

- I. CALL TO ORDER

- II. ROLL CALL

- III. REVIEW AGENDA

- IV. CONSENT OF SEPTEMBER 13, 2016 MINUTES

- V. PUBLIC HEARING AND RELATED ACTIONS
 - a. Recommend Special Exception Use 111 E Wall St

- VI. NEW BUSINESS
 - a. Traffic Intersection Concerns

- VII. OLD BUSINESS
 - a. Discuss/Recommend Development Code Topics
 - i. Outdoor Storage Definitions
 - ii. Tiny Homes Definition

- VIII. ADJOURN

POSTED 10/7/16

OPEN TO THE PUBLIC

**PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO - A TOWN
September 13, 2016**

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 5:40 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Ed Vita, Frank Freer, Jeffrey Larson
COMMISSIONERS ABSENT: Lauri Jordan

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

AGENDA

Commissioner Freer moved and Commissioner Vita seconded to approve the agenda as presented. The vote was unanimous. Commission Vice Chair Freer declared the motion carried.

CONSENT OF JUNE 14, 2016 MINUTES

An addition was made to the June 14, 2016 minutes. Commissioner Larson moved and Commissioner Vita seconded to approve the June 14, 2016 minutes as amended. The vote was unanimous. Commission Vice Chair Freer declared the motion carried.

PUBLIC HEARING AND RELATED ACTIONS

RECOMMEND ORDINANCE 398 AMENDING THE CREEDE DEVELOPMENT CODE BY UPDATING ARTICLE 7 ON FLOODPLAIN REGULATIONS

Floodplain regulations were discussed at length. Commissioner Larson moved and Commissioner Freer seconded to recommend that the Board of Trustees approve Ordinance 398 Amending the Creede Development Code by Updating Article 7 on Floodplain Regulations. There were two yes votes and one no vote (Vita). Commission Vice Chair Freer declared the motion carried.

NEW BUSINESS

DISCUSS/RECOMMEND KRUEGER TINY HOME REQUEST

Amy Krueger was available to answer questions about her request. Commissioner Vita moved and Commissioner Larson seconded to schedule a Planning & Zoning Commission public hearing for a Special Exception Use on October 11, 2016. Discussion of Tiny Homes Standards was added to the October 11, 2016 agenda as well.

OLD BUSINESS

RIO GRANDE LANE SUBDIVISION UPDATE

Dooley presented information on the progress on the Rio Grande Lane Subdivision. Commissioner Vita moved and Commissioner Freer seconded to move forward with the Subdivision as presented. The vote was unanimous. Commission Vice Chair Freer declared the motion carried.

DISCUSS/RECOMMEND DEVELOPMENT CODE TOPICS

RENTAL PROPERTY DEFINITIONS

Commissioner Vita moved and Commissioner Larson moved to recommend that the Board of Trustees add to the Creede Development Code definitions "*Short Term Rental*" means a rental lasting 30 days or less

and are permitted in all zoning districts unless otherwise prohibited.” The vote was unanimous. Commission Vice Chair Freer declared the motion carried.

OUTDOOR STORAGE DEFINITION

Further information was requested from staff for discussion at the October 11, 2016 meeting.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Vita moved and Commissioner Larson seconded that the meeting be adjourned at 7:25 p.m. The vote was unanimous. Commission Vice Chair Freer declared the motion carried.

Respectfully submitted:

/Randi Snead/

Randi Snead, City Clerk/Treasurer

DRAFT

**CITY OF CREEDE
LAND USE APPLICATION**

Project Name: Tiny House
Date Submitted: 9/14/16 Application Fee: \$500.00

TYPE OF APPLICATION (Check all applicable)

| | | | | | |
|----------------------|--------------------------|------------------------|--------------------------|-----------------------|-------------------------------------|
| Variance Request | <input type="checkbox"/> | Conditional Use | <input type="checkbox"/> | Special Exception Use | <input checked="" type="checkbox"/> |
| Zoning Change | <input type="checkbox"/> | Replat/Boundary Adj. | <input type="checkbox"/> | Property Plat | <input type="checkbox"/> |
| Subdivision Pre-Plat | <input type="checkbox"/> | Subdivision Final Plat | <input type="checkbox"/> | Road/Street Vacation | <input type="checkbox"/> |
| Annexation | <input type="checkbox"/> | Other | <input type="checkbox"/> | | |

Variance action involves allowing a deviation from a development standard in unique situations generally related to lot, size or shape.
Conditional Use involves allowing a listed Conditional use of a particular zoning.
Special Exception Use involves allowing a deviation from the permitted uses of a particular zoning.

PROJECT INFORMATION

Property Owner(s) Name Amy Krueger
Address 111 Wall St.
City & Zip Code Creede 81130 Phone 617-842-2706
Contact Name: Amy Krueger Phone 617-842-2706
Project Location: 111 Wall St.
Existing Use Business Proposed Use Mixed-Business/Res.
Existing Zoning B1 Proposed Zoning B-1

Legal Description of Property (lots and block(s))
West Parcel of lot 13, 14, + 15, Block 24, Creedmoor

Provide a copy of your property deed and a survey, drawn to scale, of the affected area, showing boundaries & existing zoning in all adjacent areas.

Reason for Application:

Add tiny home to lot for temp
winter use

LAND USE & PUBLIC FACILITIES

Land use designations (residential, Business, Industrial etc.) Business
Public facilities (Yes/No) (Yes) Street Intersections Wall Street

Check #
1034
9/14/16
Clyde

UTILITY & SPECIAL DISTRICTS

Water & Sewer City of Creede
Road & Bridge City of Creede

Drainage: City of Creede
Fire Protection Mineral County

OTHER ISSUES (Yes or No)

Property in Floodplain? YES State Highway Access? YES
Other: _____

CERTIFICATION

I certify that I am the lawful owner or representative of all the parcel(s) of land, which this application concerns, and consent to this action:

Owner/Representative: Amy Krueger Date: 9/14/16
Owner/Representative: _____ Date: _____

The Applicant agrees to reimburse the City for any and all expenses incurred by the City during the planning and review process for their request including, but not limited to engineering, attorney, surveying, consultant and out-of-pocket expenses. Invoices for these expenses are due and payable to the City as follows: all documents are due net in fifteen (15) days from the date of the invoice. Interest on any overdue amounts will be assessed at two (2%) percent per month (24% APR). Failure to pay by the Applicant will also result in an immediate suspension of the approval process by the City, including the cancellation of any scheduled hearing and the withholding of building permits. In the event the City is forced to pursue collection of any amounts due and unpaid under this provision, it shall be entitled to collect attorney's fees incurred in said collection efforts in addition to the amounts due and unpaid.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge. In filing this application I am acting with the knowledge and consent of the property owners. I understand that all materials and fees required by the Town of Creede must be submitted prior to having this application processed.

Applicant: Amy Krueger Date: 9/14/16

STAFF USE ONLY

APPLICATION ACCEPTED:

Date: Sept. 14, 2016 By: Clyde Dooly Fee: 500.00

pd 9/14/16
#1034
Clyde

Special Exception Use

The City of Creede zoning regulations include requirements that regulate land usage within Town. A Special Exception Use involves allowing a deviation from the permitted uses of a particular zoning. The due process involves meetings with the Planning & Zoning Commission and the Board of Trustees. Because of the meeting dates for the Planning & Zoning Commission and Board of Trustees the due process will take between forty-five (45) and sixty (60) days.

The Board of Trustees meet on the first Tuesday of every month and the Planning & Zoning Commission meet on the second Tuesday of every month. All information must be submitted no later than noon the week before

Applicant: Amy Krueger

Special Use: Temp. Tiny Home in B-1
(Example: allow business in residential zoning)

The town land use manager will review and process the application and may seek additional input from fire, police, building inspector, or other qualified personnel before processing the application. Upon approval of the application the dates and times of the meetings will be scheduled.

Planning & Zoning Commission: Oct 11th, 2016
Date & Time

Board of Trustees: Nov 1, 2016
Date & Time

Board of Trustees: _____
Date & Time

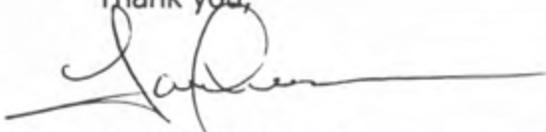
October 4, 2016

Planning and Zoning Commission
City of Creede
2223 N. Main Street
P.O. Box 457
Creede, CO 81130

Dear Planning and Zoning Commission:

In an effort to control blight, maintain the appearance of properties and positively impact the value of properties in Creede, Colorado, we believe as owners of property in the Creedmoor area; it is not in the best interest of Creede, Colorado to grant a special use to place a "temporary" tiny house on the western parcel of lots 13, 14 and 15, block 24, Creedmoor.

Thank you,

A handwritten signature in black ink, appearing to read 'Larry Cheeseman', with a long horizontal line extending to the right.

Larry Cheeseman
Cheeseman Family Investments
4606 Brady Road
Colorado Springs, CO 80915

**CITY OF CREEDE
NOTICE OF
PUBLIC HEARING's**

**Regarding Special Review Use
for temporary Tiny House**

Notice is hereby given that the Planning and Zoning Commission for the City of Creede, a Colorado Town will conduct a public hearing on Tuesday, October 11th, 2016 at 5:30 p.m. and the Board of Trustees will conduct a public hearing on Tuesday, November 1st, 2016 at 5:30 p.m. at the City of Creede Town Hall, located at 2223 N. Main Street, Creede, CO 81130 for the purpose of considering a Special Review Use for putting a temporary Tiny House on the Western Parcel of Lots 13, 14, and 15, Block 24, Creedmoor. Information is available for review at the City of Creede Town Hall during normal business hours. Written comments received by prior to 4:00 p.m. on the Thursdays before the scheduled meetings will be included in the packets for their consideration prior to the public hearing.

TEMPORARY TINY HOME

TO: Planning & Zoning Commission
FROM: Clyde
SUBJECT: Tiny Homes
DATE: October 7, 2016

Amy Krueger is requesting a Special Review Use for a Temporary Tiny House on the property she owns in Block 24, Creedmoor.

In addition to some verbiage I gave you last month, I've included some narratives from other communities struggling with similar issues.

Amy is interested in putting a Tiny Home/Travel Trailer/RV on her property on East Wall Street for the winter. We have no regulations on Tiny Homes, but do have some on Travel Trailers, Recreation Vehicles, mobile homes, and Accessory Dwellings.

Communities are tweaking their codes to allow "tiny houses" throughout Colorado. Most of the existing codes restricting smaller living spaces were established for health concerns. The codes were cast as being necessary to prevent crowding and poor ventilation that officials thought could hurt residents physical and mental well-being. Those considerations, although well intended over-looked personal desires and abilities of people all over the world who preferred smaller accommodations for multiple reasons. And of course there are just as many people who prefer large accommodations and lots of room. Ergo "zoning" to try and keep the peace

Zoning considers minimums for emergency access [safety]; water & sewer connections [health], set-backs [fire/ascetics/noise/welfare]; minimums for lot size, square footage of houses, and restrictions on how many residences can occupy a lot or given area [financial, as these largely "protect" property values].

Our zoning regulations allows small secondary residential spaces known as accessory dwelling units [ADU's] or in-law units, secondary units - - but we need to decide if this includes TINY HOUSES? Most regulations require a unit to be "permanent" [on a foundation. Does that mean they can just remove the wheels and put on blocks?

The seasons in our area have forced us to depend on "temporary" uses and structures to keep the economy going. And sometimes these "temporary" uses extend for the good and sometimes they don't. What's best for the residents of Creede/Mineral County?

Is it fair to assume one size fits all – one definition / regulation everyone must abide with?

Or a definition / regulation that allows different things for different circumstances with the approval of the Trustees and neighbors? There are pros and cons for both. We all change our minds and what sounds good today – doesn't tomorrow and right now I'm leaning for a more flexible definition, verbiage, regulation that will allow us to grow and change more easily.

We have no minimum floor area in our B-1 zoning district, so a small/tiny home on a foundation hooked up to city water and sewer is okay. The difference in this request is the small/tiny home/RV is on wheels, but will be temporary with this request.

Streetscape means the distinguishing character of a particular street, within or adjacent to the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street including landscaping, sidewalks, medians, lighting, street furniture, and signage.

Structure means a combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

Subdivision means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, or airspace units.

Subsidence means a local mass movement that involves the downward settling or sinking of the solid Earth's surface. Subsidence may be due to natural geologic processes or man's activity such as coal mining.

Survey means a land plat survey, stamped and signed by a registered Colorado Surveyor, showing topographic contour intervals depicted at an engineering scale.

Temporary Use means a prospective use intended for limited duration, is to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.

Use means the purpose for which land or a building is designated, arranged or intended, or for which it either is or may be occupied or maintained.

Vegetation means plants growing in a place, including, but not limited to trees, shrubs, vines, grasses and groundcover.

Vehicle service and repair means the use of any building, land area, premises or portion thereof, where maintenance activities such as engine tune-up, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.

Vested Property Right means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, pursuant to §9-16-130, *Vested Property Right*.

Wireless Telecommunication Equipment means any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

Wireless Telecommunication Facility means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

Public Utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same or wireless telecommunication facilities.

Recreational Vehicle (RV) means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle:

(a) Camping trailer or tent trailer means a folding structure, constructed of canvas plastic or similar water repellent material designed to be mounted on wheels and designed for travel and recreation.

(b) Motorized camper, motor home, recreational conversion van or bus means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.

(c) Pick-up camper means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.

(d) Tent means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.

(e) Travel trailer means a towed vehicle designed as a temporary dwelling for travel and recreation.

(f) Travel trailer, self-contained means a trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Recycling Facility, Drop-Off means a facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, cardboard, clothing, or other materials for recycling purposes conducted totally within an enclosed structure or container. This definition does not include processing except for "can banks" that crush cans as they are deposited.

Restaurant means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation included one (1) or both of the following characteristics.

(a) Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or

(b) Customers are served their food and/or beverages by means of a cafeteria type operation where the food or beverages are consumed within the restaurant building.

SEARCH |

CART (0) |

LIKES 260

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Elm

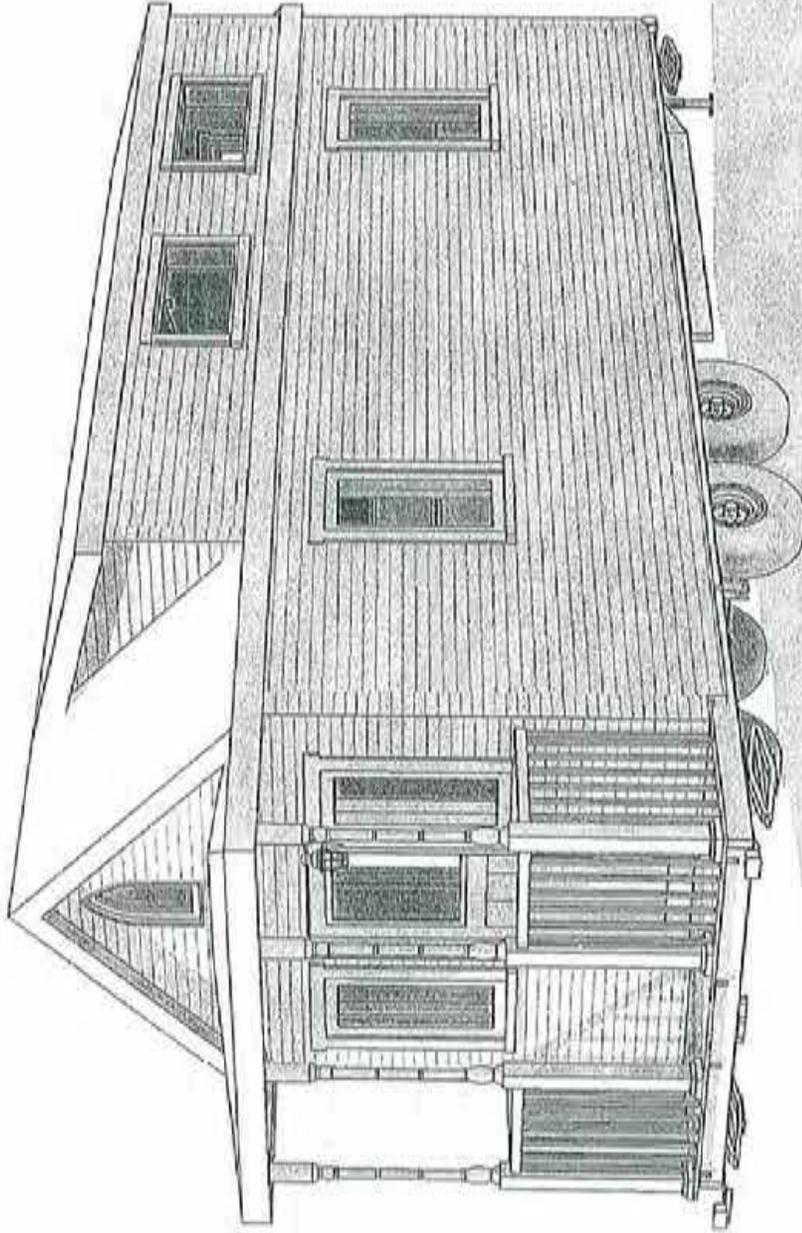
Cypress

Linden

Mica

Meet Our Workshop Presenters

Carol Kruger
Cypress 26 Overlook



Main Floor: 157 sq.ft.
Loft: 101 sq.ft.

MEMBER
RVIA
RECREATION VEHICLE
INDUSTRY ASSOCIATION

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CLERK'S MEMO

City of Creede

DATE: October 7, 2016
TO: Planning & Zoning Commission
FROM: Randi Snead, Clerk/Treasurer
SUBJECT: Research Requests, Development Code

OUTDOOR STORAGE

Last month, I was asked to determine what how outdoor storage was addressed elsewhere in the Creede Municipal Code. Here are the parts I found most applicable, both from Chapter 7, "Health, Sanitation, and Animals":

Sec. 7-1-20. Common law nuisances.

(a) Anything which is injurious to the health or morals, indecent or offensive to the senses or an obstruction to the free use of property so to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated.

(b) In addition, any other nuisance which has been declared to be such by state courts or statutes or known as such at common law shall constitute a nuisance in the City, and any person causing or permitting any such nuisance shall be in violation of this Article. (Prior code 10-1-1; Ord. 347 §1, 2008)

Sec. 7-2-10. Accumulation to constitute nuisances.

Whenever there shall be in or upon any lot or piece of ground within the limits of the City any damaged merchandise, litter, trash, rubbish, garbage, wrecked car, inoperable cars or other wrecked vehicles or an accumulation of junk vehicles or junk of any type upon any private or public property, except in areas specifically zoned in Chapter 16 of this Code for said purposes or otherwise designated by the City for such purposes, the existence of any such material or items shall constitute a nuisance and shall be a violation of this Article. (Ord. 347 §1, 2008)

It goes on to specifics about inoperable vehicles, trash, stagnant water, etc., that constitute a nuisance and are prohibited when stored outside of a person's home.

To me, it doesn't make sense to also regulate "outdoor storage" in the CDC and attempt to make the two sections of the same code non-contradictory. The code is already complicated enough, perhaps we should leave outdoor storage regulation to the nuisance section rather than the development section. Elimination of outdoor storage regs from the CDC isn't particularly difficult or complicated and consists of a few strikeouts. I've posted the [code with those strikeouts](#) online as a supplement to this month's packet. However, altering the CDC does take a public hearing and so I'll let Clyde take it from here if that is the direction you want to go.

If you would like to leave these regulations in the code, we probably need to create a workable definition for outdoor storage...for what we've done up to now and past research, please see the next page...

Clarification was requested last month regarding what we had in place for outdoor storage regulation in the new Development Code. We removed the entire definition before adoption due to its restrictive nature. It was:

Outdoor Storage means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites.

Now, it isn't defined in the new code, but it shows up periodically, most significantly here, in the zoning regulations, 9-04-190 (e)(3):

(1) Outdoor Storage. Outdoor storage is a permitted accessory use in the I zone district with approval of an SRU pursuant to §9-16-080, *Special Review Use*. In other zone districts, outdoor storage is permitted through the site plan review process and subject to compliance with the following requirements:

- (i)** Except for outdoor storage associated with industrial or agricultural uses, each outdoor storage area shall be incorporated into the overall design of the primary structure on the site and shall be located at the rear of the primary structure.
- (ii)** Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six (6) and eight (8) feet in height. The fence shall incorporate at least one of the predominant materials and one of the predominant colors used in the primary structure. The fence may exceed eight (8) feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence necessary to effectively screen the area. Materials may not be stored higher than the height of the primary structure. The perimeter of the fence or wall must be landscaped.
- (iii)** A landscaped earthen berm may be used instead of or in combination with a required fence or wall.
- (iv)** If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.
- (v)** No materials may be stored in areas intended for vehicular or pedestrian circulation.
- (vi)** No storage of any items may occur within the front setback area or within one-half (1/2) of each side setback nearest the street.
- (vii)** Rooftop outdoor storage is prohibited.

The usage tables for zoning also refer to outdoor storage quite a bit. An easy way to find all occurrences is to search the online version of the CDC [here](#). I believe we meant to work on a new definition, but I wasn't able to find that direction for sure one way or another in the minutes.

Per your direction in June, I've removed street lighting and open space definitions from the agenda since our current regulation seemed satisfactory.