

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 5TH DAY OF MARCH 2024**

ATTEST:

City of Fruita:

Margaret Sell, City Clerk

Joel Kincaid, Mayor