

**TOWN OF TIMNATH, COLORADO  
ORDINANCE NO. 10, SERIES 2016**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH APPROVING THE  
AMENDED PLANNED DEVELOPMENT OVERLAY FOR WILDWING SUBDIVISION,  
GENERALLY LOCATED WEST OF AND ADJACENT TO LATHAM PARKWAY, AND SOUTH  
OF AND ADJACENT TO WILDSHORE DRIVE**

**WHEREAS**, The Town of Timnath (the "Town") is a home rule municipality operating under the Timnath Home Rule Charter (the "Charter") adopted on November 7, 20016 and the Town's Municipal Code (the "Code"). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

**WHEREAS**, WW Development, LLC (the "Developer") has submitted a Amended Planned Development Overlay for the Wildwing Subdivision, more particularly described in **Exhibit A** (legal description) and **Exhibit B** (Amended Planned Development Overlay) and attached hereto and incorporated herein by this reference (the "Property"); and

**WHEREAS**, a properly noticed public hearing was held on September 6, 2016, and the above described Final Planned Development Overlay 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. The staff report be revised regarding the Preliminary PD Overlay Review Criteria

**WHEREAS**, a properly noticed public hearing with the Town Council was held on September 27, 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 Codes 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:

The existing R-2 zoning is amended with the addition of a Planned Development Overlay  
– See attached **Exhibits A&B**

**Section 2. Conditions**

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, September 27, 2016 regarding the zoning of the property.

**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.

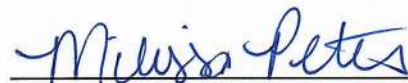
**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, SEPTEMBER 13, 2016, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON SEPTEMBER 27, 2016 AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 27 DAY OF SEPTEMBER, 2016.**

**MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON SEPTEMBER 27, 2016.**

**TOWN OF TIMNATH, COLORADO**

  
Bryan Voronin, Mayor Pro Tem

**ATTEST:**

  
Milissa Peters, CMC  
Town Clerk



## EXHIBIT A

### Legal Description of Property Proposed for Amended Planned Development Overlay

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 24 AND THE NORTH HALF OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 24, WHENCE THE EAST QUARTER CORNER THEREOF BEARS N00°00'18"W; THENCE S89°59'54"W, A DISTANCE OF 30.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 901, BEING THE POINT OF BEGINNING;  
THENCE S00°00'07"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 821.08 FEET;  
THENCE N89°59'50"W, A DISTANCE OF 15.01 FEET; THENCE S66°20'10"W, A DISTANCE OF 373.60 FEET;  
THENCE S72°00'10"W, A DISTANCE OF 434.00 FEET; THENCE N89°59'50"W, A DISTANCE OF 615.00 FEET;  
THENCE S68°30'10"W, A DISTANCE OF 249.00 FEET; THENCE S81°35'10"W, A DISTANCE OF 968.00 FEET;  
THENCE N65°29'50"W, A DISTANCE OF 805.00 FEET; THENCE N34°10'10"E, A DISTANCE OF 1215.00 FEET;  
THENCE N00°00'02"E, A DISTANCE OF 338.65 FEET; THENCE N43°18'06"E, A DISTANCE OF 300.18 FEET;  
THENCE N80°28'48"E, A DISTANCE OF 199.73 FEET; THENCE N53°16'09"E, A DISTANCE OF 456.71 FEET;  
THENCE N03°47'08"E, A DISTANCE OF 101.73 FEET; THENCE N20°20'40"W, A DISTANCE OF 138.74 FEET;  
THENCE N89°37'48"W, A DISTANCE OF 346.88 FEET; THENCE N79°03'17"W, A DISTANCE OF 392.65 FEET;  
THENCE S84°52'44"W, A DISTANCE OF 188.58 FEET; THENCE N40°48'21"W, A DISTANCE OF 574.70 FEET;  
THENCE N83°38'19"W, A DISTANCE OF 501.10 FEET; THENCE N11°17'40"W, A DISTANCE OF 560.28 FEET;  
THENCE N87°01'33"W, A DISTANCE OF 363.04 FEET; THENCE S34°29'51"W, A DISTANCE OF 590.22 FEET;  
THENCE N58°50'20"W, A DISTANCE OF 229.00 FEET; THENCE N58°21'22"W, A DISTANCE OF 346.53 FEET; THENCE N58°34'12"W, A DISTANCE OF 89.66 FEET; THENCE N55°58'47"W, A DISTANCE OF 250.21 FEET TO A POINT ON THE WESTERLY LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 1420 AT PAGE 602; THENCE N00°06'57"E, ALONG SAID WESTERLY LINE, A DISTANCE OF 456.27 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE S89°49'11"E, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 2650.30 FEET TO THE CENTER OF SAID SECTION 24; THENCE S89°48'53"E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, A DISTANCE OF 2620.76 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 901; THENCE S00°00'18"E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 2654.83 FEET TO THE POINT OF BEGINNING, CONTAINING 12,339,755 SQUARE FEET OR 283,262 ACRES MORE OR LESS,

