

**CITY OF CORTEZ
RESOLUTION NO. 7, SERIES 2023**

**A RESOLUTION APPROVING A SITE DEVELOPMENT PLAN FOR THE
CONSTRUCTION OF A FAST FOOD RESTAURANT WITH DRIVE THROUGH AT
610 MAIN ST, CORTEZ, COLORADO, LOCATED IN THE COMMERCIAL
HIGHWAY (C) ZONING DISTRICT**

WHEREAS, the owner/applicant LBC Investments LLC (the "Owner/applicant") has applied for review of a site development plan for the construction of a 2,365 sq. ft. retail/fast food restaurant with drive through to be located on property at 610 E. Main St. , Cortez, Colorado and more particularly described as (the "Property"):

Section: 26 Township: 36 Range: 16 TR IN SE1/4NE1/4, County of Montezuma, State of Colorado.

WHEREAS, the Owner/applicant has applied to the City for review of a site development plan for the construction of a new building and associated development on the Property; and

WHEREAS, the Owner/applicant presented a site plan and necessary submittal items for review by the City Planning and Zoning Commission at a regular meeting held on March 7, 2023; and

WHEREAS, the Cortez Land Use Code Section 6.14, Site Plans, indicates that the owner or developer of a property may request an application of these site plan requirements for development on property located in the Commercial Business (C) Zoning District; and

WHEREAS, the Planning and Zoning Commission reviewed the site plan for a restaurant with drive-through for the Property and recommended approval of the development on the Property, as evidenced in the adoption of P&Z Resolution No. 3, Series 2023; and

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

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

THAT, this Resolution No. 7, Series 2023, establishes the conditions of approval for the development on the Property; and

THAT, the site plan and full application for the Property are hereby approved, subject to the following conditions to ensure compliance with the standards in the Cortez Land Use Code for a site development plan:

1. All requirements of utility providers, City departments, CDOT 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.
2. 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.
3. The landscaping improvements shall be installed prior to issuances 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.

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

MOVED, SECONDED, AND ADOPTED THIS 28th DAY OF MARCH, 2023.



Rachael B Medina, Mayor

ATTEST:



Linda L. Smith, City Clerk