciate some commercial/retail property in the area. However we are very concerned about the large number of additional residential properties being approved. Especially without appropriate infrastructure for the addition of future residents. Our schools are already over capacity. We have very limited commercial/retail spaces to support this growth. Our town is in need of more businesses/schools first. We sincerely hope someone in town hall might actually be bothered to say no to one of these home builders from time to time.

Sincerely

M Outman-Colabello

From: [Paige Morris](#)
To: [Abdul Barzak](#)
Subject: Objections and Concerns about Moody Annexation
Date: Wednesday, February 9, 2022 5:27:49 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender morr2254@gmail.com

Hi!

I'm writing as a concerned citizen of Severance! I live in Severance Shores. I am asking you to please continue to oppose the building of 800 new homes in Severance without commitment from Journey Homes to include a way to fund/build a new school! Our children and teachers are already suffering from over capacity at the schools and I do not wish to continue to add strain to our education! Stand your ground for the good of the community! Please!

Thank you so much!

Paige Sprecker

From: [Amberly Fredrickson](#)
To: [Abdul Barzak](#)
Subject: Moody; Land Code next steps
Date: Wednesday, February 9, 2022 1:52:02 PM

Hi Abdul

First off, thank you so much for showing up to work. I do believe the people who are sitting on the council want what is best but are unable to do so due to codes/laws, etc. I think we all share a common goal in wanting Severance to be the best community possible. Somewhere along the line, big national builders came in and destroyed the reason many of us moved out here. Anyway, can you help me understand some next steps?

I went to the Council Meeting yesterday and spoke during Public Comments. I stayed as long as I could but with young kids at home, I had to leave. I finished the meeting via Zoom. At the end of session, there was a "petition" to have a "work session" to review the land use codes and discuss the possibility of putting together an advisory board that consists of board members and residents to make any changes to the land use codes.

Procedurally, I don't understand what's next. Where can I find this information? Do myself and others continue to show up to public comments? Different meetings? Do we do some sort of petition? How can I keep the conversation of the land codes and advisory board going? I feel very strongly about this and have found some additional community members who are as concerned and want to be involved.

Procedurally, if you can't answer please direct me to someone who can help me understand the process.

Thank you and have a good day.

Amberly

From: [Anne M](#)
To: [Abdul Barzak](#)
Subject: Moody Property Concept Plan
Date: Friday, February 11, 2022 8:04:49 AM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender mcdowell3938@gmail.com

This email is in response to the presentation of the Moody Property Concept Plan sent to us in the mail and presented at a town meeting on February 7, 2022 at the Severance town hall. My husband, Jack, and I own the small 2.5 acre parcel in the upper left hand corner of the plan (36990 County Road 21). We have several concerns regarding this plan that will likely affect us and the surrounding community in a negative way.

First, the plan indicates that a county road (Future WCR 76) could be completed at the north boundary of the subdivision ending at our east property line. You indicated at the meeting that easement for that road has existed for some time. I have attached 3 photos of maps provided to our builder in 2003 as we were planning the building of our home, and when the Schlager Annexation was approved by the town of Severance. There is a clear indication of the right of way for County Road 21 but there is no indication of the right of way for County Road 76 on any of these maps. At the time we built our home in 2003, there was no indication on any of our documents that this road was being considered for future construction. We built our home with no knowledge of the existence of this easement. If we had been aware of it, we would have built the house further away from it. We are very concerned that this road could end up being in our backyard. We would like to see the documents available that indicate this easement legally and why our building plans were approved by Weld County knowing this easement existed but not informing us of it. If this documentation does not exist, we would like to see this completely removed from further subdivision plans for this property.

We also have concerns about placing nearly 800 homes in this subdivision with very small lots. We do not feel that the town of Severance has the amenities, commerce, or school space available to accommodate this kind of growth, especially considering all the current subdivisions which have already been built and are in process. We have noticed a significant increase in the amount of traffic on County Road 21 already and are concerned that the traffic will have a significant impact on local residents. Also, the irrigation canal that is located on the west side of County Road 21 is a big concern for traffic and safety as more people move into the area. We have seen more and more joggers, bicyclists and people walking dogs along the road and we, personally, have had to assist several people out of the canal when the road is slick. This canal and open headgates will also be a draw and hazard for any inquisitive children in the area. Will there be any mitigation to keep the new residents of this community safe there?

When I attended a town meeting at the time County Road 21 was annexed to allow access for the town of Severance to its water tanks, the town representatives at that time indicated that future growth in the Moody property area would be low density in keeping with the rural nature of the town. This subdivision is certainly not low density and would increase the traffic and noise in the area considerably.

Our last concern is regarding water. We have just experienced a 28% increase in our water

rates and the town is currently under a moratorium for issuing water taps as North Weld County Water is unable to treat the water for the current growth. I cannot speak of others, but as retirees, we cannot withstand an increase in our water bills, taxes, or sales tax at this rate to accommodate this level of growth.

I appreciate your willingness to consider our concerns and hope that you will continue to include and inform the current residents in all projects that will affect us in the future. Please feel free to contact us if we can provide additional information or if you any questions.

Sincerely,
Anne and Jack McDowell

A black rectangular redaction box covering the signature area.

From: [dottie lovato](#)
To: [Abdul Barzak](#)
Subject: This is my post on FB please take mine and many many others opinions seriously.
Date: Monday, February 14, 2022 5:21:12 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender dottielovato@gmail.com

We need to tell the town that we need more schools, small businesses and grocery stores. We need to grow our town with amenities to keep the money circulating here and not have to spend our money in other towns because we have nothing here in Severance. Stop the sea of new poorly built homes with nothing to base this town off of!! People go to the meetings to help our town make responsible decisions!

Thank you

Dottie Lovato

From: [Greg](#)
To: [Abdul Barzak](#)
Subject: New Development
Date: Monday, February 21, 2022 9:59:43 AM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender gfreeber@gmail.com

To whom it may concern.

I am writing to you with my concerns about the new approximately 800 home development. By · Journey Homes (operating under Hidden Lake Investments, LLC--owned by Larry Bukendorf, who also owns Journey Homes with Jeff Demaske), is proposing a development on the corner of Teller Road (CR21) and Harmony Road (CR74)

I have lived in Severance since 2004 and when I first moved here it was a great small town feel along with living in a rural community. I realize all towns need to grow but we are growing at a pace that is way too fast and the existing severance taxpayers are paying for it.

I was always wondering how we can maintain this growth with the water and school demands and not letting it affect the taxpayers. Well, here we are and when we received the 18% increase in water rates it proved my point, we were giving away the bank to the developers and they were not paying their fair share. If the developers want to build in Severance they need to pay for infrastructure, appropriate tap fees and the future school's needs. The existing tax base should not pay for this!

I have watched the elementary school be built and from day one we started hauling modular units in to support the school. We have built a middle school along with a high school and we need to make sure the developers are paying their fair share. Asking for 10 Acres and the school impact fees is not too much to ask. In fact it should be required, If they don't like it, they should go to another town and build. We need to be responsible for what we are doing and not put the burden on the taxpayers. The Severance planning commission, town board along with the school district need to support the existing taxpayers. These developers are making millions at our expense. We need to bring the land use code up to date.

Thank you for your time

Greg and Jodie Freeberg

[REDACTED]

[REDACTED]

From: [Michael Ozog](#)
To: [Abdul Barzak](#)
Subject: Moody Annexation
Date: Thursday, February 24, 2022 9:16:48 AM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender michael.ozog@IntegralAnalytics.com

Hello Mr. Barzak,

I am a resident of Fox Ridge ([REDACTED]), and I have a few questions about the Moody Annexation. I attended via zoom the neighborhood meeting, but had difficulty in hearing the questions, and was not able to attend the planning nor town meetings that addressed this issue, so please forgive me if these questions have already been addressed.

1. What is the timeline for the Moody annexation/development?
2. My impression is that if the plan meets all the requirements of Severance Land Use plan, it will probably be implemented. Is there any current aspect of the plan that does not meet the land use requirements?
3. I am an amateur astrophotographer so I am quite worried about light pollution from this development. Does the land use plan address potential light pollution issues?
4. At this point in time, has there been any economic impact evaluation of this project, which particular emphasis on property value, taxes, infrastructure, and transportation? If so, is it possible to get a copy of the analysis?
5. The plans currently have commercial development spaces, is there any idea what is likely to be placed at those locations. As I am sure you know, Severance really needs a local full-service grocery store.
6. Is there anyway I as an individual be involved in the decision making process for this and other development plans?

Thank you for your time,

Michael Ozog

From: [Jacqueline Hayes](#)
To: [Abdul Barzak](#)
Subject: Land Use Code
Date: Wednesday, May 11, 2022 2:41:41 PM

Hello Abdul,

I just wanted to reach out and share concerns I have with current projects being considered. One of the hardest things for me to wrap my head around is how the town and board are even considering a project that has the potential of an 800 home development and we don't even have the infrastructure in place for current residents. I live in Severance Shores and can't even walk into town on 74 because there aren't sidewalks or crosswalks to get to designated sidewalks safely. One of the reasons we chose to live in Severance was because we love the small town feel and being part of a small community. Without a change in the current land use code, we are very quickly turning into a town we did not want to live in.

In a nut shell here are my biggest concerns...Our children are bussed to Windsor because the elementary school here is over capacity. We can't walk safely into town or the Dollar General. We do not have the police force that will need to be present as we continue to grow. More people ultimately leads to more crime whether we want to believe that or not.

Please consider my concerns and share with whomever is responsible for making these decisions, especially when considering these bigger developments. Growth is inevitable and I am all for it when done responsibly. As a current resident, I hope to see more development that targets us and continues to build the community we so desire (rec center, community pool, grocery store etc.)

Thank you for your time
Jacqueline Hayes

From: [Greg](#)
To: [Nicholas Wharton](#); [Abdul Barzak](#)
Subject: Moody project
Date: Friday, May 13, 2022 2:54:33 PM

To whom it may concern.

I am writing in reference to the Moody project that has been [resumited.to](#) the town.

You need to consider the impact on the existing taxpayers, Journey home needs to pay for anything that will affect the current taxpayers. Journey homes is making millions on this project.

The need to pay all costs associated with water and wastewater and road upgrades, we already are paying 18 % more in water because Journey Homes have been given favors in the past. This included any upgrades to the existing system. They also need to pay fees to improve the schools because it is obvious our school system will not handle another 800 homes along with Windsor's growth.

The economy is slowing and people are paying for past mistakes. Let's not keep making them.

Sincerely

Greg Freeberg

From: [Michael Young](#)
To: [Abdul Barzak](#)
Subject: Fwd: Moody project
Date: Sunday, May 15, 2022 8:12:11 PM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender michaelyoungw@aol.com

Sent from my iPhone

Begin forwarded

Hello Abdul,

> Choosing to develop multi family next to rural residential would seem to favor the developer and devalue your current Severance home owners property. Please do not allow annexation and approval of this project.

>

> Thank you,

>

> Mike and Laura Young

>

> Sent from my iPhone

From: [Melo -](#)
To: [Nicholas Wharton](#); [Abdul Barzak](#)
Subject: Moody Annex
Date: Saturday, May 21, 2022 4:46:09 PM

I am writing to express my concerns regarding the possible approval of this development. My children are students in RE4 and with all schools over capacity already, I really hope the board of education refuses to an agreement with the developer for anything less yhan what was originally requested. We have an immediate need for added schools as well as funding for infrastructure projects agreeing to less from Journey Homes. Personally I feel that they should provide more than WeldRe4 requested previously.

From: [Amberly Fredrickson](#)
To: [Matthew Fries](#); [Frank Baszler](#); [Stephen Gagliardi](#); [Michelle Duda](#); [Dan Meyers](#); [Abdul Barzak](#); [Nicholas Wharton](#)
Subject: Moody Annexation concerns
Date: Friday, July 8, 2022 1:30:44 PM

Dear Council,

I am writing to express my strong opposition to the Moody project, the proposed annexation at CR 21 and CR74. While the local community may be unable to prevent development, that in itself will be detrimental to the area. I am completely opposed to the addition of multi-family housing and the number of homes that will cause traffic and safety problems, create even more problems with schools that are already over-capacity, destroy local wildlife habitat, and potentially lower the property values of the existing community. This is a terrible idea for Severance.

Water, traffic, public safety and school capacity are and major areas of concern. The traffic surge during rush hours will also negatively impact safety for our loved ones. In general, the area traffic is continuing to increase, and heavy traffic is already common and has caused tragedies.

Schools in the area are already reported at overcapacity, 120%+. Many of Severance students are already shipped off to Grandview. The purposed school will not address the capacity issues. It minimizes the fact that there will be an additional 900 houses with multiple school age children. Journey exacerbates the capacity issues for their profit. Journey is not interested in partnering and supporting the community. In a previous letter between Weld RE4 and Journey a request for school site or money was an "overreach."

Property values are likely to go down in the area if multi-family apartments are added and if 900 poorly built houses are added to our area.

I urge you to disapprove the proposed annex. I know my opinions are shared by many.

Thank you for your time.
Amberly Fredrickson

Sent from my iPhone

From: [Contact form at Severance, CO](#)
To: [Abdul Barzak](#)
Subject: [Severance, CO] Moody project (Sent by Jeff Johnson, 26ratrod@gmail.com)
Date: Sunday, August 7, 2022 12:13:08 PM

Hello abarzak,

Jeff Johnson ([26ratrod](#) [REDACTED]) has sent you a message via your contact form (<https://www.townofseverance.org/user/101/contact>) at Severance, CO.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofseverance.org/user/101/edit>.

Message:

I am frustrated that this project has actually made any progress with the lack of provision for it in the Severance comprehensive plan. The project is in the Growth management area and should be handled with caution. According to the Severance comprehensive plan under the current land use code I found the following statement. “ The purpose of the Severance comprehensive plan to to provide a road map for the future of the community and preserve our towns quality of life, rural atmosphere and small town feel”. I don’t see how the Moody project fits in with this statement or current land use plan. 900 homes stacked on top of each other does not fit this statement or the current land use code. The added traffic load placed on road 74 doesn’t follow the current traffic plan either. I have been to the meetings and heard the mayor say his hands are tied but that clearly isn’t the case. If the Moody project doesn’t fit with this statement and the land use code than it should be rejected until it does. The town of Severance should not allow predatory developers. The town council has the right to stand up against this and demand conformance to our towns quality of life, rural atmosphere and small town feel. Please forward this on to the town council and mayor and anyone you feel should see this. Thank you!

From: [Contact form at Severance, CO](#)
To: [Abdul Barzak](#)
Subject: [Severance, CO] Moody Annexation/Zoning/Concept plan (Sent by Shelly Crider, dssprucefarm@lpbroadband.com)
Date: Sunday, August 7, 2022 12:13:08 PM

Hello abarzak,

Shelly Crider ([dssprucefarm](#) [REDACTED]) has sent you a message via your contact form (<https://www.townofseverance.org/user/101/contact>) at Severance, CO.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofseverance.org/user/101/edit>.

Message:

Hello Abdul, I am writing because I have a few concerns about the proposed development west of where I live. My first concern is the availability of water and sewer for a development of that size. Will this increase fees or water availability for current residents of Severance? I am also concerned about a possible increase in crime in Severance with the addition of so many homes being added. Do we have the police and fire security necessary for the increased population? My last concern is about my own residential privacy. Our development, Settlers Landing, has always enjoyed a private bridle path for walking and riding. I am concerned that these new homes will cause an increase of people, including kids and teenagers using our bridle path. Would there be some kind of fencing erected between the new development and Settlers Landing?

I appreciate your time in reviewing my concerns.

From: [Sandi Friedrichsen](#)
To: [Abdul Barzak](#)
Subject: RE: Moody Annex/Zoning/Concept Plan -REVISED (Town of Severance Planning Referral)
Date: Monday, June 13, 2022 12:32:20 PM
Attachments: [image001.png](#)
[image002.png](#)

1. Please look at our Development and Construction Manual at the following link for further information on this development: <https://www.wsfr.us/wp-content/uploads/2020-Construction-Procedures-Guide.pdf>
2. All street names will need to be approved by the fire district.
3. All commercial lots will need further review and have different hydrant requirements than the residential lots
4. If there is going to be phasing, a phasing plan will have to be approved to make sure that access points and hydrants are present and working.
5. If you have items that you want to check before submitting or have any questions, please feel free to reach out to me at firemarshal@wsfr.us

Sandra Friedrichsen
Fire Marshal
Windsor Severance Fire Rescue
100 7th Street - Windsor, CO 80550
Office Hours Monday - Thursday 0700-1700



www.wsfr.us



****See our [Construction & Development Procedures Guide](#) for information on our construction and development requirements. ****

From: Abdul Barzak <abarzak@townofseverance.org>

Sent: Friday, May 27, 2022 10:41 AM

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Hidden Lake Investments, LLC
7251 W. 20th Street, L-200
Greeley, CO 80634
(970) 352-7072

July 27, 2022

Via Email: abarzak@townofseverance.org

Town of Severance
Attn: Abdul Barzak
3 S. Timber Ridge Parkway
P.O. Box 339
Severance, CO 80546

RE: Moody Annexation Windsor
Severance Fire Rescue

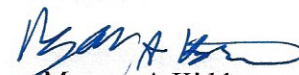
Dear Abdul:

We are in receipt of the referral comments from Windsor Severance Fire Rescue("WSFR").

1. Our engineer will adhere to the Development and Construction Manual when moving forward with design of the subdivision.
2. All proposed street names will be provided to WSFR for review once determined.
3. All commercial lots will be reviewed as individual site plans. WSFR will be included in the referral process during their independent reviews.
4. Phasing plan will be provided to WSFR for review and approval.
5. We will reach out to Sandra Friedrichsen with any questions and clarifications during the development process.

Should you have any questions about the foregoing do not hesitate to contact me.

Sincerely,


Morgan A Kidder

cc: Nicholas Wharton

Winter Farms



Date: May 5, 2022

Subject: Journey Homes Proposed Development – W/2, Sec 35, T7N, R67W

Dear Mr. Barzak.

I am writing to you on behalf of the Winter Family, that has been landowners, farmers, and residents of Severance since 1919; regarding Journey Homes' proposed development that abuts our property to the west and north, as shown in the image below.



We have concerns about Journey Homes' proposed development and the negative impacts that it will inflict, which we wanted to bring to the attention of the Planning Department and the Town Council.

Winter Farms



As shown in the image above, our property listed as the Winter Severance Family Partnership L.P., has the largest common perimeter with Journey Homes' proposed development. As such, we will suffer the greatest impact from the proposed development unless improvements and restrictions are imposed by the Town of Severance, and changes are made by Journey Homes.

We are not "anti-development" or "anti-progress", but over 100-years of occupying our property has taught us the only sustainable method of advancement is "controlled, reasonable and responsible development".

Specifically, we have serious concerns about the negative environmental, safety, health, security, operational and financial impacts that the Journey Home's proposed development will impose on our property, but also that of all adjacent parcels and landowners. I will briefly elaborate on each topic to highlight our concerns.

Environment – We are concerned about solid and liquid wastes and debris from the proposed development being carried onto our property and contaminating the soil from which we raise produce for human consumption. Whether said encroachment is caused by wind, gravity, poor housekeeping or inattention, the result is the same and our property, our crops and our livelihood will be negatively affected.

Safety – We are concerned about the safety of workers and residents of the proposed development both during and after such a development is completed. Our property is an active, working farm operation that utilizes large machinery to conduct activities such as plowing, planting, cultivating, spraying, and harvesting various agricultural products. Our uneven ground and large equipment pose a significant safety risk to anyone venturing onto our property without proper knowledge and authorization.

Health – We are concerned about the health risk to individuals through exposure to chemical products used in farming operations, both during and after construction of the proposed development. Specifically, our farm operations involve the application of specialty chemicals that we are licensed and approved to use. These include but not are not limited to fertilizers and pesticides in solid, liquid, aerosol and gaseous forms that may be applied by any number of methods including but not limited to aerial spraying, ground spraying, water dosing, soil enrichment, and direct application.

Security – We are concerned about the security of our farming operations and the risks our activities pose to individuals and vehicles entering our property without authorization and proper awareness of the risks. Specifically, individuals and vehicles that encroach on our property during construction and individuals that encroach onto our property after construction, whether intentionally or accidentally place not only themselves but also our personnel and our operations at risk.

Operations – We have concerns about the impacts of the proposed development on our continued operations. Specifically, a primary water supply pipeline transverses the proposed development from the Eaton Ditch to our property and provides legal access to our water rights. Impacts to, or outages on this critical water supply caused by construction or post construction activities would seriously impact or even destroy our



ability to maintain operations, depending on the timing, extent, and duration of the damage. Also of specific concern, is infringement by the developer or the residents of the development on our right-to-farm (C.R.S. Sec. 35-3.5-101). In the 100-years we have been farming our property we have observed on countless occasions where similar developments have encroached on existing operations, whether agricultural, industrial, or other and then demanded those existing operations limit or even cease activities.

Financial – We have concerns about the proposed development’s direct and negative impact on our operational costs, liabilities, and revenues. Specifically, all the concerns we have briefly expressed above, namely, environmental, safety, health, security, and operational, if not properly and adequately addressed and resolved will negatively impact our operations and financial stability, through no fault of our own.

As stated above, we are pro-development when that development is controlled, reasonable and responsible and does not injure or negatively impact adjacent property owners. We do not believe the Journey Homes’ proposed development adjacent to our property meets this definition. As the landowners and residents with the largest common border to the development, request the Town of Severance Town Council and Planning Department take immediate action to safeguard its current property owners and residents from the list of threats this development as initially put forward for approval, or any subsequent variation thereof, will inflict.

Properly and effectively addressing the wide range of negative impacts and issues noted above will require restrictive measures and security provisions that include but are not limited to the following:

- relocation of our water supply pipeline by the developer before construction begins;
- perimeter 8ft-high containment fencing during construction;
- permanent 8ft-high barrier fencing after construction, with no through access, along our property
- increased setback for all homes that border our property, so no homes or yards abut the perimeter fencing;
- aggressive housekeeping and proactive waste management requirements on the developer
- neighborhood covenants acknowledging our right-to-farm and preventing residents from nuisance protests;
- neighborhood covenants acknowledging that our adjacent property is private, an active agricultural operation, poses a potential risk to anyone trespassing, and is off-limits to all residents;
- education of Journey Homes’ contractors and staff as to the requirements above; and
- enforcement by the Town of Severance of the above

We understand the challenges in addressing such a wide range of negative consequences and impacts. As such, we kindly request a meeting with the Planning Department to further explain our concerns, and

Winter Farms



to work together to draft acceptable and appropriate safeguards for the proposed development, or any future development requests that abut our property.

We also kindly request to be directly notified at jadowinter@q.com of any changes, modifications, revisions, or new submissions in regards to the above subject Journey Homes Proposed Development, and to be notified of any the new activity, filings, proposals, or new development requests that abut our property.

Thank you for this opportunity to share our concerns about the impacts to our property and agricultural operations, but also our concerns for the health, safety, and well-being of future Severance residents.

Please feel free to contact me for additional information and to schedule a meeting.

Best regards,

A handwritten signature in blue ink that reads "Jack E. Winter". The signature is fluid and cursive.

Jack E. Winter
General Partner
Winter Severance Family Partnership L.P.

Hidden Lake Investments, LLC
7251 W. 20th Street, L-200
Greeley, CO 80634
(970) 352-7072

July 27, 2022

Via Email: abarzak@townofseverance.org

Town of Severance
Attn: Abdul Barzak
3 S. Timber Ridge Parkway
P.O. Box 339
Severance, CO 80546

RE: Moody Annexation Winter
Farms Referral

Dear Abdul:

We are in receipt of the referral letter from Winter Farms ("WF"). Our response is as follows:

1. Environment: Per Colorado Department of Public Health and Environment ("CDPHE") standards, construction debris and soil erosion are regulated by the state and the developer/builder is required to clean any offsite discharges within 24 hours of release. The developer/builder will make every reasonable effort to insure any and all releases are monitored and cleaned up accordingly.
2. Safety: Workers and/or residents would have no lawful reason to enter the WF property.
3. Health: Potential buyers will have full knowledge of existing farm operations. There are many existing residencies directly south of the WF property in Settlers Landing with buildings as close as 53'. The current nearest home is 115' from the WF property. This is not an issue.
4. Security: Again, workers and/or residents would have no lawful reason to enter the WF property.
5. Operations: The concern about impacts to their water rights is unfounded. The pipeline outlined in the letter is within a recorded easement. The developer understands the pipeline shall remain in place. However, should relocation of the pipeline be required the developer will work with the WF partnership to complete relocation of this pipeline with no impact to water deliveries. We 100% agree Weld County is a Right to Farm County. Such language shall be included within the Annexation Agreement.

The developer and their consultant engineers will work with WF to design a relocation of the non-potable water supply line.

An 8' tall perimeter fence during construction and a permanent 8' barrier fence between the properties is unreasonable. The developer will work with the Town on reasonable border fencing.

No homes are proposed to abut the WF property line. Increased setbacks are not necessary. Outlots are proposed between the WF property and proposed lots.

“Housekeeping” operations will be met per the requirements of CDPHE and the Town.

Weld County Right to Farm language will be included in the Annexation Agreement.

Should you have any questions about the foregoing do not hesitate to contact me.

Sincerely,


Morgan A Kidder

From: [Jerome Rouser](#)
To: [Abdul Barzak](#)
Subject: RE: Moody Annex/Zoning/Concept Plan -REVISED (Town of Severance Planning Referral)
Date: Monday, May 16, 2022 4:48:43 PM
Attachments: [image003.png](#)
[image004.png](#)

Good afternoon,

The development in question is nearby the Great Western Trail which is a Regional Active Transportation Corridor (RATC). The property concept plan does not seem to show any trail connections to the nearby trail. I would suggest amending the plan to either add bike paths and/or pedestrian paths or delegate space for future bike paths and/or pedestrian paths to connect to the nearby trail.

Thank you,

Jerome Rouser

Transportation Planner I

Pronouns: he/him



419 Canyon Ave, Suite 300 | Fort Collins, CO 80521



From: Becky Karasko [REDACTED]
Sent: Friday, April 1, 2022 3:37 PM
To: Jerome Rouser <jrouser@nfrmpo.org>
Subject: FW: Moody Annex/Zoning/Concept Plan -REVISED (Town of Severance Planning Referral)

Please see the development review request below.

Becky Karasko, AICP

Transportation Planning Director



From: Abdul Barzak <abarzak@townofseverance.org>
Sent: Friday, April 1, 2022 2:39 PM

Hidden Lake Investments, LLC
7251 W. 20th Street, L-200
Greeley, CO 80634
(970) 352-7072

July 27, 2022

Via Email: abarzak@townofseverance.org

Town of Severance
Attn: Abdul Barzak
3 S. Timber Ridge Parkway
P.O. Box 339
Severance, CO 80546

RE: Moody Annexation North
Front Range MPO Referral

Dear Abdul:

We are in receipt of the referral comments from North Front Range Metropolitan Planning Organization. The developer intends to build an internal trail network that will connect to existing sidewalks and trails within the Town's greater network that provides connection to the Great Western Trail.

Should you have any questions about the foregoing do not hesitate to contact me.

Sincerely,



Morgan Kidder



Weld RE-4 School District

**1020 Main Street
Windsor, Colorado 80550
970-686-8000
weldre4.org**

June 14, 2022

Town of Severance Planning Department
3 South Timber Ridge Parkway
Severance, CO 80546

RE: Moody Development

Dear Planning Department Staff:

The above referenced major subdivision application is now proposed for a total of 795 single family homes and an undisclosed number of multi-family units. This letter summarizes the implications for school sites and facilities, solely based on the planned single family units.

The Town of Severance and Weld County School District RE-4 entered into an initial Intergovernmental Agreement Concerning Fair Contribution For Public School Sites on April 11, 2001. Since that time the exhibits of the agreement have been updated with both parties to include current land values, and will once again be updated very shortly.

Weld RE-4 School District has three schools within the Town of Severance, RangeView Elementary School, Severance Middle School, and Severance High School. All three of these schools have exceeded their capacity. There are subdivisions within the Town of Severance that are within 1.5 miles of the elementary school, however, due to space and capacity limitations students are bussed approximately 6 miles to Windsor to attend school and unable to attend their local school within the Town of Severance.

The proposed Moody Development is estimated to bring approximately 262 elementary students to the boundaries of RangeView Elementary, with a core capacity of 600 students and enrollment currently at 713. The proposed development will also bring an estimated 293 secondary students to Severance Middle and Severance High Schools respectively. All three schools are already beyond their capacity limits due to accelerated residential growth within the Town of Severance.

With the proposed development numbers and estimated growth and calculations, Weld RE-4 School District is requesting a 10 acre parcel dedicated to the district for a future elementary school to meet the needs of the Town of Severance. The developer has presented in their 4th submittal a location for a future school which is 10 acres. This 10 acre parcel will meet the requirement of the district if the plan includes a continuous road at the southeast corner.

The calculations call for a 14.7 acre site based on a buildout of 795 single family homes. By providing this 10 acres, this meets the site dedication requirements for 544 of the single family homes. For the remaining 251 single family homes a cash-in-lieu in the amount that is agreed



Weld RE-4 School District

**1020 Main Street
Windsor, Colorado 80550
970-686-8000
weldre4.org**

upon with the Town of Severance at time of permitting is provided. None of these calculations include any future multi-family housing in the development.

Accelerated residential growth and strong growth potential heighten the School District's concern regarding its ability to provide adequate educational opportunities. Approved development far exceeds the District's current capacity to fund educational facilities. Consequently, continual approval of new residential projects can create expected seat (capacity) shortages. All of the schools that serve this area are over or near capacity.

Inadequate bonding capacity is the direct result of residential growth occurring at a pace that well exceeds the District's statutorily limited ability to fund school construction.

Recommendations

The School District remains very concerned about residential activity and the ensuing enrollment that will follow as well as the District's physical and financial abilities to serve that growth. Without the developer dedicating land within the development for a future school site, the school district cannot adequately plan for the number of students that this development will bring and strongly suggests that this development not move forward.

In addition, the School District requests to be notified of any proposed land use changes associated with either lot. Cooperation of all parties is necessary in offsetting the adverse fiscal impacts of rapid residential growth upon the School District's statutorily limited resources.

Your continuing cooperation is sincerely appreciated, as is the opportunity to comment upon issues of interest to the County, the School District and our mutual constituents. Should you have questions or desire further information, please contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Seybert", is written over a light blue horizontal line.

Jason Seybert
Chief Operating Officer

Loup Reservoir Company

c/o Weld RE-4 School District
180 North 8th Street
Windsor, CO 80550

Email: LoupReservoirCompany@gmail.com
Phone: 970-302-2668

October 14, 2021

Abdul Barzak
Assistant Town Planner
Town of Severance
PO Box 339
Severance, CO 80546

Re: Moody Annexation/Zoning/Concept Plan

The Loup Reservoir Company ("Ditch Company") has received a referral from the Town of Severance ("Town") for the above-referenced application for annexation.

The Ditch Company owns and operates a ditch and reservoir system with decreed water rights for drainage flows captured by the system. The proposed project appears to be located on property from which, at least in part, water historically drains into the Ditch Company's system.

As such, the Company received notice of the proposed project and, at this time and upon its review, the Company has not identified an issue upon which to comment.

We request the Town of Severance keep us on the referral list for the proposed project in case it evolves in such a way as to change the Company's assessment. The Town or developer may contact me with any questions or concerns.

Sincerely,



Julie Rothe, General Manager
Executive Board Member
Loup Reservoir Company

LAWRENCE CUSTER GRASMICK JONES & DONOVAN LLP
ATTORNEYS AT LAW

5245 RONALD REAGAN BLVD., SUITE 1
JOHNSTOWN, COLORADO 80534
TELEPHONE: 970-622-8181

WWW.LCWATERLAW.COM
rebecca@lcwaterlaw.com

Bradley C. Grasmick • David P. Jones • Ryan M. Donovan
Wesley S. Knoll • Rebecca E. Spence • David L. Strait

May 18, 2022

Mr. Abdul Barzak
Town Planner
3 South Timber Ridge Parkway
P.O. Box 339
Severance, CO 80546
via Email: abarzak@townofseverance.org

RE: Moody Annexation/Zoning (REVISED) - Larimer & Weld Irrigation Company's Third
Comment Letter

Dear Mr. Barzak:

Thank you for forwarding the revised Moody Annexation & Zoning & Concept Plan. Previously, in the letter from our firm on October 12, 2021 and the letter from our client on February 15, 2022, Larimer & Weld Irrigation Company expressed its concerns regarding the improvements and relocation of the Finley Lateral as Larimer & Weld owns the headworks (water delivery structure) that connect the Finley Lateral to the Larimer & Weld Canal. In the aforementioned comment letters, Larimer & Weld Irrigation Company has requested that the Town of Severance require Hidden Lake Investments to obtain an agreement with Larimer & Weld addressing items of concern as a condition of zoning/annexation approval. The purpose of this comment letter is to reiterate, for the third time, that the Town of Severance should require Applicants to obtain an agreement with Larimer & Weld Irrigation Company.

According to *Roaring Fork Club, L.P. v. St. Jude's Co.*, the owner of property burdened by a ditch easement may not move or alter that easement unless that owner (1) has the consent of the owner of the easement or (2) obtains a declaratory determination from a court that the alteration would not damage the benefited owners. *City of Boulder v Farmer's Reservoir and Irrigation Co.*, 214 P.3d 563, 566 (Co. Ct. App. 2009); *Roaring Fork Club, L.P. v. St. Jude's Co.*, 36 P.3d 1229, 1231, 1237-38 (Colo. 2001). Applicants have not filed and have not indicated that they are planning to file, a case to unilaterally alter the ditch easement, so they must be required to obtain consent, by way of agreement, from Larimer & Weld Irrigation Company. At this time, because Larimer & Weld Irrigation Company's comments have been unaddressed, they are unable to evaluate what

impact, if any, the zoning or annexation has on the Finley Lateral, Larimer & Weld Canal, and their associated easements.

In the revised petition, the Town of Severance has directed Applicants to address Larimer & Weld Irrigation Company's comments, to which Applicants have replied "Noted". There has not been contact from Applicants in an attempt to enter into an agreement with Larimer & Weld Irrigation Company or address its concerns displayed in previous comment letters. Additionally, Applicants have stated that the existing ditches will be "accommodated during the preliminary and final plat development." This response is vague and does not certify that Applicants will enter into an agreement with Larimer & Weld Irrigation Company regarding the potential impact of the proposed annexation to the Larimer & Weld Canal and its easements as required by *St. Jude's Co.* The above-described responses and the inaction of Applicants to address Larimer & Weld Irrigation Company's comments are unacceptable, and Larimer & Weld Irrigation Company does not give consent to the potential alteration of the Larimer & Weld Canal or its associated easements. Additionally, any future extension of CR 76, as described in the original version of the application, requires an additional agreement to address Larimer & Weld Irrigation Company's separate concerns regarding such extension and their easements.

