



Town of Johnstown

PLANNING & ZONING COMMISSION REGULAR MEETING

**450 S. Parish, Johnstown, CO
Wednesday, September 14, 2022 at 7:00 PM**

MISSION STATEMENT: Enhancing the quality of life of our residents, businesses, and visitors through community focused leadership.

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

PUBLIC COMMENTS - Regarding items *not* on the Agenda (limited to 3 minutes each)

NEW BUSINESS & HEARINGS

- [1.](#) PUBLIC HEARING - Amendment to the 2534 Planned Unit Development Design Guidelines (ZON22-0008) adding the land use for multifamily to an 2.1 Ac. area
- [2.](#) PUBLIC HEARING - Johnstown Farms Filing No. 2 Final Subdivision Plat (SUB22-0010), approving a plat for large tract subdivision and ROW dedication on 62 acres.

DEPARTMENTAL REPORT

COMMISSIONER REPORTS AND COMMENTS

ADJOURN

AMERICANS WITH DISABILITIES ACT NOTICE

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (970) 587-4664 within 48 hours prior to the meeting in order to request such assistance.



Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

ITEM:	Public Hearing and Consideration of an Amendment to the 2534 Planned Unit Development (P.U.D.) Design Guidelines (ZON22-0008)
DESCRIPTION:	2534 Land Use Designation Amendment for 2.1 acres within the 2534 P.U.D.
LOCATION:	NW corner of Exposition Dr. and Thompson Pkwy
APPLICANT:	Nico Campana, MNC Holdings LLC / Aliversa Builders
STAFF:	Kara Washam, Planner I
HEARING DATE:	September 14, 2022

ATTACHMENTS

- 1- Land Use Application
- 2- Proposed Amended 2534 Land Use Plan
- 3- 2534 Land Use Plan (current)
- 4- Conceptual Site Plan - Townhomes
- 5- 2534 DRC Letter of Support

PROJECT SUMMARY

This project request is for a change of land use designation in the 2534 P.U.D. Design Guidelines, which apply to the full area known as the 2534 P.U.D. The subject property for this proposed amendment is approximately 2.1 acres, located at the NW corner of Exposition Dr. and Thompson Pkwy, and is zoned PUD-MU with a land use designation of B.1 (office, flex, and retail) (Attachment 3). The applicant proposes a change to B.2 (office, flex, retail, and multi-family) (Attachment 2)

SURROUNDING ZONING & LAND USE

North: PUD-MU – B.2 (office, flex, retail, and multi-family) – Cortland at 2534 Apartments
East: PUD-MU – G (gun store and related accessory uses) – Liberty Firearms Institute
South: PUD-MU – B.2 (office, flex, retail, and multi-family) – Rise at 2534 Apartments
West: PUD-MU – B.2 (office, flex, retail, and multi-family) – Cortland at 2534 Apartments
Floodplain: No

PROJECT BACKGROUND & SUMMARY

The property comprising the 2534 P.U.D. was annexed into the Town of Johnstown in 2000. As part of

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that Annexation Agreement, Johnstown and the Property Owners agree to performance standards for the purpose of addressing design considerations including architectural, site planning, landscaping, streetscape and sign elements for land uses within 2534. 2534 Design Guidelines are the performance standards and serve as the design standards for the 2534 Master Association. The current 2534 Design Guidelines was adopted on February 20, 2019. Projects must be submitted to the 2534 Design Review Committee (DRC) to ensure proposed developments meet the standards as established in the Design Guidelines in order to maintain a consistency of planning and design for the entire project. The 2534 Design Guidelines legally apply to all land that is part of 2534, regardless of ownership, and are in addition to the zoning and land use regulations of the Town.

SUBMITTAL AND REFERRALS

Based upon the changes proposed, this land use designation amendment did not warrant a full referral review by the Johnstown Review Committee (JRC). Submitted documents were provided to the JRC for a preliminary evaluation. No concerns or comments by the JRC were noted.

The project was referred to and reviewed by:

- Public Works Department
- Utilities Department
- IMEG (Town Engineer)

STAFF ANALYSIS

This property is located in a high-density area and is surrounded by multi-level apartment complexes. The proposed land use designation change from “B.1” to “B.2” to allow multi-family housing is compatible with the surrounding land uses. The applicant has expressed intent for future townhome development to provide a housing type that is currently not offered in the 2534 area (Attachment 4). In addition, the land use designation proposal was evaluated by the 2534 Design Review Committee (DRC). The applicant has provided a letter of support from the 2534 DRC (Attachment 5).

PUBLIC NOTICE

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, August 25, 2022. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project.

NEIGHBORHOOD MEETING

No neighborhood meeting was held for this requested change of land use designation as the proposed change to “B.2” is the current land use designation of adjacent properties.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

It is recommended that Planning and Zoning Commission send a positive recommendation to Town Council that the 2534 Land Use Designation Amendment be approved based upon the following findings:

1. The proposed land use designation is in agreement with the Johnstown Area Comprehensive Plan and its Future Land Use Map.

2. The level of development of the proposed land use designation appears serviceable by Town systems, services and utilities, with required improvements that will be reflected in future development and construction plans.
3. The land use change is a more compatible use in this area, with regard to surrounding residential development and uses.

Recommended Motion

Based on the application received, associated submittal materials, and the preceding analysis, the Planning & Zoning Commission finds that the request for the Land Use Amendment to the 2534 Design Guidelines furthers the *Johnstown Area Comprehensive Plan* goals, is compatible with the surrounding land uses in the 2534 P.U.D., and therefore moves to recommend to the Town Council approval of the requested action based upon the findings as stated in this memo.

Alternate Motions

- a. Motion to Approve with Conditions: "I move that the Commission recommend to Town Council approval of the 2534 Land Use Amendment with the following conditions..."
- b. Motion to Deny: "I move that the Commission recommend to the Town Council denial of the 2534 Land Use Amendment."

Planner:



Kara Washam
Planner I



Town of Johnstown

LAND USE APPLICATION & COST REIMBURSEMENT AGREEMENT

Project Name: 2534 Townhomes

Description: Land Use Designation Change for 36 Unit Townhome Development

- General:** Site Dev Plan Use by Special Review Conditional Use Grant Variance
 Annexation Establish or Change Zoning
- PUD:** Outline Dev Plan Preliminary Dev Plan Final Dev Plan Combined Prelim/Final
- Subdivision:** Replat/Lot Line Preliminary Plat Final Plat Combined Prelim/Final
- Wireless:** Small Cell EFR or Base Station Alt. Tower Structure Tower/Other (USR)
- Amendment:** Land Use Code Comprehensive Plan Future Land Use Map (Comp Plan)
- Construction:** Home Model Review Stand-alone Utility/Road Plans
- Floodplain:** C-LOMR Review Floodplain Development Permit

Submit all required and supplemental project materials to: planning@johnstownco.gov

Site Address: NW Corner of Thompson Parkway & Exposition Drive
Johnstown, Colorado 80534 Parcel #: 8515113003

Applicant*: Nico Campana, MNC Holdings LLC

Email: campana251@gmail.com Aliverson build415@gmail.com Telephone: 970.402.0919

Consultant /Representative: Alexandra Campolongo/Galloway & Company, Inc.