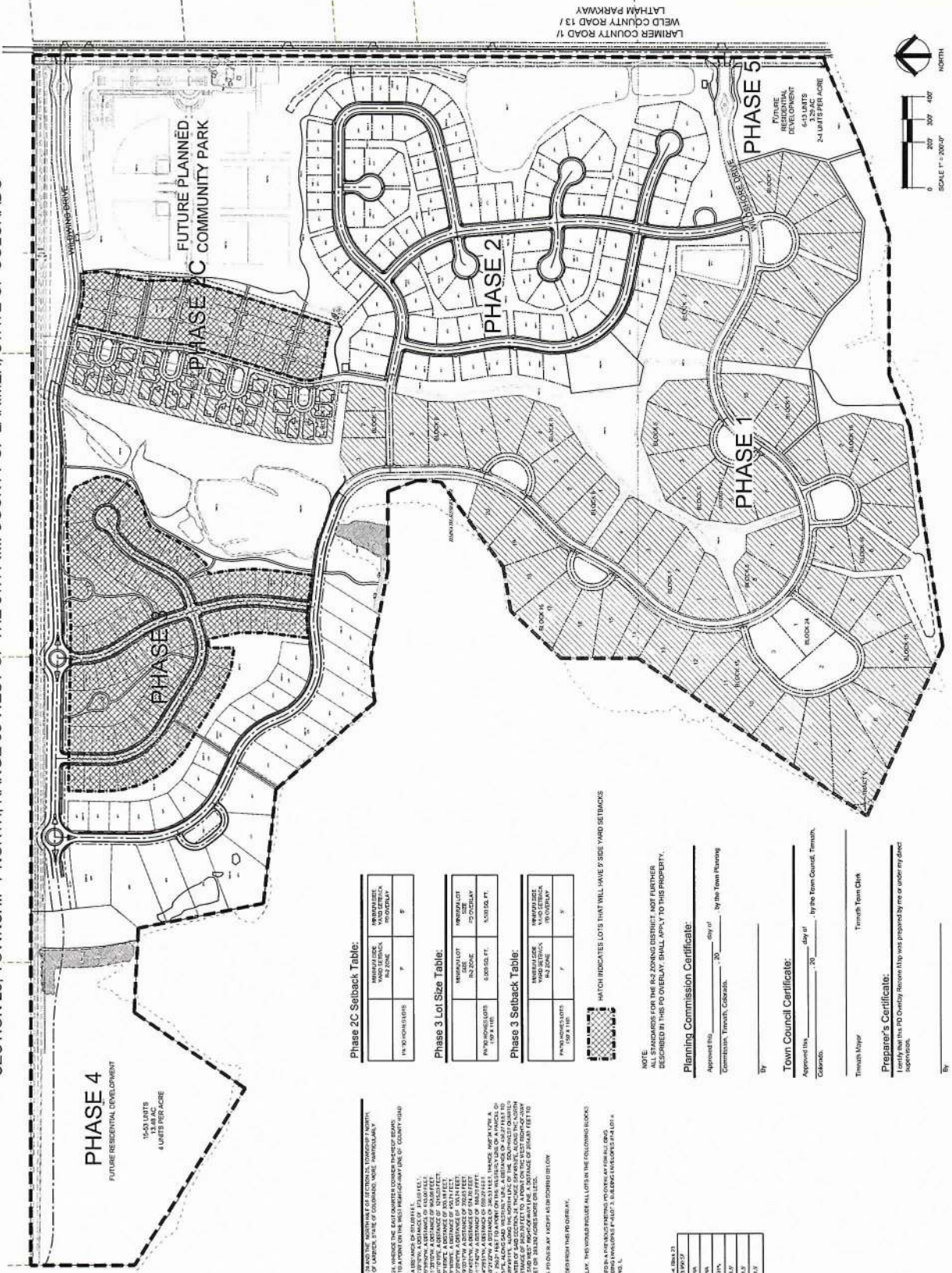
**EXHIBIT B**

**Amended Planned Development Overlay**

[attached]

