



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, February 6, 2024 - 6:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

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

Public participation for this meeting will be in person in the City Council Chambers. The meeting can be viewed via livestream at <https://www.cityofmontrose.org/759/Live-Meetings-Viewer> and recordings of the meetings can be viewed at <https://www.youtube.com/user/MontroseCityGov>.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to schedule time to book this resource, please email planningmail@cityofmontrose.org at least three (3) days before the meeting.

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

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

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

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

6) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the January 16, 2024, special City Council meeting and the January 16, 2024, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the minutes of the January 16, 2024, special City Council meeting and the January 16, 2024, regular City Council meeting as presented.

7) SPECIAL EVENTS ALCOHOL PERMIT APPLICATION (5 minutes)

City Council consideration of an application for a Special Events Alcohol Permit in conjunction with the closure of S. Junction Avenue on Saturday, March 16, 2024, for the St. Patrick's Day Beer Fest event. *Staff: City Clerk Lisa DelPiccolo*

Action: Accept public comment. Consider making a motion to approve a Special Events Alcohol Permit in conjunction with the closure of S. Junction Avenue on Saturday, March 16, 2024, as presented.

8) RESOLUTION 2024-03 (10 minutes)

City Council consideration of Resolution 2024-03 authorizing the City Manager and staff to pursue a Community Development Block Grant through the Colorado Department of Local Affairs, Division of Housing on behalf of Volunteers of America for the purposes of the Rendezvous Apartments acquisition, rehab and construction project on 2366 Robins Way in Montrose, CO. *Staff: Community Development Specialist Christopher Ottinger*

Action: Hold a hearing. Accept public comment. Consider making a motion to adopt Resolution 2024-03 as presented.

9) AMENDMENTS TO THE CONTRACT FOR THE SALE OF HISTORIC CITY HALL (15 minutes)

City Council consideration of proposed amendments to the contract for the sale of the historic City Hall building at 433 S. First Street in Montrose. *Staff: City Attorney Chris Dowsey*

Action: Accept public comment. Consider making a motion to approve the proposed amendments to the contract for the sale of the Historic City Hall building at 433 S. First Street in Montrose as presented.

10) ORDINANCE 2656 - SECOND READING - (10 minutes)

City Council consideration of Ordinance 2656 on first reading, an Ordinance of the City of Montrose, Colorado, authorizing the conveyance of an interest in City-owned real estate pursuant to § 1-9-2 of the Official Code of the City of Montrose. (Utility Easement). *Staff: Public Works Director Jim Scheid*

Action: Hold a hearing. Consider making a motion to adopt Ordinance 2656 on second reading as presented.

11) ORDINANCE 2657 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2657 on first reading, an Ordinance of the City of Montrose, Colorado, authorizing the conveyance of an interest in City-owned real estate pursuant to § 1-9-2 of the Official Code of the City of Montrose. (Access Easement). *Staff: Public Works Director Jim Scheid*

Action: Hold a hearing. Consider making a motion to adopt Ordinance 2657 on second reading as presented.

12) TRIBUTARY STREET EXTENSION CONSTRUCTION CONTRACT (10 minutes)

City Council consideration of the approval of \$698,645.88 in expenditures for construction of the Tributary Street Extension Project. This includes the award of a construction contract to Oldcastle SW Group (dba United Companies) in the amount of \$639,645.88, a survey and engineering support contract to Del-Mont Consultants in the amount of \$24,000, natural gas extension expenditures of \$10,000, and up to \$25,000 in expenditures to Delta-Montrose Electric Association for powerline extensions. *Staff: City Engineer Scott Murphy*

Action: Accept public comment. Consider making a motion to approve \$698,645.88 in expenditures for construction of the Tributary Street Extension Project as presented.

13) ORDINANCE 2659 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2659 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of a portion of the Sugarpine Subdivision from "R-2" Low Density District to "R-3" Medium Density District. *Staff: Planner II William Reis*

Action: Accept public comment. Consider making a motion to pass Ordinance 2659 on first reading as presented.

14) STAFF REPORTS15) YOUTH CITY COUNCIL COMMENTS16) CITY COUNCIL COMMENTS17) MOTION TO ADJOURN

A special meeting of the Montrose City Council was held on Tuesday, January 16, 2024, at 12:00 p.m., or immediately following the work session, in the City Council Chambers of the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Barbara Bynum, J. David Reed, Dave Frank, Doug Glaspell, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Chris Dowsey, Matt Magliaro, Blaine Hall, Tim Cox, Lisa DelPiccolo

CALL TO ORDER

Mayor Barbara Bynum called the special meeting to order at 10:48 a.m.

EXECUTIVE SESSION

At 10:49 a.m., a motion was made by Dave Frank, seconded by Ed Ulibarri, to enter into an executive session for a conference with the City attorney for the purpose of receiving legal advice pursuant to C.R.S. Section 24-6-402(4)(b); to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a); and the following additional details are provided for identification purposes: litigation update; discussion of the contract for the sale of Historic City Hall. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 12:29 p.m.

At 12:30 p.m. a motion was made by Doug Glaspell, seconded by J. David Reed, to adjourn the meeting with no further action taken. All voted yes. Motion passed.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk

A regular meeting of the Montrose City Council was held on Tuesday, January 16, 2024, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Barbara Bynum, J. David Reed, Dave Frank, Doug Glaspell, Ed Ulibarri, Peter Phillips, Bill Bell, Ann Morgenthaller, Chris Dowsey, Greg Story, Lisa DelPiccolo, Briceida Ortega, Anthony Russo, Jim Scheid, Shane Brandt, Blaine Hall, Scott Murphy, Jace Hochwalt, David Bries

GUESTS: Judy Ann Files, Ralph Files, Maggie Bynum, Jeremy Master, Dixon Walne, Marty Guy

CALL TO ORDER

Mayor Barbara Bynum called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

Mayor Pro Tem J. David Reed removed Item 10, Ordinance 2658 – First Reading, from the agenda.

YOUTH CITY COUNCIL APPOINTMENT

City Council interviewed applicant Peter Phillips for a vacant position on the 2023-2024 Montrose Youth City Council.

A motion was made by Dave Frank, seconded by Doug Glaspell, to appoint Peter Phillips to the Montrose Youth City Council for the 2023-2024 term. All voted yes. Motion passed.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the January 2, 2024, special City Council meeting, and the January 2, 2024, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by Dave Frank, to approve the minutes of the January 2, 2024, special City Council meeting, and the January 2, 2024, regular City Council meeting as presented. All voted yes. Motion passed.

INTERGOVERNMENTAL AGREEMENT WITH MONTROSE RECREATION DISTRICT

City Council considered an Intergovernmental Agreement with Montrose Recreation District for Shared Services.

Deputy City Manager Ann Morgenthaler reported that Montrose Recreation District Operations Manager Jeremy Master was present to answer questions if needed. Ms. Morgenthaler said that proposed amendments to the annual agreement were discussed in detail at the December 4 work session with no subsequent changes, and the MRD Board approved the 2024 agreement as written. An executed version of the agreement is included in the meeting packet along with a redline version showing proposed changes. Ms. Morgenthaler provided an overview of the proposed changes for 2024 and reviewed the overall goal of the shared services agreement to provide efficiencies and cost savings.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to approve an Intergovernmental Agreement with Montrose Recreation District for Shared Services as presented. All voted yes. Motion passed.

COMMERCIAL KITCHEN GRANT APPLICATION

City Council considered an application for a Commercial Kitchen Grant in the amount of \$191,520.00 for 1910 Market and Restaurant at 232, 238 and 242 E. Main Street.

Anthony Russo, Business Development, provided an overview of the project that will establish a restaurant and market on the first floor and housing units on the upper floor. Mr. Russo stated that the total cost to install a commercial kitchen is estimated at \$286,000.00 and the total investment in the project is \$2.6 million.

Mr. Russo said that a request of \$160,000.00 was presented at a previous work session, and the costs for installation of a grease trap and range hood were added to arrive at the final request of \$191,520.00. Mr. Russo stated that the items covered by the grant would remain with the building if the property changes owners. Sales tax revenues generated over five years by the restaurant and market are projected at \$404,679.00.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve a Commercial Kitchen Grant in the amount of \$191,520.00 for 1910 Market and Restaurant at 232, 238 and 242 E. Main Street as presented. All voted yes. Motion passed.

COLORADO OUTDOORS FLEX PARK CONSTRUCTION CONTRACT

City Council considered the approval of \$424,137.37 in expenditures for construction of the Colorado Outdoors Flex Park. This includes the award of a construction contract to Skip Huston Construction in the amount of \$399,937.37 and a survey and engineering support contract to Del-Mont Consultants in the amount of \$24,200.00.

City Engineer Scott Murphy reviewed the location of the park near the Flex Building businesses. Mr. Murphy said the original development plan included a small neighborhood park that would be built as business development progressed, and the establishment of the Montrose Recreation District Flex Rec and Bright Beginnings childcare center prompted the need for the park. Mr. Murphy stated that the Planning Department successfully pursued a grant from Colorado Health Foundation which reduced the City's financial obligation.

Mr. Murphy reviewed the bid process and said that Skip Huston Construction has completed other City projects with favorable results. Mr. Murphy said that \$100,000.00 was budgeted for the project. The City's projected contribution is under the budgeted amount, and the final contribution may be further reduced. The project is scheduled for completion by July.

Mr. Murphy stated that the property for the park was donated by Doug and David Dragoo, and a Memorandum of Agreement will be brought before City Council to finalize the \$350,000.00 land donation. Mr. Murphy thanked project partners including Doug and David Dragoo, Colorado Health Foundation, Montrose Recreation District, Design Concepts, Bright Beginnings, Think Sharp Consulting, and Secret Creek.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve \$424,137.37 in expenditures for construction of the Colorado Outdoors Flex Park as presented. All voted yes. Motion passed.

RATHBONE HOTEL DEED OF EASEMENT AUTHORIZATION

City Council considered utility and access easements along the western property line of the former City of Montrose City Hall property located at 433 S. First Street.

Public Works Director Jim Scheid reviewed requested easements on the City-owned parcel that the historic City Hall sits upon. Mr. Scheid stated that an access easement will be used by the Rathbone Hotel for an ADA access point on the back of the building, and a sewer easement allows for the installation of a sewer line. Mr. Scheid said that the easements have relatively low impact on the City and will not affect the use of the current alleyway.

Ordinance 2656 – First Reading: City Council considered Ordinance 2656 on first reading, an Ordinance of the City of Montrose, Colorado, authorizing the conveyance of an interest in City-owned real estate pursuant to § 1-9-2 of the Official Code of the City of Montrose (utility easement).

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Ed Ulibarri, to pass Ordinance 2656 on first reading as presented. All voted yes. Motion passed.

Ordinance 2657 – First Reading: City Council considered Ordinance 2657 on first reading, an Ordinance of the City of Montrose, Colorado, authorizing the conveyance of an interest in City-owned real estate pursuant to § 1-9-2 of the Official Code of the City of Montrose (access easement).

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Dave Frank, to pass Ordinance 2657 on first reading as presented. All voted yes. Motion passed.

MONTROSE CITY HALL FAÇADE PROJECT CMGC CONTRACT AWARD

City Council considered the authorization of \$2,837,467.17 for the construction of the façade replacement project on City Hall including a contract amendment with FCI Constructors for the services of Construction Manager General Contractor (CMGC) in the amount of \$2,424,228.00.

Public Works Director Jim Scheid reported that this item is a project authorization and an amendment to the contract for the third phase of the City Hall renovation project. Mr. Scheid stated that the design of the façade renovation was reviewed at a previous work session by the design team, and the next step is an award recommendation for the CGMC contract. Mr. Scheid stated that the CMGC is FCI Constructors, which has been involved in the project throughout the design phase and will now transition into the construction phase. FCI has proceeded with subcontractor bids to establish a guaranteed maximum price on the project.

Mr. Scheid said construction is projected to start in early May. Awarding the contract now allows FCI to secure the subcontractors now, which helps alleviate issues with contractor availability. Mr. Scheid said access to City Hall will remain open for the duration of the project, though some parking areas and the entire sidewalk will be unavailable during construction.

Mr. Scheid reported that the overall budget for the project is \$3.05 million, and a list of expenses is included in the meeting packet. The requested authorization of the contract amendment with FCI includes an owners' contingency to cover unanticipated expenses.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to authorize \$2,837,467.17 for the construction of the façade replacement project on City Hall including a contract amendment with FCI Constructors for the services of Construction Manager General Contractor (CMGC) in the amount of \$2,424,228.00. Ed Ulibarri voted no. All others voted yes. Motion passed.

2024 VEHICLE AND EQUIPMENT PURCHASE RECOMMENDATION

City Council considered the authorization of vehicle and equipment purchases for 2024 for the total amount of \$2,087,431.64.

Public Works Director Jim Scheid reported that this is the annual large vehicle and equipment purchase. The purchases include both replacements and additions to the fleet.

Mr. Scheid said that the 2024 purchases will be made through a variety of methods including cooperative purchase agreements, RFPs, invitations for bid, sole source waivers, and auctions. Mr. Scheid stated that the purchases are well under the budgeted amounts.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to authorize vehicle and equipment purchases for 2024 for the total amount of \$2,087,431.64 as presented. All voted yes. Motion passed.

2024 STREETLIGHT UPGRADE AUTHORIZATION

City Council considered the approval of Year 2 of the Streetlight Upgrade Project, in partnership with DMEA, for the total amount of \$120,000.00.

Public Works Director Jim Scheid reported that this project is a continuation of the MOU with DMEA to upgrade streetlight fixtures to LED. Mr. Scheid said the project was successfully initiated last year and a diagram is included in the meeting packet showing the 2023 and 2024 replacements. Mr. Scheid stated that the overall project will span four years. The benefits include a return on investment of just over two years, the ability to organize streetlights by street type, and compliance with the principles of the Dark Skies program.

Mr. Scheid confirmed that the streetlights belong to and are maintained by DMEA. Maintenance issues can be reported to Public Works, DMEA, or via the Better Montrose app.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Dave Frank, to approve Year 2 of the Streetlight Upgrade Project, in partnership with DMEA, for the total amount of \$120,000.00 as presented. All voted yes. Motion passed.

RESOLUTION 2024-02

City Council considered Resolution 2024-02, a Resolution of the City Council of the City of Montrose, Colorado, authorizing the filing of a Local Planning Capacity Grant Application through the Colorado Department of Local Affairs for the purposes of funding software solutions that streamline the development review process within the City of Montrose, Colorado.

Community Development Director Jace Hochwalt reported that this item was reviewed at the work session earlier in the day and that the grant request is for new building and planning permitting software. Mr. Hochwalt said that DOLA established this grant program with the intent of increasing capacity of local government divisions and departments responsible for processing land use permitting and zoning applications. Mr. Hochwalt said the City is proposing to implement a new cloud based software application that includes seamless online submittals, viewable project statuses by the public, and a user friendly interface for developers and staff.

