

ORDINANCE 2009-03

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, APPROVING AN AMENDMENT TO THE GEWONT TOWNHOMES PLANNED UNIT DEVELOPMENT LOCATED WEST OF THE INTERSECTION OF PABOR AVENUE AND COULSON STREET AND SOUTH OF INDEPENDENCE VILLAGE.

WHEREAS, the subject property is shown and described in Exhibit A, incorporated herein by this reference, and

WHEREAS, the City Council received an application by Jozef and Halina Gewont, the property owners, to amend the Gewont Townhomes Planned Unit Development (PUD) zone, to show no specific building footprints on the approved attached single family lots, remove specific floor plans and elevations, and change CUI Construction to one unspecified builder, and

WHEREAS, the City Council approved the existing PUD zone at a public hearing on September 4, 2007, and the Gewont PUD Control Guide, and

WHEREAS, staff recommend approval of the amended PUD Control Guide as it continues to meet 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 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 PUD Control Guide entitled "Gewont Townhomes PUD Guide" attached hereto as Exhibit B, and incorporated herein by this reference, establishes the uses, densities, and development standards for the Gewont Townhomes PUD zone amendment.

Section 2: 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 3: 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.

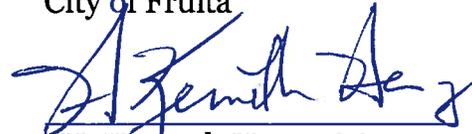
PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
1th DAY OF March, 2009.

ATTEST:



City Clerk

City of Fruita

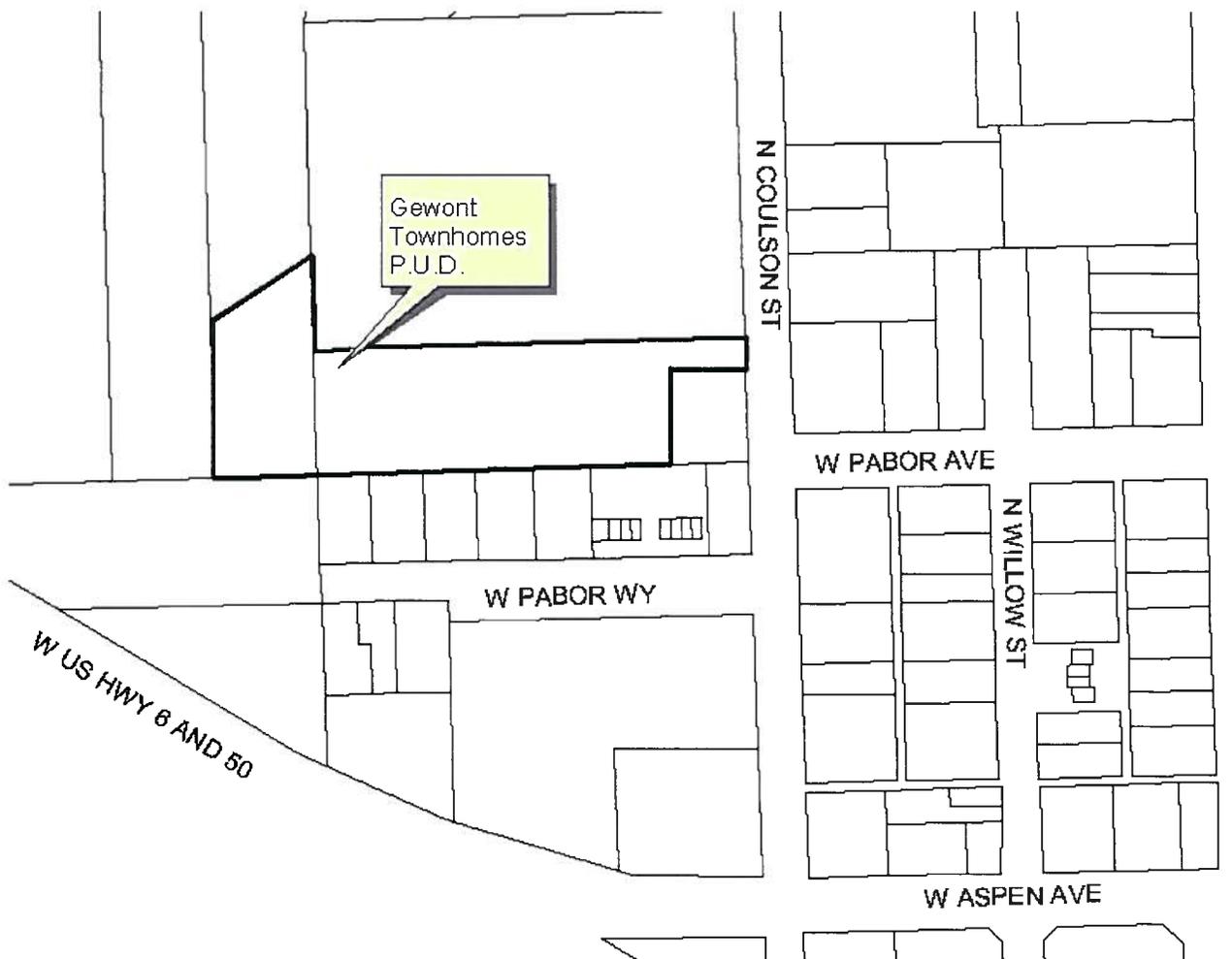


H. Kenneth Henry, Mayor

Exhibit A

Legal description of Gewont Townhomes PUD

Lot 2 of the Moorland Minor Subdivision which was a replat of Mandatory subdivision, a subdivision of Parcel B of a Subdivision of Tract 44 of Orchard Subdivision, now a part of the City of Fruita. And Outlot A of the Hussman Minor Subdivision which was a replat of Lot 5 in Downer Subdivision in the NE ¼ of Section 18, T1N, R2W of the Ute Meridian, in the City of Fruita, County of Mesa State of Colorado.



Gewont Townhomes

~ P.U.D. GUIDE ~

Senior living in an
Energy efficient neighborhood
with an open concept close
to town

GEWONT TOWNHOMES PUD GUIDE

PURPOSE and LOCATION

Gewont Townhomes is a sixteen (16) unit town home subdivision comprised of eight duplex style structures on sixteen individual lots. The subdivision is located at 215 North Coulson Street on approximately 3.26 acres. It is designed as a "retirement community" for citizens aged fifty-five (55) and older, as restricted in the CC&R's, the Plat and on the individual lot deeds. CUI • Construction Unlimited shall be the Developer for all site work and a single builder as selected by the Owner shall construct all structures therein. A portion of the west one acre of the site will be donated to the City of Fruita for its anticipated Little Salt Wash Trail System at such time in the future as determined by the City. Access to the future trail system will be through the northwest portion of the Gewont Townhomes subdivision as shown on the Plat.

PUD DESCRIPTION

The .146 acre Tract A, .234 acre Tract B, .036 acre Tract C and .96 acre Outlot A will be dedicated to the HOA as common open space. Tract C and Outlot A are open space for the use of the general public. Tract A is a thirty-two foot (32') wide lawn area with a large gazebo which will provide a recreation area for the homeowners within Gewont Townhomes PUD, their invited guests and the residents of Independence Village West. Tract A will further provide an esthetically pleasing unfenced landscaped transition from the Gewont Townhomes subdivision to the Independence Village property. Tract B is designed primarily to insure drainage from storm water away from the residential structures. Existing large trees and shrubbery will be saved and maintained wherever possible. A minimum of one new tree will be planted in the front yard of each home and all landscaped areas will be maintained by the homeowners' association (HOA)

Each new town home will be built with 2" x 6" exterior walls, raised floor foundations, Energy Star or geothermal HVAC and will be located on the lot owned by each buyer. The HOA will provide and maintain an irrigation system and will provide all landscape maintenance, including weed control, of all open space and private yards within the subdivision. No front or side yard fencing will be allowed other than what is shown or described herein so as to provide for an open flowing continuity between individual lots and the open space. Specific fencing details are on the following pages. Duplex Plan B will have a covered concrete patio or the option for a front Trex deck. No accessory structures such as storage sheds will be allowed on any individually owned lot. No rain water may be discharged from any roof onto any side yard. No portion of the structure, including projections, on Lot 16 shall encroach into Tract C.

MINIMUM BUILDING SETBACKS

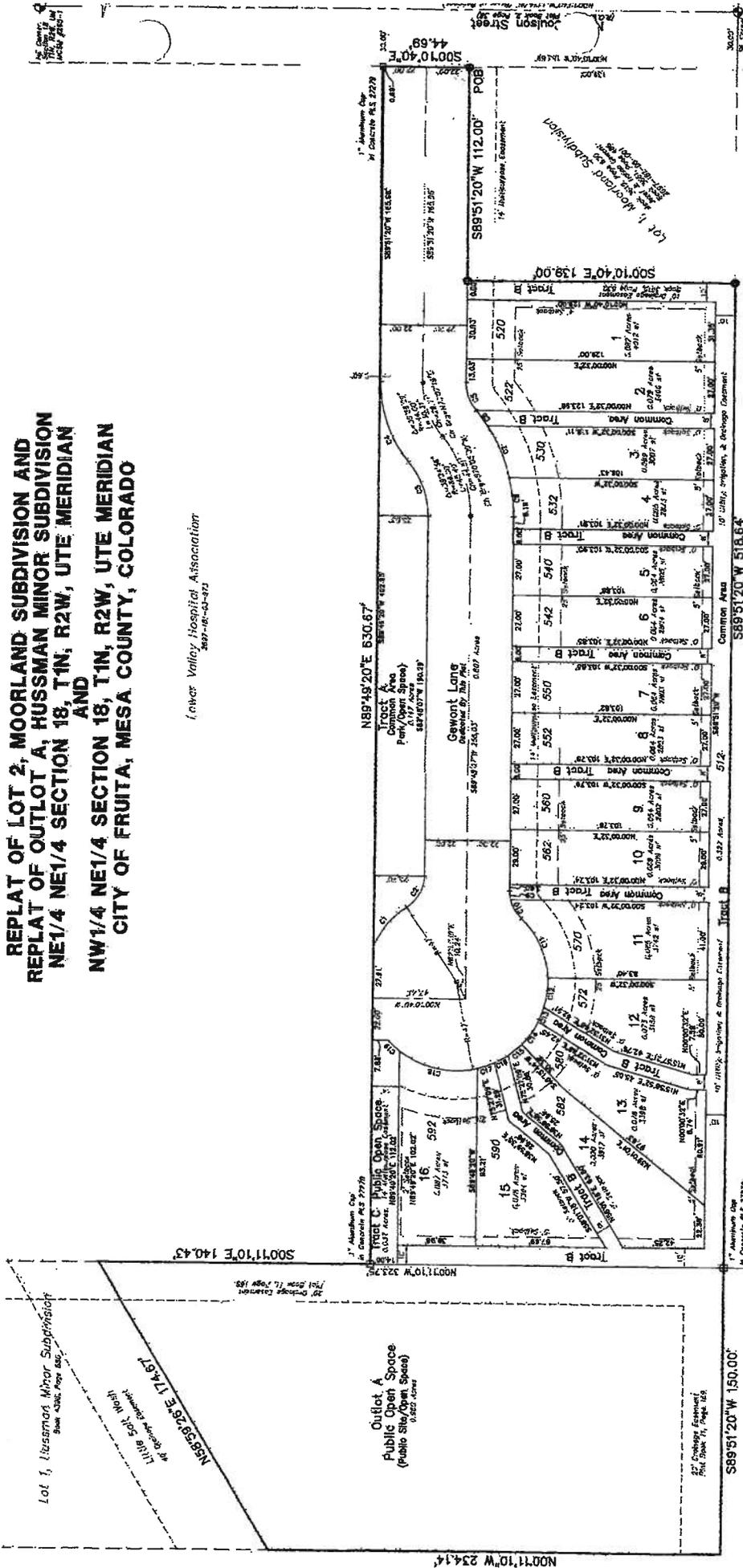
See the Site Plan.

