

## **ORDINANCE 2024-07**

### **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 5.07 ACRES OF PROPERTY LOCATED 614 RAPTOR ROAD TO A PLANNED UNIT DEVELOPMENT KNOWN AS THE GEODE FLATS.**

**WHEREAS**, the property owner, TWG Raptor LP (“Owner”) has submitted a request to zone the property described in the attached Exhibit A, and commonly referred to as Geode Flats (the “Property”) to a Planned Unit Development (PUD) zoning designation, and

**WHEREAS**, the Fruita Planning Commission has recommended to the City Council approval of adopting the PUD Guide to clarify specific zoning related to the development, and

**WHEREAS**, the proposal is in conformity with the Fruita In Motion: Plan Like a Local Comprehensive Plan (“Comprehensive Plan”) of the City of Fruita and the City of Fruita Land Use Code (“LUC”), and

**WHEREAS**, by adopting the attached PUD Guide, land use, dimensional standards, and building design on the Property can be evaluated on an individual basis and impacts on surrounding land uses can be mitigated, and

**WHEREAS**, Owners have submitted a PUD Guide entitled, “Geode Flats” which includes dimensional standards, design standards and use restrictions for development of the Property, and

**WHEREAS**, proper publication and public notice were provided as required by law for the hearings before the Planning Commission and the City Council, and

**WHEREAS**, based on the evidence, testimony, exhibits, relationship to the Comprehensive Plan and LUC, comments of Community Development Department, Review Agencies, and Planning Commission hearing minutes, the recommendation of the Planning Commission, and comments from all interested parties, the City Council finds as follows:

Pursuant to Chapter 19 of the Fruita Land Use Code, the City Council makes the following findings in its review of the PUD Application:

- a) The application is in general conformance with the Land Use Code and Comprehensive Plan.
- b) The proposed plan conforms to all applicable regulations policies and guidelines.
- c) The application does not vary the health and safety requirements contained in Title 8 of the Fruita Municipal Code.
- d) The application does not vary from the requirements concerning public improvements contained in Title 12 of the Fruita Municipal Code.
- e) The application does not vary from the requirements concerning water and wastewater contained in Title 13 of the Fruita Municipal Code.

**THE CITY OF FRUITA HEREBY ORDAINS:**

**Section 1:** That the Zoning Map adopted pursuant to Section 17.03.030 of the Fruita Municipal Code is hereby amended and that the Property described and shown on the attached Exhibit A, containing 5.07 acres, more or less, is hereby designated as a Planned Unit Development Zone (PUD);

**Section 2:** That the PUD guide entitled, “Geode Flats” attached hereto as Exhibit B establishes dimensional standards including but not limited to land uses, amenities, building design guidelines, parking standards, setbacks, and lot coverage within the Geode Flats development and is approved;

**Section 3:** Special Conditions: That the development of the Property will be required to adhere to the conditions outlined in the Planned Unit Development Guide for the Geode Flats development attached hereto as Exhibit B.

**Section 4:** Reverter Clause: In the event, the Planned Unit Development fails to develop as either market rate or affordable multifamily development at the property owner's discretion, the zoning of the land shall automatically revert to Commercial Two (C-2), as it existed prior to the Planned Unit Development approval. This reverter clause shall terminate automatically once construction of the multifamily development begins and if requested by the owner, the City or local municipality shall provide written confirmation of the same.

**Section 5:** It shall be a Class B municipal offense, as defined in the Fruita Municipal Code, for any person to knowingly erects, constructs, reconstructs, uses, or alters any building or structure or knowingly uses any land in violation of the Sunset Pointe Planned Unit Development Guide herein adopted.

**Section 6:** The City Clerk is directed to:

1. File the original of this Ordinance and attached exhibit in the office of the City Clerk of Fruita, Colorado;
2. File one copy of this Ordinance and attached exhibit in the office of the Mesa County, Colorado, Assessor; and
3. File for record one certified copy of this ordinance and attached exhibits with the Clerk and Recorder of Mesa County, Colorado.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 5<sup>TH</sup> DAY OF MARCH 2024**

ATTEST:

City of Fruita:

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Margaret Sell, City Clerk

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Joel Kincaid, Mayor

EXHIBIT A

Lot 1, Horsethief Commercial Subdivision (Reception Number 2741274)

Situated in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 18

Township 1 North, Range 2 West, Ute Meridian

City of Fruita, Mesa County, Colorado

# EXHIBIT B

## GEODE FLATS

City of Fruita, Colorado

### PRELIMINARY PUD GUIDE

November 29, 2023

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#### WRITTEN RESTRICTIONS

##### **Intent**

The purpose of this Planned Unit Development is to allow flexibility and innovation in the development of market rate or workforce/affordable multifamily housing in exchange for a community benefit that could not otherwise be realized through the strict adherence to the Fruita Land Use Code. This PUD Guide will serve as the zone district regulations for the PUD. This PUD Guide is a site-specific development plan and creates vested rights pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended.

##### **Underlying Zoning**

Commercial Two (C-2)

##### **Allowed Land Uses**

All uses permitted by right and conditional use in the C-2 zone district, including but not limited to:

- Multifamily Residential
- Clubhouse

##### **On Site Amenities**

On site amenities shall include at least two of the following elements:

- Playground equipment
- Common outdoor gathering spaces
- Pocket Park
- Raised garden beds
- Trails
- Furnished exercise room
- Community room
- Computer room

##### **Community Component**

A payment of \$100,000 is due upon issuance of building permits in lieu of dedicated land for a Childcare Center to be provided off-site.

##### **Workforce/Affordable Housing**

Multifamily development may be either market rate or affordable housing.

**Overall Site Dimensional Standards**

Density: No specific standard  
 Maximum Number of Buildings: 5  
 Minimum Landscape Area: 10%

**Planning Area A**

Maximum number of Buildings: 3

**Planning Area B**

Maximum number of Buildings: 2

**Density and Dimensional Standards Table**

Use	Max Density	Min Lot Area	Min Front/Street Yard	Min Interior Side Yard	Min Rear Yard	Max Structure Height	Max Lot Coverage
Multi-family	12 DU/acre Minimum  <b>Deviation:</b> No Specific Standard  Minimum Unit Size: 500 sf	5,000 sq ft per dwelling unit  <b>Deviation:</b> 4.5 Acres	0 feet  <b>Deviation:</b> PA A: 14' PA B 14'	10 feet for primary structures  5 feet for accessory structures except 0 feet where common wall or zero-lot line dev. Allowed  <b>Deviation:</b> 14 feet for primary structures	20 for primary and accessory structures except 0 feet where common wall or zero-lot line dev. Allowed  <b>Deviation:</b> Not Applicable	35 feet for primary structures  25 feet for accessory structures  <b>Deviation:</b> PA A: 4 Stories PA B: 3Stories  Elevator overrun and mechanical equipment exempt from maximum building height  See Figure 1.1 B for building height measurement	80%  <b>Deviation:</b> PA A: 35.3% PA B: 24.4%  See Figure 1.1 for lot coverage diagram.

Use	Max Density	Min Lot Area	Min Front/Street Yard	Min Interior Side Yard	Min Rear Yard	Max Structure Height	Max Lot Coverage
Non-Residential Development	Not Applicable	5,000 sq ft	0 Feet	10 feet for primary structures  5 feet for accessory structures except 0 feet where common wall or zero-lot line dev. allowed	20 feet for primary structures  5 feet for accessory structures except 0 feet where common wall or zero-lot line dev. Allowed	35 feet for primary structures  25 feet for accessory structures	80%

