



REGULAR PLANNING COMMISSION MEETING AGENDA
Wednesday, May 10, 2023 5:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

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

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

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

- 1) Planning Commission meeting called to order
- 2) Roll call by the Planning Commission Chair
- 3) Approval of Minutes of the April 26, 2023 Planning Commission meeting
- 4) Additions or Deletions
- 5) **FIORI DI LENA SUBDIVISION PRELIMINARY PLAT** This is a proposal for a 12-lot residential subdivision located on either side of the planned extension of 6700 Rd. The property is approximately 6.6 acres in size, and is located south of the intersection of Miami Rd and 6700 Rd. The property is zoned "R-1A" Large Estate District.
- 6) Other Business
- 7) Next Meeting will be May 24, 2023
- 8) Motion to Adjourn



**AGENDA DE REUNIONES ORDINARIAS DE LA COMISION
DE PLANEACION**

Miércoles 10 de mayo del 2023 5:00 PM

Despachos del Ayuntamiento, Edificio Cívico Elks - Ave. Cascada Sur #107.

La Comisión de Planeación de Montrose se complace en que los residentes de la comunidad se tomen el tiempo para asistir a las reuniones de la Comisión de Planeación. Alentamos su asistencia y participación. Se alienta a las personas que deseen ser escuchadas durante los procedimientos de audiencia pública a estar preparadas y, por lo general, se limitarán a tres minutos para permitir que todos tengan la oportunidad de ser escuchados. La regla de las 11:00 p.m. se aplicará de acuerdo con el reglamento de la Ciudad de Montrose (Sec. 7-15-2).

Los comentarios adicionales por escrito son bienvenidos. Si desea comentar sobre un tema de la agenda, envíe un correo electrónico a: planningmail@cityofmontrose.org. Los comentarios por escrito deben recibirse antes del mediodía una semana antes de la reunión para ser incluidos en el paquete de la Comisión de Planeación. Después de ese plazo, los comentarios recibidos antes del mediodía del día anterior a la reunión se distribuirán a la Comisión de Planeación el día de la reunión.

Los dispositivos de asistencia auditiva están disponibles para uso del público. Por favor, avísenos si necesita algún otro tipo de asistencia específica. La ciudad también ofrece interpretación para hispanohablantes. Para dar tiempo a reservar este recurso, envíe un correo electrónico a planningmail@ci.montrose.co.us al menos tres días antes de la reunión.

- 1) Se declara abierta la reunión de la comisión de planeación.
- 2) Pase de lista por el presidente de la comisión de planeación.
- 3) Aprobación de las minutas de la reunión de la comisión de planeación del 26 de abril del 2023.
- 4) Adiciones y supresiones.
- 5) **PLANO CATASTRAL PRELIMINAR DE LA SUBDIVISION “FIORI DI LENA”**
Esta es una propuesta para una subdivisión de 12 lotes residenciales ubicada en cualquier lado de la extensión planeada del 6700 Rd. La propiedad es de aproximadamente 6.6 acres de tamaño, y se ubica al sur de la intersección del Miami Rd. y el 6700 Rd.. La propiedad es zonificada como “R-1A” Distrito de Propiedades Grandes.
- 6) Otros asuntos.
- 7) La próxima reunión será el 24 de mayo del 2023.
- 8) Moción de cierre de la sesión.



The Montrose City Planning Commission held a meeting on April 26, 2023 at 5:00 p.m. in the City Council Chambers, Elks Civic Building at 107 S. Cascade Ave. The meeting agenda was posted in accordance with the Colorado Open Meetings Act (C.R.S. §24-6-401, et.seq.).

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

Staff Members Present: Jace Hochwalt (Planning Manager), William Reis (Planner II), Chris Dowsey (Assistant City Attorney), Scott Murphy (City Engineer), Sharon Dunning (Building Services Technician), William Woody (Public Information Officer).

There were 7 members of the public in attendance.

CALL TO ORDER

Vice-Chairperson Chad Huffman called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES

Richard Rogers moved to approve the minutes of the April 12, 2023 meeting as submitted. Jan Chastain seconded, and the motion carried unanimously.

ADDITIONS OR DELETIONS

None.

WOODS CROSSING AMENDED PRELIMINARY PLAT.

This is a proposal for an amendment to the previously approved Woods Crossing Preliminary Plat, which would remove several previously approved residential lots in favor of a 9.15-acre lot on the southeast corner of Sunnyside Road and Hill Street, zoned as "R-2" Low Density District. This application also amends the road network design. The applicant is Leadership Circle, LLC.

Staff Presentation

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

Applicant Presentation

Matt Miles, applicant, came forward to answer questions.

Questions for Applicant and Staff

Planning Commissioners and staff discussed a question about an easement and public access.

Public Hearing

One member of the public came forward with concerns about changes to his street's name.

Discussion

Staff discussed the street name change.

Motion and Vote

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

AIR PARK WAY REZONE.

This is a proposal for a rezone of a 0.14-acre portion of the property at 2370 Air Park Way. The property is currently undergoing a boundary line adjustment, and the transferred acreage is being rezoned from "I-2" General Industrial District to "B-3" General Commercial District in order to avoid being split-zoned. Applicant S&J Development, LLC.

Staff Presentation

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

Jace pointed out the incorrect information on the agenda where it reads the change is from B-3 to I-2 rather than I-2 to B-3.

Applicant Presentation

Scott Stryker, applicant, came forward to describe his project and answer any questions.

Questions for Applicant and Staff

Planning Commissioners and staff discussed the size of the boundary adjustment.

Public Hearing

No one from the audience came forward to speak.

Discussion

None.

Motion and Vote

Jan Chastain moved to recommend approval of the rezone request of the Air Park Way Rezone to "B-3" General Commercial District. The request meets the Code criteria based on the evidence and testimony

presented at this hearing and in the staff report. Richard Rogers seconded, and the motion carried unanimously.

OTHER BUSINESS

There will be a housing needs assessment open house on Monday.

NEXT MEETING

The next Planning Commission meeting is scheduled for May 10, 2023.

PUBLIC COMMENT

None.

ADJOURNMENT

Richard Rogers moved to adjourn the meeting. Jan Chastain seconded, and the meeting ended at 5:24 p.m.

CHAIRPERSON

ATTEST



CITY OF MONTROSE
Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner II
DATE: May 10, 2023
RE: Fiori di Lena Subdivision Preliminary Plat

ATTACHMENTS

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

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

Applicant: Ben and Paul DeJulio and City of Montrose

Planning Commission Consideration:

The Planning Commission shall make a recommendation to City Council to approve, deny, or approve with conditions the Fiori di Lena Subdivision Preliminary Plat. The Planning Commission will consider all of the information in this memo in making a decision.

Application Background:

The Fiori di Lena Subdivision is a proposed residential development located on either side of the proposed extension of 6700 Rd, south of the intersection of Miami Rd and 6700 Rd. The property is approximately 6.6 acres in size, and is zoned "R-1A" Large Estate District. This subdivision will include 12 residential lots.

The hearing before City Council to approve or deny the Preliminary Plat is scheduled for Jun 6, 2023. A Final Plat will also be required within five (5) years of approval of this Preliminary Plat (City of Montrose Municipal Code, Section 4-7-5(C) (1) (a)).



Staff Analysis:

1. Subdivision Application Details & Review Standards:

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

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

2. The Comprehensive Plan Future Land Use Map designates the area as Residential Mixed Density Low. This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City. 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:

- Municipal Code, Section 4-4-5 Intent: The "R-1A Large Estate District is intended to provide an area of large single-family residential lots with a semi-rural environment.
- The proposed residential use is a use-by-right in these zoning districts. The current zoning is compatible with general conditions in the area. The property is adjacent to properties that are zoned "R-1A" Large Estate District, "R-2" Low Density District, "R-3A" Medium High Density District, "P" Public District, and properties outside of City limits.



4. The Fiori di Lena Subdivision Preliminary Plat does not appear to be adverse to the public health, safety and welfare and is in compliance with the City's Subdivision Regulations.

Planning Commission Action:

The Planning Commission shall make a recommendation to City Council to approve, deny, or approve with conditions the Fiori di Lena Subdivision Preliminary Plat. The Planning Commission may also continue the item. Proposed motions for Planning Commission consideration are included below.

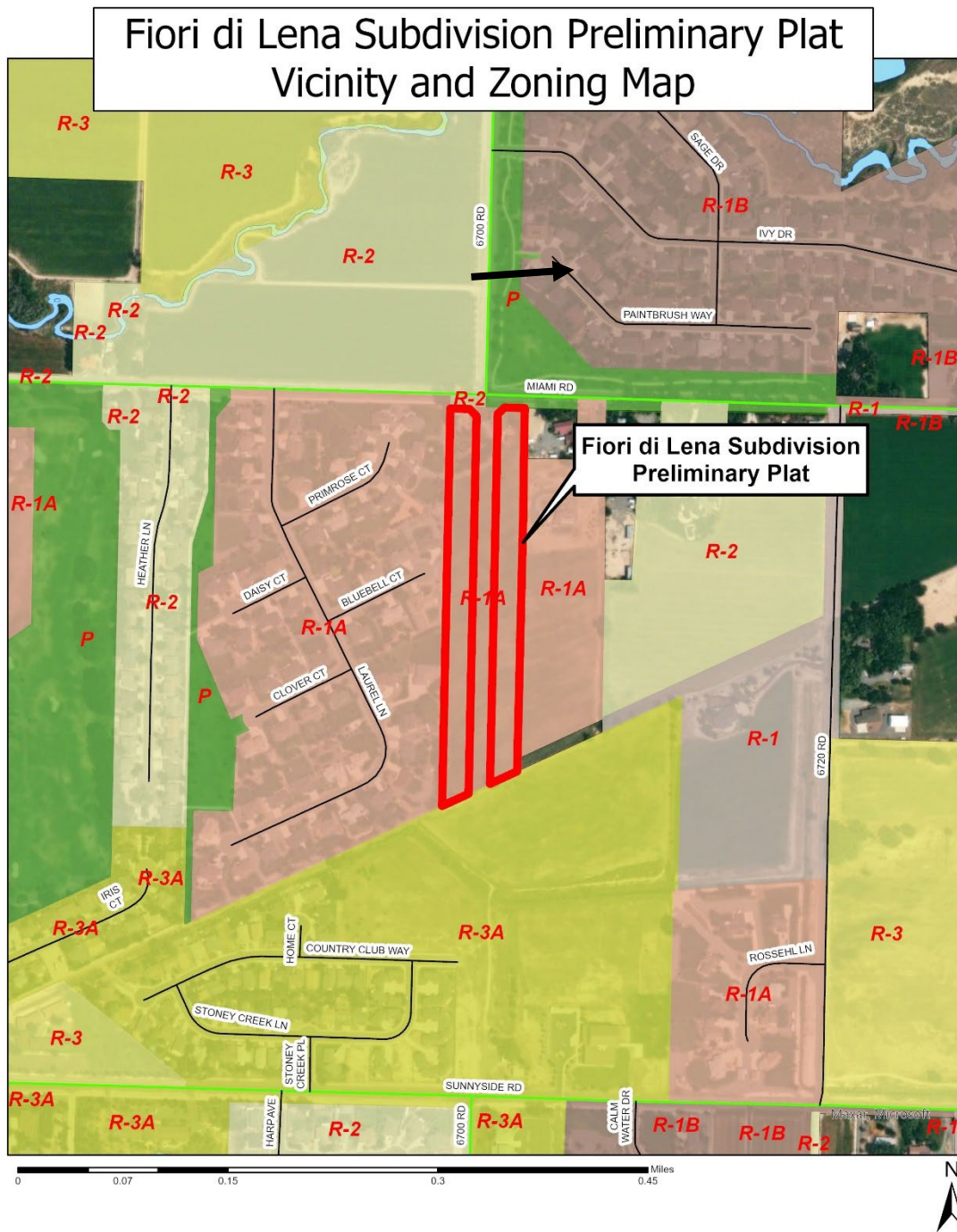
Planning Commission Recommendation Alternatives for Preliminary Plat:

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

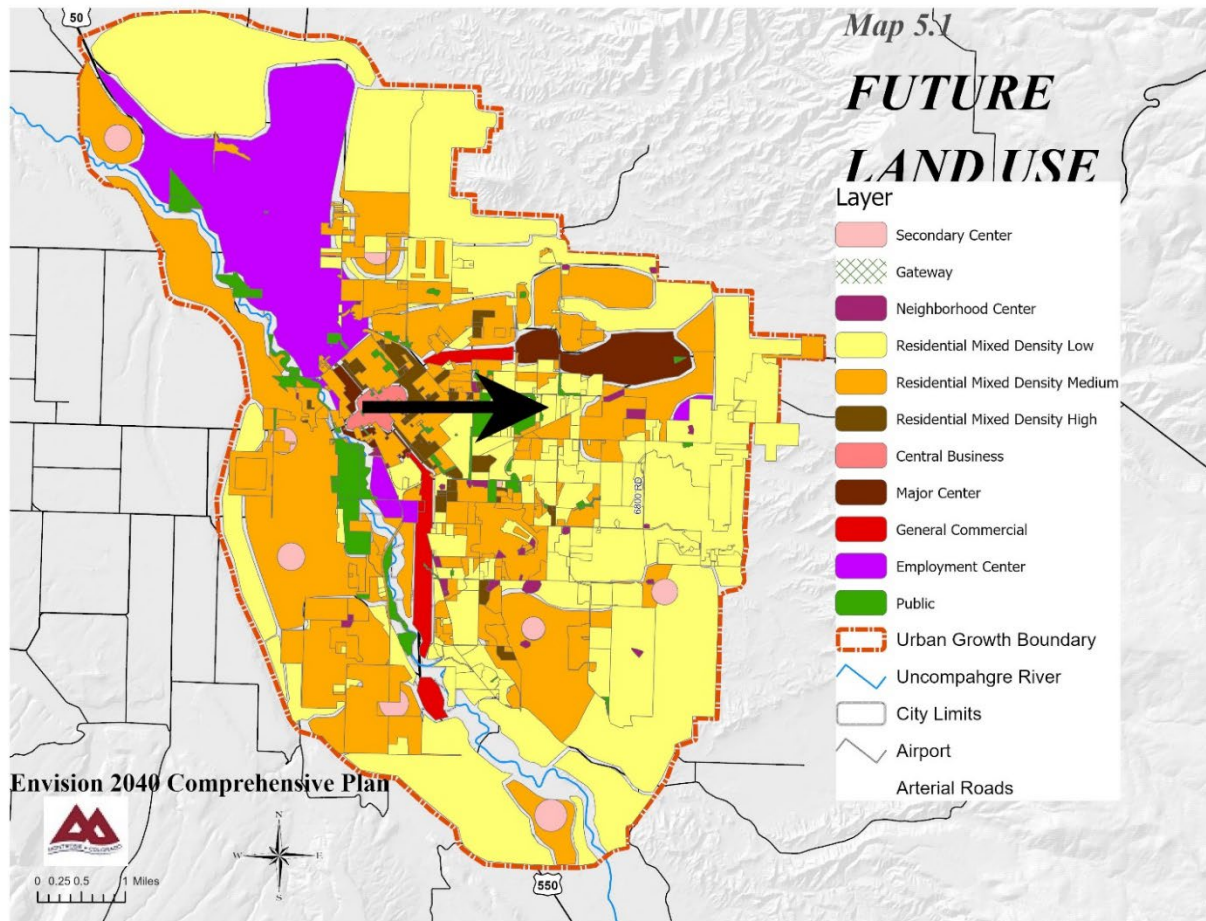
Denial Motion: "I hereby make a motion to recommend to City Council denial of the Preliminary Plat application. The application does not meet the Code criteria based on evidence and testimony presented at this hearing and in the staff report."



EXHIBIT A: Area Maps
Vicinity and Zoning Map



Comprehensive Plan Future Land Use Map



FIORI DI LENA SUBDIVISION

PRELIMINARY PLAT

SITUATED IN SECTIONS 25 & 26, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



VICINITY MAP
N.T.S.

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, Paul Kosnik, an attorney at Law, duly licensed to practice in Colorado, do hereby certify that I have examined Title Policy No. 598-F0713757-397-DGO, issued by Fidelity National Title Company, and dated January 19, 2022 (the "Title Policy"), which applies 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
Atty. Reg. No. _____
Date: _____

CERTIFICATE OF COMPLETED IMPROVEMENTS

I, Scott Murphy, 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 has been issued, as required by the City's Municipal Code.

City Engineer
Registration No. _____
Date: _____

APPROVAL OF CITY MANAGER

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

City Manager

APPROVAL OF CITY ATTORNEY

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

City Attorney
Atty. Reg. No. _____

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

PLAT NOTES:

- Covenants, conditions, and agreements presented in the 6700 DeJulio Addition Annexation and Development Agreement recorded as Reception No. 953429 shall run with the land on this plat.
- With the exception of the following variations or exceptions and/or as otherwise expressly approved by the City, any future development of Fiori Di Lena shall be performed in accordance with applicable City standards and specifications, subdivision regulations, and any other applicable local, state, or federal regulations in place at the time of development. The following variations and exceptions to the Land Use Code are agreed upon:
 - A minimum lot depth of no less than 90 feet shall be allowed. This minimum lot depth allowance shall be vested pursuant to Colorado Revised Statutes Title 24-68-103(1) in perpetuity.
 - A minimum front setback of no less than 20 feet shall be allowed. This minimum setback allowance shall be vested pursuant to Colorado Revised Statutes Title 24-68-103(1) in perpetuity.
 - Only one shared driveway access to 6700 Road shall be allowed for every two platted lots. Driveways shall be configured with a turnaround area as to avoid the need for vehicles to back onto 6700 Road.
- Each individual lot within the Fiori Di Lena Subdivision shall provide on-site retention and infiltration of stormwater and/or be graded as to discharge stormwater to the 6700 Road right of way and storm drainage system..
- Money in lieu of School Land Dedication
All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to § 4-7-7(C)(7) of the Municipal Code. Payments shall be made to the City, to be later disbursed to the RE-1J School District.
- Money in lieu of Park Land Dedication
All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of park land dedication, at the time of issuance of building permit relative to improvements upon said lot. The payment of money in lieu of park land dedication is subject to §4-7-7(C)(4) of the Municipal Code.
- Irrigation Easements
The irrigation easement(s) shown hereon shall be maintained by the owner of lots encumbered by the irrigation easement and shall not be impeded or altered in any way so as to impact the historic delivery of water, unless otherwise agreed by all owners of interest in said easements or any water rights associated therewith. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any irrigation pipelines, improvements or ditches as located within said easements. Upon failure to properly maintain the irrigation easement(s) shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owner(s), and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

- Driveway/Right-of-Way Reciprocal Access Easements
The Owner(s) denoted on the CERTIFICATE OF DEDICATION AND OWNERSHIP, hereon, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to the respective lot owners in the Fiori Di Lena Subdivision, their respective heirs, successors and assigns, a perpetual and reciprocal right-of-way easement, over said portions so selected and reserved for use as driveways for ingress and egress. These reciprocal easements shall be appurtenant to each of the two lots adjoining reciprocal access easement in Fiori Di Lena, which right shall run with the land, and shall be a benefit and a burden to each of the said adjoining lots, their owners, and all parties claiming by, through, or under them.
- Driveway Maintenance
Any driveways jointly owned by the owners of more than one division of real property located in the Fiori Di Lena subdivision, or 2) subject to a reciprocal driveway use or access agreement or plat note, shall be jointly responsible for the maintenance of said driveways, unless said maintenance responsibilities are addressed by this subdivision's Covenants Conditions and Restrictions, if any, filed with the Montrose County Clerk and Recorder's Office for the County of Montrose, Colorado, in which case said driveway maintenance shall be as set forth in said Covenants Conditions and Restrictions. This provision shall run with the land in the Fiori Di Lena subdivision, and shall be a benefit and a burden to the owners of all lots final platted thereon, and shall be applicable to said owners, their successors, heirs, and assigns, and all parties claiming by through or under them.
- Final Plat Conditional Approval
The approval of the Fiori Di Lena final plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met, and that the Applicant adequately addresses all of staff's concerns.

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 January 19,2022, bearing policy number 598-F0713757-397-DGO.

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 between the 1/4 corner common to Sections 25 & 26, Township 49 North, Range 9 West, New Mexico Principal Meridian, and the found 1 1/2" aluminum cap at the Southeast corner of said Section 26 bears S01°13'53"W (Colorado South Modified State Plane Coordinates)

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 and Outlot B, 6700 Road Right of Way An Official Act of the City of Montrose, Reception No. 953434, Montrose County Records

Have by these presents laid out, platted and subdivided into lots, as shown on this plat, under the name and style of FIORI DI LENA SUBDIVISION.

