



Agenda Item Summary

MEETING DATE: June 10, 2024

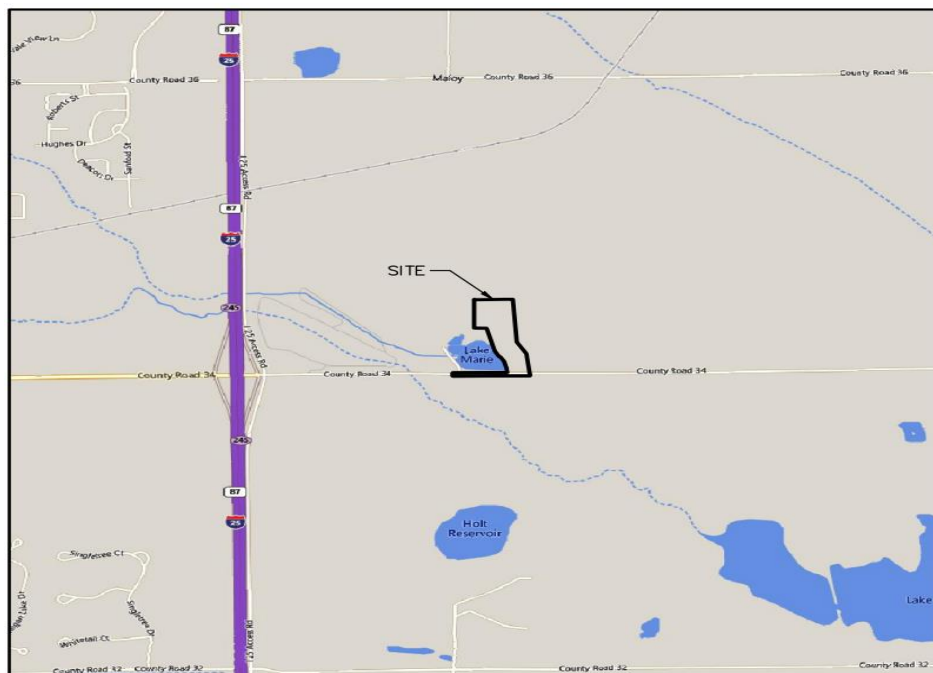
SUBJECT: **Resolution No. 51-R-2024** – A Resolution of the Town of Mead, Colorado, Setting Forth Certain Findings of Fact and Conclusions as to the Annexation of Certain Property Known as the AMK Annexation

PRESENTED BY: Collin Mieras, Planner II

SUMMARY

This Agenda Item Summary (AIS) has been prepared for the proposed annexation known as the AMK Annexation (“Annexation”). The Annexation area includes approximately 13.521 acres located north of Weld County Road (“WCR”) 34 and east of I-25, as more fully described in the AMK Annexation Map attached to this AIS (“Property”). 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.

Town staff recommends that the Board of Trustees: (1) consider and approve the Eligibility Resolution; and (2) open and continue the hearing to consider annexing the Property, zoning the Property, and approving the Annexation Agreement to July 29, 2024, at 6:00 p.m.



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:	<p><u>North:</u> Raterink and Postle Industrial Developments; Town of Mead Light Industrial Zoning</p> <p><u>East:</u> Single-Family Home; Weld County Agricultural Zoning</p> <p><u>South:</u> Single-Family Home; Weld County Agricultural Zoning</p> <p><u>West:</u> Single-Family Home; Weld County Residential Zoning</p>

OVERVIEW

Applicant initiated annexation proceedings and submitted a Petition for Annexation on or about April 22, 2024 (“Petition”). On April 29, 2024, the Board of Trustees found that the Petition substantially complies with statutory requirements and adopted Resolution No. 37-R-2024 (“Resolution”), which also set the eligibility hearing date for June 10, 2024. The Resolution further referred the Annexation and initial zoning application to the Planning Commission, which recommended approval of the Annexation and establishment of initial Light Industrial (LI) zoning after a hearing held on May 15, 2024 (Resolution No. 02-PC-2024 attached hereto). Section 31-12-108, C.R.S. requires that the eligibility hearing be scheduled on a date not less than (30) thirty days nor more than sixty (60) days from the effective date of the substantial compliance resolution. The June 10, 2024 public hearing complies with this section of state law.

