

PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 6, 2022

1. The regular meeting was called to order 6:30 p.m. and was opened with the Pledge of Allegiance. Commission members present were Chairperson Robert Rime, Commissioners Lance McDaniel, Jim Skvorc, and Katrina Weiss. Vice-Chairperson Rebecca Levy was absent. City staff present included Contract City Planner Nancy Dosdall, Director of Community and Economic Development Rachael Marchbanks, City Attorney Patrick Coleman, and Deputy City Clerk Cheryl Lindquist. There were 18 people in the audience.

Commissioner McDaniel moved that the minutes of the Regular Meeting of August 2, 2022, be approved.

Commissioner Skvorc seconded the motion and the vote was as follows:

Levy	McDaniel	Skvorc	Weiss	Rime
absent	Yes	Yes	Yes	Yes

2. PUBLIC HEARINGS:

- a. City Planner Nancy Dosdall presented Resolution No. 4, Series 2022, Child Care Facilities. House Bill 21-1222 became effective on September 8, 2021. The bill requires agencies to treat all licensed family child care homes the same as they would treat a single family dwelling. The existing land use code allows small, home based childcare facilities as a permitted use in all zones (except "O") that allow single family homes without additional regulation. Large home based childcare facilities (12 or less children) are currently conditional uses in all zones (except "O") that allow single family homes. Commissioners discussed with no objections.

Commissioner McDaniel made the motion to recommend approval of the revision to the City of Cortez Land Use Code Section 3.05 – Use Regulations regarding Child Care Facilities, large home based.

Commissioner Weiss seconded the motion with the vote:

Levy	McDaniel	Skvorc	Weiss	Rime
absent	Yes	Yes	Yes	Yes

- b. City Planner Dosdall presented Resolution No. 5, Series 2022, Accessory Unit Dwellings. The resolution states this type of use is intended to provide a mechanism to help meet the need of affordable housing by allowing accessory residential dwelling units under certain circumstances in areas normally restricted to a single unit, while preserving existing single-family character. All accessory single-family dwelling units shall be subject to the following requirements:

(1) An ADU shall be permitted within any zone in the City as a conditional use and shall be reviewed by the planning and zoning commission and the city council as per Section 6.10 of this code, Conditional use permits.

- (2). The parcel must contain an existing or proposed single-family unit that is or will be occupied by the property owner.
- (3) The ADU may be attached or incorporated within the living area of the existing primary dwelling or detached.
- (4) The ADU shall not result in an increase of more than fifty (50) percent in the existing living area or 750 sq. ft., whichever is greater.
- (5) The ADU may be used for rental purposes and shall be reserved for occupancy of one (1) or two (2) persons.
- (6) The ADU must be provided with two off-street parking spaces, in addition to the two required for the existing single family residence as per Section 5.01 of this code. Spaces may be contained in a garage or protected by a carport. The spaces provided may be in tandem (one car in front of the other).
- (7) Any new construction associated with the ADU shall comply with all setbacks, lot coverage, height, and design standards contained within the base zone and shall not alter the general appearance of the primary dwelling as a single-family residence.
- (8) The ADU shall have adequate sewer and water services and additional tap fees may be required for the dwelling.
- (9) The ADU shall not adversely impact traffic flow or parking in the neighborhood.
- (10) The lot shall meet the minimum lot size in the underlying zoning district.

Chairman Rime opened the meeting for public hearing. Stephen Candelaria spoke on how exciting it is to see these changes to the code. He said it is a good start for improving the housing needs of Cortez.

Commissioners discussed making the amendment that there could not be short term rentals in ADUs.

Commissioner Skvorc made a motion to amend the resolution to not allow short term rentals.

Commissioner McDaniel seconded the motion with the vote:

Levy	McDaniel	Skvorc	Weiss	Rime
absent	Yes	Yes	No	No

The proposed Amendment failed.

Commissioner Weiss made a motion to recommend approval of any ADU that conforms to the above written requirements, shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use consistent with the existing general plan and zoning designation for the lot.

Commissioner McDaniel seconded the motion with the vote:

Levy	McDaniel	Skvorc	Weiss	Rime
absent	Yes	Yes	Yes	Yes

- c. City Planner Dosdall presented Resolution No. 6, Series 2022, Mobile Vendors. Based on the evidence and testimony presented at public meetings, the Planning and Zoning Commission recommends that the Schedule of Use Regulations, City of Cortez Land Use Code, Section 3.05 be revised as set forth in this Resolution to allow Mobile Vendors as Conditional Uses in the CBD and I zones with the following additional provision:

(1) Reg 3.05 (11): Mobile vendors shall be allowed on public or private property in the CBD zone at approved temporary, special events such as Third Thursdays and the Farmers Market. Mobile vendors may be allowed in the central business district (CBD) outside of special events only after issuance of a conditional use permit with full consideration for impacts on adjacent businesses. Mobile Vendors in the CBD shall only be allowed in approved locations and never in public right of way of State or Public roads, unless closed for approved special events. Mobile vendor food courts may be approved with a Conditional Use Permit that would allow the mobile vendor to remain for up to 90 days on private land in an approved location. Mobile vendors shall also be regulated as set forth in the Cortez City Code at Chapter 15, Article IX, Mobile Food Vendors Sections 15-66 thru 15-68.8 and all other applicable Cortez City Code sections, now in effect or as may be amended from time to time with the exception that the Conditional Use Permit shall determine the time frame.

