

PLANNING & ZONING COMMISSION

REGULAR MEETING

TUESDAY, APRIL 1, 2025

1. The meeting was called to order in the City of Cortez Council Chambers at 6:30 p.m., and opened with the Pledge of Allegiance. Roll Call was taken and the following Commissioners were present: Vice-Chairperson Emily Waldron, Commissioner Richard Fryhover, and Commissioner Nina Thao. Chairperson Robert Rime and Commissioner Bob Bright, were absent. Staff present included: Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dosdall, City Attorney Patrick Coleman, City Para-Legal Lydia Regalado, Community and Economic Development Specialist Helen West, City Manager Drew Sanders, Public Works Secretary Karie Beougher, IT Technician Aaron Holleman, and Deputy City Clerk Cheryl Lindquist. There were 19 people present in the audience.

Commissioner Thao moved that the agenda be approved. Commissioner Fryhover seconded the motion and the vote was as follows:

Bright	Fryhover	Thao	Waldron	Rime
Absent	Yes	Yes	Yes	Absent

2. Approval of the Regular Planning & Zoning Commission Meeting Minutes of February 4, 2025 and Special Planning & Zoning Commission Meeting Minutes of February 18, 2025.

Commissioner Thao moved that the Regular Meeting Minutes for February 4, 2025 and the Special Meeting Minutes of February 18, 2025, be approved. Commissioner Fryhover seconded the motion and the vote was as follows:

Bright	Fryhover	Thao	Waldron	Rime
Absent	Yes	Yes	Yes	Absent

3. PUBLIC PARTICIPATION: Vice-Chairperson Waldron opened Public Participation and invited anyone to the podium to speak on issues not included on the agenda. No one spoke, so Public Participation was closed.

4. PUBLIC HEARINGS:

- a. Contract City Planner Dosdall presented Resolution No. 4, Series 2025. Planner Dosdall stated an application for a Condominium Subdivision was submitted by Sligo Land Group, LLC, to convert an existing development into separate, for sale, occupancies. This will divide an existing development into separate ownerships. Four existing businesses in two buildings and creating a third lot for future development.

This property is zoned Commercial with Commercial zoning surrounding. All separate owners will have an ownership in the common area with an HOA to be put in place. Parking is not an issue even with future growth. Landscaping is in place and meets the City criteria. Comments from utility companies have been covered in the covenants. Staff recommends approval of the application with three conditions:

1. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in the adopted City Codes and other regulatory documents.
2. Owners of properties proposed for condominium conversion shall notify all tenants in writing of the conversion at least ninety (90) days prior to termination of any tenancy in accordance with C.R.S. 38-33-112, as amended. Copies of such notification shall be filed with the city clerk as proof of notification.
3. The minor subdivision plat shall then be caused to be filed of record by the subdivider in the plat records of Montezuma County, but only after the City Council has officially acted upon the minor subdivision plat with reference to improvements, dedications and utilities and all fees (including recording and review fees) shall be paid by the developer. If for any reason the minor subdivision plat has not been recorded within six (6) months of City Council approval, the approving actions shall be deemed void. Lot D will be included in the common elements when developed in the future. Unit C will require a site plan review when development is decided. Applicant Ken Coleman stated this project was approved ten (10) years ago in two phases. He also stated Unit C will be built in accordance with Units A & B with similar design.

Vice-Chairperson Waldron opened the Public Hearing. With no one speaking the hearing was closed. She opened the meeting for discussion or a motion.

Commissioner Thao made the motion to recommend that the Commission recommend that City Council approve Resolution No. 4, Series 2025, a resolution recommending approval of the condominium plat for the Sligo Plaza Condominium plat on property located on Lot 1, Block 2 of the Schwartz Minor Subdivision as recorded in Book 16 Page 16 as Reception No. 534621 in the Commercial Highway (C) zone, as submitted by Sligo Land Group, LLC, with the conditions stated in the Resolution. Commissioner Fryhover seconded the motion and the vote was as follows:

