



**PLANNING AND ZONING  
COMMISSION MEETING  
APRIL 4, 2023  
6:30 P.M.**

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL
2. Approval of the Regular Meeting Minutes of March 7, 2023
  - a. Minutes from the March 7, 2023, Planning & Zoning Commission regular meeting.
3. PUBLIC PARTICIPATION - There is no limit to the number of speakers, although public comments will be held to an overall time limit of 30 minutes.(Speakers have a time limit of three (3) minutes per person, may only speak once, and may not cede time to another commenter).
4. PUBLIC HEARINGS
  - a. Resolution No. 4, Series 2023  
Commissioners can make the motion to recommend that Council approve the site development plan.  
  
**Presenter:** Nancy Dosdall, Contract City Planner
5. NEW BUSINESS
  - a. County Development- Review of a proposed rezone from AR 35 to Heavy Industrial and Subdivision  
  
Commission may state any concerns.  
  
**Presenter:** Nancy Dosdall, Contract City Planner
  - b. County Development- Review of a proposed 4 lot subdivision for 4 single family homes.  
Commission may state any concerns if so desired.  
  
**Presenter:** Nancy Dosdall, Contract City Planner
6. UNFINISHED BUSINESS - none
7. OTHER ITEMS OF BUSINESS  
Planning and Zoning Commission will consider approving  
  
**Presenter:** Cheryl Lindquist
8. ADJOURNMENT



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

April 4, 2023

Agenda Item: 2. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: Minutes from the March 7, 2023, Planning & Zoning Commission regular meeting.

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**Attachments**

Minutes from March 7, 2023

PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
TUESDAY, MARCH 7, 2023

1. The regular meeting of the Planning and Zoning Commission was called to order at 6:30 p.m., and was opened with the Pledge of Allegiance. Commission members present were: Chairman Robert Rime, Lance McDaniel, Jim Skvorc, and Katrina Weiss. Vice-Chairperson Rebecca Levy arrived late. City staff present included Contract City Planner Nancy Dosedall, Director of Community and Economic Development Rachael Marchbanks, City Attorney Patrick Coleman and Deputy City Clerk Cheryl Lindquist. There were 6 people present in the audience.
2. Commissioner McDaniel moved that the minutes of February 7, 2023, be approved. Commissioner Skvorc seconded the motion, and the vote was as follows:

Levy	McDaniel	Rime	Skvorc	Weiss
Late	Yes	Absent	Yes	Yes

3. Election for Chairperson and Vice-Chairperson for the 2023 Term, Robert Rime was nominated and unanimously voted in as Chairperson and Lance McDaniel was nominated and unanimously voted in as Vice-Chairperson.
4. PUBLIC PARTICIPATION – None.
5. PUBLIC HEARING

a. Application for a preliminary plat for a 3-lot subdivision with dedication of right-of-way. Chairperson Rime opened the public hearing. Contract City Planner Dosedall presented the proposed three-lot subdivision dividing a 9.7-acre tract into 3 lots located on Lot 1 of the Chism Group Minor Subdivision. She explained why this had to be a preliminary plat review. This subdivision will create a separate lot for the residential project already approved that consists of a 42-unit affordable housing development by the Pinon Project and Shopworks, the applicant. Also, there will be two new lots for future growth. Dividing the two new lots there will a dedicated right-of-way for extension of Driscoll Drive. Planner Dosedall explained some of the issues have been complying with the Master Streets Plan, comprehensive plan, drainage, and the future utility services. The applicant appears to have met all development standards.

Commissioner Levy moved that Planning and Zoning recommend to City Council the approval of the preliminary plat for the Pinon Project Subdivision on the Re-subdivision of Lot 1 of the Chism Group Minor Subdivision, SW1/4 SE1/4, Section 23, T36N R16W, NMPM, in the Residential Multi-Family (R-2) zone, as submitted by ShopWorks Architecture LLC, through P&Z Resolutions No. 2, Series 2023, with the following condition:

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.

Commissioner McDaniel seconded the motion, and the vote was as follows:

Levy	McDaniel	Rime	Skvorc	Weiss
Yes	Yes	Yes	Yes	Yes

b. Application for a site plan for a 2,365 sq. ft. retail/fast food restaurant with drive through to be located on property at 610 E. Main St., zoned Commercial Highway. Chairperson Rime opened the public hearing and Dana Jensen, who lives in a neighboring home on Adams St. spoke of the traffic issues this could cause with the school zone so near. She also talked about the truck traffic from City Market. Douglas Mize with Soudermiller as a civil engineer spoke about CDOT plans and utility easements. He answered multiple questions from the Commissioners. Contract City Planner Dosdall presented the applicant, LBC Investments, LLC, is proposing a site plan to construct a new 2,365 sq. ft. fast food restaurant with drive through to be located on a 1.68-acre parcel at 610 E. Main St. This is currently used as parking for the commercial structure also addressed 610 E. Main St, which is located on a separate parcel. The purpose of the site plan review is to ensure compliance with all regulations and to protect the public health, safety and welfare, to promote balanced growth, to ensure adequate provision of public services and facilities and to guide the character of the city.

Commissioners had many concerns with the project. The main concerns were delivery truck traffic, access issues, and appearance of the south side of the building facing Main St. Attorney Coleman suggested a short recess so Planner Dosdall could address the company's representatives in the audience. After the recess, Commission asked for a representative to answer a question. Clayton King, developer, agreed to provide a color rendering of the south side of the building.

Commissioner Skvorc made a motion to recommend that Council approve the site development plan for a new retail/fast food restaurant on property located at 610 E. Main, in the Commercial Highway (C) zone, as submitted by LBC Investments, LLC through P&Z Resolutions No. 3, Series 2023, 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 the Property.
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. Applicant shall submit a rendering of the south side elevation of the building as it faces Main St.
5. Property owner will enter into discussion with the City of Cortez to prevent traffic flow from N. Adams St. onto private property to the south.

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

Levy	McDaniel	Rime	Skvorc	Weiss
Yes	No	Yes	Yes	Yes

6.UNFINISHED BUSINESS – none

7.NEW BUSINESS – none

8.OTHER ITEMS OF BUSINESS

a. Montezuma County has submitted a proposal for review for a High Impact/Special Use Permit Application, submitted by Daren & Kathy Stone for the existing WestView RV Park, on property located at 12092 Hwy 145, Dolores, CO, consisting of 25.44 acres, more or less, located north of Road M, east of Hwy 145, situated in Section 7, Township 36N, Range 15W, N.M.P.M. Planner Dosdall presented the County High Impact Permit/Special Use Permit request to build additional camping cabins and RV spaces at the existing WestView RV Park. The property is located within the 1 Mile area of influence. It is served via a shared driveway off Hwy 145 so will not directly impact City roads or the Master Street Plan. The Montezuma County Planning and Zoning Commission will hold a public hearing for this permit on March 9, 2023. Staff recommends that the Commission state any concerns and request comments be forwarded to the County if so desired. The Commission had no comments.

9.ADJOURNMENT:

Commissioner Weiss made a motion to adjourn at 8:20 p.m. and it was seconded by Commissioner Skvorc. The vote was as follows:

Levy	McDaniel	Rime	Skvorc	Weiss
Yes	Yes	Yes	Yes	Yes



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

April 4, 2023

Agenda Item: 4. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: Resolution No. 4, Series 2023

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#### BACKGROUND

Chris and Kim Lindell, (the "Applicants") are proposing a site plan to use an existing parking lot they own at 111 W. 1st St., Cortez, Colorado (the "Property") for a Flea Market/Farmers Market on occasional days in the spring, summer and fall. The Property is zoned neighborhood business (NB).

#### ISSUES

See attached

#### RECOMMENDATION

Staff recommends that P&Z Commission make the motion to recommend that Council approve the site development plan for a new seasonal outdoor flea market on property located at 111 W. 1st St., in the Neighborhood Business (NB) zone, as submitted by Chris and Kim Lindell through P&Z Resolutions No. 4, Series 2023, with 8 conditions.

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#### Attachments

Staff Report

Resolution No. 4, Series 2023

Lindell app, letter, plat



*City of Cortez  
Community & Economic  
Development Dept.  
123 Roger Smith Avenue  
Cortez, CO 81321*

Meeting Date: April 4, 2023  
Project No. PL23-000002

## **MEMO**

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

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

**SUBJECT:** Public Hearing on an Application for a Site Plan Review for a seasonal flea/farmers market to be located on property at 111 W. 1<sup>st</sup> St., zoned Neighborhood Business.

**APPLICANT:** Chris and Kim Lindell

**OWNER:** XZIA LLC – Registered Agent Kim Lindell

**ATTACHMENTS:** Resolution No. 4, Series 2023  
Application Packet

## **BACKGROUND:**

Chris and Kim Lindell, (the “Applicants”) are proposing a site plan to use an existing parking lot they own at 111 W. 1<sup>st</sup> St., Cortez, Colorado (the “Property”) for a Flea Market/Farmers Market on occasional days in the spring, summer and fall. The Property is zoned neighborhood business (NB). Farmers Markets are not a listed use in the code and no provision is made for seasonal type uses. Flea Markets, defined as “any market, indoors or out-of-doors (where permitted), where new or used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include, but are not limited to, household items, antiques, rare items, decorations, used books, and used magazines.” While the items proposed to be sold are slightly different than the code listed items, the Flea Market definition is the closest to what the Lindell’s are proposing. Proposed items for sale will include local farm produce, juried/approved artisans, and food trucks. Farm-to-table and similar events with acoustic music may also be held on the Property.

The Property is bounded on the west by public parking. Developed commercial properties are located to the north and east. Directly south is a vacant lot.

The Applicants propose to set up only on the day of operation, although two trucks may remain on the site when not in operation. They propose to open on Saturdays from 12:00pm to 4:00pm. Additional hours will be required for set up/break down.



## ISSUES:

The purpose of the site plan review is to ensure compliance with all regulations and to protect the public health, safety and welfare, to promote balanced growth, to ensure adequate provision of public services and facilities and to guide the character of the city. Section 6-14.12 (f) states:

The Planning Commission in its consideration shall use the standards set forth in Chapter 5 of this code and shall include paving and layout of streets, alleys and sidewalks, means of ingress and egress, provisions for drainage, parking spaces, areas designated for landscaping, and other aspects deemed by the planning commission necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare.

## DISCUSSION:

The project as submitted is unusual in that no permanent construction is proposed. The site is already developed as a parking lot with paving and landscaping. The most applicable issues with this use are the public health, safety, order, convenience, prosperity and general welfare criteria.



## **AGENCY REVIEW:**

### **GIS Coordinator (Doug Roth)**

No concerns

### **City Parks and Recreation (Creighton Wright)**

There needs to be clarity regarding the intent of the space. While it seems that it is being framed as a farmer's market space, the narrative seems to suggest the intent may be for a broader special event facility. It should be framed as a farmer's market or an event site, but not broadly both. Hosting a farmer's market garners one concept and corresponding infrastructure needs and impacts. Hosting various special events, possibly including a multiple-day event, garners another concept and much greater infrastructure need and impact. The broadness of the narrative, specifically regarding "Musical Events" and "Fundraising Events," could likewise elicit a much grander scale event that could have a drastically more significant impact on the surrounding area. I recommend clarifying the intent or removing those references from the application. Should there be a desire to host a wider range of special events, a more detailed and specific application should be submitted addressing the impacts. The reference to multiple-day events is especially concerning, as the current application does not describe the necessary infrastructure to host longer than a half-day farmers market-type event. This is not to say that the property couldn't function as a broader event facility. If it did, the infrastructure would become much more important, and the outreach to the neighborhood may be critical.

I strongly recommend the applicant connect with the current manager of the Cortez Farmers Market and Third Thursday, especially if they plan to host events on the same day/time. Coordinating events is ideal.

### **City Manager (Drew Sanders)**

Upon review of the applicant's plan I have no concerns with the proposal. In fact, I am quite pleased with the concept and look forward to opportunities this may offer our community"

### **Cortez Sanitation District (Jim Webb)**

The Sanitation District has no issues with this proposal.

## **ALTERNATIVES:**

1. The Commission can recommend that the Council approve the site development plan for the proposed flea market on property located at 111 W. 1<sup>st</sup> St., in the NB zone, as submitted by Chris and Kim Lindell;
2. The Commission can recommend denial of the application for the site development plan and state its reasons;
3. The Commission can ask for more information and table the application or continue the application to a date certain; or
4. The Commission can recommend that Council approve the site development plan, and state any conditions it feels would be necessary to ensure compliance with the Land Use Code.

## **RECOMMENDATION:**

Staff recommends Alternative “4” above, approval of the site development plan through P&Z Resolution No. 4, Series 2023, with 8 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 site development plan for a new seasonal outdoor flea market on property located at 111 W. 1<sup>st</sup> St., in the Neighborhood Business (NB) zone, as submitted by Chris and Kim Lindell through P&Z Resolutions No. 4, Series 2023, 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. All temporary sales tents, structures or items shall be removed or stored indoors when the market is not in operation.
3. The site will be kept in a clean and orderly manner at all times.
4. The applicants shall be responsible for ensuring that each vender obtains the necessary sales tax license from the City of Cortez
5. The applicants will apply for and receive a flea market license from the City Clerk prior to operation.
6. Noise from any event held on the property shall comply with all requirements of the Land Use Code Sec. 5.07 (d) at all times.
7. Operations shall be limited to a maximum of two days per week between the stated hours in the spring, summer and fall.
8. The applicant shall comply with all representations made in their application and as part of any public hearings regarding operation of the site.

