

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2024-262

ORDINANCE APPROVING A CHANGE OF ZONE FOR PROPERTY KNOWN AS WAGGONER FARM, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 17.444 ACRES, FROM PLANNED UNIT DEVELOPMENT–BUSINESS (PUD-B) TO MIXED USE–NEIGHBORHOOD COMMERCIAL (MU-NC)

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, MIC TDC Hwy 60 Johnstown, LLC, a Colorado limited liability company (“Owner”), applied to rezone the property known as Waggoner Farm, situated in the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 17.444 acres, being more particularly described on Exhibit A, which is attached hereto and incorporated herein by this reference (“Property”), from Planned Unit Development – Business (PUD-B) to Mixed Use – Neighborhood Commercial (MU-NC); and

WHEREAS, on September 25, 2024, the Town’s Planning and Zoning Commission held a public hearing and recommended approval of Mixed Use – Neighborhood Commercial (MU-NC) zoning for the Property; and

WHEREAS, on November 4, 2024, the Town Council held a public hearing to determine appropriate zoning for the Property and, based upon the evidence received at the hearing, finds that the requested rezoning of the Property to Mixed Use – Neighborhood Commercial (MU-NC) conforms to the *Johnstown Area Comprehensive Plan* and Section 17-2-3 of the Town of Johnstown Land Use and Development Code and should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

1. Zoning of the Property shall hereby and hereinafter be designated as Mixed Use – Neighborhood Commercial (MU-NC).
2. All other Ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed. To the extent an outline development plan was previously approved for the Property in connection with the annexation of the Property and the initial zoning of the Property, the Property shall no longer be subject to such outline development plan.

3. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter.
4. Upon its effective date, the Town Clerk is hereby directed to file this Ordinance with the real estate records of the Weld County Clerk and Recorder.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this ___ day of _____, 2024.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Meghan Martinez, Town Clerk

By: _____
Michael P. Duncan, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2024.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Meghan Martinez, Town Clerk

By: _____
Michael P. Duncan, Mayor

EXHIBIT A
PROPERTY DESCRIPTION

COMMENCING at the Southeast Corner of said Section 1, and assuming the south line of said Southeast Quarter as bearing South 89°22'43" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2,652.47 feet monumented by a #6 rebar with a 2" aluminum cap stamped LS 23500 at the Southeast Corner of Section 1 and monumented by a #6 rebar with a 2.5" aluminum cap stamped LS 12374 at the South Quarter Corner of Section 1, and with all other bearings contained herein relative thereto;

THENCE North 05°50'52" West, along the east line of said Southeast Quarter, a distance of 23.80 feet to the northeast corner of that parcel described in Right-of-Way Deed recorded May 3, 1957, in Book 1477 at Page 20, as reception No. 1253790 of the records of the Weld County Clerk and Recorder, and the POINT OF BEGINNING;

THENCE along the north lines of Right-of-Way parcels, Reception No. 1253788, Reception No. 1253789 and Reception No. 1253790 the following two courses;

THENCE South 89°43'16" West, a distance of 165.09 feet;

THENCE South 89°42'13" West a distance of 1,152.60 feet to a 1/2 " rebar with a 2" aluminum cap;

THENCE North 03°45'01" East, along an existing fence line, a distance of 387.19 feet to the centerline of the concrete irrigation canal of the Home Supply Ditch;

THENCE along the centerline of said Home Supply Ditch the following 13 courses;

THENCE North 27°55'00" East a distance of 98.10 feet;

THENCE North 33°55'52" East a distance of 73.03 feet;

THENCE North 46°52'30" East a distance of 47.66 feet;

THENCE North 60°59'36" East a distance of 22.85 feet;

THENCE North 77°48'56" East a distance of 156.81 feet;

THENCE North 79°39'59" East a distance of 84.00 feet;

THENCE North 87°54'42" East a distance of 44.57 feet;

THENCE South 86°04'26" East a distance of 306.85 feet;

THENCE North 88°52'57" East a distance of 52.70 feet;

THENCE North 82°05'53" East a distance of 50.11 feet;

THENCE North 80°27'37" East a distance of 40.02 feet;

THENCE North 73°56'16" East a distance of 42.04 feet;

THENCE North 64°47'00" East a distance of 62.02 feet;

THENCE South 72°42'18" East, departing said centerline, a distance of 187.87 feet to a #3 rebar;

THENCE South 67°15'47" East a distance of 96.96 feet to the east line of said Southeast Quarter;

THENCE South 05°50'52" East, along said east line, a distance of 561.52 feet to the north line of Reception No. 1253790, and the POINT OF BEGINNING.