

- I. CALL TO ORDER
- II. ROLL CALL
- III. REVIEW AGENDA
- IV. CONSENT OF SEPTEMBER 8, 2015 MINUTES

PUBLIC HEARING AND INPUT SESSION

REGARDING THE DEVELOPMENT OF RIO GRANDE AVENUE BETWEEN THIRD STREET AND FIFTH STREET



Please let us know what you would like to see in this neighborhood!

- V. RECCOMENDATION RGA TRIANGLE
- VI. PUBLIC HEARING AND RELATED ACTIONS
 - a. Recommend Ordinance 391 Vacating A Portion Of Creede Avenue in North Creede and Authorizing The Transfer Of Property
 - b. Recommend Resolution 2015-06 Re-Platting Of Tract 31r & 31r-2, Block 44, North Creede
- VII. NEW BUSINESS
 - a. Vacation of Alley in Block 14 – Dooley
- VIII. ADJOURN

POSTED 10/8/15

OPEN TO THE PUBLIC

**PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO - A TOWN
September 8, 2015**

REGULAR MEETING

The Planning and Zoning Commission of the City of Creede - a Town, County of Mineral, State of Colorado, met in the Creede Town Hall at the hour of 5:32 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Ed Vita, Frank Freer, Kay Wyley, Lauri Jordan, Eric Grossman [by phone]

COMMISSIONERS ABSENT: Rex Sheppard

Commissioner Jordan, presiding, declared a quorum present:

Those members of staff also present were as follows: Clyde Dooley, Town Manager
Randi Snead, Town Clerk/Treasurer

AGENDA

Items a. and b. were switched on Old Business and corrected an ordinance number. Commissioner Grossman moved and Commissioner Freer seconded to approve the agenda as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried.

CONSENT OF AUGUST 11, 2015 MINUTES

Commissioner Grossman moved and Commissioner Freer seconded to approve the August 11, 2015 minutes as presented. There were three yes votes and one abstention. Commission Chair Jordan declared the motion carried.

PUBLIC HEARING & RELATED ACTIONS

RECOMMEND ORDINANCE 388 LAGOON ZONING

Commission Chair Jordan opened the public hearing. There were no comments for or against the ordinance. Commission Chair Jordan closed the public hearing. Commissioner Grossman moved and Commissioner Freer seconded to recommend that the Board of Trustees approve Ordinance 387 Zoning the Newly Annexed Lagoon Property. The vote was unanimous. Commission Chair Jordan declared the motion carried.

SCHEDULE PUBLIC HEARING FOR SIMON REPLAT

Manager Dooley requested that the Commission schedule an additional public hearing for the Simon Replat. Commissioner Grossman moved and Commissioner Freer seconded to schedule a public hearing for the Simon Replat October 10, 2015. The vote was unanimous. Commission Chair Jordan declared the motion carried.

RECOMMEND ORDINANCE 390 VACATING A PORTION OF CREEDE AVENUE IN NORTH CREEDE AND AUTHORIZING THE TRANSFER OF PROPERTY

Commission Chair Jordan opened the public hearing. There were no comments for or against the ordinance or related actions. Commission Chair Jordan closed the public hearing. Commissioner moved and Commissioner seconded to recommend that the Board of Trustees Approve Ordinance 390 Vacating a Portion of Creede Avenue in North Creede and Authorizing the Transfer of Property. The vote was unanimous. Commission Chair Jordan declared the motion carried.

RECOMMEND RESOLUTION 2015-06 RE-PLATTING OF TRACT 31R & 31R-2, BLOCK 44 , NORTH CREEDE

Commissioner Freer moved and Commissioner Vita seconded to recommend that the Board of Trustees Approve Resolution 2015-06 Replatting of Tract 31R & 31R-2, Block 44, North Creede. The vote was unanimous. Commission Chair Jordan declared the motion carried.

OLD BUSINESS

OLD SCHOOL UPDATE

Manager Dooley informed the Commission that the City had taken ownership of the Gym and that each of the four parcels would be undergoing some type of land use change as they were acquired and redeveloped. He anticipated that they alley on Block 14 would be vacated and that the three north parcels may need to be rezoned to B-2.

CONTINUE DISCUSSION - RETAIL MARIJUANA LOCATION POSSIBILITIES W/ FEDERAL RESTRICTIONS, ZONING & COMPREHENSIVE PLAN

The Commission discussed retail marijuana concerns as tasked by the Board of Trustees. The playground had been relocated to the property north of the Baptist Church, and several other possible locations were discussed for future playgrounds & similar facilities. Clerk Snead was asked to update the 1000-foot maps with dotted lines outlining possible playground areas as well as zoning regulations for the old and the new development codes for further discussion at the November 10, 2015 meeting.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Wyley moved and Commissioner Freer seconded that the meeting be adjourned at 6:43 p.m. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Respectfully submitted:

/Randi Snead/

Randi Snead, City Clerk/Treasurer

Good evening all:

Welcome to our third and final public hearing for the Rio Grande Right of Way "Triangle" between third and fifth street. After this discussion, we will be asking you to make your final recommendation for the future of this area so that the Board of Trustees can consider the redevelopment and staff can begin planning all official action that needs to take place to make those changes happen. The map included in your packet was informally agreed upon at the last public hearing by the audience and the commission.

Please review the PZC minutes excerpted below for reference.

Thank you!
Clyde & Randi

2-10-15 Minutes

DEVELOPMENT OF RIO GRANDE AVENUE BETWEEN THIRD AND FIFTH STREET

Commission Chair Jordan opened the public hearing. Clay Wade of Merrick & Company described the options for Rio Grande Avenue to those present. Both proposed options included dividing the area into three northern parcels with a stormwater detention/snow storage area at the southern end. One option included extending 4th Street out through Loma. Many property owners from the area were present along with other members of the public. Comments included: irrigation difficulties and concerns, parking needs, support for a public playground in the area, opposition and support for buildable lots, alley extension, camping, property replatting, and property access concerns. At least three more Public Hearings will take place prior to any Commission Decision, and the next one will be scheduled at the upcoming regular Planning & Zoning Commission meeting March 3, 2015. Commission Chair Jordan closed the public hearing.

3-10-15 Minutes

DISCUSS RR R-O-W TRIANGLE - REVISED DRAWING

The new drawings for the R-O-W Triangle were discussed. The commission agreed that more attention needed to be given to drainage given the public concern at the first public hearing.

6-9-15 Minutes

DEVELOPMENT OF RIO GRANDE AVENUE BETWEEN THIRD AND FIFTH STREET

Commission Chair Jordan opened the public hearing. A new drawing had been submitted based on the conversation and concerns of the first Public Hearing. The new proposed option included West 4th Street and the alley between West 4th and West 5th streets continuing through the vacated space to Loma while a small alley provided access to 302 and 306 Rio Grande Avenue without providing a way to drive through the area. Many area property owners were in attendance, and property use, parking, irrigation, and project financing continued to be discussed. A consensus was reached that, although property use could not be decided at this time, all present were in agreement that the roads platted on the new option would work best for everyone. Manager Dooley will gather information on the costs for implementing these improvements to help determine whether a portion of the land would need to be sold in order to finance the project. The next public meeting on the topic is scheduled for the upcoming regular Planning & Zoning Commission meeting October 13, 2015. Commission Chair Jordan closed the public hearing.

February 18, 2015

City of Creede
Clyde Dooley, Manager
Box 457
Creede, Colorado 81130

Merrick-McLaughlin Water Engineers
2420 Alcott Street
Denver, Colorado 80211
Tel: +1 303-964-3333
Fax: +1 303-964-3355

RE: Replat Rio Grande Avenue

www.merrick.com

Dear Clyde:

In response to the comments received at the Planning Commission meeting of February 10, we have prepared a revised drawing sheet for the replatting of existing Rio Grande Avenue between West 5th Street and West 3rd Street. This drawing illustrates the following ideas:

1. The drawing is based on extending West 4th Street through to a new intersection with Loma Street rather than the dead-end condition that we suggested. We believe that we heard a clear preference for 4th Street to extend.
2. The drawing similarly shows the alley between West 4th Street and West 5th Street extending through to a new connection with Loma. This new alley would be platted as 20 feet wide to protect access to the existing sewer line below.
3. The drawing shows a 15-foot wide gravel drive connecting between West 3rd Street and the west end of the alley between West 3rd and West 4th. This drive will provide vehicle access to 302 and 306 Rio Grande.

In the meeting, various land use alternatives were discussed for the new lots to be created by this plat. Platting is concerned with providing proper access and utility service to the property, separate from land use/zoning. If this latest draft subdivision plat seems to provide the proper layout of lots and utility corridors, we suggest that the plat be processed through Planning Commission and City Council as a Preliminary Plat. If approved as a Preliminary Plat, then the Final Plat process can resolve construction details like grading and drainage. It may be appropriate to process a companion rezoning action to allow a range of land uses that would be appropriate for the new lots.

