

**TOWN OF MEAD, COLORADO
PLANNING COMMISSION
RESOLUTION NO. 05-PC-2021**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
MEAD, COLORADO RECOMMENDING APPROVAL OF STAFF-INITIATED
TEXT AMENDMENTS TO SECTIONS 16-1-140, 16-3-120, 16-3-140, 16-3-160, 16-
4-30, 16-4-50, 16-4-60, AND 16-4-140 OF THE *MEAD MUNICIPAL CODE*,
REGARDING INACTIVE APPLICATIONS AND NOTICE PROCEDURES, TO
THE BOARD OF TRUSTEES**

WHEREAS, Sec. 16-3-160(d) of the Town of Mead Municipal Code (“MMC”) sets forth that amendments to the text of the Land Use Code may be initiated by the Board of Trustees, the Planning Commission, Town Staff or written application of any property owner or resident of the Town and further provides that any such text amendments “. . . shall be reviewed and considered by the Planning Commission and the Board of Trustees at public hearings and shall be enacted by ordinance”; and

WHEREAS, Town Staff has proposed amendments to Sections 16-1-140, 16-3-120, 16-3-140, 16-3-160, 16-4-30, 16-4-50, 16-4-60, and 16-4-140, of the MMC, regarding inactive applications and notice procedures; and

WHEREAS, a legislative redline of the proposed amendments to Sections 16-1-140, 16-3-120, 16-3-140, 16-3-160, 16-4-30, 16-4-50, 16-4-60, and 16-4-140 of the MMC is attached to this Resolution as **Exhibit A** and is incorporated herein by reference; and

WHEREAS, in accordance with applicable requirements of the MMC, the Town Clerk caused notice of the Planning Commission public hearing on this matter to be published no later than fifteen (15) days prior to the hearing in a newspaper of general circulation; and

WHEREAS, the Planning Commission conducted the duly-noticed public hearing on May 19, 2021 to consider the proposed staff-initiated text amendments summarized in **Exhibit A** (the “Proposed Text Amendments”); and

WHEREAS, the MMC requires the Planning Commission to make a recommendation to the Board of Trustees to approve, conditionally approve or deny any proposed text amendment; and

WHEREAS, based upon evidence set forth in the *Agenda Item Summary/Staff Report* presented to the Planning Commission and other evidence offered and accepted at the public hearing, the Planning Commission has determined that the approval criteria set forth in Sec. 16-3-160(f)(2) of the MMC have been satisfied in that the Proposed Text Amendments, if approved by the Board of Trustees, will provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town Staff; and

WHEREAS, the Planning Commission desires to recommend approval of the Proposed Text Amendments to the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Mead, Colorado, that:

Section 1. Recitals incorporated. The recitals contained above are incorporated herein by

reference and are adopted as findings and determinations of Planning Commission.

Section 2. Recommendation. The Planning Commission finds and determines that it reviewed the Proposed Text Amendments in accordance with the procedure set forth in Sec. 16-3-160 of the MMC and that the public hearing on the Proposed Text Amendments was held, conducted and concluded in accordance with Sec. 16-3-160 of the MMC. The Planning Commission recommends that the Board of Trustees proceed to approve the Proposed Text Amendments.

Section 3. Effective Date. This resolution shall become effective immediately upon adoption.


INTRODUCED, READ, PASSED AND ADOPTED THIS 16TH DAY OF JUNE, 2021.

ATTEST:

**TOWN OF MEAD PLANNING
COMMISSION**

By 
Jeannine Reed, Secretary




Ryan Sword, Chairman

Exhibits:

EXHIBIT A – Proposed Amendments to Sections 16-1-140, 16-3-120, 16-3-140, 16-3-160, 16-4-30, 16-4-50, 16-4-60, and 16-4-140 of the MMC

Exhibit A

Proposed Amendments to Sections 16-1-140, 16-3-120, 16-3-140, 16-3-160, 16-4-30, 16-4-50, 16-4-60, and 16-4-140 of Chapter 16 of the MMC

Proposed additions are depicted in underline. Proposed deletions are depicted in strike-through. All other provisions not specified are to remain valid and in effect. Non-substantive changes to formatting may be necessary to these amendments, such as re-alphabetization of definitions.

