

PLANNING & ZONING COMMISSION

REGULAR MEETING

TUESDAY, JUNE 6, 2023

1. The meeting was called to order in the City Council Chambers at 6:30 p.m., and was opened with the Pledge of Allegiance. Commission members present were Vice-Chairperson Lance McDaniel, Commissioners Rebecca Levy and Katrina Weiss. Chairman Robert Rime and Commissioner Jim Skvorc were absent. City staff present included Contract City Planner Nancy Dosdall, Director of Community and Economic Development Rachael Marchbanks, City Attorney Patrick Coleman, City Manager Drew Sanders, Community and Economic Development Specialist Helen West, Community and Economic Development Assistant Lydia Regalado, Public Works Secretary Karie Bradshaw, IT Support Aaron Holleman, and Deputy City Clerk Cheryl Lindquist. There were 34 people present in the audience.
2. Approval of the Regular Meeting Minutes on May 2, 2023. Commissioner Levy moved that the minutes be approved. Commissioner Weiss seconded the motion and the vote was as follows:

Levy	McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Absent	Yes	Absent

3. PUBLIC PARTICIPATION: none
4. PUBLIC HEARINGS:

Prior to the public hearings, City Attorney Coleman addressed the audience and commissioners explaining that these are “quasi-judicial” hearings and decorum must be maintained.

a. Resolution No. 9, Series 2023

Contract City Planner Dосdall presented an application from Kathy Stone, for a Conditional Use Permit to establish Rocky Mountain Spray Liners and a hair salon in the existing location of Jimmy’s Transmission located at 210 East 1st Street. The building also has frontage at 24 S. Ash Street, which is proposed for the hair salon. Hair salons are a permitted use in the Central Business District (CBD) zone, however the spray liner business is determined to be a conditional use in the CBD zone. She explained the proposal is to replace Jimmy’s Transmission with Rocky Mountain Spray Liners. Although the businesses have similar impacts, the existing use was grandfathered in, with no evidence of receiving a Conditional Use Permit as required under current Cortez Land Use Code. The application states that hours of operation will be limited to Monday – Friday 7:00 am – 5:30 pm. Rarely the business will operate on a Saturday as needed, and the new use will not create loud noise. No vehicles will be parked in front of the business or on the street over-night. Planner Dосdall stated the

applicants have agreed that all vehicles will have valid registration and no vehicle will remain on site for more than 30 days.

The public hearing was opened and the applicant, Kathy Stone spoke on behalf of the Stone family businesses currently operating in town and how they do their best to manage their businesses and keep them well maintained and clean.

There were no questions and the hearing was closed.

Commissioner Weiss made the motion that the Planning and Zoning Commission recommends that City Council approve the Conditional Use Permit for Rocky Mountain Spray Liners on property located at 210 E. 1st St., in the Central Business District (CBD) zone, as submitted by Kathy Stone through P&Z Resolutions No. 9, 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. Operation of the business shall not exceed CRS 25-12-103, maximum permissible noise levels. Specifically, from 7:00 am to 7:00 pm noise levels shall not exceed 55 db(A) at the property line. From 7:00 pm to 7:00 am noise levels shall not exceed 50 db(A) at the property line.
3. The applicants shall operate the business in conformance with all provision of the submitted narrative.

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

Levy	McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Absent	Yes	Absent

b. Resolution No. 7, Series 2023

Planner Dosdall presented an application from Anthony Moore and Mary Lancaster dba Independent Log Company to Rezone from Commercial Highway to Industrial for their property located at 1050 Lebanon Road. Independent Log Company operates as a Fire Mitigation and Response Company with several components. They operate and maintain equipment which is used for wildfire response including trucks, trailers, water trucks, earth moving equipment, and chain saws. For the most part, this equipment is off site at wildfire events during the wildfire season and returns for storage during the winter months. The season and number of events can vary wildly from year to year, but the season has recently been longer and fires are more frequent than in past years. In addition to wildfire response, the Independent Log Company conducts wildfire mitigation services, which primarily include tree cutting and thinning services. The cut trees are then brought to their properties, prepared and used in several ways, depending on the quality and size of the product, including log home construction, wood furniture construction, fence materials and firewood. These uses would most likely be considered “manufacturing” in that there are no retail sales of products from the site. The reason for the re-zone request is that Commercial zoning is much more restrictive than the Industrial zoning. One of the big issues is “Open Storage”. Section 5.07(j) of the LUC states that “No open storage of materials or commodities shall be

permitted in any district except as an accessory use to a main use located in a building in an I or PUD industrial district. No open storage operation shall be located in front of a main building.”

