

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 738**

**AN ORDINANCE OF THE TOWN OF MEAD, APPROVING THE REQUESTED  
WAIVERS OF THE STANDARDS ADOPTED BY THE MEAD LAND USE CODE  
FOR THE MEAD VILLAGE SUBDIVISION.**

**WHEREAS**, a request by Weld Development Company, LLC, 200 W. Hampden Avenue, Suite 201, Englewood, CO 80110, hereinafter called the Aowner, for waivers of certain standards adopted by the Town of Mead *Land Use Code*, as they apply to the Mead Village subdivision, whose legal description is:

A portion of the North 2 Section 16, Township 3 North, Range 68 West of the 6<sup>th</sup> PM,  
Weld County Colorado, as more precisely described in Appendix A.

**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, March 10, 2014, in conjunction with the Preliminary Plat for the Mead Village subdivision; and

**WHEREAS**, Section 16-3-150 of the *Mead Municipal Code* provides that a waiver request may 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 of the Board of Trustees justifying such approval; and

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

- a. The waivers 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.
- b. The waivers are the minimum variance that will afford relief and is the least modification possible of the zoning provisions that are in question.
- c. The practical difficulties or unnecessary hardships 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 waivers 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 Waivers.** The following waivers are granted for the above

described property:

- a. Minimum Lot Width. The minimum lot width of 65' is waived to accommodate 58 lots with a 55' lot width.
- b. Minimum Lot Area. The minimum lot area of 7,000 sq. ft. in the RSF-4 district is waived to accommodate the 58 lots with a lot area of 6,050 sq. ft.
- c. Minimum Rear Setback. Minimum rear setback waiver requests will be reviewed on a case-by-case basis, at time of building permit application, or with review of each filing.
- d. Minimum Lot Depth for Lots Abutting an Arterial (Welker Avenue). The minimum lot depth of 150' required by the *Land Use Code* for lots that back to Welker Avenue is waived to accommodate lot depths of 114' and 124'. The staggered landscaped buffer area measured from the edge of the Welker Road Right-of-Way to the rear lot lines is to provide the buffer area needed to achieve the 75' rear setback from an arterial street.
- e. Perimeter Fence Column Spacing. The maximum 50' column spacing of the perimeter fence design standard, required by the *Land Use Code*, is waived to allow columns to be centered on the intersecting lot lines adjacent to Welker Avenue (55' and 65' lot line corners). Additional columns will be included in the three pie-shaped lots (lots 4, 5, and 6, Block 1) on Highland Court that back to Ginger Avenue.
- f. Local Residential Street Cross Section. The local residential street cross-section required by the *Town of Mead Standard Design Criteria and Construction Requirements* for a local residential street cross section of a 54' right-of-way width with a 36' flowline to flowline width is waived to allow a 54' right-of-way width with a 34' flowline to flowline width.
- g. Sidewalk Width. The local residential street cross-section required by the *Land Use Code* containing a 4' detached sidewalk is waived to allow a 5' detached sidewalk to be located with 1' of the sidewalk extending onto the adjacent lot in a pedestrian easement.
- h. Tree Lawn Tree Spacing. The 40' spacing of tree lawn trees required by the *Land Use Code* for local residential streets is waived to allow one (1) tree lawn tree per lot on the front tree lawn area of each street. The tree may be placed in the most appropriate tree lawn area remaining after driveway locations have been determined (3-car driveways will use more tree lawn space).

- i. Pocket Parks. The requirement contained in the *Land Used Code* that land provided for use as pocket parks will not be included in the calculation of the land dedication required at the time of subdivision is waived.
- j. Required Open Space. If the owner provides a Avisual quality analysis@ that is acceptable to the Town staff , the land dedication requirement contained in the *Land Used Code* for parks and open space is waived to allow credit for 3.93 acres of the Highland Ditch easement.

All activities conducted on the site shall be in conformance with the conditions contained in this approval and with the *Land Use Code* for the Town of Mead as though the same were set forth in full.

