

Fruita Planning Commission

Tuesday, June 14, 2016

A. CALL TO ORDER

Chair Doug Van Etten called the meeting to order at 7:05pm. Members in attendance were: Mike Joseph, Janet Brazfield, Doug Van Etten, Dave Karisny, and Heidi Jo Elder. Keith Schaefer was absent.

There were about 50 people from the public in attendance.

B. PLEDGE OF ALLEGIANCE

Doug Van Etten led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None.

D. APPROVAL OF THE AGENDA

Dave Karisny- I make a motion that we approve the agenda as written.

Mike Joseph- I second.

Doug Van Etten- We have a motion and a second for approval of the agenda as written.

5 yes votes; motion passes

E. WITHDRAWN ITEMS

None.

F. CONTINUED ITEMS

None.

G. CONSENT ITEMS

Doug Van Etten read the applications as follows and asked if any of the public or planning commissioners would like to take any of the items off the consent agenda. No items were pulled off the consent agenda.

Application #: 2016-08
Applicant: Vortex Engineering, Inc.

Application Name: Mesa Grand Minor Subdivision (Lots 2 & 13)
 Application Type: Minor Subdivision with Vested Rights
 Location: 1591 River Road (lot 2) & 1588 Cipolla Road (lot 13)
 Zone: Limited Industrial, Research and Development (LIRD)
 Description: The applicant has requested vested rights for this minor subdivision. State Law and the Fruita Land Use Code require a public hearing for applications wanting vested rights.

Application #: 2016-09
 Applicant: Rick and Tona Goering
 Application Name: Great Divide Villa
 Application Type: Conditional Use Permit
 Location: 1950 Timber Falls Drive
 Zone: Adobe Creek Ranch 2, PUD
 Description: This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast). A Conditional Use Permit is required to have a Bed and Breakfast in this PUD zone.

Application #: 2016-10
 Applicant: Mike and Kristy Driver
 Application Name: Sagebrush House Vacation Rental
 Application Type: Conditional Use Permit
 Location: 107 E. Pabor Avenue
 Zone: Community Residential
 Description: This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast). The Fruita Land Use Code requires a Conditional Use Permit to operate a Bed and Breakfast in a Community Residential zone.

Approval of the minutes
 May 10, 2016 Planning Commission meeting

Mike Joseph- I make a motion to approve the consent agenda as written.

Janet Brazfield- I second.

5 Yes votes; motion passes.

H. HEARING ITEMS

Doug Van Etten read the hearing item as follows.

Application #: 2016-07
Application Name: Sacred Heart Church
Applicant: Lance Stewart
Application Type: Zone Change
Zone: Community Residential
Location: 503 E. Aspen Avenue & 433 E. Aspen Avenue
Description: This is a request for a zone change from a Community Residential zone to a PUD zone. The Fruita Land Use Code requires a public hearing for all zone change requests.

Doug Van Etten asked that the applicant identify himself and conduct his presentation.

Lance Stewart- My name is Lance Stewart and I am representing the Sacred Heart Church Parish for this application for a zone change from community residential to a planned unit development zone. Since this isn't a very elaborate or complicated development project, I don't have a lot of pretty graphics to look at. I will just give you a very short presentation that will include the background of the projects, express our need for the proposed PUD zone, present the limited uses that we are suggesting, and address any of the comments that staff or the audience may have.

As you probably know our church is one of the oldest churches in Fruita and it was built in 1921. It does have many historic values as pointed out by staff and the historic preservation board and the community at large. Our Parish has out grown that facility and we are in the process of building a new facility on 17 ½ Road. Also, the neighborhood that our church is currently located in is in transition. The current zone of the church right now (community residential) is quite limiting which is why we are looking at this application to request a PUD zoning, primarily to help with the re-use of the property and to sell the property so that we can move forward with our new church project. Also, after the first couple of conversations we have had with the Planning Director, it was highly recommended to pursue the Planning Unit Development zone which would give the most opportunities possible for the re-use of the property. What we are basically asking for is everything allowed in a Community Residential zone as well as including commercial parking, general offices including drive-thrus, educational institutions such as religious schools or charter schools, medical, dental and vision offices, funeral homes and mortuaries, food services and restaurants and catering, general indoor retail uses. We are satisfied to work with planning staff on allowed uses identified in the Staff Report.

