

**CITY OF CORTEZ
PLANNING AND ZONING COMMISSION
JUNE 4, 2019
6:30 P.M. – REGULAR MEETING**

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE
2. APPROVAL OF MINUTES – REGULAR MEETING OF MAY 2019
3. BUSINESS OF THE COMMISSION
4. CITIZEN PARTICIPATION
5. P&Z DISCUSSION ITEMS
 - a. Land Use Code Update
6. FYI
 - a. Building Permits May 2019
7. OTHER ITEMS OF BUSINESS
8. PREVIOUS BUSINES
9. ADJOURNMENT OF REGULAR MEETING

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting City Hall: address – 123 Roger Smith Avenue, Cortez; phone – 970-565-3402; fax – 970-565-8172; e-mail – lsmith@cityofcortez.com. We would appreciate it if you would contact us at least 48 hours in advance of the scheduled event so arrangements can be made to locate requested auxiliary aid(s).

2. P&Z Minutes

PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, MAY 7, 2019

1. The regular meeting was called to order in the City Council Chambers at 6:30 p.m. Commission members present were Chairperson Rebecca Levy, Vice-Chairperson Robert Rime, Tom Butler, Lance McDaniel, and Rachel Medina. City staff present included Director of Planning and Building Sam Proffer, Associate Planner Neva Connolly, City Engineer Chad Hill, City Manager John Dougherty, and City Clerk Linda Smith. There were six people present in the audience.
2. Commissioner Butler moved to approve the Planning and Zoning Minutes of the Regular Meeting of May 7, 2019. Commissioner Medina seconded the motion, and the vote was as follows:

| | | | | |
|--------|------|----------|--------|------|
| Butler | Levy | McDaniel | Medina | Rime |
| Yes | Yes | Yes | Yes | Yes |

3. BUSINESS OF THE COMMISSION

- a. Public Hearing on an Application for a Conditional Use Permit to Establish a Multi-Family Development at 121 East 1st Street, in the Neighborhood Business District (NB) Zone, as Submitted by Dean Brookie of Brookie Architecture and Planning, Inc., Agent for Property Owner Montezuma Housing Authority, and Review of P&Z Resolution No. 8, Series 2019. Associate Planner Connolly stated that Dean Brookie, with Brookie Architecture and Planning, Inc. agent for Montezuma County Housing Authority (owner) has applied to the City for a Conditional Use Permit to develop a multi-family development at 121 East 1st Street. She stated that the property is 6.65 acres and will be split into three lots. She stated that the historic Calkins Building is designated as Lot 1 and will house 12 residential units, and 2,500 square feet of office space, which will be housed by the Montezuma Housing Authority. She stated that the northwest portion of the site (Lot 2), will be constructed with two 15-unit buildings. Lot 3 which is currently the location of the soccer field is not proposed for development at this time. She stated that the Calkins Building was listed on the local historic register in 2000 and was listed on the national historic register in 2016. She stated that the Calkins Building is 19,524 square feet and meets current standards for setbacks. She stated that the two buildings on Lot 2 will be 18,120 square feet each and will contain 15 residential units in each building. She noted that a Preliminary Plat, Vacation Plat, and site development plan review will be required before the site can be developed. She stated that Land Use Code Section 5.02(d) requires two parking spaces per apartment and the applicant has indicated they will provide the minimum required spaces. She reviewed the requirements of a Conditional Use Permit and noted that several changes are proposed for the exterior of the Calkins Building including reconstruction of the staircases and handicapped accessible ramps. She noted that the project will increase traffic on Ash Street; however, the Colorado Department of Transportation (CDOT) has stated that traffic from the development would access US 160 via Ash and Main Street and those intersections are already signalized. She noted that the proposed Conditional Use Permit has incorporated design features sufficient to protect adjacent uses and to compliment the historic Calkins Building. She stated that the comments from the City Engineer will be addressed during the site plan review. She stated that the proposal meets several of the Comprehensive Plan goals.

In answer to a question from Commissioner Medina, Associate Planner Connolly stated that the landscaping will be more than 15% and include landscaping in the parking area. She stated that more information on the landscaping will be discussed during the site plan review.

Terri Wheeler, Executive Director of Housing Authority, stated that a grant is being pursued for the project which would include 42 affordable units. She stated that the CHAFA application is due June 1, 2019. She stated that the remaining items required for the project by the City would be submitted once the grant is approved. She noted that the Conditional Use Permit allowing the use on the property is required prior to the grant submittal. She stated that the Housing Authority would not know if they are awarded the grant until September. Ashley Clemmons, on behalf of Dean Brookie Architecture, stated that to receive the CHAFA tax credits, it must be shown that the use of the land is appropriate and the density will work on the property. Ms. Wheeler stated that the market study shows that there are approximately 150 units needed to meet the rental demand in Montezuma County. She stated that there are 384 applicants on the waiting list for the Housing Authority and 2/3^{rds} of the need is for two and three bedroom units. She stated that the office space is being generated in the historic Calkins Building as the community will want to have an opportunity to look in the building and the office space will allow for the public to come in during regular business hours. She stated that the building will be preserved to the historic designation requirements and she feels the public will be pleased when the project is completed. She stated that a \$250,000 grant was awarded from History Colorado in the spring of 2018 and the funds are being used towards replacing all of the windows in the Calkins Building. In answer to a question from Vice-Chairman Rime, Ms. Wheeler stated that this is the second time that the Housing Authority has requested funding for this project and if it is not funded, they will keep trying. In answer to a question from Commissioner Medina, Ms. Wheeler stated that due to historic guidelines, the Calkins Building must be the center of the property and the new buildings will be designed to compliment the Calkins building.

