

**CITY OF CORTEZ  
PLANNING AND ZONING COMMISSION  
JANUARY 04, 2022  
6:30 P.M. – REGULAR MEETING  
CITY HALL COUNCIL CHAMBERS  
123 ROGER SMITH AVENUE**

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE
2. APPROVAL OF MINUTES – P&Z Meeting December 2021
3. BUSINESS OF THE COMMISSION
  - a. Public Hearing on an Application for a Conditional Use Permit from the Pinon Project to construct a multi-family residential development on the north side of Empire Street, Cortez (address TBD) on Lot 1 of the Chism Group Minor Subdivision, approximately 130 feet east of the intersection of Empire Street and Harrison. The applicant wishes to construct four buildings to contain 50 apartments and associated facilities that will be housed in an amenity building. The amenity building will include a leasing office and facilities for the residents. The property is zoned Residential Multifamily (R-2). According to the Land Use Code, this type of use must go through public hearings prior to approval by the City.
4. CITIZEN PARTICIPATION
5. P&Z DISCUSSION ITEMS
6. FYI
  - a. Building Permits for December 2021
7. OTHER ITEMS OF BUSINESS
8. PREVIOUS BUSINESS
9. ADJOURNMENT OF REGULAR MEETING

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting City Hall: address – 123 Roger Smith Avenue, Cortez; phone – 970-565-3402; e-mail – [lsmith@cityofcortez.com](mailto:lsmith@cityofcortez.com). We would appreciate it if you would contact us at least 48 hours in advance of the scheduled event so arrangements can be made to locate requested auxiliary aid(s).

**PLANNING AND ZONING COMMISSION**  
**ACCESSORY DWELLING UNITS (ADU) WORKSHOP**  
**TUESDAY, DECEMBER 2, 2021**

The workshop opened at 5:30 p.m. In attendance were Commission Chairman Robert Rime, Commissioners Lance McDaniel, Rebecca Levy, Jim Skvorc, City Planner Tracie Hughes, City Manager Drew Sanders, Mayor Mike Lavey and Deputy City Clerk Cheryl Lindquist. Commissioner Stephen Candelaria was on speaker phone.

There were 4 Attendees in the audience.

The workshop opened with City Planner Hughes stating the Commissioners requested to have a workshop in order to discuss possible solutions to the housing crisis in Cortez. She said at a P&Z meeting in 2018 it was decided that Accessory Dwelling Units (ADU's) could be up to 20% of the existing living area of the associated single-family residence. ADU's are only allowed in the R1 (Residential Single-family) and RE (Residential Estate District) zones.

Commissioner Skvorc asked, what are we trying to achieve, affordable living, more rental properties, or more housing stock? He also was concerned about the Land Use Code requiring the landowner to occupy the main dwelling and how that would be monitored? He also stated concerns on parking and high rent.

Commissioner Levy stated the only thing that be done by the Planning Commission is regulate the code. She pointed out that it is cheaper to buy than rent right now.

Commissioner Rime suggested the need to recommend an increase in the size of the ADU's and add more zones. It was noted that this would require a change to the Land Use Code.

Citizen Sean Flaherty, 3635 N. Ash St., stated he is in favor of changing the ADU rules as they are much to restrictive. He stated with the LUC change would allow more property to be available for building, which would increase the economy in Cortez.

All the Commissioners agree they will schedule further workshops to discuss this issue.

The workshop was adjourned at 7:00.

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
TUESDAY, DECEMBER 2, 2021**

1. The regular meeting was called to order 6:30 p.m. and was opened with the Pledge of Allegiance. Commission members present were Chairperson Robert Rime, Vice-Chairperson Rebecca Levy, Lance McDaniel, and Jim Skvorc. City staff present included City Planner Tracie Hughes, City Manager Drew Sanders, Mayor Mike Lavey, and Deputy City Clerk Cheryl Lindquist. Commissioner Stephen Candelaria was absent. There were 4 people in attendance.

Commissioner McDaniel moved that the minutes of November 2, 2021, be approved. Commissioner Skvorc seconded the motion and the vote was as follows:

Levy	Candelaria	McDaniel	Skvorc	Rime
Yes	Absent	Yes	Yes	Yes

**2. BUSINESS OF THE COMMISSION:**

- a. Public Hearing on an Application for a Conditional Use Permit to Expand an Existing Health Clinic at 691 E. Empire St., in the Residential Multifamily District (R2) Zone, as Submitted by Billy Harris, Agent for Applicant and Property Owner Southwest Colorado Health Center, Inc. DBA Axis Health System, and Review of P&Z Resolution No.8, Series 2021. City Planner Tracie Hughes stated the expansion would actually provide more parking and landscaping than required. The Commissioners had no questions.

Commissioner Skvorc made the motion to recommend approval of a Conditional Use Permit for the expansion of the Axis Health Clinic on property located at 691 E. Empire St., in the Multifamily Residential (R2) zone, as submitted by Billy Harris, Southwest Colorado Health Center, Inc., DBA Axis Health System through P&Z Resolution No. 8, Series 2021, with two conditions. Commissioner Levy seconded the motion. The vote was as follows:

Levy	Candcleria	McDaniel	Skvorc	Rime
Yes	Absent	Yes	Yes	Yes

- b. Public Hearing on an Application for a Site Plan to Expand and Existing Health Clinic at 691 E. Empire St., in the Residential Multifamily District (R2) Zone, as Submitted by Billy Harris, Agent for Applicant and Property Owner Southwest Colorado Health Center, Inc., DBA Axis Health System through P&Z Resolution No. 9, Series 2021. City Planner Tracie Hughes stated that a Site Plan is also being presented from Axis Health System. There were no questions.

Commissioner Skvorc made the motion to recommend that Council approve the site development plan for the expansion of the Axis Health Clinic on property located at 691 E. Empire St. in the Multifamily Residential (R2) zone as submitted by Billy Harris, Southwest Colorado Health Center, Inc., DBA Axis Health System through P&Z Resolution No. 9,

Series 2021 with four conditions. Commissioner McDaniel seconded the motion, and the vote was as follows:

Levy	Candelaria	McDaniel	Skvorc	Rime
Yes	Absent	Yes	Yes	Yes

3. CITIZEN PARTICIPATION – none

4. P & Z DISCUSSION ITEMS –

a. Building Permits for November 2021

5. OTHER ITEMS OF BUSINESS – Commissioner McDaniel thanked City Planner Tracie Hughes for her time with the City. He said she taught him a lot about Planning and Zoning. Other Commissioners also thanked her and said they will miss her dedication.

6. PREVIOUS BUSINESS - none

7. ADJOURNMENT OF REGULAR MEETING

Commissioner McDaniel moved that the meeting be adjourned at 7:15 p.m. Commissioner Skvorc seconded the motion, and the vote was as follows:

Levy	Candelaria	McDaniel	Skvorc	Rime
Yes	Absent	Yes	Yes	Yes

\_\_\_\_\_  
Robert Rime, Chairperson

ATTEST:

\_\_\_\_\_  
Cheryl K. Lindquist, Deputy City Clerk

Tracie Hughes  
 City of Cortez Planning & Zoning Department  
 123 Roger Smith Ave.  
 Cortez, CO 81321  
 (970) 565-3402

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RE: Letter of Petition Requesting Conditional Use Permit for Piñon Apartments.

The Piñon Apartments will be a new affordable multifamily housing apartment building comprising of 42 for-rent apartment units for low-income individuals and families. The approximately 9.170-acre site is located on Lot 1 of the Chism Minor Subdivision and fronts E. Empire Street. The site is located immediately adjacent to multifamily apartments and is near Cortez Integrated Healthcare, Montezuma District Courts and the Montezuma Sheriff's office, single-family residential and vacant land. Due to the mix of uses and the transition from single family residential to multifamily, and the property being zoned R-2, the proposal is compatible with adjacent uses.

A mix of one, two and three-bedroom units are being proposed, along with a leasing office and amenity area for future residents. The proposed floor areas of the apartments exceed the minimum requirements found in Land Use Code Section 3.06, of a minimum of 500 square feet for one-bedroom, 700 square feet for two-bedroom, and 800 square feet for three-bedroom apartments.

The building consists of three (3) stories total, with type V wood frame construction on levels 1 through 3. Amenities will be on a slab on grade on Level 1. There are eighty-four (84) surface parking spaces and one loading space planned on the site. There may be detention or water quality required on site due to the size of the property. Access to the site is from E. Empire Street, and the utilities are in E. Empire Street as well as in the access and utility easement to the west of the property. To maintain building efficiency, residential units are stacked off double loaded corridors on Levels 1 through 3. An elevator and two sets of stairs will service the building.

