

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 12-R-2005**

A RESOLUTION REGARDING THE REVIEW OF THE PETITION FOR A CHANGE IN LAND USE DESIGNATION FOR A PORTION OF THE PROPERTY KNOWN AS THE SANBORN ANNEXATION TO THE TOWN OF MEAD, THE CONSIDERATION OF A TEXT AMENDMENT TO THE SANBORN ANNEXATION AGREEMENT TO ACCOMPLISH THE PURPOSES OF THE LAND USE CHANGE AND TO CONFIRM AN AMENDMENT TO THE MEAD COMPREHENSIVE PLAN IN RECOGNITION OF THE CHANGE IN LAND USE DESIGNATION, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE CHANGE IN LAND USE DESIGNATION.

WHEREAS, the Board of Trustees of the Town of Mead, Colorado, on June 27, 2005, reviewed the application of Ritchie Bros. Auctioneers, Ritchie Bros. Properties, Inc., 3901 Faulkner Drive, Lincoln, NE 68516, for a change in the land use designation for portion of the following real property for which they have a contract to purchase from Del Camino LLC, to wit:

The Southwest 1/4 of Section 26, Township 3 North, Range 68 West of the 6th P.M.,
Town of Mead, County of Weld, State of Colorado; and

WHEREAS, the Ritchie Bros. Auctioneers application has been authorized by the Del Camino LLC by letter dated May 12, 2005; and

WHEREAS, the Board of Trustees considered an amendment to the Sanborn Annexation Agreement with respect to the allowable uses on the property under said Annexation Agreement in conjunction with the proposed change in land use; and

WHEREAS, the Board of Trustees considered an amendment to the *Town of Mead Comprehensive Plan, September 27, 2004* in recognition of the proposed change in land use.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Findings of Fact.

- a. The applicant's application and supporting documents are in substantial compliance with "*Chapter 16, Land Use Regulations, of the Mead Municipal Code.*"
- b. Notice of the public hearing to consider the change in land use was published by posting on June 10, 2005, and published in the Longmont Times-Call on June 11, 2005. Both the posting and publication by newspaper took place more than 15 days before the date of the public hearing as required by Mead Municipal Code Section 16-4-60.
- c. Notice of the public hearing to consider the change in land use was mailed to the owners of property within 300 feet of the boundary of the subject property on June 9, 2005, more

than 15 days before the date of the public hearing as required by Mead Municipal Code Section 16-4-60.

- d. The public hearing before the Board of Trustees was held at the time and place as noticed and all those in attendance desiring to give testimony on the matter before the Board of Trustees were given that opportunity.
- e. The Sanborn Annexation property was annexed to the Town by the adoption of Ordinance No. 486, on January 26, 2004.
- f. Land use of the property was established by Ordinance No. 487, adopted on January 26, 2004, as “Single-family Residential and Mixed-Use Commercial (Business Park)” land uses for the development of single-family residential on the eastern side of the property, and “Business Park - Business,” and “Business Park - Retail” uses for the western side.
- g. Although properly adopted, Ordinance No. 487 has not been signed, published or recorded because the developer has not provided the required graphic amendment to the Performance (zoning) District Map and the written legal descriptions for the various land uses. This ordinance must be signed, published and recorded sequentially before the ordinance amending Ordinance No. 487.
- h. The Sanborn Annexation is subject to an executed and recorded Annexation Agreement dated January 30, 2004, which among other topics, provided in Exhibit D, a detail description of the permitted and conditional “business park-business” and “business park-retail” uses allowed for the property.
- i. Within the scope of *Chapter 16, Land Use Regulations*, of the *Mead Municipal Code*, Ordinance No. 487, and the Sanborn Annexation Agreement, it is appropriate that modifications to the authorized “business park-business” and “business park-retail” uses for the property be made by an amendment to the Annexation Agreement.
- j. Upon testimony received during the public hearing, it is evident that the proposed change in land use, subject to a detailed site plan review, is compatible with the approved land uses on adjacent property. The site plan review shall included but not be limited to factors such as the size (FAR), height and location of buildings, parking, landscaping, signage, architecture, exterior elevations, floor plans, drainage, lighting, erosion control and access.
- k. Upon testimony received during the public hearing, it is evident that the site plan process provided by *Chapter 16, Land Use Regulations*, of the *Mead Municipal Code*, will provide adequate safeguards to protect the health, safety, and welfare of the public and the use of the adjacent property.
- l. Upon testimony received during the public hearing, it is evident that it is appropriate to amend Ordinance No. 487.
- m. Upon testimony received during the public hearing, it is evident that an amendment to the

Town of Mead Comprehensive Plan, September 27, 2004 must be made to accommodate the proposed change in land use.

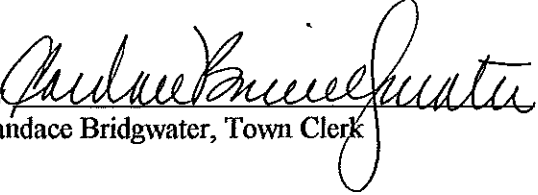
- n. Upon testimony received during the public hearing, it is evident that the proposed change in land use conforms with the requirements and standards established in *Chapter 16, Land Use Regulations*, of the *Mead Municipal Code*.
- o. Upon testimony received during the public hearing, it is evident that the proposed change in land use preserves the health, safety, welfare and interest of the citizens of the Town of Mead, Colorado.

Section 2. Conclusions and Order Approving the Change in Land Use of the Sanborn Annexation.

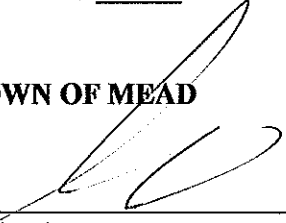
- a. The proposed change in land use complies with the applicable sections of *Chapter 16, Land Use Regulations*, of the *Mead Municipal Code*.
- b. The proposed changes in land use are to be accomplished by an amendment to Exhibit D of the Sanborn Annexation Agreement.
- c. The applicant shall complete the steps necessary to amend the official Performance (Zoning) District Map entitled "Mead Performance Districts" as adopted by Section 16-7-10 of the *Mead Municipal Code*, and as subsequently amended, by the designation of the above described property as "Mixed-Use Commercial (Business Park)" in Performance District 1 (PD-1).
- d. Ordinance No. 487 shall be signed, published and recorded sequentially before the ordinance amending Ordinance No. 487.
- e. The Town and the applicant shall execute an amendment to the Sanborn Annexation Agreement to effectuate the change in land use as described above.
- f. The applicant shall complete the steps necessary to amend the official *Town of Mead Comprehensive Plan, September 27, 2004* by the designation of the above described property as "Mixed-Use Commercial (Business Park)" in Performance District 1 (PD-1) and pay the full cost thereof.
- g. The proposed change in land use, subject to the above conditions, should be granted approval, to be effective upon the transfer of the property to Ritchie Bros Auctioneers.

INTRODUCED, READ, PASSED, AND SIGNED THIS 27th DAY OF June, 2005.

ATTEST:

By 
Candace Bridgwater, Town Clerk

TOWN OF MEAD

By 
Richard E. Kraemer, Mayor