

- I. CALL TO ORDER

- II. ROLL CALL

- III. REVIEW AGENDA

- IV. CONSENT OF MARCH 10, 2015 MINUTES

- V. OLD BUSINESSES
 - a. Discussion/Presentation of Development Code Draft - Dooley
 - b. Schedule Public Hearing for Development Code
 - c. Reschedule Second RR R-O-W Triangle Public Hearing

- VI. NEW BUSINESS
 - a. Recommend Ordinance 385 Approving the Annexation of a Parcel of Land to the City of Creede, a Colorado Town

- VII. ADJOURN

POSTED 4/10/15

OPEN TO THE PUBLIC

**PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO - A TOWN
March 10, 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 5:30 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Rex Sheppard, Kay Wyley, Eric Grossman, Lauri Jordan
COMMISSIONERS ABSENT: 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 Wyley moved and Commissioner Sheppard seconded to approve the agenda as presented. The vote was unanimous. Commission Chair Jordan declared the motion carried.

CONSENT OF JANUARY 13 & FEBRUARY 10, 2015 MINUTES

A correction was made to the January 13, 2015 minutes. Commissioner Wyley moved and Commissioner Sheppard seconded to approve the January 13, 2015 minutes as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried. Commissioner Wyley moved and Commissioner Grossman seconded to approve the February 10, 2015 minutes as presented. The vote was unanimous. Commission Chair Jordan declared the motion carried.

OLD BUSINESS

DISCUSS RR R-O-W TRIANGLE - REVISED DRAWING

The new drawings for the R-O-W Triangle were discussed. The commission agreed that more attention needed to be given to irrigation given the public concern at the first public hearing.

SCHEDULE SECOND RR R-O-W TRIANGLE PUBLIC HEARING

Commissioner Grossman moved and Commissioner Sheppard seconded to schedule two additional public hearings on the R-O-W Triangle on April 4, 2015 and October 13, 2015. The vote was unanimous. Commission Chair Jordan declared the motion carried.

MCFA/LAGOON ANNEXATION UPDATE

Manager Dooley is waiting for an annexation survey from the applicant at which point an annexation agreement can be drafted.

NEW BUSINESS

STOBBE PROPERTY CLARIFICATION

Manager Dooley reported that, due to accurate record keeping by the owner, a title search, and a survey, this property clarification may be able to be completed administratively.

DIRECT PZC TO RECOMMEND AVAILABLE AND UNAVAILABLE RETAIL MARIJUANA LOCATIONS BASED ON FEDERAL LIMITATIONS, TO RECOMMEND APPROPRIATE ZONES TO ALLOW RETAIL MARIJUANA ACCORDING TO COMPREHENSIVE PLAN & FUTURE VISION, TO COMBINE FEDERAL LIMITATION LOCATIONS AND ZONING LOCATIONS AND SUBMIT TO BOT FOR CONSIDERATION

The Board of Trustees direction was discussed at length and material was distributed. The conversation will be continued at the regular May meeting.

TO: Honorable Mayor Grossman, Board of Trustees and Planning Commission members
FROM: Eric Heil, Esq., A.I.C.P.
RE: Draft Creede Development Code
DATE: April 7, 2015

Summary: Attached is a draft Creede Development Code (“CDC”) which would replace the current Creede Land Use Code and other regulations concerning land use regulations and Planning Commission authority and procedures. The CDC is prepared to be incorporated into the Creede Municipal Code as Chapter 9. The primary goal of the proposed CDC is to locate all regulations regarding land use, zoning, subdivision and development into one chapter. This memorandum provides a brief overview of the major changes from the previous Creede Land Use Code and Creede Municipal Code. There are footnotes throughout the document which state where language is the same as the existing Creede Land Use Code, has been changed, or raises issues for consideration.

In the footnotes, the following acronyms are used:

- CLUC stands for the Creede Land Use Code.
- CMLC stands for Colorado Model Land Use Code.
- CMC stands for Creede Municipal Code.

The Creede Development Code is based on a comprehensive development code used by other communities and follows the format used by Clarion Associates, a nationally recognized code drafting consulting firm. Many provisions of the Colorado Model Land Use Code currently adopted by the in Creede’s land use code were carried through to this Development Code. The City of Westcliffe’s land use code was also used as an example.

Adoption Process: The minimum process required for adoption of the Creede Development Code will require the Planning and Zoning Commission to conduct a public hearing with 15 days prior notice of the hearing to be published in the newspaper. The Planning and Zoning Commission may continue the public hearing and conduct as many public hearings as desired. The Planning and Zoning Commission then makes a recommendation for adoption of the Creede Development Code to the Board of Trustees. The Board of Trustees is required to hold a public hearing and also publish notice of the hearing in the newspaper at least 15 days prior to the public hearing.

Notable differences between CLUC and The CDC: Below is a list of the major revisions found in the CDC:

- The purpose and authority of the Planning and Zoning Commission and the Board of Adjustment are relocated to this Chapter 9 from Chapter 2.
- The proposed CDC provides a comprehensive development application review process, Article 16, outlining in one section what the general requirements are for all development applications including zoning and subdivision applications. Specific types of application have additional procedures.

Consistent and common procedures for processing development applications should vastly improve the usability of the CDC for the City as well as applicants.

- The current planned unit development regulations have also be relocated to this Chapter 9 in Section 9-16-060.
- In the CLUC the term “conditional use” is used for uses that require “special review”. This term is not used and is replaced by the term “special review use”. Both have identical meanings. This is found in Section 9-16-090.
- Article 36 regarding Annexation was completely revised in comparison to Article 9 Annexation in the CLUC. Major differences include the addition of a section regarding a three-mile plan, revisions to the fees section, and the addition of a section outlining a disconnection process.

Similarities to the CLUC:

- Article 20 in the CDC retained the same zoning districts and uses within those districts as are in the CLUC Article with some language changes made for clarification. The revisions are noted in footnotes.
- Article 24 Development Standards uses the same language and sections as found in CLUC Article 6. There have been some modifications which have noted in the footnotes.
- Article 28 addresses regulations for RV Parks and the language is also the same as in Article 7 of the CLUC.
- Article 32 regulating floodplain areas contains the same language as that found in CLUC Article 8.

Thanks, Eric

ORDINANCE NO. 385

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.

Section 5. Zoning. The Annexed Property shall be zoned PUD (Planned Unit Development)
[Ask Eric if we can slip this in here – or does it need a separate ordinance]

INTRODUCED, APPROVED, AND PASSED ON THE FIRST AND FINAL READING ON MAY 5, 2015.

BY:

ATTEST:

Eric Grossman,
Mayor

Date

Randi Snead
City Clerk

Date

DRAFT

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.