The building will have a flat roof form and the exterior will be clad in stucco with brick accents at the resident amenity and entry. All units will have high-efficiency windows, increased insulation rating and air conditioning. The entire project will be subject to full certification for Enterprise Green Communities. There will be approximately 4,500 square feet of administrative offices and resident amenity space on the first floor. This space will include a leasing office, space for resident amenities, front desk reception, mail receiving area, a community kitchen and great room.

Lastly, this request includes the allowance of a 6-ft. front-yard fence to enclose the front and sides of the courtyard facing E. Empire Street.

We believe that this Conditional Use Permit complies with the criteria set forth in Section 6.10 (f) of the Land Use Code:

1. The proposed conditional use is compatible with adjacent existing uses and other allowed uses in the zoning district. Such compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse impacts including noise, vibration, smoke, fumes, gas dust, odor, lighting, glare, traffic circulation, parking, or other undesirable or hazardous conditions.

The site is located immediately adjacent to existing multifamily apartments and is within walking-distance of Cortez Integrated Healthcare, Montezuma District Courts, Montezuma Sheriff's office, single-family residential and vacant land. We believe that the current zone district (R-2) and the proposed multifamily development is compatible with adjacent uses due to the existing mix of uses in the immediate vicinity. The project will comply with the City's setback and landscaped requirements. Parking meets City code and will be accommodated onsite. There is adequate egress and ingress to the site, meeting City engineering and fire requirements.

2. The proposed conditional use has incorporated design features sufficient to protect adjacent uses including but not limited to service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement.

The residential area is located on the interior of the lot, with a fenced courtyard and parking facing the street. While there is not a specific requirement for the number of plantings, the site plan is designed to provide some buffering, and safe pedestrian and vehicular circulation.

3. All proposed accessory uses must demonstrate that they are necessary and desirable. All proposed accessory uses shall comply with the requirements of 1) and 2) above. Undesirable impacts created by these uses shall be controlled or eliminated.

Accessory structures are not proposed at this time and are not shown on the submitted site plan.

4. Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police, and fire protection) must be available without the reduction of services to other existing uses.

Adequate public services are currently available for the proposed development and should not cause a reduction in services to other existing uses in the area. The site design complies with the City's off-street parking requirements. Sidewalks are incorporated to provide safe pedestrian circulation.

5. Provisions for proper maintenance of the building, parking, and loading areas, drives, lighting, signs, landscaping, etc. shall be provided.

Blueline Development (developer) and The Piñon Project (operator) will provide proper maintenance of the entire property including the building, parking, and loading areas for the safety and comfort of residents, Piñon staff, and visitors.

6. The proposed conditional use shall conform to adopted plans, hours of operation, policies and requirements for parking and loading, signs, highway access, and all other applicable regulations of this Code and other applicable regulations.

The proposed site plan meets the City's parking requirements. No signage is currently being proposed. This is a residential development; therefore, hours of operation do not apply. The property does not access the highway. All other code requirements will be verified through the building permit site plan review process.



BlueLine Development  
 Pinon Project  
 Beaux Simone Consulting

**CONCEPTUAL PROGRAM**

PERCENT of TTL	Bed / Bath	Name	Av GLA	QTY	TTL Balcony	TTL	NOTES
33.3%	1 / 1	Type 1.1 - One Bed	480	14	6,720	0	
33.3%	2 / 1	Type 2.1 - Two Bed	720	14	10,080	0	
33.3%	3 / 2	Type 3.1 - Three Bed	905	14	12,670	0	Pinon serves families
<b>Multi-Family</b>					<b>701.67</b>	<b>42</b>	<b>29,470</b>
Residential RSF	Lvl 1-3				29,470		73.13% Floorplate Efficiency
Core / Circulation	Lvl 1-3				6,330		
Raising / Amenity	Lvl 1				4,500		
Residential Total					40,300		

Zone District	Units	On-Site Parking
2 / DU	42	Zoning Provided
		Cars
		84
		84



EMPIRE STREET

UTILITY EASEMENT  
20'-0"

CORTEZ  
APARTMENTS

345'-2"

