

**CITY OF CORTEZ
ORDINANCE NO. 1322, SERIES 2023**

**AN ORDINANCE AMENDING THE CITY OF CORTEZ ZONING MAP FOR A
9.64 ACRE PARCEL LOCATED AT 1050 LEBANON ROAD, CORTEZ
COLORADO, TO CHANGE THE ZONING ON THE PARCEL FROM C,
COMMERCIAL HIGHWAY TO I, INDUSTRIAL DISTRICT**

WHEREAS, the owners and applicants, Anthony Moore and Mary Lancaster (the “Owners/applicants”), have applied for review of a rezoning from C, Commercial Highway to I, Industrial of a parcel of land located at 1050 Lebanon Road, Cortez, Colorado, and more particularly described as (the “Property”):

TR IN W/2SW/4SW1/4 OF Section 23, Township 36N, Range 16W, N.M.P.M., County of
Montezuma, State of Colorado

WHEREAS, the Owners/applicants presented a request and necessary submittal items for review of a rezoning of the Property by the City Planning and Zoning Commission at its meetings held on June 6, 2023 and July 18, 2023; and

WHEREAS, Land Use Code Section 6.02, Zoning Map and Land Use Code Amendments, indicates that the owner or developer of a property may request an amendment to the zoning classification of property; and

WHEREAS, at the July 18, 2023 P&Z Meeting, the four members of the Planning and Zoning Commission that attended the Meeting reviewed the request for an amendment to the zoning classification of the Property from C, Commercial Highway to I, Industrial, and a motion that the Planning and Zoning Commission recommend that City Council approve the request received two votes in favor and two votes against, and a motion that the Planning and Zoning Commission recommend that City Council deny the request received two votes in favor and two votes against. Neither motions received a majority vote in favor, both motions failed, and there is no recommendation from the Planning and Zoning Commission to the City Council on this rezoning request; and

WHEREAS, it appears that all requirements of Chapter 6.00 of the City’s Land Use Code for a zoning classification amendment have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE CORTEZ CITY COUNCIL THAT THE CITY OF CORTEZ ZONING MAP IS AMENDED TO RECLASSIFY THE DESCRIBED PROPERTY FROM C, COMMERCIAL HIGHWAY TO I, INDUSTRIAL, SUBJECT TO THE FOLLOWING FINDINGS:

1. The Property is physically buffered from adjacent residential uses by topography, is adjacent to or in the same vicinity of existing Industrial uses, and other impacts can be mitigated with appropriate use conditions.
2. The community will benefit from use of the Property by the additional economic benefits of additional jobs, opportunities and taxes generated and the expansion of a much-needed natural resource use.
3. Adequate facilities are available to serve development for the type and scope suggested by the proposed zoning.
4. The proposal is in conformance with the policies, intents and requirements of the Cortez comprehensive plan.
5. Pursuant to Section 4.01 of the Cortez Land Use Code, a subdivision plat approved by the City Council shall be required prior to the issuance of any building permits on the Property.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 8th DAY OF AUGUST, 2023.

ATTEST:


DONNA MURPHY, DEPUTY CITY CLERK

CITY OF CORTEZ


RACHEL B. MEDINA, MAYOR

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 26nd DAY OF SEPTEMBER, 2023.

ATTEST:

LINDA L. SMITH, CITY CLERK

CITY OF CORTEZ

RACHEL B. MEDINA, MAYOR

APPROVED AS TO FORM:


J. PATRICK COLEMAN, CITY ATTORNEY