

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 3, SERIES 2024**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIMNATH
APPROVING THE PLANNED DEVELOPMENT OVERLAY AMENDMENT FOR THE
MCMORRIS SUBDIVISION, GENERALLY LOCATED NORTH OF AND ADJACENT
TO BUSS GROVE ROAD**

WHEREAS, SC Land Estates LLC, Post Modern Development Inc, Harmony LLC, and Timnath Estates LLC (the “Developers”) have submitted a Planned Development Overlay Amendment for the McMorris 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, a properly noticed public hearing was held on December 19, 2023, and the above described Planned Development Overlay Amendment 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 23, 2024 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-E 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, January 23, 2024 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 JANUARY 9, 2024, AND SET FOR PUBLIC HEARING, AND SECOND READING AT 6:00 P.M. ON JANUARY 23, 2024 AT THE TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 9TH DAY OF JANUARY, 2024.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JANUARY 23, 2024.

TOWN OF TIMNATH, COLORADO



Brett Hansen, Mayor Pro Tem

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk



EXHIBIT A

Legal Description of Property Proposed for Amended Planned Development Overlay

Parcel 1:

Lots 1, 2 and 3, Olde Timnath Estates, Town of Timnath,
County of Larimer, State of Colorado

Parcel 2:

Being a portion of the East half of the NE1/4 of Section 35, Township 7 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado as generally described under Reception No. [2020-0016857](#) of the Larimer County Records, lying Southerly of an existing right of way for Poudre Reservoir Company as recorded in Book 186 at Page 60 of said records, being more particularly described as follows:

Considering the North line of the NE 1/4 of said Section 35 as bearing N89°54'07"W, and with all bearing contained herein lying relative thereto:

Commencing from the NE corner of said Section 35; thence along the East line of the NE 1/4 of said Section 35, S 00° 06'36"W, a distance of 30.00 feet, more or less, to a point on the Southerly right of way line of Larimer County Road 40; thence continuing along said East line of said NE1/4, S 00° 06'36"W, a distance of 887.39 feet to the True Point of Beginning; thence continuing along said East line of said NE1/4, S 00° 06'36"W, a distance of 1195.48 feet to the Southeastly corner of that parcel described in Reception No. [2020-0016857](#) of the Larimer County Records; thence departing the East line of said NE1/4, and proceeding along the Southerly and Westerly lines of said Reception No. [2020-0016857](#), N 53° 14'54"W, a distance of 1443.05 feet and again N 00° 00'00"E, a distance of 723.05 feet, more or less, to a point on the South line of aforementioned 75 foot right of way as described in Book 186 at Page 60; thence departing said Southerly and Westerly lines and proceeding along said right of way line the following five (5) courses and distances:

1. N76° 20'44"E, a distance of 86.81 feet;
2. S70° 34'07"E, a distance of 193.97 feet;
3. S86° 04'07"E, a distance of 112.34 feet;
4. N72° 05'53"E, a distance of 211.84 feet;
5. N58° 05'53"E, a distance of 109.89 feet;

N42° 03'06"E, a distance of 572.87 feet, more or less to a point on the Southerly right of way line of Larimer County Road 40; thence departing said 75 foot right of way line and proceeding along said Southerly right of way line, S 89° 54'07"E, a distance of 42.56 feet, more or less, to a point on the Easterly line of said Reception No. [2020-0016857](#); thence departing said Southerly right of way line, and proceeding along said Easterly line, the following three (3) courses and distances:

1. S35° 59'20"W, a distance of 868.05 feet;
2. S00° 06'36"W, a distance of 184.21 feet;
3. S89° 54'28"E, a distance of 568.72 feet, more or less, the the East line of the NE1/4 of said Section 35 and the True Point of Beginning,

County of Larimer, State of Colorado

EXHIBIT B

Amended Planned Development Overlay

[attached]

McMORRIS SUBDIVISION - PD OVERLAY EXCEPTIONS

A TRACT OF LAND LOCATED IN SECTION 36, TOWNSHIP 7 NORTH,
RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF LARIMER, STATE OF COLORADO

McMORRIS SUBDIVISION PD OVERLAY DEVELOPMENT STANDARDS									
STRENGTHENED & IMPROVED STANDARDS TABLE									
Minimum Lot Area Per Acre	Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Lot Coverage (%)	Minimum Front Yard Setback (R.A.W.)	Minimum Side Yard Setback (R.A.W.)	Minimum Rear Yard Setback (R.A.W.)
Current Standard	Per R-E (Rural) District	50'	20'	20'	20'	24%	10'	10'	10'
Minimum Lot Area	1.25 Acres	35'	7'	7'	7'	24%	5.5' Area	5.5' Area	5.5' Area
Minimum Lot Width	15'	15'	15'	15'	15'	24%	5.5' Area	5.5' Area	5.5' Area

LEGAL DESCRIPTION

THE 1/2 OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 68 WEST, 6TH P.M. SAID DESCRIBED TRACT CONTAINS 66.7 ACRES MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY NOW ON RECORD ON EXISTING.