We conducted a public outreach meeting to collect the neighborhoods input. We invited all property owners within a 350 foot radius and only one individual attended the meeting and he enthusiastically supported the change. We are delighted that the Fruita Planning Department is recommending approval of this application, with only a couple of minor changes (as pointed out in the Staff Report). We would like to request that the opportunity for funeral homes and mortuaries be added back into allowed uses. It seems that the only written opposition of the application was the Historic Preservation Board. At this time we do request that you approve our application with conditions presented by staff to the town council for final action. I believe, and hope you also agree, that through our application narrative we have presented a realistic assessment of current and future direction of growth along Aspen Avenue and how our application will actually benefit a logical transition of land use by allowing for only a few select commercial type uses. Our goal is to provide for more uses to benefit the sale of our property while not creating an undo adverse impact on the neighborhood and would support the future vision and growth of Fruita.

Dahna Raugh- This is a request of a rezone of three separate properties. The Parish Hall at 433 Aspen Avenue, the Church building at 503 Aspen Avenue and the house building that is directly east of the Church building. Mesa County Assessor's office shows the house and Church building (503 Aspen Avenue) as being on one lot but there is an underlying subdivision that shows it as two lots.

Dahna explained what uses are allowed in the current Community Residential zone. She went through the approval criteria for a rezone to a Planned Unit Development and explained that there seems to be some compatibility issues with the requested uses by the applicant and the current residential zoning uses that surround the property.

Dahna pointed out that the Fruita Master Plan does not appear to strongly support the rezone to commercial uses in this area. The Master Plan recommends that the character of existing neighborhoods be taken into consideration when considering a zone change request with an emphasis on preserving existing residential neighborhoods. Dahna also pointed out that the Master Plan also says it is especially important in this area because of its historic and unique character of Fruita and recommends that attention be paid to the older and historic neighborhoods to maintain housing options and to preserve Fruita's community character.

Dahna and staff completely understand the difficulty that property owners run into with trying to figure out what to do with an old church building that doesn't want to be used as a church anymore. So Staff is recommending that the land uses be limited to what is presented in the Staff Report (pages 6 and 7). Dahna goes on to read the limited land uses

that would be allowed (shown in the Staff Report) for the Parish Hall (433 Aspen Avenue) and the Church building (503 Aspen Avenue) but not for the house at 503 Aspen Avenue. Dahna pointed out that the PUD guide should be clear about parking requirements when the land use changed from a church to something else. There is no room for parking so it should be clear the additional parking would not need to be required. Also, the PUD guide should require that the buildings should remain in substantially the same form they are now or else the property will revert back to community residential zoning. The design standards applicable to commercial development of the downtown zone should apply to this property even though there is not going to be that much development to the building. However it highlights fencing, signs and some other details that might be important. And community residential standards should apply for residential land uses on these properties.

With these issues resolved, staff believes that this PUD zone could mostly meet the approval criteria for the rezone.

Dahna then highlights the approval criteria of the rezone stated in the Staff Report and shows that the only one it could possibly meet is that the area has changed such that the change better meets the needs of the community.

Dahna talked about how the Master Plan didn't support commercial uses going east on Aspen Avenue past Elm Street and talked about the updated downtown streetscape improvement plan that was adopted in late 2014 and that the plan also showed no commercial uses going east on Aspen Avenue past Elm Street.

Because the rezone request can meet the approval criteria for a rezone and the approval criteria for a PUD zone, Staff recommends that the proposed rezone be approved with the condition that the issues in the Staff Report are adequately resolved before the second reading of the ordinance. The second reading is expected to happen the first week in August.

