

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 943**

AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING THE WELKER FARMS SUBDIVISION ZONING AMENDMENT TO CHANGE THE ZONING FROM RESIDENTIAL SINGLE-FAMILY DISTRICT (RSF-4) AND GENERAL COMMERCIAL (GC) TO DOWNTOWN MIXED USE (DMU) AND AMENDING THE OFFICIAL ZONING MAP

WHEREAS, the Town of Mead is authorized pursuant to Title 31, Article 23, C.R.S. and the Town of Mead Land Use Code to regulate the subdivision of land; and

WHEREAS, the owners of the Property, Welker Farms, LLC, a Colorado limited liability company, and William C. Sears, an individual (together, the “Applicant”) have submitted a rezoning request in accordance with that certain Welker Farms Subdivision Zoning Amendment map, attached hereto and incorporated herein as **Exhibit 2** (“Rezoning Plan”) for property consisting of 36.37 acres, more or less, and located generally north of Welker Avenue and midway between Interstate Highway 25 and 3rd Street in the Town of Mead, Weld County, State of Colorado, as more particularly described in **Exhibit 1**, attached hereto and incorporated into this Ordinance (the “Property”); and

WHEREAS, a copy of the Rezoning Plan is on file with the Town’s Planning Department; and

WHEREAS, the Planning Commission considered the Rezoning Plan at a public hearing held on September 16, 2020, and recommended approval of the Rezoning Plan to the Board of Trustees; and

WHEREAS, the Board of Trustees considered the Rezoning Plan at a public hearing held on October 12, 2020; and

WHEREAS, public notice has been properly given of the proposed rezoning of the Property by publication in *The Times-Call*, a newspaper of general circulation within the Town of Mead, by posting of the Property, and by notification of adjacent property owners and other interested parties in accordance with applicable provisions of the Land Use Code; and

WHEREAS, the administrative record for this matter includes, but is not limited to, the Town of Mead Land Use Code (including subdivision and zoning amendment regulations), the Town of Mead Comprehensive Plan, all other applicable ordinances, resolutions and regulations, the staff files and reports of the Planning Director and Town Engineer related to the Rezoning Plan, any and all submittals by the Applicant and members of the public, and the tape recordings and minutes of both the Planning Commission and Board of Trustee meetings at which this application was considered; and

WHEREAS, the Applicant has agreed to all conditions of approval as stated in this Ordinance; and

WHEREAS, the Board of Trustees has determined that the Rezoning Plan request satisfies at least one of the review criteria applicable to amendments to the Town’s official zoning map set forth in Section 16-3-160(e) of the MMC, specifically that the area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; and

WHEREAS, the Board of Trustees has further determined that approval of the Rezoning Plan will advance the public health, safety, convenience, and general welfare of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Zoning of Property Approved. The Board of Trustees hereby grants and approves rezoning of the Property from Residential Single-Family District (RSF-4) and General Commercial (GC) to Downtown Mixed Use (DMU) under the Town's Land Use Code, as depicted on the Rezoning Plan, subject to the condition below. Following the effective date of this Ordinance, the Property shall be zoned Downtown Mixed Use (DMU).

- a. Prior to recordation of the Rezoning Plan in accordance with Section 2 below, Applicant shall provide executed deed of trust holder consents to rezoning from all applicable deed of trust holders.
- b. The Applicant shall pay all fees and costs incurred by the Town and its consultants, including without limitation legal fees and costs, for review and processing of the Rezoning Plan application within forty-five (45) days of receiving an invoice from the Town.

Section 2. Amendment of Zoning Map. The Town Clerk is instructed to record the Rezoning Plan for the Property in the real property records of Weld County, Colorado following the date on which the Planning Director and Town Engineer have made any technical corrections to the Rezoning Plan to conform the same to all applicable requirements of the Land Use Code and the Applicant has fully paid any outstanding fees to the Town related to the Town's review and processing of the Rezoning Plan. In accordance with Sec. 16-3-160(g) of the MMC, the official zoning map of the Town of Mead shall be amended to conform to and reflect the Property's Downtown Mixed Use (DMU) zone district classification.

Section 3. Effective Date. This Ordinance shall be published and become effective as provided by law.


Section 4. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.


Section 5. Severability. 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 part, section, subsection, sentence, clause or phrase is declared invalid.

Section 6. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 12TH DAY OF OCTOBER, 2020.

ATTEST:

By: 
Mary E. Strutt, MMC, Town Clerk



TOWN OF MEAD:

By: 
Colleen G. Whitlow, Mayor

Attachments:

- Exhibit 1** – Legal Description – Welker Farms Subdivision
- Exhibit 2** – Welker Farms Subdivision Zoning Amendment

EXHIBIT 1
Legal Description – Welker Farms Subdivision

ALL OF WELKER FARMS SUBDIVISION, AND ALL OF WELKER FARMS SUBDIVISION
REPLAT A, BEING PART OF THE SOUTH ½ OF SECTION 10, TOWNSHIP 3 NORTH, RANGE
68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO

THUS-DESCRIBED PROPERTY CONTAINS 36.37 ACRES, MORE OR LESS, TOGETHER WITH
AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC
RECORD.

EXHIBIT 2
Welker Farms Subdivision Zoning Amendment