Email: alexandracampolongo@gallowayus.com Telephone: 970.800.3300

Landowner Authorization for Land Use Action: (Required*)

The undersigned (1) affirms ownership or authorized representation thereof of the subject property, and (2) hereby authorizes the individuals or entities listed herein as "Applicant" and/or "Representative" to represent me/us in all aspects of the land use process for the project being submitted with this application.

*Landowner(s): MNC Holdings, LLC

*Email: Aliverson build415@gmail.com *Telephone: 970-402-0919

Please keep me informed of the status and progress of this project via email.

*Signature of Landowner

*Signature of Landowner

*Attach a Statement of Authority and Certificate of Good Standing, if this is a corporate or other entity.

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Cost Agreement for Reimbursement for Development Review

The Town of Johnstown engages external reviewers, including attorneys and engineers, to ensure appropriate review of all proposed land use actions and developments. We also incur direct costs associated with notifications and publications of public hearings, ordinances, and land use actions. The Cost Reimbursement required by Section 4-91 of the Johnstown Municipal Code ensures that direct expenses incurred are reimbursed to the Town.

Johnstown Municipal Code Sec. 4-91:

All development proposals, including, but not limited to, annexation, subdivision, zoning, rezoning, site plans and final development plans, shall require a cost agreement to be entered into between landowners or developers and the Town to provide for reimbursement to the Town for the cost of planning services, engineering services, legal services and consultants used by the Town to assist in evaluating landowners' or developers' requests and to assist the Town in negotiation, review, consultation and advice. Such agreement shall also reimburse the Town for other related costs, including but not limited to legal publication costs and administrative costs. The cost agreement shall require that the landowner or developer submit a deposit to the Town in the amount provided by resolution adopted by Town Council.

Initial Deposit Worksheet, by Project Type. One project may include multiple types. An initial deposit is required for all projects. Additional funds may be necessary depending on the scale, scope, and quality of the project and plans, and will be requested by the Town, as needed. Unused funds, after project completion, are fully refundable.

\$500	Minor Replat/Lot Line Adjustment (Administrative Subdivision) Variance Floodplain Development Permit	\$ _____
\$2000	Conditional Use Grant Amendment to Land Use Code or Comprehensive Plan Change of Zone C-LOMR (Floodplain) Review	\$ <u>2,000</u>
\$5000	Use by Special Review Annexation with "Straight" Zoning (HA, SF-1, etc) Amendment to or Stand-alone CD's & Engineering Reports	\$ _____
\$10,000	Site Development Plan Subdivision (<20 Acres) & PUD Development Plan Amendment to Outline Development Plan	\$ _____
\$20,000	Subdivision (>20 Acres) & PUD Development Plan Annexation with Zoning PUD with Outline Dev Plan	\$ _____
(No deposit needed for Home Model Reviews)		TOTAL: \$ <u>2,000</u>

Check Accepted -or- ACH/Wire Transfer: First National Bank of Omaha - Routing 107000262 / Acct 731784585
Attach receipt showing date and amount of deposit to ensure appropriate credit to your "developer account." Email receipt, with clear reference to the Project & Applicant, to planning@johnstownco.gov.

*Create new Account for (*LLC/Inc/Co or Person): _____

*Email invoices to: _____ *Contact Phone: _____

*Address for Refunds: _____

***I acknowledge the review reimbursement requirement, per JMC§4-91, and hereby deposit funds for this purpose:**

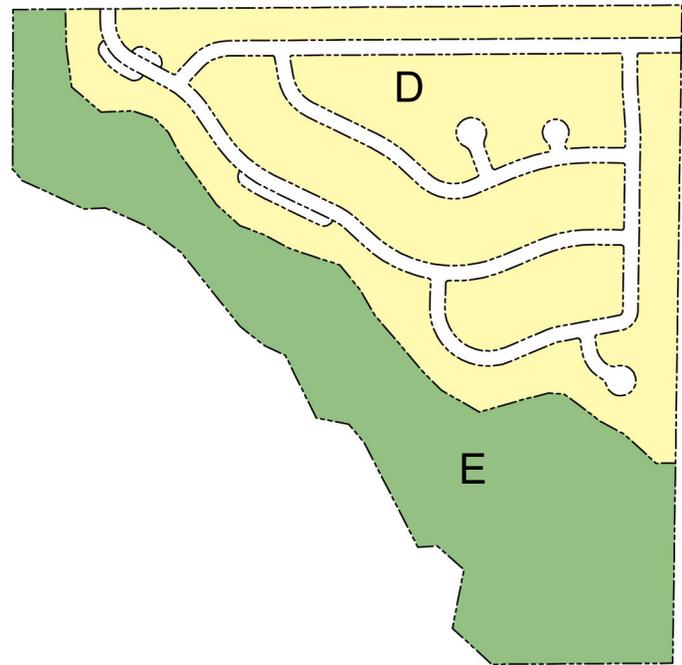
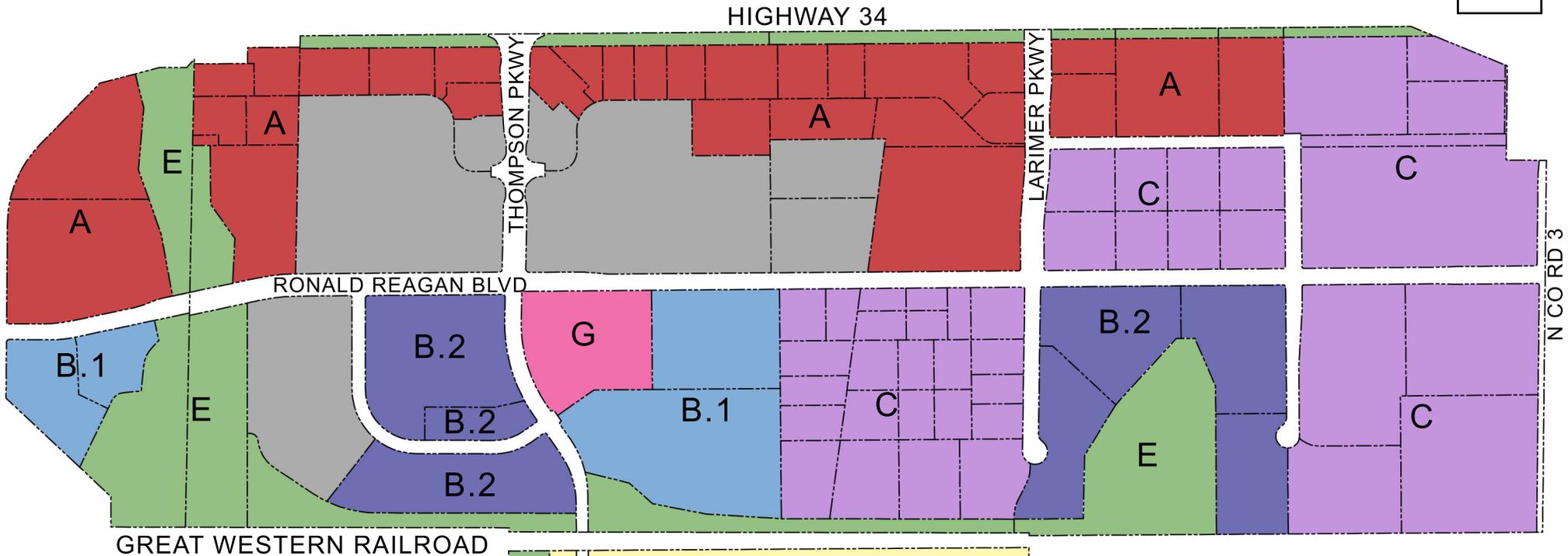
Name: Tony CAMPANA Signature: [Signature] Date: _____

