



**PLANNING AND ZONING
COMMISSION MEETING
MARCH 5, 2024
6:30 P.M.**

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE
2. Approval of the Regular Meeting Minutes of January 16, 2024
 - a. P&Z Regular Meeting Minutes from January 16, 2024
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. 2, Series 2024**
Resolution No. 2, Series 2024, an application for a Conditional Use Permit was received from Kasey Bell with Bell Beef, to permit a mobile vending unit to locate at 145 E. Main St., in the Central Business District.

Presenter: Director of Community and Economic Development, Rachael Marchbanks
 - b. **Resolution No. 3, Series 2024**
Resolution No. 3, Series 2024, an application for a Rezone from Casey Spitzer, representing The Spitzer Group, LLC, owners. The property is TBD Driscoll St, Subdivision: CORNETTS SUB AMD Lot: 1-5 Block: 6 & E 15FT LOT 6 Subdivision: CORNETTS SUB AMD Lot: 7-10 Block: 6 B369 P66 B454 P805, and currently zoned R2 (Residential Multi-Family) and the proposed rezone is to MH (Residential Manufactured Home).

Presenter: Director of Community and Economic Development, Rachael Marchbanks
5. UNFINISHED BUSINESS
6. NEW BUSINESS
7. OTHER ITEMS OF BUSINESS
 - a. **Permits issued for January and February, 2024.**
Presenter: Permit Technician/Deputy City Clerk, Chery Lindquist
8. ADJOURNMENT



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

March 05, 2024

Agenda Item: 2. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: P&Z Regular Meeting Minutes from January 16, 2024

Attachments

Regular meeting minutes 01/16/2024

PLANNING & ZONING COMMISSION

REGULAR MEETING

TUESDAY, JANUARY 16, 2024

1. The meeting was called to order in the City Council Chambers at 6:30 p.m., and opened with the Pledge of Allegiance. Commissioners present were Chairman Robert Rime, Jim Skvorc, Katrina Weiss. Emily Waldron was absent. New Commissioner Bob Bright was introduced.

Staff present included: Community and Economic Development Director Rachael Marchbanks, City Attorney Patrick Coleman, Public Works Secretary Karie Beougher, IT Support Aaron Holloman, and Deputy City Clerk Cheryl Lindquist. Mayor Rachel Medina was in the audience as well as two members of the public.

2. Approval of the Regular Meeting Minutes of November 07, 2023.

Commissioner Weiss moved that the minutes for November 7, 2023 be approved. Commissioner Skvorc seconded the motion and the vote was as follows:

Bright	Skvorc	Waldron	Weiss	Rime
Present	Yes	Absent	Yes	Yes

ELECTION OF CHAIRMAN: Nominations were opened with Commissioner Skvorc nominating Chairman Rime to remain as Chairman. There were no other nominations, so nominations were closed. Commissioner Bright seconded Commissioner Skvorc's nomination. The vote for Chairman Rime was:

Bright	Skvorc	Waldron	Weiss	Rime
Yes	Yes	Absent	Yes	Yes

Motion carried.

ELECTION OF VICE-CHAIRPERSON: Nominations were opened with Commissioner Skvorc nominating Commissioner Weiss to the position of Vice-Chairperson. There were no other nominations so nominations were closed. Chairman Rime seconded Commissioner Skvorc's nomination. The vote for Vice-Chairman Weiss was:

Bright	Skvorc	Waldron	Weiss	Rime
Yes	Yes	Absent	Yes	Yes

Motion carried.

The Planning and Zoning commission needs to fill a vacancy on the Historic Preservation board, leading to Chairman Rime asking for volunteers. Rime noted that Emily Waldron is interested in volunteering. A letter of intent from Commissioner Waldron is needed by the City Council to consider appointment.

The Planning and Zoning Commission needs to fill two positions on the Board of Adjustment and Appeals, Chairman Rime asked for volunteers. Commissioner Bright and Vice-Chairperson Weiss volunteered. A letter of intent to the City Council from these commissioners is needed to consider appointment.

3. PUBLIC PARTICIPATION: none

4. PUBLIC HEARINGS:

a. Resolution No. 1, Series 2024, Conditional Use Permit for Southern Bluffs clubhouse rent/lease: Community and Economic Development Director Rachael Marchbanks presented the request for a Conditional Use Permit, to allow the Southern Bluffs Home Owner's Association (HOA) to lease the existing clubhouse, 801 Bluffs Blvd., for a business or professional office. Vice-Chairperson Weiss recused herself due to a possible conflict of interest, as she is a homeowner in Southern Bluffs. Vice-Chairperson Weiss left the room for the hearing. The HOA has not yet identified a specific use or renter, they are hoping to obtain the use permit before advertising the space for rent as a way to speed the process for the new renter. Director Marchbanks pointed out the property is already built out with a clubhouse and the proposal is to allow a portion of the clubhouse to be rented by a business unaffiliated with the HOA. Business and Professional offices are considered Conditional Uses in the MH zone. Business and Professional offices are defined in the Land Use Code as:

“Office, Business or Professional. "Business or professional office" means a use where business, professional, or governmental services are made available to the public, including: (1) business office—an office for use by persons such as Realtors, travel, advertising or insurance agents and property managers providing both products and services, or the home office of a company that sells retail or wholesale products or provides professional services; (2) professional office—an office for use by persons such as lawyers, architects, engineers, accountants, physicians, dentists and other professionals who primarily provide services rather than products.”

Although it would be more typical for the Conditional Use Permit to be applied for once an actual business had been identified, the HOA believes that it would be better to have the permit in place before it advertises the spot for rent. Any business that meets the definition above would be able to rent the space if the permit is approved and if the homeowners approve.

Karen Sheek, the HOA president, stated this need presented itself as a way to offset some of the fixed costs of the structure such as utilities and maintenance, thereby keeping the dues more affordable for homeowners. The HOA has brought the information to rent/lease the clubhouse to the attention of the homeowners, who had no negative input. There are currently twelve (12) parking spaces which worked well several years ago when a business operated out of the clubhouse

building.

Ms. Sheek stated once the process with the City is completed and hopefully approved, they will notify all the property owners and get their approval for the business that will be renting the space. Basically, they are wanting to rent out the space to avoid raising the HOA fees any higher.

Chairman Rime opened the public hearing, no one spoke so the hearing was closed.

Commissioner Skvorc moved that the Planning and Zoning Commission recommend for City Council to approve the conditional use permit for a business or professional office to be located on property located at 801 Bluffs Blvd., in the Manufactured Housing District (MH) zone, as submitted by the Southern Bluffs HOA through P&Z Resolutions No. 1, Series 2024, with the three conditions of approval contained in the Resolution:

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 improvements shall comply with the minimum requirements of the building code.
2. Operation of any business shall be limited to businesses that meet the definition of a “business or professional office” as defined the in the Land Use Code in effect at the time.
3. Prior to initiation of any business, a site plan shall be submitted to the City indicating any proposed signage and required parking. Parking and signage must comply with the Land Use and Development Code in effect at the time.

Commissioner Bright seconded the motion with the vote as follows:

Bright	Skvorc	Waldron	Weiss	Rime
Yes	Yes	Absent	Recused	Yes

5. OTHER ITEMS OF BUSINESS:

City Attorney Patrick Coleman presented training for the commissioners with a power point containing creation of the commission, duties of the commission, and open meeting laws. He also explained the types of commission meetings and the appointment and role of the City Attorney.

6. ADJOURNMENT:

Commissioner Skvorc moved that the meeting be adjourned. Vice-Chairperson Weiss seconded the motion and the vote was as follows:

Bright	Skvorc	Waldron	Weiss	Rime
Yes	Yes	Absent	Yes	Yes

PLANNING & ZONING COMMISSION

Robert Rime, Chairperson

ATTEST:

Cheryl Lindquist, Deputy City Clerk



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

March 05, 2024

Agenda Item: 4. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: **Resolution No. 2, Series 2024**

BACKGROUND

The applicant, Bell Beef (the "Applicant"), with written permission from the Owner, is requesting approval of a conditional use permit to establish a temporary food product sales trailer on the vacant property located at 145 E. Main St (the "Property"). A truck and 20' freezer trailer would be placed on the Property from 2:00pm -- 6:00pm, Tuesdays -- Thursdays. Because the Property is located within the Central Business District, mobile vending is restricted to require a conditional use permit.

ISSUES

See Attached

RECOMMENDATION

Staff recommends approval of P&Z Resolution No. 2, Series 2024, a resolution recommending the approval of the application for the conditional use permit/ site development plan, with the following 3 conditions:

1. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
2. The applicant shall comply with all stipulations of the submittal documents.
3. The Conditional Use Permit is valid for a total of 3 years from the date of approval with a staff review after one year to ensure there have been no issues or concerns with the use.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, a possible motion the Commission could make is as follows:

I make a motion that the Planning and Zoning Commission approves P&Z Resolution No. 2, Series 2024, a resolution recommending that the City Council approves the conditional use permit for a mobile vendor on property located at 145 E. Main St., Cortez, Colorado, in the Central Business District (CBD) zone, as submitted by Kasey Bell of Bell Beef with the Staff's recommended conditions as stated in the Resolution.

Attachments

Staff report
Resolution No. 2, Series 2024
Documentation



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

Meeting Date: March 5, 2024
Project No. LU24-003

STAFF REPORT

TO: Members of the Cortez Planning and Zoning Commission

FROM: Nancy Dosedall, Contract City Planner

SUBJECT: Application for a Conditional Use Permit for temporary food product sales located at 145 E Main St. Cortez, CO, zoned CBD, Central Business District (the “Property”).

APPLICANT: Kasey Bell, Bell Beef

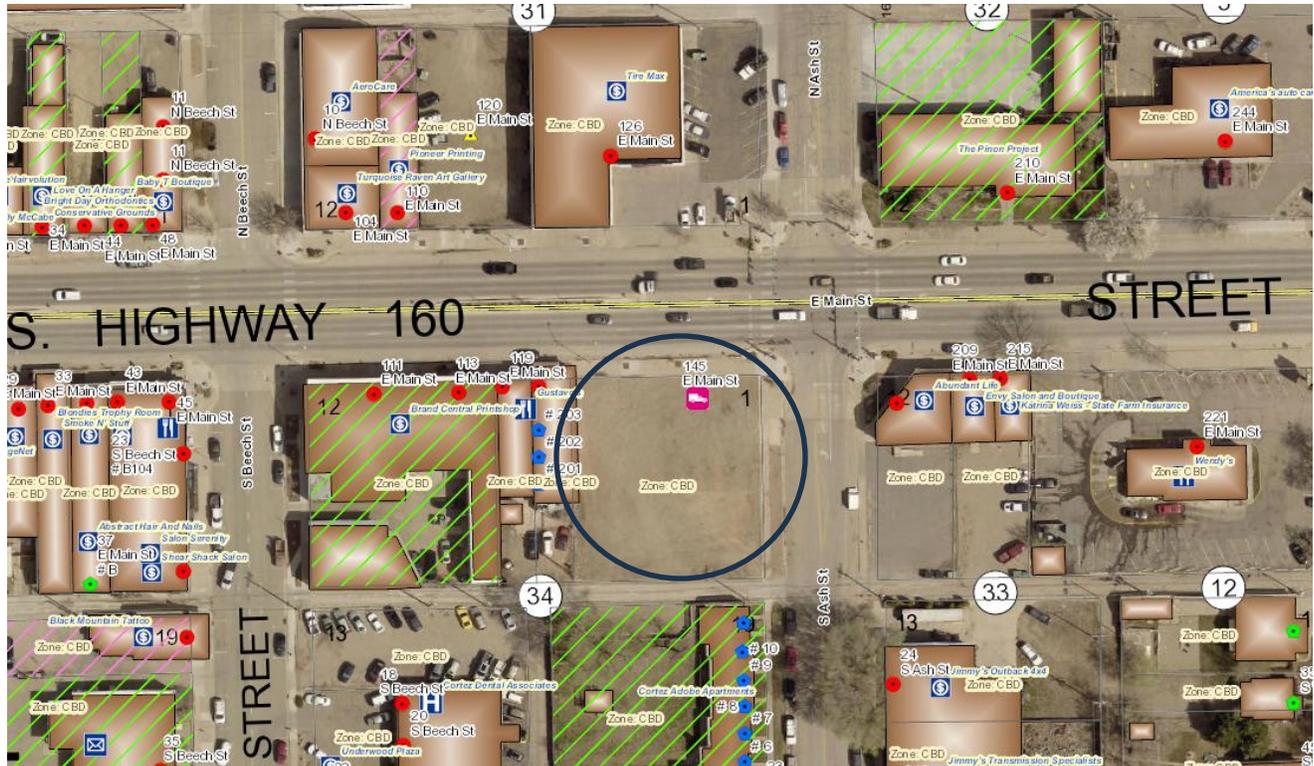
OWNER: 145 E. Main St. Trust

ATTACHMENTS: P&Z Resolution No. 2, Series 2024
Project Submittal Package

BACKGROUND

The applicant, Bell Beef (the “Applicant”), with written permission from the Owner, is requesting approval of a conditional use permit to establish a temporary food product sales trailer on the vacant property located at 145 E. Main St (the “Property”). A truck and 20’ freezer trailer would be on placed on the Property from 2:00pm – 6:00pm Tuesdays – Thursdays. Because the Property is located within the Central Business District, mobile vending is restricted to require a conditional use permit. This is the first application under the revised code standards, that previously did not allow for mobile vendors in the Central Business District.

The Property is bounded on all sides by commercial properties, all zoned Central Business District (CBD).



DEVELOPMENT STANDARDS

After an extensive public process, the Land Use Code was amended in January 2023 to include the following language regarding mobile vending in the Central Business District:

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

ISSUES

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

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

DISCUSSION

The Property is located on a vacant property in the Central Business District (CBD) which was specifically identified through public process as a good location for mobile vending. The proposed use, sale of local processed, frozen beef is unlikely to cause impacts to adjacent or nearby businesses in the CBD. The proposed use is temporary in nature, with no permanent facilities and limited to 3 days a week as proposed. The Applicant did not specify a time frame and the code allows the Planning Commission/City Council the option of setting a time limit for the use. Given the significant amount of process required for the use, staff would recommend a minimum of one year, perhaps with automatic renewals by staff if no issues/complaints arise.

AGENCY REVIEW

GIS Coordinator (Doug Roth)

GIS - No concerns or comments

CDOT (Dan Roussin)

Nancy - Randee Reider, R5 Permit Manager asked me to review this proposal for any access permit needs. This property doesn't have direct access to state highways. All access is off Ash Street. CDOT would recommend that all access is off Ash Street. This is a temporary use and CDOT feels the use is insignificant for Ash Street. Therefore, no access permit is required.

If you have any questions, please let me know.

ALTERNATIVES

1. The Commission can recommend that the City Council approve a resolution approving the application for the conditional use permit for the proposed mobile vendor on property located at 145 E Main St., Cortez, Colorado, in the Central Business District (CBD) zone; or
2. The Commission can recommend denial of the resolution approving the application for the conditional use permit and state its reasons; or
3. The Commission can ask for more information and continue the consideration of the resolution to a date certain; or
4. The Commission can approve P&Z Resolution No. 2, Series 2024, a resolution recommending that City Council approve the application for the conditional use permit, 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 P&Z Resolution No. 2, Series 2024, a resolution recommending the approval of the application for the conditional use permit/site development plan, with the following 3 conditions:

1. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
2. The applicant shall comply with all stipulations of the submittal documents.
3. The Conditional Use Permit is valid for a total of 3 years from the date of approval with a staff review after one year to ensure there have been no issues or concerns with the use.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, a possible motion the Commission could make is as follows:

I make a motion that the Planning and Zoning Commission approves P&Z Resolution No. 2, Series 2024, a resolution recommending that the City Council approves the conditional use permit for a mobile vendor on property located at 145 E. Main St., Cortez, Colorado, in the Central Business District (CBD) zone, as submitted by Kasey Bell of Bell Beef with the Staff’s recommended conditions as stated in the Resolution.