Larimer & Weld Irrigation Company hereby demands that the Town of Severance require Hidden Lake Investments to obtain an agreement with Larimer & Weld Irrigation Company to address its concerns as a condition of zoning/annexation approval. Please reach out to either Ryan Donovan or I by phone at 970-622-8181 or by email at ryan@lcwaterlaw.com and rebecca@lcwaterlaw.com.

Sincerely,

LAWRENCE CUSTER GRASMICK JONES &
DONOVAN LLP



Rebecca E. Spence
Attorney for Larimer & Weld Irrigation Company

From: [Jared Rauch](#)
To: [Abdul Barzak](#)
Cc: [Eric Reckentine](#)
Subject: Moody Annexation/Zoning/Concept Plan
Date: Tuesday, August 2, 2022 10:20:16 AM

Hi Abdul,

Hope you are doing well. We received the Moody Annexation/Zoning/Concept Plan packet in the mail recently. I responded to a referral for this development a couple of months ago, but wanted to reiterate our response to ensure that it is included in the Town's records:

We understand that the Town of Severance will be providing water service to the proposed Moody development. However, the District is currently under a moratorium on new development and therefore we are unable to commit any additional Plant Investments to the Town at this time, nor can we guarantee the availability of Plant Investments in the future.

Let me know if you have any questions.

Thanks,

Jared Rauch

Development Review Engineer

North Weld County Water District

PO Box 56 ~ 32825 WCR 39

Lucerne, CO 80646



Disclaimer

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From: [Russ Weber](#)
To: [Abdul Barzak](#)
Subject: RE: Moody Annexation/Zoning/Concept Plan (Town of Severance Planning Referral)
Date: Thursday, September 16, 2021 4:28:24 PM
Attachments: [image001.png](#)
[image009.emz](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)

No comments on this one

Russ Weber
Regional Operations Manager
3755 Precision Dr, STE 140
Loveland, CO 80538
SAFEbuilt.com


From: Abdul Barzak <abarzak@townofseverance.org>

Sent: Thursday, September 16, 2021 4:05 PM

To: 



























DEPARTMENT OF PLANNING SERVICES

1555 N. 17th Ave

Greeley, CO 80631

Website: www.weldgov.com

Via email to abarzak@townofseverance.org

May 13, 2022

Abdul Barzak, Town Planner
PO Box 339
Severance, CO 80546

Subject: Moody Annexation resubmittal

Dear Abdul:

The Weld County Department of Planning Services has reviewed this proposal and submits the following comments for your consideration.

Weld County discourages annexations that create unincorporated enclaves and recommends including Lot A of RE-1022 if at all possible.

The Town may wish to ensure the enclave lot has access to the extension of Timber Ridge Parkway in order to potentially move its access from Harmony Road in the future.

Thank you for the opportunity to comment on this proposal. This response addresses general requirements, concerns, or issues and is intended to assist in your community's decision-making process regarding this land use proposal. Weld County respectfully reserves the right to make further comment on information or issues as they are discovered.

Sincerely,

Jim Flesher, AICP
Long-Range Planner
Weld County



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Resolution PC-2022-02R: Comprehensive Plan Amendment (Moody Project)	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development and Management ask that the Planning Commission review, discuss, and take action on Resolution PC-2022-02R and forward a recommendation to the Town Council on the Comprehensive Plan Amendment. Actions that may be taken: 1. Approve PC-2022-02R and forward a recommendation of approval of the Comprehensive Plan Amendment to Town Council, subject to the conditions listed therein. 2. Take No Action.		<u>Resolution</u> <u>Action Requested</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
Hidden Lake Investments, LLC and Eaton Law Reservoir Company jointly (owners) are petitioning the Town of Severance to annex approximately 310 acres north of and adjacent to E. Harmony Road (WCR 74) and east of and adjacent to Teller Street (WCR 21). The applicant is requesting to zone 38.32 acres to Town Core along E. Harmony Road to allow for commercial and multi-family. The applicant is requesting the remaining 271.20 acres to be zoned as Suburban Perimeter directly behind the proposed Town Core zoning. The Future Land Use Map which was adopted in the Severance Comprehensive Plan shows approximately the southern half of this property to be designated as Suburban Perimeter and the approximately the northern half of this property to be designated as Rural Residential. A concept plan has been submitted with this Comprehensive Plan Amendment and will be viewed at this meeting.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Town staff is asking for the Planning Commission to review, discuss, and take action for the proposed Comprehensive Plan Amendment.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Resolution PC-2022-02R Moody Comp Plan Amendment Adoption		

SEVERANCE PLANNING COMMISSION

RESOLUTION NO. PC-2022-02R

**A RESOLUTION OF THE SEVERANCE PLANNING COMMISSION,
APPROVING AN APPLICATION TO AMEND THE TOWN OF
SEVERANCE COMPREHENSIVE PLAN TO REVISE THE LAND USE
MAP DESIGNATION PERTAINING TO REAL PROPERTY LOCATED
AT SECTION THIRTY-FIVE (35), TOWNSHIP SEVEN NORTH (T.7N.),
RANGE SIXTY-SEVEN WEST (R.67W.) OF THE SIXTH PRINCIPAL
MERIDIAN (6TH P.M.), COUNTY OF WELD, STATE OF COLORADO**

WHEREAS, the Town of Severance (“Town”), acting through its Planning Commission, is empowered pursuant to C.R.S. §§ 31-23-201, *et seq.*, to adopt a master or comprehensive plan and amendments thereto to guide current and future growth and development of the municipality; and

WHEREAS, Hidden Lake Investments, LLC, who is the owner of certain real property within Weld County, and generally located in within Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado (“Property”), has submitted an application to amend the Town’s Comprehensive Plan, by revising the future land use plan designation for the Property from Suburban Perimeter to Town Core and for the Property from Rural Residential to Suburban Perimeter (the “Application”), which would result in a revised Land Use Plan map (“Comprehensive Plan Amendment”), attached hereto as **Exhibit A** and incorporated herein by this reference; and

WHEREAS, in accordance with C.R.S. § 31-23-208, the Severance Planning Commission, at its meeting held on August 17, 2022, conducted a public hearing on the Application, following the publication of notice as required by law; and

WHEREAS, the Severance Planning Commission, after considering all the evidence presented at the public hearing, together with the relevant standards and criteria for comprehensive plan amendments, makes the following findings with respect to the Application:

- (a) It is consistent with the overall intent of the Comprehensive Plan, including Guiding Principles 1.E, 2.D, and 3.A, as well as the Community Design Values for Town Core zoning;
- (b) It demonstrates an improvement over the existing Future Land Use Map for this area of the Town in implementing the economic vision and goals of the Comprehensive Plan for transportation corridors;
- (c) It is necessary or desirable because of economic conditions and strict adherence to the Future Land Use Plan will result in a situation neither intended nor in keeping with key economic policies of the Comprehensive Plan for transportation corridor areas;
- (d) It will not have a negative effect on existing residents or on environmental or historic

resources in the immediate area;

- (e) It is capable of being integrated into the existing and planned transportation system for this area of the Town;
- (f) It will not have a significant impact or impose a burden on planned water and sewer service provision for this area of Town unique and different from those inherently associated with the same use occurring in other transportation corridors of the Town, or from what would be experienced if this area of Town developed in strict accordance with the existing Future Land Use map; and
- (g) It bears a reasonable relationship to the general welfare of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE SEVERANCE PLANNING COMMISSION:

Section 1. The Planning Commission hereby approves the Comprehensive Plan Amendment, which includes the revised Future Land Use Plan map attached hereto as **Exhibit A**. Copies of the revised Comprehensive Plan Amendment have been and will be made available for public inspection at the Severance Town Hall 3 S. Timber Ridge Parkway, Severance Colorado 80546, during regular business hours.

Section 2. In accordance with C.R.S. § 31-23-208, this Resolution, when attached to the Future Land Use Plan, shall serve to document the Comprehensive Plan Amendment's approval by the Planning Commission.

Section 3. Following ratification and approval of the Comprehensive Plan Amendment by the Town Council as required by C.R.S. § 31-23-206(1), the Town Manager shall cause to be sent a certified and attested copy of the Comprehensive Plan Amendment to the Board of County Commissioners of Weld County. Attachment by the Town Manager of a certified copy of this Resolution and a copy of the Town Council resolution ratifying the Comprehensive Plan Amendment shall constitute certification and attestation of the Comprehensive Plan Amendment.

PASSED AND ADOPTED this 17th day of August, 2022.

Chairperson

ATTEST:

Secretary

Exhibit A
Comprehensive Plan Amendment



MOODY PROPERTY
SEVERANCE, CO

COMPREHENSIVE PLAN
FIGURE 1

July 12, 2022



NORTHERN
ENGINEERING

P:\1155-003\DWG\EXHIBITS\MOODY PROPERTY_COMPREHENSIVE PLAN.DWG



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
PUBLIC HEARING Zoning: Moody Project	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development asks that the Severance Planning Commission review and discuss Moody Project Zoning and forward a recommendation to the Town Council. Actions that may be taken: 1. Forward a recommendation of approval to the Town Council for Moody Project Zoning. 2. Take No Action		<u>Zoning</u> <u>Action Requested</u>
BRIEF SUMMARY		
Hidden Lake Investments, LLC and Eaton Law Reservoir Company jointly (owners) are petitioning the Town of Severance to annex approximately 310 acres north of and adjacent to E. Harmony Road (WCR 74) and east of and adjacent to Teller Street (WCR 21). The applicant is requesting to zone 38.32 acres to Town Core along E. Harmony Road to allow for commercial and multi-family. The applicant is requesting the remaining 271.20 acres to be zoned as Suburban Perimeter directly behind the proposed Town Core zoning. A concept plan has been submitted with this zoning and will be viewed at this meeting.		
PUBLIC SUPPORT/CONCERN		
Residents have reached out to Town Staff and requested that the Town Council to not annex this property with the proposed concept plan. Please see Annexation agenda item for all received responses.		
ANALYSIS AND RECOMMENDATION		
The Community Development department asks that the Planning Commission review and discuss the Moody Project Zoning and forward a recommendation to the Town Council		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Zoning Map		

MOODY ZONING MAP
TOWN OF SEVERANCE
SITUATE WITHIN SECTION 35, TOWNSHIP 7 NORTH,
RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
(±309.52 ACRES)

Zoning Descriptions

ENTIRE PARCEL

A parcel of land being the Eaton-Law Reservoir, a portion of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 recorded June 6, 2019 as Reception No. 4495105 of the Records of Weld County, and a portion of Lot A and Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146 recorded June 6, 2019 as Reception No. 4495106 of the Records of Weld County, all situate within Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado being more particularly described as follows;

COMMENCING at the Southwest Corner of said Section 35 and assuming the West line of the Southwest Quarter of Section 35 as bearing North 00° 15' 17" West a distance of 2675.16 feet, and being monumented on the South by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 12374 and on the North by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 287?? (last three numbers illegible) with all other bearings contained herein relative thereto:

THENCE North 00° 15' 17" West a distance of 30.00 feet to the North line of the Summit View Third Annexation to the Town of Severance recorded April 7, 2000 as Reception No. 2760552 of the Records of Weld County;
THENCE North 89° 06' 25" East along the North line of said Summit View Third Annexation a distance of 30.00 feet to the Easterly line of the Francis-Felte Fourth Annexation to the Town of Severance recorded January 31, 2001 as Reception No. 2822532 of the Records of Weld County and to the POINT OF BEGINNING.

THENCE North 00° 15' 17" West along said Easterly line of the Francis-Felte Fourth Annexation and along the Easterly line of the Schlagel II Annexation to the Town of Severance recorded February 28, 2003 as Reception No. 3036936 of the Records of Weld County a distance of 2644.75 feet;
THENCE North 00° 01' 47" East continuing along said Easterly line of the Schlagel II Annexation a distance of 2345.56 feet to the intersection of the Easterly line of Schlagel II Annexation and a Northerly line of said Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293;
The following Forty (40) courses are along the Northerly, Westerly and Easterly lines of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293.
THENCE North 89° 43' 41" East a distance of 374.00 feet;
THENCE North 00° 01' 47" East a distance of 330.00 feet to the North line of the Northwest Quarter of said Section 35;
THENCE North 89° 42' 39" East along said North line of the Northwest Quarter of Section 35 a distance of 1531.28 feet;
THENCE South 36° 15' 22" West a distance of 81.53 feet;
THENCE South 14° 46' 49" West a distance of 22.77 feet;
THENCE South 02° 03' 26" East a distance of 30.76 feet;
THENCE South 33° 15' 31" East a distance of 115.46 feet;
THENCE South 36° 37' 49" East a distance of 132.58 feet;
THENCE South 41° 09' 32" East a distance of 130.51 feet;
THENCE South 40° 01' 53" East a distance of 139.86 feet;
THENCE South 35° 02' 09" East a distance of 145.64 feet;
THENCE South 19° 38' 05" East a distance of 143.14 feet;
THENCE South 21° 19' 29" West a distance of 59.29 feet;
THENCE South 16° 39' 59" East a distance of 142.09 feet;
THENCE South 14° 24' 46" West a distance of 71.95 feet;
THENCE South 04° 06' 29" West a distance of 86.34 feet;
THENCE South 24° 00' 55" West a distance of 356.21 feet;
THENCE South 40° 10' 05" West a distance of 12.24 feet;
THENCE South 40° 31' 16" East a distance of 100.34 feet;
THENCE South 56° 50' 15" East a distance of 57.98 feet;
THENCE South 40° 59' 20" East a distance of 59.88 feet;
THENCE South 33° 40' 24" East a distance of 67.70 feet;
THENCE South 31° 37' 54" East a distance of 70.95 feet;
THENCE South 30° 37' 57" East a distance of 85.04 feet;
THENCE South 29° 34' 41" East a distance of 107.35 feet;
THENCE South 32° 35' 12" East a distance of 115.72 feet;
THENCE South 33° 05' 56" East a distance of 128.81 feet;
THENCE South 31° 44' 30" East a distance of 146.49 feet;
THENCE South 09° 09' 37" West a distance of 158.11 feet;
THENCE South 26° 21' 47" East a distance of 150.21 feet;
THENCE South 06° 10' 17" East a distance of 136.36 feet to a Westerly line of the Wright Fourth Annexation to the Town of Severance recorded March 3, 1995 as Reception No. 2428807 of the Records of Weld County, said line also being coincident with the Westerly line of the Amended Plat of Settlers Landing recorded December 20, 1995 as Reception No. 2468390 of the Records of Weld County;
The following Nine (9) courses are along the Westerly lines of said Wright Fourth Annexation and the Amended Plat of Settlers Landing.
THENCE South 00° 13' 21" West a distance of 637.13 feet;
THENCE South 05° 51' 39" East a distance of 485.00 feet;
THENCE South 10° 26' 39" East a distance of 425.00 feet;
THENCE South 24° 41' 39" East a distance of 139.00 feet;
THENCE South 26° 13' 21" West a distance of 262.00 feet;
THENCE South 40° 16' 39" East a distance of 209.41 feet;
THENCE South 40° 16' 39" East a distance of 145.59 feet;
THENCE South 21° 18' 21" West a distance of 175.00 feet;
THENCE South 17° 56' 39" East continuing along a Northerly line of said Wright Fourth Annexation a distance of 308.63 feet to the Northerly Right of Way line of Weld County Road 74, said line being parallel with and 30.00 feet Northerly of the South line of the Southeast Quarter of said Section 35;
THENCE South 89° 03' 21" West along said Northerly Right of Way line a distance of 450.32 feet;
THENCE South 89° 06' 25" West continuing along said Northerly Right of Way line and along the Northerly line of said Summit View Third Annexation a distance of 240.17 feet to the Easterly line of Lot A, Recorded Exemption No. 0705-35-3-RE1022;
The following Five (5) courses are along the Easterly, Northerly and Westerly lines of said Lot A.
THENCE North 04° 06' 13" West a distance of 340.10 feet;
THENCE South 88° 07' 15" West a distance of 210.84 feet;
THENCE South 46° 38' 40" West a distance of 72.01 feet;
THENCE South 32° 58' 40" East a distance of 315.51 feet;
THENCE South 00° 53' 35" East a distance of 20.00 feet to the Northerly Right of Way line of Weld County Road 74 and to the Northerly line of said Summit View Third Annexation, said line being parallel with and 30.00 feet Northerly of the South line of the Southwest Quarter of said Section 35;
THENCE South 89° 06' 25" West along said Northerly Right of Way line and Annexation line a distance of 2246.09 feet to the POINT OF BEGINNING.

The above described tract of land contains 13,482,839 square feet or 309.52 acres, more or less (±).

