



**PLANNING AND ZONING  
COMMISSION MEETING  
OCTOBER 4, 2022  
6:30 P.M.**

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE
2. Approval of the Regular Meeting Minutes of September 6, 2022
  - a. Planning and Zoning Minutes from September 6, 2022  
Planning and Zoning Commission will consider approving

**Presenter:**

3. PUBLIC PARTICIPATION

There is no limit to the number of speakers and no overall time limit. (Speakers have a time limit of three (3) minutes per person, may only speak once, and may not cede time to another commenter. Please reference rules below.)

4. PUBLIC HEARINGS

- a. The City of Cortez Planning and Zoning Commission has received an application from Staton Jeter for a Conditional Use Permit and a Plat Amendment located at 820 N. Dolores Road, Cortez.  
Planning and Zoning Commission will hear and consider.

**Presenter:** Cheryl Lindquist and Sean Canada

5. UNFINISHED BUSINESS

6. NEW BUSINESS

- a. Planning and Zoning Commission would like to discuss the rules of decorum used for public participation in City Council Meetings.

PURSUANT TO RESOLUTION 11, SERIES 2022, PUBLIC COMMENT:--Individuals may comment regarding items on the agenda or any other topic they wish to address the Commission about, including items discussed in a previous meeting. Comments specific to agenda items scheduled for public hearings should be reserved and delivered during the public hearing session.--Courtesy, civility, and respect for others is expected. All comments should be addressed directly to the Commission. Commenters are the only persons allowed to speak during the allotted time. Comments, or other distractions from the audience intended for commenters or others are not permitted. The chairperson for the meeting, retains the discretion to deviate from the formats described below.--Speakers have a time limit of 3 minutes per person, may only speak once, and may not cede time to other commenters. Citizens may send letters to the Commission by addressing them to "Planning and Zoning Commission" 123 Roger Smith Ave., Cortez, CO 81321. In-person deliveries are also accepted.

Planning and Zoning Commission will consider adopting.

**Presenter:**

7. OTHER ITEMS OF BUSINESS

- a. Building Permits issued in September 2022.  
Planning and Zoning Commission will review.

**Presenter:**

8. ADJOURNMENT



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

October 4, 2022

Agenda Item: 2. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: Planning and Zoning Minutes from September 6, 2022

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**BACKGROUND**

See Attached

**RECOMMENDATION**

Commissioners shall approve Planning and Zoning Minutes from September 6, 2022 meeting

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**Attachments**

P&Z Minutes September 2022

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 Dosdall 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 Dosdall’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

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Robert Rime, Chairperson

ATTEST:

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Cheryl Lindquist, Deputy City Clerk



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

October 4, 2022

Agenda Item: 4. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: The City of Cortez Planning and Zoning Commission has received an application from Staton Jeter for a Conditional Use Permit and a Plat Amendment located at 820 N. Dolores Road, Cortez.

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**BACKGROUND**

See Attached.

**RECOMMENDATION**

Planning and Zoning Commission will consider approving Staton Jeter for a Conditional Use Permit and a Plat Amendment located at 820 N. Dolores Road, Cortez.

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**Attachments**

Commissioners will hear an application from Staton Jeter for a Conditional Use Permit and a Plat Amendment



*City of Cortez Planning  
and Building  
123 Roger Smith Ave  
Cortez, CO 81321*

Item No: 4a  
Meeting Date: October 4, 2022  
Project No. F17-000028

## **STAFF REPORT**

**TO:** Members of the Cortez Planning and Zoning Commission

**FROM:** Nancy Dosdall, Contract City Planner

**SUBJECT:** Public Hearing on an Application for a Conditional Use Permit for a 2,400 sq. ft. shop building to be located on 1.18 acres located at 820 N Dolores Rd., zoned R1 Residential, Single Family.

**APPLICANT:** Staton Jeter

**OWNER:** Staton Jeter

**ATTACHMENTS:** P&Z Resolution No.11, Series 2022  
Application Packet

## **BACKGROUND**

Staton Jeter is proposing a conditional use permit to construct a new 2,400 sq. ft. metal shop building located on two parcels totaling 1.18 acres (consolidation will be required) located at 820 N. Dolores Rd. His residence is located on one parcel and he wishes to construct the shop building on the other, currently a vacant parcel in the R1 zone .

