

**TOWN OF MEAD, COLORADO  
RESOLUTION NO. 23-R-2004**

**A RESOLUTION REGARDING THE "HILGERS/SCHMIDT/ RADEMACHER  
ANNEXATION" ANNEXATION PUBLIC HEARING, ADOPTING CERTAIN  
FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE  
ANNEXATION.**

WHEREAS, the Board of Trustees of the Town of Mead, Colorado, held a public hearing on Monday, August 9, 2004, pursuant to the published notice, on the petition of Indian Peaks Farms, LLC, 1873 Blue Mountain Road, Longmont, CO 80504, for the annexation of the following real property; to wit:

A PARCEL OF LAND LOCATED IN THE SOUTH ONE-HALF OF SECTION  
TWENTY-TWO, TOWNSHIP THREE NORTH, RANGE SIXTY-EIGHT WEST OF  
THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF  
COLORADO SAID PARCEL BEING MORE PRECISELY DESCRIBED IN EXHIBIT  
A

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE  
TOWN OF MEAD, COLORADO, as follows:**

**Section 1. Findings of Fact.** The applicant's petition is in substantial compliance with subsection (1) of C.R.S. § 31-12-107. It contains the required allegations, the dated signatures of more than 50 % of the landowners of the property requested to be annexed exclusive of streets and alleys, the required affidavit of circulation, the required legal description of the area to be annexed, and the required annexation boundary map. As a petition of the owners of more than 50 % of the property to be annexed and a petition pursuant to C.R.S. § 31-12-107 (2) was not filed at least 10 days prior to the hearing date set for the annexation petition filed pursuant to subsection (1) of C.R.S. § 31-12-107, it is eligible for annexation by ordinance as provided by C.R.S. § 31-12-107 (1) (g). This finding was made and duly adopted by the Mead Board of Trustees in Resolution No. 17-R-2004.

- a. With respect to compliance with C.R.S. § 31-12-104, the Board of Trustees makes the following findings of fact:
  1. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.
  2. A community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the required 1/6 th contiguity with the annexing municipality shall be a basis for a finding of compliance with these requirements.
  3. Because the petition was signed by 100% of the owners of the property to be annexed, the standard contained in C.R.S. § 31-12-104 (1) (b) ( I ) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).

4. Because the petition was signed by 100% of the owners of the property to be annexed, the standard contained in C.R.S. § 31-12-104 (1) (b) ( II ) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).
  5. Because municipal utilities are not requested and the Town has the ability to provide all other municipal services to the area to be annexed on the same terms and conditions as such services are made available to all of its citizens, the standard contained in C.R.S. § 31-12-104 (1) (b) ( III ) does not invoke the exception contained in C.R.S. § 31-12-104 (1) (b).
- b. With respect to compliance with C.R.S. § 31-12-105, the Board of Trustees makes the following findings of fact:
1. No land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowners thereof.
  2. 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, comprising twenty acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation) is included in the proposed annexation without the written consent of the landowners.
  3. No land is proposed to be annexed for which annexation proceedings have been commenced for the annexation of part or all of such territory to another municipality.
  4. The proposed annexation will not result in the detachment of the area from any school district and the attachment of the same to another school district.
  5. The proposed annexation will not have the effect of extending a municipality boundary more than three miles in any direction from any point of such municipal boundary in any one year.
  6. The proposed annexation is in conformance with the “Three Mile Annexation Plan” duly adopted by the Planning Commission of the Town of Mead on March 19, 1997, as amended.
  7. The proposed annexation will not result in the annexation of a portion of a platted street without the annexation of the entire width of the street.
  8. The municipality will not deny reasonable access to landowners, owner of an easement, or the owner of a franchise adjoining a platted street or alley which has been annexed by the municipality but is not bounded on both sides by the municipality.

- c. With respect to compliance with C.R.S. § 31-12-107 (2), the Board of Trustees makes the following findings of fact:
  1. A petition pursuant to C.R.S. § 31-12-107 (2) was not filed at least 10 days prior to the hearing date set for the annexation petition filed pursuant to subsection (1) of C.R.S. § 31-12-107, therefore the area is eligible for annexation by ordinance as provided by C.R.S. § 31-12-107 (1) (g).

