

- I. CALL TO ORDER
- II. ROLL CALL
- III. REVIEW AGENDA
- IV. CONSENT OF MAY 12, 2015 MINUTES
- V. PUBLIC HEARING AND RELATED ACTIONS
 - a. Approve/Disapprove Lagoon Annexation Agreement
[PZ-Requested Action: Recommend that the Board of Trustees Approve Ordinance 387 Annexing Lagoon Property]

PUBLIC HEARING AND INPUT SESSION

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

[PZ-Please bring all related material from past discussions. Older maps/etc will be available at meeting and are also available online, 2.10.15 Packet]



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

- I. ADJOURN

POSTED 6/5/15

OPEN TO THE PUBLIC

PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO – A TOWN
May 12, 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 5:34 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Kay Wyley, Eric Grossman, Lauri Jordan
COMMISSIONERS ABSENT: Frank Freer, 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

Commissioner Wyley moved and Commissioner Grossman seconded to approve the agenda as presented. The vote was unanimous. Commission Chair Jordan declared the motion carried.

CONSENT OF APRIL 14, 2015 MINUTES

Commissioner Grossman moved and Commissioner Wyley seconded to approve the April 14, 2015 minutes as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried.

PUBLIC HEARING AND RELATED ACTIONS

ADOPTION OF CREEDE DEVELOPMENT CODE

Commission Chair Jordan opened the public hearing. Several members of the public stated their opposition to the current draft stating inapplicability and unenforceability. Manager Dooley identified concerns with Article 32, "Floodplain Areas," stating that it restricts building and development in nearly all of Creede. These concerns were discussed at length. Commissioner Wyley moved and Commissioner Grossman seconded to schedule the next public hearing on the Development Code for July 14th, 2015. The vote was unanimous. Commission Chair Jordan declared the motion carried.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Grossman moved and Commissioner Jordan seconded that the meeting be adjourned at 7:13 p.m. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Respectfully submitted:

 /Randi Snead/
Randi Snead
City Clerk/Treasurer

387 Also need Resolution

ORDINANCE NO. ~~388~~

**AN ORDINANCE APPROVING THE ANNEXATION OF A
PARCEL OF LAND
TO THE CITY OF CREEDE, A COLORADO TOWN**

WHEREAS, the Board of Trustees for the City of Creede, a Colorado town ("City") is desirous of annexing a parcel of land as described in **Exhibit A** attached hereto and incorporated herein by the reference ("Annexation Property"); and

WHEREAS, Annexation Property is eligible for annexation under the provisions of the Colorado Annexation Act of 1965, Colorado Revised Statute Chapter 13, Article 12 and comply with the applicable requirements of C.R.S. § 31-12-104, § 31-12-105, § 31-12-106(3), and § 31-12-108.5; and

WHEREAS, Annexation Property is owned by the City and is not solely a public street or right-of-way therefore no annexation election is required; and

WHEREAS, annexation proceeding to annex the Annexation Property have not commenced to another municipality; and

WHEREAS, it is desirable that the said parcel be annexed to the City in order to encourage well-ordered development, and no additional terms or conditions are to be imposed on this annexation; and

WHEREAS, the annexation of the said parcel to the City is in the best interests of the public health, safety and general welfare of the people of the City of Creede.

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

Section 1. Annexation. The Annexation Property as described in **Exhibit A** is hereby annexed into the City of Creede, a Colorado town.

Section 2. Executing and Filing Documents. The Mayor and City Clerk are hereby authorized to execute all necessary documents to complete the annexation of the Annexation Property. As required by statute, the City shall:

- a) File one copy of the annexation map with the original of this Ordinance in the office of the City Clerk for the City; and
- b) File for recording three certified copies of this Ordinance and of the map of the Annexation Property containing a legal description of such area with the Clerk and Recorder of Mineral County, Colorado.

Section 3. Publication. The City Clerk is hereby authorized and directed to publish this Ordinance by title only in the Mineral County Miner, a newspaper of general circulation within the City on the next available publication date.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after final passage in accordance with the Colorado Revised Statutes.

EXHIBIT "A"

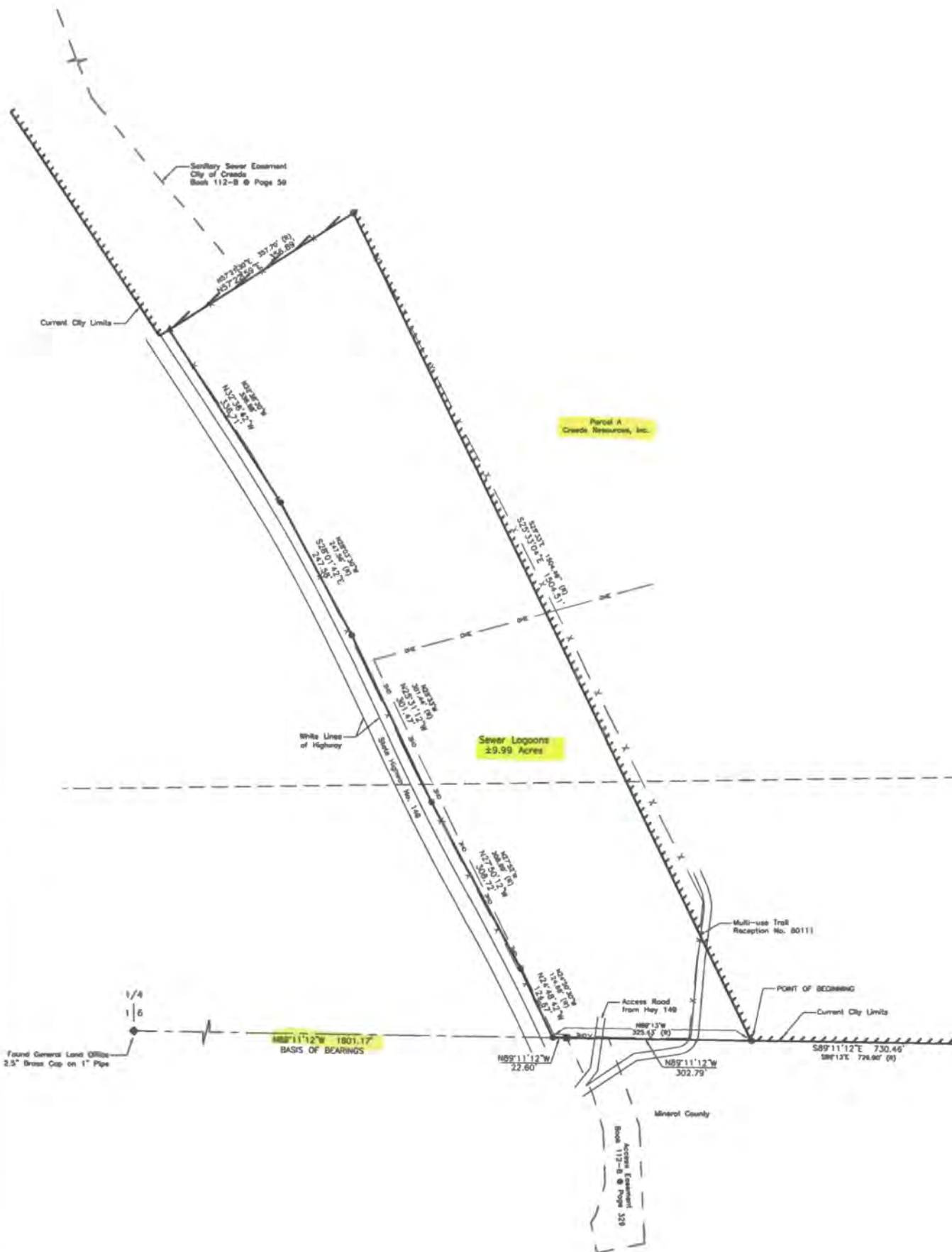
Legal description of Annexation Property