Chairman Rime opened the meeting for public hearing. Julie Periman representing the Farmers Market, felt the resolution was fair and reasonable.

Commissioner Weiss made a motion to recommend to the City Council to amend the Cortez Land Use Code, Section 3.05 and 3.05(11) to revise standards for food trucks (mobile vendors) in the CBD zone. It was mentioned by Commissioners that the Definitions in City Code need to be changed. Also, Commissioner Weiss would like to add a memo from the Planning Commission for City Council to discuss mobile vendors needing a vending license with a fee,

Commissioner McDaniel seconded the motion with the vote:

Levy	McDaniel	Skvorc	Weiss	Rime
absent	Yes	Yes	Yes	Yes

- d. City Planner Dosdall presented Resolution No. 7, Series 2022, Affordable Housing Density. Recommending Approval of Revisions to City of Cortez Land Use Code Section 2.02 Definitions and 3.06 Residential Area Regulations, 3.09 R-2 residential multi-family district, 3.10 MH, residential manufactured home district, and 3.13 NB, neighborhood business district to create definitions for Affordable and Workforce housing and increase density in the R-2, M-H and NB zones for affordable and workforce housing, to read as follows:

R-2, residential multi-family district Minimum Lot Area. The minimum lot area per dwelling unit in the R-2, residential multi-family district shall be as follows, subject to Section 3.06(c) of this chapter:

- (1). Six thousand (6,000) square feet per single-family dwelling unit;

- (2). Three thousand five hundred (3,500) square feet per duplex unit.
- (3). Three thousand (3,000) square feet per multi-family dwelling unit; and
- (4). Two thousand (2,000) square feet per multi-family dwelling unit for affordable and work force housing. Where affordable and workforce housing projects are mixed with market rate projects the density will be pro-rated based on the percent of affordable versus market units. For example, a project proposing 10 affordable units and 10 market rate units would achieve an overall density of 2,500 sq. ft. per unit.

3.09 M-H, Residential manufactured home district.

Minimum Lot Area. The minimum lot area per dwelling unit in the M-H residential manufactured home district shall be as follows, subject to Section 3.06(c) of this chapter:

- (1) Six thousand (6,000) square feet per single-family and manufactured home dwelling unit;
- (2) Three thousand five hundred (3,500) square feet per duplex unit.
- (3) Three thousand (3,000) square feet per multi-family dwelling unit; and
- (4) Two thousand (2,000) square feet per multi-family dwelling unit for affordable and workforce housing. Where affordable and workforce housing projects are mixed with market rate projects the density will be pro-rated based on the percent of affordable versus market units. For example, a project proposing 10 affordable units and 10 market rate units would achieve an (f)Minimum Lot Area.

The minimum lot area per dwelling unit in the NB neighborhood business district shall be as follows, subject to Section 3.06(c) of this chapter:

- (1) Six thousand (6,000) square feet per single-family and manufactured home dwelling unit;
- (2) Three thousand five hundred (3,500) square feet per duplex unit.
- (3) Three thousand (3,000) square feet per multi-family dwelling unit; and
- (4) Two thousand (2,000) square feet per multi-family dwelling unit for affordable and workforce housing. Where affordable and workforce housing projects are mixed with market rate projects the density will be pro-rated based on the percent of affordable versus market units. For example, a project proposing 10 affordable units and 10 market rate units would achieve an overall density of 2,500 sq. ft. per unit.

Chairman Rime opened the meeting for public hearing. Stephen Candelaria spoke to Commissioners about how this will assist in making construction of new housing more affordable and feels this is a good start, but there is much more that can be done.

Commissioner Weiss made a motion to recommend that City Council amend the Cortez Land Use Code Sections 2.02 Definitions and 3.06 Residential Area Regulations, 3.09 R-2 residential multi-family district, 3.10 MH, residential manufactured home district, and 3.13 NB, neighborhood business district to create definitions for Affordable and Workforce

housing and increase density in the R-2, M-H and NB zones for affordable and workforce housing.

