



REGULAR PLANNING COMMISSION MEETING AGENDA
Wednesday, June 28, 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 June 14, 2023 Planning Commission meeting
- 4) Additions or Deletions
- 5) **WOODS CROSSING NORTH AMENDED PRELIMINARY PLAT** The Woods Crossing North Amended Preliminary Plat amends the previously approved Woods Crossing North Preliminary Plat. This application proposes 263 residential lots with an additional 7.14 acre lot, and 80 acres reserved for future development. This is located on the northeast corner of 6720 Rd and Sunnyside Rd.
- 6) **DRY CEDAR CREEK II ADDITION ZONING HEARING** This is a proposal for initial zoning of "R-3A" Medium High Density District for the proposed Dry Cedar Creek II Addition, approximately 5.06 acres. This annexation is located on the south side of Ogden Rd.
- 7) Other Business
- 8) Next Meeting will be July 12, 2023
- 9) Motion to Adjourn



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

Miércoles 28 de Junio 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, por favor 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, por favor 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 parte del Presidente de la Comisión de Planeación
- 3) Aprobación de las Minutas de la reunión de la Comisión de Planeación del día 14 de Junio del 2023
- 4) Adiciones o Eliminaciones
- 5) **PLANO CATASTRAL PRELIMINAR MODIFICADO DE “WOODS CROSSING NORTH”** Este plano catastral preliminar modificado “Woods Crossing North” modifica al anterior plano catastral preliminar modificado “Woods Crossing North” previamente aprobado. Esta solicitud propone 263 lotes residenciales con un lote adicional de 7.14 acres, y 80 acres reservados para el desarrollo futuro. Esta se encuentra en la esquina noreste del 6720 Rd y Sunnyside Rd.
- 6) **AUDIENCIA DE ZONIFICACION DE LA ADICION “DRY CEDAR CREEK II”** Esta es una propuesta para la zonificación inicial del Distrito de Densidad Media Alta "R-3A" para la adición propuesta de “Dry Cedar Creek II”, de aproximadamente 5.06 acres. Esta anexión se encuentra en el lado sur del Ogden Rd.



- 7) Otros Asuntos
- 8) La próxima reunión será el día 12 de Julio del 2023.
- 9) Moción para Levantar la Sesión.



The Montrose City Planning Commission held a meeting on June 14, 2023 at 5:00 p.m. in City Hall Council Chambers. The meeting agenda was posted in accordance with the Colorado Open Meetings Act (C.R.S. §24-6-401, et.seq.).

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

Absent: Chad Huffman (Vice-Chair)

Staff Members Present: William Reis (Planner II), Scott Murphy (City Engineer), Briceida Ortega (Deputy City Clerk).

There were 2 members of the public in attendance.

CALL TO ORDER

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

APPROVAL OF MINUTES

Phoebe Benziger moved to approve the minutes of the May 24, 2023 meeting as submitted. Richard Rogers seconded, and the motion carried unanimously.

ADDITIONS OR DELETIONS

None.

THE PINES AT OXBOW CROSSING PARKING VARIANCE.

This is an application for a variance to the Large Retail Site Development standards that requires at least 40% of parking to be located in the rear or side of the building. This variance would allow for all parking to be located between the street and the front facade. The applicant is The Pines at Oxbow Crossing, 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

Brad Yeager, applicant, came forward to describe their business.

Questions for Applicant

Planning Commissioners and applicant discussed the number of units that are being built and the signage on the empty lot.

Questions for Staff

Planning Commissioners and staff discussed the parking variance.

Public Hearing

No members of the public came forward with concerns about The Pines at Oxbow Crossing Parking Variance.

Discussion

No discussion.

Motion and Vote

Delphine Jadot moved to approve the request to allow the variance to waive the parking requirements prohibiting the placement of all parking between the front façade and the abutting street for The Pines at Oxbow Crossing. The request meets the Code criteria and standards based on the evidence and testimony presented at this hearing and in the staff report. Ron Cairns seconded. The question was raised whether the motion should include the condition that the Oxbow Crossing Subdivision 4th Amended Plat is recorded. The motion was amended.

Delphine Jadot moved to approve the request to allow the variance to waive the parking requirements prohibiting the placement of all parking between the front façade and the abutting street for The Pines at Oxbow Crossing, with the condition that the Oxbow Crossing Subdivision 4th Amended Plat is recorded. The request meets the Code criteria and standards based on the evidence and testimony presented at this hearing and in the staff report. Ron Cairns seconded, and the motion passed unanimously.

THE PINES AT OXBOW CROSSING LARGE RETAIL SITE DEVELOPMENT.

This is an application for a site development known as The Pines at Oxbow Crossing, a mixed-use office-residential development in the Oxbow Crossing Subdivision. Due to a plat note on the Oxbow Crossing plat, all developments in Oxbow Crossing, regardless of size or use, are required to be approved by the Planning Commission. The applicant is The Pines at Oxbow Crossing, 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.

Questions for Staff

Planning Commissioners and staff discussed the requirements for large retail site developments.

Public Hearing

No members of the public came forward with concerns about The Pines at Oxbow Crossing Large Retail Site Development.

Discussion

No discussion.

Motion and Vote

Richard Rogers moved to approve the request to approve the large retail site development plan for The Pines at Oxbow Crossing, with the condition that the Oxbow Crossing Subdivision 4th Amended Plat is recorded. The request meets the Code criteria and standards based on the evidence and testimony presented at this hearing and in the staff report. Delphine Jadot seconded, and the motion passed unanimously.

OTHER BUSINESS

None.

NEXT MEETING

The next Planning Commission meeting is scheduled for June 28, 2023.

PUBLIC COMMENT

None.

ADJOURNMENT

Phoebe Benziger moved to adjourn the meeting. Jan Chastain seconded, and the meeting ended at 5:22 p.m.

Chairperson

Attest



CITY OF MONTROSE
Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner II
DATE: June 28, 2023
RE: Woods Crossing North Subdivision Amended 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 11-4-3(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 300 feet, and an ad appeared in the Montrose Daily Press.

Applicant: Matt Miles, Leadership Circle, LLC

Planning Commission Consideration:

The Planning Commission shall make a recommendation to City Council to approve, deny, or approve with conditions the Woods Crossing North Amended Preliminary Plat. The Planning Commission will consider all of the information in this memo in making a decision.

Application Background:

The Woods Crossing North Amended Preliminary Plat will subdivide a 160.71 acre parcel into a residential subdivision. The property is bordered on south by Sunnyside Road, on the north by Miami Road, on the west by 6720 Road, and on the east by agricultural fields and single-family homes. The majority of the parcel (134+ acres) is zoned “R-3” Medium Density District, with two “B-4” Neighborhood Shopping District sections with a condition prohibiting multifamily use. The residential lots proposed on this preliminary plat all fall within the “R-3” Medium Density District. This preliminary plat proposes 263 single-family residential lots, a 5.42 acre dedicated public park, 9.36 acres of other open space, associated rights-of-way, and a 76.33 acre outlot for future development.



This application amends the previously approved Woods Crossing North Amended Plat, which had proposed 287 residential lots, and was approved on October 4, 2022. The hearing before City Council to approve or deny the Preliminary Plat is tentatively scheduled for July 18, 2023. A Final Plat will also be required within five (5) years of approval of this Preliminary Plat.

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 11-5-5 (C) and summarized below: (See Exhibit B)

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

2. The Comprehensive Plan Future Land Use Map designates the area as Residential Mixed Density Medium. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed. This district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes.

3. Zoning Regulations:

- Municipal Code, Section 11-7-5 (A) (5): The “R-3” Medium Density District is intended to provide an area which is suitable for single-family homes and duplexes. This district provides for other uses which are compatible with such uses.
- The proposed uses are 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-1” Very Low Density District, “R-1A” Large Estate District, “R-2” Low Density District, “R-3A” Medium High Density District, and agricultural (outside City limits).

4. The Woods Crossing North Amended 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 Woods Crossing North Amended 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 Woods Crossing North 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.”

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

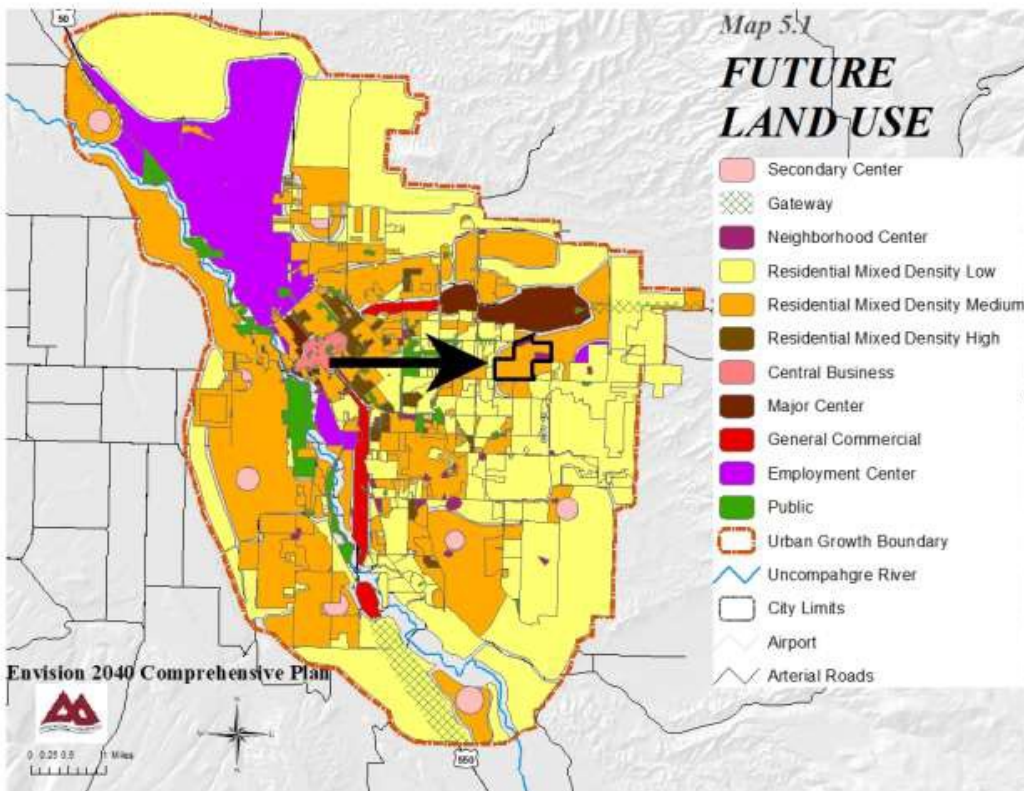


EXHIBIT A: Area Maps

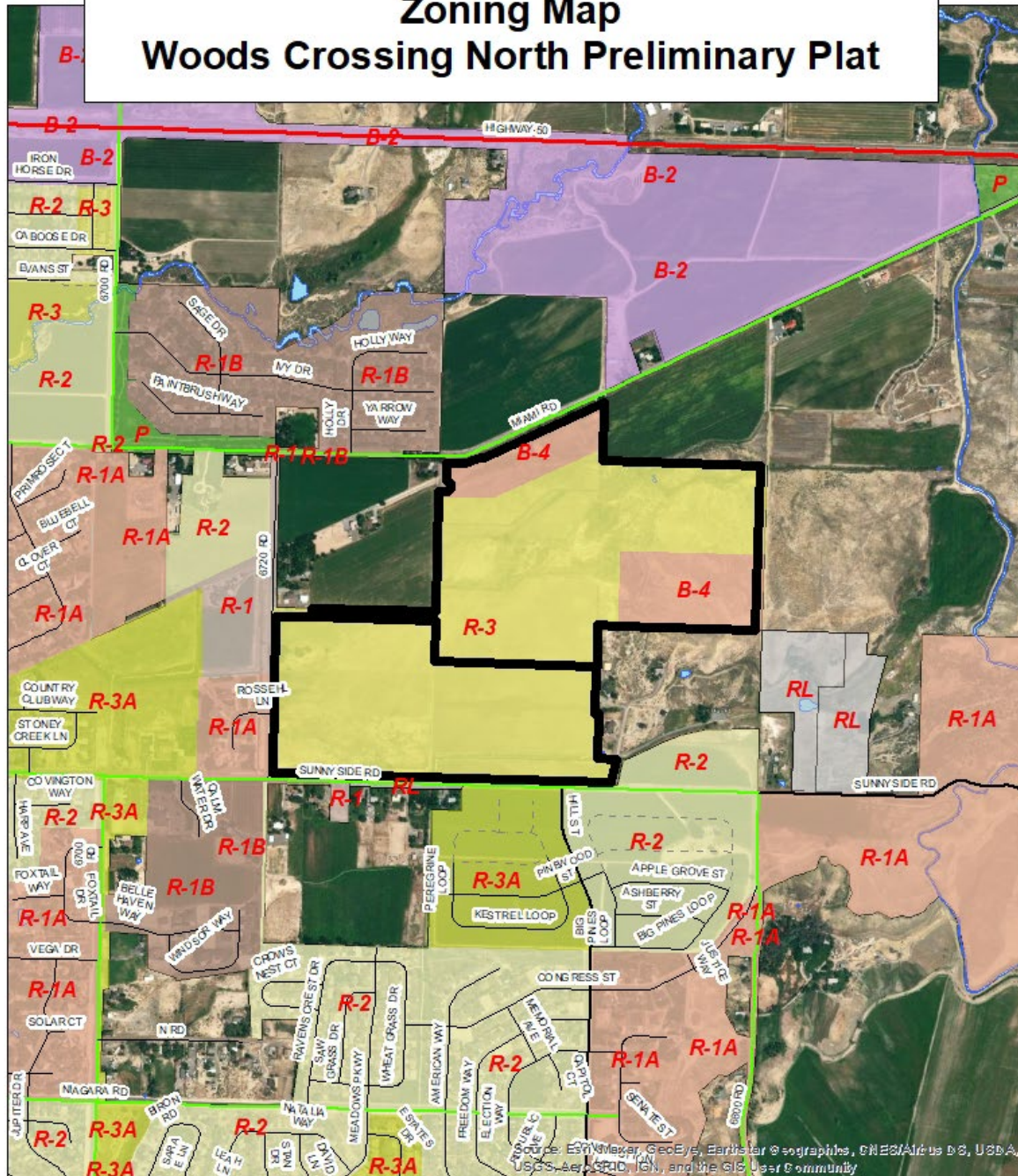
Vicinity Map



Comprehensive Plan Future Land Use Map



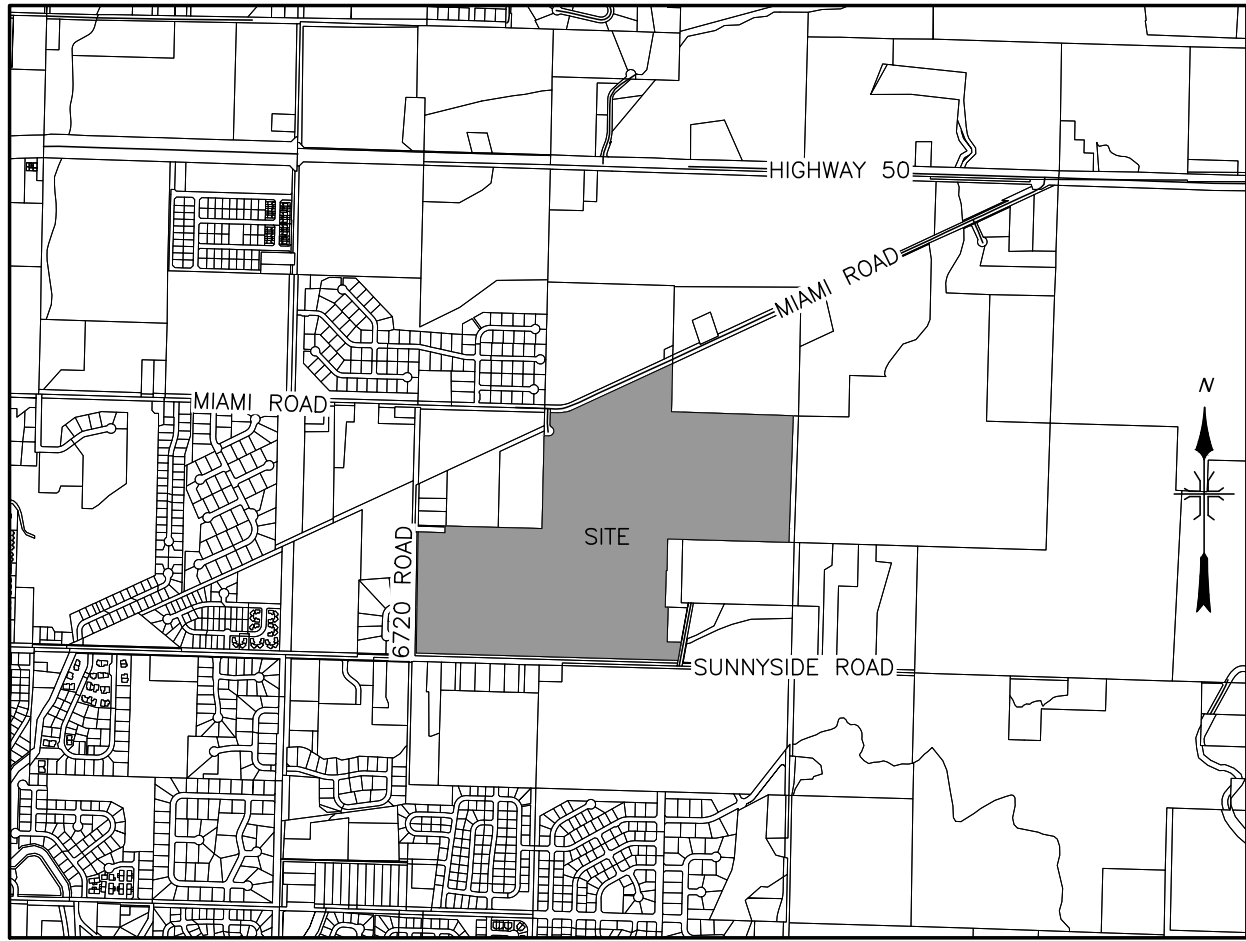
Zoning Map Woods Crossing North Preliminary Plat



WOODS CROSSING NORTH

PRELIMINARY PLAT AMENDMENT NO. 1

SITUATED IN SECTION 25, 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:

TRACT 1:

A tract of land situated in Section 25, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado. Being better described as beginning at the SE 1/16 corner of said Section 25 thence along the East line of the SW1/4 SE1/4 S0125°41'W 330.08 feet;
Thence leaving said East line N88°20'07"W 1317.99 feet to a point on the West line of said SW1/4 SE1/4;
Thence along said West line N01°20'19"E 330.15 feet to the CS1/16 corner of said Section 25;
Thence along the North line of the SE1/4 SW1/4 N88°20'24"W 980.18 feet;
Thence leaving said North line N01°18'41"E 70.00 feet to a point on the South line of the R.H. Minor Subdivision Reception No. 520161;
Thence along said South line of the R.H. Minor Subdivision S88°20'24"E 980.22 feet;
Thence along the East line of said R.H. Minor Subdivision N01°20'35"E 967.10 feet to a point on the 6750 Road Right of Way;
Thence the following four (4) courses along said Right of Way S88°39'25"E 50.00 feet;
Thence 134.93 feet along the arc of a curve to the left with a radius of 50.00, an interior angle of 154°37'23" and a chord of N14°01'53"E 97.56 feet;
Thence 22.56 feet along the arc of a curve to the right with a radius of 20.00 feet, an interior angle of 64°37'23" and a chord of N30°58'07"W 21.38 feet;
Thence N01°20'35"E 118.82 feet to a point on the Miami Road Right of Way;
Thence the following two (2) courses along said Right of Way S88°21'38"E 55.33 feet;
Thence 209.85 feet along the arc of a curve to the left with a radius of 456.00 feet, an interior angle of 26°22'05" and a chord of N78°27'20"E 208.01 feet;
Thence N65°16'17"E 11.89 feet to the North line of the NW1/4 SE1/4;
Thence along said North line S88°21'42"E 34.36 feet;
Thence leaving said North line N65°15'56"E 1065.68 feet to a point on the East line of the SW1/4 NE1/4;
Thence leaving said Right of Way along the said East line S01°19'00"W 473.39 feet;
Thence along the North line of the NE1/4 SE1/4 S88°21'42"E 1264.52 feet;
Thence running 56 feet west of and parallel to the East line of the NE1/4 SE1/4 S01°30'38"W 1319.67 feet to a point on the South line of said NE1/4 SE1/4;
Thence along the South line of the NE1/4 SE1/4 N88°24'07"W 1262.71 feet to the Point of Beginning.

Containing 94.39 acres more or less as described.

TRACT 2:

A tract of land situated in Section 25, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado. Being better described as beginning at a point in which the SE1/16 of said Section 25 bears N02°42'36"E 330.15 feet;
Thence along the West line of Lot 1 of the Tom English Minor Subdivision S01°48'24"W 379.43 feet;
Thence along the South line of said subdivision S88°25'27"E 30.00 feet;
Thence along the West line of Lot A Replat Nicolas Minor Subdivision S01°39'17"W 363.30 feet;
Thence along the South line of said Lot A Nicolas Minor S88°41'01"E 148.64 feet to a point on the 6775 Road Right of Way;
Thence along said Right of Way S10°21'47"W 194.42 feet to a point on the Sunnyside Road North Right of Way per Reception No. 886015;
Thence the following two (2) courses along said Right of Way N88°26'37"W 1453.64 feet;
Thence N88°23'21"W 1284.02 feet to a point on the 6720 Road Right of Way;
Thence along said 6720 Road East Right of Way N01°17'09"E 1265.70 feet;
Thence along the North line of the SE1/4 SW1/4 S88°20'24"E 1285.18 feet;
Thence along the East line of the SE1/4 SW1/4 S01°20'19"W 330.15 feet;
Thence S88°26'07"E 1310.60 feet to the Point of Beginning.

Containing 66.32 acres more or less as described.

Have by these presents laid out, platted and subdivided into lots, as shown on this plat, under the name and style of WOODS CROSSING NORTH and do hereby dedicate, grant and convey to the City of Montrose, Colorado, for the use of the public, Hill Street, Douglas Fir Lane, Douglas Fir Street, Conifer Street, Pine Tree Drive, Claim Jumper Avenue, Olive Branch Avenue, Lodgepole Street, Lodgepole Lane, Pinyon Lane, Pinyon Street and Forest Way.

Park Tract B is hereby dedicated, granted and conveyed to the City of Montrose for the use of the public for recreation purposes as authorized by the City.

The easements shown on this plat, including those collocated within open space tracts, 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, CATV lines, City 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____.

Miami Road Properties, LLC

STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Certificate of Dedication and Ownership was acknowledged before me on this ____ day of _____, 20____, by
Miami Road Properties, LLC.

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 January 25, 2023, bearing policy number 210–F01314–23.

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 found rebar and cap PLS 12180 at the SE Corner of NE1/4 SE1/4 Section 25, Township 49 North, Range 9 West and the found rebar and cap at the SW corner of said NE1/4 SE1/4 said Section, bears N88°24'07"W (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: _____

APPROVAL OF PRELIMINARY PLAT		
City Engineer (Phase 1–3)*	_____ Scott Murphy, P.E. _____	Date _____
City Engineer (Phase 4–6)*	_____ Scott Murphy, P.E _____	Date _____
City Attorney	_____ Ben Morris _____	Date _____
City Planning Commission Chair	_____ David Fishing _____	Date _____
City Mayor	_____ Barbara Bynum _____	Date _____

* City Engineer authorization is broken into phases per the phasing diagram attached as Sheet 6 of this Preliminary Plat due to outstanding permitting with US Department of the Interior, Bureau of Reclamation. No phases are authorized for construction without associated signature from the City Engineer.

ATTORNEY'S CERTIFICATE

I, _____, an attorney at law, duly licensed to practice in Colorado, do hereby certify that I have examined the title of all land herein platted and described in the above Certificate of Ownership and Dedication, and that title to such land is in the Owners and Dedicators; and that the title to all dedicated property therein described, is free and clear of all liens and encumbrances, except _____

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 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.

Deputy City Manager

APPROVAL OF CITY ATTORNEY

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

City Attorney
Attorney 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

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: WOODS CROSSING NORTH			
FIELD BOOK: 889		DATE: 05/22/2023	CLIENT: MIAMI ROAD PROPERTIES, LLC
SHEET: 1 of 6		FILE: 23003V_PLAT_PRE	ADDRESS & PHONE: 1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398
JOB NO.: 21123		TYPE: PRELIMINARY PLAT	

WOODS CROSSING NORTH

PRELIMINARY PLAT AMENDMENT NO. 1

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

1. Local Improvement District

All lots platted hereon shall be subject to an assessment for the costs to construct improvements to that portion of Sunnyside Road, 6720 Road and Miami Road that abuts the Subdivision, said improvements including curb, gutter, sidewalk, drainage, base and pavement, and other related improvements. The Montrose City Clerk is hereby appointed as the Attorney-in-fact of each of the owners of the Woods Crossing subdivision for the purposes of executing improvement district petitions on their behalf, voting on their behalf in any election to approve any financial obligations for such improvement districts and for all other purposes related to the formation of such districts and construction of such improvements. These obligations shall run with the land and be binding upon all successors in interest to the said lots.

2. Drainage Easements

A. All open space tracts shown hereon, with the exception of Tract B, which is dedicated to the City, shall be entirely encumbered by drainage easements. These drainage easements, as well as all other drainage easements shown hereon and not specifically labeled as private, shall be owned and maintained by an owners' association, or in the absence of an owners' association lawfully formed for such purposes, by the owners of all lots final platted in Woods Crossing North jointly and severally in a manner that preserves the grade as originally established and so as to not impede the free flow of water in any way, including but not limited to the placement of fill, construction of fencing and other improvements, or the planting or encroachment of trees and shrubs and other impeding vegetation. The City is not responsible or liable in any manner for the maintenance, repair or operation of any pipelines, ditches or improvements as located within said easements or open space tracts. Upon failure to properly maintain the drainage easement(s) shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owners, and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

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

C. The Tract A & Tract D drainage infiltration ponds are to be maintained by an owners' association lawfully formed for such purposes. The encumbered infiltration ponds receive drainage from the Woods Crossing North and the neighboring Woods Crossing Developments.

3. Privately Owned Open Space, Parks, and other Improvements

All open space tracts shown hereon, with the exception of Tract B which is dedicated to the City, now existing or hereafter conveyed, shall be owned and maintained by an owners' association, or in the absence of an owners' association lawfully formed for such purposes, by the owners of all lots final platted in Woods Crossing North jointly and severally. The City is not responsible or liable in any manner for the maintenance, repair, or operation of such properties and/or improvements, nor shall the City be responsible for future dedications of such properties. Upon failure to properly maintain such properties and/or improvements shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed, and assess the costs thereof to such owner(s), or the City may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

A. Conveyance of Private Open Space, Tracts, and Drainage Easements to Owners' Association

By executing this Plat, the owner(s) whose signature(s) appear hereon, joined by the Lienholder(s), if any, whose signatures also appear on this Plat, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to Woods Crossing North Homeowners Association, a Colorado nonprofit corporation, Tract A, Tract C, Tract D, Tract E, Tract F, Tract G, Tract H, Tract I, Tract J, Tract K, Tract L, Tract M, and all drainage easements as shown and designated on this Plat.

B. Drainage

All Open Space Tracts contain drainage swales, sheet flow areas and/or improvements that are to be maintained by an Owner's Association, except for Tract B, which is dedicated to the City.

C. Colocated Utility Easements

All open space tracts shown hereon, with the exception of Tract B which is dedicated to the City, shall be entirely encumbered by utility easements dedicated to the City of Montrose.

D. Pedestrian Facilities

Open space Tracts E, G, H, I, J, K, & M will contain improved pedestrian facilities for the use of the public and to be maintained by the HOA.

E. Certificate of Good Standing

The owner(s) whose signature(s) appear on the Certificate of Dedication and Ownership on this Plat have provided the City a current, valid, Certificate of Good Standing bearing Confirmation No. 14092376, from the Colorado Secretary of State, as proof of the above-named HOA or Owners' Association entity's: i) compliance with all applicable requirements of the Colorado Secretary of State, and ii) good standing with the Colorado Secretary of State.

F. Declaration of Covenants Recorded

The Declaration of Covenants, Conditions, and Restrictions for Woods Crossing North Homeowners Association, applicable to the development platted hereon, and made binding to the entity named above, was recorded under Reception No. _____, on the _____ day of, 202____, in the office of the Montrose County Clerk and Recorder.

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 RE-1J School District.

5. Final Plat Conditional Approval

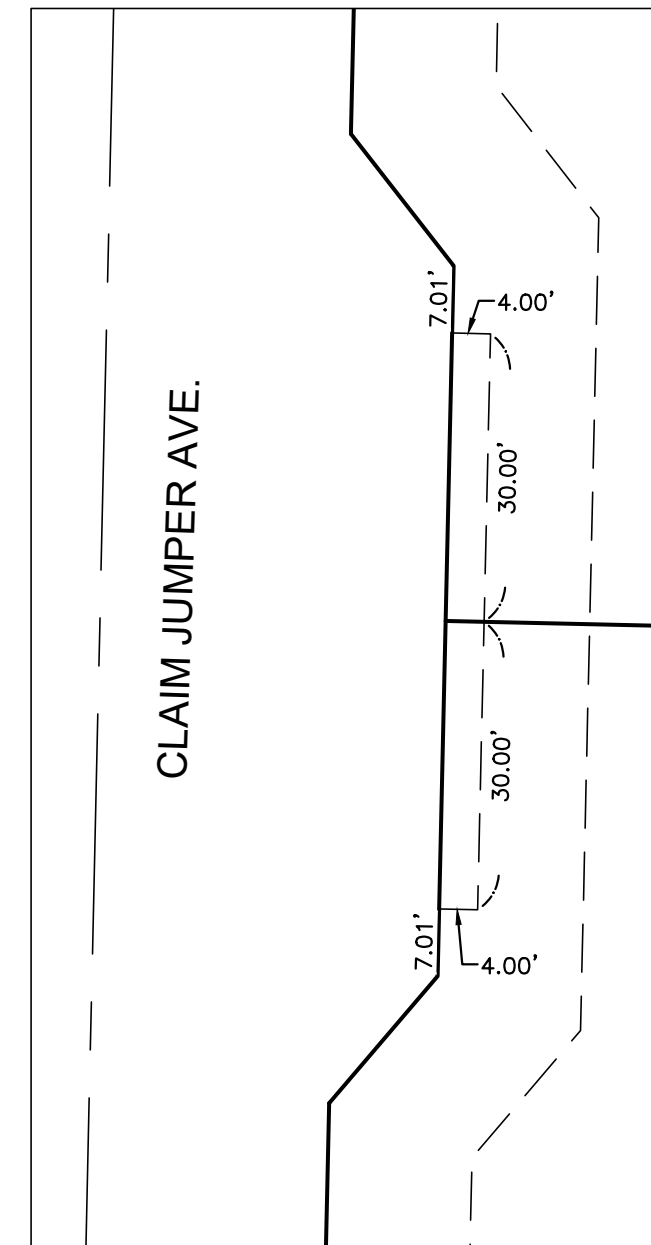
The approval of the Woods Crossing North Subdivision Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met, and that the Applicant adequately addresses all of staff's concerns.

6. Low Municipal Water Pressure

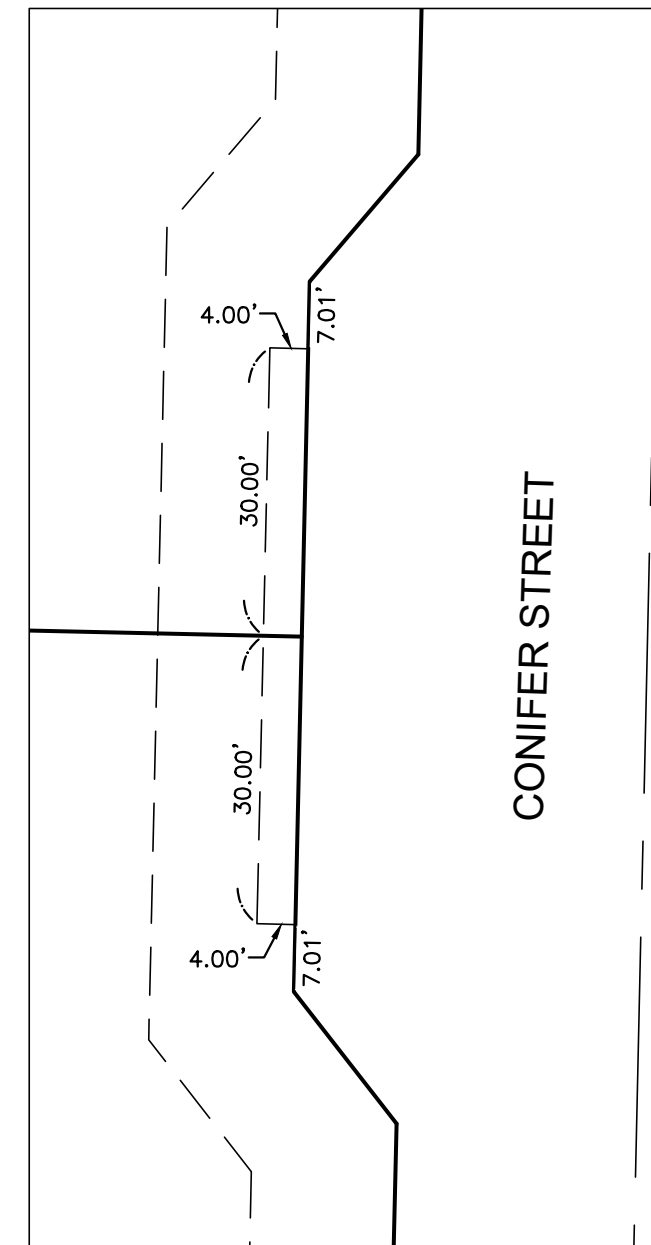
Water pressure within the subdivision is expected to range from 40 to 57 pounds per square inch (PSI) from the eastern to western ends, respectively.

AREA SUMMARY

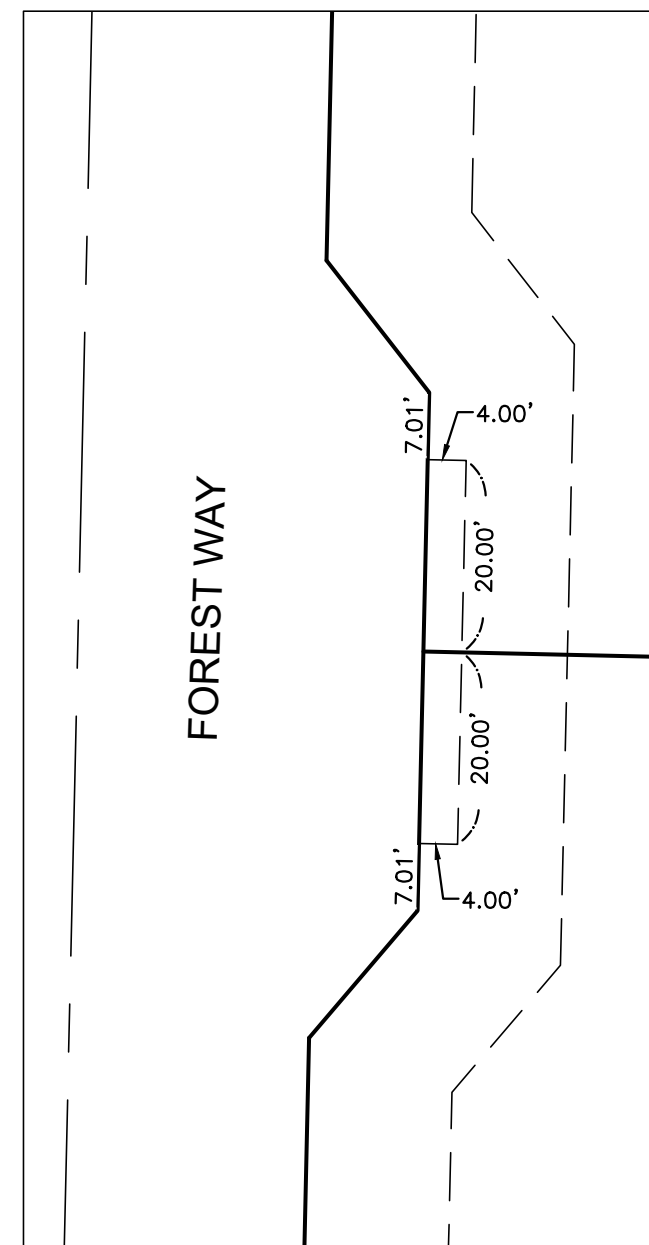
RESIDENTIAL LOTS	=	50.13 ACRES
RIGHTS-OF-WAY	=	19.48 ACRES
OPEN SPACE (TRACTS A, C, D, E F, G, H, I, J, K, L, M)	=	9.36 ACRES
PUBLIC PARK (TRACT B)	=	5.42 ACRES
OUTLOTS	=	76.33 ACRES
TOTAL AREA	=	160.71 ACRES



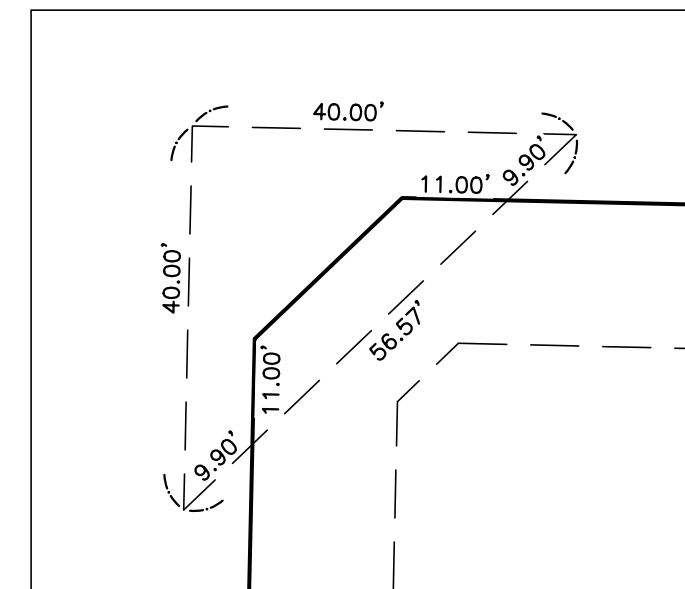
MAILBOX EASEMENT
1" = 20'



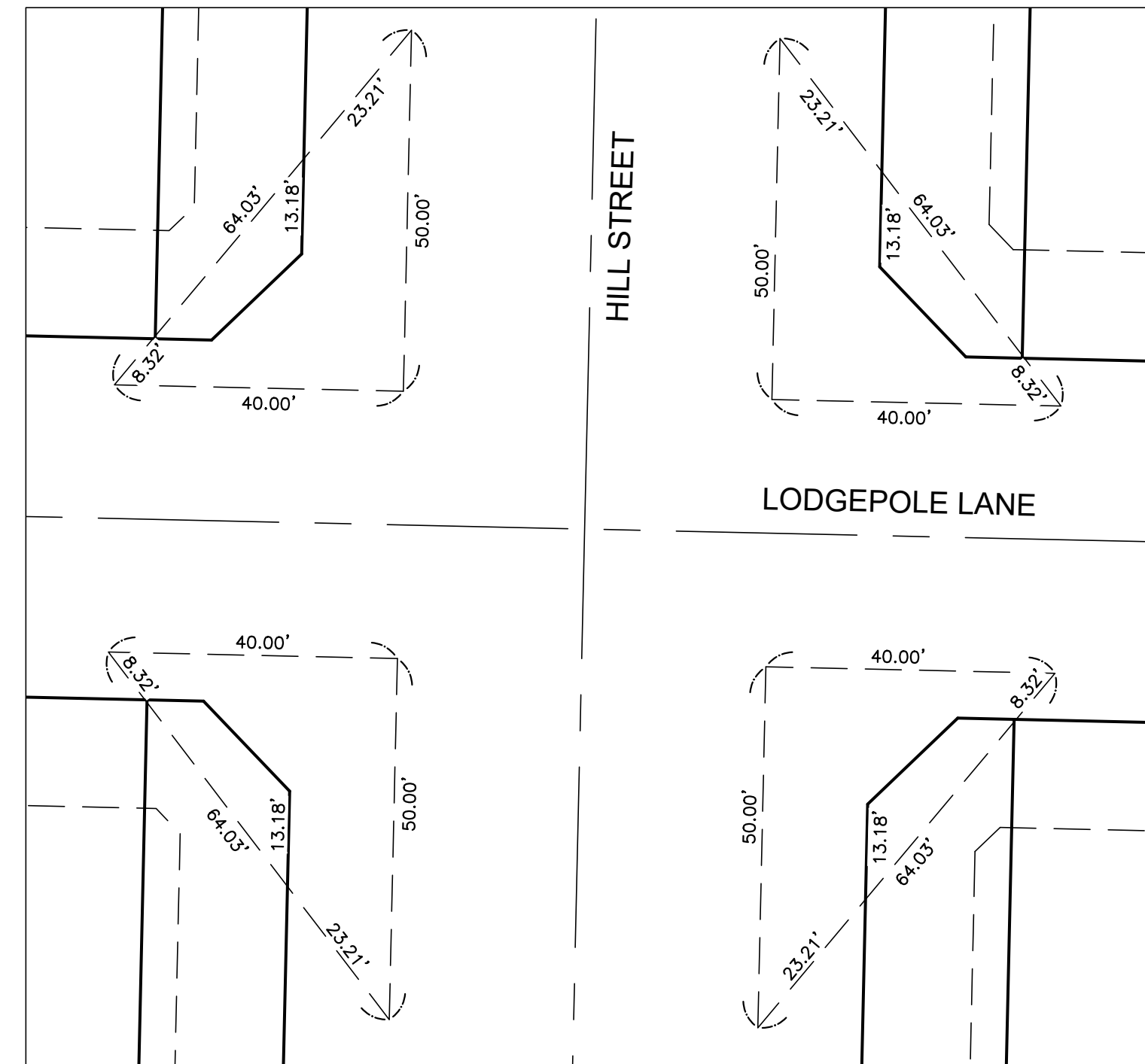
MAILBOX EASEMENT
1" = 20'



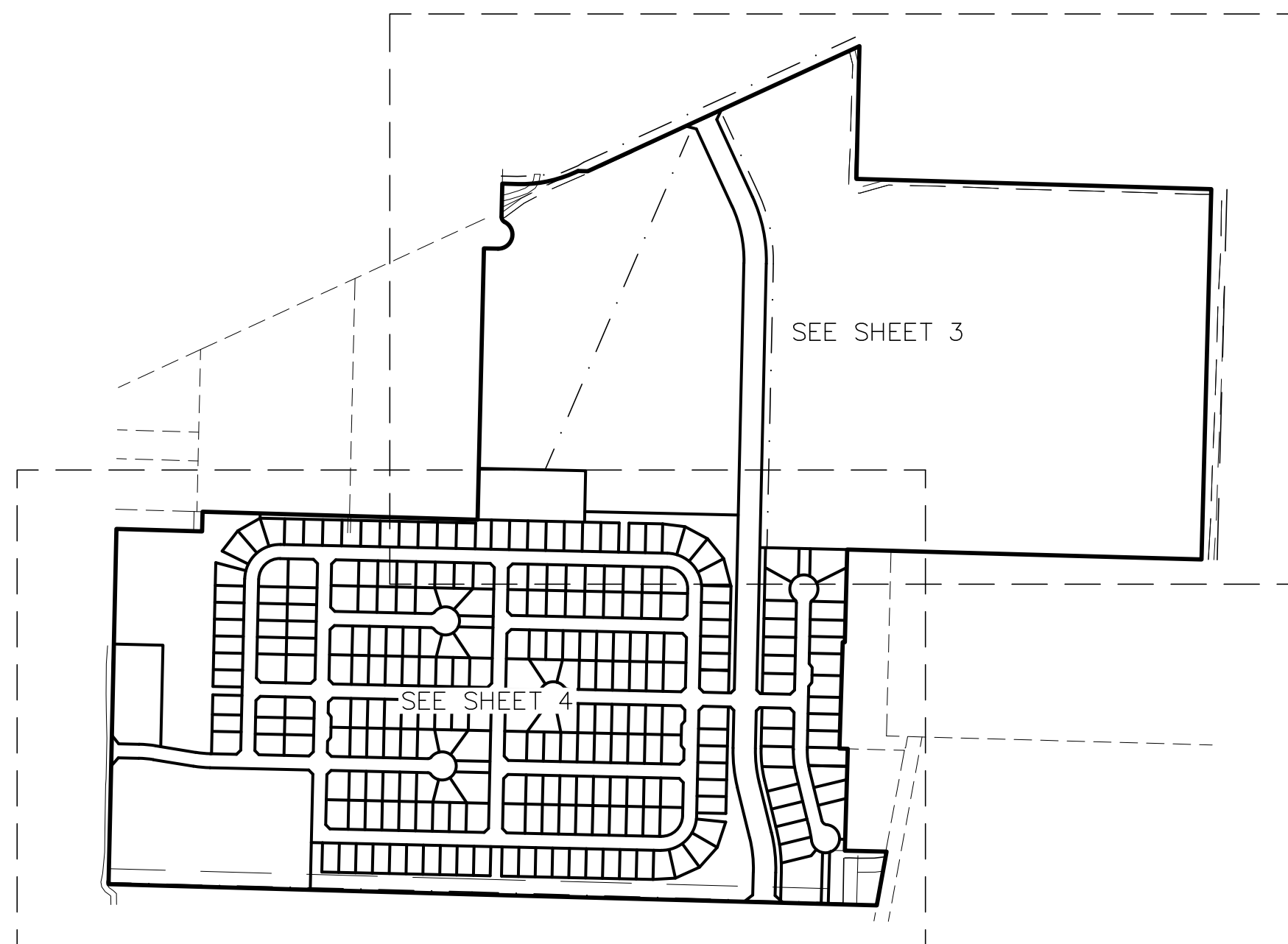
MAILBOX EASEMENT
1" = 20'



TYPICAL RESIDENTIAL SITE TRIANGLE
UNLESS OTHERWISE NOTED
1" = 20'



SITE TRIANGLE
1" = 20'



PRELIMINARY

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DMC				DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. W. Montrose, CO 81401 ☎ (970) 249-2251 www.del-mont.com ▼ service@del-mont.com	
FIELD BOOK: 889	DRAWN BY: RDD/DCC	DATE: 05/22/2023	CLIENT: MIAMI ROAD PROPERTIES, LLC		
SHEET: 2 of 6	FILE: 23003V_PLAT_PRE	JOB NO.: 21123	ADDRESS & PHONE: 1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398		
			TYPE: PRELIMINARY PLAT		

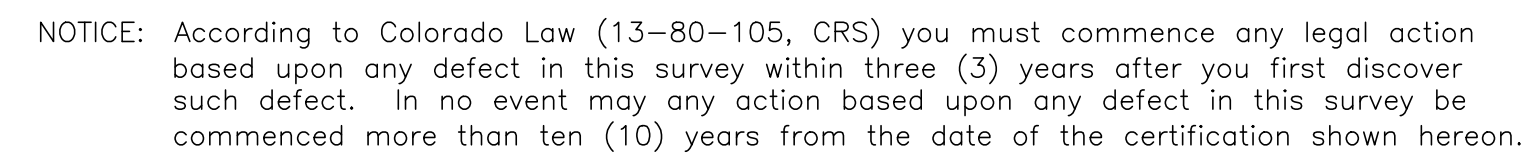
SITUATED IN SECTION 25, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

— — — — — = 15' WIDE UTILITY EASEMENTS ALONG ALL RIGHTS
 OF WAY UNLESS OTHERWISE NOTED
 ○ = FD. REBAR & CAP (P.L.S. 16840)
 ◇ = FD. REBAR & CAP (P.L.S. 7160)
 ◆ = FD. REBAR & CAP (P.L.S. 12180)
 ◆ = FD. REBAR & CAP (P.L.S. 5652)
 ◆ = FD. REBAR & CAP (P.L.S. 16835)
 ● = FD. REBAR & CAP (P.L.S. 37690)
 ● = PROPOSED ALUMINUM CAP
 ● = PROPOSED ALUMINUM CAP WITNESS CORNER
 OR REFERENCE MONUMENT

1" = 100'

Scale in feet

100' 0 100' 200'



DEL-MONT CONSULTANTS, INC.
ENGINEERING ▼ SURVEYING
125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251
www.del-mont.com ▼ service@del-mont.com

ADDRESS & PHONE:
1521 OXBOW RD. SUITE 210
MONTROSE, CO 81401
970-249-3398

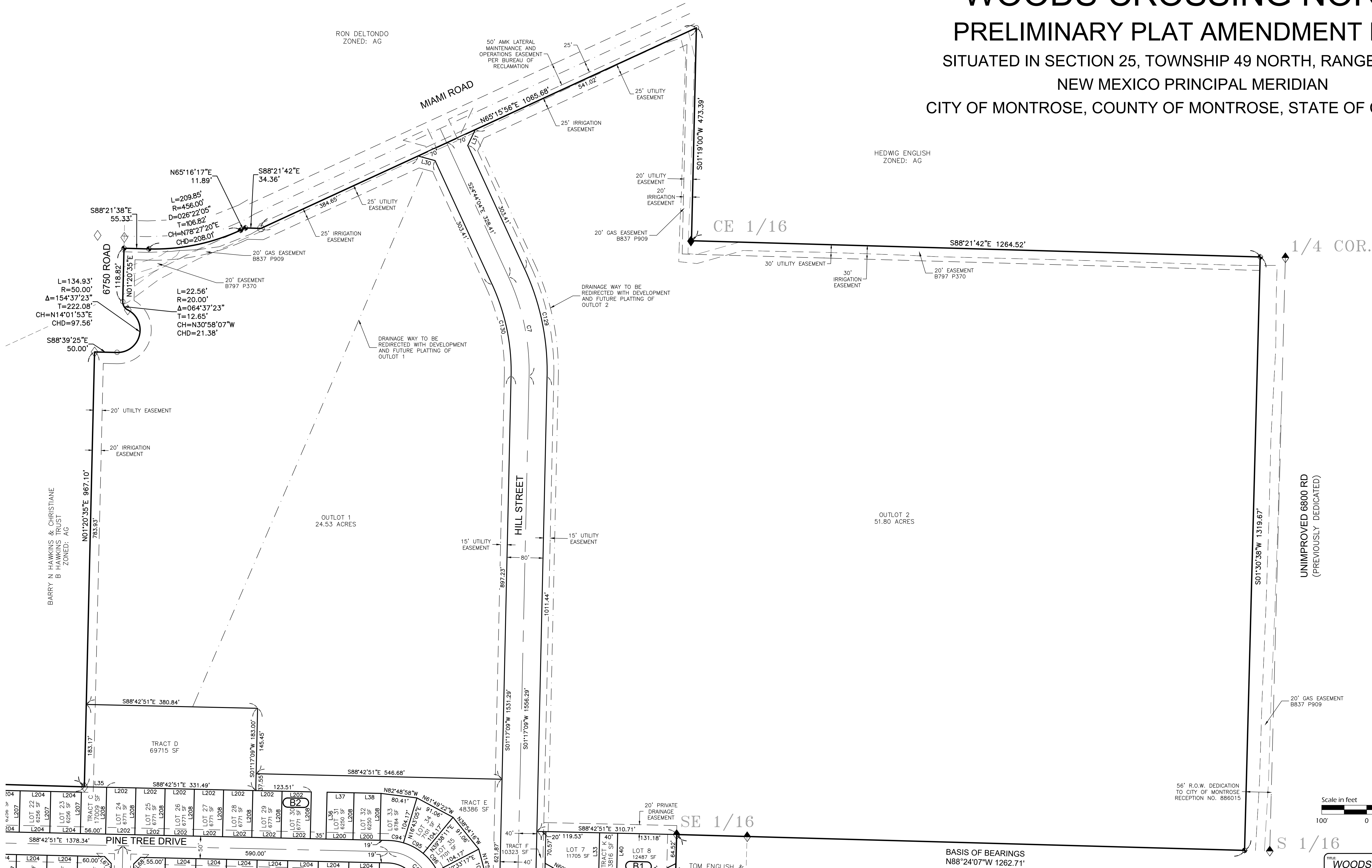
FIELD BOOK:	DRAWN BY: <i>RDD/ DCC</i>	DATE: <i>05/22/20</i>
SHEET: <i>3 of 6</i>	FILE: <i>23003V_PLAT_PRE</i>	JOB NO.: <i>211</i>

3	TYPE: <i>PRELIMINARY PLAT</i>
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WOODS CROSSING NORTH

PRELIMINARY PLAT AMENDMENT NO. 1

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



PRELIMINARY

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 125 Colorado Ave. W. Montrose, CO 81401 www.del-mont.com service@del-mont.com	
FIELD BOOK:	DRAWN BY: RDD/DCC	DATE: 05/22/2023	CLIENT: MIAMI ROAD PROPERTIES, LLC
SHEET: 4 of 6	FILE: 23003V_PLAT_PRE	JOB NO.: 21123	ADDRESS & PHONE: 1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398
		TYPE: PRELIMINARY PLAT	TITLE: WOODS CROSSING NORTH

WOODS CROSSING NORTH

PRELIMINARY PLAT AMENDMENT NO. 1

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

LINE TABLE		
LINE #	DIRECTION	LENGTH
L4	S83°58'13"E	104.96'
L5	N88°42'51"W	7.81'
L6	S43°42'51"E	17.24'
L7	S88°42'51"E	7.81'
L8	N46°17'09"E	17.24'
L9	N43°42'51"W	17.24'
L10	S88°42'51"E	7.81'
L11	S46°17'09"W	17.24'
L12	S88°42'51"E	7.81'
L13	N01°17'09"E	72.50'
L14	N01°17'09"E	65.00'
L15	S01°17'09"W	8.37'
L16	N13°44'45"W	39.16'
L17	N13°44'45"W	65.00'
L18	N13°44'45"W	65.00'
L19	S13°44'45"E	16.06'
L20	N01°33'23"E	98.41'
L21	S51°45'03"W	39.05'
L22	S48°38'17"E	26.03'
L23	S48°38'17"E	13.02'
L24	N40°28'14"E	17.41'
L25	S01°17'09"W	27.01'
L26	S01°17'09"W	27.01'
L27	S37°53'55"E	17.41'
L28	N38°31'11"W	39.05'
L29	S41°05'29"W	39.05'
L30	N74°55'44"W	39.05'
L31	N25°27'36"E	39.05'
L32	N88°42'51"W	4.23'
L33	N01°17'09"E	98.20'
L34	N01°39'36"E	17.07'
L35	S88°54'39"E	49.53'
L36	N01°17'09"E	104.17'
L37	S88°42'51"E	60.00'
L38	S88°42'51"E	60.00'
L39	N81°35'02"E	25.00'
L40	N01°17'09"E	98.20'
L41	N46°17'09"E	21.21'
L42	N43°42'51"W	21.21'
L48	N43°42'51"W	21.21'
L49	N43°42'51"W	21.21'
L50	S46°17'09"W	21.21'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L51	N43°42'51"W	21.21'
L52	S46°17'09"W	21.21'
L53	S46°17'09"W	21.21'
L54	N43°42'51"W	21.21'
L55	N43°42'51"W	21.21'
L56	S46°17'09"W	21.21'
L57	S40°28'14"W	17.41'
L58	S37°53'55"E	17.41'
L59	S37°53'55"E	17.41'
L60	S40°28'14"W	17.41'
L61	S46°17'09"W	21.21'
L62	N43°42'51"W	21.21'
L63	S46°17'09"W	21.21'
L64	N43°42'51"W	21.21'
L65	N43°42'51"W	21.21'
L66	S46°17'09"W	21.21'
L67	N43°42'51"W	21.21'
L68	S46°17'09"W	21.21'
L69	N43°42'51"W	21.21'
L70	S46°17'09"W	21.21'
L71	S46°17'09"W	21.21'
L72	N43°42'51"W	21.21'
L73	N43°42'51"W	21.21'
L74	S46°17'09"W	21.21'
L75	N43°42'51"W	21.21'
L76	S46°17'09"W	21.21'
L77	N43°42'51"W	21.21'
L78	S46°17'09"W	21.21'
L79	N43°42'51"W	21.21'
L80	N46°17'09"E	21.21'
L81	S43°42'51"E	21.21'
L82	S46°17'09"W	21.21'
L83	S46°17'09"W	21.21'
L84	N43°42'51"W	21.21'
L85	S46°17'09"W	21.21'
L86	N43°42'51"W	21.21'

LINE TABLE	
LINE #	LENGTH
L200	60.00'
L202	65.00'
L204	68.00'
L205	70.00'
L207	92.00'
L208	104.17'
L209	114.53'

CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	55.85'	400.00'	008°00'00"	S84°42'51"E	55.81'
C2	55.85'	400.00'	008°00'00"	S84°42'51"E	55.81'
C3	157.08'	100.00'	090°00'00"	S46°17'09"W	141.42'
C4	157.08'	100.00'	090°00'00"	N43°42'51"W	141.42'
C5	157.08'	100.00'	090°00'00"	N46°17'09"E	141.42'
C6	78.83'	300.47'	015°01'55"	S06°13'48"E	78.60'
C7	227.07'	500.00'	026°01'13"	S11°43'27"E	225.12'
C8	131.18'	500.00'	015°01'55"	S06°13'48"E	130.80'
C9	133.54'	500.00'	015°18'08"	S06°05'41"E	133.14'
C10	59.34'	425.00'	008°00'00"	S84°42'51"E	59.29'
C11	52.36'	375.00'	008°00'00"	S84°42'51"E	52.32'
C12	52.36'	375.00'	008°00'00"	S84°42'51"E	52.32'
C13	59.34'	425.00'	008°00'00"	S84°42'51"E	59.29'
C26	12.00'	13.00'	052°54'09"	N62°15'46"W	11.58'
C27	34.76'	50.00'	039°49'38"	N55°43'31"W	34.06'
C28	41.84'	50.00'	047°56'32"	S80°23'24"W	40.63'
C29	27.54'	50.00'	031°33'17"	S40°38'29"W	27.19'
C30	41.15'	50.00'	047°09'23"	S01°17'09"W	40.00'
C31	27.54'	50.00'	031°33'17"	S38°04'11"E	27.19'
C32	41.84'	50.00'	047°56'32"	S77°49'05"E	40.63'
C33	34.76'	50.00'	039°49'38"	N58°17'50"E	34.06'
C34	12.00'	13.00'	052°54'09"	N64°50'05"E	11.58'
C45	12.00'	13.00'	052°54'09"	N62°15'46"W	11.58'
C46	34.76'	50.00'	039°49'38"	N55°43'31"W	34.06'
C47	41.84'	50.00'	047°56'32"	S80°23'24"W	40.63'
C48	27.54'	50.00'	031°33'17"	S40°38'29"W	27.19'
C49	41.15'	50.00'	047°09'23"	S01°17'09"W	40.00'
C50	27.54'	50.00'	031°33'17"	S38°04'11"E	27.19'
C51	47.28'	50.00'	054°10'44"	S80°56'11"E	45.54'
C52	29.31'	50.00'	033°35'26"	N55°10'44"E	28.90'
C53	12.00'	13.00'	052°54'09"	N64°50'05"E	11.58'
C54	117.81'	75.00'	090°00'00"	S46°17'09"W	106.07'
C55	29.69'	125.00'	013°36'29"	N08°05'24"E	29.62'
C56	25.00'	125.00'	011°27'33"	N20°37'25"E	24.96'
C57	50.00'	125.00'	022°55'08"	N37°48'45"E	49.67'
C58	50.00'	125.00'	022°55'06"	N60°43'52"E	49.67'
C59	41.66'	125.00'	019°05'44"	N81°44'17"E	41.47'
C72	117.81'	75.00'	090°00'00"	N46°17'09"E	106.07'
C73	30.00'	125.00'	013°45'04"	N84°24'38"E	29.93'
C74	52.00'	125.00'	023°50'06"	N65°37'03"E	51.63'
C75	52.00'	125.00'	023°50'06"	N41°46'56"E	51.63'
C76	52.00'	125.00'	023°50'06"	N17°56'50"E	51.63'
C77	10.35'	125.00'	004°44'38"	N03°39'28"E	10.35'
C81	12.00'	13.00'	052°54'09"	S64°50'05"W	11.58'
C82	34.76'	50.00'	039°49'38"	S58°17'50"W	34.06'
C83	41.84'	50.00'	047°56'32"	N77°49'05"W	40.63'
C84	27.54'	50.00'	031°33'17"	N38°04'11"W	27.19'
C85	41.15'	50.00'	047°09'23"	N01°17'09"E	40.00'
C86	27.54'	50.00'	031°33'17"	N40°38'29"E	27.19'

CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C87	41.84'	50.00'	047°56'32"	N80°23'24"E	40.63'
C88	34.76'	50.00'	039°49'38"	S55°43'31"E	34.06'
C89	12.00'	13.00'	052°54'09"	S62°15'46"E	11.58'
C93	117.81'	75.00'	090°00'00"	N43°42'51"W	106.07'
C94	33.67'	125.00'	015°25'56"	S80°59'53"E	33.57'
C95	50.00'	125.00'	022°55'06"	S61°49'22"E	49.67'
C96	50.00'	125.00'	022°55'06"	S38°54'16"E	49.67'
C97	50.00'	125.00'	022°55'06"	S15°59'10"E	49.67'
C98	12.68'	125.00'	005°48'46"	S01°37'14"E	12.68'
C101	141.67'	540.00'	015°01'55"	N06°13'48"W	141.27'
C102	122.85'	460.00'	015°18'08"	N06°05'41"W	122.49'
C103	144.22'	540.00'	015°18'08"	N06°05'41"W	143.79'
C104	120.68'	460.00'	015°01'55"	N06°13'48"W	120.34'
C105	34.87'	560.00'	003°34'03"	N00°13'39"W	34.86'
C106	65.74'	560.00'	006°43'33"	N05°22'27"W	65.70'
C107	48.96'	560.00'	005°00'32"	N11°14'29"W	48.94'
C108	51.08'	440.00'	006°39'06"	N10°25'12"W	51.05'
C109	64.36'	440.00'	008°22'49"	N02°54'15"W	64.30'
C116	57.01'	275.47'	011°51'30"	S04°38'41"E	56.91'
C117	15.25'	275.47'	003°10'19"	S12°09'36"E	15.25'
C118	64.55'	325.47'	011°21'47"	N04°23'44"W	64.44'
C119	20.84'	325.47'	003°40'07"	N11°54'42"W	20.84'
C120	24.68'	20.00'	070°42'11"	S49°05'51"E	23.14'
C121	4.67'	13.00'	020°35'40"	S43°53'28"W	4.65'
C122	70.39'	50.00'	080°39'56"	S13°51'20"W	64.72'
C123	33.74'	50.00'	038°39'31"	S45°48'24"E	33.10'
C124	41.15'	50.00'	047°09'23"	S88°42'51"E	40.00'
C125	33.74'	50.00'	038°39'31"	N48°22'42"E	33.10'
C126	70.39'	50.00'	080°39'56"	N11°17'01"W	64.72'
C127	7.33'	13.00'	032°18'29"	N14°52'05"W	7.23'
C129	245.24'	540.00'	026°01'13"	N11°43'27"W	243.13'
C130	208.90'	460.00'	026°01'13"	N11°43'27"W	207.11'
C131	4.67'	13.00'	020°35'40"	N41°19'09"W	4.65'
C132	7.33'	13.00'	032°18'29"	S17°26'24"W	7.23'
C133	75.14'	50.00'	086°06'13"	S41°23'50"E	68.27'
C134	61.75'	50.00'	070°45'38"	S37°02'06"W	57.90'
C135	25.35'	50.00'	029°03'05"	S86°56'27"W	25.08'
C136	25.00'	50.00'	028°38'52"	N64°12'34"W	24.74'
C137	36.19'	50.00'	041°28'10"	N29°09'03"W	35.40'
C138	13.81'	674.53'	001°10'23"	S09°00'09"E	13.81'
C139	48.94'	674.53'	004°09'24"	S11°40'03"E	48.93'
C140	65.07'	699.53'	005°19'48"	S11°04'52"E	65.05'

PRELIMINARY

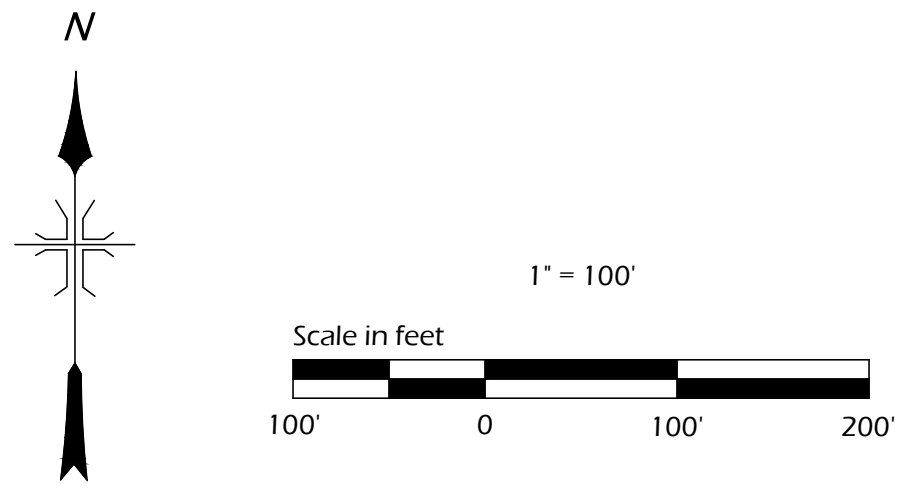
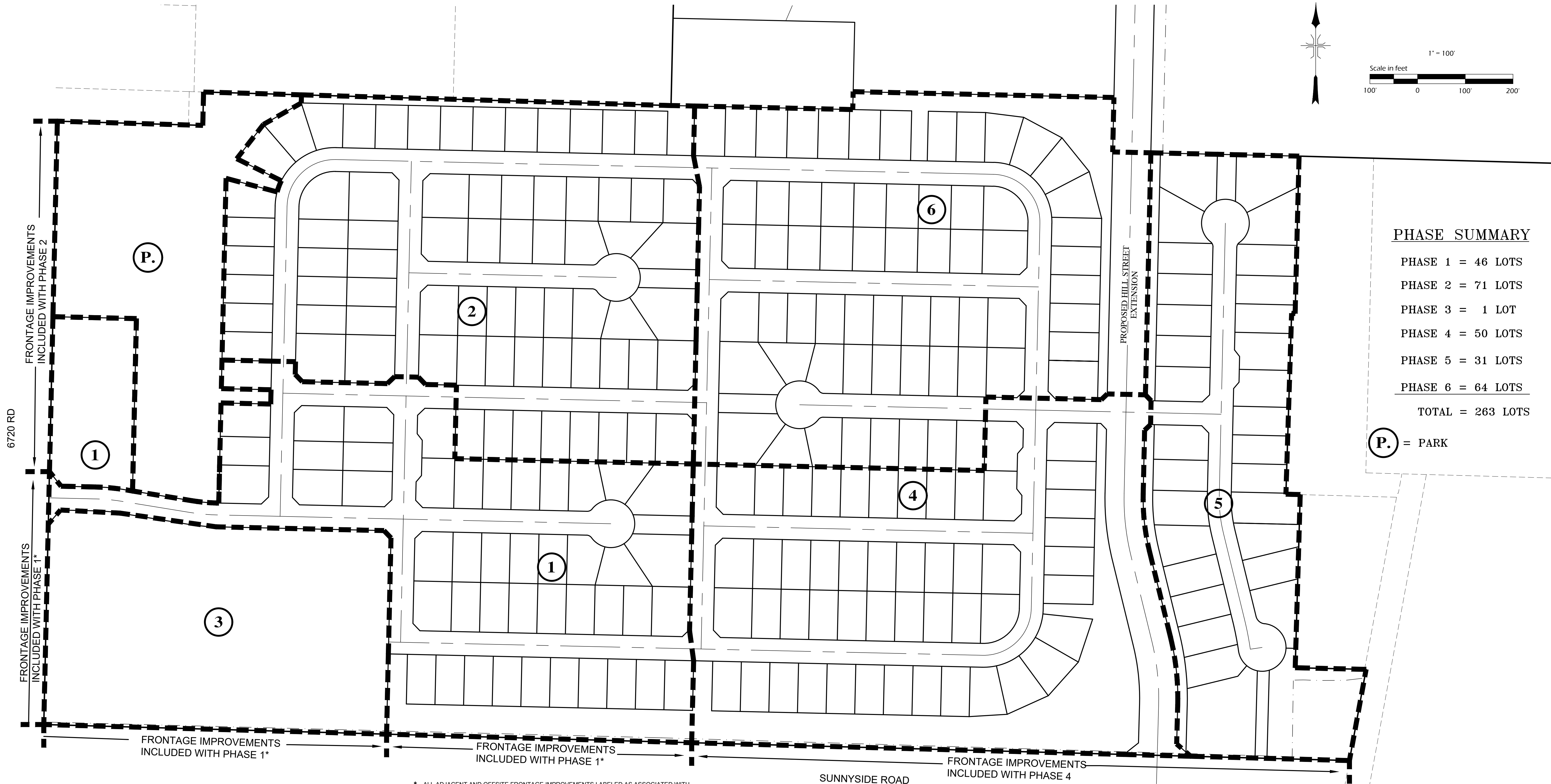
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				DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. W Montrose, CO 81401 ☎ (970) 249-2251 www.del-mont.com ▼ service@del-mont.com	
FIELD BOOK:		DRAWN BY: RDD/DCC		DATE: 05/22/2023	
SHEET: 5 of 6		FILE: 23003V_PLAT_PRE		JOB NO.: 21123	
TITLE: WOODS CROSSING NORTH				CLIENT: MIAMI ROAD PROPERTIES, LLC	
ADDRESS & PHONE: 1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398				TYPE: PRELIMINARY PLAT	

WOODS CROSSING NORTH

PRELIMINARY PLAT AMENDMENT NO. 1

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



PHASE SUMMARY

- PHASE 1 = 46 LOTS
- PHASE 2 = 71 LOTS
- PHASE 3 = 1 LOT
- PHASE 4 = 50 LOTS
- PHASE 5 = 31 LOTS
- PHASE 6 = 64 LOTS
- TOTAL = 263 LOTS

P. = PARK

OFFSITE FRONTAGE IMPROVEMENTS S.W. OF 6720/
SUNNYSIDE INTERSECTION INCLUDED WITH PHASE 1*

* ALL ADJACENT AND OFFSITE FRONTAGE IMPROVEMENTS LABELED AS ASSOCIATED WITH PHASE 1 SHALL BE PERFORMED CONCURRENT WITH PHASE 1 CONSTRUCTION UNLESS SITE DEVELOPMENT OF BLOCK 5, LOT 1 (LABELED AS PHASE 3 ON THIS SHEET) OCCURS PRIOR. IF BLOCK 5, LOT 1 IS DEVELOPED PRIOR TO IMPLEMENTATION OF PHASE 1, IT WILL BE NECESSARY TO PERFORM FRONTAGE IMPROVEMENTS ALONGSIDE THE SITE DEVELOPMENT AND THE OFFSITE FRONTAGE IMPROVEMENTS SW OF THE 6720/SUNNYSIDE INTERSECTION (SUNNYSIDE SIDEWALK CONNECTION) IN ORDER TO PROVIDE PEDESTRIAN CONNECTIVITY TO THE SITE. IN THIS INSTANCE, ADJACENT FRONTAGE IMPROVEMENTS AND THE SUNNYSIDE SIDEWALK CONNECTION MUST BE COMPLETE BEFORE A CERTIFICATE OF OCCUPANCY CAN BE ISSUED ON THE SITE DEVELOPMENT OF BLOCK 5, LOT 1.

PRELIMINARY

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 WOODS CROSSING NORTH	
DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251 www.del-mont.com ▼ service@del-mont.com				CLIENT: MIAMI ROAD PROPERTIES, LLC	
FIELD BOOK:				ADDRESS & PHONE: 1521 OXBOW RD. SUITE 210 MONTROSE, CO 81401 970-249-3398	
DRAWN BY: RDD/ DCC		DATE: 05/22/2023			
SHEET: 6 OF 6		FILE: 23003V_PLAT_PRE		JOB NO.: 21123	
				TYPE: PRELIMINARY PLAT	

EXHIBIT B: Code Excerpts for Subdivisions

Sec. 11-5-1. General provisions.

- (A) This Chapter, as amended from time to time may be cited and referred to as the City's subdivision regulations.
- (B) The purposes of these subdivision regulations are to:
 - (1) promote and protect public health, safety and welfare;
 - (2) to encourage the harmonious, orderly and progressive development of land;
 - (3) to ensure the development of economically sound and compatible neighborhoods;
 - (4) to require the construction of necessary improvements and utilities;
 - (5) to ensure safe and convenient circulation of vehicular and pedestrian traffic;
 - (6) to ensure that parks, open spaces, school sites and land needed for other public purposes are either reserved or dedicated;
 - (7) to ensure development is in accordance with the requirements of the City's Comprehensive Plan as such may be amended from time to time; and to ensure that new development bears its fair share of the costs of providing improvements and services necessitated by, or resulting from, the development of subdivisions.

Sec. 11-5-2. Major subdivisions.

- (A) *New Subdivisions.* A subdivision shall be classified as a major subdivision and governed by this Section when an applicant proposes to create four or more new tracts, lots, or interests; or less than four new tracts, lots or interests if not eligible as a minor subdivision in accordance with Section 11-5-3.
- (B) *Resubdivisions or Major Plat Amendments.* Resubdivisions and major plat amendments are reviewed in the same manner as a major subdivision with the same purposes. A major plat amendment is any plat amendment that does not qualify as a minor plat amendment under Section 11-5-3 (C). To the extent that submittal information was submitted as part of the original subdivision proposal and is adequate by current standards, the applicant for approval of a resubdivision or major plat amendment does not need to submit the information again and may reference such submittal information in the new application. The City Manager will determine the technical adequacy of previously submitted information.
- (B) *Procedure.* The major subdivision procedure shall consist of three (3) separate phases - sketch plan, preliminary plat and final plat - in accordance with Sections 11-5-4, 11-5-5, and 11-5-6, respectively.

Sec. 11-5-4. Sketch plan.

- (A) *Purpose.* Sketch plan review provides an opportunity to determine whether an application will comply with the City's subdivision review and approval criteria, and to address any issues of concern early in the review process. The sketch plan is a conceptual version of the preliminary plat showing the general subdivision layout, access, street and lot pattern, location of parks, open space tracts, trail corridors, and other tracts for utilities or services.



- (B) *Review Procedure.* The sketch plan application shall be reviewed by the City in accordance with Section 11-4-2 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process.
- (C) *Review Criteria.* A sketch plan shall comply with the following review criteria:
- (1) The proposal shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed, considering the following at a minimum.
 - (a) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
 - (b) Availability of water, means of sewage collection and treatment, stormwater drainage, access and other utilities and services;
 - (c) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - (d) Adjacent streets and traffic flow, including pedestrian access; and
 - (e) Availability of fire, police and other emergency services protection.
 - (2) An applicant who intends to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing their present plans for its eventual development.

Sec. 11-5-5. Preliminary plat.

- (A) *Purpose.* The purpose of the preliminary plat is to provide the City with an overall master plan for the proposed subdivision. The preliminary plat is more detailed than the sketch plan and should incorporate the comments and guidance provided during the sketch plan process. It includes the layout of the subdivision and final engineering design, with all bearings, distances and survey monumentation.
- (B) *Review Procedure.* The preliminary plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A preliminary plat shall comply with the following review and approval criteria:
- (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;



- (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for compatibility with unique or distinctive natural areas, scenic areas and views, natural landmarks, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
 - (9) The preliminary plat and proposed improvements shall comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.
- (D) *Notice to Proceed.* 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.

Sec. 11-5-6. Final plat.

- (A) *Purpose.* The purpose of the final plat is to complete the subdivision of land in conformance with all the applicable requirements and standards of the City. The final plat shall correspond in every significant respect with the preliminary plat as previously approved. A complete review is conducted of the final subdivision design, with all bearings and distances, survey monumentation, and certificates of approval included on a document suitable for recordation.
- (B) *Review Procedure.* The final plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A final plat shall comply with the following review and approval criteria:
 - (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;



- (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for the preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings and unique landforms, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
 - (9) The final plat is generally consistent with the preliminary plat, as applicable.
- (D) *Additional Provisions.*
- (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 Section.
 - (2) 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 accompanied by the appropriate security under Section 11-5-12, prior to approval by the City Council.
 - (3) 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.
 - (4) 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 11-5-12 on forms approved by the City.



- (b) As-built plans, supporting documentation, certificates 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. All as-built plans, supporting documentation, certificates 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 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 atypical 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.
- (5) 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.





CITY OF MONTROSE

Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner II
DATE: June 28, 2023
RE: Dry Cedar Creek II Addition Annexation
ATTACHMENTS:

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

Public notice requirements have been fulfilled in accordance with Section 11-4-3(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 300 feet, and an ad appeared in the Montrose Daily Press.

Planning Commission Consideration:

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

Application Background:

The Dry Cedar Creek II Addition is a proposed annexation approximately 5.06 acres in size. The parcel is located along Ogden Road, southeast of its intersection with Kellie Drive. 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-3A" Medium High Density District

Applicant: RealAmerica, LLC



Proposed schedule:

May 15:	Council Work Session Overview
June 6:	Council Resolution to set a hearing date
June 28:	Planning Commission zoning hearing
July 18:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
August 1:	2nd reading of annexation and zoning ordinances

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, 11-7-12(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 11-7-5(A)(6): The "R-3A" Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses
 - 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-2" Low Density District, "R-3A" Medium High Density District, and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Dry Cedar Creek II Addition as Residential Mixed Density Low. The Residential Mixed Density Low 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). 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.
 - a. 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.



- b. 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.
 - c. Goal HN-2: Affordable Housing. Increase access to affordable housing.
 - i. Objective 2.1 Encourage a mix of housing price ranges, thereby providing choices for residents of all incomes and ages.
5. The property is located within Growth Area 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-3A” zoning does not appear to be adverse to the public health, safety and welfare.

Staff Recommendation:

Staff recommends approval of the “R-3A” Medium High Density District designation.

Planning Commission Recommendation Alternatives:

Approval Motion Recommendation:

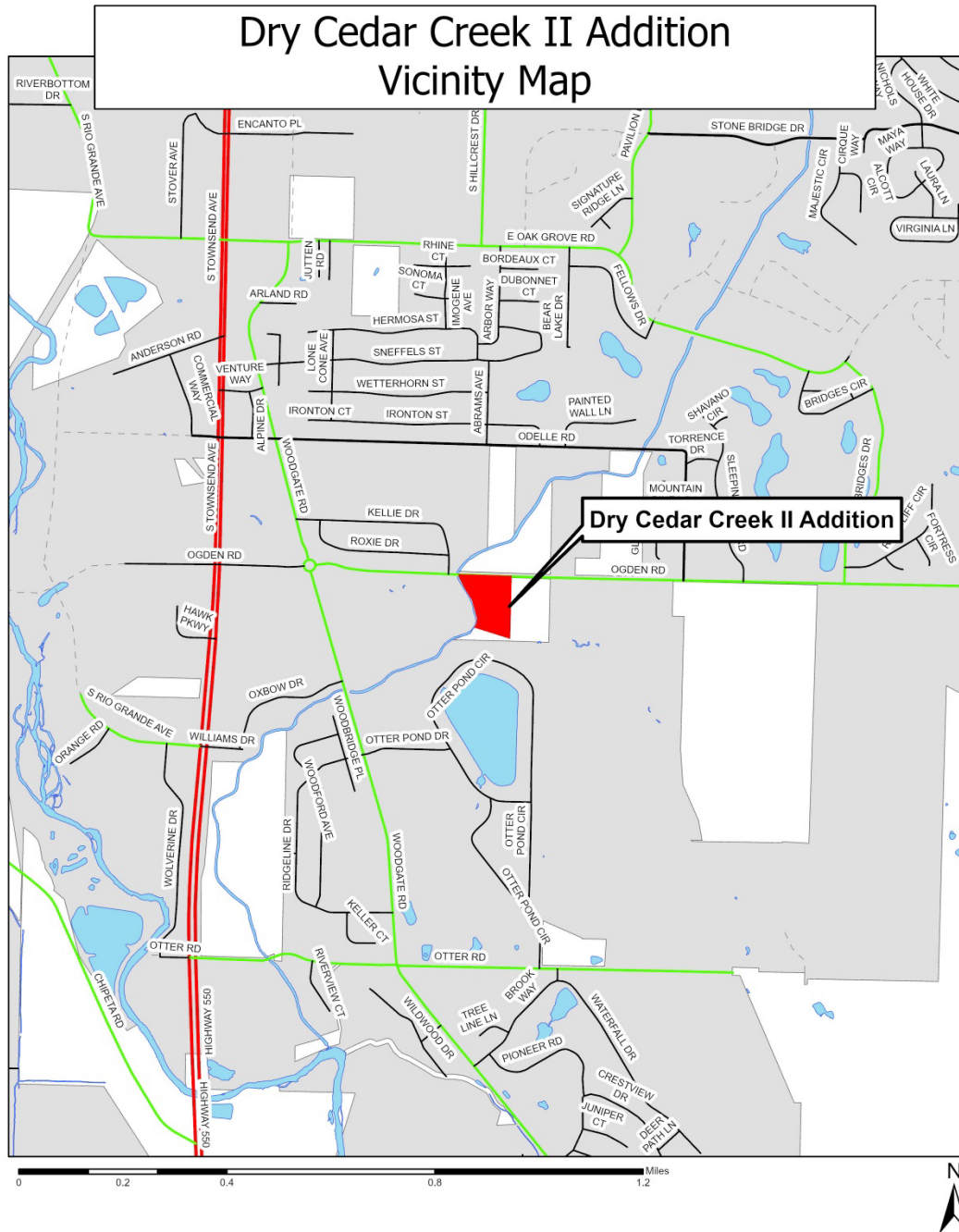
“I hereby make a motion to recommend to City Council approval the initial zoning request of “R-3A” Medium High Density District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.”

Denial/No Action Motion Recommendation:

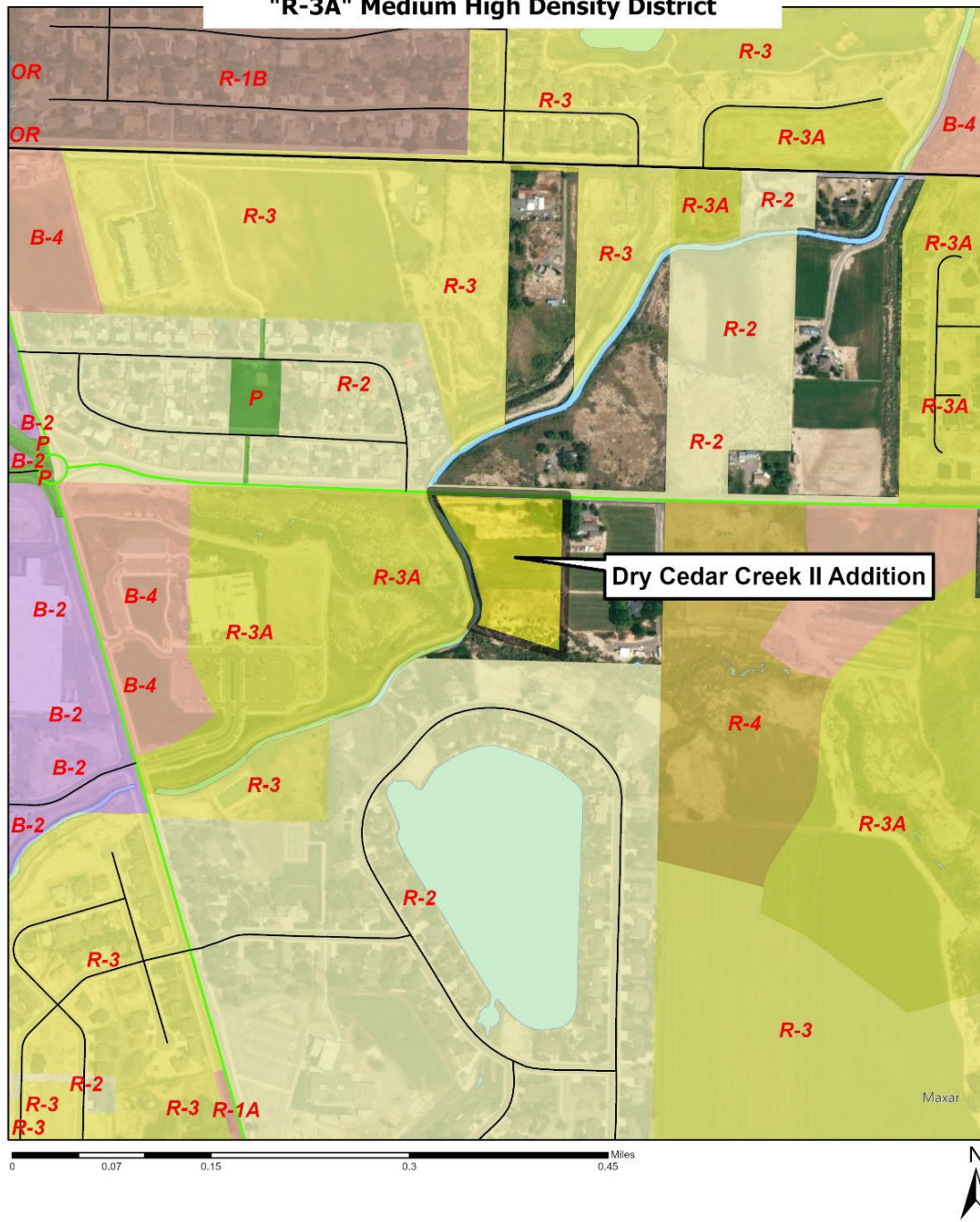
“I hereby make a motion to recommend denial of the request. The request does not meet the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.”



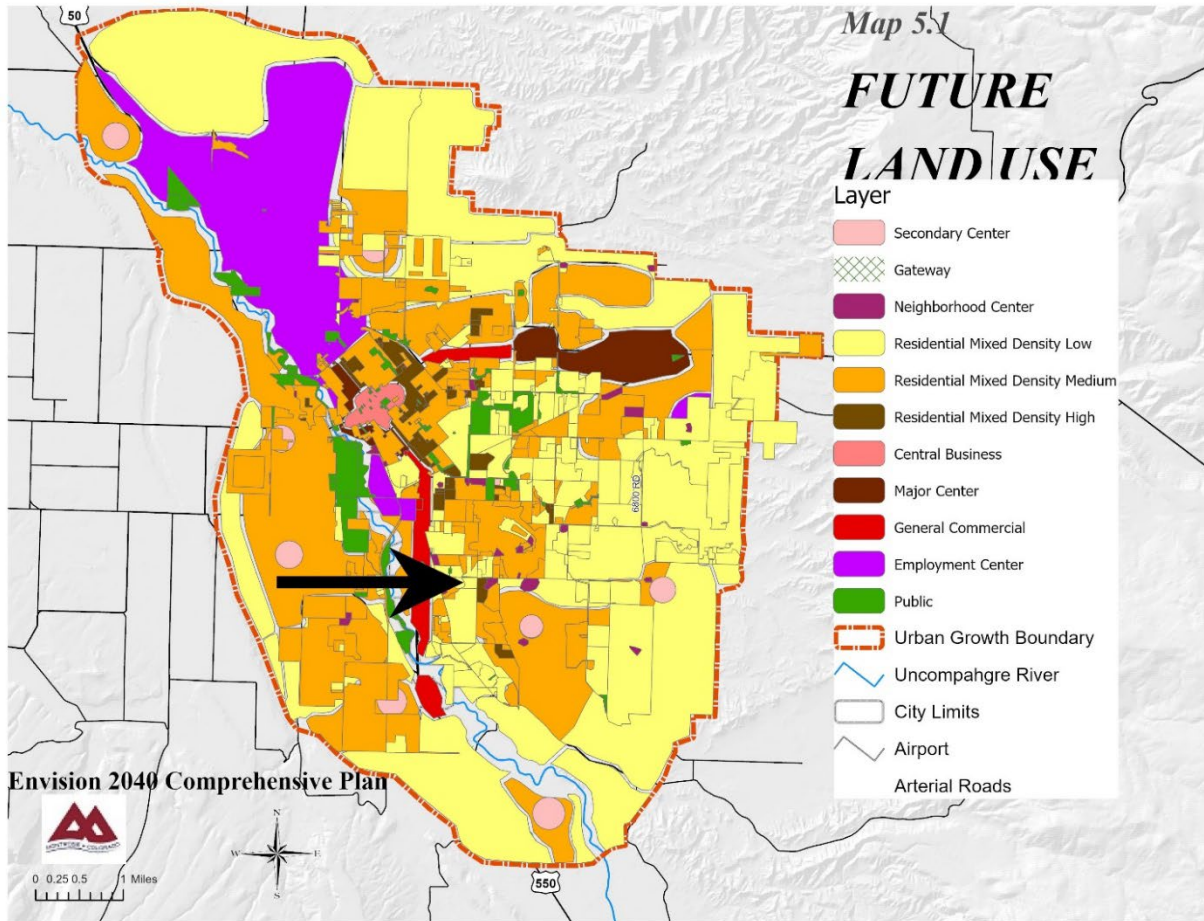
EXHIBIT A: Maps



**Proposed Dry Cedar Creek II Addition Zoning
"R-3A" Medium High Density District**

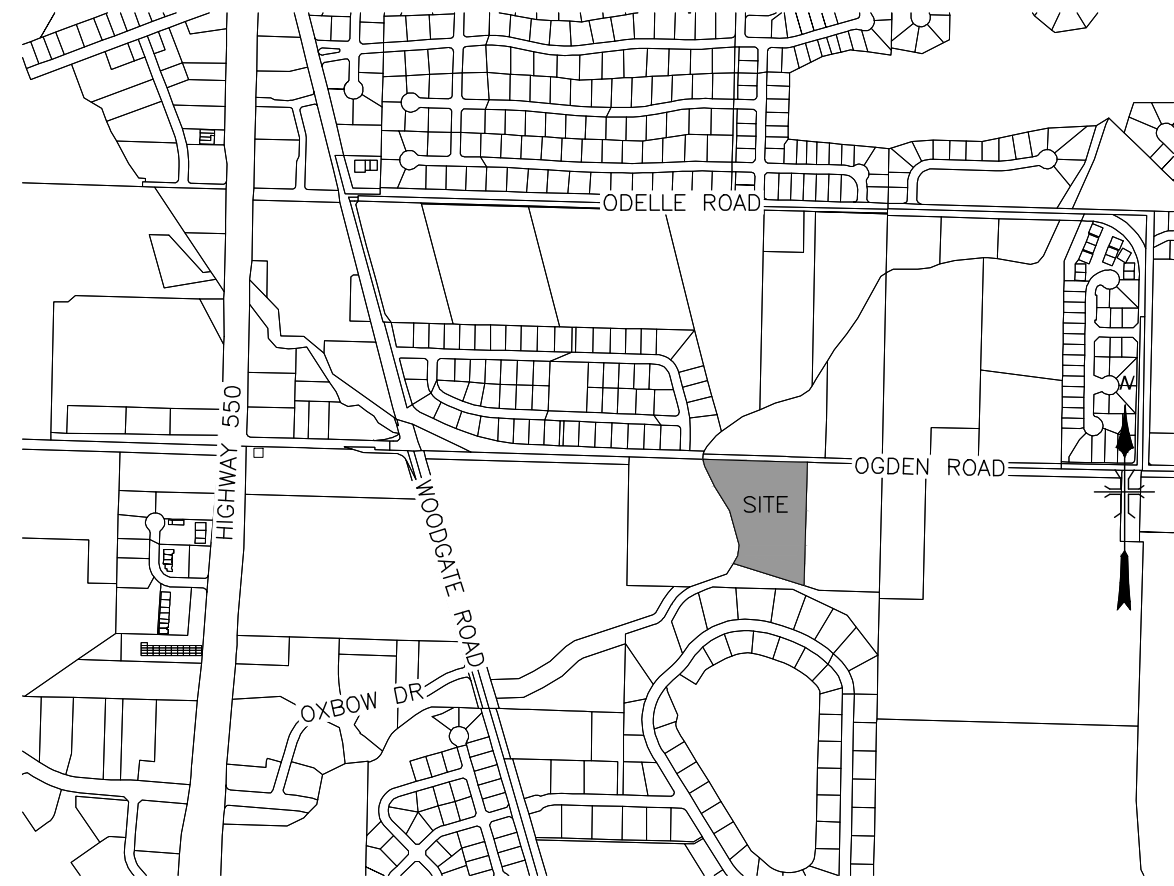


Comprehensive Plan Future Land Use Map

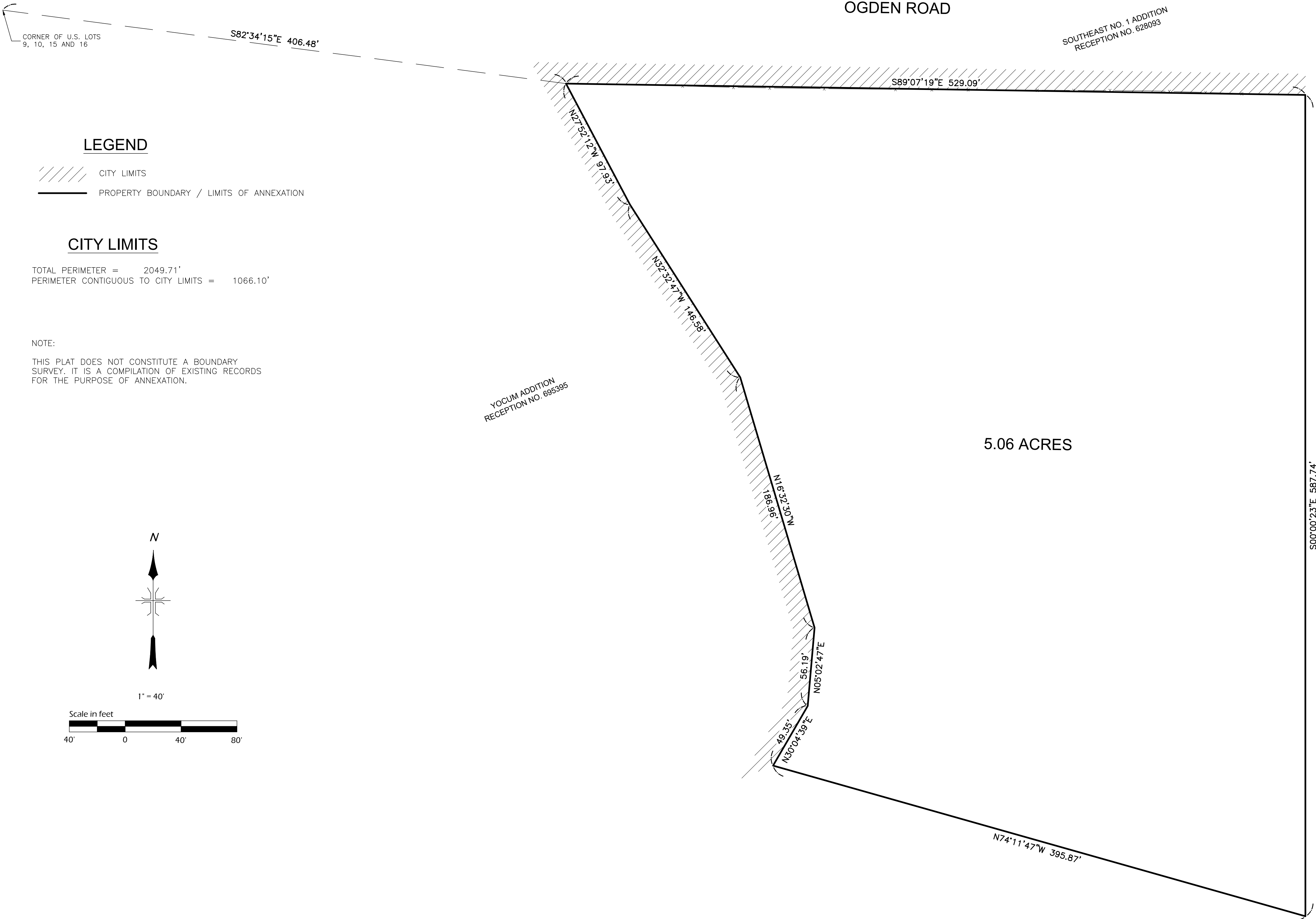


DRY CEDAR CREEK II ADDITION

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



VICINITY MAP
N.T.S.



LEGEND

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

CITY LIMITS

TOTAL PERIMETER = 2049.71'
PERIMETER CONTIGUOUS TO CITY LIMITS = 1066.10'

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

ANNEXATION DESCRIPTION

A TRACT OF LAND SITUATED IN THE N1/2 OF LOT 16, SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST ADDITION 1 RECEPTION NO. 628093, SAID POINT BEING S82°34'15"E 406.48 FEET FROM THE CORNER OF U.S. LOTS 9, 10, 15 AND 16, AS MONUMENTED BY A WITNESS CORNER (BK. 1, PG. 606), THENCE ALONG SAID SOUTH LINE S89°07'19"E 529.09 FEET; THENCE SOUTH 00°00'23" EAST FOR 587.74 FEET; THENCE NORTH 74°11'47" WEST FOR 395.87 FEET TO THE CENTERLINE OF THE 100' EASEMENT FOR SAID CANAL, AND THENCE ALONG THE CENTERLINE OF SAID EASEMENT FOR THE FOLLOWING CALLS: NORTH 30°04'39" EAST FOR 49.35 FEET; NORTH 05°02'47" EAST FOR 56.19 FEET; NORTH 16°32'30" WEST FOR 186.96 FEET; NORTH 32°32'47" WEST FOR 146.58 FEET; NORTH 27°52'12" WEST FOR 97.93 FEET TO THE POINT OF BEGINNING, COUNTY OF MONTROSE, STATE OF COLORADO.

SURVEYOR'S CERTIFICATE

I, Frederick A. Ballard, a Registered Land Surveyor in the State of Colorado, do hereby certify DRY CEDAR CREEK II ADDITION Annexation Map was prepared under my direct supervision.

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 _____, 20____, 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 _____, 20____ under Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

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.

DMC		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 245-2251 • (970) 245-2242 FAX www.del-mont.com • service@del-mont.com	
FIELD BOOK:		DATE:	2023-01-26
DRAWN BY:		DCC	
SHEET:		FILE:	23010V_ANNEX
1 of 1		JOB NO.:	23010
		TYPE:	ANNEXATION
TITLE:		DRY CEDAR CREEK II ADDITION	
CLIENT:		MICHAEL SURAK	
ADDRESS & PHONE:			

CHAPTER 11-7. ZONING REGULATIONS

Sec. 11-7-1. General provisions.

- (A) This Chapter, as amended from time to time, and the March 2016 Revised Zoning Map of the City, as amended from time to time, may be cited as the City's Zoning Regulations or Zoning Ordinance.
- (B) The purpose of these Zoning Regulations is to promote the public health, safety and welfare of the present and future inhabitants of Montrose, as described at Section 11-1-4 of this Title.
- (C) The City hereby declares that the regulation and development of land, including regulation by these Zoning Regulations, is exclusively a matter of local and municipal concern, and any provisions of any Statute or regulation of the state in conflict with the provisions of these Zoning Regulations, or any limitation imposed by any Statute or regulation of the state otherwise applicable are hereby superseded; provided, however, the City shall retain all powers authorized by state law with respect to land development regulations and zoning even though not specified within this Chapter, and such powers may be exercised in any lawful manner free from any limitations imposed by State Statute or regulation.
- (D) No business or use involving the sale or distribution of products or services, or the pursuit of activities, whether for profit or not for profit, which is in contravention of any federal, state or local law or regulation, shall be considered a use by right, a conditional use, or a lawful nonconforming use under this Chapter, in any zoning district within the City limits.

Sec. 11-7-2. Official Zoning Map.

- (A) The March, 2016 Revised Zoning Map of the City, as such may be amended from time to time, may be known or cited as the Official Zoning Map of the City.
- (B) Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the legal description of the property to be rezoned. A copy of the Official Zoning Map, as amended from time to time, shall be maintained in the City Clerk's office available for public inspection. The City Manager may cause technical corrections to the Official Zoning Map to be made without any requirement that they first be approved by ordinance, provided such corrections simply implement the terms of previously-approved rezoning ordinances and are consistent with the zone district boundary rules of interpretation in Section 11-7-3.

Sec. 11-7-3. Zone district boundaries.

The regulations for the various residential, mixed use, commercial and industrial districts provided for in this Chapter shall apply within the boundaries of each such district as indicated on the Official Zoning Map. In establishing the boundaries of the zoning districts shown on the Official Zoning Map, the following rules shall apply:

-
- (1) General rules of interpretation. For unsubdivided property or where a zoning boundary divides a property, or if the zoning boundaries cannot otherwise be determined, the boundaries on the Official Zoning Map shall be based upon the individual zoning or rezoning map approved for the property.
 - (2) Lot or block lines. Where no rights-of-way exist and the zoning boundaries are indicated as approximately following lot, tract, block or subdivision boundary lines, such limits shall be considered as the zoning district boundaries.
 - (3) Rights-of-way. Unless otherwise indicated, the zoning district boundaries are the centerlines of streets, alleys, waterways, and railroad rights-of-way. The area within any of the rights-of-way is not granted any of the use rights associated with the overlying or adjacent zoning district(s).
 - (4) Vacated rights-of-way. Whenever a public street, alley or other right-of-way has been vacated, the zoning district adjoining each side of the right-of-way shall be extended to include the portion of the vacated street, alley, or other right-of-way adjacent to such adjoining property.
 - (5) City boundaries. Boundaries indicated as approximately following the City limits shall be considered as following the City limits.
 - (6) Other boundaries. Boundaries indicated as approximately parallel to or extensions of centerlines, lot, or tract lines, City limits, or similar geographic lines shall be considered as the boundaries when no or other reliable documentation is available.
 - (7) Map discrepancies. Should an actual street layout or stream course vary from that shown on the map or any other uncertainty remain as to the location of a zoning district boundary, the City Manager shall interpret the map based on the best information available and according to the intent of this title and any other applicable provisions of the Municipal Code.
 - (8) Boundary disputes. Disputes concerning the exact location of any zoning district boundary line shall be decided by the Planning Commission.

Sec. 11-7-4. Zoning annexed land.

All annexed land shall be zoned within 90 days of annexation following the procedure for rezoning at Section 11-7-12. Zoning of property proposed for annexation may be processed simultaneously with the petition for annexation, provided no ordinance zoning such property may be finally adopted prior to final adoption of an ordinance or ordinances annexing such property.

Sec. 11-7-5. Districts established.

- (A) The residential districts described below are established to promote stability in residential neighborhoods; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land. Certain other uses are permitted which are compatible with residences.

-
- (1) The "RL" Rural Living District is intended to provide for farms, ranches, and clustered development with open space, and is designed to dovetail with allowed County residential densities.
 - (2) The "R-1" Very Low Density District is intended to provide for large lot rural residential development with a maximum density of one dwelling unit per acre.
 - (3) The "R-1A" Large Estate District and "R-1B" Small Estate District are intended to provide for large single-family residential lots within a semi-rural environment.
 - (4) The "R-2" Low Density District is intended to provide for development of single-family residences, along with certain other compatible land uses.
 - (5) The "R-3" Medium Density District is intended to provide for an area which is suitable for both single-family homes and duplexes, along with certain other compatible land uses.
 - (6) The "R-3A" Medium High Density District is intended to provide for an area which is suitable for single-family homes, duplexes and multifamily residences, along with certain other compatible land uses.
 - (7) The "R-4" High Density District is intended to provide for high density multiple-family residences and to allow variety in housing types.
 - (8) The "R-5" Low Density/Manufactured Housing District is intended to provide for low density development of single-family manufactured homes, along with certain other compatible land uses.
 - (9) The "R-6" Medium Density/Manufactured Housing District is intended to provide for medium-density development for single-family and duplex manufactured homes, along with certain other compatible land uses.
 - (10) The "MHR" Manufactured Housing Residential District is intended to provide a suitable environment for mobile homes, along with certain other compatible land uses.
- (B) The mixed-use district described below is established to promote stability in areas in transition; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land.
- (1) The "OR" Office-Residential District is intended to provide for a mix of offices and residences in areas adjacent to commercial zones or in areas in transition from residential to commercial uses.
- (C) The commercial districts described below are established to provide a location for convenient exchange of goods and services in a reasonable and orderly manner.
- (1) The "P" Public District is intended to provide for uses and services of a public, nonprofit, or charitable nature.
 - (2) The "B-1" Central Business District is intended to reflect the character of the original Downtown while allowing additional uses that will strengthen and expand the core of the City.
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- (3) The "B-2" Highway Commercial District is intended to provide for businesses oriented toward serving the motoring public, encouraging the convenient exchange of goods and services along the major thoroughfares of the City.
 - (4) "B-2A" Regional Commercial District is intended to provide for a full spectrum of goods and service uses along the major thoroughfares of the City.
 - (5) The "B-3" General Commercial District is intended to provide for a large variety of goods and services including outdoor storage areas and a limited group of commercial/industrial uses.
 - (6) The "B-4" Neighborhood Shopping District is intended to provide for small scale retail shopping and services convenient to residential neighborhoods.
 - (D) The industrial districts described below are established to provide for normal manufacturing activities and related uses.
 - (1) The "I-1" Light Industrial District is intended to provide for a limited group of research and manufacturing uses promoting the creation and maintenance of an employment center which will serve the mutual interests of the community as a whole.
 - (2) The "I-2" General Industrial District is intended to provide for most industrial and manufacturing uses, subject to performance standards.
 - (E) Dimensional requirements are set out in Section 11-7-7.

Sec. 11-7-6. District uses.

- (A) *Permitted uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6 (G) and 11-7-6 (H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6 (G) and 11-7-6 (H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
 - (1) The use will not be contrary to the public health, safety, or welfare.
 - (2) The use is not materially adverse to the City's Comprehensive Plan.
 - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
 - (5) The use will not have an adverse effect upon other property values.
 - (6) Adequate off-street parking will be provided for the use.
 - (7) The location of curb cuts and access to the premises will not create traffic hazards.
 - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.

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- (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one (1) principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory uses.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following limitations:
- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
 - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
 - (3) An accessory use shall be located on the same lot as a principal use.
- (E) *Temporary Use Permits.*
- (1) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.
 - (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.
 - (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
 - (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.
- (F) *Uses Not Listed.*
- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
 - (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
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- (a) The appeal must be made in writing and filed within thirty (30) days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within thirty (30) days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least fifteen (15) days prior to the hearing.
 - (c) The City Council shall approve or deny the appeal.
 - (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.

(G) Schedule of Residential Zone District Uses.

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
COMMERCIAL USES										
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.	P									
Rental storage units with a maximum rental unit size of 200 square feet.										C
Short-term rentals	P	P	P	P	P	P	P	P	P	P
INSTITUTIONAL USES										
Assisted living facilities					C	C	C		C	C
Childcare facilities	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	C	C	C	C	P	P	P	C	C	P
Schools	C	C	C	C	C	C	C	C	C	C
RECREATIONAL USES										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
RESIDENTIAL USES										
Duplex					P	P	P		P	
Group homes - handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P
Group homes - handicapped/disabled > 9 persons (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured housing				¹				P	P	P
Mobile homes (See Sec. 11-13)										P
Mobile home parks (See Sec. 11-13)										P
Modular housing								P	P	P
Multi-family dwelling					C	P	P		C	
Single-family dwelling	P	P	P	P	P	P	P	P	P	P
UTILITIES AND TELECOMMUNICATION FACILITIES										
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C
OTHER USES										
Accessory uses (See Sec. 11-7-6 (D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6 (E) (1-3))	T	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7- 6 (E)(4))	T	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11- 13-6 (2))		T	T	T	T	T	T	T	T	T

¹ Manufactured housing is prohibited except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Legend: Zoning Districts RL: Rural Living R-1: Very Low Density R-1A: Large Estate R-1B: Small Estate R-2: Low Density R-3: Medium Density R-3A: Medium High Density R-4: High Density R-5: Low Density/Manufacture Housing R-6: Medium Density/Manufacture Housing MHR: Manufactured Housing Residential				Legend: Use Type P: Permitted Use C: Conditional Use A: Accessory Use T: Temporary Use Note: Any uses not listed in a zone district are prohibited – see Sec. 11-7-6 (F)(1).						

(H) Schedule of Mixed Use, Commercial and Industrial Zone District Uses.

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
COMMERCIAL USES									
Automobile and vehicle sales, repair or service establishments			C	C	P	P			
Automobile body shops			C	C	P	P			
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials businesses			C	P	P	P			
Car washes				P	P	P	C		
Commercial businesses		C							
Commercial uses other than the uses by right in this zone district which comply with the performance standards of Chapter 11-11-4 and are consistent with Sec. 11-7-5 (D) (1).								C	
Farm implement sales or service establishments					P	P			
Fueling stations or other retail uses having fuel pumps which comply with the following criteria: (a) All fuel storage, except propane, shall be located underground. (b) All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.			P	P	P	P	C		
Funeral homes			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facilities, self-service				P	P	P	P		
Mobile and travel home sales or service establishments					P	P			
Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.	P								

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Offices not allowed as a use by right.	C								
Travel home parks and campgrounds (See Sec. 11-13)				C	C	C			
Rental businesses					P	P			
Restaurants			P	P	P	P	P		P
Restaurants, drive-in or drive-through			C	C	C	C	C		
Retail sales and services establishments which cater to the general shopping public	C								
Retail stores, business and professional offices, and service establishments which cater to the general shopping public.			P	P	P	P	P		P
Retail stores, business and service establishments serving the general public but which also involve limited manufacturing of the products supplied				C	C	C			
Sexually oriented business (See Sec. 11-12-1)									P
Short-term rentals	P		P	P	P	P	P	P	P
Taverns			P	P	P	P	C		
Theaters			P	P	P	P			
Veterinary clinics or hospitals for small animals				P	P	P			
Veterinary clinics or hospitals for large animals					P	P			
INDUSTRIAL USES									
Above ground storage facilities for hazardous fuels						P			P
Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.								P	P
Construction and contractor's office and equipment storage facilities						P			P
Feed storage and sales establishments						P			P

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Manufacturing and non-manufacturing uses including: food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities. (See Sec. 11-11-4)					C	C		P	P
Other industrial uses									P
Storage facilities, indoor			C	P	P	P	C		P
Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operations			C	C	C	C		P	P
INSTITUTIONAL USES									
Airport								P	P
Assisted living facilities	C			P	P	P			
Childcare facilities	P	C	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, "daytime" shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. "Night" shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospitals	P								
Libraries		P	P	P	P	P			

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Museums and visitor centers		P	P	P	P	P			
Parking facilities	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P			
Religious assembly	P	P	P	P	P	P	P		
Schools	C	P	C	C	C	C	C		
RECREATIONAL USES									
Golf courses		C							
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P
Private recreation facilities		P							
RESIDENTIAL USES									
Duplex	P		P	P	P	P	P	P	P
Group homes - handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P		P	P	P	P	P	P	P
Group homes - handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group homes, other (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Multifamily dwelling	C	C	P	P	P	P	P	P	P
Single-family dwelling	P	C	P	P	P	P	P	P	P
Supportive housing	C					C		C	
UTILITIES AND TELECOMMUNICATION FACILITIES									
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
OTHER USES									
Accessory uses (See Sec. 11-7-6 (D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6 (E) (1-3))	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6 (E)(4))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6 (2))	T		T	T	T	T	T	T	T

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Legend: Zoning District OR: Office-Residential P: Public B-1: Central Business B-2: Highway Commercial B-2A: Regional Commercial B-3: General Commercial B-4: Neighborhood Shopping I-1: Light Industrial I-2: General Industrial			Legend: Use Type P: Permitted Use C: Conditional Use A: Accessory Use T: Temporary Use Note: Any uses not listed in a zone district are prohibited – see Sec. 11-7-6 (F)(1).						

Sec. 11-7-7. District standards.

(A) Tabulated requirements for uses by right are as follows (all dimensions in feet or square feet unless otherwise noted):

District	Use	Minimum Lot			Minimum Setbacks				Maximum Building Height
		Width at Building Line	Depth	Size	Front	Rear	Side	Corner Lot	
RL	All	100	150	²	25	20	10	20	35
R-1	All	100	150	1 acre	25	20	10	20	35
R-1A	All	100	150	½ acre	25	20	10	20	35
R-1B	All	100	150	⅓ acre	25	20	10	20	35
R-2	All	N/A	N/A	7,500	25	20	6	20	35
R-3	Single-family	N/A	N/A	6,250	15	25	5	15	35
	All others	N/A	N/A	9,375	15	25	5	15	35
R-3A	Single-family	N/A	N/A	6,250	15	25	5	15	35
	Duplex	N/A	N/A	9375	15	25	5	15	35
	All others	N/A	N/A	Larger of 9,375 or 2,900/unit	15	20	10	15	35
R-4	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 others	N/A	N/A	Larger of 9,375 or 2,300/unit	15	20	10	15	35
R-5	All	100	120	12,000	25	20	10	20	35
R-6	Single-family	N/A	N/A	7,500	25	20	6	20	35
	All others	N/A	N/A	9,375	25	20	6	20	35
MHR	All except MH Parks ³	N/A	N/A	3,125	5	10	10	10	35
OR	Single-family	50	100	6,250	15	15	5	15	35
	Duplexes	50	100	6,250	15	15	5	15	35
	All Others	50	100	6,250	15	15	5	15	35
B-1	No Req	No Req.	No Req.	No Req., except for fueling stations	No Req.	No Req.	No Req.	No Req.	No Req.

² A minimum lot size shall be determined as a condition of initial zoning of property as "RL." Such lot size shall be designed to limit overall residential units per acre to no more than allowed by Montrose County in comparable areas in the County where sewer is available, and to implement the City Comprehensive Plan as feasible while remaining economically competitive with allowed County densities.

³ Dimensional requirements for mobile home parks are controlled by Chapter 11-13-5 of this Title.

B-2	All ⁴	50	100	N/A	15	N/A	N/A	15	N/A
B-2A	All	50	100	N/A	25	N/A	N/A	25	35
B-3	All	50	100	N/A	25	N/A	N/A	25	35
B-4	All	N/A	N/A	N/A	25	N/A	N/A	25	35
I-1	All	N/A	N/A	½ acre	25	N/A	N/A	25	N/A
I-2	All	N/A	N/A	½ acre	25	N/A	N/A	25	N/A
All Zones Except I-1, I-2	Renewable Energy Facilities	N/A	N/A	N/A	25	25	10	25	35
I-1, I-2	Renewable Energy Facilities	N/A	N/A	N/A	25	25	10	25	N/A

- (B) Proper dimensional requirements for conditional uses shall be determined in accordance with this Section and Section 11-7-6 (B), provided that as a general rule, they shall be no less strict than the dimensional requirements specified for permitted uses in the district concerned or as specified for the use concerned in a zone in which it is a permitted use. Provided, further, that the following minimum lot sizes shall apply to duplexes and multifamily residences when allowed as a conditional use:

District	Use	Minimum Lot Size
R-3 and R-6	Multifamily Residence	The larger of 9,375 or 2,900 per dwelling unit
OR	Multifamily Residence	The larger of 9,375 or 2,900 per dwelling unit

- (C) Additional Dimensional Requirements.

- (1) Accessory use structures or buildings in residential districts may be located on those rear and side property lines which do not abut a street, if the structure is at least ten feet to the rear of the building line of the principal structure and does not occupy more than 30 percent of the rear yard area.
- (2) In a block where a setback line has been established by existing structures 50 percent or more of the block, the average setback of the existing buildings may be used as the minimum setback.
- (3) Garage doors which face an alley require a five-foot minimum setback.

- (D) Additional District Standards.

- (1) All single-family dwellings in the R-5 and R-6 zone districts must have a minimum roof pitch of 3:12, a minimum roof overhang of eight inches, a minimum length and width of 20 feet, wood, brick, masonry, stucco or cosmetically equivalent exterior siding, and shall be mounted on a permanent foundation.
- (2) All duplex dwellings in the R-5 and R-6 zone districts must have a minimum roof pitch of 3:12, a minimum roof overhang of eight inches, a minimum length and width of 20

⁴ Residential uses in the B-2, B-2A, B-3, B-4, I-1 and I-2 zone districts shall comply with the applicable dimensional requirements as set out for the "R-3A" zone.