

RESOLUTION

RE: CHANGE OF ZONE, COZ15-0001, FROM A (AGRICULTURE) ZONE DISTRICT TO I-2 (INDUSTRIAL) ZONE DISTRICT – WELD 34, LLC, C/O ENVIROTECH SERVICES

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, a public hearing was held on the 16th day of September, 2015, at 10:00 a.m., in the Chambers of the Board for the purpose of hearing the application of Weld 34, LLC, c/o EnviroTech Services, 910 54th Avenue, Suite 230, Greeley, CO 80634, requesting a Change of Zone from the A (Agricultural) Zone District to the I-2 (Industrial) Zone District for a parcel of land located on the following described real estate, to-wit:

Lot B of Recorded Exemption, RE-4866; being part of the NW1/4 and N1/2 NW1/4 of Section 18, Township 5 North, Range 67 West of the 6th P.M., Weld County, Colorado

WHEREAS, the applicant was present, and

WHEREAS, the Board heard all of the testimony and statements of those present and reviewed the request of the applicant to continue the matter to allow adequate time to solidify a tenant, in an effort to determine the site plans, and to be heard at Planning Commission on October 20, 2015. The Board, having been fully informed, continued the matter to November 18, 2015, at 10:00 a.m., for the reasons stated herein, and

WHEREAS, on November 18, 2015, the applicant was present and represented by Tim Pike, EnviroTech Services, 910 54th Avenue, Suite 230, Greeley, CO 80634, and

WHEREAS, Section 23-2-40 of the Weld County Code provides standards for review of such a Change of Zone, and

WHEREAS, the Board of County Commissioners heard all the testimony and statements of those present, studied the request of the applicant and the recommendation of the Weld County Planning Commission and, having been fully informed, Commissioner Freeman moved that this request be approved for the following reasons, which was seconded by Chair Kirkmeyer:

1. The applicant has complied with all the application requirements listed in Section 23-2-50 of the Weld County Code.
2. The request is in conformance with Section 23-2-40.B of the Weld County Code.

WHEREAS, pursuant to the Weld County Home Rule Charter, Article 3, Section 3-13, the concurrence of three of the members of the Board is required to approve a Resolution, and

WHEREAS, the motion to approve COZ15-0001 received only two votes of "AYE" by Commissioner Freeman and Chair Kirkmeyer and therefore failed; the effect of the failure to obtain a majority vote for passage of the motion to approve resulted in a denial of the application.

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Pages: 1 of 2
Carly Koppen, Clerk and Recorder, Weld County, CO

CC: Ca, Pl, HL, Applicant 1/4

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The three Commissioners who voted "NAY" for the motion were Conway, Cozad and Moreno. Their reasons for voting "NAY" are detailed in the Hearing Certification, but are that the uses which would have been allowed in the I-2 (Industrial) Zone would not have been compatible with the existing and surround land uses, in contravention of the requirement set forth in Section 23-2-40 B.2. of the Weld County Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the application of Weld 34, LLC, c/o EnviroTech Services, for a Change of Zone from the A (Agricultural) Zone District to the I-2 (Industrial) Zone District on the above referenced parcel of land be, and hereby is, denied.

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 18th day of November, A.D., 2015.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST: *Eather G. Steink*
Weld County Clerk to the Board

Barbara Kirkmeyer (AYE)
Barbara Kirkmeyer, Chair

BY: *Cheryl W. Hoffman*
Deputy Clerk to the Board

Mike Freeman (AYE)
Mike Freeman, Pro-Tem

S. P. Conway (NAY)
Sean P. Conway

APPROVED AS TO FORM:
[Signature]
County Attorney

Julie A. Cozad (NAY)
Julie A. Cozad

Steve Moreno (NAY)
Steve Moreno

Date of signature: 12/28

