



REGULAR PLANNING COMMISSION MEETING AGENDA
Wednesday, October 25, 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 October 11, 2023 meeting
- 4) Additions or Deletions
- 5) **BLUFF HARBOR LOT ADDITION ZONING HEARING** This is a proposal for initial zoning of "MHR" Manufactured Housing Residential District for the proposed Bluff Harbor Lot Addition, approximately 0.72 acres. This annexation is located on the south side of Juniper Rd.
- 6) **OSPREY ADDITION ZONING HEARING** This is a proposal for initial zoning of "R-3A" Medium High Density District, "R-4" High Density District, and "P" Public District for the proposed Osprey Addition, approximately 9.53 acres. This annexation is located on the north side of E Oak Grove Rd, also addressed as 1665 E Oak Grove Rd.
- 7) Other Business
- 8) Next Meeting will be November 8, 2023
- 9) Motion to Adjourn





The Montrose City Planning Commission held a meeting on October 11, 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: Chad Huffman (Vice-Chair), Phoebe Benziger, Ronald Cairns (alternate), Jan Chastain, Delphine Jadot, and Richard Rogers. Absent: David Fishing (Chair), Steve Ball.

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

There were 2 members of the public in attendance.

CALL TO ORDER

Chairperson David Fishing called the meeting to order at 5:02 p.m.

APPROVAL OF MINUTES

Delphine Jadot moved to approve the minutes of the August 23, 2023 meeting as submitted. Ron Shaver seconded, and the motion carried unanimously.

ADDITIONS OR DELETIONS

None.

HOUSING NEEDS ASSESSMENT PRESENTATION.

The City of Montrose, in partnership with Points Consulting, recently completed a Housing Needs Assessment. The purpose of the assessment was to evaluate current housing conditions and needs, make projections of future housing needs, and provide recommendations for policies, practices, and regulatory changes that can be implemented to address gaps between housing needs and supply.

Staff Presentation

Jace Hochwalt introduced this item. There is no action to be taken.

The presentation details legislation and programs at the state and federal levels, the potential changes and impacts to the City's policy decisions, staff's recommendations, and next steps to be taken.

OTHER BUSINESS

None.

NEXT MEETING

The next Planning Commission meeting is scheduled for October 25, 2023.

PUBLIC COMMENT

None.

ADJOURNMENT

Richard Rogers moved to adjourn the meeting. Ron Cairns seconded, and the meeting ended at 6:18 p.m.

Chairperson

Attest



CITY OF MONTROSE

Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner II
DATE: October 25, 2023
RE: Bluff Harbor Lot 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 Bluff Harbor Lot 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 Bluff Harbor Lot Addition is a proposed annexation approximately 0.72 acres in size. The parcel is located along Juniper Road, across from the intersection with El Camino Real Road. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and the Menoken Water Service Area. Annexation of this property will allow for connection to City utilities. An Annexation Agreement is required.

Proposed Zoning: "MHR" Manufactured Housing Residential District

Applicant: Michael Nichols and Sabely Nichols



Proposed schedule:

June 19:	Council Work Session Overview
October 3:	Council Resolution to set a hearing date
October 25:	Planning Commission zoning hearing
November 7:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
November 14:	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: The "MHR" Manufactured Housing Residential District is intended to provide a suitable environment for single-family conventional and mobile homes and is designed to allow a high density of single-family residences and related 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 "MHR" Manufactured Housing Residential District, and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Bluff Harbor Lot Addition as Employment Center. This district is intended to encourage the development of planned light industrial, office, and business parks, as well as to identify locations for medium industrial uses such as manufacturing, warehousing and distributing, and indoor and outdoor storage. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, childcare, and housing.
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 “MHR” zoning does not appear to be adverse to the public health, safety and welfare.

Staff Recommendation:

Staff recommends approval of the “MHR” Manufactured Housing Residential District designation.

Planning Commission Recommendation Alternatives:

Approval Motion Recommendation:

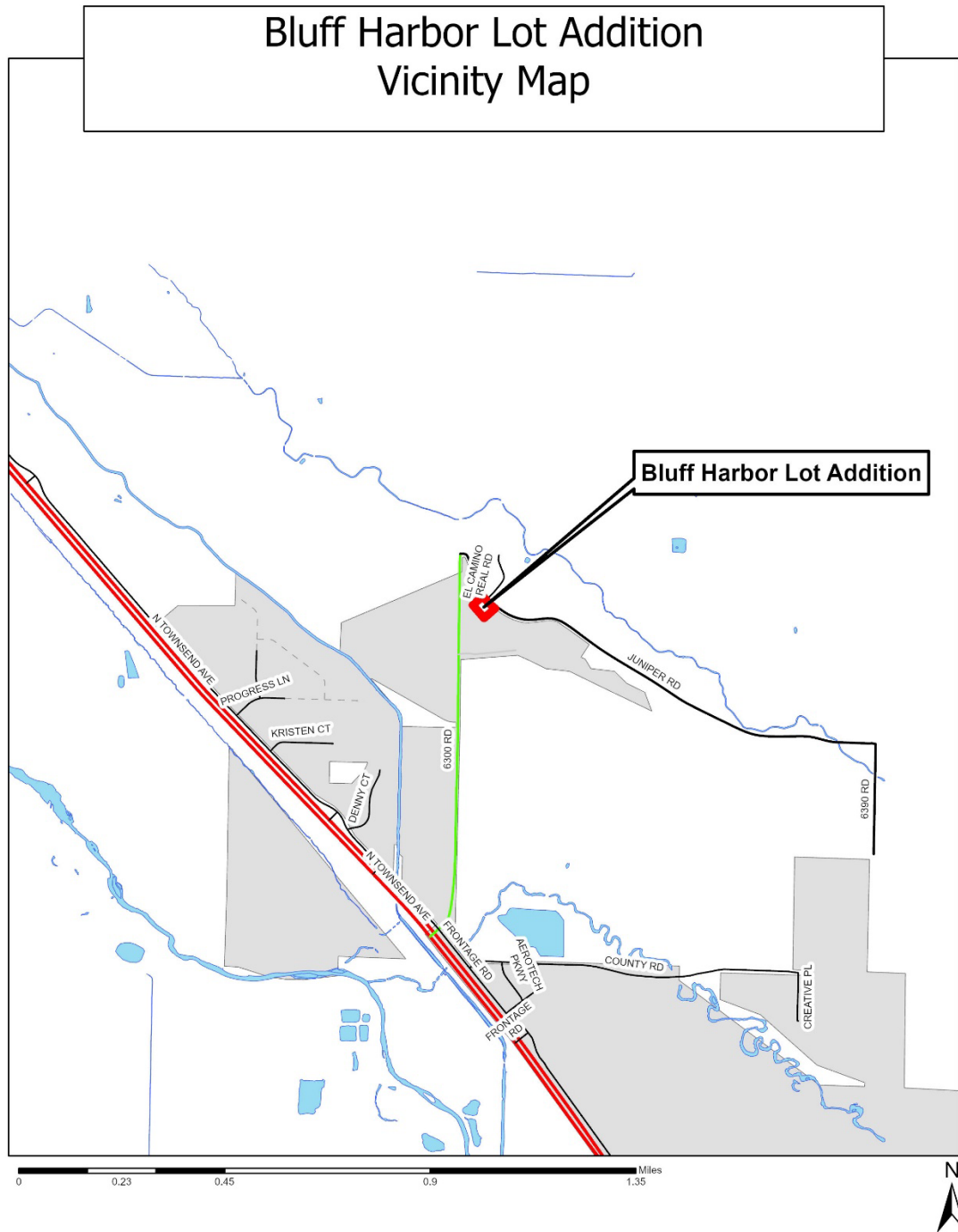
“I hereby make a motion to recommend to City Council approval the initial zoning request of “MHR” Manufactured Housing Residential District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.”

Alternative Motion Recommendation:

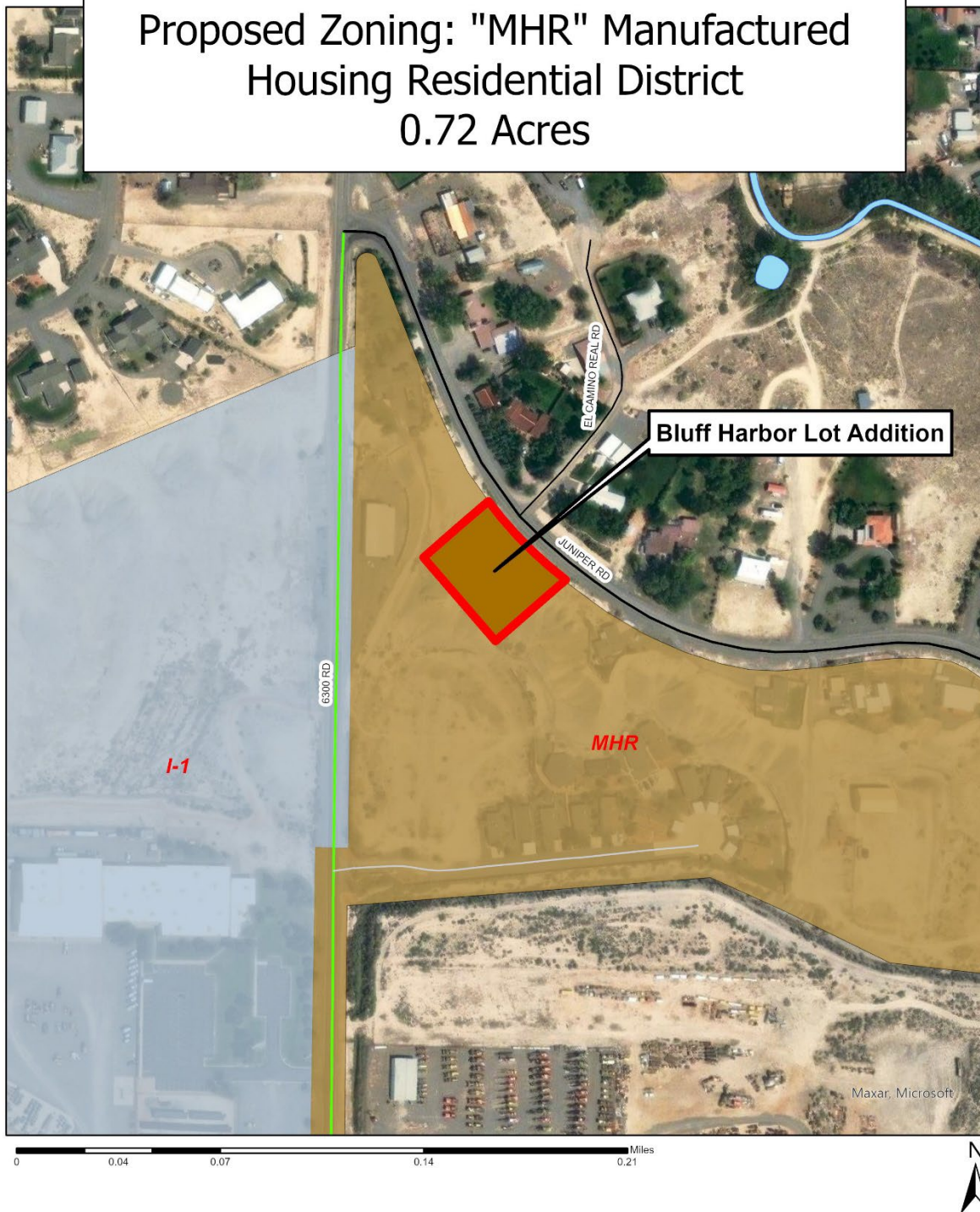
The Planning Commission may recommend a different zoning designation than that which was requested. The Planning Commission may not deny the annexation application.



