

ORDINANCE 2006-10

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA AND REZONING PROPERTY TO A PLANNED UNIT DEVELOPMENT IN THE CITY OF FRUITA RIVER GLEN SUBDIVISION

WHEREAS, the property owner has submitted a request to rezone the property described in the attached Exhibit A from a South Fruita Residential zoning designation to a Planned Unit Development (PUD) zoning designation, and

WHEREAS, the Fruita Planning Commission has recommended to the City Council approval of the property being zoned as a Planned Unit Development, and

WHEREAS, the proposal is in conformity with the Community Plan 2020 of the City of Fruita, and

WHEREAS, by placing the development in a Planned Unit Development (PUD) zone each use can be evaluated on an individual basis and impacts on surrounding land uses can be mitigated., and

WHEREAS, the general criteria for rezoning to PUD is found in section 17.17.010 of the Fruita Land Use Code, and

WHEREAS, a Preliminary/Final Plan has been prepared entitled, "RIVER GLEN Subdivision" which identifies the lot size, building envelope, setbacks, driveways and other aspects of the overall plan which is part of this RIVER GLEN SUBDIVISION Planned Unit Development, and

WHEREAS, a PUD Guide entitled, " RIVER GLEN Subdivision, Rezone to Planned Unit Development" which contains a table with lot by lot setbacks has been submitted, and

WHEREAS, based on the evidence, testimony, exhibits, study of the City of Fruita Community Plan, comments of Community Development Department, Review Agencies, and Planning Commission hearing minutes, the recommendation of the Planning Commission, and comments from all interested parties, the City Council finds as follows:

1. Proper publication and public notice was provided as required by law for the hearing before the Planning Commission and the City Council.
2. Pursuant to section 17.17 of the Fruita Land Use Code, the City Council makes the following findings in its review of the PUD Application:
 - a) The Application is in general conformance with the city of Fruita Land Use Code.
 - b) The proposed revised plan conforms to all applicable regulations policies and guidelines.
 - c) The Applicant has responded to the required Statement of Justification and proposed uses.

3. Pursuant to Section 17.17 of the Fruita Land Use Code, the City Council finds as follows:
- a) The PUD is consistent with the intent and objectives of the Community Plan and the policies therein. Specifically with regard to the Land Use Code the City Council finds the development of this project as a PUD as proposed:
 - i) To have a full range of public services available.
 - ii) To have minimized any negative effects on social and natural environment.
 - iii) To be capable of being phased in order to address current and anticipated market and neighborhood conditions.

 - b) The PUD guide, attached hereto as Exhibit B, pertaining to setbacks, lot sizes, dwelling units, pedestrian and bicycle trails, parks and open space and private water facilities, residential uses, recreational facilities, construction stages, public and private roads, parking, utilities, irrigation and landscape is found to be consistent with the intent of the PUD for the following reasons:
 - i) The design and construction of the PUD includes adequate, safe, and convenient arrangements for pedestrian and vehicular circulation, off-street parking and loading space.
 - ii) The design of the PUD provides adequate access and fire protection, adequate setbacks to insure proper ventilation, light, air and snow melt between buildings, and insures that the PUD is compatible with other development in the area.
 - iii) Open space and pedestrian/bicycle pathway have been planned to produce maximum usefulness to the residents of the development for purposes of recreation and scenery, and to produce a feeling of openness. Areas designated as common or public open space pursuant to the requirements of this section are accessible by proper physical and legal access ways.
 - iv) The developer has provided central water and sewer facilities as required by the Land Use Code, and Colorado Department of Health.
 - v) The PUD has been designed to provide recreational amenities to its residents to alleviate the necessity of increased traffic and traffic congestion.
 - vi) The PUD meets the minimum area requirement for a PUD.
 - vii) The landowner has provided for the ownership and maintenance of common open space, drives, parking, and landscaping.

THE CITY OF FRUITA HEREBY ORDAINS:

Section 1: That the Zoning Map adopted pursuant to Section 17.13.060 of the Fruita Municipal Code is hereby amended and that the property described and shown on the attached Exhibit A, containing 6.83 acres, more or less, is hereby designated as a Planned Unit Development Zone (PUD);

Section 2: That the PUD guide entitled, "RIVER GLEN SUBDIVISION, REZONE TO PLANNED UNIT DEVELOPMENT" attached hereto as Exhibit B establishes the setbacks, square footage and individual lot requirements for each lot within River Glen Subdivision;

Section 3: Special Conditions: That the project will be required to adhere to the conditions outlined in the Planned Unit Development Guide for River Glen Subdivision attached hereto as Exhibit B.

Section 4. It shall be a Class B municipal offense, as defined in the Fruita Municipal Code, for any person to knowingly erects, constructs, reconstructs, uses, or alters any building or structure or knowingly uses any land in violation of the PUD Guidelines herein adopted.

Section 5. The City Clerk is directed to:

- (1) File the original of this Ordinance and attached exhibit in the office of the City Clerk of Fruita, Colorado;
- (2) File one copy of this Ordinance and attached exhibit in the office of the Mesa County, Colorado, Assessor; and
- (3) File for record one certified copy of this ordinance and attached exhibits with the Clerk and Recorder of Mesa County, Colorado.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 4th DAY OF APRIL, 2006**

ATTEST:

City of Fruita

City Clerk

E. James Adams, Mayor

Exhibit A

Legal description of River Glen PUD, for which a preliminary/final plan approval is being requested:

Lot 2 and Lot 3 of Pheasant Hollow North Subdivision. Mesa County, Colorado.

