



REGULAR PLANNING COMMISSION MEETING AGENDA
Wednesday, October 12, 2022 5:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose Planning Commission is pleased to have residents of the community take time to attend Planning Commission Meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).

Additional written comments are welcome. If you would like to comment on an agenda item, please email planningmail@cityofmontrose.org. Written comments must be received by noon one week prior to the meeting in order to be included in the Planning Commission packet. After that deadline, comments received by noon the day prior to the meeting will be distributed to the Planning Commission on the meeting day.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please email planningmail@ci.montrose.co.us at least three days before the meeting.

- 1) Planning Commission meeting called to order
- 2) Roll call by the Planning Commission Chair
- 3) Approval of Minutes of the September 14, 2022 Planning Commission meeting
- 4) Additions or Deletions
- 5) **VAMOOSE GEAR CONDITIONAL USE PERMIT** Vamoose Gear is seeking a Conditional Use Permit to allow the sale of motorcycles and other power sports vehicles at 1912 S Townsend Ave, in the "B-2" Highway Commercial District. Automobile and other vehicle sales or service establishments are considered a conditional use in the "B-2" zoning district. The applicants are Jeff and Linda Kleist with Vamoose Gear.
- 6) **THE FALLS AT VALLEY RANCH SUBDIVISION AMENDED PRELIMINARY PLAT AND PLANNED DEVELOPMENT** This application amends The Falls at Valley Ranch South Subdivision Preliminary Plat. This proposal will subdivide the property into 7 residential lots (as had been approved with the previous preliminary plat) with an alternate design for right-of-way, utility, and irrigation easements. This project is located north of Otter Rd and south of Ogden Rd. The applicant is David Coker with Valley Ranch Montrose, LLC



- 7) **EAGLE RANCH SOUTH REZONE** This is a request to rezone a portion of Outlot 1 of the Cook-Hrubes Exemption for Boundary Line Adjustment, located at 67021 Oak Grove Rd, from "R-2" Low Density District to "R-3A" Medium Density District. The property to be rezoned is approximately 8.42 acres. The applicant is Rick Brown.
- 8) **HILLTOP NORTH ADDITION** This is a proposal for initial zoning of "R-4" High Density District for the proposed Hilltop North Addition, approximately 10.01 acres. The parcel is located east of 6600 Road, and north of the intersection with Locust Road. The applicant is Hilltop Health Services Corporation.
- 9) Next Meeting will be October 26, 2022.
- 10) Motion to Adjourn

**AGENDA JUNTA REGULAR DE LA COMISIÓN DE PLANIFICACIÓN**

Miércoles, octubre 12 de 2022 5:00 PM

Cámaras del Consejo de la Ciudad, Elks Civic Building - 107 S. Cascade Ave.

El Comité de Planificación de Montrose se complace en tener a residentes de la comunidad que se toman el tiempo para asistir a las juntas del Comité de Planificación. Les animamos a asistir y a participar. A los individuos que deseen ser escuchados durante los procedimientos de la audiencia pública se les anima a que estén preparados y por lo general se les limitará a tres minutos para permitir que todos tengan la oportunidad de ser escuchados. La regla de las 11:00 p.m. será implementada de acuerdo con las Regulaciones de la Ciudad de Montrose (Sec.7-15-2).

Comentarios adicionales por escrito son bienvenidos. Si le gustaría comentar en algún punto de la agenda envíe un correo electrónico a planningmail@cityofmontrose.org. Los comentarios por escrito deben ser recibidos para el mediodía una semana antes de la junta para ser incluidos en el paquete de la Comisión de Planificación. Después de este plazo, los comentarios recibidos al mediodía el día antes de la junta serán distribuidos a la Comisión de Planificación el día de la junta.

Hay asistencia de aparatos auditivos disponibles para el uso público. Por favor déjenos saber si usted necesita esta adaptación. La ciudad también ofrece interpretación para hispanohablantes. Para poder reservar esta asistencia, por favor envíe un email a planningmail@ci.montrose.co.us por lo menos tres días antes de la junta.

- 1) Comisión de Planificación llamado a orden de la junta
- 2) Toma de asistencia por el Presidente de la Comisión de Planificación
- 3) Aprobación de la minuta de la junta de la Comisión de Planificación de septiembre 14 de 2022
- 4) Adiciones o eliminaciones



- 5) USO DE PERMISO CONDICIONAL EQUIPO VAMOOSE Equipo Vamoose está buscando el Uso de Permiso Condicional para que le permita vender motocicletas y otros vehículos de deportes de potencia en 1912 S Townsend Ave, en el “B-2” Carretera de Distrito Comercial. Las ventas de automóviles y otros vehículos o establecimientos de servicio están considerados de uso condicional en la zonificación del distrito “B-2”. Los solicitantes son Jeff y Linda Leist con el Equipo Vamoose.
- 6) LAS CASCADAS EN EL FRACCIONAMIENTO (RANCHO DEL VALLE) VALLEY RANCH DISEÑO PRELIMINAR MODIFICADO Y DESARROLLO PLANIFICADO Esta solicitud modifica el diseño preliminar de Las Cascadas en el Fraccionamiento Valley South Ranch (Rancho del Valle Sur). Esta propuesta fraccionará la propiedad en 7 lotes residenciales (como se había aprobado con el diseño preliminar previo) con un diseño alternativo para el derecho de paso, servicios públicos, y derechos de irrigación. Este proyecto está localizado al norte de Otter Rd y sur de Ogden Rd. El solicitante es David Coker con Valley Ranch Montrose, LLC.
- 7) REZONIFICACIÓN EAGLE RANCH SOUTH (RANCHO ÁGUILA SUR) Esta es una petición para rezonificar una porción del Terreno 1 de Cook-Hrubes Exención de Ajuste para la Línea de Límite, localizada en 67021 Oak Grove Rd, de Distrito de Baja Densidad “R-2” a Distrito de Densidad Media “R-3A”. La propiedad para ser rezonificada es de aproximadamente 8.42 acres. El solicitante es Rick Brown.
- 8) ADICIÓN HILLTOP NORTH (NORTE) Esta es una propuesta para la zonificación inicial de Distrito de Alta Densidad “R-4” para la propuesta de la Adición de Hilltop North, aproximadamente 10.01 acres. La parcela está localizada al este de 6600 Road, y al norte de la intersección con Locust Road. El solicitante es Hilltop Health Services Corporation.
- 9) La próxima junta será el 26 de octubre de 2022
- 10) Moción para levantar la sesión



The Montrose City Planning Commission held a meeting on September 14, 2022 at 5:00 p.m. in City Hall Council Chambers. The meeting agenda was posted in accordance with the Colorado Open Meetings Act (C.R.S. §24-6-401, et.seq.).

Planning Commissioners Present: David Fishing (Chair), Chad Huffman (Vice-Chair), Jan Chastain, Delphine Jadot, Richard Rogers, Steve Ball, and Ronald L. Cairns (alternate). Absent: Phoebe Benziger.

Staff Members Present: William Reis (Planner I), Ann Morgenthaler (Deputy City Manager), Ben Morris (City Attorney), Chris Dowsey (Assistant City Attorney), Scott Murphy (City Engineer), Sharon Dunning (Building Services Technician), Greg Story (Information Systems Director).

There were 18 members of the public in attendance.

CALL TO ORDER

Chairperson David Fishing called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES

Jan Chastain moved to approve the minutes of the August 24, 2022 meeting as presented. Chad Huffman seconded, and the motion carried.

ADDITIONS OR DELETIONS

None.

PERFORMANCE AUTO BODY PAVING VARIANCE.

This is a request for a variance to City Site Development requirements for paving. This project is located on Lot 10 of the Montrose Aerotech Business Park Subdivision. The applicant is Performance Auto Body.

Staff Presentation

William Reis introduced this item. All public requirements have been fulfilled and the official files and exhibits have been entered into the record.

Questions for Staff

None.

Applicant Presentation

Travis Sorden, applicant, came forward to speak in support of the proposed variance. Mr. Sorden discussed an increased workload and need for more space.

Questions for Applicant

Planning Commissioners and applicant discussed customer parking, access, building layout, landscaping, street facing windows and the current business. Staff commented the variance is only for paving and the project must meet all other site development requirements.

Public Comment

None.

Discussion

Staff and Planning Commissioners discussed the reasons for the variance request. Also discussed were legal details and the declaration of covenants.

Motion and Vote

Chad Huffman moved to approve the request to allow a variance to site development requirements for Lot 10 of the Montrose Aerotech Business Park Subdivision, or Parcel #376717303010. The request meets the Code criteria and standards based on the evidence and testimony presented at this hearing and in the staff report. Ronald Cairns seconded, and the motion passed unanimously.

WOODS CROSSING NORTH SUBDIVISION PRELIMINARY PLAT.

This proposed preliminary plat will subdivide Parcels 376725300042 and 376725300043 into 287 residential lots, a dedicated public park, open space tracts, and an outlot for future development. The property is located northeast of the intersection of 6720 Road and Sunnyside Road, and south of Miami Road. The property is zoned "R-3" Medium Density District and "B-4" Neighborhood Shopping District. The applicant is Matt Miles with Leadership Circle, LLC.

Staff Presentation

William Reis introduced this item. All public requirements have been fulfilled and the official files and exhibits have been entered into the record.

Applicant Presentation

Matt Miles, applicant, came forward to answer questions.

Questions for Applicant and Staff

Planning Commissioners and staff discussed the R-3 and B-4 zoning, density and the comprehensive plan, sidewalks, trails and open space, connections to other neighborhoods, utilities, an irrigation easement and drainage and future availability of water.

Public Comment

Six members of the public came forward and discussed concerns with density and traffic, an ordinance allowing no multifamily buildings, electricity and limits on natural gas, access to the subdivision, public safety, streets in Columbine Point being used as a side route, and wildlife concerns.

Discussion

Planning Commissioners and Staff discussed the traffic study; the role of the Planning Commission; construction damage to roads, construction workers, dark sky policy, and the nearby school. They also discussed the public comments relating to conservation and power, wildlife easements and regulations on urban deer herds, the energy code, and what will trigger the park to be built.

Motion and Vote

Chad Huffman moved to recommend to City Council approval of the Woods Crossing North Preliminary Plat application with the following condition(s). The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met, and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Richard Rogers seconded, and the motion carried unanimously.

OTHER BUSINESS

None.

NEXT MEETING

The next Planning Commission meeting is scheduled for October 12, 2022.

ADJOURNMENT

Richard Rogers moved to adjourn the meeting. Delphine Jadot seconded, and the meeting ended at 6:38 p.m.

CHAIRPERSON

ATTEST



CITY OF MONTROSE
Planning Services

MEMO

TO: Planning Commission
FROM: Jace Hochwalt, Planning Manager
DATE: October 12, 2022
RE: 22-0088 – Vamoose Gear CUP
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Photos

Public notice requirements have been fulfilled in accordance with Section 4-4-31(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 100 feet, and an ad appeared in the Montrose Daily Press.

Planning Commission Consideration:

The Planning Commission is approving or denying a Conditional Use Permit for Vamoose Gear Incorporated. The Planning Commission will consider all of the information in this memo in making a decision.

Application Background:

Vamoose Gear Incorporated is requesting a conditional use permit to allow for automotive and other vehicle sales on the site. This type of use requires a conditional use permit and must be approved by the Planning Commission. This project is located at 1912 S. Townsend Avenue in Montrose.

Vamoose Gear Incorporated is a currently operational business that sells motorcycle and Utility Task Vehicle (UTV) accessories including clothing, protective gear, vehicle accessories, and tires. They are seeking to expand on their business model by offering the sale of motorcycles and UTV'S at their current location. The sale of these vehicles would be conducted during regular business hours of Tuesday through Friday from 9:00am to 6:00pm and Saturdays from 9:00am to 4:00pm. All vehicles offered for sale will be stored indoors during non-business hours and wheeled out from an indoor garage located on site.

The Applicant is not proposing any changes to the existing building on site. The primary change made to the site is the accommodation of two display areas. One display is located adjacent to the east of the building, and another display area adjacent to Townsend Avenue. These display areas are better depicted in Exhibit A – Site Plan. The size of the display areas are shallower than a standard vehicle parking space, being only 8' 6" in depth. Given their shallow nature, the

display areas would not hinder any access to and from the site. In addition, neither of the proposed display areas can be utilized as customer parking for full size vehicles, as they would limit access lane widths on the site. As such, no functional customer parking is being eliminated by the proposal.

Applicant:

Property Owner: Lincoln Davis (Davis Property Management)

Applicant: Jeff & Linda Kleist (Vamoose Gear Inc.)

Staff Analysis:

1. City of Montrose Municipal Code Section 4-4-13: "B-2" Highway Commercial District.
 - (A) *Intent*. The "B-2" Highway Commercial District is intended to provide for business oriented toward serving the motoring public. This district provides for the convenient exchange of goods and services along the major thoroughfares of the City.
 - (B) *Uses by Right*:
 1. Those listed in the "B-1" district as uses by right.
 2. Self-service laundry facilities.
 3. Drive-in or drive-through restaurants.
 4. Car washes.
 5. Childcare facilities.
 6. Rental storage units inside a building.
 7. Veterinary clinics or hospitals for small animals.
 8. Skilled nursing and assisted living facilities and hospitals
 9. Retail building material supply businesses.
 10. Parking facilities.
 11. Renewable energy facilities.
 12. Short-term rentals
 - (C)(1) *Conditional Uses*: Those conditional uses listed for the "B-1" district. This includes Automobile and other vehicle sales or service establishments as outlined in Section 4-4-12 (C) (4).
 - (E)(1) *Performance Standards*: No use shall be established, maintained or conducted in any "B-2" Highway Commercial District that will result in any public or private nuisance.
2. The conditional use criteria, outlined in Section 4-4-26 of the Municipal Code, are as follows:
 - (A) Uses listed as conditional uses for the various zoning districts provided in this Chapter shall be allowed only if the Review Board determines, following review pursuant to Section 4-4-31, that the following criteria are substantially met with respect to the type of use and its dimensions:
 - i. The use will not be contrary to the public health, safety, or welfare.
 - ii. The use is not materially adverse to the City's Master Plan.
 - iii. Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - iv. The use is compatible with existing uses in the area and other allowed uses in the district.

- v. The use will not have an adverse effect upon other property values.
- vi. Adequate off-street parking will be provided for the use.
- vii. The location of curb cuts and access to the premises will not create traffic hazards.
- viii. The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
- ix. Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.

- (B) The Burden shall be upon the applicant to prove that these requirements are met. ([Ord. No. 2472](#) , § 4-4-26, 5-7-2019)

3. Staff finds that the proposed use to allow for automotive and other vehicle sales is considered a conditional use, not a use by right in this zoning district. It meets the intent and performance standards of the “B-2” Highway Commercial District. This proposal also meets the conditional use criteria as stated in Section 4-4-26. It is in compliance with the Comprehensive Plan and compatible with existing uses in the surrounding area.

Staff Recommendation:

The staff finds that the criteria have been met and recommend approval of the request.

Planning Commission Motion Alternatives:

Approval Motion Recommendation:

“I hereby make a motion to approve the request to allow the conditional use for Vamoose Gear Incorporated to utilize the subject property for automotive and other vehicle sales within the “B-2” Highway Commercial zone district. The request meets the Code criteria based on the evidence and testimony presented at this hearing and as outlined in the staff report.”

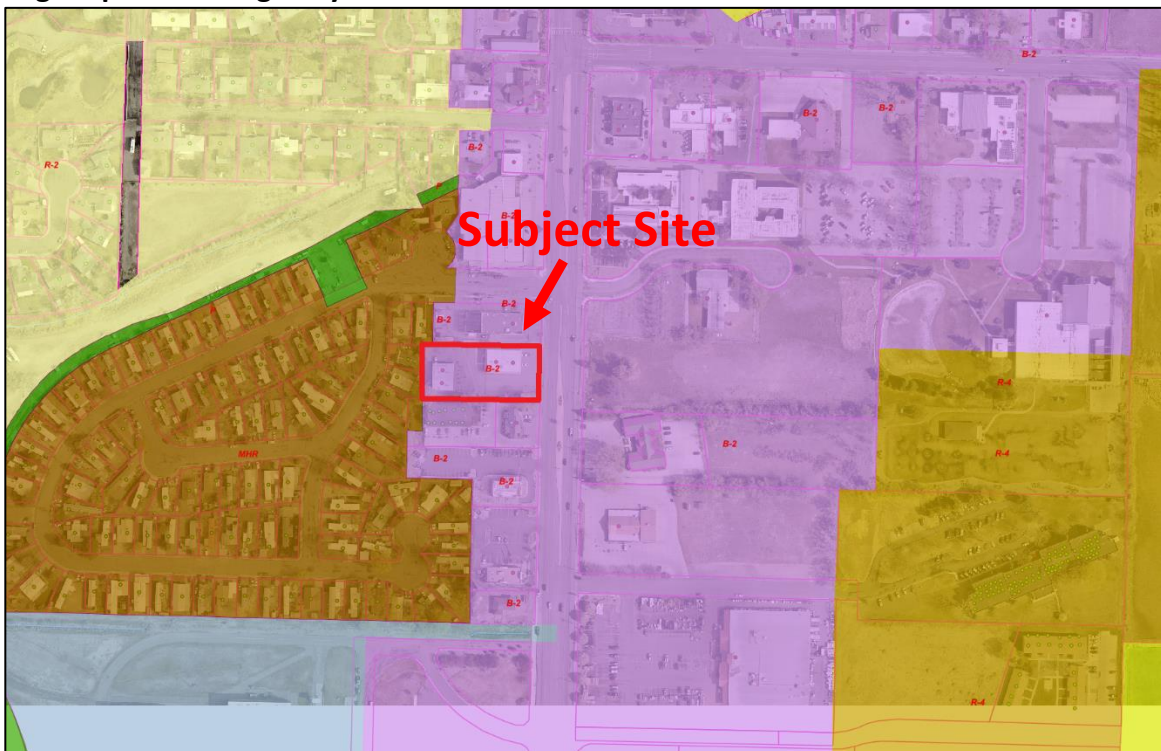
Denial Motion Recommendation:

“I hereby make a motion to deny the request. The request does not meet the Code criteria based on the evidence and testimony presented at this hearing and outlined in the staff report.”

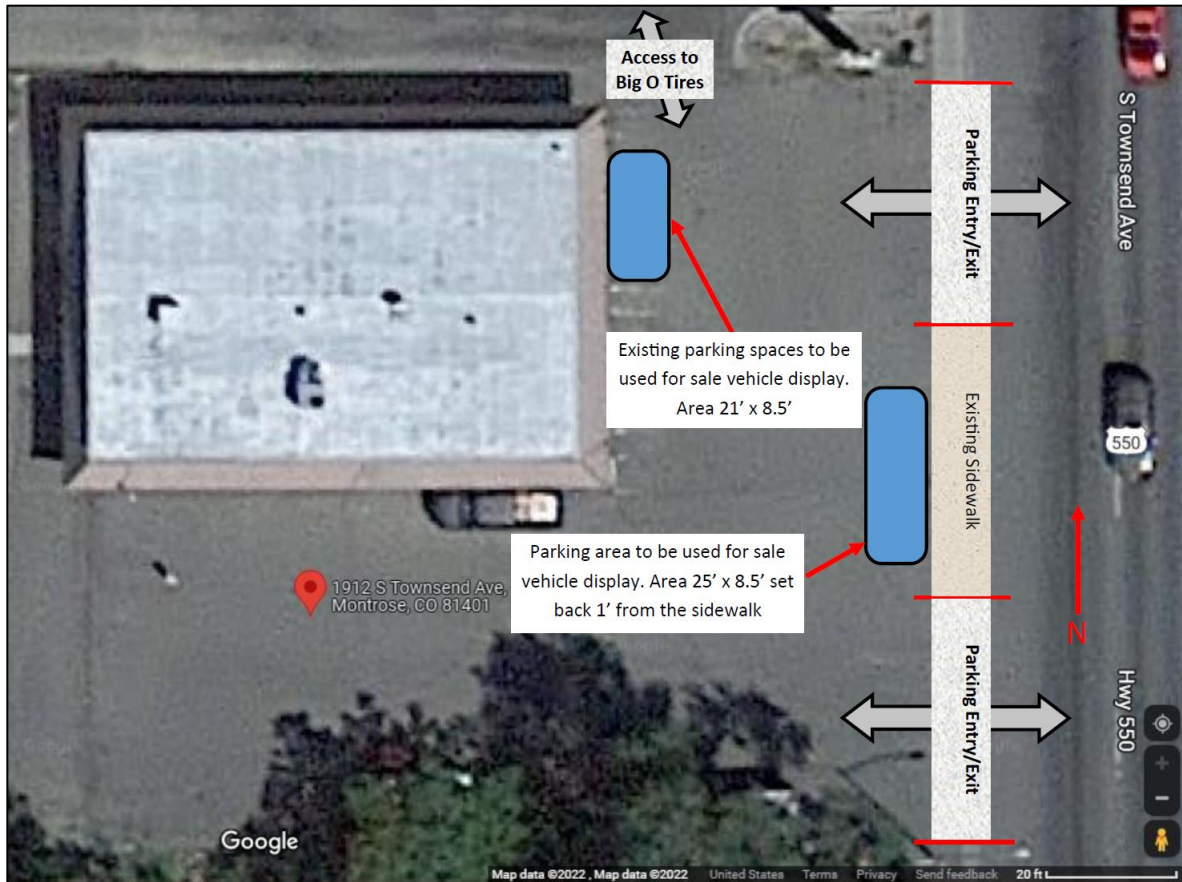
EXHIBIT A: Maps
Vicinity Map



Zoning Map – “B-2” Highway Commercial District



Site Plan



*Note: Existing building. No improvements proposed to the current site.

EXHIBIT B: Photos







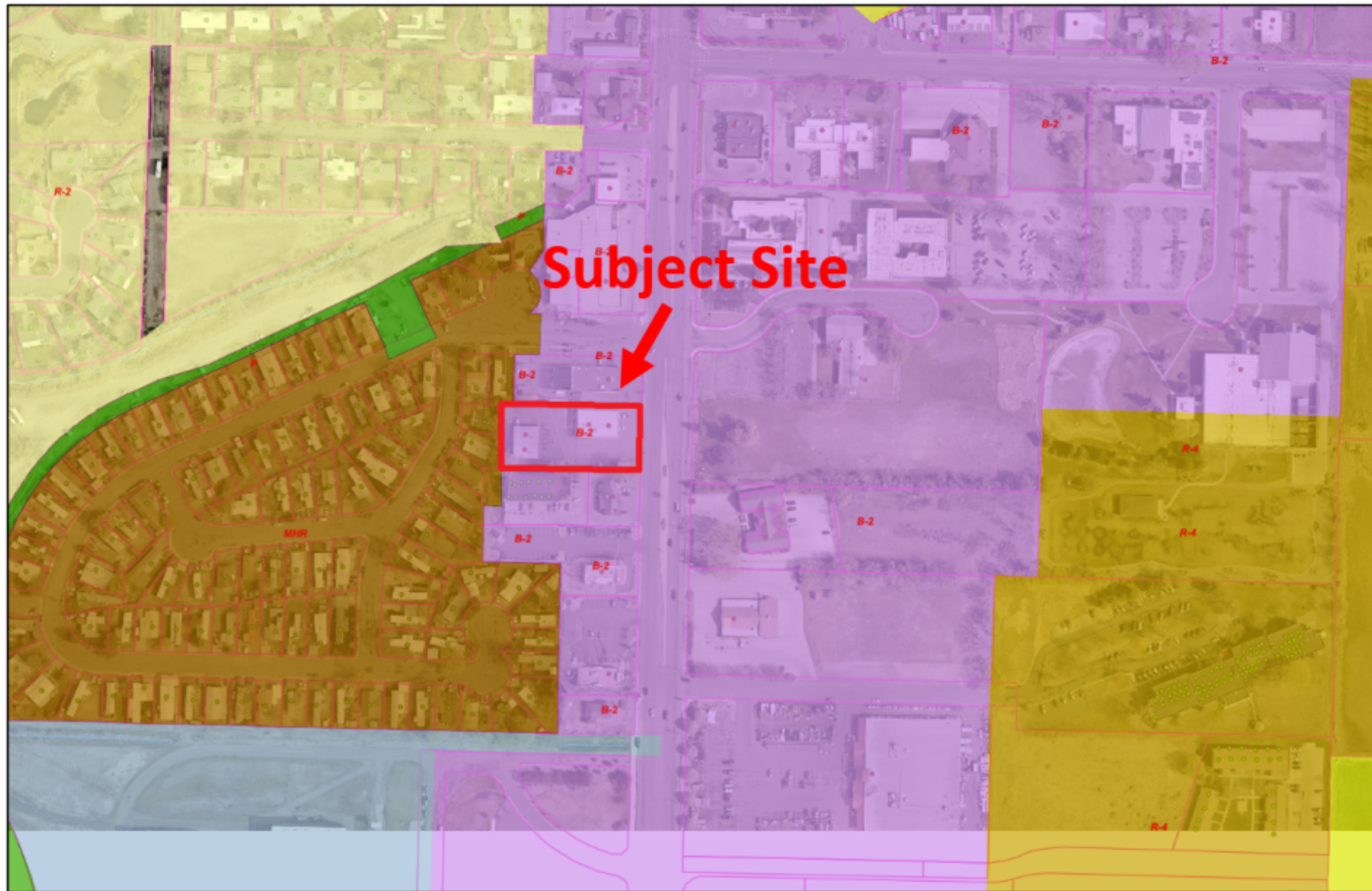
Proposal & Vicinity Map



Background

- Vamoose Gear Incorporated sells motorcycle and Utility Task Vehicle (UTV) accessories including clothing, protective gear, vehicle accessories, and tires.
- The Applicant is seeking to expand on their business model by offering the sale of motorcycles and UTV'S at their current location.
- Vehicle sales would be conducted during regular business hours of Tuesday through Friday from 9:00am to 6:00pm and Saturdays from 9:00am to 4:00pm.
- All vehicles offered for sale will be stored indoors during non-business hours and wheeled out from an indoor garage located on site.

Zoning

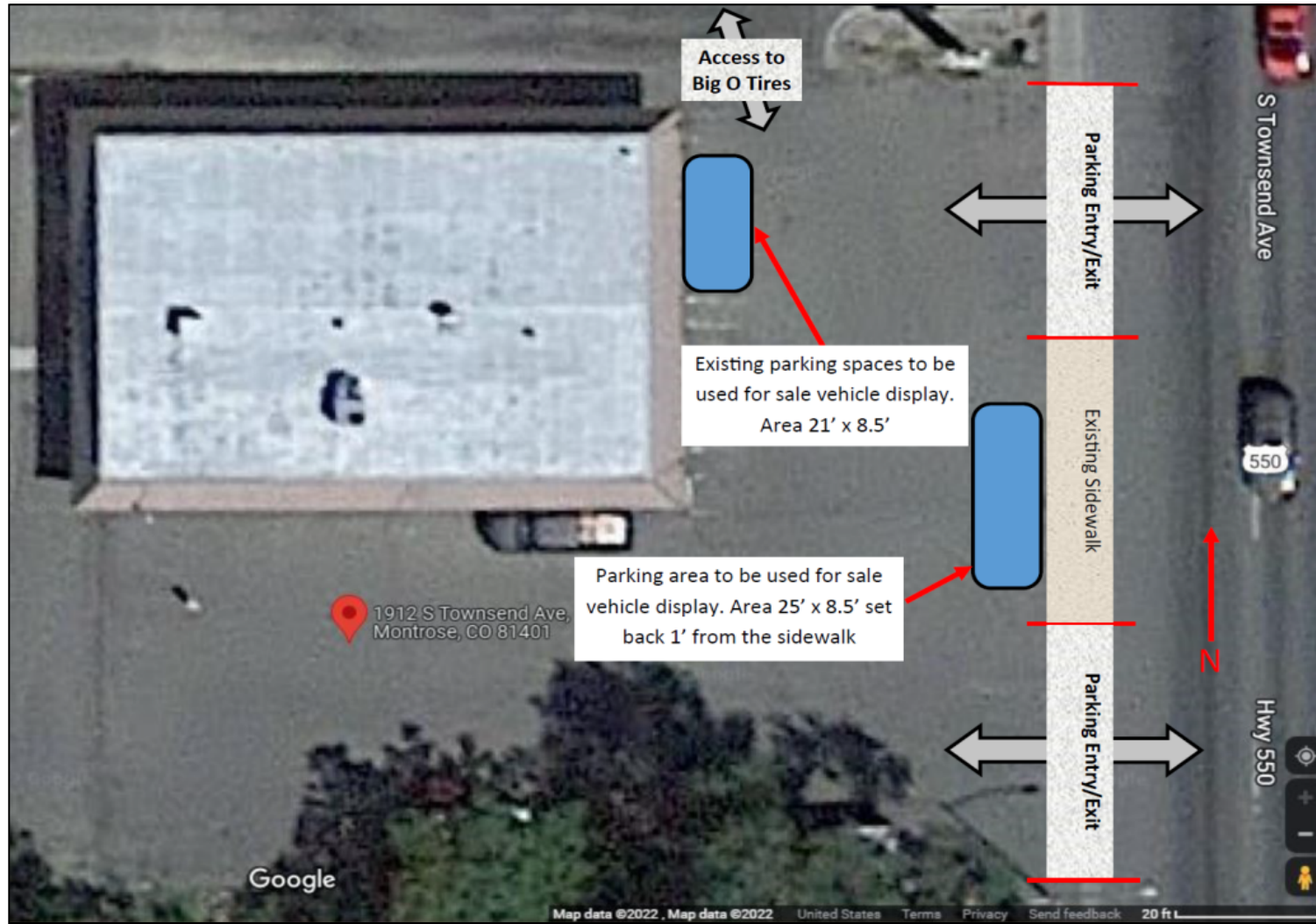


Zoned "B-2" Highway Commercial District

Zoning Regulations

- Municipal Code, Section 4-4-13(A) Intent: The "B-2" Highway Commercial District is intended to provide for business oriented toward serving the motoring public. This district provides for the convenient exchange of goods and services along the major thoroughfares of the City.
- Municipal Code, Section 4-4-13(C)(1) Conditional Uses: Those conditional uses listed for the "B-1" district. This includes Automobile and other vehicle sales or service establishments as outlined in Section 4-4-12 (C) (4).
- Municipal Code, Section 4-4-13(E)(1) Performance Standards: No use shall be established, maintained or conducted in any "B-2" Highway Commercial District that will result in any public or private nuisance.

Site Plan



*No improvements proposed to existing building

Pictures



Conditional Use Criteria – Section 4-4-26

- The use will not be contrary to the public health, safety, or welfare.
- The use is not materially adverse to the City's Master Plan.
- Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
- The use is compatible with existing uses in the area and other allowed uses in the district.
- The use will not have an adverse effect upon other property values.
- Adequate off-street parking will be provided for the use.
- The location of curb cuts and access to the premises will not create traffic hazards.
- The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
- Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.

Staff Analysis - Recommendation

- The vehicle sales use is considered a conditional use, not a use by right in this zoning district.
- Meets the intent and performance standards of the “B-2” Highway Commercial District.
- Meets the conditional use criteria in Section 4-4-26.
- Is in compliance with the Comprehensive Plan and compatible with existing uses in the surrounding area.
- Staff recommends approval of the conditional use permit for Vamoose Gear Inc. at 1912 S. Townsend Avenue.





CITY OF MONTROSE
Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner II
DATE: October 12, 2022
RE: SUB22-0056 The Falls at Valley Ranch Subdivision Amended Preliminary Plat and PD
ATTACHMENTS

- Exhibit A: Maps
- Exhibit B: Excerpt from City of Montrose Municipal Code

Public notice requirements have been fulfilled in accordance with Section 4-4-31(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 100 feet, and an ad appeared in the Montrose Daily Press.

Planning Commission Consideration:

The Planning Commission shall make a recommendation to City Council to approve, deny, or approve with conditions The Falls at Valley Ranch Subdivision Amended Preliminary Plat and Planned Development. The Planning Commission will consider all of the information in this memo in making a decision.

Applicant: David Coker & Montrose Development Company, LLC

Application Background:

The Falls at Valley Ranch Amended Subdivision is a proposed single-family residential development on the south end of Montrose. The property is approximately 130 acres in size and is located south of Ogden Road, north of Otter Road, east of Otter Pond Circle, and west of 6725 Road. The property is zoned “R-1” Very Low Density District, “R-2” Low Density District and “R-3A” Medium High Density District. The proposed subdivision will include 7 single-family residential lots in the “R-1” Very Low Density District, open space tracts, and Outlot A to be developed and subdivided in the future. This application amends the previously approved The Falls at Valley Ranch South Preliminary Plat, and creates a 34.0 acre Planned Development, which will allow for deviations from City standards for road section designs, including drainage,



utility, and irrigation easements. Approval of a planned development by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the developer does not accept all conditions, that development must adhere to standard subdivision and zoning requirements.

