



450 S. Parish Avenue
Johnstown, CO 80534
970.587.4664
JohnstownCO.gov

PLANNING & ZONING COMMISSION

450 S. Parish, Johnstown, CO
Wednesday, April 10, 2024 at 6:00 PM

MISSION STATEMENT: Enhancing the quality of life of our residents, businesses, and visitors through community focused leadership.

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Minutes for 3/13/2024 Meeting

PUBLIC COMMENTS - *Regarding items and issues not included as a Public Hearing on this Agenda (limited to 3 minutes each)*

NEW BUSINESS

- [2.](#) Yellow Roof Annexation

DEPARTMENTAL REPORT

COMMISSIONER REPORTS AND COMMENTS

ADJOURN

AMERICANS WITH DISABILITIES ACT NOTICE

In accordance with the Americans with Disabilities Act and other applicable laws, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at 970-587-4664 no later than 48 hours before the meeting in order to request such assistance.

De conformidad con la Ley de Discapacitados Estadounidenses y otras leyes vigentes, los individuos que necesitan adaptaciones funcionales para asistir o participar en esta reunión deberán comunicarse con la Municipalidad marcando el 970 587- 4664 a lo más tardar 48 horas antes de dicha reunión para solicitarla.



PLANNING & ZONING COMMISSION REGULAR MEETING

7:00 PM, Wednesday, March 13, 2024

SUMMARY MINUTES

The meeting was called to order by Chair Grentz at 7:00 P.M. Roll call and attendance were taken. Present were Commissioners Jeanneret, Flores, Hayward, Urban, and Chairman Grentz. Campbell and Hatfield were absent and excused.

A motion for approval of the agenda was made.

M: Flores/ 2nd Hayward. This was passed 5/0.

Minutes of the regular meetings held on February 14th, 2024. Minutes were approved 4/0.

M: Hayward/2nd Jeanneret. Flores abstained as he was not in attendance.

No public comment.

The Public Hearing for the **Blue Spruce Ridge Annexation** was opened. The planning staff were asked to present their report. Tyler Smith presented an overview of the land that was to be annexed and stated that there were multiple other portions that were annexed previously as a part of the project area. Staff recommended approval of the Blue Spruce Ridge Annexation and proposed zoning.

The commission asked what the variation was between the zoning types of R-1 versus R-2 and the type of development that would be expected. Smith clarified the zoning type and the correlation that this had with the updated comprehensive plan. Smith also explained what lot configuration would be allowed with each of these zoning types. No further questions were asked of staff at this time.

Bob Choate with Caliber Development, the applicant, presented on behalf of the developer. Choate highlighted his expectation for the development and what the development might look like. Chair Grentz asked about townhomes. Choate stated townhomes were there to encourage some of the diversity in pricing of homes in the area.

Chair Grentz opened the hearing for public comment.

Richard, a resident of the Ridge, brought up concerns related to his view and property values if the development was to occur. He expressed opposition to townhome development, as it would impair his way of life in the Ridge.

Chair Grentz clarified that the current applicant only included land being annexed into the Town and the proposed zoning type. There was no pending development plan for comment.

Woods, a private landowner of seven acres, stated concerns about information accessibility for the residents that were in the area. She wanted to ensure enough time to review the submittal and suggested delaying the public hearing. Ms. Woods opposed the R-2 zoning and stated that R-1 would

be more applicable.

Martin Manning, a private landowner, brought concerns of safety with regard to the irrigation ditches and ponds in the area and wanted to make sure that Caliber was too keep what they has told landowners previously.

Morty Lane, a resident of the Ridge, brought up concerns regarding the floodplain in the area. Lane stated that the grading would have to be extreme and was worrisome for current and future landowners.

Chair Grentz asked further questions of the public after opening the discussion to commissioners. Commissioner Urban stated that there would be more steps in the development process and encouraged the public to show up to the next meeting to make additional statements.

Chair Grentz asked further questions of Smith regarding the R-2 versus R-1 zoning types. Smith highlighted that the largest difference between the two designations would be the ability to have townhomes on the property.

Chair Grentz asked further questions of Gleim, the Planning Director, as to their options for making a recommendation on the project. Gleim stated that there are two items, and each could be approved, approved with conditions, or denied.

The public hearing was closed. There was brief discussion among the Commissioners and the following motions were made:

ANNEXATION

M: Flores / 2nd: Hayward to recommend APPROVAL of the Blue Spruce Ridge Annexation.

Motion Passed – 5/0

ZONING

M: Hayward/ 2nd Flores to recommend APPROVAL of R-1 zoning for the Blue Spruce Ridge Annexation.

Motion Passed - 4/1, with Chair Grentz opposed.