**CITY OF CORTEZ
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2, SERIES 2024**

**A Resolution Recommending Approval of a Conditional Use Permit for a parcel located at
145 E Main Street, Cortez, Colorado, zoned CBD, Central Business District**

WHEREAS, the applicant, Kasey Bell of Bell Beef, (the “Applicant”), has applied for review of a Conditional Use Permit for a mobile vendor business to be located at 145 E. Main Street, Cortez, Colorado, and more particularly described as (the “Property”):

Lots 1-5 Block 34, Town of Cortez, also known as 145 E. Main Street, Cortez, Colorado

WHEREAS, the Applicant, with written approval of the Owner, presented a request and necessary submittal items for review of the application by the City Planning and Zoning Commission at a regular meeting held on March 5, 2024; and

WHEREAS, Section 6.10 of the Cortez Land Use Code, Conditional Use Permits, indicates that the owner or developer of a property may request a conditional use permit for development of the Property; and

WHEREAS, the Planning and Zoning Commission reviewed the request for a Conditional Use Permit and the evidence and testimony presented at the March 5th meeting, and is recommending approval of the request on the Property, as evidenced in the adoption of this P&Z Resolution No. 2, Series 2024; and

WHEREAS, it appears that all requirements of Chapters 5.00 and 6.00 of the City’s Land Use Code for development of this site have been met.

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

THAT, this P&Z Resolution No. 2, Series 2024, establishes the conditions of approval for a Conditional Use Permit on the Property; and

THAT, the Conditional Use Permit for the Property is hereby recommended to City Council for approval, subject to the following conditions to ensure compliance with the standards in the Cortez Land Use Code for a conditional use permit:

1. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents.
2. The Applicant shall comply with all stipulations of the submittal documents.

3. The Conditional Use Permit is valid for a total of 3 years from the date of approval with a staff review after one year to ensure there have been no valid issues or concerns with the use.

MOVED, SECONDED, AND ADOPTED THIS 5th DAY OF MARCH, 2024

PLANNING AND ZONING COMMISSION

Robert Rime, Chairman

ATTEST:

Cheryl Lindquist, Deputy City Clerk

Conditional Use Permit Application Checklist

12/15/23 1/12/24
Date

APPLICANT: Kasey Bell Bell Beef

ADDRESS: 26759 Rd M Cortez, CO 81321

PHONE/FAX: 480-466-8973

FOR: _____

Submittal Requirements:

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

The Petition Shall Show or be Accompanied By:

- _____ Street address and legal description of the property
_____ Any and all plans, information, operating data and expert evaluation necessary to clearly explain the location, function & characteristics of any building or proposed use. Such as floor plans, site plan, or operating information. Provide a detailed narrative addressing the applicable criteria for a CUP, LUC section 6.10(f).
_____ \$500.00 Filing fee to cover the costs of review in accordance with the current adopted fee schedule

Notification Requirements

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

Bell Construction Inc. DBA Bell Beef

145 E Main St
Cortez, CO 81321
(480)466-8973
kasey@bellbeef.com

12th January 2024

City of Cortez,

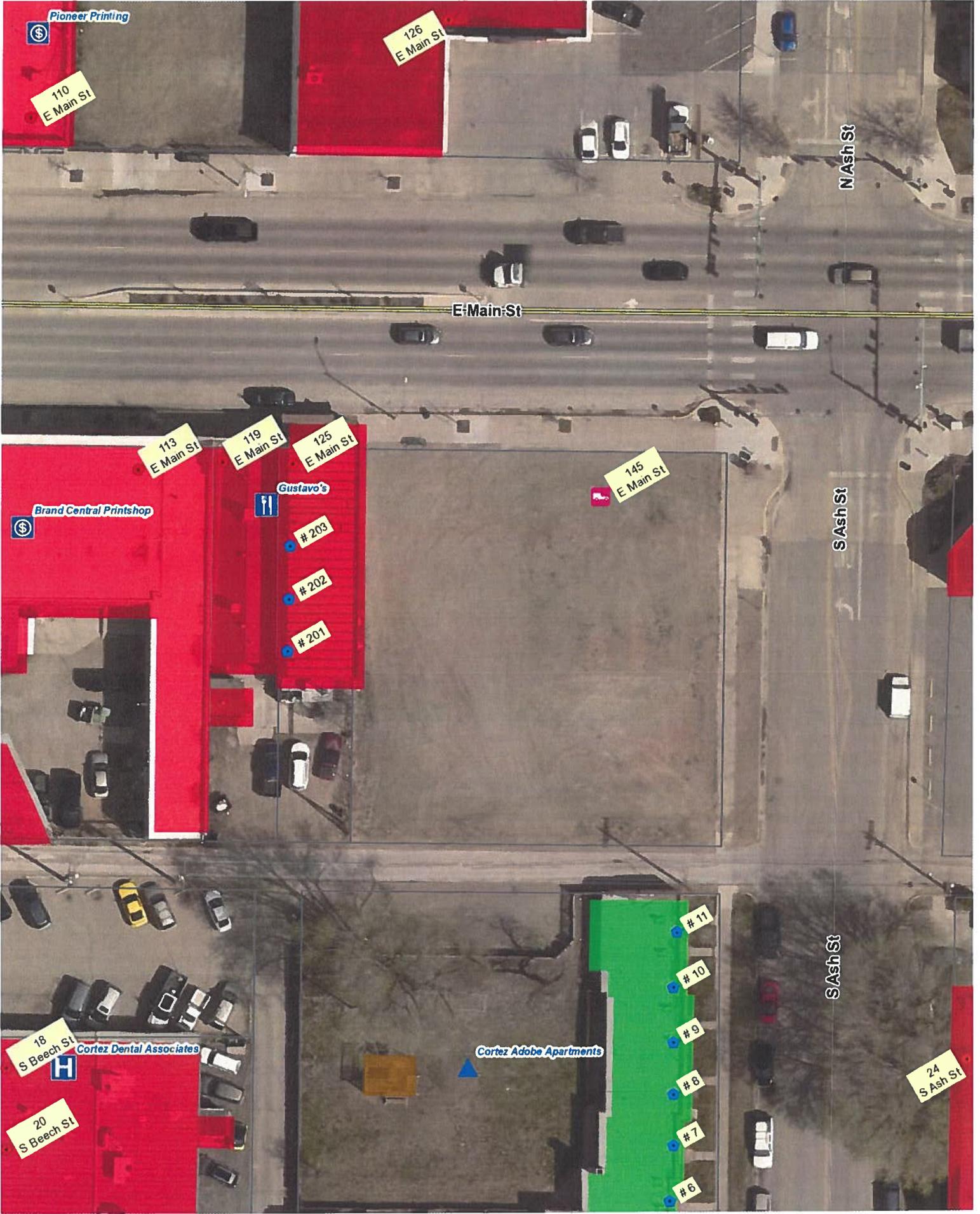
Permission is requested to sell local goods at the address of 145 E Main St Cortez, CO 81321. Property is owned by Dennis and Valarie Giesler, whom we'd be renting the space from. We would operate out of a 20 foot long cargo trailer with freezer units inside to keep meat frozen. This unit has already been inspected by the Health Department and approved to operate state wide, given city approval. Our operation is completely mobile and minimal with no utility requirements. We will remove the trailer from the property every day of operation just after we close at 6 pm.

We would initially be set up at the aforementioned address Tuesdays through Thursdays 2pm-6pm and operate under that schedule indefinitely. Customers will have the entire lot to park in, using the easement from Ash Street.

We hope the city of Cortez can see the value this operation could bring to our community.

Thank you,
Kasey Bell
(480)466-8973
kasey@bellbeef.com





Pioneer Printing



110 E Main St

126 E Main St

N Ash St

E Main St

113 E Main St

119 E Main St

125 E Main St

145 E Main St

S Ash St

Brand Central Printshop



Gustavo's



203

202

201

S Ash St

18 S Beech St



Cortez Dental Associates

Cortez Adobe Apartments

20 S Beech St

11

10

9

8

7

6

24 S Ash St



DEPARTMENT OF PLANNING & BUILDING
123 ROGER SMITH AVE, CORTEZ, CO 81321
PH. 970-565-3402 FAX 970-565-8172
24 HR. INSPECTION LINE: 970-564-4071

City of Cortez
File Number: 24-000033

Conditional Use Permit
LU24-000003

Project Address: 145 East Main Street
Legal Description:

Owner:
Name: GIESLER, DENNIS J. & VALARIE K.
Address: 25701 Rd H
Cortez, Co 81321

Phone:

Project Description: Mobile Vendor at 145 E. Main St.

Special Conditions: Note: This is a receipt only – The Site Plan is subject to approval by the City of Cortez

Fees:		Payments:				
Description	Total Cost	Date	Type	Reference	Receipt ReceivedFrom	Amount
Conditional Use Permit Fee	500.00	01/16/2024	Check	008327 341	Kasey Bell	500.00
Total:	500.00					
Total Paid:	500.00					
Balance Due:	0.00					

Receipt No: 30.002678

Jan 16, 2024

Bell Beef

Building Permits - LU-24-3	500.00
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Total:	500.00
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Check	Check No: 008327	500.00
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Payor: Bell Beef

Total Applied:	500.00
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Change Tendered:	.00
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01/16/2024 4:26 PM

STATE OF COLORADO
CERTIFICATE OF TITLE
****MOTOR VEHICLE****

VIN
1L9HS2226D2472151

YEAR
2013

MAKE
LOGN

MODEL
CGO

BODY
CT

TITLE NUMBER
32E404995
ODOMETER
N/A

MAIL TO

BELL CONSTRUCTION INC
15498 ROAD 28
DOLORES CO 81323

CWT/CAP/SIZE
35

PREVIOUS TITLE
MSO

FUEL

ODOMETER LEGEND:
A - Actual Mileage
E - Exceeds mechanical limits
N - Not actual mileage; WARNING
ODOMETER DISCREPANCY

OWNER

BELL CONSTRUCTION INC
15498 ROAD 28
DOLORES CO 81323

DATE PURCHASED
04/26/2013

DATE ACCEPTED
06/07/2013

DATE ISSUED
06/07/2013

FIRST LIENHOLDER

DATE RCD

Signature below certifies under penalty of perjury in the second degree the release of the first lienholder's interest in the vehicle.

FILE NUMBER

Lienholder's Name

AMOUNT OF LIEN

LIEN EXTENDED TO

COUNTY

MATURITY DATE

Authorized Agent's Signature Date

SECOND LIENHOLDER

DATE RCD

Signature below certifies under penalty of perjury in the second degree the release of the second lienholder's interest in the vehicle.

FILE NUMBER

Lienholder's Name

AMOUNT OF LIEN

LIEN EXTENDED TO

COUNTY

MATURITY DATE

Authorized Agent's Signature Date

THIRD LIENHOLDER

DATE RCD

Signature below certifies under penalty of perjury in the second degree the release of the third lienholder's interest in the vehicle.

FILE NUMBER

Lienholder's Name

AMOUNT OF LIEN

LIEN EXTENDED TO

COUNTY

MATURITY DATE

Authorized Agent's Signature Date

FOURTH LIENHOLDER

DATE RCD

Signature below certifies under penalty of perjury in the second degree the release of the fourth lienholder's interest in the vehicle.

FILE NUMBER

Lienholder's Name

AMOUNT OF LIEN

LIEN EXTENDED TO

COUNTY

MATURITY DATE

Authorized Agent's Signature Date

[Redacted Signature Area]

THE APPLICANT HAS BEEN DULY REGISTERED IN THIS OFFICE AS THE OWNER OF THE MOTOR VEHICLE DESCRIBED, SUBJECT TO LIENS AND ENCUMBRANCES IN THE ORDER SHOWN.

EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF REVENUE
BARBARA BROHL

DATE DUPLICATE ISSUED

J1014011

KEEP IN SAFE PLACE - ANY ALTERATION OR ERASURE VOIDS THIS TITLE

REV. 1/18/10

VOID IF ALTERED



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

March 05, 2024

Agenda Item: 4. b.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: **Resolution No. 3, Series 2024**

BACKGROUND

The .66 acre parcel located at TBD Driscoll (the "Property") is currently zoned R2, Residential Multi Family. The applicant, with written permission from the owner, is requesting a rezone to MH, Residential Manufactured Housing Zone. The two districts have similar use standards and the same density standards. The major difference is that the MH District allows for manufactured homes, manufactured home parks and manufactured home subdivisions while requiring conditional use permits for multi-family uses.

ISSUES

Sec. 6.02 of the Land Use Code establishes the following criteria for a zoning amendment:

1. Items for Consideration in Zoning Amendments. The planning commission shall in its action on the rezoning request, consider the following:
 - a. Was the existing zone for the property adopted in error?
 - b. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?
 - c. Is there a need for the proposed rezoning within the area or community?
 - d. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be mitigated?
 - e. Will there be benefits derived by the community or area by granting the proposed rezoning?
 - f. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?
 - g. Is the proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan?
 - h. Does the proposed change constitute "spot zoning?"

RECOMMENDATION

Staff recommends approval of the rezoning request through P&Z Resolution No. 3, Series 2024.

If the Planning and Zoning Commission so chooses to follow the recommendation of Staff, the Commission can make the motion that Council approve the requested rezone from R-2 to MH for property located at TBD Driscoll Rd, Cortez, as submitted by Casey Spitzer, with written permission from the owner through P&Z Resolution No. 3, Series 2024, with the following findings:

- a. The property is adjacent to and accessed through neighborhoods developed and zoned MH.
- b. The community will benefit from use of the property by the development of a currently vacant parcel within City limits.
- c. Adequate facilities are available to be extended to serve development for the type and scope suggested by the proposed zone.
- d. The proposal is in conformance with the policies, intents and requirements of the Cortez comprehensive plan.

Attachments

Staff report
Resolution No. 3, Series 2024
Documentation



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

Meeting Date: March 5, 2024
Project No. ZA24-00001

MEMO

TO: Members of the Cortez Planning and Zoning Commission

FROM: Nancy Dosedall, Contract City Planner

SUBJECT: Public Hearing on an Application for a rezoning of a .66 acre parcel located at TBD Driscoll St. from R2, Residential Multi-Family to MH, Residential Manufactured Home District.

OWNER: Montezuma County Housing Authority

APPLICANT: Casey Spitzer (The Spitzer Group, LLC)

ATTACHMENTS: P&Z Resolution No. 3, Series 2024
Application Packet



Vicinity Map/Surrounding Zoning Map

BACKGROUND/CODE DISCUSSION

The .66 acre parcel located at TBD Driscoll (the “Property”) is currently zoned R2, Residential Multi Family. The applicant, with written permission from the owner, is requesting a rezone to MH, Residential Manufactured Housing Zone. The two districts have similar use standards and the same density standards. The major difference is that the MH District allows for manufactured homes, manufactured home parks and manufactured home subdivisions while requiring conditional use permits for multi-family uses.

Use Type	R-2 Zoning District	MH Zoning District
Residential Uses		
Apartments (1)		
Dwelling, single-family (2)	P	P
Dwelling, duplex (2)	P	C
Dwelling, <u>3</u> -, 4-, <u>5</u> -, or 6-family	P	C
Dwelling, multi-family 7 or more	C	C
Dwelling, manufactured home		P
Manufactured home park (3)		P
Manufactured home subdivision		P
Dwelling, accessory unit - ADU (22)	P	P

Location/Surrounding Land Uses

The Property is bounded on the north by property currently zoned MH, and on the east, west and south by properties zone R2. The parcels to the east and south are also currently vacant, with undeveloped infrastructure. Much of the western portion of the Property is located in a flood zone (see below). The applicant maintains that the Property would be difficult to develop as a multi-family parcel, and is hoping to put a manufactured home on the Property on the portion of the Property unaffected by flood potential. The MH zone allows manufactured homes while the R-2 does not.