Regarding the long culvert below Loma Street in front of the Leggett Property, the map actually shows the elevations of the end points of that culvert. The north end is at elevation 8813.25 and the south end is at elevation 8808.57. This 4.68 feet of drop from north to south across the length of approximately 210 linear feet calculates to a slope grade of 2.2%. Typically this pipe slope would perform adequately for a drainage culvert. Debris or vegetation at the inlet or outlet may be interfering with the flow, or the culvert pipe may need to be jet cleaned of interior debris.

Depending on the outcome of the scheduled Planning Commission hearings based on these sketches, we are available to work with a surveyor and prepare an actual Preliminary Subdivision Plat for formal consideration.

Sincerely,

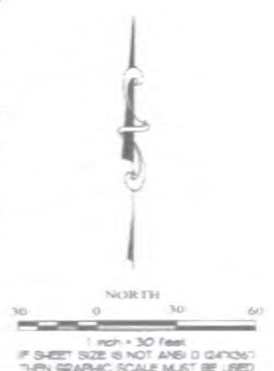
McLaughlin Water Engineers
A Division of Merrick & Company



Clay Wade, Landscape Architect

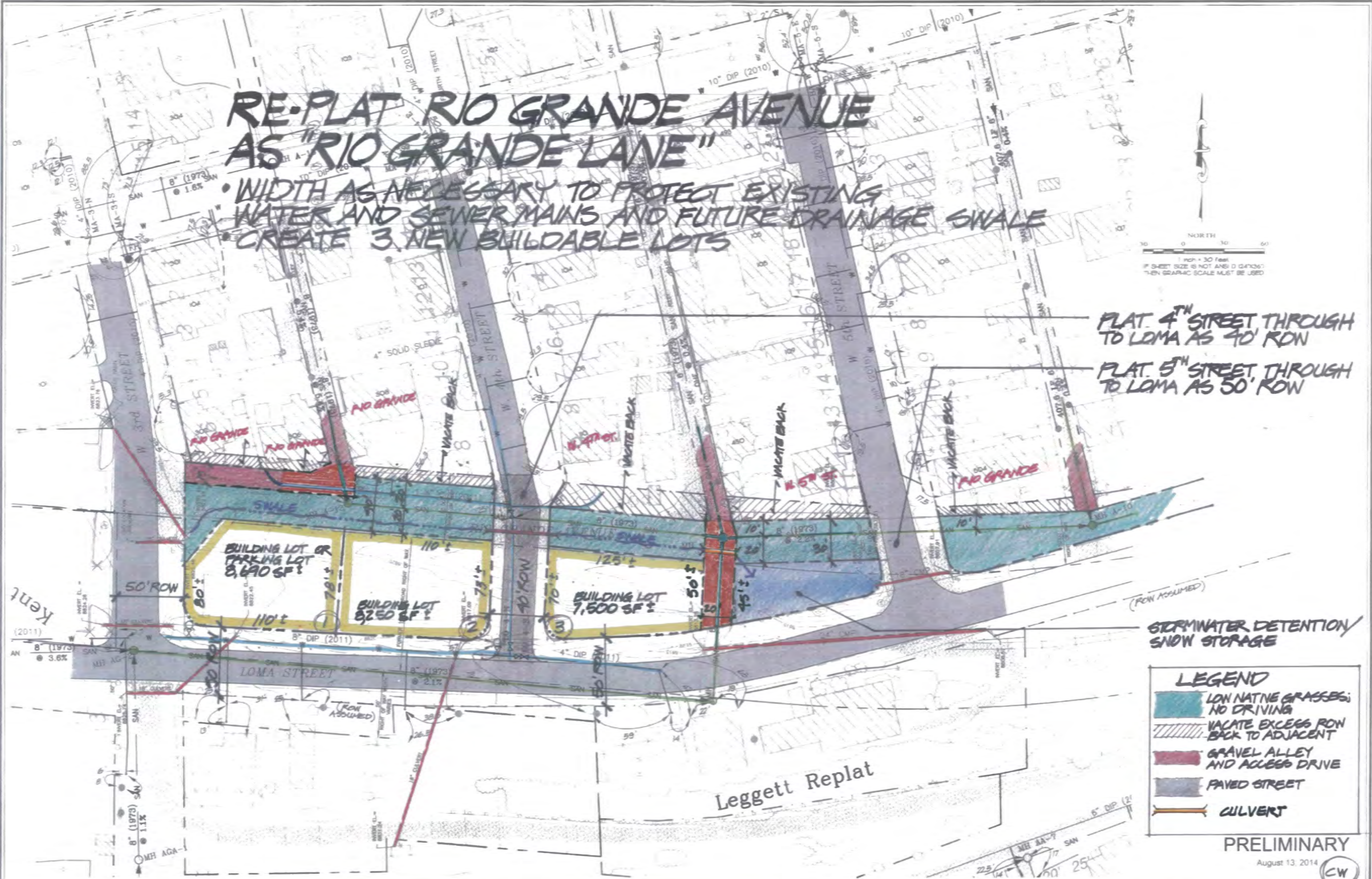
RE-PLAT RIO GRANDE AVENUE AS "RIO GRANDE LANE"