SUBURBAN PERIMETER

A parcel of land being the Eaton-Law Reservoir, a portion of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 recorded June 6, 2019 as Reception No. 4495105 of the Records of Weld County, and a portion of Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146 recorded June 6, 2019 as Reception No. 4495106 of the Records of Weld County, all situate within Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado being more particularly described as follows;

COMMENCING at the Southwest Corner of said Section 35 and assuming the West line of the Southwest Quarter of Section 35 as bearing North 00° 15' 17" West a distance of 2675.16 feet, and being monumented on the South by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 12374 and on the North by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 287?? (last three numbers illegible) with all other bearings contained herein relative thereto:

THENCE North 00° 15' 17" West a distance of 30.00 feet to the North line of the Summit View Third Annexation to the Town of Severance recorded April 7, 2000 as Reception No. 2760552 of the Records of Weld County;
THENCE North 89° 06' 25" East along the North line of said Summit View Third Annexation a distance of 30.00 feet to the Easterly line of the Francis-Felte Fourth Annexation to the Town of Severance recorded January 31, 2001 as Reception No. 2822532 of the Records of Weld County;
THENCE North 00° 15' 17" West along said Easterly line of the Francis-Felte Fourth Annexation and along the Easterly line of the Schlagel II Annexation to the Town of Severance recorded February 28, 2003 as Reception No. 3036936 of the Records of Weld County a distance of 566.62 feet and to the POINT OF BEGINNING.

THENCE North 00° 15' 17" West continuing along said Easterly line of the Francis-Felte Fourth Annexation and along the Easterly line of the Schlagel II Annexation to the Town of Severance recorded February 28, 2003 as Reception No. 3036936 of the Records of Weld County a distance of 2078.13 feet;
THENCE North 00° 01' 47" East continuing along said Easterly line of the Schlagel II Annexation a distance of 2345.56 feet to the intersection of the Easterly line of Schlagel II Annexation and a Northerly line of said Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293;
The following Thirty-four (34) courses are along the Northerly, Westerly and Easterly lines of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293.
THENCE North 89° 43' 41" East a distance of 374.00 feet;
THENCE North 00° 01' 47" East a distance of 330.00 feet to the North line of the Northwest Quarter of said Section 35;
THENCE North 89° 42' 39" East along said North line of the Northwest Quarter of Section 35 a distance of 1531.28 feet;
THENCE South 36° 15' 22" West a distance of 81.53 feet;
THENCE South 14° 46' 49" West a distance of 22.77 feet;
THENCE South 02° 03' 26" East a distance of 30.76 feet;
THENCE South 33° 15' 31" East a distance of 115.46 feet;
THENCE South 36° 37' 49" East a distance of 132.58 feet;
THENCE South 41° 09' 32" East a distance of 130.51 feet;
THENCE South 40° 01' 53" East a distance of 139.86 feet;
THENCE South 35° 02' 09" East a distance of 145.64 feet;
THENCE South 19° 38' 05" East a distance of 143.14 feet;
THENCE South 21° 19' 29" West a distance of 59.29 feet;
THENCE South 16° 39' 59" East a distance of 142.09 feet;
THENCE South 14° 24' 46" West a distance of 71.95 feet;
THENCE South 04° 06' 29" West a distance of 86.34 feet;
THENCE South 24° 00' 55" West a distance of 356.21 feet;
THENCE South 40° 10' 05" West a distance of 12.24 feet;
THENCE South 40° 31' 16" East a distance of 100.34 feet;
THENCE South 56° 50' 15" East a distance of 57.98 feet;
THENCE South 40° 59' 20" East a distance of 59.88 feet;
THENCE South 33° 40' 24" East a distance of 67.70 feet;
THENCE South 31° 37' 54" East a distance of 70.95 feet;
THENCE South 30° 37' 57" East a distance of 85.04 feet;
THENCE South 29° 34' 41" East a distance of 107.35 feet;
THENCE South 32° 35' 12" East a distance of 115.72 feet;
THENCE South 33° 05' 56" East a distance of 128.81 feet;
THENCE South 31° 44' 30" East a distance of 146.49 feet;
THENCE South 09° 09' 37" West a distance of 158.11 feet;
THENCE South 26° 21' 47" East a distance of 150.21 feet;
THENCE South 06° 10' 17" East a distance of 136.36 feet to a Westerly line of the Wright Fourth Annexation to the Town of Severance recorded March 3, 1995 as Reception No. 2428807 of the Records of Weld County, said line also being coincident with the Westerly line of the Amended Plat of Settlers Landing recorded December 20, 1995 as Reception No. 2468390 of the Records of Weld County;
The following Three (3) courses are along the Westerly lines of said Wright Fourth Annexation and the Amended Plat of Settlers Landing.
THENCE South 00° 13' 21" West a distance of 637.13 feet;
THENCE South 05° 51' 39" East a distance of 485.00 feet;
THENCE South 10° 26' 39" East a distance of 425.00 feet;
THENCE South 24° 41' 39" East a distance of 139.00 feet;
THENCE South 26° 13' 21" West a distance of 262.00 feet;
THENCE South 40° 16' 39" East a distance of 209.41 feet;
THENCE South 40° 16' 39" East a distance of 145.59 feet;
THENCE South 21° 18' 21" West a distance of 175.00 feet;
THENCE South 17° 56' 39" East continuing along a Northerly line of said Wright Fourth Annexation a distance of 308.63 feet to the Northerly Right of Way line of Weld County Road 74, said line being parallel with and 30.00 feet Northerly of the South line of the Southeast Quarter of said Section 35;
THENCE South 89° 03' 21" West along said Northerly Right of Way line a distance of 450.32 feet;
THENCE South 89° 06' 25" West continuing along said Northerly Right of Way line and along the Northerly line of said Summit View Third Annexation a distance of 240.17 feet to the Easterly line of Lot A, Recorded Exemption No. 0705-35-3-RE1022;
The following Five (5) courses are along the Easterly, Northerly and Westerly lines of said Lot A.
THENCE North 04° 06' 13" West a distance of 340.10 feet;
THENCE South 88° 07' 15" West a distance of 210.84 feet;
THENCE South 46° 38' 40" West a distance of 72.01 feet;
THENCE South 32° 58' 40" East a distance of 315.51 feet;
THENCE South 00° 53' 35" East a distance of 20.00 feet to the Northerly Right of Way line of Weld County Road 74 and to the Northerly line of said Summit View Third Annexation, said line being parallel with and 30.00 feet Northerly of the South line of the Southwest Quarter of said Section 35;
THENCE South 89° 06' 25" West along said Northerly Right of Way line and Annexation line a distance of 2246.09 feet to the POINT OF BEGINNING.

Radius of 827.00 feet, a Delta of 15° 10' 16" and is subtended by a Chord bearing North 83° 18' 27" West a distance of 218.34 feet to a Point of Tangency;
THENCE North 75° 43' 19" West a distance of 198.15 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Southwest a distance of 119.97 feet, said curve has a Radius of 473.00 feet, a Delta of 14° 31' 58" and is subtended by a Chord bearing North 82° 59' 18" West a distance of 119.65 feet to a Point of Tangency;
THENCE South 89° 44' 43" West a distance of 445.67 feet to the POINT OF BEGINNING.

The above described tract of land contains 11,813,484 square feet or 271.20 acres, more or less (±).

TOWN CORE

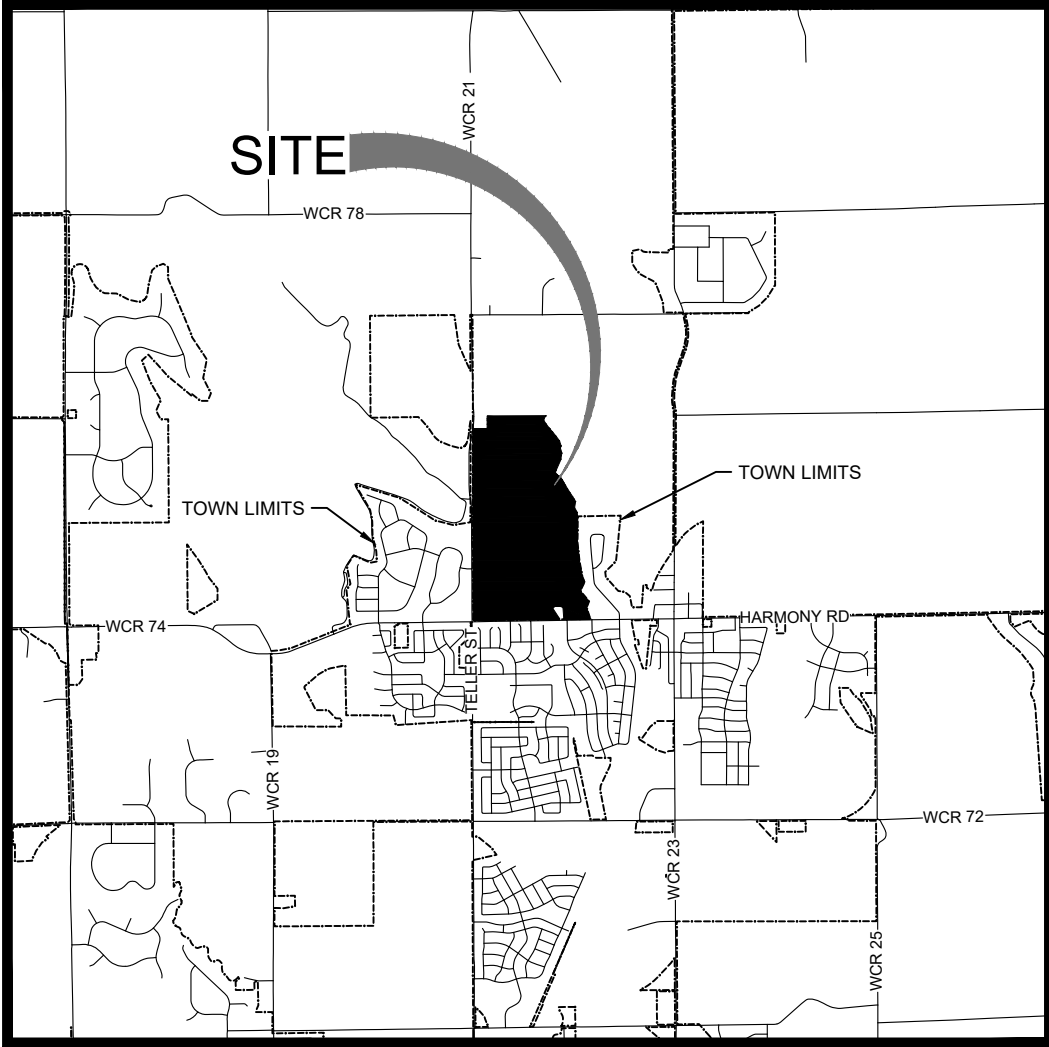
A parcel of land being a portion of Lot B, Amended Recorded Exemption No. 0705-35-2 1AMRECX18-02-3293 recorded June 6, 2019 as Reception No. 4495105 of the Records of Weld County, and a portion of Lot A and Lot B, Recorded Exemption No. 0705-35-3 RECX18-0146 recorded June 6, 2019 as Reception No. 4495106 of the Records of Weld County, all situate within Section Thirty-five (35), Township Seven North (T.7N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado being more particularly described as follows;

COMMENCING at the Southwest Corner of said Section 35 and assuming the West line of the Southwest Quarter of Section 35 as bearing North 00° 15' 17" West a distance of 2675.16 feet, and being monumented on the South by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 12374 and on the North by a #6 Rebar with a 2.5" Aluminum Cap stamped LS 287?? (last three numbers illegible) with all other bearings contained herein relative thereto:

THENCE North 00° 15' 17" West a distance of 30.00 feet to the North line of the Summit View Third Annexation to the Town of Severance recorded April 7, 2000 as Reception No. 2760552 of the Records of Weld County;
THENCE North 89° 06' 25" East along the North line of said Summit View Third Annexation a distance of 30.00 feet to the Easterly line of the Francis-Felte Fourth Annexation to the Town of Severance recorded January 31, 2001 as Reception No. 2822532 of the Records of Weld County and to the POINT OF BEGINNING.

THENCE North 00° 15' 17" West a distance of 566.62 feet;
THENCE North 89° 44' 43" East a distance of 445.67 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Southwest a distance of 119.97 feet, said curve has a Radius of 473.00 feet, a Delta of 14° 31' 58" and is subtended by a Chord bearing South 82° 59' 18" East a distance of 119.65 feet to a Point of Tangency;
THENCE South 75° 43' 19" East a distance of 198.15 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northeast a distance of 218.98 feet, said curve has a Radius of 827.00 feet, a Delta of 15° 10' 16" and is subtended by a Chord bearing South 83° 18' 27" East a distance of 218.34 feet to a Point of Tangency;
THENCE North 89° 06' 25" East a distance of 925.69 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northwest a distance of 226.46 feet, said curve has a Radius of 452.00 feet, a Delta of 28° 42' 22" and is subtended by a Chord bearing North 74° 45' 13" East a distance of 224.10 feet to a Point of Tangency;
THENCE North 60° 24' 02" East a distance of 128.82 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Southeast a distance of 111.73 feet, said curve has a Radius of 223.00 feet, a Delta of 28° 42' 22" and is subtended by a Chord bearing North 74° 45' 13" East a distance of 110.56 feet to a Point of Tangency
THENCE North 89° 06' 25" East a distance of 138.17 feet;
THENCE North 00° 53' 35" West a distance of 164.02 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Southwest a distance of 137.94 feet, said curve has a Radius of 484.00 feet, a Delta of 16° 19' 44" and is subtended by a Chord bearing North 09° 03' 27" West a distance of 137.47 feet to the endpoint of said curve;
THENCE North 60° 24' 02" East along a line non-tangent to the aforesaid curve a distance of 145.86 feet;
THENCE North 79° 26' 47" East a distance of 137.04 feet;
THENCE North 44° 45' 12" East a distance of 104.46 feet;
THENCE North 75° 18' 30" East a distance of 70.27 feet to a Westerly line of the Amended Plat of Settlers Landing recorded December 20, 1995 as Reception No. 2468390 of the Records of Weld County;
The following Six (6) courses are along the Westerly lines of said Amended Plat of Settlers Landing.
THENCE South 24° 41' 39" East a distance of 139.00 feet;
THENCE South 26° 13' 21" West a distance of 262.00 feet;
THENCE South 40° 16' 39" East a distance of 209.41 feet;
THENCE South 40° 16' 39" East a distance of 145.59 feet;
THENCE South 21° 18' 21" West a distance of 175.00 feet;
THENCE South 17° 56' 39" East continuing along a Northerly line of said Wright Fourth Annexation a distance of 308.63 feet to the Northerly Right of Way line of Weld County Road 74, said line being parallel with and 30.00 feet Northerly of the South line of the Southeast Quarter of said Section 35;
THENCE South 89° 03' 21" West along said Northerly Right of Way line a distance of 450.32 feet;
THENCE South 89° 06' 25" West continuing along said Northerly Right of Way line and along the Northerly line of said Summit View Third Annexation a distance of 240.17 feet to the Easterly line of Lot A, Recorded Exemption No. 0705-35-3-RE1022;
The following Five (5) courses are along the Easterly, Northerly and Westerly lines of said Lot A.
THENCE North 04° 06' 13" West a distance of 340.10 feet;
THENCE South 88° 07' 15" West a distance of 210.84 feet;
THENCE South 46° 38' 40" West a distance of 72.01 feet;
THENCE South 32° 58' 40" East a distance of 315.51 feet;
THENCE South 00° 53' 35" East a distance of 20.00 feet to the Northerly Right of Way line of Weld County Road 74 and to the Northerly line of said Summit View Third Annexation, said line being parallel with and 30.00 feet Northerly of the South line of the Southwest Quarter of said Section 35;
THENCE South 89° 06' 25" West along said Northerly Right of Way line and Annexation line a distance of 2246.09 feet to the POINT OF BEGINNING.

The above described tract of land contains 1,669,354 square feet or 38.32 acres, more or less (±).



VICINITY MAP
1" = 5000'

PLANNING COMMISSION APPROVAL:

Reviewed this _____ day of _____, 20____.

CHAIRMAN, SEVERANCE PLANNING COMMISSION

CLERK AND RECORDER'S CERTIFICATION:

I hereby certify that this zoning map was filed in my office on this _____ DAY OF _____, 20____ at _____ O'CLOCK ____m.

Fee:

TOWN CLERK

BOARD OF TRUSTEES CERTIFICATION:

This is to certify that the zone change as shown and described hereon was approved on the _____ day of _____, 20____, by Ordinance No. _____, passed and adopted at the regular meeting of the town council of the Town of Severance, held on this _____ day of _____, 20____.

SURVEY NOTES:

- Basis of Bearings: The West line of the Southwest Quarter of Section 35 as bearing North 00°15'17" West (assumed bearing) a distance of 2675.16 feet and Monumented as shown hereon.
- Unit of measure is U.S. Survey Feet.
- No rights-of-way or easements, except those shown hereon, were determined by this survey, nor was any research conducted to determine the existence of additional easements, per the request of the client.
- This survey does not constitute a title search by the surveyor. For information regarding additional easements, Northern Engineering relied upon Policy Number: CO-FFAH-IMP-81306-1-21-H0641638 dated May 21, 2021. File Number: 459-H0646933-820-GRO, Amendment No. 1 dated July 2, 2021 and File Number: 459-H0587798-084-LL9, Amendment No. 1 dated July 2, 2021, all prepared by Heritage Title Company, Inc.
- According to FEMA Map No. 08123C1213E and 08123C1211E, dated January 20, 2016, this parcel lies within Zone X "Area of Minimal Flood Hazard".

SURVEYOR'S STATEMENT

I, Aaron M. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description and Zoning Map for the Town of Severance, County of Weld, State of Colorado, was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge, information, belief, and in my professional opinion.