Chairman Levy opened the public hearing. It was noted for the record that a letter was received from Marcelyn Ann LePique M.D, 1301 North Dolores Road, objecting to the project. It was noted that Dr. LePique is the owner of the Adobe Apartments located across the street from the Calkins Building. John Brzovich, 411 North Beech Street, asked what is planned for the vacant soccer field and the school warehouse. Ms. Wheeler stated that the soccer field cannot be developed for a minimum of five years after the school was completed due to a Federal guideline through the Federal tax program. She stated that warehouse would be the central location for the maintenance department for the Housing Authority as currently there are four different locations that are being used. No one else spoke and hearing was closed.

Commissioner Butler moved that Planning and Zoning Resolution No. 8, Series 2019, approves an application for a Conditional Use Permit to establish a multi-family development at 121 East 1st Street, in the Neighborhood Business District (NB) Zone, as submitted by Dean Brookie of Brookie Architecture and Planning, Inc., Agent for property owner Montezuma Housing Authority, with three conditions. Vice-Chairperson Rime seconded the motion, and the vote was as follows:

Butler

Levy

McDaniel

Medina

Rime

Yes

Yes

Yes

Yes

Yes

Associate Planner Connolly stated that Council will review the application at the May 28, 2019, meeting.

4. CITIZEN PARTICIPATION – None.

5. P&Z DISCUSSION ITEMS

a. Land Use Code Update. Associate Planner Connolly stated that the proposed new Land Use Code will be reviewed by Council at a special workshop on May 21, 2019, at 5:30 p.m., in the Training Room at City Hall. The meeting will be open to the public.

6. FYI

a. Memo on Nonconformities.

b. Building Permits April 2019.

7. OTHER ITEMS OF BUSINESS – None.

8. PREVIOUS BUSINESS – None.

The meeting was adjourned at 7:00 p.m.

Rebecca Levy, Chairman

ATTEST:

Linda L. Smith, City Clerk

5. P&Z Discussion Items



City of Cortez
Planning and Zoning Commission
Agenda Memorandum

Item No. 5a

Meeting Date: June 4, 2019

MEMO TO: Members of the Cortez Planning and Zoning Commission

TITLE: LAND USE CODE UPDATE

FROM: Tracie Hughes, City Planner

ATTACHMENTS: Written Comments received May 2019

On May 21, 2019, City Council held a worksession to discuss the draft land use code. The discussion was focused on building design standards. Council indicated that they were not moving in the direction of eliminating building design standards, but that the design standards may need to be relaxed.

Members of the public have attended this and previous worksessions. Constituents were encouraged to provide comments on the code in writing. Staff has since received written comments from three constituents. These comments are attached.

Staff is continuing to move forward with edits to address direction received so far, specifically redlining the building design standards for further discussion and consensus. Other areas of importance will be the parking standards and draft language to address small cell wireless towers. For now, staff is not proposing edits to the landscaping section of the code until further direction is received.

Moving forward, a joint planning commission and council worksession is proposed. This worksession will primarily be a discussion between the two bodies to help staff determine what acceptable standards will be and which sections of the code should be modified.



Tracie Hughes <thughes@cityofcortez.com>

comments on LUC

1 message

Thu, May 23, 2019 at 9:12 AM

To: Tracie Hughes <thughes@cityofcortez.com>

Good morning Tracie,

Here are my thoughts written down so you can present to Council.

1. How did you come up with a 50% increase to the landscaping of a project? How in life can we ever see such an increase without having a true cost associated to the line item of a project? As I have stated prior, think about lot sizes, parking and building size. These will be requirements and if it only allows for the 10% currently enforced now is the project killed, or does the developer have to look for other less desirable locations? Business is difficult now and although the landscaping is nice it doesn't sell goods. Especially if you have had to lessen the size of the structure or parking.
2. My next concern is the building standard. Where did you come up with the numbers and how do you justify such high percentages for the decorative material. For example stucco or EFIS is around 5.10 a square foot and cultured stone is 22 per sf. Very costly. I would ask the Council to place real costs to this prior to placing such large percentages in the LUC. I realize we want a nice aesthetically looking town but at what point do we think about arbitrary and capricious? These numbers have to be totally arbitrary and subjective to a specific line of thinking.
3. Please reconsider the numbers?

Sincerely,

Jim Candelaria

President

Candelaria Construction, Inc.

[Redacted signature block]



Tracie Hughes <thughes@cityofcortez.com>

Land Use Code Comments

1 message

Fri, May 24, 2019 at 10:16 PM

To: thughes@cityofcortez.com
Cc: John Dougherty <jdougherty@cityofcortez.com>, ksheek@cityofcortez.com, olucero@cityofcortez.com, tkeel@cityofcortez.com, sbetts@cityofcortez.com, gnoyes@cityofcortez.com, mlavey@cityofcortez.com, jcarlson@cityofcortez.com

Hi Tracie,

We apologize this is getting to you so late on Friday, this took much more time than we allotted for. Anyway, here are some of our comments, obviously we have not had time to read the entire code but a few things that we have read really stuck out to us. We will continue to read and make comments as long as we are allowed to. We believe that the community and the City need to work together for the betterment of Cortez and feel that such a major issue as this, overhauling the Land Use Code needs major thought, comments and suggestions. We have an immense interest & investment in Cortez as this is where we were raised, where our children grew up and where we own and operate several businesses within our community. We thank you for your time to read our comments and hopefully you will be able to respond to them and answer our questions as well. It is not our intention to be obstructive or slow down the process but we feel that these changes could literally cost us hundreds of thousands of dollars and we would appreciate for the City to work with not only us but the community. I have included a page from the 2014 grant application stating that you would have a "massive community outreach campaign", which we would greatly appreciate to address everyone's concerns as it is our opinion that very few of the people that this would impact the most are not aware that changes are taking place. We did find this code very cumbersome, and with that we have included another page from the 2014 grant application that should be taken into consideration.

Thank you for the opportunity to comment and look forward to hearing back from you.

Thanks and have a great weekend!
Lana Waters
D & L Construction



3 attachments

- 20190524215009.pdf
168K
- 20190524212109.pdf
123K
- Land Use Code.docx
18K

D. PROJECT INFORMATION.

The statutory purpose of the Energy and Mineral Impact Assistance program is to provide financial assistance to "political subdivisions socially or economically impacted by the development, processing or energy conversion of minerals and mineral fuels."

1. Demonstration of Need:

a. Why is the project needed at this time?

The City of Cortez adopted the current City of Cortez Land Use Code and Zoning Map in 1996. Over the years, various amendments to the code have been made in an effort to stay current with changing trends and needs within the community. However, it has become very apparent to City Staff that the code is outdated, and has not been adequate in providing staff with the guidance and tools necessary to address the ever increasing development requests within the City. The Code conflicts with itself in various places, and has also been discovered to be in conflict with the adopted City Code, the adopted 2009 IBC family of Building Codes, and the adopted 2009 City Construction Design Standards. Examples of conflicts are related to varying definitions between codes, different length requirements for cul-de-sacs and turnarounds, varying distance requirements between structures, and even conflicts regarding something as simple as setbacks from lot lines.

The six chapters within the current land use code provide for regulations of both subdivision and zoning, with definitions, use regulations, and application requirements for development reviews such as subdivision, rezoning, site plans, conditional use permits, etc. The code also includes appendices, an index, and tables. Euclidean-based zoning is currently being utilized.

The proposal for a new land use code involves analyzing and developing a more appropriate framework that doesn't send the planners and/or citizens to multiple sections of the code to find (and guess at) the answer to one question. The form of zoning will be analyzed (i.e. traditional Euclidean zoning vs. form-based or even hybrid), with input solicited from the community regarding which types of uses will be allowed within each zoning district.

The proposal also includes a process that will ensure that the values of the community will be considered in the type of regulations that are included within the new code. In 2012, the City of Cortez was one of five cities in the nation awarded with a \$100,000 Heart & Soul community planning grant from the Orton Family Foundation. One of the five desired outcomes was to create a new land use code that reflected the values of the community. After two years of collecting stories from community members and soliciting ideas for action, the City has compiled a list of eight over-arching value statements intended to guide future development. The City has also created a Community Action Plan, which is a supplement to the Comprehensive Plan adopted in 2008.

Found within the framework of the community values identified by the Heart and Soul process are the following:

- "We want public officials to offer conversations that will foster positive change and help us move our community forward";
- "We value protecting our natural resources, including water, scenic vistas, air quality, and agricultural lands for future generations"; and
- "We expect our city officials to consider quality of life issues because they help drive the economy and community development."

The City of Cortez Comprehensive plan also states in Chapter 5, Future Land Use Management, "it is important to continually modify the Land Use Code to reflect the changing needs of the community and promote best land use practices." Therefore, a major revision of the Land Use Code is needed to ensure alignment of the City's land use code with the Heart and Soul Project and the 2008 Comprehensive Plan. The Land Use Code will promote the desired conditions for land use development and land use permitting processes, while in keeping with the values and character of the community.

b. How does the implementation of this project address the need?

The Heart and Soul Process and the City of Cortez Comprehensive Plan both call for implementation of the community's shared values through a Land Use Code. The current land use code needs to be updated to reflect the recently identified values and vision of the community. This project will address the need for a new land use code by providing the needed funding to hire consulting assistance to complete this project. However, while consultants will be utilized for their technical and legal expertise, the project will be managed and driven by City Staff.

c. Does this project, as identified in this application, completely address the stated need? If not, please describe additional work or phases and the estimated time frame. Do you anticipate requesting Energy and Mineral Impact Assistance funds for future phases?

\$500,000 respectively. The City is actively pursuing energy independence, which will come to fruition through two separate projects: an LED energy project in 2014 at a budgeted \$260,000, followed by a 2-MW solar project which is currently estimated to cost \$2,000,000 to \$6,000,000. Also, the City just acquired additional Industrial Park Space and will develop this space this year in order to fulfill an identified need for industrial development at an estimated cost, including the purchase and development, estimated to be \$1.5 million.

b. Has this project been deferred because of lack of local funding? If so, how long?