Bright	Fryhover	Thao	Waldron	Rime
Absent	Yes	Yes	Yes	Absent
Motion passes				

- b. Contract City Planner Dosdall presented Resolution No. 7, Series 2025. Independent Log Co. has submitted an application for a Conditional Use Permit and a Site Plan review on a ten (10) acre parcel at 1050 Lebanon Road. Very similar to the review from

last year, but our two new commissioners need to hear the proposal. The primary use is log home manufacturing, with secondary uses of storage of wildland firefighting equipment and firewood processing. The firefighting is off site as is the fire mitigation of the wood for the log homes and firewood. This review took place last fall where it was approved although afterwards the applicants pointed out a discrepancy in the site plan that need to be repaired. There was also some new information and the changes were enough staff felt it needed to be presented to Planning & Zoning Commission as a new proposal. The site has been fairly well graded and was used in the past for commercial uses such as a Drive-In Theater. Access is on the southwestern end of the property, with Carpenter Natural area to the northeast, and there are Commercial and Industrial Uses to the north and west. Southeast are residential homes located on the ridge. There is a significant grade difference between the subject property and the residential properties with the residences being higher. The applicants removed all buffers from the site plan and are using the entire ten acres for their business. All open space and landscaping was also removed, except rocks that are at the entrance. They will expand the firewood area as needed and will not do more grading on the south side. Both manufacturing wood products and contractor equipment are considered Conditional Uses in the Commercial Zone. A Conditional Use Permit is to mitigate making the use compatible with adjacent existing uses. Planner Dosdall explained the criteria for the Conditional Use Permit:

1. Criteria 1 is to impose those conditions to make sure that the proposed use is compatible with the adjacent existing uses especially the control of adverse impacts including noise, vibration, smoke, fumes, gas, dust, odor lighting, glare, traffic circulation, parking, or other undesirable or hazardous conditions. They are not proposing any permanent structures. This is all outdoor storage.
2. Criteria 2 is proposing the 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. Applicants are not proposing any buffering with landscaping or open space.
3. Criteria 3 states all proposed accessory uses must demonstrate that they are necessary and desirable. All proposed accessory uses shall comply and be necessary and undesirable impact created by these uses shall be controlled or eliminated. Firewood will be an accessory use and applicants have demonstrated the need for and the elimination of a waste product on site by use.
4. Criteria 4 says adequate public services must be available without the reduction of services to other existing uses. With no buildings on the property all they need is access. They will need to meet fire code for posting the property for emergency response and safe operation of the site.
5. Criteria 5 is provisions for proper maintenance of the building, parking and loading areas, drives, lighting, signs, landscaping, etc. shall be provided.
6. Criteria 6 is to 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. That is why we asked for a detailed narrative from the applicants. Applicants feel surfacing has already been met with asphalt from years ago. The heavy traffic would make surfacing difficult to maintain. Open storage is currently not allowed per

Land Use Code. Applicants state fencing or screening does not work for their storage. Landscaping will not be met due to lack of water and wildlife vegetation. Two large rocks, trees, and some grass are located at the entrance.

Staff does recommend approval with the following conditions.

1. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications.
2. The applicant shall meet all requirements of the Cortez Sanitation District regarding protection of the manholes and existing sewer line and always comply with all requirements of the existing easement. Any items placed over the easement must be easily moved in the event of an emergency.
3. The address shall be clearly marked for emergency response.
4. The applicant shall comply with the submitted project narrative at all times including but not limited to operation of the business, noise levels, and hours of operation.
5. The applicant shall control dust on the property by either paving, other surfacing, vegetation, watering or chemical means.
6. The applicant shall comply with CRS 25-12-103, Maximum permissible noise levels at all times.
7. The applicants shall comply with the additional requirements of City Engineer (SGM) comments as noted prior to issuance of Land Use permits.
8. The applicant shall comply with all provisions of the fire code.

Vice-Chairperson Waldron had questions regarding the site plan which staff answered. Commissioner Fryhover commented on the fire hydrants and nearness of fuel tanks to the location. Planner Dosedall stated that she had limited sending out comment requests to those agencies that had responded last time. She reported that CDOT had stated no concerns. Commissioner Fryhover asked if Parks and Rec had any comments but they did not have any comments. Commissioner Thao asked if Empire and Atmos comments were the most current and if structures on the property are portable. Planner Dosedall answered by stating that yes the comments are current and the lean-tos will be temporary, portable structures and would need a building permit. Vice-Chairperson Waldron called the applicants to the podium for their presentation. Anthony Moore spoke about the noise testing he had performed with numerous neighbors present saying the highway presents the most noise. His sounds from the locations are way