- WIDTH AS NECESSARY TO PROTECT EXISTING WATER AND SEWER MAINS AND FUTURE DRAINAGE SWALE
- CREATE 3 NEW BUILDABLE LOTS



FLAT 4TH STREET THROUGH TO LOMA AS 40' ROW

FLAT 5TH STREET THROUGH TO LOMA AS 50' ROW



STORMWATER DETENTION / SNOW STORAGE

LEGEND

- LOW NATIVE GRASSES; NO DRIVING
- VACATE EXCESS ROW BACK TO ADJACENT
- GRAVEL ALLEY AND ACCESS DRIVE
- PAVED STREET
- CULVERT

PRELIMINARY
August 13, 2014



Number	Revision Description	By	Date	1XXX	3XXX	5XXX	MERRICK & COMPANY	DESIGN	9XXX	PROJECT NUMBER	7XXX
2500	144.0	15XXX	10XXX	2XXX	4XXX	6XXX	1700 1000	DETAILED	10XXX	5XXX	
							1700 1000	CHECKED	11XXX		
							1700 1000	DATE	12XXX		

ORDINANCE 391

VACATING A PORTION OF CREEDE AVENUE IN NORTH CREEDE AND AUTHORIZING THE TRANSFER OF PROPERTY

WHEREAS, Colorado Revised Statute §31-15-713(1)(b) authorizes the City of Creede, a Colorado town (“City”) to dispose of municipally owned property upon such terms and conditions as the Board of Trustees deems appropriate; and

WHEREAS, pursuant to CRS § 43-2-303(1)(a), a municipality has the power, by adoption of an ordinance, to vacate any roadway or part thereof within its jurisdiction and in accordance with CRS § 31-15-101(1)(d) a municipality has the authority to dispose of property as it deems appropriate; and

WHEREAS, Caleb and Rebecca Simon are the owners of record for Lots 31, 32, and 33 in Block 44, North Creede and the southeast portion of these lots are encumbered by approximately thirty (30) feet of U.S. Forest Service Road No. 502 which Caleb and Rebecca Simon will quit claim to the City of Creede more particularly described in **Exhibit A**; and;

WHEREAS, the Board of Trustees have determined a portion of Creede Avenue in North Creede, southeasterly of lots 31, 32, and 33, Block 44 and more particularly described by metes and bounds in **Exhibit B**, although platted, has never been used as a public roadway while being occupied by private property owners; and

WHEREAS, the Board of Trustees have determined the northeastern 12.16 x 70 square foot portion of lot 34, Block 44, North Creede, more particularly described by metes and bounds in **Exhibit C**, should also be conveyed to Caleb and Rebecca Simon to help clarify their property boundary; and

WHEREAS, the Board of Trustees have determined that vacating this portion of Creede Avenue & transferring the property to the Caleb and Rebecca Simon is in the best interest of the town.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF CREEDE,
A COLORADO TOWN, THAT:**

SECTION 1: Pursuant to CRS § 31-15-101(1)(d) and CRS § 43-2-303(1)(a), a southeastern portion of Creede Avenue, North Creede as described in Exhibit B, is hereby vacated.

SECTION 2: The City will keep its interest in the un-vacated portions of Creede Avenue, North Creede platted public right-of-way.

SECTION 3: The Board of Trustees, hereby find and determine that the public rights-of-way herein vacated are not now in public use and have not been in public use for many years; that this vacation will not leave any usable land without an established public access; and that this vacation is in the best interest, welfare and safety of the inhabitants of Creede.