New Business: An item was on the agenda for the Commission to discuss changing the regular Planning & Zoning Commission meeting time from 7pm to 6pm. After discussion, the following motion was made:

M: Hayward/ 2nd Urban to change the meeting time for the Planning & Zoning Commission’s regular meeting from 7pm to 6pm.

Motion Passed – 5/0

Commissioners had no reports. The meeting was adjourned.

Respectfully Submitted,
Lilly Cory, Planner I

Accepted by Chair:



Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

HEARING DATE: April 10, 2024

SUBJECT: Annexation and Zoning Request – Yellow Roof Annexation

ACTION PROPOSED: Public Hearing to Consider the following:

- A. Consideration of Resolution 2024-18 accepting the Findings of Fact and Conclusions for the Yellow Roof Annexation;
- B. Consideration of Ordinance 2024-250, to annex certain unincorporated lands located in Larimer County known as the Yellow Roof Annexation; and,
- C. Consideration of Ordinance 2024-251, to establish I-1 (Industrial, Light) zoning on the property known as the Yellow Roof Annexation

LOCATION: All that part of the southeast quarter of Section 27, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado.

APPLICANT: Yellow Roof Development, LLC.

ATTACHMENTS:

- 1. Resolution 2023-061-Setting Fourth Annexation Proceedings
- 2. Resolution 2024-18 Findings of Fact and Conclusions for the Yellow Roof Annexation
- 3. Ordinance 2024-250 Approving the Yellow Roof Annexation
- 4. Ordinance 2024-251 Approving I-1 Zoning for the Yellow Roof Annexation
- 5. Annexation Petition
- 6. Vicinity Map
- 7. Annexation Map
- 8. Zoning Map

PRESENTED BY: Jeremy Gleim, AICP, Planning Director

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BACKGROUND & SUMMARY

The applicant, Yellow Roof Development, LLC., requests annexation and I-1(Industrial, Light) zoning for approximately 5.7 acres of land in Larimer County. The property is located on the north side of Larimer County Road 16 (LCR 16), just west of Interstate 25 (I-25).

The subject property is presently zoned CN (Commercial Neighborhood) in unincorporated Larimer County. There is an existing office building on the property, which was constructed in 1968 and which measures 4,536 square feet. The project is partially bordered by incorporated areas of Johnstown to the east and south. The land to the north, west, and partially to the south is in unincorporated Larimer County.

SURROUNDING ZONING & LAND USE

- North: RR2 (Rural Residential) – Larimer County – Agricultural Uses
- South: RR2 (Rural Residential) and CN (Commercial Neighborhood) – Larimer County – Agricultural Uses; and,
Town of Johnstown – Johnstown Corner Annexation No. 2
- East: I-25 and PUD Zoning – Town of Johnstown – Industrial Uses
- West: RR2 (Rural Residential) – Larimer County – Agricultural Uses

PUBLIC NOTICE & AGENCY REFERRALS

Notice for the Planning & Zoning Commission hearing was republished in the local paper of widest circulation, the Johnstown Breeze, on Thursday, March 28, 2024. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 800 feet of the property in question.

PROJECT DESCRIPTION & ANALYSIS

Annexation: This annexation is being considered by the Town for the following reasons:

1. At least 1/6 of the area to be annexed for each individual annexation is contiguous to the Town of Johnstown boundary.
2. The property is located within the Town of Johnstown Growth Management Area.
3. The Town can provide water, sewer, and police services to the property.
4. The Town is authorized to annex the area without an election under Section 30(b) of Article II of the Colorado Constitution.

A resolution finding Substantial Conformance with C.R.S. requirements was passed by the Town Council on March 4, 2024, and set a public hearing for the annexation to be heard in front of the Town Council on April 15, 2024. The annexation map includes this parcel as well as the adjacent right-of-way for Larimer County Road 16.

Zoning & Development Standards

The current zoning for the property is CN – Commercial Neighborhood in Unincorporated Larimer County. There are no known conditional uses or uses by special review for the property.

The applicant requests I-1 (Industrial, Light) zoning upon annexation, in order to support the future development of a gas station/convenience mart on the property. As described in the Town’s adopted Land Use & Development Code (LUDC), the I-1 district provides primarily service, employment, manufacturing, and distribution uses at a scale, intensity and format that will not have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses characteristic of mixed and flex business areas.

Table 4-2: Permitted Principal Land Uses, in the LUDC, identifies gas stations as permitted uses in the I-1 zone. This application does not include the consideration or development of a gas station/convenience mart; however, since it was mentioned as a potential future land use on the subject property, it is worth mentioning that the I-1 zone would support that.