ISSUES

Sec. 6.02 of the Land Use Code establishes the following criteria for a zoning amendment:

1. Items for Consideration in Zoning Amendments. The planning commission shall in its action on the rezoning request, consider the following:
 - a. Was the existing zone for the property adopted in error?
 - b. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?
 - c. Is there a need for the proposed rezoning within the area or community?
 - d. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be mitigated?
 - e. Will there be benefits derived by the community or area by granting the proposed rezoning?
 - f. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone?
If utilities are not available, could they be reasonably extended?
 - g. Is the proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan?
 - h. Does the proposed change constitute "spot zoning?"

DISCUSSION

This Property is located in and will be accessed through a neighborhood that is largely developed in compliance with the Residential, Manufactured Housing zone. Several of the adjacent parcels zoned R-2 remain undeveloped and are lacking in infrastructure. Given the similarities between the R-2 and MH zones, there will be very little difference regarding compatibility and potential density. The major concern of the applicant is that the Property is not suitable for development of a more intensive nature and while a single family dwelling is a permitted use in both the R-2 and MH zones, the MH zone allows for manufactured homes, which is an appropriate and affordable alternative where development constraints exist.

Criteria Discussion:

- a. It does not appear that this property was zoned in error, the area is a transition area from MH zoning to R-2 zoning.
- b. There does not appear to be a recent change in character in the area. The existing character of the developed portions of the area lean more to MH zoning than R-2 with a predominance of manufactured housing in the neighborhood.
- c. The recently approved housing study indicates a need for additional housing units of all types in the community.
- d. The proposed use of manufactured housing appears to be compatible with the existing neighborhood.
- e. If the rezoning results in development of a previously vacant parcel, the City will benefit.
- f. Adequate infrastructure for the use including water and roads are not currently available, however they can be extended to serve a new dwelling unit on the parcel.
- g. Given the limited nature of the requested change, The Cortez Comprehensive plan does not specifically address this proposed rezone. The following policies could apply:
 - a. Encourage expansion of the housing supply within the City of Cortez to meet the needs of current and future residents.
 - b. Strongly encourage the development of new housing on surplus, vacant and underutilized land throughout the City, with appropriate incentives, zoning regulations, and development standards.
 - c. Continue to identify appropriate locations for manufactured housing developments that will provide a balanced distribution throughout the City without a substantial impact on neighboring property values.
- h. The property is adjacent to other MH zoned property so it should not be considered "spot zoning."

AGENCY REVIEW**Empire Electric (Greg South)**

No concerns

GIS Coordinator (Doug Roth)

- No issues with zoning change
 - The address 1002 Driscoll St does not exist in GIS or assessor records. Driscoll Street would require an east or west address designation. All application files should use TBD E Driscoll St along with the proper legal description of the property. Since this is a corner lot a future address could be off of either E Driscoll St or Cornett St. A new address will be assigned in the future then a building permit and site plan is acquired.
 - For future development consideration this property is in an AE flood zone and also has an open ditch drainage way bisecting the lot.

Cortez Sanitation District (Jim Webb)

The Sanitation District has no issues with this rezoning application

Cortez City Engineer (Kevin Kissler)

I've been reviewing this situation and don't see any way that the City would want to put a waterline extension on either Driscoll or Cornett as they are both well within the flood plain. EPA, FEMA, and CWCB best practice for installing water mains in flood plains calls for a design to withstand the 500 year flood event. We only have elevation and flow data for the 100 year event, so a flood plain study would be required. This would likely conclude the majority of that road would need to be concrete or some other specially engineered material and include specific drainage geometry. In short, not something I'd like to see a waterline under.

What I'd propose instead is that the City continue the waterline down Alma Ave. to the intersection of Wagon Wheel Drive. From there the City could continue the loop up the alley way and re-connect to the 6" DIP on Twenty Mule Team Drive to connect that current dead end. This would also open up development potential for a large multifamily lot that is near the hospital, so there would be sufficient justification to install this line.

Keith, take inventory of this for our internal waterline crew projects in the upcoming year.

As for the service connections to the properties in question, it does not appear that service lines are held to the same flood design standard as main lines. Ideally the back flow devices, meters, and shutoff valves could all be installed in the same vaults on Alma Ave. Otherwise they could connect their service lines to the new line at the corner of Alma and Wagon Wheel Drive through the City ROW that extends down the alley on the North side of the lots in question. Since these lines would be on City ROW, they could install the meter at the lot line as shown in the below illustration. In either case I'd suggest the City ask for a dedicated service line for each meter and backflow devices at the main line owing to the flood plain elevation. The City won't charge for installing the water main on Alma, connecting the meters, or connecting the service lines to the main, this will be paid by their tap fees assuming they are collected at full value and those funds are returned to the water distribution enterprise fund. The developer will have to pay for the installation of the service lines.

ALTERNATIVES

1. The Commission can recommend that the Council approve the rezone request from R-2 to MH for a .66 acre parcel located at 1002 Driscoll Rd as submitted by Casey Spitzer, with written permission from the owner.
2. The Commission can recommend denial of the request for a rezoning and state its reasons;
3. The Commission can ask for more information and continue the application to a date certain; or

RECOMMENDATION #1 - Rezone

Staff recommends Alternative "1" above, approval of the rezoning request through P&Z Resolution No. 3, Series 2024.

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 requested rezone from R-2 to MH for property located at TBD Driscoll Rd, Cortez, as submitted by Casey Spitzer, with written permission from the owner through P&Z Resolution No. 3, Series 2024, with the following findings:**

- a. The property is adjacent to and accessed through neighborhoods developed and zoned MH.
- b. The community will benefit from use of the property by the development of a currently vacant parcel within City limits.
- c. Adequate facilities are available to be extended 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.

**CITY OF CORTEZ
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 3, SERIES 2024**

A Resolution Recommending Approval of a Rezoning of a .66 acre parcel located at TBD Driscoll St., Cortez, Colorado, from R-2 Residential Multi Family to MH, Residential Manufactured Home

WHEREAS, the applicant, Spitzer Group LLC (the “Applicant”), with written permission from the owner, Housing Authority of Montezuma County, has applied for review of a rezoning from R-2, Residential Multi-Family to MH, Residential Manufactured Home of a .66 acre parcel described below as (the “Property”):

*Cornetts Subdivision Amended Lot 1-5 Block 6 & 15 ft of Lot 6. Lots 7-10 Block 6: 6 B369
B454 P85*

WHEREAS, the Applicant, with written permission from the owners, presented a request and necessary submittal items for review by the City Planning and Zoning Commission at its regular meeting held on March 5, 2024; and

WHEREAS, Land Use Code Section 6.02, Zoning Map and Land Use Code Amendments, indicates that the owner or developer of a property may request an amendment to the zoning classification of property; and

WHEREAS, the Planning and Zoning Commission reviewed the request for an amendment to the zoning classification from R-2, Residential Multi-Family to MH, Residential Manufactured Home, considered the evidence and testimony presented, and is recommending approval of the request on the Property, as evidenced in the adoption of this P&Z Resolution No. 3, Series 2024; and

WHEREAS, it appears that all requirements of Chapter 6.00 of the City’s Land Use Code for a zoning classification amendment have been met.

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

THAT, this P&Z Resolution No. 3, Series 2024, establishes the finding for approval for the zoning reclassification of the Property; and

THAT, the zoning reclassification and full application for the Property is hereby recommended to the Cortez City Council for approval, subject to the following findings:

- a. The property is adjacent to and accessed through neighborhoods developed and zoned MH.
- b. The community will benefit from use of the property by the development of a

currently vacant parcel within City limits.

c. Adequate facilities are available to be extended 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.