OWNER/DEVELOPER

Hidden Lake Investments, LLC
Larry S. Buckendorf
7251 W 20th St, Suite 200
Greeley, CO 80634
(970) 539-0120
larry@journeyhomes.com

SITE ENGINEER

Northern Engineering Services, Inc.
Robbie Lauer
301 N. Howes St, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158
robbie@northernengineering.com

SURVEYOR

Northern Engineering
Aaron Lund, PLS
820 8th Street
Greeley, Colorado 80631
(970) 488-1115
aaronl@northernengineering.com

DRAFT
06-21-2022
PRELIMINARY - NOT FOR CONSTRUCTION,
RECORDING PURPOSES OR IMPLEMENTATION

Aaron M. Lund - on behalf of Northern Engineering
Colorado Registered Professional
Land Surveyor #38670

NOTICE:
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SECTION:
35
TOWNSHIP:
7 N
RANGE:
67 W of the 6th PM

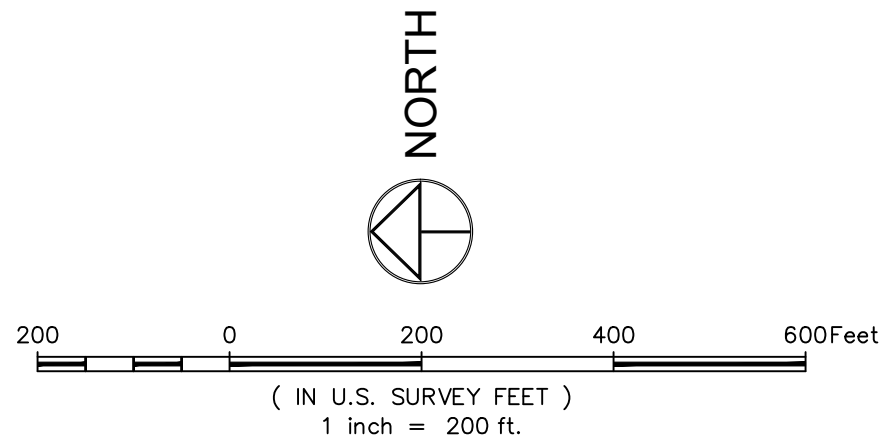
NORTHERN
ENGINEERING
970.221.4158
nortnengr@gmail.com
FORT COLLINS 301 North Howe Street, Suite 100, 80521
GREELEY 820 8th Street, 80631

DATE:
06/27/2022
PROJECT:
1159-003
CLIENT:
SCALE:
1" = 200'
DRAWN BY:
A. Lund/A.F.
REVIEWED BY:
A. Lund

MOODY ZONING MAP
FOR
HIDDEN LAKE INVESTMENTS, LLC
10201 WCR 74, WELD COUNTY, CO

Sheet
1
Of 2 Sheets

MOODY ZONING MAP
TOWN OF SEVERANCE, COLORADO
SITUATE WITHIN SECTION 35, TOWNSHIP 7 NORTH,
RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
(±309.52 ACRES)



LINE TABLE		
LINE	LENGTH	BEARING
L1	81.53'	S36° 15' 22"W
L2	22.77'	S14° 46' 49"W
L3	30.76'	S02° 03' 26"E
L4	115.46'	S33° 15' 31"E
L5	132.58'	S36° 37' 49"E
L6	130.51'	S41° 09' 32"E
L7	139.86'	S40° 01' 53"E
L8	145.64'	S35° 02' 09"E
L9	143.14'	S19° 38' 05"E
L10	59.29'	S21° 19' 29"W

LINE TABLE		
LINE	LENGTH	BEARING
L11	142.09'	S16° 39' 59"E
L12	71.95'	S14° 24' 46"W
L13	86.34'	S04° 06' 29"W
L14	12.24'	S40° 10' 05"W
L15	100.34'	S40° 31' 16"E
L16	57.98'	S56° 50' 15"E
L17	59.88'	S40° 59' 20"E
L18	67.70'	S33° 40' 24"E
L19	70.95'	S31° 37' 54"E
L20	85.04'	S30° 37' 57"E

LINE TABLE		
LINE	LENGTH	BEARING
L21	107.35'	S29° 34' 41"E
L22	115.72'	S32° 35' 12"E
L23	128.81'	S33° 05' 56"E
L24	146.49'	S31° 44' 30"E
L25	158.11'	S09° 09' 37"W
L26	150.21'	S26° 21' 47"E
L27	136.36'	S06° 10' 17"E
L28	139.00'	S24° 41' 39"E
L29	262.00'	S26° 13' 21"W
L30	209.41'	S40° 16' 39"E

LINE TABLE		
LINE	LENGTH	BEARING
L31	145.59'	S40° 16' 39"E
L32	175.00'	S21° 18' 21"W
L33	308.63'	S17° 56' 39"E
L34	340.10'	N04° 06' 13"W
L35	210.84'	S88° 07' 15"W
L36	72.01'	S46° 38' 40"W
L37	315.51'	S32° 58' 40"E
L38	20.00'	S00° 53' 35"E

SYMBOL LEGEND	
	FOUND PROPERTY MONUMENT
	FOUND SECTION CORNER
	FOUND #4 REBAR WITH BLUE PLASTIC CAP, LS 38209

LINE LEGEND	
	SECTION LINE
	RIGHT OF WAY LINE
	ANNEXATION BOUNDARY LINE
	LOT LINE
	EXISTING ANNEXATION LINE
	ZONING LINE

EXISTING ZONING: WELD "AG"
PROPOSED ZONING: SEVERANCE
"SUBURBAN PERIMETER"
271.20 ACRES

LOT B
1AMRECX18-02-3293
REC. NO. 4495105
OWNER: HIDDEN LAKE INVESTMENTS, LLC

EATON-LAW RESERVOIR
REC. NO. 3934637
OWNER: THE EATON-LAW RESERVOIR CO.
(CONTAINS AN IRRIGATION RESERVOIR)

EXISTING ZONING: WELD "AG"
PROPOSED ZONING: SEVERANCE
"SUBURBAN PERIMETER"
271.20 ACRES

LOT B
1AMRECX18-02-3293
REC. NO. 4495105
OWNER: HIDDEN LAKE INVESTMENTS, LLC

EXISTING ZONING:
WELD "AG"
PROPOSED ZONING:
SEVERANCE "TOWN
CORE"
38.32 ACRES

LOT B
RECX18-0146
REC. NO. 4495106
OWNER: HIDDEN LAKE INVESTMENTS, LLC

SUMMIT VIEW RD

W1/16 S35-T7N-R67W
FOUND #6 REBAR WITH
3.25" ALUMINUM CAP
LS 38209 "2013"
IN MONUMENT BOX
50.0' RIGHT OF WAY
REC. NO. 3075523

SUMMIT VIEW SUB
SECOND FILING
REC. NO. 3075523
ZONING: SEVERANCE
"SUBURBAN PERIMETER"

SUMMIT VIEW SUB
THIRD ANNEXATION
REC. NO. 2760552
THIRD FILING
REC. NO. 3224619
ZONING: SEVERANCE
"SUBURBAN PERIMETER"

SUMMIT VIEW SUB
THIRD ANNEXATION
REC. NO. 2760552
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NORTHERN
ENGINEERING
970.223.4158
FORT COLLINS, CO 80501
Greeley, 820 8th Street, Suite 100, 80631

DATE:
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1" = 200'
REVIEWED BY:
A. Lund

PROJECT:
1159-003
CLIENT:
DRAWN BY:
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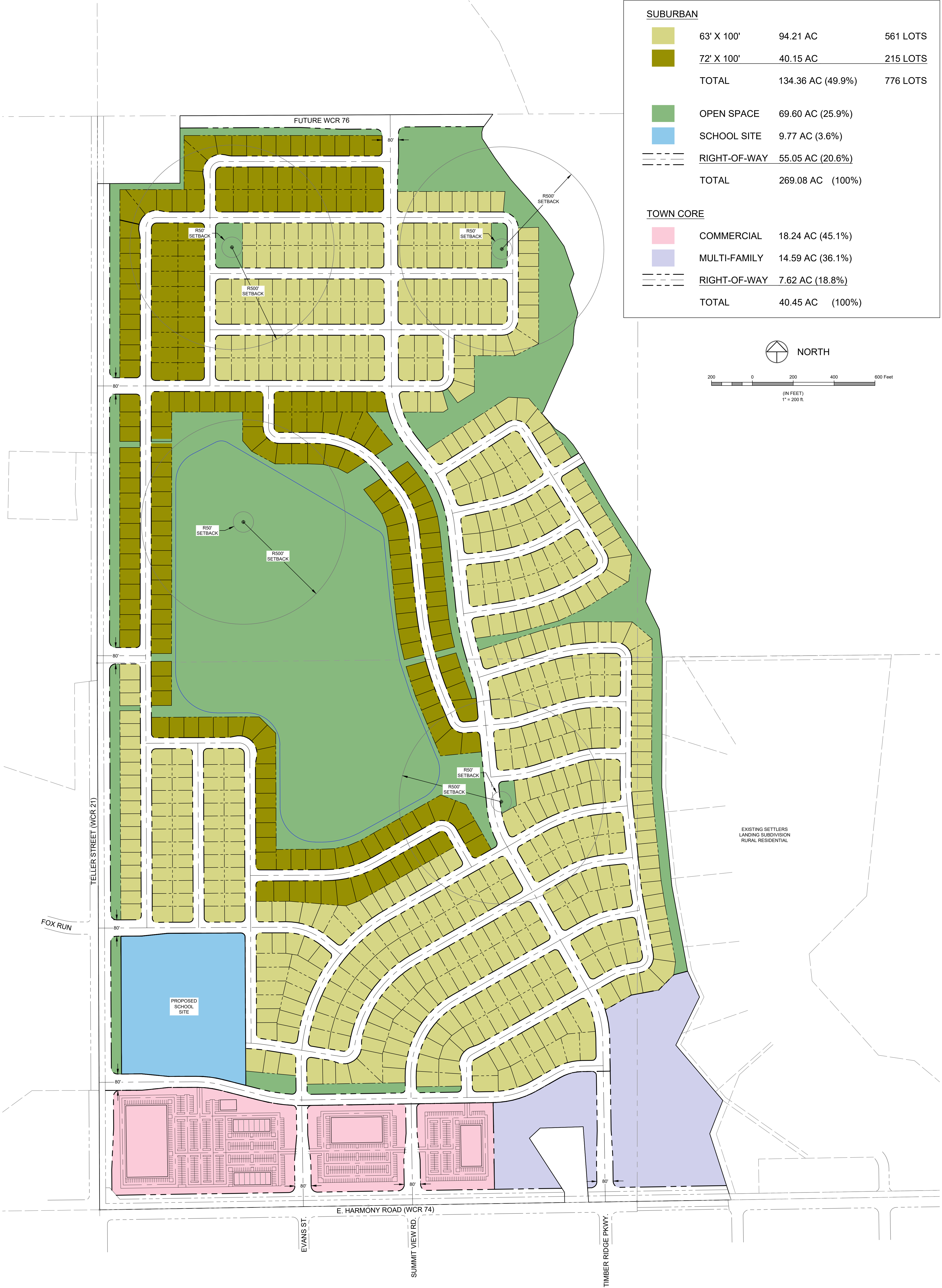
MOODY ZONING MAP
FOR
HIDDEN LAKE INVESTMENTS, LLC
10201 WCR 74, WELD COUNTY, CO

Sheet
2
Of 2 Sheets



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Concept Plan: Moody Project	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development asks that the Severance Planning Commission review and discuss Moody Project Concept Plan and forward a recommendation to the Town Council. Actions that may be taken: - Forward a recommendation of approval to the Town Council for Moody Project Concept Plan. - Take No Action		<u>Action Requested</u> <u>Concept Plan</u>
BRIEF SUMMARY		
Hidden Lake Investments, LLC and Eaton Law Reservoir Company jointly (owners) are petitioning the Town of Severance to annex approximately 310 acres north of and adjacent to E. Harmony Road (WCR 74) and east of and adjacent to Teller Street (WCR 21). The applicant has submitted a concept plan requesting 134.36 acres of single family residential lots (776 lots). 18.24 acres of commercial, 14.59 acres of multi-family, a 9.77 acre school site, and 69.60 acres of open space, and 62.67 acres of right-of-way.		
PUBLIC SUPPORT/CONCERN		
Residents have reached out to Town Staff and requested that the Town Council to not annex this property with the proposed concept plan. Please see Annexation agenda item for all received responses.		
ANALYSIS AND RECOMMENDATION		
The Community Development department asks that the Planning Commission review and discuss the Moody Project Concept Plan and forward a recommendation to the Town Council		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: - Concept Plan - Draft Management Plan		



June 21, 2022

NE NORTHERN
ENGINEERING

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MOODY PROPERTY
SEVERANCE, CO
CONCEPT PLAN
FIGURE 1

Moody Property

Severance, CO



DRAFT MANAGEMENT PLAN

August 23, 2021



VICINITY MAP



SITE DATA

LAND USE STATISTICS*		
RIGHT OF WAY DEDICATION	54.71 AC	20.3%
OPEN SPACE	74.62 AC	27.7%
SINGLE FAMILY LOT AREA	139.74 AC	51.9%
TOTAL SUBURBAN PERIMETER AREA	269.08 AC	100%
RIGHT OF WAY DEDICATION	4.26 AC	10.5%
COMMERCIAL	19.06 AC	47.1%
MULTI-FAMILY	17.13 AC	42.3%
TOTAL TOWN CORE AREA	40.45 AC	100%

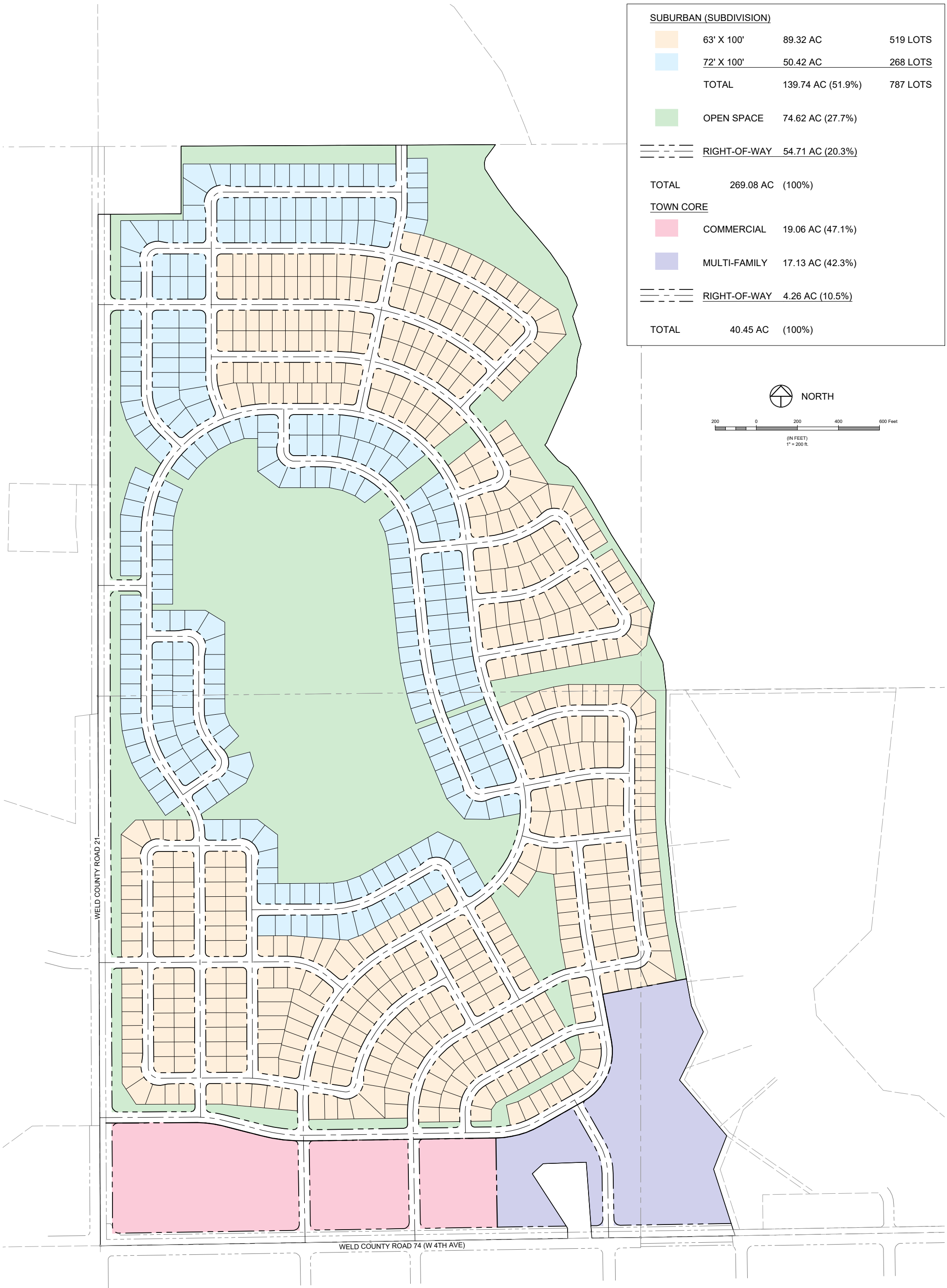
DENSITY		
SINGLE FAMILY	787 UNITS	2.9 DU/AC

SETBACKS**		
FRONT YARD GARAGE	20 FT	
FRONT YARD BUILDING	15 FT	
SIDE YARD	5 FT	
REAR YARD	15 FT	

LOT DIMENSIONS*		
SINGLE FAMILY HOME		
TYPICAL WIDTH	63 FT to 72 FT	
TYPICAL DEPTH	100 FT	
TYPICAL LOT AREA	6,300 SF to 7,200 SF	

