

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 846**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING THE REQUESTED WAIVER OF PORTIONS OF SECTION 16-2-70. (b) (2).i.1., OF THE *TOWN OF MEAD LAND USE CODE* WITH REGARD TO REQUIRED HORIZONTAL ALIGNMENT OF INTERSECTING STREETS AND DRIVEWAY ACCESS FOR LOT 13, LYONS 66 PACIFIC COMMERCE PARK.**

**WHEREAS**, Lyons 66 Pacific, LLC, the current owner of the property, has requested a waiver of the portions of the *Town of Mead Standard Design Criteria and Construction Requirements* requiring 125 foot separation between intersections of streets and driveway access to a commercial zoned property, to wit:

Lot 13, Lyons 66 Pacific Commerce Park.

**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, May 8, 2017; and

**WHEREAS**, Section 16-3-150 of the Mead municipal code provides that a waiver request be made only in conjunction with other applications, and

**WHEREAS**, Lyons 66 Pacific, LLC, the owner of the property, has submitted a site plan for the property requesting the administrative approval of the site plan for Lot 13, Lyons 66 Pacific Commerce Park; and

**WHEREAS**, Tractor Supply Company is located west of the subject property and was allowed to vacate the platted utility and access easement (south of Pacific Circle); and

**WHEREAS**, a consequence of vacating the Tractor Supply Company access, is that it made it difficult for Lot 13 to both achieve the minimum access spacing requirements of our code (125-feet) and meet the fire district requirements of two access points; and

**WHEREAS**, waiving the access requirements of the spacing is the only way this lot can be developed while meeting Fire District standards of safety; and

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

- a. The waiver will not alter the essential character of this commercial property.
- b. The waiver is 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 caused by the isolated location and the distance from the intersection of I-25 and Highway 66 warrant the granting of the proposed waivers; and

**WHEREAS**, it is the opinion of the Board of Trustees that it is desirable and necessary that the waiver 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 Waiver.** The following waiver for the above described property is hereby approved:

- a. A waiver of the requirement of the *Town of Mead Standard Design Criteria and Construction Requirements* requiring 150 foot separation between intersections of streets and driveway access to a commercial zoned property, to allow the eastern driveway access for Lot 13, Lyons 66 Pacific Commerce Park to be located immediately east of the western property line of said Lot 13, resulting in a 25 foot horizontal offset from the intersection of Pacific Circle and I-25 Frontage Road and a 60 foot separation between the driveways for Tractor Supply Company and the subject property.
- b. The waiver is subject to the vacation of the utility easements on the western portion of Lot 13, to be considered and approved in accordance with C.R.S. 43-2-303.

**Section 2. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 3. 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 4. 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 5. 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 8<sup>th</sup> DAY OF May, 2017.**

**ATTEST:**

**TOWN OF MEAD**

By Melissa C Mata  
Melissa Mata, Interim Town Clerk

By Gary R. Shields  
Gary R. Shields, Mayor