MOVED, SECONDED, AND ADOPTED THIS 5th DAY OF MARCH, 2024

PLANNING AND ZONING COMMISSION

Robert Rime, Chairman

ATTEST:

Cheryl Lindquist, Deputy City Clerk

**APPLICATION FOR ZONING AMENDMENT
(Land Use Code Section 6.02)**

Name: Casey Spitzer Phone: 970 640-6378
Address: 1002 Driscoll St.

- Statement of requested change and legal description of property
- Title certificate with list of owners and all liens, easements, etc. on property
- Statement from Treasurer showing status of current taxes due on property
- Survey of property which shows existing zoning, existing uses, and zoning within 300' of land to be rezoned
- Statement showing effect that new zoning would have on adjacent uses
- Explanation for rezoning request
- Filing fee \$ 350.00

RECORD OF PROCEDURES (Planner)

Review by Department Heads:	Date	Initials
Police Department	_____	_____
Public Works/Planning Department	_____	_____
Parks & Recreation Department	_____	_____
Fire Department	_____	_____

P&Z Public Hearing: _____ Advertised in Paper: _____

Action taken by P&Z: _____

Council Public Hearing: _____ Advertised in Paper: _____

Action taken by Council: _____

APPLICATION FOR ZONING AMENDMENT

Casey Spitzer (The Spitzer Group, LLC)

Subject Property: 1002 Driscoll St., Cortez, CO

Phone: (970)640-6378

Email: caseyspitzer21@gmail.com

-Statement of requested change and legal description of Property: We are requesting a zoning change from R-2 to MH for the legally described property, also known as 1002 Driscoll Street in Cortez, Colorado.

CORNETTS SUB AMD Lot: 1-5 Block: 6 & E 15FT LOT 6 Subdivision: CORNETTS SUB AMD Lot: 7-10 Block: 6 B369 P66 B454 P805

-Title Certificate: Attached

-Statement From Treasurer: Attached

-Survey of Property: Attached

-Statement showing the effect that new zoning would have on adjacent uses: It is our opinion that this zoning change would not have an effect on adjacent uses since this properties that shares the north boundary are zoned MH.

Explanation For Rezoning Request: The zoning request pertains to a vacant lot that is adjacent to MH zoned lots that currently have mobile homes on them. A majority of the lot is inside a flood plain which makes it challenging to build any multi-family homes on this property. While a single family or multi-family home could be built on the lot it would be cost prohibitive considering current market conditions and the location for the property. We see this as an opportunity to provide another affordable housing option in Cortez.

MONTEZUMA COUNTY TREASURER

CERTIFICATE OF TAXES DUE

Account Number R008151
 Parcel 561124326004
 Assessed To
 HOUSING AUTHORITY
 37 N MADISON ST
 CORTEZ, CO 81321

Certificate Number 23537
 Order Number CASEY SPITZER
 Vendor ID Counter

Legal Description	Situs Address
Subdivision: CORNETTS SUB AMD Lot: 1-5 Block: 6 & E 15FT LOT 6 SUB AMD Lot: 7-10 Block: 6 B369 P66 B454 P805	Subdivision: CORNETTS 1002 E DRISCOLL ST #GUESS CORTEZ

Year	Tax	Interest	Fees	Payments	Balance
Grand Total Due as of 12/21/2023					\$0.00

Tax Billed at 2022 Rates for Tax Area 11001 - DISTRICT 11001

Authority	Mill Levy	Amount	Values	Actual	Assessed
MONTEZUMA CTY ROAD & BRIDGE	1.3080000	\$0.00	COUNTY NON RESIDENTIAL LAND	\$63,360	\$18,370
CITY OF CORTEZ R/B	1.3080000	\$0.00			
RE-1 CORTEZ	20.8570000	\$0.00	Total	\$63,360	\$18,370
CITY OF CORTEZ	1.2342600*	\$0.00			
MONTEZUMA CTY HOSPITAL DIST	0.7445000	\$0.00			
MTZ-DOLORES CTY METRO REC D	0.7770000	\$0.00			
CORTEZ CEMETERY	0.3510000	\$0.00			
DWCD	0.4830000	\$0.00			
DWCD BOND/DEBT	1.7975000	\$0.00			
SOUTHWEST WATER CONSERVATIO	0.4070000	\$0.00			
MOSQUITO DISTRICT	0.3920000	\$0.00			
CORTEZ FIRE DISTRICT	6.7330000	\$0.00			
CORTEZ FIRE ADDITIONAL LEVY	4.4887600	\$0.00			
MONTEZUMA-CORTEZ RE 1 BOND	2.8470000	\$0.00			
MONTEZUMA COUNTY GENERAL	10.8565900	\$0.00			
MONTEZUMA COUNTY SOCIAL SVC	0.8013700	\$0.00			
Taxes Billed 2022	55.3859800	\$0.00			

* Credit Levy

All Tax Lien Sale amounts are subject to change due to endorsement of current taxes by the lienholder or to advertising and distraint warrant fees. Changes may occur and the Treasurer's office will need to be contacted prior to remittance after the following dates:
 Personal property and Mobile homes - September 1st, Real property - September 1.

TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.

Special taxing districts and the boundaries of such districts may be on file with the Board of County Commissioners, the County Clerk, or the County Assessor.

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or misc. tax collected on behalf of other entities, special or local improvement district assessments or mobile homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon the above described parcels of real property and all outstanding sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption are as noted herein. In witness whereof, I have hereunto set my hand and seal.

Ellen Black



MONTEZUMA COUNTY TREASURER

CERTIFICATE OF TAXES DUE

TREASURER, MONTEZUMA COUNTY, Ellen Black.

140 W Main Street, Suite 2

Cortez, CO 81321

MRP / mrp

Colorado Title & Closing Services, LLC
Serving All of Colorado
ISSUING AGENT FOR
WESTCOR LAND TITLE INSURANCE COMPANY

Prepared for:
RE/MAX MESA VERDE REALTY CORTEZ
1640 E. Main Street
Cortez, CO 81321
Attention:
HOLLY MATSON /

Issuing Office:
631 E. Main Street
Cortez, CO 81321
Phone: (970) 564-9770
Fax: (970) 564-9769
Title Examiner:
Marie Rogers-Patrick
mrogers@coloradotitleservices.com
(970) 529-7013

Copies to:
RE/MAX MESA VERDE REALTY CORTEZ / CASEY SPITZER
/ MARTI SPITZER

Closing Officer:
LeAnn Lambert
llambert@coloradotitleservices.com
(970) 529-7025

Closing Assistant:
April Jackson
ajackson@coloradotitleservices.com

SCHEDULE A

	<u>POLICY LIABILITY</u>	<u>PREMIUM CHARGES</u>
Owner's Policy ALTA (06/17/2006)	\$20,000.00	\$700.00
Copies of Documents and Plat		\$50.00
Tax Certification		\$25.00
	Total Due	\$ 775.00

1. Effective date: **December 17, 2023 at 5:00 PM**
2. Policy or Policies to be issued:
Owner's Policy ALTA (06/17/2006)
Proposed Insured: **THE SPITZER GROUP, LLC, A COLORADO LIMITED LIABILITY COMPANY**

Loan Policy ALTA (06/17/2006)
Proposed Insured:
3. Title to the **FEE SIMPLE** estate or interest in said Land is at the effective date hereof vested in:
HOUSING AUTHORITY OF THE COUNTY OF MONTEZUMA
4. The Land referred to in this Commitment is located in the County of **Montezuma**, State of Colorado and described as follows:

Lots 1, 2, 3, 4 and 5, the East 15' of Lot 6 and all of Lots 7, 8, 9, and 10, Block 6, CORNETT'S SUBDIVISION, according to the plat thereof filed for record February 23, 1955 in Book 7 at Page 15.

SCHEDULE B - SECTION 1
REQUIREMENTS

The following requirements must be met:

- (1.) Pay the agreed amounts for the interest in the Land and/or for the mortgage to be insured.
- (2.) Pay us the premiums, fees and charges for the policy.
- (3.) The following documents satisfactory to us must be signed, delivered and recorded.
- (4.) A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.