357'-10"  
UTILITY

PRIVATE STREET / FIRE LANE

PRIVATE  
RESIDENCE

120'-6 1/2"  
BLDG. LENGTH

203'-10" - BLDG. WIDTH

PHASELINE

LOT SIZE:  
9.17 ACRES

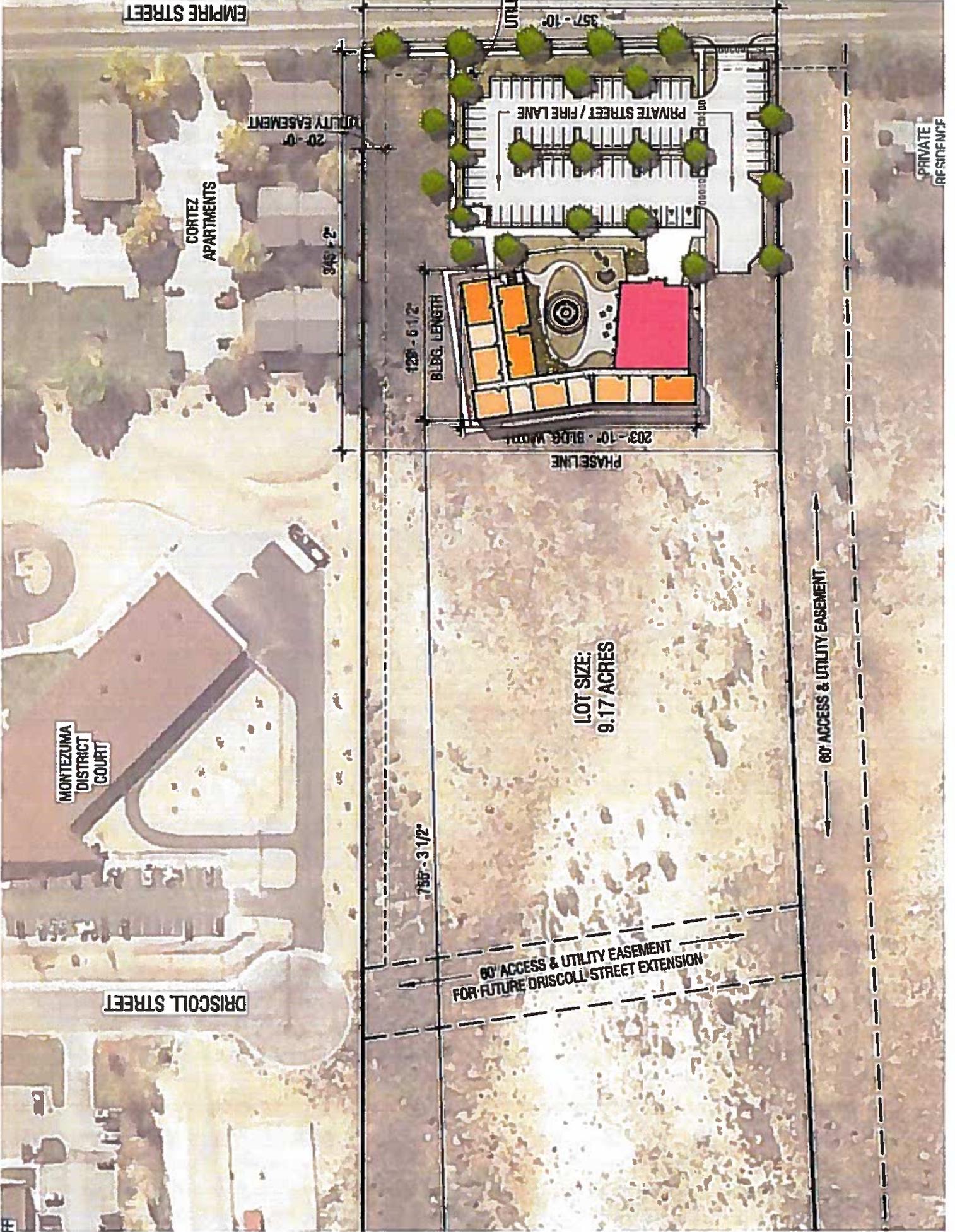
60' ACCESS & UTILITY EASEMENT

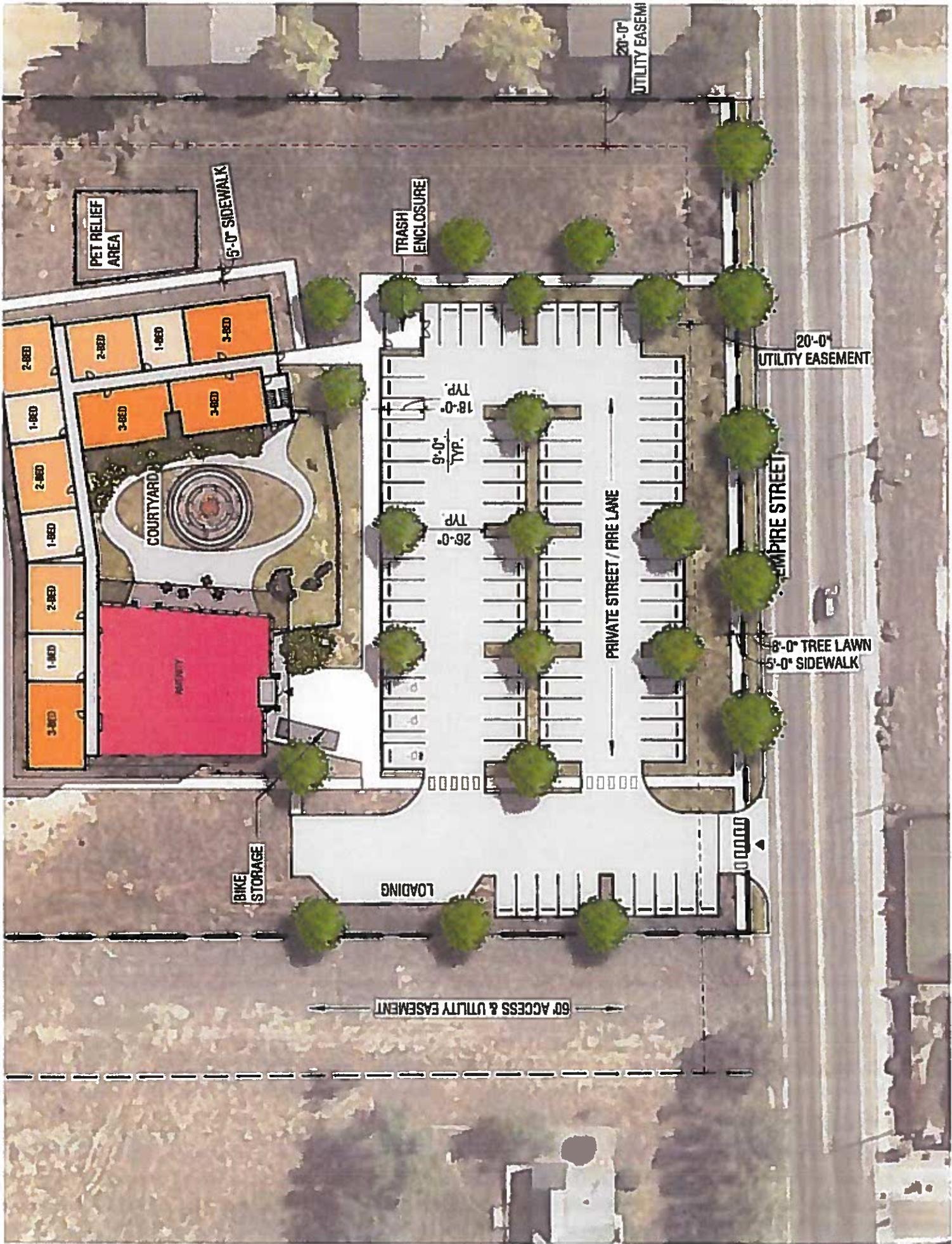
MONTEZUMA  
DISTRICT  
COURT

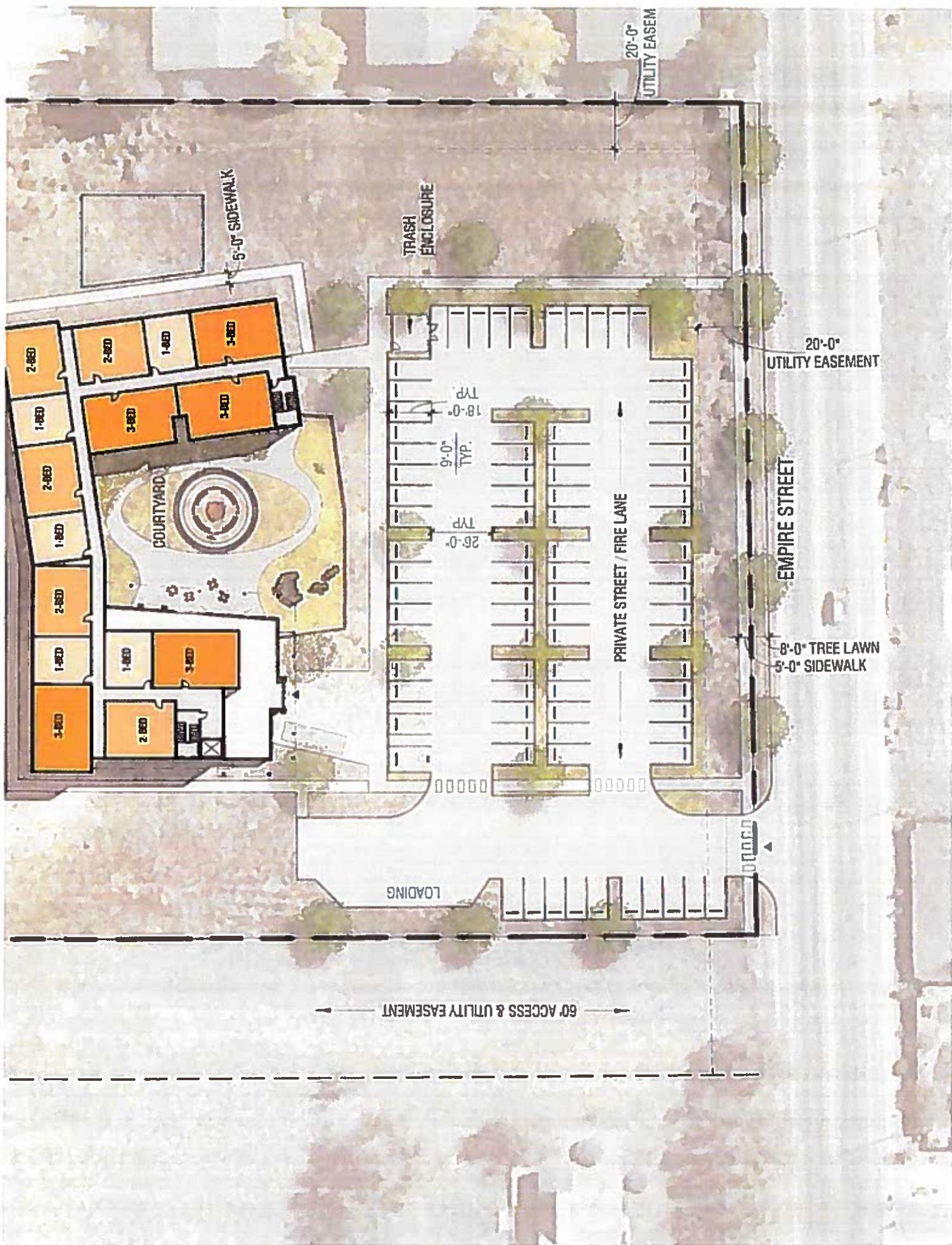
DRISCOLL STREET

755'-3 1/2"

60' ACCESS & UTILITY EASEMENT  
FOR FUTURE DRISCOLL STREET EXTENSION







5'-0" SIDEWALK

TRASH ENCLOSURE

20'-0" UTILITY EASEMENT

20'-0" UTILITY EASEMENT

COURTYARD

9'-0" TYP.  
18'-0"

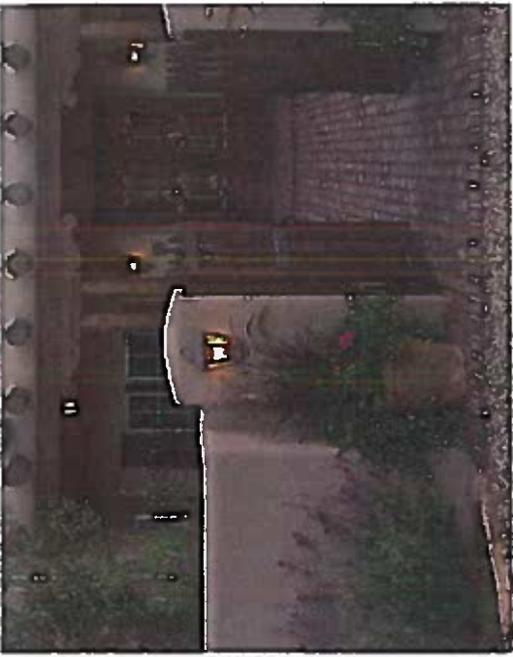
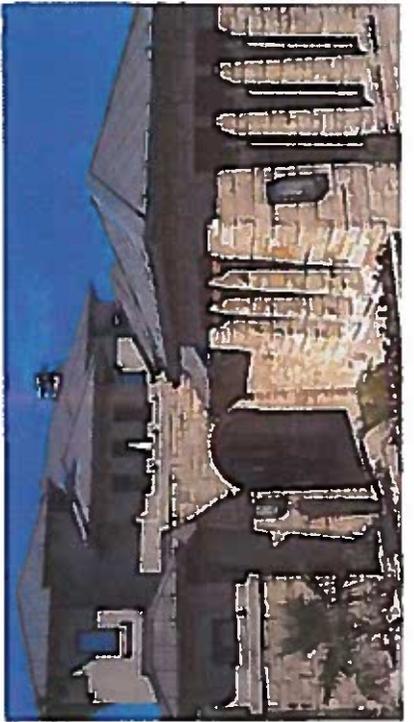
PRIVATE STREET / FIRE LANE

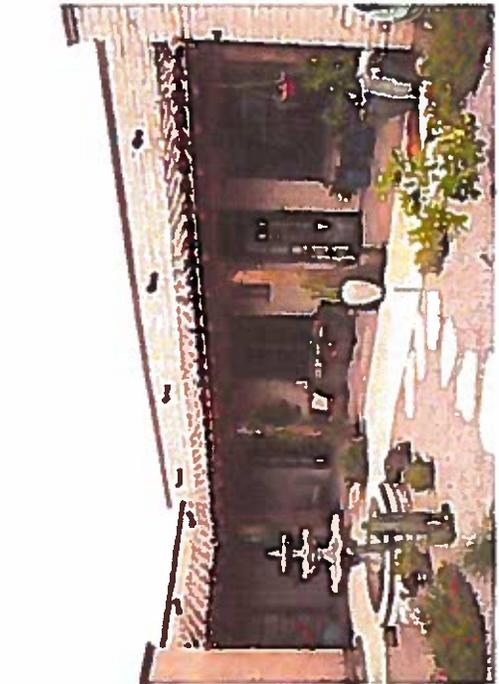
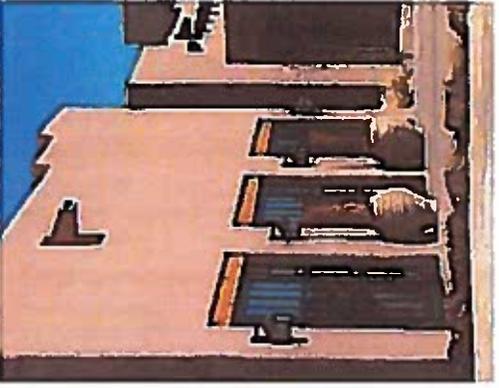
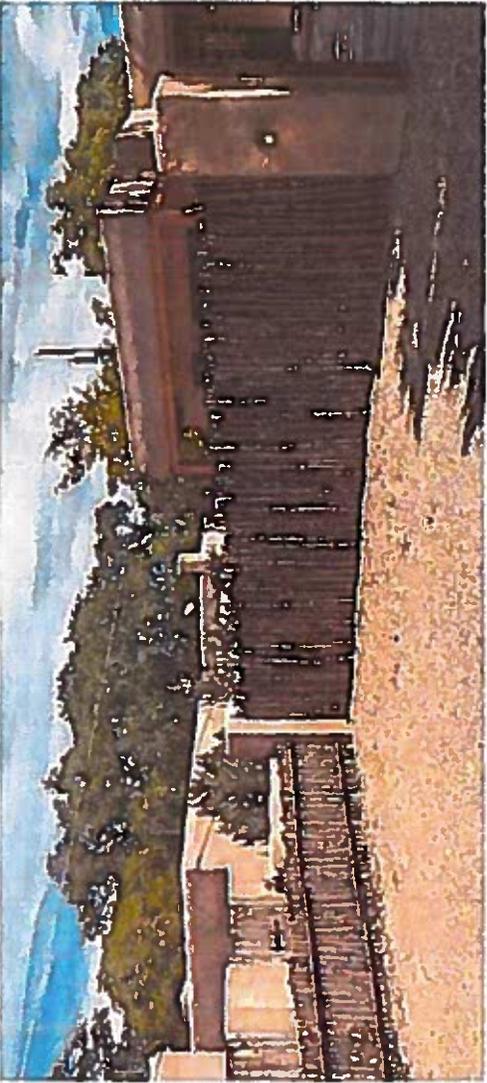
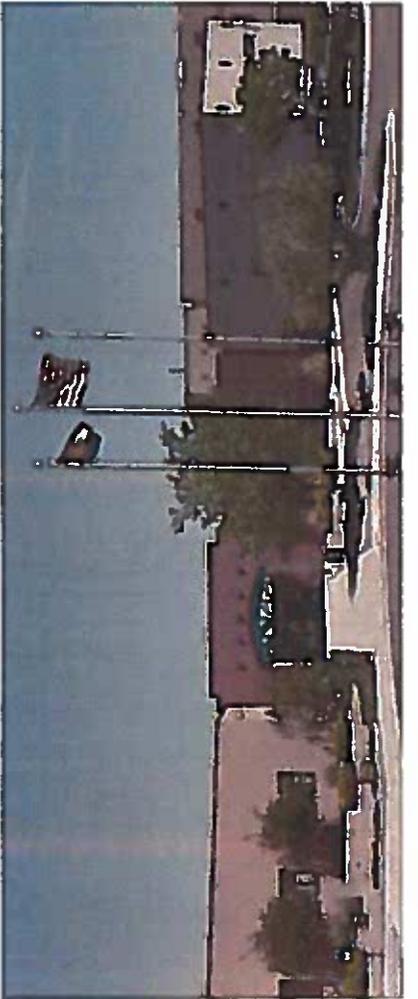
EMPIRE STREET

8'-0" TREE LAWN  
5'-0" SIDEWALK

LOADING

60' ACCESS & UTILITY EASEMENT







1 FINISHING



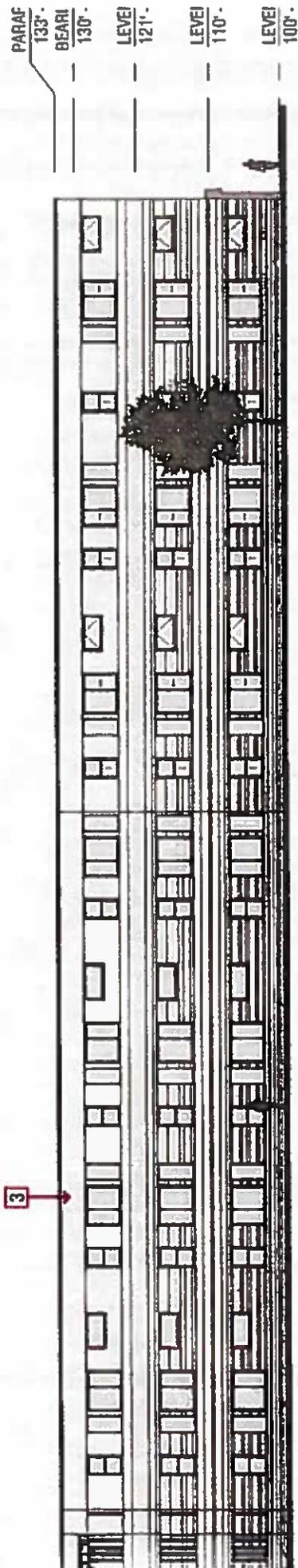
2 MASONRY BASE WITH BATTERED COLUMNS



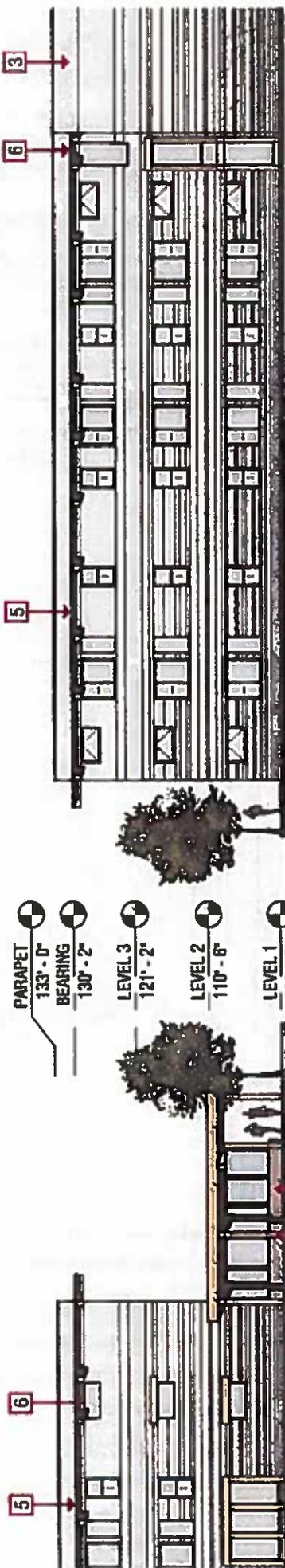
3 LIGHT COLORED STUCCO FACADE  
4 TIMBER POST AND BEAM CONSTRUCTION  
5 TIMBER VIGAS AT ROOF LINE



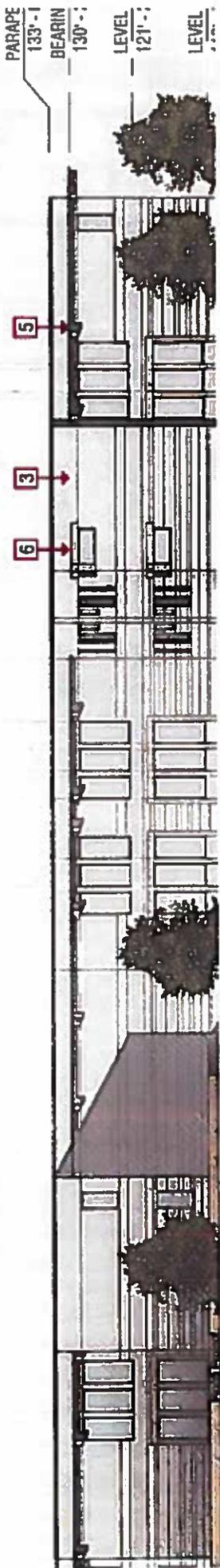
6 TIMBER LINTELS OVER WINDOWS



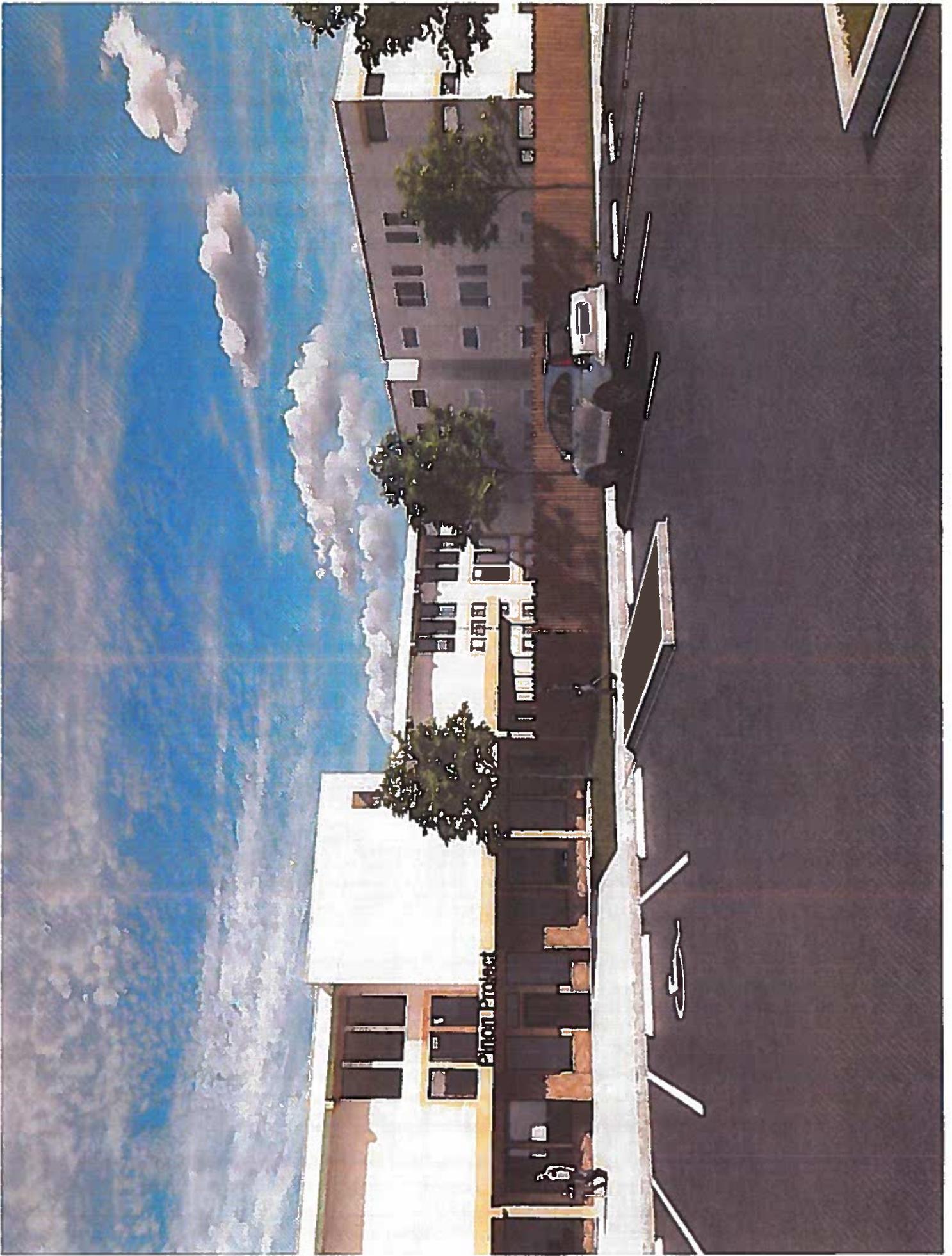
14 NORTH ELEVATION  
SCALE = 1:20



15 EAST ELEVATION  
SCALE = 1:20



16 SOUTH ELEVATION  
SCALE = 1:20



**APPENDIX D - CITY OF CORTEZ  
APPLICATION FOR ZONING ACTION**

This application is for:	
<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Right-of-Way or Easement Vacation	<input type="checkbox"/> Site Plan Review
<input type="checkbox"/> Replat or Plat Amendment	<input type="checkbox"/> Variance
<input type="checkbox"/> Condominium Subdivision/Conversion	<input type="checkbox"/> Minor Subdivision

**1. APPLICANT SHALL COMPLETE:**

<b>Pinon Associates, Inc.</b>	<b>210 E Main St, Cortez, CO 81321</b>	<b>970-564-1195</b>
Property Owner	Mailing Address	Phone/Fax

<b>Christian Pritchett</b>	<b>1004 S Ave West, Missoula, MT 59801</b>	<b>406-214-2052</b>
Contact Person	Mailing Address	Phone/Fax

**(TBD) E Empire St, Cortez, CO 81321**

Subject Property Street Address  
**Lot 1, Chism Group Minor Subdivision as per the plat thereof filed for record January 9, 2008 in Book 16 at Page 191 in the office of the Clerk and Recorder, County of Montezuma, State of Colorado.**

Legal Description: or \_\_\_\_\_ Attached

**Vacant Land**

Existing Use(s)

<b>Dwelling, multi-family 7 or more</b>	<b>15,557 SF</b>	<b>3.88%</b>
Proposed Use(s)	Square Footage	Lot Coverage (%)

<b>9.17 acres; 401,117 SF</b>	<b>33'-0"</b>	<b>100</b>
Lot Size	Proposed Building Height	Off-Street Parking Spaces

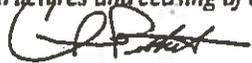
<b>191'-10"</b>	<b>71'-7"</b>	<b>434'-9"</b>
Proposed Setbacks: Front	Side	Rear

Public Works Department Approval

Sanitation District Approval

**OATH OF APPLICANT**

*I hereby certify, subject to penalty of perjury, that the above is true and accurate to the best of my knowledge and that I understand all provisions of City and State codes applicable to the proposed development, any and all conditions placed upon the proposed development by the City Council and all information requested by this document. I also understand that if I violate any applicable provisions of City and/or State codes, I may be required to remedy such violation(s) through appropriate legal process imposed by the City, including moving or removing structures and ceasing of construction and/or uses*



11.18.2021

Signature of Applicant

Signature of Owner

Date

**2. APPLICANT SHALL ATTACH 2 COPIES OF A COMPLETE SITE AND ACCESS PLAN OR PLAT SHOWING THE BUILDING OR STRUCTURE IN SUFFICIENT DETAIL TO DEMONSTRATE THAT THE PROPOSED CONSTRUCTION, RECONSTRUCTION OR CONVERSION, MOVING AND/OR ALTERATION IS IN CONFORMANCE WITH THE PROVISIONS OF THE APPLICABLE ACTION.**

Other Items Required: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**3. ZONING ADMINISTRATOR SHALL VERIFY COMPLIANCE WITH:**

Application Completeness: \_\_\_\_\_ (If incomplete, return to applicant)

Zoning: \_\_\_\_\_ Conditional Use Permit # \_\_\_\_\_

Floodplain Development Permit # \_\_\_\_\_ Board of Adjustments Resolution # \_\_\_\_\_

List Conditions of Approval or Attached: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Should Building Permit Application Be Considered? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature of Zoning Administrator

Date

**4. BUILDING OFFICIAL SHALL VERIFY COMPLIANCE WITH:**

Use: \_\_\_\_\_ Height: \_\_\_\_\_ Setbacks: \_\_\_\_\_  
Access: \_\_\_\_\_ Driveway Width: \_\_\_\_\_ Parking Spaces: \_\_\_\_\_

Water Supply: \_\_\_\_\_

Sanitation Service: \_\_\_\_\_

Can Building Permit Be Applied For? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature of Building Official

Date

**5. IF THE BUILDING OFFICIAL SO AUTHORIZES, APPLICATION(S) FOR A BUILDING PERMIT THAT CONFORM MATERIALLY WITH ALL INFORMATION PROVIDED ABOVE MAY BE SUBMITTED TO THE BUILDING DEPARTMENT.**

For Official Use Only:	Date Received:	_____
	Date Of Public Hearing(s):	_____
	Date Of Approval:	_____





*City of Cortez*  
*Planning and Zoning Commission*  
*Agenda Memorandum*

Item No: 3.b.

Meeting Date: January 4, 2021

**MEMO TO:** Members of the Cortez Planning and Zoning Commission

**FROM:** Tracie Hughes, City Planner

**SUBJECT:** PUBLIC HEARING ON AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ESTABLISH A MULTIFAMILY DEVELOPMENT ON PROPERTY LOCATED ON EMPIRE ST, IN THE MULTIFAMILY RESIDENTIAL (R-2) ZONE, AS SUBMITTED BY CHRISTIAN PRITCHETT OF BLUELINE DEVELOPMENT, INC., AGENT FOR PROPERTY OWNER PINON ASSOCIATES, INC, AND REVIEW OF P&Z RESOLUTION NO. 1, SERIES 2022

**ATTACHMENTS:** P&Z Resolution No. 1, Series 2022; Vicinity Map; Application; Narrative; Plan Exhibits; Chism Group Minor Subdivision Plat

**BACKGROUND**

Christian Pritchett, with Blueline Development, Inc., agent for Pinon Associates, Inc. (owner) has applied to the City for a Conditional Use Permit to establish a multifamily development on Lot 1 of the Chism Minor Subdivision. The development area will be located on the south half of the 9.17-acre lot. This is a revised plan for the previously approved CUP (in January of 2021). Since that prior approval, the applicant has significantly changed the layout of the site and is pursuing approval for the revised plan.

The applicant is proposing to construct one three story building on the southern half of the 9.17-acre lot. The building will contain 42 apartments varying from one to three bedrooms in size. The building will also house a leasing office and amenity facilities for the residents. The proposed apartments exceed the minimum requirements found in Land Use Code Section 3.06, of a minimum of 500 square feet for one-bedroom, 700 square feet for two-bedroom, and 800 square feet for three bedroom apartments.

Section 3.06 of the Land Use Code requires a minimum of 3,000 square feet of land per unit. The construction of 42 residential units requires 126,000 square feet of land. The proposal will meet the density requirements as the lot is approximately 399,445 square feet in size. Since the lot is not being proposed for subdivision at this time, it is being treated as development on the entire 9.17-acre parcel. The building has a 15,557 square foot footprint.

The setback requirements for this zoning district are 20' for the front yard, 7' for the rear yard, and 7' on the side yard. The structure meets the required setbacks. The front setback is approximately 200.' All other setbacks also exceed the minimum distances required. The applicant has shown elevation drawings for one of the buildings. The height is stated to be 33' to the top of the parapet. The height limits for the R-2 district are 35.' The buildings should meet height requirements, and the applicant will need to ensure they do when they provide architectural drawings at the time of building permit.

The project is bordered to the North, West, and South by R-2 zoning district. On the east side, the area of development is next to R-2 and the Montezuma County Public Facilities PUD. The combined courts are located on the adjacent property on the north east side of the subject lot, and multifamily apartments are located immediately east of the subject lot.

The applicant is seeking to gain approval of a multifamily residential use on the lot. All standards for all buildings, driveway and parking lot construction, grading and drainage, fire code access and any other development standard will be required to be met at the time of building permit.

**ISSUES**

The Land Use Code requires a conditional use permit for all types of uses that could have impacts on neighborhoods. This proposed use is classified as a residential use, "dwelling, multi-family, 7 or more", and is found in Section 3.05 of the Land Use Code. As noted in the Schedule of Use Regulations shown below, this type of use in the R-2 Zone will require a review prior to approval of a conditional use permit.

SCHEDULE OF USE REGULATIONS									
Use Type	RE	R-1	R-2	MH	O	CBD	C	NB	I
<b>Residential Uses</b>									
Dwelling, multi-family 7 or more			C	C				C	

Land Use Code Section 5.02(d) outlines the off-street parking and loading requirements for a facility of this nature. Residential multifamily structures require two parking spaces per unit. The proposed 42 units will require 84 spaces, and the applicant has indicated they will provide the minimum required spaces and has depicted this on the preliminary site plan. The proposal depicts one loading space on the site plan.

This type of proposal does not require a full Site Plan application per chapter 6.14 of the Land Use Code. Also, the landscaping standards of section 5.05 are not required. However, Chapter 6.14 (c)(1)(d) states that a site plan applies to "Uses which are located or to be located on property within any other zone district, and the owner or developer of the property requests an application of these site plan requirements, subject to this section."

The submitted application shows landscaping. However, there is only a conceptual landscaping plan, thus indicating that the applicant will be proposing some landscaping, but there is not a degree of specificity for landscaping against which to require a specific number of plantings or a specific plan to require compliance with at the time of building permit.

The applicant is proposing a Six-foot-tall interior courtyard fence. Staff feels because of the location of the fence, this would not be subject to the fence height requirements. However, if the Planning Commission feels this needs to be approved through a special exception, the criteria are as follows:

*6.18 (b) The planning commission shall have the power to hear and decide special exceptions to the height of fences, the number of required off-street parking spaces and the sizes and locations of signs where all of the following conditions in so far as applicable are met:*

- (1) That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of lot, or exceptional topographical or other conditions peculiar to the affected property;*
- (2) That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;*
- (3) That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this code;*
- (4) That such unnecessary hardship has not been created by the applicant;*
- (5) That the exception, if granted, is a minimum exception that will afford relief and is the least modification possible of the provisions of this code which are in question; and*
- (6) That the exception, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property.*

Section 6.10 of the Land Use Code states the review criteria for conditional use permit applications. Section 6.10 (f) of the Land Use Code and each subsection are provided below for reference and responses are provided where applicable:

*“(f) Conditions of Approval. Both the Planning Commission and the City Council shall use the following criteria in reviewing Conditional Use Permit Requests. It is specifically understood that certain criteria listed below may not apply to a particular application. The applicant shall adequately demonstrate that the applicable criteria have been met:*

- (1) The proposed conditional use is compatible with adjacent existing uses and other allowed uses in the zoning district. Such compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse impacts including noise, vibration, smoke, fumes, gas dust, odor, lighting, glare, traffic circulation, parking, or other undesirable or hazardous conditions.*

The site is located immediately next to multi-family apartments. Also in the vicinity is Cortez Integrated Healthcare, Montezuma District Courts and the Montezuma Sheriff's office, single-family residential and vacant land. Due to the mix of uses and the transition from single family residential to multifamily, and the property being zoned R-2, the proposal is compatible with adjacent uses. The project meets setbacks and the property is proposed to be landscaped. Parking will be accommodated onsite, and there is adequate driveway access. Engineering and public works did not have issues with the proposal, and therefore traffic circulation appears to be appropriate.

- (2) The proposed conditional use has incorporated design features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement.*

The site is designed so that the residential area is located on the interior of the lot. The applicant has shown landscaping on the plans. While there is not a specific requirement for a particular number of plantings, the applicant has demonstrated their intent to provide some buffering, adequate pedestrian and vehicular circulation and access to protect the adjacent uses.

*(3) All proposed accessory uses must demonstrate that they are necessary and desirable. All proposed accessory uses shall comply with the requirements of 1) and 2) above. Undesirable impacts created by these uses shall be controlled or eliminated.*

Accessory structures are not proposed at this time and are not shown on the submitted site plan.

*(4) Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to other existing uses.*

Adequate public services are already available for the existing and proposed structure and should not cause a reduction in services to other existing uses in the area. Off-street parking requirements will be met as presented by the applicant. Sidewalks are incorporated in the sketch plan for the site.

*(5) Provisions for proper maintenance of the building, parking and loading areas, drives, lighting, signs, landscaping, etc. shall be provided.*

This is an item that the applicant will perform for the appearance of the property and safety and comfort of clients, guests, and visitors. The applicant has submitted in the narrative that provisions for maintenance will be met by the owners.

*(6) The proposed conditional use shall conform to adopted plans, hours of operation, polices and requirements for parking and loading, signs, highway access, and all other applicable regulations of this Code and other applicable regulations.*

Hours of operation do not apply to the residential use. The proposal as submitted meets parking requirements, and any sign permit will need to meet land use code requirements. The property does not access the highway. All other code requirements appear to be met, and will be verified through the building permit site plan review process.

*(7) After considering the public comment relating the criteria listed above in relation to the Conditional Use Permit being requested, the Planning Commission and the City Council, respectively, shall adopt a resolution stating their findings of the applicant's demonstrated ability to meet the criteria for a Conditional Use Permit. A determination that the applicant has not met one or more of the applicable criteria shall be sufficient to deny the request. The Planning Commission and the City Council, respectively, may establish additional conditions of operation, location, arrangement and construction in the issuance of a Conditional Use Permit if deemed to be in the public interest or to assure compliance with other aspects of the Land Use Code."*

## AGENCY REVIEW

In accordance with regulations pertaining to development of a multifamily residential property, this proposal was forwarded to the required City departments and affected agencies and utilities for their responses and concerns:

### Cortez City Manager

*"No comments."*

### Cortez Backflow Prevention Coordinator:

*"Tracie they will need a containment backflow assembly between the meter and first outlet. Additionally, they will have to install backflow assemblies on their irrigation."*

### Cortez Building

*"Based on the conceptual rendering, the building department has no issues."*

### Cortez City Engineer:

*"Engineering has no issues with the proposed development. As the project advances, site grading/drainage and utility plans will be required for review and approval. Also, a site drainage report will be required."*

### Cortez Fire Protection District

*"Based on the conceptual rendering and information the fire district has no issues."*

### Cortez General Services

*"CCN has no new comments beyond what was previously sent on the original for Fiber."*

The following was the comments from the original application which the General Services Director referenced for this application *"The CCN Fiber network will need to be extended to each unit and office. We would need to work with the engineering firm at the appropriate time to insure the fiber routes and fiber drops to each unit is in place. Service would require bringing fiber across Empire street to the north side. This can be bored, and hopefully utilize a utility easement into the MDU units and offices. Thank you and let me know if you need more details at this time."*

Applicant Response: "These requirements will be incorporated into the design drawings for building permit."

### Cortez GIS Coordinator

*"It's positive that the plans show a 60' access easement along the west side of the parcel and connecting across to Driscoll Street. While it may not be required for Phase 1, future phases will need to provide connectivity to Driscoll Street to assist with traffic flow."*

Staff Response: The Chism Minor Subdivision Plat shows a 60 "access easement" in the adjacent (not subject) property that connects to Empire St. It is not dedicated clearly, and is shown as part of the land area of the adjacent Chism Group Minor Subdivision Lot 2 under different ownership. At this time, there is not a requirement from the City Planner, Engineer, or Public Works Director to pursue the 60' access easement.

### **City of Cortez Public Works**

*"Public Works has no issue with the proposed development."*

### **Cortez Sanitation District**

*"The Sanitation District will be requiring a grease trap for the community kitchen on this project. Other than that we have no problems with the proposal."*

This will be handled during the review of the site plan for the building permit.

### **COMPREHENSIVE PLAN**

In addition to reviewing the application for conformance with the requirements of a conditional use permit, Staff has also analyzed the application for conformance with the 2008 Comprehensive Plan. Many of the goals within the Comp Plan focus on quality of life for residents through *"promoting community pride in the quality of life for Cortez residents."* The approval of this use for the existing buildings would help to satisfy some of those goals by offering additional options for housing within the city. Some of the specific goals and policies that could potentially be met through the approval of this application include the following:

*Policy 5.1.12: "Utilize land use flexibility, outstanding city services, and other incentive programs to promote infill opportunities within the corporate limits to preserve open space surrounding the City while making the best use of land within the City."*

*Policy 5.4.1: "Encourage infill development on vacant land which will complement the established character of the neighborhood."*

*Policy 5.4.2: "Strongly encourage new development proposed on surplus, vacant, or underutilized land throughout the City when the development is appropriate for the area and complies with the Land Use Code."*

*Policy 6.1: "Develop and maintain safe, desirable, and quality housing for all current and future residents, with emphasis on affordability/attainability and revitalization of neighborhoods."*

*Goal 6.1.4: "Strongly encourage the development of new housing on surplus, vacant, and underutilized land throughout the City, with appropriate incentives, zoning regulations, and development standards."*

*Goal 6.4: "Expand opportunities for quality housing that is affordable and meets the needs of all residents."*

*Ongoing Objective: "To improve the rental housing stock in Cortez to make quality rental housing affordable to those residents who cannot own a home."*

*Policy 6.4.29: "Promote high density development within walking distance of Main Street by giving preference to quality, multifamily residential developments and considering opportunities to rezone for higher density development near Main Street."*

## ALTERNATIVES

- 1) The Planning and Zoning Commission can recommend that Council approve the conditional use permit to establish Multifamily residential housing on property located at TBD Empire St, Chism Group Minor Subdivision Lot 1, in the Multifamily Residential (R-2) zone, as submitted by Christian Pritchett of Blueline Development, Inc., agent for property owner Pinon Project.
- 2) The Commission can recommend denial of the conditional use permit and / or the special exception request and state their reasons;
- 3) The Commission can ask for more information and table the application; or
- 4) The Commission can recommend that Council approve the conditional use permit stating any conditions they feel are deemed necessary to satisfy the review criteria listed in Section 6.10(f) as noted above.

## RECOMMENDATION

If the Planning and Zoning Commission chooses to approve the CUP, the Commission can make the motion to recommend approval of a conditional use permit to establish Multifamily residential housing on property located at TBD Empire St, in the Residential Multifamily (R-2) zone, as submitted by Christian Pritchett of Blueline Development, Inc., agent for property owner Pinon Project through P&Z Resolution No. 1, Series 2022, with the following conditions:

1. All requirements of utility providers, City departments, and affected Districts must be satisfied on the site plan submitted with the building permit application, as outlined in adopted City Codes and other regulatory documents, including but not limited to the construction design standards, the Building Code, and Fire Code.
2. All improvements shown on the CUP application and incorporated herein as a requirement of the CUP approval in concept, will be required to be installed prior to a Certificate of Occupancy for the project. Changes to the conceptual plan that are necessary to

accommodate required improvements will be considered to be in the scope of the Conditional Use Permit approval.