Title: Manager Entity: MNC Holdings, LLC

Attach a Statement of Authority and Certificate of Good Standing, if this is a corporate or other entity.

2534 LAND USE PLAN

Item 1.

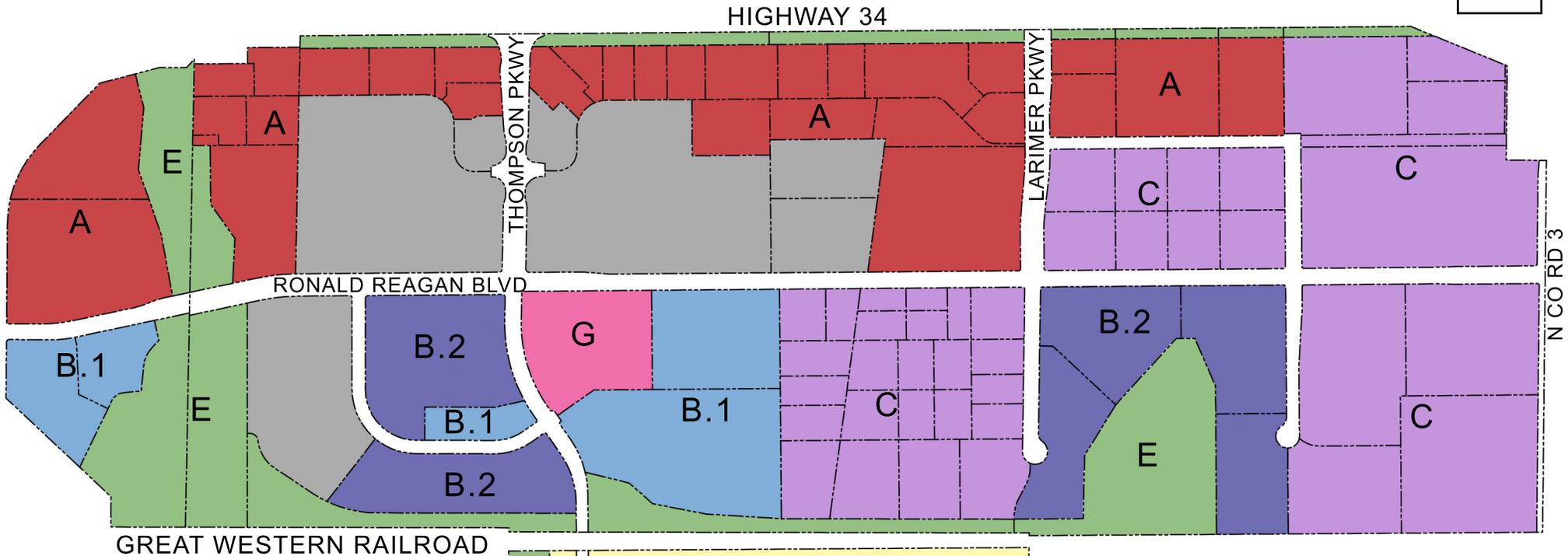


- A: Retail & Office
- B.1: Office, Flex & Retail
- B.2: Office Flex, Retail & Multifamily Residential
- C: Light Industrial, Flex, Office & Retail
- D: Residential
- E: Open Space
- G: Gun Store & Related Accessory Uses
- Not A Part

UPDATED LAND USE PLAN

2534 LAND USE PLAN

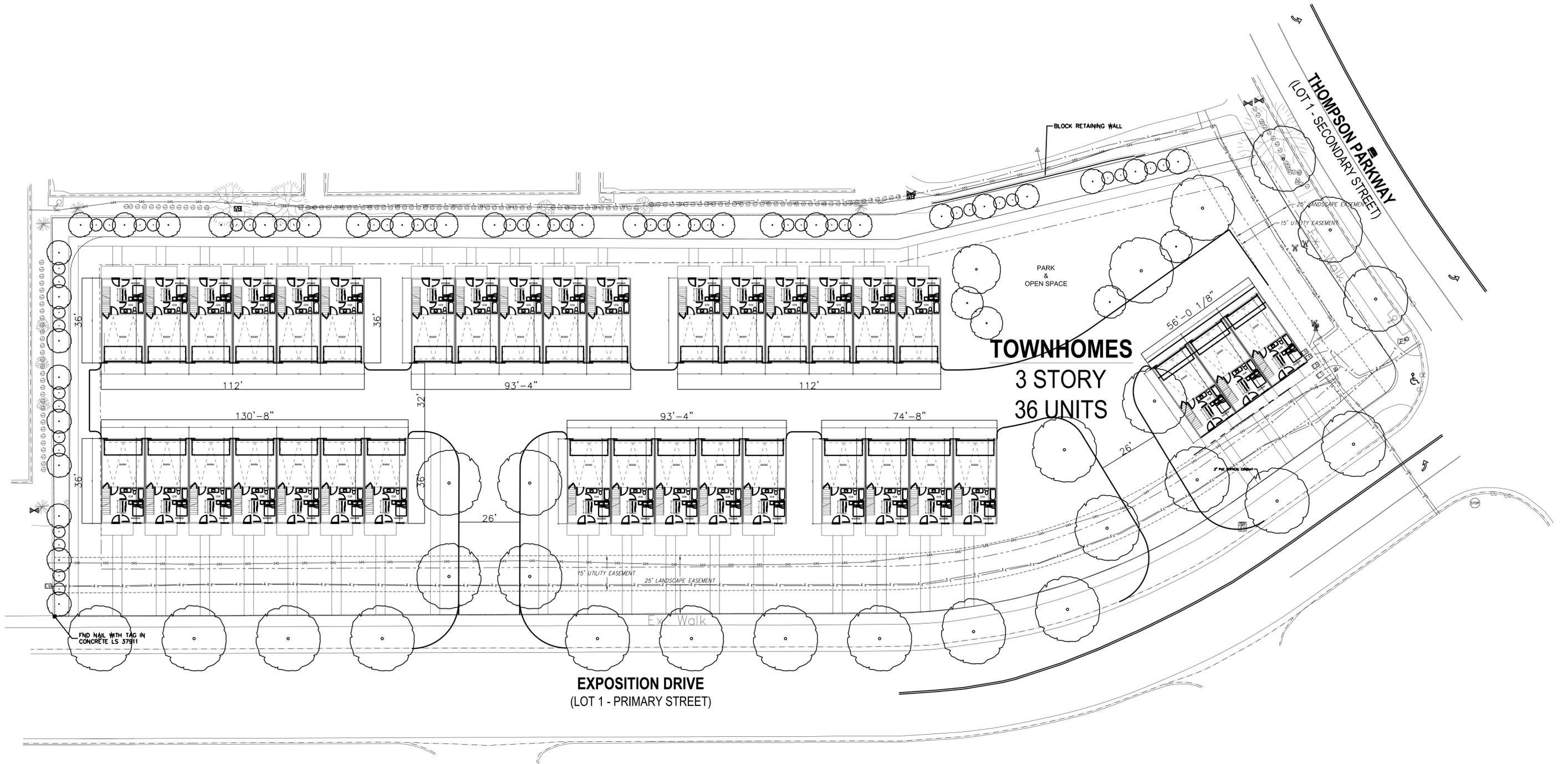
Item 1.



