

**ORDINANCE 2012-14**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA TO APPROVE A PLANNED UNIT DEVELOPMENT ZONE FOR THE WESTERN SLOPE INDUSTRIAL & RAIL PROPERTY CONTAINING APPROXIMATELY 223 ACRES LOCATED SOUTH OF HIGHWAY 6 & 50 AND WEST OF 15 ROAD**

**WHEREAS**, approximately 215 acres of the subject property were recently annexed to the City of Fruita by Ordinance 2012-13, and

**WHEREAS**, newly annexed property must be zoned in accordance with applicable law, and

**WHEREAS**, approximately 7.37 acres of the subject property were annexed in September 15, 2009, by Ordinance 2009-11 and zoned Limited Industrial & Research & Development by Ordinance 2009-12, and

**WHEREAS**, the City received an application by Fruita Development LLC, owners of the subject property, to zone the entire property (both the 7.37 acres annexed by Ordinance 2009-11 and the 215 acres annexed by Ordinance 2012-13) to a Planned Unit Development (PUD) zone, and

**WHEREAS**, a PUD Control Guide entitled "Western Slope Industrial & Rail Planned Unit Development Guide" containing information regarding land uses and other development standards for the Western Slope Industrial & Rail PUD zone is attached as Exhibit C, and

**WHEREAS**, at their May 10, 2011, public hearing, the Fruita Planning Commission recommended approval of the application to zone the entire property PUD, and

**WHEREAS**, public hearings were held by the City Council on June 5, 2012, and July 2, 2012, and

**WHEREAS**, the requested PUD zone meets all approval criteria that must be considered for PUD zones pursuant to Section 17.17.030 of the Fruita Land Use Code (2004, as amended) including general compliance with the City's Master Plan.

**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 17.07.020 of the Fruita Land Use Code (2009, as amended) is hereby amended and that the property described on attached Exhibit A and shown on attached Exhibit B, containing approximately 223 acres, is hereby zoned Planned Unit Development (PUD).

Section 2: That the PUD Control Guide entitled “Western Slope Industrial & Rail Planned Unit Development Guide”, attached as Exhibit C, establishes the zoning and development standards for the Western Slope Industrial & Rail PUD zone.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS  
2<sup>nd</sup> DAY OF July, 2012.**

City of Fruita

ATTEST:

\_\_\_\_\_  
Lori Buck, Mayor

\_\_\_\_\_  
City Clerk

**Exhibit A**  
**Ordinance 2012-14**  
**LEGAL DESCRIPTION**  
**WESTERN SLOPE INDUSTRIAL AND RAIL PROPERTY REZONE TO PUD**

A tract of land located in Section 11, Township 1 North, Range 3 West of the Ute Meridian, more particularly described as follows:

Commencing at the Northeast corner of said Section 11, whence the E  $\frac{1}{4}$  corner of said Section 11 bears South 00°01'59" West, a distance of 2629.08 feet, for a basis of bearings, with all bearings contained herein relative thereto;  
thence South 78°49'40" West, a distance of 2772.37 feet;  
thence South 30°07'25" West, a distance of 981.87 feet;  
thence South 09°47'03" West, a distance of 551.22 feet to the true Point of Beginning;  
thence South 00°43'55" West, a distance of 318.00 feet;  
thence South 59°03'33" East, a distance of 125.97 feet;  
thence South 39°05'00" East, a distance of 131.38 feet;  
thence South 09°29'47" East, a distance of 249.49 feet;  
thence North 80°25'24" West, a distance of 501.53 feet;  
thence North 20°38'57" East, a distance of 775.57 feet to the Point of Beginning,

**INCLUDING:**

A tract of land located in Section 11, Township 1 North, Range 3 West of the Ute Meridian, more particularly described as follows:

Commencing at the Northeast corner of said Section 11, whence the E  $\frac{1}{4}$  corner of said Section 11 bears South 00°01'59" West, a distance of 2629.08 feet, for a basis of bearings, with all bearings contained herein relative thereto;  
thence along the East line of said Section 11 South 00°01'59" West, a distance of 872.57 feet;  
thence North 56°32'04" West, a distance of 1821.99 feet to the most Northerly corner of Parcel 2 of Tract A, Landmark Petroleum, Inc., as shown on Boundary Adjustment deposited in Book 1, Page 36, Deposit Number 1296-96 of the Mesa County Surveyor's records, the Point of Beginning;  
thence along the Northwesterly line of said Boundary Line Adjustment the following twenty-eight (28) courses:

1. South 32°43'41" West, a distance of 152.28 feet;
2. South 56°27'12" East, a distance of 88.73 feet;
3. South 33°27'46" West a distance of 106.81 feet;
4. South 55°34'54" West, a distance of 33.39 feet;
5. South 43°19'31" West, a distance of 142.24 feet;
6. North 56°58'06" West, a distance of 76.98 feet;
7. South 32°31'41" West, a distance of 35.88 feet;
8. South 56°49'13" East, a distance of 89.51 feet;

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9. South 32°40'58" West, a distance of 65.75 feet;
  10. South 56°49'07" East, a distance of 65.92 feet;
  11. South 33°31'45" West, a distance of 41.69 feet;
  12. North 56°20'11" West, a distance of 111.95 feet;
  13. North 33°06'47" East, a distance of 4.35 feet;
  14. North 56°53'13" West, a distance of 34.90 feet;
  15. North 33°09'56" East, a distance of 13.57 feet;
  16. North 56°17'03" West, a distance of 101.55 feet;
  17. South 33°52'02" West, a distance of 36.91 feet;
  18. South 56°46'32" East, a distance of 31.33 feet;
  19. South 33°13'28" West, a distance of 21.50 feet;
  20. North 56°26'27" West, a distance of 131.91 feet;
  21. South 33°38'41" West, a distance of 86.70 feet;
  22. North 60°35'36" West, a distance of 33.52 feet;
  23. South 33°42'48" West, a distance of 68.49 feet;
  24. South 56°53'46" East, a distance of 131.96 feet;
  25. South 33°42'37" West, a distance of 45.53 feet;
  26. North 44°22'06" West, a distance of 218.40 feet;
  27. South 32°15'48" West, a distance of 166.80 feet;
  28. North 58°56'44" West, a distance of 298.49 feet;
- thence North 33°27'56" East, a distance of 948.47 feet;  
thence South 56°32'04" East, a distance of 626.05 feet to the Point of Beginning,

INCLUDING:

A tract of land located in Section 11, Township 1 North, Range 3 West of the Ute Meridian, more particularly described as follows:

Commencing at the Northeast corner of said Section 11, whence the E ¼ corner of said Section 11 bears South 00°01'59" West, a distance of 2629.08 feet, for a basis of bearings, with all bearings contained herein relative thereto;  
thence along the East line of said Section 11 South 00°01'59" West, a distance of 872.57 feet to a point on the South line of a 200 foot wide railroad right-of-way;  
thence along said South line of said railroad right-of-way North 56°32'04" West, a distance of 1473.79 feet to the Point of Beginning;  
thence South 34°02'28" West, a distance of 384.57 feet;  
thence South 56°25'06" East, a distance of 323.90 feet;  
thence South 33°33'13" West, a distance of 473.02 feet;  
thence South 56°26'46" East, a distance of 79.50 feet;  
thence South 33°33'13" West, a distance of 115.46 feet;  
thence South 57°31'52" East, a distance of 52.07 feet;  
thence North 33°33'13" East, a distance of 90.58 feet;  
thence South 56°08'14" East, a distance of 414.12 feet;  
thence North 52°51'11" East, a distance of 81.06 feet;  
thence South 57°55'14" East, a distance of 261.08 feet;  
thence South 07°39'15" West, a distance of 94.49 feet;