**CITY OF CORTEZ  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 4, SERIES 2023**

**A Resolution Recommending Approval of a Site Development Plan for a Seasonal Outdoor  
Market  
Located at 111 W. 1<sup>st</sup> St. in the Neighborhood Business (NB) Zoning District**

WHEREAS, the owners/applicants, Chris and Kim Lindell (the “Owner/applicant”) have applied for a Site Plan Review for establishment of a new outdoor seasonal market to be located on property at 111 E. 1st St., Cortez, Colorado and more particularly described as (the “Property):

Lots 1 - 9, Block 44, City of Cortez, County of Montezuma, State of Colorado.

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 April 4, 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 Neighborhood Business (NB) Zoning District; and

WHEREAS, the Planning and Zoning Commission reviewed the Site Plan for a seasonal outdoor market for the Property and is recommending approval of the Site Plan for the Property, with certain conditions, as evidenced in the adoption of P&Z Resolution No. 4, Series 2023; and

WHEREAS, it appears that all requirements of Chapters 5.00 and 6.00 of the City’s Land Use Code for development of Property as requested in the Site Plan Review application have been or can be met.

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

THAT, P&Z Resolution No. 4, 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 recommended to Council for approval, subject to the following conditions to ensure compliance with the standards in the Cortez Land Use Code for a Site 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. All temporary sales tents, structures or items shall be removed or stored indoors when the market is not in operation.

3. The site will be kept in a clean and orderly manner at all times.
4. The applicants shall be responsible for ensuring that each vender obtains the necessary sales tax license from the City of Cortez.
5. The applicants will apply for and receive a flea market license from the City Clerk prior to operation.
6. Noise from any event held on the Property shall comply with all requirements of the Land Use Code Sec. 5.07 (d) at all times.
7. Operations shall be limited to a maximum of two days per week between the stated hours in the spring, summer and fall.
8. The Owner/applicant shall comply with all representations made in their application and as part of any public hearings regarding operation of the site.

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

MOVED, SECONDED, AND ADOPTED THIS 4th DAY OF APRIL, 2023

PLANNING AND ZONING COMMISSION

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Robert Rime, Chairman

ATTEST:

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Cheryl Lindquist, Deputy City Clerk

## SITE PLANS

### (Land Use Code Section 6.14)

Contractor's Name: Lindell Construction Inc. Phone/Fax: 970.882.2233 or 970.759.5715 (Chris: Cell)  
Owner's Name: Chris and Kim Lindell / Xzia, LLC Phone/Fax: 970.749.8803 (Kim: Cell)  
Address: P. O. Box 635, Dolores, CO 81323 Zone District: Commercial  
Legal Description (Lot & Block): Subdivision: TOWN OF CORTEZ Lot: 1-9 Block: 44 B 463 P 528 B 557 P 815, 111 West 1st Street, Cortez, CO 81321  
Existing Use: Parking Lot Proposed Use: Farmers Market, Art Market  
Lot Dimensions: 224.76' x 142.38' Proposed GFA(Gross Floor Area): TBD

### Application Requirements

- ☒ 3 copies of site plan drawn to scale, titled "Preliminary Site Plan"  
☒ Scale and north point indicated  
☒ Name of street on drawing 111 West 1st Street, Cortez, CO 81321  
☒ Fees \$500.00 Paid by Xzia, LLC, Check #1018, 3/8/2023  
☒ Site plan shall contain, but not limited to:
- |   |   |
|---|---|
| <input type="checkbox"/> Drives, streets, and rights-of-way                     | <input type="checkbox"/> Narrative describing the proposed development, Lot, Block and subdivision description, and name(s), address and phone number of the property owner(s) must be attached to the plat |
| <input type="checkbox"/> Easements  | <input type="checkbox"/> A copy of the warranty deed and title commitment current within thirty days of submittal.  |
| <input type="checkbox"/> Location and dimensions of structures and signs        | <input type="checkbox"/> Five copies of the drainage plan.  |
| <input type="checkbox"/> Typical elevations of such buildings                   | <input type="checkbox"/> Five copies of the landscape plan.   |
| <input type="checkbox"/> Access ways, including points of ingress, egress       | <input type="checkbox"/> Five copies of building elevations of all sides to include rooftop mechanical structures and showing screening of rooftop mechanical devices.                                      |
| <input type="checkbox"/> Parking, loading, and refuse areas                     | <input type="checkbox"/> Surface and subsurface soils report.   |
| <input type="checkbox"/> Common open space                                      | <input type="checkbox"/> Additional copies may be requested for the referral process  |
| <input type="checkbox"/> Landscaping and open spaces                            | <input type="checkbox"/> Certification of notification of mineral estate owners as described in Section 6.04 (b)(19).   |
| <input type="checkbox"/> Topography   |   |
| <input type="checkbox"/> Specific areas proposed for specific types of land use |   |
| <input type="checkbox"/> Lots or plots  |   |
| <input type="checkbox"/> Area proposed for dedication                           |   |
| <input type="checkbox"/> Parks and parkways                                     |   |
| <input type="checkbox"/> School sites   |   |
| <input type="checkbox"/> Wetlands   |   |

### Review Procedures/Approval Requirements

- \_\_\_\_ Site plan submittal, narrative, fees, and application form  
\_\_\_\_ PN in paper 15 days prior to P&Z meeting on \_\_\_\_\_  
Action of P&Z: \_\_\_\_\_  
\_\_\_\_ PN in paper 15 days prior to Council meeting on \_\_\_\_\_  
Action of Council: \_\_\_\_\_  
\_\_\_\_ Certificate of Occupancy, provided that:
- ☐ Landscaping requirements met
  - ☐ Drainage plan approved by City Engineer
  - ☐ Parking lot and drainage facilities are in
  - ☐ Fire flow/prevention approved by Cortez Fire District
  - ☐ Other requirements are met by agencies and Building Official

Receipt No: 30 002441

Mar 9, 2023

XZIA, LLC, Lindell

Building Permits - Plans & Maps LU23-2	500.00
Total:	500.00
Check                      Check No: 1018	500.00
Payor: XZIA, LLC, Lindell	
Total Applied:	500.00
Change Tendered:	.00

03/09/2023 10:06 AM

## 111 1st Street Market

Project Location: 111 West 1st Street, Cortez, Colorado to be referred to as One Eleven in this document.

Subdivision: TOWN OF CORTEZ Lot: 1-9 Block: 44 B 463 P 528 B 557 P 815

Property Owners: Chris and Kim Lindell  
32905 Rd P, Mancos, Colorado, 81328  
970-882-2233

Project Scope: To provide an outdoor space for the use of multiple vendors of locally produced, quality products in the following categories;

Local Farm Produce  
Juried/Approved Artisans  
Farm to Table Events  
Food Trucks

The events will be held during daylight hours during the Spring, Summer and Autumn, not to exceed 180 days of operation per year. The time of open public attendance is 12:00 PM to 4:00 PM. The day of operation will be Saturdays with the possibility of one added day per week. The set up times will extend before and after the event for 1 ½ hours.

One Eleven will make efforts to avoid conflict with existing events such as The Cortez Farmers Market and the Third Thursday events. If the event is held on the same day as existing events the time and duration will be adjusted for attendees to enjoy both events. Attendees can wander between events and visit all the downtown main street businesses.

One Eleven will be responsible to verify that every vendor has a sales tax license with the City of Cortez.

Any amplified music whether live or recorded will be limited to low volume levels. SPL monitoring can be used for control.

The vendors will set up on the  $\frac{3}{4}$  acre property on the day of the event.

There is Cortez City water available on the property. The water service has a currently certified backflow prevention device. There is also a 70 Amp electrical service for use by the vendors.

Parking is abundant as the property is located adjacent to the existing Cortez City Parking Lot.

Fire and Police: There are currently three ingress/egress gates to get vendors in and out safely. Gates would be clearly marked and operated to keep any confused drivers from trying to enter the property. Signage will be provided for vehicles and pedestrians for appropriate paths of access.

One Eleven will possibly need to park two trucks seasonally or year round depending on vendors needs. There may also be an office trailer and 12'x12' refrigerated cooler in order to store produce, depending on vendors needs.

There is currently no fence bordering the property. A fence may be installed as needed in the future.

Restroom: One handicap portable restroom provided by One Eleven.  
Trash: Containers and removal provided by One Eleven.

Thank you for your help with this project!  
Chris Lindell



### WARRANTY DEED

THIS DEED, Made on October 5, 2018

between The Citizens State Bank of Cortez now known as Four Corners Community Bank  
of the County of Montezuma and State of Colorado  
grantor, and XZIA, LLC

Whose Legal Address is P.O. Box 635, Dolores Co. 81323

of the County of Montezuma and state of Colorado ,grantee:

WITNESSETH, That the grantor for and in consideration of the sum of  
Sixty five thousand and no/100 DOLLARS  
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, his 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:

AS SHOWN ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

as known by street and number as: 111 W. First Street, Cortez, Co. 81321

TOGETHER with all and singular the hereditaments and appurtenances thereto 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, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does  
covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the enrolling and  
delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and  
indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant,  
bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former  
and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature  
soever, except Taxes and assessments for the year 2018. Easements, Reservations and rights of way, visible and/or of record.  
Oil, gas, Co2 & other mineral rights that have been reserved or conveyed by predecessors in title and any assignments thereof.  
Those specifically described rights of 3rd parties not shown of public record which grantor and/or grantee has actual knowledge &  
which were accepted by grantee; also any other matters reflected by title documents accepted by grantee in accordance with  
subsection 8(a) of the Real Estate Contract.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and  
peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the  
whole or any part thereof. 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, grantor has executed this deed on the date set forth above.

  
Steve Slagle as Market President for Four Corners Community  
Bank formerly known as The Citizens State Bank of Cortez

STATE OF Colorado )  
 )ss  
COUNTY OF Montezuma )

The foregoing instrument was acknowledged before me this 5th day of October, 2018, by

Steve Slagle as Market President for Four Corners Community Bank formerly known as the Citizens State Bank of  
Cortez

Witness my hand and official seal

  
Notary Public

My Commission expires: 03/06, 2022

SHAWN C. KVASNICKA  
Notary Public  
State of Colorado  
Notary ID # 20184010565  
My Commission Expires 03-06-2022



Lots 1 through 9, inclusive, in Block 44, Cortez, Colorado, as per the plat of the "Town of Cortez and Chamberlin's Addition to the Town of Cortez" recorded August 20, 1890 in Book 3 at Page 36 in the office of the Clerk and Recorder.

County of Montezuma  
State of Colorado.

**Account: R009651 Real Property Account**

- [General](#)
- [Legal](#)
- [Value Detail](#)
- [Account Detail](#)
- [Remarks](#)

Account Number	Version Start	Version End
R009651	*****	*****

Parcel Number	Business Name	Calculation Method
5611-263-12-001		

Tax Area  
DISTRICT 11001

**Situs Address**

House#	Dir	Street	Designation	Unit		
111	W	1ST	ST		City	ZipCode
					CORTEZ	81321

**Account Information**

Neighborhood  
CORTEZ MAIN S COMM DIST

Appraisal District	Land Size A
	0.734

Account Type  
COMMERCIAL

**Optional Account Information**

Economic Area  
CORTEZ  
Appraiser  
VALUEWEST

Parcel Sequence  
R009651

## Account: R009651 Account Sale History

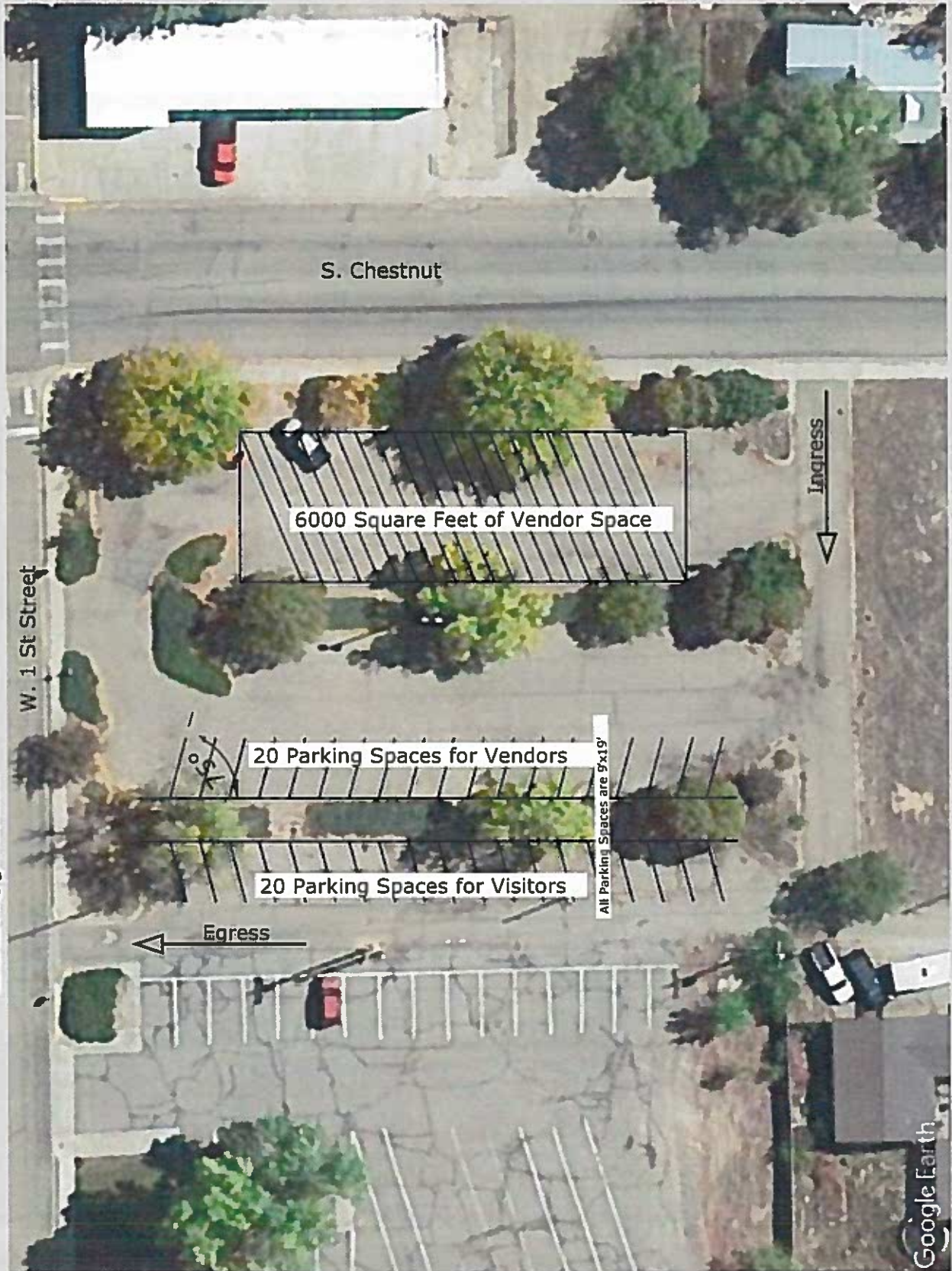
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1