The site is bounded on all sides by R1, Residential Single Family zoned property. The R1 zoned parcels surrounding the property are all larger than the minimum lot size for the R1 zone. The proposed property is significantly larger than the minimum for the zone.

## **DEVELOPMENT STANDARDS**

<b>Development Standard</b>	<b>R1 Zone Requirement</b>	<b>Proposed</b>
Min. lot area (sq. ft.)	7,000	51,400
Min. front yard (ft.)	20'	140'
Min. side yard (ft)	7'	10'
Min. rear yard (ft)	7'	65'
Max. lot coverage	40%	9%
Max. floor area	800 sq. ft. or 33% of total sq. ft. of structure	2,400 sq. ft.
Max height (ft)	20'	15'8"

Parking	2 spaces	2+ spaces
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## ISSUES

A conditional use is a use that may be permitted subject to conditions imposed upon the approval of the use that are designed to reasonably mitigate any adverse impacts upon surrounding properties. Both the planning commission and the city council shall use the following criteria in reviewing conditional use permit requests. It is specifically understood that certain criteria listed below may not apply to a particular application. The applicant shall adequately demonstrate that the applicable criteria have been met:

- (1) The proposed conditional use is compatible with adjacent existing uses and other allowed uses in the zoning district. Such compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse impacts including noise, vibration, smoke, fumes, gas, dust, odor, lighting, glare, traffic circulation, parking, or other undesirable or hazardous conditions.
- (2) The proposed conditional use has incorporated design features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement.
- (3) All proposed accessory uses must demonstrate that they are necessary and desirable. All proposed accessory uses shall comply with the requirements of subsections(f)(1) and (2) of this section. Undesirable impacts created by these uses shall be controlled or eliminated.
- (4) Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to other existing uses.
- (5) Provisions for proper maintenance of the building, parking and loading areas, drives, lighting, signs, landscaping, etc. shall be provided.
- (6) The proposed conditional use shall conform to adopted plans, hours of operation, policies and requirements for parking and loading, signs, highway access, and all other applicable regulations of this code and other applicable regulations.

## DISCUSSION

The proposed shop/garage structure is significantly larger than allowed by code. The property however is also significantly larger than the typical R1 zoned property and located in an area of the City where larger lots prevail. The proposed structure does not appear out of character given the location of the property and size of the lot.



## ALTERNATIVES

1. The Commission can recommend that the Council approve the conditional use permit for a garage/shop on property located at 820 N. Dolores Rd, in the R1 zone, as submitted by Staton Jeter;
2. The Commission can recommend denial of the application for the site development plan and state their reasons;
3. The Commission can ask for more information and table the application; or
4. The Commission can recommend that Council approve the conditional use permit, and state any conditions they feel would be necessary to ensure compliance with the Land Use Code.

## RECOMMENDATION

Staff recommends Alternative “4” above, approval of the conditional use permit through P&Z Resolution No. 11, Series 2022, with 4 conditions.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, the Commission can **make the motion to recommend that Council approve the conditional use permit for a garage/shop building on property located at 820 N Dolores Rd, in the Residential Single Family (R1) zone, as submitted by Staton Jeter through P&Z Resolutions No. 11, 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, must be approved by the Building Official, and a building permit obtained prior to any construction on site.
3. Prior to issuance of a full building permit, the applicant shall vacate the existing lot line and consolidate the properties.
4. The garage/shop is limited to accessory uses to a single family dwelling such as personal storage and hobbies. No commercial use of the structure is permitted.

