

## RESOLUTION NO. 13-1998

### A RESOLUTION FOR CLARIFICATION OF PORTIONS OF THE TOWN'S LAND USE CODE

WHEREAS, a great deal of confusion has arisen regarding the Town's Land Use Code; and

WHEREAS, the Board of Trustees has determined that it is necessary to enact a resolution explaining portions of the Town's Land Use Code; and

WHEREAS, it is not the intention of the Town Board to amend or change any provisions of the Town Land Use Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, COLORADO, AS FOLLOWS:

Section 1. Deadlines for submitting material to the Town. Any material that an applicant wishes either the Planning Commission or the Town Board to consider at a public hearing must be submitted to the Planning Director 30 days prior to the date for the public hearing.

Section 2. Review of material by Planning Director. Once the applicant has submitted material to the Planning Director, the Planning Director has ten days to review the material and require the submittal of additional materials if necessary. Once the Planning Director determines that the material is complete, he will inform the Town Clerk to publish notice of the public hearing. This should occur within ten days of the date the material is initially submitted.

Section 3. Notice. Not less than 20 days before the public hearing and upon direction of the Planning Director, the Town Clerk shall publish notice of the public hearing in the Longmont Daily Times-Call. Such notice shall appear 15 days before the date of the public hearing.

Section 4. Phase 1. Preliminary Plat. (Previously conceptual plan. See Mead Town Code Section 16-4-80(g), 16-5-10 and 16-5-20). The preliminary plat prepared by the developer will contain a configuration of lots and blocks and streets with the maximum densities and uses that the developer proposes. This preliminary plat will be reviewed by the Planning Commission at a public hearing which will make comments regarding the plat itself in terms of densities and uses, locations of parks, locations of streets and any other items that the Planning Commission believes to be relevant.

The preliminary plat, together with the Planning Commission's recommendations, will then be submitted to the Town Board with the Planning Commission's recommendations noted on Form D-2. Any recommendations forwarded to the Town Board by the Planning Commission should be by a vote of the majority of those members eligible to vote.

The Town Board at a public hearing will then consider the preliminary plat in the original form considered by the Planning Commission together with comments by the Planning Commission. The Town Board may then adopt the Planning Commission's recommendations, add or delete recommendations, and then approve, conditionally approve or deny the preliminary plat. If the preliminary plat is approved, nothing further needs to be done. If there is a conditional approval, the preliminary plat must be revised to

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conform to those conditions. It will be the responsibility of the Planning Director and the town attorney to sign off on the preliminary plat when they are satisfied that the required conditions have been met.

The documents currently used by the Town could be incorporated into this process which would be the D-2, D-4 and D-5, together with a letter of intent.

Section 5. Phase 2. Final Plat. The final plat will be identical to the approved preliminary plat in terms of maximum densities and uses. The final plat will contain the actual lot sizes, dimensions of lots, dimensions of streets, easements, dimensions of parks, a dedication of parks and open space, easements and right of ways. In all respects, the final plat should be ready for approval and recording. The Planning Commission at a public hearing reviews the final plat to determine its consistency with the approved preliminary plat by the Town Board and to offer any additional comments or conditions.

The Town Clerk then sets a public hearing on the final plat for the Town Board. After that public hearing, the Town Board again considers the recommendations of the Planning Commission and then approves, conditionally approves, or denies the final plat. If the plat is approved, it stays in exactly the form it was presented to the Board. If it is conditionally approved, the plat is taken back and the revisions are made and the Planning Director and town attorney determine whether or not all the conditions have been fulfilled and then approve the final plat as to form.

The documents currently used by the Town could be incorporated into this process which would be the D-3, D-4 and D-5, together with a letter of intent.

The final plat will not be signed by the Mayor and Town Clerk and recorded until the completion of Phase 3.

Again, no construction or development could occur at the completion of Phase 2.

Section 6. Phase 3. Development Stage. This is the final stage where all the technical engineering work will be done. The Memorandum of Agreement of Public Improvements (MOAPI) will be negotiated between the Town and the developer and would contain the requisite protections for the Town. Once the MOAPI has been finalized and approved by the Town Board, and the Town Engineer has approved the engineering drawings, the MOAPI will be executed, as well as the final plat. The final plat and the MOAPI will then be sent to the County for recording and development could start. Prior to the recording of the final plat and the MOAPI, no development or construction on the property is authorized.

INTRODUCED, READ, ADOPTED THIS 9TH DAY OF NOVEMBER, 1998.

TOWN OF MEAD

By   
Keith A. Goshia, Mayor

ATTEST:

  
Judy L. Hegwood, Town Clerk