Document #	Document Type	Price
619552	Warranty Deed (doc fee)	\$65,000
Sale Date	Grantor	Grantee
10/05/2018	FOUR CORNERS COMMUNITY BANK FKA	XZIA, LLC
Remarks		

Rev:5-10-19

Chris Lindell  
111 W. 1 St Street, Cortez, Co  
Lindell66@gmail.com



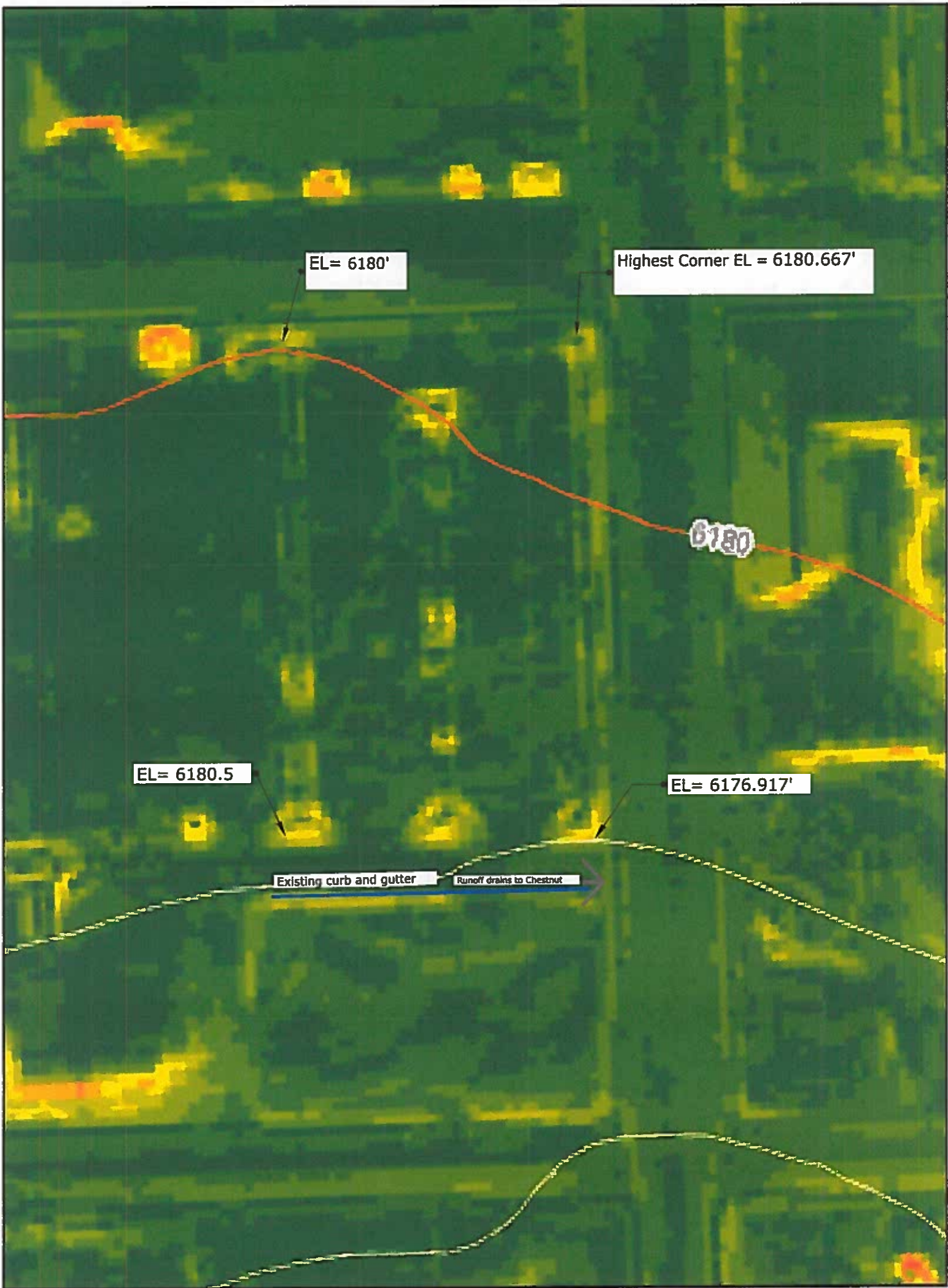




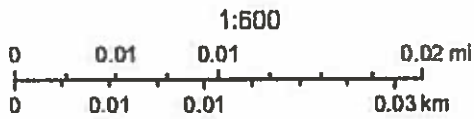
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Montezuma County Property Detail Map



3/8/2023, 11:44:55 AM





CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

April 4, 2023

Agenda Item: 5. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: County Development- Review of a proposed rezone from AR 35 to Heavy Industrial and Subdivision

---

#### BACKGROUND

The parcel under consideration for rezoning and subdivision is adjacent to City limits on two sides, eligible for annexation and within the 1 mile area of influence. County Road L is designated as an Arterial in the Streets Master Plan.

#### ISSUES

See attached

#### RECOMMENDATION

Staff recommends that the Commission state any concerns and requests comments be forwarded to the County if so desired.

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#### Attachments

Staff Report  
County Packet





*City of Cortez  
Community and  
Economic Development  
123 Roger Smith Avenue  
Cortez, CO 81321*

Meeting Date: April 4, 2023

## **MEMO**

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

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

**SUBJECT:** County Development- Review of a proposed rezone from AR 35 to Heavy Industrial and Subdivision

**ATTACHMENTS:** County Application Packet: Applicants propose to amend the Hoch 2 Lot Minor Subdivision, to create a 4 Lot Moderate Subdivision, adding 2 lots. The applicants also propose to rezone the property to Heavy Industrial in order to sell the new lots for a potential shopping center and storage yard

## **BACKGROUND**

The parcel under consideration for rezoning and subdivision is adjacent to City limits on two sides, eligible for annexation and within the 1mile area of influence. County Road L is designated as an Arterial in the Road Master Plan.

The application is somewhat unclear, but the application includes reference to a shopping center, industrial storage yard and manufactured Home Plant on a septic system. All uses are adjacent to approved single family and multi-family residential development in the City. CDOT has expressed concern and requested a traffic study to consider the impact on the intersection of Alamosa St. (County Road L) and State Highway 145. It seems appropriate that the required traffic study should also consider the impact on Alamosa St/County Road L to determine if widening is appropriate.

## **CDOT Comments:**

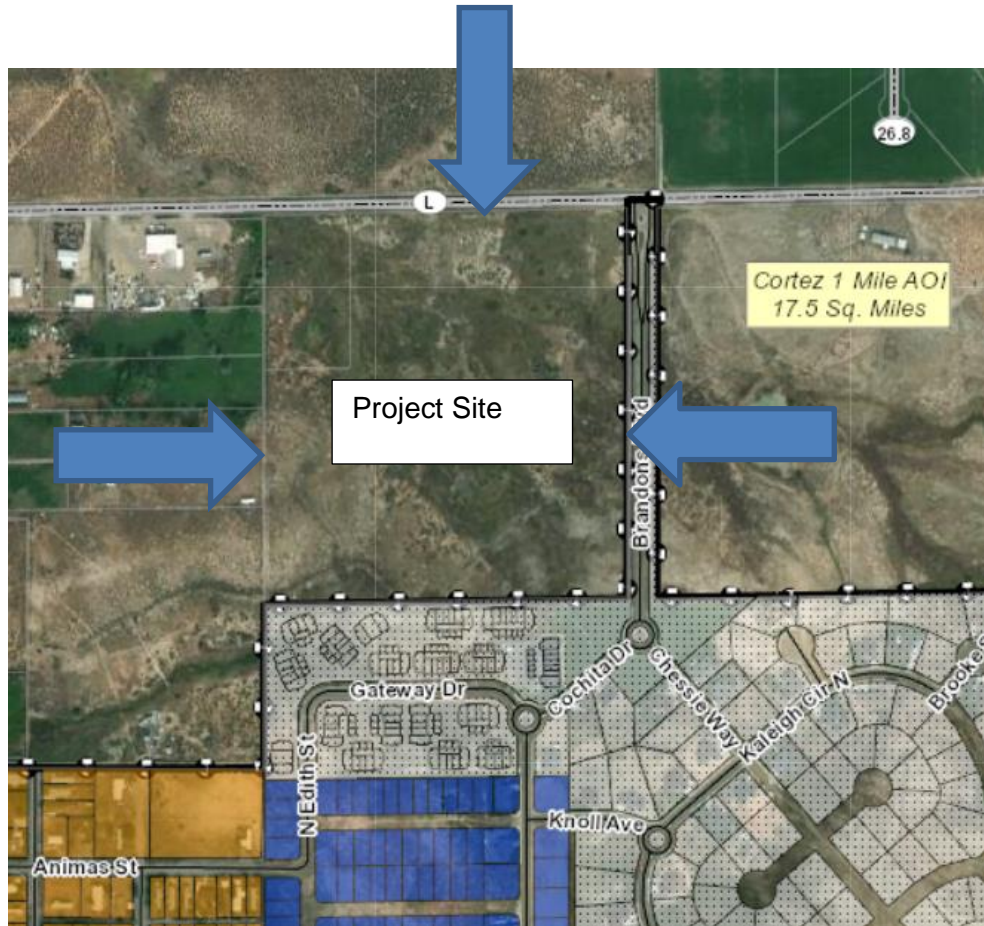
Thank you for the opportunity to review the Hoch 2 Subdivision. It is my understanding that this subdivision is proposing to create a 4 Lot Moderate Subdivision, adding 2 lots. The applicants also propose to rezone the property to Heavy Industrial in order to sell the new lots for a potential shopping center and storage yard. This property doesn't have any direct access to the highway, however, this does have an impact on the Intersection of Alamosa (Road L) and SH 145. It is my understanding that the intersection of Alamosa (Road L) and SH 145 has the potential of signalization.

It is CDOT opinion that the County/developer does a traffic study to see if the highway intersection meets current standards and see if the intersection meets traffic signal warrants. CDOT suggests that the County work with the City to do a "fair share" for the cost of the signal. This will need to be coordinated with the City.

Please forward the traffic study to CDOT for our review and we will provide feedback. If you have any questions, please let me know.

**Other Concerns:**

The proposed urban development would be more appropriately developed in the City with City standards and central sewer. Current agreements with the County (or lack thereof) do not allow us to require annexation however. If the project proceeds in the County consideration should be given to the adjacent residential areas with appropriate buffers, mitigation of noise and visual impacts and connectivity where appropriate.



The Montezuma County Planning and Zoning Commission will hold a public hearing for this permit on April 13, 2023.

**RECOMMENDATION**

Staff recommends that the Commission state any concerns and request comments be forwarded to the County if so desired.



## Montezuma County Planning Department

109 West Main, Room 270

Cortez, CO 81321

(970) 565-2801

(970) 565-3420 Fax

### **PUBLIC NOTICE MONTEZUMA COUNTY PLANNING & ZONING COMMISSION**

Notice is hereby given that the Montezuma County Planning & Zoning Commission will hold a Public Hearing for the purpose of reviewing and determining recommendations to be made to the Board of County Commissioners regarding a proposed Amendment Application to the Hoch 2 Lot Minor Subdivision and INDHZ Rezoning submitted by Daniel & Debbie Hoch, on property located at TBD Road L, Cortez, CO, consisting of 32.91 acres, more or less, located south of Road L, east of Road 26, situated in S. 24, T.36N, R.16W, N.M.P.M. The hearing will be held Thursday, April 13, 2023 at 6:00pm, Commissioner's Hearing Room, Montezuma County Administrative Offices, 109 W. Main, Cortez, CO. Interested persons may attend and give input. Information may be obtained from the Planning Office on-line service at <https://co-montezuma-co.smartgovcommunity.com/Public/Home>; you may also contact the Planning Dept. at (970) 565-2801 with questions.