BLOCK DIVERSITY, GARAGE ORIENTATION, AND DRIVEWAY ACCESS STANDARDS

1. THE McMORRIS SUBDIVISION IS A BLOCK DIVERSITY SUBDIVISION WHICH REQUIRES A MINIMUM DRIVEWAY ACCESS OF NO GREATER THAN 24 FEET IN WIDTH OR MOST OF THE STREET FRONTAGE. THE MAXIMUM PERMITTED DRIVEWAY ACCESS SHALL BE LIMITED TO 24 FEET IN WIDTH OR MOST OF THE STREET FRONTAGE. THE MAXIMUM PERMITTED DRIVEWAY ACCESS SHALL BE LIMITED TO 24 FEET IN WIDTH OR MOST OF THE STREET FRONTAGE. THE MAXIMUM PERMITTED DRIVEWAY ACCESS SHALL BE LIMITED TO 24 FEET IN WIDTH OR MOST OF THE STREET FRONTAGE.

2. THE McMORRIS SUBDIVISION SHALL UTILIZE THE STREET PARTICIPATION CONTROL DESIGN CONCEPTS DEVELOPED FOR THE McMORRIS SUBDIVISION TO PROVIDE A CONSISTENT DESIGN LANGUAGE THROUGHOUT THE SUBDIVISION. THE DESIGN CONCEPTS SHALL INCLUDE A VARIETY OF DESIGN ELEMENTS INCLUDING THE USE OF BALDING AS WELL AS THE USE OF COLUMNS AND POSTS, ACCESS PATHS, AND TERRAZES.

3. IN ORDER TO ENSURE A CONSISTENT HIGH QUALITY AND INTEGRATED DESIGN THROUGHOUT ALL OF THE McMORRIS COMMUNITY, THE McMORRIS SUBDIVISION SHALL UTILIZE THE STREET PARTICIPATION CONTROL DESIGN CONCEPTS DEVELOPED FOR THE McMORRIS SUBDIVISION TO PROVIDE A CONSISTENT DESIGN LANGUAGE THROUGHOUT THE SUBDIVISION. THE DESIGN CONCEPTS SHALL INCLUDE A VARIETY OF DESIGN ELEMENTS INCLUDING THE USE OF BALDING AS WELL AS THE USE OF COLUMNS AND POSTS, ACCESS PATHS, AND TERRAZES.

PLANNING COMMISSION CERTIFICATE

APPROVED THIS _____ DAY OF _____ 20____, BY THE TOWN PLANNING COMMISSION, TIMNATH, COLORADO.

PLANNING COMMISSION CHAIRPERSON
PHILIP COUDSTEN

TOWN COUNCIL CERTIFICATE

APPROVED THIS _____ DAY OF _____ 20____, BY THE TOWN COUNCIL, TIMNATH, COLORADO. THIS APPROVAL IS CONDITIONED UPON ALL EXPENSES INCLUDING NECESSARY IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, STREET LIGHTS, STREET SIGNS, AND SIDEWALKS SHALL BE PROVIDED BY OTHERS AND NOT THE TOWN.

