PLANNING COMMISSION REGULAR MEETING

February 5, 2025 - 7:00 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration
3. Public Invited to be Heard

   Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Planning Commission.

   Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.

   The Planning Commission will not respond to any questions or comments made by the public during this section of the meeting, though it will take all input under advisement. If requesting a response from the Town, please leave your contact information with the Town Clerk. The Town Manager or other appropriate staff member will reach out after the meeting to address specific questions or concerns when appropriate.

B. CONSENT CALENDAR

1. Approval of the November 20, 2024, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

C. BOARD ACTION

1. Public Hearing - Request to Rezone 1.06 acres within Raindance Subdivision 21st Filing, Tract A, from SF-1 (Single Family Residential) to ER (Estate Residential) - Garrott Scallon, The Water Valley Company, property owner representative; Martin Lind, Raindance Aquatic Investments LLC, owner.
   - Quasi-judicial action
   - Staff presentation: Carlin Malone, Chief Planner
2. Recommendation to Town Board - Request to Rezone 1.06 acres within Raindance Subdivision 21st Filing, Tract A, from SF-1 (Single Family Residential) to ER (Estate Residential) - Garrott Scallon, The Water Valley Company, property owner representative; Martin Lind, Raindance Aquatic Investments LLC, owner.
   - Quasi-judicial action
   - Staff presentation: Carlin Malone, Chief Planner

3. Public Hearing - Request to Remove a PUD (Planned Unit Development) Zoning Overlay from a RMU-2 (Residential Mixed Use-2) Zone District - Overland 368- Chad Ellington, applicant, Peak Development Group; and Shelley LaMastra, applicant's representative, RVi Planning + Landscaping
   - Quasi-judicial action
   - Staff presentation: Sandra Mezzetti, Senior Planner
4. Recommendation to Town Board - Request to Remove a PUD (Planned Unit Development) Zoning Overlay from a RMU-2 (Residential Mixed Use-2) Zone District - Overland 368 - Chad Ellington, applicant, Peak Development Group; and Shelly LaMastra, applicant's representative, RVi Planning + Landscaping
   - Quasi-judicial action
   - Staff presentation: Sandra Mezzetti, Senior Planner
5. Public Hearing - Overland 368 Master Plan Amendment - Chad Ellington, applicant, Peak Development Group; Shelley LaMastra, applicant's representative, RVi Planning + Landscaping
   - Quasi-judicial action
   - Staff presentation: Sandra Mezzetti, Senior Planner
6. Recommendation to Town Board - Overland 368 Master Plan Amendment - Chad Ellington, applicant, Peak Development Group; Shelley LaMastra, applicant's representative, RVi Planning + Landscaping
   - Quasi-judicial action
   - Staff presentation: Sandra Mezzetti, Senior Planner

D. COMMUNICATIONS

1. Communications from Planning Commission
2. Communications from Town Board Liaison
3. Communications from Staff

E. ADJOURN

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

MEMORANDUM

Date: February 5, 2025
To: Planning Commission
From:
Re: Approval of the November 20, 2024, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:
1. 11.20.24 PC Draft Minutes

Planning Commission Regular Meeting

November 20, 2024 - 7:00 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

MINUTES

A. CALL TO ORDER

Chairman Reddick called the meeting to order at 7:02 p.m.

1. Roll Call

Present:	Chairman Reddick Vice-Chair Nader Nathan Kinney David Hassard Ben Kirch Jordan Spight John Neal
Also Present:	Town Board Liaison Hallett Scott Ballstadt, Planning Director Kim Emil, Deputy Town Attorney Sandra Mezzetti, Senior Planner Kyra Mckinley, Visual Media Coordinator Laura Richardson, Assistant Town Clerk

2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration

   Planning Commissioner Kirch moved to approve the agenda as presented, Planning Commissioner Nader seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

3. Public Invited to be Heard

   Chairman Reddick opened the meeting up for public comment on any non-agenda item, to which there were none.

B. CONSENT CALENDAR

1. Approval of the August 7, 2024, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

2. Approval of the August 21, 2024, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

   Planning Commissioner Nader moved to approve the consent calendar as presented, Planning Commissioner Spight seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

DRAFT

Jason Hallett, Town Board Liaison, gave a statement to the Commission.

"Mr. Chair, for the record, I would like to disclose that I am a sitting member of the Town Board and that I am here in my capacity as a nonvoting liaison to the Planning Commission. Although I will be present during all public hearings tonight, I will not be giving my opinion or participating in any of the discussions. I will not let tonight's proceedings influence or affect my review of these matters when they come before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearings."

C. BOARD ACTION

1. Public Hearing - An Ordinance Amending Chapters 14-17 of the Town of Windsor Municipal Code Concerning Land Use - Planning Department

   Executive Summary

   Chapters 14 through 17 of the Town's Municipal Code, which collectively make up the Town's Land Use Code, were updated in February 2024. Recent state house bills require the need to update several sections within the code, described herein. Additionally, there is a need to amend some areas to address corrections or clarifications to resolve ongoing issues with the current code.

   The Town Board held a work session on October 21, 2024, where they received an overview of the proposed code amendments and directed staff to move forward with the public hearings for the amendments.

   Town Board discussion.

   The Town Board asked staff about the house bill concerning Accessory Dwelling Units and if an HOA could prohibit ADUs. Staff stated that under the current legislation, an HOA could not prohibit them as a use. An ADU would still need to meet all applicable state and local ordinances.

   Sandra Mezzetti, Senior Planner, presented to the Planning Commission.

   Chairman Reddick opened the meeting up for public comment. Nancy Frase, 629 Cedar Street, handed her written comments to Chairman Reddick for review by the Planning Commission.

   Chairman Reddick opened the meeting for Planning Commission discussion. Commissioner Neal inquired about the primary street determination to which Sandra Mezzetti, Senior Planner, answered. Commissioner Hassard, Commissioner Kirch and Chairman Reddick asked questions about the definition of "family" to which Sandra Mezzetti and Scott Ballstadt, Director of Planning, responded. Commissioner Nader provided clarification regarding the state statute. Chairman Reddick asked questions regarding vacation of town easements and ADU types to address Nancy Fraser's written comments, to which Sandra Mezzetti answered. Commissioner Neal and Chairman Reddick inquired about the length of time and number of people residing within a home, to which Scott Ballstadt, Director of Planning, responded.

   Chairman Reddick closed the public hearing.

DRAFT

2. Recommendation to Town Board - An Ordinance Amending Chapters 14-17 of the Town of Windsor Municipal Code Concerning Land Use - Planning Departments

   Please refer to the information provided with the public hearing item.

   Planning Commissioner Nader moved to forward a recommendation of approval to the Town Board for the Ordinance Amending Chapters 14–17 of the Town of Windsor Municipal Code concerning land use, Planning Commissioner Neal seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

   Chairman Reddick advised that he may be absent for one of the upcoming February Planning Commission Regular Meetings and Vice Chair Nader may need to provide coverage.

2. Communications from Town Board Liaison

   Town Board Liaison Hallette provided an update on the 2025 Budget, Sammy's Law, the King Soopers project and the Ad Hoc Charter Committee.

3. Communications from Staff

   Scott Ballstadt, Director of Planning, provided an update on staff, the APA Conference, the King Soopers project, Future Legends and Firehouse Subs. Deputy Town Attorney wished everyone a Happy Thanksgiving. Sandra Mezzetti, Senior Planner, provided an update on the energy action plan.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:45 p.m.

_____

Laura Richardson, Assistant Town Clerk

DRAFT

MEMORANDUM

Date: February 5, 2025
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Public Hearing - Request to Rezone 1.06 acres within Raindance Subdivision 21st Filing, Tract A, from SF-1 (Single Family Residential) to ER (Estate Residential) - Garrott Scallon, The Water Valley Company, property owner representative; Martin Lind, Raindance Aquatic Investments LLC, owner.
Item #: C.1.

Background / Discussion:

Executive Summary
The applicant's representative, Mr. Garrett Scallon, of The Water Valley Company, has submitted an application on behalf of Martin Lind, Raindance Aquatic Investments LLC, to rezone 1.06 acres from SF-1 (Single Family Residential) to ER (Estate Residential) within a 5.71-acre parcel of land known as Raindance Subdivision 21st Filing, Tract A. The subject property is located at 31013 County Road 64, approximately a ½ mile north of New Liberty Road and approximately a ½ mile west of 7th Street, near the northeast corner of Raindance National Golf Course. The parcel is currently split-zoned SF-1 and ER, and the proposed rezone will rectify the condition with ER zone district for the entire parcel. The existing use is a golf course maintenance building, and golf course is a permitted use in the ER zone district.

The application has been reviewed in accordance with Article II of Chapter 14 of the Municipal Code pertaining to a rezoning application. The application complies with the following criteria outlined in the Municipal Code:
- The proposal complies with the Comprehensive Plan's goals and policies.
- The development does not result in undue or unnecessary burdens on existing infrastructure.
- The use is consistent with the zoning district (ER), the Comprehensive Plan Land Use Plan.

Staff recommends that the Planning Commission forward a recommendation of approval to the Town Board, as noted below in the recommendation section.

Background
The subject property was purchased after the Raindance Planned Unit Development Rezone (2015), for use with the Raindance National Golf Course. The subject parcel is the eastern boundary of the golf course. Two lots with different zone districts, were purchased and combined, creating the split-zoned parcel. The lot, Tract A, was developed for a golf course maintenance building, with an approved minor subdivision, site plan and building permits. A condition of the approvals was that the property be rezoned to correct the existing split-zoning condition to one zone district, Estate Residential. The ER zone district also specifically includes golf course as a permitted use, whereas, the SF-1 zone district allows for similar uses, not specifically identifying the golf course use. The differences between the two zone districts are described in further detail on the following page.

Adjacent Zoning

	Zoning	Current Use
North	RMU-1 (Residential Mixed Use-One) with a PUD overlay / RMU-1	Golf course, oil and gas facilities, Poudre Trail, Poudre Heights Subdivision
East	SF-1 (Single Family Residential) and RMU-1	Single family residential lots (under construction) – Poudre Heights Subdivision
South	SF-1 and ER	Single Family Residential – Hilltop Estates Subdivision
West	RMU-1 with a PUD overlay	Golf course, oil and gas facilities

Existing Site Characteristics
- 5.71 acres of SF-1 / ER zoning
- Golf course maintenance building
- Primary access points:
  - New Liberty Road

Relationship to the Comprehensive Plan
The application is consistent with the Comprehensive Plan, particularly the following:

Future Land Use Map
The rezone to ER is consistent with the Future Land Use Map designation of "Low Density Residential/Clustered Residential".

Chapter 5 – Growth & Regional Collaboration
Goal 2: Align the pace of new development with investment in infrastructure, amenities, and services.

Staff comment: No development is proposed with the request. The existing structure will remain. There are no specific policies that pertain to the specific request; however, the rezone to ER will better align with the existing golf course maintenance use, as ER clearly allows the existing use by right, per Sec. 16-1-30(d) – Uses permitted by right, (5) Golf courses. In comparison, the SF-1 zone district, Sec. 16-1-40,(c)(2) allows similar uses; however, does not specifically identify golf course:

c. Private residential and private group outdoor recreational facilities, including, by way of example but not of limitation, swimming pools and tennis courts.

e. Service buildings and facilities normally incidental to the use of a public park or recreation area.

f. Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.

Review Criteria – Rezone
The application is consistent with the following review criteria in Municipal Code Sec. 14-2-70(b) for rezone:

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, the applicable Master Plan, and all other applicable adopted plans or policies.
2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements or that arrangements are made to mitigate such impacts.
3. Density is consistent with the Comprehensive Plan Land Use Plan, and applicable utility capacity studies.
4. The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.
5. The proposal shall be accompanied by a Master Plan or Site Plan that demonstrates compatibility

with adjacent uses. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.

Neighborhood Meeting
In accordance with Town Municipal Code, Section 14-2-10, the applicant held a neighborhood meeting on January 9, 2025, at 5:30 p.m., at the Pelican Lakes Banquet Room, 1620 Pelican Lakes Point, Windsor. One adjacent neighbor attended to view the proposal in-person. There were no concerns.

Notifications
In accordance with Town Municipal Code, Section 14-2-10, notifications for this public hearing were completed as follows:
- January 16, 2025 - Signs posted on the property
- January 17, 2025 - Affidavit of mailing to property owners within 500 feet
- January 17, 2025 – Notice posted to Town's website
- January 21, 2025 – Legal ad published in the Greeley Tribune newspaper

Financial Impact:
The request has no financial impact.

Relationship to Strategic Plan:
The application is consistent with the Strategic Plan Vision Statement:

Vision
Windsor is the hub of Northern Colorado; a safe, unique and special town that offers diverse culture and recreation opportunities. Windsor is recognized as a regional leader that demonstrates fiscal responsibility, environmental stewardship and strategic excellence.

Recommendation:
Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Raindance Subdivision 21st Filing Tract A Rezone, subject to any outstanding Planning Commission and staff comments being addressed.

CC:
Scott Ballstadt, Director of Planning

Attachments:
1. Rezone Narrative - Raindance 21st Tract A
2. Rezone Petition - Raindance 21st Tract A
3. Rezone Plat - Raindance 21st Tract A
4. Rezone - Staff Presentation

September 9, 2024

Raindance Subdivision, Twenty First Filing Project Narrative Rezoning Request
Project No.732.0405.00

The Raindance Subdivision, Twenty First Filing project area contains 5.71 acres and is petitioning to change Rezoning Designation, from Estate Residential (ER) and Single Family Residential (SF-1) to only Estate Residential (ER). The project is located on a portion of Tract A. The project is bounded on the south by Tract C & a cell tower parcel owned by Vertical Bridge Towers, and to the west by Raindance National Golf Course.

The intent of the change in Land Use Designation is to clean up the zoning map to align with the property lines and existing uses. The ER zoning allows for the Golf Course as a permitted use by right. The ER zoning also allows for "Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right" (such as the Maintenance building).

If there are any questions, concerns, or if additional information is required, please feel free to contact me.

Sincerely,

TST, Inc. Consulting Engineers

Matt Taranto

mtaranto@tstinc.com

748 Whalers Way
Suite 200
Fort Collins, CO 80525
970.226.0557 main
970.226.0204 fax

ideas@tstinc.com
www.tstinc.com

REZONING PETITION

We, Raindance Aquatic Investments, LLC., the undersigned, being the owners of the property described as:

A MAP OF A PARCEL OF LAND IN THE TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO; SITUATE IN SECTIONS 29, 30 AND 31, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN; AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT A, RAINDANCE SUBDIVISION TWENTY FIRST FILING. BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31 THENCE N0°12'16"W A DISTANCE OF 1883.44 FEET TO THE POINT OF BEGINNING;

THENCE N0°12'16"W A DISTANCE OF 261.00 FEET;
THENCE N64°19'18"E A DISTANCE OF 229.54 FEET;
THENCE N44°48'10"E A DISTANCE OF 370.03 FEET;
THENCE N33°17'25"E A DISTANCE OF 546.16 FEET;
THENCE S61°26'18"E A DISTANCE OF 68.99 FEET;
THENCE S13°10'01"W A DISTANCE OF 332.43 FEET;
THENCE S37°09'43"E A DISTANCE OF 86.30 FEET;
THENCE S14°18'35"W A DISTANCE OF 11.91 FEET;
THENCE S57°22'08"E A DISTANCE OF 94.53 FEET;
THENCE S33°06'04"W A DISTANCE OF 235.82 FEET;
THENCE N85°44'53"W A DISTANCE OF 336.40 FEET;
THENCE S42°07'57"W A DISTANCE OF 564.79 FEET;
THENCE S89°47'42"W A DISTANCE OF 36.97 FEET TO THE POINT OF BEGINING;.

Containing 5.71 acres more or less, we herby request a change in zoning from ER (Estate Residential) and SF-1 (Single Family Residential) to ER (Estate Residential) and do hereby pay the required fee.

Date:
10/21/2024

Owners Signature:
Raindance Aquatic Investments, LLC

Mailing Address:
1625 Pelican Lakes Point
Suite 201
Windsor, CO 80550

By: _____
Martin Lind, Member/Manager

RAINDANCE SUBDIVISION TWENTY FIRST FILING - REZONE

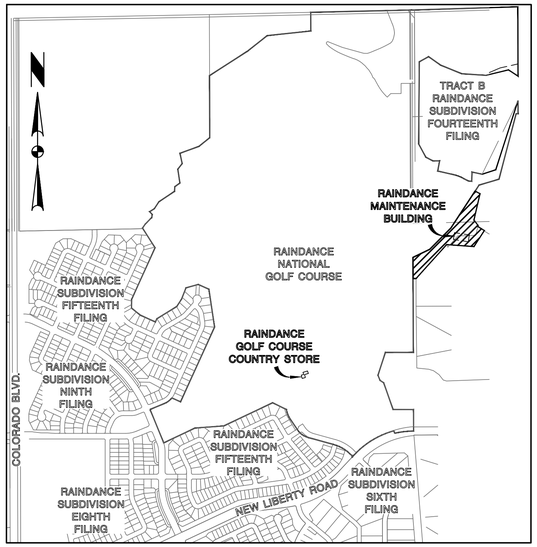
BEING A REZONE OF A PORTION OF TRACT A RAINDANCE SUBDIVISION 21ST FILING, SITUATE IN SECTIONS 29, 30, AND 31, TOWNSHIP 6 NORTH, RANGE 67 WEST, OF THE 6TH P.M; TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO

ENGINEERING & SURVEYING:

TST, INC. CONSULTING ENGINEERS
748 WHALERS WAY, SUITE #200
FORT COLLINS, CO 80525
(970) 226-0557

OWNER:

RAINDANCE AQUATICS INVESTMENTS, LLC
VIMA PARTNERS, LLC
EAGLE CROSSING DEVELOPMENT, INC.
1625 PELICAN LAKES POINT, SUITE 201
WINDSOR, COLORADO 80550
(970) 686-5828



VICINITY MAP

1" = 80'

ACKNOWLEDGEMENT OF OWNERSHIP INTEREST

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING ALL THE OWNERS, LIENHOLDERS, AND HOLDERS OF ANY OWNERSHIP INTEREST AS DEFINED BY THE TOWN OF WINDSOR, OF THE LAND DESCRIBED HEREON, HAVE CAUSED SUCH LAND TO BE REZONED AS INDICATED ON THIS PLAT. THE WITHIN REZONING PLAT IS SUBMITTED IN ACCORDANCE WITH THE WINDSOR MUNICIPAL CODE. IT IS HEREBY ACKNOWLEDGED THAT ALL CONSTRUCTION, USE AND DEVELOPMENT OF THIS PROPERTY WILL BE IN STRICT ACCORDANCE WITH THIS REZONING PLAT. IT IS FURTHER ACKNOWLEDGED THAT DEVIATION FROM THIS REZONING PLAT WITHOUT THE EXPRESS CONSENT OF THE TOWN OF WINDSOR MAY RESULT IN REVOCATION OF THE TOWN'S APPROVAL OF THE REZONING PLAT, DENIAL OF BUILDING PERMITS, REFUSAL TO ISSUE CERTIFICATE OF OCCUPANCY, INJUNCTIVE RELIEF PROHIBITING USE OF THE PROPERTY AND OTHER REMEDIES AVAILABLE TO THE TOWN UNDER THE WINDSOR MUNICIPAL CODE AND OTHER APPLICABLE LAWS OF THE STATE OF COLORADO. KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED HAVE CAUSED SAID LAND TO BE REZONED UNDER THE NAME OF RAINDANCE SUBDIVISION TWENTY FIRST FILING – REZONE.

OWNER: RAINDANCE AQUATIC INVESTMENTS, LLC

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEAL THIS

THE____DAY OF _____, 20____.

_____
NAME TITLE

NOTARIAL CERTIFICATE

LARA D WYNN
Notary Public
State of Colorado
Notary ID # 20044032091
My Commission Expires 09-09-2028

STATE OF _____)
COUNTY OF _____)ss

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____.

THIS_____DAY OF_____, 20____.

MY COMMISSION EXPIRES_____ NOTARY PUBLIC_____

LEGAL DESCRIPTION

A MAP OF A PARCEL OF LAND IN THE TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO; SITUATE IN SECTIONS 29, 30 AND 31, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN; AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF TRACT A, RAINDANCE SUBDIVISION TWENTY FIRST FILING. BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31 THENCE N0°12'16"W A DISTANCE OF 1883.44 FEET TO THE POINT OF BEGINNING;

THENCE N0°12'16"W A DISTANCE OF 261.00 FEET;

THENCE N64°19'18"E A DISTANCE OF 229.54 FEET;

THENCE N44°48'10"E A DISTANCE OF 370.03 FEET;

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THENCE S57°22'08"E A DISTANCE OF 94.53 FEET;

THENCE S33°06'04"W A DISTANCE OF 235.82 FEET;

THENCE N85°44'53"W A DISTANCE OF 336.40 FEET;

THENCE S42°07'57"W A DISTANCE OF 564.79 FEET;

THENCE S89°47'42"W A DISTANCE OF 36.97 FEET TO THE POINT OF BEGINING;

SAID PARCEL CONTAINS 5.71 ACRES OR 248,852 SQUARE FEET MORE OR LESS.

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT A REZONING MAP OF THE PROPERTY DESCRIBED HEREIN WAS APPROVED BY ORDINANCE NO._____ OF THE TOWN OF WINDSOR PASSED AND ADOPTED ON THIS THE DAY OF_____, 20__, A.D. AND THAT THE MAYOR OF THE TOWN OF WINDSOR, AS AUTHORIZED BY SAID ORDINANCE ON BEHALF OF THE TOWN OF WINDSOR, HEREBY ACKNOWLEDGES AND ADOPTS THE SAID REZONING MAP UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

_____ ATTEST:_____
MAYOR TOWN CLERK

BASIS OF BEARING STATEMENT

BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, WHICH ACCORDING TO THE PLAT OF RAINDANCE SUBDIVISION FOURTEENTH FILING BEARS N00°12'16"W AND IS MONUMENTED AS SHOWN HEREON.

NOTICE OF OTHER DOCUMENTS

ALL PERSONS TAKE NOTICE THAT CERTAIN DOCUMENTS HAVE BEEN EXECUTED PERTAINING TO THIS DEVELOPMENT, WHICH CREATE CERTAIN RIGHTS AND OBLIGATIONS OF THE DEVELOPMENT, THE DEVELOPER AND/OR SUBSEQUENT OWNERS OF ALL OR PORTIONS OF THE DEVELOPMENT SITE, MANY OF WHICH OBLIGATIONS CONSTITUTE PROMISES AND COVENANTS THAT RUN WITH THE LAND. THESE DOCUMENTS ARE OF RECORD AND ARE ON FILE WITH THE DIRECTOR OF PLANNING OF THE TOWN OF WINDSOR AND SHOULD BE CLOSELY EXAMINED BY ALL PERSONS INTERESTED IN PURCHASING ANY PORTION OF THE DEVELOPMENT SITE.

ENGINEERING DEPARTMENT APPROVAL

APPROVED THIS THE___DAY OF_____, 20__.

_____
DIRECTOR OF ENGINEERING

TOWN MANAGER'S APPROVAL

APPROVED THIS THE___DAY OF_____, 20__.

_____
TOWN MANAGER

PLANNING DEPARTMENT APPROVAL

APPROVED THIS THE___DAY OF_____, 20__.

_____
DIRECTOR OF PLANNING

SURVEYOR CERTIFICATE:

I CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.

DATED THIS ___ DAY OF _____, 20__.

COLORADO LICENSED
CHAD R. WASHBURN
37963
PROFESSIONAL LAND SURVEYOR

_____
CHAD R. WASHBURN
PROFESSIONAL LAND SURVEYOR
COLORADO LICENSE NO. 37963
FOR AND ON BEHALF OF WASHBURN LAND SURVEYING, LLC

NOTES:

1. THIS REZONING MAP DOES NOT CONSTITUTE A MONUMENTED LAND SURVEY. NO EASEMENT OR RIGHTS OF WAY WERE RESEARCHED OTHER THAN THOSE SHOWN HEREON

REVISIONS		
BY	DATE	DESCRIPTION

DRAWN: ALC
CHECKED: DAP
DESIGNED: DAP
FILENAME: 0405_Rezone

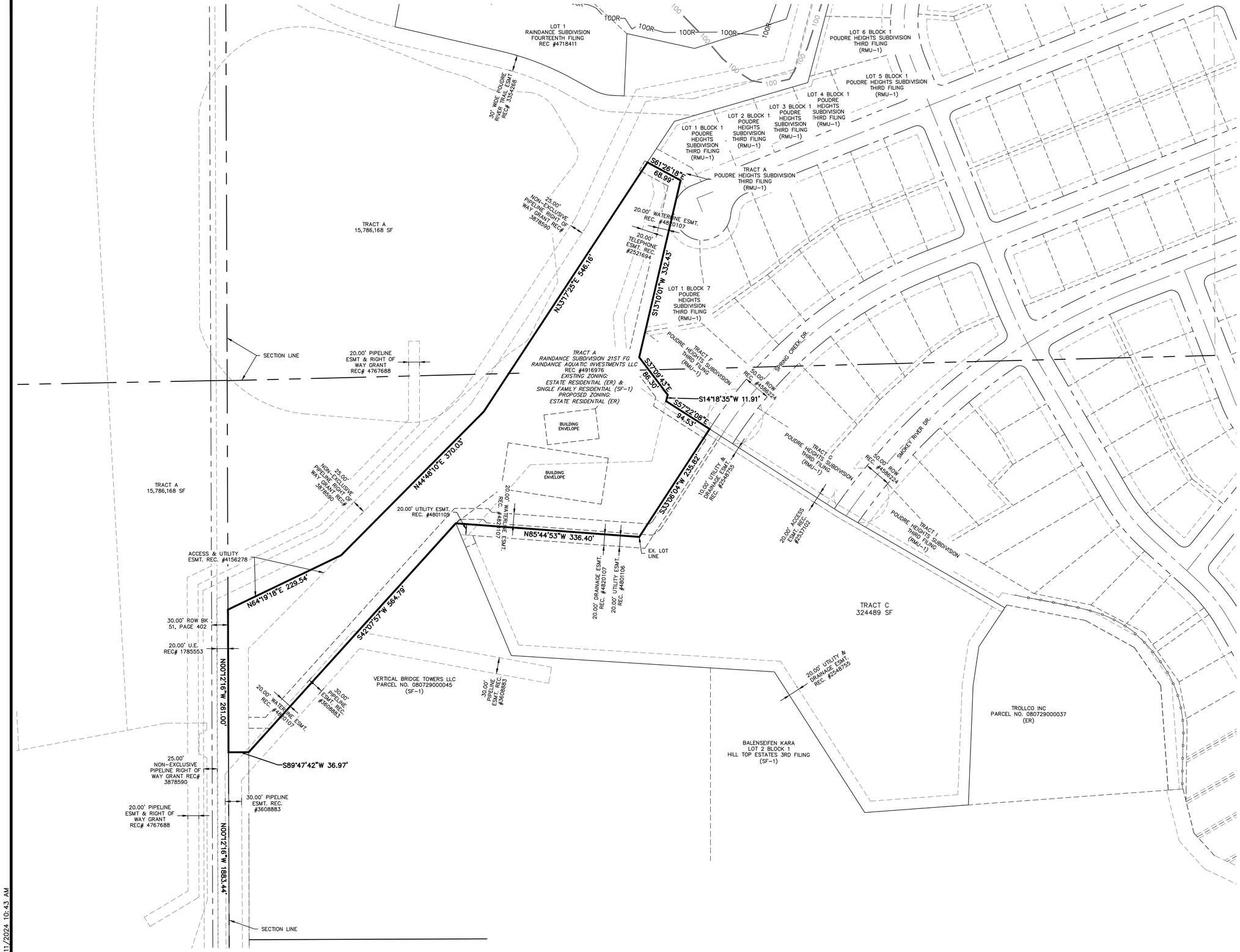
RAINDANCE SUBDIVISION TWENTY FIRST FILING - REZONE

REZONE - COVER SHEET

TST
TST, INC.
CONSULTING ENGINEERS
748 Whalers Way
Suite 200 Fort Collins
Colorado 80525
Phone: 970.226.0557

JOB NO. 0732.0406.03
SCALE N/A
DATE NOVEMBER 2024
SHEET 1 of 2

11/11/2024 10:43 AM



LEGEND

- EXISTING LOT LINE
- EXISTING RIGHT-OF-WAY
- EXISTING EASEMENT
- REZONE BOUNDARY

REVISIONS		
BY	DATE	DESCRIPTION

DRAWN: ALC
CHECKED: DAP
DESIGNED: DAP
FILENAME: 0405_Rezone

RAINDANCE SUBDIVISION TWENTY FIRST FILING - REZONE

REZONE

TST, INC.
CONSULTING ENGINEERS
748 Whalers Way
Suite 200 Fort Collins
Colorado 80525
Phone: 970.226.0557

JOB NO. 0732.0406.03
SCALE 1" = 80'
DATE NOVEMBER 2024
SHEET 2 of 2

11/11/2024 10:43 AM

Rezone

Raindance Subdivision 21st Filing Tract A

Carlon Malone, Chief Planner

Planning Commission, February 05, 2025

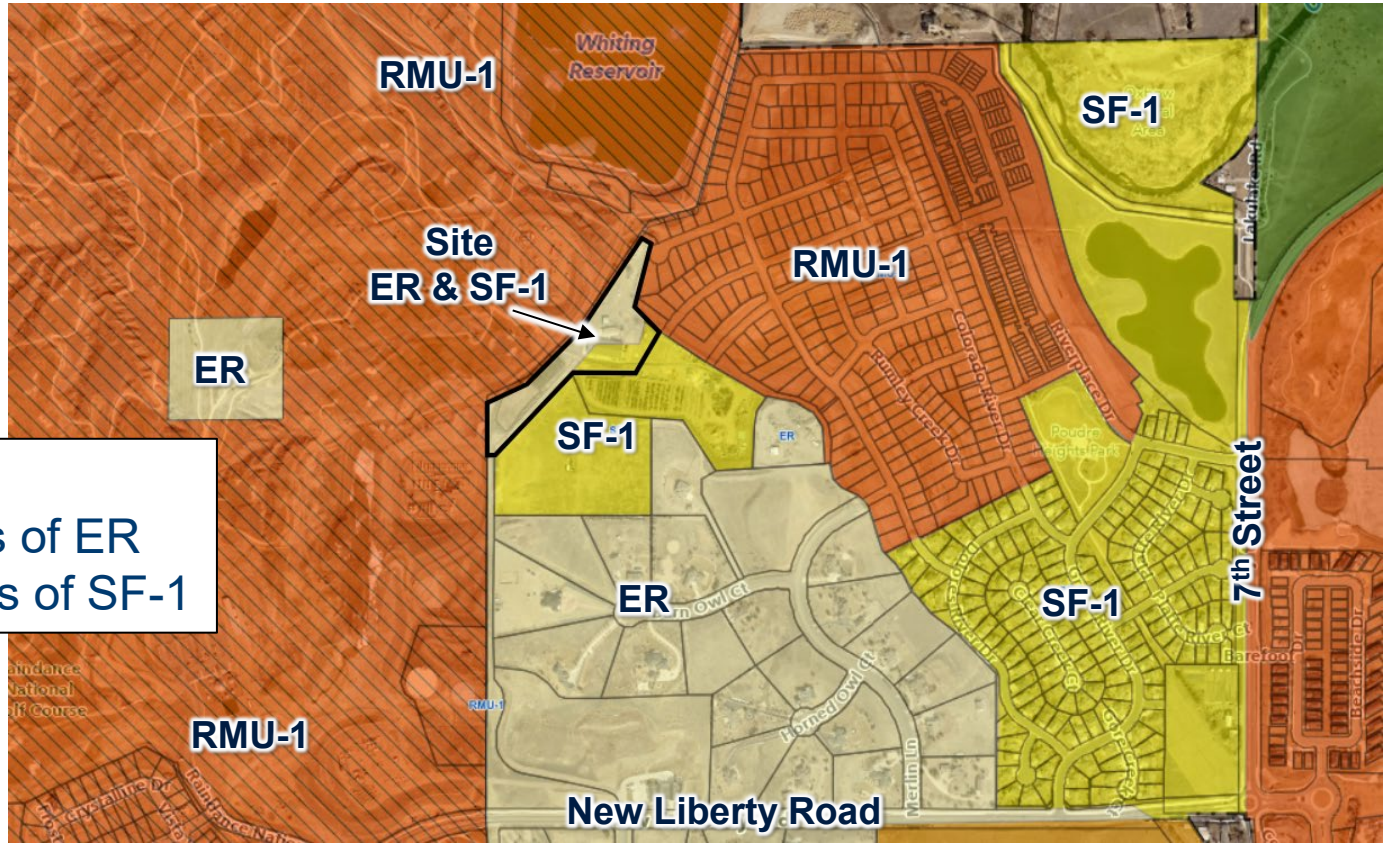
Rezone Request

Article II of Chapter 14 of the Municipal Code outlines the purpose and procedures of the Rezoning process, including:

Applicability. The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to implement the Comprehensive Plan, to account for changed conditions in the general area, or to reflect a change in public policies with respect to future development.

Site Vicinity Map

Zoning Map – Existing Zoning

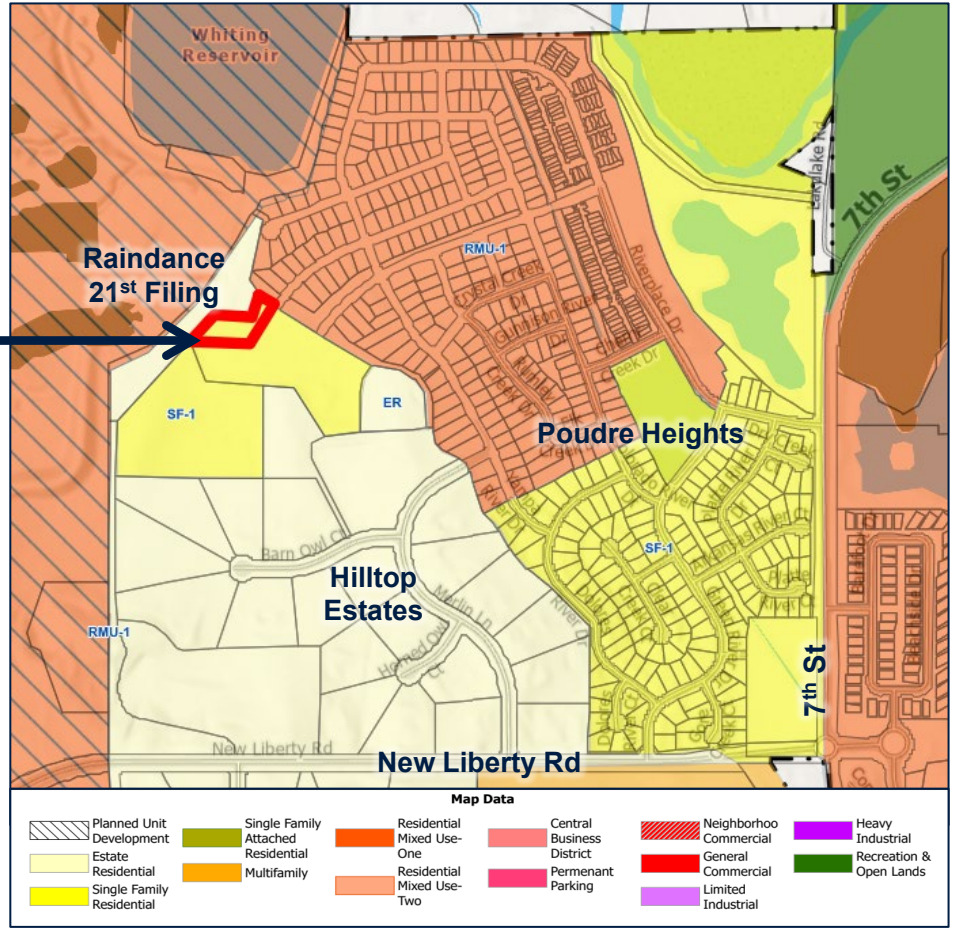


5.71 acres:
- 4.65 acres of ER
- 1. 06 acres of SF-1

N

RAINDANCE SUBDIVISION 21st TRACT A - REZONE

SITE



Proposed Zoning:
ER (Estate Residential)

Rezone Area:
1.06 acres

Comp Plan Land Use Map

SITE ~

Future Land Use designation of "Low Density/Clustered Residential"

Growth Management Area
Town Boundary
Water Bodies
Rivers & Streams

Downtown Study Area
Potential Natural Areas and Open Space Overlay

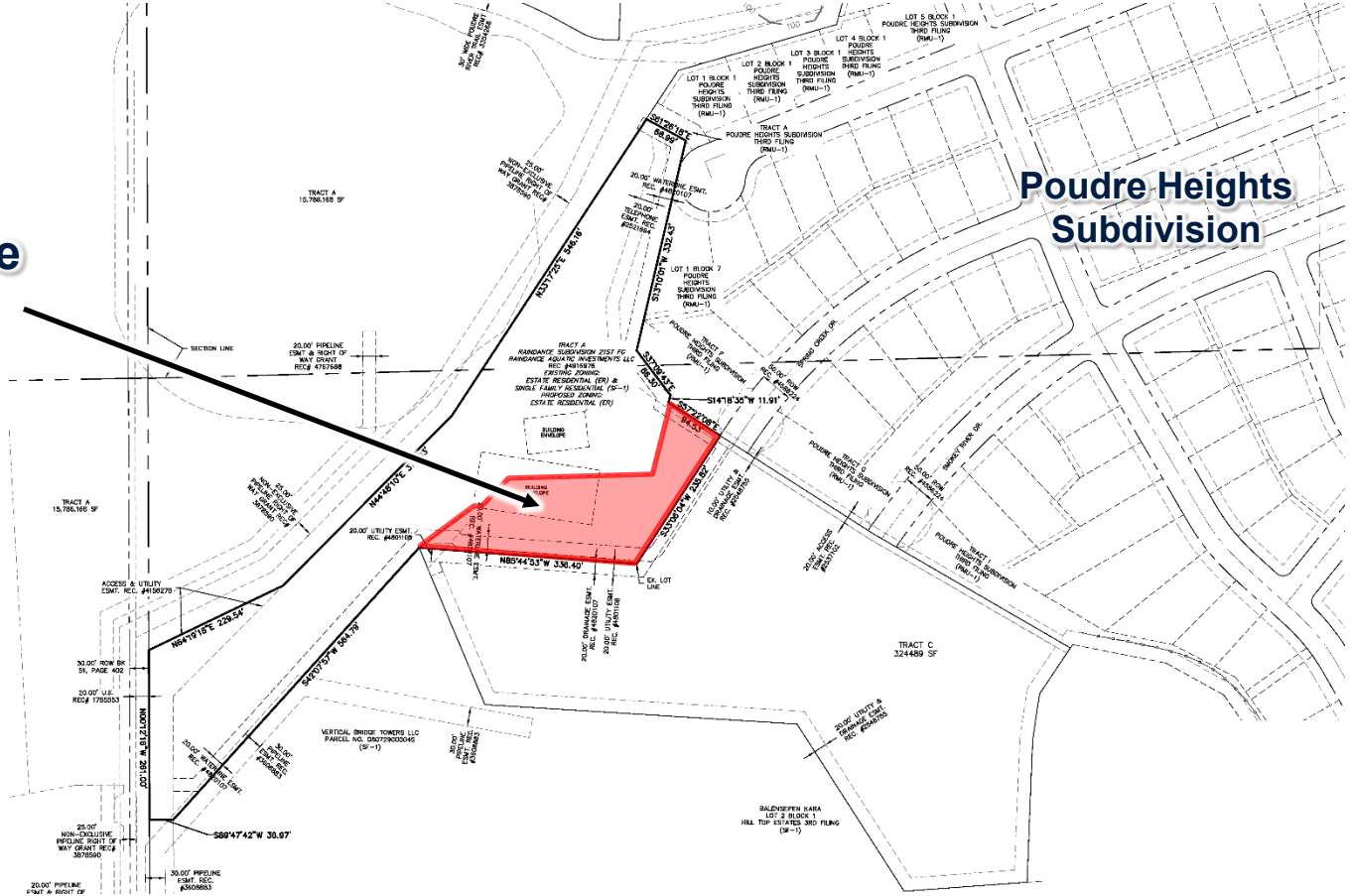
Future Land Uses

Employment/Flex Industrial
Heavy Industrial

Low Density/Clustered Residential
Medium Density Residential
Mixed Residential

Commercial Mixed Use
General Commercial
Parks and Open Space
Public/Semi-Public

Rezone Plat


Rezone Area
Poudre Heights Subdivision
TRACT A
15,786,168 SF
TRACT A
15,786,168 SF
TRACT C
324489 SF
N85°44'53"W 330.40'
S14°18'35"W 11.91'
S37°27'08"E 84.53'
S53°30'04"W 233.82'
N44°48'10"E
N64°19'18"E 229.54'
S40°07'57"W 364.78'
S89°47'42"W 30.07'
N00°12'18"W 261.00'
N31°17'25"E 346.18'
S31°10'01"W 332.43'
S01°20'18"E 68.82'
SECTION LINE
20.00' PIPELINE ESMT & RIGHT OF WAY GRANT REC# 4767688
20.00' UTILITY ESMT. REC. #4801169
ACCESS & UTILITY ESMT. REC. #4150278
30.00' ROW BK 51, PAGE 402
20.00' U.E. REC# 1785553
VERTICAL BRIDGE TOWERS LLC PARCEL NO. 080729000046 (SF-1)
BALENSIEFEN KARA LOT 2 BLOCK 1 HILL TOP ESTATES 3RD FILING (SF-1)
TRACT A RAINDANCE SUBDIVISION 21ST FG RAINDANCE AQUATIC INVESTMENTS LLC REC. #4815976 EXISTING ZONING: ESTATE RESIDENTIAL (ER) & SINGLE FAMILY RESIDENTIAL (SF-1) PROPOSED ZONING: ESTATE RESIDENTIAL (ER)
BUILDING ENVELOPE
EX. LOT LINE
LOT 1 BLOCK 1 POUDRE HEIGHTS SUBDIVISION THIRD FILING (RMU-1)
LOT 2 BLOCK 1 POUDRE HEIGHTS SUBDIVISION THIRD FILING (RMU-1)
LOT 3 BLOCK 1 POUDRE HEIGHTS SUBDIVISION THIRD FILING (RMU-1)
LOT 4 BLOCK 1 POUDRE HEIGHTS SUBDIVISION THIRD FILING (RMU-1)
LOT 5 BLOCK 1 POUDRE HEIGHTS SUBDIVISION THIRD FILING (RMU-1)
LOT 1 BLOCK 2 POUDRE HEIGHTS SUBDIVISION THIRD FILING (RMU-1)
TRACT A POUDRE HEIGHTS SUBDIVISION THIRD FILING (RMU-1)
SPIRIT CREEK DR.
BASKET TRACK DR.
N

Relationship to the Comprehensive Plan and Strategic Plan

Comprehensive Plan:
The rezone to ER is consistent with the Future Land Use Map designation of “Low Density Residential/Clustered Residential”.

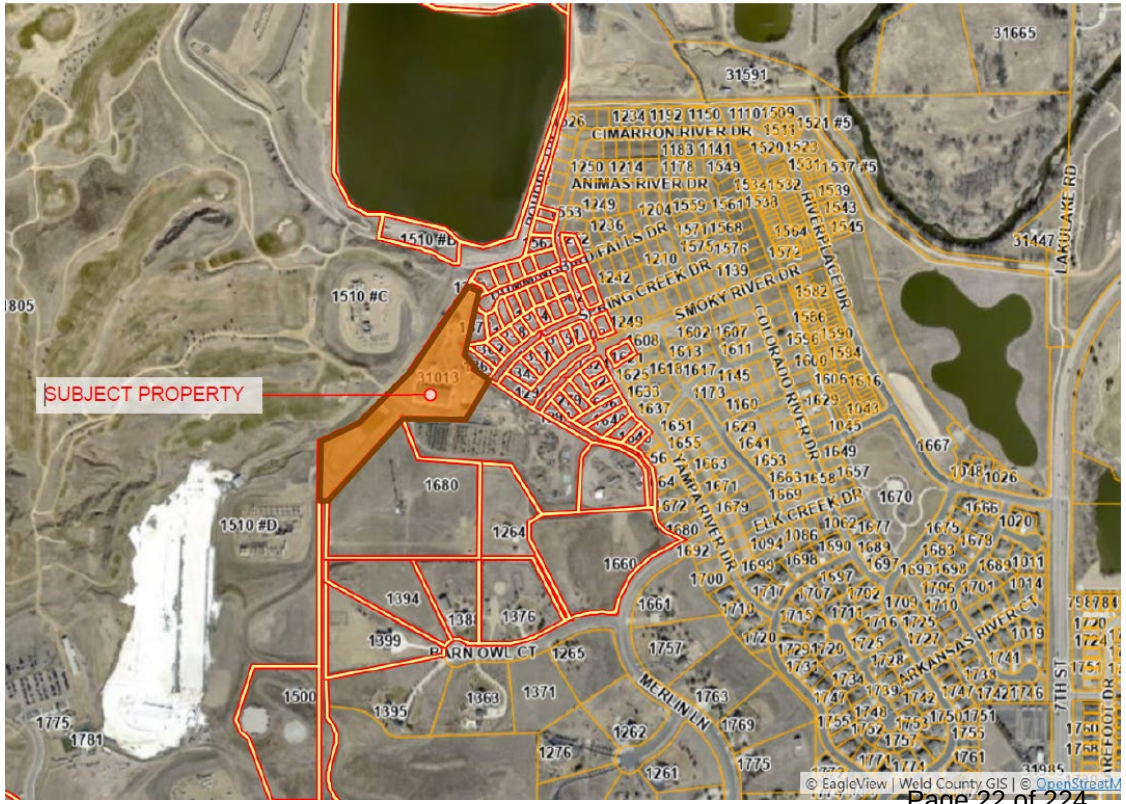
There are no specific policies that pertain to the specific request; however, the rezone will correct the existing zoning with one zone district, ER, which specifically includes *golf course* as a use by right.

Strategic Plan:
The rezone encourages long-term investment in the community.

Neighborhood Meeting

As required by the Municipal Code for a rezoning application, the applicant held a neighborhood meeting on January 09, 2025.

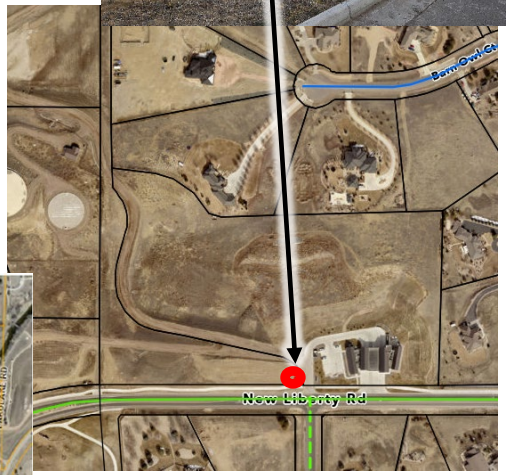
- Notices were sent to property owners within 500 feet.

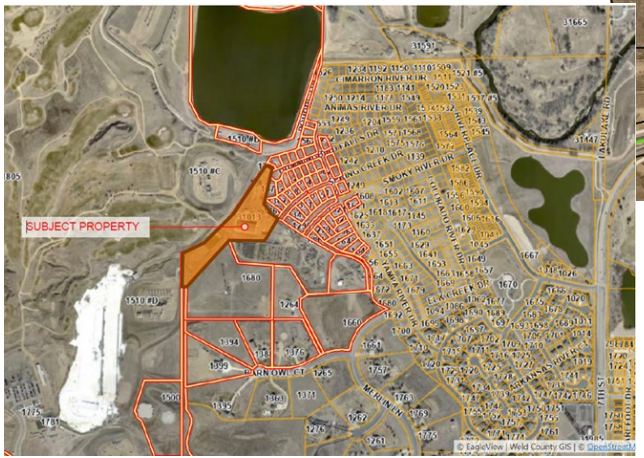


Public Hearing Notification

The following notifications were completed in accordance with the Municipal Code as follows:

- January 17, 2025 - Sign posted on property
- January 17, 2025 – notice sent to property owners within 500 feet
- January 17, 2025, 2025– legal ad posted on the Town's website
- January 21, 2025– legal ad published in the newspaper





Recommendations: Rezone & Master Plan

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the Raindance 21st, Tract A **Rezone** subject to any outstanding Planning Commission and staff comments being addressed.

Record

Staff requests that the following be entered into the record:

- Rezoning application materials
- Staff memorandum and supporting documents
- Public hearing testimony
- Recommendation

Review Criteria - Rezone

1) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, the applicable Master Plan, and all other applicable adopted plans or policies.
2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
3) Density is consistent with the Comprehensive Plan Land Use Plan, and applicable utility capacity studies.
4) The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.
5) The proposal shall be accompanied by a Master Plan or Site Plan that demonstrates compatibility with adjacent uses.

Thank You

Questions

MEMORANDUM

Date: February 5, 2025
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Recommendation to Town Board - Request to Rezone 1.06 acres within Raindance Subdivision 21st Filing, Tract A, from SF-1 (Single Family Residential) to ER (Estate Residential) - Garrott Scallon, The Water Valley Company, property owner representative; Martin Lind, Raindance Aquatic Investments LLC, owner.
Item #: C.2.

Background / Discussion:
Please refer to public hearing item materials.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:
Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Raindance Subdivision 21st Filing Tract A Rezone, subject to any outstanding Planning Commission and staff comments being addressed.

CC:
Scott Ballstadt, Director of Planning

Attachments:

MEMORANDUM

Date: February 5, 2025
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Public Hearing - Request to Remove a PUD (Planned Unit Development) Zoning Overlay from a RMU-2 (Residential Mixed Use-2) Zone District - Overland 368- Chad Ellington, applicant, Peak Development Group; and Shelley LaMastra, applicant's representative, RVi Planning + Landscaping
Item #: C.3.

Background / Discussion:

Executive Summary

The applicant's representative, Ms. Shelley LaMastra of RVi Planning + Landscaping, has submitted an application on behalf of Peak Development Group, represented by Mr. Chad Ellington, to rezone approximately 173 acres known as Overland 368 annexation. The subject property is located west of State Highway 257, east of 15th Street, and north of the Great Western Railway in the Town of Windsor. In addition, the applicant's representative has submitted an application for a master plan amendment, which is being processed concurrently with the rezoning application.

The rezone application has been reviewed in accordance with Article II of Chapter 14 of the Municipal Code, specifically Sec. 14-2-70, which outlines the review criteria for a rezoning application. The rezoning application complies with the following criteria outlined in the Municipal Code:

- The proposal complies with the Comprehensive Plan's goals and policies.
- The development does not result in undue or unnecessary burdens on existing infrastructure.
- The density is consistent with the zoning district (RMU-2), the Comprehensive Plan Land Use Plan, and applicable utility capacity studies.
- The proposal is accompanied by a master plan that demonstrates compatibility with adjacent uses to the north, Tacincala Subdivision Filings 1 & 2, single-family detached, attached, and cottage homes (under construction), south, Trevenna Subdivision, single-family detached and attached dwelling units (under construction), and to the west, Windshire Subdivision, single-family detached dwelling units and apartments adjacent to 15th Street. The proposal is directly east of the Town's Public Services campus and the new north town campus. The master plan provides a commercial element anticipated to serve those who utilize the public works campus and the new town campus, which includes the new Windsor Police Department, the new Weld RE-4 middle school, and a future town park.
- The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.

Staff recommends that the Planning Commission forward a recommendation of approval of the rezone to the Town Board, as noted below in the recommendation section.

Background / Previous Approvals

The subject property was annexed into the Town in 2021 under the name Overland 368. Zoning for the property was established as RMU (Residential Mixed Use) with a PUD (Planned Unit Development). A master plan was submitted concurrently with the annexation. The PUD overlay allowed flexibility to meet market demands and consumer preferences while providing a higher-quality residential community for a wide range of buyers. In 2022, the Municipal Land Use Code was updated. This update included new Residential Mixed Use zone districts, RMU-1 and RMU-2. Zone districts shown as RMU were converted to RMU-1. In 2022, the property was rezoned from RMU-1 with a PUD overlay to RMU-2 with a PUD overlay.

The new RMU-2 PUD allowed more development flexibility with more intense residential development, including reduced lot sizes and building setbacks. Despite the higher intensity allowed by the PUD, the overall density of the subject property remained the same at four units per acre maximum, allowed by the Single-Family Residential designation on the Comprehensive Plan Land Use Map. A master plan amendment was processed concurrently with the 2022 rezoning. The developer did not move forward with the subdivision development.

The applicant is requesting to rezone the property to remove the PUD overlay, leave the RMU-2 underlying zoning, and concurrently amend the master plan. These requests aim to make the site more developable in terms of infrastructure and cut/fill requirements, while maintaining the same level of design features and amenities as would the PUD.

Adjacent Zoning

	Zoning	Current Use
North	SF-2 (Residential Two) with a PUD overlay and RMU-1	Undeveloped agricultural land and Tacincala Subdivision (Prairie Song) Filings 1 and 2
East	RMU-1 (Residential Mixed Use One)	Undeveloped agricultural land and rural residential
South	SF-2 (Single-Family Residential Two) and Weld Co. AG (Agricultural	Undeveloped agricultural land (Trevenna Subdivision – under review) and Weld Co. undeveloped agricultural land.
West	ROL (Recreation Open Lands), RMU-1 (Residential Mixed Use One), SF-2 (Single-Family Attached), and unincorporated Weld County (AG)	Undeveloped agricultural land (Tacincala Master Plan and Trevenna Master Plan), Windshire Park Subdivision (single-family residential), rural residential/agriculture (Weld County)

Proposed Rezoning Characteristics

- ~173 acres of RMU-2 zone district, specifying the following land uses:
- 726 residential lots (varying lot sizes and types)
    - Single-family detached lots
    - Single-family attached homes (Townhomes & Duplexes)
    - Multi-family (apartments)
    - a nine-acre public school site
    - a five-acre commercial parcel
- ~34 acres of landscape, open space, and parks (31%)
    - Includes four metro district-owned and maintained parks
- Primary access points:
    - Weld County Road 70 (new) at SH 257 (east side)
    - Weld County Road 70 (new) at N. 15th Street (west side)
    - Interior loop road connecting to Weld County Road 70

Relationship to the Comprehensive Plan

The application is consistent with the Comprehensive Plan, particularly the following:

Land Use Map

The rezone request for Residential Mixed Use-2 zoning is consistent with the land use designation shown on the land use map as Mixed-Residential.

Chapter 5 – Growth & Regional Collaboration

Goal 1: *Manage new development to be fiscally responsible and environmentally sensitive.*

Policy 1: *When existing infrastructure can support development, prioritize new development, redevelopment, and infill to leverage existing resources.*

Staff comment: The Overland 368 property is surrounded by existing and current residential construction on

three sides. The type of more compact development proposed by the rezoning and its accompanying master plan amendment has been shown to create less of a fiscal burden on municipalities by having less utility and road infrastructure to maintain on a per-unit basis. Similarly, compact development has been shown to be more environmentally responsible, as it takes fewer resources to construct and maintain.

Goal 2: *Align the pace of new development with investment in infrastructure, amenities, and services.*

Policy 1: *Ensure all new development provides adequate consideration of and commitment to usable open space, parks, and trail connections*

Policy 2: *Continue coordinating the creation and expansion of schools, libraries, and other community resources with projected population growth and new private development.*

Staff comment: The Overland 368 Rezone designates different residential areas and a nine-acre parcel dedicated to a new Weld RE-4 school. This parcel is anticipated to be combined with the Tacincala school site to create a school campus environment. The rezone includes also includes a commercial parcel, as required with RMU-2 zoning.

The property will contain a regional drainage corridor to facilitate an overall town drainage approach. The open space along the drainage corridor acts to buffer the neighborhood from the Great Western Railroad, which is adjacent to the southwest property line. Open space and trails/pedestrian connections are planned along the drainage corridor. These trails create connections throughout the property, the parks, and the school site. These areas are further described in the accompanying master plan amendment application.

Chapter 5 – Housing & Neighborhoods

Goal 1: *Diversify housing options to accommodate varying household sizes, lifestyles, and generations.*

Policy 1: *Allow a diversity of housing types, sizes, and densities within all neighborhoods, such as duplexes, townhomes, accessory dwelling units, co-housing, cottage communities, and other types as appropriate.*

Policy 2: *Support higher-density residential development near downtown, commercial centers, and mixed-use areas.*

Staff comment: The proposed rezone will allow for a diverse range of housing types, including single-family detached, single-family attached (duplexes, townhomes), and multifamily dwellings. The accompanying master plan application includes a variety of residential lot sizes and lot layouts. Such variety can help meet the needs of varying family sizes, lifestyles, and income levels.

The property is approximately one mile north of the Town core, and additional homes in the area may increase demand for investment and businesses downtown. In addition, the property is located directly across from the Town's Public Services campus and just south and east of the new police department, Weld RE-4 middle school, and the Town's future community park. The rezone includes a commercial parcel, complementing the adjacent employment, service, school and activity areas.

Chapter 5 – Transportation & Mobility

Goal 1: *Implement a connected and safe bicycle and pedestrian network that provides connection to key destinations, convenient access to transit, helps relieve congestion and provides alternative transportation options.*

Policy 1: *Promote connectivity and efficient travel through roadway extensions, sidewalk construction, on-street bike facilities, and trail expansion projects.*

Staff comment: The proposed rezone and its accompanying master plan promote multi-modal connectivity by providing trails, additional road connections such as WCR 70, and a focus on pedestrian-friendly design.

Chapter 5 – Parks, Recreation, Open Space & Trails

Goal 1: *Create equitable access to parks, open spaces, and trails to promote community identity and quality of life.*

Policy 3*: Continue to enhance regional trail connectivity through Windsor and to adjacent communities.*

Policy 4*: Create local trail connectivity to new open spaces, parks, schools, and neighborhoods, and to service existing unconnected neighborhoods.*

Staff comment: The rezone and master plan applications have been processed and reviewed concurrently to enusre this policy is met. The proposed accompanying master plan includes a ten-foot east/west trail connection from SH 257, along the new Weld County Road 70, to 15th Street, as well as new north/south trail connections along SH 257 and 15th Street. These new trails promote connectivity to adjacent subdivisions,

schools, parks, and open spaces.

Review Criteria – Rezone

The application is consistent with the following review criteria in Municipal Code Sec. 14-2-70(b) for the rezone:

1. *The proposal complies with the Comprehensive Plan's goals and objectives, this Code, the applicable Master Plan, and all other applicable adopted plans or policies.*
2. *The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements or that arrangements are made to mitigate such impacts.*
3. *Density is consistent with the Comprehensive Plan Land Use Plan, and applicable utility capacity studies.*
4. *The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.*
5. *The proposal shall be accompanied by a Master Plan or Site Plan that demonstrates compatibility with adjacent uses. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.*

Neighborhood Meeting

The applicant held a neighborhood meeting on December 05, 2024. Seven members of the public spoke on the following concerns:

- Dust during construction
- Residents speeding on streets
- Traffic on already crowded streets
- Hwy 257 traffic for residents south of the site (entering and exiting SH 257)

Please refer to the neighborhood meeting summary included in the packet.

Notifications

Notifications for this public hearing were as follows:

- January 14, 2025 - Signs posted on the property
- January 15, 2025 - Affidavit of mailing to property owners within 500 feet
- January 17, 2025 – Notice posted to Town's website
- January 17, 2025 – Legal ad published in the Greeley Tribune newspaper

Financial Impact:

Relationship to Strategic Plan:

The application is consistent with the Strategic Plan Mission Statement: The Town of Windsor promotes community and hometown pride through sustainable, excellent, and equitable delivery of services in a fiscally responsible manner.

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Overland 268 ***Rezone***, subject to any outstanding Planning Commission and staff comments being addressed.

CC:

Chad Ellington, Peak Development Group
Shelley LaMastra, RVi Planning and Landscape

Attachments:

1. Overland Rezone-Application Packet
2. Overland-School Dedication Coordination
3. Overland Rezone-MP Neighborhood Meeting Summary
4. Overland Rezone-Plat
5. PC-Overland Rez and MP Staff Presentation
6. Overland RVi Presentation

Application Packet
Rezoning

The following checklist is intended to provide an outline for applicants to ensure a complete submittal and to avoid processing delays due to inadequate information. Land use applications shall include all items listed in the following checklist. If an item is not checked as included in the submittal, a detailed narrative statement outlining reasons why the item has not been submitted shall be included. Lack of such statement or required item shall constitute an incomplete submittal and shall be rejected by the Town. Please review Chapter 14 of the *Town of Windsor Municipal Code* for complete application and procedural requirements.

1

Application Submittal Requirements:

Planning Department Checklist	Applicant Checklist	
_____	X	Completed checklist. Items not checked are explained in the narrative
_____	X	Completed Land Use Application (attached)
_____	X	Application fee consistent with the Town of Windsor *Fee Schedule*
_____	X	A completed rezoning petition and justification statement
_____	X	A deed or legal instrument identifying the applicant's interest in the property
_____	X	All required drawings and supportive information per the Municipal Code
_____	X	All submittals shall follow the Town's *Submittal Requirements* and *File Naming Conventions* available from the Planning Department

2

Rezoning Map Requirements:

Planning Department Checklist	Applicant Checklist	
_____	X	Drawing dimensions shall be twenty-four by thirty-six (24x36) inches. All drawings shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet
_____	X	Date of preparation, the scale, a symbol designating true north and zoning
_____	X	Vicinity map
_____	X	Legal description *(township, range, section, lot, block, subdivision)*
_____	X	Each ownership within and adjacent to the property
_____	X	Existing and proposed zoning classification
_____	X	Applicant revisions block *(includes fields for date, initials, description)*
_____	X	Appropriate *certification blocks* as provided by the Planning Department
_____	X	A description of all developed on-site property, including its use and total acreage
_____	X	The location and dimensions of all existing and proposed easements and rights-of-way

Application Packet
Land Use Application

1

The Town of Windsor Planning Department reserves the right to reject incomplete submittals, per the application checklist and Municipal Code requirements for all applications. Please submit completed application and materials to planningtechs@windsorgov.com. Staff will review the submittal and advise you of its completeness for processing.

2

Application type:

____ Annexation
____ Master Plan
X Rezoning
____ Minor Subdivision
____ Major Subdivision – Preliminary
____ Major Subdivision – Final
____ Site Plan - Minor
____ Site Plan - Major

Project Name*: Overland 368, LLC
Legal Description*: Parcels Of Land Located In Section 8 And Section 17, Township 6 N
Address/Location*: 33989 Hwy 257 (+other parcels) / CR70 & Highway 257
Existing Zoning: PUD **Proposed Zoning:** RMU-2
Acres/Square Feet: 172.86 **Number of Dwelling Units:** 765

3

Owner:
Name(s)*: Overland 368, LLC
Company:
Address*: PO Box 368 Windsor, Colorado 80550
Phone #*: 970-222-7147 Email*: rbluesky@msn.com

Applicant *(Owner or Owner's Representative)*:
Name*: Chad Ellington
Company: Peak Development Group
Address*: 1480 Humbolt Street, Denver, Colorado 80218
Phone #*: 303-503-1016 Email*: chad@peakdevgrp.com

Authorized Representative:
Name: Shelley LaMastra, PLA
Company: RVi Planning + Landscape Architecture
Address: 506 S College Ave, Unit A, Fort Collins, CO 80524
Phone #: 970-484-8855 Email: slamastra@rviplanning.com

4

All correspondence will only be sent to those listed above. It is the sole responsibility of those listed to distribute correspondence to other applicable parties.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

Signature: **Date:** 09/03/2024
(Proof of owner's authorization is required with submittal if signed by Applicant)
Print Name: Chad M. Ellington

**Required fields*

Revised 2/5/2021

August 28, 2024

Carlin Malone, Chief Planner
Town of Windsor
Community Development | Planning
301 Walnut Street
Windsor, Colorado 80550

RE: Overland 368
Letter of Authorization

This letter authorizes the below listed parties to submit planning and engineering submittals on behalf of the landowner, Overland 368, LLC, to the Town of Windsor for the land at 33901 Highway 257 (along with adjacent parcels under the same ownership entity) generally located at the southwest corner of CR70 & Highway 257.

Peak Development Group and its related entities (OL368 Land Co, LLC and Peak One Development) are currently under contract to purchase the land as generally described above.

Authorized Parties:

- Peak Development Group / OL368 Land Co, LLC / Peak One Development
- Galloway and Company
- RVI Planning & Landscape Architecture / Russell + Mills Studios

Sincerely,

Zada G. Steidl

Zada Steidl
Overland 368, LLC

Rezone Petition and Justification

OVERLAND 368 REZONE AMENDMENT

The Overland 368 PUD zone was established in a previous submittal in 2020. It was amended again in 2022.

This Rezone Amendment is requesting to remove the PUD overlay and maintain only the base zone district of Residential Mixed Use Two (RMU-2).

The overall site framework remains largely intact, with noted changes for the new east-west collector road connection between 1st Street /CR 15 and CR-70 which connects to CR-257. The site is still access with a looped collector road off of this new east-west collector.

The Master Plan Amendment will bring the project into full alignment with the straight zone district of RMU-2 in order to create a project that is full alignment with the Town's updated Land Use Code that envisioned a more dense and diverse development pattern.

The overall maximum unit count of 691 units has been updated to 770. Please reference the Utility Report submitted.

Project Narrative

OVERLAND 368

PROJECT LOCATION: LARGE SCALE

NTS

PROJECT LOCATION

NTS

Project Narrative

OVERLAND 368

PROJECT TITLE:
Overland 368

GENERAL INFORMATION:
Size: 173.053 acres
Existing zoning: PUD
Proposed zoning: RMU-2

EXISTING OWNER:
Zada Ann Steidl
P.O. Box 368 Windsor, CO 80550
970-222-7147
rbluesky8@msn.com

Applicant:
Peak Development Group
Contact: Chad Ellington
1480 Humboldt Street
Denver, CO 80218
303-503-1016
chad@peakdevgrp.com

RVi Planning + Landscape Architecture
Contact: Shelley LaMastra
506 S College Ave, Unit A
Fort Collins, CO 80524
970-484-8855
slamastra@rviplanning.com

PROJECT GOAL:
Overland 368 is a 173.053 acre property located in the Town of Windsor. The property is located northwest of Windsor Lake. It is less than one mile north of the town center bounded on the east by north 7th Street, on the west by 15th Street, on the south by the Great Western Railway, and agricultural lands to the north (future Prairie Song development).

Overland 368 is a master planned community for up to 770 units (Max. 520 single-family attached (duplexes/townhomes), single-family detached + 250 multi-family). It is envisioned to be a thoughtfully crafted community, complementing the small town culture of Windsor and embracing the active lifestyle of the western front with a expansive trail network.

The purpose of the Overland 368 Master Plan is to establish site structure for roads and areas of development as well as open space and regional drainage infrastructure. The document is crafted to promote a high standard of neighborhood design and architectural quality as well as promote innovative and diverse housing choices. While the document is intended to guide development, it is also crafted to provide flexibility for addressing future market conditions.

BACKGROUND:
Historically, the property was formally known as Blue Sky Farms which operated as a farming and livestock Business. A PUD was recorded for the property at the same time that the property was annexed into the Town. In 2022 there was an amendment to the PUD that also changed the base zone district from RMU to RMU-2.

PROPOSED MASTER PLAN:
This amendment is updating the existing Master Plan and removing the PUD overlay while maintaining the straight zone district of RMU-2. The changes proposed apply to the entirety of the property.

The Typical Lot Configurations have been submitted as a separate document for Town Staff to comment on the limited access driveways, utilities and tree spacing.

TRANSPORTATION IMPROVEMENTS:

The northern portion of the property is proposed to be a collector street with an 82'-0" right-of-way (R.O.W.). County Road 70 shall be realigned with a round about connection to this new northern collector road connection. Within the site an 82'-0" R.O.W. will loop through the site. Residential roads with 62'-0" R.O.W. will create the roadway network for the proposed uses.

SITE DESIGN

As outlined in the Land Use Summary Chart of the Master Plan the plan proposes single-family detached lots, single-family attached lots (townhomes and duplexes) and multi-family. The subdivision plan will follow this established framework.

The regional drainage corridor that will facilitate an overall Town of Windsor drainage approach is located along the southern boundary and existing railroad in order to reduce crossings within the development and create an additional buffer from the railroad. A trail system within the site will create connections throughout the development to pocket parks, the central park and to the school site north of the community. The irrigation water storage pond in the south-east corner of the site will be enhanced to not only fulfill the irrigation needs be also to create habitat and aesthetic value in the community.

A portion of the property will be dedicated for a future school site (~9 acres). Additional land from the Prairie Song will provide the total area needed for the school. The 520 single-family attached and detached units require ~7.5 acres of dedication Additional multi-family units will be counted toward the total 9 acres with the remaining units having a fee per unit assessed.

The northwest portion of the property (Planning Area 1) is proposing to have a small commercial use. Proposed uses should benefit and support the surrounding residential uses, such as, day care, small retail, etc.

DISTURBANCES

The site is largely retired farmland fields.

UTILITIES

A proposed water main is to be constructed throughout the development. Connections will be made to the 12" existing main that was constructed with Prairie Song (a.k.a. Tacincala) Filing 1 that runs from north to south through the center of the Overland 368 site. Additional connections will be made to the existing water main in WCR 15. A 12" main will also be constructed down SH257 as requested by the Town, however, the proposed development will not connect to this 12" main. When development occurs on the easterly 12-acre parcel, connection would be made to the SH257 main and the proposed mains within Overland 368. Residential services and fire hydrants shall be provided throughout the subdivision as needed.

The proposed wastewater collection system will be gravity driven with 8" and 12" PVC mains constructed throughout the subdivision. This network of 8" lines will connect into the proposed 12" PVC trunk main that will run through the main access road and easterly townhome portion of the development. The 12" main will increase to an 18" main as necessary and be extended northerly along the westerly edge of SH257 for connection to the existing 30" trunk main installed with the Prairie Song development.

A Utility Study has been submitted outlining the sewer capacity and proposed 520 single-family (attached and detached) + 250 multi-family units for a total unit count of 770 units within Overland 368.

STORMWATER:

Storm runoff will be collected with onsite storm sewer systems that will convey runoff to offline water quality and/or detention ponds within the Overland 368 site. A major drainage channel will be designed to capture offsite flows at the northern boundary of the Overland 368 site and convey those flows through the site in the southeast direction along the southerly boundary of the proposed development. A level spreader will be provided at the south termination point of the channel to duplicate existing conditions as much as possible and a detention facility on the southeast side of the Overland 368 site will detain up to 100-year site runoff and release it offsite at maximum 10-year historic rate per the Town of Windsor requirement. (The Town of Windsor may have the offsite portion of the Town's master drainage channel designed to allow completion of the channel improvements to the Greeley No. 2 Canal)

IRRIGATION:

The Overland 368 Property non-potable water demands will be serviced by two non-potable water supplies. The far eastern portion of the property will be supplied by the Brunner Well which is included in the Cache La Poudre Augmentation Plan. The balance of the property west of the area irrigated by the Brunner Well will be irrigated using surface water supplies from shares in the Lake Canal, Lake Canal Reservoir Company and Cache La Poudre Reservoir Company. These surface water supplies will be delivered to an on-site non-potable pond with a non-potable pump station then delivering pressurized water to the distribution system for non-potable irrigation at the site. It is the intent that all irrigation demands at the site will be met with these non-potable water sources.

Customer Distribution

Prevent fraud - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: **ABC25208685-3** Date: **07/22/2024**

Property Address: **OVERLAND 368 LAND, N/A, CO 00000**

For Closing Assistance

Katherine C. Talcott
3033 EAST FIRST AVENUE, SUITE 600
DENVER, CO 80206
(303) 331-6229 (Work)
(303) 393-4926 (Work Fax)
ktalcott@ltgc.com
Company License: CO44565

Closer's Assistant

Rachel Roberts
3033 EAST FIRST AVENUE, SUITE 600
DENVER, CO 80206
(303) 331-6260 (Work)
(303) 393-3858 (Work Fax)
rroberts@ltgc.com
Company License: CO44565

For Title Assistance

Scott Bennetts
5975 GREENWOOD PLAZA BLVD
GREENWOOD VILLAGE, CO 80111
(303) 850-4175 (Work)
sbennetts@ltgc.com

PEAK DEVELOPMENT GROUP LLC
Attention: CHAD ELLINGTON
1480 N HUMBOLDT STREET
DENVER, CO 80218
(303) 503-1016 (Work)
chad@peakdevgrp.com
Delivered via: Electronic Mail

J RUSSELL BAKER LLC
Attention: RUSSELL BAKER
CO
(303) 591-3598 (Cell)
rbaker@blacktimbergroup.com
Delivered via: Electronic Mail

OVERLAND 368 LLC
Attention: ZADA STEIDL
PO BOX 368
WINDSOR, CO 80550
(970) 222-7147 (Work)
rbluesky8@msn.com
Delivered via: Electronic Mail

JUMPS LAW LLC
Attention: BRIAN JUMPS
2630 W BELLEVIEW AVE
SUITE 270
LITTLETON, CO 80123
(303) 586-1855 (Work)
(720) 643-2997 (Work Fax)
bjumps@jumpslaw.com
Delivered via: Electronic Mail

OVERLAND 368, LLC
Attention: ERIC STEIDL
PO BOX 368
WINDSOR, CO 80550
bartch46@gmail.com
Delivered via: Electronic Mail

CUSHMAN & WAKEFIELD
Attention: BRIAN MANNLEIN
772 WHALERS WAY #200
FORT COLLINS, CO 80525
(970) 402-8783 (Cell)
(970) 776-3900 (Work)
brian.mannlein@cushwake.com
Delivered via: Electronic Mail

CUSHMAN & WAKEFIELD
Attention: JOHN BAKER
772 WHALERS WAY #200
FORT COLLINS, CO 80525
(772) 473-1932 (Cell)
(970) 776-3900 (Work)
(970) 267-7419 (Work Fax)
john.baker@cushwake.com
Delivered via: Electronic Mail

CUSHMAN & WAKEFIELD
Attention: DANALEE NACE
772 WHALERS WAY #200
FORT COLLINS, CO 80525
(970) 776-3900 (Work)
danalee.nace@cushwake.com
Delivered via: Electronic Mail

JUMPS LAW LLC
Attention: STEPHANIE M REED
2630 W BELLEVIEW AVE
SUITE 270
LITTLETON, CO 80123
(303) 586-4219 (Work)
(720) 643-2997 (Work Fax)
sreed@jumpslaw.com
Delivered via: Electronic Mail

WITWER OLDENBURG BARRY & GROOM LLP
Attention: PATRICK GROOM
822 7TH ST #760
GREELEY, CO 80631
(970) 352-3161 (Work)
pgroom@wobjlaw.com
Delivered via: Electronic Mail

LAND TITLE GUARANTEE COMPANY
Attention: LUKE DAVIDSON
3033 EAST FIRST AVENUE SUITE 600
DENVER, CO 80206
(303) 321-1880 (Work)
(303) 393-4912 (Work Fax)
ldavidson@ltgc.com
Delivered via: Electronic Mail

Estimate of Title Fees

Order Number: ABC25208685-3 **Date:** 07/22/2024

Property Address: OVERLAND 368 LAND, N/A, CO 00000

Seller(s): OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY

Buyer(s): PEAK DEVELOPMENT GROUP LLC, A COLORADO LIMITED LIABILITY COMPANY

Thank you for putting your trust in Land Title. Below is the estimate of title fees for the transaction. The final fees will be collected at closing. Visit **ltgc.com** to learn more about Land Title.

Estimate of Title Insurance Fees	
"ALTA" Owner's Policy 06-17-06 Reissue Rate	[redacted]
Deletion of Standard Exception(s)	[redacted]
Endorsement ALTA 35.3	[redacted]
Tax Certificate	[redacted]
TOTAL	[redacted]

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the documents on your property.

Chain of Title Documents:

Weld county recorded 12/13/2018 under reception no. 4453393

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: ABC25208685-3

Property Address:

OVERLAND 368 LAND, N/A, CO 00000

1. **Effective Date:**

   07/15/2024 at 5:00 P.M.

2. **Policy to be Issued and Proposed Insured:**

   "ALTA" Owner's Policy 06-17-06 Reissue Rate [redacted]
   Proposed Insured:
   PEAK DEVELOPMENT GROUP LLC, A COLORADO LIMITED LIABILITY COMPANY

3. **The estate or interest in the land described or referred to in this Commitment and covered herein is:**

   FEE SIMPLE

4. **Title to the estate or interest covered herein is at the effective date hereof vested in:**

   OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY

5. **The Land referred to in this Commitment is described as follows:**

PARCEL I:

LOT A, SECOND AMENDED RECORDED EXEMPTION NO. 0807-17-1 RE 526, RECORDED SEPTEMBER 26, 1984 AT RECEPTION NO. **1983051** IN BOOK 1044, BEING PART OF THE N 1/2 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

PARCEL II:

LOT B, RECORDED EXEMPTION NO. 0807-17-1-RE1315, ACCORDING TO THE MAP RECORDED JANUARY 29, 1991 AT RECEPTION NO. **2239763**, BEING PART OF THE N 1/2 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

PARCEL III:

LOT B, RECORDED EXEMPTION NO 0807-8-3 RE 2798, RECORDED JANUARY 18, 2002 AT RECEPTION NO. **2918249**, BEING LOCATED IN THE S 1/2 OF THE S 1/2 OF THE SW 1/4 OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

PARCEL IV:

LOT B, RECORDED EXEMPTION NO 0807-17-2 RE 2124, RECORDED JANUARY 6, 1998 AT RECEPTION NO. **2587737**, BEING LOCATED IN THE S 1/2 OF THE S 1/2 OF THE SW 1/4 OF SECTION 8 AND THE NW 1/4 OF SECTION 17, ALL IN TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

PARCEL V:

LOT A, RECORDED EXEMPTION NO. 0807-17-2-RE 2124, ACCORDING TO THE MAP RECORDED JANUARY 6, 1998 AT RECEPTION NO. **2587737**, BEING PART OF SECTIONS 8 AND 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: ABC25208685-3

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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABC25208685-3

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

1. RELEASE OF DEED OF TRUST, SECURITY AGREEMENT, ASSIGNMENT OF RENTS AND FIXTURE FILING DATED JUNE 02, 2015 FROM FLORENCE A. SPRATT REVOCABLE LIVING TRUST DATED FEBRUARY 18, 2004, AS AMENDED, AND ZADA ANN STEIDL, TRUSTEE OF THE SURVIVOR'S TRUST CREATED UNDER DECLARATION OF TRUST DATED FEBRUARY 28, 1995 TO THE PUBLIC TRUSTEE OF WELD COUNTY FOR THE USE OF AMERICAN AGCREDIT, FLCA TO SECURE THE SUM OF $1,300,000.00 RECORDED JUNE 17, 2015, UNDER RECEPTION NO. **4116626**.
2. RELEASE OF DEED OF TRUST, SECURITY AGREEMENT, ASSIGNMENT OF RENTS AND FIXTURE FILING DATED OCTOBER 26, 2018 FROM ZADA ANN STEIDL, AS TRUSTEE OF THE JOHN CARL STEIDL AND ZADA ANN STEIDL DECLARATION OF TRUST DATED FEBRUARY 28, 1995 AND THE SURVIVOR'S TRUST CREATED UNDER DECLARATION OF TRUST DATED FEBRUARY 28, 1995 TO THE PUBLIC TRUSTEE OF WELD COUNTY FOR THE USE OF AMERICAN AGCREDIT, FLCA TO SECURE THE SUM OF $5,660,000.00 RECORDED DECEMBER 04, 2018, UNDER RECEPTION NO. **4451117**.
3. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR PEAK DEVELOPMENT GROUP LLC, A COLORADO LIMITED LIABILITY COMPANY MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

   NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.
4. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF PEAK DEVELOPMENT GROUP LLC AS A COLORADO LIMITED LIABILITY COMPANY. THE STATEMENT OF AUTHORITY MUST STATE UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-172, CRS.

   NOTE: THE STATEMENT OF AUTHORITY MUST BE RECORDED WITH THE CLERK AND RECORDER.
5. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT ALTA LAND SURVEY OF SUBJECT PROPERTY. UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

   LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID ALTA LAND SURVEY.

   SAID SURVEY MUST BE CERTIFIED TO LAND TITLE GUARANTEE COMPANY AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
6. SPECIAL WARRANTY DEED FROM OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY TO PEAK DEVELOPMENT GROUP LLC, A COLORADO LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.

   NOTE: THE OPERATING AGREEMENT OF OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY DISCLOSES ZADA A. STEIDL AS SOLE MEMBER AUTHORIZED TO EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABC25208685-3

All of the following Requirements must be met:

NOTE: THE STATEMENT OF AUTHORITY OF OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY RECORDED OCTOBER 14, 2021 UNDER RECEPTION NO. **4765694** DISCLOSES ZADA A. STEIDL AS THE MEMBER AUTHORIZED TO EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

7. PROVIDE LAND TITLE GUARANTEE COMPANY WITH ANY MINERAL SEARCHES OF SUBJECT PROPERTY, OR OTHER EVIDENCE THAT ALL MINERAL OWNERS HAVE BEEN NOTIFIED AND HAVE WAVIED SURFACE RIGHTS AS TO SUBJECT PROPERTY.

8. PROVIDE LAND TITLE GUARANTEE COMPANY WITH THE FINAL, APPROVED DEVELOPMENT PLANS FOR SUBJECT PROPERTY.

NOTE: REQUIREMENT 7 AND 8 ARE NECESSARY TO ATTACH ENDORSEMENT ALTA 35.3 TO THE OWNERS POLICY TO BE ISSUED.

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED

A. ITEMS 1-3 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED UPON RECEIPT OF AN APPROVED ALTA LAND SURVEY. MATTERS DISCLOSED BY SAID ALTA LAND SURVEY MAY BE ADDED TO SCHEDULE B, PART II HEREOF.

B. UPON THE APPROVAL OF THE COMPANY AND THE RECEIPT OF A NOTARIZED FINAL LIEN AFFIDAVIT, ITEM 4 OF THE PRE-PRINTED EXCEPTIONS, WILL BE AMENDED TO READ:

ITEM 4 OF THE PRE-PRINTED EXCEPTIONS IS DELETED AS TO ANY LIENS OR FUTURE LIENS RESULTING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY SHALL HAVE NO LIABILITY FOR ANY LIENS ARISING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF PEAK DEVELOPMENT GROUP LLC, A COLORADO LIMITED LIABILITY COMPANY.

C. ITEM 5 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTION(S) AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH.

D. UPON PROOF OF PAYMENT OF 2022 TAXES AND ASSESSMENTS, ITEM 6 OF THE PRE-PRINTED EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2023 AND SUBSEQUENT YEARS.

NOTE: THE ISSUANCE OF THE POLICIES AND/OR ENDORSEMENTS REFERENCED IN THIS COMMITMENT ARE SUBJECT TO THE APPROVAL OF THE UNDERWRITER OF SAID POLICIES AND/OR ENDORSEMENTS. THIS COMMITMENT MAY BE REVISED AS REQUIRED BY THE UNDERWRITER TO ISSUE THE POLICIES AND/OR ENDORSEMENTS REQUESTED. THIS NOTE WILL BE DELETED UPON THE RECEIPT OF SAID APPROVAL.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABC25208685-3

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. **Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
2. **Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
3. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
6. **(a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
7. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
8. EXISTING LEASES AND TENANCIES, IF ANY.
9. ANY BOUNDARY DISCREPANCY DUE TO THE LACK OF AN EXACT LEGAL DESCRIPTION FOR THE RIGHT OF WAY OF THE BNSF RAILROAD, FORMERLY THE GREELEY, SALT LAKE AND PACIFIC RAILROAD COMPANY, AS DESCRIBED IN A DEED RECORDED AUGUST 2, 1881 IN BOOK 31 AT PAGE **299**, AND ANY RIGHT, TITLE OR INTEREST THAT MAY BE CLAIMED BY SAID RAILROAD IF IT IS DETERMINED THAT A DISCREPANCY EXISTS.

   (AFFECTS PARCELS IV AND V)
10. RESERVATIONS MADE BY UNION PACIFIC RAILWAY COMPANY, IN DEED RECORDED DECEMBER 15 1883, IN BOOK 36 AT PAGE **491**, PROVIDING SUBSTANTIALLY AS FOLLOWS: RESERVING UNTO SAID COMPANY AND ITS ASSIGNS ALL COAL THAT MAY BE FOUND UNDERNEATH THE SURFACE OF LAND HEREIN DESCRIBED AND THE EXCLUSIVE RIGHT TO PROSPECT AND MINE FOR SAME, ALSO SUCH RIGHT OF WAY AND OTHER GROUNDS AS MAY APPEAR NECESSARY FOR PROPER WORKING OF ANY COAL MINE THAT MAY BE DEVELOPED UPON SAID PREMISES AND FOR TRANSPORTATION OF COAL FROM SAME.

    (AFFECTS PARCELS I AND II)
11. RIGHT OF WAY FOR COUNTY ROADS 30 FEET ON EITHER SIDE OF SECTION AND TOWNSHIP LINES, AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS FOR WELD COUNTY, RECORDED OCTOBER 14, 1889 IN BOOK 86 AT PAGE **273**.

    (AFFECTS ALL PARCELS)
12. (THIS ITEM WAS INTENTIONALLY DELETED)

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABC25208685-3

13. RIGHT OF WAY FOR DRAINS AND MAINTENANCE AS SET FORTH IN DEED RECORDED JANUARY 7, 1905 IN BOOK 217 AT PAGE **360**

    (AFFECTS ALL PARCELS)

14. TERMS, CONDITIONS AND PROVISIONS OF DITCH EASEMENT RECORDED MAY 23, 1931 IN BOOK 914 AT PAGE **219**.

15. RESERVATIONS AND COVENANTS CONTAINED IN WARRANTY DEED RECORDED JUNE 23, 1943 IN BOOK 1112 AT PAGE **397**.

    (AFFECTS ALL PARCELS)

16. UNDIVIDED 1/2 INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS AS RESERVED IN DEED, RECORDED MARCH 25, 1958, IN BOOK 1499 AT PAGE **346**, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

    (AFFECTS PARCELS III, IV, AND V)

17. OIL AND GAS LEASE RECORDED JULY 17, 1980 UNDER RECEPTION NO. **1830368** AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

    (AFFECTS ALL PARCELS)

18. UNDIVIDED 1/2 INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS AS RESERVED BY CHARLES W. KIRBY IN DEEDS TO GORDON G. STEINMILLER AND CLEONNE JANET STEINMILLER, RECORDED AUGUST 31, 1983, UNDER RECEPTION NO. **1938922** AND RECORDED OCTOBER 4, 1984 AT RECEPTION NO. **1984032**, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

    (AFFECTS PARCEL II)

19. OIL AND GAS LEASE RECORDED APRIL 30, 1984 UNDER RECEPTION NO. **1964875** AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

    (AFFECTS ALL PARCELS)

20. RIGHT OF WAY EASEMENT AS GRANTED TO NATURAL GAS ASSOCIATES IN INSTRUMENT RECORDED AUGUST 03, 1984, UNDER RECEPTION NO. **1976308** IN BOOK 1038.

    (AFFECTS PARCEL III)

21. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF SECOND AMENDED EXEMPTION NUMBER: 0807-17-1-RE 526 RECORDED SEPTEMBER 26, 1984 UNDER RECEPTION NO. **1983051** IN BOOK 1044.

    (AFFECTS PARCELS I AND II)

22. OIL AND GAS LEASE RECORDED OCTOBER 24, 1984 UNDER RECEPTION NO. **1986024** IN BOOK 1047 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: EXTENSION OF THE ABOVE LEASE AS CLAIMED BY AFFIDAVIT OF PRODUCTION WAS RECORDED MARCH 29, 1986 UNDER RECEPTION NO. **2041000** IN BOOK 1101.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABC25208685-3

NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

(AFFECTS ALL PARCELS)

23. OIL AND GAS LEASE RECORDED OCTOBER 24, 1984 UNDER RECEPTION NO. **1986025** AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

    (AFFECTS PARCEL II)

24. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF RECORDED EXEMPTION NO. 0807-17-1-RE1315 RECORDED JANUARY 29, 1991 UNDER RECEPTION NO. **2239763**.

    (AFFECTS PARCEL II)

25. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EXEMPTION NO. 0807-17-2-RE 2124 RECORDED JANUARY 6, 1998 UNDER RECEPTION NO. **2587737**.

    (AFFECTS IV AND V)

26. MATTERS SET FORTH IN IMPROVEMENT SURVEY PLAT RECORDED MARCH 25, 1998 UNDER RECEPTION NO. **2601849**

    (AFFECTS ALL PARCELS)

27. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EXEMPTION NO. 0807-8-3-RE 2798 RECORDED JANUARY 18, 2002 UNDER RECEPTION NO. **2918249**.

    (AFFECTS PARCEL III)

28. REQUEST FOR NOTIFICATION OF SURFACE DEVELOPMENT AS EVIDENCED BY INSTRUMENT RECORDED MAY 28, 2002 UNDER RECEPTION NO. **2954963**.

    (AFFECTS PARCELS I AND II)

29. ALL OIL, GAS AND OTHER MINERALS LYING IN, ON OR UNDER SUBJECT PROPERTY AS CONVEYED IN INSTRUMENT RECORDED OCTOBER 02, 2002 UNDER RECEPTION NO. **2992773**, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

    (AFFECTS PARCELS I AND II)

30. RIGHT OF WAY EASEMENT AS GRANTED TO CITY OF GREELEY IN INSTRUMENT RECORDED SEPTEMBER 03, 2004, UNDER RECEPTION NO. **3215819**.

    (AFFECTS PARCELS I AND II)

31. (THIS ITEM WAS INTENTIONALLY DELETED)

32. OIL AND GAS LEASE RECORDED JANUARY 03, 2013 UNDER RECEPTION NO. **3900249** AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: RELINQUISHMENT AND QUITCLAIM OF SURFACE RIGHTS AND EASEMENTS RECORDED NOVEMBER 1, 2022 UNDER RECEPTION NO. **4864713**.

    NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABC25208685-3

(AFFECTS III, IV, AND V)

33. OIL AND GAS LEASE RECORDED JANUARY 03, 2013 UNDER RECEPTION NO. **3900250** AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: RELINQUISHMENT AND QUITCLAIM OF SURFACE RIGHTS AND EASEMENTS RECORDED NOVEMBER 1, 2022 UNDER RECEPTION NO. **4864713**.

    (AFFECTS PARCELS I AND II)

34. OIL AND GAS LEASE RECORDED OCTOBER 24, 2014 UNDER RECEPTION NO. **4056464**, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

    NOTE: AFFIDAVIT OF EXTENSION OF OIL AND GAS LEASES RECORDED DECEMBER 16, 2020 UNDER RECEPTION NO. **4662036**.

    NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

    (AFFECTS PARCEL I)

35. ALL OIL, GAS, MINERALS AND OTHER MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED DECEMBER 13, 2018, UNDER RECEPTION NO. **4453393**, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

    (AFFECTS ALL PARCELS)

36. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN OVERLAND ANNEXATION AGREEMENT RECORDED FEBRUARY 26, 2021 UNDER RECEPTION NO. **4686949**.

    ANNEXATION MAP RECORDED FEBRUARY 26, 2021 UNDER RECEPTION NO. **4686945**.

    ANNEXATION ORDINANCE NO. 2020-1602 RECORDED FEBRUARY 26, 2021 UNDER RECEPTION NO. **4686952**.

    (AFFECTS ALL PARCELS)

37. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AND IMPOSED BY OVERLAND 368 REZONING MAP AND PLANNED UNIT DEVELOPMENT PLAN RECORDED FEBRUARY 26, 2021 UNDER RECEPTION NO. **4687174**, AND PUD AMENDMENT RECORDED DECEMBER 5, 2022 UNDER RECEPTION NO. **4870345**.

    (AFFECTS ALL PARCELS)

38. EASEMENT GRANTED TO PRAIRIE SONG DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, FOR DRAINAGE AND TEMPORARY CONSTRUCTION, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED NOVEMBER 09, 2021, UNDER RECEPTION NO. **4774579** AND RE-RECORDED JANUARY 3, 2022 UNDER RECEPTION NO. **4790694**.

    (AFFECTS PARCELS III AND IV)

39. EASEMENT GRANTED TO PRAIRIE SONG DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, FOR WATER PIPELINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED NOVEMBER 09, 2021, UNDER RECEPTION NO. **4774581**.

    NOTE: TERMINATION OF TEMPORARY CONSTRUCTION EASEMENTS RECORDED APRIL 13, 2023 UNDER RECEPTION NO. **4892232**.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABC25208685-3

(AFFECTS PARCELS III AND IV)

40. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN OVERLAND 368 MASTER PLAN AMENDMENT RECORDED DECEMBER 05, 2022 UNDER RECEPTION NO. **4870352**.

    (AFFECTS ALL PARCELS)

41. MATTERS SET FORTH IN ALTA/NSPS LAND TITLE SURVEY RECORDED JANUARY 20, 2023 UNDER RECEPTION NO. **4877694**.

    NOTE: UPON RECEIPT OF AN UPDATED SURVEY OF SUBJECT PROPERTY, THE FOREGOING EXCEPTION WILL BE DELETED.

    (AFFECTS ALL PARCELS)

42. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 1, AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880224**.

    (AFFECTS PARCEL I)

43. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 2, AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880225**.

    SPECIAL DISTRICT PUBLIC DISCLOSURE RECORDED JULY 25, 2023 UNDER RECEPTION NO. **4911183**.

    (AFFECTS PARCEL IV)

44. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 3, AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880226**.

    (AFFECTS PARCEL II)

45. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 4, AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880227**.

    (AFFECTS PARCEL IV)

46. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 5 , AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880228**.

    (AFFECTS PARCEL IV)

47. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 6, AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880229**.

    (AFFECTS PARCEL III)

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABC25208685-3

NOTE: THE FOLLOWING NOTICES PURSUANT TO CRS 9-1.5-103 CONCERNING UNDERGROUND FACILITIES HAVE BEEN FILED WITH THE CLERK AND RECORDER. THESE STATEMENTS ARE GENERAL AND DO NOT NECESSARILY GIVE NOTICE OF UNDERGROUND FACILITIES WITHIN THE SUBJECT PROPERTY:
(A) MOUNTAIN BELL TELEPHONE COMPANY, RECORDED OCTOBER 1, 1981 AT RECEPTION NO. **1870705**.
(B) WESTERN SLOPE GAS COMPANY, RECORDED MARCH 9, 1983 AT RECEPTION NO. **1919757**.
(C) ASSOCIATED NATURAL GAS, INC., RECORDED JULY 20, 1984 AT RECEPTION NO. **1974810** AND RECORDED OCTOBER 1, 1984 AT RECEPTION NO. **1983584** AND RECORDED MARCH 3, 1988 AT RECEPTION NO. **2132709** AND RECORDED APRIL 10, 1989 AT RECEPTION NO. **2175917**.
(D) PANHANDLE EASTERN PIPE LINE COMPANY, RECORDED OCTOBER 1, 1981 AT RECEPTION NO. **1870756** AND RECORDED JUNE 26, 1986 AT RECEPTION NO. **2058722**.
(E) COLORADO INTERSTATE GAS COMPANY, RECORDED AUGUST 31, 1984 AT RECEPTION NO. **1979784**.
(F) UNION RURAL ELECTRIC ASSOCIATION, INC., RECORDED OCTOBER 5, 1981 AT RECEPTION NO. **1871004**.
(G) WESTERN GAS SUPPLY COMPANY, RECORDED APRIL 2, 1985 AT RECEPTION NO. **2004300**.
(H) PUBLIC SERVICE COMPANY OF COLORADO, RECORDED NOVEMBER 9, 1981 AT RECEPTION NO. **1874084**.
(I) ST. VRAIN SANITATION DISTRICT, RECORDED DECEMBER 14, 1988 AT RECEPTION NO. **2164975**.
(J) UNITED POWER, INC., RECORDED JANUARY 24, 1991 AT RECEPTION NO. **2239296**.

Land Title Guarantee Company
Disclosure Statements

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

(A) The Subject real property may be located in a special taxing district.

(B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).

(C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

(A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.

(B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.

(C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.

(D) The Company must receive payment of the appropriate premium.

(E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

(A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and

(B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 24-21-514.5, Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

Joint Notice of Privacy Policy of
Land Title Guarantee Company
Land Title Insurance Corporation and
Old Republic National Title Insurancy Company

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
- your transactions with, or from the services being performed by us, our affiliates, or others;
- a consumer reporting agency, if such information is provided to us in connection with your transaction;

  and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration

Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

Commitment For Title Insurance
Issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS
   (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
   (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
   (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
   (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
   (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
   (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
   (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
   (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
   (a) the Notice;
   (b) the Commitment to Issue Policy;
   (c) the Commitment Conditions;
   (d) Schedule A;
   (e) Schedule B, Part I—Requirements; and
   (f) Schedule B, Part II—Exceptions; and
   (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. **COMPANY'S RIGHT TO AMEND**

   The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. **LIMITATIONS OF LIABILITY**
   (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
      i. comply with the Schedule B, Part I—Requirements;
      ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
      iii. acquire the Title or create the Mortgage covered by this Commitment.
   (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
   (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
   (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
   (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
   (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
   (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. **LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**
   (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
   (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
   (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

(d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
(e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. **IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. **PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. **ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is $2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880

Craig B. Rants, Senior Vice President

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
1408 North Westshore Blvd., Suite 900, Tampa, Florida 33607
(612) 371-1111 *www.oldrepublictitle.com*

By President

Attest Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Bonnie Niziolek

From: Michael McCullar <michael.mccullar@weldre4.org>
Sent: Wednesday, December 11, 2024 3:47 PM
To: Bonnie Niziolek
Subject: Re: Windsor - Overland 368 project

Sounds great, thanks for the update! I will take a look.

Michael McCullar I Chief Operating Officer

Weld RE-4 School District *Operations*
970-686-8000

On Wed, Dec 11, 2024 at 1:55 PM Bonnie Niziolek <bonnie@peakdevgrp.com> wrote:

> Hi Michael,
>
> Wanted to let you know we've continued through the Town process on this project. Our rezoning submittal and master plan are expected to go to hearing early next year and we've submitted a preliminary plat submittal (attached), which shows the school site in the same location we previously discussed.
>
> Let us know if you have any questions. Thanks!
>
> BONNIENIZIOLEK

1480 Humboldt Street, Denver, CO 80218

P 303.378.6577 | PeakDevGrp.com

From: Michael McCullar <michael.mccullar@weldre4.org>
Sent: Friday, August 16, 2024 1:17 PM
To: Bonnie Niziolek <bonnie@peakdevgrp.com>
Cc: Chad Ellington <chad@peakdevgrp.com>
Subject: Re: Windsor - Overland 368 project

Bonnie

Calcs look correct and I would be fine working with you all through this moving forward.

Michael McCullar I Chief Operating Officer

Weld RE-4 School District *Operations*
970-686-8000

On Wed, Jul 24, 2024 at 11:44 AM Bonnie Niziolek <bonnie@peakdevgrp.com> wrote:

Hi Michael!

Wanted to follow up on this. Let us know if it would be helpful to talk through this on a call.

Thanks!

BONNIENIZIOLEK

PEAK DEVELOPMENT

1480 Humboldt Street, Denver, CO 80218

P 303.378.6577 | PeakDevGrp.com

From: Bonnie Niziolek
Sent: Wednesday, July 10, 2024 6:09 PM
To: Michael McCullar <michael.mccullar@weldre4.org>
Cc: Chad Ellington <chad@peakdevgrp.com>
Subject: RE: Windsor - Overland 368 project

Hi Michael,

Thanks again for your time this Spring reviewing the school land dedication requirements for the Overland community along with the District's plan for school in the area.

Since we met, we've worked through our master site plan and located Overland's portion of the school site along WCR 70 adjacent to the planned school site for Prairie Song. In the attached plan we're showing approximately 8.5-9.3 acres of dedication (we're still working through some site plan details to get to that final number) in addition to the Prairie Song's 10 acres. This provides you with more than 18 acres overall, in excess of the 10 acre minimum/13 acre preferred area we had discussed.

As we start moving toward formal plan submittals to the Town in the next couple weeks we wanted to work with you to get this location finalized and confirm our dedication calcs are correct. We're showing approximately 7.3 acres are required with approximately 8.5+ provided.

	Unit Count	AC per Unit	AC	Provided
SFD (40x100 front)	176	0.01869	3.28944	
SFD (50x110 front)	141	0.01869	2.63529	
SFA (duplex)	96	0.00780	0.7488	
SFA (townhomes)	89	0.00780	0.6942	
Total	**502**		**7.36773**	**~8.5 - 9.3 ac**

Let us know if you need any additional information to review and we're happy to get on a call to talk through this if that's helpful.

Thanks again for all you help!

BONNIENIZIOLEK

1480 Humboldt Street, Denver, CO 80218

P 303.378.6577 | PeakDevGrp.com

From: Michael McCullar <michael.mccullar@weldre4.org>
Sent: Thursday, May 23, 2024 2:26 PM
To: Bonnie Niziolek <bonnie@peakdevgrp.com>
Subject: Re: Windsor - Overland 368 project

Bonnie,

Yes the example you provided matches our calculation methodology.

Michael McCullar, Chief Operating Officer

Weld RE4 School District

1020 Main Street

Windsor, CO 80550

970-686-8015

www.weldre4.org

On Wed, May 15, 2024 at 3:22 PM Bonnie Niziolek <bonnie@peakdevgrp.com> wrote:

Hi Mike,

Thanks again for your time this afternoon. Wanted to confirm we're doing our math right on this school dedication since there are a lot of additional numbers on this table.

We have a mix of single family detached and single family attached homes. Using the table below, it looks like we can just take our unit count times the acres per unit (depending on the product type) for a total land area requirement. And then take the cash-in-lieu number times our unit count for the cash-in-lieu equivalent, which is roughly the same as our acreage requirement times the development land value of $156,000.

An example:

177 SFD units *.01869 = 3.31 ac

Cash-in-lieu equivalent = 177 SFD units*2916 = 516,132 (roughly the same as 3.31*156,000 = 516,360)

(and then the same for the SFA units)

Thanks!

Exhibit B: Methodology for Calculating Land Dedication and In-lieu Payments

	Student Yield	Site Requirement Acres	Capacity	Acres Per Student	Acres Per Unit	Land Value	Cash In Lieu
Single Family - d							
Elementary	0.330	10	600	0.017	0.00550	$156,000	$858
Middle School	0.160	25	900	0.028	0.00444	$156,000	$693
High School	0.210	50	1200	0.042	0.00875	$156,000	$1,365
Total	0.700	85		0.086	0.01869		$2,916
Single Family - a							
Elementary	0.150	10	600	0.017	0.00250	$156,000	$390
Middle School	0.070	25	900	0.028	0.00194	$156,000	$303
High School	0.080	50	1200	0.042	0.00333	$156,000	$520
Total	0.300	85		0.086	0.00778		$1,213
Multi-Family							
Elementary	0.210	10	600	0.017	0.00350	$156,000	$546
Middle School	0.100	25	900	0.028	0.00278	$156,000	$433
High School	0.050	50	1200	0.042	0.00208	$156,000	$325
Total	0.360	85		0.086	0.00836		$1,304
Mobile Homes							
Elementary	0.289	10	600	0.017	0.00482	$156,000	$751
Middle School	0.146	25	900	0.028	0.00406	$156,000	$633
High School	0.165	50	1200	0.042	0.00688	$156,000	$1,073
Total	0.600	85		0.086	0.01575	$2,457	

1480 Humboldt Street, Denver, CO 80218

P 303.378.6577 | PeakDevGrp.com

From: Michael McCullar <michael.mccullar@weldre4.org>
Sent: Tuesday, May 7, 2024 8:31 AM
To: Bonnie Niziolek <bonnie@peakdevgrp.com>
Subject: Re: Windsor - Overland 368 project

I am available 5/15 from 1-3, 5/20 from 11-1 or 2-4. Let me know if any of those slots work for you.

Michael McCullar, Chief Operating Officer

Weld RE4 School District

1020 Main Street

Windsor, CO 80550

970-686-8015

www.weldre4.org

On Mon, May 6, 2024 at 10:56 AM Bonnie Niziolek <bonnie@peakdevgrp.com> wrote:

Hi Michael,

Thanks for this update! Do you have time for a zoom call in the next week or so to discuss this site?

Let me know a couple days/times that work for you.

Thanks!

BONNIENIZIOLEK

PEAK DEVELOPMENT

1480 Humboldt Street, Denver, CO 80218

P 303.378.6577 | PeakDevGrp.com

From: Chad Ellington <chad@peakdevgrp.com>
Sent: Tuesday, April 30, 2024 9:57 AM

To: Bonnie Niziolek <bonnie@peakdevgrp.com>; Sam Sharp <Sam@peakdevgrp.com>
Subject: FW: Windsor - Overland 368 project

From: Michael McCullar <michael.mccullar@weldre4.org>
Sent: Tuesday, April 30, 2024 8:44 AM
To: Chad Ellington <chad@peakdevgrp.com>
Subject: Re: Windsor - Overland 368 project

Chad

Thanks for reaching out. As for the middle school, we will be opening in August of 2025.

The site that had been previously negotiated will still be needed for an elementary school due to the planned residential growth. We would be happy to sit and discuss a revised location if that is of interest to you.

Look forward to working with you and please do not hesitate to reach out with any other questions.

Best Regards

Michael McCullar, Chief Operating Officer

Weld RE4 School District

1020 Main Street

Windsor, CO 80550

970-686-8015

www.weldre4.org

On Mon, Apr 22, 2024 at 10:06 AM Chad Ellington <chad@peakdevgrp.com> wrote:

> Greetings Michael.
>
> We are a master-plan developer and have recently re-started the community planning effort for a new community in Windsor that has been referred to as Overland 368, immediately south of the Prairie Song development, just north of Windsor High School.
>
> Looking through your long-range planning documents it appears like some progress is being made on the new middle school just west of WCR 15. Curious on the latest timing of that effort.
>
> A previous developer had spent a couple years working on planning the community but has since dropped their contract to purchase the property.
>
> We now have the property under contract and are working on a new community plan (first draft attached) for Overland 368.

Inquiring today about the likely need (or possible lack of need and preference for cash-in-lieu) for the school site dedication land that was previously shown in older planning efforts (+/-13.4ac) on the north side of our community and the south of Prairie Song.

Happy to set up a call to discuss further at your convenience.

Thank you!

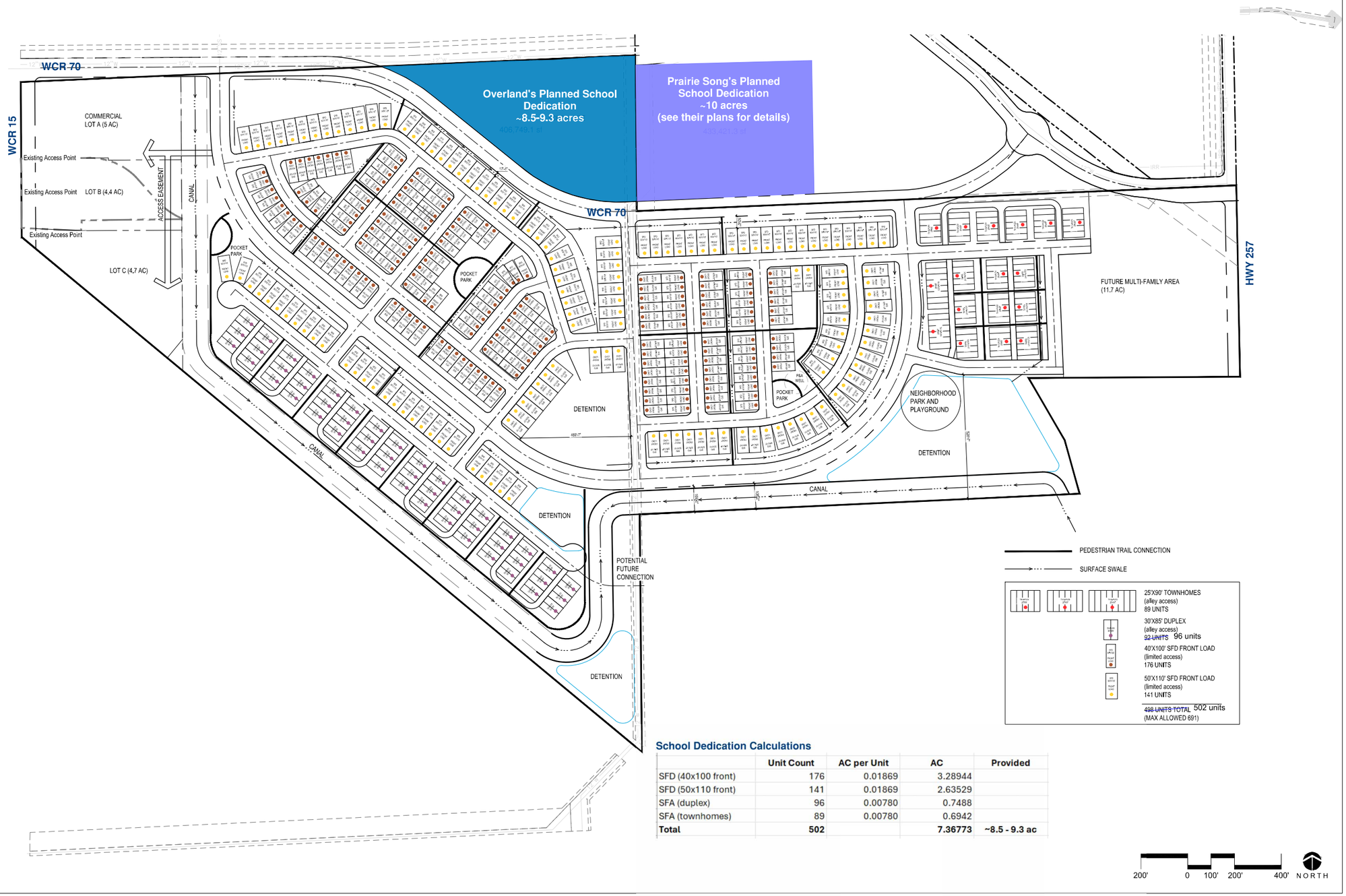
-Chad

CHADELLINGTON

PEAK DEVELOPMENT

1480 Humboldt Street, Denver, CO 80218

P 303.503.1016 | PeakDevGrp.com



School Dedication Calculations

	Unit Count	AC per Unit	AC	Provided
SFD (40x100 front)	176	0.01869	3.28944	
SFD (50x110 front)	141	0.01869	2.63529	
SFA (duplex)	96	0.00780	0.7488	
SFA (townhomes)	89	0.00780	0.6942	
Total	**502**		**7.36773**	**~8.5 - 9.3 ac**

OVERLAND
Windosr, Colorado

PEAK DEVELOPMENT

russell + mills

REV.	COMMENT	DATE

NOT FOR CONSTRUCTION

Date: 06.12.2024

Drawn By: SL

Checked By: CR

Sheet Name

CONCEPTUAL MASTER PLAN

Sheet

LS100

MEMORANDUM

TO: Sandy Mezzetti

FROM: Shelley LaMastra

DATE: December 9, 2024

RE: Overland 368 Rezone and Master Plan Amendment Neighborhood Meeting

---

The Neighborhood Meeting for the Overland 368 Rezone and Master Plan Amendment

- December 5, 2024 from 6:00-7:15pm at the Windsor Community Recreation Center.

Seven members of the community attended the meeting.

- The sign in sheet was submitted to Town staff on December 6, 2024.

The following were present as part of the applicant group:

- Chad Ellington – Peak Development
- Bonnie Niziolek – Peak Development
- Sam Sharp – Peak Development
- Shelley LaMastra – RVi Planning + Landscape Architecture
- Ron Van Ufflen – Galloway

Meeting Presentation

- The commenced at 6:04pm with an introduction by Chad E of the team present and their roles in the project.
- Shelley L. then gave an overview of the project by presenting
    - The project location and extents
    - Outlined the zoning history on the site and the proposed zoning which would be removing the PUD overlay to have only the underlying RMU-2 zone on the property.
    - Presenting changes to Master Plan – circulation largely stays the same, open space/drainage channel moves to out edge of site to better deal with existing topography and ground water levels, discuss commercial location and requirement for it by RMU-2 zone district, location directed by staff, future multi-family on east end of site.
    - Reviewed pedestrian oriented community
    - Discussed product diversity with SFA Duplexes, townhomes, SFD in two different sizes, multi-family.
    - Went over pocket parks required by RMU-2 zone district
    - Central Park being included that is above and beyond the RMU-2 zone district requirements.