City Staff members have discussed the need for a new land use code since the adoption of the current Comprehensive Plan in 2008. It has been delayed due to lack of funding, and lack of staffing to carry out an in-house re-write. Since the inception of the Heart & Soul process in 2012, the project has been further delayed as community outreach was conducted to determine the values of the community - to ensure the new code would be in alignment with the community values. In addition, funding for the project has been deferred due to funding resources going to two much needed support positions, the additional planner and engineer.

c. Explain the origin of your local cash match. (Note: Whenever possible, local government cash match on a dollar for dollar match basis is encouraged.)

The Gates family foundation has already provided \$50,000, with funds already in the bank. The City match of \$50,000 is from the general fund. We propose the next \$100,000 being matched dollar for dollar with DOLA, for a total project fund of \$200,000

d. What other community entities, organizations, or stakeholders recognize the value of this project and are collaborating with you to achieve increased livability of the community? Please describe how your partners are contributing to achieve the improvement to the livability of the community through this project. If in-kind contributions are included in the project budget, detailed tracking will be required on project monitoring report.

The City anticipates stakeholder participation during the public outreach process, as well as input from various entities on the proposed code language. Examples of potential stakeholders include: Southwest Colorado Community College, Unlimited Learning Center, RE-1 School Board, Montezuma County, Senior Center, Housing Authority, Sanitation District, High School Leadership Montezuma, Kokopelli Bike Club, Youth Leadership Council, Pinon Project, Housing Solutions for the Southwest, Livewell Montezuma, League of Women Voters, Home Builder's Association, Chamber of Commerce, Southwest memorial Hospital, and Local Developers.

Stakeholders will contribute to the process by providing input and comment on proposed regulations through Interagency collaboration and the public input process.

The City also anticipates a massive community outreach campaign, with neighborhood meetings held in each distinct neighborhood. Throughout the Heart & Soul process, the City has devised several effective methods for gathering community input, and will continue to work with the residents to ensure that their voices are being heard and acted upon.

Following our proposed outreach process, the City anticipates that the land use code will better reflect the values of the community and will more clearly implement the community's vision of Cortez as a vibrant and livable community as a result of a collaborative process.

i. Please describe the level of commitment by each collaborator. (e.g. fee waivers, in-kind services, fundraising, direct monetary contribution, policy changes.)

Stakeholders will be providing in-kind services through the contribution of community volunteer time and staff time by way of review and comment on proposed desired conditions and draft regulations during the public outreach process.

ii. Please list the value of the resources that each collaborator is bringing to the program.

e. Has the applicant dedicated the financial resources in their current budget, reserve funds and/or unused debt capacity that are being used for the local matching funds? Explain if No

Yes, this project will be reflected in the 2015 budget, but likely contingent upon the success of receiving the grant. The goal is to utilize our match from our operations as our existing fund balance has been earmarked for capital projects, as identified in 4(a).

f. Have the applicant's tax rates, user charges or fees been reviewed recently to address funding for the proposed project?

Yes, tax rates and user fees are reviewed on a yearly basis.

g. If the tax rate, user charges or fees were modified, what was the modification and when did this change occur?

Yes, modifications have been made to various user fees for water, trash, recreation services, etc. The sales tax rate has not gone up nor has the property tax rate. Building permit fees are increased annually to reflect the most current International Code Council's Building Valuation Data table. Even with the increases, the fees have been kept modest to reflect current conditions. Development review application fees are also reviewed on an annual basis, but have not been increased the past few years during the recession. The slight increases in various city fees have not been increased to such a level that would cover the funds needed for a land use code update.

h. Has the applicant contacted representatives from local energy or mineral companies to discuss the project? If yes,

Sec. 1.02.02 Vested Property Rights A. General. Pursuant to the provisions of Article 68 of Title 24, C.R.S., a property right shall be deemed vested with respect to any property, following notice and public hearing, upon the approval or conditional approval of a site specific development plan by the City Council as provided in this Section. A vested property right shall attach to and run with the property that is the subject of the site specific development plan, and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approval and any amendments thereto as provided in this Section. - *Tracie you indicated in our discussion with you a few weeks ago no one in the area was following the statute for vested rights as you needed to do a filing on them every three years or they were no longer vested. If this is true how is this going to effect the subdivisions that are already platted but not yet built?*

Sec. 2.01.02 Applicability 2. Inactive Status Determination. Subject to and limited by the provisions of Sec. 1.02.02, Vested Property Rights, and Sec. 9.04.17, Vested Rights, the City Council may deem a PUD to be of an inactive status under the following circumstances: d. The Planning and Zoning Commission finds that the project has been abandoned or that no substantial progress has been made toward completion of the project within the previous 12 months - *This would negatively impact several PUDs right now that have not had any infrastructure put into place in the last 12 months. Typically developers complete their development in phases and once the homes are built on them and they are in need of more lots then they put in more infrastructure. As you know if you were to develop 20 lots today that could take years to build out.*

Sec. 2.01.02 Applicability 3.Active Status. A PUD determined by the City Council to be of inactive status may be reinstated to an active status as follows: a. The cause for inactive status is remedied and receives an affirmative recommendation of the Planning and Zoning Commission and approval of the City Council - *Same issue as above your PUD is deemed inactive after filing final plats and no activity for 12 months and then you have to go back through P&Z and Council to gain active status with a new site plan?*

