



REGULAR CITY COUNCIL MEETING AGENDA

Tuesday, April 16, 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 online via livestream](#) and video recordings of the meetings can be viewed on our [YouTube page](#).

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. Schedule time to book this resource, by [emailing the City](#) at least 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) Earth Week Proclamation
- 6) Arbor Day Proclamation



7) Pride Month Proclamation

8) 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.

9) UNFINISHED BUSINESS TO BE CONSIDERED BY THE CURRENT CITY COUNCIL (5 minutes)

Approval of Minutes: City Council consideration of the minutes of the April 1, 2024, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to adopt the minutes of the April 1, 2024, regular City Council meeting as presented.

10) ACKNOWLEDGEMENT OF OUTGOING CITY COUNCILOR

Mayor Pro Tem J. David Reed will recognize Barbara Bynum for her contributions to the City of Montrose.

11) SWEARING IN OF NEWLY ELECTED OFFICIALS

City Clerk Lisa DelPiccolo will administer an Oath of Office to newly elected City Councilors J. David Reed, Dave Frank, and Judy Ann Files.



12) SELECTION OF MAYOR AND MAYOR PRO TEM

City Council will select a Mayor and Mayor Pro Tem for the 2024-2025 mayoral term.

Action: Mayor Pro Tem J. David Reed will preside over the selection of Mayor and Mayor Pro Tem.

13) PLANNING COMMISSION APPOINTMENT (5 minutes)

City Council consideration of the appointment of Planning Commission Alternate Ron Cairns as a regular member of the City of Montrose Planning Commission. *Staff: Deputy City Manager Ann Morgenthaler*

Action: Consider making a motion to appoint Planning Commission Alternate Ron Cairns as a regular member of the City of Montrose Planning Commission with a term that expires on December 31, 2024.

14) ORDINANCE 2661 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2661 on first reading, an Ordinance of the City of Montrose, Colorado, granting and 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 (West South First Street Right of Way). *Staff: City Attorney Chris Dowsey*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2661 on first reading as presented.

15) THE GROVE FINAL PLANNED DEVELOPMENT (15 minutes)

City Council consideration of The Grove Final Planned Development. *Staff: Planner II William Reis*

Action: Accept public comment. Consider making a motion to approve The Grove Final Planned Development.



16) THE GROVE SUBDIVISION FILING 1 FINAL PLAT (10 minutes)

City Council consideration of The Grove Subdivision Filing 1 Final Plat to create 53 residential lots and associated easements, rights-of-way, and open space. *Staff: Planner II William Reis*

Action: Accept public comment. Consider making a motion to approve The Grove Subdivision Filing 1 Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

17) HOME OF THE BRAVE SUBDIVISION FILING 1 FINAL PLAT (10 minutes)

City Council consideration of the Home of the Brave Subdivision Filing 1 Final Plat to create 27 residential lots and associated easements, rights-of-way, and open space. *Staff: Planner II William Reis*

Action: Accept public comment. Consider making a motion to approve the Home of the Brave Subdivision Filing 1 Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

18) STAFF REPORTS

- A) Sales, Use, and Excise Tax Report (5 minutes)
Staff: Sales Tax Accountant Leeanne Whittaker

19) CITY COUNCIL COMMENTS

20) MOTION TO ADJOURN



PROCLAMATION

Montrose Earth Week 2024

- WHEREAS,** the global community faces challenges such as environmental degradation, climate change, food and water shortages, and health issues; and
- WHEREAS,** all people, regardless of race, gender, income, background, or geography, have a moral right to a healthy, sustainable environment; and
- WHEREAS,** it is understood that citizens of the global community must take action for positive environmental change to combat such global challenges; and
- WHEREAS,** a sustainable environment can be achieved on the individual level through educational efforts, public policy, and consumer activism campaigns; and
- WHEREAS,** the sense of environmental responsibility reached through environmental knowledge acts as a catalyst for environmental action; and
- WHEREAS,** it is necessary to preserve and protect natural resources, wildlife, and recreation both on the Western Slope and throughout the world; and
- WHEREAS,** the improvement and protection of our environment will sustain our future generations.

NOW, THEREFORE, we, the City Council of the City of Montrose, Colorado, do hereby proclaim the week of April 22, 2024 – April 26, 2024 as

EARTH WEEK

in the City of Montrose, and we urge all citizens to support efforts to uplift environmental initiatives in our City and encourage others to undertake similar actions.

IN WITNESS WHEREOF, we have hereunto set our hands and caused to be affixed the official Seal of the City of Montrose, this 16th day of April, 2024.

Barbara Bynum, Mayor
City of Montrose



PROCLAMATION

Arbor Day - April 26, 2024

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify the community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, we, the City Council of the City of Montrose, Colorado, do hereby proclaim Friday, April 26th, 2024, as

ARBOR DAY

in the City of Montrose, and urge all citizens to support efforts to protect our trees and woodlands and to support our City's urban forestry program, and

FURTHER, we urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Montrose, this 16th day of April, 2024.

Barbara Bynum, Mayor



PROCLAMATION

Pride Month - June 2024

WHEREAS, the City of Montrose is dedicated to promoting diversity, inclusivity, and the equality and human rights of all its residents; and

WHEREAS, the LGBTQIA2S+ (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, Two-Spirit, and other marginalized gender and sexual identities) community represents a vibrant and integral part of our city's fabric, contributing to its cultural richness and social vitality; and

WHEREAS, Montrose Pride Festival 2024 is an occasion for education, awareness, and advocacy, advancing the cause of LGBTQIA2S+ rights and promoting the values of acceptance, respect, and equality; and

WHEREAS, the LGBTQIA2S+ community continues to advocate for a society where all individuals can live authentically, free from discrimination and prejudice;

NOW, THEREFORE, on behalf of the City Council and the citizens of Montrose, Colorado, I declare June 2024, as

PRIDE MONTH

in the City of Montrose and encourage all Montrose residents to join us in recognition of the Pride Festival's role in fostering unity, understanding, and love among our residents regardless of their sexual orientation or gender identity.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Montrose, this 16th day of April, 2024.

Barbara Bynum, Mayor

A regular meeting of the Montrose City Council was held on Monday, April 1, 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, Graysen Vidmar, Robin Kittell, Bill Bell, Ann Morgenthaler, Chris Dowsey, Greg Story, Lisa DelPiccolo, William Reis, Scott Murphy, Tim Cox, Jim Scheid, Dan Payne, Nik Pridy, Shane Brandt, Gunnison Clamp, Matt Magliaro, Jace Hochwalt

GUESTS: Judy Ann Files, Nicole Stone-Lankes, Dennis Lankes, Dan Carr, Jason Senior, Jessi Rochel, Brian White, Briana Greer

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Youth City Councilor Graysen Vidmar.

CHANGES TO THE AGENDA

No changes were made to the agenda.

NATIONAL DONATE LIFE MONTH PROCLAMATION

Mayor Barbara Bynum and the Montrose City Council proclaimed the month of April 2024 as National Donate Life Month in the City of Montrose. Mayor Bynum presented the proclamation to Jessi Rochel, executive director of the Chris Klug Foundation.

SEX ASSAULT AND CHILD ABUSE AWARENESS PROCLAMATION

Mayor Barbara Bynum and the Montrose City Council proclaimed April 2, 2024 as a Day of Awareness for Sex Assault and Child Abuse in the City of Montrose. Mayor Bynum presented the proclamation to Nicole Stone-Lankes, founder and chief conservator of Faultless, Inc.

CALL FOR PUBLIC COMMENT

Brian White spoke in support of a Non-Sanctuary City declaration.

Briana Greer spoke in opposition to City support for the Dolores Canyon National Monument proposal.

APPROVAL OF MINUTES

City Council considered the minutes of the March 18, 2024, special City Council meeting and the March 19, 2024, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the minutes of the March 18, 2024, special City Council meeting and the March 19, 2024, regular City Council meeting as presented. All voted yes. Motion passed.

NEW DISTILLERY PUB LIQUOR LICENSE APPLICATION

City Council considered an application for a new Distillery Pub liquor license at 947 Mayfly Drive for Shelter Distilling, Inc., doing business as Shelter Distilling, to sell malt, vinous, and spirituous liquor for consumption on the licensed premises and to sell spirituous liquors manufactured on the licensed premises and packaged in sealed containers for off-premises consumption. A hearing was held.

City Attorney Chris Dowsey reported that the file is in order, the fees have been paid, and a staff review of the application found nothing that would prevent the approval of the license.

Attorney Dan Carr and Jason Senior were present to represent the applicants.

Eva Garretson with Liquor Pros reviewed the petition process where a total of 93 signatures were collected in support of the license with 7 opposed.

Mr. Carr stated that Shelter Distilling was founded in Mammoth, California, and Montrose was selected as a new location. The owners invested \$12 million in the new facility and anticipate a staff of 30 employees. Mr. Carr stated that Mr. Senior has experience operating a liquor licensed establishment in California, and Shelter Distilling holds a Tavern liquor license in the new concourse of Montrose Regional Airport. Mr. Carr said that Shelter Distilling received TTB approval for the Montrose facility and is planning to open in May.

Mr. Senior agreed to the neighborhood as the City of Montrose. He said that this license would help meet the needs and desires of the neighborhood and would not constrain competition within the neighborhood. Mr. Senior stated that he is familiar with liquor laws and that customers who appear to be under 40 will be asked to provide an ID. Mr. Senior said that the licensees, managers and servers would be required to complete alcohol server training.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Ed Ulibarri, to approve a new Distillery Pub liquor license at 947 Mayfly Drive for Shelter Distilling, Inc., doing business as Shelter Distilling, to sell

malt, vinous and spirituous liquor for consumption on the licensed premises and to sell spirituous liquors manufactured on the licensed premises and packaged in sealed containers for off-premises consumption as presented. All voted yes. Motion passed.

NEW BREW PUB LIQUOR LICENSE APPLICATION

City Council considered an application for a new Brew Pub liquor license at 947 Mayfly Drive for Shelter Distilling, Inc., doing business as Shelter Distilling, to sell malt, vinous, and spirituous liquor for consumption on the licensed premises and to sell malt liquor manufactured on the licensed premises and packaged in sealed containers for off-premises consumption. A hearing was held.

City Attorney Chris Dowsey reported that the file is in order, the fees have been paid, and a staff review of the application found nothing that would prevent the approval of the license.

Applicant Jason Senior agreed to the neighborhood as the city of Montrose. He said this license will help meet the needs and desires of the neighborhood and would not constrain competition in the neighborhood.

Attorney Dan Carr asked City Council to consider the answers provided during the previous agenda item and the results of the petitioning process.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve a new Brew Pub liquor license at 947 Mayfly Drive for Shelter Distilling, Inc., doing business as Shelter Distilling, to sell malt, vinous and spirituous liquor for consumption on the licensed premises and to sell malt liquor manufactured on the licensed premises and packaged in sealed containers for off-premises consumption as presented. All voted yes. Motion passed.

BEAR CREEK TOWNHOMES PRELIMINARY PLAT

City Council considered the Bear Creek Townhomes Preliminary Plat.

Mayor Pro Tem J. David Reed recused himself from this agenda item. Mr. Reed left the City Council Chambers at 6:34 pm.

Planner II William Reis reviewed the location of the 5.6 acre parcel within the Bear Creek Subdivision adjacent to Killdeer Street, Blue Creek Avenue, and Magpie Gulch Street. Mr. Reis stated that 48 townhome lots are proposed within a portion of the property zoned R-3A, Medium High Density District, and 5 single-family lots are proposed within the R-5, Low Density/Manufactured Housing District.

Mr. Reis stated that the site is located within the Bear Creek PD Plan Amendment 3 approved in 2004 and the R-3A zoning allows for townhouses and multifamily housing as a use by right. Mr. Reis said reviewed the amended PD process, standard subdivision review standards, and zoning regulations.

Mr. Reis recommended approval with the standard condition stating that the Preliminary Plat is in compliance with Subdivision Regulations and the Comprehensive Plan and meets the intent of the R-3A and R-5 zoning districts and the Bear Creek PD Plan Amendment 3.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the Bear Creek Townhomes Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. All present voted yes. Motion passed.

Mr. Reed rejoined the meeting at 6:42 pm.

MOVING MONTROSE FORWARD 2024 STREET MAINTENANCE CONTRACT AWARD

City Council considered \$4,100,000.00 in expenditures for completion of the Moving Montrose Forward 2024 Contracted Street Maintenance Project. This includes the award of a construction contract to Mountain Valley Contracting in the amount of \$3,850,000.00 and up to \$250,000.00 in reimbursements to FCI Constructors for drainage and alley improvements on South First Street and Park Avenue.

City Engineer Scott Murphy provided an overview of 2024 MoveMo street maintenance projects and stated that projects in 2024 will focus on the original town plat south of Main Street with the largest projects on S. 5th Street.

Mr. Murphy reviewed the bid process and stated that the low bid was submitted by Mountain Valley Contracting.

Mr. Murphy said more than \$5.9 million was budgeted for MoveMo projects in 2024 including \$650,000.00 for waterline replacements on S. Fifth and on S. Nevada Streets, signal design for 6530 Road at the San Juan Bypass, and warrant studies for signals at 6450 and the San Juan Bypass and 6700 Road and Highway 50.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve \$4,100,000.00 in expenditures for completion of the Moving Montrose Forward 2024 Contracted Street Maintenance Project as presented. All voted yes. Motion passed.

2024 SIDEWALK IMPROVEMENTS PROJECT EXPENSE AUTHORIZATION

City Council considered the authorization of \$150,000.00 for sidewalk improvements as part of the 2024 MoveMo Project.

Streets Superintendent Nik Pridy reported that sidewalk improvements to Zone C of the City between E. Oak Grove and Ogden Roads from 6800 Road to Townsend Avenue will be conducted in 2024. Multiple on-call concrete contractors will be used.

Mr. Pridy reviewed a list of all 2024 concrete projects totaling \$727,000.00.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to authorize \$150,000.00 for sidewalk improvements as part of the 2024 MoveMo Project as presented. All voted yes. Motion passed.

STREETS CRACK SEAL MATERIAL PURCHASE

City Council considered the purchase of crack seal material from DISSCO (Denver Industrial Sales) in the amount of \$103,454.80 for use by the City's Streets crew.

Streets Superintendent Nik Pridy reported that this material will be utilized by city crews for maintenance work in Zone E between Niagara and E. Oak Grove Roads. Mr. Pridy said the zone encompasses 33.7 lane miles, and needs were determined last year after patching was conducted. Mr. Pridy stated that this request includes a sole source waiver recommendation for a specific material that is compatible with the City's equipment and the climate.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve the purchase of crack seal material from DISSCO (Denver Industrial Sales) in the amount of \$103,454.80 as presented. All voted yes. Motion passed.

STREETS PAVEMENT MARKING CONTRACT AWARD

City Council considered the award of a contract in the amount of \$285,000.00 to Stripe A Lot LLC of Montrose for the application of regulatory pavement markings to streets and parking lots within the City of Montrose.

Streets Superintendent Nik Pridy reviewed the list of services provided in the striping contract and stated that the Federal Highway Administration Uniform Traffic Control Code recommends that municipalities refresh pavement markings annually.

Mr. Pridy reviewed the bid process and said one bid was received from Stripe A Lot. The bid of \$270,000.00 is below the budgeted amount of \$285,000.00. Mr. Pridy requested authorization of the full budgeted amount for anticipated expansion of roundabout thermoplastic rehabilitation after the striping projects are completed.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to award a contract in the amount of \$285,000.00 to Stripe A Lot LLC of Montrose for the application of regulatory pavement markings to streets and parking lots within the City of Montrose as presented. All voted yes. Motion passed.

PARKS FERTILIZER AND HERBICIDE APPLICATION CONTRACT AWARD

City Council considered the award of a contract in the amount of \$110,000.00 for parks and vacant lot fertilizer and herbicide application to Aspen SavATree of Ridgway.

Parks Superintendent Dan Payne reported that this contract will allow for the application of fertilizer and herbicide to 149 acres of turf and 18 city-owned vacant lots in the spring and fall.

Mr. Payne stated that Aspen SaveATree is licensed through the Colorado Department of Agriculture and will ensure all state and local regulations are followed.

Mr. Payne reviewed the RFP process and stated that five bids were received that were considered qualified.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to award a contract in the amount of \$110,000.00 for parks and vacant lot fertilizer and herbicide application to Aspen SavATree of Ridgway as presented. All voted yes. Motion passed.

PARKS TURF MAINTENANCE CONTRACT EXTENSION

City Council considered the extension of a contract in the amount of \$138,000.00 with Green and Bearit of Montrose for parks turf maintenance.

Parks Superintendent Dan Payne reported that this contract extension is for 75 percent of turf care in city parks not including Sunset Mesa and Cedar Creek Cemetery. Services include mowing trimming, edging, sidewalks cleared of trash, and biweekly irrigation checks. Mr. Payne reported

that a bid process was conducted in 2023 and the City has experienced a good working relationship with Green and Bearit since 2017.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to extend a contract in the amount of \$138,000.00 with Green and Bearit of Montrose for parks turf maintenance as presented. All voted yes. Motion passed.

2024 DUMP TRUCK PURCHASE

City Council considered the purchase of one Western Star dump truck from Transwest Truck Trailer RV in the amount of \$219,311.00.

Fleet Superintendent Shane Brandt reported that this vehicle is for use by the Wastewater Treatment Plant and is a replacement for an existing vehicle.

Mr. Brandt reviewed the bid process and stated that three qualified bids were received. Mr. Brandt recommended approval of the purchase from Transwest due to expedited delivery time and previous favorable experiences with Transwest. Mr. Brandt stated that \$265,000.00 was budgeted for the purchase.

A motion was made by Dave Frank, seconded by Ed Ulibarri, to approve the purchase of one Western Start dump truck from Transwest Truck Trailer RV in the amount of \$219,311.00 as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg provided a sales, use, and excise tax report for January of 2024. Ms. Wittenberg reported that total sales and use tax collections were up 6.3 percent as compared to January of 2023 with a positive budget variance of 6.8 percent.

Municipal Election Update: City Clerk Lisa DelPiccolo reported that ballots must be received by the City Clerk's Office by 7:00 pm on Tuesday, April 2. Ms. DelPiccolo said unofficial results will be posted on the City of Montrose website as soon as they are available.

YOUTH CITY COUNCIL REPORT

Youth City Councilor Graysen Vidmar provided an update on the food drive in progress and said donations will be collected through Thursday, April 4. Mr. Vidmar reported that Youth City Councilors are participating in a legislative trip to Denver next week including a tour of the Capitol and meetings with legislators.

CITY COUNCIL COMMENTS

No City Council comments were received.

ADJOURNMENT

At 7:20 p.m., a motion was made by Doug Glaspell to adjourn the meeting with no further action taken.

ATTEST:

, Mayor

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Jace Hochwalt, Community Development Director
DATE: April 16, 2024
RE: Planning Commission Appointment

Background:

A vacancy has recently come up on the City of Montrose Planning Commission, as regular member, Jan Chastain, resigned on April 5, 2024. The City of Montrose Planning Commission comprises eight total members, inclusive of seven regular members and an alternate member. With the departure of Ms. Chastain, six regular members remain on the commission, as well as one alternate member. The current Planning Commission alternate member, Ron Cairns, is seeking to move into the regular member role that was recently vacated. Ron was appointed as an alternate on July 5, 2022, and if appointed as a regular member, would serve through the existing term, which expires on December 31, 2024.

ORDINANCE NO. 2661

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, GRANTING AND 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, the City of Montrose owns property along the southern side of West South 1st Street, between South Water Avenue and South Grand Avenue; and

WHEREAS, a portion of this property is obsolete and does not serve a public need or benefit to the City of Montrose; and

WHEREAS, the City wishes to dispose of this obsolete portion of property described in **Exhibit A** hereto and convey to the adjacent property owner, VNR Holdings, LLC .

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

SECTION 1: Disposal of Property

The portion of property particularly described on **Exhibit A**, attached hereto and incorporated herein, is hereby disposed of by the City of Montrose and shall be conveyed to the adjacent property owner, VNR Holdings, 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.

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 Section 1-9-2 of the Official Municipal Code of the City of Montrose.

SECTION 4: Effective as Provided by City of Montrose Charter

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

The City Council hereby authorizes the Mayor and City Staff to execute all documents required to consummate said conveyance to the adjacent property owner, VNR Holdings, LLC.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and its passage on first reading on Tuesday, the 16th day of April, 2024, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

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

, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ, and ADOPTED on second reading this 7th day of May, 2024.

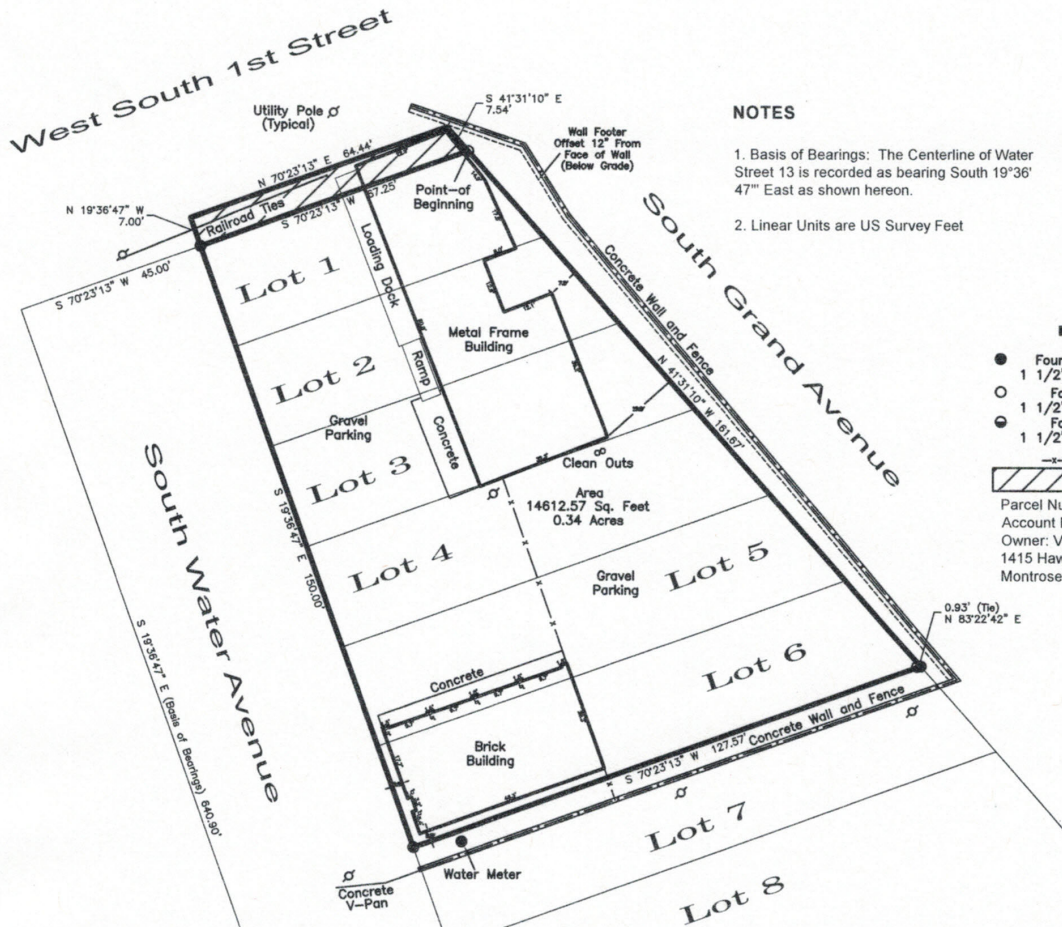
, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

City of Montrose Vacated Right-of-Way Description



NOTES

1. Basis of Bearings: The Centerline of Water Street 13 is recorded as bearing South 19°36' 47" East as shown hereon.
2. Linear Units are US Survey Feet



Scale 1" = 40'

Legend

- Found 18" No. 5 Rebar and 1 1/2" Aluminum Cap LS 38135
 - Found No. 5 Rebar and 1 1/2" Aluminum Cap LS 12180
 - Found No. 5 Rebar and 1 1/2" Aluminum Cap LS 33645
 - ▨ Fence
 - ▨ Right-of-Way Vacation
- Parcel Number: 3767-284-34-001
Account Number: R0650859
Owner: VNR Holdings LLC
1415 Hawk Parkway
Montrose, CO 81401-6440

Orion Surveying

DATED

BY:

Peter C. Sauher, P.O.S. #391436



Found PK Nail
At Intersection
of Water Street
and West
South 3rd Street

A Parcel of Land Located in the Southeast 1/4 of Section 28, Township North, Range 9 West, New Mexico Principal Meridian, City of Montrose, State of Colorado, being a Portion of the Right-of-Way of West South 1st Street Dedicated on the Map of Willerup's Subdivision, Book 0 Page 35, More Particularly Described as Follows:

Beginning at the Northeast Corner of Lot 1, Block 13, Willerup's Subdivision, Found a No. 5 Rebar and 1 1/2" Aluminum Cap LS 12180, Thence along the Northern most line of said Lot 1, Block 13, Willerup's Subdivision S 70°23'13" W, 67.25 feet to the Northwest Corner of Said Lot 1, Block 13, Willerup's Subdivision, Found a 18" No. 5 Rebar and 1 1/2" Aluminum Cap LS 38135; Thence the following three (3) courses within the said Right-of-Way of West South 1st Street:

- 1) N 19°38'47" W, 7.00 feet;
- 2) Thence N 70°23'13" E, 64.44 feet;
- 3) Thence S 41°31'10" East, 7.54 feet to the POINT OF BEGINNING.

Containing 460.90 Square Feet as Described.

City of Montrose, County of Montrose, State of Colorado.

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

PROJECT MANAGER: PETER SAUER	REVISIONS	DATE	DESCRIPTION	BY
CADD TECH: PETER SAUER	1			
CHECKED BY: PETER SAUER	2			
START DATE: 2/27/24	3			
	4			
	5			



OFFICE (970) 249-5349
CELL (970) 729-1289
23414 UNCOMPAGHRE ROAD
MONTROSE, CO 81403
WWW.ORIONSURVEYING.COM

DRAWING PATH: Jobs 2023\23140\Vacated 2-24.dwg SHEET No. 1 OF 1 PROJECT 23140

QUIT CLAIM DEED

THIS DEED is dated _____, and is made between the City of Montrose, a Colorado home rule municipal corporation, the "Grantor", whose address is 400 East Main Street, P.O. Box 790, Montrose, Colorado 81402, and VNR Holdings, LLC, the "Grantee", whose principal address is 1415 Hawk Pkwy, Montrose, Colorado 81401.

WITNESS, that the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, sell and QUITCLAIM unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, located in County of Montrose, State of Colorado, described as follows and shown in **Exhibit A** attached hereto and made a part hereof:

A Parcel of Land Located in the Southeast 1/4 of Section 28, Township North, Range 9 West, New Mexico Principal Meridian, City of Montrose, State of Colorado, being a Portion of the Right-of-Way of West South 1st Street Dedicated on the Map of Willerup's Subdivision, Book 0 Page 35, More Particularly Described as Follows:

Beginning at the Northeast Corner of Lot 1, Block 13, Willerup's Subdivision, Found a No. 5 Rebar and 1 1/2" Aluminum Cap LS 12180, Thence along the Northern most line of said Lot 1, Block 13, Willerup's Subdivision S 70°23'13" W, 67.25 feet to the Northwest Corner of Said Lot 1, Block 13, Willerup's Subdivision, Found a 18" No. 5 Rebar and 1 1/2" Aluminum Cap LS 38135; Thence the following three (3) courses within the said Right-of-Way of West South 1st Street:

- 1) N 19°38'47" W, 7.00 feet;
- 2) Thence N 70°23'13" E, 64.44 feet;
- 3) Thence S 41°31'10" East, 7.54 feet to the POINT OF BEGINNING.

Containing 460.90 Square Feet as Described.

City of Montrose, County of Montrose, State of Colorado.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, and its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its Mayor, and its corporate seal to be affixed, attested by its City Clerk, on the date set forth above.

ATTEST:

GRANTOR:

By: _____
Lisa DelPiccolo, City Clerk

By: _____, Mayor

STATE OF COLORADO) ss.

COUNTY OF MONTROSE)

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

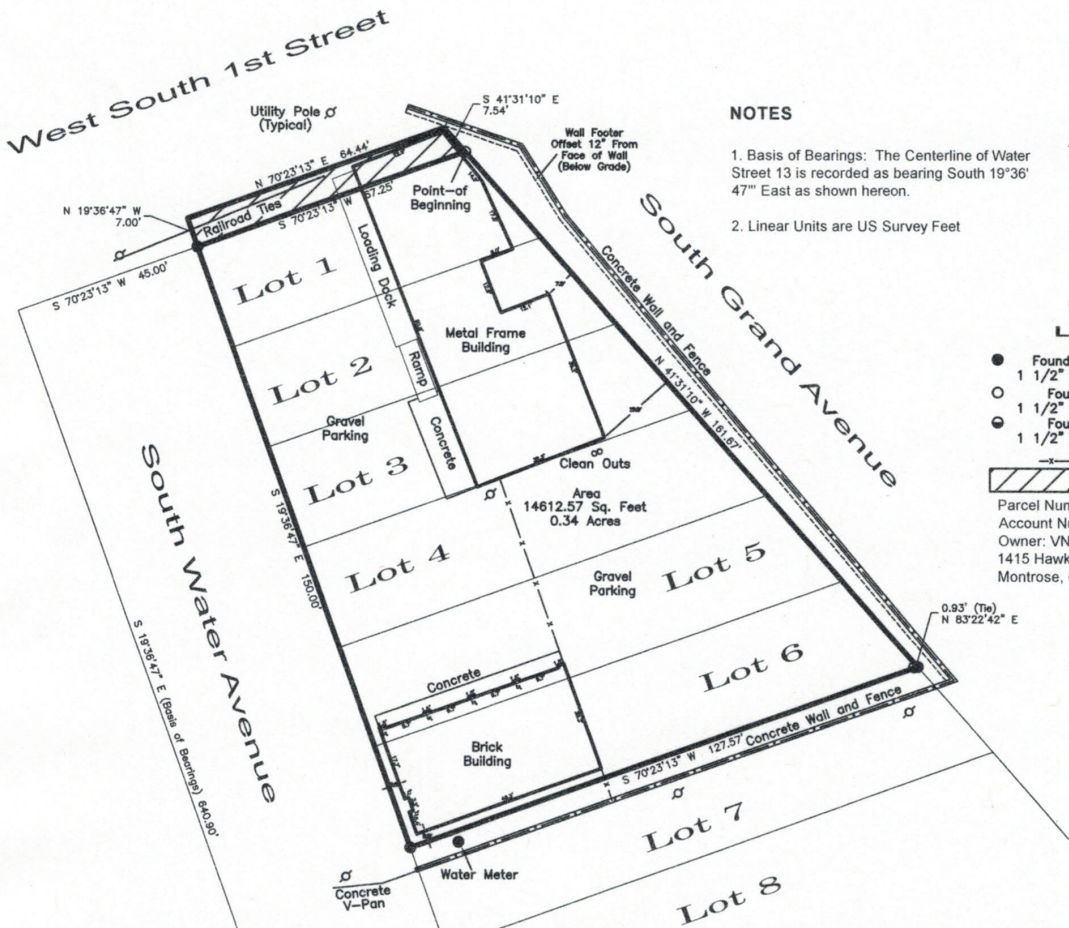
Witness my hand and official seal.
My commission expires: _____

Notary Public

(SEAL)

EXHIBIT A

City of Montrose
Vacated Right-of-Way Description



- NOTES
- 1. Basis of Bearings: The Centerline of Water Street 13 is recorded as bearing South 19°36' 47" East as shown hereon.
 - 2. Linear Units are US Survey Feet



Scale 1" = 40'

Legend

- Found 18" No. 5 Rebar and 1 1/2" Aluminum Cap LS 38135
 - Found No. 5 Rebar and 1 1/2" Aluminum Cap LS 12180
 - Found No. 5 Rebar and 1 1/2" Aluminum Cap LS 33645
 - Fence
 - Right-of-Way Vacation
- Parcel Number: 3767-284-34-001
Account Number: R0650859
Owner: VNR Holdings LLC
1415 Hawk Parkway
Montrose, CO 81401-6440



A Parcel of Land Located in the Southeast 1/4 of Section 28, Township North, Range 9 West, New Mexico Principal Meridian, City of Montrose, State of Colorado, being a Portion of the Right-of-Way of West South 1st Street Dedicated on the Map of Willerup's Subdivision, Book 0 Page 35, More Particularly Described as Follows:

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Containing 460.90 Square Feet as Described.
City of Montrose, County of Montrose, State of Colorado.

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

PROJECT MANAGER: PETER SAUER CADD TECH: PETER SAUER CHECKED BY: PETER SAUER START DATE: 2/27/24	REVISIONS	DATE	DESCRIPTION	BY
	1			
	2			
	3			
	4			
	OFFICE (970) 249-5349 CELL (970) 729-1289 23414 UNCOMPAHGRE ROAD MONTROSE, CO 81403 WWW.ORIONSURVEYING.COM			
	DRAWING PATH: Jobs 2023\23140\Vacated 2-24.dwg SHEET No. 1 OF 1 PROJECT 23140			



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: April 16, 2024
RE: The Grove Final Planned Development
ATTACHMENTS

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

City Council Consideration:

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

Applicant: The Grove at Montrose

Application Background:

The Grove Planned Development is a proposed residential development on the southeast corner of 6725 Rd and Otter Rd. The property is approximately 44.7 acres in size. The property is zoned "R-2" Low Density District. The overall subdivision proposal anticipates 129 residential lots, and 21.98% of the entire property will be retained as open space. The Preliminary Planned Development for The Grove Subdivision was reviewed and approved by City Council on September 5, 2023.

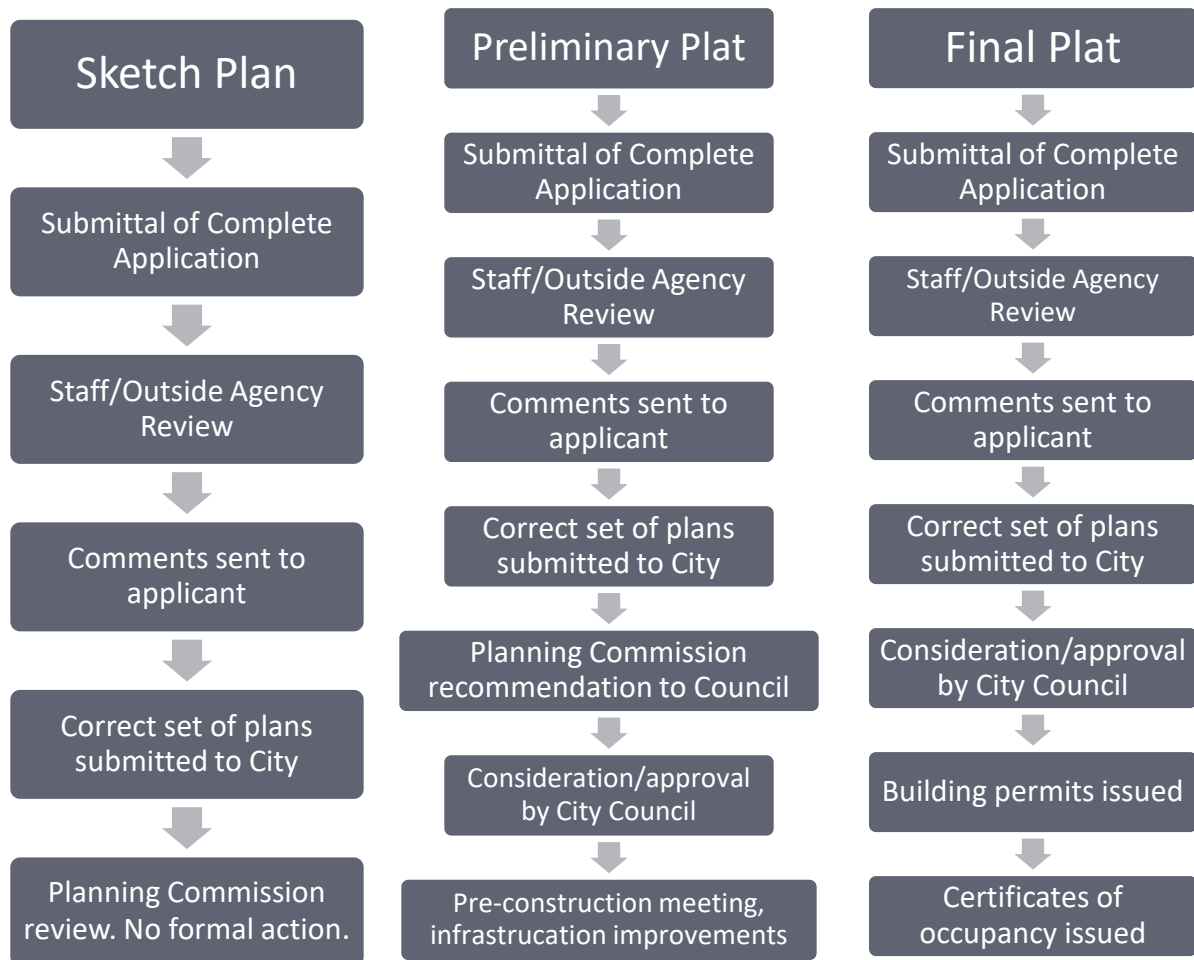
The Grove Planned Development requests a deviation from existing City standards, which would allow open-air porch structures to encroach into required setbacks. The remainder of the structure would need to adhere to the standard setbacks as defined in the underlying zoning district. The following table illustrates the requested setbacks for porches:

Setback Type	Min. Setback-Porch	Min. Setback-Remainder of Structure
Front	17 Ft	25 Ft
Side	5 Ft	6 Ft
Corner Lot	14 Ft	20 Ft
Rear	15 Ft	20 Ft



Planned Development Process:

The following flowchart shows the overall process of approvals for subdivisions and planned developments.



Staff Analysis:

1. Planned Development Application Details & Review Standards:

The City of Montrose Municipal Code outlines the process and standards for Subdivision applications. The preliminary plat and proposed improvements shall comply with all requirements of the subdivision regulations and other applicable City design and construction specifications and standards. The Planning Commission should consider whether the project meets the standards outlined within Section 11-7-8 and summarized below:

- A. 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.



- B. 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).
 - C. Planned developments in the "RL" zoning district must consider and reasonably minimize adverse impacts on existing agricultural uses or other property in the area.
 - D. Residences may be clustered, including the use of duplexes and multifamily residences.
 - E. 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.
 - F. 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.
 - G. 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.
2. Comprehensive Plan - Land Use Map Designation:
- a. The Comprehensive Plan Future Land Use Map identifies this parcel as located in an area proposed as follows: **Residential Mixed Density Low**. *This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes).*
3. Zoning Regulations:
- b. Municipal Code, Section 11-7-5(A)(4): The "R-2" Low Density District is intended to provide for the development of single-family residences, along with certain other compatible land uses.
 - c. The proposed uses are a use-by-right in this zoning district. The current zoning is compatible with general conditions in the area. Adjacent to the north is R-1 zoning, to the south and east is R-2 zoning, and to the west is R-3 zoning and some unincorporated land within Montrose County zoned General Agriculture.
4. The Grove Final Planned Development does not appear to be adverse to the public health, safety and welfare and is in compliance with the City's Planned Development Regulations.

Staff Analysis:

The Grove Final Planned Development is in compliance with the Planned Development Regulations as set forth in the City of Montrose Municipal Code. It is in substantial conformity



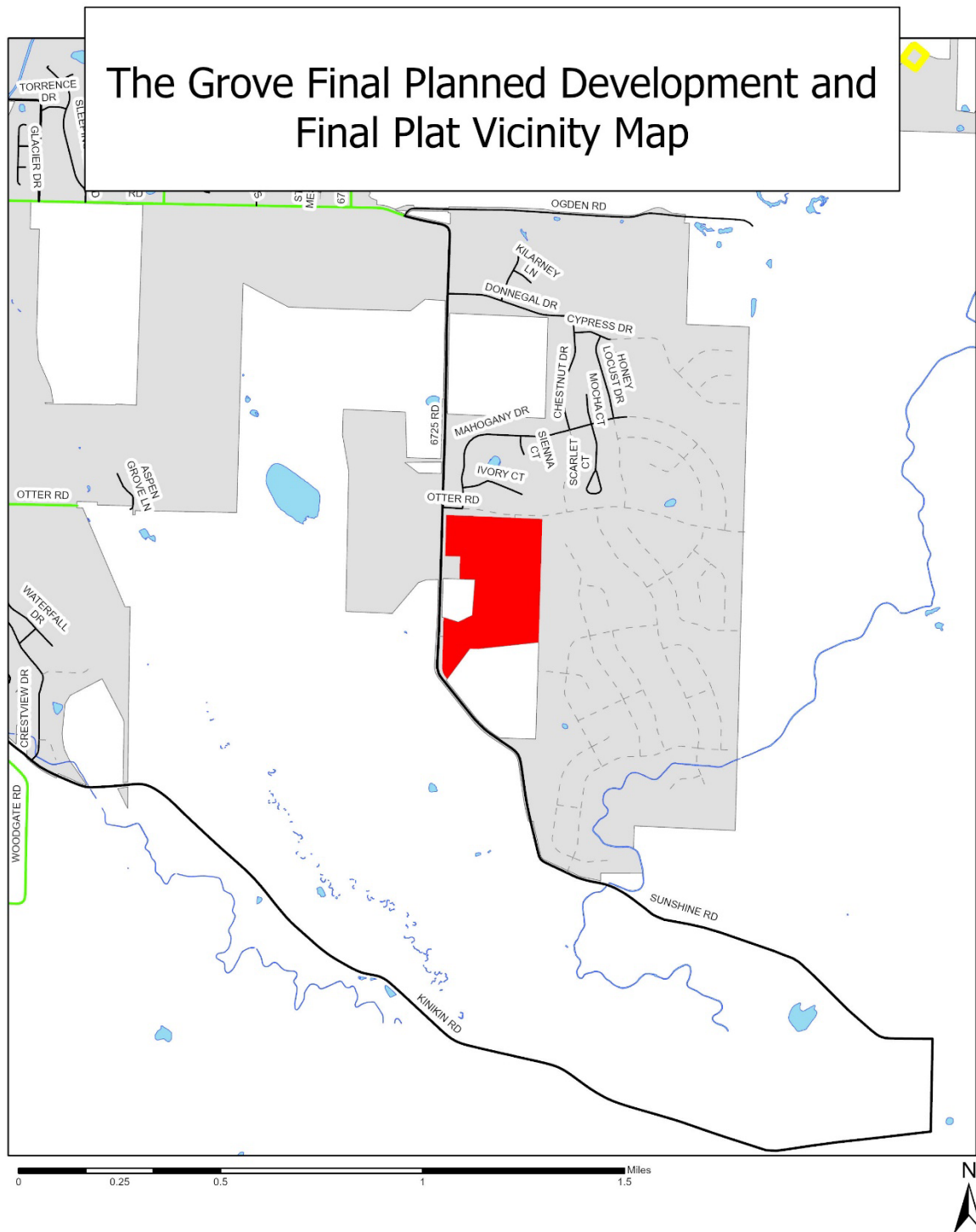
with the City of Montrose Comprehensive Plan. The proposed use is compatible with existing zoning and general conditions in the area. It does not appear to be adverse to the public health, safety and welfare. Staff recommends approval of The Grove Final Planned Development.

City Council Options for The Grove Final Planned Development:

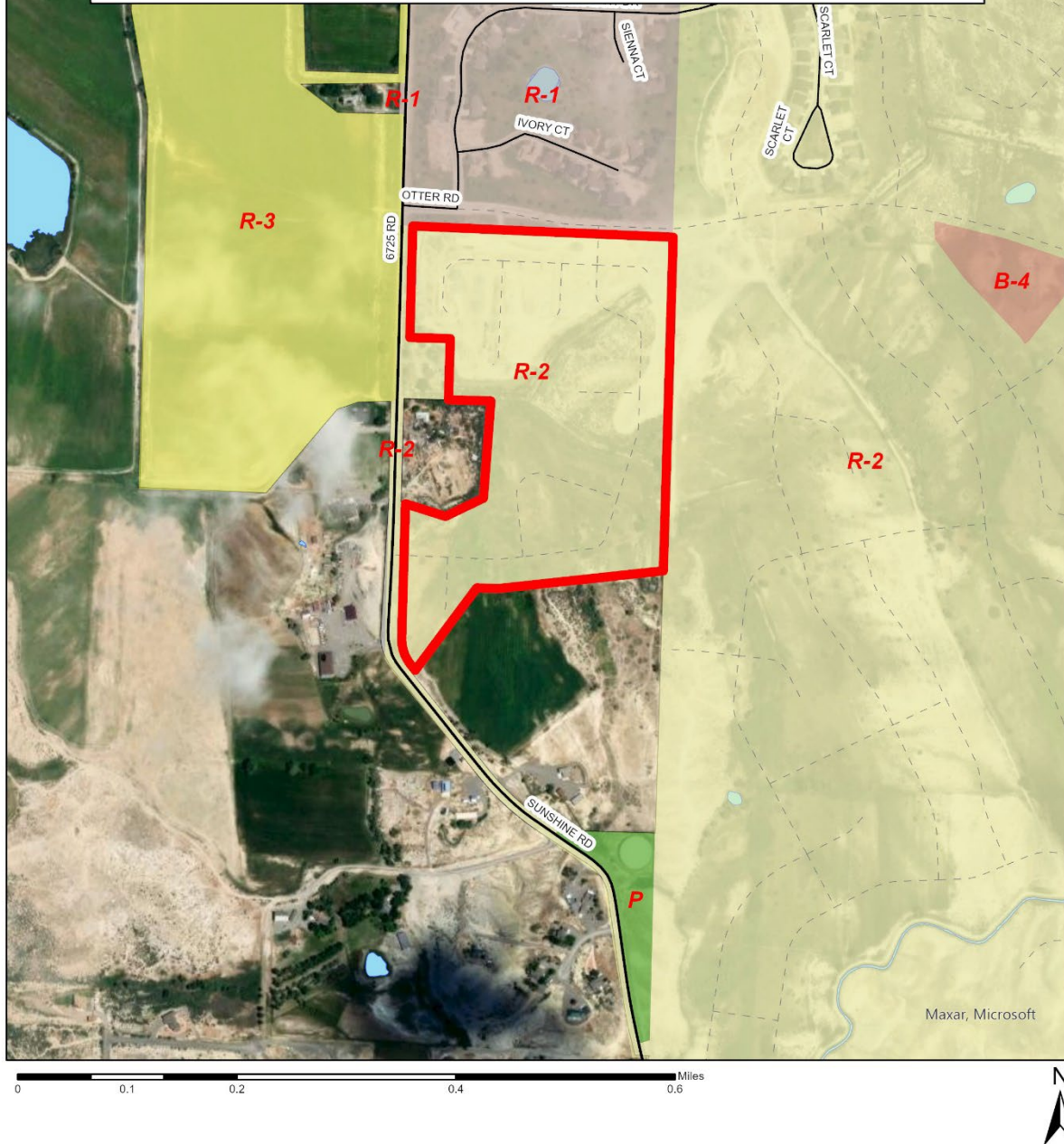
1. Approve The Grove Final Planned Development plat.
2. Approve the final planned development plat subject to conditions necessary to implement the provisions of Section 11-7-8.
3. Disapprove The Grove Final Planned Development if Council finds the requirements of the Planned Development regulations have not been met.



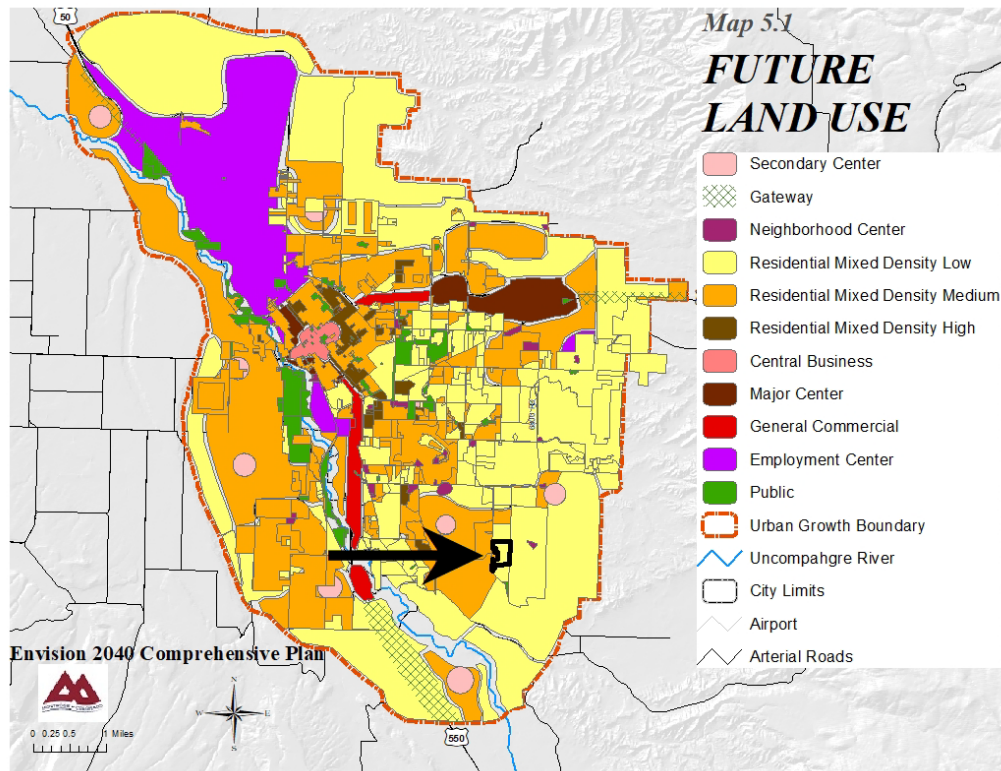
EXHIBIT A: Area Maps



The Grove Final Planned Development and Final Plat Vicinity Map



Comprehensive Plan Future Land Use Map



THE GROVE PLANNED DEVELOPMENT PLAN

CITY OF MONTROSE, STATE OF COLORADO

FINAL

PLANNED DEVELOPMENT PLAN CERTIFICATE

The undersigned owner named herein, hereby submit this Planned Development Plan under the name and style of THE GROVE PLANNED DEVELOPMENT PLAN, in accordance with the requirements of Section 4-4-24 of the Official Code of the City of Montrose, Colorado, and hereby declare this Plan to be a covenant which shall run with the land described on this Plan for the mutual benefit of the owners thereof, which Plan may be amended in accordance with the procedures for an amendment set forth in Section 4-4-24 of the Official Code of the City of Montrose, Colorado.

OWNER APPROVAL OF P.D. PLAN

Owner _____ Date _____
Christopher Koch, The Grove at Montrose

CITY APPROVAL OF P.D. PLAN

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

City Attorney _____ Date _____
Chris Dowsey

City Planning Commission Chair _____ Date _____
David Fishering

City Mayor _____ Date _____

GENERAL NOTES

The intent of this PD is to allow porch encroachments into required setbacks to promote street activation and quality porch elements. Measurements are to be measured from the required setback line to the eave line.

DEVIATIONS FROM CITY STANDARDS

SETBACK TYPE	MIN. SETBACK-PORCH*	MIN. SETBACK- REMAINDER OF STRUCTURE**
FRONT	17 Ft	25 Ft
SIDE	5 Ft	6 Ft
CORNER LOT	15 Ft	20 Ft
REAR	15ft	20 Ft

* PORCH ENCROACHMENTS SHALL BE MEASURED TO THE EAVE LINE. PORCH ENCROACHMENTS SHALL BE ALLOWED INTO THE STANDARD SETBACKS AS DEFINED IN THE TABLE AND PORCHES SHALL REMAIN OPEN-AIR (MAY NOT BE ENCLOSED PORCHES). NO PORTION OF PORCH ENCROACHMENTS (INCLUDING EAVE OVERHANG) SHALL BE ALLOWED INTO ANY UTILITY OR DRAINAGE EASEMENT. MINIMUM PORCH SETBACK VALUES MAY ONLY BE CHANGED THROUGH AMENDMENT OF THE PLANNED DEVELOPMENT.

** MINIMUM SETBACKS FOR THE REMAINDER OF THE STRUCTURE ARE PRESENTED BASED ON THE EXISTING ZONING OF THE PARCEL. IF THE PROPERTY IS REZONED IN THE FUTURE, THESE SETBACK MINIMUMS WOULD CHANGE TO MATCH THOSE ALLOWED BY THE UNDERLYING ZONING.

PROPERTY DESCRIPTION

OUTLOT A, BRIAN NICHOLS-AMERDEV MINOR SUBDIVISION ACCORDING TO THE PLAT RECORDED MAY 22, 2019 AT RECEPTION NO. 909297, AND AFFIDAVIT OF CORRECTION RECORDED JUNE 27, 2019 AT RECEPTION NO. 910482 COUNTY OF MONTROSE, STATE OF COLORADO

RECORDER'S CERTIFICATE:

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

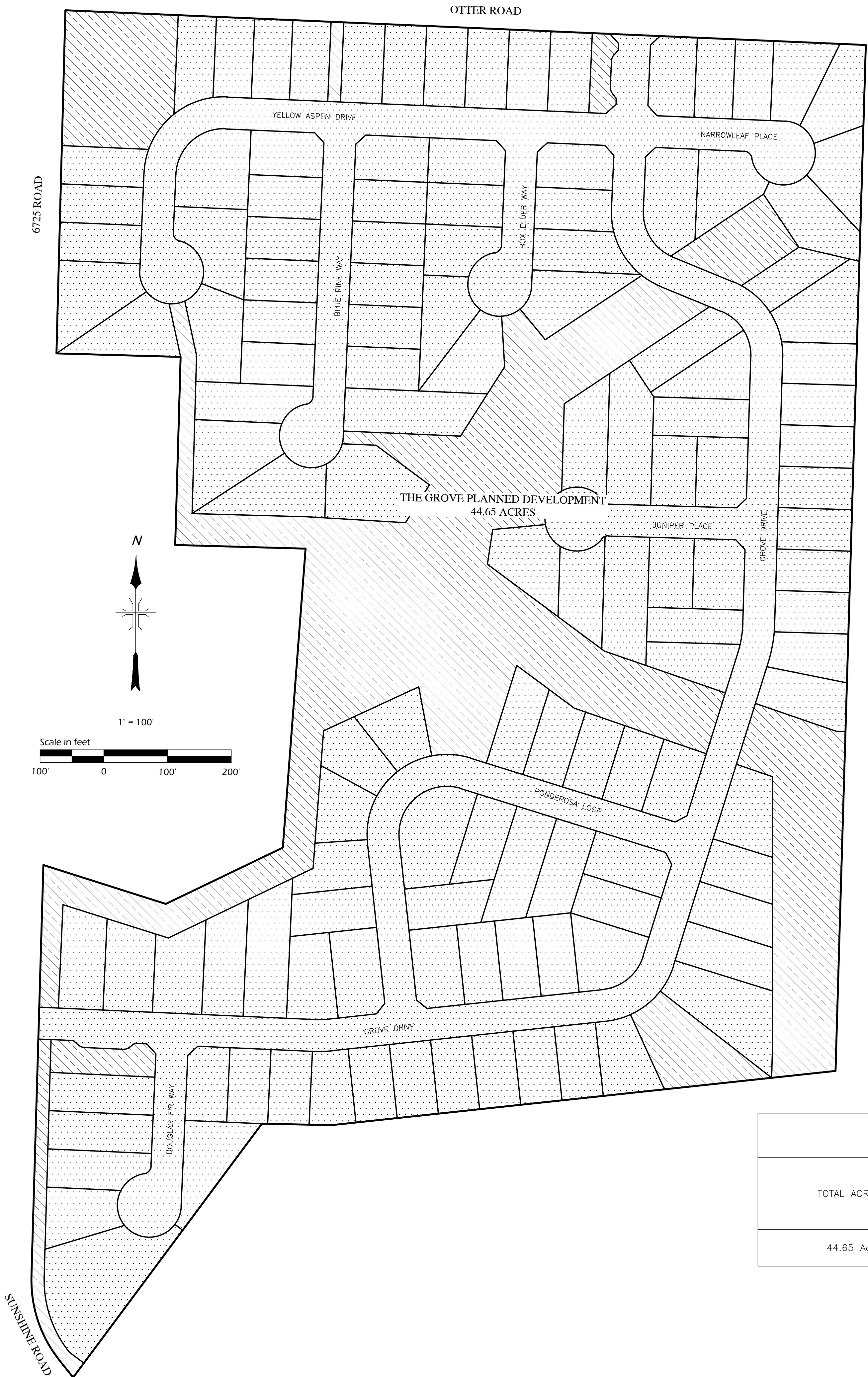
Clerk and Recorder
Montrose County, Colorado

LEGEND

-  = THE GROVE PLANNED DEVELOPMENT
-  = OPEN SPACE (9.80 ACRES)



VICINITY MAP
N.T.S.



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

THE GROVE PLANNED DEVELOPMENT LAND SUMMARY

TOTAL ACREAGE:	REQUIRED OPEN SPACE:	TOTAL OPEN SPACE:
44.65 Acres	8.93 Acres	9.80 Acres (21.98%)



DEL-MONT CONSULTANTS, INC.
ENGINEERING & SURVEYING
125 Colorado Ave. Montrose, CO 81401 • (970) 249-2251 • (970) 249-2343 FAX
www.del-mont.com • service@del-mont.com

FIELD BOOK:	DRAWN BY: DCC	DATE: 2024-04-10
SHEET: 1 of 1	FILE: 22093V_PD-PLAN-FINAL	JOB NO.: 22093

TITLE: THE GROVE PLANNED DEVELOPMENT PLAN	CLIENT: CHRIS KOCH
ADDRESS & PHONE: 2049 BROOK WAY MONTROSE, CO 81403	
TYPE: FINAL PD PLAN	

EXHIBIT B: Code Excerpts for Planned Developments

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 United 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)





CITY OF MONTROSE
Planning Services
MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: April 16, 2024
RE: The Grove Subdivision Filing 1 Final Plat
ATTACHMENTS

- Exhibit A: Maps
- Exhibit B: Code Excerpts for Subdivisions

City Council Consideration:

City Council is considering approval of this final plat application. Council will consider all of the information in this memo in making a decision.

Application Background:

The Grove Subdivision is located on Outlot A of the Brian Nichols-Amerdev Minor Subdivision, at the corner of 6725 Rd and Otter Rd. The property is approximately 44.7 acres in size, and is zoned “R-2” Low Density District. City Council approved The Grove Subdivision Preliminary Plat on March 21, 2023. This final plat application would formally create 53 residential lots.

Applicant: The Grove at Montrose

Staff Analysis:

1. Lots/blocks:
 - a. All lots meet the minimum lot size required according to the “R-2” Medium Density District zoning designation.
2. Streets
 - a. Surrounding streets must be in place, inspected and approved by the City Engineer prior to final approval. Improvements will receive a Preliminary Letter of Infrastructure Completion.



3. Utilities

- a. Easements are shown.
- b. City sewer and other utilities must be installed and available to serve all lots prior to final approval.

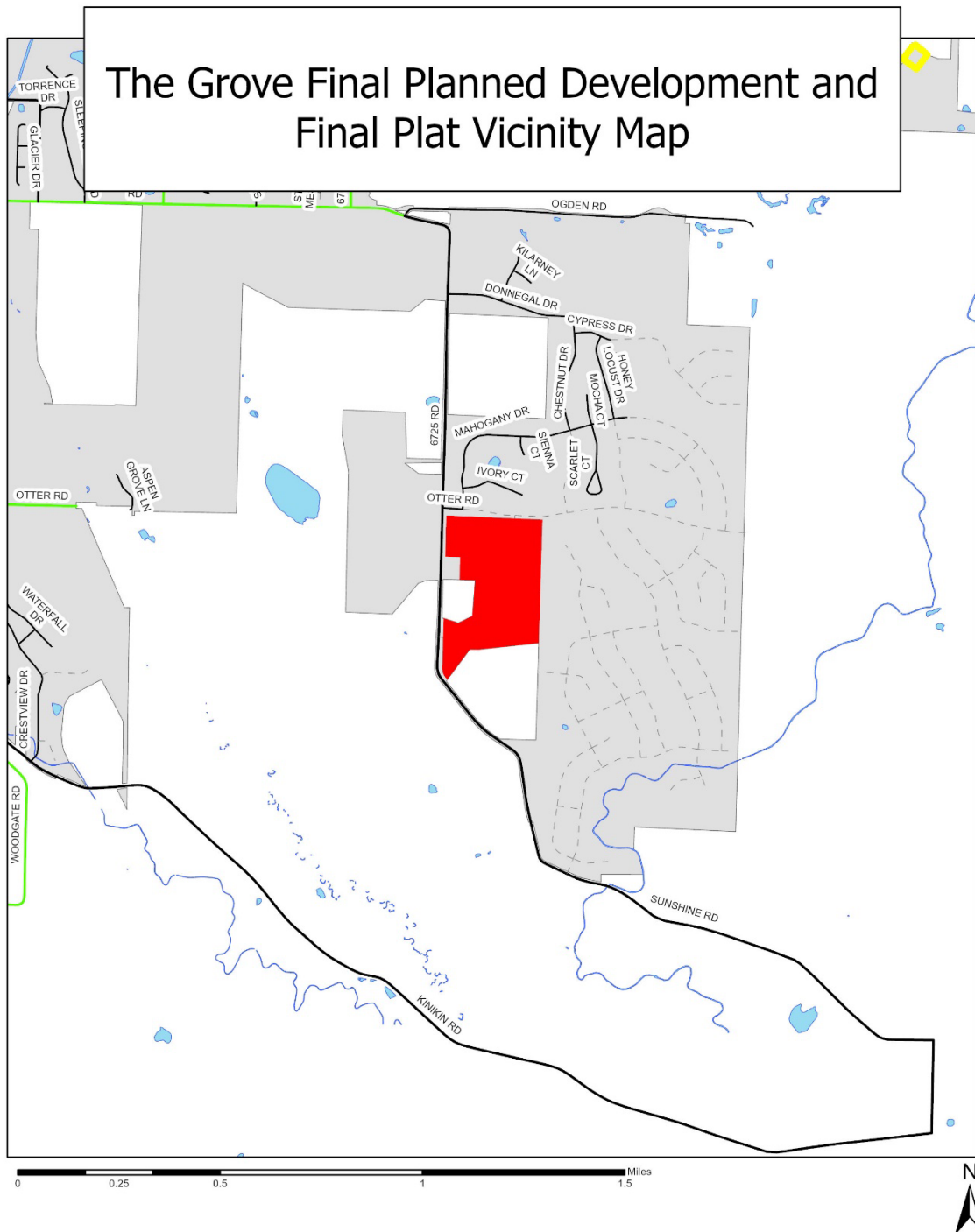
Staff Recommendation: Conditional Approval

Conditions:

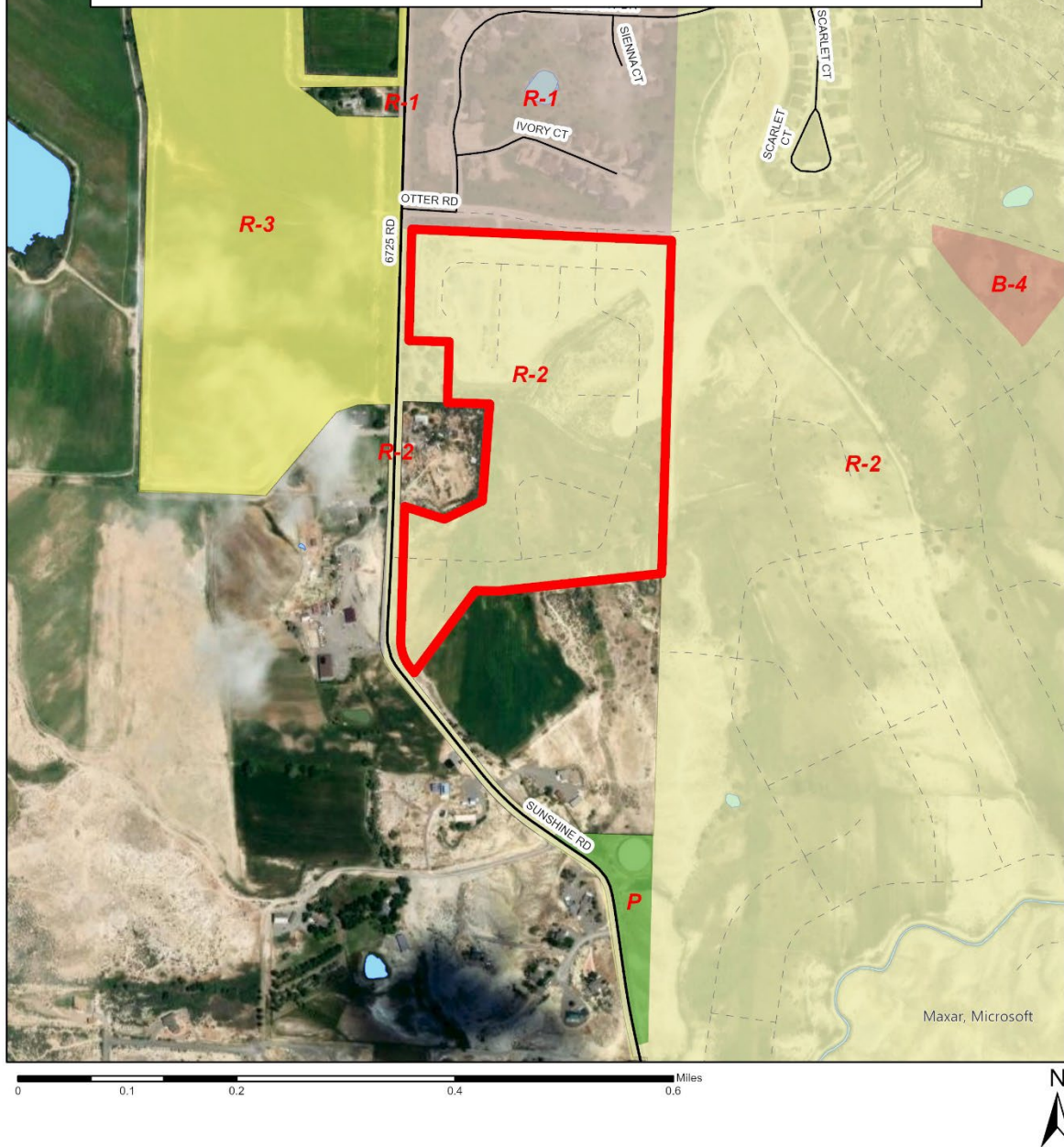
1. [Standard Condition]: The approval of this Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.



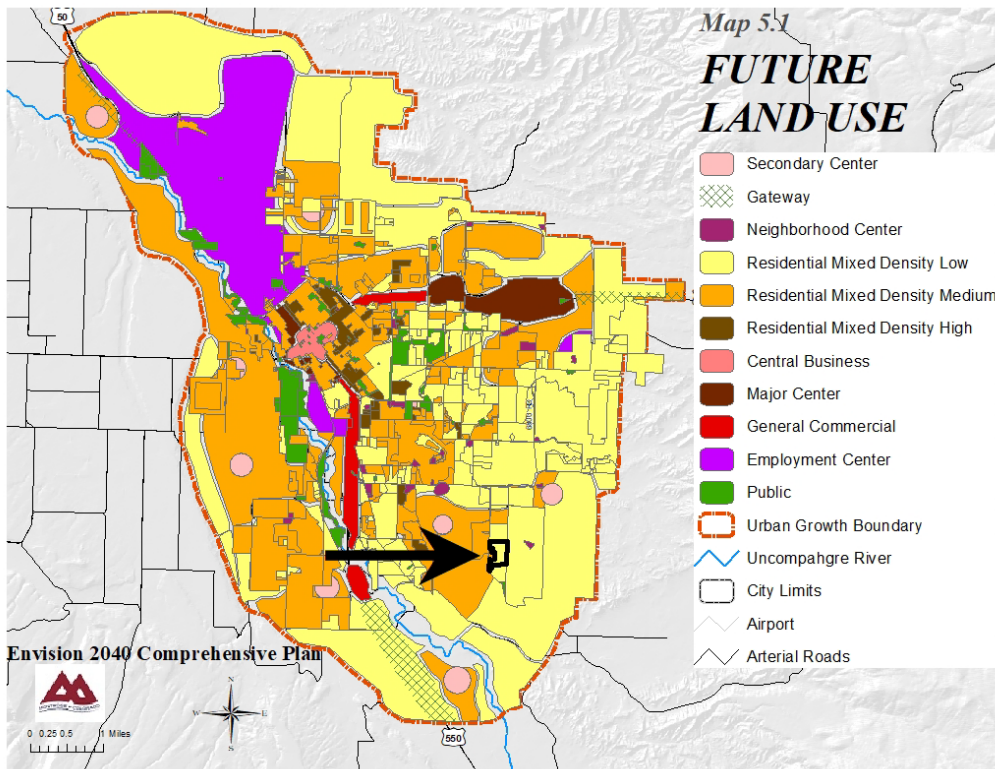
EXHIBIT A: Area Maps



The Grove Final Planned Development and Final Plat Vicinity Map



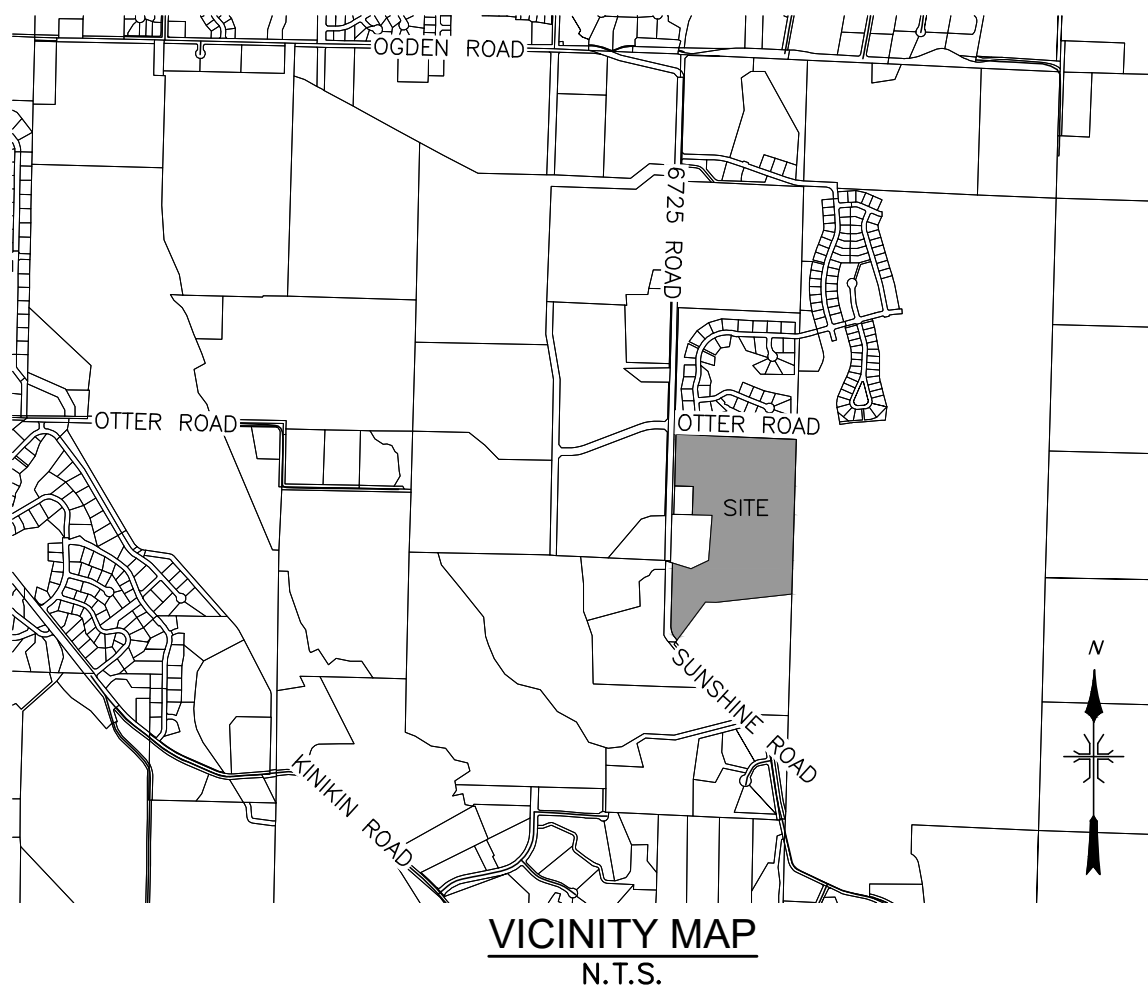
Comprehensive Plan Future Land Use Map



THE GROVE SUBDIVISION

FILING NO. 1

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



AREA SUMMARY

RESIDENTIAL LOTS	= 11.16 ACRES
RIGHTS-OF-WAY	= 3.12 ACRES
OPEN SPACE (TRACTS A, B, C)	= 0.98 ACRES
OUTLOT A	= 29.39 ACRES
TOTAL AREA	= 44.65 ACRES

1. Local Improvement District

All lots platted hereon shall be subject to an assessment for the costs to construct improvements to that portion of 6725 Road and Sunshine Road that abuts the Subdivision, said improvements including curb, gutter, sidewalk, drainage, base and pavement, and other related improvements. The Montrose City Clerk is hereby appointed as the Attorney-in-fact of each of the owners of The Grove Subdivision for the purposes of executing improvement district petitions on their behalf, voting on their behalf in any election to approve any financial obligations for such improvement districts and for all other purposes related to the formation of such districts and construction of such improvements. These obligations shall run with the land and be binding upon all successors in interest to the said lots.

2. Drainage Easements

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

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

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

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

By executing this Plat, the owner(s) whose signature(s) appear hereon, joined by the Lienholder(s), if any, whose signatures also appear on this Plat, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to The Grove Homeowners' Association, Tract A, Tract B and Tract C as shown and designated on this Plat.

B. Certificate of Good Standing

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

C. Declaration of Covenants Recorded

The Declaration of Covenants, Conditions, and Restrictions for the above-referenced homeowners' association, applicable to the development platted hereon, and made binding to the entity named above, was recorded under Reception No. _____ on the ___ day of _____, 202__ in the office of the Montrose County Clerk and Recorder.

D. Drainage

All drainage easements and improvements including, but not limited to, infiltration ponds, detention ponds, drainage swales, piped ditches, drain lines, groundwater intercept lines, and sheet flow areas situated within Tract A or as designated on this plat shall be owned and maintained by the above-referenced homeowner's association or in the absence of an owners' association lawfully formed for such purposes, by the owners of all lots final platted in The Grove Subdivision, jointly and severally. The City is not responsible or liable in any manner for the maintenance, repair, or operation of such properties and/or improvements, nor shall the City be responsible for future dedications of such properties. Upon failure to properly maintain such properties and/or improvements shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed, and assess the costs thereof to such owner(s), or the City may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner. Retention ponds shall be managed as outlined in the Grove Subdivision Retention Pond Adaptive Management Approach Memorandum of Agreement recorded under Reception No. _____ in the office of the Montrose County Clerk and Recorder.

4. Money in lieu of School Land Dedication

All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to § 11-5-9(C) of the Municipal Code. Payments shall be made to the City, to be later disbursed to the RE-1J School District.

5. Final Plat Conditional Approval

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

CERTIFICATE OF DEDICATION AND OWNERSHIP

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

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

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

The easements shown on this plat are dedicated, granted, and conveyed to the City of Montrose, Colorado for public utility purposes including but not limited to water, sewer, electrical, telephone, gas, communication and CATV lines, public irrigation and drainage easements specifically labeled for dedication, together with a perpetual right of ingress and egress for installation, maintenance and replacement of such facilities. The dedication of easements as herein provided shall not include those easements exclusively utilized for irrigation improvements, if any, or otherwise subject to a previously recorded conveyance.

Executed this _____ day of _____, 20____.

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

STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

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

Witness my hand and official seal.

My commission expires _____

Notary

SURVEYOR'S CERTIFICATE

I, Frederick Ballard, a Professional Land Surveyor in the State of Colorado, do hereby certify that the above described parcel has been surveyed by me and/or under my direct supervision and that such survey is accurately represented hereon, and is based on my knowledge, information and belief, and is in accordance with applicable standards or practice and is not a guaranty or warranty, either expressed or implied, and conforms to all applicable requirements of the City Subdivision Regulations and applicable law, and do hereby certify that there are no roads, pipelines, irrigation ditches or other easements or rights-of-way in evidence or known to me to exist on or across said property except as shown on this plat. I further certify that all monuments shown hereon actually exist and their positions are as shown.

C.R.S. Section 38-51-106 Statement: this plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this plat may be found in the title commitment issued by Fidelity National Title Insurance Company, dated May 5, 2022, bearing commitment number 210-F08977-22.

PRELIMINARY

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

Date: _____

LINEAL UNITS STATEMENT:

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

BASIS OF BEARINGS:

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

ENGINEER'S CERTIFICATE

I, David Schieldt, a Registered Engineer in the State of Colorado, do hereby certify that the sanitary sewer system, water distribution system and the storm drainage system shown on the accompanying plans of this Subdivision are properly designed, meet City of Montrose specifications, and are adequate to properly serve the Subdivision shown hereon. I further certify that the sanitary sewer system, water distribution system, storm drainage system, streets, parks, and other improvements are designed and constructed in accordance with applicable City specifications and regulations.

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

ATTORNEY'S CERTIFICATE

I, _____, an attorney at law, duly licensed to practice in Colorado, do hereby certify that I have examined Title Policy No. 210-F-8977-22 issued by Fidelity National Title Insurance Company, dated May 5, 2022 (the "Title Policy"), which insures to _____ the title to the Land herein platted and described in the above Certificate of Dedication and Ownership, and that, based solely on my review of the Title Policy, title to such land is in the Owners and Dedicators; and that the title to the Land dedicated hereon, including the dedication for utility easements, is free and clear of all liens and encumbrances except as specifically set forth in the Title Policy.

Attorney
Registration No. _____
Date: _____

CERTIFICATE OF COMPLETED IMPROVEMENTS

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

City Engineer
Registration No. _____
Date: _____

APPROVAL OF CITY MANAGER

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

Deputy City Manager

APPROVAL OF CITY ATTORNEY

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

City Attorney
Atty. Reg. No. _____

APPROVAL OF CITY COUNCIL

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

Mayor

RECORDER'S CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of

_____, on the _____ day of _____, 20____, under Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

Deputy

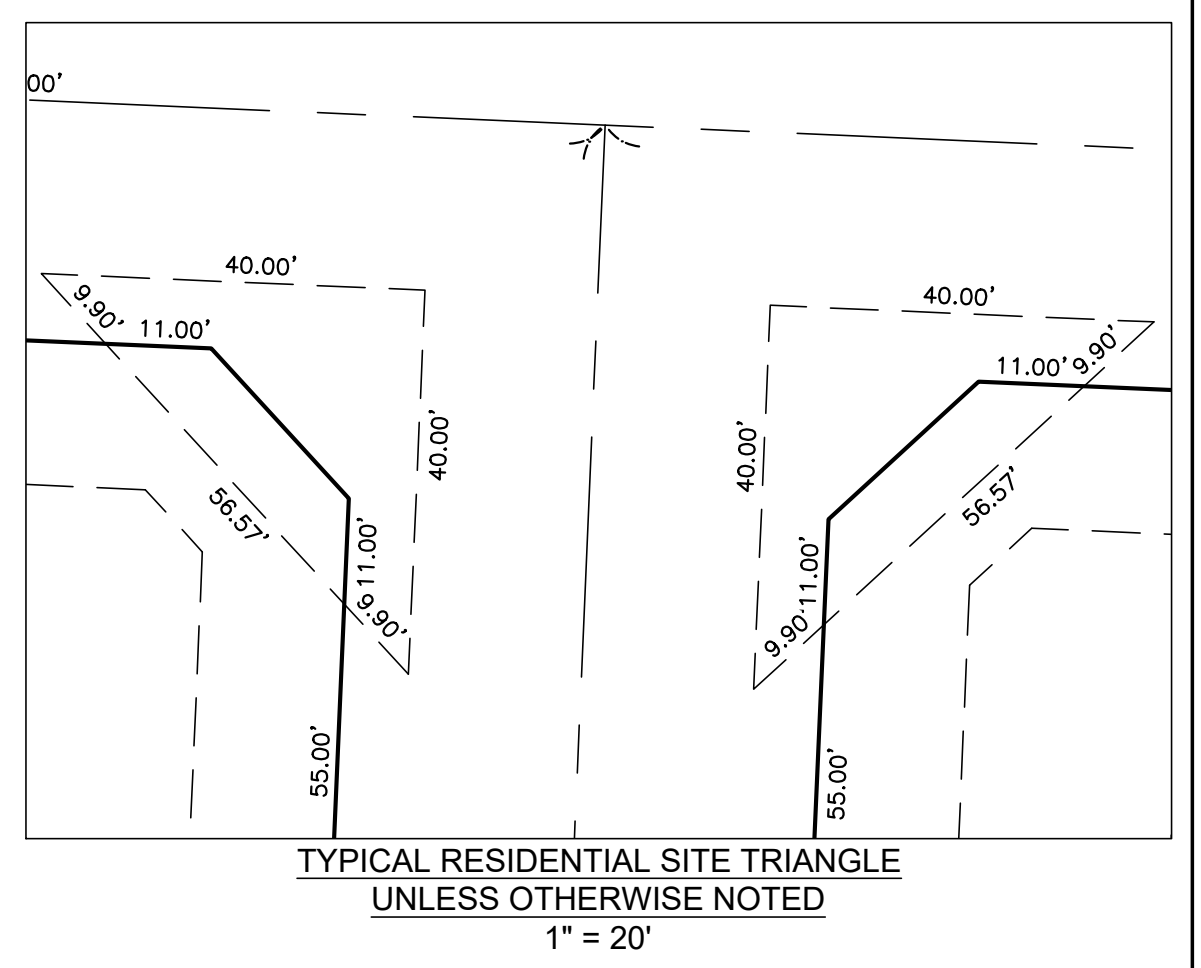
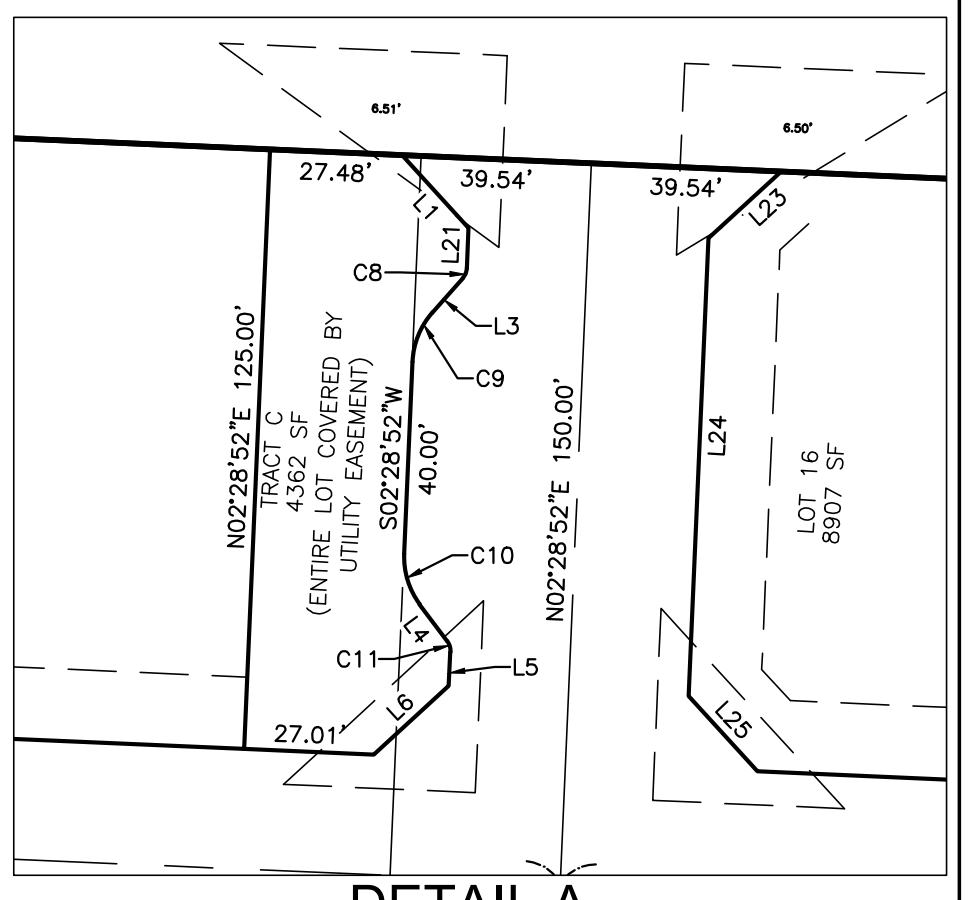
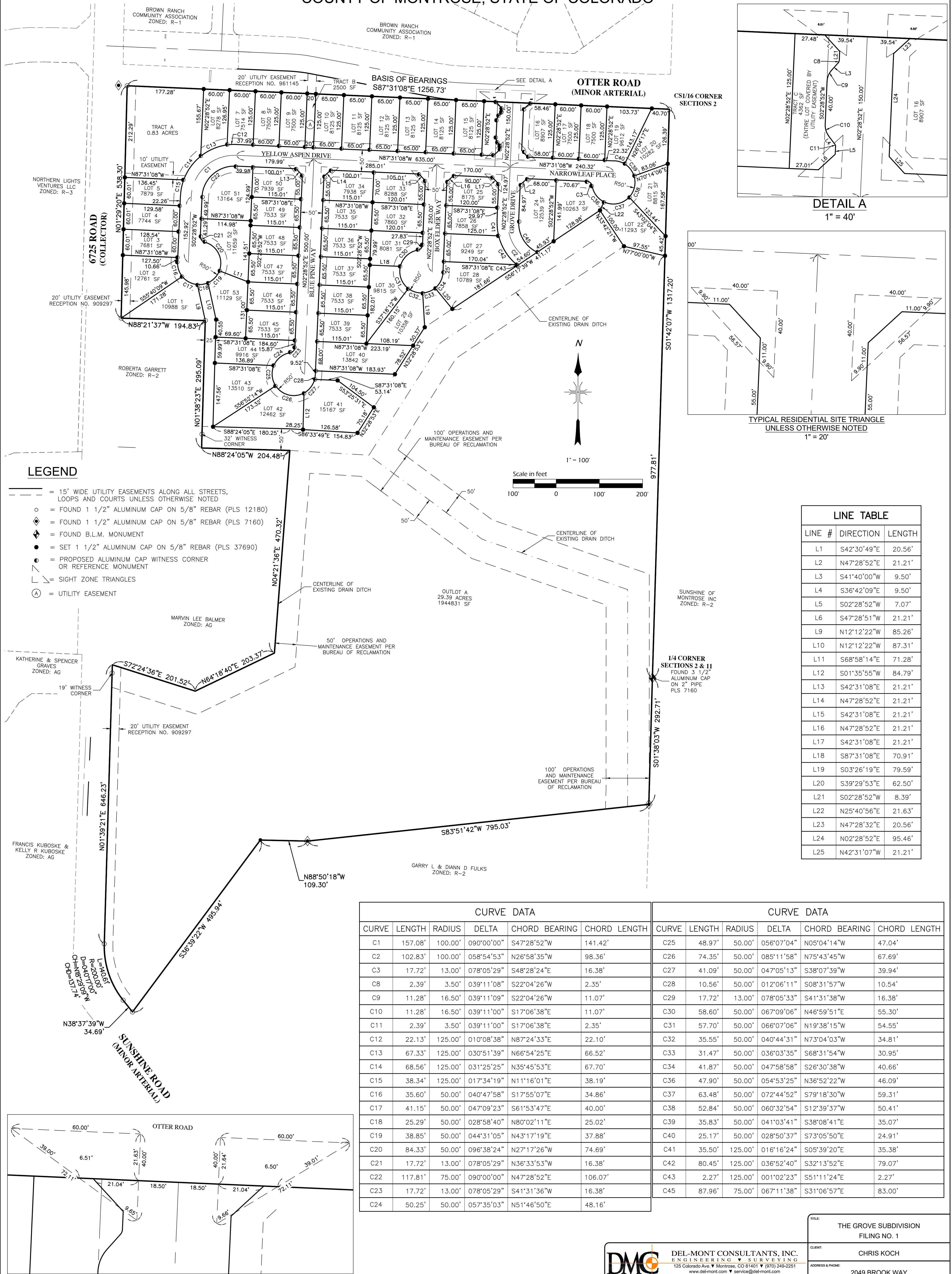
NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of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

DMC DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. Montrose, CO 81401 (970) 249-2251 www.del-mont.com service@del-mont.com			TITLE: THE GROVE SUBDIVISION FILING NO. 1
FIELD BOOK: 790B DRAWN BY: DCC DATE: 2024-03-20			CLIENT: CHRIS KOCH
SHEET: 1 of 2 FILE: 22093V_PLAT_F1.DWG JOB NO: 22093			ADDRESS & PHONE: 2049 BROOK WAY MONTROSE, CO 81403
			TYPE: FINAL PLAT

