

- I. CALL TO ORDER

- II. ROLL CALL

- III. REVIEW AGENDA

- IV. CONSENT OF NOVEMBER 12, 2013, MINUTES

- V. OLD BUSINESS
 - a. Approve/Disapprove Alley Access Letter

- VI. NEW BUSINESS
 - a. North Creede Update – Zoning, Re-platting, etc. – Dooley

- VII. ONGOING BUSINESS
 - a. Railroad R-O-W

- VIII. ADJOURN

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OPEN TO THE PUBLIC

PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO – A TOWN
November 12, 2013

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 5:30 p.m. There being present at the call of the roll the following persons:

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

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

CONSENT OF OCTOBER 8, 2013 MINUTES

A mistake was identified in the October 8, 2013 minutes. Commissioner Grossman moved and Commissioner Wyley seconded to approve the October 8, 2013 minutes as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried.

NEW BUSINESS

REQUEST FOR BARRIER ON CITY PROPERTY

Ken Leggitt was available to explain his project and answer questions. He planned to build a barrier alongside Loma partially on the city right-of-way to prevent traffic from colliding with his property. Commissioner Wyley moved and Commissioner Grossman seconded to recommend that the Board of Trustees approve the project contingent upon receiving a design and draft and Public Works review. The vote was unanimous. Commission Chair Jordan declared the motion carried.

SMALL TRACTS ACT

Manager Dooley updated the Commission regarding plans to pursue a Small Tracts Act property exchange to alleviate easement concerns near the Cemetery. A letter had been sent and a response was expected soon.

REVIEW + ACTION/DIRECTION COMMERCIAL BUILDING PERMIT—KIP'S GRILL

Manager Dooley shared some concerns with the planned building at Kip's Grill. The design showed a non-existent sidewalk on 5th Street and it wasn't clear if the building would encroach on city property. The Commission advised Dooley to send a letter clarifying these concerns. Commissioner Grossman moved and Commissioner Wyley seconded to direct Manager Dooley to process Kip's Grill Building Permit 13-15 by Creede Building Inspector Review contingent upon satisfactory clarification of property lines and sidewalk. The vote was unanimous. Commission Chair Jordan declared the motion carried.

SETBACK VARIANCE REQUEST – AVERY AUGUR

The applicant was not available to answer questions or explain his proposal. Staff is currently researching the correct process for variance requests.

ONGOING BUSINESS

ADDRESS ALLEY ACCESS THROUGH BLOCKS 47, 48, 49, 50

A Special Improvement District may be required to develop access to these properties. It isn't clear which property owners are interested in the project. The Commission directed Dooley to draft a letter to send to the property owners for review at the next regular Planning & Zoning meeting.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Wyley moved and Commissioner Grossman seconded that the meeting be adjourned at 6:34 p.m. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Respectfully submitted:

Randi Snead
City Clerk/Treasurer

DRAFT



City of Creede

November 13, 2013

RE: Special Improvement District

Dear Property Owner,

Over the years the city has received several thoughts and ideas about developing the platted alley in blocks 47, 48, 49, and 50 in South Creede. These are the blocks that are directly west of Capitol Avenue on the mesa. Although platted, the alley has never been completely established or developed. At the same time parts of the alley have been used by the property owners not only for access, but also garages and sheds have been built over the years.

In the last few years we've received requests from some property owners to develop the alley for better access to their property. We've also had some property owners ask that the alley be vacated, abandoned or sold to them for their own development.

Some of the alley's been used for private development over the years with or without the City's approval. I also suspect, but don't know for a fact that some of the alley in Block 47 been conveyed to private property owners.

To develop this alley to it's platted width of fifteen (15) feet and engineer it for safe access would involve several time consuming steps. First there should be a thorough title search done on all the properties along the alleys/blocks. Second there needs to be a survey of the entire area. Then some preliminary engineering plans should be performed to determine the feasibility of the project.

On July 11, 2011 we received a letter from Bill Ellis with an attached petition signed by the Ellis's, and the Nearing families requesting the City to extend South Aspen so owners could have access and link South Aspen with Capitol Avenue. Paul Stone is also desirous of this improvement but his name is not on the petition. The Ellis's have been asking the City to do something about this since 2001.

On July 8, 2013 Karen Deacon asked the City to vacate the alley in Block 48 between lots, 20 – 28 and replat into a single parcel. That application is still pending.

The 2011 petition stalled out when our attorney explained the provision of State statute C.R.S. 31-25-501 that if a road right-of-way exists but has not been built and the property owners desire improvements the customary process is for a Special Improvement District (SID) be formed. The provisions of the statute go on to say the process requires a petition by 50% of the owners to form a SID. Once a SID is formed by ordinance the City has legal authority to impose assessment on the properties benefitted by the improvements.

Although the 2013 application is still pending and may be approved by the Trustees, the City has to reserve utility easements in the platted alley for current and any future utilities. Which prevents anything being built in the alley.

The Board of Trustees for the City of Creede is writing this letter to all the property owners in the immediate area to ask them what they'd like to see happen.

Respectfully,

Eric Grossman
Mayor