PUBLIC COMMENTS: (names were difficult to hear so some names are not included)

Kelly Wilkinson (514 E. Aspen Avenue and 520 E. Aspen Avenue) and also represented the property at 535 E Aspen Avenue (JD and Marilyn Kirby). Kelly and her family moved to Fruita in 1999 knowing the affects of the Church and the traffic it created. Kelly explained that they knew when to expect increased traffic with the Church and the increased traffic with the festivals the City holds each year. With the potential change in land use for the Church properties, she and other neighbors are afraid of the increased consistency of traffic parked near or blocking driveways and the increased risk of alcohol

related incidents that could happen if the zoning were to change. She also pointed out as mentioned in the Staff Report, that the change in land use could become incompatible with the existing historic residential homes in the area. She said this area was not pointed out in any of Fruita's long range plans as being used for a commercial land use. She also is concerned with the potential of home values being decreased with the change in land use. She and her family felt distressed when reading the project narrative when it said the church felt the neighborhood needed to change into something similar to the downtown area. And felt there was a lack of regard from the church for the families that live nearby. She also feels that the Church's financial need to complete their new church building is greater than the needs of the families that this zone change will effect.

Louis Mudd (126 S. Maple Street)- Louis agrees a lot with what Kelly Wilkinson had to say and he agrees that the project does not meet the current or long range plans for the City of Fruita. The people that live nearby will be directly affected by this change, and will only benefit the Church. He believes the Church wants a rezone to increase their property value at the expense of the neighborhood. He also stated that it is not fair to the neighborhood for an entity like the Church to have total disregard of the families that live nearby when the church is going to leave the community at the expense of the neighborhood.

Helen Sue Whitney (506 E Aspen Avenue) - has lived in the community for 10 years and knows that she will not be able to drive a lot anymore (she is 71 years old). So she bought the house at 506 E. Aspen Avenue knowing that she would be surrounded by residential homes. After hearing about this project, she was very upset. She thought she was going to be in a lovely community that was going to prepare itself for the future. It looks to her, that the Church doesn't have enough money to finish their new Church building on 17 ½ Road and wants to sell their old church (503 E Aspen Avenue and 433 E Aspen Avenue) at the expense of the neighborhood.

Greg Dahl (member of the community and member of this Church) - Says we (the Sacred Heart Church) will move out of the community to our new building (on 17 ½ Road) with or without the sale of the old Church building. Said that if the project doesn't get approved, the building could sit there and said who knows what could happen once it is vacated. Said "...what is worse letting something new and unique come into the City and use the building or let the building crumble."

Renter of 520 E. Aspen Avenue (didn't get his name) - He has just started a new family and has a 4 month old son. With having such a young family, he feels that the residential character of the neighborhood will decrease substantially. The reason they want to live in Fruita and especially at 520 E. Aspen Avenue, is the historic and residential character. He does not want to see that go away. He is afraid with the increase in traffic and possibilities of alcohol related businesses so close. He cares about his family and wants to make sure they are safe.

Amy Weslick (Fruita citizen and member of the Sacred Heart Church) - "All we want is to be able to sell the building so that we can finish our church." Said they don't want a liquor store there. They are not suggesting that a bar open up there. All they are suggesting is a little change

so that the Church can sell the building. She doesn't believe that one little church having such a little change will do anything to destroy Fruita and turn it into Denver.

Evan (a member of the Sacred Heart Church) - Said that the Sacred Heart Church cannot afford financially to maintain two campuses. Said that once the new Church is complete the old buildings will be vacated and not be maintained due to costs. Evan showed pictures of historic buildings in Grand Junction and Palisade that are rundown and not maintained and said this is what the Church will look like if the Church isn't able to sell the buildings.

Bob (a member of the Sacred Heart Church) – Bob talked about how he has asked citizens of Fruita what they think is good growth (growth rates). Said that people think an ideal growth rate is 5%. With Fruita's population at about 12,000 right now and a growth rate of 5% for 14 years, Fruita's population would be about 24,000. In 28 years, we would have almost 100,000 people. Said if in 28 years with that growth rate, Fruita will not look the same as it does now and says that the Church is trying to look ahead and help with the change. Said that he thinks the Church is doing its best to try and maintain the neighborhood character for as long as possible.

Catharine Mudd (126 S Maple Street) – Wants the residential character to maintain the same but understands that growth will happen. She also said that there are many communities in Colorado that have maintained the historic residential character of their towns and that the people making decisions, be mindful of the neighborhood and surrounding character.

Whitney Rink (New resident of Fruita and member of the Sacred Heart Church) – Her and her husband moved here from Castle Rock, CO. She wants to see this project to be talked about and resolved in a civil manner.