Sec. 2.03.03 Agricultural, Residential, and Commercial Uses of the Home 8.Farm stands are allowed provided the following standards are met: c. In all non-residential districts, including CBD, C, I, and PI zones, only Colorado grown produce is permitted for sale at farm stands. -*So you would not allow Idaho potatoes, Green River watermelons, Hatch Green Chile to be sold at Notah Dineh parking lot, the Front Row Seat parking lot, etc.?*

Sec. 2.03.06 Industrial, Utility, Transportation, and Communication Uses 4.Outdoor Storage Yards are permitted if : a. The use is not be located on a parcel that abuts a highway or City-designated arterial street; - *This area, highway & arterial streets is the most desired location for a successful storage facility business.*

Sec. 2.03.06 Industrial, Utility, Transportation, and Communication Uses 6.Self-Storage Facility, Interior Access is permitted if: c. Self-storage units are used solely for the purpose of storage of goods and possessions and are not be used for conducting or operating a business, hobby, band rehearsal, or

any type of activity not related to the storage of personal property of the owner or tenant of the unit. A garage sale of goods located within a self-storage unit is allowed upon the termination of the rental contract for that unit; d. If the facility abuts a residential use or district, it is closed and secured between the hours of 9:00 p.m. and 7:00 a.m.; - *In our opinion this wording requires us to let our tenants have a garage sale & to be closed between 9 p.m.- 7 a.m. We do not allow any garage sales as it disrupts our other tenants and allows access to an otherwise secure area to people who would not normally have access. The hours not only limit our ability to do business but we also have customers like a medical supply company that need access to their equipment 24/7 for the health, safety and welfare of their customers.*

Sec. 2.03.06 Industrial, Utility, Transportation, and Communication Uses e. No outdoor storage is permitted on the site of the self-storage facility, except that vehicles (including passenger vehicles, light trucks, boats, and recreational vehicles) may be stored if the vehicle storage area is screened from abutting property and rights-of-way by storage building walls and/or a Type C bufferyard with an eight foot tall wall or fence, as set out in Sec. 4.04.02, Fences and Walls; - *Storage units in the Industrial Park will have to have 8 foot walls? We don't believe that these are needed in the Industrial Park given that the use is industrial and the topography does not allow for everything to be hidden behind these walls.*

Sec. 2.03.06 Industrial, Utility, Transportation, and Communication Uses i.Chain-link fencing, if used, is screened from any property line, private street easement or public street right-of-way with a Type B bufferyard, as set out in Table 7.02.08.01, Bufferyard Classifications; - *Please define what this would mean for our existing storage units as they both have chain link fencing.*

Why do self storage facilities require an 8' wall when all other businesses do not?

Sec. 2.03.06 Industrial, Utility, Transportation, and Communication Uses a. Exterior building materials, as set out in Sec. 3.06.06, Non-Residential and Mixed Use Development, and colors; b. Architectural features and style - *60% of facade in decorative materials for a storage unit is cost prohibitive and not practical in our opinion, also a metal storage unit needs to have architectural features?*

Sec. 4.04.04 Outdoor Storage C. Commercial Highway (C) District. The periphery of any outdoor storage area that faces or adjoins any residential district or use or any public rights-of-way shall be screened as set out in Sec. 9.03.08, Bufferyards; and in addition:1.The outdoor storage area shall be screened by a six foot tall wood fence, masonry wall, earthen berm, landscape hedge, or a combination of these treatments;2.If a landscape hedge is used to provide the required screening, the follow criteria apply: a. Landscaping must be year-round, drought tolerant, and irrigated to ensure screening longevity; b. Landscaping materials shall be selected from the plants listed in Appendix B, Preferred Plant List; and c. Landscaping shall be installed at appropriate intervals, as dictated by the plant species selected, to create a fully screened hedge, for which plants shall have a minimum height of four feet at the time of planting and a minimum mature height of no less than six feet - *Isn't this in conflict with your water conservation plan as year round landscaping requires water, drought tolerant plants and trees do not require irrigation. We have trees and shrubs at both storage facilities and they require no water.*

Sec. 7.01.04 Off-Street Parking and Loading -Self storage facilities that are located in Cortez at this time all have outdoor access to their units...why would you need a parking space for every 25 units? Tenants drive in load/unload their belongings and drive out. No parking is needed. This would make sense if you had a facility that has units that are only accessible from the interior, but this does not specify between the two.

The landscaping & bufferyard section is costly and burdensome, yes we want attractive yards and landscaping but we think this can be achieved at less expense and not every plant needs to have irrigation as previously stated. Once again this seems to be in conflict with the City's water conservation plan to water plants that don't necessarily need it.

Sec. 3.02.03 Established Neighborhood Standards - Lot Consolidation - This seems unfair to us - Example we have multiple lots in San Juan Park Subdivision two lots are together, they both are less than the 7000 sf needed so to comply we would have to consolidate the two lots into one but the lot that we share a property line with is a single lot less than the 7000 sf and the owner would be allowed to build upon this lot. Therefore this would reduce the quantity of lots that we have and the value of our lots by 50%.

In general we believe that the 60% facade with approved materials is too restrictive. The "Jimmer's" building which we feel is an attractive asset to Main Street would not be allowed under this proposed land use code as it does not face Main Street, it does not have a 60% facade nor is it built out of the approved materials. How do the historic buildings fit into this section with at least 60% facade and preferred materials that did not even exist when these buildings were built? Does this apply to existing buildings or just new construction? If this applies to existing buildings we believe this would make it impossible to obtain grants for rehabilitation of the building as a requirement of a historic grant is to use historic materials. It seems to us like you would have to obtain a variance before you apply for a grant or restore your historic building to its original facade.