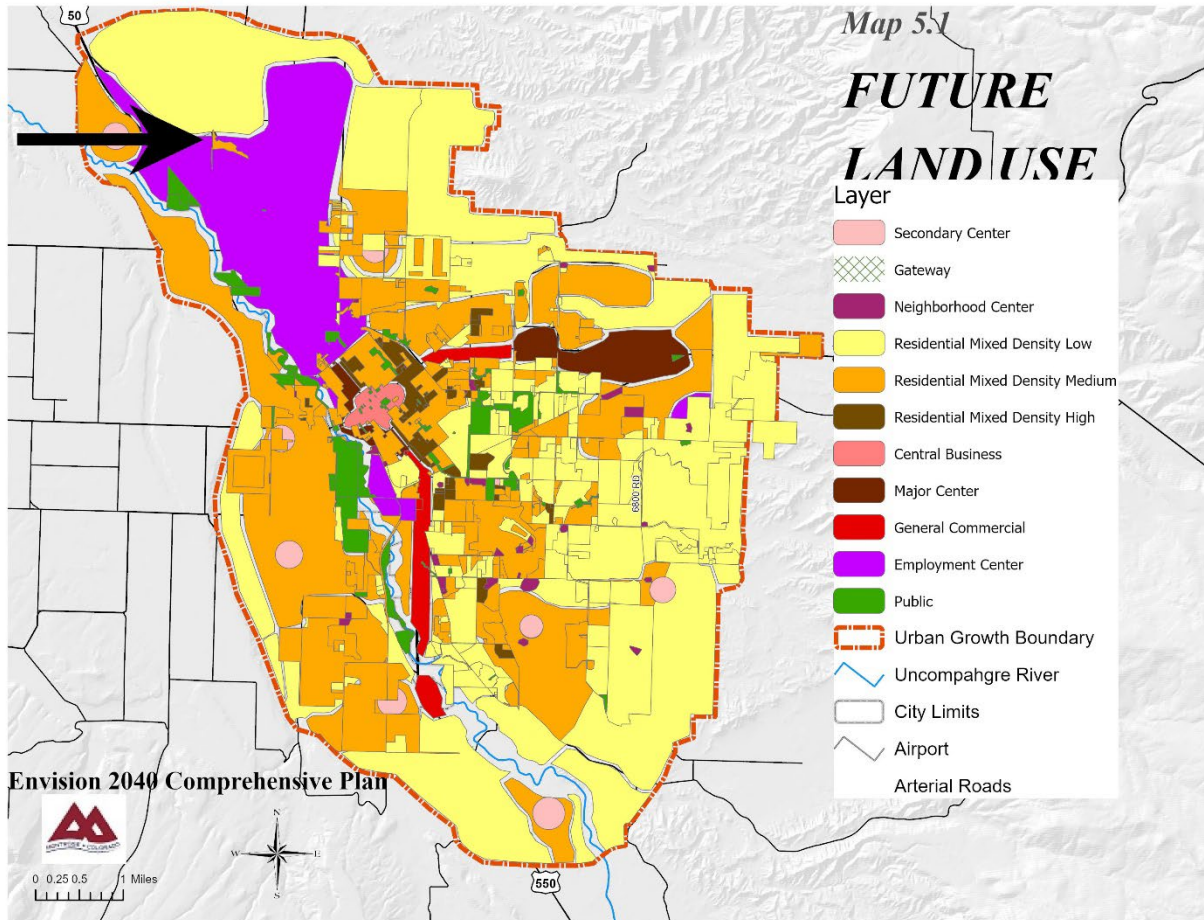
EXHIBIT A: Maps



Bluff Harbor Lot Addition
Proposed Zoning: "MHR" Manufactured
Housing Residential District
0.72 Acres



Comprehensive Plan Future Land Use Map



BLUFF HARBOR LOT ADDITION
LOCATED IN THE SW¼ OF SECTION 8, TOWNSHIP 49 NORTH, RANGE 9
WEST, OF THE NEW MEXICO PRINCIPAL MERIDIAN,
COUNTY OF MONTROSE, STATE OF COLORADO

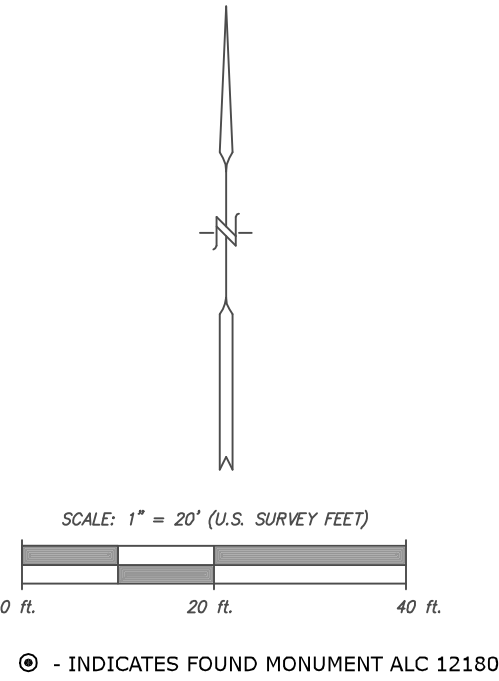
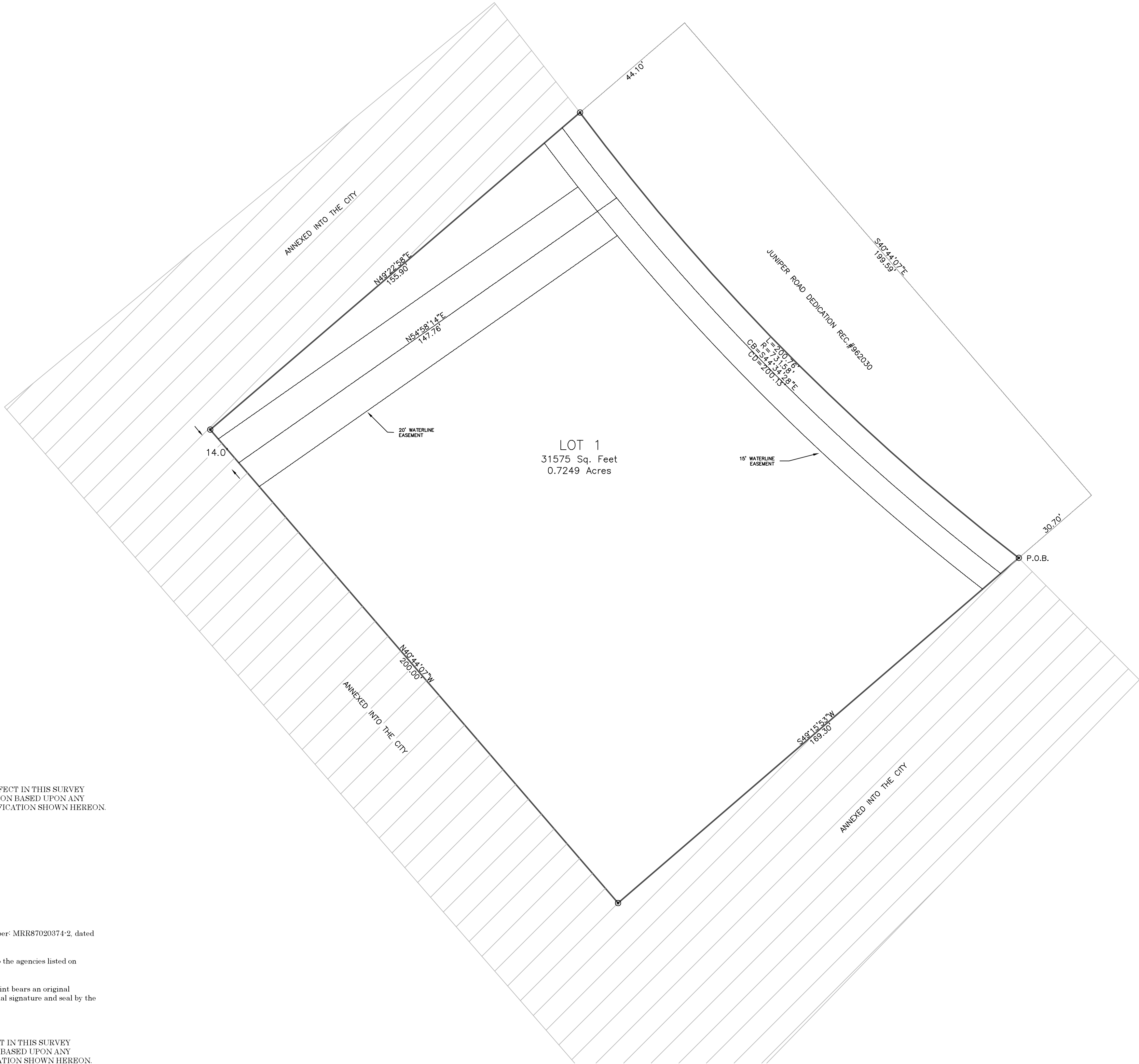
ANNEXATION DESCRIPTION

