

AGENDA ITEM SUMMARY

City Council



STAFF

Kim Meyer, Principal Planner

SUBJECT

First Reading of Ordinance No. 120, 2026, Approving the Second Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.

EXECUTIVE SUMMARY

The purpose of this item is for Council to consider the Second Amendment to Planned Unit Development (“PUD”) Master Plan Development Agreement for the Montava PUD Overlay and Master Plan. The amendment would extend the contingency for closing of the Developer’s purchase from the Anheuser-Busch Foundation for up to two additional years.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on 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 by Ordinance No. 015, 2020. The Development Agreement primarily addresses the 25 years 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 years after the agreement’s effective date of March 13, 2020; the First Amendment to that agreement extended that an additional two years.

Montava has submitted four development applications for phases within the PUD Master Plan, with two having received approvals – the recording of those final documents are pending closing on the property. Montava has encountered numerous complicated issues in finalizing long-term solutions related to ditch crossings and improvements, stormwater management, and potable and non-potable water causing significant delay and continued erosion of the contingency period stated in the original agreement and first amendment. At this time, Montava is awaiting resolution on a proposed agreement between the City of Fort Collins and the East Larimer County Water District related to the possible sale of water that may impact

the Montava land closing and development schedule. (Council held a work session on August 25, 2026, to discuss said agreement.)

Because of the delays Montava has encountered trying to obtain potable and non-potable for the development, the developer is requesting that Council approve a second amendment to further extend the period in which to purchase the property. The developer is requesting that should the water agreements between the City and East Larimer County Water District be approved by or on December 29, 2026, the closing deadline would be extended 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 would be granted until the end of day March 25, 2029.

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 / LINKS

1. Ordinance No. 120, 2026