NOTE TO BUYERS AND LENDERS: Be aware!!! Online banking fraud is on the rise!!!

We will send **wire instructions** to you **ONLY** out of the following bank:

****** TBK Bank, SSB ******

If you receive wire instructions naming any other bank contact your closing officer **immediately**.

Your closing officer is: **LeAnn Lambert (970) 529-7025**

- A. SPECIAL WARRANTY DEED from HOUSING AUTHORITY OF THE COUNTY OF MONTEZUMA to THE SPITZER GROUP, LLC, A COLORADO LIMITED LIABILITY COMPANY.
- B. Duly executed STATEMENT OF AUTHORITY pursuant to the provisions of Section 38-30-172, C.R.S. for THE SPITZER GROUP, LLC, a Limited Liability Company, disclosing the name of the ENTITY, and the name(s), address and position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property.

NOTE: If Colorado Title & Closing Services, LLC is to prepare the above required instrument, a copy of the OPERATING agreement must be submitted to the company for review.
- C. Certified copy of Resolution of the board of directors of the HOUSING AUTHORITY OF THE COUNTY OF MONTEZUMA authorizing the sale of subject property and the execution of necessary documents pursuant to the terms of the purchase contract dated December 15, 2023 between the Seller(s) and Buyer(s) herein. Said Resolution must be submitted to and approved by WESTCOR LAND TITLE INSURANCE COMPANY, but need not be recorded.
- D. Affidavit of Debts and Liens executed by Seller(s) and Buyer(s).

SCHEDULE B – SECTION 1, continued
REQUIREMENTS FOR ISSUANCE OF ENDORSEMENTS

OWNER

Exception number 6 herein will be modified on the owners policy to be issued to show that the current years real estate taxes are not yet due or payable and prior years real estate taxes have been paid upon receipt of a Certificate or Statement of Taxes Due from the County Treasurer and upon verification that all outstanding real estate taxes have been paid.

The above is subject to payment of the premiums as disclosed on Schedule A herein.

SCHEDULE B - SECTION 2
EXCEPTIONS

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

1. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or materials heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by the Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) ditches and ditch rights; water rights, claims or title to water; (d) all interest in oil, gas, coal and other mineral rights severed by predecessors in Title and any and all assignments thereof or interests therein; whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records.
8. Easement as described in instrument from William J. Marymee to Montezuma Valley Irrigation District, recorded November 22, 1907 in [Book 36 at Page 48](#).
9. All oil, gas and other minerals as reserved by The County of Montezuma in Deed to John W. Show, recorded November 28, 1942 in [Book 114 at Page 128](#), and any and all assignments thereof or interests therein and any easements or right of entry with respect thereto.
10. Easement as described in instrument from The County of Montezuma to John W. Show, recorded November 28, 1942 in [Book 114 at Page 128](#).
11. Easement as described in instrument from H. L. Cornett to Empire Electric Association, Inc. recorded September 25, 1947 in [Book 131 at Page 30](#).
12. All easements, plat notes and notices, building setbacks, restrictions and general dedications pertaining to subject property as set forth on the plat of Cornett's Subdivision filed for record February 23, 1955 in [Book 7 at Page 15](#), and any appurtenances thereto.
13. Any, tax, assessment, fees, or charges, by reason of the inclusion of the subject property in the local street improvement and Cortez Sanitation Districts and any resolutions, ordinances, and/or agreements pertaining thereto.

- Note 1: Colorado Division of Insurance Regulation 8-1-2, Section 5, Paragraph H, requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title insurance commitment, other than the effective date of the title insurance commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owner's policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed". Provided that Colorado Title & Closing Services, LLC, conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception No. 5 in Schedule B-2 will not appear in the Owner's Title Policy and Lender's Title Policy when issued.
- Note 2: Colorado Division of Insurance Regulation 8-1-2, Paragraph M of Section 5, requires that prospective insured(s) of a single family residence be notified in writing that the standard exception from coverage for unfiled Mechanic's or Materialman's Liens may or may not be deleted upon the satisfaction of the requirement(s) pertinent to the transaction. These requirements will be addressed upon receipt of a written request to provide said coverage, or if the Purchase and Sale Agreement/Contract is provided to the Company then the necessary requirements will be reflected on the commitment and may include, but are not limited to:
- A. The Land described in Schedule A of this commitment must be a single family residence, which includes a condominium or townhouse unit.
 - B. No labor or materials may have been furnished by mechanics or materialmen for purpose of construction on the Land described in Schedule A of this Commitment within the past 13 months.
 - C. The Company must receive an appropriate affidavit indemnifying the Company against unfiled mechanic's and materialmen's liens.
 - D. Any deviation from conditions A through C above is subject to such additional requirements or information as the Company may deem necessary, or, at its option, the Company may refuse to delete the exception.
 - E. Payment of the premium for said coverage.
- Note 3: The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Furthermore, the following disclosures are hereby made pursuant to C.R.S. §10-11-122:
- (i) The subject real property may be located in a special taxing district;
 - (ii) A certificate of taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent; and
 - (iii) Information regarding special districts and the boundaries of such districts may be obtained from the County Commissioners, the County Clerk and Recorder, or the County Assessor.
- Note 4: If the sales price of the subject property exceeds \$100,000.00, the seller shall be required to comply with the disclosure or withholding provisions of C.R.S. §39-22-604.5 (Non-resident withholding)
- Note 5: Pursuant to C.R.S. §10-11-123 Notice is hereby given:
- (a) If there is recorded evidence that a mineral estate has been severed, leased or otherwise conveyed from the surface estate then there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
 - (b) That such mineral estate may include the right to enter and use the property without the surface owner's permission.
- Note 6: Effective September 1, 1997, C.R.S. §30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half inch. The clerk and recorder may refuse to record or file any document that does not conform.

Note 7: Our Privacy Policy is attached to this commitment.

Note 8: Pursuant to C.R.S. §38-35-125 and Colorado Division of Insurance Regulation 8-1-2 (Section 5), if the parties to the subject transaction request us to provide escrow-settlement and disbursement services to facilitate the closing of the transaction, then all funds submitted for disbursement must be available for immediate withdrawal.

Note 9: C.R.S. §39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

Note 10: Pursuant to C.R.S. §10-1-128 (6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

Note 11: Colorado Division of Insurance Regulation 8-1-3, Paragraph C. 11.f of Section 5 requires a title insurance company to make the following notice to the consumer: "A closing protection letter is available to be issued to lenders, buyers and sellers"

Note 12: C.R.S. §38-35-109 (2), 1973, requires that a notation of the purchaser's legal address, (not necessarily the same as the property address) be included on the face of the deed to be recorded.

Note 13: Regulations of County Clerk and Recorder's offices require that all documents submitted for recording must contain a return address on the front page of every document being recorded.

Note 14: Pursuant to instrument recorded July 7, 1976 as Reception Number 401417 your property may or may not be in a Geological Hazard Area. It is the responsibility of the insured to make that determination. Note 14 only applies to properties in La Plata County.

Notwithstanding anything to the contrary in this Commitment, if the policy to be issued is other than an ALTA Owner's Policy (6/17/06), the policy may not contain an arbitration clause, or the terms of the arbitration clause may be different from those set forth in this Commitment. If the policy does contain an arbitration clause, and the Amount of Insurance is less than the amount, if any, set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.



1003 Alma Ave

1001 Alma Ave

1105 Willow St

1109 Willow St

1203 Twenty Mule Team Dr

1207 Twenty Mule Team Dr

1217 Twenty Mule Team Dr

904 Alma Ave

60'

Willow St

52.5'

Bused?

30'

60'

45'

Twenty Mule Team Dr

45'

The Spitzer Group
1640 E Main St Cortez
Cortez, CO 81321
19707390447

3396
82-492/1021

12-21 2023

PAY TO THE ORDER OF City of Cortez \$ 350.00

Three Hundred Fifty and 00/100 DOLLARS  Security Features Details on Back.

