



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, May 3, 2022 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, and the meeting can be viewed via livestream at <https://www.cityofmontrose.org/759/Live-Meetings-Viewer>.

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

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

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

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

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



6) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the April 18, 2022 special City Council meeting and the April 19, 2022 regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo* **4-11**

Action: Consider making a motion to approve the minutes of the April 18, 2022, special City Council meeting and the April 19, 2022 regular City Council meeting as presented.

7) PLANNING COMMISSION APPOINTMENT (5 minutes)

City Council consideration of the appointment of Planning Commission Alternate Steven Ball as a regular member of the City of Montrose Planning Commission. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to appoint Planning Commission Alternate Steven Ball as a regular member of the City of Montrose Planning Commission.

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

City Council consideration of a new Hotel and Restaurant liquor license at 1343 Mayfly Drive for Trattoria Di Sofia, LLC, doing business as Trattoria Di Sofia, for consumption on the licensed premises. *Staff: Assistant City Attorney Chris Dowsey* **12-15**

Action: Hold a hearing. Consider making a motion to approve a new Hotel and Restaurant liquor license at 1343 Mayfly Drive for Trattoria Di Sofia, LLC, doing business as Trattoria Di Sofia, for consumption on the licensed premises.

9) RESOLUTION 2022-09 (10 minutes)

City Council consideration of Resolution 2022-09 authorizing assignment to the Colorado Housing and Finance Authority of a private activity bond allocation of the City of Montrose pursuant to the Colorado Private Activity Bond Ceiling Allocation Act. *Staff: Citizen Engagement Specialist Ross Valdez* **16-18**

Action: Accept public comment. Consider making a motion to adopt Resolution 2022-09 as presented.

10) RESOLUTION 2022-10 (10 minutes)

City Council consideration of Resolution 2022-10 setting June 7, 2022 as the hearing date for the 6700 DeJulio Addition annexation. *Staff: Deputy City Manager Ann Morgenthauer* **19-28**

Action: Accept public comment. Consider making a motion to adopt Resolution 2022-10 as presented.



11) ORDINANCE 2589 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2589 on first reading, an Ordinance of the City of Montrose, Colorado, amending Title 4 Chapter 4 Section 24, regarding Planned Development (PD) regulations to clarify the process, consent, and public notice requirements for applications to amend an existing planned development plan. *Staff: Deputy City Manager Ann Morgenthaler* **29-39**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2589 on first reading as presented.

12) BEAR CREEK SUBDIVISION FILING NO. 7 FINAL PLAT (10 minutes)

City Council consideration of the Bear Creek Subdivision Filing No. 7 Final Plat to create 32 new residential lots and dedicate rights of way and/or easements. *Staff: Planner I William Reis* **40-45**

Action: Accept public comment. Consider making a motion to approve the Bear Creek Subdivision Filing No. 7 Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

13) STAFF REPORTS

14) YOUTH CITY COUNCIL COMMENTS

15) CITY COUNCIL COMMENTS

16) MOTION TO ADJOURN



AGENDA JUNTA REGULAR DEL CONSEJO DE LA CIUDAD
Martes, mayo 3, 2022 6:00 PM
Cámaras del Consejo de la ciudad, Elks Civic Building - 107 S. Cascade Ave.

El Consejo de la Ciudad de Montrose se complace en tener a residentes de la comunidad que se toman el tiempo para asistir a las juntas del Consejo de la Ciudad. Les animamos a que asistan y participen. A los individuos que deseen ser escuchados durante los procedimientos de la audiencia pública se les anima a que estén preparados y por lo general se les limitará a tres minutos para permitir que todos tengan la oportunidad de ser escuchados. La regla de las 11:00 p.m. se aplicará de acuerdo con las Regulaciones de la Ciudad de Montrose (Sec. 7-15-2).

La participación pública para esta junta será en persona en las Cámaras del Consejo de la Ciudad, y la junta puede ser vista vía transmisión en vivo en: <https://www.cityofmontrose.org/759/Live-MeetingsViewer>.

Hay asistencia de aparatos auditivos disponibles para el uso público. Por favor déjenos saber si usted necesita esta adaptación. La ciudad también ofrece interpretación para hispanohablantes. Para poder reservar esta asistencia, por favor envíe un email a planningmail@ci.montrose.co.us por lo menos tres días antes de la junta.

- 1) Junta del Consejo de la Ciudad llamado a orden por el Alcalde Dave Frank
- 2) Juramento a la bandera
- 3) Toma de asistencia por la Secretaria
- 4) Cambios a la agenda incluyendo adiciones y eliminaciones
- 5) LLAMADA A COMENTARIOS PÚBLICOS PARA PUNTOS NO AGENDADOS

El punto de la agenda “Llamada para Comentarios Públicos” es el tiempo cuando miembros interesados de la comunidad pueden públicamente dar voz a sus preocupaciones y hablar de puntos de interés. Por favor note que no se tomará acción formal en los asuntos planteados durante este tiempo.

*Por favor note que los tiempos enlistados son estimaciones solamente. Los tiempos reales pueden variar dependiendo de la discusión y comentarios públicos recibidos.

Los comentarios hechos durante este tiempo deben ser dirigidos al Consejo y pertenecer a asuntos de por lo menos importancia general para la Ciudad y sus operaciones. Por favor esté consciente que ni el Consejo de la Ciudad ni el personal de la ciudad se espera que respondan o se involucren en discusión o debate.

Ataques personales y desacuerdos, asuntos de personal y de empleo, el uso de profanidad o étnico, racial o insultos de orientación de género están prohibidos, como lo es cualquier “conducta desordenada” la cual viola la ley estatal o local y no será permitida.

6) APROBACIÓN DE LA MINUTA (5 minutos)

Aprobación de la minuta: Consideración del Consejo de la Ciudad de la minuta del 18 de abril de 2022 de la junta especial del Consejo de la Ciudad y la junta regular del Consejo de la Ciudad del 19 de abril de 2022. *Personal: Secretaria Lisa Del Piccolo*

Acción: Considerar hacer una moción para aprobar la minuta del 18 de abril de 2022 de la junta especial del Consejo de la Ciudad y la junta regular del Consejo de la Ciudad del 19 de abril de 2022 como se presenta.

7) NOMBRAMIENTO DE LA COMISIÓN DE PLANIFICACIÓN (5 minutos)

Consideración del Consejo de la Ciudad para el nombramiento de la Comisión de Planificación de Suplente a Steven Ball como miembro regular de la Comisión de Planificación de la Ciudad de Montrose. *Personal: Secretaria Lisa del Piccolo*

Acción: Considerar hacer una moción para el nombramiento de la Comisión de Planificación de Suplente a Steven Ball como miembro regular de la Comisión de Planificación de la Ciudad de Montrose.

8) SOLICITUD DE LICENCIA PARA LICOR NUEVO HOTEL Y RESTAURANTE (15 minutos)

Consideración del Consejo de la Ciudad de licencia para licor del nuevo Hotel y Restaurante en 1343 Mayfly Drive para Trattoria Di Sofia, LLC, que hace negocios como Trattoria Di Sofia, para consumo en el local autorizado.

Acción: Tener una audiencia. Considerar hacer una moción para aprobar al nuevo Hotel y Restaurante una licencia para licor en 1343 Mayfly Drive para Trattoria Di Sofia, que hace negocios como Trattoria Di Sofia, para consumo en el local autorizado.

9) RESOLUCIÓN 2022-09 (10 minutos)

Consideración del Consejo de la Ciudad de la Resolución 2022-09 autorizando asignación a la Autoridad de Vivienda y Finanzas bono de actividad privada de la Ciudad de Montrose de conformidad a la Ley de Asignación Máxima de Bonos de Actividad Privada de Colorado. *Personal: Especialista en Participación Ciudadana: Ross Valdez*

Acción: Aceptar comentarios públicos. Considerar una moción para adoptar la Resolución 2022-09 como se presenta.

10) RESOLUCION 2022-10 (10 minutos)

Consideración del Consejo de la Ciudad de la Resolución 2022-10 para fijar junio 7, 2022 como fecha para la audiencia de anexión Adicional de 6700 DeJulio. *Personal: Diputada Gerente de la Ciudad Ann Morgenthaler*

Acción: Aceptar comentarios públicos. Considerar hacer una moción para adoptar la Resolución 2022-10 como se presenta.

11) ORDENANZA 2589 - PRIMERA LECTURA (15 minutos)

Consideración de Consejo de la Ciudad de la Ordenanza 2589 en la primera lectura, una Ordenanza de la Ciudad de Montrose Colorado, modificando el Título 4 Capítulo 4 Sección 24, con respecto a las regulaciones de Desarrollo Planificado (DP) para clarificar el proceso, consentimiento, y requisitos de aviso público para aplicaciones para modificar un plan de desarrollo planificado existente. *Personal: Delegada Gerente de la Ciudad Ann Morgenthaler*

Acción: Tener una audiencia. Considerar hacer una moción para pasar la Ordenanza 2589 en la primera lectura como se presenta.

12) SUBDIVISION BEAR CREEK PRESENTACION NO. 7 PLANO FINAL (10 minutos)

Consideración del Consejo de la Ciudad de la Subdivisión Bear Creek Presentación No. 7 Plano Final para crear 32 nuevos lotes residenciales y dedicarle los de derechos de camino y/o acceso. *Personal: Planificador I William Reis*

Acción: Aceptar comentarios públicos: Considerar hacer una moción para aprobar la Subdivisión Bear Creek Presentación No. 7 Plano Final expresamente condicionado sobre el personal de la ciudad asegurando que todas las políticas, regulaciones, ordenanzas y provisiones del Código Municipal sean cumplidas y que el solicitante señale adecuadamente todas las preocupaciones del personal antes de la ejecución del Plano Final. El personal de la Ciudad no está autorizado por esta aprobación a ejecutar el Plano Final antes de que todas las condiciones sean satisfechas.

- 13) REPORTES DEL PERSONAL
- 14) COMENTARIOS DEL CONSEJO DE LA CIUDAD JUVENIL
- 15) COMENTARIOS DEL CONSEJO DE LA CIUDAD
- 16) MOCIÓN PARA LEVANTAR LA SESIÓN

A special meeting of the Montrose City Council was held on Monday, April 18, 2022, at 12:00 p.m. or immediately following the work session in the City Council Chambers of the Elks Civic Building, 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Ed Ulibarri, Bill Bell, Chris Dowsey, Scott Murphy, Jim Scheid, David Bries, Lisa DelPiccolo

CALL TO ORDER

Mayor Doug Glaspell called the special meeting to order at 11:28 a.m.

EXECUTIVE SESSION

At 11:29 a.m., a motion was made by Dave Frank, seconded by Barbara Bynum, to enter into an executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal or other property under C.R.S. Section 24-6-402(4)(a), and the following additional details were provided for identification purposes: property acquisition. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 12:28 p.m.

At 12:28 p.m. a motion was made by Dave Frank, seconded by Barbara Bynum, to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

A regular meeting of the Montrose City Council was held on Tuesday, April 19, 2022 at 6:00 p.m. in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Ed Ulibarri, Grace Hotsenpiller, Bill Bell, Ann Morgenthauer, Greg Story, Lisa DelPiccolo, Shani Wittenberg, Scott Murphy, William Reis, Tim Cox, Mikayla Unruh, Chris Dowsey, Christine Aslakson, Terri Wilcox, Courtney Jones, Jim Scheid, Matt, Magliaro, Nik Pridy, William Woody, Kendall Cramer, David Bries, Hyrum Webb

GUESTS: Sandra Glaspell, Susan Ulibarri, John Malloy, Brian Cashion, Sara Ungrodt, Pete Joufflas, Lyle Clugg, Nick Hoppner

CALL TO ORDER

Mayor Doug Glaspell called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Youth City Council Representative Grace Hotsenpiller.

CHANGES TO THE AGENDA

Mayor Pro Tem Dave Frank stated that Item 19, Wastewater Treatment Plant Control Center Replacement, would be moved to the end of the action items. Mr. Frank also stated that due to wire and conduit price increases, the contract amount for Sturgeon Electric related to Item 19 has increased from \$329,027.00 to \$340,580.00. The total amount for approval this evening will be \$688,150.00.

EARTH WEEK PROCLAMATION

Mayor Doug Glaspell and Youth City Council Mayor Grace Hotsenpiller proclaimed the week of April 21 through April 29, 2022 as Earth Week in the City of Montrose.