**CITY OF CORTEZ  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 11, SERIES 2022**

**A Resolution Recommending Approval of a Conditional Use Permit for a Garage/Shop  
accessory to a Single Family Residence at 820 N. Dolores Rd.,  
Located in the Residential Single Family (R1) Zoning District**

WHEREAS, applicant Staton Jeter has applied for review of a conditional use permit for the construction of a 2,400 sq. ft. garage/shop on property at 820 N. Dolores Rd., Cortez, Colorado and more particularly described as:

Lot 1 and 2, Stearman Minor Subdivision

WHEREAS, the Owner/applicant has applied to the City for review of a conditional use permit for the construction of a new building on said property; and,

WHEREAS, the Owner/applicant presented an application and necessary submittal items for review by the City Planning and Zoning Commission at a regular meeting held on October 4, 2022; and,

WHEREAS, Land Use Code Section 3.05(b)4.2.f Accessory Use or Structure and 6.10 Conditional Use Permits, indicates that the owner or developer of the property may request an application of the proposed use/structure on property located in the Residential Single Family (R1) Zoning District; and,

WHEREAS, the Planning and Zoning Commission reviewed the conditional use permit for the same property and is recommending approval of the development on said property, as evidenced in the adoption of P&Z Resolution No. 11, Series 2022; and,

WHEREAS, the Owner/applicant has held legal ownership of the property subsequent to the adoption of said P&Z Resolution No. 11 , Series 2022, and is interested in further development of this property; and,

WHEREAS, based on the evidence and testimony presented at said meeting, 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 3.00 and 6.00 of the City's Land Use Code for development of this site have been or can be met.

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

THAT, P&Z Resolution No. 11, Series 2022, establishes the conditions of approval for the development on the afore-mentioned property; and,

CITY OF CORTEZ  
PLANNING & ZONING COMMISSION  
RESOLUTION NO. 11, SERIES 2022  
JETER CONDITIONAL USE PERMIT  
820 N. DOLORES RD

THAT, the conditional use permit and full application for said property are hereby recommended to Council for approval, subject to the following conditions to ensure compliance with the standards in the land use code for a site development plan and conditional use permit:

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, must be approved by the Building Official, and a building permit obtained prior to any construction on site.
3. Prior to issuance of a full building permit, the applicant shall vacate the existing lot line and consolidate the properties.
4. The garage/shop is limited to accessory uses to a single family dwelling such as personal storage and hobbies. No commercial use of the structure is permitted.

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

MOVED, SECONDED, AND ADOPTED THIS 4<sup>TH</sup> DAY OF OCTOBER, 2022

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Robert Rime, Chairman

ATTEST:

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Cheryl Lindquist, Deputy City Clerk



**Staton Jeter**

**820 N. Dolores Rd Cortez, CO 81321**

**Petition for Conditional Use Permit**

**Location:** Parcel Number: 5609-193-03-002-Lot 2, STEARMAN MINOR SUBDIVISION- TBD N Dolores RD Cortez, CO 81321

This lot is connected to the south of 820 N Dolores RD, Cortez CO 81321 See attached GIS plot map for exact location.

**Owner:** Staton Jeter-820 N Dolores RD Cortez, CO 81321- (970)529-0711

**Liens on Property:** No lien on the property, owned outright (See attached Warranty Deed)

**Convenances:** None

**Intended Use:**

It is my intent to Build a 40'x 60' engineered steel shop on Lot 2, STEARMAN MINOR SUBDIVISION. The shop would sit towards the back of the lot (East) and would not be interfering with road accesses, utilities or covenants. Provided are plans that the shop would follow. Once a permit is secured, the down payment on the shop would be made and then would receive the engineer stamped plans that would be submitted. The building follows IBC 15 and meets local requirements for wind and snow loads. Due to the size of the shop being over the allowed 800 sq/ft I am asking for a conditional use permit to be able to build. I understand that to be able to build this shop, my lot at 820 North Dolores Rd and the proposed lot will be joined as one lot, at 1.18 acres.

# DEED OF TRUST

FHA Case No.  
053-0138346-703

MIN: 1014166-0000012561  
MERS PHONE #: 1-888-67

## DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 19 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 15.

(A) "Security Instrument" means this document, which is dated October 11, 2019, together with to this document.

(B) "Borrower" is STATON JETER.

whose address is 820 N Dolores Rd, Gortez, CO 81321-2623.

Borrower is the trustor under this Security Instrument.

(C) "Lender" is Prime Choice Funding, Inc..

Lender is a Corporation,  
under the laws of California.

organized

Lender's address is 17852 E. 17th Street, Suite 107, Tustin, CA 92780.

(D) "Trustee" is the Public Trustee of Montezuma County, Colorado.

(E) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting as nominee for Lender and Lender's successors and assigns. MERS is the beneficiary under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 100, Flint, MI 48501-2026, tel. (888) 679-MERS.

(F) "Note" means the promissory note signed by Borrower and dated October 11, 2019. The Note is for the sum of ONE HUNDRED SEVENTY NINE THOUSAND EIGHTY AND NO/100 \*\*\*\*\* Dollars (U.S. \$179,080.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full on or before November 1, 2049.

(G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(H) "Loan" means the debt evidenced by the Note, plus interest, late charges due under the Note, and all sums due under this Security Instrument, plus interest.

COLORADO - Single Family - Fannie Mae/Freddie Mac UNIFORM INSTRUMENT Form 3006 1/01  
Modified for FHA 9/2014 (HUD Handbook 4000.1)  
Elle Mae, Inc.

Page 1 of 9

COEF  
C





**SPECIAL WARRANTY DEED**

**THIS DEED**, Made this 18th Day of July, 2022

Between **C & S COY FAMILY TRUST, DATED DEC 31, 2016**

of the County of Montezuma and State of Colorado, grantor

and **STATON JETER**

whose legal address is 830 N. Dolores Rd  
Cortez, CO 81321

of the County of Montezuma and State of Colorado, grantee

State Documentary Fee

Date: 7/18/22

\$ 2.30

**WITNESSETH**, That the grantor for and in consideration of the sum of  
TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION  
the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents  
does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, all the real property together  
with improvements, if any, situate, lying and being in the County of Montezuma and State of Colorado described as follows:

**Lot 2, STEARMAN MINOR SUBDIVISION, according to the plat thereof filed for record August  
13, 2008 in Book 17 at Page 7.**

As known by street and number as: **TED N Dolores Road  
Dolores, CO 81323**

**TOGETHER** with all and singular the hereditaments and appurtenances therunto belonging, or in anywise appertaining,  
and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right,  
title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained  
premises, with the hereditaments and appurtenances.

**TO HAVE AND TO HOLD** the said premises above bargained and described, with the appurtenances, unto the  
grantee, their heirs and assigns forever. The grantor, for itself, its successors does covenant, and agree that the grantor shall  
and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee,  
their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, by, through or  
under the grantor, except: 2022 taxes due and payable in the year 2023. Subject to Statutory Exceptions as  
defined in CRS § 38-30-113(5).

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all  
genders.

**IN WITNESS WHEREOF**, the grantor has executed this deed on the date set forth above.

**C & S COY FAMILY TRUST, DATED DEC 31, 2016**

BY: Steven G. Coy  
**STEVEN G. COY, TRUSTEE**

BY: Connie L. Coy  
**CONNIE L. COY, TRUSTEE**

**STATE OF COLORADO  
COUNTY OF MONTEZUMA**

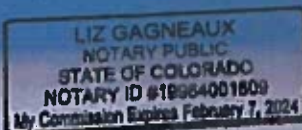
The foregoing instrument was acknowledged before me this 18TH Day of July, 2022

By: **STEVEN G. COY AND CONNIE L. COY AS TRUSTEES OF THE C & S COY FAMILY TRUST, DATED  
DEC 31, 2016**

My commission expires: 2/7/24

Witness my hand and official seal

Liz Gagneaux  
Notary Public



**SPECIAL WARRANTY DEED**

M022202284



## Conditional Use Permit Application Checklist

8/20/22  
Date

APPLICANT: Staton Jeter  
ADDRESS: 820 N. Dolores Rd Cortez, CO  
PHONE/FAX: 970 529-0711  
FOR: 40'x60' Shop

### Submittal Requirements:

☒ Letter of petition requesting conditional use permit  
☒ Title certificate from licensed title company or attorney listing:  
The name of the property owner(s)  
All liens  
All easements and judgments of record affecting the subject property  
*Warranty Deed*

