



Agenda Item Summary

MEETING DATE: May 15, 2024

SUBJECT: **Resolution 02-PC-2024** – A Resolution of the Planning Commission of the Town of Mead, Colorado Recommending Approval of the AMK Annexation, and Further Recommending the Establishment of Initial Zoning for the Subject Property as Light Industrial (LI)

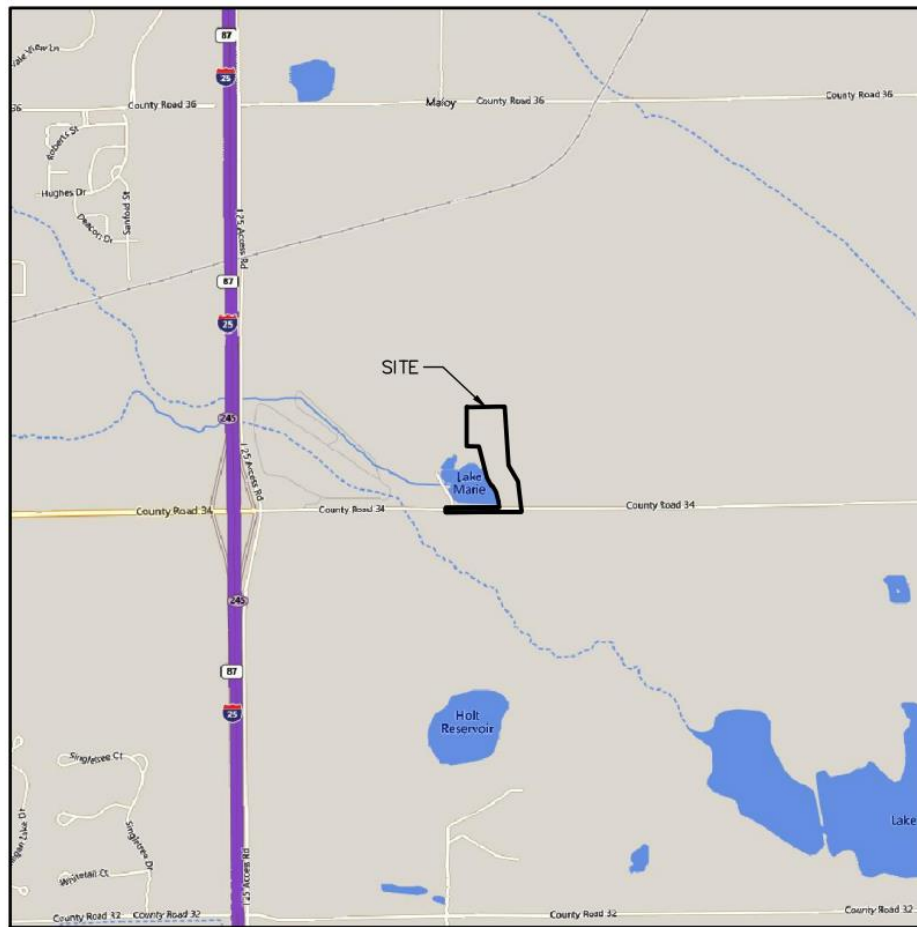
PRESENTED BY: Collin Mieras, Planner II

SUMMARY

The Board of Trustees has referred the proposed AMK annexation (“Annexation”) and initial zoning (“Zoning”) to the Planning Commission for review in accordance with Section 16-8-90 of the Mead Municipal Code (“MMC”). MMC Section 16-8-90 requires that the Planning Commission review all annexations and make a recommendation to the Board of Trustees regarding the annexation. If zoning is requested with the annexation, the Planning Commission shall also hold a public hearing on the proposed zoning.

The Annexation area includes approximately 13.521 acres located north of Weld County Road (“WCR”) 34 and east of I-25 (“Property”), as more fully described in the AMK Zoning Map attached as Exhibit 2 to Resolution No. 02-PC-2024. The Property is in unincorporated Weld County and zoned for agricultural use. The Owner, AMK Properties, LLC, has requested Light Industrial (LI) zoning upon annexation.

