

TOWN OF MEAD, COLORADO
ORDINANCE NO. 845

AN ORDINANCE OF THE TOWN OF MEAD, COLORADO APPROVING THE REQUESTED WAIVERS OF THE SIGN SIZE AND HEIGHT REQUIREMENTS TO ALLOW A TEMPORARY 128 SQ. FOOT DOUBLE-SIDED POLE SIGN WITH A HEIGHT OF TWENTY FEET, ADVERTISING THE SALE OF THE PROPERTY FOR DEVELOPMENT, SAID WAIVER BEING FOR THE PROPERTY WHOSE ADDRESS IS 4221 COUNTY ROAD 32, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE GRANTING OF THE WAIVER.

WHEREAS, a request has been submitted by Catherine A. DiGregorio, Managing Partner of the Burch Family, LLLP, whose mailing address is PO Box 511, Frederick, CO 80530, for a waiver of Sec. 16-7-130 (d) of the *Mead Municipal Code*, with regard to the maximum sign area and height for a sign in the General Commercial (GC) zone and allowing the retention of the existing off-premises sign advertising Johnson's Corner on the property; and

WHEREAS, the waiver will affect the following real property, to wit;

Lot 2, Burch Family Farm, 4221 County Road 32.

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 certain criteria for approval of a waiver that is to be included in any ordinance of the Board of Trustees justifying such approval; and

WHEREAS, the Board of Trustees has considered the following justifications for allowing the requested waiver of the size restrictions for the proposed sign:

- a. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property, as signs larger than 32 square feet are visible from I-25 on the east side of the highway.
- b. The waiver, if granted, is the minimum variance that will afford relief and is the least modification possible of the zoning ordinance provisions to make the sign readily visible from I-25.
- c. The waiver requested for the size of the sign is supported by the fact that the property to the advertised is large (211 acres) and the audience they are advertising to are traveling at 75 MPH on I-25.
- d. The waiver to allow the maximum height of the sign to be 20 feet is supported as an economic incentive to encourage the development of the property; 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 *Mead Municipal Code*;

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 waiver of Sec. 16-7-130 (d) of the *Mead Municipal Code*, with regard to the maximum sign area and height for a sign in the General Commercial (GC) zone is hereby approved with conditions. All activities conducted on the site shall be in conformance with the conditions contained in this approval and with the *Land Use Code* for the Town of Mead as though the same were set forth in full.

Section 2. Conditions for the Waiver. The waiver with regard to the maximum sign area and height for a sign in the General Commercial (GC) zone is conditioned:

1. The maximum height of the sign is to be 20' above grade.
2. The landowners, Burch Family LLLP, must re-submit a waiver application every 3 years, for staff to review the project impacts to the Town. The first re-submittal will be May 2020, unless the property has changed ownership.
3. This waiver is only assigned to the current property owners, Burch Family LLLP. At the time this property changes ownership, the new owners must remove the sign or submit a waiver application to the Town for the sign to remain.

Section 3. Amendment of the Zoning Map. The official *Town of Mead Zoning District Map* as adopted by Section 16-3-103 of the *Mead Municipal Code*, and as subsequently amended, shall be amended by the addition of a note to the effect that waiver to allow the new temporary sign has been approved.

Section 4. Ministerial Action. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required to cause an appropriate revision of the map entitled "*Town of Mead Zoning District Map*" to be prepared and placed in the official records of the Town.

Section 5. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 6. 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 7. 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 8. 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 30th
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

