

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 13, SERIES 2023**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH
APPROVING THE PLANNED DEVELOPMENT OVERLAY AMENDMENT FOR THE
LADERA SUBDIVISION, GENERALLY LOCATED SOUTH OF AND ADJACENT TO
SWETSVILLE ZOO ROAD, AND WEST OF CR-5**

WHEREAS, Connell, LLC (the “Developer”) has submitted a Planned Development Overlay Amendment for the Ladera Subdivision, more particularly described in **Exhibit A** (legal description) and **Exhibit B** (Planned Development Overlay) and attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, the Property was originally zoned as Regional Commercial and a Planned Development Overlay was approved by Town Council on October 26, 2021; and

WHEREAS, a properly noticed public hearing was scheduled for May 16, 2023 on the Planned Development Overlay amendment, and the above described Planned Development Overlay Amendment was tabled by the Town of Timnath Planning Commission until July 18, 2023; and

WHEREAS, a public hearing was held on July 18, 2023, and the above described Planned Development Overlay Amendment was recommended for approval, with conditions set forth below, to the Town Council by the Town of Timnath Planning Commission; and

WHEREAS, a properly noticed public hearing with the Town Council was held on August 8, 2023 and upon hearing the statements of staff and the applicant(s), any public comments, 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. Planned Development Overlay Amendment

That the Planned Development Overlay for the Property shall be and the same is hereby amended as set forth in:

The Planned Development Overlay – See attached **Exhibits A&B**, subject to the conditions set forth below.

Section 2. Conditions

1. The north side of Lot 1 Block 2 tree planting size to be unchanged and meet the original code requirement.
2. 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.

3. Care facility definition be amended to allow for a facility providing respite care be allowed to provide care for up to 14 consecutive days. ,

Section 3. Public Hearing

The Town Council held a public hearing on Tuesday, August 8, 2023 regarding the amendment of the Planned Development Overlay 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 JULY 25, 2023, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON AUGUST 8, 2023 AT THE TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 25TH DAY OF JULY, 2023.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON AUGUST 8, 2023.

TOWN OF TIMNATH, COLORADO


Mark J. Soukup, Mayor

ATTEST:


Milissa Peters-Garcia, CMC
Town Clerk



EXHIBIT A

Legal Description of Property Proposed for Amended Planned Development Overlay

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE UNDERSIGNED WARRANT THEY ARE THE OWNERS OF LAND BEING LOT 1, BLOCK 2, TRACT B, TRACT C AND PART OF TRACT A, LADERA SUBDIVISION RECORDED AT RECEPTION NO. 20220009456 AND LOT 1B, AMENDED PLAT OF TRACT A, JOHN W. SWETS FARM CORP. EXEMPTION PLAT AND CWH PROPERTIES LLC BOUNDARY LINE ADJUSTMENT-FILE # 21-LAND4085, RECORDED AT RECEPTION NO. 20210098821 ALL RECORDED IN THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF TIMNATH, LARIMER COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT B;

THENCE N02°04'13"W, A DISTANCE OF 1119.42 FEET ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 3 TO THE SOUTH LINE OF GATEWAY TIMNATH SOUTH SUBDIVISION RECORDED AT RECEPTION NO. 20140010830 IN THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE;

THENCE N89°30'43"E, A DISTANCE OF 310.97 FEET ON SAID SOUTH LINE;

THENCE S01°16'05"E, A DISTANCE OF 59.94 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, LADERA SUBDIVISION;

THENCE ON THE WEST, SOUTH AND NORTH LINES OF SAID LOT 1, BLOCK 1 FOR THE FOLLOWING SEVEN (7) COURSES;

1. S01°16'05"E, A DISTANCE OF 566.79 FEET;
2. ON A CURVE TO THE LEFT, HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 04°17'44", A DISTANCE OF 22.49 FEET, A CHORD BEARING OF S03°24'57"E WITH A CHORD DISTANCE OF 22.49 FEET;
3. N88°43'55"E, A DISTANCE OF 591.23 FEET;
4. N01°16'05"W, A DISTANCE OF 530.85 FEET TO A NON-TANGENT CURVE;
5. ON SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 57.50 FEET, A CENTRAL ANGLE OF 76°12'11", A DISTANCE OF 76.47 FEET, A CHORD BEARING OF N52°22'52"W WITH A CHORD DISTANCE OF 70.96 FEET;
6. THENCE S89°31'02"W, A DISTANCE OF 140.60 FEET;
7. THENCE N88°15'05"W, A DISTANCE OF 166.95 FEET TO THE NORTH LINE OF SAID LADERA SUBDIVISION;

THENCE ON THE NORTH, WEST AND EAST LINES OF SAID LADERA SUBDIVISION FOR THE FOLLOWING SIX (6) COURSES;

1. THENCE N89°31'02"E, A DISTANCE OF 506.70 FEET;
2. THENCE N00°29'50"W, A DISTANCE OF 60.00 FEET;
3. THENCE S89°30'43"W, A DISTANCE OF 34.92 FEET;
4. THENCE N01°16'05"W, A DISTANCE OF 247.88 FEET;
5. THENCE N89°31'11"E, A DISTANCE OF 1038.31 FEET;
6. THENCE S01°16'05"E, A DISTANCE OF 1339.12 FEET;

THENCE S88°43'55"W, A DISTANCE OF 2035.55 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2,127,601 SQUARE FEET OR 48.843 ACRES, MORE OR LESS.

EXHIBIT B

Amended Planned Development Overlay

[attached]

PLANNED DEVELOPMENT OVERLAY FOR:
LADERA SUBDIVISION AMENDMENT NO. 1
 LOCATED IN THE EAST HALF OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 68
 WEST OF THE 6TH P.M. COUNTY OF LARIMER, STATE OF COLORADO

APRIL, 2023



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 VICINITY MAP
 N.T.S.

SHEET INDEX

1	COVER SHEET
2	PLANNED DEVELOPMENT OVERLAY
3	SITE DESIGN GUIDELINES

CONTRACT
 FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE PLANNED DEVELOPMENT OVERLAY AND SITE DESIGN GUIDELINES FOR THE LADERA SUBDIVISION AMENDMENT NO. 1, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M. COUNTY OF LARIMER, STATE OF COLORADO.



PLANNED DEVELOPMENT OVERLAY
 LADERA SUBDIVISION AMENDMENT NO. 1
 TIMMATH, CO

DATE: 04/10/2023
 PROJECT: LADERA SUBDIVISION AMENDMENT NO. 1
 SHEET: COVER SHEET

PROJECT NO: 2023-0001
 DRAWN BY: JAK
 CHECKED BY: JAK
 DATE: 04/10/2023
 COVER SHEET



GENERAL PROVISIONS APPLICABLE TO THE TMMATH LAND USE CODE LISTED BELOW ARE APPLICABLE TO THE PROJECT. THESE PROVISIONS REPLACE EACH SPECIFIC CODE SECTION LISTED / REPEATED.

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