A tract of land in the NW ¼ of Section 6, Township 6, 41N, Range 1E, NMPM, Mineral County, Colorado, containing 10.00 acres, more or less, which tract is more particularly described by metes and bounds as follows, to-wit: Assuming that the south line of said NW¼ Section 6 bears N 89° 13' W – S 89° 13' E; thence beginning at the southeast corner of the tract herein described, which corner is a point on the south line of said NW¼ Section 6, whence the Center Quarter corner of said Section 6, a brass cap in place, bears S 89° 13' E, 729.90 feet distant; thence N 89° 13' W, 325.43 feet along the south line of said NW¼ Section 6 to the southwest corner of the tract herein described, which corner is located 30.00 feet northwesterly of and parallel to, the centerline of Colorado State Highway No. 149, as constructed, the following courses: N 24° 50.5' W, 124.66 feet, N 27° 52' W, 308.69 feet, N 25° 33' W, 301.44 feet, N 28° 03.5' W, 247.56 feet, and N 32° 38.5' W, 336.68 feet to the northwest corner of the tract herein described, thence N 57° 21.5' E, 357.70 feet to the northeast corner of the tract herein described; thence S 25° 33' E, 1504.49 feet to the place of beginning.

The tract is subject to any and all existing easements and/or rights of ways of whatsoever nature, including but not limited to:

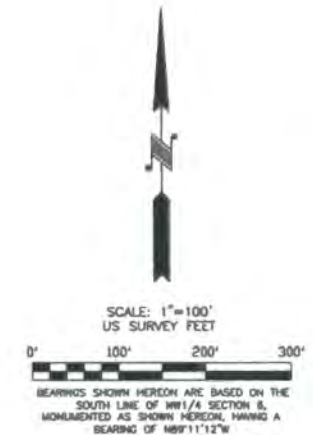
1. An easement for the Sanitary Sewer system for the City of Creede, recorded in Book 112-8 at Pages 59 thru 61, in the office of the Mineral County Clerk and Recorder.
2. An extendible 10 year License Agreement for a multi-use trail for the benefit of the public, effective May 1, 2002. The memorandum of the license agreement is recorded at Reception No. 60111 in the office of the Mineral County Clerk and Recorder.
3. An access Easement recorded in Book 112-8 at Page 329 in the office of the Mineral County Clerk and Recorder.
4. The existing as constructed Colorado State Highway 149.

ANNEXATION OF BOOK 112-B AT PAGE 59 THRU 61
SEWER LAGOONS
CITY OF CREEDE
Located in the Northwest 1/4 S.6, T. 41 N., R. 1 E.,
N.M.P.M., Mineral County, Colorado



VICINITY MAP
not to scale

- LEGEND:**
- ◆ Found Section Corner as described
 - ▲ Found No.4 Rebar w/ Red Plastic Cap (LS 5442)
 - Found No.4 Rebar w/ Yellow Plastic Cap (PLS 22583)
 - Found No.4 Rebar
 - ⊙ Set No. 5 rebar with 1.5" Aluminum Cap (LS 36063)
 - Property Boundary Line
 - - - Section Line
 - - - Lotlines
 - - - Wire Fence
 - - - Overhead Electric
 - (R) Record Bearings & Distances from deed recorded under Reception No. 46132 in the records of the Mineral County Clerk & Recorder



ANNEXATION PETITION

KNOW ALL MEN BY THESE PRESENTS that the undersigned "Petitioners" in accordance with the Municipal Annexation Act of 1985 hereby petition to the Board of Trustees of the City of Creede, Colorado, for the Annexation to the City of Creede of the Unincorporated Territory more particularly described as follows:

A tract of land located in the NW1/4 of Section 6, Township 41 N., Range 1 E., NMPM, Mineral County, Colorado, containing 10.00 acres, more or less, which tract is more particularly described by metes and bounds as follows: Assuming that the south line of said NW1/4 Section 6 bears N 89°13' W - S 89°13' E; thence beginning at the southeast corner of the tract herein described, which corner is a point on the south line of said NW1/4 Section 6, whence the Center Quarter corner of said Section 6, a brass cap in place, bears S 89°13' E, 729.90 feet distant; thence N 89°13' W, 325.43 feet along the south line of said NW1/4 Section 6 to the southeast corner of the tract herein described, which corner is located 30.00 feet northeasterly of the centerline of Colorado State Highway No. 149, as constructed; thence generally following a line 30.00 feet northeasterly and parallel to the centerline of Colorado State Highway No. 149, as constructed, the following courses: N 24° 50.5' W, 124.06 feet, N 27° 52' W, 308.69 feet, N 25° 33' W, 301.44 feet, N 28° 03.5' W, 247.56 feet and N 32° 38.5' W, 336.68 feet to the northwest corner of the tract herein described; thence N 57° 21.5' E, 357.70 feet to the northeast corner of the tract herein described; thence S 25° 33' E, 1504.49 feet to the place of beginning.