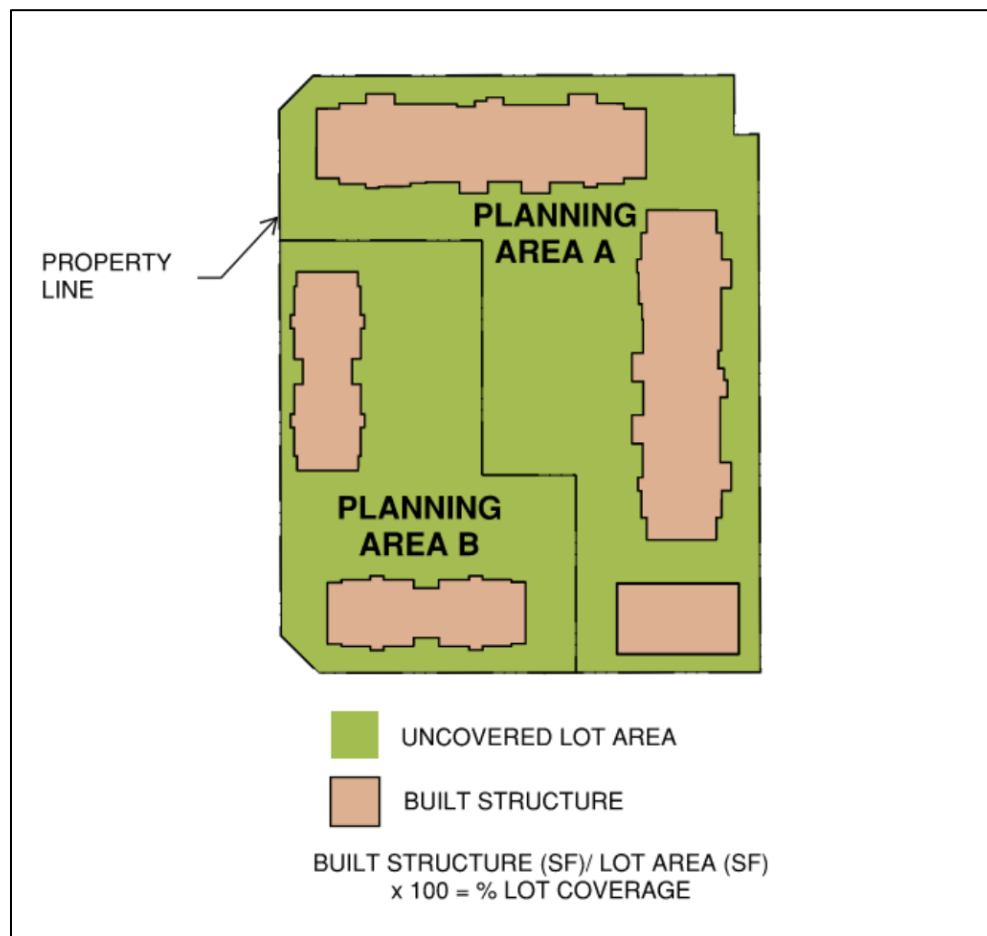
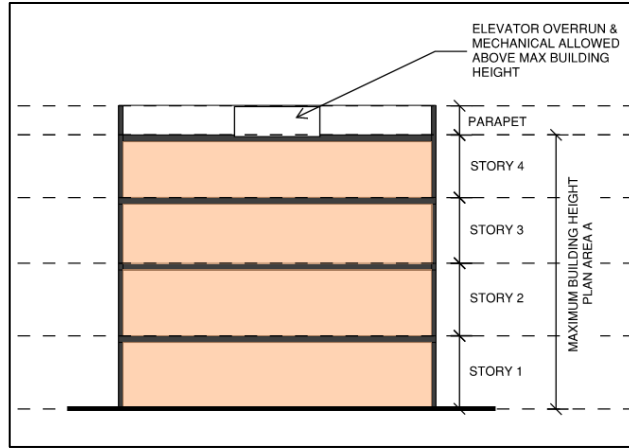
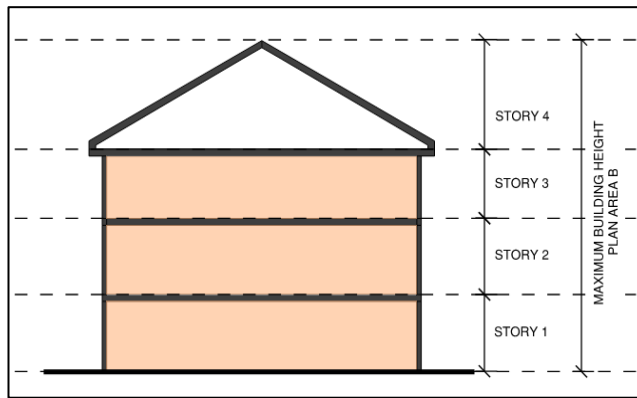


Figure 1.1: Lot Coverage Diagram



**Figure 1.1 A: Plan Area A Height**



**Figure 1.1 B: Plan Area B Height**

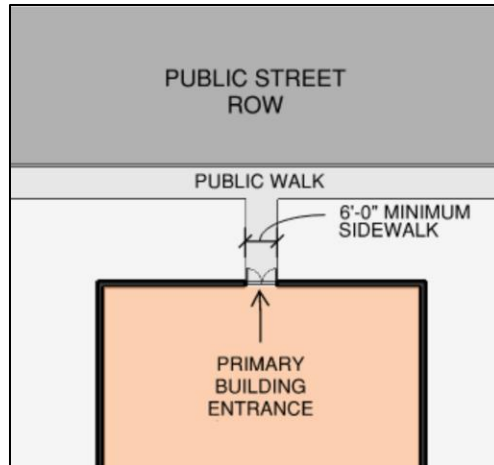
**SITE DESIGN**

**Primary Entrances**

- a. Primary building entrances shall be oriented to the public street right-of-way and/or public sidewalk and shall be connected to the public street right-of-way and/or public sidewalk by a concrete walkway not less than six (6) feet in width. Primary building entrances shall be within twenty (20) feet of the public street right-of-way and/or public sidewalk.

