FRUITA CITY COUNCIL
NOVEMBER 15, 2016
7:00 P.M.

1. **INVOCATION AND PLEDGE OF ALLEGIANCE**

2. **CALL TO ORDER AND ROLL CALL**

3. **AGENDA - ADOPT/AMEND**

4. **PROCLAMATIONS AND PRESENTATIONS**

5. **PUBLIC PARTICIPATION**
This section is set aside for the City Council to LISTEN to comments by the public regarding items that do not otherwise appear on this agenda. Generally, the City Council will not discuss the issue and will not take an official action under this section of the agenda. **Please limit comments to a five-minute period.**

6. **CONSENT AGENDA**
These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. A Single **Public Hearing** will be opened for all items on the Consent Agenda. These items will be approved by a single motion of the Council. The Mayor will ask if there is anyone present who has objection to such procedure as to certain items. Members of the Council may also ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed at the end of the regular agenda.

   A. LIQUOR LICENSE RENEWAL – A request to approve the renewal of an Optional Premises – Malt, Vinous and Spirituous liquor license for Adobe Creek National Golf Course located at 876 18 1/2 Road

   B. ASPEN VILLAGE ANNEXATION:

      1) ORDINANCE 2016-15 – Second Reading – A request to continue the approval of an Ordinance annexing property located at 1062 18 Road containing 6.73 acres to the City of Fruita to the December 6, 2016 City Council meeting

      2) ORDINANCE 2016-16 – Second Reading – A request to continue the approval of an Ordinance zoning newly annexed property located at 1062 18 Road to a Community Residential zone to the December 6, 2016 City Council meeting

7. PUBLIC HEARINGS

Public Hearings are the formal opportunity for the city council to LISTEN to the public regarding the issue at hand. For land use hearings and liquor license hearings; the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial body must limit its consideration to matters which are placed into evidence and are part of the public record. The council must base their decision on the law and evidence presented at the hearing.

1) **Applicant Presentation** (15 minutes max) The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.
2) **Staff presentation** (15 minutes max) Staff will present the comments and reports received from review agencies, and offer a recommendation.
3) **Public Input** (limit of 5 minutes per person. If two people in the audience are willing to cede their time to the speaker, that speaker may receive a total of 10 minutes, referred to as banking time). People speaking should step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
4) **Applicant Rebuttal (limited to 5 minutes)** The Mayor will ask for the applicant's rebuttal. During this brief time, the applicant should answer the questions raised by the public.
5) **The hearing is then closed to public comments.**
6) **Questions from the Council.** After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
7) **Make a motion.** A member of the City Council will make a motion on the issue.
8) **Discussion on the motion.** The City Council may discuss the motion.
9) **Vote.** The City Council will then vote on the motion.

A. Finance Director/City Clerk Margaret Sell

1) 2017 Annual Budget

8. ADMINISTRATIVE AGENDA

A. Public Works Director Ken Haley

1) Lagoon property redevelopment Master Plan

B. Community Development Director Dahna Raugh

1) ASPEN VILLAGE SUBDIVISION – Discussion regarding a credit to the Parks, Open Space and Trails impact fee for the Aspen Village Subdivision

9. COUNCIL REPORTS AND ACTIONS

10. CITY MANAGER'S REPORT

11. ADJOURN

AGENDA ITEM COVER SHEET

TO: **FRUITA CITY COUNCIL AND MAYOR**

FROM: **DEBRA WOODS, DEPUTY CITY CLERK**

DATE: **NOVEMBER 15, 2016**

RE: **LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF AN OPTIONAL PREMISES – MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR ADOBE CREEK NATIONAL GOLF COURSE LOCATED AT 876 18 ½ ROAD**

BACKGROUND

The Optional Premises Liquor License for the Adobe Creek National Golf Course located at 876 18 ½ Road is up for renewal. Their current license expires on **November 27, 2016.** The Police Department had nothing to report regarding this establishment. The City Clerk's office has not been advised of any issues or concerns related to the liquor license during the past year. The City Clerk's office has no current Alcohol Awareness Training certificates or TIPS certificates on file for Adobe Creek National Golf Course.

The following information is provided as background on the liquor license renewal process:

An Optional Premises Liquor License allows employees to serve alcoholic beverages in the Clubhouse and on the Golf Course.

Pursuant to State Statutes, the local licensing authority (City Council) may cause a hearing on the application for renewal to be held. No renewal hearing shall be held until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The licensing authority may refuse to renew any license for good cause, subject to judicial review.

This item is placed on the Consent agenda for the Council to determine if there is any cause for a hearing to be held on the renewal of the liquor license. If there is no cause for a hearing, the City Council should approve the renewal of the existing license. If there is cause for a hearing, the City Council should set a date to hold a quasi-judicial hearing to determine if there are sufficient grounds for suspension or revocation of the liquor license. The City Council may also temporarily suspend any license, without notice, pending any prosecution, investigation or public hearing. No such suspension shall be for a period of more than 15 days.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The review and renewal of liquor licenses ensures that licensed establishments are operating by the rules and regulations adopted by the City and State concerning the sale or service of beer and alcoholic beverages.

OPTIONS AVAILABLE TO THE COUNCIL

Renew the Optional Premises – Malt, Vinous, and Spirituous Liquor License for Adobe Creek National Golf Course.

Schedule a hearing date to determine if there is good cause for the license to be suspended or revoked.

RECOMMENDATION

It is the recommendation of staff that the Council move to:

RENEW THE OPTIONAL PREMISES – MALT, VIINOUS AND SPIRITUOUS LIQUOR LICENSE FOR ADOBE CREEK NATIONAL GOLF COURSE LOCATED AT 876 18 ½ RD

DR 8400 (Revised 09/01/12)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
SUBMIT TO LOCAL LICENSING AUTHORITY

RETAIL LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Fees Due	
Renewal Fee	$500.00
Storage Permit $100 x ___	
Optional Premise $100 x 4	400
Related Resort $75 x ___	
Amount Due/Paid	

Make check payable to: **Colorado Department of Revenue.** The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

ADOBE CREEK NATIONAL GOLF COURSE
876 18 1/2 ROAD
FRUITA CO 81521-9401

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name	DBA
ADOBE CREEK NATIONALLLC	ADOBE CREEK NATIONAL GOLF COURSE

Liquor License #	License Type	Sales Tax License #	Expiration Date	Due Date
15647870000	Optional Premises (city)	15647870000	11/27/2016	10/13/2016

Operating Manager	Date of Birth	Home Address
JOE TOKE	8/7/71	1220 ORCHARD AVE, GJ 81501

Manager Phone Number	Email Address
(970) 778-2269	joetoke44@yahoo.com

Street Address	Phone Number
876 18 1/2 RD FRUITA CO 81521-9401	9702457177

Mailing Address
876 18 1/2 ROAD FRUITA CO 81521-9401

1. Do you have legal possession of the premises at the street address above? ☑ YES ☐ NO
   Is the premises owned or rented? ☑ Owned ☐ Rented* *If rented, expiration date of lease_____

143. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. ☐ YES ☑ NO

   NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.

3. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. ☐ YES ☑ NO

4. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. ☐ YES ☑ NO

5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. ☐ YES ☑ NO

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business	Title
JOSEPH TOKE	GENERAL MANAGER
Signature	**Date**
	11-8-16

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For		Date
The City of Fruita		
Signature	**Title**	**Attest**
	LORI BUCK MAYOR	

CITY OF FRUITA
MEMORANDUM

TO:	**FRUITA POLICE DEPARTMENT – CHIEF MACY/PAULA RAJEWICH**
FROM:	**DEBRA WOODS, DEPUTY CITY CLERK**
DATE:	**NOVEMBER 8, 2016**
RE:	**LIQUOR LICENSE RENEWAL**

License Information

Licensee:	Adobe Creek National Golf Course
Location:	876 18 ½ Road
Type of License:	Optional Premises - Malt Vinous and Spirituous Liquors
Expiration Date of Current License:	November 27, 2016
City Council Hearing Date:	November 15, 2016
DUE DATE FOR POLICE REPORT:	November 11, 2016

Tips certificates on File

Employee:	**Date:**
(none)	

Report of Fruita Police Department

A)	Have there been any reported violation(s) of the Liquor or Beer Code in the last year?	Yes	(No)
B)	Have there been any incidents reported to the Police Dept in the last year that would pertain to the liquor license and the establishment's control of alcoholic beverages and their patrons?	Yes	(No)
C)	Are there other concerns that need to be brought to the attention of the City Council?	Yes	(No)

Please attach documentation to support the above noted violation(s), incidents or comments.

