**CITY OF CORTEZ**
**CITY COUNCIL**
**RESOLUTION NO. 1, SERIES 2022**

**A Resolution Approving a Conditional Use Permit to Establish Multifamily Residential 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 consisting of 42 apartments 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 Multifamily District (R-2) is allowed only through approval of a conditional use permit; and,

WHEREAS, the applicant presented a preliminary conceptual 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 2022; and,

WHEREAS, the applicant presented a preliminary site plan and the necessary submittal items to be reviewed by the City Council at a duly-advertised public hearing on January 11, 2022; and,

WHEREAS, the City Council has reviewed the application for a conditional use permit for the same property and recommended conditional approval for multifamily residential housing on said property, as evidenced in the adoption of Council Resolution No. 1, Series 2022; and,

WHEREAS, the owners are interested in continued use and development of the property; and,

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

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

THAT, Council 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 at on Lot 1 of the Chism Group Minor Subdivision is hereby approved by City Council, subject to 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.

6. If the proposal includes office space, the applicant will provide additional parking spaces according to the land use code requirements for office space, at one unit per 300 square feet.

MOVED, SECONDED, AND ADOPTED THIS 11th DAY OF JANUARY 2022.

Michael J. Lavey

Michael J. Lavey, Mayor

ATTEST:

Linda L. Smith, City Clerk