THE GROVE SUBDIVISION

FILING NO. 1

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



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S42°30'49"E	20.56'
L2	N47°28'52"E	21.21'
L3	S41°40'00"W	9.50'
L4	S36°42'09"E	9.50'
L5	S02°28'52"W	7.07'
L6	S47°28'51"W	21.21'
L9	N12°12'22"W	85.26'
L10	N12°12'22"W	87.31'
L11	S68°58'14"E	71.28'
L12	S01°35'55"W	84.79'
L13	S42°31'08"E	21.21'
L14	N47°28'52"E	21.21'
L15	S42°31'08"E	21.21'
L16	N47°28'52"E	21.21'
L17	S42°31'08"E	21.21'
L18	S87°31'08"E	70.91'
L19	S03°26'19"E	79.59'
L20	S39°29'53"E	62.50'
L21	S02°28'52"W	8.39'
L22	N25°40'56"E	21.63'
L23	N47°28'32"E	20.56'
L24	N02°28'52"E	95.46'
L25	N42°31'07"W	21.21'

CURVE DATA						CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	157.08'	100.00'	090°00'00"	S47°28'52"W	141.42'	C25	48.97'	50.00'	056°07'04"	N05°04'14"W	47.04'
C2	102.83'	100.00'	058°54'53"	N26°58'35"W	98.36'	C26	74.35'	50.00'	085°11'58"	N75°43'45"W	67.69'
C3	17.72'	13.00'	078°05'29"	S48°28'24"E	16.38'	C27	41.09'	50.00'	047°05'13"	S38°07'39"W	39.94'
C8	2.39'	3.50'	039°11'08"	S22°04'26"W	2.35'	C28	10.56'	50.00'	012°06'11"	S08°31'57"W	10.54'
C9	11.28'	16.50'	039°11'09"	S22°04'26"W	11.07'	C29	17.72'	13.00'	078°05'33"	S41°31'38"W	16.38'
C10	11.28'	16.50'	039°11'00"	S17°06'38"E	11.07'	C30	58.60'	50.00'	067°09'06"	N46°59'51"E	55.30'
C11	2.39'	3.50'	039°11'00"	S17°06'38"E	2.35'	C31	57.70'	50.00'	066°07'06"	N19°38'15"W	54.55'
C12	22.13'	125.00'	010°08'38"	N87°24'33"E	22.10'	C32	35.55'	50.00'	040°44'31"	N73°04'03"W	34.81'
C13	67.33'	125.00'	030°51'39"	N66°54'25"E	66.52'	C33	31.47'	50.00'	036°03'35"	S68°31'54"W	30.95'
C14	68.56'	125.00'	031°25'25"	N35°45'53"E	67.70'	C34	41.87'	50.00'	047°58'58"	S26°30'38"W	40.66'
C15	38.34'	125.00'	017°34'19"	N11°16'01"E	38.19'	C36	47.90'	50.00'	054°53'25"	N36°52'22"W	46.09'
C16	35.60'	50.00'	040°47'58"	S17°55'07"E	34.86'	C37	63.48'	50.00'	072°44'52"	S79°18'30"W	59.31'
C17	41.15'	50.00'	047°09'23"	S61°53'47"E	40.00'	C38	52.84'	50.00'	060°32'54"	S12°39'37"W	50.41'
C18	25.29'	50.00'	028°58'40"	N80°02'11"E	25.02'	C39	35.83'	50.00'	041°03'41"	S38°08'41"E	35.07'
C19	38.85'	50.00'	044°31'05"	N43°17'19"E	37.88'	C40	25.17'	50.00'	028°50'37"	S73°05'50"E	24.91'
C20	84.33'	50.00'	096°38'24"	N27°17'26"W	74.69'	C41	35.50'	125.00'	016°16'24"	S05°39'20"E	35.38'
C21	17.72'	13.00'	078°05'29"	N36°33'53"W	16.38'	C42	80.45'	125.00'	036°52'40"	S32°13'52"E	79.07'
C22	117.81'	75.00'	090°00'00"	N47°28'52"E	106.07'	C43	2.27'	125.00'	001°02'23"	S51°11'24"E	2.27'
C23	17.72'	13.00'	078°05'29"	S41°31'36"W	16.38'	C45	87.96'	75.00'	067°11'38"	S31°06'57"E	83.00'
C24	50.25'	50.00'	057°35'03"	N51°46'50"E	48.16'						

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

DMC		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. Montrose, CO 81401 (870) 249-2251 www.del-mont.com service@del-mont.com	
FIELD BOOK: 790B	DRAWN BY: DCC	DATE: 2024-03-20	TITLE: THE GROVE SUBDIVISION FILING NO. 1 CLIENT: CHRIS KOCH ADDRESS & PHONE: 2049 BROOK WAY MONTROSE, CO 81403 TYPE: FINAL PLAT
SHEET: 2 of 2	FILE: 22093V_PLAT_F1.DWG	JOB NO: 22093	

Sec. 11-5-1. General provisions.

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

Sec. 11-5-2. Major subdivisions.

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

Sec. 11-5-4. Sketch plan.

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



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

Sec. 11-5-5. Preliminary plat.

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



- (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for compatibility with unique or distinctive natural areas, scenic areas and views, natural landmarks, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
 - (9) The preliminary plat and proposed improvements shall comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.
- (D) *Notice to Proceed.* No construction of the required subdivision improvements shall commence until approval of the preliminary plat by the City Council and submittal of both a Mylar of the preliminary plat, as finally approved with signed certificates as required by the City, and a copy of the preliminary plat in a digital format acceptable to the City and compatible with City computer systems. Upon approval and submittal of the Mylar, and supporting documentation as required, the City shall then issue a written notice to proceed.

Sec. 11-5-6. Final plat.

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



- (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
- (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
- (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
- (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
- (8) The plat design provides for the preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings and unique landforms, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
- (9) The final plat is generally consistent with the preliminary plat, as applicable.

(D) *Additional Provisions.*

- (1) No land shall be subdivided, or any parcel thereof sold or conveyed, until a final plat has been approved and either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued in accordance with this Section.
- (2) Any conditions or improvements imposed on the applicant by the City Council under the preliminary plat approval must be shown on the final plat and either completed, or accompanied by the appropriate security under Section 11-5-12, prior to approval by the City Council.
- (3) The final plat may be submitted for a portion of the preliminary plat, or phased, subject to the following conditions:
 - (a) The applicant has submitted a phasing plan that has been approved by the City.
 - (b) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, or outlot.
 - (c) In instances where completion of required improvements, utilities or road infrastructure within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to complete said improvements, utilities or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, stormwater drainage system, trails and park development.
 - (d) In instances where the dedication of land for public purposes within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to dedicate said lands upon approval of that final plat. This may include, but not be limited to, the dedication and development of land for parks, trails, open space, rights-of-way and easements.



- (4) No final plat shall be approved by the City Council until:
- (a) All of the improvements required by these subdivision regulations have been installed, inspected and approved by the City Engineer, or properly secured in accordance with the provisions of Section 11-5-12 on forms approved by the City.
 - (b) As-built plans, supporting documentation, certificates and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer, and also provided in a digital format acceptable to the City and compatible with City computer systems. All as-built plans, supporting documentation, certificates and data for completed utility improvements shall be signed and stamped by a licensed professional engineer.
 - (c) The final plat has been submitted in final form on reproducible Mylars, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
 - (d) Payment to the City of any atypical costs incurred by the City within the subdivision review process, which costs are specifically subject to reimbursement.
 - (e) The security for the two-calendar year construction warranty has been provided by the subdivider in a form acceptable to the City.
- (5) Following City Council approval of the final plat and verification that the documentation has met all applicable codes and regulations, the final plat shall be executed by the appropriate City staff and recorded with due diligence.





CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: April 16, 2024
RE: Home of the Brave Subdivision Filing 1 Final Plat
ATTACHMENTS

- Exhibit A: Maps
- Exhibit B: Code Excerpts for Subdivisions

City Council Consideration:

City Council is considering approval of this final plat application. Council will consider all of the information in this memo in making a decision.

Application Background:

The Home of the Brave Subdivision is located on the east side of 6450 Rd, currently addressed as 1956 6450 Rd, and is approximately 0.5 miles north of Hwy 50. The property is approximately 39.4 acres in size, and is zoned “R-3” Medium Density District. City Council approved the Home of the Brave Subdivision Preliminary Plat on March 1, 2022. This final plat application would formally create 27 residential lots.

Applicant: Home of the Brave, LLC

Staff Analysis:

1. Lots/blocks:
 - a. All lots meet the minimum lot size required according to the “R-3” Medium Density District zoning designation.
2. Streets
 - a. Surrounding streets must be in place, inspected and approved by the City Engineer prior to final approval. Improvements will receive a Preliminary Letter of Infrastructure Completion.



3. Utilities

- a. Easements are shown.
- b. City sewer and other utilities must be installed and available to serve all lots prior to final approval.

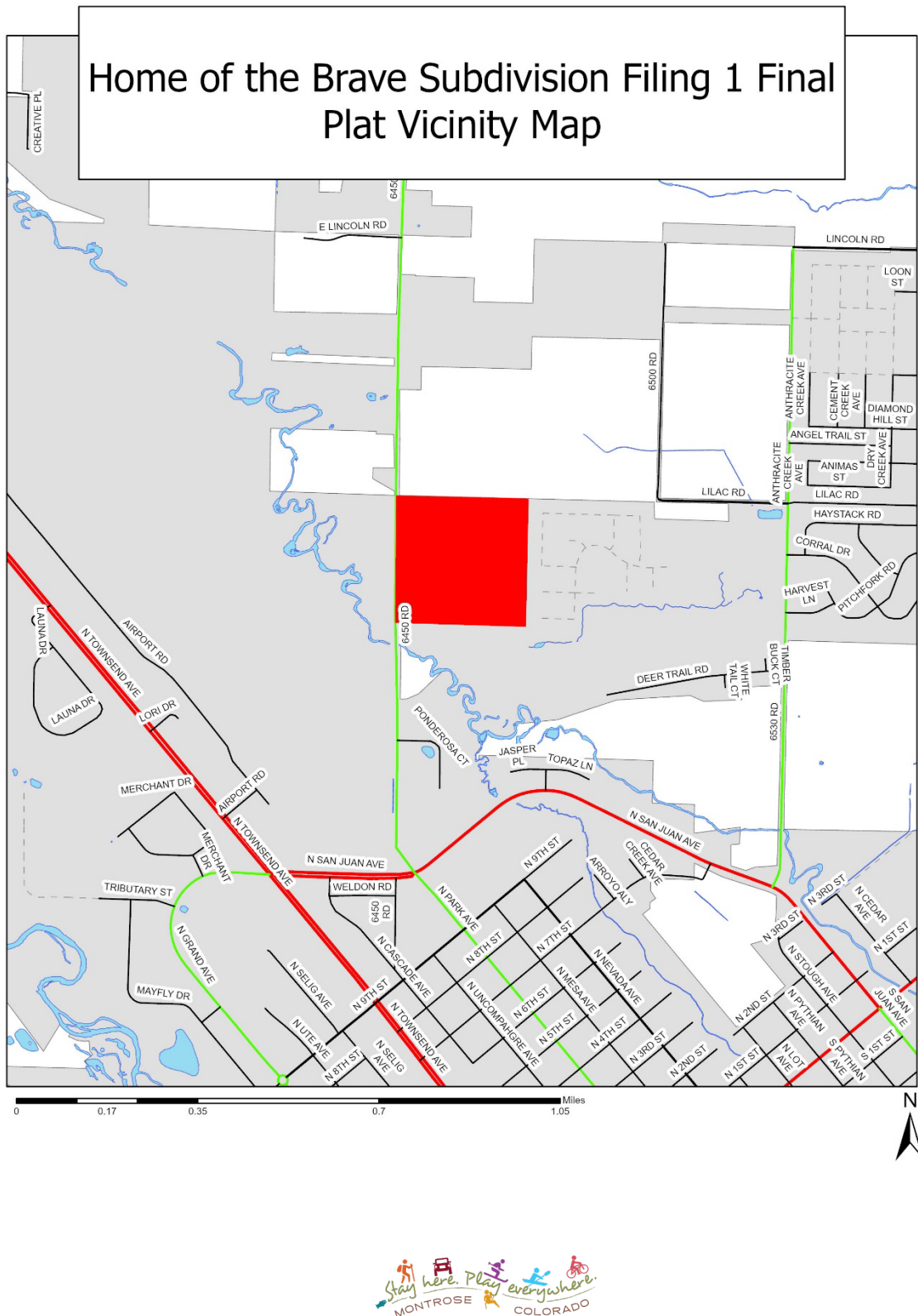
Staff Recommendation: Conditional Approval

Conditions:

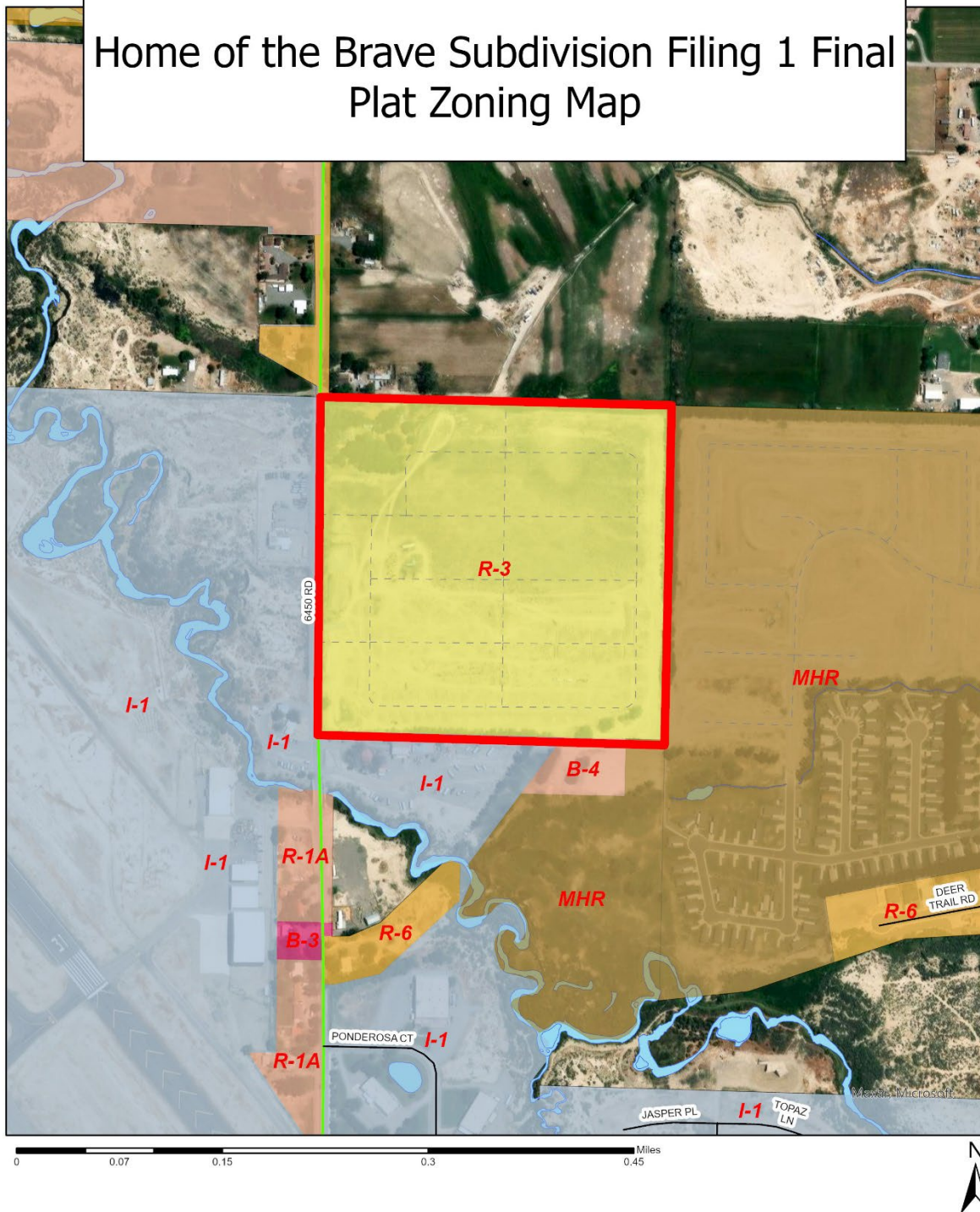
1. [Standard Condition]: The approval of this Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.



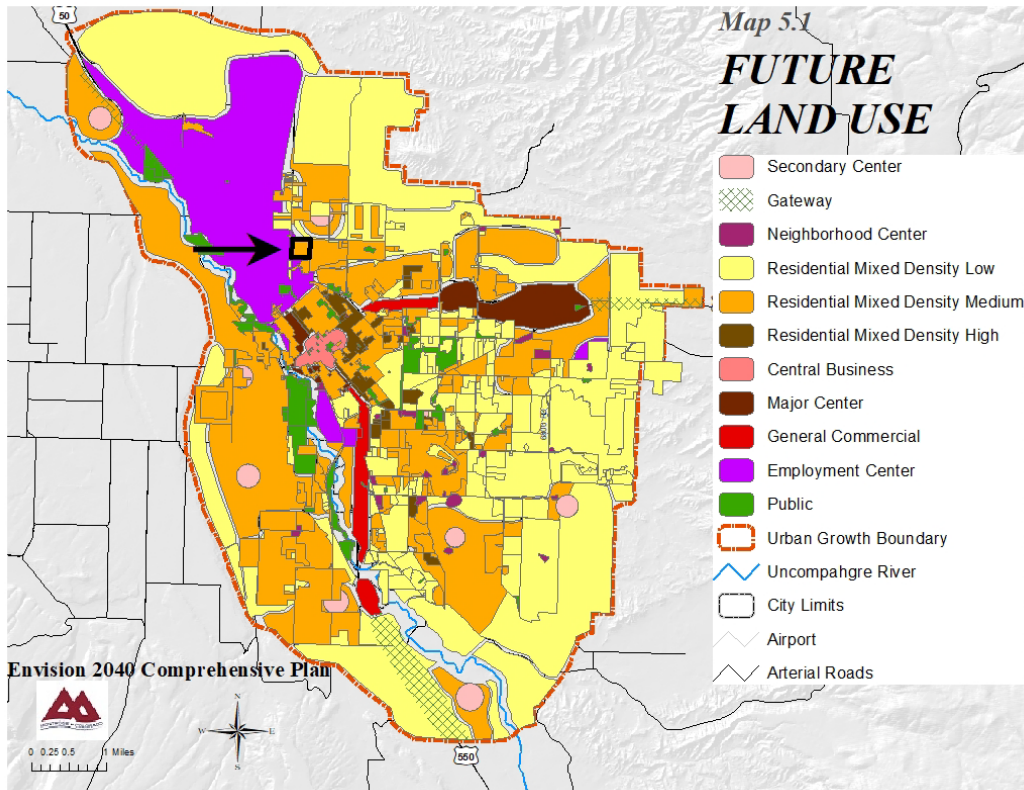
EXHIBIT A: Area Maps



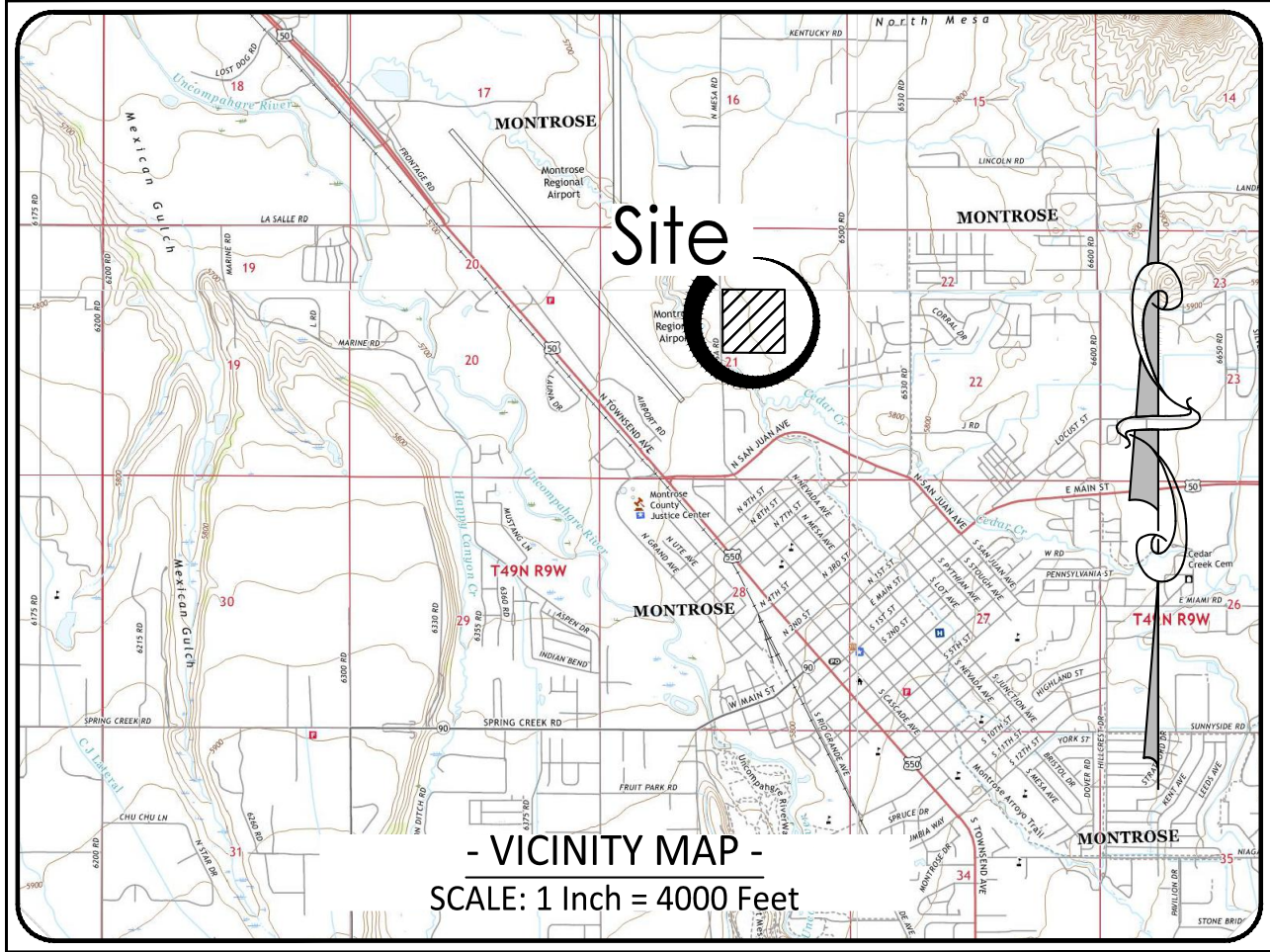
Home of the Brave Subdivision Filing 1 Final Plat Zoning Map



Comprehensive Plan Future Land Use Map



Final Plat
Home of the Brave Subdivision, Filing 1
SW1/4 NE1/4 Section 21,
Township 49 North, Range 9 West
of the New Mexico Principal Meridian
City of Montrose, Montrose County, Colorado



CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL YE BY THESE PRESENTS that the undersigned being the owners of certain lands in the City of Montrose, County of Montrose and State of Colorado to wit:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 21, TOWNSHIP 49 NORTH, RANGE 9 WEST, N.M.P.M., COUNTY OF MONTROSE, STATE OF COLORADO.

Containing 40.304 acres, more or less.

Have by these presents laid out, platted and subdivided the same into lots and tracts as shown on this plat, under the name and style of Home of the Brave Subdivision, Filing 1, and do hereby dedicate, grant and convey to the City of Montrose, Colorado for use of the public, 6450 Road, Allegiance Drive, Haynes Drive, Endurance Drive, and Loyalty Drive, as shown hereon.

The easements shown on this plat are dedicated, granted and conveyed to the City of Montrose, Colorado for public utilities, including but not limited to water, sewer, electrical, telephone, gas and CATV lines, and drainage easements specifically labeled for dedication, together with perpetual right of ingress and egress for installation, maintenance and replacement of such facilities. The dedication of easements as herein provided shall not include those easements exclusively utilized for irrigation improvements, or otherwise subject to a previously recorded conveyance.

Executed this _____ day of _____, 20____.

Name, Title

STATE OF COLORADO)
) ss.
COUNTY OF MONTROSE)

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

Witness my hand and official seal.

My commission expires: _____
Notary

ATTORNEY'S CERTIFICATE

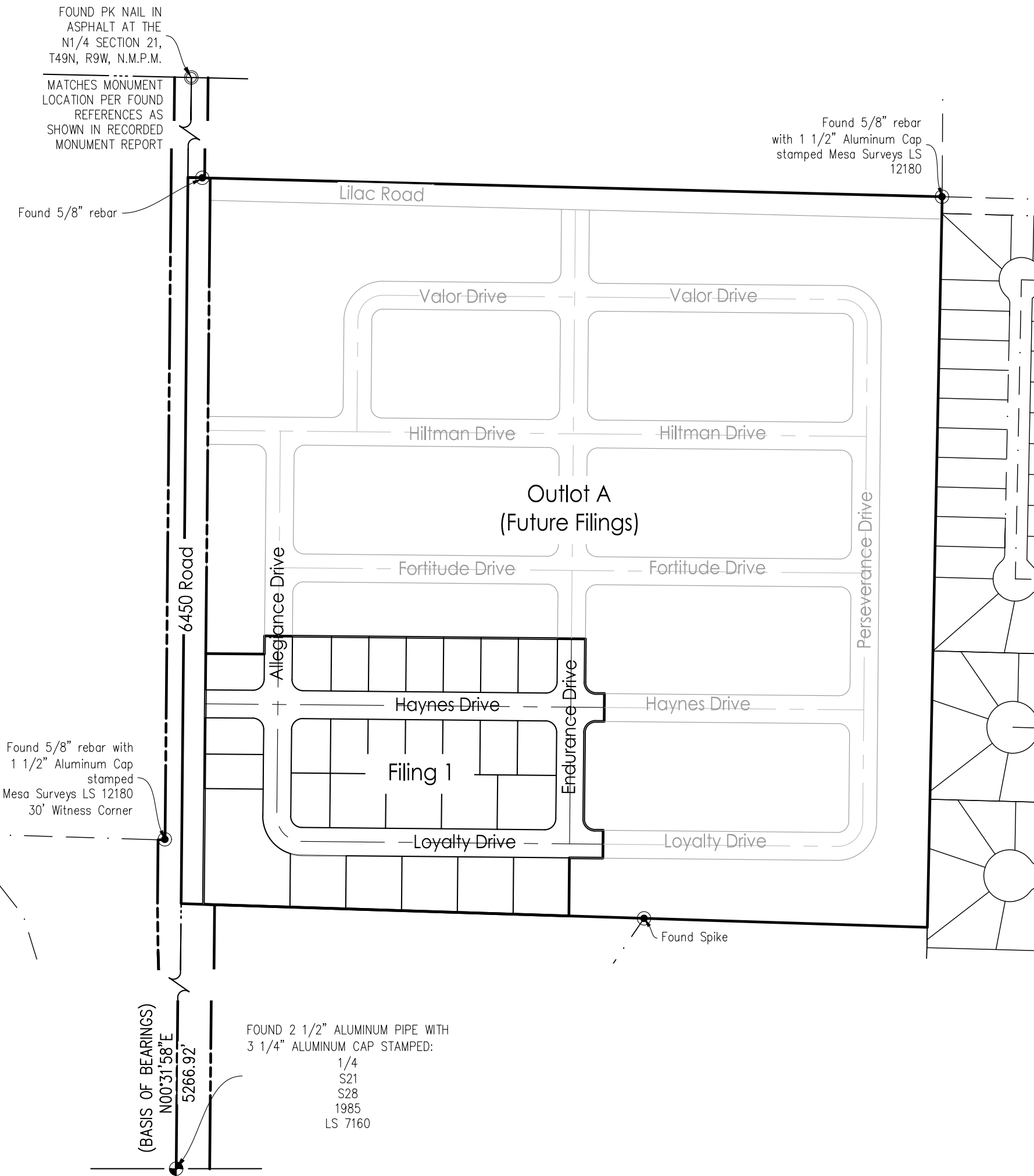
I, _____, an attorney at law, duly licensed to practice in Colorado, do hereby certify that I have examined the title of all land herein platted and described in the above Certificate of Ownership and Dedication, and that title to the such land is in the owners and dedicators; and that the title to all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

Attorney
Registration No. _____
Date: _____

ENGINEER'S CERTIFICATE

I, _____, a Registered Engineer in the State of Colorado, do hereby certify that the sanitary sewer system, water distribution system, and the storm drainage system shown on the accompanying plans of this Subdivision are properly designed, meet City of Montrose specifications, and are adequate to properly serve the Subdivision shown hereon. I further certify that the sanitary sewer system, water distribution system, storm drainage system, streets, parks, and other improvements are designed and constructed in accordance with applicable City specifications and regulations.

Engineer
Registration No. _____
Date: _____



APPROVAL OF CITY MANAGER

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

APPROVAL OF CITY COUNCIL

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

APPROVAL OF CITY ATTORNEY

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

PLAT NOTES:

- Building setbacks are as shown hereon: 15' Front Yard, 25' Rear Yard, 5' Side Yard.
 - Money in lieu of School Land Dedication: All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to § 11-5-9(C) of the Municipal Code. Payments shall be made to the City, to be later disbursed to the RE-1J School District.
 - Privately Owned Open Space, Parks, and other Improvements: All open spaces and parks, now existing or hereafter conveyed, shall be owned and maintained by an owners' association, or in the absence of an owners' association lawfully formed for such purposes, by the owners of all lots final platted in Home of the Brave Subdivision, Filing 1 jointly and severally. The City is not responsible or liable in any manner for the maintenance, repair, or operation of such properties and/or improvements, nor shall the City be responsible for future dedications of such properties. Upon failure to properly maintain such properties and/or improvements shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed, and assess the costs thereof to such owner(s), or the City may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.
 - Conveyance of Private Parks and Open Space to Owners' Association: By executing this Plat, the owner(s) whose signature(s) appear hereon, joined by the Lienholder(s), if any, whose signatures also appear on this Plat, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to Home of the Brave HOA LLC, a Colorado nonprofit corporation, Tract 1, shown and designated on this Plat.
 - Certificate of Good Standing: The owner(s) whose signature(s) appear on the Certificate of Dedication and Ownership on this Plat have provided the City a current, valid, Certificate of Good Standing bearing Confirmation No. 15830633, from the Colorado Secretary of State, as proof of the above-named HOA or Owners' Association entity's: i) compliance with all applicable requirements of the Colorado Secretary of State, and ii) good standing with the Colorado Secretary of State.
 - Declaration of Covenants, Conditions, and Restrictions for Home of the Brave Subdivision, applicable to the development platted hereon, and made binding to the entity named above, was recorded under Reception No. _____ on the _____ day of 20____ in the office of the Montrose County Clerk and Recorder.
 - Airport Influence Area Notice: The Home of the Brave Subdivision, Filing 1 is located approximately 1/4 mile east of the Montrose Regional Airport. The Home of the Brave Subdivision, Filing 1 is within the Airport Influence Area of a busy airport used by piston and jet aircraft and is open 24 hours a day seven days a week. All property within the Home of the Brave Subdivision, Filing 1 is subject to over-flights and the effects thereof, which may include but is not limited to noise, vibration, fumes, and dust.
 - Final Plat Conditional Approval: The approval of the Home of the Brave Subdivision, Filing 1, Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met, and that the Applicant adequately addresses all of staff's concerns.
 - Basis of Bearings: Bearings shown hereon are based on an assumed bearing of N00°31'58"E, between the south quarter corner of said Section 21 monumented by a 2 1/2" aluminum pipe with 3 1/4" Aluminum Cap stamped X S21/S28 1985 LS7160 and the north quarter corner of said Section 21 monumented by a PK nail in asphalt.
 - Units of linear measurements are displayed in US Survey Feet.
 - SGM is not responsible for any changes made to this document after it leaves our possession. Any copy, facsimile, etc., of this document must be compared to the original signed, sealed and dated document to insure the accuracy of the information shown on any such copy, and to insure that no such changes have been made.
 - Property descriptions shown hereon are based on the title insurance commitment issued by Old Republic National Title Insurance Company, Order No. MRR87018800, having an effective date of March 26, 2021.
 - Fences shown hereon, if any, have been shown for general reference and do not necessarily depict limits of ownership.
 - The property shown hereon is subject to all easements, rights-of-way, building setbacks or other restrictions of record, as such items may affect this property. This survey does not represent a title search by this surveyor to determine ownership or to discover easements or other encumbrances of record. All information pertaining to ownership, easement and other encumbrances of record has been taken from the title insurance commitment issued by Old Republic National Title Insurance Company, Order No. MRR87018800, having an effective date of March 26, 2021 and the Property Report issued by Land title Guarantee Company, Order No. MRL87024128-2 having an effective date of 11/16/2023.
- Every attempt has been made to show all easements, rights-of-way, etc. referred to in the Schedule B2 Exceptions recited in said title insurance policy. Some such items may not be shown (i.e. Items 1-9 & 11) if they are standard title commitment exceptions, or if not sufficiently described in recorded documents to be shown graphically, or if they are situated on adjacent properties, or if they affect the property in general, etc. in regards to other such items:
- Item 10: Right of Way Easement as granted to Delta-Montrose Electric Association in instrument recorded February 20, 1996, in Book 914 at Page 450. Affects subject parcel and is shown hereon.
- Item 12: Non-Exclusive Easement for ingress, egress and underground utilities recorded June 23, 2011 under Reception No. 825879. Affects subject parcel and is shown hereon.

SURVEYOR'S CERTIFICATE:

I, Robert E. Brandeberry, being a Registered Professional Land Surveyor, licensed in the State of Colorado, do hereby certify that there are no roads, pipelines, irrigation ditches or other easements or rights-of-way in evidence or known to me to exist on or across said property except as shown on this plat. I certify that I have made the survey represented by this plat and that this plat accurately represents said survey, and conforms to all applicable requirements of the City Subdivision Regulations and applicable law. I further certify that all monuments shown hereon actually exist and their positions are as shown.

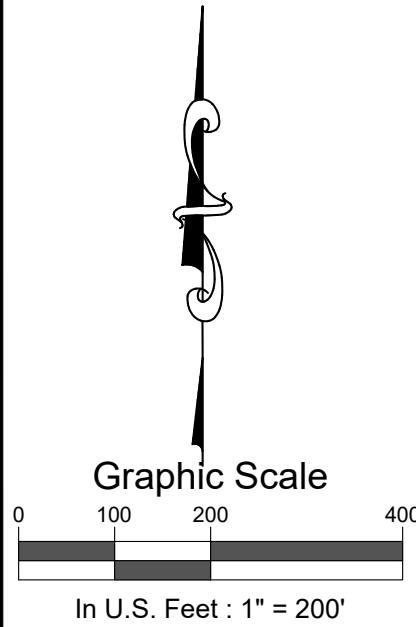
C.R.S. Section 38-51-106 Statement: this plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this plat may be found in the title policy issued by Old Republic National Title Insurance Company, Order No. MRR87018800, having an effective date of March 26, 2021 and the Property Report issued by Land title Guarantee Company, Order No. MRL87024128-2 having an effective date of 11/16/2023.

Robert E. Brandeberry
Colorado PLS # 38388
For, and on behalf of SGM

RECORDER'S CERTIFICATE

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

Clerk and Recorder
Montrose County, Colorado



SGM
118 West Sixth Street, Suite 200
Glenwood Springs, CO 81601
970.945.1004
www.sgm-inc.com

Final Plat
Home of the Brave Subdivision
Filing 1
1956 6450 Road
Montrose, Colorado

Revision	Date	By
1		
2		
3		
4		
5		
6		
7		
8		
9		

Job No. 2021-461.001
Drawn by: JLW
Date: 03/27/2024
Approved: REB PLS: REB
File: HomeoftheBrave_Subd_Phase1A
Location:

Home of the
Brave Subdivision

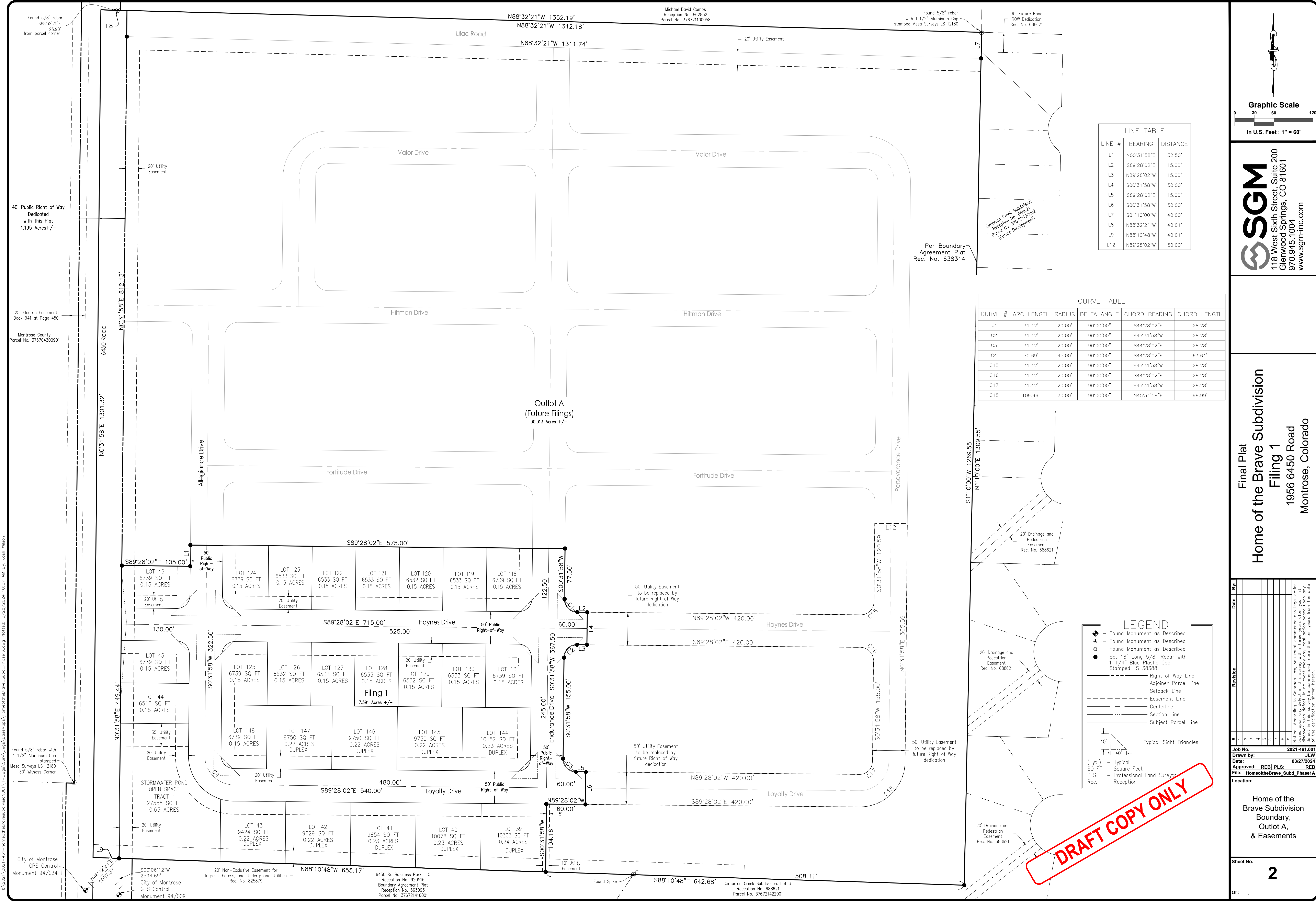
Sheet No.

1

Of: 3

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LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N00°31'58"E	32.50'
L2	S89°28'02"E	15.00'
L3	N89°28'02"W	15.00'
L4	S00°31'58"W	50.00'
L5	S89°28'02"E	15.00'
L6	S00°31'58"W	50.00'
L7	S01°10'00"W	40.00'
L8	N88°32'21"W	40.01'
L9	N88°10'48"W	40.01'
L12	N89°28'02"W	50.00'

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	31.42'	20.00'	90°00'00"	S44°28'02"E	28.28'
C2	31.42'	20.00'	90°00'00"	S45°31'58"W	28.28'
C3	31.42'	20.00'	90°00'00"	S44°28'02"E	28.28'
C4	70.69'	45.00'	90°00'00"	S44°28'02"E	63.64'
C15	31.42'	20.00'	90°00'00"	S45°31'58"W	28.28'
C16	31.42'	20.00'	90°00'00"	S44°28'02"E	28.28'
C17	31.42'	20.00'	90°00'00"	S45°31'58"W	28.28'
C18	109.96'	70.00'	90°00'00"	N45°31'58"E	98.99'

LEGEND

- Found Monument as Described
- Found Monument as Described
- Found Monument as Described
- Set 1/4" Long 5/8" Rebar with 1 1/4" Blue Plastic Cap Stamped LS 38388
- Right of Way Line
- Adjoiner Parcel Line
- Setback Line
- Easement Line
- Centerline
- Section Line
- Subject Parcel Line

(Typ.)
SQ FT - Square Feet
PLS - Professional Land Surveyor
Rec. - Reception

Typical Sight Triangles

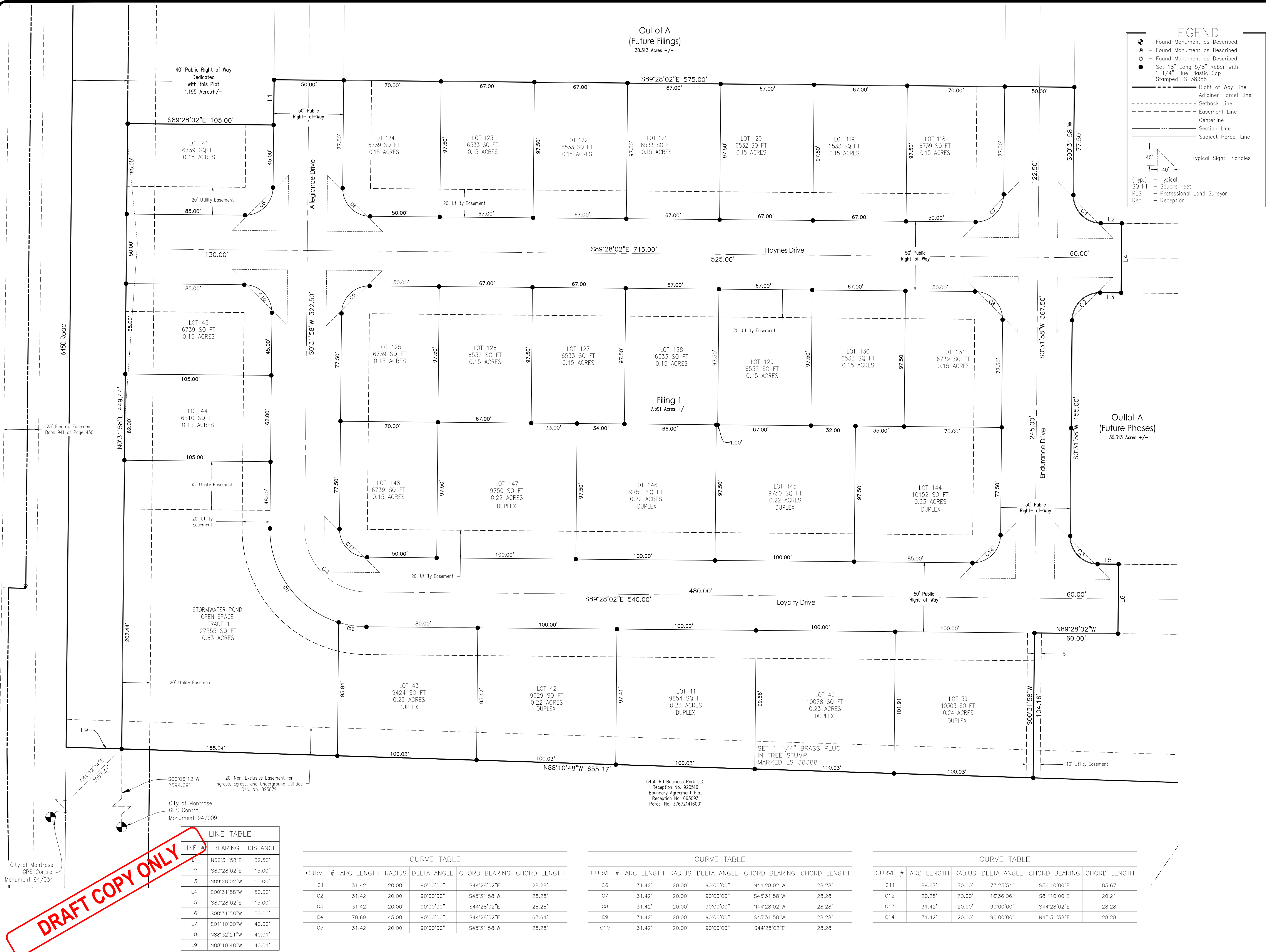
Graphic Scale
0 30 60 120
In U.S. Feet : 1" = 60'

SGM
118 West Sixth Street, Suite 200
Glenwood Springs, CO 81601
970.945.1004
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Final Plat
Home of the Brave Subdivision
Filing 1
1956 6450 Road
Montrose, Colorado

Revision		Date	By:
#			
1			
2			
3			
4			
5			
6			
7			
8			
9			
Note: According to Colorado law, any legal action based upon any defect in this survey within three years after its completion. Any legal action to discover such defect, in no event may any legal action based upon any defect in this survey, be brought more than three years from the date of the certification shown hereon.			
Job No.		2021-461.001	
Drawn by:		JLW	
Date:		03/27/2024	
Approved: REB1_PLS:		REB	
File:		HomeoftheBrave_Sub_Phase1A	
Location:			
Home of the Brave Subdivision Boundary, Outlot A, & Easements			
Sheet No. 8			
Of: .			

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Final Plat
Home of the Brave Subdivision
Filing 1
1956 6450 Road
Montrose, Colorado

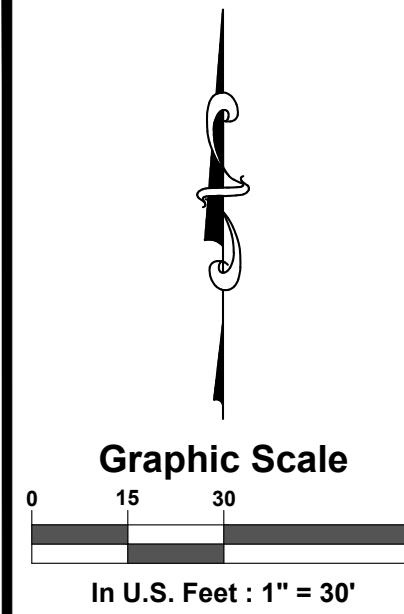
Revision	Date	By
1		
2		
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7		
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9		

Job No. 2021-461.001
Drawn by: JLW
Date: 03/27/2024
Approved: REB PLS: REB
File: HomeoftheBrave_Subd_Phase1A
Location:

Home of the
Brave Subdivision
Filing 1,
Lots, Setbacks,
and Easements

Sheet No.
3
Of: 3

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Sec. 11-5-1. General provisions.

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

Sec. 11-5-2. Major subdivisions.

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

Sec. 11-5-4. Sketch plan.

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



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

Sec. 11-5-5. Preliminary plat.

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



- (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for compatibility with unique or distinctive natural areas, scenic areas and views, natural landmarks, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
 - (9) The preliminary plat and proposed improvements shall comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.
- (D) *Notice to Proceed.* No construction of the required subdivision improvements shall commence until approval of the preliminary plat by the City Council and submittal of both a Mylar of the preliminary plat, as finally approved with signed certificates as required by the City, and a copy of the preliminary plat in a digital format acceptable to the City and compatible with City computer systems. Upon approval and submittal of the Mylar, and supporting documentation as required, the City shall then issue a written notice to proceed.

Sec. 11-5-6. Final plat.

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



- (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
- (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
- (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
- (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
- (8) The plat design provides for the preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings and unique landforms, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
- (9) The final plat is generally consistent with the preliminary plat, as applicable.

(D) *Additional Provisions.*

- (1) No land shall be subdivided, or any parcel thereof sold or conveyed, until a final plat has been approved and either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued in accordance with this Section.
- (2) Any conditions or improvements imposed on the applicant by the City Council under the preliminary plat approval must be shown on the final plat and either completed, or accompanied by the appropriate security under Section 11-5-12, prior to approval by the City Council.
- (3) The final plat may be submitted for a portion of the preliminary plat, or phased, subject to the following conditions:
 - (a) The applicant has submitted a phasing plan that has been approved by the City.
 - (b) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, or outlot.
 - (c) In instances where completion of required improvements, utilities or road infrastructure within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to complete said improvements, utilities or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, stormwater drainage system, trails and park development.
 - (d) In instances where the dedication of land for public purposes within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to dedicate said lands upon approval of that final plat. This may include, but not be limited to, the dedication and development of land for parks, trails, open space, rights-of-way and easements.



- (4) No final plat shall be approved by the City Council until:
- (a) All of the improvements required by these subdivision regulations have been installed, inspected and approved by the City Engineer, or properly secured in accordance with the provisions of Section 11-5-12 on forms approved by the City.
 - (b) As-built plans, supporting documentation, certificates and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer, and also provided in a digital format acceptable to the City and compatible with City computer systems. All as-built plans, supporting documentation, certificates and data for completed utility improvements shall be signed and stamped by a licensed professional engineer.
 - (c) The final plat has been submitted in final form on reproducible Mylars, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
 - (d) Payment to the City of any atypical costs incurred by the City within the subdivision review process, which costs are specifically subject to reimbursement.
 - (e) The security for the two-calendar year construction warranty has been provided by the subdivider in a form acceptable to the City.
- (5) Following City Council approval of the final plat and verification that the documentation has met all applicable codes and regulations, the final plat shall be executed by the appropriate City staff and recorded with due diligence.



CITY OF MONTROSE SALES, USE AND EXCISE TAX COLLECTIONS

Month	Retail Sales Tax 3.0%			Construction Use Tax 3.0%			Use & Auto Tax 3.0%			Total Collected Sales and Use Tax			Sales and Use Budget	
	Current Year 2024	Prior Year 2023	% Increase/decrease	Current Year 2024	Prior Year 2023	% Increase/decrease	Current Year 2024	Prior Year 2023	% Increase/decrease	Current Year 2024	Prior Year 2023	% Increase/decrease	Budget 2024	Budget Variance
January	1,907,045	1,781,736	7.0%	37,669	30,348	24.1%	107,432	107,770	-0.3%	2,052,147	1,919,854	6.9%	1,912,512	7.3%
February	1,837,719	1,706,581	7.7%	34,964	43,433	-19.5%	122,714	105,085	16.8%	1,995,397	1,855,099	7.6%	1,845,196	8.1%
March														
April														
May														
June														
July														
August														
September														
October														
November														
December														
YTD Total	3,744,764	3,488,318	7.4%	72,633	73,781	-1.6%	230,146	212,855	8.1%	4,047,543	3,774,953	7.2%	3,757,708	7.7%

	PSST Retail Sales Tax 0.58%			PSST Construction Use Tax 0.58%			PSST Use & Auto Tax 0.58%			Total Collected PSST Sales and Use Tax			PSST BUDGET		Montrose Recreation District 0.3%		
Month	Current Year 2024	Prior Year 2023	% Increase/decrease	Current Year 2024	Prior Year 2023	% Increase/decrease	Current Year 2024	Prior Year 2023	% Increase/decrease	Current Year 2024	Prior Year 2023	% Increase/decrease	Budget 2024	Budget Variance	Current Year 2024	Prior Year 2023	% Increase/decrease
January	368,943	344,571	7.1%	7,273	5,867	24.0%	20,770	20,836	-0.3%	396,986	371,274	6.9%	359,254	10.5%	205,370	192,039	6.9%
February	356,549	330,129	8.0%	7,064	8,397	-15.9%	23,725	20,316	16.8%	387,338	358,842	7.9%	346,845	11.7%	200,512	185,611	8.0%
March																	
April																	
May																	
June																	
July																	
August																	
September																	
October																	
November																	
December																	
YTD Total	725,492	674,700	7.5%	14,337	14,264	0.5%	44,495	41,152	8.1%	784,324	730,116	7.4%	706,099	11.1%	405,882	377,650	7.5%

	Hotel Excise Tax 0.90%			Restaurant Excise Tax 0.80%			Total Collected Hotel & Restaurant Tax			Hotel & Restaurant Budget		Retail Enhancement Program		
Month	Current Year 2024	Prior Year 2023	% Increase/ decrease	Current Year 2024	Prior Year 2023	% Increase/ decrease	Current Year 2024	Prior Year 2023	% Increase/ decrease	Budget 2024	Budget Variance	Current Year 2024	Prior Year 2023	% Increase/ decrease
January	8,742	6,544	33.6%	49,121	48,068	2.2%	57,863	54,612	6.0%	52,153	10.9%	50,401	45,984	9.6%
February	9,744	8,878	9.8%	47,369	46,294	2.3%	57,113	55,172	3.5%	52,522	8.7%	48,068	44,747	7.4%
March														
April														
May														
June														
July														
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September														
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November														
December														
YTD	18,486	15,422	19.9%	96,490	94,362	2.3%	114,976	109,784	4.7%	104,675	9.8%	98,469	90,731	8.5%

