



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, May 6, 2025 - 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 J. David Reed
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) Mental Health Awareness Month Proclamation
- 6) 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.

Please refrain from any personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial, or gender-oriented slurs as they may be considered “disorderly conduct” which violates state or local law.

7) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the March 31, 2025, special City Council meeting and the March 31, 2025, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the minutes of the March 31, 2025, special City Council meeting and the March 31, 2025, regular City Council meeting as presented.

8) APPOINTMENT OF MAYOR AND MAYOR PRO TEM

Mayor J. David Reed will preside over the selection of Mayor and Mayor Pro Tem for the 2025-2026 mayoral term.

9) PRESENTATION TO OUTGOING MAYOR

Mayor Pro Tem Dave Frank will acknowledge J. David Reed for his contributions as Mayor of the City of Montrose from April 2024 through April 2025.

10) You Make a Difference Award Presentation

11) NEW HOTEL AND RESTAURANT LIQUOR LICENSE APPLICATION (15 minutes)

City Council consideration of an application for a new Hotel and Restaurant liquor license at 1019 E. Main Street for D'Luna Restaurant LLC, doing business as D'Luna Restaurant, for consumption on the licensed premises. *Staff: City Attorney Chris Dowsey*

Action: Hold a hearing. Consider making a motion to approve a new Hotel and Restaurant liquor license at 1019 E. Main Street for D'Luna Restaurant LLC, doing business as D'Luna Restaurant, for consumption on the licensed premises.

12) ORDINANCE 2682 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2682 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of Lot 11 of the Richards Subdivision Final Plat Filing No. 5 from "B-3," General Commercial District to "P," Public District. *Staff: Senior Planner William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2682 on first reading as presented.

13) 2025 PAVEMENT MARKING CONTRACT EXTENSION (10 minutes)

City Council consideration of the extension of an existing contract with Stripe-a-Lot LLC for pavement marking services for the total contract amount of \$300,000.00. *Staff: Streets Superintendent Nik Pridy*

Action: Accept public comment. Consider making a motion to approve the extension of an existing contract with Stripe-a-Lot LLC for pavement marking services for the total contract amount of \$300,000 as presented.

14) SANITARY SEWER CIP 3 DESIGN CHANGE ORDER NO. 1 (10 minutes)

City Council consideration of Change Order No. 1 in the amount of \$97,800.00 for completion of the Sanitary Sewer CIP3 Project phase 2 design. *Staff: City Engineer Scott Murphy*

Action: Accept public comment. Consider making a motion to approve Change Order No. 1 in the amount of \$97,800.00 for completion of the Sanitary Sewer CIP3 Project phase 2 design as presented.

15) STAFF REPORTS

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

16) YOUTH CITY COUNCIL COMMENTS



17) CITY COUNCIL COMMENTS

18) MOTION TO ADJOURN



PROCLAMATION

Mental Health Awareness Month – May 2025

WHEREAS, mental health is essential to everyone’s overall health and well-being; and

WHEREAS, The State of Colorado ranks 50th in prevalence of mental illness, indicating Coloradans experience significant mental health and substance use challenges; and

WHEREAS, according to a 2024 Colorado Health Foundation poll, 3 in 5 Coloradans (59%) reported experiencing a mental health challenge in the past year; and

WHEREAS, stigma persists in being a barrier to accessing care, with nearly 50% of Coloradans who needed mental health support reporting they did not seek care due to stigma; and

WHEREAS, the most recent data on suicide death in our combined region of Delta, Montrose, Ouray, San Miguel, Gunnison, and Hinsdale Counties indicates 33 community members died by suicide in 2023; and

WHEREAS, organizations like Tri-County Health Network are dedicated to shining a light on mental health and bringing hope to those experiencing a mental health challenge through research, education, advocacy, and resources.

NOW, THEREFORE, we, the City Council of the City of Montrose, Colorado, do hereby proclaim the month of May 2025 as

Mental Health Awareness Month

in the City of Montrose, and we call upon the citizens, public and private institutions, and government agencies to recognize that mental health challenges affect all members of our community; to normalize conversations about mental health, suicide and substance use to erase stigma; to acknowledge that no one size fits all program exists for all populations or communities; and to address the disparity in access to mental healthcare for underserved and underrepresented groups.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Montrose, this 6th day of May 2025.

J. David Reed, Mayor
City of Montrose



MONTROSE CITY COUNCIL

March 31, 2025

A special meeting of the Montrose City Council was held on Monday, March 31, 2025, at 12:00 p.m., or immediately following the work session, in the City Council Chambers located in the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT

J. David Reed, Dave Frank, Judy Ann Files, Doug Glaspell, Ed Ulibarri, Chris Dowsey, Terri Wilcox, Erin Maxwell, Andrew Quisenberry, Lisa DelPiccolo

CALL TO ORDER

Mayor J. David Reed called the special meeting to order at 10:54 a.m.

EXECUTIVE SESSION

At 10:55 a.m., a motion was made by Judy Ann Files, seconded by Dave Frank, to enter into an executive session for discussion of personnel matters under 24-6-402(4)(f), and the following additional details are provided for identification purposes: City Manager and City Attorney evaluations, Municipal Court Judge. All voted yes. Motion passed.

RECONVENEMENT

The special meeting reconvened at 11:13 a.m.

A motion was made by Dave Frank, seconded by Doug Glaspell to terminate the contract of the Municipal Court Judge. All voted yes. Motion passed.

The executive session resumed at 11:13 a.m.

RECONVENEMENT

The special meeting reconvened at 12:42 p.m.

A motion was made by Dave Frank, seconded by Judy Ann Files, to direct Human Resources to draft Personnel Action forms as discussed for the Mayor's signature. All voted yes. Motion passed.

ADJOURNMENT

At 12:43 p.m. a motion was made by Dave Frank, seconded by Doug Glaspell, to adjourn the meeting with no further action taken. All voted yes. Motion passed.

ATTEST:

J. David Reed, Mayor

Lisa DelPiccolo, City Clerk



MONTROSE CITY COUNCIL

March 31, 2025

A regular meeting of the Montrose City Council was held on Monday, March 31, 2025, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT

J. David Reed, Dave Frank, Judy Ann Files, Doug Glaspell, Ed Ulibarri, Darinka Skybova, Bill Bell, Ann Morgenthaler, Chris Dowsey, Greg Story, Lisa DelPiccolo, James Legler, Gunnison Clamp, Nik Pridy, Christopher Ottinger, Dan Payne, Scott Murphy, Thomas Cenicerros, David Bries, Jim Scheid, Kathryn Schroer, Matt Magliaro, Blaine Hall, Greg Stunder

GUESTS

Jacqui Quint, Tina M. Gray, Ingrid Conkell, Linda Britt, Michael Badagliacco, Homer Heming, Tania Wallace, Billie Jo Bartling, Bea Norren, Russel Nocero, Vernon Bartz, Nancy Bartz, Brent Wallace, William Simonsen, John Brown, Linda Zeman, Ron Henderson, Diane Henderson

CALL TO ORDER

Mayor J. David Reed called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

No changes were made to the agenda.

YOU MAKE A DIFFERENCE AWARD PRESENTATIONS

Mayor J. David Reed presented You Make a Difference awards to bus drivers for the Montrose County School District.

EARTH WEEK PROCLAMATION

Mayor J. David Reed and the Montrose City Council proclaimed the week of April 18 through April 25, 2025, as Earth Week in the City of Montrose. Mayor Reed presented the proclamation to Community Events Coordinator Thomas Cenicerros.

ARBOR DAY PROCLAMATION

Mayor J. David Reed and the Montrose City Council proclaimed Friday, April 25, 2025, as Arbor Day in the City of Montrose. Mayor Reed presented the proclamation to Parks Superintendent Dan Payne.

WATER CONSERVATION MONTH PROCLAMATION

Mayor Pro Tem Dave Frank and the Montrose City Council proclaimed the month of April 2025 as Water Conservation Month in the City of Montrose. Mayor Pro Tem Frank presented the proclamation to Utilities Director David Bries.

CALL FOR PUBLIC COMMENT

John Brown spoke in support of open dialogue between elected officials and constituents. Mr. Brown suggested a community calendar for all public meetings within the community.

Michael Badagliacco requested a response to allegations made in an online publication.

Linda Zeman requested a non-sanctuary city declaration by City Council.

APPROVAL OF MINUTES

City Council considered the minutes of the March 10, 2025, special City Council Meeting and the March 18, 2025, regular City Council meeting.

A motion was made by Ed Ulibarri, seconded by Doug Glaspell, to approve the minutes of the March 10, 2025, special City Council meeting and the March 18, 2025, regular City Council meeting as presented. All voted yes. Motion passed.

MAIN STREET CLOSURE APPROVAL

City Council considered the closure of the 400 and 500 blocks of E. Main Street and Uncompahgre Avenue from Centennial Plaza to N. First Street from 6:30 a.m. until 5 p.m. for the Habitat for Humanity Rock the Block event on Saturday, June 21, 2025.

A motion was made by Ed Ulibarri, seconded by Doug Glaspell, to approve the closure of the 400 and 500 blocks of Main Street and Uncompahgre Avenue from Centennial Plaza to N. First Street from 6:30 a.m. until 5 p.m. for the Habitat for Humanity Rock the Block event on Saturday, June 21, 2025. All voted yes. Motion passed.

HISTORIC PRESERVATION COMMISSION APPOINTMENT

City Council considered the appointment of Bethany Maher to the City of Montrose Historic Preservation Commission for a term that expires on October 16, 2027.

A motion was made by Ed Ulibarri, seconded by Doug Glaspell, to approve the appointment of Bethany Maher to the City of Montrose Historic Preservation Commission for a term that expires on October 16, 2027. All voted yes. Motion passed.

RESOLUTION 2025-03

City Council considered Resolution 2025-03, a Resolution of the City Council of the City of Montrose, Colorado, authorizing the Community Development Department to pursue a Housing Planning Grant from the Department of Local Affairs pursuant to Senate Bill 24-174 (§§ 24-32-3701 — 24-32-3711, C.R.S.) to fund the development of a housing action plan and Comprehensive Plan update specific to water supply and strategic growth.

Community Development Specialist Christopher Ottinger provided an overview of statutory requirements for municipalities with populations over 5,000. These requirements include a housing needs assessment by December 31, 2026, Comprehensive Plan updates by December 31, 2026, and a housing action plan by January 1, 2028.

Mr. Ottinger said the housing needs assessment completed in 2023 by Points Consulting will be updated within the next several weeks, Comprehensive Plan updates will be completed this year, and the Housing Action Plan will outline the City's commitment to addressing housing needs.

Mr. Ottinger stated that the estimated total cost for the project is \$75,000. The grant application would request \$56,250.00 with a 25 percent match by the City.

Mr. Ottinger recommended adoption of Resolution 2025-03 to facilitate compliance with the state requirements and associated deadlines. The application deadline is April 11.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to adopt Resolution 2025-03 as presented. All voted yes. Motion passed.

PARKS FERTILIZER AND VACANT LOT HERBICIDE CONTRACT AWARD

City Council considered the award of the Parks and Vacant Lot Fertilizer and Herbicide Application Contract to Aspen SavATree, of Ridgway, Colorado, for the total contract amount of \$140,000.00.

Parks Superintendent Dan Payne requested the extension of a contract with Aspen SaveATree for the application of fertilizer and herbicide on 149 acres of turf and 18 city-owned vacant lots. Mr. Payne said fertilizer will be applied twice per year and the herbicide will be applied three times. Mr. Payne reported that a total of \$160,000.00 was spent last year for spraying and the cost of the fertilizer and herbicide. A cost savings of \$30,000.00 will be realized this year by having the contractor purchase the products.

Public comment was accepted. No comments were received.

A motion was made by Judy Ann Files, seconded by Doug Glaspell, to award the Parks and Vacant Lot Fertilizer and Herbicide Application contract to Aspen SavATree, of Ridgway, Colorado, for the total contract amount of \$140,000.00 as presented. All voted yes. Motion passed.

PARKS TURF MAINTENANCE CONTRACT EXTENSION

City Council considered the extension of a parks turf maintenance contract with Green and Bearit, of Montrose, Colorado, for the total contract amount of \$132,412.00.

Parks Superintendent Dan Payne reported that this contract covers 75 percent of the turf care for City parks and does not include Sunset Mesa and Cedar Creek Cemetery. Mr. Payne reported 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 Judy Ann Files, to approve the extension of a parks turf maintenance contract with Green and Bearit, of Montrose, Colorado, for the total contract amount of \$132,412.00 as presented. All voted yes. Motion passed.

2025 STREETLIGHT UPGRADE PROJECT AUTHORIZATION

City Council considered the authorization of \$120,000.00 for direct LED replacements and pole replacements as part of Year 3 of the Street Light Upgrade Project conducted in partnership with DMEA.

Streets Superintendent Nik Pridy reported a change to the request since the March 17 work session discussion. Mr. Pridy stated that the amount of the authorization was reduced from \$180,000.00 to \$120,000.00 because pole replacement was incorporated in the 2025 MoveMo project authorization. Mr. Pridy said the requested \$120,000.00 is for the proactive replacement of LED fixtures in partnership with DMEA. Mr. Pridy said this is the third year of the multiyear project, that has experienced a very good return on investment. In 2025, smaller, decorative style lighting will be upgraded in The Bridges and Cobble Creek areas.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to authorize \$120,000.00 for direct LED replacements and pole replacements as part of Year 3 of the Street Light Upgrade Project conducted in partnership with DMEA as presented. All voted yes. Motion passed.

FIRE FLOW SUBDIVISION II RELEASE OF EASEMENT

City Council considered the release of utility easements as shown in the Fire Flow Subdivision II.

City Engineer Scott Murphy reported that this item is a cleanup of a plat. Mr. Murphy said a distribution center is planning to develop two lots at the corner of County Road and Creative Place, immediately north of the airport. Mr. Murphy said a consolidation of the lots is in

progress, and a boundary line adjustment will be approved at the staff level. Mr. Murphy stated that an associated easement line does not hold city utilities, would be obsolete, and would prevent building over the easement. Mr. Murphy said the plat will be approved administratively and will include a signature line for the mayor to formally vacate the easement.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the release of utility easements as shown in the Fire Flow Subdivision II as presented. All voted yes. Motion passed.

STAFF REPORTS

Police Chief Blaine Hall reported that the annual Citizens Police Academy is scheduled for Saturday, April 5, at the Public Safety Complex. Chief Hall said 32 people are registered to attend.

City Engineer Scott Murphy provided a project update. Mr. Murphy reported that Ogden Road has reopened and will be paved in May. Mr. Murphy said that utility work is underway at the Woodgate/East Oak Grove roundabout site, and the West Main Street Revitalization Project will begin mid-April.

YOUTH CITY COUNCIL COMMENTS

Youth City Council Representative Darinka Skybova reported that the Nonprofit Showcase held on March 24 at the Montrose Pavilion was successful with more than 50 nonprofits on display. Upcoming Youth City Council projects include participation in the Montrose U legislative field trip, issuance of a proclamation, and a street clean-up.

City Councilors commended the Youth City Council for the success of the Nonprofit Showcase.

CITY COUNCIL COMMENTS

Mayor Pro Tem Dave Frank reported that he and City Councilor Judy Ann Files attended a welcome home event for the local National Guard unit.

Mayor J. David Reed announced that the April 15 City Council meeting has been canceled, and the next regular City Council meeting will be held on Tuesday, May 6.

ADJOURNMENT

At 6:55 p.m., the meeting adjourned with no further action taken.

ATTEST:

J. David Reed, Mayor

Lisa DelPiccolo, City Clerk

DR 8404 (03/26/24)
COLORADO DEPARTMENT OF REVENUE
 Liquor Enforcement Division
 PO BOX 17087
 Denver CO 80217-0087
 (303) 205-2300

Colorado Liquor Retail License Application

* **Note that the Division will not accept cash** ☐ Paid by Check **Date Uploaded to MoveIt**

☐ Paid Online

☐ New License ☒ New-Concurrent ☐ Transfer of Ownership ☐ State Property Only ☐ Master file

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: SBG.Colorado.gov/Liquor

Applicant is applying as a/an ☐ Individual ☒ Limited Liability Company ☐ Association or Other
☐ Corporation ☐ Partnership (includes Limited Liability and Husband and Wife Partnerships)

Applicant Name If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation

D' Luna Restaurant LLC

FEIN Number

333067914

State Sales Tax Number

2025111475

Trade Name of Establishment (DBA)

D' Luna Restaurant

Business Telephone

Address of Premises (specify exact location of premises, include suite/unit numbers)

1019 E Main Street

City	County	State	ZIP Code
Montrose		CO	81401

Mailing Address (Number and Street)

1019 E Main Street

City or Town

Montrose

State ZIP Code

CO 81401

Email Address

lunamary14392@gmail.com

If the premises currently has a liquor or beer license, you **must** answer the following questions.

Present Trade Name of Establishment (DBA)

Present State License Number

Present Class of License

Present Expiration Date

1. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?..... ☐ Yes ☒ No
2. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):
 - a. Been denied an alcohol beverage license?..... ☐ Yes ☒ No
 - b. Had an alcohol beverage license suspended or revoked?..... ☐ Yes ☒ No
 - c. Had interest in another entity that had an alcohol beverage license suspended or revoked?..... ☐ Yes ☒ No

If you answered yes to a, b or c above, explain in detail on a separate sheet.

3. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years?..... ☐ Yes ☒ No

If "yes", explain in detail.

4. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?..... ☐ Yes ☒ No

or

Waiver by local ordinance? ☐ Yes ☐ No

Other

5. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? **NOTE:** The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS..... ☐ Yes ☒ No

6. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? **NOTE:** The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS..... ☐ Yes ☒ No

For additional Retail Liquor Store only.

- a. Was your Retail Liquor Store License issued on or before January 1, 2016?.... ☐ Yes ☐ No
- b. Are you a Colorado resident?..... ☐ Yes ☐ No
7. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any **current** financial interest in said business including any loans to or from a licensee..... ☐ Yes ☒ No
8. Does the applicant, as listed on line 2 of this application, **have legal possession of the premises by ownership**, lease or other arrangement?..... ☒ Yes ☐ No

☐ Ownership ☒ Lease ☐ Other (Explain in detail)

- a. If leased, list name of landlord and tenant, and date of expiration, **exactly** as they appear on the lease:

Landlord

Pamela N Johnson

Tenant

D' Luna Restaurant LLC

Expires

May 1, 2028

- b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question on page 9..... ☐ Yes ☒ No
- c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8½" X 11".

9. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.

Last Name		First Name	
Garcia Luna		Dulce Marisol	
Date of Birth (MM/DD/YY)	FEIN or SSN Number	Interest/Percentage	
		100%	
Last Name		First Name	
Date of Birth (MM/DD/YY)	FEIN or SSN Number	Interest/Percentage	
Last Name		First Name	
Date of Birth (MM/DD/YY)	FEIN or SSN Number	Interest/Percentage	

Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

10. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:
Has a local ordinance or resolution authorizing optional premises been adopted?... ☐ Yes ☐ No

Number of additional Optional Premise areas requested. (See license fee chart)

For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.

11. Liquor Licensed Drugstore (LLDS) applicants, answer the following:

a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?..... ☐ Yes ☐ No

If "yes" a copy of license must be attached.

12. Club Liquor License applicants answer the following: Attach a copy of applicable documentation

- a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?..... ☐ Yes ☐ No
- b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?..... ☐ Yes ☐ No

c. How long has the club been incorporated?.....

- d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?..... ☐ Yes ☐ No

13. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:

- a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)..... ☐ Yes ☐ No

14. Campus Liquor Complex applicants answer the following:

- a. Is the applicant an institution of higher education?..... ☐ Yes ☐ No
- b. Is the applicant a person who contracts with the institution of higher education to provide food services?..... ☐ Yes ☐ No

If "yes" please provide a copy of the contract with the institution of higher education to provide food services.

15. For all on-premises applicants.

- a. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.

Last Name of Manager

Luna Garcia

First Name of Manager

Dulce Marisol

- 16. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.**..... ☐ Yes ☒ No

Name

Type of License

Account Number

17. Related Facility - Campus Liquor Complex applicants answer the following:

- a.** Is the related facility located within the boundaries of the Campus Liquor Complex?..... ☐ Yes ☐ No

If yes, please provide a map of the geographical location within the Campus Liquor Complex.

If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.

- b.** Designated Manager for Related Facility - Campus Liquor Complex

Last Name of Manager

First Name of Manager

18. Tax Information.

- a.** Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?..... ☐ Yes ☒ No

- b.** Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?..... ☐ Yes ☒ No

If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the applicant**. **All persons listed below** must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.

Name	Date of Birth (MM/DD/YY)
Dulce Marisol Luna	

Street Address

City	State	ZIP Code	Position	%Owned
Gunnison	CO	81230	Owner	100%

Name	Date of Birth (MM/DD/YY)

Street Address

City	State	ZIP Code	Position	%Owned

Name	Date of Birth (MM/DD/YY)

Street Address

City	State	ZIP Code	Position	%Owned

Name	Date of Birth (MM/DD/YY)

Street Address

City	State	ZIP Code	Position	%Owned

Name	Date of Birth (MM/DD/YY)

Street Address

City	State	ZIP Code	Position	%Owned

** If applicant is owned 100% by a parent company, please list the designated principal officer on above.

** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)

** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

☒ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer and Wine Code which affect my license.

Printed Name

Dulce Marisol Luna Garcia

Title

Owner

Authorized Signature

Date (MM/DD/YY)

03/20/2025

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

Date application filed with local authority

April 7, 2025

Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)

May 6, 2025

For Transfer Applications Only - Is the license being transferred valid?..... ☐ Yes ☐ No

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:

☒ Fingerprinted

☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license

(Check One)

☐ Date of inspection or anticipated date

☒ Will conduct inspection upon approval of state licensing authority

☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000? ☐ Yes ☐ No

☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000? ☐ Yes ☐ No

NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.

☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period? ☐ Yes ☐ No

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. **Therefore, this application is approved.**

Local Licensing Authority for Telephone Number ☐ Town, City
☐ County

Printed Name Title

Signature Date (MM/DD/YY)

Printed Name Title

Signature Date (MM/DD/YY)

DR 8404SP (08/08/24)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division
PO BOX 17087
Denver CO 80217-0087
(303) 205-2300

Solicitud de licencia de venta minorista de licores de Colorado

***Tenga en cuenta que la División no
aceptará efectivo**

☐ Pagado con cheque

Date Uploaded to MoveIt (No llenar)

☐ Pagado en línea

☐ Nueva
licencia

☒ Nuevo
concurrente

☐ Transferencia de
propiedad

☐ Propiedad estatal
solamente

☐ Archivo
maestro

- Todas las respuestas deben estar en letra de molde en tinta negra o mecanografiadas.
- El solicitante debe marcar las casillas correspondientes.
- El solicitante debe obtener una copia del Código de licores, cervezas y vinos de Colorado:
SBG.Colorado.gov/Liquor
- Para obtener la versión en español de las páginas web de DOR mencionadas en este formulario,
visite CDOR.Colorado.gov/instrucciones

El solicitante se presenta como

☐ Persona física

☒ Sociedad de responsabilidad limitada (LLC)

☐ Asociación u otro

☐ Corporación

☐ Sociedad (incluye sociedades de responsabilidad limitada y de matrimonio)

Nombre del solicitante Si es LLC, nombre de LLC; si es sociedad, al menos los nombres de 2 socios; si es corporación,
nombre de la corporación

D' LUNA RESTAURANT LLC

Número de FEIN

33 3067 914

Número de impuesto estatal sobre las ventas

96756859

Nombre comercial del establecimiento (DBA)

D' LUNA RESTAURANT

Teléfono comercial

Dirección del local (especifique el lugar exacto del local, incluya los números de suite/unidad)

1019 E MAIN STREET

Ciudad

MONTROSE

Condado

MONTROSE

Estado

CO

Código postal

81401

Dirección de correo (número y calle)

1019 E MAIN STREET

Ciudad o pueblo

MONTROSE

Estado

CO

Código postal

81401

Dirección de correo electrónico

Lunamary14392@gmail.com

Si el local cuenta actualmente con una licencia de licor o cerveza, debe responder las siguientes preguntas

Nombre comercial actual del establecimiento (DBA)

Número de licencia estatal actual

Clase de licencia actual

Fecha de vencimiento actual (MM/DD/AA)

1. ¿Es el solicitante (incluyendo cualquiera de los socios si se trata de una sociedad; los miembros o administradores si se trata de una sociedad de responsabilidad limitada; o los funcionarios, accionistas o directores si se trata de una corporación) o los administradores menores de veintiún años?..... ☐ Sí ☒ No

2. Al solicitante (incluyendo cualquiera de los socios si se trata de una sociedad; los miembros o administradores si se trata de una sociedad de responsabilidad limitada; o los funcionarios, accionistas o directores si se trata de una corporación) o a los administradores alguna vez (en Colorado o en cualquier otro estado):

a. ¿Se le denegó una licencia de bebidas alcohólicas?..... ☐ Sí ☒ No

b. ¿Se le suspendió o revocó una licencia de bebidas alcohólicas?..... ☐ Sí ☒ No

c. ¿Tenía intereses en otra entidad a la que se le había suspendido o revocado la licencia de bebidas alcohólicas?..... ☐ Sí ☒ No

Si respondió que sí a las preguntas 2a, b o c, explique en una hoja separada.

3. ¿Se le denegó una solicitud de licencia de licores (de la misma clase de licencia), que estaba a menos de 500 pies del local propuesto, en los dos años anteriores?..... ☐ Sí ☒ No

Si la respuesta es "sí", explique.

4. ¿Los locales que se van a autorizar están a menos de 500 pies, de cualquier escuela pública o privada que cumpla los requisitos de educación obligatoria de la ley de Colorado, o del campus principal de algún colegio, universidad o seminario?..... ☐ Sí ☒ No

o bien

¿Exención por ordenanza local?..... ☐ Sí ☐ No

Otro

5. ¿Su farmacia con licencia de licores (LLDS) o la tienda minorista de licores (RLS) está a menos de 1,500 pies de otra licencia de venta minorista de licores fuera del local en una jurisdicción con una población superior a (>) 10,000? **Nota:** La distancia se determinará mediante una medición de radio que comienza en la entrada principal del local de LLDS/RLS para las que se hace la solicitud y termina en la entrada principal de LLDS/RLS con licencia..... ☐ Sí ☒ No

6. ¿Su farmacia con licencia de licores (LLDS) o la tienda minorista de licores (RLS) está a menos de 3,000 pies de otra licencia de venta minorista de licores fuera del local en una jurisdicción con una población inferior a (<) 10,000? **Nota:** La distancia se determinará mediante una medición de radio que comienza en la entrada principal del local de LLDS/RLS para las que se hace la solicitud y termina en la entrada principal de LLDS/RLS con licencia..... ☐ Sí ☒ No

Solo para tiendas minoristas de licores adicionales.

a. ¿Se emitió su licencia de tienda minorista de licores el 1 de enero de 2016 o antes? ☐ Sí ☐ No

b. ¿Es residente de Colorado? ☐ Sí ☐ No

7. ¿Alguna vez se emitió una licencia de licor o cerveza al solicitante (incluyendo alguno de los socios, si es una sociedad; miembros o gerente si es una sociedad de responsabilidad limitada; o funcionarios, accionistas o directores si es una corporación)? Si la respuesta es sí, identifique el nombre de la empresa y escriba cualquier interés financiero actual en dicha empresa, incluyendo los préstamos a licenciarios. ☐ Sí ☒ No

8. ¿El solicitante, como se indica en la línea 2 de esta solicitud, **tiene posesión legal del local por propiedad**, arrendamiento u otro arreglo? ☒ Sí ☐ No

☐ Propiedad ☒ Arrendamiento ☐ Otro (explique)

a. Si está alquilado, indique el nombre del propietario y del inquilino y la fecha de vencimiento, **exactamente** como aparecen en el contrato de arrendamiento:

Propietario	Inquilino	Vencimiento
☒ PAMELA N. JOHNSON	D' LUNA RESTAURANT LLC	05/01/28

b. ¿Se incluye un porcentaje de las ventas de alcohol como compensación al propietario? En caso afirmativo, complete la pregunta 9. ☐ Sí ☒ No

c. Adjunte un diagrama que designe el área que se va a licenciar en negrita (incluyendo las dimensiones) que muestre las barras, la cervecería, las paredes, las divisiones, las entradas, las salidas y para qué se usará cada habitación en esta empresa. Este diagrama no debe ser mayor de 8½" X 11".

9. ¿Quién, además de los propietarios que figuran en esta solicitud (incluyendo las personas, empresas, sociedades, corporaciones, sociedades de responsabilidad limitada) prestará o dará dinero, inventario, mobiliario o equipo a esta empresa para que la use; o quién recibirá dinero de esta empresa? Adjunte una hoja por separado si es necesario.

Apellido	Nombre
Garcia Luna	Dulce Mansol.

Fecha de nacimiento (MM/DD/AA)	FEIN o SSN Número	Interés/Porcentaje
		100%.

Apellido	Nombre

Fecha de nacimiento (MM/DD/AA)	FEIN o SSN Número	Interés/Porcentaje

Apellido	Nombre

Fecha de nacimiento (MM/DD/AA)	FEIN o SSN Número	Interés/Porcentaje

Adjunte copias de todas las notas e instrumentos de seguridad y cualquier acuerdo escrito o detalle de cualquier acuerdo verbal, mediante el que cualquier persona (incluyendo sociedades, corporaciones, sociedades de responsabilidad limitada, etc.) participará en las ganancias o en los ingresos brutos de este establecimiento, y cualquier acuerdo de la empresa que sea contingente o condicional de alguna manera por volumen, beneficio, ventas, consejería o consulta.

10. Local opcional o licencias de hotel y restaurante con local opcional:

¿Se adoptó una ordenanza o resolución local que autorice locales opcionales? ☐ Sí ☐ No

Número de zonas opcionales adicionales solicitadas. (Vea la tabla de tarifas de licencia).....

Para la adición de un área de servicio de acera según el Reglamento 47-302(A)(4), incluya un diagrama del área de servicio y la documentación recibida del órgano de gobierno local que autoriza el uso de la acera. La documentación puede incluir, entre otros, una declaración de uso, un permiso, una servidumbre u otros permisos legales.

11. Los solicitantes de farmacias con licencia de licores (LLDS) deben responder a lo siguiente:

a. ¿Hay una farmacia, con licencia de la Junta de Farmacia de Colorado dentro del local de LLDS del solicitante?..... ☐ Sí ☐ No

Si la respuesta es “sí,” se debe adjuntar una copia de la licencia.

12. Los solicitantes de la licencia de licores para clubes deben responder lo siguiente: Adjunte una copia de la documentación correspondiente

a. ¿La organización solicitante opera únicamente con fines nacionales, sociales, fraternos, patrióticos, políticos o deportivos y no con fines de lucro?..... ☐ Sí ☐ No

b. ¿Es la organización solicitante una rama, una logia o un capítulo regularmente constituido de una organización nacional que funciona únicamente con el objetivo de una organización o sociedad patriótica o fraternal, pero no con fines de lucro?..... ☐ Sí ☐ No

c. ¿Cuánto tiempo lleva incorporado el club?.....

d. ¿El solicitante ocupó un establecimiento durante tres años (se exigen tres años) que fuera explotado únicamente por los motivos sindicados arriba?..... ☐ Sí ☐ No

13. Los solicitantes de una cervecería, una destilería o un restaurante de vinicultores deben responder lo siguiente:

a. ¿El solicitante recibió o solicitó un permiso federal? (Se debe adjuntar copia del permiso o solicitud)..... ☐ Sí ☐ No

14. Los solicitantes del complejo de licores del campus deben responder lo siguiente:

a. ¿El solicitante es una institución de educación superior?..... ☐ Sí ☐ No

b. ¿El solicitante es una persona que tiene contrato con la institución de educación superior para prestar servicios de comida?..... ☐ Sí ☐ No

Si la respuesta es “sí,” dé una copia del contrato con la institución de educación superior para prestar servicios de comida.

15. Para todos los solicitantes in situ (on-premises).

- a. Para todas las farmacias con licencia de licores (LLDS), el gerente autorizado también debe enviar una solicitud de permiso de gerente - DR 8000 y huellas dactilares.

Apellido del gerente

Nombre del gerente

LUNA GARCIA

DUICE MARISOL.

- 16. ¿Este gerente es también gerente de otro establecimiento con licencia de licores en el estado de Colorado o tiene un interés financiero en otro establecimiento con licencia de licores en el estado de Colorado? Si la**

respuesta es sí, escriba el nombre, el tipo de licencia y el número de cuenta..... ☐ Sí ☒ No

Nombre

Tipo de licencia

Número de cuenta

- 17. Instalaciones relacionadas: los solicitantes del complejo de licores del campus deben responder lo siguiente:**

- a. ¿La instalación relacionada está dentro de los límites del complejo de licores del campus?..... ☐ Sí ☐ No

Si la respuesta es sí, dé un mapa del lugar geográfico dentro del complejo de licores del campus.

Si la respuesta es no, este tipo de licencia no está disponible para asuntos fuera del lugar geográfico del complejo de licores del campus.

- b. Gerente designado para instalaciones relacionadas: complejo de licores del campus

Apellido del gerente

Nombre del gerente

18. Licencia de establecimiento de entretenimiento.

Si el solicitante solicita una licencia de establecimiento de entretenimiento, afirma que su modelo de negocio se alinea con los privilegios y requisitos legales:..... ☐ Sí ☐ No

De conformidad con 44-3-103(15.5) C.R.S., un establecimiento de entretenimiento significa un establecimiento en el que la actividad principal es proporcionar al público actividades deportivas o de entretenimiento dentro de sus instalaciones autorizadas; y que, como parte de su actividad principal, vende y sirve bebidas alcohólicas al por menor para el consumo en las instalaciones autorizadas; y tiene sándwiches y bocadillos ligeros disponibles para el consumo en las instalaciones autorizadas.

Si el solicitante solicita una licencia de instalación de alojamiento, afirma que su modelo de negocio se alinea con los privilegios y requisitos legales: ☐ Sí ☐ No

De conformidad con 44-3-103(29) C.R.S., un establecimiento de alojamiento significa un establecimiento en el que la actividad principal es proporcionar al público habitaciones para dormir e instalaciones para reuniones; y que vende y sirve bebidas alcohólicas al por menor para el consumo en las instalaciones autorizadas; y tiene sándwiches y bocadillos ligeros disponibles para el consumo en las instalaciones autorizadas.

19. Información fiscal.

a. ¿Se encontró al solicitante, incluyendo su gerente, socios, funcionario, directores, accionistas, miembros (LLC), miembros administradores (LLC) o cualquier otra persona con un interés financiero del 10% o más en el solicitante, en el orden final de una agencia tributaria en mora en el pago de impuestos, multas o intereses estatales o locales de una empresa?..... ☐ Sí ☒ No

b. ¿El solicitante, incluyendo su gerente, socios, funcionario, directores, accionistas, miembros (LLC), miembros administradores (LLC) o cualquier otra persona con un interés financiero del 10% o más en el solicitante, no pagó las tarifas o recargos impuestos en virtud del artículo 44-3-503, C.R.S.?..... ☐ Sí ☒ No

Si el solicitante es una corporación, sociedad, asociación o sociedad de responsabilidad limitada, el solicitante debe nombrar a todos los **funcionarios, directores, socios generales y miembros gerentes**. Además, el solicitante debe nombrar a todos los accionistas, socios o miembros con una **propiedad del 10% o más en el solicitante. Todas las personas que aparecen abajo** también deben adjuntar el formulario DR 8404-I (Registro de historial individual) y hacer una cita con un proveedor estatal aprobado desde su sitio web. Consulte la lista de verificación de la solicitud, Sección IV, para obtener más información.

Nombre				Fecha de nacimiento (MM/DD/AA)	
DULCE MARISOL LUNA					
Domicilio (número y calle)					
Ciudad	Estado	Código postal	Puesto	% que tiene	
Gunnison	CO	81230	Propietario	100%	

Nombre				Fecha de nacimiento (MM/DD/AA)	
Domicilio (número y calle)					
Ciudad	Estado	Código postal	Puesto	% que tiene	

Nombre				Fecha de nacimiento (MM/DD/AA)	
Domicilio (número y calle)					
Ciudad	Estado	Código postal	Puesto	% que tiene	

Nombre			Fecha de nacimiento (MM/DD/AA)	
Domicilio (número y calle)				
Ciudad	Estado	Código postal	Puesto	% que tiene

Nombre			Fecha de nacimiento (MM/DD/AA)	
Domicilio (número y calle)				
Ciudad	Estado	Código postal	Puesto	% que tiene

****Si el solicitante tiene el 100% de una empresa matriz, indique el funcionario principal designado en la lista de abajo.**

****Corporaciones: el presidente, el vicepresidente, el secretario y el tesorero deben figurar arriba (incluya el porcentaje de propiedad si corresponde)**

****Si el porcentaje de propiedad total revelado aquí no totaliza el 100%, el solicitante debe marcar esta casilla:**

☒ El solicitante afirma que ninguna otra persona que no sea la descrita en este documento tiene el 10% o más del solicitante y no tiene interés financiero en una licencia de licores prohibida de conformidad con el artículo 3 o 5, C.R.S.

Me gustaría solicitar una renovación por dos años..... ☐ Sí ☐ No

Juramento del solicitante

Declaro bajo pena de perjurio en segundo grado que esta solicitud y todos los anexos son verdaderos, correctos y completos a mi leal saber y entender. También reconozco que es mi responsabilidad y la responsabilidad de mis agentes y empleados cumplir con las disposiciones del Código de Licores o Cerveza y Vino de Colorado que afectan mi licencia.

Nombre completo en letra de molde		Título
DULCE MARISOL LUNA GARCIA		OWNER
Firma autorizada	Fecha (MM/DD/AA)	
M. Luna	03/20/25	

NO LLENAR ESTA SECCIÓN

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

Date application filed with local authority

April 7, 2025

Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)

May 6, 2025

For Transfer Applications Only - Is the license being transferred valid?

☐ Yes ☐ No

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:

☒ Fingerprinted

☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license

(Check One)

☐ Date of inspection or anticipated date

☒ Will conduct inspection upon approval of state licensing authority

☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000? ☐ Yes ☐ No

☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000? ☐ Yes ☐ No

NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.

☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period? ☐ Yes ☐ No

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. **Therefore, this application is approved.**

Local Licensing Authority Approves this license for a two-year renewal..... ☐ Yes ☐ No

If “No”, please cite the law, regulation, local ordinance or resolution that gives the local licensing authority the ability to deny the applicant and grounds for denial. Also, please provide any and all investigative reports, and administrative or criminal action that relate or justify this denial.

Proof of Violation

Local Licensing Authority for

Telephone Number

☐ Town, City

☐ County

Printed Name

Signature

Title

Date (MM/DD/YY)

Printed Name

Signature

Title

Date (MM/DD/YY)



CITY OF MONTROSE
OFFICE OF THE CITY CLERK



Briceida Ortega, Senior Deputy City Clerk
Direct Dial: 970.240.1421
E-mail: bortega@ci.montrose.co.us

May 1, 2025

Petitions were circulated in support of a Hotel and Restaurant Liquor license at 1019 E Main Street for D' Luna Restaurant LLC doing business as D' Luna Restaurant.

A summary of the petitions is as follows:

- 94 Signatures were submitted
- 19 Signatures were determined to be insufficient
 - 10 outside of city limits
 - 5 provided insufficient addresses
 - 2 failed to indicate the age of the signer
 - 1 failed to indicate support or opposition
 - 1 individual was below the age limit of 21.

- 75 Signatures were determined to be valid and in support of the license.

Comments received in support of the license being issued include the following:

- We need cultural diverse restaurants that also serve drinks.

Respectfully,

Briceida Ortega
Senior Deputy City Clerk



TO: City Council
FROM: William Reis, Senior Planner
DATE: May 6, 2025
RE: New Public Works Rezone
ATTACHMENTS:

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

City Council Consideration:

City Council is considering the approval of the New Public Works Rezone. City Council shall consider all of the information in this memo in making a decision.

Applicant: City of Montrose

Application Background:

The proposal is to rezone Lot 11 of the Richards Subdivision Final Plat Filing No. 5 from “B-3” General Commercial District to “P” Public District. The property is located at the end of Anderson Road. The site is anticipated to be a part of the overall site of the new Public Works facility.

The Planning Commission unanimously voted to recommend approval of this rezone request at the March 26, 2025 Planning Commission meeting.

Proposed Zoning: “P” Public District



Staff Analysis:

1. Municipal Code, Section 11-7-12(A), Rezoning.
“Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:
 - a) The amendment is not adverse to the public health, safety and welfare; and
 - b) The amendment is in substantial conformity with the master plan; or
 - i. The existing zoning is erroneous; or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.”
2. The City Council should consider the merits of the proposed rezone only and make a recommendation to City Council based on whether it should be rezoned to “P” Public District. The current zoning is “B-3” General Commercial District.
 - Zoning Regulations. The "P" Public District is intended to provide for uses and services of a public, nonprofit, or charitable nature.
3. This property is adjacent to properties that are zoned “P” Public District, “B-2” Highway Commercial District, and “B-3” General Commercial District.
4. General Conformance with the Comprehensive Plan:
 - The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Residential Mixed Density Medium and River Corridor. The Residential Mixed Density Medium district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed. The River Corridor land use designation identifies the approximate location of the Uncompahgre River corridor. The river corridor may include a variety of uses related to outdoor recreation, housing, restaurants and/or small retail centers.
 - Staff finds that the proposed zoning meets the goals and objectives of the Comprehensive Plan.
5. The “P” zoning designation does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements, zoning in the surrounding area, and the Comprehensive Plan.

Staff Recommendation:

Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "P" Public District.

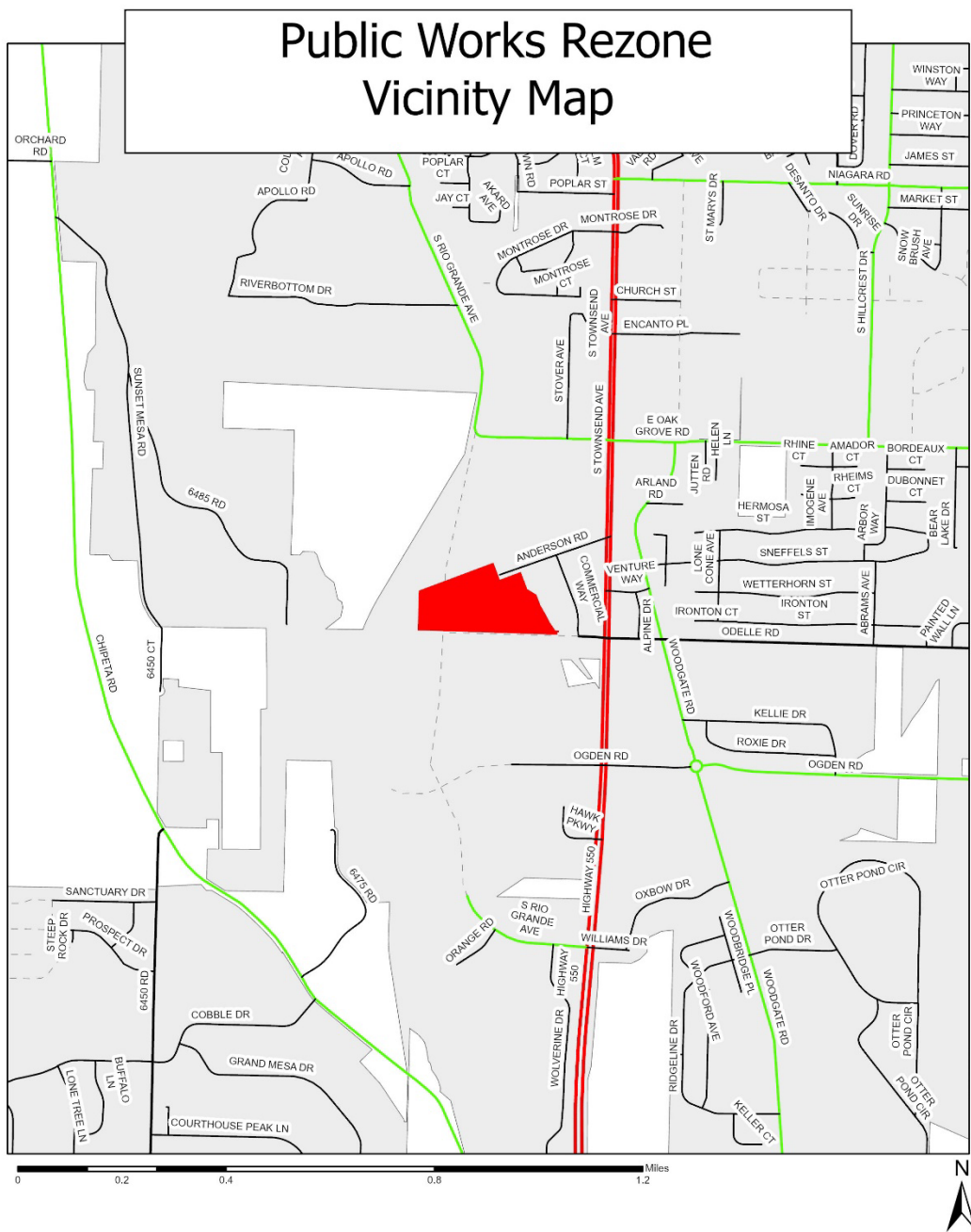


City Council Options:

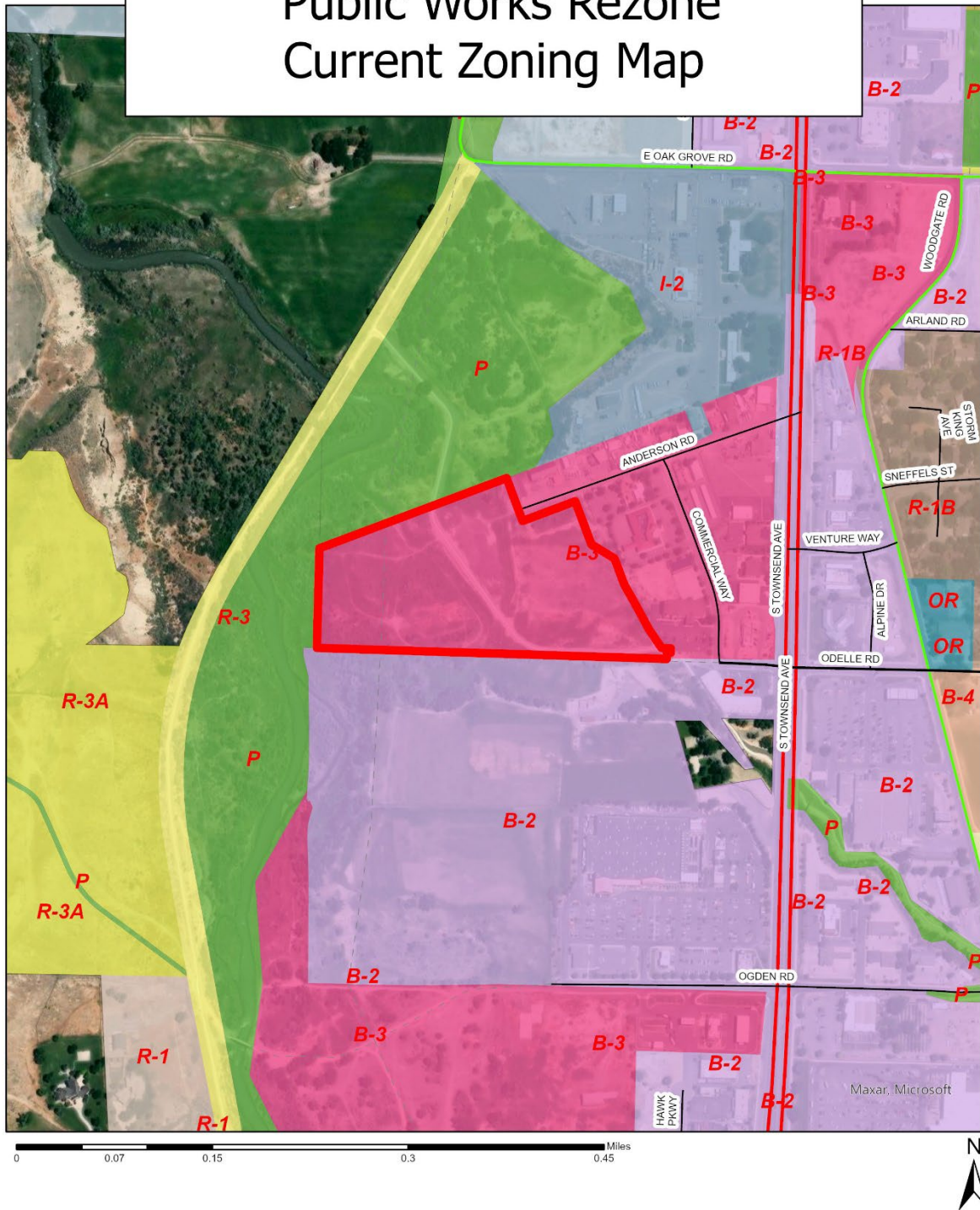
1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.



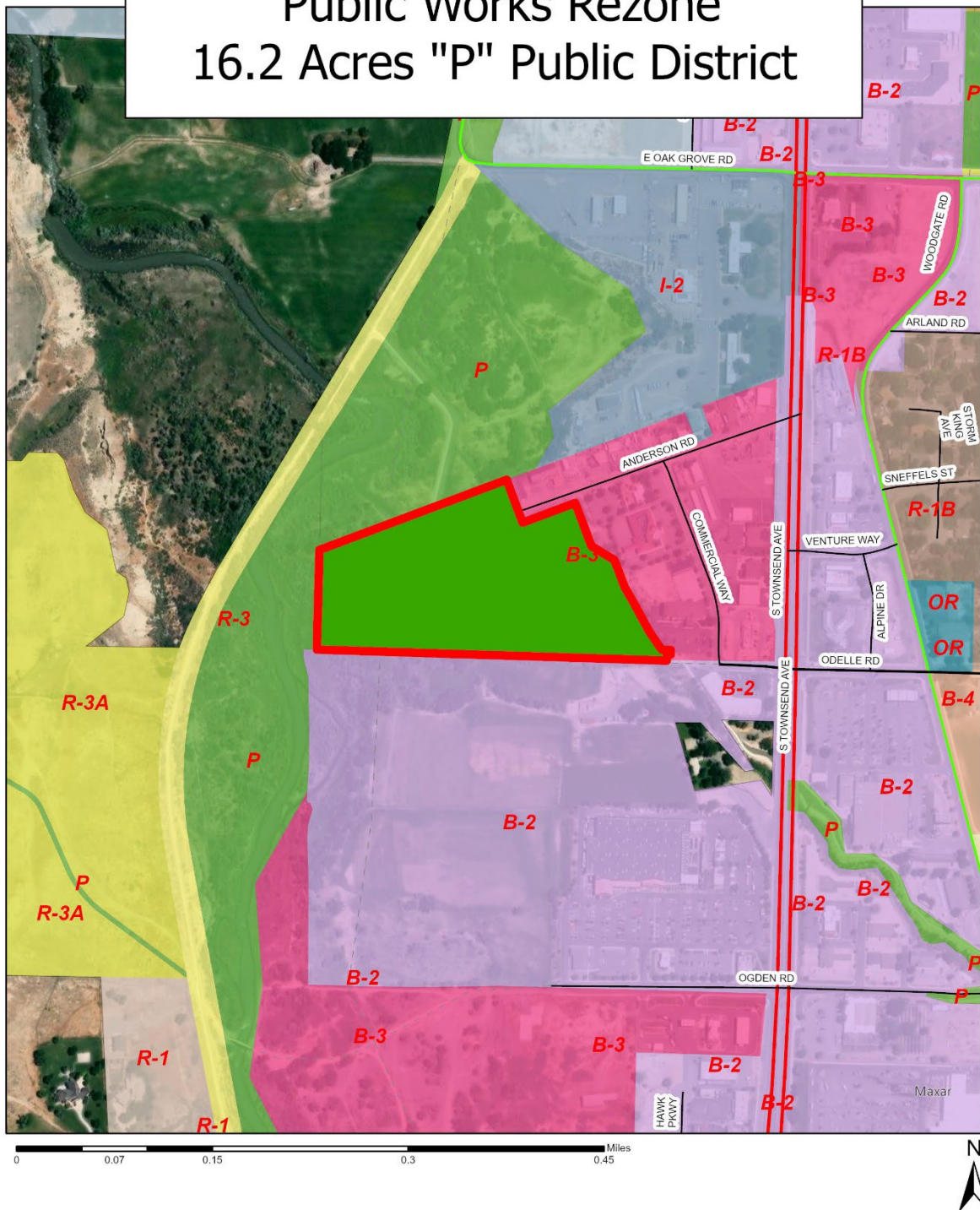
EXHIBIT A: Maps



Public Works Rezone Current Zoning Map



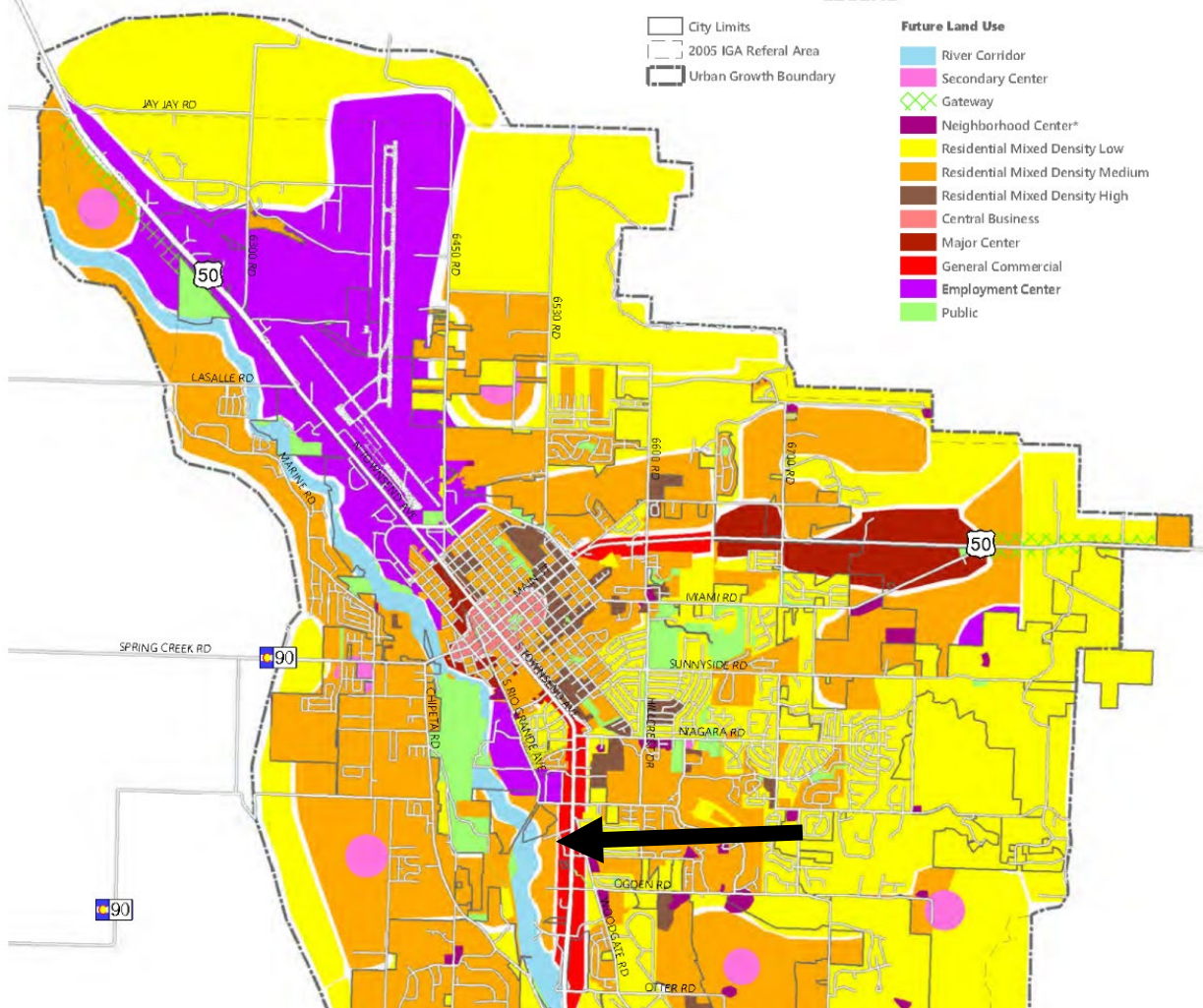
Public Works Rezone 16.2 Acres "P" Public District



Comprehensive Plan Future Land Use Map

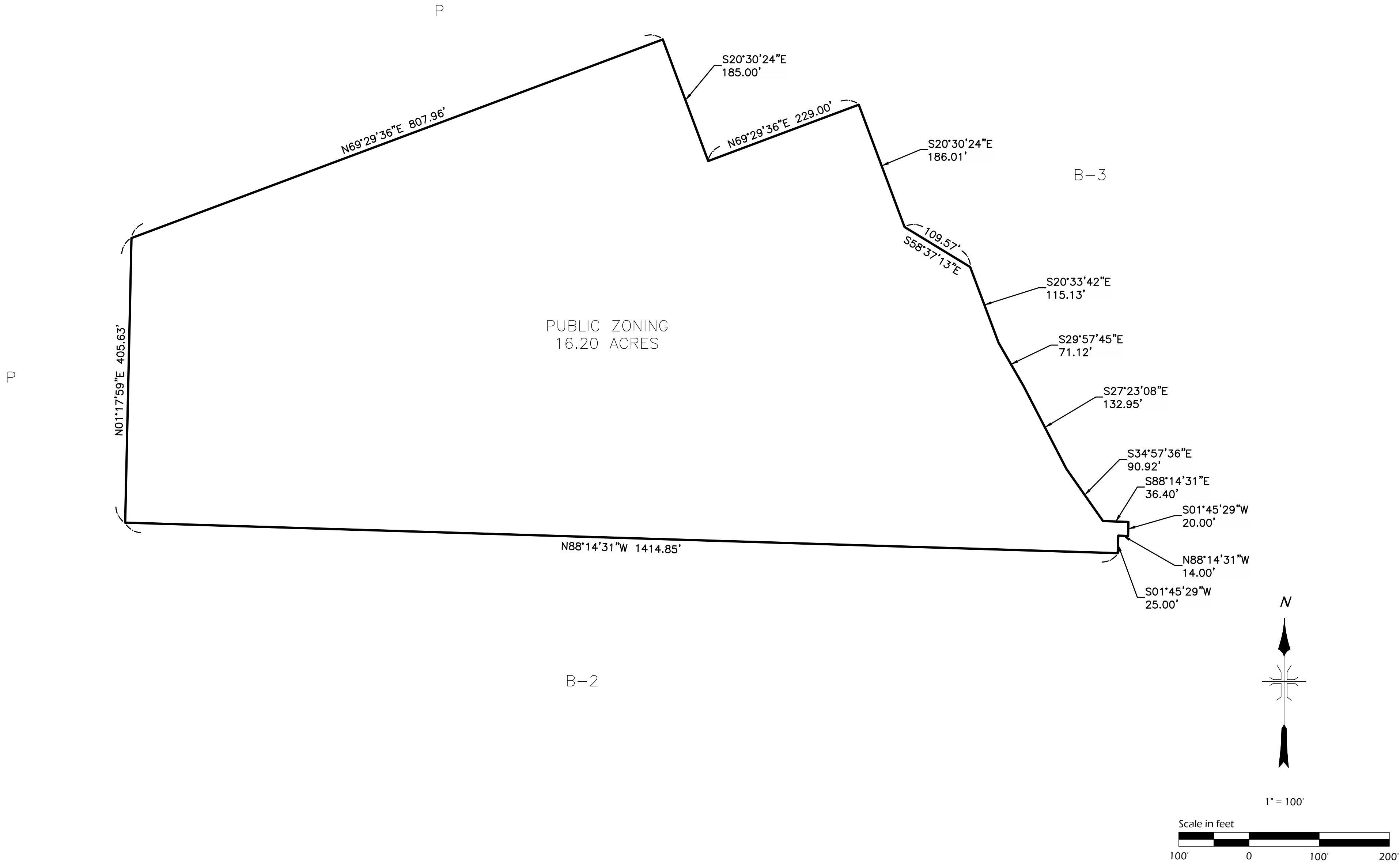
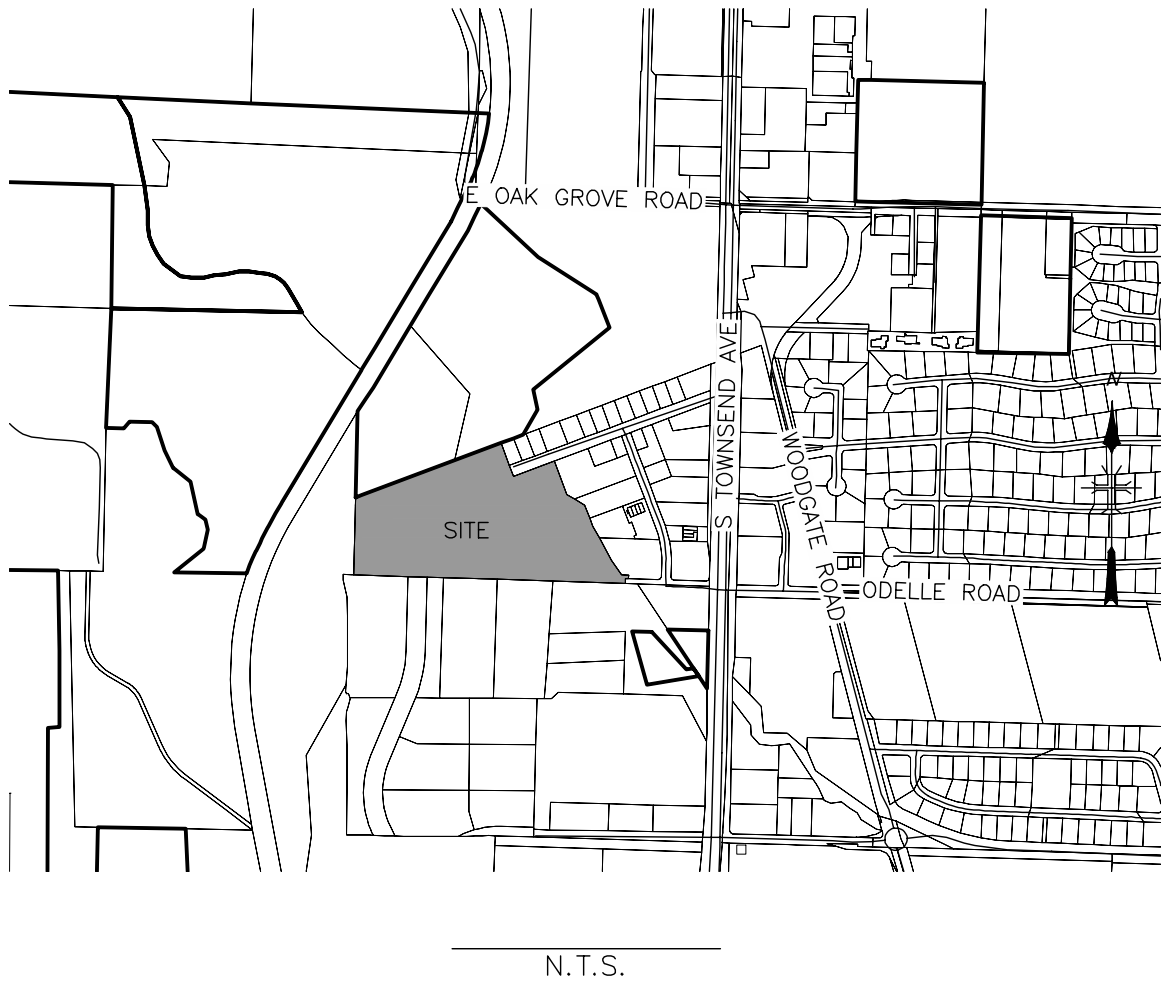
FUTURE LAND USE

MAP 5.1



PUBLIC WORKS ZONING MAP

SITUATED IN SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



PROPERTY DESCRIPTION:
Lot 11, Richards' Subdivision, Final Plat Filing No. 5, an official act of the City of Montrose, according to the Plat recorded 890271, County of Montrose, State of Colorado

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.

 DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. W Montrose, CO 81401 W (870) 248-2251 www.del-mont.com E service@del-mont.com				TITLE PUBLIC WORKS ZONING MAP	
FIELD BOOK:		DRAWN BY: DCC		DATE: 2025-02-19	
SHEET: 1 of 1		FILE: 24040V_REZONE		JOB NO.: 24040	
				TYPE: ZONING MAP	
ADDRESS & PHONE:					

CHAPTER 11-7. ZONING REGULATIONS¹

Sec. 11-7-1. General provisions.

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

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-2. Official zoning map.

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

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

¹Ord. No. 2677, § 1(exh. A), adopted Dec. 17, 2024, repealed the former Ch. 11-7, §§ 11-7-1—11-7-13, and enacted a new Ch. 11-7 as set out herein. The former Ch. 11-7 pertained to similar subject matter and derived from Ord. No. 2626, § 3(exh. A), adopted May 16, 2023; Ord. No. 2646, §§ 1, 2, adopted Nov. 14, 2023; and Ord. No. 2672, §§ 1, 2, adopted Sept. 17, 2024.

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

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

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

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

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

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

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-5. Districts established.

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

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- (1) The "RL" Rural Living District is intended to provide for farms, ranches, and clustered development with open space, and is designed to dovetail with allowed County residential densities.
 - (2) The "R-1" Very Low Density District is intended to provide for large lot rural residential development with a maximum density of one dwelling unit per acre.
 - (3) The "R-1A" Large Estate District and "R-1B" Small Estate District are intended to provide for large single-household detached dwelling residential lots within a semi-rural environment.
 - (4) The "R-2" Low Density District is intended to provide primarily for development of single-household detached and duplex dwellings, along with certain other compatible land uses.
 - (5) The "R-3" Medium Density District is intended to provide for an area which is suitable primarily for single-household detached, attached and duplex dwellings, along with certain other compatible land uses.
 - (6) The "R-3A" Medium High Density District is intended to provide for an area which is suitable primarily for single household attached, triplex, fourplex and other medium density multi-household dwellings, along with certain other compatible land uses.
 - (7) The "R-4" High Density District is intended to provide primarily for high density multi-household dwellings and to allow variety in higher density single household and duplex dwellings and other forms of innovative housing development types.
 - (8) The "R-5" Low Density/Manufactured Housing District is intended to provide primarily for low density development of single-household detached and duplex manufactured home dwellings, along with certain other compatible land uses.
 - (9) The "R-6" Medium Density/Manufactured Housing District is intended to provide primarily for medium-density development for single-household attached,, triplex and fourplex manufactured home dwellings, along with certain other compatible land uses.
 - (10) The "MHR" Manufactured Housing Residential District is intended to provide a suitable environment for manufactured housing developments or tiny home communities, along with certain other compatible land uses.
- (B) The mixed-use district described below is established to promote stability in areas in transition; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land.
- (1) The "OR" Office-Residential District is intended to provide for a mix of offices and residential dwellings in areas adjacent to commercial zones or in areas in transition from residential to commercial uses.
- (C) The commercial districts described below are established to provide a location for convenient exchange of goods and services in a reasonable and orderly manner.
- (1) The "P" Public District is intended to provide for uses and services of a public, nonprofit, or charitable nature.
 - (2) The "B-1" Central Business District is intended to reflect the character of the original Downtown while allowing additional uses that will strengthen and expand the core of the City.
 - (3) The "B-2" Highway Commercial District is intended to provide for businesses oriented toward serving the motoring public, encouraging the convenient exchange of goods and services along the major thoroughfares of the City.
 - (4) "B-2A" Regional Commercial District is intended to provide for a full spectrum of goods and service uses along the major thoroughfares of the City.

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- (5) The "B-3" General Commercial District is intended to provide for a large variety of goods and services including outdoor storage areas and a limited group of commercial/industrial uses.
 - (6) The "B-4" Neighborhood Shopping District is intended to provide for small scale retail shopping and services convenient to residential neighborhoods.
 - (D) The industrial districts described below are established to provide for normal manufacturing activities and related uses.
 - (1) The "I-1" Light Industrial District is intended to provide for a limited group of research and manufacturing uses promoting the creation and maintenance of an employment center which will serve the mutual interests of the community as a whole.
 - (2) The "I-2" General Industrial District is intended to provide for most industrial and manufacturing uses, subject to performance standards.
 - (E) Dimensional requirements are set out in Section 11-7-7.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-6. District uses.

- (A) *Permitted Uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional Uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
 - (1) The use will not be contrary to the public health, safety, or welfare.
 - (2) The use is not materially averse to the Comprehensive Plan.
 - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
 - (5) The use will not have an adverse effect upon other property values.
 - (6) Adequate off-street parking will be provided for the use.
 - (7) The location of curb cuts and access to the premises will not create traffic hazards.
 - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
 - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal Uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory Uses.* Except where specifically modified by this Chapter, accessory uses shall comply with all requirements for the principal use, and the following additional limitations:

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- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
 - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
 - (3) An accessory use shall be located on the same lot as a principal use.

(E) *Temporary Use Permits.*

- (1) *Permit Required.* The City Manager may issue a temporary use permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a limited period of time in accordance with this Subsection. The temporary use permit may be issued by the City Manager only after it determines that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.
- (2) *Permit Conditions.* The City Manager may approve a temporary use permit subject to conditions appropriate to ensure compliance with this Subsection. Such conditions may include, but are not limited to, setting requirements for, or imposing restrictions upon, size, massing, location, open space, landscaping, buffering, screening, lighting, noise, signage, traffic and pedestrian circulation and control, parking design and operations, duration, hours of operation, setbacks, building materials and architectural design, sanitation, trash removal, dust control, drainage, erosion control, and provision of utilities and services.
- (3) *Permit Renewal.* A temporary use permit will generally not be renewed unless the use is a seasonal use; a temporary improvement associated with an established business; or associated with a construction activity; or as stated otherwise herein. These applications may be renewed for up to one year at any one time using the same procedures as for an initial application.
- (4) *Exempt Activities.* The following temporary activities are exempt from these regulations:
 - (a) Storage or moving containers for a business or residence actively moving or a related activity and not exceeding 14 days in any one year.
 - (b) Dumpsters for a business or residence actively undergoing construction or a related activity and not exceeding 14 days in any one year.
 - (c) Temporary uses, structures, and/or vehicles/trailers needed as the result of a natural disaster or other health and/or safety emergency are allowed for the duration of the emergency or as needed to address conditions caused by the emergency.
- (5) *Prohibited Uses or Activities.* The following uses and activities are prohibited due to negative visual or other impacts:
 - (a) Storage in trailers or roll-off containers for longer than 14 days unless associated with an active construction site or a non-residential use, business or residence in the process of moving.
 - (b) Outdoor storage other than accessory storage for an active construction site. Any other outdoor storage shall conform to the requirements for the zone district in which the property is located.
 - (c) Outdoor sales of durable goods as a principal use not associated with a farmer's market, special event, business promotional event, or with an approved site plan, unless the operation meets the requirements for a mobile vendor in accordance with the Montrose Regulations Manual.
- (6) *Allowed Uses and Activities.* Temporary uses of land are permitted subject to the specific zone districts and time periods listed in Table 7.1. The City Manager may approve other temporary uses and activities if it is determined that such uses meet the intent and criteria of this section.

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- (2) In a block where a setback line has been established by existing structures 50 percent or more of the block, the average setback of the existing buildings may be used as the minimum setback.
 - (3) Garage doors which face an alley require a five-foot minimum setback.
 - (4) In zone districts where residential front setbacks are 15 feet or less, the garage setback shall be a minimum of 25 feet.
 - (5) Accessory structures shall not be located in the front yard of a principal structure, except for minor and commonplace accessory structures such as public utility installations, mail boxes, lamp posts and structures of a like nature.
 - (6) Lot depth and width is determined through the subdivision process in Section 11-5-13(b)(3) of these regulations.
 - (7) Other permitted exceptions and encroachments into required setbacks and height limits are specified in Section 11-8-10 of this title.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

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.
- (B) *General Provisions.*
 - (1) A planned development must be in substantial conformity with the Comprehensive Plan.
 - (2) A minimum of 20 percent of the gross area of the planned development must be preserved as useable open space, as defined in Section 11-15-2. The 20 percent useable open space 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) Residential dwellings may be clustered, including the use of single-household dwelling, duplex and multi-household dwellings.
 - (5) Affordable housing, as defined in Section 11-15-2, may be included in a planned development.
 - (6) 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, unless otherwise limited or permitted on the PD plan.
- (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;

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- (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.
 - (9) Amendments to Administrative PDs may be submitted for review and approval in the same manner as the initial Administrative PD.

(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 are in compliance with the Comprehensive Plan and 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 Comprehensive Plan and promotes the public health, safety and welfare.
- (4) The plan shall show the location, size, number of dwelling units, and other uses, and shall further set out the location of all parks, open space, parking areas, streets, sidewalks, trails, bike paths and other improvements and structures. All information necessary to show compliance with the requirements of

this Section shall be submitted. Where appropriate, in lieu of exact locations, numbers and sizes, parameters or limits may be set out.

(5) The PD Plan as approved shall be recorded.

(6) The final PD plan may be treated as a vested right pursuant to the procedure in 11-4-9.

(G) *Required Improvements.*

(1) All PDs shall provide the same improvements as required for subdivisions in Chapter 11-5 of this Title, and security therefore shall be provided as set out in Section 11-5-12 of this Title.

(2) All improvements shall be constructed in accordance with standard City design and construction specifications and standards, in substantial conformity with the PD plan, and in accordance with subdivision design standards as set out in Chapter 11-5 of this Title, except as modified by the PD plan.

(3) An entity shall be established or provided for ownership and maintenance of all facilities and open spaces, which are approved for common ownership or not dedicated to the City.

(4) Flexibility in the scope and design of required improvements and design standards may be allowed to provide for innovative urban design which promotes the public health, safety and welfare. A public street shall be dedicated to the City and developed at the developer's cost to provide direct access to each building with residential units or to the parking lot serving the building.

(H) *Enforcement and Amendments.*

(1) The PD plan may be enforced in accordance with or in the same manner as the provisions of the Planned Unit Development Act of 1972, as amended, C.R.S. 1973, § 24-67-101 et seq., as amended or in any lawful manner. In addition, no occupancy permit shall be issued for any building unless all site improvements to serve that unit and any commonly-owned facilities have been completed and approved unless security for completion is provided substantially similar to the security required for subdivision improvements by 11-5-12 of this Title, except that cash must be placed in the escrow account prior to issuance of the occupancy permit.

(2) Amended PD plans may be submitted for review and approval in the same manner as the initial PD Plan. An applicant for an Amended PD plan shall submit written consent of the property owners of the portion of the PD plan area to which the application applies, prior to and as a condition of the initiation of review of the application. Written consent from all property owners within the prior-approved PD plan area is not required as part of the Amended PD plan application. Advance notice of any review of an Amended PD plan application by the Planning Commission shall occur pursuant to Chapter 11-4 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. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-9. "REDO" Redevelopment Overlay Zoning District.

(A) *Intent.*

(1) The "REDO" Overlay Zoning District is intended to alleviate certain hardships associated with redevelopment. The district is designed to encourage residential development and redevelopment of existing properties in the core downtown area, with allowances for increased densities compatible with the character of the area.

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- (2) This overlay district allows reduced dimensional standards and a larger variety of housing types than the underlying zoning. Any development making use of the reduced dimensional requirements must meet all applicable criteria in this Section.

(B) *Applicability.*

- (1) The boundaries of the "REDO" Overlay Zoning District shall be as set forth by ordinance of the City Council, may be shown on the City's Official Zoning Map, and shall be fixed in the manner prescribed by Section 11-7-3.
- (2) The "REDO" Overlay Zoning District's provisions shall not be applicable to any property within the boundaries of said district, unless the owner of property therein shall deliver written notice to the City, in the manner set forth at subsection 11-7-9(C) of this Section, of said owner's intent to utilize the "REDO" Overlay Zoning District.
- (3) When selected by a property owner in the manner set forth herein, the "REDO" Overlay Zoning District shall supersede the provisions of the underlying zone for all matters addressed by said "REDO" Overlay Zoning District's provisions; the provisions of the underlying zone shall control all matters not addressed by the "REDO" Overlay Zoning District's provisions.
- (4) Any requests for use of these "REDO" Overlay Zoning District provisions that involve private use of City property, including rights-of-way, shall be entirely subject to the City's discretion, and shall also be subject to the City's ordinances and regulations pertaining to encroachments and permits for the same.
- (5) The provisions of the "REDO" Overlay Zoning District shall have no effect whatsoever unless selected in the manner set forth herein.

(C) *Procedure.*

- (1) Use of the REDO District is initiated by filing an application in the form maintained by the Community Development Department and payment of the application fee.
- (2) The application shall be reviewed as a minor site development plan under the procedure in Section 11-8-1(I). In the event the application also proposes to subdivide real property, a minor subdivision under Section 11-5-3 shall be applied for and processed at the same time.

(D) *Standards.*

- (1) All applications shall be subject to the development standards below. To the extent these standards are inapplicable, the standards of the underlying zone apply.
- (2) Minimum Lot Size: Lots shall be no less than 2,075 square feet in size.
- (3) Minimum setbacks are as follows: Five feet side, rear, and front yard setbacks. See also Section 11-7-7(B)5.
- (4) Height: The height of a building shall be as set forth in the underlying zone.
- (5) Accessory Dwelling Units in the REDO District:
 - (a) ADUs within the REDO District shall comply with the requirements and standards set forth in Section 11-11-5 with the exception of the ADU size limitations in 11-11-5(2), and provided that ADUs may be conveyed separately from the primary dwelling unit.
 - (b) Lots with ADUs shall be no less than 3,125 square feet.
 - (c) An ADU shall not be subject to the 30 percent rear yard area coverage maximum.

(E) *Design Criteria.*

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- (1) All lots within the "REDO" Overlay Zoning District shall be required to have not less than ten feet of street frontage. It is contemplated that lots having a "panhandle" shape may be allowed.
 - (2) If an alley is present, any garage shall be set back a minimum of five feet, when practicable, from the nearest right-of-way line of said alley.
 - (3) Please refer to Section 3-5-12(A)(1) of the Official Code of the City for the water Tap Fees, system investment (capacity) fees, and unit charges for accessory dwelling units in need of new water service, located on the same lot as the primary dwelling in the "REDO" Overlay Zoning District.
 - (4) Please refer to Section 3-5-12(G)(4) of the Official Code of the City for the sewer Tap Fees, system investment (capacity) fees, and unit charges for accessory dwelling units in need of new sewer service, located on the same lot as the primary dwelling in the "REDO" Overlay Zoning District.
- (F) *Variances.* Variance applications may be considered as to any requirements set forth in Subsections (D) and (E) of this Section. Use of the "REDO" Overlay Zoning District is expressly declared to be elective on the part of the property owner, and is entirely at the property owner's discretion.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-10. Uncompahgre river buffer overlay zone.

The Uncompahgre River Buffer Zone (URBZ) applies to all land lying within 100 feet of the HWM of the Uncompahgre River, as defined above. The standards of the URBZ and its two sub-areas are not applicable to parcels to which stricter standards may apply via separate agreements (e.g., a pre-annexation agreement).

- (1) The purpose of the URBZ is to establish minimal acceptable requirements for the design of buffers to protect the Uncompahgre River, its wetlands, and floodplains within the City limits; to protect the water quality of the Uncompahgre River within said jurisdiction; to protect riparian and aquatic ecosystems within said jurisdiction; and to provide for the environmentally sound use of land resources within said jurisdiction. Nothing in this Section shall be used as consideration in a pre-annexation agreement or in a negotiation for annexation of land into the City.
- (2) Measurement of the 100 feet URBZ, the two sub-areas within it, and all other related measurements shall be taken as follows: distance is measured horizontally from the HWM, as defined herein, to the location in question. The HWM location used for any given measurement shall be taken from the side of the river closest to the building or other development in issue.
 - (a) The following graphic illustrates how to measure the URBZ:
 - (b) The URBZ provisions shall apply to:
 - (i) Any new development requiring a building permit, except for additions less than 20 percent of the existing building size that do not include any changes to an existing parking lot;
 - (ii) Any new development requiring site development approval;
 - (iii) Subdivision or the division of a tract or parcel of land into two or more parcels;
 - (iv) The improvement of property for any purpose involving construction;
 - (v) Combination of any two or more lots, tracts, or parcels of property for any purpose;
 - (vi) Placement of temporary structures that do not require a building permit or site development plan from the City;
 - (vii) The preparation of land for any of the above purposes.

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- (c) Specific submittal requirements are listed in Appendix One. Upon submittal of the complete application, with all supporting documentation as may be required, City staff shall provide a review of the same. Following City staff review, administrative approval may be granted if the development proposal is an allowed use in the URBZ or applicable URBZ sub-zone, or is a use by right in the URBZ or applicable URBZ sub-zone, and meets all applicable standards. Development proposals which are not allowed uses or uses by right in the URBZ or applicable URBZ sub-zone, or do not meet all the applicable standards, shall be forwarded to the City Planning Commission for review and approval, under procedures set forth below, accompanied by any comments and recommendations from City staff.
 - (d) All proposals shall identify on a site plan the designated Disturbance Envelope for that portion of the project that is proposed to encroach into the URBZ.
 - (e) The applicant shall mark and identify the Disturbance Envelope on the ground in the field and shall maintain construction barrier fencing around the entire perimeter of the Disturbance Envelope throughout the period of construction, until final landscaping is completed. The applicant shall ensure that all surface disturbances are contained within the designated and marked Disturbance Envelope.
 - (f) The URBZ consists of two sub-areas, as follows:
 - (i) *Streamside Zone*. This area is intended to preserve the natural riparian environment. In order to accomplish this goal, there is hereby established a 40-foot buffer area, measured as described above from the HWM. Development in the Streamside Zone is subject to all other applicable permits. Setbacks created herein for the Streamside Zone are in addition to any setbacks which may be applied through the underlying zoning of a parcel.
 - (1) The following are subject to a 40-foot setback from the HWM (i.e., the following shall not be placed or performed within the 40-foot Streamside Zone):
 - (a) Planting of non-native grass turf;
 - (b) Removal of native vegetation;
 - (c) Erection of fences;
 - (d) Construction of hard-surfaced trails that parallel the river;
 - (e) Construction of buildings, other than irrigation pump houses;
 - (f) Construction of parking lots (paved or gravel);
 - (g) Construction or installation of lighting fixtures;
 - (h) Construction or installation of engineered/structural water runoff treatment facilities (such as concrete vaults);
 - (i) Concrete rip-rap;
 - (j) Construction or installation of any other facility not listed in the allowed uses below, and not reasonably compatible with the riparian environment.
 - (2) The following actions, or construction of the following facilities or structures, are permitted within the 40-foot Streamside Zone:
 - (a) Government buildings and facilities;
 - (b) Hard-surfaced trails roughly perpendicular to the river;

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- (c) Soft-surfaced trails (crushed gravel, etc.) whether parallel or perpendicular to the river;
 - (d) Irrigation facilities (including pump houses);
 - (e) Boat put-ins (boat ramps should be soft-surfaced);
 - (f) Planting of native vegetation;
 - (g) Bank stabilization, and river or wildlife habitat restoration;
 - (h) Other uses may be permitted that are directly related to the river, and that do not conflict with the intent of this Section.
 - (3) Exceptions to the above regulations for the Streamside Zone shall be granted or denied through the variance procedures set forth in Section 11-7-13.
- (ii) *Outer Zone.* This area is intended to serve as a buffer between the Streamside Zone, and areas outside the URBZ. Most uses allowed within the underlying zoning district are permitted within the Outer Zone, though certain uses have specific performance standards.
- (1) Uses by right in the Outer Zone:
 - (a) Water runoff treatment structures using swales, native vegetation, and similar measures;
 - (b) Government buildings and facilities;
 - (c) Fences which allow the passage of wildlife; said fences shall be designed as follows:
 - (i) No more than 40 inches in height;
 - (ii) A smooth bottom wire at least 16 inches above ground;
 - (iii) At least 12 inches between the top two wires;
 - (iv) No sharp edges, barbs, or similar devices are permitted;
 - (v) Sheep or woven-wire and wrought-iron style fences with spiked tips are not permitted.
 - (d) Landscaping employing native vegetation types and compatible with the riparian environment;
 - (e) Single household detached dwellings;
 - (f) Recreation trails (all types);
 - (g) Buildings and facilities complying with the underlying zoning district and complying with all of the following performance standards:
 - (i) Structures with windows occupying a minimum of 50 percent of the linear river frontage of the building; and
 - (ii) At least one public entrance directly facing the river; and
 - (iii) Outdoor common areas, seating and/or dining areas; and
 - (iv) High quality building finishes such as brick or stone, or earth tone colors having matte finishes; and
 - (v) Well concealed trash dumpsters; and

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- (vi) Total building facade length shall be less than 50 feet in length parallel to the river; and
 - (vii) Buildings and facilities complying with these performance standards are exempt from the river buffer screening requirements set forth below;
 - (viii) Single household detached dwellings are exempt from these performance standards, except for Subsection (2)(f)(ii)(1)(c) of this Section, as well as the Outer Zone performance standards set forth below.
- (2) The following uses shall not be considered a use by right in the Outer Zone, and are subject to review as Conditional Uses under Section 11-7-6(B) and Chapter 11-4 of this Title:
- (a) Loading docks;
 - (b) Landscaping with non-native vegetation;
 - (c) Engineered or structural water runoff treatment facilities (such as concrete vaults);
 - (d) Other industrial uses;
 - (e) Water treatment facilities employing structural vaults or similar technology are not permitted within the Outer Zone;
 - (f) Parking lots, whether paved or gravel;
 - (g) All other uses not listed in this Subsection.
- (3) *Outer Zone Performance Standards.* If the use or structure does not meet the performance standards in Subsection (2)(f)(ii)(1)(g) of this Section, the following shall be required:
- (a) A minimum 30-foot-wide vegetated buffer with extensive vertical plantings of native vegetation. Said vegetated buffer shall not overlap the 40-foot Streamside Zone.
 - (b) Tree height at maturity shall be as high or higher than the buildings being screened, and vegetation at maturity shall obscure any buildings or other facilities to the maximum extent possible.
 - (c) Said vegetated buffer shall be contiguous to the Streamside Zone, and located between the Streamside Zone, and any parking lot or building.
- (4) *General Standards Applicable within the Outer Zone.*
- (a) Removal of native vegetation is discouraged. Where removal of native vegetation is unavoidable, the removed area shall be mitigated by planting replacement native vegetation, at a minimum 1:1 ratio (measured in square feet, with a result that an equal amount of vegetation is planted, as was removed) within the URBZ.
 - (b) All setbacks oriented toward the river, applicable to or within the Outer Zone, shall be measured from the boundary line between the Streamside Zone, and the Outer Zone.