Community Feedback

- Concerns on dust during construction
    - Chad E. responded that is always an issue and the contractor will be held to the Erosion Control plans and every effort made to reduce the dust issues. The project will be phased so it will reduce the area of grading to one portion of the site instead of the entire site at once which should reduce dust.

- Concern about residents that are speeding on streets
    - Shelley L. recommended that resident reach out to the local police department to address speeding as the applicant team has no jurisdiction over that.
- Concerns about traffic on already crowded streets
    - Applicant team pointed out new street CR70 and Windsor Lake Road that will handle much of the traffic for Prairie Song and Overland. These street will create a bypass from traffic that is otherwise coming south
- Concerns about Hwy 257 traffic for residents south of site
    - Applicant team explained that Windsor Lake Road and Hwy 257 will have a traffic signal so traffic will have a forced break in flow for residents to leave their homes.

Overland 368

PEAK DEVELOPMENT

Neighborhood Meeting Sign-in Sheet

RVi

Windsor, Colorado

Name (First and Last)	Email Address (optional)	Phone Number (optional)
Grant Haefner		970-836-3136
Colton Brown	cwbenglines@gmail.com	(970) 443-2658
Tess Brown	tesscottwr@gmail.com	(970) 631-6237
Steve Ausenhus		
Tia Jaffee	tia.jaffee@almortgage.com	970-690-0943
Julie Pantelopoulos		303-717-9787
Jerry & Peggy Windsor		

OVERLAND 368 REZONING MAP

LOT A, SECOND RECORDED EXEMPTION No. 0807-17-1-RE526 AND LOT B RECORDED EXEMPTION No. 0807-17-1-RE1315
AND LOT B, RECORDED EXEMPTION No. 0807-8-3-RE2798 AND LOTS A & B. RECORDED EXEMPTION No. 0807-17-2-RE2124,
BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8 AND THE NORTH HALF OF SECTION 17,
ALL IN TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO

PROPERTY DESCRIPTION (AS SURVEYED)

PARCEL I:
LOT A, SECOND AMENDED RECORDED EXEMPTION No. 0807-17-1 RE 526, RECORDED SEPTEMBER 26, 1984 AT RECEPTION No. 1983051 IN BOOK 1044, BEING A PART OF THE N 1/2 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6thP.M., COUNTY OF WELD, STATE OF COLORADO.

PARCEL II:
LOT B, RECORDED EXEMPTION No. 0807-17-1-RE1315, ACCORDING TO THE MAP RECORDED JANUARY 29, 1991 AT RECEPTION No. 2239763, BEING A PART OF THE N 1/2 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M., COUNTY OF WELD, STATE OF COLORADO.

PARCEL III:
LOT B, RECORDED EXEMPTION No. 0807-8-3 RE 2798, RECORDED JANUARY 18, 2002 AT RECEPTION No. 2918249, BEING LOCATED IN THE S 1/2 OF THE S 1/2 OF THE SW 1/4 OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M., COUNTY OF WELD, STATE OF COLORADO.

PARCEL IV:
LOT B, RECORDED EXEMPTION No. 0807-17-2 RE 2124, RECORDED JANUARY 6, 1998 AT RECEPTION No. 2587737, BEING LOCATED IN THE S 1/2 OF THE S 1/2 OF THE SW 1/4 OF SECTION 8 AND THE NW 1/4 OF SECTION 17, ALL IN TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M., COUNTY OF WELD, STATE OF COLORADO.

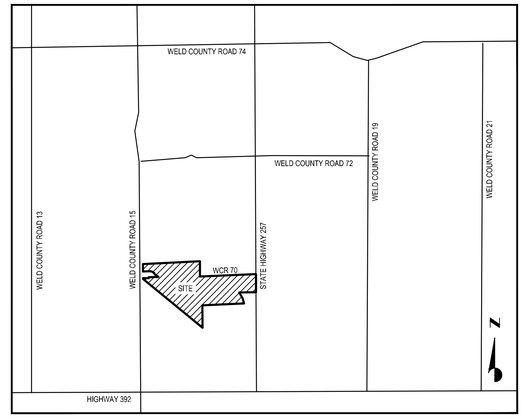
PARCEL V:
LOT A, RECORDED EXEMPTION No. 0807-17-2 RE 2124, ACCORDING TO THE MAP RECORDED JANUARY 6, 1998 AT RECEPTION No. 2587737, BEING A PART OF SECTIONS 8 AND 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M., COUNTY OF WELD, STATE OF COLORADO.

ALL BEING COLLECTIVELY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M. AS HAVING A BEARING OF N87°33'38"E, AS DETERMINED FROM GRID BEARINGS OF COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983 (NAD83), BEING MONUMENTED BY A 3 1/4" ALUMINUM CAP, PLS 16154 AT THE NORTH QUARTER CORNER OF SAID SECTION AND A 3 1/4" ALUMINUM CAP, PLS 22098 AT THE NORTHEAST CORNER OF SAID SECTION, RESPECTIVELY, AND WITH ALL BEARINGS CONTAINED HEREON LYING RELATIVE THERETO;

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 17, SAID POINT BEING THE NORTHWEST CORNER OF LOT A OF SECOND AMENDED RECORDED EXEMPTION No. 0807-17-1-RE526, AS RECORDED SEPTEMBER 26, 1984, RECORDS OF SAID COUNTY; THENCE N87°33'38"E, ALONG THE NORTH LINE OF SAID LOT A AND THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 2566.31 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT A; THENCE S01°19'17"E, ALONG THE EAST LINE OF SAID LOT A, A DISTANCE OF 30.01 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT B OF RECORDED EXEMPTION No. 0807-17-1-RE1315, AS RECORDED JANUARY 29, 1991 AT RECEPTION No. 02239763, RECORDS OF SAID COUNTY; THENCE S01°03'59"E, ALONG THE EAST LINE OF SAID LOT B, A DISTANCE OF 788.47 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT B; THENCE S89°40'13"W, ALONG THE SOUTH LINE OF SAID LOT B, A DISTANCE OF 904.26 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT B, SAID POINT ALSO LYING ON THE EAST LINE OF LOT A OF AFOREMENTIONED SECOND AMENDED RECORDED EXEMPTION No. 0807-17-1-RE526; THENCE S29°47'22"E, ALONG THE EAST LINE OF SAID LOT A OF SECOND AMENDED RECORDED EXEMPTION No. 0807-17-1-RE526 AND THE WEST LINE OF LOT A OF AFOREMENTIONED RECORDED EXEMPTION No. 0807-17-1-RE1315, A DISTANCE OF 309.85 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT A OF RECORDED EXEMPTION No. 0807-17-1-RE1315; THENCE S15°51'32"E, CONTINUING ALONG THE EAST LINE OF SAID LOT A OF SECOND AMENDED RECORDED EXEMPTION 0807-17-1-RE526, A DISTANCE OF 229.25 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT A OF SECOND AMENDED RECORDED EXEMPTION No. 0807-17-1-RE526; THENCE S87°22'39"W, ALONG THE SOUTH LINE OF SAID LOT A, A DISTANCE OF 1873.13 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT A, SAID CORNER ALSO LYING ON THE EAST LINE OF LOT B OF RECORDED EXEMPTION No. 0807-17-2-RE2124, AS RECORDED JANUARY 6, 1998 AT RECEPTION No. 2587737, RECORDS OF SAID COUNTY; THENCE S00°53'17"E, ALONG THE EAST LINE OF SAID LOT B, A DISTANCE OF 29.05 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 17; THENCE S00°53'17"E, CONTINUING ALONG THE EAST LINE OF SAID LOT B, A DISTANCE OF 1005.10 FEET, MORE OR LESS, TO THE SOUTH CORNER OF SAID LOT B, SAID POINT LYING ON THE NORTHEASTERLY RIGHT-OF-WAY OF COLORADO AND SOUTHERN RAILROAD; THENCE N50°40'22"W, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY, A DISTANCE OF 3442.57 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE S87°33'31"W, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 1.37 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID SECTION 17, SAID POINT ALSO LYING ON THE WEST LINE OF LOT A OF AFOREMENTIONED RECORDED EXEMPTION No. 0807-17-2-RE2124; THENCE N00°22'59"W, ALONG THE WEST LINE OF SAID LOT A AND THE WEST LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M., A DISTANCE OF 38.90 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT A; THENCE ALONG THE NORTH LINE OF SAID LOT A, THE FOLLOWING 4 (FOUR) COURSES: 1) N89°37'59"E, A DISTANCE OF 80.23 FEET; 2) S86°48'15"E, A DISTANCE OF 173.56 FEET; 3) N03°19'43"E, A DISTANCE OF 44.67 FEET; 4) N88°57'28"E, A DISTANCE OF 430.47 FEET, MORE OR LESS, TO A POINT ON THE SOUTHWESTERLY LINE OF LOT B OF RECORDED EXEMPTION No. 0807-8-3-RE2798, AS RECORDED JANUARY 18, 2022 AT RECEPTION No. 2918249, RECORDS OF SAID COUNTY, SAID POINT LYING ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 330.00 FEET, A CENTRAL ANGLE OF 25°03'24", THE LONG CHORD OF WHICH BEARS N53°53'44"W, A DISTANCE OF 143.17 FEET; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT B THE FOLLOWING 4 (FOUR) COURSES: 1) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 144.32 FEET TO THE TERMINUS OF SAID CURVE; 2) N41°20'35"W, A DISTANCE OF 108.98 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 48°54'15", THE LONG CHORD OF WHICH BEARS N65°55'54"W, A DISTANCE OF 223.52 FEET; 3) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 230.46 FEET TO THE TERMINUS OF SAID CURVE; 4) S89°36'53"W, A DISTANCE OF 296.74 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT B, SAID POINT ALSO LYING ON THE WEST LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8; THENCE N00°22'45"W, ALONG THE WEST LINE OF SAID LOT B AND THE WEST LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 326.46 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT B AND THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8; THENCE N87°31'29"E, ALONG THE NORTH LINE OF SAID LOT B AND THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 2628.65 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT B AND THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8; THENCE S00°33'17"E, ALONG THE EAST LINE OF SAID LOT B AND THE EAST LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 664.77 FEET, MORE OR LESS, TO THE NORTH QUARTER CORNER OF AFOREMENTIONED SECTION 17 AND THE POINT OF BEGINNING;

CONTAINING 7538202 SQUARE FEET (173.053 ACRES), MORE OR LESS, AND BEING SUBJECT TO ALL EXISTING EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.



VICINITY MAP
NOT TO SCALE

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1) THIS MAP OR PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED IN THE SURVEYOR'S STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RE-STATEMENT BY THE SURVEYOR.

2) ALL LINEAL MEASUREMENTS SHOWN ARE GROUND DISTANCES AND U.S. SURVEY FEET.

3) EASEMENTS AND PUBLIC DOCUMENTS SHOWN OR NOTED ON THIS SURVEY 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.

4) CAUTION: THE SURVEYOR PREPARING THIS MAP WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THIS MAP. ALL CHANGES TO THIS MAP MUST BE APPROVED IN WRITING BY THE SURVEYOR IN CHARGE.

5) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCE MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. C.R.S. 13-80-105(3)(A).

SURVEYOR'S CERTIFICATION

I CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.

_____

CHASE J. CORBRIDGE
COLORADO PROFESSIONAL LAND SURVEYOR NO. 38405
FOR AND ON BEHALF OF GALLOWAY & COMPANY, INC.
DATE OF PLAT OR MAP: _____

BASIS OF BEARINGS STATEMENT

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M. AS HAVING A BEARING OF N87°33'38"E, AS DETERMINED FROM GRID BEARINGS OF COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983 (NAD83), BEING MONUMENTED BY A 3 1/4" ALUMINUM CAP, PLS 16154 AT THE NORTH QUARTER CORNER OF SAID SECTION AND A 3 1/4" ALUMINUM CAP, PLS 22098 AT THE NORTHEAST CORNER OF SAID SECTION, RESPECTIVELY, AND WITH ALL BEARINGS CONTAINED HEREON LYING RELATIVE THERETO.

ACKNOWLEDGEMENT OF OWNERSHIP INTEREST

THE UNDERSIGNED, BEING ALL THE OWNERS, LIENHOLDERS, AND HOLDERS OF ANY OWNERSHIP INTEREST AS DEFINED BY THE TOWN OF WINDSOR, OF THE LAND DESCRIBED HEREON, HAVE CAUSED SUCH LAND TO BE REZONED AS INDICATED ON THIS PLAT. THE WITHIN REZONING PLAT IS SUBMITTED IN ACCORDANCE WITH THE WINDSOR MUNICIPAL CODE. IT IS HEREBY ACKNOWLEDGED THAT ALL CONSTRUCTION, USE AND DEVELOPMENT OF THIS PROPERTY WILL BE IN STRICT ACCORDANCE WITH THIS REZONING PLAT. IT IS FURTHER ACKNOWLEDGED THAT DEVIATION FROM THIS REZONING PLAT WITHOUT THE EXPRESS WRITTEN CONSENT OF THE TOWN OF WINDSOR MAY RESULT IN REVOCATION OF THE TOWN'S APPROVAL OF THE REZONING PLAT, DENIAL OF BUILDING PERMITS, REFUSAL TO ISSUE CERTIFICATES OF OCCUPANCY, INJUNCTIVE RELIEF PROHIBITING USE OF THE PROPERTY AND OTHER REMEDIES AVAILABLE TO THE TOWN UNDER THE WINDSOR MUNICIPAL CODE AND OTHER APPLICABLE LAWS OF THE STATE OF COLORADO. THE UNDERSIGNED HAVE ALSO CAUSED SAID LAND TO BE LAID OUT AND REZONED UNDER THE NAME OF **OVERLAND 368 REZONING MAP**.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS _____ DAY OF _____, 2024

_____
REPRESENTATIVE, OVERLAND 368 LLC

_____
PRINTED NAME

NOTARIAL CERTIFICATE

STATE OF_____)
)SS
COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____,

THIS _____ DAY OF _____, 2024

MY COMMISSION EXPIRES: _____

_____
NOTARY PUBLIC

ENGINEERING DEPARTMENT CERTIFICATE

APPROVED THIS _____ DAY OF _____, 2024

_____
DIRECTOR OF ENGINEERING

PLANNING DEPARTMENT CERTIFICATE

APPROVED THIS _____ DAY OF _____, 2024

_____
DIRECTOR OF PLANNING

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT A REZONING MAP OF THE PROPERTY DESCRIBED HEREIN WAS APPROVED BY ORDINANCE NO. _____ OF THE TOWN OF WINDSOR PASSED AND ADOPTED ON THE _____ DAY OF _____, 2024, A.D. AND THAT THE MAYOR OF THE TOWN OF WINDSOR, AS AUTHORIZED BY SAID ORDINANCE, HEREBY ACKNOWLEDGES AND ADOPTS THE SAID REZONING MAP UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

_____
MAYOR

ATTEST: _____
TOWN CLERK

TOWN MANAGER'S CERTIFICATE

APPROVED THIS _____ DAY OF _____, 2024.

_____
TOWN MANAGER

Galloway
5235 Ronald Reagan Blvd., Suite 200
Johnstown, CO 80534
970.800.3300
GallowayUS.com

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OVERLAND 368 REZONING MAP
LOT A, SECOND RECORDED EXEMPTION No. 0807-17-1-RE526 AND
LOT B RECORDED EXEMPTION No. 0807-17-1-RE1315 AND
LOT B, RECORDED EXEMPTION No. 0807-8-3-RE2798 AND
LOTS A & B. RECORDED EXEMPTION No. 0807-17-2-RE2124,
BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8 AND THE NORTH HALF OF
SECTION 17,ALL IN TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th PRINCIPAL MERIDIAN,
COUNTY OF WELD, STATE OF COLORADO

#	Date	Issue / Description	Init.
1	10/10/24	PER REVIEW COMMENTS	CJC

Project No:	PDM01
Drawn By:	AN
Checked By:	CJC
Date:	9/3/2024

OVERLAND 368 REZONING MAP

LOT A, SECOND RECORDED EXEMPTION No. 0807-17-1-RE526 AND LOT B RECORDED EXEMPTION No. 0807-17-1-RE1315
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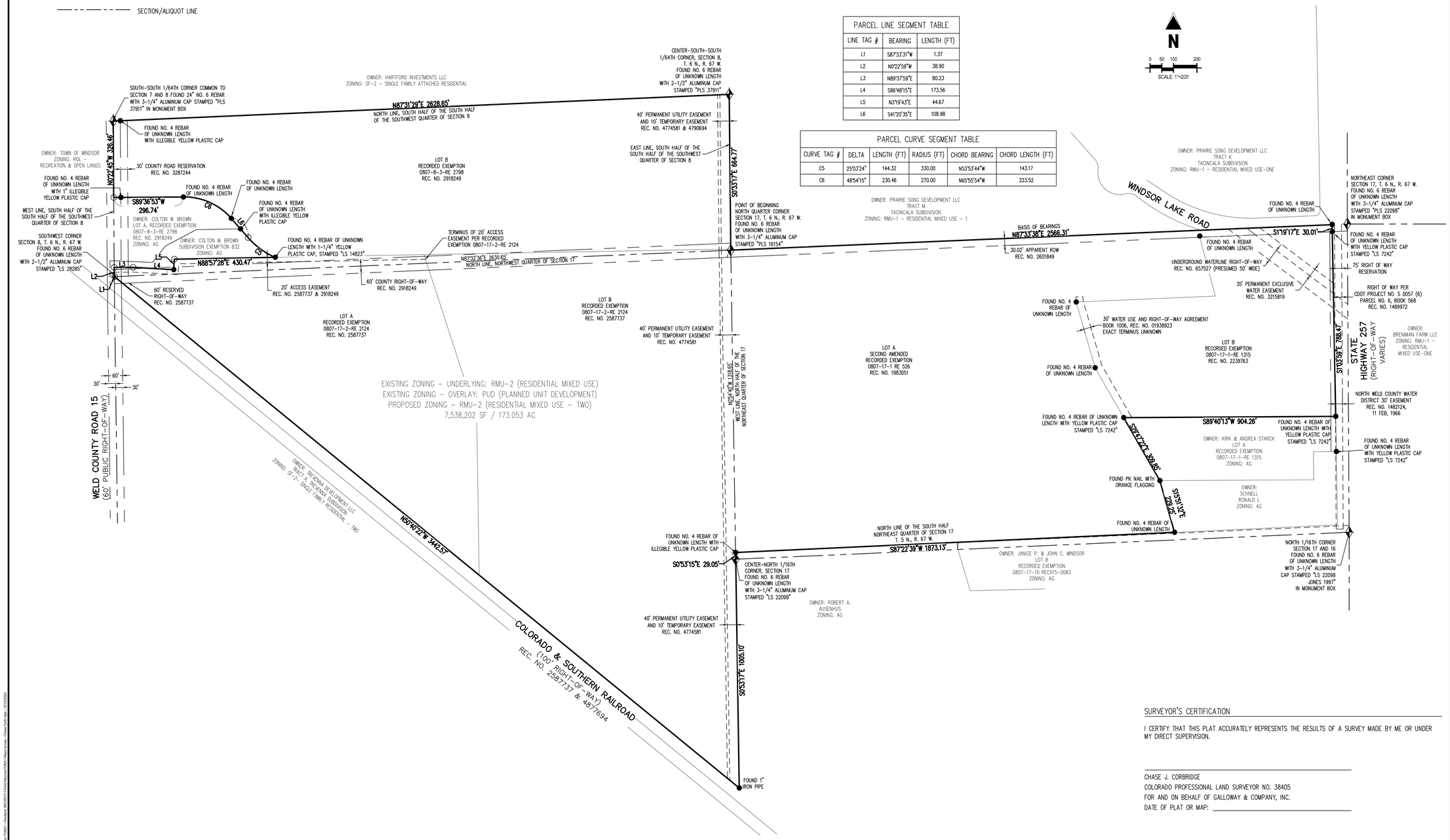
BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8 AND THE NORTH HALF OF SECTION 17,
ALL IN TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO

LEGEND

- FOUND SECTION/ALIQUOT CORNER AS DESCRIBED
- FOUND MONUMENT (AS DESCRIBED)
- SET NO. 5 REBAR, 24" LONG, WITH BLUE PLASTIC CAP, STAMPED "PLS 38405"
- REC. NO. — RECEPTION NUMBER
- ZONING BOUNDARY
- ADJACENT PROPERTY LINE
- EXISTING EASEMENT
- SECTION/ALIQUOT LINE



PARCEL LINE SEGMENT TABLE		
LINE TAG #	BEARING	LENGTH (FT)
L1	S87°33'31"W	1.37
L2	N0°22'59"W	38.90
L3	N89°37'59"E	80.23
L4	S86°48'15"E	173.56
L5	N3°19'43"E	44.67
L6	S41°20'35"E	108.98

PARCEL CURVE SEGMENT TABLE					
CURVE TAG #	DELTA	LENGTH (FT)	RADIUS (FT)	CHORD BEARING	CHORD LENGTH (FT)
C5	25°03'24"	144.32	330.00	N53°53'44"W	143.17
C6	48°54'15"	230.46	270.00	N65°55'54"W	223.52

OWNER: PRAIRIE SONG DEVELOPMENT LLC TRACT M TACINCALA SUBDIVISION ZONING: RMU-1 - RESIDENTIAL MIXED USE - 1

SURVEYOR'S CERTIFICATION

I CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.

CHASE J. CORBRIDGE
COLORADO PROFESSIONAL LAND SURVEYOR NO. 38405
FOR AND ON BEHALF OF GALLOWAY & COMPANY, INC.
DATE OF PLAT OR MAP: _____

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OVERLAND 368 REZONING MAP
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LOT B RECORDED EXEMPTION No. 0807-17-1-RE1315 AND
LOT B, RECORDED EXEMPTION No. 0807-8-3-RE2798 AND
LOTS A & B. RECORDED EXEMPTION No. 0807-17-2-RE2124
BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8 AND THE NORTH HALF OF SECTION 17,ALL IN TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th PRINCIPAL MERIDIAN,
COUNTY OF WELD, STATE OF COLORADO

#	Date	Issue / Description	Init.
1	10/10/24	PER REVIEW COMMENTS	CJC
2	12/03/24	PLANNING COMMENTS	CJC

Project No:	PDM01
Drawn By:	AN
Checked By:	CJC
Date:	9/3/2024

Rezone &
Master Plan Amendment

Overland 368

Sandra Mezzetti, Senior Planner

Planning Commission, February 05, 2025

Rezone Request

Article II of Chapter 14 of the Municipal Code outlines the purpose and procedures of the Rezoning process, including:

Applicability. The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to implement the Comprehensive Plan, to account for changed conditions in the general area, or to reflect a change in public policies with respect to future development.

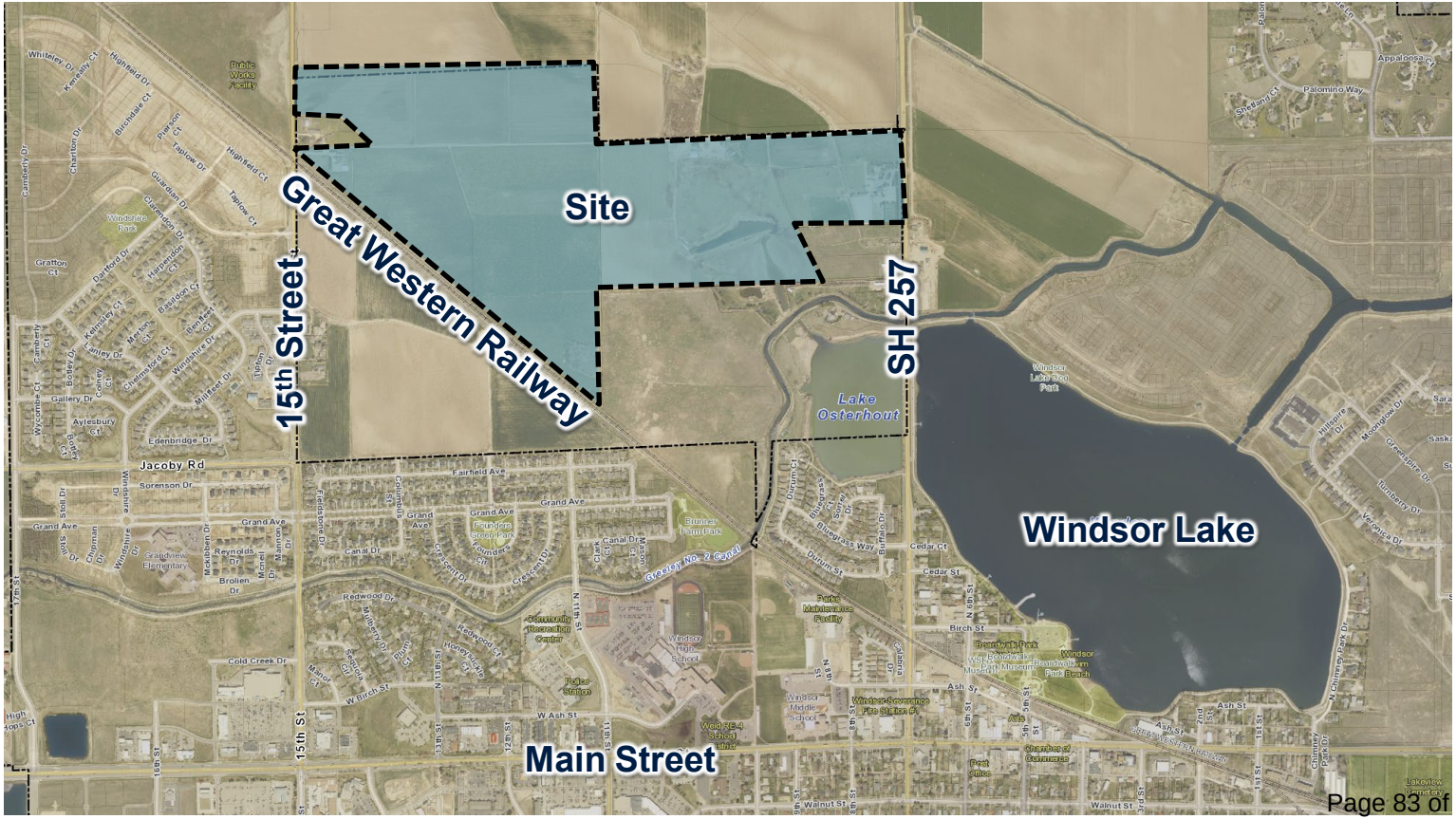
Master Plan Request-2nd Amendment

Article II of Chapter 14 of the Municipal Code outlines the purpose and procedures of the Master Plan, including:

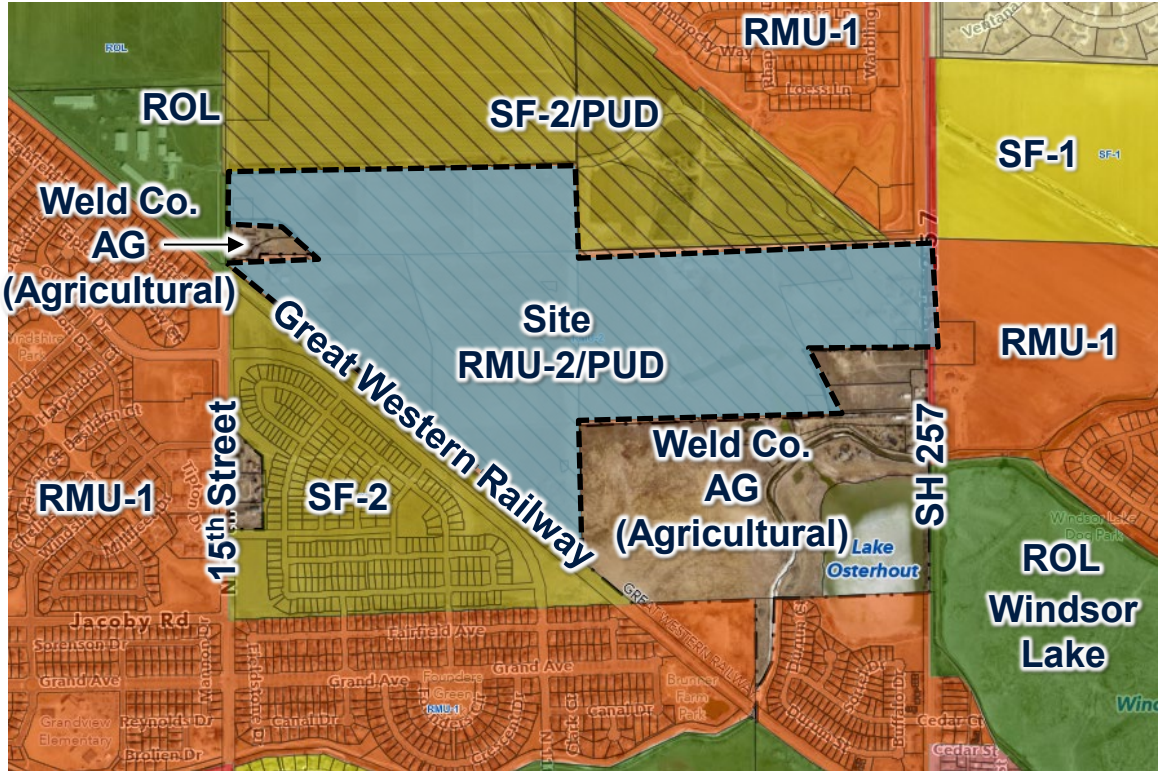
Applicability. A Master Plan shall be required in the following situations:

(3) Prior to or concurrent with a rezoning application of any parcel of land unless the Director approves submittal of a Site Plan in-lieu of a Master Plan or if the site is already fully developed and the Master Plan serves no further purpose regarding future development of the property.

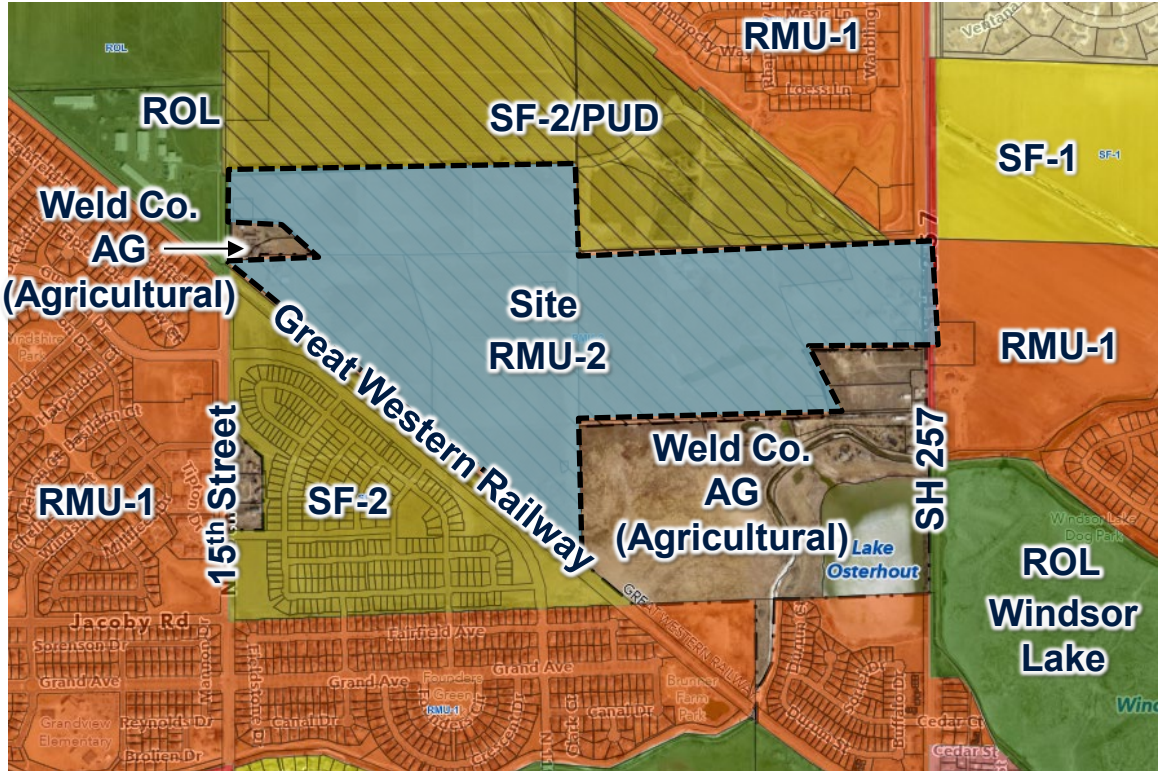
Site Vicinity Map



Zoning Map – Existing Zoning

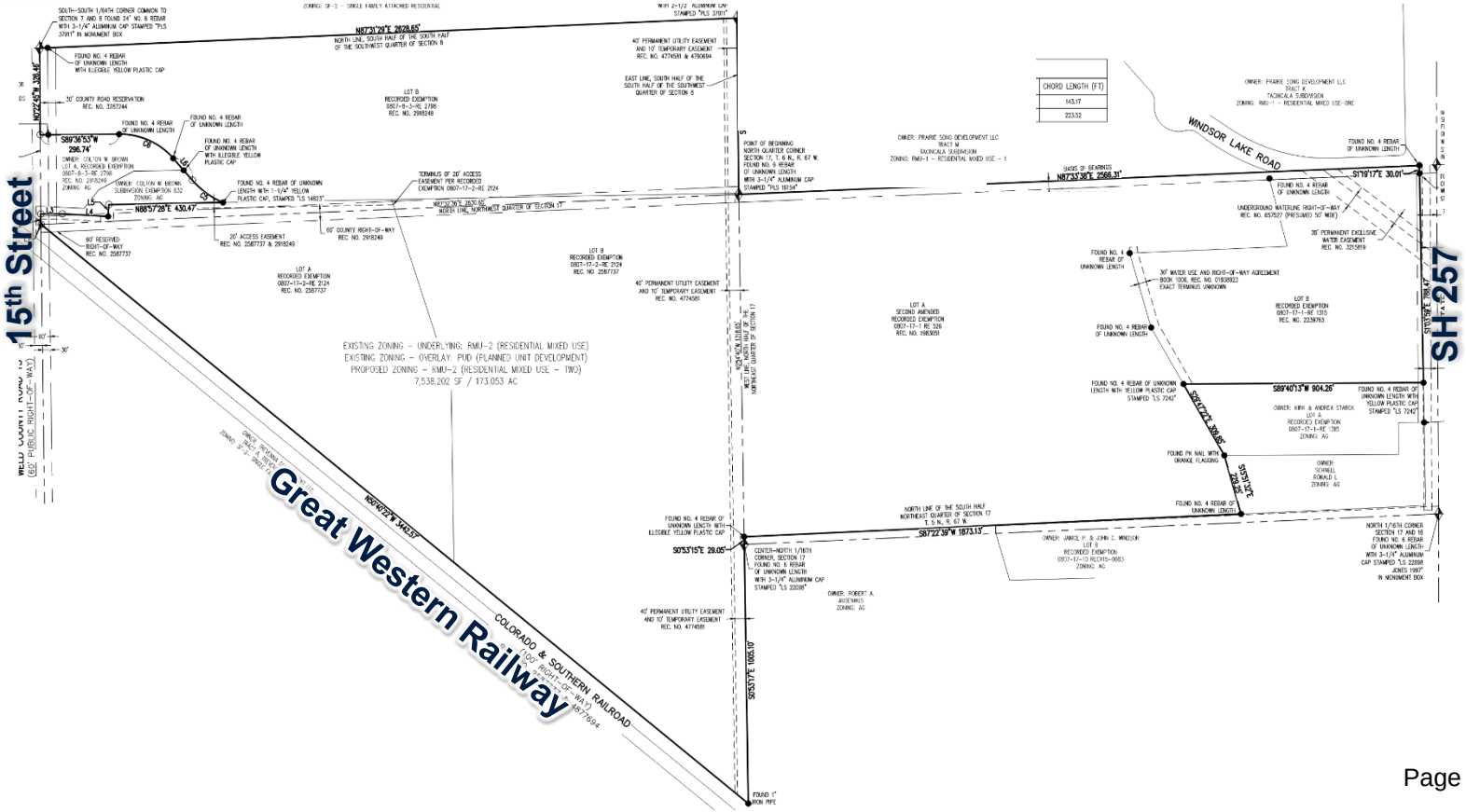


Zoning Map – Proposed Zoning



N

Rezone Plat

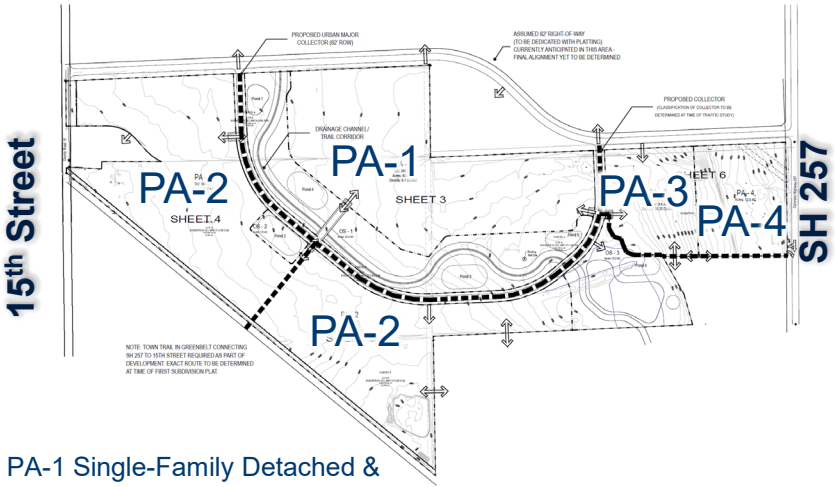

15th Street
WELD COUNTY ROAD 13 (60' PUBLIC RIGHT-OF-WAY)
Great Western Railway
COLORADO & SOUTHERN RAILROAD (100' RIGHT-OF-WAY)
WINDSOR LAKE ROAD
SH 257
EXISTING ZONING – UNDERLYING: RMU-2 (RESIDENTIAL MIXED USE)
EXISTING ZONING – OVERLAY: PUD (PLANNED UNIT DEVELOPMENT)
PROPOSED ZONING – RMU-2 (RESIDENTIAL MIXED USE – TWO)
7,538,202 SF / 173.053 AC
CHORD LENGTH (FT)
143.17
223.52

Zoning – Residential Mixed Use-2

Residential Mixed Use-Two (RMU-2) allows for the following residential building types:

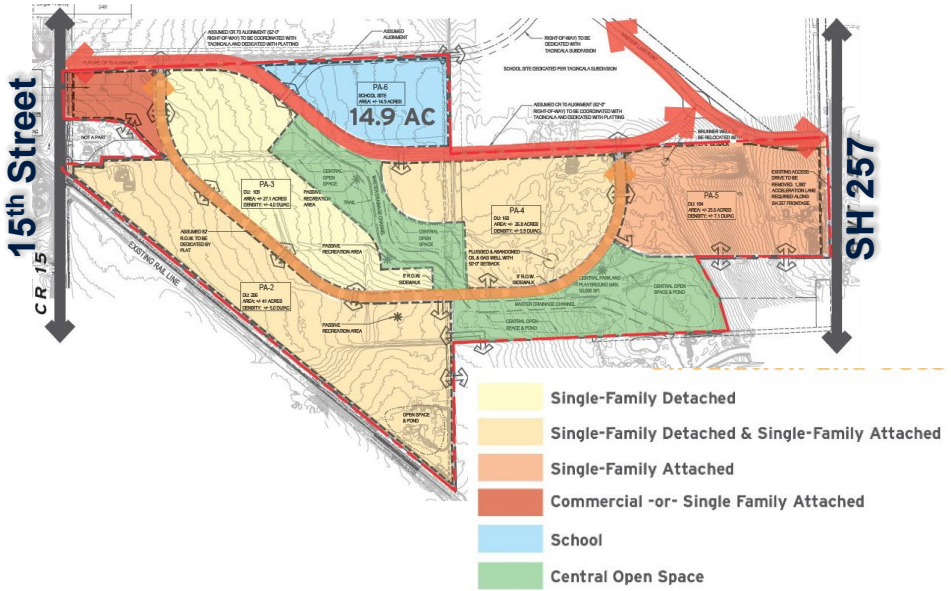
- Single Family - detached
- Single Family - attached:
  - Standard Duplex
  - Over-Under Duplex
  - Townhouse
  - Multiplex
- Multi-Family

Master Plan History



PA-1 Single-Family Detached & Attached
PA-2 Single-Family Detached & Attached
PA-3 Single-Family Detached & Attached
PA-4 School

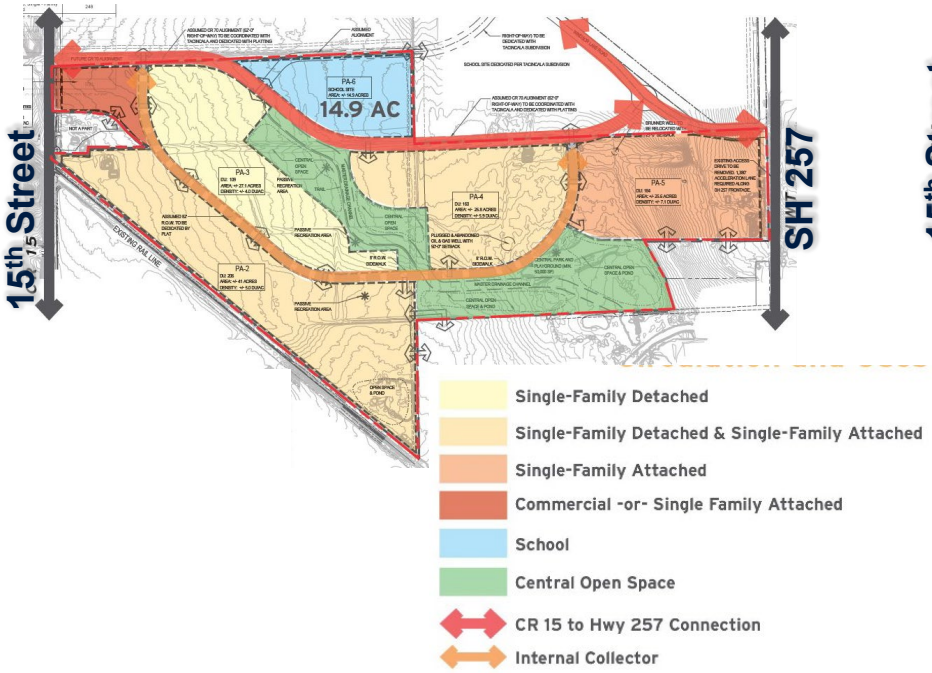
2021 Master Plan



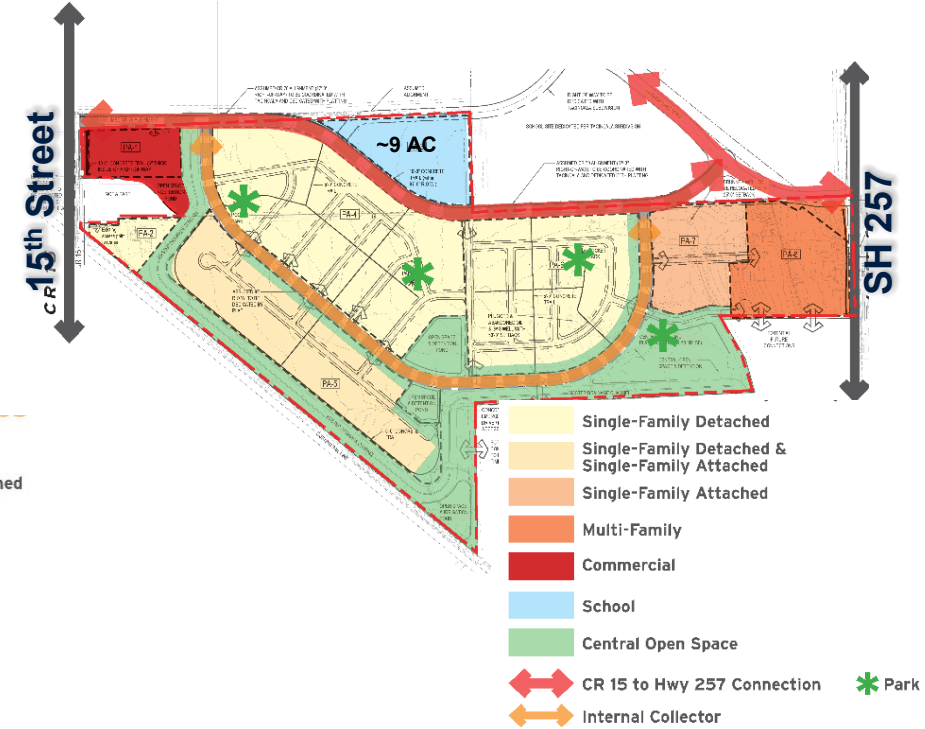
2022 1st Master Plan Amendment

N

Master Plan History

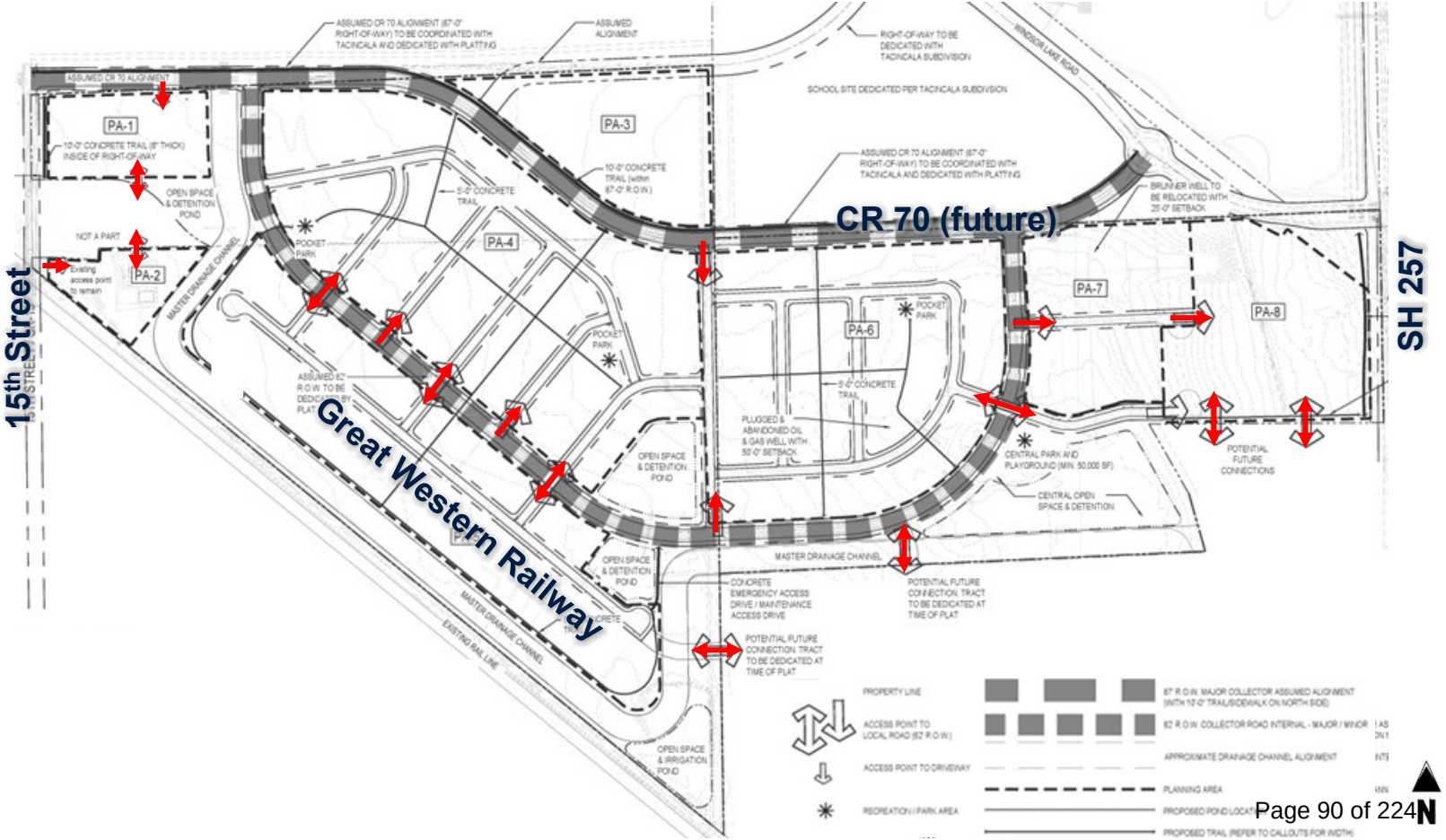


2022 1st Master Plan Amendment

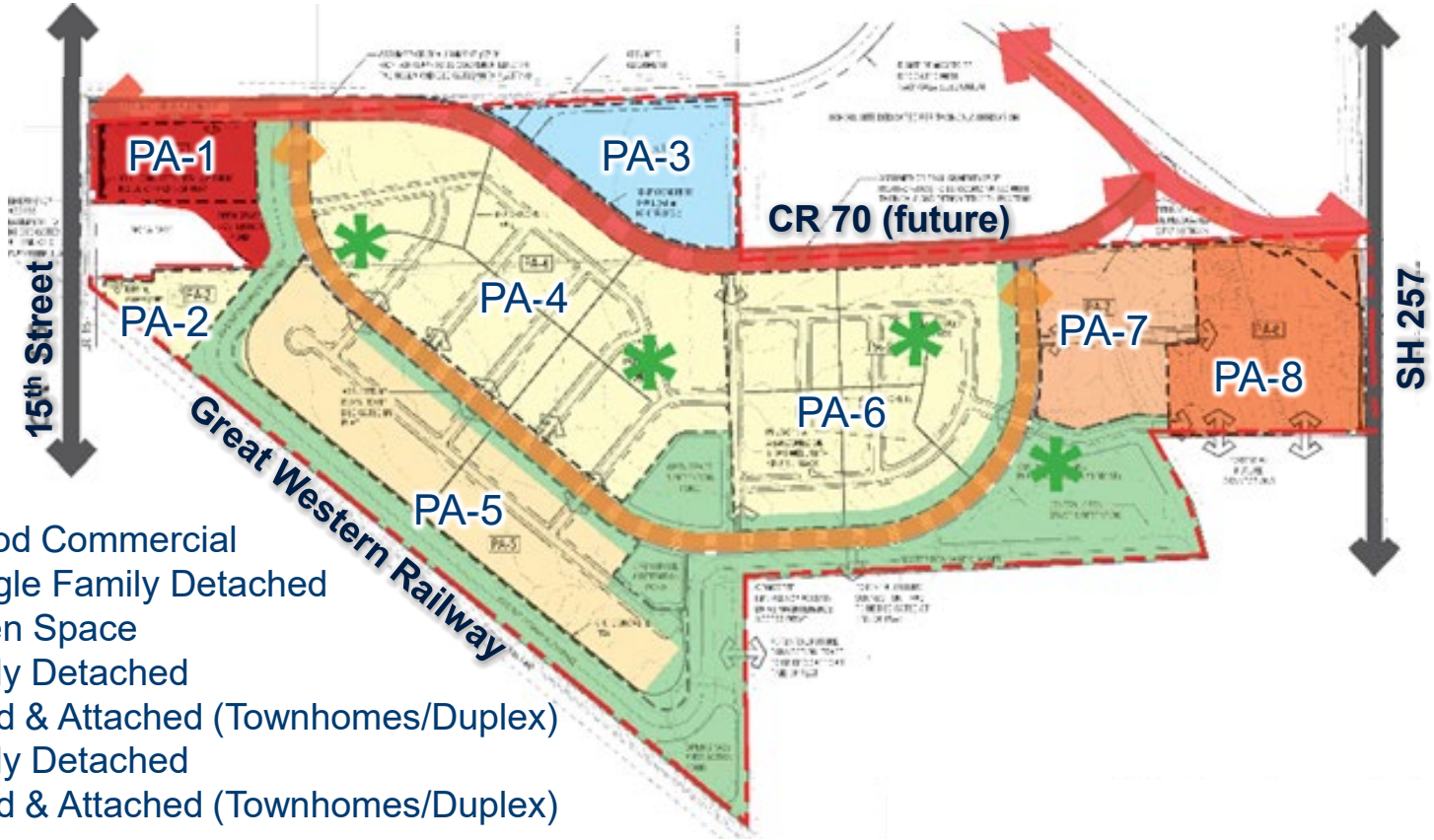


Proposed 2nd Master Plan Amendment

Proposed Master Plan Amendment



Illustrative Master Plan

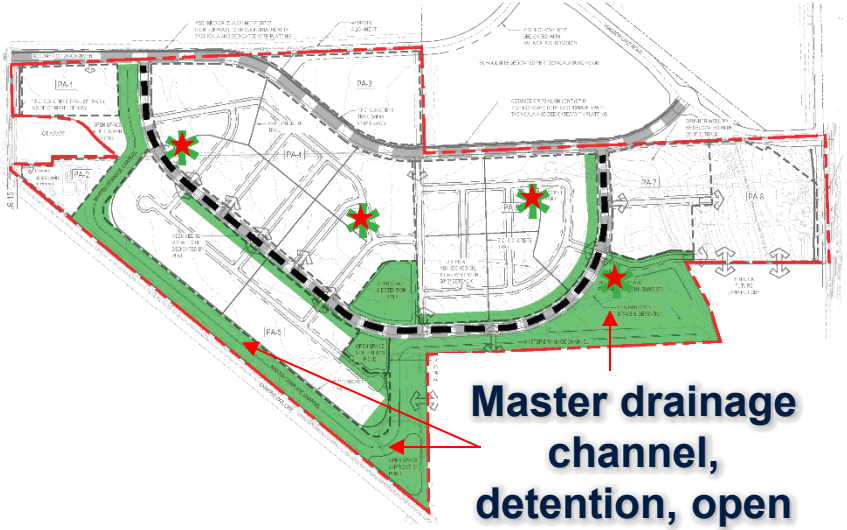


Planning Areas
PA-1: Neighborhood Commercial
PA-2: Existing Single Family Detached
PA-3: School, Open Space
PA-4: Single Family Detached
PA-5: SF Detached & Attached (Townhomes/Duplex)
PA-6: Single Family Detached
PA-7: SF Detached & Attached (Townhomes/Duplex)
PA-8: Multi Family

Open Space Comparison

Master drainage channel, detention, open space/park

Approved PUD – Average Width 348’

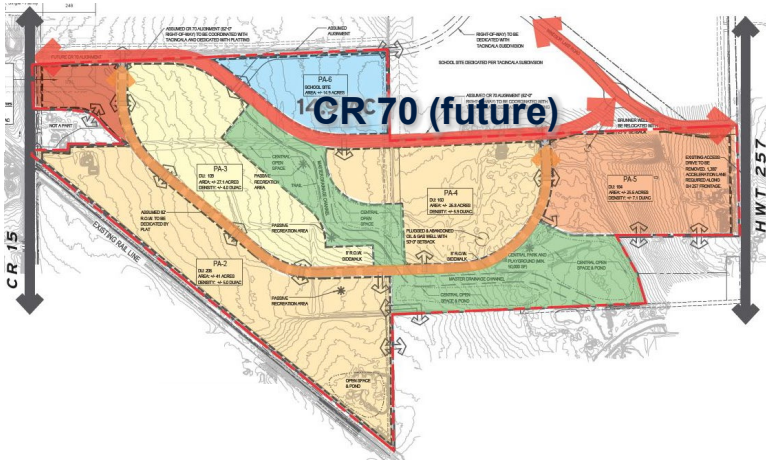


Master drainage channel, detention, open space/park

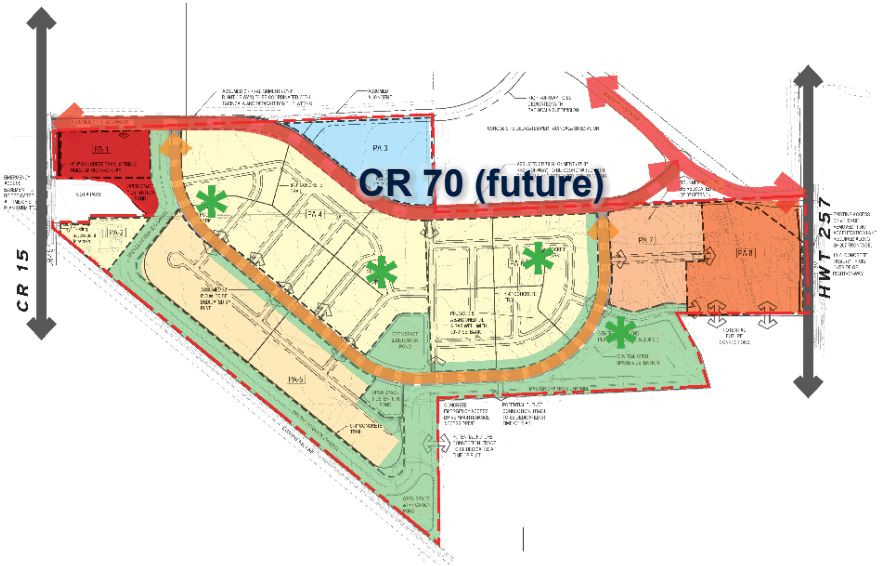
Proposed RMU-2 – Average Width 363’

