

ORDINANCE 2008-07

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA TO REZONE APPROXIMATELY FOURTY ACRES OF PROPERTY LOCATED AT 923 18 ½ ROAD, FROM SOUTH FRUITA RESIDENTIAL TO PLANNED UNIT DEVELOPMENT IN THE CITY OF FRUITA KNOWN AS ADOBE FALLS SUBDIVISION.

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 South Fruita Residential and the Fruita Community Plan 2020 shows the recommended zoning to be South Fruita Residential, and

WHEREAS, the City Council has received an application by Adobe Falls, LLC (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 “Adobe Falls Subdivision PUD Control Guide”, contains information regarding the uses, density and development standards for the Adobe Falls Subdivision, 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 planed 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 40 acres, be and the same is hereby rezoned as a Planned Unit Development (PUD).

Section 2: That the PUD Control Guide entitled “Adobe Falls Subdivision P.U.D. Control Guide”, attached hereto as Exhibit B, and incorporated herein by this reference, establishes the uses, densities, and development standards for the Adobe Falls Subdivision 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 18th DAY OF MARACH , 2008.**

ATTEST:

City of Fruita

City Clerk

E. James Adams, Mayor

Exhibit A
Ordinance 2008-07

Legal Description: The SE ¼ of the SW ¼ of Section 21, Township 1 North, Range 2 West, of the Ute Meridian.



ADOBE FALLS SUBDIVISION

**PLANNED UNIT
DEVELOPMENT**

CONTROL GUIDE

Latest Revision: October 16th, 2007

**Prepared by:
O'Connor Design Group, Inc.
2350 G Road
Grand Junction, CO 81505
(970) 241-7125**

PURPOSE

“The purpose of the Adobe Falls Subdivision Planned Unit Development Control Guide is to serve as the governing regulations which will control the development of the Adobe Falls Subdivision. The P.U.D. Control Guide will serve as the “zone district regulations” for the P.U.D. and is in conformance with Section 17.03.519 of the Fruita Municipal Code.

Development within the Adobe Falls Subdivision will be regulated and administered by the City of Fruita through the provisions of this P.U.D. Control Guide. Building construction within the P.U.D. is governed by the applicable City of Fruita ordinances, rules, regulations and building codes. Approval of this P.U.D. Control Guide constitutes a vested property right pursuant to Section 24-68-103. C.R.S., as amended.

The specific provisions of this P.U.D. Control Guide shall supercede those contained in Title 17 of the Fruita Municipal Code. However, where this P.U.D. Control Guide does not address a particular issue or subject matter the specific provisions of Title 17 of the Fruita Municipal Code, the City of Fruita’s Land Use Code, shall prevail. In case of a dispute or ambiguity, the City of Fruita shall be responsible for interpreting the applicable regulations and resolve the dispute or ambiguity.”

CONCEPT

Adobe Falls Subdivision will contain single-family homes offering larger lots (all are more than 10,000 square-feet and most are 13,000 to 16,000 square-feet), and residences that are close to goods and services. There will be several very large lots (exceeding 20,000 square-feet). This corresponds with the stated goals of the Community Plan 2020, “the residential densities established in the plan continue to allow for a sufficient supply of small residential lots (typically 7,000 square feet) while expanding the supply of 10,000 square foot lots.” The proposed subdivision will be a walkable, bicycle friendly community, which is easily accessible to the adjacent Adobe Creek Golf Course. Adobe Falls will have a large open-space park containing a lake (with waterfalls) and trails winding through the landscaped perimeter. This would serve the community needs of both adults and children and offer a central location to congregate. Adobe Falls Subdivision is within easy walking and biking distance to the adjacent 27-hole public golf course and the Colorado River.

REQUESTED BULK REQUIREMENTS:

