TOWN OF TIMNATH, COLORADO

RESOLUTION NO. 7, SERIES 2013

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH APPROVING THE AMENDED PRELIMINARY PLAT OF HARMONY SUBDIVISION, GENERALLY LOCATED NORTH OF AND ADJACENT TO HARMONY ROAD AND WEST OF AND ADJACENT TO LATHAM PARKWAY

WHEREAS, HARMONY, LLC (the "Developer") has submitted an amended preliminary plat for Harmony Subdivision ("Development") to be used for residential and mixed-use development, more particularly described in Exhibit A and attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the above described amended preliminary plat was recommended for approval by the Town of Timnath Planning Commission on May 8, 2013; and

WHEREAS, the Town Council, upon hearing the statements of staff, the applicant(s) and giving consideration to the recommendations, determines as provided below.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO:

Section 1. Preliminary Plat

The preliminary plat for Harmony Subdivision is approved as presented.

PASSED, APPROVED AND ADOPTED THIS 14 DAY OF MAY, 2013.

TOWN OF TIMNATH, COLORADO

Jill A. Grossman-Belisle, Mayor

ATTEST:

Milissa Peters, Town Clerk
EXHIBIT A

Legal Description of Property Proposed for Plat

(FORTHCOMING)
Project Overview

The Harmony Subdivision is a mixed-use master planned community consisting of a mix of land uses including large lot single family detached homes as well as “lifestyle homes” and a mixed-use neighborhood center as well as a world class golf course.

The property was annexed into the Town of Timnath in December of 2004 and zoned R-E (Estate Residential) and MU (Mixed Use) with a PD Overlay District at the time of annexation. A Preliminary Plat was approved at the time of annexation and zoning allowing for a total of 515 residential units on approximately 642 acres for a density of 0.80 residential units per acre. The First and Second filings have been platted and developed with 72 single-family lots in the First Filing and 132 single-family lots and two large acreage estate lots in the Second Filing (a total of 206 existing developed lots). Note that the First Filing was originally platted with 73 single family lots but Lots 1 and 2 were later replatted into one larger lot eliminating one platted lot leaving a total of 72 lots in the First Filing. 112 homes are built and occupied or under construction within these first two filings.

With this submittal to the Town of Timnath, the applicant, Harmony, LLC, is requesting the following:

1. An amendment to a portion of the existing Zoning Map and an amendment to the existing PD Overlay exceptions to allow for additional exceptions for the Third and all future filings.
2. An amendment to the approved Preliminary Plat to update and revise the approved plan for modifications to the street and lot layouts for the Third and future filings, and
3. Review and approval of the Third Filing Final Plat.

Property Owners/Applicant/Consultants

Property Ownership Information

Please see Ownership Portion of the Title Commitment, submitted with this application

Property Owners

Harmony, LLC
Mr. Byron Collins and Mr. Mark Tingey
6432 Grand Tree Blvd.
Timnath, CO 80547
(970)224-4622 Fax: (970)407-7805
mtingey@comcast.net
byroncollins@comcast.net

Paragon Investment Group, LLC
Mr. Byron Collins
6432 Grand Tree Blvd.
Timnath, CO 80547
(970)224-4622 Fax: (970)407-7805
byroncollins@comcast.net

Harmony Club, LLC
Mr. Byron Collins
6432 Grand Tree Blvd.

Mr. Rodney Nelson
13329 WCR 74
Eaton, CO 80615
Applicant/Developer

Harmony, LLC
c/o Mr. Byron Collins and Mr. Mark Tingey
6432 Grand Tree Blvd.
Timnath, CO 80547
(970)416-0202 Fax: (970)407-7805
byroncollins@comcast.net
mtingey@comcast.net

Planning Consultant

PineCrest Planning & Design LLC
Mr. Tom Dugan
4225 Westshore Way
Fort Collins, CO 80525
(970)226-1655 Fax: (970)226-1635
tom@pinecrestllc.net

Civil Engineer and Surveyor

Farnsworth Group
Mr. Brian Zick & Mr. JC Cundall
2310 East Prospect
Fort Collins, CO 80525
(970)484-7477 Fax: (970)484-7488
bzick@f-w.com
jcundall@f-w.com

Transportation Engineer

Mr. Matt Delich
Traffic & Transportation Engineering
2722 Glen Haven Drive
Loveland, CO 80538
(970)669-2061 Fax: (970)669-5034
matt@delichassoc.com

Landscape Designer

Mr. John Gettman
Centennial Design LLC
601 S. 9th Street
Berthoud, CO 80513
(970)567-1912
centennialdesign@hotmail.com

Mineral Right Owners and Lessees (Mineral Estate)

State of Colorado Land Board
Mr. T.J. Kelly, Mineral Leasing Agent
1127 Sherman Street, Suite 300
Denver, Co 80203

For the following parcel of land: N ½ and SE ¼ of Sec 36, Township 7 North, Range 68 West of the Sixth Principal Meridian, Town of Timnath, County of Larimer, State of Colorado

Harmony, LLC
c/o Mr. Byron Collins and Mr. Mark Tingey
6432 Grand Tree Blvd.
Timnath, CO 80547
(970)416-0202 Fax: (970)407-7805
For the following parcel of land: SW ¼ of Sec 36, Township 7 North, Range 68 West of the Sixth Principal Meridian, Town of Timnath, County of Larimer, State of Colorado

Surrounding and Interested Property Ownership Report

The required “Surrounding and Interested Property Ownership Report” as well as the required “Public Hearing Notification Envelopes” will be submitted after the first review by the Town staff as requested by the Town Planner.

