

**TOWN OF TIMNATH, COLORADO  
ORDINANCE NO. 6, SERIES 2016**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF TIMNATH  
FOR THE PURPOSE OF ZONING CERTAIN REAL PROPERTY LOCATED IN THE  
HARMONY SUBDIVISION, GENERALLY LOCATED WEST OF AND ADJACENT TO  
LATHAM PARKWAY AND NORTH OF AND ADJACENT TO HARMONY ROAD**

**WHEREAS**, Harmony, LLC (the "Developer") has submitted a request for zoning of real property within the Town of Timnath, more particularly described in **Exhibit A** (legal description) and **Exhibit B** (Zoning Map) and attached hereto and incorporated herein by this reference (the "Property"); and

**WHEREAS**, a properly noticed public hearing was held on March 15, 2016, and the above described Zoning change was recommended for approval to the Town Council by the Town of Timnath Planning Commission with the following conditions:

1. Allow staff to continue to work with applicant to address all unresolved non-substantive technical comments to the satisfaction of Town Staff and Referral Agencies
2. Town Council approves the Harmony Subdivision Comprehensive Plan Amendment prior to the Harmony Subdivision Zoning Amendment approval.

**WHEREAS**, a properly noticed public hearing with the Town Council was held on April 12, 2016 and upon hearing the statements of staff, the applicant(s) and giving consideration to the recommendations, the Town Council determines as provided below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO:**

**Section 1. Property Zoned**

That Article 3 of the Timnath Land Use Code and the map referred to therein as the "Official Zoning Map of the Town of Timnath", said map being part of said Zoning Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

R-E (Estate Residential), R-3 (Two Family & Multi-Family Residential), and MU (Mixed Use) – See attached **Exhibits A&B**

**Section 2. Conditions**

1. Allow staff to continue to work with applicant to address all unresolved non-substantive technical comments to the satisfaction of Town Staff and Referral Agencies

**Section 3. Public Hearing**

The Town Council held a public hearing on Tuesday, April 12, 2016 regarding the zoning of the property.

RECEPTION#: 20160022253, 04/13/2016 at  
10:34:41 AM, 1 OF 6, R \$36.00 TD Pgs: 0  
Angela Myers, Clerk & Recorder, Larimer  
County, CO

✓ **Please Return to:**  
Town of Timnath  
4800 Goodman Street  
Timnath, CO 80547

**Section 4. Severability**

If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.

**Section 5. Effective Date** This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Ordinance available for inspection by the public during regular business hours.

**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON MARCH 22, 2016, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON APRIL 12, 2016 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 12 DAY OF APRIL, 2016.**

**MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON APRIL 12, 2016.**

TOWN OF TIMNATH, COLORADO



\_\_\_\_\_  
Jill Grossman-Belisle, Mayor

ATTEST:



\_\_\_\_\_  
Milissa Peters, CMC  
Town Clerk



## EXHIBIT A

### Legal Description of Property Proposed for Zoning

#### **LEGAL DESCRIPTION R-E ZONING DISTRICT**

A PARCEL OF LAND BEING ALL OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO.

EXCEPT FOR A PORTION OF THE SOUTHERN HALF OF SAID SECTION 36 BEING DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARING N89°33'31"W A DISTANCE OF 2,649.62 FEET, BEING MONUMENTED AT THE EAST END BY A 2 1/2" ALUMINUM CAP STAMPED "S1, T6N R68W, S36, T7N R68W, ¼, 2000, PLS 2-1159, T&T INC. CONSULTING ENGINEERS" AND AT THE WEST END BY AN ILLEGIBLE 2 1/2" ALUMINUM CAP.

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 36.

THENCE ON THE WEST LINE OF SAID SECTION 36, N00°06'32"E A DISTANCE OF 1,048.30 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND TREE BOULEVARD, AS SHOWN IN THE PLAT OF HARMONY SUBDIVISION SECOND FILING RECORDED UNDER RECEPTION NO. 20070020818 IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER.

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

- 1) N80°00'00"E A DISTANCE OF 261.23 FEET;
- 2) ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 640.00 FEET, A CENTRAL ANGLE OF 45°09'45" AND AN ARC LENGTH OF 503.35 FEET;
- 3) S44°56'15"E A DISTANCE OF 45.14 FEET.

THENCE N45°03'45"E A DISTANCE OF 142.70 FEET

THENCE N47°39'47"E A DISTANCE OF 112.71 FEET;

THENCE N50°38'40"E A DISTANCE OF 82.27 FEET;

THENCE S75°45'13"E A DISTANCE OF 88.17 FEET;

THENCE S67°40'55"E A DISTANCE OF 110.92 FEET;

THENCE S62°45'01"E A DISTANCE OF 110.00 FEET;

THENCE S82°44'59"E A DISTANCE OF 110.00 FEET;

THENCE S89°49'46"E A DISTANCE OF 78.25 FEET;

THENCE N34°45'01"E A DISTANCE OF 26.20 FEET;

THENCE N45°27'20"E A DISTANCE OF 364.29 FEET, TO A POINT ON THE SOUTHERLY LINE OF A 50' WIDE WATERLINE EASEMENT DESCRIBED IN THE DOCUMENT RECORDED UNDER THE RECEPTION NO. 20050095580

THENCE ON SAID SOUTHERLY LINE S23°28'42"E A DISTANCE OF 731.70 FEET.

THENCE ON SAID SOUTHERLY LINE S49°34'13"E A DISTANCE OF 96.82 FEET;

THENCE DEPARTING SAID SOUTHERLY LINE, S49°54'05"W A DISTANCE OF 246.33 FEET,

THENCE S09°06'45"W A DISTANCE OF 65.44 FEET;

THENCE S32°20'21"E A DISTANCE OF 45.83 FEET;

THENCE S51°41'44"E A DISTANCE OF 168.75 FEET;

THENCE S38°20'33"W A DISTANCE OF 85.23 FEET;

THENCE S02°35'43"E A DISTANCE OF 87.25 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID GRAND TREE BOULEVARD.

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:

- 1) ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, WHOSE CENTER BEARS N03°15'06"W, HAVING A RADIUS OF 2302.50 FEET, A CENTRAL ANGLE OF 06°07'24" AND AN ARC LENGTH OF 246.07 FEET, TO A POINT OF COMPOUND CURVE TO THE LEFT.
- 2) ON THE ARC OF SAID CURVE WITH A RADIUS OF 66.00 FEET, HAVING A CHORD BEARING OF N15°41'54"E AND A CHORD DISTANCE OF 55.63, HAVING A CENTRAL ANGLE OF 49°31'10" AND AN ARC LENGTH OF 57.43 FEET, TO A POINT OF REVERSE CURVE TO THE RIGHT.
- 3) ON THE ARC OF SAID CURVE WITH A RADIUS OF 110.00 FEET, HAVING A CHORD BEARING OF N64°24'07"E AND A CHORD DISTANCE OF 121.64, HAVING A CENTRAL ANGLE OF 67°15'39" AND AN ARC LENGTH OF 122.15 FEET, TO A POINT OF REVERSE CURVE TO THE LEFT.
- 4) ON THE ARC OF SAID CURVE WITH A RADIUS OF 66.00 FEET, HAVING A CHORD BEARING OF N73°05'40"E AND A CHORD DISTANCE OF 55.62, HAVING A CENTRAL ANGLE OF 49°50'54" AND AN ARC LENGTH OF 57.41 FEET.
- 5) N48°11'23"E A DISTANCE OF 32.08 FEET, TO A POINT LYING ON THE NORTHERLY LINE OF AN 80' DITCH EASEMENT DESCRIBED IN THE DOCUMENT RECORDED UNDER THE RECEPTION NO. 20050095580.

THENCE ON SAID NORTHERLY LINE, S41°48'37"E A DISTANCE OF 95.20 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF CLUB DRIVE.

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

- 1) N48°11'23"E A DISTANCE OF 122.58 FEET.
- 2) ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 647.50 FEET, HAVING A CHORD BEARING OF N27°26'04"E AND A CHORD DISTANCE OF 458.91, A CENTRAL ANGLE OF 41°32'35" AND AN ARC LENGTH OF 468.11 FEET.
- 3) N08°40'46"E A DISTANCE OF 132.44 FEET TO A POINT ON THE EASTERLY LINE OF OUTLOT 4 HARMONY SECOND FILING.

THENCE ON SAID EASTERLY LINE, S22°25'02"E A DISTANCE OF 769.86 FEET.

THENCE ON SAID EASTERLY LINE AND THE PROLONGATION THEREOF, S41°12'28"E A DISTANCE OF 766.68 FEET, TO A POINT ON THE SOUTHERN LINE OF SAID SECTION 36.

THENCE ON SAID SOUTHERN LINE, N88°33'48"W A DISTANCE OF 1,149.09 FEET, TO THE SOUTH ¼ CORNER OF SAID SECTION 36.

THENCE ON SAID SOUTHERN LINE, N89°33'31"W A DISTANCE OF 2,648.62 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 24,853.815 SQUARE FEET OR 570.5651 ACRES

## LEGAL DESCRIPTION M-U ZONING DISTRICT

A PARCEL OF LAND LOCATED THE SOUTH ¼ OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARING N89°33'31"W A DISTANCE OF 2,649.62 FEET, BEING MONUMENTED AT THE EAST END BY A 2 1/2" ALUMINUM CAP STAMPED "S1, T6N R68W, S36, T7N R68W, ¼ 2000, PLS 31169, TST INC. CONSULTING ENGINEERS" AND AT THE WEST END BY AN ILLEGIBLE 2 1/2" ALUMINUM CAP.**

**BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 36,**

**THENCE ON THE WEST LINE OF SAID SECTION 36, N00°06'32"E A DISTANCE OF 1,048.39 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND TREE BOULEVARD, AS SHOWN IN THE PLAT OF HARMONY SUBDIVISION SECOND FILING RECORDED UNDER RECEPTION NO. 20070020818 IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER,**

**THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES:**

- 1) N90°00'00"E A DISTANCE OF 261.23 FEET;
- 2) ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 640.00 FEET, A CENTRAL ANGLE OF 45°03'45" AND AN ARC LENGTH OF 503.35 FEET;
- 3) S44°56'15"E A DISTANCE OF 287.91 FEET;
- 4) ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 560.00 FEET, A CENTRAL ANGLE OF 47°06'18" AND AN ARC LENGTH OF 460.40 FEET;
- 5) N87°57'27"E A DISTANCE OF 246.01 FEET;
- 6) ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1484.00 FEET, A CENTRAL ANGLE OF 02°05'56" AND AN ARC LENGTH OF 54.36 FEET;
- 7) N85°51'31"E A DISTANCE OF 94.92 FEET, TO A POINT ON THE EASTERLY LINE OF OUTLOT 1 HARMONY 2ND FILING;

**THENCE ON SAID EASTERLY LINE THE FOLLOWING THREE (3) COURSES:**

- 1) N02°02'33"W A DISTANCE OF 225.33 FEET;
- 2) N02°41'29"W A DISTANCE OF 111.61 FEET;
- 3) N50°08'36"W A DISTANCE OF 187.08;

**THENCE DEPARTING SAID EASTERLY LINE, N45°27'20"E A DISTANCE OF 364.29 FEET, TO A POINT ON THE SOUTHERLY LINE OF A 50' WIDE WATERLINE EASEMENT DESCRIBED IN THE DOCUMENT RECORDED UNDER THE RECEPTION NO. 20050095580**

**THENCE ON SAID SOUTHERLY LINE S63°25'43"E A DISTANCE OF 231.70 FEET;**

**THENCE ON SAID SOUTHERLY LINE S49°34'13"E A DISTANCE OF 98.92 FEET;**

**THENCE DEPARTING SAID SOUTHERLY LINE, S49°54'05"W A DISTANCE OF 246.33 FEET;**

**THENCE S09°06'46"W A DISTANCE OF 60.44 FEET;**

**THENCE S32°20'21"E A DISTANCE OF 45.02 FEET;**

**THENCE S51°41'44"E A DISTANCE OF 188.75 FEET;**

**THENCE S38°20'33"W A DISTANCE OF 88.20 FEET;**

**THENCE S02°35'43"E A DISTANCE OF 87.29 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID GRAND TREE BOULEVARD,**

**THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:**

- 1) ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT WHOSE CENTER BEARS N03°15'06"W, HAVING A RADIUS OF 2302.50 FEET, A CENTRAL ANGLE OF 06°07'24" AND AN ARC LENGTH OF 248.07 FEET, TO A POINT OF COMPOUND CURVE TO THE LEFT;
- 2) ON THE ARC OF SAID CURVE WITH A RADIUS OF 68.00 FEET, HAVING A CHORD BEARING OF N55°41'54"E AND A CHORD DISTANCE OF 55.63, HAVING A CENTRAL ANGLE OF 42°41'12" AND AN ARC LENGTH OF 57.43 FEET, TO A POINT OF REVERSE CURVE TO THE RIGHT;
- 3) ON THE ARC OF SAID CURVE WITH A RADIUS OF 110.00 FEET, HAVING A CHORD BEARING OF N84°24'07"E AND A CHORD DISTANCE OF 121.84, HAVING A CENTRAL ANGLE OF 67°15'39" AND AN ARC LENGTH OF 129.13 FEET, TO A POINT OF REVERSE CURVE TO THE LEFT;
- 4) ON THE ARC OF SAID CURVE WITH A RADIUS OF 68.00 FEET, HAVING A CHORD BEARING OF N73°06'40"E AND A CHORD DISTANCE OF 55.62, HAVING A CENTRAL ANGLE OF 48°30'34" AND AN ARC LENGTH OF 57.41 FEET;
- 5) N48°11'23"E A DISTANCE OF 88.08 FEET, TO A POINT LYING ON THE NORTHERLY LINE OF AN 80' DITCH EASEMENT DESCRIBED IN THE DOCUMENT RECORDED UNDER THE RECEPTION NO. 20050095580;

**THENCE ON SAID NORTHERLY LINE, S41°48'37"E A DISTANCE OF 95.00 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF CLUB DRIVE;**

**THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:**

- 1) N48°11'23"E A DISTANCE OF 122.86 FEET;
- 2) ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 647.50 FEET, HAVING A CHORD BEARING OF N27°26'04"E AND A CHORD DISTANCE OF 458.81, A CENTRAL ANGLE OF 41°30'36" AND AN ARC LENGTH OF 468.11 FEET;
- 3) N06°40'46"E A DISTANCE OF 132.44 FEET TO A POINT ON THE EASTERLY LINE OF OUTLOT 4 HARMONY SECOND FILING;

**THENCE ON SAID EASTERLY LINE, S26°25'08"E A DISTANCE OF 793.86 FEET;**

**THENCE ON SAID EASTERLY LINE AND THE PROLONGATION THEREOF, S41°12'28"E A DISTANCE OF 768.88 FEET, TO A POINT ON THE SOUTHERN LINE OF SAID SECTION 36;**

**THENCE ON SAID SOUTHERN LINE, N89°33'48"W A DISTANCE OF 1,149.09 FEET, TO THE SOUTH ¼ CORNER OF SAID SECTION 36,**

**THENCE ON SAID SOUTHERN LINE, N89°33'31"W A DISTANCE OF 2,649.62 FEET, TO THE POINT OF BEGINNING;**

**CONTAINING A CALCULATED AREA OF 2,790,279 SQUARE FEET OR 64.0560 ACRES**

## LEGAL DESCRIPTION R-3 ZONING DISTRICT

A PARCEL OF LAND LOCATED THE SOUTH ¼ OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, BEING DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEARING N89°33'31"W A DISTANCE OF 2,649.62 FEET, BEING MONUMENTED AT THE EAST END BY A 2 1/2" ALUMINUM CAP STAMPED "S1, T6N R68W, S36, T7N R68W, ¼ 2000, PLS 31169, TST INC. CONSULTING ENGINEERS" AND AT THE WEST END BY AN ILLEGIBLE 2 1/2" ALUMINUM CAP.**

**COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 36;**

**THENCE ON THE WEST LINE OF SAID SECTION 36, N00°06'32"E A DISTANCE OF 1,048.39 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND TREE BOULEVARD, AS SHOWN IN THE PLAT OF HARMONY SUBDIVISION SECOND FILING RECORDED UNDER RECEPTION NO. 20070020818 IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER,**

**THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:**

- 1) ON SAID RIGHT-OF-WAY LINE, N90°00'00"E A DISTANCE OF 261.23 FEET;
- 2) ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 640.00 FEET, A CENTRAL ANGLE OF 45°03'45" AND AN ARC LENGTH OF 503.35 FEET;
- 3) S44°56'15"E A DISTANCE OF 95.14 FEET, TO THE POINT OF BEGINNING;

**THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:**

- 1) S44°56'15"E A DISTANCE OF 192.77 FEET;
- 2) ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 560.00 FEET, A CENTRAL ANGLE OF 47°06'18" AND AN ARC LENGTH OF 460.40 FEET;
- 3) N87°57'27"E A DISTANCE OF 246.01 FEET;
- 4) ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,484.00 FEET, A CENTRAL ANGLE OF 02°05'56" AND AN ARC LENGTH OF 54.36 FEET;
- 5) N85°51'31"E A DISTANCE OF 94.92 FEET, TO A POINT ON THE EASTERLY LINE OF OUTLOT 1 HARMONY 2ND FILING;

**THENCE ON SAID EASTERLY LINE THE FOLLOWING THREE (3) COURSES:**

- 1) N02°02'33"W A DISTANCE OF 225.33 FEET;
- 2) N02°41'29"W A DISTANCE OF 111.61 FEET;
- 3) N50°08'36"W A DISTANCE OF 187.08;

**THENCE DEPARTING FROM SAID EASTERLY LINE, S34°45'01"W A DISTANCE OF 56.39 FEET;**

**THENCE N89°49'46"W A DISTANCE OF 78.59 FEET;**

**THENCE N82°44'59"W A DISTANCE OF 110.00 FEET;**

**THENCE N82°45'01"W A DISTANCE OF 110.00 FEET;**

**THENCE N67°40'55"W A DISTANCE OF 110.92 FEET;**

**THENCE N75°46'13"W A DISTANCE OF 98.17 FEET;**

**THENCE S60°38'40"W A DISTANCE OF 93.37 FEET;**

**THENCE S47°38'47"W A DISTANCE OF 112.71 FEET;**

**THENCE S45°03'45"W A DISTANCE OF 142.70 FEET, TO THE POINT OF BEGINNING;**

**CONTAINING A CALCULATED AREA OF 381875 SQUARE FEET OR 8.3075 ACRES**

**EXHIBIT B**

**Zoning Map**

[attached]