Signature	Date
Paula Rajewich	11-8-16

Fax: 858-0210 e-mail: dwoods@fruita.org

FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: **Fruita City Council and Mayor**

FROM: **Community Development Department**

DATE: **November 15, 2016**

RE: **Ordinance 2016-15, 2nd Reading, An Ordinance annexing to the City of Fruita approximately 6.73 acres of property located at the northeast corner of the intersection of Aspen Avenue and Pine Street.**

Ordinance 2016-16, 2nd Reading, An Ordinance amending the Official Zoning Map of the City of Fruita to zone approximately 6.73 acres of property located at the northeast corner of the intersection of Aspen Avenue and Pine Street to Community Residential.

BACKGROUND

The second reading of these Ordinances needs to be continued to the December 6, 2016, City Council public meeting because staff and the applicants are still working on a few outstanding issues regarding this annexation and related subdivision development.

Staff expects all issues regarding this annexation, zoning, and related development of the Aspen Village Subdivision to be resolved in time for the December 6, 2016, City Council public meeting.

FISCAL IMPACT

There is no fiscal impact to the city to continue the 2nd reading of these ordinances.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The continuance is necessary in order to resolve a few outstanding issues to ensure the annexation meets all city requirements. City requirements are intended to implement the city's goals and objectives.

OPTIONS AVAILABLE TO COUNCIL

1. Continue the ordinances to the December 6, 2016, City Council meeting.
2. Continue the ordinances to another specific City Council meeting date.

RECOMMENDATION

Staff recommends that the City Council move to continue:

Ordinance 2016-15, 2nd Reading, An Ordinance annexing to the City of Fruita approximately 6.73 acres of property located at the northeast corner of the intersection of Aspen Avenue and Pine Street

and

Ordinance 2016-16, 2nd Reading, An Ordinance amending the Official Zoning Map of the City of Fruita to zone approximately 6.73 acres of property located at the northeast corner of the intersection of Aspen Avenue and Pine Street to Community Residential

to the December 6, 2016, City council public meeting.

FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MARGARET SELL, CITY CLERK

DATE: November 15, 2016

RE: 2017 ANNUAL BUDGET - PUBLIC HEARING

BACKGROUND

The public hearing on the budget is scheduled for the November 15, 2016 Council meeting. A brief presentation will be made at the public hearing to give an overview of the proposed budget to the public, as well as members of the Council. Final adoption of the budget including resolutions establishing the mill levy and fees and charges for 2017 is tentatively scheduled for the December 6, 2016 meeting.

At any time after the public hearing the Council may adopt the budget, with or without amendment. If the total proposed expenditures increase or decrease by more than 5% of the original amount, another public hearing shall be held.

A summary of changes made to the Budget since its' initial presentation to the City Council in September will be presented at the meeting and an updated copy of the 2017 Budget will be posted on the City's website early next week..

FISCAL IMPACT

The Budget is the primary fiscal document for allocation of resources for the provision of services to the community for the upcoming 2017 fiscal year and, as a result, has a significant fiscal impact.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The Annual Budget provides the work program and fiscal plan for the City of Fruita for the 2017 fiscal year. Significant efforts have been made in preparation of the budget to provide the necessary financial resources to accomplish the goals and objectives of the City as they have been defined over time through input from the City Council and public.

RECOMMENDATION

It is the recommendation of the Fruita City Staff that the:
CITY COUNCIL OPEN THE PUBLIC HEARING, ACCEPT PUBLIC COMMENT THEN MOVE TO:

CONTINUE THE PUBLIC HEARING ON THE 2017 ANNUAL BUDGET UNTIL THE DECEMBER 6, 2016 COUNCIL MEETING

FRUITA
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AGENDA ITEM COVER SHEET

TO: **FRUITA CITY COUNCIL AND MAYOR**

FROM: KEN HALEY, PUBLIC WORKS DIRECTOR

DATE: NOVEMBER 15, 2016

RE: LAGOON REDEVELOPMENT MASTER PLAN

BACKGROUND

The City of Fruita owns properties located at the west end of Raptor Road with riverfront access to the Colorado River & Little Salt Wash, as well as having potential commercial uses along the I-70 frontage. Prior to 2011, the properties served mainly as the site of the City's sewer treatment lagoons. The lagoons have since been decommissioned and a riverfront trail has been constructed along the riverfront. The City of Fruita recognizes that these undeveloped areas of City-owned properties along the Colorado River have a great deal of potential that could support the goals of the City.

In order to determine the best utilization of the property, the City initiated a public input process that started with promoting community members to participate in an online survey to gather ideas on the types of services or uses that people would like to see developed on the subject properties. There were over 300 residents, business owners, and visitors that completed the survey questions and over 200 comments received. A summary of the survey results are included for reference.

The City solicited the design firm of Ciavonne Roberts & Associates using a matching grant from the Associated Governments of Northern Colorado to assist in developing 3 3 initial conceptual plans for the site. These plans incorporated mixed uses primarily focused on enhancing the Open Space, Recreational, and Commercial opportunities of the site. The conceptual plans then were published on the City's website and presented to various stakeholder groups throughout the month of October to gather further input. This included the following stakeholder groups:

Fruita Planning Commission	South Side Marketplace businesses
Parks & Recreation Advisory Board	Riverfront Foundation
Colorado Parks & Wildlife staff	Mesa County Facilities staff

The input received from the public and stakeholder groups was used to refine the conceptual plans and they will be presented to Council at this meeting with the intent of gathering more input on the future use of the property that can be used as opportunities arise.

FISCAL IMPACT

This planning project is allocated in the Capital Projects Fund and matched with a grant from the Associated Governments of Northern Colorado. No funding has been identified for construction of any physical improvements or implementation of the plan.

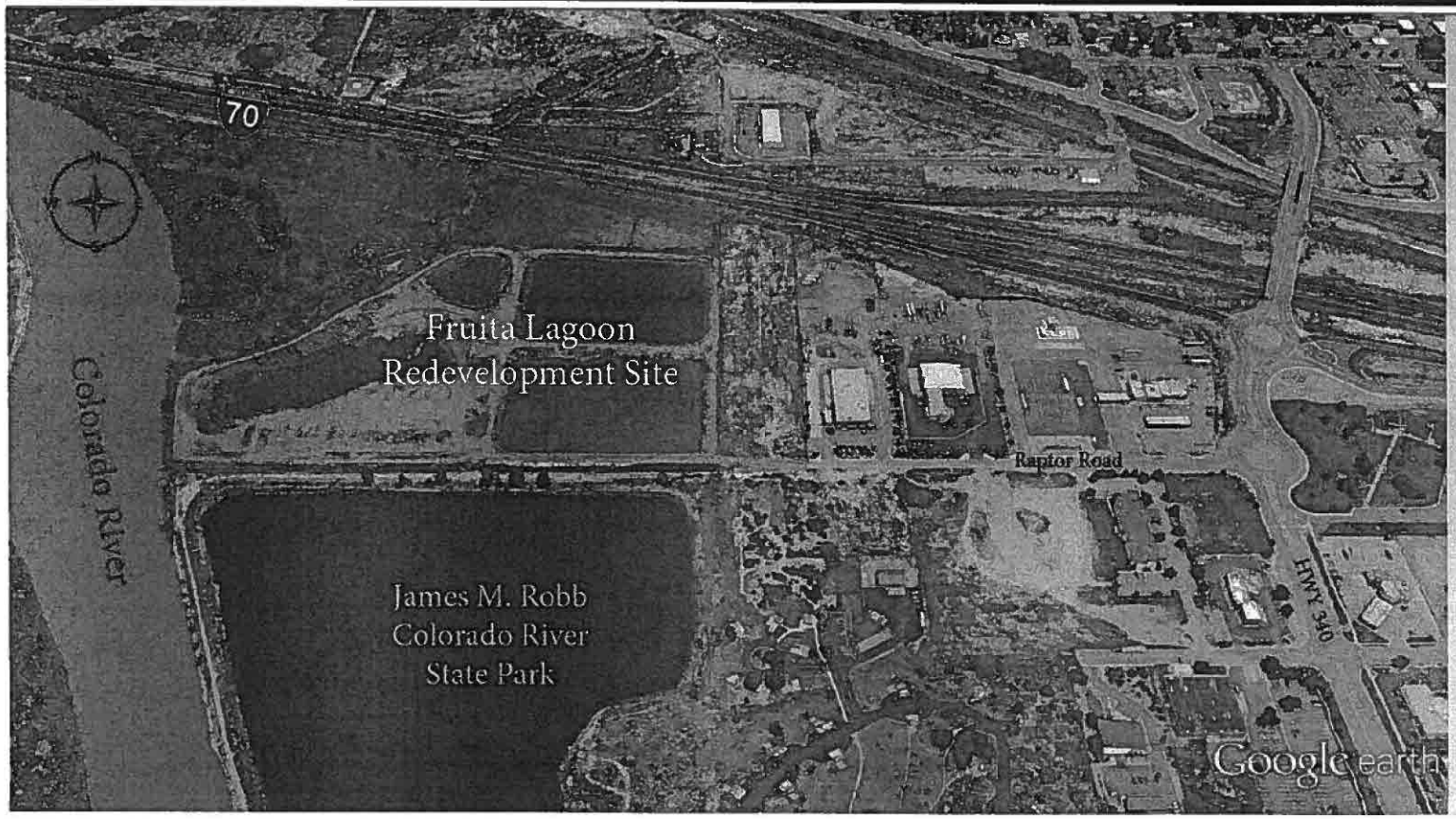
APPLICABILITY TO CITY GOALS AND OBJECTIVES

This planning project is intended to identify utilization of City property to best meet City goals.