MISCELLANEOUS

The Developer will be replacing the existing City owned six (6") PVC irrigation line adjacent to North Coulson Street from the Family Home West distribution point to the existing concrete ditch with new CL 160 IPS pipe. Approximately 125 feet of new pipe will also be installed and covered in the center of the existing concrete ditch outside the south boundary of Lot 1 of Mooreland Minor Subdivision and the Gewont Townhomes PUD.

FINAL PLAT
GEWONT TOWNHOMES PUD
 REPLAT OF LOT 2, MOORLAND SUBDIVISION AND
 REPLAT OF OUTLOT A, HUSSMAN MINOR SUBDIVISION
 NE1/4 NE1/4 SECTION 18, T1N, R2W, UTE MERIDIAN
 AND
 NW1/4 NE1/4 SECTION 18, T1N, R2W, UTE MERIDIAN
 CITY OF FRUITA, MESA COUNTY, COLORADO

Over Valley Hospital Association
 2007-08-04-012



Lot 1, Hussman Minor Subdivision
 See 4386, Page 857
 Little 541, 10411
 of George Hussman

Outlot A
 Public Open Space
 (Public Site/Open Space)
 0.257 Acres

Outlot Subdivision
 Plat Book 14, Page 303

POC

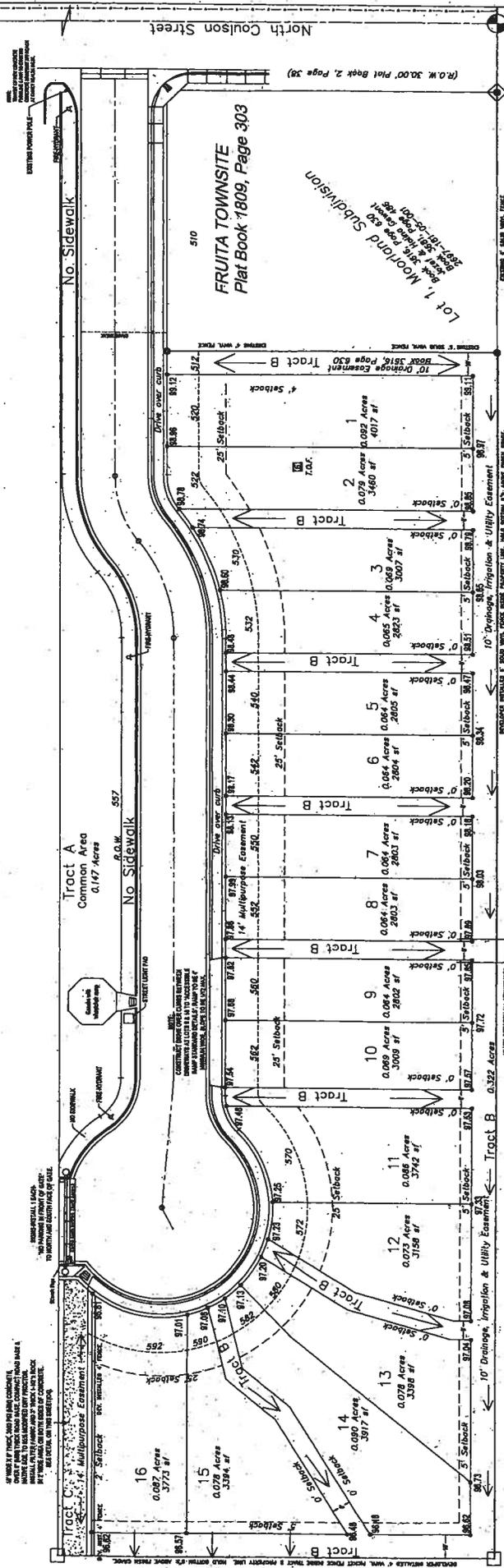
DESCRIPTIVE FENCE GUIDE:

No fence or other structure shall be allowed in front of any residence or within any side yard except as shown on the attached Master Fence Plan. No rear yard fence shall be placed within the ten (10') foot separation area between structures. All backyard fencing, if any, must be approved by the Home Owner's Association and shall meet, as a minimum, the following requirements:

1. All fencing requires a City of Fruita Planning Clearance.
2. All Developer installed perimeter fencing shall be owned and maintained by the HOA and is subject to all the provisions contained herein. Individual Lot Owners are specifically restricted from modifying the perimeter fence or any portion thereof.
3. All fencing shall be white vinyl or equal and shall be of an approved design.
 - a. The perimeter fencing shall be six (6') high solid white vinyl. A photograph of the existing new east side fence is attached showing both 4' and 6' high fencing.
 - b. Individual lot rear yard fencing shall be open newel type spaced white vinyl with a ten foot (10') wide gate at the rear easement installed such that it does not block or obstruct the flow of drainage water in any way. See Attachment.
4. Rear yard fencing shall not exceed forty-eight inches (48") in height except solid privacy fencing around a spa or hot tub shall not exceed six feet (6') in height and shall be limited to the area of the equipment it is screening. No portion of the solid privacy fencing may be installed within any drainage easement.
5. Rear yard fences shall not be installed beyond the side wall of the home in the direction of the adjacent structure, unless shown on the Master Fence Plan, thus maintaining a ten (10') unobstructed drainage area between homes.
6. See CC&R Articles I.4.E (Definitions); IV.19 (Specific Conditions); IV.29 and IV.33 (Access To Landscaped Areas) and IV.22.B, IV.29, IV.32 and IV.36 (No Nuisance Activities or Conditions Allowed).

MASTER FENCE PLAN

REVISED 12-19-08



TRACT	AREA (ACRES)	AREA (SQ FT)
1	0.092	4017
2	0.079	3460
3	0.065	2825
4	0.065	2825
5	0.065	2825
6	0.065	2825
7	0.065	2825
8	0.065	2825
9	0.065	2825
10	0.065	2825
11	0.073	3156
12	0.073	3156
13	0.078	3396
14	0.090	3917
15	0.078	3396
16	0.097	4233

- NOTES:**
- ALL RECORDS AND RECORDS FOR THIS PROJECT SHALL BE FILED IN THE PUBLIC RECORDS OFFICE OF THE COUNTY OF COLORADO, DISTRICT CLERK'S OFFICE, 100 WEST WASHINGTON AVENUE, DENVER, COLORADO 80202.
 - PERMITS AND APPROVALS REQUIRED FOR THIS PROJECT SHALL BE OBTAINED FROM THE APPROPRIATE AGENCIES AND SHALL BE FILED WITH THE RECORDS OFFICE OF THE COUNTY OF COLORADO, DISTRICT CLERK'S OFFICE, 100 WEST WASHINGTON AVENUE, DENVER, COLORADO 80202.
 - THE RECORDS OFFICE OF THE COUNTY OF COLORADO, DISTRICT CLERK'S OFFICE, 100 WEST WASHINGTON AVENUE, DENVER, COLORADO 80202, SHALL BE ADVISED OF ANY CHANGES TO THIS PLAN.
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ENGINEER'S SEAL

ENGINEER:
 CAROL B. BATH
 BATH ENGINEERS INC.
 383 NORTH AVE.
 GRAND JUNCTION, CO 81501

DATE: 11-30-08

PROJECT: GEWONT TOWNHOMES PUD

ADDRESS: 215 N. Coulson St. Fruita, CO. 81521

SHEET: C1

SCALE: 1"=30'

APPROVED FOR CONSTRUCTION:

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE:

APPROVED FOR CONSTRUCTION:

PERMITS:
 CO-COLORADO LAND
 WESTERN, CO 80771

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE:
 COLLECTOR:
 JAMES RAYNE
 800 N. W. 155
 GRAND JUNCTION, CO 81501

APPROVED FOR CONSTRUCTION:
 COLLECTOR:
 JAMES RAYNE
 800 N. W. 155
 GRAND JUNCTION, CO 81501

