

PLANNING & ZONING COMMISSION
REGULAR MEETING
TUESDAY, JULY 18, 2023

The meeting was called to order in the City of Cortez Council Chambers at 6:30 p.m., and was opened with the Pledge of Allegiance. Commissioners present were Chairman Robert Rime, Vice-Chairman Lance McDaniel, Commissioners Katrina Weiss and Jim Skvorc. Staff present included Contract City Planner Nancy Dossall, Director of Community and Economic Development Rachael Marchbanks, City Attorney Patrick Coleman, 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 44 people present in the audience.

1. Approval of the Regular Meeting Minutes of June 6, 2023.

Commissioner McDaniel moved that the minutes be approved. Commissioner Weiss seconded the motion and the vote was as follows:

McDaniel	Skvorc	Weiss	Rime
Yes	Abstain	Yes	Abstain

Commissioners Skvorc and Rime were absent at the June meeting and abstained from the vote on minutes.

Prior to the public hearings, City Attorney Coleman addressed the audience and commissioners explaining that these are “quasi-judicial” hearings and any discussions commissioners may have had with the public regarding the Public Hearing items must be disclosed. Two commissioners disclosed information that was not deemed to sway anyone’s vote.

2. PUBLIC PARTICIPATION: none

3. NEW BUSINESS:

a. Resolution No. 13, Series 2023.

Sarah McClain with Western Spaces, LLC., presented an update on the draft of the Housing Action Plan. She stated this draft represents months of diligent effort, community engagement, strategic planning, and policy development. It draws heavily from the findings of the recent Housing Needs Assessment. This process involved work sessions, community open houses, a questionnaire and a joint session with City Council and Planning and Zoning Commission. The action plan serves as a roadmap for the City to prioritize and address housing needs, and achieve a balanced housing environment for all

residents. She presented a slide show for everyone and a handout for the commission and staff on the draft Housing Action Plan.

Commissioner McDaniel moved to approve Resolution No. 13, Series 2023, recommending that council approve the Housing Action Plan.

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

McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Yes	Yes

4. PUBLIC HEARINGS:

a. Resolution No. 12, Series 2023.

Contract City Planner Dosedall presented a request for a Conditional Use Permit from Quick N Clean Car Wash, located at 1511 E. Main Street. They are proposing a new 5,380 sq. ft. express car wash with vacuums and pay station canopies. They have already been approved for an alley vacation, lot consolidation and site plan. There were no questions from the commissioners or the public.

Commissioner McDaniel moved to approve Resolution No. 12, Series 2023, for recommending approval of the Conditional Use Permit to the council.

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

McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Yes	Yes

b. Resolution No. 7, Series 2023.

Contract City Planner Dosedall explained to the audience that she is a contractor hired by the city to present the facts to the commission so they can make a fair decision. She stated that she expects the audience to behave in a civil manner, no harsh judgement or adverse words toward others. Planner Dosedall stated that a presentation was made at the June 6th meeting on the re-zone request from Independent Log, located at 1050 Lebanon Rd., the applicants revised their proposal to better address the neighbor's concerns by providing better buffering and setback from the Carpenter Reserve and a more detailed site plan. Planner Dosedall detailed the difference between Commercial zoning and Industrial zoning. She reviewed Section 5.07(j) of the LUC, commenting that the uses for the property proposed by the applicants would 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 this business at that location. The Carpenter Natural Area is the biggest concern in opposing the re-zoning as presented from concerned public and neighbors. The public mentioned reasons including: earth moving at the Carpenter Natural Area, destroyed plants and trees,

trash, misplaced wildlife, noise, dust, unsightly land, hazardous materials, and disrupting the wetlands. Planner Dosdall assured the audience there were no hazardous wastes on the property when Code Enforcement and the Fire Department went on calls to the property. The applicant, Anthony Moore, commented that the barrels only hold water for their wildfire mitigation. A few members of the audience sited the industrial use is incompatible with the area and felt this would be spot zoning. It was suggested by one member of the public that the City complete a land swap with the applicants. Public speaking in favor of the re-zone mentioned the business could boost the economy as all that Cortez has is the dwindling oil and gas industry, agriculture, and tourism. It was said that with fire danger at an all-time high, how fortunate we are to have a top wildfire team located here. Business owners from the industrial area north of Carpenter Reserve spoke of how their business' have not disrupted the wildlife or plants and trees of Carpenter Reserve. They spoke of how much clean-up the applicants have had to do on their property and how much the applicants have helped them out in the past. A letter in favor was read by a member of the audience. The Public Hearing was closed and a short break was taken.

The meeting was called back to order.

Commissioner Weiss made a motion for the Planning and Zoning Commission to approve Resolution No. 7, Series 2023, recommending that the City Council approve the requested rezone from Commercial "C" to Industrial "I" for property located at 1050 Lebanon Rd, Cortez, located in Section 23, Township 36, Range 16, tr in W/2 SW/4 SW ¼, 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.

Chairman Rime seconded the motion with the vote as follows:

McDaniel	Skvorc	Weiss	Rime
No	No	Yes	Yes

Motion failed due to the inability to achieve a majority vote.

Commissioner Skvorc made a motion for the Planning and Zoning Commission to recommend denial of Resolution No. 7, Series 2023, based on the testimony given and the following evidence:

- a. The Property is adjacent to residential and open space uses on two sides.
- b. The proposed uses are not compatible with the adjacent open space and residential

- uses and it will be difficult to mitigate adverse impacts.
- c. The existing commercial zoning is appropriate for the property and not adopted in error.
- d. The surrounding area has changed in character recently to open and recreational.
- e. Re-zoning is in violation of the comprehensive plan.

Specifically:

5.1.1 – Utilize appropriate development to protect and enhance the quality of interface areas between residential neighborhoods and business/retail areas.

5.1.2 – Enhance land use compatibility by requiring adequate buffers to separate incompatible uses and developing appropriate design standards to minimize potential impacts.

5.3.1 – Identify critical visual corridors throughout the city and along access routes within the Three Mile Potential Growth Area. Work with developers to ensure the preservation or enhancement of these corridors.

5.3.10 – Examine and develop review criteria to enhance the appearance and safety of the city’s arterial roadways.

5.6.7 – Maintain land use policies so that businesses located adjacent to residential areas are compatible with the neighborhood in which they are located.

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

McDaniel	Skvorc	Weiss	Rime
Yes	Yes	No	No

Motion failed due to inability to achieve a majority vote.

The Planning and Zoning Commission can not make a recommendation to City Council.

b. (2) Resolution No. 10, Series 2023

Contract CityPlanner Dosdall continued the presentation from the June 6th meeting on the conditional use permit request from Independent Log, located at 1050 Lebanon Rd. This property is located in a very mixed area that includes industrial and heavy commercial land uses, a City open space/natural area, and single-family homes. Planner Dosdall discussed the criteria for a conditional use permit as: 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 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, polices and requirements for parking and loading, signs, highway access, and all other applicable regulations of this code and other applicable regulations.

Planner Dosedall stated both equipment storage and log home construction appear to be Conditional Uses in the "C" zone. With this use, a conditional use permit can help to make a difficult use for the City compatible with surrounding land uses. The Owners/Applicants' 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 applicants, Anthony Moore and Mary Lancaster spoke to moving forward with the property as they can. They have cleaned it up and want to develop it into a good business. Anthony Moore stated how they have looked elsewhere for a property, but nothing was available until Dove Creek. They said they are determined to do what they can as far as having a legitimate business. Planner Dosedall stated that in the Commercial zone a Conditional Use Permit would allow the manufacturing of wood products and contractor storage. She stated that firewood storage does not meet the Commercial zoning, but is allowed in the Industrial zone.

The Public Hearing was opened. Two more members of the public spoke against the use, stating incompatibility. The Public Hearing was closed.

Commissioner Skvorc commented that the Planning and Zoning Commission isn't the final step, they are a recommending source to the City Council. He also stated he feels the proposal is spot zoning, although he is not against the applicants having a business at that location.

Commissioner Weiss made a motion for the Planning and Zoning Commission to approve Resolution No. 10, Series 2023, a resolution recommending that the City Council approve the requested Conditional Use Permit for property located at 1050 Lebanon Rd, Cortez, located in Section 23, Township 36, Range 16, tr in W/2 SW/4 SW 1/4, 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 Owners/Applicants shall meet all requirements of the Cortez Sanitation District regarding protection of the manholes and existing sewer line.
- c. The address shall be clearly marked for emergency response.
- d. The Owners/Applicants shall comply with the submitted project narrative at all times.
- e. The following requirements of the Parks and Recreation Department shall be met:
 - (1) Secure and preserve the water quality of inflow into ponds and streams. Prevent harmful chemicals and toxins from washing into downstream waterways.
 - (2) Restrict access to preserve drives and parking areas from the equipment, supplies, and deliveries to Mr. Moore’s business.
 - (3) Prevent any waste, construction debris, or other by-products from blowing or coming onto the preserve or associated areas.
 - (4) Provide buffer and naturally-oriented visual screening along Mr. Moore’s northern and eastern property boundary. The proposed naturally-oriented visual screen should be large (20’ tall) evergreen trees planted approximately 20’ on-center and staggered. The proposed buffer is 50’.

Chairman Rime seconded the motion with the vote as follows:

McDaniel	Skvorc	Weiss	Rime
No	No	Yes	Yes

Motion failed due to inability to achieve a majority vote.

Commissioner Skvorc made a motion for the Planning and Zoning Commission to recommend approval of Resolution No. 14, Series 2023, recommending denial of Resolution No. 10, Series 2023, based on the testimony given and the following evidence:

- a. The proposed use is not compatible with adjacent existing uses specifically the residential and open space uses.
- b. Proposed design features are not sufficient to protect adjacent areas.
- c. Does not meet the following criteria for the Comprehensive Plan:
 - 5.1.1 – Utilize appropriate development to protect and enhance the quality of interface areas between residential neighborhoods and business/retail areas.
 - 5.1.2 – Enhance land use compatibility by requiring adequate buffers to separate incompatible uses and developing appropriate design standards to minimize potential impacts.
 - 5.3.1 – Identify critical visual corridors throughout the city and along access routes within the Three Mile Potential Growth Area. Work with developers to ensure the preservation or enhancement of these corridors.

5.3.10 – Examine and develop review criteria to enhance the appearance and safety of the city’s arterial roadways.

5.6.7 – Maintain land use policies so that businesses located adjacent to residential areas are compatible with the neighborhood in which they are located.

The motion was seconded by Commissioner McDaniel and the vote follows:

McDaniel	Skvorc	Weiss	Rime
Yes	Yes	No	No

Motion failed due to inability to achieve a majority vote. The Planning and Zoning. The Planning and Zoning Commission can not make a recommendation to City Council.

UNFINISHED BUSINESS: none

5. OTHER ITEMS OF BUSINESS: review of permits issued for July, 2023

6. ADJOURNMENT:

Commissioner McDaniel made the motion to adjourn with Commissioner Weiss seconding and the vote follows:

McDaniel	Skvorc	Weiss	Rime
Yes	Yes	Yes	Yes

PLANNING & ZONING COMMISSION

Robert Rime

Robert Rime, Chairperson

ATTEST:

Cheryl Lindquist
Cheryl Lindquist, Deputy City Clerk