The Future Land Use Map in the 2021 Johnstown Area Comprehensive Plan (Comp Plan) identifies the subject property as being within the High Density/Intensity land use area. As described in the Comp Plan, High Density/Intensity areas (HDI) will be generally characterized by a high percentage of nonresidential uses, with some residential possibly integrated into larger development areas. These HDI corridors and nodes will accommodate and experience larger volumes of traffic and be located along busy arterial and highway corridors, and especially at interchanges and intersections. These areas are intended to provide high-quality, high-visibility locations for retail, office, and employment activities, with some light industrial uses that can appropriately mitigate impacts and contribute to the employment base.

COMPREHENSIVE PLAN ALLIGNMENT

The Johnstown Comprehensive Plan (Comp Plan) creates a long-term vision for the development of the town. The Comp Plan identifies the Town’s Growth Management Area (GMA), which includes incorporated lands within the current town limits, as well as certain unincorporated lands within Larimer and Weld counties. The GMA can be likened to a growth boundary, which represents the logical expansion of the town over time. The property which is the subject of this annexation is contiguous to lands within the corporate boundary of Johnstown and exists within the GMA. The Future Land Use Map identifies this area as a High Density/Intensity area, which is consistent with the proposed I-1 (Industrial, Light) zoning. Staff finds that the proposed annexation represents a logical expansion of Johnstown’s corporate boundary, in alignment with the goals and strategies of the Johnstown Comp Plan.

STRATEGIC PLAN ALLIGNMENT

- Natural & Built Environment

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- *Guide growth in the community through appropriate annexation, zoning, planning, and land use development.*

Staff finds that the proposed annexation and zoning is consistent with the goal and strategy referenced above, pursuant to the adopted Johnstown Strategic Plan.

LEGAL ADVICE:

The Town Attorney received this request as well as the Town Manager

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: There are three actions associated with this project and each one must be voted on separately. The resolution establishes the findings of fact and conclusions for the proposed annexation; therefore, it should be voted upon prior to a vote on the ordinances to recommend approval of the annexation and zoning. If the resolution fails, the findings to support the ordinances would dissolve, and the ordinances would automatically fail.

1. Resolution 2024-18 – Findings of Fact and Conclusions: Recommend that the Town Council **APPROVE** Resolution 2024-18, accepting the Findings of Fact and Conclusions for the Yellow Roof Annexation.

2. Ordinance 2024-250 – Approving Yellow Roof Annexation: Recommend that the Town Council **APPROVE** Ordinance 2024-250 to approve the annexation of approximately 5.7 acres, known as the Yellow Roof Annexation.

3. Ordinance 2024-251 – Approving I-1 (Industrial, Light) Zoning: Recommend that the Town Council **APPROVE** Ordinance 2024-251 approving I-1 zoning for the property known as the Yellow Roof Annexation

SUGGESTED MOTIONS:

RESOLUTION 2024-18

For Approval: The Planning & Zoning Commission recommends that the Town Council **APPROVE** Resolution No. 2024-18, accepting the Findings of Fact and Conclusions for the Yellow Roof Annexation.

For Denial: The Planning & Zoning Commission recommends that the Town Council deny Resolution No. 2024-18.

ORDINANCE 2024-250

For Approval: The Planning & Zoning Commission recommends that the Town Council **APPROVE** Ordinance No. 2024-250 approving annexation of approximately 5.7 acres, known as the Yellow Roof Annexation.

For Denial: The Planning & Zoning Commission recommends that the Town Council deny Ordinance No. 2024-250.

ORDINANCE 2024-251

For Approval: The Planning & Zoning Commission recommends that the Town Council **APPROVE** Ordinance No. 2024-251 approving I-1 zoning for the property known as the Yellow Roof Annexation.

For Denial: The Planning & Zoning Commission recommends that the Town Council deny Ordinance No. 2024-251.

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2024-10**

**A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE FOR
INITIATING ANNEXATION PROCEEDINGS AND SETTING A
PUBLIC HEARING DATE FOR THE YELLOW ROOF
ANNEXATION**

WHEREAS, the Town of Johnstown (“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 the authority to administer the affairs of the Town; and

WHEREAS, on or about January 9, 2024, Yellow Roof Development, LLC, a California limited liability company, submitted a Petition for Annexation; and

WHEREAS, the Town Council has reviewed the Petition for Annexation, and, finding substantial compliance as set forth below, desires to initiate annexation proceedings in accordance with the law and set a public hearing.

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

Section 1. The Town Council finds that a Petition for Annexation of certain property situated in the Southeast Quarter of Section 27, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, consisting of approximately 5.7 acres, being more particularly described on Exhibit A, which is attached hereto and incorporated herein by this reference, filed with the Town Clerk on or about January 9, 2024, to be known as the “Yellow Roof Annexation,” is in substantial compliance with §31-12-107(1), and that a public hearing should be held to determine if the proposed annexation complies with §§31-12-104 and 31-12-105, C.R.S., or such parts thereof as may be required to establish eligibility pursuant to §31-12-101, *et seq.*

Section 2. The Town Council hereby sets a public hearing for such purposes on April 15th, 2024, at 7:00 p.m., at 450 South Parish Avenue, Johnstown, Colorado.

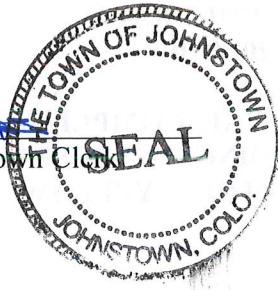
Section 3. The Town Clerk shall publish notice of the hearing once per week for four (4) consecutive weeks in the *Johnstown Breeze*, with the first publication at least thirty (30) days prior to the date of the hearing. The Town Clerk shall also send a copy of the published notice, together with a copy of this Resolution and the Petition for Annexation, by registered mail to the Larimer County Board of County Commissioners and to the Larimer County Attorney and to any special district or school district having territory within the area to be annexed at least twenty-five (25) days prior to the date fixed for such hearing.

Section 4. This Resolution shall be effective on the date hereof.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS 4 day of March, 2024.

ATTEST:

By: Hannah Hill
Hannah Hill, Town Clerk



TOWN OF JOHNSTOWN, COLORADO

By: Troy D. Mellon
Troy D. Mellon, Mayor

Exhibit A

Legal Description:

All that part of the southeast quarter of Section 27, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, being more particularly described as follows:

Beginning at a point on the south line of said Section 27, which point is 1247.9 feet west of the southeast corner of said Section 27; thence westerly on the south line of said Section 27 a distance of 170 feet; thence on an angle of $75^{\circ}27'30''$ to the right a distance of 531.2 feet; thence on an angle of $104^{\circ}32'30''$ ($104^{\circ}12'30''$ record) to the right a distance of 519.68 feet to a point on the westerly right of way line of U.S. Highway No. 185; thence on an angle of $75^{\circ}27'30''$ to the right along said right of way line a distance of 442.59 feet; thence on an angle of $93^{\circ}51'30''$ to the right a distance of 333.2 feet; thence on an angle of $79^{\circ}19'00''$ to the left a distance of 24.0 feet to the Point of Beginning.

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2024-18**

**FINDINGS OF FACT AND CONCLUSIONS BASED THEREON
WITH RESPECT TO THE YELLOW ROOF ANNEXATION**

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, Yellow Roof Development, LLC, a California limited liability company, submitted a Petition for Annexation for real property situated in the Southeast Quarter of Section 27, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, consisting of approximately 5.7 acres, being more particularly described on Exhibit A, and known as the “Yellow Roof Annexation;” and

WHEREAS, on March 4, 2024, by Resolution No. 2024-10, the Town Council found the Petition for Annexation to be in substantial compliance with C.R.S. § 31-12-107(1); and

WHEREAS, on April 15, 2024, after due notice, the Town Council conducted a public hearing and, based on the evidence contained in the official file, the official records of the Town and the evidence produced at the hearing, desires to enter the following findings of fact and conclusions with the respect to the Yellow Roof Annexation.

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

The Town Council hereby sets forth its findings of fact and conclusions with respect to the Yellow Roof Annexation.

FINDINGS OF FACT

1. The requirements of the applicable parts of C.R.S. § 31-12-104 and C.R.S. § 31-12-105 have been met including the following:
 - A. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town as shown on the annexation map.
 - B. A community of interest exists between the area proposed to be annexed and the Town due to the proximity of the area to the Town, the desires of the owner to annex and the fact that it is within the planning area contemplated in the Johnstown Area Comprehensive Plan.
 - C. The area will be urbanized in the near future and the area is capable of being fully integrated with the Town.
 - D. Although less than fifty (50%) percent of the adult residents of the area proposed to be annexed make use of Town facilities, the landowners of the area proposed for annexation plan to

convert the area to urban uses in less than five (5) years, and urban services, which are currently being provided to other citizens of the Town, can be provided to citizens of the proposed annexed area on the same terms and conditions as the services are made available to other citizens. The Town is able to provide water service and the Town’s sewer system can be extended to the property annexed with the same standards as the current sewer system serving other citizens. Police and other municipal services can be provided as well.

E. No land held in identical ownership has been divided into separate parts. No land with a valuation of over \$200,000 has been included without written consent. No annexation proceedings concerning this area have been commenced by any other municipality.

F. This annexation will not result in any detachment of area from any school district.

G. No part of the area to be annexed extends any more than three (3) miles from the existing Town boundaries. The Town has in place a plan for that area as required by C.R.S. § 31-1-105.

H. The entire widths of any streets to be annexed are included within the annexation.

- 2. No petition for annexation election has been submitted and an election is not required pursuant to C.R.S. § 31-12-107(2). An annexation agreement has been submitted.
- 3. The Town Council has determined that additional terms and conditions will not be imposed.
- 4. The Petition was signed by the owners of 100% of the property to be annexed exclusive of streets and alleys.
- 5. Notice of the hearing has been given as required by C.R.S. § 31-12-108.

CONCLUSIONS

- 1. The area proposed for annexation is eligible for annexation pursuant to applicable parts of C.R.S. § 31-12-104.
- 2. None of the limitations of C.R.S. § 31-12-105 apply to restrict annexation.
- 3. Said Yellow Roof Annexation may be annexed by Ordinance pursuant to C.R.S. § 31-12-111, without an election under C.R.S. § 31-12-107(2).

PASSED, SIGNED, APPROVED, AND ADOPTED THIS ___ day of _____, 2024.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Hannah Hill, Town Clerk

By: _____
Troy D. Mellon, Mayor

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2024-250

**ANNEXING CERTAIN UNINCORPORATED LANDS LOCATED IN THE
SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE
68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER,
STATE OF COLORADO, CONSISTING OF APPROXIMATELY 5.7 ACRES
AND KNOWN AS THE YELLOW ROOF ANNEXATION**

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, by Resolution No. 2024-10, the Town Council found a petition for annexation of certain property situated in the Southeast Quarter of Section 27, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, consisting of approximately 5.7 acres, being more particularly described on Exhibit A, attached hereto and incorporated herein by this reference, known as the “Yellow Roof Annexation,” to be in substantial compliance with C.R.S. § 31-12-107(1); and

WHEREAS, after notice pursuant to C.R.S. § 31-12-108, on April 15, 2024, the Town Council held a public hearing concerning the proposed annexation to determine if the annexation complies with C.R.S. §§ 31-12-104 and 105; and

WHEREAS, the Town Council has determined that the requirements of C.R.S. §§ 31-12-104 and 105 have been met, that an election is not required and that no additional terms or conditions are to be imposed on the annexed area.

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

Section 1. The annexation of certain unincorporated property situated in the Southeast Quarter of Section 27, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, consisting of approximately 5.7 acres, being more particularly described on Exhibit A, be and the same is hereby approved and said unincorporated area is hereby incorporated and made a part of the Town of Johnstown, Colorado.

Section 2. That the annexation of such unincorporated area to the Town of Johnstown, Colorado shall be complete and effective on the effective date of this Ordinance, except for the purpose of general property taxes, and shall be effective as to general property taxes on and after the first day of January, 2025.

Section 3. That, within thirty (30) days of the effective date of this Ordinance, the Town Clerk be and is hereby authorized and directed to:

- A. File one copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk; and
- B. File three certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with the Larimer County Clerk and Recorder.

Section 4. This Ordinance shall take effect as provided by State law.

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: _____
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 _____, 2024.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Hannah Hill, Town Clerk

By: _____
Troy D. Mellon, Mayor

**TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2024-251**

**APPROVAL OF INDUSTRIAL LIGHT (I-1) ZONING OF THE
PROPERTY KNOWN AS THE YELLOW ROOF ANNEXATION,
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27,
TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL
MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO,
CONSISTING OF APPROXIMATELY 5.7 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, the Town Council approved annexation of certain property situated in the Southeast Quarter of Section 27, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado, consisting of approximately 5.7 acres, being more particularly described on Exhibit A, attached hereto and incorporated herein by this reference, known as the Yellow Roof Annexation (“Property”); and

WHEREAS, the property owners applied for Industrial Light (I-1) zoning of the Property in conjunction with annexation; and

WHEREAS, pursuant to state law, upon annexation, the Town Council must zone the Property within ninety (90) days; and

WHEREAS, the Town’s Planning and Zoning Commission held a hearing and recommended approval of Industrial Light (I-1) for the Property; and

WHEREAS, on April 15, 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 zoning of the Property to Industrial Light (I-1) conforms to the Town’s Comprehensive Plan.

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

1. Zoning Approval. Zoning of the Property known as the Yellow Roof Annexation and more particularly described on the attached Exhibit A shall hereby be designated as Industrial Light (I-1).
2. Effective Date. 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 the later of the following: (i) final passage as provided by the Charter or (ii) the effective date of the annexation of the Property. At such time, the Town Clerk is directed to file this Ordinance with the real estate records of the Larimer County Clerk and Recorder. Copies of the entire Ordinance are available at the office of the Town Clerk.

