

AGENDA ITEM SUMMARY

City Council



STAFF

Clay Frickey, Planning Manager

SUBJECT

Second Reading of Ordinance No. 005, 2025, Approving the First Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on January 21, 2025, adopts the First Amendment to the Planned Unit Development (PUD) Master Plan Development Agreement for the Montava PUD Overlay and Master Plan between the City and the Developer. The amendment would extend the five (5)-year contingency for closing of the Developer's purchase from the Anheuser-Busch Foundation for two (2) additional years.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

On February 18, 2020, Council approved the Montava PUD Master Plan and Montava PUD Overlay by Ordinance No. 014, 2020. In connection with the PUD Master Plan, Council also approved the PUD Master Plan Development Agreement (Development Agreement) by Ordinance No. 015, 2020. The Development Agreement primarily addresses the twenty-five (25)-year extended vested rights period and other terms of development within the Montava PUD Overlay and Master Plan.

The Development Agreement envisions Montava's acquisition of approximately 844 acres from the Anheuser-Busch Foundation and an additional 108 acres via an exchange with the Poudre School District, with the resulting property being developed in phases subject to the PUD Master Plan, the Development Agreement and the accompanying Public Benefits Agreement. The Development Agreement contains a contingency requiring the closing of Montava's purchase from the Anheuser-Busch Foundation within five (5) years after the agreement's effective date of March 13, 2020.

Montava has submitted four development applications for phases within the PUD Master Plan, one of which must be approved prior to the Anheuser-Busch Foundation closing. Montava has encountered complicated issues in finalizing long-term solutions for ditch crossings, ditch modifications and stormwater management causing years of delay and erosion of the original five (5)-year contingency period. While Montava continues to pursue resolution, Montava requests that the Council grant a two (2)-year extension of the five (5)-year contingency period to allow additional time to resolve the issues and close on the purchase to prevent a termination of the Development Agreement.

The City and Montava are authorized to amend the Development Agreement without the consent of the Anheuser-Busch Foundation or the Poudre School District, although both entities are advised of this request.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance