

PLANNING & ZONING

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. REVIEW AGENDA

V. ADJOURN

- P&Z Chair/Commissioner Recruitment Plan
- Tom Oyler - Clyde Dooley
- Avery Augur - Clyde Dooley
- Any Other Business

EXCERPTED FROM CREEDE DEVELOPMENT CODE

9-02-40 Planning and Zoning Commission

(a) Establishment and Purpose.

The purposes of the Planning and Zoning Commission (PZC) are amended as follows:

- (1) To implement the goals and policies of the Creede Comprehensive Plan;
- (2) To guide and accomplish a coordinated, adjusted, and harmonious development of the municipality and its environs, that will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity, quality of life, and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire, floodwaters, and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements;
- (3) To promote health and general welfare; to provide adequate light and air, and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements;
- (4) To preserve the natural beauty of the City's site and setting; to prevent indiscriminate clearing of property, removal of trees, and earthmoving; and to attain the objectives set out in the Development Code.

(b) Duties. The PZC shall have the following functions and duties:

- (1) Review development applications, amendments to the Creede Comprehensive Plan and amendments to this Development Code, provide recommendations to the Board of Trustees, and render decisions as such authority is indicated in this Article;
- (2) Upon request and direction by the Board of Trustees, make and recommend plans for the physical development of the City, including any areas outside its boundaries, subject to the approval of the legislative or governing body having jurisdiction thereof;
- (3) Upon request and direction of the Board of Trustees, conduct research, prepare studies, review other matters which are related to the present conditions and future growth of the City of Creede, and provide comments and recommendations thereon to the Board of Trustees; and,
- (4) Review and make recommendations to the Board of Trustees about the, code text amendments that address types of uses, parking standards, streetscapes, or other similar items.

(c) Membership. The PZC shall be composed of not less than five (5) or more than seven (7) members appointed by the Board of Trustees. All members of such commission shall be registered electors of the municipality and, if any member ceases to reside in such municipality, his or her membership on the commission shall automatically terminate.

- (d) **Quorum.** Four (4) members of the PZC shall constitute a quorum for the transaction of business, but in the absence of a quorum, a lesser number shall adjourn any meeting to a later time or date. In the absence of all members, any staff member shall adjourn any meeting to a later time or date.
- (e) **Term.** The term of office for a member shall be two (2) years on an overlapping tenure. A member of the PZC may be removed by the Board of Trustees pursuant to §9-02-040(j), *Removal from Office*.
- (f) **Vacancies.** A vacancy on the PZC shall occur whenever a member of the PZC is removed by the Board of Trustees, dies, becomes incapacitated and unable to perform the required duties for a period of ninety (90) days, resigns, or is convicted of a felony. In the event a vacancy occurs, the Board of Trustees shall appoint a successor to fill the vacancy and serve the remainder of the term of the former member.
- (g) **Removal from Office.** A member of the PZC may be removed for misconduct, conduct unbecoming of a city official, violation of the state code of ethics, inefficiency, or with unexcused absence from three consecutive regularly scheduled meetings. Prior to removal, the Board of Trustees shall conduct a hearing and shall provide written notice to the PZC member stating the grounds for removal at least three (3) days prior to the hearing.
- (h) **Officers.** The PZC shall select its own chairperson and vice chairperson from among its members. The chair or, in the absence of the chair, the vice chair, shall be the presiding officer of its meeting. In the absence of both the chair and the vice chair from a meeting, the members present shall appoint a member to serve as acting chair at the meeting.
- (i) **Compensation.** All members of the PZC shall serve without compensation for their Planning and Zoning Commission services.
- (j) **Staff.** The City Manager or City Clerk shall serve as the staff of the PZC and shall provide the service of a recording secretary who shall act in the capacity of secretary for the PZC for the purpose of receiving applications and other material for consideration for the PZC.
- (k) **Rules and Regulations.** The PZC shall operate in accordance with its own rules of procedure; provided, however, that the PZC shall submit its proposed rules or any amendment to the rules to the Board of Trustees, which by motion shall approve the rules or amendment and direct their adoption by the PZC, or disapprove the proposal with directions for revision and resubmission. The rules shall be filed with the City Clerk and maintained in the records of the City and shall be subject to public inspection. The PZC may provide for certain variances, exceptions, and exemptions from the requirements of its rules and regulations.
- (l) **Meetings.** The PZC shall meet in accordance with the rules of procedure governing the PZC, and otherwise upon the call of the chairperson, or in the absence of the chair, by the vice chairperson. All meetings shall be held at the offices of the City, unless otherwise specified, with adequate notice given to all interested parties.
- (m) **Material to be Submitted.** The PZC shall adopt rules and regulations including procedures and schedules for applications requiring action by the PZC.

BOUNDARY LINE AGREEMENT REPLAT & RE-ZONING SCHEDULE

TO: Mayor & Board of Trustees
FROM: Clyde
SUBJECT: Tom Oyler
DATE: ~~September 19, 2018~~ – December 6th, 2018

The due process for a Right-of-Way vacation & replat requires a public hearing with the Board of Trustees.

The due process for Re-zoning requires a public hearing with both the Planning Commission and the Board of Trustees.

Both require proper notice, so I propose.

1. Present and discuss Oyler request to Planning Commission on **December 11th** and ask for a Public Hearing at their **January 15th** meeting.
2. **December 18th**; Present Boundary Line Agreement to Trustees. If possible, at a Special Meeting for approval. If approved, ask for a Special Meeting and Public Hearing after **January 22nd** work session. Prepare ordinance, deeds, and re-platting and re-zoning resolutions.
3. Public Hearing with P&Z on **January 15th** and Trustees on **January 22nd**. Send notices to property owners within 300 feet, post and publish the Notice of Public Hearing's in local paper no less than 15 days prior to the **January 22nd** meeting.
 - a) Notice to paper by **December 27th**.
 - b) Notice mailed and posted by **January 7th**.
4. **January 15th**; Public Hearing with Planning Commission for re-zoning Tom's property.
5. **January 22nd**; Public Hearing with Trustees for ordinance vacating & conveying a portion of Depot Street to Tom. **PLUS**, Public Hearing with Trustees for re-zoning the property.

SPECIAL NOTE:

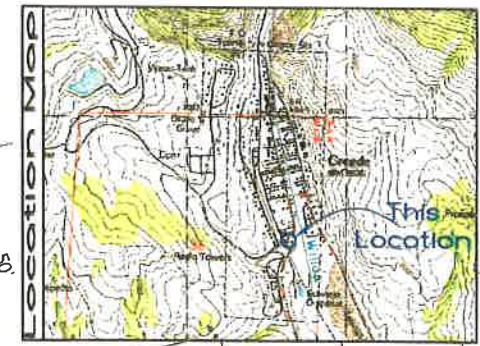
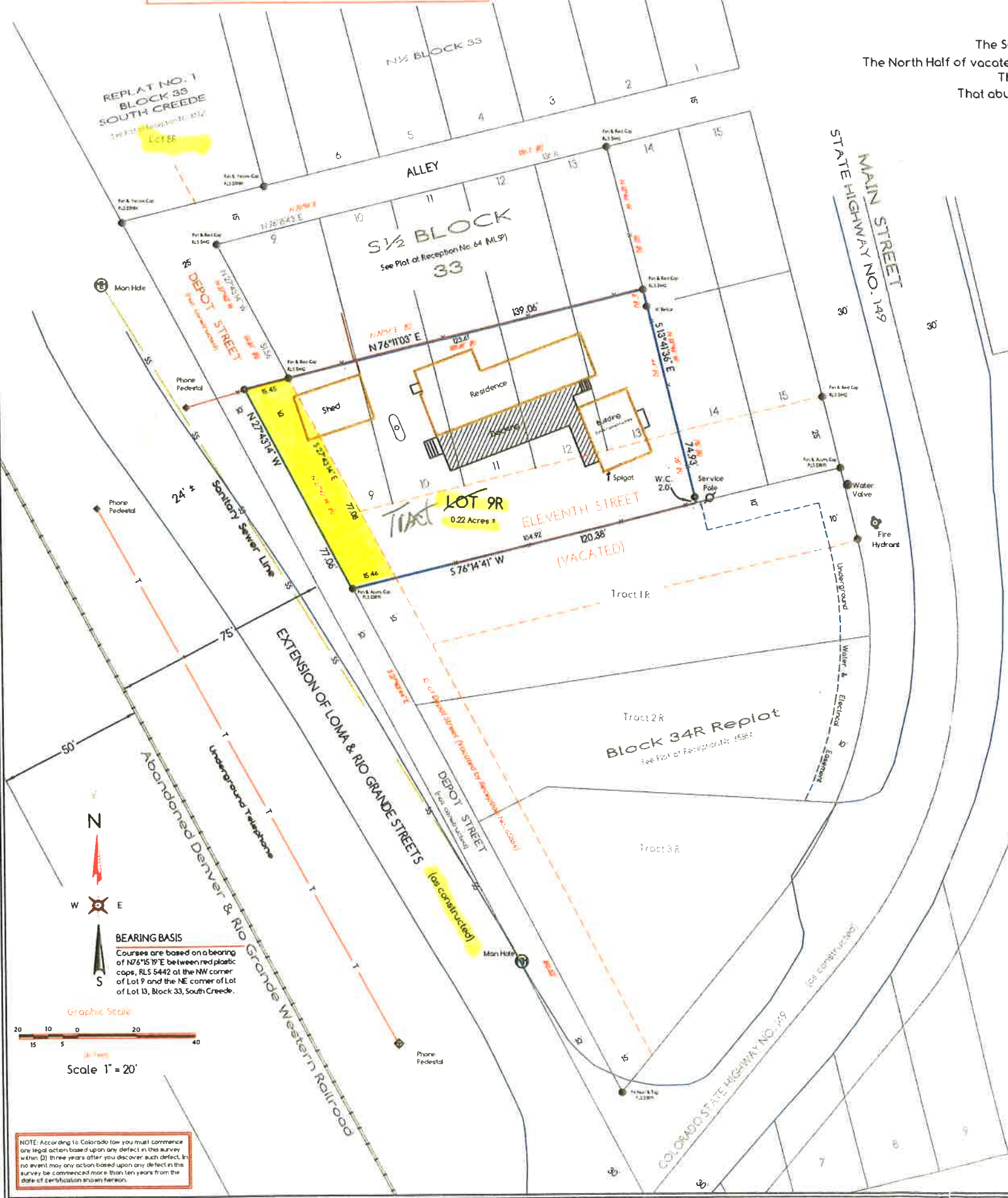
If December 18th meeting isn't practical/possible for approval of Boundary line agreement, schedule will move forward approximately one month. With Christmas and New Year holidays pending, it may be necessary.

PRELIMINARY

**REPLAT NO. 2
Block 33
SOUTH CREEDE**

The South Half of Lots 9-13, Block 33, and
The North Half of vacated Eleventh Street abutting said Lots 9 - 13, Block 33, and
The East 15 Feet of Depot Street
That abuts the West Line of the S½ of Lot 9 and
The N½ of Eleventh Street,
South Creede,
Located in the E½ Section 36,
Township 42 North, Range 1 West,
New Mexico Principal Meridian,
City of Creede,
Mineral County,
Colorado.

Top of Lot 9R



CERTIFICATE OF OWNERSHIP AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT Tom Oyer is the owner of that real property known as the S½ of Lots 9-13, Block 33, and N½ of vacated Eleventh Street abutting said Lots 9-13, South Creede, Mineral County, Colorado, as described in Reception No. 70374 in the records of the Mineral County Clerk and Recorder AND the City of Creede having jurisdiction of the platted streets within the City of Creede do hereby consolidate said lots with the N½ of vacated Eleventh Street immediately adjacent to the S½ of Lots 9, Block 33, and East 15 Feet of Depot Street immediately adjacent to the S½ of Lot 9, Block 33 and the N½ of vacated Eleventh Street.

THAT they have caused this property to be replatted, resubdivided, and designated as LOT 9R, REPLAT NO. 2, BLOCK 33, SOUTH CREEDE more particularly described below, and do hereby dedicate and set apart all streets, alleys, and other public ways and places, as shown hereon, for the use of the public forever and do hereby dedicate those portions of said real property which are indicated as easements on the plat as existing and/or implied.

Exterior Boundary LOT 9R, REPLAT NO. 2, BLOCK 33, SOUTH CREEDE

A parcel of land containing the S½ of Lots 9-13, Block 33, South Creede, a portion of vacated Eleventh Street, and a portion of Depot Street, located in the E½ Section 36, T. 42N., R. 1W., N.M.P.M., City of Creede, Mineral County, Colorado, which parcel contains 0.22 acres, more or less, being more particularly described by metes and bounds as follows:
Beginning at the NE corner of the S½ of Lot 13, Block 33, South Creede, thence S37°43'36" E, along the East line of said Lot 9 and its southerly projection, a distance of 74.93 feet to its intersection with the center of vacated Eleventh Street; thence S76°14'41" W, along the center of vacated Eleventh Street and its westerly projection, a distance of 120.38 feet to its intersection with the West line of the East 15 feet of Depot Street; thence N27°43'41" W, along the said West line of the East 15 feet of Depot Street, a distance of 77.06 feet; thence N76°11'03" E, along the North line of the S½ of Lots 9-13, Block 33, and its westerly projection, a distance of 139.06 feet to the place of beginning.

IN WITNESS WHEREOF this instrument is executed this _____ day of _____, 20____, A.D. by:

Signed: _____
Tom Oyer, Owner

Signed: _____
Mayor of the City of Creede

Attest: _____
Town Clerk

ACKNOWLEDGMENT

State of Colorado) SS
County of Mineral)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Tom Oyer, Owner and the Mayor of the City of Creede, as attested to by the City of Creede, Town Clerk.

Notary Public

My Commission Expires _____

PLANNING COMMISSION CERTIFICATE

Approved this _____ day of _____, 20____, A.D., Planning Commission for the City of Creede, Mineral County, Colorado.

Signed: _____
Chairman

BOARD OF TRUSTEES CERTIFICATE

Approved this _____ day of _____, 20____, A.D., Board of Trustees for the City of Creede, Mineral County, Colorado.

Signed: _____
Mayor of the City of Creede

Attest: _____
Town Clerk

SURVEYOR'S STATEMENT

I, Wm. D. Kitterman, a duly registered land surveyor in the State of Colorado, do hereby certify that this plat was prepared by me from the data of a survey made by me or under my direct supervision and is true and accurate to the best of my knowledge and belief.

CLERK AND RECORDER'S CERTIFICATE

State of Colorado) SS
County of Mineral)

I hereby certify that this instrument was filed in my office at _____ O'Clock _____ M., this _____ day of _____, 20____, A.D. under Reception Number _____, in Map Book _____ at Map No. _____ Fees Paid _____

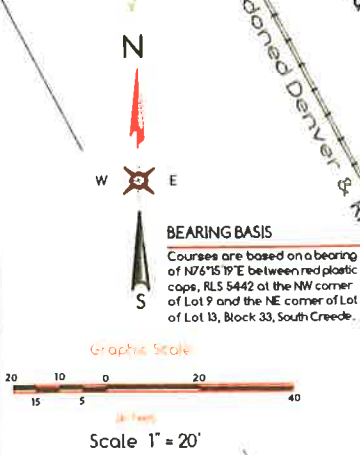
Signed: _____
Clerk and Recorder

LEGEND

- Found Monument (as described)
- Parcel Boundary
- Set Pin & Plastic Cap
- x x Established Fence Line
- Existing Structure
- T T Telephone Line
- - - Vacated Street Line
- Phone Pedestal
- Edge of Asphalt Street
- SS SS Sanitary Sewer Line

SAN LUIS AVENUE
(not constructed)

TWELFTH STREET
(not constructed)



NOTE: According to Colorado law you must commence any legal action based upon any defect in this survey within (1) three years after you discover such defect, or no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

Rincon Associates, Inc.
10100 E. Highway 101, Suite 100, Creede, CO 81131
**REPLAT NO. 2
Block 33
SOUTH CREEDE**
The South Half of Lots 9-13, Block 33, and
The North Half of vacated Eleventh Street abutting said Lots 9-13, Block 33 and
The East 15 Feet of Depot Street
That abuts the West Line of the S½ of Lot 9 and
The N½ of Eleventh Street,
South Creede,
Located in the E½ Section 36,
Township 42 North, Range 1 West,
New Mexico Principal Meridian,
City of Creede,
Mineral County,
Colorado.
Drawn by: MDC, March 2006
Job No. 2006-001 Sheet 1 of 1

REPLAT SCHEDULE

TO: Planning Commission, Mayor & Board of Trustees
FROM: Clyde
SUBJECT: Augur Replat
DATE: December 11th, 2018

The due process for a minor subdivision requires a public hearing with the Board of Trustees only and not the Planning Commission.

However, I'd like to briefly present this to the Commissioners for discussion and any comments.

The due process for Re-zoning requires a public hearing with both the Planning Commission and the Board of Trustees.

Notice due-process recommended.

1. **December 11th**; Presented minor subdivision request to Planning Commission for discussion and thoughts.
2. On **December 18th** ask Trustees to schedule public hearing on **January 8th, 2019**. Send notices to property owners within 300 feet, post and publish the Notice of Public Hearing's in local paper no less than 15 days prior to the **December 8th** meeting.
 - a) Notice to paper by **December 13th**,
 - b) Notice mailed and posted by **December 20th**.
3. **January 8st**; Public Hearing with Trustees for considering Resolution to combine two lots in Creede America, Subdivision #1 into 1 lot..