John (Chair of the Parish Council of the Sacred Heart Church) – “At this point the old church will be vacated shortly after Labor Day of this year (2016). Once we vacate that property, it will not be maintained to any extent. The water and electricity will be shut off and the only maintenance of any kind will be weed control. Beyond that, the property will sit. I think this is a heavy responsibility on your part (planning commissioners), because you have to decide whether or not you want a vacant property that could potentially sit with no activity for 5, 10, 15, 20 years, as opposed to acting on the request of a PUD which would allow for the sale of this particular property. I don't believe that with even the change in zoning as a Parish Council that we would even approve of a business that would be incompatible with the community. There is a deep respect with the history of the Church building and with the particular location of the building. We are not a group of irresponsible people who are simply going to take advantage of a sale simply for our own benefit.”

REBUTTAL:

Lance Stewart- Pointed out that there was a lot of emotional public input and Lance wishes the public would have attended the neighborhood meeting that was held to get a better understanding of what the Church is trying to accomplish. He wants to ensure the people in attendance that live

nearby that the Church's intentions are not to disregard the values of the neighborhood. He also pointed out the uses applied for would need to go through a Conditional Use Permit so that the potential projects could be stopped.

PLANNING COMMISSION:

Mike Joseph- Noticed that staff and the applicant have worked hard together on this application. Mike understands that this property will be difficult to sell, so understands the desire for a zone change application. Mike thinks the City has done a fair job in trying to reach a compromise in limiting some of the uses that the applicant has asked for. Mike went over the uses that the applicant asked for and the uses highlighted in the Staff Report just for clarification and there was some discussion between him and Dahna about the uses, just for clarification. Mentioned that he noticed the applicant wanted funeral homes and mortuaries added back into the allowed uses in the Staff Report and asked Dahna why it was taken off but she couldn't remember why it was eliminated from the allowed uses. Mike feels that the uses allowed in the Staff Report represent a good compromise and hasn't heard anything from the public comments that would change his mind.

Janet Brazfield- Janet also wanted to clarify the uses allowed to be sure she understood everything correctly. She understands that all uses in a Community Residential zone would be allowed and that a Conditional Use Permit would need to be applied for on most other commercial uses. Janet was wondering if someone wanted to buy the property and turn it into a 3 to 4 1 bedroom condos. Janet feels that an event center of some sort would be great in the City of Fruita and wondered if that would be allowed in this PUD zone. Janet would hate to see the Church building vacant for a long period of time and feels that that would be bad for the downtown area as well.

Dave Karisny- Dave wanted to clarify what Staff is supporting and what the applicant is proposing. Dave pointed out that most limited uses that would be allowed according to the Staff Report would need approval of a Conditional Use Permit. At which a Conditional Use Permit application does need to go through a public hearing process. Dave gave some examples that would need a Conditional Use Permit, such as an event center. Dave believes that the limited uses highlighted in the Staff Report shows that the City was being mindful of the surrounding neighborhood. Dave noticed that the applicant wants the funeral homes and mortuaries and staff is recommending that be taken out (see Staff Report).

Heidi Jo Elder- Heidi agrees with Dave Karisny and points out that Staff did a get job in trying to be mindful of the surrounding area and working with the applicants as best as possible.

Doug Van Etten- Do we have anything further? Can we get a motion please?

Janet Brazfield- Mr. Chair, I recommend approval of the proposed PUD rezone with the condition that all review comments and issues identified in the Staff Report be adequately resolved before the second reading of the ordinance required for a zone change.

Dave Karisny- Second.

Doug Van Etten- We have a motion and a second.

5 Yes Votes; motion passes.

I. COMMUNITY DEVELOPMENT ACTIVITY REPORT

There was a discussion about the relocation of the boat ramp off of Highway 340 from the east side to the west side. This was a question asked at the last Planning Commission meeting by Doug Van Etten.

Dahna highlighted that the Planning Department was getting very busy and there will be more Public Hearings coming up for the next few months.

J. VISITORS AND GUESTS

Mel Mulder got up to say how he missed being on the Planning Commission and is excited in hopes of being reappointed by City Council for another term on the Planning Commission.

Adjournment at 8:40pm

Respectfully submitted,

Henry Hemphill
City of Fruita Planning Technician