below 60 db. There is no sound issue with any of his machinery at any of the location on the property. The two temporary lean-tos will cover the machinery to help limit noise. He claims he will clean up the property and leave it more desirable when he leaves. He addressed the dust issue stating the entire area was graveled and he has added more gravel and intends to add even more. He owns water-tenders so he will be able to water if necessary for the dust. He stated that gravel is considered landscaping so half of the property is landscaped. There is a fire hydrant on the northwest corner and also one on the southwest corner. If a fire were to happen, he is capable of fire-fighting as a wildland firefighter. He has the equipment to fight a fire if it happens. This property is the best location for his business. The natural hill is the perfect buffer for the neighbors. Commissioner Thao thanked Anthony on his service of fire-fighting. She asked about his hours of operation. To which Mr. Moore said the hours are 7 am to 7 pm, Monday through Saturday, for log homes and firewood, but if a wildfire occurs they will respond at any time. Ms. Shelley Dackonish, attorney with Dufford Waldeck, representing Independent Log Co., LLC (ILC), began her presentation with background on ILC. She restated the history of ILC and them moving to Cortez, as well as daily activities of log home building and firewood sales. She had pictures in the power point of some of the homes ILC has constructed. She went over the site plan and the drainage plan. She stated that plans and engineer comments will be updated for the City Council meeting. There is no long-term storage on site for the log homes which are made from beetle kill logs. They are not a logging company, only forest fire removal and they are not a lumber mill. All vehicles will enter and exit from the entrance on Lebanon Road. She stated ILC has added an enhanced muffler for noise levels and dust mitigation is in place. She reviewed all the confusion involved in this project and noted Anthony's frustration. All uses are allowed with Open Storage so should not be an issue at all. The issue today is whether this project meets the criteria. Buffering is impractical and unnecessary for this site. None of the industrial uses surrounding Carpenter Trail have buffering. Ms Dackonish stated that this project doesn't impact the usage of the Carpenter Natural Area.

Vice-Chairperson Waldron opened the public comment period. Two persons spoke on ILC, Lana Waters spoke for and Gail Pock against. Vice-Chairperson Waldron asked the Commission if they had any other questions. After a question the applicants stated the entrance is gated and has been voluntarily landscaped with trees, grass, rocks, and gravel. Vice-Chairperson Waldron was concerned about not having the final site plan due to not receiving the final comments from the engineering firm. Ms. Dackonish stated the only change is moving the north log deck out of the flood plain. She questioned Anthony about lean-tos, one or two. He stated there are two in the narrative. ILC's Engineer is addressing the driveway entrance. Mr. Moore also repeated his information on the sound studies, buffering, and temporary structures. Public comment was closed.

After deliberation Commissioner Thao asked City Attorney Coleman if this is not the final site plan do the applicants have to come back to the Planning Commission. City Attorney Coleman stated that as things change during a meeting, modifications can be made a condition of approval and the project can move forward. Planner Dosdall stated

that engineers never stamp their plans until approval.

Commissioner Thao made the motion that the Planning and Zoning Commission recommend that Council approve the requested Conditional Use Permit and Site Plan for property located at 1050 Lebanon Road, Cortez, as submitted by Anthony Moore and Mary Lancaster, through P&Z Resolution No. 7, Series 2024, with the conditions stated in the Resolution. Commissioner Fryhover seconded with the following vote:

Bright	Fryhover	Thao	Waldron	Rime
Absent	Yes	Yes	No	Absent

Motion passes.

- c. Contract City Planner Dosdall presented Resolution No. 6, Series 2025. An application from 1880 Industrial LLC, (Le Pew), proposing a Site Plan review on a 4.16 acre parcel located at 1880 Industrial Rd in the Cortez Light Industrial Park. The property is adjacent to the existing Le Pew Porta John office and storage yard located at 2002 Industrial Road., however the properties are separate and the review should be conducted as a stand-alone property. The site was initially issued a building permit and construction mostly completed before it was noted that a site plan review by the Planning Commission and City Council was required and not been completed. They are currently operating on the site with a Temporary Certificate of Occupancy. We have required they go through the Site Plan Review before they can get a final Certificate of Occupancy. As far as the criteria for development standards they do meet the lot area coverage, floor area, and some paved parking requirements. 10% is required in Industrial areas for landscaping. They are using boulders and xeriscape. They are proposing to not pave the access drive but the apron is paved. Comments were submitted and the applicants have addressed them.

Staff recommends approval with three conditions.

