

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 945**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, APPROVING THE ZIGGI'S  
COFFEE PLANNED UNIT DEVELOPMENT (PUD) AND ZONING MAP TO CHANGE THE  
ZONING FROM DOWNTOWN MIXED USE (DMU) TO DMU WITH PLANNED UNIT  
DEVELOPMENT OVERLAY 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 current record owners of certain real property consisting of .723 acres, more or less, and generally located at the northeast corner of the 3<sup>rd</sup> Street and Welker Avenue intersection in the Town of Mead, Weld County, State of Colorado, and as more particularly described in **Exhibit 1**, attached hereto and incorporated into this Ordinance (the "Property"), being Gravitas-241 Welker, LLC, a Colorado limited liability company, and Frances Zavala and Ruben Zavala, individuals, together with said owners' designated authorized representative, Ziggi's Coffee Franchise, LLC, a Colorado limited liability company (together, the "Applicant"), have submitted a rezoning request to the Town as set forth and summarized in that certain Ziggi's Coffee Planned Unit Development and Zoning Map, attached hereto and incorporated herein as **Exhibit 2** ("Rezoning Plan"); 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 October 21, 2020, and recommended approval of the Rezoning Plan to the Board of Trustees following the conclusion of the October 21<sup>st</sup> public hearing; and

**WHEREAS**, the Board of Trustees considered the Rezoning Plan at a public hearing held on November 9, 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 audio 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 rezoning to Planned Unit Development overlay district will encourage innovative and creative design and promote a mix of land uses in the development; 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. Rezoning of Property Approved.** The Board of Trustees hereby grants and approves rezoning of the Property from Downtown Mixed Use (DMU) to DMU with Planned Unit Development (PUD) Overlay under the Town's Land Use Code, as depicted on the Rezoning Plan, subject to the conditions below. Following the effective date of this Ordinance and satisfaction of the conditions set forth below, the Property shall be zoned DMU with PUD Overlay.

- a. Prior to recordation of the Rezoning Plan in accordance with Section 2 of this Ordinance below, Applicant shall provide proof of transfer of record ownership of the Property to Ziggi's Coffee Franchise, LLC, by providing a copy of the recorded vesting deed for the Property reflecting that fee ownership of the Property has been transferred to Ziggi's Coffee Franchise, LLC.
- 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 satisfied the conditions set forth in Section 1 of this Ordinance. 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) with Planned Unit Development Overlay 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 9TH DAY OF NOVEMBER, 2020.**

**ATTEST:**

**TOWN OF MEAD:**

By:   
Mary E. Strutt, MMC, Town Clerk



By:   
Colleen G. Whitlow, Mayor

Attachments:

**Exhibit 1** – Legal Description

**Exhibit 2** – Ziggi's Coffee Planned Unit Development (PUD) and Zoning Map

**EXHIBIT 1**  
**Legal Description**

LOTS 8, 10, 12, 14, 16, 18, 20, 22 AND 24, BLOCK 3, TOWN OF MEAD, COUNTY OF WELD, STATE OF COLORADO.

THUS-DESCRIBED PROPERTY CONTAINS .723 ACRES, MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

**EXHIBIT 2**  
**Ziggi's Coffee Planned Unit Development (PUD) and Zoning Map**

[Attached.]