PART OF THE NW¼ SW¼ OF SECTION 8, TOWNSHIP 49 NORTH, RANGE 9 WEST, OF THE NEW MEXICO PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF JUNIPER ROAD, PER PLAT RECORDED AT RECEPTION NUMBER 962036; WHENCE THE SOUTHWEST CORNER OF SECTION 8 IN TOWNSHIP 49 NORTH, RANGE 9 WEST OF THE NEW MEXICO PRINCIPAL MERIDIAN BEARS SOUTH 15°35'28" WEST 1454.35 FEET; THENCE SOUTH 49°15'53" WEST A DISTANCE OF 169.30 FEET; THENCE NORTH 40°44'07" WEST A DISTANCE OF 200.00 FEET; THENCE NORTH 49°22'58" EAST A DISTANCE OF 155.90 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF JUNIPER ROAD; THENCE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A LENGTH OF 200.76 FEET, RADIUS OF 731.58 FEET AND A CHORD OF SOUTH 44°34'28" EAST A DISTANCE OF 200.13 FEET TO THE POINT OF BEGINNING, COUNTY OF MONTROSE, STATE OF COLORADO.

VICINITY MAP



N.T.S.



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 _____, 2023, annexed the property hereon to the City of Montrose.

Mayor

Attest:
City Clerk

Recorder's Certificate

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

SURVEYOR'S CERTIFICATE

I, Steven A. Yelton, a Registered Land Surveyor in the State of Colorado, do hereby certify Bluff Harbor Lot Addition Annexation map was prepared under my direct supervision.

STEVEN A. YELTON PLS. # 33645
DATE: 9-18-23

ROCKY MOUNTAIN SURVEYING, LLC

2816 PRIMROSE COURT
MONTROSE, COLORADO 81401
(970)964-6105

DATA FILE NAME: 2212
DRAWN BY: SY

CITY LIMITS

TOTAL PERIMETER = 725.96 FEET
PERIMETER CONTIGUOUS TO CITY LIMITS = 525.20 FEET

NOTICE 13-80-105 C.R.S. as amended:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

GENERAL NOTES

This survey was performed with the benefit of a title commitment and by Land Title Guarantee Company, Order Number: MRR87020374-2, dated 12/28/2021 and does not constitute a title search by Steven A. Yelton or Rocky Mountain Surveying, LLC.

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

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

NOTICE 13-80-105 C.R.S. as amended:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

EXHIBIT B: Zoning Code Excerpt

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.
 - (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 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:
 - (a) The appeal must be made in writing and filed within 30 days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 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	R L	R- 1	R- 1A/B	R- 2	R- 3	R- 3A	R- 4	R- 5	R- 6	MH R
<i>COMMERCIAL USES</i>										
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
<i>INSTITUTIONAL USES</i>										
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
<i>RECREATIONAL USES</i>										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
<i>RESIDENTIAL USES</i>										
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
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
<i>UTILITIES AND TELECOMMUNICATION FACILITIES</i>										
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
<i>OTHER USES</i>										
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

Legend: Use Type

P: Permitted Use

C: Conditional Use

A: Accessory Use

T: Temporary Use

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



(Ord. No. 2626 , § 3(exh. A), 5-16-2023)





CITY OF MONTROSE

Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Planner II
DATE: October 25, 2023
RE: Osprey 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 Osprey 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 Osprey Addition is a proposed annexation approximately 9.53 acres in size. The property is divided into two tracts, both located on the north side of E Oak Grove Rd. Tract 1 is a residential property, currently addressed as 1665 E Oak Grove Rd. Tract 2 is a small sliver of right-of-way. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and the City of Montrose Water Service Area. An Annexation Agreement is required.

Proposed Zoning:

Tract 1 – 5.10 acres “P” Public District and 4.26 acres “R-4” High Density District.
Tract 2 – 0.16 acres “R-3A” Medium High Density District



Applicant: Tanner Rentals, LLC; Oak Grove Investments, LLC; City of Montrose

Proposed schedule:

September 18: Council Work Session Overview
October 3: Council Resolution to set a hearing date
October 25: Planning Commission zoning hearing
November 7: City Council Annexation hearing, 1st reading of annexation ordinance,
and 1st reading of zoning ordinance
November 14: 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 for an area which is suitable for both single-family homes and duplexes, along with certain other compatible land uses.
 - c. Municipal Code, Section 11-7-5 (A) (7): The "R-4" High Density District is intended to provide for high density multiple-family residences and to allow variety in housing types.
 - d. Municipal Code, Section 11-7-5 (C) (1): The "P" Public District is intended to provide for uses and services of a public, nonprofit, or charitable nature.
 - e. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned "R-3A" Medium High Density District, "R-4" High Density District, and "B-2" Highway Commercial District.
4. The Comprehensive Plan Future Land Use Map designates the area of the Osprey Addition as Residential Mixed Density Low. This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). 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.

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 proposed zoning does not appear to be adverse to the public health, safety and welfare.

Staff Recommendation:

Staff recommends approval of the proposed zoning designations.

Planning Commission Recommendation Alternatives:

Approval Motion Recommendation:

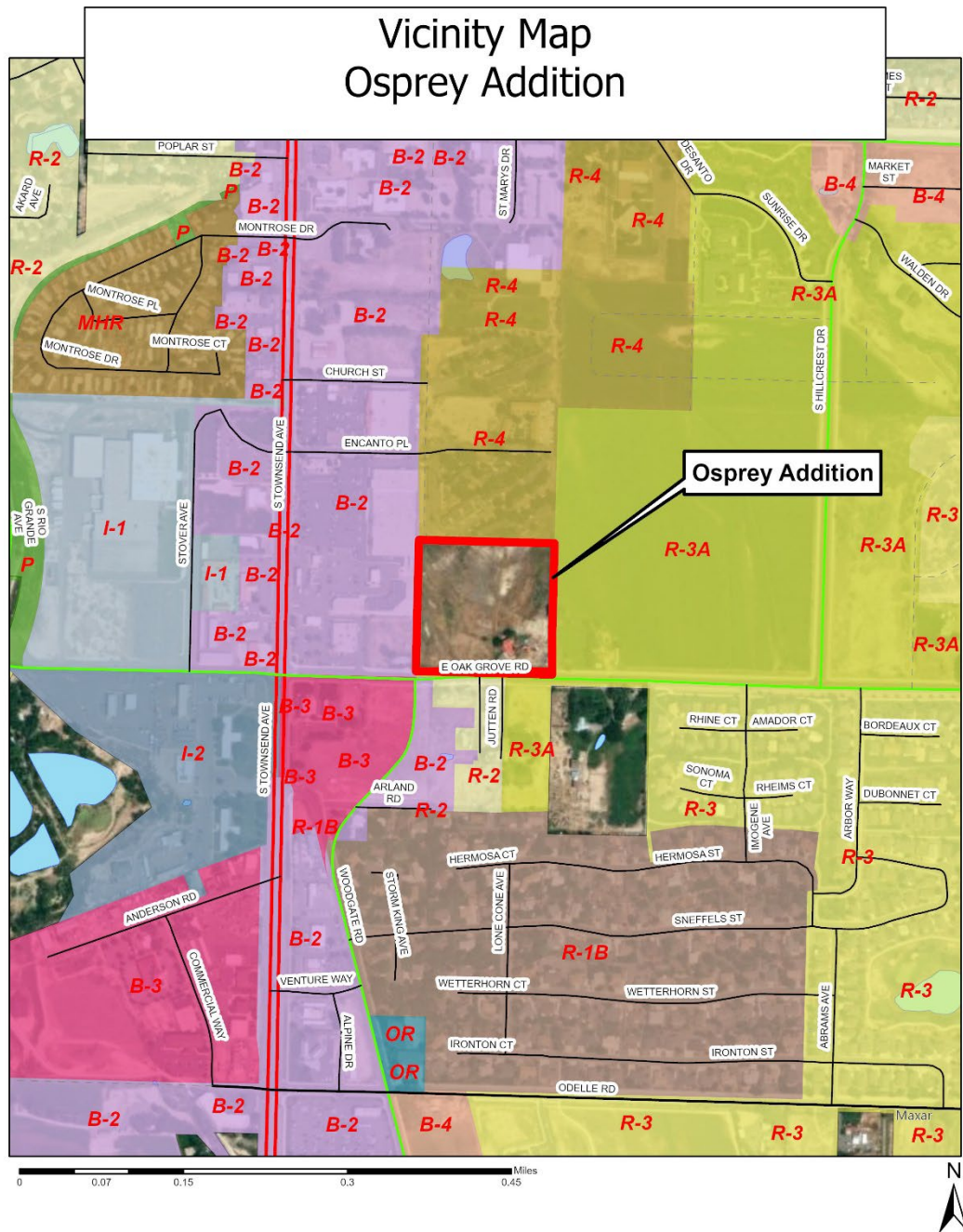
"I hereby make a motion to recommend to City Council approval the initial zoning request of "R-3A" Medium High Density District, "R-4" High Density District, and "P" Public District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report."

Alternative Motion Recommendation:

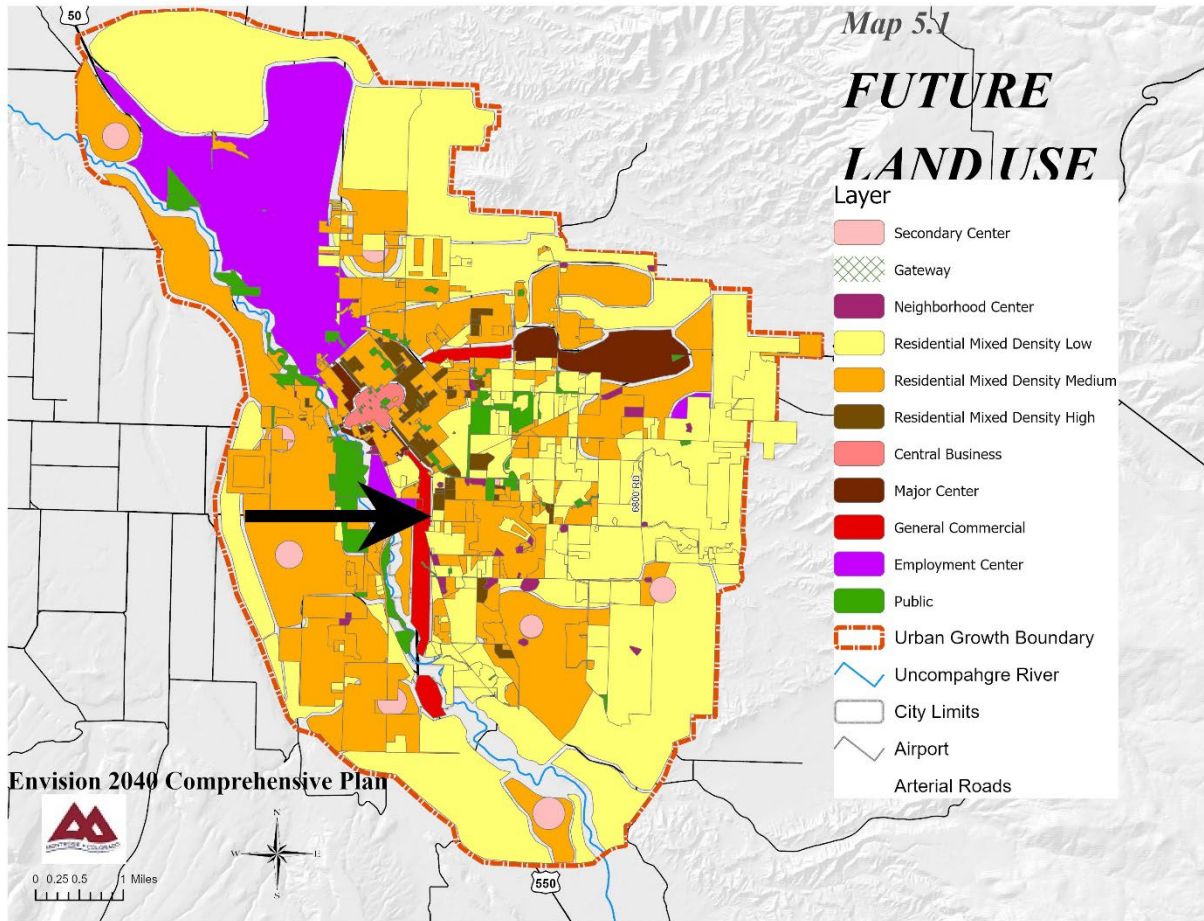
The Planning Commission may recommend a different zoning designation than that which was requested. The Planning Commission may not deny the annexation application.



EXHIBIT A: Maps



Comprehensive Plan Future Land Use Map



OSPREY ADDITION

SITUATED IN SECTION 34, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
COUNTY OF MONTROSE, STATE OF COLORADO

AMENDED LINDAVISTA
ADDITION
BOOK 9 PAGE 70



VICINITY MAP
N.T.S.

LEGEND

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

CITY LIMITS

TOTAL PERIMETER = 2576.74'
PERIMETER CONTIGUOUS TO CITY LIMITS = 2576.74'

NOTE:

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

LOMAX ADDITION
RECEPTION NO. 759168

PROPERTY DESCRIPTION

Tract 1:
Lot 1, Replat K, Hollenbeck Exemption as shown on the Plat recorded September 27, 1988 in Plat Book 12 at Page 805, situated in SE1/4 SW1/4SE1/4 Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado,

Except that portion as conveyed to City of Montrose, a Colorado home rule municipal corporation in deed recorded June 5, 2014 at Reception No. 856357, described as follows:
A parcel of land lying in the SE1/4SW1/4SE1/4 of Section 34, Township 49 North, Range 9 West of the N.M. P.M., Montrose County, Colorado, being more particularly described as follows:
Commencing at Station 94/017 of the City of Montrose Geodetic Control, whence Station 94/018 bears S88°18'48"E, 51.1644 feet; Thence S40°16'15"W, 3435.84 feet to the Southwest corner of said SE1/4SW1/4SE1/4; Thence N01°03'08"E, along the Westerly boundary the resurvey K. Hollenbeck Exemption recorded as Reception No. 551435 in the Montrose County Clerk and Recorder's Office, 26.93 feet to a point on the South line of said resurvey;
Thence S88°33'17"E, along said South line, 66.05 feet to the True Point of Beginning;
Thence S88°32'17"E, along said South line, 249.41 feet;
Thence S88°39'08"E, along said South line, 337.73 feet to a point on the East line of said SE1/4SW1/4SE1/4;
Thence N01°32'16"E, along the said East line, 13.56 feet;
Thence N88°28'55"W, 355.86 feet to the beginning of a curve to the left having a radius of 1040.00 feet and a central angle of 04°29'59";
Thence along the arc of said curve 81.68 feet, the chord of said arc bears S89°16'06"W, 81.66 feet;
Thence S87°01'06"W, 131.74 feet to the beginning of a curve to the right having a radius of 960.00 feet and a central angle of 01°05'53"; Thence along the arc of said curve 18.40 feet to the point of beginning, the chord of said arc bears S87°34'03"W, 18.40 feet;
County of Montrose, State of Colorado.

Tract 2:
A parcel of land lying in the SE1/4SW1/4SE1/4 of Section 34, Township 49 North, Range 9 West of the N.M. P.M., Montrose County, Colorado, being more particularly described as follows:
Commencing at Station 94/017 of the City of Montrose Geodetic Control, whence Station 94/018 bears S88°18'48"E, 51.1644 feet; Thence S40°16'15"W, 3435.84 feet to the Southwest corner of said SE1/4SW1/4SE1/4; Thence N01°03'08"E, along the Westerly boundary the resurvey K. Hollenbeck Exemption recorded as Reception No. 551435 in the Montrose County Clerk and Recorder's Office, 26.93 feet to a point on the South line of said resurvey;
Thence S88°33'17"E, along said South line, 66.05 feet to the True Point of Beginning;
Thence S88°32'17"E, along said South line, 249.41 feet;
Thence S88°39'08"E, along said South line, 337.73 feet to a point on the East line of said SE1/4SW1/4SE1/4;
Thence N01°32'16"E, along the said East line, 13.56 feet;
Thence N88°28'55"W, 355.86 feet to the beginning of a curve to the left having a radius of 1040.00 feet and a central angle of 04°29'59";
Thence along the arc of said curve 81.68 feet, the chord of said arc bears S89°16'06"W, 81.66 feet;
Thence S87°01'06"W, 131.74 feet to the beginning of a curve to the right having a radius of 960.00 feet and a central angle of 01°05'53"; Thence along the arc of said curve 18.40 feet to the point of beginning, the chord of said arc bears S87°34'03"W, 18.40 feet;
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 Osprey Addition Annexation Map was prepared under my direct supervision.

PRELIMINARY

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

MAYOR'S CERTIFICATE

This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado has by its Ordinance No. ____ adopted on the _____ day of _____, 2023, 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 _____, 2023 under Reception No. _____

Clerk and Recorder
Montrose County, Colorado

Deputy



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: DCC	DATE: 2023-06-27
SHEET: 1 of 1	FILE: 23016V_ANNEX	JOB NO.: 23016

TITLE: OSPREY ADDITION
CLIENT: CITY OF MONTROSE
ADDRESS & PHONE:
TYPE: EXHIBIT

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.

AMENDED LINDAVISTA
ADDITION
BOOK 9 PAGE 70

N01°22'16"E 634.83'

N88°30'29"W 655.06'

TRACT 1
9.37 ACRES

S01°34'26"W 620.25'

L=18.40'
R=960.00'
Δ=001°05'53"
CH=N87°34'02"E
CHD=18.40'

L=81.68'
R=1040.00'
D=004°29'59"
CH=N89°16'05"E
CHD=81.66'

65.90'

N87°01'06"E 131.74'
N88°32'17"W 315.31'

LOMAX ADDITION
RECEPTION NO. 759168

249.41'

E OAK GROVE ROAD

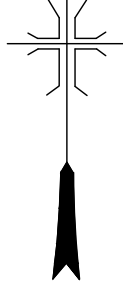
TRACT 2 0.16 ACRES

N88°39'08"W 337.73'

S88°28'55"E 355.64'

S01°32'16"W 13.56'

N

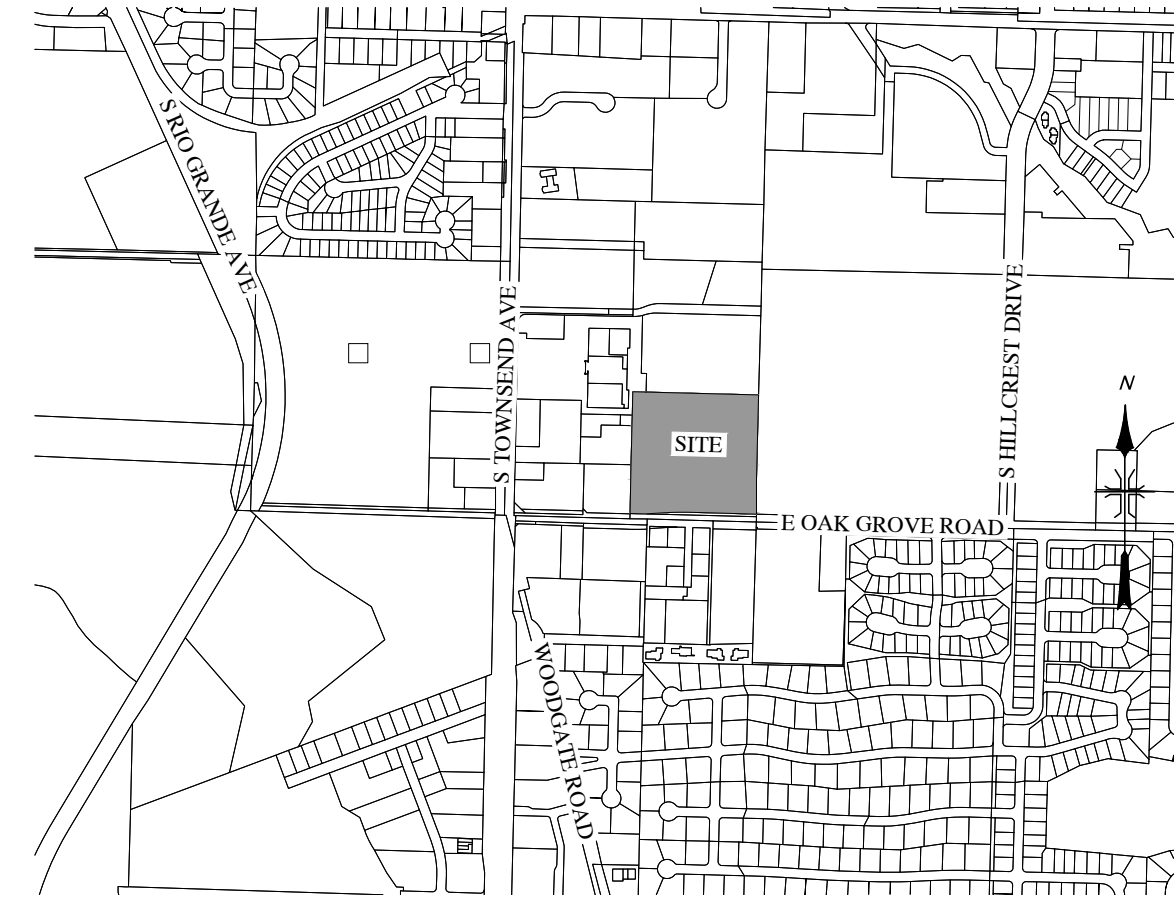


1" = 40'

Scale in feet
40' 0 40' 80'

OSPREY ZONING EXHIBIT

SITUATED IN SECTION 34, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
COUNTY OF MONTROSE, STATE OF COLORADO



VICINITY MAP
N.T.S.

LEGEND

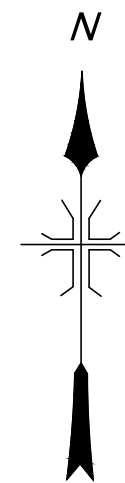
- = FD. REBAR & CAP (L.S. AS NOTED)
- ◇ = FD. GEAR TOP SPIKE

ZONING BOUNDARY DESCRIPTIONS:

ZONE P:
A parcel of land situated in Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, being more particularly described as beginning at a point on the North Right of Way of East Oak Grove, said point being N89°07'48"E 653.58 feet from the S1/4 corner of said Section 34;
Thence N01°22'16"E 634.83 feet;
Thence S88°30'29"E 375.89 feet;
Thence S01°22'16"W 495.08 feet;
Thence S01°45'00"E 80.90 feet;
Thence S63°28'45"W 35.63 feet;
Thence S01°31'05"W 27.53 feet to a point on said North Right of Way;
Thence the following five courses along said Right of Way;
1. N88°28'55"W 56.14 feet;
2. 81.68 feet along the arc of a curve to the left with a radius of 1040.00 feet, an interior angle of 04°29'59" and a chord of S89°16'05"W 81.66 feet;
3. S87°01'06"W 131.74 feet;
4. 18.40 feet along the arc of a curve to the right with a radius of 960.00 feet, an interior angle of 01°05'53" and a chord of S87°34'02"W 18.40 feet;
5. N88°32'17"W 65.90 feet to the Point of Beginning.
Containing 5.39 Acres more or less as described.
County of Montrose, State of Colorado

ZONE R-4:
A parcel of land situated in Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, being more particularly described as beginning at a point on the North Right of Way of East Oak Grove, said point being N89°06'40"E 1002.60 feet from the S1/4 corner of said Section 34;
Thence leaving said Right of Way N01°31'05"E 27.53 feet;
Thence N63°28'45"E 35.63 feet;
Thence N01°45'00"W 80.90 feet;
Thence N01°22'16"E 495.08 feet;
Thence S88°30'29"E 279.16 feet;
Thence S01°34'26"W 620.25 feet to a point on said North Right of Way;
Thence along said Right of Way N88°28'55"W 304.12 feet to the Point of Beginning.
Containing 3.98 Acres more or less as described.
County of Montrose, State of Colorado

