

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 989**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO,
RATIFYING CONDITIONAL APPROVAL OF A WAIVER IN CONNECTION WITH THE
ADMINISTRATIVE SITE PLAN (LOTS 1 AND 2, ELEVATION 25 FILING NO. 1)
PURSUANT TO SECTION 16-3-150 OF THE MEAD MUNICIPAL CODE**

WHEREAS, the Town of Mead is authorized to regulate the use and development of land within its jurisdiction, pursuant to Title 31, Article 23, C.R.S., Title 29, Article 20, C.R.S. and the Town’s Land Use Code, codified in Chapter 16 of the *Mead Municipal Code* (the “MMC”); and

WHEREAS, BILL SMITH (the “Applicant”) is an authorized representative of Elevation 25 Industrial Owner LLC, a Delaware limited liability company (“Owner”), and has submitted to the Town a land use application for a waiver pursuant to MMC Section 16-3-150 and relating to the property generally located south of Colorado State Highway 66 (CO 66) and west of Weld County Road 9.5 (WCR 9.5), Town of Mead, County of Weld, State of Colorado and more particularly described as follows:

**LOT 1 AND LOT 2, ELEVATION 25 FILING NO. 1 FINAL PLAT, TOWN
OF MEAD, WELD COUNTY, STATE OF COLORADO**

(the “Property”); and

WHEREAS, the Applicant seeks approval of a waiver in order to exceed the forty foot (40’) maximum building height in the Town’s Light Industrial zone district by a total of four and one-half feet, for a total building height of forty-four and one-half feet (44’6”) for two buildings to be constructed on the Property (“Waiver”); and

WHEREAS, Town staff has determined that Applicant satisfied applicable waiver criteria set forth in MMC Section 16-3-150, as memorialized in the Staff Memorandum dated February 9, 2022, and attached to the Town Manager Approval Letter (as defined herein), which findings are hereby incorporated into this Ordinance; and

WHEREAS, pursuant to MMC Section 16-3-150(d), the Town Manager has conditionally approved the Waiver as memorialized in the Town Manager’s Approval Letter dated February 9, 2022, a copy of which is on file with the Town Clerk and which includes a copy of the Staff Memorandum dated February 9, 2022 and the exhibits thereto (“Town Manager Approval Letter”); and

WHEREAS, Section 16-3-150(e) of the MMC requires that the Board of Trustees ratify the staff-approved Waiver by ordinance; and

WHEREAS, the Town Board of Trustees desires to ratify the staff-approved Waiver, as memorialized in the Town Manager Approval Letter.

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

Section 1. Recitals incorporated. The foregoing recitals are incorporated herein as findings of the Board of Trustees.

Section 2. Ratification of Staff-Approved Waiver. The Waiver is hereby ratified, subject to the following conditions:

a. Applicant/Owner shall resolve/correct any minor technical issues as directed by Town staff and 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 waiver application within forty-five (45) days of receiving an invoice or notice from the Town. If fees and costs are not paid within forty-five (45) days of receiving an invoice or the technical issues are not resolved or corrected within forty-five (45) days of notice to the satisfaction of Town Staff, the Town may withhold issuance of building permits or further approvals until invoices are paid and corrections are made;

b. The Waiver is limited to two (2) buildings on the Property, constructed in accordance with the dimensions shown on Exhibit 2 to the Staff Memorandum and the Administrative Site Plan for the Property, as approved or conditionally approved by the Town.

c. After the effective date of this Ordinance, the Town Clerk shall record a copy of this Ordinance in the Weld County real property records at the Applicant's/Owner's expense; and

d. The approval of the Waiver shall automatically expire one (1) year from the effective date of this Ordinance, unless building permits (or other permits, as applicable) for the improvements contemplated by the Waiver have been obtained by the Applicant or Owner. The Town Manager shall be authorized to grant an extension of time for good cause shown, but only if any application for such extension is made by the Applicant or Owner prior to the expiration of the approval of the Waiver.

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

Section 4. 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 5. 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.

Section 6. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than one copy of the Ordinance available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 14TH DAY OF FEBRUARY, 2022.

ATTEST:

By: 
Mary E. Strutt, MMC, Town Clerk

TOWN OF MEAD

By: 
Colleen G. Whitlow, Mayor