### The Petition Shall Show or be Accompanied By:

☒ Street address and legal description of the property  
☒ Any and all plans, information, operating data and expert evaluation necessary to clearly explain the location, function & characteristics of any building or proposed use. Such as floor plans, site plan, or operating information. Provide a detailed narrative addressing the applicable criteria for a CUP, LUC section 6.10(f).  
☒ Filing fee (\$300) to cover the costs of review in accordance with the current adopted fee schedule

*7200 = Lot Adjustment - Re-plat*

### Notification Requirements

Public hearing notice to paper 15 days prior to P&Z Meeting (20 days for paper to print on the 15 day schedule)  
Notice to landowners 15 days prior to P&Z meeting  
Public Hearing notice to paper 15 days prior to Council Meeting (20 days for paper to print on the 15 day schedule)

**Staton Jeter**

**820 N. Dolores Rd Cortez, CO 81321**

**Petition for Amended Plot- Plot Consolidation**

**Location:** Parcel Number: 5609-193-03-002-Lot 2, STEARMAN MINOR SUBDIVISION-TBD N Dolores RD Cortez, CO 81321

This lot is connected to the south of 820 N Dolores RD, Cortez CO 81321 See attached GIS plot map for exact location.

**Owner:** Staton Jeter-820 N Dolores RD Cortez, CO 81321- (970)529-0711

**Liens on Property:** No lien on the property, owned outright (See attached Warranty Deed)

**Covenants:** None

**Intended Use:**

This application is in conjunction with the Conditional Use Permit application. These lots used to be one but were subdivided to be sold separately. To build the proposed shop I am consolidating the two lots into one, 1.18 acre lot. I currently have a land surveyor preparing the plots map to show the new plot lines.

## **Amended Plat**

APPLICANT: Staton Jeter  
APPLICANT EMAIL: statonjeter@yahoo.com  
MAILING ADDRESS: 820 North Dolores RD Cortez, CO 81321  
PHONE: 970-529-0711 FAX: \_\_\_\_\_  
PROPERTY ADDRESS: 820 North Dolores RD Cortez, CO 81321  
PROPERTY FOR: Combine plots to be able to build shop

## **Submittal Requirements**

See Attached Letter of petition (Narrative)  
Title certificate from a licensed title company or attorney listing:  
    - The name of the property owner(s)  
    - All liens  
    - All easements and judgments of record affecting the subject property  
N/A Agent Authorization Letter if Applicable

See Attached Plat

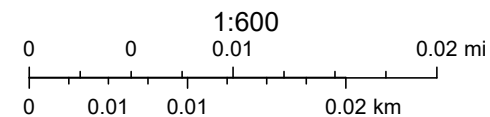
    Boundary lines, bearings and distances  
See Attached Adjacent subdivisions and property owners indicating existing streets, alleys, and other features  
See Attached Intersecting streets  
    None Proposed streets, alleys, and easements  
    None Proposed blocks, lots and parks – with dimensions  
See Attached 5' intervals of topographic contours  
    None All easements or ROW's necessary for drainage  
    Subdivision title Stearman Minor  
  
    Land planner or engineer Huddleston Land Surveying Phone #: 970-565-3330  
  
    Attached Name and addresses of the owner(s)  
    None Dedicated parks, playgrounds and other public uses  
    Attached Scale, north point, date, and other pertinent data  
    Attached Property owner's name, address, and telephone number  
    N/A A proposed preliminary layout of sanitary sewer and water lines  
    N/A Drainage report/statement  
    N/A Wetlands identification  
    None Protective covenants  
See Narrative Proposed land uses  
See Attached Vicinity map  
    Application fee \$ \_\_\_\_\_ This was paid for already on 8/23/22



# Montezuma County Property Detail Map



9/5/2022, 5:55:57 PM



Hexagon Imagery, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

October 4, 2022

Agenda Item: 6. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: Planning and Zoning Commission would like to discuss the rules of decorum used for public participation in City Council Meetings.

