

ORDINANCE 2007-16

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA TO REZONE APPROXIMATELY 2.3 ACRES OF PROPERTY LOCATED ON NORTH COULSON STREET, JUST SOUTH OF INDEPENDENCE VILLAGE, FROM COMMUNITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT IN THE CITY OF FRUITA KNOWN AS GEWONT TOWNHOMES PUD.

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 Jozef & Halina Gewont (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 “Gewont Townhomes P.U.D. Guide”, contains information regarding the uses, density and development standards for the Gewont Townhomes PUD, 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 planned 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 “Gewont Townhomes P.U.D Guide”, attached hereto as Exhibit B, and incorporated herein by this reference, establishes the uses, densities, and development standards for the Gewont Townhomes PUD. 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 _____ DAY OF _____, 2007.**

ATTEST:

City of Fruita

City Clerk

E. James Adams, Mayor

Exhibit A
Ordinance 2007-16

Lot 2 of the Moorland Minor Subdivision which was a replat of Mandatory subdivision, a subdivision of Parcel B of a Subdivision of Tract 44 of Orchard Subdivision, now a part of the City of Fruita. And Outlot A of the Hussman Minor Subdivision which was a replat of Lot 5 in Downer Subdivision in the NE $\frac{1}{4}$ of Section 18, T1N, R2W of the Ute Meridian, in the City of Fruita, County of Mesa State of Colorado.

Gewont Townhomes

~ P.U.D. GUIDE ~

Senior living in an
Energy efficient neighborhood
with an open concept close
to town

CUI • CONSTRUCTION UNLIMITED
31855 Willow Bend Rd., Whitewater, CO 81527-9608
(970) 242-8233

GEWONT TOWNHOMES PUD GUIDE

PURPOSE and LOCATION

Gewont Townhomes PUD is a sixteen (16) unit town home subdivision comprised of eight duplex style structures on sixteen individual lots. The subdivision is located at 215 North Coulson Street on approximately 3.26 acres. It is designed for citizens aged fifty-five (55) and older as is restricted in the CC&R's, the Plat and on the individual lot deeds. CUI • Construction Unlimited shall be the Developer for all site work and shall be the Design / Builder of all structures therein. A portion of Outlot A, the west one acre, as the City may desire at some future date, will be available to the City for their anticipated Little Salt Wash Trail System. Access to the future trail system will be through Tract C, the northwest portion of the Gewont Townhomes PUD subdivision, as shown on the Final Plat.

PUD DESCRIPTION

The .146 acre Tract A, .234 acre Tract B, .036 acre Tract C and .96 acre Outlot A will be conveyed to the HOA as common open space. Tract C and Outlot A are open space for the use of the general public. Tract A is a thirty-two (32') foot wide lawn area with a large gazebo which will provide a recreation area for the homeowners within Gewont Townhomes PUD, their invited guests and the residents of Independence Village West. Tract A will further provide an esthetically pleasing unfenced landscaped transition from the Gewont Townhomes PUD subdivision to the Independence Village property. Tract B is primarily to insure drainage from storm water away from the residential structures. Existing large trees and shrubbery will be saved and maintained wherever possible. A minimum of one new tree will be planted in the front yard of each home and all landscaped areas will be maintained by the Home Owner's Association (HOA).

Each new town home will be built with 2" x 6" exterior walls, raised floor foundations, Energy Star or geothermal HVAC and will be located on an individual lot owned by each buyer. The HOA will provide and maintain an irrigation system and will provide all landscape maintenance, including weed control, of all open space and private yards throughout the subdivision. No front or side yard fencing will be allowed other than what is shown or described herein so as to provide for an open flowing continuity between individual lots and the open space. Specific fencing details are on the following pages. Duplex Plan B will have a covered concrete patio the option for a front Trex deck. No accessory structures such as storage sheds will be allowed on any individually owned lot. **No rain water may be discharged from any roof into any side yard. No portion of the structure, including projections, on Lot 16 shall encroach into Tract C.**

Added per Eric 11/6/07

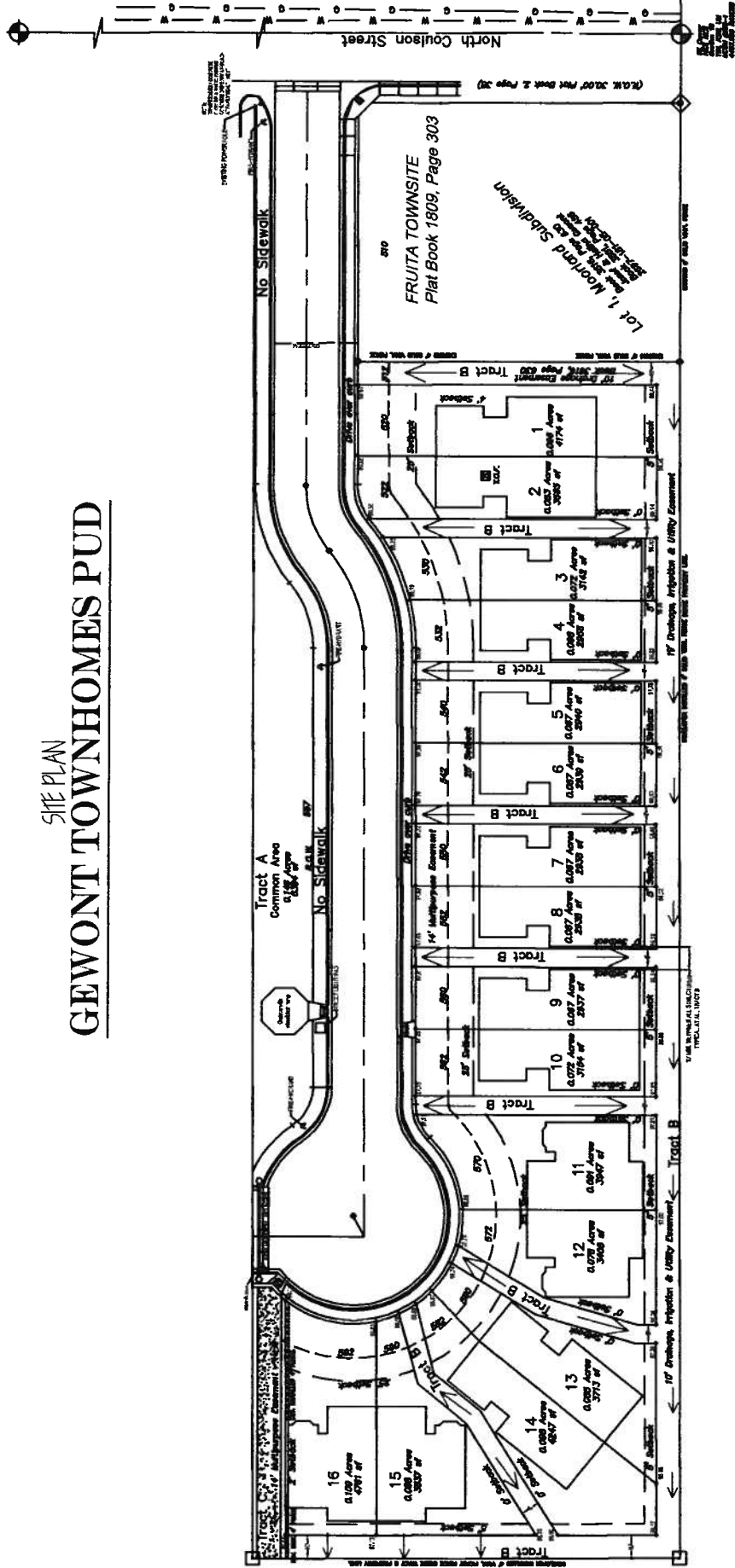
MINIMUM BUILDING SETBACKS

See the Site Plan.

MISCELLANEOUS

The Developer will be replacing the existing City owned six (6") PVC irrigation line adjacent to North Coulson Street from the Family Home West distribution point to the existing concrete ditch with new CL160 IPS pipe. Approximately 125 feet of new pipe will also be installed and covered in the center of the existing concrete ditch outside the south boundary of Lot 1 of Mooreland Minor Subdivision and the Gewont Townhomes PUD.

SITE PLAN GEWONT TOWNHOMES PUD

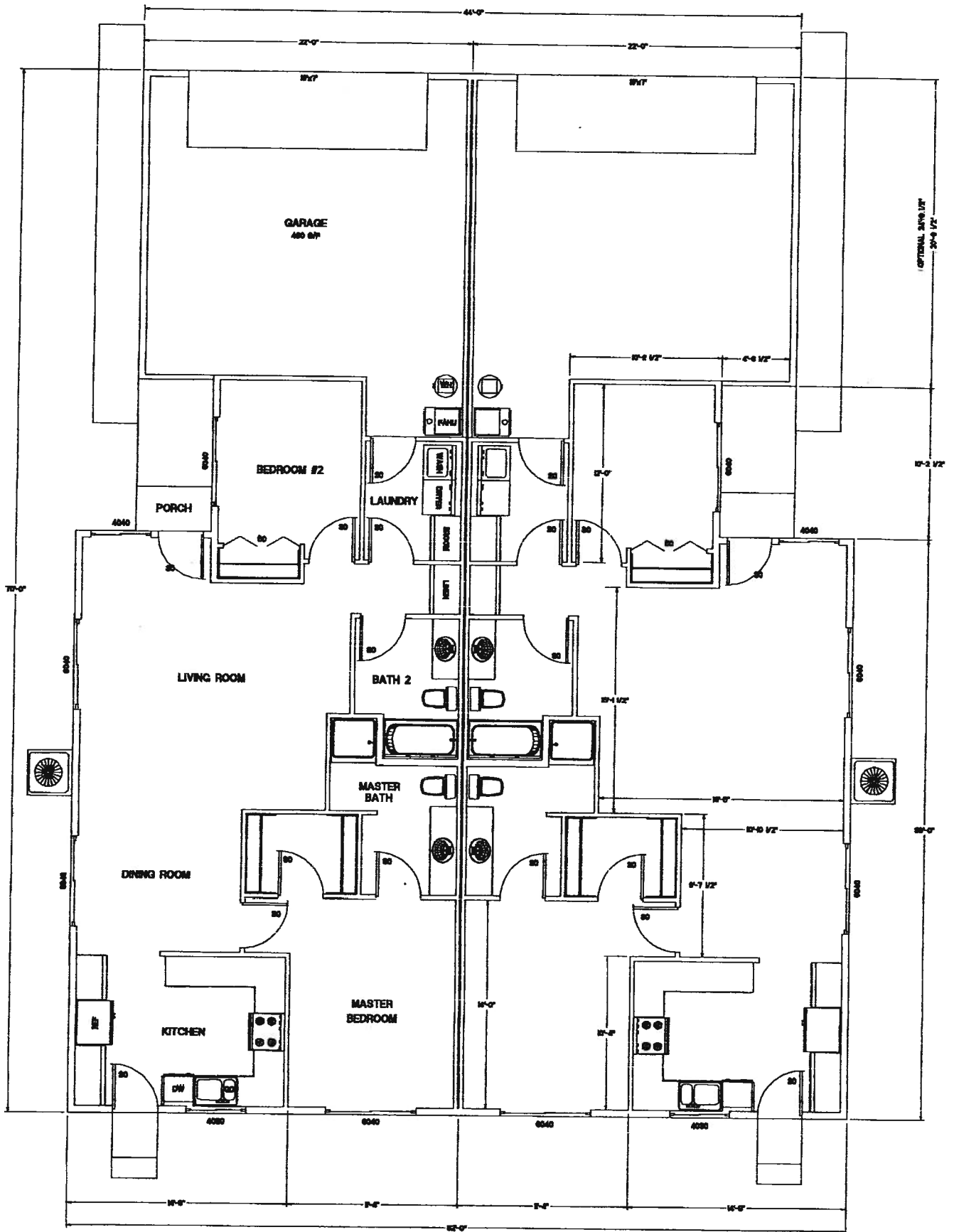


DESCRIPTIVE FENCE GUIDE:

No fence or other structure shall be allowed in front of any residence or within any side yard except as shown on the attached Master Fence Plan. No rear yard fence shall be placed within the ten (10') foot separation area between structures. All backyard fencing, if any, must be approved by the Home Owner's Association and shall meet, as a minimum, the following requirements:

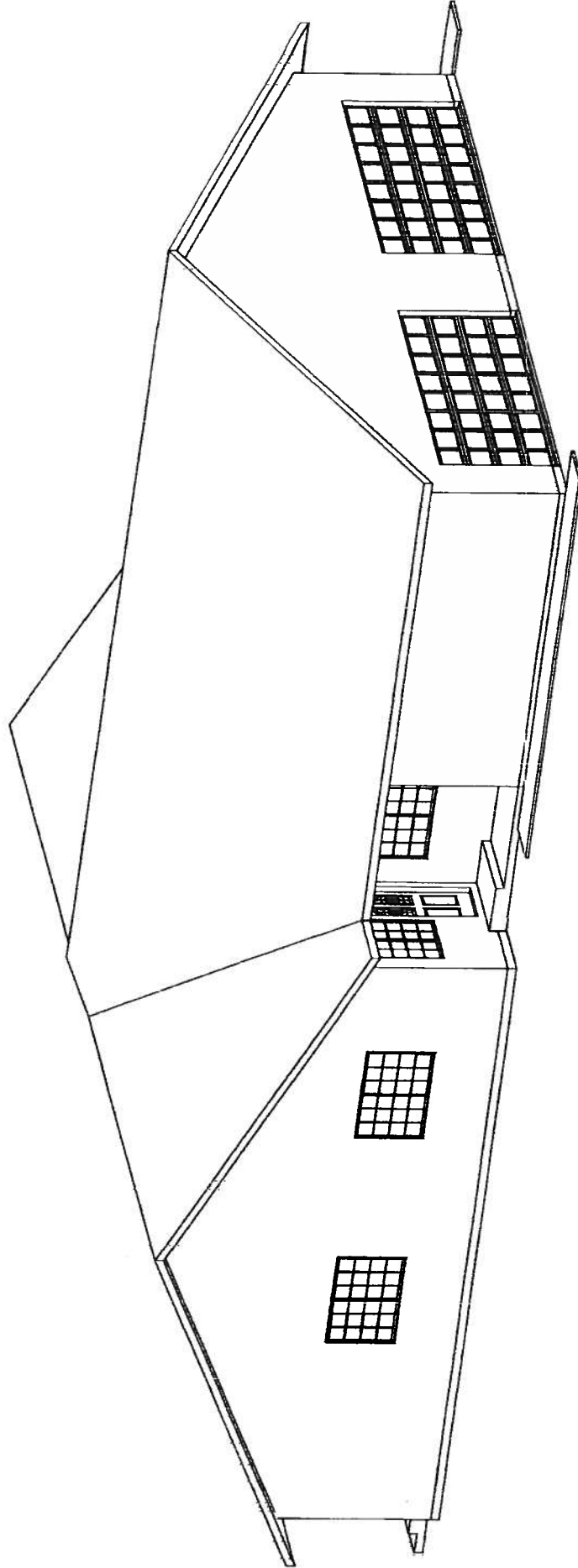
1. All fencing requires a City of Fruita Planning Clearance.
2. All Developer installed perimeter fencing shall be owned and maintained by the HOA and is subject to all the provisions contained herein. Individual Lot Owners are specifically restricted from modifying the perimeter fence or any portion thereof.
3. All fencing shall be white vinyl or equal and shall be of an approved design.
 - a. The perimeter fencing shall be six (6') high solid white vinyl. A photograph of the existing new east side fence is attached showing both 4' and 6' high fencing.
 - b. Individual lot rear yard fencing shall be open newel type spaced white vinyl with a ten foot (10') wide gate at the rear easement installed such that it does not block or obstruct the flow of drainage water in any way. See Attachment.
4. Rear yard fencing shall not exceed forty-eight inches (48") in height except solid privacy fencing around a spa or hot tub shall not exceed six feet (6') in height and shall be limited to the area of the equipment it is screening. No portion of the solid privacy fencing may be installed within any drainage easement.
5. Rear yard fences shall not be installed beyond the side wall of the home in the direction of the adjacent structure, unless shown on the Master Fence Plan, thus maintaining a ten (10') unobstructed drainage area between homes.
6. See CC&R Articles I.4.E (Definitions); IV.19 (Specific Conditions); IV.29 and IV.33 (Access To Landscaped Areas) and IV.22.B, IV.29, IV.32 and IV.36 (No Nuisance Activities or Conditions Allowed).





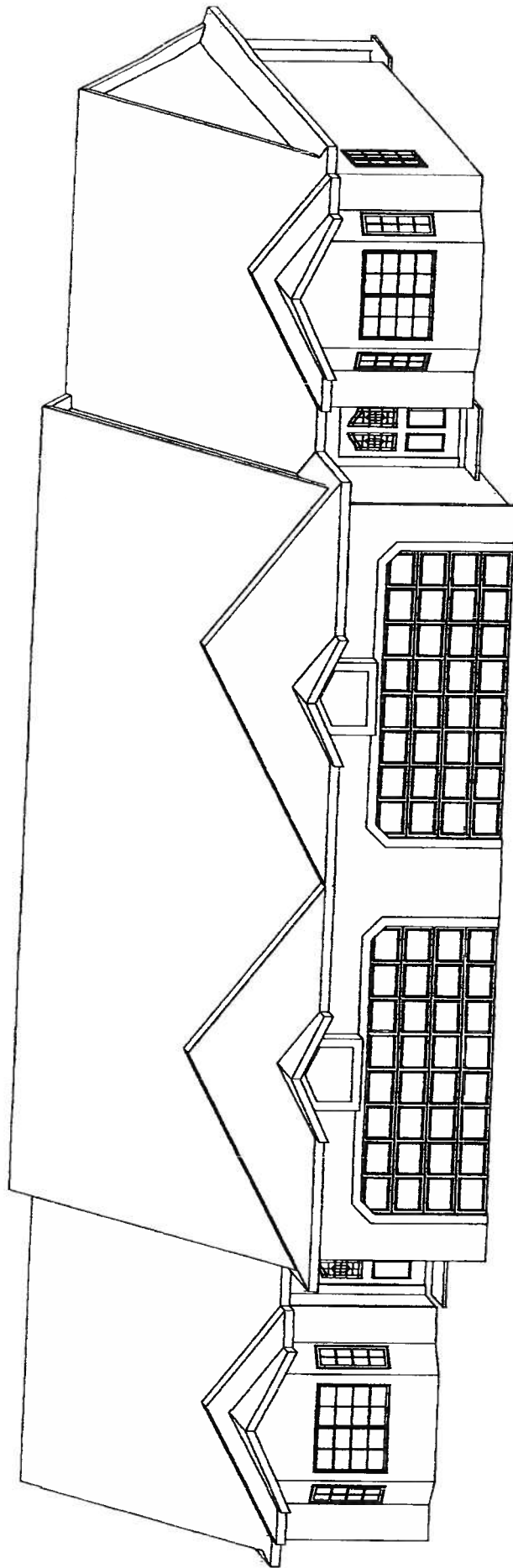
FLOOR PLAN A

1165 S/F LIVING AREA



LEFT FRONT ELEVATION

PRELIMINARY PLAN A



FRONT ELEVATION

PRELIMINARY PLAN B