**Section 2. Conclusions and Order Annexing the Parcel of Land Located in the South One-half of Section Twenty-two, Township Three North, Range Sixty-eight West of the Sixth Principal Meridian, County of Weld, State of Colorado, as more precisely described in Exhibit A.**

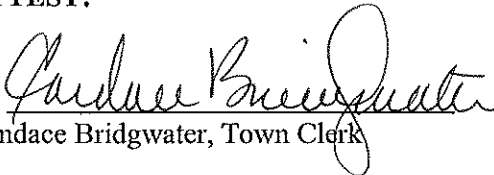
- a. The proposed Hilgers/Schmidt/Rademacher Annexation to the Town of Mead, Weld County, Colorado complies with the applicable sections of the Municipal Annexation Act of 1965.
- b. The most appropriate zoning (land use) for the property shall be a business park as more particularly described in Exhibit B attached hereto and made a part hereof, which is intended to be converted into a zoning district in the future.
- c. A detailed Annexation Agreement incorporating the conclusions and order of the Board of Trustees shall be prepared and signed at least ten (10) days before the annexation election. The Annexation Agreement shall contain the following items:
  1. The primary access road into the development is to be directly opposite existing roadway intersection at Foster Ridge Drive and Hwy 66. Traffic signalization of the intersection is required.
  2. A street stub to the west to access the Weingardt parcel will be required at platting.
  3. Site plan review is required for all uses.
  4. Design standards shall be required to be put in place for development on this parcel.
  5. The location of fast food restaurants shall be generally restricted to the southern one third of the property.
  6. All property within the Hilgers/Schmidt/Rademacher Annexation shall be subject to a Deed of Avigation Easement between ANNEXOR and the Town of Mead.
  7. TOWN and ANNEXOR agree that only the Final Plat (s) of the PROPERTY, approved by the TOWN in accordance with Section 16 of the Mead Municipal Code, and amendments thereto, constitutes a site specific development plan pursuant to C.R.S § 24-68-101 et. seq., as amended, (the "Vested Rights Act") for that portion so platted, and in addition, that the rights which vest pursuant to

the "Vested Rights Act" shall vest for a period of three (3) years. ANNEXOR and the TOWN agree that the need for the establishment of this process for the vesting of property rights are directly related to the TOWN's ability to control its growth in a planned and orderly fashion, and is generated by the development intended to occur within the PROPERTY and that no taking thereby will occur requiring any compensation.

- d. If a majority of all the votes cast at the election to be held pursuant to Section 16-15-90 of the *Mead Municipal Code* shall be for annexation, the measure shall be deemed passed, and the Town of Mead shall be authorized to take all action necessary or appropriate to effectuate the annexation of the subject property.

INTRODUCED, READ, PASSED AND ADOPTED THIS 9<sup>th</sup> DAY OF August, 2004.

ATTEST:

By   
Candace Bridgwater, Town Clerk

TOWN OF MEAD


By   
Richard E. Kraemer, Mayor

EXHIBIT A

HILGERS/SCHMIDT/RADEMACHER ANNEXATION

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTH ONE-HALF OF SECTION TWENTY-TWO, TOWNSHIP THREE NORTH, RANGE SIXTY-EIGHT WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION TWENTY-TWO, TOWNSHIP THREE NORTH, RANGE SIXTY-EIGHT WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, FROM WHENCE THE SOUTHWEST CORNER OF SAID SECTION TWENTY-TWO BEARS S00°43'00"W, A DISTANCE OF 2639.72 FEET MORE OR LESS, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 22, S89°59'12"E A DISTANCE OF 3712.31 FEET TO THE POINT OF BEGINNING;

THENCE S00°33'00"W A DISTANCE OF 355.57 FEET; THENCE N89°27'00"W A DISTANCE OF 223.17 FEET; THENCE S40°51'00"W A DISTANCE OF 215.09 FEET; THENCE S50°22'00"W A DISTANCE OF 222.60 FEET; THENCE S69°55'00"W A DISTANCE OF 215.60 FEET; THENCE S70°49'00"W A DISTANCE OF 169.80 FEET; THENCE S00°00'00"E A DISTANCE OF 575.80 FEET; THENCE N90°00'00"W A DISTANCE OF 318.34 FEET; THENCE S00°43'00"W A DISTANCE OF 1135.86 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY OF COLORADO STATE HIGHWAY SIXTY-SIX; THENCE ALONG SAID RIGHT-OF-WAY, S86°25'33"E A DISTANCE OF 1377.35 FEET; THENCE S86°22'33"E A DISTANCE OF 693.00 FEET; THENCE N85°10'27"E A DISTANCE OF 145.38 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY OF INTERSTATE 25; THENCE ALONG SAID WEST RIGHT-OF-WAY, N14°59'24"E A DISTANCE OF 1184.01 FEET; THENCE N00°33'24"E A DISTANCE OF 1473.00 FEET TO THE EAST-WEST CENTER LINE OF SAID SECTION TWENTY-TWO; THENCE ALONG SAID EAST-WEST LINE, N89°59'12"W A DISTANCE OF 1297.60 FEET TO THE POINT OF BEGINNING.

THUS DESCRIBED PARCEL OF LAND CONTAINS 122.799 ACRES MORE OR LESS,

## EXHIBIT B

### HILGERS/SCHMIDT/RADEMACHER BUSINESS PARK LAND USES

**Section 1.** Purpose. The Business Park (BP) District is intended to provide for well-designed, attractive, and innovative buildings housing certain compatible retail, business, office, institutional, and non-intensive, light industrial uses for a large tract of land that gives reasonable flexibility needed for development over a period of time to both the developer and to the municipality, but excludes uses that are too intensive, are purely or essentially manufacturing in nature, or are more suitable for typical industrial parks. The BP District therefore contains elements of zoning, site plan review, landscaping requirements, signage control, and building design standards. It is characterized by controlled ingress and egress to major streets, large setbacks, and limits on yard areas. Screening and landscaping necessary to create a proper relationship and buffering to adjacent areas are also required. The BP District is considered equivalent to the goals and purposes of a Planned Unit Development.

#### **Section 2. Business Park – Retail.**

- a. Permitted retail uses may be combined in one building or on one lot. Permitted retail uses may include other retail stores not specifically listed herein, which are determined to be compatible with and similar to permitted uses by the Zoning Administrator.
- b. Permitted uses:
  1. Antique shops and associated repair and restoration activities incidental to such retail trade, but specifically excluding rummage and similar second-hand, resale, surplus, and consignment shops, flea markets, and similar operations;
  2. Art galleries, studios, and art supply stores;
  3. Automotive uses as follows (subject, however, to conditional use permits for certain functions):
    - (a) Automobile accessories and parts retail stores;
    - (b) Automobile accessories and parts sales, service, installation, and repair centers, excluding body repair, rebuilding, and painting shops, conducted wholly within a completely enclosed building;
    - (c) Automobile rental facilities when part of another permitted or conditional use such as, but not limited to, a hotel;
    - (d) Automobile retail service stations (“gas stations”) and car washes, including sales of convenience foods and goods incidental to the retail sale of automotive fuel;
  4. Indoor banquet facilities;

5. Bicycle, motorcycle, all-terrain vehicle, and snowmobile sales and repair shops, conducted wholly within a completely enclosed building;
6. Bowling alleys;
7. Catalogue sales stores.
8. Catering facilities, if incidental to restaurants or banquet facilities;
9. Clothing, dry goods, and shoe stores;
10. Crafts and picture framing stores, retail only;
11. Department stores;
12. Dining, open-air;
13. Drive-in, drive-up, or drive-through service as part of any permitted or conditional use;
14. Drug stores and pharmacies;
15. Furniture, home furnishings, and floor covering stores;
16. Grocery or fruit and vegetable stores;
17. Hardware, home improvement, and home decorating stores;
18. Home appliance sales and service stores, conducted as one integrated operation;
19. Interior decorating shops, with furniture repair and refinishing only if incidental to retail sales;
20. Jewelry and watch sales and repair shops;
21. Landscaping and gardening centers for retail sale of plants, flowers, trees, seeds, and related landscaping materials, and nurseries operated in conjunction therewith;
22. Liquor retail sales stores, but only carry-out packaged goods;
23. Mailing and packaging service shops, retail only;
24. Meat, seafood, or poultry markets, if no slaughter or stripping is involved;
25. Office equipment and computer sales and repair;
26. Office supply stores;

27. Parks and open space;
28. Pet shops or animal care clinics, excluding extended stay boarding services, when conducted wholly within an enclosed building;
29. Post offices;
30. Quick-printing and copying shops;
31. Recreational vehicles and equipment retail sales dealers for new vehicles and equipment only and related service facilities, conducted as one integrated operation and wholly within a completely enclosed building, except for outside storage and display areas. Use of public address systems shall be limited to emergency situations only;
32. Rental service stores;
33. Restaurants, fast-food or tablecloth sit-down types;
34. Restaurants with sales of alcoholic beverages for consumption on the premises, if incidental to the serving of food and subject to the issuance of a liquor license in accordance with the provisions of the Mead Municipal Code;
35. Restaurants including indoor dancing or live entertainment, excluding adult use oriented entertainment;
36. Sporting goods, hobby, and toy stores;
37. Theatres, indoor motion picture;
38. Video and electronic media rental and sales stores;
39. Yard and garden equipment retail sales with service facilities that are secondary to the permitted or conditional use, conducted as one integrated operation and wholly within a completely enclosed building, except for outside storage and display areas;

c. Conditional uses:

1. Golf courses (public or private), including miniature golf courses accessory to a permitted or conditional use such as, but not limited to, a hotel, and driving ranges limited to daylight hours;
2. Outdoor sales, storage, and display in conjunction with any permitted or conditional use;



3. Parking garages with height limitations as governed by the underlying Zoning Code;
4. Public transportation terminal facilities, excluding bus storage or primary staging
5. Resorts, including recreational vehicle resorts, excluding extended stay resorts and requiring a quiet hour policy;

**Section 3. Business Park – Offices, Distribution Centers and Component Assembly.**

- a. Business Park uses may be located on major or minor streets, subject, however, to site plan review. Permitted uses may be combined in one building or on one lot. Permitted uses may include other business uses not specifically listed herein, which are determined to be compatible with and similar to permitted uses by the Zoning Administrator.
- b. Permitted uses:
  1. Any public building, structure, or facility erected or leased by any municipality, county, state, or federal government, or branch, department, or agency thereof, other than office uses as permitted in this district, excluding correctional facilities;
  2. Business offices, such as corporate headquarters, district, branch, sales, telemarketing, advertising, computer facility, payment processing, and similar business offices in which goods, wares, or merchandise are not commercially created, displayed, stored, exchanged, or sold on the premises;
  3. College, business, or trade schools and personnel training centers (public or private). External bells or public address systems shall be limited to emergency situations;
  4. Drive-in, drive-up, or drive-through facilities associated with any permitted or conditional use;
  5. Professional offices, such as medical and dental offices and clinics, legal, insurance, real estate, accounting, and other similar professional offices;
  6. Financial offices and institutions, such as commercial banks, savings and loans, stock or commodities brokers, commercial and real estate financing offices, credit unions, real estate title, mortgage firms, and other similar financial services offices, but not including drive-through facilities;
  7. Government offices or offices of non-profit organizations, such as professional organizations, civic, social, and fraternal associations, political organizations, and similar entities, but not Houses of Worship;
  8. Hospitals or medical centers or similar institutions, including emergency treatment centers (public or private);

9. Hotels and motels, including dining and meeting rooms, restaurants, lounges, and related accessory uses;
10. Public or private clubs, athletic, and recreational facilities, including health clubs, gymnasiums, and indoor sports facilities;
11. Salesrooms for display of sample products only and offices that are incidental to the permitted uses in this Section;
12. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including stationery and office supply stores, mailing services, restaurants, dry cleaners, excluding large scale dry cleaning plants, and similar uses;
13. Accessory buildings, accessory structures, and accessory uses to the permitted principal uses in this Section as provided for in the Mead Zoning Code;
14. Off-street parking and loading facilities as required or permitted by the Mead Zoning Code;

c. Conditional uses:

1. Helistops or helipads in conjunction with a medical facility only, but not heliports;
2. Houses of Worship and associated day schools, limited to a 10-acre maximum site;
3. Light manufacturing only if secondary to the principal use of a building, processing, assembly, cleaning, servicing, and repairing of materials, goods, or products, except where adjoining or in any part abutting residential development;
4. Nursing homes, convalescent and assisted care homes, hospices, and other similar specialized care facilities;
5. Outdoor sales, storage, and display in conjunction with any permitted or conditional use;
6. Retail sales accessory to the permitted principal uses that are limited to 10% or less of the total square footage;
7. Research and development laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the researching and testing of products, of no more than 150,000 square feet;

8. Computer and electronic product assembly facilities, but not manufacturing of computer and electronic product components, of no more than 150,000 square feet;
9. Printing and publishing facilities and related support activities, of no more than 150,000 square feet;
10. Distribution centers for warehousing and for wholesale sales of non-hazardous materials, products and equipment, wholly enclosed within the building, of no more than 150,000 square feet, if secondary to the permitted use.

**Section 4. Conditional Uses.**

- a. In order to provide flexibility and to help diversify uses within the Business Park district, the conditional uses specified above are permitted subject to the granting of a conditional use permit.
- b. Conditional use permit applications shall be reviewed as a "Land Use Change of Major Impact."
- c. Conditional uses shall have the same meaning as traditionally associated with zoning regulations, meaning that certain types of uses may be detrimental or incompatible with other uses without special buffering, mitigation, or limits on their operation in order to be approved.
- d. More than one conditional use may be applicable to or combined in one building or on one lot. Applications for conditional use permits where more than one such use is applicable to any one building or lot may be combined for public hearing purposes, but the Town may consider each conditional use relative to its own merits or impacts as well as their combined effect at its sole discretion. Intensification of an existing conditional use shall be deemed sufficient cause to require a subsequent public hearing and consideration of the Town of issuance of an additional or amended conditional use permit.
- e. Conditional uses and conditional use permits are revocable by the Board of Trustees following a public hearing and a finding of violations of the conditions set in the granting of the conditional use. Written notice of a revocation hearing shall be given to the owner of the property at least fifteen (15) days before the date of the hearing. Revocation of a conditional use shall be by ordinance.

**Section 5. Bulk Regulations.** The following elements of zoning regulations will be promulgated for the BP District, including but not limited to:

- a. Building height;
- b. Yard areas (setbacks);
- c. Impervious surface coverage;

- d. FAR ratios;
- e. Minimum lot area;
- f. Minimum lot width.

**Section 6. Landscaping Requirements.** Landscaping will be required for all sites within the BP District, pursuant to the provisions of a separate landscaping code.

**Section 7. Building Design Standards.** All buildings and structures to be constructed within the BP District shall be subject to building design standards and architectural review.

**Section 8. Signage Control.** All sites within the BP District will be subject to separate high-quality sign regulations, which will either be promulgated as part of the zoning code, as a separate chapter of the Mead Municipal Code, or as part of site plan review regulations, or some combination thereof.

**Section 9. Site Plan Review.** All permitted and conditional uses are required to undergo a Site Plan Review process and receive approval in order for a building or use to be constructed or established. The elements of the site plan review process that will be promulgated separately will include, but are not limited to:

- a. Automobile circulation;
- b. Pedestrian circulation;
- c. Parking and loading facilities, and associated landscaping;
- d. Refuse and recycling enclosures;
- e. Utility equipment;
- f. Site and building lighting;
- g. Signage;
- h. Exterior sales, storage, and displays.

**Section 10. Platting.** A plat of subdivision shall be required to be submitted for each use proposed for review and approval by the Town on the unplatted BP tract. Upon such application, the Town shall reserve the right in its sole discretion to review the use in context of the remaining vacant portions of the tract and to also require submission of a plat of subdivision for additional acreage beyond that needed for the use in question, which plat shall then properly provide for good planning practices, including future street networks, access points, cross-parking, stormwater management and other engineering issues, relationships among different land uses, other unifying elements, and the like for subsequent uses.