N

Circulation Comparison



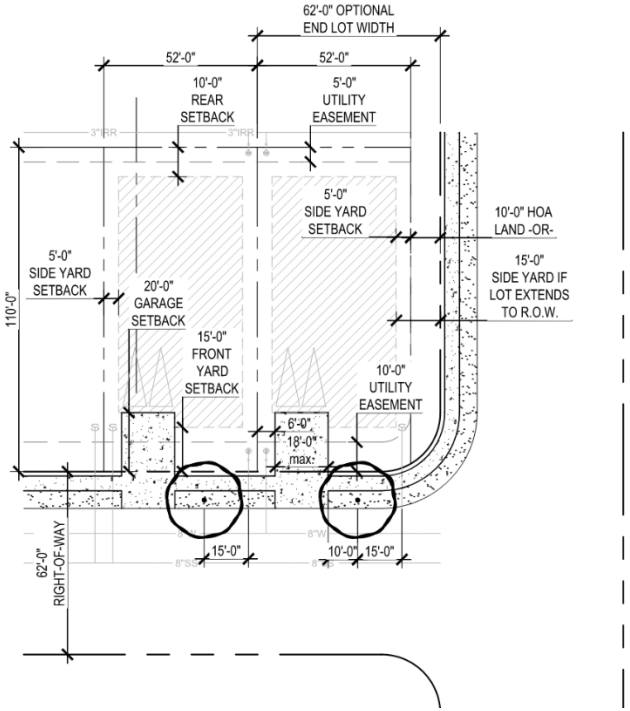
Approved PUD Circulation



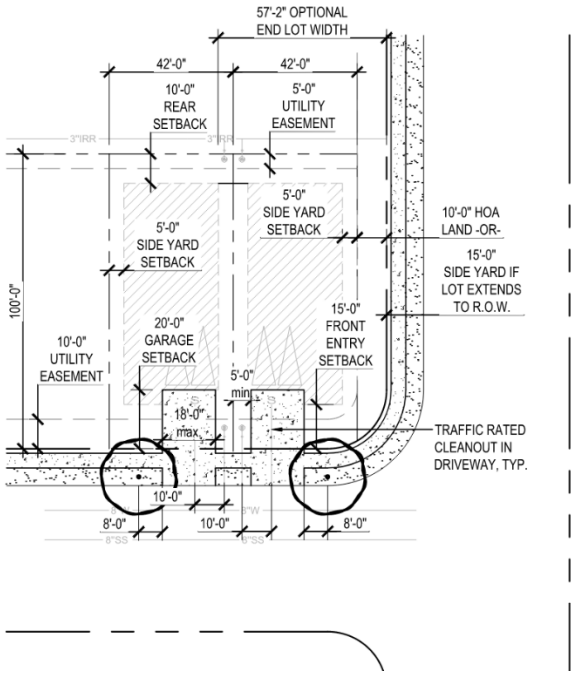
Proposed Circulation

N

Single-Family Detached Typical Lot Layout

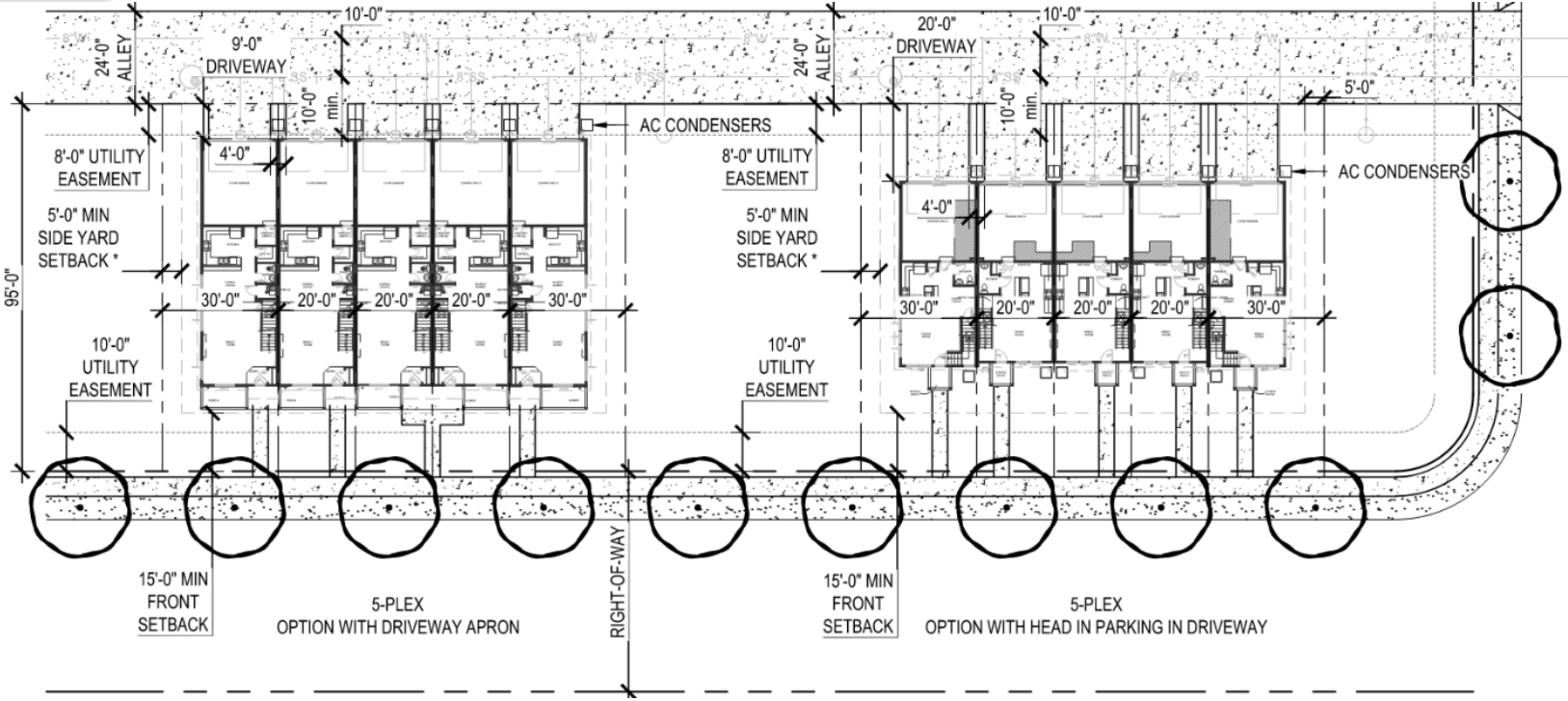


Single Family Detached
52'x110'



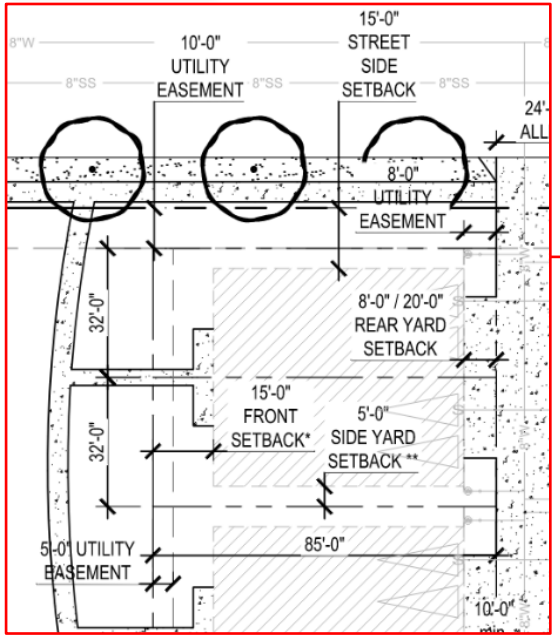
Single Family Detached
42'x100'

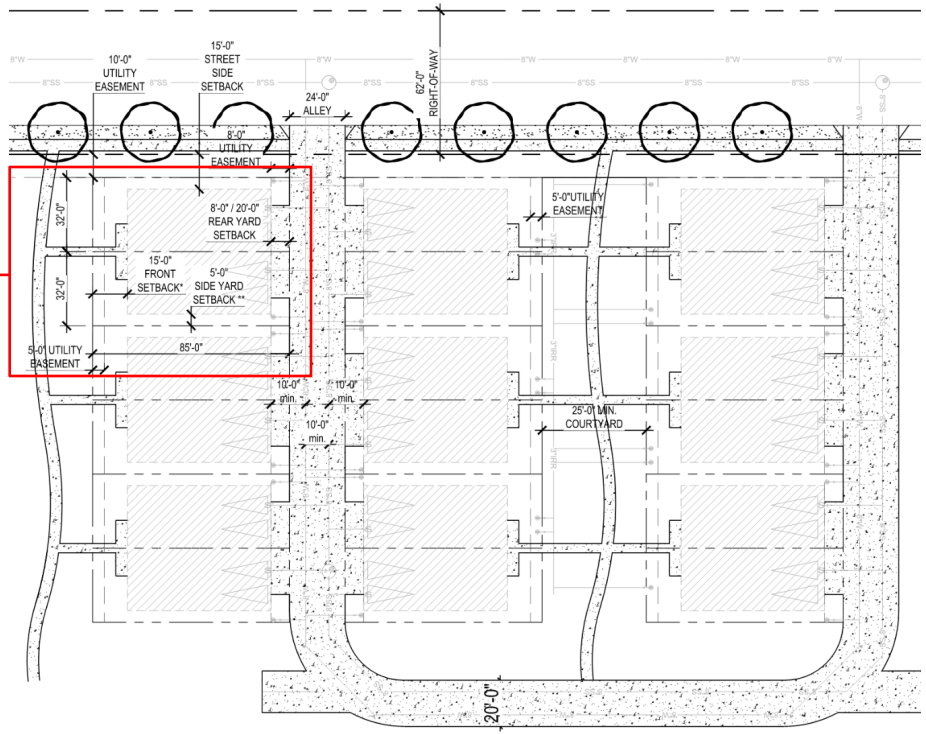
Single-Family Attached - Townhomes Typical Lot Layout



Lot sizes - 30’x95’ & 20’x95’
Rear/Alley Access

Single-Family Attached – Side-by-Side Duplexes Typical Lot Layout





Lot size - 32’x85’)
Rear/Alley Access

Amended Master Plan - Summary

- 726 dwelling units (maximum), overall density 4 units/acre
- The higher intensity development allows for clustering density while preserving open space.
- 34 acres open space and drainage
  - Park/playground
  - Trails/pedestrian connections
  - Open space/natural habitat areas
  - Master drainage corridor
- ~9-acre school site
- Mix of residential product types
- Neighborhood commercial uses (Minimum 5 acres)

Master Plan Amendment – Amenities

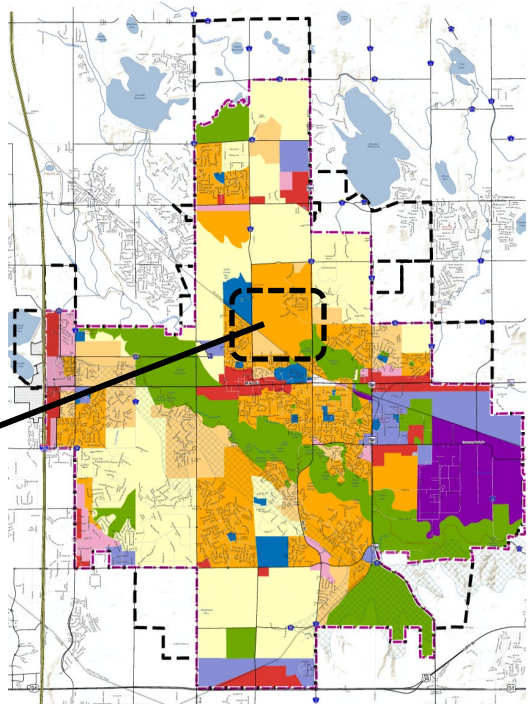
- Neighborhood playgrounds
- Shelters, tables, seating
- Lawn area for passive and active recreation
- Central open space/park
- Trail network
- Detention/master drainage corridor

Central Park and Playground

Relationship to the Comprehensive Plan

The rezone and master plan amendment applications are consistent with the goals and policies outlined within the Comprehensive Plan.

The rezone application is consistent with the Land Use Map designation – Mixed Residential.



Land Uses

- Employment/Flex Industrial
- Heavy Industrial
- Low Density/Clustered Residential
- Medium Density Residential
- Mixed Residential
- Commercial Mixed Use
- General Commercial
- Parks and Open Space
- Public/Semi-Public

N

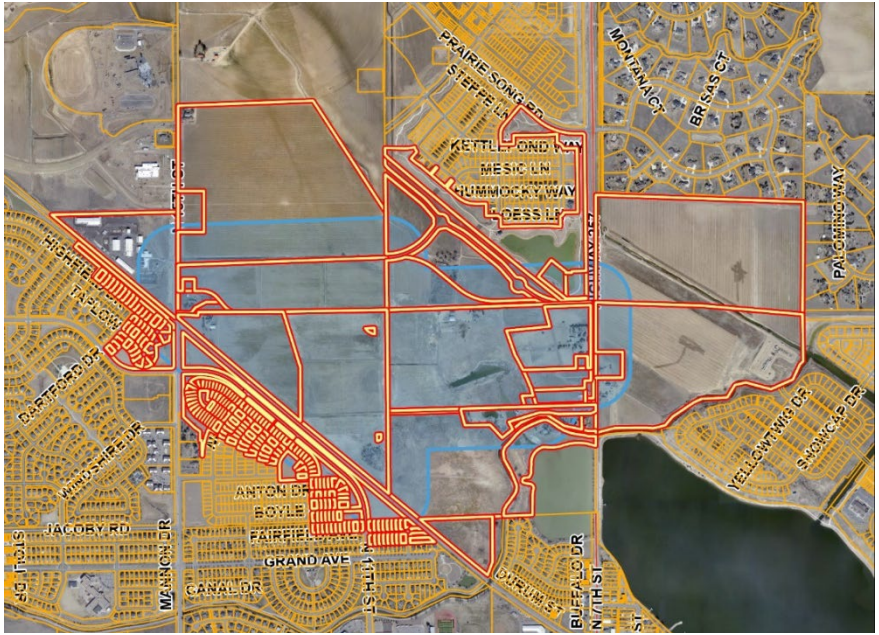
Relationship to the Strategic Plan

The rezone and master plan amendment applications are consistent with the Strategic Plan Mission Statement: The Town of Windsor promotes community and hometown pride through sustainable, excellent, and equitable service delivery in a fiscally responsible manner, quality of life, vitality, and a *small-town feel.*

Neighborhood Meeting

As required by the Municipal Code for a rezoning application, as well as a master plan application, the applicant held a neighborhood meeting on December 05, 2024.

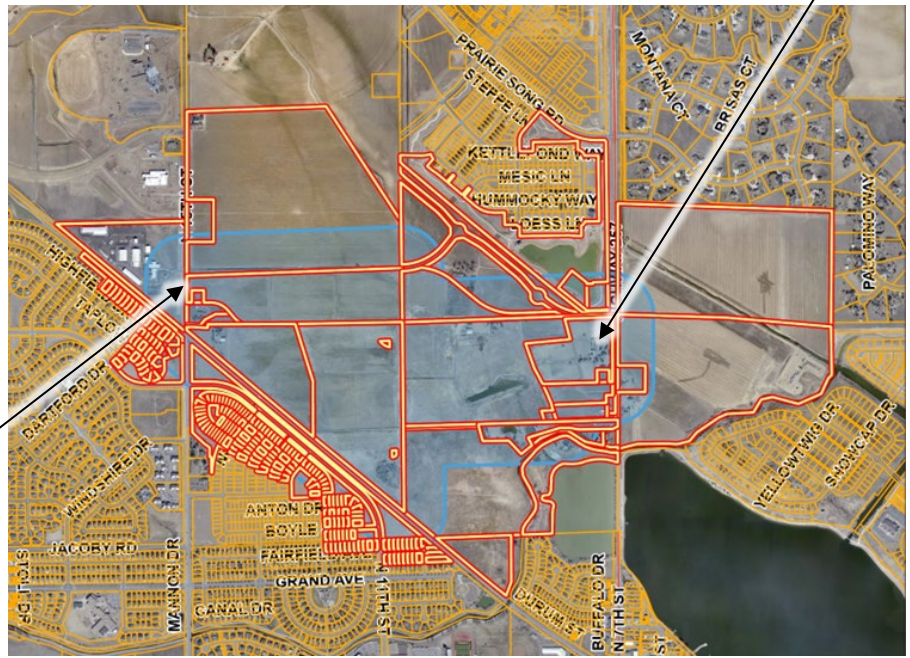
- Notices were sent to property owners within 500 feet.
- A summary of neighborhood meeting is included with the packet materials.



Public Hearing Notification

The following notifications were completed in accordance with the Municipal Code as follows:

- January 14, 2025 - Sign posted on property
- January 15, 2025 – notice sent to property owners within 500 feet
- January 17, 2025– legal ad published in the newspaper
- January 17, 2025, 2025– legal ad posted on the Town's website



Recommendations: Rezone & Master Plan

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the Overland 368 **Rezone** subject to any outstanding Planning Commission and staff comments being addressed.

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the Overland 368 second **Master Plan Amendment**, subject to approval of the rezone, and any outstanding Planning Commission and staff comments being addressed.

Record

Staff requests that the following be entered into the record:

- Rezoning Application Materials
- Master Plan Amendment
- Staff memorandum and supporting documents
- Public hearing testimony
- Recommendations (Rezone & Master Plan Amendment)

Review Criteria - Rezone

1) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, the applicable Master Plan, and all other applicable adopted plans or policies.
2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
3) Density is consistent with the Comprehensive Plan Land Use Plan, and applicable utility capacity studies.
4) The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.
5) The proposal shall be accompanied by a Master Plan or Site Plan that demonstrates compatibility with adjacent uses.

Review Criteria - Master Plan

1) Consistency with Comprehensive Plan
2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements
3) Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
4) Transportation improvements are consistent with the following:
    - Roadway Improvement Plan
    - Subdivision street standards
    - Design Criteria and Construction Specifications
    - Transportation Master Plan
    - Trails Plan
    - Complete Streets Guide.
5) Capability of utilities to serve the development.
6) The proposal shall demonstrate compatibility with adjacent uses.

Thank You

Questions

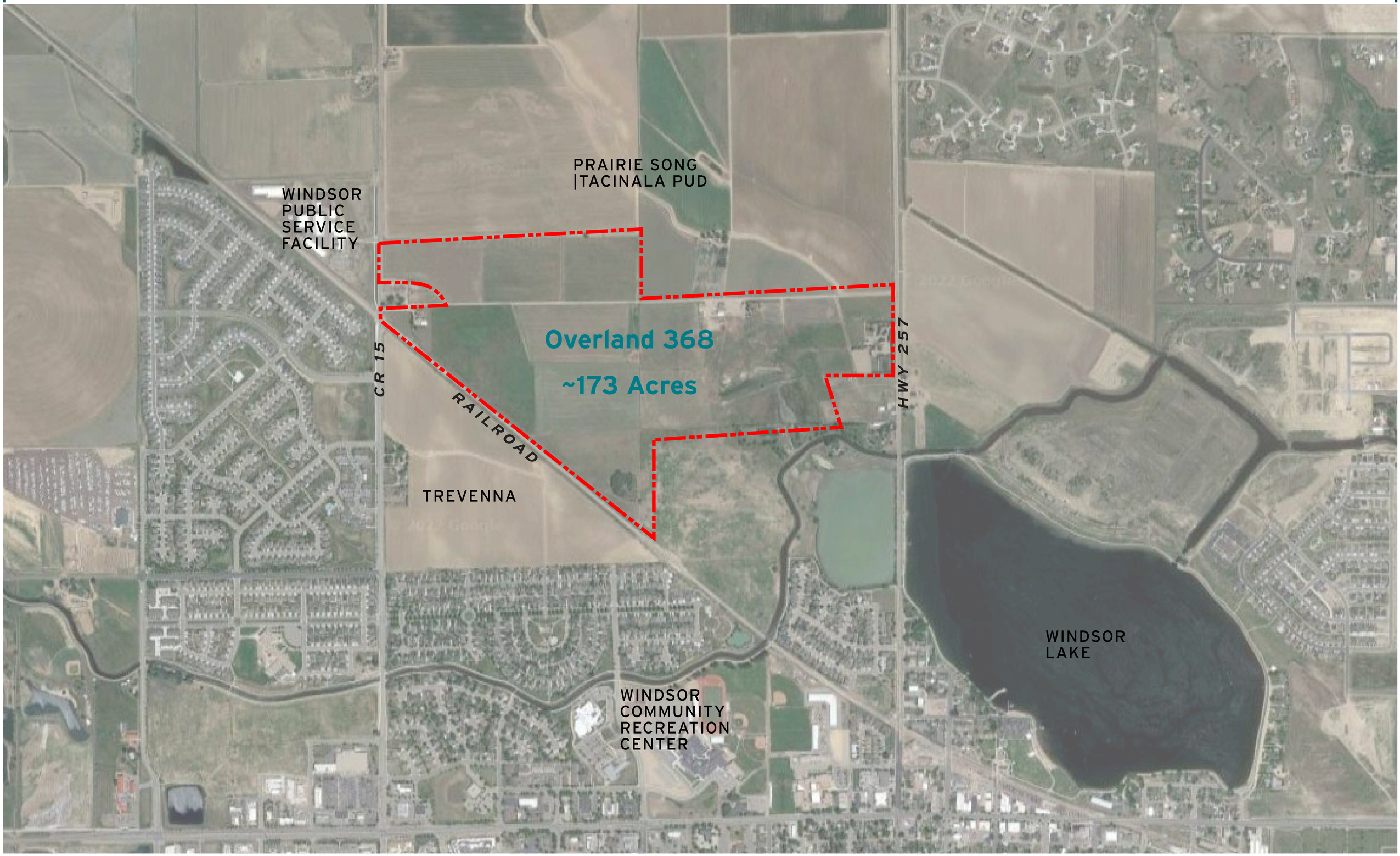
Overland 368

Rezone and

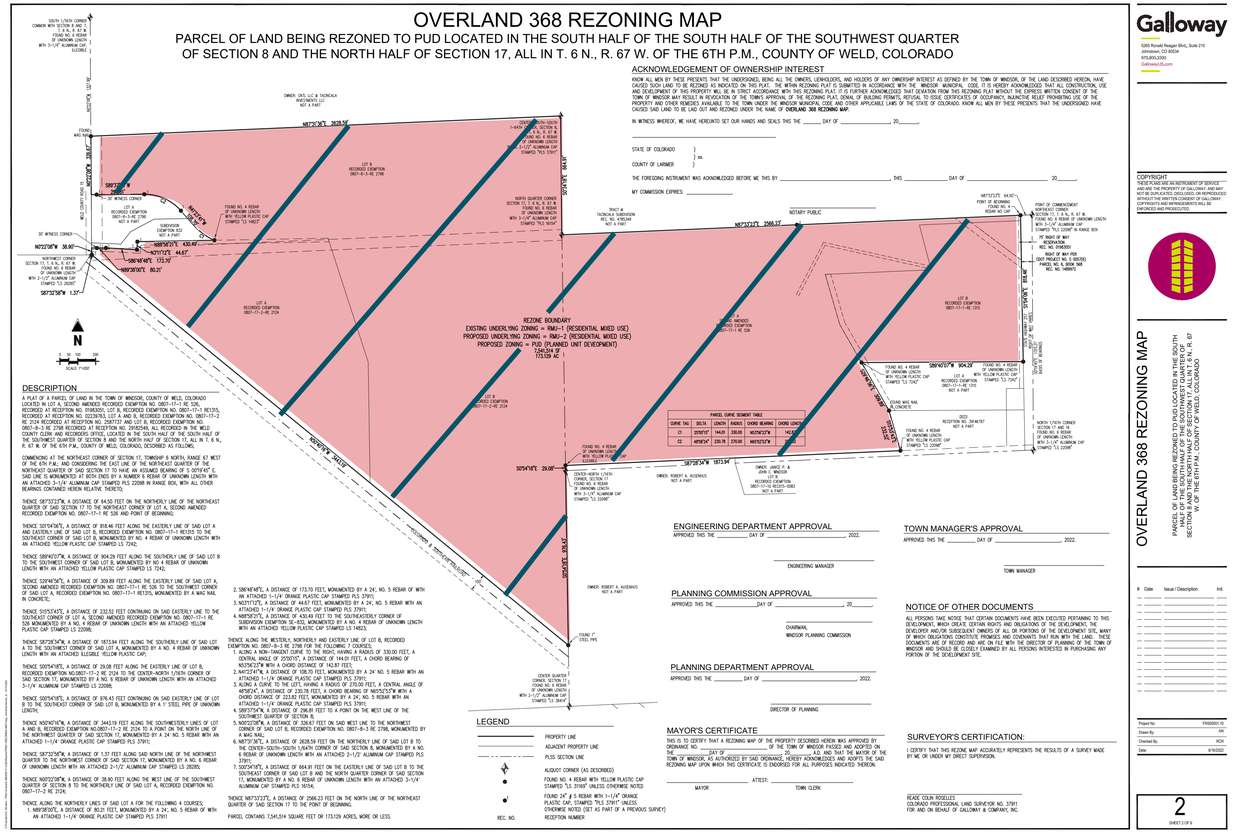
Master Plan Amendment

PEAK DEVELOPMENT RVi Galloway

Vicinity Map

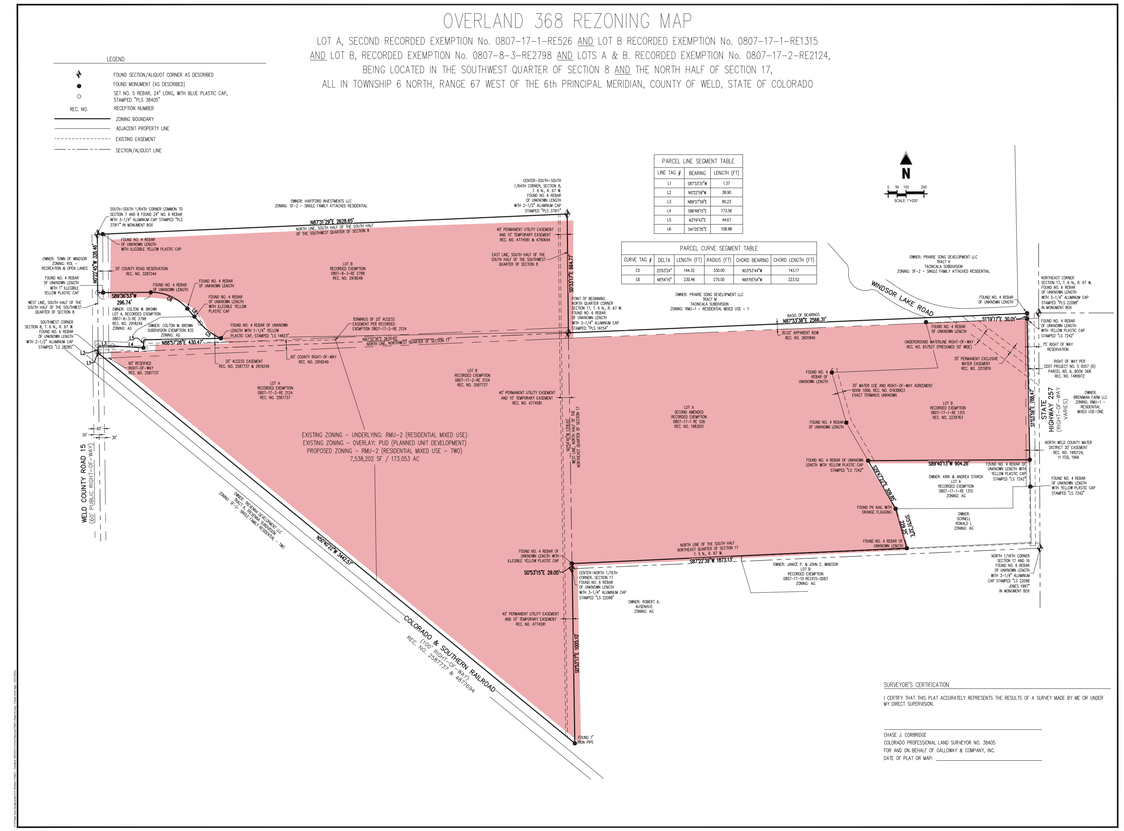


Zoning



PUD and Rezone (2022)
Underlying Zoning: RMU-2
And Planned Unit Development (PUD) Zoning

- **Previous PUD dictated that Regional Drainage Channel be central feature in the site.**
- **Existing grades on site required cost prohibitive amount of fill to accommodate channel and sub surface drainage system.**
- **Rezoning to RMU-2 allows the channel to be located as a buffer along the railroad and reduces fill as well as allowing surface swales for drainage, amenities distributed across site and utilizes best practices for utilities.**
- **Removal of PUD allows for faster standards reviews of Town staff**



Proposed Zoning: RMU-2

Zoning Criteria

1) Complies with the Comprehensive Plan's goals and objectives, Code, Master Plan, and all other applicable adopted plans or policies.

- Diversifies housing options
- Supplies housing options for middle incomes
- Enhance connectivity between neighborhoods and across Town

2) Does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements

- Overland will be building part of the Regional Drainage Channel as well as new CR 70 connection

3) Density is consistent with the Comprehensive Plan Land Use Plan, and the applicable utility capacity studies.

- Density is alignment with Comp Plan, Utiltiy Capacity report has been reviewed and accepted by Town Engineering Staff

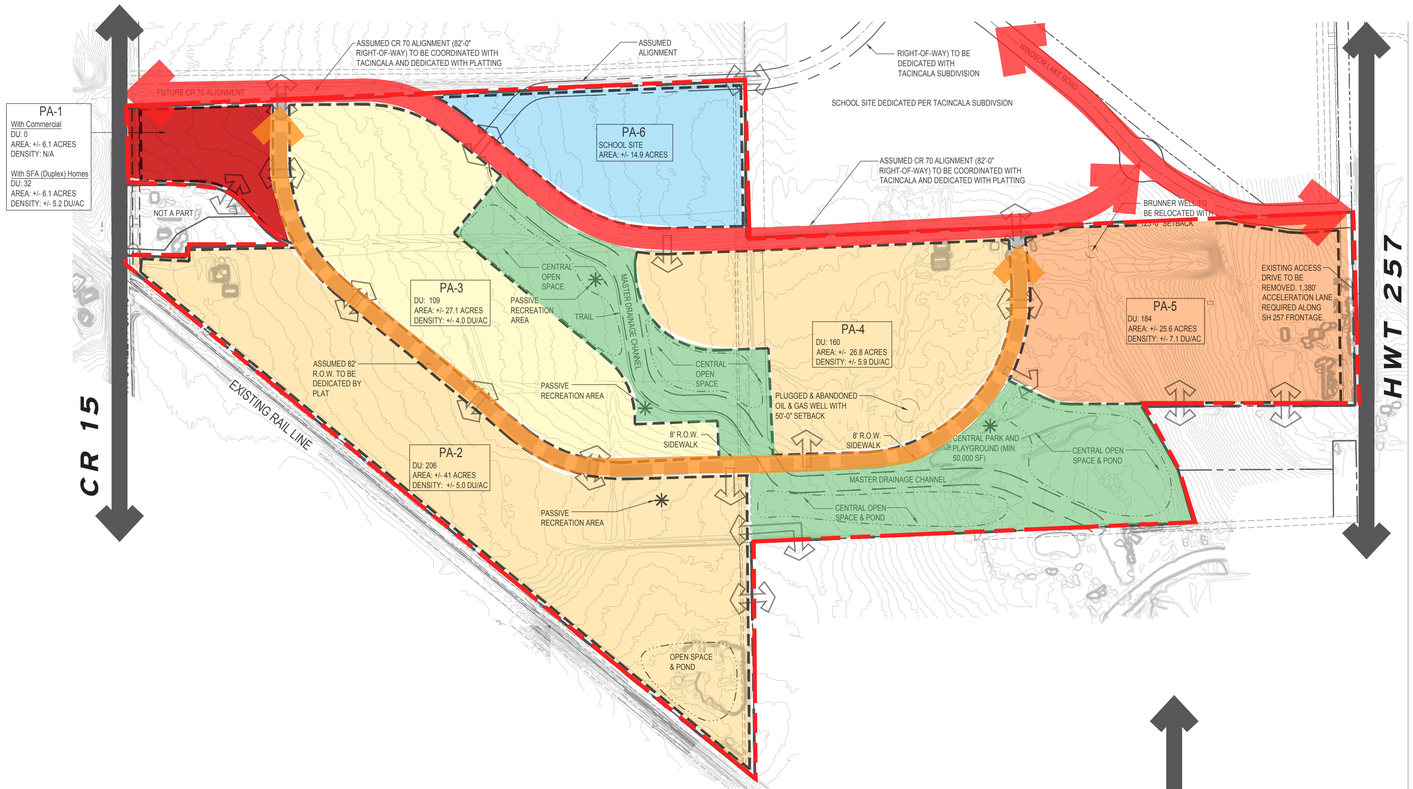
4) Serves a community need or amenity that was not considered at the time of the initial zoning of the property.

- Diverse housing needs are accommodated. Removes a PUD overlay only. 50,000 SF park that was part of PUD is still being included Master Plan

5) Accompanied by a Master Plan that demonstrates compatibility with adjacent uses.

- Master Plan Amendment is part of this hearing for approval

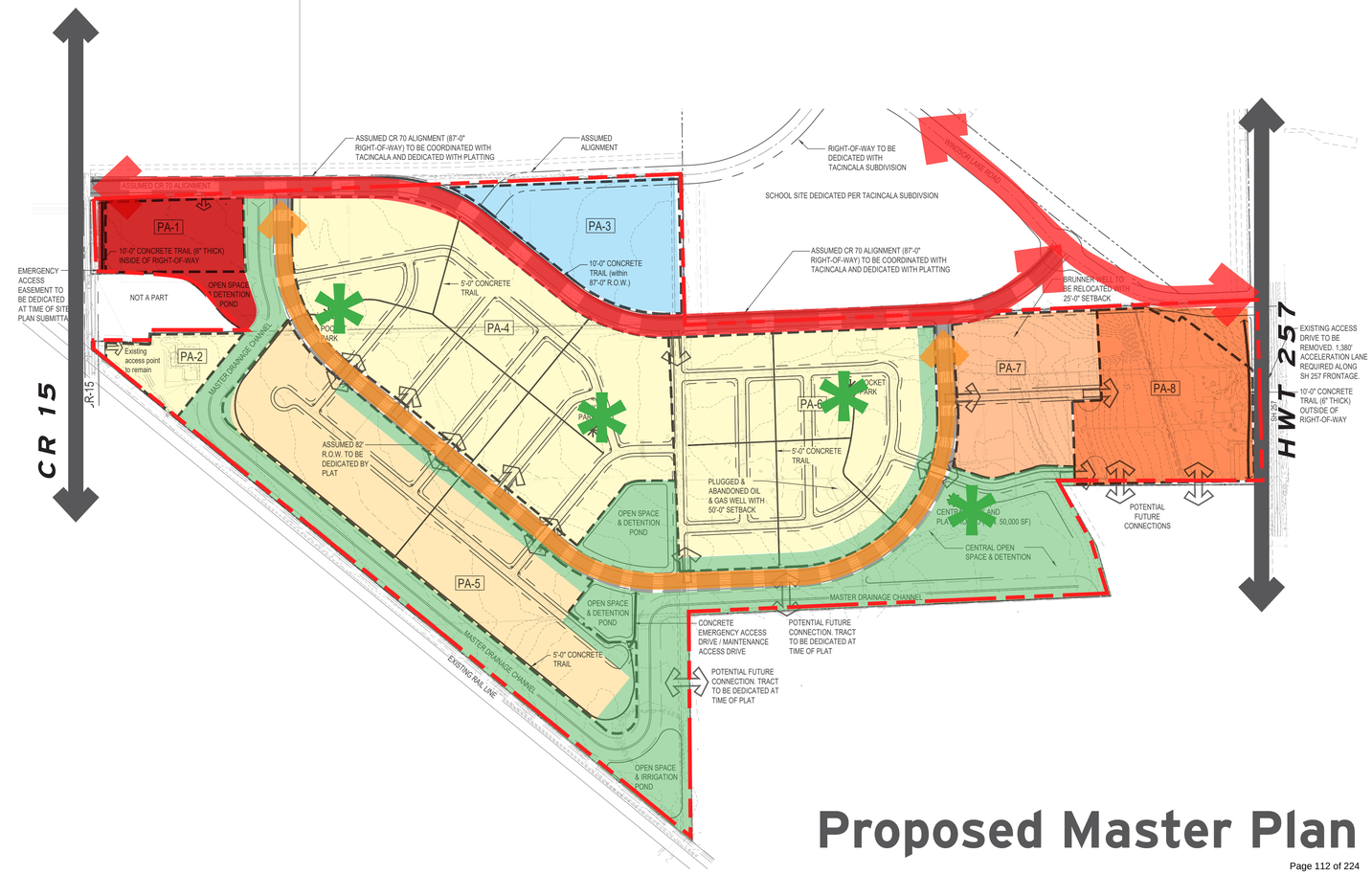
Master Plan Amendment



- Road network remains largely the same
- Realignment of Regional Drainage Channel along railroad
- NW corner confirmed 5 AC Neighborhood Commercial (i.e. coffee, daycare, etc.)
- School area reflects latest discussions with District
- Additional product added - Multi-family

Recorded Master Plan (2022)

- Single-Family Detached
- Single-Family Detached & Single-Family Attached
- Single-Family Attached
- Multi-Family
- Commercial
- School
- Central Open Space
- CR 15 to Hwy 257 Connection
- Internal Collector
- Park



Proposed Master Plan

Master Plan Amendment Criteria

1) Complies with the Comprehensive Plan's goals and objectives, Code, Master Plan, and all other applicable adopted plans or policies.

- Diversifies housing options
- Supplies housing options for middle incomes
- Enhance connectivity between neighborhoods and across Town

2) Does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements

- Overland will be building part of the Regional Drainage Channel as well as new CR 70 connection

3) Density is consistent with the Comprehensive Plan Land Use Plan, and the applicable utility capacity studies.

- Density is alignment with Comp Plan, Utiltiy Capacity report has been reviewed and accepted by Town Engineering Staff

(4)Transportation improvements are consistent with: Roadway Improvement Plan, Subdivision street standards, Design Criteria and Construction Specifications, Transportation Master Plan, Trails Plan, and Complete Streets Guide.

- All streets and trails meet Plan and design requirements

(5) Provision of utilities to serve the development shall be in accordance with Design Criteria and Construction Specifications and any other utility provider requirements.

- Utilities designed to meet requirements

(6)The proposal shall demonstrate compatibility with adjacent uses by building placement, transitions in density or height, screening, and/or landscape buffers.

- Drainage channel moved to buffer against railroad
- Highest density Multi-Family closest to Hwy 257

Master Plan Amendment Criteria

(7)Review of the proposal shall include:

- **Traffic study - submitted**
- **Soils description and limitation - submitted**
- **Preliminary utility plan - submitted**
- **Preliminary drainage plan - submitted**
- **Affidavit concerning the amount and historical use of all water rights owned within the last three (3) years - submitted**
- **Statement of community need for proposed annexation and/or zoning - Zoning in hearing - PUD overlay removal**
- **Statement from the school district regarding the impact of the proposal - submitted**

Product Diversity

Images are conceptual and do not represent actual architectural elevations

Single-Family Attached - alley load
Townhome
(25′ x 95′) and (30′ x 85′)

Single-Family Attached - alley load
Duplex
(32′ x 85′)

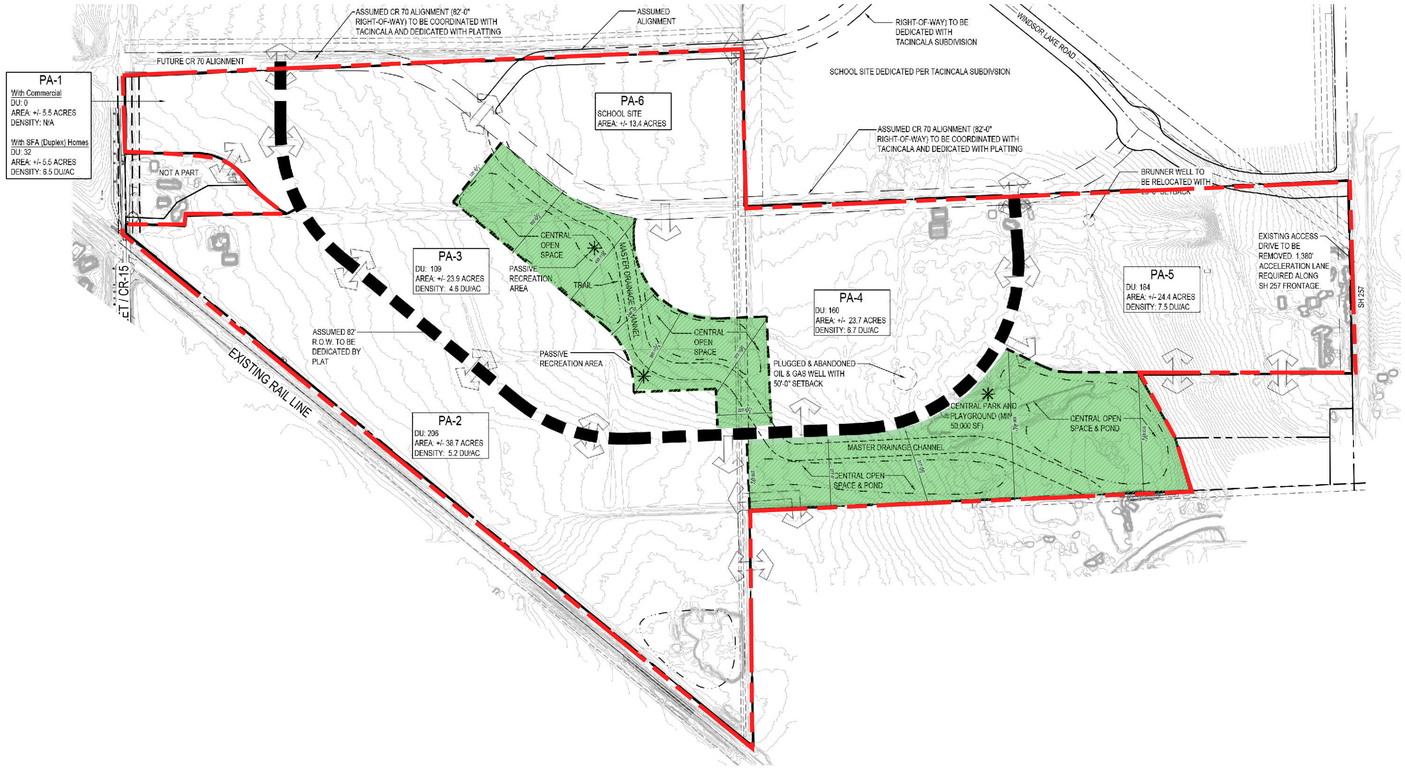
Single-Family Detached - front load (limited access)
(52′ x 110′) and (42′ X 100′)

Multi-family
Future Development

Pedestrian Oriented Streetscapes

- Alley loaded duplexes and townhomes remove garage doors from street frontage
- Pedestrian connection from front entry to street sidewalk on all alley load products (Duplexes and Townhomes)
- Detached sidewalks with tree lawns throughout site
- Front porches and shared courtyards for all duplexes and townhomes
- Garages set back from porch or living space on front load homes
- Over 1.5 miles of off-street pedestrian walkways

Open Space

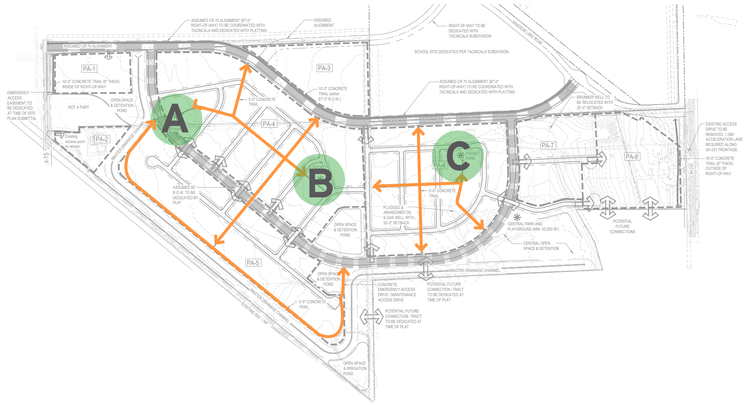


Recorded Master Plan Open Space

Park

Proposed Open Space

Amenities | Pocket Parks



- Themed Neighborhood pocket parks
- Connecting pedestrian network
- All age recreation
- Wildlife and pollinator habitats

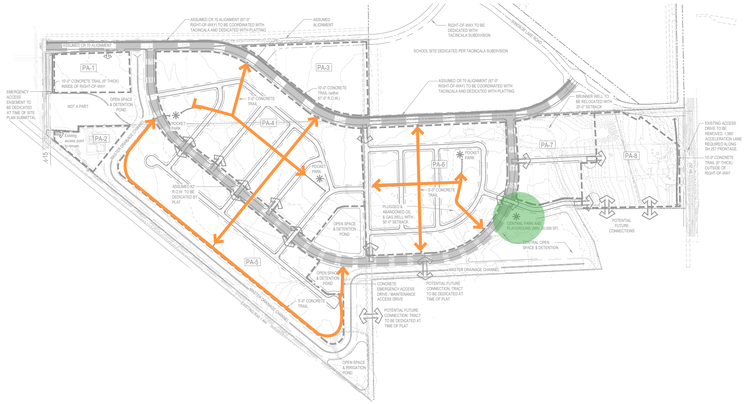
Park A: Group Games

Park B: Pollinator Garden and Playground

Park C: Fitness

Images are conceptual

Amenities | Central Park



- Not a requirement for RMU-2: Developer committing to retain from previous PUD
- Nature play theme for all age groups
- Connecting pedestrian network
- Shade shelter and seating area

Images are conceptual

Questions?

MEMORANDUM

Date: February 5, 2025
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Recommendation to Town Board - Request to Remove a PUD (Planned Unit Development) Zoning Overlay from a RMU-2 (Residential Mixed Use-2) Zone District - Overland 368 - Chad Ellington, applicant, Peak Development Group; and Shelly LaMastra, applicant's representative, RVi Planning + Landscaping
Item #: C.4.

Background / Discussion:
Please refer to the information included with the rezoning public hearing item.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:
Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Overland 268 ***Rezone***, subject to any outstanding Planning Commission and staff comments being addressed.

CC:

Attachments:

MEMORANDUM

Date: February 5, 2025
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Public Hearing - Overland 368 Master Plan Amendment - Chad Ellington, applicant, Peak Development Group; Shelley LaMastra, applicant's representative, RVi Planning + Landscaping
Item #: C.5.

Background / Discussion:

Executive Summary

The applicant's representative, Ms. Shelley LaMastra of RVi Planning + Landscaping, has submitted an application on behalf of Peak Development Group, represented by Mr. Chad Ellington, the applicant's representative, has submitted an application for a master plan amendment. The subject property is located west of State Highway 257, east of 15th Street, and north of the Great Western Railway in the Town of Windsor.

The master plan application has been reviewed in accordance with Article II of Chapter 14 of the Municipal Code, specifically Sec. 14-2-40, which outlines the review criteria for a master plan. The master plan amendment application complies with the following criteria outlined in the Municipal Code:

- The proposal complies with the Comprehensive Plan's goals and policies, the municipal code, and all other applicable adopted plans and polices.
- The development does not result in undue or unnecessary burdens on existing infrastructure and public improvements.
- The density is consistent with the zoning district (RMU-2), the Comprehensive Plan Land Use Plan, and applicable utility capacity studies.
- Transportation improvements are consistent with the Town's Roadway Improvement Plan, Subdivision Street Standards, the Town Design Criteria and construction specifications, Transportation Master Plan, Trail System Master Plan, and the Complete Streets Guide.
- Provision for utilities to serve the property shall be in accordance with Design Criteria & Construction Specifications and any other utility provider requirements.
- The proposal demonstrates compatibility with adjacent uses to the north, Tacincala Subdivision Filings 1 & 2, single-family detached, attached, and cottage homes (under construction), south, Trevenna Subdivision, single-family detached and attached dwelling units (under construction), and to the west, Windshire Subdivision, single-family detached dwelling units and apartments adjacent to 15th Street. The proposal is directly east of the Town's Public Services campus and the new north town campus. The master plan provides a commercial element, anticipated to serve those who utilize the public works campus, and the new town campus, which includes the new Windsor Police Department, the new Weld RE-4 middle school, and a future town park.

Staff recommends that the Planning Commission forward a recommendation of approval of the 2nd master plan amendment to the Town Board, as noted below in the recommendation section.

Background / Previous Approvals

The subject property was annexed into the Town in 2021 under the name Overland 368. Zoning for the property was established as RMU (Residential Mixed Use) with a PUD (Planned Unit Development). A master plan was submitted concurrently with the annexation. The PUD overlay allowed flexibility to meet market demands and consumer preferences while providing a higher-quality residential community for a wide range of buyers. In 2022, the Municipal Land Use Code was updated. This update included new

Residential Mixed Use zone districts, RMU-1 and RMU-2. Zone districts shown as RMU were converted to RMU-1. In 2022, the property was rezoned from RMU-1 with a PUD overlay to RMU-2 with a PUD overlay. The new RMU-2 PUD allowed more development flexibility with more intense residential development, including reduced lot sizes and building setbacks. Despite the higher intensity allowed by the PUD, the overall density of the subject property remained the same at four units per acre maximum, allowed by the Single-Family Residential designation on the Comprehensive Plan Land Use Map. A master plan amendment was processed concurrently with the 2022 rezoning. The developer did not move forward with the subdivision development.

The applicant is requesting to amend the existing master plan. The request aims to make the site more developable in terms of infrastructure and cut/fill requirements while maintaining the same level of design features and amenities as illustrated in the former PUD and master plan.

Adjacent Zoning

	Zoning	Current Use
North	SF-2 (Residential Two) with a PUD overlay and RMU-1	Undeveloped agricultural land and Tacincala Subdivision (Prairie Song) Filings 1 and 2
East	RMU-1 (Residential Mixed Use One)	Undeveloped agricultural land and rural residential
South	SF-2 (Single-Family Residential Two) and Weld Co. AG (Agricultural	Undeveloped agricultural land (Trevenna Subdivision – under review) and Weld Co. undeveloped agricultural land.
West	ROL (Recreation Open Lands), RMU-1 (Residential Mixed Use One), SF-2 (Single-Family Attached), and unincorporated Weld County (AG)	Undeveloped agricultural land (Tacincala Master Plan and Trevenna Master Plan), Windshire Park Subdivision (single-family residential), rural residential/agriculture (Weld County)

Proposed Master Plan Characteristics

- ~173 acres
- 726 residential lots (varying lot sizes and types)
    - Single-family detached lots
    - Single-family attached homes (Townhomes & Duplexes)
    - Multi-family (apartments)
- ~34 acres of landscape, open space, and parks (31%)
- a nine-acre public school site
- a five-acres commercial parcel
    - Includes four metro district-owned and maintained parks
- Primary access points:
    - Weld County Road 70 (new) at SH 257 (east side)
    - Weld County Road 70 (new) at N. 15th Street (west side)
    - Interior loop road connecting to Weld County Road 70

Relationship to the Comprehensive Plan

The master plan amendment application is consistent with the Comprehensive Plan, particularly the following:

Chapter 5 – Growth & Regional Collaboration

Goal 1: *Manage new development to be fiscally responsible and environmentally sensitive.*

Policy 1: *When existing infrastructure can support development, prioritize new development, redevelopment, and infill to leverage existing resources.*

Staff comment: The Overland 368 property is surrounded by existing and current residential construction on

three sides. The type of more compact development proposed by the master plan amendment has been shown to create less of a fiscal burden on municipalities by having less utility and road infrastructure to maintain on a per-unit basis. Similarly, compact development has been shown to be more environmentally responsible, as it takes fewer resources to construct and maintain.

Goal 2: *Align the pace of new development with investment in infrastructure, amenities, and services.*

Policy 1: *Ensure all new development provides adequate consideration of and commitment to usable open space, parks, and trail connections*

Policy 2: *Continue coordinating the creation and expansion of schools, libraries, and other community resources with projected population growth and new private development.*

Staff comment: The Overland 368 second master plan amendment proposes three pocket parks and one large park with play areas. The northern part of the property will have a nine-acre parcel dedicated to a new Weld RE-4 school. This parcel is anticipated to be combined with the Tacincala school site to create a school campus environment. The five-acre commercial parcel will complement the adajacent residential, employment, service, school, trail system, and activity areas.

The property will contain a regional drainage corridor to facilitate an overall town drainage approach. The open space along the drainage corridor acts to buffer the neighborhood from the Great Western Railroad, which is adjacent to the southwest property line. Open space and trails/pedestrian connections are planned along the drainage corridor. These trails create connections throughout the property, the parks, and the school site.

Chapter 5 – Housing & Neighborhoods

Goal 1: *Diversify housing options to accommodate varying household sizes, lifestyles, and generations.*

Policy 1: *Allow a diversity of housing types, sizes, and densities within all neighborhoods, such as duplexes, townhomes, accessory dwelling units, co-housing, cottage communities, and other types as appropriate.*

Policy 2: *Support higher-density residential development near downtown, commercial centers, and mixed-use areas.*

Staff comment: The proposed master plan amendment will allow for a diverse range of housing types, including single-family detached, single-family attached (duplexes, townhomes), and multifamily dwellings. The master plan includes a variety of residential lot sizes and lot layouts. Such variety can help meet the needs of varying family sizes, lifestyles, and income levels. Key requirements include front porches, garage placement to minimize visual impact, a variety of lot layouts and home types, and home models to avoid monotony and create visual interest.

The property is approximately one mile north of the Town core, and additional homes in the area may increase demand for investment and businesses downtown. In addition, the property is located directly across from the Town's Public Services campus and just south and east of the new police department, Weld RE-4 middle school, and the Town's future community park.

Chapter 5 – Transportation & Mobility

Goal 1: *Implement a connected and safe bicycle and pedestrian network that provides connection to key destinations, convenient access to transit, helps relieve congestion and provides alternative transportation options.*

Policy 1: *Promote connectivity and efficient travel through roadway extensions, sidewalk construction, on-street bike facilities, and trail expansion projects.*

Staff comment: The proposed master plan amendment promotes multi-modal connectivity by providing trails, additional road connections such as WCR 70, and a focus on pedestrian-friendly design.

Chapter 5 – Parks, Recreation, Open Space & Trails

Goal 1: *Create equitable access to parks, open spaces, and trails to promote community identity and quality of life.*

Policy 3*: Continue to enhance regional trail connectivity through Windsor and to adjacent communities.*

Policy 4*: Create local trail connectivity to new open spaces, parks, schools, and neighborhoods, and to service existing unconnected neighborhoods*

Staff comment: The proposed master plan amendment includes a ten-foot wide east/west trail connection from SH 257, along the new Weld County Road 70, to 15th Street. The master plan also includes new north/south trail connections along SH 257 and 15th Street. These new trails promote connectivity to adjacent subdivisions, schools, parks, open spaces, and commercial component.

