

**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  
19<sup>th</sup> 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**

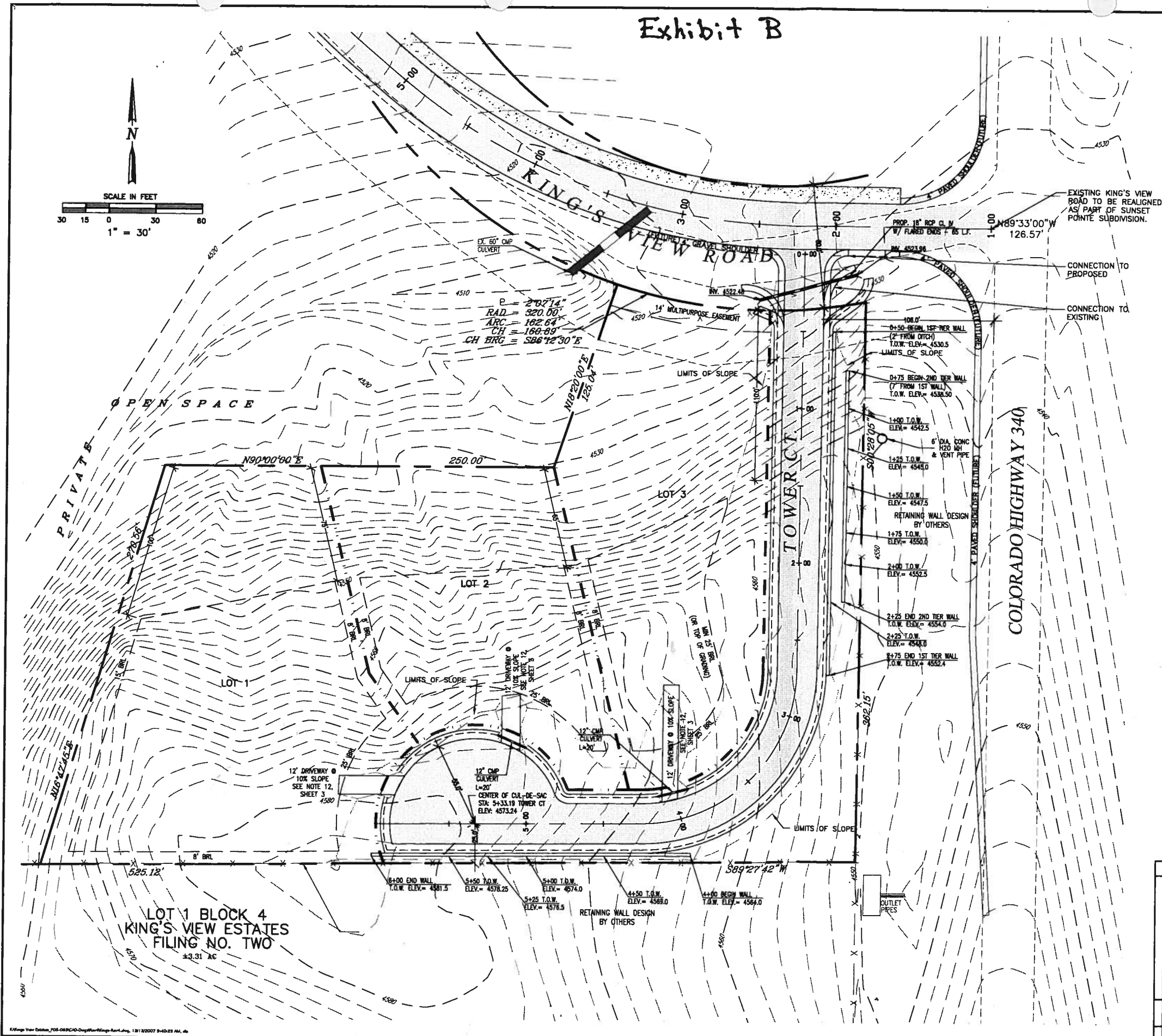
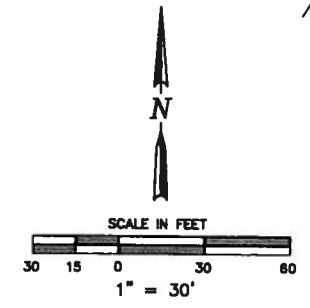
**Legal description**

