CITY OF CORTEZ
COUNCIL RESOLUTION NO. 28, SERIES 2021

A Resolution Approving the Site Development Plan for the Construction of a Coffee Shop at 1204 E. Main St., as submitted by Image Builders, LLC, through Council Resolution No. 28, Series 2021

WHEREAS agent Leah Boyd, for property owner Image Builders LLC (hereinafter "Owner"), has applied for review of a site development plan for the construction of an 815 square foot building, located on property at 1204 E. Main St., Cortez, Colorado, 81321 and more particularly described as:

Section 25, Township 36, Range 16, TR W1/2W1/2SE1/4SW1/4NW1/4,
Montezuma County, State of Colorado
Parcel ID: 561125200019

WHEREAS, the Owner has applied to the City for review of a site development plan for the development of property located at 1204 E. Main St., Cortez, Colorado and,

WHEREAS, Land Use Code Section 6.14, Site Plans, indicates that plans for development on property located in the Commercial Highway (C) Zoning District must be reviewed prior to the issuance of a building permit; and,

WHEREAS, the Planning and Zoning Commission reviewed the site plan for the same property and recommended conditional approval the site plan for development on said property, as evidenced in the adoption of P&Z Resolution No. 5, Series 2021; and,

WHEREAS, the Owner has presented a site plan and necessary submittal items for review by the City Council (Council) at a regularly-scheduled meeting held on October 26, 2021; and,

WHEREAS, the Council held a duly-advertised public hearing on October 26, 2021, to receive public comment on the proposed site plan; and,

WHEREAS, the Owner has held legal ownership to the property subsequent to the adoption of said Council Resolution No. 28, Series 2021, and are interested in development of their property; and,

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

WHEREAS, it appears that all requirements of Chapters 5.00 and 6.00 of the City's Land Use Code for development of this site have been or can be met.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CORTEZ COUNCIL:

THAT, Council Resolution No. 28, Series 2021, approves the site plan and full application for the construction of an 815 Square Foot Building at 1204 E. Main St., as submitted by Leah Boyd, authorized agent for property owner Image Builders LLC, with the following conditions:

a. All requirements of utility providers, City departments, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications.

b. The appropriate construction drawings and reports for the project, signed and stamped by a Colorado-licensed architect or engineer, must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on site.

c. The landscaping improvements shall be installed prior to issuance of a Certificate of Occupancy. Irrigation and maintenance must be provided. In the event that construction of the building and all other requirements are met prior to the installation of the 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.

FURTHER THAT, the Owner is to coordinate with City staff to ensure that these conditions are fully met.

MOVED, SECONDED, AND ADOPTED THIS 26TH DAY OF OCTOBER 2021.

Michael J. Lavey

Michael J. Lavey, Mayor

ATTEST:

Linda L. Smith

Linda L. Smith, City Clerk