

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 2, SERIES 2023**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF
TIMNATH FOR THE PURPOSE OF ZONING CERTAIN REAL PROPERTY
LOCATED WITHIN THE HARMONY SUBDIVISION, GENERALLY LOCATED EAST
OF CLUB DRIVE AND NORTH OF HARMONY ROAD**

WHEREAS, Harmony, LLC (the “Developer”) has submitted a zoning of real property within the Harmony Subdivision, 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 November 15, 2022, and the above described Zoning was recommended for approval to the Town Council by the Town of Timnath Planning Commission by a unanimous vote (5-0); and

WHEREAS, a properly noticed public hearing with the Town Council was held on January 10, 2023 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:

CMU (Commercial Mixed Use) – 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, January 10, 2022 regarding the zoning of the property.

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 DECEMBER 13, 2022, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON JANUARY 10, 2023 AT THE TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 13TH DAY OF DECEMBER, 2022.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JANUARY 10, 2023.

TOWN OF TIMNATH, COLORADO


Mark J. Soukup, Mayor

ATTEST:


Milissa Peters-Garcia, CMC
Town Clerk



EXHIBIT A

Legal Description of Property Proposed for Zoning

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 TWO (2) PARCELS OF LAND IN THE SOUTHERN HALF OF SAID SECTION 36 BEING DESCRIBED AS FOLLOWS:
BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER 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 "2000 PLS 31169" AND AT THE WEST END BY A 2-1/2" ALUMINUM CAP, ILLEGIBLE.

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 36;

THENCE ON THE WEST LINE OF SAID SECTION 36, N89°D5'32"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. 29078028618 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 251.23 FEET, TO A POINT OF CURVE;
- 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, TO A POINT OF TANGENT;
- 3.) S44°56'15"E A DISTANCE OF 287.91 FEET, TO A POINT OF CURVE;
- 4.) ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 560.00 FEET, A CENTRAL ANGLE OF 47°05'18" AND AN ARC LENGTH OF 452.48 FEET, TO A POINT OF TANGENT;
- 5.) N67°57'27"E A DISTANCE OF 246.01 FEET, TO A POINT OF CURVE;
- 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, TO A POINT OF TANGENT;
- 7.) N65°51'31"E A DISTANCE OF 94.92 FEET;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE, N02°02'33"W A DISTANCE OF 225.33 FEET;

THENCE N02°41'29"W A DISTANCE OF 111.61 FEET;

THENCE N50°08'36"W A DISTANCE OF 167.66 FEET;

THENCE N46°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°28'43"E A DISTANCE OF 231.70 FEET;

THENCE CONTINUING ON SAID SOUTHERLY LINE S49°34'13"E A DISTANCE OF 99.92 FEET;

THENCE DEPARTING SAID SOUTHERLY LINE, S49°54'06"W A DISTANCE OF 245.29 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 188.73 FEET;

THENCE S38°20'33"W A DISTANCE OF 69.71 FEET;

THENCE S03°15'07"E A DISTANCE OF 86.21 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID GRAND TREE BOULEVARD, SAID POINT BEING A POINT OF NON-TANGENT CURVE;

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

- 1.) ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N03°15'07"W, HAVING A RADIUS OF 2302.50 FEET, A CENTRAL ANGLE OF 06°07'23" AND AN ARC LENGTH OF 246.87 FEET, TO A POINT OF COMPOUND CURVE;
- 2.) ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 66.00 FEET, A CENTRAL ANGLE OF 49°51'12" AND AN ARC LENGTH OF 57.43 FEET, TO A POINT OF REVERSE CURVE;
- 3.) ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 67°15'39" AND AN ARC LENGTH OF 129.13 FEET, TO A POINT OF REVERSE CURVE;
- 4.) ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 66.00 FEET, A CENTRAL ANGLE OF 49°50'34" AND AN ARC LENGTH OF 57.41 FEET, TO A POINT OF TANGENT;
- 5.) N48°11'23"E A DISTANCE OF 86.09 FEET, TO A POINT 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°43'37"E A DISTANCE OF 95.00 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID 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, TO A POINT OF CURVE;
- 2.) ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 647.50 FEET, A CENTRAL ANGLE OF 41°30'36" AND AN ARC LENGTH OF 469.11 FEET, TO A POINT OF TANGENT;
- 3.) N05°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 793.95 FEET;

THENCE CONTINUING ON SAID EASTERLY LINE S41°12'29"E A DISTANCE OF 18.19 FEET;

THENCE DEPARTING SAID EASTERLY LINE, S68°07'57"E A DISTANCE OF 36.63 FEET;

THENCE S51°46'26"E A DISTANCE OF 47.62 FEET;

THENCE S01°52'03"E A DISTANCE OF 58.46 FEET, TO A POINT ON SAID EASTERLY LINE OF OUTLOT 4;

THENCE ON SAID EASTERLY LINE AND THE PROLONGATION THEREOF S41°12'26"E A DISTANCE OF 635.24 FEET, TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36;

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

THENCE ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, N89°33'31"W A DISTANCE OF 2,649.62 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 2,792,939 SQUARE FEET OR 64.1171 ACRES.

EXHIBIT B

Zoning Map

[attached]