Ditch Companies

Lake Canal Reservoir Company          Cache La Poudre Reservoir Co.
Mr. Rodney Nelson, President           Mr. Dale Towbridge, Manager
6312 E. Harmony Road                   P.O. Box 104
Fort Collins, CO 80525                 Lucerne CO 80646
(970) 482-4108                         (970) 352-0222

Application Fees

The Signed Fee Agreement is included with this submittal as well as the following application fees:

1. Fee Agreement: $10,000.00
2. PD Overlay Amendment Application Fee: $500.00
3. Preliminary Plat Amendment Application Fee: $3,030.00 ($500.00 + $10/lot over 25 lots)
   (278 lots)
4. Final Plat Application Fee: $500.00
5. Poudre Fire Authority Review Fee: $250.00

Legal Description

A TRACT OF LAND BEING OUTLOT 1, OUTLOT 5, SIMON COURT AND TRACT G, HARMONY SUBDIVISION SECOND FILING AND TRACT B, HARMONY SUBDIVISION FIRST AND SECOND FILINGS SECOND REPLAT LOCATED IN SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO.

REZONING and PD OVERLAY AMENDMENT - EXCEPTIONS

“Harmony” was annexed into the Town of Timnath in December 2004 prior to the Town’s adoption of any formal codes and anomalies exist between the current development within Harmony and the Town’s current Land Use Code and design standards. As stated in the “Amended and Restated Annexation and Development Agreement” (item 23F under Vested Property Rights) the Town and Property Owner/Developer acknowledge that there are various irregularities and non-conforming residential improvements now existing on the Property such
as, but not limited to, front yard courtyard walls, auto courtyards with courtyard walls, lot coverage percentages, side yard setbacks, front loading garages, large acreage estate lots, and the like. The irregularities and non-conforming residential improvements within the Property were accepted and approved by the Town at the time of the Agreement. Also, as stated in the Agreement, the Town shall not deny building permits for residential improvements within the Property in the future solely based upon similar non-conforming aesthetic irregularities so long as such irregularities: (i) do not adversely impact public health and safety, (ii) are reasonably harmonious with the existing residential improvements within the Property, and (iii) are approved by the Design Review Committee of the homeowners association for the Property. It is the overall intent of this PD Overlay Amendment to carry forward with these same design standards throughout the balance of the Harmony neighborhood as the previous filings were permitted.

The Harmony Subdivision is zoned R-E (Estate Residential) and MU (Mixed Use) allowing a variety of residential, commercial and business uses as well as a world class golf club and course with a Planned Development (PD) Overlay District overlaying the entire property. The current boundary between the R-E Zone District and the MU Zone District divides the Third Filing single family lots and at the recommendation of Town staff, the applicant is proposing to rezone the single family portion of the Third Filing to R-E so that all of the single family residential lots within the Third Filing are in the same zoning district (the R-E Zone District). The boundary of the MU Zone District is shifted south and includes the entire portions of Tract E and F of the Third Filing.

The intent and purpose of the PD Overlay District is to permit and encourage innovative design and high quality, master-planned developments on large parcels of land. The PD Overlay District is also intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. The PD Overlay District allows the Harmony Subdivision to preserve critical environmental resources, provide vast amounts of open space and recreational amenities, include exceptional design, and provide greater efficiencies in the layout and provision of roads, utilities and other infrastructure.

With the approval of the First and Second Filings of the Harmony Subdivision, zoning exceptions have been approved for the PD Overlay District. These exceptions to the standard R-E zone district allowed for a smaller minimum lot size, a reduced minimum front, rear, and side yard setbacks, and a reduced minimum distance between buildings as well as an exception to the lot coverage ratio based on the type of home product. As approved by the Town Council, many of these exceptions apply to the entire project including the Third, Fourth, and all future filings.