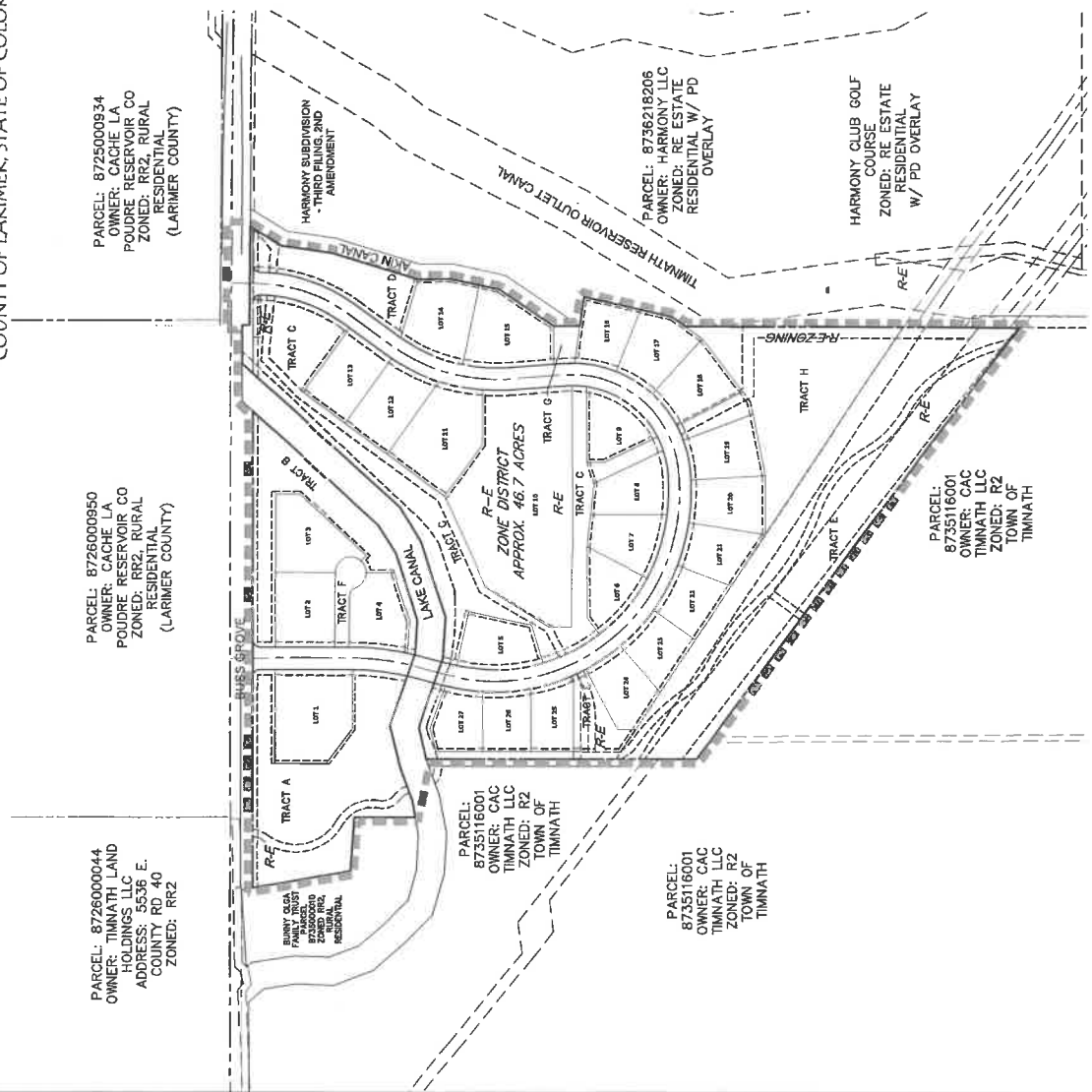
MAYOR MARK A. SOUMUP
TIMNATH TOWN CLERK



McMORRIS SUBDIVISION
PD OVERLAY EXCEPTIONS
39718.03
12/08/2023
SHEET 1 OF 1



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101 Gates 616-667-6200 - westeng@jrengineering.com



PARCEL: 8725000950
OWNER: CACHER LA
POUDRE RESERVOIR CO
ZONED: RR2 RURAL
RESIDENTIAL
(LARIMER COUNTY)

PARCEL: 8726000044
OWNER: TIMNATH LAND
HOLDINGS LLC
ADDRESS: 5536 E.
COUNTY RD. 40
ZONED: RR2

PARCEL: 8735116001
OWNER: CAC
TIMNATH LLC
ZONED: R2
TOWN OF
TIMNATH

PARCEL: 8735116001
OWNER: CAC
TIMNATH LLC
ZONED: R2
TOWN OF
TIMNATH

PARCEL: 8736218206
OWNER: HARMONY LLC
ZONED: RE ESTATE
RESIDENTIAL W/ PD
OVERLAY

HARMONY CLUB GOLF
COURSE
ZONED: RE ESTATE
RESIDENTIAL
W/ PD OVERLAY

PARCEL: 8735116001
OWNER: CAC
TIMNATH LLC
ZONED: R2
TOWN OF
TIMNATH