

- I. CALL TO ORDER

- II. ROLL CALL

- III. REVIEW AGENDA

- IV. CONSENT OF MARCH 12, MINUTES

- V. NEW BUSINESS
 - a. Approve/Disapprove Tomkins Gifts & Gas Easement Agreement [If received]
 - b. Approve/Disapprove/Kip's Grill Easement Agreement [If received]
 - c. Gant Easement Update
 - d. Update on Thompson/Archibald/Pizel Property—Dooley
 - e. Update on Brennand/Myers/LaMee Property—Dooley

- VI. OLD BUSINESS
 - a. Continue Rio Grande Avenue Vacation Planning

- VII. ADJOURN

**PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO – A TOWN
March 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: Rex Shepperd, Avery Augur, Eric Grossman, Kay Wyley, Lauri Jordan
COMMISSIONERS ABSENT: Frank Freer

Commission Chair Augur, presiding, declared a quorum present:
Those members of staff also present were as follows: Clyde Dooley, Town Manager
Randi DePriest, Town Clerk

AGENDA

Town Manager Dooley requested that direction on a commercial business building permit be added to New Business item a. Commission Chair Augur asked that his resignation be added as item VII. Commissioner Shepperd moved and Commissioner Jordan seconded to approve the agenda as amended. The vote was unanimous. Commission Chair Augur declared the motion carried.

CONSENT OF FEBRUARY 12, 2013 MINUTES

A correction was made to the February 12, 2013 meeting. Commissioner Jordan moved and Commissioner Freer seconded to approve the February 12, 2013 minutes as amended. The vote was unanimous. Commission Chair Augur declared the motion carried.

NEW BUSINESS

REVIEW + ACTION/DIRECTION COMMERCIAL BUILDING PERMIT—WHITMORE FINANCIAL REMODEL BUILDING PERMIT 13-02

Debbie & Paul Whitmore were in attendance and the remodel of their newly acquired property was discussed. Questions were asked and answered. Commissioner Shepperd moved and Commissioner Jordan seconded to direct Manager Dooley to process Commercial Building Permit 13-02 for Whitmore Financial by Creede Building Inspector Review. The vote was unanimous. Commission Chair Augur declared the motion carried.

DISCUSSION/LEGAL ADVICE ON EASEMENT AGREEMENTS

Town Associate Attorney Merideth VanHorn was available to answer questions and define whether an Easement Agreement or an Encroachment Agreement should be used for Creede Gifts & Gas and Kip's Grill. She explained that the two documents basically achieved the same thing, but that an Easement Agreement generally held more weight with a lending institution or a title company because it gets recorded and is part of the property title. The Commission discussed the Agreements and directed Manager Dooley and Attorney VanHorn to proceed by drafting an Easement Agreement for the properties to consider at the April meeting.

GANT EASEMENT DISCUSSION

Manager Dooley informed the Commission that Evelyn Gant requested that the Easement Agreement the City held on her property be terminated as it is no longer used. Dooley clarified where the easement was. Commissioner Jordan moved and Commissioner Freer seconded to recommend that the Board of Trustees relinquish the easement on Evelyn Gant's property at 1 Silver Drive. The vote was unanimous. Commission Chair Augur declared the motion carried.

UPDATE ON THOMPSON/PIZEL/ARCHIBALD RE-PLAT

Manager Dooley explained that the boundary issues had been resolved and that the due process would be scheduled at the upcoming Board of Trustees meeting.

UPDATE ON BRENNAND/MYERS/LAMEE PROPERTY

Dooley informed the commission that the county commissioners were preparing a Commissioner's Deed for a Quit Claim Deed on the adjacent properties so the replat could move forward with a Boundary Agreement.

ONGOING DISCUSSION

RAILROAD RIGHT-OF-WAY – RIO GRANDE AVENUE PARKING LOT & VACATION

Commission Chair Augur presented a Master Plan for the Railroad Right-of-Way. He explained that he had prepared the document in preparation for his resignation in hopes that the work would continue on the Rio Grande Avenue Vacation. He notated what process needed to be followed along each boundary line and addressed what each different boundary issue may look like. The Commission discussed the Master Plan and agreed that, while it may not be possible to follow it exactly, it would be an excellent guide for the upcoming process. Commissioner Freer moved and Commissioner Jordan seconded to recommend approval of the Master Plan of the Railroad Right-of-Way for use in future planning of the area. The vote was unanimous. Commission Chair Augur declared the motion carried.

RESIGNATION OF COMMISSION CHAIR AUGUR

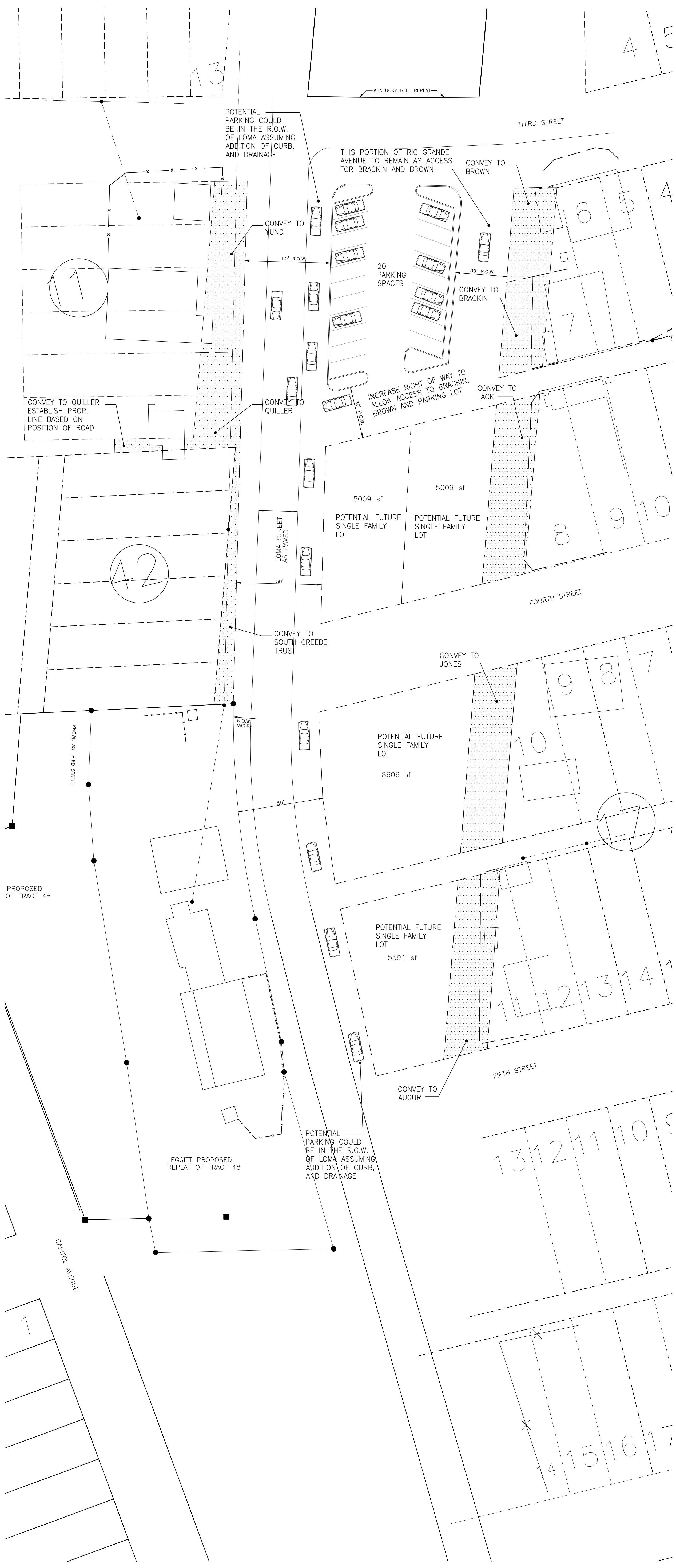
Commission Chair Augur explained that he would be heavily involved in the upcoming processes required to build the new school in the Creede America Subdivision and he did not feel that a conflict of interest could be avoided if he continued his service on the Commission. He offered to provide planning materials and consulting on a pro-bono basis. The Commissioners thanked him for his hard work and service. Commissioner Freer moved and Commissioner Jordan seconded to accept Augur's resignation. The vote was unanimous. Commission Chair Augur declared the motion carried.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Jordan moved and Commissioner Freer seconded that the meeting be adjourned at 6:28 p.m. The vote was unanimous. Commission Chair Augur declared the motion carried.

Respectfully submitted:

Randi DePriest
City Clerk/Treasurer

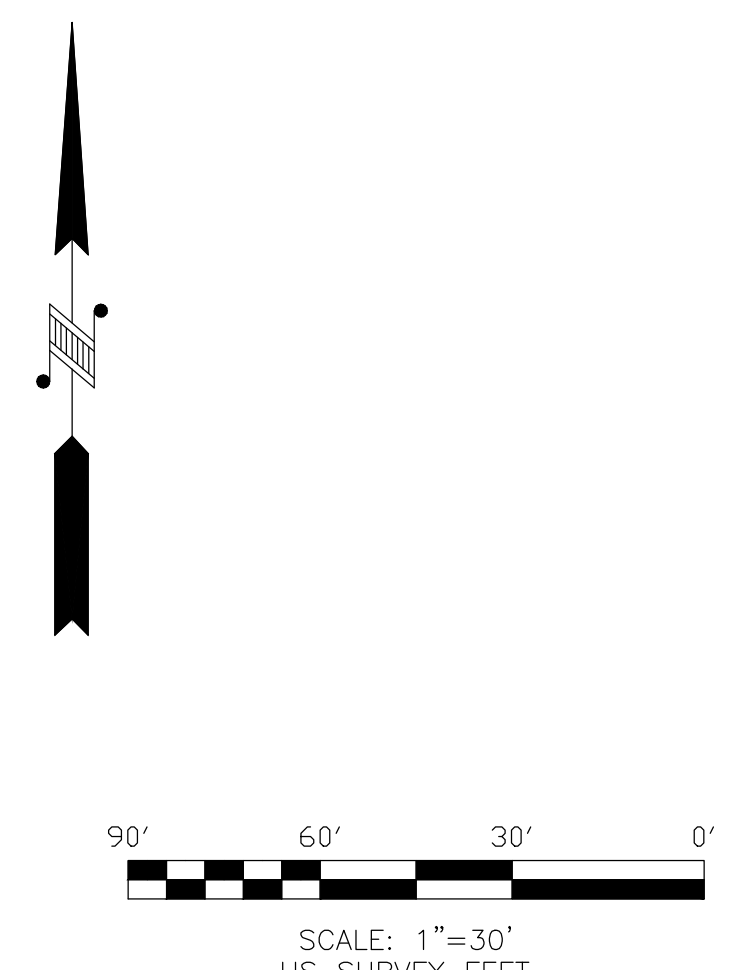


SURVEYOR'S NOTES

- RIGHT OF WAY WIDTH OF LOMA STREET IS UNDETERMINED SOUTH OF BLOCK 42. BLOCK 42 IS SHOWN BASED ON THE REMSEN MAP, THE SHOONOVER MAP AND A DEED OF CONVEYANCE RECORDED IN BOOK 103 AT PAGE 883 OF THE MINERAL COUNTY RECORDS.
- BLOCKS 11 AND 42 ARE SUBJECT TO INTERPRETATION BASED ON THE DIFFERENCES OF THE 1892 MAXWELL/KING MAP, 1895 REMSEN MAP AND THE 1961 WOODWARD/SHOONOVER MAP.
- THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS INTENDED TO BE USED AS A TOOL FOR PLANNING OF FUTURE USES WITHIN THE FORMER D&RW RAILROAD RIGHT OF WAY. FURTHER SURVEYING IS REQUIRED TO DETERMINE PROPERTY BOUNDARIES AND OCCUPATION OF LANDS.
- D&RW RAILROAD RIGHT OF WAY HAS BEEN DETERMINED FROM AN ACTUAL FIELD SURVEY OF THE RAILS AS THEY EXISTED PRIOR TO REMOVAL. FIELD MEASUREMENTS OF THE GAUGE LINE WERE USED IN CONJUNCTION WITH THE RIGHT OF WAY PLANS CURVE DATA.

PLANNING COMMISSION NOTES

- CONVEYANCES TO BROWN, BRACKIN, LACK, JONES AND AUGUR ARE TO RESULT FROM VACATING THE 50' RIGHT-OF-WAY OF RIO GRANDE AVENUE.
- THE MECHANISMS TO CONVEY PARCELS TO YUND, QUILLER AND SOUTH CREEDE TRUST ARE TO BE DETERMINED FOLLOWING VERIFICATION OF ANY POSSIBLE RIGHTS OF WAY THAT MAY EXIST IN THESE LOCATIONS.
- AVERY AUGUR, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION SERVED AS DRAFTSMAN ON THIS AND STANDS TO GAIN PROPERTY FROM THIS MASTER PLAN AND WOULD LIKE THIS DISCLOSURE TO REMAIN AS PART OF THE RECORD.



- LEGEND**
- Property Boundary
 - Overhead Electric Line w/ pole
 - Edge of Pavement or Dirt Road
 - Fence Line
 - Found 1.5" Aluminum Cap (LS 5600)
 - Found No. 5 rebar
 - 1.5" Aluminum Cap (PLS 36063)
 - In-Field Bearing & Distances
 - Record Bearing & Distances
 - Concrete Pad
- (M)
- (R)

REVISIONS	MASTER PLAN RIO GRANDE AVE & LOMA STREET FROM THIRD STREET TO FIFTH STREET Loc. in Section 38 T, 42 N., R. 1 W., N.M.P.M., City of Creede, Mineral County, Colorado		SURVEYED BY TC
	SCALE 1" = 30'	CITY OF CREEDE PLANNING AND ZONING COMMISSION 2223 NORTH MAIN ST. CREEDE, COLORADO 81130 PHONE: (719) 658-2276	DRAFTED BY AHA
	DATE 3/12/13		FILED