Staff recommends that the Planning Commission: (1) recommend approval of the Annexation; and (2) recommend that the Board of Trustees establish the initial zoning of the AMK Annexation as Light Industrial (LI), consistent with the Mead Comprehensive Plan land use designation.



VICINITY MAP

DETAIL OF REQUEST

Applicant(s):	AMK Properties, LLC
Property Owner(s):	AMK Properties, LLC
Property Location:	4665 WCR 34, Platteville, CO 80651; generally located north of WCR 34 and east of Interstate 25
Current Zoning (Weld County):	Agricultural
Proposed Zoning (Mead):	Light Industrial (LI) Zoning District
Comp. Plan Designation:	Planned Industrial Mixed-Use (PI)
Surrounding Land Uses:	<u>North:</u> Raterink and Postle Industrial Developments; Town of Mead Light Industrial Zoning <u>East:</u> Single-Family Home; Weld County Agricultural Zoning. <u>South:</u> Single-Family Home; Weld County Agricultural Zoning <u>West:</u> Single-Family Home; Weld County Residential Zoning

OVERVIEW

The Owner submitted a Petition for Annexation of the Property (“Petition”) to the Town on or about April 22, 2024. The Petition is attached to this AIS. The Board of Trustees approved Resolution No. 37-R-2024 (“Resolution”) on April 29, 2024, which: (1) establishes that the Petition is in substantial compliance with state law requirements; (2) schedules the eligibility hearing to consider annexing and zoning the Property for June 10, 2024; and (3) refers the Annexation and Zoning to the Planning Commission.

MMC Section 16-8-90 requires that the Planning Commission: (1) consider the Annexation and make a recommendation to the Board of Trustees regarding the same; and (2) conduct a public hearing on the proposed Light Industrial (LI) zoning for the Property and make a recommendation to the Board of Trustees regarding the same.

REVIEW CRITERIA ANALYSIS

Annexation Eligibility Review Criteria, MMC Section 16-8-50

Section 16-8-50 of the MMC states that eligibility for annexation shall be determined by conformity with the requirements of C.R.S. § 31-12-104 and § 31-12-105, as amended and as determined by the Board of Trustees in its sole discretion.

1. The applicable requirements of C.R.S. § 31-12-104 and § 31-12-105 exist or have been met in that:

- a. Not less than one sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town of Mead. C.R.S. § 31-12-104(1)(a).

C.R.S. § 31-12-104(1)(a) states that an area is eligible for annexation when the Town determines “*That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.*” The area proposed to be annexed exceeds the minimum of one-sixth of the perimeter contiguity with 1,117.66 feet contiguous with current Town boundaries. The total perimeter of the Property is 5,174.38 feet, and the minimum allowable contiguity is 862.4 feet.

- b. A community of interest exists between the area proposed to be annexed and the Town of Mead; the proposed area to be annexed is urban or will be urbanized in the near future and the area to be annexed is integrated with or is capable of being integrated with the Town of Mead. C.R.S. § 31-12-104(1)(b).

The Property currently abuts the Town of Mead in Weld County. As set forth in Table 1 above, the Property satisfies the applicable state law requirements for contiguity. C.R.S. § 31-12-104(1)(b) states, in relevant part, that “[t]he fact that the area proposed to be annexed has the contiguity with the [Town as required by C.R.S. § 31-12-104(1)(a)] shall be a basis for a finding of compliance with these requirements . . .”. The Property satisfies the C.R.S. § 31-12-104(1)(b) requirements.

- c. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner(s) thereof unless such tracts or parcels are separated by a dedicated street, road or other public way. C.R.S. § 31-12-105(1)(a).

The Petition has been executed by all landowners of the Property, exclusive of public rights-of-way. The annexation will not separate or subdivide any land held in identical ownership.

- d. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising 20 acres or more (which, together with buildings and improvements situated thereon, has a value for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the annexation) shall be included in the proposed annexation area without the written consent of the landowners [unless the proposed annexation area is an enclave, which is not relevant to the annexation under consideration]. C.R.S. § 31-12-105(1)(b).

The Petition has been executed by all landowners of the Property. There are no individual parcels, nor contiguous parcels held in identical ownership, that comprise 20 acres or more within the Subject Property having a value in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the annexation that have been included in the proposed Annexation without the written consent of the landowners. 100% of the landowners have consented to the Annexation, exclusive of any public rights-of-way included within the boundaries of the Property.

- e. No annexation proceedings have been commenced by another municipality for any portion of the Subject Property. C.R.S. § 31-12-105(1)(c).

There have been no annexation proceedings commenced by another municipality for any portion of the Property.

- f. The area proposed for annexation will not result in the detachment of area from any school district or the attachment of the same to another school district. C.R.S. § 31-12-105(1)(d).

The Property will remain in the Weld County School District.

- g. The annexation of the Property will not have the effect of extending the municipal boundary of the Town of Mead more than three miles in any direction from any point of such municipal boundary within one year. C.R.S. § 31-12-105(1)(e).

The Annexation will not extend the Town's boundaries more than three miles in any direction. C.R.S. § 31-12-105(1)(e) also requires, in relevant part, that prior to completion of any annexation within the three-mile area, the Town shall have in place a plan for that area proposed to be annexed. As set forth in the MMC, the Town of Mead Comprehensive Plan, as amended, constitutes the "plan in place" referenced in C.R.S. § 31-12-105(1)(e).

Staff Recommendation:

The proposed Annexation satisfies the applicable requirements of C.R.S. § 31-12-104 and § 31-12-105. Town Staff recommends that the Planning Commission recommend approval of the AMK Annexation to the Board of Trustees. This recommendation is set forth in Resolution No. 02-PC-2024.

Zoning Review Criteria, MMC Section 16-3-160

The notice requirements of Section 16-3-160 of the MMC have been satisfied and the Planning Commission has jurisdiction to conduct the public hearing on the proposed zoning map amendment.

The establishment of initial zoning is subject to review against the six (6) criteria set forth in MMC Section 16-3-160. Only ONE of the following criteria must be met for the proposed zoning to be approved:

1. To correct a manifest error in an ordinance establishing the zoning for a specific property.
2. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally.
3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Comprehensive Plan.
4. The proposed rezoning is necessary to provide land for community-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan.
5. 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; OR
6. A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

The zoning request meets criterion 2 listed below:

“To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally.”

Following the effective date of the annexation of the Property (if ultimately approved by the Board of Trustees), the jurisdiction that governs the Property will change from Weld County to the Town of Mead. State law requires that property annexed to the Town be zoned within 90 days of the effective date of annexation. Town staff is recommending that the initial zoning of the property be established as Light Industrial (LI) as more particularly shown and set forth in the Zoning Map, in compliance with the 2018 Mead Comprehensive Plan (“Comprehensive Plan”). The Comprehensive Plan designates the Property as Planned Industrial Mixed Use, which correlates with LI zoning for purposes of the Land Use Code, MMC Chapter 16. The proposed zoning therefore complies with the Comprehensive Plan.

Staff Recommendation:

Staff recommends that the Planning Commission recommend approval of the establishment of initial zoning for the Property as LI to the Board of Trustees. This recommendation and the recommendation regarding approval of the Annexation of the Property are set forth in Resolution No. 02-PC-2024.

FINANCIAL CONSIDERATIONS

None.

STAFF RECOMMENDATION/ACTION REQUIRED

Staff recommends that, following the conclusion of the public hearing, the Planning Commission approve Resolution 02-PC-2024 via the following motion.

Suggested Motion:

“I MOVE APPROVAL OF RESOLUTION NO. 02-PC-2024, A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF MEAD, COLORADO, RECOMMENDING APPROVAL OF THE AMK ANNEXATION, AND FURTHER RECOMMENDING THE ESTABLISHMENT OF INITIAL ZONING FOR THE SUBJECT PROPERTY AS LIGHT INDUSTRIAL (LI).”

ATTACHMENTS

Annexation Petition

Annexation Map

Resolution No. 02-PC-2024 (AMK Zoning Map attached as Exhibit 2)