Staff has determined that when Section 5.07(j) of the LUC is applied to the proposed uses, the uses should more properly occur in the I, Industrial zone, since open storage is a key component of the operation. Planner Dosedall pointed out that the zoning surrounding this property was a mix of commercial, residential, and open space.

The Public Hearing was opened and many concerned residents spoke against having a logging business at that location. The residential and open space were the biggest factors opposing the re-zoning as presented from concerned public and neighbors. The public mentioned reasons including: earth moving at Carpenter, destroyed plants and trees, trash, misplaced wildlife, noise, dust, unsightly land, fear of reduced value of their homes, and quality of life. Several mentioned the fact the owners of Independent Log had worked without permits and had not contacted the residents to let them know what they were doing. There were concerns about the wetlands and hazardous waste. Planner Dosedall assured the audience there were no hazardous wastes when Code Enforcement and the Fire Department went on a call to the property. The barrels only held water. A citizen stated that the purpose of the commission is to hear and weigh all the facts and vote as the facts relate to the criteria.

Citizens that spoke in favor of the business, stated that Wildfire Mitigation is a very necessary business and is welcome to be located here. The clean-up of transients and trash has been extensive and to have a logging business in that area seems like a good fit. It was stated that the business will be a great addition to the community, increase employment, and the finished products are very nice. One citizen said the city and county worked hard in the past to create overlay in the area to bring business together.

Mr. Moore and Ms. Lancaster responded by saying they have no hazardous materials, no chemicals, and very low noise (89 decibels). As far as the sound buffer, they plan to plant trees and bring in large rocks along the east and south boundaries. No one else spoke and the Public Hearing was closed.

A motion was made by Commissioner Weiss to approve P&Z Resolution No. 7, Series 2023, a resolution that Planning and Zoning Commission0 recommends that City Council approve the requested Rezone from C, Commercial to I, Industrial for property located at 1050 Lebanon Rd, Cortez, Colorado, as more completely described in the Resolution, with the following findings:

- a. The property is physically buffered from adjacent residential uses by topography, adjacent to existing Industrial uses. Other impacts can be mitigated with appropriate use conditions.
- b. The community will benefit from use of the property by the additional economic benefits of additional jobs, opportunities and taxes generated and the expansion of a much needed natural resource use.
- c. Adequate facilities are available to serve development for the type and scope suggested by the proposed zone.
- d. The proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan.

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

Levy	McDaniel	Skvorc	Weiss	Rime
No	No	Absent	Yes	Absent

The motion failed.

After some discussion, Commissioner Levy made a motion to continue the discussion on the request to Rezone property located at 1050 Lebanon Rd. to a date certain, which will be the next Planning and Zoning Commission meeting set for Tuesday, July 18, 2023, at 6:30 p.m.

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

Levy	McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Absent	Yes	Absent

The motion passed.

c. Resolution No. 10, Series 2023

Planner Dosedall presented an application from Anthony Moore and Mary Lancaster dba Independent Log Company for a Conditional Use Permit for their property located at 1050 Lebanon Road. A Conditional Use Permit can help to make a difficult use for the City, compatible with surrounding land uses. Planner Dosedall stated the applicant's narrative does a good job of establishing that the proposed uses will not be objectionable due to noise, lighting, smoke, fumes, hours of operation or hazardous materials, as long as all statements in the narrative are adhered to at all times. The site plan is entirely lacking in terms of buffering, fencing and landscaping, which, if added, would go a long way to improving the appearance of the site. Planner Dosedall added the Parks and Recreation Department has requested buffering for adjacent property and natural features, which the applicants have agreed to in an email.

The Public Hearing was opened. There was no one to speak so the hearing was closed.

Commissioner Weiss made a motion to continue the discussion on the request for a Conditional Use Permit on property located at 1050 Lebanon Rd. to a date certain, which will be the next Planning and Zoning Commission meeting set for Tuesday, July 18, 2023, at 6:30 p.m.