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: _____
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 _____, 2024.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Hannah Hill, Town Clerk

By: _____
Troy D. Mellon, Mayor

PETITION FOR ANNEXATION
To the Town of Johnstown
(Larimer County)

The undersigned, in accordance with Article 12, Chapter 31, CRS, as amended, hereby petition the Town Council of the Town of Johnstown, Colorado, for annexation to the Town of Johnstown the unincorporated territory more particularly described below, currently known as Yellow Roof Development, and in support of said Petition, your petitioners allege that:

- (1) It is desirable and necessary that the following described territory be annexed to the Town of Johnstown, Colorado:

See Exhibit A (Annexation Plat) attached hereto and made a part hereof.

- (2) Not less than one-sixth (1/6) of the perimeter of that area proposed to be annexed is contiguous with the Town of Johnstown, Colorado.
- (3) A community of interest exists between the territory proposed to be annexed and the Town of Johnstown, Colorado.
- (4) The territory proposed to be annexed is urban or will be urbanized in the near future;
- (5) The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Johnstown, Colorado;
- (6) The signatures of the Petition comprise one hundred percent (100%) of the landowners of the territory to be included in the area proposed to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election;
- (7) No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - (a) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
 - (b) Comprising twenty (20) acres or more and which, together with the building and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes to be annexed without the written consent of the landowner or landowners.

- (8) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
- (9) The area proposed to be annexed comprises less than ten acres, therefor an impact report as provided in Section 31-12-105.5, CRS, as amended, is not required.
- (10) The area proposed to be annexed is located within Larimer County, Thompson School District, Northern Colorado Water Conservancy District, Little Thompson Water District, Loveland Rural Fire Protection District, Aims Junior College District, and no known others;
- (11) The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition;
- (12) Accompanying this Petition are five (5) prints of the area proposed to be following information:
 - (a) A written legal description of the boundaries of the area proposed to be annexed;
 - (b) A map showing the boundary of the area proposed to be annexed, such map prepared and containing the seal of a registered engineer or land surveyor;
 - (c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is to be platted at the time of the effectiveness of the annexation (as opposed to after such effectiveness), then the boundaries and the plat number of plots or of lots and blocks are shown;
 - (d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town of Johnstown, and the contiguous boundary of any other municipality abutting the area proposed to be annexed;
 - (e) The dimensions of the contiguous boundaries are shown on the map.
 - (f) A proposed drainage plan and a proposed utilities plan will be provided separately with the Site Plan Development..
- (13) The territory to be annexed is not presently a part of any incorporated city, city and county, or town;

(14) The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map:

(a) Water rights shall be provided as mutually agreed to by the Town and the undersigned; The undersigned specifically agree that they have not sold or transferred any water rights appurtenant to their property within the past year nor will they do so during the pendency of this annexation petition and once annexed to the Town of Johnstown, they will not sell or transfer any water rights appurtenant to the subject property without the prior written approval of the Johnstown Town Council.

(b) The owners shall participate in providing drainage plan and improvements with the Site Plan Development, and payment of a unit drainage fee as may be required by the Town the area;

(c) The undersigned hereby waive any and all "vested rights" previously created pursuant to Section 24-68-103, CRS, as amended.

(d) The undersigned and the Town may enter into an Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition.

(15) Petitioner represents that: (Check one)

No part of the property to be annexed is included within any site specific development plan approved by Larimer County, Colorado.

A site specific development plan has been approved by Larimer County, Colorado, which has created a vested right.

(16) Submitted with this Petition is the required \$100.00 for publication costs.

EXECUTED this 14th day of Jan, 2024

By: Tracy J. Letzing

Name: 
Title: Member

Name of Annexation: Yellow Roof Development

STATE OF COLORADO)
)ss
COUNTY OF Larimer)

Subscribed and sworn to before me this 4th day of January, 2024 by Tracy Letting as Member of Yellow Roof Development LLC on behalf of Same.

WITNESS my hand and official seal.

My commission expires: May 8, 24

ELYSSIA ATKINS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 202204016215
MY COMMISSION EXPIRES MAY 08, 2024

Elyssia Atkins
Notary Public

PETITION FOR ANNEXATION
To the Town of Johnstown
(Larimer County)

The undersigned, in accordance with Article 12, Chapter 31, CRS, as amended, hereby petition the Town Council of the Town of Johnstown, Colorado, for annexation to the Town of Johnstown the unincorporated territory more particularly described below, currently known as Yellow Roof Development, and in support of said Petition, your petitioners allege that:

- (1) It is desirable and necessary that the following described territory be annexed to the Town of Johnstown, Colorado:

See Exhibit A (Annexation Plat) attached hereto and made a part hereof.
- (2) Not less than one-sixth (1/6) of the perimeter of that area proposed to be annexed is contiguous with the Town of Johnstown, Colorado.
- (3) A community of interest exists between the territory proposed to be annexed and the Town of Johnstown, Colorado.
- (4) The territory proposed to be annexed is urban or will be urbanized in the near future;
- (5) The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Johnstown, Colorado;
- (6) The signatures of the Petition comprise one hundred percent (100%) of the landowners of the territory to be included in the area proposed to be annexed and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election;
- (7) No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - (a) Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
 - (b) Comprising twenty (20) acres or more and which, together with the building and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes to be annexed without the written consent of the landowner or landowners.

