



Agenda Item Summary

MEETING DATE: Board of Trustees – July 29, 2024
SUBJECT: Public Hearing: AMK Annexation and Establishment of Initial Zoning
Continued from June 10, 2024
PRESENTED BY: Collin Mieras, Planner II

SUMMARY

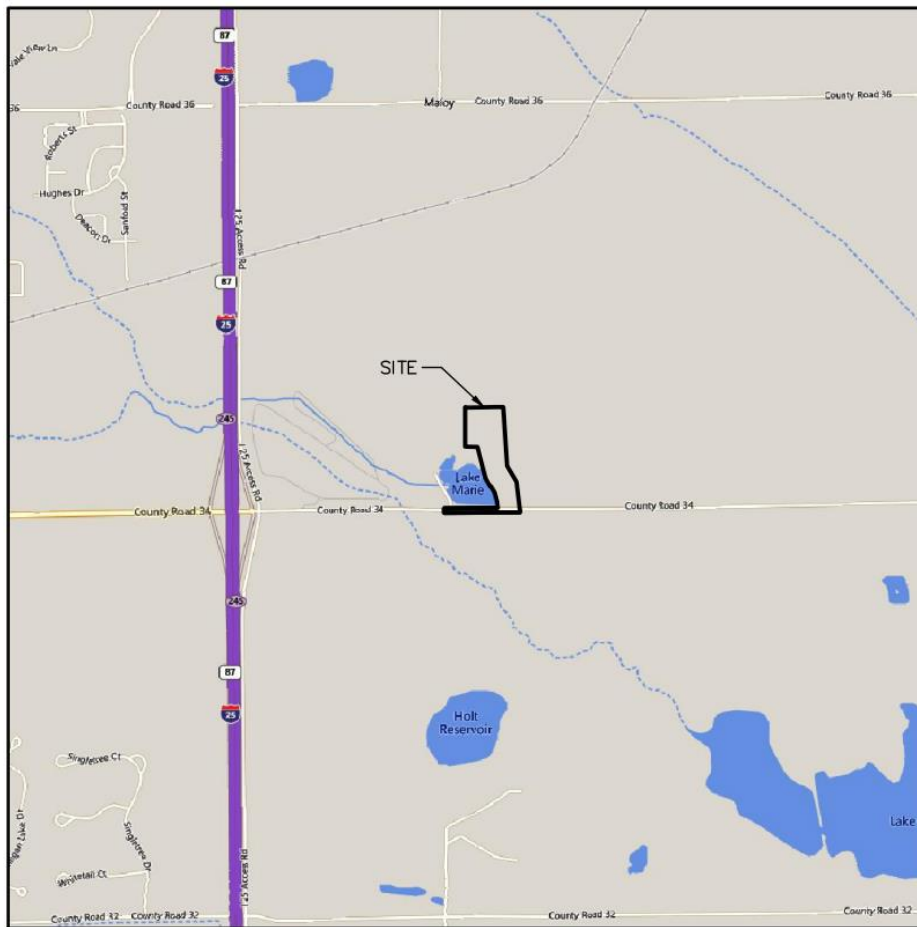
- **Ordinance No. 1059** – Approving the AMK Annexation
- **Ordinance No. 1060** – Establishing Initial Zoning
- **Ordinance No. 1061** – Approving the Annexation Agreement

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 (“Property”), as more fully described in the AMK Zoning Map attached as Exhibit 2 to Ordinance 1060. 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.

At their regularly scheduled meeting on May 15, 2024, after conducting a public hearing, the Planning Commission unanimously recommended approval of the Annexation and establishment of Light Industrial (LI) zoning for the property to the Board of Trustees.

At the June 10, 2024 regular meeting of the Board of Trustees, after conducting the eligibility public hearing, the Board unanimously passed and adopted Resolution 51-R-2024, which confirms that the AMK Annexation meets all applicable statutory requirements and is eligible for annexation to the Town of Mead. At the June 10, 2024 regular meeting, the Board also opened and continued the public hearing regarding the establishment of initial zoning to the July 29th regular meeting of the Board of Trustees.