The utility 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____.

Ben DeJulio

STATE OF COLORADO)

)ss.

COUNTY OF MONTROSE)

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

Witness my hand and official seal.

My commission expires _____

Notary

Executed this _____ day of _____, 20____.

Paul DeJulio

STATE OF COLORADO)

)ss.

COUNTY OF MONTROSE)

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

Witness my hand and official seal.

My commission expires _____

Notary

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 _____
Barbara Bynum

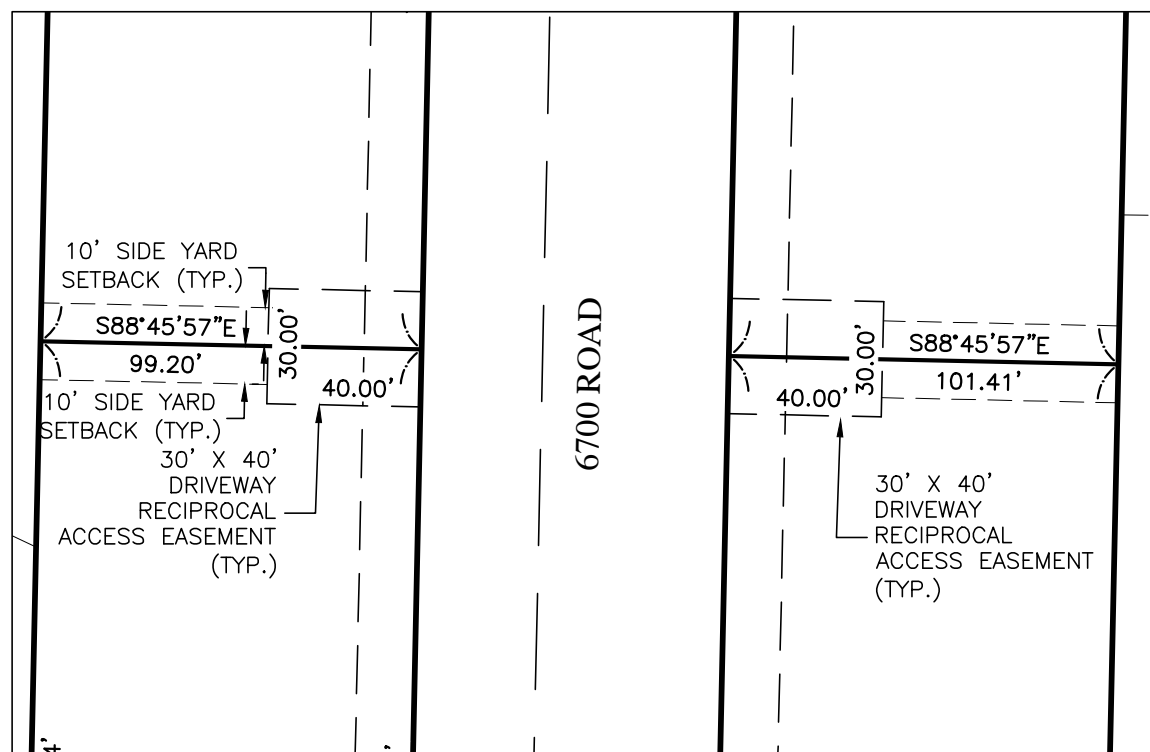
NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of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

DMC		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 132 Colorado Ave. • Montrose, CO 81401 • (970) 240-2251 • (970) 240-2242 FAX www.del-mont.com • service@del-mont.com	
FIELD BOOK: 897	DRAWING: DCC	DATE: 2023-04-19	TITLE: FIORI DI LENA SUBDIVISION
SHEET: 1 of 2	FILE: 22082V_PLAT-PRE	JOB NO.: 22082	CLIENT: CITY OF MONTROSE
			ADDRESS & PHONE: 433 S 1ST STREET MONTROSE, CO 81401 970-240-1400
			TYPE: PRELIMINARY PLAT

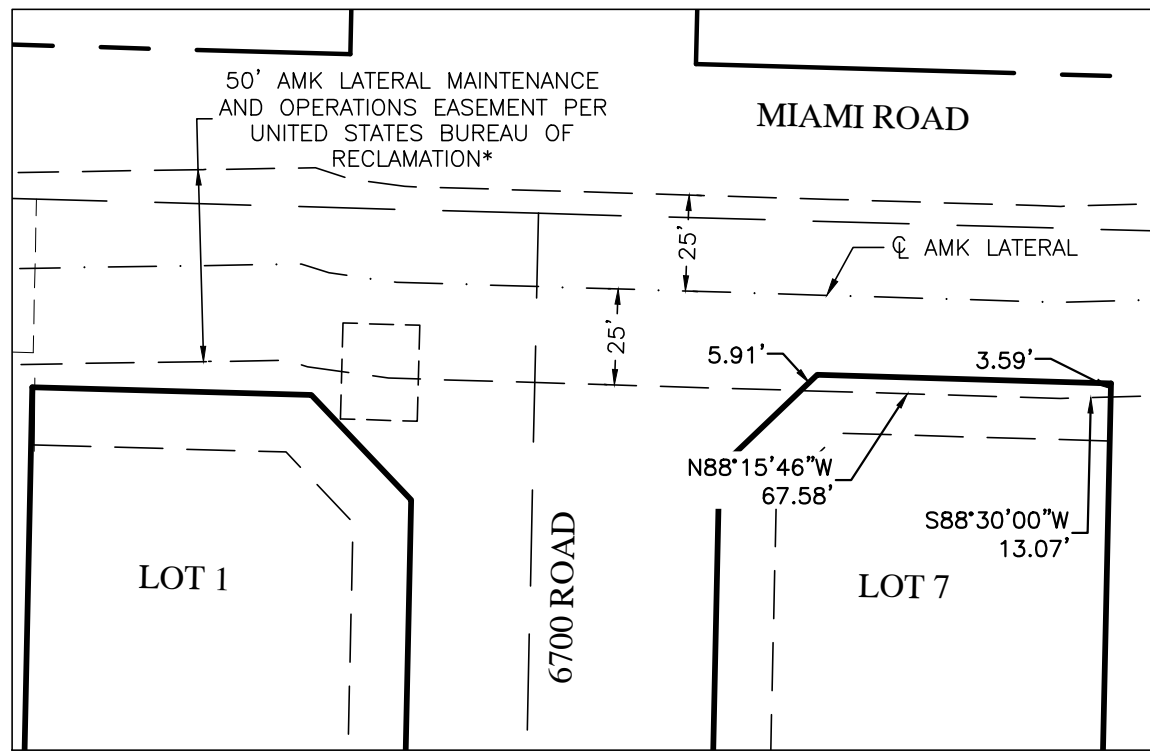
FIORI DI LENA SUBDIVISION

PRELIMINARY PLAT

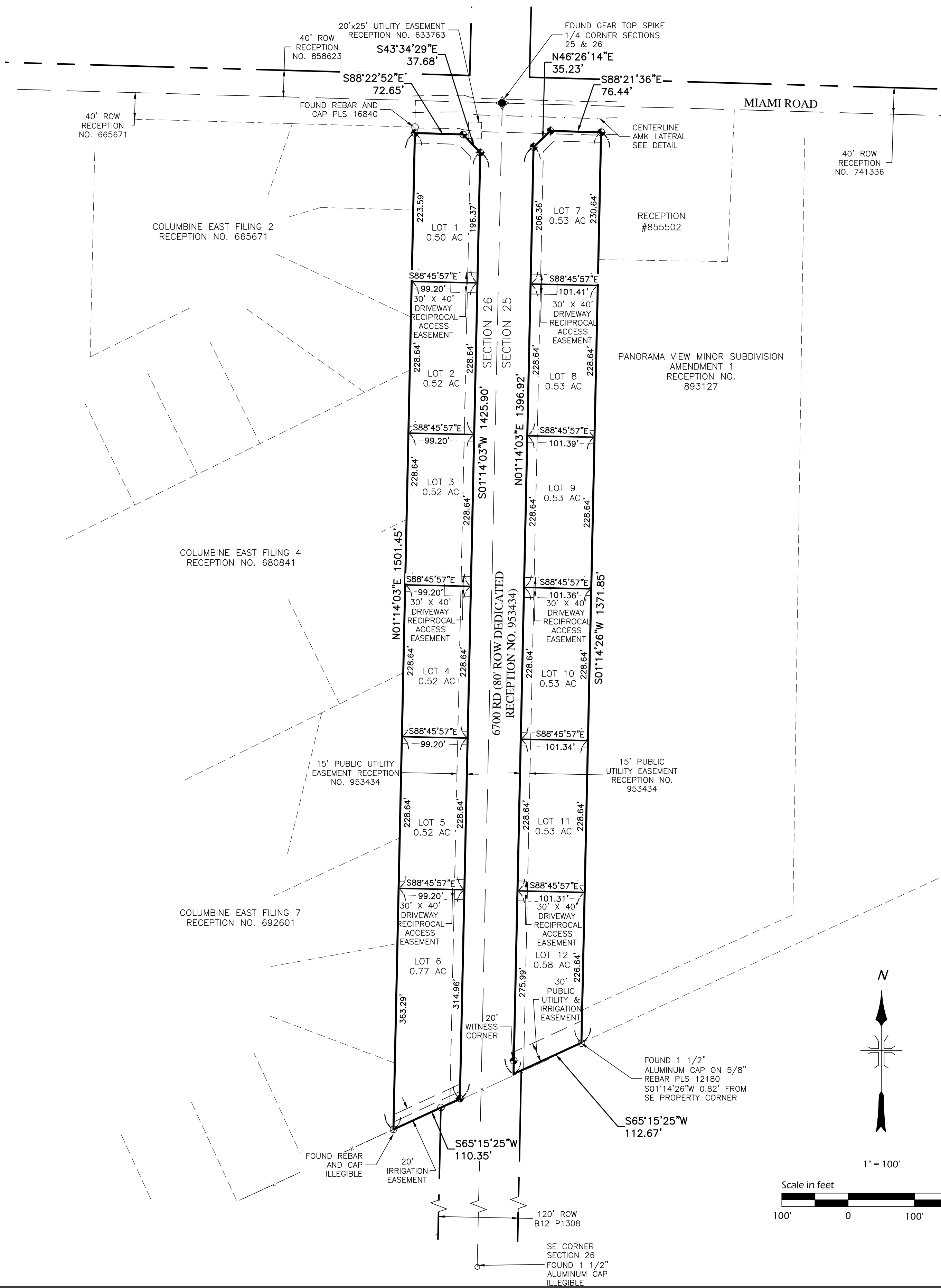
SITUATED IN SECTIONS 25 & 26, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



DETAIL
1" = 50'



AMK LATERAL DETAIL
1" = 50'



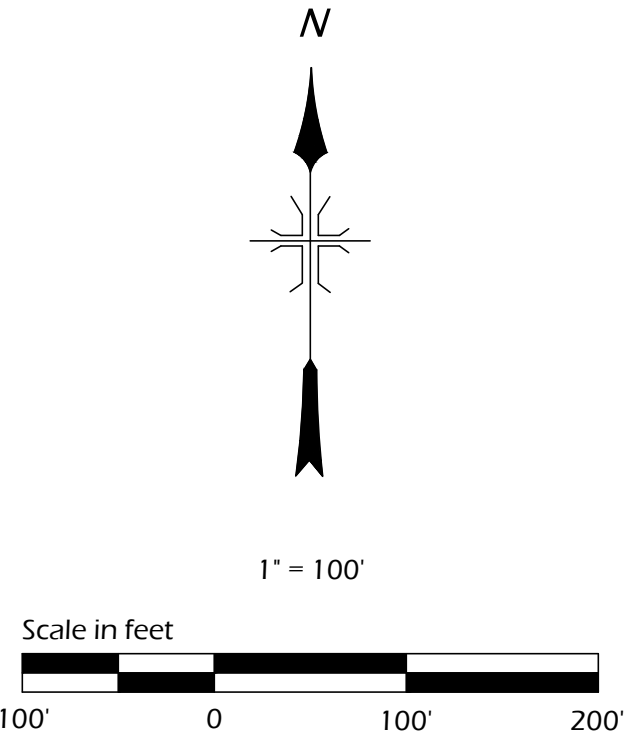
LEGEND

- ◆ = FOUND 5/8" REBAR & 1 1/2" ALUMINUM CAP (P.L.S. 37690)
- = SET 5/8"x18" REBAR W/ 1 1/2" ALUMINUM CAP (P.L.S. 37690)

* NOTE: PLACEMENT OF ANY INFRASTRUCTURE WITHIN AMK LATERAL EASEMENT SHALL REQUIRE PERMITTING/ LICENSING WITH THE UNITED STATES BUREAU OF RECLAMATION

NOTE: THE UTILITY EASEMENT RECORDED AT RECEPTION NO. 848242 HAS BEEN RELEASED PER RECEPTION NO. 960053.

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: 897				DRAWN BY: DCC		DATE: 2023-04-19		TITLE: FIORI DI LENA SUBDIVISION	
SHEET: 2 of 2				FILE: 22082V_PLAT-PRE		JOB NO.: 22082		CLIENT: CITY OF MONTROSE	
								ADDRESS & PHONE: 433 S 1ST STREET MONTROSE, CO 81401 970-240-1400	
								TYPE: PRELIMINARY PLAT	

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 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.

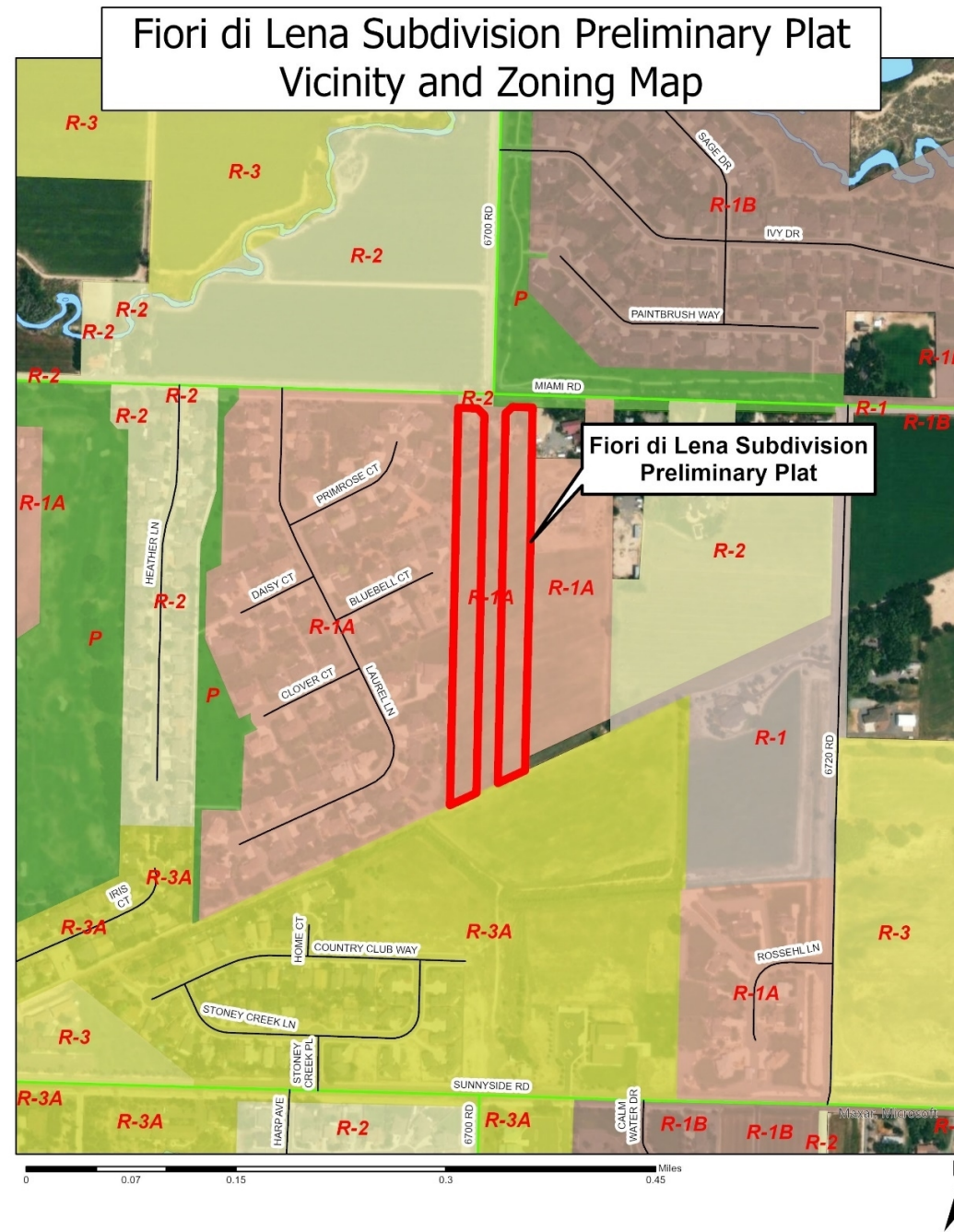
(Code 2012, § 4-7-5; Ord. No. 2062 , 6-2-2005; Ord. No. 2092 , 11-17-2005; Ord. No. 2173 , 11-15-2007; Ord. No. 2229 , 11-5-2009)





Project Background

- Project site: 6.6 acres
- Zoned “R-1A” Large Estate District
- 12 single-family lots

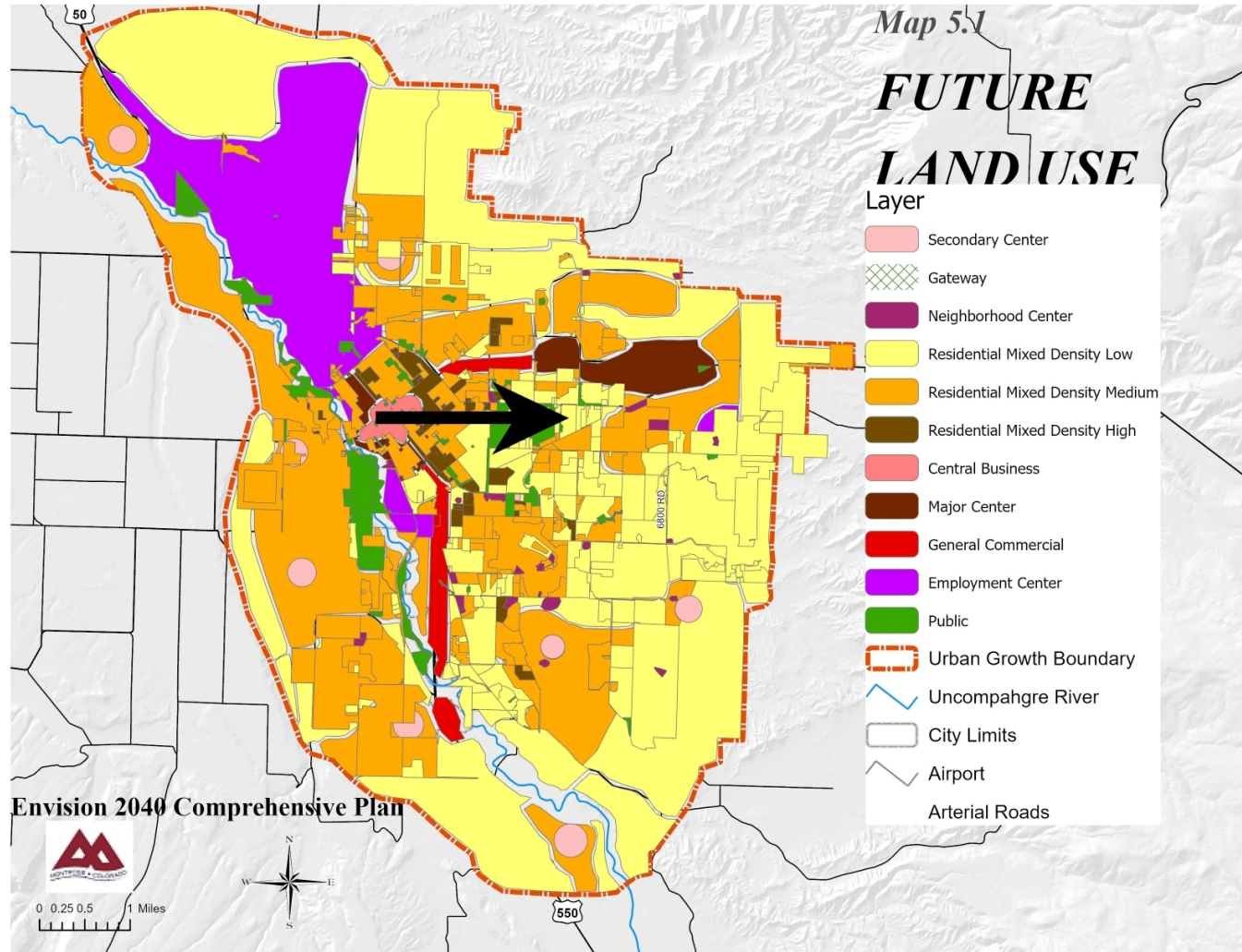


Subdivision and Amended PD Process



Comprehensive Plan – Land Use Chapter 3

Listed as **Residential Mixed Density Low** in the future land use map. This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units.



Zoning Regulations

- Municipal Code, Section 4-4-5(A) Intent: The “R-1A” Large Estate District is intended to provide an area of large single-family residential lots with a semi-rural environment.
- The current zoning is compatible with general conditions in the area. The property is adjacent to properties that are zoned “R-1A” Large Estate District, “R-2” Low Density District, “R-3A” Medium High Density District, “P” Public District, and agricultural (outside City limits).

FIORI DI LENA SUBDIVISION

PRELIMINARY PLAT

SITUATED IN SECTIONS 25 & 26, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



VICINITY MAP
N.T.S.

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:

Outlet A and Outlet B, 6700 Road Right of Way An Official Act of the City of Montrose, Reception No. 953434, Montrose County Records

have by these presents laid out, platted and subdivided into lots, as shown on this plat, under the name and style of FIORI DI LENA SUBDIVISION.

The utility 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 CTV lines, public irrigation and discharge easements specifically listed 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____.

Ben DeJulio

STATE OF COLORADO)
) ss.
COUNTY OF MONTROSE)

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

Witness my hand and official seal.

My commission expires _____.

Notary

Executed this _____ day of _____, 20____.

Paul DeJulio

STATE OF COLORADO)
) ss.
COUNTY OF MONTROSE)

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

Witness my hand and official seal.

My commission expires _____.

Notary

PLAT NOTES:

1. Covenants, conditions, and agreements presented in the 6700 DeJulio Addition Annexation and Development Agreement recorded as Reception No. 953429 shall run with the land on this plat.

2. With the exception of the following variations or exceptions and/or as otherwise expressly approved by the City, any future development of Fiori Di Lena shall be performed in accordance with applicable City standards and specifications, subdivision regulations, and any other applicable local, state, or federal regulations in place at the time of development. The following variations and exceptions to the Land Use Code are agreed upon:

- A minimum lot depth of no less than 90 feet shall be allowed. This minimum lot depth allowance shall be vested pursuant to Colorado Revised Statutes Title 24-68-103(1) in perpetuity.
- A minimum front setback of no less than 20 feet shall be allowed. This minimum setback allowance shall be vested pursuant to Colorado Revised Statutes Title 24-68-103(1) in perpetuity.
- Only one shared driveway access to 6700 Road shall be allowed for every two platted lots. Driveways shall be configured with a turnaround area as to avoid the need for vehicles to back onto 6700 Road.

3. Each individual lot within the Fiori Di Lena Subdivision shall provide on-site retention and infiltration of stormwater and/or be graded as to discharge stormwater to the 6700 Road right of way and storm drainage system.

4. Money in lieu of School Land Dedication

All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to § 4-7-7(C)(7) of the Municipal Code. Payments shall be made to the City, to be later disbursed to the NE-1/2 School District.

5. Money in lieu of Park Land Dedication

All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of park land dedication, at the time of issuance of building permit, relative to improvements upon said lot. The payment of money in lieu of park land dedication is subject to § 4-7-7(C)(4) of the Municipal Code.

6. Irrigation Easements

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

7. Driveway/Right-of-Way Reciprocal Access Easements

The Owner(s) denoted on the CERTIFICATE OF DEDICATION AND OWNERSHIP, herein, for and in consideration of \$EN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to the respective lot owner(s) in the Fiori Di Lena Subdivision, their respective heirs, successors and assigns, a perpetual and reciprocal right-of-way easement, over said portions so selected and reserved for use as driveways for ingress and egress. These reciprocal easements shall be appurtenant to each of the two lots adjoining reciprocal access easement in Fiori Di Lena, which right shall run with the land, and shall be a benefit and a burden to each of the said adjoining lots, their owners, and all parties claiming by, through, or under them.

8. Driveway Maintenance

Any driveway jointly owned by the owners of more than one division of real property located in the Fiori Di Lena subdivision, or 2) subject to a reciprocal driveway use or access agreement or plat note, shall be jointly responsible for the maintenance of said driveways, unless said maintenance responsibilities are addressed by this subdivision's Covenants Conditions and Restrictions, if any, filed with the Montrose County Clerk and Recorder's Office for the County of Montrose, Colorado, in which case said driveway maintenance shall be as set forth in said Covenants Conditions and Restrictions. This provision shall run with the land in the Fiori Di Lena subdivision, and shall be a benefit and a burden to the owners of all lots final platted thereon, and shall be applicable to said owners, their successors, heirs, and assigns, and all parties claiming by through or under them.

9. Final Plat Conditional Approval

The approval of the Fiori Di Lena final plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met, and that the Applicant adequately addresses all of staff's concerns.

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 herein 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 risk is permitted by said statute to be provided to the client by the title commitment issued by Fidelity National Title Insurance Company, dated January 19, 2022, bearing policy number 598-70713757-397-000.

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 between the 1/4 corner common to Sections 25 & 26, Township 49 North, Range 9 West, New Mexico Principal Meridian, and the found 1 1/2" aluminum cap at the Southeast corner of said Section 26 bears S01°13'53"W (Colorado South Modified State Plane Coordinates).

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 herein.

ENGINEER'S CERTIFICATE

I, David Schleidt, 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 herein. 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. Schleidt, P.E.
Registration No. 47185
Date: _____

ATTORNEY'S CERTIFICATE

I, Paul Kowik, an attorney at law, duly licensed to practice in Colorado, do hereby certify that I have examined Title Policy No. 598-70713757-397-000, issued by Fidelity National Title Company, and dated January 19, 2022 (the "Title Policy"), which applies 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 Dedication, and that the title to the Land dedicated herein, 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
Atty. Reg. No. _____
Date: _____

CERTIFICATE OF COMPLETED IMPROVEMENTS

I, Scott Murphy, 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 has been issued, as required by the City's Municipal Code.