The hearing before City Council to approve or deny the Preliminary Plat and Planned Development is scheduled for November 1, 2022. A Final Plat will also be required within five (5) years of approval of this Preliminary Plat (City of Montrose Municipal Code, Section 4-7-5(C) (1) (a)).

Staff Analysis:

1. Subdivision Application Details & Review Standards:

The City of Montrose Municipal Code outlines the process and standards for Subdivision applications. The preliminary plat and proposed improvements shall comply with all requirements of the subdivision regulations and other applicable City design and construction specifications and standards. The Planning Commission should consider whether the project meets the standards outlined within Section 4-7-5 (A)(2) and summarized below: (See Exhibit B)

- The proposal shall be consistent with the Master Plan, City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed considering the following at a minimum:
 - a. Conformance with the master plan and zoning regulations;
 - b. Relationship of development to topography, soils, drainage, flooding, potential hazard areas and other physical characteristics;
 - c. Availability of water, means of sewage collection and treatment, storm water drainage, access and other utilities and services;
 - d. Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - e. Adjacent streets and traffic flow, including pedestrian access;
 - f. Availability of fire, police and other emergency services protection;
 - g. Impacts on area schools.

2. The Comprehensive Plan Future Land Use Map designates the area as Residential Mixed Density Medium and as a Secondary Center.

- *Residential Mixed Density Medium. This district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes, triplexes, and multi-family housing. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed.*



- *Secondary Center. This designation is intended to provide a mix of retail and service uses that are convenient to surrounding neighborhoods, while reducing the need for cross-city traffic. The Secondary Center District is intended to include locations for community facilities. These areas serve as focal points for pedestrian activities. Typical size for a Secondary Center is 5 to 15 acres and is to be located near intersections of two major roadways.*

3. Zoning Regulations:

- Municipal Code, Section 4-4-4.2(A) Intent: The “R-1” Very Low Density District provides for overall low density residential development.
- Municipal Code, Section 4-4-6 (A) Intent: The “R-2” Low Density District is intended to provide a quiet, low density development for single-family residences. Environmental protection is provided by allowing only single-family residences along with certain other compatible land uses.
- Municipal Code, Section 4-4-7.1 (A) Intent: The “R-3A” Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses.
- The proposed use is a use-by-right in this zoning district. The current zoning is compatible with general conditions in the area. The property is adjacent to properties that are zoned “R-1A” Large Estate District, “R-3” Medium Density District, “R-3A” Medium High Density District, and agricultural (outside City limits).

4. Planned Development Review Standards:

The City of Montrose Municipal Code outlines the process and standards for Planned Development applications. The Planning Commission should consider whether the project meets the standards outlined within Section 4-4-24 and summarized below: (See Exhibit C)

- A planned development must be in substantial conformity with the City's Master Plans.
- The PD Plan must reasonably preserve and protect rural character, open space, scenic views, drainage areas and other valued resources.
- Residences may be clustered, including the use of duplexes and multifamily residences.
- Must adhere to standard subdivision and zoning requirement.
- Conditions may be imposed as appropriate to assure that the PD plan is consistent with the City's Master Plans and promotes the public health, safety and welfare.



- Flexibility in the scope and design of required improvements and design standards may be allowed to provide for innovative urban design which promotes the public health, safety and welfare.
5. The Falls at Valley Ranch Subdivision Amended Preliminary Plat and Planned Development does not appear to be adverse to the public health, safety and welfare and is in compliance with the City's Subdivision Regulations.

Planning Commission Action:

The Planning Commission shall make a recommendation to City Council to approve, deny, or approve with conditions The Falls at Valley Ranch Amended Preliminary Plat and Planned Development. The Planning Commission may also continue the item. Proposed motions for Planning Commission consideration are included below for the Planned Development application and the Preliminary Plat application.

Planning Commission Motion Alternatives for Planned Development:

Approval Motion: "I hereby make a motion to recommend to City Council approval of the Preliminary Planned Development application. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report."

Denial Motion: "I hereby make a motion to recommend to City Council denial of the Preliminary Planned Development application. The application does not meet the Code criteria based on evidence and testimony presented at this hearing and in the staff report."

Planning Commission Recommendation Alternatives for Amended Preliminary Plat:

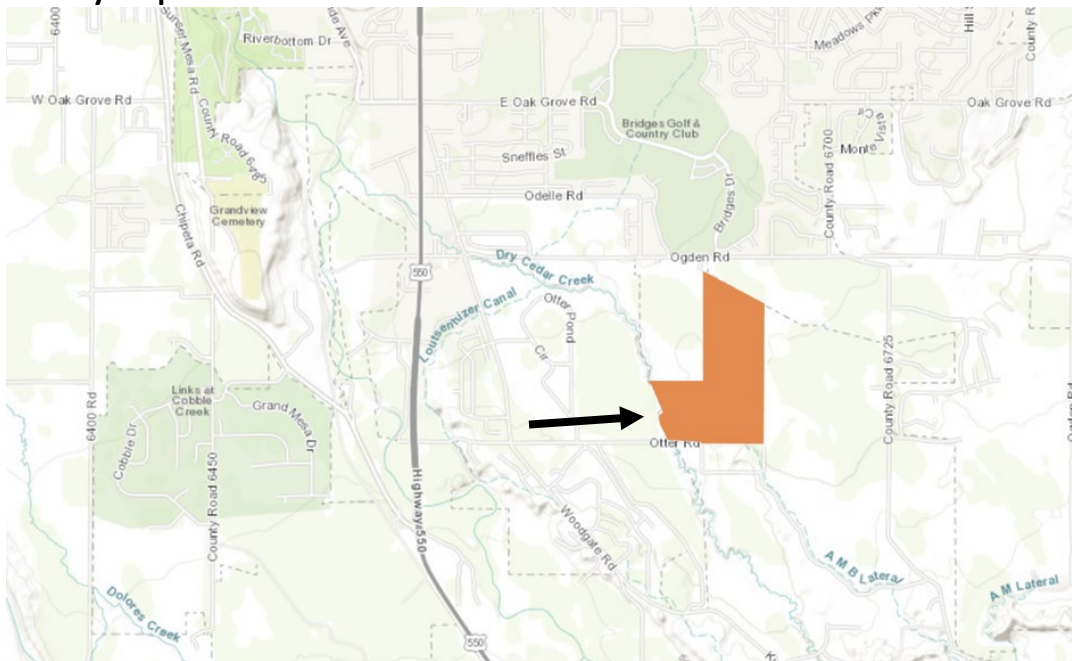
Conditional Approval Motion: "I hereby make a motion to recommend to City Council approval of the Preliminary Plat application with the following condition(s). The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report."

Denial Motion: "I hereby make a motion to recommend to City Council denial of the Preliminary Plat application. The application does not meet the Code criteria based on evidence and testimony presented at this hearing and in the staff report."

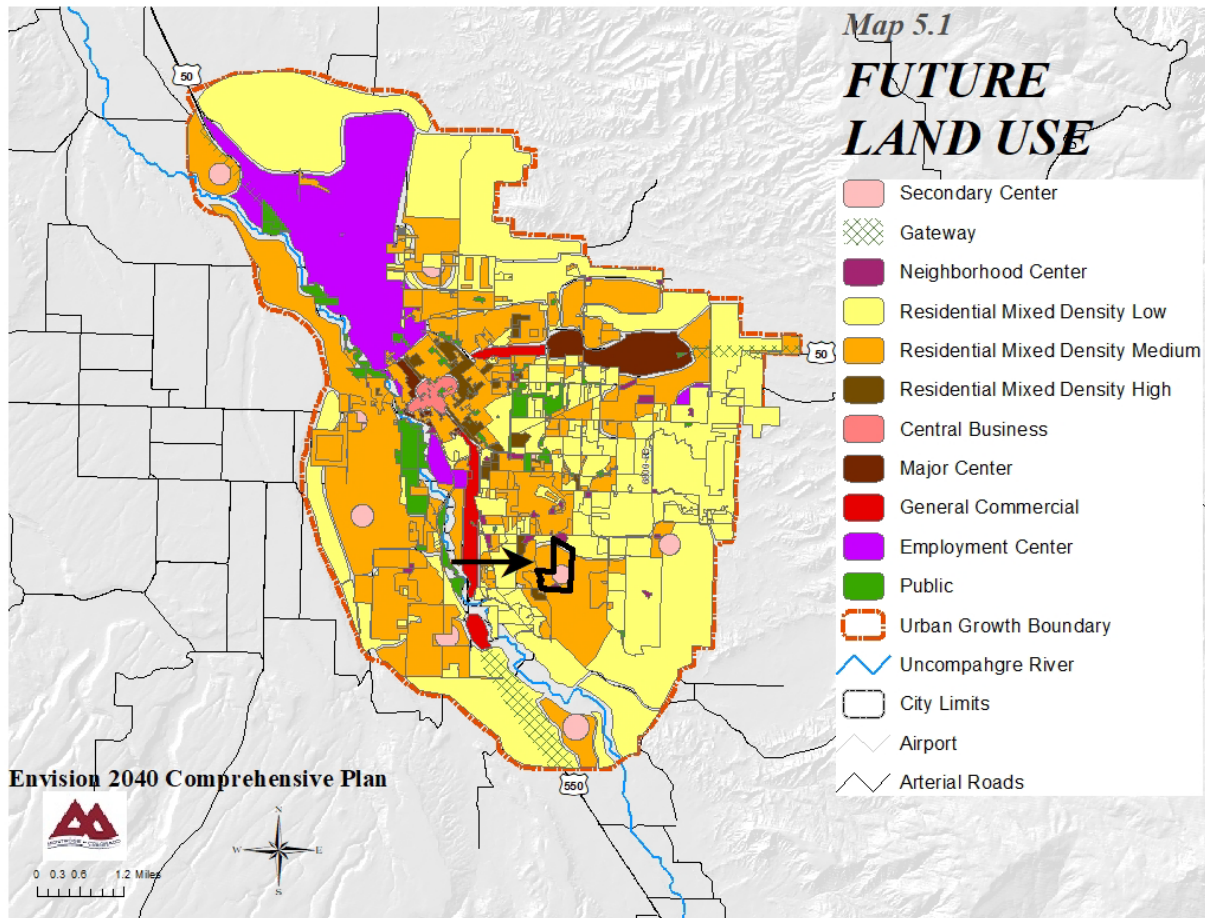


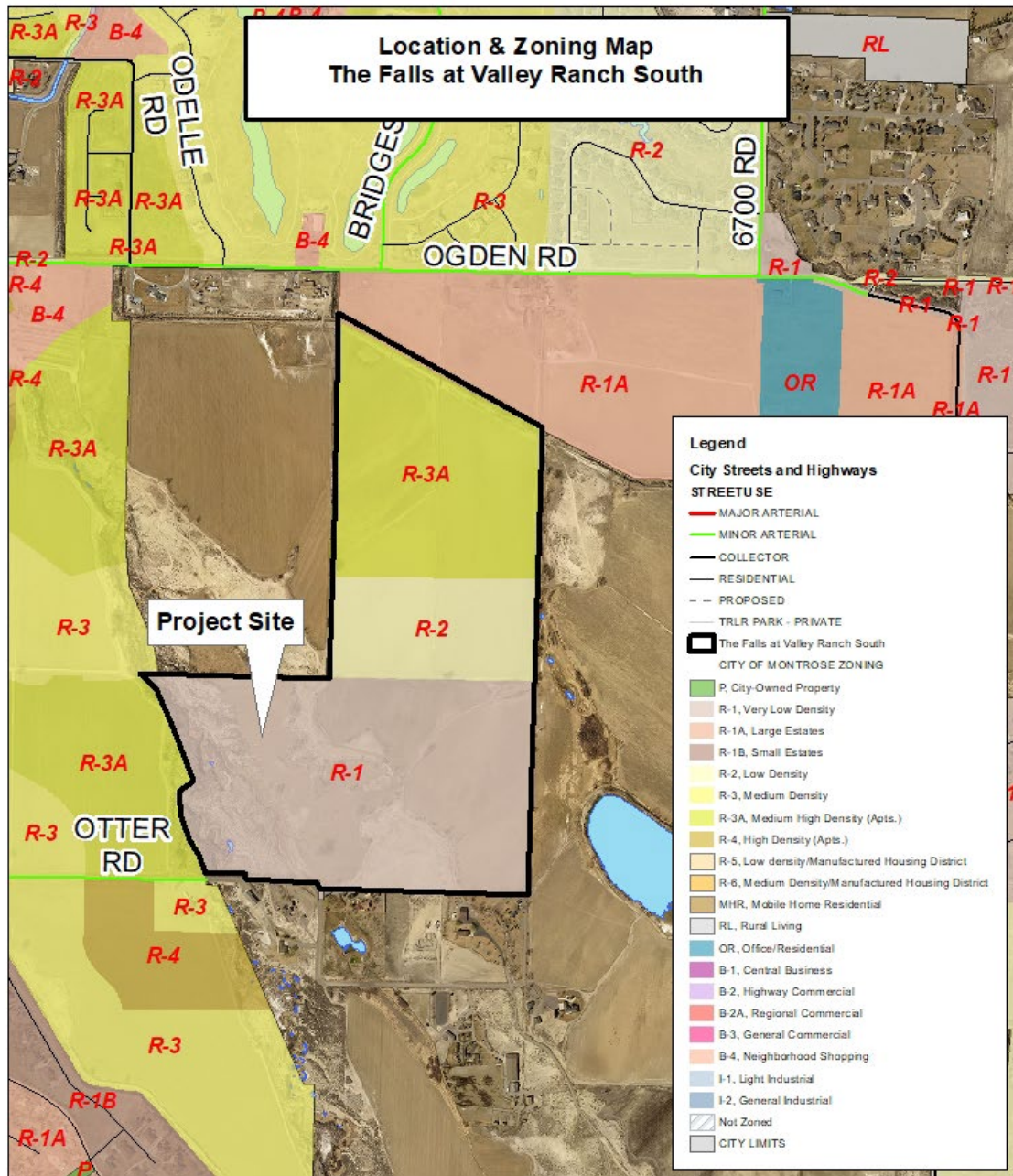
EXHIBIT A: Area Maps

Vicinity Map



Comprehensive Plan Future Land Use Map





Map created 08/18/2021

PRELIMINARY PLAT
THE FALLS AT VALLEY RANCH
SITUATED IN SECTION 3, T48N, R9W, N.M.P.M.,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that the undersigned being the owners of certain lands in the City of Montrose, County of Montrose and State of Colorado to wit:

Parcel 1:
A tract of land lying within Section 3, Township 48 North, Range 9 West of the New Mexico Principal Meridian, with a basis of bearings of North 01°34'04" East from the CS1/16 corner to the C1/4 corner of said Section 3, Said tract is better described as beginning at the CS 1/16 corner of said Section 3; Thence along the South line of the NE1/4SW1/4, North 88°49'09" West a distance of 464.81 feet; Thence along the East line of that tract dedicated to Montrose County in Plat Book 12 Page 890 North 01°16'55" East a distance of 40.82 feet; Thence along the North line of that tract dedicated to Montrose County in Plat Book 12 Page 890 North 88°43'05" West a distance of 268.89 feet; Thence leaving said Road dedication North 17°11'48" West 173.07 feet; Thence North 36°51'22" West a distance of 150.88 feet; Thence North 09°34'55" West a distance of 247.46 feet; Thence North 60°51'22" East a distance of 132.69 feet; Thence North 20°26'32" West a distance of 109.96 feet; Thence North 22°10'46" West a distance of 139.78 feet; Thence South 88°49'44" East a distance of 263.49 feet to the West line of the E1/2NE1/4SW1/4; Thence along the West line of E1/2NE1/4SW1/4 North 01°33'15" East a distance of 445.73 feet; Thence along Boundary Agreement line recorded at Reception No. 691076 Montrose County Records the following five (5) courses: South 88°57'13" East a distance of 384.72 feet; North 35°14'45" East a distance of 13.57 feet; South 86°35'09" East a distance of 267.70 feet; North 02°03'33" East a distance of 1323.41 feet; North 01°46'34" East a distance of 978.76 feet to the South line of Yocum Subdivision; Thence along the South line of Yocum Subdivision the following four (4) courses: South 70°36'53" East a distance of 104.73 feet; South 61°29'57" East a distance of 681.26 feet; South 61°04'49" East a distance of 422.07 feet; South 61°38'37" East a distance of 287.01 feet to the East line of U.S. Government Lot 15; Thence along the East line of U.S. Government Lots 15 and 18 South 01°39'55" West a distance of 1621.90 feet to the Southeast corner of Government Lot 18; Thence along the East line of the W1/2SE1/4 South 01°33'25" West a distance of 1380.32 feet; Thence along the North line of Graceland Minor North 88°55'03" West a distance of 553.66 feet; Thence along the North line of Helen Jo Replat North 88°53'38" West a distance of 773.84 feet; Thence along the West line of Helen Jo Replat South 01°33'04" West a distance of 53.70 feet; Thence along the North line of Otter Road as dedicated on Yocum Exemption South 83°47'53" West a distance of 32.03 feet; Thence along the West line of the SW1/4SE1/4 North 01°35'30" East a distance of 120.38 feet to the point of beginning, County of Montrose, State of Colorado, containing 127.13 acres.

Parcel 3:
A tract of land situated in the NE1/4 SW1/4 of Section 3, Township 48 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado more particularly described as follows: Beginning at a point on the West line of the E1/2 NE1/4 SW1/4 of Section 3 from which the SW corner of Said E1/2 NE1/4 SW1/4 bears S01°33'09"W 865.08 feet; Thence N88°49'50"W 263.49 feet to a point; Thence N22°10'52"W 49.81 feet to a point; Thence N20°47'23"W 107.70 feet to a point; Thence N20°28'02"W 101.29 feet to a point; Thence N28°52'29"W 47.67 feet to a point; Thence N29°09'47"W 46.40 feet to a point; Thence N48°09'29"W 72.97 feet to a point; Thence N47°11'52"W 41.25 feet to a point; Thence N32°25'22"W 42.49 feet to a point on the North line of said NE1/4 SW1/4 of Section 3; Thence S88°49'50" E 531.40 feet along the North line of said NE1/4 SW1/4 Section 3; Thence S01°33'09"W 455.80 feet to the Point of Beginning. As shown as Parcel 2 in Court Order recorded at Reception No. 818184, County of Montrose, State of Colorado, containing 3.89 acres. (Parcel numbers refer to title Policy Parcel numbers)

Have by these presents laid out, platted and subdivided the same into lots, as shown on this plat, under the name and style of

The Falls At Valley Ranch

and do hereby dedicate, grant and convey to the City of Montrose, Colorado, for the use of the public, Otter Road and Aspen Grove Lane, as hereon shown. The easements shown on this plat are dedicated, granted and conveyed to the City of Montrose, Colorado for public utilities, and purposes, including but not limited to water, sewer, electrical, telephone, gas and CATV lines, and drainage easements specifically labeled for dedication, together with perpetual right of ingress and egress for installation, maintenance and replacement of such facilities. The dedication of easements as herein provided shall not include those easements exclusively utilized for irrigation improvements, or otherwise subject to a previously recorded conveyance.

OWNER:

David Coker, Valley Ranch Montrose LLC

Executed this ____ day of _____, 20 ____.

STATE OF COLORADO)
) ss.
COUNTY OF MONTROSE)
The above Certificate of Dedication and Ownership was acknowledged before me

on this ____ day of _____, 20 ____.

by _____ of Valley Ranch Montrose LLC

Witness my hand and official seal. My commission expires _____.

Notary

APPROVAL OF PRELIMINARY PLAT

City Engineer Date

City Attorney Date

Chair, Planning Commission Date

Mayor, City Council Date

LIENHOLDER'S AFFIDAVIT

STATE OF COLORADO)
) ss.

COUNTY OF MONTROSE)

Before a Notary Public, duly qualified and acting in and for said city, county and state, appeared _____, known by official government—issued photograph identification to be the affiant herein, who stated the following under oath:

The undersigned holder(s) of a lien pursuant to an instrument recorded under Reception No. _____ in the records of the Montrose County Clerk and Recorder, hereby joins in this subdivision and the dedication of easements, streets and other properties to the City shown hereon. The undersigned duly swears or affirms that: 1)he/she is authorized to sign this Plat on behalf of the lien—holding entity named below for which he/she functions as an agent; and 2)said agency includes the actual authority to sign this Plat joining in this subdivision and any dedications to the City; and 3)that all necessary corporate or other legal formalities have been met to allow the agent's signature below to be effective; and 4)that the signature below was made by the person whose name it purports to be.

David Oberto, Vice President
Bank of Colorado

Subscribed and sworn to before me this ____ day of _____, 20 ____.

by David Oberto the Vice President of Bank Of Colorado.

Witness my hand and official seal. My commission expires _____.

Notary

LIENHOLDER'S AFFIDAVIT

STATE OF _____)
) ss.

COUNTY OF _____)

Before a Notary Public, duly qualified and acting in and for said city, county and state, appeared _____, known by official government—issued photograph identification to be the affiant herein, who stated the following under oath:

The undersigned holder(s) of a lien pursuant to an instrument recorded under Reception No. _____ in the records of the Montrose County Clerk and Recorder, hereby joins in this subdivision and the dedication of easements, streets and other properties to the City shown hereon. The undersigned duly swears or affirms that: 1)he/she is authorized to sign this Plat on behalf of the lien—holding entity named below for which he/she functions as an agent; and 2)said agency includes the actual authority to sign this Plat joining in this subdivision and any dedications to the City; and 3)that all necessary corporate or other legal formalities have been met to allow the agent's signature below to be effective; and 4)that the signature below was made by the person whose name it purports to be.

Rodney Savoy, President
The Scott Company of Lafayette, LLC

Subscribed and sworn to before me this ____ day of _____, 20 ____.

by Rodney Savoy the President of The Scott Company of Lafayette, LLC.

Witness my hand and official seal. My commission expires _____.

Notary

ATTORNEY'S CERTIFICATE

I, _____, an attorney at law, duly licensed to practice in Colorado, do hereby certify that I have

examined Title Policy No. _____ issued by

_____ Title Insurance Company,

dated _____(the "Title Policy").

which insures to the title to the Land herein platted and described in the above Certificate of Dedication and Ownership, and that, based solely on my review of the Title Policy, title to such land is in the Owners and Dedicators; and that the title to the Land dedicated hereon, including the dedication for utility easements, is free and clear of all liens and encumbrances except as specifically set forth in the Title Policy.

Attorney
Registration No. _____

Date _____

ENGINEER'S CERTIFICATE

I, _____, a Registered Engineer in the State of Colorado, do hereby certify that the sanitary sewer system, water distribution system and the storm drainage system shown on the accompanying plans of this Subdivision are properly designed, meet City of Montrose specifications, and are adequate to properly serve the Subdivision shown hereon. I further certify that the sanitary sewer system, water distribution system, storm drainage system, streets, parks, and other improvements are designed and constructed in accordance with applicable City specifications and regulations.

Colorado Professional Engineer
Registration No. _____

Date _____

SURVEYOR'S CERTIFICATE

I, William D. Wiley, a Registered Land Surveyor in the State of Colorado, do hereby certify that there are no roads, pipelines, irrigation ditches or other easements or rights-of-way in evidence or known to me to exist on or across said property except as shown on this plat. I certify that I have made the survey represented by this plat and that this plat accurately represents said survey, and conforms to all applicable requirements of the City Subdivision Regulations monuments shown hereon actually exist and their positions are as shown.

C.R.S. Section 38—51—106 Statement:
This plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this plat may be found in the Title Policy issued by Fidelity National Title Company, Order Number F0695561—397—DGO, dated July 9, 2021

William D. Wiley
Colorado Registered Land Surveyor
Registration No. 12180

Date

CERTIFICATE OF COMPLETED IMPROVEMENTS

I, _____, City Engineer, certify that all improvements and utilities required by the current Subdivision Regulations of the City of Montrose, have been constructed, inspected and approved in this Subdivision in accordance with applicable City ordinances, regulations and specifications except as follows:

City Engineer Date
Registration No. _____

APPROVAL OF CITY MANAGER

Approved this ____ day of _____, 20 ____.

by _____, City Manager of the City of Montrose.

City Manager

APPROVAL OF CITY COUNCIL

Approved this ____ day of _____, 20 ____.

by _____, Mayor of the City of Montrose.

Mayor

APPROVAL OF CITY ATTORNEY

Approved for recording this ____ day of _____, 20 ____.

by _____, City Attorney of the City of Montrose.

City Attorney

RECORDER'S CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado,

at the time of _____ on the ____ day of _____, 20 ____.

under Reception No. _____

by _____ Deputy
Clerk & Recorder
Montrose County, Colorado

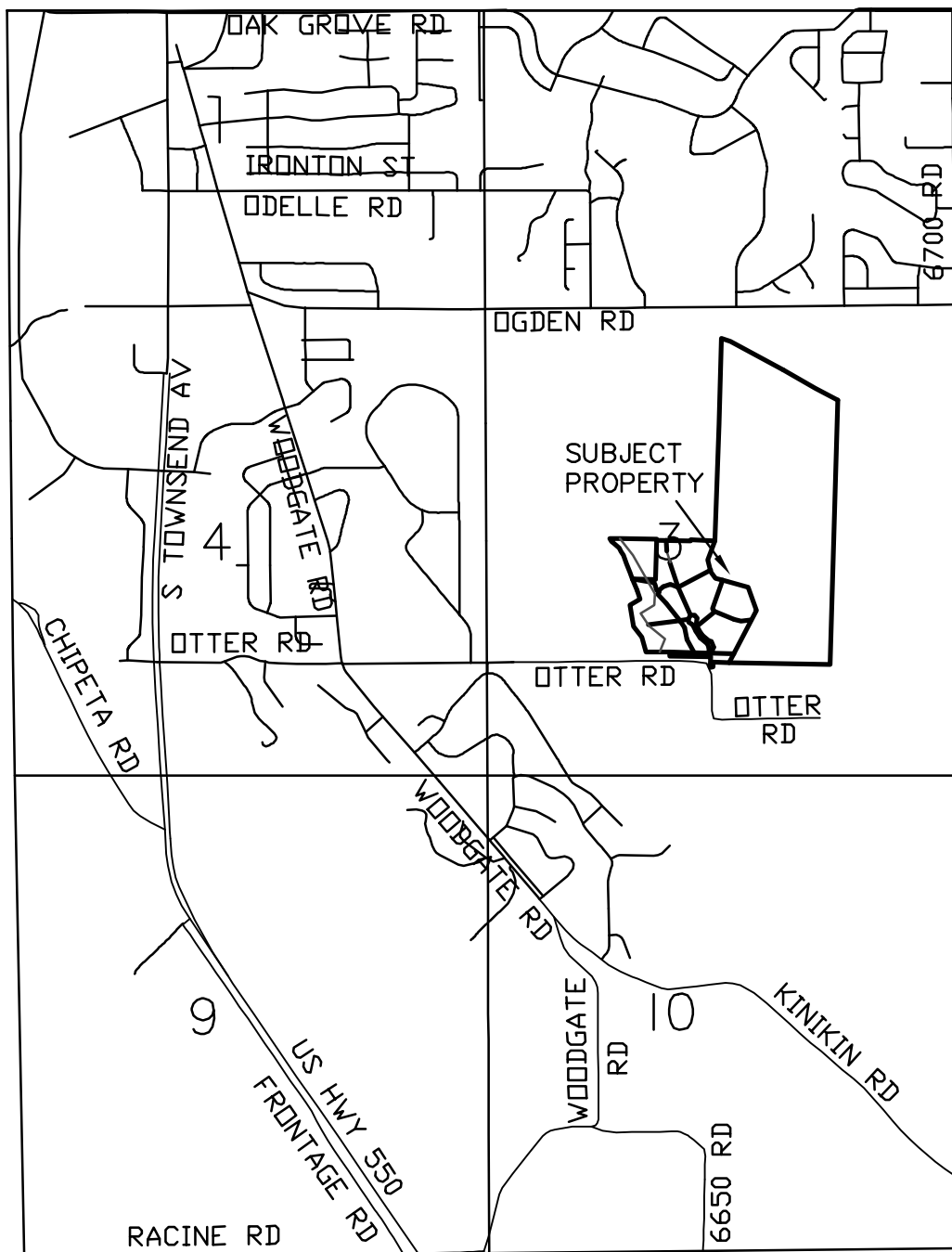
GENERAL NOTES

1. All fence lines shown hereon are for graphical purposes only. They may not be relied upon to establish property boundaries, as shown. All fence angle points may not have been surveyed.

2. This survey was preformed with the benefit of title policy prepared by Fidelity National Title Company, File Number F0695561—397—DGO dated 7/9/2021. This survey does not constitute a title search by Mesa Surveying Associates, Inc.

3. Surveyor's certifications hereon shall run only to the person(s) for whom this survey was prepared and on their behalf to the agencies listed on this/these sheet(s). Surveyor's certifications are not transferable to additional institutions of subsequent owners.

4. No guarantee as to the accuracy of the information contained within this plat is either stated or implied unless this print bears an original signature and seal of the professional land surveyor hereon named. Only prints of this survey marked with an original signature and seal by the surveyor named hereon shall be considered true, valid copies.



NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

CF: 20—40 COKER VALLEY RANCH
Plot Scale 1"=200'
Book 774 Page 3

DATE 5/9/2022

REVISIONS:
7/15/22
7/25/22 ADD TRACT C
9/6/22

PRELIMINARY PLAT
THE FALLS AT VALLEY RANCH

SITUATED IN SECTION 3, T48N, R9W, N.M.P.M.,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

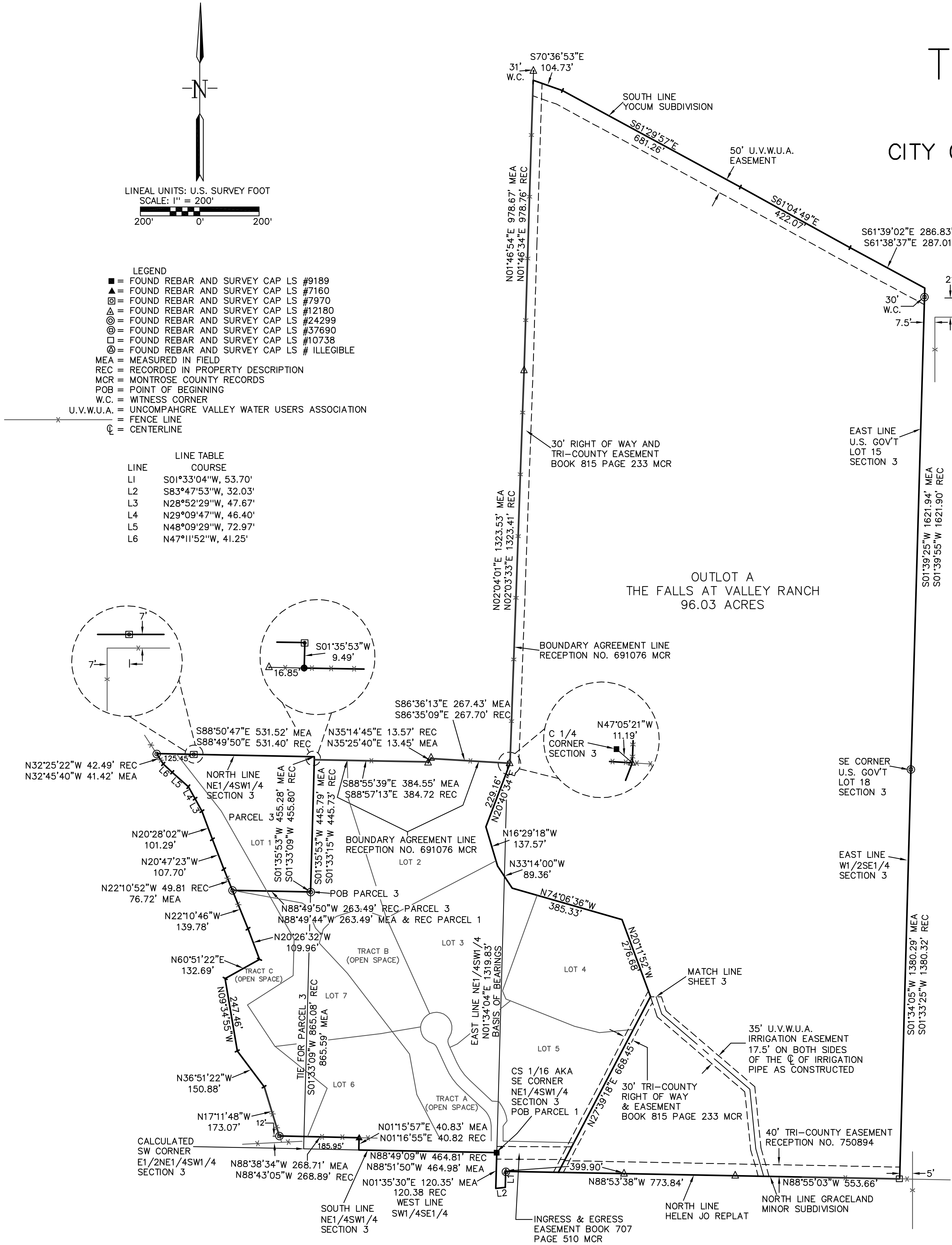
FOR: VALLEY RANCH MONTROSE LLC
AUTHORIZED BY: DAVID COKER
501 E. MAIN ST.
MONTROSE, CO 81401
(303) 947—8886

MESA SURVEYING ASSOCIATES INC.
P.O. Box 1287 Montrose, CO 81402
(970)—240—9994

Sheet 1 of 4

File No. 22—40

PRELIMINARY PLAT
THE FALLS AT VALLEY RANCH
SITUATED IN SECTION 3, T48N, R9W, N.M.P.M.,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



1. LOCAL IMPROVEMENT DISTRICT
All lots platted hereon shall be subject to an assessment for the costs to construct improvements to that portion of Otter Road that abuts the Subdivision, said improvements including curb, gutter, sidewalk, drainage, base and pavement, and other related improvements. The Montrose City Clerk is hereby appointed as the Attorney-in-fact of each of the owners of The Falls at Valley Ranch for the purposes of executing improvement district petitions on their behalf, voting on their behalf in any election to approve any financial obligations for such improvement districts and for all other purposes related to the formation of such districts and construction of such improvements. These obligations shall run with the land and be binding upon all successors in interest to the said lots.