Commissioner Skvorc seconded the motion with the vote:

Levy	McDaniel	Skvorc	Weiss	Rime
absent	Yes	Yes	Yes	Yes

- e. City Planner Dosedall presented Resolution No. 8, Series 2022, an application for a Site Plan and Conditional Use Permit for a 3,537 sq ft car wash (Champion Xpress) to be located on 1.58 acres located at 699 Canyon Dr. and 313 S. Broadway, zoned "C" Commercial Highway. After City Planner Dosedall's presentation, Chairman Rime opened the meeting for public hearing. Several of the residents located on Canyon Dr. spoke about the dangers of locating at that corner of Broadway, stating several incidents of children being hit by traffic. Also saying the school bus stops and turns around at that corner. Some citizens were worried about the noise not only caused by the car wash but by the disturbance of neighboring dogs. They were concerned about the damage that could be caused to their fences and the loss of access out of their backyards. The public was thanked for their comments. Commissioners discussed all the findings.

Tez Hawkins, representative for 7B Building stated they would build a six-foot fence with matching wood but thicker for noise reduction. Also, they are re-constructing the vacuum area with cinder block for better sound reduction.

Commissioner Skvorc made a motion to recommend that Council approve the conditional use permit and site development plan for Champion Xpress Car Wash on property located at 699 Canyon Dr., in the Commercial Highway ("C") zone, as submitted by 7B Building and Development through P&Z Resolution No. 8, Series 2022, with the following conditions:

- (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.
- (4). Prior to issuance of a certificate of occupancy, the applicant shall vacate the existing lot line and consolidate the properties.

(5). Prior to issuance of a building permit, the applicant shall revise the plans to provide sidewalks meeting all City standards along all street frontages.

(6). Prior to issuance of a sign permit, the proposed pole sign shall be revised to meet standards.

(7). Operation of the car wash shall not exceed CRS 25-12-103, maximum permissible noise levels. Specifically, from 7:00am to 7:00pm noise levels shall not exceed 55 db(A) at the property line. From 7:00pm to 7:00am noise levels shall not exceed 50 db(A) at the property line.

Commissioner Weiss seconded the motion with the vote:

Levy	McDaniel	Skvorc	Weiss	Rime
absent	No	Yes	Yes	Yes

f. City Planner Dosdall presented Resolution No. 9, Series 2022, recommending approval of a preliminary plat for CBERT Cortez LLC Subdivision, a 3 lot Subdivision located in the E ½, SW ¼ NE ¼, S25, T36N, R16W, N.M.P.M, in the Commercial Highway (C) Zoning District. Following City Planner Dosdall's presentation, Chairman Rime opened the meeting for public hearing. Several residents spoke of how they did not want a high occupancy housing project to go up in Tract 1. There were comments made regarding traffic on the proposed roads for the development and the concern of wear and tear on already abused streets.

Commissioner Skvorc made a motion to recommend that Council approve the preliminary plat for the CBERT LLC Subdivision on property located in the E ½, SW ¼ NE ¼ of Section 25, T36N R 16W, NMPM, in the Commercial Highway (C) zone, as submitted by CBERT Cortez, LLC, through P&Z Resolutions No. 9, Series 2022, with the following conditions:

(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.

(2). Prior to recordation of the final plat, the plat shall be revised to dedicate all property directly west of the two outlots and east of North Texas Street to the City of Cortez for right of way purposes and to ensure adequate public access to the lots.

(3). Prior to recordation of the final plat, the plat shall be revised to be compliant with the Master Streets Plan by dedicating right of way for the future locations of Montezuma Avenue and North Kansas Street.

Commissioner McDaniel seconded with the vote:

Levy	McDaniel	Skvorc	Weiss	Rime
absent	Yes	Yes	Yes	Yes

3. NEW BUSINESS

- a. City Planner Dosdall presented Resolution No. 10, Series 2022, recommending approval of an Encroachment Permit for 102 E. North St. to encroach a total of .6' into Beech St. right of way. Commissioners discussed with no objections.

Commissioner Weiss make the motion to recommended to Council for approval.
Commissioner Skvorc seconded with the vote:

Levy	McDaniel	Skvorc	Weiss	Rime
absent	Yes	Yes	Yes	Yes

4. OTHER ITEMS OF BUSINESS

- a. Permits issued August, 2022

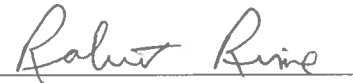
5. PUBLIC PARTICIPATION – none

6. ADJOURNMENT OF REGULAR MEETING


Commissioner McDaniel moved that the meeting be adjourned at 9:10 p.m.
Commissioner Skvorc seconded the motion, and the vote was as follows:

Levy	McDaniel	Skvorc	Weiss	Rime
absent	Yes	Yes	Yes	Yes

PLANNING AND ZONING COMMISSION


Robert Rime, Chairperson

ATTEST:


Cheryl Lindquist, Deputy City Clerk