**Proposed Deviation:** When a building has street frontage the building should incorporate one primary entrance that faces the street and/or public sidewalk and shall be connected to the public street right-of-way and/or public sidewalk by a concrete walkway not less than six (6) feet in width. See Figure 1.2 below.





**Figure 1.2: Concrete Walkway Requirement**

- b. Where it is not practical to locate primary building entrances within twenty (20) feet of the public street right-of-way or public sidewalk, the concrete walkway connecting primary building entrances to the public sidewalk or public street right-of-way shall be no less than ten (10) feet in width. This concrete walkway must have three-foot wide planter strips on each side.

**Proposed Deviation:** Where it is not practical to locate primary building entrances within twenty (20) feet of the public street right-of-way or public sidewalk, the concrete walkway connecting primary building entrances to the public sidewalk or public street right-of-way shall be no less than six (6) feet in width. This concrete walkway must have three-foot wide planter strips on each side.

- ~~c. Primary building entrances located more than forty (40) feet from the public street right-of-way or public sidewalk will require a pedestrian plaza outdoor seating area, courtyard, or other civic amenity is provided between the building and street.~~

**Proposed Deviation:** Strike completely as the lot is bounded by three street frontages.

- d. Where a primary building entrance is located more than twenty (20) feet from a public street right-of-way and/or public sidewalk, or where parking and/or driving aisles are provided between the primary building entrance and public street right-of-way and/or public sidewalk, a fifteen (15) foot wide minimum landscape screen shall separate all off-street parking areas from adjacent public street rights-of-way or public sidewalks.

**Proposed Deviation:** Where no building entrance is located within a (20) feet of a public street right-of-way and/or public sidewalk, a ten (10) foot wide minimum landscape screen shall separate all off-street parking areas from adjacent public street rights-of-way or public sidewalks. See Figures 1.3a, 1.3b, 1.3c below.