2. DRAINAGE EASEMENTS
The drainage easement(s) shown hereon shall be owned and maintained by the owners of the lots encumbered by the easement or the Valley Ranch HOA as noted on plat in a manner that preserves the grade as originally established and so as to not impede the free flow of water in any way, including but not limited to the construction of fencing and other improvements, or the planting or encroachment of trees and shrubs and other impeding vegetation. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any pipelines, ditches or improvements as located within said easements. Upon failure to properly maintain the drainage easement(s) shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owners, and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

3. IRRIGATION EASEMENTS
The irrigation easement(s) shown hereon (see sheet 3) shall be owned and maintained by the owners of the lots encumbered by the easement or the Valley Ranch HOA as noted on plat and shall not be impeded or altered in any way so as to impact the historic delivery of water, unless otherwise agreed by all owners of interest in said easements or any water rights associated therewith. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any irrigation pipelines, improvements or ditches as located within said easements. Upon failure to properly maintain the irrigation easement(s) shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owner(s), and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

4. DRIVEWAY/RIGHT OF WAY RECIPROCAL ACCESS EASEMENTS
Reciprocal Access Easements
The Owner(s) denoted on the CERTIFICATE OF DEDICATION AND OWNERSHIP, hereon, hereby for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to Valley Ranch HOA, in The Falls At Valley Ranch, their respective heirs, successors and assigns, a perpetual and reciprocal right-of-way easement, over said portions so selected and reserved for use as driveways for ingress and egress. These reciprocal easements shall be appurtenant to each of the said lots in The Falls At Valley Ranch which right shall run with the land, and shall be a benefit and a burden to each of the said lots, their owners, and all parties claiming by, through, or under them. The City shall not be responsible for the repair or maintenance of private infrastructure including, but not limited to, repair of driveways damaged as a result of utility maintenance or operation.

5. PRIVATELY OWNED OPEN SPACE, PARKS, AND OTHER IMPROVEMENTS
All open spaces (Tracts A, B, and C) now existing or hereafter conveyed, shall be owned and maintained by an owners' association, or until such time as an owners' association is lawfully formed for such purposes, by the owners of all lots final platted in The Falls At Valley Ranch jointly and severally. The City is not responsible or liable in any manner for the maintenance, repair, or operation of such properties and/or improvements, nor shall the City be responsible for future dedications of such properties. Upon failure to properly maintain such properties and/or improvements shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed, and assess the costs thereof to such owner(s), or the City may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

6. MONEY IN LIEU OF SCHOOL LAND DEDICATION
All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to Section 4-7-7(C)(7) of the Municipal Code. Payments shall be made to the City, to be later disbursed to the RE-I/J School District.

7. MONEY IN LIEU OF PARK LAND DEDICATION
All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of park land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of parkland dedication is subject to Section 4-7-7(C)(7) of the Municipal Code.

8. COPS FEE
The preannexation agreement for this development subjects it to a City Operations and Police Service Fee in the amount of \$650.00 per dwelling unit based on the maximum dwelling units allowed on each lot. In the event the number of units allowed on a lot or tract increases over the number of units for which a fee was paid, payment for the additional units shall be due and payable to the City. The COPS fee for each of the following dwelling units has been paid with this final plat:

No residential units may be placed on Tracts A, B, & C.

The following lots are limited to 1 dwelling unit each: Lots 1-7.

9. CONSULTATION WITH FIRE DISTRICT
A. The owner(s) of each lot within The Falls At Valley Ranch hereby covenant that prior to the issuance of building permit(s), said owner(s) shall consult the Fire District to ensure that adequate fire flows exist under the applicable specifications of then-current regulations. In the event that such fire flows do not meet the specifications as defined by then-current regulations, the owner(s) hereby covenant to make an agreement to correct the flows; alternatively, the owner(s) covenant to otherwise make a remedial agreement satisfactory to the Fire District prior to the issuance of building permit(s).

B. Prior to the sale of any lot, the developer, broker, or seller of the project shown on this Plat shall have an affirmative obligation to disclose the restrictions set forth in Paragraph "a" immediately above, and the possible need for remedial measures on the part of the buyer(s).

10. ZONING
The zoning of this property is Zone R-1, as shown on the City's Official Zoning Map, and defined and described by the City of Montrose Municipal Code at the time of approval and recordation of this plat, and is subject to change. (Outlot A not included)

11. FINAL PLAT CONDITIONAL APPROVAL
The approval of The Falls At Valley Ranch Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns.

12. CONVEYANCE OF PRIVATE PARKS AND OPEN SPACES TO OWNERS' ASSOCIATION
By executing this Plat, the owner(s) whose signature(s) appear hereon, joined by the Lienholder(s) if any, whose signatures also appear on this Plat, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to Valley Ranch HOA, a Colorado nonprofit corporation, Tracts A, B and C shown and designated on this Plat.

13. CERTIFICATE OF GOOD STANDING
The owner(s) whose signature(s) appear on the Certificate of Dedication and Ownership on this Plat have provided the City a current, valid, Certificate of Good Standing, bearing Confirmation No. _____, from the Colorado Secretary of State, as proof of the above named HOA of Owners' Association entity's: i) compliance with all applicable requirements of the Colorado Secretary of State, and ii) good standing with the Colorado Secretary of State.

14. DECLARATION OF COVENANTS RECORDED
The Declaration of Covenants, Conditions, and Restrictions for Valley Ranch HOA, applicable to the development platted hereon, and made binding to the entity named above, was recorded under Reception No. _____, on the _____ day of _____, 20____, in the office of the Montrose County Clerk and Recorder.

15. Future Road Dedications
In accordance with the Annexation Agreement for this property, recorded under Reception No. 935274, of the records of the Montrose County Clerk and Recorder, minor arterial rights of way and utility easements for the southern extension of Bridges Drive (final name to be determined) and the eastern extension of Otter Road will be dedicated concurrent with development of Outlot areas or at the request of the City.

16. 100 Year Flood
A portion of the parcel is located in Flood Zone AE on the FIRM map for the Montrose County. Panel Number 08085C0778D, revised 1/06/2012.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

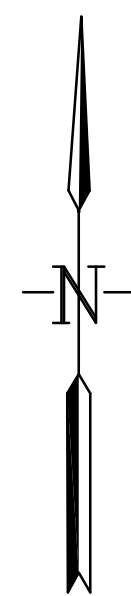
CP: 20-40 COKER VALLEY RANCH Plot Scale 1"=200' Book 774 Page 3	PRELIMINARY PLAT THE FALLS AT VALLEY RANCH	
DATE 5/9/2022	SITUATED IN SECTION 3, T48N, R9W, N.M.P.M., CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO	
REVISIONS: 7/15/22 7/21/22 ADD TRACT C 9/6/22	FOR: VALLEY RANCH MONTROSE LLC AUTHORIZED BY: DAVID COKER 501 E. MAIN ST. MONTROSE, CO 81401 (303) 947-8886	
MESA SURVEYING ASSOCIATES INC. P.O. Box 1287 Montrose, CO 81402 (970)-240-9994		
Sheet 2 of 4	File No. 22-40	

PRELIMINARY PLAT THE FALLS AT VALLEY RANCH

SITUATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 9 WEST N.M.P.M.,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

LINE	COURSE
L1	S01°33'06"W, 53.70'
L2	S83°47'55"W, 32.03'
L3	N28°52'29"W, 47.67'
L4	N29°09'47"W, 46.40'
L5	N48°09'29"W, 72.97'
L6	N47°11'52"W, 41.25'
L7	N01°15'57"E, 40.83'
L8	S00°00'00"E, 50.74'
L9	S38°19'48"W, 22.28'
L10	S85°29'43"E, 22.29'
L11	S47°11'48"E, 103.40'
L12	S24°26'41"E, 56.30'
L13	N24°26'41"W, 11.54'
L14	N24°26'45"W, 67.84'
L15	N47°11'48"W, 103.40'
L16	N70°23'33"W, 92.65'
L17	S72°41'41"W, 85.39'
L18	S45°10'31"W, 61.45'
L19	S16°07'21"W, 17.85'
L20	N16°07'21"E, 31.20'
L21	N56°56'16"W, 7.24'
L22	N41°52'33"W, 22.42'
L23	N23°29'25"W, 22.72'
L24	N15°23'03"W, 26.56'
L25	N18°50'34"W, 17.41'
L26	N38°22'50"W, 17.85'
L27	N56°36'12"W, 15.05'
L28	N80°30'30"E, 38.95'
L29	N80°30'30"E, 96.41'
L30	N00°00'00"E, 50.04'
L31	N22°33'03"W, 30.00'
L32	S79°45'48"E, 108.85'

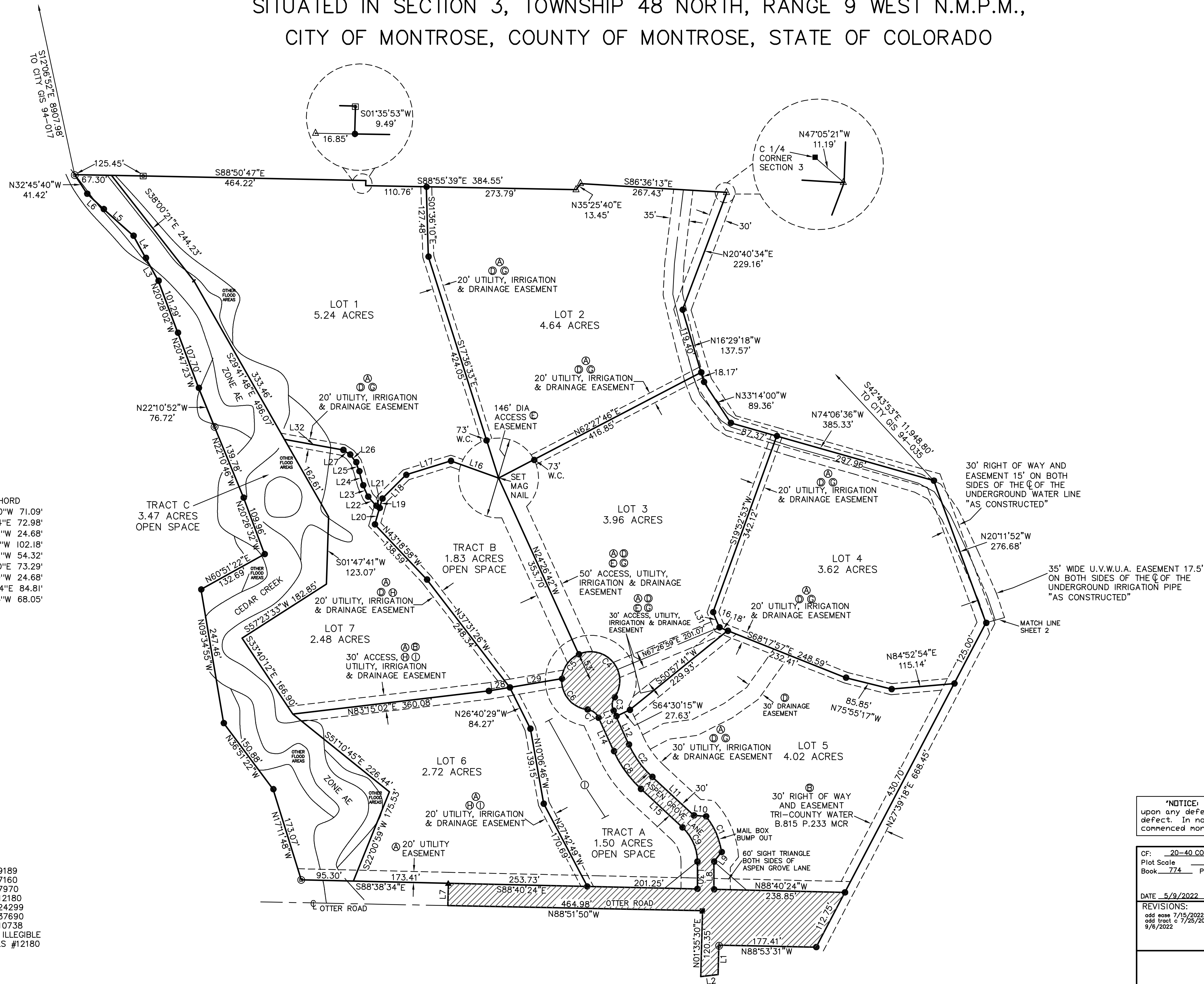
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	72.00'	130.00'	31°44'05"	N23°35'40"W 71.09'
C2	73.46'	185.00'	22°45'04"	S35°49'14"E 72.98'
C3	25.81'	25.00'	59°08'45"	S05°07'52"W 24.68'
C4	137.97'	53.00'	149°09'00"	N39°52'19"W 102.18'
C5	57.03'	53.00'	61°39'18"	S34°43'32"W 54.32'
C6	80.93'	53.00'	87°29'25"	S39°50'50"E 73.29'
C7	25.81'	25.00'	59°08'45"	N54°01'10"W 24.68'
C8	85.37'	215.00'	22°45'05"	S35°49'14"E 84.81'
C9	70.02'	85.00'	47°11'47"	N23°35'54"W 68.05'



LINEAL UNITS: U.S. SURVEY FOOT
SCALE: 1" = 100'

- LEGEND
- = FOUND REBAR AND SURVEY CAP LS #9189
 - ▲ = FOUND REBAR AND SURVEY CAP LS #7160
 - ▣ = FOUND REBAR AND SURVEY CAP LS #7970
 - △ = FOUND REBAR AND SURVEY CAP LS #12180
 - ⊙ = FOUND REBAR AND SURVEY CAP LS #24299
 - ⊗ = FOUND REBAR AND SURVEY CAP LS #37690
 - = FOUND REBAR AND SURVEY CAP LS #10738
 - ⊕ = FOUND REBAR AND SURVEY CAP LS # ILLEGIBLE
 - = TO BE SET REBAR AND SURVEY CAP LS #12180
 - MEA = MEASURED IN FIELD
 - REC = RECORDED IN PROPERTY DESCRIPTION
 - MCR = MONTROSE COUNTY RECORDS
 - POB = POINT OF BEGINNING
 - W.C. = WITNESS CORNER
 - U.V.W.U.A. = UNCOMPAGRE VALLEY WATER USERS ASSOCIATION
 - = FENCE LINE
 - ⊕ = CENTERLINE

ROAD DEDICATION AREA 1.52 ACRES



EASEMENT DEDICATION TABLE

- Ⓐ UTILITY EASEMENT DEDICATED TO THE CITY OF MONTROSE HERON
- Ⓑ UTILITY EASEMENT DEDICATED TO TRI-COUNTY WATER HERON
- Ⓒ IRRIGATION EASEMENT DEDICATED TO U.V.W.U.A. HERON
- Ⓓ PRIVATE DRAINAGE EASEMENT DEDICATED TO AND MAINTAINED BY THE PROPERTY OWNER
- Ⓔ DRIVEWAY RECIPROCAL EASEMENT
- Ⓕ INGRESS/EGRESS EASEMENT
- Ⓖ IRRIGATION EASEMENT DEDICATED TO AND MAINTAINED BY THE PROPERTY OWNER
- Ⓗ IRRIGATION EASEMENT DEDICATED TO AND MAINTAINED BY THE HOA
- Ⓘ DRAINAGE EASEMENT DEDICATED TO AND MAINTAINED BY THE HOA

***NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.*

CP: 20-40 COKER SHEETS
Plot Scale 1" = 100'
Book 774 Page 3

DATE 5/9/2022
REVISIONS:
add note 7/15/2022
add tract c 7/25/2022
9/6/2022

PRELIMINARY PLAT THE FALLS AT VALLEY RANCH

SITUATED IN SECTION 3,
TOWNSHIP 48 NORTH, RANGE 9 WEST N.M.P.M.,
CITY OF MONTROSE, STATE OF COLORADO

FOR: VALLEY RANCH MONTROSE LLC
AUTHORIZED BY: DAVID COKER
501 E. MAIN ST
MONTROSE, CO 81401
(303) 947-8886

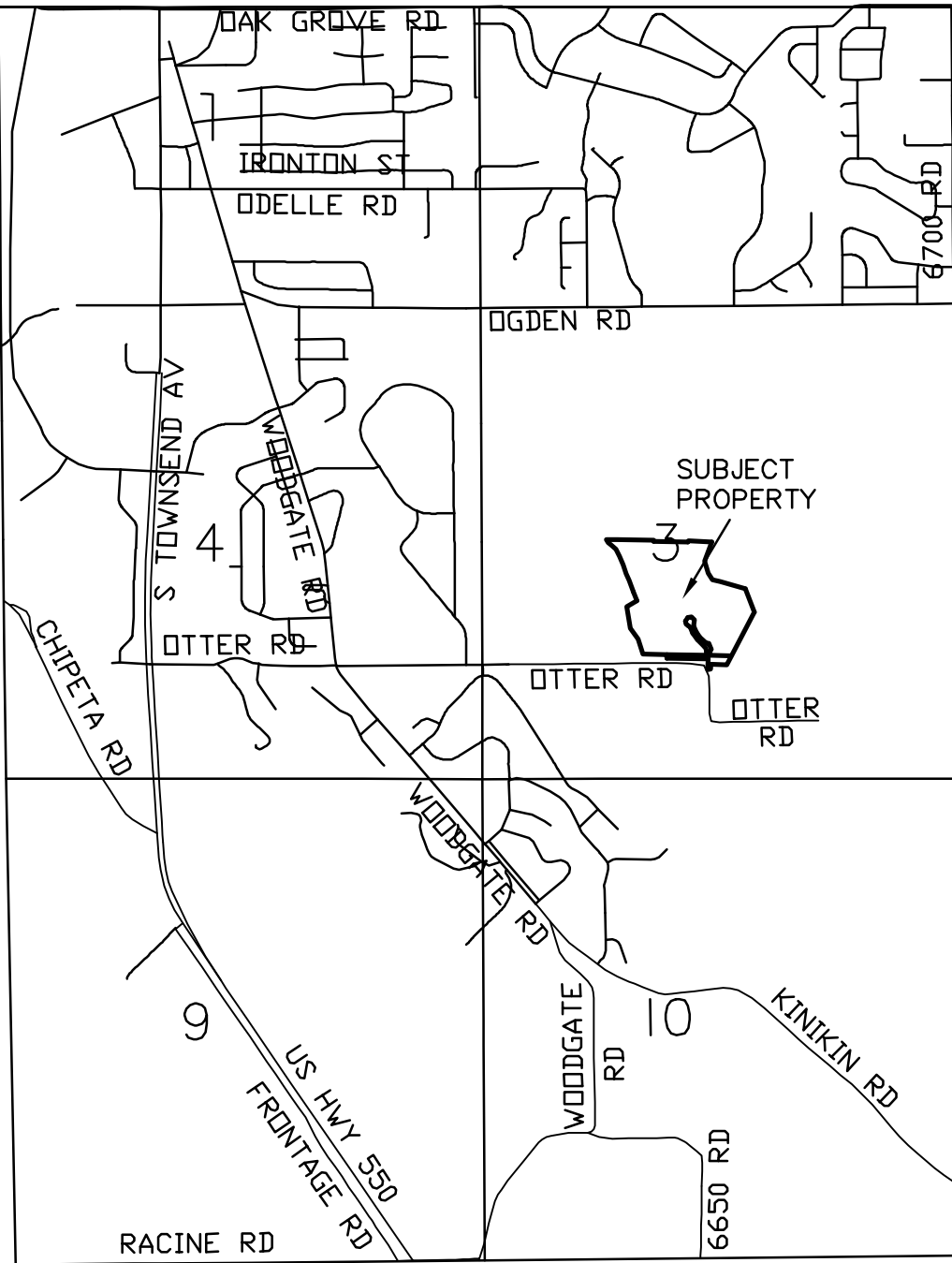
MESA SURVEYING ASSOCIATES INC.
P.O. Box 1287 Montrose, CO 81402
(970)-240-9994

Sheet 3 of 4

File No. 22-40

THAT PART OF THE FALLS AT VALLEY RANCH DESIGNATED AS A PLANNED DEVELOPMENT PLAN

SITUATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 9 WEST N.M.P.M.,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

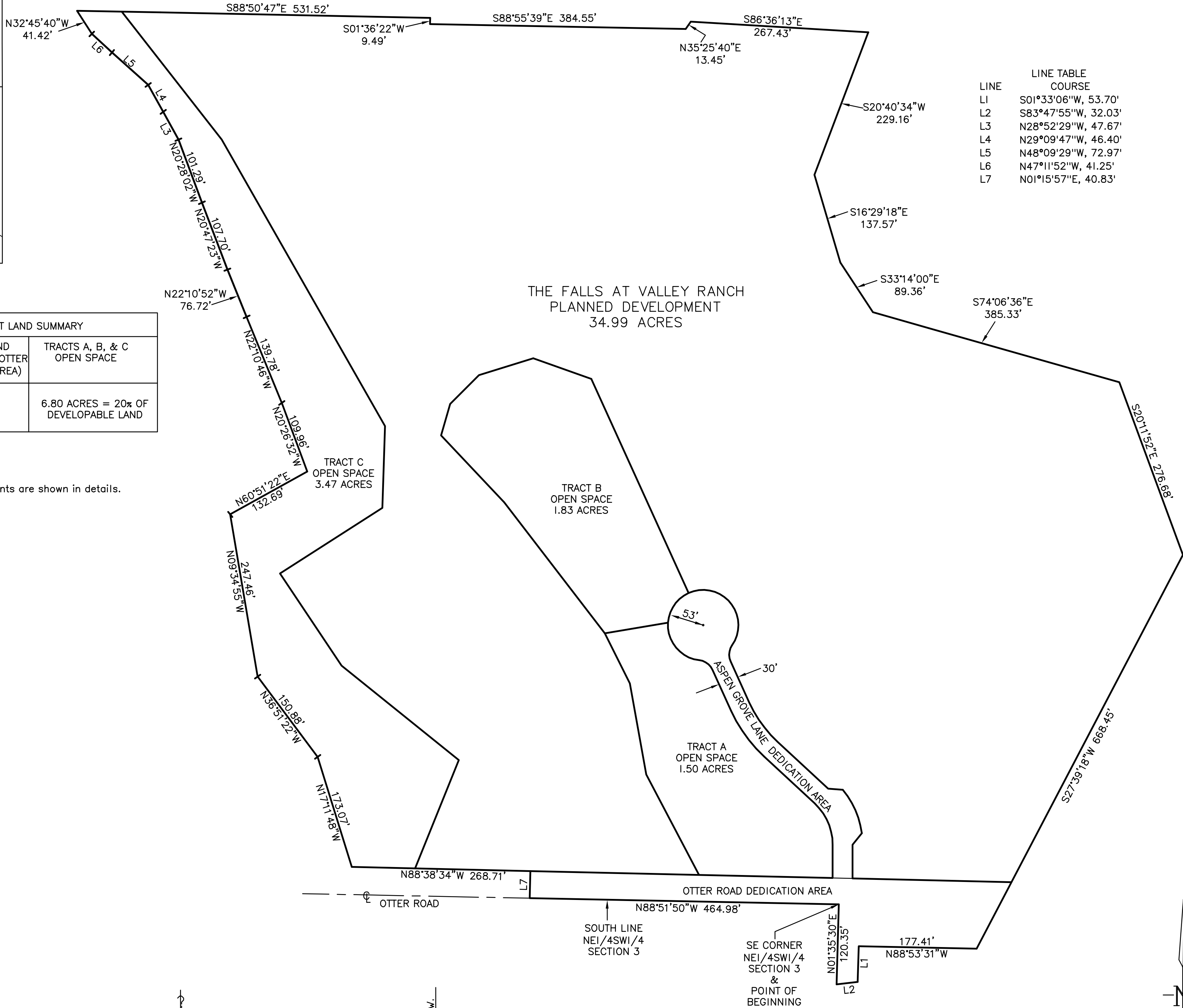


VICINITY MAP

THE FALLS AT VALLEY RANCH PLANNED DEVELOPMENT LAND SUMMARY			
TOTAL ACREAGE	ROAD DEDICATION AREA OTTER ROAD AND ASPEN GROVE LANE	DEVELOPABLE LAND (DOES NOT INCLUDE OTTER ROAD DEDICATION AREA)	TRACTS A, B, & C OPEN SPACE
34.99 ACRES	OTTER RD. 1.01 AC ASPEN GROVE LANE 0.51 AC	33.98 ACRES	6.80 ACRES = 20% OF DEVELOPABLE LAND

DEVIATIONS FROM CITY STANDARDS

I. Public street Right of Way, Drainage, Utility, and Irrigation Easements are shown in details.



LINE	COURSE
L1	S01°33'06\"W, 53.70'
L2	S83°47'55\"W, 32.03'
L3	N28°52'29\"W, 47.67'
L4	N29°09'47\"W, 46.40'
L5	N48°09'29\"W, 72.97'
L6	N47°11'52\"W, 41.25'
L7	N01°15'57\"E, 40.83'

PLANNED DEVELOPMENT PLAN CERTIFICATE
The undersigned owners named herein, hereby submit this Planned Development Plan under the name and style of THE FALLS AT VALLEY RANCH PLANNED DEVELOPMENT PLAN, in accordance with the requirements of Section 4-4-24 of the Official Code of the City of Montrose, Colorado, and hereby declare this Plan to be a covenant which shall run with the land described on this Plan for the mutual benefit of the owners thereof, which Plan may be amended in accordance with the procedures for an amendment set forth in Section 4-4-24 of the Official Code of the City of Montrose, Colorado.

OWNER APPROVAL OF P.D. PLAN

Owner _____ Date _____
Valley Ranch Montrose, LLC

CITY APPROVAL OF P.D. PLAN

City Engineer _____ Date _____
Scott Murphy P.E.

City Attorney _____ Date _____

City Planning _____ Date _____
Commission Chair Greg Easton

PLANNED DEVELOPMENT PLAN DESCRIPTION
A Tract of land situated in Section 3, Township 48 North, Range 9 West, N.M.P.M., City of Montrose, County of Montrose, Colorado and being more particularly described as follows: Beginning at the southeast corner of the NE1/4SW1/4 of said Section 3; thence N88°51'50\"W along the south line of said NE1/4SW1/4, a distance of 464.98 ft.; thence N01°15'57\"E, 40.83 ft.; thence N88°38'34\"W, 268.71 ft.; thence N17°11'48\"W, 173.07 ft.; thence N36°51'22\"W, 150.88 ft.; thence N09°34'55\"W, 247.46 ft.; thence N60°51'22\"E, 132.69 ft.; thence N20°26'32\"W, 109.96 ft.; thence N22°10'46\"W, 139.78 ft.; thence N22°10'52\"W, 76.72 ft.; thence N20°47'23\"W, 107.70 ft.; thence N20°28'02\"W, 101.29 ft.; thence N28°52'29\"W, 47.67 ft.; thence N29°09'47\"W, 46.40 ft.; thence N48°09'29\"W, 72.97 ft.; thence N47°11'52\"W, 41.25 ft.; thence N32°45'40\"W, 41.42 ft.; thence S88°50'47\"E, 531.52 ft.; thence S01°36'22\"W, 9.49 ft.; thence S88°55'39\"E, 384.55 ft.; thence N35°25'40\"E, 13.45 ft.; thence S86°36'13\"E, 267.43 ft.; thence S20°40'34\"W, 229.16 ft.; thence S16°29'18\"E, 137.57 ft.; thence S33°14'00\"E, 89.36 ft.; thence S74°06'36\"E, 385.33 ft.; thence S20°11'52\"E, 276.68 ft.; thence S27°39'18\"W, 668.45 ft.; thence N88°53'31\"W, 177.41 ft.; thence S01°33'06\"W, 53.70 ft.; thence S83°47'55\"W, 32.03 ft. to a point on the west line of SW1/4SE1/4 Section 3; thence N01°35'30\"E, 120.35 ft. to the point of beginning, containing 34.99 acres.

RECORDER'S CERTIFICATE
This plat was filed for record in the office of the Clerk and Recorder of Montrose County

at _____m. on the _____ day of _____, 20 ____.