- (8) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
- (9) The area proposed to be annexed comprises less than ten acres, therefore an impact report as provided in Section 31-12-105.5, CRS, as amended, is not required.
- (10) The area proposed to be annexed is located within Larimer County, Thompson School District, Northern Colorado Water Conservancy District, Little Thompson Water District, Loveland Rural Fire Protection District, Aims Junior College District, and no known others;
- (11) The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition;
- (12) Accompanying this Petition are five (5) prints of the area proposed to be following information:
 - (a) A written legal description of the boundaries of the area proposed to be annexed;
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 - (c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area is to be platted at the time of the effectiveness of the annexation (as opposed to after such effectiveness), then the boundaries and the plat number of plots or of lots and blocks are shown;
 - (d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the Town of Johnstown, and the contiguous boundary of any other municipality abutting the area proposed to be annexed;
 - (e) The dimensions of the contiguous boundaries are shown on the map.
 - (f) A proposed drainage plan and a proposed utilities plan will be provided separately with the Site Plan Development..
- (13) The territory to be annexed is not presently a part of any incorporated city, city and county, or town;

(14) The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map:

(a) Water rights shall be provided as mutually agreed to by the Town and the undersigned; The undersigned specifically agree that they have not sold or transferred any water rights appurtenant to their property within the past year nor will they do so during the pendency of this annexation petition and once annexed to the Town of Johnstown, they will not sell or transfer any water rights appurtenant to the subject property without the prior written approval of the Johnstown Town Council.

(b) The owners shall participate in providing drainage plan and improvements with the Site Plan Development, and payment of a unit drainage fee as may be required by the Town the area;

(c) The undersigned hereby waive any and all "vested rights" previously created pursuant to Section 24-68-103, CRS, as amended.

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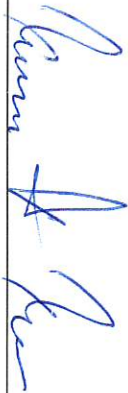
(15) Petitioner represents that: (Check one)

No part of the property to be annexed is included within any site specific development plan approved by Larimer County, Colorado.

A site specific development plan has been approved by Larimer County, Colorado, which has created a vested right.

(16) Submitted with this Petition is the required \$100.00 for publication costs.

EXECUTED this 4 day of January, 2024.

By: 
Name: Thomas F. Tait
Title: Member
Name of Annexation: Yellow Roof Development

CALIFORNIA JURAT

GOVERNMENT CODE § 8202

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

Subscribed and sworn to (or affirmed) before me on

this 4 day of January, 2024, by
Date Month Year

(1) Thomas F. Telf

(and (2) _____),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Place Notary Seal and/or Stamp Above

Signature [Signature]
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Petition for Annexation

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

STATE OF COLORADO)
)
)ss
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____,
_____ by _____ as _____ of _____,
_____ on behalf of _____

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

See Attached Certificate

PETITION FOR ANNEXATION
To the Town of Johnstown
(Larimer County)

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EXECUTED this 8 day of January , 2024 .

By: 

Name: K. RICHARD TAIT

Title: Member

Name of Annexation: Yellow Roof Development

CALIFORNIA JURAT

GOVERNMENT CODE § 8202

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

Subscribed and sworn to (or affirmed) before me on
this 8th day of January, 2024, by
Date Month Year

(1) Kenneth Richard Tail

(and (2) _____,
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to
be the person(s) who appeared before me.



Place Notary Seal and/or Stamp Above

Signature Adriana Mendoza
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or
fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Relatives & Amexation

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

PETITION FOR ANNEXATION
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(Larimer County)

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A site specific development plan has been approved by Larimer County, Colorado, which has created a vested right.

(16) Submitted with this Petition is the required \$100.00 for publication costs.

EXECUTED this 8th day of January, 2024.

By: 

Name: Alex Horne

Title: Member

Name of Annexation: Yellow Roof Development

STATE OF COLORADO)
)ss
COUNTY OF LaVernes)

Subscribed and sworn to before me this 8 day of January,
2024 by Alex Haine as Member of
Yellow Roof Development on behalf of
owner.