This current submittal requests that additional specific exceptions be applied to the Third Filing, Fourth Filing, and all future filings whose lots have or will be platted for which specific exceptions can be determined. Included in this exception would be identifying the lot coverage ratio for each phase.
Subdivision Regulation Exceptions (in addition to the previously approved PD Overlay Exceptions)

Zoning, Land Use and Design Standards that the Third and Fourth Filings as well as all future filings vary from are listed below:

<table>
<thead>
<tr>
<th>Minimum Lot Area:</th>
<th>3rd Filing</th>
<th>4th Filing and Future Filing</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-E Zone PD Exceptions</td>
<td>1 acre</td>
<td>0.16 acre 0.21 acre</td>
</tr>
<tr>
<td>Minimum Lot Width at House Setback from ROW:</td>
<td>140 feet</td>
<td>60 feet 60 feet</td>
</tr>
<tr>
<td>Minimum Distance Between Buildings:</td>
<td>40 feet</td>
<td>10 feet 10 feet</td>
</tr>
<tr>
<td>Street Continuity Max. (Town Standard):</td>
<td>660 feet</td>
<td>850 feet 1,200 feet</td>
</tr>
</tbody>
</table>

**Lot Coverage.** Lot Coverage is defined as the ratio between the lot area located under a solid roof and the entire lot area. Lifestyle home lots, defined as any lot that is part of an enclave with a separate Home Owner’s Association (HOA) responsible for commonly maintained but individually owned areas of each lot (i.e. maintenance-free), will have a maximum lot coverage of 60%. A maximum lot coverage of 50% applies to all single-family estate lots for the Harmony PD.

The following table provides a listing of which lots are lifestyle home lots, with a maximum 60% lot coverage and which are single-family estate lots, with a maximum 50% lot coverage for the Third, Fourth and any future filings.

**Harmony Lot Coverage Table; Third, Fourth and any Future Single-Family Residential Filings.**

<table>
<thead>
<tr>
<th></th>
<th>Third Filing PD Exceptions</th>
<th>Fourth and all Future Filing PD Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Estate Lots</td>
<td></td>
<td>All Lots</td>
</tr>
<tr>
<td>Lifestyle Home Lots</td>
<td>All Lots</td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>60%</td>
<td>50%</td>
</tr>
</tbody>
</table>

**Block Diversity and Garage Orientation /Placement Standards**

Harmony by virtue of the neighborhood being a custom home community, shall be exempt from the Land Use Code requirements in Section 16.2.18.C.6 for garage orientation and placement standards and Section 16.2.18.D requiring a block diversity plan. This exception shall apply to all development within the Harmony Subdivision.

**Street Continuity.** Street Continuity is defined in the Larimer County Urban Area Street Standards as the continuous length of a roadway segment that is uninterrupted by 90 degree turns or controlled intersections. The adopted Town standard is a maximum of 660’ between intersections. Due to the topographic features of the site as well as the open space features and to help provide for greater efficiencies in the design of the neighborhoods, street lengths in excess of the 660’ standard are being requested. Note that the Preliminary Plat that was approved by the Town in 2004 has numerous streets that exceed this standard.
A safety concern is typically associated with the longer distance between streets with the possibility of traffic cutting through neighborhoods without any traffic calming devices in place. The street and lot layouts of the proposed neighborhoods discourage and in some cases eliminate the possibility of this concern and stop signs will be placed at all intersections that exceed the 660’ standard to slow and stop traffic as it moves through the neighborhood.

**Residential Lot Access to Adjacent Street.** Harmony by virtue of the neighborhood being a custom home community, shall be exempt from the Land Use Code requirements in Section 16.2.7.B.2 which requires a no greater than 20 feet in width. The maximum driveway width for the Harmony Subdivision shall be no greater than 30 feet in width. This exception shall apply to all development within the Harmony Subdivision.

**Justification and Benefits Provided.**

The Town of Timnath Land Use Code provides for the PD Overlay Zone District to permit and encourage innovative design and high quality, master-planned developments on large parcels of land. The PD Overlay District is also intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. Harmony provides a high quality master-planned community, offering a unique lifestyle to its residents. Some of the unique features include low densities, a future mixed-use component, a championship golf course and club house, significant topographic variety, and large amounts of open space. In order to take advantage of the approximately 57% of the site which is open space, lots are clustered and reduced in size from codified one acre lots as defined in typical R-E zoning. Although Harmony varies from the underlying strict R-E zoning standards, the PD Overlay District allows Harmony to provide a model example for the Timnath Land Use Plan goals for the area. The PD Overlay District exceptions that allow the Harmony development reductions in setbacks and lot sizes, the lot coverage maximums as well as the increase in the street continuity are all land planning features that have made Harmony the premier neighborhood and community in Northern Colorado. Noted benefits include:

- Harmony has a very low density with less than 1 dwelling unit per acre. This has been a constant from the very first planning stages and is consistent with the underlying R-E zoning.

- With the golf course and open space tracts, there are vast amounts of open space. The lots have been clustered and the streets have been designed to blend in with the natural characteristics of the land. This community is an excellent example of utilization of site topography, natural features and vegetation. The street and lot layouts are designed to enhance and compliment the landform, with walkouts and exceptional views of the Front Range.

- Every lot backs to open space and/or the golf course and in some cases both. Visually the overall effect is a very open neighborhood even with the reduced setbacks and proposed increases in lot coverage.

- The Harmony development has strict architectural control and site design covenants developed to maintain the intent and design of the community. These covenants dictate architectural control while still providing the most flexibility to the homeowner. Homes within Harmony incorporate a variety of covered outdoor living spaces, entry features,
patios and oversized garages. These elements enhance the livability of the home while maintaining significant visual interest as viewed from the street but increased the overall roofed square footage resulting in a higher lot coverage percentage.

Compliance with the Town Municipal Code

The applicant believes that the proposed exceptions to the PD Overlay District meet the intent of the Town of Timnath’s Land Use Code for the following reasons:

A. Promotes a compact, well-defined, sustainable neighborhood that enhances the Town’s character.
B. Creates livable neighborhoods that foster a sense of community.
C. Provides for innovative, quality site design, architecture and landscaping.
D. Encourages the proper arrangement of streets in relation to existing and planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
E. Provides for a variety of sizes and housing types.

PRELIMINARY PLAT AMENDMENT

The Preliminary Plat for the Harmony Subdivision was approved for the 642 acre site by the Town of Timnath in December 2004. This approved Preliminary Plat allowed for a total of 515 single family residential lots with an overall density of 0.80 units per acre as well as mixed use residential, commercial and business uses. The First and Second filings have been platted and developed with 72 single-family lots in the First Filing (note that the original First Filing was platted with 73 lots but Lots 1 and 2 were later combined in a replat) and 132 single-family lots and two large acreage estate lots in the Second Filing (a total of 206 existing developed lots). 112 homes are built and occupied or under construction within these first two filings. This amendment request to the Preliminary Plat is for unplatted areas within the Harmony Subdivision, specifically the area to the east of Club Drive and the area west of the maintenance facility in the southwest portion of the development, north of Grand Tree Blvd.

With this amendment, the applicant is requesting the approval to make revisions to the street and lot layouts without exceeding the total number of lots or overall density permitted by the existing approved Preliminary Plat and zoning.

Legal Description (for Amended Portions of the Preliminary Plat)

A TRACT OF LAND BEING OUTLOT 1, OUTLOT 5, SIMON COURT AND TRACT G, HARMONY SUBDIVISION SECOND FILING AND TRACT B, HARMONY SUBDIVISION FIRST AND SECOND FILINGS SECOND REPLAT LOCATED IN SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO.
Land Use Summary

Existing Zoning – R-E Estate Residential District and MU Mixed Use District with PD Overlay as amended.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Acreage</th>
<th>No. of Units</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>198.48</td>
<td>483</td>
<td>30.87</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>60.15</td>
<td>32</td>
<td>9.36</td>
</tr>
<tr>
<td>Open Space/Neighborhood Parks</td>
<td>150.11</td>
<td>0</td>
<td>23.35</td>
</tr>
<tr>
<td>Golf Course/Open Space</td>
<td>234.19</td>
<td>0</td>
<td>36.42</td>
</tr>
<tr>
<td>TOTAL</td>
<td>642.86</td>
<td>515</td>
<td>100%</td>
</tr>
</tbody>
</table>

Compliance with the Town Municipal Code

The applicant believes that the proposed revisions to the approved Preliminary Plat meet the intent of the Town of Timnath’s Land Use Code for the following reasons:

1. By allowing the revisions to the Preliminary Plat to proceed, the applicant believes it has met the intent of the Land Use Code by:
   A. Promoting compact, well-defined, sustainable neighborhoods that enhance the Town’s character.
   B. Creates livable neighborhoods that foster a sense of community.
   C. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
   D. Providing a variety of lot sizes and housing types.
   E. Provides for innovative, quality site design, architecture and landscaping.
   F. Encourages the proper arrangement of streets in relation to existing and planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
   G. Provides for a variety of sizes and housing types.
   H. Provides open spaces for adequate storm water management.
   I. Ensuring compliance with the Code and Town Comprehensive Plan.

Compliance with the Town Comprehensive Plan

The applicant believes that the proposed revisions to the approved Preliminary Plat meet the intent of the Town of Timnath’s Comprehensive Plan per the June 2007 update for the following reasons:

1. By allowing the revised Preliminary Plat to proceed as proposed, the applicant believes it has met the following Community Goals provisions as stated in the Comprehensive Plan:
   A. **Growth Management (GM)**
      GM Goal 1 – Development occurring within or around Timnath will preserve and enhance the small town qualities and characteristics of the town.
      GM Goal 3 – Require construction of adequate public facilities and infrastructure as new development occurs.
GM Goal 4 – Development in Timnath will pay its own way with regard to infrastructure improvements and services needed to support growth.

GM Goal 5 – Ensure that growth occurs in a logical and connected pattern.

GM Goal 7 – Balance the staging and land use mix of residential, commercial and employment land uses in planned developments to ensure that residents’ needs are met and the Town’s fiscal and economic health is safeguarded.

B. **Land Use (LU)**

LU Goal 2 – Ensure an appropriate mix of housing types and densities in order to preserve the existing small town character.

LU Goal 3 – Include a mixed use, commercial, and industrial districts that provide jobs and services to both local and regional citizens, and revenue to the town.

LU Goal 4 – Foster the small town character of Timnath through well-designed growth and preservation of open space buffers within the GMA area.