OPTIONS AVAILABLE TO COUNCIL

This agenda item is intended to be a informational discussion item with no formal action required from Council. Any discussion or feedback received will be used to further refine a single conceptual plan for the property that will come before Council for formal adoption at a later date.

Fruita Lagoon Redevelopment Survey Results

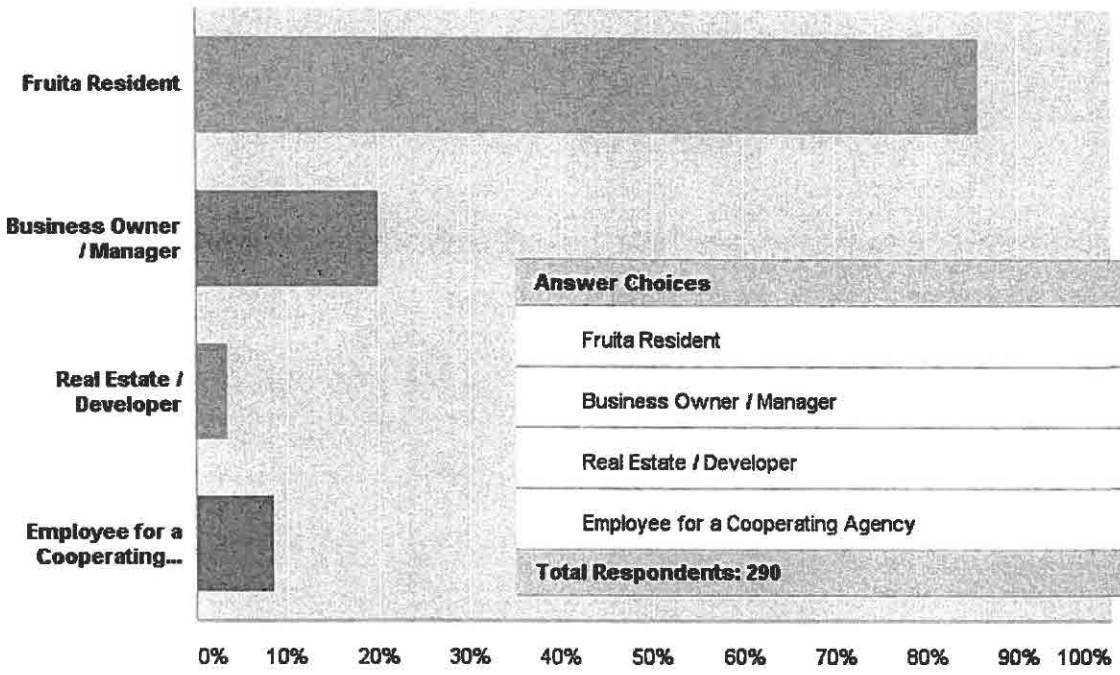


To gather ideas from the community that can be used to develop a conceptual master plan for the site and provide the City with direction as opportunities arise.

July 18 – Aug 8, 2016

318 Total Responses

Q1: Which of the following describes your interests in the subject property? (select all that apply)



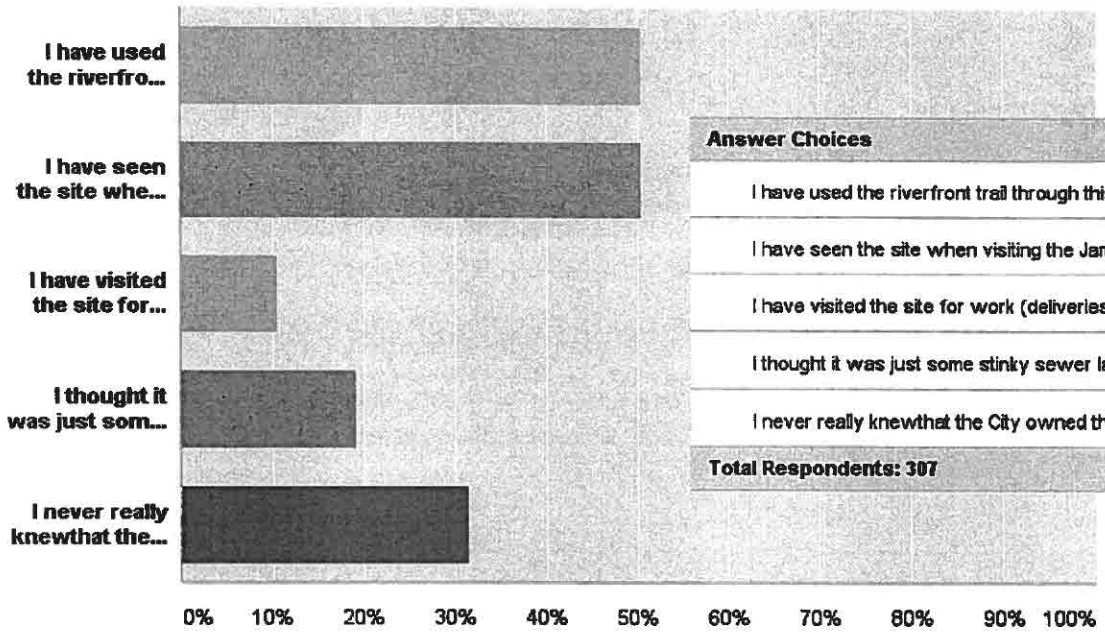
Answer Choices	Responses	
Fruita Resident	85.86%	249
Business Owner / Manager	20.00%	58
Real Estate / Developer	3.45%	10
Employee for a Cooperating Agency	8.62%	25
Total Respondents: 290		

Other Responses (28)

Grand Valley Resident (8)

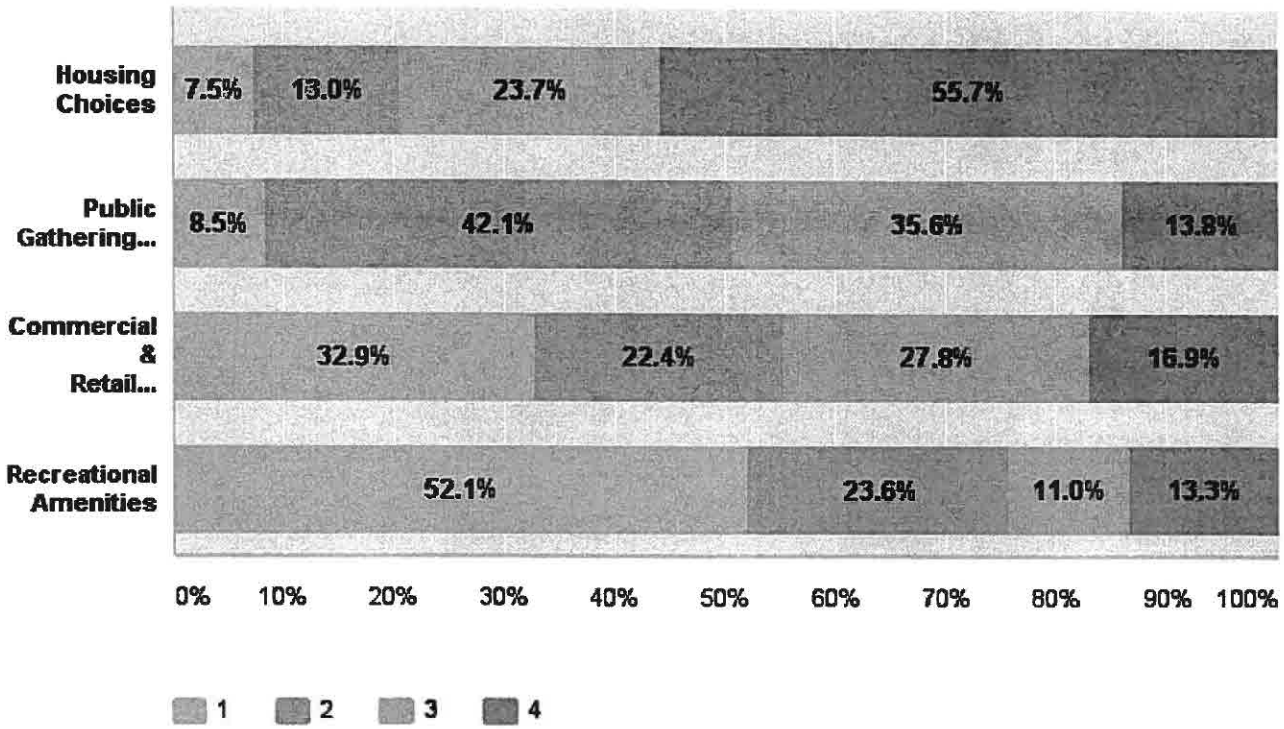
Visits Fruita (9)

Q2: Please describe your familiarity with the subject property prior to this survey.