GREAT WESTERN RAILROAD

- A: Retail & Office
- B.1: Office, Flex & Retail
- B.2: Office Flex, Retail & Multifamily Residential
- C: Light Industrial, Flex, Office & Retail
- D: Residential
- E: Open Space
- G: Gun Store & Related Accessory Uses
- Not A Part

EXISTING LAND USE PLAN



June 9, 2022

Aliversa Builders
Attn.: Mr. Nico Campana
3702 Manhattan Avenue
Fort Collins, CO 80526

Sent via email: Kara Scheetz on behalf of the 2534 DRC

RE: 2534 Townhomes Land Use Designation Change Request

Dear Mr. Campana:

The 2534 DRC has reviewed your proposed Land Use Change submittal documents for the approximate 2.1-acre parcel of land located at the northwest corner of Thompson Parkway and Exposition Drive, Johnstown, Colorado. Briefly, we understand the proposal includes the following improvements/site features/characteristics:

1. Approximately 36 units in 7 buildings, attached 2 car garages, driveways leading to the internal drive, and a park and open space.
2. Zoning parcels directly to the east and southeast are currently B.2 Office, flex, retail, and multifamily residential, which matches what the proposed land use change will be.
3. Units will have an urban design that complement and aesthetically integrate with the already existing apartment developments in the surrounding area.
4. The development will have 2 entry ways for the site that align with the existing drives on the south side of Exposition Drive.
5. Building design will adhere to the 2534 Architectural guidelines in regards to building articulation and balcony integration, fenestration requirements, lighting, materials and color, building entrances, and rooftop treatments.

We further understand that Aliversa Builders is proposing a land use designation change to the 2534 Design Guidelines. The current Land Use designation for the approximate 2.1 acres is B.1 (office, flex, and retail) and the proposed change would re-designate the approximate 2.1 acres to B.2 (office, flex, retail and multi-family).

The 2534 DRC, having reviewed the documents that include a site plan, building elevations, support letters, sound study, and planned northern and western edge landscape buffer, is in full support of the proposed Land Use Change from B.1 to B.2.

If you have any comments or require additional information, please feel free to contact Galloway at (303) 770-8884.

GALLOWAY & COMPANY, INC.



KARA SCHEETZ, RLA

Landscape Architect

KaraScheetz@gallowayus.com

CC: Kim Meyer, Town of Johnstown



Town of Johnstown

PLANNING & ZONING COMMISSION STAFF ANALYSIS REPORT

ITEM: Public Hearing & Consideration of Johnstown Farms Filing No. 2 Final Subdivision Plat (SUB22-0010)

DESCRIPTION: Proposed large-tract Final Subdivision Plat for future development and dedication of rights-of-way and easements, for approximately 62 acres.

LOCATION: Southeast corner of Parish Ave. and Centennial Drive (CR 46.5)

APPLICANT: Post Modern Development LLC

STAFF: Justin Currie, Planner II

HEARING DATE: September 14, 2022

ATTACHMENTS

1. Vicinity Map
2. Final Subdivision Plat

PROJECT SUMMARY

The Applicant, Post Modern Development LLC. is requesting Final Subdivision Plat approval of ±62 acres. This plat would create several large tracts intended for future development and subdividing in addition to the full right-of-way dedications required along Parish Avenue and Centennial Drive (CR 46.5). Additional features on the subdivision plat illustrate existing and proposed easements for future utility locations along with temporary construction easements.

ZONING: PUD-R (Residential) – Johnstown Farms PUD

ADJACENT ZONING & LAND USE:

North PUD-B – Mountain View West Subdivision – medium density residential and future commercial

South Weld Co A – Rural residential

West PUD-R – Undeveloped Ag land

East PUD-R - Johnstown Farms Filing No. 3 Single Family homes, Oil & Gas facilities, GWRR, and Little Thompson River

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PROJECT HISTORY

The property was part of the 237-acre 2002 Becker-Dee Annexation and was zoned PUD-R at that time. The Becker-Dee/Johnstown Farm PUD was approved as an outline development plan & preliminary development plan in 2002, showing a mix of residential uses for this subject property.

The area is adjacent to the Little Thompson River, and is subject the floodplain regulations for areas that are within the floodway and the 100-yr (1%) regulatory floodplain.

PUBLIC NOTICE

Notice for the Planning & Zoning Commission hearing was published in the Johnstown Breeze, on Thursday, August 25, 2022. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a vicinity map and the proposed site plan. No neighborhood meeting was required and no public comments have been received by Staff as of the date of publication of this report.

STAFF ANALYSIS

This subdivision dedicates the required right of way for the adjacent arterials, and creates the opportunity for future development. The three Tracts will need to be resubdivided prior to development, ensuring that the Town retains the ability to fully review proposed developments, construction drawings, traffic or utility impacts, and make future determinations on required improvements based on development plans, once more detail is known.

While not in strict conformance with code requirements that require submittal of engineering reports and development plans with plats, the ability to proceed to platting without full plans and “CD’s” in place is accommodated elsewhere, in Staff’s interpretation, by [JMC §17-111](#) requiring that an agreement be in place that requires all necessary improvements, in conformance with Town design standards and other applicable codes and regulations, and which plans/reports have been reviewed and approved by the Town.

Staff recognizes that, on large properties with potentially long-term development plans that may not yet be known, this type of platting can be utilized as a reasonable and flexible approach to how the market functions, and can even permit some early “anchor” uses to kick off in advance of full plans for the remainder of the master planned area. Utilizing this option allows known uses/users to move forward, creates larger tracts for sale to other developers, while securing right-of-way, utility easements, and other up-front needs of the Town and community to ensure logical and efficient build-out as the area develops. Staff believes that this approach fulfills the spirit and intent of the Code.

Staff has no outstanding concerns and believes this subdivision will promote the Town’s goals of efficient development patterns and extension of infrastructure.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

Recommended Findings:

It is recommended that Planning and Zoning Commission send a recommendation for Approval with Conditions to Town Council that the Final Subdivision Plat of Johnstown Farms Filing No. 2 be approved based upon the following findings:

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1. The proposed project is consistent with the Johnstown Area Comprehensive Plan.
2. The proposed project is in substantial compliance with the Town's codes, regulations, and requirements.
3. The proposed project will allow a more flexible approach to development of the large acreage, while meeting the needs of the community as it develops.

Recommended Motion to Approve with Conditions:

Based on the application received, associated submittal materials, and the preceding analysis, the Planning & Zoning Commission finds that the request for the Johnstown Farms Filing No. 2 Subdivision Plat furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council Approval with Conditions based upon the findings as stated above, and the following conditions:

1. Prior to construction of any public or private development improvements, Town-approval of all required plans, reports, and permits shall be obtained, and all necessary agreements with the Town shall be executed, approved, and recorded.

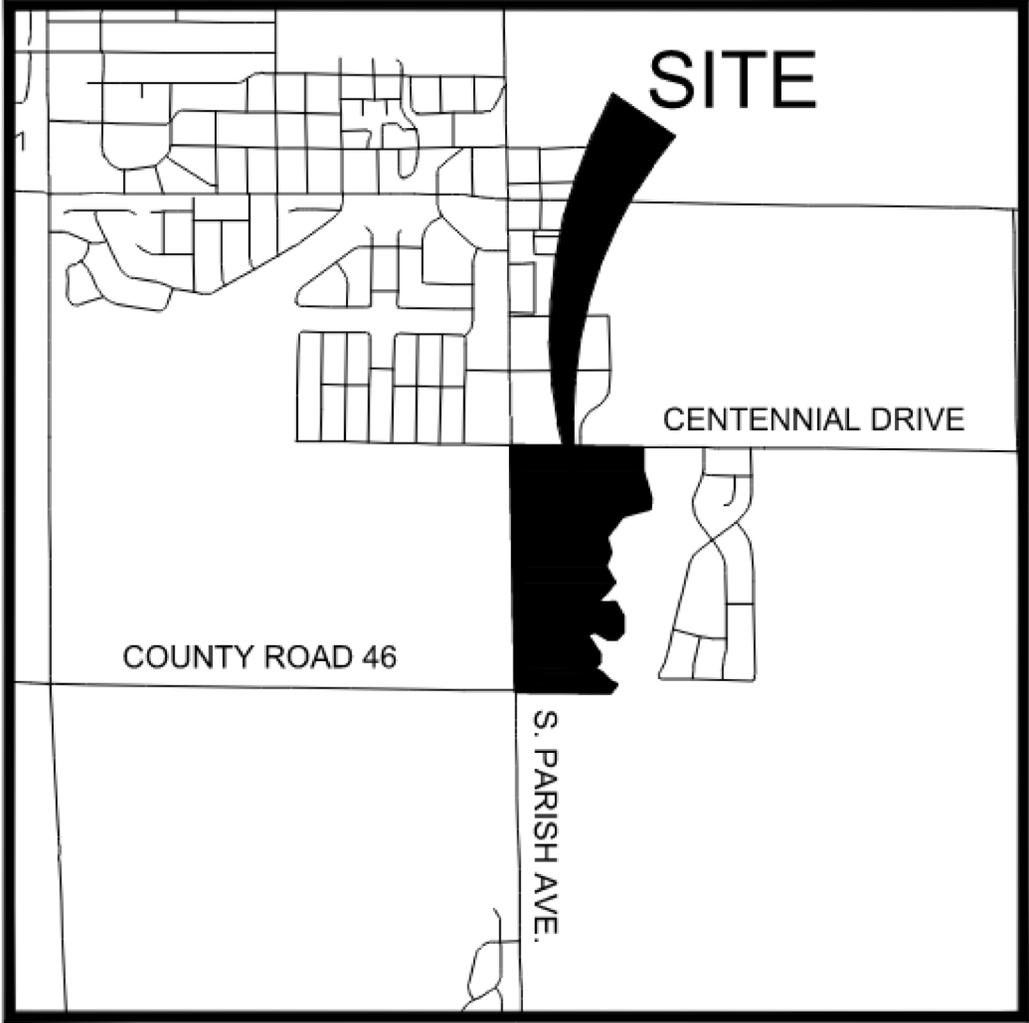
Alternate Motion

- Motion to Deny: "I move that the Commission recommend to the Town Council Denial of the Johnstown Farms Filing No. 2 Subdivision final plat based upon the following findings..."

Planner:



Justin Currie, Planner II



JOHNSTOWN FARMS FILING NO. 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT POST MODERN DEVELOPMENT, LLC a Colorado limited liability company, being the sole owner(s) in fee of:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 9, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 9, BEARS SOUTH 89°24'30" EAST, A DISTANCE OF 2711.57 FEET, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, SOUTH 89°24'30" EAST, A DISTANCE OF 1400.63 FEET TO THE WESTERLY LINE OF JOHNSTOWN FARMS FILING NO. 3 RECORDED AT RECEPTION NO. 4568150, IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY;

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING TWENTY-TWO (22) COURSES:

1. SOUTH 00°35'30" WEST, A DISTANCE OF 243.05 FEET;
2. SOUTH 17°05'56" EAST, A DISTANCE OF 312.42 FEET;
3. SOUTH 08°16'54" WEST, A DISTANCE OF 101.30 FEET;
4. SOUTH 73°48'58" WEST, A DISTANCE OF 301.18 FEET;
5. SOUTH 38°14'03" WEST, A DISTANCE OF 293.89 FEET;
6. SOUTH 18°23'04" EAST, A DISTANCE OF 163.95 FEET;
7. SOUTH 22°16'35" WEST, A DISTANCE OF 164.82 FEET;
8. SOUTH 34°51'09" EAST, A DISTANCE OF 193.10 FEET (SEE NOTE 13);
9. SOUTH 39°39'32" WEST, A DISTANCE OF 314.41 FEET;
10. NORTH 86°13'22" EAST, A DISTANCE OF 210.38 FEET;
11. SOUTH 29°49'13" EAST, A DISTANCE OF 160.73 FEET;
12. SOUTH 00°51'36" EAST, A DISTANCE OF 178.22 FEET;
13. SOUTH 48°25'30" WEST, A DISTANCE OF 98.93 FEET;
14. NORTH 90°00'00" WEST, A DISTANCE OF 75.86 FEET;
15. NORTH 59°40'57" WEST, A DISTANCE OF 166.01 FEET;
16. SOUTH 68°44'13" WEST, A DISTANCE OF 104.57 FEET;
17. SOUTH 34°32'15" EAST, A DISTANCE OF 252.50 FEET;
18. SOUTH 00°00'00" EAST, A DISTANCE OF 84.23 FEET;
19. SOUTH 38°13'50" WEST, A DISTANCE OF 97.60 FEET;
20. SOUTH 61°02'08" EAST, A DISTANCE OF 96.44 FEET;
21. SOUTH 46°04'50" EAST, A DISTANCE OF 124.78 FEET;
22. SOUTH 62°56'25" EAST, A DISTANCE OF 71.96 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE GREAT WESTERN RAILROAD AS EXCEPTED IN BOOK 221 AT PAGE 72 IN SAID RECORDS;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 36°08'54" WEST, A DISTANCE OF 101.74 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9;

THENCE ALONG SAID SOUTH LINE, NORTH 89°11'03" WEST, A DISTANCE OF 1014.97 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, NORTH 00°52'28" WEST, A DISTANCE OF 2613.54 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION PREPARED BY:

SHAUN D. LEE, PLS 38158
FOR AND ON BEHALF OF:
AZTEC CONSULTANTS INC.

Said described parcel of land contains 2,699,261 square feet, or 61.966 acres, more or less (±).

shown on the attached map as embraced within the heavy exterior lines thereon, has (have) subdivided the same into Lots, Blocks, and Outlots, as shown on the attached map; and does (do) hereby set aside said portion or tract of land and designate the same JOHNSTOWN FARM FILING NO. 2, and does (do) dedicate to the public, the streets and all easements over and across said lots at locations shown on said map; and does (do) further certify that the width of said streets, dimensions of the lots and blocks (or building envelopes) and the names and numbers thereof are correctly designated upon said map.

Owner: Post Modern Development, LLC

By: _____
JD Padilla

STATE OF COLORADO)
) ss
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by JD Padilla as _____ of Post Modern Development, LLC.

WITNESS My Hand and Official Seal.

Notary Public

My commission expires: _____.

TOWN COUNCIL:

This Plat, to be know as JOHNSTOWN FARM FILING NO. 2, is approved and accepted by the Town of Johnstown, by Resolution Number _____.

Passed and adopted on Final Reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado held on the _____ day of _____, 2022.

By: _____ ATTEST: _____
Gary Lebsack, Mayor Hannah Hill, Town Clerk

SURVEYOR NOTES:

1. The lineal unit of measurement for this survey is U. S. Survey Feet.
2. The Basis of Bearings is the West quarter-section line, bearing South 88°59'45" East (an assumed bearing), and monumented as shown on drawing.
3. For all information regarding easements, right-of-way or title of record, Northern Engineering relied upon Order No. ABD25177100, dated 10/20/2020, prepared by Land Title Guarantee Company.
4. Northern Engineering or the Professional Land Surveyor listed hereon, does not have the expertise to address mineral rights, and recommends the owner retain an expert to address these matters. Northern Engineering or the Professional Land Surveyor listed heron assumes no responsibility for the mineral rights upon the subject property.
5. A copy of the title commitment and the documents contained therein were provided to the owner, client and those entities listed under the surveyor's certification for their use and review.
6. For easements created by separate document and shown hereon refer to record document for specific terms.
7. A prescriptive 60-foot right of way Weld County road 46 1/2 was shown on the subdivision plat of Johnstown Farms Filing No. 3, recorded at reception no. 4568150 with Weld County Clerk and Recorder. Said plat also shows the 60-foot right of way as being attributed to Book 86 Page 283 of the Weld County records. However, the document at Book 86 Page 283 only calls for 60-foot rights of way on section lines, while Weld County road 46 1/2 is along a quarter section line. This survey does not address whether there was a prescriptive 60-foot right of way prior to the platting of Johnstown Farms Filing No. 3.
8. Not all documents listed in title commitment are plottable or definable. Those easements that are definable by their descriptions are shown hereon. Owner, Client and others should refer to the title commitment and those documents listed therein for a true understanding of all rights of way, easements, encumbrances, interests and title of record concerning the subject property.
9. The word "certify" or "certification" as shown and used hereon is an expression of professional opinion regarding the facts of the survey, and does not constitute a warranty or guaranty, expressed or implied. DORA Bylaws and Rules (4 CCR 730-1).
10. Easements and other record documents shown or noted hereon were examined as to location and purpose and were not examined as to restrictions, exclusions, conditions, obligations, terms, or as to the right to grant the same.
11. Adjacent property owner information per the Weld County Property Portal
12. The Professional opinion of the Surveyor is not a determination of law, nor a matter of fact.
13. This bearing appears to have a scrivener's error and should instead read South 30° 51' 09" East, per the plat of Johnstown Farms Filing No. 3 recorded at Reception No. 4568150 by Shaun D. Lee, PLS 38158 for and on behalf of Aztec Consultants Inc., being the same PLS that created this legal description. This survey reflects the aforementioned bearing of South 30° 51' 09" East.
14. A current title commitment was not provided to the surveyor. The surveyor has used the above listed title commitment as the best available evidence to determine rights and encumbrances that may or may not impact the subject property. The surveyor is not responsible for those rights or encumbrances of record or existing not listed in said title commitments. This survey is subject to all easements, rights-of-way, and encumbrances as recorded or existing.
15. A current title commitment will be provided to the surveyor prior to final submittal. This note will be removed prior to finalizing survey.
16. Said described property is located within an area having a Zone Designation AE by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 08069C1410G, Panel 1410, with a date of identification of January 15, 2021, for Community No. 080250, in Town of Johnstown, County of Larimer, State of Colorado, which is the current Flood Insurance Rate Map for the community in which said premises is situated.
17. It is unlawful under Colorado State Statute to knowingly disturb, deface, remove, or destroy a land survey monument.
18. This survey is a draft. Monuments have not been set. Monuments will be set or upgraded prior to finalizing survey. *THIS NOTE WILL BE REMOVED PRIOR TO FINALIZING THE SURVEY*

PLAT NOTES AS REQUESTED BY THE TOWN OF JOHNSTOWN:

Notes as requested by the Town of Johnstown and listed hereon are being required as a condition of approval by the Town of Johnstown. The notes, as listed hereon, were provided to Northern Engineering by the Town of Johnstown.

- No construction or building may occur on-site until all Final Development Plans, Engineering Plans and Reports, Development Agreement, and the Water/Sewer Service Agreement have received Town approval and construction acceptance, as appropriate.

SURVEYOR'S STATEMENT

I, Robert C. Tessely, a Colorado Registered Professional Land Surveyor do hereby state that this Subdivision Plat was prepared from an actual survey under my personal supervision, that the monumentation as indicated hereon were found or set as shown, and that the foregoing plat is an accurate representation thereof, all this to the best of my knowledge, information and belief.

