



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, March 21, 2023 - 6:00 PM
Community Room, Montrose Public Safety Complex – 434 S. First Street

The Montrose City Council is pleased to have residents of the community take time to attend City Council 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. Additional written comments are welcome and will be received at any time. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).

Public participation for this meeting will be in person in the Community Room of the Montrose Public Safety Complex. The meeting recording can be viewed at the link below:
<https://www.youtube.com/user/MontroseCityGov>.

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) City Council meeting called to order by Mayor Dave Frank
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS

The “Call for Public Comment” agenda item is a time when concerned members of the community may publicly voice their concerns and discuss items of interest. Please note that no formal action will be taken on the matters raised during this time.

Comments made during this time should be addressed to the Council and pertain to matters of at least general importance to the City and its operations. Please be aware that neither City Council nor City staff are expected to respond or engage in discussion or debate.

Personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial or gender-oriented slurs are prohibited, as is any “disorderly conduct” which violates state or local law and shall not be permitted.

6) CONSENT AGENDA

- A) City Council consideration of the minutes of the March 6, 2023, special City Council meeting and the March 7, 2023, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo* **5-11**
- B) City Council consideration of Resolution 2023-05 authorizing the City Manager and the City Attorney to execute documents as may be necessary to accomplish the transfer of the real property described in Exhibit “A,” and to attend a real estate closing on the City’s behalf, wherein such transfer is to take place. *Staff: City Attorney Ben Morris* **12**

Action: Consider making a motion to approve the consent agenda as presented.

7) ORDINANCE 2616 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2616 on second reading, an Ordinance of the City of Montrose, Colorado, amending Section 6-4-1 (B)(4) of the Official Code of the City of Montrose, Colorado, to correct an internal cross-reference. *Staff: City Attorney Ben Morris* **13-14**

Action: Accept public comment. Consider making a motion to adopt Ordinance 2616 on second reading as presented.

8) ORDINANCE 2617 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2617 on second reading, an ordinance of the City of Montrose, Colorado, authorizing the sale of real property at addressed at 433 S. First Street, Montrose, Colorado, and being particularly described herein, pursuant to § 1-9-2 of the Official Code of the City of Montrose. *Staff: City Manager Bill Bell* **15-17**

Action: Hold a hearing. Consider making a motion to adopt Ordinance 2617 on second reading as presented.

9) RESOLUTION 2023-04 (10 minutes)

City Council consideration of Resolution 2023-04 setting May 2, 2023, as the hearing date for the Senergy Addition Annexation. *Staff: Planner II William Reis* **18-27**

Action: Accept public comment. Consider making a motion to adopt Resolution 2023-04 as presented.

10) DRY CEDAR CREEK PRELIMINARY PLANNED DEVELOPMENT (10 minutes)

City Council consideration of the Dry Cedar Creek Preliminary Planned Development. *Staff: Planning Manager Jace Hochwalt* **28-41**

Action: Accept public comment. Consider making a motion to approve the Dry Cedar Creek Preliminary Planned Development.

11) THE GROVE SUBDIVISION PRELIMINARY PLAT (10 minutes)

City Council consideration of the Grove Subdivision Preliminary Plat. *Staff: Planning Manager Jace Hochwalt* **42-61**

Action: Accept public comment. Consider making a motion to approve The Grove Subdivision Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and municipal code provisions are met and that the Applicant adequately addressed 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.

12) ORDINANCE 2619 - FIRST READING (10 minutes)

City Council Consideration of Ordinance 2619 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of Lot 12 of the Miami Business Park Subdivision Filing No. 1 and Lots 5-11 of the Miami Business Park Subdivision Filing No. 2, totaling 5.56 acres, from "OR" Office-Residential to "R-4" High Density District. *Staff: Planner II William Reis* **62-77**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2619 on first reading as presented.

13) ORDINANCE 2618 - FIRST READING (10 minutes)

City Council Consideration of Ordinance 2618 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of 122 acres adjacent to the south of the Cobble Creek Golf Course bordering 6400 Road from "R-3" Medium Density District with conditions to "R-3" Medium Density District with no conditions. *Staff: Planning Manager Jace Hochwalt* **78-119**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2618 on first reading as presented expressly conditioned upon the execution and recording of the Agreement and Declaration of Covenants between the City of Montrose and Weststar Development, LLC that was authorized by City Council for signature at their February 21, 2023 Regular meeting.

14) 2023 PARKS TURF CARE CONTRACT AWARD RECOMMENDATION (10 minutes)

City Council consideration of the award of the 2023 Parks Turf Care Maintenance Contract to Green and Bearit of Montrose, Colorado, for the total amount of \$119,988.00. *Staff: Public Works Manager Jim Scheid and Parks Superintendent Dan Payne* **120**

Action: Accept public comment. Consider making a motion to award the 2023 Parks Turf Care Maintenance Contract to Green and Bearit of Montrose, Colorado, for the total amount of \$119,988.00 as presented.

15) BUCKLEY PARK PLAYGROUND AWARD RECOMMENDATION (10 minutes)

City Council consideration of the award of the Buckley Park Playground Replacement design/build contract to Just Be You Inc., doing business as Star Playgrounds of Littleton, Colorado, for the not-to-exceed amount of \$420,000.00. *Staff: Public Works Manager Jim Scheid and Parks Superintendent Dan Payne* **121-123**

Action: Accept public comment. Consider making a motion to award the Buckley Park Playground Replacement design/build contract to Just Be You Inc., doing business as Star Playgrounds of Littleton, Colorado, for the not-to-exceed amount of \$420,000.00.

16) MOVING MONTROSE FORWARD 2023 CONTRACTED STREET MAINTENANCE CONSTRUCTION CONTRACT (10 minutes)

City Council consideration of a contract award to Oldcastle SW Group (dba United Companies) in the amount of \$2,900,000.00 for completion of the Moving Montrose Forward 2023 Contracted Street Maintenance Project. *Staff: City Engineer Scott Murphy* **124-126**

Action: Accept public comment. Consider making a motion to award a contract to Oldcastle SW Group (dba United Companies) in the amount of \$2,900,000.00 for completion of the Moving Montrose Forward 2023 Contracted Street Maintenance Project as presented.

17) STAFF REPORTS

- A) Sales, Use, and Excise Tax Report (5 minutes)
Staff: Finance Director Shani Wittenberg **127-132**

18) YOUTH CITY COUNCIL COMMENTS19) CITY COUNCIL COMMENTS20) MOTION TO ADJOURN

A special meeting of the Montrose City Council was held on Monday, March 6, 2023, at 12:00 p.m., or immediately following the work session in the Community Room of the Montrose Public Safety Complex, 434 S. First Street. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Dave Frank, Barbara Bynum, Doug Glaspell, J. David Reed, Ed Ulibarri, Bill Bell, Ben Morris, Chris Dowsey, Jim Scheid, Scott Murphy, Shani Wittenberg, Terri Wilcox, David Bries, Briceida Ortega

CALL TO ORDER

Mayor Dave Frank called the special meeting to order at 11:15 a.m.

EXECUTIVE SESSION

At 11:16 a.m., a motion was made by Doug Glaspell, seconded by Ed Ulibarri, to enter into an executive session for the purpose of determining positions relative to matters that may be subject to negotiations, under C.R.S. Section 24-6-402(4)(e); for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f); and the following additional details are provided for identification purposes: property acquisition for Public Works facility; City Manager evaluation. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 1:14 p.m.

At 1:15 p.m. a motion was made by Doug Glaspell, seconded by Ed Ulibarri, to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:

Dave Frank, Mayor

Lisa DelPiccolo, City Clerk

A regular meeting of the Montrose City Council was held on Tuesday, March 7, 2023, at 6:00 p.m. in the Community Room of the Montrose Public Safety Complex. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Dave Frank, Barbara Bynum, Doug Glaspell, J. David Reed, Ed Ulibarri, William E. Bell, Ann Morgenthauer, Ben Morris, Chris Dowsey, Briceida Ortega, Greg Story, Matt Smith, Charles Greenacre, Erin Maxwell, Tim Cox, Jace Hochwalt, William Reis, William Woody, Blaine Hall, Nik Pridy

GUESTS: Luis Macias, Steve Metheny, Sherry Mulvaney, Myrna Shirey, Kenn Huff, Paul Paladino, Kathy Heavers, Judy Ann Files, Ralph Files, Tony Luard

CALL TO ORDER

Mayor Dave Frank called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

No changes were made to the agenda.

OATH OF OFFICE FOR MUNICIPAL COURT JUDGE

Deputy City Clerk Briceida Ortega administered the Oath of Office to Municipal Court Judge Erin Maxwell.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the February 21, 2023, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve the minutes of the February 21, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

NEW HOTEL AND RESTAURANT LIQUOR LICENSE APPLICATION

City Council considered an application for a new Hotel and Restaurant liquor license at 1222 E. Main Street for Tacos 2 Day LLC doing business as Tacos 2 Day for consumption on the licensed premises. A hearing was held.

City Attorney Ben Morris stated that the file is in order, the fees are paid, and a written findings report is included in the meeting packet. Mr. Morris said that the petitions were circulated, with 191 signatures submitted and 80 signatures determined to be valid and in support of the license being issued. The applicant attended and passed the most recent alcohol server training.

Applicant Luis Macias reviewed the business plan and said he intends to offer authenticity in his tacos and seafood which will be a great addition to the City. Mr. Macias stated that he is familiar with the liquor laws. He attended the alcohol server training, and his staff will also be attending in the future.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve a new Hotel and Restaurant liquor license at 1222 E. Main Street for Tacos 2 Day LLC doing business as Tacos 2 Day for consumption on the licensed premises. All voted yes. Motion passed.

ORDINANCE 2616 – FIRST READING

City Council considered Ordinance 2616 on first reading, an Ordinance of the City of Montrose, Colorado, amending Section 6-4-1 (B)(4) of the Official Code of the City of Montrose, Colorado, to correct an internal cross-reference. A hearing was held.

City Attorney Ben Morris explained that there was a cross-reference in the Official Code to a section that was amended in the Animal Control regulations that didn't refer broadly to the Animal Control regulations. Mr. Morris changed the internal cross-reference to be broader so it could be enforced as a nuisance if a pet is violating the Official Code.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by J. David Reed, to pass Ordinance 2616 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2617 – FIRST READING

City Council considered Ordinance 2617 on first reading, an Ordinance of the City of Montrose, Colorado, authorizing the sale of real property at addressed at 433 S. First Street, Montrose, Colorado, and being particularly described herein, pursuant to § 1-9-2 of the Official Code of the City of Montrose.

City Councilor J. David Reed provided his remarks on Ordinance 2617 and the Memorandum of Understanding. Mr. Reed mentioned that it was not a fly-by-night decision and that it was a milestone along the way of a strong, multi-faceted partnership between City of Montrose, CMU, Montrose County, Montrose County School District, our local healthcare community and countless businesses and individuals. Mr. Reed also stated that the creation of the Montrose Permanent Fund Endowment is to make sure that the proceeds from the transfer of this public asset will serve a public purpose in perpetuity. *(You can refer to Mr. Reed's complete statement in the March 7th packet).*

City Councilor Ed Ulibarri stated that it didn't seem practical for the City to sell the building and give the money away. Mr. Ulibarri said that he believed the money could be used for a better purpose like purchasing new properties and paying off the debt instead of moving the debt to another building.

City Manager Bill Bell mentioned that the Ordinance is presented today for first reading, and it will be presented at the next City Council meeting for second reading and public hearing. Mr. Bell explained that an appraiser was hired, and they determined the value of the City Hall building was 1.55 million. The building was purchased for 1.5 million. Based on an assessment that was done on the building a few years ago, it was determined that if the City Hall building were to be remodeled for the City's purposes and needs, the cost could be upwards of 8 million due to inflation. Mr. Bell outlined the potential uses for the different rooms in the City Hall building, including a restaurant and bar in the Centennial room, a training kitchen, and 5 dorm units in the upstairs area for students. It is still a work in progress.

City Councilor Barbara Bynum clarified that the historic designation stays with the City Hall building.

Deputy City Manager mentioned that any alterations to the exterior of the City Hall building would be required to be reviewed by the Historic Preservation Commission and meet requirements by the State.

City Councilor J. David Reed explained that a reverter clause was included in the agreement and mentions that if City Hall was ever to be used for a different purpose other than what was agreed to, it would revert back to the City.

Mayor Dave Frank mentioned that if the purchaser had gone through a financial institution instead of the City and obtained a loan and for some reason failed, then that financial institution would hold the lien and title to the City Hall building which is what the City was trying to avoid.

Public comment was accepted. No comments were received.

A motion as made by Doug Glaspell, seconded by J. David Reed, to pass Ordinance 2617 on first reading as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

MEMORANDUM OF UNDERSTANDING

City Council considered a Memorandum of Understanding between Colorado Mesa University Foundation, Colorado Mesa University, and the City of Montrose to establish the Montrose Permanent Fund to be held and administered by the Foundation.

City Manager Bill Bell explained that the Montrose Permanent Fund would remain no matter if there's a new City Council or City Manager in the future. The idea for this fund is to grow the CMU campus. A 2 million endowment was initially set, the City would sell City Hall for 1.55 million and assign those funds to the Montrose Permanent Fund and CMU would then provide half a million. Since they've decided to do owner carry for the sale of City Hall, it will take longer to get to the 2 million. The City will be bringing in a couple hundred thousand every year to the fund. The Rathbone hotel owners, Mr. Bayle and his partner will provide 20% down right away which they would immediately assign to the Montrose Permanent Fund. Mr. Bell shared that the MOU also establishes a board that would make a decision on how to spend the proceeds from the endowment fund. The board would include representatives from a variety of institutions. The interest that is made would go to building the Montrose campus, setting new programs, cost of equipment, staffing, and the expansion of the CMU facilities. A hospitality training program was needed in Montrose which is the reason why it was included in the MOU. All monies generated from the endowment fund would be assigned to the hospitality program for 3 years. After 3 years the funds could be allocated to a different program or a new facility.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Doug Glaspell, to approve a Memorandum of Understanding between Colorado Mesa University Foundation, Colorado Mesa University, and the City of Montrose as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

RESOLUTION 2023-3

City Council considered Resolution 2023-03 setting April 18, 2023 as the hearing date for the Sunset Village Addition Annexation.

Planner Manager Jace Hochwalt reviewed the annexation schedule and the location of the 10.01 acres, 2 parcels located at 576 6600 Road and 616 6600 Road. The parcels are within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and the Tri-County Water Service Area. The Planning Commission will hold a hearing on the requested zoning, on March 22.

Mr. Hochwalt recommended adoption of Resolution 2023-3, stating that the property meets criteria for annexation. Mr. Hochwalt said an annexation agreement has been signed by the applicant, and an annexation impact report is not required.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by J. David Reed, to adopt Resolution 2023-3 as presented. All voted yes. Motion passed.

CASA FINAL PLANNED DEVELOPMENT

City Council considered the CASA Final Planned Development.

Planner II William Reis explained that there have been no major changes since the preliminary approval. Land use map does designate this as a residential use mixed area, supportive housing. The final PD plan is unchanged. Dedicate a utility easement which does extend to the North property line. Staff recommends approval of the final CASA planned development.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Barbara Bynum, to approve the CASA Final Planned Development. All voted yes. Motion passed.

CRACK SEAL MATERIAL PURCHASE AND SOLE SOURCE WAIVER

City Council considered the purchase of crack seal material from Dissco (Denver Industrial) for the total purchase price of \$93,741.00.

Streets Superintendent Nik Pridy stated that nothing has changed since the item was presented at the City Council Work Session on February 21st. Mr. Pridy expressed that this material would cover 36 miles of roads in the maintenance zone C. The 2023 budget includes the total purchase price of \$93,741.00.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, the purchase of crack seal material from Dissco (Denver Industrial) for the total purchase price of \$93,741.00. All voted yes. Motion passed. All voted yes. Motion passed.

STAFF REPORTS

Public Works Manager Jim Scheid shared that him and Scott Murphy will be presenting at The Forum on Wednesday, March 8th.

YOUTH CITY COUNCIL COMMENTS

No comments were provided.

CITY COUNCIL COMMENTS

No comments were provided.

MOTION TO ADJOURN

At 7:45 p.m., a motion was made by Barbara Bynum, seconded by J. David Reed, to adjourn the meeting with no further action taken.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

RESOLUTION NO. 2023-05

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

WHEREAS, the City Council of the City of Montrose has approved the sale of certain real property, described in Exhibit “A” attached hereto, commonly known as the Historic City Hall; and

WHEREAS, the City formalized its agreement to transfer this property to the Rathbone PropCo, LLC in a Contract to Buy and Sell Real Estate, dated March 8, 2023; and

WHEREAS, the title company engaged pursuant to such contract has required that a resolution be passed by the governing board of the City authorizing the execution of necessary documents and stating who is authorized to sign said documents; and

WHEREAS, the City Council has determined that the sale of this property will further the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Montrose, that:

The City Manager and the City Attorney, or either of them, are empowered and authorized to execute documents as may be necessary to accomplish the transfer of the real property described in Exhibit “A,” and to attend a real estate closing on the City’s behalf, wherein such transfer is to take place.

ADOPTED this 21st day of March, 2023.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

{City Seal}

EXHIBIT A

Lots 18 through 24, inclusive, Block 87, Town of Montrose, now a part of the City of Montrose, County of Montrose, State of Colorado

Also known as: 433 South First Street, Montrose, Colorado 81401-3908

Assessor Parcel No.: R0650764 and 3767-284-04-901

ORDINANCE NO. 2616

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING SECTION 6-4-1 (B)(4) OF THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO, TO CORRECT AN INTERNAL CROSS-REFERENCE

WHEREAS, the Official Code of the City of Montrose, Colorado is amended from time-to-time; and

WHEREAS, when a section of the Official Code is moved, internal references to it should be updated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

Section 1:

Section 6-4-1 (B)(4) of the Official Code of the City of Montrose is amended to read as follows:

(4) Any animal in violation of those provisions set forth in Chapter 6-2.

Section 2:

Except as specifically amended hereby, the Official Municipal Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof.

Section 4:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

Section 5:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 7:

This Ordinance shall become effective as set forth in the City of Montrose Charter.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7th day of March, 2023, at the hour of 6:00 p.m. in the Community Meeting Room, Public Safety Building, in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of March, 2023.

ATTEST:

David Frank, Mayor

Briceida Ortega, Deputy City Clerk

INTRODUCED, READ and ADOPTED on second reading this 21st day of March, 2023.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2617

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AUTHORIZING THE SALE OF REAL PROPERTY ADDRESSED AT 433 SOUTH FIRST STREET, MONTROSE, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO § 1-9-2 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the property described in **Exhibit “A”** is currently known as City Hall, and is the location for many administrative offices of the City organization; and

WHEREAS, the City has purchased another property which it is adapting for such uses; and

WHEREAS, the City Council has determined that it would be in the best interest of the Public health, safety and welfare of the people of the City of Montrose to sell said property described in **Exhibit “A,”** so long as it is used as a hotel and/or restaurant, and related facilities; and

WHEREAS, the proceeds from such sale shall be contributed to a permanent endowment fund in collaboration with the Colorado Mesa University Foundation for the purposes of further expansion of the CMU-Montrose physical campus and its program offerings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that the real property more particularly described in **Exhibit “A,”** attached hereto and incorporated herein by this reference, may be conveyed, on forms acceptable to the City for reasonable consideration.

INTRODUCED, READ and PASSED on first reading this 7th day of March, 2023.

ATTEST:

David Frank, Mayor

Briceida Ortega, Deputy City Clerk

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its adoption on second reading on Tuesday, the 21st day of March, 2023, at the hour of 6:00 p.m. in the Community Meeting Room, located in the Public Safety Building, 434 S. First Street, Montrose, Colorado.

INTRODUCED, READ, and ADOPTED on second reading this 21st day of March, 2023.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

EXHIBIT “A”

PROPERTY DESCRIPTION

Lots 18, 19, 20, 21, 22, 23, and 24, Block 87, Town of Montrose now a part of the City of Montrose, County of Montrose, State of Colorado, less the approximate 600 ft² more or less (IT Annex) in the Northwest corner on the property.

Montrose City Council March 7, 2023

Councilor David Reed Bullet Points

- This agenda item is about OPPORTUNITY, ECONOMIC DEVELOPMENT, WORKFORCE DEVELOPMENT – and the FUTURE of our community.
- I'd take everyone back to 2010. At the time, the City of Montrose was fighting with the County, who was fighting with then Mesa State College, etc. We got a small group together and, with a lot of work, transformed the relationship that's born great fruit for our community, students, parents and businesses.
- Working collaboratively, we completely renovated the Buell Higher Education Center so the quality of instruction at CMU Montrose matched that in Grand Junction.
- Then, we all worked together to help CMU purchase then architect Patrick Davis' building across the street (now the Bransome Center).
- Then, the City of Montrose vacated a portion of Cascade Avenue to develop a pedestrian quad between the two buildings.
- Then, we all worked together to purchase the former Community Options Building (now Cascade Hall) – which enabled them to relocate to their now great location – to provide CMU Montrose with more space. This acquisition enabled CMU to bring Western Colorado Community College career and technical programs (like welding, machining, early childhood education, CNA, etc. to town).
- Recognizing the need to provide transitional housing options for new City of Montrose employees – and CMU Montrose students – both organizations partnered to purchase the Kyle House at the corner of Cascade & South Second a little over a year ago. Both organizations put money in to this transaction and the building is being used to meet temporary housing needs of both groups.
- All of these physical improvements were matched with new program additions to CMU Montrose, too. Last year, CMU Montrose worked with Technical College of the Rockies to take on the License Practical Nurse (LPN) program that TCR was closing down. The new space enabled CMU to do this and CMU Montrose has students in that program right now who will graduate in May.
- Recognizing the hiring challenges the Montrose Police Department – and other area law enforcement agencies – were having with hiring qualified officers, the City of Montrose approached CMU a little over two years ago to explore creating a new Summer law enforcement academy at the CMU Montrose Campus. Working together, we created that academy and graduated 7 POST certified officers last year.
- This history is important because it helps underscore what got us to where we are today. This has not been a fly-by-night decision. Rather, this is a milestone along the way of a strong, multi-faceted partnership between the City of Montrose, CMU, Montrose County, Montrose County School District, our local healthcare community, countless businesses and individuals, etc.
- Our Council decided to relocate City Hall – which left us with the decision about what to do with the current City Hall. To be sure, no one wanted to pursue any option that would put in jeopardy the beauty of the building, its historic significance or the role it plays in a thriving downtown Montrose. So, we went to work looking at options.
- With the development of the Rathbone Hotel happening right next door, conversation naturally developed about how City Hall might work in conjunction with that new development that will truly be unique in downtown Montrose.

- It just so happens that CMU not only has Hospitality Management & Culinary Arts programs, it also has developed a teaching hotel and kitchen on its campus in Grand Junction. Bringing parties together, we determined that a lot of potential synergy existed to pair City Hall with the Rathbone Hotel in order to provide a top-notch applied learning opportunity for CMU Montrose students.
- The reason we're considering the creation of the Montrose Permanent Fund Endowment is to make sure that the proceeds from the transfer of this public asset will serve a public purpose in perpetuity. Not only will the partnership with CMU & the CMU Foundation guarantee this, the University has also pledged to contribute \$500,000 to the fund over the next five years.
- From my vantage point, this is a "P4" partnership. **P**ublic, **P**ublic, **P**rivate **P**artnership. Most communities are lucky to do "P3" partnerships. Like everything else, Montrose is unique and we're leading the way bringing people together to accomplish great things.
- I understand there are detractors who might not agree with the approach we're taking. That said, I'd encourage everyone to step back and envision what we're working to create over the next year to 18 months. A vibrant downtown Montrose that includes a thriving university campus, a state-of-the-art law enforcement facility, two beautifully restored historic buildings serving as Montrose's only high-end boutique hotel, a thriving new City Hall on Main Street, etc.
- I'd like to thank our visionary City Manager and all of my colleagues for the hours and hours and hours of work they've all put in to this. Mark my words – this stands to be a transformational project and I'm excited to support it.



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: March 21, 2023
RE: Senergy Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

City Council is considering setting a hearing date for the proposed Senergy Addition annexation application. A Resolution establishing the date, time, and place must be approved by City Council in accordance with the Annexation provisions of the Colorado Constitution and Colorado Revised Statutes. The hearing must not be held less than 30 days nor more than 60 days after the effective date of this resolution setting the hearing. Council will consider all of the information in this memo in making a decision.

Proposed schedule:

March 6:	Council Work Session Overview
March 21:	Council Resolution to set a hearing date
April 12:	Planning Commission zoning hearing
May 2:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
May 16:	2nd reading of annexation and zoning ordinances



Application Background:

The Senergy Addition is a proposed annexation approximately 35.5 acres in size. The parcel is located along Miami Road, northeast of its intersection with 6750 Road. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and City of Montrose Water Service Area. Annexation of this property will allow for connection to City utilities. An Annexation Agreement is required.

Proposed Zoning: "R-2" Low Density District

Applicant: Darin Carei, Senergy Builders

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. An annexation agreement is required as a condition of 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 4-4-6(A) Intent: The "R-2" Low Density District is intended to provide a quiet, low density development for single-family residences. Environment protection is provided by allowing only single-family residences along with certain other compatible land uses.
 - 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-1B" Small Estate District, "B-2" Highway Commercial District, "B-4" Neighborhood Shopping District (with conditions) and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Senergy Addition as Residential Mixed Density Medium and Major Center. The Residential Mixed Density Medium 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 development. The Major Center designation is intended to include a wide range of

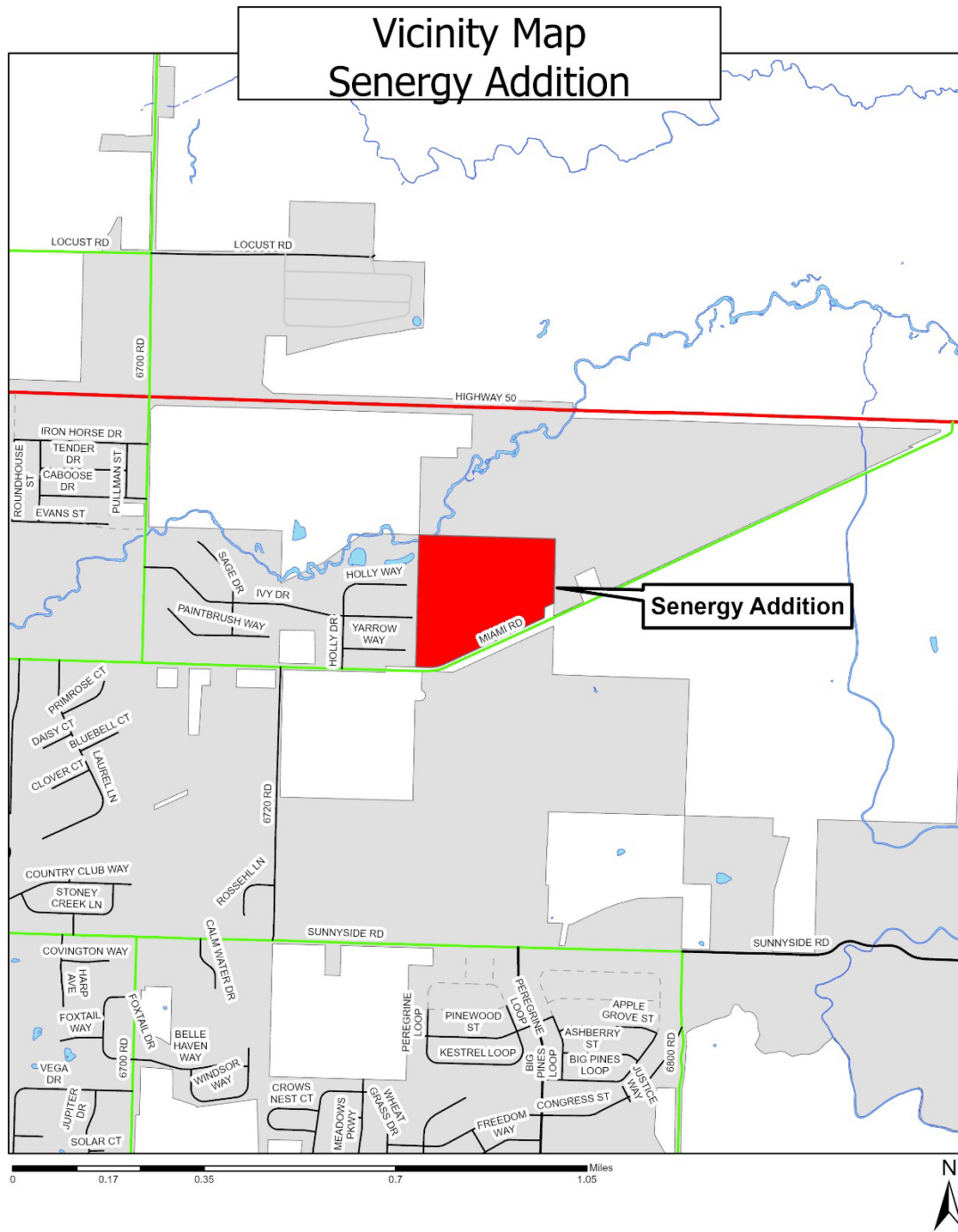


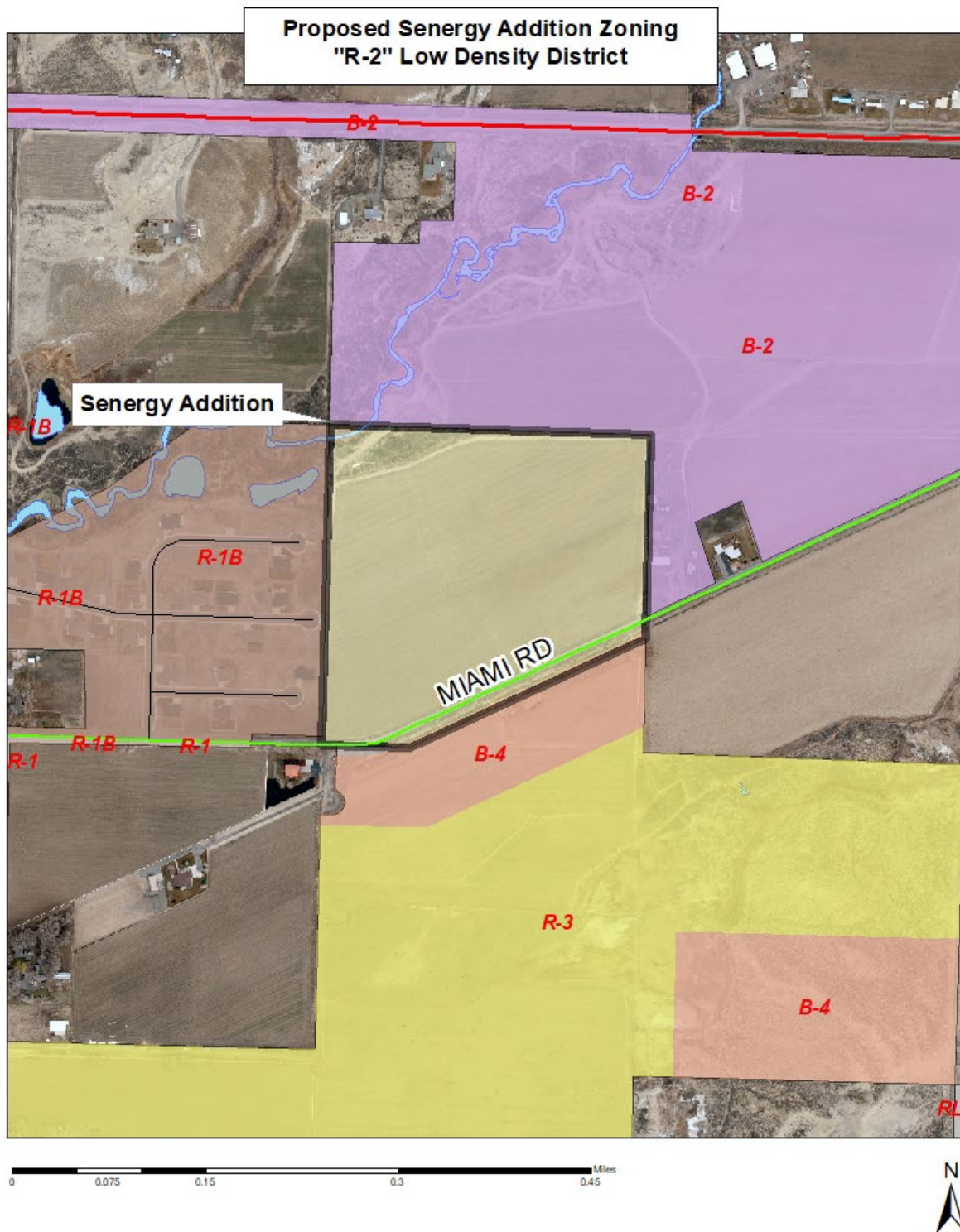
community and regional retail uses, offices, hotels, and personal and business services. It can also accommodate multi-family housing and mixed-use buildings (such as light industrial, manufacturing, or commercial). The district is intended to integrate commercial and multi-family uses along major roadways.

5. The property is located within Growth Area 1. According to the Comprehensive Plan, Growth Area 1 represents the most cost-efficient areas for the city to grow and comprises platted but unbuilt lots, annexed but unplatted land, and un-annexed small enclaves.
6. The “R-2” zoning does not appear to be adverse to the public health, safety and welfare.