**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 waivers have 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 10<sup>th</sup> DAY OF March, 2014.**

**ATTEST:**

**TOWN OF MEAD**

By   
Linda Blackston, CMC, Town Clerk

By   
Richard W. Macomber, Mayor



Appendix A

BOUNDARY LEGAL DESCRIPTION  
MEAD VILLAGE

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16;

THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16, NORTH 88°38'25" EAST, A DISTANCE OF 337.80 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED RECORDED IN BOOK 1440 UNDER RECEPTION NO. 2387415 BEING THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 88°38'25" EAST A DISTANCE OF 2281.71 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER;

THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16, NORTH 89°13'47" EAST A DISTANCE OF 529.38 FEET;

THENCE SOUTH 00°34'11" EAST A DISTANCE OF 699.89 FEET;

THENCE NORTH 89°25'28" EAST A DISTANCE OF 1482.44 FEET TO THE WESTERLY LINE OF THE GREAT WESTERN RAILWAY COMPANY RIGHT OF WAY AS RECORDED IN BOOK 228 PAGE 96 AND BOOK 234 PAGE 92 IN WELD COUNTY, COLORADO;

THENCE ALONG SAID WESTERLY LINE SOUTH 20°28'45" WEST A DISTANCE OF 2089.17 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER;

THENCE ALONG SAID SOUTH LINE, SOUTH 89°03'36" WEST A DISTANCE OF 1246.27 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER;

THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, SOUTH 89°03'24" WEST A DISTANCE OF 521.53 FEET;

THENCE NORTH 29°01'54" WEST A DISTANCE OF 209.82 FEET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3260.00 FEET AND A CENTRAL ANGLE OF 05°33'58" FOR AN ARC LENGTH OF 316.70 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 26°14'55" WEST A DISTANCE OF 316.57 FEET;

THENCE TO THE BEGINNING POINT OF A CURVE TO THE LEFT HAVING A RADIUS OF 2440.00 FEET AND A CENTRAL ANGLE OF 23°33'13" FROM WHICH THE RADIUS POINT BEARS SOUTH 66°32'04" WEST, THENCE LEFT ALONG SAID CURVE FOR AN ARC LENGTH OF 1003.05 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 35°14'32" WEST A

DISTANCE OF 996.00 FEET;

THENCE TO THE BEGINNING POINT OF A CURVE TO THE LEFT HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 10°22'42" FROM WHICH THE RADIUS POINT BEARS SOUTH 42°58'52" WEST, THENCE LEFT ALONG SAID CURVE FOR AN ARC LENGTH OF 61.59 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 52°12'29" WEST A DISTANCE OF 61.50 FEET;

THENCE NORTH 57°23'50" WEST A DISTANCE OF 124.86 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 225.00 FEET AND A CENTRAL ANGLE OF 53°11'02" FOR AN ARC LENGTH OF 208.85 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 83°59'21" WEST A DISTANCE OF 201.43 FEET;

THENCE TO THE BEGINNING POINT OF A CURVE TO THE RIGHT HAVING A RADIUS OF 540.00 FEET AND A CENTRAL ANGLE OF 33°04'54" FROM WHICH THE RADIUS POINT BEARS NORTH 20°34'52" WEST, THENCE RIGHT ALONG SAID CURVE FOR AN ARC LENGTH OF 311.79 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 85°57'34" WEST A DISTANCE OF 307.47 FEET;

THENCE TO THE BEGINNING POINT OF A CURVE TO THE LEFT HAVING A RADIUS OF 190.00 FEET AND A CENTRAL ANGLE OF 34°48'55" FROM WHICH THE RADIUS POINT BEARS SOUTH 12°30'01" WEST, THENCE LEFT ALONG SAID CURVE FOR AN ARC LENGTH OF 115.45 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 85°05'34" WEST A DISTANCE OF 113.68 FEET;

THENCE SOUTH 67°41'06" WEST A DISTANCE OF 253.19 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1770.00 FEET AND A CENTRAL ANGLE OF 10°02'25" FOR AN ARC LENGTH OF 310.17 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 62°39'54" WEST A DISTANCE OF 309.77 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE ALONG SAID WEST LINE, NORTH 01°31'13" WEST A DISTANCE OF 820.47 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED RECORDED IN BOOK 1440 UNDER RECEPTION NO. 2387415;

THENCE ALONG THE SOUTH LINE OF SAID TRACT, NORTH 88°38'25" EAST A DISTANCE OF 331.94 FEET TO THE SOUTHEAST CORNER OF SAID TRACT;

THENCE ALONG THE EAST LINE OF SAID TRACT, NORTH 01°00'00" WEST A DISTANCE OF 644.78 FEET TO THE POINT OF BEGINNING.

THUS DESCRIBED TRACT CONTAINS 181.386 ACRES (7,901,190 SQUARE FEET) MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.