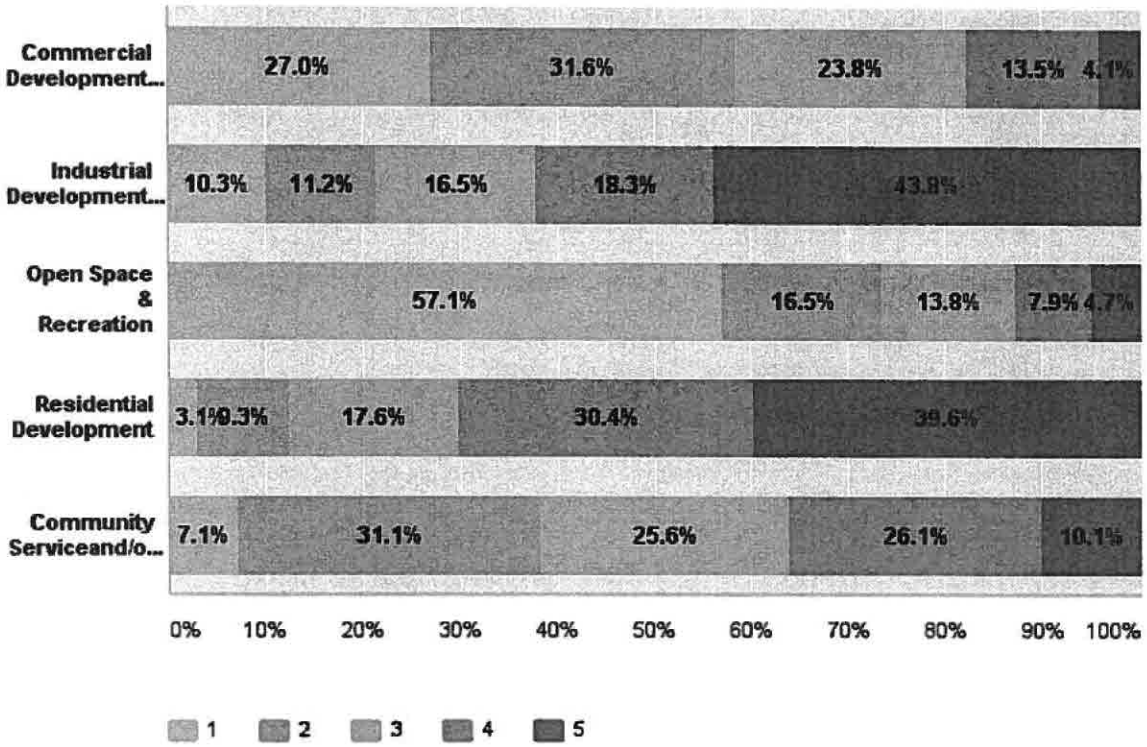
Answer Choices	Responses	
I have used the riverfront trail through this area.	50.49%	155
I have seen the site when visiting the James M. Robb Colorado River State Park.	50.49%	155
I have visited the site for work (deliveries, maintenance, storage, etc.)	10.75%	33
I thought it was just some stinky sewer lagoons.	19.22%	59
I never really knewthat the City owned this property.	31.60%	97
Total Respondents: 307		

Q3: Please rank which of the following amenities or services you feel are most needed in Fruita? (1 is most needed, 4 is least needed)



Over Half of Respondents think Housing is LEAST Needed Amenity/ Service in Fruita.

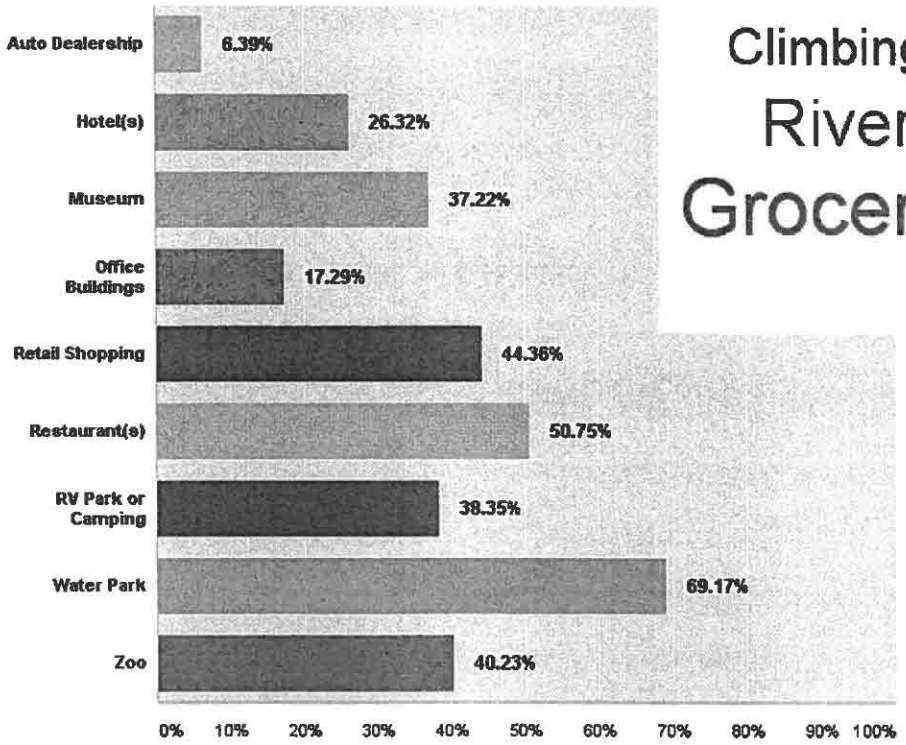
Q4: Please rank the types of uses that you think would be most appropriate for the lagoon properties.



Commercial or **Open Space & Recreation** uses are most desired.

Industrial or **Residential** uses are least desired.

Q5: Which Commercial uses do you feel might be appropriate if the lagoon property were redeveloped?

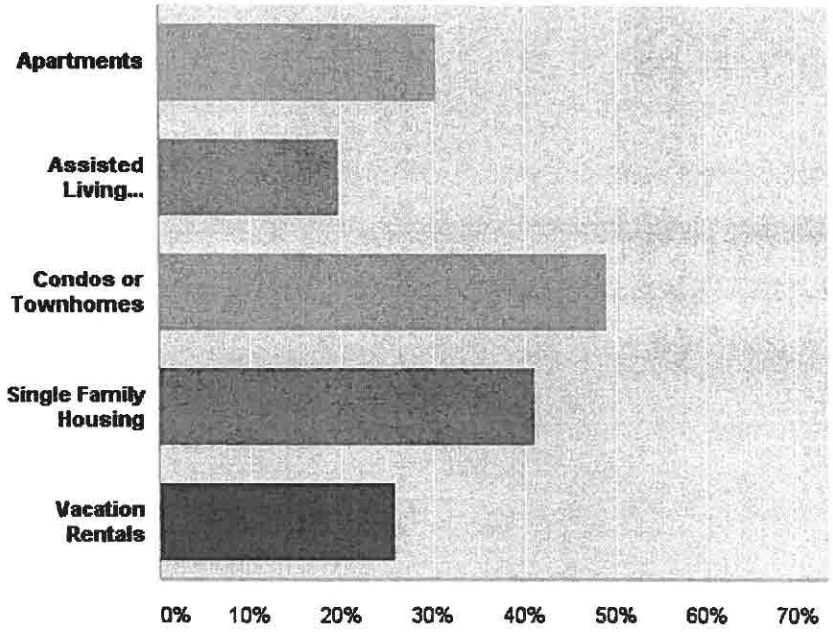


Climbing Walls Zoo Movie Theater Mixed
River Supermarket Park Recreation
Grocery Family Center Zip Activities Golf
Retail Shopping

Comment Summary (48 Received)

- 16 Respondents suggested some type of Retail Anchor
- 8 Respondents suggested some type of Mixed Use

Q6: Which Residential Uses do you feel might be appropriate if the lagoon property were redeveloped?