Review Criteria – Master Plan

The application is consistent with the following review criteria in Municipal Code Sec. 14-2-40(b) for the master plan:

1. *The Consistency with Comprehensive Plan*
2. *The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements*
3. *Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable to utility capacity studies.*
4. *Transportation improvements are consistent with the following:*
    - *Roadway Improvement Plan and subdivision street standards*
    - *Design Criteria and Construction Specifications*
    - *Transportation Master Plan*
    - *Trails Plan*
    - *Complete Streets Guide*
5. *Capability of utilities to serve the development.*
6. *The proposal shall demonstrate compatibility with adjacent uses.*

Neighborhood Meeting

The applicant held a neighborhood meeting on December 05, 2024. Seven members of the public spoke on the following concerns:

- Dust during construction
- Residents speeding on streets
- Traffic on already crowded streets
- Hwy 257 traffic for residents south of the site (entering and exiting SH 257)

Please refer to the neighborhood meeting summary included in the packet.

Notifications

Notifications for this public hearing were as follows:

- January 14, 2025 - Signs posted on the property
- January 15, 2025 - Affidavit of mailing to property owners within 500 feet
- January 17, 2025 – Notice posted to Town's website
- January 17, 2025 – Legal ad published in the Greeley Tribune newspaper

Financial Impact:

Relationship to Strategic Plan:

The application is consistent with the Strategic Plan Mission Statement: *The Town of Windsor promotes community and hometown pride through sustainable, excellent, and equitable delivery of services in a fiscally responsible manner.*

The application is also consistent with the Strategic Plan, particularly the following:

- *Fiscal Responsibility — Windsor is committed to sound fiscal management and transparency in all*

decision-making. We plan for future generations through adequate allocation of resources that will allow for operations and maintenance of our facilities and land. We consistently evaluate our resources to maintain a healthy balance of programs and services.

Staff Comment: The master plan proposes connections to adjacent existing infrastructure, which is fiscally responsible.

- Quality of Life — *Windsor has a healthy, active lifestyle that provides opportunities for residents and visitors of all ages and abilities to experience a full array of recreational services and natural resources. We take pride in our well-connected and involved community that truly cares about each other demonstrated by the exceptional customer service of our workforce and the self-respect reflected through the attractiveness of our town.*

  Staff comment: The proposed master plan includes an abundance of natural open spaces, parks, and regional trail connections to increase residents' quality of life and connect adjacent neighborhoods.

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Overland 368 second ***Master Plan Amendment***, subject to the approval of the rezone and any outstanding Planning Commission and staff comments being addressed.

CC:

Attachments:

1. Overland MP Application Packet
2. Overland-School Dedication Coordination
3. Overland 2nd Amended-MP
4. Overland Rezone-MP Neighborhood Meeting Summary
5. PC-Overland Rez and MP Staff Presentation
6. Overland RVi Presentation

APPLICATION PACKET
MASTER PLAN

The following checklist is intended to provide an outline for applicants to ensure a complete submittal and to avoid processing delays due to inadequate information. Land use applications shall include all items listed in the following checklist. If an item is not checked as included in the submittal, a detailed narrative statement outlining reasons why the item has not been submitted shall be included. Lack of such statement or required item shall constitute an incomplete submittal and shall be rejected by the Town. Please review Chapter 15 of the *Town of Windsor Municipal Code* Section 15-1-30(b) and Section 15-2-30 for complete application requirements.

1 APPLICATION SUBMITTAL REQUIREMENTS:

Planning Department Checklist	Applicant Checklist	
☐	X	Completed checklist. Items not checked are explained in the narrative
☐	X	Completed Land Use Application (attached)
☐	X	Application fee consistent with the Town of Windsor *Fee Schedule*
☐	✷	A deed or legal instrument identifying the applicant's interest in the property
☐	✔	All required drawings and supportive information per the Municipal Code
☐	X	All submittals shall follow the Town's *Submittal Requirements* and *File Naming Conventions* available from the Planning Department

2 MASTER PLAN REQUIREMENTS:

Planning Department Checklist	Applicant Checklist	
☐	X	Drawing dimensions shall be twenty-four by thirty-six (24x36) inches. All drawings shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet
☐	X	Date of preparation, the scale, a symbol designating true north and zoning
☐	X	Vicinity map
☐	X	Name of the master plan on all drawing sheets *(contact Planning)*
☐	X	Names, addresses and phone numbers of the applicant and firms or persons responsible for preparing the drawing
☐	X	Applicant revisions block *(includes fields for date, initials, description)*
☐	X	Appropriate *certification blocks* as provided by the Planning Department
☐	X	Existing and proposed easements and rights-of-way for collector and arterial streets
☐	X	Land use table showing: • Proposed gross and net residential densities • Proposed acreage designated for each specific land use • Proposed zoning classifications and total acreage of the parcel

2

MASTER PLAN REQUIREMENTS cont.:

Planning Department Checklist	Applicant Checklist	
☐	■	On each land use-specific section of the plan identify: • Acreage, minimum lot size and gross and net residential densities • Acreage designated for parks, open space and other public uses • Acreage for industrial and commercial uses
☐	■	Utility plan including: • The size and location of all existing utility lines and facilities • The approximate size and location of all proposed • A table with estimates of peak hour and maximum day water and wastewater demands
☐	■	Drainage plan showing flow patterns, including off-site contributio s, detention and retention areas and discharge areas
☐	X	A soils description and limitation
☐	X	Existing watercourses with adequate easements for flood control
☐	X	Designation of all public sites to be reserved and dedicated
☐	X	Existing two-foot contours

Revised 11/26/2019

APPLICATION PACKET
LAND USE APPLICATION

1

The Town of Windsor Planning Department reserves the right to reject incomplete submittals, per the application checklist and Municipal Code requirements for all applications. Please submit completed application and materials to planningtechs@windsorgov.com. Staff will review the submittal and advise you of its completeness for processing.

2

APPLICATION TYPE:

- [ ] Annexation
- [x] Master Plan
- [ ] Rezoning
- [ ] Minor Subdivision
- [ ] Lot Line Adjustment
- [ ] Major Subdivision
- [ ] Site Plan

SUBTYPE:

(for Major Subdivisions and Site Plans only)

- [ ] Preliminary
- [ ] Final
- [ ] Qualified Commercial/Industrial
- [ ] Administrative

Project Name*: Overland 368 LLC

Legal Description*: Parcels Of Land Located In Section 8 And Section 17, Township 6 North,Range 67 West Of The 6TH P.M., County Of Weld, State Of Colorado APN: 0807-8-3RE 2798, 0807-17-1-RE 2124, 0807-17-2-RE

Address/Location*: 3398 Hwy 257 (+ other parcels) / CR 70 & Highway 257

Existing Zoning: PUD **Proposed Zoning:** MU-2

3

OWNER:

Name(s)*: Overland 368, LLC

Company:

Address*: PO Box 368 Windsor, Colorado 80550

Phone #*: 970-222-7147 Email*: rbluesky@msn.com

APPLICANT *(Owner or Owner's Representative)*:

Name*: Chad Ellington

Company: Peak Development Group

Address*: 1480 Humbolt Street, Denver, Colorado 80218

Phone #*: 303-503-1016 Email*: chad@peakdevgrp.com

AUTHORIZED REPRESENTATIVE:

Name: Shelley LaMastra, PLA

Company: RMP Planning + Landscape Architecture

Address: 5060 S College Ave, Unit A, Fort Collins, CO 80525

Phone #: 970-484-8855 Email: slamastra@rmplanning.com

4

All correspondence will only be sent to those listed above. It is the sole responsibility of those listed to distribute correspondence to other applicable parties.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

Signature: **Date:** 09/03/2024

(Proof of owner's authorization is required with submittal if signed by Applicant)

Print Name: Chad M. Ellington

**Required fields*

August 28, 2024

Carlin Malone, Chief Planner
Town of Windsor
Community Development | Planning
301 Walnut Street
Windsor, Colorado 80550

RE: Overland 368
Letter of Authorization

This letter authorizes the below listed parties to submit planning and engineering submittals on behalf of the landowner, Overland 368, LLC, to the Town of Windsor for the land at 33901 Highway 257 (along with adjacent parcels under the same ownership entity) generally located at the southwest corner of CR70 & Highway 257.

Peak Development Group and its related entities (OL368 Land Co, LLC and Peak One Development) are currently under contract to purchase the land as generally described above.

Authorized Parties:

- Peak Development Group / OL368 Land Co, LLC / Peak One Development
- Galloway and Company
- RVI Planning & Landscape Architecture / Russell + Mills Studios

Sincerely,

Zada G. Steidl

Zada Steidl
Overland 368, LLC

Project Narrative

OVERLAND 368

PROJECT LOCATION: LARGE SCALE

NTS

PROJECT LOCATION

NTS

Project Narrative

OVERLAND 368

PROJECT TITLE:
Overland 368

GENERAL INFORMATION:
Size: 173.053 acres
Existing zoning: PUD
Proposed zoning: RMU-2

EXISTING OWNER:
Zada Ann Steidl
P.O. Box 368 Windsor, CO 80550
970-222-7147
rbluesky8@msn.com

Applicant:
Peak Development Group
Contact: Chad Ellington
1480 Humboldt Street
Denver, CO 80218
303-503-1016
chad@peakdevgrp.com

RVi Planning + Landscape Architecture
Contact: Shelley LaMastra
506 S College Ave, Unit A
Fort Collins, CO 80524
970-484-8855
slamastra@rviplanning.com

PROJECT GOAL:
Overland 368 is a 173.053 acre property located in the Town of Windsor. The property is located northwest of Windsor Lake. It is less than one mile north of the town center bounded on the east by north 7th Street, on the west by 15th Street, on the south by the Great Western Railway, and agricultural lands to the north (future Prairie Song development).

Overland 368 is a master planned community for up to 770 units (Max. 520 single-family attached (duplexes/townhomes), single-family detached + 250 multi-family). It is envisioned to be a thoughtfully crafted community, complementing the small town culture of Windsor and embracing the active lifestyle of the western front with a expansive trail network.

The purpose of the Overland 368 Master Plan is to establish site structure for roads and areas of development as well as open space and regional drainage infrastructure. The document is crafted to promote a high standard of neighborhood design and architectural quality as well as promote innovative and diverse housing choices. While the document is intended to guide development, it is also crafted to provide flexibility for addressing future market conditions.

BACKGROUND:
Historically, the property was formally known as Blue Sky Farms which operated as a farming and livestock Business. A PUD was recorded for the property at the same time that the property was annexed into the Town. In 2022 there was an amendment to the PUD that also changed the base zone district from RMU to RMU-2.

PROPOSED MASTER PLAN:
This amendment is updating the existing Master Plan and removing the PUD overlay while maintaining the straight zone district of RMU-2. The changes proposed apply to the entirety of the property.

The Typical Lot Configurations have been submitted as a separate document for Town Staff to comment on the limited access driveways, utilities and tree spacing.

TRANSPORTATION IMPROVEMENTS:

The northern portion of the property is proposed to be a collector street with an 82'-0" right-of-way (R.O.W.). County Road 70 shall be realigned with a round about connection to this new northern collector road connection. Within the site an 82'-0" R.O.W. will loop through the site. Residential roads with 62'-0" R.O.W. will create the roadway network for the proposed uses.

SITE DESIGN

As outlined in the Land Use Summary Chart of the Master Plan the plan proposes single-family detached lots, single-family attached lots (townhomes and duplexes) and multi-family. The subdivision plan will follow this established framework.

The regional drainage corridor that will facilitate an overall Town of Windsor drainage approach is located along the southern boundary and existing railroad in order to reduce crossings within the development and create an additional buffer from the railroad. A trail system within the site will create connections throughout the development to pocket parks, the central park and to the school site north of the community. The irrigation water storage pond in the south-east corner of the site will be enhanced to not only fulfill the irrigation needs be also to create habitat and aesthetic value in the community.

A portion of the property will be dedicated for a future school site (~9 acres). Additional land from the Prairie Song will provide the total area needed for the school. The 520 single-family attached and detached units require ~7.5 acres of dedication Additional multi-family units will be counted toward the total 9 acres with the remaining units having a fee per unit assessed.

The northwest portion of the property (Planning Area 1) is proposing to have a small commercial use. Proposed uses should benefit and support the surrounding residential uses, such as, day care, small retail, etc.

DISTURBANCES

The site is largely retired farmland fields.

UTILITIES

A proposed water main is to be constructed throughout the development. Connections will be made to the 12" existing main that was constructed with Prairie Song (a.k.a. Tacincala) Filing 1 that runs from north to south through the center of the Overland 368 site. Additional connections will be made to the existing water main in WCR 15. A 12" main will also be constructed down SH257 as requested by the Town, however, the proposed development will not connect to this 12" main. When development occurs on the easterly 12-acre parcel, connection would be made to the SH257 main and the proposed mains within Overland 368. Residential services and fire hydrants shall be provided throughout the subdivision as needed.

The proposed wastewater collection system will be gravity driven with 8" and 12" PVC mains constructed throughout the subdivision. This network of 8" lines will connect into the proposed 12" PVC trunk main that will run through the main access road and easterly townhome portion of the development. The 12" main will increase to an 18" main as necessary and be extended northerly along the westerly edge of SH257 for connection to the existing 30" trunk main installed with the Prairie Song development.

A Utility Study has been submitted outlining the sewer capacity and proposed 520 single-family (attached and detached) + 250 multi-family units for a total unit count of 770 units within Overland 368.

STORMWATER:

Storm runoff will be collected with onsite storm sewer systems that will convey runoff to offline water quality and/or detention ponds within the Overland 368 site. A major drainage channel will be designed to capture offsite flows at the northern boundary of the Overland 368 site and convey those flows through the site in the southeast direction along the southerly boundary of the proposed development. A level spreader will be provided at the south termination point of the channel to duplicate existing conditions as much as possible and a detention facility on the southeast side of the Overland 368 site will detain up to 100-year site runoff and release it offsite at maximum 10-year historic rate per the Town of Windsor requirement. (The Town of Windsor may have the offsite portion of the Town's master drainage channel designed to allow completion of the channel improvements to the Greeley No. 2 Canal)

IRRIGATION:

The Overland 368 Property non-potable water demands will be serviced by two non-potable water supplies. The far eastern portion of the property will be supplied by the Brunner Well which is included in the Cache La Poudre Augmentation Plan. The balance of the property west of the area irrigated by the Brunner Well will be irrigated using surface water supplies from shares in the Lake Canal, Lake Canal Reservoir Company and Cache La Poudre Reservoir Company. These surface water supplies will be delivered to an on-site non-potable pond with a non-potable pump station then delivering pressurized water to the distribution system for non-potable irrigation at the site. It is the intent that all irrigation demands at the site will be met with these non-potable water sources.

Customer Distribution

Prevent fraud - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: **ABC25208685-3** Date: **07/22/2024**

Property Address: **OVERLAND 368 LAND, N/A, CO 00000**

For Closing Assistance

Katherine C. Talcott
3033 EAST FIRST AVENUE, SUITE 600
DENVER, CO 80206
(303) 331-6229 (Work)
(303) 393-4926 (Work Fax)
ktalcott@ltgc.com
Company License: CO44565

Closer's Assistant

Rachel Roberts
3033 EAST FIRST AVENUE, SUITE 600
DENVER, CO 80206
(303) 331-6260 (Work)
(303) 393-3858 (Work Fax)
rroberts@ltgc.com
Company License: CO44565

For Title Assistance

Scott Bennetts
5975 GREENWOOD PLAZA BLVD
GREENWOOD VILLAGE, CO 80111
(303) 850-4175 (Work)
sbennetts@ltgc.com

PEAK DEVELOPMENT GROUP LLC
Attention: CHAD ELLINGTON
1480 N HUMBOLDT STREET
DENVER, CO 80218
(303) 503-1016 (Work)
chad@peakdevgrp.com
Delivered via: Electronic Mail

J RUSSELL BAKER LLC
Attention: RUSSELL BAKER
CO
(303) 591-3598 (Cell)
rbaker@blacktimbergroup.com
Delivered via: Electronic Mail

OVERLAND 368 LLC
Attention: ZADA STEIDL
PO BOX 368
WINDSOR, CO 80550
(970) 222-7147 (Work)
rbluesky8@msn.com
Delivered via: Electronic Mail

JUMPS LAW LLC
Attention: BRIAN JUMPS
2630 W BELLEVIEW AVE
SUITE 270
LITTLETON, CO 80123
(303) 586-1855 (Work)
(720) 643-2997 (Work Fax)
bjumps@jumpslaw.com
Delivered via: Electronic Mail

OVERLAND 368, LLC
Attention: ERIC STEIDL
PO BOX 368
WINDSOR, CO 80550
bartch46@gmail.com
Delivered via: Electronic Mail

CUSHMAN & WAKEFIELD
Attention: BRIAN MANNLEIN
772 WHALERS WAY #200
FORT COLLINS, CO 80525
(970) 402-8783 (Cell)
(970) 776-3900 (Work)
brian.mannlein@cushwake.com
Delivered via: Electronic Mail

CUSHMAN & WAKEFIELD
Attention: JOHN BAKER
772 WHALERS WAY #200
FORT COLLINS, CO 80525
(772) 473-1932 (Cell)
(970) 776-3900 (Work)
(970) 267-7419 (Work Fax)
john.baker@cushwake.com
Delivered via: Electronic Mail

CUSHMAN & WAKEFIELD
Attention: DANALEE NACE
772 WHALERS WAY #200
FORT COLLINS, CO 80525
(970) 776-3900 (Work)
danalee.nace@cushwake.com
Delivered via: Electronic Mail

JUMPS LAW LLC
Attention: STEPHANIE M REED
2630 W BELLEVIEW AVE
SUITE 270
LITTLETON, CO 80123
(303) 586-4219 (Work)
(720) 643-2997 (Work Fax)
sreed@jumpslaw.com
Delivered via: Electronic Mail

WITWER OLDENBURG BARRY & GROOM LLP
Attention: PATRICK GROOM
822 7TH ST #760
GREELEY, CO 80631
(970) 352-3161 (Work)
pgroom@wobjlaw.com
Delivered via: Electronic Mail

LAND TITLE GUARANTEE COMPANY
Attention: LUKE DAVIDSON
3033 EAST FIRST AVENUE SUITE 600
DENVER, CO 80206
(303) 321-1880 (Work)
(303) 393-4912 (Work Fax)
ldavidson@ltgc.com
Delivered via: Electronic Mail

Estimate of Title Fees

Order Number: ABC25208685-3 **Date:** 07/22/2024

Property Address: OVERLAND 368 LAND, N/A, CO 00000

Seller(s): OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY

Buyer(s): PEAK DEVELOPMENT GROUP LLC, A COLORADO LIMITED LIABILITY COMPANY

Thank you for putting your trust in Land Title. Below is the estimate of title fees for the transaction. The final fees will be collected at closing. Visit **ltgc.com** to learn more about Land Title.

Estimate of Title Insurance Fees	
"ALTA" Owner's Policy 06-17-06 Reissue Rate	[redacted]
Deletion of Standard Exception(s)	[redacted]
Endorsement ALTA 35.3	[redacted]
Tax Certificate	[redacted]
TOTAL	[redacted]

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the documents on your property.

Chain of Title Documents:

Weld county recorded 12/13/2018 under reception no. 4453393

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: ABC25208685-3

Property Address:

OVERLAND 368 LAND, N/A, CO 00000

1. **Effective Date:**

   07/15/2024 at 5:00 P.M.

2. **Policy to be Issued and Proposed Insured:**

   "ALTA" Owner's Policy 06-17-06 Reissue Rate [redacted]
   Proposed Insured:
   PEAK DEVELOPMENT GROUP LLC, A COLORADO LIMITED LIABILITY COMPANY

3. **The estate or interest in the land described or referred to in this Commitment and covered herein is:**

   FEE SIMPLE

4. **Title to the estate or interest covered herein is at the effective date hereof vested in:**

   OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY

5. **The Land referred to in this Commitment is described as follows:**

PARCEL I:

LOT A, SECOND AMENDED RECORDED EXEMPTION NO. 0807-17-1 RE 526, RECORDED SEPTEMBER 26, 1984 AT RECEPTION NO. **1983051** IN BOOK 1044, BEING PART OF THE N 1/2 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

PARCEL II:

LOT B, RECORDED EXEMPTION NO. 0807-17-1-RE1315, ACCORDING TO THE MAP RECORDED JANUARY 29, 1991 AT RECEPTION NO. **2239763**, BEING PART OF THE N 1/2 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

PARCEL III:

LOT B, RECORDED EXEMPTION NO 0807-8-3 RE 2798, RECORDED JANUARY 18, 2002 AT RECEPTION NO. **2918249**, BEING LOCATED IN THE S 1/2 OF THE S 1/2 OF THE SW 1/4 OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

PARCEL IV:

LOT B, RECORDED EXEMPTION NO 0807-17-2 RE 2124, RECORDED JANUARY 6, 1998 AT RECEPTION NO. **2587737**, BEING LOCATED IN THE S 1/2 OF THE S 1/2 OF THE SW 1/4 OF SECTION 8 AND THE NW 1/4 OF SECTION 17, ALL IN TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

PARCEL V:

LOT A, RECORDED EXEMPTION NO. 0807-17-2-RE 2124, ACCORDING TO THE MAP RECORDED JANUARY 6, 1998 AT RECEPTION NO. **2587737**, BEING PART OF SECTIONS 8 AND 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: ABC25208685-3

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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABC25208685-3

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

1. RELEASE OF DEED OF TRUST, SECURITY AGREEMENT, ASSIGNMENT OF RENTS AND FIXTURE FILING DATED JUNE 02, 2015 FROM FLORENCE A. SPRATT REVOCABLE LIVING TRUST DATED FEBRUARY 18, 2004, AS AMENDED, AND ZADA ANN STEIDL, TRUSTEE OF THE SURVIVOR'S TRUST CREATED UNDER DECLARATION OF TRUST DATED FEBRUARY 28, 1995 TO THE PUBLIC TRUSTEE OF WELD COUNTY FOR THE USE OF AMERICAN AGCREDIT, FLCA TO SECURE THE SUM OF $1,300,000.00 RECORDED JUNE 17, 2015, UNDER RECEPTION NO. **4116626**.
2. RELEASE OF DEED OF TRUST, SECURITY AGREEMENT, ASSIGNMENT OF RENTS AND FIXTURE FILING DATED OCTOBER 26, 2018 FROM ZADA ANN STEIDL, AS TRUSTEE OF THE JOHN CARL STEIDL AND ZADA ANN STEIDL DECLARATION OF TRUST DATED FEBRUARY 28, 1995 AND THE SURVIVOR'S TRUST CREATED UNDER DECLARATION OF TRUST DATED FEBRUARY 28, 1995 TO THE PUBLIC TRUSTEE OF WELD COUNTY FOR THE USE OF AMERICAN AGCREDIT, FLCA TO SECURE THE SUM OF $5,660,000.00 RECORDED DECEMBER 04, 2018, UNDER RECEPTION NO. **4451117**.
3. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR PEAK DEVELOPMENT GROUP LLC, A COLORADO LIMITED LIABILITY COMPANY MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

   NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.
4. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF PEAK DEVELOPMENT GROUP LLC AS A COLORADO LIMITED LIABILITY COMPANY. THE STATEMENT OF AUTHORITY MUST STATE UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-172, CRS.

   NOTE: THE STATEMENT OF AUTHORITY MUST BE RECORDED WITH THE CLERK AND RECORDER.
5. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT ALTA LAND SURVEY OF SUBJECT PROPERTY. UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

   LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID ALTA LAND SURVEY.

   SAID SURVEY MUST BE CERTIFIED TO LAND TITLE GUARANTEE COMPANY AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.
6. SPECIAL WARRANTY DEED FROM OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY TO PEAK DEVELOPMENT GROUP LLC, A COLORADO LIMITED LIABILITY COMPANY CONVEYING SUBJECT PROPERTY.

   NOTE: THE OPERATING AGREEMENT OF OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY DISCLOSES ZADA A. STEIDL AS SOLE MEMBER AUTHORIZED TO EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: ABC25208685-3

All of the following Requirements must be met:

NOTE: THE STATEMENT OF AUTHORITY OF OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY RECORDED OCTOBER 14, 2021 UNDER RECEPTION NO. **4765694** DISCLOSES ZADA A. STEIDL AS THE MEMBER AUTHORIZED TO EXECUTE LEGAL INSTRUMENTS ON BEHALF OF SAID ENTITY.

7. PROVIDE LAND TITLE GUARANTEE COMPANY WITH ANY MINERAL SEARCHES OF SUBJECT PROPERTY, OR OTHER EVIDENCE THAT ALL MINERAL OWNERS HAVE BEEN NOTIFIED AND HAVE WAVIED SURFACE RIGHTS AS TO SUBJECT PROPERTY.

8. PROVIDE LAND TITLE GUARANTEE COMPANY WITH THE FINAL, APPROVED DEVELOPMENT PLANS FOR SUBJECT PROPERTY.

NOTE: REQUIREMENT 7 AND 8 ARE NECESSARY TO ATTACH ENDORSEMENT ALTA 35.3 TO THE OWNERS POLICY TO BE ISSUED.

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED

A. ITEMS 1-3 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED UPON RECEIPT OF AN APPROVED ALTA LAND SURVEY. MATTERS DISCLOSED BY SAID ALTA LAND SURVEY MAY BE ADDED TO SCHEDULE B, PART II HEREOF.

B. UPON THE APPROVAL OF THE COMPANY AND THE RECEIPT OF A NOTARIZED FINAL LIEN AFFIDAVIT, ITEM 4 OF THE PRE-PRINTED EXCEPTIONS, WILL BE AMENDED TO READ:

ITEM 4 OF THE PRE-PRINTED EXCEPTIONS IS DELETED AS TO ANY LIENS OR FUTURE LIENS RESULTING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF OVERLAND 368, LLC, A COLORADO LIMITED LIABILITY COMPANY.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY SHALL HAVE NO LIABILITY FOR ANY LIENS ARISING FROM WORK OR MATERIAL FURNISHED AT THE SPECIFIC, DIRECT REQUEST, AND WITH THE ACTUAL KNOWLEDGE OF PEAK DEVELOPMENT GROUP LLC, A COLORADO LIMITED LIABILITY COMPANY.

C. ITEM 5 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED IF LAND TITLE GUARANTEE COMPANY CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTION(S) AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH.

D. UPON PROOF OF PAYMENT OF 2022 TAXES AND ASSESSMENTS, ITEM 6 OF THE PRE-PRINTED EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2023 AND SUBSEQUENT YEARS.

NOTE: THE ISSUANCE OF THE POLICIES AND/OR ENDORSEMENTS REFERENCED IN THIS COMMITMENT ARE SUBJECT TO THE APPROVAL OF THE UNDERWRITER OF SAID POLICIES AND/OR ENDORSEMENTS. THIS COMMITMENT MAY BE REVISED AS REQUIRED BY THE UNDERWRITER TO ISSUE THE POLICIES AND/OR ENDORSEMENTS REQUESTED. THIS NOTE WILL BE DELETED UPON THE RECEIPT OF SAID APPROVAL.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABC25208685-3

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. **Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
2. **Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
3. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
6. **(a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
7. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
8. EXISTING LEASES AND TENANCIES, IF ANY.
9. ANY BOUNDARY DISCREPANCY DUE TO THE LACK OF AN EXACT LEGAL DESCRIPTION FOR THE RIGHT OF WAY OF THE BNSF RAILROAD, FORMERLY THE GREELEY, SALT LAKE AND PACIFIC RAILROAD COMPANY, AS DESCRIBED IN A DEED RECORDED AUGUST 2, 1881 IN BOOK 31 AT PAGE **299**, AND ANY RIGHT, TITLE OR INTEREST THAT MAY BE CLAIMED BY SAID RAILROAD IF IT IS DETERMINED THAT A DISCREPANCY EXISTS.

   (AFFECTS PARCELS IV AND V)
10. RESERVATIONS MADE BY UNION PACIFIC RAILWAY COMPANY, IN DEED RECORDED DECEMBER 15 1883, IN BOOK 36 AT PAGE **491**, PROVIDING SUBSTANTIALLY AS FOLLOWS: RESERVING UNTO SAID COMPANY AND ITS ASSIGNS ALL COAL THAT MAY BE FOUND UNDERNEATH THE SURFACE OF LAND HEREIN DESCRIBED AND THE EXCLUSIVE RIGHT TO PROSPECT AND MINE FOR SAME, ALSO SUCH RIGHT OF WAY AND OTHER GROUNDS AS MAY APPEAR NECESSARY FOR PROPER WORKING OF ANY COAL MINE THAT MAY BE DEVELOPED UPON SAID PREMISES AND FOR TRANSPORTATION OF COAL FROM SAME.

    (AFFECTS PARCELS I AND II)
11. RIGHT OF WAY FOR COUNTY ROADS 30 FEET ON EITHER SIDE OF SECTION AND TOWNSHIP LINES, AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS FOR WELD COUNTY, RECORDED OCTOBER 14, 1889 IN BOOK 86 AT PAGE **273**.

    (AFFECTS ALL PARCELS)
12. (THIS ITEM WAS INTENTIONALLY DELETED)

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABC25208685-3

13. RIGHT OF WAY FOR DRAINS AND MAINTENANCE AS SET FORTH IN DEED RECORDED JANUARY 7, 1905 IN BOOK 217 AT PAGE **360**

    (AFFECTS ALL PARCELS)

14. TERMS, CONDITIONS AND PROVISIONS OF DITCH EASEMENT RECORDED MAY 23, 1931 IN BOOK 914 AT PAGE **219**.

15. RESERVATIONS AND COVENANTS CONTAINED IN WARRANTY DEED RECORDED JUNE 23, 1943 IN BOOK 1112 AT PAGE **397**.

    (AFFECTS ALL PARCELS)

16. UNDIVIDED 1/2 INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS AS RESERVED IN DEED, RECORDED MARCH 25, 1958, IN BOOK 1499 AT PAGE **346**, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

    (AFFECTS PARCELS III, IV, AND V)

17. OIL AND GAS LEASE RECORDED JULY 17, 1980 UNDER RECEPTION NO. **1830368** AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

    (AFFECTS ALL PARCELS)

18. UNDIVIDED 1/2 INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS AS RESERVED BY CHARLES W. KIRBY IN DEEDS TO GORDON G. STEINMILLER AND CLEONNE JANET STEINMILLER, RECORDED AUGUST 31, 1983, UNDER RECEPTION NO. **1938922** AND RECORDED OCTOBER 4, 1984 AT RECEPTION NO. **1984032**, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

    (AFFECTS PARCEL II)

19. OIL AND GAS LEASE RECORDED APRIL 30, 1984 UNDER RECEPTION NO. **1964875** AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

    (AFFECTS ALL PARCELS)

20. RIGHT OF WAY EASEMENT AS GRANTED TO NATURAL GAS ASSOCIATES IN INSTRUMENT RECORDED AUGUST 03, 1984, UNDER RECEPTION NO. **1976308** IN BOOK 1038.

    (AFFECTS PARCEL III)

21. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF SECOND AMENDED EXEMPTION NUMBER: 0807-17-1-RE 526 RECORDED SEPTEMBER 26, 1984 UNDER RECEPTION NO. **1983051** IN BOOK 1044.

    (AFFECTS PARCELS I AND II)

22. OIL AND GAS LEASE RECORDED OCTOBER 24, 1984 UNDER RECEPTION NO. **1986024** IN BOOK 1047 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: EXTENSION OF THE ABOVE LEASE AS CLAIMED BY AFFIDAVIT OF PRODUCTION WAS RECORDED MARCH 29, 1986 UNDER RECEPTION NO. **2041000** IN BOOK 1101.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

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NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

(AFFECTS ALL PARCELS)

23. OIL AND GAS LEASE RECORDED OCTOBER 24, 1984 UNDER RECEPTION NO. **1986025** AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

    (AFFECTS PARCEL II)

24. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF RECORDED EXEMPTION NO. 0807-17-1-RE1315 RECORDED JANUARY 29, 1991 UNDER RECEPTION NO. **2239763**.

    (AFFECTS PARCEL II)

25. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EXEMPTION NO. 0807-17-2-RE 2124 RECORDED JANUARY 6, 1998 UNDER RECEPTION NO. **2587737**.

    (AFFECTS IV AND V)

26. MATTERS SET FORTH IN IMPROVEMENT SURVEY PLAT RECORDED MARCH 25, 1998 UNDER RECEPTION NO. **2601849**

    (AFFECTS ALL PARCELS)

27. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EXEMPTION NO. 0807-8-3-RE 2798 RECORDED JANUARY 18, 2002 UNDER RECEPTION NO. **2918249**.

    (AFFECTS PARCEL III)

28. REQUEST FOR NOTIFICATION OF SURFACE DEVELOPMENT AS EVIDENCED BY INSTRUMENT RECORDED MAY 28, 2002 UNDER RECEPTION NO. **2954963**.

    (AFFECTS PARCELS I AND II)

29. ALL OIL, GAS AND OTHER MINERALS LYING IN, ON OR UNDER SUBJECT PROPERTY AS CONVEYED IN INSTRUMENT RECORDED OCTOBER 02, 2002 UNDER RECEPTION NO. **2992773**, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

    (AFFECTS PARCELS I AND II)

30. RIGHT OF WAY EASEMENT AS GRANTED TO CITY OF GREELEY IN INSTRUMENT RECORDED SEPTEMBER 03, 2004, UNDER RECEPTION NO. **3215819**.

    (AFFECTS PARCELS I AND II)

31. (THIS ITEM WAS INTENTIONALLY DELETED)

32. OIL AND GAS LEASE RECORDED JANUARY 03, 2013 UNDER RECEPTION NO. **3900249** AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: RELINQUISHMENT AND QUITCLAIM OF SURFACE RIGHTS AND EASEMENTS RECORDED NOVEMBER 1, 2022 UNDER RECEPTION NO. **4864713**.

    NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABC25208685-3

(AFFECTS III, IV, AND V)

33. OIL AND GAS LEASE RECORDED JANUARY 03, 2013 UNDER RECEPTION NO. **3900250** AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

    NOTE: RELINQUISHMENT AND QUITCLAIM OF SURFACE RIGHTS AND EASEMENTS RECORDED NOVEMBER 1, 2022 UNDER RECEPTION NO. **4864713**.

    (AFFECTS PARCELS I AND II)

34. OIL AND GAS LEASE RECORDED OCTOBER 24, 2014 UNDER RECEPTION NO. **4056464**, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

    NOTE: AFFIDAVIT OF EXTENSION OF OIL AND GAS LEASES RECORDED DECEMBER 16, 2020 UNDER RECEPTION NO. **4662036**.

    NOTE: THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

    (AFFECTS PARCEL I)

35. ALL OIL, GAS, MINERALS AND OTHER MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED DECEMBER 13, 2018, UNDER RECEPTION NO. **4453393**, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.

    (AFFECTS ALL PARCELS)

36. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN OVERLAND ANNEXATION AGREEMENT RECORDED FEBRUARY 26, 2021 UNDER RECEPTION NO. **4686949**.

    ANNEXATION MAP RECORDED FEBRUARY 26, 2021 UNDER RECEPTION NO. **4686945**.

    ANNEXATION ORDINANCE NO. 2020-1602 RECORDED FEBRUARY 26, 2021 UNDER RECEPTION NO. **4686952**.

    (AFFECTS ALL PARCELS)

37. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AND IMPOSED BY OVERLAND 368 REZONING MAP AND PLANNED UNIT DEVELOPMENT PLAN RECORDED FEBRUARY 26, 2021 UNDER RECEPTION NO. **4687174**, AND PUD AMENDMENT RECORDED DECEMBER 5, 2022 UNDER RECEPTION NO. **4870345**.

    (AFFECTS ALL PARCELS)

38. EASEMENT GRANTED TO PRAIRIE SONG DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, FOR DRAINAGE AND TEMPORARY CONSTRUCTION, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED NOVEMBER 09, 2021, UNDER RECEPTION NO. **4774579** AND RE-RECORDED JANUARY 3, 2022 UNDER RECEPTION NO. **4790694**.

    (AFFECTS PARCELS III AND IV)

39. EASEMENT GRANTED TO PRAIRIE SONG DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, FOR WATER PIPELINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED NOVEMBER 09, 2021, UNDER RECEPTION NO. **4774581**.

    NOTE: TERMINATION OF TEMPORARY CONSTRUCTION EASEMENTS RECORDED APRIL 13, 2023 UNDER RECEPTION NO. **4892232**.

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABC25208685-3

(AFFECTS PARCELS III AND IV)

40. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN OVERLAND 368 MASTER PLAN AMENDMENT RECORDED DECEMBER 05, 2022 UNDER RECEPTION NO. **4870352**.

    (AFFECTS ALL PARCELS)

41. MATTERS SET FORTH IN ALTA/NSPS LAND TITLE SURVEY RECORDED JANUARY 20, 2023 UNDER RECEPTION NO. **4877694**.

    NOTE: UPON RECEIPT OF AN UPDATED SURVEY OF SUBJECT PROPERTY, THE FOREGOING EXCEPTION WILL BE DELETED.

    (AFFECTS ALL PARCELS)

42. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 1, AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880224**.

    (AFFECTS PARCEL I)

43. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 2, AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880225**.

    SPECIAL DISTRICT PUBLIC DISCLOSURE RECORDED JULY 25, 2023 UNDER RECEPTION NO. **4911183**.

    (AFFECTS PARCEL IV)

44. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 3, AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880226**.

    (AFFECTS PARCEL II)

45. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 4, AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880227**.

    (AFFECTS PARCEL IV)

46. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 5 , AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880228**.

    (AFFECTS PARCEL IV)

47. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE OVERLAND METROPOLITAN DISTRICT NO. 6, AS EVIDENCED BY INSTRUMENT RECORDED FEBRUARY 06, 2023, UNDER RECEPTION NO. **4880229**.

    (AFFECTS PARCEL III)

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: ABC25208685-3

NOTE: THE FOLLOWING NOTICES PURSUANT TO CRS 9-1.5-103 CONCERNING UNDERGROUND FACILITIES HAVE BEEN FILED WITH THE CLERK AND RECORDER. THESE STATEMENTS ARE GENERAL AND DO NOT NECESSARILY GIVE NOTICE OF UNDERGROUND FACILITIES WITHIN THE SUBJECT PROPERTY:
(A) MOUNTAIN BELL TELEPHONE COMPANY, RECORDED OCTOBER 1, 1981 AT RECEPTION NO. **1870705**.
(B) WESTERN SLOPE GAS COMPANY, RECORDED MARCH 9, 1983 AT RECEPTION NO. **1919757**.
(C) ASSOCIATED NATURAL GAS, INC., RECORDED JULY 20, 1984 AT RECEPTION NO. **1974810** AND RECORDED OCTOBER 1, 1984 AT RECEPTION NO. **1983584** AND RECORDED MARCH 3, 1988 AT RECEPTION NO. **2132709** AND RECORDED APRIL 10, 1989 AT RECEPTION NO. **2175917**.
(D) PANHANDLE EASTERN PIPE LINE COMPANY, RECORDED OCTOBER 1, 1981 AT RECEPTION NO. **1870756** AND RECORDED JUNE 26, 1986 AT RECEPTION NO. **2058722**.
(E) COLORADO INTERSTATE GAS COMPANY, RECORDED AUGUST 31, 1984 AT RECEPTION NO. **1979784**.
(F) UNION RURAL ELECTRIC ASSOCIATION, INC., RECORDED OCTOBER 5, 1981 AT RECEPTION NO. **1871004**.
(G) WESTERN GAS SUPPLY COMPANY, RECORDED APRIL 2, 1985 AT RECEPTION NO. **2004300**.
(H) PUBLIC SERVICE COMPANY OF COLORADO, RECORDED NOVEMBER 9, 1981 AT RECEPTION NO. **1874084**.
(I) ST. VRAIN SANITATION DISTRICT, RECORDED DECEMBER 14, 1988 AT RECEPTION NO. **2164975**.
(J) UNITED POWER, INC., RECORDED JANUARY 24, 1991 AT RECEPTION NO. **2239296**.

Land Title Guarantee Company
Disclosure Statements

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

(A) The Subject real property may be located in a special taxing district.

(B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).

(C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

(A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.

(B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.

(C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.

(D) The Company must receive payment of the appropriate premium.

(E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

(A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and

(B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 24-21-514.5, Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

Joint Notice of Privacy Policy of
Land Title Guarantee Company
Land Title Insurance Corporation and
Old Republic National Title Insurancy Company

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
- your transactions with, or from the services being performed by us, our affiliates, or others;
- a consumer reporting agency, if such information is provided to us in connection with your transaction;

  and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration

Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

Commitment For Title Insurance
Issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS
   (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
   (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
   (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
   (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
   (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
   (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
   (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
   (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
   (a) the Notice;
   (b) the Commitment to Issue Policy;
   (c) the Commitment Conditions;
   (d) Schedule A;
   (e) Schedule B, Part I—Requirements; and
   (f) Schedule B, Part II—Exceptions; and
   (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. **COMPANY'S RIGHT TO AMEND**

   The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. **LIMITATIONS OF LIABILITY**
   (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
      i. comply with the Schedule B, Part I—Requirements;
      ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
      iii. acquire the Title or create the Mortgage covered by this Commitment.
   (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
   (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
   (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
   (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
   (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
   (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. **LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**
   (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
   (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
   (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

(d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
(e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. **IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. **PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. **ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is $2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880

Craig B. Rants, Senior Vice President

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
1408 North Westshore Blvd., Suite 900, Tampa, Florida 33607
(612) 371-1111 *www.oldrepublictitle.com*

By President

Attest Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Bonnie Niziolek

From: Michael McCullar <michael.mccullar@weldre4.org>
Sent: Wednesday, December 11, 2024 3:47 PM
To: Bonnie Niziolek
Subject: Re: Windsor - Overland 368 project

Sounds great, thanks for the update! I will take a look.

Michael McCullar I Chief Operating Officer

Weld RE-4 School District *Operations*
970-686-8000

On Wed, Dec 11, 2024 at 1:55 PM Bonnie Niziolek <bonnie@peakdevgrp.com> wrote:

> Hi Michael,
>
> Wanted to let you know we've continued through the Town process on this project. Our rezoning submittal and master plan are expected to go to hearing early next year and we've submitted a preliminary plat submittal (attached), which shows the school site in the same location we previously discussed.
>
> Let us know if you have any questions. Thanks!
>
> BONNIENIZIOLEK

1480 Humboldt Street, Denver, CO 80218

P 303.378.6577 | PeakDevGrp.com

From: Michael McCullar <michael.mccullar@weldre4.org>
Sent: Friday, August 16, 2024 1:17 PM
To: Bonnie Niziolek <bonnie@peakdevgrp.com>
Cc: Chad Ellington <chad@peakdevgrp.com>
Subject: Re: Windsor - Overland 368 project

Bonnie

Calcs look correct and I would be fine working with you all through this moving forward.

Michael McCullar I Chief Operating Officer

Weld RE-4 School District *Operations*
970-686-8000

On Wed, Jul 24, 2024 at 11:44 AM Bonnie Niziolek <bonnie@peakdevgrp.com> wrote:

Hi Michael!

Wanted to follow up on this. Let us know if it would be helpful to talk through this on a call.

Thanks!

BONNIENIZIOLEK

PEAK DEVELOPMENT

1480 Humboldt Street, Denver, CO 80218

P 303.378.6577 | PeakDevGrp.com

From: Bonnie Niziolek
Sent: Wednesday, July 10, 2024 6:09 PM
To: Michael McCullar <michael.mccullar@weldre4.org>
Cc: Chad Ellington <chad@peakdevgrp.com>
Subject: RE: Windsor - Overland 368 project

Hi Michael,

Thanks again for your time this Spring reviewing the school land dedication requirements for the Overland community along with the District's plan for school in the area.

Since we met, we've worked through our master site plan and located Overland's portion of the school site along WCR 70 adjacent to the planned school site for Prairie Song. In the attached plan we're showing approximately 8.5-9.3 acres of dedication (we're still working through some site plan details to get to that final number) in addition to the Prairie Song's 10 acres. This provides you with more than 18 acres overall, in excess of the 10 acre minimum/13 acre preferred area we had discussed.

As we start moving toward formal plan submittals to the Town in the next couple weeks we wanted to work with you to get this location finalized and confirm our dedication calcs are correct. We're showing approximately 7.3 acres are required with approximately 8.5+ provided.

	Unit Count	AC per Unit	AC	Provided
SFD (40x100 front)	176	0.01869	3.28944	
SFD (50x110 front)	141	0.01869	2.63529	
SFA (duplex)	96	0.00780	0.7488	
SFA (townhomes)	89	0.00780	0.6942	
Total	**502**		**7.36773**	**~8.5 - 9.3 ac**

Let us know if you need any additional information to review and we're happy to get on a call to talk through this if that's helpful.

Thanks again for all you help!

BONNIENIZIOLEK

1480 Humboldt Street, Denver, CO 80218

P 303.378.6577 | PeakDevGrp.com

From: Michael McCullar <michael.mccullar@weldre4.org>
Sent: Thursday, May 23, 2024 2:26 PM
To: Bonnie Niziolek <bonnie@peakdevgrp.com>
Subject: Re: Windsor - Overland 368 project

Bonnie,

Yes the example you provided matches our calculation methodology.

Michael McCullar, Chief Operating Officer

Weld RE4 School District

1020 Main Street

Windsor, CO 80550

970-686-8015

www.weldre4.org

On Wed, May 15, 2024 at 3:22 PM Bonnie Niziolek <bonnie@peakdevgrp.com> wrote:

Hi Mike,

Thanks again for your time this afternoon. Wanted to confirm we're doing our math right on this school dedication since there are a lot of additional numbers on this table.

We have a mix of single family detached and single family attached homes. Using the table below, it looks like we can just take our unit count times the acres per unit (depending on the product type) for a total land area requirement. And then take the cash-in-lieu number times our unit count for the cash-in-lieu equivalent, which is roughly the same as our acreage requirement times the development land value of $156,000.

An example:

177 SFD units *.01869 = 3.31 ac

Cash-in-lieu equivalent = 177 SFD units*2916 = 516,132 (roughly the same as 3.31*156,000 = 516,360)

(and then the same for the SFA units)

Thanks!

Exhibit B: Methodology for Calculating Land Dedication and In-lieu Payments

	Student Yield	Site Requirement Acres	Capacity	Acres Per Student	Acres Per Unit	Land Value	Cash In Lieu
Single Family - d							
Elementary	0.330	10	600	0.017	0.00550	$156,000	$858
Middle School	0.160	25	900	0.028	0.00444	$156,000	$693
High School	0.210	50	1200	0.042	0.00875	$156,000	$1,365
Total	0.700	85		0.086	0.01869		$2,916
Single Family - a							
Elementary	0.150	10	600	0.017	0.00250	$156,000	$390
Middle School	0.070	25	900	0.028	0.00194	$156,000	$303
High School	0.080	50	1200	0.042	0.00333	$156,000	$520
Total	0.300	85		0.086	0.00778		$1,213
Multi-Family							
Elementary	0.210	10	600	0.017	0.00350	$156,000	$546
Middle School	0.100	25	900	0.028	0.00278	$156,000	$433
High School	0.050	50	1200	0.042	0.00208	$156,000	$325
Total	0.360	85		0.086	0.00836		$1,304
Mobile Homes							
Elementary	0.289	10	600	0.017	0.00482	$156,000	$751
Middle School	0.146	25	900	0.028	0.00406	$156,000	$633
High School	0.165	50	1200	0.042	0.00688	$156,000	$1,073
Total	0.600	85		0.086	0.01575	$2,457	

1480 Humboldt Street, Denver, CO 80218

P 303.378.6577 | PeakDevGrp.com

From: Michael McCullar <michael.mccullar@weldre4.org>
Sent: Tuesday, May 7, 2024 8:31 AM
To: Bonnie Niziolek <bonnie@peakdevgrp.com>
Subject: Re: Windsor - Overland 368 project

I am available 5/15 from 1-3, 5/20 from 11-1 or 2-4. Let me know if any of those slots work for you.

Michael McCullar, Chief Operating Officer

Weld RE4 School District

1020 Main Street

Windsor, CO 80550

970-686-8015

www.weldre4.org

On Mon, May 6, 2024 at 10:56 AM Bonnie Niziolek <bonnie@peakdevgrp.com> wrote:

Hi Michael,

Thanks for this update! Do you have time for a zoom call in the next week or so to discuss this site?

Let me know a couple days/times that work for you.

Thanks!

BONNIENIZIOLEK

PEAK DEVELOPMENT

1480 Humboldt Street, Denver, CO 80218

P 303.378.6577 | PeakDevGrp.com

From: Chad Ellington <chad@peakdevgrp.com>
Sent: Tuesday, April 30, 2024 9:57 AM

To: Bonnie Niziolek <bonnie@peakdevgrp.com>; Sam Sharp <Sam@peakdevgrp.com>
Subject: FW: Windsor - Overland 368 project

From: Michael McCullar <michael.mccullar@weldre4.org>
Sent: Tuesday, April 30, 2024 8:44 AM
To: Chad Ellington <chad@peakdevgrp.com>
Subject: Re: Windsor - Overland 368 project

Chad

Thanks for reaching out. As for the middle school, we will be opening in August of 2025.

The site that had been previously negotiated will still be needed for an elementary school due to the planned residential growth. We would be happy to sit and discuss a revised location if that is of interest to you.

Look forward to working with you and please do not hesitate to reach out with any other questions.

Best Regards

Michael McCullar, Chief Operating Officer

Weld RE4 School District

1020 Main Street

Windsor, CO 80550

970-686-8015

www.weldre4.org

On Mon, Apr 22, 2024 at 10:06 AM Chad Ellington <chad@peakdevgrp.com> wrote:

> Greetings Michael.
>
> We are a master-plan developer and have recently re-started the community planning effort for a new community in Windsor that has been referred to as Overland 368, immediately south of the Prairie Song development, just north of Windsor High School.
>
> Looking through your long-range planning documents it appears like some progress is being made on the new middle school just west of WCR 15. Curious on the latest timing of that effort.
>
> A previous developer had spent a couple years working on planning the community but has since dropped their contract to purchase the property.
>
> We now have the property under contract and are working on a new community plan (first draft attached) for Overland 368.

Inquiring today about the likely need (or possible lack of need and preference for cash-in-lieu) for the school site dedication land that was previously shown in older planning efforts (+/-13.4ac) on the north side of our community and the south of Prairie Song.

Happy to set up a call to discuss further at your convenience.

Thank you!

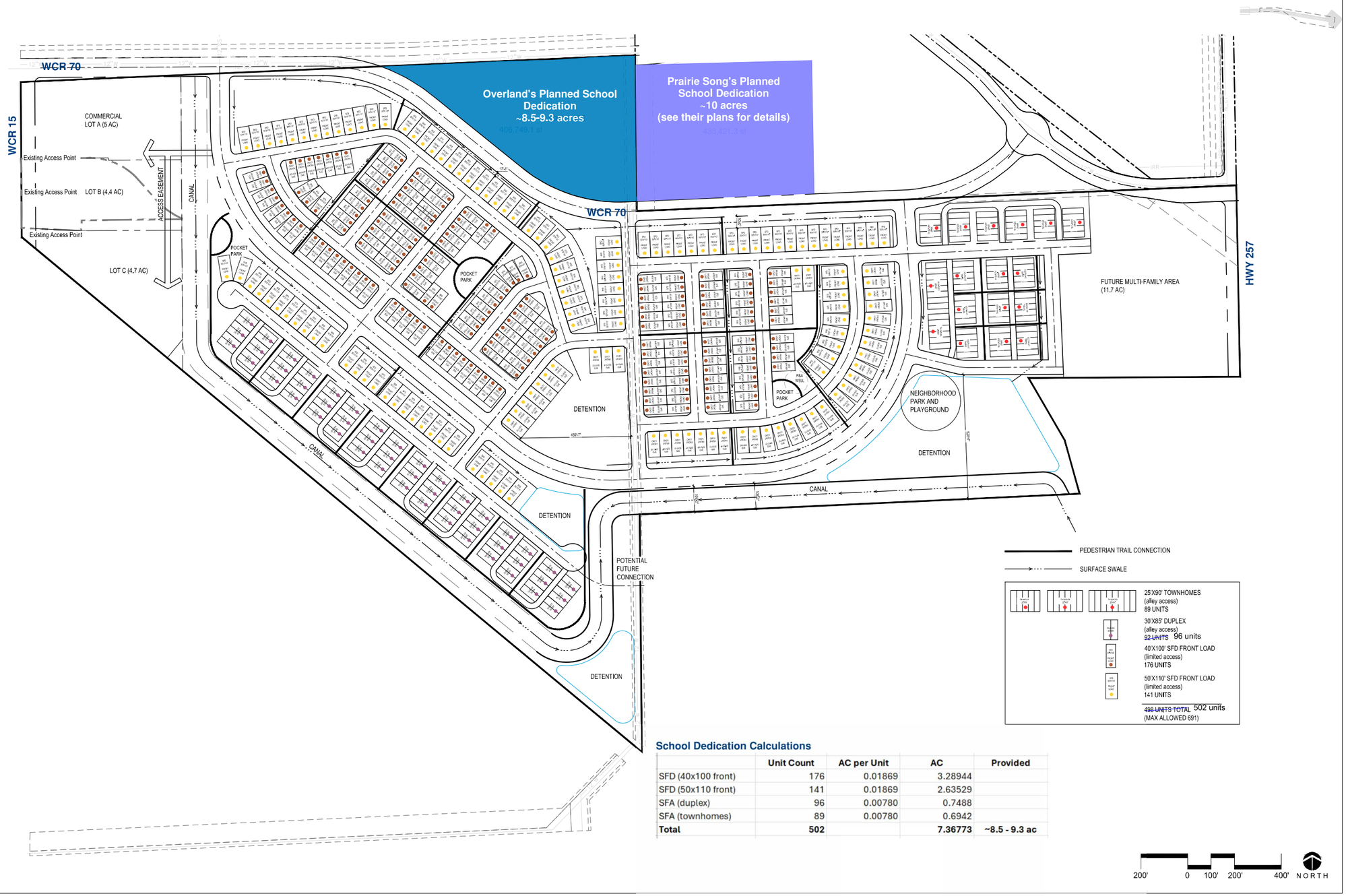
-Chad

CHADELLINGTON

PEAK DEVELOPMENT

1480 Humboldt Street, Denver, CO 80218

P 303.503.1016 | PeakDevGrp.com



School Dedication Calculations

	Unit Count	AC per Unit	AC	Provided
SFD (40x100 front)	176	0.01869	3.28944	
SFD (50x110 front)	141	0.01869	2.63529	
SFA (duplex)	96	0.00780	0.7488	
SFA (townhomes)	89	0.00780	0.6942	
Total	**502**		**7.36773**	**~8.5 - 9.3 ac**

OVERLAND
Windosr, Colorado

PEAK DEVELOPMENT

russell + mills

REV.	COMMENT	DATE

NOT FOR CONSTRUCTION

Date: 06.12.2024

Drawn By: SL

Checked By: CR

Sheet Name

CONCEPTUAL MASTER PLAN

Sheet

LS100

OVERLAND 368
SECOND AMENDED MASTER PLAN

Parcels Of Land Located In Section 8 And Section 17, Township 6 North,Range 67 West Of The 6TH P.M., County Of Weld, State Of Colorado
APN: 0807-8-3RE 2798, 0807-17-1-RE 2124, 0807-17-2-RE 2124, 0807-17-1-RE 1315, 0807-17-2-RE 1315

ACKNOWLEDGMENT OF OWNERSHIP INTEREST
THE UNDERSIGNED, BEING ALL THE OWNERS, LIENHOLDERS, AND HOLDERS OF ANY OWNERSHIP INTEREST AS DEFINED BY THE TOWN OF WINDSOR, OF THE LAND DESCRIBED HEREON, HAVE CAUSED SUCH LAND TO BE ANNEXED AND MASTER PLANNED AS INDICATED ON THIS MASTER PLAN. THE WITHIN MASTER PLAN IS SUBMITTED IN ACCORDANCE WITH THE WINDSOR MUNICIPAL CODE. IT IS HEREBY ACKNOWLEDGED THAT ALL CONSTRUCTION, USE AND DEVELOPMENT OF THIS PROPERTY WILL BE IN STRICT ACCORDANCE WITH THIS MASTER PLAN. IT IS FURTHER ACKNOWLEDGED THAT DEVIATION FROM THIS MASTER PLAN WITHOUT THE EXPRESS WRITTEN CONSENT OF THE TOWN OF WINDSOR MAY RESULT IN REVOCATION OF THE TOWN'S APPROVAL OF THE MASTER PLAN, DENIAL OF BUILDING PERMITS, REFUSAL TO ISSUE CERTIFICATES OF OCCUPANCY, INJUNCTIVE RELIEF PROHIBITING USE OF THE PROPERTY AND OTHER REMEDIES AVAILABLE TO THE TOWN UNDER THE WINDSOR MUNICIPAL CODE AND OTHER APPLICABLE LAWS OF THE STATE OF COLORADO. THE UNDERSIGNED HAVE CAUSED SAID LAND TO BE LAID OUT AND MASTER PLANNED UNDER THE NAME OF OVERLAND 368.