ARBOR DAY PROCLAMATION

Mayor Doug Glaspell and the Montrose City Council proclaimed April 29, 2022 as Arbor Day in the City of Montrose. Mayor Glaspell presented the proclamation to Public Works Team Leader Nik Pridy.

PARKINSON'S AWARENESS MONTH PROCLAMATION

Mayor Doug Glaspell and the Montrose City Council proclaimed the month of April 2022 as Parkinson's Awareness Month in the City of Montrose. Mayor Glaspell presented the proclamation to Nick Hoppner.

CALL FOR PUBLIC COMMENT

Pete Jouflas spoke regarding the hazards of electronic magnetic field exposure. Mr. Jouflas spoke in favor of modifications to the Municipal Code establishing setbacks from high voltage transmission lines.

John Malloy spoke in support of the Arbor Day Proclamation and offered to assist in establishing a tree plan for the City of Montrose.

APPROVAL OF MINUTES

City Council considered the minutes of April 4, 2022 regular City Council meeting.

A motion was made by Dave Frank, seconded by Anthony Russo, to approve the minutes of the April 4, 2022 regular City Council meeting as presented. All voted yes. Motion passed.

ACKNOWLEDGEMENT OF OUTGOING CITY COUNCILOR

Mayor Doug Glaspell and City Councilors acknowledged outgoing City Councilor Anthony Russo for his service to the City of Montrose. Mayor Glaspell presented Mr. Russo with a plaque. Mr. Russo thanked City Council and staff and said he will continue to serve the City.

SWEARING IN OF NEWLY ELECTED OFFICIALS

City Clerk Lisa DelPiccolo administered Oaths of Office to newly elected City Councilors Doug Glaspell, Ed Ulibarri, J. David Reed, and Barbara Bynum.

SELECTION OF MAYOR AND MAYOR PRO TEM

Mayor Doug Glaspell presided over the selection of Mayor and Mayor Pro Tem for the 2022-2023 term.

Mayor Glaspell asked for nominations for Mayor of the City of Montrose for the 2022-2023 term. Barbara Bynum nominated Dave Frank, and J. David Reed seconded the nomination. All voted yes.

Mayor Glaspell asked for nominations for Mayor Pro Tem for the 2022-2023 term. J. David Reed nominated Barbara Bynum, and Dave Frank seconded the nomination. All voted yes.

BRIEF RECESS

A brief recess was taken at 6:32 p.m. for photo opportunities and updates the seating arrangement and electronic voting system. The meeting reconvened at 6:37 p.m.

PRESENTATION TO MAYOR

Mayor Dave Frank acknowledged Doug Glaspell for his service as Mayor of the City of Montrose for the 2021-2022 term. Mr. Glaspell thanked City Council and staff for their support during his term as Mayor.

REVISED RESOLUTION 2022-07

City Council considered Revised Resolution 2022-07, a Resolution authorizing the purchase of real property located at 400 East Main Street and 424 South Second Street in the City of Montrose, Colorado.

Deputy City Manager Ann Morgenthaler reported that Resolution 2022-07 was adopted by City Council on April 4 and included an anticipated closing date of April 8, 2022. Ms. Morgenthaler stated that the process is taking longer than originally anticipated. The revised resolution does not include a closing date, which allows the closing to take place at any time before the contracted date of April 29.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Revised Resolution 2022-07 as presented. Mr. Ulibarri abstained from voting. All others voted yes. Motion passed.

ORDINANCE 2587 - SECOND READING

City Council considered Ordinance 2587 on second reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of Tract 4 of the Rosemont Subdivision (Parcel #376727102008) from "MHR" Manufactured Housing Residential District to "B-2A" Regional Commercial District.

Planner I William Reis reviewed the location of the 1.85 acres adjacent to Cedar Creek RV Park, west of Rose Lane and south of E. Main Street. Mr. Reis stated that the purpose of the rezone is for planned expansion of the RV Park which is allowed as conditional use in B-2A zoning designation.

Mr. Reis recommended approval stating that the proposal meets rezone criteria, meets the intent of the B-2A zoning designation, is in general compliance with the Comprehensive Plan, and is compatible with surrounding area. The Planning Commission recommended approval on March 9.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Doug Glaspell, to adopt Ordinance 2587 on second reading as presented. All voted yes. Motion passed.

6700 DEJULIO ADDITION ANNEXATION AND DEVELOPMENT AGREEMENT

City Council considered the 6700 DeJulio Annexation and Development Agreement to include purchase of rights of way and easements required for completion of 6700 Road between Sunnyside and Miami Roads at a cost of \$291,300.00.

Ed Ulibarri recused himself stating that he is related to the property owners. Mr. Ulibarri left at the meeting at 6:49 p.m. Mayor Dave Frank stated that Mr. Ulibarri has no financial interest in the subject property but recused himself in the interest of transparency.

City Engineer Scott Murphy reported no changes to the proposal since discussion at a previous work session. Mr. Murphy reviewed the master plan road network from the Comprehensive Plan and the missing link of 6700 Road between Miami and Sunnyside Roads. Mr. Murphy stated that right of way has been dedicated for 6700 Road up to the DeJulio property, and development pressure in the area prompted new negotiations.

Mr. Murphy stated that the City is intending to purchase right of way encompassing approximately one-third of the property. The City is also working with the owners on development of the remainder of the property into half-acre lots on each side of the arterial. The recommended zoning is R-1A, which matches the adjacent property. Mr. Murphy stated that vested land rights are included within the agreement so the houses will fit within the uniquely shaped lots.

Mr. Murphy said the design of the road is budgeted in 2022 with construction recommended in 2023. The total project cost is estimated at \$3.5 million, and the right of way purchase will be funded from budget reserves.

Public comment was accepted.

Lyle Clugg asked questions about the project. Mr. Murphy stated that the roadway would include sidewalks that connect to sidewalks in the adjacent subdivision if it works with lot configurations and if property owners agree. Existing water lines would remain, and two-way stops are planned at the intersections until traffic volumes warrant a roundabout.

A motion was made by Barbara Bynum, seconded by Doug Glaspell, to approve the 6700 DeJulio Annexation and Development Agreement as presented. This shall include the purchase of rights of way and easements required for completion of 6700 Road between Sunnyside and Miami Roads at a cost of \$291,300.00. All present voted yes. Motion passed.

Mr. Ulibarri rejoined the meeting at 7:10 p.m.

MOVING MONTROSE FORWARD 2022 SURFACE TREATMENT CONTRACT

City Council considered a construction contract award to A-1 Chipseal in the amount of \$1,428,079.40 for completion of the Moving Montrose Forward 2022 Surface Treatment Project. City Engineer Scott Murphy reviewed the history of the Moving Montrose Forward program that renewed focus and street and pedestrian mobility. Mr. Murphy stated that the contract under

consideration is for surface treatments for preventive maintenance. Mr. Murphy stated that the streets designated for treatment are prioritized by the Public Works Streets Division, and links to street maintenance plans and prioritizations are available on the Movemo page.

Mr. Murphy reviewed the bid process and said two bids were received by the only two contractors in the region for this specialty work.

Public Comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Barbara Bynum, to award a construction contract to A-1 Chipseal in the amount of \$1,428,079.40 for completion of the Moving Montrose Forward 2022 Surface Treatment Project as presented. All voted yes. Motion passed.

VEHICLE DISPOSAL RECOMMENDATION

City Council considered the disposal of four police cars to the Western Colorado Law Enforcement Academy.

Public Works Manager Jim Scheid reported that this agenda item addresses the disposal of the four police vehicles that would be donated for use at the Western Colorado Law Enforcement Academy.

Academy Director/Professional Standards Sergeant Courtney Jones reported that the donation of the four vehicles would enhance the car-to-cadet ratio and allow Colorado Mesa University to decommission two training vehicles that are no longer safe. Sgt. Jones said that the vehicle donation will benefit the summer academy held in Montrose as well as academies held in Grand Junction and Delta.

Public Comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Ed Ulibarri, to approve the disposal of four police cars to the Western Colorado Law Enforcement Academy as presented. All voted yes. Motion passed.

WASTEWATER TREATMENT PLANT MOTOR CONTROL CENTER REPLACEMENT

City Council considered contracts with Browns Hill Engineering & Controls and Sturgeon Election totaling \$688,150.00 for replacement of the Motor Control Center at the Wastewater Treatment Plant.

Utilities Manager David Bries reported that the Motor Control Center at the Wastewater Treatment Plant is more than 20 years old and needs to be replaced. The City contracted with Browns Hill for design of the project, and a complete replacement is recommended. Mr. Bries stated that due to challenges associated with the project, most electrical contractors would struggle to complete the project with minimal downtime. Browns Hill recommended Sturgeon Electric for the installation.

Mr. Bries stated that replacement of the Motor Control Center involves a contract with Sturgeon Electric in the amount of \$340,580.00 for labor and incidental materials, a contract with Browns Hill in the amount of \$312,370.00 for major electrical components, and a contract with Browns Hill in the amount of \$35,200.00 for oversight of the replacement.

Public Comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Barbara Bynum, to approve contracts with Browns Hill Engineering & Controls and Sturgeon Electric totaling \$688,150.00 for replacement of the Motor Control Center at the Wastewater Treatment Plant as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg reported that an updated report for the month of February 2022 will be presented this evening, and information on the City website will be updated. Ms. Wittenberg reported that total sales and use tax collections were up 19.3 percent as compared to February of 2021 with a positive budget variance of 39.2 percent. Year-to-date collections were up 16.2 percent with a positive budget variance of 34.4 percent.

YOUTH CITY COUNCIL COMMENTS

Youth City Council Representative Grace Hotsenpiller reported a clothing drive to benefit youth in the community is in progress, and collection bins are located at City Hall, the Community Recreation Center, and Montrose High School. Ms. Hotsenpiller also reported that the Youth City Council is organizing a movie night for teens in May.

STAFF COMMENTS

City Engineer Scott Murphy reported that the CDOT Townsend Avenue overlay project will begin May 15. Mr. Murphy stated that this the \$10 million will be managed exclusively by CDOT. Information will be available on the Movemo.co webpage.

Mr. Murphy reported that the Woodgate Realignment Project will resume on May 2, and patching of Townsend Avenue following the waterline replacement will begin on April 25.

CITY COUNCIL COMMENTS

Mayor Pro Tem Barbara Bynum thanked City staff for a tour of accessory dwelling units and how being used for additional housing earlier in the week.

City Councilor Ed Ulibarri thanked staff for providing information to bring him up to speed.

MOTION TO ADJOURN

At 7:48 p.m., a motion was made by Barbara Bynum to adjourn the meeting with no further action taken.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

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Name	Type of License	Account Number																		
7. 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 ☒ 8. 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? ☐ ☒ b. Had an alcohol beverage license suspended or revoked? ☐ ☒ c. Had interest in another entity that had an alcohol beverage license suspended or revoked? ☐ ☒ If you answered yes to 8a, b or c, explain in detail on a separate sheet. 9. 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? If "yes", explain in detail. ☐ ☒ 10. 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? ☐ ☒ or Waiver by local ordinance? ☐ ☐ Other: _____ 11. 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. ☐ ☒ 12. 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. ☐ ☒ 13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016? ☐ ☒ 13 b. Are you a Colorado resident? ☒ ☐ 14. 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. ☒ ☐ <i>Traktonia Di Sofia owners</i> 15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement? ☒ ☐ ☐ 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: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Landlord <i>Black Mountain Capital, LLC</i></td> <td style="width: 40%;">Tenant <i>Traktonia Di Sofia LLC</i></td> <td style="width: 20%;">Expires <i>8/1/2028</i></td> </tr> </table> b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16. ☐ ☒ 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 8 1/2" X 11". 16. 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. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Last Name</td> <td style="width: 25%;">First Name</td> <td style="width: 15%;">Date of Birth</td> <td style="width: 15%;">FEIN or SSN</td> <td style="width: 20%;">Interest/Percentage</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> 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. 17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: ☐ ☒ Has a local ordinance or resolution authorizing optional premises been adopted? ☐ ☒ Number of additional Optional Premise areas requested. (See license fee chart) 18. 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. 19. 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? ☐ ☒ If "yes" a copy of license must be attached.			Landlord <i>Black Mountain Capital, LLC</i>	Tenant <i>Traktonia Di Sofia LLC</i>	Expires <i>8/1/2028</i>	Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage										
Landlord <i>Black Mountain Capital, LLC</i>	Tenant <i>Traktonia Di Sofia LLC</i>	Expires <i>8/1/2028</i>																		
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage																

Name	Type of License	Account Number		
20. 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		
21. 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		
22. 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? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.	☐ Yes	☒ No		
23. For all on-premises applicants. a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details. b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager	First Name of Manager			
Xochitl Noemi Zamora	Xochitl			
24. 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		
25. Related Facility - Campus Liquor Complex applicants answer the following:				
a. Is the related facility located within the boundaries of the Campus Liquor Complex? 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.	☐ Yes	☒ No		
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager	First Name of Manager			
26. 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		
27. 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	Home Address, City & State	Position	%Owned	
Sergio Francisco Zamora	3174 Chaco Nextel 81401	owner	50	
Xochitl N. Zamora	3174 Chaco Nextel 81401	owner	50	
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	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.				

Name		Type of License	Account Number	
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 Code which affect my license.				
Authorized Signature		Printed Name and Title		Date
		Yochi H. Obemi Zamora Owner		3/17/2022
Report and Approval of Local Licensing Authority (City/County)				
Date application filed with local authority		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)		
March 28, 2022		May 3, 2022		
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
Signature	Print	Title	Date	
Signature	Print	Title	Date	



CITY OF MONTROSE

Office of the City Manager

MEMO

TO: City Council
FROM: Ross Valdez, Community Engagement Specialist
DATE: May 3, 2022
RE: Allocating Private Activity Bonds to CHFA
ATTACHMENT: Resolution 2022 - Private Activity Bond Allocation to CHFA

INTRODUCTION

For the past four years, the City of Montrose has assigned our allocation of Private Activity Bonds (PAB) to the Colorado Housing and Finance Authority (CHFA), and CHFA in turn puts the PAB to use in our community. We ask the City Council to consider assigning this year's PAB allocation to CHFA.

BACKGROUND

The IRS allocates a per capita bonding authority annually for housing to each state, also known as PAB Volume Capacity or "Cap". Colorado in turn allocates this authority to statewide authorities and local governments. In 2021 the allocation for the City of Montrose was \$1,091,612. In 2022, the allocation for the City of Montrose is \$1,125,667.

The City of Montrose has not desired to issue bonds directly, as there is risk and administrative burden in doing so. Allocating the PAB directly to CHFA allows our community to benefit from the PAB allocation without the City directly issuing bonds. In 2020, CHFA worked with the City of Montrose to use the City's PAB allocation to support Steele Properties, LLC's rehabilitation of San Juan Apartments, which serves Senior (62+ years old) Section 8 and residents with disabilities. In 2021, CHFA funded 20 loans in their single family tax-exempt program, First Step, for a total of \$5.3 million in the City of Montrose. The median loan amount was \$270,755 and the median gross annual income was \$73,770.

City staff again this year recommends that City Council consider assigning our PAB allocation to CHFA, and request that CHFA use the PAB if there is the opportunity to support first time home ownership investment, a multifamily affordable housing project, and/or use the PAB allocation to support CHFA's homeownership program known as FirstStep. If the City Council allocates PAB to CHFA, CHFA will ensure that the funding is used within the City of Montrose to benefit our community.

RESOLUTION 2022-09
AUTHORIZING ASSIGNMENT TO THE
COLORADO HOUSING AND FINANCE
AUTHORITY OF A PRIVATE ACTIVITY
BOND ALLOCATION OF THE
CITY OF MONTROSE PURSUANT
TO THE COLORADO PRIVATE ACTIVITY
BOND CEILING ALLOCATION ACT

WHEREAS, the City of Montrose is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing qualified residential rental projects for low- and moderate-income persons and families; and

WHEREAS, the City of Montrose is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City of Montrose has an allocation of the 2022 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2022 (the "2022 Allocation"); and

WHEREAS, the City of Montrose has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the City of Montrose and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2022 Allocation; and

WHEREAS, the City of Montrose has determined that the 2022 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and

moderate-income persons and families ("Revenue Bonds") or for the issuance of mortgage credit certificates; and

WHEREAS, the City Council of the City of Montrose has determined to assign \$1,125,677 of its 2022 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City of Montrose and the Authority (the "Assignment of Allocation").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Montrose as follows:

1. The assignment to the Authority of \$1,125,677 of the City of Montrose's 2022 Allocation be and hereby is approved.

2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the City Council be and hereby are authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as they shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.

3. The City Council of the City of Montrose be and hereby are authorized to execute and deliver the Assignment of Allocation on behalf of City of Montrose and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.

4. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

5. This resolution shall be in full force and effect upon its passage and approval.

PASSED, ADOPTED AND APPROVED this 3rd day of May, 2022.

Assignor:

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Office of the City Manager

MEMO

TO: City Council
FROM: Ann Morgenthaler, Deputy City Manager
DATE: May 3, 2022
RE: Resolution Setting a Hearing Date – 6700 Road DeJulio Addition
Exhibit A: Maps

City Council Consideration:

City Council is considering setting a hearing date for the proposed 6700 Road DeJulio Addition annexation application. This is done by adopting a Resolution establishing the date, time, and place City Council will hold a hearing to determine if the proposed annexation complies with the Annexation provisions in the Colorado Constitution and Colorado Revised Statutes. The hearing must not be held less than 30 days nor more than 60 days after the effective date of the resolution setting the hearing. The proposed schedule for this application is included below, and provides for the hearing on the annexation petition to occur 36 days after the resolution, which is within the mandated timeframe.

Proposed schedule:

April 4, 2022:	Council Work Session Overview
April 19, 2022:	Council approval of annexation agreement
May 3, 2022:	Council Adoption of Resolution to set a hearing date
May 25, 2022	Planning Commission initial zoning hearing
June 7, 2022:	City Council Annexation petition hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
June 20, 2022:	2nd reading of annexation and zoning ordinances and Council consideration of Official Act of the City plat

Application Background:

The 6700 Road DeJulio Addition is a proposed annexation approximately 9.54 acres in size. The property is comprised of one parcel located north of Sunnyside Road, south of Miami Road, west of 6720 road, and east of Laurel Lane and the Columbine East subdivision. It is within the City's Urban Growth Boundary, the City of Montrose Water Service Area, and the City of Montrose Sewer Service Area. Annexation of this property will allow for

future residential development and the dedication of the 6700 Road Extension right-of-way. City Council reviewed and approved an annexation agreement associated with this application at the April 19, 2022 City Council meeting. The annexation agreement set the framework for the details of this proposed annexation, but did not approve the annexation application.

Proposed Zoning: R-1A, Large Estate District

Applicant: Paul and Ben DeJulio, Owners

Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.

2. An annexation agreement is required as a condition of this annexation.

3. Zoning Regulations

- a. Municipal Code, Section, 4-4-29(B), Zoning of Additions. “The Planning Commission shall recommend to the Council a zoning district designation for all property annexed to the City not previously subject to City zoning, and shall follow the review procedure set out in Section 4-4-31 in arriving at its recommendation. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the annexation ordinance or thereafter. *The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare* (emphasis added).”
- b. Municipal Code, Section 4-4-5(A) Intent: The “R-1A” Large Estate District and “R-1B” Small Estate District are intended to provide an area of large single-family residential lots with a semi-rural environment.
- c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned “R-1A” Large Estate District.

4. The Comprehensive Plan Future Land Use Map designates the area of the 6700 Road DeJulio Addition as Residential Mixed Density Low.

5. The property is located within Growth Area 1. According to the Comprehensive Plan, Growth Area 1 represents the most cost-efficient areas for the City to grow and comprises platted but unbuilt lots, annexed but unplatted land, and un-annexed small enclaves.

6. The proposed initial zoning of R1-A zoning district does not appear to be adverse to the public health, safety and welfare.

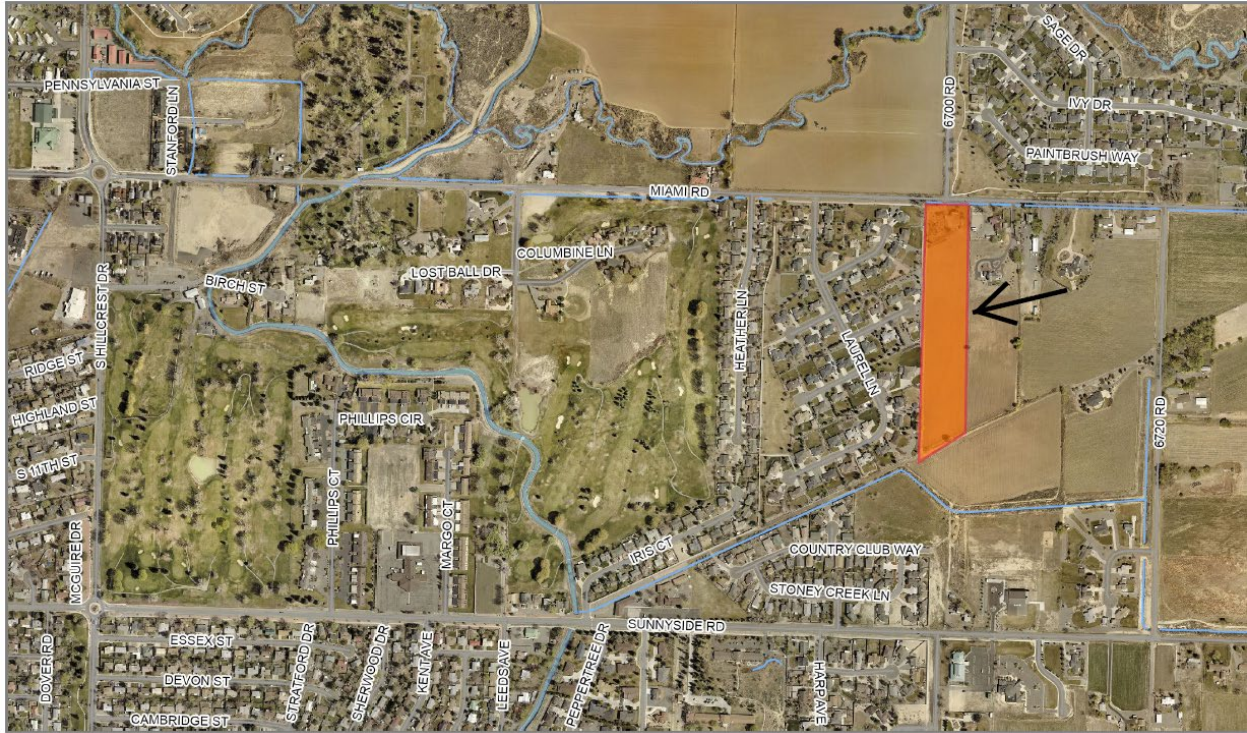
Staff Recommendation:

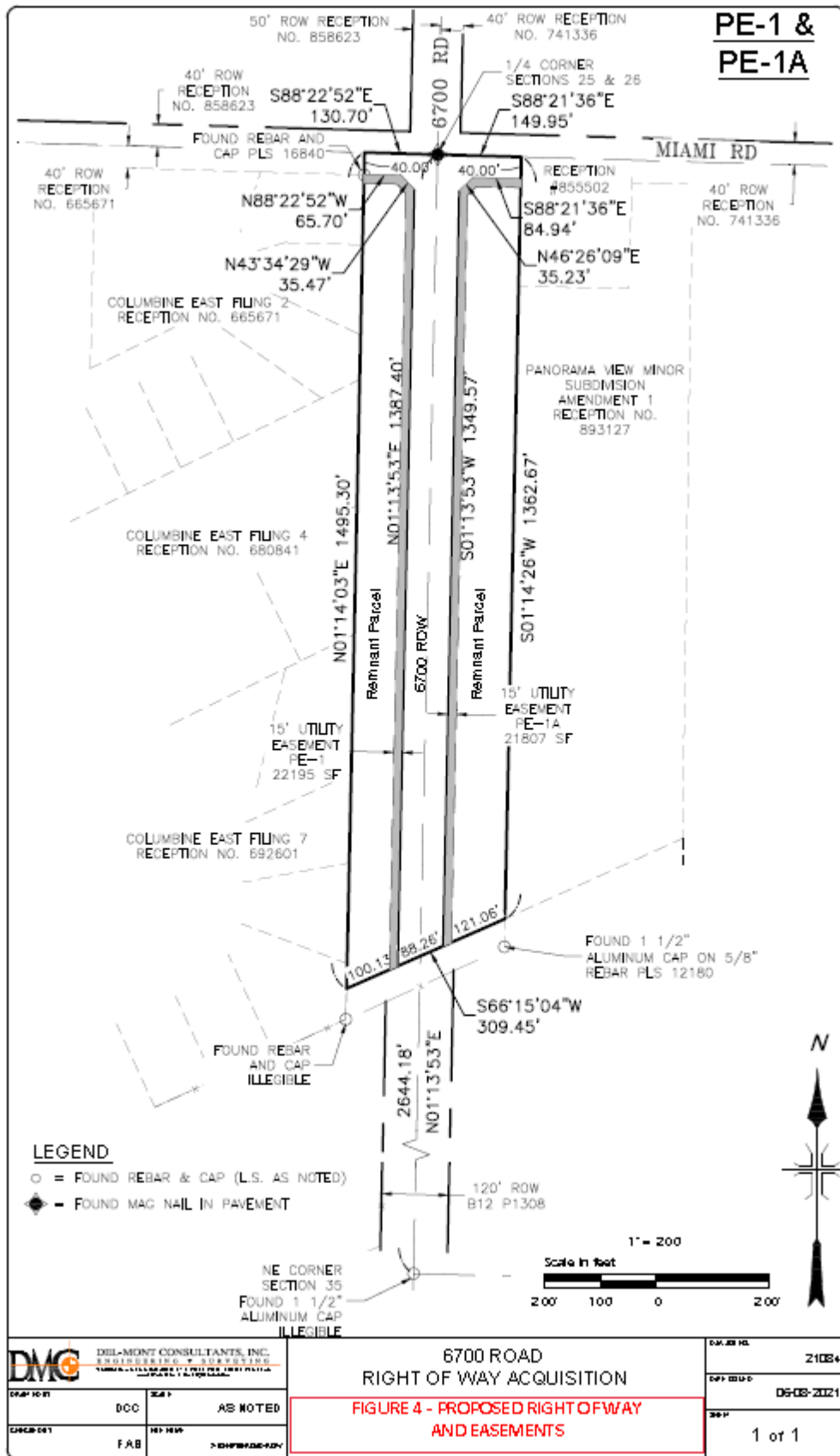
Staff recommends that City Council approve the Resolution to set a hearing date, in order to consider this annexation application.



Exhibit A: Maps

Vicinity Map

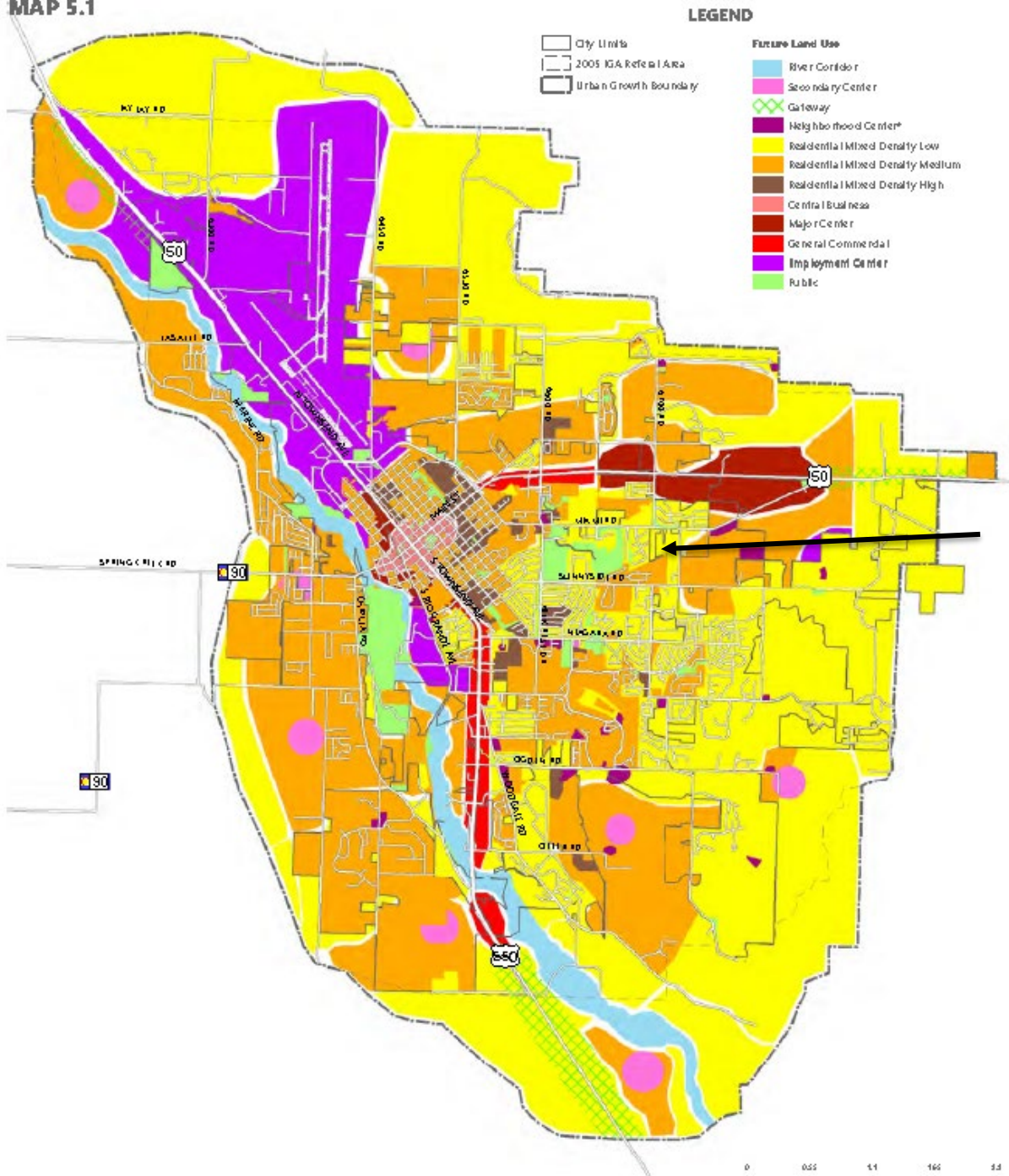




Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



Growth Areas Map

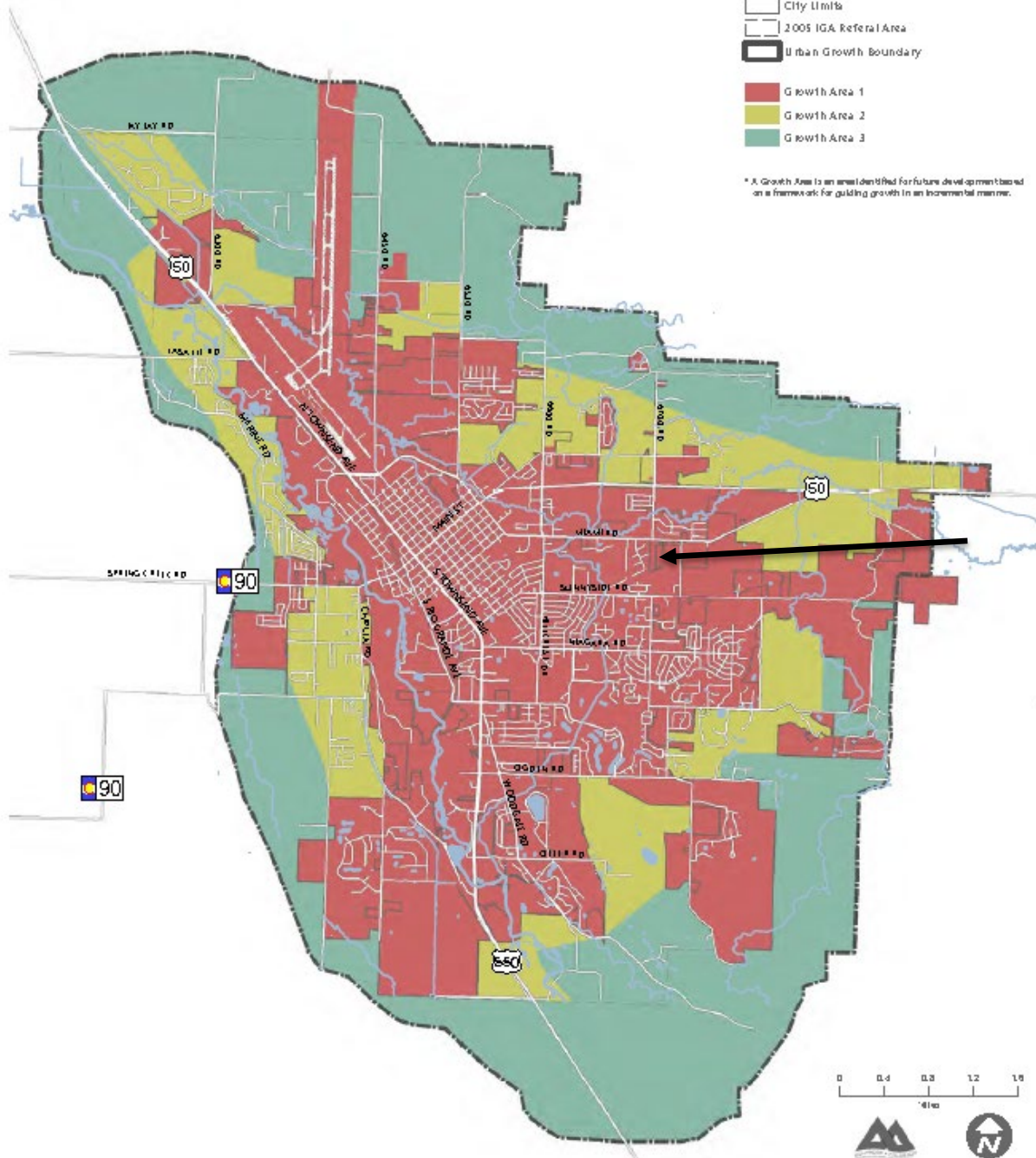
GROWTH AREAS*

MAP 5.2

LEGEND

-  City Limits
-  2005 IGA Referral Area
-  Urban Growth Boundary
-  Growth Area 1
-  Growth Area 2
-  Growth Area 3

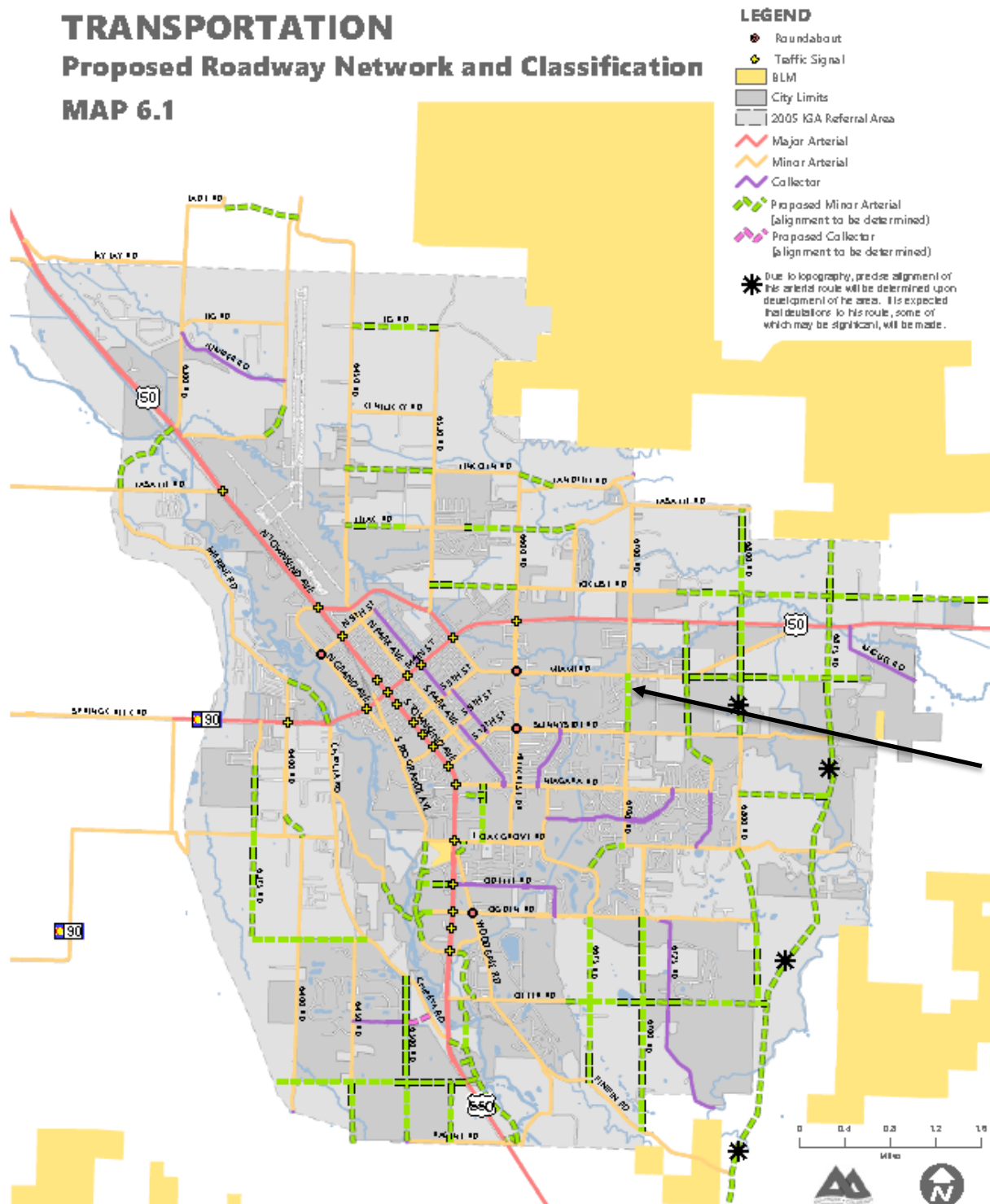
* A Growth Area is an area identified for future development based on a framework for guiding growth in an incremental manner.



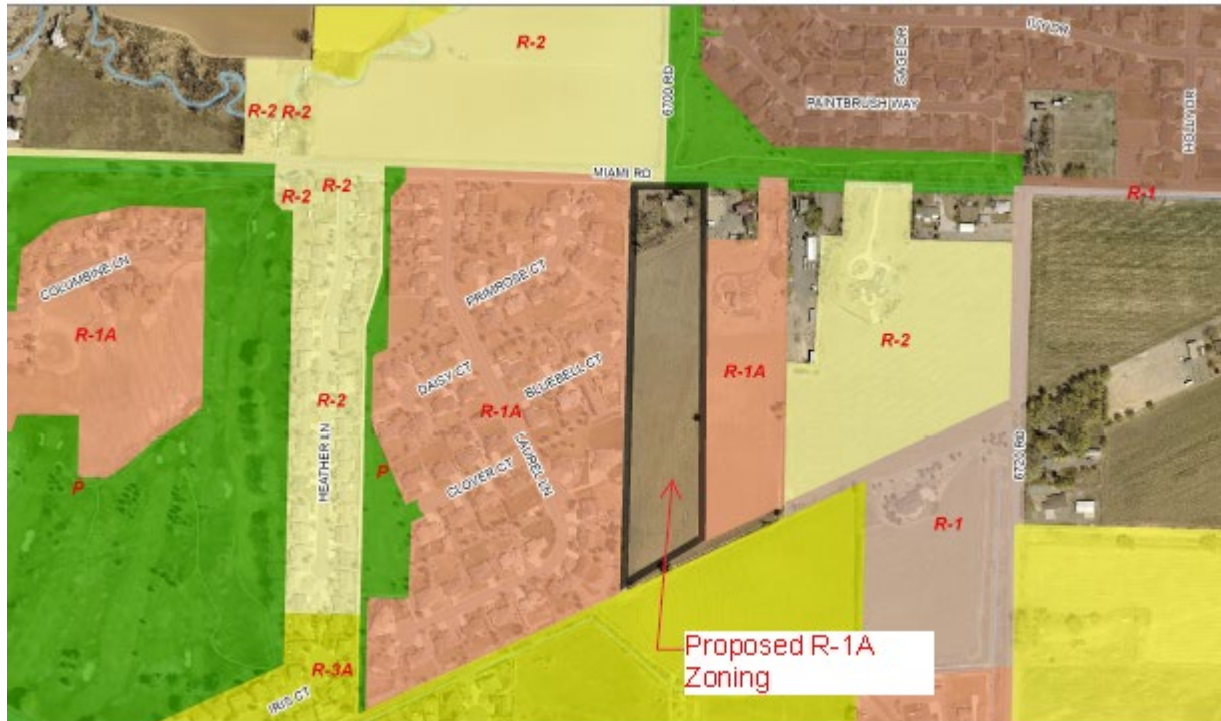
TRANSPORTATION

Proposed Roadway Network and Classification

MAP 6.1



Zoning Map



RESOLUTION NO. 2022-10

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

1. The City Council hereby finds that the Annexation Petition submitted for the annexation of the property denominated as the **6700 DEJULIO ADDITION**, as described on **Exhibit A** hereto, is in substantial compliance with the requirements of C.R.S. § 31-12-107(1), as amended.

2. The City Council shall hold a hearing to determine if the proposed annexation complies with C.R.S. §§ 31-12-104, 105, or such parts thereof as may be required to establish eligibility for annexation under the terms of C.R.S. Part 1, Article 12, Title 31. The hearing shall be held on the 7th day of June, 2022, in the Montrose City Council Chambers at the Elks Civic Building at 6:00 P.M.

ADOPTED by the City Council of the City of Montrose, Colorado, this 3rd day of May, 2022.

CITY OF MONTROSE, COLORADO

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description:

A parcel of land situated in Sections 25 & 26, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, being better described as beginning at a point S01°13'53"W 30.00 feet from the ¼ corner common to said Sections 25 & 26;

Thence S88°21'36" E149.95 feet;

Thence S01°14'26"W1381.85 feet;

Thence S65°15'25"W312.01 feet;

Thence N01°14'03"E1520.45 feet;

Thence S88°22'52"E130.70 feet to the Point of Beginning.

Containing 9.35 Acres more or less as described.



CITY OF MONTROSE
Office of the City Manager

MEMO

TO: City Council
FROM: Ann Morgenthaler, Deputy City Manager
DATE: May 3, 2022
RE: Amendment of Montrose Municipal Code Section 4-4-24 Planned Development (PD)
EXHIBIT: Ordinance and Redline Amendment

Council is considering amendments to the City of Montrose Municipal Code that will facilitate the amendment of previously approved Planned Development (PD) plans.

The City of Montrose Municipal Code and past practice have allowed amendments of previously approved (PD) plans in a manner that is consistent with Colorado State Statutes, requiring the consent of all property owners within the prior established PD area. In many cases, PD plan areas have not been fully developed since the time of approval and developer, market, and community needs and desires have changed. Obtaining the consent of all property owners within an established PD plan area for a proposed amendment is infeasible and is a barrier to implementing development that will better suit developer, market, and community needs.

The proposed amendment specifies:

- If only a portion of a PD plan area is amended, then only the consent of the property owners within such portion or the PD plan area will be required.
- When public notice of an amendment to a PD plan area is required, it will be sent to all owners within the prior-approved PD plan area in addition to being provided to property owners within 100 feet of proposed amended PD plan area.
- The current City requirement that the creation of a new PD plan area requires the consent of all property owners within the proposed PD plan area.

This will provide more flexibility regarding required consent than provided by State Statute for PDs, which is within the City of Montrose's rights as a Home Rule Municipality. Other municipalities have adopted similar regulations with respect to amendments of PD plans. City staff worked with outside land use legal counsel on this amendment.

Sec. 4-4-24. Planned Development (PD).

- (A) *Intent.* The intent of this Section is to encourage the development of tracts of land in accordance with an overall development plan by providing flexibility with respect to dimensional requirements of residential units and to provide for procedures and requirements for multi-building residential development. The City is authorized to enact and amend regulations for the establishment and control of planned developments pursuant to Article XX of the Colorado constitution and CRS 24-67-101, et. seq.
- (B) *General Provisions.*
- (1) A planned development must be in substantial conformity with the City's Master Plans. No development with more than one building, with one or more dwelling units therein, may be erected on a single lot, tract, parcel or site unless a PD Plan, providing therefore, is approved pursuant to this Section, or unless the property is subdivided pursuant to City Subdivision Regulations. Provided all other applicable municipal Code provisions are satisfied, this Subsection is not intended to prohibit the issuance of building permits for property that has obtained:
 - (a) A PD Plan;
 - (b) A subdivision Preliminary Plat; or
 - (c) An approved final plat.
 - (2) A minimum of 20 percent of the gross area of the planned development must be preserved as parks or open space.
 - (3) The PD Plan must reasonably preserve and protect rural character, open space, scenic views, drainage areas and other valued resources.
 - (4) 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) Parks, open space, growing of agricultural crops, golf courses; and "uses by right" and "conditional uses" in the zone or zones in which the PD is located shall be permitted when approved as part of the planned development.
 - (2) Modular buildings used for single family homes, duplexes or multiple family residences may be allowed in any zoning district, if approved as part of the planned development.
 - (3) Planned developments in the "RL" zoning district must consider and reasonably minimize adverse impacts on existing agricultural uses or other property in the area.
 - (4) Residences may be clustered, including the use of duplexes and multifamily residences.
 - (a) Planned developments containing six or fewer units may be approved by following the administrative procedures set forth in this Subsection (C)(4).
 - (b) The 20 percent open space requirement applicable to planned developments shall be optional for those planned developments meeting the standards set forth in Subsection (C)(4)(a) of this Section.
 - (c) Developments containing airspace units with undivided interests in common areas, shall show and describe said airspace units in three dimensions on the plat thereof. Developments of this type shall be known as "condominiums" and shall be labeled as such on the plat thereof.

-
- (e) Developments having zero lot-line setbacks, but containing non-airspace-only units, may not be required to show said units in three dimensions on the plat thereof, though certain party wall details may be required, in the City's sole discretion. Developments of this type shall be known as "Townhomes" and shall be labeled as such on the plat thereof. Townhomes shall include the underlying real property, and shall typically include yard area not encumbered by limited or general common elements, when applicable.
- (5) Administrative PD Procedures:
- (a) All lots or tracts are adjacent to a dedicated and accepted public street;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) No material changes to prior restrictions or easements are proposed; and
- (f) Provisions of Section 4-7-9(B) through and including (E) shall apply.
- (g) 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.
- (h) 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.**

(D) *Dimensional Requirements, Densities.*

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

(E) *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 4-7. 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 4-4-24, "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.**

-
- (32) Conditions may be imposed as appropriate to assure that the PD plan is consistent with the City's Master Plans and promotes the public health, safety and welfare.
- (43) 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.
- (54) The planned development Plan as approved shall be recorded.
- (65) The final PD plan may be treated as a vested right if and only if the following procedures are met:
- (a) A landowner seeking to have the PD plan vested shall submit a written application to the City requesting that the final PD plan be vested in terms of the rights relative to the type and intensity of usage thereof. The application for review and approval of the PD plan for the purpose of vesting the property may only be submitted and received by the City subsequent to the City approval of the preliminary plat concerning that same subdivision.
 - (b) If the requirements for the PD plan are otherwise met in accordance with all applicable City regulations and specifications, approval of the PD plan shall be deemed to create a vested right in said plan which shall be subject to the provisions and limitations of C.R.S. §§ 24-68-103, 104 and 105, as may be amended from time to time. For the purposes of these provisions, PD plan shall mean the same as a "site specific development plan" as defined in the aforementioned Statutes.
 - (c) Vested rights shall include only the final PD plan as approved, and shall not include the sketch plan or preliminary plat thereof, architectural plans, construction plans, variances, conditional uses, public utility filings and other related documents.

(F) *Required Improvements.*

- (1) All PDs shall provide the same improvements as required for subdivisions in Chapter 4-7, and security therefore shall be provided as set out in Section 4-7-8.
- (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 4-7 except as modified by the 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.

~~(G) (5)~~ Enforcement and Amendments.

- (1a) 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 Section 4-7-8 of the City's subdivision regulations, except that cash must be placed in the escrow account prior to issuance of the occupancy permit.

-
- (2b) 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 4-7 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 100 feet of the proposed Amended PD plan area. (Ord. No. 2472 , § 4-4-24, 5-7-2019; Ord. No. 2493 , 2-4-2020)

ORDINANCE NO. 2589

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING TITLE 4 CHAPTER 4 SECTION 24, REGARDING PLANNED DEVELOPMENT (PD) REGULATIONS TO CLARIFY THE PROCESS, CONSENT, AND PUBLIC NOTICE REQUIREMENTS FOR APPLICATIONS TO AMEND AN EXISTING PLANNED DEVELOPMENT PLAN.

WHEREAS, the City of Montrose is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, in the exercise of this authority the City Council has previously enacted Chapter 4 of Title IV of the Official Code of the City of Montrose, concerning land use and zoning (the “Zoning Regulations”); and

WHEREAS, the City Council finds that amending the Planned Development regulations to clarify the process, consent, and publication notice for the amendment of Planned Development Plans will allow for modifications that suit market and community needs for development in Montrose; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

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

Section 1. Zoning Regulations Amended

The following Sections of Title 4 Chapter 4 Section 24 of the Official Code of the City of Montrose, Colorado are hereby amended to read in full as follows:

Sec. 4-4-24. Planned Development (PD).

- (A) *Intent.* The intent of this Section is to encourage the development of tracts of land in accordance with an overall development plan by providing flexibility with respect to dimensional requirements of residential units and to provide for procedures and requirements for multi-building residential development. The City is authorized to enact and amend regulations for the establishment and control of planned developments pursuant to Article XX of the Colorado constitution and C.R.S. § 24-67-101, et. seq.

(B) *General Provisions.*

- (1) A planned development must be in substantial conformity with the City's Master Plans. No development with more than one building, with one or more dwelling units therein, may be erected on a single lot, tract, parcel or site unless a PD Plan, providing therefore, is approved pursuant to this Section, or unless the property is subdivided pursuant to City Subdivision Regulations. Provided all other applicable municipal Code provisions are satisfied, this Subsection is not intended to prohibit the issuance of building permits for property that has obtained:
 - (a) A PD Plan;
 - (b) A subdivision Preliminary Plat; or
 - (c) An approved final plat.
- (2) A minimum of 20 percent of the gross area of the planned development must be preserved as parks or open space.
- (3) The PD Plan must reasonably preserve and protect rural character, open space, scenic views, drainage areas and other valued resources.
- (4) 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) Parks, open space, growing of agricultural crops, golf courses; and "uses by right" and "conditional uses" in the zone or zones in which the PD is located shall be permitted when approved as part of the planned development.
- (2) Modular buildings used for single family homes, duplexes or multiple family residences may be allowed in any zoning district, if approved as part of the planned development.
- (3) Planned developments in the "RL" zoning district must consider and reasonably minimize adverse impacts on existing agricultural uses or other property in the area.
- (4) Residences may be clustered, including the use of duplexes and multifamily residences.
 - (a) Planned developments containing six or fewer units may be approved by following the administrative procedures set forth in this Subsection (C)(4).
 - (b) The 20 percent open space requirement applicable to planned developments shall be optional for those planned developments meeting the standards set forth in Subsection (C)(4)(a) of this Section.
 - (c) Developments containing airspace units with undivided interests in common areas, shall show and describe said airspace units in three dimensions on the plat thereof. Developments of this type shall be known as "condominiums" and shall be labeled as such on the plat thereof.

- (d) Developments having zero lot-line setbacks, but containing non-airspace-only units, may not be required to show said units in three dimensions on the plat thereof, though certain party wall details may be required, in the City's sole discretion. Developments of this type shall be known as "Townhomes" and shall be labeled as such on the plat thereof. Townhomes shall include the underlying real property, and shall typically include yard area not encumbered by limited or general common elements, when applicable.
- (5) Administrative PD Procedures:
 - (a) All lots or tracts are adjacent to a dedicated and accepted public street;
 - (b) 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;
 - (c) 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;
 - (d) 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;
 - (e) No material changes to prior restrictions or easements are proposed; and
 - (f) Provisions of Section 4-7-9(B) through and including (E) shall apply.
 - (g) 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.
 - (h) 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.

(D) *Dimensional Requirements, Densities.*

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

(E) *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 4-7. 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 4-4-24, "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.
- (3) Conditions may be imposed as appropriate to assure that the PD plan is consistent with the City's Master Plans 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 planned development Plan as approved shall be recorded.
- (6) The final PD plan may be treated as a vested right if and only if the following procedures are met:
 - (a) A landowner seeking to have the PD plan vested shall submit a written application to the City requesting that the final PD plan be vested in terms of the rights relative to the type and intensity of usage thereof. The application for review and approval of the PD plan for the purpose of vesting the property may only be submitted and received by the City subsequent to the City approval of the preliminary plat concerning that same subdivision.
 - (b) If the requirements for the PD plan are otherwise met in accordance with all applicable City regulations and specifications, approval of the PD plan shall be deemed to create a vested right in said plan which shall be subject to the provisions and limitations of C.R.S. §§ 24-68-103, 104 and 105, as may be amended from time to time. For the purposes of these provisions, PD plan shall mean the same as a "site specific development plan" as defined in the aforementioned Statutes.
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(F) *Required Improvements.*

- (1) All PDs shall provide the same improvements as required for subdivisions in Chapter 4-7, and security therefore shall be provided as set out in Section 4-7-8.
- (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 4-7 except as modified by the 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.

(G) 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 Section 4-7-8 of the City's subdivision regulations, 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 4-7 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 100 feet of the proposed Amended PD plan area.

Section 2. Severability

This Ordinance shall be deemed severable. Should any phrase, term, section, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unlawful, the remainder of the Ordinance shall remain in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect upon adoption at second reading and publication as required by the charter.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 3rd day of May, 2022, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 3rd day of May, 2022.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 17th day of May, 2022.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

MEMO



TO: City Council
FROM: Martin Landers and William Reis
DATE: May 3, 2022
RE: Bear Creek Subdivision Filing No. 7 Final Plat
ATTACHMENTS
● Exhibit A: Maps

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

Application Background:

The Bear Creek Subdivision Filing No. 7 Final Plat proposes to create 32 new single-family residential lots. The property is approximately 61.13 acres in size, with 4.34 acres dedicated to residential lots, 2.27 acres to right-of-way, 1.16 acres of open space, and the remaining 53.36 acres consisting of an outlot. This final plat is bordered on the east by Five Mile Creek Ave, and serves as an extension of Excelsior Creek Ave, within the Bear Creek Subdivision. The property is zoned "R-5" Low Density/Manufactured Housing District. The intent is to construct residential, single-family housing on these lots, which is a use-by-right in this zoning district. The preliminary plat was approved in September 2021. Newly created lots will be as follows:

- Block 14, Lots 1 to 13, Excelsior Creek Ave (13 Lots)
- Block 15, Lots 14 to 26, Excelsior Creek Ave and Five Mile Creek Ave (13 Lots)
- Block 16, Lots 1 to 2, Excelsior Creek Ave (1 Lots total)
- Block 17, Lots 1, 2, 15, and 16, Excelsior Creek Ave and Five Mile Creek Ave (4 Lots)

Total Size of Property: 61.13 acres

Applicant: Matt Miles, Bear Creek Land & Development, LLC



Staff Analysis:

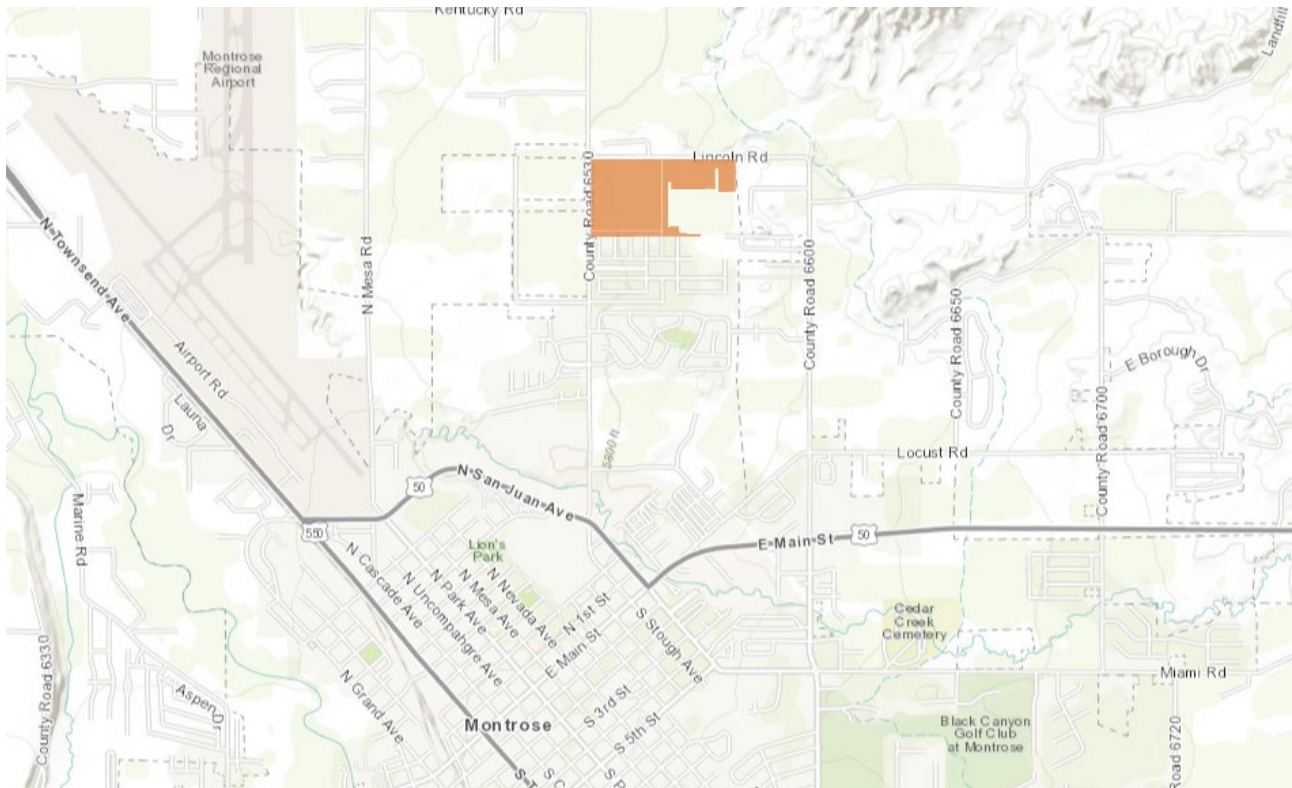
1. Lots/blocks:
 - a. All lots meet the minimum lot size required for the Bear Creek PD Plan, Reception #720865.
2. Streets
 - a. Surrounding streets must be in place, inspected and approved by the City Engineer prior to final approval.
3. Utilities
 - a. Easements are shown.
 - b. City sewer and other utilities must be installed and available to serve all lots prior to final approval.

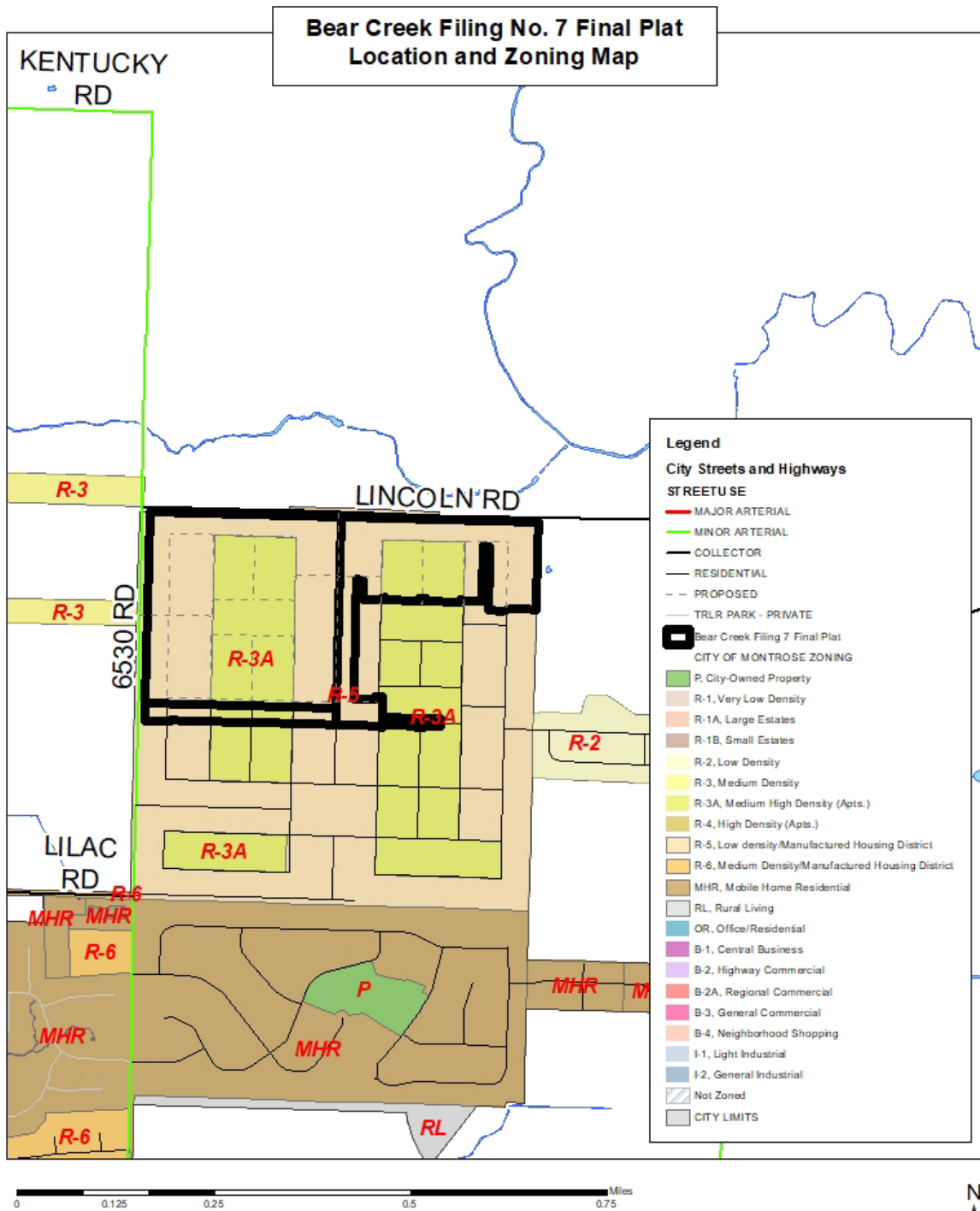
Staff Recommendation: Conditional Approval**Conditions:**

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



Vicinity Map

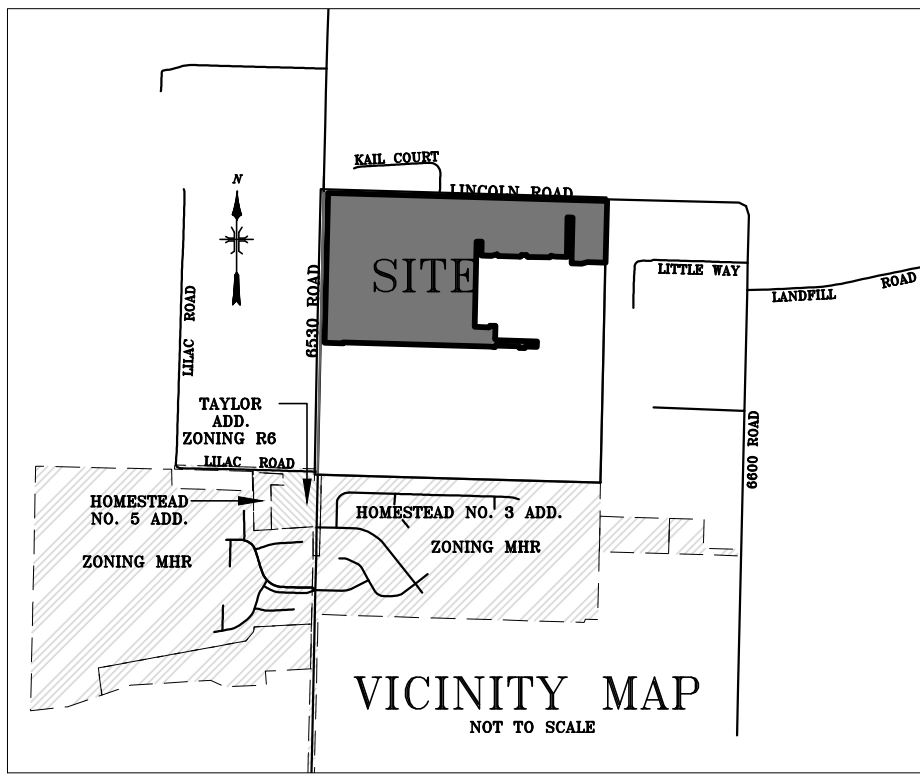




BEAR CREEK SUBDIVISION FILING NO. 7

FINAL PLAT

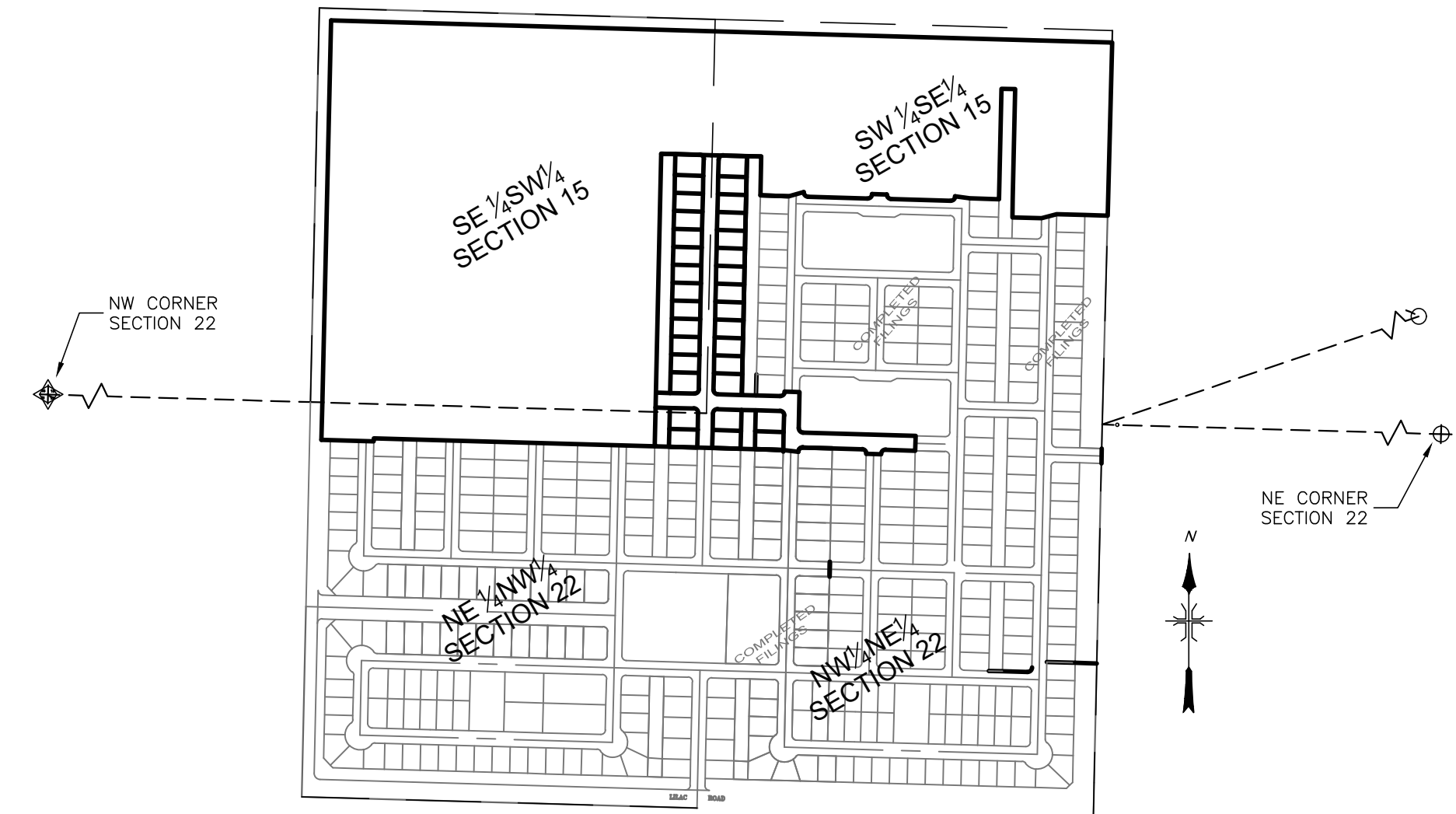
SITUATED IN SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 15
AND NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 22,
TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



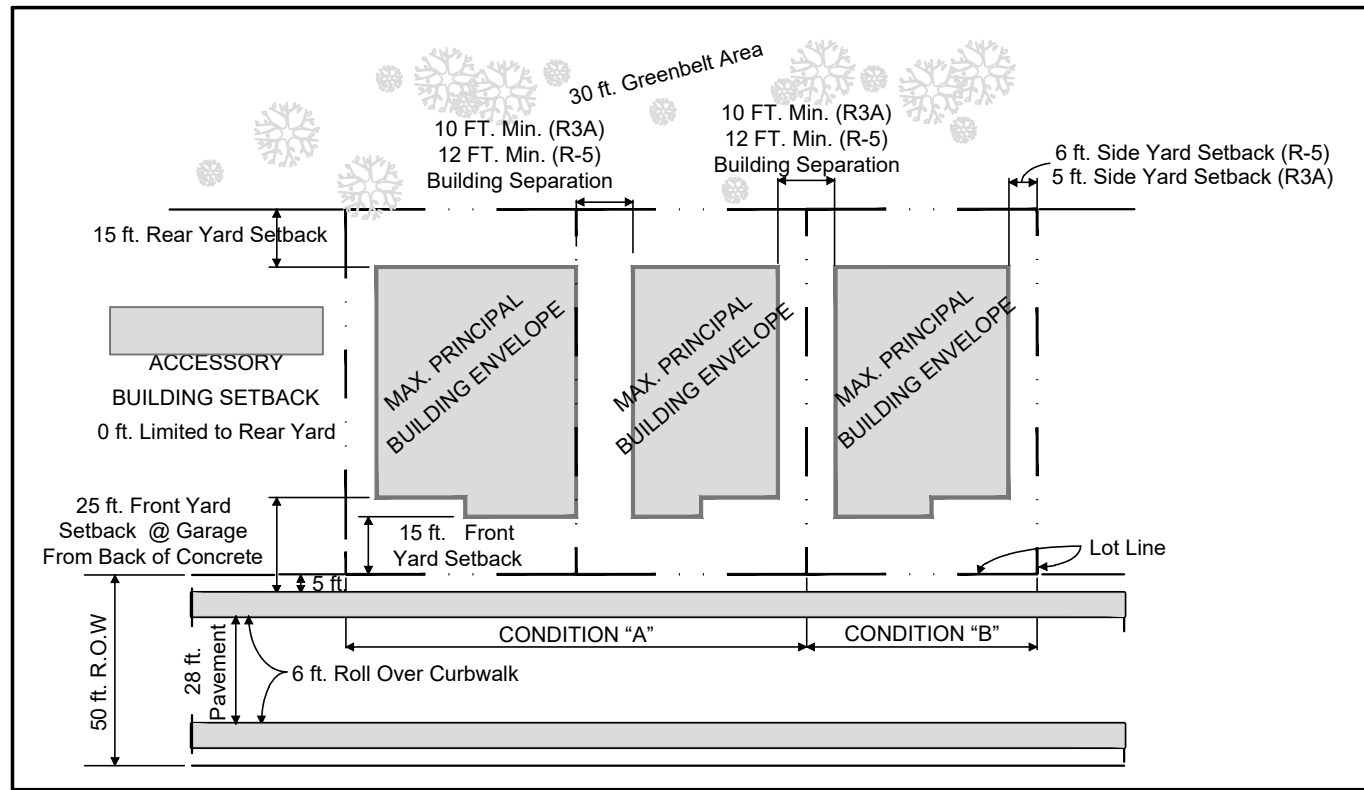
AREA SUMMARY:		
RIGHT-OF WAY		2.27 ACRES
OPEN SPACE		1.16 ACRES
LOTS	32	4.34 ACRES
OUTLOT	1	53.36 ACRES
TOTAL		61.13 ACRES

DEVELOPER: LEADERSHIP CIRCLE, LLC
P.O. BOX 239
MONTROSE, CO 81402

ENGINEER: DEL-MONT CONSULTANTS, INC.
125 COLORADO AVE.
MONTROSE, CO 81401
(970) 249-2251



SECTION EXHIBIT
NOT TO SCALE



**TYPICAL PLANNED DEVELOPMENT ZONE
BUILDING SETBACK REQUIREMENTS**
Per P.D. Plan Bear Creek Subdivision Rec. No. 720865
NOT TO SCALE

CERTIFICATE OF DEDICATION AND OWNERSHIP

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

Outlot 6 of Bear Creek Subdivision Filing No. 6 as Recorded at Recp. No. 946976
County of Montrose, State of Colorado

Together with SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado LESS AND EXCEPT the Right of Way dedicated by Reception No. 706086

Together with the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado. LESS AND EXCEPT Bear Creek Phase 1 as recorded at Reception No. 721716 as amended, Bear Creek Phase 2A as recorded at Reception No. 726659, Bear Creek Phase 2B as recorded at Reception No. 740298 and that Right of Way dedicated by Reception No. 706086.