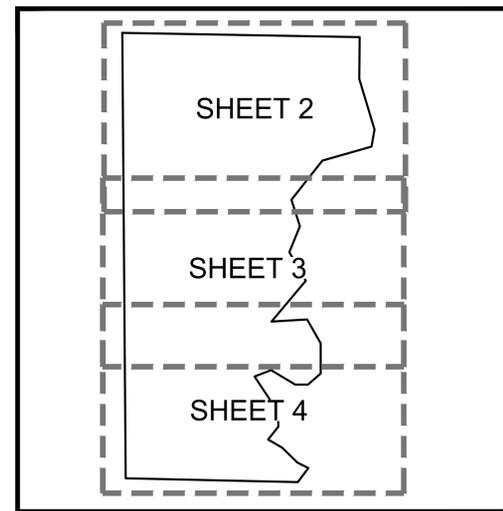
For and on Behalf of Northern Engineering
Robert C. Tessely
Colorado Registered Professional Land Surveyor No. 38470



VICINITY MAP
1" = 2000'

OWNER/DEVELOPER/APPLICANT
POST MODERN DEVELOPMENT, LLC
a Colorado limited liability company
144 N. Mason Street #4
Fort Collins, CO 80524

SURVEYOR
Northern Engineering Services, Inc.
Robert C. Tessely, PLS
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158



SHEET INDEX
1" = 500'

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 hereon.

SECTION: 9
TOWNSHIP: 4N
RANGE: 67W of the 6th P.M.

NORTHERN ENGINEERING
SURVEY | MUNICIPAL | LAND DEVELOPMENT
NORTHERNENGINEERING.COM
970.221.4158
FORT COLLINS | GREELY

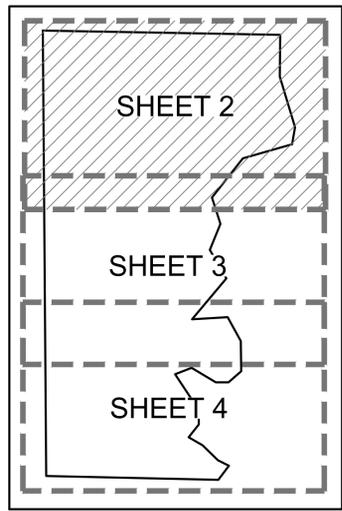
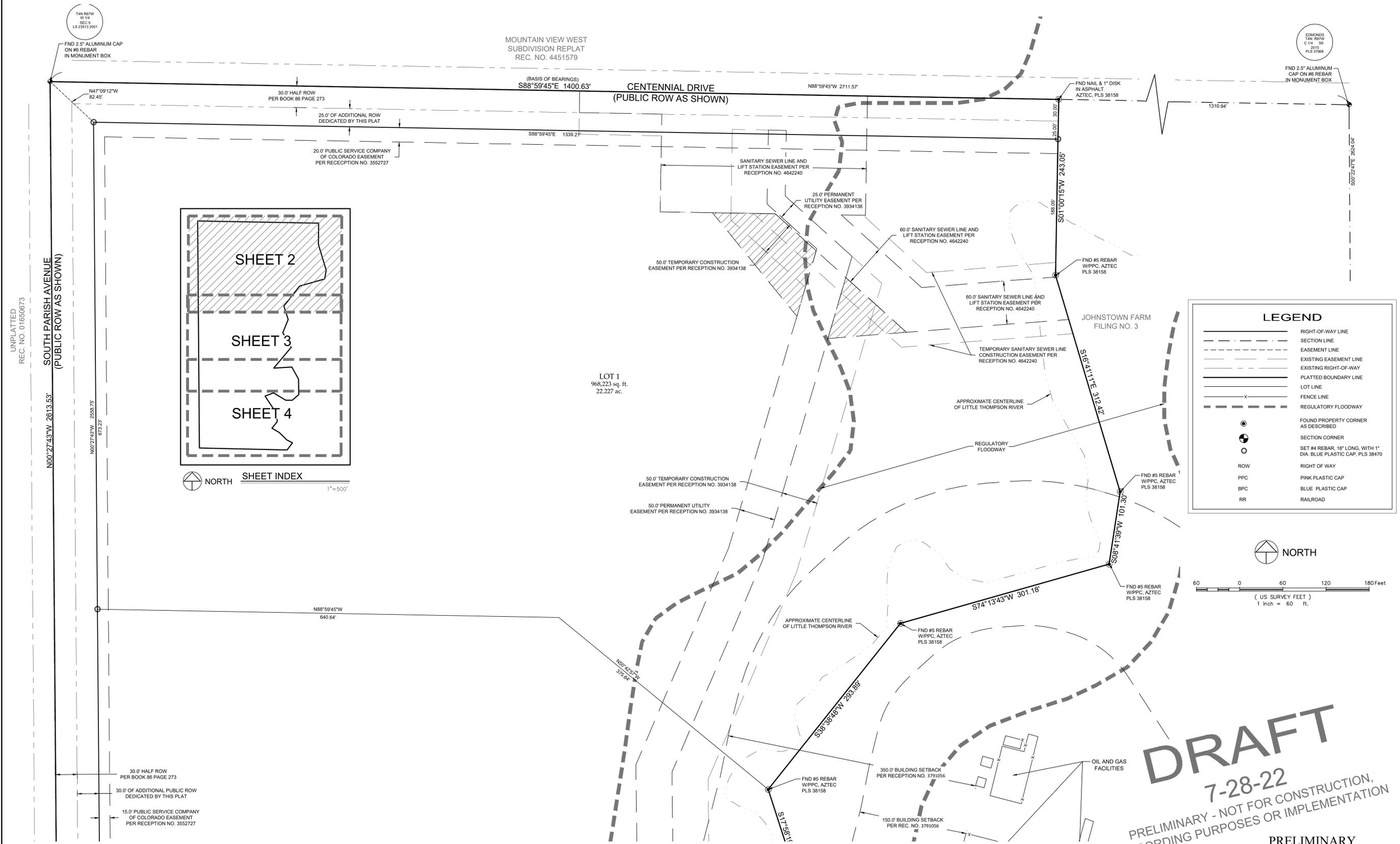
DATE: 7/28/22
SCALE: As shown
REVIEWED BY: R. Tessely
PROJECT: 1204-008
CLIENT: POST MODERN DEVELOPMENT
DRAWN BY: L. Smith

JOHNSTOWN FARMS FILING NO. 2
TOWN OF JOHNSTOWN
STATE OF COLORADO

Sheet
1
Of 4 Sheets

JOHNSTOWN FARMS FILING NO. 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO



LEGEND

- RIGHT-OF-WAY LINE
- SECTION LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- EXISTING RIGHT-OF-WAY
- PLATTED BOUNDARY LINE
- LOT LINE
- FENCE LINE
- REGULATORY FLOODWAY
- FOUND PROPERTY CORNER AS DESCRIBED
- SECTION CORNER
- SET #4 REBAR, 18" LONG, WITH 1" DIA. BLUE PLASTIC CAP, PLS 38470
- RIGHT OF WAY
- PINK PLASTIC CAP
- BLUE PLASTIC CAP
- RAILROAD

● FOUND PROPERTY CORNER AS DESCRIBED
 ○ SECTION CORNER
 ○ SET #4 REBAR, 18" LONG, WITH 1" DIA. BLUE PLASTIC CAP, PLS 38470
 — ROW
 — PPC
 — BPC
 — RR

NORTH

0 60 120 180 Feet
(US SURVEY FEET)
1 inch = 60 ft.

DRAFT
7-28-22
PRELIMINARY - NOT FOR CONSTRUCTION,
RECORDING PURPOSES OR IMPLEMENTATION

PRELIMINARY
For and on behalf of Northern Engineering Services, Inc.
Robert C. Tesseley
Colorado Registered Professional Land Surveyor No. 38470

UNPLATTED
REC. NO. 01650673
SOUTH PARISH AVENUE
(PUBLIC ROW AS SHOWN)
N00°27'43"W 2613.53'
N00°27'43"W 2588.75'
673.23'

SEE SHEET 3

NOTICE:
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SECTION: 9
TOWNSHIP: 4N
RANGE: 67W of the 6th P.M.

NORTHERN ENGINEERING
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NORTHERNENGINEERING.COM
PORT COLLINS | GREELEY 970.221.4188

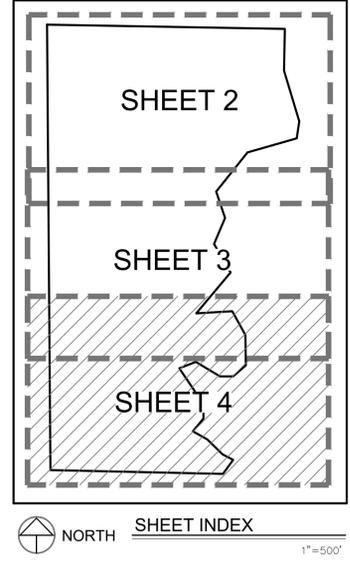
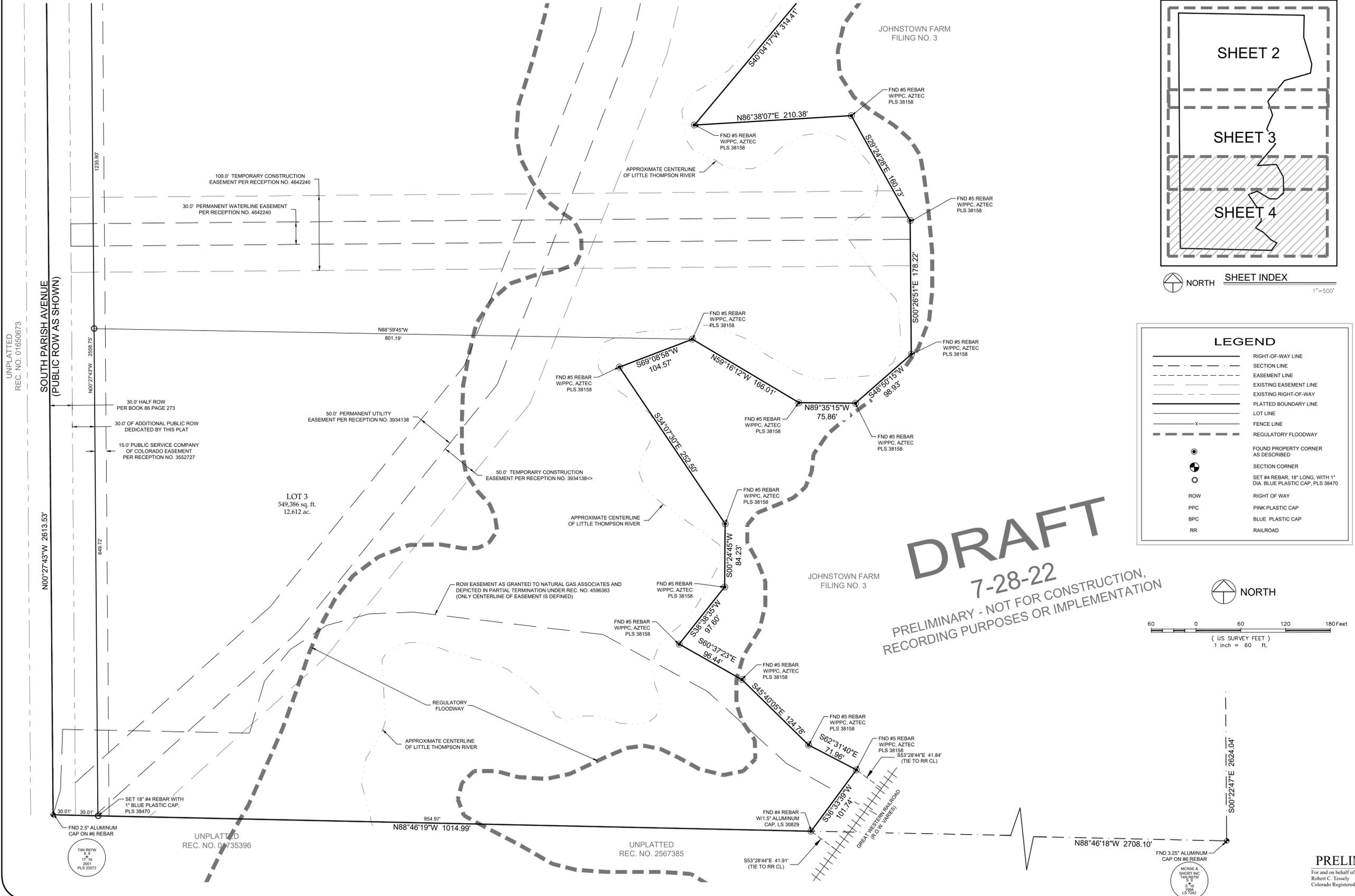
DATE: 7/28/22
SCALE: 1" = 60'
REVIEWED BY: R. Tesseley
PROJECT: 1204-008
CLIENT: MODERN DEVELOPMENT
DRAWN BY: L. Smith

JOHNSTOWN FARMS FILING NO. 2
TOWN OF JOHNSTOWN
STATE OF COLORADO

JOHNSTOWN FARMS FILING NO. 2

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

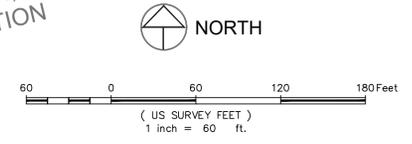
SEE SHEET 3



LEGEND

	RIGHT-OF-WAY LINE
	SECTION LINE
	EASEMENT LINE
	EXISTING EASEMENT LINE
	PLATTED BOUNDARY LINE
	LOT LINE
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	REGULATORY FLOODWAY
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DRAFT
7-28-22
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NORTHERN ENGINEERING
SURVEY | MUNICIPAL | LAND DEVELOPMENT
NORTHERNENGINEERING.COM
FORT COLLINS | GREELEY 970.221.4158

DATE: 7/28/22
SCALE: 1" = 60'
REVIEWED BY: R. Tesseley
PROJECT: 1204-008
CLIENT: MODERN DEVELOPMENT
DRAWN BY: T. Kish

JOHNSTOWN FARMS FILING NO. 2
TOWN OF JOHNSTOWN
STATE OF COLORADO

PRELIMINARY
For and on behalf of Northern Engineering Services, Inc.
Robert C. Tesseley
Colorado Registered Professional Land Surveyor No. 38470