IN WITNESS WHERE OF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS THE _____ DAY OF _____, 20___.

_____
OVERLAND 368 REPRESENTATIVE

NOTARIAL CERTIFICATE
STATE OF _____)
COUNTY OF _____) SS.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE MY BY
_____ AS _____ OF _____
THIS _____ DAY OF _____, 20___.

MY COMMISSION EXPIRES: _____
(SEAL) NOTARY PUBLIC

IN WITNESS WHERE OF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS THE _____ DAY OF _____, 20___.

_____
AMERICAN AGCREDIT, FLCA REPRESENTATIVE

NOTARIAL CERTIFICATE
STATE OF _____)
COUNTY OF _____) SS.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE MY BY
_____ AS _____ OF _____
THIS _____ DAY OF _____, 20___.

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC

ENGINEERING DEPARTMENT APPROVAL
APPROVED THIS THE _____ DAY OF _____, 20___.

_____
DIRECTOR OF ENGINEERING

PLANNING DEPARTMENT APPROVAL
APPROVED THIS THE _____ DAY OF _____, 20___.

_____
DIRECTOR OF PLANNING

MAYOR'S CERTIFICATE
THIS IS TO CERTIFY THAT A MASTER PLAN OF THE PROPERTY DESCRIBED HEREIN WAS APPROVED BY RESOLUTION NO. _____ OF THE TOWN OF WINDSOR PASSED AND ADOPTED ON THE DAY OF _____, 20 , A.D. AND THAT THE MAYOR OF THE TOWN OF WINDSOR, AS AUTHORIZED BY SAID RESOLUTION ON BEHALF OF THE TOWN OF WINDSOR, HEREBY ACKNOWLEDGES AND ADOPTS THE SAID MASTER PLAN UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

_____ATTEST:_____
MAYOR TOWN CLERK

TOWN MANAGER'S APPROVAL
APPROVED THIS THE _____ DAY OF _____, 20___.

_____
TOWN MANAGER

CITY OF GREELEY
REVIEWED BY: _____
WATER/SEWER CHIEF ENGINEER DATE

REVIEW DOES NOT CONSTITUTE "APPROVAL" OF PLANS. PERMITTEE IS RESPONSIBLE FOR ACCURACY AND COMPLETENESS OF PLANS.

PUBLIC WORKS DEPARTMENT APPROVAL
APPROVED THIS THE _____ DAY OF _____, 20___.

_____
DIRECTOR OF PUBLIC WORKS

PREPARER'S CERTIFICATE
I CERTIFY THAT THIS MASTER PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

_____	_____
PRINT NAME	SIGNATURE
PREPARER OF MASTER PLAN	PREPARER OF MASTER PLAN
_____	_____
PRINT NAME	SIGNATURE
PREPARER OF MASTER PLAN	PREPARER OF MASTER PLAN

NOTICE OF OTHER DOCUMENTS
ALL PERSONS TAKE NOTICE THAT CERTAIN DOCUMENTS HAVE BEEN EXECUTED PERTAINING TO THIS DEVELOPMENT, WHICH CREATE CERTAIN RIGHTS AND OBLIGATIONS OF THE DEVELOPMENT, THE DEVELOPER AND/OR SUBSEQUENT OWNERS OF ALL OR PORTIONS OF THE DEVELOPMENT SITE, MANY OF WHICH OBLIGATIONS CONSTITUTE PROMISES AND COVENANTS THAT RUN WITH THE LAND. THESE DOCUMENTS ARE OF RECORD AND ARE ON FILE WITH THE DIRECTOR OF PLANNING OF THE TOWN OF WINDSOR AND SHOULD BE CLOSELY EXAMINED BY ALL PERSONS INTERESTED IN PURCHASING ANY PORTION OF THE DEVELOPMENT SITE.

DESCRIPTION
A PLAT OF A PARCEL OF LAND IN THE TOWN OF WINDSOR, COUNTY OF WELD, COLORADO LOCATED IN LOT A, SECOND AMENDED RECORDED EXEMPTION NO. 0807-17-1 RE 526, RECORDED AT RECEPTION NO. 01983051, LOT B, RECORDED EXEMPTION NO. 0807-17-1 RE1315, RECORDED AT RECEPTION NO. 02239763, LOT A AND B, RECORDED EXEMPTION NO. 0807-17-2 RE 2124 RECORDED AT RECEPTION NO. 2587737 AND LOT B, RECORDED EXEMPTION NO. 0807-8-3 RE 2798 RECORDED AT RECEPTION NO. 29182549, ALL RECORDED IN THE WELD COUNTY CLERK AND RECORDERS OFFICE, LOCATED IN THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 8 AND THE NORTH HALF OF SECTION 17, ALL IN T. 6 N., R. 67 W. OF THE 6TH P.M., COUNTY OF WELD, COLORADO, DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M.; AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17 TO HAVE AN ASSUMED BEARING OF S 00°19'45" E. SAID LINE IS MONUMENTED AT BOTH ENDS BY A NUMBER 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4" ALUMINUM CAP STAMPED PLS 22098 IN RANGE BOX, WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE S87°33'23"W, A DISTANCE OF 64.50 FEET ON THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 TO THE NORTHEAST CORNER OF LOT A, SECOND AMENDED RECORDED EXEMPTION NO. 0807-17-1 RE 526 AND POINT OF BEGINNING;

THENCE S01°04'06"E, A DISTANCE OF 818.46 FEET ALONG THE EASTERLY LINE OF SAID LOT A AND EASTERLY LINE OF SAID LOT B, RECORDED EXEMPTION NO. 0807-17-1 RE1315 TO THE SOUTHEAST CORNER OF SAID LOT B, MONUMENTED BY NO. 4 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED YELLOW PLASTIC CAP STAMPED LS 7242;

THENCE S89°40'07"W, A DISTANCE OF 904.29 FEET ALONG THE SOUTHERLY LINE OF SAID LOT B TO THE SOUTHWEST CORNER OF SAID LOT B, MONUMENTED BY NO 4 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED YELLOW PLASTIC CAP STAMPED LS 7242;

THENCE S29°46'56"E, A DISTANCE OF 309.89 FEET ALONG THE EASTERLY LINE OF SAID LOT A, SECOND AMENDED RECORDED EXEMPTION NO. 0807-17-1 RE 526 TO THE SOUTHWEST CORNER OF SAID LOT A, RECORDED EXEMPTION NO. 0807-17-1 RE1315, MONUMENTED BY A MAG NAIL IN CONCRETE;

THENCE S15°53'43"E, A DISTANCE OF 232.52 FEET CONTINUING ON SAID EASTERLY LINE TO THE SOUTHEAST CORNER OF LOT A, SECOND AMENDED RECORDED EXEMPTION NO. 0807-17-1 RE 526 MONUMENTED BY A NO. 4 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED YELLOW PLASTIC CAP STAMPED LS 22098;

THENCE S87°28'34"W, A DISTANCE OF 1873.94 FEET ALONG THE SOUTHERLY LINE OF SAID LOT A TO THE SOUTHWEST CORNER OF SAID LOT A, MONUMENTED BY A NO. 4 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED ILLEGIBLE YELLOW PLASTIC CAP;

THENCE S00°54'18"E, A DISTANCE OF 29.08 FEET ALONG THE EASTERLY LINE OF LOT B, RECORDED EXEMPTION NO.0807-17-2 RE 2124 TO THE CENTER-NORTH 1/16TH CORNER OF SAID SECTION 17, MONUMENTED BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4" ALUMINUM CAP STAMPED LS 22098;

THENCE S00°54'18"E, A DISTANCE OF 976.43 FEET CONTINUING ON SAID EASTERLY LINE OF LOT B TO THE SOUTHEAST CORNER OF SAID LOT B, MONUMENTED BY A 1" STEEL PIPE OF UNKNOWN LENGTH;

THENCE N50°40'16"W, A DISTANCE OF 3443.19 FEET ALONG THE SOUTHWESTERLY LINES OF LOT A AND B, RECORDED EXEMPTION NO.0807-17-2 RE 2124 TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, MONUMENTED BY A 24" NO. 5 REBAR WITH AN ATTACHED 1-1/4" ORANGE PLASTIC CAP STAMPED PLS 37911;

THENCE S87°32'58"W, A DISTANCE OF 1.37 FEET ALONG SAID NORTH LINE OF THE NORTHWEST QUARTER TO THE NORTHWEST CORNER OF SAID SECTION 17, MONUMENTED BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 2-1/2" ALUMINUM CAP STAMPED LS 28285;

THENCE N00°22'08"W, A DISTANCE OF 38.90 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 8 TO THE NORTHERLY LINE OF SAID LOT A, RECORDED EXEMPTION NO. 0807-17-2 RE 2124;

THENCE ALONG THE NORTHERLY LINES OF SAID LOT A FOR THE FOLLOWING 4 COURSES;
1. N89°38'00"E, A DISTANCE OF 80.21 FEET, MONUMENTED BY A 24", NO. 5 REBAR OF WITH AN ATTACHED 1-1/4" ORANGE PLASTIC CAP STAMPED PLS 37911
2. S86°48'48"E, A DISTANCE OF 173.70 FEET, MONUMENTED BY A 24", NO. 5 REBAR OF WITH AN ATTACHED 1-1/4" ORANGE PLASTIC CAP STAMPED PLS 37911;
3. N03°11'12"E, A DISTANCE OF 44.67 FEET, MONUMENTED BY A 24", NO. 5 REBAR WITH AN ATTACHED 1-1/4" ORANGE PLASTIC CAP STAMPED PLS 37911;
4. N88°58'21"E, A DISTANCE OF 430.49 FEET TO THE SOUTHEASTERLY CORNER OF SUBDIVISION EXEMPTION SE-832, MONUMENTED BY A NO. 4 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED YELLOW PLASTIC CAP STAMPED LS 14823;

THENCE ALONG THE WESTERLY, NORTHERLY AND EASTERLY LINE OF LOT B, RECORDED EXEMPTION NO. 0807-8-3 RE 2798 FOR THE FOLLOWING 7 COURSES;
1. ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 330.00 FEET, A CENTRAL ANGLE OF 25°00'15", A DISTANCE OF 144.01 FEET, A CHORD BEARING OF N53°56'23"W WITH A CHORD DISTANCE OF 142.87 FEET;
2. N41°23'41"W, A DISTANCE OF 108.70 FEET, MONUMENTED BY A 24" NO. 5 REBAR WITH AN ATTACHED 1-1/4" ORANGE PLASTIC CAP STAMPED PLS 37911;
3. ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 48°58'24", A DISTANCE OF 230.78 FEET, A CHORD BEARING OF N65°52'53"W WITH A CHORD DISTANCE OF 223.82 FEET, MONUMENTED BY A 24", NO. 5 REBAR WITH AN ATTACHED 1-1/4" ORANGE PLASTIC CAP STAMPED PLS 37911;
4. S89°37'54"W, A DISTANCE OF 296.81 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 8;
5. N00°22'08"W, A DISTANCE OF 326.67 FEET ON SAID WEST LINE TO THE NORTHWEST CORNER OF SAID LOT B, RECORDED EXEMPTION NO. 0807-8-3 RE 2798, MONUMENTED BY A MAG NAIL;
6. N87°31'36"E, A DISTANCE OF 2628.59 FEET ON THE NORTHERLY LINE OF SAID LOT B TO THE CENTER-SOUTH-SOUTH 1/64TH CORNER OF SAID SECTION 8, MONUMENTED BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 2-1/2" ALUMINUM CAP STAMPED PLS 37911;
7. S00°34'18"E, A DISTANCE OF 664.91 FEET ON THE EASTERLY LINE OF SAID LOT B TO THE SOUTHEAST CORNER OF SAID LOT B AND THE NORTH QUARTER CORNER OF SAID SECTION 17, MONUMENTED BY A NO. 6 REBAR OF UNKNOWN LENGTH WITH AN ATTACHED 3-1/4" ALUMINUM CAP STAMPED PLS 16154;

THENCE N87°33'23"E, A DISTANCE OF 2566.23 FEET ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 TO THE POINT OF BEGINNING.

PARCEL CONTAINS 7,541,514 SQUARE FEET OR 173.053 ACRES, MORE OR LESS.

INTENT OF THIS PLAN
OVERLAND 368 IS A 173.053 ACRE PROPERTY LOCATE D IN THE TOWN OF WINDSOR. THE PROPERTY IS LOCATED NORTHWEST OF WINDSOR LAKE. IT IS LESS THAN ONE MILE NORTH OF THE TOWN CENTER BOUNDED ON THE EAST BY NORTH 7TH STREET, ON THE WEST BY 15TH STREET, ON THE SOUTH BY THE GREAT WESTERN RAILWAY, AND AGRICULTURAL LANDS TO THE NORTH (FUTURE PRAIRIE SONG/TACINCALA DEVELOPMENT). CURRENTLY DESIGNATED AS RMU-2 ZONE DISTRICT, THE PROPERTY WAS FORMALLY BLUE SKY FARMS WHICH OPERATED AS A FARMING AND LIVESTOCK BUSINESS.

OVERLAND IS A MASTER PLANNED COMMUNITY THAT FOCUSES ON MARKET RATE AND ATTAINABLE HOUSING WITHIN AN ENVIRONMENTALLY CONSCIOUS LANDSCAPE. THE TRAIL NETWORK SYSTEM WITHIN THE PLENTIFUL OPEN SPACE AREAS EMBRACE THE ACTIVE LIFESTYLE OF THE FRONT RANGE COMMUNITY.

THE PURPOSE OF THE OVERLAND MASTER PLAN IS TO PROVIDE DIVERSE HOME CHOICES FOR A WIDE RANGE OF INCOME LEVELS AND STAGES OF LIFE. THESE GUIDELINES ARE INTENDED TO GUIDE DEVELOPMENT BUT ALSO PROVIDE FLEXIBILITY TO ADDRESS FUTURE MARKET CONDITIONS.

OPEN SPACE PROTECTION
ALL AREAS DEPICTED HEREON AS "OPEN SPACE" SHALL REMAIN UNDEVELOPED, REGARDLESS OF OWNERSHIP AND REGARDLESS OF OFFICIAL ZONING DESIGNATION. NO PERMANENT STRUCTURES OF ANY KIND MAY BE ERECTED UPON AREAS DEPICTED HEREON AS "OPEN SPACE" WITHOUT THE PRIOR WRITTEN CONSENT OF THE TOWN MANAGER FOR THE TOWN OF WINDSOR.

NOTES:
1. BASIS OF BEARINGS IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 17 AS BEARING NORTH 87°33'06" EAST.
2. THE LINEAL UNIT OF MEASUREMENT FOR THIS PLAT IS U.S. SURVEY FEET.
3. ACCESS EASEMENT LOCATIONS ARE SUBJECT TO CHANGE AT SITE PLAN PHASE.

CITY OF GREELEY NOTES:
1. ALL EASEMENTS AND RIGHTS-OF-WAY CROSSING THE CITY OF GREELEY EASEMENT ARE SUBJECT TO THE RIGHTS OF SAID CITY OF GREELEY EASEMENT.
2. THERE SHALL BE NO PERMANENT STRUCTURES, CONCRETE SLABS, DETENTION PONDS, FENCES, WALLS, TREES, OR OTHER LANDSCAPING OR BERMS GREATER THAN 3 FEET AT MATURE GROWTH, OR OTHER OBSTRUCTIONS WITHIN THE CITY OF GREELEY EASEMENT. NO COVER SHALL BE REMOVED AND/OR ADDED WITHOUT WRITTEN PERMISSION FROM CITY OF GREELEY WATER ENGINEER.
3. THERE SHALL BE NO OTHER UTILITIES WITHIN THE CITY OF GREELEY EASEMENT EXCEPT AT RIGHT ANGLE CROSSINGS AND UNLESS PREVIOUSLY APPROVED BY THE CITY OF GREELEY WATER & SEWER DEPARTMENT. ALL PLANS SHALL BE SUBMITTED DURING THE DESIGN PHASE AT LEAST TWO WEEKS PRIOR TO CONSTRUCTION AND SHALL SHOW POTHOLED LOCATIONS AND ELEVATIONS IN PLAN AND PROFILE VIEW. GREELEY WATER & SEWER WILL ISSUE APPROPRIATE CROSSING APPROVAL.
4. IN THE EVENT THAT EXCAVATION IS REQUIRED FOR THE CITY OF GREELEY WATER PIPELINES DUE TO WATER PIPELINE REPAIRS, REPLACEMENT OR OTHER OPERATIONS, THE EXCAVATION WILL BE BACKFILLED SAFELY BUT SURFACE RESTORATION WILL NOT BE DONE BY/ OR AT THE EXPENSE OF THE CITY OF GREELEY.
5. GREELEY WATER PIPELINE LOCATIONS ARE APPROXIMATE, CONTACT THE TRANSMISSION LINE TECHNICIAN AT 970-371-3726, 72 HOURS IN ADVANCE OF ANY LOCATE REQUEST OR ANY CONSTRUCTION ACTIVITIES WITHIN THE GREELEY WATER PIPELINE EASEMENT.
6. THERE SHALL BE NO VIBRATORY OR HEAVY SHEEPSFOOT COMPACTION WITHIN 20 FEET OF THE EXISTING WATER TRANSMISSION PIPELINE. STATIC COMPACTION EQUIPMENT SHALL BE USED.
7. GREELEY PIPELINES MUST HAVE A MINIMUM OF SIX (6) FEET OF COVER AT ALL LOCATIONS TO BE USED AS A LAND BRIDGE DURING ANY CONSTRUCTION ACTIVITIES.
8. NO CUTS IN GRADING ARE ALLOWED WITHIN THE TRANSMISSION WATERLINE EASEMENTS UNLESS SUFFICIENT COVER EXISTS AND IS REVIEWED / APPROVED BY THE CITY OF GREELEY.
9. GREELEY WATER LINE SUPPORT AT CROSSINGS SHALL BE INCORPORATED INTO THE DESIGN IF PROPOSED UTILITY CROSSING IS BELOW THE WATER LINE USING OPEN TRENCH CONSTRUCTION.
10. ANY IRRIGATION LINES AND/OR SPRINKLER SYSTEMS LOCATED WITHIN GREELEY EASEMENT REQUIRES CONTRACTOR TO PROVIDE GREELEY A FULL SET OF LANDSCAPING & IRRIGATION/SPRINKLER SYSTEM PLANS FOR REVIEW AND APPROVAL. PLANS TO BE PROVIDED A MINIMUM OF 2 WEEKS PRIOR TO CONSTRUCTION. VALVE BOXES ARE NOT TO BE LOCATED WITHIN GREELEY'S EASEMENT.
11. ANY WORK TO BE DONE ON CITY OF GREELEY WATERLINE(S) SHALL CONFORM TO CURRENT CITY OF GREELEY SPECIFICATIONS.
12. IF ANY DEVELOPMENT OR SITE WORK WITHIN CITY OF GREELEY EASEMENTS DAMAGES A WATER PIPELINE, EVEN IF A WATER PIPELINE CROSSING PERMIT HAS BEEN ISSUED, THE OWNER OF THE INSTALLATION IS LIABLE FOR THE DAMAGE. SHOULD A WATER PIPELINE BE DAMAGED, THE WATER & SEWER DEPARTMENT WILL REPAIR THE DAMAGE AND INVOICE THE OWNER OF THE INSTALLATION FOR THE COST OF THE REPAIR

SHEET INDEX

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OWNER/DEVELOPER:

DEVELOPER
PEAK DEVELOPMENT GROUP
1480 Humboldt Street,
Denver, CO 80218
303-503-1016

OWNER
OVERLAND 368, LLC
P.O. BOX 368
WINDSOR, CO 80550
970-222-7147

CONSULTING TEAM:

PLANNING
RVi PLANNING +
LANDSCAPE ARCHITECTURE
506 S. COLLEGE AVE, UNIT A
FORT COLLINS, CO 80524
970-484-8855

CIVIL ENGINEERING
GALLOWAY
5265 RONALD REAGAN BLVD.,
SUITE 210
JOHNSTOWN, CO 80534
970-800-3300

RVi
506 S College Ave
Unit A
Fort Collins, Colorado 80524
Tel: 970.484.8855
www.rviplanning.com

PEAK DEVELOPMENT

OVERLAND 368
SECOND AMENDED MASTER PLAN
WINDSOR, COLORADO

PROJECT NO :	24006273
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REVISIONS

COVER

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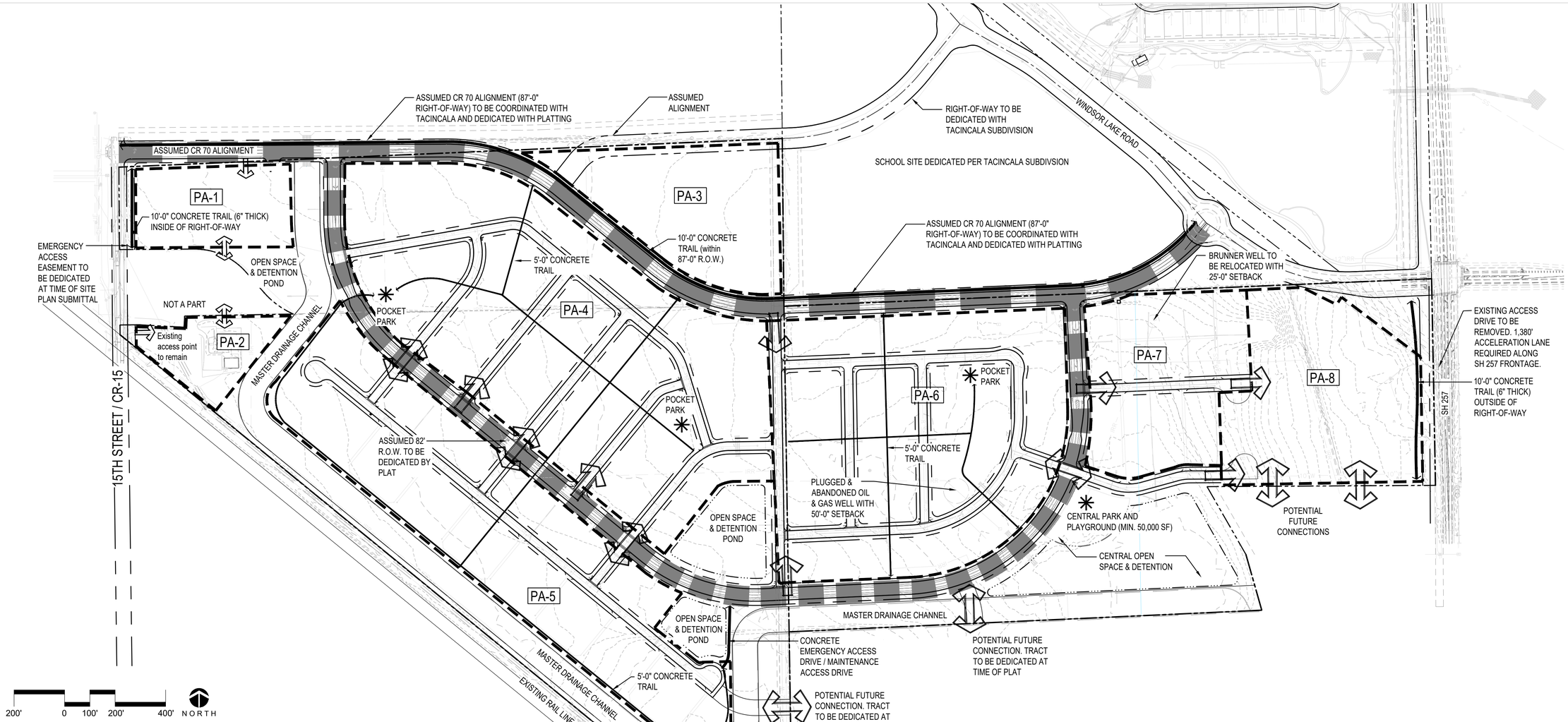
01_ORIGINAL ISSUE



ZONE DISTRICT: RESIDENTIAL MIXED-USE TWO (RMU-2)

LAND USE SUMMARY

PLANNING AREA	AREA	ZONING	# DWELLING UNITS Refer to Note #1	GROSS DENSITY	NET DENSITY (- R.O.W. and open space)	ANTICIPATED USES
PA-1	5.0 AC	RMU-2	N/A	N/A	N/A	Neighborhood Commercial (child care, etc)
PA-2	+/- 2.75 AC	RMU-2	1	0.36 DU/AC	0.36 DU/AC	Existing Single-family detached
PA-3	+/- 9.3 AC	RMU-2	N/A	N/A	N/A	School, open space, local R.O.W.
PA-4	+/- 33 AC	RMU-2	+/- 170	+/- 5 DU/AC	+/- 9 DU/AC	Single-family detached, open space local R.O.W.
PA-5	+/- 22.5 AC	RMU-2	+/- 130	+/- 6 DU/AC	+/-12 DU/AC	Single-family detached & Single-family attached (townhomes/ duplex), open space, local R.O.W.
PA-6	+/- 26.5 AC	RMU-2	+/- 120	+/- 4.5 DU/AC	+/- 8.5 DU/AC	Single-family detached, open space local R.O.W.
PA-7	+/- 9.5 AC	RMU-2	+/-90	+/-9 DU/AC	+/-16 DU/AC	Single-family detached & Single-family attached (townhomes/duplex), open space, local R.O.W.
PA-8	Min. 12 AC	RMU-2	Min. 200, Max. 228	+/-21 DU/AC	+/- 30 DU/AC	Multi-Family, open space, local R.O.W.
MASTER DRAINAGE CHANNEL	+/- 15 AC	RMU-2	N/A	N/A	N/A	Master drainage channel
OPEN SPACE	20% min. (34 AC)	RMU-2	N/A	N/A	N/A	Detention ponds, trail corridors, parks courtyards and street frontage
COLLECTOR RIGHT -OF-WAY	+/- 17.5 AC	RMU-2	N/A	N/A	N/A	Collector R.O.W - some is off property
TOTAL	173.053 AC	Maximum dwelling units = 726 (Refer Note#1)				

PRODUCT TYPE	MINIMUM LOT SIZE	MINIMUM PERCENTAGE OF OVERALL DWELLING UNITS *	MAXIMUM PERCENTAGE OF OVERALL DWELLING UNITS*
Multi-Family	1,400 SF	26%	33%
Townhouse (rear access)	1,400 SF/unit for overall density, no individual lot size	10%	15%
Standard Duplex (rear access)	2,500 SF	10%	15%
Single-Family Detached (limited access 15-5-10(a))	4,200 SF	20%	30%
Single-Family Detached (limited access 15-5-10(a))	5,720 SF	15%	20%

* Maximum Dwelling Units = 726

LEGEND

- PROPERTY LINE
- ACCESS POINT TO LOCAL ROAD (62' R.O.W.)
- ACCESS POINT TO DRIVEWAY
- RECREATION / PARK AREA
- 87' R.O.W. MAJOR COLLECTOR ASSUMED ALIGNMENT (WITH 10'-0" TRAIL/SIDEWALK ON NORTH SIDE)
- 82' R.O.W. COLLECTOR ROAD INTERNAL - MAJOR / MINOR
- APPROXIMATE DRAINAGE CHANNEL ALIGNMENT
- PLANNING AREA
- PROPOSED POND LOCATION
- PROPOSED TRAIL (REFER TO CALLOUTS FOR WIDTH)

NOTES:

1. THE AVERAGE DENSITY FOR THE ENTIRE OVERLAND PROJECT IS TO BE A MAXIMUM OF 4 DWELLING UNITS TO THE ACRE (4 DU/AC). THE AREA SHALL BE CALCULATED BY THE PLAT AREA (173.053 AC) AND THE ADDITIONAL AREA TO THE CENTERLINE OF CR15, HWY 257 AND THE CENTERLINE OF THE RAILROAD R.O.W. THIS YIELDS A TOTAL AREA OF 177.8 ACRES. DENSITY WITHIN THE PLANNING AREAS MAY BE HIGHER THAN 4 DU/AC AS LONG AS THE OVERALL PROJECT DENSITY DOES NOT EXCEED 4 DU/AC. ADDITIONALLY, UNITS MAY BE TRANSFERRED FROM ONE PLANNING AREA TO ANOTHER WITHIN OVERLAND SO LONG AS THE MAXIMUM UNIT COUNT OVER THE ENTIRE OVERLAND COMMUNITY DOES NOT EXCEED TOTAL UNITS ALLOWED.
2. IN THE EVENT THE SCHOOL SITE DOES NOT DEVELOP AS A SCHOOL, NO ADDITIONAL RESIDENTIAL DENSITY SHALL BE AUTHORIZED WITHOUT FURTHER STUDY, REVIEW, AND APPROVAL BY THE TOWN.
3. THE PLANNING DIRECTOR MAY AUTHORIZE ADMINISTRATIVE AMENDMENTS TO THE MASTER PLAN TO TRANSFER RESIDENTIAL DENSITY WITHIN OVERLAND 368 PROVIDED THE PROPERTY REMAINS UNDER UNIFIED OWNERSHIP OR, IF NOT UNDER UNIFIED OWNERSHIP, IF ALL APPLICABLE PROPERTY OWNERS PROVIDE WRITTEN CONSENT TO THE TRANSFER OF DENSITY.
4. MASTER PLAN IS FOR CONCEPTUAL PURPOSES ONLY.
5. SITE PLAN MUST BE REVIEWED BY PLANNING, BUILDING, AND FIRE DEPARTMENTS FOR CODE COMPLIANCE FOR SINGLE FAMILY ATTACHED (TOWNHOMES) AND MULTI-FAMILY.
6. BASE INFORMATION PER CIVIL ENGINEER.
7. CIVIL ENGINEER TO VERIFY ALL SETBACKS AND GRADING INFORMATION.
8. PRIMARY ENTRY MONUMENT SIGNAGE SHALL MEET ALL TOWN OF WINDSOR SIGN REGULATIONS. PRIOR TO SUBMITTING FOR SIGN APPLICATION, A PERMIT SIGNAGE DESIGN PACKAGE SHALL BE SUBMITTED TO TOWN OF WINDSOR PLANNING STAFF WITH SIGN LOCATIONS FOR ALL SIGNAGE TYPES AS WELL AS SIGNAGE DETAILS WITH MATERIALS, DIMENSIONS AND LIGHTING SOURCE IDENTIFIED. THOSE SIGNS REQUIRING A SIGN PERMIT SHALL FOLLOW STANDARD SIGN PERMIT PROCESS THROUGH THE TOWN OF WINDSOR.

RVi
506 S College Ave
Unit A
Fort Collins, Colorado 80524
Tel: 970.484.8855
www.rviplanning.com

PEAK DEVELOPMENT

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SECOND AMENDED MASTER PLAN
WINDSOR, COLORADO

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REVISIONS

OVERALL MASTER PLAN

2

01_ORIGINAL ISSUE

LEGEND

PROPERTY LINE

ACCESS POINT TO LOCAL ROAD (62' R.O.W.)

ACCESS POINT TO DRIVEAY

87' R.O.W. MAJOR COLLECTOR ASSUMED ALIGNMENT (WITH 10'-0" TRAIL/SIDEWALK ON NORTH SIDE)

82' R.O.W. COLLECTOR ROAD INTERNAL - MAJOR / MINOR

APPROXIMATE DRAINAGE CHANNEL ALIGNMENT

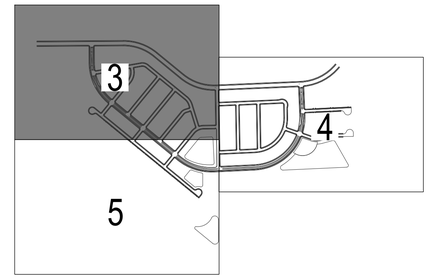
PLANNING AREA

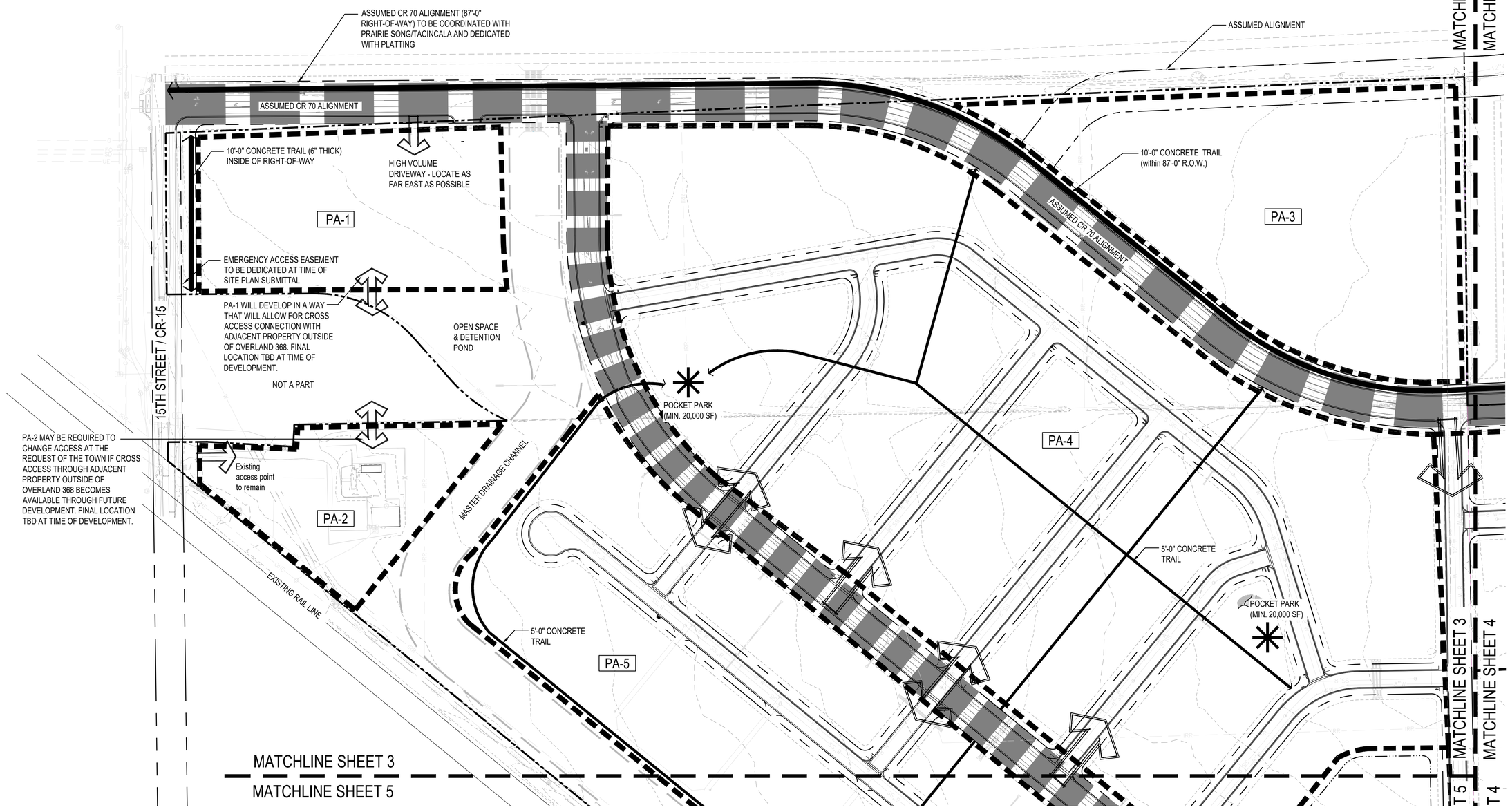
PROPOSED POND LOCATION

PROPOSED TRAIL (REFER TO CALLOUTS FOR WIDTHS)

RECREATION / PARK AREA

KEYMAP





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MASTER PLAN ENLARGEMENT

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01_ORIGINAL ISSUE

ASSUMED CR 70 ALIGNMENT (87'-0" RIGHT-OF-WAY) TO BE COORDINATED WITH TACINCALA AND DEDICATED WITH PLATTING

10'-0" CONCRETE TRAIL (within 87'-0" R.O.W.)

ASSUMED CR 70 ALIGNMENT

BRUNNER WELL TO RELOCATED WITH 25'-0" SETBACK

5'-0" CONCRETE TRAIL

POCKET PARK (MIN. 20,000 SF)

PA-7

PA-8

PA-6

EXISTING ACCESS DRIVE TO BE REMOVED. 1,380' ACCELERATION LANE REQUIRED ALONG SH 257 FRONTAGE.

10'-0" CONCRETE TRAIL (6" THICK) OUTSIDE OF RIGHT-OF-WAY

TEMPORARY TURN AROUND UNTIL R.O.W. IS PLATTED IN PA-8. R.O.W. ALIGNMENT TO BE DETERMINED AT THE TIME OF PLATTING FOR PA-8

SH 257

MATCHLINE SHEET 3

MATCHLINE SHEET 4

MATCH SHEET 5

MATCH SHEET 4

PLUGGED & ABANDONED OIL & GAS WELL WITH 50'-0" SETBACK

CENTRAL PARK AND PLAYGROUND LOCATION (MIN. 50,000 SF)

CENTRAL OPEN SPACE & DETENTION

POTENTIAL FUTURE CONNECTION

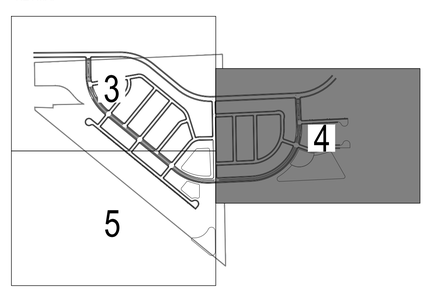
POTENTIAL FUTURE CONNECTION

MASTER DRAINAGE CHANNEL

POTENTIAL FUTURE CONNECTION. TRACT TO BE DEDICATED AT TIME OF PLAT

POTENTIAL FUTURE CONNECTION. TRACT TO BE DEDICATED AT TIME OF PLAT

KEYMAP



LEGEND

PROPERTY LINE

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ACCESS POINT TO DRIVEAY

87' R.O.W. MAJOR COLLECTOR ASSUMED ALIGNMENT (WITH 10'-0" TRAIL/SIDEWALK ON NORTH SIDE)

82' R.O.W. COLLECTOR ROAD INTERNAL - MAJOR / MINOR

APPROXIMATE DRAINAGE CHANNEL ALIGNMENT

PLANNING AREA

PROPOSED POND LOCATION

PROPOSED TRAIL (REFER TO CALLOUTS FOR WIDTHS)

RECREATION / PARK AREA

100' 0 50' 100' 200' NORTH

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01_ORIGINAL ISSUE

MATCHLINE SHEET 3

MATCHLINE SHEET 5

EXISTING RAIL LINE

MASTER DRAINAGE CHANNEL

PA-5

5'-0" CONCRETE TRAIL

OPEN SPACE & DETENTION POND

OPEN SPACE & DETENTION POND

CONCRETE EMERGENCY ACCESS DRIVE / MAINTENANCE ACCESS DRIVE

OPEN SPACE & IRRIGATION POND

MATCH SHEET 5

MATCH SHEET 4

100' 0 50' 100' 200' NORTH

LEGEND

PROPERTY LINE

ACCESS POINT TO LOCAL ROAD (62' R.O.W.)

ACCESS POINT TO DRIVEAY

87' R.O.W. MAJOR COLLECTOR ASSUMED ALIGNMENT (WITH 10'-0" TRAIL/SIDEWALK ON NORTH SIDE)

82' R.O.W. COLLECTOR ROAD INTERNAL - MAJOR / MINOR

APPROXIMATE DRAINAGE CHANNEL ALIGNMENT

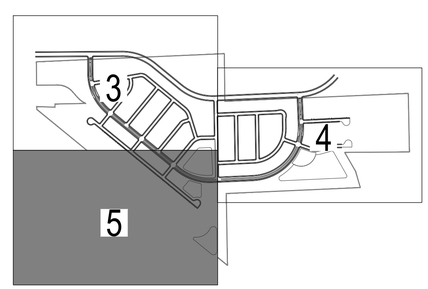
PLANNING AREA

PROPOSED POND LOCATION

PROPOSED TRAIL (REFER TO CALLOUTS FOR WIDTHS)

RECREATION / PARK AREA

KEYMAP



RVi

506 S College Ave
Unit A
Fort Collins, Colorado 80524
Tel: 970.484.8855
www.rviplanning.com

PEAK DEVELOPMENT

OVERLAND 368

SECOND AMENDED MASTER PLAN

WINDSOR, COLORADO

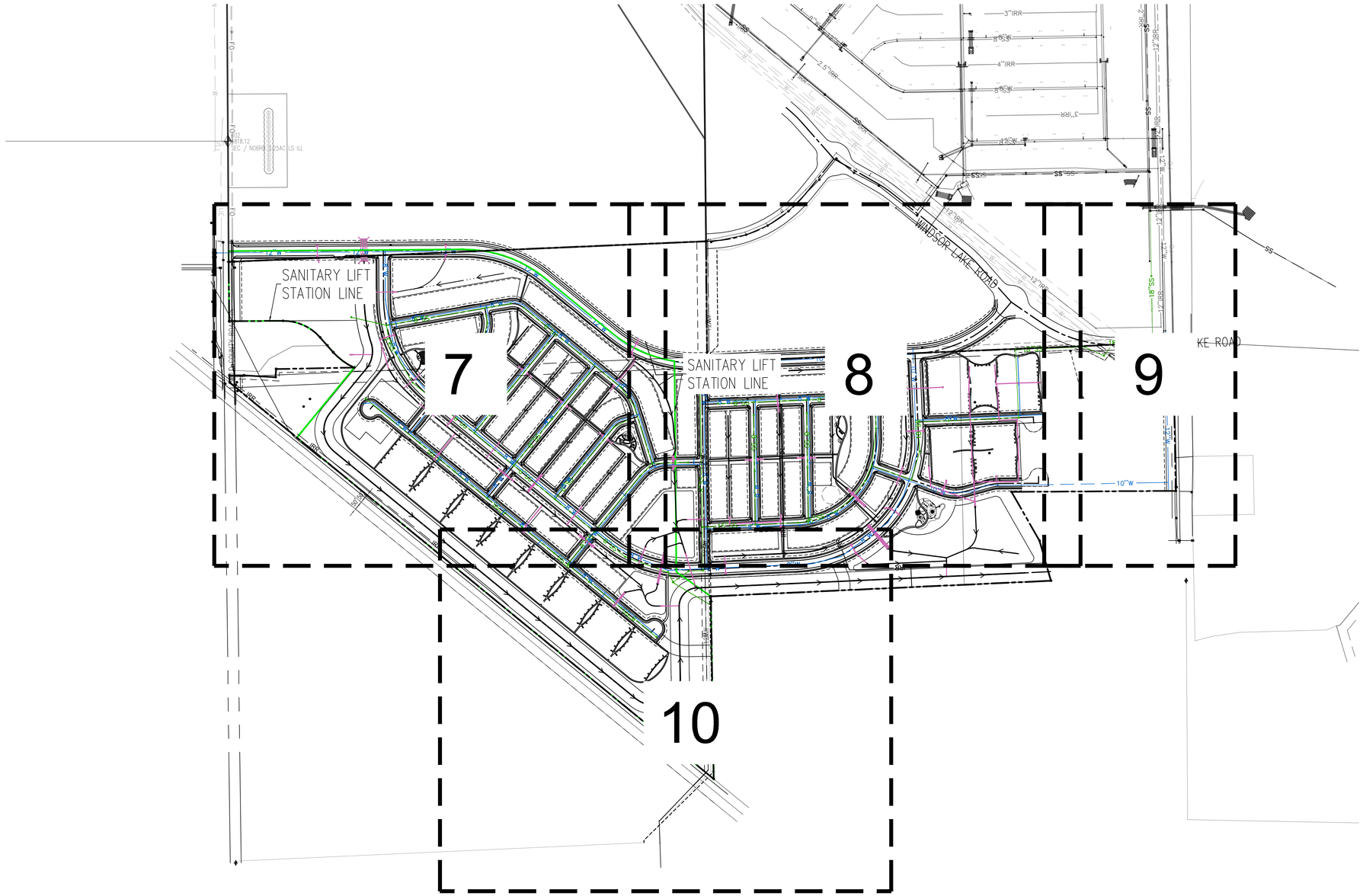
PROJECT NO :	24006273
DATE :	12/12/2024
DRAWN:	SL
REVIEWED:	CR

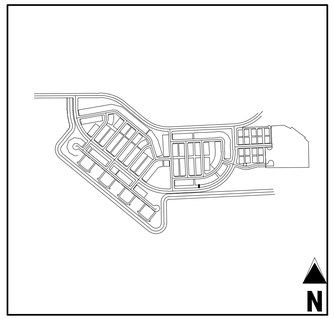
REVISIONS

MASTER PLAN ENLARGEMENT

5

01_ORIGINAL ISSUE





LEGEND:

PROPOSED WATER MAIN	W
EXISTING WATER MAIN	W
PROPOSED SANITARY SEWER	SS
EXISTING SANITARY SEWER	SS
PROPOSED FIRE HYDRANT	
EXISTING FIRE HYDRANT	
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N

0 50 150 300

SCALE: 1"=300'

					Water		Wastewater		
Use Type	Area (Acres)	Units	SFE	Service Population	Max Day Demand	Peak Hour Demand	Average Day Demand	Peak Factor	Peak Demand
Open Space	77				(GPM)	(GPM)	(GPD)		(GPD)
Single Family	63.2	312	312	861	187.2	530.4	77501	3.8	297675
Duplex	11.3	96	96	265	38.4	105.6	23846	4.1	97793
Townhomes (MF)	9.3	90	90	248	36	99	22356	4.1	91933
Mutilfamily	12	228	182.4	503	72.96	200.64	45308	4.0	179996
Commercial	5	5 (Acres)	30.2	83			7500	4.3	31983
Total (Overland Site)	**177.8**	**726**	**711**	**1961**	**426**	**1208**	**176511**	**3.6**	**634095**
Offsite South		270	270	745.2	162	459	67068	3.9	260139
Total (Overland and Offsite)		**996**	**980.6**	**2706**	**588**	**1667**	**243579**	**3.0**	**730738**

Water Demand From NWCWD table 3-1 to account for separate irrigation
Service population (P) assumes 2.76 person per unit
Wastewater Average Day Demand (Single Family, Duplex, Townhome) = Unit * 2.76 Person Per Unit * 90 GPD
Wastewater Average Day Demand (Multifamily) = Unit * 2.76 Person Per Unit * 0.80 (Multifamily parcel multiplier) * 90 GPD
Wastwater Allowed is 4 D.U. Per acre (711 uints, 177.8 Acres, ADD = 176,612 GPD, PD = 529,837 GPD)
Commercial water demand unknown, wastewater per commercial value of 1500gpd/ac
Wastewater Peak Factor = R = (18 + P^1/2)/(4+P^1/2)

ADD to determine limits
Peak for Lift Station = 332 SFE Units = 315,373 GPD (Peak Factor = 3.8)

Galloway
5235 Ronald Reagan Blvd., Suite 200
Johnstown, CO 80534
970.800.3300
GallowayUS.com

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OVERLAND 368
MASTERPLAN
WINDSOR, CO

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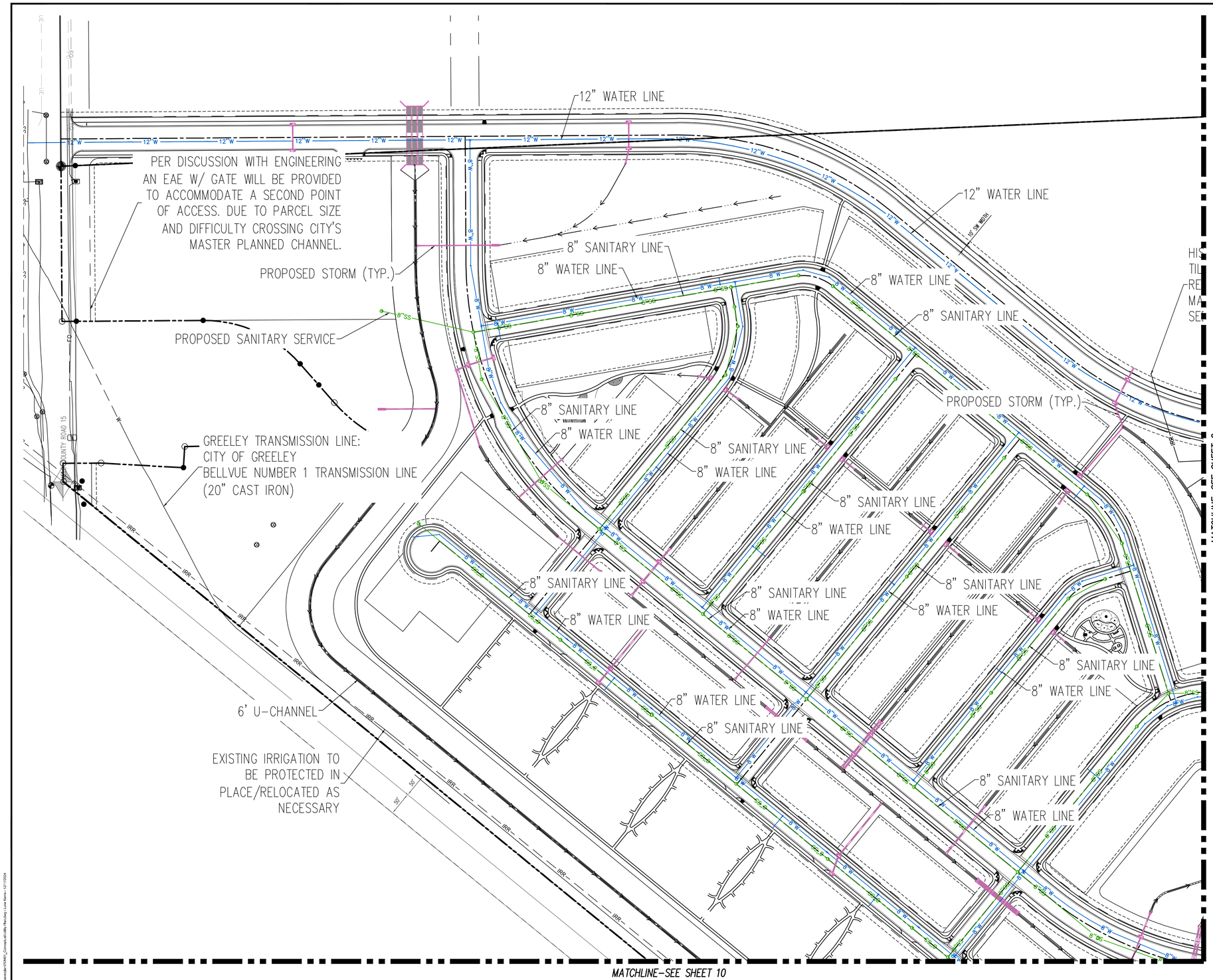
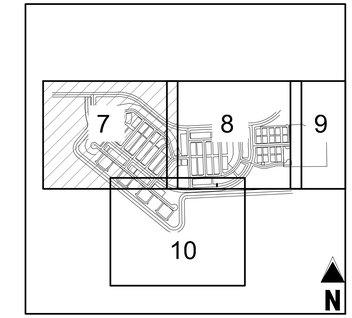
OVERALL MASTER UTILITY PLAN

6





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SCALE: 1"=200'

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MASTER UTILITY PLAN

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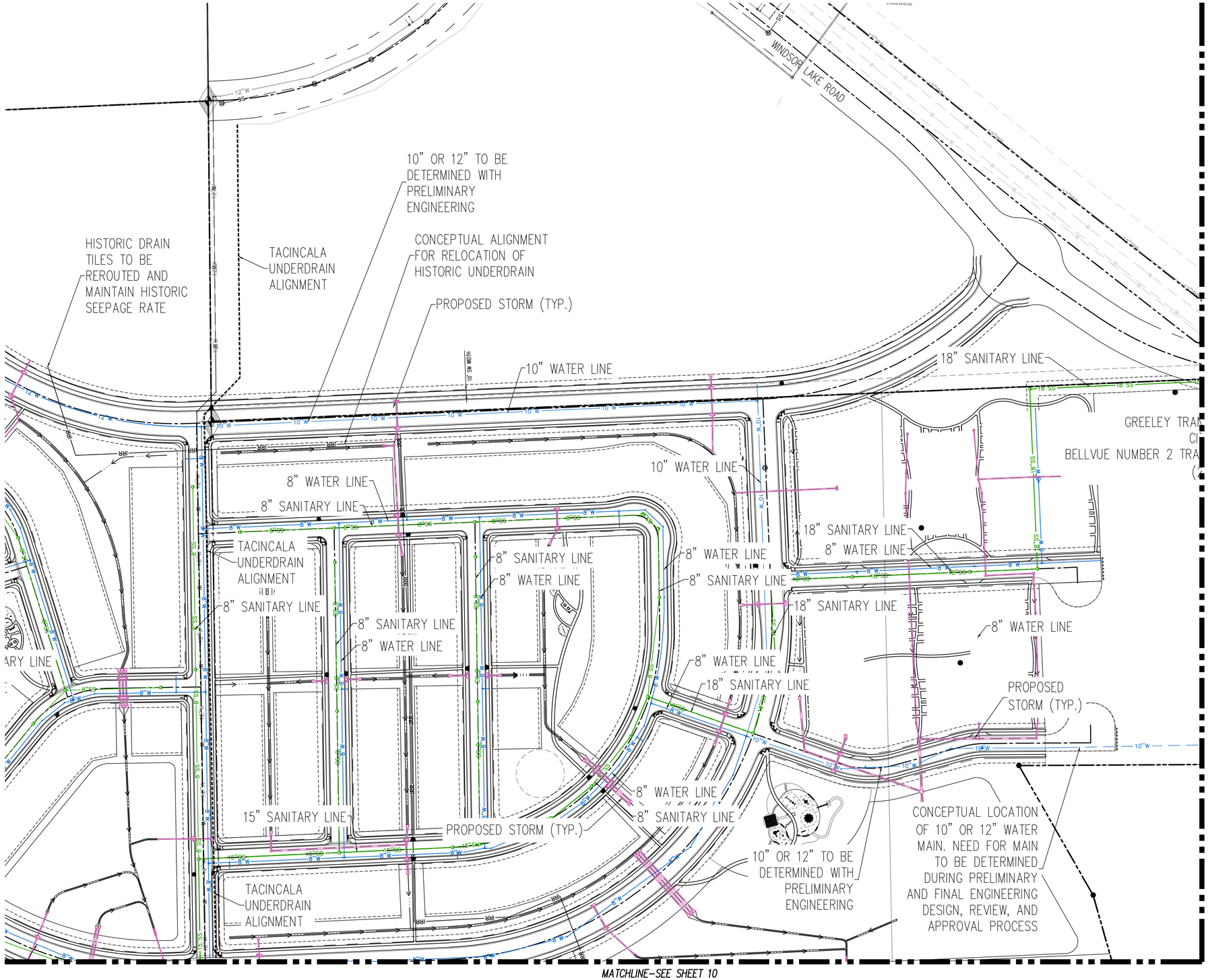

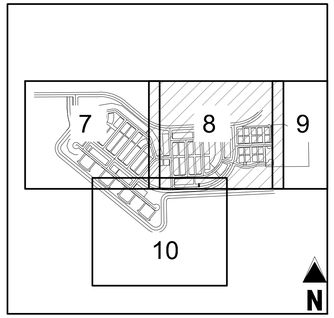

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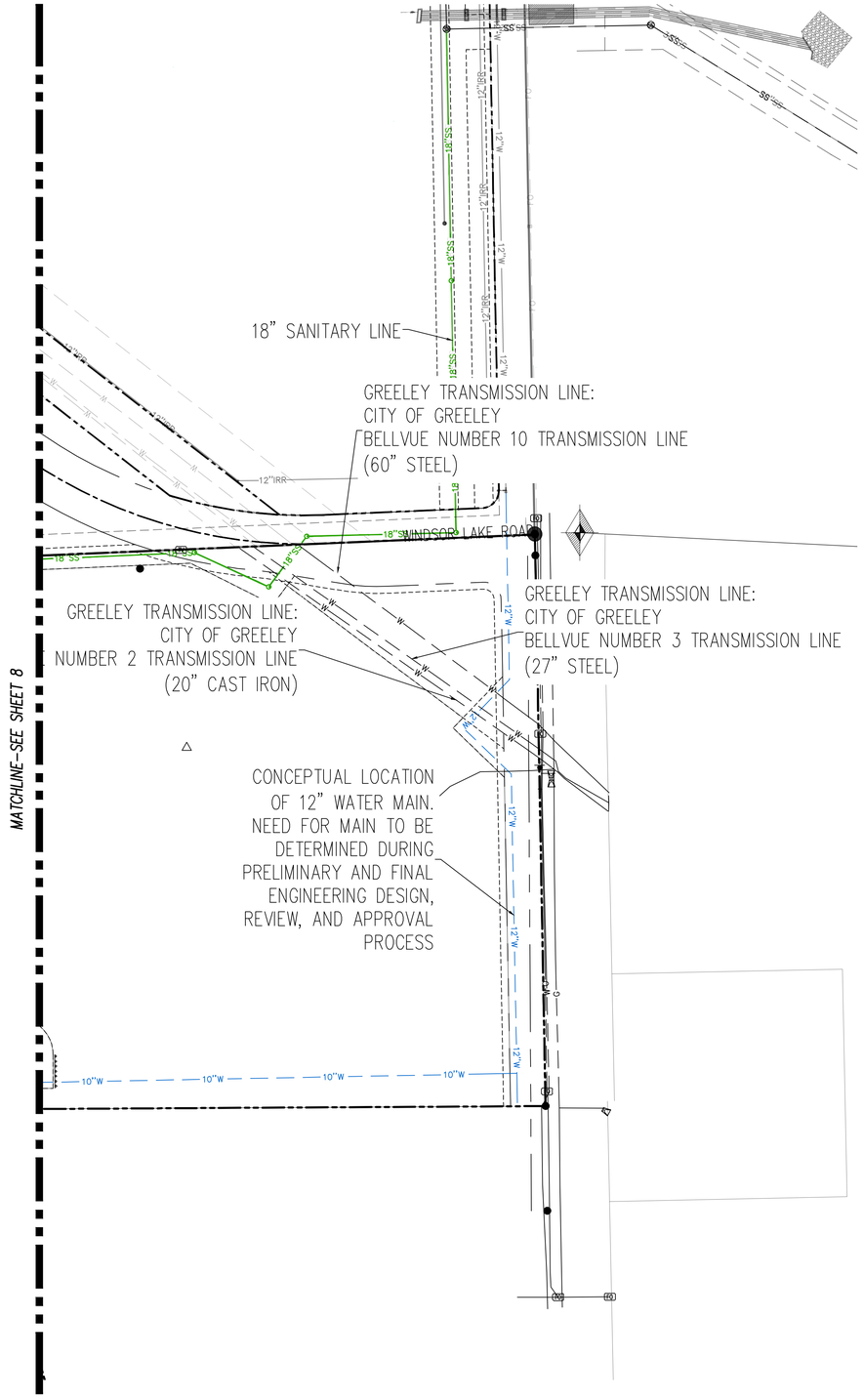

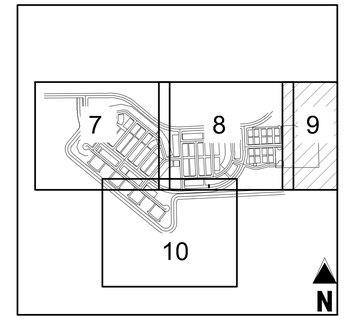

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17. WHEN CONNECTING NEW SANITARY SEWER MAINS TO EXISTING MANHOLES, THE NEW LINE MUST CONNECT INTO THE BENCH OF THE EXISTING MANHOLE, AND A TROUGH CORED FROM THE INVERT OF THE PIPE TO THE FLOWLINE OF THE EXISTING TROUGH. THE TROUGH CAN EITHER BE CUT WHEN THE PIPE IS CORED, OR IT CAN BE CHIPPED OUT. THE TOWN PREFERS A TROUGH DEPTH OF 3-INCHES MINIMUM.
18. SANITARY SEWER SERVICES SHALL BE 4", DOMESTIC WATER METERS BOTH FOR SINGLE AND DUAL METER PITS ARE TO BE 3/4", DOMESTIC WATER SERVICE LINES FOR BOTH SINGLE AND DUAL METER PITS SHALL BE 1" COPPER.