Minimum Lot Size – 10,000 square-feet

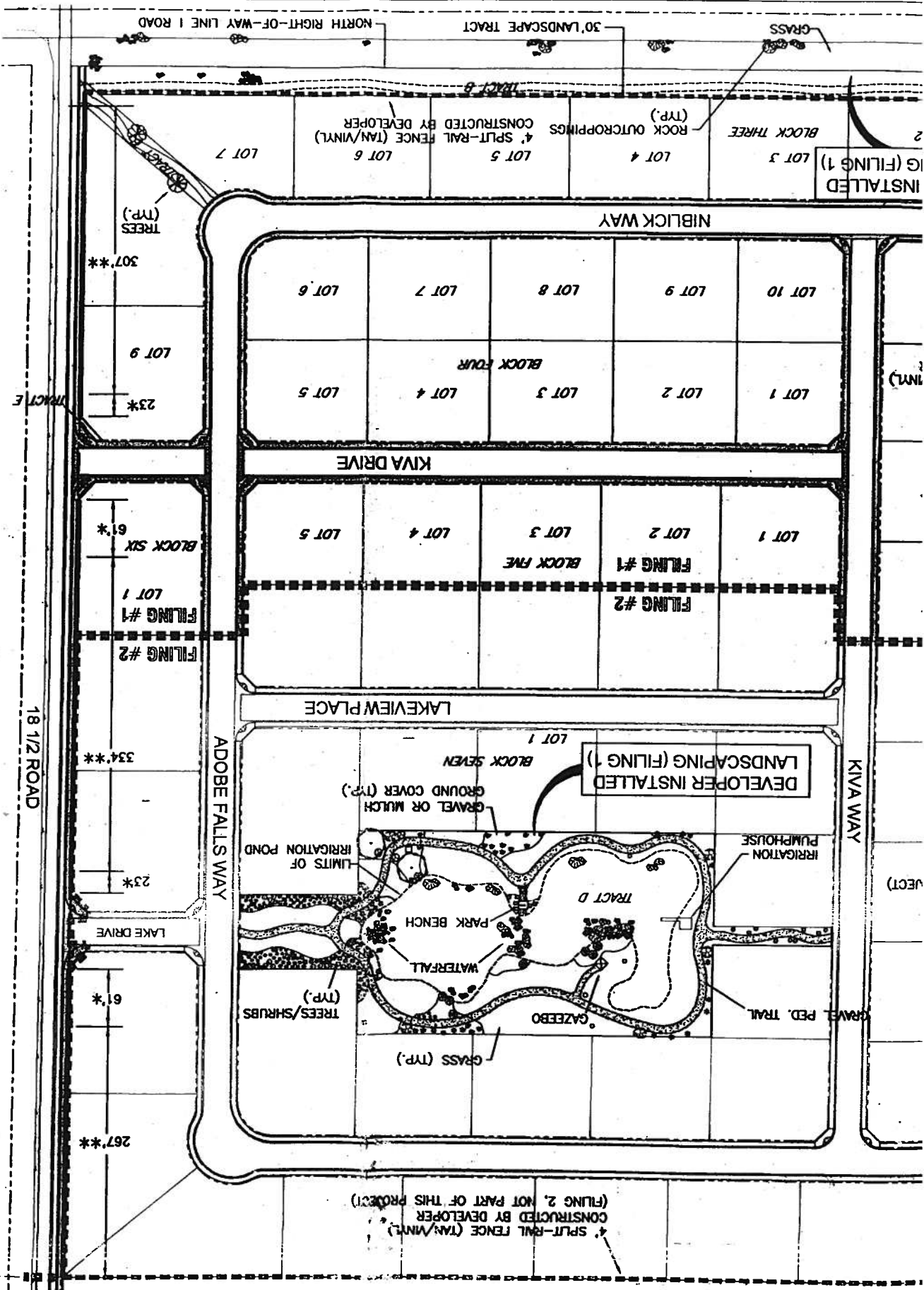
Overall Density – 2.04 units per acre

Fencing – Fencing shall be installed in accordance with the Standards and Codes provided by the City of Fruita. The Developer shall install perimeter fencing consisting of 4' (high) vinyl split-rail along the north, south, and west project property boundaries adjacent to the Adobe Creek Golf Course. Rear yard fencing along the 18 ½ Road perimeter shall be installed by the future homeowners of those specific lots in accordance with the Covenants for the development. Please see attached Article V, Section 16 of the CCR's regarding fencing for Adobe Falls Subdivision. Homeowners will be allowed to install 6' privacy fencing along subdivision perimeter, on the north, west, and south sides, no closer to property boundary than allowable building setback line.

Note: all other requirements shall be in accordance with those listed in the current Land Use Code for the underlying “Large Lot Residential” zone district.