THE DOLORES STATE BANK

FOR 1602 Driscoll Zoning Change
Filing Fee



⑆102704927⑆ 85430802⑈ 3396

City of Cortez
123 Roger Smith Ave
Cortez CO 81321 (970) 564-4011

Receipt No: 1.025466 Dec 21, 2023

THE SPITZER GROUP

Miscellaneous
APPLICATION FEE-ZONING 350.00
AMENDMENT

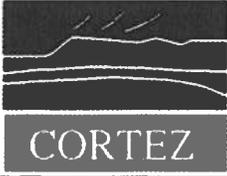
Total: 350.00

Check
Check No: 3396 350.00

Payor:
THE SPITZER GROUP
Total Applied: 350.00

Change Tendered: .00

Duplicate Copy
12/21/2023 2:43 PM



DEPARTMENT OF PLANNING & BUILDING
123 ROGER SMITH AVE, CORTEZ, CO 81321
PH. 970-565-3402 FAX 970-565-8172
24 HR. INSPECTION LINE: 970-564-4071

City of Cortez
File Number: 24-000020

Residential / Small(1/2 Acre or Less)
ZA24-000001

Project Address: 1002 Driscoll Street
Legal Description: 561124326004

Owner:
Name: Housing Authority
Address: 37 N. Madison St
Cortez, Co 81321

Phone:

Project Description: The Spitzer Group

Special Conditions: Note: This is a receipt only – The Site Plan is subject to approval by the City of Cortez

Fees:		Payments:				
Description	Total Cost	Date	Type	Reference	Receipt ReceivedFrom	Amount
Residential / Small(1/2 Acre or Less) Fee	500.00	01/09/2024	Check	3396	338 Casey Spitzer	350.00
Credit ♦ Filed before end of 2023.	-150.00					
Total:	350.00					
Total Paid:	350.00					
Balance Due:	0.00					



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

March 05, 2024

Agenda Item: 7. a.

MEMO TO: Planning and Zoning Commission

FROM: Cheryl Lindquist, Permit Technician/Deputy City Clerk

SUBJECT: **Permits issued for January and February, 2024.**

BACKGROUND

See Attached

RECOMMENDATION

For Review only

Attachments

permits issued

Permit Type	Sub Type	Permit#	Address	Issue Date
Building	Accessory Structure	B24-000004	1718 Center Street	01/11/2024
Building	Accessory Structure	B23-000166	401 West Main Street	01/09/2024
Building	Accessory Structure	B24-000009	1660 Knoll Avenue	01/19/2024
Building	Accessory Structure	B24-000012	31 West 7th Street	02/01/2024
Building Total	Accessory Structure Total			4
Building	Commercial Remodel	B24-000023	530 North Broadway	02/23/2024
Building	Commercial Remodel	B24-000006	111 South BROADWAY	02/12/2024
Building	Commercial Remodel	B24-000007	641 South Broadway Avenue	01/22/2024
Building	Commercial Remodel	B24-000001	33 North ELM Street	01/08/2024
Building Total	Commercial Remodel Total			4
Building	Manufactured Home	B24-000026	1524 Arrowhead Lane	02/28/2024
Building Total	Manufactured Home Total			1
Building	New Commercial	B24-000005	7255 US Hwy 160/491	02/01/2024
Building Total	New Commercial Total			1
Building	New Residential	B23-000134	611 Lois Lane	02/16/2024
Building	New Residential	B23-000150	2140 Golf Course Lane	01/08/2024
Building	New Residential	B24-000002	422 Jarrett Avenue	01/17/2024
Building Total	New Residential Total			3
Building	Other	B24-000020	537 East MONTEZUMA Avenue	02/22/2024
Building	Other	B24-000025	711 South CEDAR Street	02/26/2024
Building	Other	B24-000022	2604 East Main	02/22/2024
Building	Other	B24-000010	902 South Market Street	01/22/2024
Building	Other	B24-000011	903 South Oak Street	01/30/2024
Building	Other	B24-000016	54 East Empire Street	02/12/2024
Building	Other	B24-000018	909 Garrison Drive	02/12/2024
Building	Other	B24-000013	945 LIVESAY Drive	02/05/2024
Building	Other	B24-000014	2124 South Broadway	02/05/2024
Building Total	Other Total			9
Building	Residential Addition	B24-000021	1211 CHESTNUT Street	02/22/2024
Building Total	Residential Addition Total			1
Building	Residential Remodel	B24-000003	916 North Chestnut Street	01/09/2024
Building Total	Residential Remodel Total			1
Building Total				24
Burn Permit	Debris	BRN24-000007	56 CARPENTER	02/23/2024

Burn Permit	Debris	BRN24-000001	303 North PARK Street	01/02/2024
Burn Permit	Debris	BRN24-000002	36 East 3RD Street	01/05/2024
Burn Permit	Debris	BRN24-000004	403 North Henry	01/24/2024
Burn Permit Total	Debris Total			4
Burn Permit	Disposal	BRN24-000003	1928 S. Broadway	01/17/2024
Burn Permit Total	Disposal Total			1
Burn Permit	Recreational Fire	BRN24-000006	1811 SHADY Lane	02/21/2024
Burn Permit	Recreational Fire	BRN24-000005	1811 SHADY Lane	02/01/2024
Burn Permit Total	Recreational Fire Total			2
Burn Permit Total				7
Mechanical	Residential	M24-000001	1321 TWENTY MULE TEAM Drive	02/27/2024
Mechanical	Residential	M24-000002	1120 MONTELORES Avenue	02/27/2024
Mechanical Total	Residential Total			2
Mechanical Total				2
Plumbing	Residential	P24-000005	817 North EDITH Street	02/21/2024
Plumbing	Residential	P24-000003	136 A&B N Madison /403 E. MONTEZUMA A	01/30/2024
Plumbing	Residential	P24-000004	1408 East Mesa Verde Street	01/30/2024
Plumbing Total	Residential Total			3
Plumbing Total				3
Right of Way	Public Right-of-Way	ROW24-000012	Various	02/21/2024
Right of Way	Public Right-of-Way	ROW24-000009	2201 South Broadway	01/30/2024
Right of Way	Public Right-of-Way	ROW24-000006	East Empire Street	01/26/2024
Right of Way	Public Right-of-Way	ROW24-000007	1211 Cochita Drive	01/26/2024
Right of Way	Public Right-of-Way	ROW24-000008	1451 Acoma Street	01/26/2024
Right of Way	Public Right-of-Way	ROW24-000010	136 North Madison Street	02/05/2024
Right of Way	Public Right-of-Way	ROW24-000004	422 Jarrett Avenue	01/17/2024
Right of Way	Public Right-of-Way	ROW24-000001	25 North BEECH Street	01/02/2024
Right of Way	Public Right-of-Way	ROW24-000002	406 South Chestnut Street	01/05/2024
Right of Way	Public Right-of-Way	ROW23-000076	2140 Golf Course Lane	01/08/2024
Right of Way	Public Right-of-Way	ROW24-000003	East Coronado St. & N. Colorado St.	01/08/2024
Right of Way Total	Public Right-of-Way Total			11
Right of Way Total				11
Sign		S24-000001	Broadway and Main Billboards	01/19/2024
Sign Total	Total			1
Sign	Billboard	S24-000004	Broadway and Main Billboards	02/20/2024

Sign	Billboard	S24-000002	Broadway and Main Billboards	01/30/2024
Sign Total	Billboard Total			2
Sign	Freestanding	S24-000003	5 Veach Street	01/30/2024
Sign Total	Freestanding Total			1
Sign Total				4
Water Tap	3/4 inch	WT23-000028	611 Lois Lane	02/16/2024
Water Tap	3/4 inch	WT24-000005	1524 Arrowhead Lane	02/28/2024
Water Tap	3/4 inch	WT23-000034	2140 Golf Course Lane	01/08/2024
Water Tap	3/4 inch	WT24-000001	422 Jarrett Avenue	01/17/2024
Water Tap	3/4 inch	WT23-000029	418 JARRETT Avenue	01/09/2024
Water Tap Total	3/4 inch Total			5
Water Tap Total				5
All Permits Total				56