N

0 50 100 200

SCALE: 1"=200'

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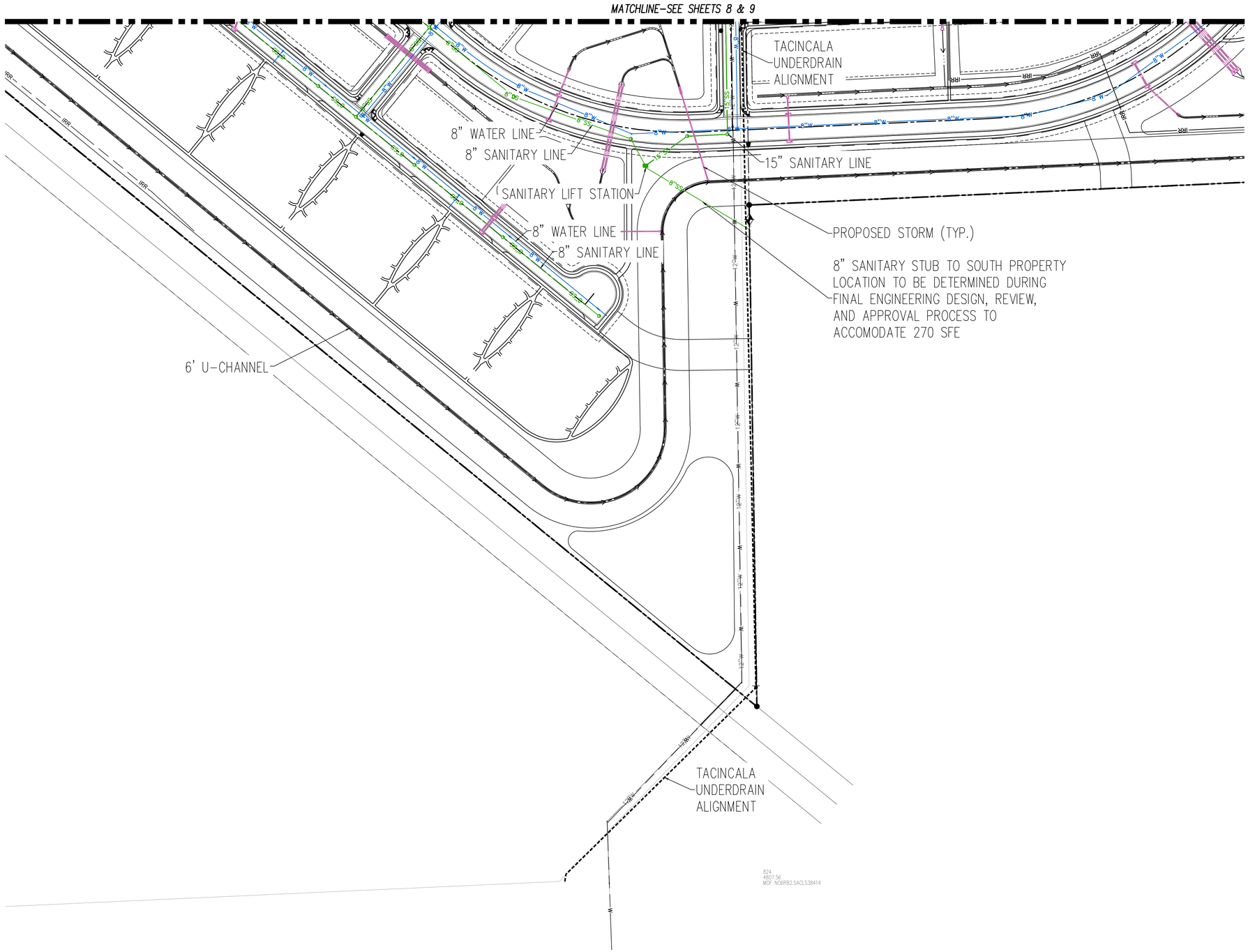
OVERLAND 368
MASTERPLAN
WINDSOR, CO

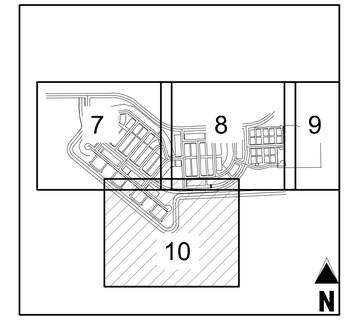
#	Date	Issue / Description	Init.
1	10/22/2024	ADDRESS TOWN COMMENTS	SA

Project No:	PDM01
Drawn By:	CMS
Checked By:	JEP
Date:	09/03/2024

MASTER UTILITY PLAN

9





LEGEND:

- PROPOSED WATER MAIN
- EXISTING WATER MAIN
- PROPOSED SANITARY SEWER
- EXISTING SANITARY SEWER
- PROPOSED FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PROPOSED STORM DRAIN
- EXISTING STORM DRAIN
- PROPOSED CURB AND GUTTER
- PROPOSED RIGHT-OF-WAY
- PROPOSED LOTLINE
- EASEMENT LINE
- FUTURE CURB AND GUTTER
- FUTURE RIGHT-OF-WAY
- FUTURE LOTLINE
- FUTURE EASEMENT LINE
- PROPOSED MANHOLE
- EXISTING MANHOLE
- PROPOSED WATER LOWERING
- PROPOSED STORM INLET
- EXISTING STORM INLET
- PROPOSED FES AND RIP RAP
- EXISTING FES AND RIP RAP
- PROPOSED SEWER SERVICE
- PROPOSED WATER SERVICE

NOTES:

1. THE SIZE, TYPE AND LOCATION OF ALL KNOWN UNDERGROUND UTILITIES ARE APPROXIMATE WHEN SHOWN ON THESE DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE EXISTENCE OF ALL UNDERGROUND UTILITIES IN THE AREA OF THE WORK. BEFORE COMMENCING NEW CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL BE RESPONSIBLE FOR ALL UNKNOWN UNDERGROUND UTILITIES.
2. ALL WATER AND SEWER CONSTRUCTION SHALL BE PER THE TOWN OF WINDSOR STANDARD CONSTRUCTION SPECIFICATIONS LATEST EDITION.
3. ALL WATER FITTINGS AND VALVES ARE ONLY GRAPHICALLY REPRESENTED AND ARE NOT TO SCALE.
4. MAINTAIN 10' HORIZONTAL AND 18" VERTICAL MINIMUM SEPARATION BETWEEN ALL SANITARY SEWER MAINS, STORM SEWER MAINS, WATER MAINS & SERVICES UNLESS OTHERWISE NOTED.
5. CONFIRM HORIZONTAL AND VERTICAL LOCATION OF WATER, STORM AND SANITARY SEWER TIE-IN TO EXISTING LOCATIONS PRIOR TO CONSTRUCTION. CONTACT DESIGN ENGINEER WITH ANY DISCREPANCIES.
6. CONTRACTOR TO COORDINATE GAS, ELECTRIC, TELEPHONE AND CABLE SERVICES.
7. ALL SANITARY MANHOLES TO BE 4'ø UNLESS NOTED OTHERWISE.
8. PIPE LENGTHS ARE CENTER OF MH TO CENTER OF MH.
9. CONTRACTOR SHALL ADJUST EXISTING SANITARY SEWER MANHOLES AND SUBDRAIN CLEANOUTS WITHIN THE RIGHT-OF-WAY PER TOWN STANDARDS. ALL MANHOLE RIM ELEVATIONS ARE TO BE ADJUSTED TO ½" BELOW FINISHED GRADE. IF NECESSARY, CONE SECTIONS SHALL BE ROTATED TO PREVENT LIDS BEING LOCATED WITHIN VEHICLE OR BICYCLE WHEEL PATHS.
10. IT IS ANTICIPATED THAT SOME MANHOLES WILL BE PLACED IN GROUNDWATER CONDITIONS. THEREFORE, A WATER PROOFING COATING SHALL BE APPLIED TO THE OUTSIDE OF THE MANHOLE AND BASE. THE WATER PROOFING COATING SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE TOWN OF WINDSOR, COLORADO.
11. ALL MANHOLE JOINTS AND GRADE RINGS SHALL BE SEALED FROM THE OUTSIDE WITH AN APPROVED SEAL WRAP.
12. ALL CONNECTIONS TO EXISTING MANHOLES SHALL BE CORE DRILLED ACCORDING TO TOWN OF WINDSOR STANDARD CONSTRUCTION SPECIFICATIONS.
13. MINIMUM SEWER SLOPE IS 1.04% (¼" / 1') FOR 6" DIAMETER AND 2.08% (½" / 1') FOR 4" DIAMETER.
14. FOR SANITARY SEWER DETAILS SEE SHEET C8.27.
15. UTILITY SERVICES ARE PROVIDED FOR FUTURE LOTS AND ARE AT THE DEVELOPERS RISK TO INSTALL PRIOR TO FINAL PLATTING OF FUTURE LOTS.
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N

0 50 100 200

SCALE: 1"=200'

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MASTERPLAN
WINDSOR, CO

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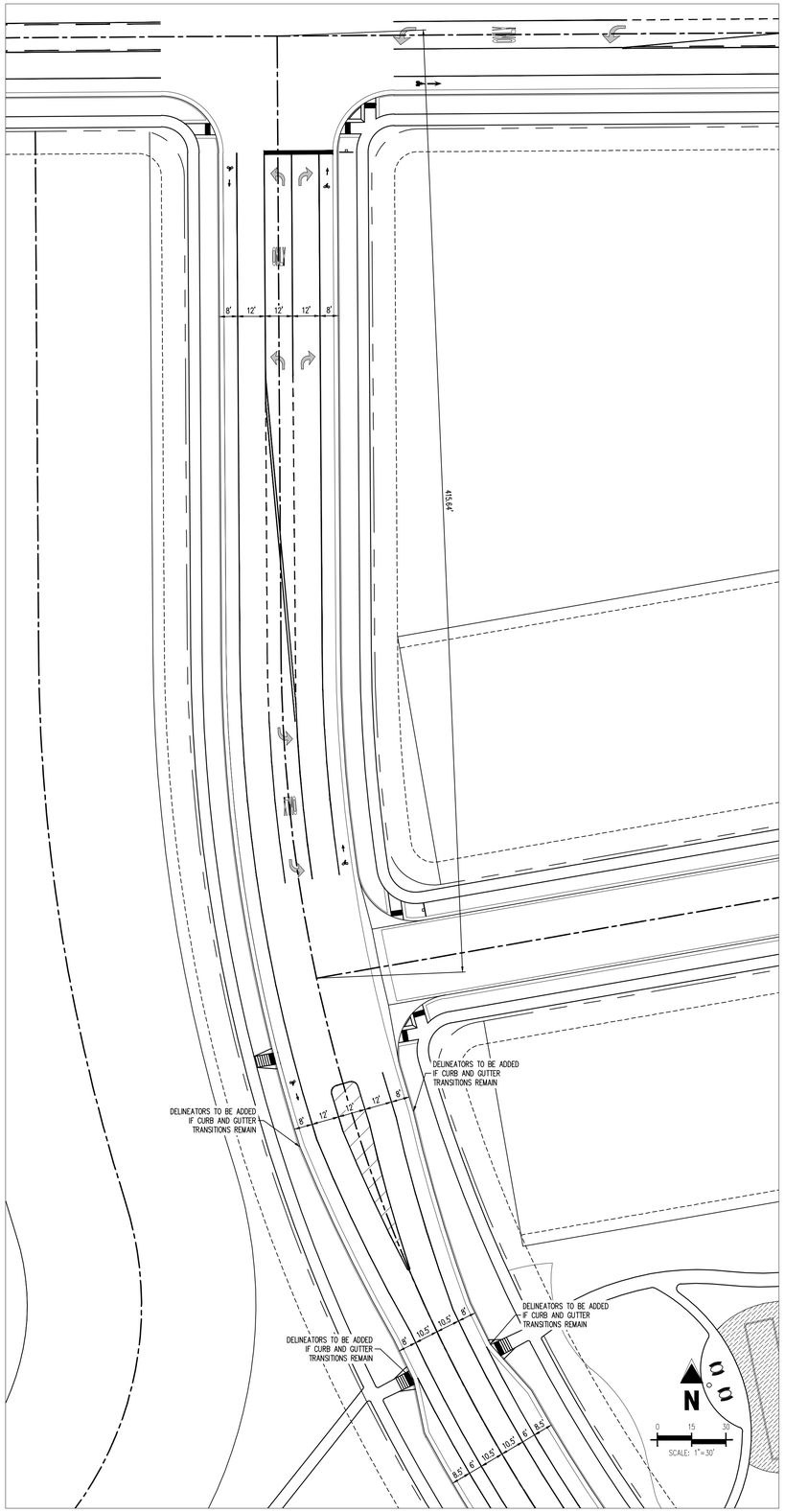
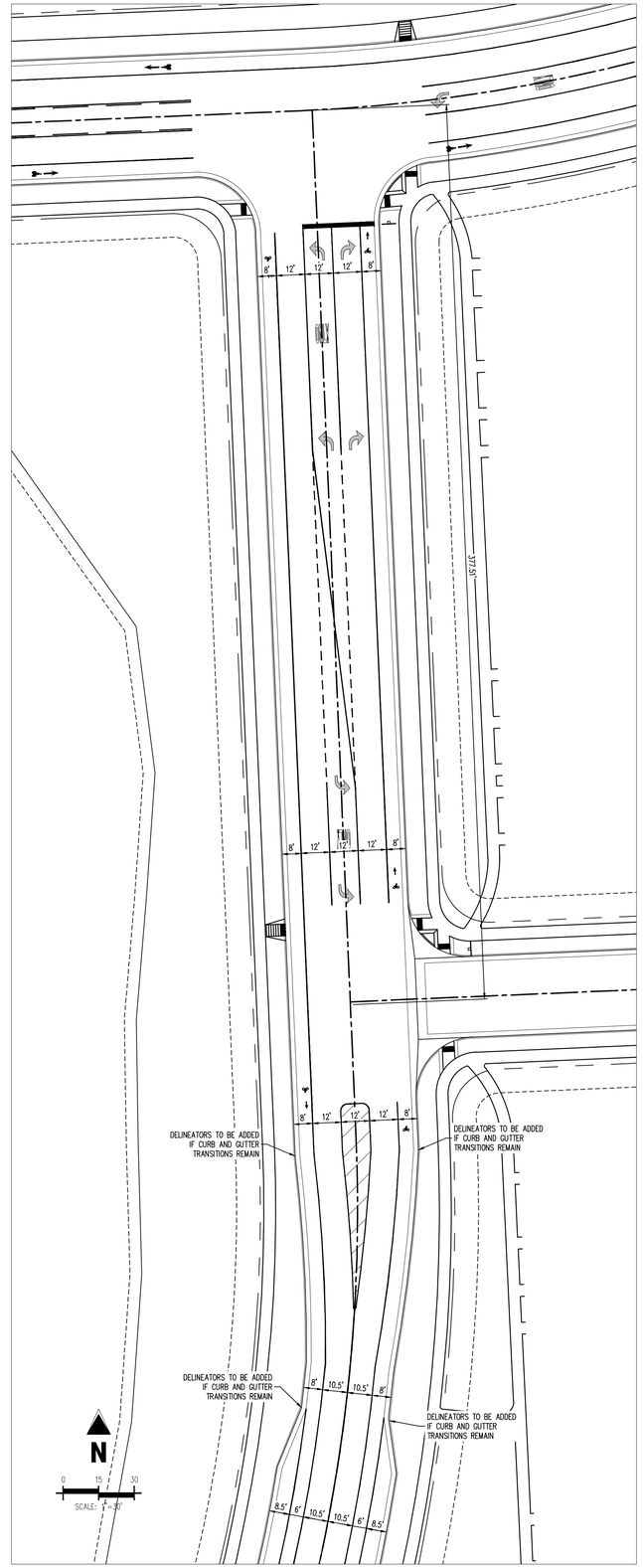
MASTER UTILITY PLAN

10

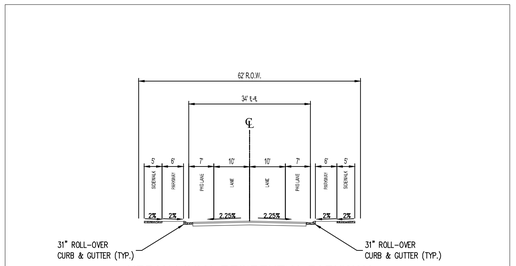


WEST TRANSITION

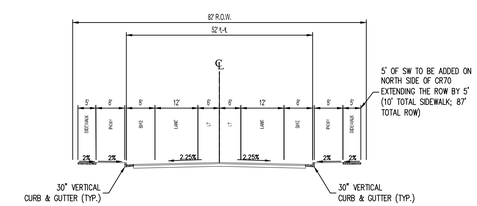


EAST TRANSTION

STREET CLASSIFICATIONS

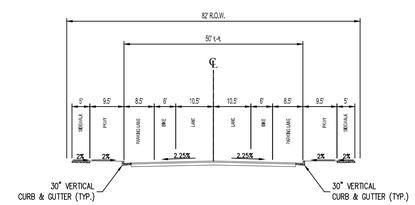


URBAN LOCAL RESIDENTIAL PARKWAY



URBAN COLLECTOR MAJOR STREET

TRANSITION URBAN COLLECTOR MAJOR TO MINOR STREET



URBAN COLLECTOR MINOR STREET

TYPICAL SECTIONS

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WINDSOR, CO

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Checked By:	
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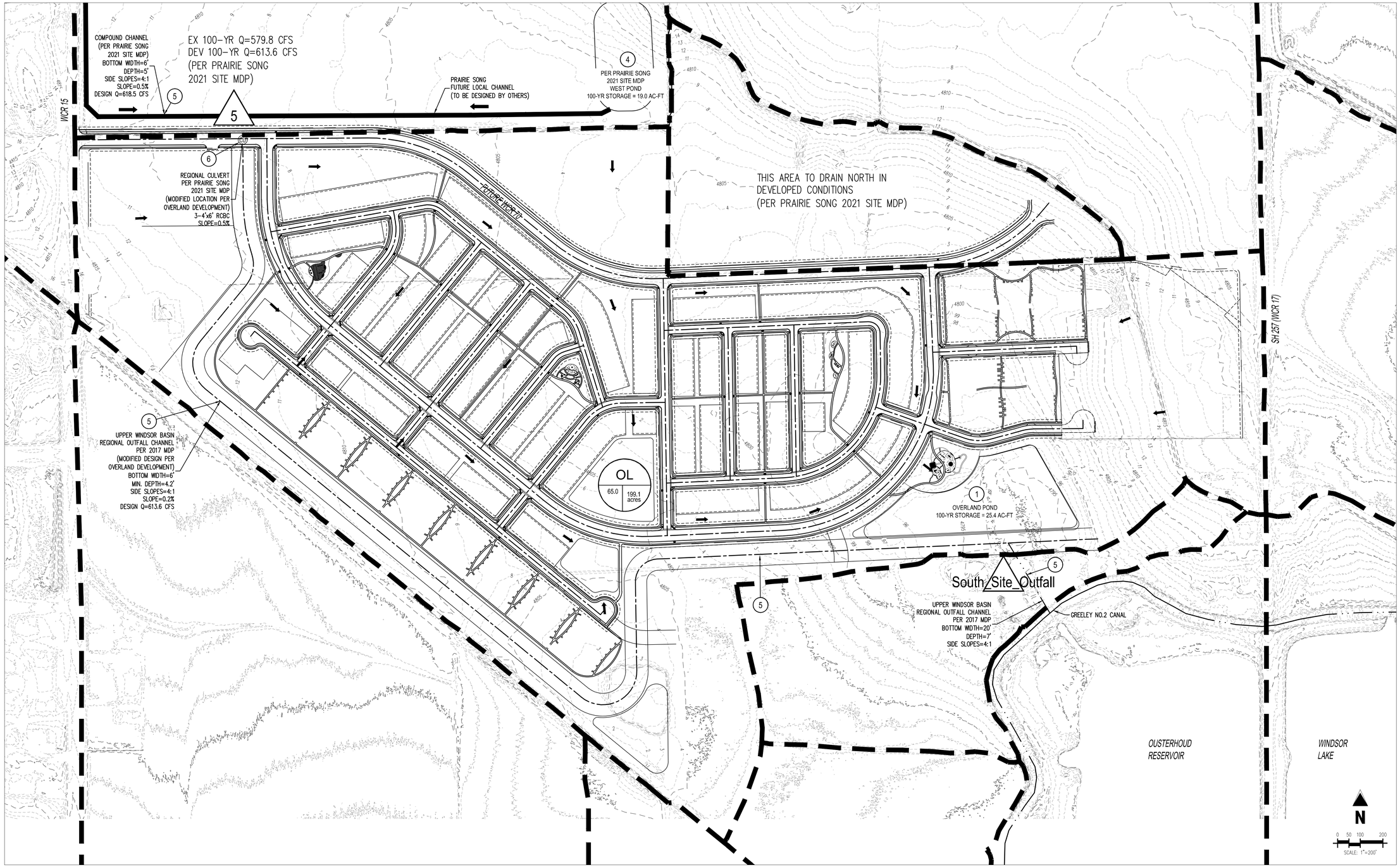
MASTER STREET PLAN



PEAK BASIN RUNOFF SUMARRY TABLE			
BASIN NAME	AREA (Acre)	% IMPERVIOUS	Q100 (cfs)
OL	199.1	65.0	355.9

CULVERT CROSSING TABLE					
LOCATION	TYPE	NUMBER OF BARRELS	RISE (ft)	SPAN (ft)	SLOPE (ft/ft)
At Future WCR 70	RCBC	3	4	6	0.005

DETENTION POND SUMMARY TABLE		
POND ID	STORAGE VOLUME (ac-ft)	100-YEAR DEVELOPED RELEASE RATE (cfs)
Overland Pond	25.4	41.5

PEAK DISCHARGE SUMMARY TABLE	
SWMM ELEMENT ID	Q100 (cfs)
5	613.6
Overland_Pond	355.9
Pond_Out	41.5
South_Site_Outfall	584.2

DRAINAGE NOTES	
1	PROPOSED POND
2	PROPOSED CHANNEL
3	PROPOSED CULVERT
4	MDP POND
5	MDP CHANNEL
6	MDP CULVERT

DRAINAGE SYMBOLS:

A1 — BASIN ID
65.0 — % IMPERVIOUS
1.00 acres — BASIN AREA (ACRES)
A1 — DESIGN POINT
BASIN BOUNDARY
DIRECT FLOW DIRECTION (I.E., PAVEMENT, CURB AND GUTTER)

LEGEND:

PROPOSED MAJOR CONTOUR — 4835
PROPOSED MINOR CONTOUR — 36
EXISTING MAJOR CONTOUR — 4835
EXISTING MINOR CONTOUR
PROPOSED DRAINAGE CHANNEL
PROPOSED CULVERT GROUP — CU
LOTLINE
PROPERTY LINE

CALL UTILITY NOTIFICATION CENTER OF COLORADO
811
Know what's below.
Call before you dig.
CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

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Drawn By:	
Checked By:	
Date:	09/03/2024

SITE MASTER DRAINAGE PLAN
(DEVELOPED CONDITION)

12
SHEET 12 OF 12

MEMORANDUM

TO: Sandy Mezzetti

FROM: Shelley LaMastra

DATE: December 9, 2024

RE: Overland 368 Rezone and Master Plan Amendment Neighborhood Meeting

---

The Neighborhood Meeting for the Overland 368 Rezone and Master Plan Amendment

- December 5, 2024 from 6:00-7:15pm at the Windsor Community Recreation Center.

Seven members of the community attended the meeting.

- The sign in sheet was submitted to Town staff on December 6, 2024.

The following were present as part of the applicant group:

- Chad Ellington – Peak Development
- Bonnie Niziolek – Peak Development
- Sam Sharp – Peak Development
- Shelley LaMastra – RVi Planning + Landscape Architecture
- Ron Van Ufflen – Galloway

Meeting Presentation

- The commenced at 6:04pm with an introduction by Chad E of the team present and their roles in the project.
- Shelley L. then gave an overview of the project by presenting
    - The project location and extents
    - Outlined the zoning history on the site and the proposed zoning which would be removing the PUD overlay to have only the underlying RMU-2 zone on the property.
    - Presenting changes to Master Plan – circulation largely stays the same, open space/drainage channel moves to out edge of site to better deal with existing topography and ground water levels, discuss commercial location and requirement for it by RMU-2 zone district, location directed by staff, future multi-family on east end of site.
    - Reviewed pedestrian oriented community
    - Discussed product diversity with SFA Duplexes, townhomes, SFD in two different sizes, multi-family.
    - Went over pocket parks required by RMU-2 zone district
    - Central Park being included that is above and beyond the RMU-2 zone district requirements.

Community Feedback

- Concerns on dust during construction
    - Chad E. responded that is always an issue and the contractor will be held to the Erosion Control plans and every effort made to reduce the dust issues. The project will be phased so it will reduce the area of grading to one portion of the site instead of the entire site at once which should reduce dust.

- Concern about residents that are speeding on streets
    - Shelley L. recommended that resident reach out to the local police department to address speeding as the applicant team has no jurisdiction over that.
- Concerns about traffic on already crowded streets
    - Applicant team pointed out new street CR70 and Windsor Lake Road that will handle much of the traffic for Prairie Song and Overland. These street will create a bypass from traffic that is otherwise coming south
- Concerns about Hwy 257 traffic for residents south of site
    - Applicant team explained that Windsor Lake Road and Hwy 257 will have a traffic signal so traffic will have a forced break in flow for residents to leave their homes.

Overland 368

PEAK DEVELOPMENT

Neighborhood Meeting Sign-in Sheet

RVi

Windsor, Colorado

Name (First and Last)	Email Address (optional)	Phone Number (optional)
Grant Haefner		970-836-3136
Colton Brown	cwbenglines@gmail.com	(970) 443-2658
Tess Brown	tesscottwr@gmail.com	(970) 631-6237
Steve Ausenhus		
Tia Jaffee	tia.jaffee@almortgage.com	970-690-0943
Julie Pantelopoulos		303-717-9787
Jerry & Peggy Windsor		

Rezone &
Master Plan Amendment

Overland 368

Sandra Mezzetti, Senior Planner

Planning Commission, February 05, 2025

Rezone Request

Article II of Chapter 14 of the Municipal Code outlines the purpose and procedures of the Rezoning process, including:

Applicability. The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to implement the Comprehensive Plan, to account for changed conditions in the general area, or to reflect a change in public policies with respect to future development.

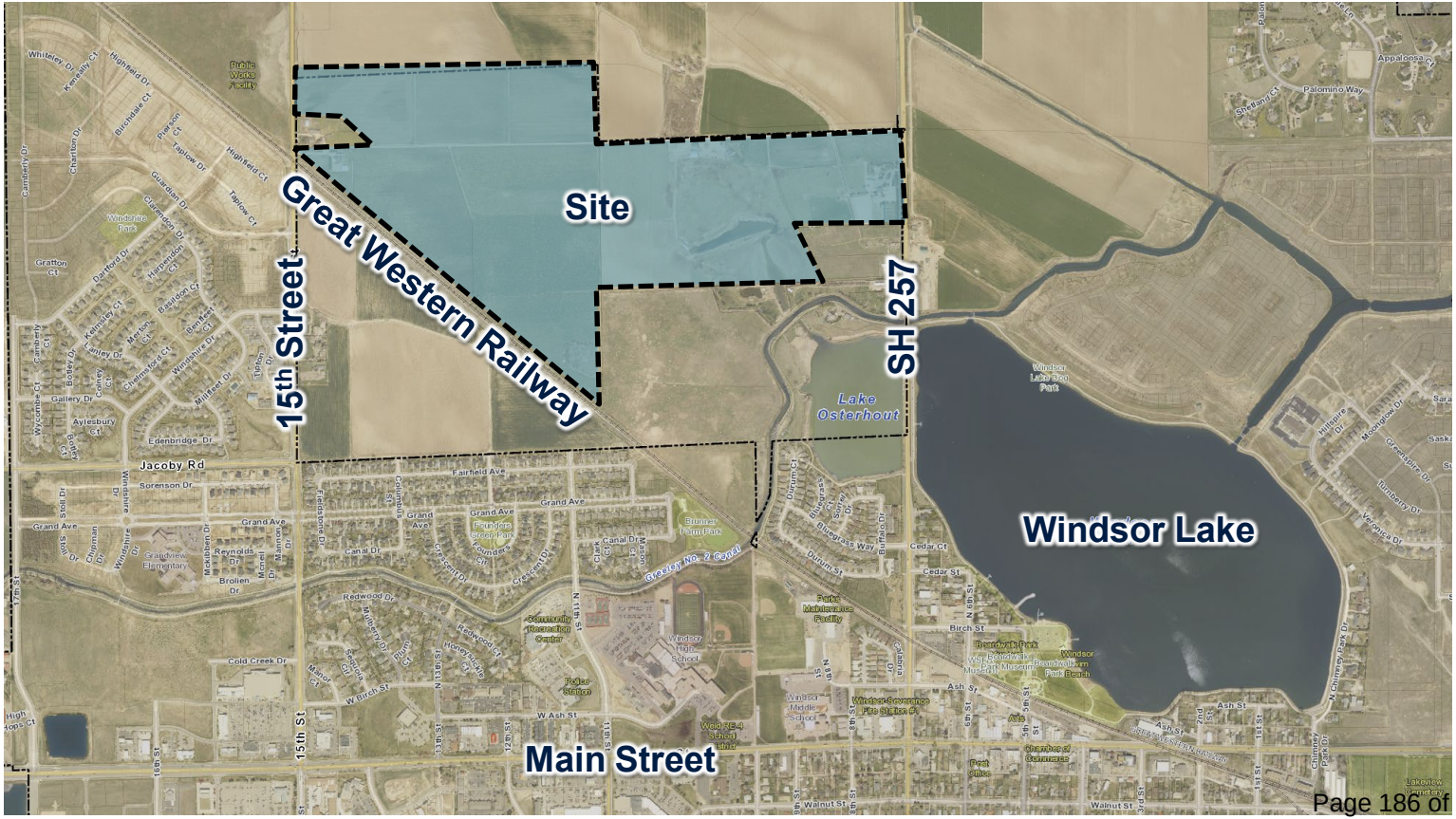
Master Plan Request-2nd Amendment

Article II of Chapter 14 of the Municipal Code outlines the purpose and procedures of the Master Plan, including:

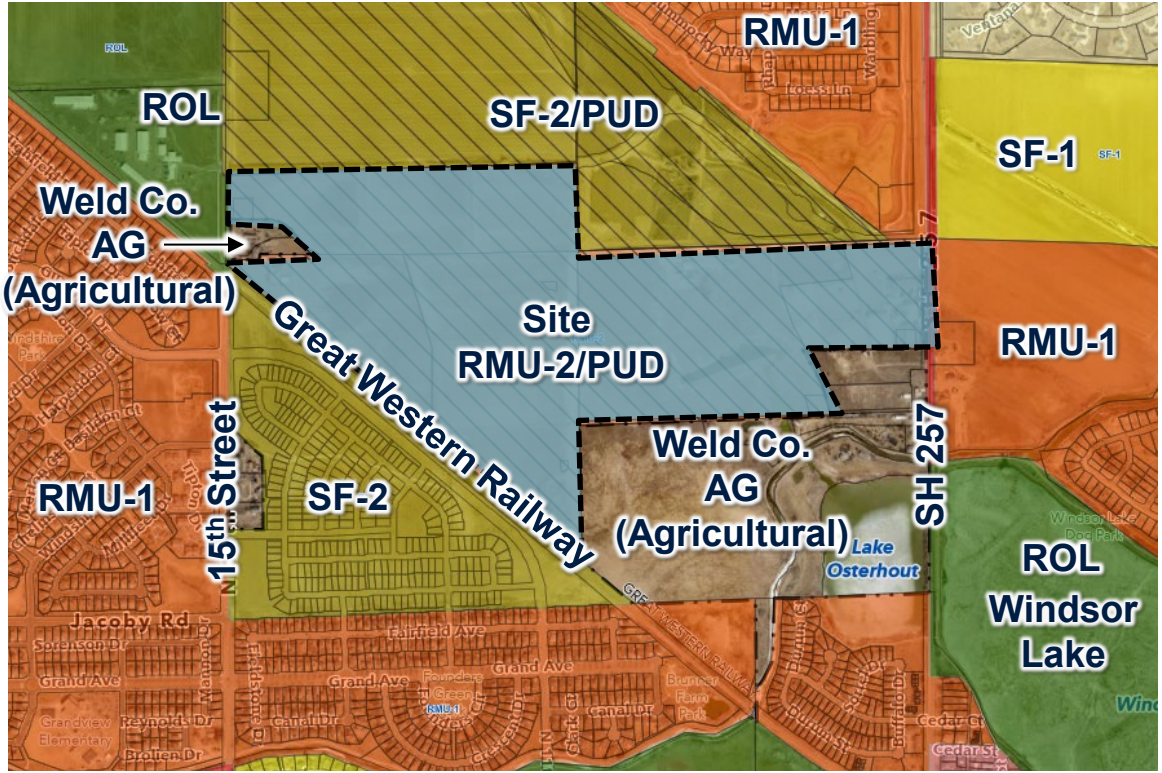
Applicability. A Master Plan shall be required in the following situations:

(3) Prior to or concurrent with a rezoning application of any parcel of land unless the Director approves submittal of a Site Plan in-lieu of a Master Plan or if the site is already fully developed and the Master Plan serves no further purpose regarding future development of the property.

Site Vicinity Map



Zoning Map – Existing Zoning



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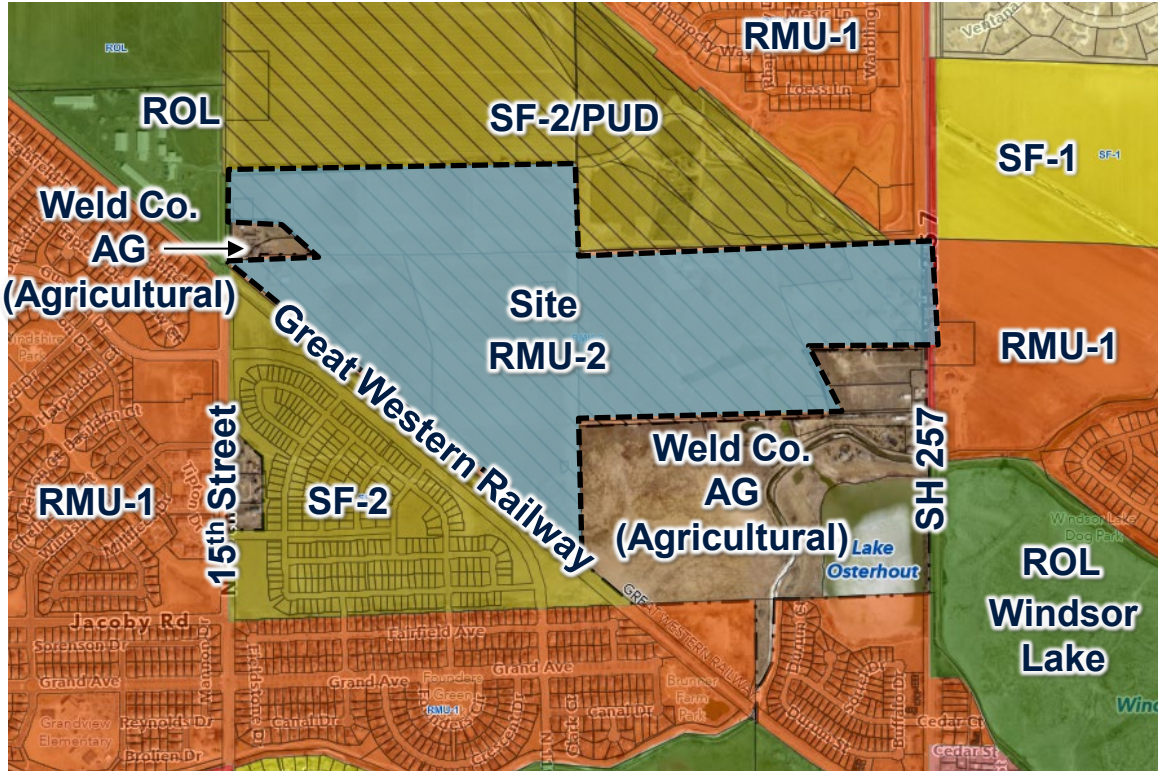
Zoning Map – Proposed Zoning



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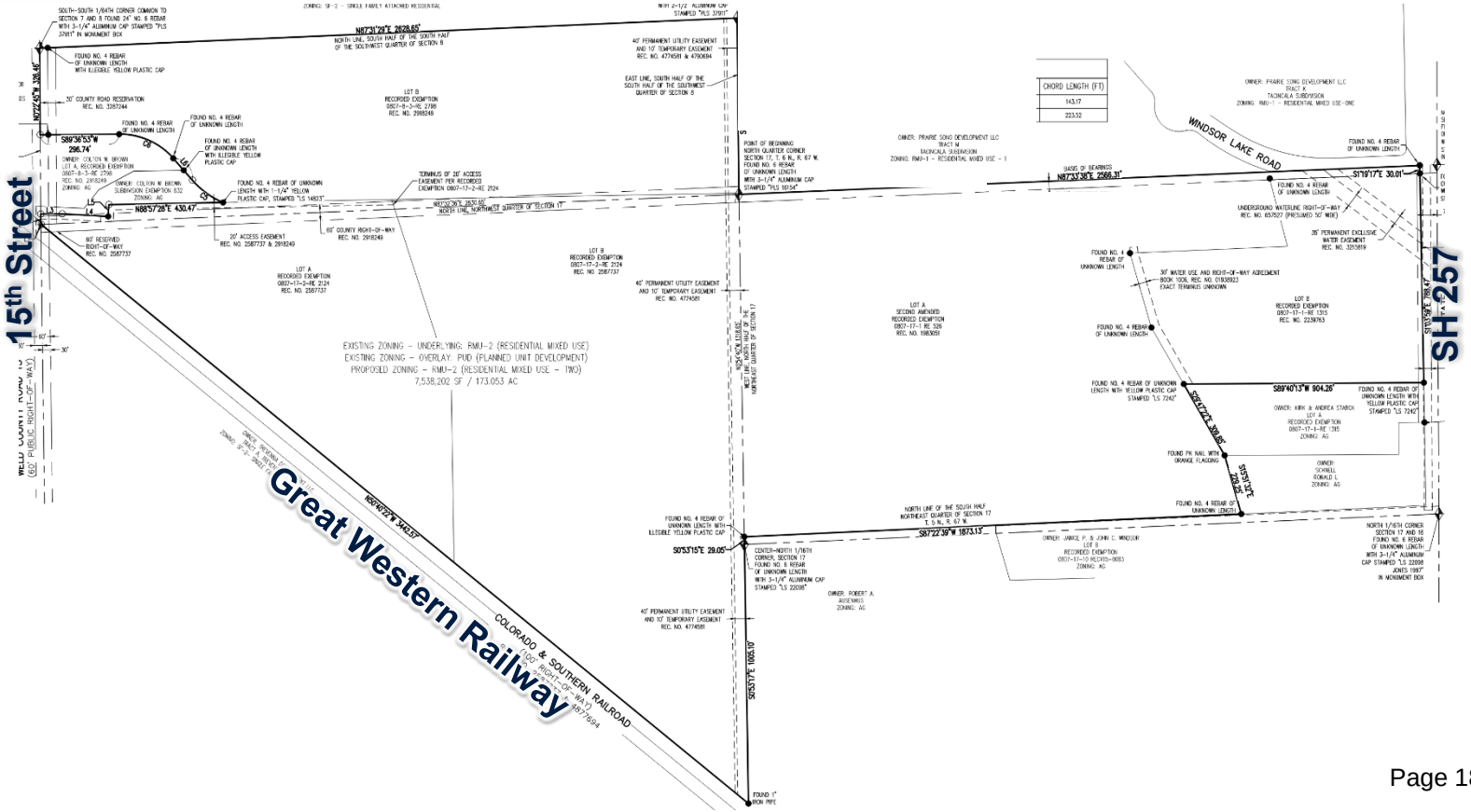
Rezone Plat

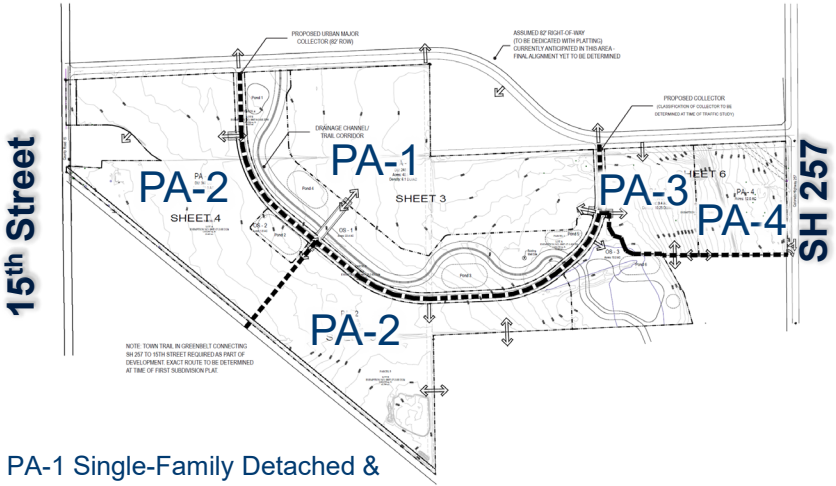

15th Street
WELD COUNTY ROAD 13 (60' PUBLIC RIGHT-OF-WAY)
Great Western Railway
COLORADO & SOUTHERN RAILROAD (100' RIGHT-OF-WAY)
WINDSOR LAKE ROAD
SH 257
N87°31'29"E 2628.65'
N88°57'28"E 430.47'
S89°36'53"W 296.74'
S87°22'39"W 1873.13'
S0°53'15"E 29.05'
S0°53'17"E 1005.10'
S89°40'13"W 904.26'
S79°17'7"E 30.01'
EXISTING ZONING – UNDERLYING: RMU-2 (RESIDENTIAL MIXED USE)
EXISTING ZONING – OVERLAY: PUD (PLANNED UNIT DEVELOPMENT)
PROPOSED ZONING – RMU-2 (RESIDENTIAL MIXED USE – TWO)
7,538,202 SF / 173.053 AC
CHORD LENGTH (FT)
143.17
223.52
N

Zoning – Residential Mixed Use-2

Residential Mixed Use-Two (RMU-2) allows for the following residential building types:

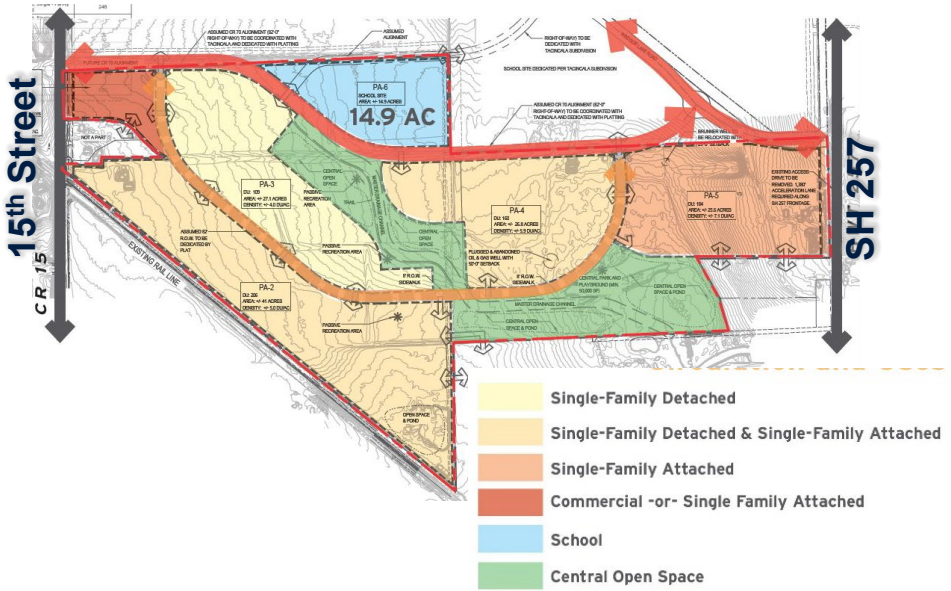
- Single Family - detached
- Single Family - attached:
  - Standard Duplex
  - Over-Under Duplex
  - Townhouse
  - Multiplex
- Multi-Family

Master Plan History



PA-1 Single-Family Detached & Attached
PA-2 Single-Family Detached & Attached
PA-3 Single-Family Detached & Attached
PA-4 School

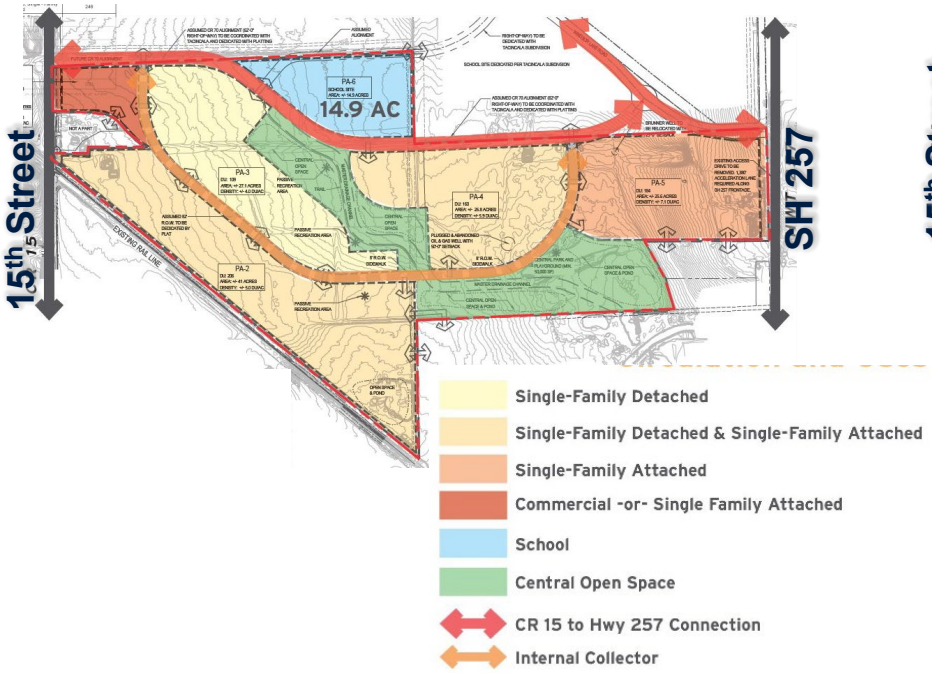
2021 Master Plan



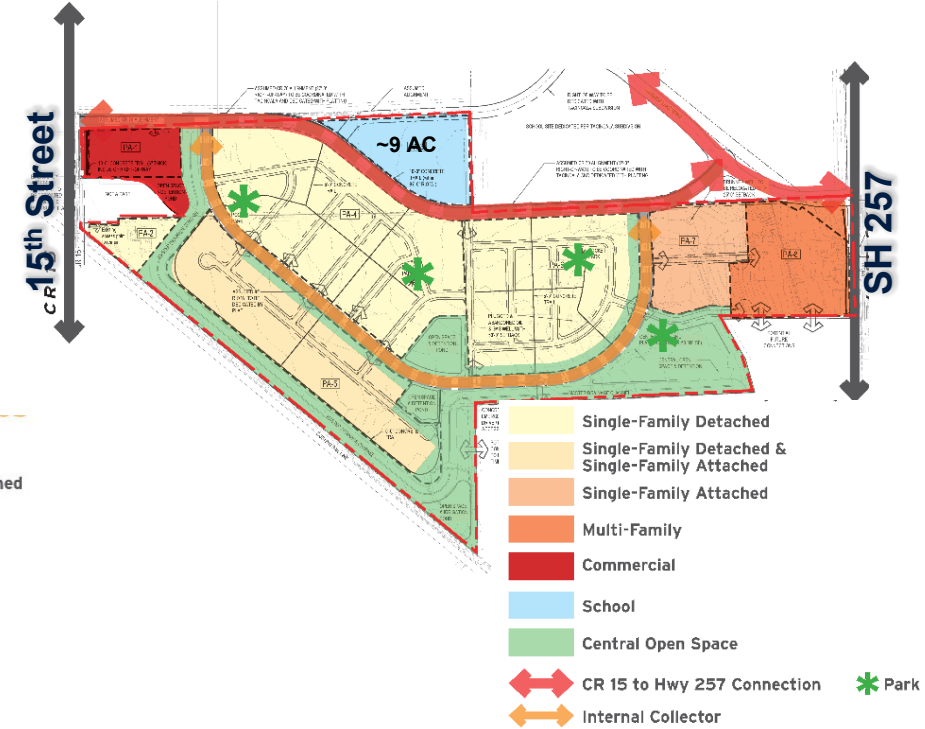
2022 1st Master Plan Amendment

N

Master Plan History

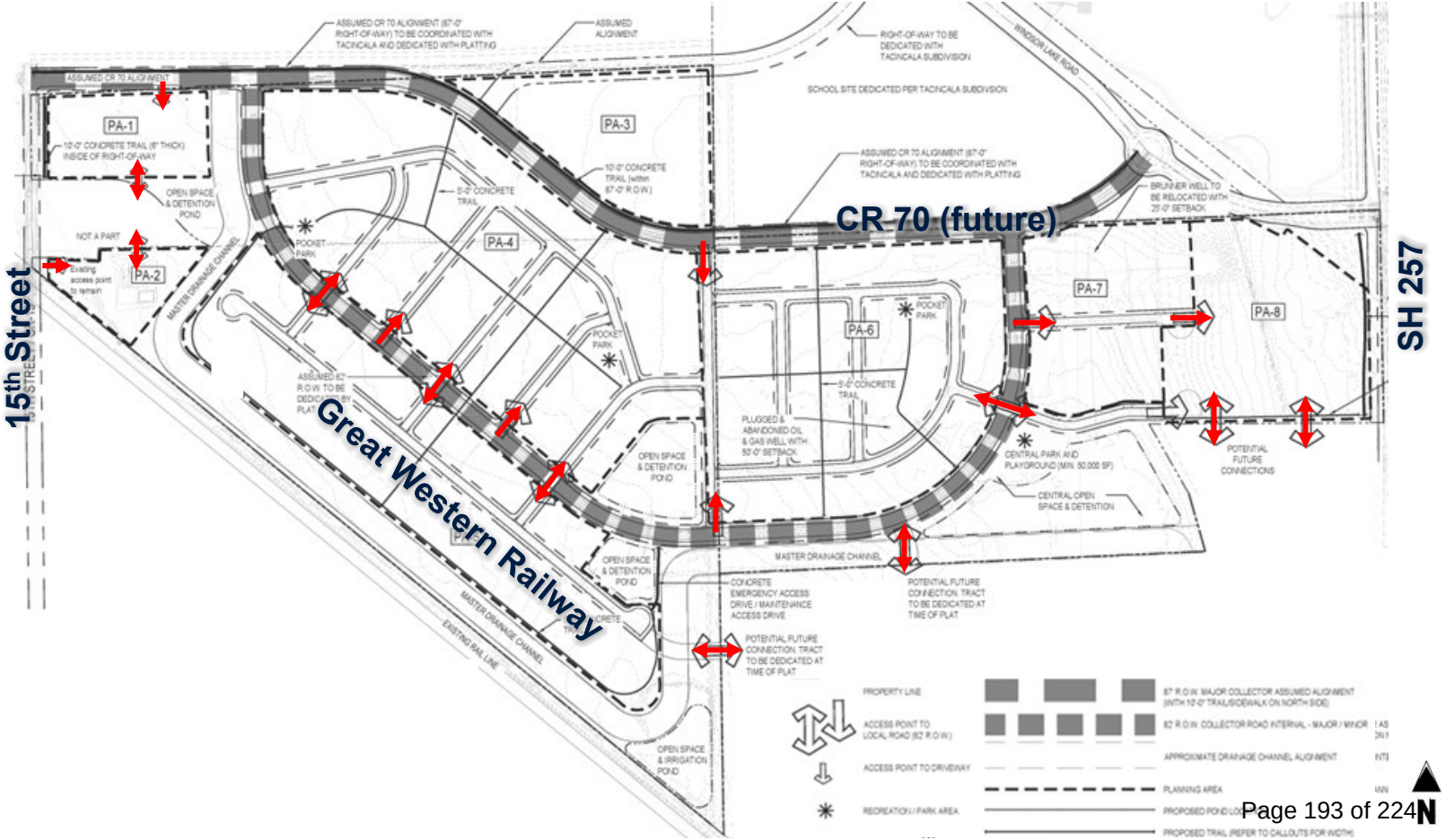


2022 1st Master Plan Amendment

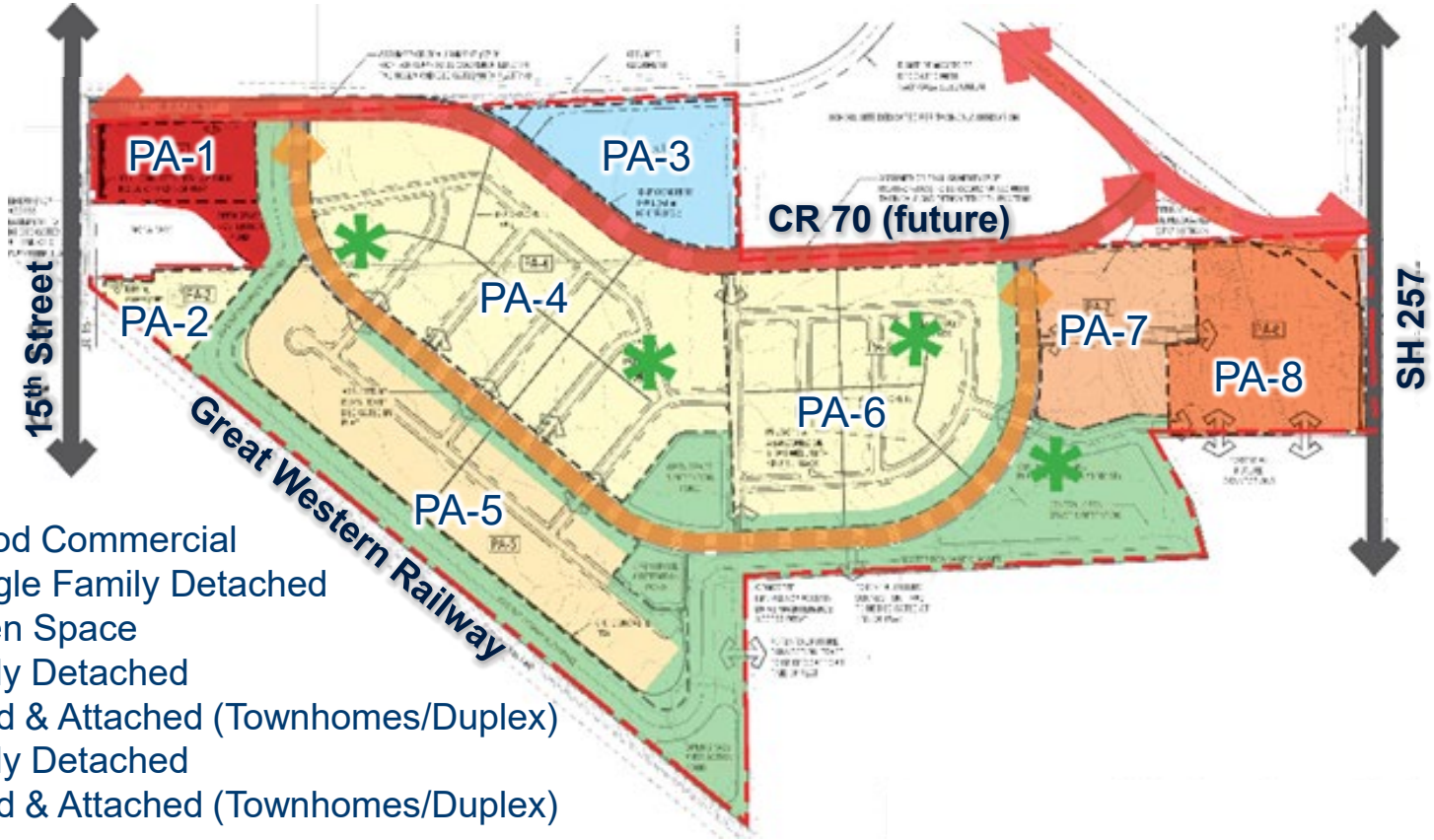


Proposed 2nd Master Plan Amendment

Proposed Master Plan Amendment



Illustrative Master Plan

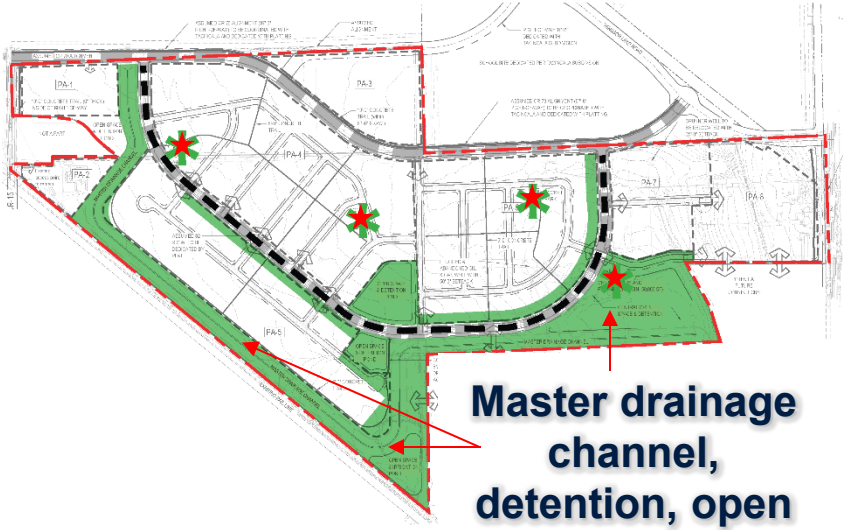


Planning Areas
PA-1: Neighborhood Commercial
PA-2: Existing Single Family Detached
PA-3: School, Open Space
PA-4: Single Family Detached
PA-5: SF Detached & Attached (Townhomes/Duplex)
PA-6: Single Family Detached
PA-7: SF Detached & Attached (Townhomes/Duplex)
PA-8: Multi Family