Dated this 21<sup>st</sup> day of March, 2023

/s/ Kim Percell, Clerk,  
Board of County Commissioners  
Montezuma County, CO

Published in the Cortez Journal on Wednesday, March 29, 2023



Application Date: 12/19/2022

Date of Planning Commission Meeting: 4/13/2023

(All dates are subject to proper completion of submittals in preparation for the public hearing process.)

### MONTEZUMA COUNTY SUBDIVISION AND RE-ZONING APPLICATION

This application is intended to give pertinent information to the Planning Department of Montezuma County for the purpose of determining the review procedure for a proposed zoning request. Nothing in this application is intended to abrogate any policy, design guideline, or standard as set forth in the Montezuma County Land Use Code, Amended March 2, 2015, Resolution No. 3-2015.

An applicant may pick up a hard copy of the Montezuma County Land Use Code for \$10.00 in office or go online for a free copy. We encourage all applicants to get a copy of the Land Use Code.

1) Applicant Name(s): Daniel & Debbie Hoch  
Mailing Address: P O Box 631, Cortez, CO 81321  
Telephone Number: 970-882-7275 Alternate Number: 970-749-3002  
Email Address: danielsconcrete@yahoo.com

2) Agent(s): \_\_\_\_\_ Phone No: \_\_\_\_\_  
Email \_\_\_\_\_  
*(If the applicant is not the owner then evidence that the owner is aware of and consents to the filing of this application must be provided in writing before the application will be accepted.)*

3) Proposed Development: Current Zoning: AR35+ Requested Zoning: INDHZ  
Number of Lots Proposed: 2 (two) Total Acres: 6+/-  
A brief description of proposed land use: Applicants propose to amend the Hoch 2 Lot Minor Subdivision, to create a 4 Lot Moderate Subdivision, adding 2 lots. The applicants also propose to rezone the property to Heavy Industrial in order to sell the new lots for a potential shopping center and storage yard.  
Parcel I.D. Number: 56112422202  
Physical Address of Property: TBD Road L, Cortez, CO  
Legal Description of Property: Section 24 Township 36N Range 16W

4) Brief description of the adjacent land uses: The surrounding properties consist of residential, agricultural, heavy and light industrial.  
Number of Lots: 2 Average Acreage per Lot: 3+/- Total Acres: 6+/-

5) Applicant shall submit sufficient copies of a pre-sketch plan which shows the general location of the development in sufficient detail to evaluate the relationship between the development and the physical features of the land and abutting lands. See Chapter 5:

Section 3: 5302.

Pre-Sketch Plan Checklist:

- ☒ Location of proposed development areas upon the site
- ☒ Total acreage
- ☒ Abutting land uses, zoning designations, abutting land owners names and addresses
- ☒ Existing roads, streets and highways
- ☒ Major physical features including structures, buildings, boundary fencing irrigation ditches and pipelines, utilities, topography, drainage, wetlands, noxious weed infestations and location of natural hazards.

- 6) Septic: Existing Infrastructure ☐ yes ☒ No  
Septic Permit Information Attached: ☐ yes ☐ Permit  
☒ No ☐ In Process

☒ Other: This property is currently vacant. Any new septic system is required to be designed by a licensed engineer and permitted through the County Health Department

*Copies of permits for existing systems are required. Installation of new systems will require permitting through the Sanitation Department. An Engineer will determine the type of septic system.*

- 7) Rural Water: Existing Infrastructure ☐ yes ☒ No  
Copy of Existing Tap Certificate: ☐ yes ☒ No ☐ not applicable  
Service provided by: Montezuma Water Company  
Letter attached: ☐ yes ☒ No  
Service Available for Additional residential use(s)

- 8) Copy of Current Driveway/Access Permit from Montezuma County Road Department  
☐ Yes ☒ No ☐ In Process

Access Permit can service up to \_\_\_\_\_ residential uses. Date on Permit: \_\_\_\_\_

Interior Road anticipated within development: ☒ Yes ☐ No

This property is currently vacant. Any new driveway access will be required to be permitted through the County Road Department.

- 9) CDOT Access/Permit: Any development that will require a direct access off any highway shall require permitting through CDOT. Required ☐ Yes Hwy: \_\_\_\_\_ No ☒

The applicant will be required to contact CDOT regarding what he proposes on this subdivision application. It is CDOT's opinion that the developer does a traffic study to see if the highway intersection meets current standards and see if the intersection meets traffic signal warrants.

- 10) Contact utility companies for information regarding any/all easements, contracts or fees for providing service to the development:

Electric: ☒ Empire Electric ☐ Other: \_\_\_\_\_

Telephone: ☐ CenturyTel ☐ CentryLink ☐ Farmers ☐ Other: \_\_\_\_\_

Gas Source: ☐ Atmos Energy ☒ Propane ☐ Other: \_\_\_\_\_

11) Irrigation Water: ☐ Yes ☒ No

Provided by: \_\_\_\_\_

12) Covenants Attached: ☐ Yes ☒ No

☐ Draft ☐ Final Pages \_\_\_\_\_

The recorded covenants for the Hoch 2 Lot Minor Subdivision will need to be amended to reflect changes to the subdivision.

Recording Fee: \$13.00 for the first page and \$5.00 each additional page

13) Fire Mitigation Plan: Is the property located in an area identified on the A or B Community at Risk Map, or other areas that fall outside of the A or B Zone that have native vegetative cover deemed to be a wildfire risk:

☐ Yes, requires a Comprehensive Wildfire Mitigation Plan:

☐ Attached ☐ In Process

Fire Mitigation Plan Prepared by: \_\_\_\_\_

☒ Wildfire Adapted Partnership recommends a waiver from a comprehensive plan as the parcel is very cleared of most hazardous fuels. While the property does not need a formal wildfire mitigation plan, it does not mean it is free from fire risk, mitigation efforts are always recommended. Wildfire Adapted Partnership offers free Home Wildfire Risk Site Visits. Contact Samantha Torres at 760-696-1404 or storres@wildfireadapted.org if the property owner would like to schedule a wildfire risk assessment. Samantha is the Montezuma County coordinator and will walk around the property with the owner and discuss what steps can make to be better prepared for wildfire. The property owner will receive a write up of everything they need to know to take the next steps in your wildfire preparedness journey as well as important materials to help guide them in their efforts. In many cases grant funding is available to help offset the costs of the mitigation projects. These visits generally take 60-90 minutes.

☐ Submittal of Affidavit with directional photos ☐ Attached ☐ In Process

14) Weed Plan: ☐ Attached ☐ In Process

Prepared by: \_\_\_\_\_

☒ No noxious weed plan is required, per the County Noxious Weed Manager, however the property owner is still responsible for the management of the noxious weed population.

15) Geologic Investigation: ☐ Required ☒ Not Required

Prepared by: \_\_\_\_\_

Geologic Investigation required for Moderate and Major Development.

16) Storm Water Permit Required: ☐ Yes ☐ No ☒ Not Applicable

Required for Developments that disturb at least 1 acre of top soil in the process of developing.

17) Drainage Plan Required: ☐ Yes ☐ No ☒ Not Applicable

Known site characteristics: \_\_\_\_\_

Mitigation Measures to be taken: \_\_\_\_\_

18) Floodplain Development Permit: ☐ Yes ☐ No ☒ Not Applicable

19) Municipal Review: ☒ Cortez ☐ Dolores ☐ Mancos ☐ Not Applicable

20) In accordance with CRS 31-23-215, all mineral rights owners and lessees of mineral owners should be notified regarding proposed subdivision of property. The following information can be obtained from the Assessor's Office.

**NAMES AND CURRENT ADDRESS OF MINERAL RIGHTS OWNERS:**

Name: THERE ARE NO MINERAL OWNERS FOR THIS PROPERTY

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

21) Other:

22) Brief description of any planned or future development:

Are there any other development applications that effect the proposed development:

☒ Yes ☐ No

Possible Manufactured Home plant.

**PROHIBITION ON LEGAL ADVICE** Staff members cannot give legal advice. This prohibition includes assisting or advising with documents to file or record, completing the documents, or assessing the legality or "correctness of a document(s)." If this type of assistance is required, contact your attorney or legal advisor. C.R.S. 12-5-101

The landowner by signing this acknowledges that all federal, state and local permits will be obtained.

Applicant

Date:

12-8-22

Applicant

Date:

12.21.22

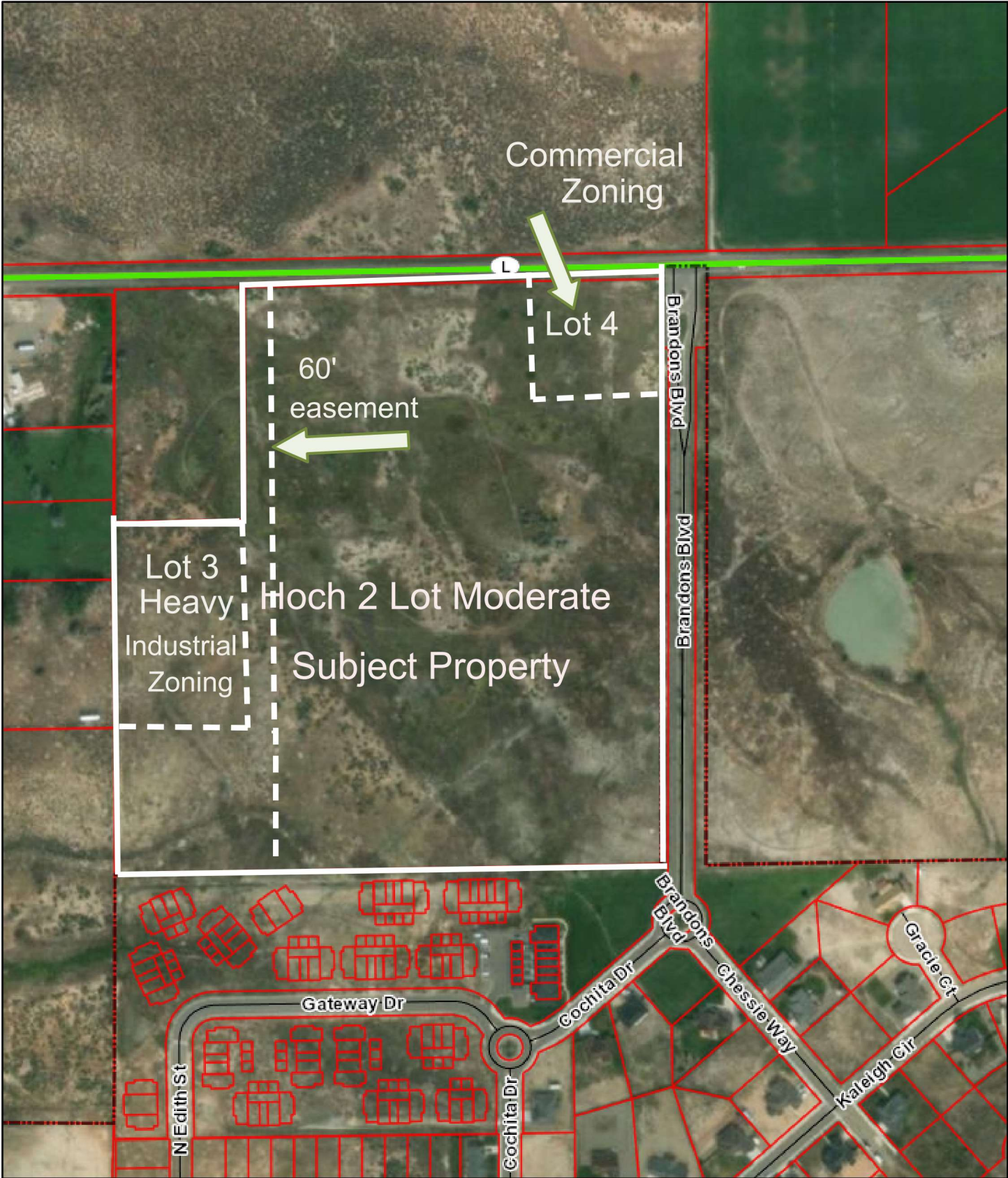
COUNTY USE ONLY

Based on the information provided herein, this Application complies with the application submittal requirements per the Montezuma County Land Use Code.










Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Planning Director Review: *[Signature]* Date: 12/22/22

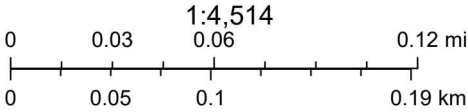


# Montezuma County Property Detail Map



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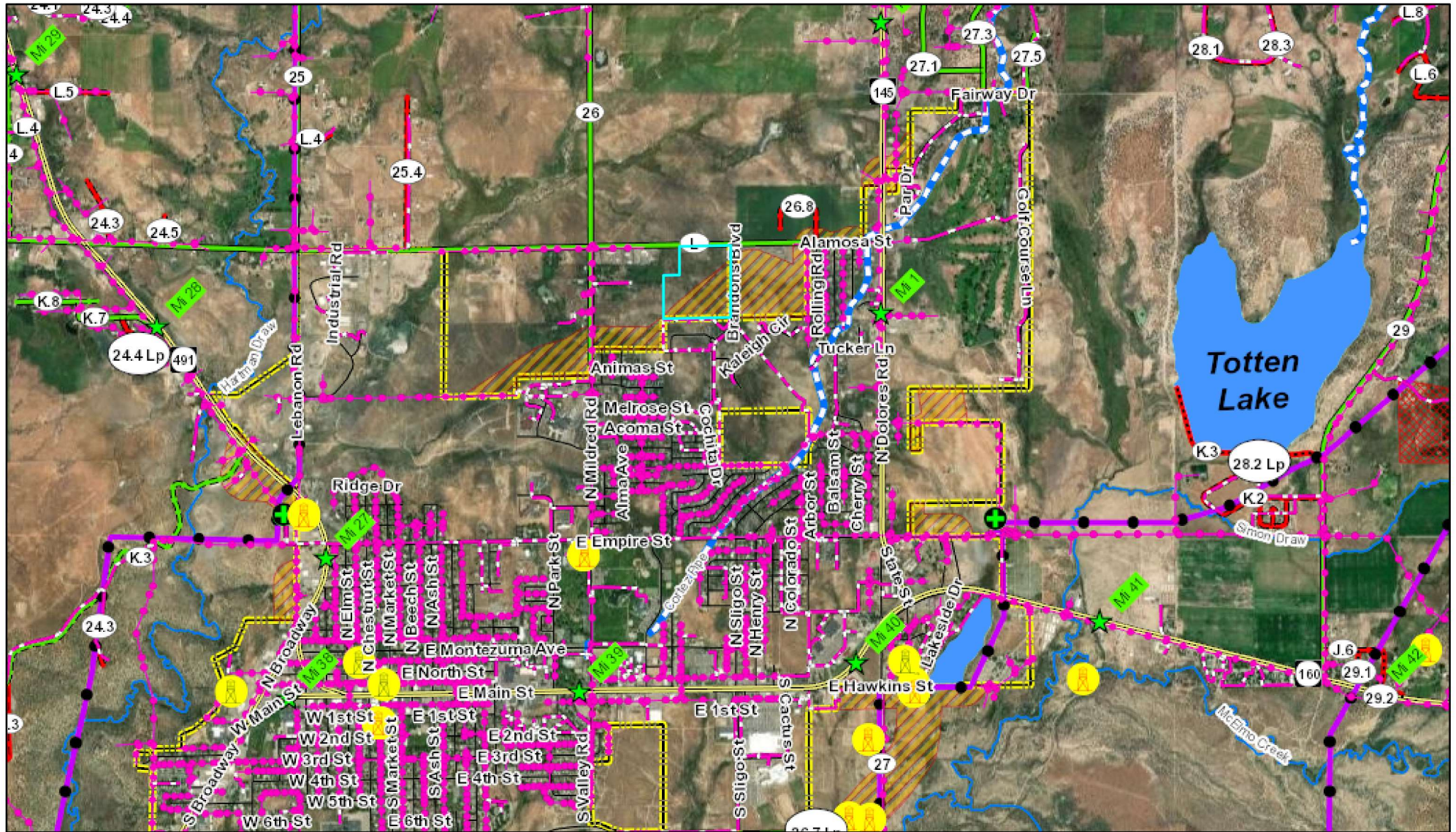
- |   |  |   |
|---|--|---|
|  Override 1 |  BLM      |  Other (USBR)      |
| Lines   |  CANM     |  Irrigation Canals |
| Override 1  |  CO State |  Rivers            |
| Override 2  |  NPS      |  Parks             |
| Public Lands & BIA Land   |  |   |



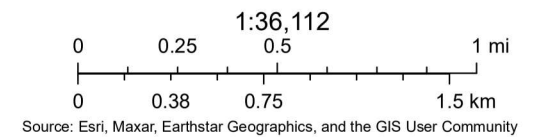
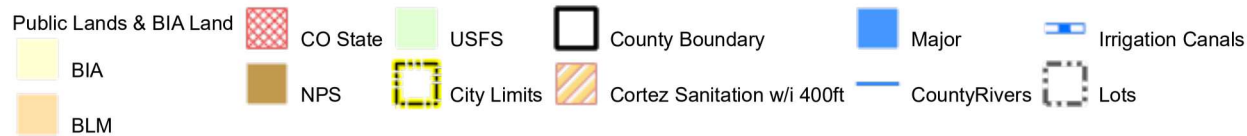
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



# Montezuma Planning Map

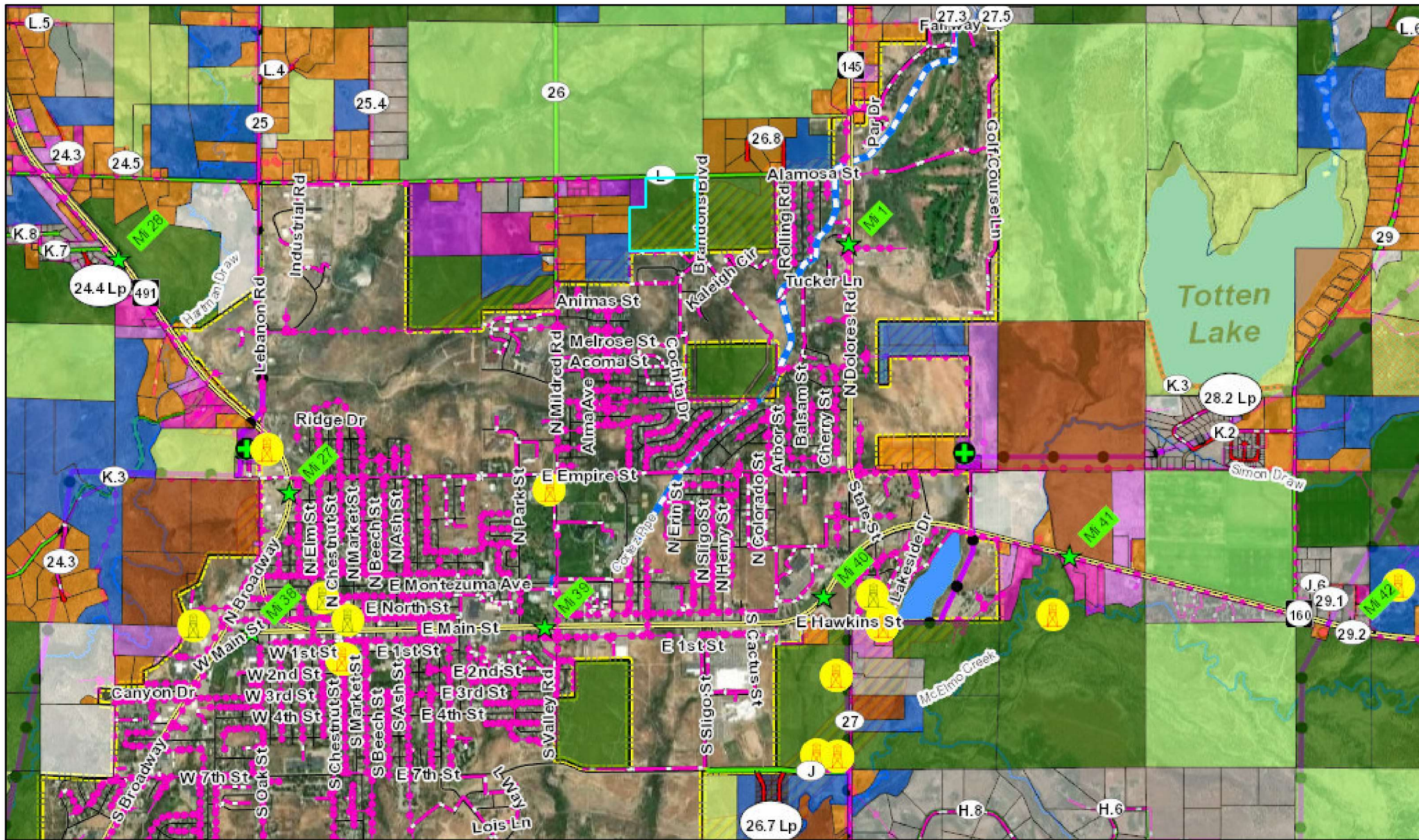


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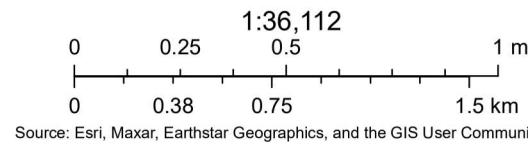




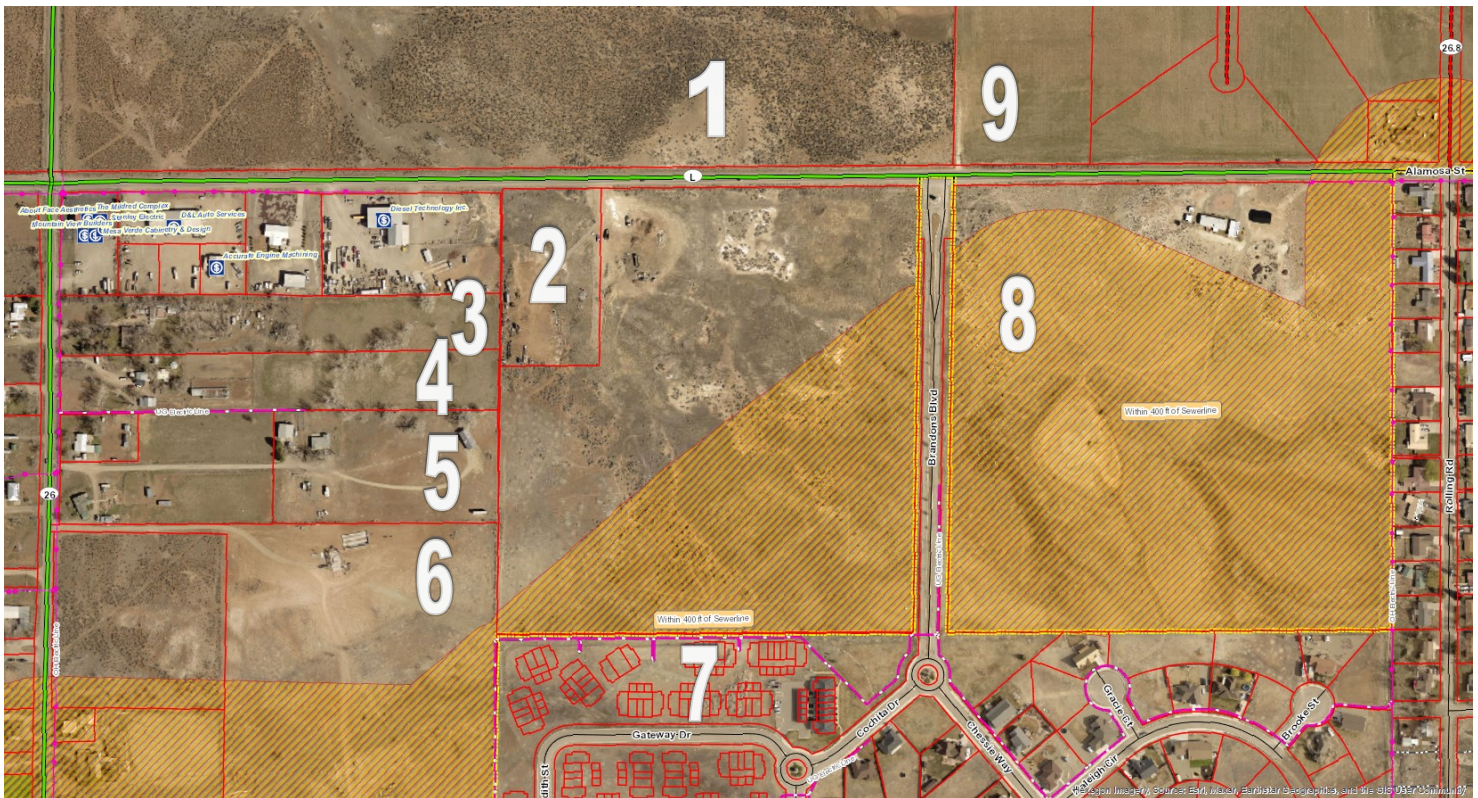
# Montezuma Planning Map



1/4/2023, 11:16:38 AM







	Property Owner	Mailing Address	Physical Address	Zone	Acres
<b>1</b>	Robert Millard	17090 Road 22, Cortez, CO 81321	26053 Road L, Cortez, CO 81321	A80+	321.38+/-
<b>2</b>	Raptor Self-Storage, LLC	715 Wuthering Heights Dr, Colorado Springs, CO 80921	26304 Road L, Cortez, CO 81321	INDHZ	3.43+/-
<b>3</b>	Stanley Sparks	10958 Road 26, Cortez, CO 81321	10958 Road 26, Cortez, CO 81321	AR3-9	5+/-
<b>4</b>	Jason & Amy Moshonas	10906 Road 26, Cortez, CO 81321	10906 Road 26, Cortez, CO 81321	AR3-9	5+/-
<b>5</b>	Harold McNamee	10880 Road 26, Cortez, CO 81321	10880 Road 26, Cortez, CO 81321	AR3-9	5+/-
<b>6</b>	Joe & Charma Gray	714 Hartman Drive, Cortez, CO 81321	TBD Road 26, Cortez, CO 81321	AR10-34	16.57+/-
<b>7</b>	Brandons Gate Townhomes HOA, Inc.	P O Box 641, Dolores, CO 81323	TBD Gateway Dr., Cortez, CO 81321	City	.05+/-
<b>8</b>	Paul Adams	26654 Road L, Cortez, CO 81321	26654 Road L, Cortez, CO 81321	AR35+	40+/-
<b>9</b>	Lighthouse Baptist Church of Montezuma CO, COLO	11502 Hwy 145, Cortez, CO 81321	26511 Road L, Cortez, CO 81321	AR3-9	9.32+/-



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

April 4, 2023

Agenda Item: 5. b.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: County Development- Review of a proposed 4 lot subdivision for 4 single family homes.