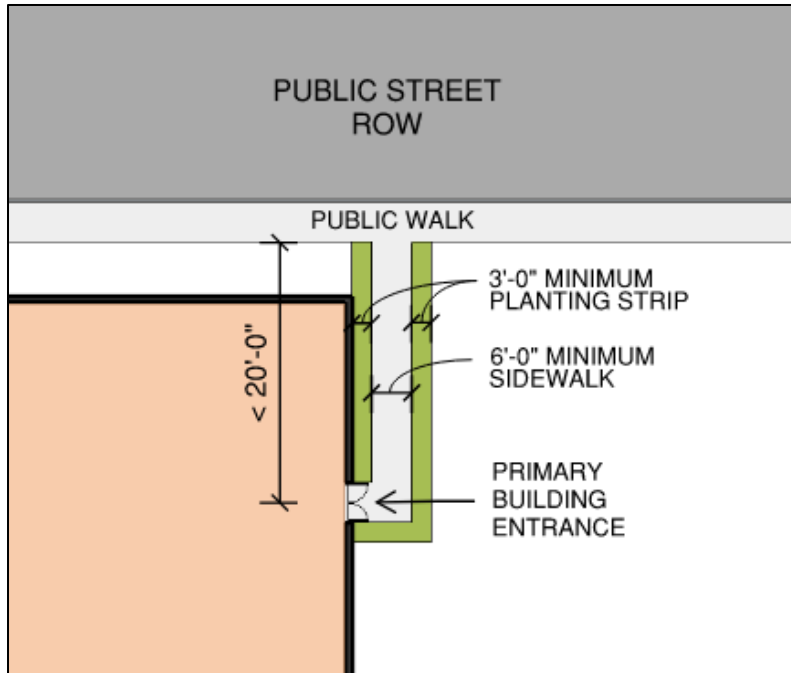


Figure 1.3a: Landscape Screen Requirement

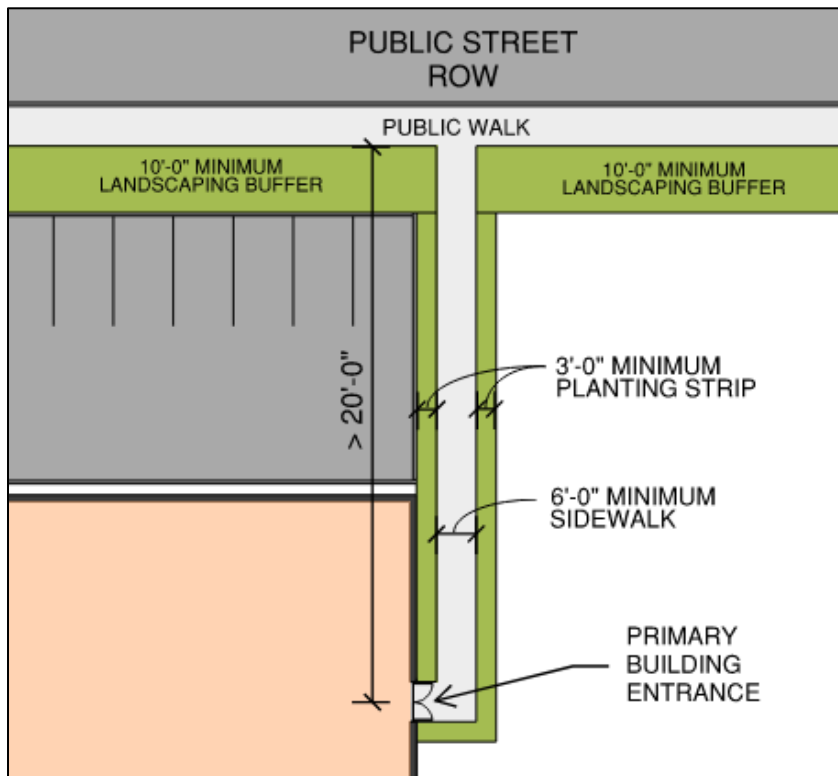
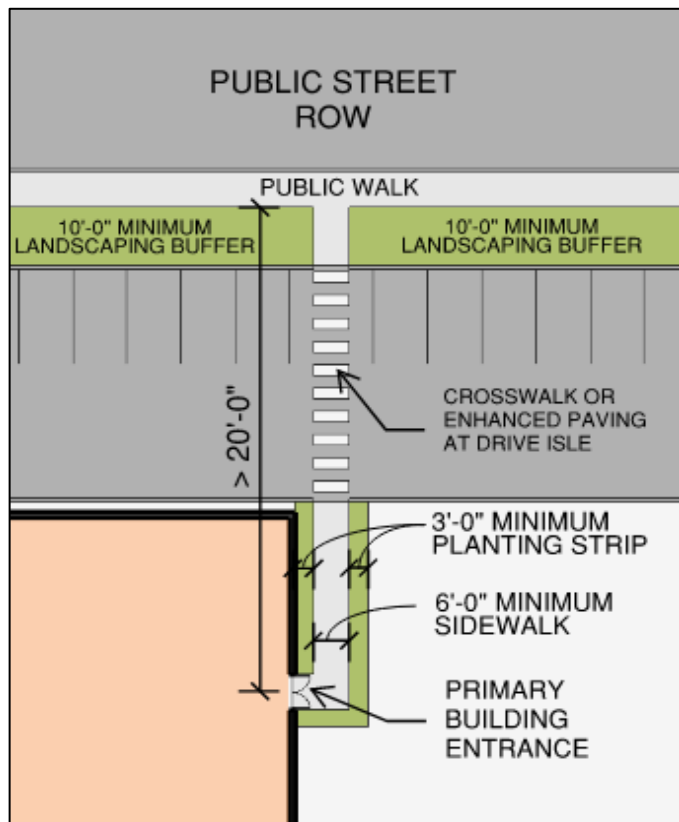


