

AGENDA ITEM SUMMARY

City Council



STAFF

Clay Frickey, Planning Manager

SUBJECT

Resolution 2025-004 Approving the First Amendment to the Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan.

EXECUTIVE SUMMARY

The purpose of this item is to consider the First Amendment to the Development Agreement to Secure Public Benefits for Montava Planned Unit Development (PUD) Master Plan (Public Benefits Agreement) 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 Resolution.

BACKGROUND / DISCUSSION

On September 25, 2018, Council approved the Consolidated Service Plan for Montava Metropolitan District Nos. 1-7 (Service Plan) to govern the Montava Metro Districts by Resolution 2018-083. Thereafter, in 2020, Council approved the Montava PUD Master Plan and the PUD Master Plan Development Agreement for the development of approximately 844 acres to be acquired from the Anheuser-Busch Foundation and an additional 108 acres to be obtained via an exchange with the Poudre School District. In connection with the approval of the PUD Master Plan, Council approved by Resolution 2020-007 the Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan (Public Benefits Agreement) for the purpose of securing the Developer's delivery of certain "Public Benefits" described in the Service Plan as: (i) large-scale comprehensive master planning; (ii) new urbanism; (iii) agri-urban development; (iv) zero energy ready homes; (v) non-potable water system; and (vi) affordable/workforce housing. The Public Benefits Agreement meets both the spirit of the Metro District Policy and helps the City achieve its strategic objectives.

The Public Benefits 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 25, 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, it is also requesting 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 Public Benefits Agreement.

The City and Montava are authorized to amend the Public Benefits 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

1. Resolution for Consideration
2. Exhibit A to Resolution