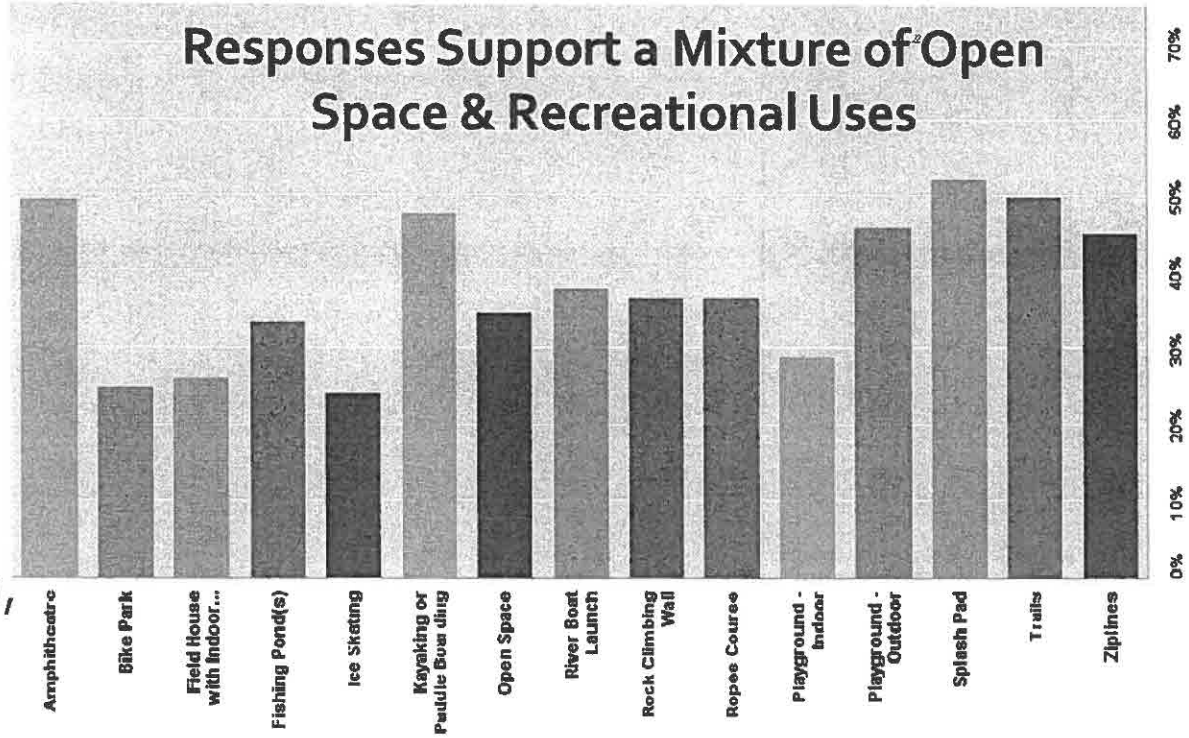
Question Summary (47 comments)

- 102 Respondents skipped question
- 38 Comments Received suggesting that Residential Not Appropriate
- 4 Comments suggest Residential in Mixed Use Development

Q7: Which types of Recreational amenities would you like to see developed at the lagoon property?

Comment Summary (39)

- Dog Park (7)
- Swim Beach (3)
- Nature Center
- Provide Shade (2)
- Public Lands Information Area
- Recreational Amenities that compliment, and not compete with, State Park (2)
- Year-Round Amenities



Q8: Do you have any specific ideas on what you would like to see developed at the lagoon property that was not included in your previous responses?

Similar Facility River Front Big Open Space
Industry Splash Pad Natural Nice Museum
Fruita Little Salt Wash Park Commercial
Family Boat Launch Businesses Homeless
Mixed Mall Outdoor Recreation Love Place

FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: **Fruita City Council and Mayor**

FROM: **Community Development Department**

DATE: **November 15, 2016**

RE: **Request for Credit Against the Parks, Open Space and Trails Impact Fee**

BACKGROUND

This is a request for a credit against the Parks Open Space and Trails (POST) impact fee for dedication of a 15-foot wide strip of land necessary for a primary trail corridor as part of a Major Subdivision proposal. The subdivision is proposed on approximately 6.85 acres of land located at the northeast corner of the intersection of Aspen Avenue and Pine Street. The Preliminary Plan for this subdivision was approved by the City Council on August 2, 2016.

A copy of the subdivision site plan is attached showing the area to be dedicated for the primary trail which is located along the north edge of the development. Also attached is a copy of a portion of Parks, Open Space and Trails Master Plan Map #4 showing this trail. As per the Master Plan, primary trails are intended for higher volumes of traffic than other trails and are intended to connect with the larger Mesa County regional trails system. These trails form key components of an interconnected regional trail system that provides an alternative mode of transportation. As per the Master Plan (Table 4.3), primary trails are intended primarily for transportation as well as recreation and the trail corridor width should be a minimum of 30 feet wide.

These recommendations of the Master Plan are implemented by the Land Use Code Section 17.29.030.B (attached) which identifies where public trails are required to be provided in order to provide an adequate bicycle and pedestrian transportation system. This section of the Code states: "The width of land required for Primary Trails shall be at least 30 feet, but 50 feet or more is preferred". Additionally, this section states: "Internal links necessary to provide for an adequate bicycle and pedestrian transportation network internal to the development are not eligible for credit" and "The land area required for the public trail is not eligible for credit against the otherwise required public parks, open

space, and trails impact fee/dedication." This is very similar to the requirements for establishing an adequate motorized transportation system. Developers do not receive credit against the Transportation Impact Fee for dedication of public right-of-way necessary for an adequate transportation network of roads, but off-site road construction is eligible for credit.

It should be noted that north five feet of this land area required for the trail is already subject to a public access easement for the trail, which is why the existing trail is partially on the subject property already. To the east, the trail corridor is 30 feet wide and is shown on the attached map. This 15 feet also is subject to an existing Grand Valley Drainage District easement for drainage and storm water management.

The applicant requests an $8,680 credit against the POST impact fee for the 15 feet of land area necessary along the north property line to create a 30 foot wide primary trail corridor. This 15 feet of land encompasses 9,439 square feet, or 0.217 acres. Based on the formulas used to calculate the POST impact fee of $1,860 per single family lot, including land cost estimated at $40,000 per acre, 0.217 acres equates to the requested $8,680 credit ($40,000 x 0.217 acres = $8,680). These formulas are identified in Section 17.19.090 of the Land Use Code.

An additional credit of $7,550 is requested for the cost of gravel groundcover to be provided in the primary trail corridor. Staff believes that this credit is supported by Section 17.29.030.B of the Code which states: "Construction of the public trail(s) may be required and cost of trail construction for a primary trail or an off-site trail is eligible for credits against the public parks, open space and trails impact fee/dedication."

The reason for the requested credit according to the explanation provided by the applicants (and included with the Council's information packets) is that the applicant believes that Fruita has very costly impact fees which do not take into account the developer's expenses incurred for engineering, platting, and construction of the proposed development.

It should be noted that Section 17.19.070.G of the Fruita Land Use Code states that at least ¾ of all members of the Council may waive, suspend or alter all or some of the impact fees upon finding that the waiver, suspension, or alteration is necessary to promote the economic development of the city or public health, safety, and general welfare of the public. Any resolution adopted by the City providing for the waiver, suspension, or alteration of impact fees shall contain specific findings of fact supporting the waiver, suspension, or alteration.

Other than the request for a credit against the POST, no other credits against impact fees are requested or eligible for credits as per the Land Use Code.

The issue of impact fee credit should be resolved so that the subdivision improvements agreement can be completed accurately along with all other subdivision related

approvals. Staff expects that the Final Plat and the subdivision improvements agreement will be ready for Council consideration at a December 2016, Council meeting.

FISCAL IMPACT

Residential development usually does not provide enough direct revenue to offset the cost of services but impact fees are required to help offset the costs of development. Providing credits for land dedication that is not supported by the city's Master Plan and Land Use Code create a negative fiscal impact to the city, specifically in the city's fiscal ability to provide parks, open space and trails for the community.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Because the request for credit is contrary to the Master Plan and the Land Use Code, the requested credit does not appear to further the community's goals and objectives.

OPTIONS AVAILABLE TO COUNCIL

1. Approve the requested POST impact fee credit which will be reflected in the subdivision improvements agreement for the proposed development.

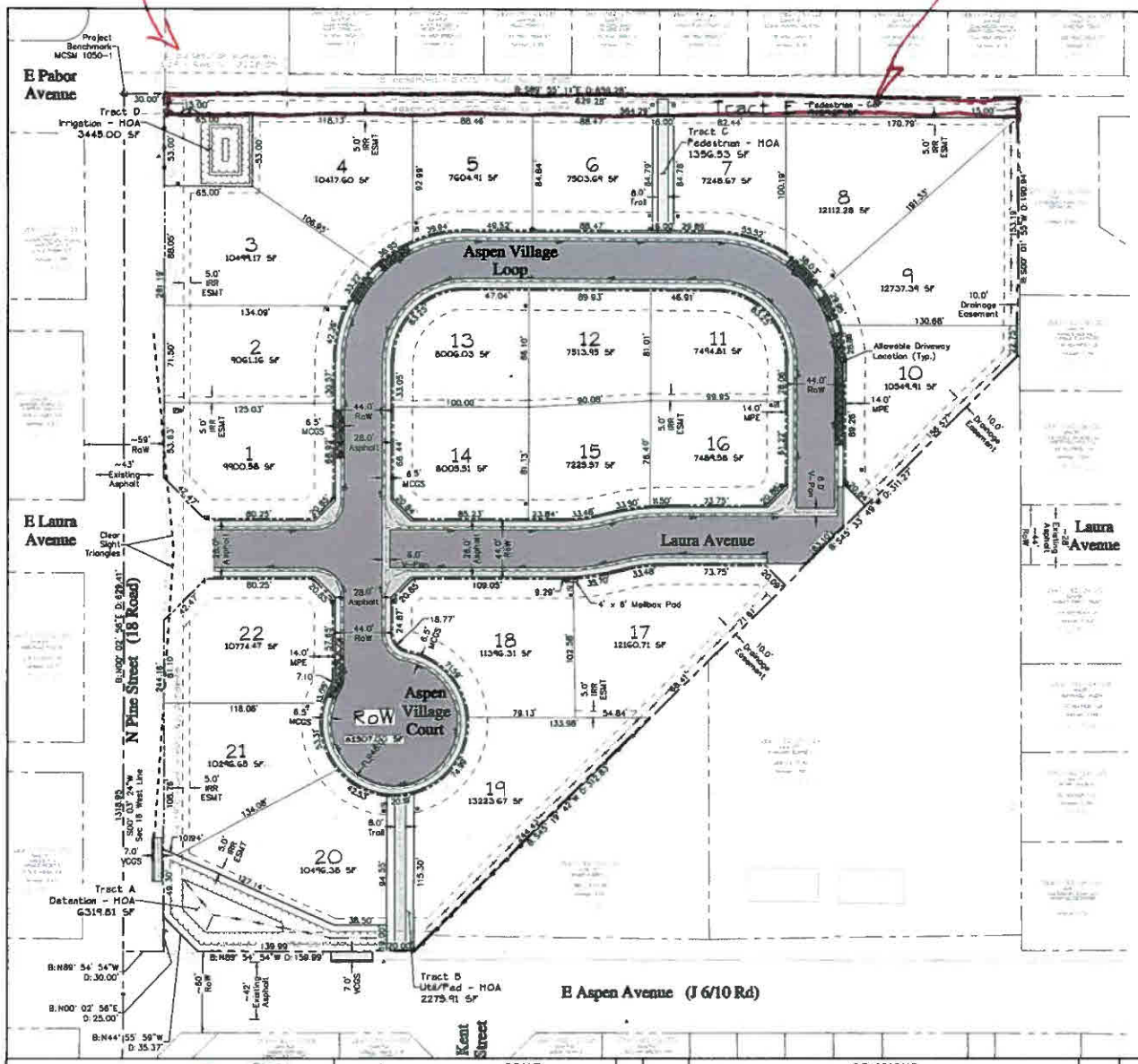
2. Deny the requested POST impact fee credit which also will be reflected in the subdivision improvements agreement for the proposed development.

RECOMMENDATION

Because the Master Plan and Land Use Code do not support the requested impact fee credit, and staff sees no unique circumstances that would make a credit necessary to promote the economic development of the city or public health, safety, and general welfare of the public, staff recommends that the City Council deny requested credit.

SEE DETAIL NEXT PAGE

LAND AREA TO BE DEDICATED



Notes:

1. This site is not affected by a previously determined floodplain.
2. Lot owners shall comply with individual grading requirements as shown on this Composite Site Plan.

LIST OF ABBREVIATIONS

B	Bearing	MPE	Multi-Purpose Easement
BM	Benchmark	MUTCD	Manual on Uniform Traffic Control Devices
CGS	Curb, Gutter & Sidewalk	N	Northing Coordinate
COP	City of Pueblo	NO	Number
D	Distance	NTS	Not to Scale
E	Existing Coordinate	PC	Point of Curvature
El	Elevation	PCC	Point of Compound Curvature
EOA	Edge of Asphalt	PI	Point of Intersection
EOP	End of Median	PL	Property Line
ESMT	Easement	PLS	Professional Licensed Surveyor
E	Existing	PR	Proposed
FFE	Finished Floor Elevation	PRC	Point of Reverse Curvature
FG	Finished Grade	PT	Point of Tangency
FL	Flow Line	R	Radius
GVDD	Grand Valley Drainage District	REC	Reception
HOA	Home Owners Association	Rim	Rim Elevation
HP	High Point	ROW	Right of Way
INC	Incorporated	STA	Station
INV	Invert	TCE	Temporary Construction Easement
IRR	Irrigation	TYP	Typical
MAX	Maximum	VCGS	Vertical Curb, Gutter & Sidewalk
MCGS	Mountable Curb, Gutter & Sidewalk	WSEL	Water Surface Elevation
MCSM	Mesa County Survey Marker	Δ	Central Angle (Delta)
MIN	Minimum		

LEGEND

Existing Edge of Asphalt
Existing Edge of Concrete
Existing Concrete Flowline
Existing Building
Existing Fence w Gate
Existing Ditch Flowline
Existing Top of Ditch
Existing Easement
Adjoiner Property Line
Proposed Major Contour
Proposed Minor Contour
Proposed Edge of Concrete
Proposed Edge of Asphalt
Proposed Concrete Flowline
Proposed Ditch Flowline
Proposed Fence
Proposed Parcel Boundary
Proposed Lot Line
Proposed Tract Line
Proposed Right of Way Line
Proposed Easement
Proposed Asphalt
Proposed Concrete
Existing Irrigation Vault
Existing Fire Hydrant
Existing Sign
Existing Street Light
Existing Utility Pole
Existing Guy Wire
Existing Utility Pedestal
Existing Water Meter
Existing Survey Marker
Existing Transformer
Existing Tree
Project Benchmark
Secondary Control Points
Proposed Street Sign
Proposed Detectable Warning Domes
Proposed Water Meter
Proposed Fire Hydrant
Proposed Electric Pedestal
Proposed Transformer

PROJECT BENCHMARK

MCSM 1050-1
N 1/16 Cor Sec 16-17 T1N R2W
Intersection of
E Pabor Ave & N Pine St
Northing: 69867.065
Easting: 47250.742
Elevation: 4529.454
Datum Source MCLCS Zone "GVA" (NAVD 88)

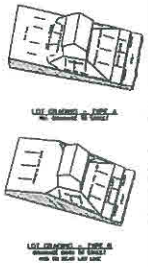
BASIS OF BEARINGS

The bearings hereon are grid bearings of the Mesa County Local Coordinate System Zone "GVA".

MCLCS ZONE "GVA"

Transverse Mercator Projection
Point of Origin (SN01) and Central Meridian
Latitude: 39°06'22.72756"N
Longitude: 108°32'01.43463"W
Northing: 50,000FT
Easting: 100,000FT
Scale Factor: 1.00021818179B
Project/Scale Factor Height: 4644FT(NAVD88)

Top of Foundation Elevations			
Lot	Type	Min	Max
1	B	4530.0	4531.0
2	B	4530.5	4531.5
3	B	4531.0	4532.0
4	B	4531.5	4532.5
5	A	4531.5	4532.5
6	B	4532.0	4533.0
7	B	4533.0	4534.0
8	A	4533.5	4534.5
9	A	4533.5	4534.5
10	A	4532.5	4533.5
11	A	4531.5	4532.5
12	A	4531.5	4532.5
13	A	4530.5	4531.5
14	A	4530.5	4531.5
15	A	4531.0	4532.0
16	A	4531.0	4532.0
17	B	4530.0	4531.0
18	B	4530.0	4531.0
19	B	4529.0	4530.0
20	B	4528.5	4529.5
21	B	4529.0	4530.0
22	B	4529.0	4530.0



STATE OF COLORADO)
)SS
COUNTY OF MESA)

I certify that this instrument was filed in my office at _____ o'clock __ M., on the _____ day of _____ _____ A.D. and was recorded in Plat Book _____ Page No._____

Reception No. _____ Drawer No. _____ Fees _____

By: _____ _____
Clerk and Recorder Deputy

Separate Instruments Recorded In Conjunction With This Site Plan

Plat_____ Rec. #_____

Covenants_____ Rec. #_____

Site Breakdown

Lots (22)	4.860 ac	66.8%
Tract A (Detention)	0.145 ac	2.0%
Tract B (Utility/Pedestrian)	0.052 ac	0.7%
Tract C (Pedestrian)	0.031 ac	0.4%
Tract D (Irrigation)	0.079 ac	1.1%
Tract E (Pedestrian)	0.217 ac	3.0%
Right of Way (Dedicated)	1.894 ac	26.0%
Total	7.279 ac	100.0%