PURSUANT TO RESOLUTION 11, SERIES 2022, PUBLIC COMMENT:--Individuals may comment regarding items on the agenda or any other topic they wish to address the Commission about, including items discussed in a previous meeting. Comments specific to agenda items scheduled for public hearings should be reserved and delivered during the public hearing session.--Courtesy, civility, and respect for others is expected. All comments should be addressed directly to the Commission. Commenters are the only persons allowed to speak during the allotted time. Comments, or other distractions from the audience intended for commenters or others are not permitted. The chairperson for the meeting, retains the discretion to deviate from the formats described below.--Speakers have a time limit of 3 minutes per person, may only speak once, and may not cede time to other commenters. Citizens may send letters to the Commission by addressing them to "Planning and Zoning Commission" 123 Roger Smith Ave., Cortez, CO 81321. In-person deliveries are also accepted.

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**BACKGROUND**

See Attached

**RECOMMENDATION**

Planning and Zoning Commission will consider adopting the rules of decorum used for public participation in City Council Meetings.

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CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

October 4, 2022

Agenda Item: 7. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: Building Permits issued in September 2022.

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**BACKGROUND**

**RECOMMENDATION**

Planning and Zoning Commission will review issued Building Permits for September 2022.

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**Attachments**

Building Permits issued September 2022

Permit Type	Sub Type	Permit#
Building	Accessory Structure	B22-000122
Building	Accessory Structure	B22-000111
<b>Building Total</b>	<b>Accessory Structure Total</b>	
Building	Commercial Remodel	B22-000129
<b>Building Total</b>	<b>Commercial Remodel Total</b>	
Building	Manufactured Home	B22-000131
<b>Building Total</b>	<b>Manufactured Home Total</b>	
Building	New Residential	B22-000119
<b>Building Total</b>	<b>New Residential Total</b>	
Building	Other	B22-000130
Building	Other	B22-000116
Building	Other	B22-000126
Building	Other	B22-000123
Building	Other	B22-000124
Building	Other	B22-000125
Building	Other	B22-000117
Building	Other	B22-000118
Building	Other	B22-000121
<b>Building Total</b>	<b>Other Total</b>	
Building	Residential Remodel	B22-000115
<b>Building Total</b>	<b>Residential Remodel Total</b>	
<b>Building Total</b>		
Burn Permit	Bonfire	BRN22-000026
<b>Burn Permit Total</b>	<b>Bonfire Total</b>	
Burn Permit	Debris	BRN22-000027
<b>Burn Permit Total</b>	<b>Debris Total</b>	
<b>Burn Permit Total</b>		
Plumbing	Commercial	P22-000056
Plumbing	Commercial	P22-000058
<b>Plumbing Total</b>	<b>Commercial Total</b>	
Plumbing	Residential	P22-000059
Plumbing	Residential	P22-000057
<b>Plumbing Total</b>	<b>Residential Total</b>	
<b>Plumbing Total</b>		
Right of Way	Public Right-of-Way	ROW22-000074
Right of Way	Public Right-of-Way	ROW22-000076
Right of Way	Public Right-of-Way	ROW22-000072
<b>Right of Way Total</b>	<b>Public Right-of-Way Total</b>	
<b>Right of Way Total</b>		
<b>All Permits Total</b>		

Address	Issue Date
1809 HERMOSA Street	09/13/2022
801 East MAIN Street	09/20/2022
	2
2228 East MAIN Street	09/22/2022
	1
520 East 2ND Street	09/27/2022
	1
937 North HENRY Street	09/22/2022
	1
501 East 2nd Street	09/23/2022
1100 BLUFFS Boulevard	09/27/2022
77 West Main Street	09/21/2022
2301 PAR Drive	09/14/2022
802 South Market Street	09/19/2022
104 West 4th Street	09/19/2022
905 North EDITH Street	09/08/2022
606 North BEECH Street	09/08/2022
516 East MONTEZUMA Avenue	09/13/2022
	9
814 North Edith Street	09/06/2022
	1
	15
320 North HARRISON Street	09/09/2022
	1
403 North Henry	09/12/2022
	1
	2
120 South LINDEN Street	09/01/2022
2121 East Main	09/20/2022
	2
1103 BARRETT Street	09/27/2022
313 South Washington Street	09/01/2022
	2
	4
36 North Maple Street	09/20/2022
800 North PARK Street	09/21/2022
916 North Chestnut Street	09/14/2022
	3
	3
	24