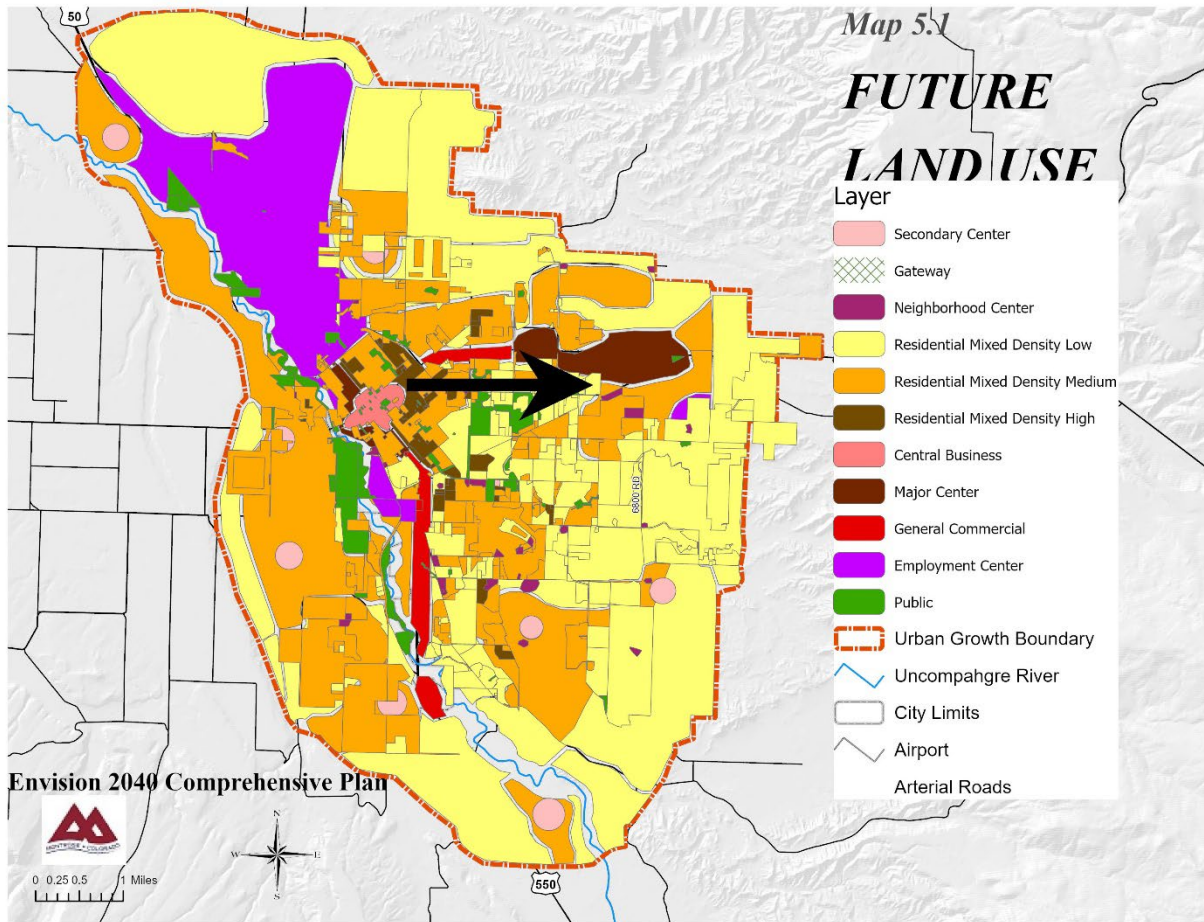


EXHIBIT A: Maps





Comprehensive Plan Future Land Use Map



SENERGY ADDITION

SITUATED IN SW1/4NE1/4 SECTION 25, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
COUNTY OF MONTROSE, STATE OF COLORADO

GATEWAY CENTER
ADDITION NO. 3
RECEPTION NO. 743969

LEGEND

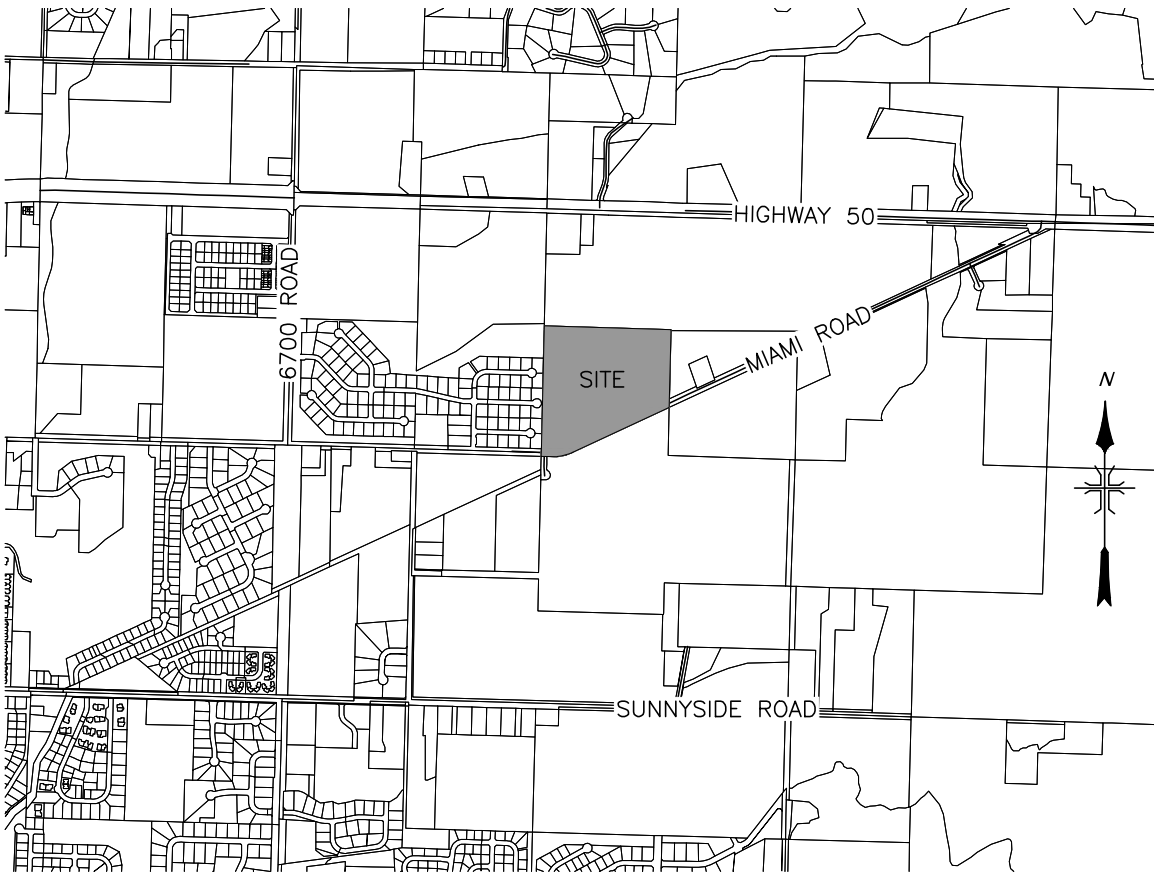
- ////// CITY LIMITS
———— PROPERTY BOUNDARY / LIMITS OF ANNEXATION

CITY LIMITS

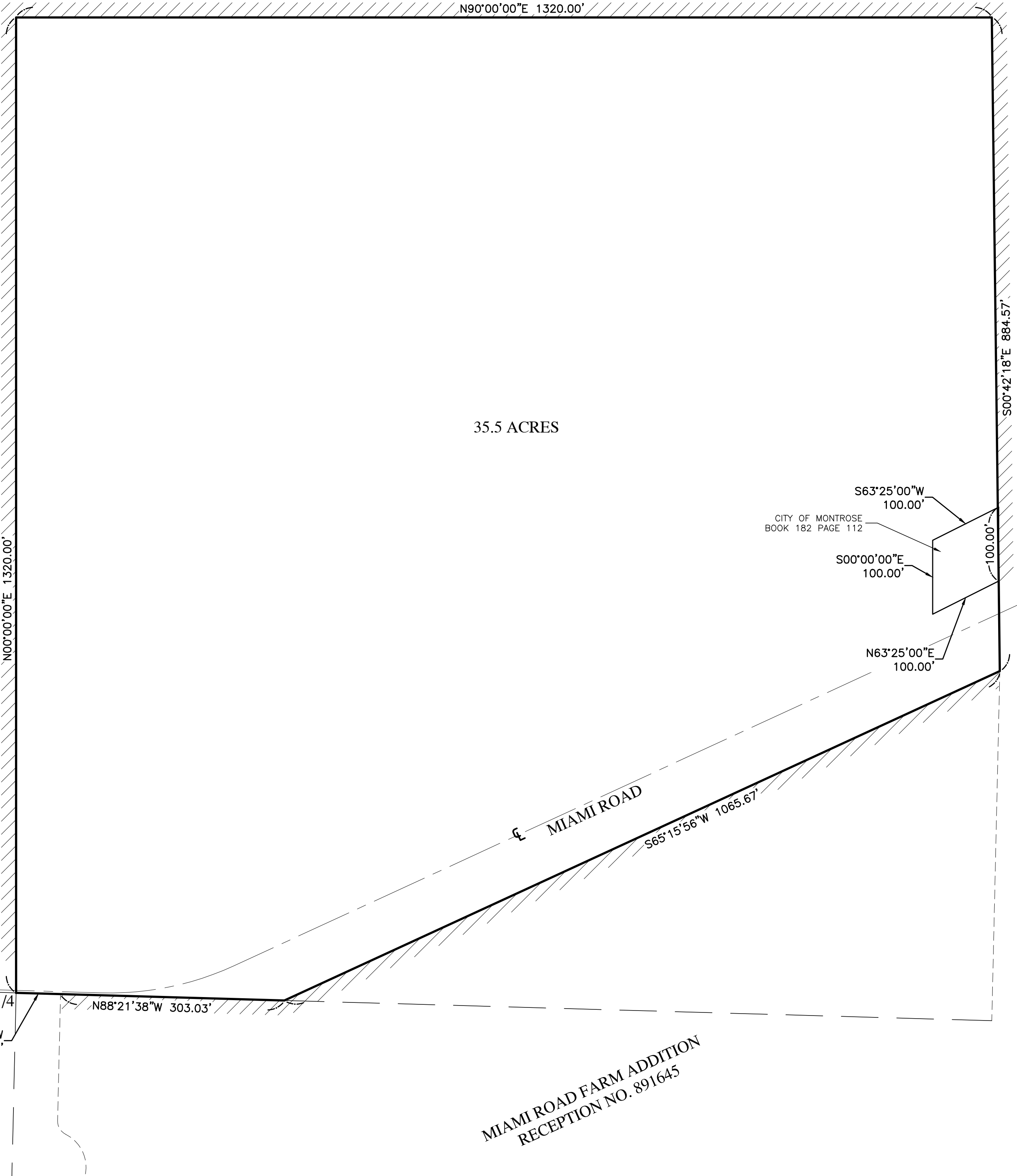
TOTAL PERIMETER = 4953.37'
PERIMETER CONTIGUOUS TO CITY LIMITS = ±4728'

NOTE:

THIS PLAT DOES NOT CONSTITUTE A BOUNDARY
SURVEY. IT IS A COMPILATION OF EXISTING RECORDS
FOR THE PURPOSE OF ANNEXATION.



VICINITY MAP
N.T.S.



GATEWAY CENTER
ADDITION NO. 3
RECEPTION NO. 743969

PROPERTY DESCRIPTION

A parcel of land situated in the SW1/4NE1/4 Section 25, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado. Being more particularly described as beginning at the Center 1/4 corner of said Section 25; Thence along the West line of said SW1/4NE1/4 North 1320.00 feet; Thence along the North line of said SW1/4NE1/4 East 1320.00 feet; Thence S00°42'18\"/>

Containing 35.5 Acres more or less as described.

SURVEYOR'S CERTIFICATE

I, Frederick A. Ballard, a Registered Land Surveyor in the State of Colorado, do hereby certify Senergy Addition Annexation Map was prepared under my direct supervision.

PRELIMINARY

Frederick A. Ballard, P.L.S.
Registration No. 37690

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 the _____ day of _____, 2022, annexed the property hereon to the City of Montrose.

Mayor

Attest:
City Clerk

CLERK AND RECORDER'S CERTIFICATE

This map was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of _____ on the _____ day of _____, 2022 under Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

Deputy

TITLE				SENERGY ADDITION
CLIENT:				SENERGY BUILDERS
ADDRESS & PHONE:				1111 S. 7TH STREET GRAND JUNCTION, CO 81501 970-234-0708
FIELD BOOK:	DRAWN BY:	DATE:	JOB NO.:	TYPE:
	DCC	2022-09-06		
SHEET:	FILE:			
1 of 1	22161V_ANNEX		22161	ANNEX

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) 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 (10) years from the date of the certification shown hereon.

EXHIBIT B: Zoning Code Excerpt

Sec. 4-4-6. "R-2" Low Density District.

- (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.
- (B) *Uses by Right.*
- (1) Single-family homes.
 - (2) Public utility service facilities.
 - (3) Government buildings and facilities.
 - (4) Parks and recreation facilities owned or operated by a homeowner association.
 - (5) Accessory uses.
 - (6) Short-term rentals.
 - (7) Family child care home.
- (C) *Conditional Uses.*
- (1) Places of worship.
 - (2) Schools.
 - (3) Childcare facilities.

(Ord. No. 2472 , § 4-4-6, 5-7-2019; Ord. No. 2561 , 10-19-2021)



RESOLUTION NO. 2023-04

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

1. The City Council hereby finds that the Annexation Petition submitted for the annexation of the property denominated as the **SENERGY ADDITION**, as described on **Exhibit A** hereto, is in substantial compliance with the requirements of C.R.S. § 31-12-107(1), as amended.
2. The City Council shall hold a hearing to determine if the proposed annexation complies with C.R.S. §§ 31-12-104, 105, or such parts thereof as may be required to establish eligibility for annexation under the terms of C.R.S. Part 1, Article 12, Title 31. The hearing shall be held on the 2nd day of May, 2023, in the Montrose City Council Chambers at the Elks Civic Building in Montrose, Colorado at 6:00 P.M.

ADOPTED by the City Council of the City of Montrose, Colorado, this 21st day of March, 2023.

CITY OF MONTROSE, COLORADO

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description:

A parcel of land situated in the SW1/4NE1/4 Section 25, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado. Being more particularly described as beginning at the Center 1/4 corner of said Section 25;
Thence along the West line of said SW1/4NE1/4 North 1320.00 feet,
Thence along the North line of said SW1/4NE1/4 East 1320.00 feet;
Thence S00°42'18"E 884.57 feet to the Northeast corner of the Miami Road Farm Addition;
Thence along said Addition S65°15'56"W 1065.67 feet;
Thence N88°21'38"W 363.13 feet to the Point of Beginning.

Containing 35.5 Acres more or less as described.



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Jace Hochwalt, Planning Manager
DATE: March 21, 2023
RE: Dry Cedar Creek Preliminary PD

ATTACHMENTS

- Exhibit A: Area Maps
- Exhibit B: Excerpts from City of Montrose Municipal Code
- Exhibit C: Preliminary Planned Development Plan
- Exhibit D: Site Development Plan

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.

City Council Consideration:

City Council is considering approval of the Dry Cedar Creek Preliminary Planned Development. City Council will consider all of the information in this memo in making a decision.

Applicant: RealAmerica Development, LLC

Application Background:

The Residences at Dry Cedar Creek is a proposed 60-unit multi-family development in southern Montrose. The site does not have an address, but is situated on the south side of Ogden Road, to the east of the Ogden Road and Woodgate roundabout, and directly adjacent to the east of the Montrose Recreation Center. The entire parcel is approximately 7.34 acres in size, although the Planned Development (PD) area proposed is the area north of Dry Cedar Creek, which encompasses 4.41 acres. The property is zoned "R-3A" Medium High Density District. The development proposal (as shown on the Site Plan attached as Exhibit D) includes three buildings. Building 1 is a three-story multi-unit residential building proposed to contain 36 units. Building 2 is a three-story multi-unit residential building proposed to contain 24 units. The third building is a clubhouse that will include amenities for the residents. The site is proposed to contain approximately 1.82 acres of open space, which accounts for 41.3% of the Planned Development area.



The Preliminary Planned Development was reviewed by the Planning Commission on March 8, 2023, and Planning Commission unanimously recommended approval.

Planned Development Application Details:

Based on the current R-3A zoning, multi-family housing is allowed on the subject parcel. The applicant may place one apartment building on the lot without being required to go through the Planned Development (PD) process according to the City of Montrose Municipal Code. However, if the Applicant seeks to build more than one building on the lot (with each building containing more than one residential dwelling unit), the Planned Development process is required. The Planned Development process is a way for development of large areas of land to occur in a coordinated and planned manner that may include parks, open space areas, clustered and multi-building residential development, shared infrastructure and shared amenities that otherwise might not be achieved if smaller parcels were developed independently. 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 Applicant does not accept all conditions, that development must adhere to standard subdivision and zoning requirements.

For this application request, City staff is noting that a minimum setback of two feet is allowed from the 50-foot wide Uncompahgre Valley Water Users Association (UVWUA) canal easement that sits on the eastern edge of the site. Should this easement ever be claimed in fee simple by the UVWUA or successors, then the setback will be recognized as conforming at a two-foot setback instead of the standard 10-foot side yard setback. Additionally, the Planned Development process is required to allow for the development, which includes multiple residential buildings.

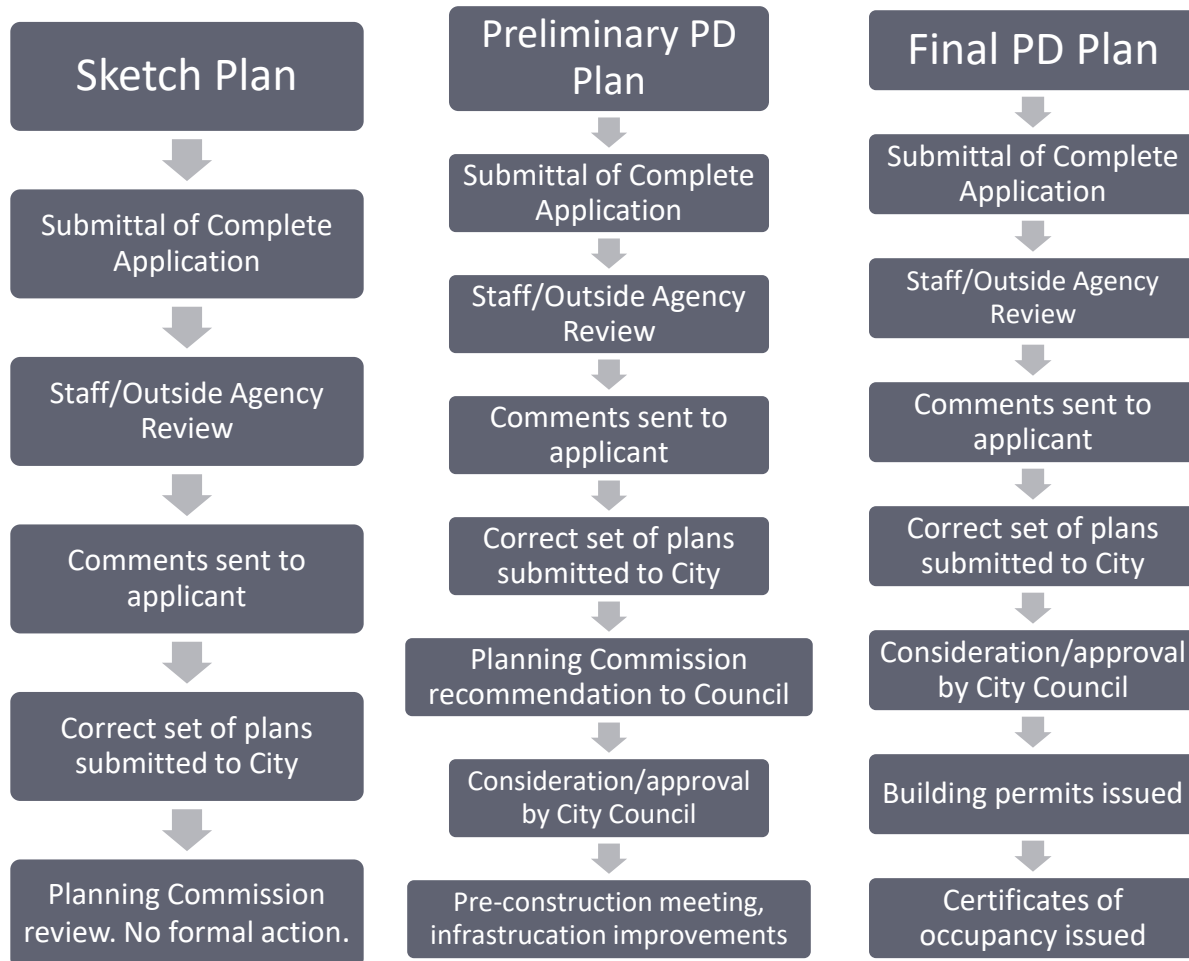
Planned Development Process:

The City of Montrose Municipal Code outlines the process and standards for Planned Development applications. The City Council should consider whether the project meets the standards outlined within Section 4-4-24 and summarized below:

- A Planned Development must be in substantial conformity with the City's Master Plans.
- A minimum of 20 percent of the gross area of the Planned Development must be reserved as parks or open space.
- The Planned Development 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.
- 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.



The City of Montrose Municipal Code Section 4-4-24 (Exhibit B) outlines the process and standards for Planned Development applications. The following flowchart shows this overall process.



Staff Analysis:

1. Planned Development Regulations:

- a. Municipal Code: Section 4-4-24 (Exhibit B): The Preliminary Planned Development application has been reviewed by City staff and partner agencies and meets the City's design standards. A minimum of 20 percent of the gross area of the Planned Development must be preserved as parks or open space, and must reasonably preserve and protect rural character, open space, scenic views, drainage areas and other valued resources.
 - i. As previously indicated, the total Planned Development area proposed for this application is 4.41 acres. Of that, 1.82 acres (41.3%) will be retained



as open space. This open space area is better depicted in Exhibit C, and encompasses Dry Cedar Creek to the south, and the drainage and irrigation canal to the east. As such, staff finds this proposal meets the 20% open space minimum requirement, and also preserves and protects the character of the area by not modifying some of the natural and drainage features that currently exist on site.

2. Relevant Comprehensive Plan and Municipal Code References: To assist the Planning Commission, staff has provided the following relevant information from the City of Montrose Envision 2040 Comprehensive Plan and Municipal Code.
 - a. A 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.
 - b. The Future Land Use Map within the Comprehensive Plan illustrates general, somewhat flexible locations and extents for various land uses and densities.
 - c. The Municipal Code and Zoning regulations specify land uses, densities, bulk and height requirements, setbacks, and other development standards that are allowed within each zoning district in order to achieve the intent of the zoning district.
 - d. Development on this parcel may occur in accordance with the approved zoning and should also be in general conformance with the Comprehensive Plan.
3. Comprehensive Plan:
 - a. 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).
 - b. Goal LU (Land Use) 3: Infrastructure: Manage growth to ensure sufficient and fiscally responsible infrastructure while minimizing future City operation and maintenance costs.
 - i. Objective 3.1: Plan for a sustainable variety of land uses, densities, and regulations that meet the demand for each type of use and provide a compatible transition between land uses.
 - ii. Objective 3.6: Encourage compact and contiguous development in growth-efficient areas (in close proximity to existing streets, utilities, and public services) within the Urban Growth Boundary, including infill and redevelopment of older neighborhoods.



- c. 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.
- d. 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.
- e. Goal HN (Housing & Neighborhoods) 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.
 - ii. Objective 2.2 Offer incentives and information to encourage affordable housing in new developments.
 - iii. Objective 2.3 Support and work with housing agencies, organizations, private developers, and businesses to increase the amount of workforce housing.
- f. While the Future Land Use Map does reflect this area as Residential Mixed Density Low, it is noteworthy to mention that this property was recently rezoned in February of 2022 from R-2 (Low Density District) to R-3A (Medium High Density District). Based on all the preceding information, staff finds that the proposal is in substantial conformity with the Comprehensive Plan.

4. Zoning Regulations:

- a. The subject property is currently zoned R-3A (Medium High Density District). Per Section 4-4-7.1(A), the intent of the R-3A district is 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. Multi-family uses are a use by right in the R-3A district, with the exception that a Planned Development is required when multiple residential buildings are proposed, as outlined in Section 4-4-24(B)(1).
 - i. Per Section 4-4-22 of the Montrose Municipal Code. The dimensional requirements in the "R-3A" zoning district are included in the table on the following page:



	Minimum Lot				Minimum Setbacks				
District	Use	Width at Building Line	Depth	Size	Front	Rear	Side	Corner Lot	Maximum Building Height
R-3A	Single Family	N/A	N/A	6,250	15	25	5	15	35
	Duplex	N/A	N/A	9,375	15	25	5	15	35
	All Other	N/A	N/A	2,900 /unit	15	20	10	15	35

- b. Multi-family uses are a use by right in the R-3A zoning district. Based on the site area of 4.41 acres, the Applicant could accommodate up to 66 units. As such, the proposal of 60 units falls within the density requirements of the R-3A zone district. It should be noted that all setbacks are met as proposed, but should the UVWUA canal easement ever be claimed in fee simple ownership, one noted deviation from City Standards is that a minimum setback of two feet is allowed from said easement.

Staff Analysis of Preliminary Planned Development:

The Dry Cedar Creek Preliminary Planned Development Plan is in compliance with the Planned Development as set forth in the City of Montrose Municipal Code, Section 4-4-24. It is in substantial conformity with the City of Montrose Comprehensive Plan. The proposed use is compatible with existing zoning and general conditions in the area. It does not appear to be adverse to the public health, safety and welfare. Staff recommends approval of the Dry Cedar Creek Preliminary Planned Development.

Planning Commission Action:

The Planning Commission unanimously recommended approval of the Dry Cedar Creek Preliminary Planned Development at the March 8, 2023 Planning Commission meeting.

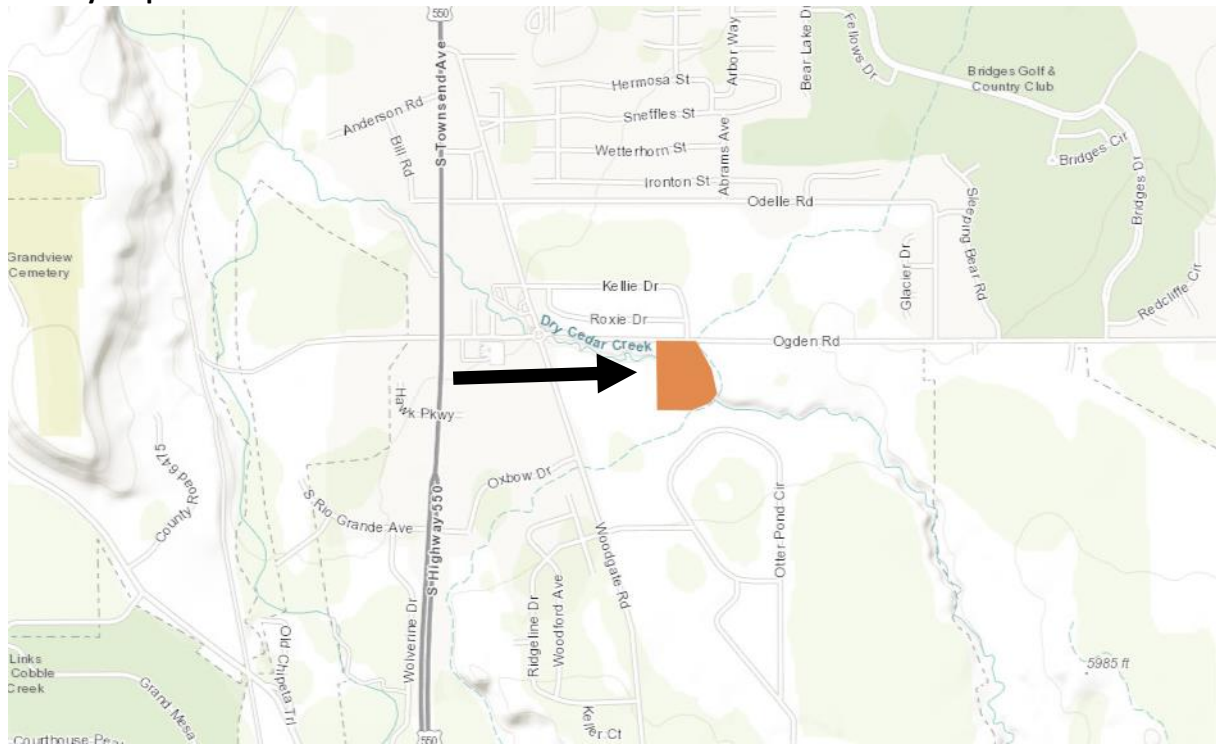
City Council Options for Dry Cedar Creek Preliminary Planned Development:

1. Accept the Planning Commission recommendation and approve the Dry Cedar Creek Preliminary Planned Development Plan.
2. Disapprove the Dry Cedar Creek Preliminary Planned Development if Council finds the requirements of the Planned Development regulations have not been met.

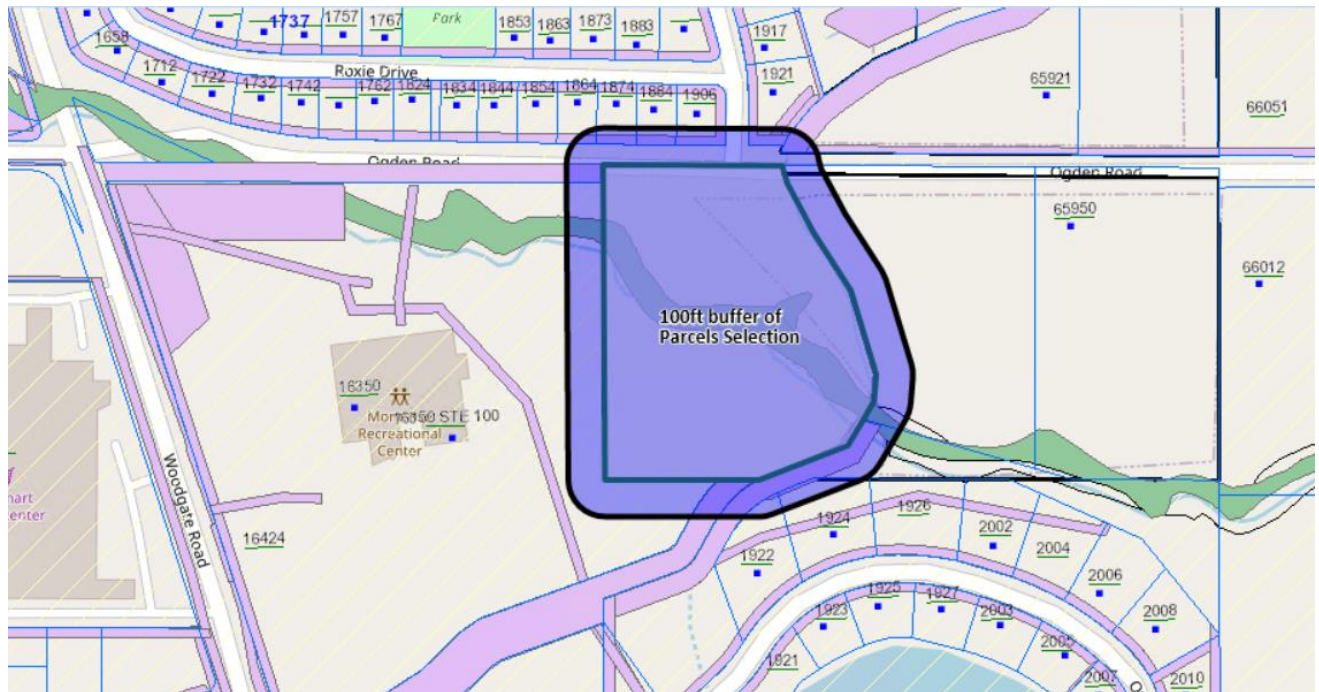


EXHIBIT A: Maps

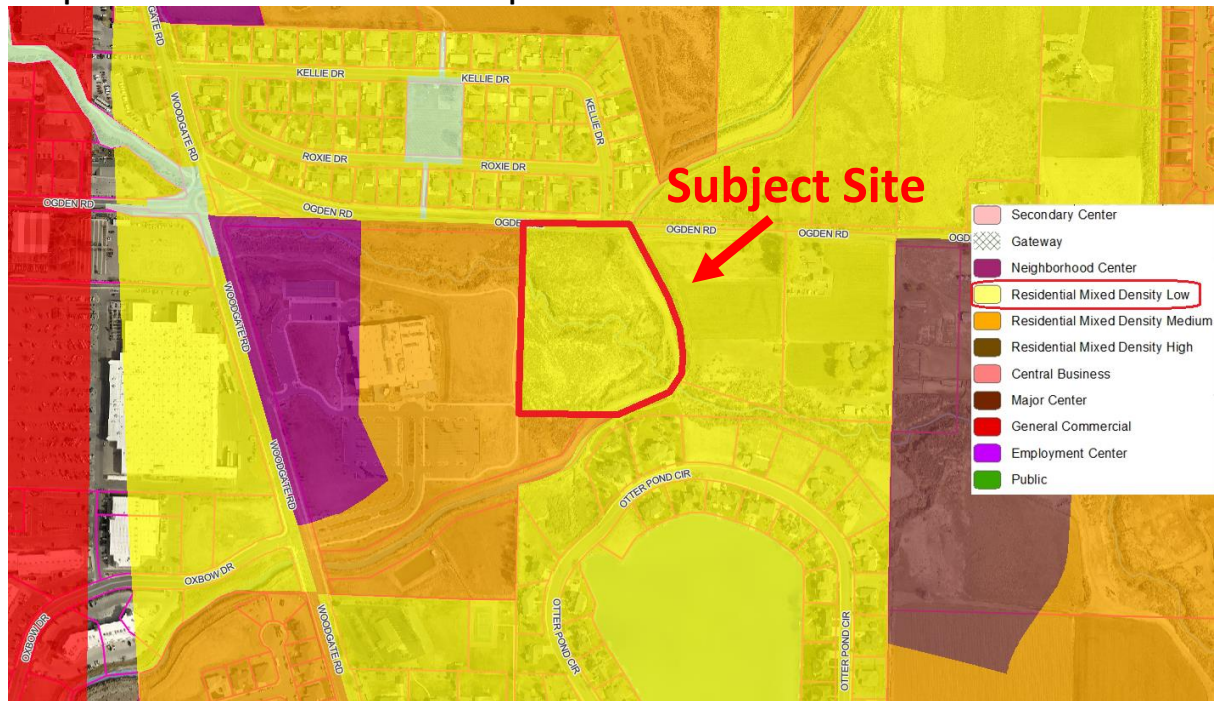
Vicinity Map



Notification Area



Comprehensive Plan Future Land Use Map



Current Zoning Map (R-3A – Medium High Density District)

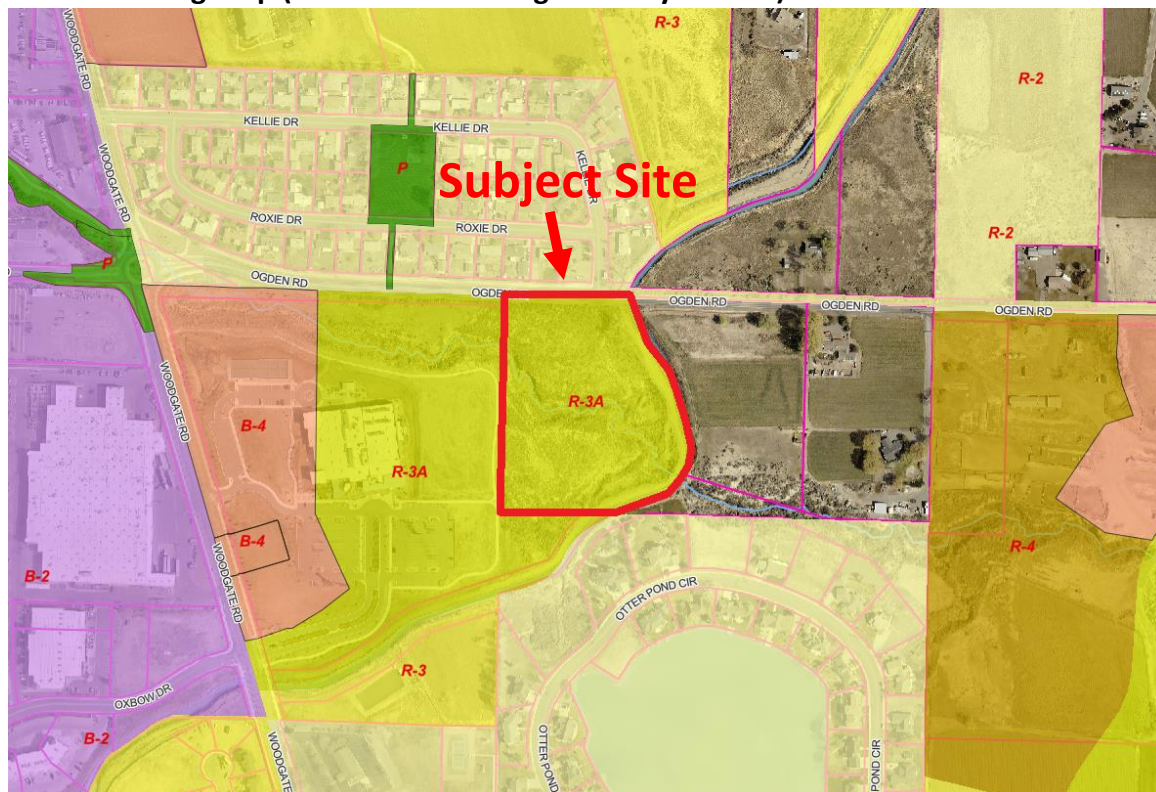


EXHIBIT B: Code Excerpts

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 Unit 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)



DRY CEDAR CREEK PRELIMINARY PLANNED DEVELOPMENT PLAN

CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



VICINITY MAP
N.T.S.