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thence South 56°08'14" East, a distance of 418.13 feet;  
thence South 31°28'29" West, a distance of 240.00 feet;  
thence South 31°41'15" East, a distance of 115.86 feet;  
thence North 33°51'46" East, a distance of 234.64 feet;  
thence South 56°08'14" East, a distance of 289.73 feet;  
thence South 00°01'56" East, a distance of 842.93 feet;  
thence South 71°08'19" West, a distance of 383.97 feet;  
thence South 00°01'58" West, a distance of 374.74 feet;  
thence North 89°58'04" East, a distance of 363.28 feet;  
thence South 16°55'29" West, a distance of 124.17 feet;  
thence South 28°25'03" West, a distance of 115.12 feet;  
thence South 46°21'41" West, a distance of 94.86 feet;  
thence South 63°16'31" West, a distance of 80.27 feet;  
thence North 79°24'54" West, a distance of 210.77 feet;  
thence North 49°30'39" West, a distance of 269.34 feet;  
thence North 26°47'56" East, a distance of 205.95 feet;  
thence North 63°12'04" West, a distance of 409.62 feet;  
thence South 27°45'47" West, a distance of 103.16 feet;  
thence South 63°25'01" West, a distance of 1724.88 feet;  
thence North 82°54'07" West, a distance of 368.94 feet;  
thence North 62°56'25" West, a distance of 1481.39 feet;  
thence North 57°38'44" West, a distance of 977.68 feet;  
thence South 86°22'09" West, a distance of 158.38 feet;  
thence North 41°52'24" East, a distance of 62.51 feet;  
thence South 89°47'04" East, a distance of 767.57 feet;  
thence South 01°04'35" East, a distance of 58.91 feet;  
thence South 89°25'24" East, a distance of 1003.06 feet;  
thence North 09°29'47" West, a distance of 249.49 feet;  
thence North 39°05'00" West, a distance of 131.38 feet;  
thence North 59°03'33" West, a distance of 125.97 feet;  
thence North 00°43'35" East, a distance of 318.00 feet;  
thence North 09°47'03" East, a distance of 551.22 feet;  
thence North 30°07'25" East, a distance of 981.87 feet;  
thence North 34°36'45" East, a distance of 271.33 feet;  
thence South 58°56'44" East, a distance of 298.49 feet;  
thence North 32°15'48" East, a distance of 166.80 feet;  
thence South 44°22'06" East, a distance of 218.40 feet;  
thence North 33°42'37" East, a distance of 45.53 feet;  
thence North 56°53'46" West, a distance of 131.96 feet;  
thence North 33°42'48" East, a distance of 68.49 feet;  
thence South 60°35'36" East, a distance of 33.52 feet;  
thence North 33°38'41" East, a distance of 86.70 feet;  
thence South 56°26'27" East, a distance of 131.91 feet;  
thence North 33°13'28" East, a distance of 21.50 feet;  
thence North 56°46'32" West, a distance of 31.33 feet;  
thence North 33°52'02" East, a distance of 36.91 feet;

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thence South 56°17'03" East, a distance of 101.55 feet;  
thence South 33°09'56" West, a distance of 13.57 feet;  
thence South 56°53'13" East, a distance of 34.90 feet;  
thence South 33°06'47" West, a distance of 4.35 feet;  
thence South 56°20'11" East, a distance of 111.95 feet;  
thence North 33°31'45" East, a distance of 41.69 feet;  
thence North 56°49'07" West, a distance of 65.92 feet;  
thence North 32°40'58" East, a distance of 65.75 feet;  
thence North 56°49'13" West, a distance of 89.51 feet;  
thence North 32°31'41" East, a distance of 35.88 feet;  
thence South 56°58'06" East, a distance of 76.98 feet;  
thence North 43°19'31" East, a distance of 142.24 feet;  
thence North 55°34'54" East, a distance of 33.39 feet;  
thence North 33°27'46" East, a distance of 106.81 feet;  
thence North 56°27'12" West, a distance of 88.73 feet;  
thence North 32°43'41" East, a distance of 152.28 feet;  
thence South 56°32'04" East, a distance of 348.20 feet to the Point of Beginning,

TOGETHER WITH Ingress and Egress Easement as evidenced in instrument recorded March 3, 1994 in Book 2052 at Page 589 as Reception No. 1673131.