Reception No. _____

_____, by _____
County Clerk & Recorder Deputy

***NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.*

OF: 20-40 COKER SHEET 4
Plot Scale 1" = 100'
Book 774 Page 3

DATE 5/9/2022

REVISIONS:
add note 7/15/2022
add note 7/21/2022
7/25/2022
9/6/2022

**THAT PART OF THE FALLS AT VALLEY RANCH
DESIGNATED AS A PLANNED DEVELOPMENT PLAN**

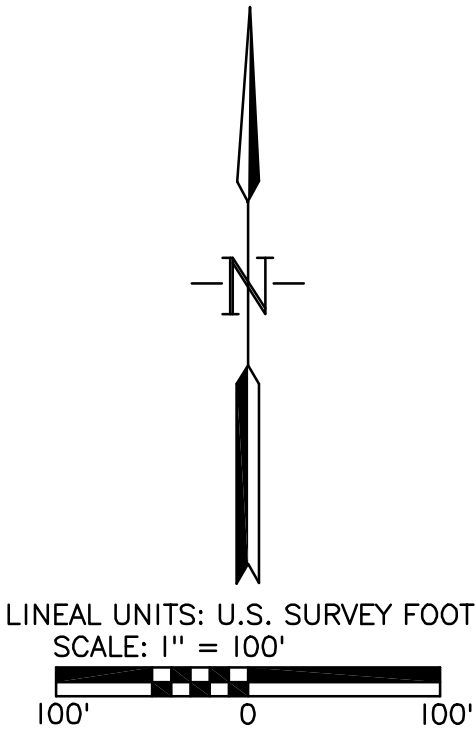
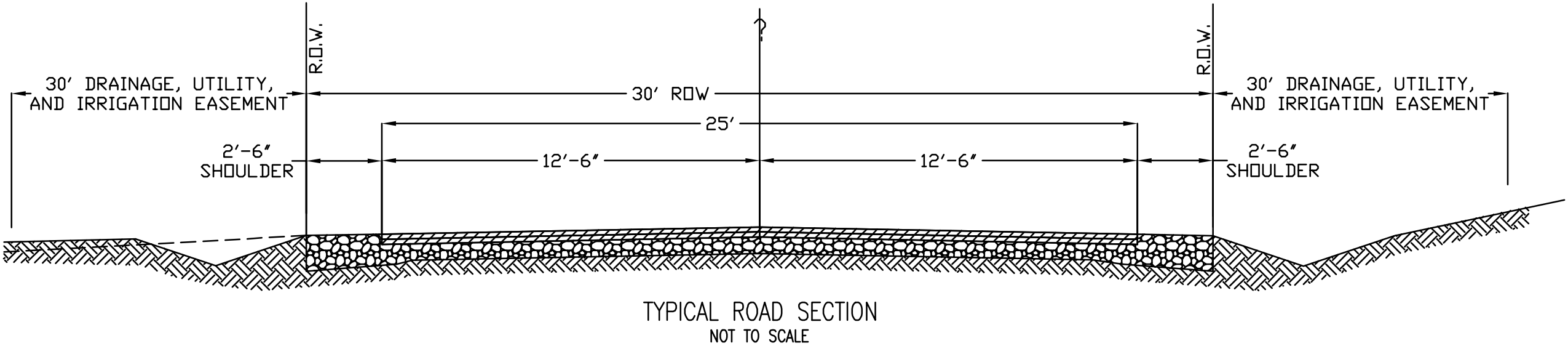
SITUATED IN SECTION 3,
TOWNSHIP 48 NORTH, RANGE 9 WEST N.M.P.M.,
COUNTY OF MONTROSE, STATE OF COLORADO

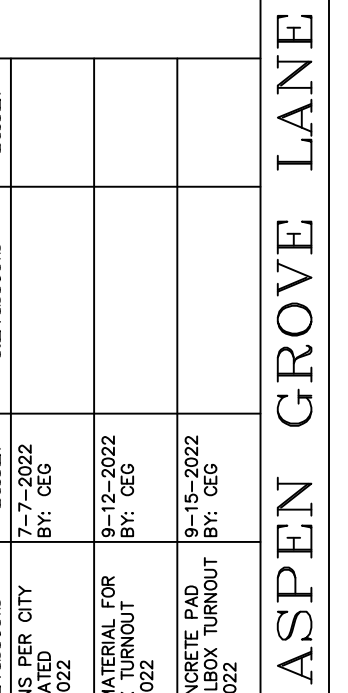
FOR: VALLEY RANCH MONTROSE LLC
AUTHORIZED BY: DAVID COKER
501 E. MAIN ST
MONTROSE, CO 81401
(303) 947-8886

MESA SURVEYING ASSOCIATES INC.
P.O. Box 1287 Montrose, CO 81402
(970)-240-9994

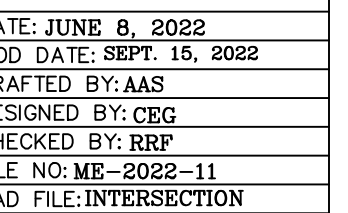
Sheet 4 of 4

File No. 22-40





**MESA ENGINEERING &
SURVEYING CO., INC.**
330 SOUTH 5TH STREET
MONTROSE, CO 81401
PHONE: (970) 249-7771
FAX: (970) 249-7773



SHEET:
PAGE 1 OF 1
SITE

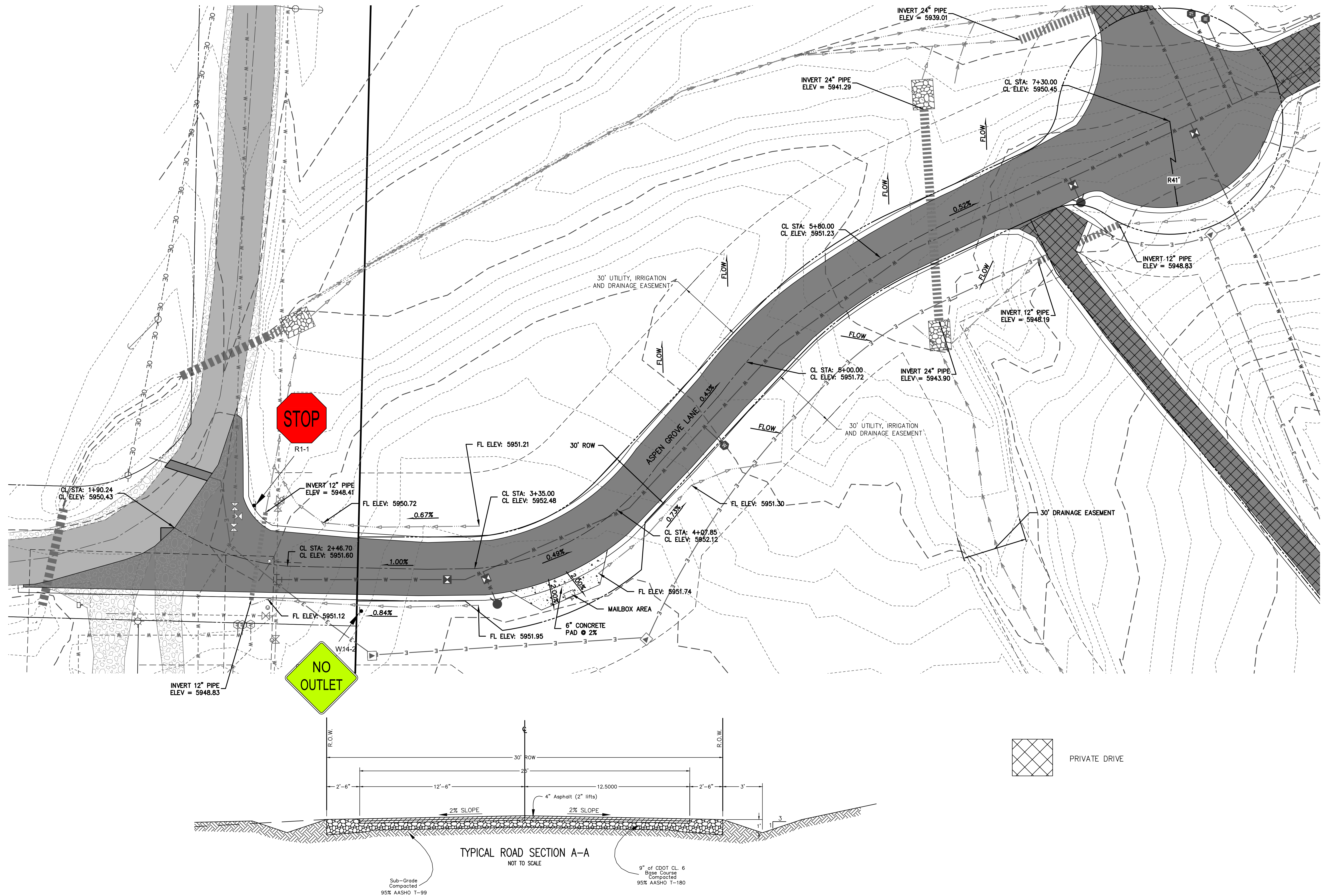


EXHIBIT B: Code Excerpts for Subdivisions and Planned Developments

Sec. 4-7-5. Subdivision procedure.

- (A) The subdivision of land shall be accomplished in accordance with the procedures provided in this Section, except for those instances where different governing procedures are set forth pursuant to Sections 4-7-9 through 4-7-11, Informal Review and Sketch Plan. The City Council shall set all application fees related to land use action per resolution.
- (1) Prior to submittal of the subdivision application, the subdivider shall make a reasonable effort to consult informally with property owners of record adjoining or within 100 feet of the proposed subdivision, and the City. No fee shall be required for such review or discussions of any plans or data concerning the proposed subdivision, prior to sketch plan review. The City shall not be bound by virtue of any discussions during the informal review stage.
 - (2) The proposal shall be consistent with the Master Plan, City subdivision and Zoning Regulations, standards and other applicable ordinances and regulations and will be reviewed, considering the following at a minimum.
 - (a) Conformance with the Master Plan and Zoning Regulations;
 - (b) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
 - (c) Availability of water, means of sewage collection and treatment, stormwater drainage, access and other utilities and services;
 - (d) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - (e) Adjacent streets and traffic flow, including pedestrian access;
 - (f) Availability of fire, police and other emergency services protection;
 - (g) Impacts on area schools.
 - (3) A subdivider who intends to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing his present plans for its eventual development.
 - (4) Following informal review when applicable, and in all cases except when not required by other provisions of this Chapter, the applicant shall file copies of the sketch plan application and sketch map, along with all required supporting plans, with the City. The submittal of such application, map and supporting plans shall comply with City's application and fee requirements.

Filing of a sketch plan shall not be required in cases where a subdivision, which does not qualify as a minor or amended subdivision, primarily due to a lack of installed on or off-site public improvements. In no case shall the sketch plan requirement be waived under this provision for subdivision proposals containing more than three divisions of real property, or where any part of the subdivision has been subdivided without a sketch plan under any part of this Official Code of the City of Montrose, Colorado, within the three years prior to the date of submission.
 - (5) The sketch plan review shall commence only upon submittal of a completed sketch map, a completed sketch plan application form, which form shall be provided by the City, and all required supplemental information as set forth below, as well as any additional materials determined by City staff to be necessary for processing of the application.
- (a) Sketch Map. The sketch map shall include the following:
- (i) A location map, of approximately four inches by four inches, showing the project location in relation to the City of Montrose, with appropriate reference to major and minor arterial and



- collector roads or highways.
- (ii) A detailed map showing property boundaries of the subdivision, north arrow and date. The scale of the map shall not be less than one inch equals 200 feet. The map shall include the name of the subdivision, name of the county, township, range, Section and quarter Section. The map shall further indicate zoning and land use of all lands within 300 feet of any property boundary owned by or under option to the subdivider. A title box shall be located in the lower right corner of the map. In the case of large subdivisions requiring more than one sheet at such a scale, an index map showing the total area on a single sheet shall also be submitted.
 - (iii) A conceptual drawing of the lot and street layout indicating the approximate area and number of individual lots and access to the property.
 - (iv) Significant natural and manmade features on the site, such as streams, lakes, natural drainage ways and wetlands; vegetation types including locations of wood areas; wildlife habitats; scenic corridors; visual impacts; solar access; existing buildings; utility lines and easements; irrigation ditches; bridges and similar physical features; existing development on adjacent property; and footprints of existing buildings.
 - (v) Total acreage of the tract.
 - (vi) Existing and proposed zoning district boundary lines. General land use divisions, including residential types, commercial, industrial, parks, open space and community facilities, including the proposal's relevance to underlying zoning.
 - (vii) Type and layout of all proposed infrastructure, including streets, utilities, water and sewer systems, and impact on existing systems.
 - (viii) Public use areas proposed to be dedicated to the public, the purpose of the dedication, and their relationship to existing public use areas.
 - (ix) Existing and proposed land use patterns, including street system, of both the tract proposed for development and immediately adjacent land.
 - (x) Existing site problems or peculiarities, such as areas of poor drainage, existing floodplain, geological hazards and seepage water.
 - (xi) Existing and proposed stormwater discharge facilities pertaining to the property.
- (b) Sketch Plan Application. The sketch plan application shall include, but not be limited to, the following information pertaining to the proposed subdivision (this information may be provided in a narrative format):
- (i) Estimated total number of gallons per day of water system requirements, source of water to supply subdivision requirements, and proposed dedication of water rights in accordance with existing City ordinances.
 - (ii) Estimated total number of gallons per day of sewage to be treated and means for sewage disposal.
 - (iii) Availability of electrical power, natural gas, CATV, telephone and other utilities necessary or proposed to serve the subdivision.
 - (iv) Access to the property, off-street parking, school bus stop area, and mail box location.
 - (v) Total number of proposed dwelling units.
 - (vi) Demonstrated compatibility with natural features.
 - (vii) Identification of all activities of the subdivision which shall require approval by permitting agencies at the local, state and federal level, and a description of the approval so required.
 - (viii) Names and addresses of all property owners of record adjoining or within 100 feet of the proposed subdivision.
 - (ix) Summary of issues or concerns resulting from informal review with neighboring property owners, if applicable.
- (c) Sketch Plan Supplemental Documents. The sketch plan application shall also include the following



supplemental documentation:

Disclosure of ownership, with supporting documentation from a title insurance company or, if acceptable to the City, an attorney licensed in the State of Colorado, which shall set forth a legal description of the property and title ownership of the property.

- (6) Upon complete submittal of all required information, City staff shall provide initial review of the sketch plan within 45 days. Upon completion of initial review of the plan and submission by the applicant of any supplemental materials or necessary revisions as requested by City staff, the sketch plan application shall be placed on an upcoming Planning Commission agenda for which space is available and for which all notice requirements can be met.
- (7) Advance notice of the sketch plan review by the City Planning Commission shall be provided by publication, with a location map of the property to be subdivided. Fifteen-day advance written notice shall also be provided, by hand delivery or deposit into the U.S. mail, to all property owners of record adjoining or within 100 feet of the proposed subdivision. The City shall provide such notice. The review and discussion of the Sketch Plan by the Planning Commission shall be informal and non-binding in nature, and shall serve as a means to provide guidance to the subdivider.

(B) Preliminary Plat.

- (1) An application for preliminary plat shall be submitted to the City and shall comply with applicable City submittal requirements.
- (2) The City may distribute copies of the preliminary plat and supporting plans or data as appropriate to the County Land Use Department, the school district, the natural gas, CATV, electrical power and telephone companies, the Fire Protection District, the Colorado Department of Transportation, the Federal Aviation Administration, the Uncompahgre Valley Water User's Association, applicable City departments and employees, and other entities as appropriate.
- (3) The preliminary plat and proposed improvements shall comply with all requirements of these subdivision regulations and other applicable City design and construction specifications and standards. The plat shall be drawn to a scale of not less than one inch equals 100 feet. (See Chapter 4-4 of these Zoning Regulations.)
- (4) The preliminary plat shall contain, at a minimum, the following:
 - (a) The name of the subdivision and the name, address and phone number of the subdivider, and his representatives, if applicable. Such information shall be contained in a title box located on the lower right corner of the plat.
 - (b) A certificate by the engineer or surveyor preparing the plat attesting to the accuracy of the plat. Such information shall be contained in a title box located on the lower right corner of the plat and shall be signed and stamped by the licensed professional engineer or registered surveyor, and shall indicate the scale used and direction of true north.
 - (c) A certificate by a licensed professional engineer that the water, stormwater, sewer systems, and all other improvements are properly engineered and designed in compliance with applicable requirements of the City and state.
 - (d) A certificate of ownership of the subject property.
 - (e) A location map, of approximately four inches by four inches, showing the project location in relation to the City of Montrose, with appropriate reference to significant roads or highways. The location map shall be provided both on the preliminary plat and separately on letter size paper.
 - (f) Certification on forms approved by the City to document approval of the plat; and the form of the certificates proposed to be used to comply with the requirements imposed for the final plat as found



- in Subsection (C) of this Section.
- (g) Two-foot elevation contours and the boundaries of the base flood (100-year flood) and floodway and base flood elevation data, as defined and specified in the City's floodplain management regulations.
 - (h) The then-current zoning designations of the subdivision and of adjacent properties.
 - (i) The names of the owners of record of adjacent properties, and the property lines of adjacent properties as space will allow.
 - (j) The location and ownership interest of existing and proposed watercourses including lakes, swamps, ditches and floodprone areas (the inclusion of such watercourses within the jurisdictional authority of local, state or federal regulatory agencies shall also be noted); the location of existing and proposed streets, easements, utility lines, poles and towers, sewer lines, water lines, drains, culverts and other underground utilities and stormwater drainage facilities both on the proposed subdivision and adjacent properties as practical.
 - (k) The layout of all lots showing the building lines, dimensions and lot areas and footprints of existing buildings, if any. The plat shall include at least two references to City GPS coordinates.
 - (l) The layout and location of all parks and open space.
 - (m) The location of all land to be reserved or dedicated for public use.
- (5) The following shall be submitted accompanying the preliminary plat together with plans and specifications prepared by a licensed professional engineer consistent with City standards and specifications, for all required or proposed improvements. All plans and specifications shall be signed and stamped by a licensed professional engineer.
- (a) Plans for the proposed sanitary sewer system showing location, grade, pipe sizes and invert elevations, and the connection points to the existing system.
 - (b) Plans for the water system and fire protection system showing locations, pipe size, valves, fire hydrants and connection points to the existing system.
 - (c) Plans for the storm drainage system showing location, pipe sizes, grades and discharge points, including off-site improvements. Such plans shall comply with any applicable City stormwater drainage requirements.
 - (d) Plans for any improvements specifically affecting watercourses within the jurisdictional authority of local, state or federal regulatory agencies, noting the required permits therefor.
 - (e) Plans for proposed streets, sidewalks, recreation paths, showing grade and cross Section, trails and walkways and streetlight and street names.
 - (f) A soil or geological report prepared and certified by a professional geologist or soil scientist.
 - (g) Plans for piping ditches, or improvements to waterways.
 - (h) Plans for parks and recreation facilities.
 - (i) A traffic impact study for all developments when estimated vehicle trips per day will exceed 250 and plans for recommended traffic mitigation measures. The study shall provide, but not be limited to, traffic capacity for existing road infrastructure, proper analyses of transportation linkages in conformance with transportation plan, cumulative traffic impact of development at build-out, and proposed infrastructure design to account for such considerations. The scope of the impact study may be broadened to include other nearby subdivisions and developments, allowing for cooperative participation and cost sharing.
- (6) If the applicant intends to develop the project in phases, a phasing plan will be required to be submitted to and approved by the City. The phasing plan must include the numbers of lots in each phase, the infrastructure planned for completion with each phase that is necessary to allow the phase to be properly integrated into City services as determined by the City Engineer, the amenities to be constructed with each phase, and all other information pertinent to the completion of the development.



- (7) Upon submittal of all required information, the City staff shall provide initial review of the preliminary plat within 45 days. Upon completion of initial review of the preliminary plat and submission by the applicant of any supplemental materials and revisions necessary to comply with City regulations, the Preliminary Plat Application shall be placed on an upcoming Planning Commission agenda for which space is available and for which all notice requirements can be met. City staff shall make a recommendation to the City Planning Commission to approve the preliminary plat, provided that all supporting documentation has been properly submitted and the plat meets all requirements, disapprove the plat if it does not appear to comply with the provisions of this Chapter, or approve the plat with conditions or modifications.
- (8) Advance notice of the preliminary plat review by the City Planning Commission shall be provided by publication, with location map of the property to be subdivided. The City shall provide such notice at least 15 days in advance of the scheduled meeting.
- (9) Following receipt of a completed Preliminary Plat Application, the applicant shall be required to diligently pursue the application by providing revised plans, plat maps, and other necessary information in a timely fashion. Where the applicant fails to meet this requirement, the City shall, in writing, request the applicant to withdraw the application. If the applicant fails to take any further action on the Preliminary Plat Application for a period of six consecutive months following such request to withdraw, the Preliminary Plat Application shall automatically expire and all applicable fees shall be non-refundable. When a Preliminary Plat Application has expired under this Subsection, in the event the applicant wishes to pursue development of the property the applicant must re-apply and pay any applicable fees.
- (10) Upon review by the City Planning Commission, the commission shall make a recommendation to the City Council to approve the preliminary plat, provided that all supporting documentation has been properly submitted and the plat meets all requirements, disapprove the plat if it does not appear to comply with the provisions of this Chapter, or approve the plat with modifications or conditions. The reasons for such recommendation shall be included in the minutes of the Planning Commission meeting and provided in writing to the applicant upon request.
- (11) Unless the subdivider withdraws the preliminary plat from review, or it expires as set forth herein, the plat shall be submitted to the City Council for final review and action. Advance notice of the preliminary plat review by the City Council shall be provided by posted notice.
- (12) Council may approve the preliminary plat, approve the plat subject to conditions necessary to implement the provisions of this Chapter, or disapprove the plat if the Council finds that the requirements of these regulations have not been met.
- (13) No construction of the required subdivision improvements shall commence until approval of the preliminary plat by the City Council and submittal of both a Mylar of the preliminary plat, as finally approved with signed certificates as required by the City, and a copy of the preliminary plat in a digital format acceptable to the City and compatible with City computer systems. Upon approval and submittal of the Mylar, and supporting documentation as required, the City shall then issue a written notice to proceed.

(C) Final Plat.

- (1) No land shall be subdivided, or any parcel thereof sold or conveyed, until a final plat has been approved and either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued in accordance with this Subsection (C).
- (a) Final plat submittals shall comply with all application and fee requirements. The submittal of final



plats for approval must occur within five years of approval of a related preliminary plat, unless an extension of time is granted by the City Council, or the timing of the submittal is consistent with a phasing plan that has been submitted by the applicant and approved by the City. The applicant may request and the City Council may approve an extension of time for filing the final plat where development of the project in accordance with the preliminary plat has been pursued with due diligence.

(b) Building Permits:

- (i) Until the public improvements are accepted by the City, the City shall not be obliged to issue any building permits within a subdivision, except as provided herein. Provided that all other applicable City codes and regulations have been satisfied, building permits may be issued only to the subdivider for any property with an approved Preliminary Plat. The subdivision must have sufficient access and water to allow for adequate fire protection as determined by the fire protection district. No certificates of occupancy, temporary or otherwise, shall be issued unless and until:
 - (a) All public and necessary on- and off-site improvements have been completed;
 - (b) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued by the City; and
 - (c) A final plat has been approved and recorded.
- (ii) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion shall evidence City inspection and approval.
- (iii) The two calendar year Construction Warranty shall begin to run from the date of said Preliminary Letter of Infrastructure Completion.

(c) The final plat shall contain all plat elements required as a condition of preliminary plat approval and the following, all in forms acceptable to the City:

- (i) The total number of lots and lot numbers or letters.
- (ii) Sufficient data to determine easily and reproduce on the ground the location of all monuments, and the bearing and length of every street line, boundary line, block line, lot line and building line whether curved or straight, including the radius, central angle and tangent distance for the centerline of curved streets. Other curved lines shall show arc or chord distance and radius. All dimensions shall be to the nearest 1/100 of a foot and all angles to the nearest second. The plat shall include at least two references to City GPS coordinates.
- (iii) A certificate by a registered surveyor, attesting to the accuracy of the survey plat and placement of monuments, and compliance with the requirements of this Chapter and state law.
- (iv) A certificate of dedication for streets, easements and other property dedicated for public use, properly executed and notarized.
- (v) A certificate by a licensed professional engineer that the sanitary sewer, water distribution and storm drainage systems, streets and other improvements are properly engineered, designed and constructed in compliance with all applicable requirements of the City and the state.
- (vi) Separate Certificate of Approval of the plat by the City Attorney.
- (vii) A certificate of an attorney that title to the property is in the name of those parties executing the dedication, and that property dedicated to the City will be free and clear of all liens and encumbrances affecting marketability.
- (viii) A certificate by the City Engineer specifying which improvements have been completed and listing those that require security prior to final plat approval.
- (ix) A certificate by the City Clerk as to receipt of any security for the completion of improvements.
- (x) The name of the subdivision and the name, address and phone number of the subdivider, and his representative if applicable, said information to be included within a title box located on the lower right corner of the plat.



- (xi) The name of the registered surveyor preparing the plat, the date of the plat, said information to be included within a title box located on the lower right corner of the plat.
 - (xii) A certificate of recording to be executed by the County Clerk and Recorder.
 - (xiii) The scale used, direction of true north, and basis of bearing.
 - (xiv) A location map, of approximately four inches by four inches, showing the project location in relation to the City of Montrose, with appropriate reference to significant roads or highways. The location map shall be provided both on the final plat and separately on letter size paper.
 - (xv) The location and ownership interest of all watercourses including lakes, swamps, ditches and floodprone areas; the location and names of streets, sidewalks, easements, utility lines, poles and towers, sewer lines, water lines, drains, culverts and other underground utilities and stormwater drainage facilities.
 - (xvi) The layout of all lots showing the building lines, dimensions and lot areas.
 - (xvii) The layout and location of all parks, trails, recreation paths and open space.
 - (xviii) The location of all land to be reserved or dedicated for public or other uses and the boundaries of the base flood (100-year flood) and floodway and base flood elevation data, as defined and specified in the City's floodplain management regulations.
 - (xix) Plat notes and restrictions as appropriate to implement compliance with this Chapter, conditions of approval as necessary or desirable to implement the City's Master Plan.
 - (xx) Plat notes, easements and restrictions as appropriate to implement required FAA aviation regulations.
- (2) The final plat shall be accompanied by a computation showing closure of the tract boundary to one foot in 5,000 feet or better. The final plat and accompanying plans shall be drawn to a scale of not less than one inch equals 100 feet. If discrepancies are believed to exist, the City may have the plat checked by an independent registered surveyor at the subdivider's expense.
 - (3) Any conditions or improvements imposed on the applicant by the City Council under the preliminary plat approval must be shown on the final plat and either completed, or the appropriate security under Subsection (C)(5) of this Section, prior to approval by the City Council.
 - (4) The final plat may be submitted for a portion of the preliminary plat, or phased, subject to the following conditions:
 - (a) The applicant has submitted a phasing plan that has been approved by the City.
 - (b) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, or outlot.
 - (c) In instances where completion of required improvements, utilities or road infrastructure within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to complete said improvements, utilities or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, stormwater drainage system, trails and park development.
 - (d) In instances where the dedication of land for public purposes within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to dedicate said lands upon approval of that final plat. This may include, but not be limited to, the dedication and development of land for parks, trails, open space, rights-of-way and easements.
 - (5) The final plat shall be accompanied by security for the completion of any uncompleted improvements in accordance with Section 4-7-8 of these regulations.
 - (6) Accompanying the final plat shall be two copies of the as-built plans or record drawings for sanitary sewers, storm sewers or drainage systems and the water and fire systems showing grades, pipe sizes, pipe types, outlets, connection points and other information which the City Engineer may require



along with as-built plans for all other utility systems. As-built plans and data shall also be provided in a digital format compatible with City computer systems, and in accordance with City specifications. As-built plans for any improvements not completed at the time the final plat is submitted shall be submitted prior to inspection or approval of the improvements and release of any security. All as-built plans and data shall be signed and stamped by a licensed professional engineer.

- (7) Upon complete submittal of all required information, City staff shall, within 30 days, provide initial review of the final plat. Upon completion of an initial review of the final plat and submission by the applicant of any supplemental materials or necessary revisions as requested by City staff, the application shall be placed on an upcoming City Council agenda for which space is available. No final plat shall be placed on a City Council agenda unless and until all necessary materials have been submitted, reviewed and determined by City staff to meet all applicable City codes and regulations.
- (8) City Council may approve the final plat, approve it subject to conditions necessary to implement the provisions of this Chapter, or disapprove the plat if it finds that the requirements of these regulations have not been met.
- (9) No final plat shall be approved by the City Council until:
 - (a) All of the improvements required by these subdivision regulations have been installed, inspected and approved by the City Engineer, or properly secured in accordance with the provisions of Section 4-7-8 of these regulations on forms approved by the City.
 - (b) Two hard copies of as-built plans and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer, and also provided in a digital format acceptable to the City and compatible with City computer systems. As-built plans for any improvements not completed at the time the final plat is submitted, and secured in accordance with the provisions of Section 4-7-8, shall be submitted prior to inspection or approval of the improvements and release of any security. All as-built plans and data for completed utility improvements shall be signed and stamped by a licensed professional engineer.
 - (c) The final plat has been submitted in final form on two reproducible Mylars, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
 - (d) Payment to the City of any costs incurred by the City within the subdivision review process, which costs are specifically subject to reimbursement.
 - (e) The security for the two calendar year construction warranty has been provided by the subdivider in a form acceptable to the City.
- (10) Following City Council approval of the final plat and verification that the documentation has met all applicable codes and regulations, the final plat shall be executed by the appropriate City staff and recorded with due diligence.

(Code 2012, § 4-7-5; Ord. No. 2062 , 6-2-2005; Ord. No. 2092 , 11-17-2005; Ord. No. 2173 , 11-15-2007; Ord. No. 2229 , 11-5-2009)

Sec. 4-4-24. Planned Development (PD).

- (A) *Intent.* The intent of this Section is to encourage the development of tracts of land in accordance with an overall development plan by providing flexibility with respect to dimensional requirements of residential units and to provide for procedures and requirements for multi-building residential development. The City is authorized to enact and amend regulations for the establishment and control of planned developments pursuant to Article XX of the Colorado constitution and C.R.S. § 24-67-101, et. seq.



(B) *General Provisions.*

- (1) A planned development must be in substantial conformity with the City's Master Plans. No development with more than one building, with one or more dwelling units therein, may be erected on a single lot, tract, parcel or site unless a PD Plan, providing therefore, is approved pursuant to this Section, or unless the property is subdivided pursuant to City Subdivision Regulations. Provided all other applicable municipal Code provisions are satisfied, this Subsection is not intended to prohibit the issuance of building permits for property that has obtained:
 - (a) A PD Plan;
 - (b) A subdivision Preliminary Plat; or
 - (c) An approved final plat.
- (2) A minimum of 20 percent of the gross area of the planned development must be preserved as parks or open space.
- (3) The PD Plan must reasonably preserve and protect rural character, open space, scenic views, drainage areas and other valued resources.
- (4) Approval of a planned development by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the developer does not accept all conditions, that development must adhere to standard subdivision and zoning requirements.

(C) *Permitted Uses in a PD.*

- (1) Parks, open space, growing of agricultural crops, golf courses; and "uses by right" and "conditional uses" in the zone or zones in which the PD is located shall be permitted when approved as part of the planned development.
- (2) Modular buildings used for single family homes, duplexes or multiple family residences may be allowed in any zoning district, if approved as part of the planned development.
- (3) Planned developments in the "RL" zoning district must consider and reasonably minimize adverse impacts on existing agricultural uses or other property in the area.
- (4) Residences may be clustered, including the use of duplexes and multifamily residences.
 - (a) Planned developments containing six or fewer units may be approved by following the administrative procedures set forth in this Subsection (C)(4).
 - (b) The 20 percent open space requirement applicable to planned developments shall be optional for those planned developments meeting the standards set forth in Subsection (C)(4)(a) of this Section.
 - (c) Developments containing airspace units with undivided interests in common areas, shall show and describe said airspace units in three dimensions on the plat thereof. Developments of this type shall be known as "condominiums" and shall be labeled as such on the plat thereof.
 - (d) Developments having zero lot-line setbacks, but containing non-airspace-only units, may not be required to show said units in three dimensions on the plat thereof, though certain party wall details may be required, in the City's sole discretion. Developments of this type shall be known as "townhomes" and shall be labeled as such on the plat thereof. Townhomes shall include the underlying real property, and shall typically include yard area not encumbered by limited or general common elements, when applicable.



(5) Administrative PD Procedures:

- (a) All lots or tracts are adjacent to a dedicated and accepted public street;
- (b) The lots are part of a subdivision or PD plat that has been previously approved and/or accepted by the City and recorded in the Montrose County Records;
- (c) All improvements required by applicable City ordinances and regulations, including those related to PD Plans, are already in existence and available to serve each lot, or secured;
- (d) No part of the Administrative PD has been approved as part of an Administrative PD within three years prior to the date of submission of the Administrative PD plat;
- (e) No material changes to prior restrictions or easements are proposed; and
- (f) Provisions of Section 4-7-9(B) through and including (E) shall apply.
- (g) Approval of an Administrative PD by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the applicant does not accept all conditions, that development must adhere to standard subdivision or PD requirements, and proceed through the applicable approval process.
- (h) Prior to any review of the Administrative PD, the applicant shall provide written consent of all property owners within the proposed Administrative PD plan area. To the extent only a portion of a prior-approved Administrative PD plan area is proposed to be amended by the Administrative PD Plan application, then only the consent of the property owners within such portion shall be required.

(D) *Dimensional Requirements, Densities.*

- (1) Dimensional requirements, except those relating to overall residential density, which would otherwise be required by the City Zoning Regulations, or other City regulations for the district affected, may be deviated from in accordance with the plan as approved, if the Review Board determines that such deviations will promote the public health, safety and welfare. The Review Board may impose conditions as necessary or appropriate. The total number of residential units shall not exceed the area of the site divided by the minimum lot sizes specified for the zoning districts included.

(E) *Review of Sketch, Preliminary and Final PD Plan.*

- (1) The sketch plan, preliminary plan and final PD plans shall be reviewed pursuant to the procedures and requirements for subdivisions as set out in Chapter 4-7. For the approval of any preliminary PD Plan or a substantial amendment to a PD plan, a hearing shall be held before City Council.
- (2) Prior to any review of the Sketch, Preliminary and Final PD Plan, the applicant shall provide written consent of all property owners within the proposed PD plan area. For the purposes of this Section 4-4-24, "PD plan area" is the entirety of the territory proposed to be included in a PD plan; provided, however, that for applications for PD plan amendments, only the portion of the PD plan area being amended or affected shall constitute the PD plan area for such application.
- (3) Conditions may be imposed as appropriate to assure that the PD plan is consistent with the City's Master Plans and promotes the public health, safety and welfare.
- (4) The plan shall show the location, size, number of dwelling units, and other uses, and shall further set out the location of all parks, open space, parking areas, streets, sidewalks, trails, bike paths and other improvements and structures. All information necessary to show compliance with the requirements of



this Section shall be submitted. Where appropriate, in lieu of exact locations, numbers and sizes, parameters or limits may be set out.

- (5) The planned development Plan as approved shall be recorded.
- (6) The final PD plan may be treated as a vested right if and only if the following procedures are met:
 - (a) A landowner seeking to have the PD plan vested shall submit a written application to the City requesting that the final PD plan be vested in terms of the rights relative to the type and intensity of usage thereof. The application for review and approval of the PD plan for the purpose of vesting the property may only be submitted and received by the City subsequent to the City approval of the preliminary plat concerning that same subdivision.
 - (b) If the requirements for the PD plan are otherwise met in accordance with all applicable City regulations and specifications, approval of the PD plan shall be deemed to create a vested right in said plan which shall be subject to the provisions and limitations of C.R.S. §§ 24-68-103, 104 and 105, as may be amended from time to time. For the purposes of these provisions, PD plan shall mean the same as a "site specific development plan" as defined in the aforementioned statutes.
 - (c) Vested rights shall include only the final PD plan as approved, and shall not include the sketch plan or preliminary plat thereof, architectural plans, construction plans, variances, conditional uses, public utility filings and other related documents.

(F) *Required Improvements.*

- (1) All PDs shall provide the same improvements as required for subdivisions in Chapter 4-7, and security therefore shall be provided as set out in Section 4-7-8.
- (2) All improvements shall be constructed in accordance with standard City design and construction specifications and standards, in substantial conformity with the PD plan, and in accordance with subdivision design standards as set out in Chapter 4-7 except as modified by the plan.
- (3) An entity shall be established or provided for ownership and maintenance of all facilities and open spaces, which are approved for common ownership or not dedicated to the City.
- (4) Flexibility in the scope and design of required improvements and design standards may be allowed to provide for innovative urban design which promotes the public health, safety and welfare. A public street shall be dedicated to the City and developed at the developer's cost to provide direct access to each building with residential units or to the parking lot serving the building.

(G) *Enforcement and Amendments.*

- (1) The PD plan may be enforced in accordance with or in the same manner as the provisions of the Planned United Development Act of 1972, as amended, C.R.S. 1973, § 24-67-101 et seq., as amended or in any lawful manner. In addition, no occupancy permit shall be issued for any building unless all site improvements to serve that unit and any commonly-owned facilities have been completed and approved unless security for completion is provided substantially similar to the security required for subdivision improvements by Section 4-7-8 of the City's subdivision regulations, except that cash must be placed in the escrow account prior to issuance of the occupancy permit.
- (2) Amended PD plans may be submitted for review and approval in the same manner as the initial PD Plan. An applicant for an Amended PD plan shall submit written consent of the property owners of the portion of the PD plan area to which the application applies, prior to and as a condition of the initiation of review of the application. Written consent from all property owners within the prior-approved PD plan area is not required as part of the Amended PD plan application. Advance notice of any review of



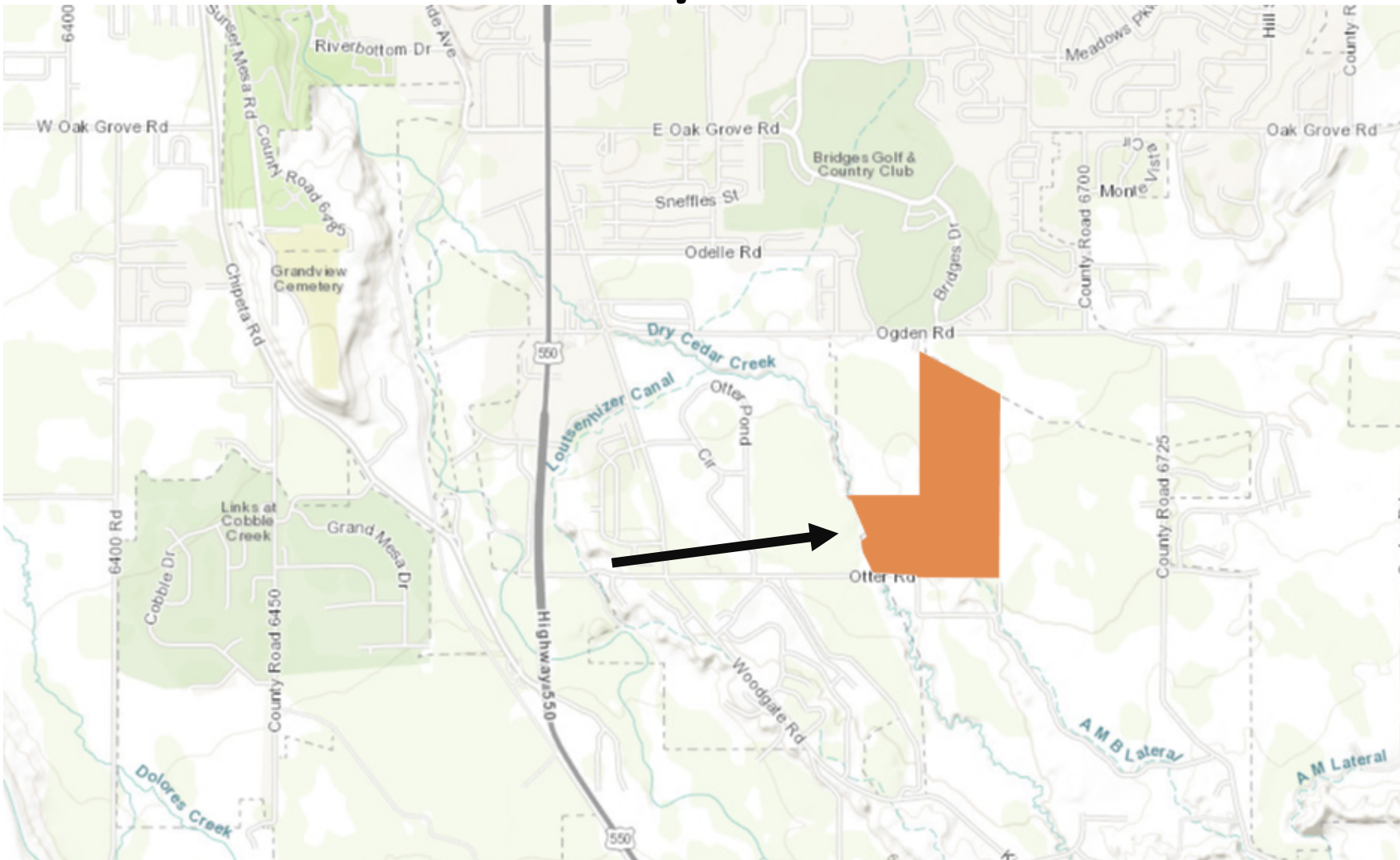
an Amended PD plan application by the Planning Commission shall occur pursuant to Chapter 4-7 with the added requirement that advance written notice shall be provided to all property owners of record within the prior-approved PD plan area, in addition to all property owners of record adjoining or within 100 feet of the proposed Amended PD plan area.

(Ord. No. 2472 , § 4-4-24, 5-7-2019; Ord. No. 2493 , 2-4-2020; Ord. No. 2589 , § 1, 5-17-2022)



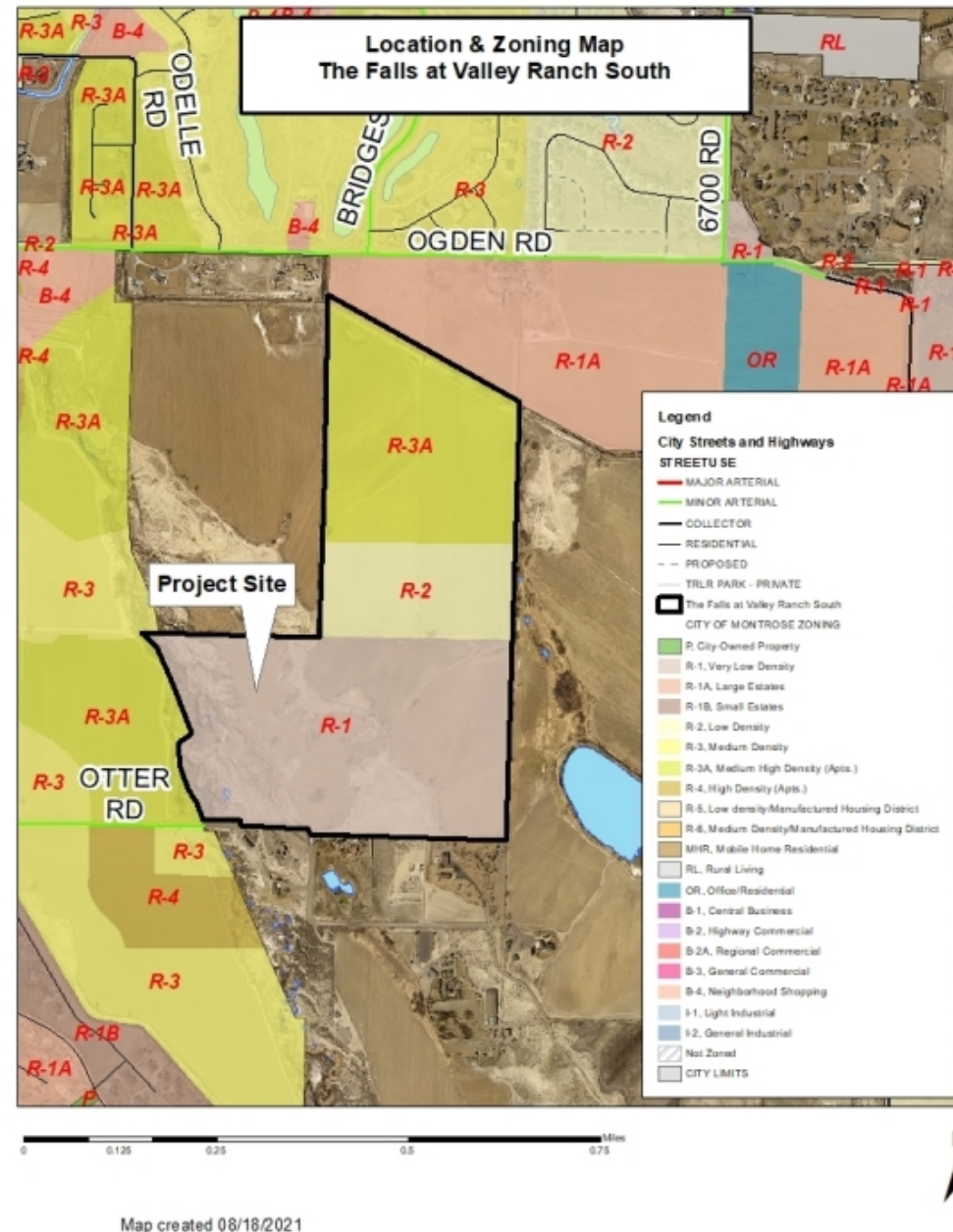


General Vicinity Map – The Falls at Valley Ranch

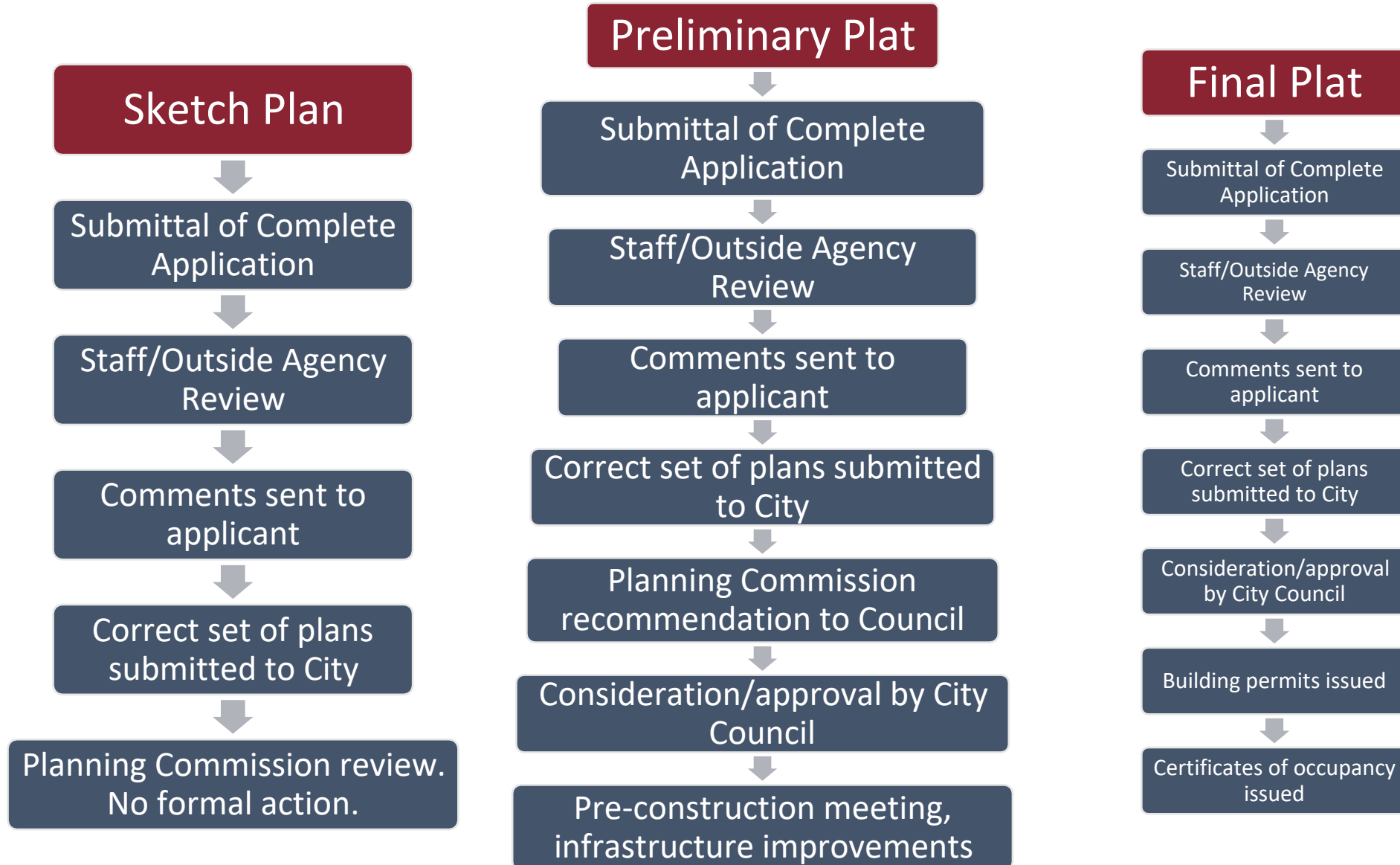


Project Background

- Approx. 130 acres
- 7 single-family residential lots
- Outlot A – to be later subdivided and developed
- Zoned “R-1”, “R-2” & “R-3A”



Subdivision Process



Standard Subdivision Review Standards

Section 4-7-5 (A)(2) (Exhibit B)

“The proposal shall be consistent with the Master Plan, City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed considering the following at a minimum:

- a) Conformance with the master plan and zoning regulations;
- b) Relationship of development to topography, soils, drainage, flooding, potential hazard areas and other physical characteristics;
- c) Availability of water, means of sewage collection and treatment, storm water drainage, access and other utilities and services;
- d) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
- e) Adjacent streets and traffic flow, including pedestrian access;
- f) Availability of fire, police and other emergency services protection;
- g) Impacts on area schools.”

Planned Development Review Standards

Section 4-4-24 (Exhibit C)

- A planned development must be in substantial conformity with the City's Master Plans.
- The PD Plan must reasonably preserve and protect rural character, open space, scenic views, drainage areas and other valued resources.
- Residences may be clustered, including the use of duplexes and multifamily residences.
- Must adhere to standard subdivision and zoning requirement.
- Conditions may be imposed as appropriate to assure that the PD plan is consistent with the City's Master Plans and promotes the public health, safety and welfare.
- Flexibility in the scope and design of required improvements and design standards may be allowed to provide for innovative urban design which promotes the public health, safety and welfare.

Planned Development Application Details

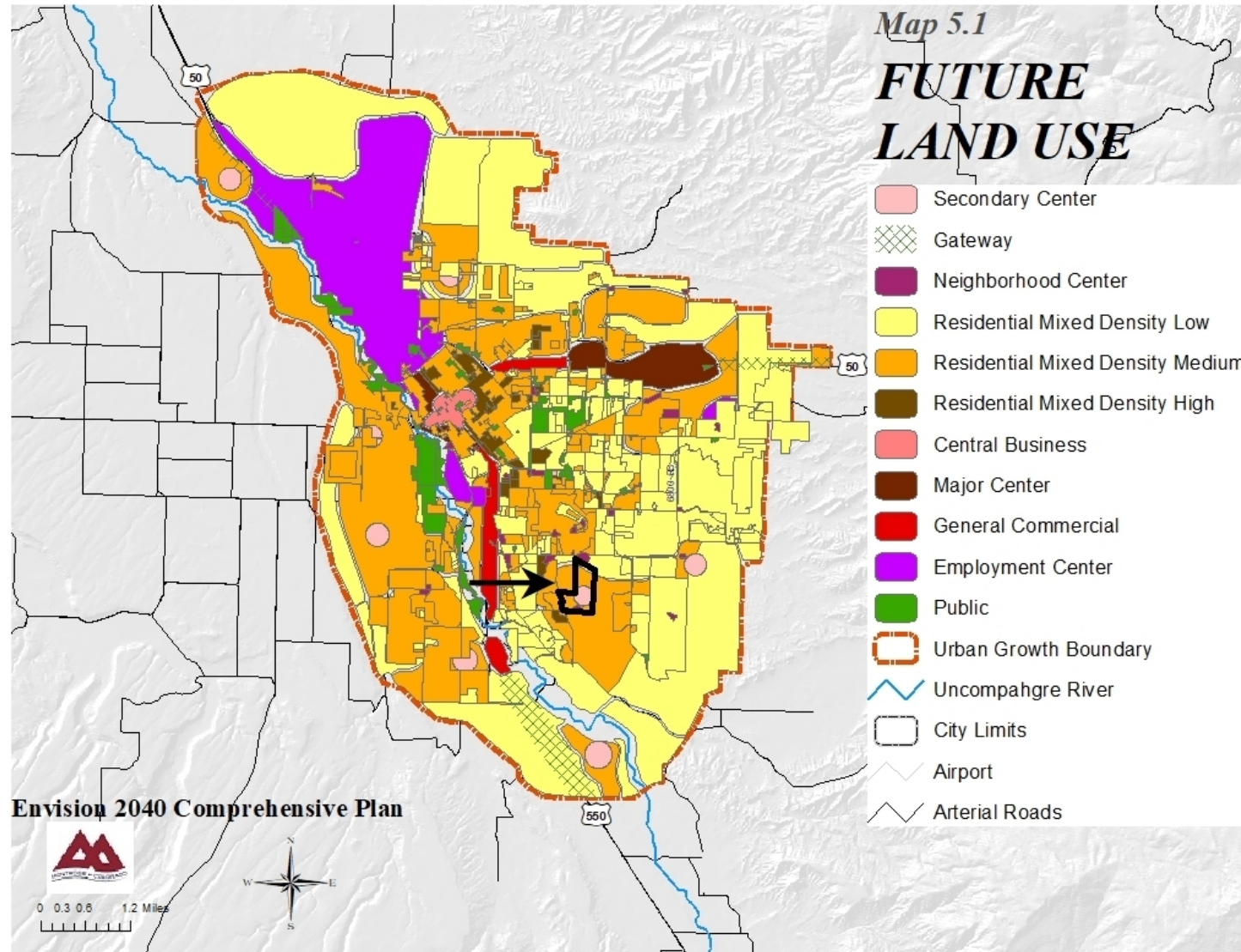
- The applicant has chosen to move forward with a Planned Development application which provides for flexibility with respect to development standards.
- Flexibility in the scope and design of required improvements and design standards may be allowed to provide for innovative urban design which promotes the public health, safety and welfare.
- The applicant is requesting a deviation from the standard road template, including irrigation, utility, and drainage easements.

Comprehensive Plan & Municipal Code

- Comprehensive Plan is not legally binding. It provides guidance for zoning and other land use decisions.
- It is possible for sections of the Comprehensive Plan to conflict, and it is reasonable that a decision may not satisfy every aspect outlined within the Comprehensive Plan.
- Future Land Use Map within the Comprehensive Plan illustrates general, somewhat flexible locations and extents for various land uses and densities.
- The Municipal Code and Zoning regulations specify land uses and densities, bulk & height requirements, setbacks, and other development standards that are allowed within each zoning district.
- Development on this parcel may occur in accordance with the approved zoning and should also be in general conformance with the Comprehensive Plan.

Comprehensive Plan – Future Land Use

Listed as **residential
mixed density
medium** and
secondary center.



Zoning Regulations

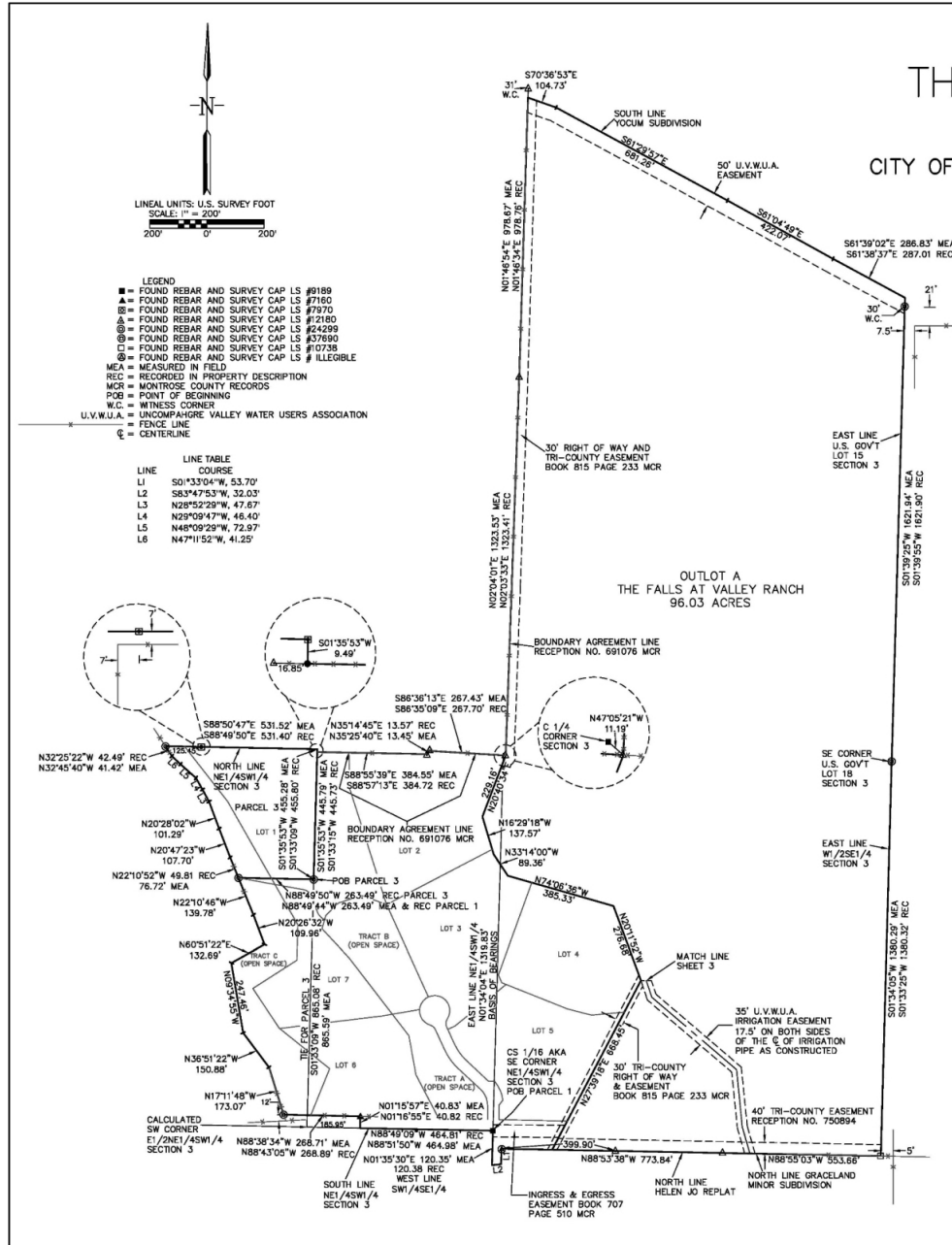
- Municipal Code, Section 4-4-4.2(A) Intent: The “R-1” Very Low Density District provides for overall low density residential development.
- Municipal Code, Section 4-4-6 (A) Intent: The “R-2” Low Density District is intended to provide a quiet, low density development for single-family residences. Environmental protection is provided by allowing only single-family residences along with certain other compatible land uses.
- Municipal Code, Section 4-4-7.1 (A) Intent: The “R-3A” Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses.

Zoning Regulations

- The proposed use is a use-by-right in this zoning district. The current zoning is compatible with general conditions in the area. The property is adjacent to properties that are zoned “R-1A” Large Estate District, “R-3” Medium Density District, “R-3A” Medium High Density District, and agricultural (outside City limits).
- The minimum lot size requirement in the “R-1” zoning district is one (1) acre. All lots to be subdivided meet this minimum lot size requirement.

PRELIMINARY PLAT THE FALLS AT VALLEY RANCH

SITUATED IN SECTION 3, T48N, R9W, N.M.P.M.,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



1. LOCAL IMPROVEMENT DISTRICT
All lots platted herein shall be subject to an assessment for the costs to construct improvements to that portion of Otter Road that abuts the Subdivision, said improvements including curb, gutter, sidewalk, drainage, base and pavement, and other related improvements. The Montrose City Clerk is hereby appointed as the Assessor-in-fact of each of the owners of The Falls at Valley Ranch for the purposes of executing improvement district petitions on their behalf, voting on their behalf in any election to approve any financial obligations for such improvement districts and for all other purposes related to the formation of such districts and construction of such improvements. These obligations shall run with the land and be binding upon all successors in interest to the said lots.

2. DRAINAGE EASEMENTS
The drainage easement(s) shown herein shall be owned and maintained by the owners of the lots encumbered by the easement or the Valley Ranch HOA as noted on plat and in a manner that preserves the grade as originally established and so as to not impede the free flow of water in any way, including but not limited to the construction of fencing and other improvements, or the planting or encroachment of trees and shrubs and other impeding vegetation. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any pipelines, ditches or improvements as located within said easements. Upon failure to properly maintain the drainage easement(s) shown herein, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owner, and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

3. IRRIGATION EASEMENTS
The irrigation easement(s) shown herein (see sheet 3) shall be owned and maintained by the owners of the lots encumbered the easements or the Valley Ranch HOA as noted on plat and shall not be impeded or altered in any way so as to impact the historic delivery of water, unless otherwise agreed by all owners of interest in said easements or any water rights associated therewith. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any irrigation pipelines, improvements or ditches as located within said easements. Upon failure to properly maintain the irrigation easement(s) shown herein, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owner(s), and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

4. DRIVEWAY/RIGHT OF WAY RECIPROCAL ACCESS EASEMENTS
Reciprocal Access Easements
The Owner(s) devoted on the CERTIFICATE OF DEDICATION AND OWNERSHIP, herein, hereby for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to Valley Ranch HOA, in The Falls at Valley Ranch, their respective heirs, successors and assigns, a perpetual and reciprocal right-of-way easement, over said portions so selected and reserved for use as driveways for ingress and egress. These reciprocal easements shall be appurtenant to each of the said lots in The Falls at Valley Ranch which right shall run with the land, and shall be a benefit and a burden to each of the said lots, their owners, and all parties claiming by, through, or under them. The City shall not be responsible for the repair or maintenance of private infrastructure including, but not limited to, repair of driveways damaged as a result of utility maintenance or operation.

5. PRIVATELY OWNED OPEN SPACE, PARKS, AND OTHER IMPROVEMENTS
All open spaces (Tracts A, B, and C) now existing or hereafter conveyed, shall be owned and maintained by an owners' association, or until such time as an owners' association is lawfully formed for such purposes, by the owners of all lots final platted in The Falls at Valley Ranch jointly and severally. The City is not responsible or liable in any manner for the maintenance, repair, or operation of such properties and/or improvements, nor shall the City be responsible for future dedications of such properties. Upon failure to properly maintain such properties and/or improvements shown herein, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed, and assess the costs thereof to such owner(s), or the City may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

6. MONEY IN LIEU OF SCHOOL LAND DEDICATION
All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to Section 4-7-7(C)(7) of the Municipal Code. Payments shall be made to the City, to be later disbursed to the RE-JU School District.

7. MONEY IN LIEU OF PARK LAND DEDICATION
All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of park land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of parkland dedication is subject to Section 4-7-7(C)(7) of the Municipal Code.

8. COPS FEE
The pre-negotiation agreement for this development subjects it to a City Operations and Police Service Fee in the amount of \$650.00 per dwelling unit based on the maximum dwelling units allowed on each lot. In the event the number of units allowed on a lot increases over the number of units for which a fee was paid, payment for the additional units shall be due and payable to the City. The COPS fee for each of the following dwelling units has been paid with this final plat:

No residential units may be placed on Tracts A, B, & C.
The following lots are limited to 1 dwelling unit each: Lots 1-7.

9. CONSULTATION WITH FIRE DISTRICT
A. The owner(s) of each lot within The Falls At Valley Ranch hereby covenant that prior to the issuance of building permit(s), said owner(s) shall consult the Fire District to ensure that adequate fire flows exist under the applicable specifications of then-current regulations. In the event that such fire flows do not meet the specifications as defined by then-current regulations, the owner(s) hereby covenant to make an agreement to correct the flows; alternatively, the owner(s) covenant to otherwise make a remedial agreement satisfactory to the Fire District prior to the issuance of building permit(s).

B. Prior to the sale of any lot, the developer, broker, or seller of the project shown on this Plat shall have an affirmative obligation to disclose the restrictions set forth in Paragraph "9" immediately above, and the possible need for remedial measures on the part of the buyer(s).

10. ZONING
The zoning of this property is Zone R-1, as shown on the City's Official Zoning Map, and defined and described by the City of Montrose Municipal Code at the time of approval and recordation of this plat, and is subject to change. (Outlot A not included)

11. FINAL PLAT CONDITIONAL APPROVAL
The approval of The Falls At Valley Ranch Final Plat is expressly conditioned upon City Staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns.

12. CONVEYANCE OF PRIVATE PARKS AND OPEN SPACES TO OWNERS' ASSOCIATION
By executing this Plat, the owner(s) whose signature(s) appear herein, joined by the Lienholder(s) if any, whose signatures also appear on this Plat, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to Valley Ranch HOA, a Colorado nonprofit corporation, Tracts A, B and C shown and designated on this Plat.

13. CERTIFICATE OF GOOD STANDING
The owner(s) whose signature(s) appear on the Certificate of Dedication and Ownership on this Plat have provided the City a current, valid, Certificate of Good Standing, bearing Confirmation No. _____, from the Colorado Secretary of State, as proof of the above named HOA of Owners' Association entity's compliance with all applicable requirements of the Colorado Secretary of State, and its good standing with the Colorado Secretary of State.

14. DECLARATION OF COVENANTS RECORDED
The Declaration of Covenants, Conditions, and Restrictions for Valley Ranch HOA, applicable to the development platted herein, and made binding to the entity named above, was recorded under Reception No. _____ on the _____ day of _____, 20____, in the office of the Montrose County Clerk and Recorder.

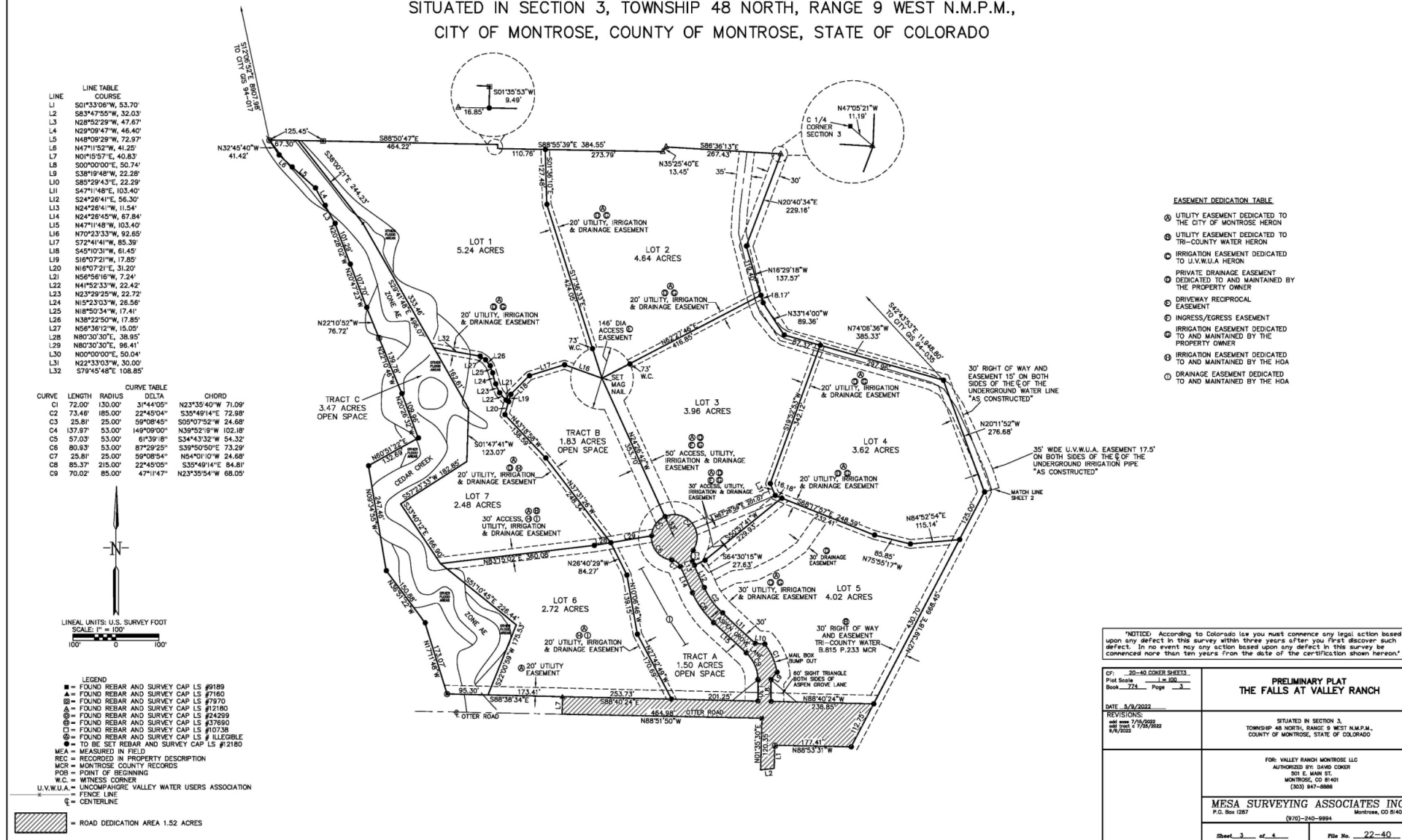
15. Future Road Dedications
In accordance with the Annexation Agreement for this property, recorded under Reception No. 035274, of the records of the Montrose County Clerk and Recorder, minor arterial rights of way and utility easements for the southern extension of Bridge Drive (final name to be determined) and the eastern extension of Otter Road will be dedicated concurrent with development of Outlot areas or at the request of the City.

16. 100 Year Flood
A portion of the parcel is located in Flood Zone AE on the FIRN map for the Montrose County. Parcel Number 0805507780, revised 1/08/2012.

"NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon."

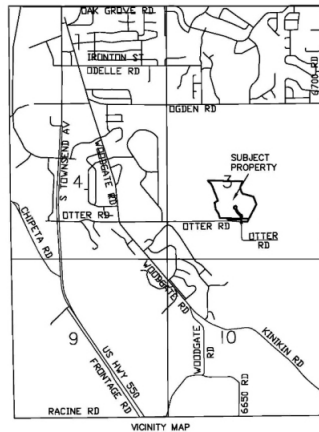
CP: 90-60 COKER VALLEY RANCH Plat Book _____ Page _____ Book _____ Page _____	PRELIMINARY PLAT THE FALLS AT VALLEY RANCH
DATE: 5/9/2022 REVISIONS: 7/26/22 1/26/22 AND TRACT C N/A/22	SITUATED IN SECTION 3, T48N, R9W, N.M.P.M., CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO
FOR: VALLEY RANCH MONTROSE LLC AUTHORIZED BY: DAVID COKER 301 E. MAIN ST. MONTROSE, CO 81401 (303) 847-8888	
MESA SURVEYING ASSOCIATES INC. P.O. Box 1287 Montrose, CO 81402 (970) 240-9994	
Sheet 2 of 4	File No. 22-40

SITUATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 9 WEST N.M.P.M.,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



THAT PART OF THE FALLS AT VALLEY RANCH DESIGNATED AS A PLANNED DEVELOPMENT PLAN

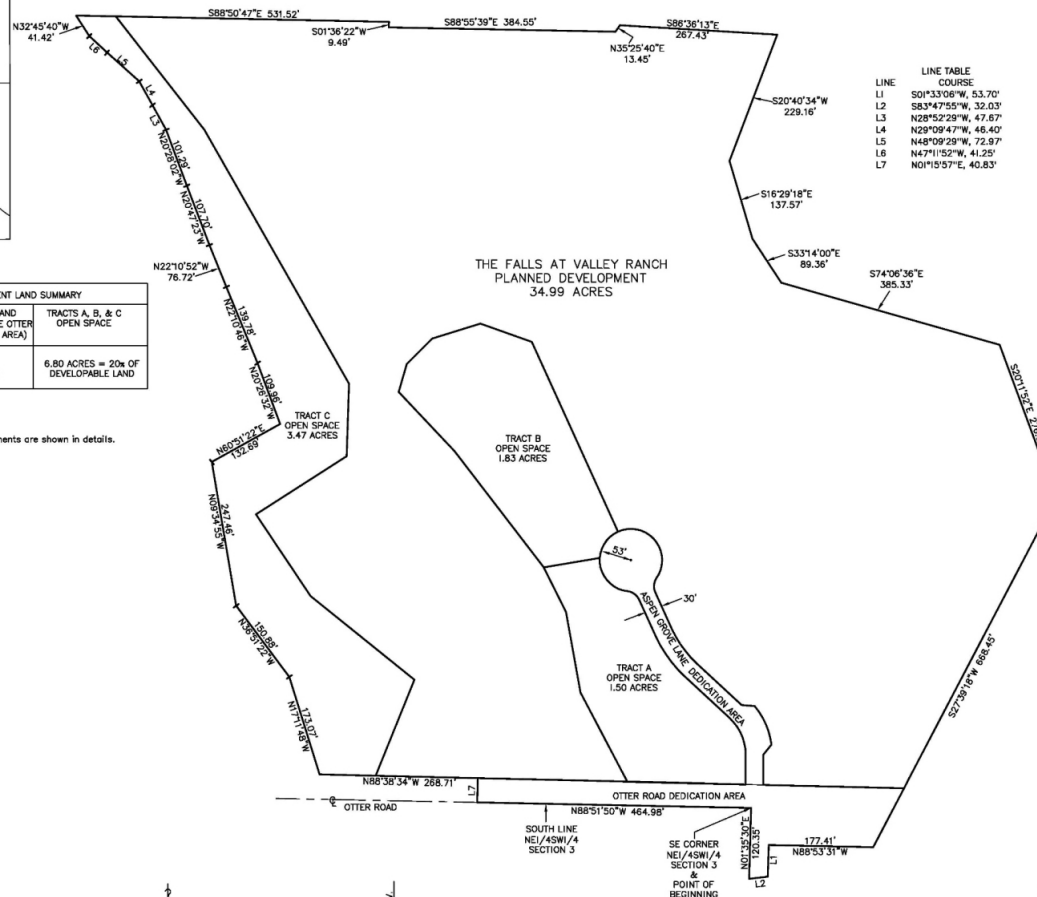
SITUATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 9 WEST N.M.P.M.,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



THE FALLS AT VALLEY RANCH PLANNED DEVELOPMENT LAND SUMMARY			
TOTAL ACREAGE	ROAD DEDICATION AREA (DOES NOT INCLUDE OTTER ROAD DEDICATION AREA)	DEVELOPABLE LAND (DOES NOT INCLUDE OTTER ROAD DEDICATION AREA)	TRACTS A, B, & C OPEN SPACE
34.99 ACRES	OTTER RD. 1.01 AC ASPEN GROVE LANE 0.51 AC	33.98 ACRES	6.80 ACRES = 20% OF DEVELOPABLE LAND

DEVIATIONS FROM CITY STANDARDS

I. Public street Right of Way, Drainage, Utility, and Irrigation Easements are shown in details.



LINE	COURSE
L1	S01°33'08"W, 53.70'
L2	S83°47'55"W, 32.03'
L3	N28°52'29"W, 47.67'
L4	N29°09'47"W, 46.40'
L5	N48°09'29"W, 72.97'
L6	N47°11'52"E, 41.25'
L7	N01°15'57"E, 40.83'

PLANNED DEVELOPMENT PLAN CERTIFICATE

The undersigned owners named herein, hereby submit this Planned Development Plan under the name and style of THE FALLS AT VALLEY RANCH PLANNED DEVELOPMENT PLAN. In accordance with the requirements of Section 4-4-24 of the Official Code of the City of Montrose, Colorado, and hereby declare this Plan to be a covenant which shall run with the land described on this Plan for the mutual benefit of the owners thereof, which Plan may be amended in accordance with the procedures for an amendment set forth in Section 4-4-24 of the Official Code of the City of Montrose, Colorado.

OWNER APPROVAL OF P.D. PLAN

Owner: Valley Ranch Montrose, LLC Date: _____

CITY APPROVAL OF P.D. PLAN

City Engineer: Scott Murphy P.E. Date: _____
City Attorney: _____ Date: _____
City Planning Commission Chair: Greg Easton Date: _____

PLANNED DEVELOPMENT PLAN DESCRIPTION

A Tract of land situated in Section 3, Township 48 North, Range 9 West, N.M.P.M., City of Montrose, County of Montrose, Colorado and being more particularly described as follows: Beginning at the southeast corner of the NE1/4SW1/4 said Section 3; thence N88°51'50"W along the south line of said NE1/4SW1/4, a distance of 464.98 ft.; thence N01°15'57"E, 40.83 ft.; thence N88°38'34"W, 268.71 ft.; thence N17°11'48"W, 173.07 ft.; thence N38°51'22"W, 150.88 ft.; thence N09°34'55"W, 247.45 ft.; thence N60°51'22"E, 132.69 ft.; thence N20°26'32"W, 109.96 ft.; thence N22°10'48"W, 139.78 ft.; thence N22°10'52"W, 76.72 ft.; thence N20°47'23"W, 107.70 ft.; thence N20°28'02"W, 101.29 ft.; thence N28°52'29"W, 47.67 ft.; thence N29°09'47"W, 46.40 ft.; thence N48°09'29"W, 72.97 ft.; thence N47°11'52"E, 41.25 ft.; thence N32°45'40"W, 41.42 ft.; thence N88°50'47"E, 531.52 ft.; thence S01°36'22"W, 9.49 ft.; thence S88°55'39"E, 384.55 ft.; thence N35°25'40"E, 13.45 ft.; thence S88°38'13"E, 267.43 ft.; thence S20°40'34"W, 229.16 ft.; thence S16°29'18"E, 137.57 ft.; thence S33°14'00"E, 89.36 ft.; thence S74°06'36"E, 385.33 ft.; thence S20°11'52"E, 276.68 ft.; thence S27°39'18"W, 668.45 ft.; thence N88°53'31"W, 177.41 ft.; thence S01°33'08"W, 53.70 ft.; thence S83°47'55"W, 32.03 ft. to a point on the west line of SW1/4SE1/4 Section 3; thence N01°35'30"E, 120.35 ft. to the point of beginning, containing 34.99 acres.

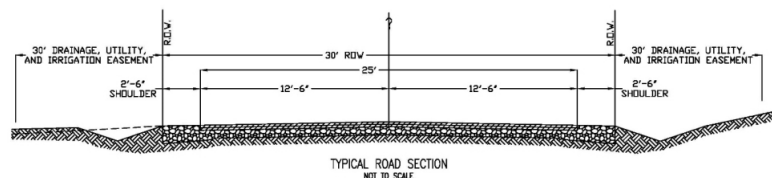
RECORDER'S CERTIFICATE

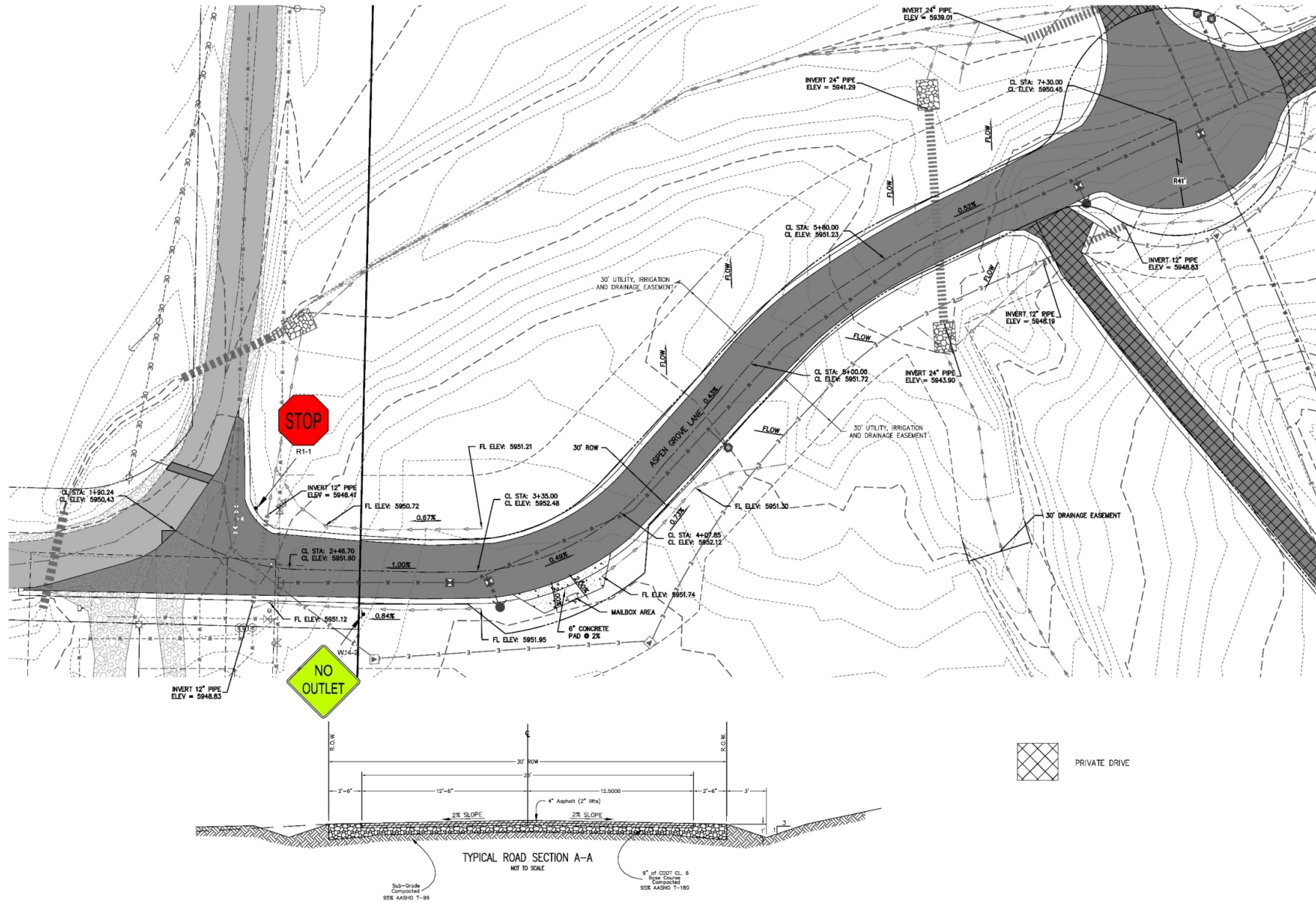
This plat was filed for record in the office of the Clerk and Recorder of Montrose County at _____ m. on the _____ day of _____, 20____.

Reception No. _____
County Clerk & Recorder _____ by Deputy _____

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

CP: 20-40 CONER SHEETS Plat Scale: 1" = 100' Book: 224 Page: 3 DATE: 5/9/2022 REVISIONS: 5/9/2022 1/15/2022 1/26/2022 1/26/2022 N/A/2022	THAT PART OF THE FALLS AT VALLEY RANCH DESIGNATED AS A PLANNED DEVELOPMENT PLAN SITUATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 9 WEST N.M.P.M., COUNTY OF MONTROSE, STATE OF COLORADO FOR: VALLEY RANCH MONTROSE LLC AUTHORIZED BY: DAVID CONER 301 E. MAIN ST. MONTROSE, CO 81401 (303) 947-8888 MESA SURVEYING ASSOCIATES INC. P.O. Box 1287 Montrose, CO 81402 (970)-240-9994 Sheet 4 of 4 File No. 22-40
---	---







MESA ENGINEERING & SURVEYING CO., INC.

REVISIONS		DATE	
1	ASPHEN GROVE LANE	11-11-2022	

DAVID COKER
MONTROSE, CO
 THE FALLS AT VALLEY RANCH

MESA ENGINEERING & SURVEYING CO., INC.
 330 SOUTH 5TH STREET
 MONTROSE, CO 81401
 PHONE: (970) 249-7771
 FAX: (970) 249-7773



9-15-2022

DATE: 11-11-2022
 DRAWN BY: JLM
 CHECKED BY: JLM
 FILE NO: MESA-2022-11
 CADD: JLM

SHEET:
 PAGE 1 OF 1
SITE

Staff Recommendation – Conditional Approval

- Staff finds that the Preliminary Plat is in compliance with the Subdivision Regulations and Comprehensive Plan.
- The proposal meets the intent of the zoning district.
- Staff recommends Conditional Approval of The Falls at Valley Ranch Amended Preliminary Plat and Planned Development.
 - [Standard Condition]: The approval of this Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.





CITY OF MONTROSE
Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner II
DATE: October 12, 2022
RE: RZ22-0089 Eagle Ranch South Rezone
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Zoning Code Excerpt

Public notice requirements have been fulfilled in accordance with Section 4-4-31(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 100 feet, and an ad appeared in the Montrose Daily Press.

Planning Commission Consideration:

The Planning Commission shall make a recommendation to City Council on the Eagle Ranch South Rezone. The Planning Commission will consider all of the information in this memo in making a decision.

Applicant: Richard Brown.

Application Background:

The proposal is to rezone a portion of Outlot 1 of the Cook-Hrubes Exemption for Boundary Line Adjustment, as well as associated rights-of-way, from “R-2” Low Density District to “R-3A” Medium High Density District for future development. The existing lot is split-zoned, and this application will rectify this. The property consists of approximately 8.42 acres, with a detailed description as follows: A parcel of land located in the SW1/4 SW1/4 SECTION 36, T49N, R9W, New Mexico Principal Meridian, City and County of Montrose, State of Colorado, more particularly described as follows:



Beginning at a point from which the Southwest Corner of said Section 36 bears S53°08'19"W a distance of 613.99 feet; thence N89°50'13"W a distance of 401.12 feet; thence S00°01'11"W a distance of 72.70 feet; thence along a curve left having a length of 154.57 feet, radius 192.50 feet and a chord of S22°59'00"E a distance of 150.45 feet; thence S44°00'49"W a distance of 50.00 feet; thence along a curve to the right having a length of 194.72 feet, radius of 242.50 feet and a chord of N°22'59'00"W a distance of 189.53 feet; thence N00°01'11"E a distance of 803.03 feet; thence S89°48'31"E a distance of 296.96 feet; thence S00°01'11"W a distance of 154.50 feet; thence S89°48'31"E a distance of 115.13 feet; thence along a curve to the right having a length of 31.41 feet, radius of 20.00 feet and a chord S45°01'36"W a distance of 28.28 feet; thence S04°14'35"W a distance of 50.14 feet; thence along a curve to the right having a length of 32.98 feet, a radius of 20.00 feet and a chord of S42°44'21"E a distance of 29.37 feet; thence N86°28'13"E a distance of 50.50 feet; thence S04°30'07"W a distance of 63.62 feet; thence S85°29'53"E a distance of 105.24 feet; thence S14°34'28"W a distance of 427.99 feet; thence S00°09'47"W a distance of 1.26 feet to the point of beginning.

The zoning hearing is scheduled for the November 1st & November 15th City Council meetings.

Proposed Zoning: "R-3A" Medium High Density District

Staff Analysis:

1. Municipal Code, Section, 4-4-29(A), Rezoning.

"Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:

- a) The amendment is not adverse to the public health, safety and welfare; and
- b) The amendment is in substantial conformity with the master plan or,
 - i. The existing zoning is erroneous, or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned."

2. The Planning Commission should consider the merits of the proposed rezone only and make a recommendation to City Council based on whether it should be rezoned to "R-3A" Medium High Density District. The current zoning is "R-2" Low Density District.

- Zoning Regulations. The "R-3A" Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses. (Section 4-4-7.1)
- Exhibit C includes an excerpt from the Municipal Code showing uses by right in the "R-3A" Medium High Density District.



3. This property is adjacent to properties that are zoned “R-2” Low Density District, “R-3A” Medium High Density District, and “R-4” High Density District.
4. General Conformance with the Comprehensive Plan:
 - The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Residential Mixed Density Low. This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes).
 - Goal LU (Land Use) 5: Infill & Redevelopment: Promote higher density infill and redevelopment of underutilized sites and support development in areas that can be easily accessed by foot, bike, and/or public transit.
 - Goal HN (Housing & Neighborhoods)-1: Housing Variety. Encourage a variety of housing types, tenure, and density to meet the needs of the community.
 - a) Objective 1.1 Promote a mix of residential housing types including single-family homes on a variety of lot sizes, multi-family housing, townhomes, apartments, senior housing, and transitional housing.
 - b) Objective 1.2 Encourage a variety of housing densities (low, medium, high) throughout the community, including mixed-density neighborhoods.
 - Goal HN-2: Affordable Housing. Increase access to affordable housing.
 - a) Objective 2.1 Encourage a mix of housing price ranges, thereby providing choices for residents of all incomes and ages.
 - b) Objective 2.2 Offer incentives and information to encourage affordable housing in new developments.
 - c) Objective 2.3 Support and work with housing agencies, organizations, private developers, and businesses to increase the amount of workforce housing.
 - Staff finds that the proposed zoning meets numerous goals and objectives of the Comprehensive Plan.
5. The “R-3A” zoning does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements, zoning in the surrounding area, and the Comprehensive Plan.

Staff Recommendation:

Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "R-3A" Medium High Density District.



Planning Commission Recommendation Alternatives:

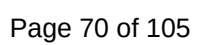
Approval Motion Recommendation:

"I hereby make a motion to recommend approval of the rezone request of the Eagle Ranch South Rezone to "R-3A" Medium High Density District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report."

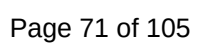
Denial/No Action Motion Recommendation:

"I hereby make a motion to take no action on the request. The request does not meet the Code criteria based on the evidence and testimony presented at this hearing and in the staff report."

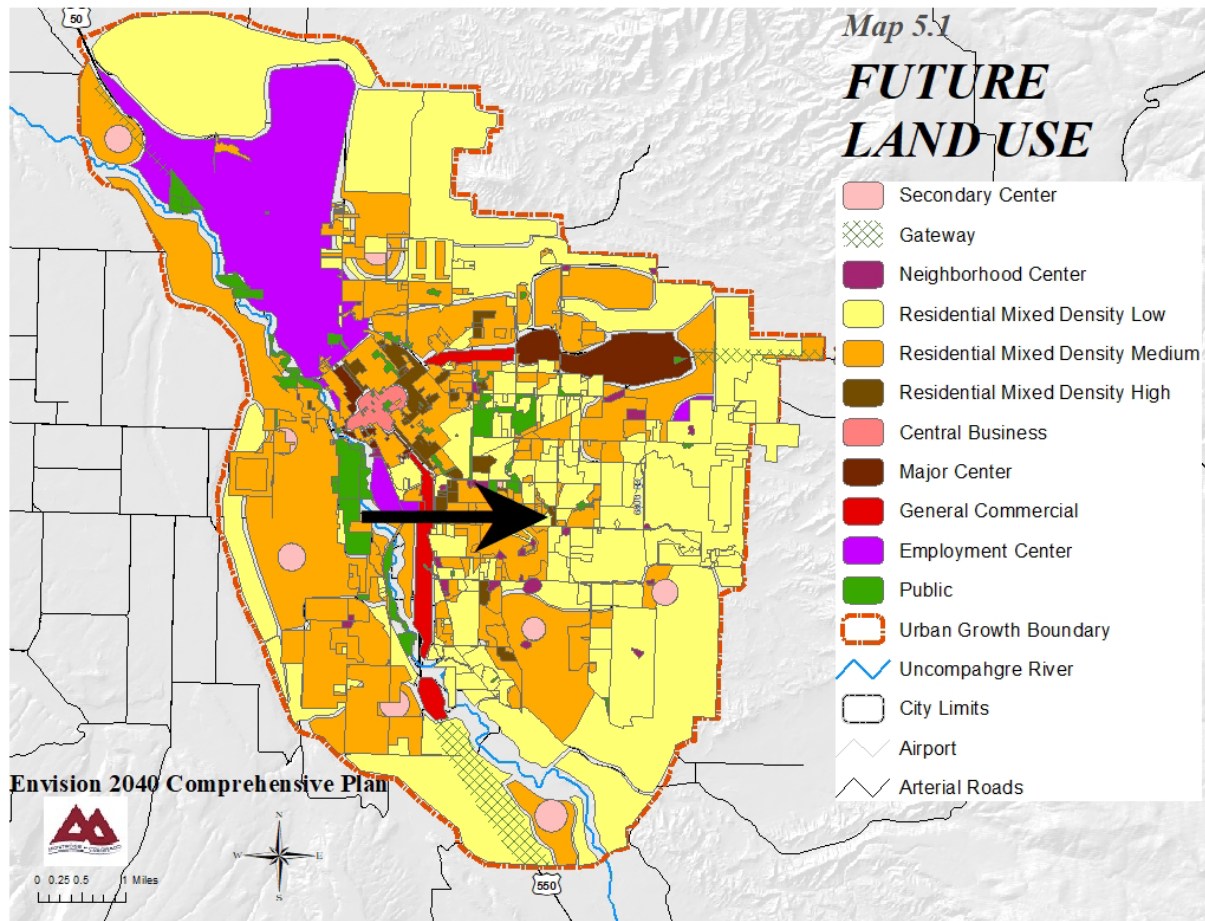


[illegible]

The map displays a residential area with several zoning districts. The central parcel, outlined in blue, is labeled '8.42 acres' and 'R-2'. To its left is a large brown-shaded area labeled 'R-4'. To the right of the central parcel is a yellow-shaded area labeled 'R-3A'. Further right is a green-shaded area labeled 'R-5'. The map includes numerous street names such as Meadows Pkwy, Cook Dr, W Fox Park St, Oak Grove Rd, and others. Lot numbers are visible throughout the map. A black dot is located on the central parcel, near the intersection of Cook Dr and Meadows Pkwy. The map also shows various other zoning boundaries and lot numbers.

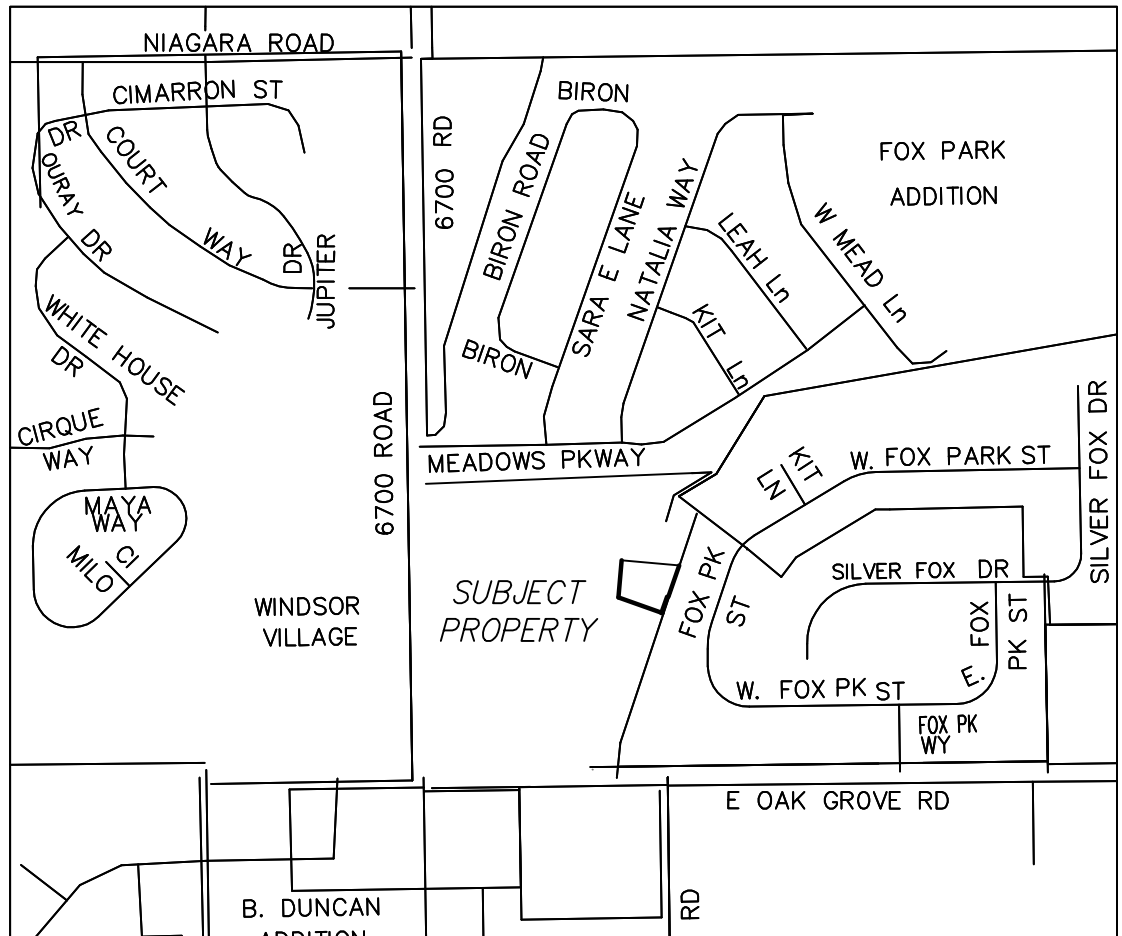


Comprehensive Plan Future Land Use Map



COOK-HRUBES REZONE MAP
EAGLE RANCH P.D. FILING 1, AMENDMENT 3 SW¼SW¼ SECTION
36, T49N, R9W, NEW MEXICO PRINCIPAL MERIDIAN, CITY AND
COUNTY OF MONTROSE, STATE OF COLORADO

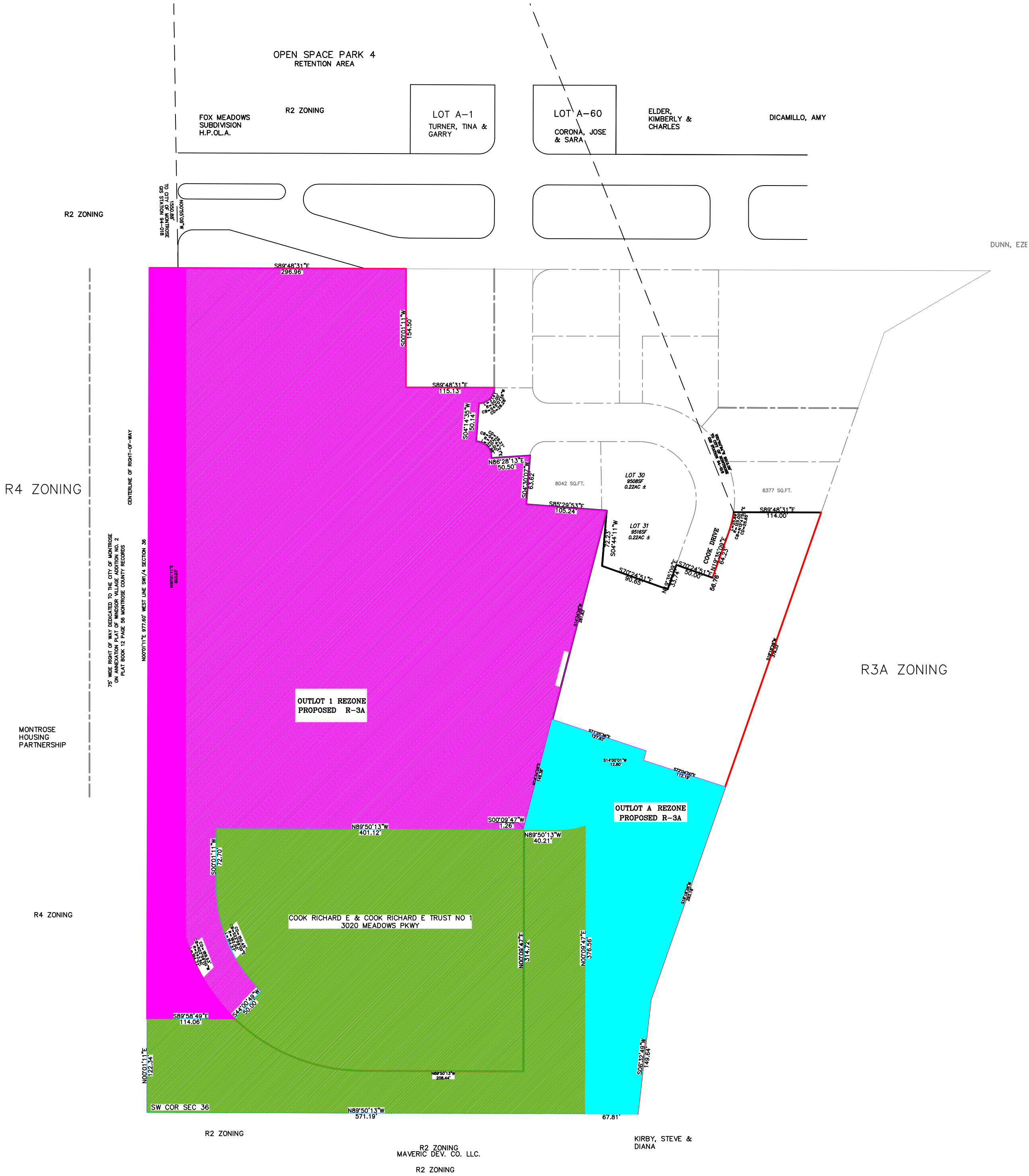
VICINITY MAP



NOT TO SCALE

LEGEND

- PROPOSED OUTLOT 1 REZONE TO R-3A
- PROPOSED OUTLOT A REZONE TO R-3A
- COOK PROPERTY EXISTING ZONED R-3A



OUTLOT A:

A parcel of land located in the SW¼ SW¼ SECTION 36, T49N, R9W, New Mexico Principal Meridian, City and County of Montrose, State of Colorado, more particularly described as follows: Beginning at a point from which the Southwest Corner of said Section 36 bears S53°08'19"W a distance of 613.99 feet; thence N00°09'47"E a distance of 1.26 feet; thence N14°34'28"E a distance of 146.36 feet; thence S71°25'36"E a distance of 127.93 feet; thence S14°00'01"W a distance of 12.80 feet; thence S72°04'00"E a distance of 112.19 feet; thence S19°18'26"W a distance of 293.16 feet; thence S06°32'49"W a distance of 149.64 feet; thence N89°50'13"W a distance of 67.81 feet; thence N00°09'47"E a distance of 376.56 feet; thence along a curve to the right having a length of 43.92 feet, radius of 125.00 feet and a chord of S80°37'44"W a distance of 43.70 feet; thence N89°50'13"W a distance of 40.21 to the point of beginning.

OUTLOT 1

A parcel of land located in the SW¼ SW¼ SECTION 36, T49N, R9W, New Mexico Principal Meridian, City and County of Montrose, State of Colorado, more particularly described as follows: Beginning at a point from which the Southwest Corner of said Section 36 bears S00°01'11"W a distance of 122.34 feet; thence N00°01'11"E a distance of 977.60 feet; thence S89°48'31"E a distance of 334.03 feet; thence S00°01'11"W a distance of 154.50 feet; thence along a curve to the right having a length of 31.41 feet, radius of 20.00 feet and a chord of S45°01'36"W a distance of 28.28 feet; thence S04°14'35"W a distance of 50.14 feet; thence along a curve to the right having a length of 32.98 feet, a radius of 20.00 feet and a chord of 42°44'21"E a distance of 29.37 feet; thence N89°29'53"E a distance of 50.50 feet; thence S04°29'53"E a distance of 63.62 feet; thence S85°29'53"E a distance of 105.24 feet; thence S14°34'28"W a distance of 427.99 feet; thence S00°09'47"W a distance of 1.26 feet; thence N89°50'13"W a distance of 401.12 feet; thence S00°01'11"W; a distance of 72.70 feet; thence along a curve to the left having a length of 154.57 feet, a radius of 192.50 feet and a chord of S22°59'00"E a distance of 150.45 feet; thence S44°00'49"W a distance of 50.00 feet; thence N89°58'49"W 114.06 feet to the point of beginning.



ROCKY MOUNTAIN SURVEYING

Professional Land Surveyor #33645
2816 Primrose Ct.
Montrose, CO 81401
Office: 970-964-6105
Email: syelton00@gmail.com

REVISIONS:

FB: n/a
Closure:
Area:

COOK-HRUBES REZONE MAP
EAGLE RANCH P.D. FILING 1, AMENDMENT 3 SW¼SW¼
SECTION 36, T49N R9W, NEW MEXICO PRINCIPAL
MERIDIAN, CITY AND COUNTY OF MONTROSE,
STATE OF COLORADO

FILE: 1979

DATE: 03/17/2022

FW:

DRAFTING: SAY

FIELD: SAY

SHEET: 1 of 1

EXHIBIT B: Zoning Code Excerpt

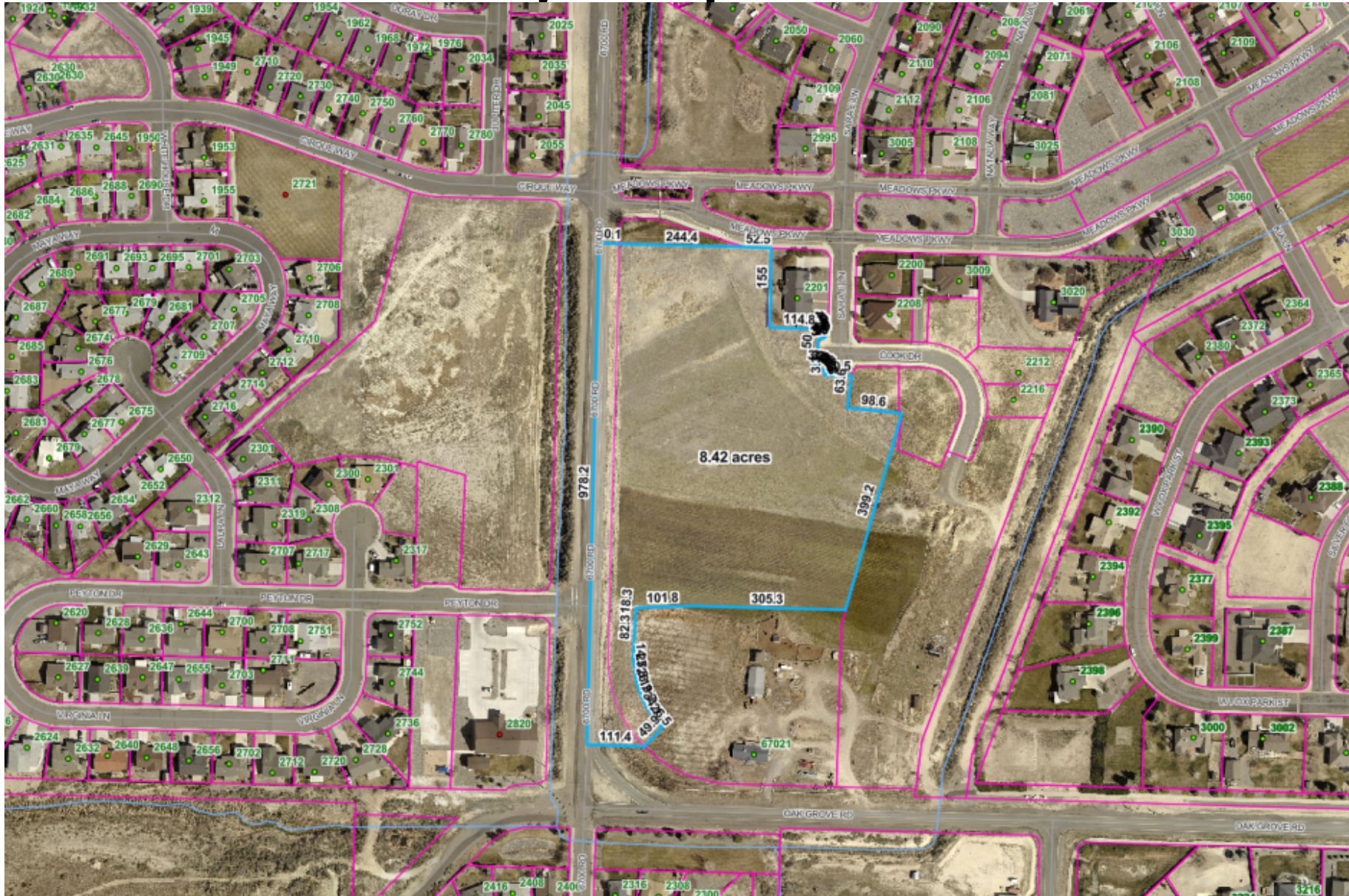
Sec. 4-4-7.1. "R-3A" Medium High Density District.

- (A) *Intent.* The "R-3A" Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses.
- (B) *Uses by Right.*
- (1) Single-family homes, duplexes, multifamily residences.
 - (2) Public utility service facilities.
 - (3) Government buildings and facilities.
 - (4) Parks and recreation facilities owned or operated by a homeowner association.
 - (5) Places of worship.
 - (6) Accessory uses.
 - (7) Short-term rentals.
 - (8) Family child care home.
- (C) *Conditional Uses.*
- (1) Childcare facilities.
 - (2) Skilled nursing and assisted living facilities.
 - (3) Schools.
- (Ord. No. 2472 , § 4-4-7.1, 5-7-2019; Ord. No. 2561 , 10-19-2021)



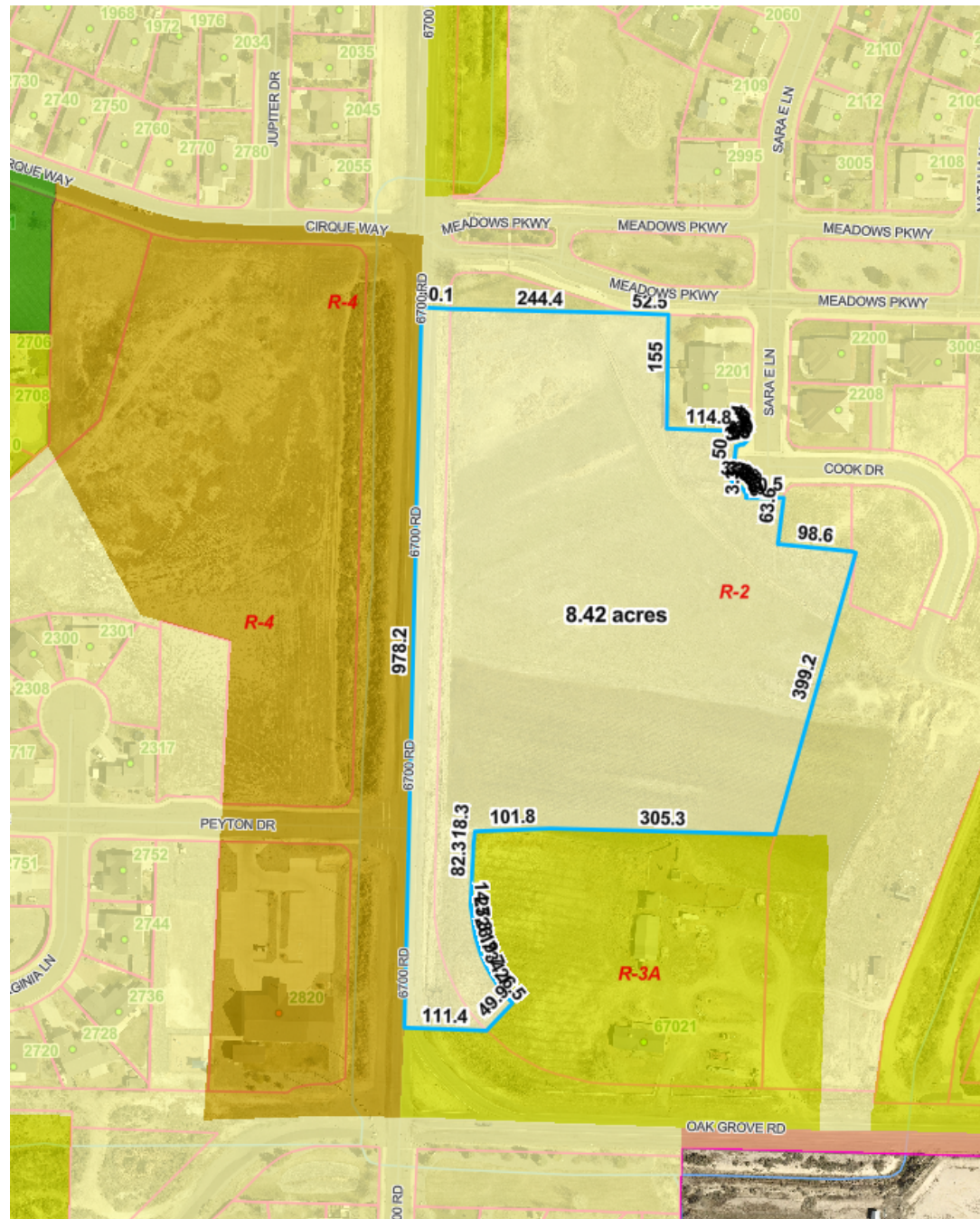


General Vicinity Map



Site Location

- Approximately 8.42 acres
- Rezone a portion of Outlot 1 of the Cook-Hrubes Exemption for Boundary Line Adjustment from “R-2” Low Density District to “R-3A” Medium Density District
- Existing lot consists of two zoning districts. This application will rectify the split-zoning.



Rezone Criteria – Section 4-4-29 (A)

(A) Rezoning:

(1) Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:

(a) The amendment is not adverse to the public health, safety and welfare; and

(b) The amendment is in substantial conformity with the master plan or,

i. The existing zoning is erroneous, or

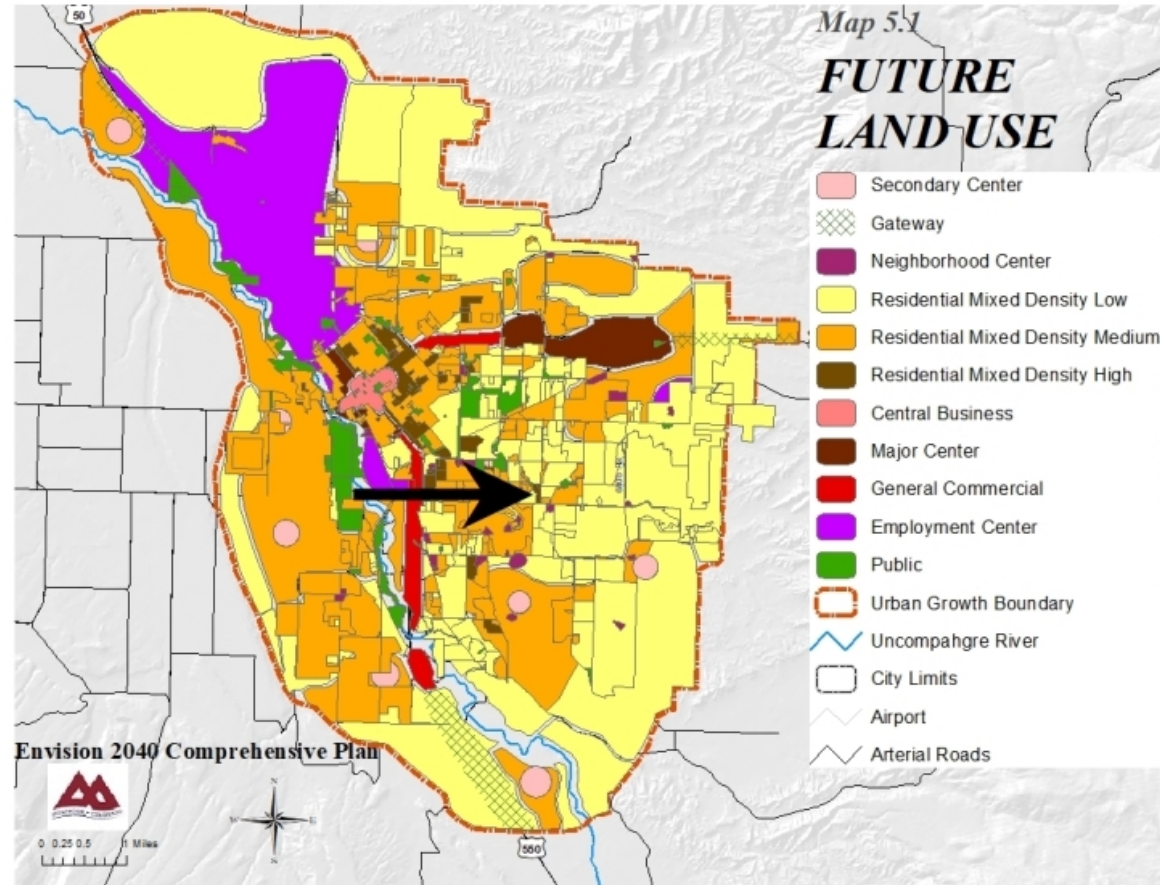
ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

Proposed Rezone

The "R-3A" Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses. (Section 4-4-7.1)

Comprehensive Plan – Land Use Chapter 5

Listed as Residential Mixed Density Low in the future land use map. This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes).



Comprehensive Plan – Goals & Objectives

- Goal LU (Land Use) 5: Infill & Redevelopment: Promote higher density infill and redevelopment of underutilized sites and support development in areas that can be easily accessed by foot, bike, and/or public transit.
- Goal HN (Housing & Neighborhoods)-1: Housing Variety. Encourage a variety of housing types, tenure, and density to meet the needs of the community.
 - Objective 1.1 Promote a mix of residential housing types including single-family homes on a variety of lot sizes, multi-family housing, townhomes, apartments, senior housing, and transitional housing.
 - Objective 1.2 Encourage a variety of housing densities (low, medium, high) throughout the community, including mixed-density neighborhoods.
- Goal HN-2: Affordable Housing. Increase access to affordable housing.
 - Objective 2.1 Encourage a mix of housing price ranges, thereby providing choices for residents of all incomes and ages.
 - Objective 2.2 Offer incentives and information to encourage affordable housing in new developments.
 - Objective 2.3 Support and work with housing agencies, organizations, private developers, and businesses to increase the amount of workforce housing.

Staff Recommendation

- Staff finds that the proposal meets the rezone criteria stated in Section 4-4-29(A)
- The proposal meets the intent of the “R-3A” Medium High Density District.
- It is in compliance with the Comprehensive Plan, specifically numerous goals and objectives.
- It is compatible with existing uses in the surrounding area.
- Rezoning will fix the split-zoning on the lot.
- Staff recommends approval of the rezone.





CITY OF MONTROSE

Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner II
DATE: October 12, 2022
RE: ANX22-0063 Hilltop North Addition
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Zoning Code Excerpt

Public notice requirements have been fulfilled in accordance with Section 4-4-31(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 100 feet, and an ad appeared in the Montrose Daily Press.

Planning Commission Consideration:

The Planning Commission is recommending the initial zoning for the Hilltop North Addition, a proposed annexation to the city limits of Montrose. The Planning Commission will consider all of the information in this memo in making a decision.

Application Background:

The Hilltop North Addition is a proposed annexation approximately 10.01 acres in size. The parcel is located east of 6600 Road, addressed as 540 6600 Road. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and the Tri-County Water Service Area. Annexation of this property will allow for future multifamily residential development. An Annexation Agreement will be required.

Proposed Zoning: "R-4" High Density District

Applicant: Hilltop Health Services Corporation



Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. A Petition for Annexation and annexation agreement were required for this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 4-4-29(B), Zoning of Additions. "The Planning Commission shall recommend to the Council a zoning district designation for all property annexed to the City not previously subject to City zoning, and shall follow the review procedure set out in Section 4-4-31 in arriving at its recommendation. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the annexation ordinance or thereafter. *The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare* (emphasis added)."
 - b. Municipal Code, Section 4-4-7(A) Intent: The "R-4" High Density District is intended to provide for high density multiple-family residences and to allow variable densities. This allows variety in the types of residences.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned "R-4" High Density District, and properties outside of City limits.
4. General Conformance with the Comprehensive Plan:
 - a. The Comprehensive Plan Future Land Use Map (Chapter 5) designates the area of the Hilltop North Addition as **Residential Mixed Density Medium**. This district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes, triplexes, and multi-family housing. The majority of the mixed density medium residential land uses are designated in areas that are not yet developed.
 - b. Goal LU (Land Use) 5: Infill & Redevelopment: Promote higher density infill and redevelopment of underutilized sites and support development in areas that can be easily accessed by foot, bike, and/or public transit.
 - c. Goal HN (Housing & Neighborhoods)-1: Housing Variety. Encourage a variety of housing types, tenure, and density to meet the needs of the community.
 - i. Objective 1.1 Promote a mix of residential housing types including single-family homes on a variety of lot sizes, multi-family housing, townhomes, apartments, senior housing, and transitional housing.
 - ii. Objective 1.2 Encourage a variety of housing densities (low, medium, high) throughout the community, including mixed-density neighborhoods.
 - d. Goal HN-2: Affordable Housing. Increase access to affordable housing.



- i. Objective 2.1 Encourage a mix of housing price ranges, thereby providing choices for residents of all incomes and ages.
5. The property is located within Growth Area 2. According to the Comprehensive Plan, Growth Area 2 has some level of, or moderate proximity to, existing infrastructure.
6. The “R-4” zoning does not appear to be adverse to the public health, safety and welfare.

Staff Recommendation:

Staff recommends approval of the annexation and “R-4” Medium District.

Planning Commission Recommendation Alternatives:

Approval Motion Recommendation:

“I hereby make a motion to recommend to City Council approval the initial zoning request of “R-4” High Density District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.”

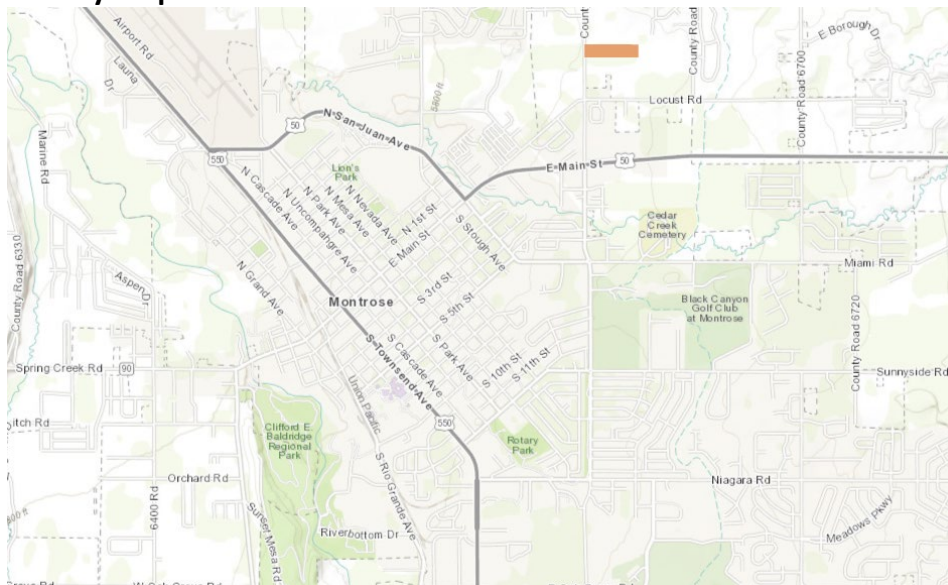
Denial/No Action Motion Recommendation:

“I hereby make a motion to recommend denial of the rezone request. The request does not meet the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.”

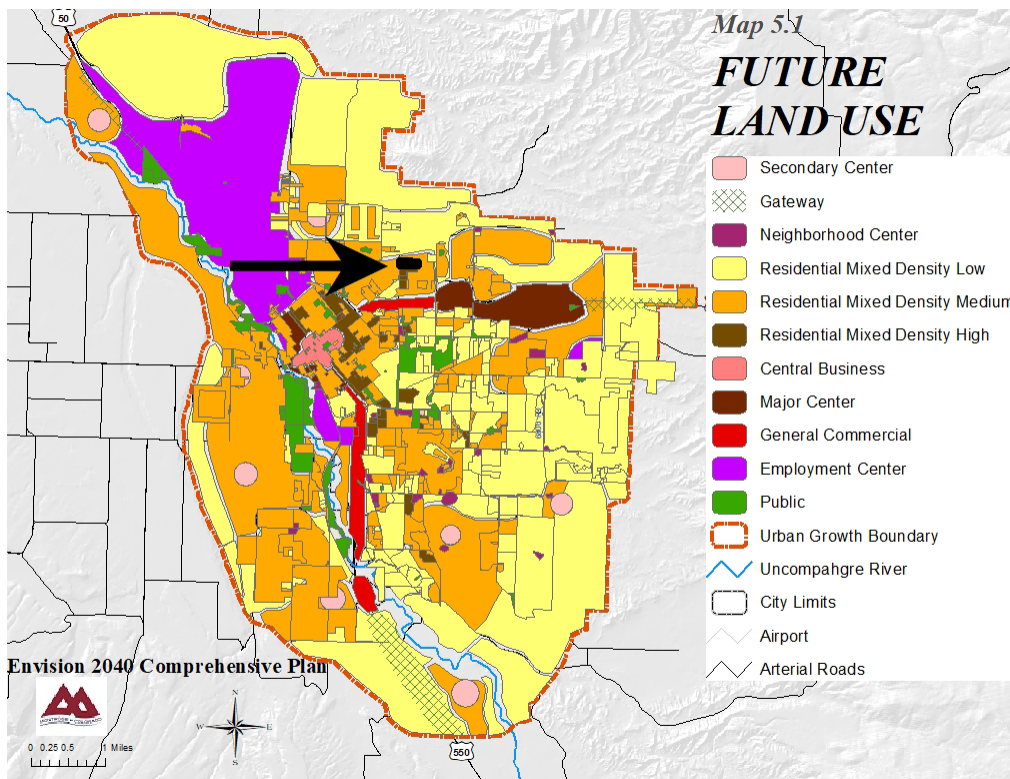


EXHIBIT A: Maps

Vicinity Map

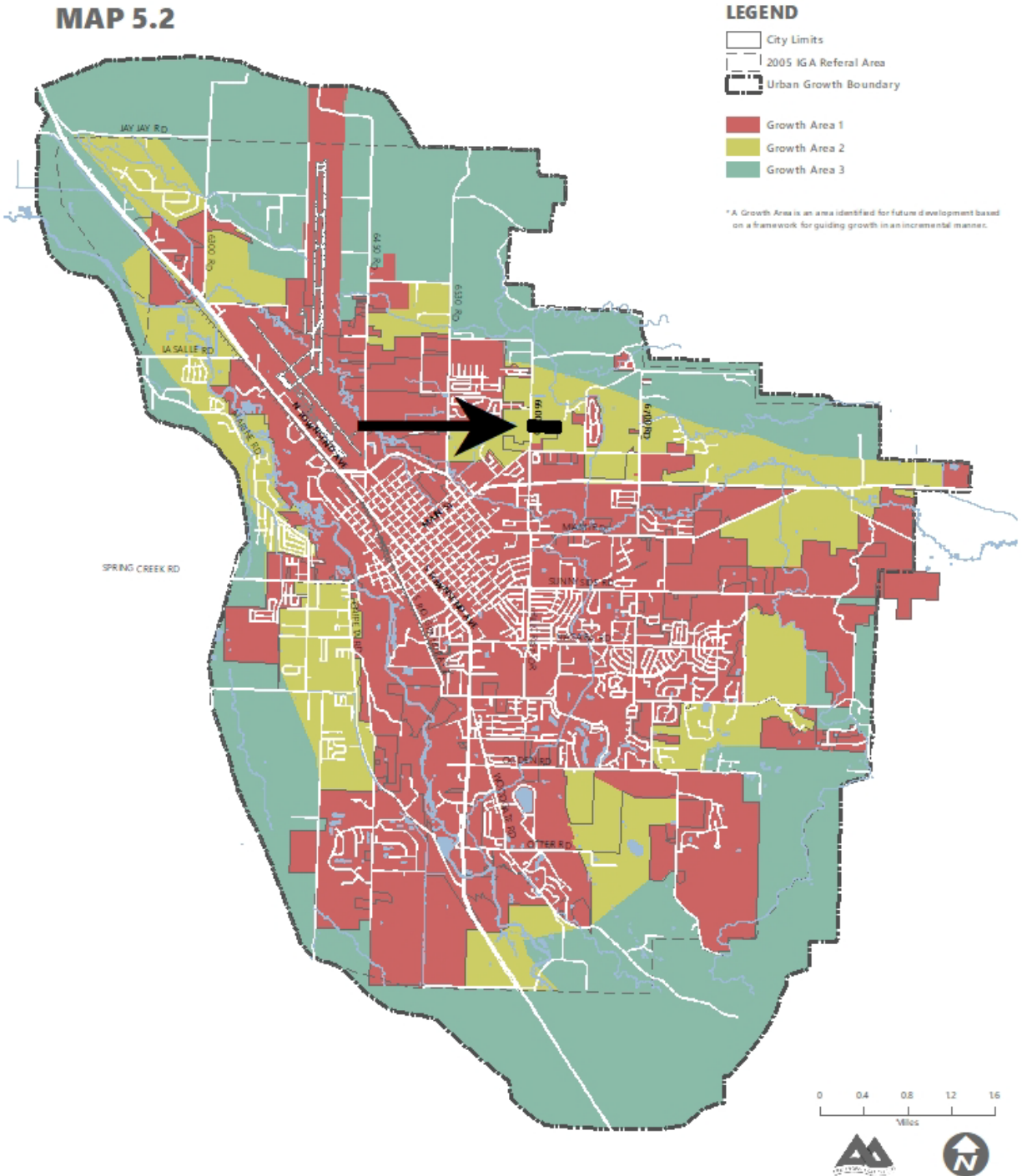


Comprehensive Plan Future Land Use Map



GROWTH AREAS*

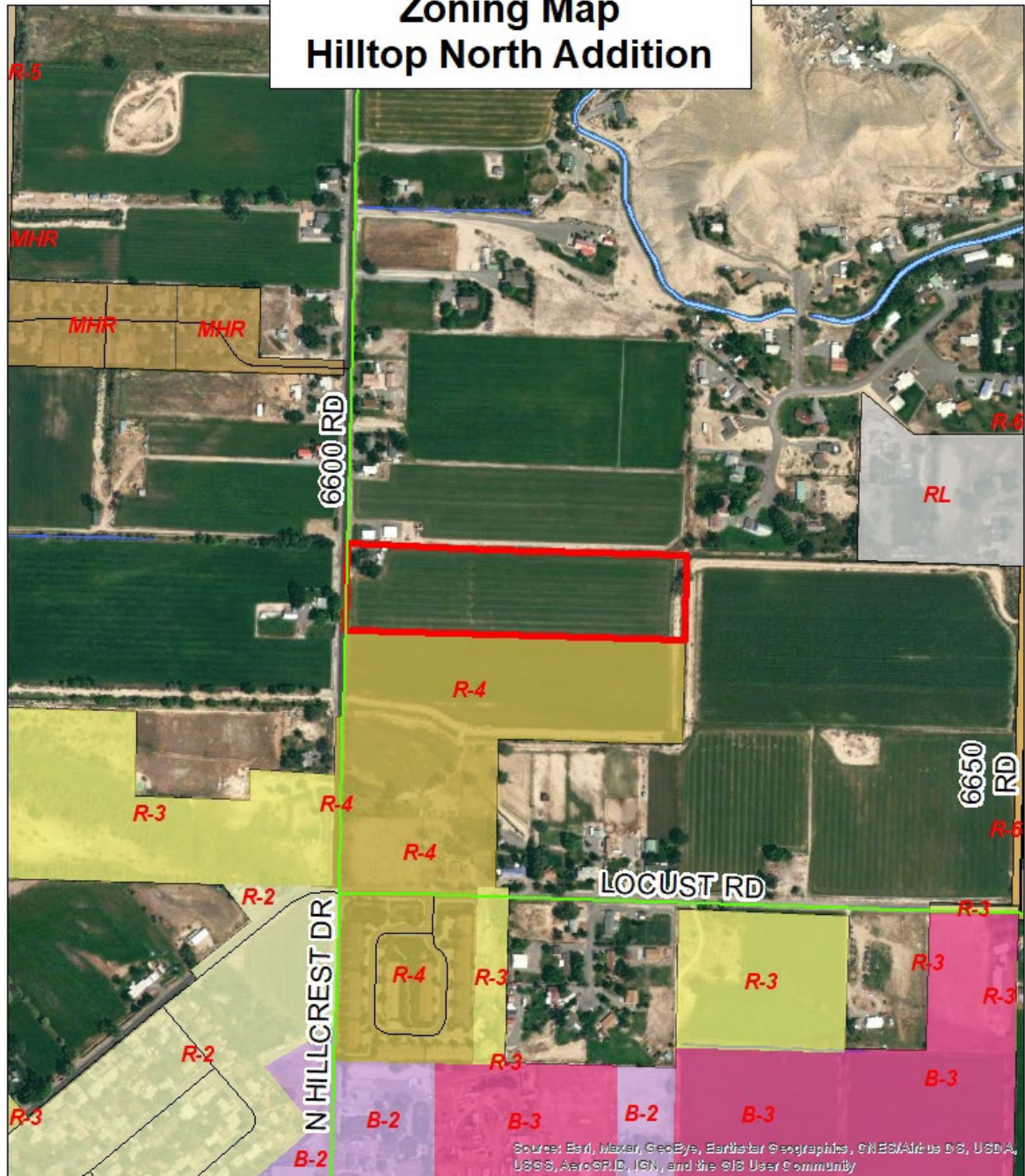
MAP 5.2



Location Map Hilltop North Addition



Zoning Map Hilltop North Addition



Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 0.075 0.15 0.3 0.45 Miles



HILLTOP ANNEXATION NORTH

Situated in
Northwest quarter of the Southwest quarter of Section 23 T.49N., R.9W. New Mexico Principal Meridian
Montrose County, Colorado

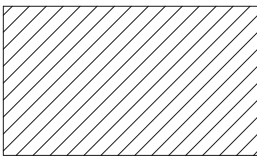


PARCEL DESCRIPTION

A parcel of land as recorded at Reception Number 944794 of the Montrose County Clerk and Recorders, situated in the Northwest quarter of the Southwest quarter of Section 23, Township 49 North, Range 9 West of the New Mexico Principal Meridian, being more particularly described as follows:

Beginning at the west quarter corner of said Section 23, whence the southwest corner of said Section 23 bears South 01°20'01" West with all bearings herein relative thereto;
Thence South 88°17'09" East, a distance of 1319.30 feet;
thence South 01°25'31" West, a distance of 330.58 feet;
thence North 88°17'55" West, a distance of 1318.77 feet;
thence North 01°20'01" East, a distance of 330.87 feet to the Point of Beginning. Said Parcel containing 436,231 square feet or 10.01 acres more or less.

LEGEND



Current City of Montrose boundary



Subject parcel



Calculated position

Boundary contiguous with City of Montrose: 1318.8'
Total Boundary of Hilltop Annexation: 3300.0'

SURVEYOR'S CERTIFICATE

I, Alec Thomas, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that this Annexation map of Hilltop Annexation North was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief.



Alec Thomas Registered Land Surveyor PLS 38274

MAYOR'S CERTIFICATE

This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado, has by its Ordinance No. _____ adopted on this _____ day of _____, 2022, A.D., annexed the property described heron to the City of Montrose.

Mayor, City of Montrose

RECORDER'S CERTIFICATE

This annexation map was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at _____ M., on this _____ day of _____, 2022,

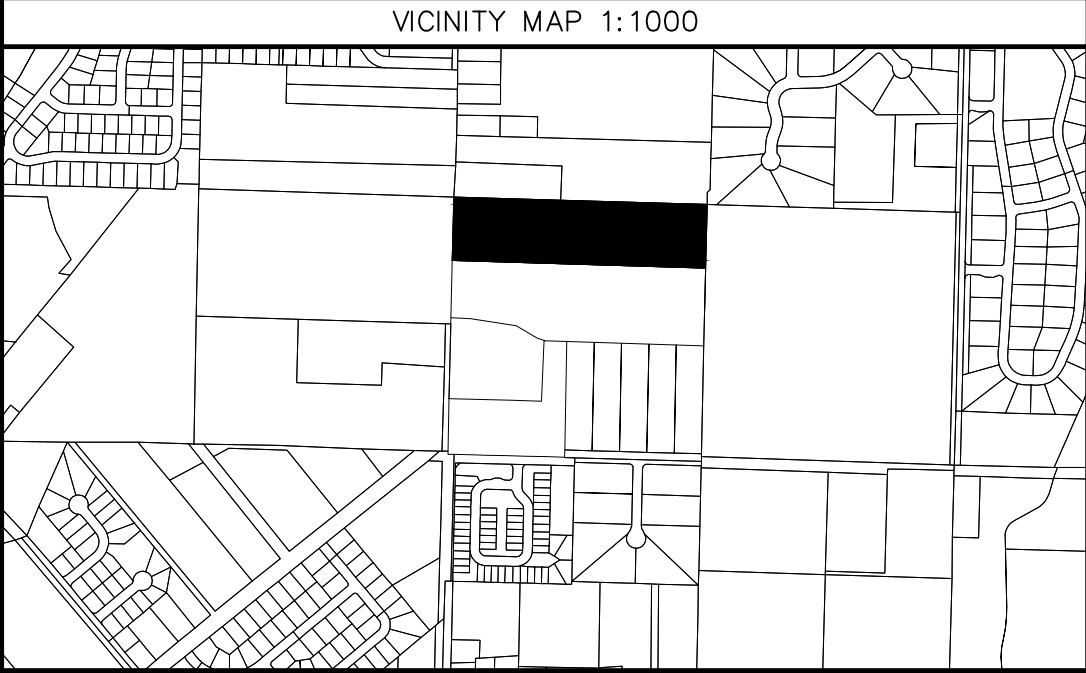
Reception No. _____

Clerk and Recorder

By: _____
Deputy

This annexation does not constitute a title search by the undersigned surveyor or River City Consultants, Inc. and no certification as to title or ownership of any parcels shown hereon is made by either. All information regarding ownership, rights-of-way, easements of record, adjoiners, and other documents that may affect the quality of title to this property is from data discovered on the Montrose County website. Other documents may exist which would affect this property. This document was made for annexation purposes only and does not constitute a Boundary survey.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.



744 Horizon Court, Suite 110 Phone: 970.241.4722
Grand Junction, CO 81506 Fax: 970.241.8841

HILLTOP ANNEXATION NORTH

Situated in
Northwest quarter of the Southwest quarter of Section 23 T.49N., R.9W. New Mexico
Principal Meridian
Montrose County, Colorado

Sheet 1 of 1 Date: 08/02/2022 Job No. 1845-001
Surveyed: SLG/KW Drawn: AKT Checked: NA
Drawing name: S:\PROJECTS\1845 Hilltop\1025 340 6600 Annexation\Survey\DWG\1845-001 ANNEX.dwg

EXHIBIT B: Zoning Code Excerpt

Sec. 4-4-8. "R-4" High Density District.

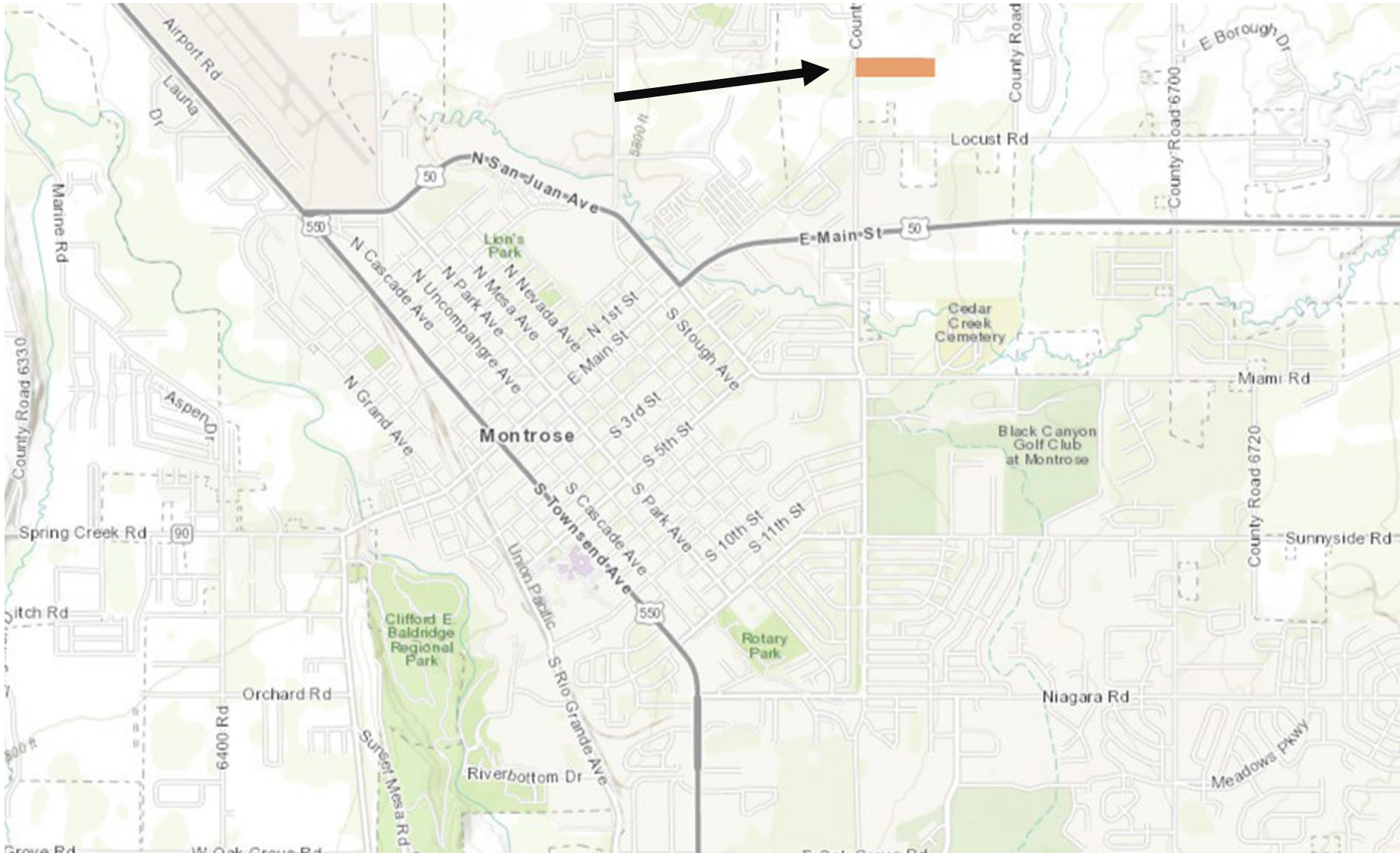
- (A) *Intent.* The "R-4" High Density District is intended to provide for high density multiple-family residences and to allow variable densities. This allows variety in the types of residences.
- (B) *Uses by Right.*
- (1) Single-family homes, duplexes, and multiple-family residences.
 - (2) Public utility service facilities.
 - (3) Government buildings and facilities.
 - (4) Parks and recreation facilities owned or operated by a homeowner association.
 - (5) Places of worship.
 - (6) Accessory uses.
 - (a) Bed and breakfast operations operated solely by the residents of a residence providing no more than four bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters. The lot shall be at least 6,250 square feet and at least 3,125 square feet per rental bedroom.
 - (7) Short-term rentals.
 - (8) Family child care home.
- (C) *Conditional Uses.*
- (1) Skilled nursing and assisted living facilities.
 - (2) Childcare facilities.
 - (3) Schools.

(Ord. No. 2472 , § 4-4-8, 5-7-2019; Ord. No. 2561 , 10-19-2021)



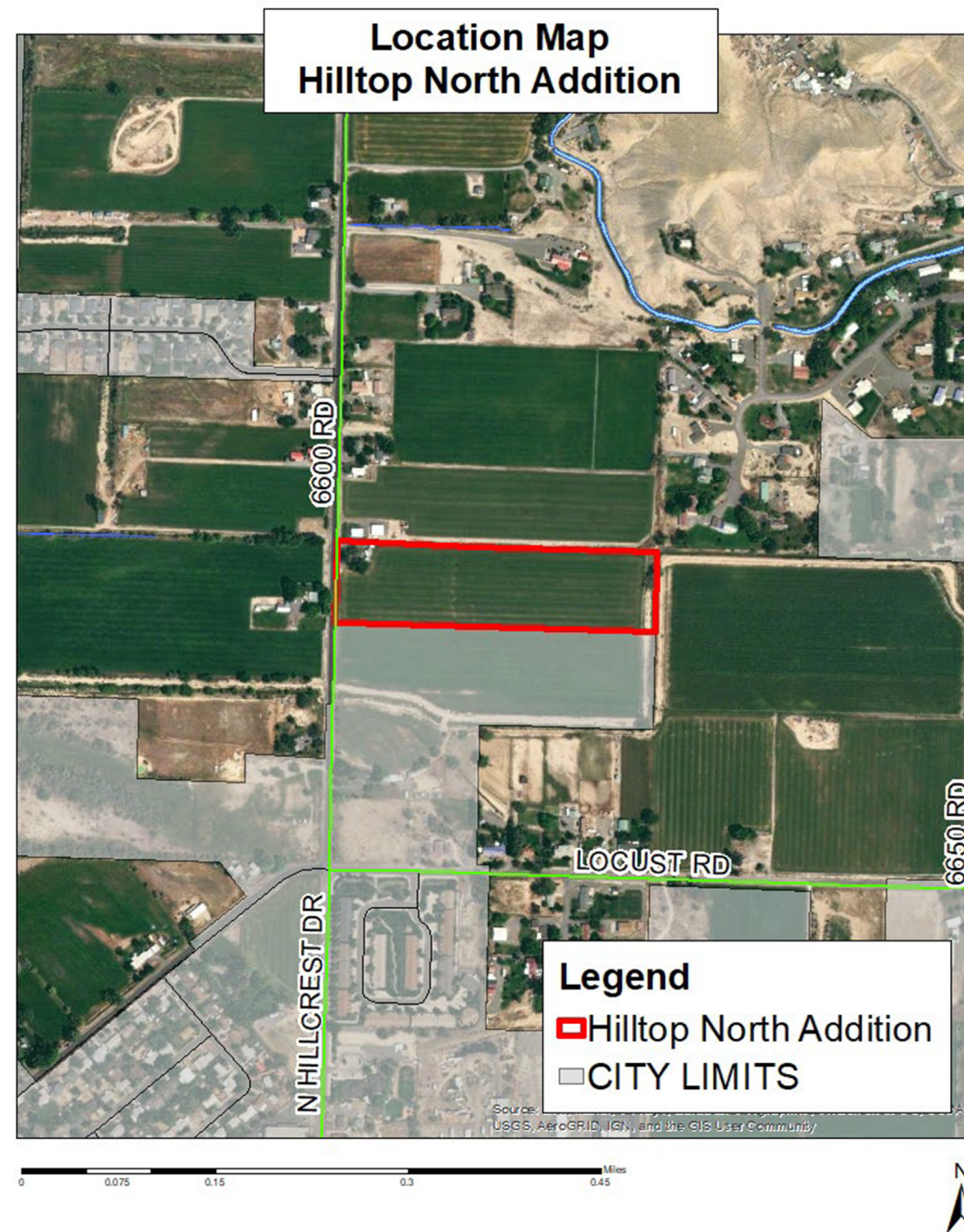


General Vicinity Map – Hilltop North Addition



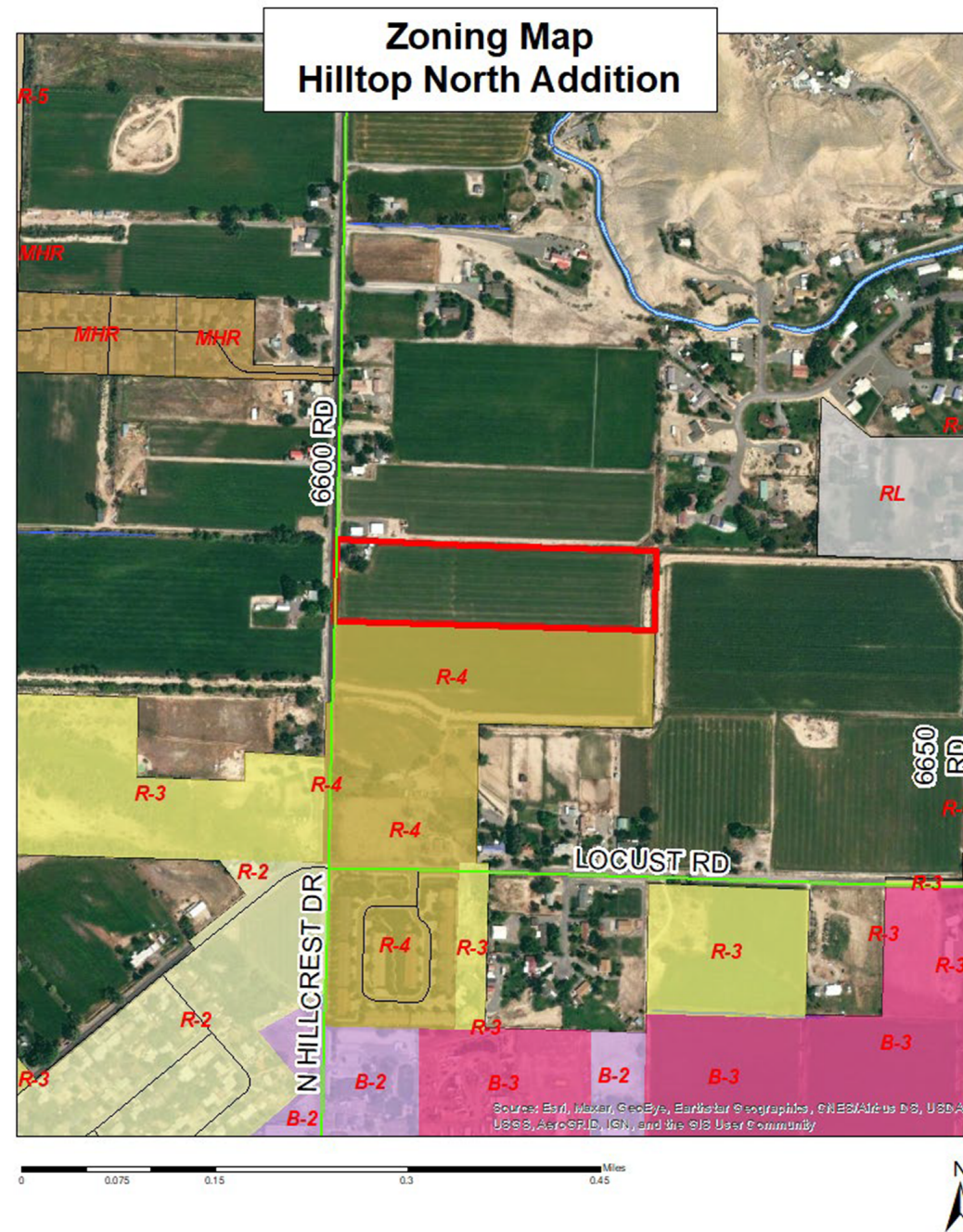
Site Location

- 10.01 acres
- Within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, & Tri-County Water Service Area
- Area is urbanizing and more than 1/6 of the perimeter is contiguous to city limits



Site Details

- Zoning of surrounding area is “R-4” High Density District, and properties outside City limits.
- The “R-4” High Density District is intended to provide for high density multiple-family residences and to allow variable densities. This allows variety in the type of residences.



Zoning of Additions – Section 4-4-29 (B)

(B) Zoning of Additions:

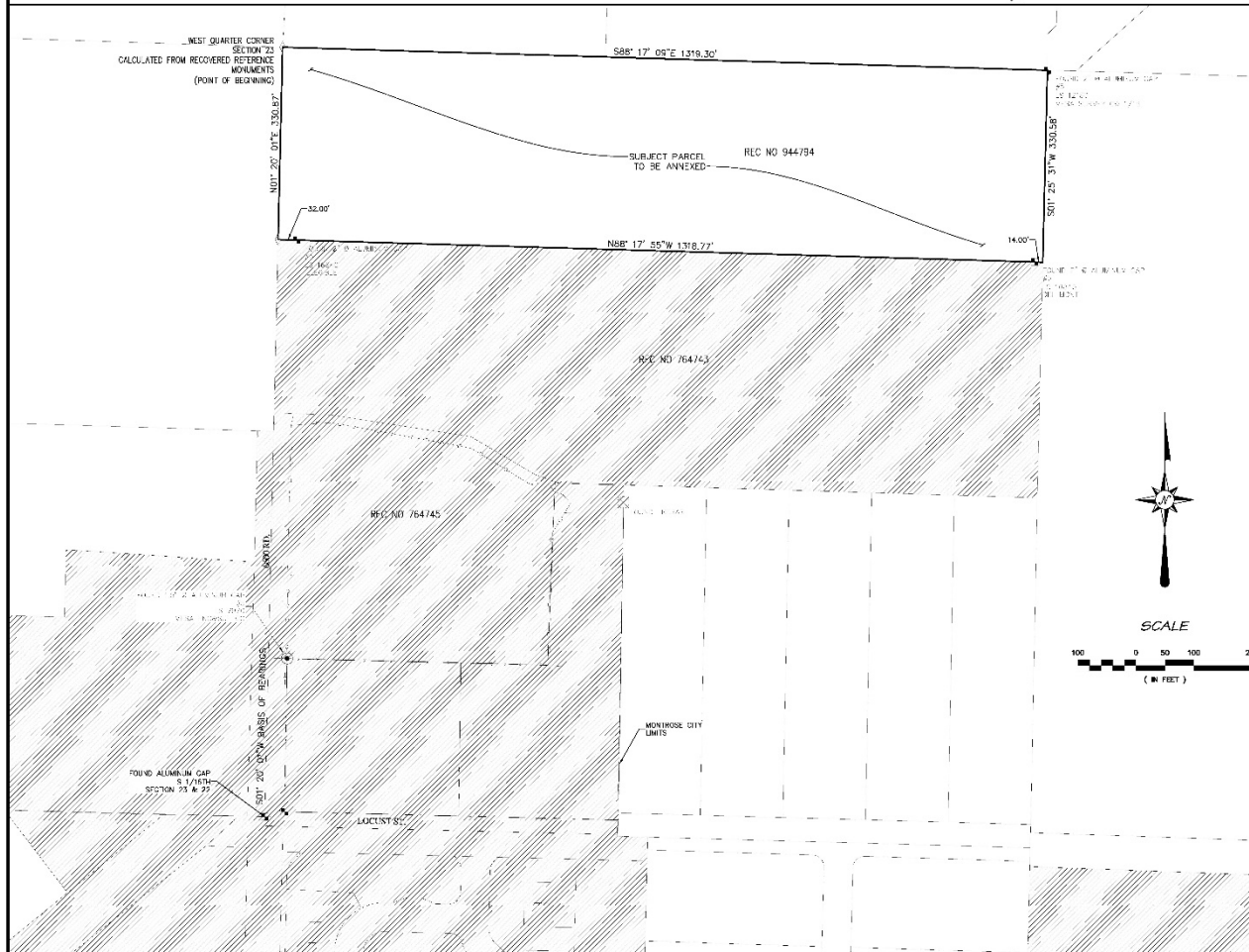
“The Planning Commission shall recommend to the Council a zoning district designation for all property annexed to the City not previously subject to City zoning, and shall follow the review procedure set out in Section 4-4-31 in arriving at its recommendation. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the annexation ordinance or thereafter. The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare.”

Zoning Regulations

- Municipal Code, Section 4-4-8(A) Intent: The "R-4" High Density District is intended to provide for high density multiple-family residences and to allow variable densities. This allows variety in the types of residences.

HILLTOP ANNEXATION NORTH

Situated in
Northwest quarter of the Southwest quarter of Section 23 T.49N., R.9W. New Mexico Principal Meridian
Montrose County, Colorado



PARCEL DESCRIPTION

A parcel of and as recorded at Reception Number 944794 of the Montrose County Clerk and Recorders, situated in the Northwest quarter of the Southwest quarter of Section 23, Township 49 North, Range 9 West of the New Mexico Principal Meridian, being more particularly described as follows:

Beginning at the west quarter corner of said Section 23, whence the southwest corner of said Section 23 bears South 01°20'01\"/>

LEGEND

Current City of Montrose boundary

Subject parcel
 Calculated position

Boundary contiguous with City of Montrose: 1318.8'
Total Boundary of Hilltop Annexation: 3300.0'

SURVEYOR'S CERTIFICATE

I, Alec Thomas, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that this Annexation map of Hilltop Annexation North was made under my direct supervision and that the information herein is correct to the best of my knowledge and belief.



Alec Thomas Registered Land Surveyor PLS 38274

MAYOR'S CERTIFICATE

This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado, has by its Ordinance No. _____ adopted on this day of _____, 2022, A.D., annexed the property described herein to the City of Montrose.

Mayor, City of Montrose

RECORDER'S CERTIFICATE

This annexation map was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at _____ V., on this _____ day of _____, 2022,

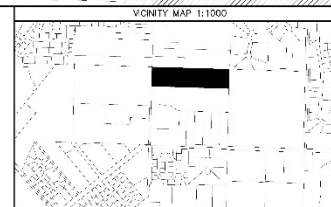
Reception No. _____

Clerk and Recorder

By: _____
Deputy

This annexation does not constitute a title search by the undersigned surveyor or River City Consultants, Inc. and no certification as to title or ownership of any parcels shown herein is made by either. All information regarding ownership, rights-of-way, easements of record, encumbrances, and other documents that may affect the quality of title to this property is from data discovered on the Montrose County website. Other documents may exist which would affect this property. This document was made for annexation purposes only and does not constitute a Boundary Survey.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein.



RIVER CITY
CONSULTANTS
744 Horizon Court, Suite 110
Garcia Junction, CO 81506 www.rciconsultants.com Phone: 970.241.4722 Fax: 970.241.2547

HILLTOP ANNEXATION NORTH

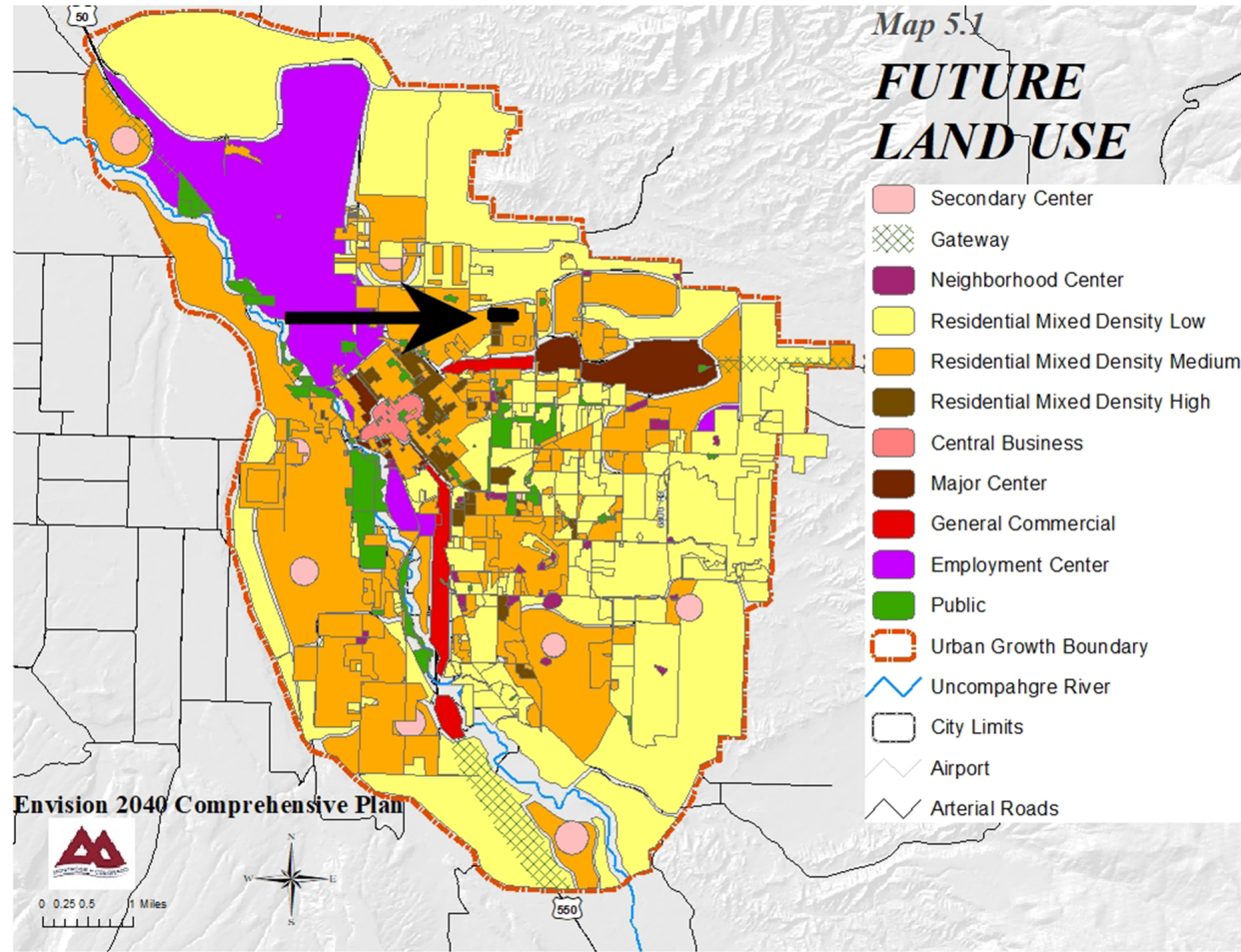
Situated in
Northwest quarter of the Southwest quarter of Section 23 T.49N., R.9W. New Mexico
Principal Meridian
Montrose County, Colorado

Sheet 1 of 1 Date: 06/02/2022 Job No. 1945-001
Surveyed: SLO/KH Drawn: AKT Checked: NA
Drawing name: \slo\1945-001.dwg Plotted: 06/02/2022 10:00:00 AM User: aaron@rivercityconsultants.com

Comprehensive Plan – Land Use Chapter 3

Listed as **Residential Mixed Density Medium** in the future land use map.

This district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes, and triplexes. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed.

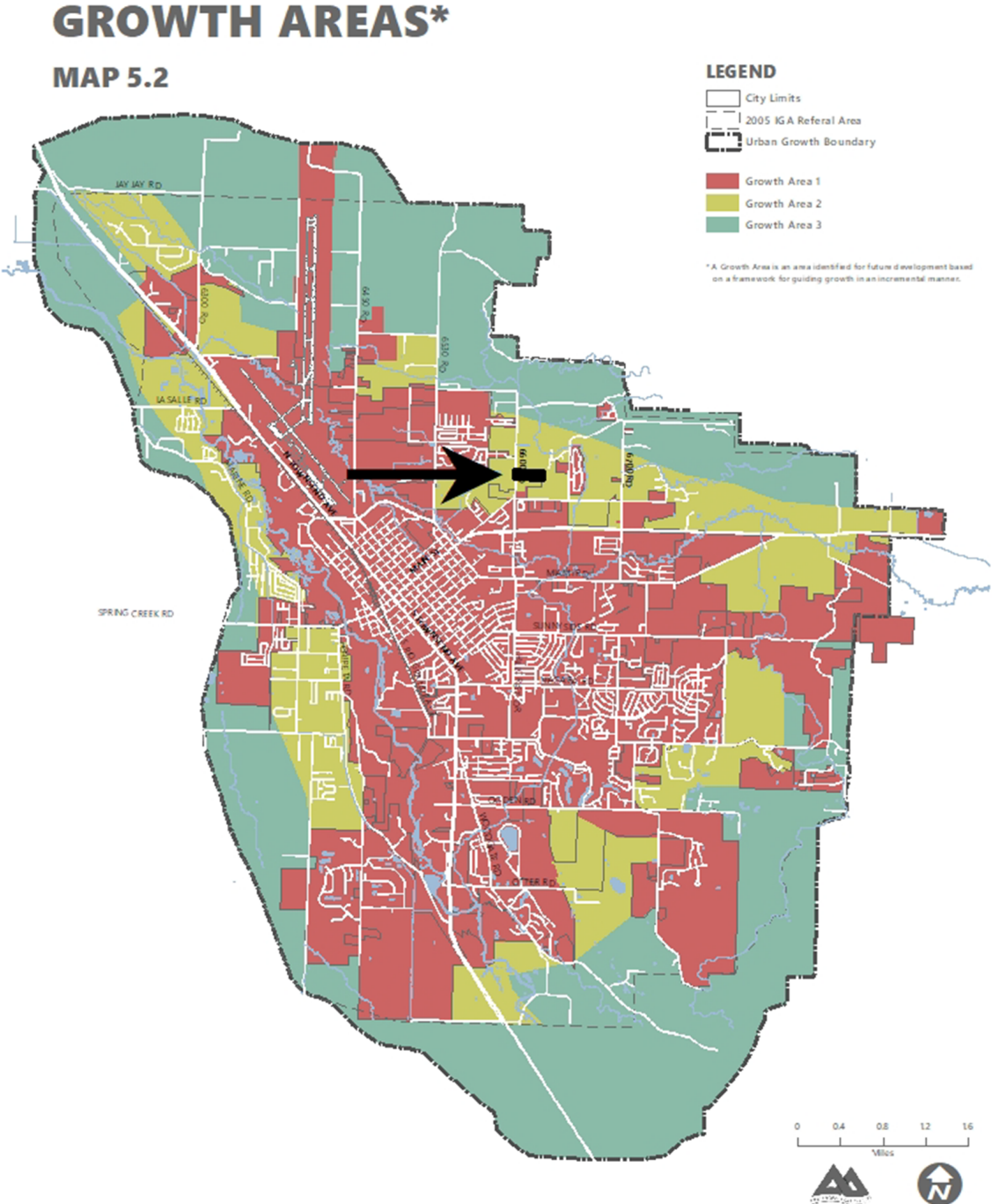


Comprehensive Plan Goals & Objectives

- Goal LU (Land Use) 5: Infill & Redevelopment: Promote higher density infill and redevelopment of underutilized sites and support development in areas that can be easily accessed by foot, bike, and/or public transit.
- Goal HN (Housing & Neighborhoods)-1: Housing Variety. Encourage a variety of housing types, tenure, and density to meet the needs of the community.
 - Objective 1.1 Promote a mix of residential housing types including single-family homes on a variety of lot sizes, multi-family housing, townhomes, apartments, senior housing, and transitional housing.
 - Objective 1.2 Encourage a variety of housing densities (low, medium, high) throughout the community, including mixed-density neighborhoods.
- Goal HN-2: Affordable Housing. Increase access to affordable housing.
 - Objective 2.1 Encourage a mix of housing price ranges, thereby providing choices for residents of all incomes and ages.

Growth Area 2

Property is has some level of, or moderate proximity to, existing infrastructure.



Summary

- Area is urbanizing and more than 1/6 contiguous to city limits
- Annexation Agreement is required.
- Annexation Impact Report is required.
- Proposal is consistent with the public health, safety, and welfare, city annexation policies, and the Comprehensive Plan.
- Staff recommends approval of the annexation and “R-4” High Density District
- The Planning Commission shall make a zoning recommendation to City Council.