DRY CEDAR CREEK PLANNED DEVELOPMENT LAND SUMMARY		
TOTAL ACREAGE:	REQUIRED OPEN SPACE:	TOTAL OPEN SPACE:
4.43 Acres	0.89 Acres	1.82 Acres

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:

THAT PART OF THE NORTH 1/2 OF U.S. GOVERNMENT LOT 16, SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, LYING WESTERLY OF THE LOUTSENHIZER CANAL AS PRESENTLY CONSTRUCTED, COUNTY OF MONTROSE, STATE OF COLORADO
LESS AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF MONTROSE RECEPTION NO. 690952

Have by these presents laid out, platted and subdivided the same into lots, as shown on this plat, under the name and style of DRY CEDAR CREEK PRELIMINARY PLANNED DEVELOPMENT PLAN.

The easements shown on this plat are dedicated, granted and conveyed to the City of Montrose, Colorado for public utilities, 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.

Executed this _____ day of _____, 20____.

Residences at Dry Cedar Creek, LP

STATE OF _____)
COUNTY OF _____) ss.

The above Certificate of Dedication and Ownership was acknowledged before me on this _____ day of _____, 20____, by _____

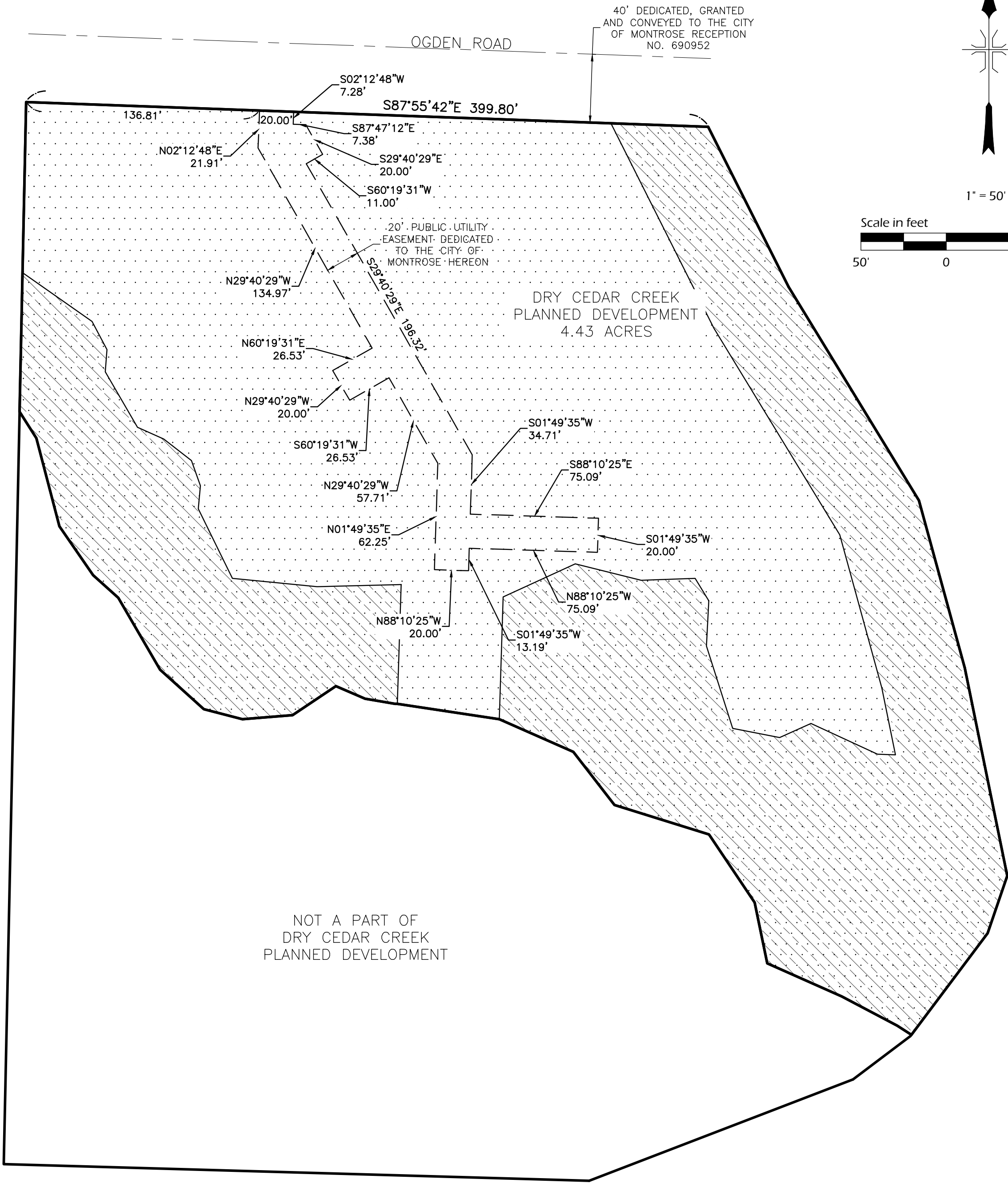
Witness my hand and official seal.
My commission expires _____

(SEAL)

Notary

LEGEND

- = DRY CEDAR CREEK PLANNED DEVELOPMENT
- = OPEN SPACE (1.82 ACRES)



PLANNED DEVELOPMENT PLAN CERTIFICATE

The undersigned owner named herein, hereby submit this Planned Development Plan under the name and style of DRY CEDAR CREEK 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 _____
Residences at Dry Cedar Creek, LP

CITY APPROVAL OF P.D. PLAN

City Engineer _____ Date _____
Scott Murphy, P.E.

City Attorney _____ Date _____
Ben Morris

City Planning Commission Chair _____ Date _____
David Fishering

City Mayor _____ Date _____
Dave Frank

GENERAL NOTES

- Each Site Development Application within the Dry Cedar Creek PD will demonstrate how the overall 20% open space requirement will be met.
- Private drive access and conforming parking will be provided to all multi-family residential buildings, with each Site Development Application demonstrating adequate fire access.

DEVIATIONS FROM CITY STANDARDS

- Multi-family residential development will be allowed as a use by right within the Dry Cedar Creek PD, subject to City of Montrose Site Development approval.
- A minimum setback of 2' is allowed from the 50' wide U.V.W.U.A. canal easement.
- Multiple residential buildings allowed on one parcel.

PROPERTY DESCRIPTION

THAT PART OF THE NORTH 1/2 OF U.S. GOVERNMENT LOT 16, SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, LYING WESTERLY OF THE LOUTSENHIZER CANAL AS PRESENTLY CONSTRUCTED, COUNTY OF MONTROSE, STATE OF COLORADO
LESS AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF MONTROSE RECEPTION NO. 690952

RECORDER'S CERTIFICATE:

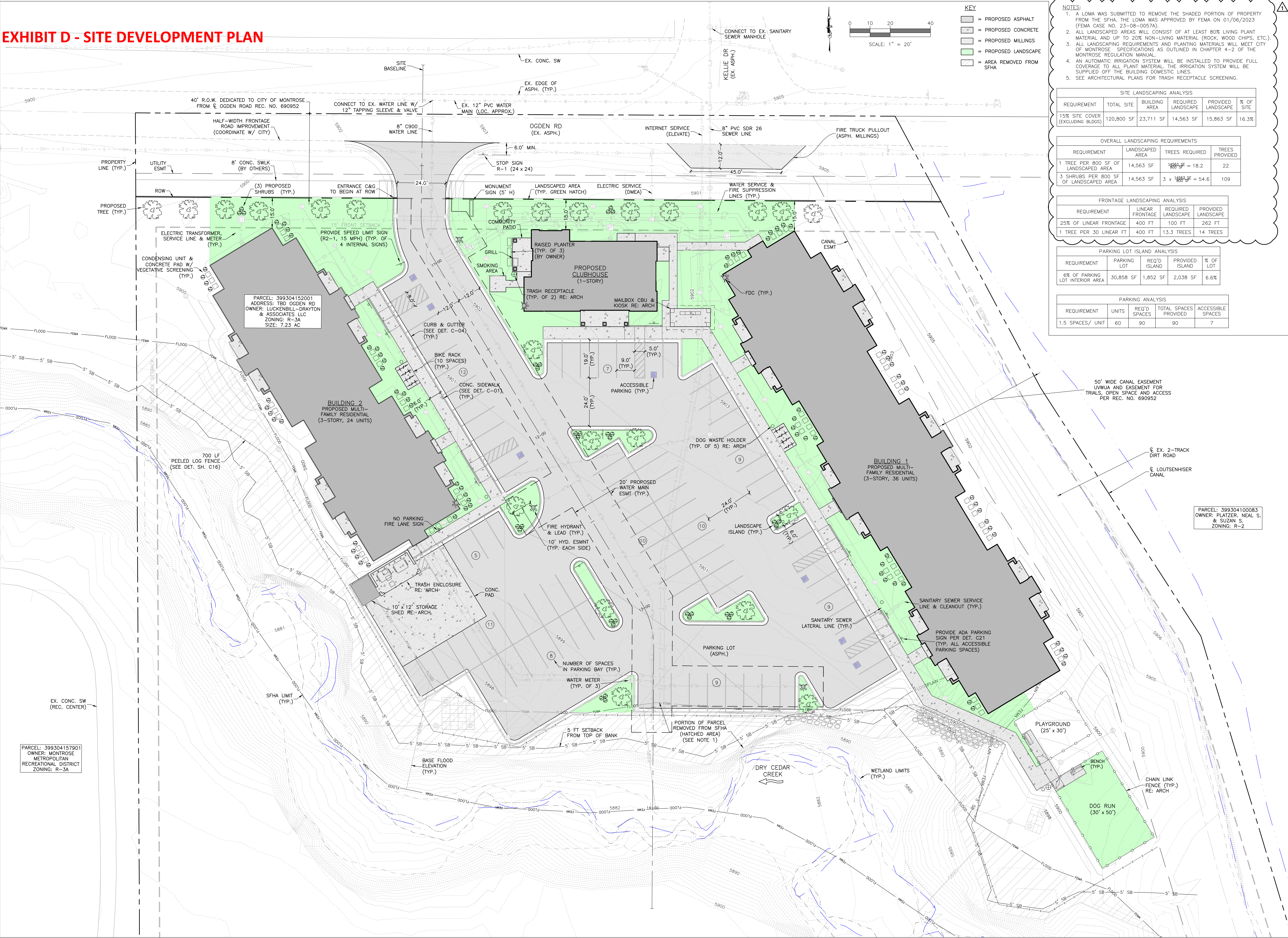
This plat was filed for record in the office of the Clerk and Recorder of Montrose County at _____ m. on the _____ day of _____, 20____. Reception No. _____.

County Clerk & Recorder _____ by _____ Deputy

NOTICE: According to Colorado Law (13–80–105, CRS) you must commence any legal action based upon any defect in this survey within three (3) 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 (10) years from the date of the certification shown hereon.

TITLE DRY CEDAR CREEK PLANNED DEVELOPMENT PLAN			
CLIENT: ROARING FORK ENGINEERING			
ADDRESS & PHONE: 592 HIGHWAY 133 CARBONDALE, CO 81623 970-340-4130			
FIELD BOOK:	DATE:	DATE:	DATE:
1 of 1	DCC	2023-02-09	
SHEET:	FILE:	JOB NO.:	TYPE:
1 of 1	22143V_PD-PLAN	22143	PRELIMINARY P.D. PLAN

EXHIBIT D - SITE DEVELOPMENT PLAN



KEY

- [Symbol] = PROPOSED ASPHALT
- [Symbol] = PROPOSED CONCRETE
- [Symbol] = PROPOSED MILLINGS
- [Symbol] = PROPOSED LANDSCAPE
- [Symbol] = AREA REMOVED FROM SFHA

- NOTES:**
1. A LOMA WAS SUBMITTED TO REMOVE THE SHADED PORTION OF PROPERTY FROM THE SFHA. THE LOMA WAS APPROVED BY FEMA ON 01/06/2023 (FEMA CASE NO. 23-08-0057A).
 2. ALL LANDSCAPED AREAS WILL CONSIST OF AT LEAST 80% LIVING PLANT MATERIAL AND UP TO 20% NON-LIVING MATERIAL (ROCK, WOOD CHIPS, ETC.).
 3. ALL LANDSCAPING REQUIREMENTS AND PLANTING MATERIALS WILL MEET CITY OF MONTEROSE SPECIFICATIONS AS OUTLINED IN CHAPTER 4-2 OF THE MONTEROSE REGULATION MANUAL.
 4. AN AUTOMATIC IRRIGATION SYSTEM WILL BE INSTALLED TO PROVIDE FULL COVERAGE TO ALL PLANT MATERIAL. THE IRRIGATION SYSTEM WILL BE SUPPLIED BY THE BUILDING DOMESTIC LINES.
 5. SEE ARCHITECTURAL PLANS FOR TRASH RECEPTACLE SCREENING.

SITE LANDSCAPING ANALYSIS				
REQUIREMENT	TOTAL SITE	BUILDING AREA	REQUIRED LANDSCAPE	PROVIDED LANDSCAPE
15% SITE COVER (EXCLUDING BLDGS)	120,800 SF	23,711 SF	14,563 SF	15,863 SF

OVERALL LANDSCAPING REQUIREMENTS			
REQUIREMENT	LANDSCAPED AREA	TREES REQUIRED	TREES PROVIDED
1 TREE PER 800 SF OF LANDSCAPED AREA	14,563 SF	$\frac{14,563 \text{ SF}}{800 \text{ SF}} = 18.2$	22
3 SHRUBS PER 800 SF OF LANDSCAPED AREA	14,563 SF	$3 \times \frac{14,563 \text{ SF}}{800 \text{ SF}} = 54.6$	109

FRONTAGE LANDSCAPING ANALYSIS			
REQUIREMENT	LINEAR FRONTAGE	REQUIRED LANDSCAPE	PROVIDED LANDSCAPE
25% OF LINEAR FRONTAGE	400 FT	100 FT	262 FT
1 TREE PER 30 LINEAR FT	400 FT	13.3 TREES	14 TREES

PARKING LOT ISLAND ANALYSIS				
REQUIREMENT	PARKING LOT	REQ'D ISLAND	PROVIDED ISLAND	% OF LOT
6% OF PARKING LOT INTERIOR AREA	30,858 SF	1,852 SF	2,038 SF	6.6%

PARKING ANALYSIS			
REQUIREMENT	UNITS	REQ'D SPACES	TOTAL SPACES PROVIDED
1.5 SPACES/ UNIT	60	90	90

REVISION NUMBER

1

REVISION DATE

02/02/23

REVISION DESCRIPTION

RESPONSE TO SITE PLAN REVIEW COMMENTS

3939 PRIORITY WAY SOUTH DRIVE
SUITE 200
INDIANAPOLIS, INDIANA 46240
PHONE (317) 844-6777
E-MAIL info@cripe.com
CIVIL ENGINEERING
SURVEYING & 3D LASER SCANNING
EQUIPMENT PLANNING
REAL ESTATE SERVICES

Cripe

Solutions by Design Since 1937

SITE LAYOUT

REALAMERICA, LLC

RESIDENCES AT DRY CEDAR CREEK

MONTEROSE, CO

PROFESSIONAL ENGINEER

ANTHONY W. KILPATRICK

58163

2/10/23

AWA

RBG

RBG

C4 OF 18

12.09.22

2022-16

P:\2022\16-DRY CEDAR CREEK\04-DWG\04-SHEETSET\RDCC-SITE PLAN.DWG Plotted: 2/10/2023 7:43 AM By: Anthony Ajfiri

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CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Jace Hochwalt, Planning Manager
DATE: March 21, 2023
RE: The Grove Preliminary Subdivision

ATTACHMENTS

- Exhibit A: Area Maps
- Exhibit B: Excerpts from City of Montrose Municipal Code
- Exhibit C: Preliminary Subdivision Plat

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.

City Council Consideration:

City Council is considering approval of The Grove Preliminary Plat. City Council will consider all of the information in this memo in making a decision.

Applicant: Chris Koch

Application Background:

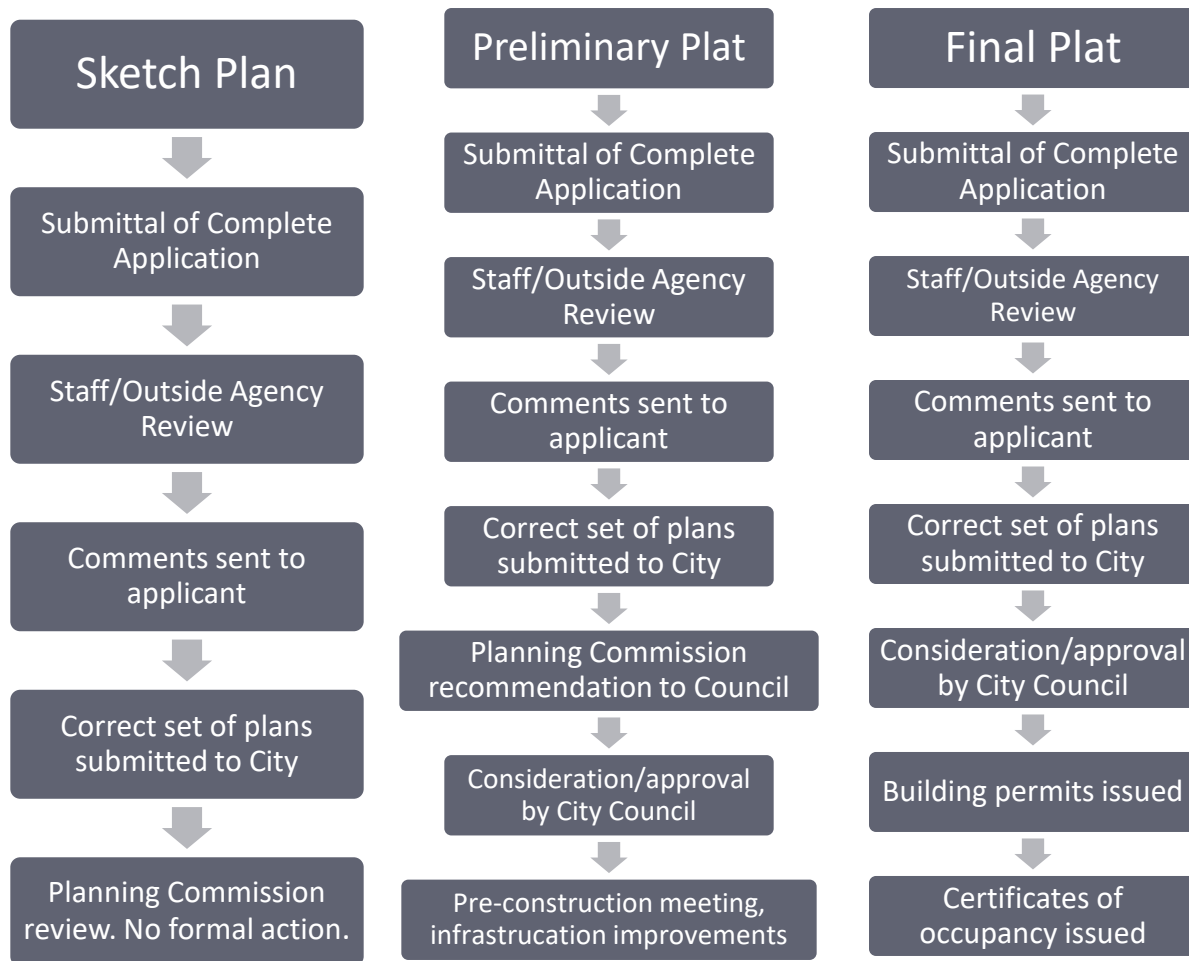
The Grove is a proposed residential development on the southern side of Montrose. The property is approximately 44.64 acres in size and is located at the southeast corner of 6725 Road and Otter Road. The property is zoned "R-2" Low Density District. The subdivision proposal anticipates 129 residential lots, and 21.35% of the entire property will be retained as open space.

The Planning Commission unanimously to approve The Grove Preliminary Plat. 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)).

Subdivision Process:

The City of Montrose Municipal Code Section 4-7-5 (Exhibit B) outlines the process and standards for subdivision applications. The following flowchart shows this overall process.





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 City Council 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. Comprehensive Plan - Land Use Map Designation:

- a. The Comprehensive Plan Future Land Use Map identifies this parcel as located in an area proposed as follows: **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).*

3. Zoning Regulations:

- b. 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.
- c. The proposed uses are a use-by-right in this zoning district. The current zoning is compatible with general conditions in the area. Adjacent to the north is R-1 zoning, to the south and east is R-2 zoning, and to the west is R-3 zoning and some unincorporated land within Montrose County zoned General Agriculture.

4. Dimensional Requirements:

- d. Municipal Code, Section 4-4-22. The dimensional requirements in the "R-2" zoning district are included in the table below.

District	Minimum Lot				Minimum Setbacks				
	Use	Width at Building Line	Depth	Size	Front	Rear	Side	Corner Lot	Maximum Building Height
R-2	All	N/A	N/A	7,500	25	20	6	20	35

City staff finds that The Grove Preliminary Subdivision Plat is in compliance with the Montrose Municipal Code Section 4-7-5. It is in substantial conformity with the City of Montrose



Comprehensive Plan. The proposal is compatible with the existing zoning and general conditions in the area, and it does not appear to be adverse to the public health, safety, and welfare. Staff recommends approval of The Grove Preliminary Subdivision.

Planning Commission Recommendation:

The Planning Commission recommended approval of The Grove Preliminary Plat at their March 8, 2023 meeting. It was a unanimous vote. The Preliminary Plat was approved on the condition “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.”

Action Item. City Council Options – Preliminary Plat:

1. Accept the Planning Commission recommendation and approve The Grove Preliminary Plat with the following condition “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.”
2. Approve the preliminary plat subject to conditions necessary to implement the provisions of Section 4-7-5 – Subdivision procedure.
3. Disapprove the plat if Council finds the requirements of these regulations have not been met.

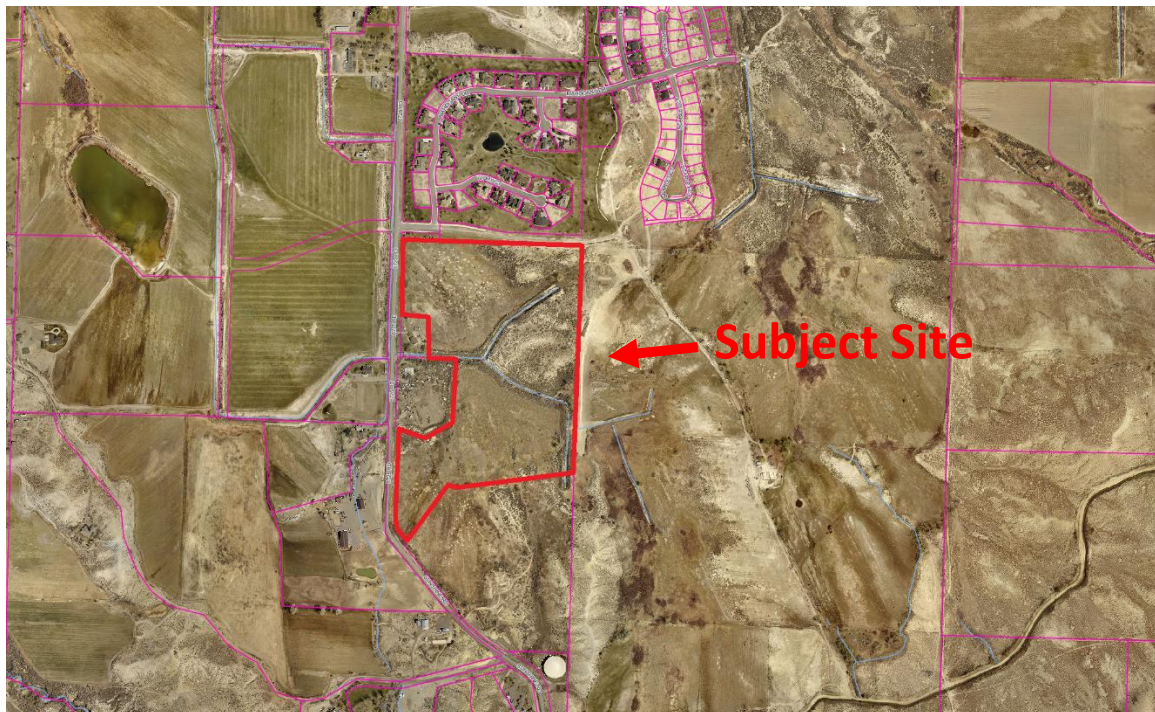


EXHIBIT A: Area Maps

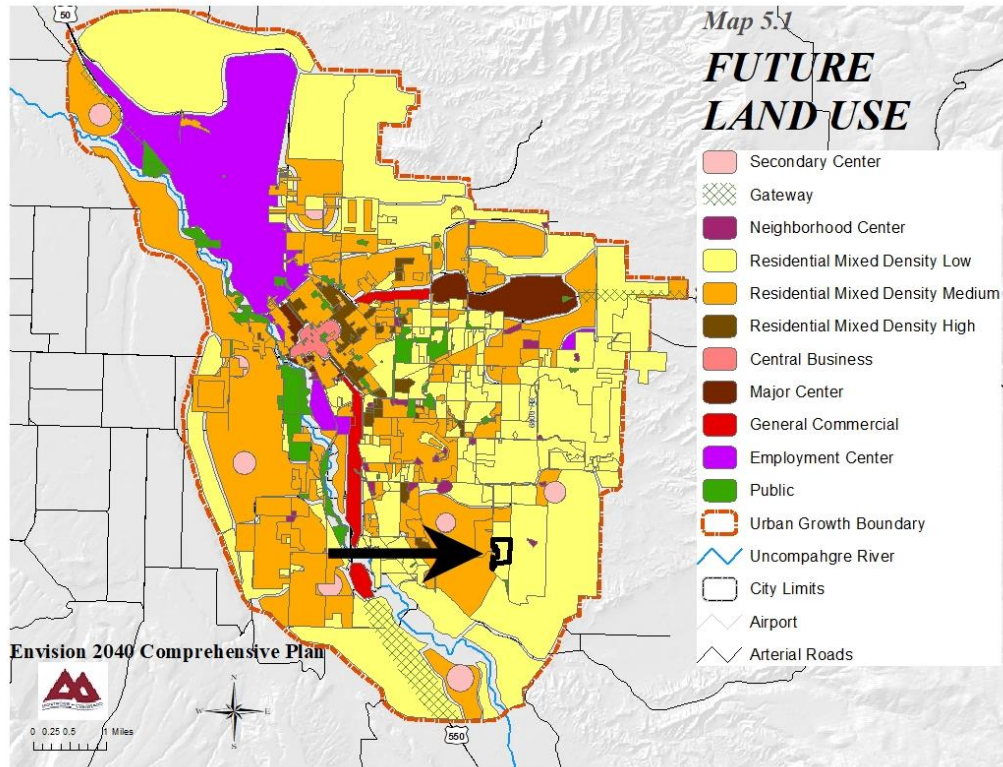
Vicinity Map (Zoomed Out)



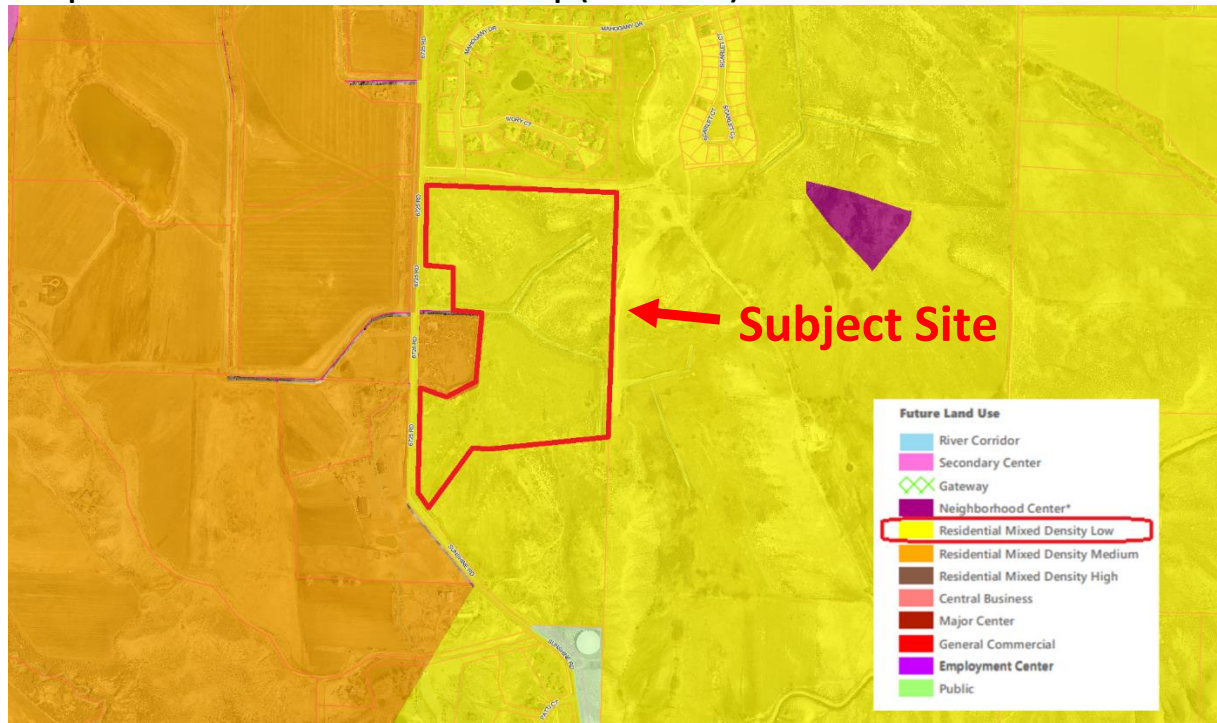
Vicinity Map (Zoomed In)



Comprehensive Plan Future Land Use Map



Comprehensive Plan Future Land Use Map (Zoomed In)



Current Zoning Map (R-2 – Low Density District)

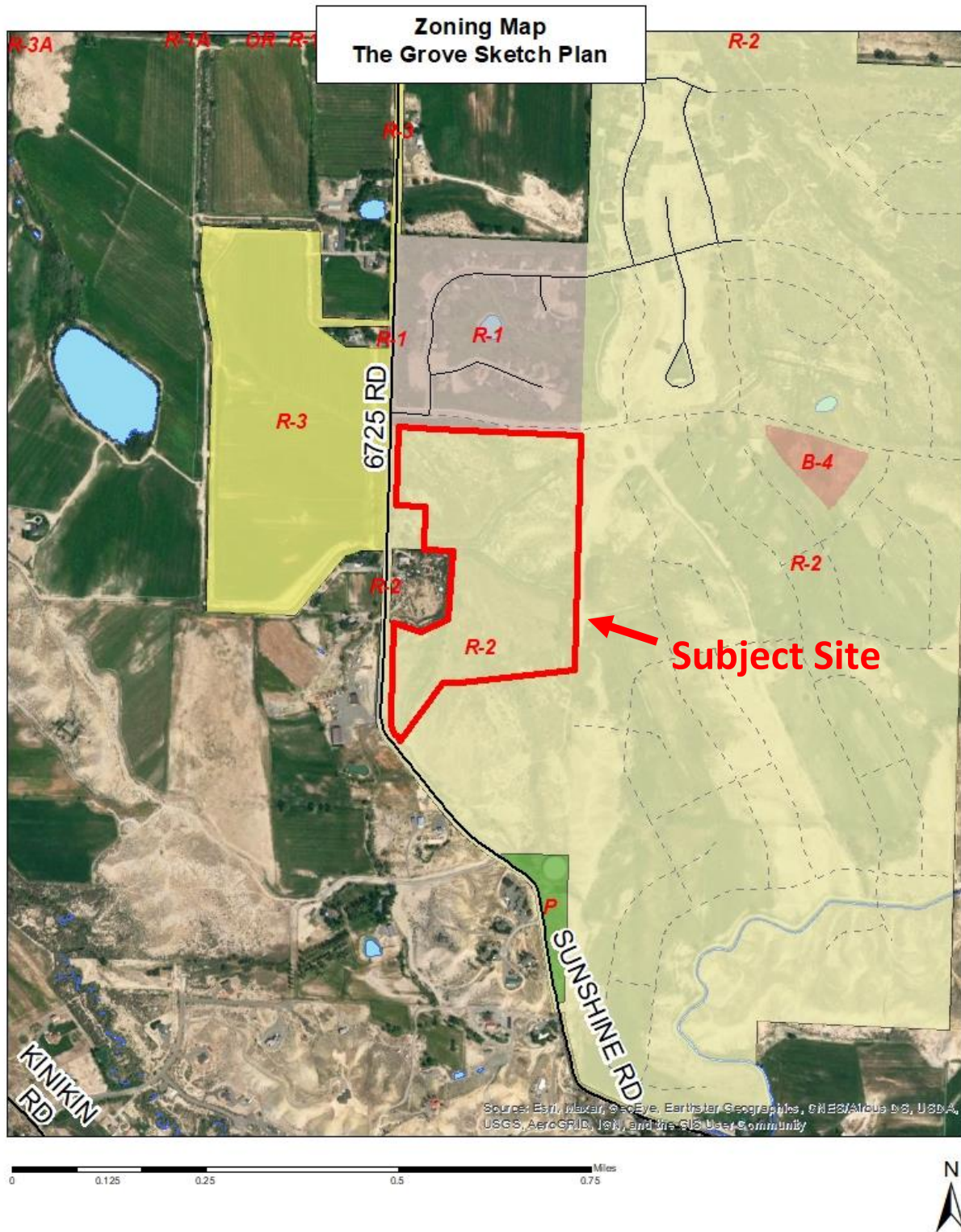


EXHIBIT B: Code Excerpts for Subdivisions

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 $\frac{1}{100}$ 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.



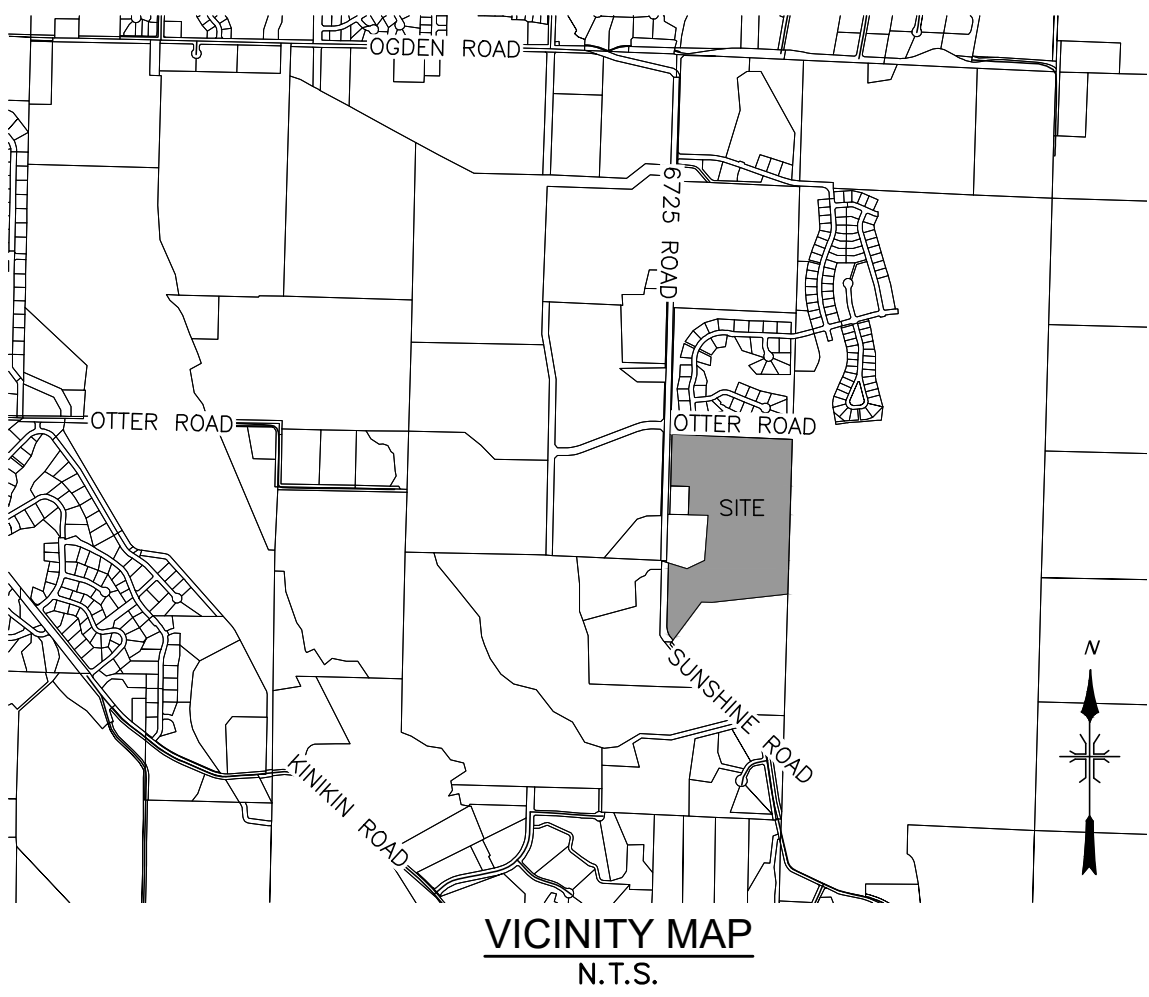
- (b) Two hard copies of as-built plans and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer, and also provided in a digital format acceptable to the City and compatible with City computer systems. As-built plans for any improvements not completed 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)



THE GROVE SUBDIVISION
PRELIMINARY PLAT

SITUATED IN SECTIONS 2 & 11, TOWNSHIP 48 NORTH, RANGE 9 WEST, N.M.P.M.,
COUNTY OF MONTROSE, STATE OF COLORADO



APPROVAL OF PRELIMINARY PLAT

City Engineer	_____	Date _____
	Scott Murphy, P.E.	
City Attorney	_____	Date _____
	Ben Morris	
City Planning Commission Chair	_____	Date _____
	David Fishing	
City Mayor	_____	Date _____
	Dave Frank	

AREA SUMMARY

RESIDENTIAL LOTS	=	27.35 ACRES
RIGHTS-OF-WAY	=	7.50 ACRES
OPEN SPACE (TRACTS A, B, C, D, E, F, G, H, I)	=	9.80 ACRES
TOTAL AREA	=	44.65 ACRES

CERTIFICATE OF DEDICATION AND OWNERSHIP

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

Outlot A, Brian Nichols-Amerdev Minor Subdivision according to the Plat recorded May 22, 2019 at Reception No. 909297, and Affidavit of Correction recorded June 27, 2019 at Reception No. 910482 County of Montrose, State of Colorado

Have by these presents laid out, platted and subdivided into lots, as shown on this plat, under the name and style of THE GROVE SUBDIVISION and do hereby dedicate, grant and convey to the City of Montrose, Colorado, for the use of the public, Narrowleaf Place, Yellow Aspen Drive, Blue Pine Way, Box Elder Way, Grove Drive, Juniper Place, Ponderosa Loop, and Douglas Fir Way.

The easements shown on this plat are dedicated, granted, and conveyed to the City of Montrose, Colorado for public utility purposes including but not limited to water, sewer, electrical, telephone, gas, communication and CATV lines, public irrigation and drainage easements specifically labeled for dedication, together with a 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, if any, or otherwise subject to a previously recorded conveyance.

Executed this _____ day of _____, 20____.

Christopher Koch
The Grove at Montrose, a Delaware limited liability company

STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Certificate of Dedication and Ownership was acknowledged before me on this ____ day of _____, 20____, by Christopher Koch.

Witness my hand and official seal.

My commission expires _____

Notary

SURVEYOR'S CERTIFICATE

I, Frederick Ballard, 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 and applicable law. I further certify that all 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 commitment issued by Fidelity National Title Insurance Company, dated May 5, 2022, bearing commitment number 210-F08977-22.

PRELIMINARY

Frederick Ballard, P.L.S.
Registration No. 37690
Date: _____

LINEAL UNITS STATEMENT:

The Lineal Unit used on this plat is U.S. Survey Feet.

BASIS OF BEARINGS:

The bearing along the North property line bears S87°31'08"E (Colorado South Modified State Plane Coordinates)

ENGINEER'S CERTIFICATE

I, David Schieldt, 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.

David W. Schieldt, P.E.
Registration No. 47195
Date: _____

ATTORNEY'S CERTIFICATE

I, _____, an attorney at law, duly licensed to practice in Colorado, do hereby certify that I have examined Title Policy No. 210-F.8977-22 issued by Fidelity National Title Insurance Company, dated May 5, 2022 (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: _____

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, and a [Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion] has been issued. Security for the two (2) year warranty on all public improvements has been received to be held in escrow by the City in accordance with Municipal Code § 4-7-6 (D), and other applicable City ordinances and regulations. [The following landscaping and/or irrigation improvements have been secured with a Subdivision Improvement Agreement: _____]

City Engineer
Registration No. _____
Date: _____

APPROVAL OF CITY MANAGER

Approved this _____ day of _____, 20____, by _____, Deputy City Manager of the City of Montrose.

Deputy City Manager

APPROVAL OF CITY ATTORNEY

Approved for recording this _____ day of _____, 20____, by _____, City Attorney of the City of Montrose.

City Attorney

APPROVAL OF CITY COUNCIL

Approved this _____ day of _____, 20____, by _____, Mayor of the City of Montrose; all conveyances of interests in real property made on this plat are hereby accepted by the City.

Mayor

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. _____.

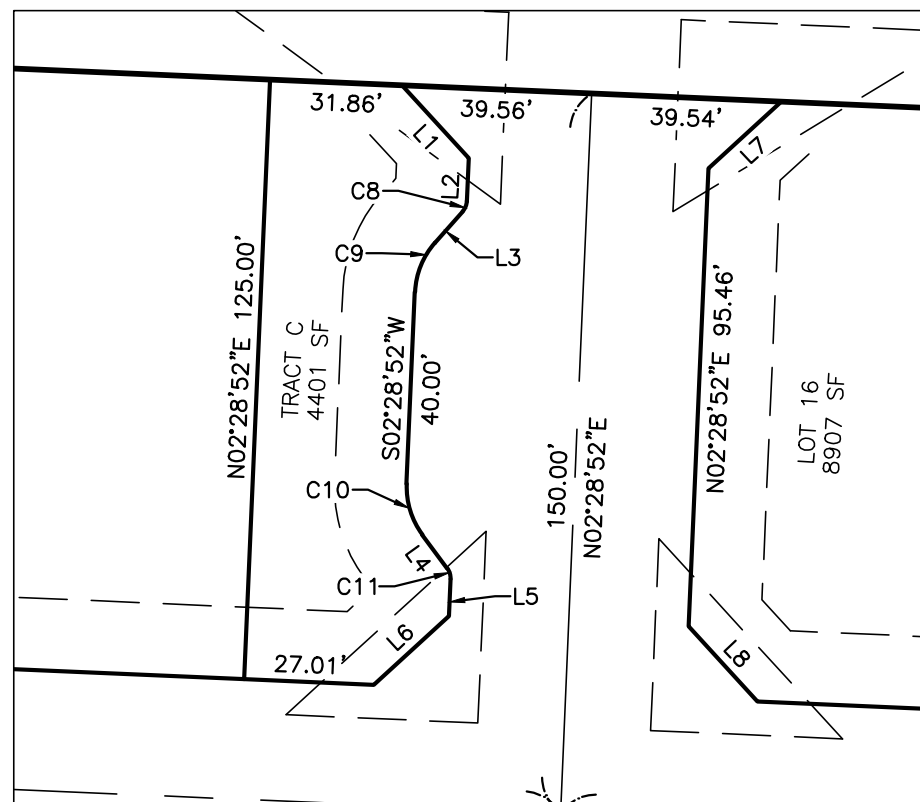
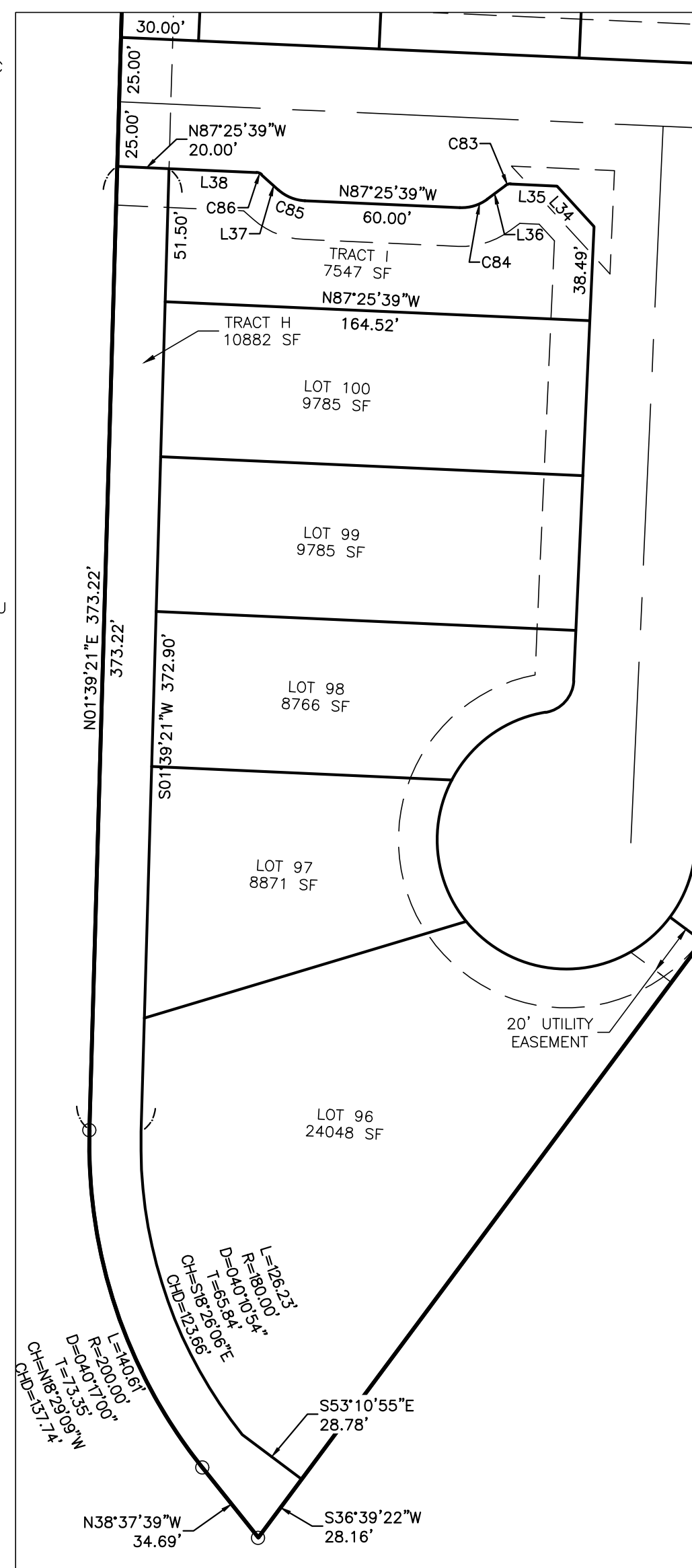
Clerk and Recorder
Montrose County, Colorado

Deputy

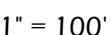
			DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. Montrose, CO 81401 P (970) 249-2251 F (970) 249-2342 FAX www.delmont.com service@delmont.com	
FIELD BOOK:	DRAWN BY:	DATE:	2023-02-09	
	DCC			
SHEET:	FILE:	JOB NO:	22093	
1 of 4	22093V_PLAT_PRE.DWG			
TITLE:			THE GROVE SUBDIVISION	
CLIENT:			CHRIS KOCH	
ADDRESS & PHONE:			2049 BROOK WAY MONTROSE, CO 81403	
TYPE:			PRELIMINARY PLAT	

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) 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 (10) years from the date of the certification shown hereon.

SITUATED IN SECTIONS 2 & 11, TOWNSHIP 48 NORTH, RANGE 9 WEST, N.M.P.M.,
COUNTY OF MONTROSE, STATE OF COLORADO

 $\theta = 40^\circ$  $1'' = 5$

——— = 15' WIDE UTILITY EASEMENTS ALONG ALL STREETS,
 LOOPS AND COURTS UNLESS OTHERWISE NOTED
 ○ = FOUND 1 1/2" ALUMINUM CAP ON 5/8" REBAR (PLS 12180)
 ◆ = FOUND 1 1/2" ALUMINUM CAP ON 5/8" REBAR (PLS 7160)
 ◆ = FOUND B.L.M. MONUMENT
 ● = SET 1 1/2" ALUMINUM CAP ON 5/8" REBAR (PLS 37690)
 ● = PROPOSED ALUMINUM CAP WITNESS CORNER
 OR REFERENCE MONUMENT
 ↙ ↘ = SIGHT ZONE TRIANGLES (SEE
 DETAILS ON SHEET 2)
 (A) = SEWER LINE EASEMENT
 (B) = DRAINAGE EASEMENT— TRACTS
 COVERED IN ITS ENTIRETY



TITLE:	THE GROVE SUBDIVISION
CLIENT:	CHRIS KOCH
ADDRESS & PHONE:	2049 BROOK WAY MONTROSE, CO 81403
TYPE:	PRELIMINARY PLAT

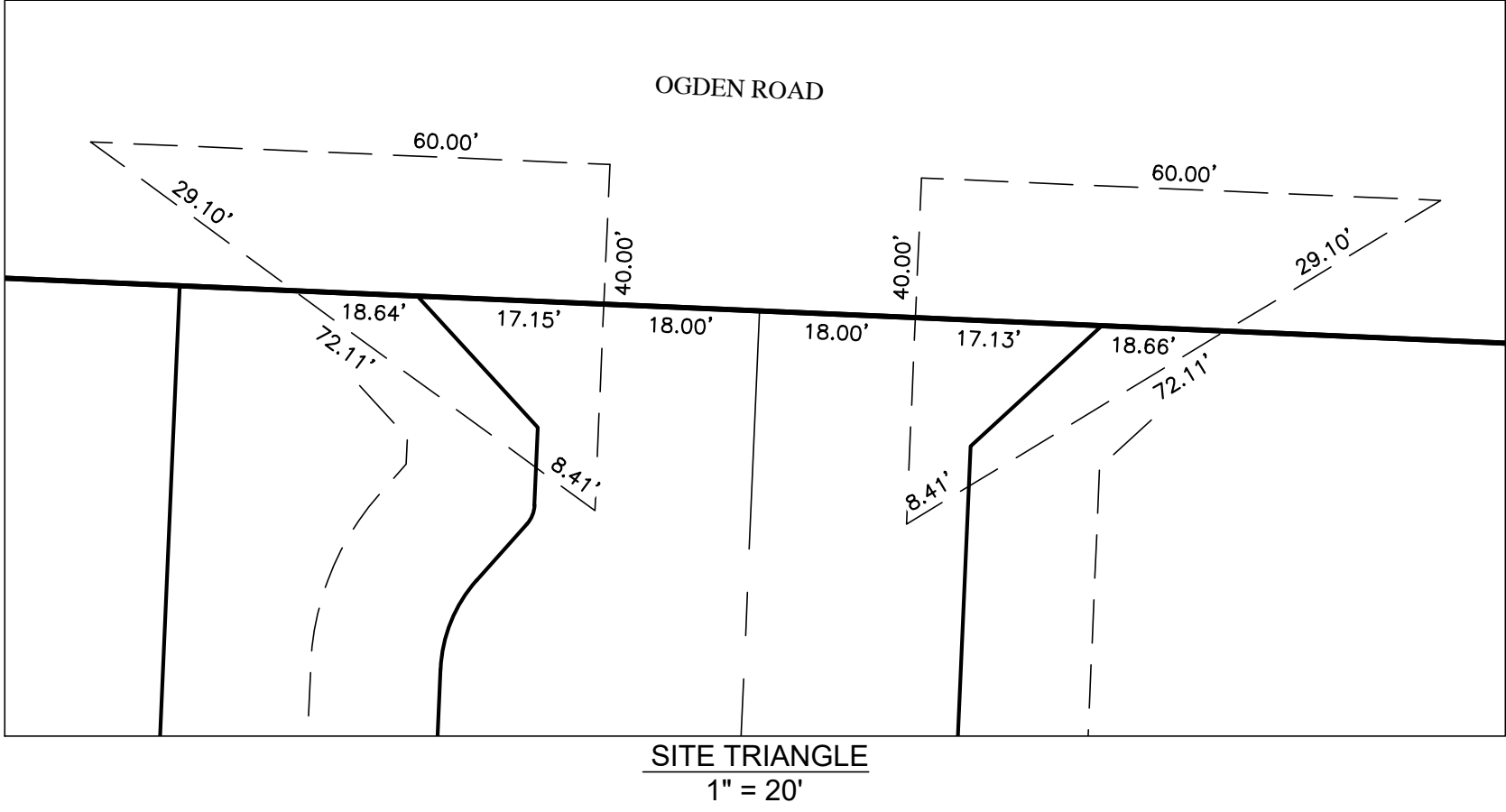
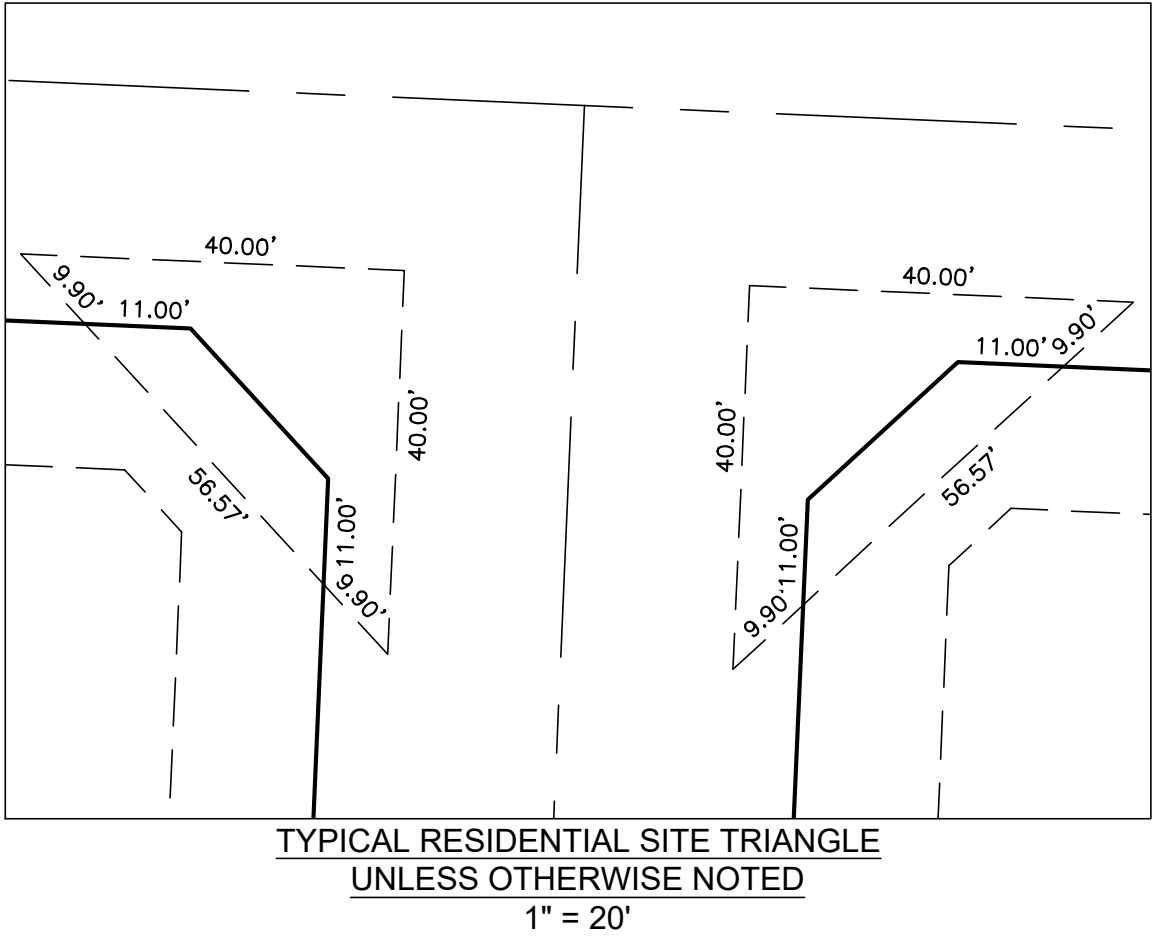
THE GROVE SUBDIVISION

PRELIMINARY PLAT

SITUATED IN SECTIONS 2 & 11, TOWNSHIP 48 NORTH, RANGE 9 WEST, N.M.P.M.,
COUNTY OF MONTROSE, STATE OF COLORADO

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S42°31'47"E	20.58'
L2	S02°28'52"W	8.99'
L3	S41°40'00"W	8.71'
L4	S36°42'09"E	8.71'
L5	S02°28'52"W	7.68'
L6	S47°28'51"W	21.21'
L7	N47°28'32"E	20.56'
L8	N42°31'07"W	21.21'
L9	N12°12'22"W	85.26'
L10	N12°12'22"W	87.31'
L11	S68°58'14"E	71.28'
L12	S01°35'55"W	84.79'
L13	S42°31'08"E	21.21'
L14	N47°28'52"E	21.21'
L15	S42°31'08"E	21.21'
L16	N47°28'52"E	21.21'
L17	S42°31'08"E	21.21'
L18	S67°31'08"E	70.91'
L19	S03°26'19"E	79.59'
L20	S39°29'53"E	62.50'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L21	N47°28'52"E	21.21'
L22	N25°40'56"E	21.63'
L23	S33°31'37"E	60.00'
L24	S33°31'37"E	9.14'
L25	S46°42'07"W	21.21'
L26	S43°17'53"E	21.21'
L27	S88°17'53"E	14.30'
L28	S62°19'53"W	21.21'
L29	N27°40'07"W	21.21'
L30	S51°08'18"E	21.21'
L31	S38°51'42"W	21.21'
L32	N47°34'21"E	21.21'
L33	S53°20'38"E	15.54'
L34	N42°25'39"W	21.21'
L35	N87°25'39"W	18.00'
L36	S53°23'17"W	8.89'
L37	N48°14'35"W	8.89'
L38	N87°25'39"W	33.93'
L39	S53°10'55"E	28.78'



CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	157.08'	100.00'	090°00'00"	S47°28'52"W	141.42'
C2	122.32'	100.00'	070°04'54"	N32°33'35"W	114.83'
C3	120.96'	100.00'	069°18'09"	N32°56'58"W	113.72'
C4	54.56'	200.00'	015°37'46"	N09°31'00"E	54.39'
C5	116.12'	100.00'	066°31'49"	N50°35'47"E	109.70'
C6	198.04'	100.00'	113°28'11"	S50°35'47"W	167.23'
C7	30.41'	200.00'	008°42'39"	N88°13'01"E	30.38'
C8	2.39'	3.50'	039°11'09"	S22°04'26"W	2.35'
C9	11.28'	16.50'	039°11'04"	S22°04'28"W	11.07'
C10	11.28'	16.50'	039°11'00"	S17°06'38"E	11.07'
C11	2.39'	3.50'	039°11'00"	S17°06'38"E	2.35'
C12	22.13'	125.00'	010°08'38"	N87°24'33"E	22.10'
C13	67.33'	125.00'	030°51'39"	N66°54'25"E	66.52'
C14	68.56'	125.00'	031°25'25"	N35°45'53"E	67.70'
C15	38.34'	125.00'	017°34'19"	N11°16'01"E	38.19'
C16	35.60'	50.00'	040°47'58"	S17°55'07"E	34.86'
C17	41.15'	50.00'	047°09'23"	S61°53'47"E	40.00'
C18	25.29'	50.00'	028°58'40"	N80°02'11"E	25.02'
C19	38.85'	50.00'	044°31'05"	N43°17'19"E	37.88'
C20	84.33'	50.00'	096°38'24"	N27°17'26"W	74.69'
C21	17.72'	13.00'	078°05'29"	N36°33'53"W	16.38'
C22	117.81'	75.00'	090°00'00"	N47°28'52"E	106.07'
C23	17.72'	13.00'	078°05'29"	S41°31'36"W	16.38'
C24	50.25'	50.00'	057°35'03"	N51°46'50"E	48.16'
C25	48.97'	50.00'	056°07'04"	N05°04'14"W	47.04'
C26	74.35'	50.00'	085°11'58"	N75°43'45"W	67.69'
C27	41.09'	50.00'	047°05'29"	S38°07'39"W	39.94'
C28	10.56'	50.00'	012°06'11"	S08°31'57"W	10.54'
C29	17.72'	13.00'	078°05'33"	S41°31'38"W	16.38'
C30	58.60'	50.00'	067°09'06"	N46°59'51"E	55.30'
C31	57.70'	50.00'	066°07'06"	N19°38'15"W	54.55'
C32	35.55'	50.00'	040°44'31"	N73°04'03"W	34.81'
C33	31.47'	50.00'	036°03'35"	S68°31'54"W	30.95'
C34	41.87'	50.00'	047°58'58"	S26°30'38"W	40.66'
C35	17.72'	13.00'	078°05'29"	S48°28'24"E	16.38'
C36	47.90'	50.00'	054°53'25"	N36°52'22"W	46.09'
C37	63.48'	50.00'	072°44'52"	S79°18'30"W	59.31'
C38	52.84'	50.00'	060°32'54"	S12°39'37"W	50.41'
C39	35.83'	50.00'	041°03'41"	S38°08'41"E	35.07'
C40	25.17'	50.00'	028°50'37"	S73°05'50"E	24.91'
C41	35.50'	125.00'	016°16'24"	S05°39'20"E	35.38'
C42	80.45'	125.00'	036°52'40"	S32°13'52"E	79.07'
C43	2.27'	125.00'	001°02'23"	S51°11'24"E	2.27'
C44	34.67'	125.00'	015°53'27"	S59°39'19"E	34.56'

CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C45	87.96'	75.00'	067°11'38"	S31°06'57"E	83.00'
C46	3.78'	75.00'	002°53'16"	S66°09'24"E	3.78'
C47	13.71'	125.00'	006°16'57"	S64°27'34"E	13.70'
C48	62.04'	125.00'	028°26'08"	S47°06'02"E	61.40'
C49	49.89'	125.00'	022°52'07"	S21°26'54"E	49.56'
C50	25.56'	125.00'	011°42'57"	S04°09'22"E	25.52'
C51	46.42'	75.00'	035°27'54"	S49°52'05"E	45.69'
C52	44.29'	75.00'	033°50'15"	S15°13'01"E	43.65'
C53	5.40'	13.00'	023°48'50"	N76°23'28"W	5.36'
C54	6.60'	13.00'	029°05'19"	N49°56'24"W	6.53'
C55	72.35'	50.00'	082°54'09"	N76°50'49"W	66.20'
C56	62.38'	50.00'	071°28'53"	S25°57'40"W	58.41'
C57	42.34'	50.00'	048°31'07"	S34°02'20"E	41.09'
C58	72.35'	50.00'	082°54'09"	N80°15'02"E	66.20'
C59	6.60'	13.00'	029°05'12"	N53°20'34"E	6.53'
C60	5.40'	13.00'	023°48'57"	N79°47'38"E	5.36'
C61	34.22'	175.00'	011°12'13"	S07°18'13"W	34.16'
C62	13.52'	175.00'	004°25'34"	S15°07'06"W	13.52'
C63	12.55'	225.00'	003°11'45"	S03°17'59"W	12.55'
C64	48.83'	225.00'	012°26'01"	S11°06'53"W	48.73'
C65	148.53'	75.00'	113°28'11"	S50°35'47"W	125.42'
C66	61.34'	125.00'	028°06'52"	S86°43'33"E	60.72'
C67	59.92'	125.00'	027°28'02"	N65°29'00"E	59.35'
C68	50.38'	125.00'	023°05'30"	N40°12'14"E	50.04'
C69	70.91'	125.00'	032°30'16"	N12°24'21"E	69.97'
C70	5.00'	125.00'	002°17'31"	N04°59'33"W	5.00'
C71	87.09'	75.00'	066°31'49"	N50°35'47"E	82.28'
C72	44.97'	125.00'	020°36'44"	S27°38'15"W	44.73'
C73	60.15'	125.00'	027°34'16"	S51°43'45"W	59.57'
C74	40.03'	125.00'	018°20'48"	S74°41'18"W	39.86'
C75	32.78'	225.00'	008°20'51"	S88°02'07"W	32.75'
C76	1.43'	225.00'	000°21'48"	N87°36'33"W	1.43'
C77	26.61'	175.00'	008°42'39"	S88°13'01"W	26.58'
C78	29.74'	50.00'	034°05'01"	N19°36'51"E	29.31'
C79	90.96'	50.00'	104°14'16"	N88°46'30"E	78.93'
C80	58.24'	50.00'	066°44'02"	S05°44'21"E	55.00'
C81	46.28'	50.00'	053°02'10"	S54°08'45"W	44.65'
C82	17.72'	13.00'	078°05'29"	N41°37'06"E	16.38'
C83	2.05'	3.00'	039°11'04"	S72°58'49"W	2.01'
C84	11.28'	16.50'	039°11'04"	S72°58'49"W	11.07'
C85	11.28'	16.50'	039°11'04"	N67°50'07"W	11.07'
C86	2.05'	3.00'	039°11'04"	N67°50'07"W	2.01'
C87	126.23'	180.00'	040°10'54"	S18°26'06"E	123.66'

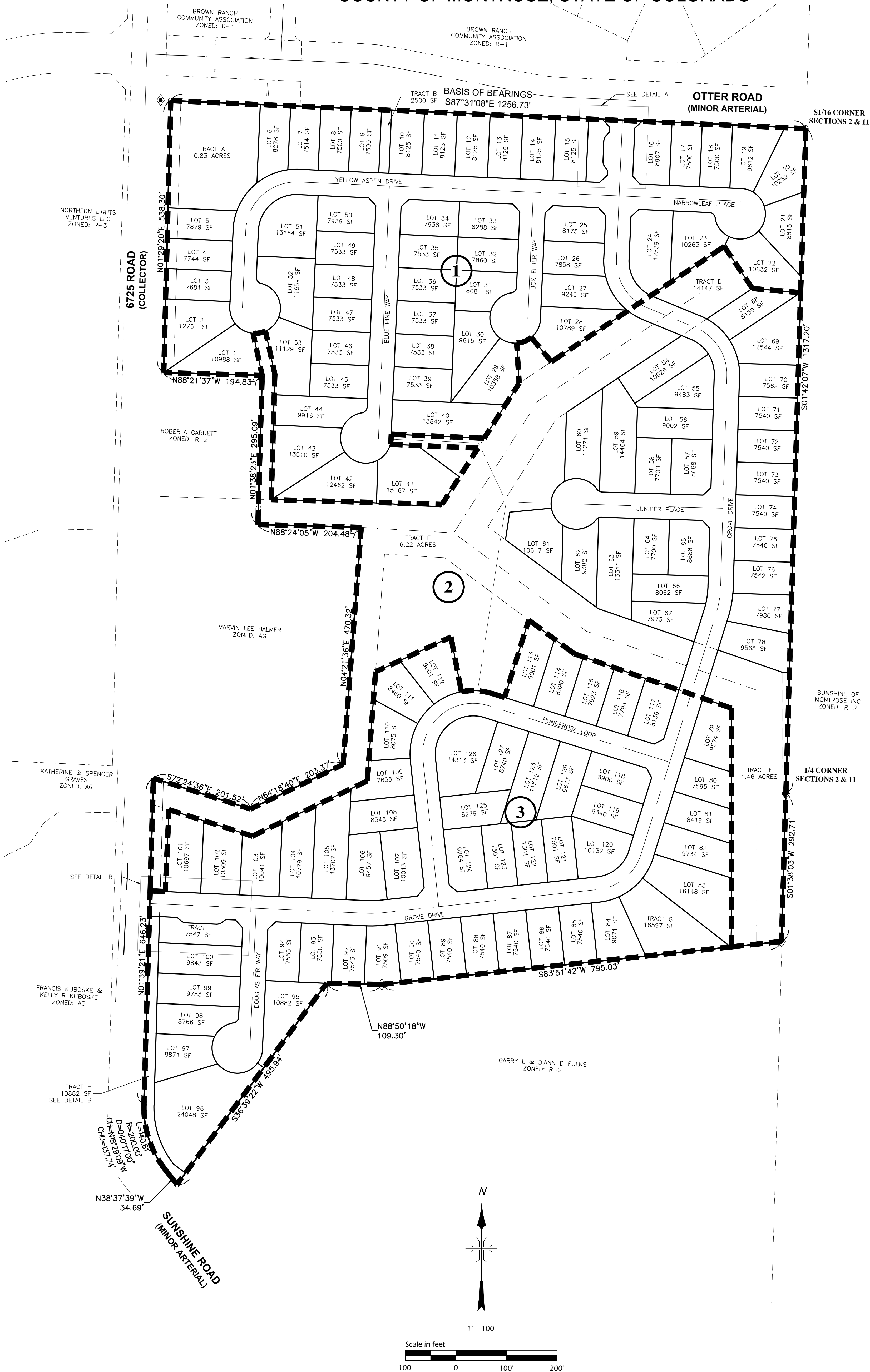
NOTICE: According to Colorado Law (13–80–105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

 DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. Montrose, CO 81401 (970) 249-2251 (970) 249-2342 FAX www.delmont.com service@delmont.com			TITLE:	THE GROVE SUBDIVISION
			CLIENT:	CHRIS KOCH
FIELD BOOK: DRAWN BY: DCC DATE: 2023-02-09 SHEET: 3 of 4 FILE: 22093V_PLAT_PRE.DWG JOB NO: 22093			ADDRESS & PHONE:	2049 BROOK WAY MONTROSE, CO 81403
			TYPE:	PRELIMINARY PLAT

THE GROVE SUBDIVISION

PRELIMINARY PLAT

SITUATED IN SECTIONS 2 & 11, TOWNSHIP 48 NORTH, RANGE 9 WEST, N.M.P.M.,
COUNTY OF MONTROSE, STATE OF COLORADO



PHASE SUMMARY

PHASE 1 = 53 LOTS
PHASE 2 = 25 LOTS
PHASE 3 = 51 LOTS
TOTAL = 129 LOTS

① = PHASE NUMBER

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) 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 (10) years from the date of the certification shown hereon.

FIELD BOOK:		DRAWN BY:	DATE:	TITLE:	THE GROVE SUBDIVISION
SHEET:		FILE:	JOB NO:		
4 of 4		22093V_PLAT_PRE.DWG	22093	CLIENT:	CHRIS KOCH
				ADDRESS & PHONE:	2049 BROOK WAY MONTROSE, CO 81403
				TYPE:	PRELIMINARY PLAT



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: March 21, 2023
RE: Miami Business Park Rezone

ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Photos of Project Area
- Exhibit C: Zoning Code Excerpt
- Exhibit D: Applicant Rezone General Project Report

City Council Consideration:

City Council is considering the approval of the Miami Business Park Rezone. City Council will consider all of the information in this memo in making a decision.

Applicant: ESC Partners LLC

Application Background:

The Applicant is proposing a request to rezone approximately 5.56 acres from “OR” Office-Residential District to “R-4” High Density District. The site area comprises 8 parcels and a trail and detention tract located along the 600 block of E Star Court, adjacent to the south of the Star Drive-In Theatre. The Applicant has expressed interest in constructing a multi-building multi-family development as outlined in their General Project Report (Exhibit D). In the current zoning district of OR, the Applicant is required to go through a Conditional Use Permit process for any multi-family construction, and density is limited to approximately 15.0 units/acre. However, the R-4 zone district would allow multi-family proposals as a use by right (a Planned Development is required if there are multiple buildings proposed on one parcel). Furthermore, the R-4 zone district



would allow a higher density of 18.9 units/acre. For these reasons, the Applicant is seeking a rezone from “OR” Office-Residential District to “R-4” High Density District. The property is more particularly described as follows:

LOTS 5, 6, 7, 8, 9, 10, AND 11, MIAMI BUSINESS PARK SUBDIVISION, FILING NO. 2, ACCORDING TO THE PLAT RECORDED OCTOBER 2, 2007 UNDER RECEPTION NO. 781539, COUNTY OF MONTROSE, STATE OF COLORADO.

AND

TRACT 1 AND 2, OPEN SPACE, MIAMI BUSINESS PARK SUBDIVISION, FILING NO. 2, ACCORDING TO THE PLAT RECORDED OCTOBER 2, 2007 UNDER RECEPTION NO. 781539, COUNTY OF MONTROSE, STATE OF COLORADO.

ALSO

LOT 12, MIAMI BUSINESS PARK SUBDIVISION, FILING NO. 1, ACCORDING TO THE PLAT RECORDED OCTOBER 29, 2004 UNDER RECEPTION NO. 727951, COUNTY OF MONTROSE, STATE OF COLORADO.

Proposed Zoning: “R-4” 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-4” High Density District. The current zoning is “OR” Office-Residential District.

- Zoning Regulations. 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. (Section 4-4-8)



- Exhibit C includes an excerpt from the Municipal Code showing uses by right in the "R-4" Medium Density District.
3. The properties zoned immediately adjacent to the south and west are R-3 (Medium Density District), property to the east is zoned B-2 (Highway Commercial District) and OR (Office-Residential), and property to the north is zoned R-4 (High Density District).
 4. General Conformance with the Comprehensive Plan:
 - The Comprehensive Plan Future Land Use Map (Chapter 5) designates the areas to be rezoned as Residential Mixed Density Medium. The Residential Mixed Density Medium district provides for a variety of residential types mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes.
 - Goal LU (Land Use) 3: Infrastructure: Manage growth to ensure sufficient and fiscally responsible infrastructure while minimizing future City operation and maintenance costs.
 - a) Objective 3.1: Plan for a sustainable variety of land uses, densities, and regulations that meet the demand for each type of use and provide a compatible transition between land uses.
 - b) Objective 3.6: Encourage compact and contiguous development in growth-efficient areas (in close proximity to existing streets, utilities, and public services) within the Urban Growth Boundary, including infill and redevelopment of older neighborhoods.
 - 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 (Housing & Neighborhoods) 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.
 - As reflected above, Staff finds that the proposed zoning meets numerous goals and objectives of the Comprehensive Plan.
5. The "R-4" zoning designation 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:

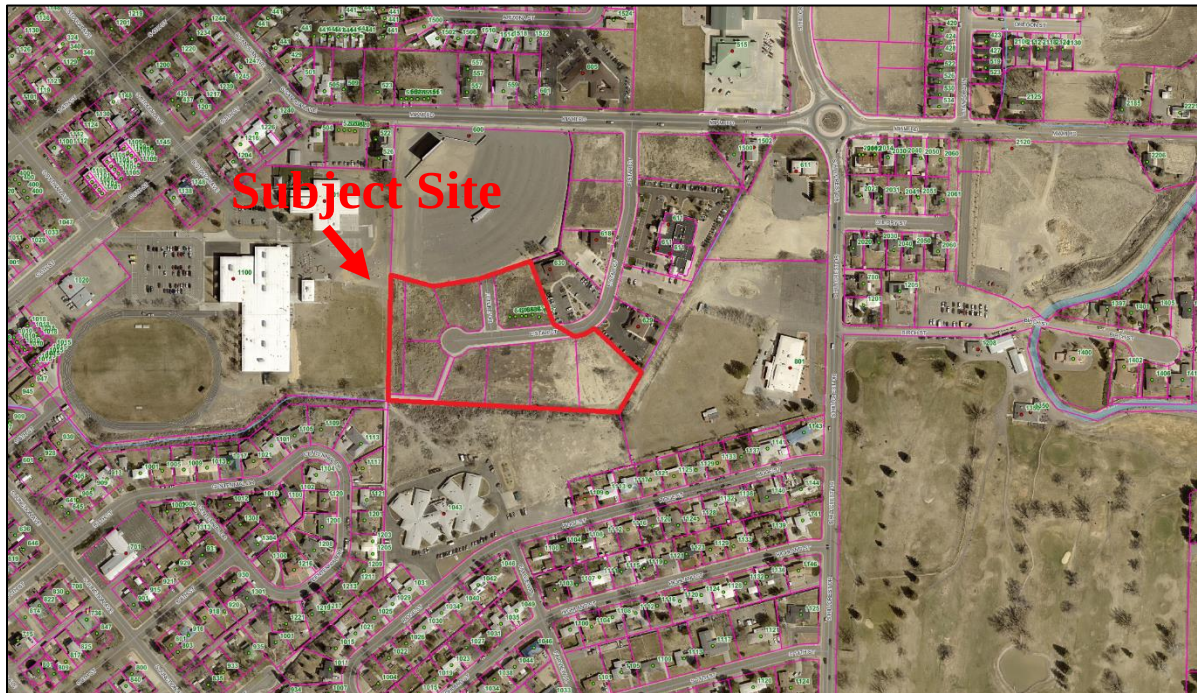
Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "R-4" High Density District.

City Council Options:

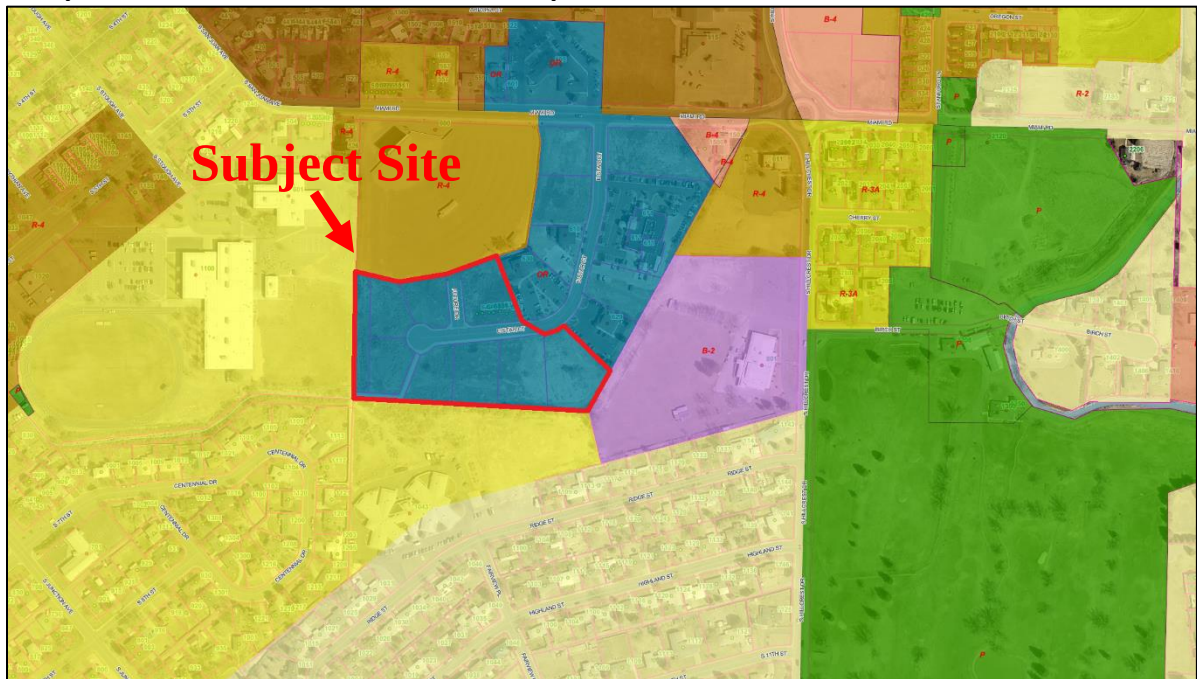
1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.



EXHIBIT A: Maps
Vicinity Map



Comprehensive Plan Future Land Use Map



Comprehensive Plan Future Land Use Map (Zoomed In)

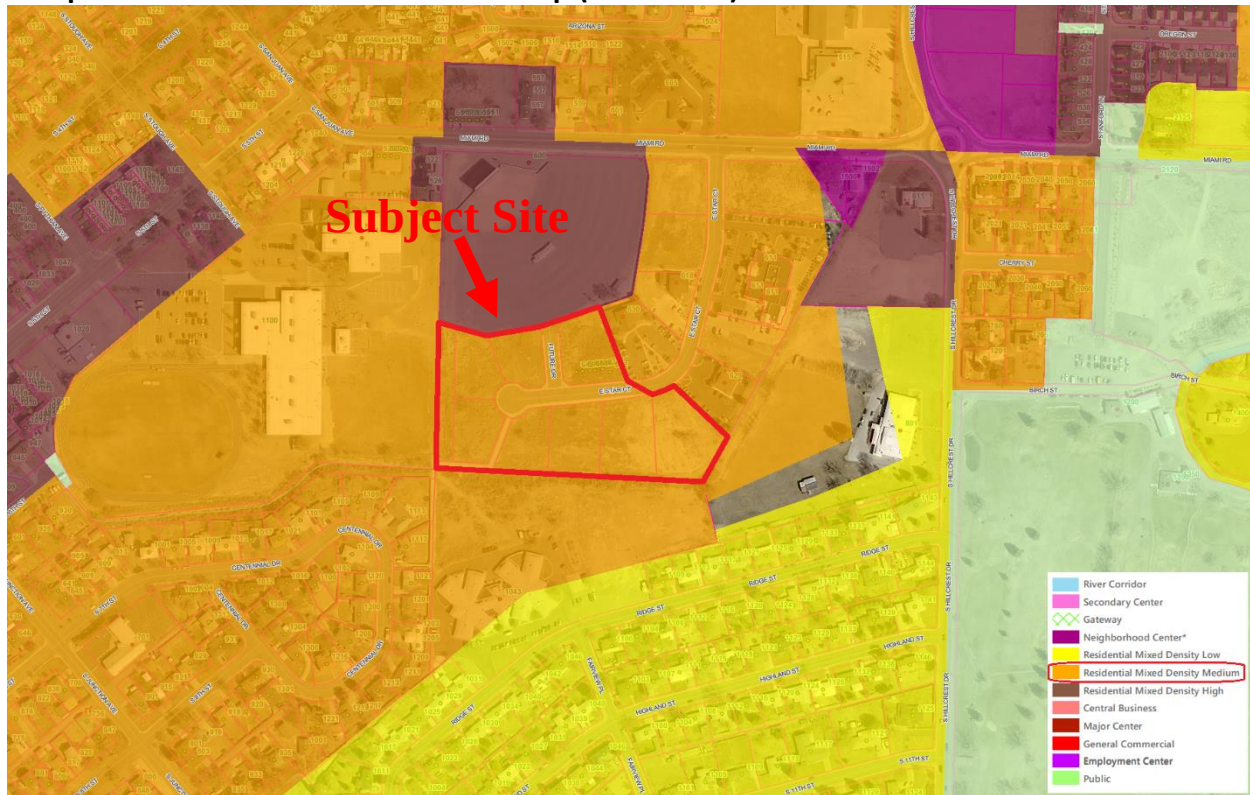


EXHIBIT B - SITE PHOTOS



Lots 10-12



Lots 8-9



Lots 7-8



Lots 6-7



6-plex under construction on Lot 5

EXHIBIT C: 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)



EXHIBIT D - GENERAL PROJECT REPORT



DEL-MONT CONSULTANTS, INC.
ENGINEERING ▼ SURVEYING

125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251 ▼ (970) 249-2342 FAX
www.del-mont.com ▼ service@del-mont.com

Jace Hochwalt/William Reis
City of Montrose Planning Department
433 S. First Street
Montrose, CO 81401

January 24, 2023

Re: Miami Business Park - Re-Zone Application

Jace/William,

As you are aware, the owners of the vacant land located within the western end of Miami Business Park are currently in the process of developing lots 5-12 into multifamily residences. To date, conditional use permits have been applied for and granted to allow multifamily on Lots 5 & 12, with a 6-plex currently under construction on Lot 5. A 4-plex is planned on Lot 6 and has submitted for Site Development but is on-hold while this re-zone application is processed. It is the desire to continue multifamily development on the remaining lots and the owners would like to re-zone the property to R-4, changing from existing zoning of OR, to allow multifamily as a use by right which would avoid a CUP on every lot moving forward, saving everyone time and effort. City of Montrose Site Development procedures will still be required for multifamily buildings but the planning and approval process will be removed for the CUP process.

Included with this letter is a conceptual layout of how the current owners envision the remaining property being utilized. Overall, they would like to continue the 2-6 plex units, similar to what is under construction, for the majority of the property and potentially a 32-unit building located on Lots 11-12. The current concept layout results in a total of 56 units which is well short of the allowable 78 units allowed under R-4 zoning.

Please let us know if you have any questions or need more information.

Sincerely,

David W. Schieldt, P.E.
Vice President, Del-Mont Consultants, Inc.

24 UNITS - (2-PLEX / 4-PLEX)
32 UNITS - (MULTI-FAMILY)
56 UNITS TOTAL

TRACT 1 POND

LOT 7

LOT 6
EXISTING 4 UNITS

LOT 5
EXISTING 6 UNITS

LOT 8

LOT 9

LOT 10

LOT 11
32 UNITS

LOT 12

TRACT 2 REC. PATH

25'

25'

20'

20'

25'

1" = 30'

Scale in feet

30' 0 30' 60'

DRAFT

32 UNITS

LOT 12

DRAFT

1

[illegible]

ORDINANCE NO. 2619

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF LOTS 5 - 12 AND TRACTS 1 AND 2 IN THE MIAMI BUSINESS PARK SUBDIVISION FROM "OR," OFFICE-RESIDENTIAL DISTRICT TO "R-4," HIGH DENSITY DISTRICT

WHEREAS, the Planning Commission met on March 8, 2023, to consider a rezoning of Lots 5 – 12 and Tracts 1 and 2 in the Miami Business Park Subdivision, City of Montrose; and

WHEREAS, the motion carried, and the Planning Commission has recommended the zoning changes provided herein; and

WHEREAS, the City Council has determined that such zoning will be consistent with the public health, safety and welfare, the City's Master Plan and changed conditions in the area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that:

SECTION 1:

The Official Zoning Map is amended to designate Lots 5-12 and Tracts 1 and 2 of the Miami Business Park Subdivision, more particularly described as:

LOTS 5, 6, 7, 8, 9, 10, AND 11, MIAMI BUSINESS PARK SUBDIVISION, FILING NO. 2, ACCORDING TO THE PLAT RECORDED OCTOBER 2, 2007 UNDER RECEPTION NO. 781539, COUNTY OF MONTROSE, STATE OF COLORADO.

AND

TRACT 1 AND 2, OPEN SPACE, MIAMI BUSINESS PARK SUBDIVISION, FILING NO. 2, ACCORDING TO THE PLAT RECORDED OCTOBER 2, 2007 UNDER RECEPTION NO. 781539, COUNTY OF MONTROSE, STATE OF COLORADO.

ALSO

LOT 12, MIAMI BUSINESS PARK SUBDIVISION, FILING NO. 1, ACCORDING TO THE PLAT RECORDED OCTOBER 29, 2004 UNDER RECEPTION NO. 727951, COUNTY OF MONTROSE, STATE OF COLORADO.

as an "R-4," High Density District, according to the Official Zoning Map.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 21st day of March, 2023, at the hour of 6:00 p.m. at Montrose Police Department Community Room at 434 S. 1st Street, in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 21st day of March, 2023.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 4th day of April, 2023.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Jace Hochwalt, Planning Manager
DATE: March 21, 2023
RE: Cobble Creek South Rezone

ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Photos of Project Area
- Exhibit C: Zoning Code Excerpt
- Exhibit D: Approved Agreement and Declaration of Covenants
- Exhibit E: Ordinance 1603
- Exhibit F: Weststar Development Rezone General Project Report
- Exhibit G: Public Comment Received

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.

City Council Consideration:

City Council is considering approval of the Cobble Creek South rezone located adjacent to the south of the Cobble Creek Golf Course bordering 6400 Road. City Council will consider all of the information in this memo in making a decision.

Applicant: Weststar Development, LLC

Application Background:

In 1996, a large area of land known as the Two Creeks Addition was annexed and zoned within the Montrose City limits. The total land area of the Two Creeks Addition Annexation was 484



acres. Since the annexation, that area has been subdivided, with portions being developed for residential use, as well as the Cobble Creek Golf Course.

Weststar Development, LLC owns 122 acres at the southernmost portion of the Two Creeks Addition, which sits south of the Cobble Creek Golf Course. In the original 1996 Zoning Ordinance (Ordinance No. 1603, attached as Exhibit E), the area that Weststar Development, LLC owns is limited to 139 dwelling units, which falls well below the maximum density of the R-3 zone district. In addition to the density conditions imposed by Ordinance 1603, there are other conditions specific to open space, right-of-way dedication, and infrastructure improvements, all of which would be required upon future development. Neither the City nor the developer seek to eliminate these other requirements; instead, the goal is to retain them, while eliminating the density condition.

For this application request, Weststar Development, LLC specifically desires to rezone the 122-acre parcel to allow a subdivision to be built-out to the dimensional standards of a normal R-3 zoned property. Because Ordinance 1603 also contains other conditions beyond just the density restrictions, City staff has determined that the best way to move forward with this rezone request would be via a new rezone ordinance. The recommended zoning ordinance would not contain conditions for the 122-acre property, aside from a condition that the owner would be required to sign an Agreement and Declaration of Covenants with the City to retain the infrastructure, right-of-way dedication, and open space conditions imposed in Ordinance 1603. By signing and recording the Agreement and Declaration of Covenants, these conditions will then run with the land and associated title reports, which will make clear to the current and future owners of the property what the infrastructure and open space requirements are for any future development. As things stand now, Ordinance 1603 is held in City records but is not recorded, and may not show up on a title report. This can add confusion for City staff and any owners of the property who were not involved in the annexation and rezone - which took place in 1996.

Staff has negotiated the Agreement and Declaration of Covenants document (Exhibit D) with the developer, and has incorporated the infrastructure, right-of-way dedication, easement, and open space requirements within it that are carried over from Ordinance 1603. This Agreement and Declaration of Covenants document was presented to City Council at their February 6, 2023 Work Session Meeting, and City Council approved for the authorization of the City Manager to sign the document at the February 21, 2023 Regular City Council Meeting. It should be noted that the document will not be recorded until the rezone hearing is complete.

The proposal is to rezone one parcel totaling 122 acre subdivision, as well as associated rights-of-way, to the “R-3” Medium Density District. The property is more particularly described as



follows:

A TRACT OF LAND SITUATED IN THE NW1/4 SECTION 8, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF MONTROSE, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID NW1/4 SECTION 8; THENCE NORTH 01°52'11" EAST ALONG THE WEST LINE OF SAID NW1/4 SECTION 8, 2318.34 FEET; THENCE SOUTH 88°08'58" EAST 30.15 FEET TO THE SOUTHWEST CORNER OF COBBLE CREEK SUBDIVISION FILING NO. 4 RECORDED AT RECEPTION NO. 685496; THENCE THE FOLLOWING 4 COURSES ALONG THE BOUNDARY OF COBBLE CREEK SUBDIVISION FILING NO. 4:
SOUTH 88°08'58" EAST 859.87 FEET;
NORTH 81°09'38" EAST 115.39 FEET;
NORTH 71°56'13" EAST 88.27 FEET;
SOUTH 88°22'38" EAST 101.58 FEET TO THE NORTHWEST CORNER OF COBBLE CREEK SUBDIVISION FILING NO. 5 RECORDED AT RECEPTION NO. 713931;
THENCE THE FOLLOWING 6 COURSES ALONG THE BOUNDARY OF SAID COBBLE CREEK SUBDIVISION FILING NO. 5:
SOUTH 18°41'53" EAST 141.89 FEET;
58.69 FEET ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 67°15'22" AND A CHORD OF SOUTH 37°40'24" WEST 55.38 FEET;
NORTH 85°57'18" WEST 145.00 FEET;
SOUTH 08°31'24" EAST 105.38 FEET;
SOUTH 47°29'51" EAST 147.41 FEET;
SOUTH 82°52'05" EAST 230.00 FEET TO THE SOUTHWEST CORNER OF SAID COBBLE CREEK SUBDIVISION FILING NO. 4;
THENCE THE FOLLOWING 8 COURSES ALONG THE BOUNDARY OF SAID COBBLE CREEK SUBDIVISION FILING NO. 4:
SOUTH 88°31'24" EAST 117.17 FEET;
NORTH 79°29'13" EAST 254.22 FEET;
NORTH 43°05'56" EAST 532.49 FEET;
SOUTH 46°54'04" EAST 217.27 FEET;
90.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 41°28'27" AND A CHORD OF SOUTH 67°38'21" EAST 88.52 FEET;
SOUTH 88°22'38" EAST 210.31 FEET;
31.41 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°58'58" AND A CHORD OF SOUTH 43°22'38" EAST 28.28 FEET;
SOUTH 88°28'38" EAST 30.00 FEET TO THE SOUTHEAST CORNER OF SAID COBBLE



CREEK SUBDIVISION FILING NO. 4 AND A POINT ON THE EAST LINE OF SAID NW1/4 SECTION 8;
THENCE SOUTH 01°37'23" WEST ALONG THE WEST LINE OF SAID NW1/4 SECTION 8, 763.93 FEET TO THE NORTHEAST CORNER OF KELLY MURPHY MINOR SUBDIVISION & REPLAT OF COLLINS MINOR SUBDIVISION, RECORDED AT RECEPTION NO. 600440;
THENCE THE FOLLOWING 3 COURSES ALONG THE BOUNDARY OF SAID KELLY MURPHY MINOR SUBDIVISION & REPLAT OF COLLINS MINOR SUBDIVISION:
NORTH 88°30'13" WEST 740.45 FEET;
SOUTH 01°28'40" WEST 441.05 FEET;
SOUTH 88°48'10" EAST 709.35 FEET TO A POINT ON THE WEST LINE OF RIGHT OF WAY DEEDED TO MONTROSE COUNTY BOOK 600 PAGE 651;
THENCE ALONG SAID RIGHT OF WAY SOUTH 01°37'23" WEST 586.81 FEET;
THENCE LEAVING SAID RIGHT OF WAY NORTH 89°06'42" WEST 477.12 FEET;
THENCE SOUTH 01°37'05" WEST 410.28 FEET TO A POINT ON THE SOUTH LINE OF SAID NW1/4 SECTION 8;
THENCE NORTH 89°01'46" WEST ALONG THE SOUTH LINE OF SAID NW1/4 SECTION 8, 2146.28 FEET BACK TO THE POINT OF BEGINNING,
COUNTY OF MONTROSE, STATE OF COLORADO.

Proposed Zoning: "R-3" Medium 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-3" Medium Density District. The current zoning is "R-3" Medium High Density District but as indicated in the Application Background section, there are density conditions of the zoning that the Applicant is seeking to have removed.



- Zoning Regulations. The "R-3" Medium Density District is intended to provide an area which is suitable for single-family homes and duplexes. The district provides for other uses which are compatible with such uses. (Section 4-4-7)
 - Exhibit C includes an excerpt from the Municipal Code showing uses by right in the "R-3" Medium Density District.
3. This property is immediately adjacent to properties that are zoned "R-3" Medium Density District and property outside of City limits.
4. General Conformance with the Comprehensive Plan:
- The Comprehensive Plan Future Land Use Map (Chapter 5) designates the areas to be rezoned as Residential Mixed Density Medium. The Residential Mixed Density Medium district provides for a variety of residential types mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes.
 - Goal LU (Land Use) 3: Infrastructure: Manage growth to ensure sufficient and fiscally responsible infrastructure while minimizing future City operation and maintenance costs.
 - a) Objective 3.1: Plan for a sustainable variety of land uses, densities, and regulations that meet the demand for each type of use and provide a compatible transition between land uses.
 - b) Objective 3.6: Encourage compact and contiguous development in growth-efficient areas (in close proximity to existing streets, utilities, and public services) within the Urban Growth Boundary, including infill and redevelopment of older neighborhoods.
 - 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.
 - As reflected above, Staff finds that the proposed zoning meets numerous goals and objectives of the Comprehensive Plan.



5. The “R-3” zoning designation 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 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-3" Medium Density District conditioned upon the execution of the previously mentioned agreement and declaration of covenants document agreed upon by the City and the Applicant.

Planning Commission Recommendation:

The Planning Commission Recommended approval of the Cobble Creek South Rezone to “R-3” Medium Density District with the following condition: The approval of this rezone is expressly conditioned upon the execution and recording of the Agreement and Declaration of Covenants between the City of Montrose and Weststar Development, LLC that was authorized by City Council for signature at their February 21, 2023 Regular meeting. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.

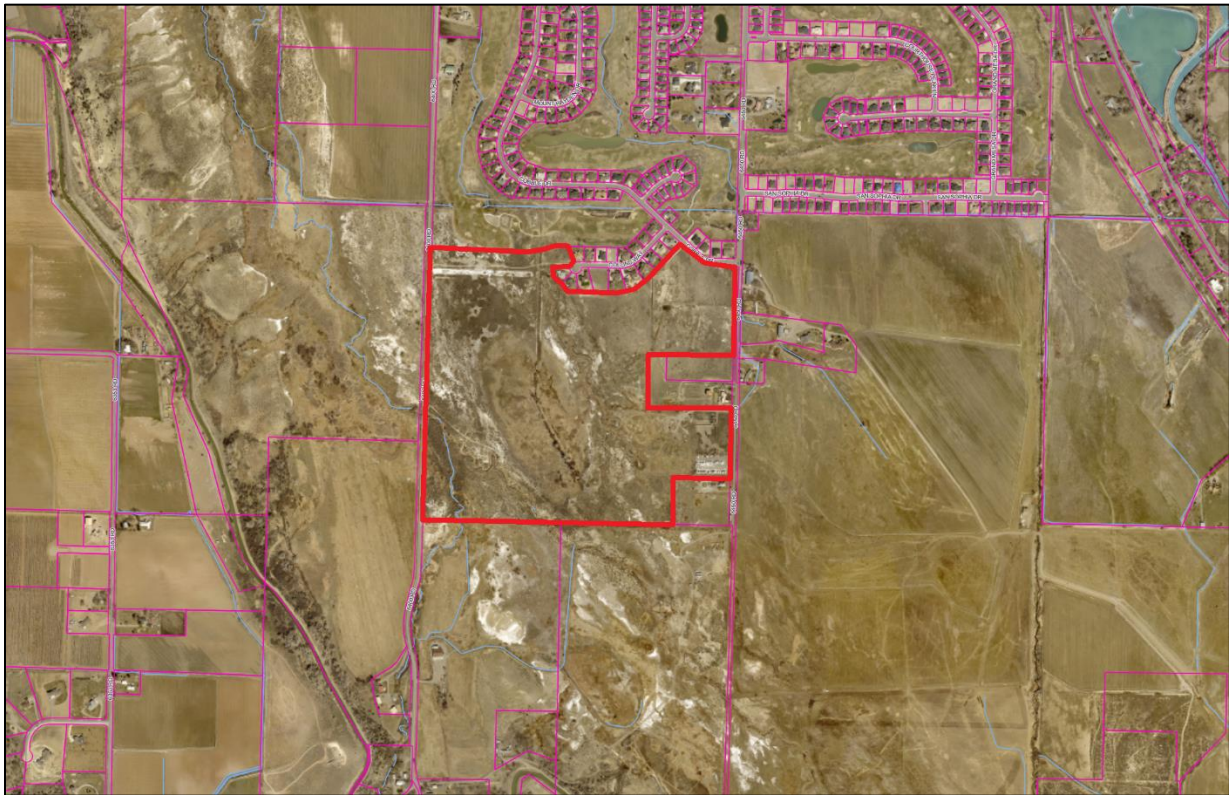
City Council Options:

1. Accept the Planning Commission recommendation and approve the rezone conditioned upon the execution and recording of the Agreement and Declaration of Covenants between the City of Montrose and Weststar Development, LLC that was authorized by City Council for signature at their February 21, 2023 Regular meeting. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.

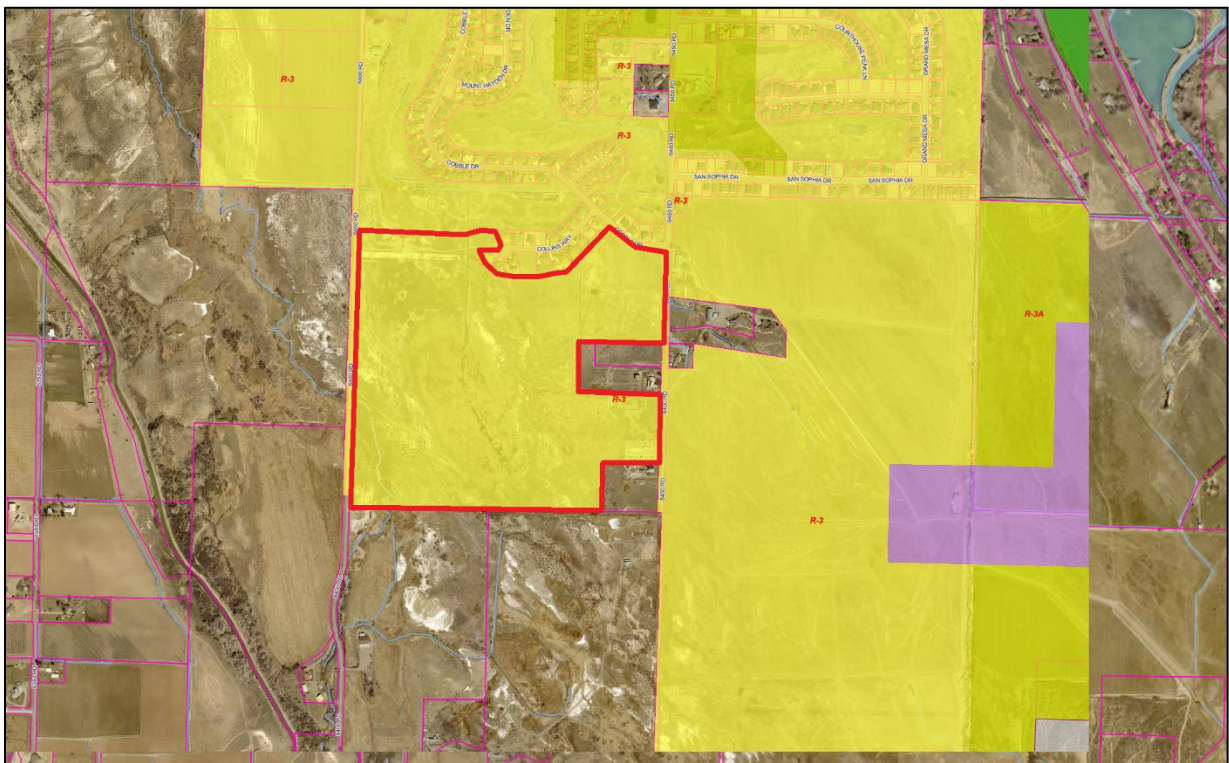


EXHIBIT A - MAPS

Vicinity Map



Zoning Map



Comprehensive Plan Future Land Use Map

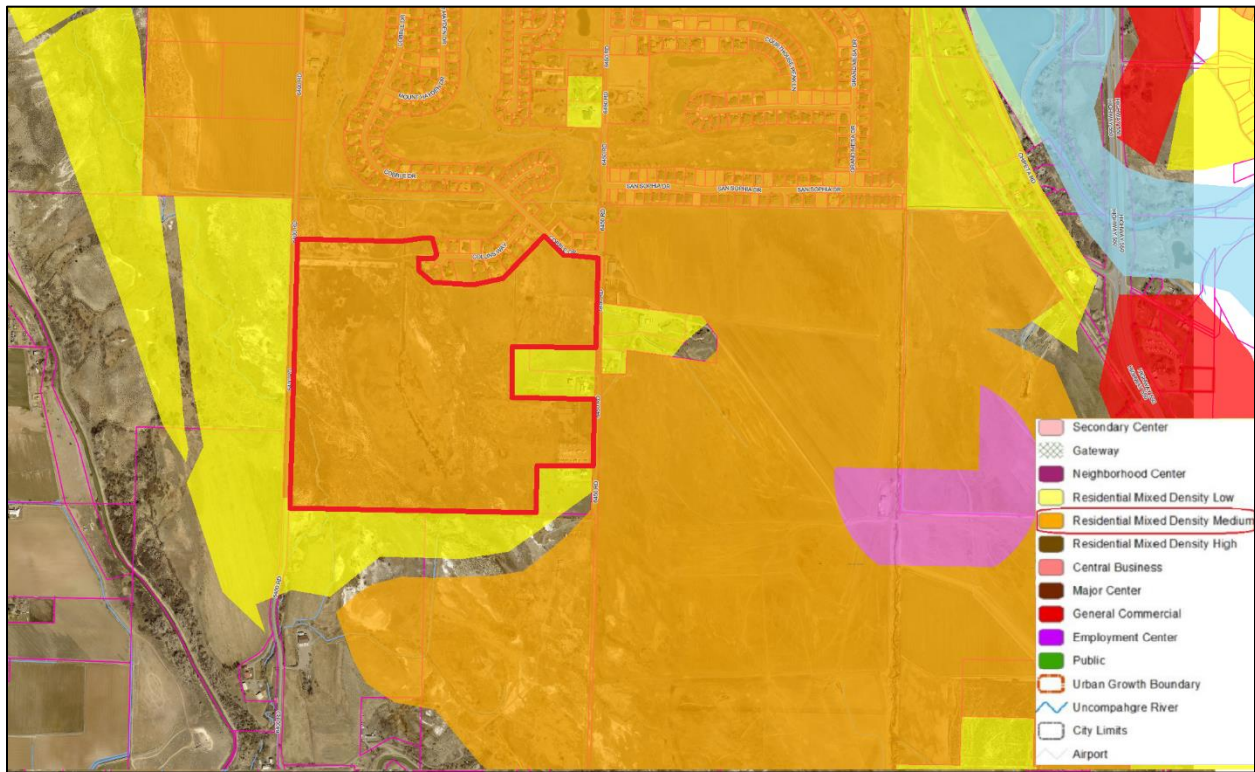


EXHIBIT B - PHOTOS

East from 6400 Rd



Facing Northeast from Southwest Corner



Facing South from Cobble Drive



Facing Southeast from 6400 Road



Facing southwest from 6450 Road



Facing southwest from Cobble Drive



Facing southwest from the end of Collins Way



Facing southwest from the northeast property corner



Facing west from 6450 Road



Facing west from Collins Way



EXHIBIT C: Zoning Code Excerpt

Sec. 4-4-7. "R-3" Medium Density District.

- (A) *Intent.* The "R-3" Medium Density District is intended to provide an area which is suitable for single-family homes and duplexes. The district provides for other uses which are compatible with such uses.
- (B) *Uses by Right.*
- (1) Single-family homes and duplexes.
 - (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) Multiple-family residences.
 - (4) Bed and breakfast operations operated solely by the residents of a lot of at least 6,250 square feet providing no more than two bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters.
 - (5) Schools.

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



EXHIBIT D - APPROVED AGREEMENT

AGREEMENT AND DECLARATION OF COVENANTS

THIS AGREEMENT is entered into this ____ day of _____, 2023, by and between **WESTSTAR DEVELOPMENT, LLC**, a Colorado limited liability company hereinafter called “Declarant”, and the **CITY OF MONTROSE, COLORADO**, hereinafter called “City” or “Grantee”.

WHEREAS, except for public streets and highways, the Owner is, or is under contract to be, the sole owner of the property located in Montrose, Colorado, more fully described on **EXHIBIT A** attached hereto and incorporated into this Agreement (the "Property"); and

WHEREAS, the City wishes to control its growth in a planned and orderly fashion, maintaining and improving its quality of life and its ability to provide and enhance environmental amenities, services, and local opportunity for its citizens; and

WHEREAS, development conditions outlined for the Property with its initial zoning under Ordinance 1603 are being updated herein and separated from the zoning ordinance with a concurrent rezone of a portion of the land to which said Ordinance is applicable; and

WHEREAS, the Two Creeks Addition Annexation Ordinance recorded under reception no. 619192, and the plat recorded under plat book 0012, page 1593, in the records of the Montrose County Clerk and Recorder contain obligations related to those in Ordinance 1603; and

WHEREAS, the Owner wishes to develop the Property for a use or uses compatible with its objectives and those of the City; and

WHEREAS, it is in the public interest for the parties to enter into a written agreement regarding the matters addressed in this Agreement.

COVENANTS:

NOW, THEREFORE, in consideration of the foregoing recitals and representations, the mutual covenants contained herein, the parties agree as follows:

1. CITY JURISDICTION OVER PROPERTY

Except as expressly set forth in Sections 2 and 3 below with respect to zoning and development improvements, the Property is subject to all of the ordinances, codes, rules, regulations, policies and applicable contracts of the City, as now or hereafter constituted.

2. ZONING

- 2.1. **ZONING**. The Owner hereby requests “R-3,” Medium Density District zoning, in accordance with the proposed zoning map attached hereto as **EXHIBIT B** and incorporated herein. Nothing in this Agreement shall be construed or interpreted to limit, restrict or

abrogate in any way the power or authority of the City to rezone the Property.

- 2.2. **Effect of Failure to Zone; Challenge.** Rezoning of the property as requested by Rezoning Application no. 23-0004 shall be a condition precedent to this Agreement becoming effective or being recorded in the County Clerk and Recorder's records. Should the ordinance(s) zoning the Property be challenged by citizen initiative, referendum, or otherwise, and should any such challenge result in the invalidity of the zoning ordinance(s) upon entry of a final order of court which is unappealable or which the parties have elected not to appeal, then, similarly, this Declaration of Covenants shall be null, void and of no effect. In the event of invalidity of the zoning ordinance(s) pursuant to any of the conditions described in this Section, such invalidity shall not be deemed a breach of the Agreement by either party, and the parties shall be deemed released from further obligations hereunder, provided that Owner shall remain responsible for the cost of legal defense as set forth hereinbelow.

3. **DEVELOPMENT**

- 3.1. **Application of City Requirements.** The Property shall be developed in general conformity with City's current Comprehensive Plan, subdivision regulations, zoning code, building codes and other applicable statutory and local requirements, including without limitation, those pertaining to zoning, subdivision, streets, storm drainage, utilities, landscaping, parks and open spaces and flood control. The City may amend and apply to the Property the City's Comprehensive Plan, subdivision regulations, zoning code, building codes and other applicable statutory and local requirements from time to time as needed to address changing effects upon the City's infrastructure, administration and delivery of governmental services as a result of development occurring within the City so long as the same are generally applicable and uniformly applied or enforced to all similarly situated property within the City.
- 3.2. **Subdivision Required.** Any subdivision of the Property shall be in accordance with City subdivision and other applicable regulations in effect at the same time application is made for subdivision approval. In addition to the improvements required by this Agreement, the specific public improvements required in connection with such development shall be determined during the subdivision process, in accordance with applicable regulations of the City.
- 3.3. **Sewer.** As part of any significant development, Owner shall provide a City gravity sewer sized in accordance with City standards and specifications, subdivision regulations and all other applicable regulations.
- 3.4. **Domestic Water Service.** As part of any significant development, Owner shall connect to the City's domestic water system, in a manner sized in accordance with City standards and specifications, applicable fire codes, subdivision regulations and all other applicable regulations. This is based on the mutual understanding that the Property is legally situated within the City of Montrose water service area.

- 3.5. Irrigation. Upon request of the City or as necessary to accommodate roadway construction, Owner shall relocate any conflicting ditches and/or canals outside of right-of-way and utility easement areas upon approval of the appropriate ditch/canal owner.
- 3.6. Required Off-Site Street Improvements. The following street improvements shall be performed, at a time to be determined by the City, or secured by an appropriate performance guarantee, or secured by an improvement district covenant. This shall be in addition to all street improvements required within the subdivision by subdivision regulations in place at the time of development. The obligations for some of the following improvements are shared with adjoining properties as memorialized in existing annexation agreements and zoning ordinances (and as may be memorialized in future annexation agreements and zoning ordinances). Nothing herein shall be deemed to impose upon the Property any additional or disproportionate burdens for the following improvements not already contained in such existing annexation agreements and zoning ordinances.
- 3.6.1. The intersection of 6450 Road and Chipeta Drive shall be constructed to City and Montrose County specifications and standards.
- 3.6.2. 6450 Road from Chipeta Road to the southern line of the Property shall be developed and improved to the extent reasonable within existing County rights-of-way, and shall be constructed to City standards and specifications within and abutting the Two Creeks Addition.
- 3.6.3. The property shall be subject to cost sharing, by improvement district covenants, for right-of-way acquisition and future construction and improvement to Chipeta Road from 6450 Road to Hwy 550; and access between 6450 and Hwy 550 at locations yet to be determined; the cost sharing shall be roughly proportionate to the need for said access and use as created by development of the Property.
- 3.7. Rights-of-way. As part of any significant development of the Property, or at the request of the City, Owner shall dedicate to the City:
- 3.7.1. A right-of-way, not to exceed 80 foot wide, for an east-west minor arterial connection along the southern end of the Property between 6400 Road and 6450 Road in general conformance with the alignment shown on the City's comprehensive plan road network map or aligned with any previous or planned dedications said street rights-of-way on adjoining properties. Final alignment through the property shall be determined at a later date as part of a standalone City capital project or concurrent with development by the Owner.
- 3.7.2. 40 feet right-of-way along the Property's 6450 Road and 6400 Road frontages measured from the centerline of the respective roadways.
- 3.7.3. Rights-of-way for public streets interior to the subdivision in accordance with City of Montrose subdivision and other applicable regulations in place at the time of subdivision.

- 3.8. Utility Easements. As part of any significant development, or at the request of the City, Owner shall dedicate a 15-foot-wide utility easement located on each side of, and parallel to, all roadway dedications.
- 3.9. Parkland Dedication or Money in Lieu. This parcel, as part of the Two Creeks Addition, was subject to a minimum of 120 acres to be developed for golf course use or as open space. The 120 acres has been established in earlier in time developments and those developments are still subject to this requirement. As part of any significant development of the property described in **Exhibit A**, Owner shall provide a minimum of 8%, or such greater area as may be required by the City's subdivision regulations, developed as trails, parks, and playgrounds at the Owner's expense, or payment in lieu of all or part thereof, as determined by the City.
- 3.10. 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 shall be made to the City, to be later disbursed to the RE-1J School District.

4. INDEMNIFICATION AGAINST LEGAL CHALLENGE

Owner understands and acknowledges that the zoning of the Property may be subject to challenge by the filing of litigation in a state or federal court by third parties based on the City's quasi-judicial action in zoning the Property ("Third Party Challenge"). In the event of such Third Party Challenge, the City will incur costs and expenses related to defense of same, including reasonable attorney's fees, filing fees, and court costs. To the extent Owner desires to proceed with the zoning that is the subject of such Third Party Challenge, Owner shall indemnify the City and shall pay all reasonable out of pocket costs and expenses incurred by the City in any defense of a Third Party Challenge. Owner further agrees to investigate, handle, respond to, and to provide defense for and defend against or at the City's option to pay the attorney's fees for defense counsel of the City's choice for any such Third Party Challenge. In the event of a Third Party Challenge, the City shall reserve and retain the right to settle, prosecute, litigate, and defend any such action in any manner and by any method that the City deems appropriate, desirable, or in its best interests; however, the Parties agree that the Owner shall be an indispensable party to such litigation, and nothing in this Agreement shall be construed as waiving or otherwise compromising or limiting the Owner's rights to defend such Third Party Claims in court to the fullest extent permitted by law, regardless of the City's action or inaction in defending, settling, compromising, litigating, or prosecuting its claims.

In the event of a challenge to the City's legislative action in zoning of the Property pursuant to Article IX of the City Charter ("Legislative Challenge"), the City shall reserve and retain the right to repeal, modify, or amend any or all ordinances zoning the Property. . The City shall, to the extent practicable and convenient, consult with and advise the Owner of the progress of the Legislative Challenge.

5. **REFERENDUM**

The City shall reserve and retain sole discretion to repeal, modify, or amend any or all ordinances and resolutions zoning the Property or to take any other action the City deems appropriate, desirable, or in its best interests in the handling and consideration of the referendum petition and referendum election. Owner is not responsible for any costs related to a public referendum, but shall hold the City harmless for the City's actions taken to handle the referendum.

6. **GENERAL PROVISIONS**

6.1. No Waiver. A waiver by any party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by any party.

6.2. Addresses for Notice. Any notice or communication required or permitted hereunder shall be given in writing and shall be personally delivered, or sent by United States mail, postage prepaid, registered or certified mail, return receipt requested, addressed as follows:

City:

City of Montrose
c/o City Manager
433 South First Street
P.O. Box 790
Montrose, CO 81402-0790

Owner:

With copy to:

City Attorney

Same address as above

With copy to:

Or to such other address or the attention of such other person(s) as hereafter designated in writing by the applicable parties in conformance with this procedure. Notices shall be effective upon mailing or personal delivery in compliance with this paragraph.

6.3. Binding Effect. This Agreement shall be binding upon and inure to the benefit of and be binding upon the parties, their successors in interest, or their legal representatives, including all developers, purchasers and subsequent owners of any lots or parcels within the Property, and shall constitute covenants running with the land.

6.4. Disconnection. In the event the Property or any portion thereof is disconnected pursuant to C.R.S. § 31-12-119 for any reason, the City shall have no obligation to serve the disconnected property or portion thereof and this Agreement shall be void and of no further force and effect as to such property or portion thereof.

6.5. Zoning Subject to Legislative Discretion. The Owner acknowledges that the zoning of the

Property are subject to the legislative discretion of the City Council of the City of Montrose. No assurances of zoning have been made or relied upon by the Owner. In the event that the City Council, in the exercise of its legislative discretion, does not take any action with respect to the Property herein contemplated, then the sole and exclusive remedy for the breach hereof accompanied by the exercise of such discretion shall be the disconnection from the City in accordance with state law, as may be appropriate. However, nothing herein shall preclude the development of the Property in accordance with the zoning in effect at the time of such proposed development, as a “remedy” or otherwise.

- 6.6. Legal Discretion in the Case of Challenge. The City reserves the right to not defend any legal challenge to this zoning. In the event such a challenge occurs prior to any expiration of any statute of limitation, City may, at its discretion, choose to legally contest the challenge or allow the challenge to proceed without defense.
- 6.7. Amendments to Governing Ordinances, Resolutions and Policies. As used in this Agreement, unless otherwise specifically provided herein, any reference to any provision of any City ordinance, resolution, or policy is intended to refer to any subsequent amendments or revisions to such ordinance, resolution, or policy, and the parties agree that such amendments or revisions shall be binding upon Owner.
- 6.8. No Third-Party Beneficiaries. Enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the City and Owner, and nothing contained in this Agreement shall give or allow any such claim or right of action by any third party. It is the express intent of the City and Owner that any person other than the City or the Owner receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.
- 6.9. Governing Law and Enforcement. This Agreement shall be governed by the laws of the State of Colorado. This Agreement may be enforced at law or in equity. Jurisdiction and venue for such suits shall be proper and exclusive in the district court for Montrose County, Colorado. In addition to any other available remedies, the City may, if the Owner is also in violation of applicable laws, regulations, or applicable development standards, withhold or revoke any permits or certificates, including but not limited to building permits and certificates of occupancy, for any lot or structure within the Property owned at the time by Owner, or any successor in interest of the Owner, in the event of a breach of this Agreement by the Owner or such successor in interest.
- 6.10. Attorney’s Fees. Should the Owner or the City breach this Agreement, the breaching party shall pay the other party’s reasonable costs and attorney’s fees incurred in the enforcement of the terms, conditions, and obligations of this Agreement. In no event shall either party be responsible for or entitled to any damages, whether regular, special, punitive, or consequential, nor for any economic losses, damages, or lost profits.
- 6.11. Paragraph Captions. The captions of the paragraphs are set forth only for the convenience and reference of the parties and are not intended in any way to define, limit, or describe the scope or intent of this Agreement.

- 6.12. Integration and Amendment. This Agreement represents the entire agreement between the parties and no additional or different representation, promise or agreement, written or oral, shall be binding upon either party with respect to the subject matter hereof. This Agreement may be amended only by an instrument in writing signed by the parties.
- 6.13. Severability. Invalidation of any of the provisions of this Agreement or any paragraph, sentence, clause, phrase, or word herein or the application thereof in any given circumstance shall not affect the validity of any other provision of this Agreement.
- 6.14. Recordation. This Agreement shall be recorded by the City in the Clerk and Recorder's Office of Montrose County, Colorado. The Owner shall pay the reasonable cost of recordation of this Agreement, Zoning Ordinances, and any and all other documents, promptly upon request by the City. If at anytime in the future Owner requests an estoppel certificate from the City stating that the obligations of Owner are current under the terms of this Agreement, the City shall have ten (10) days after receipt of such written request to provide an estoppel certificate in order to provide such estoppel certificate and if the City fails to provide the requested estoppel certificate within said ten (10) day period, the requested estoppel certificate shall be deemed provided by the City.
- 6.15. Original Counterparts. This Agreement may be executed in counterparts, each of which will be an original, but all of which together shall constitute one and the same instrument.
- 6.16. Police Power. Declarant understands and agrees that the City cannot contract away its police power and that nothing contained herein may be construed to foreclose the City from applying additional requirements of its Subdivision Regulations and other ordinances and regulations, as in effect from time-to-time, in accordance with their terms, including dedication of additional property when required.
- 6.17. TABOR Clause. The parties agree that the City's payment or expenditure of any monies under this Agreement is subject to annual budget appropriations as required by provisions of the Taxpayers' Bill of Rights ("TABOR") contained in Article X, Section 20 of the Colorado Constitution, as amended. The parties further agree that any failure to fund the obligations set forth herein as a result of TABOR-related monetary constraints shall not give rise to any legal or equitable cause of action whatsoever.

EXECUTED the day above first written.

CITY OF MONTROSE

Weststar Development, LLC

By: _____
William E. Bell, City Manager

By: _____
_____, Manager

[illegible]

The foregoing instrument was acknowledged before me this _____ day of _____, 2023,
by **William E. Bell**, City Manager of the City of Montrose.

Witness my hand and official seal.
My commission expires:

(Seal)

Notary

[illegible]

The foregoing instrument was acknowledged before me this _____ day of _____, 2023,
by _____ of _____.

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

(SEAL)

Notary

Exhibit A

A TRACT OF LAND SITUATED IN THE NW1/4 SECTION 8, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF MONTROSE, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NW1/4 SECTION 8; THENCE NORTH 01°52'11" EAST ALONG THE WEST LINE OF SAID NW1/4 SECTION 8, 2318.34 FEET; THENCE SOUTH 88°08'58" EAST 30.15 FEET TO THE SOUTHWEST CORNER OF COBBLE CREEK SUBDIVISION FILING NO. 4 RECORDED AT RECEPTION NO. 685496; THENCE THE FOLLOWING 4 COURSES ALONG THE BOUNDARY OF COBBLE CREEK SUBDIVISION FILING NO. 4:

SOUTH 88°08'58" EAST 859.87 FEET;

NORTH 81°09'38" EAST 115.39 FEET;

NORTH 71°56'13" EAST 88.27 FEET;

SOUTH 88°22'38" EAST 101.58 FEET TO THE NORTHWEST CORNER OF COBBLE CREEK SUBDIVISION FILING NO. 5 RECORDED AT RECEPTION NO. 713931;

THENCE THE FOLLOWING 6 COURSES ALONG THE BOUNDARY OF SAID COBBLE CREEK SUBDIVISION FILING NO. 5:

SOUTH 18°41'53" EAST 141.89 FEET;

58.69 FEET ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 67°15'22" AND A CHORD OF SOUTH 37°40'24" WEST 55.38 FEET;

NORTH 85°57'18" WEST 145.00 FEET;

SOUTH 08°31'24" EAST 105.38 FEET;

SOUTH 47°29'51" EAST 147.41 FEET;

SOUTH 82°52'05" EAST 230.00 FEET TO THE SOUTHWEST CORNER OF SAID COBBLE CREEK SUBDIVISION FILING NO. 4;

THENCE THE FOLLOWING 8 COURSES ALONG THE BOUNDARY OF SAID COBBLE CREEK SUBDIVISION FILING NO. 4:

SOUTH 88°31'24" EAST 117.17 FEET;

NORTH 79°29'13" EAST 254.22 FEET;

NORTH 43°05'56" EAST 532.49 FEET;

SOUTH 46°54'04" EAST 217.27 FEET;

90.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 41°28'27" AND A CHORD OF SOUTH 67°38'21" EAST 88.52 FEET;

SOUTH 88°22'38" EAST 210.31 FEET;

31.41 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°58'58" AND A CHORD OF SOUTH 43°22'38" EAST 28.28 FEET;

SOUTH 88°28'38" EAST 30.00 FEET TO THE SOUTHEAST CORNER OF SAID COBBLE CREEK SUBDIVISION FILING NO. 4 AND A POINT ON THE EAST LINE OF SAID NW1/4 SECTION 8;

THENCE SOUTH 01°37'23" WEST ALONG THE WEST LINE OF SAID NW1/4 SECTION 8, 763.93 FEET TO THE NORTHEAST CORNER OF KELLY MURPHY MINOR

SUBDIVISION & REPLAT OF COLLINS MINOR SUBDIVISION, RECORDED AT
RECEPTION NO. 600440;
THENCE THE FOLLOWING 3 COURSES ALONG THE BOUNDARY OF SAID KELLY
MURPHY MINOR SUBDIVISION & REPLAT OF COLLINS MINOR SUBDIVISION:
NORTH 88°30'13" WEST 740.45 FEET;
SOUTH 01°28'40" WEST 441.05 FEET;
SOUTH 88°48'10" EAST 709.35 FEET TO A POINT ON THE WEST LINE OF RIGHT OF
WAY DEEDED TO MONTROSE COUNTY BOOK 600 PAGE 651;
THENCE ALONG SAID RIGHT OF WAY SOUTH 01°37'23" WEST 586.81 FEET;
THENCE LEAVING SAID RIGHT OF WAY NORTH 89°06'42" WEST 477.12 FEET;
THENCE SOUTH 01°37'05" WEST 410.28 FEET TO A POINT ON THE SOUTH LINE OF
SAID NW1/4 SECTION 8;
THENCE NORTH 89°01'46" WEST ALONG THE SOUTH LINE OF SAID NW1/4 SECTION
8, 2146.28 FEET BACK TO THE POINT OF BEGINNING,
COUNTY OF MONTROSE, STATE OF COLORADO.

EXHIBIT E - ORDINANCE 1603

ORDINANCE NO. 1603

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF TWO CREEKS ADDITION AS R-2, R-3 AND R-3A RESIDENTIAL DISTRICTS, B-4 COMMERCIAL DISTRICT, AND I-1 AND I-2 INDUSTRIAL DISTRICTS.

WHEREAS, the **Two Creeks Addition** has been recently annexed to the City of Montrose, Colorado, and

WHEREAS, the owners of such property have requested zoning which the Planning Commission has reviewed and recommended in accordance with the requirements of the City Code and

WHEREAS, the proposed recommendation is substantially in accordance with the City's Master Plan, is compatible with existing zoning in nearby or adjoining properties, and is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that

Section 1.

The Official Zoning Map is amended to zone the **Two Creeks Addition** to the City of Montrose, Colorado as described below:

Tract 1 as depicted on Exhibit A attached hereto and incorporated herein shall be designated as a B-4 Neighborhood Shopping District;

Tracts 2 & 3 as depicted on Exhibit A shall be designated as an R-3A Medium High Density Residential District;

The remainder of Two Creeks Addition southwesterly of Chipeta Drive shall be designated as an R-3 Medium Density District;

The remainder of Two Creeks Addition northeasterly of Chipeta Drive shall be designated as R-3 Medium Density District, *except* for those portions designated as I-1 Light Industrial District and I-2 General Industrial District, and R-2 Low Density District, as so denoted on the attached Exhibit A.

Section 2.

The following conditions shall apply to that portion of the Addition lying southwesterly of Chipeta Drive:

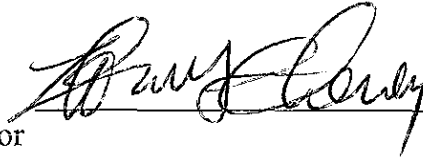
- A. The total number of residential dwelling units shall be no more than 455 for Phases I & II as depicted on Exhibit B attached hereto and incorporated herein; Phase III as depicted on Exhibit B shall be limited 100 residential dwelling units;
- B. As a condition of subdivision, planned development, or other development approval, guarantees for the following improvements shall be required:
 - 1. The intersection for primary access into the development shall be located where Two Creeks Addition abuts Chipeta Drive; said intersection shall be constructed to City specifications and standards;*
 - 2. The intersection of 64.50 Road and Chipeta Drive shall be constructed to City specifications and standards, at a time to be determined, secured by performance guaranties or improvement district covenants;*
 - 3. 64.50 Road from Chipeta Road to the southern line of the Two Creeks Addition shall be developed and improved to the extent reasonable within existing right-of-way in the County, and shall be constructed to City specifications and standards within and abutting the Addition, at a time to be determined, secured by performance guaranties or improvement district covenants;*
 - 4. Appropriate rights-of-way shall be dedicated on or in the vicinity of the southern line of Section 5, T48N, R9W, N.M.P.M, and on that portion of the mid-section line of Section 8, T48N, R9W, N.M.P.M., that lies within the Two Creeks Addition, as needed to provide for minimum 80-foot wide rights-of-way between 64.00 Road and the eastern boundary of the Addition;
 - 5. The Addition shall be subject to cost sharing, by improvement district covenants, for right-of-way acquisition and future construction and improvement to Chipeta Road from 64.50 Road to Hwy 550; and access between 64.50 and Hwy 550 at locations yet to be determined; the cost sharing shall be roughly proportionate to the need for said access as created by development of the Two Creeks Addition;*
 - 6. A minimum of 120 acres shall be developed for golf course use or must remain open space

7. The development of Phase III shall require an additional traffic impact study at filing of preliminary plat.

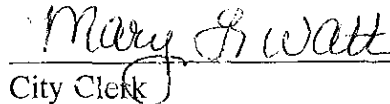
* Approval of Montrose County shall be required so long as the improvement in question is in unincorporated Montrose County.

INTRODUCED, READ and PASSED on first reading this 3rd day of October, 1996.

Mayor



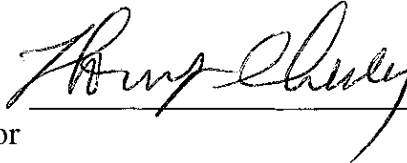
ATTEST:


City Clerk

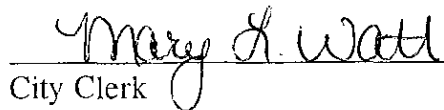
You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on October 17th, at the hour of 7:30 p.m. at Montrose City Hall in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 17th day October, 1996.

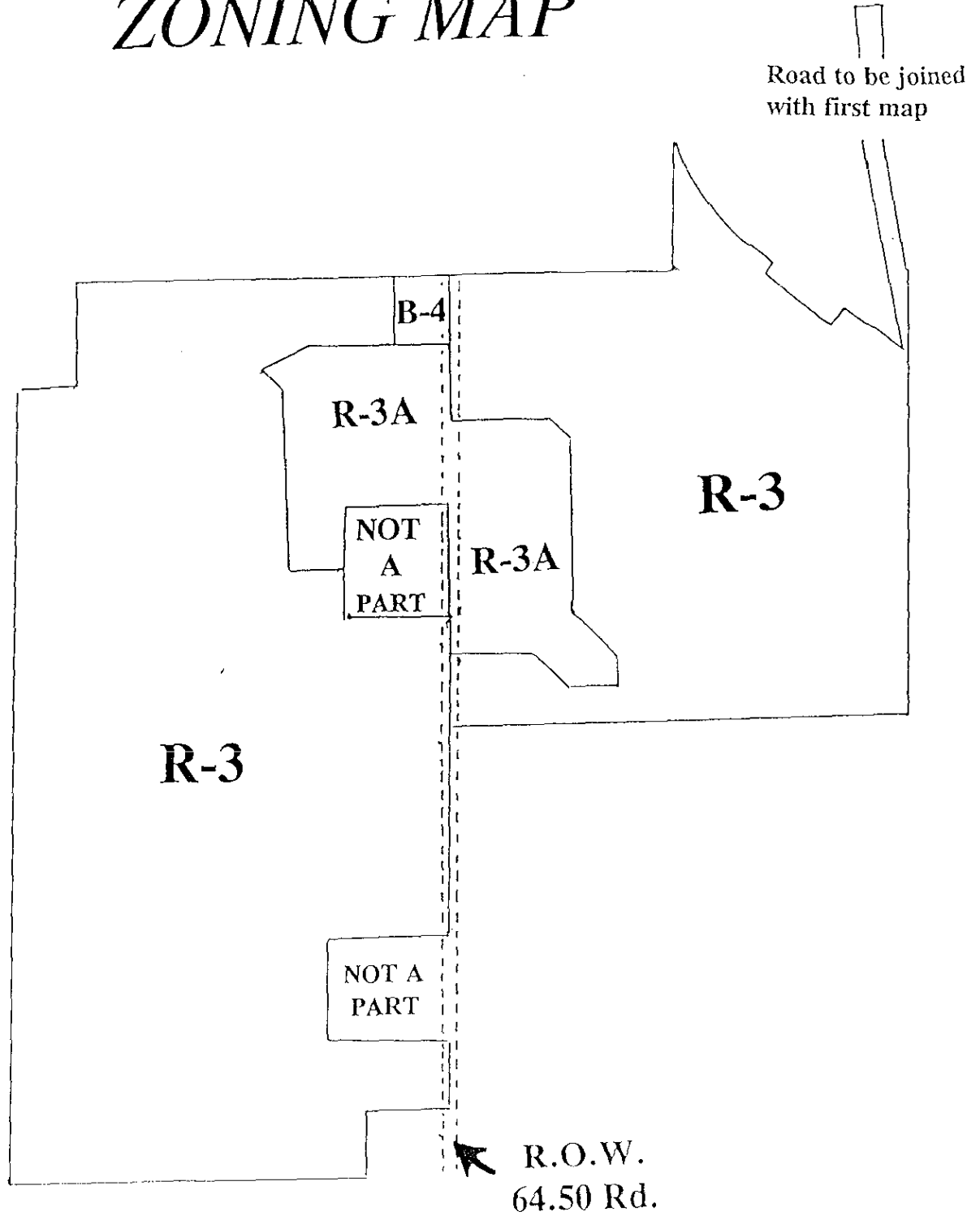
Mayor



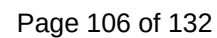
ATTEST:


City Clerk

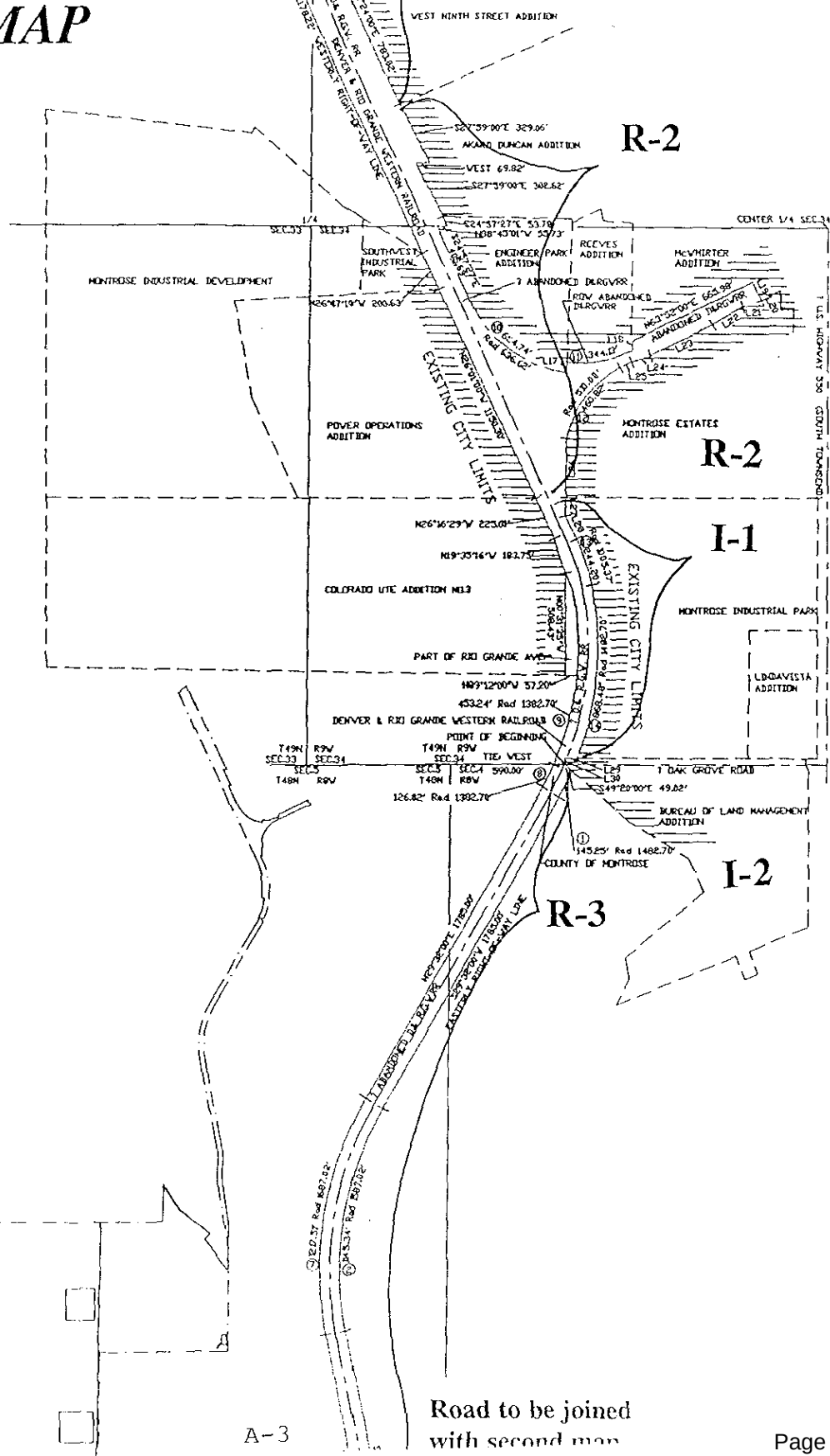
TWO CREEKS ADDITION ZONING MAP



ZONING MAP OF TWO CREEKS ADDITION

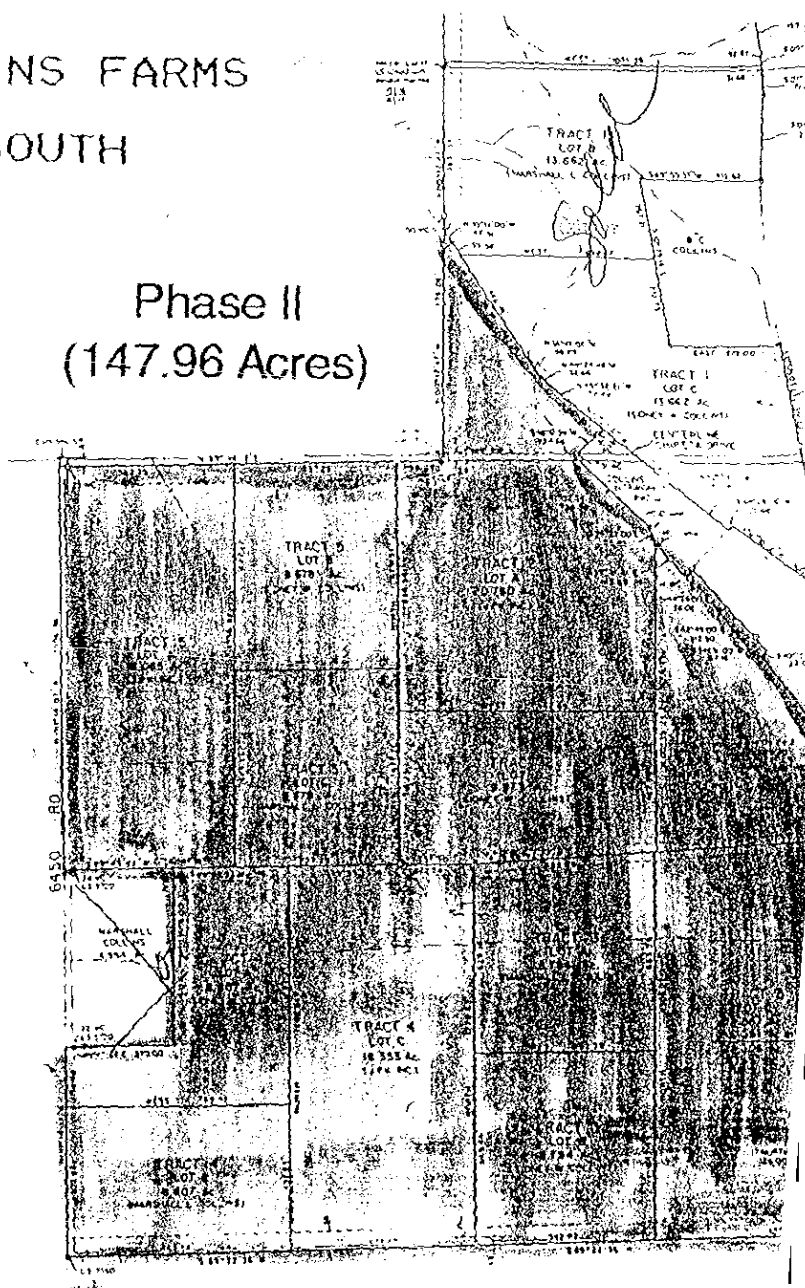
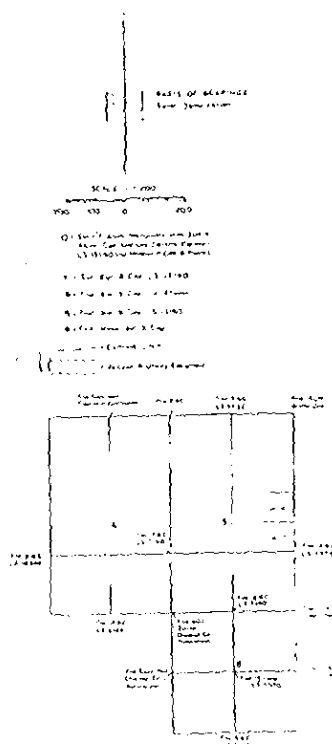


R-3



Road to be joined with second man

Phase II
(147.96 Acres)

[illegible]

12180
 12180

Page 109 of 132

EXHIBIT F - GENERAL PROJECT REPORT

Requested Re-Zoning Overview

121.93 Acres

Cobble Creek South (“the Property”)

By this application, Weststar Development, LLC (“Applicant”) requests the re-zoning under the City’s current zoning regulations of the 121.93-acre tract described on Exhibits A and B attached hereto (the “Property”) in its entirety to R-3 Medium Density District. The requested zoning is the same as the Property’s existing base zoning but would exclude and/or clarify certain restrictions imposed when the Property was initially zoned in 1996.

The Property includes all of Phase III and a portion of Phase I of the Two Creeks Addition referenced in Ordinance No. 1603, adopted on October 17, 1996, and subsequently superseded. The Property is currently zoned as an R-3 Medium Density District. Weststar Development, LLC owns the Property and is initiating this request on behalf of Momentum Development, LLC, an experienced developer who intends to purchase the Property and move forward with development of the Property in 2023. This zoning update will eliminate the division of the Property into two phases as currently configured, allow more flexibility in lot layout, and update the zoning requirements to be compatible with the City’s current zoning practices.

The original zoning Ordinance No. 1603 covered a much larger tract that included the entirety of what has been developed to date in the Cobble Creek Community. No previously platted acreage is included in this re-zoning request.

Ordinance No. 1603 contained a provision that would have limited the remaining density of the Property to 139 units. This places the Property at an economic disadvantage as compared to more recently zoned R-3 tracts within the City and prohibits development of the Property consistent with the City’s current Envision 2040 comprehensive master plan and requirements for an R-3 zoning district. The City of Montrose no longer applies density limitations to zoning classifications. This rezone will follow Sec 4-4-7 “R-3” Medium Density District and Sec 4-4-22 Dimensional Requirements in the current code. The tract includes significant undevelopable land due to wetlands and designated flood zones and the ultimate density, which is unlikely to exceed 290 dwelling units, will be well below the density typically available in R-3 zoned property.

Per discussions with City of Montrose staff, Applicant believes it is appropriate to carry forward some of the conditions in the original zoning and to modify others to reflect current requirements as well as to allow additional positive flexibility in subdivision configuration. Applicant proposes that the following requirements be included in the requested rezoning ordinance:

1. The intersection of 64.50 Road and Chipeta Drive shall be constructed to City specification and standards, at a time to be determined based upon then current City street construction and financing criteria which may include improvement district covenants;*
2. 64.50 Road adjacent to the east boundary of the Property shall be developed and improved to the extent reasonable within existing right-of-way in the County, and shall be constructed to City specifications and standards commensurate with development of the Property:*
3. Appropriate rights-of-way shall be dedicated in the Property as it is developed as needed to provide for an east-west street as outlined in the Master Plan to provide for access between 64.50 Road and 64.00 Road;*
4. The Property shall be subject to cost sharing, by improvement district covenants, for right-of-way acquisition and future construction and improvement to Chipeta Road from 64.50 Road to Hwy 550; and access between 64.50 Road and Hwy 550 at locations yet to be determined; the cost sharing shall be roughly proportionate to the need for said access as created by the development of the Property.*
5. The development of the Property shall require a traffic impact study at filing of a preliminary plat.

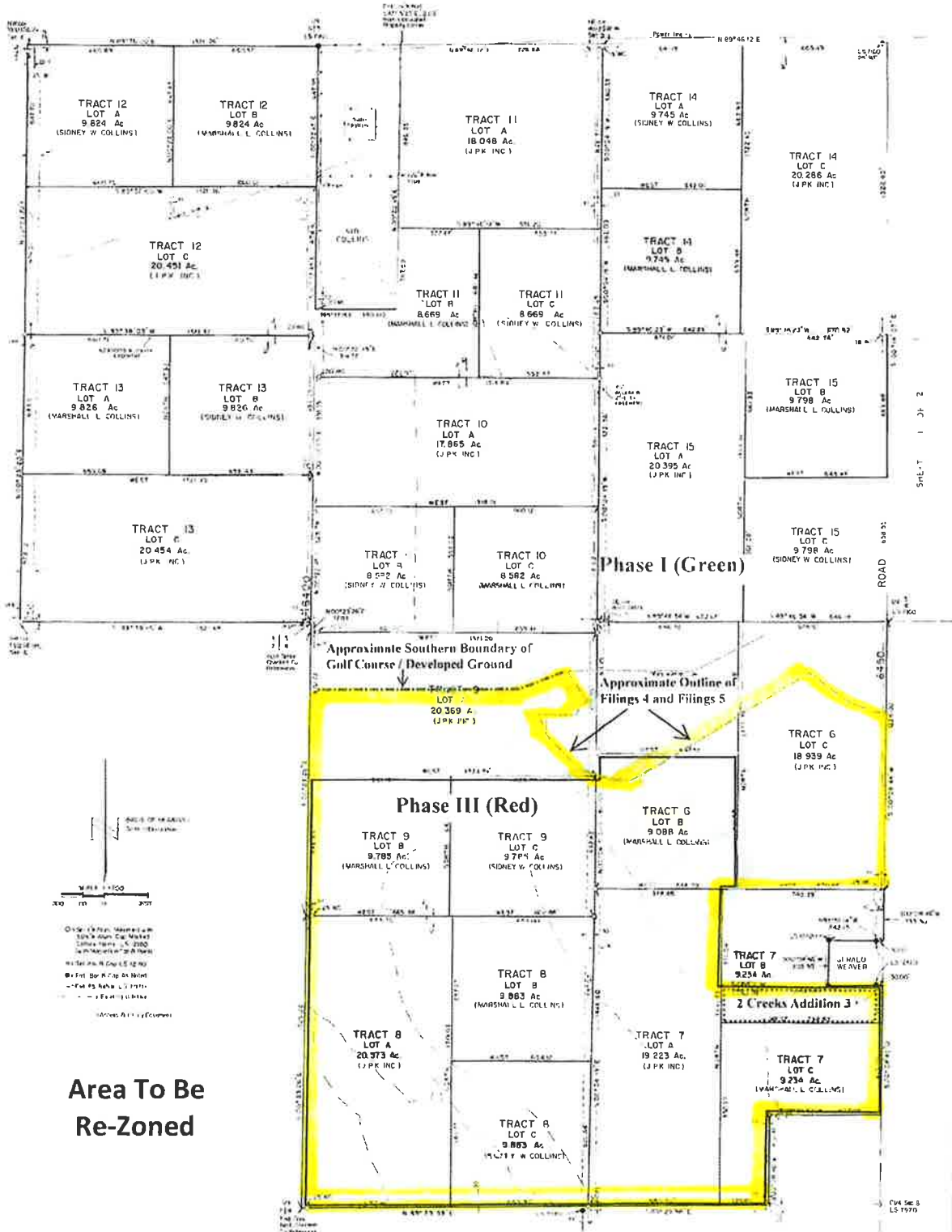
*Approval of Montrose County shall be required so long as the improvement in question is in unincorporated Montrose County.

Applicant expects to work with City staff regarding infrastructure requirements/conditions prior to re-zone ordinance approval.

This request is in compliance with applicable criteria as the base zoning is not being changed and the applicable requirements related to the updated zoning will be equal to other tracts in the city that are zoned R-3. R-3 zoning for this property is in substantial conformity with the Master Plan.

A key consideration in the City's review of this re-zoning application is how it relates to the Envision 2040 Montrose Comprehensive Plan. The subject property is designated as "Residential Mixed Density Medium" on the Future Land Use Map found in the Comprehensive Plan. The R-3 zoning proposed for Cobble Creek South consistent with this land use designation. Further, Cobble Creek West is located within "Growth Area 1", an area defined by the Comp Plan as the "most cost-effective area for the City to grow". Cobble Creek South is located where the City's Comprehensive Plan specifically encourages residential development.

PLAT OF DESCRIPTION
SITUATED IN LOTS 16 & 17, AND THE SE1/4, AND THE SW1/4, Sec. 5, AND IN THE E1/2SE1/4, Sec. 6, AND IN THE NW1/4, Sec. 8, ALL IN T48N, R9W, N.M.P.M



Area To Be Re-Zoned

PLAT OF DESCRIPTION
MONTEROSE COUNTY, COLO

Cobble Creek

Golf Community

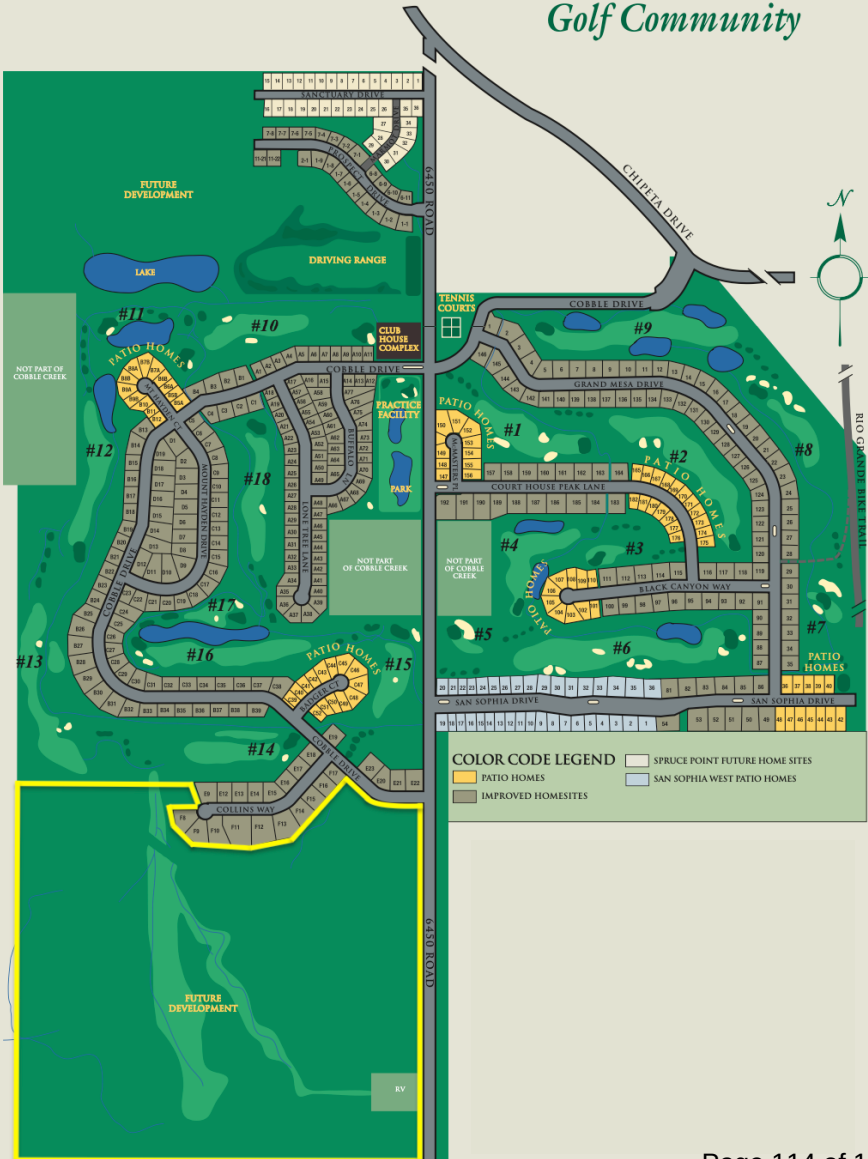


EXHIBIT G - PUBLIC COMMENTS RECIEVED AS OF 3/7/2023

March 3, 2023

Planning Services Department
City of Montrose
P.O. Box 790

Re: Cobble Creek South Rezone

Dear Jace Hochwalt;

I am writing as an adjacent land owner whose south property line abuts the subject parcel. As such I am opposed to any action by the City that would afford the developers of the subject parcel the ability to build apartments or other high density housing. Rezoning hearkens back to promises made by the City that if the HUB property was annexed and rezoned it would only permit single family dwellings. Please do not allow the developers of the South parcel behind my house to be allowed development of multi-family housing or apartments.

With that said, it is my understanding that this rezoning would actually allow the developer to have more units, but that the density would be spread across a larger area of the parcel rather than restricting development to a portion of the larger subject parcel. I would not be opposed to that scenario.

I think the larger issue and problem with development of the Cobble Creek South parcel is traffic. Funneling traffic from that south parcel back onto 6450 road is a significant impact. The width of 6450 road is essentially 20 feet narrower than the northern portion of 6450 road beyond its intersection with Cobble Drive. There are no sidewalks along 6450 road and that segment of the road is subject to a relatively high volume of pedestrians, using the road itself. Additional access to other major roadways in the area such as 6400 road and Chipeta road should be a condition attached to the rezoning authorization of the south parcel.

It should be noted that there are several drainage ditches and pipes located within the subject parcel that must be preserved and the easements for those drainage structures must be protected. My house has a foundation drain that ties into a drain pipe just south of my property line located on the subject parcel. This drainage system was approved and expected to be utilized by phase I Cobble Creek parcels such as mine. Drainage systems are critical to the subject parcel as much of the property directly south of Cobble Creek have high water tables and seasonally actually discharge to the surface in various locations.

My original understanding from the developers of Cobble Creek back in 2004 that when the parcel to the south of my property was to be developed there would be an easement for the drain south of my house. I was shown maps indicating such an easement and assurances no structures would be build upon the drainage easement. I expect the City to adhere to such assurances in their approvals of any rezoning that would lift the original conditions for the R-3 Medium Density District.

I appreciate the opportunity to comment on this matter and wish my correspondence to entered into the record and afford me standing in any appeal process that may be afforded adjacent property owners.

Sincerely,



Gary S. Shellhorn
540 Collins Way
Montrose, CO 81403
970-901-8014
shellfish52@gmx.com



Jace Hochwalt <jhochwalt@ci.montrose.co.us>

Proposed Cobble Creek South Rezone--March 8, 2023 Planning Commission meeting

OHN HAMILL <HAMILLDSRT50@msn.com>

Mon, Mar 6, 2023 at 12:37 PM

To: "jhochwalt@ci.montrose.co.us" <jhochwalt@ci.montrose.co.us>

Hello Jace: I own a home on Cobble Drive just southeast of the proposed Cobble Creek re-zone for 122 acres from R-3 Medium Density with conditions to R-3 Medium Density with no conditions. I am opposed to approval of the proposed zone request. I am providing these written comments as I am unable to attend the March 8, 2023 Planning Commission meeting public hearing.

Much of the subject property is a wetland area with high wildlife and environmental values. Some of the property is dominated by wetland plant species which should be excluded from development. The area is rich in biodiversity. I have frequently observed deer, pheasant, quail, various raptors, coyotes and numerous bird species. Waterfowl are currently nesting in the area.

The city should insure that the highest valued wetland areas in the property should be protected by retaining the current density restrictions. The current density restrictions will allow the areas with the highest wetland values to be protected while allowing for a reasonable level of development. Retaining the current density restrictions will contribute to the welfare of the community, add value to the residential developments in and adjacent to the property, and help promote the City of Montrose as a responsible steward of the environment.

Over 50% of wetlands in Colorado have been already been destroyed due to agricultural, industrial/commercial and residential development. At the very least the developer should be required to prepare an environmental assessment prior to approval of the zoning variance request. Also, the city should require the developer to prepare a plan to mitigate the impact of its development by protecting wetlands either on the subject property or in offsite area.

Thank you for considering my recommendations.

Respectfully,

John Hamill (retired fish and wildlife biologist)

[412 Cobble Drive](#)

[Montrose, CO 81403](#)

Hamilldsrt50@msn.com

ORDINANCE NO. 2618

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF A PORTION OF THE TWO CREEKS ADDITION FROM "R-3," MEDIUM DENSITY DISTRICT WITH CONDITIONS TO "R-3," MEDIUM DENSITY DISTRICT WITH NO CONDITIONS

WHEREAS, Planning Commission met on March 8, 2023, to consider the rezoning of a portion of the Two Creeks Addition, City of Montrose; and

WHEREAS, the motion carried, and the Planning Commission has recommended to the City Council the zoning changes provided herein; and

WHEREAS, the City Council has determined that such zoning will be consistent with the public health, safety and welfare, the City's Master Plan and changed conditions in the area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that:

SECTION 1:

The Official Zoning Map is amended to designate a portion of the Two Creeks Addition, more particularly described on “**Exhibit A**,” attached hereto and incorporated herein by this reference, as an "R-3," Medium Density District, with no conditions, according to the Official Zoning Map.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 21st day of March, 2023, at the hour of 6:00 p.m. at Montrose Police Department Community Room at 434 S. 1st Street, in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 21st day of March, 2023.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 4th day of April, 2023.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

EXHIBIT "A"

A TRACT OF LAND SITUATED IN THE NW1/4 SECTION 8, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF MONTROSE, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID NW1/4 SECTION 8; THENCE NORTH 01°52'11" EAST ALONG THE WEST LINE OF SAID NW1/4 SECTION 8, 2318.34 FEET; THENCE SOUTH 88°08'58" EAST 30.15 FEET TO THE SOUTHWEST CORNER OF COBBLE CREEK SUBDIVISION FILING NO. 4 RECORDED AT RECEPTION NO. 685496; THENCE THE FOLLOWING 4 COURSES ALONG THE BOUNDARY OF COBBLE CREEK SUBDIVISION FILING NO. 4:
SOUTH 88°08'58" EAST 859.87 FEET;
NORTH 81°09'38" EAST 115.39 FEET;
NORTH 71°56'13" EAST 88.27 FEET;
SOUTH 88°22'38" EAST 101.58 FEET TO THE NORTHWEST CORNER OF COBBLE CREEK SUBDIVISION FILING NO. 5 RECORDED AT RECEPTION NO. 713931;
THENCE THE FOLLOWING 6 COURSES ALONG THE BOUNDARY OF SAID COBBLE CREEK SUBDIVISION FILING NO. 5:
SOUTH 18°41'53" EAST 141.89 FEET;
58.69 FEET ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 67°15'22" AND A CHORD OF SOUTH 37°40'24" WEST 55.38 FEET;
NORTH 85°57'18" WEST 145.00 FEET;
SOUTH 08°31'24" EAST 105.38 FEET;
SOUTH 47°29'51" EAST 147.41 FEET;
SOUTH 82°52'05" EAST 230.00 FEET TO THE SOUTHWEST CORNER OF SAID COBBLE CREEK SUBDIVISION FILING NO. 4;
THENCE THE FOLLOWING 8 COURSES ALONG THE BOUNDARY OF SAID COBBLE CREEK SUBDIVISION FILING NO. 4:
SOUTH 88°31'24" EAST 117.17 FEET;
NORTH 79°29'13" EAST 254.22 FEET;
NORTH 43°05'56" EAST 532.49 FEET;
SOUTH 46°54'04" EAST 217.27 FEET;
90.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, WITH A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 41°28'27" AND A CHORD OF SOUTH 67°38'21" EAST 88.52 FEET;
SOUTH 88°22'38" EAST 210.31 FEET;
31.41 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°58'58" AND A CHORD OF SOUTH 43°22'38" EAST 28.28 FEET;
SOUTH 88°28'38" EAST 30.00 FEET TO THE SOUTHEAST CORNER OF SAID COBBLE CREEK SUBDIVISION FILING NO. 4 AND A POINT ON THE EAST LINE OF SAID NW1/4 SECTION 8;
THENCE SOUTH 01°37'23" WEST ALONG THE WEST LINE OF SAID NW1/4 SECTION 8, 763.93 FEET TO THE NORTHEAST CORNER OF KELLY MURPHY MINOR SUBDIVISION & REPLAT OF COLLINS MINOR SUBDIVISION, RECORDED AT RECEPTION NO. 600440;
THENCE THE FOLLOWING 3 COURSES ALONG THE BOUNDARY OF SAID KELLY MURPHY MINOR SUBDIVISION & REPLAT OF COLLINS MINOR SUBDIVISION:
NORTH 88°30'13" WEST 740.45 FEET;
SOUTH 01°28'40" WEST 441.05 FEET;
SOUTH 88°48'10" EAST 709.35 FEET TO A POINT ON THE WEST LINE OF RIGHT OF WAY DEEDED TO MONTROSE COUNTY BOOK 600 PAGE 651;
THENCE ALONG SAID RIGHT OF WAY SOUTH 01°37'23" WEST 586.81 FEET;
THENCE LEAVING SAID RIGHT OF WAY NORTH 89°06'42" WEST 477.12 FEET;
THENCE SOUTH 01°37'05" WEST 410.28 FEET TO A POINT ON THE SOUTH LINE OF SAID NW1/4 SECTION 8;
THENCE NORTH 89°01'46" WEST ALONG THE SOUTH LINE OF SAID NW1/4 SECTION 8, 2146.28 FEET BACK TO THE POINT OF BEGINNING,
COUNTY OF MONTROSE, STATE OF COLORADO.

CONTRACT AWARD RECOMMENDATION



TO: Honorable Mayor and Montrose City Council
FROM: Daniel Payne, Parks Superintendent
DATE: March 06, 2023
RE: 23-002 Parks Maintenance Contract Award Recommendation
CC: William Bell, Ann Morgenthaler, Shani Wittenberg, Jim Scheid

Recommendation

Consider for approval the award of the Parks Maintenance Contract to Green and Bearit, Montrose, CO, in the amount of \$119,988.00

Background

The City's Parks Division contracts the turf maintenance of 13 out of 28 Parks with turf and is 75% of the total City Park turf area, not including Sunset Mesa or Cedar Creek Cemetery. The contractor will perform weekly mowing, trimming, edging of all walks, cleaning up trash and debris, performing irrigation checks, and final clean up all sidewalks, roadways, picnic areas, and walkways within those parks.

The City's Maintenance contract expired earlier this year and was issued as an RFP to renew the contract. The Parks Division received four qualified bids that met all the requirements. A scoring matrix was utilized for selection, and below is a breakdown of the bids received.

Company	Annual Bid Price	Matrix Score
Alpine Property Services	\$142,830.00	1.30
Green and Bearit	\$119,988.00	3.45
Green Way Pro	\$116,714.00	2.55
Rain Maker	\$230,152.00	3.10

The City has been working with Green and Bearit since 2017, performing on-call services mowing vacant lots, irrigation maintenance and repair, and has helped with other parks when needed. They have been the primary contractor for Parks turf care since 2019. Green and Bearit has done an astonishing job and has been flexible for events, weather, or other needs of citizens utilizing the park system.

City staff recommends awarding the contract to Green and Bearit.

Net Financial Result of Contract

The RFP that was issued for Parks Maintenance contains a bid sheet with a cost per mowing cycle. The contractors placing a bid fill in the rate per item, then when applied to an estimated quantity, a total price per line item is calculated. The quantities estimated in the bid sheet are simply estimates for bidding purposes and are not guaranteed. The contract recommended for an award with Green and Bearit will be a Not-to-Exceed contract billed out as work is performed based on the rates provided in the bid sheet. The not to exceed amount is \$138,000, which was budgeted in the 2023 budget 100-5150-353-000.

CONTRACT AWARD RECOMMENDATION



TO: Honorable Mayor and Montrose City Council
FROM: Jim Scheid, Public Works Manager and
Daniel Payne, Parks Superintendent
DATE: March 6, 2023
RE: Buckley Park Playground Replacement Contract Award Recommendation
CC: William Bell, Ann Morgenthaler, Shani Wittenberg, Jim Scheid

Recommendation

Consider for approval the award of the Buckley Park Playground Replacement design/build contract to Just Be You Inc. dba Star Playgrounds from Littleton, CO.

Background

The City of Montrose Parks Division audited all City-owned playgrounds in 2021 and found several playgrounds past their usable service. A list of playgrounds that needed to be replaced regarding playground use, condition, and availability of replacement parts was formulated. As Buckley is one of the oldest and busiest parks, it was determined that this would be the best candidate for the first replacement.

The City is looking for unique, inclusive play equipment with engaging features and high play value that will encourage physical activity and enhance motor skill development. Equipment design will include a focus on safety, inclusiveness, and fully compliant with the Americans with Disabilities Act (ADA), the International Play Equipment Manufacturers Association (IPEMA), the American Society of Testing Materials International (ASTM), and The U.S. Consumer Product Safety Commission (CPSC) playground safety standards.

Statements of qualifications were requested through a Request for Qualifications (RFQ) process. The following is a summary of the qualifications received and how they scored in the categories of contractor description, qualifications, and availability of staff and equipment.

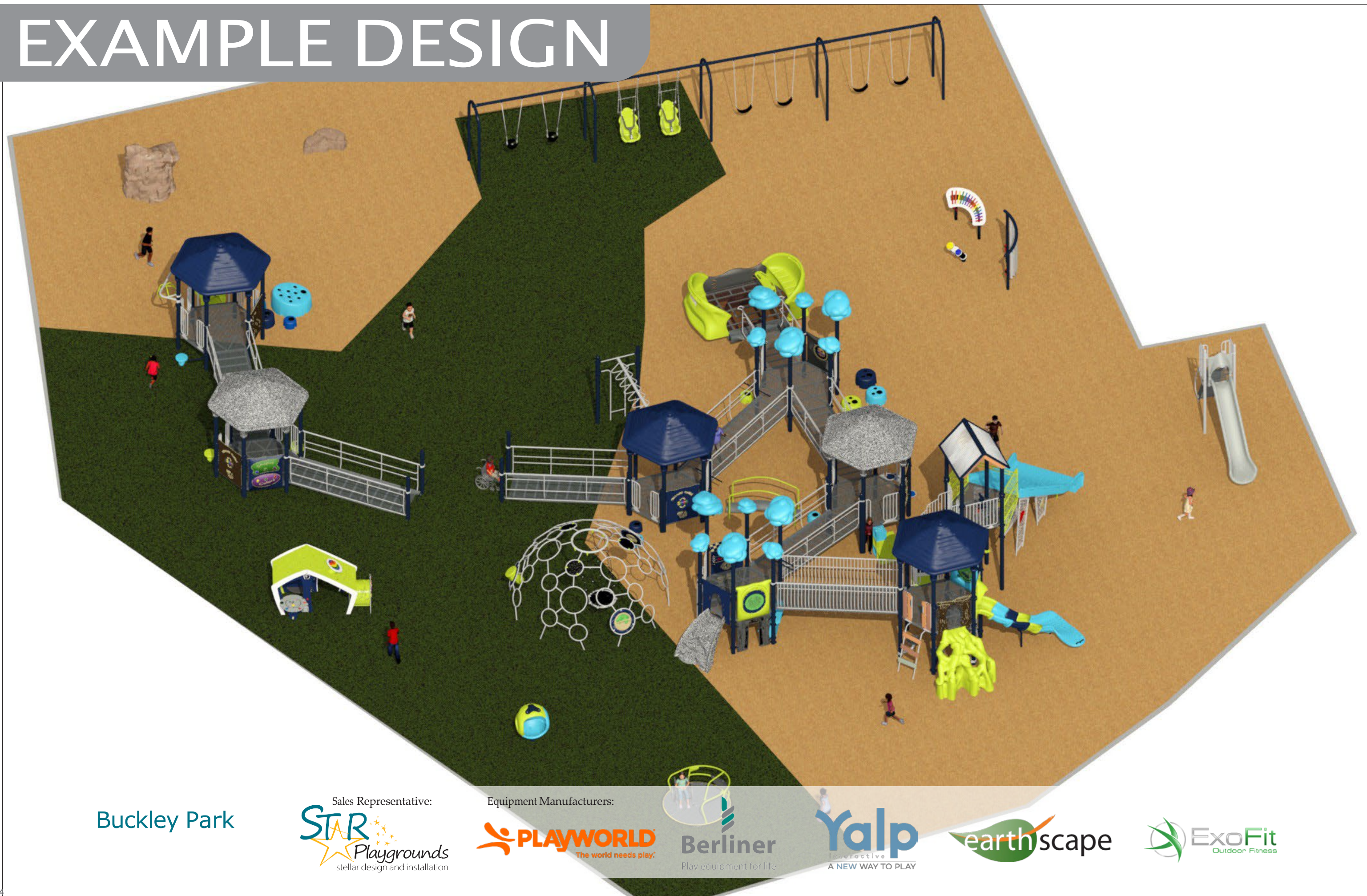
Company	Playground Manufacture	Matrix Score
A to Z	BCI Burke	3.60
Altitude Recreation	GameTime	2.30
Churchich Recreation	Miracle	1.80
Rocky Mountain Recreation	Landscape Structure	3.40
Just Be You Inc.	Playworld	3.70
Summit Recreation	Kompan	3.40

Although several proposals scored high, City Staff is recommending an award to Just Be You Inc. Just Be You Inc. included more detail and focus on the topic of inclusivity, and due to the importance of inclusivity for this playground, this led to the score of their proposal rising above the others.

Net Financial Result

The City of Montrose Parks Division requested qualifications statements from qualified playground equipment manufacturers and/or vendors to design, deliver, and install playground equipment for Buckley Park, as detailed in the Request for Qualification (RFQ). A not to exceed amount for the contractor is \$420,000, and \$475,000 was budgeted in the 2023 budget 100-5150-962-100. The remaining \$55,000 will be used for new concrete curbing and engineered wood fiber safety surfacing around the playground.

EXAMPLE DESIGN



Buckley Park

Sales Representative:
STAR Playgrounds
 stellar design and installation

Equipment Manufacturers:

PLAYWORLD
 The world needs play!

Berliner
 Play equipment for life

Yalp
 Interactive
 A NEW WAY TO PLAY

earthscape

ExoFit
 Outdoor Fitness

EXAMPLE DESIGN



Buckley Park

Sales Representative:
STAR Playgrounds
 stellar design and installation

Equipment Manufacturers:
PLAYWORLD
 The world needs play.

Berliner
 Play equipment for life

Yalp
 interactive
 A NEW WAY TO PLAY

earthscape

ExoFit
 Outdoor Fitness

MEMORANDUM



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: March 7, 2023
RE: Moving Montrose Forward 2023 Street Maintenance Contract Award
CC: William Bell, Shani Wittenberg

Action

Consider the award of a construction contract in the amount of \$2,900,000.00 to Oldcastle SW Group, Inc. (dba United Companies) for completion of the Moving Montrose Forward 2023 Contracted Street Maintenance Project.

Background

Starting in 2018, the City of Montrose developed the *Moving Montrose Forward* (MoveMo) initiative which placed a renewed focus on street maintenance, reducing traffic congestion, and improving pedestrian and vehicular mobility throughout the community. As part of this effort, each year the City hires contractors to perform some of the larger-scale and specialized street maintenance construction activities. This contracted street maintenance work is in addition to typical routine maintenance activities performed by the City's street division of public works.

The City's street maintenance and capital plan is available on the City's MoveMo webpage at www.MoveMo.co. The street maintenance plan identifies how available funds should generally be allocated between the various types of maintenance activities (e.g., surface treatments, mill and overlays, rebuild of failed roadways, etc). Allocation of these funds is geared towards the creation of a comprehensive street-maintenance program focused on striking a balance between maintenance of the better-condition roadways (keeping the "good roads good" and at a lower cost) and eventually restoring those which have experienced failure and are more costly to repair. It should be noted that asset management software and modeling are used to help prioritize appropriate maintenance treatments for the City's roadways and best utilize limited resources.

The City budgeted a record \$4.3M for this year's MoveMo contracted street maintenance efforts. Approximately \$2.9M of this funding is focused on asphalt overlays, mill and overlays, and roadway rebuilds. Streets to receive these treatments under this contract are shown in the attached figure. It should be noted that some of these streets also include aged waterline replacements, curb ramp replacements, and select sidewalk additions where appropriate.

Additional detail on the City's street maintenance program can be found in the street capital and maintenance plan noted above as well as on the Street Maintenance tab of the Moving Montrose Forward webpage at www.MoveMo.co.

Project Bidding

Street maintenance project plans were prepared in-house by the City's engineering department, were put out to bid on January 26th, and were publicly received on February 23, 2023. Bids were received from two contractors as summarized in Table 1 below. It should be noted that these bid totals include a 10% contingency.

TABLE 1		
Summary of Bid Results		
Contractor	Location	Bid Total
Oldcastle (United)	Montrose, CO	\$2,753,147.64
Skip Huston Construction	Montrose, CO	\$2,804,611.04

The City has recent positive experience working with Oldcastle on numerous capital projects. The City's local preference policy would not change the outcome of bidding in this case.

The totals presented in Table 1 are for the project as-bid and are lower than the \$2.9M allocated for this aspect of the 2023 MoveMo street maintenance effort. Because the project is bid as unit rates for all work (e.g., cost per ton of asphalt, square yard of milling, linear foot of curb, etc) it is recommended to expand the scope to maximize the available allocation of \$2.9M. The additional funding would be used to add a mill and overlay of Nevada Avenue south of 5th Street as shown in the attached figure.

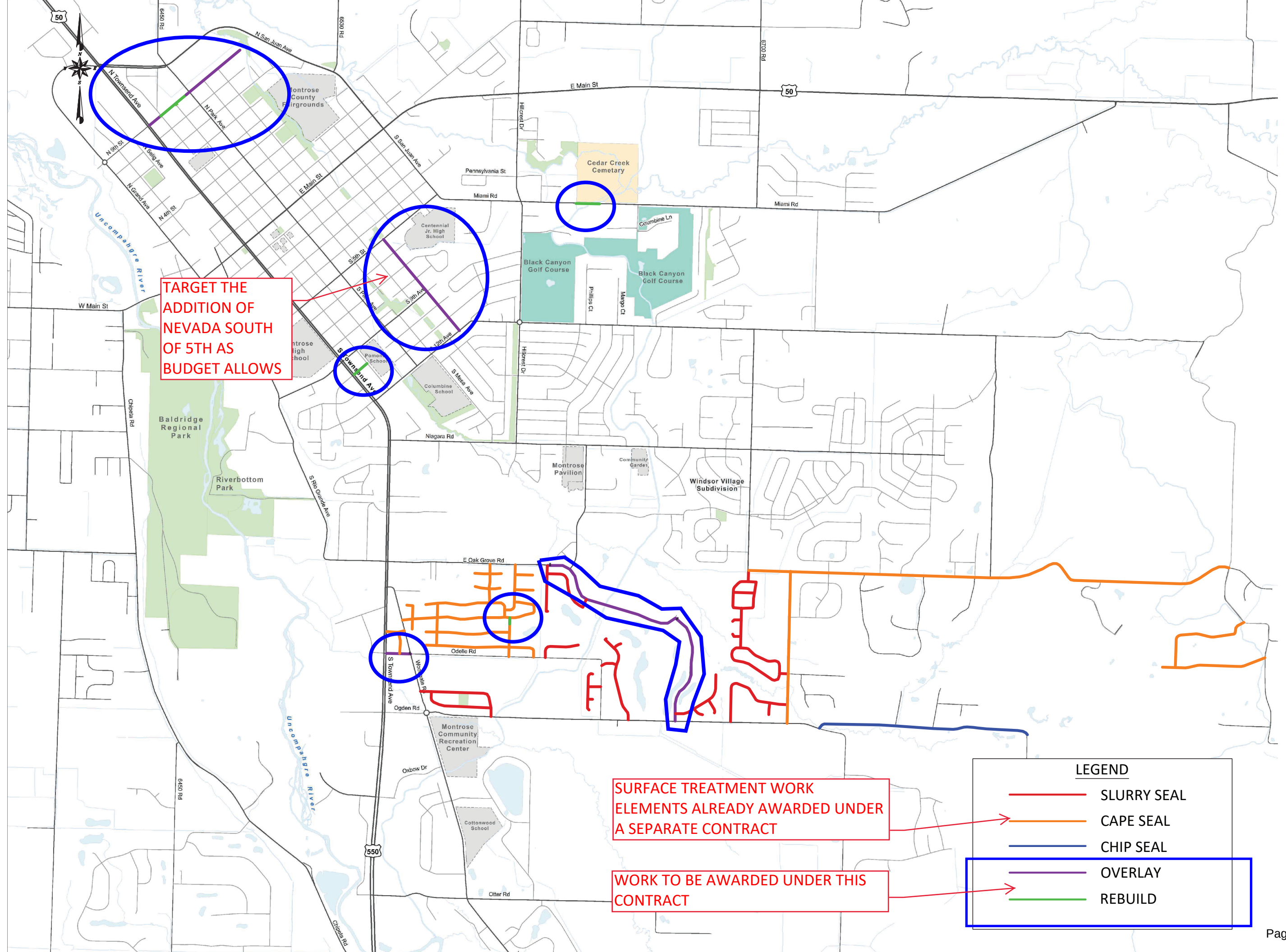
Project Schedule and Traffic Control

The project is scheduled to start April and will extend through the end of October. The nature of the project will require that roadways be closed to through traffic during the work. Access to local businesses and residences will remain available during these closures.

Contract Administration and Project Financials

Contract administration, project management, and construction inspection will be performed by the City of Montrose engineering department.

The total budget for contracted street maintenance in 2023 is \$4.3M which includes surface treatments (awarded previously), this contract, and some targeted sidewalk maintenance and expansion in the northwestern quadrant of the City to be performed under separate contracts. \$200k was also budgeted for waterline replacements on select roadways which will be used to fund the waterline replacements within this contract.



TARGET THE
ADDITION OF
NEVADA SOUTH
OF 5TH AS
BUDGET ALLOWS

SURFACE TREATMENT WORK
ELEMENTS ALREADY AWARDED UNDER
A SEPARATE CONTRACT

WORK TO BE AWARDED UNDER THIS
CONTRACT

LEGEND

SLURRY SEAL

CAPE SEAL

CHIP SEAL

OVERLAY

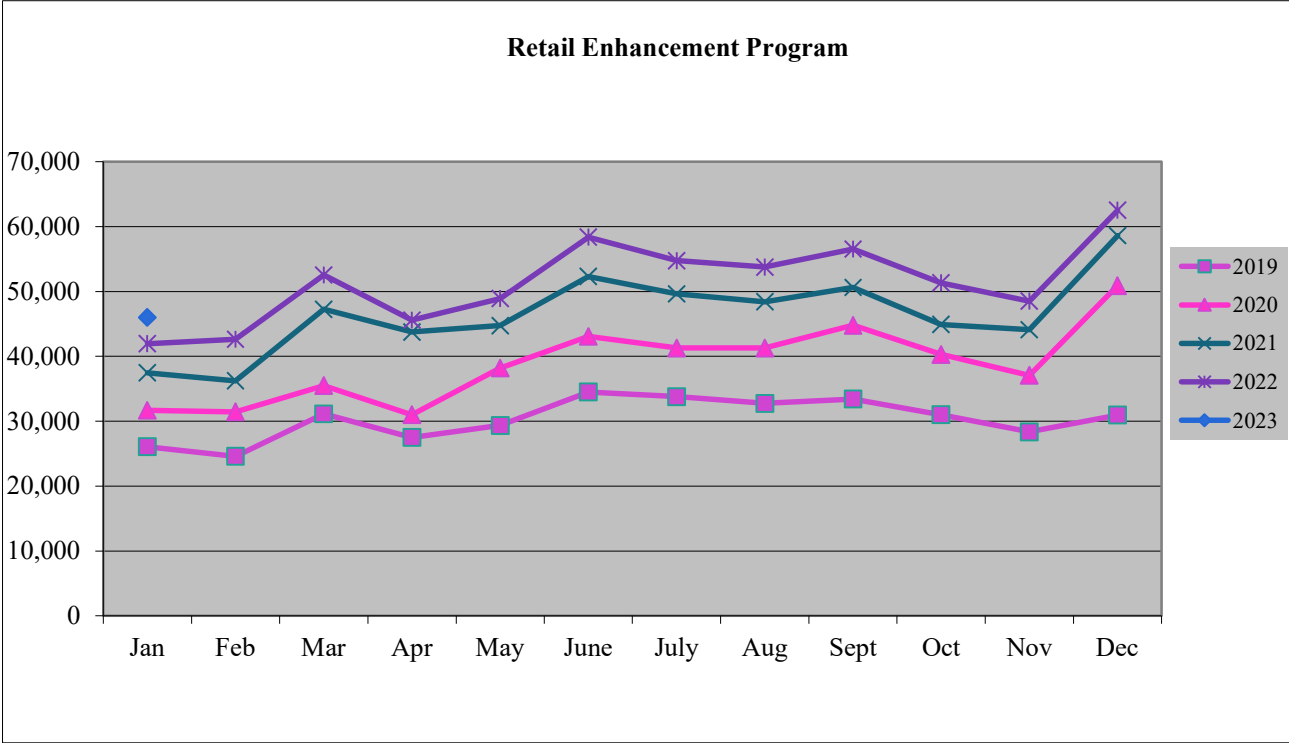
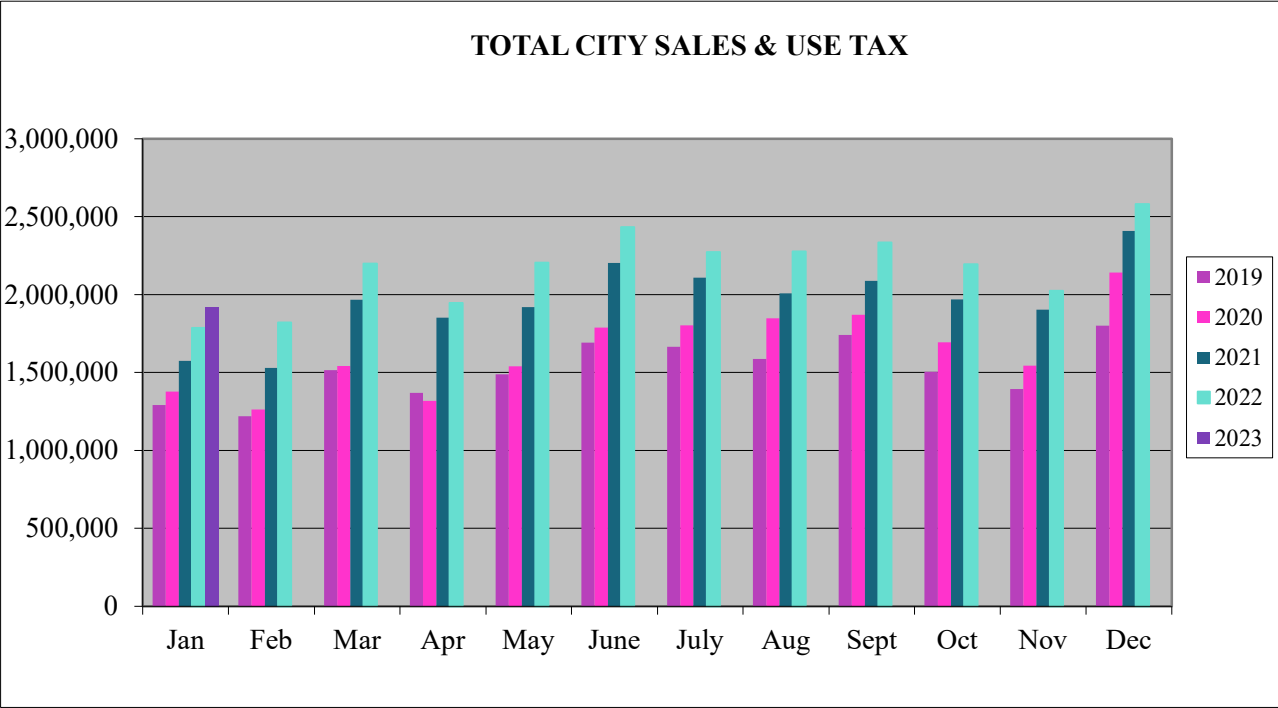
REBUILD

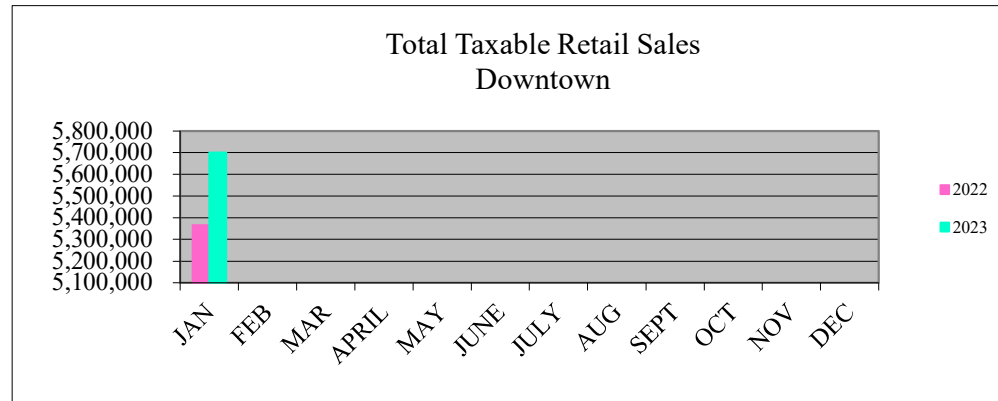
CITY OF MONTROSE
MONTHLY SALES, USE & EXCISE TAX REPORT

Date: March 14, 2023

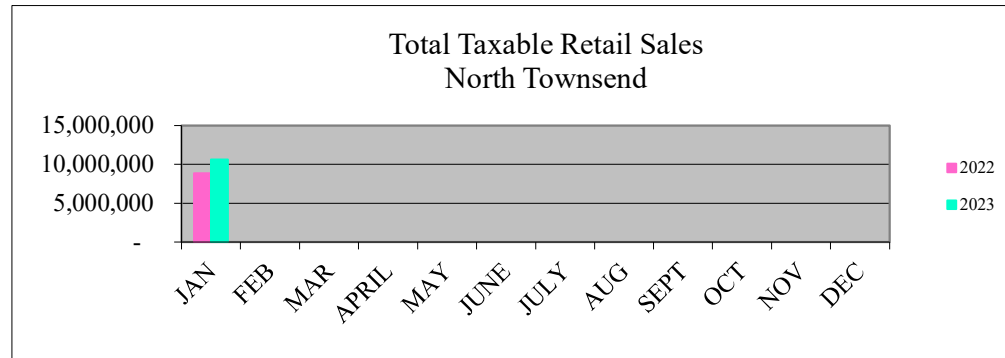
	Retail Sales Tax 3.0%			Construction Use Tax 3.0%			Use & Auto Tax 3.0%			Total Collected Sales and Use Tax			Sales and Use Budget	
	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Budget</i> <i>Budget</i> <i>2023</i>	<i>Variance</i> <i>2023</i>
Month														
Jan	1,781,736	1,577,354	13.0%	30,348	105,404	-71.2%	107,770	103,384	4.2%	1,919,854	1,786,141	7.5%	1,648,056	16.5%
Feb														
Mar														
Apr														
May														
June														
July														
Aug														
Sept														
Oct														
Nov														
Dec														
YTD Total	1,781,736	1,577,354	13.0%	30,348	105,404	-71.2%	107,770	103,384	4.2%	1,919,854	1,786,141	7.5%	1,648,056	16.5%

	PSST Retail Sales Tax 0.58%			PSST Construction Use Tax 0.58%			PSST Use & Auto Tax 0.58%			Total Collected PSST Sales and Use Tax			PSST Budget		Montrose Recreation District 0.3%		
	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Budget</i> <i>Budget</i> <i>2023</i>	<i>Variance</i> <i>2023</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>
Month																	
Jan	344,571	306,061	12.6%	5,867	20,501	-71.4%	20,836	19,988	4.2%	371,274	346,550	7.1%	324,351	14.5%	192,039	179,323	7.1%
Feb																	
Mar																	
Apr																	
May																	
June																	
July																	
Aug																	
Sept																	
Oct																	
Nov																	
Dec*																	
YTD Total	344,571	306,061	12.6%	5,867	20,501	-71.4%	20,836	19,988	4.2%	371,274	346,550	7.1%	324,351	14.5%	192,039	179,323	7.1%

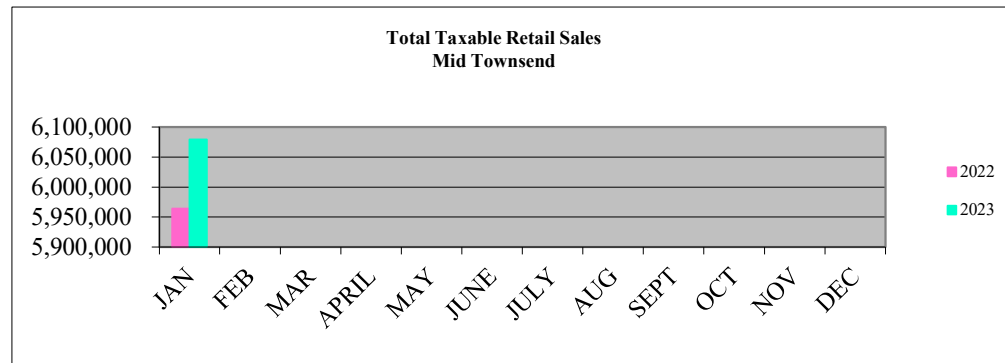




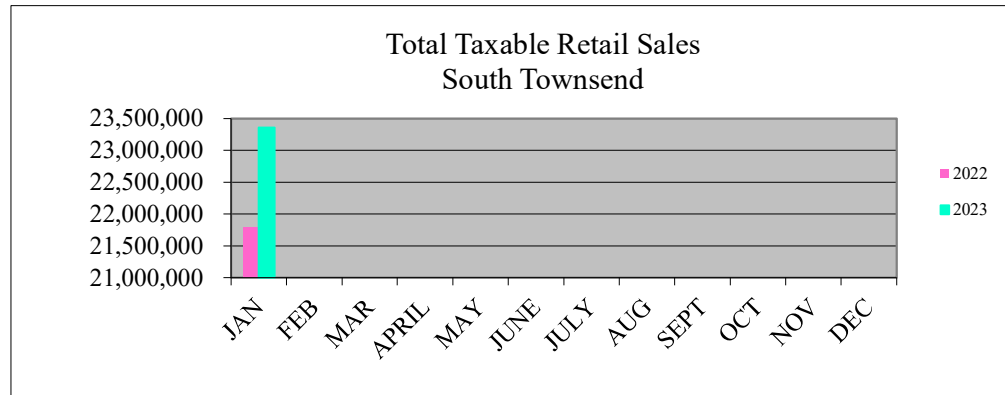
AREA 1: DOWNTOWN BOUNDARY



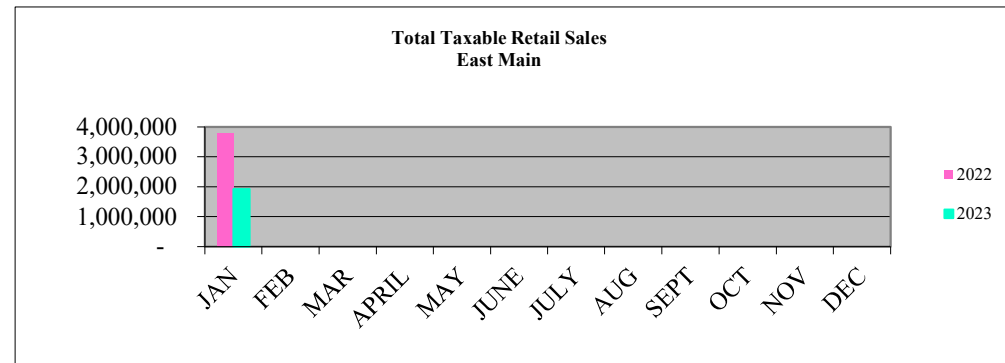
AREA 2: *NORTH CITY LIMIT TO NORTH 2ND STREET



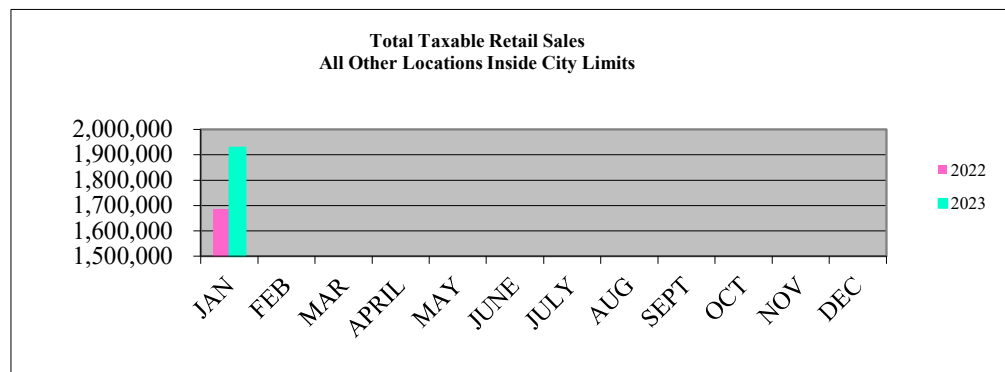
AREA 3: MID TOWNSEND SOUTH 2ND STREET TO E OAK GROVE RD



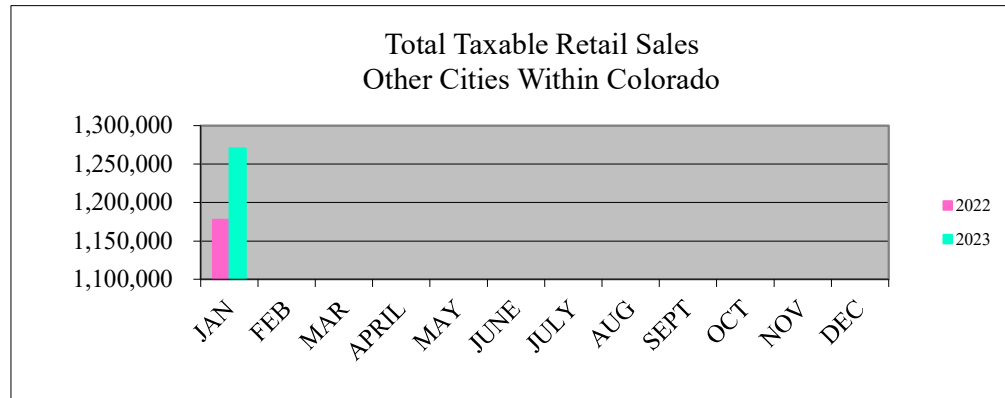
AREA 4: SOUTH TOWNSEND E OAK GROVE RD TO SOUTH CITY LIMIT



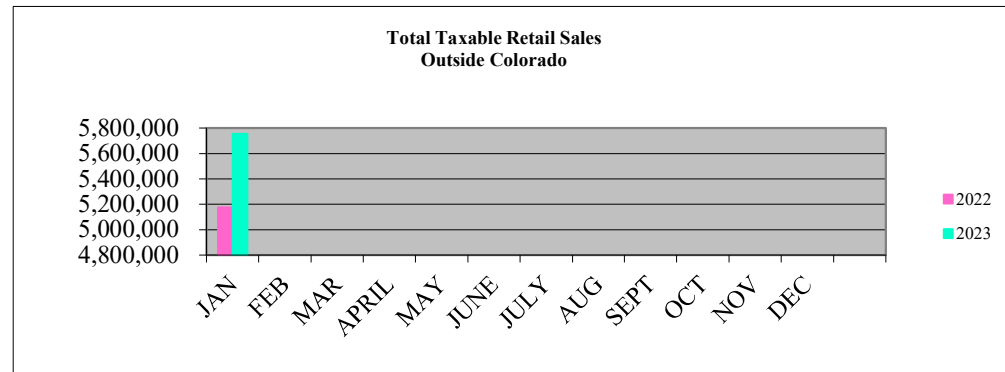
AREA 5: EAST MAIN SAN JUAN AVENUE TO EAST CITY LIMIT



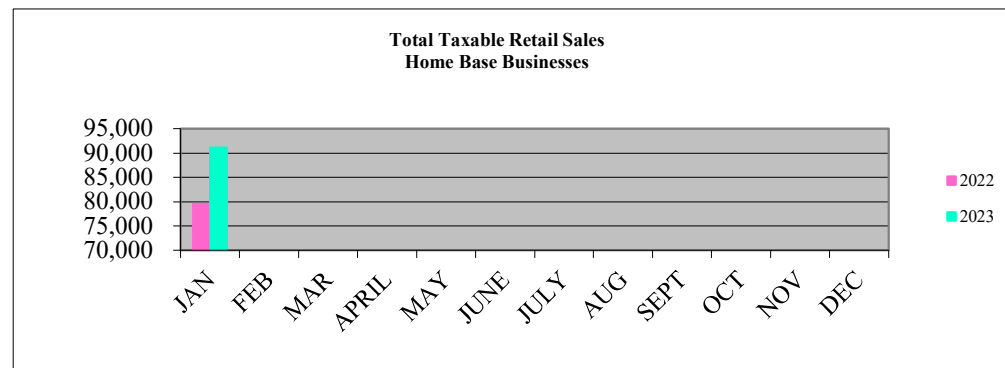
AREA 6: ALL OTHER LOCATIONS INSIDE CITY LIMITS OF MONTROSE



AREA 7: OTHER CITIES WITHIN COLORADO



AREA 8: OUTSIDE COLORADO



AREA 9: HOME BASE BUSINESSES