APPROVED FOR RECORDING

City of Fruita Development Engineer Date

UNCC 811 — CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES

SCALE (IN FEET) — ORIGINAL SHEET SIZE 22 x 34

REVISIONS			
NO.	DATE	DESCRIPTION	BY

PRELIMINARY

RIVER CITY

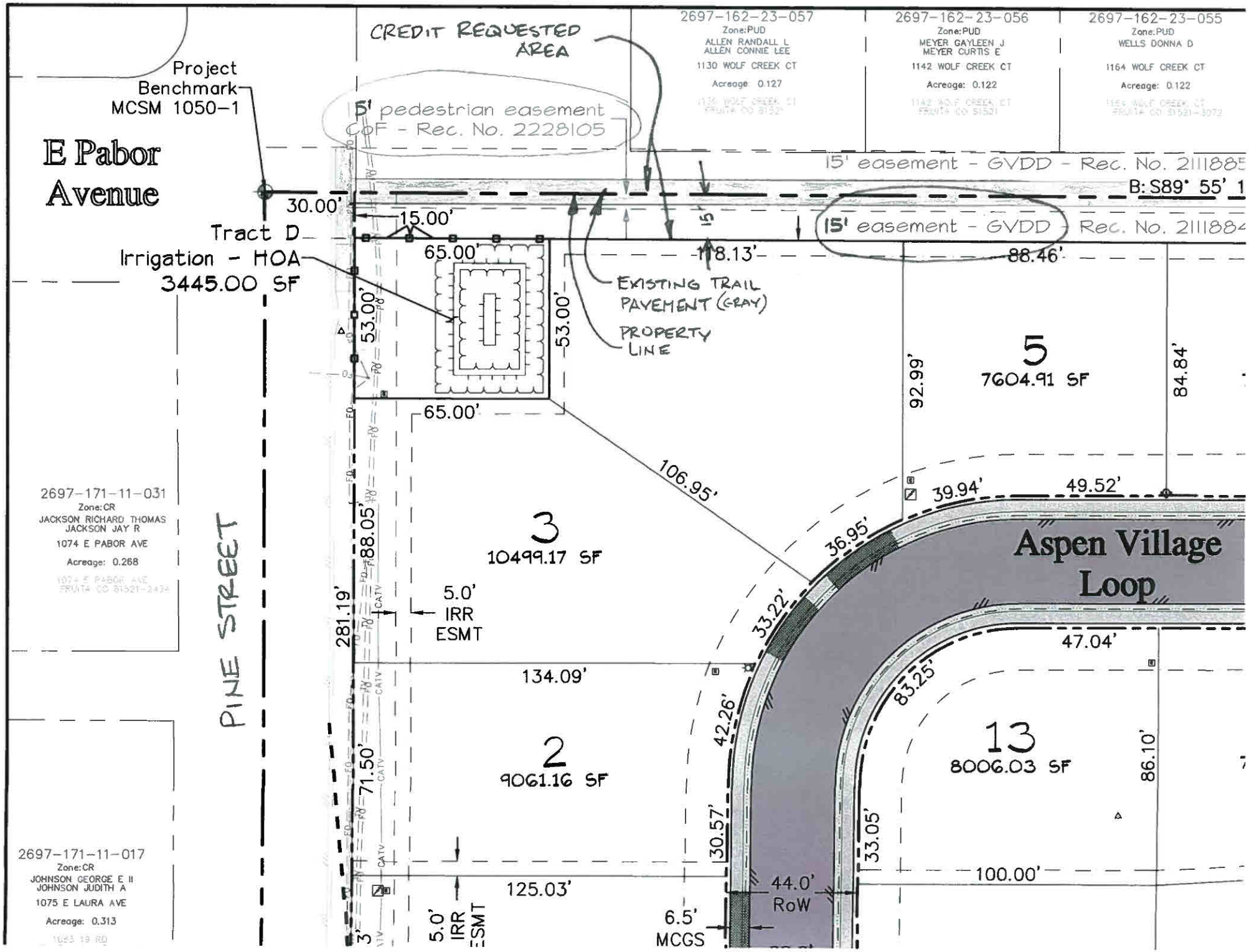
McCURTER LAND COMPANY

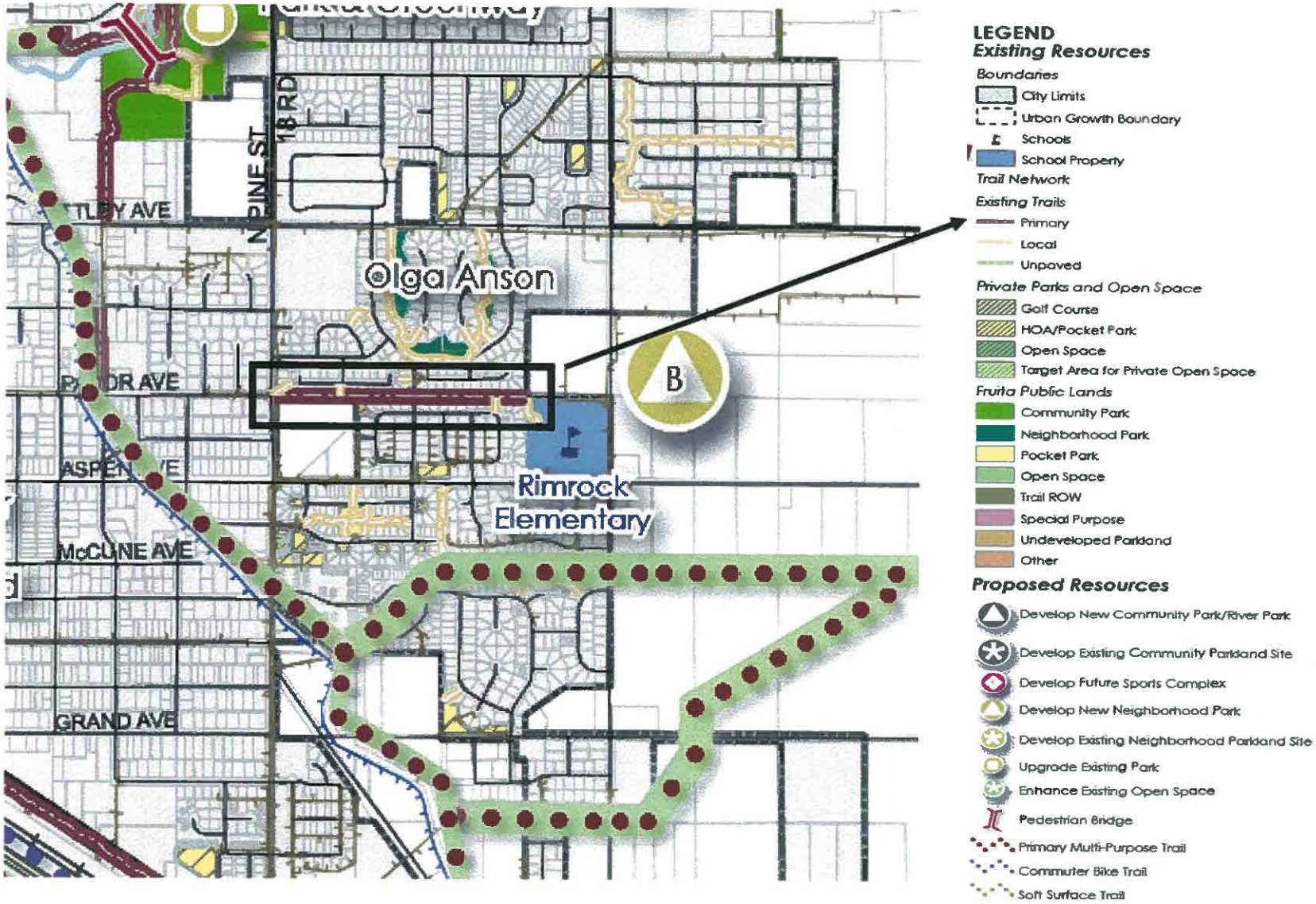
Aspen Village Subdivision

Composite Site Plan

C3

SITE PLAN - ASPEN VILLAGE


CREDIT REQUESTED AREA
Project Benchmark MCSM 1050-1
E Pabor Avenue
5' pedestrian easement CoF - Rec. No. 2228105
2697-162-23-057
Zone:PUD
ALLEN RANDALL L
ALLEN CONNIE LEE
1130 WOLF CREEK CT
Acreage: 0.127
2697-162-23-056
Zone:PUD
MEYER GAYLEEN J
MEYER CURTIS E
1142 WOLF CREEK CT
Acreage: 0.122
2697-162-23-055
Zone:PUD
WELLS DONNA D
1164 WOLF CREEK CT
Acreage: 0.122
15' easement - GVDD - Rec. No. 2111885
B: S89° 55' 1
15' easement - GVDD - Rec. No. 2111884
30.00'
15.00'
Tract D
Irrigation - HOA
3445.00 SF
65.00'
118.13'
88.46'
EXISTING TRAIL PAVEMENT (GRAY)
PROPERTY LINE
53.00'
53.00'
65.00'
5
7604.91 SF
92.99'
84.84'
106.95'
39.94'
49.52'
36.95'
Aspen Village Loop
3
10499.17 SF
281.19'
88.05'
5.0' IRR ESMT
33.22'
47.04'
134.09'
83.25'
42.26'
2
9061.16 SF
13
8006.03 SF
86.10'
71.50'
30.57'
33.05'
100.00'
125.03'
44.0' RoW
6.5' MCGS
5.0' IRR ESMT
3'
2697-171-11-031
Zone:CR
JACKSON RICHARD THOMAS
JACKSON JAY R
1074 E PABOR AVE
Acreage: 0.268
PINE STREET
2697-171-11-017
Zone:CR
JOHNSON GEORGE E II
JOHNSON JUDITH A
1075 E LAURA AVE
Acreage: 0.313



City of Fruita Parks, Open Space & Trails Plan

Map 4: Master Plan

17.29.030 PUBLIC PARKS, OPEN SPACE, AND TRAILS CRITERIA.

B. The following public trails will be required to be provided in all developments to provide an adequate bicycle and pedestrian transportation system. The land area required for the public trail is not eligible for credit against the otherwise required public parks, open space, and trails impact fee/dedication. Construction of the public trail(s) may be required and the cost of trail construction of a primary trail or an off-site trail is eligible for credits against the public parks, open space, and trails impact fee/dedication. Internal links necessary to provide an adequate bicycle and transportation network internal to the development are not eligible for credits.