In the existing code residential areas require 20' setbacks, in the proposed code it is 25' setbacks this doesn't seem like that much but when you do this you could potentially increase all of your appurtenances to your home by 5' - 5' more of gas line, sewer line, electric line, telephone, fiber, concrete driveway, gravel and excavation. This will run your costs up greatly and goes against the City's affordable housing philosophy. A 20' setback as in the existing code provides at least 26' of parking area with no obstruction to a 4' sidewalk and all vehicles with the exceptions of RVs and semi trucks would easily fit in a 20' setback.

When we met with you, you mentioned having a "check the box" format but by using words like may and should this doesn't conform to that. It leaves decisions up to one individual rather than the Planning & Zoning Committee and/or the City Council.

After having to participate in the process of developing and building, coming before and working with P&Z and City Council. We find this LUC to be more restrictive, arduous and onerous than anything we have dealt with in the past. You are constantly being referred to another section which took twice as long to read and comprehend as you were flipping back and forth through the entire code.



Tracie Hughes <thughes@cityofcortez.com>

Land Use Code Thoughts

1 message

Tue, May 28, 2019 at 7:52 PM

[REDACTED]

To: thughes@cityofcortez.com, Neva Connolly <nconnolly@cityofcortez.com>
Cc: John Dougherty <jdougherty@cityofcortez.com>, ksheek@cityofcortez.com, olucero@cityofcortez.com, tkeel@cityofcortez.com, sbetts@cityofcortez.com, gnoyes@cityofcortez.com, mlavey@cityofcortez.com, jcarlson@cityofcortez.com

City Council Members, Tracy and Neva,

We are writing you today in regards to the draft Land Use Code that is being proposed. Being life long locals, business owners and land owners in the city limits of Cortez we have deep interests in the prosperity and growth of the City as a whole. The proposed Land Use Code contains updates that will directly affect the current and future development of commercial, residential and industrial sectors of our city. Because we have shared interests in the City, we do have the same goal of making sure that the City of Cortez continues to provide opportunities for economic development and growth especially in our residential, commercial and industrial development.

Recently we went through the process of building in the industrial park. This entire process of site development and approval took us many months, more than we anticipated. So, we do appreciate the concept of trying to make the process of building and development less lengthy and easier on the developer/business owner.

We have spent some time trying to understand and read the proposed new land use code. Although, we have not made it through the code in it's 400+ page entirety we have found that it takes an extensive knowledge of the code and analysis to understand, as it is complicated and references back to different sections. This seems to go against one of the main reasons for revising the land use code that was stated in the grant application in 2014.

"The proposal for the new land use code involves analyzing and developing a more appropriate framework that doesn't send the planners and/or citizens to multiple sections of the code to find (guess at) the answer to one question."

We also find this code to be incredibly specific in some areas and quite vague in others by using language like "may" and "such as." The specific language in the code could be limiting to potential investment in our area, while the vague language also lends itself to different interpretations depending on the reader or administrator.

We thank you for your willingness to take our concerns in writing and to review them. While we agree that this process should not take longer than necessary, we do realize that it has taken the City five years to get to this point and we see this huge revision of the Land Use Code needing more discussion and community input as this could have many unintended consequences and costs. Thank you for your time.

Sincerely,

Sheldon and Tiffani Randall

Sincerely,

*Tiffani Randall
Love on a Hanger*

[REDACTED]

We currently have not been able to read the proposed Land Use Code in its entirety, but we do have multiple concerns regarding the new code. Below you will find a few items of concern.

- Section 2.04.04 and Section 04.04.01
 - Does this mean that all sidewalk sales have to have a site plan approval? Many businesses, especially in the CBD often have some merchandise on the sidewalk.

- Chapter 3 Development and Design Standards
 - Are there design standards for the industrial zone? Besides table 3.04.03.01 we have not found any design standards specific for the industrial zone. We are of the opinion that the type of design standards that are lined out in this chapter are not necessary for the industrial zone due to the manufacturing and utilitarian uses that this zoning contains.
 - Section 3.06.06 D.1
 - Many of the buildings that are in these areas that are under the 10,000 sqft limit are locally owned small businesses. This section requires these buildings to have 60% decorative façade on the front, side and even the rear of the building if it is visible from direct public view. This section is going to make many, if not most buildings in this classification non-conforming. Requiring this amount of decorative materials is going to increase business development costs and for some businesses such as car washes, tire/mechanic shops, thrift stores, drive in restaurants, storage units, etc. be unfeasible to comply.

- Section 4.04.04 section D
 - Outdoor storage is defined as, "The keeping of business property or inventory outside of a building for an extended period of time. Outdoor storage may include goods that are store, sold, or displayed because of their large size, mass, or volume, and are not easily moved or carried, to indoor locations." This section specifies that any outdoor storage in the industrial zone may be permitted if it is not visible from a public right of way. Most of our property in the industrial park can be seen from the public right of way (street). Does this mean that we will be required to screen our property, as some of our equipment, racks and materials are stored outside?

- Section 7.01.04
 - From table 7.01.04.04 it looks like this would increase the parking space ratio on light industry. Many of these businesses do not require that much parking space as much of their building footage is for specific business attributes intended only for employee use (i.e. manufacturing, mechanic area, etc.).

- Section 7.02.03
 - Landscaping requirements increasing from 10% to 15% across all zoning designations.
 - While we do believe that proper landscaping is essential to improving our town and its appearance, we do not believe that this increase across all zoning is warranted. Increasing landscaping will increase the cost of the development and also take away valuable land that the business may use for other business purposes. The increased requirement for the Industrial and Business Park zoning is very stringent. These are two

zoning districts that are specifically for more industrious and utilitarian uses. To require these zones to have the same landscaping requirements as other developments that are meant to have more of a curb appeal and a lighter use does not align.

- Also, the new landscaping requirements indicate mandatory irrigation and irrigation plans be submitted. Many of the plants that are set out as accepted in the new code are drought tolerant and do not need irrigation systems installed. Requiring irrigation is another added expense to the developer/business owner. As long as the landscaping is well maintained and all dead plants are replaced does it matter if the property has an irrigation system? The code does already require a 2-year warranty of all landscaping. (Section 7.02.03.G.5 and Section 7.02.05.B, 7.02.05.C, 7.02.05.E.3)
- While we do believe that there should be some standards for design and landscaping to improve the appeal of our town, we believe that the proposed revisions of the code are overbearing, burdensome and may limit economic development within the City.
- Section 7.02.04 E- Does this require that all lots in the Industrial Park that border Geer Natural Area have a six foot tall wall or fence?
- Section 7.03.06 C- Does this mean that no banners, even temporary, can be hung from a building's awning? Many businesses use their awning, in the CBD especially, as there is no building walls that are available to attach a sign to.
- Section 7.03.12 C and E Temporary Ground Signs
 - What is the reasoning behind the revocable license agreement with the City for temporary ground signs? This seems inefficient if the sign already meets the code and specified requirements.
 - The limitations that are set out for window signs and paintings seem to be restrictive to businesses. Limiting what type of and how much signage a business can put in their front windows limits a great asset for the business.
 - Section 7.03.13 Master Signs seems subjective on who "may" be required to submit a sign plan.
- Section 10.02.02 B- This section seems to state that no expansion of a non-conforming building should take place. This is going to negatively impact many pieces of commercial real estate and their values and these buildings may be vacated instead of updated. This could make a business expansion in one of these buildings cost prohibitive.

6. FYI

MAY 2019 PERMITS

| Permit# | Permit Type | Sub Type | Work Description | Issue Date | Address |
|--------------|-------------|---------------------------|--|------------|----------------------------------|
| B19-000010 | Building | New Commercial | New Administration Office--No Use Tax | 05/21/2019 | 401 North DOLORES Road |
| B19-000018 | Building | Commercial Remodel | Suite 3 remodel for new Edward Jones branch. | 05/09/2019 | 2423 East MAIN Street Ste. 1,2,3 |
| B19-000034 | Building | Cell Tower Antennae Modif | Adding antennae to existing tower, power source, ground mounted dish. | 04/30/2019 | 21 West 1st Street |
| B19-000043 | Building | Commercial Remodel | Tenant infill / existing shell building / unit 'A' / 2880 sq. ft. Dr. Moss Fenberg, OD | 05/09/2019 | 111 South SLIGO Street Bldg B |
| B19-000049 | Building | Commercial Remodel | TC Electric and Const office and warehouse | 05/07/2019 | 493 A North BROADWAY |
| B19-000055 | Building | Accessory Structure | 12x20 carport & 8x10 shed, moving from current location to new location | 05/03/2019 | 612 Alameda |
| B19-000056 | Building | New Residential | 817 Bluffs Blvd (Lot 91) | 05/01/2019 | 817 Bluffs Boulevard |
| B19-000060 | Building | Other | Jake Huff | 05/06/2019 | 1815 Coronado |
| B19-000061 | Building | New Residential | Cody and Carly Glazner, SFR | 05/28/2019 | 2290 Golf Course Lane |
| B19-000063 | Building | Other | Re-roof | 05/10/2019 | 1304 East EMPIRE Street |
| B19-000065 | Building | Other | Re-roof | 05/14/2019 | 2121 East Main |
| B19-000066 | Building | Other | Re-roof 72,000 sq ft | 05/20/2019 | 508 East MAIN Street |
| B19-000067 | Building | Accessory Structure | 720 SF garage | 05/22/2019 | 1606 East MONTEZUMA Avenue |
| B19-000069 | Building | Accessory Structure | Fence and interior sidewalk | 05/22/2019 | 201 South Park Street |
| B19-000072 | Building | Accessory Structure | | 05/28/2019 | 1612 RIVERA Street |
| B19-000073 | Building | Other | new fence in back | 05/28/2019 | 414 North Sligo Street |
| BRN19-000018 | Burn Permit | Debris | Dried trees, leaves | 05/02/2019 | 802 South BROADWAY Street |
| BRN19-000019 | Burn Permit | Debris | weeds | 05/06/2019 | 820 North DOLORES Road |
| BRN19-000020 | Burn Permit | Debris | M'Leah Woodard | 05/14/2019 | TBD East Montezuma |
| BRN19-000021 | Burn Permit | Disposal | Burn weeds in field | 05/15/2019 | 708 North DOLORES Road |
| BRN19-000022 | Burn Permit | Debris | weeds | 05/17/2019 | 325 South Harrison Street |