Lot 1, Block 4 of Kingsview Estates Filing 2



**Location map**

# Exhibit B



### NOTES:

- 1.) THIS COMPOSITE SITE PLAN REFERENCES: A PLAT FROM PARAGON ENGINEERING INC. ON 08/01/79 AND A BOUNDARY AND TOPOGRAPHIC SURVEY FROM D.H. SURVEY DATED SEPTEMBER 2005
- 2.) EXISTING USE = VACANT
- 3.) PROPOSED USE: RESIDENTIAL (PERMITTED BY RIGHT)
- 4.) CURRENT ZONING = P.U.D.
- 5.) PROPOSED ZONING = P.U.D.
- 6.) PROPOSED MINIMUM LOT SIZE = 0.70 AC
- 7.) PROPOSED AVG. PARCEL SIZE = 0.94 ACRES
- 8.) PROPERTY OWNED BY: DAVE DOLAN  
1617 FOWLER DR  
FRUITA, CO 81521
- 9.) PROPERTY AREA: 140,982.63 S.F. (3.16 AC.)
- 10.) NUMBER OF LOTS PROPOSED = 3
- 11.) THIS PLAN IS THE SOLE PROPRIETY OF VORTEX ENGINEERING, INC. (V.E.I.) AND IS NOT TO BE UTILIZED WITHOUT WRITTEN CONSENT FROM V.E.I.
- 12.) DRIVEWAYS SHOWN ARE APPROXIMATE LOCATIONS AND SUBJECT TO ACTUAL BUILDING LOCATION AND INDIVIDUAL SITE DEVELOPMENT.
- 13.) HOMEOWNERS ARE BOUND TO REQUIREMENTS OF KING'S VIEW SUBDIVISION COVENANTS AND REQUIREMENTS OF THIS SITE COMPOSITE PLAN/P.U.D. GUIDE. IN CASE OF CONFLICT, THIS SITE COMPOSITE PLAN/P.U.D. GUIDE SUPERCEDES THE KING'S VIEW SUBDIVISION COVENANTS, WHICH ARE RECORDED IN BOOK 1184, PAGE 451 TO PAGE 464, AND AMENDED AS FOLLOWS:  
BOOK 2254, PAGES 518 TO 526  
BOOK 2178, PAGES 937 TO 941  
BOOK 2792, PAGES 547 TO 548
- 14.) INDIVIDUAL DRAINAGE PLANS AND FOUNDATION ELEVATIONS MUST BE REVIEWED AND APPROVED AT TIME OF PLANNING CLEARANCE BY THE CITY OF FRUITA.
- 15.) BUILDING LOCATIONS SHALL BE RESTRICTED TO THE AREAS DESIGNATED BY THE BRL LINES DEPICTED IN THIS PLAN SET.
- 16.) THE SEWER SYSTEM SERVICING THIS SUBDIVISION, EXTENDING TO THE EAST SIDE OF HIGHWAY 340 (NOT SHOWN), IS OWNED AND OPERATED BY THE HOMEOWNER'S ASSOCIATION OF KING'S VIEW ESTATES. THE CITY OF FRUITA ACCEPTS NO RESPONSIBILITY FOR THE SEWER LINE SERVICING THIS SUBDIVISION.

### CLERK AND RECORDER'S CERTIFICATE

I hereby certify that this instrument was filed for recording in my office at \_\_\_\_\_ o'clock \_\_\_\_\_ M., this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2006, and is duly recorded in Book No. \_\_\_\_\_ at page \_\_\_\_\_  
 Reception No. \_\_\_\_\_ Fee \$ \_\_\_\_\_ Drawer No. \_\_\_\_\_  
 \_\_\_\_\_ Deputy Clerk and Recorder

- \* Declarations of Protective Covenants are filed in Book \_\_\_\_\_ at Pages \_\_\_\_\_  
Reception No. \_\_\_\_\_
- \* The plat is filed in Book \_\_\_\_\_ at Pages \_\_\_\_\_  
Reception No. \_\_\_\_\_
- \* All fences and accessory structures require a City of Fruita Planning Clearance.
- \* All principal and accessory structures shall be within the Building Envelope. (Depicted by the BRL lines)
- \* Permanent structures including slabs, curbing, and raised landscaping are not allowed in identified drainage easements.

**BUILDING SETBACKS:** AS SHOWN ON THIS SHEET } All buildings shall be within the building envelope.  
 MAX. BUILDING HEIGHT = 25' from highest adjacent natural grade per King's View covenants.

\* - NORTHERN SETBACK LINE LOCATIONS ARE BASED ON CLOSE PROXIMITY TO THE 4550 CONTOUR

APPROVED FOR RECORDING  
 CITY OF FRUITA ENGINEERING DIVISION REPRESENTATIVE DATE \_\_\_\_\_

<b>Vortex Engineering, Inc</b> CONSTRUCTION MANAGERS & SITE PLANNERS ••• PROJECT MANAGERS ••• CIVIL & CONSULTING ENGINEERS 255 Vista Valley Drive Phone: (970) 245-9051 Fruita, Colorado 81521 Fax: (970) 245-7639	
<b>DOLAN REPLAT</b>	
PROJECT: Dolan Replat 901 Highway 340 Fruita, Colorado	TITLE: SITE COMPOSITE PLAN/PUD GUIDE
SCALE: 1" = 30' DRAWN BY: DLS CHECKED BY: RWJ	DATE: 01/10/06 PROJECT NO.: P05-069 SHEET NO.: 3 OF 8
R.W. JONES II PROFESSIONAL ENGINEER COLORADO LICENSE NO. 3786 VERMONT LICENSE NO. 8461-8249	C. S. PARKER PROFESSIONAL ENGINEER COLORADO LICENSE NO. 3786 CALIFORNIA LICENSE NO. 52408
CONSTRUCTION CHECK: _____ DATE: _____	

©Vortex Engineering, Inc. 2006. All rights reserved. This drawing is the property of Vortex Engineering, Inc. and is not to be used for any other project without the written consent of Vortex Engineering, Inc.