SECTION 4: Subject to the terms of this Ordinance, the “City” will Quit-Claim the portion of Creede Avenue as well as the northeastern portion of lot 34, Block 44, North Creede to Caleb and Rebecca Simon as described in Exhibit B & C..

SECTION 7: The parcels will be re-platted by resolution, named “Tract 31R” and “Tract 31R-2” of Block 44, North Creede and recorded in the Mineral County Clerk & Recorder’s office.

SECTION 8: City Staff is authorized to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such corrections do not change the substantive terms and provisions of such documents.

SECTION 9: If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Board hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, sub section, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

SECTION 10: This Ordinance shall take effect thirty days after the publication of this Ordinance by title only in accordance with C.R.S. §31-16-105.

INTRODUCED, APPROVED AND PASSED ON FIRST AND FINAL READING, on this _____ day of November, 2015.

BY:

ATTEST:

Eric Grossman,
Mayor

Date

Randi Snead,
City Clerk

Date

EXHIBIT A

Tract 1 of Block 44 - Simon to City of Creede

A portion of land designated as "Tract 1, Block 44, North Creede", located in the South thirty feet of Lots 31, 32 and 33, Block 44, NW1/4 Section 30, Township 42 North, Range 1 East (Suspended), N.M.P.M., within the limits of North Creede (aka Townsite of Creede), Mineral County, Colorado, which Tract is more particularly described by metes and bounds as follows, to-wit:

The following bearings are based upon the South line of Section 25 from the Southeast Corner of Section 25 to the South 1/4 Corner of Section 25 having a bearing of S 89°14'00" W, monumented on both ends with 3.25 inch BLM brass caps;

Beginning at the southwesterly corner of the Tract herein described, a set 1.5 inch aluminum cap affixed to a No. 5 rebar, which corner is identical to the southwest corner of Lot 33, said Block 44, from whence the Southeast corner of said Section 25 bears S 00°18'45" W a distance of 4780.63 feet; Thence N 29°28'07" W along the west line of said Lot 33 a distance of 30.00 feet; Thence N 60°31'53" E a distance of 83.00 feet to a point on the east line of Lot 31, said Block 44; Thence S 29°28'07" E along said east line a distance of 30.00 feet to the southeast corner of said Lot 31; Thence S 60°31'53" W along the south line of said Block 44 a distance of 83.00 feet to the point of beginning.

SUBJECT TO any and all easements and rights-of-way of whatsoever nature, including Forest Road 502.

EXHIBIT B

Tract 2 of Block 44 - City of Creede to Simon

A portion of land designated as "Tract 2, Block 44, North Creede", located within a portion of Creede Avenue, NW1/4 Section 30, Township 42 North, Range 1 East (Suspended), N.M.P.M., within the limits of North Creede (aka Townsite of Creede), Mineral County, Colorado, which Tract is more particularly described by metes and bounds as follows, to-wit:

The following bearings are based upon the South line of Section 25 from the Southeast Corner of Section 25 to the South 1/4 Corner of Section 25 having a bearing of S 89°14'00" W, monumented on both ends with 3.25 inch BLM brass caps;

Beginning at the southwesterly corner of the Tract herein described, a set 1.5 inch aluminum cap affixed to a No. 5 rebar, which corner is a point on the north line of Block 43, from whence the Southeast corner of said Section 25 bears S 00°27'43" W a distance of 4758.95 feet; Thence N 29°28'07" W a distance of 25.00 feet to the southwest corner of Lot 33, Block 44; Thence N 60°31'53" E along the south line of said Block 44, a distance of 83.00 feet to the southeast corner of Lot 31, said Block 44; Thence S 29°28'07" E a distance of 25.00 feet to the said north line of Block 43; Thence S 60°31'53" W along said north line a distance of 83.00 feet to the point of beginning;

SUBJECT TO any and all easements of whatsoever nature.