1. Land for primary trails as identified in the Parks, Open Space, and Trails Master Plan must be provided. Trail heads should be required for primary trails at all major access points and should include parking areas, restrooms, shaded seating and picnic areas, regulatory, informational and entry signs, and drinking fountains where feasible.

2. Local trails must be provided to link to existing or planned future trails.

3. Trails that provide a valuable link to destinations such as schools, parks, open space, other neighborhoods, and commercial areas must be provided.

4. Trails are required to provide a connection to avoid out-of-direction travel by pedestrians and bicyclists. As an example, a trail is required at the end of all cul-de-sacs to connect to an existing road, other trail or future development connection if the property has development potential (regardless of future land use).

5. Trails proposed adjacent to a roadway should be a last resort when no other options exist. Attached sidewalks are not considered trails. If a trail is proposed adjacent to a roadway, the trail must be detached from the roadway and trail user safety shall be a primary consideration.

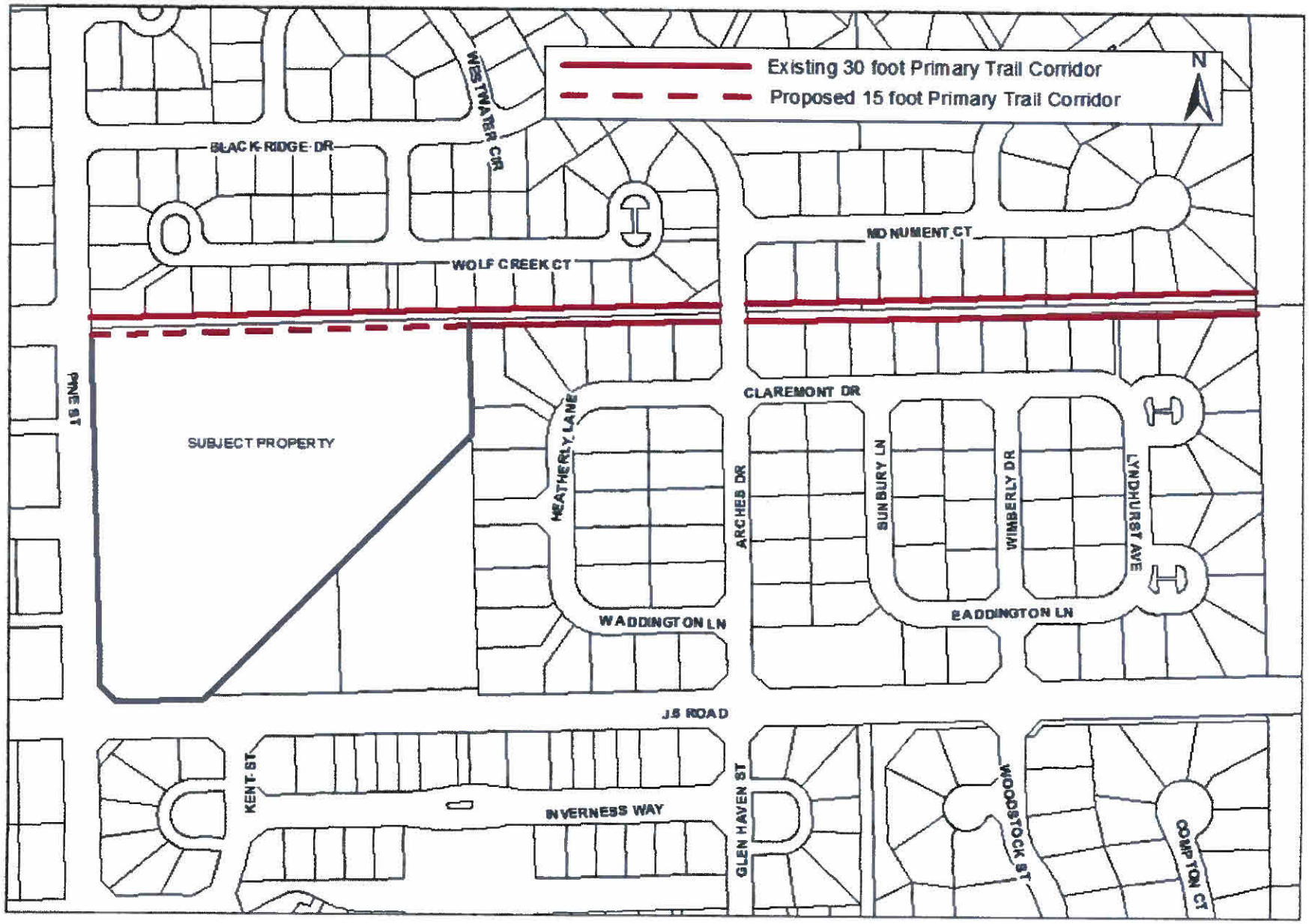
6. The width of land required for primary trails shall be at least 30 feet, but 50 feet or more is preferred. The width of the trail surface for a primary trail should be at least 10 feet and may be required to be wider in certain circumstances such as in areas of limited site distance. The width of land required for local trails must be at least 16 feet for short connections (such as between cul-de-sacs) and wider for longer connections (such as a trial behind rear property lines along a block). The width of the trail surface for local trails should be at least 8 feet and may be required to be wider in certain circumstances.

7. Trails will be required to be paved in most circumstances and trails must be paved in order to receive credit.

8. Vertical clearance on all trails must be at least eight (8) feet. Horizontal clearance must be at least 3 feet on both sides.

9. Adequate lighting should be required at all trailheads, primary trail access points, underpasses and at intersections with other trails. Adjacent roadway lighting may be used where possible.

10. Maximum grade should be no more than 5%.


Existing 30 foot Primary Trail Corridor
Proposed 15 foot Primary Trail Corridor
N
BLACK RIDGE DR
WESTWATER CIR
WOLF CREEK CT
MONUMENT CT
PINE ST
SUBJECT PROPERTY
HEATHERLY LANE
CLAREMONT DR
ARCHER DR
SUNBURY LN
WIMBERLY DR
LYNDHURST AVE
WADDINGTON LN
WADDINGTON LN
J.5 ROAD
KENT ST
INVERNESS WAY
GLEN HAVEN ST
WOODSTOCK ST
COMPTON CT

APPLICANT PROVIDED

Request for Credit against the Public Parks, Open Space and Trails Impact Fee

Aspen Village Subdivision

The Section of the SIA, Section 11, with regards to credit towards Public Parks, Open Space and Trails Impact Fee has been left blank pending City Council approval. The developer is requesting credit for the following two items, calculated as follows:

Land Dedication Calculation

.217 Acre x $40,000 = $8,680.00

Groundcover for Tracts E (Dedicated to the City of Fruita for public use)

7,550 sf 1"-2" washed round gravel x $1.00 installed price over landscape fabric = $7,550.00

Total Requested Credit = $16,230.00

The developer is requesting this credit to offset the very costly impact fees in Fruita. With the current calculated impact fees totaling $175,266.31, this equates to $7,966.65 per lot. This does not take into consideration actual engineering and platting fees or construction costs. While the code states that nothing under two acres will be considered for credit of actual land dedication, almost a quarter of an acre of land being dedicated to the City of Fruita for the use of the public is a considerable amount of land. The groundcover installation for this tract is an allowable credit.

The total costs, in addition to the impact fees per the SIA Exhibit B are $768,292.36, not including the supervision and guarantee fee or labor costs. This equates to $34,922.38 per lot for a total of $42,889.03. Survey and engineering costs are approximately $45,000.00, not including construction staking and as-built drawings, adding another $2,045.45 per lot for a total of $44,934.48 or $45k per lot.