

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 805**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING THE
REQUESTED WAIVER OF THE COMMUNITY DESIGN AND
DEVELOPMENT STANDARDS OF THE *MEAD LAND USE CODE* WITH
REGARD TO THE SEPARATION BETWEEN COMMERCIAL, BUSINESS OR
INDUSTRIAL ACCESSES TO AN ARTERIAL STREET FOR BLOCK 4, LOT 5,
SEKICH BUSINESS PARK, AND GRANTING THE REQUESTED WAIVER.**

WHEREAS, a request for a waiver of Section 16-2-70 (b) (2) (i) (2) of the *Mead Municipal Code*, with regard to allowing access to a arterial street has been submitted by James S. Sewczak, President, Zak Dirt, 14290 Hilltop Road, Longmont, CO 80504, for the following described real property, to wit:

Block 4, Lot 5, Sekich Business Park.

WHEREAS, in accordance with Section 16-3-150 of the *Mead Municipal Code*, the requested waiver application was considered at a regularly scheduled public meeting of the Board of Trustees on Monday, April 25, 2016; and

WHEREAS, Section 16-3-150 of the *Mead Municipal Code* provides that a waiver request only be made in conjunction with other applications; and

WHEREAS, Section 16-3-150 of the Mead Municipal Code provides certain criteria for approval of a waiver that is to be included in any ordinance granting the waiver; and

WHEREAS, the Board of Trustees has considered the following justifications for allowing the requested waivers:

- a. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property which is an existing industrial development.
- b. The waiver is the minimum variance that will afford relief and is the least modification possible of the zoning provisions that are in question.
- c. The waiver will promote traffic safety by allowing direct access to WCR 9 ½ for the company's trucks and heavy equipment transport, rather than the local streets of the Sekich Business Park.
- d. The practical difficulties or unnecessary hardship sought to be corrected by the waiver have not been created by the applicant.

WHEREAS, it is the opinion of the Board of Trustees that it is desirable and necessary that the waiver for the described real property be granted in accordance with the application;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead,

Weld County, Colorado, that;

Section 1. Approval of Waiver. The requested waiver of Section 16-2-70 (b) (2) (i) (2) of the *Mead Municipal Code* for the above described property to allow a new driveway access to WCR 9 ½, is hereby approved. The new driveway access will be located opposite the existing field access road approximately 1,265 feet north of State Highway 66.

Section 2. Amendment of the Zoning Map. The official *Town of Mead Zoning District Map*, as adopted by Section 16-3-103 of the *Mead Municipal Code*, and as subsequently amended, shall be amended by the addition of a note to the effect that a waiver of Section 16-2-70 (b) (2) (i) (2) of the *Mead Municipal Code* with regard to the location of the driveway access to WCR 9 ½ from Block 4, Lot 5, Sekich Business Park has been approved.

Section 3. Ministerial Action. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required to cause an appropriate revision of the *Town of Mead Zoning District Map* to be prepared and placed in the official records of the Town.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Validity. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.


Section 6. Necessity. In the opinion of the Board of Trustees of the Town of Mead, this ordinance is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Mead.

Section 7. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 25th DAY OF April, 2016.

ATTEST:

TOWN OF MEAD

By 
Linda Blackston, CMC, Town Clerk

By 
Gary R. Shields, Mayor