

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 21-R-2005**

A RESOLUTION REGARDING THE REVIEW OF THE PROPOSED CHANGE IN LAND USE FOR A PART OF THE SOUTHWEST 1/4 , OF SECTION 3, T3N, R68W OF THE 6th PM, IDENTIFIED AS WELD COUNTY ASSESSOR PARCEL NO. 120710300006, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE CHANGE IN LAND USE [American Pride Co-Op].

WHEREAS, the Board of Trustees of the Town of Mead, Colorado, on Monday, August 8, 2005, reviewed the application of American Pride , 55 West Bromley Lane, Brighton, CO 80601, for a change in land use of the following real property from the present industrial land use for the bulk storage of liquid fuels, propane gas and liquid fertilizer products to an industrial land use for the bulk storage of liquid fuels, propane gas, liquid fertilizer products and a dry blending fertilizer plant; to wit:

A Part of the Southwest 1/4 , of Section 3, T3N, R68W of the 6th PM, as more precisely described in Appendix A.

WHEREAS, the Board of Trustees has determined that the proposed land-use change is a land-use change of minor impact and that a public hearing before the Planning Commission or the Board of Trustees is not required; and

WHEREAS, the Town mailed notices of the proposed land-use change to the adjacent property owners, informing them of a public forum to be held on August 8, 2005, and which time such owners were afforded an opportunity to comment upon the plans, and thus the equivalent of a public hearing was held; and

WHEREAS, a "Change in Land Use Map" is not required because the proposed uses within the boundaries of land uses that are the same as the new type of land use; and

WHEREAS, the Board of Trustees has determined that a Fiscal Impact Analysis (Form D-4 C) is not necessary for the consideration of this land use change of minor impact;

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. The proposed change in land use is compatible with adjacent land uses and conforms with the requirements and standards established in "*Chapter 16, Land Use Regulations, of the Mead Municipal Code.*"
- c. The change in land use as proposed 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 for A Part of the Southwest 1/4 , of Section 3, T3N, R68W of the 6th PM, Identified as Weld County Assessor Parcel No. 120710300006.

- 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 American Pride Co-Op shall permit Town vehicles, equipment, and employees to access the Fairbairn Avenue right-of-way west of Second Street and east of the railroad spur through its property adjacent to the existing scale and access to Third Street, in order to perform maintenance of the right-of-way and utilities and drainage therein, since the Fairbairn Avenue right-of-way is partially blocked from Third Street by the elevation of the railroad spur.
- c. The site plan as detailed in the letter of June 23, 2005 by Landmark Engineering, Ltd., and the letter of August 3, 2005 by American Pride to the Town of Mead is hereby approved according to the description of the dry fertilizer blending plant operation and the other representations made therein. The provisions of Ordinance No. 540 relating to site plan review regulations are hereby deemed to have been satisfied.
- d. Approval is given for only the following four materials to be received, stored, mixed, and dispensed from the plant: 1) urea, 2) mono-ammonium phosphate, 3) potash, and 4) ammonium sulfate. If any additional or different materials are to be located in the building, review and approval of the materials by the Town is required.
- e. The Town Engineer shall review and approve all utility plans and drainage plans prior to the issuance of a building permit and review and approve actual site grading and drainage improvements to ensure that water drainage issues are appropriately handled prior to issuance of a certificate of occupancy.
- f. A paved asphalt driveway apron as approved by the Town Engineer shall be provided at the property's access point onto Third Street. A stop sign and a painted stop bar on the driveway pavement shall be provided for traffic exiting the property onto Third Street.
- g. All outdoor lighting on the site shall be of the downcast, absolute cut-off variety.
- h. Up-to-date safety equipment, site safeguards, security measures, collision protection, fire code plans, SPCC plans, and similar hazard mitigation plans as required shall be maintained at all times with all applicable agencies, including, but not limited to, those of the Federal government, the State of Colorado, and the Mountain View Fire Protection District. A certificate of occupancy shall not be issued until the Mountain View Fire Protection District issues a letter of approval of the building, site, and fire control plans, including but not limited to the provision of adequate fire hydrants.

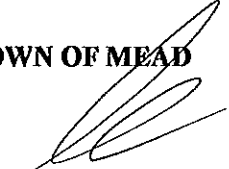
- i. Water and sewer services are to be provide on the site for fire protection and sanitary use by on-site employees.
- j. On-site containment facilities shall be provided to control run-off from the site in the event of natural flooding or fire suppression activities.
- k. The existing dry fertilizer plant at 201 - 3rd Street shall be razed, and its site restored to and maintained in a neat and presentable condition with a suitable gravel surface or better, within sixty days after receipt of a certificate of occupancy for the new plant, weather permitting.
- l. A Phase I environmental audit plus soil samples shall be conducted when the existing plant is razed and the results of the testing furnished to the Town for its review.
- m. The basis for hazardous materials placards on the existing building at 201 - 3rd Street shall be furnished to the Town for its review.
- n. The new plant building shall have a dark green asphalt shingled roof and earthtone-colored walls.
- o. Customer and company vehicle parking of any kind shall be on-site and not along Third Street.
- p. Any site signage other than small interior directional or instructional signage shall require separate review and approval by the Town.
- q. The existing combination store/office building at 201- 3rd Street shall be repainted within sixty days.
- r. The sewer manhole on the site shall be protected at all times during and after construction from damage by traffic flow.
- s. The proposed change in land use of a part of the Southwest 1/4 , of Section 3, T3N, R68W of the 6th PM, identified as Weld County Assessor Parcel No. 120710300006 from he present industrial land use for the bulk storage of liquid fuels, propane gas and liquid fertilizer products to an industrial land use for the bulk storage of liquid fuels, propane gas, liquid fertilizer products and a dry blending fertilizer plant, subject to the above conditions, should be granted approval.

INTRODUCED, READ, PASSED, AND SIGNED THIS 26th DAY OF September, 2005.

ATTEST:

By Marcia David
Marcia David, Acting Town Clerk

TOWN OF MEAD

By 
Richard E. Kraemer, Mayor

APPENDIX A

That Part of the W 1/2 of the SW 1/4 of Section 10, Township 3 North,. Range 68 West of the 6th P.M., lying partially within Block 4 of Louis Roman's Subdivision of the SW 1/4 of said Section 10 in the Town of Mead, County of Weld, State of Colorado, described as follows:

Beginning at a point on the. West line of said Section 10 which is 522 feet North of the Southwest corner of said Section; thence East at right angles to said West line of said Section, 323 feet to a point (said direction being considered in the bearings of this description as being due East); thence North 09 20' East 1250 feet, more or less, to the Southeast line of the right-of-way of The Great Western Railway through said Section as said right-of-way was granted to The Great Western Railway Company by Deed recorded in Book 414 at Page 556; thence Southwesterly upon a line which is the Southeast line of said right-of-way to the West line of said Section; thence South upon a line which is the West line of said Section to the POINT OF BEGINNING;

Except a tract of land conveyed to R.J. Cummings and M.W. Burger by Deed recorded in Book 768 at Page 592, described as follows:

Commencing at a point 80 feet North, 8 feet East of the Northwest corner of Block 4, Town of Mead thence East 25 feet; thence North 19 55' East 100 feet; thence West 25 feet; thence South 19°55' West 100 feet to the Place of Beginning, the said last line being the East line of right-of-way of the Denver and Great Western. Railway,

and EXCEPT

The West 20 feet of Lots 2, 4, 6 and 8, in Block 4 of that port of Louis Roman's Subdivision of the SW 1/4 of said Section 10 upon which is platted the Town of Mead, as conveyed to John Gust by Deed recorded in Book 913 at Page 520.