Mr. Hochwalt stated that the maximum grant request is \$200,000.00, and a 20 percent match is required. Mr. Hochwalt said the City intends to apply for up to \$100,000.00 for software implementation, data extraction from the existing system, and the first year of annual maintenance and operation costs. Implementation is planned for late 2024 or early 2025.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Resolution 2024-02 as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg presented a sales, use, and excise tax report for the month of November 2023. Ms. Wittenberg reported that total sales and use tax collections were up 1.3 percent as compared to November of 2022 with a positive budget variance of 9.9 percent. Year-to-date collections were up 3.6 percent with a positive budget variance of 12.9 percent.

YOUTH CITY COUNCIL REPORT

Youth City Councilor Peter Phillips reported that the Youth City Council held an orientation meeting last week.

CITY COUNCIL COMMENTS

No comments were made.

MOTION TO ADJOURN

At 6:58 p.m., a motion was made by J. David Reed to adjourn the meeting with no further action taken.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
CITY CLERK

MEMO

DATE: February 1, 2024
TO: City Council
FROM: Lisa DelPiccolo, City Clerk
RE: Special Events Permit for St. Patrick's Day Beer Fest

An application was received from Black Canyon Home Brewers Association to serve alcohol at the St. Patrick's Day Beer Fest event on Saturday, March 16, 2024. Junction Avenue between Main Street and S. First Street will be closed for this event.

City Council approval is required for Special Events Permits issued in conjunction with street closures. The alcohol permit application is attached and includes a premises map. The premises have been posted in accordance with state statute, and no comments were received.



Application for a Special Events Permit

Departmental Use Only

RECEIVED DEC 18 2023

In order to qualify for a Special Events Permit, You **Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following** (See back for details.)

- | | | |
|--|---|---|
| ☒ Social | ☐ Athletic | ☐ Philanthropic Institution |
| ☐ Fraternal | ☐ Chartered Branch, Lodge or Chapter | ☐ Political Candidate |
| ☐ Patriotic | ☐ National Organization or Society | ☐ Municipality Owned Arts Facilities |
| ☐ Political | ☐ Religious Institution | |

LIAB Type of Special Event Applicant is Applying for:

- 2110 ☒ Malt, Vinous And Spirituous Liquor Fee: \$100.00 per event
2170 ☐ Fermented Malt Beverage Payable to the City of Montrose

DO NOT WRITE IN THIS SPACE

Liquor Permit Number

1. Name of Applicant Organization or Political Candidate

Black Canyon Homebrewers Association

State Sales Tax Number (Required)

PENDING

2. Mailing Address of Organization or Political Candidate
(include street, city/town and ZIP)

1574 Hickory DR
MONTROSE CO 81401

3. Address of Place to Have Special Event
(include street, city/town and ZIP)

0 Block S. Junction Ave.

4. Authorized Representative of Qualifying Organization or Political Candidate

ERIC SVENSEN

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

5. Event Manager

SAM

Date of Birth

Phone Number

Event Manager Home Address (Street, City, State, ZIP)

Email Address of Event Manager

6. Has Applicant Organization or Political Candidate been
Issued a Special Event Permit this Calendar Year?

☒ No ☐ Yes How many days? _____

7. Is the premises for which your event is to be held currently licensed under the
Colorado Liquor or Beer codes?

☒ No ☐ Yes License Number _____

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? ☐ Yes ☐ No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.
3/16/2024 8am 6 pm				
Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.
Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature

Eric Sven

Title

PRESIDENT

Date

12/11/2024

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)

☐ City
☐ County

Telephone Number of City/County Clerk

Signature

Title

Date

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information

License Account Number	Liability Date	State	Total
		-750 (999)	\$.

(Instructions on Reverse Side)

Special Event Permit Questionnaire

1. Name of Event: ST PATRICK'S DAY BEER FEST
2. Type of Event (i.e., annual, quarterly, benefit, etc.): ANNUAL (Hopefully)
3. Explain in detail the nature of your organization, its function, and who or what benefits from its operations (attach a separate sheet if necessary): BCAA is a 501c3 dedicated to providing education to its members & the public about homebrewing, promote social events, competitions, & the free exchange of brewing knowledge.
4. Who or what organization will be the recipient of funds derived from this event? BLACK CANYON HOMEBREWERS ASSOC.
5. How many attendees are expected at this event? 300?
6. Describe the premises of this event: 0 block S Junction Av
7. If this is an outdoor event, describe how the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.): Fenced with fencing provided by the City of Montrose.
8. What type of entertainment, if any, will be provided at this event? LWZ band
9. What method will be used to check identification for proper age of attendees (i.e., at the door, at the bar, etc.), and how will underage patrons be identified so as not to be served alcohol beverages (i.e., stamp or mark on the hand, etc.)? Attorneys will be cycled at the entry booth. Underage attendees will have a wristband color coded differently from people of legal drinking age.
10. How will the conduct and level of intoxication of attendees be monitored, and by whom? Attorneys will be monitored by beer servers provided by the breweries, security people, and BCAA sponsors.
11. Have volunteers or members of your organization been trained in the sale/service of alcohol beverages? If yes, what training have they received, and by whom? YES. Several have attended the TIPS training provided by the City of Montrose
12. What types of alternate beverages and food/snacks will be available? Food trucks will be on site selling food & non-alcoholic drinks; Water will also be available
13. Have State and City Sales Tax Numbers been initiated by you or a member of your organization? If yes, please provide the numbers in the space provided. We have applied for tax-free status & are awaiting approval. Entry fee will be a donation.
14. Explain how this event will be marketed by describing what kinds of advertising material will be distributed and the targeted recipients of such material. Posters will be placed around town in businesses targeting adults; liquor stores, brewpubs, etc. We hope to get support from DART, also. Will utilize community calendars in papers & radio

E Main St

E Ma

St Patrick's Day Beer Festival

S Junction Ave

Junction Ave

S Junction Ave

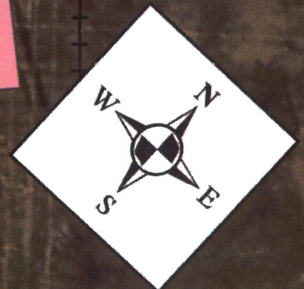
95'

165'

Horsefly Brewery

Legend

- Fence
- Beer / Vender
- Entry Tent
- Food Truck
- Porta John
- Stage





TO: Honorable Mayor, City Council

FROM: Christopher Ottinger, Community Development Specialist

DATE: February 5, 2024

SUBJECT: Seeking Approval to Apply for a Community Development Block Grant (CDBG) for Sub-Grant Funding to Volunteers of America

INTRODUCTION

City of Montrose Staff are seeking approval from City Council to apply for a Community Development Block Grant (CDBG) on behalf of Volunteers of America (VOA). The purpose of this grant application is to secure funding to acquire the Rendezvous Apartments, formerly Pavilion Gardens, located at 2366 Robins Way which is being redeveloped to provide more essential low-to-middle income senior housing in the City of Montrose.

BACKGROUND

Volunteers of America currently owns the Pavilion Gardens Apartments and its adjacent undeveloped land. The existing building is due for rehabilitation due to age, so VOA is taking the opportunity to redesign it for senior housing. With that, VOA secured 4% State Tax Credit funding to rehabilitate the existing building as well as constructing a new 22-unit building adjacent to the existing property. The City of Montrose aims to secure a Community Development Block Grant (CDBG) to provide sub-grant funding to VOA for this acquisition.

The CDBG program, administered by the State of Colorado for the U.S. Department of Housing and Urban Development (HUD), provides funding to local governments to address a wide range of community development needs, including affordable housing initiatives. By leveraging this grant opportunity, the City of Montrose can support Volunteers of America's efforts to preserve and expand affordable senior housing options in our community.

FINANCIAL CONSIDERATIONS

The total amount of funding required for the rehabilitation and development of the Rendezvous Apartments is estimated to be \$22,797,480. The Montrose County Housing Authority plans to request a CDBG grant in the amount of \$2,860,000, which is specific to acquisition. They have secured additional funding commitments from other sources, including state tax credits and private activity bonds to cover the remaining portion of the cost. No matching funds are required for this grant.

RECOMMENDATION

City Staff recommends approval by City Council to authorize the submission of a Community Development Block Grant (CDBG) application to the State of Colorado, Division of Housing on behalf of Volunteers of America. The requested grant amount of \$2,860,000 will be utilized to acquire the Rendezvous Apartments and ensure the long-term availability of affordable housing for low-to-middle income seniors in the City of Montrose.

Rendezvous Elevation of New Building



Volunteers of America Campus Overview



RESOLUTION NO. 2024-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, AUTHORIZING THE FILING OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN ORDER TO FUND HOUSING DEVELOPMENT OPPORTUNITIES WITHIN THE CITY OF MONTROSE, COLORADO

WHEREAS, the City of Montrose, Colorado, desires to apply for grant funding in order to provide financial assistance for the acquisition of low to moderate income senior housing within the City of Montrose; and

WHEREAS, the Volunteers of America and its partners are in the process of rehabilitation of 30 existing units and developing 22 new units at Pavilion Gardens, 2366 Robins Way, Montrose Colorado 81401, to be called Rendezvous at completion; and

WHEREAS, the City of Montrose requests a Community Development Block Grant (“CBDG”), administered by the Colorado Division of Housing (“DOH”), in an amount up to \$2,860,000.00 to fund the financing gap for the aforementioned housing project; and

WHEREAS, the City of Montrose and the Volunteers of America or its assigns expect to enter into an agreement for the provision of CBDG funding to assist with the acquisition costs for the project; and

WHEREAS, the City of Montrose shall submit a grant application to establish and administer a fund to assist community housing projects.

NOW THEREFORE, be it resolved by the City Council of the City of Montrose, Colorado as follows:

Section 1. The City Council of the City of Montrose directs the City Manager, and City Staff, to act in connection with the CDBG grant application and to provide such additional information as may be required by DOH.

RESOLVED AND ADOPTED this 6th day of February, 2024, by the City Council of the City of Montrose.

CITY OF MONTROSE, COLORADO

Barbara Bynum, Mayor

ATTEST

Lisa DelPiccolo, City Clerk

MEMORANDUM



TO: Honorable Mayor and Members of the City Council
FROM: Chris Dowsey, City Attorney
DATE: February 5, 2024
RE: Historic City Hall Sales Contract Amendment
CC: William Bell

Action

Approve an amendment to the sales contract for Historic City Hall between the City and Rathbone PropCo LLC and give authority to the City Attorney to sign all associated documents.

Background

In 2022, the City purchased a building to move administrative operations from Historic City Hall to Main Street where City Hall is today. Operations moved to the new City Hall in March 2023. During this transition, the owners of the Knights of Pythias building, soon to be the Rathbone Hotel, approached the City regarding purchasing the Historic City Hall building.

In March 2023, the City entered into an agreement with Rathbone PropCo LLC for the sale of the Historic City Hall building located at 433 S. 1st Street, Montrose, CO 81401 with a closing date in August 2023. The costs of the renovations for the Rathbone Hotel began to exceed the expectations of the owners. They approached the City to extend the contract, where the City had granted that request.

In January 2024, the construction costs of renovations for the Rathbone hotel have continued to exceed expectations and the owners have requested a portion of the earnest money to pay for such unforeseen costs. The amendment to the contract would return a portion of the earnest money to Rathbone PropCo LLC in exchange for the City to have the option to market Historic City Hall. If there is a secondary buyer, Rathbone PropCo LLC, will have the right to execute the sale under the terms of the current agreement.

EASEMENT AUTHORIZATION

TO: Honorable Mayor and Members of the City Council
FROM: Jim Scheid, Public Works Director
DATE: January 2nd, 2024
RE: **Rathbone Deed of Easement Authorization**
CC: William Bell, Ann Morgenthaler, Shani Wittenberg



Action

Consider granting Rathbone PropCo LLC a utility easement and access easement along the western property line of the former City of Montrose City Hall Property located at 433 S. 1st St.

Background

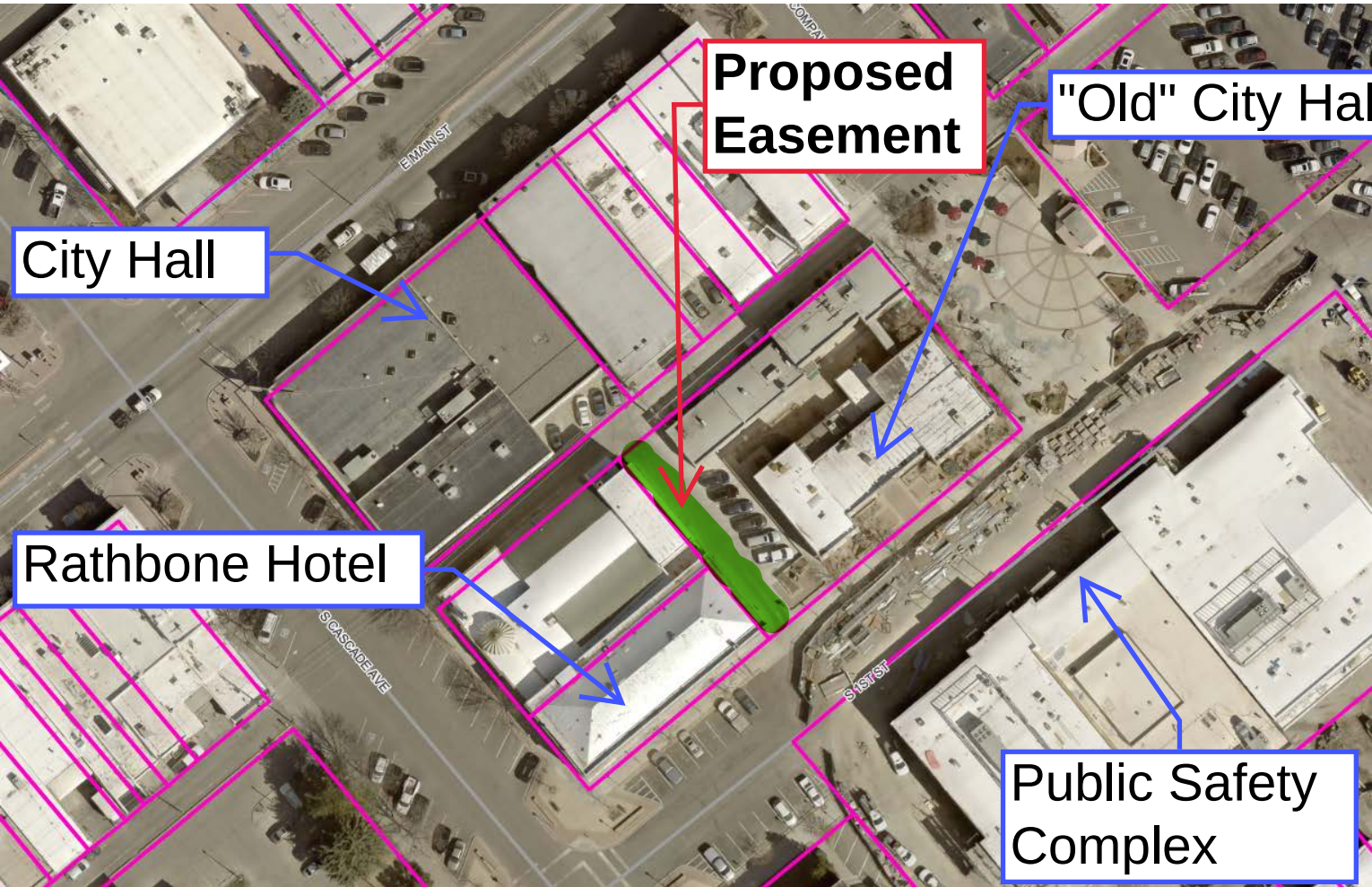
The owners of the Rathbone Hotel have requested a sewer service easement and an access easement on the eastern side of the hotel property that is located on the corner of S. 1st St and Cascade Ave. The property to the east of the hotel is City owned property and is part of the parcel that was the former City Hall. The area that is being requested to be deeded as an easement has been in the past and is currently used for parking. There are other city owned utilities in this “parking area” that would make it unlikely to be considered for future building expansion or other structures to be considered. This area is envisioned to be parking/alley access in the future.

Due to the dense infill of parcels, access to sewer mainlines in the downtown area can be complicated and may require easements to be able to get from their property to a main sewer line. This is the case with the Rathbone Hotel property. Other sewer line alignments for this property would have been more complex and problematic. This realignment of the sewer line is also correcting an issue of the old sewer line underneath the neighboring property foundation. The access easement is for the addition of an ADA accessible ingress/egress to the back of the building. For architectural reasons, the back of the building was the most suitable for this access point.

Recommendation

City Staff recommends granting Rathbone the deed of easements. This authorization would be completed via City Ordinance and the ordinances are included in this packet.

RATHBONE EASEMENT LOCATION MAP



ORDINANCE NO. 2656

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AUTHORIZING THE CONVEYANCE OF AN INTEREST IN CITY-OWNED REAL ESTATE PURSUANT TO § 1-9-2 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, Rathbone PropCo, LLC, has been renovating the Knights of Pythias building to create the Rathbone Hotel; and

WHEREAS, Rathbone PropCo, LLC, must upgrade the sewer lines as part of the renovations and the most cost-effective way is to use the alleyway between Historic City Hall and the soon-to-be Rathbone Hotel as the current sewer line runs under the adjoining building; and

WHEREAS, the City of Montrose owns the alley between Historic City Hall and the soon-to-be Rathbone Hotel, which has historically been used as a right-of-way; and

WHEREAS, the City of Montrose wishes to convey a sewer easement, as described in **Exhibit A** attached hereto, to Rathbone PropCo, LLC; and

WHEREAS, the City Council finds and determines that the conveyance of this easement will not interfere with any current or reasonably foreseeable use of City-owned real property, and will be in the interest of the public health, safety, and welfare.

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

SECTION 1: Disposal of Property

A sewer line easement, more particularly described in **Exhibit A**, attached hereto and incorporated herein, is hereby authorized by the City of Montrose and shall be conveyed to Rathbone PropCo, LLC.

SECTION 2: City Council Findings

The City Council hereby finds, determines, and declares that this Ordinance is necessary and proper to serve the best interest of the citizens of Montrose, and promote their health, safety and welfare.

SECTION 3: Power to Adopt

The City Council hereby finds, determines, and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter, and pursuant to § 1-9-2 of the Official Municipal Code of the City of Montrose.

SECTION 4: **Effective as Provided by the City of Montrose Charter**

This Ordinance shall be published and shall become effective as provided by the City Charter of the City of Montrose.

SECTION 5: **Authorization to Execute**

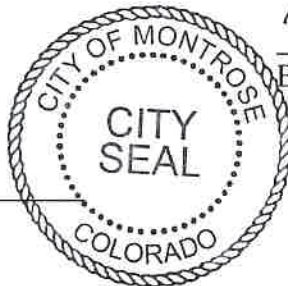
The City Council hereby authorizes the Mayor and City Staff to execute all documents required to consummate said conveyance.

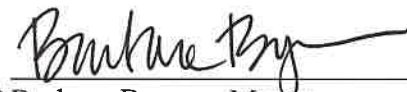
INTRODUCED, READ and PASSED on first reading this 16th day of January, 2024.

ATTEST:



Lisa DelPiccolo, City Clerk





Barbara Bynum, Mayor

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its adoption on second reading on Tuesday, the 6th day of February, 2024, at the hour of 6:00 p.m. at the Elks' Civic Building, in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 6th day of February, 2024.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

DEED OF EASEMENT

THIS DEED OF EASEMENT is made this _____ day of _____, 2024, by and between CITY OF MONTROSE, COLORADO, a Colorado home rule municipal corporation, with a business address of P.O. Box 790, Montrose, Colorado 81402-0790, herein referred to as “Grantor”, and RATHBONE PROP CO LLC, a Colorado limited liability company, whose address is 66590 Solar Road, Montrose, Colorado 81403, herein referred to as “Grantee”. The aforementioned entities may sometimes be collective referred to as the “Parties”.

WITNESSETH

Said Grantor for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid by the Grantee, the receipt whereof is hereby confessed and acknowledged, does hereby grant, bargain, sell, confirm and convey unto the Grantee, its successors and assigns, forever, a perpetual easement in, over, across, through and under the following described property situate in the County of Montrose, State of Colorado, to-wit:

Sewer service easement described in EXHIBIT “A,” attached hereto and incorporated herein by this reference.

Said easement includes the right of entry, ingress and egress to and from said tract of land for the purpose of access and laying, constructing, maintaining, operating, repairing, altering, upgrading, replacing and removing sanitary sewer service line.

The Grantor covenants that it is the owner of the above-described property and hereby warrants and agrees to defend the title to the above-described premises. Grantor shall have the use of such easement except for any use which conflicts with purposes for which this easement is granted; provided, however, Grantor shall not build or construct, nor permit to be built or constructed, any building or other structure over or across said easement.

The Parties agree that any disturbances to the alley improvements resulting from use or maintenance activities associated with the easement shall be restored to a condition as good as or better than that present prior to disturbance.

This Deed of Easement and all provisions hereof shall be applicable to and binding upon the parties and their respective heirs, devisees, successors and assigns.

EXECUTED, signed and effective as of the day and year first above noted.

CITY OF MONTROSE

GRANTEE

Barbara Bynum, Mayor

By: _____
the _____ of Rathbone PropCO LLC.

STATE OF COLORADO)
) SS.
COUNTY OF MONTROSE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by **Barbara Bynum**, Mayor of the City of Montrose, Colorado.

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

Notary

(SEAL)

STATE OF COLORADO)
) SS.
COUNTY OF MONTROSE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, the _____ of **Rathbone PropCO LLC**.

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

Notary

(SEAL)

EXHIBIT A

An easement being the northwest ninety (90') feet of the southwest ten (10') feet of Lot 18 of Block 87 of the plat of Town of Montrose as recorded at Plat Book 1, Page 26 at the Montrose County Clerk and Recorder, situated in the Northwest Quarter of the Southwest Quarter of Section 27 and the Northeast Quarter of the Southeast Quarter of Section 28, Township 49 North, Range 9 West of the New Mexico Principal Meridian, County of Montrose, State of Colorado.

said easement containing 900 square feet, more or less.

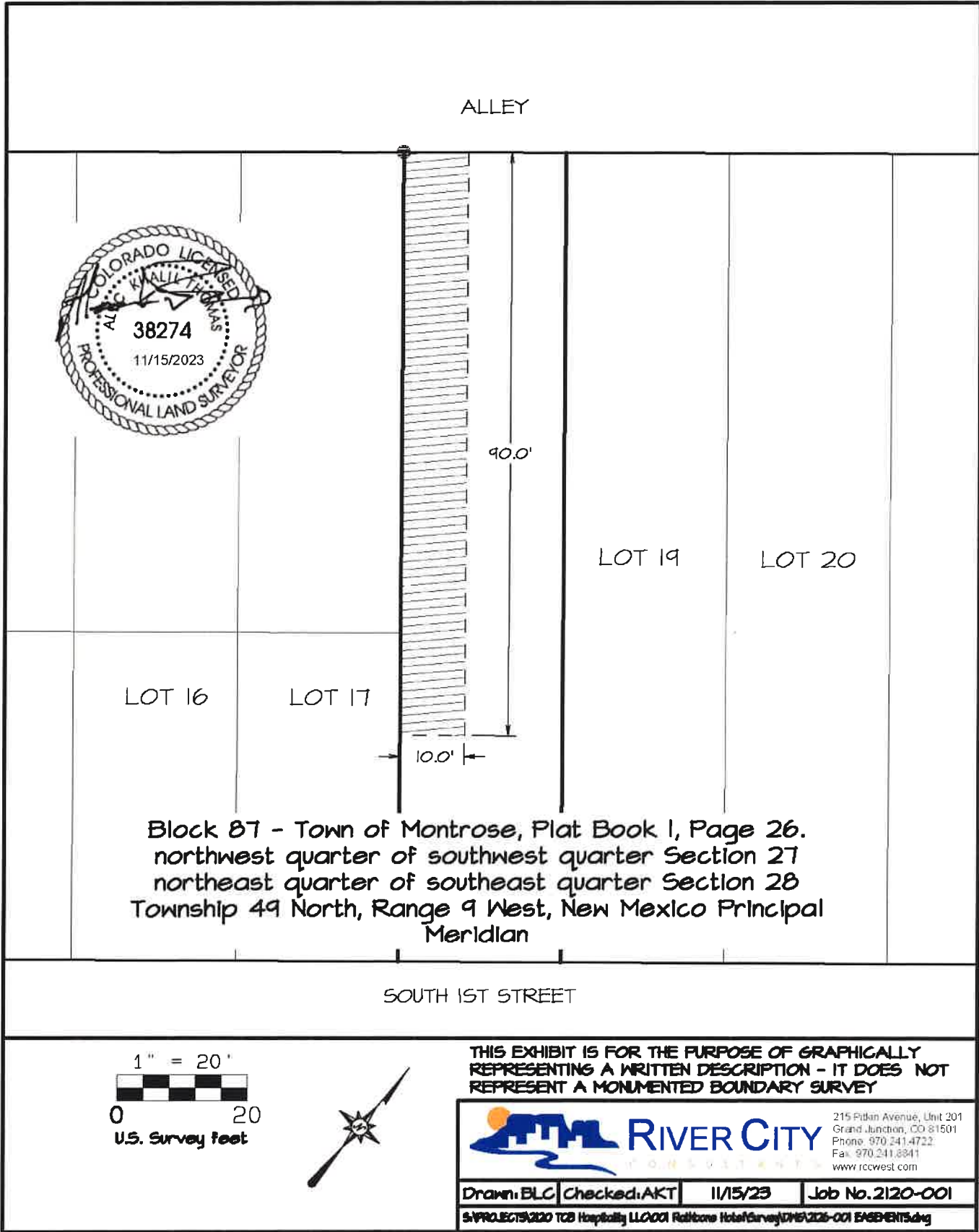


This description was prepared by:
Alec K. Thomas
Colorado P.L.S. 38274
215 Pitkin Ave, Unit 201
Grand Junction, CO 81506

NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

DEED OF EASEMENT

PAGE 3



ORDINANCE NO. 2657

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AUTHORIZING THE CONVEYANCE OF AN INTEREST IN CITY-OWNED REAL ESTATE PURSUANT TO § 1-9-2 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, Rathbone PropCo, LLC, has been renovating the Knights of Pythias building to create the Rathbone Hotel; and

WHEREAS, Rathbone PropCo, LLC, has requested to have the right for it and its customers access to the alley between Historic City Hall and the soon-to-be Rathbone Hotel; and

WHEREAS, the City of Montrose owns the alley between Historic City Hall and the soon-to-be Rathbone Hotel, which generally is considered and has been historically used as a right-of-way; and

WHEREAS, the City of Montrose wishes to convey an access easement, as described in **Exhibit A** attached hereto, to Rathbone PropCo, LLC; and

WHEREAS, the City Council finds and determines that the conveyance of this easement will not interfere with any current or reasonably foreseeable use of City-owned real property, and will be in the interest of the public health, safety, and welfare.

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

SECTION 1: Disposal of Property

An access easement, more particularly described in **Exhibit A**, attached hereto, and incorporated herein, is hereby authorized by the City of Montrose and shall be conveyed to Rathbone PropCo, LLC.

SECTION 2: City Council Findings

The City Council hereby finds, determines, and declares that this Ordinance is necessary and proper to serve the best interest of the citizens of Montrose, and promote their health, safety, and welfare.

SECTION 3: Power to Adopt

The City Council hereby finds, determines, and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of

the Colorado Constitution and the powers contained in the City of Montrose Charter, and pursuant to § 1-9-2 of the Official Municipal Code of the City of Montrose.

SECTION 4: **Effective as Provided by the City of Montrose Charter**

This Ordinance shall be published and shall become effective as provided by the City Charter of the City of Montrose.

SECTION 5: **Authorization to Execute**

The City Council hereby authorizes the Mayor and City Staff to execute all documents required to consummate said conveyance.

INTRODUCED, READ and PASSED on first reading this 16th day of January, 2024.

ATTEST:



Lisa DelPiccolo, City Clerk





Barbara Bynum, Mayor

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its adoption on second reading on Tuesday, the 6th day of February, 2024, at the hour of 6:00 p.m. at the Elks' Civic Building, in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 6th day of February, 2024.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

DEED OF EASEMENT

THIS DEED OF EASEMENT is made this ____ day of _____, 2024, by and between CITY OF MONTROSE, COLORADO, a Colorado home rule municipal corporation, with a business address of P.O. Box 790, Montrose, Colorado 81402-0790, herein referred to as “Grantor”, and RATHBONE PROPCO LLC, a Colorado limited liability company, whose address is 66590 Solar Road, Montrose, Colorado 81403, herein referred to as “Grantee”. The aforementioned entities may sometimes be collective referred to as the “Parties”.

WITNESSETH

Said Grantor for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid by the Grantee, the receipt whereof is hereby confessed and acknowledged, does hereby grant, bargain, sell, confirm and convey unto the Grantee, its successors and assigns, forever, a perpetual building access easement in, over, across, through and under the following described property situate in the County of Montrose, State of Colorado, to-wit:

Access easement described in EXHIBIT “A,”
attached hereto and incorporated herein by this reference.

Said easement includes the right of entry, ingress and egress to and from said tract of land for the purpose of access from the alley in Lot 18 to the building in Lot 17, as shown in EXHIBIT “A”.

The Grantor covenants that it is the owner of the above-described property and hereby warrants and agrees to defend the title to the above-described premises. Grantor shall have the use of such easement except for any use which conflicts with purposes for which this easement is granted.

The Parties agree that any disturbances to the alley improvements resulting from use or maintenance activities associated with the easement shall be restored to a condition as good as or better than that present prior to disturbance.

This Deed of Easement and all provisions hereof shall be applicable to and binding upon the parties and their respective heirs, devisees, successors and assigns.

EXECUTED, signed and effective as of the day and year first above noted.

CITY OF MONTROSE

GRANTEE

Barbara Bynum, Mayor

By: _____
the _____ of Rathbone PropCO LLC.

STATE OF COLORADO)
) SS.
COUNTY OF MONTROSE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by **Barbara Bynum**, Mayor of the City of Montrose, Colorado.

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

Notary

(SEAL)

STATE OF COLORADO)
) SS.
COUNTY OF MONTROSE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, the _____ of **Rathbone PropCO LLC**.

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

Notary

(SEAL)

EXHIBIT A

An easement being the southeast thirty-five (35') feet of the southwest six (6') feet of Lot 18 of Block 87 of the plat of Town of Montrose as recorded at Plat Book 1, Page 26 at the Montrose County Clerk and Recorder, situated in the Northwest Quarter of the Southwest Quarter of Section 27 and the Northeast Quarter of the Southeast Quarter of Section 28, Township 49 North, Range 9 West of the New Mexico Principal Meridian, County of Montrose, State of Colorado.

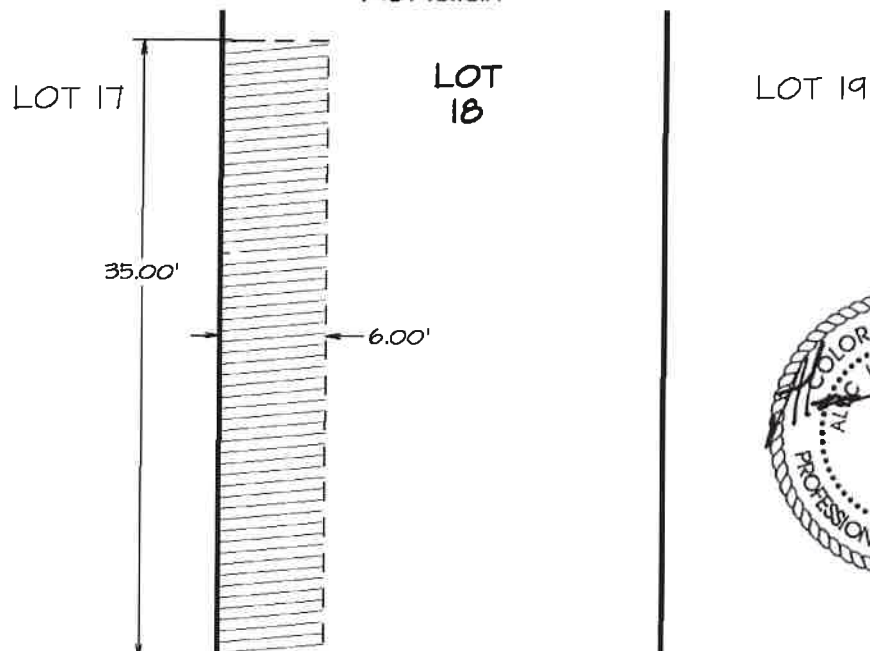
said easement containing 210 square feet, more or less.



This description was prepared by:
Alec K. Thomas
Colorado P.L.S. 38274
215 Pitkin Ave, Unit 201
Grand Junction, CO 81506

NOTICE: Any rewriting or retyping of this description must NOT include this preparation information. Lack of an original seal indicates this document is not the original.

Block 87 - Town of Montrose, Plat Book 1, Page 26.
 northwest quarter of southwest quarter Section 27
 northeast quarter of southeast quarter Section 28
 Township 49 North, Range 9 West, New Mexico Principal
 Meridian



SOUTH 1ST STREET



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY
 REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT
 REPRESENT A MONUMENTED BOUNDARY SURVEY



215 Pitkin Avenue, Unit 201
 Grand Junction, CO 81501
 Phone: 970.241.4732
 Fax: 970.241.6841
 www.rcvsvest.com

Drawn: AKT	Checked: NA	11/14/23	Job No. 2120-001
------------	-------------	----------	------------------

S:\PROJECTS\2020 TC2 Hospitality LLC\001 Railbone Hotel\Survey\2120-001 EASEMENTS.dwg

CONTRACT AWARD CONSIDERATION



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: January 17, 2024
RE: Tributary Street Extension Project Construction Contract Award
CC: William Bell, Shani Wittenberg

Action

Consider the approval of \$698,645.88 in expenditures for construction of the Tributary Street Extension Project. This includes the award of a construction contract to Oldcastle SW Group (dba United Companies) in the amount of \$639,645.88, a survey and engineering support contract to Del-Mont Consultants in the amount of \$24,000, natural gas extension expenditures of \$10,000, and up to \$25,000 in expenditures to Delta-Montrose Electric Association for powerline extensions.

Background

As development and buildout of Colorado Outdoors continues, the next required infrastructure project is the extension of Tributary Street for approximately 275 feet towards the west. This work includes relocation and upsizing of the City's sanitary sewer trunkline, extension of storm drain piping, a short waterline extension, extension of dry utilities (communications conduit, natural gas, power), and construction of the roadway (curb, gutter, sidewalk, base and paving). The project location is shown in Figure 1.

Project Bidding and Associated Expenditures

Construction of the Tributary Street Extension Project was put out for bid on November 29, 2023 and bids were publicly received on January 8, 2024 from three contractors as summarized in Table 1 below. Bid totals presented include a 10 percent contingency.

TABLE 1
Summary of Bid Results

Contractor	Location	Bid Total
Oldcastle SW Group (dba United)	Montrose, CO	\$639,645.88
K&D Construction	Grand Junction, CO	\$679,291.91
Able Excavation	Montrose, CO	\$721,924.81

The City has recent positive experience working with the low bidder, Oldcastle SW Group, on numerous capital projects and considers them qualified to perform the work. As a result, it is recommended that the construction contract be awarded to Oldcastle. It should be noted that the City's local preference policy would not change the outcome of bidding in this case.

In addition to the award of a construction contract, we are also recommending award of an engineering support and survey stakeout contract to the project designer, Del-Mont Consultants. This scope of work is budgeted at \$35,000 on an as-needed, time-and-materials basis based on a proposal provided by the consultant.

Additionally, direct expenditures for the extension of natural gas and power totaling \$35,000 are recommended for authorization. These are the costs payable directly to the utility companies (Black Hills Energy and Delta-Montrose Electric Association, respectively); costs for the associated trenching and communication conduits are included in the construction contract discussed above.

A summary of these anticipated expenditures is included in Table 2 below.

TABLE 2
Summary of Project Expenditures

Work Element	Cost
Construction Contract (Oldcastle SW Group)	\$639,645.88
Survey and Engineering Support (Del-Mont Consultants)	\$24,000.00
Natural Gas Extension (Black Hills Energy)	10,000.00
Powerline Extension (DMEA)	25,000.00
TOTAL	\$698,645.88

Project Schedule and Traffic Control

The construction project is scheduled for completion in August of 2024. Since off the main roadway, no major traffic impacts are expected; however, construction of the project will require closure of the Tributary Street Trailhead for the Uncompahgre Riverway Trail while construction is underway.

Contract Administration and Project Financials

Contract administration, project management, and inspection will be performed by the City of Montrose engineering department with support from the design engineer as needed.

The City budgeted a total of \$500k for this project out of the City's capital improvement (\$400k) and sewer capital (\$100k) funds. This places the project approximately \$199k over the total budget. Despite budgeting conservatively for this project and others in 2024, the City continues to see substantial cost escalations on construction projects that continue to outpace this budgeting.

As mentioned above, the project includes \$60k in contingency. The project also includes some inherent contingency in available aggregate quantity (road base and asphalt) that may be unused and could present measurable savings on the project (projects are set up to only pay for what is actually used). Savings due to scope changes are also possible on some upcoming capital projects. As needed, any overage would come out of the available fund balance within the City's respective capital budgets which may include the need for a budget supplement at the end of the year depending on how projects ultimately turn out.

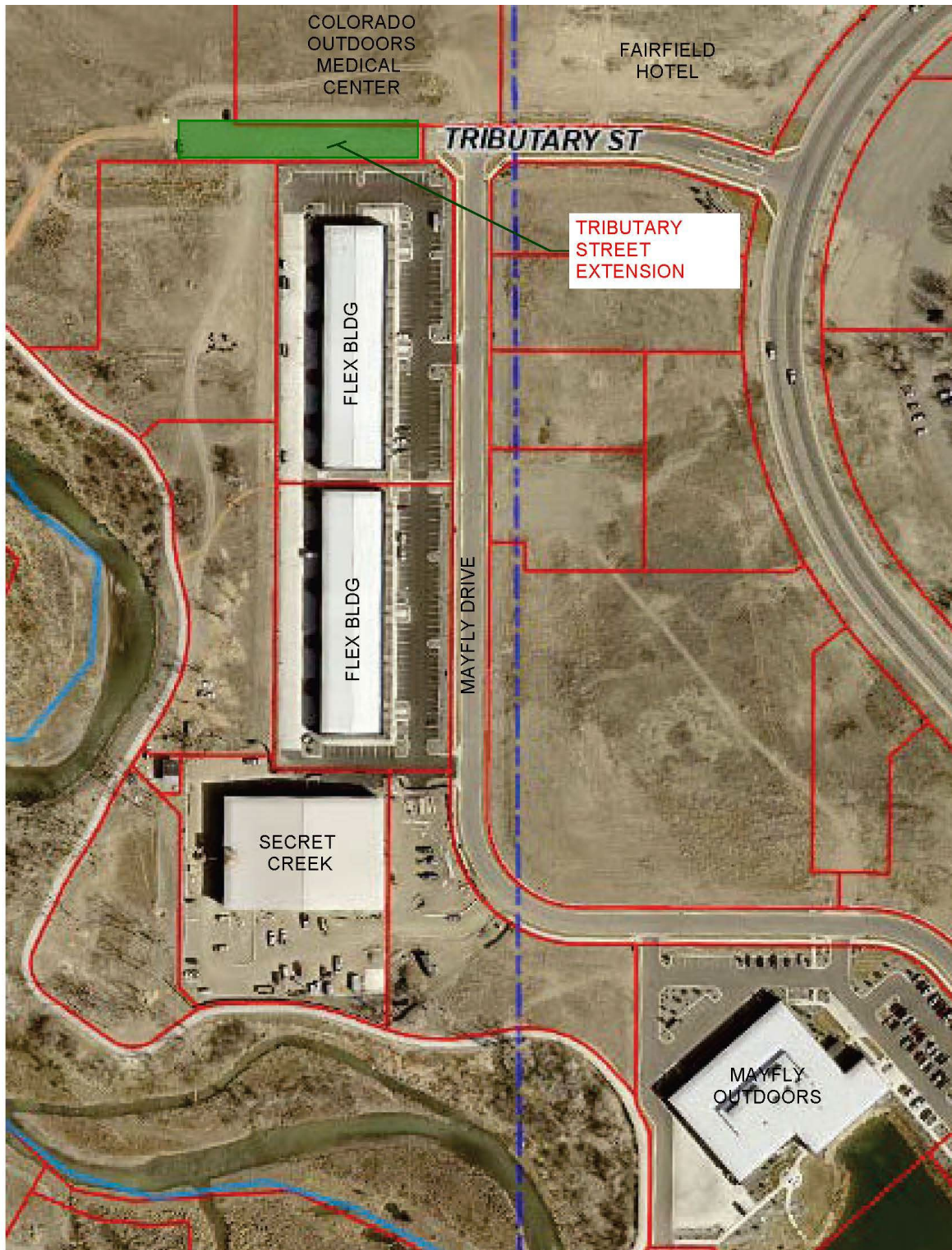


Figure 1 – Project Location and Area Overview



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: February 6, 2024
RE: Sugarpine Rezone
ATTACHMENTS

- Exhibit A: Area Maps
- Exhibit B: Excerpts from City of Montrose Municipal Code
- Exhibit C: Zoning Exhibit

City Council Consideration:

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

Applicant: Chris Koch

Application Background:

The proposal is to rezone a portion of the property located northwest of the corner of Miami Rd and 6700 Rd from “R-2” Low Density District to “R-3” Medium Density District. The property is currently split-zoned, and a portion of the property is already zoned as “R-3” Medium Density District. The property as a whole is approximately 37.31 acres. The portion currently zoned as “R-2” Low Density District is approximately 20.61 acres, and more particularly described as follows:

A parcel of land situated in Section 26, 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 that is the Northwest Right of Way corner of Miami Road and 6700 Road, said point being N49° 48’12”W 64.13 feet from the E1/4 corner of said Section 26;

Thence along the North Right of Way of Miami Road N88°22’52”W 1267.57 feet to the West line of the SE1/4NE1/4 said Section 26;

Thence leaving said North Right of Way N01°21’50”E 298.59 feet along the West line of the SE1/4NE1/4 said Section 26 to a point on the Cedar Creek Corridor;

Thence the following eighteen courses along said Corridor:

Thence N78°37’21”E 40.31 feet;



Thence S67°19'34"E 111.44 feet;
Thence N32°45'11"E 117.88 feet;
Thence N65°35'21"E 89.43 feet;
Thence S88°31'09"E 85.64 feet;
Thence N04°53'07"W 108.46 feet;
Thence N36°02'47"E 49.48 feet;
Thence N76°17'53"E 100.64 feet;
Thence S69°09'32"E 62.91 feet;
Thence N44°46'15"E 90.76 feet;
Thence N68°25'29"E 98.15 feet;
Thence N10°52'13"W 108.39 feet;
Thence N14°45'14"E 179.26 feet;
Thence N82°19'25"E 154.52 feet;
Thence S75°56'23"E 186.81 feet;
Thence N67°25'04"E 84.25 feet;
Thence N04°21'43"W 132.16 feet;
Thence N61°40'29"E 179.08 feet to a point on the West Right of Way of 6700 Road;
Thence along said Right of Way S01°26'12"W 1187.77 feet to the Point of Beginning.
Containing 20.61 Acres more or less as described.
County of Montrose, State of Colorado

Proposed Zoning: "R-3" Medium Density District



Staff Analysis:

1. Municipal Code, Section, 11-7-12(A), Rezoning.

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

 - a) The amendment is not adverse to the public health, safety and welfare; and
 - b) The amendment is in substantial conformity with the master plan, or:
 - i. The existing zoning is erroneous; or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.”
2. The City Council should consider the merits of the proposed rezone only and make a decision based on whether it should be rezoned to “R-3” Medium Density District. The current zoning is “R-2” Low Density District.
 - Zoning Regulations. 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.
3. This property is adjacent to properties that are zoned “R-1A” Large Estate District, “R-2” Low Density District, “R-3” Medium Density District, “B-2A” Regional Commercial District, “P” Public District, and properties outside of City limits.
4. General Conformance with the Comprehensive Plan:
 - The Comprehensive Plan Future Land Use Map identifies this parcel as located in an area proposed as follows: **Residential Mixed Density Low** and **Residential Mixed Density Medium**. *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. The Residential Mixed Density Medium district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed.*
 - Goal LU (Land Use) 5: Infill & Redevelopment: Promote higher density infill and redevelopment of underutilized sites and support development in areas that can be easily accessed by foot, bike, and/or public transit.
 - Goal HN (Housing & Neighborhoods)-1: Housing Variety. Encourage a variety of housing types, tenure, and density to meet the needs of the community.
 - a) Objective 1.1 Promote a mix of residential housing types including single-family homes on a variety of lot sizes, multi-family housing, townhomes, apartments, senior housing, and transitional housing.



- b) Objective 1.2 Encourage a variety of housing densities (low, medium, high) throughout the community, including mixed-density neighborhoods.
- Goal HN-2: Affordable Housing. Increase access to affordable housing.
 - a) Objective 2.1 Encourage a mix of housing price ranges, thereby providing choices for residents of all incomes and ages.
 - b) Objective 2.2 Offer incentives and information to encourage affordable housing in new developments.
 - c) Objective 2.3 Support and work with housing agencies, organizations, private developers, and businesses to increase the amount of workforce housing.
- Staff finds that the proposed zoning meets numerous goals and objectives of the Comprehensive Plan.

5. Dimensional Requirements:

- Municipal Code, Section 11-7-7. The dimensional requirements in the “R-2” and “R-3” zoning district are included in the table below.

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

6. The “R-3” zoning designation does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements, zoning in the surrounding area, and the Comprehensive Plan.

Staff Recommendation:

Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "R-3" Medium Density District. Planning Commission voted 4 to 3 to recommend approval of the rezone.

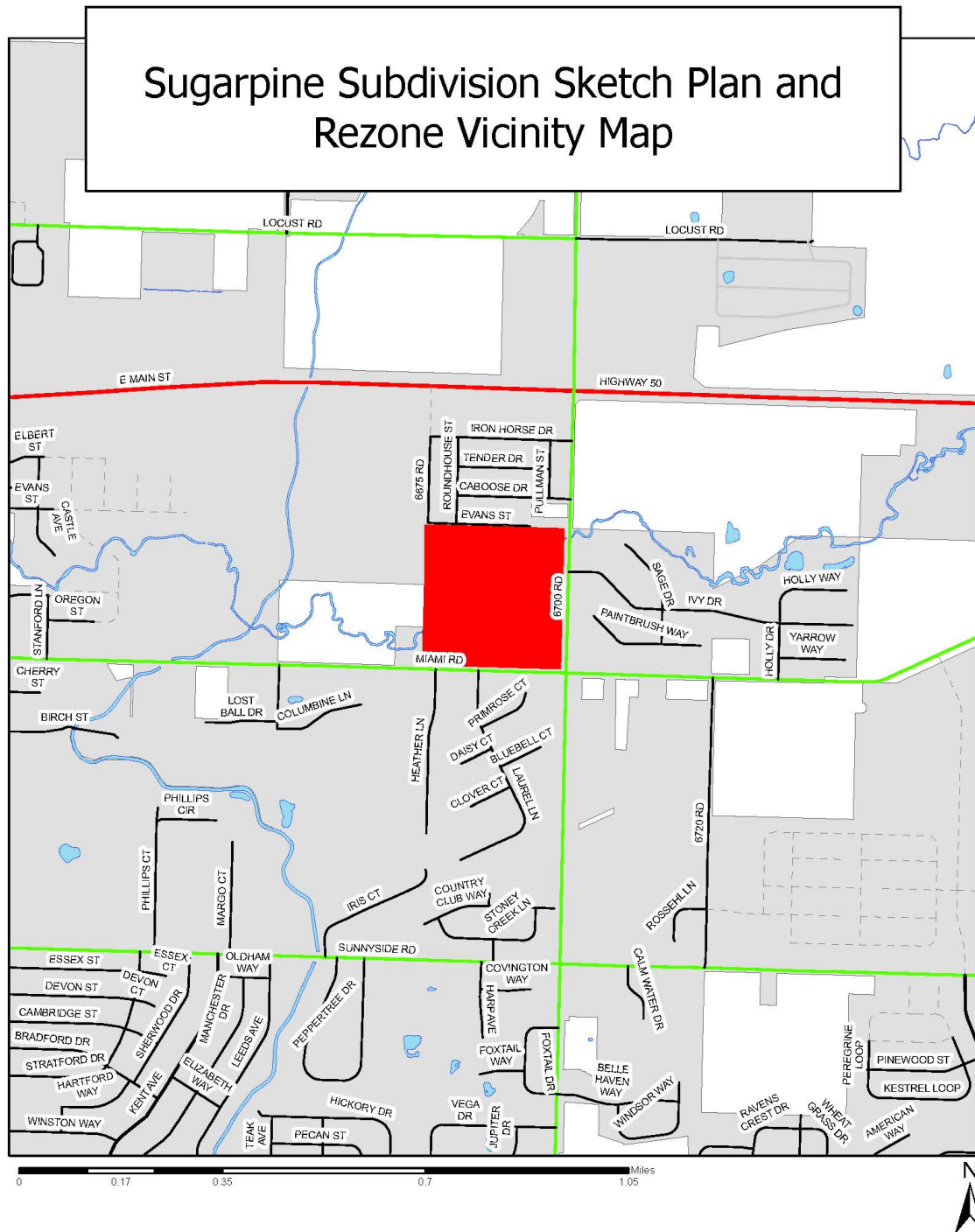


City Council Options:

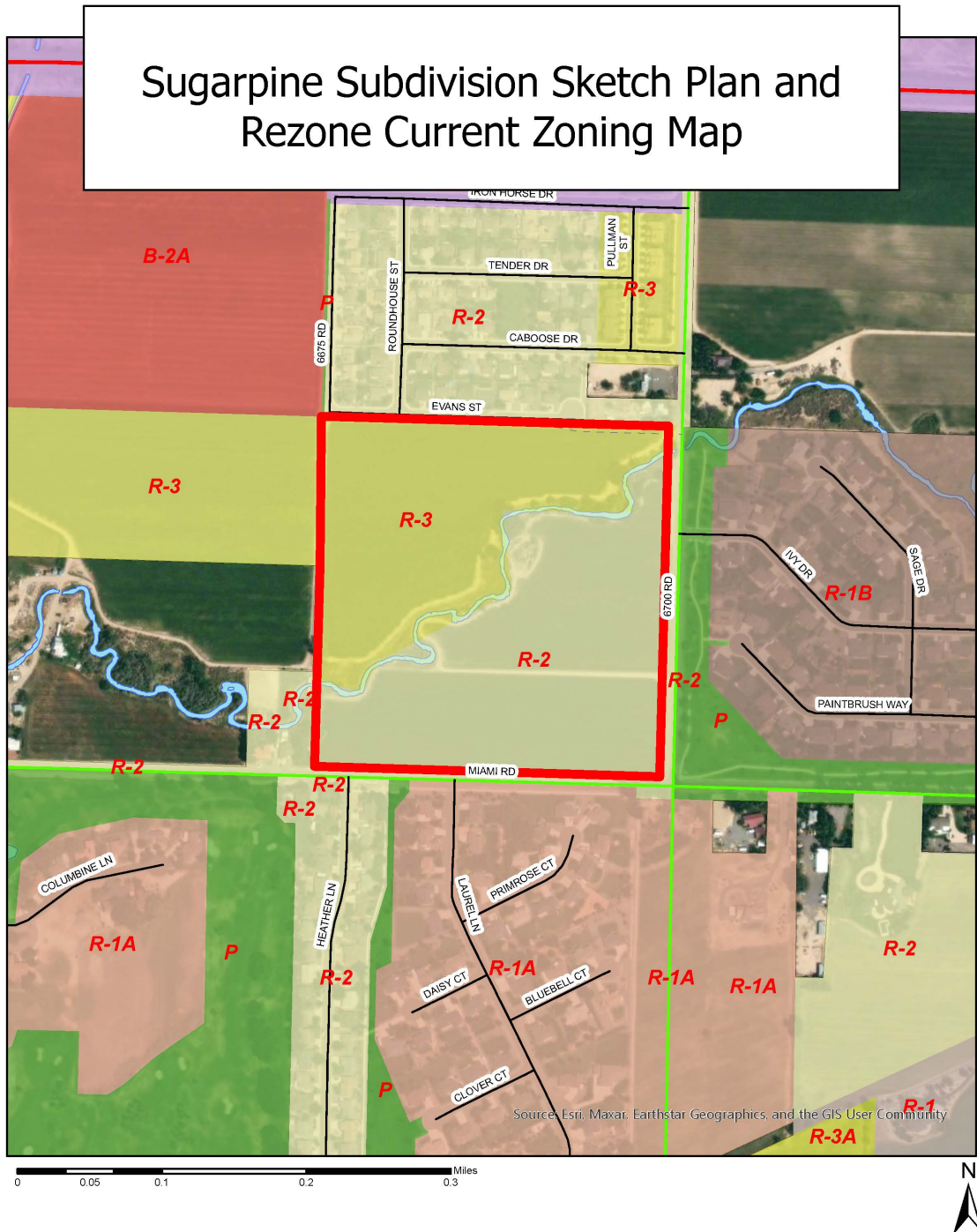
1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.



EXHIBIT A: Area Maps
Vicinity Map



Zoning Map



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1

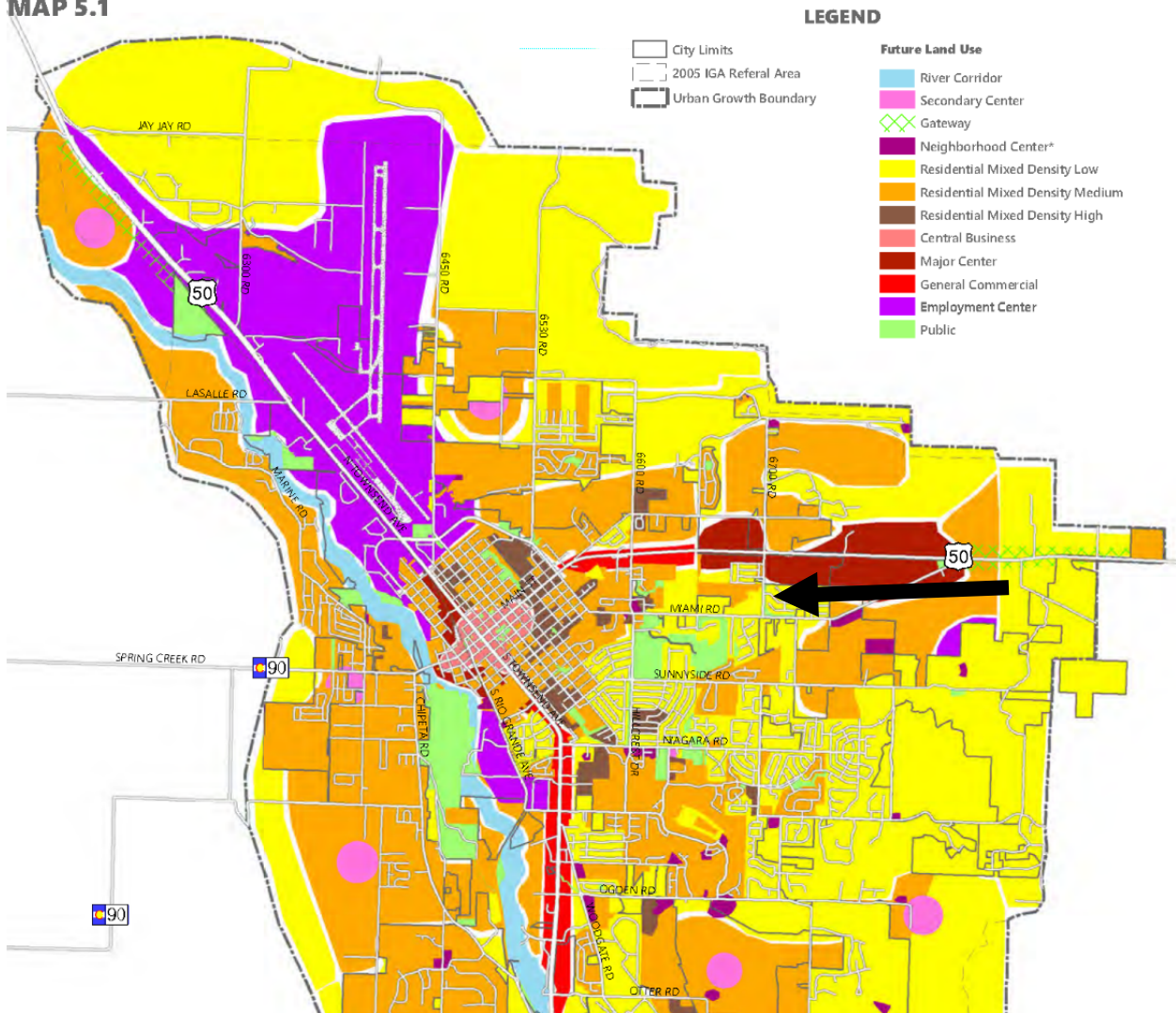


EXHIBIT B: Code Excerpts Zoning

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	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

Created: 2023-12-20 10:39:06 [EST]

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
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

Created: 2023-12-20 10:39:06 [EST]

Travel home (See Sec. 11-13-6(2))		T	T	T	T	T	T	T	T	T
Legend: Zoning Districts				Legend: Use Type						
RL: Rural Living				P: Permitted Use						
R-1: Very Low Density				C: Conditional Use						
R-1A: Large Estate				A: Accessory Use						
R-1B: Small Estate				T: Temporary Use						
R-2: Low Density										
R-3: Medium Density										
R-3A: Medium High Density				Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).						
R-4: High Density										
R-5: Low Density/Manufacture Housing										
R-6: Medium Density/Manufacture Housing										
MHR: Manufactured Housing Residential										

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

(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			P	P	P	P	C		

Created: 2023-12-20 10:39:06 [EST]

(Supp. No. 9, Update 4)

underground. (b)All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.									
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								
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			

Created: 2023-12-20 10:39:06 [EST]

(Supp. No. 9, Update 4)

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
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			P	P	P	P			

Created: 2023-12-20 10:39:06 [EST]

(Supp. No. 9, Update 4)

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.									
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			
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	P		P	P	P	P	P	P	P

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

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

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):

Created: 2023-12-20 10:39:06 [EST]

(Supp. No. 9, Update 4)

District	Use	Minimum Lot			Minimum Setbacks			Corner Lot	Maximum Building Height
		Width at Building Line	Depth	Size	Front	Rear	Side		
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.
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

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 [Section] 11-13-5 of this Title.

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.

- (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 feet per dwelling unit, wood, brick, masonry, stucco or cosmetically equivalent exterior siding, and shall be mounted on a permanent foundation.

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

Sec. 11-7-8. Planned Development (PD).

- (A) *Intent.* The intent of this Section is to encourage the development of tracts of land in accordance with an overall development plan by providing flexibility with respect to dimensional requirements of residential units and to provide for procedures and requirements for multi-building residential development.

(B) *General Provisions.*

- (1) A planned development must be in substantial conformity with the City's Comprehensive Plan. No development with more than one building, with one or more dwelling units therein, may be erected on a single lot, tract, parcel or site unless a PD Plan, providing therefore, is approved pursuant to this Section.
- (2) A minimum of 20 percent of the gross area of the planned development must be preserved as parks or open space, provided, however, this requirement shall not apply to a proposed PD containing six or fewer units and processed under Subsection C(5).
- (3) Planned developments in the "RL" zoning district must consider and reasonably minimize adverse impacts on existing agricultural uses or other property in the area.
- (4) Residences may be clustered, including the use of duplexes and multifamily residences.

-
- (5) Approval of a planned development by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the developer does not accept all conditions, that development must adhere to standard subdivision and zoning requirements.
- (C) *Permitted Uses in a PD.*
- (1) Any use permitted in the underlying zone district, limited as to its status as a use by right, a conditional use, or a temporary use.
- (2) Modular housing used for single family homes, duplexes or multiple family residences may be allowed in any zoning district, if approved as part of the planned development.
- (D) *Administrative PD Procedure.* This procedure is applicable for planned developments containing six or fewer units:
- (1) All lots or tracts are adjacent to a dedicated and accepted public street;
- (2) The lots are part of a subdivision or PD plat that has been previously approved and/or accepted by the City and recorded in the Montrose County Records;
- (3) All improvements required by applicable City ordinances and regulations, including those related to PD Plans, are already in existence and available to serve each lot, or secured;
- (4) No part of the Administrative PD has been approved as part of an Administrative PD within three years prior to the date of submission of the Administrative PD plat;
- (5) No material changes to prior restrictions or easements are proposed; and
- (6) Provisions of Section 11-5-3(B) through and including (E) of this Title shall apply.
- (7) Approval of an Administrative PD by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the applicant does not accept all conditions, that development must adhere to standard subdivision or PD requirements, and proceed through the applicable approval process.
- (8) Prior to any review of the Administrative PD, the applicant shall provide written consent of all property owners within the proposed Administrative PD plan area. To the extent only a portion of a prior-approved Administrative PD plan area is proposed to be amended by the Administrative PD Plan application, then only the consent of the property owners within such portion shall be required.
- (E) *Dimensional Requirements, Densities.*
- (1) Dimensional requirements, except those relating to overall residential density, which would otherwise be required by the City Zoning Regulations, or other City regulations for the district affected, may be deviated from in accordance with the plan as approved, if the Review Board determines that such deviations will promote the public health, safety and welfare.
- (2) The Review Board may impose conditions as necessary or appropriate. The total number of residential units shall not exceed the area of the site divided by the minimum lot sizes specified for the zoning districts included.
- (F) *Review of Sketch, Preliminary and Final PD Plan.*
- (1) The sketch plan, preliminary plan and final PD plans shall be reviewed pursuant to the procedures and requirements for subdivisions as set out in Chapter 11-5 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. For the approval of any preliminary PD Plan or a substantial amendment to a PD plan, a hearing shall be held before City Council.

-
- (2) Prior to any review of the Sketch, Preliminary and Final PD Plan, the applicant shall provide written consent of all property owners within the proposed PD plan area. For the purposes of this Section, "PD plan area" is the entirety of the territory proposed to be included in a PD plan; provided, however, that for applications for PD plan amendments, only the portion of the PD plan area being amended or affected shall constitute the PD plan area for such application for purposes of consent; nevertheless, all owners of property within the PD must be given notice of the public hearing at which the amendment is to be considered.
 - (3) Conditions may be imposed as appropriate to assure that the PD plan is consistent with the City's Comprehensive Plan and promotes the public health, safety and welfare.
 - (4) The plan shall show the location, size, number of dwelling units, and other uses, and shall further set out the location of all parks, open space, parking areas, streets, sidewalks, trails, bike paths and other improvements and structures. All information necessary to show compliance with the requirements of this Section shall be submitted. Where appropriate, in lieu of exact locations, numbers and sizes, parameters or limits may be set out.
 - (5) The PD Plan as approved shall be recorded.
 - (6) The final PD plan may be treated as a vested right pursuant to the procedure in 11-4-9.

(G) *Required Improvements.*

- (1) All PDs shall provide the same improvements as required for subdivisions in Chapter 11-5 of this Title, and security therefore shall be provided as set out in Section 11-5-12 of this Title.
- (2) All improvements shall be constructed in accordance with standard City design and construction specifications and standards, in substantial conformity with the PD plan, and in accordance with subdivision design standards as set out in Chapter 11-5 of this Title, except as modified by the PD plan.
- (3) An entity shall be established or provided for ownership and maintenance of all facilities and open spaces, which are approved for common ownership or not dedicated to the City.
- (4) Flexibility in the scope and design of required improvements and design standards may be allowed to provide for innovative urban design which promotes the public health, safety and welfare. A public street shall be dedicated to the City and developed at the developer's cost to provide direct access to each building with residential units or to the parking lot serving the building.

(H) *Enforcement and Amendments.*

- (1) The PD plan may be enforced in accordance with or in the same manner as the provisions of the Planned Unit Development Act of 1972, as amended, C.R.S. 1973, § 24-67-101 et seq., as amended or in any lawful manner. In addition, no occupancy permit shall be issued for any building unless all site improvements to serve that unit and any commonly-owned facilities have been completed and approved unless security for completion is provided substantially similar to the security required for subdivision improvements by 11-5-12 of this Title, except that cash must be placed in the escrow account prior to issuance of the occupancy permit.
- (2) Amended PD plans may be submitted for review and approval in the same manner as the initial PD Plan. An applicant for an Amended PD plan shall submit written consent of the property owners of the portion of the PD plan area to which the application applies, prior to and as a condition of the initiation of review of the application. Written consent from all property owners within the prior-approved PD plan area is not required as part of the Amended PD plan application. Advance notice of any review of an Amended PD plan application by the Planning Commission shall occur pursuant to Chapter 11-5 of this Title, with the added requirement that advance written notice shall be provided to all property owners of record within the prior-approved PD plan area, in addition to all property owners of record adjoining or within 300 feet of the proposed Amended PD plan area.

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

Sec. 11-7-12. Rezoning.

(A) *Rezoning.*

- (1) Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:
 - (a) The amendment is not averse to the public health, safety and welfare; and
 - (b) The amendment is in substantial conformity with the Comprehensive Plan; or:
 - (i) The existing zoning is erroneous; or
 - (ii) Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.
- (2) Rezoning may be requested or initiated by the City Manager or the owner of any legal or equitable interest in the property or his representative. The rezoning shall be reviewed for compliance with the criteria of this Subsection in accordance with the review procedures of Chapter 11-4 of this Title. The City Council may initiate rezoning on its own motion, in which case the Council shall hold a hearing either in conjunction with second reading of a rezoning ordinance, or separately, in substantial compliance with the review procedures of Chapter 11-4 of this Title.
- (3) The City may impose conditions as necessary to ensure that the above criteria are met.

(B) *Zoning of Additions.*

- (1) 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 procedures set out in Chapter 11-4 of this Title 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.
- (2) The City may impose conditions on the zoning necessary to ensure that the above criteria are met and as appropriate to ensure comparability with the City's Comprehensive Plan.

(C) *Legislative Zoning.* Comprehensive review and re-enactment of all or a significant portion of the Official Zoning Map shall be a legislative action, and shall not be subject to the review procedures of Chapter 11-4 of this Title or any criteria set out in this Section.

(D) *Enactment by Ordinance.* No amendment, addition to or re-enactment of the Official Zoning Map shall become effective until enacted by an ordinance.

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



Planning Commission:

I am writing to express my vehement opposition to the proposed Sugarpine Rezoning.

I believe a multitude of adverse impacts to quality of life in the surrounding area would occur if this rezoning is granted. To name a few, increased noise, traffic congestion, and a potential for more accidents all seem inevitable if the rezoning request is approved. Left turns onto Miami and 6700 would be riskier with the additional traffic. In addition, Miami has no shoulders and is already a dangerous street for pedestrian and bicycle traffic.

Most importantly, it is unfair and dishonest to the surrounding community to have standards defined and then not abide by them. Had the medium density plan been in place when we were house hunting in the neighborhood, we never would have purchased a home here.

Please do NOT grant the rezoning request.

Kathy Drenick
816 Heather Ln
Montrose, CO 81401

Mr. Reis and City of Montrose Planning Commission Members,

Please find attached a resolution from the Columbine East Subdivision HOA opposing the rezoning of Parcel Number 3767-261-00-059 (Sugarpine Subdivision). While I and members of our community plan to attend the hearing on January 24th, I am sending our written opposition in the hope that you and the planning commission have the opportunity to review our reasons for opposition in advance of the meeting.

If this document should have been sent to a different address in order to reach the commission members please let me know.

Thank you for your time,

Kenneth Otto, Columbine East HOA Board Member
2814 Primrose Court
Montrose, CO 81401
(970)596-8554

**COLUMBINE EAST HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS RESOLUTION 2023-1**

IN OPPOSITION TO REZONING OF PARCEL NUMBER 3767-261-00-059

WHEREAS, the owner of said property has requested the rezoning of the section of the parcel located south of Cedar Creek, which runs diagonally through the parcel, to zone R-3;

WHEREAS, the portion of the parcel located south of Cedar Creek is presently zoned R-2;

WHEREAS, the portion of the parcel located south of Cedar Creek is adjacent to neighborhoods zoned R-1A and R-1B;

WHEREAS, the present zoning of the property in question is appropriately zoned R-2 providing a gradual transition of residential densities (“feathering”), avoiding conflict with adjacent land uses;

WHEREAS, the present zoning preserves the rural character, open space, scenic views, and other valued resources within the community;

WHEREAS, the present R-2 zoning allows for approximately 50 single family residences;

WHEREAS, the proposed R-3 rezoning would allow for 2 to 3 times the number of residential units;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COLUMBINE EAST HOMEOWNERS ASSOCIATION:

1. The Board of Directors recognizes that the new owner of the property proposes a planned community that attempts to preserve the character of the surrounding communities and proposes development of a public use area along Cedar Creek and public walking trails within the subdivision.
2. The Board of Directors recognizes that the City of Montrose would not develop or maintain the proposed amenities described above and therefore there is no expectation that these amenities, if developed, would be accessible to the public or residents of the adjacent subdivisions.
3. The Board of Directors recognizes that owner of the property has no obligation to develop the land as outlined in his presentation and through right of use could develop many more units than the plan presents and in a manner of his choosing which may or may not preserve the rural character of the community.
4. The Board of Directors further notes that development of the property as R-3 will significantly increase the number of residents and therefore significantly increase the vehicle traffic on both 6700 Rd. and Miami Rd. and notes that traffic on 6700 Rd. has recently increased dramatically with the opening of the 6700 Rd. extension. Maintaining the R-2 zoning will minimize the impact of development of this property.
5. For the reasons set forth above the Board of Directors concludes that the present R-2 zoning of the property is appropriate and therefore the Board strongly urges that the City of Montrose

Planning Division and the Montrose Planning Commission deny the application to rezone the property.

APPROVED AND ADOPTED this 15th day of November 2023 by the Board of Directors of the Columbine East Homeowners Association.

Attest: _____
Bill Maddox, President

Dear Sir:

We oppose this as it looks more like a high density subdivision and for the fact there are deer and bald eagles on this property. I have a picture of 5 bald eagles in one shot just east of us years ago before Columbine Point was built. They are gone now and this should not happen again north of us with the new subdivision going in. This should be left as is for all the wild life.

Steve & Jacki Thomas
2766 E. Miami Road
Montrose Co
970-240-4615

This email is to register my opposition to the proposed rezoning of SugarPine at the corner of 6700 Rd and Miami. I believe there would be a number of adverse impacts to the surrounding area if the rezoning is granted.

Firstly, traffic in this area is carried by only two two-lane roads (6700 and Miami), one of which (Miami) seems to be an afterthought to the Montrose Public Works department. This is manifested in an almost total lack of snow removal when needed as well as the situation this past August when the road was closed for repairs. The repair crew tore up the road, blocked it off and then abandoned any further repair for three weeks or more before finally coming back to finish the repair. The current residents were forced to detour a mile or more out of their way for every errand they needed to run. Miami is also a dangerous road for pedestrians and cyclists owing to the narrowness and total lack of walkways and minimal shoulders. I believe the proposed density of the housing in the subdivision would overwhelm the available roads, especially the single road that might actually get any attention from the city, causing a detriment to public safety and welfare.

Secondly, I believe that the green spaces in that area are inadequate to handle the proposed increase of residents recreating in the area, even with the proposed common areas within the subdivision. There have already been issues with locals and visitors walking dogs off-lead and not picking up after them and the increased density is only going to add to the problem. This also constitutes a detriment to the welfare of the residents in the area.

Thirdly, I believe the increased nighttime light pollution (whether rezoned or not) is going to be detrimental to the health and welfare of the surrounding community. Research suggests that artificial light at night can negatively affect human health, increasing risks for obesity, depression, sleep disorders, diabetes, breast cancer and more. (<https://darksky.org/resources/what-is-light-pollution/effects/human-health/>). Rezoning for increased density will only increase these problems. Bryan Cashion, President of the Black Canyon Astronomical Society gave a presentation to the City Council, which might still be on the meetings portal, in which was discussed the inadequacy of the Montrose lighting standards for dark sky purposes. Further, it was discussed that even those inadequate standards aren't being met in a lot of cases. Part of the reason we moved to this area east of town was for the dark skies, which could be better, and I would hate to see further degradation of the night skies. This issue has a direct negative effect on the health and welfare of the residents in the area.

I vehemently oppose the proposed rezoning of the Sugarpine subdivision and any requested variances for reduced setbacks, etc. I think it is unfair to the residents of Montrose to set standards and then simply abandon them just so that the developer can make even more money than he's already going to and then leave the area to reside in his own low-density neighborhood while leaving the residents near the subdivision to deal with the problems caused by his desire for profit-taking. I also doubt that the planning commissioners, most or all of whom live in lower density neighborhoods themselves, would be quick to approve this sort of density if it were in their neighborhoods.

Please do NOT grant the rezoning request!

Bruce Morgan
816 Heather Lane
Montrose, CO 81401

William Reis

City of Montrose Planning Services Department
970 240-1475

wreis@cityofmontrose.org

Mr. Reis,

We have lived on Miami Road for the past 15 years. In that time we've seen plenty of growth in the community, along with the challenges that all those added folks pose to the public services and infrastructure. We are truly concerned to hear about the proposed Sugarpine subdivision rezoning. The current R3/R2 zoning is not good news, but to allow even higher density development to happen would be very bad indeed. In addition to the impact on surrounding neighborhood values, you are talking about adding hundreds of cars to the vehicle traffic on Miami Road.

I'm sure that you've driven on Miami Road, but it would be better if you ride your bike along the stretch from Hillcrest to 6700. If you're not comfortable with cycling, then perhaps a walk along that stretch would suffice. I walk it just about daily to pick up our mail. It can be nerve-wracking sometimes. There are no sidewalks on either side of the road. The unpaved shoulder is narrow and occasionally quite muddy or snowy. Vehicle traffic moves fast, sometimes very fast. As a cyclist, I also get to ride on Miami Road. There is no room for bikes on Miami Road. The pavement barely extends beyond the striping, and the adjacent shoulder is narrow and can be terribly muddy and rough. The occasional pickup truck towing an extra-wide utility trailer adds yet another element of danger to the situation. Of course, Miami Road also seems to be in a perpetual state of decline and the potholes certainly keep you on your toes.

This is the road that you would have kids walk and cycle on to get to Centennial Middle School.

Before any construction begins on the Sugarpine subdivision, Montrose needs to bring Miami Road up to the standards set for Sunnyside and Niagara. Imagine Miami Road with sound pavement, sidewalks, bike lanes and enforced speed limits. It is the right thing to do given all the growth plans that seem to be in place. While you're at it you might want to think about a light at the intersection of 6700 and HWY 50.

Once that is taken care of, then you can address the wisdom of building a totally out of place high-density development in the midst of so many lovely established neighborhoods.

Sincerely,

Donna Erk

2368 Miami Road



Iron Horse Single Family HOA

January 24, 2024

Montrose Planning Commission:

Please refer to the proposed Re-Zoning request for Sugarpine Subdivision. We represent Iron Horse Single Family Subdivision adjacent to the North side of the proposed Sugarpine Subdivision.

The letter from Mr. William Reis, Planner II, City of Montrose dated January 9, 2024 is the first notification to our homeowners of the new proposed high density subdivision. No contact was made to the Iron Horse Single Family HOA or its homeowners prior to Mr. Reis' letter.

Within the proposed plan, Sketch Plan Narrative, prepared by Del-Mont Consultants, Inc., 125 Colorado Ave. Montrose, CO 81401 the portion titled Known Public Concerns provides "*As of the date of this Sketch Plan narrative, there are no know public concerns about this project.*" This is incorrect. **A major Public concern for our homeowners is reduced safety caused by an exponential increase of traffic and access for emergency responders to the new proposed high-density subdivision.**

Del-Mont Consultants further provides "*For the development I would ask that it remain low density. The area between Evansstreet and Cedar Creek has only one/two access points that go through the Iron Horsesubdivision. The sub division under low density would likely triple the amount of traffic through the iron horse subdivision.*"

Access to property

"There are four access points planned into this development. The first entrance will be to the south connecting to Miami Road. The second entrance will be on the eastern side of the subdivision, connecting to 6700 Road. The third and fourth entrances will be a connection to the existing Evans Street of the Iron Horse Subdivision, north of the development. Please see the accompanying planned layout for more detail on these intersections (Sheets 2 & 3 of 3)."

Clearly the third and fourth access points to the new subdivision do not take the existing Iron Horse Single Family homes into consideration. Within our subdivision we have a large number of children that play in front of their homes and can be found walking and playing in the streets. Our homeowners remain vigilant when driving slowly through our neighborhood to ensure our children's safety. **This element of safety will be removed with an exponential increase of traffic on our residential streets.** When emergency responders go through our neighborhood to reach the North end of the new subdivision, it is only a matter of time when our children will encounter a near miss, jeopardizing their lives. The construction phase of the project with the already stated safety concerns along with all the heavy equipment, dump trucks, concrete mixer trucks and material supply deliveries alone will decimate the quality of the streets and sidewalks throughout Iron Horse Single Family Subdivision.

A solution for this safety problem is to reject the proposal to change zoning from R-2 low density to R-3 medium density and if this is not possible, to **require improved access** to the North end of the proposed new subdivision by making a new entry to the North of existing bridge over Cedar Creek to connect into 6700 Road.

Another solution would be to incorporate a bridge on Cedar Creek within the subdivision to connect the total of the subdivision so traffic can be routed from the southeast section to the northwest section utilizing the entrance from Miami Road and also the entrance from 6700 Road for access to both areas.

Thanks for your consideration on this matter!

Sincerely,

Home Owners

Martin Crespin Carol Crespin

Martin Crespin

Carol Crespin

Dean Schufeldt

Dean Schufeldt

Barbara Schufeldt

Barbara Schufeldt

January 13, 2024

William Reis
City of Montrose Planning Services Department
970-240-1475
wreis@cityofmontrose.org

Mr. Reis,

Over the last couple of months we have become aware of the possible rezoning of the property at the corner of Miami and 6700 road (Sugarpine Subdivision). We live on Heather Lane and have lived here over 25 years, being the original owners of our home built in 1998. We have obviously seen a lot of changes over these years but are most concerned about the possible rezoning of the property directly across Miami from Heather Lane. We would love to attend the January 24th Planning Commission meeting but we will be out of town. We hope this letter will be given to the Planning Commission members so they can understand our concerns and the concerns of many residents in the area.

Jason Byler was the original builder/developer for our subdivision (Columbine Estates), the subdivision to our east (Columbine East) and the subdivision on the northeast corner of 6700 and Miami (Columbine Pointe). After researching the current zoning for these 3 subdivisions and others around the area we found ours is zoned R-2 with approx. 1/4 acre lots, Columbine East is R-1A, with approx. 1/2 acre lots and Columbine Pointe is zoned R-1B with approx. 1/3 acre lots. After developing his first 2 subdivisions off Miami, Jason had someone come door to door asking what we liked and didn't like about our lot sizes and home sizes before he began Columbine Pointe. Most homeowners in our subdivision said they would like a lot that was just a little larger while those in Columbine East stated they would like their lots to be a little smaller. Jason listened and Columbine Pointe was the "middle ground" regarding lot sizes and obviously zoning classification.

We see that Iron Horse subdivision is mostly R-2, like ours on Heather Ln, with a small strip of R-3 adjacent to 6700 Rd with 2 story condo units. We also found and the letter we received from the city states the current zoning of the property on the corner is mostly R-2 (like ours and most of Iron horse) with the smaller portion of the property closer to Iron Horse currently zoned R-3. We also see the "new" lots on 6700 Rd between Miami and Sunnyside are also zone R-1A.

Our major concerns are as follows:

- 1) With a planned 225 lots, there could easily be 450 vehicles traveling in and out of the subdivision on a daily basis. Many of us have voiced our concerns regarding the condition of Miami over the years. The huge sinking spot by the cemetery was recently repaired, thank you for that, but there is now another one just a little farther east that is getting bigger, the apparently unfixable water drainage issue on the south side of the road along the golf course, the always present potholes that get "fixed" and are back in a week or so and probably the most important the, lack of shoulder or sidewalks from Hillcrest to Heather Ln. We used to ride our bikes and walk on Miami but it has gotten too unsafe. We still see many of our Montrose

citizens biking and walking that stretch of very dangerous road and we are concerned for their safety. The sketch appears to show one road to Miami and one road to 6700 and also another 1 or 2 roads going north into the Iron Horse subdivision which also exits to 6700 road at 2 locations. Although the "new" section of 6700 has turn lanes and shoulders, the "old" section from Hwy 50 to Miami is very narrow, especially at the Cedar Creek bridge. We thought the City was widening the bridge a few years ago in preparation for the 6700 extension when they had the road closed but that didn't happen. We are very concerned that it will cause traffic issues on 6700 since the traffic has obviously increased since the road has been extended. When Miami was closed for repairs recently, we had to use 6700 rd to hwy 50 to get downtown. It was difficult to turn west on to hwy 50 especially during Johnson school start and release times. We walk Miami/6700 on an almost daily basis and 6700 Rd is now like a raceway. If the "your speed is" signs are correct on the new section, many vehicles are traveling 40-50 mph in the posted 35 mph zone.

- 2) With the current subdivisions across from this proposed subdivision being R-2A (large estate district, single family, semi-rural environment), R-2B (small estate district, single family, semi-rural environment), and 2 subdivisions zoned R-2 (low density district, quiet, single family) we believe this isn't a good location to have 225 lots zoned R-3 (medium density single family residence & multifamily residences). Looking at the figures presented in the city letter, the proposed subdivision is 20.61 acres. With the proposed 225 lots, that's .0916 acres per lot. That's less than 4,000 square foot lots. And we assume that's BEFORE you remove the 20% required open space, Cedar Creek and roads & sidewalks. What will the actual size of each lot be? The current lot size in the R-2 zoned Iron Horse subdivision is about 7,400 – 7,800 square feet. It appears they will be packed in like sardines just so the developer can make more money.
- 3) The safety of Cedar Creek and of the many residents that would surround the creek are a concern for us. Will there be a bridge over Cedar Creek? We assume the developer would have to work with the Army Corps of Engineers but we believe a makeshift bridge has already been placed across the creek just west of that area. *Maybe* the owner of the property got permission to put a stock truck bed over the creek to use as a bridge but it seems unlikely. Will property owners in this subdivision decide they want to be able to cross the creek and do something similar?
- 4) After attending one other Planning Commission meeting we understand that the "sketch plan" the developer submitted isn't anything final and that if and when the zoning is changed, he can change or submit an entirely different plan when he is ready to begin. Looking at what is built on an R-3 zoned property on the east side of Iron Horse which is multi-level condos, we can only assume the developer will also build 2 story condo units in this proposed Sugarpine subdivision. I know that the homes in the 3 Byler subdivisions surrounding this property had a maximum height as to make 2 story homes and high peaked roofs impossible to build. In speaking with friends in the surrounding subdivisions we understand the developer met with their HOA explaining his plans. Apparently he told them his units would be a much better quality than the ones in the Iron Horse subdivision. What's THAT supposed to mean? Who decides what better quality is and who monitors that? We understand that Montrose needs more housing, especially affordable housing, but the starting prices the developer quoted the HOA are outrageously high. As retired active adults who like to travel, we would love to purchase a "lock & leave" type single story townhome/duplex. As with many retirees living in and moving to Montrose, we

have found very few of these types of homes available. It appears the developers are only interested in building very tightly packed homes or multilevel condos on tiny lots to maximize their profits.

In closing, we believe the current zoning of R-3 and R-2 would be a better fit for the surrounding neighborhoods. With fewer lots, hopefully the amount of traffic on Miami and 6700 Rd would be more manageable. We also know that whenever this property is developed, the city will have to complete major work on Miami including shoulders and sidewalks between Heather Lane and Hillcrest.

Thank you for your time,



Larry & Suzanne Newlin
608 Heather Lane
lsnewlin83@gmail.com

For the development I would ask that it remain low density. The area between Evans street and Cedar Creek has only one/two access points that go through the Iron Horse subdivision. The sub division under low density would likely double the amount of traffic through the iron horse subdivision.

The intersection at 6700 and hwy 50 is pretty dangerous during the school year. There may not be many recorded accidents but the accidents that happen at that intersection are pretty devastating with vehicles on the 6700 road entering hwy 50 and getting hit at highway speeds.

The bridge that crosses cedar creek should be upgraded as well just to accommodate the volume of traffic that the low density housing would generate in addition to now having the 6700 road that has been recently completed.

Tonight I am concerned with both legal and compliance issues for this rezoning application, as listed in the city's published document on its website as well as the Municipal Code. There are several, which I've trimmed to just 4 questions, and as a member of the HOA Board of Directors at Columbine Point, I am asking for a few extra minutes of time in order to present these complex matters in the interest of public service and greater understanding.

★
ONE

On Page 7, Item 4, under General Conformance with the Comprehensive Plan, the third bullet point, Part B, states that the objective is to "Encourage a variety of housing densities (Low, Medium, High) throughout the community, including mixed-density neighborhoods. This is EXACTLY what currently exists on this parcel. Part R2 and Part R3. This meets the requirement. Rezoning it all to R3 defeats the objective stated in Municipal Code 11-7-12. Leave it alone and you comply.

DIVERSITY
The Municipal Code further states that "The Comprehensive Plan Future Land Use Map identifies this parcel as located in an area proposed as follows: **Residential Mixed Density Low** and **Residential Mixed Density Medium.**" It further states that "**This low-density residential land use is intended to PRESERVE the traditional building pattern of existing residential development in Montrose. It will continue to be the predominant density in the City.**" Again the zoning as it currently exists meets 11-7-12 and should NOT be altered.

The Comprehensive Plan Future Land Use Map **MUST** be followed, otherwise what good is it? And why did the city of Montrose pay for it with our tax dollars if it's not going to be followed?

1). My First Question is, Will the Planning Commission follow the Future Lane Use Map in its recommendations?

M
TWO

The second issue concerns Section 11-7-12, Section A, Subsection B, Part II. This is on Page 25 of the published document on the city's website. It

~~_____~~

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

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

Neither 6700 road nor Miami Road, adjacent to this development have changed materially. Nor is there any published plan or dates to improve these roads. Connecting the two N/S sections of 6700 Road is NOT material to this rezoning since the new road reaches neither the eastern or southern borders of the parcel. Furthermore, the Cedar Creek Bridge which is already starting to show signs of collapse, has not received any upgrades, nor is there a published plan for specific updates, that would support rezoning to a higher density. No plan. No dates. Nothing.

2. My Second Question is: Given that no material changes relative to this parcel have taken place, how can a request for rezoning be either considered or justified? As we residents of the area see it, it simply can't.



THREE

On the same Page 25, Section A Subsection 2, it states that "Rezoning Shall Be Reviewed For Compliance with Section 11-4. This, it fails on several counts.

1) It fails on 11-4 Part 1 which states: **"Implement The City's Comprehensive Plan."**

2) It fails on 11-4 Part 3 as it does not provide **"Adequate, Safe and Efficient Pedestrian Circulation."** The Sketch Plan shows NO SIDEWALKS, thus forcing residents to walk on the streets, which are the bare legal minimum at 24 feet. There's a walking path indicated, but it only goes where it goes. Walking to visit neighbors or friends requires walking on the streets. It further does not provide for **"Adequate Transportation"** with only Four Cul-de-Sac parking areas for 225 homes approximating 400 residents and their vehicles. We've been told there will be no street parking in this development, but that is not a City Ordinance, and is changeable by

their HOA. Faced with these conservative estimates, everyone understands that street parking WILL very likely take place, making public walking more dangerous and adding critical time for first responders to thread their way through in life-threatening emergencies.

3). It fails on 11-4 Part 6 which requires that improvements that benefit the community be borne by the entire community. The Sketch Plan indicates in small type in one corner of the plan, that the Future Widening of the Cedar Creek Bridge will be borne by the City of Montrose and indicates NO financial participation by the developer.

4). It fails on 11-4 Part 7 which calls for the preservation and conservation of significant wildlife habitats. Anyone who's driven past this land on Miami or 6700 can attest to there being dozens of deer who routinely use Cedar Creek to forage for food and to drink. Any clearing of, landscaping of, fencing of or other modification to Cedar Creek and its surrounds is going to destroy this wildlife habitat, which Section 7 prohibits.

3. My Third Question is, when this rezoning request is reviewed for compliance with section 11-4, it fails on so many counts. So why is it even going this far forward? It should have been stopped well before we got to today.

FOUR

The last issue on the rezoning question involves Section 11-7-8, Subsection F, Number 2 which states that "the applicant shall provide written consent of all property owners within the proposed Plan Development area." Those of us who are in the area have never been asked for our written consent or even written comments. The applicant asked a few of us to a short, time-limited meeting in a small room at the library where he showed a 3-minute video of his "vision" for Sugarpine, but never requested written comments. Several here attended that video show and will attest to this.

4. So my Fourth Question is: How can we even allow this to proceed any further with such a complete absence of an official request for written comments from "ALL Property Owners," as required?

IN SUMMARY

This application fails to meet the Municipal Code's stated compliance criteria on at least a dozen fronts. Furthermore, it violates the Municipal Code's stated criteria for diverse zoning, with R2 Mixed Density Low being the preferred way for Montrose to move forward. We ask that the Planning Commission recognize these, that it follow the Comprehensive Land Use Plan and that it support its citizens by denying this non-compliant rezoning petition.

HERE ARE THE FOUR QUESTIONS WE'D LIKE ANSWERS TO

- 1. Will the Planning Commission and the City Council follow and Implement the City's Comprehensive Land Use Plan supporting the current diverse zoning and whose adherence is further demanded by Section 11-4 of the Municipal Code?**
- 2. Since no material changes have taken place, how is this rezoning request even justified?**
- 3. This zoning request fails at least FOUR subsections of Section 11-4 of the Municipal Code. How can the City allow this to move forward in any manner?**
- 4. How can this application be considered absent any request for written consent, or even comment, by the residents of Montrose most affected?**

Layman says PD area as defined as the bond.

Dear Mayor Bynum and City Council Members,

Please find attached a letter regarding the above Ordinance which is scheduled for hearing on February 6th in the City Council Meeting. I am submitting this letter in opposition to the request to rezone a portion of the property on which the proposed subdivision would occupy. Please review my letter prior to the meeting if possible. I would be happy to discuss, clarify, or otherwise answer questions about this letter with any or all of you prior to, during or after the meeting.

February 1, 2024

Dear Mayor Bynum and City Council Members,

On January 24, 2024 the Montrose Planning Commission met to hear a proposal to re-zone a 20.61 acre property on the corner of 6700 Rd. and Miami Rd. from R-2 to R-3. City Planning Staff recommended the approval of the rezone. Approximately 50 citizens of the affected area attended the meeting to oppose the rezoning request and approximately 15 of those spoke during the proceeding. While there are many issues with the proposed Sugarpine development, this letter addresses only the misleading information discussed during the rezoning agenda item of the hearing. This led to the Commission voting to recommend approval of the rezoning based on inaccurate information.

(Please note that the two developments to the East and South of the property are zoned R-1B and R-1A respectively. The present R-2 zoning allows for a density of homes twice that of Columbine Pointe to the East (1/3 acre minimum) and almost three times that of Columbine East (1/2 acre minimum) to the South.)

During the discussion Commission members asked Planning staff several times how the rezoning would impact the density of allowed units on the property. Planning staff answered that under the existing approved R-2 zoning that 119 lots would be allowed. This number is erroneous and misled the Commissioners as to the impact of the rezoning and how it would effect adjacent neighborhoods and traffic in the area. Notably the Commission only recommended the approval of the re-zone by a 4 to 3 vote.

The property is 20.61 acres and is bordered on one side by Cedar Creek making approximately 20% of the acreage unable to be developed into home sites. Additionally, approximately 25% of the property must be allocated for city streets and other infrastructure. (25% is the standard used by Planning Staff.) This leaves 11.36 acres available for home sites. Chapter 11-7-7 of Title XI of the Montrose Code of Ordinances requires a minimum lot size of 7500 square feet for R-2. **This equates to 66 home sites, not 119.**

If the property was rezoned as R-3 the minimum requirement for single family dwellings is 6250 square feet, equating to 79 single family homes or 53 duplexes (minimum lot size of 9375 square feet). It must be noted that the developer is requesting to develop 117 units (mostly tri-plex with some duplexes and some 4-plexes).

To accomplish this, the developer is counting on the City of Montrose to not only approve the rezone to R-3, but to also approve both the Conditional Use of the R-3 property (necessary to build anything other than single family or duplex abodes), and designation of the property as a Planned Development. Only under these three conditions would the developer be allowed to develop the requested number of lots. This is due to the language of Chapter 11-7-8 E:

Dimensional requirements, except those relating to overall residential density, which would otherwise be required by the City Zoning Regulations, or other City regulations for the district affected, may be deviated from in accordance with the plan as approved, if the Review Board determines that such deviations will promote the public health, safety and welfare.

The Review Board may impose conditions as necessary or appropriate. The total number of residential units shall not exceed the area of the site divided by the minimum lot sizes specified for the zoning districts included.

Under this designation the full acreage of the site (20.61 acres) divided by the minimum lot size of 7500 square feet for R-2 yields 120 single family homes. Under R-3 for duplex or larger units 20.61 acres divided by 9375 square feet yields 96 lots. The developers site plan indicates mostly triplex units with a few duplex and fourplex units. This would allow roughly 288 units. This is greater than four times the density allowed under the present zoning. This is 8 and 12 times the density of the two adjacent neighborhoods.

City staff's statement of 119 residences under existing zoning clearly minimized the impact of the proposed

development and egregiously skewed the arguments against the rezoning.

On Thursday February 1st, I met with Mr. Hochwalt and Mr. Reis to discuss this discrepancy in existing density. They told me that they calculated that 83 single family dwellings would be allowed under the existing R-2 zoning. They stated that they used the 20.61 acres, less 25% for infrastructure divided by the minimum lot size of 7500 square feet. When we discussed that all the involved parties recognized that 20% of the property covered by Cedar Creek could not be developed they noted that they did not consider that in their calculation as they used their standard formula. They did note that my calculation was more accurate.

When I noted that I believe that the Commissioners were misled by their statement that 119 homes would be allowed they did not agree. They suggested that I review the video of the Planning Commission meeting. Upon doing so I verified that there several instances where discussion of the impacts of rezoning from R-2 to R-3 were mixed with discussion of allowed density under a Planned Development such that the accurate impact of the rezoning was obfuscated. The following are the most notable examples:

At 2:06:55 in the meeting, when asked how many homes could be built under the present zoning, Mr. Reis answered 119 with PD and 143 under R3. (This number was never corrected to the 83 that they calculated.)

At 2:09:50 Commissioner Jadot stated that under the existing zoning the total number of units allowed for both parts of the property was 225, the same number as would be allowed if the R-3 zone were approved. Staff did not correct that erroneous statement.

At 2:36:00 Commissioner Ball, in summarizing prior to the upcoming vote, stated that 116 homes could be built as it stands, and that was the same number of units if the rezone were approved. Again, staff did not correct this misunderstanding.

It is clear that the Commissioners were of the mistaken impression that the density of the acreage up for rezone would not change if they approved. I invite the City Council to review the video of the Planning Commission meeting prior to voting on the rezoning request.

Based upon the above, the City Council is requested to deny the application for re-zoning of this property. Short of denial, Council should at the least remand the recommendation for approval from the Planning Commission back for an additional hearing where accurate impacts can be discussed.

I have included my contact information below and would be happy to make myself available to address any questions you may have.

Thank you for your time.



Kenneth W. Otto
2814 Primrose Ct. Montrose, CO 81401
kotto1977@gmail.com
(970) 596-8554

Dan Crim
3125 Ivy Drive
Montrose, CO 81401

February 4, 2013

Montrose City Council
Re: ORDINANCE 2659 Sugarpines Rezone R2 to R3

Dear Council:

We are opposed to approving the planning commission recommendation to allow the rezoning on the following grounds:

- The northwest section of the parcel is zoned R3 while the southeast section is zoned R2. The R2 is more compatible with most of the properties on the east side of 6700 Rd and those on the south side of Miami Rd that are all zoned either R1A, R1B or, in a few cases, R2.
- The existing zoning will provide adequate potential for development since the north portion of the parcel has the same zoning designation as the Ironhorse subdivision. Cedar Creek provides a natural transition between R3 and R2 sections of the parcel - 376726100059.
- The proposal will allow 37 acres packed with 227 rental units directly east of Columbine Pointe and north of Columbine East. Contrary to the developer's belief, there are no benefits to the surrounding neighborhoods from this proposal.
- Traffic on 6700 Rd has increased dramatically since the completion of the 6700 Rd extension. Approving a high-density subdivision on the parcel will increase the traffic even more. The east/west stop signs on Miami and Sunnyside are inadequate considering the amount of pedestrian traffic and the actual traffic speeds on 6700 Rd.


Catherine Crim


Dannie Crim

Submitted by: Kathy Drenick

Commented on event: <https://montroseco.portal.civicclerk.com/event/578/overview>

If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: City Council: I am writing to express my vehement opposition to the proposed Sugarpine Rezoning. I believe a multitude of adverse impacts to quality of life in the surrounding area would occur if this rezoning is granted. To name a few, increased noise, traffic congestion, and a potential for more accidents all seem inevitable if the rezoning request is approved. Left turns onto Miami and 6700 would be riskier with the additional traffic. In addition, Miami has no shoulders and is already a dangerous street for pedestrian and bicycle traffic. Additional auto traffic will lead to increased accidents. Most importantly, it is unfair and dishonest to the surrounding community to have standards defined and then not abide by them. We researched the zoning on that plat when we moved here and understood how it was going to be developed. Had the R3 zoning been in place at that point, we never would have purchased our current home. There is plenty of profit to be made and plenty of homes to be built under the current zoning plan, so please do NOT grant the rezoning request.
Kathy Drenick 816 Heather Ln Montrose, CO 81401

Submitted by: Bob Schwab

Commented on event: <https://montroseco.portal.civicclerk.com/event/578/overview>

If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: Concerning ORDINANCE 2659 - FIRST READING (15 minutes) City Council consideration of Ordinance 2659 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of a portion of the Sugarpine Subdivision from "R-2" Low Density District to "R-3" Medium Density District. I sincerely hope that this City Council has the Insite to stop this rezoning from R-2. The existing subdivision surrounding this property are of better quality and highly sought out properties in the community. We all understand that this property will be developed at some point but have allways though

Dear Council Members,

I am writing you to ask that you deny the re-zoning request for the Sugarpine Subdivision that is on your agenda for February 6th. Unfortunately I have a school board meeting that same evening and will not be able to attend in person for the public comment on this item.

In 2007 I was the president of the Columbine East Subdivision Home Owners Association and along with the Columbine Pointe Home Owners Association and the then owner/developer we drafted and filed a deed restriction on this property. The restriction basically stated that the southern portion of the property, south of Cedar Creek, could only be developed in single family homes, and more specially to be similar in home design and lots size to Columbine Pointe and Columbine East. I was under the impression that this restriction stayed with the property no matter the owner. I do not know who, when, or why this restriction was removed from this property. I am asking the members of the City Council to take into consideration the work that the residents of the two subdivisions did in the early stages when this property was first annexed. We worked to ensure that the property would be developed similarly to the existing subdivisions. The north side of the property was left to be developed in similar fashion to the Iron Horse Subdivision, the reason for the split zoning of the property.

I was unable to get this information to the planning commission as I was unable to attend that meeting, not knowing if this would have changed their split decision.

In closing I am asking that you consider this information on the history of the property and leave the R-2 zoning and deny the request to re-zone to R-3.

Sincerely,

Stephen Bush
1003 Laurel Lane
Montrose
970-209-3414
101sqbush@gmail.com

ORDINANCE NO. 2659

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF A PORTION OF SUGARPINE SUBDIVISION FROM "R-2," LOW DENSITY DISTRICT TO "R-3," MEDIUM DENSITY DISTRICT

WHEREAS, the Planning Commission met on January 24, 2024, to consider a rezoning of a 20.61 acre portion of the parcel known as the Sugarpine Subdivision in the City of Montrose; and

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

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

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

SECTION 1:

The Official Zoning Map is amended to designate a portion of Sugarpine Subdivision, more particularly described on **Exhibit A**, attached hereto, as an "R-3," Medium Density District, according to the Official Zoning Map.

INTRODUCED, READ and PASSED on first reading this 6th day of February, 2024.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 20th day of February, 2024, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 20th day of February, 2024.

ATTEST:

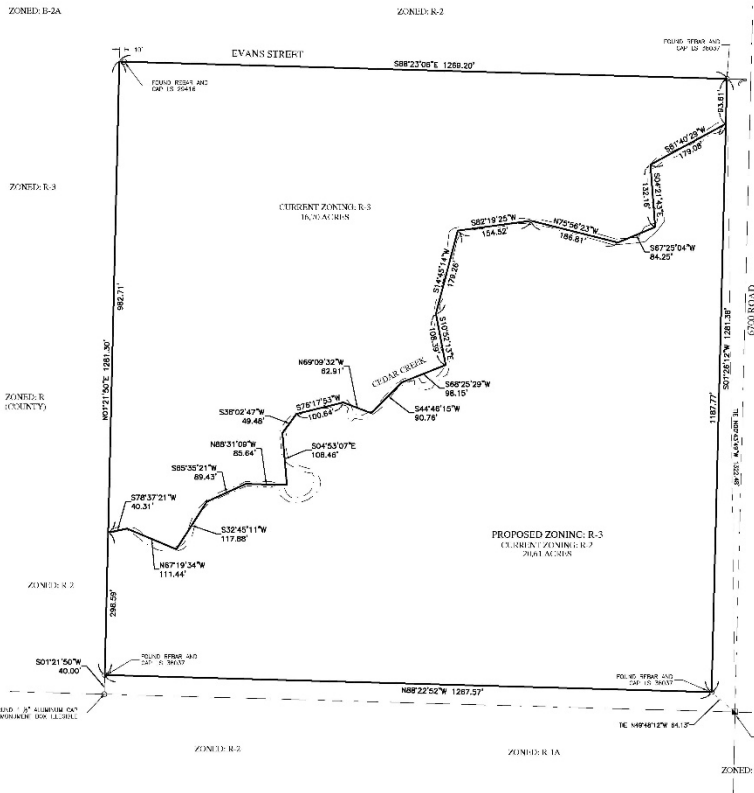
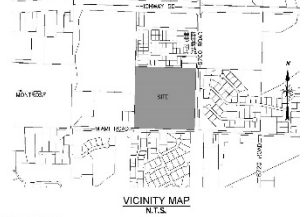
Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk

EXHIBIT A

SUGARPINE ZONING EXHIBIT

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



ZONED: R
(COUNTY)

ZONING BOUNDARY DESCRIPTIONS

ZONE R-3 (R0071)

A parcel of land situated in Section 26, 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 West Right of Way of 6700 Road, and point being N03°45'00\"/>

Thence along said Right of Way S07°26'13\"/>

ZONE R-3 (S0013)

A parcel of land situated in Section 26, 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 Northwest Right of Way corner of Miami Road and Cedar Creek, and point being N68°45'27\"/>

Thence along the North Right of Way of Miami Road N88°22'53\"/>

LEGEND

- ZONING BOUNDARY & CAP (AS NOTED)
- FOLDED COTTON COT. PA.
- EXISTING ROAD

NOTES: According to Colorado law (13-40-106, C.R.S.) you must commission any legal survey based upon any contract in this survey within three (3) years after you first discover your defect. In no event may any action based upon any defect in this survey be commenced more than (10) years from the date of the verification shown herein.

		SUGARPINE ZONING EXHIBIT	
DIG-MONT CONSULTANTS, INC. 1000 N. 1ST ST., SUITE 100 MONTROSE, CO 81403		CHRIS KOCH 2049 BROOK WAY MONTROSE, CO 81403	
DATE: 7/66	PREP BY: RDD	DATE: 2023-11-08	SHEET: 23057
OF 1	23057V ZONING	23057	EXHIBIT