WITNESS my hand and official seal.

My commission expires: Nov 20 2027

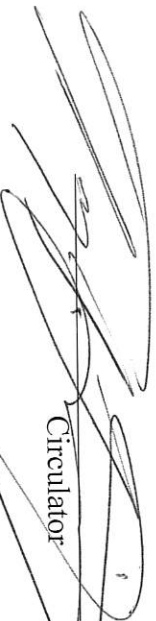


[Signature]
Notary Public

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Johnstown, Colorado, consisting of 5 pages, including this page and that each signature thereon was witnessed by your affiant and is the true signature of the person whose name it purports to be.


Circulator

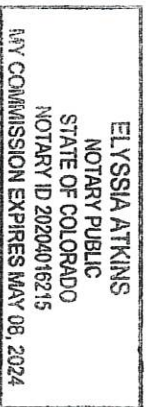
STATE OF COLORADO)
)ss
COUNTY OF Larimer)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 4th day of Jan., A.D., 2024, by

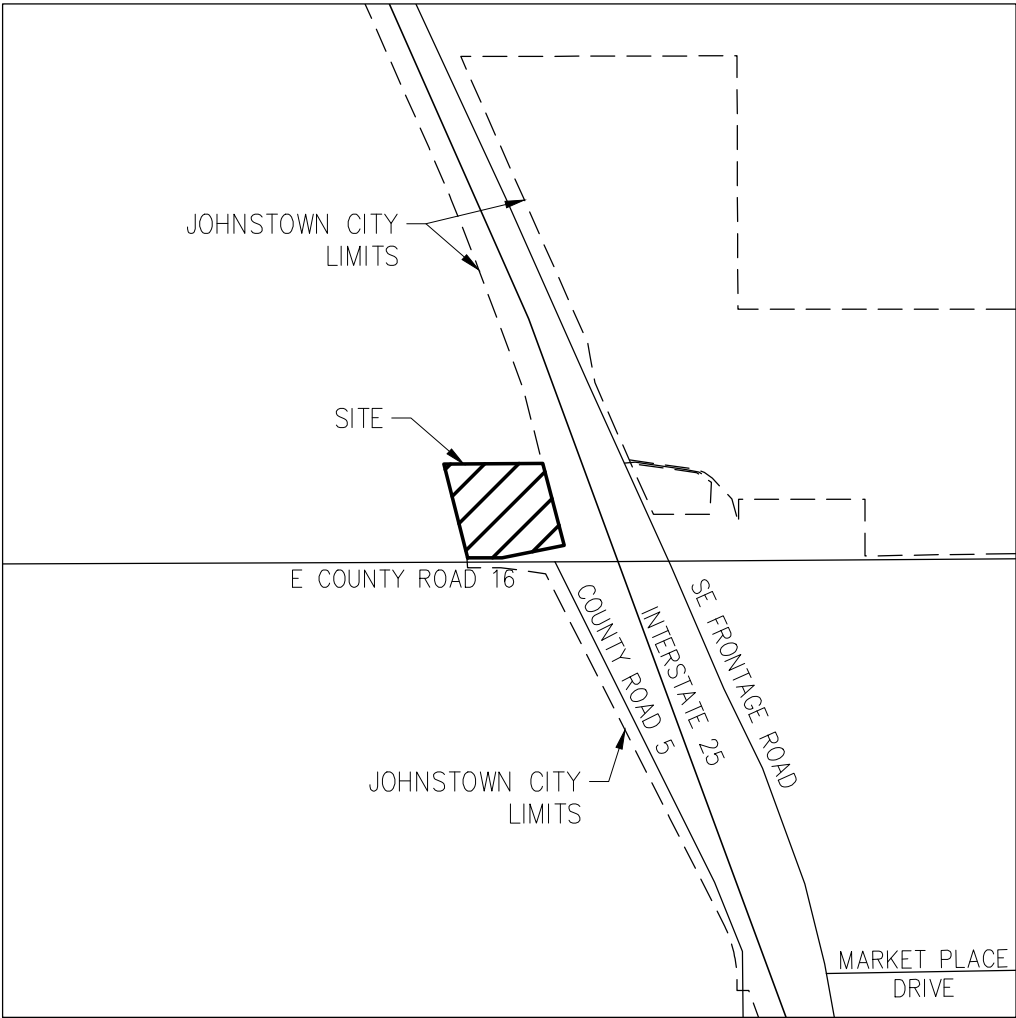
Tracy Letzring.

Witness my hand and official seal.

My commission expires: May 8, 2024



Elyssia Atkins
Notary Public



YELLOW ROOF ANNEXATION & ZONING VICINITY MAP