Sec. 16-1-140. – Miscellaneous, is proposed to be amended as follows:

(a) As used in this code, words used in the singular include the plural and words used in the plural include the singular.

(b) The words *must*, *shall* and *will* are mandatory; *may*, *can*, *should* and *might* are permissive.

(c) Inactive Applications.

(1) Generally. Applications for development approval shall be diligently pursued by the Applicant. This section is intended to delete applications that become inactive due to inaction by the Applicant.

(2) Expiration of Inactive Applications. When an action by the Applicant is required for further processing of an application, the application shall become void 180 days after the date that the action is requested, if the Applicant either fails to take action or fails to request an extension of time pursuant to Subsection (c)(3), below.

(3) Extension of Time. The Planning Director may extend the time for expiration of an application by up to 180 additional days upon written request by the Applicant articulating compelling reasons for the extension. The Applicant's written request must be received by the Planning Director prior to the end of the 180-day period set forth in Subsection (c)(2), above.

(d) Public notice procedures.

(1) One or more neighborhood meetings for development applications may be required at the discretion of the Planning Director. The purpose of the neighborhood meeting is to provide an opportunity for the Applicant to introduce a new development application to surrounding property owners and obtain the input of the neighboring property owners on said project.

(2) Modification to the required notification distances found in this Code may be approved by the Planning Director under the following circumstances:

a. To adjust the notification area to coincide with street or block boundaries or other distinctive physical or natural features, which results in a more practicable and rational boundary for the surrounding property owner notification area; or

b. To adjust the notification area if it is determined that the potential impacts from the proposed development will likely be limited to either the subject parcel or to immediately adjacent properties.

Sec. 16-3-120. – Conditional use review process, subsection (c)(5) is proposed to be amended as follows:

- (5) Step 5: Set conditional use public hearing dates and complete public notification process. The Town Clerk shall set the dates of the public hearings before the Planning Commission and the Board of Trustees. The Town Clerk shall send notice of the Planning Commission and Board of Trustees public hearings by certified mail to the applicant, to all surrounding property owners of record within three hundred (300) feet of the property unless such distance is modified by the Planning Director in accordance with Sec. 16-1-140(d)(2) of this Code, to mineral estate owners of record, to appropriate ditch companies and to the appropriate referral agencies, no less than fifteen (15) days before the Planning Commission and Board of Trustees public hearings. The notices shall include the time and place of the public hearings, the nature of the hearings, the location of the subject property and the applicant's name. The Town Clerk shall also publish notice of the public hearings in a newspaper of general circulation no less than fifteen (15) days before the Planning Commission and the Board of Trustee hearings. The hearings may be held no less than fifteen (15) days from the date of the newspaper publication. Not less than fifteen (15) days before the Planning Commission hearing, the applicant shall post signs on the property within one hundred (100) feet of each adjacent public street right-of-way bordering the property, at least once for every six hundred (600) feet of frontage or as otherwise approved by the Town. The applicant shall submit photos of the signs and a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town prior to the Planning Commission public hearing. The applicant is responsible for ensuring that the posted signs remain in place and in legible condition until the public hearings are concluded, and for removal of the signs after the public hearings are concluded. The signs shall be a minimum of three (3) feet by four (4) feet in size and shall state: "Property is under land use review by the Town of Mead. Call 970-535-4477 for further information." The signs shall have a white background with black and/or red lettering. If the conditional use application is accompanying another application which is scheduled for public hearings before the Planning Commission and Board of Trustees, one (1) public hearing may be held on both applications.

Sec. 16-3-140. – Appeals and variances, subsection (a)(3)(b) is proposed to be amended as follows:

- b. Set variance public hearing and complete public and referral agency notification. The Town Clerk shall set the date of the public hearings before the Board of Adjustment. The Town Clerk shall send notice of the variance public hearing by certified mail to the applicant, to all surrounding property owners of record within three hundred (300) feet of the property unless such distance is modified by the Planning Director in accordance with Sec. 16-1-140(d)(2) of this Code, to mineral estate owners of record, to appropriate ditch companies and to the appropriate referral agencies no less than fifteen (15) days before the public hearing. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. The Town Clerk shall also publish notice of the public hearing in a newspaper of general circulation no less than fifteen (15) days before the hearing. The hearing may be held no less than fifteen (15) days from the date of the newspaper publication. Not less than fifteen (15) days before the hearing, the applicant shall post signs on the property within one hundred (100) feet of each adjacent public street right-of-way bordering the

property, at least once for every six hundred (600) feet of frontage or as otherwise approved by the Town. The applicant shall submit photos of the signs and a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town prior to the public hearing. The applicant is responsible for ensuring that the posted signs remain in place and in legible condition until the public hearing is concluded and for removal of the signs after the public hearing is concluded. The signs shall be a minimum of three (3) feet by four (4) feet in size and shall state: "This property is under land use review by the Town of Mead. Call 970-535-4477 for further information." The signs shall have a white background with black and/or red lettering.

Sec. 16-3-160. – Amendments, subsection (c)(5) is proposed to be amended as follows:

- (5) Step 5: Set zoning map amendment public hearing dates and complete public notification process. The Town Clerk shall set the dates of the public hearings before the Planning Commission and the Board of Trustees. The Town Clerk shall send notice of the Planning Commission and Board of Trustees public hearings by certified mail to the applicant, to all surrounding property owners of record within three hundred (300) feet of the property unless such distance is modified by the Planning Director in accordance with Sec. 16-1-140(d)(2) of this Code, to mineral estate owners of record, to appropriate ditch companies and to the appropriate referral agencies no less than fifteen (15) days before the Planning Commission and Board of Trustees public hearings. The notices shall include the time and place of the public hearings, the nature of the hearings, the location of the subject property and the applicant's name. The Town Clerk shall also publish notice of the public hearings in a newspaper of general circulation no less than fifteen (15) days before the Planning Commission and the Board of Trustees hearings. The hearings may be held no less than fifteen (15) days from the date of the newspaper publication. Not less than fifteen (15) days before the Planning Commission hearing, the applicant shall post signs on the property within one hundred (100) feet of each adjacent public street right-of-way bordering the property, at least once for every six hundred (600) feet of frontage, or as otherwise approved by the Town. The applicant shall submit photos of the signs and a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town prior to the Planning Commission public hearing. The applicant is responsible for ensuring that the posted signs remain in place and in legible condition until the public hearings are concluded, and for removal of the signs after the public hearings are concluded. The signs shall be a minimum of three (3) feet by four (4) feet in size and shall state: "This property is under land use review by the Town of Mead. Call 970-535-4477 for further information." The signs shall have a white background with black and/or red lettering. If the zoning amendment application is accompanying another application which is scheduled for public hearings before the Planning Commission and Board of Trustees, one (1) public hearing may be held on both applications.

Sec. 16-4-30. – Administration, subsection (b) is proposed to be amended as follows:

(b) Public notice procedures.

- ~~(4)~~ Neighborhood meetings introducing new applications to surrounding property owners may be required at the discretion of the Planning Director.

~~(2) Modification to the required notification distances found in this Code may be approved by the Planning Director under the following circumstances:~~

~~a. Adjustments may be made so that the boundaries of the notification area coincide with streets or other distinctive physical or natural features, and therefore create a more practicable and rational boundary for the notification area.~~

~~b. Contraction of the otherwise required notification area shall be authorized if it is determined that the potential impacts from the proposed development will likely be limited to either the subject parcel or to immediately adjacent properties.~~

Sec. 16-4-50. – Sketch plan, subsection (b)(5) is proposed to be amended as follows:

- (5) Step 5: Set sketch plan public hearing dates and complete public notification process. The Town Clerk shall set the dates of the public hearings before the Planning Commission and the Board of Trustees. The Town shall send notice no less than fifteen (15) days before the Planning Commission and Board of Trustees public hearings using one (1) set of applicant-provided No. 10 envelopes, stamped with first-class postage, with the Town's address as the return address, addressed to: owners of property located within three hundred (300) feet of the property being subdivided unless such distance is modified by the Planning Director in accordance with Sec. 16-1-140(d)(2) of this Code; to mineral estate owners of record; to appropriate ditch companies; and other parties of interest as specified by the Town. The notices shall include the time and place of the public hearings, the nature of the hearings, the location of the subject property and the applicant's name. The Town Clerk shall also publish notice of the public hearings in a newspaper of general circulation no less than fifteen (15) days before the Planning Commission and the Board of Trustee hearings. The hearings may be held no less than fifteen (15) days from the date of the newspaper publication. Not less than fifteen (15) days before the Planning Commission hearing, the applicant shall post signs on the property within one hundred (100) feet of each adjacent public street right-of-way bordering the property, at least once for every six hundred (600) feet of frontage or as otherwise approved by the Town. The applicant shall submit photos of the signs and a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town prior to the Planning Commission public hearing. The applicant is responsible for ensuring that the posted signs remain in place and in legible condition until the public hearings are concluded and for removal of the signs after the public hearings are concluded. The signs shall be a minimum of three (3) feet by four (4) feet in size and shall state:

PUBLIC NOTICE

A land use application for
this property is under review
by the Town of Mead.
Public hearings are scheduled.
Contact the Town of Mead at:
(970) 535-4477

The signs shall have a white background with black and/or red lettering. If the sketch plan application is accompanying another application which is scheduled for public hearings before the Planning Commission and Board of Trustees, one (1) public hearing may be held on both applications.

Sec. 16-4-60. – Preliminary plat, subsection (b)(8) is proposed to be amended as follows:

- (8) Step 8: Set preliminary plat public hearing dates and complete public notification process. The Town Clerk shall set the dates of the public hearings before the Planning Commission and the Board of Trustees. The Town shall send notice no less than fifteen (15) days before the Planning Commission and Board of Trustees public hearings using one set of applicant-provided No. 10 envelopes, stamped with first-class postage, with the Town's address as the return address, addressed to: owners of property located within one thousand (1,000) feet of the property being subdivided, as available through Weld County Assessor, unless such distance is modified by the Planning Director in accordance with Sec. 16-1-140(d)(2) of this Code; to mineral estate owners of record; to appropriate ditch companies; utilities and other parties of interest as specified by the Town. The notices shall include the time and place of the public hearings, the nature of the hearings, the location of the subject property and the applicant's name. The Town Clerk shall also publish notice of the public hearings in a newspaper of general circulation no less than fifteen (15) days before the Planning Commission and the Board of Trustees hearings. The hearings may be held no less than fifteen (15) days from the date of the newspaper publication. Not less than fifteen (15) days before the Planning Commission hearing, the applicant shall post signs on the property within one hundred (100) feet of each adjacent public street right-of-way bordering the property, at least once for every six hundred (600) feet of frontage, or as otherwise approved by the Town. The applicant shall submit photos of the signs and a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town prior to the Planning Commission public hearing. The applicant is responsible for ensuring that the posted signs remain in place and in legible condition, until the public hearings are concluded and for removal of the signs after the public hearings are concluded. The signs shall be a minimum of three (3) feet by four (4) feet in size and shall state:

PUBLIC NOTICE

A land use application for
this property is under review
by the Town of Mead.
Public hearings are scheduled.
Contact the Town of Mead at:
(970) 535-4477

The signs shall have a white background with black and/or red lettering. If the preliminary plat application is accompanying another application which is scheduled for public hearings before the Planning Commission and Board of Trustees, one (1) public hearing may be held on both applications.

Sec. 16-4-140. – Vacation of right-of-way or easement, subsection (1)(h) is proposed to be amended as follows:

- h. Step 8: Public notification of vacation of right-of-way public hearing. Within a reasonable period of time after the final staff review and report, the Board of Trustees shall schedule a public hearing for the purpose of taking action on an ordinance approving the vacation of right-of-way. The Town shall send notice no less than fifteen (15) days before the Planning Commission and Board of Trustees public hearings using one (1) set of applicant-provided No. 10 envelopes, stamped with first-class postage, with the Town's address as the return address, addressed to: owners of property located within three hundred (300) feet of the right-of-way/easement to be vacated unless such distance is modified by the Planning Director in accordance with Sec. 16-1-140(d)(2) of this Code; mineral estate owners of record; the appropriate ditch companies; and other parties of interest as specified by the Town. The Town Clerk shall also publish notice in a newspaper of general circulation no less than fifteen (15) days before the hearing.