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- (c) For those zoning districts underlying the URBZ with no side or rear setbacks, the minimum side or rear setbacks shall be ten feet.
 - (d) New buildings, expansions to existing buildings, or parking lots, or driveways shall have a minimum setback of 20 feet from an existing or proposed trail or path.
 - (5) Exceptions to the standards and requirements regarding the Outer Zone shall be approved or denied through the procedures applicable to Conditional Uses, as set forth in Section 11-7-6(B) and Chapter 11-4 of this Title.
 - (6) The following uses and structures are prohibited within the URBZ and its two sub-areas:
 - (a) Confined animal feedlots;
 - (b) Storage of hazardous materials or chemical fuels;
 - (c) Aboveground or underground petroleum storage facilities;
 - (d) Septic systems;
 - (e) Solid waste landfills;
 - (f) Junkyards, and salvage yards;
 - (g) Land application of biosolids;
 - (h) Subsurface discharges from wastewater treatment plants.
 - (7) All development within the URBZ shall obtain all applicable local, state and federal permits prior to undertaking any construction or land-disturbing activity.
 - (8) The provisions of the URBZ shall supersede the provisions of the underlying zone, and any other applicable overlay zone, when the provisions of the URBZ are more restrictive.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-11. Nonconforming uses, lots and structures

- (A) Any use, building or structure which at the effective date of the ordinance from which this Title is derived or at the time of annexation, if annexed subsequent to the effective date of the ordinance from which this Title is derived, was lawfully existing and maintained in accordance with the previously applicable County or City regulations and ordinances but which does not conform or comply with all of the regulations provided in this Chapter, may continue to be maintained and used as a lawful nonconforming use only in compliance with the provisions and limitations imposed by this Section. Uses, structures, or buildings which were unlawful or illegal and not in compliance with previously applicable regulations shall remain unlawful, illegal, and subject to abatement or other enforcement action.
- (B) If a use, building or structure is lawfully nonconforming in that it is not a use by right, or a conditional use which has been approved pursuant to the review provisions of Sections 11-7-6(B) and 11-4-2 of this Title, the following shall apply:
 - (1) If the building or structure involved in the use is destroyed or damaged so that repair or reconstruction will cost more than 50 percent of the fair market value of the building or structure after repair, it shall

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- no longer be lawful to use the building or premises except in compliance with the use regulations for the district within which it is located.
- (2) If the nonconforming use is abandoned or discontinued for a period of six months, then the premises may only be used in compliance with the use regulations for the district within which it is located.
 - (3) The use may be continued only substantially as it effective date of the ordinance from which this Chapter is derived or of annexation, and no material change in the type of use shall be allowed, unless the Planning Commission determines, following the review procedure provided in Section 11-4-2 of this Title, that the criteria set out in Section 11-7-6(B) will be met, and that the new use is a more restrictive use than the existing nonconforming use. Any change in use allowed pursuant to this provision shall not affect the future status of the use as a nonconforming use for all purposes of this Section.
 - (4) The extent or area of the premises utilized for or by the nonconforming use, building or structure, may not be materially extended or enlarged, or substantially structurally altered, unless the Planning Commission determines, following the review procedure of Section 11-4-2 of this Title, that the criteria set out in Section 11-7-6(B) will be met.
- (C) If the use, building or structure is in compliance with the use regulations for the district within which it is located and is nonconforming only with respect to dimensional requirements, off-street parking requirements, or the regulations governing fences, hedges, walls, or canopies, the following provisions shall apply:
- (1) If the nonconformity of the building, use, or structure is abandoned, removed, or corrected for any length of time, such nonconformity may not be re-established.
 - (2) If the building or structure is damaged so that the cost of replacing or restoring it is greater than 50 percent of its fair market value after replacement, the building or structure may be repaired or replaced only in compliance with these Zoning Regulations.
 - (3) If the building or structure is damaged in such a way as to remove the nonconformity, the nonconforming feature may not be re-established by any repair or reconstruction, unless it is unfeasible to repair the building without re-establishing the nonconforming feature.
 - (4) No alteration may be made to the use, building, or structure which would increase the amount or degrees of the nonconforming feature. Changes in the use, building, or structure may be made which will decrease the degrees or amount of deviation from the requirements of this Chapter.
- (D) *Nonconforming Lots of Record.*
- (1) In any district in which single-household detached dwellings are permitted, a single-household detached dwelling and customary accessory buildings may be erected on any single lot of record, provided that the lot is in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though the lot fails to meet the dimensional requirements of the district in which it is located for area, width or both; provided, however, that the requirements of the district for minimum yard dimensions and lot coverage shall be met.
 - (2) If two or more lots or combinations of lots and portion of lots with continuous frontage in single ownership are of record, and part or all of the lots do not meet the requirements of the district in which they are located as to minimum area or frontage or both, the property together shall be considered to be an undivided parcel and no portion of the parcel shall be sold or used in a manner which diminishes compliance with minimum lot width and area requirements.
- (E) This Section shall not apply to signs. Nonconforming signs shall be governed by the provisions of Section 11-10-3 of this Title.

Sec. 11-7-12. Rezoning.

(A) *Rezoning.*

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

(B) *Zoning of Additions.*

- (1) The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:
 - (a) The amendment is not averse to the public health, safety and welfare; and
 - (b) The amendment is in substantial conformity with the Comprehensive Plan, or such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated.
- (2) The City shall not impose conditions on the zoning of an addition unless otherwise required by this Title.

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

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

Sec. 11-7-13. Variances.

- (A) The Planning Commission may grant a variance from the requirements set out in this Chapter, if it determines, following the review procedures of Chapter 11-4 of this Title, that the criteria of this Section will be met. Provided, however, no variance shall be granted from provisions restricting uses by right, accessory and conditional uses within any zoning district.
- (B) Variances shall be granted only if all the following criteria are met:
 - (1) The variance will not adversely affect the public health, safety and welfare.
 - (2) Unusual physical circumstances shall exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property, and violations of code shown by clear and convincing evidence that they were made in good faith, which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.
 - (3) The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their or his predecessors in interest.
 - (4) The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.
 - (5) The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.
- (C) The burden shall be on the applicant to show that these criteria have been met.
- (D) Variances shall be granted for sign regulations only if all of the following criteria are met, in lieu of the criteria of Subsection (B) of this Section.
 - (1) The variance will not adversely affect the public health, safety and welfare.
 - (2) The variance requested is the minimum variance that will afford relief.
 - (3) The variance will not result in signage incompatible with other properties in the area and will not affect or impair the value, use or development of such properties.
 - (4) Strict compliance with the regulation presents practical difficulties or unnecessary hardships, and the variance sought falls within the spirit of the sign regulations (Chapter 10 of this Title) as a whole.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

ORDINANCE NO. 2682

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF LOT 11 OF RICHARD'S SUBDIVISION FROM "B-3," GENERAL COMMERCIAL DISTRICT TO "P," PUBLIC DISTRICT.

WHEREAS, the Planning Commission met on March 26, 2025, to consider a rezoning of a 16.2 acre lot within the Richard's Subdivision in the City of Montrose; and

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

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

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

SECTION 1:

The Official Zoning Map is amended to designate Lot 11 of the Richard's Subdivision, more particularly described on **Exhibit A**, attached hereto, as an "P," Public District, according to the Official Zoning Map.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 6th day of May, 2025, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 6th day of May, 2025.

ATTEST:

_____, Mayor

Lisa DelPiccolo, City Clerk

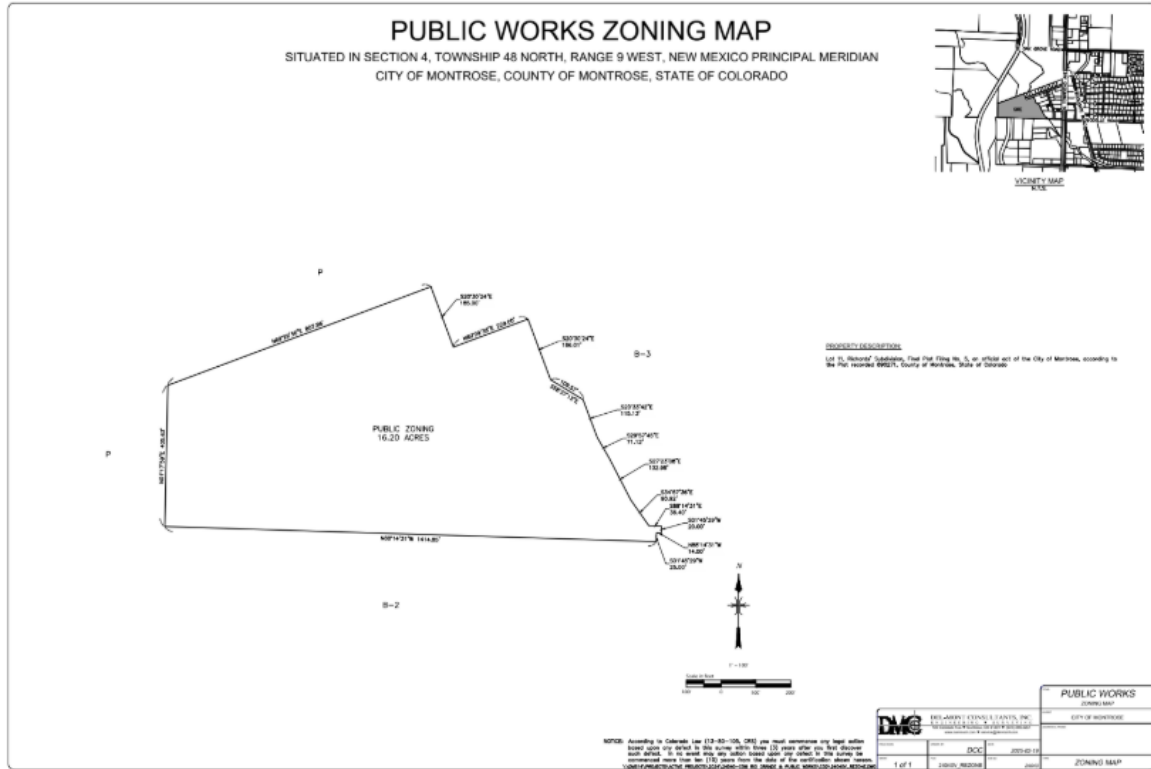
INTRODUCED, READ and ADOPTED on second reading this 20th day of May, 2025.

ATTEST:

_____, Mayor

Lisa DelPiccolo, City Clerk

EXHIBIT A



CONTRACT EXTENSION RECOMMENDATION

TO: Honorable Mayor, and Montrose City Council
FROM: Nikolas Pridy, *Streets Superintendent*
Cc: William Bell, *City Manager*
Ann Morgenthaler, *Deputy City Manager*
Jim Scheid, *Public Works Director*
DATE: March 31st, 2025
Subject: 2025 Pavement Marking Contract Award Recommendation



Recommendation

Consider the authorization of \$300,000.00 for the extension of the existing design contract with Stripe-a-Lot LLC of Montrose, Co. for the service of applying regulatory pavement markings to streets and parking lots within the City of Montrose.

Background

In March 2024, the City of Montrose entered into a professional services agreement with Stripe A Lot, LLC for the installation and maintenance of regulatory pavement markings in alignment with the Federal Highway Administration's Uniform Traffic Control Codes. Stripe A Lot has provided specialized services, including annual long-line striping of city streets and biannual applications of crosswalks, stop bars, directional arrows, and other essential regulatory markings—ensuring safety, visibility, and consistency across the city's transportation network. As Montrose continues to grow, with new roundabouts, streets, and parking areas added each year, the scope of this program remains both dynamic and essential. Based on Stripe A Lot's proven performance, longstanding positive relationship with the City, and strong professional references from other jurisdictions, City staff confidently recommend awarding Stripe A Lot, LLC a renewed professional services agreement for the 2025 pavement marking program.

Company	Proposal Amount
Stripe-A-Lot - Montrose, CO	\$ 277,574.93

Net Financial Impact

The 2025 budget includes \$300,000.00 in the Streets Professional/Contract Service Budget 100-5115-353-000, and this contract will be a Not-to-Exceed in that amount. The remaining 22,425.07 will be used to further expand round about thermoplastic rehabilitation and experimental long line epoxy paving.

CHANGE ORDER REQUEST



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: March 25, 2025
RE: Sanitary Sewer CIP3 Design Change Order No. 1
CC: William Bell, Shani Wittenberg, David Bries

Action

Consider the award of Change Order No 1 to Del-Mont Consultants in the amount of \$97,800.00 for completion of the Sanitary Sewer CIP3 Project phase 2 design.

Project Background

The City of Montrose sanitary sewer master plan calls for the completion of Capital Improvement Project (CIP) 3 to meet long-range flow capacity needs for a trunk line running between 6700/Highway 50 and North 7th/Uncompahgre as shown in a marked-up excerpt included as Figure 1. The overall design project includes the following key tasks, split into two phases:

Phase 1

1. Perform a detailed survey of the existing trunk line alignment (pipe sizes and invert elevations)
2. Fine-tune and calibrate the sewer model for this reach
3. Project anticipated growth within the sewer basin
4. Use these data to verify the need and extents of the sewerline upgrades (i.e., identify anticipated choke points within the trunk network and when they are anticipated to be limited in capacity)
5. Evaluate alignment alternatives to be more direct, accessible, and to improve sewer slopes

Phase 2

1. Perform detailed sanitary sewer design for the selected alignment.

Phase 1 of the project was awarded to Del-Mont Consultants through a request for proposals process in September of 2023. This phase is complete, the sewerline alignment is finalized, and the project is now ready to move into final design (Phase 2).

Phase 2 Financials

A cost proposal for the phase 2 design was provided by Del-Mont Consultants on a time-and-materials, not-to-exceed basis with a maximum anticipated cost of 97,800.00. The 2025 budget allocated \$250k for the phase 2 design within the sewer fund, placing the proposal approximately \$152k under budget.

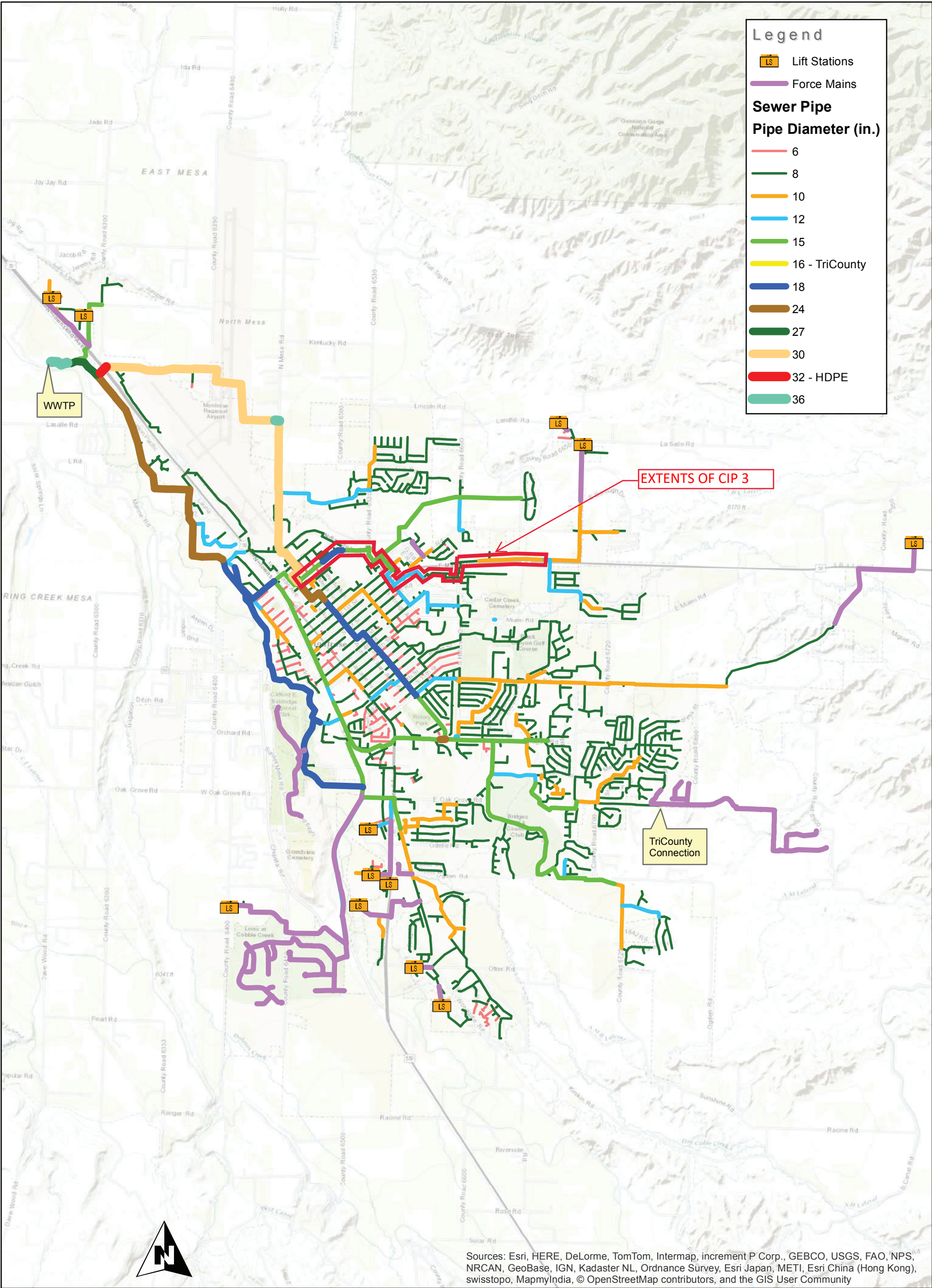
Contract Administration

Contract administration and project management will continue to be performed by the City of Montrose engineering department.

Change Order No. 1
Sanitary Sewer CIP3 Design
March 25, 2025

Schedule

The bulk of phase 2 design is planned to be completed in 2025 in order to finalize costs going into the 2026 budget season and to inform a possible revenue bond issuance in early 2026 for this project and improvements at the wastewater treatment plant. Construction of CIP3 is tentatively scheduled to take place in late 2026/early 2027 with an expected cost of around \$6.5M.



Montrose Existing Sewer System

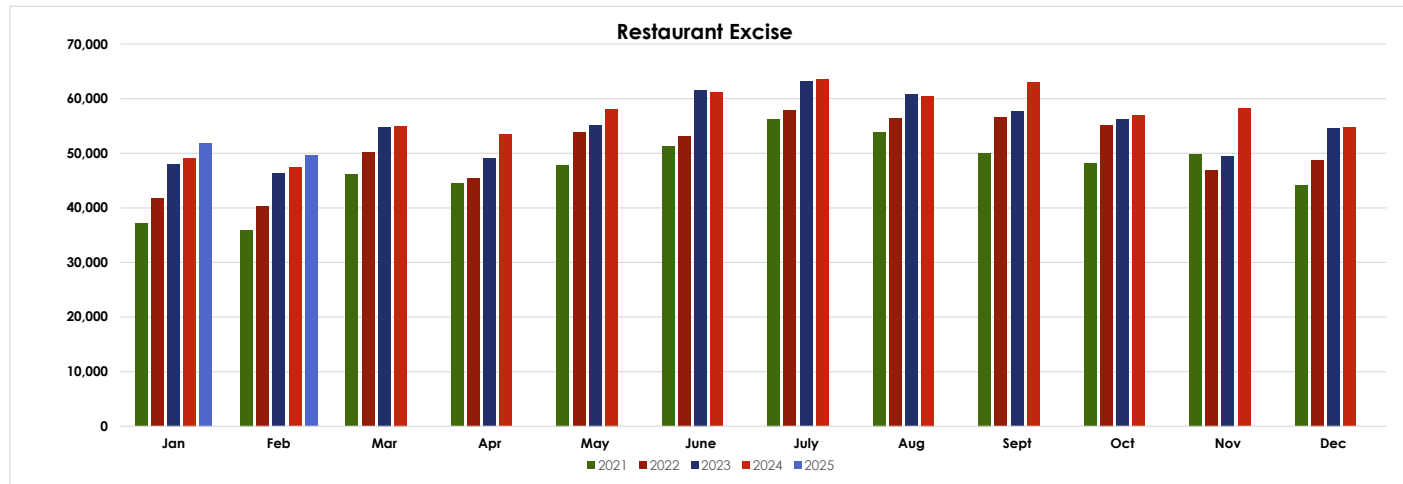
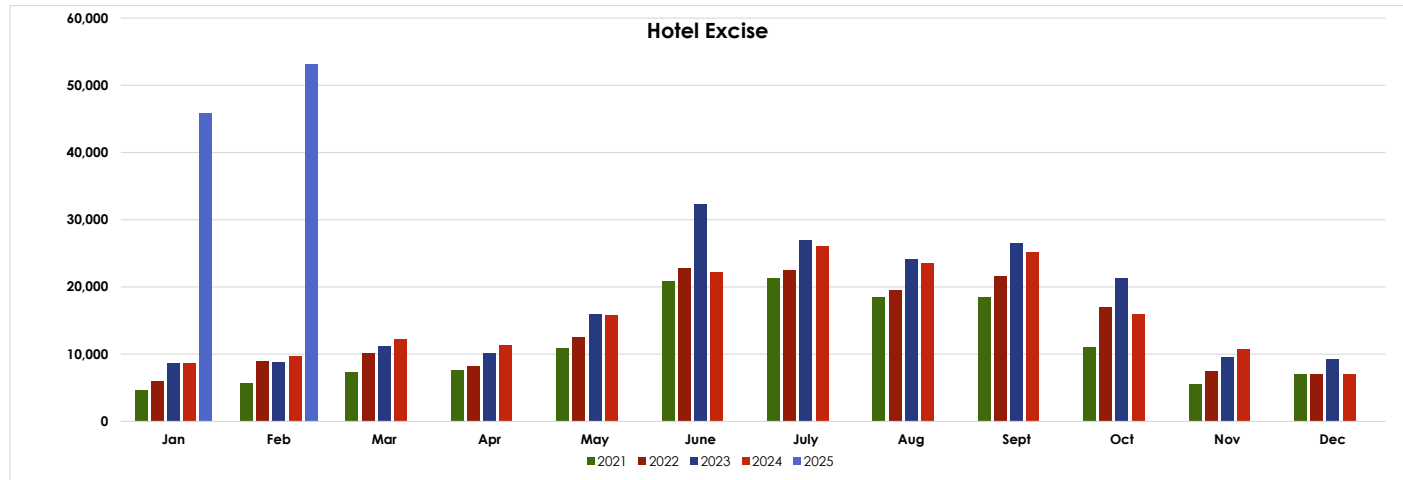
Figure 1

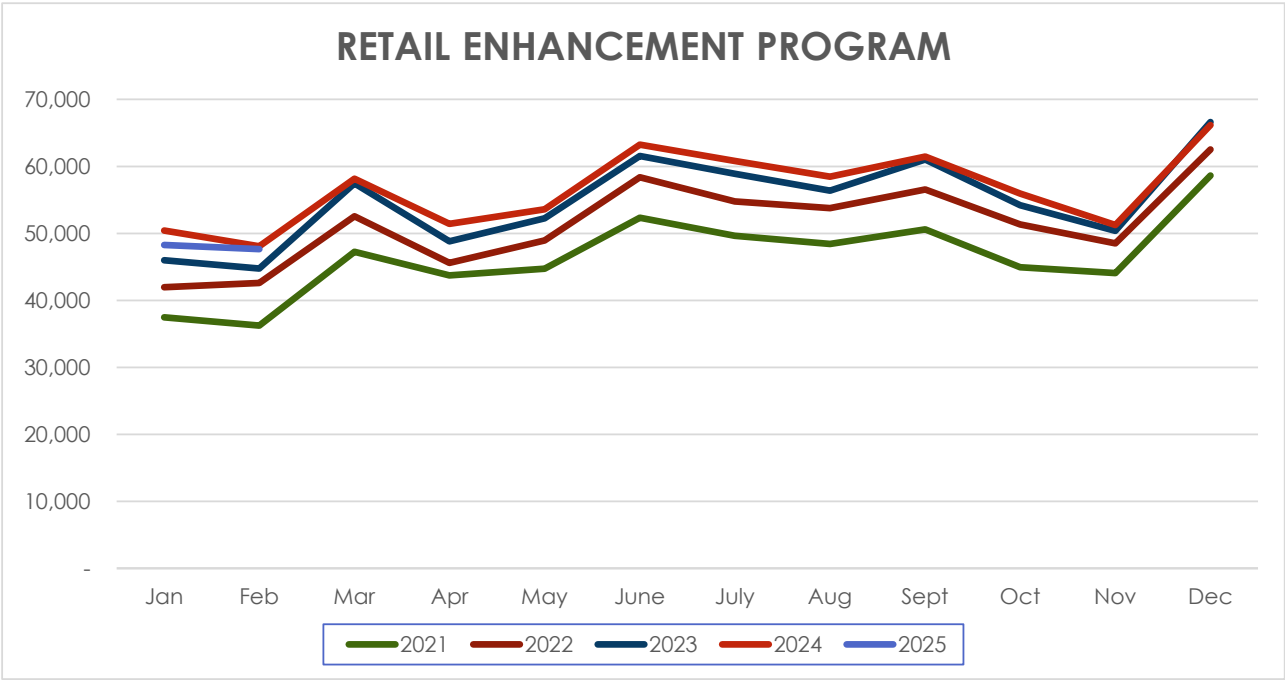
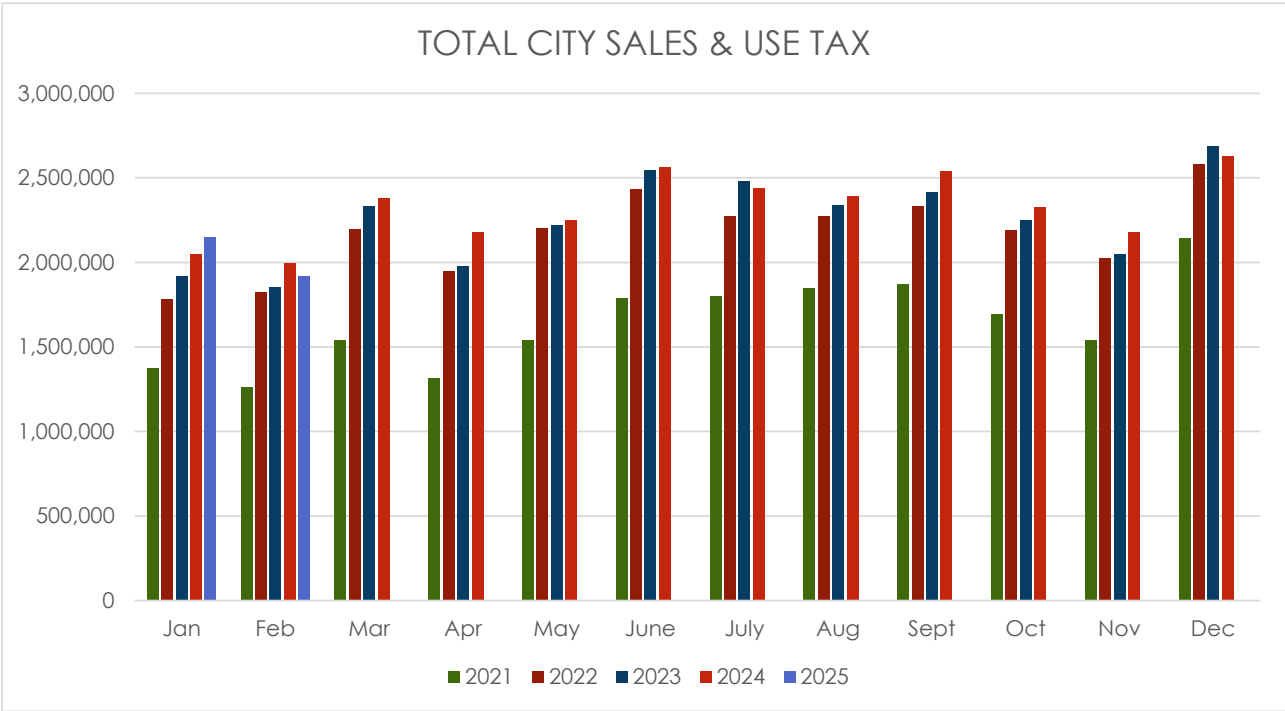
2025 CITY OF MONTROSE SALES, USE AND EXCISE TAX COLLECTIONS

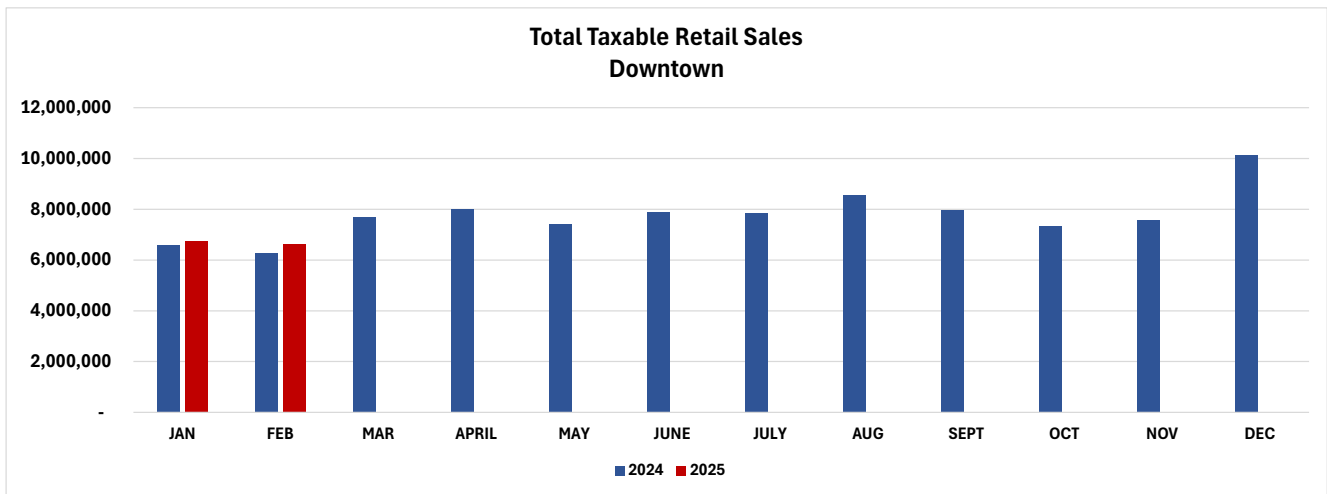
	GF Retail Sales Tax			GF Const Use Tax			GF Use & Auto Tax			Total Collected GF Sales and Use Tax 3.0%			Sales and Use Budget		MURA TIF		
Month	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Budget 2025	Budget Variance	Current Year 2025	Prior Year 2024	% Increase/decrease
January	1,922,808	1,902,813	1.1%	94,018	37,669	149.6%	130,665	107,432	21.6%	2,147,491	2,047,914	4.9%	2,087,299	2.9%	20,877	5,585	273.81%
February	1,790,588	1,840,914	-2.7%	30,200	34,964	-13.6%	98,320	122,714	-19.9%	1,919,108	1,998,591	-4.0%	1,997,584	-3.9%	23,689	4,042	486.08%
March																	
April																	
May																	
June																	
July																	
August																	
September																	
October																	
November																	
December																	
YTD Total	3,713,396	3,743,727	-0.8%	124,218	72,633	71.0%	228,985	230,146	-0.5%	4,066,599	4,046,506	0.5%	4,084,883	-0.4%	44,565	9,627	362.93%

	PSST Retail Sales Tax			PSST Const Use Tax			PSST Use & Auto Tax			Total Collected PSST Sales and Use Tax .58%			PSST SALES and USE BUDGET		Montrose Recreation District 0.3%		
Month	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Budget 2025	Budget Variance	Current Year 2025	Prior Year 2024	% Increase/decrease
January	374,894	368,943	1.6%	19,926	7,273	174.0%	25,262	20,770	21.6%	420,082	396,986	5.8%	398,482	5.4%	217,285	205,370	5.8%
February	350,063	356,549	-1.8%	6,007	7,064	-15.0%	19,009	23,725	-19.9%	375,078	387,338	-3.2%	389,356	-3.7%	194,007	200,512	-3.2%
March																	
April																	
May																	
June																	
July																	
August																	
September																	
October																	
November																	
December																	
YTD Total	724,957	725,492	-0.1%	25,933	14,337	80.9%	44,270	44,495	-0.5%	795,160	784,324	1.4%	787,838	0.9%	411,292	405,882	1.3%

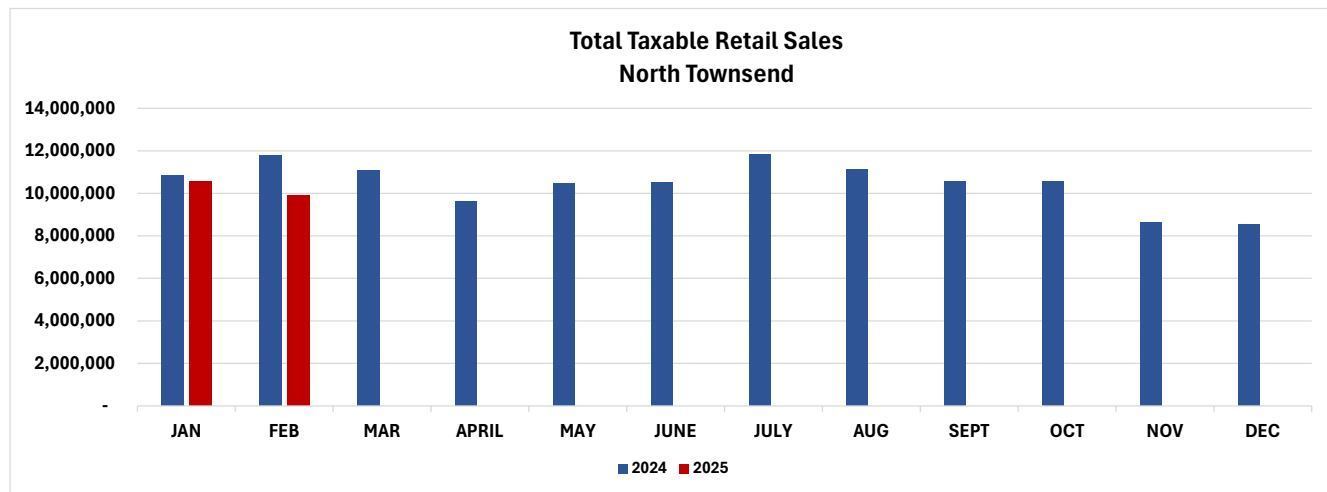
	Hotel Excise Tax 6%			Restaurant Excise Tax .8%			Total Collected Hotel & Restaurant Tax			Hotel & Restaurant Budget		Retail Enhancement Program			MURA TIF Hotel & Restaurant		
Month	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Budget 2025	Budget Variance	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease
January	45,955	8,742	425.7%	51,895	49,121	5.6%	97,850	57,863	69.1%	59,809	63.6%	48,263	50,401	-4.2%	16,236	548	2861%
February	53,147	9,744	445.4%	49,588	47,369	4.7%	102,735	57,113	79.9%	59,125	73.8%	47,643	48,068	-0.9%	16,652	561	2867%
March																	
April																	
May																	
June																	
July																	
August																	
September																	
October																	
November																	
December																	
YTD	99,102	18,486	436.1%	101,483	96,490	5.2%	200,585	114,976	74.5%	118,934	68.7%	95,906	98,469	-2.6%	32,888	1,110	2864%



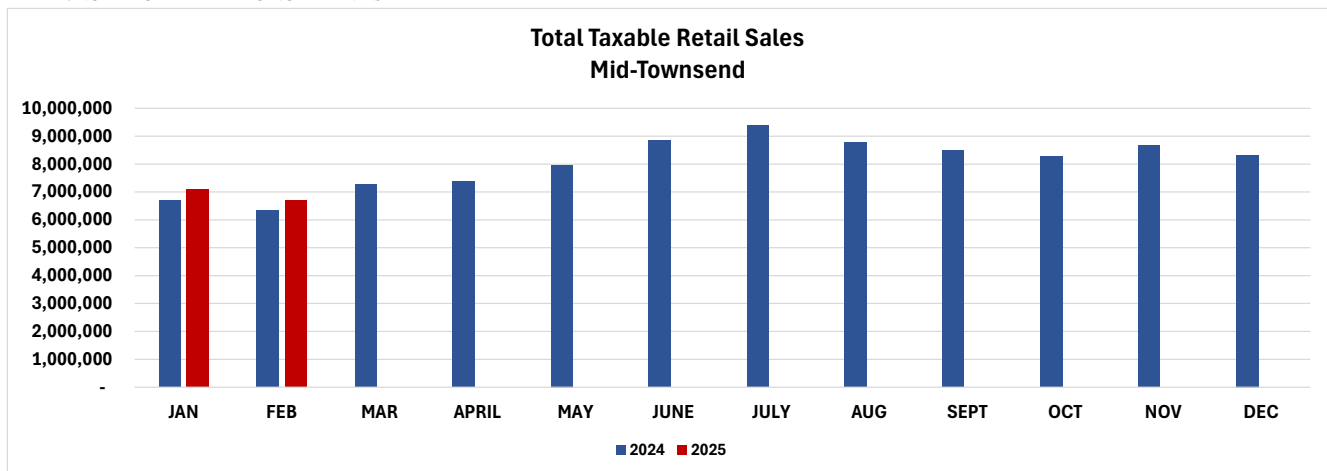




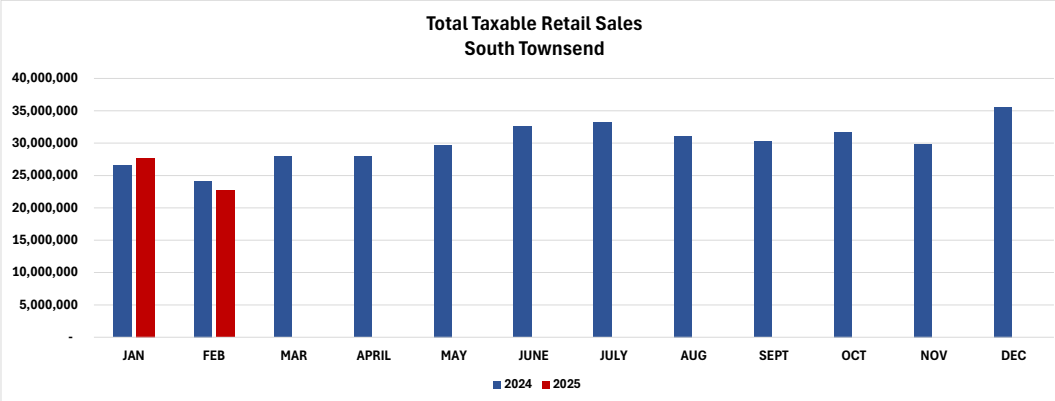
AREA 1: DOWNTOWN BOUNDAR



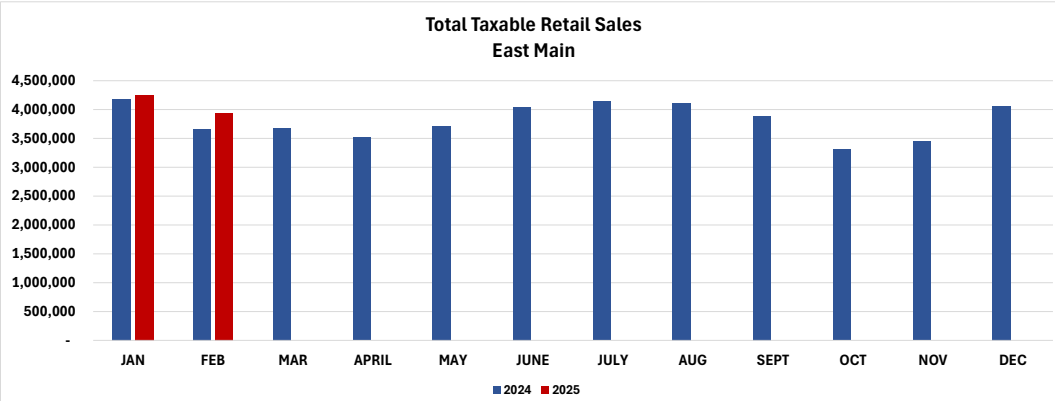
AREA 2: NORTH CITY LIMIT TO NORTH 2ND STREET



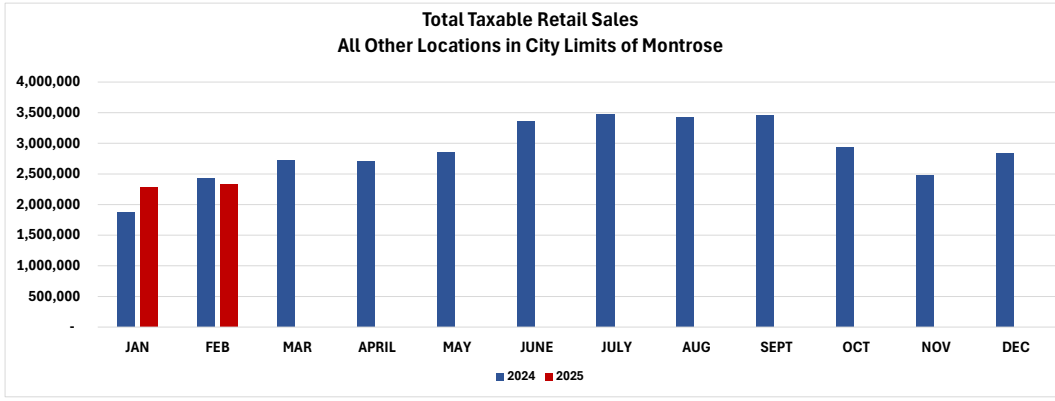
AREA 3: MID TOWNSEND SOUTH 2ND STREET TO E OAK GROVE RD



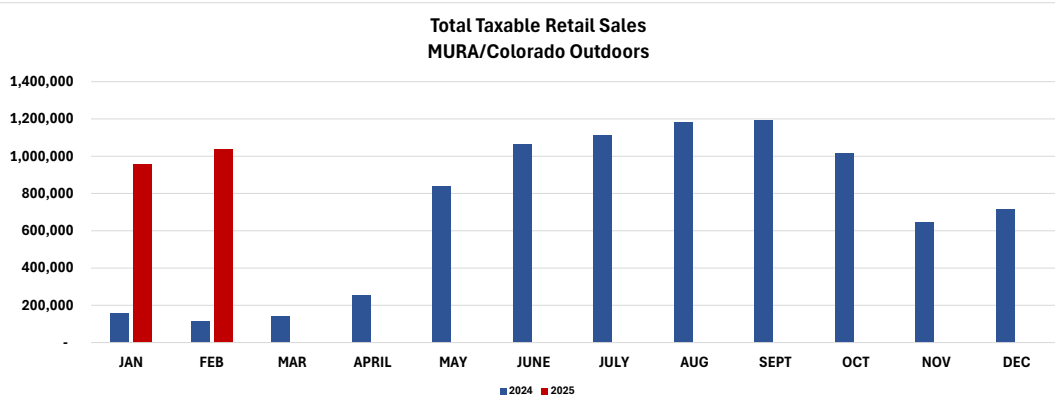
AREA 4: SOUTH TOWNSEND E OAK GROVE RD TO SOUTH CITY LIMIT



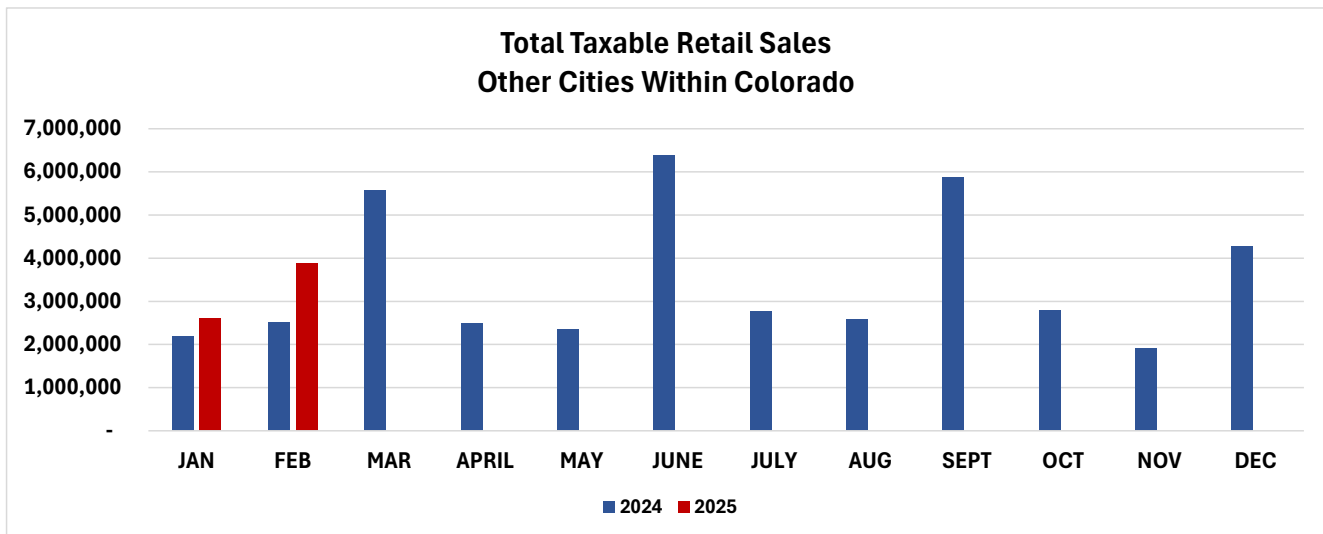
AREA 5: EAST MAIN SAN JUAN AVENUE TO EAST CITY LIMIT



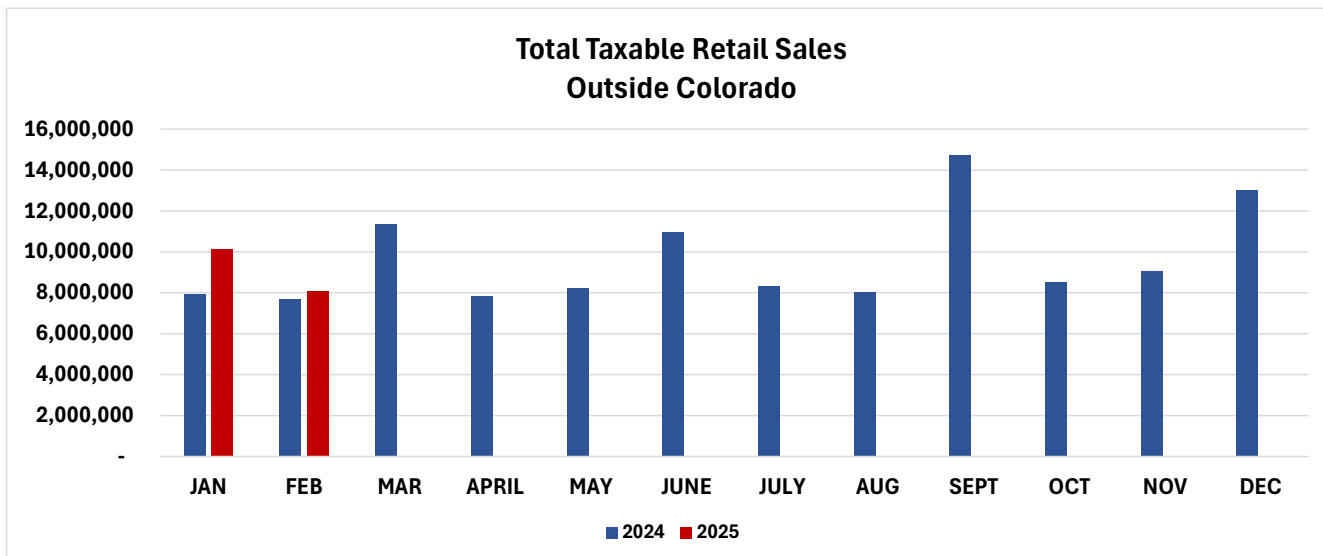
AREA 6:ALL OTHERS IN MONTROSE



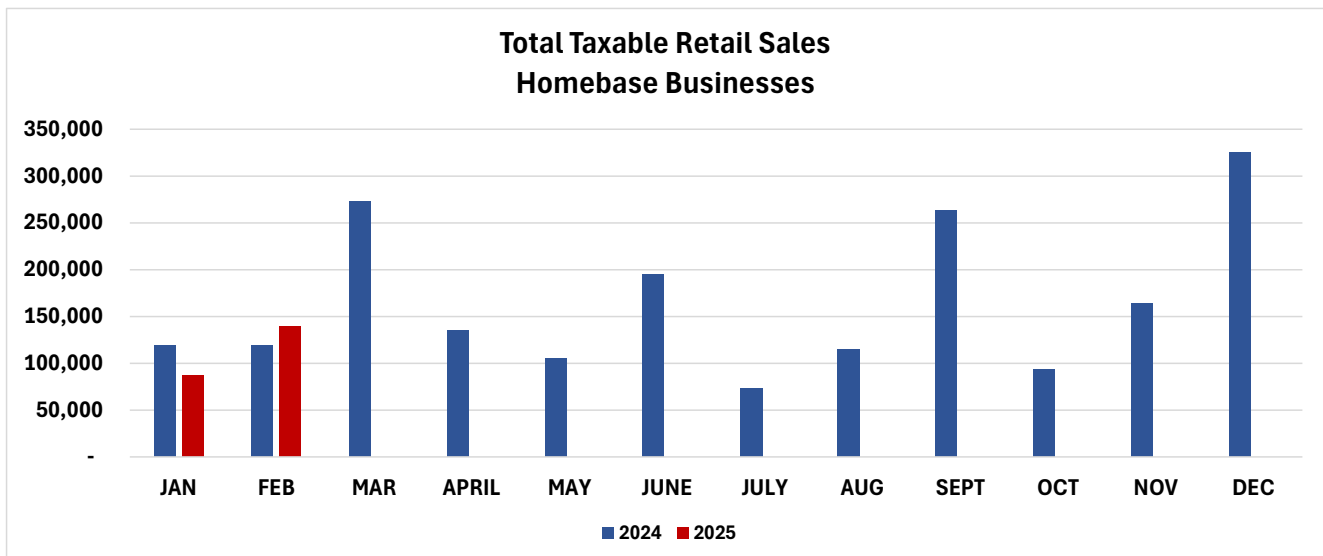
AREA 12: MURA/COLORADO OUTDOORS



AREA 7: OTHER CITIES WITHIN COLORADO



AREA 8: OUTSIDE COLORADO



AREA 9: HOME BASE BUSINESSES