AND TOGETHER WITH Ingress and Egress Easement as evidenced in instrument recorded April 30, 1996 in Book 2228 at Page 1 as Reception No. 1754925.

AND ALSO TOGETHER WITH an easement for rail car ingress and egress only upon Railroad Tracks #1, #2, #3, #4 and #6 as evidenced by instrument recorded April 30, 1994 in Book 2228 at Page 3 as Reception No. 1754926.

EXCEPT any portion of said rail car easement lying Westerly of the land described hereinabove.

AND ALSO TOGETHER WITH an Easement for Ingress and Egress as evidenced in instrument recorded April 3, 1996 in Book 2227 at Page 998 as Reception No. 1754924 only to the extent where such easement affects Lot 2 of Wesfrac Subdivision as shown on the official plat thereof, recorded in the office of the Mesa County Clerk and Recorder at Plat Book 18, Page 192.

LESS and EXCEPTING the following described parcel:

A parcel of land located in the E ½ of Section 11, Township 1 North, Range 3 West of the Ute Meridian, being more particularly described as follows:

Commencing at the E ¼ corner of Section 11, Township 1 North, Range 3 West, Ute Meridian, whence the Northeast corner of said Section 11 bears North 00°01'59" East, a distance of 2629.08 feet, with all bearings contained herein relative thereto;  
thence South 12°22'06" West, a distance of 140.21 feet to a point on the Westerly Line of Lot 1 Wesfrac Subdivision, Book 18, Page 192 and the Point of Beginning;

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thence South 71°08'19" West, along the West property line of said Lot 1 a distance of 383.97 feet;

thence South 00°01'58" West, a distance of 393.65 feet, along the West property Line of Lot 1 and its extension;

thence North 63°12'04" West, a distance of 619.30 feet;

thence North 65°04'50" West, a distance of 1176.99 feet;

thence North 33°29'02" East, a distance of 545.29 feet;

thence South 79°57'22" East, a distance of 437.31 feet;

thence North 75°42'26" East, a distance of 583.37 feet;

thence North 33°33'27" East, a distance of 435.42 feet; to a point on line of Lot 1;

thence along lot line of said Lot 1 the following six (6) courses:

South 56°08'14" East, a distance of 122.59 feet;

South 31°28'29" West, a distance of 240.00 feet;

South 58°41'15" East, a distance of 115.86 feet;

North 33°51'46" East, a distance of 234.64 feet;

South 56°08'14" East, a distance of 289.73 feet;

South 00°01'56" West, a distance of 842.93 feet to the Point of Beginning.

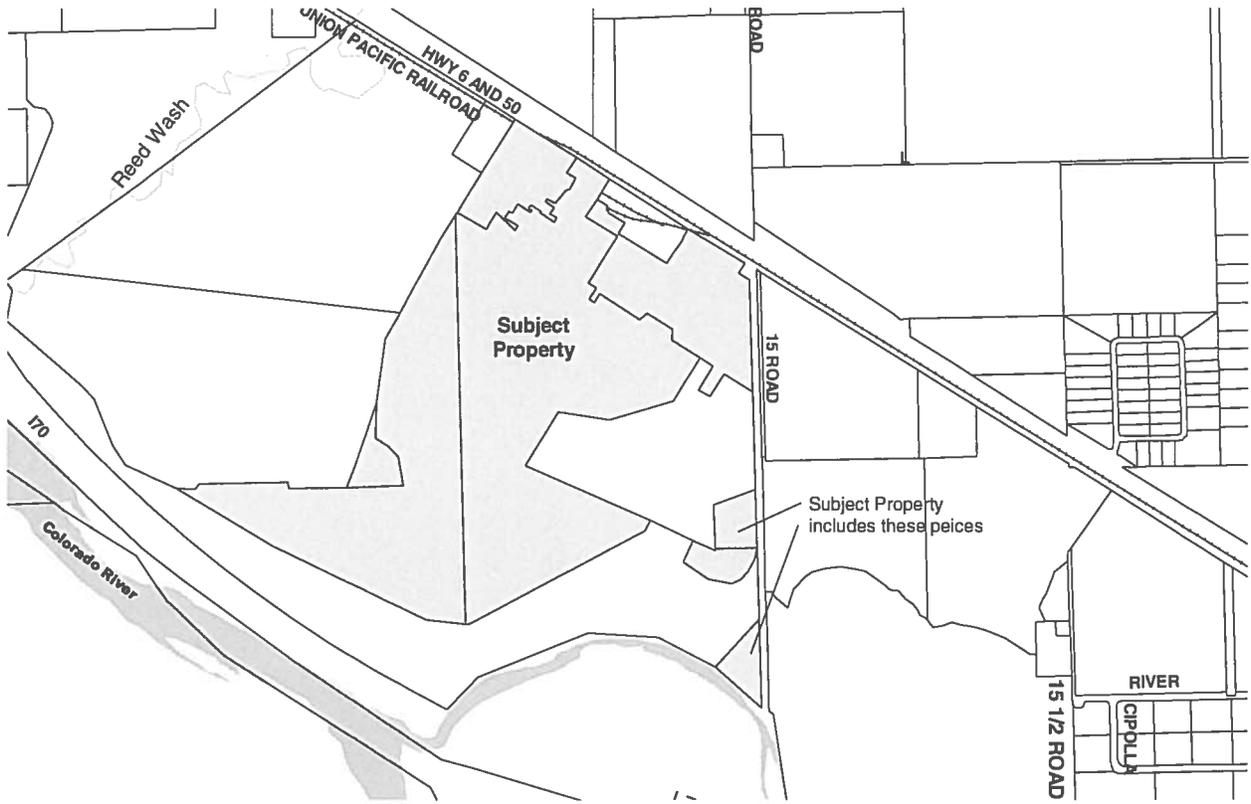
**AND INCLUDING:**

All of Lot 1, Wesfrac Subdivision, as shown on the official plat thereof, recorded in the office of the Mesa County Clerk and Recorder at Plat Book 18, Page 192.

All in Mesa County Colorado

Exhibit B  
Ordinance 2012-14  
PUD Zone - Western Slope Industrial & Rail

LOCATION MAP





2478 Patterson Road, Suite 18  
Grand Junction, CO 81505  
O: 970-985-4001  
F: 970-985-4002

EXHIBIT C - ORD 2012-14

**WESTERN SLOPE INDUSTRIAL AND RAIL PARK SUBDIVISION**

**Planned Unit Development Guide**

**June 14, 2012**

**Planned Unit Development Purpose Statement:**

The use of a Planned Unit Development District is intended to encourage innovative land planning and site design concepts. As stated in Section 17.17.010, Purpose, of the *City of Fruita Land Use Code (Code)*, Planned Unit Developments allow for modification of the normal use, density, size, or other zoning restrictions for the development of residential, business, commercial and industrial areas as part of a unified planned development for the entire proposed site.

The Western Slope Industrial and Rail Subdivision will follow all development requirements for the existing LIRD Zoning and existing Code requirements with the exception of requiring a Conditional Use Permit of the following land uses which are instead intended to be allowed uses:

1. Public Safety Services
2. Animal Clinic/Hospital/Boarding Sales/Indoor/Outdoor Kennel
3. Truck Stop/Travel Plaza/ Truck Parking Area
4. Tire Re-capping and Storage
5. Heavy Equipment Storage
6. Gas or Petroleum Storage
7. Sand and Gravel Storage
8. Agricultural Product Sales
9. Sales of all other Wholesale uses
10. Funeral Home
11. Shooting Range (indoor)

*Please see signature block below*

*6 / 19 / 2012*

**Property Owner**

**Date**

**FRUITA DEVELOPMENT , LLC,**  
a Wisconsin limited liability company

By: *[Signature]*  
Name: *Douglas Brown*  
Its: *Managing Director*