

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2023-261

APPROVING A CHANGE OF ZONE FOR THE PROPERTY KNOWN AS VISTA COMMONS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 147.386 ACRES, TO REGIONAL COMMERCIAL, MU-RC (74.252 ACRES), AND HIGH DENSITY NEIGHBORHOOD, R-3 (73.134 ACRES)

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, Vista AG Properties, LLC, a Nebraska limited liability company, the property owner (“Owner”), applied to rezone the property known as Vista Commons, located in the Southwest Quarter of Section 2, Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 147.386 acres, and known as Vista Commons, being more particularly described on Exhibit A, which is attached hereto and incorporated herein by this reference (“Property”), from Planned Unit Development – Mixed-Use (PUD-MU) to Regional Commercial (MU-RC) for Parcel I of the Property and High Density Residential (R-3) for Parcel II of the Property; and

WHEREAS, the Owner requests a change of zone the Property to MU-RC and R-3 because the proposed development of the Property is anticipated to include commercial and residential uses; and

WHEREAS, on November 1, 2023, the Town’s Planning and Zoning Commission held a public hearing and recommended approval of MU-RC for Parcel I of the Property and R-3 zoning for Parcel II of the Property; and

WHEREAS, on November 20, 2023, 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 MU-RC and R-3 conforms to the *Johnstown Area Comprehensive Plan* and Section 17-2-3 of the Town of Johnstown Land Use and Development Code should be approved.

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

1. Zoning of the Property known as Vista Commons and more particularly described on the attached Exhibit A shall hereby and hereinafter be designated as MU-RC for Parcel I of the Property and R-3 for Parcel II of the Property.

2. 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.
3. 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 _____, 2023.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Hannah Hill, Town Clerk

By: _____
Troy D. Mellon, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2023.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Hannah Hill, Town Clerk

By: _____
Troy D. Mellon, Mayor

EXHIBIT A

PROPERTY DESCRIPTION

PARCEL I (R-3):

The Southwest Quarter of Section 2, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado, EXCEPT the following described portions:

1.) That portion deeded to Weld County by Deed recorded April 8, 1933 in Book 945 at Page 266 described as follows:

All of the North 16 ½ feet of the South 46 ½ feet of the Southwest Quarter of Section 2, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado.

2.) That portion deeded to Weld County by Deed recorded October 1, 1941 in Book 1084 at Page 305 described as follows:

A tract or parcel of land for Highway Right of Way, in the Southwest Quarter of Section 2, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado, and said tract of land or parcel being more particularly described as follows:

Beginning at the Southwest corner of said Section 2, Township 4 North, Range 68 West;

Thence North 00° 12 ½' West, a distance of 2,639.7 feet;

Thence North 89° 32 ½' East, a distance of 43.1 feet;

Thence Southerly, on a curve to the right, whose radius is 5,780.00 feet (the chord of which bears South 01° 36 ½' East a distance of 283.00 feet), for a distance of 283.00 feet;

Thence 50 feet Easterly of, normally distant from and parallel with the centerline of project, South 00° 12 ½' East, a distance of 2,357.4 feet;

Thence North 89°42 ½' West, a distance of 50.0 feet, more or less, to the Point of Beginning.

3.) That portion deeded to the Department of Highways, State of Colorado by Deed recorded May 10, 1957 in Book 1477 at Page 386 being described as follows:

A tract or parcel of Land, No. 1 of Grantee's Project S 0053 (1) in the South half of the Southwest Quarter of Section 2, Township 4 North, Range 68 West; said tract or parcel being more particularly described as follows:

Beginning at a point on the existing East right of way of U.S. Highway No. 87 from which point the Southwest corner of Section 2, Township 4 North, Range 68 West of the 6th P.M., bears South 20°42'30" West a distance of 139.9 feet;

1.) Thence South 45°27'30" East, a distance of 70.4 feet;

2.) Thence North 89°18'30" East, a distance of 2339.1 feet;

3.) Thence along the arc of a curve to the right, having a radius of 5,780.0 feet, a distance of 124.4 feet;

4.) Thence South 89~27'30" East, a distance of 84.1 feet to a point on the East line of the Southwest Quarter of Section 2;

5.) Thence along the East line of the Southwest Quarter of Section 2, South 00°05'30" West, a distance of 91.2 feet to the Southwest corner of the Southwest Quarter of Section 2;

- 6.) Thence along the South line of the Southwest Quarter of Section 2, South 89°36'30" West, a distance of 2647.1 feet to the Southwest corner of Section 2;
- 7.) Thence along the West line of the Southwest Quarter of Section 2, North 00°13'30" West, a distance of 130.3 feet;
- 8.) Thence North 89°18'30" East, a distance of 50.0 feet, more or less, to the Point of Beginning.

4.) That portion deeded to the Department of Highways, State of Colorado, by Deed recorded November 7, 1960 in Book 1570 at Page 618 described as follows:

A tract or parcel of Land, No. 20 of Grantee's Project No. I 25-3 (16) 251, in the Southwest Quarter of the

Southwest Quarter of Section 2, Township 4 North, Range 68 West of the 6th P.M., in Weld County, Colorado said tract or parcel being more particularly defined as follows:

Beginning at a point on the South line of Section 2, Township 4 North, Range 68 West; from which the Southwest corner of Section 2 bears North 89°43'30" West, a distance of 880.0 feet;

- 1.) Thence North 89°43'30" West, along the South line of Section 2, a distance of 880.0 feet to the Southwest corner of Section 2;
- 2.) Thence North 0°13'30" West, along the South line of Section 2, a distance of 1,038.1 feet;
- 3.) Thence North 89°46'30" East, a distance of 50.0 feet;
- 4.) Thence South 14°08'30" East, a distance of 956.3 feet;
- 5.) Thence South 82°40'30" East, a distance of 605.2 feet to the North right of way of a County Road;
- 6.) Thence South 0°13'30" East, a distance of 38.00 feet, more or less, to the Point of Beginning.

EXCEPTING THEREFROM the following described property:

Part of the Southwest ¼ of Section 2, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado, described as follows:

Commencing at the South ¼ corner of said Section 2 from whence the center ¼ corner of said Section 2 bears North 00°02'49" West, 2651.92 feet; Thence North 00°02'49" West, 94.33 feet along the East line of the said SW ¼, to its intersection with the North right of way line of State Highway No. 60, the Point of Beginning; Thence Westerly and Northwesterly along the North and Northeasterly right of way line of said State Highway No.60, as follows:

North 89°25'51" West, 85.37 feet, along the arc of a 5780.0 foot radius curve to the left, 124.42 feet (chord bears South 89°57'09" West, 124.42 feet); South 89°20'09" West, 2012.53 feet; North 82°19'35" West, 146.88 feet and North 14°07'02" West, 955.37 feet; Thence departing from said right of way line North 89°20'09" East, 1897.03 feet; Thence North 00°02'49" West, 1603.78 feet parallel with the East line of said SW ¼ to a point on the North line of the said SW ¼; Thence North 89°19'34" East, 703.13 feet along the North line of the said SW ¼ to the NE corner of the said SW¼ (the center ¼ corner of said Section 2); Thence South 00°02'49" East, 2557.59 feet along the East line of the said SW ¼ to the Point of Beginning.

FURTHER EXCEPTING THEREFROM any portion that may lie within the above as to parcel shown in deed to the Colorado Department of Transportation recorded November 19, 2021 at Reception No. 4778141.

PARCEL II (MU-RC):

Part of the Southwest ¼ of Section 2, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado, described as follows:

Commencing at the South ¼ corner of said Section 2 from whence the center ¼ corner of said Section 2 bears North 00°02'49" West, 2651.92 feet; Thence North 00°02'49" West, 94.33 feet along the East line of the said SW ¼, to its intersection with the North right of way line of State Highway No. 60, the Point of Beginning;

Thence Westerly and Northwesterly along the North and Northeasterly right of way line of said State Highway 60, as follows: North 89°25'51" West, 85.37 feet, along the arc of a 5780.00 foot radius curve to the left, 124.42 feet (chord bears South 89°57'09" West 124.42 feet); South 89°20'09" West, 2012.53 feet; North 82°19'35" West, 146.88 feet and North 14°07'02" West, 955.37 feet; Thence departing from said right of way line North 89°20'09" East, 1987.03 feet; Thence North 00°02'49" West, 1603.78 feet parallel with the East line of said SW ¼ to a point on the North line of said SW ¼; Thence North 89°19'34" East, 703.13 feet along the North line of the said SW ¼, to the NE corner of the said SW ¼ (the center ¼ corner of said Section 2); Thence South 00°02'49" East, 2557.59 feet along the East line of said SW ¼ to the Point of Beginning,

EXCEPTING THEREFROM that parcel of land conveyed in Deed from Pratt Management Company, LLC to State of Colorado, Department of Transportation of the City and County of Denver recorded April 9, 2001 as Reception No. 2838884.

FURTHER EXCEPTING THEREFROM any portion that may lie within the above as to parcel shown in deed to the Colorado Department of Transportation recorded November 19, 2021 at Reception No. 4778141.

All in the County of Weld,
State of Colorado

Said parcel contains 6,420,131 Square Feet or 147.386 Acres more or less by this survey.