Have by these presents laid out, platted and subdivided the same into lots, as shown on this plat, under the name and style of Bear Creek Subdivision Filing No. 7, and do hereby dedicate, grant and convey to the City of Montrose, Colorado, for the use of the public, Goat Street, Cabin Creek Street, Excelsior Creek Avenue, and Five Mile Creek Avenue, as hereon shown.

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

Executed this ____ day of _____, 20____.

Matt Miles,
BEAR CREEK LAND & DEVELOPMENT, LLC a Colorado Limited Liability Company

STATE OF COLORADO)
COUNTY OF MONTROSE)ss.

The foregoing certificate was acknowledged before me this _____ day of

_____, 20____ by Matt Miles.

My commission expires _____.

Witness my hand and seal _____
Notary Public

MISCELLANEOUS PLAT NOTES

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

2. In agreement with the approved P.D. Plan for Bear Creek Subdivision as recorded in the Montrose County Public Records at Reception No. 720865, all Open Space Tracts, Parks, and future Community Center Tract(s) now existing or hereafter dedicated, shall be owned and maintained by a homeowners association, or until such time as a homeowners association is lawfully formed for such purposes, by the owners of all lots as platted hereon, jointly and severally. The City is not responsible or liable in any manner for the maintenance, repair, or operation of such properties and/or improvements. Upon failure to properly maintain such properties and/or improvements shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owner, or the City may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

2A. By executing this Plat, the owner(s) whose signature(s) appear hereon, joined by the Lienholder(s), if any, whose signatures also appear on this Plat, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to Bear Creek H.O.A. Inc., a Colorado nonprofit corporation, Open Space Tract 15, 16 and 19 shown and designated on this Plat.

2B. The owner(s) whose signature(s) appear on the Certificate of Dedication and Ownership on this Plat have provided the City a current, valid, Certificate of Good Standing bearing Confirmation No. 20041403448, from the Colorado Secretary of State, as proof of the above-named HOA or Owners' Association entity's: i) compliance with all applicable requirements of the Colorado Secretary of State, and ii) good standing with the Colorado Secretary of State.

2C. The Declaration of Covenants, Conditions, and Restrictions for Bear Creek H.O.A. Inc., applicable to the development platted hereon, and made binding to the entity named above, was recorded under Reception No. 732353, on the 2nd day of February, 2005 in the office of the Montrose County Clerk and Recorder.

3. All residential lots or residential units hereon shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to \$4-7-7(C)(7) of the Municipal Code. Payments shall be made to the City, to be later disbursed to the RE-1J School District.

4. The zoning of this property is R-3A and R-5 as defined and described by the City of Montrose Municipal Code at the time of approval and recordation of this plat, and is subject to change.

5. The irrigation easements shown hereon, and/or as shown on the approved P.D. Plan for Bear Creek Subdivision as recorded in the Montrose County Public Records at Reception No. 720865, shall be owned and maintained by a homeowners association, or until such time as a homeowners association is lawfully formed for such purposes, by the owners of all lots encumbered by the easement, jointly and severally, and shall not be impeded or altered in any way so as to impact the historic delivery of water, unless otherwise agreed by all owners of interest in said easements or any water rights associated therewith. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any irrigation pipelines, improvements or ditches as located within said easements. Upon failure to properly maintain the irrigation easements shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owners, and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

FINAL PLAT CONDITIONAL APPROVAL

The approval of the Bear Creek Subdivision Filing No. 7 Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met, and that the Applicant adequately addresses all of staff's concerns.

AIRPORT INFLUENCE AREA NOTICE:

The Bear Creek Subdivision Filing No. 7 is located approximately 1 mile east of the the Montrose Regional Airport. The Bear Creek Subdivision Filing No. 7 is within the Airport Influence Area of a busy airport used by piston and jet aircraft and is open 24 hours a day seven days a week. All property within the Bear Creek Subdivision Filing No. 7 is subject to overflights and the effects thereof, which may include but is not limited to noise, vibration, fumes and dust.

BASIS OF BEARINGS:

The bearing between the referenced Mag Nail at the Northwest corner of Section 22, Township 49 North, Range 9 West New Mexico Principal Meridian and the found 1 $\frac{1}{2}$ " Aluminum Cap on $\frac{3}{4}$ " Rebar (illegible) for the Northeast corner of said Section 22, bears S88°22'44"E (ASSUMED).

LINEAL UNITS STATEMENT:

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

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.

SURVEYORS CERTIFICATE

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

C.R.S. Section 38-51-106 Statement: this plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this plat may be found in the title report issued by Fidelity National Title Company, dated August 20, 2021 bearing policy number F0723227-397-DGO.

Colorado Registered Land Surveyor:
Nicholas Barrett
Registration No. 38037

Date: _____

ENGINEER'S CERTIFICATE

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

PRELIMINARY

Steven Stevenson, P.E. Registration No. 40020

Date: _____

CERTIFICATE OF COMPLETED IMPROVEMENTS

I, Scott Murphy, City Engineer, certify that all improvements and utilities required by the current Subdivision Regulations of the City of Montrose, have been constructed, inspected and approved in this Subdivision in accordance with applicable City ordinances, regulations and specifications, and a Letter of Substantial Completion has been issued, as required by the City's Municipal Code.

City Engineer
Registration No. _____

Date: _____

ATTORNEY'S CERTIFICATE

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

Attorney
Registration No. _____

Date: _____

APPROVAL OF CITY MANAGER

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

City Manager

APPROVAL OF CITY ATTORNEY

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

City Attorney

APPROVAL OF CITY COUNCIL

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

Mayor

RECORDER'S CERTIFICATE

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

Clerk and Recorder, Montrose County, Colorado

DMC				DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 249-2251 • (970) 249-2242 FAX www.del-mont.com • service@del-mont.com	
FIELD BOOK:	DRAWN BY:	DATE:	CLIENT: LEADERSHIP CIRCLE, LLC		
	DCC	2022-04-12	ADDRESS & PHONE: P.O. BOX 239 MONTROSE, CO 81402		
SHEET: 1 of 2	FILE: 22027V_PLAT-F7	JOB NO.: 22027	TYPE: FINAL PLAT		

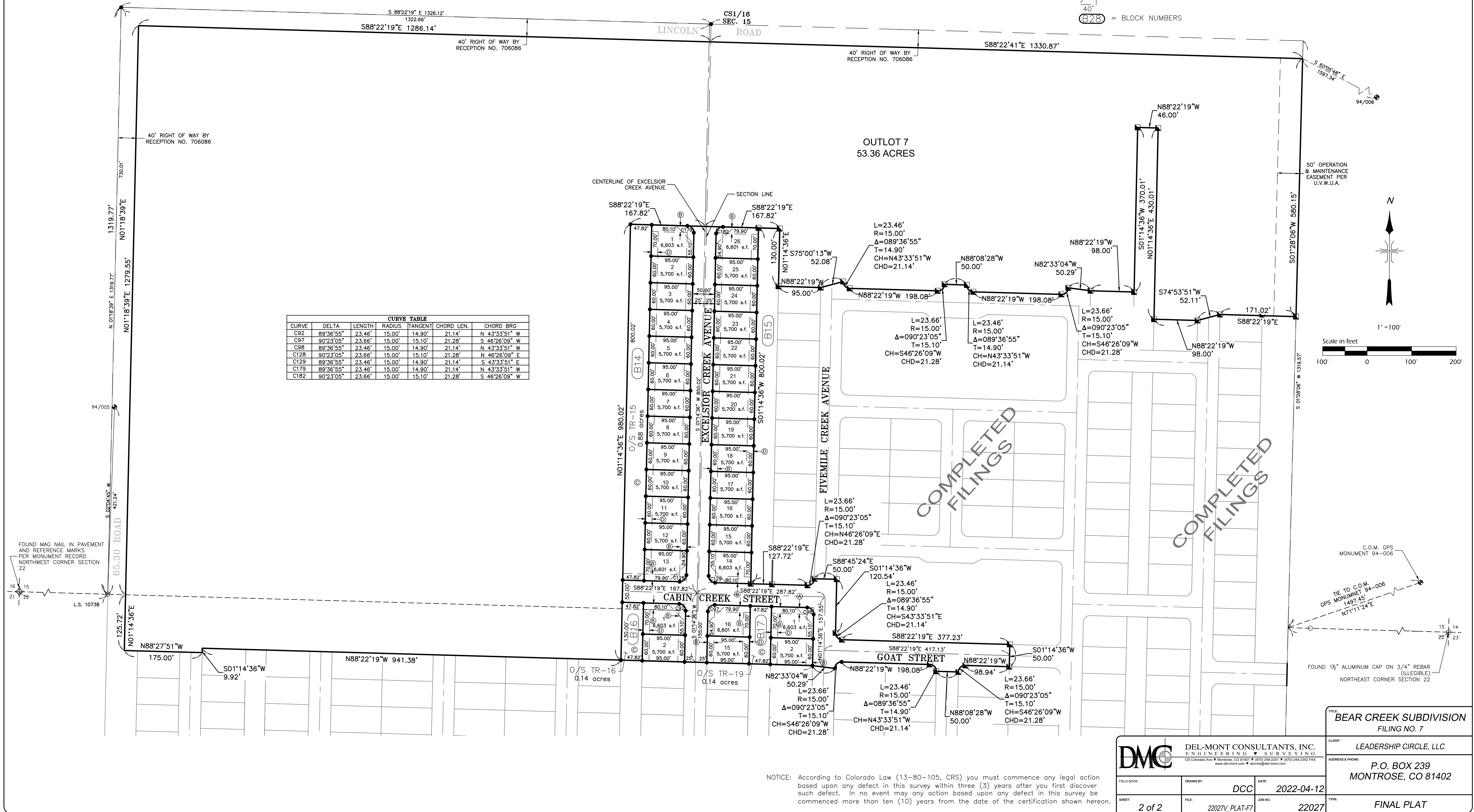
BEAR CREEK SUBDIVISION FILING NO. 7

FINAL PLAT

SITUATED IN SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 15
AND NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 22,
TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

LEGEND

- = FOUND 5/8" X 18" REBAR WITH 1 1/2" CAP (L.S. 16840)
- = FOUND 5/8" X 18" REBAR WITH 1 1/2" CAP (L.S. 38037)
- = SET 5/8"x18" REBAR W/ 1 1/2" ALUMINUM CAP (L.S. 38037)
- Ⓐ = 15' PRIVATE IRRIGATION EASEMENT
- Ⓑ = 15' UTILITY EASEMENT
- Ⓒ = DRAINAGE EASEMENT COVERING ENTIRE OPEN SPACE (WIDTH VARIES)
- Ⓓ = 15' DRAINAGE EASEMENT
- ▨ = 25' UTILITY EASEMENT DEDICATED TO THE CITY OF MONTROSE & DRAINAGE EASEMENT
- △ = SIGHT TRIANGLE PER CITY OF MONTROSE SUBDIVISION REGULATIONS
- ②⑧ = BLOCK NUMBERS



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TITLE: BEAR CREEK SUBDIVISION
FILING NO. 7

CLIENT: LEADERSHIP CIRCLE, LLC

ADDRESS & PHONE: P.O. BOX 239
MONTROSE, CO 81402

FIELD BOOK:	DRAWN BY: DCC	DATE: 2022-04-12	JOB NO.: 22027	TYPE: FINAL PLAT
SHEET: 2 of 2	FILE: 22027V_PLAT-F7			