

ORDINANCE 2007-14

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA TO REZONE APPROXIMATELY FIVE ACRES OF PROPERTY LOCATED AT 150 SOUTH SYCAMORE STREET, FROM COMMUNITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT IN THE CITY OF FRUITA KNOWN AS GRAND MESA APARTMENTS.

WHEREAS, the property to be rezoned is shown and described in attached Exhibit A, incorporated herein by this reference (the “Property”), and

WHEREAS, the Property is currently zoned Community Residential and the Fruita Community Plan 2020 shows the recommended zoning to be Community Residential, and

WHEREAS, the City Council has received an application by Grand Mesa Apartments of Fruita, LLP (the “Applicant”) to rezone the Property to Planned Unit Development (PUD), and

WHEREAS, the Fruita Planning Commission recommended approval of the application to zone the Property PUD to the Fruita City Council, and

WHEREAS, a PUD Control Guide, as required by Section 17.17.080 of the Fruita Land Use Code (2004, as amended), and entitled “Grand Mesa Apartments P.U.D. Guide”, contains information regarding the uses, density and development standards for the Grand Mesa Apartments, and

WHEREAS, based on the evidence, testimony, exhibits, study of the City’s Master Plan, staff reports including review comments, Planning Commission public hearing minutes, and comments from all interested parties, the City Council finds as follows:

- A. Proper publication and other public notices were provided as required by law for the hearings before the Planning Commission and City Council.
- B. Pursuant to Section 17.17.100 of the Fruita Land Use Code (2004, as amended) the City Council finds that the proposed PUD is desirable because it meets one or more of the standards and criteria set forth in Section 17.17.050 of the Fruita Land Use Code (2004, as amended) required for approval of a PUD including general conformity with the City’s Master Plan, and accomplishes one or more of the purposes of a planed unit development as set forth in Section 17.17.010 of the Fruita Land Use Code (2004, as amended).

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

Section 1: That the Official Zoning Map adopted pursuant to Section 17.13.060 of the Fruita Land Use Code (2004, as amended) is hereby amended and that the Property shown and described on the attached Exhibit A, containing approximately 1.87 acres, be and the same is hereby rezoned as a Planned Unit Development (PUD).

Section 2: That the PUD Control Guide entitled “Grand Mesa Apartments P.U.D. Guide”, attached hereto as Exhibit B, and incorporated herein by this reference, establishes the uses, densities, and development standards for the Grand Mesa Appartments. The zoning designation herein approved is specifically conditional upon the Applicant’s and any owner’s full compliance with said PUD Control Guide.

Section 3: It shall be a Class B municipal offence, as defined in the Fruita Municipal Code, for any person to knowingly erect, construct, use, or alter any building or structure or knowingly use any land in violation of the PUD Control Guide herein adopted.

Section 4: The City Clerk is directed to:

1. File the original of this Ordinance including attached Exhibits in the office of the City Clerk of the City of Fruita, Colorado;
2. File one copy of this Ordinance including attached Exhibits in the office of the Mesa County Colorado Assessor; and
3. File for the record one certified copy of this Ordinance including attached Exhibits with the Mesa County Colorado Clerk and Recorder.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 4th DAY OF SEPTEMBER, 2007.**

ATTEST:

City of Fruita

City Clerk

E. James Adams, Mayor

Exhibit A

Ordinance 2007-14

Beginning at a point 1290 feet East and 40 feet North of the center of Section 17, Township 1 North, Range 2 West of the Ute Meridian, said point being at the intersection of the North line of McCune Avenue and the East line of Tract 65, Orchard Subdivision;
Thence North along the east line of said Tract 65 a distance of 260 feet;
Thence West 140 feet, thence South 80 feet, thence West 160 feet;
Thence South 180 feet, thence East 300 feet to the point of beginning;
Being a part of Tract 65 of the Orchard Subdivision.

And

Beginning at the SE Corner of Tract 65 of Orchard Subdivision;
Thence East 60.00 feet to the SW Corner of Tract 64 of Orchard Subdivision;
Thence continuing East along the South line of said Tract 64, 50.00 feet;
Thence North on a line parallel to the West line of said Block 64, 25.00 feet;
Thence along the arc of a curve to the left with a radius of 153.00 feet and a long chord which bears North 22° 48' 30" West 118.62 feet;
Thence along the arc of a curve to the right with a radius of 213.00 feet and a long chord which bears North 44° 51' 03" West 5.69 feet to a point of the West line of said Tract 64;
Thence along the arc of a curve to the right with a radius 213.00 feet and a long chord which bears North 25° 37' 36" West 134.88;
thence West 1.66 feet to a point on the East line of said Tract 65:
thence South 260.00 feet to the point of beginning.

GRAND MESA APARTMENTS

~ P.U.D. GUIDE ~

*Family Living in a Residential Neighborhood
Close to Downtown*

Grand Mesa Apartments of Fruita, LLLP
7213 S. Perth Way
Aurora, Colorado 80016

GRAND MESA APARTMENTS

PUD GUIDE

PURPOSE and LOCATION

Grand Mesa Apartments is a twenty-four (24) unit apartment complex comprised of four (4) two-story buildings: a four-plex of one-bedroom units, an eight-plex of one-bedroom units, and two (2) six-plex buildings of two-bedroom units. The complex is located at 150 S. Sycamore Street on approximately 1.87 acres in a well-established, quiet residential neighborhood. The complex was originally constructed in 1982, and in 2006-2007 underwent a substantial rehabilitation of all buildings and site work, including construction of a new office, community room and laundry room for tenant use.

For a period of 30 years, until 2037, Grand Mesa Apartments will be operated as an “affordable housing” complex; that is, the residential rental units will be restricted to families or persons whose income is at or below sixty percent (60%) of the area median income.

DESCRIPTION OF USE OF PROPERTY

1. Lot front yard setbacks for all structures shall be twenty (20) feet.
2. Side yard setbacks for all structures shall be ten (10) feet.
3. Rear yard setbacks for all structures shall be ten (10) feet.
4. Maximum structure height shall be thirty-five (35) feet.
5. All lots shall only be used for multifamily residential, specifically twenty-four (24) apartment units in four apartment buildings, including a four-plex of one-bedroom units, an eight-plex of one-bedroom units, and two six-plexes of two-bedroom units.
6. The property shall maintain on site at least 40 parking spaces, at least four (4) of which shall be reserved for vehicles belonging to or used by disabled persons.
7. All structures shall be connected to City water and sewer systems.
8. Fencing along the north, rear-yard property line shall be 6’ in height.
9. No structures, including sheds, slabs, curbing and raised landscaping which would affect the flow of storm water or other surface drainage are allowed in identified drainage easements.
10. Grand Mesa Apartments of Fruita, LLLP, or its designated management agent, is responsible for the operation and maintenance of the property, including the irrigation system, and maintenance of structures, parking, signage, fencing and lawn.