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

Levy	McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Absent	Yes	Absent

Motion passed.

d. Resolution No. 8, Series 2023

Planner Dosedall presented an application from Anthony Moore and Mary Lancaster dba Independent Log Company for Rezone from Commercial Highway to Industrial for their

property located at 10206 Highway 491. Basically, the information is the same as the previous Re-zone application, but this location is not adjacent to the Carpenter area and is adjacent to unincorporated county land.

The Public Hearing was opened. There was no one to speak so the hearing was closed.

A motion was made by Commissioner Weis to approve P&Z Resolution No. 8, Series 2023, a resolution that the Planning and Zoning Commission recommends that City Council approve the requested Rezone from C, Highway Commercial to I, Industrial for the property located at 10206 Hwy 491, Cortez, Co., as more completely described in the Resolution with the following findings:

- a. The Property is adjacent to existing Industrial uses. Impacts can be mitigated with appropriate use conditions.
- b. The community will benefit from use of the property by the additional economic benefits of additional jobs, opportunities and taxes generated and the expansion of a much needed natural resource use.
- c. Adequate facilities are available to serve development for the type and scope suggested by the proposed zone.
- d. The proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan.

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

Levy	McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Absent	Yes	Absent
The motion passed				

e. Resolution No. 11, Series 2023

Planner Dosdall presented an application from Anthony Moore and Mary Lancaster dba Independent Log Company for a Conditional Use Permit located at 10206 Highway 491. Basically, the information is the the same as the previous Conditional Use Permit application, but is not adjacent to the Carpenter area and is adjacent to unincorporated county land. A Conditional Use Permit can help to make a difficult use for the city, compatible with surrounding land uses. Planner Dosdall stated the applicant's narrative does a good job of establishing that the proposed uses will not be objectionable due to noise, lighting, smoke, fumes, hours of operation or hazardous materials, as long as all statements in the narrative are adhered to at all times.

The Public Hearing was opened. There was no one to speak so the hearing was closed.

Commissioner Weiss made a motion that the Planning & Zoning Commission recommend that the Cortez City Council approve the requested Conditional Use Permit for property located at 10206 Hwy 491, Cortez, Colorado, through P&Z Resolution No. 11, Series 2023, with the following conditions:

- a. 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 and all requirements of CDOT for required highway improvements.

- b. The address shall be clearly marked for emergency response.
 - c. The Owner/applicants shall comply with the submitted project narrative at all times.
 - d. The Owner/applicants shall comply with all requirements of the City Engineer prior to establishment of any uses on the Property.
 - e. Pursuant to Section 4.01 of the Cortez Land Use Code, a subdivision plat approved by the City Council shall be required prior to the issuance of a building permit on the property.
- Commissioner Levy seconded the motion and the vote was as follows:

Levy	McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Absent	Yes	Absent

The motion passed

5. UNFINISHED BUSINESS: none

6. NEW BUSINESS:

Jennifer Gardner and McKayla Dunfey from Logan Simpson presented an update of the Land Use Code/ Housing Policy review which included a project overview and listening session results, housing plan update, and general discussion. Jennifer announced the website went live on June 6th, 2023. She talked about the visits they have had in the city, including the tour of the city, open house meetings, and listening sessions. Coming soon there will be some community forums, and joint City Council and Planning & Zoning Commission meetings. Logan Simpson is planning on a June 2024 adoption of the Land Use Code.

7. OTHER ITEMS OF BUSINESS:

- a. Briefing on upcoming Land Use Code and Housing policy meeting dates from Rachael Marchbanks, Director of Community and Economic Development.
- b. May 2023 Permits Issues
- c. Rebecca Levy announced her resignation effective June 7, 2023 as she is moving. She is on several committees which will need to replace her. She was thanked for her service and wished good luck.

8. ADJOURNMENT:

Commissioner Weiss made a motion to adjourn and it was seconded by Vice-Chairman McDaniel. The vote was unanimous.

PLANNING & ZONING COMMISSION



Lance McDaniel, Vice-Chairperson

ATTEST:

Cheryl Lindquist

Cheryl Lindquist, Deputy City Clerk