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**BACKGROUND**

The Applicant proposes to create a Single Lot Development consisting of a General Planned Unit Development, Special Use Permit and AR35+ Rezoning Application submitted by Elevated Smoke, LLC, agent: Cole Clark, on property located at 7231 Road 25, Cortez, CO, consisting of 35 acres, more or less, located north of Road G, west of Road 25, situated in Section 3, T.36N, R.16W, N.M.P.M.

**ISSUES**

None

**RECOMMENDATION**

Staff recommends that the Commission state any concerns and request comments be forwarded to the County if so desired.

---

**Attachments**

Staff Report  
Montezuma County P&Z packet



*City of Cortez  
Community &  
Economic Dev. Dept.  
123 Roger Smith Ave.  
Cortez, CO 81321*

Meeting Date: April 4, 2023

## **MEMO**

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

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

**SUBJECT:** County Development- Review of a proposed 4 lot subdivision for 4 single family homes

**ATTACHMENTS:** County Application Packet Request for a proposed subdivision

## **BACKGROUND**

The Applicant proposes to create a Single Lot Development consisting of a General Planned Unit Development, Special Use Permit and AR35+ Rezoning Application submitted by Elevated Smoke, LLC, agent: Cole Clark, on property located at 7231 Road 25, Cortez, CO, consisting of 35 acres, more or less, located north of Road G, west of Road 25, situated in Section 3, T.36N, R.16W, N.M.P.M.

The property is located within the 1-Mile Area of Influence along County Road G. County Road G is not within the Master Street Plan boundary.

The Montezuma County Commissioners will hold a public hearing for this permit in April, however the notice appears to have an incorrect date.

## **RECOMMENDATION**

Staff recommends that the Commission state any concerns and request comments be forwarded to the County if so desired.



## Montezuma County Planning & Zoning Commission

109 West Main, Room 270  
Cortez, CO 81321  
(970) 565-2801  
(970) 565-3420 Fax

### MONTEZUMA COUNTY PLANNING & ZONING COMMISSION PUBLIC NOTICE

Notice is hereby given that the Montezuma County Planning & Zoning Commission will hold a Public Hearing for the purpose of reviewing and determining recommendations to be made to the Board of County Commissioners regarding a General Planned Unit Development, Special Use Permit and AR35+ Rezoning Application submitted by Elevated Smoke, LLC, agent: Cole Clark, on property located at 7231 Road 25, Cortez, CO, consisting of 35 acres, more or less, located north of Road G, west of Road 25, situated in Section 3, T.36N, R.16W, N.M.P.M. The hearing will be held Thursday, October 13, 2022 at 6:00 pm, Commissioner's Hearing Room, Montezuma County Administrative Offices, 109 W. Main, Cortez, CO. Interested persons may attend and give input. Information may be obtained from the Planning Office on-line service at <https://co-montezuma-co.smartgovcommunity.com/Public/Home>; you may also contact the Planning Dept. at (970) 565-2801 with questions.

Dated this 24<sup>th</sup> day of March, 2023

/s/ Kim Percell, Clerk,  
Board of County Commissioners  
Montezuma County, CO

Published in the Journal on Wednesday, March 29, 2023

### **Foothills Narrative**

The PUD will consist of four single family homes built within three years. Homes will be finished in order of right to left on the layout diagram provided. We anticipate the 1st, and 2nd house being finished by the end of 2023. With the remaining 2 homes being finished no later than fall of 2025. We are going to push to get these homes finished ASAP, and may finish ahead of schedule.

Registered Agent,

Cole Clark





Application Date: 3/22/2023

Date of Zoning/Rezoning Hearing: 4/13/2023

### MONTEZUMA COUNTY ZONING APPLICATION

This application is intended to give pertinent information to the Planning Department of Montezuma County for the purpose of determining the review procedure for a proposed zoning request. Nothing in this application is intended to abrogate any policy, design guideline, or standard as set forth in the Montezuma County Land Use Code amended on 5/07/2012 Resolution No. 2012-6.

Please initial here that you have a current copy of the Montezuma County Land Use Code CC.

1) Applicant Name(s)/Owner: Elevated Smoke, LLC  
Address 7231 Road 25, Cortez, CO 81321  
Telephone Number (970)529-6145 Alternate Number: ( )

2) Agent(s) Cole Clark Phone No. 970-529-6145  
(If the applicant is not the owner then evidence that the owner is aware of and consents to the filing of this application must be provided in writing before the application will be accepted.)

3) Proposed Development: Current Zoning: AR10-34 Requested Zoning: A35+  
Number of Lots: 1 (one) Total Acres: 35+/-

A brief description of adjacent land usage: The surrounding properties consist of residential and small and large agricultural uses.

Parcel I.D. Number: 563703400003  
Physical Address of Property: 7231 Road 25, Cortez, CO  
Legal Description of Property: Section 3 Township 35N Range 16W

Brief description of the proposed development: The applicant proposes to create a General Planned Unit Development consisting of 4 single family homes.

Number of Lots: 1 Average Acreage per Lot:  Total Acres: 35+/-

5) Applicant shall submit sufficient copies of a pre-sketch plan which shows the general location of the development in sufficient detail to evaluate the relationship between the development and the physical features of the land and abutting lands. See Chapter 5: Section 3: 5302.

Presketch Plan Checklist:

- ☐ Location of proposed development areas upon the site
- ☐ Total acreage
- ☐ Abutting land uses, zoning designations, abutting land owners names and addresses
- ☐ Existing roads, streets and highways
- ☐ Major physical features including structures, buildings, boundary fencing irrigation ditches and pipelines, utilities, topography, drainage, wetlands, noxious weed infestations and location of natural hazards.

- 6) Septic: ☐ Existing Infrastructure ☒ Yes ☐ No  
Septic Permit Information Attached: ☐ Yes ☐ Permit ☐ Other: \_\_\_\_\_  
☒ No  
☐ In Process

Septic Permit # 1340 from 1986, for the existing residence. Any new septic system is required to be designed by a licensed engineer and permitted through the County Health Department.

*Copies of permits for existing systems are required. Installation of new systems will require permitting through the Sanitation Department. An Engineer will determine the type of septic system.*

- 7) Rural Water: ☐ Existing Infrastructure ☒ yes ☐ No  
Copy of Existing Tap Certificate: ☐ yes ☒ No ☐ not applicable  
Service provided by: Montezuma Water Company  
Letter attached: ☐ yes ☒ No Service Available for \_\_\_\_\_ Additional Residential use  
A water tap has been purchased on 9/7/2022.

- 8) Copy of Current Driveway/Access Permit from Montezuma County Road Department  
☐ Yes ☐ No ☒ In Process  
Access Permit can service up to \_\_\_\_\_ residential uses. Date on Permit: \_\_\_\_\_  
Interior Road anticipated within development: ☒ Yes ☐ No  
A driveway access permit through the County Road Department is required prior to any construction beginning. The County Road Superintendent has inspected for safety, and has determined the proposed access off of Road G is acceptable.

- 9) CDOT Access/Permit: Any development that will require a direct access off any highway shall require permitting through CDOT. Required ☐ Yes No ☒ Hwy: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 10) Contact utility companies for information regarding any/all easements, contracts or fees for providing service to the development:  
Electric: ☒ Empire Electric ☐ Other: \_\_\_\_\_  
Telephone: ☐ Centrytel ☐ Centurylink ☒ Farmers ☐ Other: \_\_\_\_\_  
Gas Source: ☐ Atmos Energy ☒ Propane ☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 11) Geologic Investigation: (moderate & major developments ONLY, if required)  
☒ Required ☐ Not Required  
Prepared by: Wickstrom Engineering  
*Required for all Moderate and Major Developments only.*  
\_\_\_\_\_  
\_\_\_\_\_

- 12) Municipal Review: ☒ Cortez ☐ Dolores ☐ Mancos ☐ Not Applicable  
\_\_\_\_\_  
\_\_\_\_\_

- 13) Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 14) Brief description of any planned or future development, including any application(s) being reviewed consecutively with the zoning request.  
*(Any further development will require the signature of all landowners on the amended plat)*  
No further development is planned.

PROHIBITION ON LEGAL ADVICE Staff members cannot give legal advice. This prohibition includes assisting or advising with documents to file or record, completing the documents, or assessing the legality or "correctness of a document(s)." If this type of assistance is required, contact your attorney or legal advisor. C.R.S. 12-5-101

The landowner by signing this acknowledges that all federal, state and local permits will be obtained.

  
\_\_\_\_\_  
Applicant  
Date: Cole Clark

\_\_\_\_\_  
Applicant  
Date: \_\_\_\_\_

COUNTY USE ONLY

Based on the information provided herein, this Application complies with the application submittal requirements per the Montezuma County Land Use Code.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Planning Director Review:  Date: 3/28/23



Application Date 3/22/2023

Date of Zoning/Rezoning Hearing 4/13/2023

(All dates are subject to proper completion of submittals in preparation for the public hearing process.)

**MONTEZUMA COUNTY  
PLANNED UNIT DEVELOPMENT APPLICATION**

This application is intended to give pertinent information to the Planning Department of Montezuma County for the purpose of determining the review procedure for a proposed development. Nothing in this application is intended to abrogate any policy, design guideline, or standard as set forth in the Montezuma County Land Use Code amended on May 7, 2012, in Resolution No. 2012-6.

Please initial here that you have a current copy of the Montezuma County Land Use Code \_\_\_\_\_.

- 1) Applicant Name(s)/Owner: Elevated Smoke (Cole Clark CEO)  
Address 7231 Road 25, Cortez, CO 81321  
Telephone Number (970) 529-6145 Alternate Number: ( ) \_\_\_\_\_  
Proof of Ownership: ☐ Certificate ☐ Title Opinion from Attorney ☐ Other: \_\_\_\_\_
- 2) Agent(s) \_\_\_\_\_ Phone No. \_\_\_\_\_  
(If the applicant is not the owner then evidence that the owner is aware of and consents to the filing of this application must be provided in writing before the application will be accepted.)  
Agent Authorization Letter Provided: ☐ Yes ☐ In Process ☐ Other: \_\_\_\_\_
- 3) Proposed Development: Current Zoning: AR10-34 Requested Zoning: A35+  
Parcel I.D. Number: 563703400003  
Physical Address of Property: 7231 Road 25, Cortez, CO  
Legal Description of Property: Section 3 Township 35N Range 16W  
  
A brief description of adjacent land usage: The surrounding properties consist of residential and small and large agricultural uses.
- 4) Type of PUD: ☐ Cluster Incentive ☒ General ☐ Commercial ☐ Industrial ☐ Mobile Home  
Intended Land Uses: The applicant proposes to create a General Planned Unit Development consisting of 4 single family homes.

Minimum Acreage Dedicated to: ☒ Agricultural Land, 20+/- Acres  
☒ Open Space, 30+/- Acres  
☐ Not Applicable

Total Acreage: 35+/- Total Preserved Acres: 20+/- Total Developed Acres: 15+/-  
Max Number of Dwelling Units: 4

- 5) Objectives to be achieved by PUD: to create a General Planned Unit Development consisting of 4 single family homes.
- 6) Septic: ☐ Existing Infrastructure ☒ yes ☐ No  
Septic Permit Information Attached: ☐ yes ☐ Permit ☐ Other: \_\_\_\_\_  
☒ No  
☐ In Process  
Septic Permit # 1340 from 1986, for the existing residence. Any new septic system is required to be designed by a licensed engineer and permitted through the County Health Department.  
*Copies of permits for existing systems are required. Installation of new systems will require permitting through the Sanitation Department. An Engineer will determine the type of septic system.*
- 7) Rural Water: ☐ Existing Infrastructure ☒ yes ☐ No  
Copy of Existing Tap Certificate: ☐ yes ☒ No ☐ Not applicable  
Service provided by: Montezuma Water Company  
Letter attached: ☐ yes ☒ No Service Available for 4 Additional Residential uses
- 8) Copy of Current Driveway/Access Permit from Montezuma County Road Department  
☐ Yes ☐ No ☒ In Process  
Access Permit can service up to TBD residential uses. Date on Permit: TBD  
Interior Road anticipated within development: ☒ Yes ☐ No  
Road Surface width: TBD feet built to Count Road & Bridge Specifications.
- 9) CDOT Access/Permit: Any development that will require a direct access off any highway shall require permitting through CDOT. Required ☐ Yes No ☒ Hwy: \_\_\_\_\_
- 10) Contact utility companies for information regarding any/all easements, contracts or fees for providing service to the development:  
Electric: ☒ Empire Electric ☐ Other: \_\_\_\_\_  
Telephone: ☐ Centurytel ☐ Qwest ☒ Farmers ☐ Other: \_\_\_\_\_  
Gas Source: ☐ Greeley Gas ☒ Propane ☐ Other: \_\_\_\_\_
- 11) Covenants Attached: ☐ Yes ☒ No  
☐ Draft ☐ Final  
Per County Land Use Code, minimum Covenants will be required for this project. Additions to the minimum covenants may be done by the Applicant, but subtractions cannot be made.  
The Applicant will be drafting covenants as the permitting process continues  
*Recording Fee: \$13.00 for the first page and \$5.00 each additional page*
- 12) Fire Mitigation Plan: Is the property located in an area identified on the A or B Community at Risk Map, or other areas that fall outside of the A or B Zone that have native vegetative cover deemed to be a wildfire risk:  
☐ Yes, requires a Comprehensive Wildfire Mitigation Plan: ☐ Attached ☐ In Process  
Fire Mitigation Plan Prepared by: \_\_\_\_\_  
☒ No, Due to the lack of vegetation and low risk for wildfire, per the Wildfire Risk 202 analysis, a waiver can be issued in lieu of a wildfire mitigation plan. While the property does not need a formal

wildfire mitigation plan, it does not mean it is free from fire risk, mitigation efforts are always recommended. Wildfire Adapted Partnership offers free Home Wildfire Risk Site Visits. Contact Samantha Torres at 760-696-1404 or storres@wildfireadapted.org if the property owner would like to schedule a wildfire risk assessment. Samantha is the Montezuma County coordinator and will walk around the property with the owner and discuss what steps can make to be better prepared for wildfire. The property owner will receive a write up of everything they need to know to take the next steps in your wildfire preparedness journey as well as important materials to help guide them in their efforts. In many cases grant funding is available to help offset the costs of the mitigation projects. These visits generally take 60-90 minutes.

- 13) Weed Control Plan: ☐Attached ☐In Process:  
☒ County Noxious Weed Department recommends a waiver from a comprehensive weed plan, however the property owners are still responsible for noxious weed management.
- 14) Geologic Investigation: ☒Required ☐Not Required  
If required: ☐Attached ☐In Process  
Prepared by: Wickstron Engineering  
*Required for all Moderate and Major Developments only.*
- 15) Storm Water Permit Required: ☐Yes ☐No ☒Not Applicable  
*Required for Developments that disturb at least 1 acre of top soil in the process of developing.*
- 16) Irrigation shares on proposed development: ☒Yes ☐No  
Irrigation Company which serves development: Montezuma Valley Irrigation Company  
Total Shares: 15
- 17) If the property located in an area Identified in the FEMA Floodplain Map?  
☐Yes ☒No ☒Not Applicable
- 18) Municipal Review: ☒Cortez ☐Dolores ☐Mancos ☐Not Applicable
- 19) Waiver or Modification of certain Threshold Standards or other applicable standards:  
☐Attached ☒Not Applicable  
Standards within Waiver: \_\_\_\_\_
- 20) In accordance with CRS 31-23-215, all mineral rights owners and lessees of mineral owners should be notified regarding proposed subdivision of property. The following information can be obtained from the Assessor's Office.

**NAMES AND CURRENT ADDRESS OF MINERAL RIGHTS OWNERS:**

Name THERE ARE NO MINERAL OWNERS FOR THIS PROPERTY.

Address \_\_\_\_\_

21) Other: \_\_\_\_\_

22) Brief description of any planned or future development, including any application(s) being reviewed consecutively with the zoning request.  
\_\_\_\_\_ No further development is planned. \_\_\_\_\_

PROHIBITION ON LEGAL ADVICE Staff members cannot give legal advice. This prohibition includes assisting or advising with documents to file or record, completing the documents, or assessing the legality or "correctness of a document(s)." If this type of assistance is required, contact your attorney or legal advisor. C.R.S. 12-5-101

The landowner by signing this acknowledges that all federal, state and local permits will be obtained.

\_\_\_\_\_  
Applicant

Date: Cole Clark \_\_\_\_\_

\_\_\_\_\_  
Applicant

Date: \_\_\_\_\_

COUNTY USE ONLY

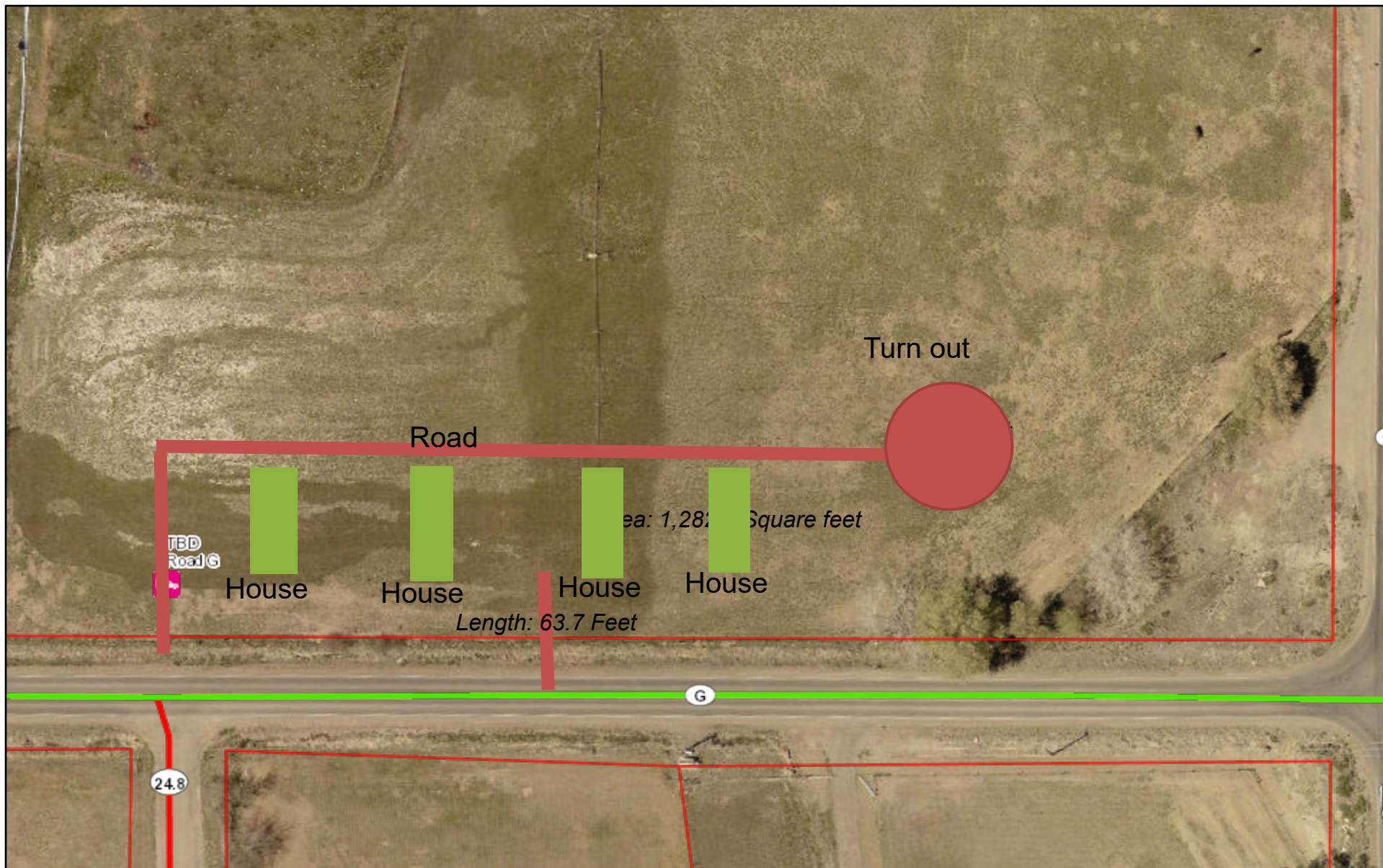
Based on the information provided herein, this Application complies with the application submittal requirements per the Montezuma County Land Use Code.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

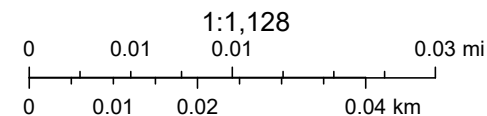
Planning Director Review: On Hold Date: 3/28/23



# Montezuma County Property Detail Map



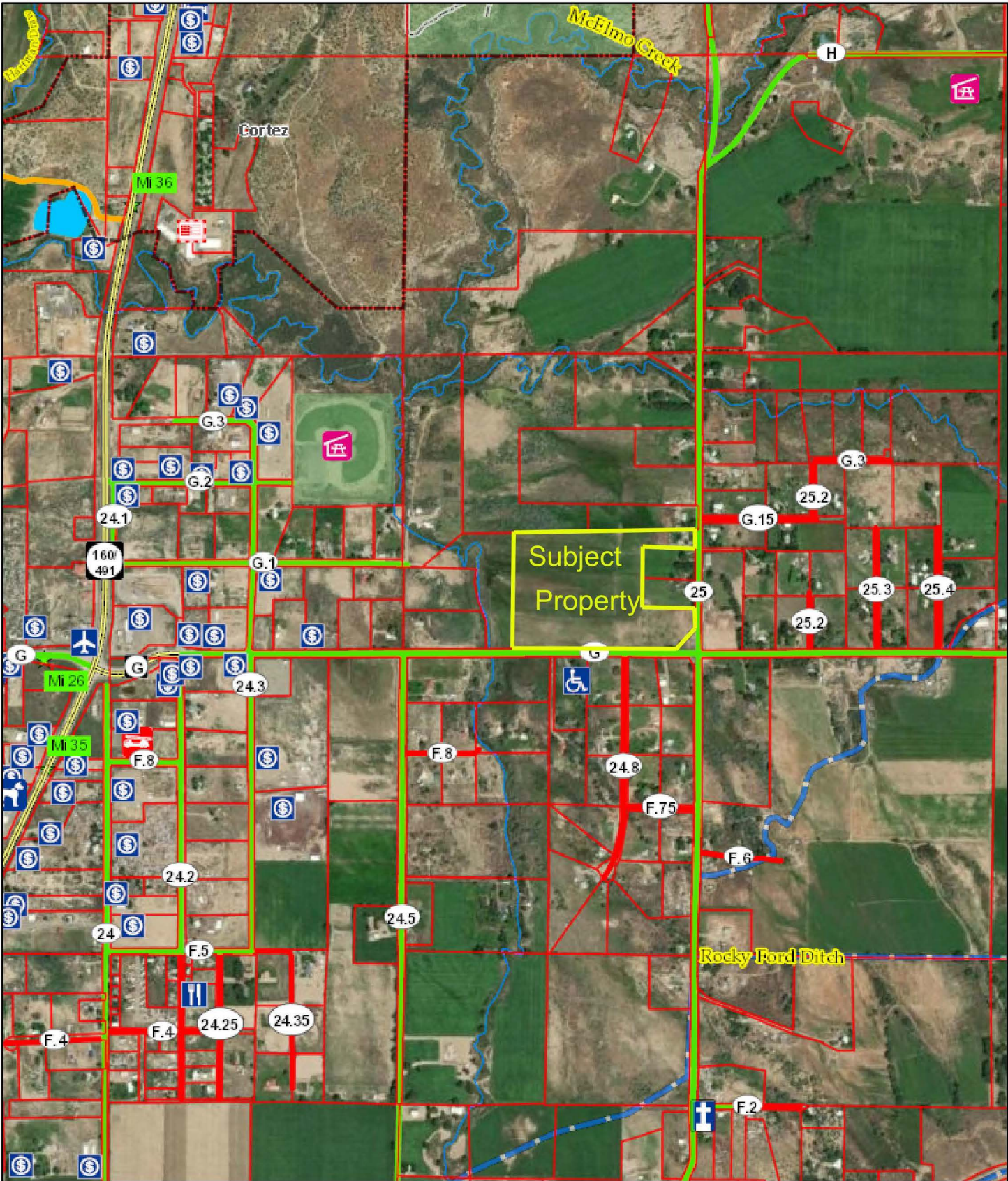
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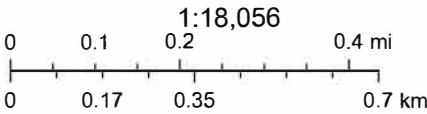
Hexagon Imagery, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