# WILDWING AMENDED PD OVERLAY

## A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 24 AND THE NORTH HALF OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M. COUNTY OF LARIMER, STATE OF COLORADO



**Phase 2C Setback Table:**

MINIMUM SETBACK	MINIMUM SETBACK TO OVERLAY	PHASE
10' SIDE SETBACKS	5'	E

**Phase 3 Lot Size Table:**

MINIMUM LOT AREA	MINIMUM LOT SIDE SETBACK	MINIMUM LOT FRONT SETBACK	MINIMUM LOT REAR SETBACK
4,000 SQ. FT.	5.00 SQ. FT.	5.00 SQ. FT.	5.00 SQ. FT.

**Phase 3 Setback Table:**

MINIMUM SETBACK	MINIMUM SETBACK TO OVERLAY	PHASE
10' SIDE SETBACKS	5'	E

**NOTE:** HATCH INDICATES LOTS THAT WILL HAVE 7' SIDE YARD SETBACKS

**NOTE:** ALL APPLICABLE CODES FOR THE LOTS SHOWN HEREIN ARE DESCRIBED IN THIS PD OVERLAY. SMALL APPLY TO THIS PROPERTY.

**Planning Commission Certificate:**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Town Planning Commission, Timmath, Colorado.

By \_\_\_\_\_

**Town Council Certificate:**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Town Council, Timmath, Colorado.

Timmath Mayor \_\_\_\_\_  
 Timmath Town Clerk \_\_\_\_\_

**Preparer's Certificate:**

I, \_\_\_\_\_, certify that this PD Overlay Map was prepared by me or under my direct supervision.

**Legal Description:**

THE ABOVE DESCRIBED LAND IS PART OF THE 100-ACRE LOTS OF SECTION 24 AND SECTION 25, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M. COUNTY OF LARIMER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SECTION 24, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M. COUNTY OF LARIMER, STATE OF COLORADO, CONTAINS 40 ACRES OF LAND, 20 ACRES OF WHICH ARE CURRENTLY OWNED BY WW DEVELOPMENT, LLC. THE OTHER 20 ACRES ARE CURRENTLY OWNED BY THE STATE OF COLORADO. SECTION 25, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M. COUNTY OF LARIMER, STATE OF COLORADO, CONTAINS 40 ACRES OF LAND, 20 ACRES OF WHICH ARE CURRENTLY OWNED BY WW DEVELOPMENT, LLC. THE OTHER 20 ACRES ARE CURRENTLY OWNED BY THE STATE OF COLORADO.

THE DEVELOPMENT, PLANNING AND CONSTRUCTION OF THIS PROJECT SHALL BE SUBJECT TO THE FOLLOWING:

1. THE FOLLOWING LOTS ARE EXCLUDED FROM THE PD OVERLAY. THEY WOULD RECEIVE ALL LOTS IN THE FOLLOWING BLOCKS: BLOCK 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.

2. THE DEVELOPMENT, PLANNING AND CONSTRUCTION OF THIS PROJECT SHALL BE SUBJECT TO THE FOLLOWING:

2.1. THE DEVELOPMENT, PLANNING AND CONSTRUCTION OF THIS PROJECT SHALL BE SUBJECT TO THE FOLLOWING:

**STANDARDS FOR THE ABOVE DESCRIBED LOTS:**

MINIMUM LOT AREA	MINIMUM LOT SIDE SETBACK	MINIMUM LOT FRONT SETBACK	MINIMUM LOT REAR SETBACK
4,000 SQ. FT.	5.00 SQ. FT.	5.00 SQ. FT.	5.00 SQ. FT.
MINIMUM LOT SIDE SETBACK	5'	5'	5'
MINIMUM LOT FRONT SETBACK	5'	5'	5'
MINIMUM LOT REAR SETBACK	5'	5'	5'
MINIMUM LOT SIDE SETBACK	5'	5'	5'
MINIMUM LOT FRONT SETBACK	5'	5'	5'
MINIMUM LOT REAR SETBACK	5'	5'	5'