* LOT DIMENSIONS AND LAND USE STATISTICS ARE APPROXIMATE

**ALLOWABLE ENCROACHMENTS INCLUDE BAY WINDOWS, WINDOW WELLS, AND EAVE OVERHANGE



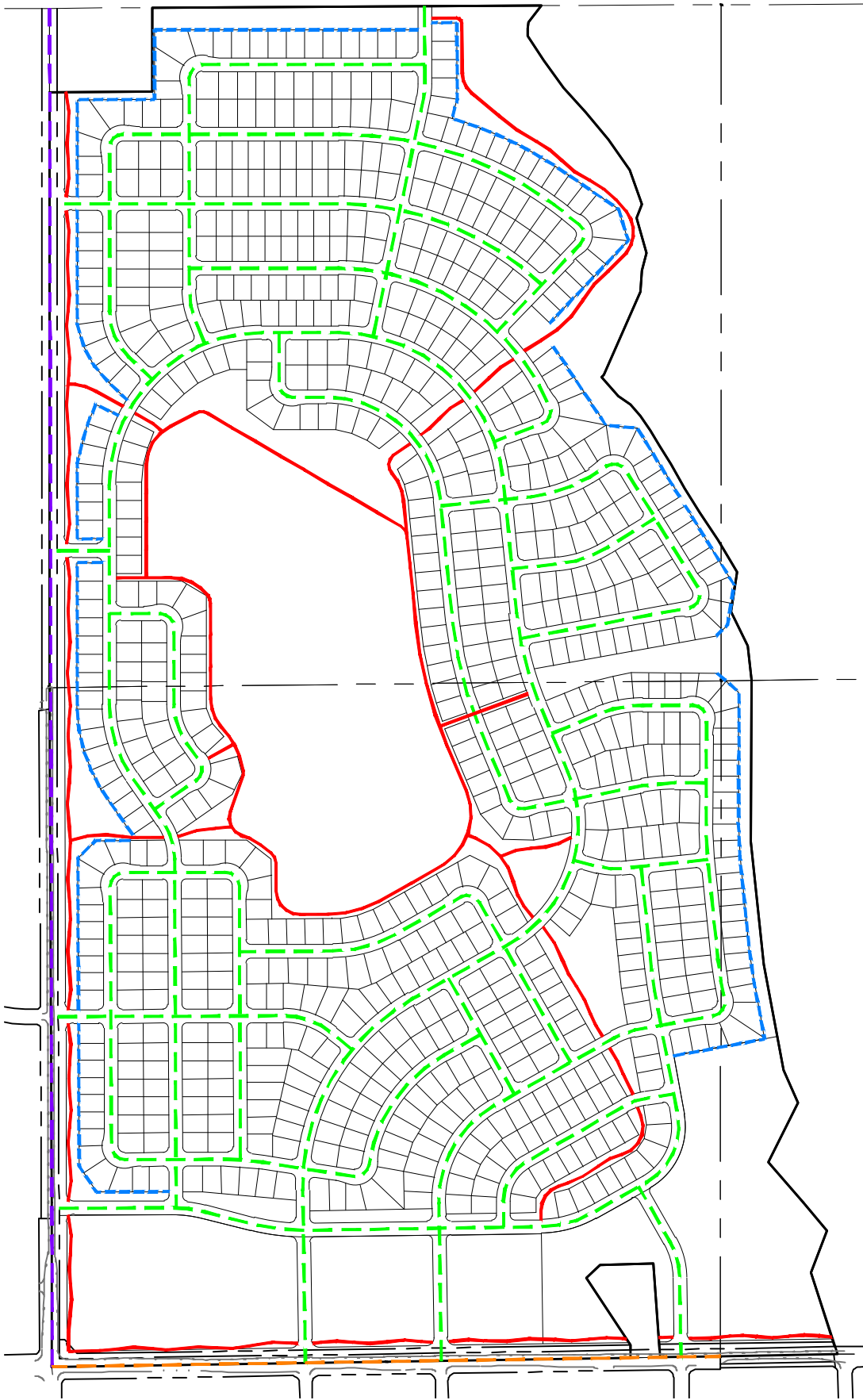
08.25.2021



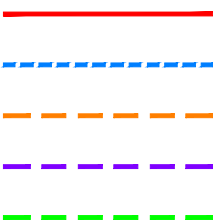
NORTHERN
ENGINEERING

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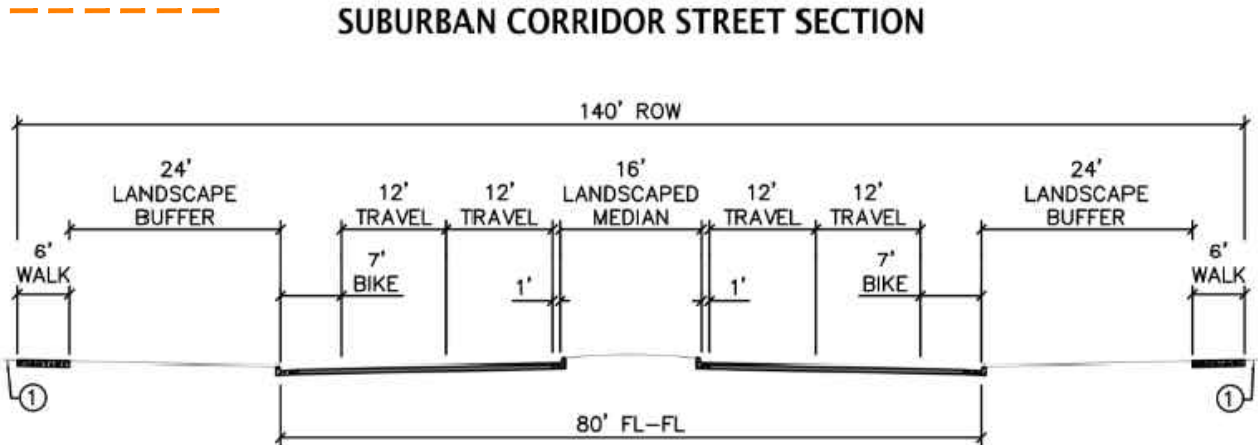
MOODY PROPERTY
SEVERANCE, CO
CONCEPT PLAN
FIGURE 1



- LEGEND**
- PAVED TRAIL
 - 6' CEDAR FENCE WITH GAP
 - SUBURBAN MAJOR ARTERIAL
 - SUBURBAN MINOR ARTERIAL (2-LANE)
 - SUBURBAN LOCAL STREET WITH DETACHED SIDEWALK

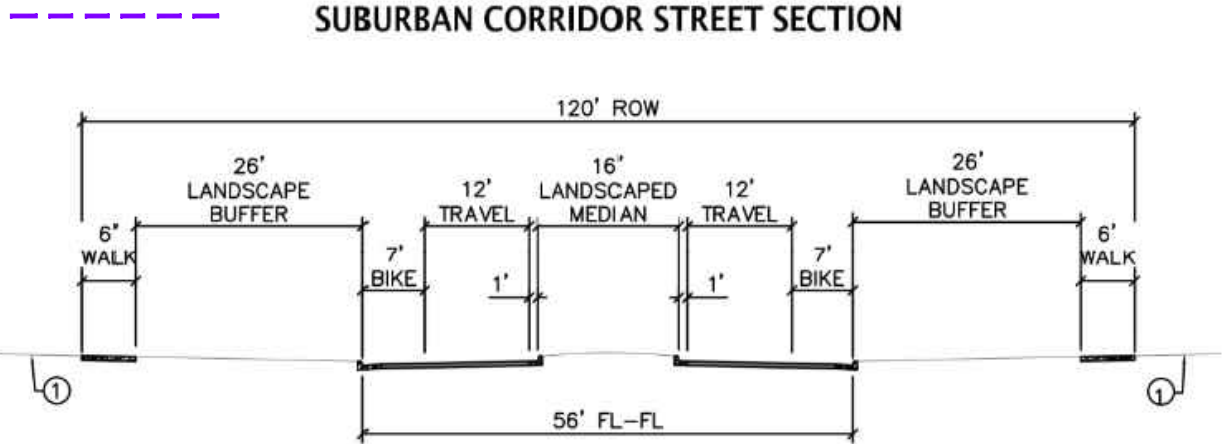


**MAJOR ARTERIAL
SUBURBAN CORRIDOR STREET SECTION**



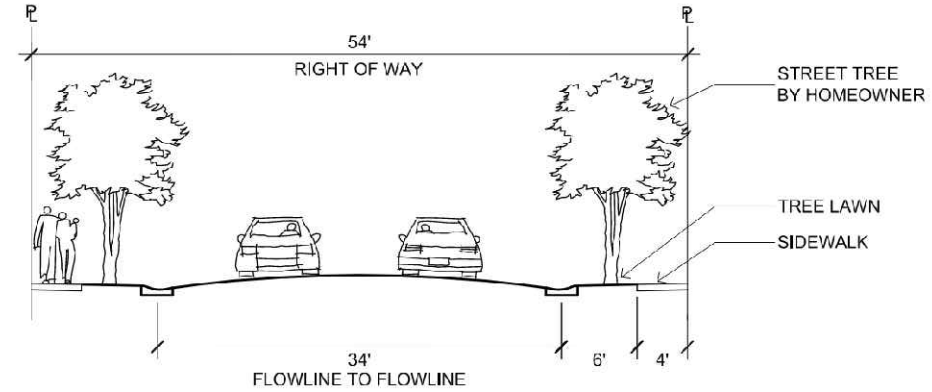
- NOTES:
- ① 15' UTILITY EASEMENT TO BE DEDICATED ON EACH SIDE TO THE RIGHT OF WAY (TYP)

**MINOR ARTERIAL (2-LANE)
SUBURBAN CORRIDOR STREET SECTION**



- NOTES:
- ① 15' UTILITY EASEMENT TO BE DEDICATED ON EACH SIDE TO THE RIGHT OF WAY (TYP)

**LOCAL STREET
SUBURBAN CORRIDOR STREET SECTION (DETACHED SIDEWALK)**



- NOTES:
- 1. MAINTENANCE INCLUDING VALLEY PANS, CURBS, INLETS, PAVING, ETC. WITHIN R.O.W. SHALL BE BY TOWN OF SEVERANCE.
 - 2. LANDSCAPED AREAS AND SIDEWALKS SHALL BE MAINTAINED BY HOMEOWNER.
 - 3. DRAINAGE NEEDS TO BE ADDRESSED PER DRAINAGE STANDARDS, TYPICAL.



08.26.2021



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MOODY PROPERTY
SEVERANCE, CO

ROADWAY / TRAIL / FENCING PLAN

TOWN QUESTIONS

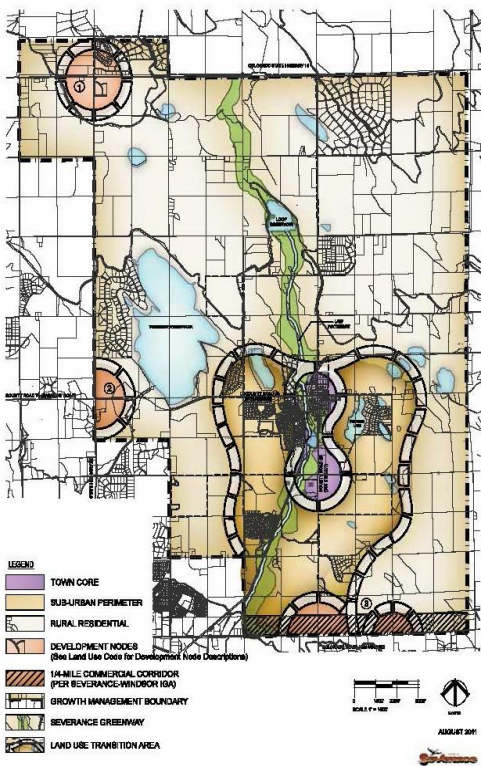
WHAT IS THE THEME OF THE DEVELOPMENT?

Moody Property is a single family detached residential neighborhood with commercial and multi-family developable parcels located just east WCR 21 and just north of WCR 74. The development will provide additional housing and commerce within the Town of Severance, and provide easy, convenient access to most of the cities and towns across Northern Colorado. Moody Property will provide a welcoming, residential neighborhood that takes advantage of fantastic views and a family friendly walk and trail system. The development will be an asset to the Town of Severance and will attract new residents and businesses.

HOW DOES THE DEVELOPMENT THEME AND PATTERN SUPPORT THE COMPREHENSIVE PLAN AND ZONE DISTRICT?

The Moody Property is aligning with the Town’s Comprehensive Plan Physical Vision Statement of being a strong commercial and residential core surrounded by sub-urban residential neighborhoods. The site lies within the Sub-Urban perimeter shown on the Comprehensive Plan’s Future Land Use Map, advancing, and enhancing the vision for the Town to continue to develop into a diverse, economically sustainable community. There are a number of subdivision layout standards that have been incorporated into the site plan:

- 1. Three-way intersections represent the majority of street intersections within the neighborhood.
- 2. The layout incorporates a modified grid that introduces gentle curves to the street alignments.
- 3. Views toward the distant mountain views are accommodated along trail corridors and connector roads.
- 4. Direct driveway access onto connector streets has been eliminated.
- 5. Commercial and multi-family pads are located along WCR 74.



HOW DOES THE DEVELOPMENT THEME AND PATTERN SUPPORT DIVERSITY, LAND USE, AND OPEN SPACE?

The development theme and pattern support Diversity, Land Use, and Open Space by providing quality homes at an affordable price- point in a visually appealing and user-friendly setting. The community plan outlines attractive home designs which honor the existing environment while incorporating buffers, easy access to existing parks, and walkways.

HOW DOES THE DEVELOPMENT THEME AND PATTERN SUPPORT THE ZONING DISTRICT AND DENSITY?

The Moody Property community currently is being Re-Zoned and will support the Zoning District and Density by providing a sub-urban residential development within the sub-urban perimeter (while not encroaching on the town-core perimeter) as shown on the Future Land Use Map. The community fits perfectly between the town core and rural zones, allowing for patronage within the town core, involvement within the sub-urban community itself, and easy access to other municipalities or travel on Intersate-25 to the west. Minimum density required is 2.0 dwelling units per acre. The Moody Property site plan incorporates 2.9 dwelling units per acre and exceeds the minimum lot size by providing lots with a minimum size of 6,300 square feet and an average size of 6,700 square feet.

WHAT IS THE ROADWAY NETWORK ASSOCIATED WITH THIS DEVELOPMENT?

Moody Property is bordered to the west by WCR 21, south by WCR 74 and by private property on all other sides. Evans Street, Summit View Road and Timber Ridge Parkway will be continued to the north through the Moody Property Development. This will provide increased access for the surrounding property owners to WCR 74. The internal streets of the neighborhood will be classified as sub-urban local residential. Street sections and locations are shown in further details on page 4 of this Management Plan.

WHAT TREATMENTS ARE APPLIED TO THE PERIMETER AND INTERIOR ROADWAYS IN THE DEVELOPMENT?

The perimeter treatment along WCR 21 and WCR 74 will consist of a landscaped buffer zone between the lots and the roadway with some intermittent trees. The entrance to the neighborhood will be lined with trees, entry signage, and pedestrian walkways. The interior roadways will include detached sidewalks and trails promoting convenient and safe pedestrian movement.

WHAT IS THE LOT LAYOUT ASSOCIATED WITH THIS DEVELOPMENT AND HOW DOES IT INTERFACE WITH THE ROADWAY NETWORK?

The mid-ranged single-family homes slated for this neighborhood, allow for a medium-density layout while preserving individual lots’ uniqueness. The interior roadways will be placed to effectively serve one row of houses on either side, allowing for smooth movement from the neighborhood streets to the main roadways. The simple roadway design will make it easy to navigate into and within the development.

HOW IS THE LOT SIZE AND DIVERSITY ACCOMPLISHED?

The lot sizes vary slightly, but all are a minimum of 63-feet wide and are for single-family homes. The lots do not have a lot of diversity in this area, but the lots in the surrounding subdivisions do.

WHAT ARE THE PROPOSED SETBACKS FOR EACH LOT?

The proposed setbacks are shown in the Site Data table on page 2 of this Management Plan and meet or exceed the Town’s standards.

TOWN QUESTIONS

HOW DO THE STREET DESIGNS, LOT SIZES AND SETBACK ENHANCE THE STREETScape?

The street layout was planned to provide for easy access, facilitate pedestrian movement, and aesthetic appeal of an existing irrigation reservoir on the property. Once these roads are built, the surrounding subdivisions will have increased access to WCR 21 and WCR 74. The streetscape is enhanced through the local and connector cross sections that incorporate detached sidewalks. The short blocks allow for a variety of ways to reach connector roads, parks, and mail kiosk areas.

WHERE ARE THE COMMON AREAS IN THE SUBDIVISION AND WHAT IS THE PURPOSE OF THE COMMON AREAS?

The common areas in the subdivision include entries, buffers along roads and at the rear of lots, and the existing detention area. There are also many parks close-by in the surrounding neighborhoods including the existing The Overlook Subdivision and Hunters Crossing Subdivision.

HOW ARE COMMON AREAS FINISHED?

Common area finishing will be based on the usage of the individual areas. Entries will be finished with trees and other formal planting. Buffer zones will be finished with native plant species that are drought resistant and which require minimal maintenance. Also, in compliance with the Sub-Urban Perimeter land use zone, open space areas will have landscape irrigation.