1. All requirements of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications.
2. The appropriate construction drawings and reports for the project, revised as required by the City Engineer shall be signed and stamped by a Colorado licensed architect or engineer, must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on the Property.
3. A drainage report meeting CDPHE requirements shall be submitted and approved by the City Engineer prior to issuance of a Permanent Certificate of Occupancy for the Property.

Attorney Laurel Quinto, JVAM Law Firm, representing the applicants, stated the

history of the purchased property and all the permitting that has taken place. She stated that after permitting was received the applicants were notified of drainage issues and that a Site Plan Review is being requested. They had not been told they needed a Site Plan Review and felt they had complied with all City permitting requirements. She stated that because there are no commercial properties in the area landscaping should not be required.

Vice-Chairperson Waldron opened the meeting to Public Hearing. Five members of the public, Lana Waters, Graham Nelson, Dave Waters, Anthony Moore, and Mary Lancaster, spoke against the project, citing the drainage issues, landscaping and paving as reasons they felt the project should be tabled. The Public Hearing was closed.

Vice-Chairperson Waldron questioned the photos in the packet. Planner Dosdall explained the first set of photos were from the applicant. The other pictures were from the neighboring property owners in Industrial Park.

Commissioner Fryhover asked to be allowed to go to Executive Session with the attorney and staff. City Attorney Coleman gave Vice-Chairman Waldron the appropriate motion to go to Executive Session. Vice-Chairperson Waldron made the motion to go into Executive Session stating, "It is April 1, 2025 at 8:58 pm, and we are here at a regular meeting of the Cortez Planning & Zoning Commission, which has been properly noticed. I move that the Commission enter into an executive session for the purpose of conferring with the City Attorney to receive legal advice concerning the pending land use application pursuant to C.R.S. Section 24-6-402 (4)(b)"; with the vote as follows:

Brighi	Fryhover	Thao	Waldron	Rime
Absent	Yes	Yes	Yes	Absent

Motion passes.

Vice-Chairperson Waldron states, "It is April 1, 2025 and it is 9:36 pm and the Executive Session has concluded and the Commission has reconvened. Those present were Vice-Chairperson Waldron, Commissioners Fryhover, Thao, City Attorney Coleman, Director of Community and Economic Development Marchbanks, and Contract City Planner Dosdall. No adoption of any proposed policy, position, resolution, rule, or formal action occurred at this executive session. If any member of the Commission or of the public believes the subject matter of the session was not statutorily authorized or that the discussions that occurred at the executive session strayed from the announced subject matter, please speak up now. Seeing none we will resume with the agenda item." Is there any further deliberation, if not I will entertain a motion. Vice-Chairperson Waldron brought up the fact that permits had been issued before the site plan and asked if any precautions had been put in place to avoid this happening again. Community and Economic Director Marchbank stated that significant processes have been put in place.

Vice-Chairperson Waldron made a motion that the Planning & Zoning Commission approve P&Z Resolution No. 6, Series 2025, a resolution recommending that the Cortez City Council approve the site development plan for a building located on property located at 1880 Industrial Rd, Cortez, Colorado, in the Industrial (I) zone, with the conditions stated 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 public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications.
2. The appropriate construction drawings and reports for the project, revised as required by the City Engineer shall be signed and stamped by a Colorado licensed architect or engineer, must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on the Property.
3. A drainage report meeting CDPHE requirements shall be submitted and approved by the City Engineer prior to issuance of a Permanent Certificate of Occupancy for the Property.

Commissioner Thao seconded the motion with the vote following:

Bright	Fryhover	Thao	Waldron	Rime
Absent	Yes	Yes	Yes	Absent
Motion passes				

- d. Resolution No. 5, Series 2025, Zoning Map. Resolution No. 5, Series 2025, Public Hearing for the City of Cortez Zoning Map has been re-scheduled for the next Planning and Zoning Commission meeting due to public noticing requirements.

5. OTHER ITEMS OF BUSINESS:

- a. Permits Issued for January through March 15, 2025 were reviewed.

6. ADJOURNMENT:

- a. The motion to adjourn was made by Commissioner Vice-Chairperson Waldron and seconded by Commissioner Thao and the vote was as follows:

Bright	Fryhover	Thao	Waldron	Rime
Absent	Yes	Yes	Yes	Absent

The meeting adjourned at 9:40 p.m.

PLANNING & ZONING COMMISSION


Emily Waldron, Vice-Chairperson

ATTEST:


Cheryl Lindquist, Deputy City Clerk