

**TOWN OF JOHNSTOWN, COLORADO**  
**ORDINANCE NO. 2023-262**

**APPROVING A CHANGE OF ZONE FOR THE PROPERTY KNOWN AS MASSEY SQUARE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 21.1 ACRES, TO 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**, Massey Farms, LLLP, a Colorado limited liability limited partnership, the property owner (“Owner”), applied to rezone the property known as Massey Square, located in the Northwest Quarter of Section 7, Township 4 North, Range 67 West of the 6<sup>th</sup> Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 21.1 acres, 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 Neighborhood Commercial (MU-NC); and

**WHEREAS**, the Owner requests a change of zone the Property to MU-NC because the proposed development of the Property is anticipated to include commercial uses; and

**WHEREAS**, on November 1, 2023, the Town’s Planning and Zoning Commission held a public hearing and recommended approval of MU-NC zoning for 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-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 known as Massey Square and more particularly described on the attached Exhibit A shall hereby and hereinafter be designated as MU-NC.
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

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHWEST CORNER BY A FOUND 2" ALUMINUM CAP STAMPED "A.M. HASKELL 1996 PLS 23500" AND AT THE NORTH QUARTER CORNER BY A FOUND 2-1/2" ALUMINUM CAP STAMPED "PETER A. BRYAN 1993 PLS 20673". SAID LINE BEARS NORTH 86°25'53" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT SAID NORTHWEST CORNER;

THENCE SOUTH 45°33'40" WEST A DISTANCE OF 91.69 FEET TO A POINT 60.00 FEET SOUTH, WHEN MEASURED AT RIGHT ANGLES, OF SAID NORTH LINE OF THE NORTHWEST QUARTER;

THENCE ALONG A LINE 60.00 FEET SOUTHERLY OF AND PARALLEL WITH SAID NORTH LINE SOUTH 86°25'53" EAST A DISTANCE OF 1302.65 FEET;

THENCE DEPARTING SAID PARALLEL LINE SOUTH 00°10'17"

WEST A DISTANCE OF 648.62 FEET; THENCE NORTH

89°49'43" WEST A DISTANCE OF 1327.91 FEET TO A POINT

OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 89°24'40", A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 46.82 FEET, A CHORD BEARING OF NORTH 45°07'23" WEST, AND A CHORD LENGTH OF 42.21 FEET TO A POINT 65.00 FEET EAST, WHEN MEASURED AT RIGHT ANGLES, OF THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE ALONG A LINE 65.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE NORTH 00°25'03" WEST A DISTANCE OF 696.15 FEET TO THE POINT OF BEGINNING;

CONTAINING 890,731 SQUARE FEET, OR 20.45 ACRES, MORE OR LESS.