City Engineer
Registration No. _____
Date: _____

APPROVAL OF CITY MANAGER

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

City Manager

APPROVAL OF CITY ATTORNEY

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

City Attorney
Atty. Reg. No. _____

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

APPROVAL OF PRELIMINARY PLAT

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

City Attorney _____ Date _____
Ben Morris

City Planning Commission Chair _____ Date _____
David Fisherling

City Mayor _____ Date _____
Barbara Byrum

DMC DEL-MONT CONSULTANTS, INC. 310 G ST S.E. SUITE 1100 • MONTROSE, CO 81401 PHONE: 970-240-1400 • FAX: 970-240-1401 • WWW.DELMONT.COM			
FILE NO.	897	PROJECT	DCC
DRAWN BY	1 of 2	DATE	2023-04-19
CHECKED BY		DATE	22082
22082V PLAT-PRE			

F.I.C. FIORI DI LENA
SUBDIVISION

CITY OF MONTROSE

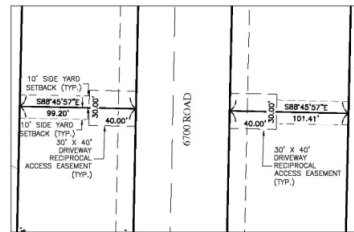
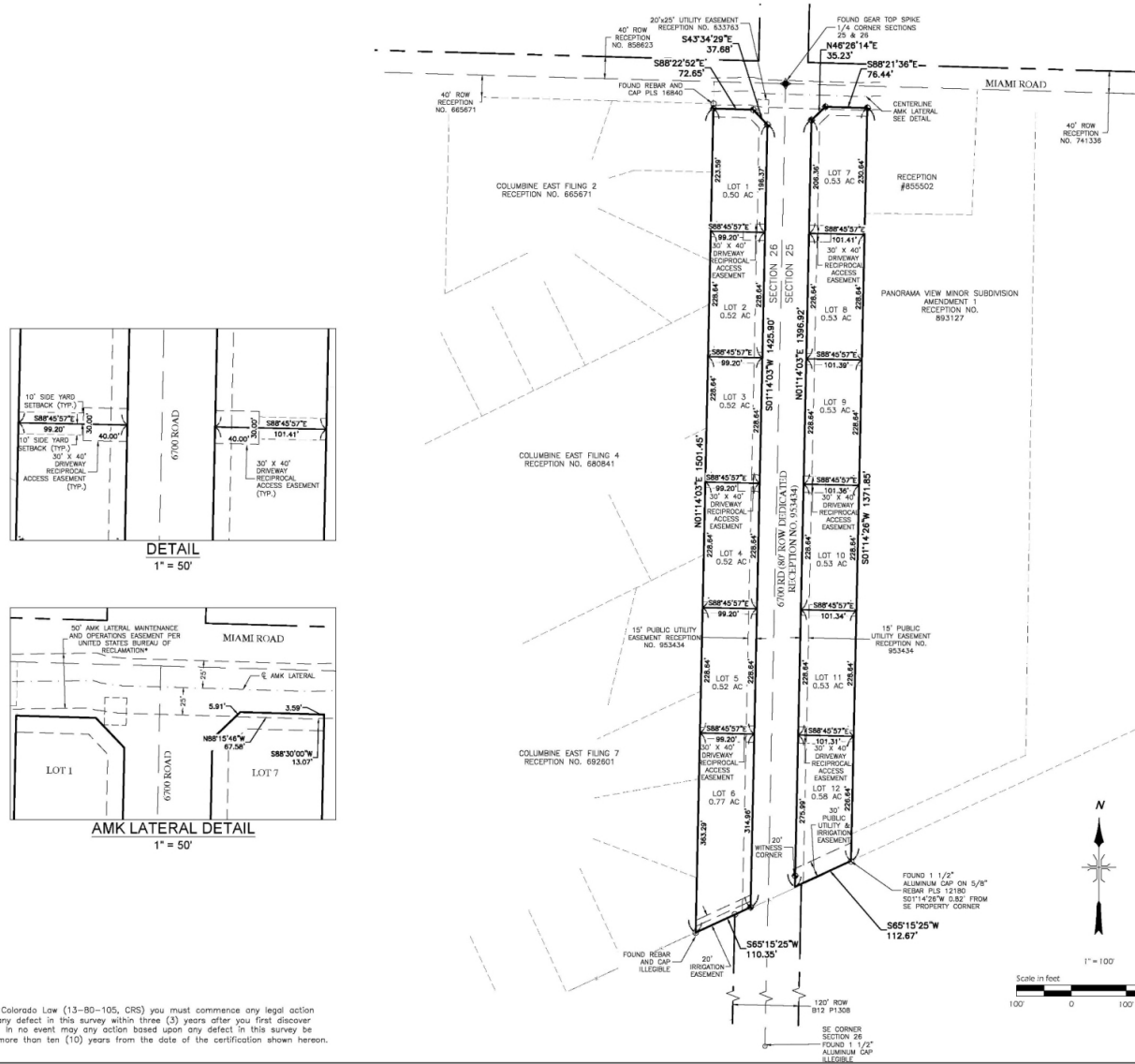
433 S 1ST STREET
MONTROSE, CO 81401
970-240-1400

PRELIMINARY PLAT

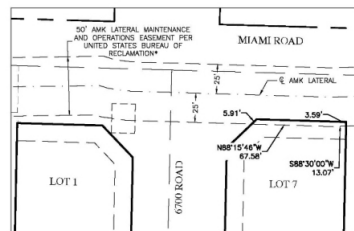
FIORI DI LENA SUBDIVISION

PRELIMINARY PLAT

SITUATED IN SECTIONS 25 & 26, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



DETAIL
1" = 50'



AMK LATERAL DETAIL
1" = 50'

LEGEND

- ◆ = FOUND 5/8" REBAR & 1 1/2" ALUMINUM CAP (P.L.S. 37690)
- = SET 5/8"x18" REBAR W/ 1 1/2" ALUMINUM CAP (P.L.S. 37690)

* NOTE: PLACEMENT OF ANY INFRASTRUCTURE WITHIN AMK LATERAL EASEMENT SHALL REQUIRE PERMITTING/ LICENSING WITH THE UNITED STATES BUREAU OF RECLAMATION
NOTE: THE UTILITY EASEMENT RECORDED AT RECEPTION NO. 848242 HAS BEEN RELEASED PER RECEPTION NO. 960053.

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 herein.

		FIORI DI LENA SUBDIVISION	
DEL-MONT CONSULTANTS, INC. REGISTERED PROFESSIONAL ENGINEERS		CITY OF MONTROSE	
433 S 1ST STREET MONTROSE, CO 81401 970-240-1400		PRELIMINARY PLAT	
PREPARED BY 897	DRAWN BY DCC	DATE 2023-04-19	SCALE 2022V PLAT-PRE 22082

Staff Recommendation – Conditional Approval

- Staff finds that the Preliminary Plat is in compliance with the Subdivision Regulations and Comprehensive Plan.
- The proposal meets the intent of the “R-1A” zoning district.
- Staff recommends Conditional Approval of the Fiori di Lena Subdivision Preliminary Plat.
 - [Standard Condition]: The approval of this Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