Pursuant to the statutory requirements of the Municipal Annexation Act of 1965, C.R.S. §§ 31-12-101 et seq., as amended (the “Act”), the eligibility hearing is the final prerequisite in the annexation process and permits the Town to consider annexing the Property. Typically, the Town considers the Eligibility Resolution, as well as the ordinances zoning and annexing a property, as part of one hearing. Because staff and Owner have not yet finalized the AMK Annexation Agreement, Town staff recommends considering only the Eligibility Resolution for the Annexation, and continuing the hearing to consider approval of the Annexation, initial zoning, and Annexation Agreement.

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 contiguous 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 St. Vrain 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).

ALTERNATIVES/OPTIONS

C.R.S. § 31-12-111 provides as follows:

"If the resolution of the governing body adopted pursuant to Section 31-12-110 determines that the applicable provisions of Section 30 of Article II of the State constitution and Sections 31-12-104 and 31-12-105 have been met, and further determines that an election is not required under Section 31-12-107(2), and does not determine that additional terms and conditions are to be imposed, the governing body may thereupon annex the area proposed to be annexed by ordinance."

In this case, Town Staff finds as follows:

1. The Annexation is in compliance with the requirements of Sections 31-12-104 and 31-12-105, C.R.S.;
2. An election is not required under Section 31-12-107(2), C.R.S.;
3. The Petition is signed by the owners of one hundred percent (100%) of the area proposed to be annexed, exclusive of streets and alleys; and
4. No additional terms and conditions are to be imposed,

The Board may proceed to annex the Property by ordinance without election. Alternatively, following the conclusion of the Eligibility Hearing, the Board of Trustees may also opt to continue this item to a time and date certain for future consideration if additional information is required by the Board regarding the merits of the annexation of the Property or the proposed LI zoning. Staff recommends that the Board of Trustees confer with the Town Attorney if the Board: (1) seeks to determine that the Property is not eligible for annexation to the Town of Mead; or (2) seeks to deny the Annexation.

FINANCIAL CONSIDERATIONS

None.

STAFF RECOMMENDATION/ACTION REQUIRED

Staff recommends that, following the conclusion of the first public hearing, the Board of Trustees proceed to approve Resolution 51-R-2024, declaring the Property eligible for annexation to the Town of Mead, and open and continue the consolidated hearing regarding approval of the Annexation and initial zoning to July 29, 2024.

Suggested Motions:

Resolution No. 51-R-2024 (at conclusion of Eligibility Hearing):

“I move approval of Resolution 51-R-2024 – A Resolution of the Town of Mead, Colorado, setting forth certain findings of fact and conclusions as to the annexation of certain property known as the AMK Annexation based on a finding that all applicable criteria for annexation have been satisfied, as detailed in the Agenda Item Summary report prepared for the June 10, 2024 Board Meeting.”

Open and continue hearing to annex the Property, establish initial zoning, and approve Annexation Agreement:

“I move to open and continue the public hearing to consider approval of the ordinances to (1): annex certain territory known as the AMK Annexation to the Town of Mead; (2) establish the initial zoning for the AMK Annexation as light industrial’ and (3) approve the AMK Annexation Agreement, which continued hearing shall be held on July 29, 2024, at 6:00 P.M. at Mead Town Hall, 441 Third Street, Mead, CO.”

ATTACHMENTS

Resolution No. 51-R-2024 (Eligibility Resolution)
Annexation Petition
Annexation Map
PC Resolution No. 02-PC-2024 (Recommending Approval)