# Montezuma County Property Detail Map



9/16/2022, 10:28:04 AM

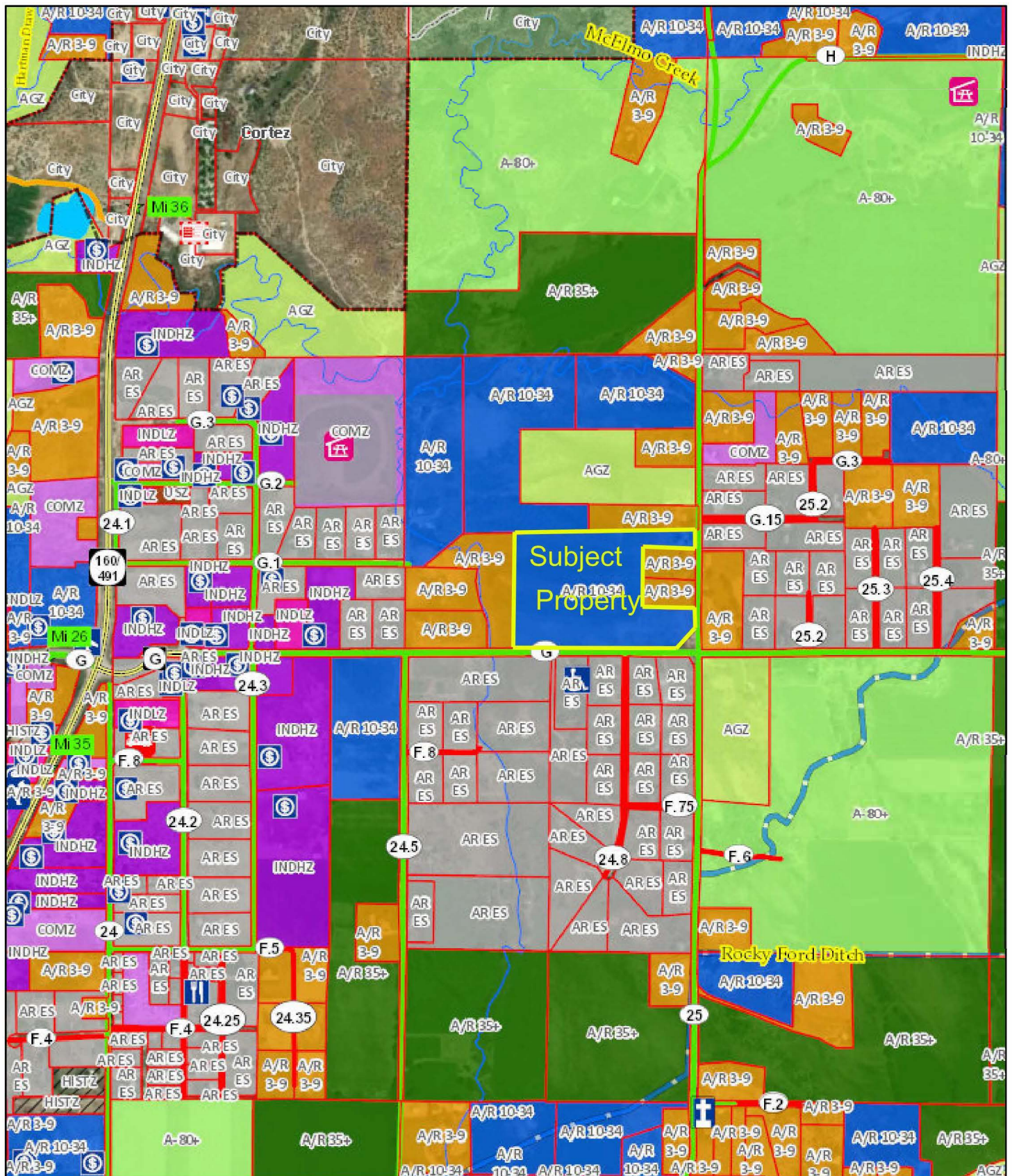


- Override 1
- Public Lands & BIA Land
- BIA
- BLM
- NPS
- USFS
- Irrigation Canals
- Rivers
- Parks
- Trails
- Highway Milemarkers
- Road Sign

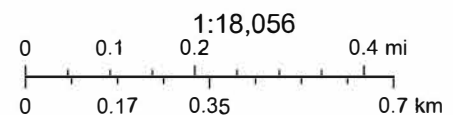
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



# Montezuma County Property Detail Map



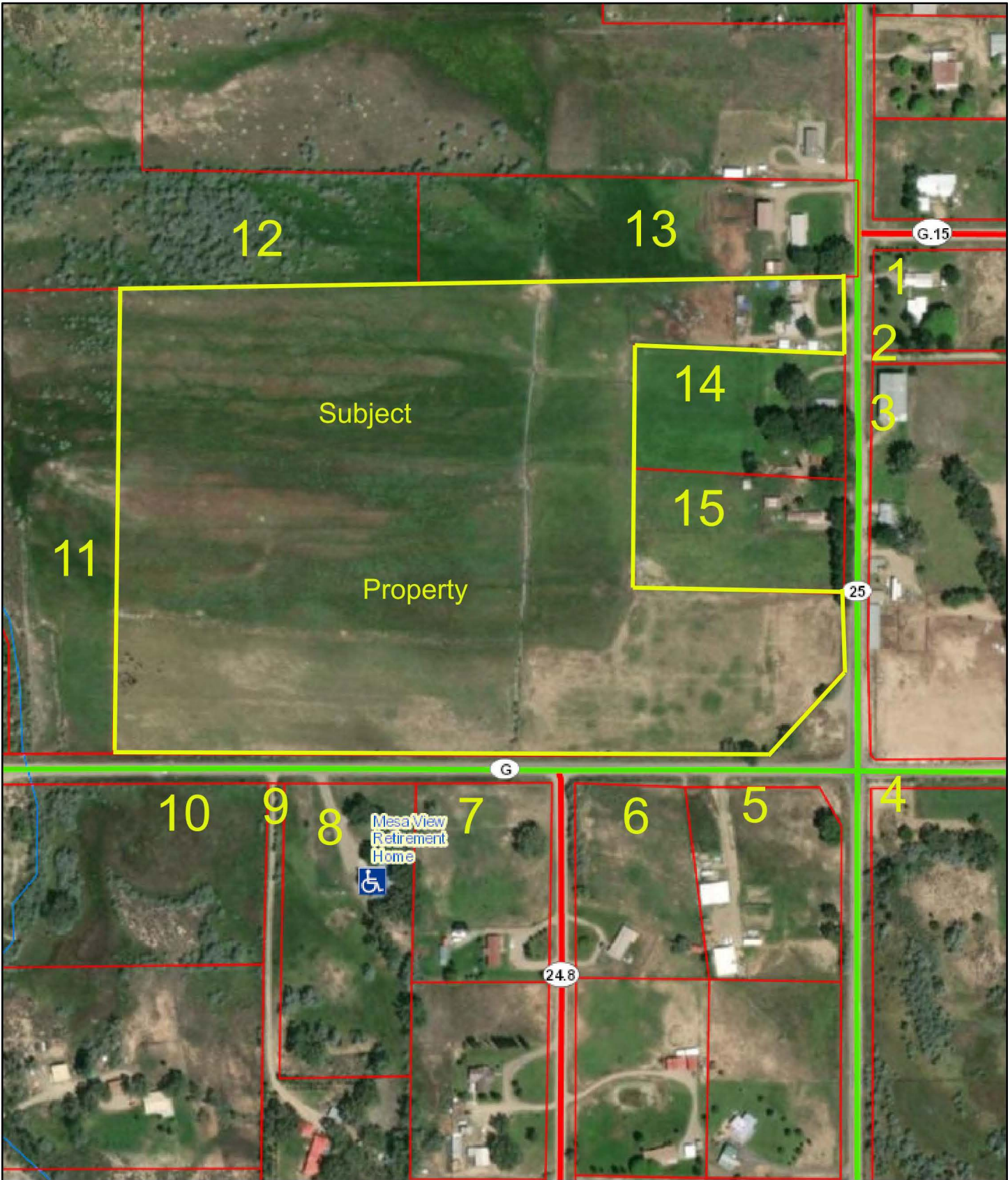
9/16/2022, 10:28:53 AM



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



# Montezuma County Property Detail Map



9/16/2022, 11:22:16 AM

- Override 1

Public Lands & BIA Land

BIA

BLM

Rivers
- NPS

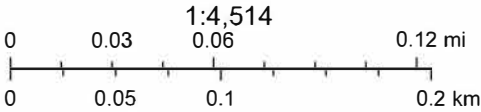
USFS

Irrigation Canals
- Parks

Trails

Highway Milemarkers

Road Sign



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

	Property Owner	Mailing Address	Physical Address	Zone	Acres
1	Patricia Hackett	P O Box 1011, Cortez, CO 81321	7198 Road 25, Cortez, CO 81321	AR ES	3+/-
2	Jody Lamb	7176 Road 25, Cortez, CO 81321	7176 Road 25, Cortez, CO 81321	AR ES	3+/-
3	John Palmer	7116 Road 25, Cortez, CO 81321	7116 Road 25, Cortez, CO 81321	AR3-9	8.19+/-
4	Lewis McInnes	6209 Black Ridge Dr., NW, Albuquerque, NM 87120	25074 Road G, Cortez, CO 81321	AGZ	20+/-
5	Trent Carver	24940 Road G, Cortez, CO 81321	24940 Road G, Cortez, CO 81321	AR ES	2.98+/-
6	James Dickinson	24870 Road G, Cortez, CO 81321	24870 Road G, Cortez, CO 81321	AR ES	2.97+/-
7	Sean Stafford	6897 Road 24.8, Cortez, CO 81321	6897 Road 24.8, Cortez, CO 81321	AR ES	3.08+/-
8	Mesa View Retirement Home, Inc	16200 Road 31, Mancos, CO 81328	24750 Road G, Cortez, CO 81321	AR ES	4.46+/-
9	Cole Clark	2236 E. Main St, Cortez, CO 81321	24750 Road G, Cortez, CO 81321	AR ES	5.41+/-
10	David Lepkojus	6962 Road 24.5, Cortez, CO 81321	6962 Road 24.5, Cortez, CO 81321	AR ES	12.02+/-
11	Pedro Sanchez	405 W. 7th St, #14, Cortez, CO 81321	24655 Road G, Cortez, CO 81321	AR3-9	9.20+/-
12	Sean Stafford	6897 Road 24.8, Cortez, CO 81321	7259 Road 25, Cortez, CO 81321	AR10-34	29.80+/-
13	Sharon Goodall	7251 Road 25, Cortez, CO 81321	7251 Road 25, Cortez, CO 81321	AR3-9	5.12+/-
14	Jackie & Christopher Callister	7131 Road 25, Cortez, CO 81321	7131 Road 25, Cortez, CO 81321	AR3-9	3+/-
15	Jason Shelton	7051 Road 25, Cortez, CO 81321	7051 Road 25, Cortez, CO 81321	AR3-9	3+/-



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

April 4, 2023

Agenda Item: 7.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: OTHER ITEMS OF BUSINESS

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**BACKGROUND**

**RECOMMENDATION**

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**Attachments**

March permits

Permit Type	Sub Type	Permit#	Address	Issue Date
Building	Accessory Structure	B23-000021	4 East 13th Street	03/20/2023
<b>Building Total</b>	<b>Accessory Structure Total</b>			<b>1</b>
Building	Commercial Remodel	B23-000007	2220 East Main Street	03/29/2023
Building	Commercial Remodel	B23-000014	28 East MONTEZUMA Avenue	03/06/2023
<b>Building Total</b>	<b>Commercial Remodel Total</b>			<b>2</b>
Building	New Residential	B22-000168	2055 Golf Course Lane	03/09/2023
<b>Building Total</b>	<b>New Residential Total</b>			<b>1</b>
Building	Other	B23-000012	2421 East EMPIRE Street	03/01/2023
Building	Other	B23-000027	901 ARBOR Street	03/28/2023
Building	Other	B23-000028	921 North Sligo Street	03/29/2023
Building	Other	B23-000018	44 East MAIN Street	03/15/2023
Building	Other	B23-000020	2009 East Coronado Avenue	03/20/2023
Building	Other	B23-000023	210 West MAIN Street	03/22/2023
Building	Other	B23-000025	501 East 2ND Street	03/27/2023
Building	Other	B23-000016	426 7TH	03/14/2023
<b>Building Total</b>	<b>Other Total</b>			<b>8</b>
Building	Residential Remodel	B23-000013	824 BROOKSIDE	03/06/2023
<b>Building Total</b>	<b>Residential Remodel Total</b>			<b>1</b>
<b>Building Total</b>				<b>13</b>
Burn Permit	Debris	BRN23-000002	738 Canyon Drive	03/08/2023
<b>Burn Permit Total</b>	<b>Debris Total</b>			<b>1</b>
Burn Permit	Disposal	BRN23-000004	403 North Henry	03/27/2023
Burn Permit	Disposal	BRN23-000003	912 South OAK Street	03/27/2023
<b>Burn Permit Total</b>	<b>Disposal Total</b>			<b>2</b>
<b>Burn Permit Total</b>				<b>3</b>
Demolition	Demolition	D23-000001	711 MEMORIAL Drive	03/27/2023
<b>Demolition Total</b>	<b>Demolition Total</b>			<b>1</b>
<b>Demolition Total</b>				<b>1</b>
Plumbing	Residential	P23-000003	416 North ASH Street	03/03/2023
Plumbing	Residential	P23-000004	415 East 2ND Street	03/08/2023
<b>Plumbing Total</b>	<b>Residential Total</b>			<b>2</b>
<b>Plumbing Total</b>				<b>2</b>
Right of Way	Public Right-of-Way	ROW23-000013	Various Starting at 107 S. Washington Street	03/29/2023
Right of Way	Public Right-of-Way	ROW23-000011	2405 East Empire Street	03/13/2023

Right of Way	Public Right-of-Way	ROW23-000009	2055 Golf Course Lane	03/09/2023
Right of Way	Public Right-of-Way	ROW23-000010	403 East 2nd Street	03/07/2023
<b>Right of Way Total</b>	<b>Public Right-of-Way Total</b>			<b>4</b>
<b>Right of Way Total</b>				<b>4</b>
Sign	Wall-mounted	S23-000004	19 South Broadway Avenue	02/28/2023
<b>Sign Total</b>	<b>Wall-mounted Total</b>			<b>1</b>
<b>Sign Total</b>				<b>1</b>
Water Tap	3/4 inch	WT23-000010	11185 North Highway 145	03/09/2023
Water Tap	3/4 inch	WT23-000008	2055 Golf Course Lane	03/09/2023
<b>Water Tap Total</b>	<b>3/4 inch Total</b>			<b>2</b>
<b>Water Tap Total</b>				<b>2</b>
<b>All Permits Total</b>				<b>26</b>