ADOBE FALLS P.U.D. - FILING 1

COMPOSITE SITE PLAN



18 1/2 ROAD

307**

23*

61*

334**

23*

61*

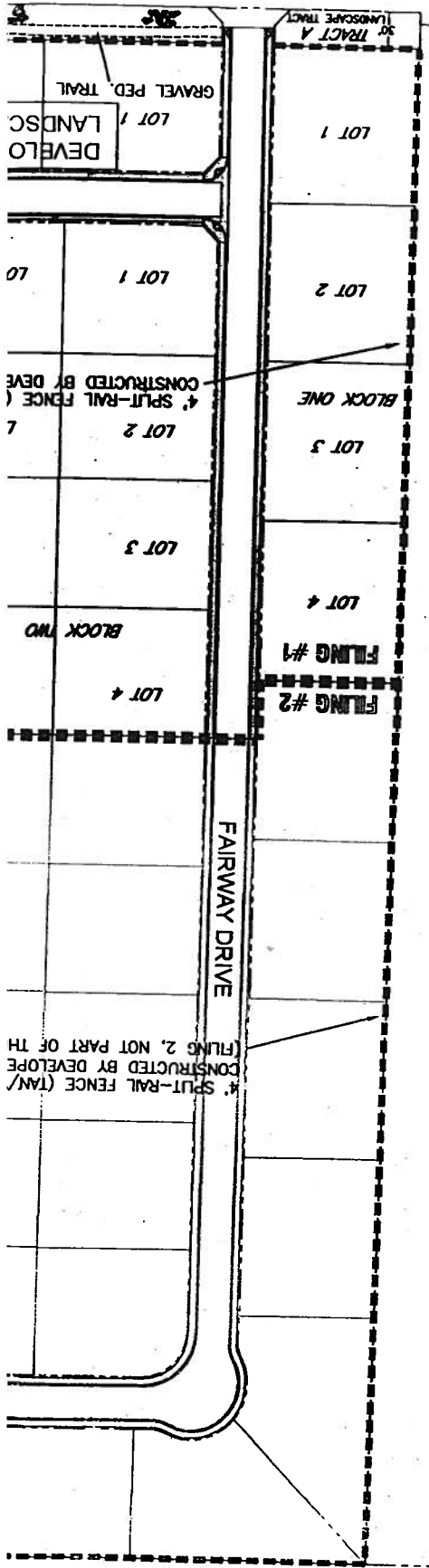
267**

SPLIT-RAIL FENCE (TAN/VINYL) CONSTRUCTED BY DEVELOPER (FILING 2, NOT PART OF THIS PROJECT)

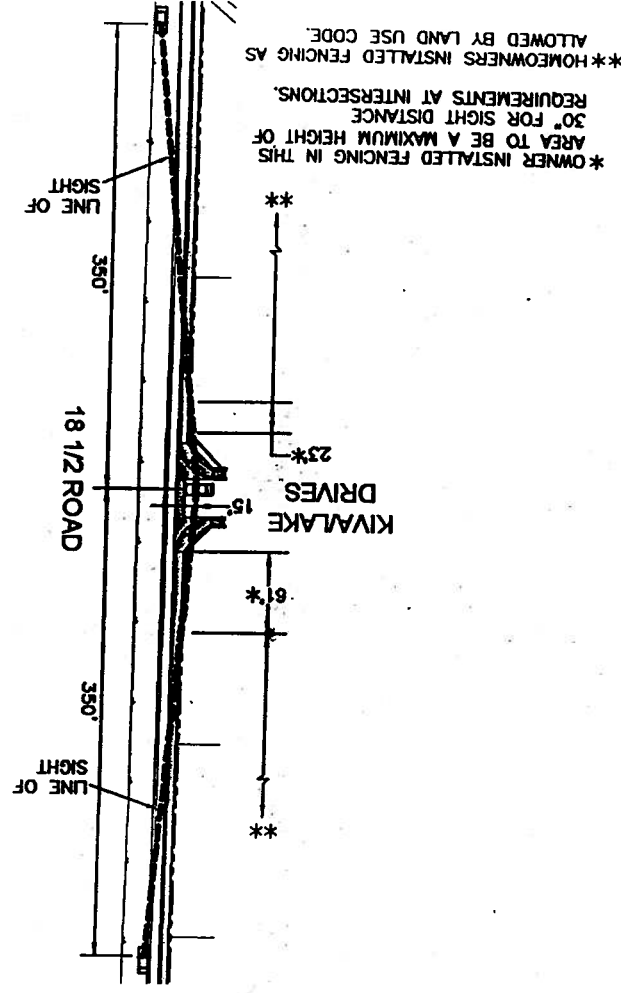
DEVELOPER INSTALLED LANDSCAPING (FILING 1)

INSTALLED (FILING 1)
BLOCK THREE
LOT 3
LOT 4
LOT 5
ROCK OUTCROPPINGS (TYP.)
SPLIT-RAIL FENCE (TAN/VINYL) CONSTRUCTED BY DEVELOPER
30' LANDSCAPE TRACT
NORTH RIGHT-OF-WAY LINE I ROAD
GRASS

30' (NORTH-HALF R.O.W. DEDICATION)



SIGHT DISTANCE TRIANGLE (35 MPH)



** OWNER INSTALLED FENCING IN THIS AREA TO BE A MAXIMUM HEIGHT OF 30" FOR SIGHT DISTANCE REQUIREMENTS AT INTERSECTIONS.
 ** HOMEOWNERS INSTALLED FENCING AS ALLOWED BY LAND USE CODE.

———— HOME OWNER INSTALLED FENCING
 - - - - - CONTRACTOR INSTALLED FENCING



ALL OTHER FENCING PERMITTED AS PER THE LAND USE CODE.
 ANY FENCE INSTALLED BY THE DEVELOPER FOR LOTS ADJACENT TO THE NORTH, SOUTH OR WEST PROPERTY LINES OF THIS DEVELOPMENT MUST BE WITHIN THE BUILDING SETBACK LINES.

* SPLIT-RAIL FENCE (TAN) CONSTRUCTED BY DEVELOPER (FILING 2, NOT PART OF THIS DEVELOPMENT)

* SPLIT-RAIL FENCE (TAN) CONSTRUCTED BY DEVELOPER