

**BOARD OF ADJUSTMENT AND APPEALS
SPECIAL MEETING
TUESDAY, FEBRUARY 21, 2023
5:30 P.M.**

1. Call to Order
2. Approval of the December 20, 2022, Board of Adjustment and Appeals Special Meeting Minutes.
3. Business of the Board of Adjustment and Appeals
 - a. Election of Chair and Vice-Chair for 2023.
 - b. Hear and Decide on a Variance to the Minimum Lot Area/Unit on a Property Located at 500 South Market, in the Residential Manufactured Home Zoning District, as Requested by the Pinon Project, through Board of Adjustment and Appeals Resolution No. 1, Series 2023, with six conditions.

Presented by Contract City Planner Nancy Dosedall

- c. Hear and Decide on a Variance to the Parking and Loading Requirements on a Property Located at 500 South Market, in the Residential Manufactured Home Zoning District, as Requested by the Pinon Project, through Board of Adjustment and Appeals Resolution No. 2, Series 2023, with six conditions.

Presented by Contract City Planner Nancy Dosedall

Adjournment

BOARD OF ADJUSTMENT AND APPEALS
SPECIAL MEETING
DECEMBER 20, 2022

1. The meeting was called to order at 5:45 p.m. Members present were Glenn Leighton, Rebecca Levy, Lance McDaniel, and Alan Rolston. New Board Member Orly Lucero was also in attendance. Staff members present were Contract City Planner Nancy Dosedall, Community and Economic Development Director Rachael Marchbanks, City Manager Drew Sanders, and City Clerk Linda Smith. There were four people present in the audience.

2. Business of the Board of Adjustment and Appeals
 - a. Oath of Office for new Board Member Orly Lucero. Board Member Lucero recited his Oath of Office as a Board of Adjustment and Appeals member.

 - b. Hear and Decide on a Variance to the Minimum Unit Size for Apartments on Property located at 550 and 640 South Broadway, Located in the Commercial Highway (C) District. Contract City Planner Dosedall reviewed the background on the property located at 550 and 640 South Broadway, formerly know as the Mesa Verde Inn. She stated that in June 2022, Zuma Apartments LLC applied for and was granted two variances to renovate the motel into long term rental apartments. The restaurant/commercial portion of the property will remain commercial, although there are no plans for use at this time. The first variance, approved in June 2022, was for the percentage of commercial space on the ground floor in the Commercial (C) zone and the second variance was to reduce the required minimum unit size from 500 square feet to 350 square feet. While both of the variances remain valid, the applicants have now completed additional design work on the property and wish to apply for additional minimum unit size variances. They are asking that a total of 20 units be allowed to drop below the 500 square feet minimum, although the June variance allows them to have units as small as 350 square feet, they have now identified 18 additional units that vary in size from 272 square feet to 350 square feet. Total units below 500 square feet would equal 20. It was noted that on December 6, 2022, the Planning and Zoning Commission approved the site development plan and a parking exception for the property; however, the additional unit size variances are required prior to building permits being issued. If the variances are not granted, the applicants would be required to either combine smaller units into larger units or use the existing small rooms for other uses.

Contract City Planner Dosedall referenced the Jurisdiction of the Board as outlined in Land Use Code Section 6.15(c) 1-6, and read for the record the required findings for the board to consider.

Finding 1. There are special circumstances existing on the property on which the applicant has made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other properties in the same area and zone district.

Finding 2. That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under this Chapter, by other properties in the vicinity and zone, but which rights are denied to the subject project.

Finding 3. That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Land Use Plan and will not adversely affect any other feature of the Comprehensive Plan of the City of Cortez.

Finding 4. That the variance, if granted, will have no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity.

Finding 5. That such unnecessary hardship has not been created by the applicant.

Finding 6. That the proposed use is a permitted use in the underlying zoning district.

Contract City Planner Dosedall reviewed staff comments on the code criteria noting that the configuration of the existing structures on the property, the use of the property for long term rental, which is a use that is allowed under the code and would be allowed on other similar properties, is challenging with the current configuration of units, doors, windows, etc. Goals and objectives of the Comprehensive Plan that would be supportive of the request were reviewed and it was noted that the current state of the property is uninhabitable and in need of repair/renovation. The proposal will result in a much-improved property that will likely improve the overall neighborhood. Having it improved and fully occupied will result in many benefits to the City and especially the surrounding area, not to mention providing an additional 57 much needed rental units in the community. Staff recommended approval of the variance as outlined in Board of Adjustment and Appeals Resolution No. 4, Series 2022.

Chairman Leighton opened the public hearing. Monique Weese and Craig Weese, members of Zuma Apartments LLC, spoke to the Board regarding the development noting that the property will remain metered through Empire Electric as it is; however, there will be breaker boxes on each unit. Contract City Planner Dosedall stated that the applicants would need to meet the International Building Code as was presented in their site development plan. Ms. Weese stated that 20 units have been approved for development under the 500 square feet; however, the request for the current variance is for five units to be developed under the 350 square feet requirement, with one of the studio apartments to be

272 square feet, one studio apartment to be 290 square feet, one studio apartment to be 293 square feet, and two studio apartments to be 297 square feet. Mr. Weese stated that the reason for the request is that after the architect designed some of the units as ADA compliant it expanded the footage for some units which caused other units to be made smaller than originally proposed. Contract City Planner Dossdall commented that variances are granted on specific circumstances and would not apply to any other development or projects.

No one from the audience spoke and Chairman Leighton closed the public hearing.

Board Member McDaniel moved that approval be granted for the Board of Adjustment and Appeals Resolution No. 4, Series 2022, approving an application for a variance to the minimum unit size for apartments on property located at 550 and 640 South Broadway, located in the Commercial Highway (C) zoning district. Board Member Rolston seconded the motion, and the vote was as follows:

Leighton	Levy	Lucero	McDaniel	Rolston
Yes	Yes	Yes	Yes	Yes

Board Member Levy moved that the meeting be adjourned at 6:10 p.m. Board Member Rolston seconded the motion, and the vote was unanimous.

Glenn Leighton, Chairperson

Rebecca Levy, Vice-Chair

Alan Rolston, Board Member

Lance McDaniel, Board Member

Orly Lucero, Board Member

ATTEST:

Linda L. Smith, City Clerk



*City of Cortez
Community and
Economic Dev. Dept.
123 Roger Smith Avenue
Cortez, CO 81321*

Meeting Date: February 21, 2023
Project No. BOA23-000001

MEMO

TO: Members of the Cortez Board of Adjustment

FROM: Nancy Dosdall, Contract City Planner

SUBJECT: Public Hearing on an Application for a variance to Residential Area Regulations for 500 S. Market, Pinon Wagees Apartments

APPLICANT: Shopworks Architects

CO - OWNERS: Blueline Development, Inc. & The Pinon Project

ATTACHMENTS: Draft BOA Resolution No. 1 Series 2023 (Minimum lot area/unit)
Draft BOA Resolution No. 2 Series 2023 (Parking/loading)
Application Packet
Neighbor comment letter

BACKGROUND

500 S. Market is an existing abandoned laundromat building in the MH, Residential Manufactured Home District. County Assessor records indicate that the laundromat was constructed in 1958, prior to existing land use codes and standards. The existing structure violates the current front and side (5th St.) setbacks, but is considered legal, nonconforming. A portion of the existing structure encroaches into the ROW for E 5th Street, this encroachment is proposed to be removed. Laundromats often use hazardous chemicals, however, the structure and property have been remediated and environmentally mitigated from the laundromat usage. Even with the remediation, adaptive reuse has been elusive and the site remains vacant.

Blueline Development, Inc. and The Piñon Project hope to redevelop the property for 17 studio apartments targeted for individuals most vulnerable to experiencing homelessness. The existing structure will be remodeled, partially deconstructed and an additional wing added. All new construction will meet MH zoning district setback standards although some of the existing encroachments will remain. An office and laundry/lounge are also proposed.

DEVELOPMENT STANDARDS (Red text indicates requested variance)

Development Standard	MH Zone Requirement	Proposed
Min. floor area/apartment	450 sq. ft.	450 sq. ft.
Min. lot area/unit	2000 sq. ft (affordable	1,178 sq. ft.
Parking - Residential	34 spaces	19 spaces (15 spaces short)
Parking - Loading	1 loading space	No loading spaces proposed
Setback - front	20'	Existing 10' no change proposed
Setback – side/rear	7'	Existing encroachment to be demolished - 7' for new construction
Setback – E 5 th St.	15'	Portion of existing encroachment to be demolished - 15' for new construction

CRITERIA

Required Findings. In exercising its power to grant a variance in accordance with this code, the board of adjustment shall make finding and show in its minutes that:

- (1) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and zone district;
- (2) That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under this code, by other properties in the vicinity and zone, but which rights are denied to the subject property;
- (3) That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the city;
- (4) That the variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity;
- (5) That such unnecessary hardship has not been created by the applicant; and
- (6) That the proposed use is a permitted use in the underlying zone district.

DISCUSSION

The applicants are requesting variances to allow for the adaptive re-use of the existing property located at 500 S. Market St. It is important to note that regardless of the outcome of the requested variances, should the applicants decide to move forward, a conditional use permit and site plan submittal with review by the Planning Commission and City Council will be required. If the minimum lot area/unit variance is not granted, the property will be restricted to a maximum of 9 or 10 affordable units or 6 market rate units.

The discussion below will consider the requested variances against the code review criteria.

Minimum sq ft/unit (Density) Variance Request:

The newly adopted Code revision for affordable projects requires 2,000 sq. ft. of lot area/unit. The

existing lot totals 19,880 sq. ft. (per assessor) or 20,038 sq. ft. (per applicant), allowing a maximum of nine (9) or ten (10) income restricted units. The code does not differentiate between unit size. For example, the code would allow nine (9) three-bedroom units resulting in a total of 18 bedrooms. The current request is for 17 small, studio dwelling units with on-site laundry and management.

Special Circumstances:

The criteria for a variance are specific to the property and specific circumstances that exist on site. While this site is not necessarily constrained by size, shape, or topography, it can be considered constrained by the existing structure on the property which is currently nonconforming as to use, setbacks, and, encroaches into the City ROW in at least one location. Unless it is demolished, to effectively remodel the existing use in a reasonable manner, it is necessary to work with what exists on the property and the existing structure including location, walls, doors, windows, etc. These same constraints would not apply to a greenfield site, or any other property in the same area and zone district.

Rights

The code requires a finding that the variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under this code, by other properties in the vicinity and zone, but which rights are denied to the subject property. Given the configuration of the existing structure on the property, the use of the property for long term rental, which is a use that is allowed under the code and would be allowed on other similar properties is challenging.

Land Use Pattern/Comprehensive Plan

It must be demonstrated that granting of the variance will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the City. If the variance were granted, the property would convert from a previous commercial use to residential use. Commercial uses except for some limited offices are not allowed in the MH zone. The previous use of a laundry, which has been abandoned, would not be allowed with the existing zoning.

The Comprehensive Plan has multiple goals and objectives that could be considered supportive of this request including:

- Develop and maintain safe, desirable, and quality housing for all current and future residents, with emphasis on affordability/attainability and revitalization of neighborhoods.
- Encourage expansion of the housing supply within the City of Cortez to meet the needs of current and future residents.
- Strongly encourage the development of new housing on surplus, vacant and underutilized land throughout the City, with appropriate incentives, zoning regulations, and development standards.
- Encourage the private sector to provide new housing in locations consistent with Land Use Code and Comprehensive Plan policies and objectives.
- Expand opportunities for quality housing that is affordable and meets the needs of all residents.
- Provide support for local housing initiatives that increase the supply of affordable rental housing to low and very-low income families.

- Consider supporting programs that provide opportunities for low income, and very low-income residents to achieve self-sufficiency and upward mobility in housing options.
- Promote organizations and programs, such as transitional housing, that assist both individuals and families in reaching self-reliance.
- **To meet the needs of single residents, allow the development of studio apartments, boarding homes and other single room occupancy housing opportunities in appropriate zoning districts.**

No Detriment

It must be demonstrated that should the variance be granted no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity will occur. The current state of the property is abandoned and in need of repair/renovation. The potential re-uses of the site are limited to offices or multi-family, assuming a conditional use permit is approved. The proposal will result in a much-improved property. Building encroachments into the ROW will be removed. While portions of the existing building will remain in the setback area, all proposed new construction will conform with current setback requirements.

Hardship not created by the Applicant

The hardship on the property is the result of how it was originally constructed many years ago, prior to the establishment of current zoning laws and the need for significant re-investment. It was not created by the applicant.

Use is Permitted

The use of the property for multi-family development is a conditional use in the zone district.

AGENCY REVIEW

GIS Coordinator (Doug Roth)

- Great project
- It appears part of the building's awnings encroach on the ROW of S Market and E 5th Streets. These are very wide street ROW's of 100' and 80'
- The building, as constructed, now may not meet setbacks and need a variance for this.
- Considering the future residence may not have vehicles, 5' wide sidewalks should be built adjacent to the city streets and crosswalks stripped as needed for pedestrian safety along Market Street.

Cortez Police Department (Andy Brock)

No comments received.

Cortez City Engineer (Kevin Kissler)

No comments received.

Cortez Fire Protection District (Jessica Borden)

No comments received.

Empire Electric (Greg South)

There is an overhead powerline in alley with one existing service to this building.

Depending on the load of the 17 units will dictate what type of service upgrade/new services that will be needed.

I am assuming that they will want 17 individual meters for each unit. They will incur all costs associated with this upgrade/new services.

Please feel free to contact me if you have any questions.

City of Cortez Building Department (Sean Canada)

No Comment

Cortez Sanitation District (Jan Nelson)

The Sanitation District Would like it to be known, That the existing Building at 500 S. Market is most likely tapped to our 6" clay line in the Alley directly east of the property and that there is a newer 8" PVC line in front of the property in S Market St. and that any additional sewer taps should be designed to tap into our newer line in N. Market St.

We would also like to have the owners ensure the existing sewer service line integrity through a video inspection available through a few local plumbers prior to Building renovation.

Cortez General Services (Rick Smith)

I do not have any comment as it relates to the City CCN fiber system... thanks...

ALTERNATIVES (Staff recommends separate actions on each of the three variance requests)

1. The Board can approve the requested variance for property located at 500 S. Market, in the MH zone, as submitted by Blueline Development, Inc. and The Pinon Project and state its reasons;
2. The Board can deny the application for the requested variance and state its reasons;
3. The Board can ask for more information and table the application or continue the application to a date certain.

RECOMMENDATION

Staff recommends Alternative "1" above, approval of the requested variance through BOA Resolution No. 1, Series 2023.

If the Board of Adjustment so chooses to follow the recommendation of Staff, the Board can **make the motion to approve the variance on property located at 500 South Market, in the Residential Manufactured Home (MH) District, as submitted by Blueline Development, Inc. and The Pinon Project through BOA Resolution No. 1, Series 2023.**

**CITY OF CORTEZ
BOARD OF ADJUSTMENT AND APPEALS
RESOLUTION NO. 1, SERIES 2023**

**A RESOLUTION APPROVING A VARIANCE TO THE MINIMUM LOT AREA/UNIT
ON A PROPERTY LOCATED AT 500 SOUTH MARKET, IN THE RESIDENTIAL
MANUFACTURED HOME (RM) ZONING DISTRICT**

WHEREAS, Blueline Development, Inc., and The Pinon Project (hereinafter collectively the “Applicant”) have applied for a variance to the required minimum lot area/unit on property located at 500 S. Market St, Cortez, Colorado, and more particularly described as (the “Property”):

CHAMBERLINS ADDITION Lot: 13-17 Block: 78 & N 15 FT LOT 18 B550 P860 B584 P18-1

WHEREAS, the Applicant has applied to the City for review of a variance to the required minimum lot area/unit as set forth in the Land Use Code Section 3.06; and

WHEREAS, the Applicant desires to remodel the existing structure on the Property to allow for multi-family residential use; and

WHEREAS, Land Use Code Section 3.06(a) requires a minimum of 2,000 sq. ft. of lot area/unit on the Property, which is located in the Residential Manufactured Housing (RM) Zoning District, for affordable dwelling units; and

WHEREAS, the Applicant has applied to reduce the 2,000 sq. ft./unit requirement down to 1,178 sq. ft./unit to allow for a total of 17 affordable apartments due to the existing structure configuration on the Property; and

WHEREAS, in accordance with the Land Use Code, the City of Cortez Board of Adjustment and Appeals (the “Board”) held a duly-advertised public hearing on February 21, 2023, to receive public comment on the proposed variance; and

WHEREAS, based on the evidence and testimony presented at said public hearing, the Board reviewed the application for a variance to Section 3.06, and determined that it was not detrimental to the community to approve the variance to the minimum sq. ft./unit; and

WHEREAS, the Board reviewed the criteria of Land Use Code Section 6.17(c)(1-6) and found that:

1. There are special circumstances existing on the Property on which the application is made relative to existing conditions on the site that do not apply generally to other property in the same area and zone district; and

2. That a variance is necessary to permit the Applicant the same rights in the use of this Property that are presently enjoyed under the Code, by other properties in the vicinity and zone, but which rights are denied to the Property; and
3. That the granting of the variance on the Property will not adversely affect the land use pattern as outlined by the City of Cortez Comprehensive Plan and will not adversely affect any other feature of the City of Cortez Comprehensive Plan; and
4. That the variance, if granted, will not be a material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity; and
5. That such unnecessary hardship has not been created by the Applicant; and
6. That the proposed use is a permitted use in the underlying zone district.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CORTEZ BOARD OF ADJUSTMENT AND APPEALS:

THAT, by this Resolution No. 1, Series 2023, the application for a reduction in the minimum required lot area/unit in the Residential Manufactured Home Zoning District, allowing for a total of 17 units on the subject parcel, as requested by the applicant, Blueline Development, Inc. and The Pinon Project, for property located at 500 South Market St., is hereby approved.

MOVED, SECONDED, AND ADOPTED THIS 21st DAY OF FEBRUARY, 2023

BOARD OF ADJUSTMENT AND APPEALS

Glenn Leighton, Chairman

ATTEST:

Linda L. Smith, City Clerk



*City of Cortez
Community &
Economic Dev. Dept.
123 Roger Smith Avenue
Cortez, CO 81321*

Meeting Date: February 21, 2023
Project No. BOA23-000001

MEMO

TO: Members of the Cortez Board of Adjustment

FROM: Nancy Dossdall, Contract City Planner

SUBJECT: Public Hearing on an Application for a variance to Parking/Loading requirements for 500 S. Market, Pinon Wagees Apartments

APPLICANT: Shopworks Architects

CO - OWNERS: Blueline Development, Inc. & The Pinon Project

ATTACHMENTS: Draft BOA Resolution No. 2 Series 2023 (Parking/loading)
Application Packet
Neighbor comment letter

BACKGROUND

500 S. Market is an existing abandoned laundromat building in the MH, Residential Manufactured Home District. County Assessor records indicate that the laundromat was constructed in 1958, prior to existing land use codes and standards. The existing structure violates the current front and side (5th St.) setbacks, but is considered legal, nonconforming. A portion of the existing structure encroaches into the ROW for E 5th street, this encroachment is proposed to be removed. Laundromats often use hazardous chemicals, however, the structure and property have been remediated and environmentally mitigated from the laundromat usage. Even with the remediation, adaptive reuse has been elusive and the site remains vacant.

Blueline Development, Inc. and The Piñon Project hope to redevelop the property for 17 studio apartments targeted for individuals most vulnerable to experiencing homelessness. The existing structure will be remodeled, partially deconstructed and an additional wing added. All new construction will meet MH zoning district setback standards although some of the existing encroachments will remain. An office and laundry/lounge are also proposed.

DEVELOPMENT STANDARDS (Red text indicates requested variance)

Development Standard	MH Zone Requirement	Proposed
Min. floor area/apartment	450 sq. ft.	450 sq. ft.

Min. lot area/unit	2000 sq. ft (affordable	1,178 sq. ft.
Parking - Residential	34 spaces	19 spaces (1 space/unit + 2 staff spaces - 15 spaces short)
Parking - Loading	1 loading space	No loading spaces proposed
Setback - front	20'	Existing 10' no change proposed
Setback – side/rear	7'	Existing encroachment to be demolished - 7' for new construction
Setback – E 5 th St.	15'	Portion of existing encroachment to be demolished - 15' for new construction

CRITERIA

Required Findings. In exercising its power to grant a variance in accordance with this code, the board of adjustment shall make finding and show in its minutes that:

- (1) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and zone district;
- (2) That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under this code, by other properties in the vicinity and zone, but which rights are denied to the subject property;
- (3) That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the city;
- (4) That the variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity;
- (5) That such unnecessary hardship has not been created by the applicant; and
- (6) That the proposed use is a permitted use in the underlying zone district.

DISCUSSION

The applicants are requesting the parking variances to facilitate the adaptive re-use of the existing property located at 500 S. Market St. It is important to note that regardless of the outcome of the requested variances, should the applicants decide to move forward, a conditional use permit and site plan submittal with review by the Planning Commission and City Council will be required.

The existing land use code requires 2 parking spaces per dwelling unit, regardless of the number of proposed bedrooms. The proposal is for studio apartments for low income residents. On site management is provided. The applicants have requested a reduction in the minimum spaces per unit due to the location of the proposed development, very low-income nature of the residents and on-site management. The applicants have stated that many residents may not have a vehicle, and those that do will likely only have one.

Special Circumstances:

The criteria for a variance are specific to the property and specific circumstances that exist on site. While this site is not necessarily constrained by size, shape, or topography, it can be considered constrained by the existing structure on the property which is currently nonconforming as to use, setbacks, and, encroaches into the City ROW in at least one location.

Unless it is demolished, to effectively remodel the existing use in a reasonable manner, it is necessary to work with what exists on the property and the existing structure including location, walls, doors, windows, etc. These same constraints would not apply to a greenfield site, or any other property in the same area and zone district.

Rights

The code requires a finding that the variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under this code, by other properties in the vicinity and zone, but which rights are denied to the subject property. Given the configuration of the existing structure on the property, the use of the property for long term rental, which is a use that is allowed under the code and would be allowed on other similar properties is challenging.

Land Use Pattern/Comprehensive Plan

It must be demonstrated that granting of the variance will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the City. If the variance were granted, the property would convert from a previous commercial use to residential use. Commercial uses except for some limited offices are not allowed in the MH zone. The previous use of a laundry, which has been abandoned, would not be allowed with the existing zoning.

The Comprehensive Plan has multiple goals and objectives that could be considered supportive of this request including:

- Develop and maintain safe, desirable, and quality housing for all current and future residents, with emphasis on affordability/attainability and revitalization of neighborhoods.
- Encourage expansion of the housing supply within the City of Cortez to meet the needs of current and future residents.
- Strongly encourage the development of new housing on surplus, vacant and underutilized land throughout the City, with appropriate incentives, zoning regulations, and development standards.
- Encourage the private sector to provide new housing in locations consistent with Land Use Code and Comprehensive Plan policies and objectives.
- Expand opportunities for quality housing that is affordable and meets the needs of all residents.
- Provide support for local housing initiatives that increase the supply of affordable rental housing to low and very-low income families.
- Consider supporting programs that provide opportunities for low income, and very low-income residents to achieve self-sufficiency and upward mobility in housing options.
- Promote organizations and programs, such as transitional housing, that assist both individuals and families in reaching self-reliance.
- **To meet the needs of single residents, allow the development of studio apartments, boarding homes and other single room occupancy housing opportunities in appropriate zoning districts.**

No Detriment

It must be demonstrated that should the variance be granted no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity will occur. The current state of the property is abandoned and in need of repair/renovation. The potential re-uses of the site are limited to offices or multi-family, assuming a conditional use permit is

approved. The proposal will result in a much-improved property. Building encroachments into the ROW will be removed. While portions of the existing building will remain in the setback area, all proposed new construction will conform with current setback requirements.

Hardship not created by the Applicant

The hardship on the property is the result of how it was originally constructed many years ago, prior to the establishment of current zoning laws and the need for significant re-investment. It was not created by the applicant.

Use is Permitted

The use of the property for multi-family development is a conditional use in the zone district.

AGENCY REVIEW

GIS Coordinator (Doug Roth)

- Great project
- It appears part of the building's awnings encroach on the ROW of S Market and E 5th Streets. These are very wide street ROW's of 100' and 80'
- The building, as constructed, now may not meet setbacks and need a variance for this.
- Considering the future residence may not have vehicles, 5' wide sidewalks should be built adjacent to the city streets and crosswalks stripped as needed for pedestrian safety along Market Street.

Cortez Police Department (Andy Brock)

No comments received.

Cortez City Engineer (Kevin Kissler)

No comments received.

Cortez Fire Protection District (Jessica Borden)

No comments received.

Empire Electric (Greg South)

There is an overhead powerline in alley with one existing service to this building.

Depending on the load of the 17 units will dictate what type of service upgrade/new services that will be needed.

I am assuming that they will want 17 individual meters for each unit. They will incur all costs associated with this upgrade/new services.

Please feel free to contact me if you have any questions.

City of Cortez Building Department (Sean Canada)

No Comment

Cortez Sanitation District (Jan Nelson)

The Sanitation District Would like it to be known, That The existing Building at 500 S Market is most likely tapped to our 6" clay line in the Alley directly east of the property and that there is a newer 8" PVC line in front of the property in S. Market St. and that any additional sewer taps should be designed to tap into our newer line in N. Market St.

We would also like to have the owners ensure the existing sewer service line integrity through a video

inspection available through a few local plumbers prior to Building renovation.

Cortez General Services (Rick Smith)

I do not have any comment as it relates to the City CCN fiber system... thanks...

ALTERNATIVES (Staff recommends separate actions on each of the three variance requests)

1. The Board can approve the requested variance for property located at 500 S. Market, in the MH zone, as submitted by Blueline Development, Inc. and The Pinon Project and state its reasons;
2. The Board can deny the application for the requested variance and state its reasons;
3. The Board can ask for more information and table the application or continue it to a date certain.

RECOMMENDATION

Staff recommends Alternative "1" above, approval of the requested variance through BOA Resolution No. 2, Series 2023.

If the Board of Adjustment so chooses to follow the recommendation of Staff, the Board can **make the motion to approve the variance on property located at 500 South Market, in the Residential Manufactured Home (MH) District, as submitted by Blueline Development, Inc. and The Pinon Project, through BOA Resolution No. 2, Series 2023.**

**CITY OF CORTEZ
BOARD OF ADJUSTMENT AND APPEALS
RESOLUTION NO. 2, SERIES 2023**

**A RESOLUTION APPROVING A VARIANCE TO THE PARKING AND LOADING
REQUIREMENTS ON A PROPERTY LOCATED AT 500 SOUTH MARKET, IN THE
RESIDENTIAL MANUFACTURED HOME (MH) ZONING DISTRICT**

WHEREAS, Blueline Development, Inc., and The Pinon Project (hereinafter collectively the “Applicant”) have applied for a variance to the required minimum parking and loading requirements on property located at 500 S. Market St, Cortez, Colorado, and more particularly described as (the “Property”):

CHAMBERLINS ADDITION Lot: 13-17 Block: 78 & N 15 FT LOT 18 B550 P860 B584
P18-1

WHEREAS, the Applicant has applied to the City for review of a variance to the required minimum lot area/unit as set forth in the Land Use Code Section 5.02(d); and

WHEREAS, the Applicant desires to remodel the existing structure to allow for multi-family residential use; and

WHEREAS, Land Use Code Section 5.02(d) requires a minimum of 34 parking spaces or 2 spaces/unit and one loading space on property located in the Residential Manufactured Housing (MH) Zoning District for residential dwelling units; and

WHEREAS, the Applicant has applied to reduce the 2 spaces/unit requirement to 1 space/unit to facilitate a total of 17 low income/affordable apartments on the Property; and

WHEREAS, in accordance with the Land Use Code, the City of Cortez Board of Adjustment and Appeals (the “Board”) held a duly-advertised public hearing on February 21, 2023, to receive public comment on the proposed variance; and

WHEREAS, based on the evidence and testimony presented at said public hearing, the Board reviewed the application for a variance to Section 5.02(d), and determined that it was not detrimental to the community to approve the parking/loading variance; and

WHEREAS, the Board reviewed the criteria of Land Use Code Section 6.17(c)(1-6) and found that:

1. There are special circumstances existing on the property on which the application is made relative to existing conditions on the site that do not apply generally to other property in the same area and zone district; and

2. That a variance is necessary to permit the Applicant the same rights in the use of this Property that are presently enjoyed under this code, by other properties in the vicinity and zone, but which rights are denied to the Property; and
3. That the granting of the variance on the Property will not adversely affect the land use pattern as outlined by the City of Cortez Comprehensive Plan and will not adversely affect any other feature of the City of Cortez Comprehensive Plan; and
4. That the variance, if granted, will not be a material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity; and
5. That such unnecessary hardship has not been created by the Applicant; and
6. That the proposed use is a permitted use in the underlying zone district.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CORTEZ BOARD OF ADJUSTMENT AND APPEALS:

THAT, by this Resolution No. 2, Series 2023, the application for a reduction in the minimum required parking/loading in the Residential Manufactured Home Zoning District, allowing for a total of 19 parking spaces for the 17 dwelling units on the subject parcel, as requested by the applicant, Blueline Development, Inc. and The Pinon Project, for property located at 500 South Market St., is hereby approved.

MOVED, SECONDED, AND ADOPTED THIS 21st DAY OF FEBRUARY, 2023

BOARD OF ADJUSTMENT AND APPEALS

Glenn Leighton, Chairman

ATTEST:

Linda L. Smith, City Clerk

December 28, 2022

City of Cortez Board of Adjustment
123 Roger Smith Ave.
Cortez, CO 81321

RE: Application for Variances for Piñon WAGEES Apartments at 500 S. Market Street

Dear Board of Adjustment:

On behalf of BlueLine Development and The Piñon Project, Shopworks Architecture are pleased to submit this variance request for an approximately 0.46-acre (20,038 sf) site located at 500 S. Market Street. The site is home to an abandoned laundromat building, which has been remediated and environmentally mitigated. We are looking to renovate the building, with an addition, to accommodate a new 17-unit for-rent affordable housing apartment building for individuals most vulnerable to experiencing homelessness, known as *The Piñon WAGEES Apartments*.

This variance request has been assembled by the following parties:

<u>Developer/ Co-Owner</u>	<u>Co-Owner/ Operator</u>	<u>Architect/Planner</u>
BlueLine Development 1004 South Avenue West Missoula, MT 59801 Contact: Oriana Sanchez oriana@bluelinedevelopment.com	The Piñon Project 210 E. Main Street Cortez, CO 81321 Contact: Kellie Willis KWillis@pinonproject.org	Shopworks Architecture 301 W. 45 th Avenue Denver, CO 80216 Contact: Jenna Nelson/ Alisha Hammett jenna@shopworksarc.com alisha@shopwroksarc.com

The site is currently zoned Residential Manufactured Home (MH) and dwelling multifamily 7 or more units is permitted through a Conditional Use Permit (CUP) which is reviewed and approved by the Planning Commission and City Council. We are pursuing this variance request ahead of the Conditional Use Permit application, because without the approval of the proposed waivers, the development would be economically unviable.

We are requesting the following waivers from Code:

- Section 3.10 MH, Residential Manufactured Home District: Waiver from minimum lot requirement of 2,000 square feet of lot area per affordable multifamily dwelling unit to a minimum of 1,000 square feet of lot area per unit. Without this waiver, the development team would only be able to deliver 10 affordable housing units on the 0.46-acre / 20,038 sf site. By waiving the minimum lot requirement, the development team would be able to convert this former laundromat into 17 apartments which makes the development economically viable and provides much needed housing for those most vulnerable to experiencing homelessness within the community.
- Section 5.02 Off Street Parking and Loading Requirements. Parking Reduction: This future apartment building will be serving extremely low-income individuals, who typically cannot afford more than one vehicle, if a vehicle at all. We are requesting to park the building at a one space per unit ratio, versus the code required 2 spaces per unit. The entire apartment complex

is comprised of 17 studio units, which will generate less cars than an apartment building with two or three- bedroom units. We are proposing 19 parking spaces.

- Section 5.02 Off Street Parking and Loading Requirements. Waive Loading Space: The City code requires all multifamily buildings to have one 12'x55' loading space per 11-30 units. Due to this site being a one-story building, and with only 17 units, we believe that a loading space would be grossly underutilized and take up valuable space that could be better used for onsite parking and trash facilities.

We have provided the following table as a summary of our variances below:

Development Standard	R-MH	Proposed
Min. Floor Area/ Apartment (Section 3.10 MH)	2,000 square feet of lot area per affordable multifamily dwelling	1,000 square feet of lot area per unit
Min. Parking Requirement (Section 5.02 Off Street Parking and Loading Requirements)	2 spaces per unit	1 space per unit
Min. Loading Requirement. (Section 5.02 Off Street Parking and Loading Requirements)	Multifamily buildings to have one 12'x55' loading space per 11-30 units	Waive requirement.

We believe this variance request is justified through the following criteria set forth in Section 6.17 (c) of the Land Use Code:

1. There are special circumstances existing on the property on which the applicant is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and zone district.

The criteria for a variance are specific to the property and specific existing circumstances. While this site is not necessarily constrained by size, shape, or topography, it is constrained by the existing structure on the property. To effectively reuse the existing building in a community-serving way, it is reasonable to grant relief from the minimum lot area, parking and loading requirements to provide housing for people most vulnerable to experiencing homelessness in Cortez.

2. That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under this code, by other properties in the vicinity and zone, but which rights are denied to the subject property.

Multifamily housing is a permitted use under the Code and would be allowed on other similar properties. The minimum required square footage per unit is constraining in that most economically viable apartment developments contain more than 6 units. Given the configuration of the existing abandoned structure on the property, the use of the property as an adaptive reuse of the building into an affordable rental housing development would not be feasible with the amount of square footage required.

3. That granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the city

Should the variance be granted, the property would still maintain its zoning of Residential

Manufactured Home (MH), therefore the overall land use pattern of the City would not be affected. Adjacent zoning includes Residential Manufactured Home to the south and east, and Residential Multifamily (R2) to the north and west. The neighborhood is predominately residential, with a mix of single-family homes and apartment buildings. The proposed use and building design are compatible with the neighborhood.

4. That the variance if granted will be no material detriment to the public welfare, or injury to the use, enjoyment, or value of property in the vicinity.

The proposed development is an adaptive reuse of a currently vacant, uninhabitable building to transform it to a single-story 17-unit affordable apartment building for individuals most vulnerable to experiencing homelessness. The design will be sensitive to the neighborhood and improve the aesthetic quality of the block by renovating a currently run-down, abandoned building into an attractive affordable housing apartment building. Having the building be improved and occupied will result in many benefits to the neighborhood and the City, by providing much needed affordable housing, and deterring vandalism. BlueLine Development (developer) and The Piñon Project (operator) will provide proper maintenance of the entire property for the safety and comfort of residents, Piñon staff, visitors, and the community.

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 includes 19 onsite parking spaces, which is appropriately parked for the proposed use and the demographic of future residents. Planning Commission and City Council recently approved a parking reduction for Mesa Verde Apartments setting a precedent and demonstrating an understanding of reduced parking demand for affordable housing developments; especially for low-income individuals who often cannot afford one or more personal vehicles.

The Comprehensive Plan has several goals and objectives that support this request:

- Strongly encourage the development of new housing on surplus, vacant and underutilized land throughout the City, with appropriate incentives, zoning regulations and development standards (Policy 6.1.4)
- To meet the need of single residents, allow the development of studio apartments, boarding homes, and other single-room occupancy housing opportunities in appropriate zone districts (Policy 6.4.31)
- Encourage expansion of the housing supply within the City of Cortez to meet the needs of current and future residents (p. 53)
- Expand opportunities for quality housing that is affordable and meets the needs of all residents (Goal 6.4)
- Encourage the private sector to provide new housing in locations consistent with Land Use Code and Comprehensive Plan policies and objectives (Policy 6.1.5)
- Encourage opportunities whenever possible for housing, employment and recreation that empower people of all ages and backgrounds (Policy 4.3.22)
- Modify development guidelines to facilitate "new urbanism" techniques, to reduce housing costs and other impacts of development when appropriate (Policy 6.4.9)
- Promote organizations that provide emergency housing assistance, such as subsidizing rent, mortgage, or utility payments, that prevent homelessness and other reductions of living standards (Policy 6.4.25)

The proposed variances further the public welfare and safety of the city primarily through implementation of the City's adopted comprehensive plan.

5. That such unnecessary hardship has not been created by the applicant.

The hardship on the property is the result of how the building was originally constructed, and the need for significant reinvestment.

6. The proposed use is permitted use in the underlying zone district.

Multifamily housing is permitted in the MH zone district.

Thank you for your thoughtful consideration of our request. Please feel free to contact us if you have any questions or concerns.

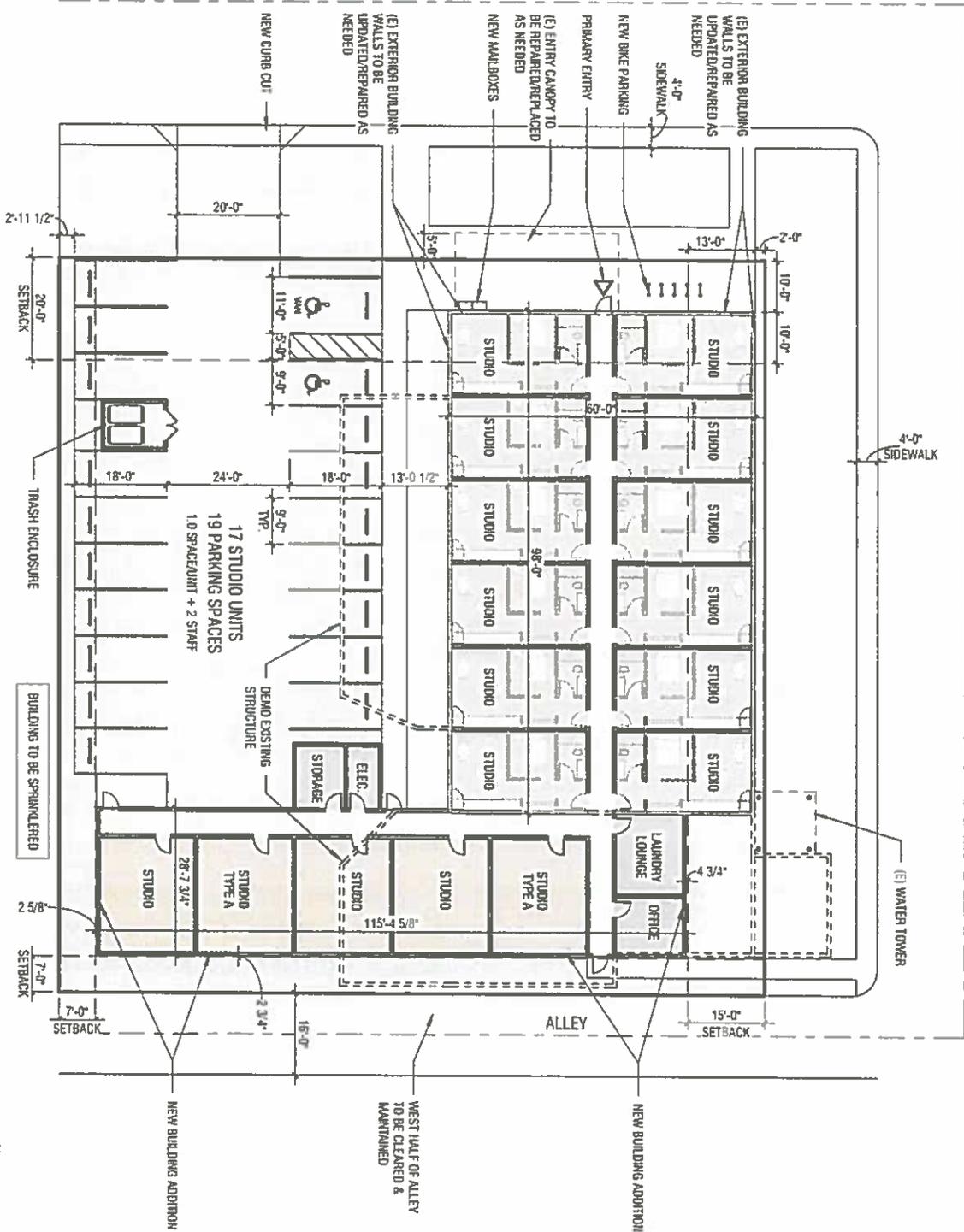
Sincerely,



Alisha Kwon Hammett
Shopworks Architecture

S. MARKET ST.

E 5TH ST.



PROPOSED SITE PLAN

1" = 20'-0"



PINON WAGEES APARTMENTS

PROJ. NO. 22003
DATE 12/28/2022

500 S. MARKET ST.
CORTEZ, CO 81321

S T O P W O R K
 CONSULTANTS
 813 S. MARKET ST. CORTEZ, CO 81321

City of Cortez
Planning and Building
123 Roger Smith Avenue
Cortez, CO 81321

City of Cortez
Planning and Building
123 Roger Smith Avenue
Cortez, CO 81321

December 29, 2022

PUBLIC NOTICE

The Cortez City Council has received an application for Doneita Hegwood, owner of TBD N. Chestnut St., from Casey Spitzer, personal representative. They are requesting a zoning change from R1 to R2 for this .59-acre parcel in Cortez city limits with the legal description -Subdivision: CRSP ADDITION Lot: 2 8 Block: 1 B612 P165-66.

We will be holding a Public Hearing, Tuesday, January 24, 2023, at 7:30 pm, at Cortez City Hall Council Chambers.

The City urges anyone with an interest in this matter to attend the above meeting. For further information, please contact the Planning and Building Department in the Cortez City Hall at 123 Roger Smith Avenue, Cortez, or call 970-565-3402.

JAPanning, BuildingLand Use & Planning 11.000P and Z



OWNER	CARE OF	MAIL ADDRESS 1	MAIL CITY	MAIL STATE	LOCATION	ADDRESS
OLSON, JAMES A.		590 S MARKET ST	CORTEZ, CO, 81		Situs	590 S MARKET ST
HINMAN, CRAIG		517 S BEECH ST	CORTEZ, CO, 81		Situs	517 S BEECH ST
BUNDY, KENNY COREY		501 S. MARKET ST	CORTEZ, CO, 81		Situs	501 S MARKET ST
CARVER, KAL D.		2309 LA PLATA ST	CORTEZ, CO, 81		Situs	500 S MARKET ST
SCHMALZ, GEORGE M		33 E 5TH ST	CORTEZ, CO, 81		Situs	33 E 5TH ST
SAUER, PAUL S.		PO BOX 1432	CORTEZ, CO, 81		Situs	422 S MARKET ST
M&T BENITEZ TRUST		7670 32ND STREE	ANTELOPE, CA,		Situs	10 E 6TH ST
MARTINEZ, PRISCILLA		519 S BEECH ST	CORTEZ, CO, 81		Situs	519 S BEECH ST
MCANDREWS, DANIEL		525 S MARKET ST	CORTEZ, CO, 81		Situs	525 S MARKET ST
SCHMALZ RENTALS LLC		1902 ROLLING RD	CORTEZ, CO, 81		Situs	513 S BEECH ST
MARTINEZ, CARMELLA		530 S MARKET ST	CORTEZ, CO, 81		Situs	530 S MARKET ST
ATKINSON, BILLIE J.		14998 HWY 145	DOLORES, CO, 8		Situs	431 S BEECH ST

Re: Concerned about apartment complex

Nancy Dossdall <ndossdall@cortezco.gov>

Fri 2/10/2023 9:53 AM

To: Drew Sanders <dsanders@cortezco.gov>; Rafe O'Brien <bikr1234545@gmail.com>; Linda Smith <lsmith@cortezco.gov>; Rachel Medina <rmedina@cortezco.gov>; Robert Dobry <rdobry@cortezco.gov>; dspruell@cityofcortez.com <dspruell@cityofcortez.com>; Dennis Spruell <dspruell@cortezco.gov>; Cheryl Lindquist <clindquist@cortezco.gov>; Rachael Marchbanks <rmarchbanks@cortezco.gov>

Hello Mr. O'Brien,

Thank you again for expressing your concerns, I will make sure to include them in the Board of Adjustment packet and any others received from your neighbors. I just want to clarify a bit about the process. The current request is a variance to the existing density standards and parking standards. The request will be heard by the Board of Adjustment on February 21, 2023 per the notification that you were sent. The Board of Adjustment only hears requests to vary standards, and does not actually approve or deny a project, just the requested variance. The property itself is zoned to allow multi-family units, however, as you corrected noted, it is currently restricted to a maximum of 10 affordable units or 6 market rate units. If the variance is denied on the 21st, the parcel could proceed with a maximum of 10 income restricted units assuming they can meet all other standards. If they proceed, hearings will be required before the Planning Commission and the City Council. Although you are always welcome to speak to the City Council at a public meeting, it might be best to wait until actual meetings before them are scheduled on the project, assuming it even gets that far. Let me know if you have any additional questions.

Nancy L. Dossdall AICP
Contract City Planner
City of Cortez
123 Roger Smith Ave.
Cortez, CO 81321
Ph: 970-565-3402 (City Hall)
Cell: 970.769.8331
www.cityofcortez.com

From: Drew Sanders <dsanders@cortezco.gov>

Sent: Friday, February 10, 2023 8:55 AM

To: Rafe O'Brien <bikr1234545@gmail.com>; Nancy Dossdall <ndossdall@cortezco.gov>; Linda Smith <lsmith@cortezco.gov>; Rachel Medina <rmedina@cortezco.gov>; Robert Dobry <rdobry@cortezco.gov>; dspruell@cityofcortez.com <dspruell@cityofcortez.com>; Dennis Spruell <dspruell@cortezco.gov>

Subject: RE: Concerned about apartment complex

Mr. O'Brien:

Thanks for reaching out with your concerns on this. I learned that you just had a phone conversation with Cheryl in the planning department regarding this issue. It is my understanding that she clarified for you that this is NOT somehow a City generated project, but rather we received an application and must therefore process it. The notice you received is in fact part of the process, and I am pleased that adequate and timely notice was made to stakeholders such as yourself. It is also my understanding that you have asked to have your written comments added to the record and the Council packet for this agenda item, and we will be certain to do just that. As part of these types of processes the City Council is constantly seeking broad perspectives on each matter that will help them arrive at the best decisions and outcomes. I therefore strongly urge you to attend the applicable public

meetings (along with anyone else who is affected by this process) and express your views to the Council. All input is much appreciated.

Thanks for your involvement,

Drew C. Sanders
City Manager
City of Cortez
123 Roger Smith Ave.
Cortez, CO 81321
Ph: 970-564-4005
www.cortezco.gov



From: Rafe O'Brien <bikr1234545@gmail.com>
Sent: Friday, February 10, 2023 8:19 AM
To: Nancy Dosdall <ndosdall@cortezco.gov>; Linda Smith <lsmith@cortezco.gov>; Rachel Medina <rmedina@cortezco.gov>; Robert Dobry <rdobry@cortezco.gov>; Drew Sanders <dsanders@cortezco.gov>; dspruell@cityofcortez.com
Subject: Concerned about apartment complex

Hi my name is Rafe O'Brien. I live on the corner of South market and 4th street at 403 South market. I just got a letter stating that there would be an apartment complex going up on the corner of 5th and market street. I was born and raised in this community, I've lived here for 33 years of my life, and this is the stupidest thing I've ever heard or seen!!!! Just to be blunt and completely honest. I'm not one to sugar coat stuff or beat around the bush, so I'm just gonna get straight to the point..... There is no way 17 units will fit on that corner with 34 parking spots and the ability to actually accommodate our neighborhood and have beautification put in also....If you've ever been on this side of the neighborhood, people use market street as a race Speedway from 3rd street stop sign to 7th street stop sign. We also have children all over our neighborhood from 7th street to 3rd street. Currently across the street for me on the other corner of 4th and market, there are 6 apartments, 6 APARTMENTS, which seems completely reasonable and actually accommodates the area that they have without over crowding.....To try and cram 17 apartments on that corner must be one h*** of a way to make a lot of money by stacking these people on top of each other like rats in cages.....The apartment across the street is able to have a yard, 15 to 20% for beautification, and they have adequate apartment square footage that they need to raise a FAMILY!!! We're a rural family community, A community where people want to build and create a family. This area is not a good area to cram 17 units stacked on top of each other, Fill it with single adults, who possibly have addictions or mental illnesses, and put them into a neighborhood where families are. I know what small apartments with small square footage areas crammed on top of each other put out, and its Mostly drugs. We don't have jobs in cortez, ppl aren't hiring, so how else do they pay rent??? Currently on the other corner of 5th and market at 422 South market there is a drug dealer currently selling at this location and it's taken us 4 years to try to get him removed and we still can't get him out of here. I'm not saying that all the people that would live in the apartments would have issues or would sell drugs, But from my 33 years of experience when you stack 17 apartments on top of each other, then give it a low income status, the people who are attracted to that are the ones that sell drugs and have mental illnesses. In the end this is a poor poor poor planned idea, I'm all for having middle class/family style apartments and 6 Max. But the low income status is bullshit and the fact that you're gonna stack 17 apartments, on the tiniest lot I've ever seen, is absolutely asinine. . . . And I'm not gonna apologize for using foul language because I live here and this affects my life and will affect the rest of my life

because I plan on living here until I die. I will be calling, I will probably be writing you again, I will be stopping by and speaking to the council on the 28th, so this will not be the last time you hear from me so please please understand that this is something that does not need to happen in our community. I've also reached out to probably 30 to 40 people in our neighborhood and hopefully they all show up and say the same thing, which I believe they will. If you'd like to actually talk to me my number is (9 7 0 7 3 9 19 70) and I will talk any time and give you as much information as I could because I truly believe that this is the worst, worst thought out and worst planned idea that I've seen the city come up with since the medians in our Main Street. This is up there with how stupid that was/is.

Thank you rafe obrien