Open Space Comparison

Master drainage channel, detention, open space/park

Approved PUD – Average Width 348’

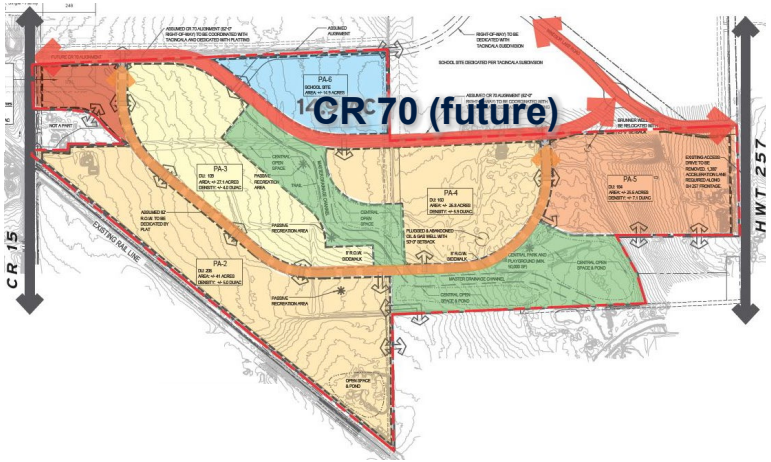


Master drainage channel, detention, open space/park

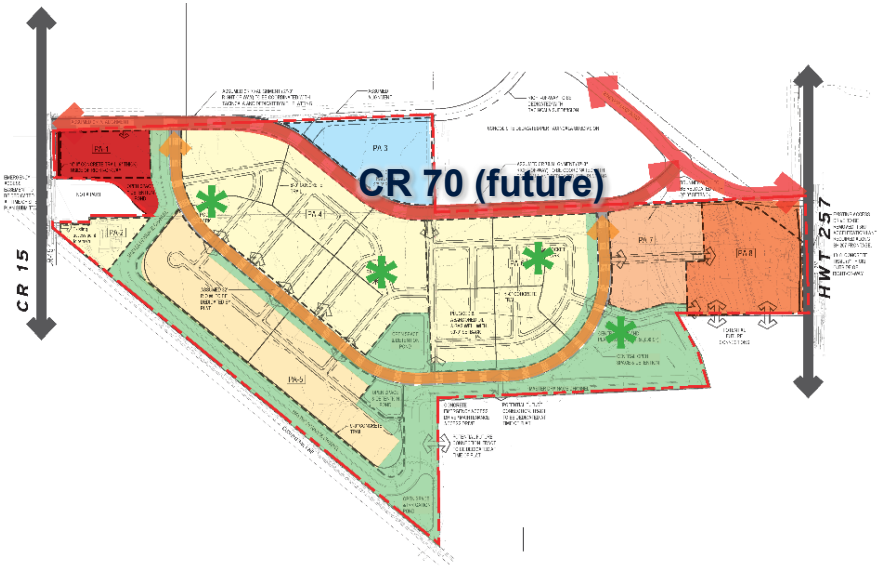
Proposed RMU-2 – Average Width 363’

N

Circulation Comparison



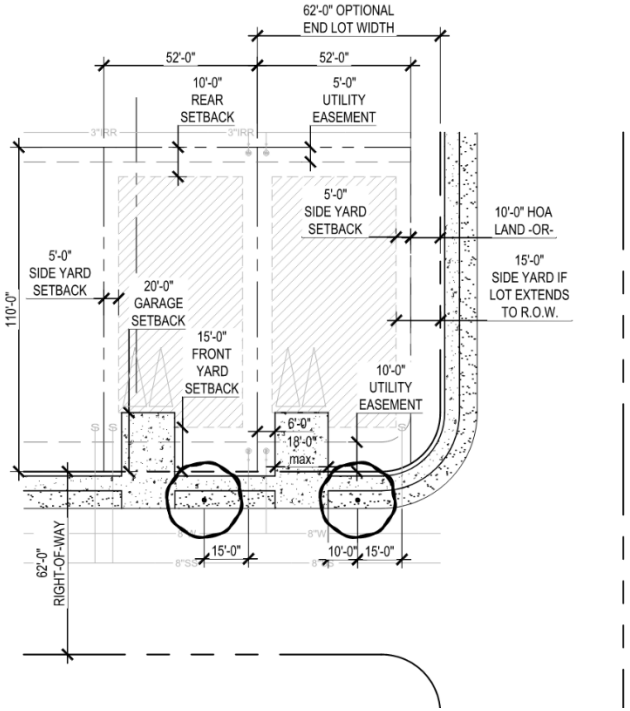
Approved PUD Circulation



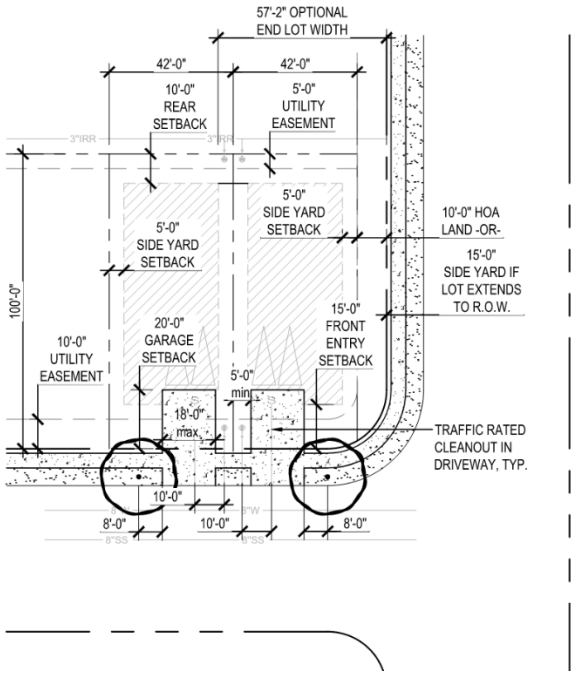
Proposed Circulation

N

Single-Family Detached Typical Lot Layout

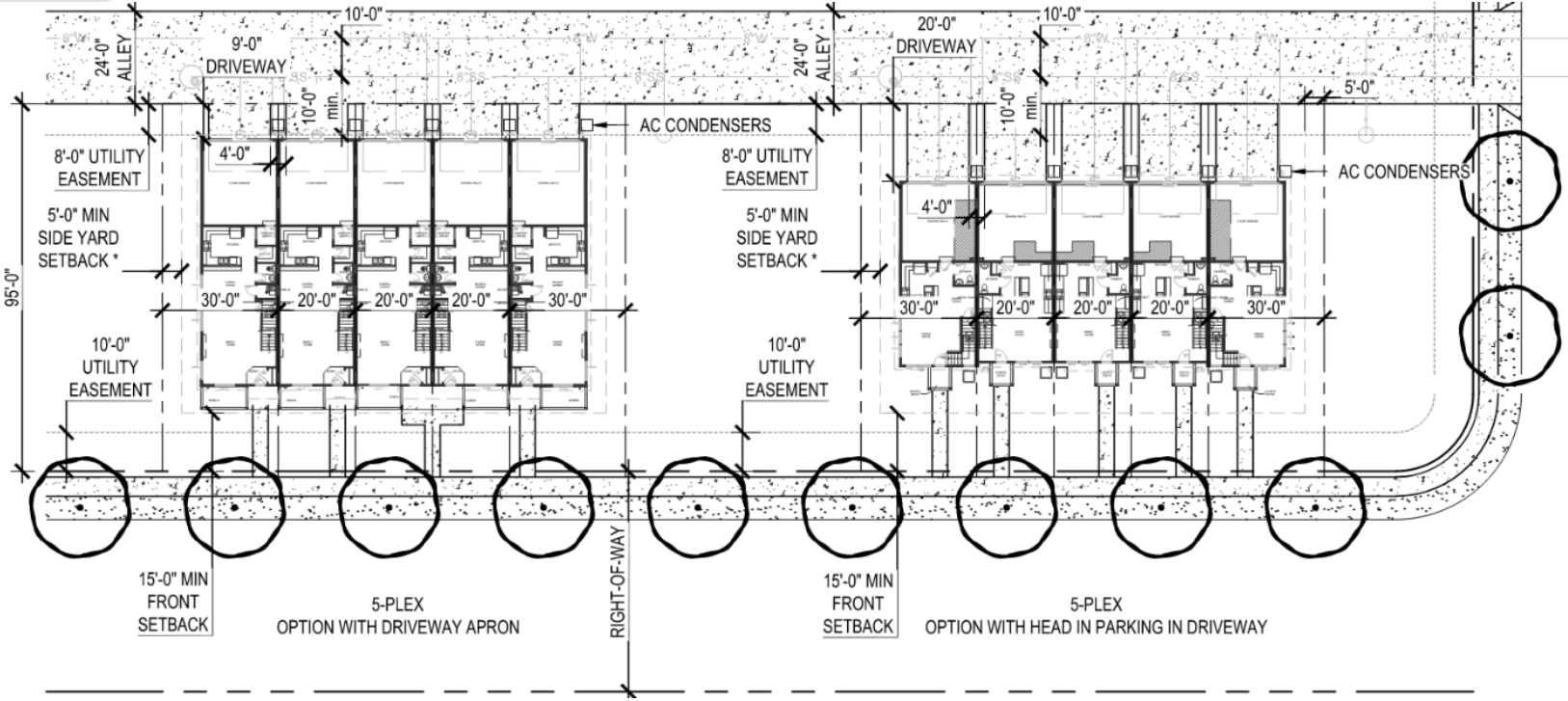


Single Family Detached
52'x110'



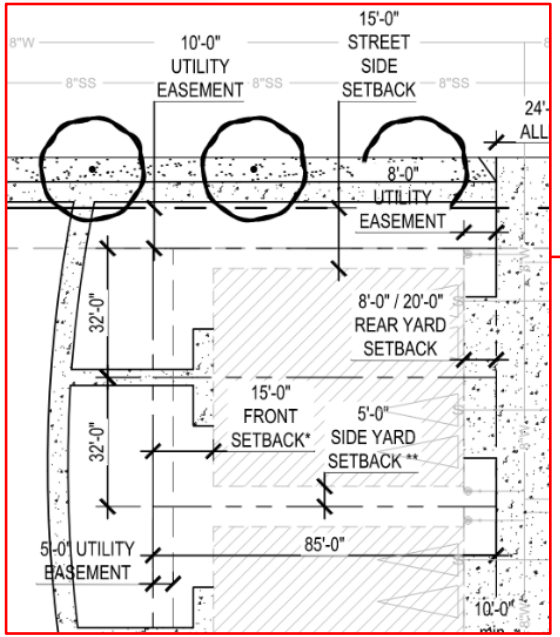
Single Family Detached
42'x100'

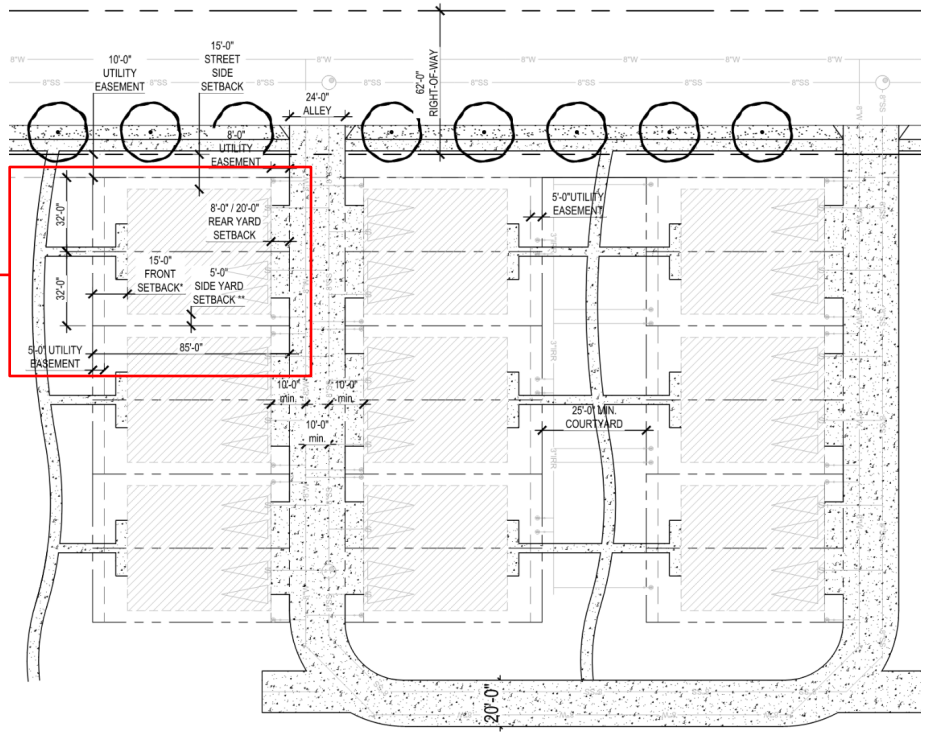
Single-Family Attached - Townhomes Typical Lot Layout



Lot sizes - 30’x95’ & 20’x95’
Rear/Alley Access

Single-Family Attached – Side-by-Side Duplexes Typical Lot Layout





Lot size - 32’x85’)
Rear/Alley Access

Amended Master Plan - Summary

- 726 dwelling units (maximum), overall density 4 units/acre
- The higher intensity development allows for clustering density while preserving open space.
- 34 acres open space and drainage
  - Park/playground
  - Trails/pedestrian connections
  - Open space/natural habitat areas
  - Master drainage corridor
- ~9-acre school site
- Mix of residential product types
- Neighborhood commercial uses (Minimum 5 acres)

Master Plan Amendment – Amenities

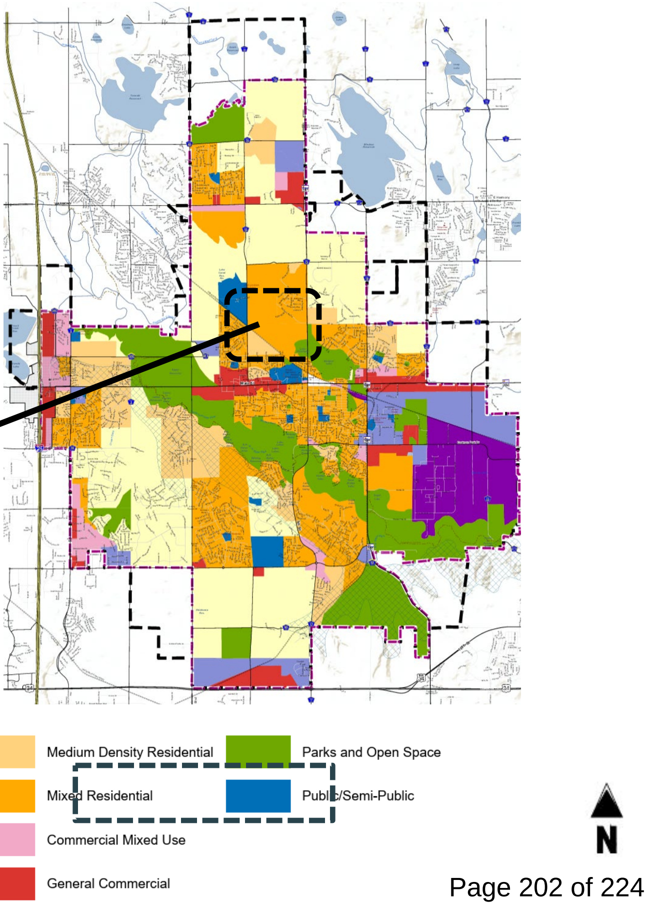
- Neighborhood playgrounds
- Shelters, tables, seating
- Lawn area for passive and active recreation
- Central open space/park
- Trail network
- Detention/master drainage corridor

Central Park and Playground

Relationship to the Comprehensive Plan

The rezone and master plan amendment applications are consistent with the goals and policies outlined within the Comprehensive Plan.

The rezone application is consistent with the Land Use Map designation – Mixed Residential.



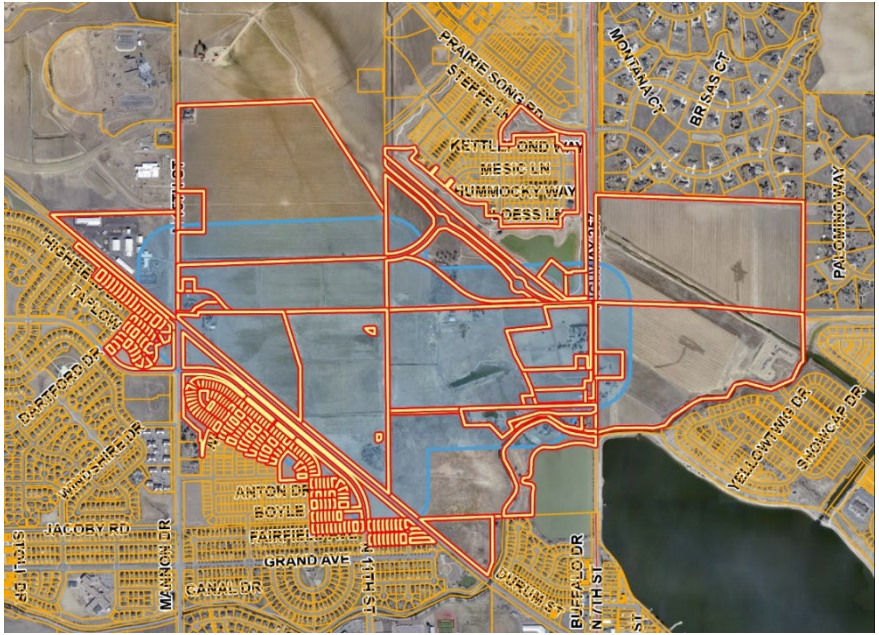
Relationship to the Strategic Plan

The rezone and master plan amendment applications are consistent with the Strategic Plan Mission Statement: The Town of Windsor promotes community and hometown pride through sustainable, excellent, and equitable service delivery in a fiscally responsible manner, quality of life, vitality, and a *small-town feel.*

Neighborhood Meeting

As required by the Municipal Code for a rezoning application, as well as a master plan application, the applicant held a neighborhood meeting on December 05, 2024.

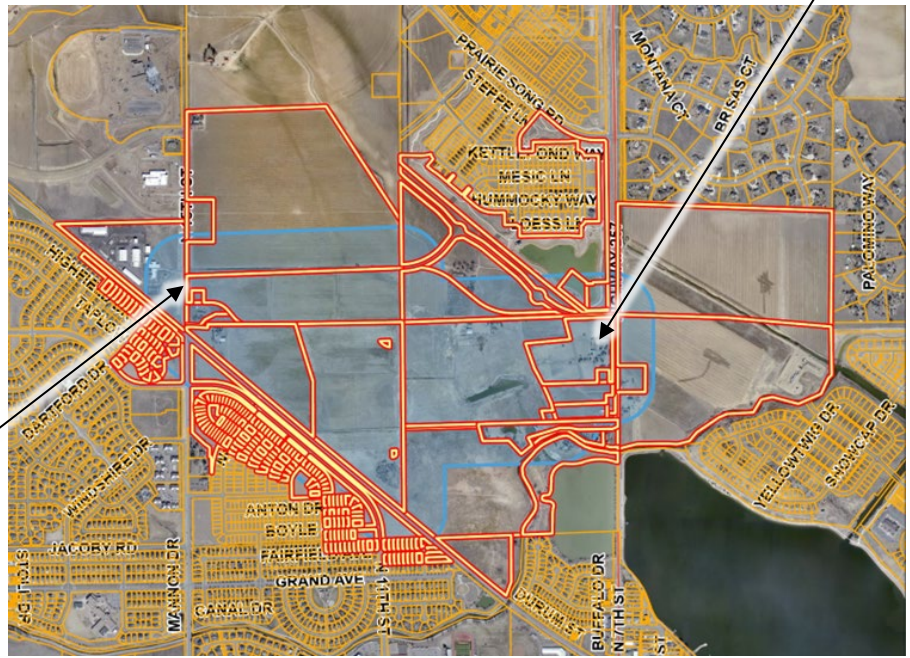
- Notices were sent to property owners within 500 feet.
- A summary of neighborhood meeting is included with the packet materials.



Public Hearing Notification

The following notifications were completed in accordance with the Municipal Code as follows:

- January 14, 2025 - Sign posted on property
- January 15, 2025 – notice sent to property owners within 500 feet
- January 17, 2025– legal ad published in the newspaper
- January 17, 2025, 2025– legal ad posted on the Town's website



Recommendations: Rezone & Master Plan

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the Overland 368 **Rezone** subject to any outstanding Planning Commission and staff comments being addressed.

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the Overland 368 second **Master Plan Amendment**, subject to approval of the rezone, and any outstanding Planning Commission and staff comments being addressed.

Record

Staff requests that the following be entered into the record:

- Rezoning Application Materials
- Master Plan Amendment
- Staff memorandum and supporting documents
- Public hearing testimony
- Recommendations (Rezone & Master Plan Amendment)

Review Criteria - Rezone

1) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, the applicable Master Plan, and all other applicable adopted plans or policies.
2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
3) Density is consistent with the Comprehensive Plan Land Use Plan, and applicable utility capacity studies.
4) The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.
5) The proposal shall be accompanied by a Master Plan or Site Plan that demonstrates compatibility with adjacent uses.

Review Criteria - Master Plan

1) Consistency with Comprehensive Plan
2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements
3) Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
4) Transportation improvements are consistent with the following:
    - Roadway Improvement Plan
    - Subdivision street standards
    - Design Criteria and Construction Specifications
    - Transportation Master Plan
    - Trails Plan
    - Complete Streets Guide.
5) Capability of utilities to serve the development.
6) The proposal shall demonstrate compatibility with adjacent uses.

Thank You

Questions

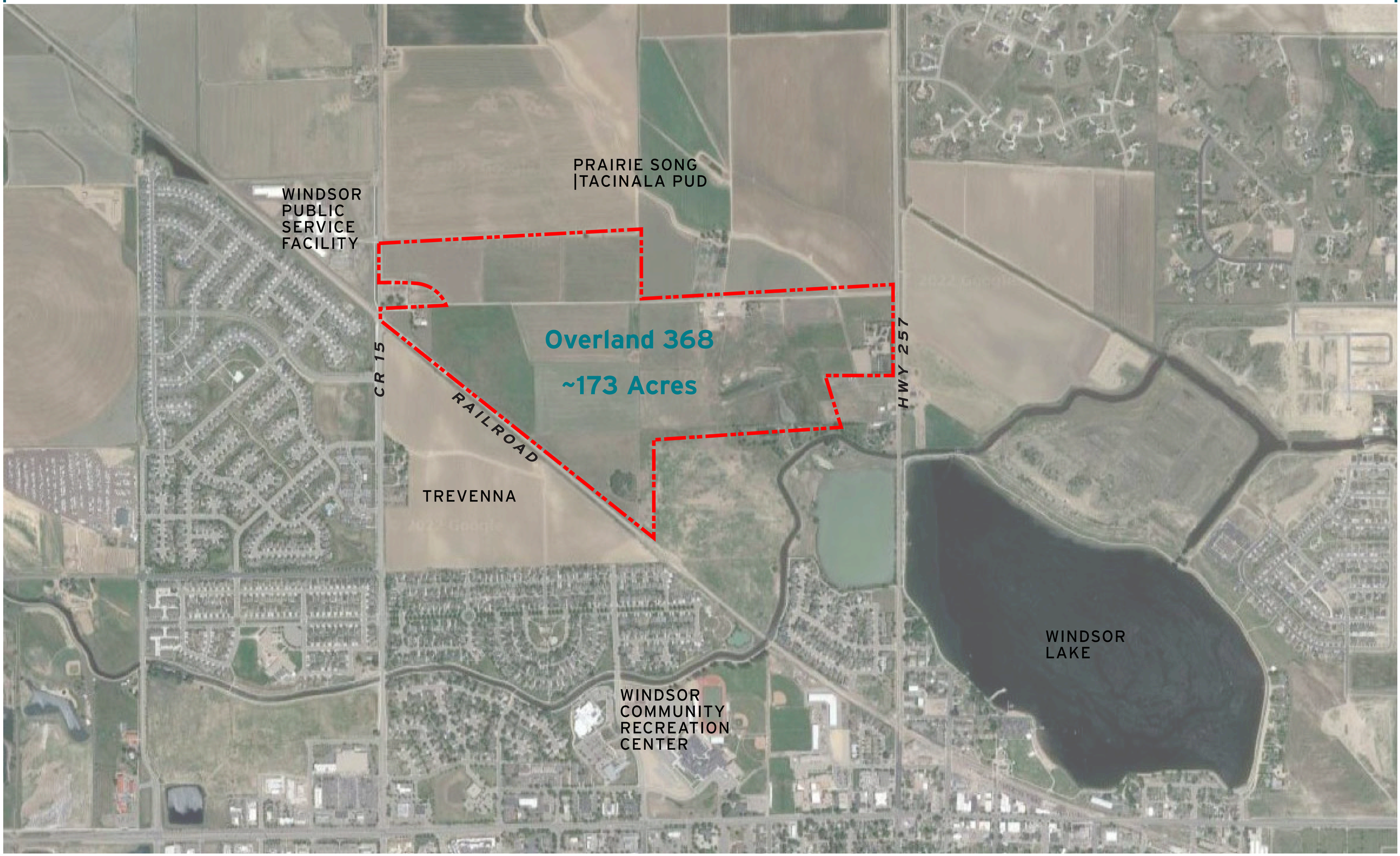
Overland 368

Rezone and

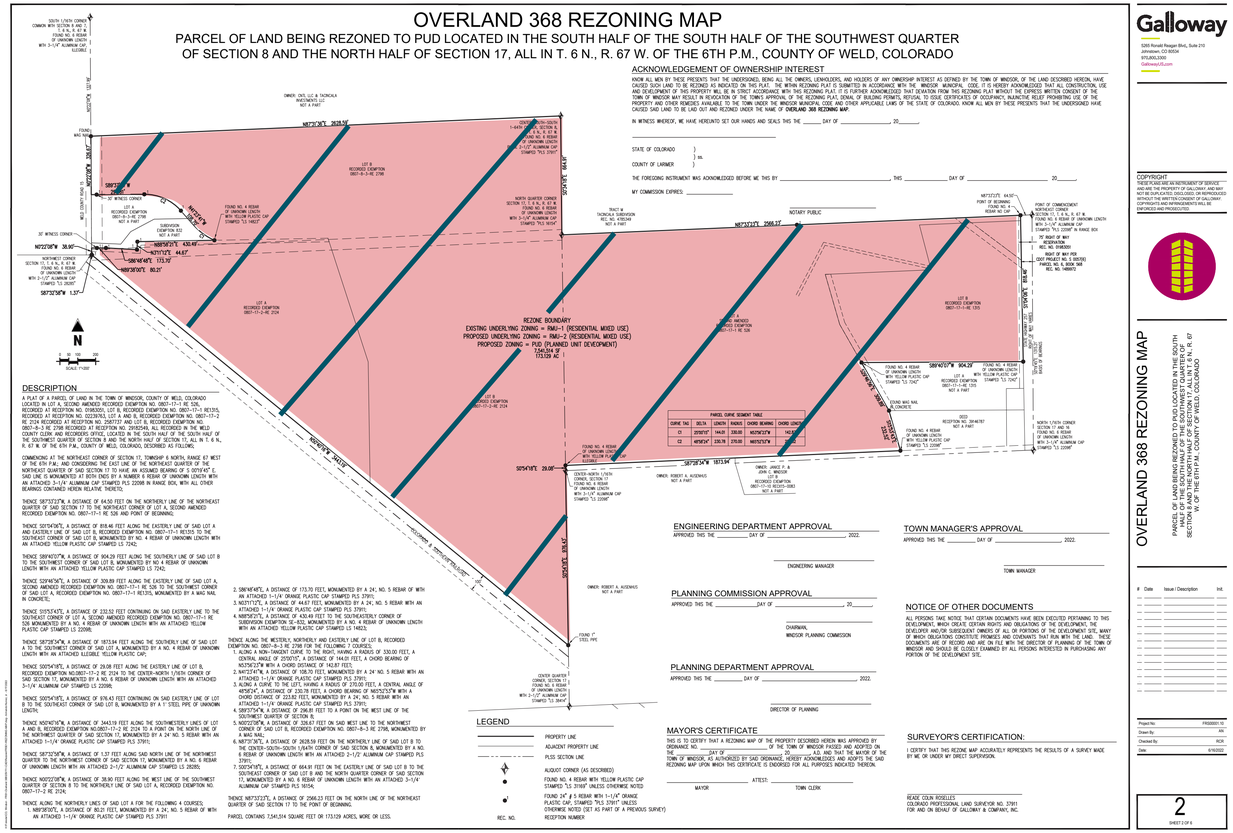
Master Plan Amendment

PEAK DEVELOPMENT RVi Galloway

Vicinity Map

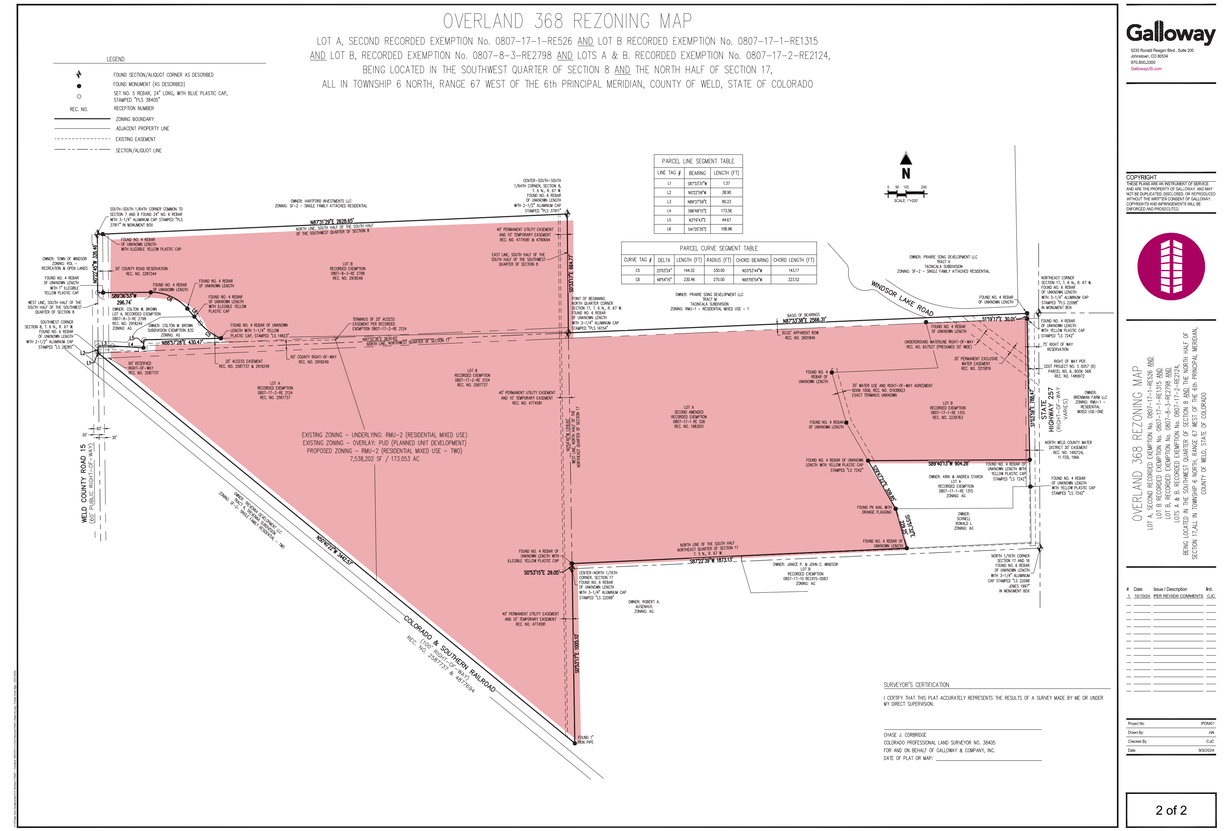


Zoning



PUD and Rezone (2022)
Underlying Zoning: RMU-2
And Planned Unit Development (PUD) Zoning

- **Previous PUD dictated that Regional Drainage Channel be central feature in the site.**
- **Existing grades on site required cost prohibitive amount of fill to accommodate channel and sub surface drainage system.**
- **Rezoning to RMU-2 allows the channel to be located as a buffer along the railroad and reduces fill as well as allowing surface swales for drainage, amenities distributed across site and utilizes best practices for utilities.**
- **Removal of PUD allows for faster standards reviews of Town staff**



Proposed Zoning: RMU-2

Zoning Criteria

1) Complies with the Comprehensive Plan's goals and objectives, Code, Master Plan, and all other applicable adopted plans or policies.

- Diversifies housing options
- Supplies housing options for middle incomes
- Enhance connectivity between neighborhoods and across Town

2) Does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements

- Overland will be building part of the Regional Drainage Channel as well as new CR 70 connection

3) Density is consistent with the Comprehensive Plan Land Use Plan, and the applicable utility capacity studies.

- Density is alignment with Comp Plan, Utiltiy Capacity report has been reviewed and accepted by Town Engineering Staff

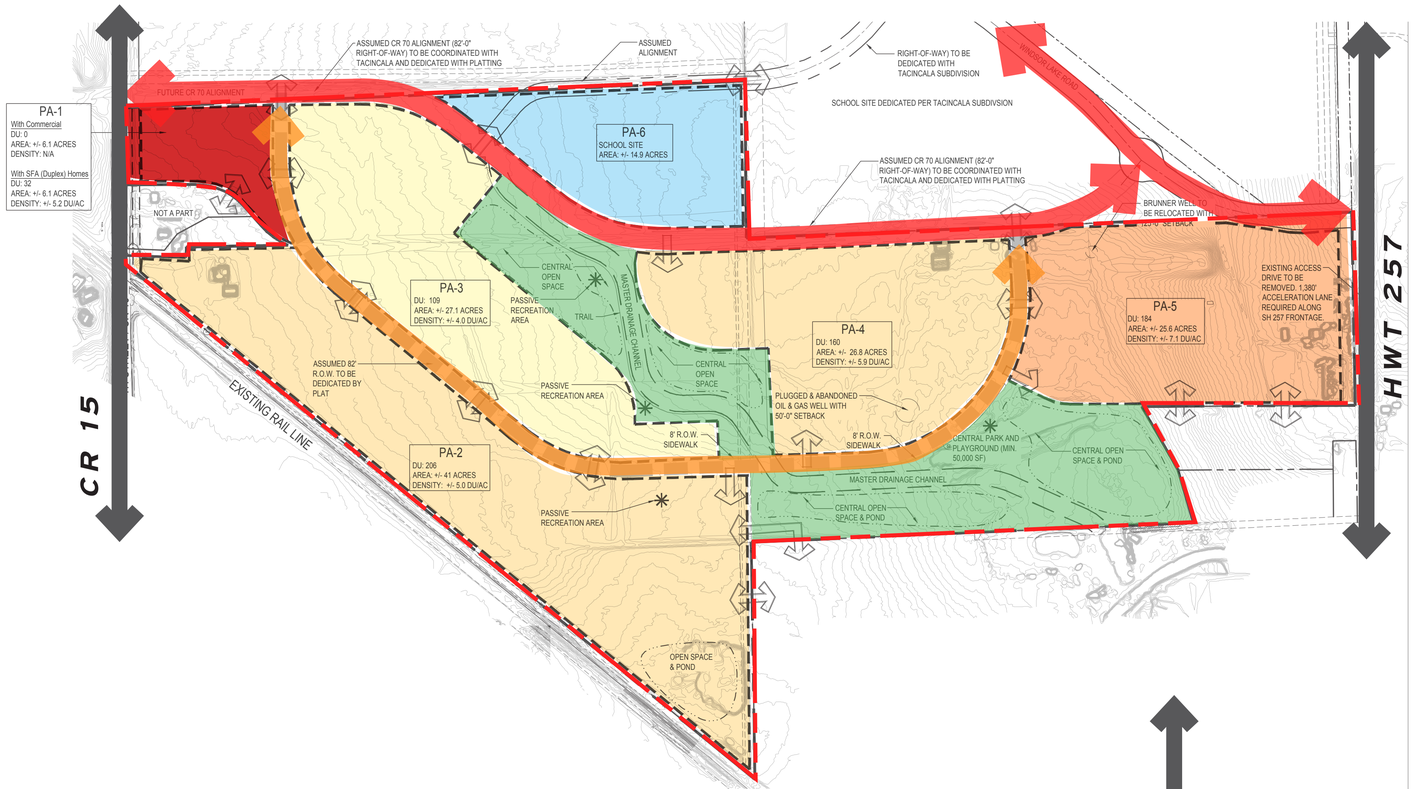
4) Serves a community need or amenity that was not considered at the time of the initial zoning of the property.

- Diverse housing needs are accommodated. Removes a PUD overlay only. 50,000 SF park that was part of PUD is still being included Master Plan

5) Accompanied by a Master Plan that demonstrates compatibility with adjacent uses.

- Master Plan Amendment is part of this hearing for approval

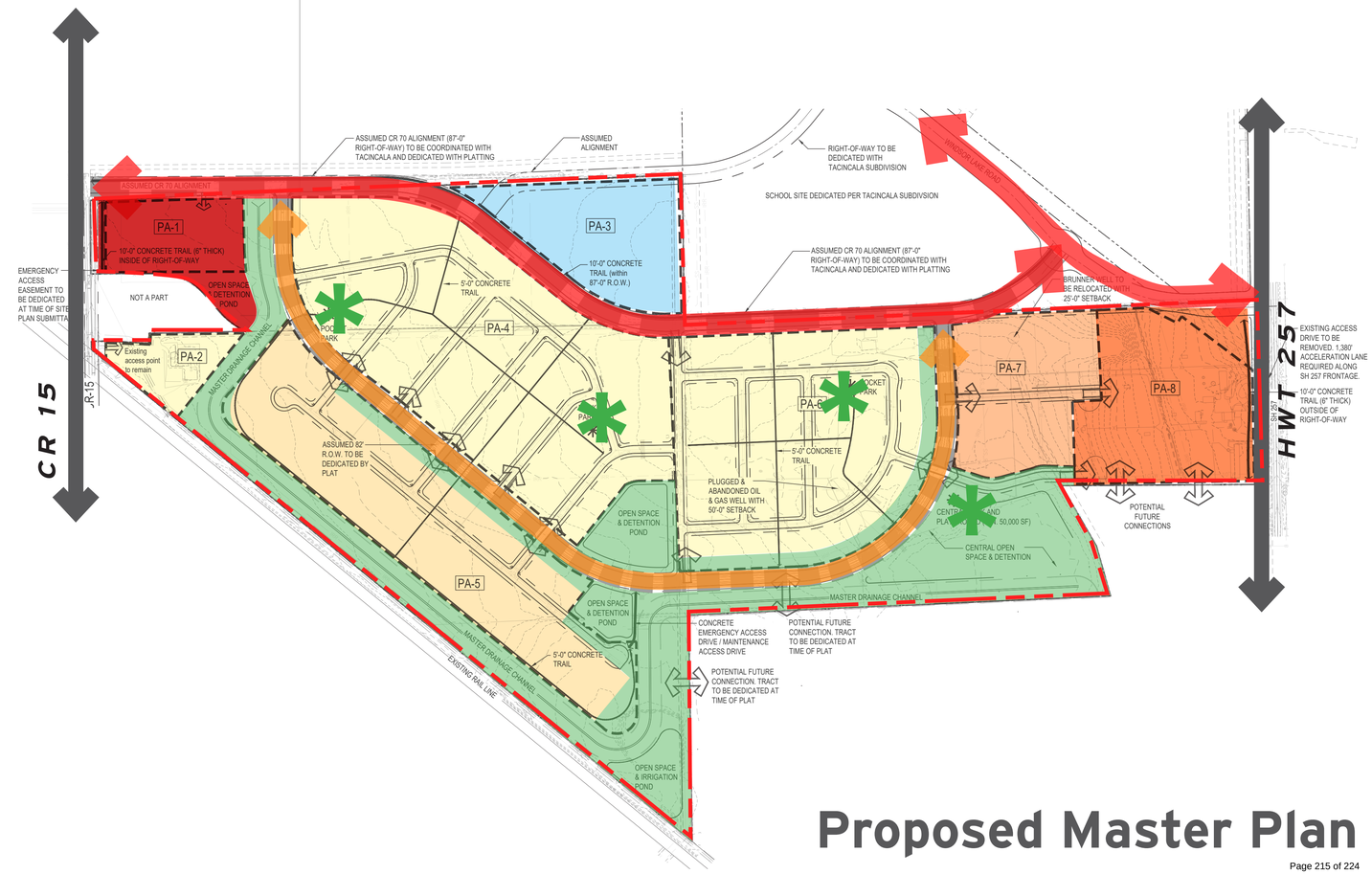
Master Plan Amendment



- Road network remains largely the same
- Realignment of Regional Drainage Channel along railroad
- NW corner confirmed 5 AC Neighborhood Commercial (i.e. coffee, daycare, etc.)
- School area reflects latest discussions with District
- Additional product added - Multi-family

Recorded Master Plan (2022)

- Single-Family Detached
- Single-Family Detached & Single-Family Attached
- Single-Family Attached
- Multi-Family
- Commercial
- School
- Central Open Space
- CR 15 to Hwy 257 Connection
- Internal Collector
- Park



Proposed Master Plan

Master Plan Amendment Criteria

1) Complies with the Comprehensive Plan's goals and objectives, Code, Master Plan, and all other applicable adopted plans or policies.

- Diversifies housing options
- Supplies housing options for middle incomes
- Enhance connectivity between neighborhoods and across Town

2) Does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements

- Overland will be building part of the Regional Drainage Channel as well as new CR 70 connection

3) Density is consistent with the Comprehensive Plan Land Use Plan, and the applicable utility capacity studies.

- Density is alignment with Comp Plan, Utiltiy Capacity report has been reviewed and accepted by Town Engineering Staff

(4)Transportation improvements are consistent with: Roadway Improvement Plan, Subdivision street standards, Design Criteria and Construction Specifications, Transportation Master Plan, Trails Plan, and Complete Streets Guide.

- All streets and trails meet Plan and design requirements

(5) Provision of utilities to serve the development shall be in accordance with Design Criteria and Construction Specifications and any other utility provider requirements.

- Utilities designed to meet requirements

(6)The proposal shall demonstrate compatibility with adjacent uses by building placement, transitions in density or height, screening, and/or landscape buffers.

- Drainage channel moved to buffer against railroad
- Highest density Multi-Family closest to Hwy 257

Master Plan Amendment Criteria

(7)Review of the proposal shall include:

- **Traffic study - submitted**
- **Soils description and limitation - submitted**
- **Preliminary utility plan - submitted**
- **Preliminary drainage plan - submitted**
- **Affidavit concerning the amount and historical use of all water rights owned within the last three (3) years - submitted**
- **Statement of community need for proposed annexation and/or zoning - Zoning in hearing - PUD overlay removal**
- **Statement from the school district regarding the impact of the proposal - submitted**

Product Diversity

Images are conceptual and do not represent actual architectural elevations

Single-Family Attached - alley load
Townhome
(25′ x 95′) and (30′ x 85′)

Single-Family Attached - alley load
Duplex
(32′ x 85′)

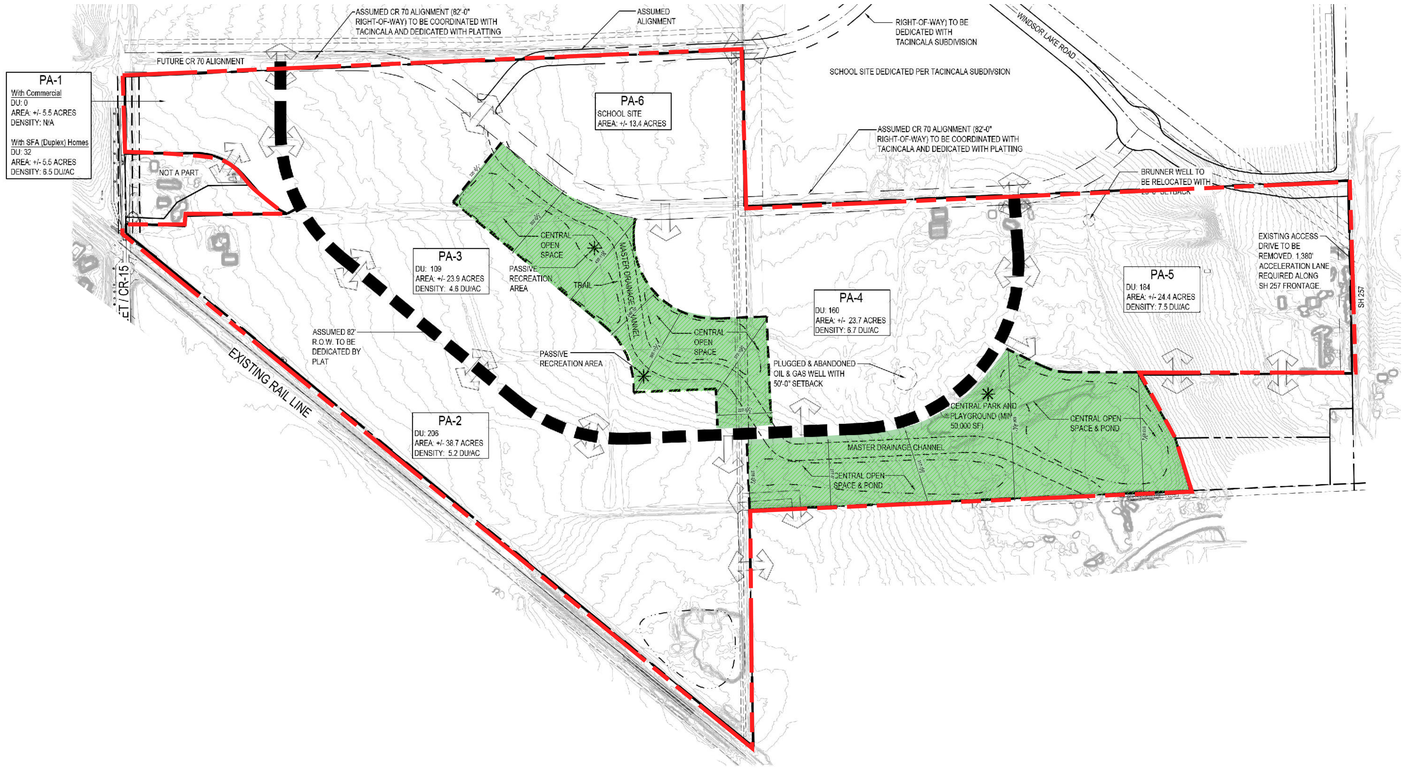
Single-Family Detached - front load (limited access)
(52′ x 110′) and (42′ X 100′)

Multi-family
Future Development

Pedestrian Oriented Streetscapes

- Alley loaded duplexes and townhomes remove garage doors from street frontage
- Pedestrian connection from front entry to street sidewalk on all alley load products (Duplexes and Townhomes)
- Detached sidewalks with tree lawns throughout site
- Front porches and shared courtyards for all duplexes and townhomes
- Garages set back from porch or living space on front load homes
- Over 1.5 miles of off-street pedestrian walkways

Open Space

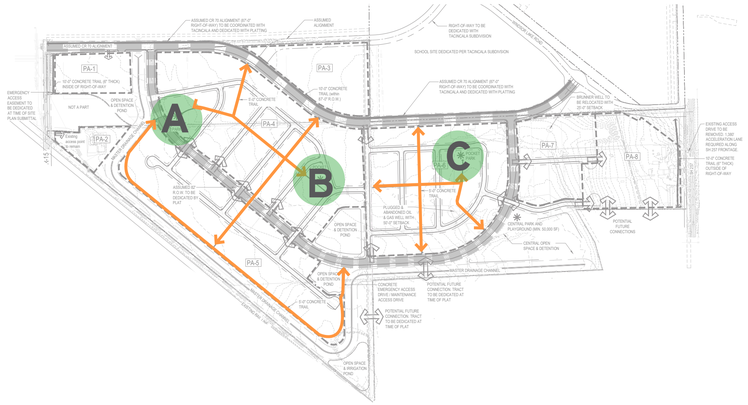


Recorded Master Plan Open Space

Park

Proposed Open Space

Amenities | Pocket Parks



- Themed Neighborhood pocket parks
- Connecting pedestrian network
- All age recreation
- Wildlife and pollinator habitats

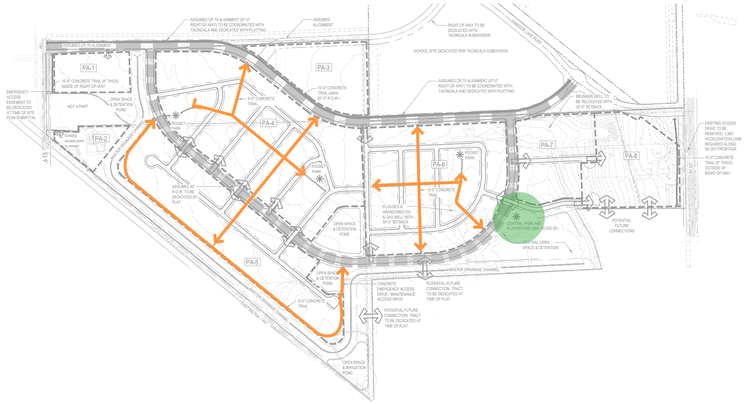
Park A: Group Games

Park B: Pollinator Garden and Playground

Park C: Fitness

Images are conceptual

Amenities | Central Park



- Not a requirement for RMU-2: Developer committing to retain from previous PUD
- Nature play theme for all age groups
- Connecting pedestrian network
- Shade shelter and seating area

Images are conceptual

Questions?

MEMORANDUM

Date: February 5, 2025
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Recommendation to Town Board - Overland 368 Master Plan Amendment - Chad Ellington, applicant, Peak Development Group; Shelley LaMastra, applicant's representative, RVi Planning + Landscaping
Item #: C.6.

Background / Discussion:
Please refer to the information included with the master plan amendment public hearing item.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:
Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Overland 368 second ***Master Plan Amendment***, subject to the approval of the rezone and any outstanding Planning Commission and staff comments being addressed.

CC:

Attachments: