

ORDINANCE 2008-04

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, APPROVING AN AMENDMENT TO THE KINGSVIEW ESTATES PLANNED UNIT DEVELOPMENT SUBDIVISION, FILING 2, WITHIN THE CITY OF FRUITA KNOWN AS DOLAN REPLAT LOCATED AT 901 COLORADO HIGHWAY 340

WHEREAS, the property to be amended is shown and described in attached Exhibit A, incorporated herein by this reference the “Dolan Replat”, and

WHEREAS, the City Council received an application by Dave Dolan, the “Applicant,” to amend the Kingsview Estates Planned Unit Development (PUD) Subdivision, Filing 2, to allow for three separate single family lots, and

WHEREAS, an amended PUD Control Guide, as required by Section 17.17.080 of the Fruita Land Use Code (2004, as amended), and entitled “Dolan Replat Site Composite Plan/PUD Guide” contains information regarding the uses, density and development standards for the amended PUD, and

WHEREAS, at their November 14, 2006 public hearing the Fruita Planning Commission recommended approval of the application to amend the Kingsview Estates PUD Subdivision, Filing 2, to the Fruita City Council, and

WHEREAS, the City Council held a public hearing on January 16, 2007, and recommended approval of the application to amend the Kingsview Estates PUD Subdivision, Filing 2, 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 amendment 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 on or more of the purposes of a PUD 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 3.16 acres, be and the same is hereby rezoned as an amended Planned Unit Development (PUD).

Section 2: That the PUD Control Guide entitled “Dolan Replat Site Composite Plan/ PUD Guide” attached hereto as Exhibit B, and incorporated herein by this reference, establishes the uses, densities, and development standards for the Dolan Replat and PUD amendment. The zoning designation herein approved is specifically conditional upon the Applicant’s and any owner’s full compliance with said amended 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 amended 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
19th DAY OF FEBRUARY, 2008**

City of Fruita

ATTEST:

E. James Adams, Mayor

City Clerk

**ORDINANCE 2008 -04
EXHIBIT A
LOCATION MAP AND LEGAL DESCRIPTION
Dolan Replat**

Legal description

Lot 1, Block 4 of Kingsview Estates Filing 2



Location map