3. A detailed landscaping plan shall be submitted with the site plan for the building permit application. In the event that construction of the building and all other requirements are met prior to the installation of any required landscaping, and the applicant desires a Certificate of Occupancy, the applicant may choose to provide a financial surety and obtain a CO in advance of completing the landscaping improvements. In this event, the applicant shall provide an assurance bond, letter of credit, or other financial security agreed to by both Parties, providing a guarantee of installation of the landscaping within a time frame approved by the City of Cortez.
4. With regards to refuse collection, the applicant will provide suitable level ground, cement or an asphalt pad constructed to specifications of the city engineer, upon which to locate city bins and containers and shall further provide any appropriate safety devices for use in connection with such bins and containers which may be reasonably required by the public works director. This will be a requirement on the site plan for the building permit application.
5. Any exterior lighting shall be contained on the property, as per Land Use Code Section 5.07 – Performance Standards.

**CITY OF CORTEZ  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 1, SERIES 2022**

**A Resolution Recommending Approval of a Conditional Use Permit to Establish  
Multifamily Residential Development on Lot 1 of the Chism Group Minor Subdivision in  
the Residential Multifamily District (R-2)**

WHEREAS, Christian Pritchett, with Blueline Development, Inc., agent for Pinon Project, as the owner of record for lot 1 Chism Group Minor Subdivision, has applied for a conditional use permit and holds title to property located at TBD Empire Street, Cortez, Colorado 81321, and more particularly described as:

*Chism Group Minor Subdivision, Lot: 1  
As per the plat of record in the office of the Clerk and Recorder  
County of Montezuma  
State of Colorado*

WHEREAS, the applicant has applied to the City for a conditional use permit for the establishment of Multifamily housing on a portion of said property; and,

WHEREAS, Land Use Code Section 3.05, Use Regulations, indicates that this type of use in the Residential Multi-Family Zoning District (R-2) is allowed only through approval of a conditional use permit; and,

WHEREAS, the applicant presented a preliminary site plan and the necessary submittal items to be reviewed by the City Planning and Zoning Commission at a duly-advertised public hearing on January 4, 2022; and,

WHEREAS, the Planning and Zoning Commission has reviewed the application for a conditional use permit for the same property and recommended conditional approval for the Multifamily residential housing on said property, as evidenced in the adoption of P&Z Resolution No. 1, Series 2021; and,

WHEREAS, the applicant is under contract with the owners to hold legal ownership of the property subsequent to the adoption of said P&Z Resolution No. 1, Series 2022, and is interested in continued use and development of the property; and,

WHEREAS, based on the evidence and testimony presented at said public hearing, the Planning and Zoning Commission and the Owner/Applicant have agreed to certain conditions of approval for the development; and,

WHEREAS, it appears that all requirements of the City's Land Use Code have been or can be met.

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF CORTEZ PLANNING AND ZONING COMMISSION:**

THAT, P&Z Resolution No. 1, Series 2022, stipulates the conditions of approval for a conditional use permit to establish multifamily residential housing on the aforementioned property; and

FURTHER THAT, the concept and approval of a conditional use permit for the establishment of multifamily residential housing on Lot 1, Chism Group Minor Subdivision, is hereby recommended to the Cortez City Council for approval, subject to the following conditions:

### RECOMMENDATION

If the Planning and Zoning Commission chooses to approve the CUP, the Commission can make the motion to recommend approval of a conditional use permit to establish Multifamily residential housing on property located at TBD Empire St, in the Residential Multifamily (R-2) zone, as submitted by Christian Pritchett of Blueline Development, Inc., agent for property owner Pinon Project through P&Z Resolution No. 1, Series 2022, with the following conditions:

1. All requirements of utility providers, City departments, and affected Districts must be satisfied on the site plan submitted with the building permit application, as outlined in adopted City Codes and other regulatory documents, including but not limited to the construction design standards, the Building Code, and Fire Code.
2. All improvements shown on the CUP application and incorporated herein as a requirement of the CUP approval in concept, will be required to be installed prior to a Certificate of Occupancy for the project. Changes to the conceptual plan that are necessary to accommodate required improvements will be considered to be in the scope of the Conditional Use Permit approval.
3. A detailed landscaping plan shall be submitted with the site plan for the building permit application. In the event that construction of the building and all other requirements are met prior to the installation of any required landscaping, and the applicant desires a Certificate of Occupancy, the applicant may choose to provide a financial surety and obtain a CO in advance of completing the landscaping improvements. In this event, the applicant shall provide an assurance bond, letter of credit, or other financial security agreed to by both Parties, providing a guarantee of installation of the landscaping within a time frame approved by the City of Cortez.
4. With regards to refuse collection, the applicant will provide suitable level ground, cement or an asphalt pad constructed to specifications of the city engineer, upon which to locate city bins and containers and shall further provide any appropriate safety devices for use in connection with such bins and containers which may be reasonably required by the public works director. This will be a requirement on the site plan for the building permit application.
5. Any exterior lighting shall be contained on the property, as per Land Use Code Section 5.07 – Performance Standards.

CITY OF CORTEZ  
CONDITIONAL USE PERMIT –PINON APARTMENTS EMPIRE ST.  
P&Z RESOLUTION NO. 1, SERIES 2022

MOVED, SECONDED, AND ADOPTED THIS 4<sup>th</sup> DAY OF JANUARY 2022.

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Robert Rime, Chairman

ATTEST:

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Linda L. Smith, City Clerk



Permit Type	Sub Type	Permit#	Address	Issue Date
Building	Commercial Remodel	B21-000126	33 North ELM Street	12/03/2021
<b>Building Total</b>	<b>Commercial Remodel Total</b>			<b>1</b>
Building	Other	B21-000155	324 East MONTEZUMA Avenue	12/07/2021
<b>Building Total</b>	<b>Other Total</b>			<b>1</b>
<b>Building Total</b>				<b>2</b>
Burn Permit	Recreational Fire	BRN21-000033	801 North Market Street	12/14/2021
<b>Burn Permit Total</b>	<b>Recreational Fire Total</b>			<b>1</b>
<b>Burn Permit Total</b>				<b>1</b>
Fire Inspection Permit	Fire Inspection Permit	F21-000003	307 East MAIN Street	12/13/2021
Fire Inspection Permit	Fire Inspection Permit	F21-000006	201 East MAIN Street	12/14/2021
<b>Fire Inspection Permit Total</b>	<b>Fire Inspection Permit Total</b>			<b>2</b>
<b>Fire Inspection Permit Total</b>				<b>2</b>
Grading	Grading	G21-000002	901 N. Broadway and Empire Street	12/03/2021
<b>Grading Total</b>	<b>Grading Total</b>			<b>1</b>
<b>Grading Total</b>				<b>1</b>
Plumbing	Commercial	P21-000074	126 South Linden Street	12/02/2021
Plumbing	Commercial	P21-000078	50 North Broadway	12/09/2021
Plumbing	Commercial	P21-000071	42 North Market Street	12/01/2021
<b>Plumbing Total</b>	<b>Commercial Total</b>			<b>3</b>
Plumbing	Residential	P21-000072	518 South CEDAR Street	12/02/2021
Plumbing	Residential	P21-000073	142 West 5TH Street Units A,B,C	12/02/2021
Plumbing	Residential	P21-000075	813 South Cedar Street	12/07/2021
Plumbing	Residential	P21-000076	1316 MELROSE Street	12/08/2021
Plumbing	Residential	P21-000077	1616 VELMA Street	12/08/2021
<b>Plumbing Total</b>	<b>Residential Total</b>			<b>5</b>
<b>Plumbing Total</b>				<b>8</b>
Right of Way	Public Right-of-Way	ROW21-000078	1316 & 1320 Mildred	12/08/2021
Right of Way	Public Right-of-Way	ROW21-000074	N. Harrison & Madison Alley	12/06/2021
Right of Way	Public Right-of-Way	ROW21-000075	County Road L & Rolling Road	12/07/2021
Right of Way	Public Right-of-Way	ROW21-000077	401 North Erin Street & Downey St.	12/07/2021
Right of Way	Public Right-of-Way	ROW21-000073	813 South Cedar Street	12/01/2021
<b>Right of Way Total</b>	<b>Public Right-of-Way Total</b>			<b>5</b>
<b>Right of Way Total</b>				<b>5</b>