

ORDINANCE NO. 120, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE SECOND AMENDMENT TO THE PUD MASTER PLAN
DEVELOPMENT AGREEMENT FOR THE MONTAVA PLANNED UNIT
DEVELOPMENT OVERLAY AND MASTER PLAN

A. Montava is a Planned Unit Development (“PUD”) established under Transitional Land Use Code Divisions 2.15 and 4.29 for a section of rural and agricultural land next to the Anheuser-Busch facility in northeast Fort Collins, modeled after a village-style development for the wide variety of land uses planned. The development intends to include a variety of housing, amenities and public spaces. The proposal calls for a complete, connected community with new neighborhoods, parks, schools, a town center, urban agriculture, businesses, and transportation connections.

B. On February 18, 2020, Council approved the Montava PUD Master Plan and Montava PUD Overlay by Ordinance No. 014, 2020, and the PUD Master Plan Development Agreement (the “Development Agreement”) by Ordinance No. 015, 2020.

C. The Development Agreement primarily addresses an extension from three to twenty-five years of the vested rights period, because vested property rights are normally valid for up to three years under Transitional Land Use Code Section 2.2.11(C)(2) unless City Council approves an extended period.

D. The Development Agreement also addresses other terms of development within the Montava PUD Overlay and Master Plan. The Development Agreement envisions the Montava developer's (the “Developer”) 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.

E. The Development Agreement at Subsection V.C.1. contains a contingency requiring the closing of the Developer's purchase from the Anheuser-Busch Foundation within five years after the agreement's effective date and if the closing does not occur before the end of the five years, the Development Agreement would automatically terminate.

F. Due to complications in finalizing long-term solutions for ditch crossings, ditch modifications and stormwater management, City Council adopted Ordinance 005, 2025, approving the First Amendment to PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan to extend the time period in which to purchase the property by two years until March 13, 2027.

G. The Developer has encountered complicated issues in finalizing long-term solutions for potable and non-potable water causing additional delay. The City and East Larimer County Water District have been analyzing how best to provide potable and non-potable water for Montava and are in discussions regarding agreements (the “Water Agreements”) setting forth the terms for the provision of such water. It is anticipated that the Water Agreements will be presented to City Council for review and approval in 2026 to resolve the water related development matters.

H. Due to the continued delays, the Developer is requesting a further extension of the time to purchase the property as set forth in the Second Amendment to PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan (the “Second Amendment”), attached hereto and incorporated herein by this reference as Exhibit A. As described in the Second Amendment, should the Water Agreements be approved by or on December 29, 2026, an extension will be granted until the end of day March 25, 2028, to close on the property. If the City does not approve the Water Agreements by or on December 29, 2026, a longer extension will be granted until the end of day March 25, 2029.

I. There will not be financial impact on the City for extending the existing deadline.

J. City Council finds and determines that the adoption of this Ordinance advances the public's health, safety, and welfare by ultimately facilitating the Montava development and its associated public improvements and benefits.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The Second Amendment is hereby approved by City Council.

Section 2. The Mayor is authorized to execute the Second Amendment on behalf of the City in substantially the same form as Exhibit A.

Introduced, considered favorably on first reading on September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Brad Yatabe

Exhibit: Exhibit A - Second Amendment to PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan