

ORDINANCE 2017 - 13

AN ORDINANCE OF THE FRUITA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 3.26 ACRES OF PROPERTY LOCATED ALONG GEWONT LANE BY AMENDING THE PUD REQUIREMENTS OF THE EXISTING PUD ZONE

WHEREAS, the subject property is shown and described in attached Exhibit A, and

WHEREAS, the city received an application from Jozef and Halina Gewont, the owners of the subject property, to rezone the subject property by amending the requirements of the existing Planned Unit Development (PUD) zone, and

WHEREAS, the subject property was zoned PUD in 2007 by Ordinance 2007-16 recorded in the office of the Mesa County Clerk & Recorder at Reception #2421032, and

WHEREAS, the PUD zone was amended in 2009 by Ordinance 2009-03 recorded in the office of the Mesa County Clerk & Recorder at Reception #2481332, and

WHEREAS, the current proposed changes to this PUD include removing the age restriction to persons aged 55 years and older, removal of specific building footprints, removal of specific fencing requirements, removal of the requirement that there be only one builder for the subdivision and identifying a base or underlying zone of Community Residential, and

WHEREAS, a PUD Guide, as required by Section 17.17.040 of the Fruita Land Use Code, entitled "Gewont Townhomes PUD Guide" contains information regarding the uses, density and other development standards for the current proposed changed to the Gewont PUD is attached as Exhibit B, and

WHEREAS, at their July 11, 2017, public meeting, the Fruita Planning Commission recommended approval of the application to rezone the subject property as requested, and

WHEREAS, public hearings was held by the City Council on September 5, 2017, and

WHEREAS, the requested PUD zone meets all approval criteria that must be considered for PUD zones pursuant to Sections 17.13.060.B and 17.17.030 of the Fruita Land Use Code including general compliance with the city's Master Plan.

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

Section 1: That the Official Zoning Map adopted pursuant to Section 17.07.020 of the Fruita Land Use Code is hereby amended and that the property shown and described on the attached Exhibit A, containing approximately 3.26 acres, is hereby rezoned to a different Planned Unit Development (PUD) zone.

Section 2: That the PUD Guide entitled “Gewont Townhomes PUD Guide” attached as Exhibit B establishes the uses, densities, and other zoning and development standards for the Gewont PUD zone including a base or underlying zone of Community Residential.

Section 3: That because the age restrictions will be removed from the zoning, the School Land Dedication Impact Fee must be paid for each dwelling in this subdivision including the existing dwelling units. For the unbuilt lots, the impact fee can be deferred until the time of planning clearance for a building permit to build a dwelling unit, at which time the fee will be the fee in effect at that time.

Section 4: The City Clerk, upon approval of this Ordinance, is directed to:

- (A) File the original of this Ordinance including exhibits in the office of the City Clerk of Fruita, Colorado;
- (B) File one copy of this Ordinance including exhibits in the office of the Mesa County Colorado Assessor;
- (C) File for record one certified copy of this Ordinance including exhibits with the Clerk and Recorder of Mesa County, Colorado.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
5th DAY OF SEPTEMBER, 2017.**

City of Fruita

ATTEST:

Lori Buck, Mayor

City Clerk

EXHIBIT A

Legal Description and Location Map ORDINANCE #2017-13

Legal Description: A replat of Lot 2, Moorland Subdivision and Replat of Outlot A, Hussman Minor Subdivision located in the NE ¼ of the NE ¼ of Section 18, T1N, R2W, Ute Meridian, and the NW ¼ of the NE ¼ of Section 18, T1N, R2W, Ute Meridian, City of Fruita, Mesa County, Colorado.

Location Map:

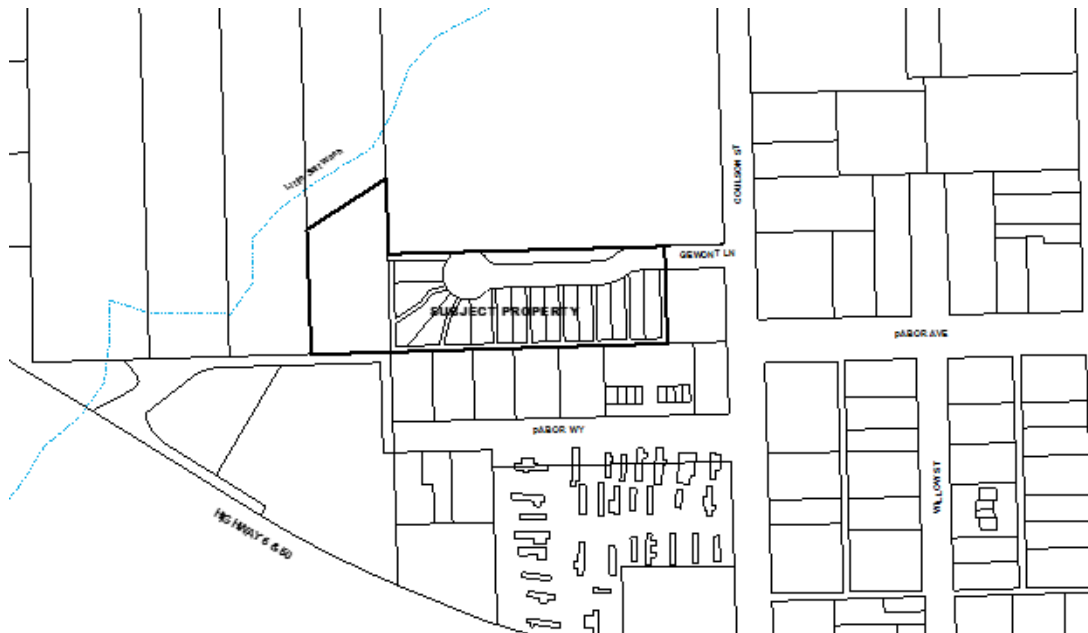


EXHIBIT B
Ordinance #2017-13

Gewont Townhomes PUD Guide – Revised September 5, 2017

Purpose and Location

Gewont Townhomes is a 16 unit town house subdivision comprised of eight duplex style townhouses on 16 individual lots. The subdivision is located west of the intersection of Gewont Lane and Coulson Street on approximately 3.26 acres. Outlot A on the west side of the development contains approximately 0.96 acres and is set aside for public open space and contains the Little Salt Wash Trail with access from west end of Gewont Lane through Tract C.

PUD Description

Tracts A, B and C along with Outlot A are dedicated to the Homeowners Association as common open space with Tract C and Outlot A for use by the general public. Tract B is mainly for drainage purposes between buildings and Tract A is for private open space for the residents of this subdivision.

No accessory buildings such as storage sheds will be allowed on any individually owned lot. Rain water may not be discharged from any roof onto any side yard. No portion of a building, including projections, are permitted into Tracts B and C.

Minimum Building Setbacks

Minimum building setbacks are shown on the attached site plan and are generally zero on the sides, 25 feet on the front (street side) and 5 feet on the rear.

Miscellaneous

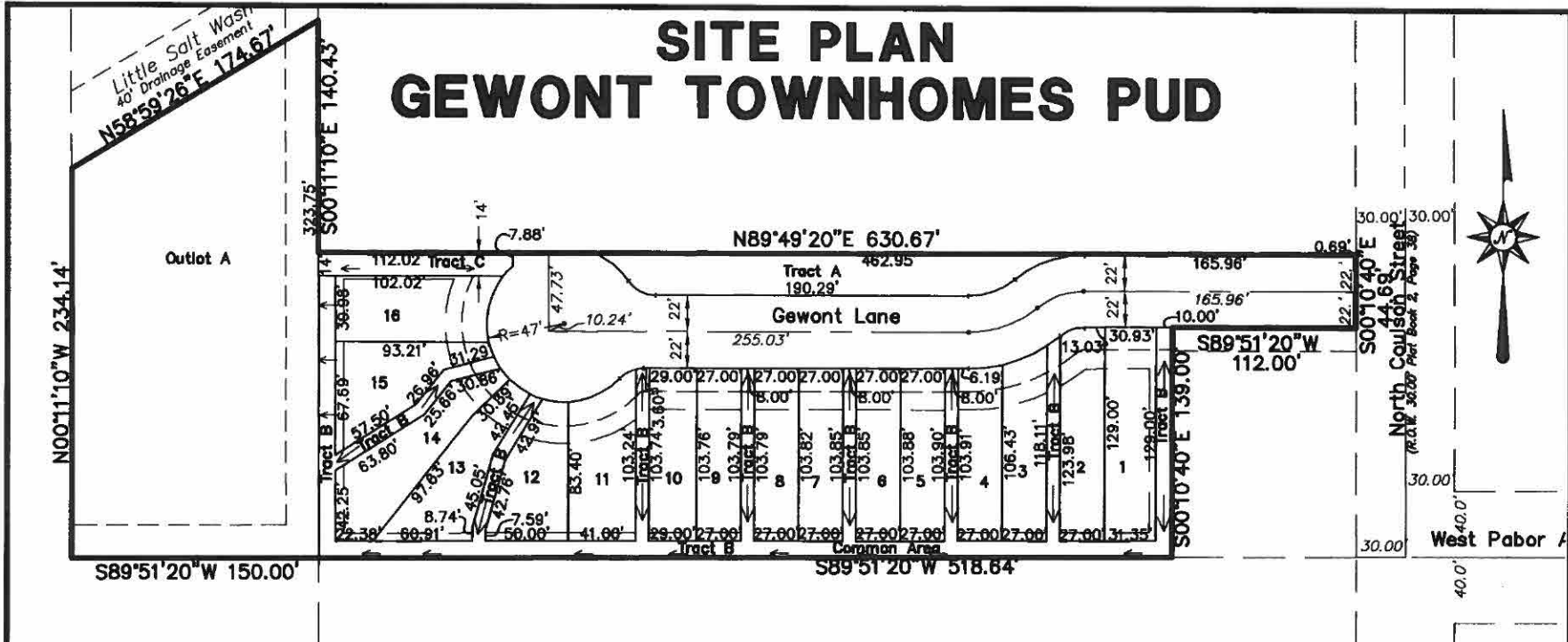
The Developer will adhere to the requirements of the Community Residential zone for any development that isn't addressed in this PUD Guide (base zone). This includes but is not limited to things such as fences, home occupations, and signs. Property owners are advised to check the covenants applicable to this property for other restrictions or requirements that may apply.

Property Owners Signature:

for Gewont Enterprises, LLC

Print Name:_____

SITE PLAN GEWONT TOWNHOMES PUD



Old # 2017-13
 EXHIBIT B

SPECIAL PLAT NOTES:

GEWONT Townhomes PUD, a subdivision in the City of Fruita, Colorado, as shown on the Plat recorded in Reception Number 2454926, Mesa County records.

Tract A, Tract B, and Tract C, shown hereon, are granted and conveyed by Book 5478, Page 296, Reception 2656062, Mesa County records to the GEWONT TOWNHOMES HOMEOWNERS ASSOCIATION, Inc., subject to the terms of said grant and subject to the easements dedicated.

Outlot A, shown hereon, is granted and conveyed by Book 5478, Page 296, Reception 2656062, Mesa County records to the GEWONT TOWNHOMES HOMEOWNERS ASSOCIATION, Inc., subject to the terms of said grant and subject to the easements dedicated..

No structures or other items that could impede the flow of drainage water are allowed in any portion of Tract B.

SETBACKS

- FRONT = 25.0'
- REAR = 5.0'
- SIDE = 0.0' EXCEPT
- LOT 1 = 4.0'
- LOT 16 = 2.0'

SCALE: 1" = 100'



**SITE PLAN
GEWONT TOWNHOMES PUD**
High Desert Surveying, LLC

1673 Highway 50 Unit C
 Grand Junction, Colorado 81503
 Tele: 970-254-8649 Fax: 970-241-0451

| | | | | |
|-----------------|------------|------------|-------|----|
| PROJ. NO. 17-44 | Drawn | APP'D | SHEET | OF |
| DATE: May, 2017 | <i>knr</i> | <i>jcf</i> | 1 | 2 |

SITE PLAN GEWONT TOWNHOMES PUD

Notes:

All fencing and accessory structures require a City of Fruita Planning clearance.

Permanent structures including sheds, slabs, curbing, fencing and raised landscaping which affect the flow of storm water are not allowed in identified easements.

Lot owners shall comply with individual grading requirements as shown on the subdivision grading plans.

The geotechnical report authored by Earth Engineers, Inc. dated 5/30/06 shall be referred to by owners/builders to inform themselves of recommended foundation requirements.

T.O.F.— Top of all foundations will be 6" minimum and 18" maximum above the adjoining finish grade on all lots and 12" minimum above highest back of walk elevation on the pair of lots.

No portion of the structure, including projections, on Lot 16 shall overreach into Tract C.

**SITE PLAN
GEWONT TOWNHOMES PUD**
High Desert Surveying, LLC
1673 Highway 50 Unit C
Grand Junction, Colorado 81503
Tele: 970-254-8649 Fax: 970-241-0451

| | | | | |
|-----------------|------------|------------|-------|----|
| PROJ. NO. 17-44 | Drawn | APP'D | SHEET | OF |
| DATE: May, 2017 | <i>knr</i> | <i>jcf</i> | 2 | 2 |

Ord 2017-13
EXHIBIT B