- This tract is subject to any and all existing easements and/or rights of ways of whatsoever nature, including but not limited to:
1. An easement for the Sanitary Sewer system for the City of Creede, recorded in Book 112-B at Pages 59 thru 61, in the office of the Mineral County Clerk and Recorder.
 2. An extendible 10 year License Agreement for a multi-use trail for the benefit of the public effective May 01, 2002. The memorandum of the license agreement is recorded at Reception No. 80111 in the office of the Mineral County Clerk and Recorder.
 3. An access Easement recorded in Book 112-B at Page 329 in the office of the Mineral County Clerk and Recorder.
 4. The existing as constructed Colorado State Highway 149.

SIGNED: _____ Mayor of Creede
SIGNED: _____ Attest: City Clerk

1/6 CONTIGUOUS PERIMETER CALCULATIONS

Total Perimeter Length of Annexation = 3506.65'
Contiguous Perimeter with Existing City Limits = 1862.19'
Parcel is 53.11% Contiguous

CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO
COUNTY OF MINERAL

I hereby certify that this instrument was filed in my office at _____ o'clock, this _____ day of _____ 2015, and is duly recorded under Reception No. _____ and is filed in Book _____ of the Land Survey Plots at Page _____

Signed: _____ Title: _____

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

SURVEYOR'S NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT OR TITLE OPINION AND IN NO WAY SHALL IT BE CONSTRUED AS A TITLE OPINION BY THIS SURVEYOR OR DAVIS ENGINEERING, INC. CLIENT DID NOT WISH TO HAVE DAVIS ENGINEERING SERVICE, INC. RESEARCH AND SHOW RECORD OR APPARENT EASEMENTS THAT MAY AFFECT THIS PROPERTY.
2. CERTIFICATION DEFINED: THE USE OF THE WORDS "CERTIFY" OR "CERTIFICATION" BY A LICENSED PROFESSIONAL LAND SURVEYOR CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS AND FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION, AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED. (PER COLORADO STATE BOARD RULE NO. 6.2.3.)

SURVEYORS CERTIFICATE

I, KEITH E. LUTTRELL, A DULY LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAN OR MAP WAS PREPARED FROM NOTES OF AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF, AND IT IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE.

FOR AND ON BEHALF OF
DAVIS ENGINEERING SERVICE, INC.

NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL			
REVISIONS	ANNEXATION OF BOOK 112-B AT PAGE 59-61 SEWER LAGOONS CITY OF CREEDE Located in the Northwest 1/4 S.6, T. 41 N., R. 1 E., N.M.P.M., Mineral County, Colorado		
Scale 1"=100'	DATE 2/10/15	DAVIS ENGINEERING SERVICE, INC. P.O. BOX 1840 ALAMOSA, COLORADO #1191 PHONE: (719) 588-2024 FAX: (719) 588-3712	SIGNED BY KL/TC DRAWN BY TC PLS APOB13
CITY OF CREEDE			

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,

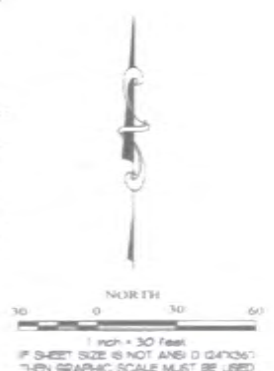
McLaughlin Water Engineers
A Division of Merrick & Company



Clay Wade, Landscape Architect

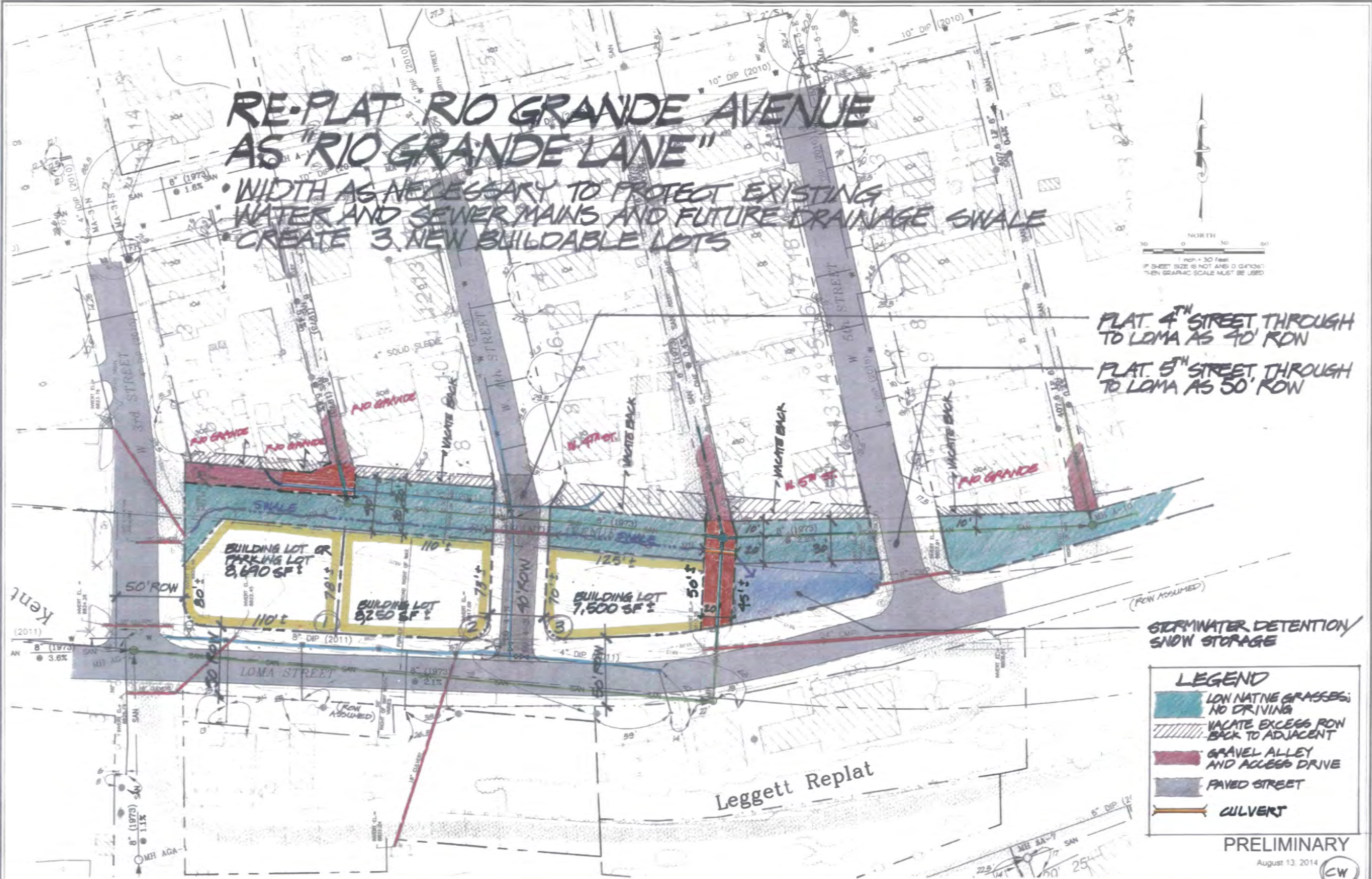
RE-PLAT RIO GRANDE AVENUE AS "RIO GRANDE LANE"

- 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	14X13	15XXX	16XXX	2XXX	4XXX	6XXX	1700 1800 1900	DETAILED	10XXX	5XXX	
							1700 1800 1900	CHECKED	11XXX		
							1700 1800 1900	DATE	12XXX		