C. **Community Image and Design (CID)**

CID Goal 1 – New development and redevelopment in the Town of Timnath will seek to preserve and enhance the town’s existing small town character, form, and charm.

CID Goal 6 – Require exceptional and well-planned site and landscape design in residential and commercial areas, including elements such as: large, contiguous open spaces; meaningful setbacks from major roadways or open corridors; tree lined streets; appropriate design and scale signage; preservation of stands of healthy trees.

D. **Community Facilities and Services (CFS)**

CFS Goal 1 – Ensure that services and infrastructure are provided to citizens in a cost-effective manner.

CFS Goal 2 – Work with service providers that offer facilities and services such as potable water, sanitary sewer, schools, libraries, police and public safety to the Town.

GFS Goal 3 - Infrastructure that accompanies new development, or is implemented in the existing town must be state of the art yet maintain the small town character.

GFS Goal 4 – Timnath should be a pedestrian and bicycle-friendly community. Off-street bike and pedestrian trails, bike lanes along heavily traveled roads, and sidewalks along urban streets should be provided throughout the community.

GFS Goal 6 – Ensure that mechanisms are provided for maintenance of infrastructure constructed or required to serve newly annexed and developing areas, including streets.

E. **Recreation and Open Space (ROS)**

ROS Goal 1 – Provide a balanced and connected system of recreation facilities, parks and open space that builds on the assets of Town.

ROS Goal 5 – Develop a connective system of trails and greenways that provide opportunities for pedestrian, bicycle and equestrian recreation.

F. **Environmental (ENV)**

ENV Goal 1 – Grow in a manner that will complement the natural characteristics of the area, including such elements as climate, topography, vegetation, waterways, groundwater, and wildlife.
ENV Goal 4 – Provide and preserve existing healthy trees of desirable species, whenever possible.
ENV Goal 5 – Protect water resources in line with all applicable State of Colorado statues.

2. By allowing the amendments to the Preliminary Plat to proceed as proposed the applicant believes it has met the following Growth Management (GM) principles and policies as stated in the Comprehensive Plan:
   A. GM Principle 1
      GM Policy 1.1 – The town will establish a Growth Management Area (GMA) for the Town of Timnath that will contain the Town’s planned and desired growth over the next 10-20 years. The Timnath GMA is delineated on the Land Use map. The Growth Management Area is intended to depict appropriate locations of future urban-level development around Timnath. “Urban-level” development is defined as an average density of at least 2 housing units per acre, with existing or planned availability of public water and public sanitary sewer. A lower average density may occur in areas that serve as a buffer on the periphery of the GMA.
      GM Policy 1.2 – Adopt and implement the Timnath Comprehensive Plan establishing the preferred pattern of growth for Timnath and surrounding areas.
      GM Policy 1.7 – The Plan identifies areas within the GMA that are suitable for development, and the general land uses and type of development that the town envisions. The plan also identifies general areas that should remain as open space to serve areas of recreation, buffers, and gateways to the community. The relationships between all of the various components are depicted in the Land Use Plan as a general guide for development of the area.
   B. GM Principle 2
      GM Policy 2.3 – Encourage clustered development and other innovative development strategies within areas designated for residential.
   C. GM Principle 4
      GM Policy 4.1 – Encourage development only where it can be adequately served by critical public facilities and services such as water, sewer, transportation, schools, fire and emergency services, and parks.
      GM Policy 4.2 – Create a fee structure for development in Timnath that provides the appropriate level of funding for services that are required by new development, including cooperation with Larimer County, the City of Fort Collins, the Town of Windsor and other jurisdictions that levy fees for development impacts. This shall include mechanism for funding of operation and maintenance of facilities and services that are required to serve new development areas.

3. By allowing the revisions to the Preliminary Plat to proceed as proposed the applicant believes it has met the following Land Use (LU) principles and policies as stated in the Comprehensive Plan:
   A. Land Use Principle 3
      LU Policy 3.3 – Provide opportunities for urban density residential development in the low-density residential area that is similar or lower than the density in Downtown Core. Low-density residential areas will serve as transition areas between residential areas and County Density residential areas. Development of these areas will promote
connectivity between neighborhoods and maintain the small town character, through the use of linkages such as streets, trails, and open space.

4. By allowing the revisions to the Preliminary Plat to proceed as proposed the applicant believes it has met the following Community Image and Design (CID) principles and policies as stated in the Comprehensive Plan:

A. CID Principle 1

CID Policy 1.2 – Assign a zone district to annexed land that is based upon the Comprehensive Land Use Plan. Each zoning district in Timnath will have its own set of standards and regulations that apply to all new development and redevelopment. The depth and detail of each district’s standards will vary depending on what is determined appropriate to preserve and enhance Timnath’s small town character. The standards and regulations will provide specific direction to landowners regarding the type and intensity of development permitted and how development needs to occur. Site planning, architecture, lighting, and signage will be regulated in order to achieve the intended character for the area, per the Comprehensive Plan.

CID Policy 1.5 – Require appropriate streetscape design on new or redeveloped roads, including the provision of street trees and sidewalks.

5. By allowing the revisions to the Preliminary Plat to proceed as proposed the applicant believes it has met the following Economy (EC) principles and policies as stated in the Comprehensive Plan:

A. EC Principle 1

EC Policy 1.1 – Provide an adequate supply of land suitable for commercial and employment development at key locations along Harmony Road/County Road 38, Mulberry Road/Hwy 14, and throughout the GMA area.

EC Policy 1.2 – Encourage a mix of commercial uses in appropriate areas of the GMA as indicated on the Future Land Use Map. For example, small retail, offices, sit-down restaurants, and entertainment venues may be the most appropriate in the Downtown Core, while more regional-type commercial (lodging, chain-style restaurants, and gas stations) may be appropriate at the Harmony Road/I-25 interchange. The Harmony Road/County Road 38, Mulberry Road/Hwy 14 corridors are desirable locations for a variety of commercial, business, light industrial, and office uses.

6. By allowing the revisions to the Preliminary Plat to proceed as proposed the applicant believes it has met the following Transportation (TR) principles and policies as stated in the Comprehensive Plan:

A. TR Principle 2

TR Policy 2.1 – Develop and incorporate a system of bicycle lanes and trails that connect to the Downtown Core and other activity centers and neighborhoods into the design of streets and developments in Timnath. The bicycle lanes will be consistent throughout the town and continuous when possible.

TR Policy 2.3 – Incorporate pedestrian sidewalks and connections that accommodate and encourage pedestrian activity into new development and street construction projects.
7. By allowing the revisions to the Preliminary Plat to proceed as proposed the applicant believes it has met the following Community Facilities and Services (CFS) principles and policies as stated in the Comprehensive Plan:

   A. CFS Principle 1
   CFS Policy 1.3 – Require developers to pay for all infrastructure improvements required for new development.

8. By allowing the revisions to the Preliminary Plat to proceed as proposed the applicant believes it has met the following Recreation and Open Space (ROS) principles and policies as stated in the Comprehensive Plan:

   A. ROS Principle 2
   ROS Policy 2.1 – Preserve an extensive open space network to retain the natural setting that exists within the GMA, to buffer the town from surrounding communities, and to provide recreational opportunities for residents.

9. By allowing the revisions to the Preliminary Plat to proceed as proposed the applicant believes it has met the following Environment (ENV) principles and policies as stated in the Comprehensive Plan:

   A. ENV Principle 1
   ENV Policy 1.1 – Preserve important visual features of the landscape and encourage the use of indigenous vegetation within new developments or redevelopment through the use of appropriate design and land use regulations.

In summary, the applicant believes that the proposed preliminary plat revisions and development are in substantial conformance with the Town’s Municipal Code (Land Use Code) and Comprehensive Plan. While not meeting all of the principles and policies of the plan, the majority as related to the project are met or exceeded. This Preliminary Plat Amendment request will help the Town meet many of its goals and assist the Town in providing a mix of different residential housing types while preserving open space corridors throughout the site.

HARMONY SUBDIVISION THIRD FILING FINAL PLAT

This Third Filing of the Harmony Subdivision is located within the southwest portion of the Harmony development and is approximately 188 acres in size. There are 97 residential lots, two mixed use tracts (the existing maintenance facility-Tract E and the Harmony Center building Tract F), 20.23 acres of privately owned neighborhood parks and common open space, 129.39 acres of golf course/open space, and one outlot (future clubhouse/recreation center-Outlot 1) totaling 8.25 acres. The overall gross density is 0.52 residential units per acre. The proposed homes in this phase will be considered “Lifestyle Homes” in which the Homeowners Association (HOA) will be responsible for maintaining all of the common open space areas as well as the individually owned areas within each lot.

Consistency with Approved Preliminary Plat

This Third Filing of the Harmony Subdivision will be in general conformance with the amended Preliminary Plat as submitted with this application.
Protective Covenants, Home Owners Association Documents and Architectural Design Guidelines

These documents were submitted and approved with previous filings within the Harmony Subdivision. These documents are the same for this Third and all future filings and all lots and tracts within the Harmony Subdivision will be required to comply with the same covenants and restrictions currently in place upon final plat approval and recording.

A copy of these documents is included with this submittal.

Legal Description

A TRACT OF LAND BEING OUTLOT 1 AND SIMON COURT, HARMONY SUBDIVISION SECOND FILING AND TRACT B, HARMONY SUBDIVISION FIRST AND SECOND FILINGS SECOND REPLAT LOCATED IN SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF TIMNATH, COUNTY OF LARIMER, STATE OF COLORADO.