Staff recommends that the Board of Trustees: (1) approve the Annexation; (2) establish the initial zoning of the AMK Annexation as Light Industrial (LI), consistent with the Mead Comprehensive Plan land use designation, and (3) approve the AMK Annexation Agreement.



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 hearing date to consider annexing and zoning the Property (“Eligibility Hearing”) 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). On June 10, 2024, after conducting the Eligibility Hearing, the Board of Trustees unanimously approved Resolution 51-R-2024, which set forth that the AMK Annexation meets all applicable statutory requirements and is eligible for annexation to the Town of Mead. At the June 10, 2024 regular meeting, the Board also opened and continued the public hearing regarding the establishment of initial zoning to the July 29th regular meeting of the Board of Trustees.

Staff provided the draft Annexation Agreement (“Agreement”) to the Applicant in accordance with Sec. 16-8-110 of the MMC. The Agreement has been finalized by the Applicant and Town Staff, and has been executed by the Applicant. An executed copy of the Agreement is on file with the Town Clerk.

The Board of Trustees is asked to consider approval of the Annexation and Agreement, as well as establish the initial zoning of the Property (following the conclusion of the duly-noticed public hearing). The Board of Trustees has legislative discretion as to whether to approve the Annexation. Based on the Planning Commission’s determination, Town Staff recommends that the Board of Trustees: (1) approve the Annexation and Agreement; and (2) establish the initial zoning of the Annexation parcel as the Light Industrial Zoning District.

REVIEW CRITERIA ANALYSIS

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

As set forth above, the eligibility hearing has already been completed (*see* Resolution 51-R-2024, attached to this AIS and incorporated herein by reference).

Zoning Review Criteria, MMC Section 16-3-160

The notice requirements of Section 16-3-160 of the MMC have been satisfied and the Board of Trustees 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 a 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.

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, the Property has already been determined to be eligible for annexation to the Town of Mead (*see* Resolution 51-R-2024, attached to this AIS and incorporated herein by reference).

The Board may therefore proceed to annex the Property by ordinance without election. Alternatively, 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 deny the Annexation; or (2) seeks to assign a zoning district other than the LI zoning recommended by the Planning Commission and Town Staff.

FINANCIAL CONSIDERATIONS

None.

STAFF RECOMMENDATION/ACTION REQUIRED

Staff recommends that, following the conclusion of the public hearing, the Board of Trustees proceed to approve Ordinances Nos. 1059, 1060, 1061, annexing the Subject Property to the Town of Mead, establishing the initial zoning of the Subject Property as Light Industrial (LI), and approving the Annexation Agreement with the Owner/Applicant. Suggestions motions are set forth below.

Suggested Motions:

Ordinance No. 1059 (**Annexation**)

“I move approval of Ordinance No. 1059, an Ordinance of the Town of Mead, Colorado, Annexing Certain Territory Known as the AMK Annexation to the Town of Mead”

Ordinance No. 1060 (**Establishment of Initial Zoning**)

“I move approval of the Ordinance No. 1060, and Ordinance of the Town of Mead, Colorado, Approving the Initial Zoning of Property Known as the AMK Annexation and Amending the Official Zoning Map of the Town of Mead, Based on a Finding that Applicable Zoning Review Criteria Set Forth in Mead Municipal Code Section 16-3-160 have been satisfied, as detailed in the agenda item summary report prepared for the July 29, 2024 continued public hearing.”

Ordinance No. 1061 (**Annexation Agreement**)

“I move approval of ordinance no. 1061, an Ordinance of the Town of Mead, Colorado, approving an annexation agreement with AMK Properties LLC for the AMK Annexation”

ATTACHMENTS

PC Resolution No. 02-PC-2024 (Recommending Approval, Attachments not included)

Resolution No. 51-R-2024 (Eligibility Resolution, Attachments not included)

Annexation Petition

Annexation Maps

Zoning Map

Ordinance No. 1059 (Approving Annexation)

Ordinance No. 1060 (Establishing Initial Zoning)

Ordinance No. 1061 (Approving Annexation Agreement)