HOW ARE THE COMMON AREAS MANAGED?

Common areas will be maintained and managed by a new Metro District.

WHAT IS THE FENCING PLAN FOR THE DEVELOPMENT?

The fencing plan will include solid, cedar, privacy fencing throughout the neighborhood and between homes. Additionally, stone pillars will be incorporated at set distances along the outer perimeter of the development. Fencing will match existing Town of Severance communities.



WHAT AMENITIES ARE INCLUDED IN THE DEVELOPMENT AND WHAT AMENITIES WILL BE MANAGED?

Amenities provided through the community include entry features and signage, and buffer zones. These amenities will be managed by a new Metro District.

HOW ARE THE ENTRIES TO THE DEVELOPMENT ENHANCED?

The entries off WCR 21 will be enhanced by signage depicting the name of the neighborhood and formal planting along the sides of the main roads. There will be pedestrian walkways along the entries that connect with neighborhood walkways. The entries will feature adequate lighting for visibility at night.

HOW IS CONNECTIVITY WITHIN AND OUTSIDE OF THE DEVELOPMENT ACHIEVED?

There are four entrances from WCR 21 and three entrances from WCR 74 provided for the development. The entrances from WCR 74 and one of the entrances from WCR 21 are continuing existing town streets (Evans Street, Summit View Street Road, Timber Ridge Parkway, and Fox Run). Most of the interior roadways lead to Evans Street and a proposed collector from WCR 21 for easy ingress and egress. Pedestrian walkways also follow this design, connecting internal streets with the main road and the parks in other subdivisions. Detached walks along the county roads will facilitate connections to regional trail systems.

HOW ARE THE ARCHITECTURAL AND LANDSCAPE DESIGNS ON INDIVIDUAL LOTS MANAGED?

A new Metro District will establish and control design guidelines for exterior architectural and landscape design elements. Conceptual representations of architectural styles of the neighborhood are included in this management plan and can be seen below.



WHAT IS THE IRRIGATION SYSTEM, INCLUDING SOURCES OF WATER?

Irrigation systems for both individual lots and the common areas will be provided by a new Metro District.

HOW IS POTABLE WATER SUPPLIES TO THE PROJECT AND IS THERE ADEQUATE POTABLE WATER AVAILABLE TO SERVE THE PROJECT?

The potable water system will be designed based on the lot layout and existing connection points to the Town’s water system outside of the development. The system will be looped internally to provide redundancy and fire flows. Standard engineering practices will be utilized in the design of the potable water system. Utility plans will be completed for the Town to review and approve.

TOWN QUESTIONS

HOW IS STORM WATER BEING MANAGED?

Stormwater design will follow standard engineering practices, identifying grading and drainage patterns and conveying flows to the adjacent existing site detention pond by means of the internal street system and subterranean sewer. The detention pond was designed to contain the site runoff and release at the required historic rate. Drainage design will be submitted to the Town for review and approval.

HOW WILL COMMON AREA LANDSCAPE BE MAINTAINED?

Common area landscaping will be maintained and managed by a new Metro District.

HOW WILL THE DEVELOPMENT HANDLE SANITARY SEWER?

The internal sanitary sewer system will drain via gravity to low points to the south. Connection of the Town of Severance wastewater system is possible along WCR 74 at the intersections with Evans Street and Timber Ridge Parkway. The existing sanitary was designed to convey flows from the Moody Property Subdivision. All sanitary sewers will be designed following standard engineering practice and will be submitted to the Town for review and approval.

HOW IS EXTERIOR LIGHTING BEING ADDRESSED?

Each residence will have adequate, non-polluting exterior lighting that complements the neighborhood architecture. Street lighting will be spaced to minimize light pollution and maintain the sub-urban nature of the neighborhood while still providing adequate lighting of the interior streets.

WHAT IS THE POTENTIAL IMPACT ON ADJACENT NEIGHBORHOODS?

The Moody Property will provide commercial opportunity along WCR 74 near the Severance town core while maintaining the sub-urban perimeter. Local access for the residential areas of the Moody Property will be located on WCR 21. Pedestrian trails within the Subdivision and walks along the county and local roads will facilitate connections to regional trail systems.

IF NOISE OR SMELLS ARE ASSOCIATED WITH THE DEVELOPMENT, WHAT ARE THE PLANS FOR MITIGATION?

Construction will take place only during normal working hours. All standard best management practices, including noise, dust, and erosion control, will be followed during development. Individual issues will be mitigated on a case-by-case basis.

OIL AND GAS DEVELOPMENT?

Although oil and gas activities exist within the rural areas near Moody Property, no operations are expected to take place within the boundaries of the development.

HOW IS OFF-STREET PARKING BEING ADDRESSED?

Each residence will have an attached 2- car garage as well as a driveway adequate for parking while avoiding blocking pedestrian traffic on the detached walkways.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Parking Requirements: Land Use Code	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development and Management ask that the Planning Commission review, discuss, and forward a recommendation to the Town Council on the Parking Requirements. Actions that may be taken: 1. Forward a recommendation of approval to the Town Council for Land Use Code changes regarding Parking Requirements. 2. Take No Action.		<u>Action Requested Report</u>
BRIEF SUMMARY		
On June 1st, 2022 and August 3rd, 2022 the Land Use Advisory Committee (LUAC) reviewed, discussed, and directed Town staff with recommendations for Parking Requirements within the Land Use Code. Tonight those recommendations come before the Planning Commission. Town staff asks that the Planning Commission review, discuss, and forward a recommendation to the Town Council for Parking Requirements.		
PUBLIC SUPPORT/CONCERN		
Residents have expressed the desire to increase Parking requirements to Town staff.		
ANALYSIS AND RECOMMENDATION		
Town staff is asking for the Planning Commission to review, discuss, and forward a recommendation of approval to the Town Council for Land Use Code changes regarding Parking Requirements.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Parking Code Analysis		

Parking

PARKING CODE REVIEW (SINGLE-FAMILY PARKING)					
Communities	Code Language		Planning Commission	Town Council	Staff Analysis
Severance	2 spaces/ unit	- Support the existing 2 spaces / unit as off-street parking minimum requirements - Emphasis that on-street parking can not be counted towards the minimum - Shared parking agreements are not applicable for residential uses			- Existing code follows best practices - Most garages account for 2 cars, with the driveway providing another 2 spaces, if designed appropriately to avoid overhang onto the sidewalk or into the street
Evans	2 spaces/ unit				
Firestone	2 spaces/ unit				
Frederick	2 per DU				
Johnstown	2 spaces / unit				
Timnath	2 spaces / unit				
Wellington	2 spaces / unit				
Windsor	2 spaces / unit				

Parking

PARKING CODE REVIEW (DUPLEX PARKING)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	-	- Support the existing 2 spaces / unit as off-street parking minimum requirements - Emphasis that on-street parking can not be counted towards the minimum - Shared parking agreements are not applicable for residential uses			- The recommended minimum parking requirements follow best practices - Duplexes typically provide either a 1-car or 2-car garage, with the driveway providing at least 1 space, if designed appropriately to avoid overhang onto the sidewalk or into the street
Evans	2 per DU				
Firestone	2 per DU				
Frederick	Efficiency or 1 bdr: 1.5 per du; 2 bdr = 1.75 per du; 3 bdr = 2 per du				
Johnstown	2 spaces / unit				
Timnath	2 spaces / unit				
Wellington	1 space per bedroom/ up to 2 per unit				
Windsor	2 spaces / unit				

Parking

PARKING CODE REVIEW (TOWNHOME PARKING)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	-	- Rangeview Townhomes is a good example in Severance - Require 2 spaces / unit as off-street parking - Emphasis that on-street parking can not be counted towards the minimum - Shared parking agreements are not applicable for residential uses			- Requirements can vary depending on the design and intent of the products - The recommended minimum parking allocation follows best practices - Projects do not always have a driveway as some units use alleyloaded garages; developments will usually include add. on-site parking and use on-street spaces for temp. guest parking
Evans	2 spaces per du				
Firestone	2 spaces per du, + 1 guest space per 3 du's				
Frederick	Efficiency or 1 bdr: 1.5 per du; 2 bdr = 1.75 per du; 3 bdr = 2 per du				
Johnstown	2 spaces / unit				
Timnath	2 spaces / unit				
Wellington	1 space per bedroom/ up to 2 per unit				
Windsor	2 spaces / unit				

Parking

PARKING CODE REVIEW (CONDO PARKING)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	-	- Require 2 spaces / unit as off-street parking - Emphasis that on-street parking can not be counted towards the minimum - Shared parking agreements are not applicable for residential uses			- The recommended approach follows best practice - Depending on the development style (either SF or MF structure), guest parking may be a consideration similar to MF recommendations
Evans	-				
Firestone	-				
Frederick	Efficiency or 1 bdr: 1.5 per du; 2 bdr = 1.75 per du; 3 bdr = 2 per du				
Johnstown	2 spaces / unit				
Timnath	2 spaces / unit				
Wellington	-				
Windsor	2 spaces / unit				

Parking

PARKING CODE REVIEW (MULTI-UNIT PARKING)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	-	- Likes Windsor's breakout for MF projects - Consider includingan additional guest parking allocation, similar to Evans - Parking requirements to be met as on-site and off-street parking - On-street parking can not count towards the minimum requirements			- The recommended approach follows best practice - In Town Core, or similar walkable areas, on-street parking could be used for guest parking at a specific ratio (i.e. 25% of the available on-street spaces fronting the development can be used in the minimum calculation) - Any minimum on-site parking requirement must be met with free and available parking to residents - avoid counting garages or carport spaces that are additional charge to residents
Evans	1.5 space per unit, plus guest parking (1 space for first 5 dus, plus 1 space per every 5 additional dus, up to 100 dus.				
Firestone	1.5 spaces per efficiency, studio or 1-bdr du; 2 per du with 2 + more bedrooms, + 1 gues space per du's				
Frederick	Efficiency or 1 bdr: 1.5 per du; 2 bdr = 1.75 per du; 3 bdr = 2 per du				
Johnstown	1.5 spaces / unit				
Timnath	1 bdrm - 1.5 spaces 2 bdrm - 1.7 spaces 3+ bdrm - 2 spaces				
Wellington	1 space per bedroom/ up to 2 per unit				
Windsor	1 bdrm - 1.5 spaces 2 bdrm - 1.75 spaces 3 bdrm - 2.0 spaces 4+ bdrm - 3.0 spaces				

Parking

PARKING CODE REVIEW (LODGING PARKING)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	1 space for every room to be rented, plus 1 space for every 2 employees, computed on the max service capacity	- Support existing code language - Minimum requirements to be met as off-street parking - On-street parking cannot be counted towards parking requirement			- Recommendation follows best practices
Evans	1 space per guest room, plus specified reqs for related commercial uses.				
Firestone	1 space per guest room, plus 1 space per employee on the maximum shift, plus 50% of the spaces otherwise required for accessory uses (bars and restaurants).				
Frederick	1 per guest room +75% of req parking for accessory resturants, meeting spaces, etc.				
Johnstown	not specified - requires P&Z determination				
Timnath	1 space / room + applicable other uses (i.e. office, restaurant, etc.)				
Wellington	1 space/ room + 1 space per 500 square feet of common area				
Windsor	1 space / rented room, plus 1 space / 2 employees (maximum service)				

Parking

PARKING CODE REVIEW (RETAIL PARKING)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	1 space/ 250 SF of GLA	- Update to 1 space / 200 SF - Remove GLA from langauge for clarity and ease in calculating - Requirement as off-street parking and can not be met with on-street parking			- Recommendation follows best practices - Town core area may warrant the ability to utilize on-street parking for some of the minimum requirement to maintain a pedestrian friendly environment and avoid large parking areas; code language could also include a requirement for a parking plan specific to the Town Core or similar area
Evans	1 per 200 SF of GFA				
Firestone	1 per 250 SF				
Frederick	1 per 300 SF				
Johnstown	1 space / 150 sqft of GLA				
Timnath	1 space / 300 sqft				
Wellington	1 space/ 200 SF of GLA				
Windsor	1 space / 250 SF of GLA				

Parking

PARKING CODE REVIEW (OFFICE PARKING)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	1 space/ 250 SF of GLA	- Update code to be 1 space / 300 SF - Remove GLA language for clarity and ease in calculating requirements - Requirement as off-street parking and can not be met with on-street parking			- Recommendation follows best practices and changes in office work environments - Town core area may warrant the ability to utilize on-street parking for some of the minimum requirement to maintain a pedestrian friendly environment and avoid large parking areas; code language could also include a requirement for a parking plan specific to the Town Core or similar area
Evans	1 per 300 SF of floor area				
Firestone	1 per 300 sf				
Frederick	1 per 300 SF				
Johnstown	1 space / 300 sqft of GLA				
Timnath	1 space / 400 sqft				
Wellington	1 space/ 300 SF of GLA				
Windsor	1 space / 300 sqft of GLA				

Parking

PARKING CODE REVIEW (RESTAURANT PARKING)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	1 space per 200 SF of GLA, + 1 space per 2 employees, computed on the max service.	- Change to 1 space / 150 SF and remove GLA for clarity and ease in calculating requirements - Requirement as off-street parking and can not be met with on-street parking			- Recommendation follows best practices and growing needs in restaurant areas - Consider adding additional language for outdoor dining areas as 1 space / 150 SF of defined outdoor seating area
Evans	1 space per 3 seats				
Firestone	1 space per 3 seats plus 1 space per employee on maximum shift				
Frederick	1 per 100 SF including outdoor seating areas; 1 per 75 SF for restaurants with bar seating areas, including outdoor seating areas.				
Johnstown	1 space / 100 sqft of GLA				
Timnath	1 space / 100 sqft + 1 space / 200 sqft of outdoor space				
Wellington	1 space/ 100 SF of GLA				
Windsor	1 space / 200 sqft of GLA, plus 1 space / 2 employees (maximum service)				

Parking

PARKING CODE REVIEW (MIXED-USE PARKING)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	The review process shall determine the appropriate parking requirements	- Recommend keeping the existing language - Not allowing for shared parking - Requirements to be met as off-street parking and that on-street spaces can not be counted towards the minimum requirement			- Recommended approach of using the review process is appropriate and consistent with typical approach - Suggest language that provides guidance on how a project can begin their calculations (i.e. looking at the individual use mix and calculating based on their individual code requirements, such as restaurant space using restaurant calculations, office space using office calculations, MF residential using MF residential calculations; and adding those up) - Shared parking may be a strategy to consider in the Town Core area or similar walkable centers with offsetting hours
Evans	Based on individual uses				
Firestone	Lots containing more than 1 use shall provide parking and loading in the amount equal to the total of the requirements for all uses				
Frederick	Based on individual uses				
Johnstown	Based on individual uses				
Timnath	Based on individual uses				
Wellington	Based on individual uses				
Windsor	Based on individual uses				

Parking

PARKING CODE REVIEW (INDUSTRIAL PARKING)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	1 space per 1 employee unless justified otherwise and approved by the Board	- Suggest rewording to match Wellington language - Add language from Evans regarding +1 space for each company vehicle based at the location			- Employee counts are a good approach to establish a base need, but can also become challenging to enforce over the long -term as employee levels and operations change - Using the maximum number of employees at any one time captures overflow needs without requiring parking to accommodate all shifts at a given time since that is less likely - The additional company vehicle recommendation is a good addition
Evans	1 space per 2 employees, determined on the basis of the greatest number of persons employed at any period of time (+ 1 space for each company vehicle based at the location).				
Firestone	Indoor storage/ warehousing/ manufacturing area 1-5,000 SF = 1 per 500 SF; 5,001 SF-10,000 SF =1 per 750 SF; 10,001-50,000 SF = 1 per 1,250 SF.				
Frederick	Indoor storage/ warehousing/ vehicle service: 1-3000 SF = 1 per 250 SF; 3,001-5000 SF = 1 per 500 SF; 5001-10,000 SF = 1 per 750 SF; +10,001 SF=1 per 1,250 SF.				
Johnstown	1 space per 2 employees				
Timnath	*varies				
Wellington	1 space each for the maximum number of employees present at any one time				
Windsor	1 space per 2 employees				



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Lighting Requirements: Land Use Code	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development and Management ask that the Planning Commission review, discuss, and forward a recommendation to the Town Council on the Lighting Requirements. Actions that may be taken: 1. Forward a recommendation of approval to the Town Council for Land Use Code changes regarding Lighting Requirements. 2. Take No Action.		<u>Action Requested Report</u>
BRIEF SUMMARY		
On June 1st, 2022 and August 3rd, 2022 the Land Use Advisory Committee (LUAC) reviewed, discussed, and directed Town staff with recommendations for Lighting Requirements within the Land Use Code. Tonight those recommendations come before the Planning Commission. Town staff asks that the Planning Commission review, discuss, and forward a recommendation to the Town Council for Lighting Requirements.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Town staff is asking for the Planning Commission to review, discuss, and forward a recommendation of approval to the Town Council for Land Use Code changes regarding Lighting Requirements.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Lighting Code Analysis		

Lighting

LIGHTING REVIEW (RESIDENTIAL POLE HEIGHT)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	16' max; 20' max street lights at residential entries allowed; 47" bollard-type lighting	- Maintain existing height criteria			- Recommendation is also based on available fixtures from local providers
Evans	25' max				
Firestone	N/A				
Frederick	25' max				
Johnstown	N/A				
Timnath	20' max in higher density developments/districts				
Wellington	N/A				
Windsor	15' maximum				