| | | | | | |
|--------------|--------------|---------------------|---|------------|----------------------------------|
| BRN19-000023 | Burn Permit | Debris | Sitton, 9705606091 | 05/17/2019 | 1421 South Chestnut Street |
| BRN19-000024 | Burn Permit | Debris | Tree limbs, weeds | 05/28/2019 | 1921 North Dolores Road |
| BRN19-000025 | Burn Permit | Debris | Tree stumps and yard debris | 05/28/2019 | 804 South BROADWAY |
| P19-000025 | Plumbing | Commercial | Mesa Verde Motor Sports, RPZ | 05/01/2019 | 2120 South BROADWAY |
| P19-000053 | Plumbing | Commercial | Cedar Terrace Apts 1 - 16 RPZ x 2 | 05/03/2019 | 416 South Cedar Street |
| P19-000054 | Plumbing | Commercial | RPZ for 410,510,520 W 6th | 05/14/2019 | 510 West 6TH |
| P19-000055 | Plumbing | Residential | Sewer and water lines to house | 05/14/2019 | 2 East 13th Street |
| P19-000056 | Plumbing | Commercial | Backflow for VIVA! | 05/15/2019 | 45 East MONTEZUMA Avenue |
| P19-000057 | Plumbing | Commercial | 2 RPZ for Housing Authority | 05/15/2019 | 311 West 5TH Street |
| P19-000058 | Plumbing | Commercial | Backflow for Southwest Medical Services | 05/21/2019 | 20 South MARKET Street |
| P19-000059 | Plumbing | Residential | sewer line repair | 05/22/2019 | 245 North ASH Street |
| P19-000060 | Plumbing | Residential | Allison Dion | 05/23/2019 | 706 East 3rd Street |
| P19-000061 | Plumbing | Residential | Joshua Standard | 05/23/2019 | 1502 Navajo Street |
| P19-000062 | Plumbing | Commercial | Robert Ptolemy | 05/23/2019 | 631-641 East MAIN Street |
| P19-000063 | Plumbing | Commercial | Backflow | 05/23/2019 | 309 North Market |
| P19-000064 | Plumbing | Commercial | Backflow | 05/28/2019 | 417 South ASH Street |
| P19-000065 | Plumbing | Residential | James and Nancy Sparks | 05/29/2019 | 204 West Downey Street |
| P19-000066 | Plumbing | Commercial | Lucas Pickens | 05/29/2019 | 219 South Madison Street |
| P19-000067 | Plumbing | Commercial | Gas leak on roof | 05/31/2019 | 508 East MAIN Street |
| ROW19-000019 | Right of Way | Public Right-of-Way | "New builds are required to have a sidewalk along front property boundary that must be completed and comparable with area sidewalks at owner/builder expense per city ordinance." | 05/01/2019 | 817 Bluffs Boulevard |
| ROW19-000020 | Right of Way | Public Right-of-Way | PW-19-02-SW - 2019 Street & Waterline Improvements Project Roadway & waterline reconstruction on West 4th St., Edith St., North St., and Aspen Loop. | 05/07/2019 | Aspen, Edith, North, West 4th St |
| ROW19-000022 | Right of Way | Public Right-of-Way | Sanitation District Hydrovac Excavation | 05/07/2019 | 1817 Hermosa |

| | | | | | |
|--------------|--------------|---------------------|---|------------|------------------------------|
| ROW19-000023 | Right of Way | Public Right-of-Way | Sanitation District Manhole Ring Replacement | 05/07/2019 | 205 West CORONADO Avenue |
| ROW19-000024 | Right of Way | Public Right-of-Way | "New builds are required to have a sidewalk along front property boundary that must be completed and comparable with area sidewalks at owner/builder expense per city ordinance." | 05/28/2019 | 2290 Golf Course Lane |
| ROW19-000025 | Right of Way | Public Right-of-Way | Driveway Access | 05/10/2019 | 1311 North DOLORES Road |
| ROW19-000027 | Right of Way | Public Right-of-Way | Sewer line point repair | 05/17/2019 | 769 aspen Drive |
| ROW19-000028 | Right of Way | Public Right-of-Way | Sewer Service Line Repair | 05/23/2019 | 245 North ASH Street |
| S19-000013 | Sign | Other | Temporary sign for Farmer's Market 65x26 (12 sq ft) | 04/30/2019 | 109 West MAIN Street |
| S19-000014 | Sign | Wall-mounted | New sign for new owners. Frederick's Craft Meat | 05/03/2019 | 119 East Main Street |
| S19-000015 | Sign | Freestanding | Direction sign for Hospital at corner of Emergency Drive and Mildred. For visibility reasons, the sign must be set back 13-feet from the back of the Mildred sidewalk. | 05/31/2019 | 1311 North MILDRED Road Unit |
| WT19-000007 | Water Tap | 3/4 inch | "A frost-free hydrant is not allowed unless protected by a backflow assembly device." | 05/01/2019 | 817 Bluffs Boulevard |
| WT19-000008 | Water Tap | 3/4 inch | "A frost-free hydrant is not allowed unless protected by a backflow assembly device." | 05/28/2019 | 2290 Golf Course Lane |