EXHIBIT C

Tract 3 of Block 44 - City of Creede to Simon

A portion of land designated as "Tract 3, Block 44, North Creede", located within a portion of Lot 34, Block 44, NW1/4 Section 30, Township 42 North, Range 1 East (Suspended), N.M.P.M., within the limits of North Creede (aka Townsite of Creede), Mineral County, Colorado, which Tract is more particularly described by metes and bounds as follows, to-wit:

The following bearings are based upon the South line of Section 25 from the Southeast Corner of Section 25 to the South 1/4 Corner of Section 25 having a bearing of S 89°14'00" W, monumented on both ends with 3.25 inch BLM brass caps;

Beginning at the southwesterly corner of the Tract herein described, a set 1.5 inch aluminum cap affixed to a No. 5 rebar, from whence the Southeast corner of said Section 25 bears S 00°00'32" W a distance of 4800.70 feet; Thence N 29°28'07" W a distance of 70.00 feet to a point on the north line of said Lot 34; Thence S 60°31'53" W along said north line a distance of 12.16 feet to the northeast corner of said Lot 34; Thence S 29°28'07" E along the east line of said Lot 34 a distance of 70.00 feet; Thence N 60°31'53" E a distance of 12.16 feet to the point of beginning;

SUBJECT TO any and all easements of whatsoever nature.

Resolution No. 2015-06

THE RE-PLAT OF TRACT 31R & 31R-2, BLOCK 44 , NORTH CREEDE

WHEREAS, the City of Creede is a municipality in the State of Colorado; and

WHEREAS, the City has the statutory and legal authority to enact, enforce, and amend or suspend, ordinances, resolutions and regulations; and

WHEREAS, Caleb and Rebecca Simon are the owners of a tract of land located in the NW¹/₄ Section 30, Township 42 North, Range 1 East (Suspended), N.M.P.M., within the limits of North Creede (aka Townsite of Creede), Mineral County, Colorado, which Tract is more particularly described by metes and bounds as follows, to-wit:

The following bearings are based upon the South line of Section 25 from the Southeast Corner of Section 25 to the South 1/4 Corner of Section 25 having a bearing of S 89°14'00" W, monumented on both ends with 3.25 inch BLM brass caps;

Beginning at the southwesterly corner of the Tract herein described, a set 1.5 inch aluminum cap affixed to a No. 5 rebar, which corner is a point on the north line of Block 43, from whence the Southeast corner of said Section 25 bears S 00°27'43" W a distance of 4758.95 feet; Thence N 29°28'07" W a distance of 25.00 feet to the southwest corner of Lot 33, Block 44; Thence N 60°31'53" E along the south line of said Block 44, a distance of 83.00 feet to the southeast corner of Lot 31, said Block 44; Thence S 29°28'07" E a distance of 25.00 feet to the said north line of Block 43; Thence S 60°31'53" W along said north line a distance of 83.00 feet to the point of beginning SUBJECT TO any and all easements of whatsoever nature; and

WHEREAS, Caleb and Rebecca Simon are the owners of a tract of land located within a portion of Lot 34, Block 44, NW¹/₄ Section 30, Township 42 North, Range 1 East (Suspended), N.M.P.M., within the limits of North Creede (aka Townsite of Creede), Mineral County, Colorado, which Tract is more particularly described by metes and bounds as follows, to-wit:

The following bearings are based upon the South line of Section 25 from the Southeast Corner of Section 25 to the South 1/4 Corner of Section 25 having a bearing of S 89°14'00" W, monumented on both ends with 3.25 inch BLM brass caps;

Beginning at the southwesterly corner of the Tract herein described, a set 1.5 inch aluminum cap affixed to a No. 5 rebar, from whence the Southeast corner of said Section 25 bears S 00°00'32" W a distance of 4800.70 feet; Thence N 29°28'07" W a distance of 70.00 feet to a point on the north line of said Lot 34; Thence S 60°31'53" W along said north line a distance of 12.16 feet to the northeast corner of said Lot 34; Thence S 29°28'07" E along the east line of said Lot 34 a distance of 70.00 feet; Thence N 60°31'53" E a distance of 12.16 feet to the point of beginning, SUBJECT TO any and all easements of whatsoever nature.

WHEREAS, Caleb and Rebecca Simon have surveyed and desires this property to be replatted and designated as “Tract 31R and Tract 31R-2” respectively, Block 44 North Creede.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, THAT:

SECTION 1: The Board of Trustees have determined that it is in the best interest of the citizens of the City to authorize the requested replat.

SECTION 2: The Board has determined that all requirements for submitting the replat have been met by the applicants.

SECTION 3: The above described property has been replatted and will be recorded as “**Tract 31R**” and “**Tract 31R-2**” respectively in Block 44 of North Creede, City of Creede, and Mineral County, Colorado.

APPROVED AND ADOPTED by the Board of Trustees this 3rd day of November 2015.

CITY OF CREEDE:

ATTEST:

Mayor
Eric Grossman

Date

Attest; City Clerk
Randi Snead

Date