Lighting

LIGHTING REVIEW (RESIDENTIAL LIGHTING LEVELS)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Appropriate for the lighting need	- Recommend adopting language consistent with Dark Skies MLO - Recommend adding staff's recommendation of light temperature in regulations - Look at shut off or timer based lighting for certain recreation areas (tennis cours, basketball courts, etc.) - based on time of day and/or use; - Also look at dimming technology that allows recreation areas to brighten with motion or dim when not in use			In addition to light levels, tempuratures should be considered by the Town (warm white versus bright white bulbs) as they directly impact light intensity in all zone districts - examples include 3000K or 3500K as exterior light fixtures and up to 4500K as security lighting only (motion activated)
Evans	N/A				
Firestone	In no case shall exterior lighting add more than one (1) foot-candle to illumination levels at any point off-site adjacent to residential				
Frederick	Table 2-10 gives maximum lighting levels for outdoor facilities used at night averaged over the entire activity area. Max of 5 footcandles in residential zones.				
Johnstown	7,000 lumens minimum on street lights				
Timnath	N/A				
Wellington	N/A				
Windsor	N/A				

Lighting

LIGHTING REVIEW - PHOTOMETRIC PLAN? (Y OR N)							
Communities	Residential Districts	Commercial Districts	Industrial Districts	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	N	N	N	- Recommend requiring a photometric plan with Residential and Commercial projects - Recommend that Industrial areas be on a case by case basis using Evans language regarding "Glare diagrams and/or lighting plans may be required at the discretion of the City." - Provision in code for HOA/Metro Districts to require LED, Low Temp bulbs for residential lighting (garage and porch lights)			- Could consider requiring all new or substantial redevelopment projects include a photometric plan (Res, Comm, and Ind) - Ensure the criteria is in place to guide and enforce what is required in the photometric plan (max. light levels, light fixture details and specs)
Evans	Glare diagrams and/or lighting plans may be required at the discretion of the City.	Glare diagrams and/or lighting plans may be required at the discretion of the City.	N				
Firestone	Y	Y	N				
Frederick	Y	Y	N				
Johnstown	N/A	Y	Y				
Timnath	Y	Y	Y				
Wellington	N/A	Y	N				
Windsor	N/A	N/A	N				

Lighting

LIGHTING REVIEW (RESIDENTIAL GENERAL DETAILS)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Consistent design with the architectural style and character; parking and exterior bldg fixtures, except as required for security purposes, shall be extinguished within 1-hour after the end of business and remain extinguished until 1-hour prior to reopening; concealed or shielded to the maximum extent feasible to minimize the potential for glare; equipped with cut-off devices; reflector lights are preferred; accent and flagpole lighting may be permitted to be directed upward as long as the light source is shielded and not visible from any adjacent property; globe lights shall not be permitted; fixtures installed under canopies, awnings, overhangs and the like shall be fully recessed	- Recommend incorporating the existing Severance language and incorporating the Dark Skies ord. criteria - Evans language "... pedestrian courts and plazas shall have sufficient lighting to ensure adequate visibility for pedestrians. All wall-mounted fixtures shall be shielded and directed downward and inward so as to reduce glare onto neighboring properties and ROW." - Firestone language required all fixtures to be LED			- Many communities (most we researched) have incorporated aspects of what is included in a dark skies ordinance and have customized to their interests - Recommend drafting language in a user friendly and easy to understanding format
Evans	Internal or on-site parking areas, sidewalks, trails, pathways, pedestrian courts and plazas shall have sufficient lighting to ensure adequate visibility for pedestrians. All wall-mounted fixtures shall be shielded and directed downward and inward so as to reduce glare onto neighboring properties and rights-of-way.				
Firestone	Any light source or lamp shall be concealed or shielded with a full cut-off style fixture. All fixtures shall utilize light emitting diode (LED) bulb types.				
Frederick	Light sources shall be concealed or shielded to the maximum extent feasible to minimize glare. All lights shall be directed downward and the light source equipped with "cut-off" devices so that it will not be visible from any adjacent property and to ensure that ambient skyward light is eliminated.				
Johnstown	Shielded and reflected to minimize light pollution and glare;				
Timnath	Full cutoff style fixture (shielded, shaded and directed); no blinking, flashing or fluttering; Higher density developments/districts - 90 degrees for pole mounted and 45 degrees or less for bldg mounted				
Wellington	-				
Windsor	No closer than 3' to a property line; concealed or shielded lighting to reduce spill-light and glare (full cutoff)				

Lighting

LIGHTING REVIEW (COMMERCIAL POLE HEIGHT)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	25' max, unless a greater height not to exceed 35' is approved by the Town; wall mount lighting shall not exceed the height of the building; bollard lighting shall be between 32" and 47"	- Support existing height criteria and incorporate Dark Skies language			- Recommendation is also based on available fixtures from local providers
Evans	25' max				
Firestone	The maximum height of any light pole shall be twenty-five (25) feet. For parking lots larger than five (5) acres, the maximum height shall be thirty-five (35) feet if the pole is located at least one-hundred (100) feet from any residential use.				
Frederick	25' max				
Johnstown	25' max - small lots near residential; 30' maximum for large lots				
Timnath	20' maximum				
Wellington	-				
Windsor	30' max. in parking lots				

Lighting

LIGHTING REVIEW (COMMERCIAL & INDUSTRIAL LIGHTING LEVELS)						
Communities	Commercial	Industrial	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Appropriate for the lighting need	Appropriate for the lighting need.	- Recommend incorporating Dark Skies language and considerations for site and development context within the community			- Consider as part of the Dark Skies ordinance, specific lighting levels the Town is comfortable with; this criteria will help guide applicants when preparing their photometric plans and also help staff to have base criteria to review against (enforcement after approvals)
Evans						
Firestone	In no case shall exterior lighting add more than five (5) foot-candles to illumination levels at any point off-site adjacent to non-residential.					
Frederick	maximum of 10 footcandles					
Johnstown	0.5 fc (foot candles) at project boundary adjacent to residential	0.5 fc (foot candles) at project boundary adjacent to residential				
Timnath	0.3 fc average throughout a site and 0.0 fc at boundary	0.3 fc average throughout site and 0.0 fc at boundary				
Wellington	0.1 fc at 20' beyond property line on residential area or public ROW.					
Windsor	N/A					

Lighting

LIGHTING REVIEW (COMMERCIAL GENERAL DETAILS)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Consistent design with the architectural style and character; parking and exterior bldg fixtures, except as required for security purposes, shall be extinguished within 1-hour after the end of business and remain extinguished until 1-hour prior to reopening; concealed or shielded to the maximum extent feasible to minimize the potential for glare; equipped with cut-off devices; reflector lights are preferred; accent and flagpole lighting may be permitted to be directed upward as long as the light source is shielded and not visible from any adjacent property; globe lights shall not be permitted; fixtures installed under canopies, awnings, overhangs and the like shall be fully recessed	- Recommend incorporating existing language into a Dark Skies ordinance approach - Ensure specific criteria is included, such as: - Evans - "...Adequate pedestrian lighting shall be supplied throughout the development and may be in the form of low-glare pole or wall-mounted fixtures, bollards or acceptable type" - Firestone - "... all fixtures shall utilize LED.." - Timnath - "... no blinking flashing or fluttering."			- Many communities (most we researched) have incorporated aspects of what is included in a dark skies ordinance and have customized to their interests - Recommend drafting language in a user friendly and easy to understanding format
Evans	City's standard ornamental light fixture shall be installed on public and private streets. Adequate pedestrian lighting shall be supplied throughout the development and may be in the form of low-glare pole or wall-mount fixtures, bollards or acceptable type.				
Firestone	Any light source or lamp shall be concealed or shielded with a full cut-off style fixture; all fixtures shall utilize light emitting diode (LED) bulb types.				
Frederick	All lighting fixtures will be full cut off fixtures.				
Johnstown	Should maintain lowest possible functional level;				
Timnath	Design and style to match site architecture; Full cutoff style fixture (shielded, shaded and directed) - 90 degrees for pole mounted and 45 degrees or less for bldg mounted; no blinking, flashing or fluttering;				
Wellington	Light sources shall be concealed and fully shielded and shall feature sharp cut-off capability minimizing up-light, spill-light, glare and diffusion. Undercanopy fueling areas shall feature flushmount, flat lens light fixtures.				
Windsor	Light poles to be round and painted to reduce reflection; design and style of lighting to match site architecture				

Lighting

LIGHTING REVIEW (COMMERCIAL OTHER)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Adopted Dark Sky white paper requirements (specific to full cut-off language); references to Illuminating Engineering Society of North America; mercury vapor lamps shall not be used	- Recommend adopting a Dark Skies model ordinance for the community			- Many communities (most we researched) have incorporated aspects of what is included in a dark skies ordinance and have customized to their interests - Recommend drafting language in a user friendly and easy to understanding format
Evans	-				
Firestone	To the maximum extent practicable, lighting levels shall be uniform. Floodlights shall not be permitted. Lighting on automobile service station, convenience store, and other outdoor canopies shall be fully recessed into the canopy. The style of light standards and fixtures shall be generally consistent with the style and character of architecture proposed on the site.				
Frederick	-				
Johnstown	Full cutoff fixtures to reduce glare and light spill; Decorative and accent lighting allowed to deviate from full cutoff requirements; street lights per S&S				
Timnath	Except for use as security lighting, all bldg and site lighting shall be extinguished 1 hr after close of business and remain off until 1 hr before business resumes				
Wellington	All parking area lighting shall be full cutoff type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties and away from the vision of passing motorists. Lighting intensities shall conform to the Town's lighting standards.				
Windsor	Full cutoff fixtures to reduce glare and light spill; Decorative lighting allowed to deviate from full cutoff requirements if they don't exceed 3,200 lumens; street lights per S&S				

Lighting

LIGHTING REVIEW (INDUSTRIAL POLE HEIGHT)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	25' max, unless a greater height not to exceed 35' is approved by the Town; wall mount lighting shall not exceed the height of the building; bollard lighting shall be between 32" and 47"	- Support existing heigh criteria			- Recommendation is also based on available fixtures from local providers
Evans	-				
Firestone	-				
Frederick	-				
Johnstown	25' max - small lots near residential; 30' maximum for large lots				
Timnath	25' max; except when adjacent to residential then cannot exceed height of principle bldg				
Wellington	N/A				
Windsor	30' max. in parking lots				

Lighting

LIGHTING REVIEW (INDUSTRIAL GENERAL DETAILS)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Consistent design with the architectural style and character; parking and exterior bldg fixtures, except as required for security purposes, shall be extinguished within 1-hour after the end of business and remain extinguished until 1-hour prior to reopening; concealed or shielded to the maximum extent feasible to minimize the potential for glare; equipped with cut-off devices; reflector lights are preferred; accent and flagpole lighting may be permitted to be directed upward as long as the light source is shielded and not visible from any adjacent property; globe lights shall not be permitted; fixtures installed under canopies, awnings, overhangs and the like shall be fully recessed	- Recommend incorporating existitng language into a dark skies ordinance approach - Ensure language similar to Johnstown is included			- Many communities (most we researched) have incorporated aspects of what is included in a dark skies ordinance and have customized to their interests - Recommend drafting language in a user friendly and easy to understanding format
Evans	-				
Firestone	-				
Frederick	-				
Johnstown	Should maintain lowest possible functional level;				
Timnath	Design and style to match site architecture; Full cutoff style fixture (shielded, shaded and directed) - 90 degrees for pole mounted and 45 degrees or less for bldg mounted; no blinking, flashing or fluttering;				
Wellington	Same as commercial.				
Windsor	Light poles to be round and painted to reduce reflection; design and style of lighting to match site architecture				

Lighting

LIGHTING REVIEW (INDUSTRIAL OTHER)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Adopted Dark Sky white paper requirements (specific to full cut-off language); references to Illuminating Engineering Society of North America; mercury vapor lamps shall not be used	- Recommend adopting a Dark Skies model ordinance for the community			- Many communities (most we researched) have incorporated aspects of what is included in a dark skies ordinance and have customized to their interests - Recommend drafting language in a user friendly and easy to understanding format
Evans	-				
Firestone	-				
Frederick	-				
Johnstown	Full cutoff fixtures to reduce glare and light spill; Decorative and accent lighting allowed to deviate from full cutoff requirements; street lights per S&S				
Timnath	Except for use as security lighting, all bldg and site lighting shall be extinguished 1 hr after close of business and remain off until 1 hr before business resumes				
Wellington	-				
Windsor	Decorative lighting allowed to deviate from full cutoff requirements if they don't exceed 3,200 lumens; street lights per S&S				

August Community Development & Engineering Report

Abdul Barzak, Town Planner

Chris Messersmith and Shar Shadowen, Colorado Civil Group, Inc. (CCG)

August 8, 2022



Planning Projects/Documents

Land Use Code Updates

At the direction of Council, Town staff will be bringing all Land Use Code items through the Land Use Advisory Committee, Planning Commission and finally to Town Council for a comprehensive look at all items. Town Council began reviewing Multi-Family Requirements starting in July.

MPO

- Technical Advisory Committee (TAC) – TAC will be continuing a discussion on the Fiscal Year 2019 MMOF projects Extension Requests as well as discussing the 2022 MMOF Call for Projects.
- NoCo Bike & Ped Collaborative – The NoCo Bike & Ped Collaborative will host a Walk & Bike Audit of the Severance Downtown area and focusing on senior issues, connectivity, and accessibility for bike and pedestrian users. The collaborative will also be working close with a group of Planners and Elected officials from Arkansas discussing transportation.
- Weld County Mobility Committee (WCMC) – Working closely with the Larimer County Mobility Committee to further develop and fine-tune "Ride NoCo" formerly the One Call/One Click Center to be a central hub for transportation options in Northern Colorado.

Capital Improvement Projects

SH 392 – WCR 23 Intersection Improvements

The project kick off meeting with Horrocks Engineers, Inc. (HEI) and CDOT occurred on July 5, 2022. HEI is working on the ultimate (2040) intersection layout to determine the traffic signal caisson placement locations and auxiliary lane configurations, which will be submitted to CDOT, the Town of Windsor, and Weld County for review. Once this is complete, HEI will work on the interim intersection layout to accommodate growth projected over the next ten (10±) years.

E Harmony Road – WCR 19 Intersection Improvements

Drexel, Barrell & Co. (DBC) has completed the ultimate (2040) intersection layout to determine the traffic signal caisson placement locations, which will be submitted to Weld County for review. DBC is working on the interim intersection layout to accommodate growth projected over the next ten (10±) years and will be providing a 60% design package submittal for Town staff to review.

CDOT TAP/MMOF Trail Project

This project is out to bid for construction. The mandatory Pre-Bid Conference was held on July 14, 2022, and the bids are due on July 26, 2022. The construction contract will be presented to Town

Council on August 9, 2022, and construction is anticipated to start early September 2022 after coordination with CDOT.

Community Park Phases 2 & 3

Final items including amenities and irrigation are the only remaining in Phase III of the Severance Community Park. Town Staff continues to work on the CDOT TAP/MMOF Trail Project which will create another multi-modal connection through the Community Park. Staff will bring updates to Council.

Secondary Water Connection/Supply

Town Staff and the City of Greeley staff have been coordinating on a possible water system secondary connection (i.e. emergency connection). Based on recent feedback, Engineering is working on an updated secondary connection alignment.

Water System Monitoring

CCG has been working with Town staff and the NWCWD staff to monitor the Town's water distribution system and performance (pressure and flowrates) continuously since June 5, 2022. The Town is also monitoring the Town's water distribution system pressures at four (4) locations using data loggers provided by the Town of Windsor. Fire flows will also be simulated to calibrate the Town's water distribution system hydraulic model. Once the calibration is complete, CCG will prepare the DRAFT Potable Water Distribution System Master Plan for review.

NWCWD Amended and Restated Water Service Agreement

Town Management met with Stantec and the NWCWD on July 7, 2022, to discuss the NWCWD Master Plan that is in the process of being prepared/updated. CCG forwarded the requested water usage data and projections to Stantec on July 15, 2022.

Elevated Water Tank

CCG has completed the preliminary design for the elevated water tank. Town management and CCG met with the property owner on July 13, 2022. Engineering will continue with the design and intends to put this project out to bid in the next couple of months.

DEVELOPMENT REVIEW UPDATES

The list below is all of the currently active submitted projects to the Town Council. If you have questions on these please contact me for more information.

- **Moody Annexation/Zoning/Concept Plan** (Northeast corner of E. Harmony Road/Teller Street) – Applicant has resubmitted and is looking to begin the public hearing process in August for annexation and Zoning.
- **Severance South** (Entire section north of 392 between 21 and 23) – Applicant is routing mylars for signatures.
- **Franklin's Place/Tailholt 3rd Filing Preliminary Plat** (Southwest corner of E. Harmony Road and Tailholt Avenue) – Commercial project submitted in December 2020. Concept plan approved at February Council meeting 2021. Preliminary Plat presented at July Planning Commission 2021 (forwarded recommendation of approval). The project has been

continued to the next available Town Council Meeting August 23rd, 2022 after Council comments at Preliminary Plat stage.

- **Saddler 9 & 10** (Northeast corner of HWY 14 WHY 257) – Approved plan nearing final staff approval (north of HWY14), applicant to print mylars and route for signatures in mid 2022.
- **The Reserve** (Southeast corner of WCR72 and WCR 19) – Final Plat submitted in March (resubmittal), the applicant has worked with staff to address comments, to be brought back for public hearings in Mid to late-2022.