Figure 1.3b: Landscape Screen Requirement



**Figure 1.3c: Landscape Screen Requirement**

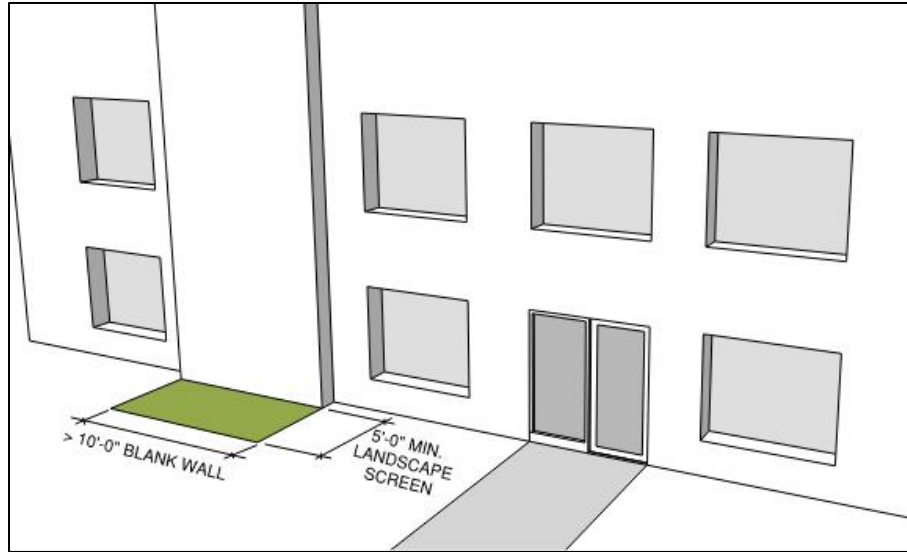
- e. Buildings shall have clearly defined primary entrances that provide a weather-protection shelter for a depth of not less than five (5) feet (e.g., either by recess, overhang, canopy, portico and/or awning) extending from the building entry.

**Proposed Deviation:** None

**Blank Wall Prevention**

- a. Buildings shall meet transparency and weather protection standards (Subsection B, Building Design below) along all street-facing elevations and any elevations containing a primary building entrance. A landscape screen at least five (5) feet wide shall cover any blank building walls (i.e., lacking windows and weather protection) and contain materials of sufficient size/species to screen the blank wall.

**Proposed Deviation:** Buildings elevations that are public street-facing shall meet transparency and weather protection standards (Subsection B, Building Design below) along all street-facing elevations. A landscape screen at least five (5) feet wide shall cover any blank building walls over 10'-0" in length (i.e., lacking windows and weather protection) and contain materials of sufficient size/species to screen the blank wall. See Figure 1.4 below.



**Figure 1.4: Blank Wall Landscape Screen Requirement**

- b. Public art and murals may be used to minimize the visual impacts of a blank façade.

**Proposed Deviation:** None.

### **Building Design**

#### Overall Design.

- a. Architectural designs shall address all facades of a building visible from the street with materials, detailing, and color. Architectural elements should wrap around building corners. Where a proposed design is based on the applicant’s corporate style guide, as in formula retail stores, restaurants, discount outlets, or similar proposals where a similar building design has been used previously, the applicant must demonstrate that the design has been adapted to fit Fruita’s unique location/historical context (Colorado National Monument/Grand Valley) and desert environment.

**Proposed Deviation:** Architectural designs shall address all street-facing facades of a building with materials, detailing, and color. Architectural elements should wrap around building corners. Where a proposed design is based on the applicant’s corporate style guide, as in formula retail stores, restaurants, discount outlets, or similar proposals where a similar building design has been used previously, the applicant must demonstrate that the design has been adapted to fit Fruita’s unique location/historical context (Colorado National Monument/Grand Valley) and desert environment.

#### Stepped Rooflines.

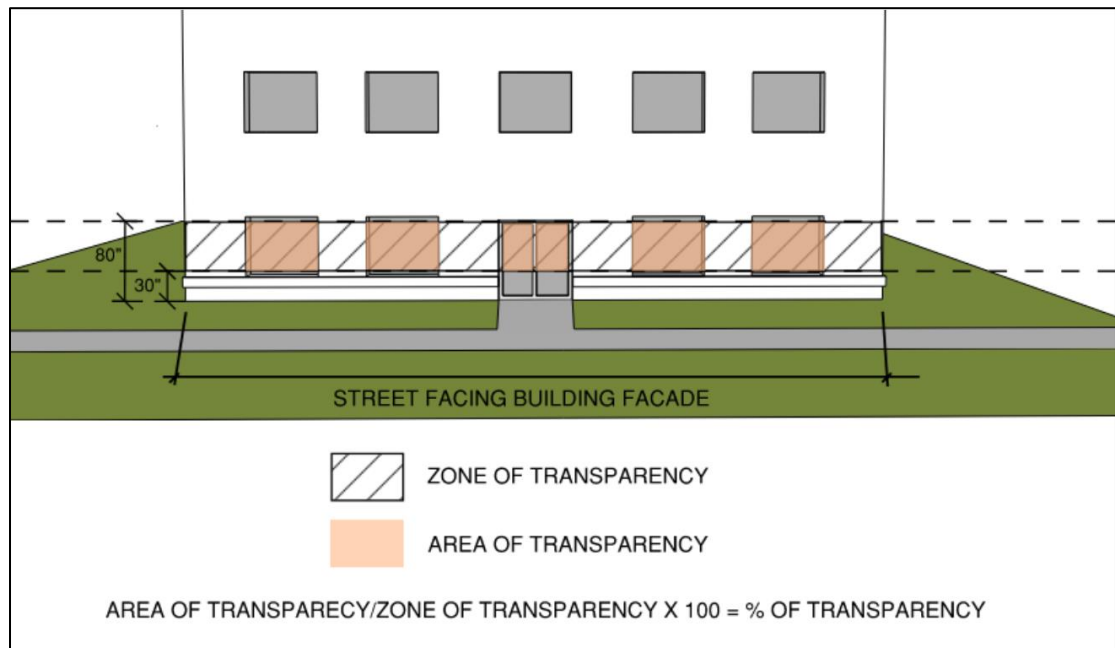
- a. Height should vary from building to building to avoid a homogenous appearance. This standard is met by using stepped parapets, gables, or slightly dissimilar height from building-to-building.

**Proposed Deviation:** Rooflines should vary to avoid a homogenous appearance. This standard is met by using stepped parapets, gables, changes in roof slope, or slightly dissimilar heights.

Window Transparency.

- a. Building elevations that face a street, parking area, civic space, or open space shall comprise at least forty (40) percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or thirty (30) inches above the sidewalk grade, whichever is less) and a plane eighty (80) inches above the sidewalk grade. Upper floors may have less window area but should follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices.

**Proposed Deviation:** Building elevations that face a street or civic space, shall comprise at least thirty (30) percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or thirty (30) inches above the sidewalk grade, whichever is less) and a plane eighty (80) inches above the sidewalk grade. Upper floors may have less window area but should follow the vertical lines of the lower-level piers and the horizontal definition of spandrels and any cornices. See Figure 1.5 below.



**Figure 1.5: Transparency Requirement**

- b. Where the Community Development Director determines, based on physical site constraints or the functional requirements of a non-residential building, that providing window transparency is not practical or does not further intent of these standards as stated above, other alternative means of breaking up large elevations (e.g., columns, belt course, and upper story panels/transom, with landscaping) shall be employed.

**Proposed Deviation:** None.

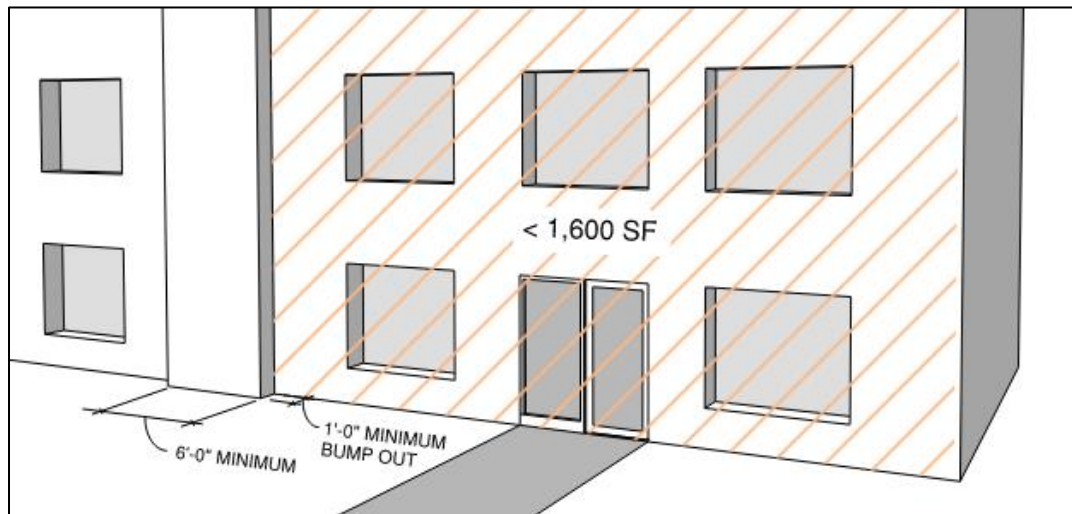
Building Mass.

- a. Building elevations shall incorporate offsets or divisions to reduce the apparent building scale and to improve aesthetics. Elevations of a structure shall be divided into smaller areas or planes to minimize the appearance of bulk as viewed from any street, civic space, or adjacent property.

**Proposed Deviation:** None.

- b. When an elevation of a primary structure is more than eight hundred (800) square feet in area, the elevation must be divided into distinct planes of not more than eight hundred (800) square feet. For the purpose of this standard, areas of wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure that projects or recedes at least one (1) foot from the adjacent plane, for a length of at least six (6) feet.

Proposed Deviation: When an elevation of a primary structure is more than ~~eight hundred (800) square~~ twenty-five hundred (2,500) square feet in area, the elevation must be divided into distinct planes of not more than (1,600) square feet. For the purpose of this standard, areas of wall planes that are entirely separated from other wall planes are those that result in a change in plane such as a recessed or projecting section of the structure that projects or recedes at least one (1) foot from the adjacent plane, for a length of at least six (6) feet. See Figure 1.6 below.



**Figure 1.6: Blank Wall Landscape Screen Requirement**

- c. Changes in plane may include but are not limited to recessed entries, bays, stepped parapets, secondary roof forms (e.g., gables, lower roof sheds, dormers and towers), building bases, canopies, awnings, projections, recesses, alcoves, pergolas, porticos, roof overhangs, columns, or other features that are consistent with the overall composition of the building.

**Proposed Deviation:** None.

- d. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration.

**Proposed Deviation:** None.

#### Materials and Colors.

- a. Exterior materials shall consist of brick, stone, adobe, wood shingle or imitation wood shingle walls, slump block, adobe brick or suitable split block or brick.

**Proposed Deviation:** Exterior materials shall consist of brick, stone, adobe, wood shingle or imitation wood shingle walls, slump block or fiber cement panel, lap siding, vinyl siding, adobe brick, or suitable split block or brick.

- b. Wood timbers and metal (brushed steel, iron, copper, or similar architectural-grade metals) may be used on canopies, arbors, trellises, pergolas, porticos, brackets, fasteners, lighting, signage, and other detailing, as appropriate, to provide visual interest and contrast. In general, color selection should complement, not compete with, the surrounding desert landscape. Warm earth tone colors (e.g., sandstone reds, desert greens and browns) are generally preferred over cool colors, such as blue and white/off-white. Substitute materials that are equal in appearance and durability may be approved.

**Proposed Deviation:** None.

#### ATMs and Service Windows.

- a. Where walkup ATMs or service windows are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter. Where drive-up windows or similar facilities are provided the drive-up window and associated vehicle queuing area shall be set back at least twenty (20) feet from all adjacent rights-of-way. The applicant may be required to install textured pavement (e.g., pavers or stamped concrete) for pedestrian crossings of any drive aisle.

**Proposed Deviation:** None.

### **PARKING STANDARDS**

Off street parking to be provided in accordance with Chapter 17.37 Parking Standards for commercial development.

The following parking rates shall apply to multifamily development.

	Per Dwelling Unit	
	Market Rate Rental	Affordable Rental
Parking Rate	1.32	0.75
180 Units	238 Spaces	135 spaces

- a. Garages and other parking areas are setback and oriented away from neighborhood streets or a 6-foot landscape buffer shall be provided between the street and parking areas.
- b. Parking management included in the individual apartment leases, specifying the parking requirements and enforcement policies.
- c. Bicycle parking provided in accordance with Chapter 17.37 Parking Standards of the Land Use Code.

**LANDSCAPE STANDARDS**

Site development to employ desert design-inspired xeriscape landscaping. A minimum of 10 percent (10%) of the land area shall be landscaped with drought-tolerant plant species provided in conformance with Section 17.11.050 Landscape Standards of the Land Use Code.

**SIGNAGE**

All signs shall comply with the City’s Sign Code, unless the developer chooses to submit a master sign program application for consideration by the City.

**LIGHTING**

All exterior lighting shall be in conformance with the lighting standards of the Land Use Code.

**CONFLICTS**

In the event a standard in this PUD Guide is in conflict, the standard in this PUD Guide shall govern.