Land Use Summary

Existing Zoning: R-E and MU with PD Overlay (Town of Timnath)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Acreage</th>
<th>No. of Residential Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (Lots 208-304 &amp; ROW)</td>
<td>25.07</td>
<td>97</td>
</tr>
<tr>
<td>Neighborhood Parks and Open Space (Tracts A, C, D and G)</td>
<td>20.23</td>
<td>0</td>
</tr>
<tr>
<td>Mixed Use Tracts (Tracts E &amp; F)</td>
<td>4.87</td>
<td>0</td>
</tr>
<tr>
<td>Golf Course/Open Space (Tract B)</td>
<td>129.39</td>
<td>0</td>
</tr>
<tr>
<td>Future Development (Outlot 1)</td>
<td>8.25</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>187.81</td>
<td>97</td>
</tr>
</tbody>
</table>

Subdivision Improvement Agreement (SIA)

Upon review of the plat submittal, the applicant will work with Town staff on preparation of the Subdivision Improvements Agreement.

Open Space Ownership and Dedication

All open space and recreation facilities will be privately owned and maintained by the Harmony Club, LLC.

Soils Reports

An overall soils report for the development has been submitted with this application and additional soils testing will be completed once outlot grading is completed and will include all necessary pavement designs for the development.
Compliance with the Town Municipal Code

The applicant believes that the proposed Third Filing Final Plat meets the intent of the Town of Timnath’s Land Use Code for the following reasons:

1. By allowing the final plat to proceed as proposed, the applicant believes it has meet the intent of the Land Use Code by:
   A. Promoting compact, well-defined, sustainable neighborhoods that enhance the Town’s character.
   B. Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.
   C. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
   D. Providing a variety of lot sizes and housing types.
   E. Protecting sensitive natural and historic areas and the Town’s environmental quality.
   F. Providing adequate and convenient open spaces.
   G. Providing open spaces for adequate storm water management.
   H. Providing protection from geologic hazards and flood management.
   I. Ensuring compliance with the Code and Town Comprehensive Plan.

Compliance with the Town Comprehensive Plan

The applicant believes that the proposed Third Filing Final Plat meets the intent of the Town of Timnath’s Comprehensive Plan per the June 2007 update for the following reasons:

1. By allowing the Third Filing Final Plat to proceed as proposed, the applicant believes it has met the following Community Goals provisions as stated in the Comprehensive Plan:
   A. **Growth Management (GM)**
      GM Goal 1 – Development occurring within or around Timnath will preserve and enhance the small town qualities and characteristics of the town.
      GM Goal 3 – Require construction of adequate public facilities and infrastructure as new development occurs.
      GM Goal 4 – Development in Timnath will pay its own way with regard to infrastructure improvements and services needed to support growth.
      GM Goal 5 – Ensure that growth occurs in a logical and connected pattern.
      GM Goal 7 – Balance the staging and land use mix of residential, commercial and employment land uses in planned developments to ensure that residents’ needs are met and the Town’s fiscal and economic health is safeguarded.
   B. **Land Use (LU)**
      LU Goal 2 – Ensure an appropriate mix of housing types and densities in order to preserve the existing small town character.
      LU Goal 4 – Foster the small town character of Timnath through well-designed growth and preservation of open space buffers within the GMA area.
   C. **Community Image and Design (CID)**
CID Goal 1 – New development and redevelopment in the Town of Timnath will seek to preserve and enhance the town’s existing small town character, form, and charm.

CID Goal 6 – Require exceptional and well-planned site and landscape design in residential and commercial areas, including elements such as: large, contiguous open spaces; meaningful setbacks from major roadways or open corridors; tree lined streets; appropriate design and scale signage; preservation of stands of healthy trees.

D. Community Facilities and Services (CFS)
CFS Goal 1 – Ensure that services and infrastructure are provided to citizens in a cost-effective manner.
CFS Goal 2 – Work with service providers that offer facilities and services such as potable water, sanitary sewer, schools, libraries, police and public safety to the Town.
GFS Goal 3 – Infrastructure that accompanies new development, or is implemented in the existing town must be state of the art yet maintain the small town character.
GFS Goal 4 – Timnath should be a pedestrian and bicycle-friendly community. Off-street bike and pedestrian trails, bike lanes along heavily traveled roads, and sidewalks along urban streets should be provided throughout the community.
GFS Goal 6 – Ensure that mechanisms are provided for maintenance of infrastructure constructed or required to serve newly annexed and developing areas, including streets.

E. Recreation and Open Space (ROS)
ROS Goal 1 – Provide a balanced and connected system of recreation facilities, parks and open space that builds on the assets of Town.
ROS Goal 5 – Develop a connective system of trails and greenways that provide opportunities for pedestrian, bicycle and equestrian recreation.

F. Environmental (ENV)
ENV Goal 1 – Grow in a manner that will complement the natural characteristics of the area, including such elements as climate, topography, vegetation, waterways, groundwater, and wildlife.
ENV Goal 4 – Provide and preserve existing healthy trees of desirable species, whenever possible.
ENV Goal 5 – Protect water resources in line with all applicable State of Colorado statues.

2. By allowing the Third Filing Final Plat to proceed as proposed the applicant believes it has met the following Growth Management (GM) principles and policies as stated in the Comprehensive Plan:

D. GM Principle 1
GM Policy 1.1 – The town will establish a Growth Management Area (GMA) for the Town of Timnath that will contain the Town’s planned and desired growth over the next 10-20 years. The Timnath GMA is delineated on the Land Use map. The Growth Management Area is intended to depict appropriate locations of future urban-level development around Timnath. “Urban-level” development is defined as an average density of at least 2 housing units per acre, with existing or planned
availability of public water and public sanitary sewer. A lower average density may occur in areas that serve as a buffer on the periphery of the GMA.

**GM Policy 1.2** – Adopt and implement the Timnath Comprehensive Plan establishing the preferred pattern of growth for Timnath and surrounding areas.

**GM Policy 1.7** – The Plan identifies areas within the GMA that are suitable for development, and the general land uses and type of development that the town envisions. The plan also identifies general areas that should remain as open space to serve areas of recreation, buffers, and gateways to the community. The relationships between all of the various components are depicted in the Land Use Plan as a general guide for development of the area.

**E. GM Principle 2**

**GM Policy 2.3** – Encourage clustered development and other innovative development strategies within areas designated for residential.

**F. GM Principle 4**

**GM Policy 4.1** – Encourage development only where it can be adequately served by critical public facilities and services such as water, sewer, transportation, schools, fire and emergency services, and parks.

**GM Policy 4.2** – Create a fee structure for development in Timnath that provides the appropriate level of funding for services that are required by new development, including cooperation with Larimer County, the City of Fort Collins, the Town of Windsor and other jurisdictions that levy fees for development impacts. This shall include mechanism for funding of operation and maintenance of facilities and services that are required to serve new development areas.

3. By allowing the Third Filing Final Plat to proceed as proposed the applicant believes it has met the following **Land Use (LU) principles and policies as stated in the Comprehensive Plan:**

**B. Land Use Principle 3**

**LU Policy 3.3** – Provide opportunities for urban density residential development in the low-density residential area that is similar or lower than the density in Downtown Core. Low-density residential areas will serve as transition areas between residential areas and County Density residential areas. Development of these areas will promote connectivity between neighborhoods and maintain the small town character, through the use of linkages such as streets, trails, and open space.

4. By allowing the Third Filing Final Plat to proceed as proposed the applicant believes it has met the following **Community Image and Design (CID) principles and policies as stated in the Comprehensive Plan:**

**B. CID Principle 1**

**CID Policy 1.2** – Assign a zone district to annexed land that is based upon the Comprehensive Land Use Plan. Each zoning district in Timnath will have its own set of standards and regulations that apply to all new development and redevelopment. The depth and detail of each district’s standards will vary depending on what is determined appropriate to preserve and enhance Timnath’s small town character. The standards and regulations will provide specific direction to landowners regarding the type and intensity of development permitted and how development needs to occur. Site planning, architecture, lighting, and signage will be regulated in order to achieve the intended character for the area, per the Comprehensive Plan.
CID Policy 1.5 – Require appropriate streetscape design on new or redeveloped roads, including the provision of street trees and sidewalks.

5. By allowing the Third Filing Final Plat to proceed as proposed the applicant believes it has met the following Transportation (TR) principles and policies as stated in the Comprehensive Plan:
   B. TR Principle 2
      TR Policy 2.1 – Develop and incorporate a system of bicycle lanes and trails that connect to the Downtown Core and other activity centers and neighborhoods into the design of streets and developments in Timnath. The bicycle lanes will be consistent throughout the town and continuous when possible.
      TR Policy 2.3 – Incorporate pedestrian sidewalks and connections that accommodate and encourage pedestrian activity into new development and street construction projects.

6. By allowing the Third Filing Final Plat to proceed as proposed the applicant believes it has met the following Community Facilities and Services (CFS) principles and policies as stated in the Comprehensive Plan:
   B. CFS Principle 1
      CFS Policy 1.3 – Require developers to pay for all infrastructure improvements required for new development.

7. By allowing the Third Filing Final Plat to proceed as proposed the applicant believes it has met the following Recreation and Open Space (ROS) principles and policies as stated in the Comprehensive Plan:
   B. ROS Principle 2
      ROS Policy 2.1 – Preserve an extensive open space network to retain the natural setting that exists within the GMA, to buffer the town from surrounding communities, and to provide recreational opportunities for residents.

8. By allowing the Third Filing Final Plat to proceed as proposed the applicant believes it has met the following Environment (ENV) principles and policies as stated in the Comprehensive Plan:
   B. ENV Principle 1
      ENV Policy 1.1 – Preserve important visual features of the landscape and encourage the use of indigenous vegetation within new developments or redevelopment through the use of appropriate design and land use regulations.

In summary, the applicant believes that the proposed Third Filing Final Plat and development is in substantial conformance with the Preliminary Plat as amended, the Town’s Land Use Code and the Town’s Comprehensive Plan. While not meeting all of the principles and policies of the plan, the majority as related to the project are met or exceeded. This Final Plat request will help the Town meet many of its goals and assist the Town in providing a mix of different residential housing types while preserving open space corridors throughout the site.