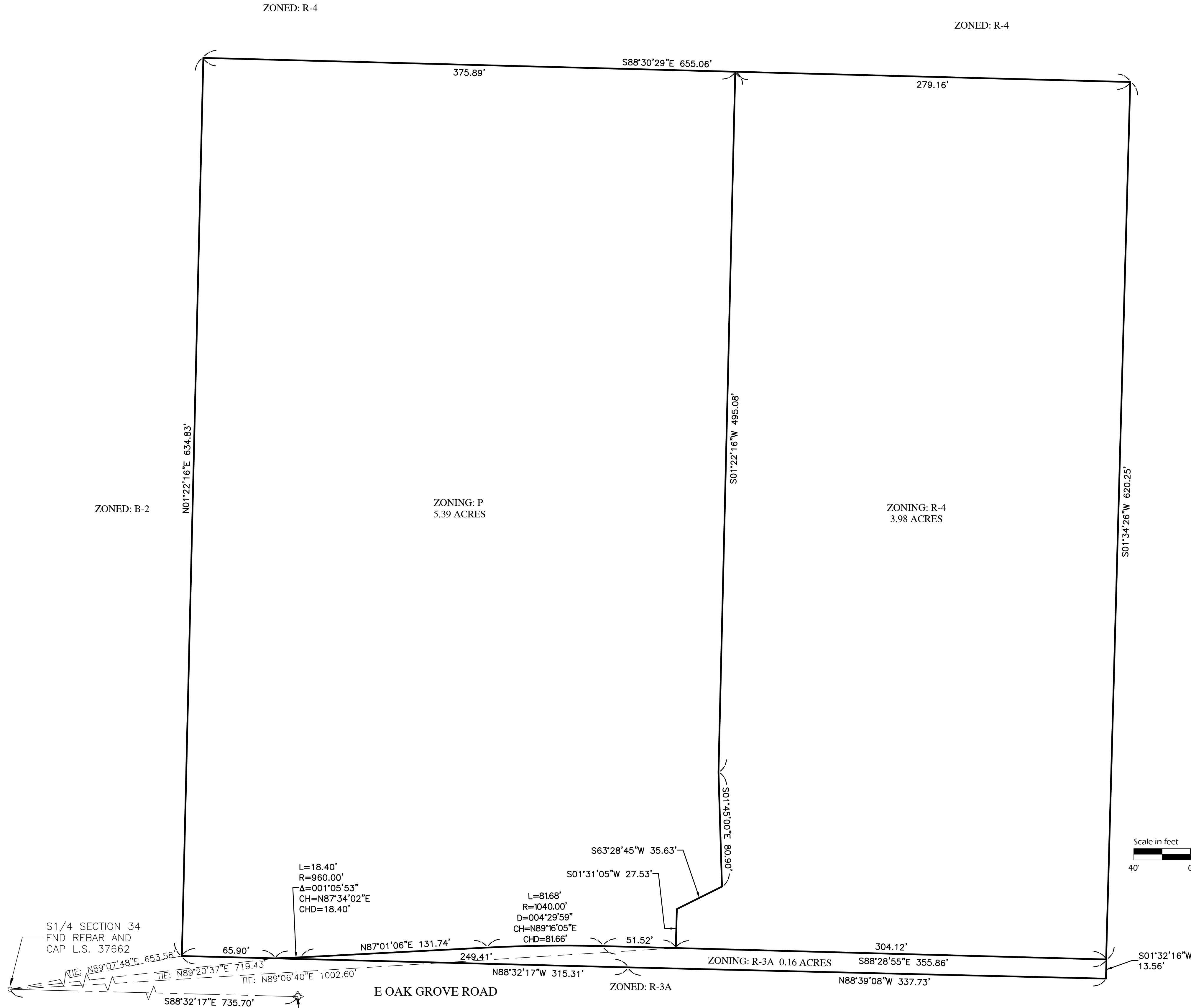
ZONE R-3A:
A parcel of land situated in Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, being more particularly described as beginning at a point on the North Right of Way of East Oak Grove, said point being N89°20'37"E 719.43 feet from the S1/4 corner of said Section 34;
Thence the following four courses along said Right of Way;
1. 18.40 feet along the arc of a curve to the left with a radius of 960.00 feet, an interior angle of 01°05'53" and a chord of N87°34'02"E 18.40 feet;
2. N87°01'06"E 131.74 feet;
3. 81.68 feet along the arc of a curve to the right with a radius of 1040.00 feet, an interior angle of 04°29'59" and a chord of N89°16'05"E 81.66 feet;
4. S88°28'55"E 355.86 feet;
Thence leaving said North Right of Way S01°32'16"W 13.56 feet;
Thence N88°39'08"W 337.73 feet;
Thence N88°32'17"W 249.41 feet to the Point of Beginning.
Containing 0.16 Acres more or less as described.
County of Montrose, State of Colorado



06/29/23	ADJUSTING ZONING BOUNDARY
10/09/23	ADJUSTING ZONING BOUNDARY
DATE	REVISIONS

TITLE	OSPREY ZONING EXHIBIT
CLIENT	CITY OF MONTROSE
ADDRESS & PHONE	
TYPE	EXHIBIT

FIELD BOOK	DRAWN BY: DCC/PJI	DATE: 2023-10-09
SHEET: 1 of 1	FILE: 23016V_ZONING	JOB NO.: 23016



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

EXHIBIT B: Zoning Code Excerpt

Sec. 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.
 - (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 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:
 - (a) The appeal must be made in writing and filed within 30 days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 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	R L	R- 1	R- 1A/B	R- 2	R- 3	R- 3A	R- 4	R- 5	R- 6	MH R
<i>COMMERCIAL USES</i>										
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
<i>INSTITUTIONAL USES</i>										
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
<i>RECREATIONAL USES</i>										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
<i>RESIDENTIAL USES</i>										
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
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
<i>UTILITIES AND TELECOMMUNICATION FACILITIES</i>										
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
<i>OTHER USES</i>										
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

Legend: Use Type

P: Permitted Use

C: Conditional Use

A: Accessory Use

T: Temporary Use

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



(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

